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INDEX

XUM

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TABLE OF CONTENTS

Subjects	III
Agency entries	1
List of CFR Parts Affected	I
Federal Register Pages and Dates	IX

The following is a general subject guide designed to lead users to agencies which published material during the period covered by this INDEX.

SUBJECTS	AGENCIES IN THIS INDEX
Accidents	National Transportation Safety Board
Additives	Environmental Protection Agency Food and Drug Administration.
Advertising	Alcohol, Tobacco and Firearms Bureau Federal Communications Commission Federal Highway Administration. Federal Trade Commission. Food and Drug Administration.
Aged	ACTION. Aging, Federal Council on the Aging Administration. Health, Education, and Welfare Department. Housing Production and Mortgage Credit, Office of Assistant Secretary. Social Security Administration
Air Pollution. *See* Pollution.	
Aircraft, Air Carriers, Airports	Civil Aeronautics Board. Environmental Protection Agency Federal Aviation Administration. General Services Administration. National Park Service. National Transportation Safety Board Panama Canal. Transportation Department.
Alcohol	Alcohol, Drug Abuse, and Mental Health Administration. Alcohol, Tobacco and Firearms Bureau Food and Drug Administration. Indian Affairs Bureau.
Aliens	Health, Education, and Welfare Department Immigration and Naturalization Service Labor Department.
Animals	Animal and Plant Health Inspection Service Fish and Wildlife Service. Food and Drug Administration. National Oceanic and Atmospheric Administration.
Armed Forces	Air Force Department. Arms Control and Disarmament Agency Army Department. Civil Aeronautics Board. Defense Civil Preparedness Agency. Defense Department. Defense Manpower Commission. Interior Department. Navy Department. Panama Canal. Selective Service System.
Banks, Banking	Comptroller of the Currency. Farm Credit Administration. Farmers Home Administration Federal Deposit Insurance Corporation Federal Home Loan Bank Board. Federal Reserve System. National Credit Union Administration Securities and Exchange Commission.
Biological Products	Animal and Plant Health Inspection Service Food and Drug Administration.

SUBJECTS	AGENCIES IN THIS INDEX

INDEX
XUM

SUBJECTS	AGENCIES IN THIS INDEX
Birds	Animal and Plant Health Inspection Service. Fish and Wildlife Service
Blind	Blind and Other Severely Handicapped, Committee for Purchase from Human Development Office Social Security Administration
Boats, Boating. *See* Vessels.	
Bridges	Coast Guard Federal Highway Administration
Broadcasting. *See* Communications.	
Children, Child Protection	Child Support Enforcement Office. Consumer Product Safety Commission. Education of Disadvantaged Children, National Advisory Council. Education Office. Federal Trade Commission Food and Nutrition Service. Presidential Executive Order. Public Health Service. Social and Rehabilitation Service. Social Security Administration. Wage and Hour Division.
Civil Rights	Census Bureau. Civil Rights Commission. Federal Communications Commission. Federal Contract Compliance Office. Federal Highway Administration. Federal Reserve System. Health, Education, and Welfare Department. Housing and Urban Development Department. Housing Production and Mortgage Credit, Office of Assistant Secretary. Internal Revenue Service. Justice Department. Law Enforcement Assistance Administration. Small Business Administration. Treasury Department.
Coal	Federal Energy Administration. Geological Survey. Hearings and Appeals Office, Interior Department. Interim Compliance Panel (Coal Mine Health and Safety). Interior Department. Land Management Bureau.
Communications	Federal Communications Commission. National Communications System. Rural Electrification Administration.
Confidentiality	Census Bureau. Customs Service. International Trade Commission. Law Enforcement Assistance Administration. Privacy Protection Study Commission. Public Health Service. Securities and Exchange Commission. Social and Rehabilitation Service. Veterans Administration.
Construction Industry	Employment Standards Administration. Federal Contract Compliance Office. Manpower Administration. Small Business Administration.
Consumers	Agriculture Department. Alcohol, Tobacco and Firearms Bureau. Antitrust Division, Justice Department. Commerce Department. Consumer Product Safety Commission. Defense Department. Education Office. Energy Research and Development Administration. Environmental Protection Agency. Farmers Home Administration.

SUBJECTS	AGENCIES IN THIS INDEX
Consumers—Continued	Federal Energy Administration. Federal Reserve System. Federal Trade Commission. Food and Drug Administration. General Services Administration. Health, Education, and Welfare Department. Housing and Urban Development Department. Housing Production and Mortgage Credit, Office of Assistance Secretary. Interior Department. Justice Department. Labor Department. National Highway Traffic Safety Administration. Presidential Executive Order. Small Business Administration. State Department. Transportation Department. Treasury Department. Veterans Administration.
Continental Shelf, Outer	Geological Survey. Land Management Bureau.
Cosmetics	Food and Drug Administration.
Crime	Gambling, Commission on the Review of the National Policy Toward. Indian Affairs Bureau. Justice Department. Law Enforcement Assistance Administration.
Dairy Products	Agricultural Marketing Service. Agricultural Research Service. Agriculture Department. Commodity Credit Corporation. Food and Nutrition Service. National Bureau of Standards.
Disaster Assistance	Employment and Training Administration. Farmers Home Administration. Federal Disaster Assistance Administration. Federal Insurance Administration. Small Business Administration.
Diseases	Animal and Plant Health Inspection Service. Disease Control Center.
Drugs	Consumer Product Safety Commission. Drug Enforcement Administration. Federal Energy Administration. Federal Trade Commission. Food and Drug Administration.
Education	Defense Department. Education of Disadvantaged Children, National Advisory Council. Education Office. Federal Highway Administration. Federal Trade Commission. Food and Nutrition Service. Indian Affairs Bureau. Internal Revenue Service. Public Health Service. State Department. Veterans Administration. Wage and Hour Division.
Elections	Census Bureau. Civil Rights Commission. Federal Election Commission. Justice Department.
Endangered Species	Fish and Wildlife Service. National Oceanic and Atmospheric Administration.
Energy	*See also* Coal; Gas; Nuclear Materials; Oil. Energy Research and Development Administration. Federal Energy Administration. Federal Power Commission. Interior Department. Nuclear Regulatory Commission. Reclamation Bureau. Rural Electrification Administration.

INDEX

XUM

SUBJECTS	AGENCIES IN THIS INDEX
Energy Conservation	Commerce Department.
Explosives. *See* Hazardous Substances.	
Exports. *See* Imports and Exports.	
Federal Employees. *See* Government Employees.	
Fire Protection	Coast Guard. Commerce Department. Consumer Product Safety Commission. Federal Trade Commission. National Highway Traffic Safety Administration.
Firearms and Ammunition	Alcohol, Tobacco and Firearms Bureau.
Fish, Fishing	Fish and Wildlife Service. Food and Drug Administration. Indian Affairs Bureau. National Oceanic and Atmospheric Administration.
Flood Assistance	Engineers Corps. Federal Insurance Administration.
Foreign Aid	Agency for International Development. Presidential Memorandum.
Foreign Trade. *See* Imports and Exports.	
Forests	Agricultural Stabilization and Conservation Service. Agriculture Department. Forest Service.
Fruits and Juices	Agricultural Marketing Service. Federal Crop Insurance Corporation. Food and Drug Administration.
Fuel. *See* Coal; Gas; Oil.	
Gas	Federal Energy Administration. Federal Power Commission. Fish and Wildlife Service. Geological Survey. Interior Department. Land Management Bureau. Materials Transportation Bureau. Pipeline Safety Operations Office.
Geothermal Resources	Energy Research and Development Administration. Geological Survey.
Gold	Treasury Department.
Government Employees	Civil Service Commission. Presidential Executive Order.
Grains	Agricultural Marketing Service. Agricultural Stabilization and Conservation Service. Agriculture Department. Commodity Credit Corporation. Federal Crop Insurance Corporation. Interstate Commerce Commission. Presidential Memorandum.
Guns. *See* Firearms and Ammunition.	
Handicapped	Blind and Other Severely Handicapped, Committee for Purchase from. Education Office. Housing Production and Mortgage Credit, Office of Assistant Secretary. Human Development Office. Labor Department. Public Health Service. Social Security Administration.
Hazardous Substances	Civil Aeronautics Board. Coast Guard. Consumer Product Safety Commission. Environmental Protection Agency. Federal Aviation Administration. Federal Highway Administration. Hazardous Materials Operations Office. Materials Transportation Bureau. Occupational Safety and Health Administration.

SUBJECTS	AGENCIES IN THIS INDEX
Health	Animal and Plant Health Inspection Service. Coast Guard. Disease Control Center. Federal Trade Commission. Food and Drug Administration. Health, Education, and Welfare Department. Health Resources Administration. Health Services Administration. Interim Compliance Panel (Coal Mine Health and Safety). Mining Enforcement and Safety Administration. National Institutes of Health. Occupational Safety and Health Administration. Public Health Service. Social and Rehabilitation Service. Social Security Administration. Veterans Administration.
Highways	Federal Highway Administration. National Highway Traffic Safety Administration.
Historic Preservation	Historic Preservation Advisory Council. National Park Service.
Hospitals. *See* Health.	
Housing	Agency for International Development. Army Department. Farmers Home Administration. Housing and Urban Development Department. Housing Management, Office of Assistant Secretary. Housing Production and Mortgage Credit, Office of Assistant Secretary. Urban Reinvestment Task Force.
Hunting	Fish and Wildlife Service. Indian Affairs Bureau.
Imports and Exports	Agriculture Department. Animal and Plant Health Inspection Service. Census Bureau. Consumer Product Safety Commission. Customs Service. Domestic and International Business Administration. Drug Enforcement Administration. Economic Development Administration. Energy Research and Development Administration. Federal Energy Administration. Federal Maritime Commission. Food and Drug Administration. Foreign-Trade Zones Board. Forest Service. International Trade Commission. Presidential Executive Order. Presidential Memorandum. State Department. Textile Agreements Implementation Committee. Trade Negotiations, Office of Special Representative. Treasury Department.
Indians	Education Office. Employment and Training Administration. Geological Survey. Health, Education, and Welfare Department. Indian Affairs Bureau. Interior Department. Labor Department. Land Management Bureau.
Insurance	Farmers Home Administration. Federal Crop Insurance Corporation. Federal Deposit Insurance Corporation. Federal Home Loan Bank Board. Federal Insurance Administration. Fiscal Service. Geological Survey. Health, Education, and Welfare Department.

INDEX

XUM

SUBJECTS	AGENCIES IN THIS INDEX
Insurance—Continued	Housing and Urban Development Department. Housing Production and Mortgage Credit, Office of Assistant Secretary. Land Management Bureau. Maritime Administration. Mining Enforcement and Safety Administration. Securities and Exchange Commission. Social Security Administration.
Libraries	Education Office.
Meat and Products	Agricultural Marketing Service. Agriculture Department. Animal and Plant Health Inspection Service.
Medical Care. *See* Health.	
Minerals, Mining	Hearings and Appeals Office, Interior Department. Interim Compliance Panel (Coal Mine Health and Safety). Interior Department. Land Management Bureau. Mining Enforcement and Safety Administration.
Motor Vehicles	Customs Service. Environmental Protection Agency. Federal Aviation Administration. Federal Communications Commission. Federal Highway Administration. Federal Maritime Commission. Fish and Wildlife Service. General Services Administration. Interstate Commerce Commission. Materials Transportation Bureau. National Highway Traffic Safety Administration. National Park Service. National Transportation Safety Board. Transportation Department.
Noise Pollution. *See* Pollution.	
Nondiscrimination. *See* Civil Rights.	
Nuclear Materials	Energy Research and Development Administration. Federal Aviation Administration. Federal Preparedness Agency. Food and Drug Administration. Materials Transportation Bureau. Nuclear Regulatory Commission.
Nuts	Agricultural Marketing Service. Agricultural Stabilization and Conservation Service.
Oil	Domestic and International Business Administration. Federal Energy Administration. Fish and Wildlife Service. Geological Survey. Interior Department. Land Management Bureau. Materials Transportation Bureau. Small Business Administration.
Parks	National Park Service.
Pension Plans	Civil Service Commission. Employee Benefits Security Office. Internal Revenue Service. Labor-Management Services Administration. Pension Benefit Guaranty Corporation. Railroad Retirement Board. Social Security Administration. Veterans Administration.
Pesticides	Environmental Protection Agency.
Plants	Agricultural Marketing Service. Agricultural Stabilization and Conservation Service. Commodity Credit Corporation.

SUBJECTS	AGENCIES IN THIS INDEX
Pollution	Coast Guard. Engineers Corps. Environmental Protection Agency. Federal Aviation Administration. Federal Highway Administration. Federal Maritime Commission. Land Management Bureau. National Science Foundation.
Privacy. *See specific agencies.*	
Procurement, Federal	General Services Administration.
Railroads	Federal Railroad Administration. Interstate Commerce Commission. National Transportation Safety Board. Railroad Retirement Board. Transportation Department. United States Railway Association.
Recreation	Fish and Wildlife Service. National Park Service.
Safety	Coast Guard. Consumer Product Safety Commission. Disease Control Center. Federal Aviation Administration. Federal Highway Administration. Food and Drug Administration. Hearings and Appeals Office, Interior Department. Housing Production and Mortgage Credit, Office of Assistant Secretary. Interim Compliance Panel (Coal Mine Health and Safety). Materials Transportation Bureau. Mining Enforcement and Safety Administration. National Bureau of Standards. National Highway Traffic Safety Administration. National Transportation Safety Board. Nuclear Regulatory Commission. Occupational Safety and Health Administration.
Social Programs	ACTION. Community Services Administration. Farmers Home Administration. Food and Nutrition Service. Health, Education, and Welfare Department. Human Development Office. Indian Affairs Bureau. Labor Department. Public Health Service. Social and Rehabilitation Service. Social Security Administration.
Surplus Property and Commodities	Agricultural Marketing Service. Agricultural Stabilization and Conservation Service. Commodity Credit Corporation. Commodity Futures Trading Commission.
Telecommunications. *See* Communications.	
Textiles	Textile Agreements Implementation Committee.
Tobacco and Products	Agricultural Marketing Service. Agricultural Stabilization and Conservation Service. Commodity Credit Corporation. Economic Development Administration. Presidential Memorandum.
Unemployment	Economic Development Administration. Employment and Training Administration. Labor Department. Manpower Administration. Social and Rehabilitation Service.
Vegetables	Agricultural Marketing Service. Food and Drug Administration.

INDEX

XUM

SUBJECTS	AGENCIES IN THIS INDEX
Vessels	Coast Guard. Customs Service. Engineers Corps. Federal Communications Commission. Federal Maritime Commission. Maritime Administration. National Transportation Safety Board. Panama Canal.
Veterans	Labor Department. Small Business Administration. Veterans Administration.
Viruses, Vaccines. *See* Biological Products.	
Vocational Rehabilitation and Education	Education Office. Federal Trade Commission. Human Development Office. Social and Rehabilitation Service. Veterans Administration.
Water Pollution. *See* Pollution.	
Water Quality	Delaware River Basin Commission. Environmental Protection Agency. Water Quality, National Commission.
Water Resources	Delaware River Basin Commission. Engineers Corps.
Waterways	Coast Guard. Engineers Corps. Fish and Wildlife Service. International Joint Commission, United States and Canada.
Welfare. *See* Social Programs.	

FEDERAL REGISTER INDEX, OCT.-DEC. 1975

THE PRESIDENT

(See also Executive Office of President)

EXECUTIVE ORDERS

Child support and alimony payments; authority delegation to Civil Service Commission (EO 11881), 46291
Civil Service rules, amendment; exceptions of certain positions in regional offices from career service (EO 11887), 51411
Commerce Department, Acting Secretary; designation of certain officers to serve as (EO 11880), 46089
Culebra Island Naval Defensive Sea Area, Puerto Rico; abolishment (EO 11886), 49071
Developing countries; implementation of Generalized System of Preferences (EO 11888), 55276
Executive Schedule; placement of certain positions in levels IV and V (EO 11885), 48491
Holiday for Federal employees; closing of departments and agencies on Fri., Dec. 26, 1975 (EO 11891), 58279
Pay and allowances for certain Federal employees; increase (EO 11883), 47091
River basin commissions; membership; addition of Energy Research and Development Administration (EO 11882), 46293
United Nations, employment of U.S. citizens; simplification of security clearance procedures (EO 11890), 55775
Vice President of United States; design of official coat of arms, seal, and flag (EO 11884), 47469
Women's Year, 1975, National Commission on Observance of International; continuation (EO 11889), 54765

MEMORANDUMS

Consumer representation plans (Nov. 24, 1975), 55092
Egypt; sale of tobacco and wheat to (Oct. 23, 1975), 53223
Turkey, military assistance (Oct. 10, 1975), 49073

PROCLAMATIONS

Special observances:
American Education Week (Proc. 4409), 52583
Bill of Rights Day, Human Rights Day and Week (Proc. 4408), 51617
Country Music Month, October (Proc. 4402), 50243
Drug Abuse Prevention Week (Proc. 4401), 49069
Emergency Medical Services Week (Proc. 4406), 51613
Farm-City Week, National (Proc. 4407), 51615
Forest Products Week, National (Proc. 4399), 46087
Japan-United States Friendship Days (Proc. 4397), 45791
Parkinson Week, National (Proc. 4403), 50245
Thanksgiving Day (Proc. 4405), 51409
United Nations Day (Proc. 4400), 48337
World Law Day (Proc. 4398), 46085
Wright Brothers Day (Proc. 4404), 50247

EXECUTIVE AGENCIES

ACTION

Rules

Beneficiaries, participation of; project planning, developing and implementing, 57217
Retired Senior Volunteer Program; cost sharing provisions, 52384

Proposed Rules

Domestic programs; standards of evaluation, 58659

Notices

Foster grandparent and senior companion programs; income eligibility levels; schedules, 59473
Meetings:
Voluntary Service Advisory Council, National, 47532
Privacy Act; systems of records, 51216

ACTUARIES, JOINT BOARD FOR ENROLLMENT

Proposed Rules

Freedom of information and enrollment eligibility of actuaries; hearing, 50110

ADDITIVES

See Environmental Protection Agency. Food and Drug Administration.

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

See Federal Register-Office.

ADMINISTRATIVE CONFERENCE OF UNITED STATES

Rules

Privacy Act; implementation, 54419

Proposed Rules

Privacy Act; implementation, 48894

Notices

Meetings:
Agency Organization and Personnel Committee, 47176, 54607
Compliance and Enforcement Proceedings Committee, 47176
Informal Action Committee, 57511
Internal Revenue Service procedures, plenary session, 54606
Ratemaking and Economic Regulation Committee, 48707
Rulemaking and Public Information Committee, 50741, 54853
Privacy Act; systems of records, 48895, 54458

ADVISORY COUNCIL ON HISTORIC PRESERVATION

See Historic Preservation, Advisory Council.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Rules

Committees, Advisory, management; procedural requirements, 54777
Privacy Act; implementation, 45679

Notices

Authority delegations:
Administrator; order of succession, 58869
Assistant Administrator, Asia; title change, 48955
Assistant Administrator, Bureau for Near East et al.; title change, etc., 49582
Assistant Administrator, Program and Management Services; contracting functions, 45451
Contract Management Office; contracting functions, 45451
Mission Director and Deputy Mission Director, Philippines; loan agreements, 45451
Environmental statements; availability, etc.:
Pest management activities, 57696
Housing guarantee program:
Nicaragua, 52065
Meetings:
Research Advisory Committee, 46136
Voluntary Foreign Aid Advisory Committee, 49111, 58869
Privacy Act; systems of records, 45768, 51174
Voluntary foreign aid agencies; certificates of registration:
American Relief for Poland; terminated, 47805

AGING, FEDERAL COUNCIL

Notices

Meetings:
Council on the Aging, 53422
Economics of Aging Committee, 50563
Frail Elderly, Task Force on, 48160
Older Americans Charter Committee, 50563
Research and Manpower Committee, 50563
Senior Services Committee, 48959

INDEX

AGING ADMINISTRATION

Notices
Nevada; FY 1976 State plan; hearing, 53608, 59366
Utah; FY 1976 State plan; hearing, 58478

AGRICULTURAL MARKETING SERVICE

Rules
Avocados grown in So. Fla., 47102, 49787, 50024, 52605, 54768, 59719
Cherries grown in Mich. et al., 45418
Cranberries grown in certain States, 51620, 53993
Dairy plants approved for USDA inspection and grading service; revision of general specifications; fees and charges, 47910, 50455, 52995
Dates (domestic) produced in Calif., 54221, 59720
Egg products; grading and inspection; fees and charges, 49783
Egg research and promotion order, 48496, 48688, 59190
Eggs, shell; grading charges, 49784
Federal inspection services; fees and charges, 47101
Filberts grown in Oreg. and Wash., 50024, 53226, 55829, 59720
Fruits and vegetables (fresh); fees and expenses, 47751, 49782
Fruits and vegetables (processed); basis for charges, 47753, 48933, 57206
Grapefruit; imported, 49787
Grapefruit grown in Ariz. and Calif., 48494, 53545, 54235
Grapefruit grown in Fla., 45794, 57641, 58650
Inspection certificates; required information, 53545
Lemons grown in Ariz. and Calif., 45793, 47754, 48685, 50456, 55308, 57777, 58845, 59589
Lettuce; grade standards, 46295, 48494
Lettuce grown in Tex., 52836, 53225, 59589
Limes grown in Fla., 49786, 52603
Meat and poultry products, grading and inspection program; rate increase, 53993
Meat grading; voluntary, fees for services, 47753
Milk marketing orders:
Louisville-Lexington-Evansville area, 45158
Minnesota-North Dakota, 58846
Quad Cities-Dubuque, 58447
Olives grown in Calif., 54236, 59318
Onions grown in So. Tex., 57209
Oranges, grapefruit, tangerines, and tangelos grown in Fla., 49785, 51619, 54420, 54560, 54767, 57641, 58446
Oranges, tangelos, grapefruit, and tangerines grown in Fla.; grade standards, 48930
Oranges and grapefruit grown in Tex., 48340, 48494, 51177, 51178
Oranges (navel) grown in Ariz. and Calif., 54235, 55307, 56670, 57641, 58127, 58649, 59189, 59444, 60056
Oranges (Valencia) grown in Ariz. and Calif., 45418, 47476, 48495, 49075, 49575, 50456, 51619
Papayas grown in Hawaii, 59719
Pears grown in Oreg. and Wash., 46091
Potato research and promotion plan; membership nomination, 50249
Potatoes, Irish, grown in Colo., 45794
Potatoes, Irish, grown in Wash., 52995
Potatoes, Irish, imports, 45794
Poultry and products, grading charges, 49784
Prunes (dried) produced in Calif., 50700, 52837
Prunes (fresh) grown in Wash. and Oreg., 45418
Rabbits, grading and inspection; fees and charges, 49783, 53993
Raisins produced from grapes grown in Calif., 46299, 53228, 53994, 54768
Tobacco, cigar-leaf 62, grown in Fla. and Ga., 46091
Tomatoes; imported, 48687, 50024, 54237
Tomatoes grown in Fla., 47754, 48686, 54236
Walnuts grown in Calif., Oreg., and Wash., 51195, 55308, 57351

Proposed Rules
Almonds grown in Calif., 50289, 51646
Beans, canned:
Baked; grade standards, 50281
Dried; grade standards, 50284
Cranberries grown in Mass., et al., 45443, 48954
Dates (domestic) produced in Calif., 50541, 54428
Egg research and promotion order, 45176
Filberts grown in Oreg. and Wash., 45175, 54586
Food containers; standards for condition, 52735, 54005
Fruits, canned; U.S. standards for grades, 52038, 54005
Fruits and vegetables (fresh); uniform grade standards, 46115
Grapefruit and oranges grown in Tex., 47796
Grapefruit grown in Ariz. and Calif., 49790, 51052
Grapefruit grown in Fla., 53603, 54252
Lemons grown in Ariz. and Calif., 49790
Lettuce grown in Tex., 49348, 49791
Limes grown in Fla., 45442
Meat grading:
Lamb carcasses and wholesale cuts, official identification, 60071
Milk marketing orders:
Boston Regional, Connecticut, and New York-New Jersey areas, 47316, 50542, 53603
Eastern Ohio-Western Pennsylvania area, 51052, 53405, 53603
Louisville-Lexington-Evansville, 50050
Minneapolis-St. Paul areas et al., 50392, 51052, 53038, 53603, 55362, 59353
Minnesota-North Dakota, 56674
Nashville, Tenn., 50098
New Orleans, La. area, 50051, 52854
Northern Louisiana, 50076, 53038
Quad-Cities-Dubuque, 56674
Nectarines grown in Calif., 57221
Olives grown in Calif., 49791, 56457
Onions, imports, 60072
Onions grown in So. Tex., 53261, 58656
Orange juice, grade standards; extension of time, 46116
Oranges, grapefruit, tangerines, and tangelos grown in Fla., 50721
Oranges (navel) grown in Ariz. and Calif., 60071
Papayas grown in Hawaii, 57221
Pears, plums, and peaches (fresh) grown in Calif., 53601, 55362
Pork and beans, canned; grade standards, 50286
Potato research and promotion plan; membership nomination, 45176
Prunes (dried) produced in Calif., 45443, 58863
Raisins produced from grapes grown in Calif., 49097, 49791, 50542
Rice (brown), U.S. standards, 53598
Sweet potatoes (canned); grade standards, 48949
Tomatoes, imported, 50541
Tomatoes grown in Fla., 50540
Walnuts; imported, 57368
Walnuts grown in Calif., Oreg., and Wash., 48518, 51473, 51646

Notices
Grain standards; inspection points:
Louisiana, 52748
Market News System, automated message switcher; general statement, 50296
Meetings:
Cattle Industry Advisory Committee, 49114
Hop Marketing Advisory Board, 59364
Raisin Advisory Board, 58327
Shippers Advisory Committee, 45861, 46143, 47813, 48956, 51072, 53283, 54452, 57233, 59607
Visual grading aid system; grain, rice, etc., 59228

AGRICULTURAL RESEARCH SERVICE

Proposed Rules
Poultry improvement plan, National; and auxiliary provisions; clarifications, etc., 59306

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules
Cotton; marketing quotas and acreage allotments, 48685, 51177, 52715, 54560, 55656
Feed grains; special programs; crop years 1975-1977, 52598, 52716
Peanuts; 1976 marketing quotas and acreage allotments, 55658
Rural environmental programs, National, 1975 and subsequent years, 52340, 54235
Sugar; Chapter deleted, 48685
Tobacco (burley); marketing quotas and acreage allotments, 56421
Tobacco (flue-cured, etc.); marketing quotas and acreage allotments, 58444
Tobacco (flue-cured); 1976 marketing quotas, National, 55656
Wheat; marketing quotas and acreage allotments; crop years 1975-1977, 52593

Proposed Rules
Fractions; rounding off, for use of electronic desk calculators, 53038
Peanuts; 1976 crop, National marketing quota, 52613
Rice; 1976 marketing quotas and acreage allotments, 50542
Tobacco (burley); marketing quotas and acreage allotments, 57810
Tobacco (fire-cured, etc.); marketing quotas and acreage allotments, 57809

Notices
Environmental statements; availability, etc.:
Conservation program, agricultural, 57233
Meetings:
Cotton Advisory Committee, National, 46336
Grains-Wheat, Feed Grains and Soybeans Advisory Committee, 46336

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service.
Agricultural Research Service.
Agricultural Stabilization and Conservation Service.
Animal and Plant Health Inspection Service.
Commodity Credit Corporation.
Cooperative State Research Service.
Economic Research Service.
Farmers Home Administration.
Federal Crop Insurance Corporation.
Food and Nutrition Service.
Forest Service.
Packers and Stockyards Administration.
Rural Electrification Administration.
Soil Conservation Service.

Rules
Authority delegations by Secretary and General Officers:
Assistant Secretary for Administration, et al., exemptions under Clear Air Act, etc., 45158
Assistant Secretary for Administration; judicial functions, 48340
Assistant Secretary for International Affairs and Commodity Programs, et al.; large area crop inventory experiment, 56421
Assistant Secretary for Marketing and Consumer Services; management support functions, 56669
Assistant Secretary for Marketing and Consumer Services; voluntary inspection and certification, 50455
Deputy Assistant Secretary for International Affairs and Commodity Programs, 45157
Farmers Home Administration, Administrator; exclusion of assistance to volunteer fire department, 58127
Under Secretary, Assistant Secretaries, and Director of Agricultural Economics; defense responsibilities, collection of data, etc.; correction, 52715
Committee management; guidelines and procedures, 57205
Committee management; procedures for establishment, meetings, etc., 48493
Contract Appeals Board; rules of procedure, 47473, 51995
Freedom of information; fee schedule, 53368
Import quotas and fees; cheese, certain; price determination, 48493
Investigatory subpoenas; issuance and service pursuant to statutes administered by Secretary, 58281
Meat import restrictions:
Australia, 53229
Costa Rica, 55829
Relocation assistance and real property acquisition policies; revision, 47751, 50023

Proposed Rules
Rice; sales under Agricultural Trade Development and Assistance Act; contracting requirements, 47514
Sirup, maple; grade standards, 50049

Notices
Cascade Head Scenic-Research Area; land use and maintenance guidelines, 46144
Committees; establishment, renewals, etc.:
Agricultural Research Policy Advisory Committee, 49377
Expert Panel on Nitrites and Nitrosamines, 53414
National Agricultural Research Planning Committee, 49377
Safety in Agriculture National Advisory Committee, 45455
Salmonella Advisory Committee, 49587
Superior National Forest Advisory Committee, 50739
Consumer representation plan; proposed, 55107
Grants program, special; closing date for applications, 59228
Kootenai National Forest, Mont.; boundary change, 45211
Land use and maintenance guidelines; Cascade Head Scenic Research Area, 46144
Lands, transfer of jurisdiction; joint orders:
Army Department; Sam Rayburn Dam and Reservoir, Tex., 52866
National Park Service; Superior National Forest, 45211, 57507
Meat import limitations; fourth quarterly estimate, 46146
Meetings:
Child Nutrition National Advisory Council, 47813
Civil Rights Citizens Advisory Committee, 59365
Horse Industry Advisory Committee, National, 51072
Safety in Agriculture National Advisory Committee, 59759
Organization and functions and availability of information:
Federal Crop Insurance Corporation, 52424, 58474
Privacy Act; systems of records, 49886, 53283
Statistical reporting, marketing year change for grains, 50740

AIR FORCE DEPARTMENT

Rules
Privacy Act; implementation, 55580

Notices
Environmental statements; availability, etc.:
Communications service; relocation, 48533
Meetings:
Academy Board of Visitors, 48532
Air University Board of Visitors, 48533
National Defense Transportation Association Military Airlift Committee, 48533
ROTC Advisory Panel, 59750
Scientific Advisory Board, 45204, 48533, 50292, 50730, 52635, 52747, 53412, 54593, 57696, 58324, 59227, 59750
Systems Command Aeronautical Systems Division Advisory Group, 48534

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Notices
Meetings:
Advisory Committees; January, 59470
Alcohol Abuse and Alcoholism, National Advisory Council et al., 49591
Mental Health National Advisory Council, 52878
Mental Health Services Research Review Committee et al., 58331
Mental Health Small Grant Committee, 49115
Minority Advisory Committee, 50555, 56709, 60105
Scientific Counselors Board, 45213

ALCOHOL, TOBACCO AND FIREARMS BUREAU

Rules
Beer; tax offset limitation for beer returned to brewery, 47490, 48920
Inducements furnished to retailers; advertising specialties, 55856
Liquor dealers; special tax return procedures, 56887

Proposed Rules
Black powder for use in antique firearms or devices; exemptions from regulatory provisions, 59207
Distilled spirits, labeling and advertising:
Former proposal withdrawn, 52613
Metric fill standards; extension of time, 53260
Malt beverages; labeling and advertising; withdrawal of proposal, 52613
Wine; labeling and advertising; withdrawal of proposal, 52613

Notices
Administrative action guidelines; publication, 59356
Authority delegations:
Assistant to Director (Disclosure); Freedom of Information Act requests, 46136
Committees; establishment, renewals, etc.:
Explosives Tagging Advisory Committee, 54016
Firearms; granting of relief, 47805, 52419, 55870
Meetings:
Distilled Spirits Plant Supervision Advisory Committee, 47153, 49376, 51485

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

Proposed Rules
Official commemoratives in certain product categories; termination of ARBA licenses, 52630, 53594

Notices
"Count Me In"; audio-visual production; availability, 57710
Meetings:
American Revolution Bicentennial Council, 47827
Racial, Ethnic and Native American Participation in Bicentennial Advisory Committee, 48961, 59473

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules
Animal and poultry import restrictions:
Birds; handling procedures during port of entry quarantine, 55633
Poultry and birds; quarantine facilities, 46092, 52716, 52717

INDEX

XUM

Rinderpest and foot-and mouth disease, 50457
Animal exports:
Cincinnati, Ohio, addition to list of airports, 59318
Animal fats for export certification, 58627
Animal welfare:
Horse protection in horse shows; correction, 47754
Dogs, cats, etc., certified products for: Inspection, fees and charges, 53548
Livestock and poultry quarantine:
Brucellosis, 45795, 52838, 58281, 59421, 59721
Hog cholera, 53546
Meat and poultry inspection, mandatory:
Inspection, equipment and utensils; correction, 60053
Jar closures requirements; extension of time, 50099, 50703
Massachusetts, special provisions, 57807, 57808
Overtime or holiday schedules of operations, 45798, 50719
Rate increase, 53548
Sanitation; equipment and utensils; correction, 60053
Tennessee, special provisions, 45801
4-D poultry and certain carcasses, parts and products of poultry; handling and movement, 55309
Meat inspection, voluntary:
Fees and charges, 53548
Overtime services relating to imports and exports:
Animals; commuted traveltime allowances, 46300, 50250, 53994
Plants, commuted traveltime allowances, 53993
Plants; salary increases for work at border ports, seaports, and airports, 49575
Plant pest regulations:
Mediterranean fruit fly, prevention of infestation, 49784
Plant quarantine, domestic:
Japanese beetle; exemption, etc., 48935, 48936
Viruses, serums, toxins, etc.:
Anthrax spore vaccine; purity testing, 57806
Biological products; relaxation of certain restrictions, 45419, 46092, 53378
Biological products; selection of prerelease samples, 49767
Diluents, 53378
Editorial changes, 46092, 51413
Live vaccines; test procedures, 58626
Packaging and labeling, Merek's Disease Vaccine, 49295
Salmonella Typhimurium and Pasteurellu Multoida bacterin; potency tests, withdrawn, 49577
Tetanus antitoxin, 53378
Viral vaccines, retesting, 49295, 53000

Proposed Rules

Animal and poultry import restrictions:
Horses, 54802
Animal exports:
Inspection and handling requirements, 53262, 56675
Livestock and poultry quarantine:
Brucellosis; swine, 48697, 50099
Scabies in cattle, 48140, 49349
Meat and poultry inspection, mandatory:
Nitrates, nitrites, and salt; modification of use, 52614
Parasitic livers; destroyed, 52854
Viruses, serums, toxins, etc.:
Live vaccine; test procedures, 51646

Notices

Environmental statements, availability, etc.:
Veterinary Biologics Laboratory, Iowa, 46143
Meetings:
Nitrites and Nitrosamines Expert Panel, 54595
Regulatory investigations; memorandum of understanding with FDA, 59769

ANTITRUST DIVISION, JUSTICE DEPARTMENT

Notices

Competitive impact statements and proposed consent judgements; U.S. versus listed companies:
Atomic Fire Equipment Co., et al., 56462
Cities Service Co. et al., 45204
Cleveland Trust Co., 53047
DeBeers Industrial Diamond Division Ltd. et al., 59455
Foote Mineral Co. et al., 59357
Foster Bam et al., 52066
Gillette Co., 46324
Korean Hair Goods Association of America, Inc., 57696
Manufacturers Aircraft Association, et al., 49803
Slide-Rite Mfg. Corp. et al., 59605

ARMS CONTROL AND DISARMAMENT AGENCY

Rules

Freedom of information, 56661

Notices

Meetings:
General Advisory Committee, 49422, 59236

ARMY DEPARTMENT

See also Engineers Corps.

Rules

Environmental protection and enhancement; peacetime responsibilities, 55962
Personnel; medical and dental attendance:
Health benefits program for uniformed services, 58290
Privacy Act; implementation, 55551
Relocation assistance, uniform, and real property acquisition policies:
Computation of replacement housing payment for displaced homeowners, 54568

Notices

Committees; establishment, renewals, etc.:
Civil Works Advisory Committee, 55871
Environmental statements; availability, etc.:
Ft. Hood, Tex., 52747
Mississippi Army Ammunition Plant; hearing, 48534
Lands, transfer of jurisdiction; joint order with Agriculture Department:
Sam Rayburn Dam and Reservoir, Tex., 52866
Meetings:
Ballistic Missile Defense Technology Advisory Panel, 49582
Coastal Engineering Research Board, 52867
Command and General Staff College Advisory Committee, 48146
Environmental Advisory Board, 49376
Epidemiological Board of Armed Forces, 53412, 55681, 60100
Medical Research and Development Advisory Panel, 57224, 59227
ROTC Affairs Advisory Panel, 51485
Scientific Advisory Panel, 56938, 58324
Winter Navigation Board on Great Lakes-St. Lawrence Seaway, 53412

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Rules

Claims collection; Federal Claims Collection Act, 51196
Privacy Act; implementation, 49286

Notices

Grants, guidelines for:
Museum program; FY 1977, 48181
Meetings:
Architecture and Environmental Arts Advisory Panel, 53321
Artists-In-Schools Advisory Panel, 59786
Arts National Council, 51692
Dance Advisory Panel, 54029, 55908
Education Panel, 53440, 53441
Education Panel Advisory Committee, 59624
Expansion Arts Advisory Panel, 47229, 53633
Federal Graphics Evaluation Advisory Panel, 53322, 57868
Federal-State Partnership Advisory Panel, 48977
Fellowships Panel Advisory Committee, 51245, 53441, 54475, 56984, 58354, 59624
Humanities Advisory Committee National Council, 49154
Literature Advisory Panel, 55908
Music Advisory Panel, 52766, 54306
Planning Office Panel Advisory Committee, 59624
Public Media Advisory Panel, 52767
Public Programs Panel, 53441
Special Projects Advisory Panel, 54884
Visual Arts Advisory Panel, 49615, 54030
Privacy Act; systems of records, 49288

BANKS, BANKING

See Comptroller of Currency.
Farm Credit Administration.
Farmers Home Administration.
Federal Deposit Insurance Corporation.
Federal Home Loan Bank Board.
Federal Reserve System.
National Credit Union Administration.
Securities and Exchange Commission.

BIOLOGICAL PRODUCTS

See Animal and Plant Health Inspection Service. Food and Drug Administration.

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

Rules

Privacy Act; implementation, 51168

Notices

Procurement list, 1975; additions and deletions, 45867, 47177, 47827, 48710, 49816, 51080, 52079, 53067, 54287
Procurement list, 1976; additions and deletions, 56964, 59239, 59773, 59774
Procurement list, 1976 establishment, 54742

BONNEVILLE POWER ADMINISTRATION

Notices

Environmental statements; availability, etc.:
Draft facility location supplement; meeting, 50114

BRIDGES

See Coast Guard.
Federal Highway Administration.

CANADA AND UNITED STATES-INTERNATIONAL JOINT COMMISSION

Notices

Roseau River drainage; hearings, 58182
Saint Lawrence Seaway, application for partial closure; hearings, 53319, 57248
Transboundary implications of Garrison Diversion Unit; hearing, 50155

CANAL ZONE

See Panama Canal.

CENSUS BUREAU

Rules

Foreign trade statistics:
Port of lading, foreign, for shipments other than by vessel or air; statistical information, etc., 60041
Population schedules; furnishing personal census data, 53232

Proposed Rules

Freedom of information, 52045

Notices

Meetings:
American Marketing Association, Advisory Committee, 47162
Small Areas, Advisory Committee, 48384
State and Local Governments Statistics Advisory Committee, 48385
Surveys, determinations, etc.:
Canned foods, distributors' stocks, 50554
Manufacturing area, 50115, 56958
Retail sales, purchases and inventories, 49811, 57508
Urbanized area delineation; Sacramento, Calif.; correction, 50116
Voting Rights Act determinations; language minority groups, 49422, 49587

CENTER FOR DISEASE CONTROL

See Disease Control Center.

CENTRAL INTELLIGENCE AGENCY

Rules

Privacy Act; implementation, 45322

Notices

Privacy Act; systems of records, 45325

CHILD DEVELOPMENT OFFICE

See Children's Bureau.

CHILD SUPPORT ENFORCEMENT OFFICE

Rules

Federal financial assistance:
Rates of Federal sharing, etc., 52376
State plan requirements:
Cost allocation, 57672
Program operation in absense of assignment, 52376

CHILDREN'S BUREAU

Rules

Health of school and preschool children; special project grants ; CFR Part revoked, 54102

CITIZEN'S ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

See Environmental Quality, Citizen's Advisory Committee.

CIVIL AERONAUTICS BOARD

Rules

Accounts and property; inspection; identification cards and credentials of employees; editorial changes, 58850
Accounts and reports for certificated air carriers; uniform system:
Charters, one-stop inclusive tour; reports, 48502
Air carriers accounts, records, memoranda; preservation:
Charter operators, one-stop-inclusive-tour, 49771
Air taxi operators; classification and exemption; correction, 48122
Charters:
Inclusive tour; depository account reports, quarterly filing with CAB; deleted, 49772
Inclusive tour; investment of escrowed charter deposits, 52355
One-stop inclusive tour; investment of escrowed charter deposits, 52356
One-stop inclusive tour; operating authorization, charter trip reporting, etc., 50520/14
One-stop inclusive tour; technical amendments, 51416
Overseas military personnel; investment of escrowed charter deposits, 52354
Study groups; depository account reports, quarterly filing with CAB; deleted, 49772
Study groups; investment of escrowed charter deposits, 52355
Travel group; depository account reports, quarterly filing with CAB; deleted, 49772
Trips and special services; depository account reports, quarterly filing with CAB; deleted, 49770
Environmental Policy Act, National, and environmental impact statements; applicant filing, 59425
Foreign air carriers:
Charter trips; depository account reports, quarterly filing with CAB; deleted, 49771
Charters, one-stop inclusive tour; reports, 48502
Permits authorizing charter transportation only; depository accounts, filing with CAB; deleted, 49771
Free and reduced-rate transportation:
Form 160, direct filing by U.S. Government agencies, 60040
Military transportation; exemption of air carriers; reasonable level of compensation, etc., 46098, 56652, 58449
Supplemental air transportation certificates; depository account reports, quarterly filing with CAB; deleted, 49771, 51180

Proposed Rules

Accounts and reports for certificated air carriers; uniform system:
Accounting provisions; updating, 54813, 57462, 59746
Charters, civilian, reporting of information, 46321, 49579
Passenger revenue and traffic data by type of fare, 50727
Charters:
Inclusive tour; advertising and marketing restrictions; termination of proceeding, 57462
Commissions and other forms of compensation, 54007, 54010, 55665
Foreign air carriers:
Charters, civil aircraft, reporting data; civilian information, 46321, 49579
Military transportation; exemption of air carriers; logair and quicktrans minimum rates, 49794
Military transportation; exemption of air carriers; reasonable level of compensation, etc., 55366, 58864
Policy statements:
Commissions or other compensation; unfair practices by air carriers, 54007, 54010, 55665
Domestic load-factor standards; extension of time, 54812

Notices

Emergency air transportation requirements; National Airlines and United Air Lines strikes, 59368
Fuel suppliers, pricing policies and practices; extension of authorization, 48962
Meetings:
Local Transport Airlines Association, 55375
Procedural Reforms Advisory Committee, 45463, 50741, 53418, 55695
Hearings, etc:
Aeroamerica, Inc., et al., 58340
Aeronaves de Mexico, S.A., 52432
Aerovias Condor de Columbia, S.A. et al., 50301
Air freight forwarders' charters investigation, 52752
Air Jamaica (1968) Ltd., 52431
Air Midwest, Inc., et al., 53615, 54458
Air Pacific, Ltd., 51216, 56963
Air Traffic Conference of America, 57383
Airline Tariff Publishers, Inc., 58168
Alaska Airlines, Inc., et al., 53617
Allegheny Airlines Inc., 51216
Aloha Airlines, Inc., 58169
American Airlines, Inc., et al., 56472
American Express Co., 55891

INDEX

CAB

Andrews International Inc., et al., 49397
Balair AG, 49122
Boston-Atlanta nonstop service, 53619
British Airtours Ltd., 51077
California-Alberta route proceeding, 49122
Caribbean International Airways Ltd., et al., 47827, 50120
Chicago-Montreal route proceeding, 43643
Chicago-New Orleans nonstop route proceeding, 51077
Cleveland-Toronto Route Proceeding, 50742
Commuter Airline Association of America, 57711, 58491
Condor Flugdienst GmbH, 51077, 58169
Continental Air Lines, Inc., 48547, 57511
Dan-Air Services, Ltd., 51492
Delta Air Lines, Inc., 45217, 58680
Emery Air Freight Corp., 56473
Fare increases, domestic passenger, 52754
Fare investigations; category Y, 56963
Fare investigations; domestic increase, general, 46150, 48388
Federal Express Corp. et al.; 56713, 57711, 59611
Finnair OY et al., 60107
Flying Tiger Line Inc., et al., 55696, 58169, 59473
Flying Tiger Transpacific, 59369
Freight rate investigation, domestic air, 52752
Frontier Airlines, Inc., 58340
Harlingen service case, 56963, 57384
Hazardous materials transportation, 53064, 55697
Hazleton Service Case, 52433
Hicks & Lawrence Ltd., 49397
Honolulu-Vancouver route proceeding, 45463
Hughes Airwest, 51077
International Air Transport Association, 45218, 45219, 47210, 48707, 48708, 49816, 50741, 50742, 52431, 53067, 54286, 54853, 54854, 55696, 55891, 56715, 57831, 58491, 58681, 59370, 59612, 59772
Japan-U.S. fares, intercarrier agreement, 45865
Kodiak-Western Alaska Airlines, Inc., 52432, 54458
Korean Air Lines Co., Ltd., 48708, 50741
Laker Air Travel Ltd., 52433
Laker Airways Ltd., 51077, 56963
Lineas Aereas de Nicaragua, S.A., 51078, 60108
Load-factor standards, domestic, 56963
Local service class subsidy rates, 45864, 47211
Long-haul motor/railroad carrier, 58340
Loomis Corp. et al., 52753
Mail rates investigation; transatlantic, transpacific, and Latin American service, 51493, 54024, 59236
National Air Carrier Association et al., 59371
Nigeria Airways, Ltd., 58169
Oklahoma-Denver-Southeast points investigation, 51682, 52078
Ozark Air Lines, Inc., 53067
Pan American World Airways, Inc., et al., 49596, 49597, 51078, 52658, 52754, 59237, 59371
Piedmont Aviation, Inc., 55895
Profit By Air, Inc., 53302
Reno-Portland/Seattle nonstop service, 53418
Seattle Gateway-Japan Service investigation, 59372
Shreveport-Dallas nonstop proceeding, 59773
Societe Anonyme Belge d'Exploitation de la Navigation Aerienne, 58887
South Pacific service case, 52078
Spanax, S.A., 45866
Spokane-Montana points service investigation, 50120
Tourist Enterprises Corp., "Orbis", 58169, 58683
Transportes Aereos Nacionales, S.A., et al., 47532, 51685, 52433
United Air Lines, Inc., 57514, 59474
Wardair Canada, Ltd., 54458
Western Air Lines, Inc., 56963, 57514, 58169, 59474, 59773
Wien Air Alaska, Inc., 52078
Wits, Inc., 57831
Yusen Air & Sea Service Co., Ltd., et al., 52755, 55376

CIVIL RIGHTS COMMISSION

Rules
Privacy Act; implementation, 45726

Notices
Meetings, State advisory committees:
Arizona, 46151, 49398
Arkansas, 51079
California, 59373
Colorado, 46151, 51079, 54286, 59373
Connecticut, 52658, 59773
Delaware, 49398, 53303, 54286
District of Columbia, 49397, 51079, 52659
Florida, 49399, 59374
Georgia, 49399
Hawaii, 59374
Idaho, 59374
Illinois, 49598, 51080, 52659, 53303, 56474
Indiana, 49399, 52659, 57515
Kansas, 46152
Kentucky, 56474
Louisiana, 54286, 57515
Maine, 49399, 59374
Maryland, 48164, 53303
Massachusetts, 49399, 51080, 57515
Michigan, 46152, 49122, 49400, 51080, 56474
Minnesota, 56475
Missouri, 59773
Nebraska, 51080
Nevada, 46152, 59374
New Hampshire, 49399
New Jersey, 52659, 59773
New York, 46152, 49400, 54461
North Carolina, 46152
North Dakota, 47212, 52659, 59374, 59773
Ohio, 49400
Oklahoma, 52659
Oregon, 59374
Pennsylvania, 46153, 52660, 54286, 57516
Rhode Island, 52660
South Carolina, 48164, 57516
South Dakota, 47212, 52659, 59374
Tennessee, 49400
Utah, 46153
Vermont, 52660, 59773
Virginia, 52660
Washington, 59374
West Virginia, 49598
Wyoming, 46153, 48165, 49599, 50121, 52660
Privacy Act; systems of records, 45739

CIVIL SERVICE COMMISSION

Rules
Allowances and differentials; Swan Island; deleted, 45417
Conduct standards, Federal and CSC employees, 48339
Excepted service:
—ACTION, 54559, 59718
Administrative Office of U.S. Courts, 57461
Agriculture Department, 45793, 52836, 54559, 59719
Arms Control and Disarmament Agency, 48673
Army Department, 51009, 52339, 53993, 59719
Commerce Department, 54559, 58845
Commodity Futures Trading Commission, 54767, 57202
Defense Department, 51010, 52339, 54419, 54559, 58127
Entire executive civil service, 59719
Environmental Protection Agency, 45793, 52339, 54559
Equal Employment Opportunity Commission, 58845
Executive Office of President, 54559, 59719
Export-Import Bank, 50023
Farm Credit Administration, 52836
Federal Energy Administration, 47792, 48673, 54559, 57202
Federal Home Loan Bank Board, 54420, 54559
Federal Maritime Commission, 53402
General Services Administration, 45793, 54420, 54559, 59719
Health, Education, and Welfare Department, 45793, 47791, 48907, 54559, 56651, 58845, 59719
Housing and Urban Development Department, 52339, 54559, 57461
Inter-American Foundation, 54559
Interior Department, 50023, 54559
International Trade Commission, 52715, 54559, 58845
Interstate Commerce Commission, 54559
Justice Department, 48907, 54420, 54559, 58127
Labor Department, 48673, 50023, 54559
National Aeronautics and Space Administration, 47791, 58845
National Center for Productivity and Quality of Working Life, 60053
National Foundation on the Arts and the Humanities, 49295
National Labor Relations Board, 54559, 57351
Navy Department, 59719
Regional Commissions, 54559
Small Business Administration, 54559, 54767, 57777
State Department, 48111, 54767
Temporary boards and commissions, 57461, 59719, 60053
Transportation Department, 47513, 48673, 50700, 54559, 58127
Treasury Department, 50023, 54559
Veterans Administration, 54559
Excepted service, republication, 58421
Health benefits, Federal employees:
Authority delegation for resolving certain contract disputes, 50023, 55829
Open season; extension, 49567
Investigations; pledges of confidentiality, 56651

Political activity of State or local officers or employees; candidacy; correction, 47101
Voting rights program:
Mississippi, 51444

Proposed Rules
Administrative law judges, interagency transfers, 55366

Notices
Meetings:
Federal Employees Pay Council, 47212, 47827, 48962, 50303, 51493, 52660, 54607, 55896, 56715, 57711, 58887, 59773
Noncareer executive assignments:
Agriculture Department, 50302, 50303, 59612
Army Department, 52881
Commerce Department, 53418, 59612
Defense Department, 52079, 52880, 54024
Equal Employment Opportunity Commission, 45867, 59613
Export-Import Bank, 29400
Farm Credit Administration, 58887
Federal Employees Pay Council, 53419
Federal Energy Administration, 45867, 50303, 58887
Federal Power Commission, 52881, 59613
Health, Education, and Welfare Department, 45866, 51080, 52880, 58887, 59612, 59613
Housing and Urban Development Department, 45866, 59613
Interior Department, 45866, 48962, 48963, 52881, 53419, 55896
Justice Department, 45867, 48710, 48963, 52880, 52881, 59613
Labor Department, 49401, 52881, 53419
Management and Budget Office, 52881
Navy Department, 58887
Telecommunications Policy Office, 52881
Transportation Department, 51080, 52881, 58169, 59613
Treasury Department, 52881, 58888
Veterans Administration, 52882
Privacy Act; systems of records, 54356

COAST GUARD

Rules
Anchorage grounds:
New York, 51637
Boating safety; inboard safe loading standard; correction, 51440
Dangerous cargoes:
Hazardous materials transportation; exemption procedures, 48466
Liquids, flammable and combustible; definitions, 60030
Portable tank gross weights, 52027
Portable tank markings, 52027
Deepwater ports; licensing, design, construction and operation, 52540, 58143
Documentation and measurement of vessels; general provisions, 50035
Drawbridge operations:
New Jersey, 49327, 58856
New York, 51637
Oregon, 51195
South Carolina, 51637
Washington, 54241, 56429
Great Lakes pilotage:
Authorization to dispatch pilot service, criteria for Staff Director, 57673
Investigations, marine; CFR correction, 58306
Jurisdiction and general duties; definitions, etc., 49326
Lifesaving equipment; inflatable liferafts, specifications, 58453
Load lines:
Assignment and surveys; fee schedules, 57218
Domestic and foreign voyages by sea; tank vessels carrying oil in domestic trade, design and operation, 48287
Marine inspection zones and captain of port areas; Third Coast Guard District, 45167
Merchant Marine officers and seamen:
Certification of seamen; fingerprinting with application documents, 57673
Shipment and discharge of seamen; CFR correction, 58306
Navigation areas:
Mississippi River; mooring barges, 56430
Oceanographic vessels; fire protection equipment; immediate water availability for fire mains, 48349
Pollution:
Oil; record book; tank vessels carrying oil in domestic trade; design and operation, 48280
Protection of marine environment; tank vessels carrying oil in domestic trade, design and operation, 48280, 49328
Safety of life on navigable waters; definitions, etc., 49326
Security zones:
Massachusetts, 45168
New York, 45169
Virginia, 47108
Suspension and revocation proceedings:
Appeal procedures, 57672
CFR correction, 58305

Proposed Rules
Cargo vessels:
Construction and arrangements; fire protection, structural; B class bulkheads; editorial changes, 59219
Fishing vessels, commerical, dispensing petroleum products; inflammmable or combustible cargoes or bulk, having on board, 59219
Deepwater ports; site evaluation requirement, 52581
Drawbridge operations:
Connecticut, 54258
Florida, 48363, 50545, 54259
Louisiana, 54258
Mississippi, 54259
New York, 45191, 59219
Vermont, 57222
Washington, 51202, 54260
Electrical engineering, system requirements, cable splicing, 47140
Great Lakes pilotage rates; increase, 50725
Merchant marine officers and seamen:
First aid certificates, licensing; 55663
Occupational safety and health standards, marine; extension of time, 57688
Oceanographic vessels; construction and arrangement; fire protection, structural; B class bulkheads; editorial changes, 59219
Passenger vessels; operations; fire and boat drills; inclusion of women, 58457
Pollution:
Protection of marine environment; tank vessels carrying oil in domestic trade; distribution of required segregated ballast, 48289, 49351, 54006
Tank vessels:
Special equipment, machinery, and hull requirements; fire protection, structural; B class bulkheads; editorial change, 59219

Notices
Bridge operation; Southern Pacific Transportation Co., La.; hearings, 51681
Drawbridge operations:
Minnesota, 47175
Environmental statements; procedures for consideration, 49383, 52430
Equipment, construction, and materials; approvals and terminations, 47170, 47172, 54279, 54280, 54281, 57706
Marine sanitation devices; certificates granted, 58214
Meetings:
Boating Safety National Advisory Council, 47175, 59771
New York Harbor Vessel Traffic System Advisory Committee, 48387, 57706

COMMERCE DEPARTMENT

See also Census Bureau.
Domestic and International Business Administration.
Economic Development Administration.
Foreign-Trade Zones Board.
Maritime Administration.
National Bureau of Standards.
National Oceanic and Atmospheric Administration.
National Technical Information Service.
Patent and Trademark Office.
Regional Action Planning Commissions.
Travel Service.

Rules
Organization and functions; Regional Action Planning Commissions, 48112
Privacy Act; implementation, 45619, 51168

Proposed Rules
Contract appeals; handling procedures, 47797
Privacy Act; implementation, 45632, 50662

Notices
Appliance efficiency, household; voluntary labeling for energy conservation:
Clothes dryers, 57819, 57828
Refrigerators, refrigerator-freezers, and freezers, 46337
Refrigerators and freezers, 58673, 58675
Committees; establishment, renewals, etc.:
Fire Training and Education for National Academy for Fire Prevention and Control, 59766
Industrial Energy Council, National, 52426
New York Bight Mesa Advisory Committee, 50740
Consumer representation plan; proposed, 55115
Inflationary impact of legislative and regulatory proposals; criteria, procedures and responsibilities, 56705, 57376
Inventions under US/USSR cooperative research; allocation of third country rights; inquiry, 48705
Meetings:
Economic Advisory Board, 58331
Patent and Trademark Office Advisory Committee, 54600
Technical Advisory Board, 51490, 58478
Organization and functions:
Assistant Secretary for Domestic and International Business, 58876

INDEX

XUM

Commerce

Assistant Secretary for Economic Development, 56702, 58878
Census Bureau, 56703, 58879
Domestic and International Business Administration, 56705, 58879
Economic Analysis Bureau, 58878
Energy Programs Office, 56707
Maritime Administration, 56707
National Oceanic and Atmospheric Administration, 58882
Organization and Management Systems Office, 58882
Patent and Trademark Office, 56708
Program Evaluation Office, 56707
Regional Economic Coordination Office, 56708
Privacy Act; systems of records, 45634, 51173, 52074, 54850
Watches and watch movements; allocation of quotas; Virgin Islands, Guam, and American Samoa, 54274, 59767

COMMISSION ON FINE ARTS

See Fine Arts Commission.

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

See Gambling, Commission on Review of National Policy Toward.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

See Blind and Other Severely Handicapped, Committee for Purchase from.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

See Textile Agreements Implementation Committee.

COMMODITY CREDIT CORPORATION

Rules
Cooperative marketing associations; eligibility requirements for price support, 49788
Loan and purchase programs:
Grain and similarly handled commodities; warehousemen performance bonds or security elimination, 52351
Grains; price support, 52995, 56423
Rye; support rates for shipment, adjustment, 52350
Sorghum; support rates for shipment, 52606
Tobacco, 52998, 52999, 55309, 57209, 57777
Loans, purchases and other operations; fractions, 58448
Milk price support program; price increases, 51413

Proposed Rules
Loan and purchase programs:
Cotton; extra long staple and upland, 1976, 60073
Tobacco (cigar); 1975 crop, 50543
Tobacco (fire-cured, dark air-cured, and Virginia sun-cured); price support, 45444

Notices
Authority delegations:
Director, Prairie Village Commodity Office et al.; letters of credit, 49377
Cotton, upland; shortfall determination, 57374
Cotton; 1976 crop loan level, determination, 52423
Farm storage and drying equipment loan program; interest rate announcement, 45211
Monthly sales list:
FY ending June 30, 1976, 49810, 53607, 58474

COMMODITY EXCHANGE AUTHORITY

See Commodity Futures Trading Commission.

COMMODITY FUTURES TRADING COMMISSION

Rules
Commodity Exchange Act regulations:
Bona fide hedging, definitions, 48688

Proposed Rules
Arbitration or other dispute settlement procedures, 54430
Commodity options; transactions; temporary rules, 49360, 53406
Floor brokers and commission merchants; dual trading, 58660
Reparation proceedings, 55666

Notices
Bona fide hedging transactions or positions; definition; hearing, 58684
Floor brokers; registration Form 2-R, 50743
Meetings:
Commodity Futures Trading Professionals Advisory Committee, 50558, 52755, 59239
Contract Markets and Self-Regulatory Associations, Regulation Advisory Committee, 50558, 52756, 59240
Contract Markets Economic Role Advisory Committee, 47827, 53068, 54024
Market Instruments Advisory Committee, 50557, 53068, 54855, 55376, 55698, 57384, 59616
Privacy Act; systems of records, 45317

COMMUNITY PLANNING AND DEVELOPMENT, OFFICE OF ASSISTANT SECRETARY

Rules
Community development block grants:
Discretionary grants; applications and criteria, 50531, 50664

Notices
Authority delegations:
Regional Administrators et al., 59368

COMMUNITY SERVICES ADMINISTRATION

Rules
Administration, management laws and legal matters; deletion of CFR Part, 55859
Community Action Programs:
Grants; policy, 52377, 58649
Economic development programs:
Location of community development corporations ventures, 50275
Small business programs funded by community development corporations, 50273
Special impact program policies and priorities, 45436
Training, public service employment, and social service programs, 50274
Freedom of information, 45820
Privacy Act; implementation, 45300, 47419

Notices
Privacy Act; systems of records, 45328

COMPTROLLER OF CURRENCY

Rules
Fees, assessment; National banks and District of Columbia banks; semiannual rate, suspension, 60056
Fiduciary power of National banks and collective investment funds; transfer agent registration, 50251
Investment securities; eligibility for underwriting and unlimited holdings, 59318
Rulings:
Customer-bank communication terminals; suspension, 49077
Travel services; National banks providing; rescinded, 56883

Proposed Rules
Fees, assessment; National banks and District of Columbia banks; schedule, 59446

Notices
Committees, establishment, renewals, etc.:
Banking Policies and Practices, National Advisory Committees and Regional Advisory Committees, 47153
Insured banks; joint call for report of condition, 47214
Insured banks; joint proposal for revision of report of condition and report of income, 46399
Meetings:
Banking Policies and Practices, National Advisory Committee, 55871
Meetings; Banking Policies and Practices, Regional Advisory Committees:
Fourteenth National Bank Region, 54267, 57224
Sixth National Bank Region, 52065

CONSUMER AFFAIRS OFFICE (HEW)

Notices
Consumer representation plans; memorandum for President and schedule of White House regional conferences, 55093, 55094

CONSUMER PRODUCT SAFETY COMMISSION

Rules
Administration, practices, and procedures; meetings; deletion of CFR Subpart, 51360
Bicycle banning and safety regulations, 52815, 52828, 57449
Flammable fabrics; codification and transfer of regulations from Federal Trade Commission, 59884
Meetings; advance public notice, attendance, etc., 51360

Oral presentations concerning proposed consumer product safety rules, procedures, 48122
Policy statements:
Flammable Fabrics Act; exportation of noncomplying goods, 56885
Importation of consumer products, 47482
Privacy Act; implementation, 53380
Substantial product hazard notification; clarifications, etc., 58449

Proposed Rules
Flammable fabrics, children's sleepwear; sizes 7-14; advertising noncomplying items, 49536
Poison prevention packaging:
Drugs, human prescription, oral dosage forms; child protection requirements, exemptions, 58865
Swimming pool slides; safety standards, 50728, 52856, 54011

Notices
Aluminum wire connections, household systems; standards development, 51218
Architectural glass; standards publication; extension of time, 51685, 55897
Baseball bats, aluminum; enforcement proceedings, hearings, etc., 55897
Bookmatches, standards publication; extension of time, 50745, 55897
Easter grass, banning under Federal Hazardous Substances Act; petition denied, 54024
Flammable fabrics, children's sleepwear; policy statements:
Garment production unit identification, 49537
Recordkeeping requirements, 49538, 50746
Retail display requirements, 49537
Flammable Fabrics Act; enforcement proceedings:
James, O.N., Co., Inc. et al., 59476
Tri-Foam Sleep Products, Inc. et al., 51524, 54287
Westland Carpet Mills, Inc. et al., 60109
Flammable Fabrics Act, exportation of noncomplying goods; policy statement, 45219
Lawn equipment, power; extension of time, 45220
Meetings:
Flammable Fabrics Act National Advisory Committee, 58340
Poison Prevention Packaging Technical Advisory Committee, 48548
Product Safety Advisory Council, 54287
Playground equipment, public; standards publication, extension of time, etc., 48388
Privacy Act; systems of records, 53419, 55376
Saws, power, home workshop; safety booklet distribution; petition denied, 48547
Television receivers; standards publication, extension of time, 51222
Turtles, pet; commercial distribution; denial of petition, 60108

COOPERATIVE STATE RESEARCH SERVICE

Notices
Meetings:
Committee of Nine, 47813

COST ACCOUNTING STANDARDS BOARD

Rules
Cost accounting standards:
Pension cost, composition and measurement, 45417, 58281
Definitions, accrued benefit cost method, etc.; correction, 45417

Proposed Rules
Cost accounting standards:
Inflation, historical depreciation costs; adjustment, 47517
Procurement practices; contract coverage; defense contractors exemptions, 53271

COUNCIL ON ENVIRONMENTAL QUALITY

See Environmental Quality Council.

COUNCIL ON WAGE AND PRICE STABILITY

See Wage and Price Stability Council.

CUSTOMS SERVICE

Rules
Antidumping:
Golf carts, electric, from Poland, 53383
Articles conditionally free, subject to reduced rate, etc.:
Aircraft supplies from Iran and Morocco, 47761
Form 7501, 51420
Generalized system of preferences, duty free entry of certain merchandise from designated developing countries, 60047
U.S. components, articles fabricated with, and assembled abroad; correction, 45163
Entry of merchandise:
Entry papers, completion, 57796
Financial and accounting procedure:
Alcoholic beverages, imported, bills for deferred taxes, 51420
Liquidation of duties; countervailing duties:
Hams and shoulders (canned) from European communities, 55638, 55639
Mail importations; diplomatic letters, examination, 59725
Vessels in foreign and domestic trades:
LASH-type barges; sealing requirements, editorial changes, 58852
Manifest discrepancy, clerical error; definition, 55837

Proposed Rules
Administrative rulings:
Unimog; tariff classification, 58470
Articles conditionally free, subject to reduced rate, etc.:
Generalized system of preferences; duty-free entry of certain merchandise from designated developing countries, 50045
Classification and appraisement of merchandise:
Footwear, certain; determination of American selling price, 58859
Consumption, appraisement, and informal entries; duty assessment by account procedures, 45825, 56674
Customs bonds:
Proprietor's Warehouse Bond, increased minimum amount, 51445
Vessel, vehicle, or aircraft; incorporation of Immigration and Naturalization Service form; rescinded, 54005
Information availability; vessel manifests; inquiry, 51201
Inspection, search and seizure; summary forfeiture proceedings, 48690
Liquidation of duties; duty assessment by account procedure, 45825, 56674
Merchandise, entry of; duty assessment by account procedures, 45825, 56674
Merchandise, special classes:
Motor vehicles and equipment, importation, 54002, 59745
Organization and functions; field organization; ports of entry, etc.:
Region I; Fort Covington and Chateaugay, N.Y.; designations revoked, 59212
Region II; County of Richmond, transfer, 47795
Region IX; Dayton, Ohio; extension of limits, 48139
Region IX; Mackinac Island, Mich.; revocation, 59745
Region IX; Port Huron, extension of limits, 47795
Region VI; Lubbock, Tex., 53261
Permits, special, for immediate delivery prior to entry:
Duty assessment by account procedure, 45825
Produce, fresh, arriving from Canada or Mexico, 58150
Relief from duties on merchandise lost, etc.; produce, fresh, arriving from Canada or Mexico, 58150
Warehouse and rewarehouse entries, and withdrawals:
Form 7502; triplicate requirement, 54575

Notices
Authority delegations:
Assistant Commissioner, Office of Administration; sale of Customs forms, 47806
Assistant Commissioner Regulation and Rulings; instruments of international traffic, 59227
Deputy Commissioner et al.; order of succession, 48701
Countervailing duty petitions:
Beads, glass from Canada, 47154
Cast iron soil pipe and fittings from India, 54447
Cheese from Finland, 58323
Cheese from Norway, 54843
Float glass from France, 56699
Float glass from United Kingdom, 59227
Oxygen sensing probes from Canada, 57813
Textile products from India, 58472
Customshouse broker license suspension; Twigger, William J., 59227
Foreign currencies; certification of rates, 46137, 46138, 49111, 51070
Instruments of international traffic:
Bags designed to transport white beans, 56938
Plastic containers for transporting berries, 50292
Internal advice procedures; clarification, 48701
Reimbursable services; excess cost of preclearance operations, 52065
Tariff classification; cab chassis, imported, 47806
Tariff-rate quotas:

Customs

Potatoes, white or Irish, 48702
Trade name recordation applications:
Eurotime, 59750
Marketing Planning Associates, Inc., 48702
Wembley Industries, Inc., 48701

DEFENSE CIVIL PREPAREDNESS AGENCY

Rules
Privacy Act; implementation, 46055

DEFENSE DEPARTMENT

See also Air Force Department.
Army Department.
Defense Civil Preparedness Agency.
Defense Intelligence Agency.
Defense Nuclear Agency.
Defense Supply Agency.
Engineers Corps.
Navy Department.

Rules
Privacy Act; implementation, 55518, 55525, 55535, 55537, 55543, 55546

Proposed Rules
Higher learning institutions barring recruiting personnel from premises, identification, 52734

Notices
Committees; establishment, renewals, etc.:
Policy Plans Advisory Panel, 58159
Consumer representation plan; proposed, 55125
Meetings:
Defense Industry Advisory Group in Europe, 49583
Defense Intelligence School Board of visitors, 47524
Defense Systems Management School Board of Visitors, 50730
Electron Devices Advisory Group, 52868, 54267
High Energy Laser Review Group, 48384, 51485, 52420, 53047, 55370, 58870, 59751
Industrial College of Armed Forces, Board of Advisers, 45204
National War College Board of Consultants, 45204
Science Board task forces, 47524, 47807, 48384, 49583, 52066, 53605, 54268, 57498, 57817, 59357, 59751
Wage Committee, 48956, 52421, 56697, 60100
Women in Services Advisory Committee, 59455
Privacy Act; systems of records, 47748

DEFENSE INTELLIGENCE AGENCY

Notices
Meetings:
Scientific Advisory Committee, 48146

DEFENSE MANPOWER COMMISSION

Rules
Privacy Act implementation, 59313

Notices
Meetings, 45221, 48389, 51223, 53304, 55381, 59774

DEFENSE NUCLEAR AGENCY

Notices
Meetings:
Scientific Advisory Group, 56966

DEFENSE SUPPLY AGENCY

Rules
Freedom of information; fees schedule; correction, 53999

DELAWARE RIVER BASIN COMMISSION

Notices
Comprehensive Plan, sewage treatment plant projects; hearings, 50121, 57371

DISADVANTAGED CHILDREN, NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF

See Education of Disadvantaged Children, National Advisory Council.

DISEASE CONTROL CENTER

Notices
Meetings:
Immunization Practices Advisory Committee, 58883
Medical Laboratory Services Advisory Committee, 46338
Occupational safety and health standards for certain chemcial substances:
Carbon disulfide, etc., 55881
Occupational safety and health standards for certain chemical substances:
Acetylene tetrachloride; inquiry, 47530
Exposure levels, safe standards for employment, inquiry, 46148
Safety procedures, inquiry, 46149
Organization and functions:
Occupational Safety and Health, National Institute, 57703

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Rules
Export controls; modification of restrictions to Cuba, 55314
Export licensing:
Documentation requirements; editorial changes, 59325
General licenses; exemption from shipper's export declaration filing requirement, 50707
Licences and amendments, individual validated; editorial changes, 59325
Nuclear controls, special; editorial changes, 59325
Petroleum and petroleum products, short supply controls, 45159
Policies and provisions, special country; editorial changes, 59325
Policy, general, and related information; editorial changes, 59325
Special licensing procedures; editorial changes, 59325
Technical data; editorial changes, 59325
Technical data; products manufactured abroad, 56424
Trade practices, restrictive, or boycotts:
Editorial changes, 59325
Foreign countries prohibition of support; nondiscrimination, etc., 54769
Requirement to report, 45421

Notices
Adjustment assistance, petitions for determination:
Dynamic Instrument Corp., 46147
Glamorise Foundations, Inc., 52750
Great Lakes Farms, 47529
Great Lakes Mushroom Cooperative, Inc., 47529
Huntley of York, Ltd., 54599
La Peer Mushroom Corp., 47529
Marzetti Brothers, Inc., 47529
Utica Farms Mushrooms, Inc., 53284
Vermont Marble Co., 53050
Wisconsin Shoe Co., 54021
Wolff Shoe Manufacturing Co., 45458
Doorskins; study of producing firms, 52876
Export control violations; civil penalties and probation:
Fairchild Automation Systems GmbH, 53284
Hewlett-Packard Ges. m.b.H., 51488
Highway Pipeline Co., 54453
Export privileges, actions affecting:
Air Trans Africa, 48157
Cremer, Josef, 59366
Diethard Prosdorf, A/K/A Peter Prosdorf, 48158
Grabner G.m.b.H., 59366
Sopex S.A.R.L., 45457
Fertilizers; export monitoring report for May and June 1975, 48155
Meetings:
Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee, 59462
Computer Systems Technical Advisory Committee, 47813, 47814, 47815, 52074, 56959, 56960, 57818
East-West Trade Advisory Committee, 52071
Electronic Instrumentation Technical Advisory Committee, 58162
Exporters' Textile Advisory Committee, 46148
Importers' Technical Advisory Committee, 58673
Management-Labor Textile Advisory Committee, 58330
Numerically Controlled Machine Tool Technical Advisory Committee, 56961, 57235, 57817, 58161
President's Export Council, 45457, 48157
Semiconductor Technical Advisory Committee, 59461
Telecommunications Equipment Technical Advisory Committee, 56961
Organization and functions:
Assistant for Congressional Affairs, 48539
East-West Trade Bureau, 59761, 59764
Scientific articles; duty free entry:
Andrews University et al., 54596
Army Institute of Dental Research, 52071
Auburn University, 51074
Bryn Mawr College, 49588
Clark University, 50297
Columbia Museum of Art Commission, 48152
Cornell University et al., 45455, 57508
Downstate Medical Center et al., 54019
ERDA Sandia Laboratory et al., 54599

Frederick Cancer Center et al., 54596
Geological Survey et al., 54597
Harvard University, 55692
Hillcrest Baptist Hospital et al., 49379
Howard University et al., 47163
Howard University Hospital et al., 55690
Indiana University, 50297
Lafayette College, 48957
Louisiana State University, 58327
Massachusetts Institute of Technology et al., 54597
NASA Johnson Space Center et al., 47164
National Cancer Institute, 52642
National Institutes of Health, 55691
NEROC, Haystack Observatory, 48958
New York State Department of Health et al., 55693, 57509
Northwestern University Medical School, 53415
Ohio State University, 54598
Public Health Service Hospital, 58328
Purdue University, 49380, 52642
Rockefeller University, 54020
Rockefeller University, et al., 49588
Saint John's Hospital and Health Center, et al., 49589
Southern Illinois University, 45455
St. Alphonsus Hospital et al., 54020, 57509
State University of New York, 47164, 49380
Temple University Hospital, 58328
Texas Southern University, 55691
U.S.C. School of Medicine, 57509
University of Alaska, 55692
University of California et al., 45456, 46147, 46148, 47259, 48148, 49590, 58328
University of Florida, 48958, 58329
University of Georgia, 58329
University of Miami, 54598
University of Michigan, 48149
University of Rhode Island et al., 45456, 53415
University of Southern California, et al., 45456, 49590
University of Tennessee, 45457
University of Texas, Health Science Center, 49380
University of Washington, et al., 48959, 50117, 52071, 52072, 52642, 52644
University of Wisconsin, 58330
Washington State University, 54599
Wesley Medical Center, 52072
Wesleyan University, 52073
Yale University, 54599

DOMESTIC COUNCIL

Notices
Price discrimination, business sales; hearings, 54855

DRUG ENFORCEMENT ADMINISTRATION

Rules
Hearing requests; submission, 57210
Quotas; definition of inventory; policy statement, 52844
Schedules of controlled substances:
Exempt chemical preparations, 48344, 58132
Librax and menrium; excepted from Schedule IV, 52609

Proposed Rules
Registration of manufacturers, distributors, and dispensers of controlled substances; authorization to purchase for ocean vessels, 47514

Notices
Applications, etc.; controlled substances:
Abbott Laboratories, 58473
Byron Chemical Co., 52868
Ciba-Geigy Corp., 47525, 56465
Coastal Pharmaceuticals, Inc., 56939
Drug Abuse Institute, National, 57224
Endo Laboratories, Inc. et al., 50548
Fher Corp., Ltd., 46328, 54447
Hoffman LaRoche, Inc., 48146, 58159
Penick, S.B., & Co., 49112
Winthrop Laboratories et al., 49112
P2P; industrial uses, handling; inquiry, 47525
Registrations; actions affecting:
Anderson, James B., M.D., 52635
Collier, Henry M., M.D.; hearing, 52747
Jacobson, Max, 59457
Northridge Drug Store, et al.; correction, 51485
Wagner, Sheldon, D.P.M.; hearing, 52747
Weiser, Burton, D.O., 50547
Schedules of controlled substances:
Difenoxin, 54447
Final aggregate production quota, 1976, 50547
Methylphenidate; 1975 aggregate production quota, 48147
Thebaine, 54447
2,5 - Dimethoxyamphetamine, 52635, 59227

ECONOMIC DEVELOPMENT ADMINISTRATION

Rules
Financial assistance requirements; grant and loan program, 49078
Property management standards:
Real property; recodification and redesignation, 60038
Public works and development facilities program:
Real property; recodification and redesignation, 60038
Technical assistance, research, and information; grant and loan program, 49078

Notices
Import determination petitions:
Columbiaknit, Inc., 57819
International Electronics Corp., 57819
Soowal Knitting Mills, 57819
Job opportunities program; terms and conditions for Title X projects, 59765
Meetings:
Regional Economic Development, National Public Advisory Committee, 48539
Tobacco, wrapper; import determinations; adjustment assistance; inquiry, 58163

ECONOMIC OPPORTUNITY OFFICE

See Community Services Administration.

ECONOMIC RESEARCH SERVICE

Notices
Meetings:
Cotton Marketing Study Committee, National, 54850

EDUCATION OF DISADVANTAGED CHILDREN, NATIONAL ADVISORY COUNCIL

Notices
Meetings:
Early Childhood Education Committee, 52442, 53078
National Advisory Council, 55722, 56740, 59771

EDUCATION OFFICE

Rules
Adult education programs, State:
Indochinese refugee education programs, 49532
College work-study program; annual review of private need analysis systems, 49268
Community education program, 57926
Higher education and vocational students, low-interest loans:
Emergency insured student loans; special allowances, 50035
Indirect costs under certain programs; editorial change, 53482
Indochinese refugees:
Adult education program, State, 49532
Children, grants to State and local public agencies for educational services, 47767
Libraries and learning resources, educational innovation and support, 53482
National direct student loan program; annual review of private need analysis systems, 49268
Supplemental educational opportunity grant program; annual review of private need analysis systems, 49268
Supplementary centers and services; guidance, counseling, and testing programs; financial assistance, 51010
Vocational education programs, State; administration, 57760

Proposed Rules
Career education program, 55659
College work-study program, 48266
Consumer's education program; grants and contracts, 54805
Disadvantaged students special services, 58405, 59447
Educational opportunity centers program; funding criteria, FY 1976, 59218
Educationally deprived children; grants to State agencies, 49349
Grant and contract programs, direct project:
Indian children, graduate, and professional students; improvement of educational opportunities, special programs and projects, 54253
Grant and project programs, direct project:
Profession development, education; mandatory requirements, 58459
Handicapped children, education; State plan provisions, 54804
Indian children, graduate, and professional students; improvement of educational opportunities, special programs and projects, 54253
Indirect costs under certain programs:
Profession development, education; mandatory requirements, 58459
Library research and demonstration; application criteria, 52048

INDEX

XUM

Education

National direct student loan program, 48252
Postsecondary education; support for improvement, 52630
Profession development, education; mandatory requirements, 58459
Reading improvement programs, National; grant and contract awards, 56678
Regional education programs; grants and contracts; award criteria, 52628
School assistance in federally-affected areas, 57042
Talent search; administration, 58409
Upward bound; administration, 58400, 59447
Vocational education; research and training, exemplary and curriculum development programs:
Applicants' selection, criteria, FY 1976, 51654, 52405, 52962

Notices

Applications and proposals, closing dates:
Career education program, 57376
Community education program, 59233
Education Professions Development, 60106
Educational opportunity centers program, 59232
Emergency school aid, 48160, 59768
Foreign language and area studies research program, 52751
Handicapped children, early education, 57377, 58485
Handicapped persons, regional education programs, 54600
Indian elementary and secondary school assistance, 59366
International studies programs, 51680, 53610
Library Research and Demonstration Program, 52076
Library training program, 47531
Metric education program, 48543
Migratory children education programs, 56710
Postsecondary education; support for improvement, 52657
Postsecondary education State Commissions, 58485
Refugee children from Cambodia and Vietnam in U.S., special assistance, 54276
Right to read programs, 58338, 58339
Specific learning disabilities, 54601
Strengthening developing institutions, 53610
Teacher Corps projects, 57705, 58884
Vocational education projects, 51681, 52427, 52879
Committees; establishment, renewals, etc.:
Accreditation and Institutional Eligibility Advisory Committee; annual report, 45458
Compensation for staff members of advisory councils, 52428
Funding criteria for applications:
Foreign language and area studies research program, 50300
International studies programs, 51680
Teacher Corps, 58486
Low income families, schools having high concentration of children from; teacher service loan cancellation, 51750
Meetings:
Accreditation and Institutional Eligibility Advisory Committee, 46149, 53295, 54850
Adult Education National Advisory Council, 45862, 45863, 53296, 53611, 58884, 59471
Bilingual Children, Advisory Committee on Education of, 45459
Bilingual Education, National Advisory Council, 46150, 53417, 55373
Career Education National Advisory Council, 45863
Community Education Advisory Council, 52880
Developing Institutions Advisory Council, 56962
Education Professions Development National Advisory Council, 52657
Equality of Educational Opportunity, National Advisory Council, 57705
Ethnic Heritage Studies National Advisory Council, 50120
Extension and Continuing Education, National Advisory Council, 49815, 55694, 56710, 57511, 60107
Financial Aid to Students Advisory Council, 57236
Indian Education National Advisory Council, 54454, 58678
Vocational Education National Advisory Council, 50120, 52880
Women's Educational Programs Advisory Council, 45863, 49381, 52427, 58884
Organization and functions:
Planning, Budgeting, and Evaluation Office, 52657
Student incentive grant program, State; allotment and application procedures, 57829
Teacher Corps projects; rescission of preapplication requirement, 48543
Title I audit appeals:
Arkansas, 50119
California, 50119

EMPLOYEE BENEFITS SECURITY OFFICE

Rules

Definitions; coverage, 52008
Employee pension benefits plans; minimum standards; extension of time, 52724
Definitions; fiduciary, 50842
Fiduciary responsibility; interpretive bulletins, 47491
Reporting and disclosure; interpretive bulletins:
Accountants retained by employee benefit plans, independence for auditing or rendering opinions, 53998, 59728
Establishment of CFR Part, 53998

Proposed Rules

Employee benefit plans; annual report/return forms, 53710
Form EBS-1, 48096

Notices

Meetings:
Employee Welfare and Pension Benefit Plans Advisory Council, 49422, 59799
Pension and welfare plans; annual information return/reports; extension of time, 51254

EMPLOYMENT AND TRAINING ADMINISTRATION

See also Manpower Administration.

Rules

Contracts, Federal, in areas of concentrated unemployment or underemployment; preference, 59726
Unemployment compensation and assistance: Federal supplemental benefits, 57766

Proposed Rules

Disaster unemployment assistance; basis weekly allowance, 56921

Notices

Employment transfer and business competition determinations; financial assistance applications, 54482, 55911, 58907
Indian and native American programs; fiscal year allocations, 55911
Migrant and other seasonally employed farmworker programs:
Sponsors, potential; selection, 54352, 58908
Public employment allocation; FY 1976 fund allocations, 58806
Redesignation from Manpower Administration, 54485

EMPLOYMENT STANDARDS ADMINISTRATION

See also Wage and Hour Division.

Notices

Index to general wage determination decisions and modifications, 46001, 52285, 57141, 58074
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions, 45950, 47998, 48842, 49940, 50864, 52240, 53162, 54382, 55604, 57060, 58012, 59091, 59650

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Rules

Claims, administrative; procedures, etc., 49075
Foreign atomic energy programs, unclassified activities; correction, 50457
Interpretations; redesignation of CFR Part, 45321
Privacy Act; implementation, 45308
Procurement, 46802, 47495, 51196

Proposed Rules

Geothermal energy research development, demonstration and production; Federal guaranties on loans, 50100, 52857
Patents, data, and copyrights; policies and procedures, 48363

Notices

Committees; establishment, renewals, etc.:
General Advisory Committee, 48217
Consumer representation plan; proposed, 55225
Energy research, development, and demonstration, National plan for; meetings, 48714, 50748
Environmental statements; availability, etc.:
Brookhaven National Laboratory, 55898
Hanford Reservation, Wash., waste management operations, 60110
International nuclear power export activities, determination, 45463
Light water breeder reactor program, 52882, 54607

Interim source evaluation and selection handbook; temporary regulations; republication, 46343
Land use arrangement, Exxon Nuclear Co., Inc., 56477
Meetings:
Demonstration Projects as Commercialization Incentive Task Force, 53442, 59240
General Advisory Committee, 48217, 49600
General Technical Advisory Committee, 52756
High Energy Physics Advisory Panel, 54290
Historical Advisory Committee, 51082
Patent policy report; hearings, 48388
Privacy Act; systems of records, 49932
Public Document Room; change of address, 58686
Solar energy research institute; establishment; policy, 59513
Spent fuels, chemical processing and conversion; price change, 59774
Trespassing on ERDA property:
Rocky Flats, Colo., plant site; correction, 46343
Savannah River plant site; 56716

ENGINEERS CORPS

Rules

Clearinghouse coordination, A-95, 51132
Continuing authorities program, 51133
Danger zones:
Texas, 48511
Dumping grounds; entrance to seaports, 48511
Navigation regulations:
Illinois, 57358
South Carolina, 47495
Relocation assistance, uniform, and real property acquisition policies:
Computation of replacement housing payment for displaced homeowners, 54568
Urban studies program, 51146
Wastewater collection and treatment, 51146
Water and related land resources; feasibility studies, 52516

Proposed Rules

Administrative procedures; permits for activities in navigable waters or ocean waters; extension of time, 50720
Drinking water, emergency supplies, 59212
Flood control and navigation; allocated storage, 54799

ENVIRONMENTAL PROTECTION AGENCY

Rules

Air pollutants, hazardous, National emission standards:
Asbestos and mercury, 48292
California; authority delegation, 45171
Colorado; authority delegation, 50719
Maine; authority delegation, 59729
New York; authority delegation, 48347
Washington; authority delegation, 58646
Air pollution, standards of performance for new stationary sources:
California; authority delegation, 45170
Colorado; authority delegation, 50718
Definitions, 58416
Emission monitoring, performance testing methods, 46250, 59204
Maine; authority delegation, 59729
New York; authority delegation, 48347
State plans for designated facilities, adoption and submittal, 53340
Air pollution control, new motor vehicles and engines:
Catalyst equipped vehicles, imported; labeling and certification, 58646
Air quality implementation plans:
Ambient air quality standards, National, 45817, 59728
Preparation, adoption, and submittal; emission monitoring of stationary sources, 46240
Preparation, adoption, and submittal; State plans; definitions, etc.:, 58317
Vapor recovery; ships and barges, 47765
Air quality implementation plans; various States, etc.:
Alaska, 55326
Arizona, 50267, 52847
California, 50267, 57349, 58319
Florida, 49328
Georgia, 45818
Idaho, 51195, 53584
Indiana, 50032, 50267
Kentucky, 58319
Maryland, 56888
Massachusetts, 47495, 56889
Michigan, 50267
Nevada, 50267
New Hampshire, 53999
New York, 46310, 50718
North Dakota, 59438
Oregon, 54680
Pennsylvania, 54000
Rhode Island, 51043, 51044
Utah, 54786, 56890
Virgin Islands, 59204
Washington, 50266
West Virginia, 52373, 52374
Energy related authority; Energy Supply and Environmental Coordination Act, 58644
Fuels and fuel additives; unleaded gasoline: Registration requirements, 52009
Grants, State and local assistance:
Treatment works, construction; procurement, 58602
Water quality management; areawide planning agencies and State agencies, 55321
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
Acephate, 46310
Carbofuran, 51044
Carboxin, 48680
Dimethoate, 49575
Fluchloralin, 58648
Glyphosate, 58647
Inert ingredients, 48681, 57215, 58321
Methomyl, 51044
Oxadiazon, 48681
Oxamyl, 48133
Zinc phosphide, 55857
2,4-D, 58294
2-Methyl-4-chlorophenoxyacetic acid, 51045
2((4-Chloro-6-(ethylamino)-s-triazin-2-yl) amino)-2-methylpropionitrile, 52724
3,5-Dimethyl-4-(methylthio)phenyl methylcarbamate, 59729
4-Amino-6-(1, 1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4HO-one), 55349
Privacy Act; implementation, 53582
Procurement:
Debarred, suspended, and ineligible bidders, 51196
Water pollution; effluent guidelines for certain point source categories:
Chemicals, organic, 56435, 56436
Coal mining, 48830
Fruits and vegetables, canned and preserved, 49222, 57216
Grain mills, 52014, 52016
Metals, nonferrous, 48348
Mineral mining, 48652
Oil and gas extraction; offshore segment; extension of time, 52847
Ore mining and dressing, 51722, 59438
Seafood, canned and preserved, 55770
Water pollution control:
Planning process, State continuing; policies and procedures, 55334
Safe drinking water, interim primary standards, 59566
Safe drinking water; organic chemicals, special monitoring, 59587
Water quality management basin plans, State; policies and procedures, 55343
Water quality standards, implementing Safe Drinking Water Act:
Interim project review guidelines, Edwards Underground Reservoir, San Antonio, Tex., 58292

Proposed Rules

Air pollutants, hazardous; National emission standards:
Vinyl chloride, 59532, 60079
Air pollution control, aircraft and engines; JT3D engine emission standards; extension of compliance date, 50453, 54012
Air pollution control, new motor vehicles and engines:
Motorcycles, emissions, 49496, 49517, 52415, 52416, 53400, 56932
Air quality implementation plans:
Ambient air quality standards, National; maintenance, 49048, 54011
Vapor recovery; gasoline stations, stage II, 47668, 54436
Air quality implementation plans; various States, etc.:
Arizona, 49362
District of Columbia, 54436
Idaho, 51655
Maryland, 46117, 53595
Massachusetts, 46322
Montana, 48521, 50278
New Hampshire, 48942
New Jersey, 49103
New Mexico, 48941
North Dakota, 47519
Ohio, 52410
Oklahoma, 51203
Oregon, 54011, 54012, 55367
Pennsylvania, 47520, 47521
South Carolina, 58663
Utah, 50280
Virgin Islands, 45202
Virginia, 53595
Hazardous substances:
Designation, 59960
Harmful quantities determination, 59982
Measurement units determination and penalty rates, 59999
Removability, 59977
Marine sanitation device standards, 47972

XUM

Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
Inert ingredients, 48940
N-(Mercaptomethyl) phthalimide S-(O,)-dimethyl phosphorodithioate), 52744
Zinc phosphide, 46322
2,4-D, 50099
Waste, solid; management, treatment, etc.:
Beverage container guidelines, 52968
Water pollution; effluent guidelines for certain point source categories:
Coal mining, 48839
Fruits and vegetables, canned and preserved, 49237, 57223
Mineral mining, 48685
Oil and gas extraction; offshore segment; extension of time, 52857
Ore mining and dressing, 49450, 51738
Water pollution control:
Discharge elimination system, National; environmental impact statements, preparation, 47714, 55868
Pollutant discharge elimination system, National; animal feeding operations, concentrated, 54182
Pollutant discharge elimination system, National; State program elements; animal feeding operations, concentrated, 54182
Pollutant discharge elimination system, National; State program elements; storm sewers, separate, 56932
Pollutant discharge elimination system, National; storm sewers, separate, 56932

Notices

Air pollutants, hazardous; National emission standards
Colorado; authority delegation, 50748
Maine; authority delegation, 59776
New York; authority delegation, 48390
Vinyl chloride; addition to list, 59477
Air pollution; standards of performance for new stationary sources:
Brass and bronze plants, secondary; opacity, 53420
California; authority delegation, 45227
Colorado; authority delegation, 50748
Lead smelters, secondary; opacity, 53421
Maine; authority delegation, 59776
New York; authority delegation, 48390
Air pollution control; aircraft and engines; hearings, 52082, 56966
Air pollution control, new motor vehicles and engines:
Motorcycles, emissions; meeting, 53074
Air quality implementation plans:
Ambient air quality sandards; monitoring reference designations, etc., 54856
Air quality implementation plans; various States, etc.:
New Jersey, 57711, 58891
Ohio, 53421
Puerto Rico; hearings, 48713
Air quality standards; ambient monitoring applications:
Bendix Corp., 54025, 58340
Automobile fuel economy labeling program; 1975 model year; correction, 48963
Committees; establishment, renewals, etc.:
Environmental Measurements Advisory Committee et al., 52081
Consumer representation plan; proposed, 55231
Environmental statements; availability of agency comments, 45221, 45224, 51686, 53070, 56718, 56721, 57834, 58340
Food additive petitions:
Army Department, Chief of Engineers Office, 50124, 50304
Chemagro Agricultural Division, 59478
Chevron Chemical Co., 51084
CIBA-Geigy Corp., 58345
FMC Corp., 45870
Mobay Chemical Corp., 51081, 55381
Monsanto Co., 50304
National Canners Association, 48713
Union Carbide Corp., 55899
Meetings:
Administrator's Pesticide Policy Advisory Committee, 55381
Air Pollution Chemistry and Physics Advisory Committee, 49600
Air Pollution Control Techniques National Advisory Committee, 54859
Drinking Water National Advisory Council, 54025
Effluent Standards and Water Quality Information Advisory Committee, 57241
Federal Guidance for Occupational Exposures to Ionizing Radiation, Interagency Committee, 46155
Hazardous Materials Advisory Committee, 51082, 59241
Motorcycles, new; emission regulations, 53074
Radiation Exposure, Environmental Advisory Committee, 48389
Science Advisory Board, 46155, 53074, 54291, 54860, 59478, 60110
State-Federal FIFRA Implementation Advisory Committee, 46154, 48712, 51224, 52661
State-Federal Water Programs Advisory Committee, 48713
Technical Advisory Group, 45871
Pesticide applicator certification; State plans:
Idaho, 54857
Mississippi, 54858
New Jersey, 59777
Oregon, 57712
South Carolina, 50122
Washington, 54860
West Virginia, 59375
Wyoming, 52435
Pesticide chemicals, etc.; petitions:
American Cyanamid Co., 58685, 59776
Atlantic & Pacific Research, Inc., 52756, 58345
Chevron Chemical Co., 58685
CIBA-Geigy Corp., 48713
Cowley, S.L. & Sons Mfg. Co., Inc., 56967
Fike Chemical Co.; correction, 45464
Mobay Chemical Corp. et al., 51084, 55381
Pennwalt Corp., 48390
Shell Chemical Co., 46344
U. S. Borax Corp, 59775
Pesticide programs:
Registering pesticides in EPA; guidelines; economic impact, analysis, etc.; availability of active-ingredient sample, 50122
State registration to meet special local needs; interim certification, various States, 57482, 57711, 57713
Pesticide registration:
Applications, 47177, 47533, 48165, 48166, 48392, 49401, 49599, 50122, 51223, 52083, 52434, 52757, 53419, 55381, 55699, 55900, 56477, 56967, 57241, 57711
Pesticides, specific exemptions and experimental use permits:
Abbot Laboratories; bacillus thuringiensis etc. on cotton, 50304
Agriculture Department; bait with methyl eugenol, etc. for Oriental fruit fly, 52758
Agriculture Department; heptachlor on citrus, 52756
Agriculture Department; malathion and fenthion on Mediterranean fruit fly, 56475, 56476
Agriculture Department; naled, etc. on Oriental fruit fly, 49401
American Cyanamid Co.; difenzoquat methylsulfate on wheat straw and barley straw, 59775
Arizona; DEF on okra, 58684
Bayvet Corp.; fenthion on swine, 51493
Boyle-Midway, Inc.; Ridz Personal Insect Repellent, 59775
Chevron Chemical Co.; acephate on trees, 50304
Chevron Chemical Co.; O,S-dimethyl phosphoramidothioate on almonds, 55899
Colorado Department of Agriculture; carbaryl on fleas transmitting bubonic plague, 52434
Elanco Products Co.; tebuthioron on certain raw agricultural commodities, 56476
Elanco Products Co.; tebuthiuron around sugarcane, 58686
EM Laboratories, Inc., Triforine Technical, 56477
Engineers Corps; diguat on Asiatic duckweed, 51081
Fisons Corp.; 2-ethoxy-2,3-dihydro-3,3 dimethyl-5-benzofuranyl on seed production grasses; correction, 46343
GAF Corp.; ethephon on tobacco, 50304
Great Lake Chemical Corp.; methyl bromide on tomatoes, etc., 54857
Heptachlor and chlordane; denial of applications, 55898
Merck & Co., Inc.; thiabendazole on sugar beets, 52083, 54961
Michigan Department of Agriculture; oxytetracycline hydrochloride on peaches, 46155, 49401
Mobil Chemical Co.; ethoprop on corn, etc., 59241
New York State Agricultural Experiment Station; oxytetracycline hydrochloride on peaches, 50305, 51493
Oklahoma Department of Agriculture; sodium chlorate on mung beans, 46343
PPG Industries, Inc.; sodium azide on potatoes, etc., 47532
Rohm & Haas Co.; 4-butyl-4H-1,2,4-triazole on wheat, 54860
Union Carbide Corp.; propionic acid on corn, 51495
Velsicol Chemical Corp.; insecticide on cockroaches, 54861
Vermont Department of Agriculture; diphacinone around apple orchards, 59478
Whitmoyer Laboratories, Inc.; HYLON, 59776

Wyoming Department of Agriculture; strychnine in rabid skunk control, 48714
Waste, solid; disposal project; American Cyanamid Corp. and former EPA employee; certification, 54856
Waste, solid; treatment, management, etc.:
Alternate techniques for best practicable treatment, 49598, 57240
Water pollution; effluent guidelines for certain point source categories:
Coal mining, 48712
Mineral mining, 48668
Ore mining and dressing, 51748
Water pollution control:
Nuclear facilities, discharges from; memorandum of understanding with NRC; policy statement, 60115
Water pollution control; discharge of pollutants:
Michigan, 47532
Missouri, 54462
Nevada, 48389
New York, 54462
North Carolina, 51493
Water quality, safe drinking water; determination; Edwards Underground Reservoir, San Antonio, Tex., 58344

ENVIRONMENTAL QUALITY, CITIZEN'S ADVISORY COMMITTEE

Notices

Meetings, 58340

ENVIRONMENTAL QUALITY COUNCIL

Notices

Environmental statements:
Actions requiring preparation, 55379, 59618
Availability, etc., 45867, 47828, 48710, 49816, 49819, 50746, 52079, 53068, 54287, 55376, 56964, 57832, 58888, 59616

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Proposed Rules

Procedural regulations; employment discrimination; deferral of charges to appropriate State and local agencies; designated 706 agencies, 59746

Notices

Privacy Act; systems of records, 46074

EXECUTIVE OFFICE OF PRESIDENT

See Central Intelligence Agency.
Domestic Council.
Environmental Quality Council.
Management and Budget Office.
National Security Council.
Presidential Clemency Board.
Telecommunications Policy Office.
Trade Negotiations, Office of Special Representative.
Wage and Price Stability Council.

EXPORT-IMPORT BANK

Notices

Committees, advisory; annual report filing, 58686

FARM CREDIT ADMINISTRATION

Rules

Definitions; speculative purposes, 49077
Funding and fiscal affairs; investment, surplus funds management policy, 49077
Loan policies and operations; formal approval requirements, certain; deletion, 49077

Proposed Rules

Loan policy and operations; voluntary employee contributions to System thrift plan, etc., 59450
Personnel administration; voluntary employee contributions to System thrift plan, etc., 59450

Notices

Authority delegations:
Assistant General Counsel; act as General Counsel, 47830
Privacy Act; systems of records, 46288, 53304, 60111

FARMERS HOME ADMINISTRATION

Rules

Account servicing:
Credit needs, analyzing, and graduation of borrowers; Finance Office lists, 57642
Association, community facility loans:
Economic feasibility requirements, 54238
Business and industrial loans, guaranteed; redesignation, 57643
Operating loans; youth program; eligibility requirements, 52607
Reorganization, consolidation and republication, 59194
Rural housing loans and grants:
Definitions; editorial and technical changes, 59590
Definitions; rural area, 52836, 52837
Funding priorities; special conditions, 54421
Maximum adjusted income for low-and moderate-income families; State list, 51621
Truth-in-lending; disclosure statements and right to rescind, 47477

Proposed Rules

Applications, receiving and processing; privacy of personal information; social security numbers as identification, 54429
Bank accounts, supervised; Treasury loan disbursement system, 49577, 52834
Environmental statements; program-related instructions, transfer and redesignation of Part, 59214
Rural housing loans and grants:
Certification of eligibility of applicants by County Committees, 58151
Mortgage insurance programs, State; definitions, etc., 95447
Rural areas eligible for financial assistance, list of areas with population between 10,000 and 20,000, 58657
Surety bonds; planning and performing development work, 53269

Notices

Business and industrial loans; insured interest rates, 59757
Disaster areas:
Iowa, 58672
Louisiana, 46337, 47528, 48956, 48957
Maryland, 55880
Minnesota, 53608
Montana, 47528
Nebraska, 45453
New Jersey, 50739
New York, 59757
North Carolina, 57700
North Dakota, 45453, 53049, 57701
South Dakota, 49811, 59758
Texas, 51677, 53049, 59758
Vermont, 55880
Washington, 58876
Wisconsin, 51678, 58672

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:
Aer Pegaso & Carmam, 50705
Air Cruisers Co., 57665
AiResearch, 48499, 48907
Alexander Schleicher Segelflugzeugbau, 50706
Avco Lycoming, 48907
Beech, 48908, 54239, 54769, 56883, 57783
Bell, 48499, 57783, 57784
Boeing, 45802, 50706, 52607, 52608, 52720, 53001, 53002, 53995, 55635, 55636
British Aircraft Corp., 51415, 58130, 58623
Britten Norman Ltd., 49768, 53003, 57352, 58128
Canadair, 53379
Caproni Vizzola Costruzioni Aeronautiche S.p.A., 53003
Cessna, 51997, 52717, 55637
DeHavilland, 54239, 57666
Detroit Diesel Allison, 48908
Douglas, 46303
Enstrom, 48500, 49092, 59197
General Electric, 49093
Glasflugel, 49094
Grumman, 49093, 57444
Hawker Siddeley Aviation Ltd., 53003, 53231, 58284, 58623
Hughes, 48909
Learjet, 52721
LET N.P. Blanik, 45802
Litton Systems, Inc., 49769
Lockheed, 53380
Lockheed Aircraft Service Corp., 57784
Lycoming, 59198
Martin, 57785
McCauley Propellers, 53548, 53549
McDonnell Douglas, 49768, 50519, 54769
Messerschmitt-Bolkow-Blohm, 46097
Mooney, 51996
Morane Saulnier (Socata), 47103, 49094, 57785
Pilatus Aircraft Ltd., 58129, 58623, 59198
Piper, 45420, 48910, 52721, 56652, 59199, 59721, 59722
Pressed Steel Tank Co., 49769
Rockwell, 49567
Scheibe Flugzeugbau, 50706, 58128
Scottish Aviation Ltd., 58129
SIAI Marchetti, 45802, 48118, 48500, 49769

Sikorsky, 49770, 54424, 56883, 57353, 58848, 58849
Slingsby Sailplanes, 51416
Societe Nationale Industrielle Aerospatiale, 46097, 48501, 48911, 53549, 57353, 58623
Certification and operations:
Animals, transport aboard aircraft, stowage of containers; revoked, 49095
Ground proximity warning systems; exemption for air taxis, etc., 57444
Ground proximity warning systems; exemptions for large aircraft, 50707, 55313
Certification procedures for products and parts; exhaust emissions, smoke; EPA standards, 55311
Control areas, 50025, 55829
Control zones, 45158, 45420, 46304, 46306, 47481, 48119, 48501, 49094, 49095, 51033, 53231, 53380, 53995, 54240, 55638, 57203, 57204, 57353, 57666, 57785, 59448, 59722, 59723
Exhaust emissions, smoke, EPA standards; FAA participation in testing, 55311
Hazardous materials; carriage on cargo-only aircraft as only means of transportation, 58284, 58850
Hazardous materials, transportation of; inspection requirements and radiation monitoring; revocations, 57667
Hazardous materials, transportation of; revocation of authority to deviate, 48466
IFR altitudes, 52224
Jet routes, 46306, 47482, 50025, 51622, 55830, 56652, 56884, 58850
Operating and flight rules, general:
Exhaust emissions, smoke; EPA standards, 55311
Procedures:
Exhaust emissions, smoke; EPA standards, 55311
Reporting points, 50025, 51622
Restricted areas, 45804, 46097, 48501, 50025, 57354
Standard instrument approach procedures, 45421, 48120, 49568, 50520, 51622, 51623, 53004, 53996, 55312, 57204, 57666, 58625, 59724, 60040
Transition areas, 45420, 45803, 45804, 46304, 46305, 46306, 47104, 47481, 47482, 48118, 48119, 48120, 48501, 48911, 49094, 49095, 49567, 50257, 51416, 51997, 52608, 52722, 53231, 53232, 53549, 53550, 53995, 53996, 54006, 54007, 54239, 54429, 55638, 56423, 56424, 56884, 57203, 57204, 57354, 57444, 57784, 57785, 58131, 58849, 58850, 58863, 59199, 59722, 59723
VOR Federal airways, 45803, 45804, 46097, 46304, 47104, 47481, 48118, 51416, 51622, 53232, 54425, 55829, 56884, 57353, 58624, 59722

Proposed Rules

Air taxi operators et al.; landing minimums; withdrawal of proposal, 59745
Airports, National capital; motor vehicles carrying passengers for hire on Washington National and Dulles International airports, 49577
Airworthiness directives:
Alouette, 50726
Bell, 46320, 48519, 59221
Boeing, 53269, 54260, 57811, 59221
Cessna, 53044
Douglas, 53406
Hawker Siddeley Aviation, Ltd., 46320, 46321, 51202
Lockheed, 50544, 50545
Lockheed-California Co., 52744
Sargent Industries, 53044
Societe Nationale Industrielle Aerospatiale, 48519
Airworthiness review program; aircraft, engine, propeller; extension of time, 47794
Area high routes, 52409
Certification and operations:
Landing minimums; withdrawn, 59745
Rotorcraft external-load operations, 54188
Control areas, 48939, 49100
Control zones, 45846, 46321, 53270, 56919, 57811
Hazardous materials, transportation of; inspection requirements and radiation monitoring, 57688
Hazardous materials shipments, 45197
Jet routes, 45192, 48939, 49577, 53406
Noise abatement and control standards; subsonic transport category large airplanes, 59447
Noise abatement and control standards; subsonic transport category large airplanes and turbojet powered airplanes, 51476
Operating and flight rules, general:
Landing minimums; withdrawn, 59745
Rotorcraft external-load operations, etc., 54188
Operations review program; conference agenda, etc., 48699
Operations review program; editorial changes, 57342
Restricted areas, 53045, 59448
Technical standard order authorizations; deletions, terminations, 57222
Transition areas, 45846, 46116, 47141, 48141, 48142, 48520, 49101, 49794, 50099, 50726, 51058, 51481, 52051, 52052, 52053, 53270, 53271, 53406, 53594, 54006, 54007, 54587, 55664, 55665, 56919, 57368, 57811, 58863, 58864, 59222
Transport category airplanes; type A passenger emergency exit capacity seating configurations, 59354
VOR Federal airways, 45846, 50025, 51655, 52053, 52409, 53045, 53270, 54429, 55866, 57369, 58864

Notices

Advisory circular checklist and status of Federal aviation regulations, 50218
Air traffic control tower, Marion, Ill.; commissioning, 51681
Committees; establishment, renewals, etc.:
Aeronautics Radio Technical Commission, 57830
Air Traffic Procedures Advisory Committee, 51681
Meetings:
Aeronautics Radio Technical Commission, 58679, 59234, 59368
Air Traffic Procedures Advisory Committee, 59772
Microwave Landing System Advisory Committee, 59235
Obstacle Clearance Requirements Advisory Committee, 52658
Operations Review Program Conference, 53299
Southern Region Air Traffic Control Advisory Committee, 58885
Terminal Instruments Procedures Advisory Committee, 52658
Visual Aids to Approach and Landing, Advisory Committee, 48163
Noise abatement and control; airport policy; hearings, 45864, 48961, 51492
Organization and functions:
Air Transportation Security Field Office, Tucson International Airport, Ariz.; relocation to Phoenix, Ariz., 51681
Airports District Office and Airway Facilities Sector, Lansing, Mich.; relocation, 54285
Flight standards district office, Las Vegas, Nev.; jurisdictional change, conversion, 49122

FEDERAL BUREAU OF INVESTIGATION

Notices

Meetings:
National Crime Information Center Advisory Policy Board, 52068

FEDERAL COMMUNICATIONS COMMISSION

Rules

Accounts, uniform system; telephone companies class A, B, and C; income tax differentials, 52725
Amateur radio service:
Canadian applicants for radio station operation; elimination of U.S. address requirement, 58148
License renewal, 59441
Remotely controlled and associated stations, applications; deregulation of showings, 54794
Repeater stations, crossband operation, 53032
Aviation services:
Emergency communications requirements, aeronautical, 57675
Cable television:
Cross-ownership, prohibited; divestiture requirements; extension of time, 50276
Cross-ownership, prohibited; divestitute requirements, 57361
Network program exclusivity protection, 50036
Petitions for special relief, etc., 54794
Sports programs, carriage, 53027
Subscription cablecasting; series type programs, 52731
Surveys showing significantly viewed stations, 48928
Citizens radio services:
Canadian applicants for radio station operation; elimination of U.S. address requirement, 58148
Domestic public radio services:
Application processing, etc.:, 47496, 49780
Application processing, etc.:, 53398
Land mobile channel allocations, 49779
Experimental broadcast service:
Radio and television broadcasting; re-regulation, 54791
Experimental radio service:
Application procedures and operators requirements, 60033
FM broadcast stations; table of assignments:
Alabama, 51040, 59440
Alaska, 59440

Arizona, 59440
California, 49332, 49335, 51039, 51441, 52028, 55644, 58858, 59440
Colorado, 59440
Delaware, 49338
Georgia, 59596
Illinois, 52029, 54791
Indiana, 52029, 54251, 54791, 59440
Iowa, 49335
Kansas, 49335
Kentucky, 59440
Louisiana, 51039, 59440
Maryland, 49780
Michigan, 49332, 49335
Minnesota, 52729, 59440
Missouri, 49332, 59440
New Jersey, 49338
New York, 49337, 59440
Ohio, 49335
Oklahoma, 49338, 59440
Oregon, 54251
South Carolina, 49332, 49336
Tennessee, 49332
Texas, 49335, 59440
Virginia, 49333, 49339, 54251
Washington, 49333
West Virginia, 49333
Wisconsin, 58147
Freedom of information, 59439
Frequency allocations and radio treaty matters:
Land mobile channel allocations, 49779
Microwave service, private operational-fixed, 53393
Terrestrial services, 48922
Vessel traffic services; Ports of New York and New Orleans, 57673
Industrial, scientific, and medical equipment:
Land mobile channel allocations, 49779
Industrial radio services:
Business radio services off-set frequencies, permissible use, 57682
Emergency communications plan, 57684, 58306
Land mobile channel allocations, 49779
Petroleum geophysical operations frequencies; correction, 58455
Petroleum radio service; tone and impulse signaling, 59742
Land transportation radio services:
Editorial changes, 58147
Land mobile channel allocations, 49779
Maritime services, land and shipboard stations:
Marine radar equipment, demonstration provisions, 53592
Public ship station licenses applicants, eligibility requirements, 49781
Vessel traffic services; Ports of New York and New Orleans, 57673
Microwave radio service, private operational-fixed, 53393
Organization and functions:
Cable Television Bureau Chief, authority delegation, 57359
Chicago Regional Office, transfer to Safety and Special Radio Services Bureau, 49778
Chief, Broadcast Bureau, 45823
Chief, Common Carrier Bureau, 50035, 58306
Editorial changes, 51441
Field office location, address change, etc., 52724
Practice and procedure:
Air mail service of documents, 55644
Broadcast applications, form 303, children's TV, 53026
Broadcast licensees and public, agreements; policy statement, 59730
Chicago Regional Office, transfer to Safety and Special Radio Services Bureau, 49778
Copies of pleadings, briefs, and other papers; number filed with Commission, 48135
Copies of pleadings, petitions, etc.; number filed with FCC; FM and TV table of assignments, 53393
Editorial amendments, 51441
Environmental Policy Act, National, 1969; implementation, 53391
Plan and Policy Office Chief,et al.; listing as decision making personnel in FCC proceedings; correction, 47136
Radio and television broadcasting; re-regulation, 54791
Radio operator license application, 52724
Privacy Act; implementation, 58858
Public safety radio services:
Editorial changes, 58147
Local government radio service; radio call box systems, 48136
Radio broadcast services:
AM station assignment standards, 48349, 54251
Children's TV; sponsorship and commerical content, 47136
Educational, noncommercial stations; retention of audio recordings, 59736
Re-regulation of radio and television broadcasting, 54791
Subscription cablecasting; series type programs, 52731
Television and FM stations renewal applications; field strength, curves, and measurements; contours; temporary suspensions, 52730
Radio frequency devices:
Television tuning, UHF, detented; accuracy standard; effective date extension, 53591
Telephone network; connection of terminal equipment:
Message toll telephone service (MTS) and wide area telephone service (WATS), interstate and foreign; classes, 53013
Television broadcast stations; table of assignments:
California, 51038, 59440
Florida, 59597
Oklahoma, 57360
Tennessee, 51043
Washington, 53399

Proposed Rules

Amateur radio service:
License, operator's; volunteer examiners, submission of copies of own license with written examinations, 59602
License renewal and modification, 59453
Aviation services:
Aeronautical utility mobile stations; availability of air traffic control frequencies, 52745
Flight test, utilization of frequencies assigned, 48380
Cable television:
Channel capacity and access channel requirements; extension of time, 52054
Citizenship restrictions and diversification of control, 48946, 54587
Definition; classes of systems; inquiry; extensions of time, 55868, 58866
Relay service; television translator stations, microwave, 47522
Signal strength contours; extension of time, 47521, 53407
Experimental broadcast service:
Television translator stations, microwave relay service; extension of time, 47522
FM broadcast stations; table of assignments:
Colorado, 52053
Illinois, 48945
Iowa, 54261
Missouri, 48525, 48945
Montana, 48945
Nebraska, 54261
New Hampshire, 45850
North Carolina, 48945
Ohio, 48974
Oregon, 53597
Vermont, 45850
West Vrginia, 48945
Wisconsin, 51482
Frequency allocations and radio treaty matters:
Aeronautical utility mobile stations; availability of air traffic control frequencies, 52745
Flight test, utilization of frequencies assigned, 48380
Local government radio service; transmission of information to travelling public; extension of time, 49798
Industrial radio services:
Motor carriers, intra-urban passenger; frequency loading criteria, 57369
Transmitter power, frequency, and measurement specifications, annual measurement, etc., 52857
Land transportation radio services:
Transmitters power, frequency, and modulation specifications, annual measurement, etc., 52857
Maritime services, land and shipboard:
Marine-utility services; locality restrictions and capability, 58322
Maritime services, land and shipboard stations:
Cargo vessels, new, 1600 gross tons and upwards; exemption from radiotelegraph and radio direction finding provisions, 51059
Mobile satellite service, conformance with Geneva code, 45850, 51483
Organization and functions:
Adjudicatory re-regulation; procedural reforms, 54436
Practice and procedure:
Adjudicatory re-regulation; procedural reforms, 54436
Public safety radio services:
Local government radio service; transmission of information to travelling public, 49798
Motor carriers, intra-urban passenger; frequency loading criteria, 57369
Police emergency communications channel, Nationwide; extension of time, 47522
Transmitter power, frequency, and modulation specifications, annual measurement, etc., 52857
Radio broadcast services:
Antennas, directional; radiation patterns, 54826
Audience ratings, distortion; extension of time, 51481

INDEX

XUM

Billing practices, fraudulent; extension of time, 51483
Contest practices; extension of time, 51481
Emergency messages on television; visual captioning, 60080
Nondiscrimination; broadcast licensees; inquiry; extension of time, 49799, 51482
Program logs; AM, FM, and TV stations; extension of time, 51482
Promotional announcements; logging inquiry; extension of time, 50546
Standard broadcast band; clear channel; inquiry, 58467
Radio frequency devices:
Wide-band swept RF equipment; operation as anti-pilferage devices; inquiry, 48942
Telephone network, connection of terminal equipment:
PBX, key telephone systems, and main station telephones, 53045
Television broadcast stations; table of assignments:
California, 53596
Iowa, 55367
Maryland, 59451
Nebraska, 59601

Notices

Billing, fraudulent; broadcast licensee verification of station invoice accuracy, 48167
Broadcast stations; automatic transmission systems; extension of time, 46157
Cable television annual reporting form; extension of due date, 59480
Canadian broadcasting stations, 45872, 58492, 58493
Citizens band stations; Commission request to highway travellers to reduce use of channels adjacent to emergency Channel 9, 49402
Citizens class D (CB) radio transmitters licensees and operators; good practices, 50562
Committees; establishment, renewals, etc.:
Aeronautics Radio Technical Commission, 55387
Aeronautics Radio Technical Commission; sponsorship assumed by FAA, 59481
Marine Services Radio Technical Commission, 58891
Communications common carriers:
Domestic public radio services; applications accepted for filing, 47212, 47534, 49402, 49820, 51087, 52091, 54463, 55388, 56478, 57003, 58892, 59479
Interconnection, wireline telephone companies and radio common carriers; meeting, 54464, 59619
Domestic private line service; press use, preferential rates; investigation, 55386
Emergency broadcast system; closed circuit test, 60112
FM and TV broadcast applications ready and available for processing, 46344
FM and TV translator applications ready and available for processing, 52883, 57838
FM stations, short spaced, agreements between; policy statement, 58893
Intergovernmental Maritime Consultative Organization; recommended operational standards for certain equipment; inquiry, 54867
Maritime mobile correspondence frequencies; inquiry, Canada/United States channelling arrangements, 51494
Meetings:
Aeronautics Radio Technical Commission, 53077, 53078, 55387
Broadcast Bureau Service Groups, 53422
Industry Advisory Committee, National, 54608
Joint Industry/Government Committee, 47214, 48548, 55901
Marine Services Radio Technical Commission, 51087, 53624, 55901, 57386, 60112
PBX Technical Standards Subcommittee Task Groups, 47214, 60112
Radio Technical Commission for Aeronautics, 48392, 49406
Mexican broadcast station notification list; correction, 45229
Organization and functions:
New York Field Office; changes in telephone numbers, 51501
Overseas communications facilities; future licensing policy; inquiry, 50129, 54607
Privacy Act; systems of records, 46075, 49566, 51176
Program log analysis; 1976 composite week dates for commercial television licensees, 54291
Radio broadcast stations and musical format service companies; subscription agreements; termination of proceeding, 55383, 57386
Sports events; professional golf broadcast system, radio service transmission; inquiry, 51090
Standard broadcast applications ready and available for processing, 45872, 48167, 50562, 53624, 58891
Telegrams, letter; special rates, abolition; inquiry, 49124
Telephone directory, FCC, new; availability, 54607
Television, VHF translator applications, 49600
Television programming; foreign stations, non-interconnected distribution; inquiry; extension of time, 55902
Television programming exclusivity; inquiry, extension of time, 45873, 51083, 52092
Television table of assignments, VHF stations; inquiry extension of time, 45873
World Administrative Radio Conference, 45872, 46157, 47539, 48166, 48975, 52758, 53077, 53421, 54464, 54862, 55387, 55388, 58169, 59480, 59481, 59778, 60111, 60112

Hearings, etc.:

All America Cable & Radio, Inc. et al., 47536
American Broadcasting Companies, Inc. et al., 50309
American Telephone & Telegraph Co., 45464, 50559, 51500, 58491
Answering Exchange, Inc., 54862
Aspen Institute Program on Communications and Society et al., 52084
Belote, James H., 53074
Broadcasters & Publishers, Inc., et al., 57714
Cable TV of Durango, Inc., 45871
CBS Inc. et al., 57000, 58493
Cooper, Lee J., et al., 57715
Country-Politan Broadcasting, Inc. et al., 46155, 60111
Gainesville Media, Inc. et al., 51500
George E. Cameron Jr. Communications, et al., 54862
Gilbert Broadcasting Corp. et al., 50124
International Record Carriers, 50561, 54870
Jersey Shore Broadcasting Corp. et al., 51501
Lincoln Television, Inc. et al., 57384
Maranatha, Inc., et al., 51083
Maranatha, Inc. et al., 49404
MCI Telecommunications Corp., 58496
Mid-State Broadcasting Co., 48964
Mountain Microwave Corp., 53075
National Cable Television Association, et. al., 48392
Norjud Broadcasting, Inc., 46156
Northwestern Indiana Broadcasting Corp., 48970
Oliva Broadcasting Co., 57004
Owens, Dale A. et al., 51084
Red Carpet Flying Service et al., 57006, 58170
Rocket Radio, Inc. et al., 50132, 50305, 50308, 53421
Ryder, Robert F., d/b/a Radio Paging Service et al., 49124
Sharp, Harold James, et al., 50126, 50308
Sherwood, J., Inc. et al., 50127
Sowell Aviation Co. Inc., et al., 45228
Teebe Broadcasting Corp. et al., 50312
United Broadcasting Co. et al., 51501

FEDERAL CONTRACT COMPLIANCE OFFICE

Rules

State and local requirements for federally-assisted construction:
St. Louis plan; extension of time, 59730

Proposed Rules

State and local requirements for federally-assisted construction:
Washington, D.C., extension of time, 54005

FEDERAL COUNCIL ON THE AGING

See Aging, Federal Council.

FEDERAL CROP INSURANCE CORPORATION

Rules

Crop insurance, designated counties in certain States:
Apples, 52592
Barley, 52585, 55307
Beans, dry, 52586
Beets, sugar, 52590
Citrus, 52592, 52593
Corn, 52339, 52585, 52715, 55307
Flax, 52585, 52587, 55307
Oats, 52585, 52587
Oranges, 52592
Peaches, 52592
Peanuts, 52588
Peas, canning and freezing, 52588
Peas, dry, 52588
Raisins, 52592
Rice, 52588
Rye, 52585
Soybeans, 52585, 52589, 52715, 55307
Tobacco, 52591, 52715
Tomatoes, 52592
Wheat, 52585

Notices

Crop applications; extension of closing dates:
Barley, 53283
Cotton, 59461
Grapes, 51488
Oranges, Calif., 45861
Rice, 59461
Wheat, 51488, 53283

FEDERAL DEPOSIT INSURANCE CORPORATION

Rules

Assessments, classification of deposits by profit-making organizations, 57209
Time deposits, penalties for withdrawal before maturity, 57664, 58848
Conduct standards; misuse of information, etc., 48499
Interest on deposits:
Individual retirement accounts, 57778
Savings deposits by profit-making organization, 46301, 47757
Practice and procedure:
Applications, requests, and submittals; authority delegation to Director, Bank Supervision Division, 58128, 59322
Privacy Act; implementation, 46274
Securities of insured State nonmember banks, 47346
Transfer agents; registration, 50508

Notices

Insured banks; joint call for report of condition, 47214
Insured banks; joint proposal for revision of report of condition and report of income, 46399
Privacy Act; systems of records, 46288, 49935, 52092, 56479

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Rules

Administration; grants, individual and family; National eligibility criteria, 58450

Notices

Authority delegations:
Federal Coordinating Officer, Penna.; appointment, 54277
Federal Coordinating Officer, W.Va.; appointment, 47818
Disaster areas:
Alabama, 41817, 48163, 48960
Alaska, 59472
Florida, 45462, 47166
Hawaii, 58166
Maryland, 47818, 48707
Michigan, 47166
Montana, 52429
New York, 47818, 49122, 50120, 52429, 55694
Ohio, 47166
Oklahoma, 58884
Pennsylvania, 45463
Washington, 58885

FEDERAL ELECTION COMMISSION

Proposed Rules

Advisory opinion procedure, 54547, 54592
Campaign expenditures and contributions; allocation procedures; inquiry, 45297
Campaign funds, Federal:
Candidate and committee activities, allocation, 51610, 53159, 54828
Campaign funds, Federal; public financing of conventions:
Compliance procedure; hearing, 54592
Expenditures, limitations, 51348, 54592
General provisions; definitions, etc., 51348, 53159, 54592
Payments from fund, entitlement to and disposition, 51348, 54592
Post-disbursement procedures, 51348, 54592
Presidential nominating conventions, payment procedures, 51348, 54592
Disclosure regulations; hearings, 47146
Presidential primary matching funds; definitions, eligibility for payments, etc., 47688, 48700, 50729
Subpenas, 47688, 54592

Notices

Advisory opinion requests, 45293, 49066, 51354, 51355, 51612, 52796, 55827, 57349, 58394, 59311, 60165
Advisory opinions:
Administrative costs incurred by corporation, 58802
Agent's fees, coverage by honorarium limitations, 60162
Attorney or accountant fees, 51351
Campaign debt, 1972, and 1973-74 deficit in office expense account, solicitations for fund-raising, 52794
Chairman and treasurer of campaign committees; use of names on billboard signs, 52794
Charity or scholarship fund contribution by organization in lieu of honorarium to Federal officeholder, 60165
Committees to receive and expend Federal and non-Federal funds, separate, 60162
Contractors' contributions to non-Federal candidates or for non-Federal political purposes; application 18 USC 611, 60162
Contributions and expenditure limitations in State elections, 58802
Contributions by local political parties, limitations, 51351
Contributions by spouses and individuals connected with Government contractors, 55596
Contributions from immediate family for Senate campaign, 58392
Contributions from nonprofit incorporated organizations of professionals, 58392
Contributions in non-election years, 51351
Contributions to political party, 55596
Conventions, pre-primary nominating, as part of primary election process, 60162
Corporate contributions, acceptance for non-Federal purposes, 53722
Corporate contributions for non-Federal purposes, acceptance, 56588
Corporate contributions proscription, scope, 58392
Corporate contributions to political committees supporting State and Federal candidates, 52794
Debts, campaign, owed to corporations, settlement, 60162
Debts repayment, 1974, attribution to 1980 election limits, 60162
Delegate to National nominating conventions, candidate, 55596
Entertainers' volunteer services, for campaign fund-raiser, attribution of travel expenses, 55596
Excess funds raised to pay 1974 campaign debts, use and reporting, 57756
Expenditures of corporate funds by Host Committees for benefit of National political party, 49883
Expenditures on behalf of candidate; transfer from principal campaign committee to State political party, 45295
Fund-raising costs, reporting and allocation, 55596
Fund-raising dinner expenses, payment by contributors, 52794
Fund-raising exemption, 53722
Fund-raising in 1976 to retire 1974 campaign debt, 57756
Funds to retire 1974 campaign debts without specific authorization of contributors, use and reporting, 55596
Funds transfer from State to Federal campaign committee, 53722
Honorarium limitations to acceptance of award, 58392
Honorariums; date when received, 58392
Honorariums to Federal officeholders appearing at non-Federal fundraiser, 58397
Inter-political committee contributions, reporting requirements, 47691
Investment or savings deposits of contributions or other receipts, 47691
Multicandidate committee assistance to pay off candidate's past campaign debt, 52794
Multicandidate committees, 53722
Multicandidate committees, limitations on contributions, 55596
Newspaper subscription and travel expenses, use of campaign funds for, 51351
Office equipment, Congressional use of excess campaign funds to purchase, 51611
Petition effort nomination, contribution limitations, etc., 58392
Political Action Committee, status; Committee for Thorough Political Education, 45292
Political Action Committee, status; Committee for Thorough Political Education correction, 53422
Political Action Committees, etc., establishment, 56585
Political committee supporting former candidate for Presidency, status and activities allowed, 51351
Post-election contributions to single candidate committee, 51611
Raffles fundraiser for Federal candidates, 58802
Retired loans; effect respecting contribution limitations, 57756
Royalties, 51611
Senatorial campaign funds, excess, deposited with NRSC, contribution limitations, 51351
Televised appearance of member of Congress, fee, 57756
Television show expenses, 60162

Travel for party purposes, contribution and spending limits, application; Presidential candidates, 56588
Forms for candidates, committees, and others; samples; inquiry, 57948
Index of Federal Register notices, 58234
Meetings:
Clearinghouse Advisory Panel, 59779
Presidential primary matching funds, interim guidelines, 47691
Public records; statements and reports filed from Jan. 1, 1975 to Sept. 15, 1975; index, 49682
Receipts and expenditures, annual report; interim guidelines, 58617

FEDERAL ENERGY ADMINISTRATION

Rules
Administrative procedures and sanctions:
Wholesale purchaser-reseller's base period adjustments, 48111
Allocation and price rules, general:
Stripper well lease exemption; effective date extension, 52841
Mandatory petroleum allocation regulations:
Crude oil supplier/purchaser relationships, 54422
Crude oil supplier/purchases relationships, 49297
Definitions, petrochemicals, 48340
Gasoline; supplier/purchaser relationships, 47477
Refiners buy/sell program, 47478
Wholesale purchaser-reseller's base period adjustments, 48111
Mandatory petroleum price regulations:
Aviation fuels, retail sales; markup, 57439
Gasoline; markup on retail sales to reflect increased non-product costs, 54561
Propane; markup reflecting increased non-product costs, 47755
Service station rents; revocations, guidelines, 60036
Oil import regulations:
Licenses, sale of, 59195
Reporting requirements; elimination, 52353
Privacy Act; implementation, 45609
Rulings:
Mandatory petroleum price and allocation regulations during September, 1975 application, 48341
Natural gas shrinkage; increased costs, 55860
Transportation costs where transportation is provided by firm concerned; correction, 51414

Proposed Rules
Administrative procedures and sanctions; coal:
Appeals and exceptions procedures; timeliness, 50107
Administrative procedures and sanctions; oil:
Appeals and exceptions procedures; timeliness, 50107
Temporary stay relief; authority to grant, 48381
Allocation and price rules, general:
Stripper well lease exemption beginning Nov. 30, 1975, extension, 49799
Canadian crude oil, mandatory allocation, 54587
Mandatory petroleum allocation regulations:
Drug manufacturing use of naphthas, gas oils, and other products, 47803
Reporting, monthly system; refiners or other operating firms, 59602
State set-aside program termination; hearings, 48975
Mandatory petroleum price regulations:
Aviation fuels, retail sales markup by fixed base operators, 45447
California heavy crude oil, gravity price differential adjustments; withdrawal, 54263
Gas plant operations, 49105
Gasoline service station rents, freeze modifications, etc., 47147
Pricing, increased flexibility; hearing, 49372, 51656
Service station rent; withdrawn, 60036
Oil import regulations:
Reporting requirements, elimination, 48948

Notices
Appeals and applications for exception, etc.; cases filed with Exceptions and Appeals Office, 58893, 59418
Beverage container deposit, mandatory, legislation; economic and energy impact study; availability, 48976, 53422
Committees, establishment, etc.:
Construction Advisory Committee; charter amendments, 48716
State Regulatory Advisory Committee, 48717
Consumer representation plan; proposed, 55237
Curtailed energy users; alternate fuels adjustment and assignments; guidelines, 54870
Environmental statements; availability, etc.:
Natural Gas Emergency Standby Act of 1975; inquiry, 54464
Meetings:
Coal Industry Advisory Committee, 46344
Consumer Affairs/Special Impact Advisory Committee, 45229, 50134, 50749, 55903, 59779
Electric Utilities Advisory Committee, 53625
Environmental Advisory Committee, 53625
Food Industry Advisory Committee, 53625, 56409, 58895
Northeast Advisory Committee, 48716, 50749
Power plant productivity conference, 55902
Retail Dealers Advisory Committee, 46345
State Regulatory Advisory Committee, 48976, 53625, 59779
Wholesale Petroleum Advisory Committee, 50749, 52884, 54608
National utility residual fuel oil allocation; supplier percentages:
December, 57416
November, 50942
October, 46222
Natural gas:
Synthetic, facility; allocation of feedstock; petition for assignment of base period volume and supplier, 52759, 56967
Oil imports:
Canada; extension of licenses through April 30, 1976, 48548
Supplemental fees, collection; July and August, 45229
Oil Shale Corp.; consent order, inquiry, 58686
Old oil allocation program; 1975; entitlement notices:
August, 48714
October, 58620, 60110
September, 54465, 57242
Power plant productivity conference, hearings, 45230, 49601, 52759, 53624
Refiners buy-sell list; crude oil allocation, 53304
Refiners buy-sell program; emergency amendment; hearing cancelled, 49406
Transportation Advisory Committee, 58345

FEDERAL HIGHWAY ADMINISTRATION

Rules
Bridge toll procedures; hearing by affidavit, 55645
Engineering and traffic operations:
Bikeways and walkways in conjunction with Federal and Federal-aid programs; redesignations, etc., 53730
Certification acceptance; grants, benefits, contracts, 53728
Contract provisions, required; Federal-aid contracts (Appalachian), 49084
Design standards; Federal-aid highways, 53728
Preconstruction procedures; Federal-aid programs approval and authorization, 57799
Preconstruction procedures; project agreements, 55639
Environmental impact and related statements:
Procedural clarification; interim guidelines, 60052
Equal employment opportunity on Federal and Federal-aid highway construction contracts, 57358
Equal employment opportunity on Federal and Federal-aid highway construction contracts; external programs; minority business enterprises, 50712
Motor carrier safety regulations:
Brake tubing; coiled nylon, 49340
Bureau of Motor Carrier Safety operations manual publication, 50671
Hazardous materials; drivers transporting in intrastate commerce; exemptions, 54796, 58858
Heaters, catalytic, 51198
Tires; overloading or underinflating, 52851
National Highway Institute; education and training programs, 58633
Organization and functions:
Division Engineer, title change to Division Administrator, 45805
Planning:
Program management and coordination, OMB circular A-95, 53726
Transportation improvement program, 57799
Right-of-way and environment:
Acquisition functions; land service facilities; interim guidelines, 53236, 55643
Highway beautification; outdoor advertising control; correction, 49777
State highway safety programs; uniform standards, 53730

Proposed Rules
Engineering and traffic operations:
Speed limits; vehicle size and weight, State certification, 54812
Motor carrier safety regulations:
Braking effort, front-wheel, automatic devices for reducing, 48520, 57369

Hazardous materials; occupational safety and health statutory enforcement and applicability; extension of time, 48520
Planning:
Interstate highway system; disposition of Federal funds previously committed to segment withdrawn, 53352
Right-of-way and environment:
Highway beautification; signs, directional and official; National standards; inquiry, 58312, 60075

Notices
Federal-aid highway program; directives, 53759, 53957, 54110
Highway safety program; approval policy revision; agreement with NHTSA, 54022
Meetings:
Uniform Traffic Control Devices, National Advisory Committee, 58489

FEDERAL HOME LOAN BANK BOARD

Rules
District of Columbia savings and loan associations and branch offices:
Deletion of Subchapter, 49312
Federal home loan bank system:
Limitations on rate of return; early withdrawal penalty; waiver, 59590
Limitations on rate of return; individual retirement accounts; minimum amount restrictions on certificates, 57664
Members of banks; investment classification, clarification, 59424
Operations; charitable donations, 46302
Organization of banks; Neighborhood Reinvestment Office, 57442
Federal Savings and Loan Insurance Corporation:
Definitions; checking accounts, insured, 46094
Definitions; investment classification, clarification, 59424
Early withdrawal penalty; waiver; operations, 59590
Individual retirement accounts; minimum amount restrictions on certificates; operations, 57664
Merger, consolidation, or purchase of bulk assets; operations, 59322
Operations; checking accounts, insured, 46094
Operations; nationwide lending, 46303
Policy statements; checking accounts, insured, 46094
Policy statements; insurance agencies, usurpation of corporate opportunity, 57779
Receivers for insured institutions other than Federal savings and loan associations; checking accounts, insured, 46094, 52717
Settlement of insurance; checking accounts, insured, 46094
Federal savings and loan system:
Charter and bylaws; Federal Savings and Loan Associations; votes per member, 49311
Definitions; District of Columbia Associations, 49310
Definitions; installment loans, 51415
Definitions; interest rate adjustments, 51414
District of Columbia Associations, operations, 49310
Drive-in facilities; operations, 47103
Early withdrawal penalty; waiver; operations, 59590
Individual retirement accounts; minimum amount restrictions on certificates; operations, 57664
Insurance agencies; usurpation of corporate opportunity; operations, 57779
Merger, dissolution, reorganization, and conversion; procedure, effective date, 59322
Mobile facilities, operations, 58848
Rulings; borrowings members, 52353
Rulings; drive-in facilities, 47103
Rulings; insurance agencies, usurpation of corporate opportunity, 57779
Satellite offices; operations, 59196
Organization and functions; authority delegations, 59422

Proposed Rules
Federal Savings and Loan Insurance Corporation:
Mortgage insurance loans; correction, 46323
Policy statements; mergers, 57690
Policy statements; mortgage futures transactions, 47151
Sales commissions; operations, 54265
Federal savings and loan system:
Mobile facilities, operations, 47150
Mobile home financing; operations, 50546
Mortgage futures transactions; operations, 47149
Policy statement, branch offices and mobile facilities, locating in rural areas, 54264
Policy statements; mergers; rescinded, 57690
Rulings; borrowing members, 47150

Notices
Applications, etc.:
American Savings & Loan Association of Florida, 52092
Citadel Savings Corp., 47215
Financial Federation, Inc. et al., 50315
First Federal Savings & Loan Association; Fresno, Calif., 59481
First Financial of Virginia Corp., 49821
First Security Corp., 52436
Franklin Savings Association, 48548
Gibraltar Financial Corp. et al., 48548
Homestead Financial Corp. et al., 54613
Household Finance Co., 48548
Prudential Federal Savings & Loan Association; Salt Lake City, Utah, 59481
Security Enterprise Corp., 52436
Standard Federal Savings & Loan Association; Gaithersburg, Md., 59482
Sweetwater Savings Association, 57839
Conservator appointments:
Popular Federal Savings & Loan Association, 58170
Privacy Act; system of records, 47421

FEDERAL INSURANCE ADMINISTRATION

Rules
National Flood Insurance Program:
Areas eligible for sale of insurance, 45805, 48355, 48357, 48503, 48677, 49313, 51045, 51626, 53572, 55354, 56670, 57803, 59342, 59344
Sales of insurance and adjustment of claims; list of servicing companies, 57210
Special hazard areas, 45806, 46102, 48504, 49315, 51047, 51628, 53575, 55356, 56910, 59427
Special hazard areas; insurance purchase requirement, 56672
Special hazard areas, map corrections, 45166, 45167, 48128, 48129, 48130, 48131, 48132, 48133, 48357, 48358, 48359, 49089, 50532, 50533, 50534, 50535, 50536, 50714, 51632, 51633, 51634, 51635, 52362, 52363, 52364, 52365, 52366, 52367, 53010, 53011, 54778, 54779, 56427, 56428, 56429, 57669, 57670, 59199, 59200, 59201, 59202, 59203
National Flood Insurance Program; flood elevation determinations, etc.:
California, 54778, 56426
Florida, 45165, 53010
Iowa, 53008
Louisiana, 45166
Minnesota, 50712
Missouri, 48127
New Jersey, 51442
Oklahoma, 48128
Texas, 48126, 50713, 53008, 53009, 56426, 57668

Proposed Rules
National Flood Insurance Program; flood elevation determinations, etc.:
Delaware, 50722
Florida, 59226
Massachusetts, 53043
Missouri, 53043
New Jersey, 54811
New York, 50723
North Carolina, 59225
Oklahoma, 49099
Pennsylvania, 50724
Texas, 48362, 49099, 56459

Notices
Committees; establishment, renewals, etc.:
Insurance Development Program Advisory Board, National, 53298
Insurance Development Program National Advisory Board, 58679
National Flood Insurance Program:
Communities with special hazard areas, subject to prohibition of Federal assistance; list, 47818, 52919, 56592
Guidelines, limits of available coverage, 54277

FEDERAL LABOR RELATIONS COUNCIL

Rules
Agency policies and regulations, criteria for determining compelling need for; correction, 45417

FEDERAL MANAGEMENT POLICY OFFICE

Rules
Airfields, Federal; compatible land uses; transfer of functions, 48346
Financial management:
Grants-in-aid to State and local governments; uniform administrative requirements, 51038
Grants-in-aid to State and local governments; uniform administrative requirements, 54372

INDEX

Proposed Rules
Financial assistance; joint funding to State and local governments and private, nonprofit organizations, 59554
Property management:
Federal real property use by non-Federal activities, 54013

FEDERAL MARITIME COMMISSION

Rules
Free time and demurrage charges on import property, 52385
Tariffs, filing by common carriers by water in foreign commerce of U.S.:
Exemption, Incan Superior Co., 54790
Republication, 47770, 51440
Truck detention at Port of New York, 52385, 58146

Proposed Rules
Practice and procedure; expedition of formal proceedings; extension of time, 49579
Privacy Act; implementation, 58154
Tariffs, filings by common carriers by water in foreign commerce of U.S.:
Revenue and cost circumstances, submission of; extension of time, 52631

Notices
Casualty and nonperformance, certificates:
Xanadu Cruises, Inc., 58347
Complaints filed:
ACE Machinery Company v. Hapag-Lloyd Aktiengesellschaft, 48549, 49821
Charleston, S.C., Port of, Maritime Association v. South Carolina State Ports Authority, 49603
Cities Service International, Inc. v. Lykes Brothers Steamship Co., Inc., 54872
Commercial Solvents Corp. International, Inc. v. Moore-McCormack Lines, Inc., 54025
CSC International, Inc. v. Nippon Yusen Kaisha, 54026
E.S.B. Inc. v. Moore McCormack Lines, Inc., 51224
Gonzales, Thomas P., Corp. v. Westfal-Larsen Line, 48394
Madeplac S.A. Industria De Madeiras v. L. Figueiredo Navegacao, S.A., 51224
Perry's Crane Service v. Port of Houston Authority, 54872
Savannah Maritime Association v. Georgia Ports Authority, 49603
Sea-Land Service, Inc. v. Anchorage, Alaska, City of, et al., 53078
Trader Navigation Co., Ltd., et al. v. Columbus Line, Inc., et al., 55904
Union Carbide Inter-America, Inc. v. Venezuelan Line, 55904, 57840
Environmental statements; availability, etc.:
International Paper Co. et al.; negative declaration, 49602
North Atlantic Shipping Association Council, 57840
Pacific Westbound Conference et al., 45230, 50750
Puerto Rico Maritime Shipping Authority, 50750
Puget Sound Tug & Barge Co. et al., 52094, 60113
Freight forwarder licenses:
Aeromar et al., 59781
Air Maritime Corp., 58345
American Container Transport, Inc., 55903
Andrade, Maria Estela, 57483
Bachmann, J.H., Inc., et al., 55904
ECCA Freight Systems, Inc., 51502
Far Express Co., 58896
Forwarding Systems, Inc., 57386
Hemisphere Air Freight, Inc., 46346
International Freight Services, Ltd., 47539
Korea Express U.S.A. Inc., 51502
Negron, James L., 58346
Priester, E.H., 45476
Rebel Foxwarding, Inc. et al., 52093
Ros Forwarding, Inc., 58346
Sea-Land Service, Inc., et al., 58346
Sealift Pacific, 50317
Seaport Shipping Co., Inc., 59482
Tidewater Forwarding Co. Inc., 50318
Mail rates filing, common carriers by water, application for exemption, petition, 48717
Oil pollution; certificates of financial responsibility, 46345, 47830, 50315, 50317, 52661, 52662, 56968, 58496, 58895
Privacy Act; systems of records, 46289, 48335, 52806
Shipping Act of 1916, etc.; possible violations by U.S. Miami-Caribbean/Puerto Rico Trades; investigation and hearing, 51503
Tariff; investigation and suspension; Rico Lines, Inc., 59782
Agreements filed, etc:
A/S Thor Dahl, et al., 55904
Alabama State Docks Department et al., 52092
Alexandria Shipping & Navigation Co. et al., 56967
American Export Lines et al., 59779
American Great Lakes/Mediterranean Eastbound Freight Conference, 54873, 56724
Anchorage, Alaska, City of, et al., 54291
Associated North Atlantic Freight Conferences, 45230
Atlantic & Gulf American-Flag Berth Operators, 54609
Baltic Shipping Co. et al., 49602
Barber Lines, et al., 52759, 60113
Barber-Blue Sea Line Joint Service, 51091
Bugsier - U. Bergungs AG et al., 50750
Canadian-American working arrangement, et al.; hearings, etc., 56480
Compania Sud Americana de Vapores et al., 55903, 56724
Cruise Lines International Association, 51501
Erie-Western Pennsylvania Port Authority et al., 54609
Europe Pacific Coast rate, 54291
Far East Conference, et al., 57386
Far East Conference et al., 54609
Far Eastern Shipping Co. et al., 45475
Farrell Lines, Inc., et al., 57242
Flota Mercante Gran Centroamericana S. A. et al., 48167, 48549
Flota Mercante Grancolombiana S.A. et al., 56970
Greece/U.S. Atlantic rate agreement, 74215
Gulf/United Kingdom Conference et al., 54292
Hawaii, et al., 57718
Holmes & Narver, Inc. et al., 56410
Iberian/U.S. North Atlantic Westbound Freight Conference, 52760
Japan/Korea & Gulf Freight Conference, 47831
Japanese American discussion, 54026
Korea Shipping Corp. et al., 48717
Lake Charles Harbor & Terminal District et al., 49602
Latin American/Pacific Coast Steamship Conference, 52663
Lavino Shipping Co., et al., 48392
Long Beach, City of, et al., 54873
Lykes Bros. Steamship Co., Inc. et al., 52760, 54026, 54610, 54611, 54612
Lykes Bros. Steamship Co., Ltd. et al., 49407
Marine Cooks & Stewards Union, 49407
Matson Navigation Co., 57386
Mediterranean Force Majure, 49125
Mediterranean U.S.A. Great Lakes Westbound Freight Conference, 54612, 59782
New York Port Authority et al., 58170
New York-New Jersey Port Authority et al., 57717
Nippon Yusen Kaisha et al., 57717
North Atlantic Baltic Freight Conference, 56970
North Atlantic Discussion Agreement, 59482
North Atlantic United Kingdom Freight Conference, 59782
North Europe-US Pacific Freight Conference, 53626
O.N.E. Shipping Ltd. et al., 53626
Okinawa; bailment agreement, 52092
Orient Overseas Lines, et al., 49408
Pacific Coast River Plate Brazil Conference, 52663
Pacific-Straits Conference, 56483
Palm Beach District, Port of, et al., 48393
Philippines North America Conference, 48393
Puerto Rico Marine Management, Inc. et al., 54872
Puerto Rico Maritime Shipping Authority et al., 45873, 47216, 58497
Reederei C. Clausen A/S "Clausenlinie" et al., 50750
San Francisco Port Commission et al., 57718, 58896
Scandinavia Baltic/U.S. North Atlantic Westbound Freight Conference, 54612
Scindia Steam Navigation Co., Ltd. et al., 57840
Sea-Land Service, Inc. et al., 47831
Sea-Land Services et al., 58171
Seatrain International, S.A. et al., 53422
Seattle, Port of, et al., 47215, 57718
Tampa Port Authority et al., 53626
Tampa Port Authority et al., correction, 45231
Trans-Pacific Freight Conference (Hong Kong) et al., 48393
Trans-Pacific Passenger Conference, 52436
Transportation Maritime Mexicana, S.A., 51224
Tropicana Products, Inc., et al., 57242
Turkey/U.S. Atlantic rate agreement, 47216
U.S. Atlantic and Gulf Ports and Ports in South America, 49124
U.S. Gulf/Japan Cotton Pool, 48394, 48549
U.S. Miami Caribbean/Puerto Rico Trades, 56970
U.S. West Coast/Japan trade et al., 60114
Unigulf Lines, 53627, 54873
United States Lines, Inc. et al., 59783
Universal Alco Ltd. et al., 57243
8900 Lines rate agreement, 47831

FEDERAL MEDIATION AND CONCILIATION SERVICE

Rules
Privacy Act; implementation, 47418

Notices
Meetings:
Arbitration Services Advisory Committee, 45874, 48976
Health Care Industry Labor-Management Advisory Committee, 57719

FEDERAL METAL AND NON-METALLIC MINE SAFETY BOARD OF REVIEW

Rules
Procedures; revocation, 46309

FEDERAL PAPERWORK COMMISSION

Notices
Meetings, 52433, 54286, 59774
Privacy Act; system of records, 52974

FEDERAL POWER COMMISSION

Rules
Electric utilities:
Rate schedules, filing; fixed rate contract provisions, 56424
Rate schedules filing; rate design information, 48673
Statements and reports (schedules); annual report forms conforming with Tax Reduction Act of 1975, 49573
Statements and reports (schedules); environmental protection facilities and activities, reporting costs, 57340
Natural gas companies:
Certificates of public convenience and necessity and abandonment; applications; small producers, exemptions; rehearings, 51034
Statements and reports (schedules); annual report forms conforming with Tax Reduction Act of 1975, 49573
Statements and reports (schedules); producers' expenditures and activities; annual report form, No. 64, 58630
Statements and reports (schedules); proved domestic reserves, annual report form No. 40, 58632
Organization, operation, information, etc.:
Natural gas producers, expenditures and activities; annual report form No. 64, 58630
Policy and interpretations:
Natural gas services; enforcement of delivery, etc., 49571, 56886
Permits and licenses, preliminary; standardized conditions for inclusion, 51998
Pipeline transportation agreements; certification, 51033, 54774

Proposed Rules
Statements and reports (schedules):
Steam-electric plant air and water quality control data; Form 67, 54828

Notices
Canada, imports from; curtailment, hearing, 54470
Committees; establishment, renewals, etc.:
Gas Survey Advisory Committees, National; membership, etc., 46123, 48167, 48168, 48169, 48170, 49137, 49138, 53309, 53310, 53311, 54878, 58352, 58353, 58502
Gas Survey Technical Committees, National, 56489, 57491, 57492
Electric utilities; hydroelectric project licenses, specified reasonable rate of return, 46359
Environmental protection facilities and activities, reporting costs; FPC annual report form; correction, 57859
Environmental statements; availability, etc.:
Algonquin Gas Transmission Co., 48403
Duke Power Co., 45235
Eascogas LNG, Inc. et al., 59784
East Tennessee Natural Gas Co., 46352
El Paso Alaska Co. et al., 48550, 55392
Nebraska Public Power District, 53627
Pacific Gas & Electric Co., etc.:, 54469
Texas Gas Transmission Corp., 45235
Utah Power & Light Co., 46359
Lands withdrawn in power site classification; orders vacating, 52098, 52761, 53431, 55706
License, annual; issuance:
Parowan City, Utah, 58695
Meetings:
Finance-Technical Advisory Committee, 51097
Gas Survey Advisory Committees, National, 58897
Gas Survey Technical Committee, National, 57497, 57498
Natural Gas Survey Technical Advisory Committee, 55392
Power Survey Coordinating Committee, National, 55392
Supply-Technical Advisory Committee, 51097
Natural gas companies:
Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend, 46351, 49126, 49150, 51095, 54468, 54880, 55389, 58347
Jurisdictional sales, rates, 47582, 49139, 49822, 54467, 54615, 57243
Rate change filings, various companies, 54304, 58171, 58178, 58179, 58688
Reserves, proved domestic; report form No. 40, 49138, 50140, 51999
Reservoirs in Federal domain, investigations, 54874, 57485
Services under certificated arrangements, 57389
Small producer certificates, applications, 49129, 52437, 54469, 54616
Southern Louisiana area rate proceeding, et al., 58498
Statements and reports (schedules); interstate pipeline companies alternate fuel demands, requests for waivers of filing, etc.; Form 69 reports, 45232, 45233
Privacy Act; record systems, 52806
Hearings, etc:
, 57493
Alabama Gas Corp., 58687
Alabama Power Co. et al., 48394, 49607, 52094, 52760, 53423, 59241
Alabama Water Improvement Commission et al., 46346
Alabama-Tennessee Natural Gas Co., 49607, 50134, 53305, 53423, 57483, 59619
Alaska Packers Association, 48394
Algonquin Gas Transmission Co. et al., 46346, 47589, 48717, 49125, 49607, 50134, 50143, 50563, 51225, 52884, 53423, 54027, 56970, 58497, 58498, 59241, 59482
Amarex, Inc. et al., 57388
Amerada Hess Corp. et al., 57841, 59242
American Electric Power Service Corp., 47580, 53439, 55700, 57388
American Petrofina Co. of Texas et al., 47581
Amoco Production Co., 53305
Appalachian Power Co., 46120, 48718, 50563, 53423, 54613, 58687, 59243
Arizona Electric Power Cooperative, Inc. et al., 57842
Arizona Public Service Co., 46120, 49408, 54613, 56483, 59243
Arkansas Louisiana Gas Co. et al., 46347, 48170, 48719, 49607, 49608, 52094, 52095, 54614, 54873, 58171, 58499, 59243
Arkansas Power & Light Co., 48719, 54292
Arkansas-Missouri Power Co., 52760, 54874, 58348
Arkla Exploration Co. et al., 45231
Ashland Oil, Inc., 47581, 59243, 59482
Aztec Oil & Gas Co. et al., 46347, 48170, 49611, 52096
Baca Gas Gathering System, Inc., 49127, 54614, 56483, 57388, 57842
Baer, Alabert G., 56483
Baltimore Gas & Electric Co., 49128
Bangor Hydro-Electric Co., 47832, 53424, 59483
Barkley, Rufus Co., Jr., 56484
Belco Petroleum Corp. et al., 49128, 55700
Boott Mills, et al., 56735
Boston Edison Co. et al., 49129, 50143, 51091, 53424, 54027, 54614, 55701, 56484, 56725, 57244, 58688, 59244, 59484
Bright & Schiff, 53426
Britt, Russell W., 53312
Cabot Corp., 46120
California Co., 48394, 51226
California Department of Water Resources, 51227, 54305, 56971
Cambridge Electric Light Co., 48719, 52096, 56726
Carolina Power & Light Co., 45476, 57842, 59244
Cascade Natural Gas Corp., 52097, 53079, 57483
Cassidy, Thomas J., 53313
Central Illinois Light Co., 46347
Central Illinois Public Service Co., 51226, 58172
Central Louisiana Electric Co., 46121, 54874, 56484
Central Maine Power Co., 59619
Central Telephone & Utilities Corp., 53306
Central Vermont Public Service Corp., 51226, 51504, 58688, 58898
Chattanooga Gas Co. et al., 49130, 51226, 58499
Cincinnati Gas & Electric Co., 56726, 57842
Cities Service Co., 59244

INDEX

XUM

Cities Service Gas Co., 46347, 48720, 49608, 50135, 51091, 53079, 53427, 58349
Cities Service Oil Co., 55701
Clarke Corp. et al., 51227
Cleveland Electric Illuminating Co., 57244
Cliffs Electric Service Co., 55701
Clinton Oil Co., 56485
Colorado Interstate Gas Co. et al., 46348, 48395, 51227, 52098, 52761, 55701, 57843
Colorado River Water Conservation District, 50143
Columbia Gas Transmission Corp. et al., 49132, 50564, 52098, 52099, 52663, 53080, 54472, 54874, 55702, 56485, 56486, 57389, 58349, 58499, 58689, 59620
Columbia Gulf Transmission Co. et al., 48395, 48396, 48720, 50135, 52099, 53429, 56970
Columbia Gulf Transmission Corp. et al., 50144, 54874, 59245
Columbus & Southern Ohio Electric Co., 51093
Comision Federal de Electricidad Division Golfo Norte et al., 46134
Commercial Pipeline Co., Inc., 58689
Commonwealth Edison Co. et al., 46121, 48721, 49132, 52664, 54470, 56726, 59245
Community Public Service Co. et al., 52099
Connecticut Light & Power Co. et al., 46349, 48396, 52099, 57488, 57843, 58351, 58689, 59246, 59247, 59248
Consolidated Gas Supply Corp., 46121, 49822, 54294, 54874, 58500
Consumers Power Co., 46350, 49132, 51093, 52100, 53307, 54027, 56486, 57488, 59248
Continental Oil Co. et al., 46350, 52100, 53429
CRA International Ltd. et al., 55702
Davis, Claud Frederick, 47832
Davis, Crady, et al., 58897
Dayton Power & Light Co., 50136
Delmarva Power & Light Co., 47832, 52101, 57844
Detroit Edison Co., 49608, 51230, 54616, 57390, 57844
Devon Corp. et al., 57845
Dorchester Gas Producing Co., 48721
Duke Power Co., 46121, 50136, 51093, 51230, 52884, 53429, 54623, 55702, 56486, 57845, 58689, 59248, 59484, 59485, 59491
East Tennessee Natural Gas Co., 48721, 48722, 57390, 57489, 59248
Eastern Shore Natural Gas Co., 46352, 49609, 50136, 53080, 54617, 54875, 56486, 57845, 59248, 59249
El Paso Electric Co., 51230, 51231, 53307, 57846
El Paso Natural Gas Co., 46353, 47583, 47832, 48722, 49133, 50144, 51231, 51232, 52102, 54027, 54294, 54303, 54875, 56487, 56971, 57489, 58691, 58692, 59249
Electric Energy, Inc., 54472, 58690
Engels, Robert H., 53435
Escondido Mutual Water Co. et al., 57489, 57490
Exxon Corp. et al., 47585, 49133, 52102, 53429, 57846
Falfurrias, Tex., City of, et al., 58688
Fee, Walter F., 54875
Florida Gas Transmission Co. et al., 51093, 53081, 54028, 54295, 54617, 55703, 57390, 57490
Florida Power Corp., 58691, 58898
Florida Power & Light Co., 53430, 54028, 56487, 56726, 56971, 57847, 59249
Gas Gathering Corp., 50136
Gas Service Co. et al., 56487
General American Oil Co. of Texas et al., 58172
Georgia Power Co., 45477, 48723, 49134, 49609, 52103, 53081, 54876, 57490
Getty Oil Co., 47833, 55705, 57847
Granite State Gas Transmission, Inc., 51093, 57244, 57848, 58173, 59486
Great Lakes Gas Transmission Co., 45477, 46122, 46353, 51689, 54296
Green Mountain Power Corp., 49612, 57490, 57867
Greten, Warren A., 53314
Groome, Peter R., 58504
Gulf Oil Co., 49610
Gulf Oil Corp. et al., 55391, 56488, 56971
Gulf States Utilities Co., 55705, 58500, 59250
Hammer, Allan K., 58498
Hampshire Gas Co., 49134, 52761
Hartford Electric Light Co., 57491, 59486
Hawley, John B., Jr. Trust No. 1, 50145
Hendrix, John H., et al., 53307
High Island Offshore System et al., 46353
Holyoke Water Power Co. et al., 48550, 56488, 58350
Huffington, Roy M., Inc., 53430, 57859
Humble Oil & Refining Co., 59250
Hurcomb, Thomas J., 47833, 57864
Hurley Petroleum Corp., 54876
Idaho Power Co., 48170, 51093, 52105, 55706, 57390, 57848
Illinois Municipal Utilities Association, et al., 45477
Illinois Power Co., 47834, 52105, 54617, 55706, 56488, 57849, 58691, 59486
Independent Oil & Gas Assoc. of West Virginia, 59486
Indiana & Michigan Power Co., 48723, 53430
Indianapolis Power & Light Co., 57849, 59250
Inland Gas Co., Inc., 50145, 57849, 58500
Inter-City Minnesota Pipelines Ltd., Inc., 54617
Interior Department, acting for Southeastern Power Administration, 50142
Interior Department, acting for Southwestern Power Administration, 49408, 57866
Interstate Power Co., 52761, 52762
Iowa Electric Light & Power Co., 53430, 56488
Iowa Power & Light Co., 50137, 50145, 51232, 56726, 59491
Iowa Public Service Co., 45231, 48171, 48724, 52106, 56972
Iowa Southern Utilities Co., 52107, 54877, 56489
Iowa-Illinois Gas & Electric Co., 49610, 57850
Island Park Resorts, Inc., 52107
J & J Operating Co., 57850
Johnson, Edwin L., 55703
Kansas City Power & Light Co., 46122, 47834, 52884, 54296, 59492
Kansas Gas & Electric Co., 48724, 57491
Kansas Power & Light Co., 56489, 56728, 59251
Kansas-Nebraska Natural Gas Co., Inc., 47834, 49134, 56727, 57850
Keene, N.H., City of, 53431
Kentucky Power Co., 53308, 56972
Kentucky Utilities Co., 50146, 59251
Lake Superior District Power Co., 51689, 52107, 56973
Lawrenceburg Gas Transmission Corp., 48171, 49136, 52438, 56973, 58691, 59251
Lockhart Power Co., 56980, 59252
Long Island Lighting Co., 52107
Louisiana Power & Light Co., 49611, 58692
Louisiana-Nevada Transit Co., 52108, 53431, 54618, 56728
Louisville Gas & Electric Co., 51232, 53081, 57391
Lower Valley Power & Light, Inc., 47585
Maine Public Service Co., 58501
Marathon Oil Co. et al., 52437
McCarter, W. B., Jr., Inc., 52121
McCulloch Interstate Gas Corp., 46354, 50137, 50147, 51094, 53432, 54470, 57851, 59487, 59620
McDowell County Consumer Action Council, Inc. et al., 49137, 57851
McNeer, Charles S., 47834
Metropolitan Edison Co., 54470, 57851, 58501
Michigan Consolidated Gas Co. et al., 53432
Michigan Wisconsin Pipe Line Co. et al., 45478, 46122, 46354, 47835, 48397, 49606, 50570, 52108, 52762, 53081, 54877, 55706, 57852, 59252
Mid-Louisiana Gas Co., 56973
Middle South Services, 47586
Middle South Services, Inc. et al., 58692
Midwestern Gas Transmission Co., 46355, 54296, 54470
Minnesota Power & Light Co. et al., 46122, 47586, 48171, 48397, 48398, 48724, 50147, 50570, 52109, 54028, 57853
Mishawaka, Ind., City of, et al., 48550, 56484
Mississippi Power Co., 49612, 56973
Mississippi Power & Light Co., 55708, 58173
Mississippi River Transmission Corp., 47586, 47835, 49611, 57853, 58692, 59487
Missouri Utilities Co., 49603, 54297, 56489, 57853
Monongahela Power Co. et al., 58350
Montana Power Co., 46123, 50147, 57491, 58693
Montana-Dakota Utilities Co., 56489, 56729
Montaup Electric Co., 46355, 51094, 52110, 52762, 53308, 56974, 57392, 58693
Mosinee Paper Co., 58693
Mountain Fuel Resources, Inc., 49603
Mountain Fuel Supply Co., 46355, 58502
Mountain Fuel Supply Co. et al., 51094, 52110, 52111, 54471, 54877, 57392
Nantahala Power & Light Co., 59620
National Fuel Gas Supply Corp. et al., 45231, 47835, 50147, 50318, 55708, 55709, 56729, 58502, 58693
National Fuel Supply Corp., 54618
Natural Gas Pipeline Co. of America et al., 46124, 46355, 46356, 47586, 47836, 48725, 50141, 52111, 52112, 52885, 54028, 54619, 55709, 56490, 56730, 56974, 57854, 59487, 59621
Nevada Irrigation District, 46356
Nevada Power Co., 49146, 52113, 55715, 56975, 57854
New Bedford Gas & Edison Light Co. et al., 47836, 58694
New England Power Co., 47586, 48171, 48726, 49147, 51233, 52113, 53082, 54029, 56491, 57392, 58694, 59253, 59254
New England Power Pool Agreement et al., 52113, 54304, 59254
New England Power Pool Participants, et al., 46124
New England Power Service Co., 53433, 57392
New York State Electric & Gas Corp., 48172
Niagara Mohawk Power Corp., 45478, 46130, 51233, 54297, 56491, 56732, 57398, 57498
North Penn Gas Co., 50141, 51094, 59254, 59487, 59621
Northeast Utilities Service Co., 55715, 56491
Northern Border Pipeline Co., 49147
Northern Indiana Public Service Co., 45231, 46357, 53434, 56732, 59255
Northern Natural Gas Co. et al., 45232, 46130, 47838, 48172, 48726, 49148, 49149, 49604, 52114, 52115, 52762, 53082, 54298, 54879, 55715, 56492, 56493, 56733, 57245, 57392, 57397, 57855, 57856, 58503, 58694, 59255
Northern States Power Co., 47836, 52762, 56976, 57857, 59255
Northwest Pipeline Corp. et al., 45478, 46357, 49605, 51233, 53082, 53083, 54298, 56493, 56733, 57392
O'Connor, Leonard A., 47836
Ohio Edison Co. et al., 53435, 56734
Ohio Power Co., 51234, 52664, 53435, 54299, 58173, 58694
Ohio River Pipeline Corp., 58173
Oklahoma Gas & Electric Co., 46130, 57393, 58174, 58695
Oklahoma Natural Gas Gathering Corp., 58503
Orange & Rockland Utilities, Inc. et al., 48173, 48399, 52885, 55716
Otter Tail Power Co., 47837, 52115, 57245, 57393, 57858
Owen, J.P., & Co., Inc. et al., 48724
P.S. & G., Inc., 58696
Pacific Alaska LNG Co., et al., 50751
Pacific Gas & Electric Co., 46130, 48399, 52763, 54304, 54879, 58503, 58695
Pacific Gas Transmission Co. et al., 56493, 57393
Pacific Indonesia LNG Co. et al., 57492
Pacific Interstate Transmission Co., 48726
Pacific Power & Light Co., 47586, 48173, 51095, 51234, 52115, 53435, 54620, 55716, 58504, 59255
Panhandle Eastern Pipe Line Co. et al., 49606, 52115, 52664, 53312, 56493, 57494
Panhandle Eastern Pipeline Co. et al., 48727, 50141, 56734
Patterson, Francis I., 58500
Pennsylvania Electric Co., 48399, 58695
Pennsylvania Gas & Water Co., et al., 52885
Pennsylvania Power Co., 54879
Pennsylvania Power & Light Co., 47587
Pennzoil Producing Co. et al., 55391, 55716
Petersburg, Alaska, City of, 53080
Philadelphia Electric Co., 48729, 57495
Phillips, A.O., estate of, 53423
Phillips Petroleum Co., 52116, 57859
Phoenix, Ariz., City of, et al., 46348
Pioneer Production Corp., 54621, 58174
Portland General Electric Co., 53312
Potomac Edison Co., 54303, 58696
Public Service Co. of Colorado, 52116
Public Service Co. of Indiana, Inc., 47587, 52116, 53312, 56494, 56976
Public Service Co. of New Hampshire, 51234, 51235, 54471, 55716, 56735, 57398, 58504
Public Service Co. of New Mexico, 48174, 49149, 51504, 56495, 56976, 57859
Public Service Co. of Oklahoma, 48729, 54471, 56495, 58350
Public Service Electric & Gas Co., 46131, 47217, 48729
Public Utility District No. 2 of Grant County, Wash., 56735
Puerto Rico Water Resources Authority, 49149
Puget Sound Power & Light Co., 50141, 52886, 54623, 56736
Ricci, Nicholas A., 53434
Robinson, Seymour H., 47837
Rochester Gas & Electric Corp., 46131, 50137
Royal International Petroleum Corp., 58504
Salish and Kootenai Tribes, Confederated, of Flathead Reservation et al., 50139
Scherer, Robert William, 48399
Sea Robin Pipeline Co., 57245, 57860, 59256
Shell Oil Co., 46131
Sierra Club, et al., 54300
Sierra Pacific Power Co., 52886, 54879, 55717, 57860, 58504
Skelly Oil Co., 57862
Smith, James F., 59251
Smith, Jessie I., 48400
Sohio Petroleum Co., 53313, 54880
South Carolina Electric & Gas Co., 48174, 48729, 50148, 51095
South Carolina Public Service Authority, 56978, 56979
South Georgia Natural Gas Co., 45233, 50151, 53436, 57863, 59257
South Louisiana Production Co., Inc., 50151
South Texas Natural Gas Gathering Co., 56736
Southern California Edison Co., 53436, 57245, 57246
Southern Louisiana area, 50564
Southern Natural Gas Co., 47587, 51235, 52116, 54621, 56495, 56737, 58507, 59257
Southern Services, Inc., 55717, 59257, 59492
Southwest Gas Corp., 47589, 49149, 54471, 54880, 56737, 57863
Southwestern Electric Power Co., 51235, 53437, 53438, 54301, 57495, 58350, 58507
Stingray Pipeline Co., 48400, 48729, 50142, 57863
Sun Oil Co. et al., 48400, 50571, 51095, 51236, 55717, 59257
Swanton Village, Vt., 51236
Switzer, Donald C., 55702
Tacoma, Wash., City of, 59484
Tampa Electric Co., 47837, 58696
Tenneco Oil Co. et al., 59257
Tennessee Gas Pipeline Co. et al., 48401, 50137, 52665, 52763, 53313, 53438, 54881, 56737, 56979, 57495, 57864, 58507, 59258
Tennessee Natural Gas Lines, Inc., 59258
Terra Resources, Inc. et al., 50152
Texaco, Inc., 46359, 58508
Texas Eastern Transmission Corp. et al., 48401, 49606, 51236, 54302, 55717, 57394, 57495, 58175
Texas Gas Pipe Line Corp., 48550, 52763, 54881, 58697
Texas Gas Transmission Co., 54882
Texas Gas Transmission Corp. et al., 46132, 46359, 48174, 48730, 49151, 52117, 54302, 57495, 58180, 58509
Texas Gas Utilities Division, 58351
Texas Oil & Gas Corp. et al., 50142
Toledo Edison Co., 45479, 46132, 57864
Transco Gas Supply Co., 49151
Transco Gas Supply Corp., 57496
Transcontinental Gas Pipe Line Corp. et al., 45234, 46132, 46133, 48730, 49612, 50138, 50153, 50571, 50751, 51237, 51689, 52118, 52120, 52665, 52763, 52764, 53083, 53313, 54029, 54302, 54303, 54305, 54624, 55718, 56496, 56738, 56739, 57394, 57395, 57849, 57865, 58509, 58510, 58511, 58697, 59488, 59621
Transwestern Pipeline Co., 47587, 48402, 48730, 51237, 51238, 51690, 52763, 52764, 53438, 57395, 57496, 59621
Trunkline Gas Co. et al., 45479, 48402, 51096, 57395, 57496, 58511, 59258
U-T Offshore System, 51238
Union Carbide Corp., 56496
Union Electric Co., 46134, 54882, 55718, 57865, 58177
Union Light, Heat & Power Co., 57866
Union Oil Co. of California, 47837
Union Texas Petroleum, 48731
United Gas Pipe Line Co. et al., 48731, 48732, 50571, 51096, 52764, 54622, 55718, 56496, 57396, 57866, 59259, 59489
United Illuminating Co., 46134, 58178
Upper Peninsula Generating Co., 57396
Upper Peninsula Power Co., 58351
Utah Power & Light Co., 46359, 48403, 48732, 50572, 55718, 57396, 59492
Valley Gas Transmission, Inc., 55718, 57867
Vermont Electric Power Co., Inc., 52121
Vermont Gas Systems, Inc., 48732
Virginia Electric & Power Co., 45234, 48732, 53438, 54882
Wallace, Anthony E., 56497
Warren Petroleum Co., 50139
Washington Natural Gas Co., 54623
Washington Water Power Co., 46134, 48403, 48733, 52121
Wells Rural Electric Co., 54882
Western Massachusetts Electric Co. et al., 55719, 56497, 56740, 59260
Wisconsin Electric Power Co. et al., 51239, 59260, 59489
Wisconsin Michigan Power Co., 56497
Wisconsin Power & Light Co., 51096, 56980, 57397, 58511, 59493
Wisconsin Public Service Corp., 47838, 50572, 51097, 53438, 56497, 57496, 58511, 58697

INDEX

XUM

Yankee Atomic Electric Power Co. et al., 56740

FEDERAL PREPAREDNESS AGENCY

Notices
International energy program; voluntary agreement and program; Caltex Petroleum Corp., 47218
Radiological incident emergency response planning; interagency responsibilities, 59494

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Notices
Meetings, 48549, 53439, 59493

FEDERAL RAILROAD ADMINISTRATION

Rules
State participation; certification, investigation, etc., 55508

Proposed Rules
Locomotive inspection test program; hearing, 47522

Notices
Meetings:
Railroad Operating Rules Advisory Committee, 48163, 58680
Petitions for exemptions, etc.:
Savannah State Docks Railroad Co., 47532

FEDERAL REGISTER OFFICE

Rules
CFR checklist; 1975 issuances, 45157, 51009, 55633
Clemency, Title 2, CFR; abolished, 52995

Notices
Directory of Federal regional structure; agency maps and tables, correction, 53314
"Federal Register—What it is and how to use it"; public briefings, 58898
Freedom of information index requirements; quarterly guide to agency material, 48748
0
Inflation impact statements; certification language and form, 48979
Privacy Act; table of dates and pages of publications, 48900, 49290

FEDERAL RESERVE SYSTEM

Rules
Authority delegations:
Director, Division of Banking Supervision and Regulation; registration statement, acceleration of effective date, 55635
Secretary of Board of Governors, 46093
Bank holding companies:
Registered securities, certain; transfer agent, 55634
Banks; reserve percentages, 60055
Banks, State; banking practices, 51179
Banks, State; securities, 50457, 52843
Credit by banks for purchasing or carrying margin stocks; put and call options; CFR correction, 59322
Credit by brokers and dealers:
Arranging for credit, 53379
Put and call options; CFR correction, 59322
Interest on deposits:
Definition, savings deposits, 46301
Penalty on withdrawal, 57663
Nondiscrimination on basis of sex or marital status consumer credit protection, 49298, 60055
Privacy Act; implementation, 45617
Reserves of member banks:
Definition, savings deposits, 46301, 48499
Reserve requirements, 49310
Truth in lending:
Consumer credit transactions; closing costs disclosure, 50507
Credit accounts; open end; correction, 45158
Fair credit billing; correction, 54424
Single-component finance charges; disclosure, 55634

Proposed Rules
Bank holding companies:
Automobile leasing; permissible activity, 53272
Purchase of redemption of own shares, 58866
Stock interests in foreign joint ventures, 60082
Banks, foreign activities:
Corporations engaged in foreign banking and financing: stock interests in foreign joint ventures, 60082
Stock interests in foreign joint ventures, 60082

Notices
Average predominant prime rate, Sept. 1975; determination, 48550
Federal Open Market Committee:
Domestic open market operations; authorization, 45581, 50154
Domestic policy directives, 48551, 52765, 58181
Federal recurring payments; delivery to financial institutions, 59786
Grandfather privileges, review; Valley Financial Services, Inc. et al., 57398
Insured banks; joint call for report of condition, 47214
Insured banks; joint proposal for revision of report of condition and report of income, 46399
Applications, etc:
Abilene Co., 49152
Alabama Bancorporation, 49409, 49612
Allen Bancshares, Inc., 52438
American Bancorporation, 52666, 55719
ANCORP Bancshares, Inc., 51239
Annawan Investment Co., 46135, 55719
BancOhio Corp., 46135
Bancorporation of Montana, 51240
Bank of Buffalo, 54624
Bank of New York, 54624
Bank of New York Co., Inc., 54625
Bankamerica Corp., 52438
Banks of Iowa, Inc., 59376
Barnett Banks of Florida, Inc., 53627, 54305
Beaver Bancshares, Inc., 58899
Broward Bancshares, Inc., 52764
Capco Corp., 58512
Catoctin Trust Co., 59784
Central Banking System, Inc., 52438
Central Missouri Bancshares, Inc., 55720
Central National Corp., 55720
Century Financial Corp. of Michigan, 49152
Chemical Bank, 49152
Chemical New York Corp., 58899
Citicorp, 53315
Citizens Bancorporation, 47540, 48176, 51240, 58512
Citizens Bancshares of Madelia, Inc., 49409
Clevetrust Corp., 48550
Commercial Bankshares, Inc., 50318
Community Bancorporation, 56980
County National Bancorporation, 56981
Dale Sprague Enterprises, Inc., 51241
Don-Co Investment Co., 56981
Downs Bancshares, Inc., 46135
Dubois Bankshares, Inc., 52887
Ellis Banking Corp., 56981
Empire Bancorp Inc., 47540
Ervin Motors, 46136
F.S. Bancor, Inc., 57719
Fiduciary Investment Co. of New Jersey, 58899
First Amtenn Corp., 51241
First Banc Group of Ohio, Inc., 52765
First Bancorp, Inc., 55392
First Bancorp of Oak Lawn, Inc., 50574
First Buffalo Holding Co., 52439
First Community Bancorp., 45235, 56981
First Financial Corp., 51242
First Freeport Corp., 52887
First National Agency, Inc., 55905, 57719
First National Boston Corp., 45235
First National Charter Corp., 48177
First National Holding Corp., 49153, 59784
First New Mexico Bankshare Corp., 48178
First State Banking Corp., 56982
First United Bancorporation, Inc., 56498
Gavic Services, Inc., 54305
Great Lakes Financial Corp., 48177
Harlan National Co., 52439
Hawkeye Bancorporation, 58513
Henderson State Co., 47541
Humboldt Bancshares, Inc., 52440
Illinois National Bancorp, Inc., 53627
Independent Financial, Ltd., 58181
International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, 52666
Jent, Inc., 60114
Labanco, Inc., 55393
Madison Financial Corp., 45479
Manufacturers & Traders Trust Co., 56982
Marine Midland Banks, Inc., et al., 54626
Mark Twain Bancshares, Inc., 46136
Mellon National Corp., 55720, 59785
Mercantile Bancorporation Inc., 53627
Metro Insurance Agency, Inc., 56498
Miami Agency, Inc., 56983
Michigan National Corp., 45235, 53316
Morrill & Janes Bancshares, Inc., 59376
NBG Co., 55721
Nebraska Banco, Inc., 54305
Nevada Brick & Tile Co., 48551, 54472
New Mexico Bancorporation, Inc., 47541, 53317, 54628
Northstream Investments, Inc., 52667
Old Kent Financial Corp., 46360
Owen-Curtiss Financial Corp., 53317
Owig & Co., Inc., 57246
Park Capital Corp., 57247
Peoples Bankshares, Inc., 52765
Peoples Credit Co., 56499
Pioneer Bancorp, Inc., 56983
Popular Bancshares Corp., 48178
Powell Lumber Co., 52667
Profile Bankshares, Inc., 53318
Redwood Bancorporation, 52440

Republic of Texas Corp., 47540, 48178, 57719, 58513
Roxton Bancshares, Inc., 59785
Royal Holding Corp., 56498
Security Bancshares of Montana, Inc., 47540, 54474
South Dakota Bancshares, Inc., 58513
Southeast Banking Corp., 54305, 54473
Southeastern Bancshares, Inc., 48551
Southern Bancorporation, Inc., 48552, 59377
Southern Illinois Bancorporation, Inc., 45236
Southland Bancorporation, 53317
Springview Bancorporation, 53317
Stanley Bancshares, Inc., 53628
Stockton Bancorp, Inc., 52667
Suburban Bancorporation, 50574, 59785
Sumimoto Bank Ltd., 49153
SWB Corp., 55393
Texas American Bancshares Inc., 50319, 57720
Third National Corp., 47541
Traer Shares, Inc., 48178
Trans Texas Bancorporation, Inc., 54475
Unicorp, Inc., 49613
Union State Bancshares, Inc., 48178
United Bancshares of Nebraska, Inc., 52668
United Missouri Bancshares, Inc., 58899
Valley Bancorporation, 55905
Valparaiso Enterprises, Inc., 57399
Westbanco, Inc., 49153

FEDERAL SERVICE IMPASSES PANEL

Rules
Labor-management relations; Federal service; procedures, 49765, 54560

FEDERAL SUPPLY SERVICE

Notices
Meetings:
Procurement and Supply, Joint Federal, State, and Local Government Advisory Panel, 48403

FEDERAL TRADE COMMISSION

Rules
Consumers' rights and credit transactions, 53506, 58131
Discrimination prohibition on basis of sex or marital status; credit protection; affirmative action, 57668
Flammable Fabrics Act:
Children's sleepwear; labeling and recordkeeping requirements, 53233, 56659
Transfer of regulations to Consumer Product Safety Commission, 59884
Mail order merchandise and services, undelivered, 49492, 51582, 53383, 53557
Procedures and practice rules:
Complaint and service proceedings, 60043
Documents other than correspondence; form and filing, 59724
Prohibited trade practices:
Allied Stores Corp. et al., 57445
American Tractor Trailer Training, Inc., et al., 50708
Antelope Shores, Inc., et al., 53550
Antonovich Bros., Inc., et al., 51180
Baza'r Inc., 56655
Berke, Samuel, 49079
Borg-Warner Corp.; correction, 47757
Bridgestone Tire Co. of America, Inc., 51417
Budd Co., 49080
Burglar King, 58287
Cargill, Inc., 60044
Carpet Showcase, 52813
Carson Products Co. et al., 57446
Checkmate Inquiry Service, Inc., 49079
Consolidated International Tool & Oil, Inc., et al., 55315
D'Arcy-MacManus & Masius, Inc., 57195
Diesel Truck Drivers Training School, Inc., et al., 57447
Dixie Hi-Fidelity Wholesalers, etc., 55317
E.S. International Corp., et al., 54565
Evans, Tony, Motors, Inc., et al., 46308
FMC Corp., 53551
Food Fair Stores, Inc., et al., 51418
General Food Corp., 51419
Ger-Ro-Mar, Inc., 53005
Guild Industries, Corp., et al., 50025
Hair Replacement Centers of Flushing, Inc., etc., 47757
Hair Replacement Research Center, Inc., et al., 57198
Hasbro Industries, Inc., 54771
Hollywood Carpets, Inc., et al., 53006
Illinois Central Industries, Inc., et al., 59725
Inter-Continental Services Corp., et al., 58286
Koscot Interplanetary, Inc., et al., 60044
Lear Siegler, Inc., 52809
Lifetime Filter Equipment Corp., et al., 49569
Lustine Chevrolet, Inc. et al., 59426
Mitsui & Co., Inc., 54566
National Talent Associates, Inc., et al., 59591
Neece, James, t/a Carpet Showcase, 52813
North American Pools, Inc. et al., 46306
Orlando of Calabria, Inc., 47759
Pacific Gamble Robinson Co., 57195
Pay 'N Save Corp., 49079
Rosenthal Chevrolet Co., et al., 50710
Sachs, Ira, 58287
Sansui Electronics Corp., 56656
Savoy Drug & Chemical Co., 55316
Scheinfeld, S., & Son, Inc., et al., 51180
Sherwood Electronic Laboratories, Inc., 57199
Stereo Equipment Sales, Inc., et al., 53552
Stevens Bedding Warehouse, Inc., et al., 54566
Symbra'ette et al., 53005
Tara Industries, Inc., et al., 53554
Taylor & Kimbrough Realty Co. et al., 56657
TEAC Corp. of America, 56658
Thoreson, Donald, 49079
Travel King, Inc., et al., 53004
Tri-West Construction Co., Inc., et al., 57201
TV Stereo City Freight Liquidators, Inc., et al., 49569, 51420
Tysons Corner Regional Shopping Center et al., 54772
U.S. Pioneer Electronics Corp., 57197
Vitale, Emanuele, et al., 54565
Wilsons House of Suede et al., 53556
Winn-Dixie Stores, Inc., 47760
Yamaha International Corp. et al., 54772
Warranties:
Disclosure of terms and conditions, 60168
Dispute settlement procedures, 60190
Pre-sale availability of terms, 60168

Proposed Rules
Air conditioners, room; labeling and advertising; extension of time, 50281
Consumers' rights and credit transactions, 53530
Drugs, over-the-counter; advertising, 52631
Health spas; extension of time, 49801, 58867
Hearing aid industry, 59746
Protein supplements; advertising and labeling; extension of time, 49801
Schools, proprietary vocational and home study; advertising, disclosure, cooling off and refund requirements; redesignation of issues, 55368

Notices
Cigarette testing results; tar and nicotine content, 52440, 53319
Organization and functions:
Regional office reorganization, 46361, 52122, 57720
Privacy Act; systems of records, 46076, 56983
Warranties, request for waiver
Harmsco, Inc., 58698
Sohmer & Co., Inc.; manufacturer and warrantor; application; inquiry, 49409

FINE ARTS COMMISSION

Rules
Privacy Act; implementation, 52369

Proposed Rules
Privacy Act; implementation, 45306

Notices
Meetings, 51080
Privacy Act; systems of records, 45740, 52434

FISCAL SERVICE

Rules
Bonds, U. S. savings:
Extended terms and improved yields, 59292, 59300
Payments through financial organizations, other than by check, 47492
Retirement bonds; forms, 47979
Securities; forms, 47979
Surety companies; Federal process agents, 51194
Taxes, Federal; depositaries; CFR correction, 59595

Proposed Rules
Surety companies doing business with U.S.:
Fee schedule revision, 59600
Reinsurance acceptable on Miller Act bonds, 54575

Notices
Privacy Act; Government forms addressed and delivered to individuals, 48898
Surety companies acceptable on Federal bonds:
American General Fire & Casualty Co., 54593
Central Mutual Insurance Co., 58472
Imperial Insurance Co., 48532
National-Ben Franklin Insurance Co., 58472
Prudential Reinsurance Co., 54593
Security Mutual Casualty Co., 58156
Signal Insurance Co., 48532
Winterthur Swiss Insurance Co., 58472
Wisconsin Surety Corp., 47807, 49111

INDEX

XUM

FISH, FISHING

See Fish and Wildlife Service.
Food and Drug Administration.
Indian Affairs Bureau.
National Oceanic and Atmospheric Administration.

FISH AND WILDLIFE SERVICE

Rules

Endangered and threatened species; fish, wildlife, and plants:
- Alligator, American; correction, 53399, 58307
- Snail darter, 47505

Endangered species; fish, wildlife, and plants; conservation; financial assistance, cooperation with States, 47509

Fishing:
- Ankeny National Wildlife Refuge, Oreg., et al., 56446
- Arapaho National Wildlife Refuge, Colo., 57363
- Audubon National Wildlife Refuge, N. Dak., 53402
- Bear Lake National Wildlife Refuge, Idaho, et al., 56446
- Colusa National Wildlife Refuge, Calif., et al., 55860
- DeSoto National Wildlife Refuge, Iowa and Nebr., 57220
- Havasu National Wildlife Refuge, Ariz. and Calif., et al., 54573
- Horicon National Wildlife Refuge, Wis., 52733
- Kirwin National Wildlife Refuge, Kans., 54798
- Lake Ilo National Wildlife Refuge, N.Dak., 52612
- Mark Twain National Wildlife Refuge, Ill., Iowa and Mo., 59349
- McNary National Wildlife Refuge, Wash., et al., 54572
- Medicine Lake National Wildlife Refuge, Mont., 47509
- Mingo National Wildlife Refuge, Mo., 54001
- National Bison Range, Mont., 58149
- Necedah National Wildlife Refuge, Wis., 54001
- Pathfinder National Wildlife Refuge, Wyo., 57363
- Sand Lake National Wildlife Refuge, S. Dak., 57363
- Seney National Wildlife Refuge, Mich., 56446
- Sheldon, Charles, Antelope Range, Nev., et al., 52851
- Tewaukon National Wildlife Refuge, N. Dak., 46313
- Valentine National Wildlife Refuge, Nebr., 58649

Hunting:
- Alamosa National Wildlife Refuge, Colo., 46312
- Audubon National Wildlife Refuge, N. Dak., 48513
- Bear River Migratory Bird Refuge, Utah; correction, 45824
- Bitter Lake National Wildlife Refuge, N. Mex., et al., 48137
- Bosque del Apache National Wildlife Refuge, N. Mex., 46311
- Brigantine National Wildlife Refuge, N.J.; correction, 48513
- Chincoteague National Wildlife Refuge, Va., 48684
- Deer Flat National Wildlife Refuge, Idaho, et al.; correction, 48138
- Eastern Neck National Wildlife Refuge, Md., 48683
- Horicon National Wildlife Refuge, Wis., 49092
- Imperial National Wildlife Refuge, Ariz and Calif., 45440
- Izembek National Wildlife Range, Alaska, 45440
- Laguna Atascosa National Wildlife Refuge, Tex., 45440
- Monte Vista National Wildlife Refuge, Colo., 46312, 46313
- Moosehorn National Wildlife Refuge, Maine, 49092, 52037
- Nunivak National Wildlife Refuge, Alaska, 59744
- Parker River National Wildlife Refuge, Mass., 46312
- Presquile National Wildlife Refuge, Va., 47791
- San Andres National Wildlife Refuge, N. Mex., 45441
- Sand Lake National Wildlife Refuge, S. Dak., 45441
- Santee National Wildlife Refuge, S.C., 48683
- Sherburne National Wildlife Refuge, Minn.; correction, 46106
- Tewaukon National Wildlife Refuge, N.Dak., 48683
- Wheeler National Wildlife Refuge, Ala., et al., 47506

Marine mammals:
- Taking moratorium waiver, Pacific walrus, 59442

Migratory bird hunting:
- Emergency closures, 52853
- Rails, woodcock, common snipe, et al.; corrections, 46311, 47137, 48682, 50044, 54572

Public access, use, and recreation:
- Amagansett National Wildlife Refuge, N.Y., 54572
- Barnegat National Wildlife Refuge, N.J., 55351
- Blackwater National Wildlife Refuge, Md., 55352
- Block Island National Wildlife Refuge, R.I., 57460
- Bombay Hook National Wildlife Refuge, Del., 57218
- Bosque del Apache National Wildlife Refuge, N. Mex., et al., 55353
- Brigantine National Wildlife Refuge, N.J., 55352
- Cabeza Prieta National Wildlife Refuge, Ariz., 53400
- Chincoteague National Wildlife Refuge, Va., 58148
- Eastern Neck National Wildlife Refuge, Md., 57219
- Erie National Wildlife Refuge, Pa., 57219
- Great Meadows National Wildlife Refuge, Mass., 55352
- Great Swamp National Wildlife Refuge, N.J., 56444
- Iroquois National Wildlife Refuge, N.Y., 56445
- Kenai National Moose Range, Alaska, 52852
- Kofa Game Range, Ariz., 51199
- MacKay Island National Wildlife Refuge, N.C. and Va., 59348
- Mason Neck National Wildlife Refuge, Va., 56669
- Missisquoi National Wildlife Refuge, Vt., 56445
- Montezuma National Wildlife Refuge, N.Y., 55352
- Moosehorn National Wildlife Refuge, Maine, 56445
- Morton National Wildlife Refuge, N.Y., 55352
- Ninigret National Wildlife Refuge, R.I., 57461
- Oxbow National Wildlife Refuge, Mass., 54572
- Parker River National Wildlife Refuge, Mass., 57460
- Petit Manan National Wildlife Refuge, Maine, 59444
- Pond Island National Wildlife Refuge, Maine, 57459
- Presquile National Wildlife Refuge, Va., 56445
- Prime Hook National Wildlife Refuge, Del., 55353
- Rachel Carson National Wildlife Refuge, Maine, 59205
- Sachuest Point National Wildlife Refuge, R.I., 57219
- Salt Meadow National Wildlife Refuge, Conn., 55353
- Supawna Meadows National Wildlife Refuge, N.J., 55353
- Target Rock National Wildlife Refuge, N.Y., 55353
- Tinicum National Environmental Center, Pa., 57219
- Trustom Pond National Wildlife Refuge, R.I., 57460
- Wapack National Wildlife Refuge, N.H., 59205

Proposed Rules

Endangered and threatened species; critical habitat area determinations; fish, wildlife, and plants, 58308

Endangered and threatened species; fish, wildlife, and plants:
- Butterflies in Calif., 48139
- Crane, Mississippi sandhill; critical habitat; extension of time, 49348
- Fauna and flora, list of; additions; correction, 49347, 57221
- Salamander, Red Hills, 45175

Notices

Coyote damage control; cattle, sheep, and goats; report on emergency use of M-44 devices, 50739, 57225, 58871

Endangered species permits; applications, 45858, 47156, 47157, 47158, 47159, 47808, 47809, 47810, 48150, 49113, 49584, 50294, 50735, 50737, 50738, 51206, 52421, 52870, 52871, 54448, 54844, 54845, 54846, 54847, 54848, 54849, 55681, 55683, 55684, 55685, 55686, 57372, 57373, 57499, 57500, 58324, 58669, 58872, 59260

Environmental statements; availability, etc.:
- National Wildlife Refuge System, 54451, 59228

Marine mammal applications:
- Campbell, Howard W., 47161
- Laughlin, Thomas R., 51676

Marine mammals; waiver of moratorium; walrus, 59459

Navigable waters, proposals in or affecting; guidelines, 55810

Oil and gas exploration and development; territorial and inland navigable waters and wetlands; guidelines, 55804

Stamp contest; migratory bird hunting, 48535, 50549

FOOD AND DRUG ADMINISTRATION

Rules

Animal drugs, feeds, and related products:
- Ampicillin trihydrate boluses, 55849
- Applications; submission, 52609
- Bambermycins, 59726
- Carbadox and pyrantel tartrate, 45164, 57798
- Cephapirin sodium for intramammary infusion, 57454
- Chlortetracycline boluses, 57455, 58633
- Clopidol and chlortetracycline, 52723
- Clopidol-bacitracin methylene disalicylate, 52723
- Crufomate liquid, 52722
- Dichlorvos, 50258
- Furosemide injection, 60051
- Gentamicin Sulfate, 48676
- Ketamine hydrochloride injectable dosage forms, 59342
- Lincomycin, 58132
- Mebendazole paste, 60051
- Monensin, 58289
- N'-(2,4-Dimethylphenyl-N-(((2,4-dimethylphenyl) imino) methyl)-N-methylmethanimidamide; correction, 45165
- Nifurpirinol capsules, 60051
- Nystatin, neomycin, thiostrepton, and triamicinolone acetonide ointment, 48676
- Oxytetracycline hydrochloride injection, 48502
- Phenylbutazone tablets, 48675
- Stanozolol sterile suspension and tablets, 46101
- Tebuthiuron, 56425
- Trichlorfon oral liquid, 45164
- Tylosin, 53390, 57668, 60049, 60050, 60052
- Tylosin and sulfamethazine, 59726
- Virginiamycin, 52723
- 2,2-Dimethyl-1,3-benzodioxol-4-ol methylcarbamate, 45163
- 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-t(4H)-one; pesticides, 55320

Biological products:
- Blood and blood products, manufacturing and standards; collection, processing, and storage, 53532, 55849
- Blood and blood products; registration of manufacturers and products, 52788
- Radioactive drugs; correction, 52361

Cosmetic products:
- Halogenated salicylanilides, 50527

Drug Listing Act of 1972; registration; NDA and HRI codes, 52000, 53997

Food additives:
- Acrylate-acrylamide resins, 54777
- Antioxidants and/or stabilizers for polymers, 49082, 60050
- Aspartame; stay of effective date, 56907
- Cane-sugar and beet-sugar mill microorganisms, 49573, 51625
- Citric acid, 49080
- Lactylic esters of fatty acids, 54777
- Paper and paperboard in contact with aqueous and fatty foods, 46099, 57209
- Polyethylene, oxidized, 47104
- Poly(tetramethylene terephthalate), 51034
- Resinous and polymeric coatings, 48675
- Resinous and polymeric coatings for polyolefin films, 52608
- Sanitizing solutions, 58852

Frozen desserts, mellorine; stay of identity standard, 59725

Glasses and sunglasses, use of impact-resistant lenses; labeling, 46099

Human drugs:
- Ampicillin trihydrate-probenecid capsules, 58288
- Ampicillin trihydrate-probenecid for oral suspension, 49083
- Antacid products; over-the-counter drugs; testing procedures, 48343
- Bleomycin sulfate, sterile, 52003, 53998
- Cephalexin monohydrate tablets, 49083
- Cephradine for injection; sterile cephradine, 51625
- Contraceptive, oral; patient labeling, 48918, 49574
- Erythromycin stearate for oral suspension, 49083
- Griseofulvin (ultramicrosize) tablets; correction, 45426
- Halogenated salicylanilides, 50527
- Insulin syringes; warning and caution statement, 46100, 48919, 58288
- Prescription drugs; reminder labeling and advertisements, 58794
- Rifampin-isoniazid capsules, 53997
- Streptosul-V Tablets; withdrawal of approval, 49594
- Tobramycin and tobramycin sulfate injection, 57796

Onion rings made from diced onions; common or usual names, 54536

Packaging and labeling; food, drugs, cosmetics, and devices, 57451, 57453

Pesticide tolerances in food:
- Tebuthiuron, 56425
- Thiabendazole, 52006
- 2, 4-Dichlorophenoxyacetic acid in potable water, 58287
- 2,2-Dimethyl-1,3-benzodioxol-4-ol methylcarbamate, 45163
- 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-t(4H)-one, 55320

Potato chips made from dried potatoes; common or usual names, 54539

Privacy Act; implementation, 55839

Radiological health:
- Microwave ovens; concealed interlocks and insertion of objects, 52007

Salmon, Pacific, canned; identity standards and fill of container; confirmation of effective date, 57454

Seafood products; common or usual names, 54537

Sirups, table; identity standards; effective date confirmation; correction, 59725

Water, bottled; processing and bottling; stay of sampling and testing requirements, 51194

Proposed Rules

Animal drugs, feeds, and related products:
- Medicated feeds; manufacturing practice; extension of time, 47516
- Vegetable oil byproducts, industrial grade; prohibited substances; extension of time, 52738

Biological products:
- Blood; label statements distinguishing volunteer from paid donors, 53040, 54429
- Blood cells, reagent red; standards, 52621, 57688
- Blood grouping serum; standards, 52623, 57688
- Hepatitis B Surface Antigen, 46318
- Plasma, single-donor human; standards, 52619, 57688

Color additives, provisionally listed; postponement of closing dates, 53039

Food additives:
- Vinyl chloride polymers; extension of time, 50277

Fruits and vegetables, processed; drained weight standards and labeling, 52172, 54587, 57811

Human drugs:
- Contraceptive devices, intrauterine; labeling; extension of time, 48362
- Levodopa, 54252, 55869
- Methadone; procedures to deny or revoke applications to receive shipments, 52049
- Over-the-counter drugs; marketing status of recommended ingredients, 56675, 57811
- Over-the-counter drugs; testing of category III active ingredients, 49097
- Sleep-aid, daytime sedative, and stimulant over-the-counter drugs; monograph establishment, 57292

Peanut spread; common or usual name establishment, 51052

Privacy Act; implementation, 45190

Radiological health:
- Women of childbearing age; medical radiation exposure, 58151

Shellfish safety program; extension of time, 52051

Spreads, fruit-flavored sweetened; common or usual name establishment, 52616, 57688

Notices

Alcoholic beverages; labeling, 54455, 54456

Anesthesiology Panel's Classification Results Report; availability, 56709

Animal drugs:
- Chlormadinone acetate; withdrawal of approval, 60105
- Diethylstilbestrol, et al.; withdrawal of approval, 54455
- FAS Premix No. 1A; withdrawal of approval, 49595
- Iodinated casein; partial withdrawal, 53292
- Kymar Ointment; withdrawal of approval, 57510
- Nova-3 premix medicated; withdrawal of approval, 54456
- Pendistrin ointment; withdrawal of approval, 54456
- Streptosul-V Tablets; withdrawal of approval, 49594

Animal feeds, meat and poultry with drug, pesticide, and industrial chemical residues; memorandum of understanding with APHIS, 59769

INDEX

XUM

Antacid Drug Products Over-the-Counter Drug Review Panel; transcript availability, 58165
Color additives; petitions filed or withdrawn:
  Ethicon, Inc., 48706
Committees, panels; establishment, renewals, etc.:
  Ear, Nose, and Throat Devices Review Panel, 48539
  General and Plastic Surgery Devices Review Panel, 48539
  General Hospital and Personal Use Devices Review Panel, 48539
  Neurological Devices Review Panel, 48540
  Oncologic Drugs Advisory Committee, 48706
  Ophthalmic Devices Review Panel, 48540
  Ophthalmic Drugs Advisory Committee, 45461
  Physical Medicine (Physiatry) Devices Review Panel, 48540
  Radiological Devices Review Panel, 48540
  Reserpine and Breast Cancer ad hoc Committee, 54851
  Toxicological Research National Center, Science Advisory Board; nominations for members, 55693
  Toxicological Research National Center, Science Advisory Board; nominations for nonvoting consumer representative, 55694
Contact lenses, testing criteria; availability, 52649
Dietary food, special; labeling, composition, etc.; hearing; correction, 45462
Food, beverages, and sanitary services monitoring on common carriers; memorandum of understanding with Canada, 48386
Food additives; petitions filed or withdrawn:
  Alta Lipids Ltd., 58484
  American Cyanamide Co., 57829
  Center for Regulatory Services, 45862
  Ciba-Geigy Corp., 53293
  Dow Chemical U.S.A., 45213
  Hubinger Co., 57829
  ICI United States Inc., 50299
  Minnesota Mining & Manufacturing Co., 54022
  Monsanto Co., 52427
  Morton Chemical Co., 50299
  Proctor & Gamble Co., 52878
  Reynolds Metals Co., 52076
  Witco Chemical Corp., 56710
Food inspection; memorandums of understanding:
  Minnesota Department of Agriculture, 45460
  Minnesota Mining & Manufacturing Co., 47165
  Virginia Department of Agriculture and Commerce, 56470
  Wisconsin Department of Agriculture, 45460
Fruits and vegetables, canned; drained weight label declaration, 50118
GRAS status, petitions:
  Olin Chemicals, 47817, 49122
  Proctor & Gamble Co., 52878
  Whey products, modified, 58485
Human drugs:
  Anticholinergic and antispasmodic drugs; permission to remain on market, 52644, 57705
Anticholinergic drugs; proposed withdrawal of approval, 52651, 52652, 52653, 54602
Antispasmodic drugs, single-entity; proposed withdrawal of approval, 52649
Contraceptives, oral; uniform physician labeling, 49813
Cothera cough syrup with dimethoxanate hydrochloride; withdrawal of approval, 58676, 58677
Cothyrobal, 51490
Cyclopentamine hydrochloride nasal solution; withdrawal of approval, 48385
In vitro diagnostic products; requests for data and products for use in antirubella antibody tests; correction, 45214
Lutrexin tablets and trexinest tablets, 52426
New drug products, pre-1962; not reviewed by NAS-NRC; inquiry, 53609, 56472
Organic nitrate-containing combination drugs, 57377
Over-the-counter drug products; safety and effectiveness review, 45213, 51077, 51679
Pentaerythritol tetranitrate in combination with mepromate or hydroxine hydrochloride, 57378
Protokylol hydrochloride injection and epinephrine suspension in oil for injection; withdrawal of approval; hearing, 58164
Tetracaine hydrochloride and benzocaine topical solution, 57379
Medical devices:
  Manufacturing practice, 45730
  Obstetrical-Gynecological Devices Review Panel; availability of report, 59769
Meetings:
  Advisory committees, panels, etc., 45459, 49115, 49592, 49595, 51075, 51215, 53285, 53417, 54851, 56709, 58479, 59470, 60106
  Antiperspirant Drug Products Review Panel, 49121
  Contraceptives and Other Vaginal Drug Products Review Panel; rescheduled, 49595
  Electronic products performance standards; exemptions, 58883
  High Intensity Mercury Vapor Lamps Committee, 52654
  Image Receptor Conference on Film-Screen Combinations, 51215
  Medical device good manufacturing practice, 47530
  Vitamin, Mineral, and Hematinic Drug Products Review Panel; rescheduled, 49595
Methadone for treatment; proposed denial of approval; hearings, etc., 54601, 54602
Milk products, dry; exportation to U.S.; memorandum of understanding with New Zealand, 54275
Prescription drugs, labeling; petition availability, 52075, 57705
Privacy Act; systems of records, 45214, 48462, 51077
Shellfish safety program, 58883

FOOD AND NUTRITION SERVICE

Rules
Child care food program, 60057
Food stamp program:
  Income standards and coupon issuance, 55646, 57434, 57435, 57436, 57437, 57438
School lunch program, National:
  Meals and milk in schools, free and reduced price; eligibility determination, 50249, 57206, 57777, 58281

Proposed Rules
School lunch program, National:
  Reimbursement payments, 59600

Notices
Child care food program; National average payments and commodity provisions, 52070
Food stamp program; income standards and coupon issuance; extension of time, 51215
School breakfast and lunch programs:
  Financial management; cost based accountability, 54595
  Income poverty guidelines for determining eligibility for free and reduced price meals and milk, 57234, 57701
  Information program, 54452

FOREIGN ASSETS CONTROL OFFICE

Rules
Cuban assets control; licensing policy, 47108

FOREIGN-TRADE ZONES BOARD

Notices
Foreign-trade zone applications:
  Buffalo, N.Y., 52766
  Chicago, Ill., 51242

FOREST SERVICE

Rules
Transportation system, administration of development; ingress and egress, 52611

Notices
Committees; establishment, renewals, etc.:
  Samuel R. McKelvie National Forest Grazing Advisory Board, 58161
Environmental statements; availability, etc.:
  Arapaho National Forest, Snake River Basin, Colo., 59759
  Basket Bay No. 2 Timber Sale, 54453
  Bitterroot National Forest, Lower West Fork Planning Unit, Mont., 53414
  Boise National Forest, Bogus Basin Proposed Ski Area Expansion, Idaho, 59758
  Boise National Forest, Cascade Planning Unit, Idaho, 48537
  Boise National Forest, Garden Valley Planning Unit, Idaho, 45453
  Boise National Forest, Middle Fork Boise River Planning Unit, Idaho, 52875
  Boise National Forest, Squaw Creek Planning Unit, Idaho, 53050
  Cooperative Gypsy Moth Supression and Regulatory Program, 57507
  Dolores National Wild and Scenic River, 58875
  Fayette National Forest; Council Planning Unit, Idaho, 48704
  Gallatin National Forest, Hebgen Lake Planning Unit, Mont., 54017
  Gifford Pinchot National Forest; Upper Lewis River Planning Unit, Wash., 48705

  Gunnison and White River National Forests, Upper Crystal River Land Use Plan, Colo., 59364
  Kisatchie National Forest, North Cathoula-South Winn Unit, La., 56467
  Kootenai National Forest; Big Swede-Pipe Planning Units, Multiple Use Plan, Mont., 52749
  Kootenai National Forest, O'Brien-Seventeenmile-Cross Mountain Planning Units, Mont., 47528
  Medicine Bow National Forest, Ryan Park Winter Sports Site, Wyo., 59759
  Mt. Hood National Forest, Timberline Lodge, Oreg., 50554
  Nezperce National Forest, Mill Creek Unit Plan, Idaho, 56958, 57701
  Ocala National Forest, Longleaf Islands Unit Plan, Fla., 53413
  Ozark-St. Francis National Forests, Ark., 52641
  Pisgah National Forest, Buck Creek, North Fork Catawba River Unit Plan, N. C., 56467
  Plumas National Forest, timber management plan, Calif., 56466
  Routt National Forest, Blacktail Land Use Plan, Colo., 59758
  Routt National Forest, Mt. Welba Land Use Plan, Colo., 59365
  Salmon National Forest, Moose Creek Basin Planning Unit, Idaho, 47161
  Sawtooth National Forest, Bigwood Ski Area, Idaho, 56466
  Sawtooth National Forest, Black Pine Planning Unit, Idaho, 52641
  Southwestern Region, Mogollon Rim Planning Unit, Ariz., 60104
  Toiyabe National Forest, Lake Tahoe Basin Management Unit, Nev., 54017
  Tongass National Forest; Alaska Lumber and Pulp Co. timber sale, 52749
  Tongass National Forest, Honker Divide Management Unit, Alaska, 60104
  Tongass National Forest, Long Island Unit Management Plan, Alaska, 56699
  Wallowa-Whitman National Forest, Wallowa Valley Planning Unit, Oreg., 52641, 54850
  White Mountain National Forest, Kancamagus Unit Plan, N.H., 48537
  White Mountain National Forest, Kilkenny Unit Plan, N.H., 45454
  White River National Forest, Marble Ski Area, Colo., 51678
Environmental statements under preparation as of Sept. 15, 1975, 49976
Meetings:
  Apache-Sitgreaves National Forests Grazing Advisory Boards, 52749, 54273, 56467
  Boise National Forest Grazing Advisory Board, 59759
  Caribou National Forest Grazing Advisory Board Committee, 50739
  Cascade Head Scenic-Research Area Advisory Council, 49811
  Cibola National Forest Grazing Advisory Board, 49115
  Coconino National Forest Advisory Committees, 58876
  Descanso District Grazing Advisory Board, Calif., 48704
  Deschutes National Forest Advisory Committee, 48704, 52071
  Fremont National Forest Grazing Advisory Board, 58673
  Gila National Forest Grazing Advisory Board, 54595
  Grand Mesa National Forest Grazing Advisory Board, 47161, 49811
  Lyndon B. Johnson Grassland Grazing Advisory Board, 55881
  Medicine Bow National Forest Grazing Advisory Board, 51678
  North End District Advisory Board, 45454
  North Kaibab Grazing Advisory Board, 49378
  Oregon Dunes National Recreation Area Advisory Council, 54018
  Pacific Crest National Scenic Trail Advisory Council, 45454
  Prescott National Forest Grazing Advisory Board, 48957
  Rio Grande National Forest Grazing Advisory Board, 47162
  Rock Creek Advisory Committee, 48537
  Rogue River National Forest Grazing Advisory Board, 52750
  Routt National Forest Grazing Advisory Board, 45211
  San Juan National Forest Grazing Advisory Board, 47161
  Santa Fe National Forest Grazing Livestock Advisory Board, 59228
  State and Private Forestry Advisory Committee, 49811
  Uinta National Forest G-10 Grazing Advisory Board, 45454
  White Mountain National Forest Advisory Committee, 52641
  Winema National Forest Grazing Advisory Board, 51678
Timber export and substitution restrictions, Oreg. and Wash.; hemlock, inquiry, 45454

GAMBLING, COMMISSION ON REVIEW OF NATIONAL POLICY TOWARD

Notices
Hearings:
  Florida, 51218

GENERAL ACCOUNTING OFFICE

Rules
Claims pertaining to transportation services payments, auditing and settling; function transferred to GSA, 60036
Organization and functions; attorney recognition, conduct standards, etc., 60035
Transportation:
  Account of U.S.; payments to carriers and forwarders; functions transferred to GSA, 47511

Notices
Regulatory reports review; proposals, approvals, etc., 45479, 46361, 47217, 48178, 48179, 48733, 48963, 49613, 50574, 50751, 51690, 51691, 52668, 53078, 54306, 55906, 57720, 58354, 59493

GENERAL SERVICES ADMINISTRATION

See also Federal Management Policy Office. Federal Preparedness Agency. Federal Register Office. Federal Supply Service. National Archives and Records Service. Public Buildings Service.

Rules
Privacy Act; implementation, 52800
Procurement:
  Federal, 48314, 48326, 48920, 51038, 55350, 60019, 60020, 60021
  GSA; CFR Chapter revoked, 47109
Property management, 47942, 48134, 49328, 49329, 49331, 49778, 50034, 53012, 57216, 59439, 59595

Notices
Authority delegations:
  Defense Department Secretary, 48734, 51097, 51505, 53439, 56984, 57247, 57867
  Defense Department Secretary; revoked, 55906
  Energy Research and Development Administration Administrator, 46361
Consumer representation plan; proposed, 55245
Government Procurement Commission recommendations:
  Executive branch position, 50319, 57721, 58354
Meetings:
  Architectural and Engineering Services Regional Public Advisory Panel, 46362, 48180, 50154, 50155, 58513
  Protection of Archives and Records Centers, Advisory Committee, 55393
Privacy Act:
  Protection of privacy and data security, 49936
  Systems of records, 46421, 50435, 60114
Property management regulations, temporary:
  ADP and telecommunications requirements checklist, 48733
  Authority delegation to Defense Department Secretary, 51097
  Authority delegations revoked, 55906
  Credit Card, U.S. Government National; form preparation and control, 48180
  Patents; licensing of Government-owned inventions, 48179
  Privacy protection and data security, 49936

GEOLOGICAL SURVEY

Rules
Outer Continental Shelf; oil, gas, and sulfur operations:
  Drilling and development programs, 51199

Proposed Rules
Coal exploration, mining operations; environmental statement, 46315
Coal mining operating regulations; protection of public and Indian lands; extension of time, 51646
Outer Continental Shelf; oil, gas, and sulfur operations:
  Development and production; order and guidelines, 58862
  Exploration, development, and production; operations regulations, 58862

Notices
Authority delegations:
  Chief, Branch of Procurement and Contracts and Management Officers, Eastern, Central, and Western Regions, 53275
Geothermal resource areas, operations, etc.:

INDEX

Arizona, 50549
California, 50296, 59753
Central and Western Regions; correction, 57816
Idaho, 58160, 58671
Nevada, 45860, 46141, 50296, 57374, 58473
New Mexico, 56699
Oregon, 59753
Utah, 48535
Meetings:
Earthquake Studies Advisory Panel, 55371
Water Data for Public Use Advisory Committee, 49585
Oil and gas operations:
Disposal of Outer Continental Shelf royalty oil, 53048
Disposal of produced water, 57814
Federal and Indian leases; approval applications, 52637
Natural gas; value for royalty purposes, 54268
Oil shale land classification:
Colorado, 58473
Outer Continental Shelf; oil and gas development:
Drilling procedures; safety and pollution-prevention standards, 59753
Gulf of Mexico, 57502, 57506, 59753
Mid-Atlantic Area, 57225
Operations and production; limited suspension guidelines, 58873
Pacific Area; drilling procedures, 53276

HAZARDOUS MATERIALS OPERATIONS OFFICE

Rules
Aircraft, shipments by, 58284, 58850
Asphalt shipments in cargo tanks, 59598
Hazardous materials, exemption procedures, 48466, 56442
Motor carriers, catalytic heaters in, 46106, 49092
Motor carriers, shipments by; correction, 45824
Radioactive materials:
Air transportation of dangerous articles and magnetized materials; revoked, 57667
Rail tank cars containing combustible liquids; placarding, 57433

Proposed Rules
Aircraft, shipments by, 45197
Radioactive materials:
Air transportation of dangerous articles and magnetized materials, 57688
Repairs to vehicles in closed buildings; withdrawal; correction, 45847

Notices
Applications; exemptions, renewals, etc.:
California Seal Control Corp., et al., 52430
Chugiak Aviation, et al., 53301
Eagle-Picher Industries, Inc., et al., 59235
Fike Metal Products Corp. et al., 55890
Spernak Airways, Inc., et al., 57708
Special permits:
Hooker Chemicals & Plastics Corp. et al., 59368
Owens-Illinois, Ohio, et al., 53612
Western Electric, et al., 48164

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Aging Administration.
Alcohol, Drug Abuse, and Mental Health Administration.
Child Support Enforcement Office.
Children's Bureau.
Consumer Affairs Office (HEW).
Disease Control Center.
Education Office.
Food and Drug Administration.
Health Resources Administration.
Health Services Administration.
Human Development Office.
National Institute of Education.
National Institutes of Health.
Public Health Service.
Saint Elizabeths Hospital.
Social and Rehabilitation Service.
Social Security Administration.

Rules
Human subjects, protection of; fetuses, pregnant women, in vitro fertilization, 51638
Privacy Act; implementation, 47406
Procurement, 53122, 54569

Proposed Rules
Exchange visitor program; request for waiver of foreign residence requirement, 52407
Nondiscrimination, civil rights laws and authorities; consolidated rules for enforcement; extension of time, 45442
Procurement, 49792

Notices
Committees; establishment, renewals, etc.:
Pharmaceutical Reimbursement Advisory Committee, 52428
Consumer representation plan; proposed, 55137
Contract modifications:
Mathematics, Inc.; welfare reform studies, 48959
Food and Drugs Commissioner report on internal management of FDA; inquiry, 57830
Hospital, inpatient; increase deductible, 45216
Hospital insurance program; premium rate for uninsured aged, 59472
License, exclusive patent:
Mason, William H., 58339
Meetings:
Biomedical Research Panel, President's, 47817, 51074, 54851, 59771
Consumer Advisory Council, 54851
Education of Disadvantaged Children National Advisory Council, 59367
Education Statistics Advisory Council, 50555
Fund for Improvement of Postsecondary Education, Board of Advisors, 51215
Health Insurance Benefits Advisory Council, 47165, 59367
National Professionals Standards Review Council, 50741
New Drug Regulation Review Panel, 45863, 49595, 54851, 58679
Olympic Sports President's Commission, 49595, 59367
Professional Standards National Review Council, 58884
Protection of Human Subjects of Biomedical and Behavioral Research, National Commission, 49815, 55373
Services and Facilities for Developmentally Disabled, National Advisory Council, 55611
Women, Rights and Responsibilities, Secretary's Advisory Committee, 48960, 50556, 59233
Nondiscrimination:
Sex discrimination in athletic programs, elimination; memorandum, 52655
Nondiscrimination; equal employment opportunity noncompliance; Federal assistance, proposed ineligibility:
Anastasi Brothers Corp., 53296
Industrial Air Conditioning & Refrigeration Corp.; correction, 48161
University of Texas at Austin, 45214
Organization, functions, and authority delegations:
Administrator, Health Services Administration, 55694
Assistant Secretary for Health et al., 48960, 53611
Assistant Secretary for Health Office, 55889
Community Health Centers, 58166
Education Office, 58678
Facilities Engineering and Property Management Office, 55881
Health Services Administration, 53052
Human Development Office, 53053
Investigations Office, 58489
Social Security Administration, 54456, 55885, 55888, 58679
Privacy Act; systems of records, 45348, 49886
Protection of Human Subjects of Biomedical and Behavioral Research, National Commission, meetings and hearing, 55373
Social Security contribution and benefit base; retirement test exempt amount for 1976, 50556

HEALTH RESOURCES ADMINISTRATION

Notices
Committee reports, annual, 54276
Committees; establishment, renewals, etc.:
Health Planning and Development National Advisory Council, 47531, 49813
Grants:
Health Manpower Education Initiative Projects; National priorities, 59231
Public health and allied health professions grant programs; applications, 59232
Trainees and training institutes, 57511
Health systems agency application information, 53297
Meetings:
Cooperative Health Statistics Advisory Committee, 53293, 56962
Health Professions Education National Advisory Council et al., 47531, 58165
Nurse Training National Advisory Council, 47531
Nursing Research and Education Advisory Committee, 59609
Public Health Training National Advisory Council, 52428
Vital and Health Statistics Committee, Task Force on Annual Report on Nation's Health, 58166
Vital and Health Statistics U.S. National Committee and Cooperative Health Statistics Advisory Committee; joint, 53293, 56962

HEALTH SERVICES ADMINISTRATION

Notices
Committee reports, annual, 54851
Committees; establishment, renewals, etc.:
Migrant Health National Advisory Council, 53293
Meetings:
Emergency Medical Services Interagency Committee, 50118
Health Manpower Shortage Areas National Advisory Council, 49813
Professional Standards Review Organizations; poll of physicians:
Florida, 49814
Iowa, 48706

HEARINGS AND APPEALS OFFICE, INTERIOR DEPARTMENT

Notices
Applications, etc.:
A & H Coal Co., 54270
Alabama By-Products Corp., 55688, 59753
Bethlehem Mines Corp., 50549
Betty B. Coal Co., 59754
Black Diamond Mining Co., 50550
Energy Fuels Corp., 50551
F & W Coal Co., 51071
Fireside Mining, Inc., 54270
Four Leaf Co., Inc., 52873
Grays Knob Coal Co., 51071
Harlan Central Coal Co., 58671
Harlan-Cumberland Coal Co., 51071
Helvetia Coal Co., 58671
Herb Coal Co., 50551
Island Creek Coal Co., 58672
Jewell Smokeless Coal Corp., 59754
Kopperhaver Coal Co., 54271
Laco, Inc., 55689
Laurel Run Mining Co., 50552
Miller Coal Co., 54271
Mountaineers Coal Co., 50552
National Mines Corp., 52873
North American Coal Co., 52873
Peabody Coal Co., 52874
Penn Alleigh Coal Co., Inc., 55871, 59755
Republic Steel Corp., 51214
Rex Mining Co., 50553
Rochester & Pittsburgh Coal Co., 58672
Royal Coal Co., 52874
Rushton Mining Co., 48151, 55872
Scotia Coal Co., 50553
Short Mountain Coal Co., 54272
South-East Coal Co., 59756
Tenn-Tex Coal Corp., 59756
Tesone Coal Co., 55892
Webster County Coal Corp., 48151, 48152
Wenrich Coal Co., 54272
Zimmerman Coal Co., 50553

HIGHWAYS

See Federal Highway Administration.
National Highway Traffic Safety Administration.

HISTORIC PRESERVATION, ADVISORY COUNCIL

Notices
Meetings, 54285
Memorandums of agreement, 57381

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Community Planning and Development, Office of Assistant Secretary.
Federal Disaster Assistance Administration.
Federal Insurance Administration.
Housing Management, Office of Assistant Secretary.
Housing Production and Mortgage Credit, Office of Assistant Secretary.
Interstate Land Sales Registration Office.

Rules
Emergency homeowners' relief program, 59866
Freedom of information, 48123
Low income housing:
Fair market rents for payments programs; existing housing, 50632
Tax exemption; obligations of public housing agencies; financing, 50531
Mortgagee Review Board; establishment; correction, 48919
Real estate settlement procedures, 47792, 48677

Proposed Rules
Emergency homeowners' relief program, 47694
Low income housing:
Fair market rents and contract rent automatic annual adjustment factors, 45445
Fair market rents for payments programs; existing housing, 50438, 54760
Housing assistance payments; construction loans for elderly and handicapped, 54734
Nondiscrimination, equal employment opportunity, 54550

Notices
Authority delegations:
Atlanta, Region IV, Acting Area Director, 54279
Buffalo Area Office, Region II, N.Y., Acting Director, 55374
Camden Area Office, Region II, N.Y., Acting Area Director, 55374
Community Planning and Development Assistant Secretary and Deputy Assistant Secretary, 50557, 54606, 56710
Fair Housing and Equal Opportunity Assistant Secretary et al., 53418
Federal Insurance Administrator, 56710
Housing Management Assistant Secretary, 51491
Housing Management Assistant Secretary and Deputy Assistant Secretary, 50557
Housing Production and Mortgage Credit Assistant Secretary, 51492
Interior Department Secretary, 52927
Loan Management Office, Director and Deputy Director, 49383
Minneapolis-St. Paul Office; Acting Area Director, 58679
New York, Region II, Acting Regional Administrator, 55374
Philadelphia, Region III, Deputy Regional Administrator, 48960
Philadelphia, Regional Administrator, 48960
Region X, Regional Administrator, et al., 53299
Regional Administrators, et al., 49382, 50557, 52919
San Francisco, Region IX, Assistant Regional Administrator for Indian Programs, 45217
Secretary; order of succession, 58885
Consumer representation plan; proposed, 55161
Emergency homeowners' relief; activation of standby authority, standard, 47706
Housing construction loans; elderly and handicapped; fund reservations requests; extension of submission deadline, 53612
New Community Development Corporation; appointment of board of directors, 52751
Privacy Act; systems of records, 47435

HOUSING MANAGEMENT, OFFICE OF ASSISTANT SECRETARY

Rules
Interest reduction housing:
Mortgage insurance and interest reduction payments for rental projects; income limits, 52845
Rent control, local, 49318

Notices
Authority delegations. SEE MAIN HEADING Housing and Urban Development Department., --

HOUSING PRODUCTION AND MORTGAGE CREDIT, OFFICE OF ASSISTANT SECRETARY

Rules
Authority delegations:
Underwriting Standards Office, Director, et al., 58637
Fair housing; sex discrimination prohibition; correction, 53008
Mobile homes; construction and safety standards, 52706, 53008, 58752
Mortgage and loan insurance programs:
Application fee; existing and proposed construction, 55354
Cooperative housing; CFR correction, 50258
Debenture interest rates, 49777
Insurance and interest reduction payments for rental projects; income limits, 52844
Interest rates, 47105, 58133
Multifamily housing; CFR correction, 50258

Proposed Rules
Mobile home consumer information, 48141
Mobile homes; construction and safety standards, 52709
Mortgage and loan insurance programs:
Homes for lower income families; eligibility, 52216

Notices
Housing construction loans; elderly and handicapped; fund reservations requests; extension of submission deadline, 53612
Meetings:
Housing and Other Construction, U.S.-U.S.S.R. Joint Committee on Cooperation, 55374
Mobile Home National Advisory Council, 52077

HUMAN DEVELOPMENT OFFICE

Rules
Vocational rehabilitation programs:

INDEX

XUM

Evaluated standards, 58956
State; grants, assistance, etc., 54696

Proposed Rules
Blind; vending facility program on Federal and other property, 59408

Notices
Head Start programs; performance standards; self-assessment/validation instrument; proposed, 50960
Vocational rehabilitation training, short-term; applications, 58488

IMMIGRATION AND NATURALIZATION SERVICE

Rules
Immigration regulations:
Alien deportability; bond redetermination before special inquiry officer, 50249
Organization, records, etc., 58448
Parole of aliens into U.S.; termination, 49767
Reentry permits; contracts with transportation lines; etc., 50701
Nationality regulations:
Residence, physical presence and absence, 50701, 58448
Privacy Act; implementation; correction, 46092

INDIAN AFFAIRS BUREAU

Rules
Electric power systems, operation and maintenance charges:
San Carlos, Ariz., 58135
Indian self-determination and education assistance, 51282
Irrigation projects, operation and maintenance charges:
Salt River, Ariz., 54425
San Carlos, Ariz., 45427
San Xavier, Ariz., 52610
Yakima Indian Reservation, Wash., 52845, 52846
Procurement, 51331

Proposed Rules
Irrigation projects, operation and maintenance charges:
Salt River, Ariz., 47139
Wind River, Wyo., 59745
Yakima Indian Reservation, Wash., 46114
Judgment funds:
Education and socioeconomic funds of Osage Indians, 47795
Per capita shares handling and protection; Indian minors, legal incompetents, etc., 53593
Mining; tribal assets joint management by Ute Distribution Corp. and Ute Indian Tribes; 57694
Social welfare:
Financial assistance and social services program, 53403

Notices
Alcoholic beverages, introduction, sale and possession; legalizing:
Pyramid Lake Paiute Reservation, Nev., 50732
Eastern Nevada Agency, Elko, Nev., location change, 59361
Hunting and fishing ordinance:
Colville Reservation, Wash., 54449
Judgment funds; plan for use and distribution:
Creek Nation of Okla., 59360
Navajo Tribe, 59361
Northern Tonto Apache Tribe, 50731
Suquamish Tribe, 53606
Land transfer:
Oglala Sioux Indian Tribe, S. Dak., 50731
Law and order determinations:
Menominee Tribe, Wis., 54450
Nevada Indian tribes, 56698
Pierre Indian Learning Center, S. Dak.; name change, 59361
Western Navajo Agency; name change, 59361

INTERDEPARTMENTAL WORKERS' COMPENSATION TASK FORCE

Notices
Occupational Diseases and Workers' Compensation Conference, 58519

INTERGOVERNMENTAL RELATIONS ADVISORY COMMISSION

Proposed Rules
Privacy Act; implementation, 46062

Notices
Privacy Act; systems of records, 46064

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

Notices:
Applications, etc.:
B & S Coal Co., Inc., 51098
Buchanan County Coal Corp., 55907
Dilston Corp., 58181
Eddie Coal Co., Inc., 47218
Hobbs Bros. Coal Co., Inc., 59495
Indian Head Mining Co., Inc., 54475
Lane Hollow Coal Co., 46158, 57400
Long Branch Coal Co., 52122
Mary E Coal Co., Inc., 59495
N & M Coal Co., Inc., 57400

INTERIOR DEPARTMENT

See also Bonneville Power Administration.
Fish and Wildlife Service.
Geological Survey.
Hearings and Appeals Office, Interior Department.
Indian Affairs Bureau.
Land Management Bureau.
Mining Enforcement and Safety Administration.
National Park Service.
Outdoor Recreation Bureau.
Reclamation Bureau.

Rules
Conduct standards; employees required to file statements, 58295
Freedom of information, 57671
Hearings and appeals procedures under Federal Metal and Nonmetallic Mine Safety Act, 46310
Privacy Act:
Implementation, 57671
Systems of records, exemptions, 54790
Procurement, 45818, 47136, 57670
Property management, 52847, 55857, 55858
Tort claims; filing procedures, 53590

Proposed Rules
Defense emergency procedures; natural gas allocation, 50047
Privacy Act:
Systems of records exemptions, 50432

Notices
Alaska native village eligibility determination, 47812
Alaska natives, nonresident; establishment of region for enrollment, 52875
Colorado River Storage Project; proposed allocation of power, 59362
Committees; establishment, renewals, etc.:
Oil Shale Environmental Advisory Panel et al., 59757
Outer Continental Shelf Advisory Board, 46143
Consumer representation plan; proposed, 55169
Environmental statements; availability, etc.:
Arctic Natural Gas Transportation System, 48536
Back Bay Wilderness Area, 45861
Belle Ayr South Mine, Campbell Co., Wyo., 48537
Central Utah Project, Jensen Unit, 58875
City of Refuge National Historical Park, Hawaii, 45453
Colorado oil shale plant complex construction and operation, 58326
Cordero Mine, Campbell County, Wyo., 59756
Dolores National Wild and Scenic River, Colo., 58875
Gasconade wild and scenic river study, 46336
Grand Canyon Complex, Ariz., 58473
Grand Teton National Park, Wyo., 46336
Hawaiian Islands Wilderness Area, proposed, 46143
Lacassine Wilderness Area, La., 51488
Lake Woodruff Wilderness Area, 55880
Lyman Project, Wyo.-Utah, 57816
Mattamuskeet-Swanquarter-Cedar Island-Pea Island Wilderness Area, N.C., 54451
Mingo Wilderness Area, Mo., 50296
National Wildlife Refuge System, 54451, 59228
North Country Trail, 47812
Noxubee Wilderness Area, Miss., 54451
Pinnacles National Monument, Calif., 58473
South Platte River Basin, Colo., 57816
Upper St. Croix National Scenic Riverway, Minn. and Wisc., 58875
Ute Mountain Ute Uranium Project, Colo., 55373
West Burley Service, 59361
White Sands National Monument, N. Mex., 51486
Wolf Creek National Fish Hatchery, Ky., 48956
Financial interest statements:
Adams, Gary E., 53281
Ambrose, Lewis K., 53281
Campbell, Charles A., 46141
Cowles, Edward R., 53281
Davis, William A., 53281
English, John F., 46141
Glass, Edward C., 53281
Gregg, Donald B., 53282
Hayden, Julian R., 46141
Hoey, Frederick W., 53282
Hufman, Robert L., 46141
Hunt, Herbert H., Jr., 46141

James, Evan W., 53282
Jeter, David G., 46141
Kay, J. Scott, 53282
Kepner, Jack W., 46142
Kerger, Robert E., 46142
Kline, John H., 46142
Lentz, Owen A., 46142
McLagan, Robert R., 46142
Mochon, Harry H., Jr., 46142
Pence, William K., 46142
Prekeges, Gregory P., 46142
Quigley, Martin T., 53282
Ricci, Nicholas A., 53282
Rogers, Clifton F., 46142
Rolfing, John, 53282
Salo, John V., 53282
Schultz, Leroy J., 46142
Swanson, Stanley M., 46143
Timme, E. F., 58327
Watson, Charles W., 46143
Meetings:
Enhanced Recovery Techniques for Oil and Gas in U.S. Committee, 53607
Federal Metal and Nonmetal Mine Safety Advisory Council, 53049
Future Energy Prospects National Petroleum Council Committee, 49810
Oil Shale Environmental Advisory Panel, 47155, 59756
Outer Continental Shelf Advisory Board, 47527, 54273, 59757
Surface management and mining of federally owned coal resources, 56699
Water Research and Technology Advisory Panel, 47813
Monument establishment:
John Day Fossil Beds National Monument, 45453
Oil, gas, and potash leasing:
Eddy and Lea Counties, N. Mex., 51486
Privacy Act; systems of records, 46066, 47985, 50433, 50434, 50435, 54849, 54850, 56940
Salary adjustment; Administrator, Southwestern Power Administration, 51072
Seal; criteria for use, 58326
Watches and watch movements; allocation of quotas; Virgin Islands, Guam, and American Samoa, 54274, 59767

INTERNAL REVENUE SERVICE

Rules
Employment taxes:
Information returns and statements for employees; CFR correction, 48346
Estate and gift taxes:
Interest rate determination, 49321
Transfers for public, charitable, and religious uses, 58852
Excise taxes:
Employee benefit plans; fiduciary definition, 50840
Income taxes:
Employees of organizations under common control, 51435
Exempt organizations; advertising income and activities, 58637, 60053
Foreign central bank, income derived by, 45427, 48508
Guam and U.S., coordination of individual taxes, 50206
Interest rates; increase, 49321
Nonbank trustees of pension and profit-sharing trusts benefiting owner-employees, 48508
Plan benefits not decreased due to social security increases, 48345
Residence, new personal; credit for purchase, 55849, 58138
Retirement accounts and annuities, individual; endowment contracts; disclosure statements, 51635
Retirement plans, employee; benefits under qualified trusts, 47107, 48679
Retirement plans, employee; trustees of individual accounts, 53580
Retirement plans; minimum participation standards, 45812
Retirement plans; qualified joint and survivor annuities, 45810, 49326
Transfers for public, charitable, and religious uses, 58852
Vesting standards, minimum, 51421

Proposed Rules
Employment taxes:
Withholding exemption certificates, invalid and questionable, 53037
Estate and gift taxes:
Transfers for public, charitable, and religious uses, 58860
Excise taxes:
Exemptions from excise taxes for U.S., 48696
Income taxes:
Adjusted gross income deductions, 50720
Annuities, qualified joint and survivor, 45828, 49343
Bonds, arbitrage, 56448, 58656
Corporate tax rates and surtax exemptions; changes, 54582, 57364
Custodial accounts and annuity contracts under qualified pension, profit-sharing, and stock bonus plans, 48517
Employees of organizations under common control, 51467
Industrial development bonds; hearing, 48690
Minimum participation standards, 45838, 52418
Multiple corporations, 45832
Nonbank trustees of pension and profit-sharing trusts benefiting owner-employees, 48514
Oil and gas wells; percentage depletion limitations, 48691, 53261, 57462
Pension, profit-sharing, stock bonus plans, etc.; retroactive plan changes, etc., 46314
Pension, profit-sharing, stock bonus plans, etc.; retroactive plan changes, etc., 52417
Plan benefits not decreased due to social security increases, 48361
Refund of 1974 income taxes and tax credit for certain personal exemptions, 54583
Reinsurance transactions; life insurance companies; hearing, 45442
Residence, new personal; credit for purchase; hearing, 45845
Residence replacing for purposes of nonrecognition of gain, extension of period, 53035
Retirement plans, employee; trustees of individual accounts, 53593
Transfers for public, charitable, and religious uses, 58860
Trusts, qualified; commencement of benefits, 47138, 48690
Vesting standards, minimum, 51445, 58471

Notices
Art Advisory Panel, Commissioner of Internal Revenue; report on closed meetings; availability, 52866
Authority delegations:
Assistant Commissioner, et al., 58665
District Directors, 48532, 59750
Fiscal Management Officer, 46420, 53605
Internal Security Division, Assistant Commissioner and Director, 58665
Regional Commissioner, Southwest Region, 52065
Committees; establishment, renewals, etc.:
Commissioner of Internal Revenue Advisory Group, 48383
Employee benefit plans, prohibitions on transactions; exemption proceedings, hearings, etc., 50845, 58964
Meetings:
Art Advisory Panel, 46420
Commissioner's Advisory Group, 52065
Professional Conduct Rules, Chief Counsel's Advisory Committee, 52866
Pension and welfare plans; annual information returns/reports, 51206
Private schools; proposed revenue procedure, 53409

INTERNATIONAL BROADCASTING BOARD

Rules
Privacy Act; implementation, 59705

INTERNATIONAL JOINT COMMISSION-UNITED STATES AND CANADA

See Canada and United States-International Joint Commission.

INTERNATIONAL TRADE COMMISSION

Rules
Privacy Act; implementation, 47976
Seal, adoption, 53384, 55838

Proposed Rules
Practice rules:
Confidential business information, 54265, 56936
Unfair import trade practices; investigation procedures; extension of time, 48700

Notices
Articles eligible for generalized system of preferences, advice to President and inquiries, 45480
Import investigations:
Asparagus; hearings, 45480
Automotive agreement, U.S./Canadian; hearing, 51691, 53084
Birch doorskins, 50320, 50575
Bismuth molybdate catalysts, 48403, 57248, 59621
Bolts, nuts, and screws; iron or steel, 55721
Cement, Portland hydraulic; from Mexico, 54883, 59622
Coffee, Angolan Robusta, 54882, 55907, 58899
Converters, monolithic catalytic, 50752, 57516, 57517

INDEX

Dry wall screws, 52887, 59377
Electric wave filters, piezoelectric ceramic 10.7 MHz, 58699
Electronic audio and related equipment, 50752; 53083, 54883, 58899
Ferricyanide and ferrocyanide blue pigments, 51691
Freezing attachments, ultra-microtome, 58899
Golf cars, electric, from Poland, 49153
Heaters, liquid propane, 50752, 54475
High fidelity audio and related equipment, 55907
Locks, chain door, 57516, 58182
Monolithic catalytic converters, 55394
Mushrooms, 46158
Optic devices and instruments, glass fiber, 53320, 57248
Polytetrafluoroethylene in tape form, expanded, unsintered, 57516
Shrimp, 49614, 50320, 59377
Steel; stainless, alloy tool and silicon electrical, 47580
Tableware, ceramic, 55907
Tobacco, wrapper, 52668
Tobacco leaf graders, automatic; components, 58698
Tools, certain non-powered hand; from Japan, 50320, 57517
Vinyl clad fence fabric from Canada, 51243
Privacy Act; systems of records, 47978, 49564

INTERSTATE COMMERCE COMMISSION

Rules
Accounts, uniform system:
Carrier classification, 51638
Destruction, 50384
Railroads, electric railways, express companies, etc., 53237
Bids, competitive; railroad carriers, 56668
Car distribution directions; appointment of agents, 59744
Grain and grain products:
Claims settlement for loss and damage, 49341
Intercity rail passenger service, adequacy, 50700
Motor carriers:
Exemptions, 51442
Practice rules:
Motor carrier revenue proceedings, 51380, 54572
Securities; definition; denial of petitions for reconsideration, 47504, 51199
Rail service continuation subsidies, standards for determining, 57639
Railroad car service orders:
Coal cars, privately owned, 48512
Embargo agents; appointment, 59744
Freight car movement, 50537, 57433
Grain cars; distribution, 50539, 52611, 57433
Hopper cars, distribution of, 51198, 57252, 57433
Hopper cars, return of, 45174, 54796, 54798, 56444
Railroad car service orders; various companies:
Baltimore & Ohio Railroad Co., 45440
Burlington Northern Inc., 50537
Chicago, Milwaukee, St. Paul & Pacific Railroad Co., 50537, 59598
Chicago, Rock Island & Pacific Railroad Co., 45440, 48930, 56443
Chicago & North Western Transportation Co., 56444, 59599
Delaware & Hudson Railway Co., 55860
Illinois Central Gulf Railroad Co. et al., 45174
Kansas City Southern Railway Co., 51442, 52037
Louisville & Nashville Railroad Co., 45440
Missouri Pacific Railroad Co., 56443
Northwestern Oklahoma Railroad Co., 56444
Penn Central Transportation Co., 55860
SOO Line Railroad Co., 59599
St. Louis-San Francisco Railway Co., 53592, 56898
Union Pacific Railroad Co., 59441
Records:
Preservation of records, 50384
Reports:
Carrier classification, 51638
Competitive bidding schedule; annual reports; Clayton Antitrust Act transactions, 48512
Rate-making organizations; record retention, 50384
Rerouting of traffic; appointment of agents, 59744

Proposed Rules
Bus industry, intercity; motor carrier revenue proceedings, 57465
Environmental policy guidelines, 45450, 50108
Motor carriers:
Passengers; adequacy of facilities, service and equipment, 52063, 59604
Motor vehicles and operations; State registration requirements, 59453
Practice rules:
Bus industry, intercity; motor carrier revenue proceedings, 57465
Environmental policy guidelines, 45450, 50108
Forms, application, for operating authority, 52058, 54842
Petitions for reconsideration; content requirements and page limitations, 51483, 52417

Notices
Abandonment of railroad services, etc.:
Atchison, Topeka & Santa Fe Railway Co., 45906
Baltimore & Ohio Railroad Co., 53450
Bessemer & Lake Erie Railroad Co., 53093
Burlington Northern, Inc., 47549, 48419, 53092, 59803
Chicago, Milwaukee, St. Paul & Pacific Railroad Co., 49163, 52785, 59804
Chicago, Rock Island & Pacific Railroad Co., 45906, 49163, 57413, 57887
Chicago & Eastern Illinois Railroad Co., 53331
Chicago & North Western Transportation Co., 49831, 51104, 54324
Erie Lackawanna Railway Co., 53093
Great Plains Railway Co., 51105
Illinois Terminal Railroad Co., 48757
Kalamazoo, Allegan & Grand Rapids Railroad Co., 52786
Kansas City Southern Railway Co., 49005
Live Oak, Perry & South Georgia Railway Co., 59631
Mackinac Transportation Co., 57250
Missouri Pacific Railroad Co., 55914
Northwestern Pacific Railroad Co., 53336
Pennsylvania-Reading Seashore Lines, 55732
Richmond Terminal Railway Co., 49185
Sacramento Northern Railway, 58715
Southern Pacific Transportation Co., 45909, 49005
Texas Export Railroad Co., 49006
Visalia Electric Railroad Co., 49832
Brokers of property and passengers, regulation of; investigation; extension of time, 48561
Canadian traffic; operating authority; application disclosure requirment, 53450
Car service exemptions, mandatory, 46378, 47209, 48756, 48757, 49006, 49645, 49646, 49831, 49832, 51105, 51702, 52127, 52785, 53331, 53332, 53337, 53648, 53649, 54036, 54324, 55728, 55729, 57250, 57251, 57749, 57750
Commercial zones and terminal areas: Minneapolis-St. Paul, petition, 45907
Construction, trackage rights: Illinois Central Gulf Railroad Co., 48758
Corporate disclosure regulations; hearing, etc., 50338, 54640
Fourth section applications for relief, 45240, 46378, 47875, 48756, 49005, 49163, 49847, 50185, 50588, 51257, 52126, 52778, 52902, 53093, 53332, 53649, 55411, 55729, 56748, 56995, 57414, 58521, 59280, 59503, 60130
Freedom of information; requests for material, 53649
Hearing assignments, 45238, 45239, 45485, 45905, 46168, 46377, 47178, 47549, 47875, 48197, 48419, 48561, 48755, 49004, 49163, 49424, 49646, 49647, 49833, 50185, 50334, 50587, 50776, 51105, 51257, 51532, 51702, 52126, 52451, 52678, 52778, 52902, 53092, 53449, 53648, 54035, 54321, 54486, 54639, 55411, 55729, 55914, 56994, 57249, 57414, 57542, 57749, 57887, 58189, 58355, 58520, 58715, 58913, 59279, 59388, 59503, 59626, 59804, 60130
Hopper cars:
Union Pacific Railroad Co., 47210, 51702, 52127
Hopper cars, distribution of, 54324, 57252
Motor carrier, broker, water carrier, and freight forwarder applications, 45509, 47550, 48596, 49618, 50765, 51702, 52909, 54037, 55414, 56760, 57740, 58705, 59504, 60135
Motor carriers:
Alternate route deviation notices, 45257, 45258, 47199, 48565, 49424, 50588, 51533, 52779, 56516, 58533, 59403, 60131
Applications and certain other proceedings, 45258, 47200, 48568, 49431, 50589, 51534, 52780, 53649, 54894, 56518, 57543, 57754, 58534, 58914, 59400, 60131
Intrastate applications, 45239, 47203, 48561, 49430, 50588, 51537, 52784, 53653, 54906, 57542, 58520, 59404
Irregular route property carriers; gateway elimination, 45240, 45491, 45885, 46169, 46378, 47178, 47564, 47847, 48201, 48420, 48577, 48758, 48987, 49164, 49438, 49630, 49833, 50164, 50339, 50602, 51524, 53660, 54898, 54900, 56748, 57556, 58521, 59388

Lease and interchange of vehicles, 58359, 58715, 58913
Temporary authority applications, 45486, 45907, 46399, 47205, 47207, 47876, 47877, 48198, 48572, 48574, 48755, 49182, 49424, 49426, 49647, 50185, 50335, 50598, 50777, 51258, 52452, 52679, 52903, 52905, 53094, 53332, 53654, 53657, 54322, 54486, 55412, 55730, 55915, 56995, 57550, 57554, 57750, 57888, 57889, 58190, 58355, 58539, 58915, 59280, 59627, 59630, 60130
Transfer proceedings, 45486, 45907, 46168, 46398, 47209, 47549, 47875, 48198, 48756, 49428, 49429, 49847, 49848, 50185, 50187, 50335, 50777, 51106, 51258, 51538, 52126, 52451, 52452, 52678, 53093, 53336, 53450, 53656, 54036, 54321, 54489, 54640, 54893, 55411, 55730, 55917, 56524, 56760, 56995, 57250, 57550, 57887, 58189, 58190, 58716, 58914, 59403, 59504, 59626, 59804, 60134
Petitions filing:
Rogers Transfer, Inc., 49430, 58539
Waldo Robnert Co., 46169
Railroad acquisition:
Chicago, West Pullman & Southern Railroad Co., 51538
Railroad freight rates and charges:
Arkansas, 55728
Grain and grain products, 51532
Nationwide, 50339
Recyclables; railroad rate increase proceedings; conference, 54489
Rerouting of traffic:
Association of American Railroads, 49831, 55729, 58520
Baltimore & Ohio Railroad Co., 57251
Erie Lackawanna Railway Co., 49004
Lehigh Valley Railroad Co., 59630
Penn Central Transportation Co., 52127
Western Maryland Railway Co., 49004, 49007, 55732
Surety bonds, approved to act as surety:
Burlington Northern, Inc., 58914

INTERSTATE LAND SALES REGISTRATION OFFICE

Rules
Land registration; State filings, 56907

Proposed Rules
Land registration; State filings, 56919

Notices
Exemptions from full disclosure; guidelines, 47166, 52429
Land developers, addresses unknown; property reports, opportunity for hearing, 54366
Land developers; investigatory hearings, orders of suspension, etc.:
Beaver Lake, 58167
Captain's Cove, 59233
Cascade Development Corp., Camelot Estate Subdivision, 55375
Cinnamon Lake, 57236
Country Squire Lakes Subdivision, 52751
Enterprise Heights Timber Ridge; correction, 57830
Groveland Ranch Acres, 47825
Hidden Valley Lake Subdivision, 53055
Holiday Out in America at Tansi, Inc., 48545, 56472
Lake Camelot, 54851
Lake of the North, 53055
Moss Brae Falls Tract; correction, 57830
Nacona Hills, 52429
Oyster Bay Community, 48544, 56472
Pinehurst, 58167
Pinery Subdivision, 53056
Ranchos de Placitas, 52430
Rincon Resorts of Costa Rico, 48545, 56472
Salt Fork Campgrounds, 58167
Sea Pines Subdivision, 47825
Stone Knob, 59234
Thornhurst Lake Estates, 59234
Tranquility Falls, 48546, 56472
Yogi Bear Jellystone Park Camp Resort, 58168

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

See Actuaries, Joint Board for Enrollment.

JUSTICE DEPARTMENT

See also Antitrust Division, Justice Department.
Drug Enforcement Administration.
Federal Bureau of Investigation.
Immigration and Naturalization Service.
Law Enforcement Assistance Administration.

Rules
Criminal justice information systems; inquiry, 52846
Organization, functions, and authority delegations:
Assistant Attorneys General; obstruction of justice prosecutions, 53390
Federal Bureau of Investigation Director, et al., 58644
Professional Responsibility Office, 58643
Privacy Act; implementation, 50642, 52007
Voting rights; language minority groups, 46080

Proposed Rules
Nondiscrimination; equal employment opportunity in federally-assisted programs; grants, 56454
Privacy Act:
Systems of records; exemption, 50647

Notices
Consumer representation plan; proposed, 55173
Meetings:
False Identification Federal Advisory Committee, 50548, 58870
Privacy Act; systems of records, 50649, 53605, 56465
Voting rights:
Appointment of examiners; Tunica Co., Miss., 51206
Determinations list, 49422

LABOR DEPARTMENT

See also Employee Benefits Security Office.
Employment and Training Administration.
Employment Standards Administration.
Federal Contract Compliance Office.
Labor Management Services Administration.
Labor Statistics Bureau.
Manpower Administration.
Occupational Safety and Health Administration.
Wage and Hour Division.

Rules
Comprehensive Employment and Training Act:
Allowable Federal costs, 58854
Indian manpower programs, 47722
Conduct standards, 58855
Contracts, public:
Automatic data processing equipment; definition of regular dealers, 57805
Uranium, public utility and regular dealer in, 57805
Job Corps program; establishment, funding, operation, and management of centers, 50812
Labor management relations in Federal service, 50714, 58855
Labor organizations; reporting requirements, 58855

Proposed Rules
Apprenticeship programs; registration standards, 51102
Comprehensive Employment and Training Act:
Allowable Federal costs, 47744
Contracts, public:
Veterans and disabled veterans of Vietnam era; affirmative action, 49351
Farm labor contractors; registration, 57332
Immigration; immigrant labor certifications; household domestic service workers, 58664

Notices
Authority delegations:
Employment Standards Assistant Secretary et al., 55913, 56743
Birch door skin industry; adjustment assistance investigation, 55912
Committees; establishment, renewals, etc.:
Women, Advisory Committee, 52902
Consumer representation plan; proposed, 55195
Employment and Training Administration and Office of Assistant Secretary for Employment and Training; redesignations 0, 54485
Indo-China refugees at Fort Chaffee, Ark.; exemption from Service Contract Act, 53092
Inflationary impact of major proposals; policy and criteria for evaluation, 54484
Privacy Act; systems of records, 47981, 58252
Tax credit reductions, Federal; deferral, 56746
Tobacco, cigar leaf wrapper; adjustment assistance; investigation, 59272
Unemployment compensation:
Extended availability in various States, 51520, 51523
Adjustment assistance:
Abscold, Inc., 55405
Air Products & Chemicals, Inc., 54889
Airco Vacuum Metals, 57875
Al-Berto, Inc., 46368, 59384
Alan John Manufacturing Co., 59269
Albex Contractors, Inc., 59270
Allegheny Ludlum Steel Corp., 56744, 57408
Alliance Manufacturing Co., Inc., 51517
AMBAC Industries, Inc., 53088
Ambassador Clothes, Inc., 53639
Amerada Hess Corp., 51517
American Coat Pad Co., 46369
American Safety Equipment Corp., 50162
Amos Abbott Co., 46166
Anaconda Co., Hastings-on-Hudson, N.Y., 51254
Armco Steel Corp., 53089
Arrow Co., 54889
Avon Sole Co., 53089

INDEX

B&G Silverman, Inc., 49826, 60124
Baganoff Associates, Inc., 54310, 59799
Baker Clothes, Inc., 49826
Barringer Knitting Mills, Inc., 56510
Barry Knitting Mills, 56510
Batesville R&P, Inc., 48411, 59270
Baxter Stores, Inc., 53641
Bekaert Steel Wire Corp., 51518
Bendix Corp., 51519
Benjamin Flax, Inc., 53641
Bergman Knitting Mills, Inc., 55406
Bergman Tool Manufacturing Co., Inc., 50334
Billig Shoe Co., 46167, 53090
Birwin Trousers, Inc., 59271
Blacker, Stanley, Inc., 50587
Bonelli, E., & Co., Inc., 53326
Born, M., & Co., 48417
Brash, A., & Sons, Inc., 59270
Brookfield Clothes, Inc., 53641
Brown & Sharpe Manufacturing Co., 59271
Brown Shoe Co., 50162, 52676, 54889, 59271
Bruce, E. L., Co., Inc., 56746
Bruce, Robert, 48559
Byron Clothing Manufacturing Co., 48414
Caliper Clothes, Inc., 50162
Cambridge Tailoring Co., 46369
Cambridge Tailoring Co., Inc., 57876
Cape Cod Sportswear Co., Inc., 56745
Carlisle Tire & Rubber Co., 46369
Carroll Manufacturing Co., 59385
Carthage Marble Corp., 50162
Catania Clothing Corp., 53324
Cherry Knitting Mills, 54890
Chrysler Corp., 47846, 50585
Claremont Woven Label Co., 54318
Clarostat Manufacturing Co., Orange, Va., 51255
Cliftex Corp., 57737
Clover Knitting Mills, 55407
Cluett-Peabody, Inc., 47847
Cobblers, Inc., 55912
Cohen, Joseph H., 48414
Cohen, Joseph H., Inc., 49827
Cohen, Joseph H., & Sons, Inc., 59800
Cohn Clothes, 53642
Colonna & Co., Inc., 50585
Conso Products Co. Pa., 58519
Consolidated Foods Corp., 48414
Control Data Corp., 57408
Corning Glass Works, 48415, 58908
Crescent De Stasio, Inc., 53325
Crescent Knitting Mills, 57738
Cross Country Clothes, Inc., 46370, 49827, 57876
CTS of Berne, Inc., 57876
Dartmouth Clothing Co., 57409
De Graff of California, Inc., 59272
Dean Clothing, Inc., 57877
Deansgate, Inc., 46370, 57877
Deerfield Manufacturing Corp., 56745
Dell Clothing Co., Inc., 53325
Delton Clothes, Ltd., 53642
Deluca Sportswear, 51520
Delvin Co., 48415
Delvin Shoe Co., 57409
Devon Apparel, Inc., 57409
Dino Clothing Co., 53325
Dorsey Trailers Inc., 48986
Eagle Clothes, Inc., 53326
Eagle Pants Co., 53326
Eastern Knitting Mills, 56512
Electro Motive Corp., 59272
Elkton Fashion Industries, 60125
Elkton Fashions, Industries, 48558
English American Tailoring Co., 59385
Fairfax Manufacturing Co., 54890
Fairfoot Shoe Co., 50585
Fairfoot Shoe Co., Inc., 58909
Fashion Maid Knitting Mills, Inc., 50163
Fashionbilt Clothes, 50163
Ferrante & Co., Inc., 53326
Fine Craft Coat Co., Inc., 57879
Florsheim Shoe Co., 50764
Ford Motor Co., 54482, 54483, 54484
Freeman, H., & Son, Inc., 46372, 59385
Friedman-Marks Clothing Co., 46370
Fulton Clothes, Inc., 51520
General Coat Manufacturing Co., 48412, 57880
General Electric Co., 47229, 48987, 50333, 51518, 51523, 52677
General Motors Corp., 46371
Gentry Clothing Co., 49827
Glanzrock, B., Inc., 56745
Globe-Union Inc., 53327
Golden, Max, & Son., Inc., 49828
Goldman, Wm. P., & Bro., Inc., 53328
Goldsmith, Louis, Inc., 46373, 49828, 58910
Grief, L., & Brothers, 49617
Grossman Clothing Co., Inc., 53642
GTE Sylvania, Inc., 53330, 57879, 57880, 59272
Guaracino, A., Sons, 51516
Gulant & Maslin, Inc., 57880
Haas Tailoring Co., Inc., 46371, 59386
Harrington & Richardson, Inc., 53091
Harrisburg Manufacturing Co., 51521
Hart Schaffner & Marx, 48416
Herda Contracting Co., 59273
Hilton Manufacturing Co., 53643
Houdaille Industries, Inc., 59273
Howard Stores Corp., 53643
Hudson Pants Co., Inc., 53643
Hy-Grade Sportswear Co., Inc., 53328
Imperial Clothing Co., 49828
Imperial Pants Co., 53328
Infanta Knitting Mills, Inc., 50163
International Resistance Co., 49160
International Shoe Co., 56747
International Silver Co., 56747
Ippoliti, Nick, Inc., 50587
Irwin, Harry, Inc., 53643
Jackson Hosiery Co., 54319
James, Tom, of America, Inc., 46375
Jayson Shoe Manufacturing Co., Inc., Birch Tree, Mo., 51256
Jersey Coat Co., 48416
Johansen Brothers Shoe Co., 51521
Jones & Laughlin Steel Corp., 57880
Joslyn Stainless Steels, 54891
K&D Clothing Co., 50586
Kay-Townes, Inc., Rome, Ga., 51255
Kessler, Wm. B., Inc., 56748
Keystone Carbon Co., 46166
Keystone Uniform Manufacturing Co., Inc., 51522
Knickerbocker Clothing Co., 46372, 57881
Kopp, M., Inc., 53645
Labiento Clothing, Inc., 57881
Lake Manufacturing Co., 58909
Lake Manufacturing Co., Inc., 46372
Lamb, F. Joseph, Co., 45485, 57878
Lanham Clothes, Inc., 54319
Latrobe Steel Co., 53328
Lawrence Co., 50586
Lebow Brothers, Inc., 57739
Leda Shoe Co., 57409
Lefeton Custom Tailoring, 53644
Leon Clothing Manufacturing, Inc., 48417
Lesh Clothing Co., Inc., 53644, 60126
Leverenz Shoe Co., 52677
Levinsohn, Everett, Corp., 56747
Lewis, Guy, Inc., 48415
Liebman, Charles H., & Brother, Inc., 50585
Lish Enterprise, Inc., 57410
London Knitting Mills, 57738
Lousons Knitting Mills, Inc., 48558, 59386
Ludlow Typograph Co., 55913
M&M Knitting Mills, Inc., 57411
M' Sieur Slacks, Inc., 59275
Maimon, J., & Sons, Inc., 50586
Majestic Sweater Mills, Inc., 50164
Major Coat Co., 60127
Major Coat Co., Inc., 48416
Malcolm Kenneth Co., 48417
Mandlebaum Clothing Co., Inc., 53644
Manhattan Coat Co., 59273
Marder Knitting Mills, Inc., 59386
Maryland Clothing Co., Inc., 46373
Maryland Clothing Manufacturing Co., Inc., 59800
Maryland Hampstead Co., 48559, 59274
May, Otto B., Co., Inc., 50333
Mazzeo, F., & Co., Inc., 53327
McDonnel Douglas Astronautics Co., 59274
McKay Manufacturing Corp., 53645
Merit Clothing Co., 46373
Michael, Inc., 51522
Michaels Stern Co., Inc., 48417
Michigan Plating & Stamping Co., 54891
Middishade Co., Inc., 49829, 60127
Midland Ross Corp., 48413
Midwest Handbag Co., 49161
Mines, A. S., Inc., 53640
Moda Contracting Corp., 58704
Mode Knitting Mills, Inc., 57740
Model Coat Co., 48418
Modern Coat Co., 49829
Modern Manufacturing Co., Inc., 46373
Mr. Ned, Inc., 59275
Murata Manufacturing Corp., Rockmart, Ga., 51257
Na-lor Manufacturing Co., 56511
New Jersey Sportswear Co., Inc., 53645
Newport Clothing Mfg. Co., Inc., 53646, 60128
NL Industries, Inc., 59275
Nu-Car Driveaway, Inc., 59275
Oakloom Clothes, Inc., 46374, 59801
Ollie Moore's Manufacturing Co., 50764
OMC-Lincoln, 57411
Oneida Ltd., 49617
Oregon Steel Mills, 49162
Outboard Marine Corp., 45485, 54892
Palizzio, Inc., 53329
Pallack, Andrew, & Co., Inc., 53640
Pan American World Airways, Inc., 46167, 54639
Paramount Clothing Co., 59274
Penn State Clothing Corp., 50587
Penn-Vulcan Heel Co., 48413
Premier Clothing Co., Inc., 53646
Primo Coat Corp., 53329
Puritan Co., 51522
Quality Coat Co., Inc., 57412
Quality Components, Inc., 57882
Queen Casuals, Inc., 48418, 59801
Raewin Clothes, Inc., 46374, 58911
Randy Manufacturing Co., Inc., 48986
Ratner Clothes Corp., 55914
Red Bank Clothing Mfg. Co., Inc., 53646

Regent Advance Styles, Inc., 53647, 60128
Revere Knitting Mills, Inc., 50764
Richards, Arthur, Ltd., 53640
Richline Knitting Mills, 56511
Rob-Scot Knitting Mills, 50334
Robert Hall Mfg. Co., 53647
Robert Tailoring Manufacturing Co., Inc., 48418
Rockwell International, 46374, 59802
Rogers Flies and Lures, 54892
Rohr Industries, Inc., 46167, 54893
Roviar Sportswear, Inc., 54320
Sabel Schapps Co., 59276
Sagner, Inc., 48560, 60128
Saint Laurie, Ltd., 53647
Scolaro, Frank, Marble Co., Inc., 56747
Scotese Brothers, 51523
Scott & Williams, Inc., 59387
Seitchik, W., & Sons, Inc., 49830
Servco Heel Co., 53091
Shop Contracted Corp., 59276
Sidmar Clothing Co., Inc., 57882
Siegel, Jacob, Co., Inc., 50164, 60125
SKF Industries, Inc., 59276
Somerset Knitting Mills, 56512
Soowal Knitting Mills, 55407
Sperry Univac, 54320
Sperry Vickers, Inc., 50164
Spilton Brothers, Inc., 57882
Springfield Wire of Indiana, Inc., 48412
St. Mary's Carbon Co., 53330
Stackpole Carbon Co., 48559
Sterling Electric Co., 46375
Stetson Dee Clothes, Inc., 54893
Stillwater Associates, 55408
Stroudsburg Engine Works, Inc., 59277
Surrey Knitting Mills, 55408
Swartz, T. I., & Sons, Inc., 46375
Teledyne Vasco, 59277
Teplick Clothes, Inc., 49830
Thermatomic Carbon Co., 59277
Tischler & Benkel Co., Inc., 53331
Tobacco, cigar leaf wrapper, 59272
Town & Country Shoes, Inc., 49162, 59277
United States Shoe Corp., 52677, 52678
United States Steel Corp., 54321
Universal-Cyclops Specialty Steel Co., 59278, 59279
Vicale-Catania Clothing Ltd., 57883
Wagner Electric Corp., 57412
Warwick Electronics, Inc., 49162
Webster Clothes, Inc., 46376, 58911
Western Electric Co., Inc., 46376, 60126
Westinghouse Electric Corp., 46376
Wexler Knitting Mills, 55409
White, Ed, Junior Shoe Co., 54319
Whitin Machine Works, Inc., 54320
Wilshire Knitting Mills, 56513
Wilson Sporting Goods Co., 55410
Wolff Shoe Manufacturing Co., 46377, 60129
Zohn Manufacturing Co., 48419
Zohn Manufacturing Co., Inc., 59803

LABOR MANAGEMENT SERVICES ADMINISTRATION

Notices
Employee benefit plans, prohibitions on transactions; exemption proceedings, hearings, etc., 50845, 58964

LABOR STATISTICS BUREAU

Notices
Meetings:
Business Research Advisory Council, 47229, 51252, 51701, 58189, 58704
Labor Research Advisory Council Committees, 51101

LABOR-MANAGEMENT SERVICES ADMINISTRATION

See Employee Benefits Security Office.

LAND MANAGEMENT BUREAU

Rules
Outer Continental Shelf; oil and gas leasing: Bidders, qualified joint, 45171, 52847
Public land orders:
Alaska, 51038, 52611, 55350, 55351, 56667, 58144, 58145, 58146, 58453, 58857, 59205, 59347, 59348
Arizona, 47496
California, 53237, 54572
Georgia, 53237
Idaho, 50719
Oregon, 58648

Proposed Rules
Alaska native selections; clarification of procedures, 57364
Coal leasing; environmental statement, 46315
Land use permits, special, 54802
Leases; Recreation and Public Purposes Act; solid waste processing and disposal, 50721
Minerals management:
Coal leases; development and operations, 60070
Environment and safety; coal mining operating regulations; extension of time, 51646
Oil and gas leasing; bond requirements, 54585

Notices
Airport leases:
Alaska, 52869, 59751
Nevada, termination, 45452
Alaska Outer Continental Shelf Office, Socioeconomic Conference, 50549
Applications, etc.:
Alaska, 54016
Colorado, 46328, 47155, 54016
Montana, 53606, 57699
Nebraska, 52868
New Mexico, 46139, 46140, 47526, 48702, 48703, 49376, 49377, 49583, 50293, 50734, 52636, 52748, 52869, 52870, 53413, 54017, 55370, 56939, 57371, 57699, 57700, 58159, 58668, 58669, 59361, 59751, 59752
Utah, 50735
Wyoming, 46328, 48535, 49113, 50293, 54017, 55371, 56465, 56466, 56698, 57371, 57700, 58668, 59752
Authority delegations:
Chief, Lands and Minerals Operations Branch, et al., 52069, 54016
District Managers, Colo., 51486, 53048
Idaho District Managers and Acting District Managers, 55681
Classification of lands:
Idaho; small tract classification, 51671
Wyoming, reclassification for sale, 46329, 56465
Environmental statements; availability, etc.:
Colorado oil shale plant complex construction and operation, 58326
Louisiana-Pacific Corp., Calif., 52636
North Umpqua Canyon Management Plan, 50735
Outer Continental Shelf; oil and gas leasing, 57814
Red Rock Canyon Recreation Lands Area, Nev., 56466
Grazing district boundaries:
New Mexico, 60100
Joint bidders, restricted; list, 50735, 54594, 57371
Meetings:
Alaska Outer Continental Shelf Office, Socioeconomic Conference, 50549
Albuquerque District Multiple Use Advisory Board, 49112
Anchorage District Advisory Board, 50733
Arizona Strip District Advisory Board, 53413
Baker District Advisory Board, 47154
Bakersfield District Multiple Use Advisory Board, 52069
Boise District Advisory Board, 57699, 59458
Burns District Multiple Use Advisory Board, 47154
Colorado State Multiple Use Advisory Board, 56698
Fairbanks District Multiple Use Advisory Board, 52069
Folsom District Multiple Use Advisory Board, 50293
Lakeside District Multiple Use Advisory Board, 45857
Las Cruz District Multiple Use Advisory Board, 50549
Montana State Advisory Board, 45452
National Advisory Board, 50294
Nevada State Multiple Use Advisory Board, 52636
New Mexico Multiple Use Advisory Board, 48702
O&C Multiple Use Advisory Board, 45452
Oregon State Multiple Use Advisory Board, 45452
Outer Continental Shelf Research Management Advisory Board, 45857
Redding District Multiple Use Advisory Board, 50294
Riverside District Multiple Use Advisory Board, 50294
Roswell District Multiple Use Advisory Board, 48534
Safford District Multiple Use Advisory Board, 52868
Salem District Multiple Use Advisory Board, 51671
Salmon District Multiple Use Advisory Board, 47807
Salt Lake District Multiple Use Advisory Board, 59752
Shoshone District Multiple Use Advisory Board, 45452
Socorro District Multiple Use Advisory Board, 49112
Susanville Multiple Use Advisory Board, 49376, 50733
Ukiah District Multiple Use Advisory Board, 48703
Wild Free-Roaming Horses and Burros National Advisory Board, 51671
Wyoming State Multiple Use Advisory Board, 48535, 59459
Yuma District Multiple Use Advisory Board, 52869
Oil and gas leasing; Outer Continental Shelf, 50732, 51672, 52070, 52421, 53413, 55871, 57498, 58870

INDEX

Opening of public lands:
California, 48534
Idaho, 54594
Oregon, 52748
Organization and functions:
District offices, address changes; Nevada, 59751
State Directors, Land Office Managers, et al.; lands and resources; redelegation of authority, 54268
Outer Continental Shelf official protraction diagrams; availability, etc., 47527, 49112, 53412, 58159
Recreational use of wild river systems:
Rogue River, Oreg., 51672
Survey plat filings:
Arizona, 56465, 58667
Florida, 52635, 52748
Wisconsin, 48534
Withdrawal and reservation of lands, proposed, etc.:
Arizona, 48147, 48148, 54593, 59558
California, 50293, 50733, 54594
Colorado, 47154
Idaho, 52069, 52636, 52868, 54593, 58668
New Mexico, 54844
Utah, 49583, 50115
Washington, 52637
Wisconsin, 48148

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Rules
Criminal history records:
Information collection, storage, and dissemination, 59204
Criminal justice information systems; inquiry, 52846

Proposed Rules
Criminal history records:
Information collection, storage, and dissemination, 49789
Environmental Policy Act; implementation, 56453
Nondiscrimination; equal employment opportunity in federally-assisted programs; grants, 56454

Notices
Juvenile Justice Administration, Advisory Committee to Administrator on Standards; designation, 57699
Law enforcement and Criminal Justice National Institute; FY 1976 program plan availability, 54268
Meetings:
Confidentiality of Identifiable Research and Statistical Information ad hoc Group of Researchers, 59606
Criminal Justice Standards and Goals National Advisory Committee, 46139, 47525, 48534, 50292, 52421, 53275, 57224, 57225, 59458
Environmental Security Committee, 54593
Juvenile Justice and Delinquency Prevention National Advisory Committee, 47525, 58870
Law Enforcement and Criminal Justice National Institute Advisory Committee, 51486
Law Enforcement/Private Security Relationship Study Committee, 59360
Private Security Advisory Council, 50730
Visiting fellowship program; juvenile delinquency research concept papers submission; extension of time, 56697

LEGAL SERVICES CORPORATION

Rules
By-laws, 52021
Freedom of information, 52847
State Advisory Councils; appointment and functions, 59351

Proposed Rules
State Advisory Councils; appointment and functions, 53272

Notices
Meetings:
Appropriations and Audit Committee, 47838, 50320, 53440
Board of Directors, 54883, 55722
By-Laws and Regulations Committee, 47838, 50320
Provision of Legal Services, 54883
Regulations Committee, 54883

MANAGEMENT AND BUDGET OFFICE

Proposed Rules
Systems of acquisitions, major, 56459

Notices
Budget rescissions and deferrals for FY 1976, 47438, 48476, 49740, 52978, 56802, 58256
Budget rescissions and deferrals for FY 1976 and 1977, 54192
Clearance of reports; list of requests, 45237, 45483, 45876, 47545, 47841, 47842, 48191, 48409, 48555, 48736, 49416, 49417, 49616, 50157, 50328, 50577, 50757, 51099, 51247, 51697, 52444, 52445, 52892, 52893, 52894, 53084, 53446, 53447, 53633, 54031, 54631, 54632, 55399, 55722, 56986, 57520, 57521, 57522, 58187, 58188, 58900, 58901, 59265, 59382
Consumer representation plans; memorandum for President and schedule of White House regional conferences, 55093, 55094
Contract Administration disputes, policy; inquiry, 47221
Domestic community development programs, Federal; proposed circular revision, 47960
Meetings:
American Statistical Association Advisory Committee on Statistical Policy, 59382
Balance of Payments Statistics Presentation Advisory Committee, 50156
Business Advisory Council on Federal Reports, 50577, 52123, 59625
GNP Data Improvement Advisory Committee, 48556
Meetings, formal public; Federal Procurement Policy Office procedures; inquiry, 60124
Privacy Act:
Federal employees' taxable compensation data to States and local government units; rescission, 45484
Supplementary guidance, 56741
Systems of records, 45876

MANPOWER ADMINISTRATION

See also Employment and Training Administration.

Rules
Unemployment assistance; State tax credit reduction, 51999
Unemployment compensation and assistance:
Special unemployment assistance, implementation, 51600, 53390

Proposed Rules
Contracts, Federal, in areas of concentrated unemployment or underemployment; preference, 46316

Notices
Emergency compensation and special unemployment assistance extension, 49540
Employment and Training Administration, redesignation as, 54485
Employment transfer and business competition determinations; financial assistance applications, 45884, 47845, 48754, 49826, 50763, 53087
Meetings:
Apprenticeship Federal Committee, 48409
Migrant and other seasonally employed farmworker programs:
Applications for Federal assistance, 48410
Trainee programs, labor standards; Federal and federally-assisted construction; inquiry, 51102

MARINE MAMMAL COMMISSION

Rules
Privacy Act; implementation, 49276

Proposed Rules
Federal Advisory Committee Act; implementation, 55679, 57812
Freedom of information, 57692

Notices
Meetings:
Marine Mammal Commission, 48552, 50321
Marine Mammals Scientific Advisors Committee, 48552, 50321
Privacy Act; systems of records, 49283

MARITIME ADMINISTRATION

Rules
Merchant marine training:
Academy midshipmen; admission and training, 55643, 59348

Proposed Rules
Ship mortgage and loan insurance, Federal; application fees, 50722

Notices
Applications, etc.:
America Sun et al., 57510
American President Lines, Ltd., 52074
American Trading Transportation Co., Inc., 54454
Atlantic Richfield Co., 49812
Connecticut Bank & Trust Co., 52074
Cove Tankers Corp., 58330
Farrell Lines Inc., 48158, 56700
Overseas Bulktank Corp., 49591, 54021
Pacific Far East Line, Inc., 46337, 48158
Prudential Lines, Inc., 53050
Pyramid Sugar Transport, Inc., 50554
Sun Transport, Inc., 57509
Title Insurance & Trust Co., 46337
Waterman Steamship Corp., 48158
Bid invitations:
SS United States, 47815, 54274

Diesel merchant ship construction program; standard specifications, 49812
Environmental statements; availability, etc.:
Chemical waste incinerator ship project, 53608
Meetings:
Domestic Shipping Second National Conference, 53608
U.S. Merchant Marine Academy Advisory Board, 52750

MATERIALS TRANSPORTATION BUREAU

See also Hazardous Materials Operations Office. Pipeline Safety Operations Office.

Rules
Incorporation by reference, 52037

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

Proposed Rules
Metal and nonmetal mine health and safety standards, 51202

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

See Oceans and Atmosphere, National Advisory Committee.

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

See Education of Disadvantaged Children, National Advisory Council.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Rules
Authority delegations:
Comptroller and Facilities Director; real estate and related matters, 48121
Freedom of information, 54240

Notices
Committees; establishment, renewals, etc.:
Applications Steering Committee, ad hoc Advisory Subcommittee for Evaluation of Advanced Applications Flight Experiment Program Proposals, 50753
Applications Steering Committee, Space Processing Payload Advisory Subcommittee, 52668
Research and Technology Advisory Council Panel on Aeronautical Operating Systems, 52122
Firefighters breathing system prototype drawings; availability; meeting, 48404
Invention licensing; availability, etc.:
Circuit, active tuned, 52888
Reversed cowl flap inlet thrust augmentor, 52888
Water management system and electrolytic cell, 52888
Meetings:
Applications Steering Committee, 47218, 48734, 51692, 54628, 57400
Firefighters Breathing System Final Program Review, 48404
Lunar Advisory Committee, 49614
Research and Technology Advisory Council, 46158, 48181, 48976, 54629
Space Program Advisory Council, 50753, 51505, 52122
Space Science Steering Committee, 47218, 48977
Stratospheric Research Advisory Committee, 55907
Privacy Act; systems of records, 48672, 53440, 54629, 59261

NATIONAL ARCHIVES AND RECORDS SERVICE

See also Federal Register Office.

Rules
Archives records:
Restrictions on public use, 56892

Notices
Meetings:
National Archives Advisory Council, 50320
Regional Archives Advisory Council, 48734
Privacy Act; systems of records, 45786

NATIONAL BUREAU OF STANDARDS

Rules
Research associate program, 50707

Notices
Character codes and collating sequence; Federal information processing standards, proposed, 59607
Computer output microform formats and reduction ratios; information processing standards, proposed, 59463
Meetings:
Building Technology Center Advisory Committee, 57235
Federal Information Processing Standards Coordinating and Advisory Committee, 50740, 58673
Federal Information Processing Standards Task Groups, 45862, 48159, 52877
Visiting Committee, 59607
Voluntary product standards:
Milk, instant nonfat dry; package quantities; withdrawal, 50297
Pipe and fittings, polytetrafluoroethylene plastic-lined steel; intent to withdraw, 58673
Pipe and fittings, polytetrafluoroethylene plastic0linedsteel; intent to withdraw, 48959
Toys; recommended safety requirements, 54600

NATIONAL CAPITAL PLANNING COMMISSION

Notices
Authority delegations:
Chairman of Commission et al., 59378
Meetings, 53320

NATIONAL COMMISSION ON WATER QUALITY

See Water Quality, National Commission.

NATIONAL COMMUNICATIONS SYSTEM

Notices
Telecommunications standards:
Bit-oriented data link control procedures, 57721, 58970
Coding and modulation requirements; nondiversity 2400 bit/second modems, 58699
Digital interface characteristics; data terminal and communication equipment, 56938

NATIONAL CREDIT UNION ADMINISTRATION

Rules
Privacy Act; implementation, 46276
Reserves:
Risk assets; clarification of definition, 60069

Notices
Meetings:
National Credit Union Board, 52668
Privacy Act; systems of records, 47426

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

See Arts and Humanities, National Foundation.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules
Consumer information regulations; tire quality grading standards, uniform, 57806
Environmental impacts; procedures for consideration, 52395
Motor vehicle safety standards:
Brake systems, air, 48512, 56898
Brake systems, hydraulic, 47789
Bus window retention and release, 48512
Fuel system integrity, 47790, 48352
Interior materials, flammability, 56667
Lamps, reflective devices, and associated equipment, 54426, 54427, 59349
Occupant crash protection; correction, 56667
School bus; definition, 60033
Seat belt assemblies, light trucks and mpv's; correction, 48512
Tires, new pneumatic, for passenger cars, 53033, 57687
Used components in manufacture of motor vehicle, 49340
Windshield zone intrusion, 53033
Organization and functions, 48352
Petition procedures for rulemaking, defect, and noncompliance; correction, 53032

Proposed Rules
Anthropomorphic test dummy; specifications; extension of time, 51059
Consumer information, 45200
Cost information reporting by motor vehicle manufacturers; correction, 50277
Defect and noncompliance responsibility, 56931
Defect notification and remedy; petitions for hearings, 56926
Motor vehicle safety standards:
Axle, gross weight rating; definition, 58152
Brake fluids, 56928
Brake hoses, 55365
Brake systems, air, 45200, 52856, 56920, 57690, 59222
Brake systems, hydraulic, 45200
Brake systems, motorcycle, 45200

INDEX

Electrical system integrity; extension of time, 51059
Occupant crash protection, 60075
School bus passenger seating and crash protection, 47141
Seat belt assemblies, Postal Service vehicles, 60075
Trailer manufacturing; used components, 58153
Motor vehicles and equipment; importation procedures, 54002
Vehicles manufactured in two or more stages, 45847, 55665

Notices
Bicycles, motorized; operational safety; inquiry, 55375
Defects, initial determinations; hearings, etc.:
Dodge truck wheel nuts; defect petition denied, 57710
Highway safety program; approval policy revision; agreement with FHwA, 54022
Meetings:
Motor Vehicle Safety National Advisory Council, 46150, 53056, 59236
National Highway Safety Advisory Committee, 54285, 54852, 55695, 58491
Youth Highway Safety Advisory Committee, 54457
Motor vehicle safety standards; petitions to amend:
Donel Corp. et al.; lamps, reflective devices and associated equipment, 57830
Motor vehicle safety standards; temporary exemption petitions:
Advance Mixer, Inc.; air brake systems, 48546
AM General Corp.; windshield defrosting and defogging systems, 47826, 58168
Ateliers d'Etudes de Construction Automobiles S.a.r.l.; control location, identification, and illumination, etc., 52752
Automobili Lamborghini; exterior protection, 56711
British Leyland U.K. Ltd.; transmission shift sequence, etc., 58885
Carrozzeria Zagato; defrosting-defogging systems, etc., 49815
Jet Industries, Ltd.; control location, identification, and illumination, etc., 55695
Koehring Co.; air brake systems, 56711
Lafer Automotive of Brazil; control location, identification, and illumination, etc., 45217, 58490
Lotus Cars, Inc.; exterior protection, 54022
Master Truck; air brake systems, 54023
McNiel, F. A.; lamps, reflective devices, etc.; denied, 47826
Panther Westwinds Ltd., 56962
Toyota Motor Sales, USA Inc.; control location, identification, and illumination, 54852
TVR Engineering Ltd.; exterior protection, 56712
Wagner Electric Corp.; brake fluids; denied, 47826

NATIONAL INSTITUTE OF EDUCATION

Notices
Grant program, State dissemination; applications receipt closing date, 48540

Meetings:
Educational Research National Council, 52076, 52750, 53051

NATIONAL INSTITUTES OF HEALTH

Notices
Annual reports of advisory committees; filing, 59609
Committees; establishment, renewals, etc.:
Carcinogenicity Data, Committee for Review and Evaluation, 53293
Comprehensive Sickle Cell Centers ad hoc Review Committee, 52879
Prostatic Cancer Project Working Cadre, National, et al., 53295
Statistical Analysis and Quality Control Center, Temporary Committee, 53295
Grants Peer Review Study Team; hearings, 57235
Meetings:
Aging National Advisory Council, 59610
Aging Review Committee, 58334
Allergy and Immunology Research Committee, 58334
Allergy and Immunology Study Section, et al., 54602, 59609, 59610, 59611
Allergy and Infectious Diseases National Advisory Council, 46339
Allergy and Infectious Diseases National Institute, Board of Scientific Counselors, 48541
Animal Resources Advisory Committee, 58334
Arteriosclerosis and Hypertension Advisory Committee, 48540, 58335
Arteriosclerosis Specialized Centers of Research ad hoc Review Committee, 46339, 49381
Arthritis, Metabolism, and Digestive Diseases National Advisory Council, 49813
Arthritis, Metabolism, and Digestive Diseases National Institute, Board of Scientific Counselors, 49595
Arthritis and Related Musculoskeletal Diseases National Commission, 46149, 48542, 59610
Artificial Kidney-Chronic Uremia Advisory Committee, 49381
Automation in Medical Laboratory Sciences Review Committee, 58335
Biomedical Library Review Committee, 58335
Blood Diseases and Resources Advisory Committee, 53293
Breast Cancer Task Force, 54604
Cancer Control and Rehabilitation Advisory Committee, 48163
Cancer Immunotherapy Committee, 48541
Cancer Institute, National; advisory committees, 50299, 58336
Cancer Institute, National; Clinical Investigations Branch; 54604
Cancer Institute, National; Perinatal Carcinogenesis, 54605
Cancer National Advisory Board, 46340, 49382
Cancer Panel, President's, 49814, 54606, 58338, 59611
Carcinogenicity of Cyclamate Data Review, Temporary Committee, 46149, 49382
Cardiology Advisory Committee, 46339
Chemical/Biological Information-Handling Review Committee, 51679
Child Health and Human Development National Institute, Board of Scientific Counselors, 48541
Clinical Applications and Prevention Advisory Committee, 50118
Communicative Disorders Review Committee, 54604
Dental Research National Advisory Council, 46339
Dental Research National Institute, Scientific Counselors Board,, 46341
Diabetes National Commission, 48542
Endocrinology Study Section, 53294
Environmental Health Sciences National Advisory Council, 46339
Eye Institute, National, 54456
Eye National Advisory Council, 46340, 49382, 51679, 58338
General Clinical Research Centers Committee, 58335
General Medical Sciences National Advisory Council, 46340
General Research Support Program Advisory Committee, 59609
Genetics of Human Cancer Conference, 49382
Heart and Lung National Advisory Council, 48542
High Blood Pressure Work Group, 48541
Hypertension Task Force, 53294
Infectious Disease Committee, 53294
Lipid Metabolism Advisory Committee, 51679
Maternal and Child Health Research Committee, 59610
Mental Retardation Research Committee, 59610
Molecular and Cellular Aspects of Sickle Cell Disease Symposium, 53294
National Library of Medicine, Board of Regents, 46341
Neurological and Communicative Disorders and Stroke National Advisory Council, 48541
Neurological Diseases and Stroke Science Information Program Advisory Committee, 54604
Neurological Disorders Program-Project Review A Committee, 54605
Neurological Disorders Program-Project Review B Committee, 54605
Nutrition Study Section, 53294, 53295, 54605
Periodontal Diseases Advisory Committee, 46341, 48543
Pharmacology-Toxicology Program Fourth Biennial Symposium, 46341
Pharmacology-Toxicology Research Program Committee, 46341, 59611
Population Research Committee, 58337
Primate Research Centers Advisory Committee, 59611
Pulmonary Diseases Advisory Committee, 54605
Pulmonary Young Investigator Grant Committee, 59367
Recombinant DNA Molecule Program Advisory Committee, 46342
Sickle Cell Disease Advisory Committee, 46149
Statistical Analysis and Quality Control Center, Temporary Committee, 58337

Transplantation and Immunology Committee, 48543
Virus Cancer Program Scientific Review Committee B, cancellation, 53295
Virus Cancer Program Scientific Review Committees, et al., 46342
Vision Research Program Committee, 58338

NATIONAL LABOR RELATIONS BOARD

Rules
Advisory committees; establishment and utilization, 59728
Privacy Act; implementation, 48330, 50662

Notices
Chairman's Task Force; establishment and certification, 53441
Meetings:
Chairman's Task Force, 59786

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rules
Environmental data; availability from Environmental Data Service, 56653
Marine mammals:
Incidental taking permits, 56899
Taking and importing regulation violations; penalties and procedures for assessment, 54427
Tuna, Atlantic bluefin; corrections, 45441, 45824, 46313
Tuna, yellowfin, 47791, 48684, 48685, 57461

Proposed Rules
Coastal zone management program, 52405
Marine mammals:
Incidental taking permits; hearing, 45213
Tuna, Atlantic fisheries, 51647
Tuna, yellowfin, 47139

Notices
Endangered species permits; applications, 48159, 49397, 49812
Marine mammal permit applications, etc.:
Alaska, 53417
Alaska Department of Fish and Game, 56701
American Tunaboat Association, 59766
Bonnell, Michael L., 47817
Brookfield Zoo, Chicago Zoological Park, 50298
Central Maine Power Co., 56701
Central Park Zoo, 51489
Ceylon National Zoological Gardens, 50298
El Paso Zoological Park, 52425
Fouke Co., 60105
Johnson, Murray L., 51489
LeBoeuf, Burney J., 47817
Louisiana State University, Museum of Zoology, 45458, 56701
Naval Undersea Center, 53416
New York Zoological Society, 60104
Northwest Fisheries Center, 47817, 51489
Ocean World, Inc., 56701
Sea Life, Inc., 60105
Sea World, Inc., 45458
Southwest Fisheries Center, 47816, 50299, 56702, 60104
United Fishermen of Alaska, 59470
Utica Zoological Society, 53417
Van Donwen's Seals, 59470
Whittow, G. Causey, 53416
Winn, Howard E., 47816
Marine Mammal Protection Act; implementation; report on administration; correction, 47816
Meetings:
Coastal Zone Management Advisory Committee, 57817
Marine Fisheries Advisory Committee, 50555, 54600, 58331
Marine Petroleum and Minerals Advisory Committee, 52877
New York Bight MESA Advisory Committee, 53051
Threatened species; sea turtles; green, loggerhead, Pacific ridley; hearing, 53051
Tuna, Atlantic; meeting, 45862
Tuna, yellowfin; embargo, Spain, 48159

NATIONAL PARK SERVICE

Rules
Camping requirements:
Sequoia and Kings Canyon National Parks; camper food storage, 59728
Hunting:
Cape Hatteras National Seashore, N.C., 56888
Oversnow vehicles:
Yellowstone National Park, Wyo., 54244

Proposed Rules
Camping requirements:
Sequoia and Kings Canyon National Parks; camper food storage, 45845
Shenandoah National Park, 54428
Gliders, powerless flying devices; prohibition without permit, 57694
National Capital Parks regulations; permits for demonstrations and special events, 58651
Public use and recreation, 50277
Snowmobile routes designation:
Lassen Volcanic National Park, Calif.; revocation, 59600

Notices
Authority delegations:
Administrative Assistant, Cumberland Gap National Historical Park, 55371
Administrative Officer, Big Thicket National Preserve, 55372
Administrative Officer, Gulf Islands National Seashore, 55371
Administrative Officer et al., Blue Ridge Parkway, 55371
Administrative Officer et al., Redwood National Park, 55372
Assistant Superintendent, et al., Mammoth Cave National Park, 55372
Concession permits, etc.:
Colonial National Historical Park, 49586
George Washington Birthplace National Monument, 58160
Katmai National Monument, 58161
Sequoia and Kings Canyon National Parks, 48152
Environmental statements; availability, etc.:
Blue Ridge Parkway, Va., 52070
Longfellow National Historic Site, Mass., 54272
Prairie National Park, Kans.-Okla., 55373
Historic Places National Register; additions, deletions, and corrections, 46329, 51207, 55873
Lands, transfer of jurisdiction from Agriculture Department; Superior National Forest, 45211, 57507
Master plan workshops, etc.:
Alibates Flint Quarries and Texas Panhandle Pueblo Culture National Monument, Tex., 57700
Chaco Canyon National Monument, N. Mex., 47812
Coronado National Memorial, Ariz., 49377
North Cascades National Park Service Complex, Wash., 57700
Meetings:
Blue Ridge Parkway, Peaks of Otter Sewage Treatment, 58875
Boston National Historical Park Advisory Commission, 52640
Cape Cod National Seashore Advisory Commission, 48704
Chesapeake and Ohio Canal National Historical Park Commission, 49585, 60103
Cuyahoga Valley National Recreation Area Advisory Committee, 47812
Golden Gate National Recreation Area Advisory Commission, 47527, 52875
Golden Spike National Historic Site, 45860
Independence National Historical Park Advisory Commission, 47527
Indiana Dunes National Lakeshore Advisory Commission, 58874
Minute Man National Historical Park Advisory Commission, 48536
National Capital Memorial Advisory Committee, 55372
North Atlantic Region Advisory Commission, 52640
Pictured Rocks National Lakeshore Advisory Commission, 45860
Rocky Mountain Regional Advisory Committee, 59606
Roger Williams National Memorial, 52875
Southeast Regional Advisory Committee, 54451
Southwest Regional Advisory Committee, 49586
Western Regional Advisory Committee, 53606
National Capital Parks visitor transportation services, interpretive, 56699

NATIONAL SCIENCE FOUNDATION

Notices
Committees; establishment, renewals, etc.:
Anticipated Advances in Science and Technology Advisory Group, 52767
Contributions of Technology to Economic Strength Advisory Group, 52767
Curriculum Development ad hoc Advisory Panel, 54307
Metallurgy and Materials Advisory Panel, 57721
Sacramento Peak Observatory ad hoc Advisory Committee, 59495
Meetings:
Anthropology Advisory Panel, 50321
Anticipated Advances in Science and Technology Advisory Group, 53084, 59787
Computer Science and Engineering Advisory Panel, 49823
Contributions of Technology to Economic Strength Advisory Group, 53084, 60123
Curriculum Development ad hoc Advisory Panel, 54307
Earth Sciences Advisory Panel, 50321
Economics Advisory Panel, 51245

INDEX

XUM

National Science

Energy Facility Siting Advisory Committee, 47542
Engineering Mechanics Advisory Panel, 58186
Environmental Biology Advisory Panel, 48978
Genetic Biology Advisory Panel, 46159
History and Philosophy of Science Advisory Panel, 49615
Human Cell Biology Advisory Panel, 58513
International Decade of Ocean Exploration Advisory Panel, 54307
International Decade of Ocean Exploration Proposal Review Panel, 49823
Magnet Laboratory Visiting Committee, National, 51245
Materials Research Laboratories Advisory Panel, 47839
Mathematical Sciences Advisory Panel, 48188
Molecular Biology Advisory Panel, 48734
Neurobiology Advisory Panel, 45236
Physics Advisory Panel, 54476
Political Science Advisory Panel, 47219
Psychobiology Advisory Panel, 45236, 46159
Research Advisory Committee, 49155
Research Applications Policy Advisory Committee, 50756
Research Initiation and Support conferences, 48188, 49156
Sacramento Peak Observatory ad hoc Advisory Committee, 60123
Science Education Advisory Committee, 49155, 58186
Science Education Projects Advisory Panel, 48188, 49413, 50156, 54307, 54629
Science for Citizens Program, 50756
Science Programs ad hoc Advisory Group, 48188, 49615
Scientific and Technical Information Managers, Federal Agency, 58513
Social Psychology Advisory Panel, 49155
Sociology Advisory Panel, 47542
Systematic Biology Advisory Panel, 46367
Ocean drilling, international phase, Federal action affecting environment, 49413
Privacy Act; systems of records, 48671, 51175, 51692, 59185
Research Initiation and Support conferences, 48188, 49156

NATIONAL SECURITY COUNCIL

Rules
Privacy Act; implementation, 47746
Notices
Privacy Act; systems of records, 47748

NATIONAL STUDY COMMISSION ON RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS

See Records and Documents of Federal Officials, National Study Commission.

NATIONAL TECHNICAL INFORMATION SERVICE

Notices
Inventions, government-owned; availability for licensing, 56467, 56468, 56469, 58475, 58476, 58477

NATIONAL TRANSPORTATION SAFETY BOARD

Notices
Safety recommendations and accident reports; availability, responses, etc., 45480, 47542, 48553, 49615, 50575, 51692, 52891, 54030, 55394, 56984, 57726, 58700

NAVY DEPARTMENT

Proposed Rules
Privacy Act; exemptions, 46060
Privacy Act; implementation, 55594
Notices
Discharge review system, regional; establishment, 47524
Meetings:
CNO Executive Panel Advisory Committee, 47524, 53275, 58667
CNO Industry Advisory Committee for Telecommunications, 49582
Naval Academy, Academic Advisory Board, 47154
Naval Academy, Board of Visitors, 51206
Naval Postgraduate School, Board of Advisors to Superintendent, 50114
Oceanographic Advisory Committee, Secretary of Navy, 47807
Resale System Advisory Committee, Navy, 52066
Privacy Act; systems of records, 46061

NUCLEAR REGULATORY COMMISSION

Rules
Effluent monitoring and reporting requirements, 53230
Organization and functions:
Atomic Safety and Licensing Board; nomination of members, 51995, 53379
Reorganization amendments to Chapter; correction, 50703
Physical protection of plants and materials; shipments of special nuclear material, 52840
Production and utilization facilities; licensing of; terminology change for "as low as practical" limits, 58847
Radiation protection standards, 50704, 58847
Proposed Rules
Byproduct material licensing:
Irradiators containing cobalt-60, spark gap; users, 49801
Notices
Abnormal Occurrences Report to Congress, 50576
Environmental statements; availability, etc.:
Cooper Nuclear Station, 52770
Dairyland Power Cooperative, 53630, 53631
Duke Power Co., 48978, 50327
Northeast Nuclear Energy Co., 52123
Offshore Power Systems, 57520
Oxide fuels, 53056, 59497
Toledo Edison Co., 51098
International Atomic Energy Agency codes of practice and safety guides; availability of draft, 45482, 55395, 56502
Meetings:
Medical Uses of Isotopes Advisory Committee, 52769
Reactor Safeguards Advisory Committee, 45481, 45875, 47220, 48190, 48404, 48554, 48978, 48979, 49156, 49411, 49412, 50322, 51246, 51505, 51506, 52672, 53322, 53442, 53444, 53445, 53446, 53629, 54629, 56499, 56500, 57520, 57721, 58185, 59261, 59379, 59496
Security agency study on civil liberties; workshop, 48190
Pollutants, discharge into navigable waters; second memorandum of understanding with EPA, 60115
Privacy Act; systems of records, 45332, 46078
Reactor Safeguards Advisory Committee; reports availability, 58900
Regulatory guides; issuance and availability, 45237, 45483, 46364, 47340, 48189, 49159, 49410, 51246, 51508, 52443, 52672, 54477, 54885, 55398, 56502, 57240, 57400, 59264, 59265, 59381
Safety evaluation reports; availability, etc.:
Arizona Public Service Co., 48978
Seal; adoption, 57722
Security agency study on civil liberties; workshop, 48190
Applications, etc:
Alabama Power Co., 45237
Allied-General Nuclear Services et al., 46362, 46363, 50754
Arizona Public Service Co. et al., 49157, 55909, 59495
Arkansas Power & Light Co., 47543, 55722
Baltimore Gas & Electric Co., 48405, 52888, 58183
Boston Edison Co., 48405, 48735, 52889, 57723
Carolina Power & Light Co., 50323, 50753, 51507, 51693, 54308, 57868, 58514, 59262, 59379
Central Maine Power Co., 50576, 51693, 52891, 54030
Chem-Nuclear Systems, Inc., 54308, 59262
Cincinnati Gas & Electric Co. et al., 52442, 59262
City Tool & Manufacturing Co., Inc., 50322
Cleveland Electric Illuminating Co., et al., 51508
Commonwealth Edison Co. et al., 47839, 48406, 50323, 51098, 51694, 52889, 53322, 53323, 53443, 55908, 56500, 56985, 57723, 59262
Connecticut Light & Power Co. et al., 45481, 50323, 52889
Connecticut Yankee Atomic Power Co., 56500, 56501
Consolidated Edison Co. of New York, Inc., 45874, 47839, 52669, 54308, 56740, 59263, 59787
Consumers Power Co., 45876, 54309, 57400, 60115
Dairyland Power Cooperative, 51507, 54480, 58514
Delmarva Power & Light Co., 48189
Duane Arnold Energy Center, 59381
Duke Power Co., 46363, 49158, 49617, 52669, 53444, 56501, 58516
Duquesne Light Co., et al., 57236
Fitpatrick, James A., Nuclear Power Plant, 56740
Florida Power Corp., et al., 53630
Florida Power & Light Co., 45237, 50754, 54884, 56501, 56503, 57518, 58516
General Atomic Co., 58516
General Electric Co., 50323, 54476, 57724, 59380, 60121
General Electric Technical Services Co., 59380
Georgia Power Co. et al., 48406, 50324, 51694, 51695, 52669, 55395, 58701, 59263, 59788
Gulf States Utilities Co., 52768, 54031, 56501, 58517
Houston Lighting & Power Co., 50754, 54630
Illinois Power Co., 47544, 49617, 50755, 51508, 58517
Indian Point Nuclear Generating Plant, 59787
Indiana & Michigan Electric Co., 54309
Indiana & Michigan Power Co., 54309
Institute for Resource Management, Inc., 54884
Iowa Electric Light & Power Co. et al., 46363, 49410, 55396, 57868, 59381
Iowa-Illinois Gas & Electric Co., 48406, 50323, 52889, 56985, 57723, 59262
Jersey Central Power & Light Co., 48407, 50155, 58517, 58518, 59263
Kansas City Power & Light Co., 45482, 50755, 51695, 52670, 56740, 57237
Kansas Gas & Electric Co. et al., 45482, 50755, 51695, 52670, 56740, 57237
Long Island Lighting Co., 47841, 48407
Los Angeles Department of Water & Power, et al., 57518
Maine Yankee Atomic Power Co., 47544, 49158, 50324, 52670, 54476, 54477
Maine Yankee Atomic Power Station, 52670
McDonnell Douglas Astronautics Co., 56741
Metropolitan Edison Co. et al., 47544, 50324
Micro Display System, Inc., 54479
Natural Resources Defense Council, Inc., 50327, 59498
Nebraska Public Power District, 48407, 48554, 50325, 52770, 52890, 53063, 54308, 55394, 56986, 57724, 58183, 59264
New England Power Co., et al., 53632
Niagara Mohawk Power Corp., 48408, 51695, 54477, 55396, 56741
Nine Mile Point Nuclear Station, 55397
Northeast Nuclear Energy Co. et al., 50325, 50755, 51696, 55397, 59264
Northern States Power Co., 45237, 48409, 48978, 52443, 57725, 58518
Northern States Power Co. of Minnesota, 52890
Northern States Power Co. of Wisconsin, 52890
Offshore Power Systems, 46364, 47544, 50576, 53631
Oglethorpe Electric Membership Corp., 48406, 50324, 51694, 51695, 55395, 58701, 59788
Omaha Public Power District, 45482, 53063, 54308, 55394, 55397, 56986
Pacific Gas & Electric Co., 54309, 55723, 57237, 58182, 59625
Pacific Power & Light Co., 55723
Philadelphia Electric Co. et al., 48189, 51696, 52671, 53323, 54885, 58184, 58518
Pittway Corp., 46364
Portland General Electric Co. et al., 49158, 55723, 58519, 59264, 59788, 59789
Power Authority of State of New York, 51246, 54477, 56741, 57237, 57239, 58183, 59625
Power Reactor Development Co., 54031
Public Service Co. of Colorado, 56985
Public Service Co. of Indiana, Inc., 45482, 47219, 50577
Public Service Co. of New Hampshire, et al., 49823, 54885
Public Service Electric & Gas Co., 50577, 53631
Puerto Rico Water Resources Authority, 50577, 55723, 58519
Puget Sound Power & Light Co. et al., 60121
Robinson, H. B., Steam Electric Plant, 50323, 57868
Rochester Gas & Electric Corp., 51246, 52444, 54309
Sacramento Municipal Utility District, 51098
San Diego Gas & Electric Co., 46365, 56985, 57239, 57869, 58900, 59624, 60122
SDI/FIREX, Inc., 50325
Southern California Edison Co. et al., 46365, 57239, 60122
State University of New York at Buffalo, 54478
Teledyne Aqua Tech, 51697
Tennessee Valley Authority, 46365, 46366, 47841, 51697, 53323, 53324, 53444, 54478, 54479, 54630, 55724, 57240, 60122
Toledo Edison Co. et al., 50155, 50755, 51098, 52770, 54310, 56986
Trail Clinic, 50155, 60122
Union Electric Co., 54479, 59789
University of Utah, 46366, 46367
Vermont Yankee Nuclear Power Corp., 48555, 52890, 53064, 54310
Vermont Yankee Nuclear Power Station, 54310
Virginia Electric & Power Co., 55724, 56503, 57400, 57725, 58519, 59789
Washington Public Power Supply System, 47545, 49823, 50326, 52444
Westinghouse Electric Corp., 52671
Wisconsin Electric Power Co. et al., 48408, 50326, 51247, 54311, 55398, 57869
Wisconsin Michigan Power Co., 48408, 50326, 51247, 54311, 55398, 57869
Wisconsin Public Service Corp. et al., 50326, 60123
Yankee Atomic Electric Co., 47545, 48735, 49159, 53632, 54886, 55909, 57869
Yankee Rowe Atomic Power Plant, 57870

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules
State plans for development and enforcement of standards, 48679, 54780, 58143
State plans for enforcement of standards:
California, 54425
Colorado, 49574
Iowa, 50716
New Mexico, 57455
Oregon, 52367, 57804
Public employee program requirements, 58450
Tennessee; correction, 49574
Washington, 55857, 59345
Proposed Rules
Health and safety standards:
Alkyl benzenes, cyclohexane, ketones, and ozone, 47262
Alkyl benzenes, cyclohexane, ketones, and ozone; extension of time, 55876
Ammonia exposure, 54684
Asbestos, exposure, 47652, 58457
Beryllium exposure, 48814, 58458
Coke oven emmissions exposure, 48362
Lead exposure, 45934, 55866
Sulfur dioxide exposure, 54520
Toluene exposure, 46206, 55866
Trichloroethylene exposure, 49032, 58458
State plan changes for development and enforcement of standards:
Publication procedures, 49101
State plans for enforcement of standards:
Hawaii, 59355
Minnesota, 49581
North Carolina, 47515
Oregon, 47515
South Carolina, 45855
Washington, 45855
Notices
Applications, etc.:
Prairie Tank & Construction Co., et al., 46165
Smith Industries, Inc., 59384
Diving hazards; inquiry and hearing, 49423
Meetings:
Agriculture Standards Advisory Committee, 50764
Construction Safety and Health Advisory Committee, 59502
Occupational Safety and Health Federal Advisory Council, 53324
Occupational Safety and Health National Advisory Committee, 54033, 59799
Standards completion project; draft technical standards, 51252
State plans; development, enforcement, etc.:
Alaska, 50582
District of Columbia, 59626
Maryland, 47579
Michigan, 50583
Oregon, 50583, 58704
South Carolina, 50584, 55405
Virginia, 50584
Toxic materials; standards completion project; technical standard draft, 54033

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Rules
Freedom of information; implementation, 54567

OCEANS AND ATMOSPHERE, NATIONAL ADVISORY COMMITTEE

Notices
Meetings, 48553, 52442, 53440, 57726

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

See Trade Negotiations, Office of Special Representative.

XUM

OHIO RIVER BASIN COMMISSION

Notices
Environmental statements; availability, etc.:
Monongahela River Basin Water and Related Land Study, 50578

OUTDOOR RECREATION BUREAU

Notices
Environmental statements; availability, etc.:
Minnesota Memorial Hardwood Forest, 55880
New River Gorge National Wild and Scenic River, 45857
New River Wild and Scenic River Study, 57225

OVERSEAS PRIVATE INVESTMENT CORPORATION

Rules
Privacy Act; implementation, 46284

PACKERS AND STOCKYARDS ADMINISTRATION

Notices
Posting and depositing of stockyards:
Friends & Neighbors Commission Co., Salida, Colo., et al., 56958
Logan County Livestock Auction, Magazine, Ark., et al., 49378
Maysville Stock Yards, Maysville, Ky., et al., 53050, 55881
Rates and charges:
Giles Lowery Stockyards, Inc., 57374
Giles Lowery Stockyards, Inc. and Lufkin Livestock Exchange, 52876

PANAMA CANAL

Rules
Air navigation:
Traffic pattern and runway information for New France Field, 46309
Military reservations; revision of boundaries, 52368, 58290, 58292
Vessels, measurement, 54242

PATENT AND TRADEMARK OFFICE

Rules
Fees, administrative, 57358

Notices
Government emblems and seals; international protection, 59366

PENSION BENEFIT GUARANTY CORPORATION

Rules
Guaranteed benefits; correction, 47765
Premiums, rates and payments, 57457
Privacy Act; implementation, 46054

Proposed Rules
Guaranteed benefits, 51373
Pension plan, terminating; allocation of assets, 51368
Plan assets valuation, 57980
Plan benefits valuation, 57982

Notices
Privacy Act; systems of records, 49288

PIPELINE SAFETY OPERATIONS OFFICE

Proposed Rules
Pipeline transportation of gas:
Bending limitations, 60076
Caulked bell and spigot joints, 52855
Offshore facilities, 45192, 48940
Pipeline transportation of liquids:
Bending limitations, 60076
Offshore facilities; extension of time, 48940

Notices
Meetings:
Technical Pipeline Safety Standards Committee, 50120

POSTAL RATE COMMISSION

Notices
Mail Classification Schedule; conference, 49823, 52445
Meetings:
Postal Service employees, 45238, 54312
Postal rate and fee changes, 1975, 47223, 51508
Private express statutes, implementation; inquiry, 50329
Special Assistant to Commissioner, appointment, 55910
Visits to postal facilities, 55910, 59266

POSTAL SERVICE

Rules
International mail:
Registration, insurance, etc.; fee increase, 57212, 57670
Money orders, disbursement postal, 52371
Postal Service Manual:
Domestic special mail services; money orders and other nonpostal services; fee increases, 57212, 57670
Privacy Act; implementation, 45721, 48511
Procurement; Postal Contracting Manual amendments, 47108

Proposed Rules
Postal Service Manual:
Green border envelopes, cards, and aerogrammes; first-class mail, 57223

Notices
Mail to Canada; suspension of private express statutes, 50157, 57248
Postal rates and fees:
International; increases, 53447, 54886
Tables of proposed changes, 47589, 49823, 60140
Privacy Act; systems of records, 47423

PRESIDENTIAL CLEMENCY BOARD

Rules
Regulations deleted, 52995

PRESIDENT'S ADVISORY COMMITTEE ON REFUGEES

See Refugees, President's Advisory Committee.

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

See White House Fellowships, President's Commission.

PRIVACY PROTECTION STUDY COMMISSION

Rules
Freedom of information, 59316
Privacy Act; implementation, 59314

Proposed Rules
Freedom of information, 52054
Privacy Act; implementation, 52056

Notices
Credit-card users; record-keeping practices; hearings, 59790
Mailing list; individual rights; hearing, 51099, 55724
Meetings:, 47842, 50757, 55724

PUBLIC BUILDINGS SERVICE

Rules
Procurement, 47109

Notices
Architectural and engineering services regional advisory panels; availability of annual report on closed meetings, 52766

PUBLIC HEALTH SERVICE

See also Alcohol, Drug Abuse, and Mental Health Administration.
Disease Control Center.
Food and Drug Administration.
Health Resources Administration.
Health Services Administration.
National Institutes of Health.

Rules
Grants:
Health services development, 59346
Hospitals and medical facilities; construction and modernization, 46202
Indian health; grants for development, construction and operation facilities and services, 53142
Maternal and child health and crippled children's services, 54102
National Heart and Lung Institute, 49090
Nursing schools; financial distress grants, 56664
Health maintenance organizations:
Employees' health benefits plans, 50212

Proposed Rules
Health planning and resources development:
Health systems agencies, 48802
Identity protection; research subjects and patients, 56692

Notices
Health maintenance organizations, qualified; additions, 54606

RAILROAD RETIREMENT BOARD

Rules
Daily benefit rates; determination, 50257
National emergency, plan of operation; mail handling and authority delegation, 52844

Proposed Rules
Privacy Act; implementation, 45736

Notices
Meetings:
Actuarial Advisory Committee, 52894
Privacy Act; systems of records, 45737
Railroad retirement supplemental annuity program; determination of quarterly rate of excise tax, 56503

Unemployment insurance account, 53634

RECLAMATION BUREAU

Notices
Environmental statements; availability, etc.:
Narrows Unit, Colo., 57816
Nueces River Project, Tex., 58871
Operation and maintenance charges, annual:
Yuma Irrigation Project, 58160
Power rates adjustments; inquiry, 46140, 49810
Power reallocation:
Parker-Davis and Colorado River Storage Projects, 45209

RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS, NATIONAL STUDY COMMISSION

Notices
Establishment and meeting, 54884

REFUGEES, PRESIDENT'S ADVISORY COMMITTEE

Notices
Meetings, 52771

REGIONAL ACTION PLANNING COMMISSIONS

Rules
Conduct standards, 60039

Notices
Privacy Act; systems of records, 57701, 57702, 57703

RENEGOTIATION BOARD

Rules
Mandatory exemptions; common carriers by water, 51413

Proposed Rules
Profits, excessive; contractors under common control, 46102

Notices
General Counsel; compensation, 51513
Interest rates; excessive profits and refunds, 59266
Organization and functions, 54480

REVENUE SHARING OFFICE

Rules
Fiscal assistance to State and local governments, 50028, 51035, 53355, 54241
Nondiscrimination in programs funded with entitlement funds, 50028

Notices
Entitlement data:
Computing final allocations; improvement program, 60097

RURAL ELECTRIFICATION ADMINISTRATION

Notices
Environmental statements; availability, etc.:
Alabama Electric Cooperative, Inc., 49115
Arkansas Electric Cooperative Corp., 55690
Central Electric Power Cooperative, Inc., 49587
Southern Illinois Power Cooperative, 54018
Western Farmers Electric Cooperative, Inc., 50740
Loan guarantees proposed:
Arizona Electric Power Cooperative, Inc., 58327
Big Rivers Electric Corp., 57375
Brookville Telephone Co., 55690
Dairyland Power Cooperative, 47528
Eastern Iowa Light & Power Cooperative, et al., 54018

SAINT ELIZABETHS HOSPITAL

Rules
Conduct and traffic regulations, 47765

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Notices
Meetings:
Advisory Board, 55891

SECURITIES AND EXCHANGE COMMISSION

Rules
Authority delegations to Directors, et al.:
Corporation Finance Division Director, 50711, 54773
Market Regulation Division Director et al., 51181, 52722, 58131, 59706
Municipal securities brokers and dealers, registration, 49772
Secretary to Commission, 46107
Financial statements:
Accounting series releases, 59339
Bank holding companies and banks, 58851
Development stage companies, 55835
Disclosures, 46107
Insurance companies other than life and title, 55830
Research and development costs; accounting and reporting, 48359
Information:
Confidential treatment, 54773
Handling requests, 57449
Interpretative releases, 57786
Accounting bulletins, staff, 53557
Accounting series, 48359, 59339
Foreign investment companies; application permitting registration, 45424, 49080
Money market funds, 54241
Investment Advisers Act:
Non-resident investment advisers; books and records maintenance, 45162
Registration of investment advisers; applications and withdrawal, 57795
Investment Company Act:
Contractual plans; reduction in reserve requirements, 50711
Forms; social security account number disclosure, 55318
Practice rules:
Confidential treatment of information, 54773
Securities Act:
Development stage companies, accounting and reporting requirements, 55835
Forms; social security account number disclosure, 55318
Securities Exchange Act:
Broker-dealer, registration as, 57355
Broker-dealer reports; forms, 59706
Clearing agencies; registration, forms, 52356
Confidential treatment of information, 54773
Development stage companies, accounting and reporting requirements, 55835
Fingerprinting requirements; exemptions, 57449
Form U-4, 49312
Forms; social security account number disclosure, 55318
Municipal securities brokers and dealers; financial responsibility program, 57786
Municipal securities brokers and dealers; registration, 49772, 54425
Municipal securities brokers and dealers; temporary exemption, 57357
Registration of transfer agents, 51181, 52722
Securities information processors; registration, forms, 45422
Trust Indenture Act:
Forms; social security account number disclosure, 55318

Proposed Rules
Financial statements:
Bank holding companies and banks, 46117
Securities exchange forms, 46118
Information:
Proxy solicitation, 48142
Investment Advisers Act:
Definition of investment adviser, 46118
Investment Company Act:
Alaska Native Claims Settlement Act corporations; exemptions; extension of time, 47152, 59603
Public Utility Holding Company Act:
Stock, preferred, and long-term debt, 51204
Securities Act:
Bank holding companies; statistical disclosure guidelines, 48526
Environmental and social disclosure; forms, 51656, 58155
Securities Exchange Act:
Bank holding companies; statistical disclosure guidelines, 48526
Broker-dealer reports; forms, 51060, 52060
Confidential treatment of information, 54840
Environmental and social disclosure; rule changes, forms, etc., 51656, 58155
Exchange off-board trading rules; hearings, 45203
Fingerprinting requirements; exemptions, 57463
Municipal securities; professionals and transactions, 60084
Municipal securities dealers and specialists; net capital requirements; extension of time, 45853
Proxy solicitation rules, 48142
Securities information processors; registration, 45448, 58154

Notices
Clearing agencies; registration, 55910
Debt, long-term, and preferred stock; refundability, 51699
Meetings:
National Market Advisory Board, 46368, 52450, 55910
Report Coordinating Group, 49824, 51099, 58703
Securities Exchange Act:

INDEX

XUM

Securities information processors; applications for exemptions from registration, 51514
Securities information processors; applications for registration, 50579, 54317
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc., 48736, 51700, 52673, 52771, 52894, 54312, 54480, 56992, 56993, 57402, 57530, 57734, 59499
Boston Stock Exchange, Inc., 48737, 52673, 52772, 57403
Chicago Board Options Exchange, Inc., 48737, 50330, 52674, 54312, 59266, 59499
Cincinnati Stock Exchange, 52772, 54317, 55404, 57403
Midwest Clearing Corp., 51514, 58902
Midwest Securities Trust Co., 52772, 58903, 59790
Midwest Stock Exchange, Inc., 54886, 56507
Municipal Securities Rulemaking Board, 49420, 52896, 54636
National Association of Securities Dealers, Inc., 48196, 50158, 50760, 54314, 57533, 57735
New York Stock Exchange, Inc., 48738, 50332, 52124, 52775, 52896, 53085, 56505, 56993, 57406, 58905, 59267, 59382, 59792, 59794
Options Clearing Corp., 52897, 52898, 52899, 59500
Pacific Stock Exchange, Inc., 48740, 52773, 52774, 53638, 57406, 57531, 57532, 59796, 59797
PBW Stock Exchange, Inc., 48741, 52775, 52777, 54888, 57407
Stock exchange plans:
American Stock Exchange, Inc., 45879
Boston Stock Exchange, 45880, 50758
Cincinnati Stock Exchange, 45880
Midwest Stock Exchange, Inc., 50760
PBW Stock Exchange, Inc., 45880, 47548, 50762
Street Name Study; inquiry, 48471
Street Name Study; preliminary report transmitted to Congress, 57735
Hearings, etc:
Aetna Variable Annuity Life Insurance Co., 56503
AID Investment Fund, Inc., 48980
Alabama Power Co. et al., 57727
Allegheny Power System, Inc., 48743, 51099
Allied Products Corp., 54632
AMCAP Fund, Inc., et al., 48980
America Group Companies Fund, 55399
American Electric Power Co., Inc., 52674
American Home Shield Corp., 46367
American Mutual Fund, Inc., et al., 57400
American Solar Energy Corp., 53449
Ampac National Corp., 57526
Annuity Fund, 57526
Appalachian Power Co., 50757
Applied Concepts, Inc., 55724
Arkansas Power & Light Co., 48743, 52449
Arkansas-Missouri Power Co., 51698
Ascot Oils, Inc., 57870
Associated Natural Gas Co., 51698
Atlas Small Business Investment Corp., 58701
Bay State Gas Co., 47225
BBI, Inc., 46159, 48744, 49824
Belmont Oil Co., 57871
Beneficial Labs, Inc., 51513, 52447
Boston Stock Exchange, 57522, 59797
Bunker Ramo Corp. et al., 56987
Canadian Javelin, Ltd., 45878, 47547, 49413, 50758, 52674, 54314, 56504, 57727, 58702
Capco Securities, Inc., 50578
Capital Investors Corp., 51248
Central Power & Light Co., 52447
Central & South West Corp., et al., 50758
Century Petroleum Corp., 51249
Channing Income Fund, Inc., 57523
Channing Securities, Inc., 57523
Cheapside Dollar Fund Ltd., 54634
Checchi & Co., 57526
Cincinnati Stock Exchange, 46367, 59797
Citicorp Investment Management, Inc., 52895
Colonial Income Fund, Inc., et al., 51100
Columbia Gas System, Inc., et al., 48981, 57727, 57728
Combined Shares, Inc., 55400
Commercial Solvents Corp., 48744
Consolidated Natural Gas Co. et al., 48191, 57404, 57527, 57871
Consolidated Tape Association, 51700
Consumers Power Co., 52901
Continental Assurance Annuity Plan Account, 57528
Continental Vending Machine Corp., 45878, 47547, 49417, 50759, 52674, 54314, 56504, 57729, 58905
Cowles Communication, Inc., 49413
Dallas Oil & Gas, Inc., 51249
Dana Associates, 48982
Delmarva Power & Light Co., 48745, 50760
Delta Capital Corp., 51250
Demchick, Marvin N., 50759
DF Fund, Inc., 57523
Diedrick, Arthur H. Jr., 49413
Discount Income Trust Fund, 49417
Drexel Investment Fund, Inc., 56988
DuPont, E. I., de Nemours & Co., 52445, 52448
Eastern Utilities Associates, et al., 54481, 57524
Eaton & Howard Special Fund, Inc., 50759
Equity Funding Corp. of America, 47547, 48745, 50578, 51698, 53639, 55405, 57404, 58702, 60124
Extractable Resources, Inc., 46160
Falstaff Brewing Corp., 52449
Fiduciary Equity Shares, Inc., 55400
Fiduciary Income Shares, Inc., 55401
Financial International Corp. et al., 48983
Financial Venture Fund, Inc., 48984
First Investors Corp., et al., 49419
First Mortgage Investors, 56988
First National City Bank, 52895
First National Dual Series Tax-Exempt Bond Trust, 54315
First Virginia Mortgage & Real Estate Investment Trust, 47547
Fore Fund, Inc., 49414
Franklin Properties Inc., 57872
Frawley Enterprises, Inc., 47227
GAC Corp., 58702, 60124
GAC Properties Credit Inc., 58702, 60124
General American Transportation Corp., 48192
General Public Utilities Corp., 57729
Generics Corp. of America, 56989, 57730, 59499
Georgia Power Co., 50157
Grant, W. T., Co., 46368, 48747
Gulf Power Co., 50331
Hallcraft Homes, Inc., 45878
Highland Capital Corp., 57528
Horne, Ransom, Jr., 47224
Hutton, E. F., Corporate Income Fund First Series, 48192
I.R.E. Florida Income Partners, Ltd., 53634
Ificon, Inc., 57528
Indiana & Michigan Power Co., 52674
Industries International, Inc., 47547, 48745, 50578, 51698, 53639, 55405, 57404, 58703
International Holdings Corp., 54634
Inverness Fund, Inc., 55401
IPS Computer Marketing Corp., 45879
Japan Securities Clearing Corp. et al., 57872
Jersey Central Power & Light Co., 50760, 57730
Lennon Co. Aetna Life Stock Investment Programs, et al., 52449
Liquid Daily Resources Fund, 50578
Louisiana Power & Light Co., 55401, 56989, 56990
Massachusetts Mutual Life Insurance Co., 51513
Mericle Oil Co., 47224
Metropolitan Edison Co., 57730, 57731
Middle South Utilities, Inc. et al., 52449, 53635, 54315, 56990, 56991, 57404, 57525
Midwest Clearing Corp., 52675
Midwest Securities Trust Co., 52675
Midwest Stock Exchange, Inc., 59797
Mississippi Power & Light Co., 47547
Money Market Management, Inc., et al., 46160
Monongahela Power Co., 46160, 55725
NAFCU Services Corp., 57732
Narragansett Capital Corp., 48745
National Association of Securities Dealers, Inc., 53085, 54887
National Fuel Gas Co., 46368, 57405, 59796
National Fuel Gas Distribution Corp., 57405, 59796
New England Electric System, 51700, 53635
New England Power Co., 53635
New York Hedge Fund, 47226
Northeast Utilities, et al., 47226
Northwestern Mutual Life Insurance Co., 48984
Ohio Capital Fund, Inc., 52446
Ohio Edison Co., 50761, 54636
Options Clearing Corp., 53636, 53637
Partners Fund, Inc., 49414
Pathe Industries, Inc., 55402
Pennsylvania Electric Co., 56991, 57732
Potomac Edison Co., 55726
Prudential Fund of Boston, Inc., 52446
Rand Capital Corp., 48194
Rand SBIC, Inc., 48194
RCA International Development Corp., 58703
Royal Palm Beach Colony, Inc., 45879
Royal Properties Inc., 46162, 48717, 49824, 51250
Saber Corp., 49824, 59499
Schick Investment Co., 47227
Securities Industry Automation Corp., 50331
Shamrock Fund, 52123
Sixty-Seven Twenty Fund, Inc., 55404
Southern Co., 49415

Southern Services, Inc., 49415
St. Regis Paper Co., 49824
System Fuels, Inc., 53635
Timberline Minerals, Inc., 52450
Transjersey Bancorp., 54314, 55405, 57732, 58704
Travelers Insurance Co. et al., 56508
Union Bank, 57732
Valhi, Inc., 48196
Van Dyk Research Corp., 50331
Vance, Sanders Exchange Fund, 57872
Vanguard Group, Inc., et al., 45882
Westgate California Corp., 47548, 48747, 50579, 51699, 53639, 55405
Woolcott, Rene R., 46162
Yankee Atomic Electric Co., 57533

SELECTIVE SERVICE SYSTEM

Rules
Reconciliation Service, regulations transferred, 52995, 53011
Registrant classification; CFR correction, 45436

Notices
Meetings:
Physicians, Dentists and Allied Specialists Selection, Advisory Committee, 52451

SMALL BUSINESS ADMINISTRATION

Rules
Administrative claims under Federal Tort Claims Act, 52717
Appearances and compensation of persons appearing before SBA, 59425
Disaster loans, 47480
Nondiscrimination in financial assistance programs:
Marital status; discrimination in credit, 59591
Privacy Act; implementation, 46280, 48907
Small business investment companies:
Overline limitaton; CFR correction, 59197
Small business size standards:
Construction contractors; special trades, 51033
Petroleum refiner; definition, 50518
Surety bond guarantee; statute reprint elimination, 54424
Veterans; special consideration, 57351

Proposed Rules
Appearances and compensation of persons appearing before SBA, 51069
Business loans:
Policy guidelines, 57602
Nondiscrimination in financial assistance programs:
Marital status; discrimination in credit, 51670
Small business size standards:
Definitions stated in terms of number of employees, 55868
Government subcontractors, 55680
Government timber sales, 53407

Notices
Advisory councils, etc.:
Harlingen District, 59269
Lower Rio Grande Valley, 59269
Wilmington District, 59269
Applications, etc.:
Affiliated Investment Fund, Ltd., 47547
Bankit Financial Corp., 48557
Canaveral Capital Corp., 45484
Capital for Technology Corp., 55727
Cardon Capital Corp., 52676
Commercial Investment Resources, Inc., 58188
Constructa Investment Inc., 49825
Devonshire Capital Corp., 54032
East West United Investment Co., 57874
Endeavour Capital Corp., 47228
First Factors, 59268
Grocers Capital Co., 50332
Housing Capital Corp., 48557
Lloyd Capital Corp., 48557, 59798
Marcon Capital Corp., 52676
Minnesota Small Business Investment Co., 50579
NIA Corp., 50579
Paulucci Venture Capital Corp., 45883
S. C. Opportunities, Inc., 59502
Sci-Tronics Fund, Inc., 57875
Southern Small Business Investment Co., Inc., 50580
Tejas Investment Corp., 54032
Telacu Investment Co., Inc., 51101
Tomlinson Capital Corp., 47547
Tower Ventures Inc., 45884
Van Rietschoten Capital Corp., 55727
VPJ Financial Corp., 54032
Authority delegations:
Assistant Branch Manager, Biloxi, Miss., 49159, 51205
Field offices, 52676, 57407
Capitalization of licensees, classes of stock with inequitable voting rights; policy statement, 57874
Consumer representation plan; proposed, 55249
Disaster areas:
Alabama, 48556, 50332, 59798
California, 57562
Connecticut, 48557
Florida, 47229, 53087, 57408
Hawaii, 59268
Iowa, 45884
Maryland, 48409, 50333
Massachusetts, 49422, 59501
Michigan, 48557
Montana, 51701, 57408
New Mexico, 45884
New York, 45884, 48558, 49825, 51101, 53087, 58189
North Carolina, 59501
Oklahoma, 59502
Pennsylvania, 47229
Puerto Rico, 45884
Rhode Island, 49422
Texas, 47229
Virginia, 48558, 49825
Washington, 59798
Loans and revolving line credit; maximum interest rates, 47842
Meetings, advisory councils:
Albuquerque District, 47842
Anchorage District, 48963
Boise District, 45484
Boston District, 51251
Cleveland District, 51251
Columbia District, 48963
Concord District, 48197, 58189
Dallas District, 45484
Des Moines District, 52778
Detroit District, 50579
Hartford District, 48963
Helena District, 49160
Honolulu District, 46163
Houston District, 46163
Las Vegas District, 52778
Little Rock District, 46163
Lower Rio Grande Valley District, 48963
Madison District, 54888
Minneapolis District, 46163
Montpelier District, 48963
New Orleans District, 46163
Newark District, 45484
Omaha District, 45484
Pittsburgh District, 50333
Portland District, 45485
San Francisco District, 51251
Sioux Falls District, 50580
Spokane District, 52778
St. Louis District, 54888

SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

See Census Bureau.

SOCIAL AND REHABILITATION SERVICE

Rules
Child support enforcement program; correction, 58453
Financial assistance programs:
Eligibility coverages and conditions; limitations established; correction, 57359
Information safeguarding; child support program; protective and vendor payments, 52375
Unemployed fathers of dependent children; eligibility conditions, 50273
Grants; post award disputes; appeals, 51443
Medical assistance programs:
Drugs; maximum allowable cost, 54000
Long-term care facilities, reserved beds in; Federal financial participation, 52020
Old-age, survivors and disability insurance benefits increase; freedom of choice exemption, Puerto Rico, Guam, Virgin Islands, 52019
Public assistance programs:
Plan conformity to Federal requirements; prehearing discovery in hearings to States, 50272
Social services programs:
Individuals and families; eligibility determination, etc., 45819
Reduced applicability and revocation, 45818
Vocational rehabilitation programs:
Evaluation standards; CFR Part revoked, 58956
State; grants, assistance, etc., 54696
Volunteers and subprofessional staff training and use, 51444

Proposed Rules
Financial assistance programs:
Need and amount of assistance, 59353
Medical assistance programs:
Skilled nursing and intermediate care facilities; withdrawal, 51474
Spouses and parents of applicants and recipients; income and resource determination, 60074
Public assistance programs:
Personnel administration standards, 48937

Notices
Social services eligibility; family median income by State, 57705

INDEX

State allotment need certification; FY 1976, 48387
Work incentive program; social and supportive services:
Entitlement limits; FY 1975, 48544, 53053

SOCIAL SECURITY ADMINISTRATION

Rules
Black Lung Benefits:
Appeals process, expedited, 53385
Payment rates, 56886
Health insurance for aged and disabled:
Appeals process, expedited, 53385
Home health agencies; service arrangements, 56659
Posthospital extended care; correction, 46309
Old-age, survivors, and disability insurance:
Appeals process, expedited, 53385
Benefits payment, 53384
Retirement test monthly exempt amount and contribution and benefit base correction, 45805
Organization and functions:
Appeals process, expedited, 53385
Supplemental security income for aged, blind, and disabled:
Appeals process, expedited, 53385
Benefits payment, 53384
Drug addicts and alcoholics, medically determined, 51624
Income and exclusions, 48911
Overpayments and underpayments of benefits, 47761
Resources and exclusions, 48911
Suspensions; terminations, etc., 47487

Proposed Rules
Black lung benefits:
Attorney fees; time limit for petitioning for approval, 51475
Entitlement, 45190
Hearings and appeals procedures, 55362
Investment of payments, 52408
Health insurance for aged and disabled:
Health maintenance organizations; appeals, 51055
Home health agency supervision; modification of standards in Connecticut, 56458
Medicare reimbursement; prudent buyer policy, 51474
Old-age, survivors, and disability insurance:
Father's insurance benefits; changes in benefits of wife, child, etc., 52738
Hearings and appeals procedures, 55362
Investment of payments, 52408
Organization and functions:
Hearings and appeals procedures, 55362
Supplemental security income for aged, blind, and disabled:
Cost-of-living benefits adjustments; interim assistance payments, reimbursement to States, 52742
Income, unearned; support and maintenance for residents of nonmedical institutions, 54005
Income and exclusions; unearned income, 48937
Investment of payments, 52408

Notices
Authority delegations:
Claims representatives et al., 58679
Deputy Commissioner, et al.; black lung overpayments, 45461
Deputy Commissioner, et al.; Medicare, fire protection, 48162, 49382
Meetings:
Supplemental Security Income Study Group, 45462, 48707, 51681

SOIL CONSERVATION SERVICE

Rules
Contracting, long term; Great Plains Conservation Program, 53370, 58649

Proposed Rules
Water resources:
Watershed plans and environmental statements review, 56457

Notices
Environmental statements on watershed projects; availability, etc.:
Aowa Creek, Nebr., 45861
Bayou Grosse Tete, La., 57375
Blackwood Creek, Nebr., 53283
Bush River, Va., 54018
Cadron Creek, Ark., 58161
Caney Creek, Okla., 51072
Carpinteria Valley, Calif., 53414
Cassville Flood Prevention RC&D Measure, Mo., 51678
Cavalry Creek, Okla., 54273
Chamberlain Branch, Ky., 59760
Cheaha Creek, Ala., 56700
Choctaz Bayou Watershed Project, La., 58474
Clarksville Fairgrounds Park, Tenn., 59231
Conewango Creek, N.Y., 46146
Crabtree Creek, N.C., 59760
Delaware Creek, Okla., 48957
Dutchman Creek, N.C., 53283
East Branch Sturgeon River, Mich., 59760
Elm Creek, Tex., 53050
Emergency assistance, safeguarding from floods, fires, etc., 51072
Flint Creek, N.Y., 45212
Goose Creek, Wash., 59365
Great Creek, Va., 49378
Jim Ned Creek, Tex., 47162
Ketchepedrakee Creek, Ala., 56700
Little Black, Mo.-Ark., 49378
Little River, Va., 47162
Long Branch, Nebr., 57375
Lower Bayou, Okla., 59761
Lower Pine Creek, Calif., 47162
Lower San Saba River, Tex., 51679
Mantachie, Bogue Fala, and Bogue Eucuba Creeks, Miss., 51073
Marion Co. Park, Tenn., 48538
Middle Walnut, Kans., 58474
Mud Creek, Ala., 58475
Mud Creek, Tenn., 48538
Neshaminy Creek, Pa., 59760
Norwalk River, Conn., 52641
Pine Run, Pa., 45213
Pollard Creek, Tex., 57507
Prairie Creek, Ind., 57375
Richland Creek, Trinity, Tex, 46146
Rogue River, Mich., 51073
Sandy Creek, Okla., 56700
South Florida Conservancy District, Fla., 53283
South Fourche, Ark., 46146
South Guthrie RC&D Flood Prevention Measure, Tenn., 51073
Upper Bayou Nezpique, La., 54273
Upper Muddy Boggy Creek, Okla., 48538
Upper New River, S.C., 55690
Upper Petit Jean, Ark., 51073
Upper Salt Creek, Kans., 49379
Upper Wakarusa, Kans., 51074
Warner Draw, Utah, 46147
Willcox Water-Based Recreation Area, RC&D Measure, Ariz., 45862
Yantic River, Conn., 53414
Zuni Pueblo, N. Mex., 48538
Equipment grant eligibility determinations:
Abbeville County Soil and Water Conservation District, S.C., 45862
McCormick Soil and Water Conservation District, S.C., 45861

STATE DEPARTMENT

See also Agency for International Development.

Rules
Foreign Service Board; procedures, 50027
Freedom of information, 48503
Privacy Act; implementation, 45606, 47419, 51194
Procurement, 58452

Notices
Authority delegations:
Deputy Secretary; National Gallery of Art, construction and maintenance, 58665
Committees; establishment, renewals, etc.:
International Law Advisory Panel, 52419
Consumer representation plan; proposed, 55205
Educational, scientific, and cultural materials; importation agreement; availability of proposed protocol, 50730
Meetings:
Fine Arts Committee, 48145, 52065, 60096
Foreign Relations of United States Advisory Committee, 47153
Human Settlements (Habitat), U.N. Conference on; Advisory Committee for U.S. Participation in, 55370
International Book and Library Programs, Government Advisory Committee, 48955
International Educational and Cultural Affairs, U.S. Advisory Commission, 48145, 53409
International Law Advisory Panel, 53409
International Radio Consultative Committee, U.S. National Committee, 48955, 53409, 59356, 60096
Law of Sea Advisory Committee, 57813
Music Advisory Panel, 47153
Northwest Atlantic Fisheries Advisory Committee, 58323
Ocean Affairs Advisory Committee, 56462
Overseas Schools Advisory Council, 51671
Private International Law Advisory Committee, 51070, 58156, 60096
Shipping Coordinating Committee, 46324, 48145, 48146, 50292, 53047, 57813, 58156, 59356, 59455
Transnational Enterprises Advisory Committee, 50547, 52635
Organization and functions:
Field organization for embassies and missions, 56696
Privacy Act; systems of records, 45741, 47420

TARIFF COMMISSION

See International Trade Commission.

TECHNOLOGY ASSESSMENT OFFICE

Notices
Privacy Act; systems of records, 53992

TELECOMMUNICATIONS POLICY OFFICE

Notices
Meetings:
Frequency Management Advisory Council, 55911

TENNESSEE VALLEY AUTHORITY

Rules
Privacy Act; implementation, 45313

Notices
Privacy Act; systems of records, 45326, 45327, 49565

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE

Notices
Cotton textiles:
China, Republic of, 46154, 47176, 49123, 52660, 55896, 59475
Colombia, 46154
India, 46153, 46154, 56475
Korea, Republic of, 46154
Macau, 69615
Malaysia, 60108
Mexico, 53619, 53623
Pakistan, 46154, 56716, 59613
Philippines, Republic of, 55697
Polish People's Republic, 58683
Romania, 59614
Thailand, 46153, 59239
Yugoslavia, 69615
Man-made textiles:
China, Republic of, 46154, 47176, 49123, 52660, 59475
Colombia, 46154
El Salvador, 59375
Haiti, 50303
India, 46154
Korea, Republic of, 46154, 49122
Macau, 69615
Malaysia, 60108
Mexico, 53619, 53623
Pakistan, 46154
Philippines, Republic of, 55697, 56716
Textile and apparel categories with Tariff Schedules of U.S. Annotated, 60220
Wool textiles:
China, Republic of, 46154
Colombia, 46154
India, 46154
Korea, Republic of, 46154
Mexico, 53619, 53623
Pakistan, 46154

TRADE NEGOTIATIONS, OFFICE OF SPECIAL REPRESENTATIVE

Rules
Generalized system of preferences, articles eligible for, 60041
Privacy Act; implementation, 48331

Notices
Beneficiary developing countries; termination of designation:
Khmer Republic and South Vietnam, 51251
Meetings:
Trade Negotiations Advisory Committee, 59498
Privacy Act; systems of records, 48335
Unfair trade practices, petitions:
European Community, 54311, 56743, 57249

TRANSPORTATION DEPARTMENT

See also Coast Guard.
Federal Aviation Administration.
Federal Highway Administration.
Federal Railroad Administration.
Hazardous Materials Operations Office.
Materials Transportation Bureau.
National Highway Traffic Safety Administration.
Pipeline Safety Operations Office.
Saint Lawrence Seaway Development Corporation.
Urban Mass Transportation Administration.

Rules
Privacy Act; implementation, 45729, 54001, 57361
Relocation assistance and land acquisition for Federal and federally assisted programs, 58455

Proposed Rules
Privacy Act; implementation, 49887
Standard time zone boundaries:
Iron County, Mich.; relocation to eastern zone; withdrawal, 50278

Notices
Airport land acquisition; Federal grant assistance request; hearing, 54023, 55375, 60107
Committees; establishment, renewals, etc.:
Transportation-Related Signs and Symbols Advisory Committee, 58680
Concorde SST flights to N. Y. and Wash.; hearing, 53612
Consumer representation plan; proposed, 55211
Guarantee of certificates; intent to make findings:
Chicago, Rock Island & Pacific Railroad Co., 50557, 52077
Meetings:
Transportation Quality, Citizen's Advisory Committee, 45217
Motor vehicle goals beyond 1980, interagency task force; inquiry, 52431
Privacy Act; systems of records, 52972, 53965

TRAVEL SERVICE

Notices
Meetings:
Travel Advisory Board, 48539

TREASURY DEPARTMENT

See also Alcohol, Tobacco and Firearms Bureau.
Comptroller of Currency.
Customs Service.
Fiscal Service.
Foreign Assets Control Office.
Internal Revenue Service.
Revenue Sharing Office.

Rules
Foreign exchange transactions, transfers of credit, and export of coin and currency; report forms, 46101
Freedom of information, 49089
Imported articles; effect on National security, 50717
Privacy Act; implementation, 45684

Proposed Rules
Equal employment opportunity, sanction proceedings:
Hearings, 49343

Notices
Antidumping:
Adapters, AC; from Japan, 46420
Batteries, rechargeable sealed nickel-cadmium; from Japan, 49803
Birch 3 ply doorskins from Japan, 48383
Capacitors, tantalum electrolytic fixed; from Japan, 48702
Cement, Portland hydraulic; from Mexico, 54267
Melamine in crystal form from Japan, 58869
Polymethyl methacrylate polymers from Japan, 58666
Potassium chloride from Canada, 58323
Pumps, water circulating, from United Kingdom, 54843
Tires, industrial vehicle, from Canada, 58869
Tools, non-powered hand; from Japan; correction, 49111
Transformers, power from United Kingdom, 53047
Tuners from Japan; intent to revoke dumping finding, 52747
Authority delegations:
Government Accounting, Assistant Commissioner, 56462
Monetary Affairs Under Secretary, 48384
Bonds, Treasury:
1995-2000, 50113
Committees, Treasury advisory; meeting reports availability, 46420
Consumer representation plan; proposed, 55221
Grant-in-aid information; notification to States, 54378
Income tax treaties; discussions with listed countries:
India, 50292
Yugoslavia, 60096
Meetings:
International Monetary System Reform Advisory Committee, 55681, 58158
President's Labor-Management Committee, 51070
Notes, Treasury:
Series C-1982, 50112, 51485
Series G-1978, 45204
Series G-1979, 58156, 60096
Series H-1978, 46138, 48384
Series N-1977, 48383, 49376
Series P-1977, 58157, 59357
Privacy Act; systems of records, 50852, 56017

UNITED STATES INFORMATION AGENCY

Rules
Privacy Act; implementation, 49278

Notices
Meetings:
Information Advisory Commission, 53608

INDEX

XUM

UNITED STATES RAILWAY ASSOCIATION

Rules

Privacy Act; implementation, 45734

Notices

Abandonment and discontinuance of service:
- Erie Lackawanna Railway Co., 51515
- Penn Central Transportation Co., 47842, 47843, 47844, 50580, 50581, 51516
- Reading Co., 54033

Loan applications:
- Consolidated Rail Corp., 53324, 59266
- Delaware & Hudson Railway Co., 51101

Privacy Act; systems of records, 47993

URBAN MASS TRANSPORTATION ADMINISTRATION

Notices

Authority delegations:
- Associate Administrator for Capital Assistance, 50301
- Chief Counsel for Capital Assistance et al., 54852

Rail transit procurement practices; meeting, 48387

URBAN REINVESTMENT TASK FORCE

Notices

Neighborhood housing services and preservation projects; application procedures, 50160

VETERANS ADMINISTRATION

Rules

Adjudication; pensions, compensation, dependency, etc.:
- ACTION volunteers; annual income, 57459
- Claims submitted with evidence, 53581
- Clothing allowance rate increase, 54245
- Disability rating determinations, 56434
- Educational benefits eligibility, 54244
- Hospital discharges and absences, position titles; editorial changes, 45169
- Increased benefits claims; ratings and evaluations, 57459
- Marriage dates of widows and widowers, 48679
- Remarried widows and widowers, awards to, 59346

Authority delegations:
- Veterans Services Division field personnel, 54244

Conduct standards; citizen privacy, purchase of Government property, etc., 46286

Disabilities rating schedule; hearing impairment determination, 53011

Fiduciary activities, 54246

Medical:
- Community nursing home care; extensions beyond 6 months, 57805
- State home facilities for furnishing nursing home care, 53012
- Privacy Act; implementation, 56433, 58644
- Privacy of personal information in VA records; social security numbers, 56433

Procurement, 48348

Proposed Rules

Adjudication; pensions, compensation, dependency, etc.:
- ACTION volunteers; annual income, 48143
- Disability rating determinations, 45854
- Discharges issued through boards for correction of records, 56936
- Educational benefits eligibility, 45853
- Increased benefits claims; ratings and evaluations, 50111
- Remarried widows and widowers, awards to, 49580

Privacy Act; implementation, 51204, 53598

Procurement, 52632

Notices

Consumer representation plan; proposed, 55255

Environmental statements; availability, etc.:
- Boise, Idaho VA Hospital, 50763
- Columbia, S.C., VA Hospital, 54318
- Iowa City, Iowa, VA Hospital, 47845

Meetings:
- Cooperative Studies Evaluation Committee, 46163, 57408
- Educational Allowances Station Committee, 48197, 51701, 57737, 59798, 59799, 60124
- Health Manpower Training Assistance Review Committee, 46164
- Medical Advisory Group, Special, 51251
- Medical Research Service Merit Review Boards, 47229
- Medical School Assistance Review Committee, 46164
- Structural Safety of Veterans Administration Facilities Advisory Committee, 52451
- Voluntary Service National Advisory Committee, 48558
- Wage Committee, 57562

Privacy Act; systems of records, 47980, 48670, 52125, 57249, 59269

WAGE AND HOUR DIVISION

Rules

Child labor; violations and civil penalties; correction, 53237

Garnishment restrictions, 52610

Wage orders; Puerto Rico; certain industries:
- Children's dress and related products, 58140
- Corsets, brassieres, and allied garments, 58141
- Gloves and mittens, 58138
- Handkerchief, scarf, and art linen, 58139
- Hosiery, 58143
- Leather, leather goods and related products, 58138
- Men's and boys' clothing and related products, 51842
- Outerwear, women's, needlework, and fabricated textile product, 58141
- Sweater and knit swimwear, 58140
- Underwear, women's and children's, and women's blouse, 58140

Wage orders; Puerto Rico, Virgin Islands, and American Samoa, 55321

Proposed Rules

Wage orders; Puerto Rico; certain industries:
- Education, hospital, and laundry and cleaning industries, 58867

Notices

Learners, certificates authorizing employment at special minimum wages, 47845

Meetings:
- Sheltered Workshops Advisory Committee, 47230

Students, full-time; certificates authorizing employment at subminimum wages, 56513, 57737, 57883, 58912

WAGE AND PRICE STABILITY COUNCIL

Rules

Investigations; inflationary and potentially inflationary activities, 59334

Privacy Act; implementation, 59188

Proposed Rules

Investigations; inflationary and potentially inflationary activities, 47801

Notices

Authority delegations:
- Director, 52882

Steel price study; inquiry and symposium, 45867, 53070

WATER QUALITY, NATIONAL COMMISSION

Notices

Water Pollution Control Act, Federal; draft report of impacts; hearings, 58354

WATER RESOURCES COUNCIL

Rules

Privacy Act; implementation, 45675

Notices

Privacy Act; systems of records, 45678

WATERWAYS

See Canada and United States-International Joint Commission.
Coast Guard.
Engineers Corps.
Fish and Wildlife Service.
Saint Lawrence Seaway Development Corporation.

WHITE HOUSE FELLOWSHIPS, PRESIDENT'S COMMISSION

Rules

Privacy Act; implementation, 52416, 56651, 59187

Notices

Meetings, 59498

Privacy Act; systems of records, 52445

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published during October–December.

1 CFR — Page

Ch. I — 45157, 55633
304 — 54419
415 — 59705
420 — 59313
425 — 52416, 56651, 59187
430 — 59314
431 — 59316

PROPOSED RULES:
304 — 48894
430 — 52056
431 — 52054

2 CFR

Ch.'s I–II — 52995

3 CFR

PROCLAMATIONS:
4262 (See Proc. 4398) — 46085
4397 — 45791
4398 — 46085
4399 — 46087
4400 — 48337
4401 — 49069
4402 — 50243
4403 — 50245
4404 — 50247
4405 — 51409
4406 — 51613
4407 — 51615
4408 — 51617
4409 — 52583

EXECUTIVE ORDERS:
2553 (Revoked in part by PLO 5564) — 58857
5327 (Amended by PLO 5562) — 58857
5389 (Amended by PLO 5563) — 58857
6827 (Amended by PLO 5559) — 58453
7655 (Revoked by PLO 5545) — 50719
8278 (Revoked in part by PLO 5550) — 56667
8684 (Revoked by EO 11886) — 49071
8877 (Revoked in part by PLO 5558) — 59205
10016 (Revoked by 11884) — 47469
10422 (Amended by EO 11890) — 57775
11345 (Amended by EO 11882) — 46293
11371 (Amended by EO 11882) — 46293
11388 (Superseded by EO 11880) — 46089
11578 (Amended by EO 11882) — 46293
11658 (Amended by EO 11882) — 46293
11659 (Amended by EO 11882) — 46293
11811 (Superseded by EO 11883) — 47091
11812 (Superseded by EO 11883) — 47091
11832 (Amended by EO 11889) — 54765
11832 (See Proc. 4398) — 46085
11844 (Superseded by EO 11888) — 55275
11861 (Amended by EO 11885) — 48491
11880 — 46089
11881 — 46291
11882 — 46293
11883 — 47091
11884 — 47469
11885 — 48491
11886 — 49071
11887 — 51411
11888 — 55275
11889 — 54765
11890 — 57775
11891 — 58279

MEMORANDUMS:
October 10, 1975 — 49073
October 23, 1975 — 53223

4 CFR — Page

1 — 60035
6 — 60035
20 — 60035
30 — 60036
31 — 60036
33 — 60036
34 — 60036
51 — 47511
52 — 47512
53 — 47513
54 — 47513
55 — 47513
81 — 60036
400 — 45417
412 — 45417, 58281

PROPOSED RULES:
331 — 53271
413 — 47517

5 CFR

6 (Amended by EO 11887) — 51411
151 — 47101
213 — 45793, 47513, 47791, 47792, 48111, 48673, 48907, 49295, 50023, 50700, 52339, 52715, 52836, 53402, 53993, 54419, 54420, 54559, 54767, 57202, 57351, 57461, 57777, 58127, 58421, 58845, 59718, 59719, 60053
591 — 45417
735 — 48339
890 — 49567, 50023, 55829
1001 — 48339
2413 — 45417
2470 — 49765, 54560
2471 — 49765, 54560

PROPOSED RULES:
213 — 56651
736 — 56651
1705 — 46062
930 — 55366

6 CFR

703 — 59188
704 — 59334

PROPOSED RULES:
704 — 47801

7 CFR

1 — 53368, 58281
2 — 45157, 45158, 48340, 50455, 52715, 56421, 56669, 58127
6 — 48493
16 — 53229, 55829
21 — 47751, 50023
24 — 47473, 51995
25 — 48493, 57205
25A — 48493, 57205
51 — 46295, 47751, 48494, 48930, 49782
52 — 47753, 48933, 57206
53 — 47753
54 — 49783, 53993
55 — 49783
56 — 49784
58 — 47910, 50455, 52995
68 — 47101, 53545
70 — 49784, 53993
226 — 60057
245 — 50249, 57206, 57777, 58281
271 — 55646, 57434–57438

7 CFR—Continued — Page

301 — 48935, 48936
331 — 49784
354 — 49575, 53993
401 — 52339, 52585–52592, 52715, 55307
402 — 52592
403 — 52592
404 — 52592
406 — 52592
408 — 52592
409 — 52592
410 — 52592
413 — 52593
630 — 53370
631 — 53370, 58649
701 — 52340, 54235
722 — 48685, 51177, 52715, 54560, 55656
Ch. VIII — 48685
724 — 58444
725 — 55656
726 — 56421
728 — 52593
729 — 55658
775 — 52598, 52716
905 — 49785, 51619, 54420, 54560, 54767, 57641, 58446
906 — 48340, 48494, 51177
907 — 54235, 55307, 56670, 57641, 58127, 58649, 59189
Ch. XVIII — 59194
907 — 49444, 60056
908 — 45417, 47476, 48495, 49075, 49575, 50456, 51619
909 — 48494, 53545, 54235
910 — 45793, 47754, 48685, 50456, 55308, 57777, 58845, 59589
911 — 49786, 52603
912 — 57641
913 — 45794, 58649
915 — 47102, 49787, 50024, 52605, 54768, 59719
924 — 45418
927 — 46091
928 — 59719
929 — 51620, 53993
930 — 45418
932 — 54236, 59318
944 — 49787
946 — 52995
948 — 45794
959 — 57209
966 — 47754, 48686, 54236
971 — 52836, 53225, 59589
980 — 45794, 48687, 50024, 54237
982 — 50024, 53226, 55829, 59720
984 — 51995, 55306, 57351
987 — 54421, 59720
989 — 46299, 53228, 53994, 54768
993 — 50700, 52837
1046 — 45158
1060 — 58846
1063 — 58447
1201 — 46091
1207 — 50249
1250 — 48496, 48688, 59190
1405 — 58448
1421 — 52350, 52351, 52606, 52995, 56423
1425 — 49788
1430 — 51413
1464 — 52998, 52999, 55309, 57209, 57777

INDEX

7 CFR—Continued Page

1808 ... 47477
1822 ... 51622, 52836, 52837, 54421, 59590
1823 ... 54238
1831 ... 52607
1865 ... 57642
1980 ... 57643

PROPOSED RULES:

17 ... 47514
42 ... 52735, 54005
51 ... 46115
52 ... 46116, 48949, 50049, 50281–50286, 52038, 54005
53 ... 60071
68 ... 53598
210 ... 59600
622 ... 56457
724 ... 57809
726 ... 57810
729 ... 52613
730 ... 50542
793 ... 53038
905 ... 50721
906 ... 47796
907 ... 60071
909 ... 49790, 51052
910 ... 49790
911 ... 45442
912 ... 53603
913 ... 54252
916 ... 57221
917 ... 53601, 55362
928 ... 57221
929 ... 45443, 48954
932 ... 49791, 56457
959 ... 53261, 58656
966 ... 50540
971 ... 49348, 49791
980 ... 50541, 60072
981 ... 50289, 51646
982 ... 45175, 54586
984 ... 48518, 51473, 51646
987 ... 50541, 54428
989 ... 49097, 49791, 50542
993 ... 45443
999 ... 47368
1001 ... 47316, 50542, 53603
1002 ... 47316, 50542, 53603
1015 ... 47316, 50542, 53603
1036 ... 53405
1046 ... 50050
1060 ... 50392, 51052, 53038, 55362, 56674, 59353
1061 ... 50392, 51052, 53038, 55362, 59353
1063 ... 56674
1068 ... 50392, 51052, 53038, 53603, 55362, 59353
1069 ... 50392, 51052, 53038, 55362, 59353
1076 ... 50392, 51052, 53038, 55362, 59353
1094 ... 50051, 52854
1096 ... 50076, 53038
1098 ... 50098
1207 ... 45176
1251 ... 45176
1427 ... 60073
1464 ... 45444, 50543
1801 ... 54429
1803 ... 49577, 52854
1804 ... 53269
1822 ... 58151, 58657, 59447
1824 ... 59214
1901 ... 59214

8 CFR Page

100 ... 58448
103 ... 46092, 58448
212 ... 49767
223 ... 50702
238 ... 50702, 58448
242 ... 50249
243 ... 50702
264 ... 50702
299 ... 50703
316a ... 50703, 58448
343c ... 50703
499 ... 50703

9 CFR

11 ... 47754
76 ... 53546
78 ... 45795, 52838, 58281, 59421, 59721
91 ... 59318
92 ... 46092, 52716, 52717, 55633
94 ... 50457
97 ... 46300, 50250, 53994
101 ... 45419, 46093
102 ... 51413
108 ... 51413
112 ... 46093, 49295, 51414, 53378
113 ... 45419, 46092, 46093, 49295, 49767, 51414, 53000, 53378, 57806, 58626
114 ... 46093
307 ... 45798, 50719, 53548
308 ... 60053
317 ... 50703
331 ... 45801, 57807, 57808
350 ... 53548
351 ... 58627
355 ... 53548
381 ... 45801, 50703, 53548, 55309, 57807, 57808, 60053

PROPOSED RULES:

73 ... 48140, 49349
78 ... 48697, 50099
91 ... 53262, 56675
92 ... 54802
113 ... 49577, 51646
314 ... 52854
317 ... 50099
318 ... 52614
381 ... 50099, 52614
445 ... 59306
447 ... 59306

10 CFR

0 ... 50704
2 ... 51995, 53379
20 ... 50704, 58847
30 ... 50704
40 ... 53230
50 ... 58847
70 ... 50704, 53230
73 ... 52840
205 ... 48111
206 ... 45609
211 ... 47477, 47478, 48111, 48340, 49297, 54422
212 ... 47755, 54561, 57439, 60036
213 ... 52353, 59195
708 ... 45308
714 ... 49075
715 ... 45321
810 ... 50457

Rulings:

1975–10 ... 51414
1975–17 ... 48341
1975–18 ... 55860

10 CFR—Continued Page

PROPOSED RULES:

30 ... 49801
205 ... 48381, 50107
210 ... 49799
211 ... 47803, 59602
212 ... 45447, 47147, 49105, 49372, 51656, 54263, 60082
213 ... 48948
214 ... 54587
303 ... 50107
790 ... 50100, 52857

11 CFR

PROPOSED RULES:

100–105 ... 47146
106 ... 53159
107 ... 45297, 51610, 54828
109–111 ... 47146
114 ... 54547, 54592
115 ... 54592
116 ... 47688, 54592
120 ... 51348, 53159, 54592
121 ... 51348, 53159, 54592
122 ... 51348, 53159, 54592
123 ... 51348, 53159, 54592
124 ... 51348, 53159, 54592
130 ... 47688, 48700, 50729
131 ... 47688, 48700, 50729
132 ... 47688, 48700, 50729
133 ... 47688, 48700, 50729

12 CFR

1 ... 59318
7 ... 49077, 56883
8 ... 60056
9 ... 50251
202 ... 49298, 60055
204 ... 46301, 48499, 49310, 60055
206 ... 50457, 52843
208 ... 51179
217 ... 46301, 57663
220 ... 53379, 59322
221 ... 59322
225 ... 55634
226 ... 45158, 46301, 50507, 54424, 55634
261a ... 45617
265 ... 46093, 55635
303 ... 58128, 59232
310 ... 46274
327 ... 57209
329 ... 46301, 47757, 57664, 57778, 58848
335 ... 47346
336 ... 48499
341 ... 50508
500 ... 59422
522 ... 57422
523 ... 59424
524 ... 46302
526 ... 57665, 59590
541 ... 49310, 51414, 51415
544 ... 49311
545 ... 47103, 49310, 57665, 57781, 58848, 59196, 59591
546 ... 59322
555 ... 47103, 52353, 57781
561 ... 46094, 59424
563 ... 46094, 46303, 57665, 59323, 59591
564 ... 46095
569 ... 46095
569a ... 52717
571 ... 46096, 57783
581 ... 49312
582 ... 49312
582a ... 49312
582b ... 49312

12 CFR—Continued Page

614 ... 49078
615 ... 49078
619 ... 49078
700 ... 60069
702 ... 60069
720 ... 46276

PROPOSED RULES:

8 ... 59446
211 ... 60082
213 ... 60082
225 ... 53272, 58866, 60082
545 ... 47149, 47150, 50546
555 ... 47151
556 ... 54264, 57690
563 ... 46323, 54265
571 ... 47151, 57690
612 ... 59450
614 ... 59450

13 CFR

102 ... 46280, 48907
103 ... 59425
107 ... 59197
113 ... 59591
114 ... 52717
115 ... 54424
117 ... 57351
121 ... 50518, 51033
123 ... 47480
305 ... 60038
307 ... 49078
309 ... 49078
314 ... 60038
500 ... 48112
510 ... 48113
520 ... 48113
530 ... 48114
540 ... 48115
550 ... 48116
560 ... 48116
580 ... 48117
590 ... 60039

PROPOSED RULES:

103 ... 51069
113 ... 51670
120 ... 57602
121 ... 53407, 55680, 55868

14 CFR

11 ... 55312
21 ... 55312
39 ... 45420, 45802, 46097, 46303, 47103, 48118, 48499–48501, 48907–49811, 49092–49094, 49567, 49768–49770, 50519, 50705, 50706, 51415, 51996, 52607, 52608, 52717–52721, 53001–53003, 53231, 53379, 53380, 53548, 53549, 53995, 54239, 54424, 54769, 55635–55637, 56652, 56883, 57352, 57353, 57444, 57665, 57666, 57783–57785, 58128–58130, 58284, 58623, 58624, 58848, 58849, 59197–59199, 59721, 59722
71 ... 45158, 45420, 45803, 45804, 46097, 46304–46306, 47104, 47481, 47482, 48118–48120, 48501, 48911, 49094, 49095, 49567 50025, 50257, 51033, 51416, 51622, 51997, 52608, 52722, 53231, 53232, 53380, 53549, 53550, 53995, 53996, 54239, 54240, 54425, 55638, 55829, 56423, 56424, 56884, 57203, 57204, 57353, 57354, 57444, 57666, 57785, 57786, 58131, 58624, 58849, 58850, 59222, 59122, 59723
73 ... 45884, 46097, 48501, 50025

14 CFR—Continued Page

75 ... 46306, 47482, 50025, 55830, 56652, 56884, 58850
91 ... 55312
95 ... 52224
97 ... 45421, 48120, 49568, 50520, 51622, 51623, 53004, 53996, 55312, 57204, 57666, 58625, 59724, 60040
103 ... 48466, 57667, 58284, 58850
121 ... 49095, 50706, 55313, 57444
123 ... 57444
135 ... 57444
207 ... 49770
208 ... 49771, 51179
212 ... 49771
214 ... 49771
217 ... 48502
223 ... 60040
240 ... 58850
241 ... 48502
249 ... 49771
288 ... 46098, 56652, 58449
298 ... 48122
312 ... 59425
372 ... 52354
372a ... 49772
373 ... 49772, 52355
378 ... 49772, 52355
378a ... 50520, 51416, 52356
1204 ... 48121
1206 ... 54240

PROPOSED RULES:

1 ... 47794
21 ... 47794
23 ... 47794
25 ... 47794, 48699, 59354
27 ... 47794
29 ... 47794
31 ... 47994
33 ... 47994
35 ... 47794
36 ... 51476, 59447
37 ... 57222
39 ... 46320, 46321, 47794, 48519, 50544, 50545, 50726, 51202, 52744, 53044, 53269, 53406, 54260, 57881
43 ... 47795, 48699
45 ... 47794
63 ... 48699, 57342
65 ... 48699
71 ... 45846, 46116, 46321, 47141, 48141, 48142, 48520, 48939, 49100, 49101, 49794, 50099, 50726, 51058, 51481, 51655, 52051, 52409, 53045, 53270, 53271, 53406, 53594, 54006, 54007, 54429, 54587, 55664, 55665, 55866, 56919, 57368, 57369, 57881, 58863, 58864, 59448
73 ... 53045, 59448
75 ... 45192, 48939, 49577, 52409, 53406
91 ... 47794, 48699, 54188, 57342, 59745
103 ... 45197, 57688
105 ... 48699, 57342
121 ... 47794, 48699, 57342, 59745
123 ... 48699, 57342, 59745
127 ... 48699
129 ... 57342
133 ... 48699, 54188
135 ... 48699, 57342, 59745
137 ... 48699, 57342
143 ... 48699
145 ... 48699, 57342
147 ... 48699, 57342

14 CFR—Continued Page

159 ... 49577
183 ... 48699
217 ... 46321, 49579
241 ... 46321, 49579, 50727, 54813, 57462, 59746
253 ... 54007, 54010, 55665
288 ... 49794, 55366, 58864
378 ... 57462
399 ... 54007, 54010, 54812, 55665

15 CFR

4b ... 45619, 50662, 51168
30 ... 60041
80 ... 53232
256 ... 50707
369 ... 45421, 54769
370 ... 45159
371 ... 50707
375 ... 59325
377 ... 45159
379 ... 56424
385 ... 55314
950 ... 56653
2002 ... 60042
2003 ... 60042
2005 ... 48331
2007 ... 60042

PROPOSED RULES:

3 ... 47797
4b ... 45632
60 ... 52045
923 ... 52405

16 CFR

3 ... 60043
4 ... 59724, 60043
13 ... 46306, 46308, 47757, 47759, 47760, 49079, 49080, 49569, 50025, 50708, 50710, 51180, 51417–51420, 52809, 52813, 53004–53006, 53550–53556, 54565–54566, 54771, 54772, 55315–55317, 56655–56658, 57195–57201, 57445–57447, 57668, 58286, 58287, 59426, 59591, 59725, 60044
302 ... 53233, 58659, 59884
433 ... 53506, 58131
435 ... 49492, 51582, 53383, 53557
701 ... 60168
702 ... 60168
703 ... 60190
1001 ... 51360
1009 ... 47482
1012 ... 51363
1014 ... 53380
1109 ... 48122
1115 ... 58449
1500 ... 52815, 52828
1512 ... 52815, 52828, 57449
1602 ... 56885, 59884
1607 ... 59886
1608 ... 59887
1609 ... 59889
1610 ... 59891
1611 ... 59898
1615 ... 59903
1616 ... 59917
1630 ... 59931
1631 ... 59935
1632 ... 59940

PROPOSED RULES:

302 ... 49536
433 ... 53530
438 ... 55368
440 ... 59746
443 ... 49801, 58867

INDEX

16 CFR—Continued — Page

PROPOSED RULES—Continued

445 ... 50281
450 ... 52631
454 ... 49801
1207 ... 50728, 52856, 54011
1700 ... 58865

17 CFR

1 ... 48688
200 ... 46107, 49776, 50711, 51183, 52722, 54774, 57449, 58131, 59712
201 ... 54774
210 ... 46111, 48359, 55830, 55835, 58851, 59339
211 ... 48359, 53557, 59339
231 ... 54241
239 ... 55319, 55836
240 ... 45422, 45853, 46111, 49776, 51184, 52356, 54774, 55837, 57355, 57357, 57449, 57786, 59712
241 ... 57786
249 ... 45422, 46111, 49312, 49777, 54425, 55319, 55837, 59718
249b ... 51184, 52356
269 ... 55320
270 ... 50711
271 ... 45424, 49080, 54241
274 ... 55320
275 ... 45162, 57795

PROPOSED RULES:

Ch. I ... 49360
12 ... 55666
155 ... 58660
180 ... 54430
200 ... 48142
210 ... 46117
231 ... 48526
Ch. II ... 51204
239 ... 51656, 58155
240 ... 45203, 45448, 48142, 51060, 51656, 53046, 54840, 57463, 58154, 58155, 60084
241 ... 48526
249 ... 46118, 51060, 51656, 53046, 58154, 58155, 60084
270 ... 47152, 59603
275 ... 46118

18 CFR

2 ... 49571, 51033, 51998, 54774, 56886
3 ... 58630
35 ... 48673, 56424
141 ... 49573, 57450
157 ... 51034
260 ... 49573, 51999, 58630, 58632
301 ... 45313
701 ... 45675

PROPOSED RULES:

141 ... 54828

19 CFR

4 ... 55837, 58852
10 ... 47761, 51420, 60047
24 ... 51420
141 ... 57796
145 ... 59725
153 ... 53383
159 ... 55638, 55639
201 ... 47976, 53384, 55838
210 ... 45163

19 CFR—Continued — Page

PROPOSED RULES:

1 ... 47795, 48139, 53261, 59212, 59745
10 ... 50045
12 ... 54002, 59745
103 ... 51201
113 ... 51445, 54004
141 ... 45825, 56674
142 ... 45825, 56674, 58150
143 ... 45825, 56674
144 ... 54575
152 ... 58859
158 ... 58150
159 ... 45825, 56674
162 ... 48690
177 ... 58470
201 ... 48700, 54265, 46936
210 ... 48700

20 CFR

300 ... 50257
395 ... 52844
404 ... 45805, 53384, 53385, 55362
405 ... 46309, 51055, 53386, 56458, 56659
410 ... 53387, 56888
416 ... 47487, 47761, 48911, 51624, 52742, 53384, 53388
422 ... 53389, 55362
601 ... 51999
618 ... 57768
619 ... 51600, 53390

PROPOSED RULES:

200 ... 45736
404 ... 52408, 52738, 55362
405 ... 51055, 51474
410 ... 45190, 51475, 52408, 55362
416 ... 48937, 52408, 52742, 54005
422 ... 55362
625 ... 56931
901 ... 50110
902 ... 50110

21 CFR

Ch. I ... 52361
1 ... 57451, 57453
3 ... 57451
4 ... 55838
7 ... 55838
20 ... 59725
30 ... 59725
37 ... 57454
102 ... 54536, 54537, 54539
121 ... 46099, 47104, 48675, 49080, 49082, 49573, 51034, 51625, 52608, 54777, 56907, 57209, 58852, 60050
123 ... 45163, 55320, 56425, 58287
128d ... 51194
200 ... 58799
201 ... 46099, 52000, 53997, 58799
202 ... 58799
207 ... 52000, 52788, 53997
310 ... 48918, 49574, 50527
331 ... 48343
369 ... 46100, 48919, 58288
430 ... 52003, 57796
431 ... 52003, 53997
436 ... 45426, 51625, 52003, 57797
440 ... 49083, 58288
442 ... 49083, 51625
444 ... 57798
450 ... 52005, 53998
452 ... 49083
455 ... 53997
510 ... 60049, 60050

21 CFR—Continued — Page

514 ... 52609
520 ... 45164, 46101, 48675, 52722, 60051
522 ... 46101, 48502, 48676, 59342, 60051
524 ... 48676
529 ... 48676, 57454, 60051
540 ... 55849
546 ... 57455, 58633
556 ... 57454, 58289, 59726
558 ... 45164, 50258, 52723, 53390, 57668, 57798, 58132, 58289, 59726, 60049, 60050, 60052
561 ... 45163, 45165, 52006, 55320, 56425
601 ... 52788
606 ... 53532, 55849
607 ... 52788
640 ... 53532, 55849
700 ... 50527
1030 ... 52007
1301 ... 48344
1303 ... 52844
1308 ... 52609, 58132
1316 ... 57210

PROPOSED RULES:

1 ... 52172, 54587, 57811
4 ... 45190
7 ... 45190
8 ... 53039
10 ... 52172, 54587, 57811
27 ... 52172, 54587, 57811
51 ... 52172, 54587, 57811
53 ... 52172, 54587, 57811
102 ... 51052, 52616, 57688
121 ... 50277, 52738
210 ... 47516
225 ... 47516
310 ... 48362, 52049, 45252, 55869, 56675, 57811
330 ... 56675, 57811
338 ... 57292
339 ... 57292
340 ... 57292
600 ... 57688
610 ... 46318, 52619, 52621, 53040, 54429, 57688
640 ... 52619, 53040, 54429, 57688
660 ... 46318, 52621, 52623, 57688
950 ... 52051
951 ... 52051
952 ... 52051
1000 ... 58151
1301 ... 47514

22 CFR

6 ... 48503
6a ... 45608, 47419, 51194
15 ... 50027
214 ... 54777
215 ... 45679
505 ... 49278
602 ... 56661
707 ... 46284

23 CFR

Ch. I ... 45805
230 ... 50712, 57358
260 ... 58633
420 ... 53726
450 ... 57999

23 CFR—Continued — Page

625 ... 53728
630 ... 55639, 57799
633 ... 49084
640 ... 53728
652 ... 53730
712 ... 53236, 55643
750 ... 49777
771 ... 60052
1204 ... 53730

PROPOSED RULES:

476 ... 53352
658 ... 54812
750 ... 58312, 60075

24 CFR

15 ... 48123
25 ... 48919
82 ... 47792, 48677
200 ... 53008, 58637
203 ... 47105, 49777, 55354
205 ... 47105, 58133
207 ... 47105, 49777, 50258, 58133
213 ... 47105, 50258, 58134
220 ... 47105, 49777, 58134
221 ... 47106, 58134
232 ... 47106, 58134
234 ... 47106
235 ... 47106, 58134
236 ... 47106, 52844, 58134
241 ... 47106
242 ... 47106, 58134
244 ... 47106, 58134
280 ... 52706, 53008, 58752
403 ... 49318
425 ... 52845
570 ... 50531, 50664
811 ... 50531
888 ... 50632
1710 ... 56907
1912 ... 57210
1914 ... 45805, 48355, 48357, 48503, 48677, 49313, 51045, 51626, 53572, 55354, 56670, 57803, 59342, 59344
1915 ... 45806, 46102, 48504, 49315, 51047, 51628, 53575, 53679, 55356, 56672, 56910, 56910, 59427
1916 ... 46165, 45166, 48126, 53008, 53009, 56426
1917 ... 48127, 48128, 50712, 50713, 51442, 53010, 54778, 56426, 57688
1920 ... 45166–45167, 48128–48133, 48357–48359, 49089, 50532–50536, 50713, 51632–51635, 52362–52367, 53010, 53011, 54778–54779, 56427–56429, 57669, 57670, 59199–59203
2205 ... 58450
2700 ... 59866

PROPOSED RULES:

7 ... 54550
235 ... 52216
280 ... 48141, 52709
885 ... 54734
888 ... 45445, 50438, 54760
1710 ... 56919
1917 ... 48362, 49099, 50722–50724, 53043, 54811, 56459, 59225, 59226
2700 ... 47694
2705 ... 47694
2710 ... 47694
2715 ... 47694
2720 ... 47694
2725 ... 47694

25 CFR — Page

221 ... 45427, 46114, 52610, 52845, 52846, 54425
233 ... 58135
271 ... 51286
272 ... 51300
273 ... 51303
274 ... 51310
275 ... 51316
276 ... 51316
277 ... 51327

PROPOSED RULES:

20 ... 53403
60 ... 53593
104 ... 53593
113 ... 47795
178 ... 57694
221 ... 47139, 59745

26 CFR

1 ... 45427, 48508, 49321, 50260, 55849, 26448, 58138, 58637, 60053
8 ... 58852
11 ... 45810, 45812, 47107, 48345, 48508, 48679, 49326, 51421, 51435, 51635, 53580
20 ... 49323
24 ... 58852
25 ... 49323
31 ... 48346
54 ... 50840
301 ... 49323, 50260, 55849

PROPOSED RULES:

1 ... 36371, 45442, 45828, 45832, 45838, 45845, 46314, 47138, 48361, 48514, 48690, 48691, 49343, 50720, 51445, 51467, 52417, 52418, 53035, 53261, 53593, 54582, 54583, 57364, 57462, 58471, 58656, 58860
20 ... 58860
31 ... 53037
53 ... 48696
301 ... 45845, 54583

27 CFR

6 ... 55856
194 ... 56887
245 ... 47490, 48920

PROPOSED RULES:

4 ... 52613
5 ... 52613, 53261
7 ... 52613
178 ... 59207
181 ... 59207

28 CFR

0 ... 53390, 58643, 58644
16 ... 50642, 52007
20 ... 52846, 59204
55 ... 46080

PROPOSED RULES:

16 ... 50647
19 ... 56453
20 ... 49789
42 ... 56454

29 CFR

8 ... 59726
94 ... 47722, 50812
97 ... 47722, 58854
97a ... 50812
102 ... 48330, 50662, 59728
202 ... 50714
204 ... 58855
402 ... 58856

29 CFR—Continued — Page

403 ... 58856
408 ... 58856
511 ... 55321
580 ... 53237
602 ... 58138
603 ... 58138
608 ... 58140
609 ... 58140
610 ... 58140
611 ... 58140
612 ... 58141
614 ... 58141
615 ... 58142
687 ... 58143
870 ... 52610
1410 ... 47418
1902 ... 54780, 55857, 58143
1952 ... 49574, 50716, 52367, 54425, 57455, 58450, 59345
1953 ... 48679, 57804
2300 ... 54567
2510 ... 50842, 52008
2530 ... 52724
2555 ... 47491
2556 ... 53998, 59728
2602 ... 57452
2605 ... 47765
2607 ... 46054
2608 ... 51368
2609 ... 51373

PROPOSED RULES:

8 ... 46316
28 ... 51102
40 ... 57332
60 ... 58664
97 ... 47744
723 ... 58867
724 ... 58867
725 ... 58867
1601 ... 59746
1910 ... 45934, 46206, 47262, 47652, 48362, 48814, 49032, 54520, 54684, 55866, 55867, 58457, 58458
1952 ... 45855, 47515, 47516, 49581, 59345
1953 ... 49101
2520 ... 48096, 53710
2610 ... 47982
2611 ... 57980

30 CFR

250 ... 51199
400 ... 46309

PROPOSED RULES:

55 ... 51202
56 ... 51202
57 ... 51202
211 ... 46315, 51646
216 ... 51646
250 ... 58862

31 CFR

1 ... 45684, 49089
9 ... 50717
51 ... 50028, 51035, 53355, 54241
128 ... 46101
210 ... 47492
214 ... 59595
224 ... 51194
306 ... 47979
316 ... 59204
332 ... 59300
341 ... 47979
346 ... 47979
515 ... 47108

INDEX

XUM

31 CFR—Continued — Page

PROPOSED RULES:
12 — 49343
223 — 54575, 59600

32 CFR
286a — 55518
286b — 55525
286c — 55535
286d — 55535
286e — 55535
287a — 55535
290a — 55537
291a — 55543
295c — 55543
298a — 55546
505 — 55551
577 — 58290
641 — 54568
650 — 55962
806b — 55580
1285 — 53999
1453 — 51413
1460 — 46102
1622 — 45436
1700 — 53011
1814 — 46055
1901 — 45322
2102 — 47746

PROPOSED RULES:
216 — 52734
701 — 46060, 55594

32A CFR
PROPOSED RULES:
Ch. X — 50047

33 CFR
Ch. I — 58143
2 — 49326
3 — 45167
100 — 49326
110 — 51637
117 — 49327, 51195, 51637, 54241, 58856
127 — 45168, 45169, 47108
128 — 56430
148 — 52553
149 — 52565
150 — 52572
151 — 48280
157 — 48280, 49328
183 — 51440
204 — 48511
205 — 48511
207 — 47495, 57358
263 — 51133
264 — 51146
275 — 51146
290 — 52516
291 — 52521
292 — 55522
293 — 52525
294 — 52527
295 — 52530
384 — 51132
393 — 52533

PROPOSED RULES:
117 — 45191, 48363, 50545, 51202, 54258–45260, 57222, 59219
148 — 52581
157 — 48289, 49351, 54006
208 — 54799
209 — 50720
214 — 59212

34 CFR
236 — 48346
256 — 51038, 54372

34 CFR—Continued — Page

Ch. I — 56459
237 — 54013
259 — 59554

35 CFR
5 — 52368, 58290, 58292
51 — 46309
135 — 54242

36 CFR
7 — 54244, 56888, 59728
212 — 52611
1002 — 52369

PROPOSED RULES:
2 — 50277, 57694
7 — 45845, 54428, 59600
50 — 58651
606 — 52630, 53594
1002 — 45306

37 CFR
1 — 57358
2 — 57358

38 CFR
0 — 46286
1 — 56433, 58644
2 — 54244
3 — 45161, 48679, 53581, 54244, 54245, 56434, 57459, 59346
4 — 53011
8–1 — 48348
8–7 — 48348
13 — 54246
17 — 53012, 57805

PROPOSED RULES:
1 — 51204, 53598
3 — 45853, 45854, 48143, 49580, 50111, 56936

39 CFR
Ch. I — 57670
42 — 57212
43 — 57212
44 — 57212
45 — 57212
47 — 57212
111 — 57212, 57670
261 — 45721, 48511
262 — 45722
263 — 45722
264 — 45723
266 — 45723, 48512
267 — 45726, 48512
268 — 45726
447 — 45726
601 — 47108
762 — 52371

PROPOSED RULES:
111 — 57223
131 — 57223
141 — 57223

40 CFR
16 — 53582
35 — 55321, 58602
51 — 46240
52 — 45817, 45818, 46310, 47495, 47765, 48680, 49328, 50032, 50266, 50267, 50718, 51043, 51044, 51195, 52373, 52374, 52847, 53584, 53999, 54000, 54786, 55326, 56888–56890, 57359, 59204, 59438, 59728
55 — 58644
60 — 45170, 46250, 48347, 50718, 53340, 58416, 59204, 59729

40 CFR—Continued — Page

61 — 45171, 46250, 48292, 48347, 50719, 58646, 59729
79 — 52009
85 — 58646
86 — 58646
130 — 55334
131 — 55343
141 — 59566, 59587
149 — 58292
180 — 46310, 48133, 48680, 48681, 49575, 51044, 52724, 55349, 55857, 57215, 58294, 58647, 58648, 59729
406 — 52014, 52016
407 — 49222, 57216
408 — 55770
414 — 56435, 56436
421 — 48348
434 — 48830
435 — 52847
436 — 48652
440 — 51722, 59438

PROPOSED RULES:
6 — 47714, 55868
51 — 49048, 54011, 58317
52 — 45202, 46117, 46322, 47519, 48521, 48941, 48942, 49103, 49362, 50278, 50280, 51203, 51655, 52410, 53595, 54011, 54012, 54436, 55367, 58317, 58319, 58663
61 — 59532, 60079
85 — 49496, 49517, 52415, 52416, 53406, 56932
87 — 50453, 54012
116 — 59960
117 — 59977
118 — 59982
119 — 59999
124 — 54181, 56932
125 — 54181, 56932
140 — 47972
180 — 46322, 48940, 50099, 52744, 58321
244 — 52968
407 — 49237, 57223
434 — 48839
435 — 52857
436 — 48665
440 — 51738, 59450

41 CFR
Ch. 5 — 47109
Ch. 5b — 47109
Ch. 9 — 46802, 47495
1–1 — 48326, 55350, 60019, 60020
1–3 — 60021
1–4 — 60020, 60030
1–7 — 48314, 60030
1–16 — 48314, 48920
1–18 — 48327
1–30 — 51038
3–1 — 54569
3–4 — 53122
6–1 — 58452
6–2 — 58453
6–3 — 58453
9–7 — 51196
14–1 — 57670, 57671
14–3 — 47136
14–55 — 45818
14H–70 — 51331
15–1 — 51196
50–201 — 57805
51–8 — 51168
60–7 — 59730

41 CFR—Continued — Page

101–6 — 49328
101–11 — 48134
101–26 — 57216
101–27 — 59595
101–32 — 48135, 49329, 50034, 53012
101–39 — 49331
101–40 — 49331
101–41 — 47944, 49778
101–45 — 59439
105–61 — 56892
105–64 — 52800
114–40 — 52847
114–41 — 52847
114–43 — 55857
114–60 — 55858
408 — 60026
409 — 60027

PROPOSED RULES:
3–4 — 49792
8–1 — 52632
8–4 — 52632
8–16 — 52632
9–9 — 48363
50–250 — 49351
60–5 — 54005

42 CFR
36 — 53142
51a — 54102
51c — 59346
52e — 49090
53 — 46202
57 — 56664
110 — 50212
203 — 54107
306 — 47765

PROPOSED RULES:
2a — 56692
122 — 48802

43 CFR
2 — 54790, 57671
4 — 46310
17 (Revoked in part by PLO 5553) — 58144
20 — 58295
22 — 53590
715 (Revoked in part by PLO 5565) — 59347
1245 (Revoked in part by PLO 5552) — 58144
2214 (Revoked in part by PLO 5565) — 59347
2789 (Revoked by PLO 5551) — 58144
3300 — 4517, 52847
4392 (Revoked in part by PLO 5560) — 58648
5169 (Amended by PLO 5556) — 58146
5170 (Amended by PLO 5537) — 58146
5179 (Amended by PLO 5556) — 58146
5184 (Amended by PLO 5550) — 56667
5187 (Revoked in art by PLO 5550) — 56667
5252 (See PLO 5561) — 58857
5353 (Revoked in Part by PLO 5551, 5552, 5553) — 58144
5396 (Amended by PLO 5556) — 58146
5537 (Corrected by 5547) — 53237, 54572
5543 — 47496
5544 — 51038, 52611
5545 — 50719
5546 — 53237
5547 — 53237, 54572
5548 — 55350
5549 — 55351

43 CFR—Continued — Page

5550 (Revoked in part by PLO 5566) — 56667
5551 — 58144
5552 — 58144
5553 — 58144
5554 — 58145
5555 — 58145
5556 — 58146
5557 — 58146
5558 — 59205
5559 — 58453
5560 — 58648
5561 — 58857
5562 — 58857
5563 — 58857
5564 — 58857
5565 — 59347
5566 — 59347
5567 — 59348

PROPOSED RULES:
2 — 50432
23 — 51646
2600 — 57364
2912 — 50721
2920 — 54802
2923 — 54802
3040 — 51646
3041 — 46315
3100 — 54585
3500 — 60070
3520 — 60070

45 CFR
5B — 47406
46 — 51638
100C — 53494
102 — 57760
118 — 51010
122 — 47767
134 — 53494
134a — 53500
134b — 53501
144 — 49270
154 — 59218
160c — 57926
166 — 49532
175 — 49271
176 — 49272
177 — 50035
204 — 51443
205 — 52375
213 — 50272
220 — 45818
221 — 45818
222 — 45818
224 — 45818
225 — 51444
226 — 45818
228 — 45818, 45819
232 — 52376
233 — 50273, 57359, 58453
234 — 52376
237 — 52376
248 — 52019
249 — 52019
250 — 52020, 54000
302 — 52376, 57672
304 — 52376
401 — 54696
402 — 54696
410 — 58956
706 — 45726
801 — 51444
1005 — 45820
1006 — 45300, 47419
1013 — 55859

45 CFR—Continued — Page

1061 — 52377, 58649
1076 — 45416, 50273–50275
1115 — 49286
1150 — 51196
1221 — 52384
1222 — 57217
1361 — 54696
1362 — 54696
1370 — 58956
1601 — 52021
1602 — 52847
1603 — 59351

PROPOSED RULES:
50 — 52407
81 — 45442
100a — 58459
100c — 58459
103 — 51654, 52405, 52962
115 — 57042
116c — 49349
121a — 54804
121k — 52628
133 — 52048
144 — 48252
155 — 58400, 59447
157 — 58405, 59447
159 — 58409
160d — 55659
160e — 54805
162 — 56678
174 — 58459
175 — 48266
187 — 54253
205 — 48937
233 — 59353
248 — 60074
249 — 51474
1223 — 58659
1369 — 59408
1501 — 52630
1603 — 53272

46 CFR
4 — 58306
5 — 57672, 58306
12 — 57673
14 — 58306
33 — 58454
42 — 48287, 57218
66 — 50035
75 — 58454
78 — 58454
94 — 58454
97 — 58454
146 — 48466, 52027, 60030
167 — 58454
176 — 58454
192 — 58455
193 — 48349
310 — 55643, 59348
401 — 57673
526 — 52385
536 — 47770, 51440, 54790
551 — 52385, 58146

PROPOSED RULES:
Ch. I — 57668
10 — 55663
32 — 59219
78 — 58457
92 — 59219
105 — 59219
111 — 47140
190 — 59219
298 — 50722
401 — 50725
502 — 49579

INDEX

46 CFR—Continued Page

PROPOSED RULES—Continued

503 58154
536 52631

47 CFR

0 ..... 45823, 49778, 50035, 51441, 52724, 57359, 58306, 58858, 59439
1 ..... 47136, 48135, 49778, 51441, 52724, 53391, 54792, 55644, 59730
2 ..... 48922, 49779, 53393, 57674
5 60033
15 53591
18 49779
21 ..... 47496, 49779, 49780, 53398
31 52725
33 52725
68 53013
73 ..... 47136, 48349, 49332–49339, 49779, 49780, 51038–51043, 51441, 52028, 52729–52731, 53026, 53399, 54251, 54791, 54792, 55644, 57360, 58147, 58858, 59440, 59596, 59597, 59736
74 ..... 49779, 54793
76 ..... 48928, 50036, 50276, 52731, 53027, 54794, 57361
81 ..... 53592, 57675
83 ..... 49781, 57675
87 57675
89 ..... 48136, 49779, 58147
91 ..... 49779, 57682, 57684, 58306, 58455, 59742
93 ..... 49779, 58147
94 53393
95 58148
97 ..... 53032, 54794, 58148, 59441

PROPOSED RULES:

0 54436
1 54436
2 ..... 48380, 49798, 52745
15 48942
68 53045
73 ..... 45850, 48525, 48944, 48945, 49799, 50546, 51481–51483, 52053, 53596, 53597, 54261, 54826, 55367, 58467, 59451, 59452, 59601, 60080
74 47522
76 ..... 47521, 48946, 52054, 53407, 54587, 55868, 58866
78 ..... 47522, 54587
81 58322
83 ..... 45850, 51059, 51483, 58322
87 ..... 48380, 52745
89 ..... 47522, 49798, 52857, 57369
91 ..... 52857, 57369
93 52857
97 ..... 59453, 59602

49 CFR Page

10 ..... 45729, 54001, 57361
25 58455
103 ..... 57687, 58307
107 ..... 48470, 56442
117 49092
170 48474
171 ..... 48474, 52037
173 59598
174 57433
Ch. III 50671
177 ..... 45824, 46106
212 55508
310 55645
391 ..... 54796, 58858
393 ..... 49340, 51198, 52851
501 48350
520 52395
553 53032
571 ..... 47789, 47790, 48350, 48512, 49340, 53033, 54426, 54427, 56667, 56898, 57687, 59349, 60033
575 57806
932 45734
1010 56668
1033 ..... 45174, 45440, 48512, 48930, 50537–50539, 51198, 51442, 52037, 52611, 53592, 54796–54798, 55860, 56443, 56444, 56898, 57433, 59441, 59598, 59599, 59744
1034 59744
1037 49341
1047 51442
1104 ..... 51380, 54572
1115 ..... 47504, 51199
1124 50700
1125 57639
1201 ..... 50384, 51604, 53240
1202 ..... 50384, 51640, 53242
1203 ..... 50384, 53245
1204 ..... 50384, 53247
1205 ..... 50384, 53249
1206 ..... 50384, 51640, 53251
1207 ..... 50384, 51641, 53254
1208 50385
1209 ..... 50385, 51641, 53256
1210 ..... 50385, 56142, 53258
1220 50385
1221 50390
1223 50390
1224 50390
1225 50390
1226 50390
1227 50390
1228 50390
1240 51642
1241 48512
1249 ..... 48512, 51645
1250 48512
1251 48512
1253 50390

49 CFR—Continued Page

PROPOSED RULES:

10 49887
71 50278
177 45847
192 ..... 45192, 48940, 52855, 60076
195 ..... 48940, 60076
230 47522
390 48520
393 ..... 48520, 57369
557 56926
567 ..... 45847, 55665
568 ..... 45847, 55665
571 ..... 45200, 45847, 47141, 51059, 52856, 54007, 55365, 55665, 56920, 56928, 57690, 58152, 58153, 59222, 60075
572 51059
579 56930
583 50277
1003 ..... 52058, 54842
1023 59453
1033 45450
1063 ..... 52063, 59604
1100 ..... 50108, 51483, 52058, 52417, 54842
1108 57465

50 CFR

17 ..... 47505, 53399, 58307, 58308
18 59442
20 ..... 46311, 47137, 48682, 50044, 52852, 54572
28 ..... 51199, 52852, 53400, 54572, 55351–55353, 56444, 56445, 56669, 57218, 57220, 57459–57461, 58148, 59205, 59348, 49444
32 ..... 45440, 45824, 46106, 46311–46313, 47506, 47791, 48137, 48138, 48513, 48683, 49092, 52037, 59744
33 ..... 46313, 47509, 52612, 52733, 52851, 54001, 54572, 54573, 54798, 55860, 56446, 57363, 58149, 58649, 59349
81 47509
216 ..... 54427, 56899
280 ..... 47791, 48684, 48685, 57461
285 ..... 45441, 45824, 46313
501 49276

PROPOSED RULES:

17 ..... 45175, 48139, 49347, 49348, 57221, 58308
216 45213
280 47139
285 51647
510 ..... 55679, 57812
520 57692

Pages	Date	Pages	Date	Pages	Date
45157–45415	Oct. 1	51009–51176	Nov. 3	55829–56420	Dec. 2
45417–45789	2	51177–51407	4	56421–56649	3
45791–46083	3	51409–51612	5	56651–56882	4
46085–46290	6	51613–51994	6	56883–57193	5
46291–47090	7	51995–52337	7	57195–57349	8
47091–47468	8	52339–52582	10	57351–57432	9
47469–47749	9	52583–52713	11	57433–57639	10
47751–48110	10	527–15–52807	12	57641–57773	11
48111–48335	14	52809–52993	13	57775–58126	12
48337–48489	15	59295–53221	14	58127–58278	15
48491–48672	16	53223–53354	17	58279–58420	16
48673–48905	17	53355–53544	18	58421–58621	17
48907–49067	20	53545–53991	19	56823–58844	18
49069–49293	21	53993–54234	20	58845–59185	19
49295–49566	22	54235–54418	21	59187–59311	22
49567–49764	23	54419–54558	24	59313–59419	23
49765–50022	24	54569–54763	25	59421–59588	24
50023–50241	28	54765–55306	26	59589–59704	29
50243–50453	29	55307–55631	28	59705–60017	30
50455–56670	30	55633–55828	Dec. 1	60019–60221	31
50671–51007	31				

INDEX

INDEX

XUM

code of federal regulations

Cumulative List of CFR Sections Affected

DECEMBER 1975

SAVE THIS ISSUE
for Annual Cumulation
of Titles 1–16*

CONTAINING:

TITLES 1–16
*Changes January 2, 1975
through December 31, 1975

TITLES 17–27
Changes April 1, 1975
through December 31, 1975

TITLES 28–41
Changes July 1, 1975
through December 31, 1975

TITLES 42–50
Changes October 1, 1975
through December 31, 1975

PARALLEL TABLE OF U.S.C.–C.F.R.

CODE

XUM

CUMULATIVE LIST OF CFR SECTIONS AFFECTED

The CUMULATIVE LIST OF CFR SECTIONS AFFECTED is designed to lead users of the Code of Federal Regulations (CFR) to amendatory actions published in the Federal Register. It should be shelved with current CFR volumes. Entries are by CFR title, chapter, part, and section. Proposed rules are listed at the end of appropriate titles, except for Title 41, in which proposed rules follow each chapter.

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

TITLE 1—GENERAL PROVISIONS | Page
Chapter I—Administrative Committee

Chapter II—Selective Service System

CUMULATIVE LIST OF CFR SECTIONS AFFECTED

The CUMULATIVE LIST OF CFR SECTIONS AFFECTED is designed to lead users of the Code of Federal Regulations (CFR) to amendatory actions published in the Federal Register. It should be shelved with current CFR volumes. Entries are by CFR title, chapter, part, and section. Proposed rules are listed at the end of appropriate titles, except for Title 41, in which proposed rules follow each chapter.

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The CFR is revised annually according to the following schedule:

Titles 1–16—as of Jan. 1
17–27—as of April 1
28–41—as of July 1
42–50—as of Oct. 1

To bring these regulations up to date, consult this CUMULATIVE LIST OF CFR SECTIONS AFFECTED for any changes, additions, or deletions published after the revision date of the volume you are using. Then check the CUMULATIVE LIST OF PARTS AFFECTED appearing at the front of the latest Federal Register for less detailed but timely changes published after the final date included in this publication.

ISSUES TO BE SAVED

There is no longer a single annual issue of the CUMULATIVE LIST OF CFR SECTIONS AFFECTED. Four publications must be saved: the December issue is the annual for Titles 1–16; the March issue is the annual for Titles 17–27; the June issue is the annual for Titles 28–41; the September issue is the annual for Titles 42–50.

PARALLEL TABLE OF STATUTORY AUTHORITIES AND RULES

A table is included after Title 50 which contains references to the U.S. Code sections cited as authority for CFR regulations added or revised during the calendar year.

TABLE OF FEDERAL REGISTER ISSUE PAGES AND DATES

A table is included at the end of this publication which identifies the inclusive page numbers and corresponding dates for the period covered.

INDEXES

An INDEX to the daily Federal Register is published monthly, quarterly, and annually for the calendar year. A separate volume, the GENERAL INDEX to the entire Code of Federal Regulations, is revised as of July 1 each year.

INQUIRIES AND SUGGESTIONS

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(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

TITLE 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

	Page
3.4 (b) (3) and (7) revised	36295
7.1 Revised	36295

Chapter III—Administrative Conference of the United States

301 Added	10441
302 Added	10442
304 Added	10442
304.20—304.25 (Subpart B) Added	54419
305.75–1 Added	27925
305.75–2 Added	27926
305.75–3 Added	27926
305.75–4 Added	27928
310.4 Added	27928

Chapter IV—Miscellaneous Agencies (Privacy regulations)

Chapter added	42306
410 Added	42306
415 Added	59705
420 Added	59313
425 Added	52416, 56651
425.2 (c) revised; (d) added	59187
425.3 (d) added	59187
425.4 Revised	59187
425.5 (b) added	59187
430 Added	59314
431 Added	59316

Title 1—*Proposed Rules:*

5	26046
302	2709
304	48894
410	33178
415	40047
420	39197
430	52056
431	52054

TITLE 2—CLEMENCY

Title removed	52995

Chapter I—Presidential Clemency Board

Chapter removed	52995
101 Revised	12764
Removed	52995
101.2 Revised	25199
101.8 (b) and (d) revised	25199
101.9 (a) revised	25199
102 Revised	12766
Removed	52995
102.3 Revised	30793
102.4 Revised	30793

Chapter II—Selective Service System

	Page
Chapter redesignated as 32 CFR Ch. XVII	52995
200 Redesignated as 32 CFR Part 1700	52995
200.9 Added	7233

Title 2—*Proposed Rules:*

200	2592

TITLE 3—THE PRESIDENT

Proclamations

758 (May 27, 1907) *See* PLO 5493	14315
2290 *See* PLO 5475	6341
2799 Revoked by Proc. 4360	14567
2937 Revoked by Proc. 4360	14567
2938 Revoked by Proc. 4360	14567
2942 Revoked by Proc. 4360	14567
2972 Revoked by Proc. 4360	14567
3279 Amended by Proc. 4341	3965
Amended by Proc. 4355	10437
Amended by Proc. 4370	19421
Amended by Proc. 4377	23429
3314 Revoked by Proc. 4360	14567
3443 Amended by Proc. 4346	5127
4101 Revoked by Proc. 4360	14567
4210 *See* Proc. 4341	3965
4262 *See* EO 11832	2415
See Proc. 4398	46085
4276 Superseded by Proc. 4357	13293
4313 Amended by Proc. 4345	4893
Amended by Proc. 4353	8931, 10433
See EO 11878	42731
4319 Amended by PLO 5495	16667
4335 Revoked in part by Proc. 4382	33425
4339	749
4340	3553
4341	3965
See Proc. 4377	23429
See Title 10 Part 213	36302
4342	4115
4343	4245
4344	4891
4345	4893
Amended by Proc. 4353	8931, 10433
4346	5127
Amended by Proc. 4359	14565
4347	5129
4348	5131
4349	5739
4350	5741
4351	7617
4352	8163
4353	8931, 10433
4354	10435

CODE

XUM

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Title 3, Proclamations—Continued

	Page
4355	10437
4356	12985
4357	13293
4358	14051
4359	14565
4360	14567
4361	15063
4362	15861
4363	15863
4364	16293
4365	16641
4366	16643
4367	16829
4368	17977
4369	18389
Effective date added	34651
4370	19421
See Proc. 4377	23429
4371	19419
4372	20255
4373	20257
4374	20791
4375	22529
4376	23427
4377	23429
4378	23431
4379	25429
4380	26667
4381	27637
4382	33425
4383	39493
4384	39833
4385	41989
4386	41991
4387	42165
4388	42167
4389	42169
4390	42315
4391	42725
4392	42727
4393	42729
4394	42849
4395	43713
4396	44537
4397	45791
4398	46085
4399	46087
4400	48337
4401	49069
4402	50243
4403	50245
4404	50247
4405	51409
4406	51613
4407	51615
4408	51617
4409	52583

Executive Orders

	Page
August 31, 1869 Revoked in part by PLO 5483	6342
July 9, 1875 *See* PLO 5515	40811
July 15, 1875 *See* PLO 5515	40811
October 19, 1875 Revoked in part by PLO 5483	6342
April 18, 1908 Revoked in part by PLO 5528	42362
July 2, 1910 Revoked in part by PLO 5475	6341
Revoked in part by PLO 5512	40162
Revoked in part by PLO 5517	40814
June 6, 1914 Revoked in part by PLO 5478	6341
July 22, 1915 Amended by PLO 5470	5754
December 27, 1919 Revoked in part by PLO 5475	6341
December 9, 1920 Revoked in part by PLO 5491	11727
May 26, 1931 Amended by PLO 5470	5754
1623 Revoked in part by PLO 5479	6341
1959 Revoked in part by PLO 5515	40811
2553 Revoked by PLO 5564	58857
2909 Revoked by PLO 5510	27939
5277 Revoked by PLO 5507	27659
5327 Amended by PLO 5562	58857
5389 Amended by PLO 5563	58857
5481 Revoked by PLO 5507	27659
5843 Amended by PLO 5470	5754
6073 Revoked in part by EO 11825	1003
6260 Revoked by EO 11825	1003
6359 Revoked in part by EO 11825	1003
6556 Revoked by EO 11825	1003
6560 Revoked by EO 11825	1003
6583 Revoked in part by PLO 5636	42553
6827 Amended by PLO 5559	58453
6844 Revoked by PLO 5480	6342
7522 *See* PLO 5497	18997
7595 Revoked in part by PLO 5515	40811
7655 Revoked in part by PLO 5545	50719
8038 Amended by PLO 5493	14315, 25593
Amended by PLO 5502	25593
8039 Amended by PLO 5492	14054
8278 Revoked in part by PLO 5550	56667
8649 Revoked in part by PLO 5534	42552
8684 Revoked by EO 11886	49071

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

	Page
8780 Revoked in part by PLO 5534	42552
8877 Revoked in part by PLO 5558	59205
8892 *See* PLO 5493	14315
9670 Amended by PLO 5505	27458
10016 Revoked by EO 11884	47469
10289 Revoked in part by EO 11825	1003
10422 Amended by EO 11890	57775
10480 *See* EO 11879	43197
10896 Revoked by EO 11825	1003
10905 Revoked by EO 11825	1003
10973 Amended by EO 11841	8933
11037 Revoked by EO 11825	1003
11075 Revoked by EO 11846	14291
11106 Revoked by EO 11846	14291
11113 Revoked by EO 11846	14291
11126 (Council continued by EO 11827)	1217
11145 (Committee continued by EO 11827)	1217
11183 (Commission continued by EO 11827)	1217
11287 (Committee continued by EO 11827)	1217
11342 (Committee continued by EO 11827)	1217
11345 Amended by EO 11882	46293
11371 Amended by EO 11882	46293
11388 Superseded by EO 11880	46089
11415 (Committee continued by EO 11827)	1217
11466 Superseded by EO 11867	26253
11472 (Committee continued by EO 11827)	1217
11476 Amended by EO 11835	4247
11491 Amended by EO 11838	5743, 7391
11562 (Council continued by EO 11827)	1217
11578 Amended by EO 11882	46293
11582 *See* EO 11891	58279
11583 (Council continued by EO 11827)	1217
11616 *See* EO 11838	5743, 7391
11625 (Council continued by EO 11827)	1217
11636 *See* EO 11838	5743, 7391
11643 Amended by EO 11870	30611
11652 Amended by EO 11862	25197
See Memorandum of August 17, 1975	40139
11658 Amended by EO 11882	46293
11659 Amended by EO 11882	46293
11667 (Committee continued by EO 11827)	1217
11753 (Council continued by EO 11827)	1217
11756 *See* EO 11824	751
11758 Amended by EO 11867	26253
11768 Amended by EO 11831	2413
Amended by EO 11843	12639
Superseded by EO 11861	22532
11776 (Committee continued by EO 11827)	1217
11784 Superseded by EO 11867	26253
11789 Revoked by EO 11846	14291
11803 Amended by EO 11837	4895
Amended by EO 11842	8935
Amended by EO 11857	20261
Amended by EO 11878	42731
11804 *See* EO 11878	42731
11807 (Council continued by EO 11827)	1217
11808 Revoked in part by EO 11846	14291
Amended by EO 11865	25663
11809 *See* EO 11849	14887
11811 Superseded by EO 11883	47091
11812 Superseded by EO 11883	47091
11814 Amended by EO 11855	19423
11824	751
11825	1003
11826	1004
11827	1217
11828	1219
Amended by EO 11848	14885
11829	1497
Amended by EO 11853	17537
11830	2411
11831	2413
11832	2415
See Proc. 4398	46085
Amended by EO 11889	54765
11833	2673
Revoked by EO 11863	25431
11834	2971
11835	4247
11836	4255
11837	4895
Amended by EO 11842	8935
See EO 11857	20261
11838	5743, 7391
11839	7351
11840	7353
11841	8933
11842	8935
See EO 11857	20261
11843	12639
11844	13295
Superseded by EO 11888	55278
11845	13299
11846	14291
11847	14568

CODE

XUM

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Title 3, Executive Orders—Con.

	Page
11848	14885
11849	14887
11850	16187
11851	16645
11852	17239
11853	17537
11854	18391
11855	19423
11856	20259
11857	20261
11858	20263
11859	20265
11860	22121
11861	22531
Amended by EO 11864	25579
Amended by EO 11872	30619
Amended by EO 11877	40797
Amended by EO 11885	48491
11862	25197
11863	25431
11864	25579
Superseded by 11877	40797
11865	25663
11866	26015
11867	26253
11868	26255
Amended by EO 11873	30617
11869	26979
11870	30611
11871	30615
Corrected	30915
11872	30619
11873	30617
11874	31737
11875	33961
11876	40501
11877	40797
11878	42731
11879	43197
11880	46089
11881	46291
11882	46293
11883	47091
11884	47469
11885	48491
11886	49071
11887	51411
11888	55276
11889	54765
11890	57775
11891	58279

Memorandums

	Page
January 2, 1973 Amended by Memorandum of May 20, 1975	24889
Amended by Memorandum of August 5, 1975	37205
April 26, 1973 Amended by Memorandum of May 20, 1975	24889
Amended by Memorandum of August 5, 1975	37205
December 13, 1973 Amended by Memorandum of May 20, 1975	24889
Amended by Memorandum of August 5, 1975	37205
October 29, 1974 (Pres. Det. No. 75–3) Superseded by Memorandum of December 31, 1974	4257
October 29, 1974 (Pres. Det. No. 75–2) Amended by Memorandum of May 20, 1975	24889
Amended by Memorandum of August 5, 1975	37205
December 30, 1974	1221
December 31, 1974	4257
January 10, 1975	4258
January 29, 1975	4631
March 24, 1975	15377
March 31, 1975	18393
April 24, 1975 (Pres. Det. No. 75–15)	20605
April 24, 1975 (Pres. Det. No. 75–16)	20607
April 25, 1975	20609
May 9, 1975	21927
May 9, 1975 (Pres. Det. No. 75–18)	23433
May 20, 1975 (Pres. Det. No. 75–20)	24887
May 20, 1975 (Pres. Det. No. 75–21)	24889
Amended by Memorandum of August 5, 1975	37205
May 22, 1975	24891
June 26, 1975	31199
June 30, 1975 (Pres. Det. No. 75–25)	31201
June 30, 1975 (Pres. Det. No. 75–26)	31203
June 30, 1975 (Pres. Det. No. 75–27)	31205
August 5, 1975	37205
August 17, 1975	40139
October 10, 1975	49073
October 23, 1975	53223
November 24, 1975	55092

Other Presidential Documents

	Page
International trade negotiations, notice of	2659

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Chapter I—Executive Office of the President

	Page
Chapter redesignated from Chapter V	24993
101 Added	8061

Chapter V—Executive Office of the President

	Page
Chapter redesignated as Chapter I	24993

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office

	Page
1.5 Revised	60035
6.3 (d) added	60035
6.55 (b) revised	60035
10.1 (b) revised; (c) removed	36297
10.3 (b)(3) revised	36297
10.5 (d) revised	36297
10.6 (c)(6) amended; (c)(7) revised; (c)(8) added	36297
10.9 Heading and (c) revised	36297
10.10 (c)(9), (e) and (f) added; (c)(6)(i) revised; (c)(6), (7), and (8) amended; (d) corrected	36298
10.12 (a) revised	36298
20 Revised	17979
20.2 (b) (2) and (3), and (c) revised	60035
20.3 (b) revised	60035
20.6 Revised	60036
30.1 (b) revised	60036
31.4 Amended	60036
31.5 (a) amended	60036
31.6 Heading revised and text amended	60036
31.8 (a) amended	60036
33.6 (c) amended	60036
34.1 (d) amended	60036
34.3 (b) amended	60036
51 Revised	47511
52 Revised	47512
53 Revised	47513
54 Removed	47513
54.6a Revised	27929
55 Removed	47513
81.7 (a)(1)(i) revised	60036
91.1 Revised	36099
91.2 (a) and (b) revised	36099
91.3 (b) revised	36099
91.4 (b) amended	36099
91.5 (a) revised; (d) removed	36099
92.1 Amended	36099
92.2 Amended	36099
92.3 Heading and introduction amended; (d) revised	36099
92.4 Amended	36099
92.7 Amended	36099
92.8 Amended	36099

Chapter III—Cost Accounting Standards Board

	Page
303.5 Revised	4445, 18541
Corrected	5135
303.9 Revised	4445, 18541
Corrected	5135
351.40 (a) removed; (e) and (f) added	32749
Technical correction	33819
351.41 Removed	32749
351.50 (a) and (c) revised; (d) added	32749
351.120 (d) revised; (e) added	32749
400.1 (a) amended	4259, 19429, 43873
(a) corrected	45417
403.70 Revised	32750
(a) corrected	33819
408.80 (a) revised (effective date added)	14737, 15865
409 Added	4264
409.50 (i) and (j)(1) corrected	8321
409.60 (f) corrected	8321
409.80 (a) revised (effective date added)	15865
411 Added	19428
411.80 (a) revised	32823
412 Added	43878
412.50 (a)(i) corrected	45417
412.80 (a) revised	58281

Title 4—*Proposed Rules:*

	Page
10	16686
331	53271
351	14942
410	41801
412	19486
413	47517

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

	Page
6.8 Added by EO 11839	7351
9.11 Added by EO 11839	7351
Amended by EO 11856	20259
151.101 Revised	4267, 42733
151.111 Revised	4267, 42733
151.121 Revised	4267, 42733
151.122 Revised	4267, 42733
(f) revised	47101
151.123 Removed	4267, 42733
180.107 (a)(1) revised	12251

CODE

XUM

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Title 5, Chapter I—Continued

	Page
213 Republished	58421
213.3102 (r) revised	23835
(gg) added	26991
(dd) and (ee) removed	59719
213.3103 (f) removed	59719
213.3105 (b) (9) revised	33963
213.3107 (g) (2) and (5) revised	41993
(c) (3) removed	51010
(j) (1) added	51010, 53993
(a) (9) removed	59719
213.3108 (a) (14) removed	59719
213.3110 (c) (2) added	3405
213.3113 (d) (1) revised	7081
(e) (6) added	44111
(a) (8) and (9) removed	59719
213.3114 (b) (4) added	7434
(h) (10) and (11) revised	28047
213.3130 (c) revised	2173
213.3137 (b) removed	21929
(c) added	28806
213.3172 Removed	7433
213.3182 (a) (1) removed; (a) (29) added	8061
(b) (25) added	49295
213.3190 Added	60053
213.3194 (d) (4) added	12251
213.3199 (r) added	2436
(s) added	28047
(n) (1) revised	30086
(r) (1) revised	41755
(t) (1) added	57461
(l) and (m) removed	59719
(n) removed	60053
213.3203 Removed	18751
213.3206 (a) (5) added	41755
213.3209 (a) removed	17243
213.3214 (c) (1) revised	3405
213.3259 (a) (2) revised	59719
213.3272 Added	7433
(b) added	24353
(a) revised	24893
(c) added	41755
(b) removed; (a) and (c) revised	57461
213.3273 Added	18751
213.3303 (k) removed	18751
(b) (1) revised	23988
(d) (2) added	24893
(a) (8) revised; (a) (15), (c), (d), (e), (f) (2), and (j) removed	26669
(f) (2) revised	39835
(a) (6) revised	54559
213.3304 (a) (18) removed	18752
(w) removed	19429
(a) (15), (c) (1), (1), and (x) removed	26669
(h) (3) added	32109
(d) added	28445
(a) (3) added	48111
(a) (20) added	54767
213.3305 (a) (57) and (58) added	1499
(a) (59) added	3285
(a) (39) revised	5747
(a) (60) added	7433
(a) (61) added	8081
(a) (16) and (38) revised	8937
(a) (7) added	12767
(a) (5), (23), (29), and (44) removed	17243
(a) (21) added	24993
(a) (51) amended; (a) (62) added	26017
(a) (9) and (13) revised; (a) (11), (15), (24), (33), (43), (56), (c) (4), and (f) (3) removed	26669
(a) (34) added	38139
(a) (63) added	42527
(a) (64) added	50023
(a) (8) and (40) removed	54559
213.3306 (a) (14) added	1681
(a) (17) added	5747
(a) (18) added	5747
(a) (19) added	8937
(a) (20) added	13195
(a) (21) added	14053
(a) (22) added; (a) (42) removed	15379
(a) (15) removed	17539
(a) (2) revised	23988
(a) (6) and (b) (1) revised; (a) (4), (13), (33), (39), (41), (46), (55), and (e) (3) removed	26669
(a) (67) added	28445
(a) (34) added	29067
(a) (13) added	32823
(a) (36) added	34583
(a) (38) added	38139
(a) (68) added	42527
(a) (69) added	43211
(a) (50) added	51010
(a) (70) and (71) added	52339
(a) (72) added	54420
(a) (65) removed	54559
(a) (66) removed; (a) (73) added	58127
213.3307 (a) (3) and (4) added	52339
213.3308 (a) (9) revised	1681
(a) (2) revised	26669
213.3310 (s) (1) revised	7434
(x) added	11859
(s) (3) revised	13195, 54420
(a) (4) revised	18751, 58127
(x) (1) revised	21929
(l) (1) revised	23718
(a) (1) and (5) and (r) (5) revised; (i) (3) added; (a) (6) and (9), (b) (7), (e) (1), (f), (k), (p), (s) (2), (8) and (10), (u) (2) and (v) removed	26669
(a) (1) revised; (a) (10) added	27930
(d) (1) removed	32823
(v) added	42527
(f) (1) revised	42733
(e) (4) added	48907
(i) (1) removed; (i) (x) revised	54559
213.3312 (a) (5) revised	1681
(a) (16) added; (a) (18) revised	4415
(a) (2) revised	5747
(a) (43) added	6475
(a) (23), (31), and (42), (h) (5), (k) (4) and (m) (4) removed	26670
(a) (9) revised	50023
(h) (3) revised; (h) (4) and (6) removed	54559
213.3313 (h) (4) revised	2575
(a) (9) revised; (e) (3) added	15379
(a) (28) added	18751
(b) (4) revised	22533
(k) (1) removed	23271
(c) (6) revised	23987
(a) (25), (26) and (36) removed; (c) (7), (m) (3) and (q) revised	26670
(c) (8) added	32727
(a) (13) added	42527
(a) (11) revised	45793
(c) (6) revised	52836
(d) (4) added	52836
(a) (5) and (t) (1) revised; (c) (7), (j) (3), and (k) (4) removed	54559
213.3314 (a) (26) revised; (m) (15) removed	4633
(a) (11) revised	8061
(a) (10) revised	11859
(q) (1) amended; (q) (12) added	12767
(q) (9) revised	17243
(m) (20) added	18541
(h) (10) and (11) and (m) (18) revised	22633
(a) (9) revised	23987
(a) (32) and (33) added	26669
(a) (3), (17), (22) and (m) (10) revised; (a) (12), (16), (27), (30), (h), (l) (1), and (q) (1) (1) removed	26670
(u) added	29811
(u) (2) added	31591
(u) (1) revised; (u) (3) added	38139
(a) (8) and (11), and (u) (1) revised; (a) (15) and (22), (q) (6), (t), and (u) (2) removed	54559
(q) (11) revised	58845
213.3315 (a) (1) revised	23988, 24517
(a) (21) amended; (a) (38) and (39) added	26017
(a) (1) revised; (a) (23), (25) and (32) removed	26670
(a) (40) and (41) added	26672
(f) (2) revised	28445
(a) (29) revised; (a) (42) added	32727
(j) added	38139
(a) (43) added	48673
(a) (1) revised	50023
(a) (3) and (f) (2) revised; (a) (34) and (36), and (h) removed	54559
213.3316 (r) (7) added	11859
(m) (1) revised	23718
(c) (2) added	24893
(i) heading and (i) (2) revised	25433
(a) (6) and (11), and (o) (3) revised; (a) (3), (5), (14), (22), (33), (c) (1) and (8), (f) (3), (h) (7) and (8), (k) (1) and (5), (l) (3), (m) (3), (n) (9) and (13), and (o) (6) removed	26670
(n) (15) and (16) added; (o) (5) removed	27929
(g) (3) added	38139
(f) (13) added	42527
(a) (20) added	42734
(a) (34) and (35) added	43211
(f) (11) added	45793
(a) (36) revised; (a) (37) added	47791
(r) (8) added	48907
(a) (15) and (29) revised; (a) (18) and (o) (8) removed	54559
(a) (5) revised	56651
(a) (6) revised	58845
(q) (1) revised	59719
213.3317 (b) removed	26670

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

58-120 O - 76 - 2

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Title 5, Chapter I—Continued

	Page
213.3318 (a)(1) revised	11859
(d) revised	24893
(a)(4) and (b)(3) revised; (a)(10), (d)(2) and (f) removed	26670
(b)(6) added	45793
(e)(1) added	52339
(a)(11) and (b)(3) removed; (b)(2) revised	54559
213.3320 (a) revised	54559
213.3322 (d) removed	54559
213.3326 Removed	26670
213.3327 (a)(10) amended; (b)(2) removed	2173
(a)(6), (8), and (10) revised	17243
(a)(1) revised; (a)(8) added	42527
(a)(1), (6), and (7) revised	54559
213.3328 (i), (j) and (k) removed	26670
213.3329 (f) revised	23988
(e) revised; (i) removed	26670
213.3330 (d) revised; (h) added	14053
213.3332 (p) revised	17539
(l) added	19429
(c) revised	23718
(o) revised	23988
(e) revised; (k) and (v) removed	26671
(j) and (u) removed	54559
(p) revised	54767
(b) added	57777
213.3334 (b) and (c) revised	23988
213.3337 (a)(6) and (b)(2) revised; (f)(3) and (g) removed	26671
(h)(3) revised	28806
(a)(18) added	31591
(a)(19) added	45793
(b)(2) revised	54420
(a)(8) revised	54559
(h)(4) added	59719
213.3339 (f) added	10655
(f) revised	11859, 15379, 36759
(g) added	17539
(a) revised	23718
(d) removed; (h) added	23719
(i) added	26017
(j) and (k) added	32727
(l) added	37027
(l) revised	52715
(h) removed	54559
(m) added	58845
213.3340 (d) and (e) removed	26671
213.3341 (f) added	21929
(a) and (b) revised	23718
(h) removed	26671
(b) revised	54560, 57351
213.3342 (h) revised	4415
(d) revised	5493, 17243
(n) added	15379
(l) revised	24893
(e) removed	26671
(o) added	31925
(p), (q), and (r) added	34583
(k) removed; (l) revised	38139
(h) revised	50023
213.3343 (a) removed; (b), (c), (d), and (e) revised	19799
(f) added	52836
213.3344 (d) removed	26671
(a) revised	39835
213.3345 (a) revised	17539
213.3346 (b) removed	26671
213.3348 (k) and (l) removed	26671
(o) revised	47792
(g) revised	58845
213.3354 (d) revised	11859
(k) added	54420
(a) revised; (d) removed	54560
213.3355 (c) revised	26671, 29067
213.3357 (c) added	18571
213.3359 (o) revised	7434
(r) added	11859
(s) added	12767
(m) removed; (o) added	17243
(a) revised; (e), (f), (h), (i), and (n) removed	26671
(r) revised	27639
(c) removed; (q) revised	38139
(a) revised	54560
213.3360 (a) revised	7434, 26671
(d) added	29812
213.3364 (g) and (h) removed	28445
(l) added	48673
213.3367 (b) revised	22533
(a) and (b) revised	26671, 30086
(c) added	53402
213.3373 Added	18751
(c)(3) revised	24517
(a)(1) removed; (f)(1) revised	25433
(a)(2) and (3) removed; (e)(2) revised	54560
213.3376 (a) revised	26671
213.3377 (h) added	7434
(a) revised; (e) removed	26671
(e) revised	29067
(a) revised	30086
(i) added	33963
(j) added	58845
213.3379 Added	18751
(d) added	23717
(e) and (f) added	23989
(g) added	26017
(g) revised	28047

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

	Page
(h) added	29067
(i) correctly designated	30086
(j) added	30269
(k) added	33963
(l) and (m) added	54767
(h) removed	57202
213.3382 (c), (d), and (f) removed	26671
213.3384 (a)(58) added	3405
(b)(10) revoked; (b)(15) added	3405
(b)(11) removed; (b)(16) added	11705
(b)(3) and (12) revised	13301
(a)(31) revised	17539
(a)(19) and (26) revised; (a)(42), (48), (50), (52), (b)(3), (13), (f)(1), (2), (5), (g)(2), and (i)(3) removed	26671
(j)(3) added	29812
(a)(12) revised	37027
(i)(5) added	52339
(a)(34), (37), and (58), (f)(5) and (k)(1) removed; (c)(5) revised	54560
(i)(6) added	57461
213.3386 Revised	26671
(c) revised	29067
(a) revised	32727
(a) and (b) revised	54560
213.3388 (e)(2) added	1681
(d)(3) added	6475
(a)(1) removed; (a)(3) added	8937
(j)(2) added	11705
(e)(2) revised	16189
(d)(2) amended; (d)(4) added	21929
(e) removed	26671
(c)(2) added (reinstated)	27640
(k) added	42734
(b)(2) added	47792
(b)(3) and (l)(1) added	48673
(a)(2) removed	54560
(l)(2) added	57202
213.3394 (a)(17) revised	11860
(d)(2) added; (b)(1) revised	13195
(a)(2) revised	15379, 50700
(a)(22) and (30) revised; (a)(46) added	23718
(a)(7), (11), (13), (41), and (43) revised	23988
(a)(15), (19), (39), (40), and (e)(8) removed	26671
(a)(8) added	42734
(f)(5) added	47513
(a)(4) added	48673
(a)(21) revised; (a)(45), (e)(2) and (3), (g)(3) and (h)(7) removed	54560
(h)(3) added	58127
213.3399 (b)(6) added	4415
(a) removed	26671
293.101—293.114 (Subpart A) Added	45094
294 Revised	38140
294.101—294.110 (Subpart A) Revised	8061
294.105 (a) amended	2436
297 Added	45094
300.102 Revised	15379
300.103 Revised	15380
300.104 Revised	15380
302 Authority citation revised	23835
302.103 Heading and text revised	23835
302.104 Heading and text revised	23835
302.105 Added	23835
302.202 Revised	15380
302.303 (b)(3) added; (c) revised	23835
307 Heading and authority citation revised	28445
307.101 (c) revised	28445
(d) removed	44111
307.102 (b) revised	28445
307.105 Revised	28445
315.806 (a) and (b)(1) revised	15380
316.302 (c) revised	44539
330.201 (e) added	23836
330.301 (c) revised	23836
330.701 Revised	23836
338.601 Revised	42734
351.701 (c) added	23836
352.310 (a)(1) revised	1223
353 Revised	23836
410.302 (c) revised	42734
511.201 (b) amended	27223
511.611 Revised	36298
531.404 (c) revised	23838
531.509 Revised	23839
534.202 (b) amended	27223
550.361 Revised	31207
550.704 (d) revised	23838
550 Appendix A amended	7434
551 Added	27640
591.202 Amended	45417
591.203 Amended	45417
591.204 Amended	45417
731.201 Revised	28047
731.202 Added	28047
731.301 Amended	28048
731.302 Amended	28048
731.303 Amended	28048

CODE

XUM

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Title 5, Chapter I—Continued

		Page
731.304	Amended	28048
731.401	Amended	28048
735.207	Revised	7435
735.409	Heading revised	48339
736	Added	56651
752.104	(c) added	42734
752.202	(f) corrected	12251
	(f)(3) revised	36298
752.304	(b)(2) revised	42734
754.105	Revised	36298
771	Heading revised	36298
772.301	(a) amended	23839
772.306	(a) introductory text revised	42734
831.1201	Revised	37027
831.1204	Heading and (b) revised; (c) added	27439
831.1205	Revised	27439
870.401	(a) and (b) revised	5747
890.103	(d) removed	25433
890.105	Added	25433
	Revised	50023
	Correctly designated as 890.106	55829
890.106	Correctly designated	55829
890.204	Added	14570
890.301	(d) revised	49567
1001.735–205a	Added	5347
1001.735–401	Revised	14571, 48339
1001.735–408	Heading revised	48339
1001.735–409	(a) and (d) revised	48339

Chapter III—Office of Management and Budget

1303	Added	7346
	Revised	32728

Chapter XIV—Federal Labor Relations Council and Federal Service Impasses Panel

2401	Revised	8165
2401.2	(a) corrected	10951
2411	Revised	43880
2413	Added	43884
2413.2	(a) corrected	45417
2470.1	Revised	49765
	Technical correction	54560
2470.2	Revised	49765
	Technical correction	54560
2471	Revised	49765
	Technical correction	54560

Title 5—*Proposed Rules:*

293		22842
294		3313
297		22842
302		7465
330		7465
353		7465
531		7465
550		7465
736		37051
890		4444
930		55366
1302		3477, 34165
1705		46062
2401		2214
2411		21488
2413		21488
2470		31636
2471		31636

TITLE 6—ECONOMIC STABILIZATION

602	Adoption, and continuation in effect, of Chapters I, V, and VI	3572

Chapter VII—Council on Wage and Price Stability

	Chapter established	7233
701	Added	7233
702	Added	7234
703	Added	59188
704	Added	59336

Title 6—*Proposed Rules:*

703		39013
704		47801

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

1.1—1.16	(Subpart A) Revised	7341
	Appendix A revised	53368
1.29	(a) revised	58281
1.110—1.121	(Subpart G) Added	39519
	Appendix A added	44480
1.123	Added	45103
2.5	Revised	36570
2.15—2.28	(Subpart C) Heading revised	12798
2.15	(c)(2) revised	33023
	(b) removed	41085
2.17	(h) added	33023
	(a)(3)(ix), (xxiv), (xxvii), and (xxix) revised; (a)(3)(xxx) added	39844
	(a)(5) added	44111
	(b)(28) revised	50455
2.19	(a)(24) and (25) added	2991
	(c)(12) removed; (l) added	33023

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

		Page
2.21	(a)(32) added	3285
	(d)(23) added	2420
	(d)(11), (12), (19), and (21) revised	12798
	(a)(3), (5), (10), (14), (21), (23), (28), (29), and (30) revised; (a)(11) removed	18752
	(a)(10) removed; (f) added	33024
	(d)(10) revised	41993
	(a)(18) revised; (a)(19) removed; (d)(24) and (25) added	44111
	(d)(26) added	56421
2.22	(a)(5) removed	18752
2.23	(e) added	33024
2.25	(f)(1)(xi) removed	2419
	(f)(1)(xiv) added	3285
	(h)(1) revised	5135
	(e)(9)(xxv) revised	31941
	(j) added	33024
	(b)(14) and (15), and (i)(1)(iii) added	41085
	(b)(16) added; (f)(3)(ii) removed	45158
	(k) added	48340
2.27	(f) added	33024
	(b)(12) added	41086
	(b)(11) and (c)(7) added	44111
2.31	(o) revised	33024
2.32	(d) revised	33024
	(k) added	48340
2.33	(h) added	2419
2.35	(c) and (d) removed	48340
2.37	Added	12798
2.45	Removed	41086
2.46	(a)(1) amended; (a)(7) revised	33024
2.49	Added	3572
2.50	(a)(3)(xxx) added	33024
	(a)(3)(ix), (xxiv), (xxvii), (xxix), and (xxx) revised	39844
	(a)(6) added	44111
	(a)(5) revised	56669
2.51	(a)(30) added	33024
	(a)(28) revised	50455
2.53	(a)(6) added	33024
2.57	(a)(23) revised; (a)(24), (25) and (26) added	2991
	(a)(27) added	33024
2.58	(a)(8) added	33024
2.59	(a)(11) revised	33024
2.60	(a)(20) added	33025
2.62	(a)(8) added	33025
2.64	Added	45158
2.65	(a)(32) added	3285
	(a)(3), (5), (10), (14), (21), (23), (28), (29), and (30) revised; (a)(11) removed	18752
	(a)(10) revised	33025
	(a)(18) revised; (a)(19) removed	44111
2.68	(a)(23) added	2420
	(a)(11), (12), (19), and (21) revised	12798
	(a)(24) added	33025
	(a)(10) revised	41993
	(a)(25) and (26) added	44111
	(a)(27) added	56421
2.70	(a)(1) revised; (b)(2) added	17829
	(a)(14) added	33025
	(a)(1) revised	58127
2.72	(a) revised	17829, 33025
2.74	Added	6313
2.75	(a)(1)(viii) added	33025
	(a)(15) and (16) added	41086
	(a)(17) added	45158
2.76	(a)(2) removed	4415
2.78	(a)(9)(xxv) revised	31941
	(a)(14) added	33025
2.79	(a)(1)(i) revised; (a)(5) added	4415
	(a)(1)(ii) revised	2419
	(a)(1)(xi) removed	2419
	(a)(1)(xiv) added	3285
	(a)(6) added	33025
	(a)(3)(ii) removed	45158
2.80	(a)(8) added	2419
	(a)(9) added	5135
2.81	(a)(5) added	41086
2.86	(a)(10) added	33025
	(a)(11) added	41086
	(a)(10) added	44111
	(a)(10) correctly designated as (a)(12)	52715
2.87	(a)(7) added	33025, 44112
	(a)(7) correctly designated as (a)(8)	52715
6.16	Revised	2791, 16069, 48493
6.32	Revised	29261
6	Appendix 1 amended	2791, 16069, 48493
16	Added	31227
16.4	Heading and text revised	53230
	(c) added	55829
20	Revised	23839
20.6	(e) revised	11345
21.202	(a)(1) and (2) amended; (b) introductory text, (1) and (2) revised; (b)(3) added	47751
21.212	Introductory text amended; (a), (b) and (c) added	50023
21.302	(a)(3) removed	50024
21.304	(c) revised	50024
21.504	Added	50024

CODE
XUM

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Title 7, Subtitle A—Continued

Page

21.605 Revised ... 47751
21.606 (a)(1) revised ... 47751
24.2 Amended ... 32109
24.6 Revised ... 32109
24.10 (d) revised ... 32109
24.21 (Subpart B) Revised ... 47473
(a)(2)(i) corrected ... 51995
25 Added ... 42171
Authority citation corrected ... 48493, 57205
25.11 (b)(4) and (7) amended ... 48493
(b)(3) corrected ... 57205
25.19 (m) revised ... 48493
25.24 Revised ... 48493
25A Added ... 42176

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

26.1 (b)(40) added ... 32944
26.6 (a) introductory text revised; (1) added ... 32944
26.9 Heading revised; (e) added ... 32944
26.10 (c) revised ... 32944
26.11 (a)(2) and (b) revised ... 32944
26.13 (a) and (c) revised ... 32944
26.14 (b), (c), (d), and (e) revised; (f) removed ... 32945
(b)(4) corrected ... 34349
26.15 Revised ... 32945
26.30 (a) and (c) revised ... 32946
26.55 (b)(2) implemented ... 28785
26.57 (f) revised ... 28785
26.61 (a) and (f) revised ... 32946
26.85 (b) revised ... 32946
26.87 (b), (c), (d), and (e) revised ... 32946
26.97 (a)(16) added ... 32947
26.100 (d) revised; (j) added ... 32947
26.101 Heading, (a) and (c) revised ... 32947
(c)(2) corrected ... 34349
26.110 (d)(1) and (3) revised ... 32948
26.114 (a) revised ... 32948
26.201—26.211 Revised (eff. 11-1-76) ... 33428
29.122 Revised ... 44112
29.123 Revised ... 44112
29.9221 Revised ... 42528
29.9233 Revised ... 42528
29.9252 Revised ... 44112
29.9261 Revised ... 42528
29.9401 (c), (d), and (e) added ... 31592
29.9404 (a) revised ... 24174
(a)(3) revised ... 30917
29.9406 (b) revised; (d) added ... 24174
29.9407 Added ... 31592
50 Revised ... 36100
51.38 Revised ... 47752
(a)(2) corrected ... 49782
51.40 Revised ... 47752
51.761 Tables I and II amended ... 48932
51.1152 Tables I and II amended ... 48931
51.1818 Tables I and II amended ... 48932
51.1860 (d) added ... 2791
51.2150—51.2161 (Subpart) Added ... 15381
51.2510—51.2534 (Subpart) Revised ... 46295
51.2521 Footnote 3, Figure 1 corrected ... 48494
51.2534 Table II corrected ... 48494
52.2 (c) revised ... 48934
52.38 Tables III, IV and V amended ... 48934
52.42 Revised ... 47753
52.47 (b) amended ... 47753
52.52 (c)(1), (2) and (4), and (d)(1), (3) and (4) revised ... 47753
(c)(2) and (3) revised ... 57206
52.53 (a) through (e) revised ... 48934
52.631—52.642 (Subpart) Revised ... 15891
52.634 (c)(1) corrected ... 25799
52.636 (a)(2) corrected ... 19429
52.637 Tables corrected ... 18753, 19429, 25799
52.638 (a) corrected ... 25799
52.639 (a)(1)(ii) corrected ... 25799
52.1251—52.1264 (Subpart) Revised ... 15897
52.2321—52.2332 (Subpart) Revised ... 15900
52.6321—52.6332 Added ... 13196
53.29 (c) amended ... 25581
(a) amended ... 47753
53.102 Revised ... 11538
53.104 Revised ... 11541
53.105 Revised ... 11543
53.203 Revised ... 11543
53.204 Revised ... 11544
53.205 Revised ... 11545
53.206 Revised ... 11545
54.101 (b) and (c) revised ... 49783
(d) amended ... 53993
54.108 (a)(8) revised ... 49783
55.11 Added ... 20055
55.140 Revised ... 20055
55.300 Revised ... 20055
55.310 (a) and Fig. 1 revised ... 20055
55.330 (a) and (c) revised ... 20055
55.510 (b) and (c) revised ... 49783
55.550 Revised ... 49783
55.560 (a)(5) revised ... 49784

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Page

56.1 Amended ... 20055
56.6 Revised ... 20055
56.35 Revised ... 20055
56.36 (a)(1) and (2), (b)(1) and (2), and Fig. 1 revised ... 20055
56.38 Revised ... 20056
56.43 (e) removed ... 20056
56.46 (b) and (c) revised ... 49784
56.52 (a)(8) revised ... 49784
56.64 (c) revised ... 20056
56.76 (e) revised ... 20056
56.230 Revised ... 20056
56.231 Table I revised ... 20056
58.43 Revised ... 50455
Corrected ... 52995
58.45 Revised ... 50455
58.47 Revised ... 50455
Corrected ... 52995
58.101—58.938 (Subpart B) Revised ... 47911
59.5 Amended ... 20057
59.16 Removed ... 20057
59.17 Added ... 20057
59.28 (a)(1) revised ... 20057
59.45 (b) revised ... 20057
59.100 Introductory text and (c) and (f) revised; (i) removed ... 20057
59.105 (a) revised ... 20057
59.124 Revised ... 20058
59.160 (d) and (e) revised ... 20058
59.410 Revised ... 20058
59.411 (a), (b), and (c)(1) revised; (e) redesignated as (f); new (e) added ... 20058
59.412 (a) and Fig. 1 revised ... 20058
59.417 (a) and (c) revised ... 20059
59.430 (b) revised ... 20059
59.500 (h) revised ... 20059
59.504 (c) revised ... 20059
59.510 (d)(2) revised ... 20059
59.515 (a) revised ... 20059
59.522 (o) and (aa)(3) revised ... 20059
(o) corrected ... 20941
59.690 Revised ... 20059
59.720 (a)(4) revised ... 20059
59.800 Revised ... 20060
59.801 Added ... 20060
59.930 (c) amended ... 20060
59.940 Revised ... 20060
68 Interpretation ... 33649
68.2 (cc) and (dd) added ... 47101
(ff) added ... 53545
68.14 Introductory text revised ... 53545
68.42a Revised ... 47101
68.201—68.213 (Subpart C) Revised ... 10472
68.202 Revised ... 10472
(c)(2) and (3) corrected ... 21467
68.210 Table corrected ... 12987
68.406 Footnote 4 corrected ... 21467
70.90 Revised ... 20060
70.91 (b)(1) and Fig. 1 revised ... 20060
70.131 (b) and (c) revised ... 49784
(d) amended ... 53993
70.138 (a)(8) revised ... 49784
70.356 Introductory text and (d) revised; (j) added ... 20060
102.19 Revised ... 19011
102.27 Revised ... 19011
102.44 Revised ... 19011
102.57 Revised ... 5347
102.61 (c) revised ... 5347
102.67 (g) revised ... 19011
106.55 Revised ... 6475, 11860
106.59 (e) added ... 6475
180.5 (a)(3) added ... 42851
180.18 (a) revised ... 1027
180.19 Revised ... 1027

Chapter II—Food and Nutrition Service, Department of Agriculture

210.2 (n-2) added ... 30918
210.4a (b)(4) and (5) amended; (b)(6) and (7), and (f) added ... 30918
210.5 Revised ... 30918
210.7 (a) revised ... 30918
210.8 (b), (d)(1) and (3) and (e)(13) and (14) revised; (e) introductory text and (10) amended; (e)(16) and (17) added ... 30919
210.10 (a)(2) revised ... 30919
210.13 (a)(b-1), and (e) amended; (b) revised; (d) removed ... 30919
210.14 (a), (e), (g)(1) and (2), and (i) revised; (a-1), (a-3), and (g)(3) and (4) amended; (b) and (f) removed ... 30919
(a)(4) corrected ... 31941
210.15 Revised ... 30920
210.15a (b) and (c-1) amended; (c) revised; (d) removed ... 30920
210.16 (a) and (d) revised; (b) removed ... 30920
210.17 Heading and text revised ... 30920
210.19 (a) amended ... 30920
210.19a Added ... 30920
210.20 (a) revised; (f) added ... 42735
210 Appendix A amended ... 37027
Effective date statement corrected ... 40505
215 Appendix revised ... 3573
215.16 (a) revised; (f) added ... 42735
220.1 Amended ... 30923

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Title 7, Chapter II—Continued

Page

220.2 (c) revised; (o–1) redesignated (o–2); (b), (c–1), (k–1), (o), (o–1) and (o–3) added ---------- 30923
220.4 (d) amended ---------- 30923
220.5 Revised ---------- 30923
220.6 Revised ---------- 30923
220.7 (b), (d)(3), and (e)(6), (12) and (13) revised; (e) introductory text amended; (e)(14) and (15) added ---------- 30923
220.8 (a)(3) and (b)(1) revised; (e) amended ---------- 30923
220.9 Revised ---------- 30923
220.11 (b) and (c) revised; (e) amended; (d) removed ---------- 30924
220.16 (a) revised; (c) amended; (c)(4) added ---------- 30924
220.18 Revised ---------- 30924
220.19 Revised ---------- 1499
220.21 (d) added ---------- 30924
220.22 Removed ---------- 1499
220.24 (a) removed; (e) and (i) amended; (b–1) and (j) added; (b), (f), and (g) revised ---------- 30924
220.25 (a) revised; (b) removed ---------- 30925
220.26 Heading and text revised ---------- 30925
220.26a Added; eff. 7–1–77 ---------- 30925
220.26b Added ---------- 30927
220.28 (a) amended ---------- 30928
220.29 (a) revised; (f) added ---------- 42735
220 Appendix B revised ---------- 3405
Appendix C revised ---------- 17148
Appendix A amended ---------- 37027
Effective date statement corrected ---------- 40505
225 Effective date statement corrected ---------- 40505
225.10 (f) added ---------- 20612
225.23 (a) revised; (f) added ---------- 42735
225 Appendix B revised ---------- 3406
Appendix A amended ---------- 37027
226 Added ---------- 60057
245 Technical correction ---------- 57777
245.1 (a) revised ---------- 57206
245.2 (e) revised ---------- 57207
245.3 Heading and text revised ---------- 57207
(c) corrected ---------- 58281
245.5 Heading and text revised ---------- 57207
245.6 (a) amended; (b) revised ---------- 57208
245.9 Amended ---------- 57208
245.10 (d) amended ---------- 50249
(c) and (d) revised; (e) added ---------- 57208
245.11 (a), (c), (d), and (f) revised; (a–1) added ---------- 57208
246.2 (p)(1)(iii) and (v) corrected ---------- 3573
246.3 (b) corrected ---------- 3573
246.4 (b) corrected ---------- 3573
246.12 (b) corrected ---------- 3573
246.13 (a)(1)(i) and (2)(i) corrected ---------- 3573
246.14 (g) corrected ---------- 3573
246.15 (c) removed ---------- 27930
246.16 (a) corrected ---------- 3573
(c)(1) revised; (c)(6) added ---------- 42735
250 Authority citation revised ---------- 3757
250.1 (b)(6) revised, (15) amended, and (16) and (17) added ---------- 3757
250.4 (b) revised ---------- 3758
250.6 (e)(5) amended ---------- 31941
250.8 (b)(3) revised ---------- 3758
250.11 Amended ---------- 42736
Subchapter C (Parts 270—274) Republished ---------- 1882
270 Republished ---------- 1882
270.2 (nn) removed ---------- 16069
(a) amended ---------- 43017
(jj) amended ---------- 43479
270.5 (b)(1) revised; (b)(6) added ---------- 42736
271 Republished ---------- 1884
Amended ---------- 5747, 5748, 5749, 5750, 5751
271.1 (k) revised ---------- 16069
(h) revised ---------- 29532
271.3 (e) added ---------- 2205
271.4 (a)(5) removed; (a)(6) through (a)(8) redesignated as (a)(5) through (a)(7) ---------- 29532
271.6 (d) introductory text and (3) revised ---------- 16321
(d)(2) revised ---------- 29701
(i) added ---------- 36759
271.7 (b), (c), (d), and (e) redesignated as (c), (d), (e), and (f); (b) added ---------- 16321
271.8 (f) added ---------- 33195
271.9 (a) and (d) revised ---------- 8937
(a) revised ---------- 28786
271.10 (a) and (c)(1)(i) revised ---------- 43017
271 FSP Notices:
1975–1.2 Added ---------- 3483
Rescinded ---------- 10165
1976–1.1 (Appendix A) Added ---------- 55655, 57434
1975–2.2—1975–6.2 Added ---------- 5747
Rescinded ---------- 10165
1976–2.1—1976–6.1 (Appendixes B–F) Added ---------- 57443
272 Republished ---------- 1894
272.2 (d) revised; (e) amended ---------- 8938
(d) and (e) revised ---------- 28786
272.4 (d) added ---------- 28787
272.5 (a) revised ---------- 28787
272.7 (d) redesignated as (e); new (d) added ---------- 28787

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Page

273 Republished ---------- 1897
274 Republished ---------- 1899
275.10 Revised ---------- 29532
295 Revised ---------- 23719

Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture

301.45–2c Revised ---------- 16070
301.48 (b) revised ---------- 48936
301.48–2a Revised ---------- 1223
301.48–2b Revised ---------- 48935
301.52–2a Amended ---------- 11705
301.72—301.72–10 Removed ---------- 21693
301.72–2a Revised ---------- 8764
Corrected ---------- 12469
Removed ---------- 21693
301.80–2a Revised ---------- 19430
Corrected ---------- 21023
301.81–2a Amended ---------- 33026
331.1 (Subpart) Added ---------- 49784
331.3 (Subpart) Removed ---------- 16072
331.4 (Subpart) Removed ---------- 17539
354.1 (a) amended ---------- 49575
354.2 Revised ---------- 4898
Table amended ---------- 12646, 19633, 19828, 30621, 41513, 43479 53993
Table corrected ---------- 44822
370 Revised ---------- 43223

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

401.101 Appendix amended ---------- 1701, 1703, 7893, 15905, 44539, 44540, 52585–52592, 52715, 55307
401.103 (a) table amended ---------- 23435
401.125 Amended ---------- 8771, 23435
401.126 Amended ---------- 8770
401.130 Amended ---------- 8771
401.135 Revised ---------- 25434
401.140 Revised ---------- 44823
401.149 Revised ---------- 22823
401.151 Added ---------- 52339
402.1 Appendix revised ---------- 52592
403 Revised ---------- 44824
403.40 Appendix revised ---------- 52592
404.20 Appendix revised ---------- 52592
406.1 Appendix revised ---------- 52592
406.6 Amended ---------- 23435, 23436
408.1 Appendix revised ---------- 52592
409.30 Appendix revised ---------- 52592
410.1 Appendix amended ---------- 15905
Appendix revised ---------- 52592
411.1 Appendix amended ---------- 44540
412 Revised ---------- 24993
412.2 Corrected ---------- 26257
412.4 Corrected ---------- 26257
413.20 Appendix revised ---------- 52593

Chapter V—Agricultural Research Service, Department of Agriculture

510 Revised ---------- 24893

Chapter VI—Soil Conservation Service, Department of Agriculture

612 Added ---------- 12067
613.4 Added ---------- 17149
Subchapter C (Parts 620—624) Established ---------- 12469
620 Added ---------- 12472
621 Added ---------- 12473
621.44 Corrected ---------- 20941
622 Added ---------- 12475
622.15 (f)(1)(i) corrected ---------- 20941
622.31 Corrected ---------- 20941
623 Added ---------- 12480
624 Added ---------- 12480
630 Revised ---------- 53370
631 Revised ---------- 53370
631.25 (b)(2) and (e)(1) corrected ---------- 58649
650 Appendix I revised ---------- 10952

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

701 Heading and text revised ---------- 52341
701.21 (b) corrected ---------- 54235
701.43 Corrected ---------- 54235
701.63 Corrected ---------- 54235
701.71 (a) corrected ---------- 54235
701.76 Correctly designated ---------- 54235
Subchapter B (Parts 711–731) Heading corrected ---------- 7619
719 Revised ---------- 44112
722.73 (c)(4) added ---------- 52716
722.90 (a) and (c) revised ---------- 52716
722.92 (b) revised ---------- 52716
722.404 (f)(1)(i), (3), (8), and (9) revised ---------- 28601
722.406 (h)(3) and (4) amended ---------- 28601
722.408 (a)(2) removed; (a)(3), (4) and (5) redesignated as (2), (3), and (4) ---------- 28601
722.416 (a) amended ---------- 28601
722.418 Amended ---------- 28601

58-120 O - 76 - 3

Title 7, Chapter VII—Continued

	Page
722.421 (h) removed; (i) redesignated as (h)	28601
722.463—722.468 (Subpart) Heading revised	51177
Authority citation corrected	54560
722.463—722.466 Revised	51177
722.467 Revised	2992
(b)(2) corrected	6761
722.558 Revised	48685
722.558—722.564 (Subpart) Heading revised	55656
722.559 Revised	48685
722.560 Revised	48685
722.561 Revised	48685
722.562 Revised	55656
722.564 Heading and text revised	1704
722.701 (e), (f), and (g) revised	34349
722.703 (b) revised	34349
722.704 (f) added	34349
722.709 (a) amended; (c) removed	34349
722.720 Heading and text revised	34349
722.802 (d) through (j) redesignated as (e) through (k); new (d) added	44303
722.804 (b) revised	44303
722.805 (b)(2) revised	44303
722.808 Heading and text revised	44303
722.809 (e) removed; (f) through (k) redesignated as (e) through (j); (a) and new (f) amended; (b) and new (j) revised	44303
722.813 Revised	44304
724.6—724.17 (Subpart) Revised	5137
724.12 Revised	5138
(c), (f), and (g) corrected	7619
(d) and (e) amended; (f) and (g) revised	25200
724.15 Revised	5138
(d) and (e) amended; (f) and (g) revised	25200
724.17 Revised	5139
(d) and (e) amended; (f) and (g) revised	25200
724.26 Revised	14737
724.27 Revised	14737
724.36 Undesignated center heading and section revised	25200
724.60 (b) amended	58444
724.70 (h) revised	58444
724.71 (a) and (b) revised	58445
724.81 (d) and (e)(3) (i) and (ii) revised	58445
724.83 (b) revised	58445
724.86 (c)(1) revised	58445
724.88 (g) added	58445
724.90 (d), (e) and (j) revised	58445
724.96 Introductory text revised	58445
724.98 Revised	58446
724.110 Revised	58446
725.2—725.3 Undesignated center heading revised	55657
725.2 Revised	55657
725.50—725.115 (Subpart) Heading revised	41514
725.51 (e–1) and (z–1) added	41514
725.72 (a), (c), (d), and (l) revised; (q) removed	41514
725.73 Revised	41515
725.75 (a) and (d) revised	41515
725.86 Removed	41515
725.87 (a)(1) and (d) revised; (g) removed	41515
725.89 (c) amended	41515
725.92 (b) revised	41515
725.94 (c) and (d) revised	41515
725.98 (f), (g) and (l) revised	41515
725.113 (b) revised	41516
725.114 Heading and text revised	41516
725.115 (b)(1) amended	41516
726.11 Revised	4633
(a) corrected	6475
726.68 (b)(1) revised; (y) added	24994
(v) amended	56421
(d), (e), and (n)(1) revised	56422
726.70 (a) revised	56422
726.81 (f)(1) revised	24994
(d)(2) and (f)(1) revised	56422
726.86 (c) revised	56422
726.88 (d) revised	56422
726.89 (b) amended	56422
726.92 (e) revised	56422
726.104 Heading and text revised	56423
728.1—728.25 (Subpart) Revised	52593
728.4b Added	16831
729.100—729.103 Revised	55658
729.105 Revised	4276
729.106 Revised	14053
730.62 (b)(3) revised	20061
730.69 (b)(1) and (g) revised; (b)(5) added	20061
730.72 (a) amended	20061
730.80 (b)(1) and (g) revised; (b)(4) added	20061
730.1501—730.1504 Revised	1027
731.2 Amended	14602, 22534
760.105 (d) revised	29067
775 Revised	52598
775.4a Added	52716
780.11 (a) revised	27641
798 Revised	34583

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

	Page
Chapter removed	48685
873.32 (d) revised; (r) added	16072
873.36 Added	16072
874.35 (a) revised	1028
877 Revised	6761

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

	Page
900.500—900.504 (Subpart) Revised	20267
905.214 Added	54560
905.555 (b)(7) and (8), and (c) revised	2792
(b) (5), (7), and (8) and (c) amended	12647
(b)(9) revised	25799
905.556 (b)(3) amended	11345
(b) (1) and (3) revised	20062, 21467
905.557 (b)(1) revised	12647
905.558 (b)(1) revised	12647
905.559 (b)(7) and (8), and (c) revised	2792
(b)(13) revised	11346
(b) (5), (7), (8), (15), and (17) amended; (c) revised	12647
(b)(11) revised	20062, 21467
(b)(13) revised	21467
(b)(9) revised	24174, 25799
905.560 Added	42318
Introductory texts of (a) and (b) revised	49786
905.561 Added	42319
Introductory texts of (a) and (b) revised	49786
(a)(2) revised	51619, 54767, 57641
905.562 Added	42319
Introductory texts of (a) and (b) revised	49786
905.563 Added	42317
Introductory texts of (a) and (b) revised	49786
906.120 (b) corrected	3286
906.215 Added	48340
906.340 (a)(1) revised	48494
(a)(1)(i) and (ii) corrected	51177
906.356 Added	51178
906.357 Added	51179
907.212 Added	3285
907.659 Added	59444
908.214 Added	16321
908.787 Added	8772
908.788 (a) revised	21024
908.791 (a) revised	21930
909.214 Added	54236
909.340 Removed	20611
909.341 Added	48495
(a)(1) introductory text revised	53546
910.120 Added	55308
910.213 Added	44120
910.310 Added	42320
910.311 Added	44121
910.319 Added	59589
911.22 (b) revised	52604
911.41 (b) revised	52604
911.45 Revised	52604
911.48 (a)(3), (4), and (5) redesignated as (a)(4), (5) and (6); new (a)(3) added	52604
911.57 Revised	52604
911.155 Added	49786
911.214 Added	25665
911.336 (a)(3) revised	2793
911.337 Revised	24995
912.215 Added	57641
913.211 Added	58650
915.22 (b) revised	52605
(b)(1) corrected	59719
915.41 (b) revised	52605
915.45 Revised	52605
915.49 Added	52605
915.51 (a)(3), (4), and (5) redesignated as (a)(4), (5), and (6); new (a)(3) added	52606
915.155 Added	50024
915.214 Added	25800
915.305 (a)(1)(viii), (ix), and (x) revised	32306
915.316 (a)(2) amended	2677
915.317 Added	24007
(a)(2) table amended	26502, 28048, 29069, 29812, 30794, 32823, 33963, 36299, 38145, 41994; 44306, 47103, 49787, 54768
(a)(8) removed; (a)(9) through (12) redesignated as (a)(8) through (11)	47103
916.213 (a) revised	1500
916.214 Added	31592
916.341 (a) and (b) revised	20064
916.348 Added	21694
(a)(1) and introductory texts of (a)(2), (3), (4), (5), and (6) revised	28463
916.349 Added	26502
917.121 Added	4012
917.212 (a) revised	4117
917.213 Added	33196

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Title 7, Chapter IX—Continued

		Page
917.419	(a)(4) revised and (a)(5) added	20065
917.436	Added	19634
	(b) introductory text amended	25436
917.437	Added	21695
	(a) introductory text and (b) revised; (c) added	27930
917.438	Added	22535
	(a) and introductory texts of (b) and (c) revised	28602
917.439	Added	32111
918.213	Added	25436
918.317	Added	19828
919.214	Revised	41994
919.316	Added	31593
921.214	Revised	32730
921.312	Added	30622
922.215	Added	32730
922.315	Added	30271
923.215	Added	33028
923.314	Added	27463
924.215	Added	37028
	(b) revised	45418
924.313	Added	30929
926.214	(a) revised	8064
926.215	Added	43480
926.312	Revised	33964
	(a) amended	43715
927.105	Revised	42851
927.122	(a) amended	42851
927.125	(b)(3) and (4) removed; (b)(5) and (6) redesignated as (b)(3) and (4)	42852
927.215	Added	46091
927.314	Added	36300
928.204	Added	4276
928.306	Added	59720
929.148	Added	51621
929.216	Added	53994
930.104	(c) and (d) revised	27931
930.158	Revised	27931
930.205	Added	31739
930.502	Added	28602
	Revised	45419
931.310	(b) introductory text revised	43481
932.109	(a) introductory text revised	38146
932.153a	Added	41994
932.210	Revised	54236
	(a) revised	59318
944.15	Added	24008
	(a)(2) revised	29812, 30794
	(a)(4) revised	32824, 36300
944.111	(a) (1) and (2) revised; (a)(3) added	11346
	(a)(1), (2), and (3) revised	14891, 20065
	(a) (1) and (2) revised	21468
944.112	Added	42529
	(a) introductory text, (1) and (2) revised	49788
944.204	(a)(3) revised	2793
945.228	Added	42530
945.334	Added	30272
946.103	Added	12988
946.104	Revised	12988
946.228	Added	42530
946.330	Added	32111
	(c) revised	52995
947.228	Added	36301
947.333	Removed	32731
947.334	Added	32731
948.273	Added	34114
948.274	Added	34114
948.373	Added	33965
948.374	Added	45795
951	Removed	26672
953.212	Added	24354
953.315	Added	23720
958.219	Revised	33649
958.320	Added	32307
959.110	Added	16212
959.111	Added	16212
959.215	Added	3406
959.216	Added	57209
966.212	Added	47754
966.312	(a)(3)(iii) added	10953
966.313	Added	48686
966.314	Added	54237
967.211	Added	29534
967.311	Added	33197
971.214	Added	1028
971.215	Added	52836
971.316	Added	53225
	Introductory text amended	59589
980.113	Revised	8064
980.114	Added	32308
980.209	Added	48687
	Corrected	50024
980.210	Added	54238
981.71	Suspended	4416
981.72	Suspended in part	4416
981.225	Added	43715
981.324	Removed	43018
981.325	Added	43018
981.441	(d) (5) and (7) suspended	6475
	(b), (c), (f)(3) and (g) revised; (d) (5), (6) and (7) removed	25437

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

		Page
981.450	Revised	25438
981.467	(b) revised	25438
981.471	Removed	4416
981.472	(b) revised	25438
981.473	(a), (b), (c), (e) and (f) amended	25438
981.482	Removed	3006
982.16	Revised	53226
982.17	Revised	53226
982.40	Revised	53226
982.41	Revised	53226
982.46	Revised	53227
982.50	Revised	53227
982.51	Revised	53227
982.52	Revised	53227
982.54	Revised	53228
982.65	Revised	53228
982.71	Revised	53228
982.80	(b)(3) revised	53228
	Correctly designated as 982.86	55829
982.86	(b)(3) revised	53228, 55829
982.224	Revised	8167
982.225	Added	59720
982.319	(b) revised	8773
982.320	Added	50025
984.222	Added	57351
984.327	Added	51995
984.437	Revised	12482
984.445	Added	22267
984.450	Revised	22267, 55309
984.451	Revised	22267
984.454	Removed	22267
984.456	Revised	22267
984.458	Added	22267
984.460	Removed	22267
984.461	Removed	22267
984.462	Revised	22267
984.464	(b) amended	22267
984.471	Revised	22267
984.472	Revised	22267
984.473	Revised	22267
984.474	Revised	22267
984.476	Revised	22268
984.480	Revised	22268
987.223	Added	59721
987.320	Added	54421
989.110	Revised	31739
	Corrected	40141
989.201—989.230	(Subpart) Heading revised	31740
989.211	Added	31740
989.212	Added	31740
989.221	Revised	46300
989.224	Added	46300
	Revised	53229
989.230	Revised	4417
989.231	Added	53229
989.326	Added	53994
989.401	(a)(1) and (b) revised	4277
	(c) revised	31740
989.601	Revised	54768
991.213	Added	14738
991.310	Revised	44121
993.150	(g)(3) revised	52838
993.210	(Subpart) Amended	4013
	Redesignated as 993.211 and revised	42531
993.211	(Subpart) Added; redesignated from 993.210 and revised	42531
993.325	Revised	22824
993.326	Revised	50701
993.400	Added	42531
993.402	Added	42531
999.100	(a)(6), (c)(4) and (d) revised; (b)(1) amended	29263

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

1001—1099	Certain sections suspended in part Feb.–March 1975	4013
1001	Amended	4636, 6314
	CFR correction	19829
1002	Amended	4637, 6314
	CFR correction	19829
1004	Amended	4636, 6314
	Revised	18753
	CFR correction	19829
1006	Amended	4637, 6314
1007	Amended	4637, 6314
1007.15	(a) revised	31942
1007.52	CFR correction	21469
1011	Amended	4637, 6314
1011.44	(c) removed; (d) amended	19634
1011.51	CFR correction	21469
1012	Amended	4637, 6315
1013	Amended	4637, 6315
1015	Amended	4637, 4638, 6315
	CFR correction	19829
1030	Amended	4638, 6315
1030.7	(b)(4) introductory text and (b)(7)(iii) revised	31233, 32113
1030.13	(e)(1) revised	31233, 32113
1030.15	(a) revised	31942
1032	Amended	4638, 6315
1032.15	(a) revised	31942
1032.52	(b) revised	39846
1033	Amended	4638, 6315
	Revised	27464
	Technical correction	30086

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Title 7, Chapter X—Continued

Page

1033.7 Corrected ---------- 30087
1033.15 (a)(3) corrected ---------- 30087
(b) revised ---------- 30794
1033.16 (b) corrected ---------- 30087
1033.27 (k) corrected ---------- 30087
1033.41 (a)(1) and (2), (b)(1) and (c)(1) and (3) corrected ---------- 30087
1033.46 (a)(6)(i) and (9) corrected ---------- 30087
1033.51 Introductory text corrected ---------- 30087
1033.52 Removed (corrected) ---------- 30087
1033.57 (a)(2)(i) corrected ---------- 30087
1033.71 (b) corrected ---------- 30087
1033.73 Heading and text corrected ---------- 30087
1036 Amended ---------- 4638, 6315
CFR correction ---------- 19829
1040 Amended ---------- 4638, 6316
CFR corrections ---------- 19829
1040.15 (a) revised ---------- 31943
1044 Amended ---------- 4638, 6316
1046 Amended ---------- 4638, 4639, 6316
1046.7 (b) and (c) revised ---------- 43716
1046.12 (b)(2) and (3) revised; (b)(4) added ---------- 43716
1046.13 (c) revised ---------- 43716
(b) added; correction ---------- 45158
1046.15 (a) revised ---------- 31943
1046.44 (a)(7)(v) and (vi) revised; (a)(7)(vii) added ---------- 43716
1046.60 (d) revised ---------- 43716
1046.73 (a) and (f) revised ---------- 43717
1049 Amended ---------- 4639, 6316
1049.15 (a) revised ---------- 31943
1050 Amended ---------- 4639, 6316
1050.15 (a) revised ---------- 31943
1060 Amended ---------- 4639, 6316
1060.13 (c)(3) suspended, and (c)(1) and (2) suspended in part for July and August 1975 ---------- 27474
(c) (1) and (2) suspended in part during 12–75, 1–76, and 2–76 ---------- 58846
1060.15 (a) revised ---------- 31943
1061 Amended ---------- 4639, 6316
1061.15 (a) revised ---------- 31943
1062 Amended ---------- 4639, 6317
1062.15 (a) revised ---------- 31943
1062.52 (f) revised ---------- 39846
1063 Amended ---------- 4639, 6317
1063.13 (b)(2) suspended 12–75 and 1–76 ---------- 58447
1063.15 (a) revised ---------- 31943
1064 Amended ---------- 4639, 6317, 27641
1064.15 (a) revised ---------- 31943
1065 Amended ---------- 4640, 6317
1065.15 (a) revised ---------- 31943
1068 Amended ---------- 4640, 6317
1068.15 (a) revised ---------- 31943
1069 Amended ---------- 4640, 6317
1069.15 (a) revised ---------- 31943
1070 Amended ---------- 4640, 6317
1070.15 (a) revised ---------- 31944
1071 Amended ---------- 4640, 6318
1071.15 (a) revised ---------- 31944
1073 Amended ---------- 4640, 6318
1073.15 (a) revised ---------- 31944
1075 Amended ---------- 4640, 4641, 6318
1076 Amended ---------- 4641, 6318
1076.15 (a) revised ---------- 31944
1078 Amended ---------- 4641, 6318
1078.15 (a) revised ---------- 31944
1079 Amended ---------- 4641, 6318
1079.15 (a) revised ---------- 31944
1090 Amended ---------- 4641, 6319
1090.15 (a) revised ---------- 31944
1094 Amended ---------- 4641, 6319
1094.15 (a) revised ---------- 31944
1096 Amended ---------- 4641, 6319
1096.15 (a) revised ---------- 31944
1097 Amended ---------- 4641, 4642, 6319
1097.15 (a) revised ---------- 31944
1098 Amended ---------- 4642, 6319
1098.7 (c) and (d)(4) amended ---------- 36105
1098.12 (b) (2) and (3) revised; (b)(4) added ---------- 36105
1098.13 (b) revised ---------- 36105
1098.15 (a) revised ---------- 31944
1098.44 (a)(7)(v) and (vi) revised; (a)(7)(vii) added ---------- 36105
1098.60 (d) revised ---------- 36106
1098.71 (a) revised ---------- 36106
1098.73 (a) revised ---------- 36106
1099 Amended ---------- 4642, 6319
1099.13 (c)(4) revised ---------- 37029
1099.15 (a) revised ---------- 31945
1099.52 (a) amended ---------- 37029
1099.75 (a) revised ---------- 37029
1101—1139 Certain sections suspended in part Feb.–March 1975 ---------- 4013, 6319
1101 Amended ---------- 4642, 6320
CFR correction, reinstating text ---------- 17540
1102 Amended ---------- 4642, 6319
1102.15 (a) revised ---------- 31945
1104 Amended ---------- 4642, 6320
1104.15 (a) revised ---------- 31945
1106 Amended ---------- 4642, 6320
1106.15 (a) revised ---------- 31945
1108 Amended ---------- 4642, 6320
1108.15 (a) revised ---------- 31945
1120 Amended ---------- 4643, 6320

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Page

1120.15 (a) revised ---------- 31945
1121 Amended ---------- 4643, 6320
Removed; superseded by Part 1126 ---------- 23438
1124 Amended ---------- 4643, 6320
1125 Amended ---------- 4643, 6320
1126 Amended ---------- 4643, 6321
Revised; supersedes Parts 1121, 1127, 1128, 1129, and 1130 ---------- 23438
1126.15 (a) revised ---------- 31945
1127 Amended ---------- 4643, 6321
Removed; superseded by Part 1126 ---------- 23438
1128 Amended ---------- 4643, 6321
Removed; superseded by Part 1126 ---------- 23438
1129 Amended ---------- 4644, 6321
Removed; superseded by Part 1126 ---------- 23438
1130 Amended ---------- 4644, 6321
Removed; superseded by Part 1126 ---------- 23438
1131 Amended ---------- 4644, 6321
1131.7 (a), (b) and (c) revised ---------- 30091, 31234
1131.9 (c) revised ---------- 30091, 31234
1131.12 (a) revised ---------- 30091, 31234
1131.13 Suspended in part July 1975 ---------- 27642
1131.15 (a) revised ---------- 31945
1132 Amended ---------- 4644, 6322
1132.15 (a) revised ---------- 31945
1133 Amended ---------- 4644, 6322
1134 Amended ---------- 4644, 6322
1136 Amended ---------- 4644, 6322
1137 Amended ---------- 4645, 6322
1137.10 (a) suspended in part for June through August 1975 ---- 27474
1138 Amended ---------- 4645, 6322
1138.15 (a) revised ---------- 31945
1139 Amended ---------- 4645, 6322
1139.12 (b) (3) and (4) revised; (b)(5) added ---------- 39523
1139.13 (d)(2) revised; (d)(5) added ---------- 39523
1139.15 (a) revised ---------- 31945
1139.44 (a)(7)(vii) revised ---------- 39523
1139.50 (a) revised ---------- 3215
1139.71 (a) and (b)(1) revised ---------- 39523
1139.73 (a) and (b) introductory text revised ---------- 39523

Chapter XI—Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

1201.53 Suspended through 1–31–76 ---------- 46091
1201.300 Suspended through 1–31–76 ---------- 46091
1207.403 (a) revised ---------- 11861, 17743
1207.404 Added ---------- 26503
1207.503 (a) revised ---------- 50249
1207.512 (b) and (c) amended ---------- 7893
1250 Added ---------- 13198
Heading revised ---------- 59190
1250.8 (d)(2) corrected ---------- 15065
1250.200—1250.207 (Subpart) Added ---------- 48496
Referendum order issued ---------- 48688
1250.202 (a) corrected ---------- 59190
1250.250—1250.252 (Subpart) Added ---------- 48497
1250.301—1250.363 (Subpart) Added ---------- 59190
1251 Corrected ---------- 59190

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

1405.2 Added ---------- 58448
1408.11 (c) removed; (d) through (g) redesignated as (c) through (f) ---------- 29069
1421.1 Revised ---------- 52995
1421.2 (a) revised ---------- 52996
1421.3 (g) revised ---------- 52996
1421.4 (b) revised ---------- 52996
1421.6 (d) removed; (e) redesignated as (d) ---------- 52996
1421.8 Revised ---------- 52996
1421.9 (b) revised ---------- 52996
1421.11 (a) revised ---------- 52996
1421.18 (d) revised ---------- 52996
1421.20 (a) revised ---------- 52996
1421.22 Revised ---------- 52997
1421.23 (a), (c), (e), (f), (h), (i), and (l) revised; (m) removed ---------- 52997
(c)(2) and (f)(2) corrected ---- 56423
1421.29 Revised ---------- 52998
1421.54 (d) revised ---------- 44121
1421.58 (b) and (c)(2)(i) revised ---------- 44122
1421.72—1421.75 Revised ---------- 12799
1421.94 (d) revised ---------- 44122
1421.111—1421.113 (Subpart) Revised ---------- 31946
1421.214 (d) revised ---------- 52606
1421.218 (b) and (c)(2)(i) revised ---------- 52606
1421.235—1421.237 (Subpart) Revised ---------- 31949
1421.237 Revised ---------- 31949
(b)(2) corrected ---------- 36301, 39523
1421.250 (d) revised ---------- 43225
1421.270—1421.273 Revised ---------- 12802

CODE
XUM

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Title 7, Chapter XIV—Continued

	Page
1421.291—1421.295 (Subpart) Revised	41087
1421.303 Revised	22536
1421.308 Revised	1029
1421.325—1421.328 (Subpart) Revised	30466
1421.328 (a) and (c) revised	43225
1421.340 (d) revised	52350
1421.344 (b) and (c)(2)(i) revised	52350
1421.350—1421.353 (Subpart) Revised	23284
1421.353 (a) table corrected	24717
Amended	44122
1421.420—1421.425 (Subpart) Revised	30794
1421.469 (b) and (c) (1) and (2)(i) revised	36301
1421.485—1421.488 (Subpart) Revised	31952
1421.488 Revised	31952
(a) corrected	36302
1421.5551—1421.5557 (Subpart) Revised	52351
1423.1 (b), (c), and (d) introductory text revised	26503
1423.6 (c)(1) revised	26503
1425.2 (a) revised	49788
1425.3 (a), (c), and (d) revised	49788
1427 Revised	30092
1427.100—1427.105 (Subpart) Revised	30795
1427.102 Table corrected	44306
1427.163 Revised	21470
1427.165 (b) and (e) revised	21470
1427.172 Revised	21470
1427.174 Heading and text revised	21470
1427.178 (c) revised	21470
1427.1901—1427.1904 (Subpart) Revised	16647
1430.282 Revised	3286
(b)(1) and (b)(2) revised	16649
(a) and (b) revised	51413
1434.1—1434.24 (Subpart) Revised	30798
1434.16 (a)(2) corrected	32732
1434.40—1434.43 (Subpart) Revised; incorporating provisions of § 1434.44	41087
1434.44 Removed; provisions incorporated into revised 1434.40—1434.43 (Subpart)	41087
1438 Revised	29813
1446.8—1446.13 Revised	28787
1446.10 Revised	28787, 34584
1446.11 Revised	28787, 34584
1446.12 Revised	28788
(a)(1) revised	34584
1464.2 (e)(2)(iii) through (vi) revised	24175
(c) revised	28789
1464.7 (a)(1) and (3) revised	28789
1464.8 (c) revised	28789
1464.16 Revised	28603
1464.17 Revised	52998
1464.18 Revised	52998
1464.19 Revised	52999
Corrected	55309
1464.20 Revised	52999
1464.21 Revised	53000
Corrected	55309, 57209
1464.22—1464.27 Revised	57778
1472.1405 (c) added	16213
1472.1421 (c) added	16213
1472.1446 Text redesignated as (a); (b) added	16213
1474.4 Revised	1705
1488 Revised	16322
Supplement I revised	16327
Supplement II revised	16329
Supplement III revised	16332
Supplement III corrected	19439

Chapter XV—Foreign Agricultural Service, Department of Agriculture

1520 Revised	27008

Chapter XVII—Rural Electrification Administration, Department of Agriculture

1701 Revised	16074
Appendix A amended	13302, 31956

Chapter XVIII—Farmers Home Administration, Department of Agriculture

1801.2 (i) added	26257
1801.3 (h) added	26257
1801.5 Revised	10953
(a) revised	42178
1803.3 (d) and (f) introductory text revised	16333
1803.4 (a), (b)(2), (e) and (f) revised	16334
1804.1—1804.5 (Subpart A) Appendix C added	32309
1804.2 (d) revised	32309
1804.3 (d) and (f)(1)(ii)(a) revised	32309
1806.2 (b)(6) added; (g)(4) revised	2420
(b)(2)(iv) added	10953

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

	Page
1806.4 (a)(5) revised	10953
1807.1 (j) added	26257
1808 Revised	26258
1808.1 (b) revised	47477
1808.2 (a), (b), (d), (e), and (f) revised	33197
(b) and (e) revised	47477
1813 Revised	21696
1813.4 (c) added	11707
1813.7 (c)(2)(iv)(C) corrected	27475
1813.9 (d) corrected	27475
1813.10 (b)(6) and (7) removed; new (b)(6) through (10) redesignated from (b)(8) through (12)	27475
1815 Revised	14296
1822.1—1822.18 (Subpart A) Exhibit D revised	28463
Exhibits C and D revised	51621
1822.3 (c) and (d) revised	42178
1822.4 (c) revised	42736
1822.21—1822.33 (Subpart B) Revised	1229
1822.33 Added	29263
1822.63 (a) revised	59590
1822.81—1822.98 (Subpart D) Revised	4278
Exhibit J amended	21024
1822.83 (j) revised	52836
1822.88 (p) added	54421
1822.203 (a) revised	59590
1822.263 (c) revised	52837
1822.266 (c) revised	6951
1822.323 (c) revised	52837
1822.401—1822.408 (Subpart M) Removed	5531
1823.2 (a)(2) revised	24517
1823.3 (b) revised	24517
1823.6 (b)(4) revised; (c)(3) added	6951
(a)(3), (4), (5), and (6) redesignated as (a)(4), (5), (6), and (7); new (a)(7) amended; new (a)(3) added	30930
(b)(1)(iii) and (iv) redesignated as (b)(1)(iv) and (v); new (b)(1)(iii) added	30930
1823.7 Introductory text revised	54238
1823.29 (c)(8) revised	29264
1823.472 (d)(3), (e)(1) and (e)(2) introduction revised	27475
(e)(2)(ii) and (iii) redesignated as (e)(2)(iii) and (iv); new (e)(2)(ii) added	27475
1831.4 (e) revised	52607
1831.5 (h) revised	52607
1831.12 (g) revised	52607
1832.1—1832.43 (Subpart A) Revised	42321
1832.31—1832.37 (Subpart B) Removed; provisions incorporated into revised Subpart A	42320
1832.81—1832.92 (Subpart E) Removed; provisions incorporated into revised Subpart A	42320
1832.87 (g) revised; (i) removed	4118
1842 Redesignated as 1980.401—1980.495 (Subpart E) of Part 1980 and revised	57643
1842.14 (b) revised	22824
(e) revised	27476
1842.23 (e) added	22536
1842.31 (d)(5)(ii) revised; (d)(5)(iii) redesignated as (iv); new (d)(5)(iii) added	42179
1842.61 Revised	21700
1842.62 Added	21700
1843.3 (h) revised	6952, 27931
1843.41 (a)(2) revised; (a)(3) redesignated as (4); new (a)(3) added	42179
1845 Revised	30623
1861.82 (f)(4) revised	13202
1861.85 (c)(1) through (5) redesignated as (c)(3)(i) through (v); new (c)(1), (2), and (3) added	13202
(c)(3) revised	23286
1861.86 (a)(1) revised	13203
1861.87 (b) redesignated as (c); (a) redesignated as (b) and revised; new (a) added	13203
1861.93 (a)(2) and (3) revised	13203
1865.3 (c) revised	57642
1867 Revised	13203
1872.1—1872.27 (Subpart A) Revised	15066
1890b Removed	5752
1890d Removed	5753
1890e Removed	5753, 6639
1890j Removed	6197
1890k Removed	6197
1890l Removed	5753
1890n Removed	5532
Subchapter N (Part 1980) established	57643
1900—1999 Established	59194
1980 Added; redesignated from Part 1842 as 1980.401—1980.495 (Subpart E) and revised	57643
2000—2999 Established	59194

58-120 O - 76 - 4

CODE
XUM

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Title 7—Continued

Chapter XXVI—Office of Investigation, Department of Agriculture

Page

2620 Revised 17831

Chapter XXVII—Office of Audit, Department of Agriculture

2710 Revised 14891

Title 7—*Proposed Rules:*

1 ..... 3604, 32756, 40849, 44157
17 47514
20 1711
21 36134
25 8824
25A 8824
26 ..... 2208, 3217
29 ..... 10190, 15390, 22551, 26528, 29880
42 ..... 52735, 54005
51 ..... 24013, 40522, 46115
52 ..... 3217, 8207, 12092, 19830, 31607, 33043, 46116, 48949, 50049, 50281, 50284, 50286, 52038, 54005
53 60071
55 ..... 1706, 2694
56 ..... 1706, 2694
58 6608
59 ..... 1706, 2694, 8356
68 ..... 3007, 4315, 18001, 53599
70 ..... 1706, 2694
102 11728
180 18790
201 40524
210 ..... 3452, 10192, 59600
220 ..... 2697, 11719
250 43738
270 ..... 7455, 26042
271 ..... 7455, 10481, 12806, 20284
275 12806
401 ..... 14777, 22270
622 56457
719 31609
722 ..... 30274, 30275
724 ..... 16671, 57809
725 ..... 37224, 44157
726 ..... 20095, 57810
728 ..... 7099, 28093
729 ..... 6211, 52613
760 18450
775 28093
793 53038
905 ..... 44333, 50721
906 ..... 42886, 42887, 47796
907 60071
908 ..... 11587, 13512, 16335, 17848
909 ..... 49790, 51052
910 ..... 39882, 40528, 49790
911 ..... 11876, 13311, 19479, 21033, 28614, 39882, 45442
912 53603
913 54252
915 ..... 11876, 13311, 21033, 21980, 28090, 28614, 39882, 44334
916 ..... 1515, 11729, 22269, 24018, 28090, 57221
917 ..... 1516, 11729, 13512, 21483, 24908, 25478, 29087, 29881, 53601, 55362
918 22141
919 32338
921 ..... 26529, 26682
922 ..... 25679, 27242
923 ..... 23763, 29881
924 ..... 27485, 30662, 43036
926 ..... 4315, 37044, 38164
927 ..... 31244, 37044, 42023
928 ..... 787, 57221
929 ..... 24527, 45443, 48954
930 ..... 21483, 29553
931 ..... 38164, 40170
932 ..... 30275, 49791, 56457
944 ..... 21735, 44334
945 ..... 27242, 37045
946 ..... 6505, 29725, 33458
947 ..... 29727, 32129
948 ..... 30276, 30840, 30977, 40528
951 17151
953 19479
958 ..... 28091, 30277
959 ..... 10996, 53261, 58656
966 ..... 42887, 50540
967 ..... 25828, 26276
971 ..... 49348, 49791
980 ..... 2819, 27242, 28091, 29725, 50541, 60072
981 ..... 2589, 22141, 34605, 37223, 50289, 51646
982 ..... 4151, 5163, 16852, 30277, 40836, 45175, 54586
984 ..... 8357, 18449, 48518, 51473, 51646
987 ..... 50541, 54428
989 ..... 787, 788, 26276, 27485, 27691, 40842, 49097, 49791, 50542
991 ..... 8566, 39525
993 ..... 18562, 33047, 38164, 45443, 58863
999 ..... 24363, 57368
1001 ..... 2589, 5373, 47316, 50542, 53603
1002 ..... 2589, 5373, 14702, 15390, 47316, 50542, 53603
1004 ..... 2589, 5373, 14702, 15390
1006 ..... 2589, 5373
1007 ..... 2589, 5373, 25828, 30119
1011 ..... 2589, 5373, 18946, 20095
1012 ..... 2589, 5373
1013 ..... 2589, 5373
1015 ..... 2589, 5373, 47316, 50543, 53603
1030 ..... 2589, 5373, 20133, 25828, 29296, 30119
1032 ..... 2589, 5163, 5373, 25828, 28618, 30119, 39525
1033 ..... 2589, 5373, 14769, 17029, 20095, 24193
1036 ..... 2589, 5373, 53405
1040 ..... 2589, 5373, 25828, 30119
1044 ..... 2589, 5373
1046 ..... 2589, 5373, 25828, 28465, 30119, 30662, 40843, 42023, 50050
1049 ..... 2589, 5373, 25828, 30119
1050 ..... 2589, 5373, 25828, 30119

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Page

1060 ..... 2589, 5373, 24738, 25828, 30119, 50392, 51052, 55362, 56674, 59353
1061 ..... 2589, 5373, 25828, 30119, 50392, 51052, 55362, 59353
1062 ..... 2589, 5163, 5373, 25828, 28618, 30119, 39525
1063 ..... 2589, 5373, 25828, 30119, 56674
1064 ..... 2589, 5373, 24019, 25828, 30119
1065 ..... 2589, 5373, 25828, 30119
1068 ..... 2589, 5373, 25828, 30119, 50392, 51052, 53603, 55362, 59353
1069 ..... 2589, 5373, 25828, 30119, 50392, 51052, 55362, 59353
1070 ..... 2589, 5373, 25828, 30119
1071 ..... 2589, 5373, 25828, 30119
1073 ..... 2589, 5373, 25828, 30119
1075 ..... 2589, 5373, 30119
1076 ..... 2589, 5373, 25828, 30119, 50392, 51052, 53038, 55362, 59353
1078 ..... 2589, 5373, 25828, 30119
1079 ..... 2589, 5373, 25828, 30119
1090 ..... 2589, 5373, 19846, 20095, 25828, 30119
1094 ..... 2589, 5373, 11878, 12660, 25828, 30119, 50051, 52854
1096 ..... 2589, 5373, 11879, 25828, 30119, 50076, 53038
1097 ..... 2589, 5373, 25828, 30119
1098 ..... 2589, 5373, 22548, 25828, 30019, 32130, 32338, 50098
1099 ..... 2589, 5373, 13220, 25680, 25828, 28807, 30119, 32751, 33458
1101 ..... 2589, 5373, 20095
1102 ..... 2589, 5373, 25828, 30119
1104 ..... 2589, 5373, 25828, 30119
1106 ..... 2589, 5373, 25828, 30119
1108 ..... 2589, 5373, 25828, 30119
1120 ..... 2589, 5373, 25828, 30119
1121 ..... 7, 2589, 5373, 5784, 20004
1124 ..... 2589, 5373
1125 ..... 2589, 5373
1126 ..... 7, 2589, 5373, 5784, 20004, 25828, 30119
1127 ..... 7, 2589, 5373, 5784, 20004
1128 ..... 7, 2589, 5373, 5784, 20004
1129 ..... 7, 2587, 5373, 5784, 20004
1130 ..... 7, 2589, 5373, 5784, 20004
1131 ..... 2589, 5373, 7943, 25682, 25828, 30119
1132 ..... 2589, 5373, 25828, 30119
1133 ..... 2589, 5373
1134 ..... 2589, 5373
1136 ..... 2589, 5373
1137 ..... 2589, 5373, 24908
1138 ..... 2589, 5373, 25828, 30119
1139 ..... 2589, 2695, 3218, 5373, 21034, 23474, 25828, 30119, 36127
1201 ..... 28092, 28093
1207 ..... 2697, 7099, 14326, 23084, 45176
1250 42888
1251 ..... 13513, 15906, 33982, 45176, 59190
1408 19830
1421 ..... 4019, 15390, 28094, 43919
1427 ..... 3601, 60073
1430 42364
1434 ..... 2726, 3310
1446 4019
1464 ..... 10192, 12670, 25217, 27691, 41530, 45444, 50543
1472 30283
1701 ..... 10192, 11357, 13220, 13221, 17264, 17591, 23763, 23874, 24738, 25218, 29087, 29088, 30125, 31244, 37225, 38165, 44334, 44570
1801 54429
1803 ..... 49577, 52854
1804 53269
1817 8213
1822 ..... 28094, 29300, 33222, 34404, 58151, 58657, 59447
1823 ..... 7454, 14776, 20284
1824 59214
1831 24204
1842 ..... 13201, 15405, 34368
1844 4919
1867 5538
1871 5539
1872 1253
1901 59214

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

1.1 (j) and (k) revised; (m) added 23271
3.1 (a) revised 37207
100.2 Revised 30467
100.4 (d) amended 3407
(d) corrected 4904
(c)(2) amended 17743
(b) amended; (e) revised 58448
103.1 Revised 30468
(o) amended 58448
103.4 Revised 30469
Amended 58448
103.6 (d)(2) revised 42852
103.7 (b)(1) amended; (c)(2) redesignated as (c)(3); new (c)(2) added 7236
(b)(1) amended; (b)(2) revised 7238
(d) redesignated from § 103.10 (b)(4) 7238

CODE
XUM

Title 8, Chapter I—Continued

		Page
103.8	Heading and introductory text revised	7236
103.9	Heading revised	7237
103.10	Heading and text revised	7237
	(b)(4) redesignated as 103.7(d)	7238
	(b)(2) revised	17743
103.20—103.36	Added	44481
103.21	(c) corrected	46092
108.2	Amended	3408
204.2	(e)(1) revised	6765
211.1	(b)(3) amended	21700
	(b)(1) revised	34106
211.6	Added	34106
212.1	(f) and (i) amended	30470
	(b) revised	33431
212.4	(d) and (h) amended	30470
212.5	Revised	49767
214.1	(a) amended	2794
214.2	(b) revised	2794
	(f)(1a) added; (f)(6) amended	32312
214.3	(g) amended	32313
214.4	(a) revised	32313
223.2	Revised	50702
235	Technical correction	5347
235.10	Revised	3210A
238.2	(b)(2) amended	50702
238.3	(b) amended	50702, 58448
238.4	Amended	3408, 17744, 50702, 58448
242.2	(e) revised	3408, 30470
	(b) revised	50250
242.14	(e) revised	20816
243.4	Revised	50702
243.8	Amended	30470
264.1	(c) revised	50702
292.1	Revised	23271
292.2	Revised	23272
299.1	Amended	3210B, 3408, 30470, 50703
316a.2	Amended	17744, 30470, 50703, 58448
341.1	(b) suspended until 4-1-76	42532
343c.1	Revised	50703
499.1	Amended	30470, 50703

Title 8—*Proposed Rules:*

103	2817, 16215, 39423
211	14090
212	28614
214	6211, 15092
242	12514, 39524

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

		Page
11.1	(t)(1)(iv) amended	36554
11.2	(b), (c), and (d) revised	36553
	Technical correction	47755
11.3	Removed	36554
50	Added	27009
51	Revised	27013
54.1	(d) revised; (e) redesignated as (g); new (e) and (f) added	40505
54.3	(a) revised	40506
54.7	Heading, (a) and (b) revised; (c) added	40506
	(a) corrected	42739
54.8	(a) and (b) revised	40506
56.1	(f) revised	30099
56.4	Amended	30099
56.7	(a) revised; (c) removed; (d) redesignated as (c)	30099
72.5	(i) and (k) revised	16650
	(i), (j), and (k) removed	31593
72.13	(b)(1), (c), and footnote 2 amended	12768
73.1a	(a) revised	757, 3574
	(c) and (d) removed	757
	(b) removed	6766
	Authority citation corrected	8322
	(a) revised	8938
	(a) removed	20612
73.10	(c) amended	12768
	(a)(4) added	42179
74.24	(c) amended	12768
76.1	(aa) and (bb) removed	53546
76.2	(e) revised	29701
	(g) amended	32113
	(e) removed	37207
	Heading amended; (f) and (g) removed	53546
76.6	(b) revised	53546
76.8	(b)(1) and (2) revised	53546
76.12	Schedules B, C, and D removed; new B, C, and D redesignated from former E, F, and G	53547
	Schedules E, F, and G redesignated as new B, C, and D, and revised	53547
	Schedule H redesignated as E and amended	53547

		Page
76.18	(b)(1) revised	53547
78	Revised	17816
78.1	(o) and (aa) revised; (ee) added	59421
78.12a	Added	59421
78.13	Revised	2173, 2452, 6640, 8773, 8774
78.20	(b) corrected	23721
	Revised	32732, 41517, 45796, 52838, 58281
	Amended	59421
	Heading corrected	59721
78.21	Revised	32733, 41517, 45798, 52839, 58282
	Amended	59421
78.22	Revised	32734, 41518, 45797, 52840, 58284
	Amended	59421
78.22a	Added	59422
79.2	Removed	18405
82.3	(a) revised	11861
	(a)(1) revised	12768
	(a)(1)(i) removed	17244
	(a)(1) removed	18541, 31925
	(a) introductory text amended; (a)(1) added	27014
83.1	(l) revised	27643
83.2	Introductory text revised; (e) removed	27643
83.6	Introductory text revised	27643
91.3	(a)(1)(i) and (ii) and (2)(ii) revised	2691
	(a)(1)(i) revised	10444, 20941
	(a)(2)(i) revised	20941
	(a)(1)(i) and (2)(i) revised	40506
	(a)(1)(ii) revised	59318
92.1	(j)(2)(i) and (ii) revised; (j)(2)(iii), (iv), (v) and (t) added	33650
92.2	(f) revised; (g) and (h) added	33650
	(a) corrected	52717
92.3	(b) revised	31741, 36106
	(f) revised	33650
92.4	Heading revised; (b) amended	33650
	(a) heading amended; (a)(4) added	46092
92.5	Heading revised; (c) amended	33650
92.8	(b) amended	33650, 44306
92.11	(e) amended	33650, 52716
	(f)(3)(ii)(E) amended	55634
92.21	(c) added	7081
92.23	Revised	7081
94.1	(a)(2) amended	4904, 50457
94.2	Heading and text revised	44123
94.6	(a)(2) amended	14571
94.11	Amended	4904
94.16	Added	44123
97.1	Amended	50250
97.2	Amended	757, 7620, 11346, 20066, 27643, 43717, 46301, 53995
101.2	(z) added	46093
101.5	(b) added	45419
101.6	(a) and (b) revised	45419
102.3	(b)(2)(iii) revised	51413
108.5	(b)(1) revised	51413
112.7	(i) added	14084
	(d)(1) and (5), and (f)(2) and (4) revised	20066
	(i) revised; (j) added	30803
	(d)(4) revised	31593
	(k) added	49295
	(f)(1)(i) revised	41995, 53378
	(l) added	51414
112.8	(e) added	46093
112.9	Introductory text revised	14085
113	Technical corrections	2691, 2692, 46092
113.2	Introductory text and (a) revised	758
113.3	(a) introductory text and (3), and (b)(8) revised	758
	(b)(9) revised	20066
	(b)(8) revised	45420
	Introductory texts of (a) and (c) revised	49768
113.5	(a) revised	45420
	(c) revised	46093
113.6	(a) and (b) revised	45420
	(a) revised	53378
113.7	(d) revised	46093
113.8	Revised	49296
113.9	Added	14084
113.10	Added	46093
113.26	Introductory text revised	758
	(b)(1) and (2) revised	14084
113.27	(a)(3)(ii), (4) and (7)(i) and (ii), (c)(1), and (d)(2) introductory text, (1), (ii), and (vii) revised; (d)(2)(viii) added	58626
113.39	Added	53378
113.51	(d) introductory text and (e) revised	758
	(d) revised; (g) added	49296
113.52	(e) revised	20066
113.53	(c) added	49297
113.65	(b)(1) revised	758
113.66	(a)(2)(i), (b) and (c) revised	57807
113.67	Heading and introductory text revised	20066
113.85	(d) revised	4995

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Title 9, Chapter I—Continued

	Page
113.86 Heading revised	20067
113.89 Added	17003
Heading revised	20067
Heading corrected; (c)(4) introductory text revised	23989
113.90 Added	17003
Heading revised	20067
113.92 (c)(2) revised	758
Heading, introductory text, and (c)(2) revised	20067
113.95 (c) introductory text and (1) revised	759
113.96 Introductory text and (c)(3)(iii) revised	759
Introductory text revised	41088
113.97 Introductory text, (c)(1)(vi), (2), (3)(iii), (4)(iv), and (5)(iii) revised	759
Introductory text and (c)(1)(vi) revised	41088
113.99 (c)(2) and (4) revised	41996
113.101 Heading and introductory text revised	759
Heading corrected; introductory text revised	23989
113.102 Heading, introductory text and (c)(3) revised	759
Heading corrected; (c)(4) revised	23989
113.103 Heading and introductory text revised	759
113.104 (d)(3) and (5) revised	759
Heading, introductory text, (d)(3), and (d)(4) introductory text revised; (e) amended	20067
(d)(4) corrected	20941
Heading and (d)(4)(i), (ii), (iii), (iv), (v), and (5) corrected	23989
(e)(1) and (2) revised	51414
113.105 Added	17003
113.106 Added	17004
113.120 (d) revised	23989
113.121 Introductory text revised	759
113.123 Heading, introductory text, and (b) introductory text, (2), and (3) revised	759
113.125 Heading revised	41088
113.126 Revised	14084
Heading corrected; introductory text revised	23989
(d)(2) revised	30803
113.127 (b) revised	14084
113.128 Heading revised	41088
113.129 (b)(1) revised	20067
Heading revised	41088
113.137 Revised	53000
113.139 (d)(2) revised	41088
(d)(1) revised	53378
113.140 Heading corrected; introductory text revised	23989
(d)(2) revised	41088
113.141 (d)(2) revised	41089
113.142 (d)(3) revised	41089
113.143 (c)(1)(i) revised	20067
Heading corrected; (b)(5) revised	23989
(c)(3)(v) revised	41089
113.144 (d)(3) revised	41089
113.145 (d) corrected	8476
(c)(6) revised; (d) amended	20067
Heading corrected; (c)(6) revised	23989
(d)(3) revised	41089
113.146 (d) corrected	8774
(d) introductory text revised	20067
(d)(3) revised	41089
113.147 (d)(3) and (4) amended	20067
113.148 Added	53001
113.160 (b), (c)(1) and (2)(i) and (ii), (d), and (e) introductory text and (e)(1)(i) revised; (e)(3) added	18405
(d)(3) and (e) introductory text revised	41089
113.161 (a), (c)(2), (d)(1) and (2), and (e) introductory text revised; (e)(3) added	18406
(d)(2) revised	41089
113.162 Introductory text, (b), (c), (d) introductory text, (d)(1), (d)(3) introductory text, and (d)(3)(iii) revised	18406
(d)(3) introductory text and (iii) revised	41089
113.163 (b) introductory text, (d), (e) introductory text, and (e)(3) revised	18407
(d)(3) revised	41089
113.164 (b), (c)(3), (d), and (e) introductory text, (2)(iii), and (3)(i) and (ii) revised; (e)(3)(iii) and (iv) removed	18407
(d)(2)(iv) corrected	23721
(b), (d)(3), and (e)(1), (2)(iii) and (3)(i) revised	41090
113.165 (d) revised	18408
113.201 (e) revised	760
113.202 (a) and (d) revised	760
113.250 (h)(2)(i) revised	51414

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

	Page
113.251 (a) introductory text and (d)(2) revised	760
(d)(6) revised	41996
113.252 (c)(2) revised	760
Heading, introductory text, and (c)(1) revised	20067
Heading corrected	20941
Heading corrected; (c)(2) revised	23989
113.255 (c)(3)(iii) revised	760
114.3 (b) revised; (c) and (d) added	46093
114.13 (b) and (c) revised; (d), (e), and (f) added	14085
114.16 Revised	46093
151.9 (b)(1) amended	6766, 24176
(b)(5) added	32114
(b)(6) added	36106
Chapter III—Animal and Plant Health Inspection Service (Meat and Poultry Products Inspection), Department of Agriculture	
304.1 Revised; eff. 7-14-76	2575, 11348
305.1 (c) revised; eff. 7-14-76	2576, 11346
307.4 Heading and text revised	45799
(e) and (f) removed	50719
307.5 Heading and text revised	45800
(a) amended	53548
307.6 Heading and text revised	45800
308.5 Revised	25439
(f) amended	60053
309.5 Heading and text revised	27225
309.16 (a), (b)(1), (2), and (5), and (c)(1) amended	6323
310.15 Removed	27225
311.3 (c) amended	27225
311.4 Removed	27225
317.2 (g)(1) revised; eff. 7-14-76	2576, 11346
(b) amended	11347
(f)(1)(v) amended	42852
317.8 (b)(33) added	18542
317.19 Effective date postponed to 12-10-77	50099, 50703
319.280 (Subpart L) Heading revised	18542
319.281 Added	18542
331.2 Table amended	23453, 25202, 39846, 39847, 57808
331.6 Table amended	4645, 4646, 23454, 23455, 25203, 43916, 45801, 57807
350.7 (c)—amended	53548
351 Added	58627
355.12 Amended	53548
381.1 (b)(14) and (15) removed; (b)(44) amended	42338
381.37 Heading and text revised	45800
(e) and (f) removed	50719
381.38 Heading and text revised	45801
(a) amended	53548
381.39 Heading and text revised	45801
381.40 Removed	45800
381.41 Removed	45800
381.42 Removed	45800
381.53 Revised	25439, 60053
381.65 (d), (e), (f), (g) and (h)(2) removed; (n) amended	42338
381.66 (a), (e), (f)(1), (2) and (3) amended	42338
381.76 (a) amended; (b) removed	42338
381.84 Added	14297
381.97 Removed	42338
381.116 (a) amended	11347
381.143 Effective date postponed to 12-10-77	50099, 50703
381.189 Added	55310
381.190 (a) amended	42338
381.194 Added	55310
381.195 (b) amended	42338
381.197 (a) revised; (b) amended; (c) removed	42338
381.221 Table amended	23453, 25202, 29549, 39846, 39847, 57808
381.224 Table amended	4645, 4646, 23454, 23455, 25203, 43916, 45802, 55311, 57808
Chapter IV—Agricultural Research Service, Department of Agriculture	
445.3 (c) revised	1500
445.10 Heading and introductory text revised; (d) amended; (e), (f), (g), and (h) added	1500
445.12 (b) revised	1501
445.14 (a)(4) and (8) and (b) revised	1501
445.22 (d) revised	1501
445.23 Heading, introductory text of (b)(2) and (3), (b)(3)(vii), (4), (c)(1)(i) and (ii), and (d)(1)(ii) revised; (a) removed	1501
445.24 Added	1502
445.32 (c) revised	1502
445.33 Heading, (b)(3)(vii) and (4), and (c)(1)(i) and (ii) revised; d) and (e) added	1502
445.34 Added	1503
445.42 (c) added	1503

Title 9, Chapter IV—Continued

Page

445.43 Heading, (b)(3)(viii), and (c)(2) revised; (b)(3)(vii) and d) removed; (f) added ---- 1503
445.44 Added ---- 1503
445.53 Heading, (a), (b)(3)(vii), and (c) revised ---- 1503
445.54 Added ---- 1504
447.6 Added ---- 1504
447.26 Heading, (a) introductory text, and (b)(1) revised ---- 1504
447.43 (a) introductory text and (d)(2)(iii) revised ---- 1505

Title 9—*Proposed Rules:*

11 ---- 6978, 7944, 12514
50 ---- 5784
51 ---- 5787
54 ---- 25829
73 ---- 48140, 49349
78 ---- 48697, 50099
91 ---- 53262, 56675
92 ---- 19480, 28807, 29728, 37225, 54802
101 ---- 28621, 32753
112 ---- 788, 11880, 22841, 24203, 28621
113 ---- 788, 4017, 11587, 11880, 24203, 24203, 25598, 25599, 28621, 30126, 32753, 32754, 36572, 41139, 49577, 51646
114 ---- 788, 28621
303 ---- 4438, 15906, 21982, 25230
314 ---- 52854
317 ---- 10191, 41139
318 ---- 52614
319 ---- 41139
331 ---- 22269
381 ---- 4438, 10191, 15906, 21982, 22269, 25230, 31616, 52614
445 ---- 59306
447 ---- 59306

TITLE 10—ENERGY

Chapter I—Nuclear Regulatory Commission

NRC and Energy Research and Development Administration (Chapter III, below) are the successor agencies to Atomic Energy Commission.

Chapter heading revised; Parts 0–170 retained as amended ---- 8774
0 Nomenclature changes ---- 8774
0.735–3 (c) through (h) revised ---- 8775
(d)(2) and (g) corrected ---- 20268
0.735–4 (a) through (d) revised; (i) removed ---- 8775
0.735–5 (a) revised ---- 8775

Page

0.735–21 (b)(1) through (5) amended ---- 8775
0.735–22 (b) revised ---- 8775
0.735–23 (d) and (e)(1) revised ---- 8775
0.735–26 (c) and (d) amended ---- 8775
0.735–27 Amended ---- 8775
0.735–28 (a) footnote, (e)(9) and (f) amended; (b)(2), (e)(10) and (h) revised ---- 8775
(i) amended ---- 50704
0.735–29 Heading and (a) introductory text revised; (a)(1) removed; (a)(2) redesignated (a)(1) and new (a)(2) added ---- 8776
0.735–30 (m) amended ---- 50704
0.735–40 (b) revised; (d) amended ---- 8776
(e) amended ---- 50704
0.735–49 (a) amended ---- 8776
0 Annex B amended ---- 8776
1 Removed ---- 8776
1.127 Added ---- 1230
2 Authority citation revised ---- 8776
Nomenclature changes ---- 8776, 8777
2.1 Revised ---- 8776
2.4 Introductory text, (d), (i) and (j) revised; (e) amended; (f) and (1) removed; (o) and (r) added ---- 8777
2.104 (c) revised ---- 2973
2.110 Added ---- 2976
2.111 Added ---- 8777
2.300—2.310 (Subpart C) Removed ---- 8777
2.400—2.407 (Subpart D) added ---- 2976
2.600—2.607 (Subpart F) Removed ---- 8777
2.704 (b), (c) (d), and (e) revised ---- 51996
(c) corrected ---- 53379
2.720 (h)(2)(i), (ii) and (iii) revised ---- 2973
2.721 (b) revised ---- 51996
2.744 (d) and (g) revised; (e) removed ---- 2973
2.752 (a) footnote amended ---- 8777
2.760a Revised ---- 2974
2.780 Amended ---- 2974
(e) amended ---- 8776
2.785 (b) redesignated as (b)(1); (b)(2) added ---- 2974
(a), (c) and (d) revised ---- 8777
2.790 Nomenclature changes ---- 7894
(a)(1) and (8) revised; (d) amended ---- 7894
2.905 (a), (e), and (h) revised ---- 44124
2.914 Removed ---- 44125

Page

2 Appendix A amended ---- 2974, 8777, 51996
3 Removed ---- 8777
4 Authority citation revised ---- 8777
Nomenclature changes ---- 8778
4.1 Revised ---- 8778
4.3 (i) revised ---- 8778
4.4 Revised ---- 8778
4.23 Removed ---- 8778
4.25 Removed ---- 8778
4.45 Amended ---- 8778
4.51 (e) and (f) amended ---- 8778
4.64 Amended ---- 8778
4.75 (a) amended ---- 8778
4.81 Revised ---- 8778
4.93 Revised ---- 8778
4 Appendix A amended ---- 8778
6 Removed ---- 8778
7 Revised ---- 8778
9 Nomenclature changes ---- 7894
Authority citation revised ---- 44484
9.1 Nomenclature changes ---- 7894
Revised ---- 44484
9.1a Added ---- 44485
9.2 (a) and (c) amended; (d) revised; (e) redesignated as (f); new (e) and (g) added ---- 7894
Revised ---- 44485
9.3—9.16 (Subpart A) Heading revised ---- 44485
9.3 Removed ---- 7894
Added ---- 44485
9.3a Added ---- 44485
9.5 (a) (1) and (7) revised; (b) and (c) redesignated as (c) and (d); new (b) added ---- 7894
9.7 Revised ---- 7894
9.8—9.10 Revised ---- 7895
9.11—9.16 Added ---- 7895
9.50—9.95 (Subpart B) Added ---- 44485
Appendix A amended ---- 7897
Appendix A nomenclature changes ---- 7894
10 Authority citation revised ---- 8781
Nomenclature changes ---- 8781, 8782
Redesignated as Part 710 (Chapter III) ---- 8795
10.1 Amended ---- 44125
10.2 (b) revised ---- 44125
10.5 (b) through (e) revised ---- 8781
(a) amended ---- 44125
10.10 (c) amended ---- 8782
10.11 (a)(3) and (b)(3) and (4) revised ---- 8782
10.28 (a) amended ---- 8782
10.34 (b) and (c) amended ---- 8782
10.38 Removed ---- 8782
11 Removed ---- 8782

Page

12 Removed ---- 8782
14 Nomenclature changes ---- 8782
14.1 (b) revised ---- 8782
14.2 (b) revised ---- 8782
14.6 Revised ---- 8782
14.8 Revised ---- 8782
14.9 Amended ---- 8782
19 Authority citation revised ---- 8782
19.1 Revised ---- 8783
19.2 Revised ---- 8783
19.3 (b) amended ---- 8783
19.5 Revised ---- 8783
19.11 (c) revised ---- 8783
19.13 Amended ---- 8783
19.16 Amended ---- 8783
19.17 Amended ---- 8783
19.30 Amended ---- 8783
19.32 Added ---- 8783
20 Authority citation amended ---- 8783
Nomenclature changes ---- 8783
20.1 (a) revised, (c) amended ---- 8783
(c) revised ---- 58847
20.2 Revised ---- 8783
20.3 (a)(11) revised; (a)(18) added ---- 8783
(a)(4) revised ---- 42558
20.5 (b) removed ---- 50705
20.7 Revised ---- 8783
20.207 Revised ---- 26679
20.407 (a), (b) and (b) footnote amended ---- 8783
(a)(3) amended ---- 50704
20.408 Amended ---- 8783
20.601 Revised ---- 8784
20 Appendix D nomenclature changes ---- 8784
Appendix D revised ---- 42558
Appendix B amended ---- 50705
25 Removed ---- 44125
30 Authority citation revised ---- 8784
Nomenclature changes ---- 8784, 8785
30.1 Revised ---- 8784
30.4 (a–1) added; (c) and (k) revised ---- 8784
30.6 Amended ---- 8784
30.11 (a) footnote 2 removed; (b) revised ---- 8784
30.12 Revised ---- 8784
30.32 (a) revised ---- 8785
(a) amended ---- 50704
30.35 Removed ---- 8785
30.41 (b)(1) and (5) amended; (b)(2) revised ---- 8785
30.55 (b) amended; footnote removed ---- 8785
30.62 Heading revised; text amended ---- 8785
30.63 Revised ---- 8785

58-120 O - 76 - 5

XUM

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Title 10, Chapter I—Continued

Page

31 Nomenclature changes 8785
31.5 (b) and (c)(3), (5), (7), and (8) amended 8785, 14085
31.8 (a), (b), and (c) amended; footnote added 8785
31.10 (a) and (b) amended 8785
31.11 (b) and (c) amended; (d)(2) footnote added 8785
32 Nomenclature changes 8785, 8786
32.51 (a)(3)(iii) footnote added 8785
32.54 (a) footnote revised 8785
32.58 Footnote added 8786
32.70 (c) footnote added 8786
32.71 (d) footnote added 8786
33.12 Amended 8786
34.3 Amended 8786
34.25 (d) amended 8786
34.31 (a)(2) amended 8786
35 Nomenclature changes 8786
35.14 (b)(1), (2), (3), and (5), (d)(4), and (f)(1) amended; (b)(2)(iii) and (3)(iii) revised 8786
35.31 Amended 8786
35.100 (a)(3), (4), and (13), (b)(21) and (c)(3)(viii) revised; (c)(3)(ix) added 3210B
(b)(23) redesignated as (b)(24) and new (b)(23) added 3210B
(d)(1) and (f)(7) amended; (f)(8) added 26680
36 Nomenclature changes 8786
36.2 Revised 8786
36.11 Amended 8786
37 Removed 42558
40 Authority citation revised 8786
Nomenclature changes 8786, 8787
40.1 (b) revised 8786
40.4 (a–1) added; (e) and (m) revised 8787
40.5 Amended 8787
40.11 Revised 8787
40.14 (a) footnote removed; (b) revised 8787
40.31 (a) amended 8787
40.47 Removed 8787
40.64 (a), (b), and (c) amended; footnote removed 8787
40.65 Added 53230
40.81 Revised 8787
50 Authority citation revised 8788
Nomenclature changes 8788, 8789, 8790
50.1 Revised 8788
50.2 (l) revised; (w) added 8788
50.4 Revised 8788
50.11 Revised 8788
50.12 (a) footnote removed; (b) revised 8789
50.30 (a) revised 8789
50.34a (a) amended 19442
(a) revised 58847
50.36a (a)(2) amended 8789
(b) amended 19442
Amended 58847
50.42 Footnote amended 8789
50.46 (a)(2)(ii) through (vi) and (3) revised 8789
50.54 (l–1) and (q) amended 8789
50.57 (d) removed 8790
50.60 Removed 8790
50.101 Amended 8790
50.102 Revised 8790
50.103 (a)(2) revised 8790
50.110 Revised 8790
50 Appendix B amended 3210D
Appendixes N and O added 2977
Appendix I added 19442
Appendix I amended 40818, 58847
51 Nomenclature changes 8790
51.20 (g) added 1008
(g)(3) and (g) table corrected 2978
(e) Table S–3 amended 31594
(g) Table S–4 amended 31594
51.23 (a) revised 1009
55 Authority citation amended 8790
Nomenclature changes 8790
55.1 Amended 8790
55.2 Revised 8790
55.4 (e) amended 8790
55.5 Revised 8790
55.10 (a) introductory text, (5) and (6) amended 8790
55.12 (a) amended 8790
55.20 Amended 8790
55.22 (a) amended 8790
55.25 Amended 8790
55.31 (e) amended 8790
55.50 Revised 8790
55.60 (b) and note amended 8791
55.61 Removed 8791
60 Removed 8791
70 Authority citation revised 8791
Nomenclature changes 8791, 8792
70.1 (b) revised 8791
70.4 (a–1) added; (h) revised; (p) removed 8791
70.5 Amended 8791
70.11 Revised 8791, 14085
Corrected 16047
70.14 (a) footnote removed; (b) revised 8791, 14086
70.19 (a), (b) and (c)(3) amended; (c)(2) footnote added 8792

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Page

70.21 (a) amended 8791
70.32 (a)(7) revised 8792
(c) revised 33651
70.38 Removed 8792
70.39 (b) footnote added 8792
70.42 (b) (1) and (2) amended 8792
70.52 Amended 8792
70.53 (b) amended 8792
70.57 Added 33652
(a)(5) revised; (a)(6) corrected 50704
70.58 (f) revised 33653
70.59 Added 53230
70.71 Revised 8792
71 Authority citation amended 8792
71.1 (a) amended 8792
71.5 (b) amended 8792
71.12 Amended 8792
71.13 Revised 8792
71.16 Amended 8792
71.42 (c) amended 8792
71.61 Amended 8792
71.64 Revised 8792
73 Authority citation amended 8792
Nomenclature changes 8792
73.2 (q) added 8792
(r) added 52841
73.4 Revised 8792
73.6 Revised 52841
73.36 (c)(2) and (e) amended 8793
(c)(3) and (e) revised 52841
73.72 Added 52841
73.80 Revised 8793
73 Appendix A amended 8793
Appendix A revised 42558
80 Removed 8793
81 Authority citation amended 8793
Nomenclature changes 8793
81.1 Revised 8793
81.3 Revised 8793
81.13 (b) amended 8793
81.52 Revised 8793
81.61—81.83 Sections and undesignated center headings removed 8793
83 Removed 8793
95 Removed 44125
100 Authority citation amended 8793
100.2 (a) amended 8793
100.11 (b)(2) and note amended 8793
(a)(3) revised 26527
110 Removed 8793
115 Removed 8793
130 Removed 8793
140 Authority citation amended 8793
Nomenclature changes 8793
140.3 (g) revised 8793
140.5 Revised 8794
140.11 (a)(4) amended 7082
140.82 (b) revised; (b) footnote removed 8794
140.84 (b)(1) amended 8794
140.91 Appendix A amended 7082
140.92 Appendix B amended 7082
140.93 Appendix C amended 7082
140.94 Appendix D amended 7082
140.95 Appendix E amended 7082
150 Authority citation amended 8794
Nomenclature changes 8794
150.4 Revised 8794
160 Authority citation amended 8794
160.1 Amended 8794
160.2 Revised 8794
161 Removed 8794
170 Heading revised; authority citation amended 8794
170.1 Amended 8794
170.3 (g)(3) revised 8794
170.5 Revised 8794
170.12 Amended 8794

Chapter II—Federal Energy Administration

202.1—202.10 (Subpart A) Revised 11707
204.1 Amended 42339
204.3 (a) amended 42339
204.4 Removed 42339
204.5 (a) revised and redesignated as (a)(1); (a)(2) added 42339
205.1 Revised 36555
205.2 Amended 36555, 36761
205.12 (a)(9) added 36555
205.13 (a)(5) revised 28446
(a)(13) added 36555
205.29 Added 4771, 6767
205.39 (a) revised 4771, 6767
205.50—205.58 (Subpart D) Appendix added 36556
205.50 (a) revised 36555
205.54 (e) added 36555
205.55 (a)(1) and (b)(2) revised 36555
205.70 Revised 36557
205.100 Revised 36557
205.101 Revised 36557
205.106 (a)(1) revised 36557
205.172 (a) revised 36557
205.190—205.195 (Subpart O) Heading revised 26680
205.190 (a) revised 26680, 36557
205.194 Revised 26380
205.195 Revised 26681, 40142
205.196 Added 26681
205.197 Added 36761

CODE
XUM

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Title 10, Chapter II—Continued

Page

205.204 Added ... 36557
205.216 (b)(2)(i) revised ... 48112
205.240—205.243 (Subpart S) Added ... 32735
205.250—205.255 (Subpart T) Added ... 36557
205.250 Correctly designated ... 39495
205.251 Correctly designated ... 39495
205.252 Correctly designated and corrected ... 39495
205.253 Correctly designated and corrected ... 39495
205.254 Correctly designated and corrected ... 39495
205.255 Correctly designated ... 39495
206 Removed ... 36558
Added ... 45610
206.33 (c) revised ... 4773
206.46 Heading revised ... 4773
207 Added ... 18409
210 Amended ... 40820
210.21 Amended ... 2795
210.32 Revised ... 22124, 31927
Effective date amended ... 24517
(b) amended ... 40820, 52843
211.10 (g) (2), (3), (5) and (8) revised ... 10166
(g)(8) revised ... 18544
(b)(1) and (g)(1) and (8) revised ... 40822
211.12 (g) revised ... 40822
(e)(3)(iii) revised ... 48112
211.13 (a)(2) and (3) revised; (c) added ... 48112
211.26 (e) added ... 2693, 5139
211.31 Amended ... 10445
211.51 Amended ... 18544, 28446, 48340
211.61—211.71 (Subpart C) Appendix amended ... 6199, 10445, 20942, 23895, 47480
211.62 Amended ... 4015, 10445, 14738, 30036, 31747
211.63 Revised ... 49297, 54423
211.65 (d), (e) and (f) revised ... 39848
211.66 (j)(2) redesignated as (j)(3); new (j)(2) added ... 4015
(i) revised; (j) and (k) removed ... 10445
211.67 (b) and (i) interpretation ... 2560
(i) (5) and (6) added ... 6768
(a)(3) removed; (i)(4) and (l) revised ... 10445
(l)(1)(ii) revised ... 13303
(d)(3) added ... 14738
(l)(1)(i) revised ... 28447
(d)(3) revised ... 39849

Page

211.83 (c)(3) revised ... 10167
211.86 (d) amended; (g) revised ... 40823
211.87 (f) added ... 10167
211.96 (e) revised ... 40823
211.97 (e) added ... 10167
211.105 Revised ... 47478
211.106 (b)(3)(ii) revised ... 10167
211.223 Amended ... 24176
211.225 Revised ... 40823
212 Amended ... 40820
212.1 (a) revised ... 2795
212.2 Revised ... 60037
212.10 Revised ... 60037
212.31 Amended ... 2796, 10445, 40830, 57442, 60038
212.52 Amended ... 60038
212.54 Revised ... 40820
212.72 Amended ... 28448, 30036, 31747
212.74 Revised ... 28448, 30036, 31748
212.83 (c)(1)(iii)(C) revised ... 6200
(b) amended; (c) and (e) revised ... 10445
(c)(1)(iii)(A) revised ... 39854
(c)(2)(iii) amended ... 40820
212.84 (d)(3) revised ... 40143
212.87 (b)(1) revised; (c)(1) redesignated as (c)(1)(i); (c)(1)(ii) added ... 10449
(b)(1), (c)(2), (3), (4)(ii), (iii) and (iv) revised ... 39950
(c)(4)(vi) revised ... 47757
(c)(4)(ii) revised ... 54564
(c)(4)(iv) revised ... 57442
212.91 Revised ... 10449
212.93 (b)(1)(i), (c), and (g) revised; (e) amended ... 10449
(f) revised ... 40823
(b)(4) revised ... 47757
(b)(1)(ii) revised ... 54565
(b)(2) revised ... 57442
212.94 (c) revised ... 10449
(b) revised ... 28449
212.101—212.103 (Subpart G) Removed ... 60038
212.111 Heading and text amended ... 60038
212.129 Heading and (b) revised ... 6324
212.131 (a)(2) amended; (d) added ... 28448
(a) and (b) revised ... 30036, 31748
212.141 Redesignated as 212.161 ... 6200
212.142—212.145 Redesignated as 212.162—212.165 ... 6200
212.146 Redesignated as 212.166 ... 6200
212.147—212.150 Redesignated as 212.167—212.170 ... 6200
212.151—212.170 (Subpart K) Class exception issued ... 40824

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Page

212.161 Redesignated from 212.141; new 212.161(b)(2)(ii) revised ... 6200
212.162—212.165 Redesignated from 212.142—212.145 ... 6200
212.164 (d) added ... 39853
212.166 Redesignated from 212.146; new 212.166(a) revised ... 6200
(b) revised; (c) and (d) added ... 39854
212.167—212.170 Redesignated from 212.147—212.150 ... 6200
212.167 (b) revised; (d) and (e) redesignated as (e) and (f); new (d) added ... 39854
212.168 Revised ... 39854
213 Interpretation ... 36302, 42578
Payment time extended ... 42578, 44308
213.5 (a) amended ... 4773
(a) revised ... 18766
213.7 (c) and (d) added ... 4773
213.9 (a) and (b) amended ... 4776
(a), (b), and (f) revised ... 18766
(d) amended ... 59195
213.10 (b) amended ... 4776
(i) amended ... 59195
213.11 (f)(1) and (2) amended ... 4776
(l)(4) and (5) added ... 4773
(j) amended ... 59195
213.12 (a) and (b) amended ... 4776
(f)(1) amended ... 4774
(a), (b), and (e) revised ... 18767
(d) revised ... 59195
213.13 (b) amended ... 4776
(a), (b), and (e) revised ... 18767
(d) amended ... 59195
213.14 Removed ... 4774
213.15 (a) and (b) amended ... 4776
(d) revised ... 18767, 21930
213.16 (a) amended ... 4776
(a) revised ... 18767
213.20 (a)(1) and (2) amended ... 4776
(a)(2) revised ... 18767
213.21 (a)(1) and (2) and (b)(1) and (2) amended ... 4776
(a)(2) and (b)(2) revised ... 18767
213.22 (b)(1) and (c) revised ... 4774
(b)(2) revised; (d) added ... 59196
213.23 (a) and (b) amended; (e) added ... 4774
(c) removed; (d) and (e) redesignated as (c) and (d) ... 52353
213.25 Revised ... 4774, 36558
213.26 (b)(3), (4), (5), (7), and (8) amended; (c) revised ... 4774
Revised ... 36558
Technical correction ... 39495
213.27 (h)(1) amended; (s), (t), and (u) added ... 4774

Page

(j) revised ... 24719
(j) comment time extended ... 26681
(s) revised ... 36559
213.28 (k) removed; (m)(3) amended; (l), (m), and (n) redesignated as (k), (l) and (m) ... 4774
Revised ... 18768
Amended ... 36559
213.29 (a)(1) amended ... 4776
(e)(3) amended ... 4774
(f) amended ... 59195
213.30 (a)(1) amended ... 4776
(g)(2) amended ... 4774
(h) amended ... 59195
213.32 (a), (b), (c), and (d) amended ... 4776
(d) revised ... 18769
213.33 (d)(1) amended ... 4776
(j)(3) revised; (k) added ... 4774
Amended ... 36559
213.34 (e) amended ... 4776
(b) and (e) revised ... 18769
Amended ... 36559
213.35 Revised ... 4774
(e)(2) amended; (d)(1) and (4) revised; (a)(9) and (f) added ... 16048
(a)(9)(i) revised ... 18770
(d)(1) and (4) revised ... 19800
(a)(9)(i), (d)(1), (3) and (4), and (e)(4) revised ... 24719, 26681
(e)(3)(ii) revised ... 36559
(e)(2)(i) revised ... 39855
(e)(2)(i) and (f)(2)(iii) revised; (a)(10) added ... 40143
(d)(1)(i)(1) and (2) revised; (d)(1)(i)(3) added ... 44308
213.36 (c)(1) amended ... 4776
(a), (c), and (d) revised ... 18769
213.37 (c) amended ... 4776
(a) and (c) revised ... 18769
213.38 (c) amended ... 4776
(c) revised ... 18769
215 Revised ... 16296
303 Added ... 20465
303.1 (a) revised ... 28422
303.2 Amended ... 28422
303.4 (a) amended ... 28422
303.5 Corrected ... 28422
303.9 (d)(1) and (e) amended ... 28422
303.10 (a) amended ... 28422
303.11 Revised ... 28422
303.12 (a)(1) revised ... 28422
303.50—303.61 (Subpart D) Added ... 28422
303.80 Amended ... 28426
303.88 (b)(1) revised ... 28426

CODE

XUM

Title 10, Chapter II—Continued

Page
303.100 Revised ---- 28426
303.101 Revised ---- 28426
303.180 Revised ---- 28426
303.190 Revised ---- 28426
303.202 (a), (b), and (c)(1) revised ---- 28426
305 Added ---- 20486
307 Added ---- 20489
309 Added ---- 28426
661 Added ---- 10954

FEA RULINGS:
1975–1 ---- 6768
1975–2 ---- 10655
1975–3 ---- 17980
1975–4 ---- 19635
1975–5 ---- 19800
1975–6 ---- 23272
1975–7 ---- 30037
1975–8 ---- 30037
1975–9 ---- 40826
1975–10 ---- 40826
Corrected ---- 51414
1975–11 ---- 40827
1975–12 ---- 40828
1975–13 ---- 40831
1975–14 ---- 40833
1975–15 ---- 40832
1975–16 ---- 40834
1975–17 ---- 48341
1975–18 ---- 55860

Chapter III—Energy Research and Development Administration

For regulations of the Nuclear Regulatory Commission, see Chapter I, above

Chapter established ---- 7320, 8795
700—870 Reissued (and redesignated) by ERDA from Parts 0—8 and 10—170 of Chapter I ---- 8795
707 Revised ---- 30803
708 Redesignated as 715 ---- 45321
New Part 708 added ---- 45308
709 Added ---- 7320
710 Revised ---- 36302
714 Revised ---- 49075
715 Redesignated from former Part 708 ---- 45321
725 Appendix A amended ---- 43481
Appendix A corrected ---- 44826
810 Revised ---- 44826, 50457
860 Recodified and revised ---- 28789

Title 10—*Proposed Rules:*

Page
2 ---- 4158, 8832, 20110, 37056
9 ---- 2714, 33833, 44516
19 ---- 799
20 ---- 799, 23478, 33029, 33838
21 ---- 8832, 20110
30 ---- 49801
31 ---- 8832, 20110
35 ---- 8832, 20110
40 ---- 2210, 8832, 20110
50 ---- 33838
70 ---- 27260, 30133
71 ---- 23768, 43517
73 ---- 15098, 23768
170 ---- 3010
202 ---- 6684
205 ---- 6371, 14605, 17600, 17859, 20956, 24541, 24919, 28481, 48381, 50107
206 ---- 28481, 42448
207 ---- 2212
208 ---- 26279
210 ---- 10195, 11363, 18004, 49799
211 ---- 3467, 6371, 6372, 8226, 14605, 16089, 17600, 18182, 19660, 22146, 24365, 24919, 27259, 30500, 30671, 32136, 33832, 34162, 47803, 59602
212 ---- 3467, 8109, 12287, 13522, 13524, 15401, 18004, 18467, 19219, 19659, 20654, 23320, 24742, 27058, 27059, 28834, 28637, 30671, 30674, 32136, 32348, 33832, 34161, 34162, 36389, 45447, 47147, 49105, 49372, 51656, 54263, 60082
213 ---- 12287, 13524, 14086, 14948, 28481, 28487, 33474, 48948
214 ---- 54587
215 ---- 6787
303 ---- 5452, 25220, 26702, 50107
305 ---- 5452
307 ---- 5452
309 ---- 25220, 26702
708 ---- 38025, 38030
790 ---- 50100, 52857

TITLE 11—FEDERAL ELECTIONS

Chapter I—Comptroller General

Subchapter A (Parts 1–6) Removed ---- 23832
Subchapter B (Parts 11–21 Removed) ---- 23832
Supplement B Removed ---- 23832

Chapter I—Federal Election Commission

Chapter established; redesignated from Chapter II ---- 32950
Interim guidelines transferred from Chapter II ---- 32950

Page
Interim guidelines added ---- 32950, 33817, 40668, 40671, 43660

Chapter II—Federal Election Commission

Chapter II Interim guidelines added ---- 23832, 25440, 26991, 28578
Chapter II Redesignated as Chapter I ---- 32950
Interim guidelines transferred to Chapter I ---- 32950

Title 11—*Proposed Rules:*

Ch. I ---- 42303
1 ---- 36872
100 ---- 44698, 47146
101 ---- 47146
102 ---- 44698, 47146
103 ---- 44698, 47146
104 ---- 44698, 47146
105 ---- 44698, 47146
106 ---- 33169, 43517, 53159
107 ---- 45297, 51610, 54828
109 ---- 44698, 47146
110 ---- 44698, 47146
111 ---- 44698, 47146
113 ---- 32951, 36869, 37226, 41932
114 ---- 54547, 54592
115 ---- 54592
116 ---- 47688, 54592
120 ---- 51348, 53159, 54592
121 ---- 51348, 54592
122 ---- 51348, 54592
123 ---- 51348, 54592
124 ---- 51348, 54592
130 ---- 47688, 48700, 50729
131 ---- 47688, 48700, 50729
132 ---- 47688, 48700, 50729
133 ---- 47688, 48700, 50729
Ch. II ---- 23833, 28579, 30581

TITLE 12—BANKS AND BANKING

Chapter I—Comptroller of the Currency, Department of the Treasury

1.397—1.410 Added ---- 59318
4.13 (a) revised ---- 30930
4.16 Revised ---- 7337
4.17 Revised ---- 7338
4.17a Added ---- 7340
7.7475 Removed ---- 56883
7.7491 Revised ---- 21703
Suspended pending appeal ---- 49077
8.2 Revised ---- 60056
9.18 (c)(2) revised and redesignated as (c)(2)(i); (c)(2)(ii) added ---- 18771
(c)(2)(ii) corrected ---- 20612
9.20 Added ---- 50252
11 Revised ---- 30039
Authority citation corrected ---- 32735
11.1 Corrected ---- 32735
11.2 (j)(2)(i) and (z) corrected ---- 32735
11.3 (c)(6)(i) and (c)(8) corrected ---- 32735
11.4 (a)(4)(i), (d)(5), (n), and (q)(2) corrected ---- 32735
11.5 (c)(9), (f)(1) and (2), (g)(2)(i) and (ii), (i)(3)(ii) and (4) corrected ---- 32735
(l) and (l)(7)(i) and (m)(1) corrected ---- 32736
11.7 (c)(9)(viii) and (10)(iv)(B) corrected ---- 32736
11.41 Corrected ---- 32736
11.42 Corrected ---- 32736
11.43 Corrected ---- 32736
11.46 Corrected ---- 32736
11.47 Corrected ---- 32736
11.61 Corrected ---- 32736
11.62 Corrected ---- 32736
11.71 Corrected ---- 32736
11.102 (b), (d), (e), and (f) corrected ---- 32736
22.3 Revised ---- 12068
Amended ---- 36107
23 Effective date postponed ---- 7897
23.1 (a) revised ---- 7897, 17135
23.2 (b), (e)(2), and (h)(2) revised ---- 6201
(a), (b), and (h)(2) revised ---- 17135
(e) and (f) redesignated as (f) and (e) and revised ---- 17135
(k) redesignated as (l); new (k) added ---- 17135
23.3 Revised ---- 6201, 17136
Amended ---- 7897
23.4 Removed; new § 23.4 redesignated from 23.5 ---- 17136
23.5 Redesignated as 23.4; new § 23.5 redesignated from 23.6 ---- 17136
23.6 Redesignated as 23.5 ---- 17136

Chapter II—Federal Reserve System

201.51 Revised ---- 4904, 6769, 12988, 23842
201.52 Revised ---- 4904, 6769, 12988, 23842
(b) revised ---- 27476, 30807
201.53 Revised ---- 4904, 6769, 12988, 23843
202 Added ---- 49306
202.71 (a) effective date deferred, 1–31–76 ---- 60055
204.1 (e) revised ---- 46301
(e)(1) corrected ---- 48499

CODE
XUM

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Title 12, Chapter II—Continued

Page

204.5 (a)(1)(iii) and (2)(iii) revised 3973
(c) revised 17136
(a)(1)(ii) and (2)(ii) revised 49310
(a)(1)(ii) and (2)(ii) revised 60055
206 Revised 50458
206.51 Form F-5 amended 52843
207.5 (f) revised 19636, 43482
Stock list issued 44829
208.8 (e)(5) added 21931
(f) added 51170
211.111 Added 43199
213.3 (b)(6) and (7) revised; (b)(8) added 40507
213.7 Revised 17136
213.105 Added 18412
215.103 (a) revised; (c) amended 40507
217.1 (e)(3) revised 17832
(e) revised 46301
217.3 (f) amended 24895
217.4 (d) suspended until 4-18-75 12251
(d) amended 24894, 57664
217.5 (c)(1) introductory text and (2) and (3) revised; (c)(1)(vii) added 32737
217.7 (b) footnote added; (d) amended 57664
217.152 Added 16831
220.7 (a) revised 53379
220.8 (g)(3) revised 19636
(g) revised 43482
(h) and (i) stock list issued 44829
221.4 (f) revised 19636, 43482
(d) and (e) stock list issued 44829
221.123 Correctly designated 59322
224 Stock list issued 44829
255.5 (c) added 55634
225.123 (g) revised 11710
(d) removed 13304
(a) through (g) redesignated as (a), (b), (c), (d), and (e) 13477
225.129 Amended 36309
225.133 Added 43199
226.1 (b)(1) and (c) revised 30085
(a)(1) revised; (a)(2) amended 43201
226.2 Certain paragraphs redesignated (See conversion table) 43201
(mm) through (qq) revised 50508
226.3 (e) added 30085
Footnotes 1 and 1a redesignated as 1a and 1b; new footnote 1 added 43202
226.4 (i) added 43202
226.6 (b) revised; (k) added 43203
(b)(2) (i) and (ii) corrected 54424
226.7 (a)(1) and (b)(9) revised 30086
(f) added 43200
(a)(9), (b)(1)(x) and (b)(2) added 43204
(b) introductory text redesignated as (b)(1) and (b)(1) through (9) redesignated as (b)(1)(i) through (ix); redesignated (b)(1)(i), (ii), (iii), (v), and (ix) revised 43204
(c)(1) and (2) revised; (c)(3) redesignated as (c)(4); new (c)(3) added 43204
(d) and (e) redesignated as (e) and (f); new (d), (g), (h), and (i) added; redesignated (e) revised 43204
(f) correctly designated as (j) 45158
226.8 (n) and (o)(6) revised; (q) added 43207
(a) revised 50508
(r) revised; eff. 1-31-76 50508
(n)(1) corrected 54424
226.9 (g)(5) and (h) added 30086
226.10 (f) added 30085
226.11 (a)(2) and (3) revised 43207
226.12 (a) and (b) revised 43207
226.13 (i) added 30086
Revised 43207
226.14 Added 43209
226.102 Added 21471
226.703 Revised 1681
226.820 Added 55635
250.143 Added 12252
261.3 (b) and (d) revised; (f) added 7620
261.4 (d) revised; (e), (f) and (g) added 7621
261.6 (a)(1) and (4) revised; (d) removed 7621
261a Added 45617
265.1a Revised 1506
(b) added 13477
(a) introductory text and (a)(1) through (5) amended; (a)(6) through (11) added 31207
265.2 (a) redesignated as (a)(1); (a)(2)—(12) added 1506
(a)(13) added 25581
(d)(5) and (6), (f) introductory text, and (f)(33) added 31208
(h)(4), (5), and (6) added 32738
(b)(6) added 43717
(a)(14) added 46093
(c)(17) added 55635
270.4 (d) revised 10661

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Page

271.4 (c) revised; (d), (e), and (f) added 7897
271.5 (a) revised 13204
271.6 Amended 7898
(a) revised 7898
272.3 (d) and (e) revised 10661

Chapter III—Federal Deposit Insurance Corporation

303 Technical correction 59322
303.13 (b), (c) introductory text, and (c)(5) revised 58128
304.2 Amended 36559
304.3 (p) revised 36559
308.42—308.49 (Subpart E) Added 28049
309.1 (a) (3) and (4), (b), and (c)(1) introductory text and (i) revised; (e) amended 11547
Corrected 13204
(c)(1)(iv) and (vi) revised 17004
310 Added 46274
327.2 (b)(4) revised 57209
329 Technical correction 58848
329.1 (e)(2) revised 17137
(e) revised 46302
Footnote 4 corrected 47757
329.4 (e) (1) and (2) suspended until 4-18-75 11711
(d) amended 23274, 57664, 57779
329.5 (c)(1) introductory text, (c)(1)(vi) and (2) revised 33198
329.6 (b)(2) footnote 13a added 57779
329.7 (b)(1)(ii) revised 17137, 46302
(b)(4) footnote 14b added 57779
335 Revised 47346
336.735-11 (e) amended 48499
336.735-12 (e) removed 48499
336.735-15 Existing text designated as (a); (b) through (d) added 48499
336.735-19 (s) added 48499
336 Appendix A revised 48499
339.2 Revised 25440
Corrected; footnote 3 added 27932
Amended 43483
341 Added 50510

Chapter IV—Export-Import Bank of the United States

400.735-60—400.735-67 (Subpart F) Added 28449
404 Revised 7238

Chapter V—Federal Home Loan Bank Board

Page

500.3 Revised 12989
500.11 Revised 59422
500.13 (a) through (c) and (e) revised 59422
500.14 Revised 59423
500.18 Revised 59423
500.19 Revised 12989, 59423
500.20 Revised 59423
500.21 Revised 59423
500.22 Revised 59423
500.31 (a)(1) and (3) amended 12989
(a)(1) amended 59424
500.32 (b)(9) revised 12989
(b)(11) amended 59424
500.40 (Subpart D) Added 59424
505 Revised 8066
505a Added 39371
522.20 (a) revised 5532
522.26 Removed 5532
522.85—522.87 Center heading and sections added 57443
523.10 (g) and (h) amended; (i) added 8324
(a) and (g)(6) revised 17245
(g)(4) revised 23069, 26672
(g)(4)(iii) revised 41756
(g) introductory text and (6) revised 59425
523.11 (a) revised 8323, 19193, 33029
523.29 (a) and (c) revised 21025, 41997
524.1 Removed 3973
524.7 Revised 27476
524.12 Revised 46303
524.13 Revised 27476
524.14 Added 17245
525.7 Added 17245
525.19 Revised 27476
525.36 Revised 27477
526.5 (b)(4) added 57665
526.6 (i) added 17246
526.7 Revised 18771
(b) revised 59590
526.9 Added 17246
527.3 (b)(1) revised 27477
528.6 Heading, (b)(3), (c)(3), and (d)(3) revised 27477
531.10 Added 29702
532 Added 17246
541.2 Revised 20944, 49311
541.3 Revised 20944
541.4 Revised 20944
541.8-1 Revised 20944
541.10-4 Added 44126

58-120 O - 76 - 6

Title 12, Chapter V—Continued

	Page
541.12 (c) added	15866
541.14 (a) and (b) revised	51415
543.1 Revised	4118
544.6 Introductory text amended (g) text removed; (g) note added	20944, 42853
544.8 (e) added	17984
(f) added	25667
(d) heading revised; (g) added	49312
545.1 (a) and (d) revised	20944
545.1–1 (h) added	3974
545.1–4 (f) introductory text and (4) revised	18772
(f)(4)(iii) added	57665
(f)(4) revised	59591
545.1–5 (j) revised	27225
545.2 (b) revised	20944
545.3–1 (c) (3) and (6) revised	18772
(c)(6)(iii) added	57665
(c)(6) revised	59591
545.4–1 (a)(2) revised	17004
545.4–2 (g)(1) and (k) revised	27478
545.6–1 (a)(5)(i) revised	4417
(a)(2) and (c) revised	15866
(a)(5)(ii) revised	25581
(a)(5)(iv) revised	41758
(b)(1) revised	44126
545.6–7 (b) revised	25667, 44126
545.6–11 Revised	20942
545.6–26 Added	25667
545.8 (c) added	25668
545.8–4 (a) and (c) revised	21025, 41997
545.9–1 (a)(4)(iii) revised	8795
(a)(4) (xi), (xii), and (xiii) revised	11711
(b)(3)(i) (*a*), (*b*) and (c), and (c)(2) revised; (b)(3)(i) (*e*) and (c)(4) added	15383
(a)(4)(i) (c) and (*d*), and (b)(3)(i) (*d*) revised; (a)(4)(i) (*e*) and (k)(7) added	17005
(k)(5) revised	25668
(a)(4) amended; (a)(4) (xii) and (xiii) redesignated as (xiii) and (xiv) and revised; new (a)(4)(xii) added; (b)(2) revised	36309
545.11–1 Added	17246
545.14 (*l*) added	25670
(m) added	49311
545.14–1 (a) revised	47103
545.14–4 (c)(2) revised	11548
(c)(1) removed; (c)(2) through (6) redesignated as (c)(1) through (5); new (c)(1), (2), (4), (5), and (d) revised	58848
545.14–5 (j) added	49311
(a), (c)(1)(i), (4), and (6), and (g) introductory text, (2), and concluding text revised; (c)(5) and (g)(5) removed	59196
545.16 (g) revised	25669
(i) added	49311
545.18 Revised	25668
545.23 Revised	20944
545.24 Revised	17984
545.24a Added	25668
545.25–1 (a) revised	20945
545.27 Added	57781
545.28 Added	42853
546.2 (d)(1) and (2) and (e) revised	59323
546.5 Added	36310
552 Added	20945
555.8 (e) removed	3974
555.9 Revised	52353
555.12 Revised	47103
555.17 Added	57781
555.18 Added	32313
556.5 (a)(7)(ii)(*a*) (*1*) and (2), and (iii) revised	12483
556.7 Added	17247
561.2 Revised	17984
561.3 Revised	17984, 46094
561.11 Revised	46094
561.11a Added	46094
561.15 (i) redesignated as (l); new (i), (j), and (k) added	29070
(f) revised	46094
(e) revised	59425
561.17 (a) revised	46094
561.24 Revised	46094
561.24a Added	17984
563.1 Revised	46094
563.3–1 (d)(4) revised	18773, 59591
(d)(4)(iii) added	57665
563.3–2 (d)(3) revised	18773, 59591
(d)(3)(iii) added	57665
563.3–3 (h) revised	27226
563.6 Revised	46094
563.8 Revised	17984
563.8–1 (d) introductory text added	12483
563.8–2 Added	17984
(b) introductory text revised	29703
563.9 (f) revised	14738
(a) and (c) revised	21025
(f)(2) revised	46303
563.9–1 (b)(2)(iii) added	14739
563.9–3 (c) revised	18411
563.9–6 (a) and (c) revised	41997
563.11 (b) revised	14739
563.13 (b)(1) revised; (b)(4) added	17985

	Page
(b)(2) amended	25669
(a)(1) and (c)(4) and (5) revised	46095
563.17–1 (c)(3) revised	29703
563.18–1 (a)(1), (b)(1) and (d)(1) revised	25670
563.22 Revised	59324
563.31 (a) revised	17985
563.38 (a) revised	22825
563b.1 (a) and (c)(1) revised	19802
563b.2 (a) (14), (16), and (30) revised; (32), (33), and (34) redesignated as (31), (32), and (33); (34) removed	19802
563b.3 (b) and (e) amended; (c), and (d), and (i)(3) revised	19802
563b.4 (a)(3) amended; (a) (1) and (2), and (b)(1) revised	19804
563b.5 (a) introductory text and (2), and (e)(1) revised; (g) amended	19804
563b.6 Heading and (a) revised; (e) removed	19804
563b.7 Amended	19804
563b.8 Amended	19805
563b Form PA amended; retitled Form AC	19807
Form PS amended	19808
Form OC amended	19808
Form FA removed	19808
564.11 Removed	33030
564.12 Removed	33030
564 Appendix corrected	4646
Appendix amended	10449
564.1 Revised	46095
569a.1 (c) revised	46095
569a.4 Revised	46095
Corrected	52717
569a.6 (d) revised	46096
569a.7 (a) introductory text, (a)(4) and (5), (b) and (d) revised	46096
(a)(5) corrected	52717
569a.9 Revised	46096
571.1 (c) introductory text, (c)(3) and (e)(1) revised; (e) introductory text amended	46096
571.9 Text designated as (a); (b) added	57783
571.10 Added	17247
581 Removed	49312
582 Removed	49312
582a Removed	49312
582b Removed	49312
584.2–1 (b)(10) added	11712
(b)(1)(iii) and (iv) revised; (b)(1)(v) added	17005
584.3 (a)(6) redesignated as (a)(7); new (a)(6) added	29704
(a)(6) removed	34585
588 Added	17247

Chapter VI—Farm Credit Administration

	Page
602.250—602.265 (Subpart B) Revised	7339
602.250 Revised	7339
(a)(8) added	14572
602.265 Revised	7340
(d)(1) and (d)(2) corrected	10450
603 Added	40454
611.1020 Revised	17744
611.1055 Added	17744
611.1150 Added	17744
612.2060 (a) revised	33030
612.2150 Revised	33030
612.2160 Revised	33030
612.2170 Revised	33032
612.2230 Revised	33032
612.2240 Revised	33032
612.2250 Revised	33032
612.2260 Revised	33032
612.2270 Revised	33032
613.3040 Revised	17744
614.4180 (a) and (b) revised	17745
614.4230 (a) revised	17745
614.4250 Revised	17745
614.4333 (e) removed	49078
614.4370—614.4430 (Subpart L) Removed	17745
614.4510 (d)(1) revised	17745
615.5120 (a) revised	17745
615.5135 Added	49078
615.5500 Revised	17746
615.5510 Removed	17746
616.6030 Revised	17746
619.9330 Revised	49078

Chapter VII—National Credit Union Administration

	Page
700.1 (j)(14) added	60069
701.12 Revised	8938
701.19 Revised	25582
701.21 (g) revised	30261
701.23 (d) revised	41090
701.27–1 Revised	32115
701.27–2 Revised	32115
701.31 (b) amended	26017

CODE

XUM

Title 12, Chapter VII—Continued

	Page
701.32 Added	23455
701.33 Added	30261
706 Revised	25583
702.2 Revised	60069
702.3 Revised	8069
703.1 Revised	41997
707 Revised	25584
708 Revised	10168
720 Added	8538
Technical correction	10450
Existing text (720.1—720.8) designated as Subpart A	46276
720.1—720.8 (Subpart A) Heading added	46276
720.20—720.38 (Subpart B) Added	46276
721.4 Added	25582
745.2—745.9 Amended	3287
745.2 (d)(1) amended	25582
745.9 Redesignated as 745.9–1	25582
745.9–1 Redesignated from 745.9	25582
745.9–2 Added	25582
745.10 Redesignated as 745.11; new 745.10 added	23456
745.11 Redesignated as 745.12; new 745.11 redesignated from 745.10	23456
745.12 Redesignated as 745.13; new 745.12 redesignated from 745.11	23456
745.13 Redesignated from 745.12	23456
760.0 Amended	29264
760.1 (c) added	29264
760.2 (a), (b) and (c) redesignated as (b), (c), and (a); new (a) and (b) revised; new (c) and (d) amended	29264
(a) revised	41998

Chapter VIII—Federal Financing Bank

811 Added	5532

Title 12—*Proposed Rules:*

7	2836, 14767, 23874
8	59446
9	4151, 40859
11	10602
14	29724, 31958
202	18183, 20827, 42031
204	25031, 29732
206	10322, 11739, 15909, 25031
207	36578
208	40857
211	60062
213	13524, 60062
217	16684, 16685, 25031, 28644, 29732
220	23768, 36390, 36578
221	36578
225	5794, 53272, 58866, 60082
226	1717, 19489, 23896, 26571, 30986, 32350, 43516
228	19495, 25603
261	3474
261a	39830
271	4022
309	2715
310	39426
329	2212, 16219, 24918, 28099, 28100
335	10376, 14947
337	40548, 41530
341	40856
404	2449
405	39428
505	2715
505a	29729
523	1277
524	1277
525	1277
526	1277, 17860
531	11363
532	1277
541	6870, 7681, 12113, 15096, 33054
544	3011, 12113, 12121, 23895, 28638
545	1076, 1278, 3011, 4661, 6870, 7681, 12113, 12121, 15098, 23321, 23896, 25030, 28638, 33054, 34162, 43832, 47149, 47150, 50546
546	27953, 28640, 33054
552	12113
555	25030, 28641, 47151
556	1278, 17272, 18005, 54264, 57690
561	1076, 3011, 42371, 43832
563	1076, 3011, 18005, 27954, 28643, 34614, 42371, 42898, 43832, 46323, 54265
563b	4398
564	24755, 42371
569a	42371
570	34614
571	1279, 29093, 42371, 47151, 57690
581	33055
582	33055
582a	33055
582b	33055
584	16090, 17044, 34615
588	1279
602	2590
603	33831
611	6980
612	25474, 59450
613	6980
614	6980, 59450
615	6980, 33832
616	6980
701	4321, 8967, 15404, 24205, 24755, 30291
703	27260
708	12124
707	12125
720	2591, 33410
721	15404
745	8967, 15404

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

	Page
101.3–1 (e)(2) amended	2419
102 Technical correction	8541
Existing text (102.1—102.7) designated as Subpart A	46280
Heading corrected	48907
102.1—102.7 (Subpart A) Heading added	46280
102.3 (k) and (l) added	7898
102.4 (f) added	7898
102.5 (a) and (e) revised	7899
102.6 Revised	7899
102.20—102.36 (Subpart B) Added	46280
103.13–5 (b) revised	59425
104.1 Reinstated	5139
107.3 Amended	1231
107.301 (e)(2) revised	1231
(d) correctly revised	59197
107.504 (b)(3) revised	1231
107.601 (a) and (b) revised	1231
107.1001 (a) revised	24354
113.1 (a) amended	59591
113.3 (d) added	59591
113.3–1 (a) amended	59591
113.5 (d)(2) amended	59591
114 Technical correction	10661
114.100 (b) revised	6640
114.111 Revised	52717
115.1 Revised	54424
116.3 Revised	28259
Technical correction	37029
117 Added	57351
120.1 (c) revised; (d) added	7622
120.2 (b)(3) revised	1682
120.3 (b)(3) revised; (b)(5) and (6) added; (c) removed	7622
(b)(2) revised	30262
120.4 Added	7623
120.5 Added	7624
120.6 Added	7625
120.7 Added	7625
121.3–8 (a)(1) revised	17138, 23843, 28603
(a), (e), and (f)(3) revised	32824
(e) corrected	36310
(g) revised	50519
121.3–9 (a)(3) revised	32825
(a)(1) revised	50519
121.3–10 (k) added	8325
(l) revised	20951
(a), (c) through (f), (g)(1)(ii), (j) and (k) revised	32825
121.3–11 Revised	4119, 32826
121.3–14 Revised	4119
121 Schedules C and D revised	32826
Schedule A amended	50519
Schedule H revised	51033
122.2 (f)(2) amended	7626
122.15–1 Added	37029
122.15–2 Added	37029
122.15–3 Added	37030
123 Revised	3210D
123.1 (c)(3) and (4) added	30807
123.2 (a)(5)(i) and (ii) revised	30807
123.3 (a)(1) revised	47480
(a)(2) revised	47481
123.5 (c)(1) revised	42180
123.7 Revised	33432
123.9 (b)(7) added	30807

Chapter III—Economic Development Administration, Department of Commerce

301.34 (b) revised	1029
301.35 Removed	1029
301.42 (b)(4) revised	1029
(a) and (b)(1) revised	1029, 8325
301.50—301.60 (Subpart D) Revised	12769
302.9 Revised	18544
303.10 (h) removed	6640
304.9 (e) added	2796
305.42 Introductory text revised	29070
305.43 (a) amended	60038
305.44 (b) introductory text revised	29070
305.45 (b) introductory text revised	29070
305.59 Redesignated as 305.60; new 305.59 added	12483
Revised	25801
(h) added	32738
Removed	60038
305.60 Redesignated from 305.59	12483
Redesignated as 305.59	60038
306.18 (h) corrected	19443
307.52 Revised	49078
307.54 (b)(2) removed; (b)(3) redesignated as (b)(2)	25441
308.23 (b) removed; (c) redesignated as (b)	8325
309.7 (a) introductory text revised	6476
(a) introductory text and (b) revised	49078
309.9 (a) revised	13204
311.47 (b) amended	13205
311.60 Revised	22536
313 Added	22537
313.5 (c) revised	43483

CODE

XUM

Title 13, Chapter III—Continued

313.6 Introductory text revised.. 43483
313.7 Revised .. 43483
313.8 Revised .. 43484
313.9 Added .. 43484
313.20—313.28 (Subpart B) Added .. 25671
313.24 Revised .. 29704
314 Added .. 6770
(a) corrected .. 12484
Revised; recodified from 305.59 .. 60038
315 Added .. 29265
315.3 (a) revised .. 44309
315.20 Revised .. 44309
315.21 Revised .. 44309
315.25 (a) revised .. 44309
315.34 Revised .. 44309
315.61 (c) revised .. 44309

Chapter IV—Emergency Loan Guarantee Board

402.2 Amended .. 6201
402.4 (c) revised .. 6201
402.6 (b) revised .. 6201

Chapter V—Regional Action Planning Commissions

500 Added .. 48112
510 Added .. 48113
520 Added .. 48113
530 Added .. 48114
540 Added .. 48115
550 Added .. 48116
560 Added .. 48116
570.8 (b) revised; (c) redesignated as (d); new (c) added .. 8326
580 Added .. 48117
590 Added .. 60039

Title 13—*Proposed Rules:*

102 .. 3014, 40063
103 .. 51069
107 .. 11740, 14606
113 .. 51670
117 .. 25032
120 .. 15098, 57602
121 .. 10486, 12125, 20110, 24210, 25831, 29899, 30292, 32142, 36149, 53407, 55680, 55868
122 .. 19021
123 .. 19022
402 .. 6212
500 .. 36135
510 .. 36135
520 .. 36135
530 .. 36135
540 .. 36135
550 .. 36135
560 .. 36135
580 .. 36135

TITLE 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

1.1 Introductory text revised .. 11714
11 Special FAA Reg. 27 amended .. 55312
21 Special FAA Reg. 26 amended .. 2576, 28604
Special FAA Reg. 29 added .. 2421
21.17 (a) amended .. 1033
21.25 (a) amended .. 1033
21.93 (b) revised .. 1033
21.101 (a) amended .. 1033
21.115 Heading and (a) revised .. 1033
21.183 (e) revised .. 1033
21.185 (d) added .. 1034
21.251 (b)(4)(iii) and (iv) amended .. 2576
21.257 Revised .. 1034
21.271 (a) amended .. 2577
21.325 (a)(1) and (2) amended .. 2577
21.339 (a) and (b) amended .. 2577
21.451 (d) added .. 1034
23.335 (c)(1) amended .. 2577
23 Appendix A amended .. 2577
25.1459 (a)(1) revised .. 2577
29 Special FAA Reg. 29 added .. 2420
36 Technical correction .. 2174, 2452
36.1 Revised .. 1034
36.7 Added .. 1034
(b)(3) corrected .. 2797
(a)(2)(ii) amended .. 6347
36.101—36.103 (Subpart B) Heading revised .. 1034
36.501 (Subpart F) Added .. 1034
36.1501—36.1581 (Subpart G) Revised .. 1035
36 Appendix F added .. 1035
Appendix C amended .. 1035
Appendix F amended .. 6347
37.201 Added .. 19637
Heading, (a), (b), and (g) revised; (d)(i) amended; (h) added .. 42184
39 Technical correction .. 2797
39.13 .. 1, 2, 1036, 1037, 1232, 1682, 2978, 2979, 3287, 3288, 3408, 3574, 3575, 3759, 4119, 4647, 5348, 5755, 5756, 6202, 6347, 6640, 6641, 6770, 6771, 6772, 7626, 7627, 7899, 7900, 8070, 8168, 8326, 8541–8544, 8795, 8796, 8939, 10450, 10661, 10662, 10951, 11549, 11550, 11861, 11862, 12068,

39.13—Continued
12252, 12484, 12771–12773, 12996, 13203, 13477, 14055, 14056, 14297, 14298, 14739, 14740, 14892, 14893, 15085, 15086, 15384, 15385, 15866, 16189, 16190, 16191, 16297, 16298, 16299, 16832, 17006, 17138, 17139, 17248, 17548, 17832–17835, 18163, 18413, 18545, 19193, 19194, 19444, 19808, 20068, 20268, 20816, 20817, 20951, 21026, 21471, 21704, 22125, 22126, 22249, 22538, 22539, 22825, 22826, 23070, 23456, 23722, 23723, 23843, 23990, 24176, 24177, 24178, 24179, 24355, 24996, 25203, 25584, 25672, 25673, 26018, 26503, 27227, 27439, 27644, 28075, 28604, 28605, 29270, 29271, 29272, 29549, 29704, 29814, 29815, 30463, 30464, 30808, 30932, 30933, 31208, 31209, 31594–31597, 31748–31752, 32314–32318, 32738–31740, 32827–32829, 33007–33010, 33199–33432, 33434, 33653, 33654, 33819, 34333, 34585, 36107, 36108, 36310, 36559, 36560, 36762, 36763, 37030, 37208, 38146, 39855, 41091, 41092, 41519, 42180, 42340, 42739, 42740, 42741, 42854, 43019, 43484, 44310, 44807, 45420, 45802, 46097, 46303, 47104, 48118, 48499, 48500, 48501, 48907–48911, 49093, 49094, 49567, 49768–49770, 50520, 50705, 50706, 51415, 51416, 51996, 51997, 52607, 52608, 52718, 52720, 52721, 53002, 53003, 53231, 53379, 53380, 53548, 53549, 53995, 54239, 54424, 54769, 55635–55637, 55652, 56883, 57352, 57353, 57444, 57666, 57783–57785, 58128–58130, 58284, 58623, 58624, 58848, 58849, 59197–59199, 59721, 59722
63.35 (c) and (d) revised .. 32830
63.37 (b)(4), (5), and (6) redesignated as (b)(5), (6), and (7); new (b)(4) added .. 32830
71 Republished .. 301
71.9 (b) revised .. 27015
71.103 .. 17007
71.105 .. 17007, 17549, 25411, 43885
71.107 .. 17007
71.109 .. 17007, 25441, 42741
71.121 .. 16651, 18414, 20269, 25673
71.123 .. 1038, 3760, 4121, 4298, 4300, 4409, 4906, 6203, 7082, 8327, 8796, 14299, 16651, 17549, 17550, 17837, 18549, 19809, 19444, 23457, 24181, 25204, 25441, 26020, 26504, 32319, 34087, 42180, 42342, 43885, 44310, 44126, 44808, 45803, 45804, 46097, 46304, 47104, 47481, 48118, 50025, 51416, 51622, 53232, 54425, 55830, 56884, 58624, 58625
71.125 .. 17007, 23724, 25441, 34088, 43885, 57353
Corrected .. 59722
71.151 .. 1038, 4299, 6203, 8070, 17550, 18978, 23457, 23458, 25204, 33655, 37030, 39495, 46098, 55829, 57354
71.161 .. 57353
71.163 .. 16651, 26020, 36108, 43487, 44127, 59722, 59723
71.171 .. 1038, 1508, 2421, 3210K, 3575, 3760, 4297, 4298, 4905, 5348, 5493, 6772, 7435, 8327, 10170, 12252, 13478, 14740, 14741, 17140, 17248, 17836, 17986, 18164, 18978, 20068, 20069, 20269, 20952, 21472, 22126, 22127, 22249, 22250, 23274, 23724, 23990, 24179, 24721, 24996, 25204, 28076, 28790, 29272, 29273, 29550, 29551, 30099, 30465, 31597, 32320, 33010, 33435, 33655, 33966, 42340, 42341, 43485, 43718, 44807, 44808, 45159, 45420, 46304, 46306, 47481, 48119, 48501, 49094, 49095, 51033, 53231, 53380, 53995, 54240, 55638, 57204, 57353, 57354, 57666, 57785
71.181 .. 1038, 1508, 1682, 1683, 2422, 2577, 3210K, 3289, 3409, 3575, 3761, 4120, 4121, 4298, 4905, 5140, 5348, 5349, 5493, 5494, 5756, 6203, 6347, 6641, 7436, 7627, 7900, 7901, 8327, 8545, 8797, 10171, 10172, 10173, 10662, 10663, 10951, 11550, 11551, 11712, 11861, 11862, 12253, 12485, 12649, 12774, 12997, 13478, 14298, 14299, 14741, 15086, 15385, 15867, 16300, 16651, 16832, 17006, 17007, 17140, 17248, 17249, 17836, 17837, 17986, 18164, 18549, 18978, 19809, 20069, 20612, 21931, 22127, 22250, 22539, 23724, 23990, 24179, 24180, 24181, 24355, 24356, 24518, 24720, 24721, 24895, 24997, 25585, 25673, 26019, 26020, 26021, 26022, 26504, 26673, 27440, 28076, 28077, 29272, 29273, 29551, 30099, 30465, 30633, 30808, 30933, 31927, 32319, 32320, 32741, 32742, 33199, 33435, 33654, 33655, 33819, 33820, 33966, 34087, 34333, 34334, 36108, 36109, 36560, 36763, 39495, 39855, 41520, 41998,

CODE
XUM

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Title 14, Chapter I—Continued

71.181—Continued Page
42341, 42342, 42741, 43019, 43020, 43485, 43486, 43487, 43718, 44127, 44540, 44808, 44809, 45420, 45804, 46304, 46305, 46306, 47104, 47481, 47482, 48118, 48119, 48120, 48501, 49095, 49567, 49568, 50257, 51416, 51997, 52608, 52722, 53231, 53232, 53549, 53550, 53996, 54240, 55638, 56423, 56424, 56884, 57203, 57204, 57354, 57444, 57786, 58131, 58849, 58850, 59199, 59722, 59723
Effective date corrected 48911
71.203 ..... 34087, 44311
71.207 26020
71.209 ..... 43487, 50025
71.211 ..... 8327, 17008, 17549, 34088, 43885
71.213 ..... 17008, 34088, 43885
71.215 36311
71.401 ..... 4120, 10170, 12253, 16050, 18414, 20269, 24180, 31927, 36311
73 Republished 652
73.15 (a)(2) removed 27015
73.19 (c) removed 27015
73.22 43719
73.24 23458
73.25 ..... 25442, 29552, 34334, 46098, 57354
73.26 25204
73.29 37030
73.30 ..... 1038, 7082, 26260, 27227, 39495
73.32 18978
73.40 48501
73.41 50025
73.48 34334
73.51 ..... 4299, 30634, 38146
Effective date corrected 41092
73.53 ..... 6203, 8070, 10663, 17550
73.55 8940
73.60 7082
73.61 25204
73.63 ..... 23457, 23458, 30633
73.64 ..... 26260, 31209, 38146
Effective date corrected 41092
73.67 33655
73.69 17550
73.71 ..... 27440, 45805
75 Republished 704
75.100 ..... 17008, 23724, 25204, 25441, 25442, 26020, 26023, 27015, 27644, 28077, 31598, 34088, 43487, 43885, 44311, 46306, 55830, 56652, 56884, 58850
75.400 ..... 25204, 28077, 47482
91 Special FAA Reg. 29 added 2420
Technical correction 12253
Special FAA Reg. 27 amended 55312

Page
91.24 (b)(2) revised 16652
(c) revised 27016
91.75 (a) amended 10451
91.87 (h) revised 29705
91.90 (b)(1)(i) revised; (b)(2)(iii) amended 16652
91.116 (f) amended 10451
93.81 Revised 37031
93.83 Revised 37032
93.113 Amended 26261
95 ..... 2577, 2578, 3576, 8072, 12485, 22239, 30100, 42181, 43885, 52224
97.21—97.35 ..... 1232, 3577, 3578, 3761, 4647, 5494, 6642, 7628, 8545, 8546, 10452, 11713, 12649, 13479, 14893, 16300, 17141, 18164, 18165, 18978, 18979, 20069 20070, 21027, 22827, 23844, 24182, 24997, 26022, 26023, 27016, 28606, 29071, 30106, 30934, 32320, 33199, 34335, 36763, 39496, 39497, 41093, 42342, 43020, 44127, 44128, 45421, 48120, 48121, 49568, 50520, 51622, 51623, 53004, 53996, 53997, 55313, 57205, 57687, 58625, 59724, 60040
103.1 (c)(4) revised; (c)(7) and (d) added 17142
103.3 (a) revised, (d) added 5141
(e) added 17142
(d)(3) amended 26673
(d)(3) removed 57667
103.4 Added 5141
103.5 Removed 48466
103.7 (b)(6) revised 17142
103.19 (a) and (c) revised 58285
(a) corrected 58850
103.23 (c) and (d) added 5141
(c) amended 26673
(c), (d), and (e) removed 57667
103.25 Revised 5141
103.31 (b) revised 58285
103.33 Heading, introductory text, and (a) revised; (c)(3) added 58285
103.37 Added 58285
121 Special FAA Reg. 30 added 57445
121.288 Time extended 7436
Removed 49096
121.303 (d)(2) amended; (d)(3) added 55314
121.319 (a)(1) removed; (b)(5)(ii) and (iv) revised 42186
121.360 Revised 19638
Heading, (a) and (b) revised; (f) and (g) added 42185
(a) amended; (h) added 50707
(d) revised 55314

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Page
121.538 (c)(2) and (3) amended; (c)(4) added 17552
(c)(2), (3), and (4) effective date postponed 25802
121.538a Added 10173
121.575 (b) revised 17552
(b) effective date postponed 25802
121.584 Added 17552
Effective date postponed 25802
121.585 Revised 17552
Effective date postponed 25802
121.697 (c) and (d) revised; (e) added 44541
121 Appendix A amended 1039
123 Special FAA Reg. 30 added 57445
129.25 Added 29274
129.27 Added 29274
135 Special FAA Reg. 30 added 57445
135.2 (a) amended; (e) revised 21705
139.1 (b) (4) and (5) added 11714
171.13 (b) amended 36110
171.33 (b) amended 36110
171.53 (b) amended 36110
171.117 (b) amended 36110
171.163 (b) amended 36110
171.213 (b) amended 36110
171.251—171.275 (Subpart I) Added 36110
171.265 (b) and (g) corrected 41093
(j) corrected 43719

Chapter II—Civil Aeronautics Board

201.4 (d) added 37182
207.11 (b)(9) and (c)(7) added 34088
207.18 Removed 49771
208 Technical correction 51180
208.6 (b)(8) and (c)(7) added 34088
208.41 Removed 49771
211.1 Revised 28077
211.2 Revised 28078
211.4 Revised 28078
211.5 (e) added 37182
212.8 (a)(9) and (b)(7) added 34088
212.16 Removed 49771
214.7 (a)(6) and (b)(6) added 34088
214.9d Removed 49771
216.4 (a) revised 23844
217.1 Amended 28078
217.2 Revised 28078
217.6 (a) revised 28078
(b)(1) through (9) CFR correction 33435
(b)(10) and (11) added; (g) revised 48502
221.165 (b)(2) revised 37183
222.2 Revised 25585

Page
223 Recodified to include the provisions of Parts 223, 224, and 233 as Subparts A, B, and C, respectively, and revised 18415
Corrected 18979
223.24 (b) revised; (d) removed 60040
223.25 Revised 60040
224 Removed; provisions recodified as Subpart B of Part 223 18415
227 Removed 24998
228 Appendix note amended 26023
228.1 Revised 43886
228.4 (h) revised 2797
233 Removed; provisions recodified as Subpart C of Part 223 18419
239 CAB Form 239 amended 1040
239.1 Amended 1040
239.6 (j) revised 1040
239.7 (c), (d), (e), and (f) revised 1040
240.1 (a) and (c) revised 27017
(d) removed 27017
(c) revised; eff. 1-8-76 58850
240.2 Revised 27017
241 Sec. 22(a) tables revised 16652, 42855
Sec. 23 amended 16654
Sec. 24 amended 16654
Sec. 25 amended 48502
Sec. 35 amended 48502
249.2 Amended 49771
249.9 (a) revised 49771
250 Technical correction 6347
250.2 Revised 4410
261.9 Added 37183
287.3a Revised; time extended 19639
288 Technical correction 58449
288.7 (a) and (d) amended 1040, 5757, 10174, 14894, 19639, 23845, 28450, 46098
(a) and (d) revised 3583
(a) corrected 8073, 10663, 24518
Special temporary regulation 5758
Technical corrections 6642, 20612
(b) table revised 18774, 28078
(a)(1) and (d)(2) amended 56853
288.8 Revised 3584
288.10 (b) revised 3584
(b) table corrected 5142
296 Revised 28080
296.83 (a)(4) corrected 30634
297 Removed 28087
298 Revised 42855
298.42 (c) footnote 8 corrected 48122
302.4 (a) revised 37184
302.1101 Revised 10968
302.1109 Revised 10968
310.5 Revised 7241

58-120 O - 76 - 7

CODE
XUM

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Title 14, Chapter II—Continued

Page

310.7 Revised 10663
310.9 Revised 10663
310.10 Added 10664
310a Added 45104
311.43 (b) through (h) revised 10664
312 Added 37190
312.12 (a) revised 59426
312.20 Appendix A corrected 43211
372.24 (a) (2) (ii) (f) revised 52355
372a.5 Removed 13205
372a.25 (a) revised 1233
(b) (2) (vii) revised 42742
372a.50 (c) removed 49772
373.15 (b) (2) (viii) revised 52355
373.17 Removed 49772
373.20 (Subpart C) Subpart and Section headings and text revised 43719
373 Appendix B removed 43719
375.40 (a) revised 23070
377 Revised 24998
378.16 (b) (2) (viii) revised 52355
378.16a Removed 49772
378.20 (Subpart C) Subpart and Section headings and text revised 43719
378 Appendix B removed 43719
378a Added 34100
378a.2 Amended 51417
378a.25 (b) (1) revised 50520
378a.30 (j) corrected 41093
378a.31 (c) revised 36764
(b) (2) (ix) revised 50521
(b) (2) (viii) revised 52356
378a.40 Revised 51417
378a.44 Added 51417
378a.50 (b) and (c) revised 50521
378a.102 Amended 41093
378a.107 (a) revised 50521
378a Appendix A added 36765
Appendixes B, C, and D added 50521
385 Technical correction 44128
385.12 (d) added 7241
(e) added 45106
385.13 (ff) corrected 4300
(v) introductory text, (v) (2), (cc) and (ff) revised; (ii) added 40816
(v) corrected 44128
385.22 (e) added 27018
385.24 Added 45106
385.25 Added 45106
389.11 (a) revised 7242
389.14 Revised 7242
389.22 (b) revised 19810, 20613
(c) revised 20613
389.23 (b) revised 20613
389.25 (h) and (j) revised; (m) added 34106
399.2 Introductory text amended 6643
399.14 Revised 28087
399.16 (b) revised 3409
399.31 Revised 6643
399.32 Revised 6643
399.33 Revised 6643
399.34 Removed; provisions revised and redesignated as § 223.9 18419
399.45 Removed 6773
399.84 Added 4907
399.110 (Subpart J) Removed 37184

Chapter III—National Transportation Safety Board

Chapter removed; redesignated as 49 CFR Chapter VIII and revised 30106
400 Revised 14572
Redesignated as 49 Part 800 and revised 30232
401 Appendix A added 7250
Revised 14574
Redesignated as 49 Part 801 and revised 30232
405 Redesignated as 49 Part 805 and revised 30239
421 Redesignated as 49 Part 821 and revised 30243
425 Revised 14578
Redesignated as 49 Part 825 and revised 30248
430 Redesignated as 49 Part 830 and revised 30249
431 Redesignated as 49 Part 831 and revised 30250
435 Redesignated as 49 Part 835 and revised 30253
440 Redesignated as 49 Part 845 and revised 30254

Chapter V—National Aeronautics and Space Administration

1204.501 Revised 48121
1204.600—1204.608 (Subpart 6) Removed 48122
1206 Revised 7244
1206.500—1206.504 (Subpart 5) Revised 54240
1206.702 (a) revised 54240
1209.400—1209.405 (Subpart 4) Revised 30465
1212 Added 43668

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Title 14—*Proposed Rules:*

Page

Ch. I 20289, 42754, 43919
1 ..... 21866, 22110, 24664, 26043, 29410, 47794
11 23897
21 ..... 1061, 2823, 4152, 10802, 22271, 24664, 29410, 47794
23 ..... 10802, 21866, 22110, 22554, 23048, 23474, 24664, 24802, 29410, 47794
25 ..... 6506, 10802, 15093, 21485, 21866, 22110, 22554, 23048, 23474, 23764, 24664, 24802, 29410, 47794, 48699, 59354
27 ..... 10802, 12518, 21866, 22110, 22554, 23048, 23474, 24664, 24802, 29410, 47794
29 ..... 10802, 12518, 21866, 22110, 22554, 23048, 23474, 24664, 24802, 29410, 47794
31 ..... 10802, 29410, 47794
33 ..... 10802, 21866, 29410, 47794
35 ..... 10802, 21866, 29410, 47794
36 ..... 1061, 2823, 4152, 14093, 51476, 59447
37 ..... 11002, 30839, 57222
39 ..... 1711, 3312, 3784, 6509, 6875, 7677, 8217, 8568, 11003, 11596, 12809, 16854, 17852, 18562, 20289, 22271, 22554, 23764, 24363, 24364, 24914, 25027, 25479, 26541, 26542, 28096, 29301, 30126, 30980, 31624, 31806, 32342, 32343, 32837, 32838, 33049–33052, 33682, 34139, 39896, 41143, 41537, 42023, 43919, 44335, 44570, 44841, 46320, 46321, 47794, 48519, 50544, 50545, 50726, 51202, 52744, 53004, 53269, 53406, 54260, 57811, 59221
43 ..... 8685, 22110, 29410, 47794, 48699
45 ..... 5542, 29410, 47794
49 2245
61 8685
63 ..... 8685, 48699, 57342
65 ..... 8685, 48699
67 42024
71 ..... 1059, 1060, 1061, 1518, 2445, 2824, 2825, 3220, 3312, 3313, 3611, 3784, 3785, 4152, 4153, 4319, 4444, 4937, 5167, 5373, 5542, 5543, 5793, 6369, 6509, 6510, 7464, 7677, 7678, 7944, 8108, 8217, 8359, 8360, 8831, 8958, 10193, 10194, 10692, 11003, 11597, 11893, 12110, 12518, 12677, 12678, 12810, 12811, 13001, 13519, 14334, 14780, 14781, 15094, 15399, 15400, 15907, 16088, 16089, 16217, 16345, 16346, 16854, 17264, 17265, 17596, 17853, 18001, 17176, 19019, 19020, 19484, 19485, 19834, 20107, 20290, 20291, 20292, 20293, 20640, 20825, 20955, 20956, 21484, 21485, 21740, 22272, 22556, 22557, 23084, 23310, 23474, 23475, 23765, 23766, 24019, 24204, 24364, 24365, 24914, 25027, 25028, 25218, 25480, 25601, 25687, 26043, 26044, 26045, 26277, 26542, 26543, 26684, 26685, 26686, 27042, 27244, 28628, 29302, 29554, 29728, 30127, 30128, 30493, 30494, 30495, 30670, 30840, 30981, 31245, 31247, 31806, 31958, 31959, 32343, 32344, 32345, 32346, 32758, 32839, 33223, 33224, 33461, 33462, 33997, 33998, 34140, 34141, 34605–34608, 36144, 36380, 36381, 36575, 36777, 37045, 37226, 39529, 39897, 39898, 42025, 42210, 42364, 42365, 42366, 44576, 44841, 44842, 45846, 46116, 46321, 47141, 48141, 48142, 48520, 48939, 49100, 49101, 49794, 50099, 50726, 51058, 51481, 51655, 52051, 52052, 52053, 52409, 53045, 53270, 53271, 53406, 53594, 54006, 54007, 54429, 54587, 55664, 55665, 55866, 56919, 57368, 57369, 57811, 58863, 58864, 59222, 59448
73 ..... 1518, 3220, 6979, 11597, 12110, 15907, 20825, 25688, 26277, 29554, 30494, 42210, 53045, 59448
75 ..... 14781, 19834, 21986, 22553, 23475, 24914, 28096, 28097, 28628, 31245, 34606, 36381, 42756, 43036, 43513, 44335, 45192, 48939, 49577, 52409, 53406
91 ..... 1072, 8218, 8685, 10802, 14093, 14334, 22110, 22554, 23048, 23474, 24664, 26043, 28628, 29089, 29410, 44256, 44842, 47794, 48699, 54188, 57342, 59745
93 ..... 20826, 21740, 25028, 25219, 28629
101 8685
103 ..... 5168, 32758, 45197, 57688
105 ..... 8685, 48699, 57342
121 ..... 6506, 8222, 8685, 8830, 10802, 11004, 11736, 11737, 17156, 21485, 23048, 24664, 24802, 29410, 30839, 47794, 48699, 57342, 59745
123 ..... 8685, 48699, 57342, 59745
127 ..... 8685, 10802, 23048, 48699
129 ..... 8222, 8685, 57342
133 ..... 8685, 10802, 48699, 54188
135 ..... 6370, 8685, 10802, 16347, 22110, 48699, 57342, 59745
137 ..... 8685, 8831, 48699, 57342
141 8685
143 ..... 8685, 48699
145 ..... 8685, 48699, 57342
147 ..... 8685, 48699, 57342
148 8685
152 ..... 36516, 44842
159 49577
183 48699
Ch. II 11601
207 ..... 5371, 17039, 18003
208 ..... 5371, 17039, 18003
212 ..... 5371, 17039, 18003
214 ..... 5371, 17039, 18003
217 ..... 17039, 18003, 43920, 46321, 49579

Title 14—*Proposed Rules*—Continued

Page
221 ---- 11602, 13002, 17596, 24740, 28489, 30128
231 ---- 43743
234 ---- 18450
241 ---- 17039, 18003, 30497, 43920, 46321, 49579, 50727, 54813, 57462, 59746
249 ---- 17039, 18003
253 ---- 54007, 54010, 55665
288 ---- 49794, 55366, 58864
310 ---- 2826
310a ---- 30283
369 ---- 18003
372 ---- 6512
372a ---- 17039
373 ---- 6512
378 ---- 6512, 17039, 57462
378a ---- 17039, 18003
385 ---- 2826, 30283
389 ---- 2826, 17039, 18003
399 ---- 30748, 54007, 54010, 54812, 55665
401 ---- 2446
1206 ---- 2716
1212 ---- 38073

TITLE 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

4 Revised ---- 11553
4.4 (d) revised ---- 24721
4 Appendix A notice ---- 14056
Appendix B amended ---- 24721
4b Added ---- 45621, 50662
Corrections ---- 51168
9.2 (b) revised ---- 33966
9.3 Amended ---- 33966

Chapter I—Bureau of the Census, Department of Commerce

30.55 (1) added ---- 32116
30.70 (c) (1) and (2) revised ---- 60041
30.80 (b) revised ---- 60041
50.10 Revised ---- 6324
60 Revised ---- 19810
80 Added ---- 53232

Chapter II—National Bureau of Standards, Department of Commerce

256.2 Amended ---- 50707
256.6 Revised ---- 50707
Subchapter F established ---- 32830
265 Added to Subchapter F; transferred from Subchapter E ---- 32830

Chapter III—Domestic and International Business Administration, Department of Commerce

Page
301 Redesignated from Part 701 ---- 12253
Authority citation revised ---- 12254
Numbering changes ---- 12254
301.1 (a) revised ---- 12254
301.2 (a) amended ---- 12254
301.3 Revised ---- 12254
302.2 (f) revised ---- 17837
302 Appendix B added ---- 17837
350 Added (Recodified from subparts A and B of Part 500) ---- 14921
355 Added ---- 14926
369 Revised ---- 54770
Table of contents revised ---- 59333
369.2 (b) (1) amended; (b) (2) (viii) revised ---- 45422
370 Supplement No. 1 amended ---- 21931
Nomenclature changes ---- 59334
370.2 (a) (4) revised ---- 45160
370.10 (f) (2) and (3) (i) revised ---- 23990
370.12 Added ---- 23991
371.9 Amended ---- 21931
(b) (2) removed; (b) (4) amended ---- 40508
371.10 Amended ---- 21931
371.12 (b) (4), (c) (4), and (d) revised ---- 50707
371.22 (e) revised ---- 23991
372 Revised ---- 27227
Nomenclature changes ---- 59334
372.11 (k) revised ---- 59333
372.12 (c) revised ---- 23991
(d) and (e) revised ---- 59334
373.3 (d) (3) (ii) (e) removed; (d) (3) (ii) (g), (h) (1) and (k) revised ---- 8199
(a) (2) amended ---- 21931
373.4 (b) amended ---- 31209
373 Supplement No. 1 amended ---- 31209
373.5 (d) (2) revised ---- 59334
373.6 (b) (2) and (d) (2) revised ---- 59334
374 Revised ---- 23991
374.3 (d) (1) (i) (b) amended ---- 21931
375 Revised ---- 59325
376.3 Removed ---- 4907
376.5 (b) and (c) revised ---- 27237
376.9 Amended ---- 21931
376.11 Added ---- 8199
376.12 Note revised ---- 8199
376 Supplement No. 3 amended ---- 27238
377 Time extended ---- 40507
377.4 Removed ---- 1041

Page
377.6 (c), (d) (2), and (e) (2) amended ---- 2174
(d) (3) and (e) (4) added ---- 2174
(d) (1) revised; (d) (4) and (5), and (e) (5) added ---- 45160
377 Supplement No. 1 removed ---- 1041
Supplement No. 2 revised ---- 2175, 15867, 29705, 45161
378 Nomenclature changes ---- 59334
378.5 Added ---- 31210
378 Supplement No. 2 added ---- 31210
Supplement No. 3 added ---- 31210
379 Nomenclature changes ---- 59334
379.3 (c) (3) footnote revised ---- 23994
379.4 (e) (1) (iii) (n) added ---- 36311
379.5 (f) added ---- 23994
379.8 (c) (1) revised ---- 23994
(c) revised ---- 56424
385 Nomenclature changes ---- 59334
385.1 (a) amended ---- 21932
(b) revised ---- 55314
385.4 (d) removed ---- 21932
(a) revised ---- 23994
386.6 (d) (2) (i) (b) and (3) amended ---- 21932
386.8 (b) (1) (iii) (b) revised ---- 23994
390.5 Added ---- 21932
399.1 Amended ---- 1041

Chapter V—Office of Trade Adjustment Assistance, Department of Commerce

Chapter removed ---- 14931
500 Removed (provisions recodified under Part 350) ---- 14930

Chapter VII—Office of Import Programs, Department of Commerce

Chapter removed ---- 12254
701 Redesignated as Part 301 ---- 12254

Chapter VIII—Bureau of Economic Analysis, Department of Commerce

Page
803.1 (b) revised ---- 21705
803.2 (a) (2) amended ---- 21705
803.4 (a) (1) and (b) (1) revised ---- 21705
803.5 (g) revised ---- 21706
804 Added ---- 5004

Chapter IX—National Oceanic and Atmospheric Administration, Department of Commerce

903 Revised ---- 41999
920.40 Revised ---- 16833
920.45 Revised ---- 16833
920.46 Revised ---- 16834
920.47 Revised ---- 16834
920.48 Revised ---- 16834
920.49 Revised ---- 16834
923 Added ---- 1685
Prior 923 (39 FR 11999) redesignated as 926 ---- 4648
924 Interim regulations added ---- 5349
Revised ---- 21706
925 Interim regulations added ---- 8546
Time extended ---- 19194
926 Redesignated from prior Part 923 ---- 4648
Revised ---- 11863
927 Added ---- 23275
928 Added ---- 23275
950 Revised ---- 56653

Chapter XI—Social and Economic Statistics Administration, Department of Commerce

Chapter XI established ---- 20070
Removed ---- 44809
1160 Added ---- 20070
Removed ---- 44809

Chapter XII—United States Travel Service, Department of Commerce

1202 Added ---- 34107

Chapter XIII—East-West Foreign Trade Board

Chapter established ---- 29534
1300 Added ---- 29534

Chapter XX—Office of the Special Representative for Trade Negotiations

Chapter XX: Appendix A added ---- 18422
2001 Revised ---- 18419
2001.3 (a) (13) revised ---- 39497
2002 Revised ---- 18420
2002.1 (b) (4) redesignated as (b) (5); new (b) (4) added ---- 39497
(a) amended ---- 60042
2002.2 (b) (5) removed ---- 39497
(a) amended; (b) (8) and (9) redesignated (9) and (10); new (b) (8) added ---- 60042
2002.3 Redesignated as 2002.4; new 2002.3 added ---- 39497
2002.4 Redesignated from 2002.3 and amended ---- 39497
2003 Revised ---- 18421

Title 15, Chapter XX—Continued

	Page
2003.1 (b) removed; (c) redesignated as new (b)	39498
(b) redesignated (c); new (b) added	60042
2003.2 (e) revised	39498
2003.3 Removed	39498
2003.4 (a) amended	39498
2004 Added	30934
2005 Added	48331
2006 Added	39498
2007 Added	60042
Title 15—*Proposed Rules:*	
3	47797
4	2821
4b	32960, 45632, 50662
7	20092
9	7099
60	52045
80	42209
500	12276
510	12276
803	14603
923	52405
1202	23875
2005	39384

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

	Page
1.4 (b) revised	15233
1.7—1.10 Added (together with new 1.11—1.16, to form new Subpart B)	15232
1.7—1.16 (Subpart B) Added Revised	15232, 33966
1.11—1.16 (former Subpart B) Redesignated as 1.21—1.26 (Subpart C)	15232
1.12 Added	33967
1.14 Added	33968
1.17 Added	33968
1.18—1.20 Added	33969
1.21—1.26 (Subpart C) Added	15232
1.21 (former Subpart C) Redesignated as 1.91 (Subpart J)	15232
1.22 Redesignated from 1.12 and revised	15232
1.24 Redesignated from 1.14 and revised	15233
1.61 Revised	15233
1.81—1.85 (Subpart I) Technical correction	17008
1.81 (a) and (b) revised	15233
1.82 Revised	15233
1.83 (a) and (b) revised; (c) and (d) added	15233
1.84 (a) and (b) revised; (c) added	15234
1.85 Revised	15234
1.86 Added	15234
1.91 (Subpart J) Redesignated from 1.21 (Subpart C)	15233
2.1 Revised	760
2.7 Revised	760
(c) added	21708
2.11 Revised	761
(c) added	21708
2.12 Revised	761
(c) added	21708
2.14 (c) revised	761
(a) revised	15235
2.31—2.35 Revised	15235
3.2 Revised	33969
3.11 (a) revised	60043
3.13 Revised	33969
3.21 (c) revised	15234
(a)(5) revised	33970
3.25 Added	15236
3.61 (c) revised	761
(f) revised	15234
4.1 (b)(4) revised	15235
4.2 (a) revised	761, 15235
(c) and (d)(1) revised	15235
(d)(5) revised	59725
4.4 (a)(1) and (b) revised; (a)(2) removed; (a)(3) redesignated as (a)(2)	21708
(c)(3) revised	22827
(a)(3) added; (c)(3) removed; (c)(4) redesignated (c)(3)	60043
4.8 (b) and (c) revised	7251
4.9 (a) and (b) (1) and (4) revised; (c) (1) through (7) redesignated as (b) (17) through (23); (c) removed; (d) and (e) redesignated as (c) and (d)	7628
(b)(10), (12), and (14) revised	15236
(b)(5) revised	33970
4.10 (a) introductory text, (1), (4), and (5) revised	7629
(a)(1) revised	23278
4.11 Revised	7629
(b) revised	23278
4.13 Added	40780
13 Heading revised	761
13.533 — 13.533–70 (Subpart) Added	761
13.687—13.687–5(a) (Subpart) Added	57668
13.1852–20 Added	57668
14.11 Added	23845

	Page
142.6–1—142.6–3 Revised	11714
255 Added	22128
256 Added	33436
256.0 Corrected	36116
256.4 Note corrected	36116
256.5 (b) corrected	36116
256.11 (e) corrected	36116
259 Added	42004
302 Removed	59884
302.19 Heading revised; (d) redesignated as (g); new (b)(8), (d), (e), and (f) added	16660
(b)(8) introductory text revised; (b)(8)(i) and (ii) redesignated as (b)(8)(iii) and (iv); new (b)(8)(i) and (ii) added	27933
(b)(8)(iii) revised	53235
(e)(1)(ix) revised	53235
(e)(1)(ix) corrected	56659
302.21 Added	14589
(b)(4) revised; (b)(7) amended	27933
(b)(7)(i) and (d)(1)(ix) revised	53235
304 Added	5496
433 Added	53506
Technical corrections	58131
433.2 (b) corrected	58131
435 Added	49492
Technical corrections	51582, 53383, 53557
Subchapter G (Parts 701—703) Established	60188
701 Added	60188
702 Added	60189
703 Added	60215

Chapter II—Consumer Product Safety Commission

	Page
1001.60 Removed	51360, 51363
1009 Added	47486
1012 Added	51363
1014 Added	53381
1018 Added	43886
1031 Added	26025
Technical correction	29815
1031.5 (i) corrected	27934
1109 Added	48122
1115.1 Revised	58449
1115.4 Revised	58450
1115.8 Revised	58450
1115.9 Amended	58450
1116 Added	30937
Effective date postponed	42005
1116.2 (b)(4) corrected	32830
1116.8 (c), (f), and (g) corrected	32830
1116.9 (a)(2)(i) corrected	32830
1500.18 (a)(12) revised; eff. 5–11–76	52834
1500.50—1500.53 Added	1483
Authority citation corrected	6210
1500.50 Added	1483
(b) corrected	16191
1500.51 Added	1484
(g)(1) corrected	6210
(b), (c), (d), (e), (f), and (g) corrected	16192
(f)(1)(ii) corrected	17746
1500.52 Added	1485
(a) and (f)(3) corrected	6210
(b), (d), (e), and (f) corrected	16192
1500.53 Added	1486
(b), (c), (d), (e), and (f) corrected	16192
1512.3 Revised; eff. 5–11–76	52825
1512.4 (b), (d), (e), (g), (h), and (j) revised; eff. 5–11–76	52822
1512.5 (b)(3), (4), and (8), (c)(1) and (2), and (d) revised; (c) introductory text amended; eff. 5–11–76	52822
(c)(3) revised; eff. 11–13–76	52834
(c)(1) corrected	57449
1512.6 (e) revised; eff. 5–11–76	52834
1512.7 (b) revised; eff. 5–11–76	52822
1512.8 Corrected; eff. 5–11–76	52822
1512.9 (a) revised; fig. 7 added; eff. 11–13—76	52835
1512.10 Revised; eff. 5–11–76	52823
1512.12 (a) revised; eff. 5–11–76	52823
1512.14 Heading and text revised; eff. 5–11–76	52823
1512.16 Introductory text, (c) and (d) revised; eff. 5–11–76	52823
1512.17 (d) revised; eff. 5–11–76	52823
1512.18 (b), (d)(2)(i), (iii), (v), and (vi) and (k)(1)(i) and (2)(i) revised; eff. 5–11–76	52823
(e)(2) and (3) revised; eff. 11–13–76	52823
(m)(2), (n)(2)(ii), (iv), and (vii), and (o)(1) and (2)(iii) and (iv) revised; eff. 5–11–76	52823
(j)(3)(i) corrected; eff. 5–11–76	52825
(h)(1) revised; eff. 5–11–76	52835
(f) effective date set to 11–13–76	52835
1512.19 (d) and (e) added; eff. 5–11–76	52835
1602—1632 (Subchapter D) Revised	59884
1602 Revised	59884
1602.2 Added	56885

CODE

XUM

(CHANGES JANUARY 2 THROUGH DECEMBER 31, 1975)

Title 16, Chapter II—Continued

		Page
1607	Revised	59886
1608	Added	59887
1609	Removed	43889
	Added	59889
1610	Added	59891
1611	Added	59898
1615	Added	59903
1616	Added	59917
1630	Added	59931
1631	Added	59935
1632	Added	59940
1700.5	Added	4650

Title 16—*Proposed Rules:*

	Page
1	15237, 20109
3	15239, 20110, 21047, 22146, 25032
4	2450, 15245, 20110, 21047, 22146, 25032, 34162, 38171
19, 20, 28, 31, 33, 37	21047
49, 53, 65, 72, 76, 84	21047
85, 87, 97, 99, 108–110	21047
119–122, 124–127	21047
129, 133, 134, 137, 139	21047
140, 143, 147–149	21047
155, 163, 164, 166–168	21047
171–173, 179, 180, 183	21047
188–190, 193, 211–213	21047
218–220, 225	21047
255	22146, 30988
257	28489, 33832
302	3279, 32845, 49536
433	53530
437	6375, 6688, 23086, 23897, 29892, 36145
438	2450, 21048, 23091, 36146, 44582, 55368
439	2451, 30842, 32764
440	26646, 36145, 59746
441	23334, 36145
443	34615, 37226, 49801, 58867
444	16347, 25607, 29892, 36145
445	39532, 42757, 50281
447	24031, 24755, 36145, 44850
450	52631
453	39901, 42212, 42371
454	41144, 49801
502	26283
701	29892, 37226
702	29894, 30674, 37226
703	29895, 37226
Ch. II	3276
1014	42025, 43231, 43743
1016	29092, 32346, 39901
1207	42562, 44577, 50728, 52856, 54011
1500	1488, 1491, 1493, 2211, 2212, 4320, 12678, 17157, 20293, 25480
1509	20293
1512	1493, 2211, 2212, 25480
1607	12111
1700	2627, 58865

(CHANGES APRIL 1 THROUGH DECEMBER 31, 1975)

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Futures Trading Commission

	Page
Chapter heading revised	17406
1 Technical correction	18776, 23278
1.3 (aa) added	20616
(z) revised	48689
1.10a Added	17407
1.10b Added	20616
Revised	30107
1.10c Added	20616
1.10d Added	20616
1.11 Amended	20616
Revised	30107
1.14 Heading revised; (a) amended; (b) redesignated as (c); (a)(3), (4), and (5) and new (b) added	20616
1.31 Revised	29085
1.52 Added	17408
1.53 Added	30108
15.02 Revised	23995
15.03 Revised	23995
17.04 Added	29795
Removed	41117
17.05 Added	29795
Removed	41117
18.03 Revised	23995
18.07 Added	29795
Revised	41117
30 Added	26505
146 Added	41058
150.1 (c) revised	15087
150.2 (c) revised	15087
150.3 (c) revised	15087
150.4 (c) revised	15087
150.5 (c) revised	15087
150.10 (c) revised	15087
150.11 (c) revised	15087

Chapter II—Securities and Exchange Commission

	Page
200 Authority citation corrected	17008
200.30–1 (d)(4) revised	22129
(a)(8) added	50711
(d)(3)(i) and (ii) revised; (d)(3)(iii) removed	54774
200.30–3 (a)(12) added	26506
(a)(3)(i) revised; (a)(3)(ii) removed; new (a)(3)(ii) redesignated from (a)(3)(iii)	27441
(a)(13) added	40512
(a)(14) added	49776
(a)(15) added	51183
(a)(16) added	58132
Introductory text and (a)(5) revised	59712
200.30–4 (a)(2) revised; (a)(3) and (4) added	14748
200.30–5 (b)(1) revised; (b)(2) amended	27441
200.30–7 (b) redesignated as (c); new (b) added	46107
200.30–11 (a)(1)(i) revised; (a)(1)(ii) removed; new (a)(1)(ii) and (iii) redesignated from (a)(1)(iii) and (iv)	27441
(b)(1) revised; (b)(2) amended	27441
(a)(2) added	49776
(a)(3) added	51183
200.30–12 Added	16052
200.80 (b)(3)(i) amended	54774
(c)(1) and (d)(2), (5), and (6)(i) and (ii) amended	57449
200.301—200.311 (Subpart H) Added	44068
200.312 Added	44073
201.1 Revised	42186
201.25 (a) amended	54774
201.26 (b)(5) added	54774
201.27 Revised	42186
210.1–02 (h) through (x) redesignated as (i) through (y); new (h) added	55835
210.2–02 (e) added	46111
210.3–16 (t) added	46111
(o)(1) amended	48359
(o) and (q)(1), (2), and (4)(i) and (iv) revised	59340
210.4–02 (e) revised	33033
210.4–09 Removed	55835
210.5–01 (a)(1) removed; (a)(2) through (9) redesignated as (a)(1) through (8); (c) added	55835
210.5–02 Amended	48359, 59340
210.5–03 Amended	48359
210.5–04 Amended	48359
210.5A–01—210.5A–02 Undesignated center heading revised	55835
210.5A–01 Revised	55836
210.5A–02 Revised	55836
210.5A–03—210.5A–07 Removed	55836
210.6–03 Amended	59341
210.6–22 Amended	59341
210.7–01—210.7–06 Revised	55831
210.7A–03 Amended	59341
210.9–05 (e), (f), and (g) added	58851
210.11A–01 Revised	46111
210.12–01 Revised	55836
210.12–06 Amended	55836

58-120 O - 76 - 8

CODE
XUM

(CHANGES APRIL 1 THROUGH DECEMBER 31, 1975)

Title 17, Chapter II—Continued

Page

210.12–06A Removed 55836
210.12–07 Amended 55836
210.12–08 Amended 48359
210.12–16 Amended 48360
210.12–17 Removed 55834
210.12–23—210.12–26 Removed 55834
210.12–28 Removed 55834
210.12–30 Removed 55834
211 Interpretative releases 27441, 53557
211.148 Amended 59342
230.134 (a)(3)(iii) revised 27443
230.144 (e)(1)(i) revised 44541
230.146 (c) introductory text, (c)(3), (e)(1)(ii)(b), (e)(3) note, (f)(1), (3), and (4), (g)(1) and (g)(2) note revised 21710
231 Interpretative releases 21712, 27441, 54241
Technical correction 24896
239.12 Form S–2 amended 55836
239.13 Form S–3 amended 55836
239.90 Schedule I amended 55837
239.144 (c) added 55319
240.3b–3 Added 25444
240.9b–1 Removed 40512
240.10a–1 Added 25444
240.10a–2 Added 25445
240.11Ab2–1 Added 45424
240.13a–13 (b)(2) removed; (b)(3), (4) and (5) redesignated as (b)(2), (3) and (4) 46111
(b)(5) added 55837
240.13a–15 Removed 46111
240.15a–1(T) Added 49776
240.15b2B–1 Added 57356
240.15b3–1 (a) revised 30636, 30638
(a) effective date postponed 30637
240.15b8–1 (a)(2) introductory text, (2)(iii), and (4) revised 30638
(a)(3) revised 30636, 30638
(a)(3) effective date postponed 30637
240.15b9–1 (c) revised 30639
240.15b10–11 Added 21718
240.15c3–1 Revised 29799
(b)(2) redesignated as (b)(3); new (b)(2) added 41521
(c)(2)(xi) removed; (c)(2)(xii) and (xiii) redesignated as (c)(2)(xi) and (xii) 41521
(g)(1) revised; (g)(3) added 57788
(c)(1)(i) and (c)(2)(iv)(C) revised 57789
(c)(2)(vi) and (f)(3)(iii) amended 57790
(c)(2)(ix) and (xiii), (6), and (7) revised 57791
(f)(1) redesignated as (f)(1)(i); (f)((1)(ii) and (c)(14) added 57792
240.15c3–1a Added 29806
240.15c3–1b Added 29807
240.15c3–1c Added 29808
240.15c3–1d Added 29808
240.15c3–3 (a)(1) revised 57792
240.15d–13 (b)(2) removed; (b)(3), (4) and (5) redesignated as (b)(2), (3) and (4) 46111
240.15d–13 (b)(5) added 55837
240.15d–15 Removed 46111
240.15Aj–2 Removed 40512
240.15Aj–3 Removed 40512
240.15Ba2–1 Added 49776
240.15Ba2–2 Added 49776
240.15Ba2–3(T) Added 49777
240.17a–3 (a)(12)(i)(h) added 40513
240.17a–4 (b)(8) revised 59712
240.17a–5 Revised 59713
240.17a–8 Removed 40512
240.17a–10 (a), (d), and (e) revised 59717
240.17a–11 Revised 59717
240.17a–20 Added 20074
(a)(1) and (2) revised 59718
240.17f–2(T) Added 57450
240.17Ab2–1 Added 52358
240.17Ac2–1 Added 51184
240.19b–4 Added 40512
Corrected 42343
240.23a–1(T) Added 57358
240.24b–2 Removed 54774
241 Interpretative releases 27441, 57792, 57793
249.19a Added 40512
249.19b Added 40512
249.103 Revised 55319
249.104 Revised 55319
249.210 Form 10 amended 55837
249.307a Amended 46111
249.308a Amended 46111
Form 10–Q amended 55837
249.310 Form 10–K amended 55837
249.330 Revised 55319
249.501 Form BD amended 30637
Effective date postponed 30637
Amended 36765, 41521
249.501a Revised 55319
249.502 Amended 22828, 49312
Heading revised 30636
Effective date postponed 30637
249.504i Added 22828
249.617 Revised 59718
249.618 Revised 59718

(CHANGES APRIL 1 THROUGH DECEMBER 31, 1975)

Page

249.621 Removed 59718
249.636 Added 20075
Revised 59718
249.819a Added 40512
249.819b Added 40512
249.950 (Subpart K) Added 49777
Correctly designated as 249.1100 (Subpart L) 54425
249.1001 (Subpart K) Added 45424
249.1100 (Subpart L) Correctly designated and amended 54425
249b Added 51184
249b.200 Added 52359
250.26 Revised 22129
Technical correction 26026
250.50 Amended (suspension ended) 17251
251 Interpretative releases 27441
257 Text (except Appendix) removed; correction 26026
Appendix heading amended 26026
269.2 Revised 55320
270 Technical correction 42862
270.0–1 (e) introductory text and (e)(2) revised 33971
270.3c–4 Removed 27645
270.6c–2 Revised 41760
270.22d–3 Added 33970
270.27d–1 (c) and (d) revised 50712
271 Interpretative releases 17986, 21717, 27441, 45424, 54241
Technical correction 24896, 49080
274.101 Revised 55320
274.101a–1 Revised 55320
275.202–1 Removed 27645
275.203–1 Form ADV new instruction 44128
(a) revised 57796
275.203–2 (a) and (b) revised 57796
275.204–2 (j) added 45162
275.206(3)–1 Added 19468
Revised 38159
275.206(3)–1(T) Removed 38159
Revised 38157
275.206A–1(T) Added (temporary rule) 18425

Title 17—*Proposed Rules:*

Ch. I 49360
1 ..... 18187, 19020, 29090, 29091, 53406
12 55666
30 36382
145 34146
146 32839
150 15907
155 56660
180 54430
Ch. II 51204
200 ..... 34152, 34417, 34418, 48142

Page

210 ..... 20308, 25605, 33690, 40550, 46117, 46118
211 25605
230 ..... 20316, 27492, 29306, 29899, 30844, 34422, 40555, 44584
231 ..... 25230, 30992, 42212, 48526
239 ..... 20308, 20316, 23770, 25230, 29899, 30992, 33690, 42212, 44584, 51656, 58155
240 ..... 16090, 20316, 21498, 25494, 27492, 29899, 29306, 33690, 34422, 37228, 40858, 41806, 42212, 42219, 42905, 43743, 45203, 45448, 45853, 48142, 51060, 51656, 53046, 54840, 57463, 58154, 58155, 60084
241 ..... 25230, 30992, 42212, 48526
249 ..... 20308, 20316, 25230, 29899, 30992, 33690, 37228, 40858, 42212, 44584, 46118, 51060, 51656, 53046, 58154, 58155, 60084
259 42212
270 ..... 18007, 20315, 27493, 40555, 41818, 42757, 47152, 59603
271 ..... 18467, 20110, 24756
275 ..... 14782, 18007, 18797, 24756, 46118

TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

1.13 (d) effective date confirmed 25003
1.36 (f)(1) revised 17553
(d) removed; (f)(3) revised 42005
2.9 (b) and (c) revised 51998
2.68 Interpretation 42006
2.79 Added 41767
Reconsideration granted 51033
(h)(1) amended 54776
2.83 Added 49572
Reconsideration granted 56888
3.108 Revised 16301
3.142 (a)(42) revised; (a)(48) removed 37033
Technical correction 43488
3.170 (a)(27) added; correction 20270
(a)(28) added 27647
(a) revised 43894
(a)(27) revised 58632
3.201—3.211 (Subpart C) Redesignated from 3.735–1—3.735–11 (Subpart C) and revised 29275
3.221—3.232 (Subpart D) Redesignated from 3.735–21—3.735–32 (Subpart D) and revised 29280
3.241—3.246 (Subpart E) Added 29286

CODE
XUM

(CHANGES APRIL 1 THROUGH DECEMBER 31, 1975)

Title 18, Chapter I—Continued

Page

3.735–1—3.735–11 (Subpart C) Redesignated as 3.201—3.211 (Subpart C) and revised 29275
3.735–21—3.735–32 (Subpart D) Redesignated as 3.221—3.232 (Subpart D) and revised 29280
3b Added 44288
35.1 (d) redesignated as (e); new (d) added; eff. 3–1–76 56425
35.12 (b)(5) added 48674
35.13 (b)(4)(ii) revised; (b)(4)(iii) amended 48674
101 General Instruction 18 added 26983
Balance sheet accounts:
190 amended 26984
281—283 Introductory text revised 26984
281 amended 26983, 26984
282 amended 26983, 26984
283 revised 26984
104 General Instruction 16 added 26985
Balance sheet accounts:
190 amended 26985
281—283 Introductory text revised 26986
281 amended 26985, 26986
282 amended 26985, 26986
283 revised 26986
141.1 Amended 49573
(d) amended 57451
141.2 Amended 49573
141.300 Revised 37033
Technical correction 43488
141.301 Removed 37033
Technical correction 43488
154.38 (d)(4)(v) and (d)(5)(ii)(e) revised 43891
154.63 (c)(4) revised 43892
157.40 (c), (e), and (f) revised; (i) added 41772
Rehearing granted 51034
201 General Instruction 18 added 26987
Balance sheet accounts:
166 amended 26508
190 amended 26987
281—283 Introductory text revised 26984
281 amended 26987, 26988
282 amended 26987, 26988
283 revised 26988
204 General Instruction 16 added 26989
Balance sheet accounts:
190 amended 26989
281—283 Introductory text revised 26984
281 amended 26989
282 amended 26989, 26990
283 revised 26990
260 Petition and motion denied 58632
206.11 Revised 43894
260.21 Added 58632
260.1 Amended 49573
260.2 Amended 49573
260.13 Effective date postponed 17554
Effective date added 37034
Filing time extended 51999
260.15 Added 27647

Chapter II—Tennessee Valley Authority

301.2 Added 14749
301.11—301.24 (Subpart B) Added 45313

Chapter III—Delaware River Basin Commission

401.71—401.89 (Subpart F) Correctly designated as 401.91—401.109 (Subpart G) 17987
401.81—401.87 (Subpart F) Effective status confirmed 17987
401.91—401.109 (Subpart G) Correctly designated from 401.71—401.89 (Subpart F) and amended 17987
401.91—401.94 (Subpart G) Correctly redesignated as 401.111—401.114 (Subpart H) 17987
401.111—401.114 (Subpart H) Correctly redesignated from 401.91—401.94 (Subpart G) 17987

Chapter VI—Water Resources Council

701.300—701.313 (Subpart E) Added 45676
706 Added 32818

Title 18—*Proposed Rules:*

Ch. 1 15402
1 20827
2 ..... 16220, 22006, 22557, 24542, 25691, 26568, 29304, 32140, 33998, 37056
3 ..... 18796, 21108, 21492, 26569
3b 36546

(CHANGES APRIL 1 THROUGH DECEMBER 31, 1975)

Page

35 ..... 14606, 23768, 26702, 32763, 42029
101 ..... 14606, 23322, 27492, 33999
104 ..... 14606, 23322, 27492, 33999
141 ..... 15402, 16684, 20108, 23322, 27492, 29305, 33999, 54828
154 ..... 14606, 18467, 19661, 22006, 24031, 24542, 25691, 26568, 32140, 33998, 37056, 41537, 44582, 44850
157 ..... 22006, 24542, 25691, 26568, 32140, 33998, 37056, 41539
161 20827
201 ..... 14606, 23322, 27492, 33999, 37056, 41539, 44582, 44850
204 ..... 14606, 23322, 27492, 33999
260 ..... 16684, 18796, 21492, 23322, 26569, 27492, 31634, 33999, 37056, 41539, 44582, 44850
301 39374
701 39438
901 44336

TITLE 19—CUSTOMS DUTIES

Chapter I—United States Customs Service, Department of the Treasury

1.2 (c) table amended 19194, 24356, 26026, 26027
Technical correction 27934
1.5 Revised 27934
4.12 (a)(5) revised 55838
4.20 (c) table amended 21027
4.21 (b)(14) removed 21027
(b)(17) added 34586
4.22 Amended 44542
4.61 (b)(11) revised; footnote removed 24518
4.65a Added 24518
4.80a (d) revised 31928
4.81 (g) amended 58852
4.81a (a) amended 58852
4.93 (b)(1) and (2) amended 21028
(b)(1) amended 23846
4.94 (b) amended 32742
6.1 (a) revised 15387
6.2 (d)(1) and (3)(ii) amended 15387
(a) amended; (b) revised 33203
6.14 Added 33204
6.25 Added 15387
10 Authority citation revised 43021
10.2 Removed 43021
10.11—10.24 Heading and text added 43021
10.20 Corrected 45163
10.53 (b) amended 36116, 41420

Page

10.59 (f) amended 31752, 31753, 47761
10.66 (a)(3) and (c) revised 44319
10.151—10.153 Undesignated center heading revised 31753
10.152 Heading revised; text amended 31753
10.153 (b), (d)(2) and (3), and (f) revised 31753
10.171—10.178 Revised; undesignated center heading added 60047
12.1 (b) revised 32321
12.2 Removed 32321
12.3 Revised 32321
12.6 Added 36767
12.110—12.117 Added 32321
22.20a Amended 14749
24.4 (f)(1) revised; (h)(1) amended 51420
24.14 (a) and (b) amended 24519
111.19 (b) revised 31754
112.11 (a)(4)(iii) revised 41084
113.26 (a) amended 14750
123.4 (b) revised 19813
127.4 Added 28790
127.14 (a) revised 28790
133.3 (b) revised 28790
133.5 (d) revised 28791
133.6 (b) revised 28791
133.7 (a)(3) revised 28791
133.13 (b) revised 28791
133.33 (b) revised 28791
133.35 (b)(2) revised 28791
133.36 (b) revised 28791
133.37 (a)(3) revised 28791
141.61 (c) removed 36116
(f)(1) revised 57796
141.89 Amended 44129
143.21 (i) added 44542
143.23 Introductory text revised 19813
145.2 (c) revised 59725
145.32 Revised 31753
146.21 (c)(2) revised 36116
148.87 (b) amended 41084
151.11 Amended 27444
151.46 Revised 27022
151.64 Revised 23458
151.71 (b) revised 23458
151.72 (b) revised 23458
152.14 Removed 31928
152.15 Removed 31928
152.16 Amended 31928
153.43 Amended 14591, 20617, 53384
159.47 (f) table amended 21719, 21720, 55638, 55639
159.56 Removed 31928
162.2 Amended 21932
171.1 (a)(1) revised 43894
171.12 (b) amended 43488

CODE

XUM

Title 19, Chapter I—Continued

Page

172.22 (a) amended ... 43026
174.24 (b) and (c) amended; (d) added ... 31928
177 Added ... 31929

Chapter II—United States International Trade Commission

201.00 Added ... 53384
Correctly designated ... 55838
201.20 (a) revised ... 31211
201.22—201.32 (Subpart D) Added ... 47976

Title 19—*Proposed Rules:*

1 ... 37043, 47795, 48139, 53261, 59212, 59745
4 ... 19830, 24527, 33038
10 ... 32751, 50045
12 ... 25595, 41118, 54002, 59745
24 ... 28807
103 ... 51201
112 ... 15389
113 ... 15389, 51445, 54004
133 ... 17151
141 ... 17151, 23874, 45825, 56674
142 ... 45825, 56674, 58150
143 ... 45825, 56674
144 ... 54575
152 ... 58859
153 ... 30825, 43226
158 ... 58150
159 ... 45825, 56674
162 ... 48690
175 ... 30825, 43226
177 ... 58470
201 ... 23478, 40050, 40173, 48700, 54265, 56936
206 ... 34005
207 ... 34005
210 ... 40173, 48700

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—Office of Workers' Compensation Programs, Department of Labor

10.100 (b) corrected ... 14750
10.123 Corrected ... 14750

Chapter II—Railroad Retirement Board

200.1 (a) revised ... 41084
260.1 Revised ... 41085
260.2 (a), (b) and (d) revised ... 41085
330.1 Revised ... 50257
330.4 Revised ... 50257
330.5 Revised ... 50258
330.6 Added ... 50258

Page

395.4 Revised ... 26673, 52844
395.5 (b) (2) and (3) revised ... 26673
(b) (2) revised ... 52844
395.6 (b) (2), (3), and (c) (4) revised ... 26674
(b) (2) (ii) revised; (b) (3) removed ... 52844
395.7 (a) (2) and (b) (2) revised ... 26674

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

401.1 Revised ... 27649
401.3 Introductory text, (u), and (v) revised; (o) and (t) removed ... 27649
401.4 (f) revised ... 27650
404.305 Revised ... 31774
404.305a Added ... 31774
404.313 (a) (3) revised ... 31775
404.328 (a) revised ... 31775
404.329 (a) (4) and (6), and (c) (4) revised ... 31775
404.330 (a) and (b) revised ... 31775
404.331 (a) (3) through (7), and (c) (1) revised ... 31776
404.332 (a) (3) and (5), and (b) (2) revised ... 31776
404.333 Revised ... 31776
404.335 (a) (6) revised ... 31777
404.336 (a) (9) and (d) (9) revised ... 31777
404.350 (a) revised ... 31777
404.351 (a) and (c) revised ... 31777
404.352 Revised ... 31778
404.353 (d) revised ... 31778
404.366—404.373 Revised ... 24357
404.401—404.467 (Subpart E) Heading revised ... 30813
404.401 Revised ... 30813
404.402 Revised ... 30813
404.403 (a) revised ... 30814
404.405 (j) through (p) added ... 30814
404.409 Revised ... 30815
404.410—404.413 Added ... 30815
404.429 (c) introductory text and (c) (1) revised ... 42863
404.430 Revised ... 42864
(c) introductory text and (c) (1) (ii) (*a*) corrected ... 45805
404.905 (n) revised ... 53384
404.906 (c) revised ... 53384
(j) added ... 53385
404.915 Revised ... 53386
404.916 Revised ... 53386
404.916a—404.916f Added ... 53386
404.940 Revised ... 53386

Page

404.1015 (a) revised ... 23286
404.1015a Added ... 23286
404.1016 (a) revised ... 23288
404.1026 (e) added ... 23288
404.1049 Added ... 42864
404.1053 (c) (5) revised; (c) (6) amended ... 29071
404.1068 (b) and (c) revised ... 42864
(b) (1) (i) (A) through (I) correctly redesignated as (a) through (i) ... 45805
404.1101 (e) added ... 29072
404.1501—404.1539 (Subpart P) Appendix amended ... 30263
404.1506 (d) added ... 30263
404.1534 (b), (c), and (d) revised ... 31781
405.102 Revised ... 24357
405.103 Revised ... 24358
405.104 Revised ... 24358
405.105 Added ... 24359
405.106 Added ... 24359
405.116 (g) revised ... 17747
405.120 (a) (1) amended; (d) revised ... 23289
405.126 Revised ... 43896
405.127 Revised ... 43897
405.128 Revised ... 43898
Corrected ... 46309
405.128a Added ... 43898
405.201—405.252 (Subpart B) Appendix added ... 17747
405.205 Revised ... 18165
405.210 Revised ... 18166
405.213 Text designated as (a); (b) added ... 18166
405.214 (d) added ... 18166
405.217 (b) introductory text and (c) (1) revised; (g) through (i) added ... 43211
405.221 (e) added ... 18166
405.222 (c) revised ... 43212
405.223 (e) added ... 18166
(c) revised ... 43212
405.230 (a) (2) and (5) revised ... 44321
405.231 (g) and (h) revised ... 17747
(l) revised; (m) added ... 44321
405.232 (e) revised; (j) added ... 44321
405.236 (b) revised ... 44321
405.239 Revised ... 44322
405.250 (b) (3) revised ... 44322
405.250a Added ... 44322
405.310 (m) and (n) added ... 24360
405.315a Added ... 36314
405.315b Added ... 36315
405.402 (c) introductory text revised ... 32743
(c) (9) added ... 33440

Page

405.415 (k) added ... 32743
405.419 (e) added ... 32743
405.429 (b) (3) added ... 32743
405.430 (a), (c) (1), (d) (1) and (2), and heading of (e) (1) revised ... 22540
405.433 Added ... 34513
405.435 Added ... 32743
405.454 (j) added ... 29816
405.460 (e) revised ... 32744
405.465 Added ... 33440
405.466 Added ... 33443
405.502 (a) revised ... 25447
405.504 (a) revised ... 25447
405.521 (d) redesignated as (d) (1); (d) (2) and (3) added ... 33443
405.614 (a) (4) and (c) revised; (a) (5) added ... 36315
405.705 (e) added ... 53386
405.716 Added ... 53387
405.717 Revised ... 53387
405.718—405.718e Added ... 53387
405.730 Revised ... 53387
405.902 (b) introductory text and (b) (1) and (2) revised; example 4 added ... 18166
405.1021 (i) (3) removed; (j) added ... 24324
405.1022 (b) revised ... 26656
405.1035 Effective date postponed ... 14591
(e) (6) (ii) amended ... 14592
(e) and (f) effective date postponed ... 28052, 33033, 42006
405.1121 Introductory text and (f) revised ... 24325
405.1137 Effective date postponed ... 14591
(d) (2) amended ... 14592
405.1221 (i) added ... 24325
(a) and (h) revised ... 56661
405.1501—405.1595 (Subpart O) Heading revised ... 36315
405.1501 Heading, (a) and (b) revised; (f) added ... 36315
405.1502 (e) added ... 36316
405.1503 Revised ... 36316
405.1504 Revised ... 36316
405.1505 Introductory text revised; (k) added ... 36316
405.1519 Revised ... 36316
405.1530 Revised ... 36316
405.1531 Revised ... 36316
405.1532 Revised ... 36316
405.1534 Revised ... 36316
405.1536 Revised ... 36317
405.1537 Revised ... 36317
405.1542 (a) revised ... 36317

Title 20, Chapter III—Continued

		Page
405.1543	Revised	36317
405.1545	Revised	36317
405.1550	Revised	36317
405.1551	Revised	36317
405.1552	Revised	36318
405.1553	(a) and (c) revised	36318
405.1554	Revised	36318
405.1563	Revised	36318
405.1567	Revised	36318
405.1569	Revised	36318
405.1572	Revised	36318
405.1590	Revised	36318
405.1634	Revised	44322
405.1890	Added	32744
405.1901	(b) revised	24326
405.1913	Added	30818
405.2001—405.2012	(Subpart T) Added	28018
405.2001	Added	28018
	(b)(4) and (5)(i) and (ii) corrected	29706
405.2005	(a)(3)(i) corrected	29706
410.510	(d) revised	56887
410.615	(i) added	53387
410.628	Revised	53387
410.629	Revised	53388
410.629a—410.629f	Added	53388
410.655	Revised	53388
416.533	Added	47763
416.535	Added	47763
416.536—416.538	Added	47763
416.542	Added	47763
416.543	Added	47763
416.550	Added	47763
416.551	Added	47763
416.552	Added	47763
416.553	Added	47764
416.554	Added	47764
416.555	Added	47764
416.558	Added	47764
416.560	Added	47764
416.570	Added	47764
416.901—416.939	(Subpart I) Added	31781
	Appendix added	31786
416.981—416.985	Added	51625
416.1101—416.1180	(Subpart K) Added	48913
416.1201—416.1266	(Subpart L) Added	48915
416.1336	(c) revised	47488
416.1403	(a)(3) and (4) redesignated as (a)(4) and (5); new (a)(3) added	53384
	(b) revised (to be corrected)	53384, 53388
416.1408—416.1423	Added	47489
416.1422	Revised	53388
416.1423	Revised	53389
416.1424—416.1424e	Added	53389
416.1425	(a) revised	47490
416.1426	Revised	47490
416.1427	(a)(3) revised	47490
416.1458	Revised	53389
416.1475—416.1487	Added	23846
416.1483	(b) and (c) revised	47490
416.1510	(d) revised; (e) added	34335
422.210	Revised	53389
422.401	Revised	27650
422.402	Revised	27650
422.426	(a) revised	27650
422.430	(b)(19) revised	27650
422.433	Added	27650
422.434	Added	27651
422.435	Added	27651
450	Added	42865
450.103	Corrected	44812

Chapter V—Employment and Training Administration, Department of Labor

	Chapter heading revised	57766
601.5	(f) added	52000
602.10b	(a)(1) revised	34337
614.19	Interpretation	20270
616.6	(e) interpretation	20270
618	Revised	57767
619	Revised	51600
619.15	(a)(1) and (b) corrected	53390

Chapter VIII—Joint Board for the Enrollment of Actuaries

	Chapter established	18776
900	Added	18776
901	Added	38147
902	Added	38149

Title 20—*Proposed Rules:*

200	36262, 45736
401	17849, 28810, 30493, 33828
404	26532, 28095, 29301, 52408, 52738, 55362
405	14934, 16673, 17151, 23878, 23974, 24529, 24530, 25938, 26535, 26540, 27782, 28810, 30493, 31795, 31802, 33828, 40171, 40537, 40850, 51055, 51474, 56458
410	45190, 51475, 52408, 55362
416	19831, 21986, 28095, 33222, 48937, 52408, 52742, 54005
422	17849, 55362
601	43744
602	27050
625	56931
650	19481
741	39887
901	20326, 38171, 50110
902	20326, 38171, 50110
903	39387, 45113

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

		Page
1	Comment time extended	26027
1.1a	Revised*	22984
	Effective date stayed	31606
1.1c	(a)(14) added	57453
1.3	Revised	28585
1.8b	(t) added	57454
1.8d	(f) revised*	22984
	(c)(4) added	26265
	(f) effective date stayed	31606
1.9	(c)(2) and (3) revised	23996
2	Revised	22984
	Comment time extended	26027
	Stay of regulations	32750, 33063
	Restored to prior status	40520
	Effective date stayed	31606, 32750, 33063
2.23	(b) effective date stayed	31235
2.116	Corrected	31754
2.159	(e) corrected	31754
2.160	(g) corrected	31754
2.312	(a) corrected	31754
2.330	(b)(2)(ii) effective date stayed	31235
2.335	(c)(1) corrected	31754
2.340	(c)(20) revised	29817
3.17	(d) removed; (i) revised	57453
3.80	Removed	33971
3.82	Removed	26266
4.20	(c) revised; (d) added	55840
4.21	(c) added	55841
4.40	(d) added	55841
4.80	(d) added	55841
4.82	(b)(4) added	55841
4.83	Text designated as (a); (b) and (c) added	55841
4.119	Added	55841
5	Added*	23028
	Comment time extended	26027
	Contents list corrected	31754
	Effective date stayed	31606
5.115	Corrected	31754
6.1	(a)(3) added	16662
6.4	(a)(2) amended*	23035
	Comment time extended	26027
	(a)(2) effective date stayed	31606
7	Added	55841
8	Comment time extended	26027
	Certain sections (p. 23035) effective date stayed	31606
8.12	Revised*	23035
8.13	Removed*	23035
8.14	Removed*	23035
8.18	Revised*	23035
8.19	Revised*	23035
8.20	Removed*	23035
8.21	Removed*	23035
8.27	(b) amended*	23035
8.28	(b) revised*	23035
8.33	(a) amended*	23035
8.501	Time extended	15088
	(b) table amended	18167
	(g) amended	15088, 29817
	Introductory text revised; (a) and (b) tables amended	44812
8.510	(d), (e) and (h)(1) amended; (i) added	44813
8.4070	(c) revised	18167
	(c)(2) removed	44543
9.40	Revised	44813
9.62	Revised	44813
9.80	Revised	44813
9.81	Revised	44813
9.103	Revised	44813
9.104	Revised	18167
9.105	Removed	44813
9.159	Removed	44813
9.174	Removed	44813
9.184	Removed	44813
10	Comment time extended	26027
10.2	Revised*	23035
	Effective date stayed	31606
10.5	Revised	21722
	(l) added*	23035
	(l) effective date stayed	31606
11	Technical correction	23725
11.1	(e) revised*	23035
	Comment time extended	26027
	(e) effective date stayed	31606
11.2	Amended	21934
11.7	Effective date amended	21934
18.550	Effective date amended	18549
18.555	Effective date amended	18549
18.560	Effective date amended	18549
18.565	Effective date amended	18549
18.570	Effective date stayed	18549
18.575	Effective date amended	18549
19.525	Effective date confirmed	22250
19.530	Effective date confirmed	22250
20.8	Effective date stayed	59725
25.2	(e) effective date 6-30-75	18426
26.5	Added	33820
29.1	Revised	39856
	Effective date corrected	42866
30.3	(c) amended	21724
	(c) corrected	59726
31.1	Revised	26267

*Restored to prior status September 3, 1975 (40 FR 40520)

CODE

XUM

(CHANGES APRIL 1 THROUGH DECEMBER 31, 1975)

Title 21, Chapter I—Continued

	Page
37.10 (c) (3), (4), and (5) added; (e) (2) and (3) revised	22541
Effective date confirmed	57454
37.12 Revised	22541
(b) (2) corrected	26267
Effective date confirmed	57454
51.20 (c) (11) and (d) (1), (2) and (3) revised	30940
51.21 (a) (2), (b) (3), and (c) (3) revised; (a) (1), (b), and (c) amended	30940
51.32 Revised	30941
80.1 (b) (4) revised*	23035
Comment time extended	26027
Effective date stayed	34586
(b) (4) effective date stayed	31606
90.2 (a) revised*	23036
Comment time extended	26027
(a) effective date stayed	31606
100.2 Revised*	23036
Comment time extended	26027
Effective date stayed	31606
102.2 Revised*	23036
Comment time extended	26027
Effective date stayed	31606
102.5 Effective date stayed	26267
102.11 Effective date stayed	26267
102.13 Added	54537
102.14 Added	54538
102.15 Added	54539
102.16 Added	54539
102.17 Added	54543
121 Comment time extended	26027
Certain sections (p. 23036) effective date stayed	31606
121.40 (c) (1) introductory text revised*	23036
121.41 (b) (1) revised*	23036
121.55 Revised*	23036
121.56—121.71 Removed*	23036
121.72 (b) revised*	23036
121.73 Removed*	23036
121.74 Revised*	23036
121.210 (c) table amended	22131
121.262 (c) table amended	22131, 39857
Effective date stayed	26674
(e) removed	31934
121.276 Removed	41085
121.286 Introductory text and (b) revised	30108
121.295 (b) revised	39857
(b) corrected	42866
121.1048 (b) table amended	54777
121.1092 (c) (1) revised	54777
121.1142 (b) revised	47105
121.1155 (b) (3) revised	49574
(b) (3) (i) corrected	51625
121.1258 Effective date stayed	56907
121.1266 Added	30639
121.1267 Added	49082
121.2502 (a) (8) added; (b) table amended	29073
121.2505 (c) amended	14905
121.2511 (b) amended	14905, 23996
121.2514 (b) (3) (viii) (b) amended	23997, 26269
(b) (3) (xxxi) amended	25205
(b) (3) (xv) amended	48675
121.2520 (c) (5) amended	21934, 23997, 26268
121.2526 (b) (2) table amended	22251
(b) (2) amended	23997
(a) (5) amended	25205, 46099, 57210
121.2547 (b) (9) revised	58852
121.2550 (b) (5) amended	23997
121.2553 (a) (3) amended	26268
121.2566 (b) amended	49082, 60050
121.2569 (b) (3) (i) amended	52609
121.2622 (a) (3) added; (b) amended	29535
121.2627 Introductory text and (b) amended; (c) (1) and (d) (2) revised	40799
121.2630 Added	14906
121.2631 Added	25811
121.2632 Added	26269
121.2633 Added	40800
121.2635 Added	51034
121.4000 (c) introductory text revised*	23036
123.25 Added; correctly designated	26027
Revised	55321
123.35 Added; correctly designated	26027
123.100 Amended	26675
Revised	58288
123.151 Added	18168
123.152 Added	45163
123.284 Added	22132
123.301 Added	20793
123.331 Added	43720
123.370 Amended	17142
123.400 Amended	14592
123.410 Revised	42343
123.415 Added	56426
125.1—125.3 Effective date stayed	34586
128c Added	24170
128d Request for stay of effective date denied	51194
128d.5 (a) (3) effective date stayed in part	51194
200.200 (Subpart E) Added	58799
201 Technical correction	53997
201.2 Added	52002
201.100 (d) (2) revised; (f) added	58799
201.129 Added	31307
201.410 (h) revised	46100
202.1 (j) (5) added*	23036
Comment time extended	26027
(j) (5) effective date stayed	31606
(e) (2) (i) revised	58799
207 Technical correction	53997
207.3 (Subpart A) Heading revised	52788
207.7 Added	52788
207.35 (b) (3) (i), (ii) and (iii) revised	52002
207.37 (a) (1) (x) added; (a) (2) (iii) revised	52003
210.3 Corrected	26508
229.25 (a) corrected; (b) added	28610
310 Comment time extended	26027
Corrected	43488, 52361
310.3 (n) added	31307
310.4 Revised	31312
310.200 (b) revised*	23036
(b) effective date stayed	31606
310.303 (b) revised*	23037
(b) effective date stayed	31606
310.501 (a) (4) amended; (a) (6) (xiii) added	48919
Effective date corrected	49574
310.503 (d) revised; (f), (g) and (h) added	31307
(f) (4) and (h) corrected	44543
310.505 (d) (3) (iii) revised; (k) (1) and (2) amended	34110
310.508 Added	50530
312 Technical correction	18993
Corrected	43488, 52361
312.1 (a) (2) form amended; note removed	31308
(c) (1) and (4), (d), and (g) revised*	23037
Comment time extended	26027
(c) (1) and (4), (d), and (g) effective date stayed	31606
(g) revised	31312, 33971
(g) correct eff. date: 7–26–76	52361
312.9 (c) (2) revised*	23038
Comment time extended	26027
(c) (2) effective date stayed	31606
312.20 (Subpart C) Added	16056
314 Comment time extended	26027
Certain sections (p. 23038, 23040) effective date stayed	31606
Corrected	43488, 52361
314.1 (a) revised	33972
314.110 (a) (7) revised	31313
314.200 Revised*	23038
(e) (3) corrected	31754
314.201 Added*	23040
314.202—314.206 Removed*	23040
314.220—314.222 Removed*	23040
314.230—314.232 Removed*	23040
314.235 Revised*	23040
328.30 (a) revised*	23040
Comment time extended	26027
(a) effective date stayed	31606
330.10 (a) (11) revised*	23040
Comment time extended	26027
(a) (11) effective date stayed	31606
331 Effective date amended	22543
331.20 (p) revised	48343
331.23 Revised	48343
332 Effective date amended	22543
361 Added	31308
361.1 (c) (3) and (d) introductory text corrected	44543
369 Technical correction	16192
369.30 Amended	46101
Effective date corrected	48919
Effective date postponed to 7–6–75	58288
429.50 Revised*	23041
Comment time extended	26027
Effective date stayed	31606
430.4 (a) (41) added	52003
(a) (42) added	57796
430.5 (a) (55) and (b) (55) added	26270
(a) (57) and (b) (57) added	52003
(a) (58) and (b) (58) added	57796
430.6 (b) (58) added	26270
(a) (5) added	52003
(b) (60) added	57797
430.20 Revised*	23041
Comment time extended	26027
(b) (4) corrected	31754
Effective date stayed	31606
431.50 Amended	28052
431.52 Revised*	23042
Comment time extended	26027
Effective date stayed	31606
431.53 (b) (1) amended	15088, 26270, 41522, 52003, 53997
(h) revised	28052
433 Comment time extended	26027

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(CHANGES APRIL 1 THROUGH DECEMBER 31, 1975)

*Restored to prior status September 3, 1975 (40 FR 40520)

CODE

XUM

(CHANGES APRIL 1 THROUGH DECEMBER 31, 1975)

Title 21, Chapter I—Continued

	Page
433.2 (c) and (d) revised*	23042
(c) and (d) effective date stayed	31606
433.12 (b)(4) revised; (b)(5) added*	23043
(b)(4) and (5) effective date stayed	31606
433.13 (b) revised*	23043
(b) effective date stayed	31606
433.14 (b) revised*	23043
(b) effective date stayed	31606
433.15 (b) revised*	23043
(b) effective date stayed	31606
433.16 (b) revised*	23044
(b) effective date stayed	31606
436.31 (a)(5) and (b)(13) and (14) added	51625
436.32 (g) added	51625
436.33 (b) table amended	26270, 51625, 52003, 57797
436.35 (c) table amended	52003
436.101 (a)(16) added	52004
436.102 (b)(34), (35), and (36) added	52004
436.103 (a) table amended; (b)(8) added	52004
436.105 (a) and (b) tables amended	26270, 52004
(a) and (b) tables corrected	33205
436.106 (a) and (b) tables amended	57797
436.213 (c) table revised	22251
(c) table amended	23725, 57797
436.309 (b)(6)(i) and (ii) amended	22251
436.312 Added	15088
436.317 Added	41522
(a)(4) and (d)(3) corrected	45426
436.318 Added	57797
440.36a (b)(3) revised	15089
440.107d (a)(3)(i)(a) revised; (a)(1) and (a)(3)(i)(b) amended	49083
440.107e Added	58288
440.236 (b)(3) revised	15089
442.29a (b)(7) revised	23725
442.40 Added	26270
442.40a Added	51626
442.127a (a)(1) revised	49083
442.140a Added	26272
442.140b Added	26272
442.240 Added	51626
444.80 Added	57798
444.280 Added	57798
444.442 Added	22252
444.442g Added	22252
448.13 (b)(5) revised	15088
448.13a (b)(6) revised	15088
(b)(6) corrected	19194
448.30 Added	22253
449.120d Added	41523
449.610a (b)(1) revised	15089
449.610c (b)(1) revised	15089
450.10a Added	52005
(a)(1)(ix) corrected	53998
450.210 Added	52006
452.135c Added	49083
452.510b Effective date confirmed	41773
455.170 Redesignated as 455.170a; new 455.170 heading added	53997
455.170a Redesignated from 455.170	53997
455.170b Added	53997
510.450 (d) amended; time extended	43213
510.600 (c)(1) and (2) amended	18993, 20271, 23070, 25448, 27651, 29535, 31235, 31934, 33444, 34111, 34112, 37036, 39858, 42007, 43488, 60049, 60050
(c)(2) corrected	22543, 34111
Corrected	28791
511.1 (b) amended; (c)(1) and (4), and (d)(2) revised*	23044
Comment time extended	26027
(b), (c), and (d) effective date stayed	31606
514 Comment time extended	26027
Certain Sections (p. 23044) Effective date stayed	31606
514.1 (b)(15) revised	52609
514.201 Revised*	23044
514.202—514.206 Removed*	23044
514.210 Revised*	23044
514.220—514.222 Removed*	23044
514.230—514.232 Removed*	23044
514.235 Revised*	23044
520.260 (b)(2) and (3)(ii)(a) revised	39858
520.512 Added	52722
520.540b Revised	26273
520.1235 Added	36319
520.1242c Added	32831
520.1320 (a), (b), (d)(2) and (3) revised; (d)(4), (5) and (6) removed	60051
520.1720a (f) removed; (g)(1) and (2) revised	18994
(a)(1) revised	25812
(c) revised	48676
520.1840 (c)(2) revised; (d)(3) added	39857
520.2150 Added	46101
520.2220b (b)(1) revised; (e)(3) added	43488
520.2380e Added	23071
520.2520c Added	45164
522.775 Added	17838
522.1010 Added	60051
522.1044 (a) and (c)(1) revised	48676
522.1222 Redesignated as 522.1222a; new 522.1222 added	59342
522.1222a Added; redesignated from 522.1222 and revised	59342
522.1222b Added	59342
522.1235 Added	36319
522.1662a (b)(1) revised	48503
522.1680 (b) revised	18994, 28792
522.1720 (b)(4) added	18994
(b)(1) revised	23847
522.1883 Added	18549
522.2150 Added	46101
522.2220 (c)(2) revised	34112
(a)(3)(iii)(d) revised	42007
522.2424 Revised	25812
524.1600a (c)(2)(v) added	48677
529.365 Added	57455
529.1044a (a) revised	48676
529.1526 Added	60052
540.107e (c) revised	55849
540.207a (c)(4) revised	24360
540.255c Heading and (c)(2) revised	30639
540.829 (a)(1) and (3)(i)(b) amended; (b)(3) removed	30941
540.874a (c)(2) revised	42007
546 Technical correction	58633
546.110h Added	57455
546.180b (c) revised	39858
555.110a (a)(1) and (c) revised	26273
556.80 Removed	59726
556.115 Added	57455
556.165 Added	28792
556.370 Removed	41085
556.420 Revised	58290
558.95 (e) revised	22132, 32831
(e)(1)(vi) and (vii) added	39758
(e) corrected	39859
(d) removed	59726
558.115 (e)(1) revised; (f)(3) added	45164
(e) corrected	57798
558.175 (e)(1)(iv) added	31935
(e)(1)(v) added	52723
(e)(2) revised	52723
558.205 (b) revised; (f)(1) and (2) amended; (f)(3) added	50258
558.325 (e) redesignated as (f); new (e) added	58132
558.355 (f)(1)(vi) and (vii) added	39858
(b)(7) and (f)(3) added; (c) and (d) revised	58290
558.464 Added	39857
558.485 (d)(2) revised; (e)(4) added	45164
(d)(2) corrected	57799
558.515 (f)(1)(vii) added	33444
(f)(1)(vi) added	39859
558.525 (f)(5)(ii) amended	24722
558.526 Added	34112
558.530 Added	31934
558.625 (b)(16) revised	18168
(b)(36) added	20270
(b)(33) and (35) added	20271
(b)(10) revised	20617
(b)(31) added	23071
(b)(5) revised	25812
(b)(34) added	27651
(b)(39) added	31236
(b)(37) and (38) added	31934
(b)(41) added	33444
(b)(40) added	34111
(b)(33) revised	53390
(b)(17) revised	57668
(b)(44) added	60049
(b)(42) added	60051
(b)(18) revised	60052
558.630 (b)(4) added	59726
558.635 (b) revised	52723
561.41 Added	55321
561.91 Added	21028
561.191 Added	45164
561.195 Added	41773
Corrected	45165
561.231 Added	41774
561.235 Added; correctly designated	26027
561.255 Added	33034
Technical correction	33820
561.280 Revised	22132
561.281 Added	20793
561.282 Added	23071
Revised	26028
561.289 Added	31236
561.360 Revised	42344
561.371 Added	56426
561.380 Amended	29706, 52007
600 Corrected	43488, 52361
600.3 (ee) added	31313
601 Comment time extended	26027
Certain Sections (pp. 23044, 23045) Effective date stayed	31606
Corrected	43488, 52361
601.2 Text designated as (a); (b) added	31313
601.4 Revised*	23044

*Restored to prior status September 3, 1975 (40 FR 40520)

(CHANGES APRIL 1 THROUGH DECEMBER 31, 1975)

*Restored to prior status September 3, 1975 (40 FR 40520)

(CHANGES APRIL 1 THROUGH DECEMBER 31, 1975)

Title 21, Chapter I—Continued

Page

601.5 Revised* 23045
601.6 (c) removed; remaining text redesignated as 601.12; new 601.6 added* 23044
601.7—601.9 Added* 23045
601.11 Removed 52788
601.12 Added; redesignated from 601.6* 23044
601.40—601.44 Removed* 23045
606 Added 53540
606.60 (b) table corrected 55849
607 Added 52788
610 Corrected 43488, 52361
610.2 Text designated as (a); (b) added 31313
610.13 (a)(2) revised 29710
610.40 Revised 29710
610.41 Revised 29710
610.53 Amended 29711
610.61 (s) revised 29711
630.65 (a)(6) revised 25813
640 Effective date corrected 33821
640.2 (f) revised 29711
640.7 (b) revised 29711
640.26 (h) revised 29711
640.27 Added 53544
640.51 (c)(7) revised 29711
640.67 Revised 29711
640.69 (e)(9) and (f)(1) revised 29711
660.1—660.5 (Subpart A) Heading revised 29711
660.1 Revised 29711
660.2 (e) and (f) revised 29711
660.3 Revised 29711
660.4 Revised 29711
660.5 Revised 29712
700.15 Added 50531
701 Technical correction 16192, 23998, 28451
701.3 (o)(3) corrected 18426
(b) and (e) revised* 23045
Effective date amended 23460
Technical correction 25585
Comment time extended 26027
(b) and (e) effective date stayed 31606
701.100 (Subpart D) Added 24450
(e)(6) corrected 26675
(a) through (j) effective date stayed 31606
740 Technical corrections 16192
Effective date amended 23460
1002.10 Report date extended 26053
1002.61 Report date extended 26053
1003 Comment time extended 26027
1003.11 (a) amended* 23045
(a) effective date stayed 31606
1003.31 (d) added* 23045
(d) effective date stayed 31606
1004.6 Amended* 23045
Comment time extended 26027
Effective date stayed 31606
1010.1 Revised; eff. 8-2-76 32257
1010.2 (a), (c), and (d) revised; eff. 8-2-76 32257
1010.3 Revised; eff. 8-2-76 32257
1010.13 Revised; eff. 8-2-76 32257
1010.20 Revised; eff. 8-2-76 32257
1030.10 (c)(4) revised; (c)(5) and (6) added 14752
Effective date corrected 16663
(c)(2)(i) and (iv) revised; eff. 11-7-76 52007
1040 Added; eff. 11-2-76 32257
1040.10 (g)(2) corrected 40800
1210 Comment time extended 26027
Certain Sections (p. 23046) Effective date stayed 31606
1210.30—1210.33 (Subpart D) Heading revised* 23046
1210.30 Revised* 23046
1210.31 Revised; new provisions redesignated from 1210.63* 23046
1210.32–1210.33 Removed* 23046
1210.40–1210.44 (Subpart E) Removed* 23046
1210.50–1210.62 (Subparts F and G) Removed* 23046
1210.63 Redesignated as 1210.31* 23046
1220.40 (a) revised 26508
1240.62 Revised 22545
1250.51 Heading, (b) and (d) revised; (e) and (f) added 30110

Chapter II—Drug Enforcement Administration, Department of Justice

1301.90 Added 17143
1301.91 Added 17143
1301.92 Added 17143
1301.93 Added 17143
1303.02 (b) interpretation 52844
1304.42 (a) through (g) revised 42866
1308.11 (d)(12) revised 18426
(b) amended 19813
(d) revised 28611
1308.14 (b) revised 24001
Technical amendment 26676
1308.24 (i) table amended 20076, 20077, 27023, 36767, 48344, 48345, 58132
(a) and (j)(1) revised 23072
1308.32 (b) amended 52610
1316.47 Amended 57210
1316.48 Amended 57210

*Restored to prior status September 3, 1975 (40 FR 40520)

(CHANGES APRIL 1 THROUGH DECEMBER 31, 1975)

Chapter III—Special Action Office for Drug Abuse Prevention

Page

1401 Removed; provisions incorporated into new 42 CFR Part 2 27821
1402 Added 23064
1403 Added 23066

Title 21—*Proposed Rules:*

1 ..... 15392, 24909, 26682, 30978, 40682, 44570, 52172, 54587, 57811
2 ..... 40682, 44570
3 ..... 15392, 24909
4 ..... 39388, 45190
5 ..... 40682, 44570
6 ..... 40682, 44570
7 ..... 39388, 45190
8 ..... 40682, 44570, 53039
10 ..... 40682, 44570, 52172, 54587, 57811
11 ..... 40682, 44570
25 30978
26 21736
27 ..... 16085, 26276, 52172, 54587, 57811
51 ..... 52172, 54587, 57811
53 ..... 52172, 54587, 57811
80 ..... 23244, 29089, 40682, 44570
90 ..... 40682, 44570
100 ..... 40682, 44570
102 ..... 40682, 44570, 51052, 52616, 57688
121 ..... 26683, 40529, 40682, 41797, 44570, 50277, 52738
125 ..... 23244, 29089
130 ..... 22841, 26142
202 ..... 40682, 44570
210 ..... 33554, 47516
225 ..... 33554, 47516
310 ..... 24328, 26142, 27796, 28587, 33459, 34406, 36574, 40682, 43513, 43531, 44570, 44844, 48362, 52049, 54252, 55869, 56675, 57811
312 ..... 40682, 44570
314 ..... 26156, 26157, 26164, 30493, 34406, 34407, 40682, 44335, 44570
320 ..... 26157, 26164, 30493, 34407
328 ..... 40682, 44570
330 ..... 40682, 44570, 49097, 56675, 57811
331 22553
334 18001
335 18001
336 18001
337 18001
338 57292
339 57292
340 57292
429 ..... 40682, 44570
430 ..... 40682, 44570
431 ..... 33680, 40682, 44570
433 ..... 40682, 44570
511 ..... 40682, 44570
514 ..... 40682, 44570
561 39896

Page

600 ..... 52619, 57688
601 ..... 40682, 44570
610 ..... 18176, 46318, 52619, 52621, 53040, 54429, 57688 57688
630 17151
640 ..... 41799, 52619, 53040, 54429, 57688
660 ..... 46318, 52619, 53040, 54429, 57688
700 ..... 24328, 25218, 36574
701 ..... 40682, 44570
950 ..... 25916, 29954, 52051
951 ..... 25916, 29554, 52051
952 ..... 2591, 29554, 52051
1000 ..... 42749, 58151
1003 ..... 40682, 44570
1004 ..... 40682, 44570
1010 44846
1020 ..... 24528, 24909, 25830, 26277, 28095, 33828
1030 ..... 23877, 27038
1040 25830
1210 ..... 40682, 44570
1301 ..... 16082 47514
1304 30117
1308 ..... 16082, 23306, 24216, 26676
1401 20542

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

6.14 (a) and (b) revised 48503
6a Added 45606
Heading corrected 47419
6a.3 Corrected 51194
8 Added 28606
15 Added 50027
21.1 Table amended 39859
22.1 (a) CFR correction 36116
41.6 (b) revised 33444
Technical correction 36116
42.91 (a)(15) revised 42532

Chapter II—Agency for International Development, Department of State

201.11 (b)(4) amended 34113
205 Heading and text revised 31754
214 Revised 33205
214.11 (c) revised 54777
214.13 (b)(8) revised 54778
214.33 (a)(2) revised 54778
214.37 Revised 54778
215 Added 45679

Chapter V—United States Information Agency

505 Added 49278

Chapter VI—United States Arms Control and Disarmament Agency

602 Heading and text revised 56661

CODE

XUM

(CHANGES APRIL 1 THROUGH DECEMBER 31, 1975)

Title 22—Continued

Chapter VII—Overseas Private Investment Corporation

	Page
707 Added	46284

Chapter XI—International Boundary and Water Commission, United States and Mexico, United States Section

Chapter established	32116
1100 Added	32116

Title 22—Proposed Rules:

6	36366
6a	40456
8	15060
15	36824
123	37043
124	37043
125	37043
127	37043
215	39449
505	39430
601	39663
602	36381
603	39663
606	39663
707	36878
1003	36264

TITLE 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

1.25 Removed (provisions recodified in Part 646 Subpart B)	16057
1.29 Removed	24519
140.900—140.922 (Subpart I) Added	16057
Appendix A amended	29712
140.922 (a), (b) and (c) redesignated as (b), (c) and (d); new (a) added	29712
Technical correction	31211
160.201—160.204 (Subpart B) Added	29817
230 Added	28053
230.111 (e)(2) corrected	57358
230.201—230.209 (Subpart B) Added	50712
260 Revised	58633
420.203 (a)(4) revised	17554
420.205 (a) and (b) amended	17554
420.206 (a) revised	17554
420.300—420.312 (Subpart C) Added	53726
450 Added	38151
450.100—450.122 (Subpart A) Added	42977
450.104 Amended	57799
450.300—450.320 (Subpart C) Added	42982
450.304 Amended	57799
460 Added	44322
470 Revised	42344
625.3 (a)(11) and (12) added	53728
630.102—630.116 (Subpart A) Added	57801
630.301—630.306 (Subpart C) Appendix A revised	55640
Appendix B revised	55643
630.302 ((e) amended	55639
630.304 (b) and (c)(9) amended; (d) revised	55639
630.305 (b) amended	55640
630.306 (b) amended	55640
630.702 Corrected	17554
633.101—633.107 (Subpart A) Appendix A revised	42867
633.101 Revised	42867
633.104 Amended	42867
633.105 Revised	42867
633.107 Revised	42867
633.202 (b) amended	49084
633.204 (b) amended	49084
633.207 (b) and (e) amended	49084
633.211 Heading and text revised	49084
633 Appendixes A and B revised	49084
Appendix C revised	49088
635.103 Amended	14906
635.104 (a) amended	14906
635.107 (e) amended	14906
(h) corrected	36319
635.110 (c) amended	14906
635.115 (e)(2) amended	14906
635.124 (a)(1) amended	14906
635.202 Amended	14906
635.205 (a)(1) amended	14906
(b) amended	14906, 14907
635.301—635.309 (Subpart C) Revised	17251
635.307 (b)(3) revised	25585
635.309 (b) corrected	36319
640.5 (c) and (e) amended	53728
640.9 (b) and (e) amended	53728
640.11 (a) amended	53728
640.13 (b) amended	53729
640.15 (a) amended; (b) revised	53729
Appendix A added	53729
646.200—646.220 (Subpart B) Added	16059
646.216 (e)(2)(ii) revised	29712
646.220 (b)(2) corrected	29712, 31211

(CHANGES APRIL 1 THROUGH DECEMBER 31, 1975)

	Page
652.3—652.6 Redesignated as 652.4—652.6 and 652.9, respectively (see redesignation table); new 652.3 added	53730
652.7 Added	53730
652.8 Added	53730
652.9 Added; redesignated from 652.6	53730
(c) added	53730
655.701—655.707 (Subpart G) Added	20078
658 Revised	24520
658.7 Added	41775
658.17 Added	42186
662 Added	14907
710.206 (b) amended	29073
710.304 (b)(5) added	41524
712.204 (c) revised	33445
712.801—712.804 (Subpart H) Added	53236
712.804 (d)(4) corrected	55643
740.9 (d) redesignated as (e); new (d) added	25585
(d) and (e) effective date revised	30818
750.151—750.155 (Subpart B) Heading revised	21934
750.151 (a)(2) amended	21934
750.152 Revised	21934
750.153 (m) amended	21934
(t) added	21935
750.155 Amended	21934
750.701—750.713 (Subpart G) Added	42844
750.705 (c) corrected	49777
771.22 Added	60052
820 Added	16301

Chapter II—Highway Safety Program Standards, Department of Transportation

1204.4 Partial temporary waiver of Std. No. 5	30639
1204 Supplements A through I added	53730

Title 23—Proposed Rules:

476	53352
658	24532, 54812
750	58312, 60075

TITLE 24—HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

	Page
15 Revised	48123
16 Added	39729
17.20 (b) revised	28599
17.23 Revised	28599
17.24 Heading and text amended	28599
17.26 Revised	28599
17.27 Amended	28599
17.28 Amended	28599
17.30 Amended	28599
17.31 Amended	28599
17.33 Amended	28599
25 Added	43026
25.5 (c) corrected	48919
42.5 Corrected	36772
42.20 (s) corrected	36772
42.55 (d)(3) and (e)(3) corrected; (f)(3) and (4) and (g)(2) amended; (i) revised	36772
42.70 (b) amended	36772
42.85 (b)(3) amended; (e)(2) corrected	36772
42.135 (h) corrected	36773
42.220—42.290 (Subpart F) CFR correction	36768
42.300—42.365 (Subpart G) CFR correction	36770
58 Revised	29992
58.5 (a) amended	22253
58.30 (a)(6) and (b) amended	22253
58.31 (b)(1) amended	22253
82 Added	22449
Forms corrected	23977
82.2 (a), (g) and (h) revised	47792
Effective date added	48677
82.4 (b) amended	26509
Effective date added	48677
82.6 (b)(6) revised	47793
Effective date added	48677
82.7 (a) amended; (d) revised	47793
Effective date added	48677
82.8 (a) and (c) revised	47793
Effective date added	48677
82 Appendix A added	30480
Appendix A corrected	31211
Appendix D added	44129

CODE

XUM

(CHANGES APRIL 1 THROUGH DECEMBER 31, 1975)

Title 24—Continued

Chapter I—Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development

Page

100 Revised 20079
105.1 (a) revised 20079
105.2 (h) revised 20079
105 Appendix amended 20079
106.1 Revised 20079
106.2 (c) revised 20079
110.1 Revised 20079
110.5 (g) and (h) revised 20079
110.25 (a) amended 20079
115.1 (a) revised 20079
115.3 (e) revised 20079

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration), Department of Housing and Urban Development

200 Effective date corrected 22828
200.56 (i) added 58637
200.56d (c) added 58637
200.58 Revised 39859
200.112 (b) and (c) revised; (d) removed 39860
200.115 (a)(2) revised 39860
200.116 (b) revised 39860
200.118 (c) revised 39860
200.123—200.126 Removed 39860
200.128 Revised 39860
200.129 Revised 39860
200.210 Revised 17750
200.600—200.640 (Subpart M) Appendix amended 20080
200.605 Revised 20080
200.610 Revised 20080
200.620 (a) and (b) revised 20080
(a) corrected 53008
200.640 Revised 20080
200.933 Amended 38151
203.12 (a)(1)(i) and (ii) revised 55354
203.20 (a) revised 21472, 47105
203.74 (a) revised 21472, 47105
203.340 (a) introductory text, (1) and (3) and (b) introductory text (1)(i) and (ii) revised 24182
203.405 Revised 49777
203.479 Revised 49777
205.50 Revised 21472, 47105
Amended 58133

Page

205.57 Revised 36773
207.1 (a) and (b)(1) amended 22828
(e) through (i): CFR correction 50258
207.4 (e) revised 36773
207.7 (a) revised 21472, 47105
(c) added 58133
207.9 Amended 43899
207.32a (g) revised 23864
Revised 43899
207.259 (e)(6) revised 49777
213.2 (a) and (b)(1) amended 22829
213.3 (c) through (g): CFR correction 50259
213.7 (f) amended 36773
213.10 (a) revised 21472, 47105
(c) added 58134
213.511 (a) revised 21473, 47105
215.20 (a)(1), (2), and (3) revised 21935
220.509 Heading and text revised 36773
220.576 (a) revised 21473, 47106
(c) added 58134
220.830 Revised 49778
221.502 (c) amended 22829
221.509 (a)(1) amended 22829
221.510 (b) revised 20080
221.514 (d) revised 36773
221.518 (a) revised 21473, 47106
(c) added 58134
227.20 Revised 36773
231.3 (d) revised 36773
232.5 Amended 22829
232.29 (a) revised 21473, 47106
(c) added 58134
232.33 Revised 36774
232.50 (a)(1) amended 22829
232.560 (a) revised 21473, 47106
234.29 (a) revised 21473, 47106
234.540 Revised 36774
235.535 (b) revised 36774
235.540 Revised 21473, 47106
Amended 58134
236.5 (c) amended 22829
236.15 Revised 21473, 47106
Amended 58134
236.72 (a) and (b)(3) revised; (d) added 52845
236.701—236.760 (Subpart D) Added 31872
241.75 Revised 21473, 47106
242.29 (b) revised 36774
242.33 Revised 21473, 47106
Amended 58134
244.10 (a) and (b)(1) amended 22829

(CHANGES APRIL 1 THROUGH DECEMBER 31, 1975)

Page

244.37 Revised 36774
244.45 (a) revised 21473, 47106
(c) added 58134
275 Appendix tables revised 24818
280 Added 40268
Corrections 52706
Effective date corrected to 6-15-76 52706
Technical correction 53008
Revised 58754
280.305 (c)(4) maps corrected 42007
280.604 Table corrected 52706
280.703 Table corrected 52706

Chapter III—Government National Mortgage Association, Department of Housing and Urban Development

300.11 (c) amended 14753
(c) and (d) amended 43027
(c) corrected 44323

Chapter IV—Office of Assistant Secretary for Housing Management, Department of Housing and Urban Development

401.1—401.6 (Subpart A) Revised 29074
403 Revised 49320
403.5—403.6 (Subpart B) Revised 20081
425.22 (a) and (b)(3) revised; (d) added 52845
426 Added 31874
Subchapter N added 33209
470 Added 33209

Chapter V—Office of Assistant Secretary for Community Planning and Housing, Department of Housing and Urban Development

570 Revised 24693
570.300 (a) revised 15090, 16663
(a) corrected 17987
570.400—570.409 (Subpart E) Revised 50665

Page

570.400 (c)(3)(ii) amended 23864
(c)(3)(i) revised 30640
(c)(3)(iii)(A) revised 41509
(c)(3)(i)(A) revised 50531
570.402 (f) removed 42348
570.409 Added 42348

Chapter VI—Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development

Page

600 Revised 36856

Chapter VIII—Low-Income Public Housing, Department of Housing and Urban Development

800—804 Recodified from Parts 1270, 1272, 1274, 1276, and 1279 15580
811 Added 22829
Revised 50532
860 Added 33446
860.401—860.409 (Subpart D) Added 44324
866 Added 33402
866.1—866.6 (Subpart A) Added 33403
866.50—866.59 (Subpart B) Added 33406
880 Added; redesignated from Part 1273 and revised 15580, 18684
Appendix II page nos. corrected 19469
881 Added; redesignated from Part 1277 15580
Revised 18904
882 Added; redesignated from Part 1275 and revised 15580, 19613
883 Added; redesignated from Part 1278 ..... 15580, 16936
885 Added 36538
888 Recodified from Part 1280 15580
Schedule B added 15581
Schedule B amended 26509, 50633
Schedule A amended 27479, 31936, 40514
Schedule A corrected 28451
888.102 Revised 15580
889 Added 15542
890 Added 17009
1270—1279 Recodified as Parts 800—804 and 880—883 (see conversion table) 15580
1273 Removed; provisions revised and redesignated as Part 880 18682
1280 Recodified as Part 888 15580

Title 24—Continued

Chapter IX—Office of Interstate Land Sales Registration, Department of Housing and Urban Development

		Page
1700.30	(e) and (f) added	14753
1710.25	(d) added	56908
1710.26	(a) revised	56908
1710.115	Amended	56908
1710.120	Amended	56910

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

1909.1	Amended	23865
1912.2	(e) revised	57210
1912.5	Added	57210
1912.22	Revised	57212
1914.4	Table amended	14600, 14601, 16835–16841, 17751, 17752, 17753, 17838, 17839, 17988, 18776, 18777, 18994, 20617–20624, 20794, 20795, 23726–23731, 23866–23873, 23977, 23978, 25003, 25465, 25586, 25589, 25590, 26992, 26995, 27000, 27215, 27481, 28062, 29819, 29820, 29821, 29822, 30111, 30112, 30942, 30943, 30944, 31212—31216, 33011, 33448, 34600, 36319, 36320, 38152, 38153, 39861, 39862, 41509, 42009, 42873, 43219, 43721, 45805, 48356, 48357, 48504, 48677, 49314, 51046, 51627, 53573, 55355, 56671, 57804, 59343, 59344
1915.1	Revised	56672
1915.2	Revised	53579
1915.3	Table amended	14754, 16192, 16193, 16303, 16304, 16842, 17017, 17989, 18550, 19641, 19642, 20271, 20272, 20273, 20799, 20803, 20808, 23460–23465, 23980, 23982, 24183, 24722, 25206, 25207, 25468 25471, 27001, 27004, 27005, 27006, 27007, 27216, 27217, 27652, 29823, 29824, 31217, 31220, 33670, 33674, 33821, 36321, 36562, 41511, 42554, 42874, 43221, 43722, 45807, 48505, 49315, 51047, 51628, 53575, 55357, 56910, 59428
1915.6	Added	17016
	Table amended	20798, 46103, 53579
	Revised	53579, 56672
1916	Interpretation	23278, 23279, 24521, 29824, 29825, 34122, 39499, 42348, 42349, 43027, 45165, 45166, 48126, 53008, 53009, 56426
1917	Determinations	34123, 34124, 34125, 35126, 34127, 41108–41115, 42349, 48127, 48128, 50713, 50714, 51442, 53010, 54778, 56426, 57668
1920	Added	23865
	Map amendments	33210, 33211, 33212, 33213, 36117, 36118, 37208, 37209, 39500, 39501, 39502, 39503, 41115, 41116, 42557, 42743, 45166, 45167, 48128–48133, 48357, 48358, 48359, 49089, 50532–50536, 50714, 51632–51635, 52362–52367, 53010, 53011, 54778, 54779, 56427–56429, 57669, 57670, 59199–59203
1930.6	Revised	44130
1931.1	(b) revised	44130

Chapter XIII—Federal Disaster Assistance Administration, Department of Housing and Urban Development

2205	Added	23253
2205.7	(g) corrected	28609
2205.48	(c)(1)(C)(1) and (2) redesignated (ii) and (iii); (d) amended; (h)(A) redesignated (2)	28609
	(c)(1)(i)(D) added	58450
2205.51	Corrected	28609
2205.54	(h)(A), (A)(1), (B), (C), and (D) redesignated (h)(2), (2)(i), (ii), (iii), and (iv); (a)(3)(ii) and (v) and (h) corrected	28609
2205.73	Corrected	28609
2205.78	(a) corrected	28609
2205.79	(c)(2) corrected	28609

Chapter XV—Mortgage Insurance and Loan Programs Under the Emergency Homeowners' Relief Act, Department of Housing and Urban Development

	Chapter XV established	59866
2700	Added	59867

Title 24—*Proposed Rules:*

7	54550
35	26974
42	36142
203	33681
235	52216
280	48141, 52709
406	42560
805	43372
865	44159
867	24738

	Page
885	54734
888	30000, 45445, 50438, 54760
895	21040
1710	56919
1400	26930
1909	25478
1910	25478
1911	25478
1914	25478
1915	25478
1917	16345, 16674, 16675, 16676, 18562, 19832, 19833, 20106, 25478, 33223, 37225, 48362, 49099, 50722, 50723, 50724, 53043, 54811, 56459, 59225, 59226
1925	23878
2700	47694
2705	47694
2710	47694
2715	47694
2720	47694
2725	47694

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

		Page
1.3	Amended	20625
2.1	(c) amended	20625
2.3	Revised	20626
2.10—2.14	(Subpart B) Removed; new §§ 2.10—2.20 (Subpart B) added, incorporating provisions from former Subparts B, C, and D	20626
2.10—2.20	(Subpart B) Added; incorporates provisions of former Subparts B, C, and D	20626
2.21—2.37	(Subparts C and D) Removed; provisions incorporated into §§ 2.10—2.20 (revised Subpart B)	20626
12	Added	28026
33	Removed	51286
41.3	(t) added	17022
	(u) added	27444
43k	Added	14592
43k.5	(a) revised	19012
43k.15	Amended	19012
43l	Added	36324
88.3	(c) and (e) revised	24184
93.7	Corrected	20952
153	Added	28039
221.1	Revised	52846
221.24	Revised	33214
221.26	Revised	33214
221.28	Revised	33214
221.63	Revised	26676
221.73	Revised	52846
221.86	Revised	52846
221.110	Revised	45427
221.111	Revised	45427
221.112	Revised	45427
221.114	Revised	45427
221.120	Revised	54425
221.121	Revised	54425
221.123	Revised	54425
221.170	Revised	52610
221.171	Revised	52610
233	Revised	58135
252	Revised	39837
256.3	(b) revised	24184
	Subchapter X established	19195
261	Added; redesignated from Part 300	44543
261.1	Amended	44543
261.2	Amended	44543
261.4	(b)(2) and (d)(2) and (4) amended	44543
261.5	(a)(4) and (b) amended	44544
261.7	(a) amended	44544
261.9	Amended	44544
261.10	Amended	44544
	Subchapter Y established	51286
271	Added	51286
272	Added	51300
273	Added	51303
274	Added	51310
275	Added	51316
276	Added	51316
277	Added	51327
300	Added	19195
	Redesignated as Part 261	44543

Title 25—*Proposed Rules:*

20	53403
33	40982
41	22141
43h	42020
43l	26039
60	53593
104	53593
113	47795
178	57694
221	17029, 27035, 34605, 36376, 43513, 46114, 47139, 59745
232	39871
233	42884
252	18798
253	18798
401	40982
402	40982
403	40982
404	40982
405	40982
406	40982
407	40982

CODE

XUM

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Page

1.44—1.44–5 Added 55850
1.44–2 (a) corrected 58138
1.44–4 (a)(3) corrected 58138
1.72–4 (b)(2) revised 16663
1.72–15 (a) and (d) revised; (f) amended; (i) added 16664
1.101–2 (a)(2) revised 16666
1.103–8 (f)(2)(ii)(*a*) amended; (*d*) revised; (*e*) and (*f*) removed 26028
1.105–4 (a)(2)(i) and (3)(i) revised 16666
1.105–6 Added 16666
1.115–1 (a)(4) revised 49321
1.162–21 (b)(1)(ii) and (2) revised 29290
1.170A–12 Added 34337
1.243 Amended 42744
1.243–5 (d)(2) revised 42745
1.250 Added 26029
1.250–1 Added 26029
1.281—1.281–4 Undesignated heading and sections added 23732
1.341 Amended 29839
1.341–6 (b)(2)(iv) revised 29840
1.512(a)–1 Revised 58639
1.513 Amended 58642
Historical note revised 60053
1.513–1 (a), (b) and (f) revised 58642
1.513–2 (c) revised 58643
1.514(b) Amended 49322
1.514(b)–(1) (d)(4)(i) revised 49322
1.535 Amended 42744
1.535–3 (b)(2) and (3), and (c) revised 42744
1.642(c)–0 Added 23739
1.642(c)–1—1.642(c)–4 Revised 23739
1.642(c)–1 (a)(1) and (3) corrected 24361
1.642(c)–2 (b)(3)(ii) and (4)(iii), and (c)(1) corrected 24361
1.642(c)–3 (b)(1) and (c) corrected 24361
1.642(c)–4 Corrected 24362
1.642(c)–5 (a)(5)(vi) revised; (d) removed 23742
1.643(a)–3 (c) revised 23742
1.643(a)–7 Revised 23742
1.673(a)–1 (a)(2) revised 23742
1.673(b) Amended 23743
1.673(b)–1 Heading revised; (d) added 23743
1.817–2 (b)(1)(i)(c) revised 29840
1.861 (a)(1)(A) through (H), (a)(2)(B), (C), and 3(C)(ii) and historical note revised; (a)(2)(D) and (C) through (E) added 45428
1.861–2 Revised 45429
(d) corrected 48508
1.861–3 (a)(3) revised; (b) redesignated (c) and revised; new (b) and (d) added 45432
(a)(3) corrected 48508
1.861–4 (a) and (b) revised; (d) added 45433
(a)(4) corrected 48508
1.861–5 Revised 45434
1.861–8 (b) revised 45434
1.862–1 (a) revised 45434
Corrected 48508
1.863–6 Revised 45435
1.864–2 (b)(2)(ii) and (iv) revised 45435
1.881 Amended 50260
1.881–1 (c) revised 50260
1.895 Text and historical note revised 45435
1.895–1 Revised 45435
(e) corrected 48508
1.902–1 (c) revised 45436
1.902–3 (d)(1) added 45436
1.931 Amended 50260
1.931–1 Heading and (a)(1) revised 50260
1.932 Amended 50260
1.932–1 (a)(1) and (b) revised 50260
1.935 Added 50261
1.935–1 Added 50261
1.994 Added 29827
1.994–1 Added 29827
1.994–2 Added 29836
(a) and (e) corrected 33972
1.1221 Amended 29840
1.1221–1 (c) revised 29840
1.1231 Amended 29841
1.1231–1 Amended 29841
1.1232–1 (c)(3) revised 27936
1.1232–3A (f)(1) revised 27936
1.1402(c)–2 (a)(2) and (b) revised 30945
1.1441–1 Revised 50263
1.1441–3 (c)(1) revised 45436
1.1441–4 (i) added 45436
1.1442 Amended 50264
1.1551 Amended 42745
1.1551–1 (a) amended 42745
1.6014–2 (c)(3)(vi) and (vii) revised; (c)(3)(viii) and (ix) added 55856
1.6091–1 (b)(16) added 50264
1.6091–4 (c) added 50264

Page

1.6654 Amended 49322
1.6654–1 (a)(2) amended 49322
1.6655 Amended 49322
1.6655–1 (a)(2) amended 49322
1.6655–5 (a)(2) revised 49322
8.1 Added 58853
9.1 Added 25472
10.2 Added 17554
(c)(1)(ii)(A)(2) corrected 25590
11.401(a)–11 Added 45810
(e)(2) and (f) corrected 49326
11.401(a)–14 Added 47107
Technical correction 48679
11.401(a)–15 Added 48345
11.401(a)–19 Added 51421
11.401(b)–1 Added 44544
11.401(d)(1)–1 Added 48509
11.408 (a)(2)–1 Added 53580
11.408(i)–1 Added 51636
11.410–1 Added 27217
11.410(a)–1 Added 45813
11.410(a)–2 Added 45813
11.410(a)–3 Added 45814
11.410(a)–4 Added 45814
11.410(a)–5 Added 45815
11.410(a)–6 Added 45816
11.410(b)–1 Added 45816
11.410(d)–1 Added 45817
11.411(a)–1 Added 51421
11.411(a)–2 Added 51422
11.411(a)–3 Added 51422
11.411(a)–4 Added 51423
11.411(a)–5 Added 51424
11.411(a)–6 Added 51425
11.411(a)–7 Added 51426
11.411(a)–8 Added 51428
11.411(a)–9 Added 51429
11.411(a)(10)(B)–1 Added 17556
11.411(b)–1 Added 51429
11.411(c)–1 Added 51433
11.411(d)–2 Added 51434
11.411(d)–3 Added 51435
11.414(c)–1 Added 51435
11.414(c)–2 Added 51436
11.414(c)–3 Added 51437
11.414(c)–4 Added 51438
11.414(c)–5 Added 51440
11.7476–1 Added 24002
(b)(1) amended 24521
11.7476–2 Added 24003
11.7476–3 Added 29535
17.1 Added 26028
20.2031–11 Removed 34340
20.2039–2 (b) CFR correction 36325
20.6161–1 Amended 49323
20.6163 Amended 49323
20.6163–1 (d) amended 49323
20.6166 Amended 49323
20.6166–1 (f) amended 49323
20.6601 Amended 49323
24.1 Added 58853
25.2512–10 Removed 34340
25.6601 Amended 49323
31.3101 Revised 30947
31.3101–2 Revised 30947
31.3111 Revised 30947
31.3111–2 (a) and (b) revised 30948
31.3121(a)–1 (a), (b), and (j) introductory text revised 30948
31.3121(a)(1) Revised 30948
31.3121(a)(1)–1 (a)(1), (a)(3) introductory text, and (b)(1) revised 30948
31.3121(a)(9) Amended 30957
31.3121(a)(9)–1 (a) revised 30957
(a)(1) corrected 32831
31.3121(a)(11) Revised 42350
31.3121(a)(11)–1 Added 42350
31.3121(a)(12) Revised 30949
31.3121(a)(13) Added 30949
31.3121(a)(13)–1 Added 30949
31.3121(a)(14) Added 30950
31.3121(a)(14)–1 Heading added 30950
Text added 30957
31.3121(a)(15) Added 30950
31.3121(a)(15)–1 Heading added 30950
Text added 30957
31.3121(b)(3) Amended 30950
31.3121(b)(3)–1 (a) and (b) revised 30950
31.3121(b)(6) Amended 30957
31.3121(b)(6)–1 (c)(4)(ii) revised 30957
31.3121(b)(7) Amended 30957
31.3121(b)(7)–1 (e) added 30958
31.3121(b)(10) Heading revised; text amended 30958
31.3121(b)(10)–1 (b) revised 30958
31.3121(b)(10)–2 Heading, (a), (b), and (c) revised 30958
31.3122 Revised 30951
31.3125 Revised 30951
31.3306(b)–1 (a)(1) and (b) revised; (j) introductory text amended 42350
31.3306(b)(8) Amended 42350
31.3306(b)(9) Added 42350
31.3306(b)(9)–1 Added 42351
31.3306(b)(10) Added 30951
31.3306(b)(10)–1 Added 30951
31.3402(a)–2 (a) revised 17840
31.6011(a)–1 (a)(3)(ii) amended 17144
CFR correction 48346

CODE

XUM

Title 26, Chapter I—Continued

	Page
31.6011(a)–4 (b) revised	17144
CFR correction	48346
31.6011(a)–5 (b) heading and (b)(2) revised	17144
CFR correction	48346
31.6011(a)–9 Added	17145
CFR correction	48346
31.6051 (a) and note revised; (e) added	30952
31.6051–1 (a)(3), (b)(1) introductory text, (c) (2) and (3), and (d)(1) and (2)(i) revised	17145
(a)(1)(i)(f) amended; (b)(3) removed	17145
(f) redesignated as (g); new (f) added	17145
CFR correction	48346
31.6051–2 Added	17145
31.6053–2 (b) and (c) revised	17145
31.6071(a)–1 (a)(3)(i) heading and (a)(3)(ii) revised	17146
CFR correction	48346
31.6081(a)–1 (a)(3) revised	17146
31.6413(c) Amended	30953
31.6413(c)–1 (a)(1)(i), (2), (5), (6) revised; (c) added	30954
53.6001—53.7101–1 (Subpart J) Added	29843
54 Added	50841
Subchapter E (Parts 170–299) Recodified as Subchapter M of Title 27	16835
170—299 Recodified as 27 CFR Parts 170–299	16835
301.6051 Amended	30955
301.6096 Amended	55856
301.6096–1 (b) revised	55856
301.6104–1 (d), (e) (1) and (3), and (f) amended	15090
301.6104–2 (b) revised; (c) (1) and (4) amended	15090
301.6163 Amended	49323
301.6166 Amended	49323
301.6332 Amended	49323
301.6332–1 (b)(1) revised	49324
301.6413 Amended	30955
301.6504 Amended	49324
301.6601 Amended	49324
301.6601–1 (a), (b) heading, (c)(1), and (e)(1) and (2) revised; (b)(1) and (c)(2)(i) amended; (b)(2) removed	49324
301.6602 Revised	49324
301.6602–1 Revised	49324
301.6611 Amended	49324
301.6611–1 (a) revised	49325
301.6621 Added	49325
301.6621–1 Added	49325
301.6688 Added	50264
301.6688–1 Added	50264
301.6863–1 (b) amended	49325
301.7426 Amended	49325
301.7622–1 Revised	23743
301.7654 Revised	50264
301.7654–1 Added	50265
301.7701 Amended	50266
420.6103(g)–3 Added	30959
601.201 (o) revised	32323

Title 26—*Proposed Rules:*

1.0—1.169	14767, 17576, 18798, 22548, 25679, 28101, 29874, 36366, 36371, 41118, 45845, 48690, 50720, 54582, 54583, 56448, 57364, 58656
1.170—1.300	20633
1.401—1.500	17576, 18798, 22548, 28101, 31238 43034, 43735, 45828, 45838, 46314, 47138, 48361, 48514, 48517, 48690, 49343, 51445, 51467, 52417, 52418, 53593, 58471
1.501—1.640	25476 28613, 36366, 45832, 48691, 53261, 57462
1.641—1.850	18798, 28101, 34128, 45442, 51445, 58471, 58860
1.851—1.1200	14767, 17576, 26040, 27483, 27484, 29296, 29871, 30971, 53035
1.1201—end	17576, 17588, 18798, 24011, 24527, 26040, 27943, 28101, 29553, 29874, 34352, 36366 45832
11	18798, 28101
12	30971
20	36366, 36375, 58860
25	36366
31	17028, 21965, 27240, 43226, 53037
49	25478
53	43696
54	33560, 33561, 34129
301	29165, 24011, 24527, 25478, 29874, 34352, 36366, 45845, 54583
601	25478

TITLE 27—ALCOHOL, TOBACCO PRODUCTS, AND FIREARMS

Chapter I—Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury

6.28 Revised	55856
Subchapter M (Parts 170—299) established; recodified from Subchapter E of Title 26	16835
170—299 Added; recodified from 26 CFR Parts 170–299	16835

	Page
178.11 Amended	19201
178.126a Added	19202
194.24 (c)(1)(i) and (ii) revised	56887
194.38 Center heading and section added; text includes provisions from former § 194.73	56887
194.73 Removed; provisions transferred to new sections 194.38 and 194.264	56887
194.110 Revised	30113
194.138 Revised	56887
194.151 (a) revised	56887
194.251 Revised	56888
194.264 Added; text includes provisions from former § 194.73	56888
240.17 Removed	20627
240.19 Revised	20627
240.41 Removed	20627
240.542 Revised	20627
240.543 Revised	20627
245 Technical correction	48920
245.116 Revised	47490

Title 27—*Proposed Rules:*

4	30117, 32129, 33982, 52613
5	29866, 30971, 52613, 53261
7	52613
178	21961, 25026, 59207
181	21961, 25026, 59207
194	31957
245	27240

CODE

XUM

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

Page

0.1 Amended ---- 42745, 58643
0.6 Added ---- 42745
0.7 Amended ---- 42746
0.17 Removed ---- 42746
0.18 Amended ---- 33214
0.25 Amended ---- 42746
0.27 Amended ---- 42746
0.39—0.39c (Subpart G–2) Revised ---- 58643
0.40—0.43 (Subpart H) Revised ---- 36118
0.50—0.52 (Subpart J) Appendix added ---- 44326
0.55—0.64 (Subpart K) Appendix added ---- 36564
0.76 (g) revised ---- 58644
0.85 Introductory text revised ---- 42746
0.150 Revised ---- 58644
0.179—0.179a (Subpart Z–1) Added ---- 53390
2 Revised ---- 41331
16.7 (b) through (f) redesignated as (c) through (g); new (b) added; (c), (f), and (g) amended ---- 33214
16.8 (b) amended ---- 33214
16.40—16.57 (Subpart D) Added ---- 50642
16.48 (b) corrected ---- 52007
20.20 (b) and (c) hearing ---- 52846
20.21 (b), (c), and (d) hearing ---- 52846
Introductory text amended ---- 59204
50.13 Added ---- 34114
55 Added ---- 46080

Title 28—*Proposed Rules:*

0 ---- 30977
4 ---- 30489
4a ---- 30491
16 ---- 39404, 39408, 50647
19 ---- 56453
20 ---- 49789
22 ---- 44034
42 ---- 56454

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

5.1 (b) amended ---- 30481
5.2 (c) revised; (d) amended ---- 30481
5.5 (a)(3)(ii) amended; (a)(4) revised ---- 30481
5.6 (a) (2) and (3), (b) (1) and (2), (c) (1), (2), and (3), and (d) revised ---- 30481
5.11 (b) revised ---- 30482
5.15 Added ---- 30483
5.16 Added ---- 30483
5.17 Added ---- 30483
5a Removed ---- 30483
8 Revised ---- 59726
56 Revised; effective 3–16–76 ---- 43170
57 Removed ---- 43170
58 Removed ---- 43170
94.3 Amended ---- 28981, 47723
Revised ---- 50812
97.101—97.198 (Subpart B) Revised ---- 47724
97.161 (b)(3) and (f)(7) added; (f)(6)(i) amended ---- 58854
97.201—97.292 (Subpart C) Revised ---- 28982
97a Added ---- 50813

Chapter I—National Labor Relations Board

102.117 (e) through (k) added ---- 48330
102.118 (a) existing text redesignated as (a)(1); (a)(2) added ---- 50662
102.136 (Subpart R) Added ---- 59728

Chapter II—Office of the Assistant Secretary for Labor-Management Relations, Department of Labor

202.1 (f) revised ---- 50715
202.2 Heading and (h) revised ---- 50715
202.20 (f) revised ---- 50716
204.3 Effective date established ---- 58855

Chapter IV—Office of Labor-Management Standards Enforcement

402.1 Amended ---- 58856
402.3 Amended ---- 58856
402.4 Revised ---- 58856
403.4 (b) amended ---- 58856
408.6 Revised ---- 58856
408.8 Revised ---- 58856

Chapter V—Wage and Hour Division, Department of Labor

511.4 Revised ---- 55321
570.35a Revised ---- 40801
(a), (b)(2), (b)(4)(i), and (c)(3) corrected ---- 44130
579.2 Corrected ---- 53237
602.1 Revised ---- 58138
602.2 Revised ---- 58138

Page

603.2 Revised ---- 58139
604.1 Revised ---- 36564
604.2 Revised ---- 36565
606.1 Revised ---- 36565
606.2 Revised ---- 36565
608.2 Revised ---- 58139
609.2 Revised ---- 58140
610.2 Revised ---- 58140
611.2 Revised ---- 58141
612.1 Revised ---- 58141
612.2 Revised ---- 58141
614.2 Revised ---- 58142
615.1 Revised ---- 58142
615.2 Revised ---- 58142
687.1 Revised ---- 58143
687.2 Revised ---- 58143
727.2a Removed ---- 28064
727.3 Corrected ---- 28064
870.10 (b), (c), and (d) revised; (e) and (f) removed ---- 52610

Chapter XII—Federal Mediation and Conciliation Service

1410 Added ---- 47418

Chapter XIV—Equal Employment Opportunity Commission

1611 Added ---- 45108

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

1902.30—1902.53 (Subpart D) Added ---- 54782
1902.37 (b) (10) and (14) corrected ---- 58143
1910.184 (e)(9)(i) corrected ---- 31598
1952 Technical correction ---- 49574
1952.11 Added ---- 58451
1952.104 Added ---- 44133
1952.109 (b) added ---- 52368
1952.122 Revised ---- 44134
Amended ---- 55857
1952.124 Revised ---- 59345
1952.162 Revised ---- 50717
1952.163 Revised ---- 36566
1952.164 Added ---- 40157
Text redesignated as (a); (b) added ---- 40157
1952.173 (h) revised ---- 40156
1952.174 (d) through (h) revised ---- 40156
(i) added ---- 54426
1952.180—1952.183 (Subpart L) Removed ---- 27655
1952.194 (b) revised ---- 49574

Page

1952.224 Added ---- 36567
1952.242 Revised ---- 40158
1952.264 (c) added ---- 44132
1952.302 Revised ---- 44131
1952.313 (c) and (d) revised ---- 28792
1952.330—1952.333 (Subpart AA) Removed ---- 33972
1952.360—1952.363 (Subpart DD) Added ---- 57456
1953 Determination (Oregon plan) ---- 57804
1953.23 (a) revised ---- 48679

Chapter XX—Occupational Safety and Health Review Commission

2300.2 (b) amended ---- 54568
2300.3 Amended ---- 54568
2300.4 (b) amended; (c) and (e) revised; (d) removed; (f) added ---- 54568
2300.5 (a), (b) and (e) amended ---- 54568
2300.6 (a) and (c) amended ---- 54568
2300.7 (a), (c), (d), and (e) amended ---- 54568
2300.8 (a) and (b) amended ---- 54568

Chapter XXV—Office of Employee Benefits Security, Department of Labor

Subchapter B established ---- 34531
2510 Added ---- 34531
2510.3–21 Added ---- 50843
2510.3–37 Added ---- 52008
Subchapter C established ---- 34533, 41654
2520 Added ---- 34533
2530 Added ---- 41661
Comment time extended ---- 52724
2550.407c–3 Added ---- 43726
2555 Added ---- 31598
Interpretative releases ---- 31755, 34587, 47491
2556 Heading added ---- 53998
Interpretative Bulletin 75–1 ---- 53998, 59728

Chapter XXVI—Pension Benefit Guaranty Corporation

2602 Revised ---- 42876, 57457
Effective date corrected ---- 43512
2603.28 Revised ---- 43213
2604 Added ---- 42534
2605 Added ---- 43510
2605.3 (b) corrected ---- 47765
2606 Added ---- 42878
2607 Added ---- 46054

CODE

XUM

Title 29—*Proposed Rules:*

Page
8 ---- 46316
28 ---- 51052, 51102
29 ---- 33052
40 ---- 57332
60 ---- 58664
79a ---- 40039
94 ---- 30584
97 ---- 33920, 47744
97a ---- 30584
102 ---- 39763
202 ---- 36576
570 ---- 28814
603 ---- 40537
608 ---- 40537
609 ---- 40537
687 ---- 40537
697 ---- 44159
723 ---- 58867
724 ---- 58867
725 ---- 58867
1410 ---- 39035
1601 ---- 59746
1611 ---- 39377
1902 ---- 27946
1907 ---- 27691
1910 ---- 30980, 32268, 37233, 39895, 40170, 40849, 41530, 41797, 45934, 46206, 47262, 47652, 48362, 48814, 49032, 54520, 54684, 55866, 55867, 58457, 58458
1915 ---- 30980, 41530
1916 ---- 30980, 41530
1917 ---- 30980, 41530
1918 ---- 30980, 41530
1926 ---- 30980, 40170, 41530
1952 ---- 28472, 33995, 36575, 39895, 41148, 44157, 44158, 45855, 47515, 47516, 49581, 59355
1953 ---- 49101
2400 ---- 40057
2510 ---- 31638, 33561, 33563
2520 ---- 31638, 48096, 53710
2602 ---- 33838
2604 ---- 29555
2606 ---- 33639
2607 ---- 37057
2608 ---- 51368
2609 ---- 51373
2610 ---- 57982
2611 ---- 57980

TITLE 30—MINERAL RESOURCES

Chapter I—Mining Enforcement and Safety Administration, Department of the Interior

Page
77 Technical correction ---- 44813
77.215 (h), (i), and (j) added ---- 41776
77.215–1—77.215–4 Added ---- 41776
77.216 Revised ---- 41776
77.216–1—77.216–5 Added ---- 41777
77.217 Added ---- 41778

Chapter II—Geological Survey, Department of the Interior

Page
250.34 Revised ---- 51200

Chapter IV—Federal Metal and Non-Metallic Mine Safety Board of Review

400 Removed ---- 46309

Title 30—*Proposed Rules:*

55 ---- 44272, 51202
56 ---- 44272, 51202
57 ---- 44272, 51202
211 ---- 41122, 46315, 51646
216 ---- 41122, 51646
250 ---- 30119, 42559, 43036, 58862
251 ---- 30119

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

1.1—1.6 (Subpart A) Appendix D amended ---- 49090
1.20—1.36 (Subpart C) Added ---- 45684
Appendixes A–L added ---- 45711
1 Appendixes C, D, and K revised; Appendix G amended ---- 29290
9 Authority citation revised ---- 50717
9.2 Revised ---- 50717
9.3 (b) revised ---- 50717
9.5 (a) revised ---- 50717
9.6 Revised ---- 50717
9.7 (b), (c), (d), and (f)(5) revised ---- 50717
9.9 Revised ---- 50718

Chapter I—Monetary Offices, Department of the Treasury

51 Table of contents revised ---- 51035
Various sections redesignated ---- 51036
Revised ---- 53355
Technical correction ---- 54241
51.3 (a) amended ---- 51036
51.5 Amended ---- 51036
51.10 (b) amended ---- 51036
51.11 (b) amended ---- 51036
51.12 Amended ---- 51036
51.21 (formerly 51.20(e)) Amended ---- 51036
51.23 (formerly 51.22) (a) and (b) revised ---- 51036
51.25 (formerly 51.24) (a) revised ---- 51036
51.27 (formerly 51.26) (h) revised ---- 51037

Page
51.40—51.75 (Subparts E and F) redesignated as F and G; new Subpart E added ---- 50029
51.41 (formerly 51.31) Heading revised ---- 51037
51.43 (formerly 51.34) Amended ---- 51037
51.50—51.62 (new Subpart E) Added ---- 50029
51.71 (formerly 51.41) (c) amended ---- 51037
51.86 (formerly 51.56) (d) amended ---- 51037
51.87 (formerly 51.57) (d) revised ---- 51037
51.94 (formerly 51.64) (b) amended ---- 51037
51.98 (formerly 51.68) (a) amended ---- 51037
81 Nomenclature change ---- 32121
93 Nomenclature change ---- 32121
128.31 Heading and text revised ---- 46102
128.32 Heading and text revised ---- 46102
128.33 Heading and text revised ---- 46102
128.34 Heading and text revised ---- 46102

Chapter II—Fiscal Service, Department of the Treasury

210 Added ---- 47492
214.6 (a) (2) and (4) and (b) (2) revised ---- 59595
224.1 Amended ---- 51194
224.5 Heading and text revised ---- 51194
224.6 Removed; new 224.6 added (redesignated) ---- 51194
224.7 Redesignated as 224.6 and revised; new 224.7 added (redesignated) ---- 51194
224.8 Redesignated as 224.7 and amended ---- 51195
306 Text of applicable forms amended ---- 47979
315 Text of applicable forms amended ---- 47979
316.8 (a) (3) and (4) revised; tables added ---- 59292
332.8 (a), (2) and (3) revised; tables added ---- 59300
341 Text of applicable forms amended ---- 47979
345.1 (b) revised ---- 29846
345.2 Revised ---- 29846
345.5 Redesignated as 345.6; new 345.5 added ---- 29846
345.6 Redesignated from 345.5 ---- 29846
346 Text of applicable forms amended ---- 47979
347 Added ---- 29846
Technical correction ---- 30640
348 Added ---- 29847

Chapter V—Office of Foreign Assets Control, Department of the Treasury

Page
515.412 Removed ---- 47108
515.541 Removed ---- 47108
515.559 Added ---- 47108

Title 31—*Proposed Rules:*

1 ---- 37602
12 ---- 49343
51 ---- 30974
223 ---- 54575, 59600
306 ---- 30485, 31238

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

166.11 (d) added ---- 44135
197 Added ---- 42187
286a Added ---- 55518
286b Added ---- 55526
286c Added ---- 55535
286d Added ---- 55535
286e Added ---- 55535
287a Added ---- 55535
290a Added ---- 55538
291a Added ---- 55543
292a Added ---- 44489
295c Added ---- 55543
298a Added ---- 55546
299a Added ---- 44294

Chapter V—Department of the Army

505 Added ---- 55552
577.64 (l) revised ---- 58290
641.33 Revised ---- 27937
641.82 Revised ---- 27937
641.83 Revised ---- 27937
641.104 Introductory text revised ---- 27937
(c) (5) and (6) revised ---- 54568
641.105 Revised ---- 27937
641.109 Revised ---- 27938
Introductory text revised; (c) removed ---- 54569
641.132 Introductory text of (a), (a)(5), and (b) revised ---- 27938
650 Added ---- 55962

Chapter VI—Department of the Navy

701.51—701.59 (Subpart E) Added ---- 36325
706.2 Table one revised ---- 31601
Amended ---- 33034

CODE

XUM

(CHANGES JULY 1 THROUGH DECEMBER 31, 1975)

Title 32—Continued

Chapter VII—Department of the Air Force.

Page
806b Added ---- 55580

Chapter XII—Defense Supply Agency

1285 Appendix A corrected ---- 53999

Chapter XIV—The Renegotiation Board

1453.3 (d)(2) amended ---- 51413
1460.5 (c) revised ---- 46102

Chapter XVI—Selective Service System

1608 Revised ---- 44496
1622.2 Correctly revised ---- 45436

Chapter XVII—Office of Emergency Preparedness

Chapter heading revised ---- 53011
1712 Removed ---- 28599

Chapter XVII—Selective Service System (Clemency Program)

1700 Redesignated from 2 CFR Part 200 ---- 53011

Chapter XVIII—Defense Civil Preparedness Agency

1801.9 (a) amended ---- 30114
1807.9 (b) amended ---- 30114
1808.1 Amended ---- 42736
1808.3 (a) revised ---- 42736
1808.4 Revised ---- 42736
1808.5 Revised ---- 42738
1808.6 (a)(2) revised ---- 42738
1808.7 Revised ---- 42738
1810.7 Revised ---- 36328
1812.13 Amended ---- 30114
1814 Added ---- 46056

Chapter XIX—Central Intelligence Agency

1901 Added ---- 45322

Chapter XXI—National Security Council

2102 Added ---- 47746

Title 32—*Proposed Rules:*

216 ---- 52734
286a ---- 37582
286b ---- 37590
286c ---- 37582
286d ---- 37498
286e ---- 37600
287a ---- 37502
290a ---- 37504
291a ---- 37525
292a ---- 37509, 44516
295c ---- 37522
298a ---- 37516
299a ---- 37579
505 ---- 37547
641 ---- 32837
701 ---- 37568, 46060, 55594
762 ---- 34352
806b ---- 37533
1286 ---- 37525, 45113
1481 ---- 42997
1608 ---- 36887
1814 ---- 37498, 42444
1901 ---- 39774
2102 ---- 40794

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Domestic and International Business Administration, Department of Commerce

DPS Reg. 1 Amended ---- 43489

Title 32A—*Proposed Rules:*

Ch. VI ---- 33996
Ch. X ---- 50047

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

2 Heading and text revised ---- 49326
3.15–10 (b) revised ---- 45167
3.15–15 Revised ---- 45168
3.15–25 Revised ---- 45168
3.15–50 Removed ---- 45168
3.15–55 (b) revised ---- 45168
3.15–57 (b) revised ---- 45168
3.15–60 (b) revised ---- 45168
3.15–65 Removed ---- 45168
3.85–10 Revised ---- 28451
3.85–15 Revised ---- 28451
3.85–55 Removed ---- 28451
3.85–60 Removed ---- 28451
3.85–65 Removed ---- 28451
100.05 (b) removed ---- 49327
110.87 (b) amended ---- 51637
110.214 (a)(2) removed; (a)(1)(ii) and (3)(i) revised ---- 30641
117.115 (c)(1) revised ---- 31938
117.190 (f)(1) through (6) revised ---- 51637

(CHANGES JULY 1 THROUGH DECEMBER 31, 1975)

Page
117.215 (j)(6) added ---- 49327
117.225 (f)(2) revised ---- 58857
117.245 (h)(28) revised ---- 32328
(i)(20–b) added ---- 41524
(f)(28b) removed; (i)(2–c) added ---- 43213
(h)(8) revised ---- 51637
117.290 Revised ---- 33449
117.360 Removed ---- 33450
117.434 Revised ---- 32328
117.485 Revised ---- 32329
117.740 (a)(5) notes added ---- 51195
117.762 Added ---- 56430
117.784 (d)(1) revised ---- 42189
117.810 (f)(9) revised ---- 54242
127.101 Added ---- 33034
127.102 Added ---- 37036
Removed ---- 45168
127.305 (a)(3) added ---- 30961
127.321 Added ---- 27939
127.322 Added ---- 30641, 31652
Removed ---- 31652
127.333 Added ---- 37037
Removed ---- 45169
127.503 Added ---- 32831
127.504 Added ---- 47108
127.801 Added ---- 33972
128.801.1—128.801.41 (Subpart C) Added ---- 56431
Subchapter NN established ---- 52553
148 Added ---- 52553
148.109 (g), (u)(4), and (z)(1)(ii) corrected ---- 58144
148.205 (a) corrected ---- 58143
148 Appendix A corrected ---- 58143
149 Added ---- 52565
150 Added ---- 52572
150.117 (f) removed ---- 58143
150.207 (c)(4)(iv) corrected ---- 58143
(b)(3) corrected ---- 58144
150.425 (a) corrected ---- 58144
150.509 Table corrected ---- 58144
151.35 (c) and (d)(2) revised ---- 48283
155.470 Revised ---- 42190
157 Added ---- 48283
157.09 (b) corrected ---- 49328
157 Appendix A corrected ---- 49328
183.3 Revised ---- 43856
183.25 (b)(1) revised ---- 43856
183.33 (a) revised ---- 33973
(b)(1) revised ---- 43857
(a) formula corrected ---- 51440
183.35 (b)(1) revised ---- 43857
183.37 (b)(1) revised ---- 43857
183.53 (a) revised ---- 43857

Chapter II—Corps of Engineers, Department of the Army

Page
203 Added ---- 39978
204.162 Removed ---- 48511
205.80 (c)(9) removed ---- 48511
207.16b (a)(3) revised ---- 47495
207.300 Revised ---- 32121
207.425 Revised ---- 57358
209.120 Revised ---- 31322
209.400 Removed ---- 52527
220.1 (d) corrected ---- 36774
252 Added ---- 31718
263 Added ---- 51133
264 Added ---- 51147
265 Added ---- 42652
266 Added ---- 42654
275 Added ---- 51160
290 Added ---- 52516
291 Added ---- 52521
292 Added ---- 52522
293 Added ---- 52525
294 Added ---- 52527
295 Added ---- 52530
384 Added ---- 51132
393 Added ---- 52533

Title 33—*Proposed Rules:*

1 ---- 42210
117 ---- 32837, 33828, 41537, 45191, 48363, 50545, 51202, 54258, 54259, 54260, 57222, 59219
148 ---- 52581
157 ---- 48289, 49351, 54006
183 ---- 43226
207 ---- 30118
208 ---- 54799
209 ---- 39524, 43918, 50720
214 ---- 59213
305 ---- 41636

TITLE 34—GOVERNMENT MANAGEMENT

Chapter II—Office of Federal Management Policy, General Services Administration

232 Appendix C amended ---- 32329
233 Appendix A amended ---- 30263
236 Added ---- 48346
256 Appendix M amended (Standard Form 424) ---- 54373
256.4 Revised ---- 51038
256.5 (c) and (d) revised ---- 51038

Title 34—*Proposed Rules:*

Ch. I ---- 56459
Ch. II ---- 28495
237 ---- 54013
259 ---- 59554

CODE
XUM

(CHANGES JULY 1 THROUGH DECEMBER 31, 1975)

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

		Page
5.26	(a) amended	58290, 58291
	(b) revised	58291
5.28	(a) amended	52368
5.42	(a) amended	52369
5.61	Amended	58291, 58292
5.62	(a) amended	58292
10	Added	44498
51.121—51.124	(Subpart B) Heading revised	46310
51.122	(c) and (d) revised	46310
51.123	Revised	46310
51.124	Revised	46310
67.358	(b), (c) and (g) revised	30818
135.82	Amended	54242
135.83	Amended	54242
135.85	Revised	54242
135.86	Removed	54242
135.113	Undesignated center heading and section added	54242
135.142	Amended	54242
135.175	Amended	54242
135.183	Added	54242
135.211	Amended	54243
135.271	Amended	54243
135.273	Amended	54243
135.274	(c) revised	54243
135.281	Revised	54243
135.282	Revised	54243
135.285	Heading and (a) revised	54243
135.286	Removed	54243
135.287	Revised	54243
135.322	Amended	54243
135.324	Amended	54243
135.327	Revised	54243
135.351	Undesignated center heading revised; section removed	54243
135.352	Amended	54243
135.353	Amended	54243
135.354	Revised	54243
135.381	Undesignated center heading and section removed	54243
135.383	Removed	54243
135.390	Undesignated center heading and section added	54243
135.391	Added	54243
135.412	Amended	54244
135.511	Revised	54244
253.4	(d) added	42996

Title 35—*Proposed Rules:*

10	40485
135	32140, 34619

TITLE 36—PARKS, FORESTS, AND PUBLIC PROPERTY

Chapter I—National Park Service, Department of the Interior

		Page
7.5	(d) added	31938
7.8	(e)(1) added	59728
7.13	(l)(1)(iv) revised; (l)(1)(v) added	54244
7.58	(a)(5) revised	56888

Chapter II—Forest Service, Department of Agriculture

212.8	Revised	52611
231.10	Revised	31222

Chapter VI—American Revolution Bicentennial Administration

601	Heading revised	29536
	Text redesignated as 601.1—601.12 (Subpart A)	29536
601.1—601.12	(Subpart A) Redesignated from Part 601	29536
601.13—601.19	(Subpart B) Added	29536
605	Added	29539
606	Added	32745

Chapter IX—Pennsylvania Avenue Development Corporation

Chapter	added	41524
901	Added	41524
903	Revised	44754

Chapter X—Commission of Fine Arts

Chapter	added	40802
1000	Added	40802
1002	Added	52369

Title 36—*Proposed Rules:*

2	28088, 36378, 50277, 57694
7	33222, 41138, 42464, 45845, 54428, 59600
50	58651
60	39875
407	39379
606	52630, 53594
903	39671, 41530
1000	30841
1002	45306

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

1.21	(e), (j), (k), (q) and (u) revised; (l) and (m) removed	57358
1.25	(a) revised	57359
1.155	Revised	44813
1.165	(b) revised	57359

(CHANGES JULY 1 THROUGH DECEMBER 31, 1975)

		Page
1.316	(b) revised	44814
1.317	Revised	44814
2.6	(a), (d) and (e) revised; (f) added	57359

Title 37—*Proposed Rules:*

1	36573
2	36573

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

		Page
0.735–21	(h), (i), (j), (k), (l) and (o) revised; (p) added	46286
0.735–22	Revised	46287
0.735–23	Introductory text and (a) revised	46287
1.575	Added	56434
1.576—1.584	Center heading and sections added	33944
1.576	(h), (i) and (j) added	58644
2.74	Revised	54244
2.97	Added	31755
3.5	(e)(1) and (3) revised; (e)(4) added	54245
3.54	(a)(3)(vii) revised	48680
3.157	(b) (2) and (3) revised	56434
3.200	Revised	36329
3.203	(b) revised	53581
3.204	(b)(1) revised	53581
3.205	(a) introductory text, (a)(1), (b), and (c) revised	53581
3.206	Introductory text revised	53581
3.207	Cross reference revised	53581
3.208	Revised	53581
3.209	Introductory text revised	53581
3.250	(a)(1) revised	36329
3.261	(a)(33) revised; (a)(34) added	57459
3.302	(a) introductory text, (a)(2), (b) introductory text, and (b)(2) and (4) revised; (c) added	36329
3.314	(a)(2) and (b)(1) and (2) revised	56434
3.315	(b) and (c) revised	56435
3.321	(b)(3) revised	57459
3.324	Revised	56435
3.326	(a) and (d) revised	56435
3.350	(d), (f)(1) and (2)(i) through (iv) and (h), and introductory texts of (a), (b), (c), (e), and (i) revised	54245
3.400	(j) and (o) revised	54246
3.454	(a) revised	36329
3.500	(b)(1), (e), (g)(1), (n)(1) and (4), and (p) revised	36330
3.551	(c)(1), (d), and (e) revised	45169
3.552	(g) and (h) revised	54246
3.556	(b), (c), (d), (e), and (f) revised	45169
3.557	(a), (b), and (d) revised	45170
3.558	(b) and (c)(2) revised	45170
3.559	(a) and (b) revised	45170
3.700	Introductory text, (a)(1)(i) and (2), and (b) revised	59346
3.701	(a) revised	59346
3.805	(d), (e), (f), and cross reference revised	54245
3.806	(a) introductory text revised	54245
3.807	Introductory text, (a), and (b) revised	54245
3.808	Introductory texts of Section and of (b)(1) and (e) revised	37037
	(a), (c), (d), and (e)(1) and (3) revised; (b)(3) removed	37037
3.810	(a)(2) revised	37038
	(a) introductory text revised	54246
3.850	(a) revised	36329
3.852	(a)(2) and (3) and (b) introductory text and (2) revised	36329
4.3	Revised	42535
4.16	Revised	42535
4.17	Revised	42536
4.17a	Revised	42536
4.18	Revised	42536
4.27	Revised	42536
4.71a	Amended	42536
4.75	Revised	42537
4.81	Removed	42537
4.84	Revised	42537
4.84a	Amended	42537
4.85	(a) and (c) revised	53011
4.87	Revised	42537
	Table II revised	53012
4.87a	Revised	42538
4.97	Amended	42539
4.104	Amended	42539
4.114	Amended	42540
4.115a	Amended	42540
4.117	Amended	42540
4.118	Amended	42540
4.119	Amended	42540
4.124a	Amended	42540
4.132	Amended	42541
4	Appendix A amended	42541
13	Heading revised	54247
13.1	Revised	54247

CODE
XUM

(CHANGES JULY 1 THROUGH DECEMBER 31, 1975)

Title 38, Chapter I—Continued

		Page
13.2	Revised	54247
13.3	Revised	54247
13.4	Removed	54247
13.50	Removed	54247
13.51	Removed	54247
13.52	Removed	54247
13.53	Removed	54247
13.54	Removed	54247
13.55	Revised	54247
13.56	Revised	54247
13.57	Revised	54247
13.58	Revised	54247
13.59	Revised	54247
13.60	Removed	54248
13.61	Revised	54248
13.62	Revised	54248
13.64	Removed	54248
13.65	Removed	54248
13.67	Removed	54248
13.68	Removed	54248
13.69	Revised	54248
13.70	Revised	54248
13.71	Revised	54248
13.72	Revised	54248
13.73	Revised	54248
13.74	Revised	54248
13.75	(b) revised	54249
13.76	Revised	54249
13.77	Revised	54249
13.100	Revised	54249
13.102	(a) revised	54249
13.103	Revised	54249
13.104	Revised	54250
13.105	Revised	54250
13.106	Revised	54250
13.108	Revised	54250
13.109	Revised	54250
13.110	(b) and (c) revised	54250
13.111	Revised	54251
17.51a	Revised	57805
17	Appendix A revised	53012
21.42	Footnote 5 revised	42878
21.43	(b) and (c) revised	42878
21.132	(j)(1) revised	31756
21.133	Revised	31756
21.134	Introductory text revised	31756
21.135	Revised	31756
21.136	Revised	31756
21.137	(c) revised	31756
21.138	(b) and (c)(2) and (3) revised	31756
21.145	(a), (b)(1) and (2), and (d) revised	31756
21.222	(b) revised	42879
21.225	Heading, introductory text, (a) and (b) revised	42879
21.274	(b) revised	31757
21.278	Revised	31757
21.700	Revised	31757
21.701	Revised	31757
21.705	Revised	31757
21.711	(a) revised	31757
21.715	(a) revised	31757
21.1021	(b), (d), and (e) revised	31758
21.1022	Revised	31758
21.1040	(a), (e)(2), and introductory texts of (b) and (e) revised	31758
21.1041	(a)(1) and (2), and (d) revised	31758
21.1045	(a)(2) and (b)(2) revised	31758
21.3022	Revised	42879
21.3023	(a) introductory text, (a)(2) and (d) revised	42879
21.3024	Text and cross reference revised	42879
21.3040	(a)(2) revised	42879
21.3041	(d) introductory text and (d)(7) revised	42879
21.3046	(c) revised	31759
21.3300	(c) revised	31759
21.3301	(a)(2) revised	31759
21.3330	(b)(1) revised	31759
21.3333	(a) and (b) revised	31759
21.4001	(a), (d), and (e) revised; (f) added	31759
21.4005	(a)(1) and (2) revised	31759
21.4009	(a), (c), (d), (f) through (i) and cross reference revised	42879
21.4135	(e), (o), (p)(1), (s) and (v)(2) revised	33824
21.4136	(a), (b), and (c) revised	31760
21.4137	(a), (b), and (g)(2) and (3)(iii) revised	31760
21.4138	(b) and (c) revised	31761
21.4139	(a) and (b)(1) revised	31761
21.4145	(a), (b)(1) and (2), and (d) revised	31761
21.4153	(c)(3) revised	31761
	(c)(4) removed; (d)(3) revised	42880
21.4200	(e) and (f) added	31762
21.4202	(c)(1) revised	31762
	(c)(2) revised	42880
21.4203	(b)(3) revised	31762
	(c) and (d)(2) revised	33824
21.4205	(c)(1) and (4) revised	31762
21.4206	Introductory text, (a) and (b) revised	31762
21.4208	(a) revised	31762
21.4230	(c) revised	31762
21.4233	Introductory text and (d) revised	31762

(CHANGES JULY 1 THROUGH DECEMBER 31, 1975)

		Page
21.4236	(c) and (d) revised	31763
21.4251	(g) revised	31763
21.4252	(b) introductory text, (b)(4), (e), (f) (1) and (2), (g), and (h) revised	31763
21.4253	(a)(1), (b), (d), (e) and (f) revised	33825
21.4256	Revised	42880
21.4264	Heading, (a)(2), (b) introductory text and (b)(3) revised	31763
21.4270	(a) footnote 8 added	31763
21.4275	(c)(1) revised	42880
21.4276	(a), (b)(2), (d) and (e)(5) revised	42881
21.4277	Revised	33825
21.4278	(a) revised	42881
21.4500—21.4506	(Subpart F) Added	31764
36.4203	Revised	34588
36.4212	(a)(2) and (3) revised	42190
36.4301	(a), (b), (i), (j), (n), (r), (aa), (dd), (ff), (hh), and (ii) revised	34589
	(c), (d), (k), (l), (m), and (y) removed	34589
36.4302	(a), (b), (c), (g), and (h) revised	34589
36.4306	(a) introductory text and (c) revised	34589
36.4307	(a) and (b) revised	34590
36.4308	(e) removed	34590
36.4309	(a) revised	34590
36.4311	(a) revised	42190
36.4312	(a), (c), and (d) revised	34590
36.4313	(c) and (e) revised	34591
36.4320	(h)(7) and (10) revised	34591
36.4321	(c) revised	34591
36.4329	Revised	34591
36.4330	(a) revised	34591
36.4331	(a), (b), (c), (d), (e), (g), and (i) revised	34591
36.4335	Introductory text and (a) revised	34592
36.4336	(a) introductory text, (a)(3), and (b) revised	34592
36.4337	Removed	34593
36.4338	(a) revised	34593
36.4339	Revised	34593
36.4340	(a) revised	34593
36.4341	Revised	34593
36.4342	(b) and (c) revised	34593
36.4343	(a) and (b) revised	34593
36.4344	Removed	34593
36.4346	Removed	34593
36.4348	Removed	34593
36.4349	Removed	34593
36.4351—36.4353	Revised	34593
36.4354	Removed	34594
36.4355	(a) and (b) revised	34594
36.4358	Heading, introductory text, (c) and (d) revised; (b) removed; (f) added	34594
36.4361	(a), (b), (d), and (e) revised	34594
36.4362	Revised	34595
36.4363	(a), (c), and (d) revised	34595
36.4364	(c)(1), (2), and (4), (d) introductory text, and (e) revised	34595
36.4365	Section and preceding center heading removed	34595
36.4390—36.4393	Undesignated center heading revised	34595
36.4390	Revised	34595
36.4391	Introductory texts of (b) and (c) revised	34595
36.4392	Amended	34596
36.4393	(a), (b), (f), (g), and (h) revised	34596
36.4503	(a) revised	42190

Title 38—*Proposed Rules:*

1	51204, 53598
3	37059, 41540, 42578, 45853, 45854, 48143, 49580, 50111, 56936
4	30502
13	31960
18	37059

TITLE 39—POSTAL SERVICE

Chapter I—United States Postal Service

		Page
Chapter I: new rates established		42460
42.3	Revised	57212
42.6	(a)(3) amended	57212
43.3	Added	57212
	Corrected	57670
44.3	(a) revised	57212
45.2	Revised	57212
47.2	Revised	57212
111.3	Amended	31602, 31766, 37209
	PSM amendment described	42542, 57213
	Corrected	57670
180.1001	(d) and (e) amended	57216
261	Added	45721
261.1	Corrected	48511
262	Added	45722
263	Revised	45722
264	Added	45723
266	Added	45723
266.5	(a)(2)(viii) corrected	48512

CODE
XUM

(CHANGES JULY 1 THROUGH DECEMBER 31, 1975)

Title 39, Chapter I—Continued

Page

267 Added ... 45726
267.4 (b)(1) corrected ... 48512
268 Added ... 45726
447.91 (jj) added ... 45726
601.105 Amended ... 47109
Subchapter J heading revised ... 52371
762 Added ... 52371

Chapter III—Postal Rate Commission

3002.2 (b) amended ... 28793
3002.4 Revised ... 43033
3002.7 Removed; new 3002.7 redesignated from 3002.9 ... 43033
3002.8 Removed; new 3002.8 redesignated from 3002.10 ... 43033
3002.9—3002.12 redesignated as 3002.7—3002.10 ...
3003 Added ... 38154

Title 39—*Proposed Rules:*

42 ... 43232, 43930
43 ... 43232, 43930
44 ... 43232, 43930
45 ... 43232, 43930
47 ... 43232, 43930
111 ... 43233, 57223
261 ... 34167
262 ... 30988
263 ... 34167
264 ... 34167
266 ... 30988, 37227
267 ... 30988
268 ... 39805
447 ... 39805
762 ... 36146
763 ... 36146
764 ... 36146
3003 ... 31813

TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

16 Added ... 53582
35.200—35.236 (Subpart A) Revised ... 55322
35.936—35.937-12 Added ... 58603
35.938—35.939 Removed; new 35.938—35.939 added ... 58603, 58609
35.965 Added ... 58613
35.1050—35.1080 (Subpart F) Removed ... 55322
35 Appendix D added ... 58613
51.1 (z), (aa), (bb), (cc), (dd), and (ee) added ... 46247
51.16 (a) amended ... 36333
51.19 (e) added ... 46247

Page

51 Appendix L amended ... 36333
Appendix P added ... 46247
52.21 (d)(1) introductory text amended; (d)(1)(xix) added; (d)(2)(i) corrected; (d)(5) clarified ... 42012
52.22 (b)(16) revised ... 28065
(a) amended ... 40160
52.50 (c)(2) revised ... 29505
52.73 (b) added ... 55327
52.111 Suspended indefinitely ... 29714
52.120 (c) revised ... 41948
52.129 (c)(8), (d)(11), and (g) added; (c)(4) and (d)(4) revised ... 50268
52.134 Amendment corrected ... 52847
52.139 Suspended indefinitely ... 29714
52.143 Added ... 41948
52.178 (b) added ... 55328
52.181 Added ... 41948
52.220 (c)(8) revised ... 29713
(c)(1) amended ... 41948
(c)(3) correctly designated ... 57359
52.224 (a) and (b) revised ... 55328
52.233 (f)(11), (g)(8), and (j) added; (f)(4) and (g)(4) revised ... 50269
52.240 (f)(1) table amended ... 29713
52.251 Suspended indefinitely ... 29714
52.254 (i)(5)(i) corrected ... 33034
52.267 Added ... 41948
(a)(1)(ii) corrected ... 59728
52.269 Redesignated as 52.270 ... 42012
52.270 Added; redesignated ... 42012
52.376 Removed ... 55328
52.377 Removed ... 55328
52.431 Added ... 41949
52.493 Suspended indefinitely ... 29714
52.497 Added ... 41949
52.520 (c) amended ... 41949
(c) revised ... 49328
52.525 (b) revised ... 55328
52.529 Added ... 41949
52.570 (c)(4) amended ... 41949, 42351, 45818
52.576 (a) table amended ... 42352
52.580 Revised ... 41949
52.582 Removed ... 45818
52.590 (c)(2) amended ... 29541
52.624 (b) revised ... 55329
52.670 (c)(2) revised ... 33215, 51196, 53588
52.676 (a) revised; (b) added ... 53588
52.680 Footnote (d) revised; footnote (e) added ... 53590
Amended ... 53590
52.770 (d)(2) added ... 50033
(c)(5) revised ... 55329

(CHANGES JULY 1 THROUGH DECEMBER 31, 1975)

Page

52.771 Existing text designated as (a); (b) added ... 50033
52.774 Removed ... 55329
52.775 (b) removed ... 55329
52.776 (c) added ... 50033
52.780 (d)(11) and (g) added; (d)(4) revised ... 50270
52.781 (e) added ... 50033
52.792 Added ... 50033
52.825 (c) table amended ... 33453, 43214
52.876 (c)(1) and (2) tables amended ... 30962
(c)(2) revised ... 42190
(c)(1) table amended ... 43216
52.883 Added ... 41950
52.920 (c)(2) amended ... 41950
52.927 (c) added ... 29541
(b) added ... 40160
Technical correction ... 42357
52.929 Added ... 41950
52.982 (b) revised ... 55329
52.985 Redesignated as 52.986 ... 42012
52.986 Added; redesignated ... 42012
52.1070 (c)(4) added ... 56889
52.1080 (b)(1), (2) (i) and (vii) and (3) (iv) and (v) revised ... 56889
52.1103 Suspended indefinitely ... 29714
52.1113 (b) revised ... 55329
52.1115 Added ... 41950
52.1117 Added ... 56889
52.1120 (c) amended ... 56890
52.1124 Corrected ... 47495
52.1130 (b) removed ... 55329
52.1135 (m) amended ... 39863
52.1156 (b) revised ... 55329
52.1157 (a)(3)(ii) and (4)(ii) corrected ... 33973
52.1161 Redesignated as 52.1165 ... 42012
52.1165 Added; redesignated ... 42012
52.1176 (b)(8) and (e) added; (b)(4) revised ... 50270
52.1224 (b) revised ... 55330
52.1270 (c)(2) amended ... 42354
52.1274 (a) table amended ... 42355
52.1277 (b) added ... 55330
52.1320 (c)(1) amended ... 41950
52.1324 (b) revised ... 55330
52.1338 Added ... 41950
52.1370 (d) added ... 43217
52.1378 (b) added ... 55331
52.1383 Added ... 43217
52.1420 (c) amended ... 41779
52.1423 (b) revised ... 55331
52.1425 Removed ... 41779
52.1428 Removed ... 41779
52.1429 (f) removed ... 55331
52.1431 Table amended ... 41779

Page

52.1432 Removed ... 41779
52.1473 (b) revised ... 55331
52.1478 (b)(7) and (c) added; (b)(4) revised ... 50271
52.1479 (c) removed ... 55331
52.1483 Added ... 41950
52.1520 (d) amended ... 53999
52.1574 (b) added ... 55331
52.1577 (e) added ... 30962
52.1588 Suspended indefinitely ... 29714
52.1602 Added ... 41951
52.1623 (b) added ... 55332
52.1670 (c)(3) revised ... 41951, 42543, 50718
(c)(5) correctly designated as (c)(4) ... 46310
52.1680 Removed ... 42543
52.1685 (b) added ... 55332
52.1688 Added ... 41951
(a)(10)(ii) corrected ... 45817
(a)(1)(ii) and (a)(6)(ii) corrected ... 59729
52.1770 (c) amended ... 41780
52.1774 (a) table amended ... 41780
52.1820 (c) added ... 59438
52.1823 Table amended ... 59438
52.1825 (b) added ... 55332
52.1830 Added ... 59438
52.1883 (b) revised ... 41952
52.1926 (b) added ... 55333
52.1970 (c)(2) and (3) revised ... 33216
(c)(2) revised ... 48680
52.1975 (c)(3), (4), and (5) removed; (c)(6) revised ... 33216
52.2020 (c)(2) revised ... 41788
(c)(4) added ... 54000
52.2024 (b) added ... 55333
52.2025 Revised ... 55333
52.2330 (c)(1)(iv) revised ... 56891
52.2040 Suspended indefinitely ... 29714
52.2056 Added ... 41952
52.2070 (d) amended (two documents) ... 51044
52.2224 (c)(2) added ... 36335
52.2232 Added ... 41953
52.2287 (c)(1) through (4) suspended until 3-1-76 or final amendments ... 47765
52.2320 (c) revised ... 54788
52.2324 Removed ... 54788
52.2325 (c) and (d) added ... 54788
52.2374 (b) revised ... 55333
52.2420 (c)(2) amended ... 41953
52.2435 (g) added ... 33450
52.2443 Suspended indefinitely ... 29714
52.2449 Added ... 41953
(a)(1) corrected ... 45817
52.2470 (c)(2) revised ... 50267

CODE
XUM

(CHANGES JULY 1 THROUGH DECEMBER 31, 1975)

Title 40, Chapter I—Continued

	Page
52.2474 Added	55334
52.2520 (c)(2) added	41953
(c) revised	52374
(c)(2) revised	52375
52.2525 Removed	52375
52.2526 Added	41953
52.2573 (b) revised	55334
52.2627 (a) table corrected	33034
52.2720 (c) revised	39862, 42194
(c)(3) revised	59204
52.2724 Corrected to read: 52.-2730	32329
52.2725 (b) added	55334
52.2729 Added	42194
52.2730 Correctly designated	32329
52.2770 (c)(3) added	42013
52.2775 (a) through (d) removed; (e) through (i) added	42013
55.01 (b)(1) revised; (b)(2) removed; (b)(3) through (b)(5) redesignated as (b)(2) through (b)(4)	58645
55.02 (j) added	58645
55.04 (a)(1)(i) and (2)(i)(C), (e) and (n) amended; (q) added	58645
60 Authority citation revised	53346
Technical correction	59204
60.1 Revised	53346
60.2 (r) revised; (x), (y), and (z) added	46254
(d) and (h) revised; (aa) and (bb) added	58418
60.4 (b) amended	42194, 45170, 48347
(b)(G) revised	50719
(b)(U) revised	59729
60.5 Revised	58418
60.7 (a)(5) added; (b), (c), and (d) revised	46254
(a)(1) and (2) revised; (a)(3), (a)(4), and (e) added	58418
60.13 Added	46255
(c)(2)(iii) corrected; (g)(1) and (g)(1)(i) through (ix) correctly designated as (i) and (j)(1) through (9)	59205
60.14 Added	58419
60.15 Added	58420
60.20—60.29 (Subpart B) Added	53346
60.42 (a)(2) amended	46256
60.45 (a) through (g) revised	46256
(f)(4) corrected	59205
60.46 Revised	46258
60.62 (d) removed	46258
60.72 (a)(2) amended	46258
60.73 (a), (b), (c), and (e) revised	46258
60.83 (a)(2) amended	46258
60.84 (a), (b), (c), and (e) revised	46258
60.92 (a)(2) amended	46259
60.102 (a)(2) amended	46259
60.105 (a), (b), and (e) revised	46259
60.122 (c) removed	46259
60.132 (c) removed	46259
60.152 (a)(2) amended	46259
60.200—60.244 (Subpart T) Added	33154
60.210—60.214 (Subpart U) Added	33155
60.220—60.224 (Subpart V) Added	33155
60.230—60.234 (Subpart W) Added	33156
60.240—60.244 (Subpart X) Added	33156
60.270—60.275 (Subpart AA) Added	43853
60 Appendix A amended	33157
Appendix B added	46259
Appendix D added	53349
Appendix B corrected	59204, 59205
Appendix C added	58420
61 Authority citation revised	48299
61.04 (b) amended	42195, 45171, 48348
(b)(G) revised	50719
(b)(WW) revised	58646
(b)(U) revised	59729
61.14 (c) revised; (d) added	48299
61.17 Added	48299
61.21 (j) revised; (k) through (w) added	48299
61.22 (c) and (e) amended; (b), (d), (f), and (g) revised; (h) through (l) added	48299
61.23 Amended	48302
61.24 (c) revised and redesignated as (e); new (c) and (d) added	48302
61.25 Added	48202
61.50 Revised	48202
61.51 (l) and (m) added	48302
61.52 Revised	48302
61.53 (d) added	48302
61.54 Added	48303
61.55 Added	48303
61 Appendix A revised	48303
Appendix B amended	48310
79 Revised	52011
80.7 Added	36336
80.21 Text designated as (a); (b) added	29292

(CHANGES JULY 1 THROUGH DECEMBER 31, 1975)

	Page
80.301—80.332 (Subpart D) Added	39965
80 Appendix C heading amended	38156
85.075–10 (b) revised	33973
85.076–30 (a)(3) redesignated as (a)(4); new (a)(3) added; (b)(2) revised	58647
85.076–35 (a)(4)(v) and (c) revised	58647
86.077–30 (a)(7) added	58647
86.077–35 (c) added	58647
85.275–10 (b) revised	33973
85.774–10 (b) revised	33973
85.1803 (c) revised	28067
86.177–6 (a)(2) revised	33974
86.777–6 (b) revised	33974
125.12 (h)(1) revised	29849
125.24 Revised	29849
125.28 Added	29850
126 Removed	55336
130 Revised	55336
131 Revised	55344
141 Added	59570
141.40 (Subpart E) Added	59588
141 Appendix A added	59574
Appendix B added	59582
149 Added	58293
162 Technical correction	33974
162.1—162.23 (Subpart A) Revised	28268
162.10 (h)(1) corrected	32329
(h)(1)(iv) amended	36571
162.11 (a)(3) corrected	32329
(c)(1)(iii)(C) amended; (c)(1)(iii)(D) added	42746
162.41—162.47 Added	41788
162.100—162.125 Removed	28267
180.108 Amended	46310
180.142 (f) added	58295
180.204 Amended	49575
180.205 Amended	31237, 43727
180.207 Amended	28065
180.215 Amended	43727
180.246 Amended	42357
180.253 Amended	51044
180.254 Amended	29714
Amended	51044
180.259 Amended	32746
180.262 Corrected	29547
180.275 Amended	29715
180.284 Revised	31237
Amended	55857
180.288 Revised	33453
180.301 Amended	33659, 48681
180.303 Added	48134
180.307 Revised	32746
Amended	52724
180.312 Revised	31602
180.319 Amended	51045
180.320 Added	59730
180.332 Amended	55350
180.339 Amended	51045
180.341 Revised	29715
180.346 Amended	33453, 48681
180.347 Revised	34340
180.348 Amended	31237
180.361 Added	29850
180.362 Added	33035
180.363 Added	58648
180.364 Added	58648
180.1001 (c), (d), and (e) tables amended	28066, 40161, 48681
180.1028 Revised	43728
180.1035 Added	31236
229 Added	30114
230 Added	41293
406.15 Comments requested	37038
Determination	52016
406.16 Comments requested	37038
Revised	52016
Determination	52016
407.60—407.62 (Subpart F) Added	49229
Comment time extended	57216
407.70—407.72 (Subpart G) Added	49231
Comment time extended	57216
407.80—407.82 (Subpart H) Added	49234
Comment time extended	57216
408.10—408.140 (Subparts A—N) Revised	55780
408.150—408.336 (Subparts O—AG) Added	55781
409.13 (a) introductory text revised	36337
413 Comment time extended	29075, 29076
414.22 (b) amended; (e) added	56436
(a) amended; (c) and (d) added	56441
414.23 (a) amended; (c) and (d) added	56441
414.25 (a) amended	56441
(c) and (d) added	56442
414.32 (a) and (b) amended	56441
(f) and (g) added	56442
414.33 (a) and (b) amended	56441
(f) and (g) added	56442
414.35 (a) and (b) amended	56441
(f) and (g) added	56442
415.230—415.242 (Subparts W and X) Comment time extended	29850
415.270—415.312 (Subparts AA, AB, AC, AD, and AE) Comment time extended	29850

CODE

XUM

(CHANGES JULY 1 THROUGH DECEMBER 31, 1975)

Title 40, Chapter I—Continued

Page

415.330—415.362 (Subparts AG, AH, AI, and AJ) Comment time extended ... 29850
415.380—415.382 (Subpart AL) Comment time extended ... 29850
415.400—415.452 (Subparts AN, AO, AP, AQ, AR, and AS) Comment time extended ... 29850
415.470—415.472 (Subpart AU) Comment time extended ... 29850
415.490—415.512 (Subparts AW; AX, and AY) Comment time extended ... 29850
415.530—415.532 (Subpart BA) Comment time extended ... 29850
415.550—415.552 (Subpart BC) Comment time extended ... 29850
415.580—415.582 (Subpart BF) Comment time extended ... 29850
415.600—415.602 (Subpart BH) Comment time extended ... 29850
415.630—415.632 (Subpart BK) Comment time extended ... 29850
418.32 (a) and (b) revised ... 36338
418.33 Suspended indefinitely ... 36399
418.35 (a) and (b) revised ... 36339
421.11 (d) and (e) added ... 48348
421.30 Revised ... 48348
434 Added ... 48835
435 Added ... 42549
Comment time extended ... 52847
436 Added ... 48657
440 Added ... 51730
Comment time extended ... 59438
443 Added ... 31191
446 Added ... 31725
447 Added ... 31727

Title 40—*Proposed Rules:*

2 ... 28814
6 ... 47714, 55868
16 ... 40792
35 ... 33224, 41644, 43231
51 ... 28629, 49048, 54011, 58317
52 ... 28097, 28098, 28815, 30287, 30288, 30982, 32348, 32347, 32761, 34408, 36385, 36577, 40172, 40854, 40855, 40856, 42211, 42368, 42369, 42757, 42895, 42896, 43231 43923, 44847, 44848, 45202, 46117, 46322, 47519, 47520, 47521, 47668, 48521, 48941, 48942, 49103, 49362, 50278, 50280, 51203, 51655, 52410, 53595, 54011, 54012, 54436, 55367, 58317, 58319, 58663
60 ... 28814, 42028
61 ... 28814, 59532, 60079
79 ... 28814
85 ... 49496, 52415, 52416, 53406, 56932
87 ... 50453, 54012
116 ... 59960
117 ... 59977
118 ... 59982
119 ... 59999
120 ... 30983, 33470
124 ... 54182, 56932
125 ... 28814, 54182, 56932
126 ... 41649
130 ... 29882, 32133
131 ... 29887, 32133
133 ... 34522
136 ... 32136
140 ... 47972
141 ... 34324
142 ... 33228, 40538
162 ... 40538, 44162
167 ... 28814
172 ... 40545, 44162
180 ... 28814, 30289, 32348, 41538, 42757, 43924, 46322, 48940, 50099, 52744, 58321
190 ... 34417
243 ... 29404
244 ... 52968
246 ... 42986
406 ... 37052
407 ... 49237, 57223
414 ... 34409
415 ... 29892
418 ... 33052
420 ... 36708
430 ... 41300
432 ... 28633
434 ... 48839
435 ... 42572, 52857
436 ... 48665
440 ... 51738, 59450
443 ... 31196
446 ... 31729
447 ... 31730

TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

1-1.305-2 (b) revised ... 44137
1-1.317 (a) revised ... 60020
1-1.323 Revised ... 60019
1-1.323-1 Revised ... 60019
1-1.323-2 Revised ... 60019
1-1.323-3 Added ... 60019
1-1.323-4 Added ... 60019
1-1.323-5 Added ... 60020
1-1.327—1-1.327-5 (Subpart 1-1.3) Added ... 44502
1-1.507-3 (b) revised ... 44137
1-1.701-1 (b)(1) and (2), (f), and (g)(3) revised ... 44136
1-1.710-2 Revised ... 44137

(CHANGES JULY 1 THROUGH DECEMBER 31, 1975)

Page

1-1.710-3 (a) introductory text revised ... 44137
1-1.802-2 Introductory text revised ... 44137
(b)(1) revised ... 48326
(b)(1) restored to prior status ... 55350
1-1.805-2 Revised ... 44137
1-1.805-3 (a) introductory text revised; (a)(3) amended ... 44138
1-1.1002-2 Added ... 44138
(3) and (4) added ... 44139
1-1.1003-3 (c) revised ... 30440
1-1.1003-7 (b)(9) revised ... 30440
1-1.1310-2 (a) introductory text revised ... 44138
1-1.1603-1 Revised ... 44138
1-1.2300—1-1.2302-5 (Subpart 1-1.23) Added ... 36339
1-2.201 (a)(29) and (30) removed ... 44138
1-3.101 (a) revised ... 44138
1-3.203 Revised ... 44138
1-3.410-2 Redesignated as 1-3.410-3; new 1-3.410-2 added ... 27655
1-3.410-3 Added; redesignated from 1-3.410-2 ... 27655
1-3.600 Revised ... 44138
1-3.602 (d) revised ... 44138
1-3.603-1 (a) and (d) revised ... 44138
1-3.604-1 Revised ... 44139
1-3.604-4 (a)(6) added ... 44139
1-3.604-5 (a) revised ... 44139
1-3.605-2 (a)(3)(i) revised; (b) ... 44139
1-3.606-5 (f) revised; (i) added ... 44139
1-3.805-1 Introductory text and (a)(1) revised ... 44139
1-3.814-2 (c) revised ... 44139
1-3.1202-1 Added ... 60021
1-3.1203 (a) amended; (g) revised; (i) added ... 60021
1-3.1204 Heading revised ... 60022
1-3.1204-2 Added ... 60022
1-3.1205 (b) and (c) revised; (d) added ... 60022
1-3.1207 (a) and (c) introductory text revised; (c)(3) added ... 60023
1-3.1208 Heading and (a) revised; (b) amended ... 60023
1-3.1212 Added ... 60023
1-3.1213 Added ... 60024
1-3.1214 Added ... 60024
1-3.1220 (b) (34) through (37) added ... 60025
1-3.1220-8 Added ... 60025
1-3.1220-9 Added ... 60027
1-4.404 (b) revised ... 44139
1-4.405 Revised ... 44139
1-4.410-2 (d) revised ... 44140
1-4.410-3 (c) and (d) revised ... 44140
1-4.410-5 (a)(17) added ... 36340
(b)(3) added ... 44504
Revised ... 60020
(b)(7) revised ... 60030
1-4.411-1 (a)(2) revised ... 44140
1-4.1004-1 (b) revised ... 30440
1-4.1004-2 Revised ... 30440
1-4.1004-4 (a) revised ... 30440
1-6.805 (a)(2) revised; (a)(3) removed ... 44140
1-7.102-19 Revised ... 44140
1-7.102-23 Added ... 36341
1-7.103-3 Amended ... 44140
1-7.103-27 Revised ... 60030
1-7.103-29 Added ... 44504
1-7.202-38 Added ... 36341
1-7.203-23 Revised ... 60030
1-7.203-24 Added ... 44504
1-7.302-34 Added ... 36341
1-7.303-55 Revised ... 60030
1-7.303-65 Added ... 44504
1-7.402-37 Added ... 36341
1-7.403-50 Revised ... 60030
1-7.403-60 Added ... 44504
1-7.601-5 Added ... 36341
1-7.602-7 Revised ... 44140
1-7.602-16 Revised ... 60030
1-7.602-18 Added ... 48314
1-7.702 (c)(3) revised ... 60030
1-7.703-1 Revised ... 44140
1-7.703-3 Revised ... 44140
1-7.703-7 Revised ... 44140
1-7.703-9 Revised ... 44140
1-7.703-12 Revised ... 44140
1-7.703-22 Revised ... 60030
1-7.703-23 Added ... 36341
1-7.703-24 Added ... 44504
1-8.700-2 (a)(1) revised ... 44140
1-9.107-5 (g) and (h)(1)(iii) corrected ... 28068
1-9.109-3 Corrected ... 28068
1-11.401-1 (a)(4) revised ... 44140
1-12.803-10 (b) removed ... 44140
1-12.1102-2 Amended ... 44140
1-14.106 Heading revised ... 44141
1-16.101 (a) and (c) revised ... 36341
(c) revised ... 48314
1-16.201-2 Revised ... 44141
1-16.201-3 Revised ... 44141
1-16.401 (c) and (h) revised ... 36341
(c) revised ... 44137
(a) and (h) revised ... 48314
(b) revised ... 48326
1-16.601 (b) revised ... 36341
1-16.701 (b) revised ... 36342, 48920
(c)(3) removed ... 44137

CODE
XUM

(CHANGES JULY 1 THROUGH DECEMBER 31, 1975)

Title 41, Chapter I—Continued

Page

1–16.803 Heading and text revised ---------- 30440
1–16.804–3 (c)(1) and (e) revised ---------- 44141
1–16.901–23A Revised ---------- 48314
1–16.901–32 Revised ---------- 48321
1–16.901–251 Removed ---------- 30441
1–16.901–253 Revised ---------- 48920
1–16.901–254 Added ---------- 30442
1–16.901–255 Added ---------- 30449
1–18.302 Revised ---------- 44141
1–18.703–1 (c) and (d) revised ---------- 48326
1–18.705–4 Revised ---------- 48327
1–30.104 Revised ---------- 43728
1–30.201 Amended ---------- 43728
1–30.202 Existing text designated as (a); (b) added ---------- 43728
1–30.209 (e) revised ---------- 43729
1–30.403 (a) and (b) revised; (d) added ---------- 43729
1–30.404 (b)(1) revised ---------- 43729
1–30.408 (a) revised ---------- 43729
1–30.408–1 Added ---------- 43729
1–30.410–1 Amended ---------- 43729
1–30.411 (c) revised ---------- 43730
1–30.413 (b) amended ---------- 43730
1–30.414–2 Amended ---------- 43730
1–30.419 Revised ---------- 44141
1–30.500–1 Revised ---------- 43730
1–30.502 Revised ---------- 43730
1–30.503 Heading and (a) revised ---------- 43730
1–30.503–1 Revised ---------- 43730
Corrected ---------- 51038
1–30.504–1 (a)(1)(i) and (b)(2) revised ---------- 43730
1–30.504–2 Revised ---------- 43731
1–30.504–3 Revised ---------- 43731
Corrected ---------- 51038
1–30.504–4 (b) amended; (c) added ---------- 43731
1–30.505 (c) added ---------- 43731

Page

1–30.506 Revised ---------- 43731
1–30.508 Revised ---------- 43731
1–30.510–1 Heading revised; text amended ---------- 43731
1–30.511–2 Revised ---------- 43732
1–30.511–3 Heading and text revised ---------- 43732
1–30.515 (a) revised ---------- 43732
1–30.517 (a) revised ---------- 43732
1–30.524–4 Amended ---------- 43732
1–30.527 Amended ---------- 43732

Chapter 3—Department of Health, Education, and Welfare

Page

3–1.404–2 (b) and (c) revised ---------- 29715
3–1.5400—3–1.5406 (Subpart 3–1.54) Added ---------- 54569
3–3.103–50 (b)(2) revised ---------- 29721
3–3.600 Added ---------- 29715
3–3.601 Added ---------- 29716
3–3.602 Revised ---------- 29716
3–3.603–2 Added ---------- 29716
3–3.603–50 Added ---------- 29716
3–3.604 Heading added ---------- 29718
3–3.604–3 Added ---------- 29718
3–3.605–1 (d) and (e) added ---------- 29718
3–3.605–2 Revised ---------- 29718
3–3.606–4 Revised ---------- 29719
3–3.606–5 (a) revised; (e) and (g) added ---------- 29719
3–3.802–1 Added ---------- 29720
3–3.802–2 Added ---------- 29721
3–3.802–50 (b)(1) and (2) revised; (d)(1) and (2) amended ---------- 29719
3–3.5106—3–3.5110 Redesignated as 3–3.5107—3–3.5111 ---------- 29722
3–3.5106 Redesignated as 3–3.5107; new 3–3.5106 added ---------- 29722
3–4.6000—3–4.6014 (Subpart 3–4.60) Added ---------- 53123
3–16.5000 (b)(1) amended ---------- 29719
3–16.5001 (i)(4) revised ---------- 29722

Chapter 3—*Proposed Rules:*

3–4 ---------- 42674, 49792

Chapter 5—General Services Administration

Chapter removed ---------- 47109

Chapter 5A—Federal Supply Service, General Services Administration

5A–1.206 Revised ---------- 37038
5A–1.250 Added ---------- 37038
5A–2.407–8 Revised ---------- 37038
5A–2.407–85 Revised ---------- 37039
5A–73.110–2 Revised ---------- 37039
5A–76.317 Revised ---------- 37039

Chapter 5B—Public Buildings Service, General Services Administration

Chapter revised ---------- 47109
5B–1 Revised ---------- 47110
5B–2 Revised ---------- 47115
5B–3 Revised ---------- 47121

(CHANGES JULY 1 THROUGH DECEMBER 31, 1975)

Page

5B–4 Added ---------- 47123
5B–7 Revised ---------- 47123
5B–8 Added ---------- 47123
5B–10 Added ---------- 47124
5B–12 Revised ---------- 47124
5B–15 Added ---------- 47132
5B–16 Revised ---------- 47133
5B–60 Added ---------- 47135
5B–63 Added ---------- 47135

Chapter 6—Department of State

6–1.404–2 (c)(5)(ii) revised ---------- 58452
6–1.601 Removed ---------- 58452
6–1.602 Removed ---------- 58452
6–1.604 Added ---------- 58452
6–1.604–1 Added ---------- 58452
6–2.202–50 (a) revised ---------- 58453
6–3.605–3 (b)(2)(i) and (ii) revised; (b)(2)(iii) added ---------- 58453
6–3.606–2 Removed ---------- 58453
6–3.606–4 (a)(2) revised ---------- 58453

Chapter 8—Veterans Administration

8–1.403–53 (b) revised ---------- 43217
8–1.403–55 (a) revised ---------- 43217
8–1.405 Added ---------- 43217
8–1.1203–3 Removed ---------- 48348
8–1.1205–50 Removed ---------- 48348
8–2.102 Introductory text revised ---------- 40803
8–3.101 (a) introductory text revised ---------- 40803
8–3.200 (b) revised ---------- 40803
8–3.203 Revised ---------- 40803
8–3.204 Revised ---------- 40803
8–3.207 Revised ---------- 40804
8–3.209 (a)(1) and (b)(2) and (3) revised ---------- 40804
8–3.210 (d) revised ---------- 40805
8–3.215 Introductory text, (c) and (d) revised ---------- 40805
8–7.150–16 Revised ---------- 48349
8–7.150–17 Removed ---------- 48349
8–7.150–18 (a) amended ---------- 48349
8–7.150–22 Revised ---------- 48349

Chapter 8—*Proposed Rules:*

8–1 ---------- 52632
8–4 ---------- 52632
8–16 ---------- 52632

Chapter 9—Energy Research and Development Administration

Chapter republished ---------- 46802
9–1—9–59 Republished ---------- 46802
Effective date corrected ---------- 47495

Page

9–4.5700—9–4.5707 (Subpart 9–4.57) Added ---------- 28068
9–7.5006–10 (d)(17) revised; (d)(18) added; (e)(20) removed ---------- 31766
(d)(17) and (18), and (e)(20) effective date corrected ---------- 32746
9–7.5006–12 (d)(19) revised; (d)(20) added; (e)(18) removed ---------- 51196
9–15.205–3 Added ---------- 31766
Effective date corrected ---------- 32746
9–15.205–35 (d) and (e) revised; (h) added ---------- 31766
(d), (e), and (h) effective date corrected ---------- 32746
(e) amended ---------- 51196

Chapter 9—*Proposed Rules:*

9–9 ---------- 48363

Chapter 14—Department of the Interior

14–1.327 Heading added ---------- 57671
14–1.327–5 Added ---------- 57671
14–1.352 Added ---------- 57671
14–1.701–50 Revised ---------- 33216
14–3.150—14–3.151–1 (Subpart 14–3.1) Added ---------- 39863
14–3.305–51 (o) through (t) added 40517
14–3.1203—14–3.1211 (Subpart 14–3.12) Added ---------- 40517
Heading corrected ---------- 42746
14–3.1208 Corrected ---------- 47136
14–4.5101–3 (f) corrected ---------- 33216
14–7.602–50(1) Removed ---------- 29722
14–55.000 Revised ---------- 37210
14–55.101 (b)(7) revised ---------- 37210
14–55.104 Introductory text of (a) and (a)(9) revised; (a)(10) added ---------- 37210
14–55.200—14–55.204 (Subpart 14–55.2) Added ---------- 37210
14–55.204 Added ---------- 37210
(a) and (b)(5) corrected ---------- 45818

Chapter 14H—Bureau of Indian Affairs, Department of the Interior

14H–1.451–2 Revised ---------- 33454
14H–70 Added ---------- 51332

Chapter 14H—*Proposed Rules:*

14H–70 ---------- 41025

Chapter 15—Environmental Protection Agency

15–1.602–1 (b) removed ---------- 51196
15–1.603 Revised ---------- 51196

CODE
XUM

(CHANGES JULY 1 THROUGH DECEMBER 31, 1975)

Title 41—Continued

Chapter 50—Public Contracts, Department of Labor

Page

50–201.101 (b)(10) added 57806
50–201.604 (e) added 57805
60–7.14 (b) revised 59730
60–7.30 Appendix A table amended 59730

Chapter 50—*Proposed Rules:*

50–250 49351

Chapter 51—Committee for Purchase From the Blind and Other Severely Handicapped

51–8 Added 51168

Chapter 51—*Proposed Rules:*

51–8 42444

Chapter 60—Office of Federal Contract Compliance, Equal Employment Opportunity, Department of Labor

60–5 Time extended 30963
60–8 Time extended 28609

Chapter 60—*Proposed Rules:*

60–5 ..... 41149, 54005
60–12 ..... 28477, 33680
60–14 ..... 28472, 33680

Chapter 101—Federal Property Management Regulations

101–6.300—101–6.302 (Subpart 101–6.3) Removed 49328
101–11.800—101–11.808 (Subpart 101–11.8) Revised 27656
101–11.806–8 Added; correction 29722
101–11.1200—101–11.1205 (Subpart 101–11.12) Added 48134
101–11.4920 (Subpart 101–11.49) Revised 27658
101–11.4930–248—101–11.4930–250 Added 48135
101–25.100 Added 29818
101–26.000 Revised 41093
101–26.100–1 Revised 41093
101–26.102–3 Introductory text revised 41093
101–26.104 Heading, (b) and (c) revised 41093
101–26.105 Revised 41094
101–26.106 Revised 41094
101–26.201 Introductory text revised 41094
101–26.203–1 (a) and (b)(1), (2) and (3) revised 41095
101–26.203–2 (a)(1) and (2) and (b) revised 41095
101–26.205–2 Revised 41095
101–26.206 Revised 41095
101–26.401 (c) added 31223
(c) effective date corrected 33035
101–26.403–2 (a)(1) and (b)(1) revised; (b)(3) added 31223
101–26.501–1 Introductory text and (b) revised 57216
101–26.501–3 Revised 57217
101–26.501–8 (b) revised 57217
101–26.4902–457 Form amended 31224
101–26.4904–416 Heading and form amended 31224
101–27.204 Revised 59595
101–27.204–1 Removed 59595
101–27.204–2 Removed 59595
101–27.205 Revised 59595
101–27.205–1—101–27.205–3 Removed 59595
101–27.206—101–27.206–3 Revised 59595
101–27.207 Revised 59596
101–27.207–1—101–27.207–3 Added 59596
101–27.208 Revised 59596
101–32.201 (d) added 48135
(b)(1) revised 50034
101–32.203–1 Revised 50034
101–32.203–2 Revised 50034
101–32.203–3 (a)(3) and (b) revised 50034
101–32.203–4 Added 50034
101–32.301–9 Revised 49329
101–32.301–9a Added 49329
101–32.301–17 Added 49329
101–32.303–1 Revised 49329
101–32.304 (b) revised 49329
101–32.306 (a), (d), and (j) revised; (h–l) added 49329
101–32.307 (a) revised 49329
101–32.309–2 Revised 49330
101–32.309–3 Revised 49330
101–32.309–4 (a) revised 49330
101–32.310 Added 49330
101–32.404 (a), (b), (c), and note revised 50034
101–32.1304–17 Added 37039
101–32.1304–18 Added 37040
101–32.1305–1a Added 53013
101–32.4701 Introductory text revised 48135
101–32.4701–3 Added 48135
101–32.4702 Introductory text, (a) and (c) revised 49330

(CHANGES JULY 1 THROUGH DECEMBER 31, 1975)

Page

101–32.4801 Revised 33454
101–32.4802 Revised 33454
101–32.4901–120 (a) and (b) amended 49331
101–32.4901–122 Amended 49331
101–32.4902–2068 Revised 50035
101–32.4902–2068A Revised 50035
101–35.103 (d) revised 42358
101–35.202 (a)(11) added 31224
101–35.203 (a)(3) added 31224
Introductory text revised 39866
(g) note added 42358
101–35.204–2 Introductory text revised 39866
101–38.001–1 Revised 42358
101–38.001–2 Introductory text revised 42358
101–38.001–9 Revised 42358
101–38.001–10 Revised 42358
101–38.001–13 Revised 42358
101–38.001–14 Revised 42358
101–38.100–1 Revised 42358
101–38.100–2 Revised 42358
101–38.101–1—101–38.101–5 Removed 42358
101–38.102–1 Revised 42358
101–38.201–1 Revised 42358
101–38.201–2 Revised 42358
101–38.202 Revised 42358
101–38.301—101–38.305–4 (Subpart 101–38.3) Heading revised 42359
101–38.301 Revised 42359
101–38.302 Revised 42359
101–38.303–1 Revised 42359
101–38.303–2 (a), (b), and (c)(2) and (4) revised 42359
101–38.304–1 Revised 42359
101–38.305–4 Revised 42359
101–38.402 Revised 42359
101–38.403 Introductory text and (a) revised 42359
101–38.602 (a), (b), (f), (h), (k) and (l) revised 42360
101–38.603 (a)(3) revised 42360
101–38.605 Revised 42360
101–38.607 Revised 42360
101–38.701 (d) revised 42360
101–38.800—101–38.802 (Subpart 101–38.8) Added 42360
101–38.1101 Revised 42360
101–38.1104 Revised 42360
101–38.4900 (b) revised 42360
101–38.4903 Revised 42361
101–39.503–6 Revised 49331
101–39.503–7 Introductory text revised 49331
101–39.702 (b) revised 49331
101–39.706 Revised 49331
101–40.101 Revised 49331
101–40.102 Introductory text revised 49331
101–40.109–2 (b) revised 49331
101–40.111 (a) revised 49331
101–40.301 Revised 49331
101–40.305–2 Revised 49331
101–40.305–3 (a) revised 49332
101–40.305–5 Revised 49332
101–40.306–3 Revised 49332
101–40.307 Revised 49332
101–40.702–3 (b) revised 49332
101–40.4906–1 Amended 49332
101–41 Added 47942
101–41.210–1 Heading corrected 49778
101–41.303–4 Corrected 49778
101–41.309–2 (b)(1) corrected 49778
101–42.300—101–42.303–2 (Subpart 101–42.3) Revised 31225
101–42.4901 Revised 31226
101–42.4902 Revised 31226
101–43.302 (a) revised 42361
101–43.308 Revised 42361
101–43.315–5 (a) introductory text, (2) and (3) and (b) revised 42361
101–43.402–6 (a), (b) and (c) revised 42361
101–44.103 Revised 42361
101–44.104–3 Revised 42362
101–45.309–9 Revised 33216
101–45.804 (b) (1) and (2) revised 59439

Chapter 101—*Proposed Rules:*

101–32 32761

Chapter 105—General Services Administration

105–61.101–1 (f) added 28610
105–61.5201 (c)(3) removed 42881
105–61.5205 (b) and (d) revised 42881
105–61.5206 Revised 42881
105–61.5208 Revised 42882
105–61.5300—105–61.5303–418 (Subpart 105–61.53) Added 56892
105–64 Added 52800
105–735.222 Added 39505

Chapter 105—*Proposed Rules:*

105–61 33243
105–64 39440

CODE
XUM

(CHANGES JULY 1 THROUGH DECEMBER 31, 1975)

Title 41—Continued

Chapter 114—Department of the Interior

	Page
114–38.607 Revised	30483
114–40 Removed	52847
114–41 Added	52847
114–42.203 Revised	33217
114–42.301—114–42.303–2 (Subpart 114–42.3) Revised	40517
114–43.000 Revised	33217
114–43.301—114–43.320 (Subpart 114–43.3) Table of contents revised	55857
114–43.301 Revised	55857
114–43.301–50 Added	55857
114–43.311–1 Revised	55857
114–43.319 (b) revised	55858
114–45.000 Revised	33217
114–47.000 Revised	33217
114–52.103 Revised	30483
114–52.206 (a)(2) revised	30483
114–52.207 Redesignated as 114–52.208; new 114–52.207 added	30484
114–52.208 Redesignated as 114–52.209; new 114–52.208 redesignated from 114–52.207	30484
114–52.209 Redesignated as 114–52.210 and revised; new 114–52.209 redesignated from 114–52.208	30484
114–52.210 Redesignated from 114–52.209 and revised	30484
114–52.402 Revised	30484
114–60.501 (a), (b), and (c) revised; (d) removed	42746
114–60.1000—114–60.1005 (Subpart 114–60.10) Added	55858

Title 41—*Proposed Rules:*

In this title only see under specific chapters.

(CHANGES OCTOBER 1 THROUGH DECEMBER 31, 1975)

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

	Page
36.101—36.121 (Subpart H) Added	53143
36.201—36.237 (Subpart I) Added	53147
51a.124—51a.127 Redesignated as 51a.134—51a.137	54103
51a.128—51a.132 Redesignated as 51a.138—51a.142; new 51a.128—51a.132 added	54103
51a.133 Redesignated as 51a.143	54103
51a.201—51a.317 (Subparts B and C) Removed	54107
51o Added	59347
52e Added	49090
53.111 (f)(1) revised; (i) and (j) redesignated as (j) and (k); new (i) added	46203
57.2301—57.2314 (Subpart X) Added	56665
110.801—110.808 (Subpart H) Added	50213

Chapter II—Children's Bureau, Social and Rehabilitation Service, Department of Health, Education, and Welfare

203 Removed	54107

Chapter III—Saint Elizabeths Hospital, Department of Health, Education, and Welfare

306 Added	47765

Title 42—*Proposed Rules:*

2a	56692
122	48802

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

	Page
2.79 b(11), (12), and (13), and (c)(3) added	54790
2 Appendix A amended	57671
4.1 (4) amended	46311
4.500 (b) revised	46311
4.650—4.666 Undesignated center heading revised	46311
4.651 Introductory text and (a) revised	46311
20 Appendix C revised	58295
22.3 Revised	53591
22 Appendix A removed	53591

Chapter II—Bureau of Land Management, Department of the Interior

3300.1 Revised	45171
3302.1 Revised	45171
3302.3 Added	45171
3302.3–1—3302.3–4 Added	45171
3302.3–2 (a) amended	52847
3302.4 (c) and (d) added	45173
3302.5 Revised	45173
3305.1 Revised	45173
3305.2 (e) added	45174

Public Land Orders

17 Revoked by PLO 5553	58144
715 Revoked in part by PLO 5585	59347
960 Revoked in part by PLO 5544	51038
1245 Revoked in part by PLO 5552	58144
2789 Revoked by PLO 5551	58144
4392 Revoked in part by PLO 5560	58648
5169 Amended by PLO 5556	58146
5170 Amended by PLO 5557	58146
5176 Amended by PLO 5555	58145
5179 Amended by PLO 5556	58146
5180 *See* PLO 5553	58145
5184 Amended by PLO 5550	56667
5187 Revoked in part by PLO 5550	56667
5252 *See* PLO 5561	58857
5353 Revoked in part by PLOs 5551, 5552, 5553	58144
5396 Amended by PLO 5556	58146
5418 *See* PLO 5551	58144
5525 Corrected by PLO 5546	53237
5537 Corrected by PLO 5547	53237, 54572
5543	47496
5544	51038
Corrected	52611
5545	50719
5546	53237
5547	53237, 54572
5548	55350
5549	55350
5550	56667
Revoked in part by PLO 5568	59347
5551	58144
5552	58144

Title 43, Chapter II—Continued

	Page
5553	58144
5554	58145
Amended by PLO 5564	58857
5555	58145
5556	58146
5557	58146
5558	59205
5559	58453
5560	58648
5561	58857
5562	58857
5563	58857
5564	58857
5565	59347
5566	59347
5567	59348

Title 43—*Proposed Rules:*

2	50432
23	51646
2600	57364
2912	50721
2920	54802
2923	54802
3040	51646
3041	46315
3100	54585
3500	60070
3520	60070

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

5b Added	47409
46.206 (a)(2) revised	51638

Chapter I—Office of Education, Department of Health, Education, and Welfare

100c.1 (c–1) added	53494
102.3 Amended	57762
102.4 (e–1) added	57762
102.40 (b–1) added; (c) amended	57763
102.51 (a)(3) revised	57763
102.60 (a)(2) revised	57763
102.159 (b) revised	57763
118 Revised	51011
Guidelines issued	51019
122 Added	47768
134 Added	53494
134a Added	53500
134b Added	53501
144.14 Revised	49270
160c Added	57935
166 Revised	49532
175.17 Revised	49271
176.13 Revised	49272
177.4 (c)(3)(xxv) added	50035

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

204.4 Added	51443
205.50 Revised	52375
213.22 Revised	50272
213.23a Added	50272
220 Superseded in part by Part 228; applicability limited	45819
220.35—220.36 Superseded by Part 224	45819
221 Removed	45819
222 Superseded in part by Part 228; applicability limited	45819
225.2 Introductory text revised	51444
225.3 Revised	51444
226 Superseded in part by Part 228; applicability limited	45819
228.61 (b), (c), and (e)(3) revised	45819
228.63 Revised	45819
228.70 Revised	45820
232.10 (b) revised	52376
232.11 (a)(4) revised	52376
233.20 (a)(3)(ix) revised	50273
(a)(3)(ii) corrected	57359
(a)(3)(vi) corrected	58453
233.100 (a)(5)(ii) revised	50273
234.60 (b)(2)(i) revised	52376
237.50 (b)(1)(iv) revised	52376
248.1 (a)(3) added; (b)(3) revised	52020
248.10 (b)(3) revised	52020
249.20 Revised	52020
250.30 (d) revised	52021
(b)(2)(ii) revised	54000

Chapter III—Office of Child Support Enforcement (Child Support Enforcement Program), Department of Health, Education, and Welfare

302.16 Revised	57672
302.18 Added	52377
302.40 Added	52377
304.27 Added	52377
304.28 Added	52377

Chapter IV—Social and Rehabilitation Service (Rehabilitation Programs), Department of Health, Education, and Welfare

401 Removed	54699
402 Removed	54699
410 Removed; provisions revised and transferred to Part 1370	58956, 58957

Chapter VII—Commission on Civil Rights

706 Added	45727

Chapter VIII—Civil Service Commission

801 Appendix A amended	51444

Chapter X—Community Services Administration

1005 Revised	45820
1006 Added	45300
1006.6 (d) corrected	47419
1013 Removed	55860
1061.40–1—1061.40–9 (Subpart) Added	52377
Appendix A amended	58649
1076.5–1—1076.5–11 (Subpart) Added	45436
1076.20–1—1076.20–4 (Subpart) Added	50273
1076.30–1—1076.30–4 (Subpart) Added	50274
1076.40–1—1076.40–4 (Subpart) Added	50275

Chapter XI—National Foundation on the Arts and the Humanities

Subchapter A established from existing Parts (1100, 1105, 1110, and 1115)	51196
1115 Added	49286
Subchapter B established	51196
1150 Added	51196

Chapter XII—ACTION

1221 Added	52385
1222 Added	57217

Chapter XIII—Office of Human Development, Department of Health, Education, and Welfare

1361 Added	54699
1362 Added	54718
1370 Added	58957

Chapter XVI—Legal Services Corporation

1601 Added	52022
1602 Added	52848
1603 Added	59351

Title 45—*Proposed Rules:*

50	52407
81	45442
100a	54253, 58459
100c	58459
103	51654, 52405, 52962
115	57042
116c	49349
121a	54804
121k	52628
133	52048
144	48252
154	59218
155	58400, 59447
157	58405, 59447
159	58409
160d	55659
160e	54805
162	56678
174	58459
175	48266
187	54253
205	48937
233	59353
248	60074
249	51474
1228	58659
1369	59406
1501	52630
1603	53272

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

4.13–5—4.13–40 Removed; CFR correction	58306
5.50–5—5.50–10 Removed; CFR correction	58306
14.15–5—14.15–15 Removed, CFR correction	58306
Subchapter D Note added	48288
33.01–30 (f) revised	58454
33.25–10 (b) note revised	58454
42.20–5 (a–1) added	48288

CODE

XUM

(CHANGES OCTOBER 1 THROUGH DECEMBER 31, 1975)

Title 46, Chapter I—Continued

	Page
42.35–1 Table revised; (d) amended	57218
42.35–5 (a) amended; (c) added	57218
42.35–10 (a) amended	57218
66.05–1 Amended	50035
75.10–5 (b)(3) revised	58454
78.47–63 (c) note revised	58454
94.10–5 (b)(2) revised	58454
97.37–40 note revised	58454
146.02–25 (a) and (d) amended; (f) added	48466
146.03–14 Revised	60031
146.03–28a Added	60031
146.03–34a Added	60031
146.03–36a Added	60031
146.04–5 Amended	60031
146.05–5 (h) removed	52027
146.05–15 (e)(1)(i) amended	52027
146.07–1 (b)(4) amended	52027
146.21–1 (a) revised	60032
146.21–15 (b) amended	52028
146.21–60 Revised	60032
146.21–65 (a) and (b) revised	60032
146.21–70 Removed	60032
146.21–75 Removed	60032
146.21–77 Removed	60032
146.21–79 Removed	60032
146.21–100 Amended	52027, 60032
146.23–100 Amended	52027
146.24–100 Amended	52027
146.25–100 Amended	52027
146.26–1 Revised	60032
146.26–10 (b) amended	52028
146.26–20 (f) amended	52028
146.26–30 Removed	60032
146.26–33 Added	60032
146.26–100 Amended	52027, 60032
Subchapter O Note added	48288
167.35–2 (e) added	58454
167.55–5 (j)(2) note revised	58454
176.25–20 (d) added	58454
176.25–22 (e) added	58455
192.10–5 (b)(2) revised	58455
193.05–5 (b) revised	48349
193.10–5 (a) and (c) amended; (i) added	48349
193.10–15 (c) amended	48349

Chapter II—Maritime Administration, Department of Commerce

	Page
298.3 (d) and (f) revised; (g) removed	50722
310.54 (b) revised	55643
310.58 (c) amended	59348
310.64 (c)(3)(i) and (c)(4) revised	55644

Chapter III—Coast Guard, Department of Transportation

401.720 (b) revised	57673

Chapter IV—Federal Maritime Commission

526.1 (c) amended	52395
536 Revised	47776
536.14 (c) added	54791
536.16 Effective date postponed; filing time extended	51440
551 Added	52391
Effective date postponed	58146

Title 46—*Proposed Rules:*

Ch. I	57688
10	55663
32	59219
78	58457
92	59219
105	59219
111	47140
190	59219
298	50722
401	50725
502	49579
503	58154
536	52631

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

0.121 (a) table amended	52724
0.132 (d) and (e) revised; (f) added	49778
0.281 (b)(6) revised	45824
0.288 (v) added	57360

(CHANGES OCTOBER 1 THROUGH DECEMBER 31, 1975)

	Page
0.291 (a)(1) revised	50036
Technical correction	58306
0.334 Added	49778
0.401 (e) revised	51441
0.461 (h) (1) and (2) and (i) revised	59439
0.555 (e) added	58858
1 Form 303 amended	47136
Form 303 supplement applicability specified	53026
1.47 (f) revised	55644
1.51 Revised	48136
(b) revised	53391
1.61 (a) revised	49778
1.83 (a)(1) revised	52724
1.261 Revised	51441
1.401 (b) revised	53391
1.419 (b) revised	48136
1.420 (e) added	53391
1.526 (a)(1) and (e)(2) amended	59736
1.548 Revised	54792
1.721 (b) amended	51441
1.764 (b) revised	51441
1.1209 Revised	47136
1.1305 (a)(1), (2), (3), and note revised; (a)(4) removed	53393
2 Memorandum	49779
2.106 Table amended	48925, 57674
Footnote NG52 revised	53396
2.203 Amended	57675
5.53 (f) revised	60033
5.155 (b)(4) revised	60033
15.68 (d)(4) introductory text revised	53591
18 Memorandum	49779
21 Table of contents amended	47497
Memorandum	49779
21.0 Revised	47497
21.1 Redesignated as 21.2	47497
21.2 Added; redesignated	47497
21.3 Added; redesignated from 21.11 and revised	47497
21.4 Added; redesignated	47497
21.5 Added; redesignated from 21.12 and revised	47497
21.6 Added; redesignated from 21.13 and revised	47498
21.7 Added	47498
21.9 Added	47498
21.10 Redesignated as 21.4	47497
New 21.10 added	47499
21.11 Redesignated as 2.13 and revised	47497
New 21.11 added	47499
21.12 Redesignated as 21.5 and revised	47497
21.13 Redesignated as 21.6 and revised	47498
New 21.13 added	47500
(b) corrected	49780
21.14 Removed	47500
21.15 Revised	47500
(c) and (d) amended	53398
21.16 Removed	47501
21.17 Revised	47501
21.20 Revised	47502
21.34 Revised	47502
21.108 (c) amended	47502
21.109 Heading revised; (d) added	47503
21.111 Amended	47503
21.113 Revised	47503
(b) footnote 1 revised	53399
21.118 (d) revised	47503
21.119 Revised	47503
21.501 (f) redesignated as (f)(1); (f)(2) added	47503
21.706 (a) and (b) revised	47504
21.709 (d) added	47504
31.01–3 (a) through (jj) redesignated as (b) through (kk); new (a) added	52726
31.176 Redesignated as 31.176:1	52726
31.176:1 Redesignated from 31.176; (b) and (c) revised	52726
31.176:2 Added	52726
31.3–32 (b), (c), and (d) revised; (f) added	52726
31.304 (c) added	52727
31.306 Note A revised	52727
31.307 (c) and (d) revised	52727
31.308 Redesignated as 31.308:1	52727
31.308:1 Redesignated from 31.308	52727
31.308:2 Added	52727
31.309 Revised	52727
31.326 (b) revised; (c) added	52728
31.327 (c) and (d) revised	52728
31 Appendix A amended	52728
33.5 Amended	52728
33.2590 (a) revised	52729
33.5490 (c) added	52729
33.5500 (b) and (c) revised; (d) added	52729
33 Appendix A amended	52729
68 Added	53022
73 Memorandum	49779
73.37 (e) notes 5, 7, and 10 revised	48352
(e)(3) removed	54251
73.39 (c) revised	54792
73.41 Amended	48352

(CHANGES OCTOBER 1 THROUGH DECEMBER 31, 1975)

Title 47, Chapter I—Continued

		Page
73.51	(d) revised	54793
73.70	(f) revised	54793
73.127	Added	59740
73.202	(b) table amended	49332–49338, 49781, 51039, 51040, 51043, 51442, 52028, 52036, 52730, 54251, 54791, 55645, 58147, 58858, 59441, 59597
73.313	(f) through (j) suspended until 5–1–76	52730
73.333	Figures 4 and 5 suspended until 5–1–76	52730
73.600	Added	59741
73.606	(b) table amended	49339, 51043, 53399, 57360, 59440, 59598
	(b) petition denied	51038
73.622	Redesignated as 73.623; new 73.622 added	59741
73.623	Redesignated as 73.624; new 73.623 redesignated from 73.622	59741
73.624	Redesignated from 73.623	59741
73.638	Amended	54793
73.639	(b)(2) revised	54793
73.640	(a)(4) and (5) added	54793
73.643	(c), (d), (e), and (f) revised; (g) removed	52733
73.684	(h) through (l) suspended until 5–1–76	52730
73.699	Figures 10d and 10e suspended until 5–1–76	52730
73.1207	(d) added	54793
74	Memorandum	49779
74.665	Revised	54793
74.769	Revised	54794
76.7	(i) introductory text revised	54794
76.11	(a) revised	54794
76.54	(b) amended; (d) added	48930
76.67	(b) and (c) revised; (d) and (e) added	53031
76.94	(a) revised	50043
76.225	(c) and (d) revised; (e) removed	52733
76.305	(a)(2) revised	54794
76.501	Filing time extended	50276, 57361
81.4	(r) added	53592
81.356	(a) amended; (b)(1) added	57675
81.357	Added	57675
81.404	Added	53592
83.301	Revised	49782
83.351	(a) amended; (b)(58) added	57675
83.361	Added	57675
83.364	(a) revised; (b), (c), and (d) redesignated as (c), (d), and (e); new (b) added	57675
87.257	(e) revised	57676
87.601—87.607	(Subpart Q) Revised	57676
89	Memorandum	49779
89.101	(f) removed	58148
89.102	(a)(1)(x) removed	48137
91	Memorandum	49779
91.8	(a)(1)(x) added	57684
91.161	Removed	57685
91.252	(f) introductory text, (1), and (2) revised; (f) (6) through (10) added	59743
91.253	(b) revised; (c) removed	59743
91.302	(d) introductory text, (1), and (2) revised; (d) (6) through (10) added	59743
91.303	(b) revised	59744
91.304	(a) amended	58455
91.554	(c) revised	57684
91.801—91.808	(Subpart Q) Added	57685
	Technical correction	58306
93	Memorandum	49779
93.204	(b) revised	58148
	Certain frequency bands removed	58148
94.9	(b)(3) revised	53396
94.13	Revised	53396
94.15	(b) revised	53396
94.25	(h) amended	53396
94.63	(b) introductory text, (b)(2), (d)(3) and (e) revised	53396
94.65	(g), (h)(2) and (i) revised	53397
94.67	Revised	53397
94.73	Revised	53397
94.75	(b), (c), and (e) revised; (f) added	53397
94.77	(a) revised	53398
94.81	Revised	53398
94.90	Added	53398
94.107	(c) removed	53398
95.14	Revised	58148
97.3	(y) added	53032
97.13	(a) revised; note removed	59441
97.41	(c) and (e) removed; (d) revised and redesignated as (c)	54795
	(f), (g), (h) and (i) redesignated as (d), (e), (f), and (g)	54795
97.42	Revised	58148
97.47	(d) and (e) removed	54795
97.88	(a) revised; (e) removed; (f) redesignated as (e)	54795
97.103	(c), (d), (e) and (f) added	54795
97.110	(b) revised; (c) added	54795
97.111	(c) revised	53032
97.126	Added	53032

Title 47—*Proposed Rules:*

		Page
0		54436
1		54436
2		48380, 49798, 52745
15		48942
68		53045
73		45850, 58525, 48944, 48945, 49799, 50546, 51781–51783, 52053, 53596, 53597, 54261, 54826, 55367, 58467, 59601, 59451, 59452, 60080
74		47522
76		47521, 48946, 52054, 53407, 54587, 55868, 58866
78		47522, 54587
81		58322
83		45850, 51059, 51783, 58322
87		48380, 52745
89		47522, 49798, 52857, 57369
91		52857, 57369
93		52857
97		59602, 59453

TITLE 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

		Page
10	Added	45729
10.61	(a) revised	57362
10	Appendix I amended	57362
10.85	Appendix I heading added	54001
25.153	Revised	58456

Chapter I—Materials Transportation Bureau, Department of Transportation

		Page
103	Cross-reference to entries for §§ 103.3 and 103.23 of Title 14	57667, 57687
	Cross-reference to entries for §§ 103.19, 103.31, 103.33, and 103.37 of Title 14	58285, 58307
107	Added	48470
107.111	(a) revised	56443
107.113	(a) and (c) amended	56443
107	Appendix A amended	56443
170.13	Removed	48474
170.15	Removed	48474
171—178	Interpretations	50696
171.6	Removed	48474
171.7	(d)(1) revised	52037
173.131	(a)(2) added	59598
174.541	Effective date postponed to 1–1–77	57433
174.584	Effective date postponed to 1–1–77	57433
177.834	(i) revised	46106
	Authority citation corrected	49092
177.854	(g) technical correction	45824

Chapter II—Federal Railroad Administration, Department of Transportation

		Page
212	Revised	55511

Chapter III—Federal Highway Administration, Department of Transportation

		Page
Chapter III	Interpretations	50671
310.1—310.14	Text designated as Subpart A	55645
310.7	Revised	55645
310.101—310.113	(Subpart B) Added	55645
390	Interpretation	50677
391	Interpretation	50678
391.71	Added; correctly designated	54796, 58858
392	Interpretation	50682
393	Interpretation	50683
393.45	(c) introductory text revised	49340
393.75	(f)(2) revised	52851
393.77	(a) introductory text revised; (c)(15)(i) added	51198
394	Interpretation	50692
395	Interpretation	50693
396	Interpretation	50694
397	Interpretation	50695
398	Interpretation	50696

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

		Page
501.7	(e) added	48352
501.8	(d) amended; (h)(3) revised	48352
520	Added	52396
553.35	(a) corrected	53032
571.3	(b) amended	60035
571.7	(e) added	49341
571.105–75	Std. No. 105–75 amended; eff. 10–10–75	47790
571.108	Std. No. 108 amended; eff. 11–24–75	54426, 54427
	Figure 2 revised	59349
571.109	Std. No. 109 Appendix A amended; eff. 12–15–75	53033
	Appendix A table corrected	57687

CODE

XUM

(CHANGES OCTOBER 1 THROUGH DECEMBER 31, 1975)

Title 49, Chapter V—Continued

Page
571.121 Std. No. 121 corrected ... 48512
Amended; eff. 12–5–75 ... 56898
571.208 Std. No. 208 corrected ... 48512, 56667
571.217 Std. No. 217 amended; eff. 10–16–75 ... 48512
571.219 Std. No. 219 amended; eff. 9–1–76, 9–1–77 ... 53033
571.301 Std. No. 301 amended; eff. 9–1–76 ... 47790
Revised; eff. in part 10–15–75, and in part 7–15–76 ... 48353
571.302 Std. No. 302 amended; eff. 12–4–75 ... 56667
575.104 Reconsideration postponed ... 57806

Chapter IX—United States Railway Association

932 Added ... 45734

Chapter X—Interstate Commerce Commission

1010.1 (b) revised ... 56669
1010.2 (a) revised ... 56669
1033.995 (f) revised ... 59744
1033.1002 (d) revised ... 59744
1033.1102 (e) revised ... 55860
1033.1125 (e) revised ... 56898
1033.1129 (e) revised ... 56443
1033.1156 (f) revised ... 48930
1033.1163 (e) revised ... 56443
1033.1171 Revised ... 45174
(g) revised ... 54798, 56444
1033.1176 Removed ... 51442, 52037
1033.1186 Removed ... 48512
1033.1198 (e) revised ... 45440
1033.1204 (e) revised ... 50537
1033.1211 (e) revised ... 45440
1033.1212 (d) revised ... 59441
1033.1213 (e) revised ... 53592
1033.1214 (e) revised ... 50537
1033.1215 (e) revised ... 56444
1033.1221 Added ... 50537
Removed ... 57433
1033.1222 Added ... 50539
1033.1223 Added ... 54797
Exception issued ... 57252
Removed ... 57433
1033.1224 Added ... 52611
Removed ... 57433
1033.1225 Added ... 56444
1033.1226 Added ... 59598
1033.1227 Added ... 59599
1033.1233 Added ... 51198
1034.994 (d) revised ... 59744

Page
1037 Revised ... 49341
1047 Petition denied; effective date fixed as 12–15–75 ... 51442
1104 Revised ... 51380
Effective date stayed; filing time extended ... 54572
1115 Petitions denied ... 47504
Effective date stayed ... 51199
1124.2 (d) revised ... 50700
1125.5 (l) added ... 57639
1201 Amended ... 50384, 51640, 53240
1202 Amended ... 50384, 51640, 53242
1203 Amended ... 50384, 53245
1204 Amended ... 50384, 53247
1205 Amended ... 50384, 53249
1206 Amended ... 50384, 51640, 53251
1207 Amended ... 50384, 51641, 53254
1208 Amended ... 50385
1209 Amended ... 50385, 51641, 53256
1210 Amended ... 50385, 51642, 53258
1220—1239 Heading revised ... 50385
1220 Revised ... 50385
1221 Removed ... 50390
1223 Removed ... 50390
1224 Removed ... 50390
1225 Removed ... 50390
1226 Removed ... 50390
1227 Removed ... 50390
1228 Removed ... 50390
1240.1 Revised ... 51642
1240.2 Revised ... 51643
1240.3 Revised ... 51643
1240.4 Revised ... 51643
1240.5 Revised ... 51644
1240.6 Revised ... 51644
1241 Annual report schedule ... 48512
1249 Annual report schedule ... 48512
1249.15 Revised ... 51645
1250 Annual report schedule ... 48512
1251 Annual report schedule ... 48512
1253.30 Revised ... 50390
1253.31 Removed ... 50390

Title 49—*Proposed Rules:*

10 ... 49887
71 ... 50278
177 ... 45647
192 ... 45192, 48940, 52855, 60076
195 ... 48940, 60076
230 ... 47523
390 ... 48520
393 ... 48520, 57369
557 ... 56926
567 ... 45847, 55665
568 ... 45847, 55665
571 ... 45200, 45847, 47141, 51059, 52856, 54002, 54007, 55365, 55665, 56920, 56928, 57690, 58152, 58153, 59222, 60075
572 ... 51059

(CHANGES OCTOBER 1 THROUGH DECEMBER 31, 1975)

Page
575 ... 45200
579 ... 56930
583 ... 50277
1003 ... 52058, 54842
1023 ... 59453
1033 ... 45450
1063 ... 52063, 59604
1100 ... 50108, 51483, 52028, 52417, 54842
1108 ... 57465

TITLE 50—WILDLIFE AND FISHERIES

Chapter I—United States Fish and Wildlife, Service, Department of the Interior

17 Footnote 12 added ... 47506
17.11 (i) amended ... 47506
Table corrected ... 53399, 53400
17.21 (f)(2) corrected ... 53400
17.22 (a)(6) corrected ... 53400
17.23 (b)(4)(ii) corrected ... 53400, 58307
17.40 (a)(1)(i)(B) and (b)(1)(v) corrected ... 53400
17.42 (a)(2)(iv) and (c) corrected ... 53400
17.45 Heading corrected (erroneously designated as § 17.46) ... 53400
Corrected ... 58307
17.48 Heading corrected ... 53400
18.23 (c) and (d) redesignated (d) and (e); new (c) added ... 59444
18.32 Added ... 59442
18.51—18.58 (Subpart F) Added ... 59442
20.26 Added ... 52852
20.104 (b) table corrected ... 46311
20.105 (e) and (f) tables corrected ... 46311
(a) and (c) tables corrected ... 47137
(e) amended ... 48682
(f) table corrected ... 48682
(e) corrected ... 50044
(e) footnote 1 corrected ... 54572
28.28 Amended ... 51199, 52852, 53400, 54572, 55351, 55352, 55353, 56445, 56669, 57219, 57459–57461, 58148, 59205, 59348, 59444

Page
32 Technical correction ... 52037
32.12 Amended ... 45440, 45441, 45824, 46106, 46312, 47506, 48137, 48138, 48543, 48683
32.22 Amended ... 45441, 46311, 46312, 46313, 48684
32.32 Amended ... 45441, 46311, 47791, 48513, 48683, 48684, 49092, 59744
33.5 Amended ... 46313, 47509, 52612, 52733, 52851, 53402, 54001, 54572, 54573, 54798, 55354, 55860, 56446, 57220, 57363, 58149, 58649, 59349
81 Added ... 47510

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

216.24 (b), (c), (d)(2), (e)(2); (e)(3) introductory text and (f) revised ... 56901
216.53 Amended ... 54427
216.54 Amended ... 54427
216.56 Amended ... 54427
216.57 Amended ... 54427
216.59 Amended ... 54427
216.60 Amended ... 54427
280.7 (b)(2) amended ... 47791
(b)(2) corrected ... 48684
(b)(3) interpretation ... 48685, 57461
285.11 Technical correction ... 45441, 45824, 46313

Chapter V—Marine Mammal Commission

Chapter established ... 49276
501 Added ... 49276

Title 50—*Proposed Rules:*

17 ... 45175, 48139, 49347, 57221, 58308
216 ... 45213
280 ... 47139
285 ... 51647
510 ... 55679, 57812
520 ... 57692

PARALLEL TABLE OF STATUTORY AUTHORITIES AND RULES

(Additions to CFR Finding Aids Volume, Table 1; January—December 1975)

This table lists the sections of the U.S. Code which were added to the CFR Finding Aids Volume, Table 1 as a result of new citations of authority carried in the *Federal Register* from January through December 1975. Recent legislation not yet assigned within the U.S. Code is carried by public law number at the end of the list.

In order to determine the *Federal Register* page numbers of the parallel CFR citations, users should consult the Cumulative List of CFR Sections Affected, above.

5 U.S.C.:	CFR
202	5 Part 591
503	29 Part 580
522a	32 Part 292a; 36 Part 903
551–559	28 Part 4a; 29 Part 580
552	1 Parts 301, 302, 304; 5 Part 1303; 6 Parts 701–702; 7 Parts 2620, 2710; 8 Parts 223, 238, 243, 264, 299, 316a, 343a, 499; 10 Parts 2, 709; 15 Parts 4b, 1160, 2004; 16 Parts 1, 2, 3, 4, 14; 18 Parts 401, 701; 21 Part 7; 22 Part 706; 24 Part 16; 29 Parts 2300, 2603; 32 Parts 297–299, 299a, 404–405, 701, 2200; 36 Parts 603, 1000; 39 Part 265; 45 Parts 100, 612, 1005, 1215; 49 Part 801
552a	1 Parts 304, 415, 420; 5 Part 736; 6 Part 703; 7 Part 1; 10 Parts 9, 206, 293, 297, 708; 12 Parts 261a, 505a, 603; 13 Part 102; 14 Part 310a; 15 Parts 4b, 2005; 16 Part 1014; 17 Parts 146, 200; 19 Part 201; 21 Part 7; 22 Parts 6a, 215, 505, 507; 29 Parts 1410, 1611; 31 Part 1; 32 Parts 286a, 286b, 287a, 290a, 291a, 295c, 298a, 299a, 505, 806b, 1901, 2102; 35 Part 10; 36 Part 1002; 40 Part 16; 41 Part 105–64; 43 Part 2; 45 Parts 5b, 613, 706, 1006, 1115; 49 Part 932; 50 Part 501
553	12 Part 216a; 15 Parts 4b, 924, 1160; 20 Part 618; 21 Parts 606, 607; 22 Part 215; 32 Part 1901; 39 Part 3002; 46 Parts 506, 551; 49 Parts 1042, 1102, 1104, 1105
559	49 Part 1042
571—576	1 Parts 301, 302, 304
702	21 Parts 606, 607
703	21 Parts 606, 607
704	21 Parts 606, 607
3301	5 Part 2413
5520	31 Part 215
7301	5 Part 2413
8145	20 Part 10
8149	20 Part 10

5 U.S.C.—Continued	CFR
8151	5 Parts 302, 353, 531
App	29 Parts 579, 580
App. I	7 Part 25; 10 Part 707
App. II	7 Part 612
7 U.S.C.:	
2	17 Part 30
4a	17 Part 146
6c	17 Part 30
6k	17 Part 1
15a	17 Part 30
61	17 Parts 15, 18
87a	7 Part 26
135	40 Part 30
135b note	7 Part 760
136o	19 Part 12
136 et seq	40 Part 162
423	7 Part 1421
425	7 Part 1421
601–674	7 Parts 953, 958, 966, 1139
612c	7 Part 250
612c note	7 Part 250
714b	7 Part 1421
714c	7 Part 1421
1031–1056	7 Parts 55, 56, 70
1362	7 Part 726
1428	7 Part 1421
1431	7 Part 250
1431 note	7 Part 250
1431b	7 Part 250
1446a–1	7 Part 250
1621 et seq	7 Parts 56, 59, 70
1622	7 Part 52
1854	7 Part 16; 19 Part 12
1859	7 Part 250
1932	29 Part 75
1989	7 Parts 2, 1813
2011–2026	7 Parts 270, 271
2026	7 Part 271
2701 et seq	7 Part 1250
8 U.S.C.:	
1184	20 Part 602
10 U.S.C.:	
125	32 Part 296
133	32 Part 197
2202	32 Part 737
2301—2314	32 Part 737
3012	32 Part 650

12 U.S.C.:	CFR
171b	24 Part 232
171w	24 Part 232
391	31 Part 210
1425a	12 Part 532
1430	12 Part 532
1431	12 Part 532
1432	12 Part 532
1437	12 Parts 505a, 532
1464	12 Parts 505a, 563, 571
1715b	24 Parts 403, 426
1715z–1	24 Part 426
1725	12 Parts 505a, 552, 561, 563, 588
1726	12 Parts 552, 561, 563, 584
1730	12 Parts 552, 561, 571
1766	12 Parts 720, 745
1789	12 Parts 701, 706, 707, 720, 721, 745
1904 note	6 Part 704
2288	12 Part 811
2289	12 Part 811
2290	12 Part 811
2601	24 Part 82
2707	24 Part 2700
13 U.S.C.:	
8	15 Part 80
14 U.S.C.:	
84	33 Part 118
85	33 Part 118
91	33 Part 127
92	33 Part 118
633	33 Part 118; 46 Parts 4, 5
15 U.S.C.:	
41 et seq	16 Parts 4, 433, 435
41–58	16 Parts 255, 256, 259
49	16 Part 2
57a	16 Parts 1, 3, 4
78a et seq	17 Part 249b
78k–1	17 Part 240
781	12 Part 206
401–411 notes	21 Part 2
713c	7 Part 250
714b	7 Part 24
714g	7 Part 24
714h	7 Part 24
1191–1204	16 Parts 1012, 1031, 1602, 1607, 1610, 1616
1193	16 Parts 1611, 1615, 1630, 1631, 1632
1194—1204	16 Part 1632
1194	16 Parts 1608, 1611, 1615, 1630, 1631
1197	16 Part 1608
1198	16 Part 1009
1204	16 Part 1018
1211–1214	16 Parts 1012, 1031
1261–1274	16 Parts 1012, 1031
1273	16 Part 1009
1392	49 Parts 552, 571, 573,575
1392 note	49 Part 571.301–75
1397	49 Parts 574, 577
1401	49 Part 577

15 U.S.C.—Continued	CFR
1402	49 Part 577
1407	49 Part 577
1408	49 Part 577
1410a	49 Parts 552, 553
1411	49 Parts 576, 577
1412	49 Parts 552, 577
1413	49 Part 577
1415	49 Part 577
1418	49 Parts 573, 574
1421	49 Part 575
1423	49 Part 575
1451 et seq	21 Parts 2, 8
1471–1476	16 Parts 1012, 1031
1475	16 Part 1018
1691 et seq	12 Part 202
1901	49 Part 590
1941	49 Part 582
2051–2084	16 Part 1109
2051–2081	16 Parts 1012, 1031
2064	16 Part 1116
2066	16 Part 1009
2077	16 Part 1018
2101 et seq	16 Part 304
2302	16 Parts 701—703
2309	16 Parts 701—703
16 U.S.C.:	
195	36 Part 7
403h–3	36 Part 7
551	7 Part 24
590pA	7 Part 701
703–711	50 Part 20
757a–757f	50 Part 401
797	33 Part 209
1001 et seq	7 Parts 620, 622
1006	7 Part 621
1006a	7 Part 623
1009	7 Parts 620, 621
1361–1407	50 Part 82
1501–1510	7 Part 701
1531–1543	50 Part 81
18 U.S.C.:	
201–209	29 Part 2100
641	14 Part 401; 49 Part 801
798	32 Part 299a
831–835	49 Part 107
834	49 Part 102
923	27 Part 178
1655	49 Parts 173, 178
2071	14 Part 401; 49 Part 801
19 U.S.C.:	
66	19 Parts 151, 159, 177
1202	15 Part 301; 19 Parts 151, 174, 177
1303	19 Parts 12, 159
1321	19 Parts 10, 145
1322	19 Part 4
1484	19 Parts 123, 143
1498	19 Parts 143, 145
1502	19 Part 10
1592	19 Part 171
1624	19 Parts 151, 159

CODE

XUM

19 U.S.C.—Continued	CFR
1872	15 Parts 2001, 2002, 2003
2101 et seq	15 CFR Parts 350, 355
2171	15 Part 2004
2320	29 Parts 90, 91
2341—2374	13 Part 315
2441	15 Part 1300
2461—2465	15 Part 2007
2463	19 Part 10
20 U.S.C.:	
241aa	45 Part 16
246	45 Part 156
331a–332b	45 Part 16
331a	45 Part 151
636	45 Part 112
646	45 Part 114
801	45 Part 166
841–847a	45 Part 126
861	45 Part 16
880b–1	45 Part 166
880b–9	45 Part 123
887c	45 Part 16
900	45 Parts 16, 100a, 184
900a—900a–5	45 Part 184
1005a	45 Part 16
1051–1056	45 Part 169
1070b–1	45 Part 176
1070b–2	45 Part 176
1070d–1	45 Parts 16, 154, 155
1070e–1	45 Part 189
1087a–1087c	45 Part 182
1087a	45 Part 16
1087dd	45 Part 144
1119a	45 Part 16
1171	45 Part 16
1201–1211a	45 Part 166
1206	45 Part 16
1211a	45 Part 16
1212	45 Part 166
1221c	45 Part 151
1221e	45 Part 1460
1224	45 Part 112
1231	45 Part 166
1231a	45 Part 166
1231b–2	45 Part 166
1231d	45 Parts 115, 121a
1232	45 Parts 103, 151, 166
1232c	45 Parts 114, 166
1232f	45 Part 166
1248	45 Part 103
1393	45 Part 103
1411–1414	45 Part 121a
1421	21 Part 121b
1422	21 Part 121c
1423	21 Part 121d
1424	21 Part 121e
1431	21 Part 121f
1432	21 Part 121f
1433	21 Part 121g
1434	21 Part 121f
1441–1444	21 Part 121h
1451	21 Part 121i
1452	21 Part 121i

20 U.S.C.—Continued	CFR
1453	21 Part 121i
1461	21 Part 121j
1532	45 Part 183
1681–1883	45 Part 166
1681	45 Part 86
1682	45 Part 86
1801–1832	45 Part 134
1821	45 Part 134a
1831	45 Part 134b
1864	45 Part 160c
21 U.S.C.:	
41 et seq	21 Part 2
43	21 Part 1220
50	21 Part 1220
111—114a–1	9 Parts 50, 51, 78
112	9 Part 83
120	9 Part 50
121	9 Part 50
123—125	9 Part 78
125	9 Part 50
134b	9 Part 50
141 et seq	21 Part 2
159	29 Part 102
168	29 Part 102
252	21 Part 331
321	21 Parts 606, 607, 701
321 et seq	21 Parts 2, 6, 7, 312, 740
342	21 Parts 128c, 128d
346	21 Part 180
348	21 Parts 123, 128c, 128d, 561
351	21 Part 606
352	21 Part 606
355	21 Parts 361, 600, 601, 610
357	21 Parts 312, 436, 444, 448
360	21 Part 607
360 and note	21 Part 606
360b	21 Parts 1, 149j, 510, 520, 522, 529, 540, 546, 555, 558
361	21 Part 740
362	21 Parts 701, 740
371	21 Parts 128c, 128d, 300, 310, 312, 314, 361, 600, 601, 606, 607, 610, 701, 740
454	9 Part 381
460	9 Part 381
463	9 Part 381
467f	21 Part 2
612	9 Part 91
613	9 Part 91
614	9 Part 91
618	9 Part 91
621	9 Parts 308, 317, 319
645	9 Part 331
679	21 Part 2
821 et seq	21 Part 2
871	21 Part 1301
1031 et seq	21 Part 2
1120	21 Parts 1402, 1403
1131	21 Parts 1402, 1403
1132	21 Parts 1402, 1403
1177	45 Part 16

22 U.S.C.:	CFR
1922	7 Part 250
2191	22 Part 707
2381	22 Parts 214, 215
2396	22 Part 205
2601	45 Parts 122, 166
2658	22 Parts 8, 15
2801 et seq	15 Part 1202
23 U.S.C.:	
104	23 Parts 450, 655
105	23 Parts 420, 450, 630, 655
106	23 Part 630
118	23 Part 630
127	23 Part 658
134	23 Parts 420, 450, 630
135	23 Parts 450, 630
136	23 Part 751
140	23 Part 230
141	23 Part 658
154	23 Part 658
219	23 Part 862
307	23 Part 655
315	23 Parts 230, 450, 460, 751
402	23 Parts 460, 1214
24 U.S.C.:	
1857g	40 Part 52
25 U.S.C.:	
2	25 Parts 12, 153, 252, 431; 43 Part 4
9	25 Parts 12, 153, 252, 431; 43 Part 4
13	25 Part 300; 41 Parts 14H–3, 14H–30
48	25 Part 275
450g	41 Part 3–4
450h	42 Part 36
450k	41 Part 3–4; 42 Part 36
452–456	25 Part 273
1498	25 Part 93
26 U.S.C.:	
44	26 Part 1
46	26 Part 9
401	26 Part 11
410	26 Part 11; 29 Part 2530
411	29 Part 2530
413	29 Part 2530
414	29 Part 2530
463	26 Part 10
3402	26 Part 31
5042	27 Part 240
5081	27 Part 194
5111	27 Part 194
5112	27 Part 194
5113	27 Part 194
5123	27 Part 194
5143	27 Part 194
6621	27 Part 194
7476	26 Part 11
7805	26 Parts 1, 53, 54, 420
28 U.S.C.:	
534	28 Part 20
2672	10 Part 714

29 U.S.C.:	CFR
141—168	29 Part 102
203	29 Parts 579, 580
207	29 Part 694
211	29 Parts 579, 580
212	29 Parts 579, 580
213	29 Part 552
214	29 Part 529
216	29 Parts 579, 580
651	41 Part 114–43
653	41 Part 50–204
655	29 Part 1928; 41 Part 50–204
656	29 Part 1908
657	29 Parts 1902, 1952, 1955; 41 Part 50–204; 42 Part 86
661	29 Parts 2100, 2300
667	29 Parts 1952, 1955; 41 Part 50–204
670	29 Part 1908; 42 Part 86
762	45 Part 16
763	45 Part 16
771	45 Part 16
772	45 Part 16
774	45 Part 16
780	45 Parts 1361, 1362, 1370
982	29 Part 97a
1021–1022	29 Part 2520
1024	29 Part 2520
1024–1025	29 Part 2520
1029–1031	29 Part 2520
1030	29 Part 2520
1031	29 Part 2510
1051–1054	29 Part 2530
1060	29 Part 2530
1112	29 Part 2555
1135	29 Parts 2510, 2520, 2530, 2555
1241–1242	20 Parts 900, 901, 902
1302	29 Parts 2602, 2605, 2606
1306	29 Part 2602
1307	29 Part 2602
1322	29 Part 2605
1365	29 Part 2606
30 U.S.C.:	
957	30 Parts 77, 506
31 U.S.C.:	
71	4 Parts 33, 34
483	19 Part 111; 46 Part 506
483a	14 Part 401; 49 Part 801
738a	31 Part 346
752	31 Parts 346, 347, 348
754b	31 Parts 346, 347, 348
33 U.S.C.:	
426g	33 Part 263
426l	33 Part 263
526a	49 Part 310
535	49 Part 310
540	33 Part 264
542	33 Part 264
577	33 Part 263
603a	33 Part 263
701a–1	7 Part 623

CODE
XUM

33 U.S.C.—Continued	CFR
701b–1	7 Parts 620, 624
701c	33 Part 220
701g	33 Part 263
701n	33 Part 263
701r	33 Part 263
701s	33 Part 263
1224	33 Part 160
1251	40 Parts 434, 435, 436, 440, 443
1251 et seq	40 Parts 15, 30, 125
1311	40 Parts 434, 435, 436, 440, 443
1313	40 Part 120
1314	40 Parts 434, 435, 436, 440, 443
1316	40 Parts 434, 435, 440, 443
1317	40 Parts 434, 435, 440, 443
1321	33 Part 155
1322	33 Part 159
1411–1421	40 Part 229
1504	33 Part 148
1509	33 Parts 149, 150
1520	49 Part 102
38 U.S.C.:	
2014	5 Part 307
2021 et seq	5 Part 353
3010	38 Part 3
39 U.S.C.:	
401	39 Parts 265, 777, 912
404	39 Part 762
5007	14 Part 223
40 U.S.C.:	
442	7 Part 1813
484	7 Part 24
486	41 Parts 1–15, 3–4, 5A–1, 5A–2, 14H–70, 15–7, 15–12, 105–61, 105–64, 114–28; 45 Part 19
871 et seq	36 Part 903
875	36 Part 901
42 U.S.C.:	
2	42 Part 32
201 et seq	21 Parts 2, 7
216	21 Parts 1240, 1250; 42 Parts 23, 51a, 52c, 52e, 66
241	42 Part 52c
242a	21 Part 310
254b	42 Part 23
257a	21 Parts 2, 310
262	21 Parts 6, 310, 312, 314, 361, 600, 601, 610
263	21 Part 6
263b–263n	21 Part 6
263f	21 Part 1040
264	21 Parts 606, 1240, 1250
286a	45 Part 52d
287c	42 Part 52e
289*l*–1	42 Part 66
295f–4	42 Part 57
295f–6	45 Part 16
296j	42 Part 57
300c–11	42 Part 51a
300d–1	45 Part 16
300d–2	45 Part 16

42 U.S.C.—Continued	CFR
300d–3	45 Part 16
300d–4	45 Part 16
300e–2	45 Part 16
300e–3	45 Part 16
300g–1	40 Part 141
300g–3	40 Part 141
300j–1	40 Part 30
300j–2	40 Part 30
300j–3	40 Part 30
300j–4	40 Part 141
300j–9	40 Part 141
300m–5	20 Part 450
334	23 Part 420
405	20 Part 405
426	20 Part 405
430	20 Part 404
553	10 Part 2
630–644	29 Part 56
703	45 Part 16
704	45 Part 16
711	45 Part 16
712	45 Part 16
906	45 Part 16
1302	20 Part 416; 29 Parts 56, 404; 45 Parts 301—304, 1361
1310	45 Part 63
1320c–6	20 Part 405
1382a	20 Part 416
1382b	20 Part 416
1383	20 Part 416
1395b–1	45 Part 16
1395f	20 Part 405; 45 Part 19
1395f note	45 Part 16
1395g	20 Part 405
1395i	20 Part 405
1395i–2	20 Parts 404, 405
1395n	20 Part 405
1395u	20 Part 405
1395x	20 Part 405; 45 Part 19
1395x note	20 Part 405
1395hh	20 Parts 404, 405
1395mm	20 Part 405
1396	45 Parts 19, 250
1396a	45 Part 19
1408	24 Parts 860, 866
1410	24 Part 860
1437	24 Part 889, 890
1437 note	24 Part 866
1437a	24 Part 811
1437c	24 Parts 866, 880, 882, 883, 889, 1275
1437d	24 Part 866
1437f	24 Parts 800, 801, 802, 803, 804, 880, 881, 882, 883, 888, 1275
1437g	24 Part 890
1437i	24 Part 811
1480	7 Part 1813
1755	7 Part 250
1758	7 Part 250
1761	7 Part 250
1763	7 Part 250
1766	7 Part 226

42 U.S.C.—Continued	CFR
1777	7 Part 250
1779	7 Part 226
1857 et seq	40 Part 55
1857c	40 Parts 52, 60
1857c–5	40 Part 52
1857c–6	40 Part 60
1857c–9	40 Parts, 60, 61
1857f–1	40 Part 86
1857f–5	40 Part 86
1857f–5a	40 Parts 85, 86
1857f–6	40 Parts 85, 86
1857f–6c	40 Part 80
1857g	40 Parts 53, 60, 79, 80, 86
1892	41 Part 114–60
1962	33 Part 252
1962d–1	18 Part 706
2000d	45 Part 166
2000d–1 et seq	10 Part 4
2000e	29 Part 1601
2003	41 Part 3–4
2011	10 Part 4
2071	10 Part 70
2073	10 Parts 19, 70
2077	10 Part 810
2092	10 Part 40
2093	10 Parts 19, 40
2094	10 Part 40
2095	10 Part 40
2111	10 Parts 19, 30
2112	10 Part 30
2133	10 Parts 19, 50
2134	10 Parts 19, 50
2201	10 Parts 2, 19, 20, 30, 40, 50, 70, 707, 708, 810, 860
2232	10 Parts 30, 40, 50, 70
2233	10 Parts 20, 30, 40, 50, 70
2234	10 Parts 30, 40, 50
2236	10 Parts 2, 50
2273	10 Parts 30, 40, 50, 70, 810
2278a	10 Part 860
2458	14 Part 1209
2473	14 Part 1206
2619	45 Part 16
2754	45 Part 175
2825	45 Part 16
2928h	45 Parts 1303, 1304
2929 et seq	45 Part 158
2942	7 Part 1813; 45 Parts 63, 1005, 1076
2996c	45 Part 1603
2996d	45 Part 1602
2996e	45 Part 1600
3996g	45 Parts 1600, 1601
2996j	45 Part 1600
3017	45 Part 16
3028	45 Part 16
3033	45 Part 16
3034	45 Part 16
3035	45 Part 16
3036	45 Part 16
3042	45 Part 16
3045f	7 Part 250

42 U.S.C.—Continued	CFR
3121	13 Part 314
3181	13 Parts 500, 510, 520, 530, 540, 550, 560, 580
3181 et seq	13 Part 590
3211	13 Parts 313, 315, 500, 510, 520, 530, 540, 550, 560, 580
3535	24 Parts 16, 20, 58, 82, 100, 200, 205, 207, 213, 220, 221, 227, 231, 232, 234, 235, 242, 244, 280, 403, 470, 580, 800, 801, 803, 804, 860, 866, 880, 881, 882, 883, 885, 888, 890, 1275
3701 et seq	28 Part 20
4001—4128	24 Parts 1914, 1915, 1916, 1917, 1920
4011	24 Part 1920
4105	12 Parts 523, 545, 563
4106	12 Parts 523, 545, 563
4233	23 Part 420
4321 et seq	14 Parts 201, 211, 221, 261, 302, 312, 399; 23 Part 712; 40 Part 6
4321—4347	23 Part 751
4332	10 Part 50; 23 Parts 420, 771; 41 Part 51–6; 49 Part 520
4402	45 Part 112
4601—4655	23 Part 751
4633	49 Part 25
4801	45 Part 16
4917	49 Part 325
5301	24 Part 860
5814	10 Part 860
5815	10 Parts 708, 860
5841	10 Parts 9, 10, 20, 50, 80, 100, 150, 160, 170
5842	10 Parts 20, 30, 40, 50, 51, 55, 70, 71, 73, 100, 140
5846	10 Parts 2, 20, 30, 40, 50, 55, 70, 71, 73
5891	10 Parts 4, 19
43 U.S.C.:	
1601	43 Parts 4, 2650
44 U.S.C.:	
3101	15 Part 4b
45 U.S.C.:	
431	49 Parts 215, 225
438	49 Part 215
701 et seq	49 Part 255
46 U.S.C.:	
86—86i	19 Part 4
88—88i	19 Part 4
114	46 Part 283
170	49 Parts 102, 107
224	46 Part 12
224a	46 Part 12
228	46 Part 12
390	45 Part 16; 46 Part 57
391a	33 Part 157
406	46 Part 57

CODE
XUM

46 U.S.C.—Continued	CFR
409	46 Part 57
520p	46 Part 57
816	46 Part 551
817	46 Part 550
820	46 Part 506
841	46 Parts 506, 550
841a	46 Part 551
1160	46 Part 550
47 U.S.C.:	
152	47 Parts 0, 73
153	47 Part 0
155	47 Parts 73, 74
164	47 Parts 2, 73
201 et seq	47 Part 68
301	47 Part 0
305	47 Part 73
307	47 Parts 0, 97
308	47 Part 0
309	47 Part 0
313	47 Part 68
314	47 Part 68
315	47 Part 76
316	47 Part 73
317	47 Part 76
403	47 Part 68
404	47 Part 68
405	47 Part 73
410	47 Part 68
503	47 Part 91
602	47 Part 68
48 U.S.C.:	
1406i	19 Part 6
49 U.S.C.:	
1	49 Part 1126
5b	49 Part 1220
6	49 Part 1105
13	49 Part 1105
15	49 Parts 1033, 1102, 1105
66	41 Part 101–41
304	49 Part 1220
305	49 Part 1105
306	49 Part 1042
310a	49 Part 1305
316	49 Parts 1104, 1105
317	49 Part 1105
320	49 Part 1220
904	49 Part 1220
913	49 Part 1220
917	49 Part 1220
1003	49 Part 1220
1012	49 Part 1220
1301	14 Part 378a
1302	14 Parts 201, 211, 261, 302
1354	14 Parts 39, 71
1356	14 Part 129
1371	14 Part 378a
1372	14 Parts 302, 378a
1374	14 Parts 201, 211, 261, 302
1375	14 Part 223
1377	14 Part 378a
1382	14 Parts 261, 302

49 U.S.C.—Continued	CFR
1386	14 Parts 287, 378a
1421	49 Part 107
1421 et seq	49 Part 821
1421—1431	49 Parts 171, 173, 178
1423	14 Part 121
1424	14 Part 121
1431	49 Part 171
1438	14 Part 97
1441	49 Part 835
1441 et seq	49 Parts 830, 831
1472	14 Parts 121, 171; 49 Part 102
1481	14 Parts 312, 378a
1482	14 Parts 201, 211
1502	14 Part 378a
1509	9 Part 91
1602	23 Part 450; 49 Part 613
1603	23 Part 450; 49 Part 613
1604	23 Part 450; 49 Part 613
1651	49 Part 520
1651 et seq	49 Part 255
1653	49 Parts 256, 520
1655	14 Parts 39, 71, 73, 75, 129, 171; 23 Part 450; 46 Parts 4, 5, 93; 49 Parts 171, 173, 177, 178, 398
1657	49 Parts 11, 501, 553
1672	49 Part 102
1804	49 Part 102
1806	49 Part 107
1901	14 Parts 400, 401
1901 et seq	49 Parts 800, 801, 821, 830, 831, 835
1902	49 Part 803
1903	14 Part 425; 49 Parts 825, 845
1924	14 Part 37
50 U.S.C.:	
App. 2023	15 Part 369
App. 2168	4 Parts 409, 411, 412
App. 2251—2297	32 Parts 1807, 1814
Public Laws:	
78–534	7 Part 623
84–99	33 Part 203
87–794	10 Part 213
89–750	45 Part 166
91–604	40 Part 53
92–210	6 Part 602
92–340	33 Part 401
92–500	33 Part 275; 40 Part 230
92–512	31 Part 51
92–583	15 Parts 927, 928
93–28	6 Part 602
93–86	7 Part 20
93–87	23 Part 820
93–113	45 Parts 1208, 1213, 1216, 1220, 1221, 1222
93–159	10 Parts 205, 210, 211, 212, 661
93–179	36 Parts 601, 604, 605, 606
93–197	25 Part 43k
93–203	29 Parts 94, 95, 96, 97, 98, 99
93–236	49 Parts 901, 921, 931, 1126
93–251	33 Parts 265, 266

Public Laws—Continued	CFR
93–259	5 Part 551
93–275	10 Parts 205, 207, 210, 211, 212, 213, 303, 305, 307, 309, 661
93–319	10 Parts 207, 303, 305, 307, 309
93–351	45 Part 1221
93–357	7 Part 1845
93–380	45 Parts 86, 184
93–383	24 Part 570
93–406	28 Part 4a; 29 Parts 2601, 2603, 2604, 2607
93–438	7 Part 1250; 10 Parts 71, 73, 710; 41 Parts 9–7, 9–15, 9–54, 109–1
93–463	17 Part 1
93–479	15 Part 804
93–495	12 Parts 541, 544, 545, 552
93–502	18 Part 401; 22 Part 706; 24 Part 15; 32 Parts 287, 297—299, 701, 2101; 49 Part 901

Public Laws—Continued	CFR
93–511	10 Parts 205, 210, 211, 212
93–526	41 Part 105–63
93–567	13 Part 313; 20 Part 619; 29 Parts 94, 95, 96, 97, 98, 99
93–568	45 Part 86
93–572	20 Part 618
93–579	29 Part 2607; 39 Part 3003; 41 Part 51–8
93–594	15 Part 302
93–618	15 Part 2006
93–633	14 Part 103
93–637	16 Part 1
93–638	25 Parts 271, 272, 273, 274, 275, 276, 277
93–643	23 Part 820
93–644	45 Part 158
94–16	17 Part 1
94–20	7 Part 225
94–70	50 Part 285
94–73	28 Part 55

CODE
XUM

1975 issue pages	issue date
1–747	Jan. 2
749–1002	3
1003–1216	6
1217–1495	7
1497–1679	8
1681–2172	9
2173–2409	10
2411–2573	13
2575–2671	14
2673–2790	15
2791–2969	16
2971–3210	17
3210A–3283	20
3285–3404	21
3405–3552	22
3553–3755	23
3756–3964	24
3965–4113	27
4115–4243	28
4245–4404	29
4405–4630	30
4631–4889	31
4891–5125	Feb. 3
5127–5345	4
5347–5492	5
5493–5737	6
5739–6196	7
6197–6312	10
6313–6447	11
6449–6637	12
6639–6759	13
6761–6949	14
6951–7080	18
7081–7390	19
7391–7615	20
7617–7891	21
7893–8060	24
8061–8161	25
8163–8319	26
8321–8535	27
8537–8762	28
8764–8929	Mar. 3
8931–10163	4
10165–10432	5
10433–10654	6
10655–10950	7
10951–11344	10
11345–11534	11
11535–11704	12
11705–11858	13
11859–12066	14
12067–12250	17
12251–12468	18
12469–12638	19
12639–12762	20
12763–12984	21
12985–13194	24
13195–13292	25
13293–13476	26
13477–14049	27
14051–14290	28

1975 issue pages	issue date
14291–14564	Mar. 31
14565–14735	Apr. 1
14737–14883	2
14885–15062	3
15063–15376	4
15377–15858	7
15861–16046	8
16047–16186	9
16187–16291	10
16293–16640	11
16641–16827	14
16829–17002	15
17003–17134	16
17135–17238	17
17239–17535	18
17537–17742	21
17743–17827	22
17829–17976	23
17977–18161	24
18163–18388	25
18389–18539	28
18541–18750	29
18751–18975	30
18977–19192	May 1
19193–19417	2
19419–19631	5
19633–19798	6
19799–20052	7
20053–20253	8
20255–20604	9
20605–20790	12
20791–20940	13
20941–21021	14
21023–21464	15
21465–21692	16
21693–21926	19
21927–22119	20
22121–22248	21
22249–22528	22
22529–22821	23
22823–23068	27
23069–23270	28
23271–23425	29
23427–23716	30
23717–23834	June 2
23835–23976	3
23977–24172	4
24173–24351	5
24353–24516	6
24517–24716	9
24717–24886	10
24887–24992	11
24993–25196	12
25197–25427	13
25429–25578	16
25579–25661	17
25663–25798	18
25799–26014	19
26015–26251	20
26253–26500	23
26501–26666	24

1975 issue pages	issue date
26667–26978	June 25
26979–27213	26
27215–27438	27
27439–27635	30
27637–27924	July 1
27925–28045	2
28046–28443	3
28445–28599	7
28601–28783	8
28785–29065	9
29067–29259	10
29261–29530	11
29531–29700	14
29701–29794	15
29795–30036	16
30037–30259	17
30261–30459	18
30461–30609	21
30611–30792	22
30793–30914	23
30915–31197	24
31199–31590	25
31591–31736	28
31737–31924	29
31925–32107	30
32109–32303	31
32305–32725	Aug. 1
32727–32822	4
32823–33006	5
33007–33193	6
33195–33423	7
33425–33647	8
33649–33817	11
33819–33959	12
33961–34085	13
34087–34331	14
34333–34582	15
34583–36098	18
36099–36293	19
36295–36552	20
36553–36758	21
36759–37025	22
37027–37203	25
37205–38138	26
38139–39491	27
39493–39832	28
39833–40137	29
40139–40500	Sept. 2
40501–40795	3
40797–41070	4
41071–41507	5
41509–41754	8
41755–41988	9
41989–42163	10
42165–42314	11
42315–42525	12
42527–42723	15
42725–42847	16
42849–43016	17
43017–43196	18
43197–43477	19

1975 issues pages	issue date
43479–43711	Sept. 22
43713–43871	23
43873–44109	24
44111–44301	25
44303–44535	26
44537–44806	29
44807–45156	30
45157–45415	Oct. 1
45417–45789	2
45791–46083	3
46085–46290	6
46291–47090	7
47091–47468	8
47469–47749	9
47751–48110	10
48111–48335	14
48337–48489	15
48491–48672	16
48673–48905	17
48907–49067	20
49069–49293	21
49295–49566	22
49567–49764	23
49765–50022	24
50023–50241	28
50243–50453	29
50455–50670	30
50671–51007	31
51009–51176	Nov. 3
51177–51407	4
51409–51612	5
51613–51994	6
51995–52337	7
52339–52582	10
52583–52713	11
52715–52807	12
52809–52993	13
52995–53221	14
53223–53354	17
53355–53544	18
53545–53991	19
53993–54234	20
54235–54418	21
54419–54558	24
54559–54763	25
54765–55306	26
55307–55631	28
55633–55828	Dec. 1
55829–56420	2
56421–56649	3
56651–56882	4
56883–57193	5
57195–57349	8
57351–57432	9
57433–57639	10
57641–57773	11
57775–58126	12
58127–58278	15
58279–58420	16
58421–58621	17

CODE
XUM

1975 issue pages	issue date
58623–58844	Dec. 18
58845–59185	19
59187–59311	22
59313–59419	23
59421–59588	Dec. 24
59589–59704	29
59705–60017	30
60019–60221	31

CODE

XUM

CODE

XUM

241

Vol.40—No.241
12-15-75

PAGES
58127-58278

federal register

MONDAY, DECEMBER 15, 1975

highlights

PART I:

NOTICE TO EXECUTIVE AGENCIES—PRIVACY ACT OF 1974

The Federal Register's Privacy Act Digest will be available on or about January 12, 1976. Executive agencies may obtain copies only by submitting Standard Form 1 to the Planning Services Division of the Government Printing Office by December 23, 1975, or by purchase from the Superintendent of Documents.

X-RAYS

HEW/FDA proposes guidelines on medical radiation exposure of women of childbearing age; effective 2-13-76.. 58151

OTC ANTACIDS

HEW/FDA makes available certain transcripts of panel's closed sessions..... 58165

NEW DRUGS

HEW/FDA proposes to withdraw approval of applications for protokylol hydrochloride injection and epinephrine suspension in oil for injection; hearing requests by 1-14-76 58164

CONTINUED INSIDE

PART II:

MARINE SANITATION DEVICES

DOT/CG grants certification to certain marine sanitation devices 58213

PART III:

INDEX OF NOTICES

FEC lists all interim guidelines, proposed regulations, advisory opinion requests, and advisory opinions published through 11-19-75..... 58233

PART IV:

PRIVACY ACT

Labor Department issues notice..... 58251

PART V:

RESCISSIONS AND DEFERRALS

OMB issues cumulative report..... 58255

V40241 DEC 15 75 XUM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

FCC—Amateur radio service; crossband operation of repeater stations. 53032; 11–14–75

FCC—FM broadcast stations; table of assignments, California.... 52028; 11–7–75

FCC—FM broadcast stations; table of assignments, Illinois and Indiana. 52029; 11–7–75

HEW/APHIS—Standard requirements for biological products; miscellaneous amendments..... 53000; 11–14–75

ICC—Philadelphia International Airport; exempt zone..... 51442; 11–5–75

Interior/BIA—Operation and maintenance charges; basic and other water charges on the Wapato Indian irrigation project. 52846; 11–13–75

Operation and maintenance charges; water charges on the Toppenish-Simcoe Indian irrigation project. 52846; 11–13–75

Operation and maintenance charges; water charges on the Ahanum Indian irrigation project.... 52845; 11–13–75

Legal Services Corporation—Procedures for disclosure or production of information under the Freedom of Information Act..... 52847; 11–13–75

NRC—Physical protection of plants and materials; advance notice of certain shipments of special nuclear material. 52840; 11–13–75

SEC—Rules and Regulations, Investment Company Act of 1940; reduction in 18 month reserve requirements for contractural plans..... 50711; 10–31–75

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5286. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

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NEW ANIMAL DRUGS
HEW/FDA approves lincomycin to be used as sole drug in premixes for complete feeds; effective 12–15–76..... 58132

SAFETY STANDARDS
DOT/NHTSA proposes to amend definition of "Gross axle weight rating"; comments by 1–29–76..... 58152
NHTSA also proposes modification in permissible reuse of running gear assemblies in trailer rebuilding, comments by 1–29–76..... 58153

FARM LABOR HOUSING
USDA/FmHA proposes to eliminate requirements that County Committees certify eligibility of Labor Housing loan, grant applicants, and Rural Housing Site Loan applications (3 documents); comments by 1–14–76..... 58151

MORTGAGE INSURANCE
HUD issues regulation on maximum interest rate applicable to mortgage increases; effective 12–15–75..... 58133

FRESH FRUITS AND VEGETABLES FROM CANADA AND MEXICO
Treasury/CS proposes special permits for immediate delivery; comments by 1–14–76..... 58150

FEDERAL SECURITIES
Treasury announces auction of Series P–1977 and G–1979 notes (2 documents)..... 58156, 58157

PRIVACY ACT OF 1974
FMC proposes clarifying regulations on records of identifiable personal information; comments by 1–14–76..... 58154

MEETINGS—
NSF: Advisory Committee for Science Education, 1–5 and 1–6–76..... 58186
Advisory Panel for Engineering Mechanics, 1–7 and 1–8–76..... 58186
State: Secretary of State's Advisory Committee on Private International Law Study Group on Hotelkeepers' Liability, 2–5–76..... 58156
Shipping Coordinating Committee, United States National Committee for the Prevention of Marine Pollution, 1–7–76..... 58156
Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, 1–8–76..... 58156
Commerce/DIBA: Definitions Subcommittee of the Numerically Controlled Machine Tool Technical Advisory Committee, 1–13–76..... 58161
Electronic Instrumentation Technical Advisory Committee, 1–13–76..... 58162
SBA: Concord District Advisory Council, 1–15–76..... 58189
HEW/HRA: National Advisory Council on Health Professions Education, 1–6 and 1–7–76..... 58165
Health Services Research Study Section, 1–11, 1–12, 1–13, and 1–14–76..... 58165
Health Services Developmental Grants Study Section, 1–18, 1–19, 1–20, and 1–21–76..... 58166
Health Care Technology Study Section, 1–18, 1–19, 1–20 and 1–21–76..... 58166
Task Force on Annual Report on the Nation's Health—United States National Committee on Vital and Health Statistics, 1–13 and 1–14–76..... 58166
Labor/BLS: Business Research Advisory Council's Committee on Manpower and Employment, 1–7–76..... 58189
Business Research Advisory Council's Committee on Economic Growth, 1–14–76..... 58189
FCC: Radio Astronomy Service Working Groups for 1979 ITU World Administrative Radio Conference, 1–9–76..... 58169
NRC: Advisory Committee on Reactor Safeguards, 12–75 and 1–76..... 58185

RESCHEDULED MEETINGS
FCC: Advisory Committee to Assist FCC Steering Committee in Preparation for 1970 ITU World Administrative Radio Conference, rescheduled from 12–15–75 to 1–19–76..... 58169
Treasury: Advisory Committee on Reform of the International Monetary System, 12–30–75..... 58158

contents

AGRICULTURAL MARKETING SERVICE
Rules
Oranges, navel, grown in Ariz. and part of Calif..... 58127

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Farmers Home Administration; Soil Conservation Service.
Rules
Authority delegations:
Administrator, Farmers Home Administration..... 58127
Notices
Committees; establishment, etc.:
Samuel R. McKelvie National Forest Grazing Advisory Board..... 58161

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Airline Tariff Publishers, Inc.... 58168
Aloha Airlines, Inc..... 58169
Condor Flugdienst GmbH..... 58169
Flying Tiger Line Inc., et al.... 58169
Nigeria Airways, Ltd..... 58169
Tourist Enterprises Corp., "Orbis"..... 58169
Western Air Lines, Inc..... 58169

CIVIL SERVICE COMMISSION
Rules
Excepted service:
Defense Department (2 documents)..... 58127
Justice Department..... 58127
Transportation Department.... 58127
Notices
Noncareer executive assignments:
Transportation Department.... 58169

COAST GUARD
Rules
Construction, equipment and operations requirements; licensing procedures and design; corrections (2 documents)..... 58143
Notices
Marine sanitation devices; certificates granted..... 58213

COMMERCE DEPARTMENT
See Domestic and International Business Administration; Economic Development Administration.

CUSTOMS SERVICE
Proposed Rules
Merchandise, entry of:
Fresh produce arriving from Canada or Mexico..... 58150

V40241 DEC 15 75 XUM

V40241 DEC 15 75 XUM

CONTENTS

DEFENSE DEPARTMENT
Notices
Committee establishment, etc.:
Policy Plans Advisory Panel ... 58159

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Meetings:
Electronic Instrumentation Technical Advisory Committee ... 58162
Numerically Controlled Machine Tool Technical Advisory Committee ... 58161

DRUG ENFORCEMENT ADMINISTRATION
Rules
Schedules of controlled substances:
Exempt chemical preparations ... 58132
Notices
Applications, etc.; controlled substances:
Hoffman LaRoche, Inc ... 58159

ECONOMIC DEVELOPMENT ADMINISTRATION
Notices
Wrapper Tobacco; study of producing firms ... 58163

FARMERS HOME ADMINISTRATION
Proposed Rules
Farmer programs; loans:
Loan policies, procedures and authorizations (3 documents) ... 58151

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
British Aircraft Corp. (2 documents) ... 58130
Britten Norman Ltd ... 58128
Pilatus Aircraft Ltd ... 58129
Scheibe-Flugzeugbau ... 58128
Scottish Aviation Ltd ... 58129
Transition areas ... 58131

FEDERAL COMMUNICATIONS COMMISSION
Rules
Canadian applicants; requirement of U.S. address ... 58148
FM broadcast stations; table of assignments:
Green Bay, Wis ... 58147
Public safety radio services:
Land transportation ... 58147
Notices
Meetings:
Advisory Committee to Assist FCC Steering Committee in Preparation for 1979 ITU World Administrative Radio Conference; cancellation ... 58169
Radio Astronomy Service Working Group for 1979 ITU World Administrative Radio Conference ... 58169
Hearings, etc.:
Red Carpet Flying Service and Mountain Air Aviation, Inc ... 58170

FEDERAL DEPOSIT INSURANCE CORPORATION
Rules
Authority delegations:
Director, Division of Bank Supervision ... 58128

FEDERAL DISASTER ASSISTANCE ADMINISTRATION
Notices
Disaster areas:
Hawaii ... 58166

FEDERAL ELECTION COMMISSION
Notices
Index of notices published in the FEDERAL REGISTER ... 58233

FEDERAL HOME LOAN BANK BOARD
Notices
Popular Federal Savings and Loan Association; appointment of Conservator ... 58170

FEDERAL MARITIME COMMISSION
Rules
Truck detention at port of New York; postponement of effective date ... 58146
Proposed Rules
Privacy Act; systems of records ... 58154
Notices
Agreements filed:
Port Authority of New York, et al ... 58170
Sea-Land Service, Inc. and Puerto Rico Maritime Shipping Authority ... 58171

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Amoco Production Co., et al ... 58171
Arkansas Louisiana Gas Co ... 58171
Central Illinois Public Service Co ... 58172
General American Oil Company of Texas, et al. (2 documents) ... 58172
Granite State Gas Transmission, Inc ... 58173
Marathon Oil Co., et al ... 58178
Mississippi Power & Light Co ... 58173
Ohio Power Co ... 58173
Ohio River Pipeline Corp ... 58173
Oklahoma Gas and Electric Co. (2 documents) ... 58174
Pioneer Production Corp ... 58174
Texaco, Inc., et al ... 58179
Texas Eastern Transmission Corp ... 58175
Texas Gas Transmision Corp., et al ... 58180
Union Electric Co ... 58178
United Illuminating Co ... 58178

FEDERAL RESERVE SYSTEM
Notices
Federal Open Market Committee:
Domestic policy directives ... 58181
Applications, etc.:
Independent Financial, Ltd ... 58181

FEDERAL TRADE COMMISSION
Rules
Consumers' claims and defenses, preservation; correction (2 documents) ... 58131

FISCAL SERVICE
Notices
Surety companies acceptable on Federal bonds:
Security Mutual Casualty Co ... 58156

FISH AND WILDLIFE SERVICE
Rules
Fishing:
National Bison Range ... 58149
Public access and use; Chincoteague National Wildlife Refuge ... 58148

FOOD AND DRUG ADMINISTRATION
Rules
Animal drugs:
Lincomycin ... 58132
Proposed Rules
Medical radiation exposure of women of child-bearing age ... 58151
Notices
Antacid Drug Products; OTC Drug Review Panel on; availability of certain transcripts ... 58165
Human drugs:
Protokylol Hydrochloride injection and Epinephrine suspension in oil for injection; withdrawal of approval; hearing ... 58164

GEOLOGICAL SURVEY
Notices
Geothermal resource areas, operations etc.:
Idaho ... 58160

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Food and Drug Administration; Health Resources Administration.
Notices
Community Health Centers ... 58166

HEALTH RESOURCES ADMINISTRATION
Notices
Meetings:
Annual Report on the Nation's Health; Task Force on ... 58166
Health Professions Education; National Advisory Council on ... 58165

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See also Federal Disaster Assistance Administration; Housing Management, Office of the Assistant Secretary; Interstate Land Sales Registration Office.

HOUSING MANAGEMENT, OFFICE OF ASSISTANT SECRETARY
Rules
Mortgage increases between initial and final endorsement; interest rates ... 58133

CONTENTS

INDIAN AFFAIRS BUREAU
Rules
Irrigation projects, operation and maintenance charges:
San Carlos, Ariz ... 58135

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)
Notices
Applications, etc.:
Dilston Corp ... 58181

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Geological Survey; Indian Affairs Bureau; Land Management Bureau; National Park Service; Reclamation Bureau.

INTERNAL REVENUE SERVICE
Rules
New principal residence; credit; correction ... 58138

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA
Notices
International Roseau River Engineering Board; hearings on main report ... 58182

INTERNATIONAL TRADE COMMISSION
Notices
Hearings, etc.:
Chain door locks ... 58182

INTERSTATE COMMERCE COMMISSION
Notices
Hearing assignments ... 58189
Motor carriers:
Temporary authority terminations ... 58190
Transfer proceedings (4 documents) ... 58189, 58190

INTERSTATE LAND SALES REGISTRATION OFFICE
Notices
Land developers; investigatory hearings, orders of suspension, etc.:
Beaver Lake ... 58167
Pinehurst ... 58167
Salt Pork Campgrounds ... 58167
Yogi Bear Jellystone Park ... 58168

JUSTICE DEPARTMENT
See Drug Enforcement Administration.

LABOR DEPARTMENT
See also Labor Statistics Bureau; Occupational Safety and Health Administration; Wage and Hour Division.
Notices
Privacy Act; systems of records ... 58251

LABOR STATISTICS BUREAU
Notices
Meetings:
Business Research Advisory Council's Committee on Economic Growth ... 58189
Business Research Advisory Council's Committee on Manpower and Employment ... 58189

LAND MANAGEMENT BUREAU
Rules
Public Land Orders:
Alaska (7 documents) ... 58144
Notices
Applications, etc.:
New Mexico (2 documents) ... 58159
Outer Continental Shelf official protraction diagrams; availability, etc. (2 documents) ... 58159

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests (2 documents) ... 58187, 58188
Cumulative report on rescissions and deferrals December 1975 ... 58255

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Proposed Rules
Motor vehicle safety standards:
Gross axle weight rating; definition of ... 58152
Trailer manufacturing; components used in ... 58153
Notices
Motor vehicle safety standards; temporary exemption petitions:
AM General Corp ... 58168

NATIONAL PARK SERVICE
Notices
Concession permits, etc.:
Wakefield National Memorial Association ... 58160
Wein Air Alaska ... 58161

NATIONAL SCIENCE FOUNDATION
Notices
Meetings, etc.:
Advisory Committee for Science Education ... 58186
Advisory Panel for Engineering Mechanics ... 58186

NUCLEAR REGULATORY COMMISSION
Notices
Applications, etc.:
Baltimore Gas & Electric Co ... 58183
Nebraska Public Power District ... 58183
Pacific Gas & Electric Co ... 58182
Philadelphia Electric Co. (3 documents) ... 58184
Power Authority of the State of New York ... 58183
Meetings:
Reactor Safeguards Advisory Committee ... 58185

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Rules
State plan changes for development and enforcement of standards ... 58143

RECLAMATION BUREAU
Notices
Annual operation and maintenance charges:
Yuma Irrigation Project ... 58160

SECURITIES AND EXCHANGE COMMISSION
Rules
Authority delegations:
Director, Division of Market Regulation ... 58131
Proposed Rules
Environmental and social disclosure; supplemental information for public comment ... 58155
Securities information processors; extension of comment period ... 58154
Notices
Hearings, etc.:
Municipal Securities Rulemaking Board ... 58188

SMALL BUSINESS ADMINISTRATION
Notices
Applications, etc.:
Commercial Investment Resources, Inc ... 58188
Disaster areas:
New York ... 58189
Meetings, advisory councils:
Concord District ... 58189

SOIL CONSERVATION SERVICE
Notices
Environmental statements on watershed projects availity, etc.:
Cadron Creek, Ark ... 58161

STATE DEPARTMENT
Notices
Meetings:
Prevention of Marine Pollution: U.S. National Committee ... 58156
Private International Law Advisory Committee ... 58156
Safety of Life at Sea; Subcommittee on ... 58156

TRANSPORTATION DEPARTMENT
See Coast Guard; Federal Aviation Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT
See also Customs Service; Fiscal Service; Internal Revenue Service.
Notices
Meetings:
Advisory Committee on Reform of the International Monetary System ... 58158
Notes, Treasury:
Series G–1979 ... 58156
Series P–1977 ... 58157

WAGE AND HOUR DIVISION
Rules
Wage orders; industries in Puerto Rico (10 documents) ... 58138–58143

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

5 CFR
213 (4 documents) 58127

7 CFR
2 58127
907 58127
PROPOSED RULES:
1822 (3 documents) 58151

12 CFR
303 58128

14 CFR
39 (6 documents) 58128–58130
71 58131

16 CFR
433 (2 documents) 58131

17 CFR
200 58131
PROPOSED RULES:
239 58155
240 (2 documents) 58154, 58155
249 (2 documents) 58154, 58155

19 CFR
PROPOSED RULES:
142 58150
158 58150

21 CFR
558 58132
1308 58132
PROPOSED RULES:
1000 58151

24 CFR
205 58133
207 58133
213 58134
220 58134
221 58134
232 58134
235 58134
236 58134
242 58134
244 58134

25 CFR
233 58135

26 CFR
1 58138

29 CFR
602 58138
603 58138
608 58139
609 58140
610 58140
611 58140
612 58141
614 58141
615 58142
687 58143
1902 58143

33 CFR
Ch. I (2 documents) 58143

43 CFR
PUBLIC LAND ORDERS:
17 (Revoked in part by PLO 5553) 58144
1245 (Revoked in part by PLO 5552) 58144
2789 (Revoked by PLO 5551) 58144
5169 (Amended by PLO 5556) 58146
5170 (Amended by PLO 5557) 58146
5176 (Amended by PLO 5555) 58145
5179 (Amended by PLO 5556) 58146
5353 (Revoked in part by PLO's 5551, 5552, 5553) 58144
5396 (Amended by PLO 5556) 58146
5551 58144
5552 58144
5553 58144
5554 58145
5555 58145
5556 58146
5557 58146

46 CFR
551 58146
PROPOSED RULES:
503 58154

47 CFR
73 58147
89 58147
93 58147
95 58148
97 58148

49 CFR
PROPOSED RULES:
571 (2 documents) 58152, 58153

50 CFR
28 58148
33 58149

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

1 CFR
Chapter I 55633
425 56651

3 CFR
EXECUTIVE ORDERS:
8278 (Revoked in part by PLO 5550) 56667
10422 (Amended by EO 11890) 57775
11890 57775

5 CFR
213 ..... 56651, 57202, 57351, 57461, 57777, 58127
890 55829
736 56651

7 CFR
2 ..... 56421, 56669, 58127
16 55829
25 57205
25A 57205
52 57206
245 ..... 57206, 57777
271 ..... 55646, 57434–57438
722 55656
725 55656
726 56421
729 55658
905 57641
907 ..... 56670, 57641, 58127
910 57777
912 57641
959 57209
982 55829
984 57351
1421 56423
1464 ..... 57209, 57777
1865 57642
1980 57643
PROPOSED RULES:
622 56457
724 57809
726 57810
916 57221
928 57221
932 56457
999 57368
1060 56674
1063 56674
1822 58151

9 CFR
113 57806
331 ..... 57807, 57808
381 ..... 57807, 57808
PROPOSED RULES:
91 56675

10 CFR
212 57439
RULINGS:
1975–18 55860

12 CFR
7 56883
217 57663
225 55634
226 55634
265 55635
303 58128

12 CFR—Continued
327 57209
329 ..... 57664, 57778
522 57442
526 57665
545 ..... 57665, 57781
555 57781
563 57665
571 57783
PROPOSED RULES:
556 57690
571 57690

13 CFR
117 57351
PROPOSED RULES:
120 57602
121 ..... 55860, 55868

14 CFR
39 ..... 55635–55637, 56652, 56883, 57352, 57353, 57444, 57665, 57666, 57783–57785, 58128–58130
71 ..... 55638, 55829, 56423, 56424, 56652, 56884, 57203, 57204, 57353, 57354, 57444, 57666, 57785, 57786, 58131
75 ..... 55830, 56884
97 ..... 57204, 57666
103 57667
121 57444
123 57444
135 57444
288 56652
PROPOSED RULES:
37 57222
39 57811
63 57342
71 ..... 55664, 55665, 55866, 56919, 57368, 57369
91 57342
103 57688
105 57342
121 57342
123 57342
129 57342
135 57342
137 57342
145 57342
147 57342
241 57462
253 55665
378 57462
399 55665

15 CFR
379 56424
950 56653

16 CFR
13 ..... 56655–56658, 57195–57201, 57445–57447, 57668
302 56659
433 58131
1512 57449
1602 56885

17 CFR
200 ..... 57449, 58131
210 ..... 55830, 55835
239 55836

17 CFR—Continued
240 ..... 55837, 57355, 57357, 57449, 57786
241 57786
249 55837
275 57795
PROPOSED RULES:
12 55666
239 58155
240 ..... 57463, 58154, 58155
249 ..... 58154, 58155

18 CFR
2 56886
35 56424
141 57450

19 CFR
4 55837
141 57796
159 ..... 55638, 55639
201 55838
PROPOSED RULES:
141 56674
142 ..... 56674, 58150
143 56674
158 58150
159 56674
201 56936

20 CFR
405 56659
410 56886
618 57766
PROPOSED RULES:
405 56458
625 56931

21 CFR
1 ..... 57451, 57453
3 57451
4 55838
7 55838
37 57454
121 ..... 56907, 57209
123 56425
430 57796
436 57797
444 57798
529 57454
540 55849
546 57455
556 57454
558 ..... 57668, 57798, 58132
561 56425
600 57688
640 55849
1308 58132
1316 57210
PROPOSED RULES:
1 57811
10 57811
27 57811
51 57811
53 57811
102 57688
310 ..... 55869, 56675, 57811
330 ..... 56675, 57811
338 57292
339 57292
340 57292

V40241 DEC 15 75 XUM

21 CFR—Continued
PROPOSED RULES—Continued
600 57688
610 57688
640 57688
660 57688
1000 58151

22 CFR
602 56661

23 CFR
230 57358
450 57799
630 55639, 57799
712 55643

24 CFR
205 58133
207 58133
213 58134
220 58134
221 58134
232 58134
235 58134
236 58134
242 58134
244 58134
1710 56907
1912 57210
1914 56670, 57803
1915 56672, 56910
1916 56426
1917 56426, 57668
1920 56427–56429, 57669, 57670
PROPOSED RULES:
1710 56919
1917 56459

25 CFR
233 58135
PROPOSED RULES:
178 57694

26 CFR
1 55849, 58138
301 55849
PROPOSED RULES:
1 56448, 57364, 57462

27 CFR
6 55856
194 56887

28 CFR
PROPOSED RULES:
19 56453
42 56454

29 CFR
602 58138
603 58138
608 58139
609 58140
610 58140
611 58140
612 58141
614 58141
615 58142
687 58143
1902 55857, 58143
1952 57455
1953 57804
2602 57457

29 CFR—Continued
PROPOSED RULES:
40 57332
1910 55866, 55867
2610 57982
2611 57980

32 CFR
650 55962

33 CFR
Ch. I 58143
117 56429
128 56430
207 57358
PROPOSED RULES:
117 57222

34 CFR
PROPOSED RULES:
Ch. I 56459

36 CFR
7 56888
PROPOSED RULES:
2 57694

37 CFR
1 37358
2 37358

38 CFR
1 56433
3 56434, 57459
17 57805
PROPOSED RULES:
3 56936

39 CFR
Ch. I 57670
42 57212
43 57212
44 57212
45 57212
47 57212
111 57212, 57670
PROPOSED RULES:
111 57223

40 CFR
52 56888–56890, 57359
180 55857, 57215
407 57216
408 55770
414 56435, 56436
PROPOSED RULES:
6 55868
85 56932
124 56932
125 56932
407 57223

41 CFR
14–1 57670, 57671
50–201 57805
101–26 57216
105–61 56892
114–43 55857
114–60 55858

42 CFR
57 56674
PROPOSED RULES:
2a 56692

43 CFR
2 57671
PUBLIC LAND ORDERS:
17 (Revoked in part by PLO 5553) 58144
1245 (Revoked in part by PLO 5552) 58144
2789 (Revoked by PLO 5551) 58144
5169 (Amended by PLO 5556) 58146
5170 (Amended by PLO 5557) 58146
5176 (Amended by PLO 5555) 58145
5179 (Amended by PLO 5556) 58146
5184 (Amended by PLO 5550) 56667
5187 (Revoked in part by PLO 5550) 56667
5353 (Revoked n part by PLO's 5551, 5552, 5553) 58144
5396 (Amended by PLO 5556) 58146
5550 56667
5551 58144
5552 58144
5553 58144
5554 58145
5555 58145
5556 58146
5557 58146
PROPOSED RULES:
2600 57364

45 CFR
102 57760
160c 57926
233 57359
302 57672
1013 55859
1222 57217
PROPOSED RULES:
115 57042
160d 55659
162 56678

46 CFR
5 57672
12 57673
42 57218
310 55643
401 57673
551 58146
PROPOSED RULES:
Ch. I 57688
10 55663
503 58154

47 CFR
0 57359
1 55644
2 57674
73 55644, 57360, 58147
76 57361
81 57675
83 57675
87 57675
89 58147
91 57682, 57684
93 58147
95 58148
97 58148
PROPOSED RULES:
76 55868
89 57369
91 57369

49 CFR
10 57361
103 57687
107 56442

49 CFR—Continued
174 57433
310 55645
571 56667, 56898, 57687
575 57806
1010 56668
1033 55860, 56443, 56444, 56898, 57433
1125 57639
PROPOSED RULES:
393 57369
557 56926

49 CFR—Continued
PROPOSED RULES—Continued
567 55665
568 55665
571 55665, 56920, 56928, 57690, 58152, 58153
579 56930
1108 57465

50 CFR
28 56444, 56445, 56669, 57218, 57220, 57459–57461, 58148

50 CFR—Continued
33 55860, 56446, 57368, 58149
216 56899
280 57461
PROPOSED RULES:
17 57221
510 55679, 57812
520 57692

FEDERAL REGISTER PAGES AND DATES—DECEMBER

Pages	Date
55633–55828	1
55829–56420	2
56421–56649	3
56651–56882	4
56883–57193	5
57195–57349	8
57351–57432	9
57433–57639	10
57641–57773	11
57775–58126	12
58127–58278	15

V 40 241 DEC 15 75 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Special Assistant to the Deputy Assistant Secretary (Comptroller) is revoked.

Effective December 15, 1975.

Section 213.3306(a) (66) is amended as set out below:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(66) [Reserved.]

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–33615 Filed 12–12–75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Staff Assistant (Interdepartmental Activities) to the Assistant to the President for National Security Affairs is excepted under Schedule C.

Effective December 15, 1975.

Section 213.3306(a) (73) is added as set out below:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(3) One Staff assistant (Interdepartmental Activities) to the Assistant to the President for National Security Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–33616 Filed 12–12–75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one position of Confidential Assistant to the Attorney General is excepted under Schedule C.

Effective December 15, 1975, § 213.3310 (a) (4) is amended as set out below:

§ 213.3310 Department of Justice.

(a) *Office of the Attorney General.* • • •

(4) Three Confidential Assistants to the Attorney General.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–33617 Filed 12–12–75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Assistant Administrator for Information Services, is excepted under Schedule C.

Effective December 15, 1975.

Section 213.3394(h) (3) is added as set out below.

§ 213.3394 Department of Transportation.

(h) *Federal Aviation Administration.*

• • • • • •

(3) Assistant Administrator for Information Services.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 216)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–33913 Filed 12–12–75;11:36 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Delegation of Authority to the Administrator, Farmers Home Administration

Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended to revise the delegations of authority to the Administrator, Farmers Home Administration, to limit his authority to provide financing under section 306(a) (1) of the Consolidated Farm and Rural Development Act, and to exclude from his authority the authority to assist volunteer fire departments which was erroneously deleted, as follows:

Section 2.70(a) (1) is revised to read as follows:

§ 2.70 Administrator, Farmers Home Administration.

(a) • • •

(1) Administration of the Consolidated Farm and Rural Development Act (Act) except (i) financing under section 306 (a) (1) of the Act, 7 U.S.C. 1926 (a) (1), of any rural electrification or telephone systems or facilities other than supplemental and supporting structures if they are not eligible for Rural Electrification Administration financing; (ii) the authority contained in section 342 of the Act, 7 U.S.C. 1013a; and (iii) the authority contained in section 306(a) (13) of the Act, 7 U.S.C. 1926(a) (13). This delegation includes the authority to collect, service, and liquidate loans made or insured by the Farmers Home Administration or its predecessor agencies, the Farm Security Administration, the Emergency Crop and Feed Loans Offices of the Farm Credit Administration, the Resettlement Administration, and the Regional Agricultural Credit Corporation of Washington, D.C.

Effective Date: December 15, 1975.

WILLIAM H. WALKER III,
Assistant Secretary for Rural Development,

DECEMBER 9, 1975.

[FR Doc.75–33730 Filed 12–12–75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 356, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period December 5–11, 1975. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

§ 907.656 Navel Orange Regulation 356.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

V40241 DEC 15 75 XUM

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 356 (40 FR 56670). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (iii) of § 907.656 (Navel Orange Regulation 356) (40 FR 56670) are hereby amended to read as follows:

"(i) District 1: 1,520,000 cartons:
"(iii) District 3: 80,000 cartons."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 10, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.75-33654 Filed 12-12-75;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER A—PROCEDURE AND RULES OF PRACTICE

[25011]

PART 303—APPLICATIONS, REQUESTS, AND SUBMITTALS

Delegation of Authority To Act on Certain Applications

1. Section 303.11 of the rules and regulations of the Federal Deposit Insurance Corporation (12 C.F.R. § 303.11) provides for the delegation of authority from the Corporation's Board of Directors (hereinafter the "Board") to the Director of the Corporation's Division of Bank Supervision and, where confirmed in writing by the Director of the Division of Bank Supervision, to the Corporation's Regional Directors, to act on certain applications and requests from insured State nonmember banks.

2. The Board has decided to amend § 303.13 of the rules and regulations of the Federal Deposit Insurance Corporation which provides for other delegations matters pursuant to Sections 17 and 17A of authority. The amendment delegates authority to the Director of the Division of Bank supervision and, where confirmed in writing by the Director, to the Regional Directors, to act on disclosure of the Securities Exchange Act of 1934 (15 U.S.C. 78) and Part 341 of the Corporation's rules and regulations in this chapter.

3. Section 303.13 is amended to read as follows:

§ 303.13 Other delegations of authority.

* * * * *

(b) *Disclosure law and regulations.* Except as provided in paragraph (c) of this section, the Board of Directors has delegated to the Director of the Division of Bank Supervision, or, where confirmed in writing by the Director of the Division of Bank Supervision, to the Regional Director of the Region in which the applicant bank is located, the authority on behalf of the Board of Directors to act on disclosure matters under and pursuant to sections 12, 13, 14, 17 and 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78) or Parts 335 and 341 of the Corporation's rules and regulations in this chapter.

(c) *Limitations on delegation.* Authority to act on disclosure matters under paragraph (b) of this section is not delegated by the Board of Directors when such matters involve:

* * * * *

(5) Exemption from registration requirements pursuant to Section 17A(c)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1(c)(1)).

4. The rule making procedures set forth in the Administrative Procedure Act (5 U.S.C. §§ 553 (b) and (d)) and the rules and regulations of the Federal Deposit Insurance Corporation (12 C.F.R. §§ 302.1, 302.2, and 302.5) with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments because they constitute rules of internal Corporation practice and procedure and are not substantive in nature.

5. *Effective date.* These amendments shall become effective immediately.

By order of Board of Directors, December 9, 1975.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.75-33692 Filed 12-12-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14877; Amdt. 39-2463]

PART 39—AIRWORTHINESS DIRECTIVES

Scheibe-Flugzeugbau Model Bergfalke II/55 and III Gliders

Amendment 39-2334 (40 FR 33008), AD 75-17-29, which requires replacement of a safety pin in the elevator control connection on certain Scheibe-Flugzeugbau Model Bergfalke II/55 and III gliders, references a manufacturer's service bulletin. After issuing Amendment 39-2334, the Federal Aviation Administration determined that the service bulletin was incorrectly identified in the text of the AD. The FAA has also determined that the replacement requires no special instructions and that reference to a service bulletin is not necessary. Therefore, the AD is being superseded by a new AD that requires the replacement of a safety pin in the elevator control connection with a washer and a cotter pin on certain Scheibe Bergfalke II/55 and III gliders without reference to a service bulletin.

Since this situation requires immediate adoption of this regulation, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 is amended by adding the following new airworthiness directive:

SCHEIBE FLUGZEUBAU GMBH. Applies to Model Bergfalke II/55 and III gliders, certificated in all categories, equipped with loose connecting bolt between the elevator push-pull rod and elevator control lever.

Compliance is required as indicated, unless already accomplished.

To ensure a reliable elevator control connection, within the next 10 hours' time in service after the effective date of this AD, replace the safety pin (Fokker needle) at the connecting bolt between the elevator push-pull rod and the elevator control lever with an aviation quality washer and cotter pin.

This supersedes Amendment 39-2334 (49 FR 33008), AD 75-17-29.

This amendment becomes effective December 29, 1975.

Issued in Washington, D.C. on December 8, 1975.

J. A. FERRARESE,
Acting Director, Flight Standards Service.

[FR Doc.75-33621 Filed 12-12-75;8:45 am]

[Docket No. 15240; Amdt. 39-2464]

PART 39—AIRWORTHINESS DIRECTIVES

Britten Norman Ltd. Models BN-2A and BN-2A MK III Airplanes

There have been reports of the rivets that secure the mass balance clamp unit to certain ailerons becoming detached on Britten Norman BN-2A and BN-2A MK III airplanes that could result in the loss of the balance weights with possible resultant aileron flutter.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require repetitive inspections of the mass balance clamp unit for looseness on certain BN-2A and BN-2A MK III airplanes and modification of the unit, if necessary.

Since this situation requires immediate adoption of this regulation, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITTEN NORMAN, LTD. Applies to Britten Norman Models BN-2A (Islander) and BN-2A MK III (Trislander) airplanes, all series, certificated in all categories with ailerons P/N NB-24-301/302 (BN-2A), or P/N NB-24-379/380 (BN-2A MK III) installed, except those airplanes altered in accordance with Britten Norman Modification NB/M/627.

Compliance is required as indicated.

To detect detachment of rivets securing the mass balance clamp unit to certain ailerons and to prevent possible failure of the aileron mass balance attachment, accomplish the following:

(a) Prior to first flight of each day after the effective date of this AD, inspect the attachment of the aileron mass balance clamp unit for looseness in accordance with the "Inspection" paragraph of Britten Norman Service Bulletin No. BN-2/SB.67, dated October 24, 1973, or an FAA-approved equivalent.

(b) If loose attachments are found during an inspection required by paragraph (a) of this AD, before further flight, modify the aileron and the mass balance clamp unit in accordance with the "Rectification" paragraph of Britten Norman Service Bulletin No. BN-2/SB.67, dated October 24, 1973, or an FAA-approved equivalent.

(c) The inspections required by paragraph (a) of this AD may be discontinued upon the incorporation of the modification specified in paragraph (b) of this AD.

This amendment becomes effective December 29, 1975.

Issued in Washington, D.C., on December 8, 1975.

J. A. FERRARESE,
Acting Director, Flight Standards Service.

[FR Doc.75-33622 Filed 12-12-75;8:45 am]

[Docket No. 15241; Amdt. No. 39-2465]

PART 39—AIRWORTHINESS DIRECTIVES

Scottish Aviation Limited Model HP-137 MK.1 Jetstream Airplanes

Pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), an airworthiness directive was issued on October 24, 1975, and made effective immediately as to all known United States operators of Scottish Aviation Ltd. Model HP-137 MK.1 Jetstream Airplanes. The directive required the periodic inspection, reinforcement, and replacement, as necessary, of the outer flap assembly on Model HP-137 MK.1 Jetstream Airplanes.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Scottish Aviation Ltd. Model HP-137 MK.1 Jetstream Airplanes by individual telegrams dated October 24, 1975. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

SCOTTISH AVIATION LTD. Applies to Model HP-137 MK. 1 Jetstream airplanes, certificated in all categories.

For airplanes with 500 or more total landings, on the effective date of this AD, compliance is required before further flight, unless already accomplished within the last 50 landings, (except that the airplane may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the work can be performed, provided that the flaps remain in the fully retracted position for the duration of the flight) and thereafter at intervals not to exceed 50 landings since the last inspection.

For other airplanes, compliance is required prior to the accumulation of 500 total landings and thereafter at intervals not to exceed 50 landings since the last inspection.

To prevent possible flap separation from the airplane accomplish the following:

(a) Visually inspect the outer end of each outer flap for cracks along the lower flange of the end rib and rib doubler using a magnifying glass with a minimum of 5-power, or by using an FAA-approved equivalent method.

NOTE: During the inspection required by paragraph (a) particular attention should be paid to the bend of doubler and heel of rib flange.

(b) For access to the area to be inspected in accordance with paragraph (a) of this AD—

(1) Remove the four counter sunk head bolts from the outer flange and cut the four anchor nuts from the support pads; and

(2) Lift the support pads and cut the anchor nut rivets flush with the flange of the doubler.

(c) If cracks are found during the inspection required by paragraphs (a) and (b) of this AD, replace the affected outer flap assembly with a new or serviceable outer flap assembly of the same part number or an FAA-approved equivalent.

(d) Re-install the support pads and counter sunk bolts using stiff nuts, Kaylock EH10-3, or equivalent, and plain washers to replace anchor nuts.

NOTE: For future improved ease of access, it is permissible to reverse the three bolts on the flap hinge arm.

NOTE: It is requested that findings be reported to Chief, Aircraft Certification Staff, FAA European Region, AEU-100, APO New York, N.Y. 09667. (Reporting approved by Bureau of Budget under BOB No. 04-R-0174).

[Civil Aviation Authority (CAA), United Kingdom mandatory inspection message No. 77432, dated October 17, 1975, applies to this same subject.]

This amendment is effective on December 15, 1975, as to all persons except those persons to whom it was made immediately effective by telegram dated October 24, 1975, which contained this amendment.

Issued in Washington, D.C. on December 8, 1975.

J. A. FERRARESE,
Acting Director, Flight Standards Service.

[FR Doc.75-33623 Filed 12-12-75;8:45 am]

[Docket No. 14850; Amdt. 39-2466]

PART 39—AIRWORTHINESS DIRECTIVES

Pilatus Aircraft Ltd. Model PC-6/A Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring reinforcement of the U-shaped channel of the engine mount to fuselage attachment on PC-6/A airplanes with Astazou engine installations manufactured by Pilatus Aircraft Ltd. was published in the FEDERAL REGISTER on August 1, 1975, (40 FR 32343).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PILATUS AIRCRAFT LTD. Applies to Pilatus Model PC-6/A airplanes up to and including S/N 659 (all variants) with Astazou engine installations manufactured by Pilatus Aircraft Ltd.

NOTE: This AD does not apply to Pilatus Model PC-6/A airplanes manufactured by Fairchild Hiller.

Compliance required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent failure of the engine mount to fuselage attachment, reinforce the U-channel, P/N 6201.992, by installing a steel plate, P/N 112.35.06.337, to each U-channel lug and rework the engine strut heads, P/N 6501.106, in accordance with paragraph 2.2 of Pilatus Aircraft Ltd. Service Bulletin No. 83A dated February 1971, or an FAA-approved equivalent.

This amendment becomes effective on January 14, 1976.

Issued in Washington, D.C., on December 8, 1975.

J. A. FERRARESE,
Acting Director, Flight Standards Service.

[FR Doc.75-33624 Filed 12-12-75;8:45 am]

V 40 241 DEC 15 75 XUM

[Docket No. 14880; Amdt. 39-2467]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation BAC 1-11 200 and 400 Series Airplane

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection and deactivation of oxygen systems until alterations are made on BAC 1-11 200 and 400 series airplanes was published in the FEDERAL REGISTER on August 6, 1975, (40 FR 33050).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. One comment noted that the reference to FAR 91.31 in the notice should be FAR 91.32, and the AD has been changed accordingly.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORPORATION. Applies to BAC 1-11 200 and 400 series airplanes certificated in all categories, equipped with H.F. radio systems that do not have BAC Modifications PM 4412 Part (a) or Part (b) and Modification PM 4424 incorporated.

Compliance is required as indicated:

To prevent hazardous arcing at the H.F. antenna tuning unit connector post in the vicinity of the oxygen system, accomplish the following:

(a) Within the next 25 hours' time in service, after the effective date of this AD, comply with the following:

(1) Unless accomplished within the last 25 hours' time in service, inspect the H.F. antenna lead-in cable at the antenna, the antenna tuning unit (A.T.U.) connectors, the tuning unit and all adjacent wiring and oxygen piping in the immediate vicinity for signs of overheating damage or arcing, and replace damaged parts with parts of the same part numbers, or FAA-approved equivalent parts.

(2) Remove and discard the rubber overshoe fitted at the A.T.U. connector post.

(3) Attach a placard on the instrument panel in full view of the pilot reading:

"The passenger oxygen system control valve must remain in the OFF position. Conduct operations in accordance with FAR 121.329 or 91.32, as applicable."

(b) Repeat the inspection required by paragraph (a)(1) of this AD at intervals not to exceed 50 hours' time in service from the last inspection until paragraph (c) of this AD is complied with, at which time the inspection interval may be increased not to exceed 200 hours' time in service from the last inspection.

(c) The placard required by paragraph (a)(3) of this AD may be removed and the inspection interval prescribed in paragraph (b) may be established upon completion of the following:

(1) Compliance with the provisions of British Aircraft Corporation Alert Service Bulletin 23-A-PM 4346 dated April 5, 1971, paragraph numbers 3.1, 3.2, 3.3, 3.4, 3.5, 3.7, 3.8, 3.9, 4.3, 4.4, 4.5, or FAA-approved equivalents.

(2) Alteration of the oxygen system in accordance with BAC Modification PM 4412 Part (a) and Part (b), or an FAA-approved equivalent.

This amendment becomes effective on January 14, 1976.

Issued in Washington, D.C., on December 8, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-33625 Filed 12-12-75;8:45 am]

[Docket No. 14884; Amdt. 39-2468]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Viscount Series 700 and 810 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspections for fatigue cracks and replacement and reworking of the landing flap torque shaft assemblies, as appropriate, on British Aircraft Corp. Viscount 700 and 810 series airplanes was published in the FEDERAL REGISTER on August 6, 1975 (40 FR 33049).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORPORATION. Applies to British Aircraft Corp. (BAC) Viscount Model 700 and 810 series airplanes.

Compliance is required as indicated, unless already accomplished.

To prevent possible fatigue failure of the No. 1 and 2 landing flap torque shaft assemblies, accomplish the following:

(a) For No. 1 torque shaft assemblies (LH and RH), comply with the following:

(1) Torque tubes fitted to torque shaft assemblies for which total landings can be determined and which have accumulated in excess of 26,000 landings but not more than 28,000 landings on the effective date of this AD may remain in service for 2,000 additional landings with no special inspections after which time they must be replaced with new torque tubes of the same part number in accordance with paragraph (a)(5) of this AD.

(2) Torque tubes fitted to torque shaft assemblies for which the total landings can be determined and which have accumulated in excess of 28,000 landings on the effective date of this AD may be continued in service, subject to the inspection requirements of paragraph (a)(4) of this AD, for 2,000 additional landings after which they must be replaced with new torque tubes of the same part number in accordance with paragraph (a)(5) of this AD.

(3) Torque tubes fitted to torque shaft assemblies for which total landings cannot be determined must use in lieu thereof the total landings on the aircraft on which they are installed and comply with either paragraph (a)(1) or (a)(2) of this AD as applicable.

NOTE: If total landings on the aircraft are not known, an operator may substitute a value for total landings established by dividing the total aircraft hours by the average flight length for the particular aircraft, subject to the approval of the assigned FAA Inspector.

(4) Torque tubes fitted to torque shaft assemblies may remain in service for 2,000 additional landings in accordance with paragraph (a)(2) of this AD, subject to the following conditions:

(i) Within 50 landings after the effective date of this AD and thereafter at intervals not to exceed 50 landings until replaced in accordance with paragraph (a)(2) of this AD, inspect the torque tubes in accordance with 2.2.1 of Alert PTL No. 290 (700 series) or Alert PTL No. 158 (810 series), both dated August 23, 1972, or an FAA-approved equivalent. If any cracks are found in the torque tubes as a result of this inspection, before further flight, replace the torque tubes with new parts of the same part numbers in accordance with paragraph (a)(5) of this AD.

(ii) Within 500 landings from the effective date of this AD and thereafter at intervals not to exceed 500 landings until replaced in accordance with paragraph (a)(2) of this AD, remove the torque shaft assemblies and inspect and rework in accordance with paragraph 2.2.2 of Alert PTL No. 290 (700 series) or Alert PTL No. 158 (810 series), both dated August 23, 1972, or an FAA-approved equivalent. Where an inspection required by this paragraph coincides with an inspection interval specified in paragraph (a)(4)(1) of this AD, the inspection conducted in accordance with this paragraph is considered as showing compliance with the inspection required by paragraph (a)(4)(i) of this AD. If any cracks are found in the torque tubes or end fittings as a result of this inspection, replace cracked parts with new parts of the same part numbers in accordance with the assembly instructions specified in paragraph (a)(5) of this AD.

(5) Torque tubes replaced in accordance with any provisions of this AD must be assembled to the torque shaft assembly in accordance with figure 2 of Alert PTL No. 290 (700 series) or PTL No. 158 (810 series), both dated August 23, 1972, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, c/o American Embassy, APO New York 09667.

(6) Replacement torque tubes installed in accordance with the provisions of this AD must be replaced within 20,000 landings from new. Thereafter inspect replacement torque tubes in accordance with paragraph 2.3 of Alert PTL No. 290 (700 series) or Alert PTL No. 158 (810 series), both dated August 23, 1972, or an FAA-approved equivalent.

(b) For No. 2 torque shaft assemblies (LH and RH), comply with the following:

(1) For torque tubes fitted to torque shaft assemblies, for which total landings can be determined, within 500 landings after the effective date of this AD or before accumulating 28,500 landings, whichever occurs later, and thereafter at intervals not to exceed 500 landings, inspect the torque tubes in accordance with paragraph 2.4.1 of Alert PTL No. 290 (700 series) or Alert PTL No. 158 (810 series), both dated August 23, 1972, or an FAA-approved equivalent.

(2) Within 1,500 landings after the initial inspection required by paragraph (b)(1) of this AD, and thereafter at intervals not to exceed 2,000 landings from the last inspection, remove the torque shaft assemblies and inspect the torque tubes and end fittings for cracks in accordance with paragraph 2.4.2 of Alert PTL No. 290 (700 series) or Alert PTL No. 158 (810 series), both dated August 23, 1972, or an FAA-approved equivalent. Where an inspection required by this paragraph coincides with an inspection interval specified in paragraph (b)(1) of this AD, the inspection conducted in accordance with this paragraph is considered as showing compliance with the inspection required by paragraph (b)(1) of this AD.

(3) If cracks are found as a result of the inspections conducted in accordance with paragraphs (b)(1) or (b)(2) of this AD, before further flight, replace the cracked parts with new parts of the same part number. Where new torque tubes are installed as a result of the inspections specified in paragraphs (b)(1) and (b)(2) of this AD, the repetitive inspections required by paragraphs (b)(1) and (b)(2) must be initiated upon accumulating 28,000 landings on the new torque tubes.

(4) Torque tubes fitted to torque shaft assemblies for which the total landings cannot be determined, must use in lieu thereof the total landings of the aircraft on which they are installed for the purpose of complying with paragraph (b)(1) of this AD.

NOTE: If total landings of the aircraft are not known, an operator may substitute a value for total landings established by dividing the total aircraft hours by the average flight length for the particular aircraft, subject to the approval of the assigned FAA Inspector.

This amendment becomes effective on January 14, 1976.

Issued in Washington, D.C., on December 8, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-33626 Filed 12-12-75;8:45 am]

[Airspace Docket No. 75-WE-29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On November 3, 1975 a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 51058) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Heber, Arizona Transition Area.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 g.m.t., January 29, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California on December 5, 1975.

JESS SPECKERT,
Acting Director, Western Region.

In § 71.181 (41 FR 440) the description of the Heber, Arizona transition area is amended to read as follows:

That airspace extending upward from 12,000 feet MSL bounded by a line beginning at latitude 34°39'00" N., longitude 111°39'00" W. to latitude 34°43'00" N., longitude 111°24'00" W., to latitude 34°43'00" N., longitude 110°20'00" W., thence south via longitude 110°20'00" W. to the north edge of V190N, thence west and southwest via the north and northwest edges of V190N to latitude 34°03'30" N., longitude 111°05'00" W. to latitude 34°10'00" N., longitude 111°30'00" W. to latitude 34°10'00" N., longitude 111°43'00" W., to point of beginning.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California on October 24, 1975.

[FR Doc.75-33627 Filed 12-12-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER D—TRADE REGULATION RULES

PART 433—PRESERVATION OF CONSUMERS' CLAIMS AND DEFENSES

Correction

In FR Doc. 75-30759 appearing at page 53506 in the issue for Tuesday, November 18, 1975, make the following changes:

1. On page 53506 in the second column in § 433.2 and in paragraph (b) and the fifth line of the Notice, the word "SERVICE" should be "SERVICES".

2. On page 53512 in the second column and in the fourteenth line, insert the word "and" after the word "seller".

3. On page 53514 in the first column and in the last line of footnote 53, change the number "50" to "51".

4. On page 53514 in the second column the first line of footnote 71, change the name "Allan" to "Allen".

5. On page 53515 in the third column and in the second line of footnote 12, change the name "Schick" to "Shick".

6. On page 53516 in the first column and in the fourth line of footnote 32, change the name "Jeffery" to "Jeffrey".

7. On page 53517 in the second column and in the first line of footnote 25, change the name "Jeffery" to "Jeffrey"

8. On page 53518 in the second column and in the seventh line of the second full paragraph, change the word "through" to "thorough".

9. On page 53521 in the third column and in the third line of footnote 5, change the name "McElensey" to "McEleney".

10. On page 53522 in the second column and in the first line of footnote 36, change the name "Hickley" to "Hinckley".

11. On page 53522 in the second column and in footnote 39, change the number "756" to "75".

12. On page 53523 in the second column and in the eighth and ninth lines of the third full paragraph, change the word "disgarding" to "discarding".

13. On page 53526 in the second column and in footnote 9a, change the name "Huchinson" to "Hutchinson".

14. On page 53526 in the third column and in the second line of footnote 16, change the name "Süzane" to "Suzanne".

15. On page 53526 in the third column and in the ninth line of footnote 21, change the name "Eovalid" to "Eovaldi".

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-33674 Filed 12-12-75;8:45 am]

PART 433—PRESERVATION OF CONSUMERS' CLAIMS AND DEFENSES

Promulgation of Trade Regulation Rule and Statement of Basis and Purpose

Correction

In FR Doc.75-30759, appearing at page 53506 in the issue of Tuesday, November 18, 1975, the following changes should be made:

1. On page 53508, first column, third complete paragraph, in the second line "(UCC)" should read, "(U3C)".

2. On page 53509, first column, in footnote 19, the third line, "a" should read, "8".

3. On page 53510, third column, sixth complete paragraph, delete the second line in its entirety.

4. On page 53513, second column, footnote 23 should read, "Norm Sandon's Health Club, St. Louis, Missouri, Tr. 600-610 R. 1243-1258."

5. On page 53513, second column, footnote 37, second line, "Wahsington" should read, "Washington".

6. On page 53515, second column, seventh complete paragraph, twelfth line "individal" should read, "individual".

7. On page 53517, first column, in footnote 4, third line, "109" should read, "1109".

8. On page 53526, second column, in footnote 11, second line, change, "specific" to read, "specific"

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11888]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Amendment of Rules Delegating Authority To Grant Exemptions Under Rule 10a-1 Under the Securities Exchange Act of 1934

The Securities and Exchange Commission hereby announces the amendment of Section 200.30-3 (17 CFR 200.30-3) of the Commission's Statement of Organization; Conduct and Ethics; and Information and Requests to delegate to the Director of the Division of Market Regulation, to be performed by him or under his direction by such person or persons as may be designated from time to time by the Chairman of the Commission, until the Commission orders otherwise, the additional authority and function of granting exemptions under paragraph (f) of Rule 10a-1 (17 CFR 240.10a-1(f)).

V40241 DEC 15 75 XUM

The text of the amendment to the Commission's regulations with respect to delegated authority follows:

17 CFR 200.30–3 is amended by adding a new paragraph (a)(16) thereto to read as follows:

§ 200.30–3 Delegation of authority to Director of Division of Market Regulation.

(16) Pursuant to Rule 10a–1(f) [§ 240.10a–1(f)] to grant requests for exemptions from Rule 10a–1;

The Commission finds that the foregoing amendment relates solely to agency organization, procedure or practice and that notice and procedures under the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) are unnecessary. Accordingly, the foregoing action, which was taken pursuant to Pub. L. 87–592, 76 Stat. 394 (15 U.S.C. 78d–1, 78d–2), becomes effective immediately.

By the Commission.

Dated: November 28, 1975.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75–33671 Filed 12–12–75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Subpart B—Specific New Animal Drugs for Use in Animal Feeds

LINCOMYCIN

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (34–085V) filed by the Upjohn Co., Kalamazoo, MI 49001, proposing that finished feeds prepared from premixes containing lincomycin as the sole drug need not satisfy all the requirements of section 512(m) of the Federal Food, Drug, and Cosmetic Act. The supplemental application is approved, effective December 15, 1975.

Lincomycin as the sole drug premix meets the uniform criteria in 1971 Bureau of Veterinary Medicine memoranda for administrative waiver of the ministerial requirements of section 512(m) of the act. The pertinent provisions of the memoranda indicate that waiver is appropriate if:

1. The feeding of 1.5X to 2X level of the product in the finished feed does not have an impact on the tissue residue picture, i.e., an impact on an existing withdrawal period or tolerance.

2. The product is not a known carcinogen or is not classed with a family of known carcinogens.

3. Appropriate documentation covering animal safety is on file. This will not require additional data since this documentation is by definition a part of the new animal drug application (NADA).

4. The margin of safety to the animal and the consumer is such that the product label does not have to contain a statement such as "Use as the sole source of • • •."

5. Data are on file to demonstrate that the product is efficacious over the approved range. This data should generally satisfy current standards for the demonstration of efficacy.

6. Except under special circumstances, the product has been used at least 3 years in the target species without significant complaints related to or associated with it. Applications of this criterion require a review of the available Drug Experience Reports.

The 1971 memoranda make explicit that because waiver of the ministerial requirements of section 512(m) of the act is permitted only for specific efficacy claims or at specific levels of the drugs, distinct products with corresponding labeling for those claims or levels should exist. This is necessary to cover those premixes that can be made into finished feeds with various concentrations of drugs.

The foregoing criteria established in the 1971 memoranda constitute an interim agency policy that is under review. The Bureau of Veterinary Medicine is preparing a proposed regulation for publication in the FEDERAL REGISTER, based on the criteria listed above, governing waiver of the 512(m) requirements for the finished feed. In waiving the ministerial requirements of section 512(m), the agency has not waived the current good manufacturing practice regulations under Part 225 (21 CFR Part 225) for feed mills mixing such feeds.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), § 558.325 is amended by redesignating the present paragraph (e) as paragraph (f) and adding a new paragraph (e) to read as follows:

§ 558.325 Lincomycin.

• • • • • •

(e) *Special considerations.* Finished feeds containing lincomycin as the sole drug and conforming to the requirements of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

• • • • • •

Effective date. This order shall be effective December 15, 1975.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated: December 5, 1975.

C. D. VAN HOUWELING, *Director, Bureau of Veterinary Medicine.*

[FR Doc.75–33648 Filed 12–12–75;8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Exempt Chemical Preparations

The Acting Administrator of the Drug Enforcement Administration has received applications pursuant to Section 1308.23 of Title 21 of the Code of Federal Regulations requesting that several chemical preparations containing controlled substances be granted the exemptions provided for in Section 1308.24 of Title 21 of the Code of Federal Regulations.

The Acting Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, education, or special research purposes, is not intended for general administration to a human being or other animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the package quantity does not present any significant potential for abuse, (b) contains either a narcotic or non-narcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. The Acting Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts, and suppliers of these products.

Therefore, pursuant to section 202(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812(d)), and under the authority vested in the Attorney General by sections 301 and 501(b) of the Act (21 U.S.C. 821 and 871(b)) and delegated to the Administrator of the Drug Enforcement Administration by Section 0.100 of Title 28 of the Code of Federal Regulations (see FR 18380, July 2, 1973), and further, having been duly designated as Acting Administrator by Order No. 607–75 of the Attorney General, dated May 30, 1975, in accordance with the authority stated therein, and pursuant to the authority delegated to the Acting Administrator by Section 0.132(d) of Title 28 of the Code of Federal Regulations, the Acting Administrator of the Drug Enforcement Administration hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as follows:

a. By amending § 1308.24(i) by adding the following chemical preparations.

§ 1308.24 Exempt chemical preparations.

• • • • •

(i) • • •

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
Dow Chemical Co	Iodine-125 Triiodothyronine Lyophilized	Vial: 20.5 ml	May 22, 1975
Do	Antitriiodothyronine Serum Lyophilized	do	Do.
Do	ANSA Buffer Lyophilized	do	Do.
Do	Dextran Lyophilized	do	Do.
Nuclear Diagnostics, Inc	Tetra-Stat Reagent, catalog No. 4100 4020	Bottle: 410 ml, 90 ml	Apr. 8, 1975
Do	T3 Cr-Stat Reagent, catalog No. 7100 7020	do	Do.
Do	Tri-Stat Reagent, catalog No. 3100 3020	do	Do.
Supelco, Inc	Cocaine, 04–9188	1,000 μg/glass ampul	June 5, 1975
Do	Methaqualone, 04–9183	do	Do.
Do	Lysergic Acid Diethylamide Tartrate, 04–9185.	500 μg/glass ampul	Do.
Do	Psilocin, 04–9190	1,000 μg/glass ampul	Do.
Do	Psilocybin, 04–9191	do	Do.
Behring Diagnostics, American Hoechst Corp.	IEP Buffer, pH 8.2	Foil pouch: 5.32 by 5.25 in, 6.5 g.	Sept. 24, 1975
Do	Immuno-fec^R II Agarose Plates	Foil pouch: 5.35 by 5.25 in.	Do.
Taylor Chemicals, Inc	Special Zinc Reagent catalog No. 1307–D.S.	Bottle: 1 qt (32 fl oz), 1 pt (16 fl oz), 4 oz (4 fl oz).	Sept. 29, 1975
Ory Metal Industries Corp	Compound N Solution	Steel drum: 55 gal	Oct. 1, 1975
Smith Kline Instruments, Inc.	T-3 Uptake Diagnostic Test	Test Kit containing: 25 plastic tubes coated with antibody. Standards. 1 vial of radioactive isotope. 1 vial of barbital buffer.	Oct. 15, 1975

• • • • • • • • •

b. By amending Section 1308.24(i) by deleting the following chemical preparations:

Manufacturer or supplier	Product name and supplier's catalog Number	Form of product	Date of application
Dow Chemical Co	Iodine-125 Triiodothyronine Lyophilized	Vial: 20.5 ml	June 22, 1975
Do	Antitriiodothyronine Serum Lyophilized	do	Do.
Do	ANSA Buffer Lyophilized	do	Do.
Do	Dextran Lyophilized	do	Do.

• • • • • • • • •

Effective date. This order is effective December 15, 1975. Any person interested may file written comments on or objections to the order on or before February 17, 1976. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Acting Administrator shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Acting Administrator shall reinstate, revoke or amend his original order as he determines appropriate.

Dated: November 28, 1975.

JERRY N. JENSON, *Acting Administrator, Drug Enforcement Administration.*

[FR Doc.75–33691 Filed 12–12–75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION)

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R–75–316]

INTEREST RATES APPLICABLE TO MORTGAGE INCREASES BETWEEN INITIAL AND FINAL ENDORSEMENT

Mortgage Insurance

On February 13, 1975, a document was published in the FEDERAL REGISTER (40 FR 6647) as an interim rule which amended Parts 205, 207, 213, 220, 221, 232, 235, 236, 242, and 244 of Title 24 of the Code of Federal Regulations (and Parts 227, 231, and 234 through incorporation by reference) to provide that the interest rate on an increase in a mortgage over and above the amount which the Secretary committed to insure at initial endorsement may be at the maximum interest rate allowable at the time of the Secretary's approval of the increase. Interested persons were given 60 days to comment before publication of the final rule. No comments were received.

However, due to wide fluctuations in the maximum interest rate permitted by HUD during recent months, situations have arisen where mortgagees were unwilling to fund mortgage increases at interest rates less than the greater of that in effect at the time of (1) initial endorsement of the mortgage, (2) the application for the increase, or (3) the approval by HUD of the increase. These situations occur when interest rates decline from the time of the initial endorsement or the application for increase in mortgage amount to the time of the HUD approval of the increase. However, the interim rule did not take into account the situation of a rate declining between initial endorsement of the mortgage and approval of the increased mortgage amount.

The positive effect desired by the interim rule only applies in a mortgage market in which interest rates are increasing. Therefore, the final rule, in order to have the desired effect of making the funding of mortgage increases possible, is designed to apply in the mortgage market in which interest rates are either increasing or decreasing.

This final rule takes into account the fluctuations in the mortgage market so that the purpose of the interim rule to make mortgage increases possible will be accomplished.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. The Finding of Inapplicability is available for inspection at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Accordingly, Subchapter B is amended to read as follows:

PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

A new paragraph is added to the end of § 205.50 to read as follows:

§ 205.50 Maximum interest rate.

• • • • • •

The amount of any increase approved by the Commissioner in the mortgage amount between initial and final endorsement in excess of that which the Commissioner had committed to insure at initial endorsement, shall bear interest at the rate agreed upon by the mortgagor and the mortgagee which rate shall not exceed the greater of: (a) the maximum interest rate established by the Secretary and in effect at the time the mortgage was initially endorsed, (b) the maximum interest rate established by the Secretary and in effect at the time the application for a mortgage increase was received by the Commissioner, or (c) the maximum interest rate established by the Secretary and in effect at the time the increase is approved by the Commissioner.

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

A new paragraph (c) is added to § 207.7 to read as follows:

§ 207.7 Maximum interest rate.

• • • • • •

(c) The amount of any increase approved by the Commissioner in the mortgage amount between initial and final endorsement in excess of that which the Commissioner had committed to insure at initial endorsement, shall bear interest at the rate agreed upon by the mortgagor and the mortgagee which rate shall not exceed the greater of: (1) the maximum interest rate etsblished by the Secretary and in effect at the time the mortgage was initially endorsed, (2) the maximum interest rate established by the the Secretary and in effect at the time the application for a mortgage increase was received by the Commissioner, or (3) the maximum interest rate established by the Secretary and in effect at the time the increase is approved by the Commissioner.

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PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

A new paragraph (c) is added to § 213.10 to read as follows:

§ 213.10 Maximum interest rate.

* * * * *

(c) The amount of any increase approved by the Commissioner in the mortgage amount between initial and final endorsement in excess of that which the Commissioner had committed to insure at initial endorsement, shall bear interest at the rate agreed upon by the mortgagor and the mortgagee which rate shall not exceed the greater of: (1) the maximum interest rate established by the Secretary and in effect at the time the mortgage was initially endorsed, (2) the maximum interest rate established by the Secretary and in effect at the time the application for a mortgage increase was received by the Commissioner, or (3) the maximum interest rate established by the Secretary and in effect at the time the increase is approved by the Commissioner.

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

A new paragraph (c) is added to § 220.576 to read as follows:

§ 220.576 Maximum interest rate.

* * * * *

(c) The amount of any increase approved by the Commissioner in the mortgage amount between initial and final endorsement in excess of that which the Commissioner had committed to insure at initial endorsement, shall bear interest at the rate agreed upon by the mortgagor and the mortgagee which rate shall not exceed the greater of: (1) the maximum interest rate established by the Secretary and in effect at the time the mortgage was initially endorsed, (2) the maximum interest rate established by the Secretary and in effect at the time the application for a mortgage increase was received by the Commissioner, or (3) the maximum interest rate established by the Secretary and in effect at the time the increase is approved by the Commissioner.

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

A new paragraph (c) is added to § 221.518 to read as follows:

§ 221.518 Maximum interest rate.

* * * * *

(c) The amount of any increase approved by the Commissioner in the mortgage amount between initial and final endorsement in excess of that which the Commissioner had committed to insure at initial endorsement, shall bear interest at the rate agreed upon by the mortgagor and the mortgagee which rate shall not exceed the greater of: (1) the maximum interest rate established by the Secretary and in effect at the time the mortgage was initially endorsed, (2) the maximum interest rate established by the Secretary and in effect at the time the application for a mortgage increase was received by the Commissioner, or (3) the maximum interest rate established by the Secretary and in effect at the time the increase is approved by the Commissioner.

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

A new paragraph (c) is added to § 232.29 to read as follows:

§ 232.29 Maximum interest rate.

* * * * *

(c) The amount of any increase approved by the Commissioner in the mortgage amount between initial and final endorsement in excess of that which the Commissioner had committed to insure at initial endorsement, shall bear interest at the rate agreed upon by the mortgagor and the mortgagee which rate shall not exceed the greater of: (1) the maximum interest rate established by the Secretary and in effect at the time the mortgage was initially endorsed, (2) the maximum interest rate established by the Secretary and in effect at the time the application for a mortgage increase was received by the Commissioner, or (3) the maximum interest rate established by the Secretary and in effect at the time the increase is approved by the Commissioner.

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart D—Eligibility Requirements—Rehabilitation Sales Projects

A new paragraph is added to the end of § 235.540 to read as follows:

§ 235.540 Maximum interest rate.

* * * * *

The amount of any increase approved by the Commissioner in the mortgage amount between initial and final endorsement in excess of that which the Commissioner had committed to insure at initial endorsement, shall bear interest at the rate agreed upon by the mortgagor and the mortgagee which rate shall not exceed the greater of: (a) the maximum interest rate established by the Secretary and in effect at the time the mortgage was initially endorsed, (b) the maximum interest rate established by the Secretary and in effect at the time the application for a mortgage increase was received by the Commissioner, or (c) the maximum interest rate established by the Secretary and in effect at the time the increase is approved by the Commissioner.

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Subpart A—Eligibility Requirements for Mortgage Insurance

A new paragraph is added at the end of § 236.15 to read as follows:

§ 236.15 Maximum interest rate.

* * * * *

The amount of any increase approved by the Commissioner in the mortgage amount between initial and final endorsement in excess of that which the Commissioner had committed to insure at initial endorsement, shall bear interest at the rate agreed upon by the mortgagor and the mortgagee which rate shall not exceed the greater of: (a) the maximum interest rate established by the Secretary and in effect at the time the mortgage was initially endorsed, (b) the maximum interest rate established by the Secretary and in effect at the time the application for a mortgage increase was received by the Commissioner, or (c) the maximum interest rate established by the Secretary and in effect at the time the increase is approved by the Commissioner.

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

Subpart A—Eligibility Requirements

A new paragraph is added to the end of § 242.33 to read as follows:

§ 242.33 Maximum interest rate.

* * * * *

The amount of any increase approved by the Commissioner in the mortgage amount between initial and final endorsement in excess of that which the Commissioner had committed to insure at initial endorsement, shall bear interest at the rate agreed upon by the mortgagor and the mortgagee which rate shall not exceed the greater of: (a) the maximum interest rate established by the Secretary and in effect at the time the mortgage was initially endorsed, (b) the maximum interest rate established by the Secretary and in effect at the time the application for a mortgage increase was received by the Commissioner, or (c) the maximum interest rate established by the Secretary and in effect at the time the increase is approved by the Commissioner.

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

Subpart A—Eligibility Requirements

A new paragraph (c) is added to § 244.45 to read as follows:

§ 244.45 Maximum interest rate.

* * * * *

(c) The amount of any increase approved by the Commissioner in the mortgage amount between initial and final endorsement in excess of that which the Commissioner had committed to insure at initial endorsement, shall bear interest at the rate agreed upon by the mortgagor and the mortgagee which rate shall not exceed the greater of: (1) the maximum interest rate established by the Secretary and in effect at the time the mortgage was initially endorsed, (2) the maximum interest rate established by the Secretary and in effect at the time the application for a mortgage increase was received by the Commissioner, or (3) the maximum interest rate established by the Secretary and in effect at the time the increase is approved by the Commissioner.

Effective date. These amendments are effective on December 15, 1975.

(Sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner.

[FR Doc.75-33680 Filed 12-12-75;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER U—ELECTRIC POWER SYSTEM

PART 233—SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

Revision and Rates

DECEMBER 5, 1975.

This notice is published in the exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on page 42884 of the September 17, 1975, FEDERAL REGISTER (40 FR 42884), there was published a notice of proposed rulemaking to revise Part 233 of Subchapter U, Chapter I, Title 25 of the Code of Federal Regulations. The purpose of the proposed revision is to provide additional power revenue to meet the increased cost of purchased power and to meet the increased cost of operating and maintaining the power system. The revision was proposed pursuant to the authority contained in section 5 of the Act of June 7, 1924 (43 Stat. 475, 476), and the Act of March 7, 1928 (45 Stat. 200, 210).

The public was given until October 17, 1975, to submit written comments, suggestions, or objections regarding the proposed revision.

After consideration of all such relevant matter presented by interested persons, the revision as so proposed is hereby adopted with the following changes:

1. In paragraph (c) of § 233.51, the phrase, "$4 per month" is changed to read "$4.50 per month." This change was made to remedy a typographical error in the printing of proposed rates.

2. After the first sentence in section 233.53(a) the paragraph shall read: "The Project will own and operate the lighting system and provide normal lamp replacement. Other maintenance and repairs shall be made at customer's expense." This change was made for the sake of clarity.

Effective date. These regulations shall become effective January 14, 1976. (Catalog of Federal Domestic Assistance Program No. 15.106, Indian Lands—Irrigation, Construction, Maintenance, Operation and Related Power Systems.)

MORRIS THOMPSON,
Commissioner of Indian Affairs.

Sec.
233.1 Effective date; changes.
233.2 Authority of Project Engineer.
233.3 Disputes.
233.4 Applications; contracts.
233.5 Deposits.
233.6 Extensions.
233.7 Installation or extension financed by consumer.
233.8 Temporary Service.
233.9 Type of service.
233.10 Service connections.
233.11 Connection methods.
233.12 Multiple meter installations.
233.13 Consumer responsibility.
233.14 Change of equipment.
233.15 Apparatus detrimental to service.
233.16 Motor starting equipment.
233.17 Service discontinued.
233.18 Bills for service.
233.19 Special bills.
233.20 Connect, reconnect, and accounting charges.
233.21 Delinquent bills.
233.22 Discontinuance by consumer.
233.23 Fraud; tampering.
233.24 Compensation of employees.
233.25 Hardship cases.
233.26 Interruptions to service.
233.27 Contingent upon appropriations.
233.51 Rate Schedule No. 1—Residential Rate.
233.52 Rate Schedule No. 2—General Rate.
233.53 Rate Schedule No. 3—Street and Area Lighting.

AUTHORITY: The provisions of this Part 233 issued under Sec. 5, 43 Stat. 476, 45 Stat. 210, 211; 5 U.S.C. 301.

§ 233.1 Effective date; changes.

The regulations in this part are approved for the conduct of the electric power system of the San Carlos Project, Arizona, referred to in this part as the Project. The regulations in this part shall become effective with the first billings made after the first day of the second calendar month which begins after the date of publication in the FEDERAL REGISTER. The regulations in this part are subject to change by the proper authority and such changes shall apply to all contracts then and thereafter in effect.

§ 233.2 Authority of Project Engineer.

The Project Engineer is responsible for the operation of the electric power system and the enforcement of the regulations in this part. He is authorized to carry out and enforce the regulations either directly or through the Power Manager or other Project employees designated by him.

§ 233.3 Disputes.

Any aggrieved party may file with the Project Engineer a written complaint regarding the application of the regulations. Within fifteen days after its receipt, the Project Engineer shall render a written decision thereon and serve a copy thereof on the aggrieved party. Within fifteen days from receipt of such decision, the aggrieved party may take an appeal to the Commissioner of Indian Affairs who shall render his decision within sixty days and his decision shall be final. Pending the determination of an appeal, electric service shall be continued, except in cases which the question of the existence of dangerous conditions on the premises of the consumer is involved, provided the consumer pays the amount of each bill for electric service prior to the time when it becomes delinquent. If the question of the amount of the bill is involved in an appeal, the consumer shall be deemed to have paid the bill under protest and the payment shall be held in a special deposit account until the final decision has been made.

§ 233.4 Applications; contracts.

In order to contract for the delivery of power, a written application for service under this part accompanied by the required cash deposit and guarantee of the required minimum revenues to the Project, shall be filed with the Project Engineer. Upon acceptance by him, the application will become a contract. In general, such application will be accepted where service lines exist. When special terms and conditions are involved in contracting for service, the Project Engineer shall require the execution of a form of contract in which such terms and conditions are fully set forth. Each contract involving the construction of a new extension shall be for a period of at least one year, but if the consumer vacates the premises, he shall be liable for the unpaid guaranteed revenue only to the extent that it is not liquidated by the succeeding occupant of the premises. The Project Engineer is authorized to reject applications which he deems to be adverse to the best interests of the Project.

§ 233.5 Deposits.

A cash deposit in an amount equal to twice the estimated monthly bill, but in no case less than $30.00 will be required from each applicant. Any cash deposit, less the amount of any unpaid bills, shall be refunded after the termination of service. Before extensions are constructed each applicant must deposit an amount sufficient to cover his portion of the required minimum charges for a period of not less than one year, and must otherwise establish his credit and satisfy the Project Engineer of his intention to take service and his ability to meet the guarantee.

§ 233.6 Extensions.

(a) The length of an extension constructed at the expense of the Project shall not exceed the following:

	Feet
In urban areas:	
Single-phase extensions	100
3-phase extensions	80
In rural areas:	
Single-phase extensions	330
3-phase extensions	210

(b) The length of an extension shall include the horizontal length of both the primary and secondary circuits exclusive

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of the service drops. Insofar as practicable, all extensions shall be constructed along established highways. The prospective consumer, or consumers, shall furnish or procure satisfactory rights-of-way necessary for the lines and other facilities of the Project incidental to the furnishing of service. The Project Engineer may decline to construct any extension which, in his opinion, will be excessive in cost, or detrimental to the best interest of the Project, or for which funds are not available.

§ 233.7 Installation or extension financed by consumer.

If funds, material or labor are not otherwise available for an installation or extension, or if an extension to a prospective consumer will require new construction beyond the distances specified in § 233.6, the consumer or prospective consumer may, after executing an appropriate contract satisfactory to the Project Engineer, construct the needed installation or extension, or deposit funds estimated to be sufficient to pay for the construction. Such installations or extensions shall be built in accordance approved by the Project Engineer. All extensions when constructed shall be and remain the property of the United States.

§ 233.8 Temporary service.

Temporary service refers to service to circuses, bazaars, fairs, construction works, and other activities or businesses of such a nature that service to the premises occupied by them will probably be discontinued within five months. An applicant for temporary service shall be required to deposit with the Project Engineer a sum of money equal to the estimated cost of installing and removing the necessary facilities and also an additional sum equal to the estimated bill for electrical service: *Provided, however,* That such additional sum need not be greater than three times the estimated monthly bill. After termination of service, there shall be refunded any amount remaining on deposit, in excess of the actual cost of installing and removing facilities, plus the unpaid amount of bills for electric power and energy, as determined by the Project Engineer.

§ 233.9 Type of service.

Service for lights and the usual domestic and other appliances, including motors of less than seven and one-half horsepower shall be single phase, nominally 115 or 230 volts and two or three wire, except when special approval for another type of service has been obtained from the Project Engineer. Three-phase service at suitable voltage may be furnished for motor installations of seven and one-half horsepower and over, provided a three-phase circuit of the required voltage and capacity is available where the service is desired. All service will be sixty cycle.

§ 233.10 Service connections.

On each new service the consumer shall provide and maintain a service entrance at a location convenient to the lines of the project, and all connections from the service entrance to the meter base and from the meter base to the main line circuit breaker or distribution center. The meter will be furnished by the United States. The meter socket will be furnished and installed by the consumer and in a suitable location, preferably on the outside of the building, or service pole, where the meter will be accessible to the meter reader at all times. Except for underground service installations, the meter socket shall not be more than 7 feet nor less than 5 feet above the ground or floor. For underground service installations, the meter shall be mounted a minimum of 3 feet above the ground or floor. The entire service installation must be satisfactory to the project engineer and must conform to the provisions then in force of the National Electrical Code of the National Board of Fire Underwriters for Electric Wiring and Apparatus. When alterations of a consumer's premises make it necessary to move an existing meter loop, the consumer may be required to install a meter socket in the new loop, located in conformity with the stipulations of this section. When an inspection is required by municipal ordinance, the project engineer shall require a certificate of inspection and approval by the municipal inspector before connecting a new service.

§ 233.11 Connection methods.

Service to a consumer's premises will ordinarily be supplied by means of overhead conductors. A consumer may at his own expense provide for an underground service. Such a underground service must be installed in accordance with the provisions of the National Electrical Code and shall be terminated on the pole at a location and in the manner directed by the Project Engineer. No connection from the circuits of the Electrical Power System to a consumer's service entrance shall be made except by the Project or its agents.

§ 233.12 Multiple meter installations.

In the case of new installations in multiple-occupancy buildings such as apartment houses in connection with which more than one meter in a building is required, the meters shall be assembled at one central location. Each meter shall be clearly marked so as to make it possible to identify the consumer.

§ 233.13 Consumer responsibility.

The consumer shall furnish, install and maintain at his own risk and expense in good and safe condition all protective devices, electric wires, lines, machinery, apparatus, and appliances which may be required or used for receiving and consuming electric energy obtained from the Project. The consumer shall be responsible for conforming to the regulations of the National Board of Fire Underwriters and to any other regulations applicable to his installation.

§ 233.14 Change of equipment.

In the event that a consumer proposes to make any material change in the amount, size or character of the electrical equipment installed on his premises, he shall immediately give written notice of his intention to the Project Engineer.

§ 233.15 Apparatus detrimental to service.

The Project Engineer may refuse to supply loads of a character detrimental to the system, or to service to other consumers, and he may require the installation of suitable corrective devices.

§ 233.16 Motor starting equipment.

Motors having a rated capacity of three horsepower or more shall be provided with such starting and overload equipment as may be required by the Project Engineer.

§ 233.17 Service discontinued.

The Project Engineer may discontinue electric service to any consumer who shall continue to use appliances or apparatus detrimental to the Electric Power System after he has been notified to correct the condition and has failed to do so within a reasonable time.

§ 233.18 Bills for service.

Meters will normally be read and bills for electric service will be rendered at regular intervals. Payments by consumers should be made in person or remitted by check or money order, payable to the order of the Treasurer of the United States, and mailed to the designated office of the Project.

§ 233.19 Special bills.

Special bills, removal bills, bills for temporary service, bills rendered when premises are vacated or bills rendered to persons discontinuing services are due on representation.

§ 233.20 Connect, reconnect, and accounting charges.

A nonrefundable service establishment fee of $7.50 will be charged each time the Project is requested to establish or reestablish electric service to the customer's delivery point. The charge will be included in and rendered with the first month's bill for electricity after connection or reconnection service. An accounting charge of $5 will be made when a check is returned unpaid by a bank because of insufficient funds or other reasons. This charge will be in addition to any other applicable charges and will appear on the next month's bill for electricity.

§ 233.21 Delinquent bills.

Bills for electric service will be delinquent if not paid on or before the tenth day following the date of issue of a bill showing arrears. When such delinquency occurs, the Project Engineer shall discontinue service and service shall not be restored until the consumer has paid all bills then due plus a reconnection charge of $10.00 and had made the deposit required under § 233.5. Discontinuance of service for delinquency shall not relieve the consumer of liability for minimum monthly payments guaranteed by him under his contract.

§ 233.22 Discontinuance by consumer.

Notice of his desire to have service disconnected shall be given by the consumer at least two days in advance. In the absence of such notice the consumer will be held liable for payment of all electrical energy furnished to such vacated premises until service is discontinued. Final bills may be paid by application of the consumer's guarantee deposit to the extent that they are covered thereby. Any surplus remaining in the deposit will be returned to the consumer after the contract is terminated. Where the deposit is insufficient, the consumer will be billed for the difference which shall be immediately due and payable.

§ 233.23 Fraud; tampering.

Service shall be discontinued by any consumer, or to any premises at any time when, in the opinion of the Project Engineer, such action is necessary to protect against abuse, fraud, or theft. Tampering or in any way interfering with meters, transformers, poles, conductors, or any part of the property of the Project is prohibited and is subject to prosecution pursuant to law.

§ 233.24 Compensation of employees.

All employees are strictly forbidden to demand or accept any personal compensation for services rendered to a consumer, or any gratuity by reason of rendition of services.

§ 233.25 Hardship cases.

The Project Engineer may relax temporarily strict enforcement of a regulation when in his judgment such enforcement would work undue hardship upon a consumer, but all such cases shall be reported promptly to the Commissioner of Indian Affairs with an explanation by the Project Engineer of the reasons for taking such action. The Commissioner of Indian Affairs may cancel the action taken by the Project Engineer.

§ 233.26 Interruptions to service.

The United States will furnish energy continuously so far as reasonable diligence will permit. But the United States, its officers, agents or employees, assume no liability for damages due to interruptions of service to the consumer.

§ 233.27 Contingent upon appropriations.

All contracts are subject to appropriations made by Congress from year to year of monies sufficient to perform the work or render the service provided therein. No liability shall accrue against the United States by reason of the lack of appropriations.

§ 233.51 Rate Schedule No. 1—Residential Rate.

(a) *Application of Schedule.* This schedule is applicable to single phase or three-phase service for residences and small, noncommercial users. Unless specifically permitted by the contract, use must be limited to the consumer's own premises and power supplied must not be resold. If more than one meter is required by the customer's installation or for the customer's convenience, bills will be independently calculated for each meter.

(b) *Monthly rate.* (1) $4.50, which includes the use of 50 kilowatt hours.

(2) 5 cents per kilowatt for the next 100 kilowatt hours.

(3) 3 cents per kilowatt hour for the next 350 kilowatt hours.

(4) 1.5 cents per kilowatt hour for all additional kilowatt hours.

(c) *Minimum bill.* The minimum bill shall be $4.50 per month except when a higher minimum bill is stipulated in the contract.

(d) *Fuel adjustment.* An adjustment shall be added to each KWH used equal to the estimated average fuel adjustment (rounded to the nearest $.0001) paid by the Project to Project's power suppliers.

§ 233.52 Rate Schedule No. 2—General rate.

(a) *Application of schedule.* This schedule is applicable to single phase or three-phase electric service for all purposes except residences and small, noncommercial users. Unless specifically permitted by the contract, use must be limited to the consumer's premises and the power supplied must not be resold. If more than one meter is required by the customer's installation, or for the customer's convenience, bills will be independently calculated for each meter.

(b) *Monthly rate.* (1) First 50 kilowatt hours, four dollars and fifty cents.

(2) 5 cents per kilowatt hour for the next 350 kilowatt hours.

(3) 3 cents per kilowatt hour for the next 600 kilowatt hours.

(4) 1.6 cents per kilowatt hour for the next 9000 kilowatt hours.

(5) When use is 10,000 kilowatt hours or more: First 10,000 kilowatt hours $184. Additional kilowatt hours at 1.6 cents per kilowatt hour.

(6) Less a credit of 0.3 cents per kilowatt hour for each kilowatt hour above 200 times the billing demand (50 KW min).

(c) *Minimum bill.* The minimum bill shall be $1.00 per month per kilowatt of billing demand, except where the customers requirements are of a distinctly recurring seasonal nature. Then the minimum monthly bill shall not be more than an amount sufficient to make the total charges for the twelve (12) months ending with the current month, equal to twelve times the highest monthly minimum computed for the same twelve month period. However, no monthly billing shall be less than $4.50.

(d) *Contract demand.* Each contract for 50 KW or over shall state the number of kilowatts which the customer expects to require and desires to have reserved for his service. This quantity is called the contract demand.

(e) *Actual demand.* The actual demand for any month shall be the average amount of power used during the period of 15 consecutive minutes when such average is the greatest for the month as determined by suitable meters, or, if meters are unavailable, the actual demand shall be connected load or such portion of the connected load as the Project Engineer may determine to be appropriate based on available information as to the customers use of connected lights, appliances, and equipment, or from check metering.

(f) *Billing demand.* The billing demand for a month shall be the contract demand or the actual demand for the month, whichever is greater.

(g) *Fuel adjustment.* An adjustment shall be added to each KWH used equal to the estimated average fuel adjustment (rounded to the nearest $.0001) paid by the Project to Project's power suppliers.

§ 233.53 Rate Schedule No. 3—Street and Area Lighting.

(a) *Application.* This rate schedule applies to service for yard lighting, lighting streets, alleys, thoroughfares, parks, schoolyards, industrial areas, parking lots, and similar areas where dusk-to-dawn service is desired. The Project will own and operate the lighting system and provide normal lamp replacement. Other maintenance and repairs shall be made at customer's expense.

(b) *Monthly rate.* (1) Lamps:

	Each		
	1	2 to 5	5 or more
200 watts or less, incandescent (2,800 lumens or less)	3	3.00	3
175 watts mercury vapor (approximately 6,500 lumens)	5	4.50	4
250 watts mercury vapor (approximately 10,000 lumens)	6	5.50	5
400 watts mercury vapor (approximately 18,000 lumens)	8	7.00	6

The minimum term of a service contract will be 12 months, payable in advance. The advance payment may be waived in special cases by the Project Engineer. Installation charges, the cost of wood poles or special steel, aluminum, or other supports, special fixtures, and the cost of underground service, will be charged as determined by the Project Engineer.

[FR Doc.75-33655 Filed 12-12-75;8:45 am]

V 40 241 DEC 15 75 XUM

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7391]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Credit for Purchase of New Principal Residence

Correction

In FR Doc. 75-32440 appearing at page 55849 in the issue of Tuesday, December 2, 1975, the following changes should be made:

(1) On page 55852 in § 1.44-2(a) in the third line, the date "March 23, 1975" should read "March 26, 1975".

(2) On page 55854 in § 1.44-4(a)(3) in the second line, the reference to "(d) and (c) of this section," should be "(b) and (c) of this section,".

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 602—THE LEATHER, LEATHER GOODS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 638 (40 F.R. 18519), the Secretary of Labor appointed and convened Industry Committee No. 127-C for the Leather, Leather Goods and Related Products Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under sections 6 (a), (b) and (c) of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 127-C are hereby published, revising §§ 602.1 and 602.2 of Part 602, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by section 6(c) of the 1974 Fair Labor Standards Amendments are set forth in this wage order.

As revised, §§ 602.1 and 602.2 read as follows:

§ 602.1 Definition.

The Leather, Leather Goods and Related Products Industry in Puerto Rico is defined as follows: (a) The curing, tanning, or other processing of hides, skins, leather, or furs, and the manufacture of products therefrom; the manufacture from artificial leather, fabric, plastics, paper or paperboard, or similar materials of trunks, suitcases, brief cases, wallets, billfolds, coin purses, card cases, key cases, cigarette cases, watch straps, pouches, tie cases, toilet kits, checkbook covers, sport and athletic gloves and mittens, belts (except fabric belts), and like articles; and the manufacture of baseballs, softballs, footballs and basketballs covered with leather, artificial leather, fabric, plastics, or similar materials: *Provided, however,* That the industry shall not include any product or activity included in the jewelry and miscellaneous products manufacturing industry; the women's outerwear, needlework, and miscellaneous fabricated textile products industry; the rubber footwear industry; the non-rubber footwear industry; the gloves and mittens industry; or the rubber and fabricated plastic products industry, as defined in the wage orders for those industries in Puerto Rico.

§ 602.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Pre-1961 coverage classifications:* The classifications in this paragraph (a) apply to all activities in the industry to which Section 6 of the Act would have applied prior to the Fair Labor Standards Amendments of 1961.

(1) *Hide curing classification.* (i) The minimum wage for this classification is $1.975 an hour effective until April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(ii) This classification is defined as the salting and other curing of hides and skins and operations incidental thereto, except when such operations are performed as an integral and continuous part of leather tanning.

(2) *Belts classification.* (i) The minimum wage for this classification is $1.975 an hour effective until April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(ii) This classification is defined as the manufacture of apparel belts made of leather, artificial leather, plastics, paper or paperboard, or similar materials (except fabric).

(3) *Baseballs and softballs classification.* (i) The minimum wage for this classification is $1.825 an hour effective until April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(ii) This classification is defined as the manufacture of baseballs and softballs covered with leather, artificial leather, fabric, plastics or similar materials.

(4) *Sporting and athletic goods.* (i) The minimum wage for this classification is $1.865 an hour effective until April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(ii) This classification is defined as the manufacture of sporting and athletic goods other than baseballs and softballs.

(5) *Other products and activities classification.* (i) The minimum wage for this classification is $1.80 an hour effective until April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(ii) This classification is defined as the manufacture of all products and activities not included in any other pre-1961 coverage classification in the industry.

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $2.00 an hour effective until April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976, and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(2) This classification is defined as all activities in the industry which were brought within the purview of Section 6 of the Act solely by reason of the Fair Labor Standards Amendments of 1961.

(c) *1966 coverage classification.* (1) The minimum wage for this classification is $1.975 an hour effective until April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(2) This classification is defined as all activities in the industry to which Section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended; 29 U.S.C. 205, 206, 208).

Effective date. The effective date of this revision is December 31, 1975.

Signed at Washington, D.C. this 10th day of December, 1975.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.75-33739 Filed 12-12-75;8:45 am]

PART 603—THE GLOVES AND MITTENS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52

Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 638 (40 F.R. 18519), the Secretary of Labor appointed and convened Industry Committee No. 127-D for the Gloves and Mittens Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under sections 6 (a), (b) and (c) of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 127-D are hereby published, revising § 603.2 of Part 603, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by section 6 (c) of the 1974 Fair Labor Standards Amendments are set forth in this wage order.

As revised, § 603.2 reads as follows:

§ 603.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Pre-1961 coverage classifications:* The classifications in this paragraph (a) apply to all activities in the industry to which Section 6 of the Act would have applied prior to the Fair Labor Standards Amendments of 1961.

(1) *Hand-sewing on fabric and leather gloves classification.* (i) The minimum wage for this classification is $1.32 an hour effective until December 31, 1975. Under section 6(c) the rate will be increased to $1.38 an hour on January 1, 1976, by $0.12 an hour on May 1, 1976 and by $0.15 an hour on May 1, 1977 and on May 1 of each subsequent year until the mainland rate is reached (sections 6(c)(2) and 6(c)(3)).

(ii) This classification is defined as the operations of hand-sewing, hand-embroidering, hand-embellishing, ornamental hand-stitching, hand-drawing of threads, and similar hand operations involving decorative effects on fabric and leather gloves (gloves or mittens manufactured from woven or knitted fabric or leather or from leather in combination with other material), except mending, repairing, sewing of labels, tacking, and similar operations on fabric or leather gloves that are wholly or chiefly machine-sewn.

(2) *Other products and activities classification.* (i) The minimum wage for this classification is $1.91 an hour effective until April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(ii) This classification is defined as all products and activities not included in the other pre-1961 coverage classification.

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.91 an hour effective until April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(2) This classification is defined as all activities of employees covered by Section 6 of the Act only by reason of the Fair Labor Standards Amendments of 1961.

(c) *1966 coverage classification.* (1) The minimum wage for this classification is $1.91 an hour effective until April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(2) This classification is defined as all activities of employees covered by section 6 of the Act only by reason of the Fair Labor Standards Amendments of 1966.

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended; 29 U.S.C. 205, 206, 208).

Effective date. This revision is effective December 31, 1975.

Signed at Washington, D.C. this 10th day of December, 1975.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.75-33740 Filed 12-12-75;8:45 am.]

PART 608—THE HANDKERCHIEF, SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 638 (40 FR 18519), the Secretary of Labor appointed and convened Industry Committee No. 128-B for the Handkerchief, Scarf, and Art Linen Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under sections 6 (a), (b) and (c) of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 128-B are hereby published, revising § 608.2 of Part 608, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by sections 6 (a), (b) and (c) of the 1974 Fair Labor Standards Amendments are set forth in this wage order.

As revised, § 608.2 reads as follows:

§ 608.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any work-week is engaged in commerce or in production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Pre-1961 coverage classifications:* The classifications for which pre-1961 coverage apply to all activities in the industry to which section 6 of the Fair Labor Standards Act would have applied prior to the Fair Labor Standards Amendments of 1961.

(1) *Oblong scarves classification:* (i) The minimum wage for this classification is $2.00 an hour for the period ending April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1, of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(ii) This classification is defined as all work in the handkerchief, scarf, and art linen industry in Puerto Rico on oblong scarves.

(2) *Other products and activities classification:* (i) The minimum wage for this classification is $1.40 an hour for the period ending April 30, 1976. Under section is $2.00 an hour for the period end- $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(ii) This classification is defined as all products and activities not included in the oblong scarves classification of pre-1961 coverage.

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $2.10 an hour for the period ending December 31, 1975. Since the mainland rate has been attained, the rate specified in section 6(a)(1) now applies, namely, $2.30 an hour after December 31, 1975 (section 6(c)(5)):

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(c) *1966 coverage classification.* (1) The minimum wage for this classification is $2.00 an hour for the period ending December 31, 1975. Since the mainland rate has been attained, the rates specified in section 6(b) now apply, namely, $2.20 an hour during the year ending December 31, 1976; and $2.30 an hour thereafter (section 6(c)(5)).

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended; 29 U.S.C. 205, 206, 208).

Effective date. This revision is effective December 31, 1975.

Signed at Washington, D.C. this 10th day of December, 1975.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.75-33741 Filed 12-12-75;8:45 am]

PART 609—THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order Nos. 638 (40 F.R. 18519) and 639 (40 F.R. 40537), the Secretary of Labor appointed and convened Industry Committee No. 128-A for the Women's and Children's Underwear and Women's Blouse Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6 (a), (b) and (c) of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and hearing conducted pursuant to notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 128-A are hereby published, revising § 609.2 of Part 609 Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by sections 6 (a), (b) and (c) of the 1974 Fair Labor Standards Amendments are set forth in this wage order.

As revised, § 609.2 reads as follows:

§ 609.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Pre-1961 coverage classification.* (1) The minimum rate for this classification is $1.84 an hour for the period ending April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $2.10 an hour for the period ending December 31, 1975. Since the mainland rate has been attained, the rate specified in section 6(a)(1) now applies, namely, $2.30 an hour after December 31, 1975 (section 6(c)(5)).

(c) *1966 coverage classification.* (1) The minimum wage for this classification is $2.00 an hour for the period ending December 31, 1975. Since the mainland rate has been attained, the rates specified in section 6(b) now apply, namely, $2.20 an hour during the year ending December 31, 1976; and $2.30 an hour thereafter (section 6(c)(5)).

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended; 29 U.S.C. 205, 206, 208).

Effective date. This revision is effective December 31, 1975.

Signed at Washington, D.C. this 10th day of December, 1975.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.75-33742 Filed 12-12-75;8:45 am]

PART 610—THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 638 (40 F.R. 18519), the Secretary of Labor appointed and convened Industry Committee No. 128-D for the Children's Dress and Related Products Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under sections 6 (a), (b) and (c) of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 128-D are hereby published, revising § 610.2 of Part 610, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by sections 6 (a), (b) and (c) of the 1974 Fair Labor Standards Amendments are set forth in this wage order.

As revised, § 610.2 reads as follows:

§ 610.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Pre-1961 coverage classification.* (1) The minimum wage for this classification is $2.05 an hour for the period ending April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1, of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $2.10 an hour for the period ending December 31, 1975. Since the mainland rate has been attained, the rate specified in section 6(a)(1) now applies, namely, $2.30 an hour after December 31, 1975 (section 6(c)(5)).

(c) *1966 coverage classification.* (1) The minimum wage for this classification is $1.98 an hour for the period ending April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended; 29 U.S.C. 205, 206, 208).

Effective date. The effective date of this revision is December 31, 1975.

Signed at Washington, D.C. this 10th day of December, 1975.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.75-33743 Filed 12-12-75;8:45 am]

PART 611—THE SWEATER AND KNIT SWIMWEAR INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 638 (40 F.R. 18519), the Secretary of Labor appointed and convened Industry Committee No. 128-F for the Sweater and Knit Swimwear Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under sections 6 (a), (b) and (c) of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 128-F are hereby published, revising § 611.2 of Part 611, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by section 6(c) of the 1974 Fair Labor Standards Amendments are set forth in this wage order.

As revised, § 611.2 reads as follows:

§ 611.2 Wage rates.

(a) Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(b) The minimum wage for this industry is $1.98 an hour for the period ending April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended; 29 U.S.C. 205, 206, 208).

Effective date. The effective date of this revision is December 31, 1975.

Signed at Washington, D.C. this 10th day of December, 1975.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.75-33744 Filed 12-12-75;8:45 am]

PART 612—THE WOMEN'S OUTERWEAR, NEEDLEWORK, AND MISCELLANEOUS FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 638 (40 F.R. 18519), the Secretary of Labor appointed and convened Industry Committee No. 128-E for the Women's Outerwear, Needlework, and Miscellaneous Fabricated Textile Products Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under sections 6 (a) (b) and (c) of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 128-E are hereby published, revising §§ 612.1 and 612.2 of Part 612, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by section 6(c) of the 1974 Fair Labor Standards Amendments are set forth in this wage order.

As revised, §§ 612.1 and 612.2 read as follows:

§ 612.1 Definition.

The Women's Outerwear, Needlework, and Miscellaneous Fabricated Textile Products Industry in Puerto Rico is defined as follows: The manufacture from any material of women's and girls' outerwear (except scarves, blouses, and girls' dresses) and all other apparel and apparel furnishings and accessories made by knitting, crocheting, cutting, sewing, embroidering, or other processes; and the manufacture of all textile products and the manufacture of like articles in which a synthetic material in sheet form is the basic component: *Provided, however,* That the industry shall not include any product or activity included in the jewelry and miscellaneous products manufacturing industry; the textile mill products industry; or any of the other apparel industries in Puerto Rico as defined in the wage orders for those industries in Puerto Rico.

§ 612.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Pre-1966 coverage classification.* (1) The minimum wage for this classification is $2.00 an hour for the period ending April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(2) This classification is defined as all activities in the industry to which section 6 of the Act would have applied prior to the Fair Labor Standards Amendments of 1966.

(b) *1966 coverage classification.* (1) The minimum wage for this classification is $1.99 an hour for the period ending April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(2) This classification is defined as all activities in the industry to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, As Amended; 29 U.S.C. 205, 206, 208).

Effective date. The effective date of this revision is December 31, 1975.

Signed at Washington, D.C., this 10th day of December, 1975.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.75-33745 Filed 12-12-75;8:45 am]

PART 614—THE CORSETS, BRASSIERES, AND ALLIED GARMENTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 638 (40 F.R. 18519), the Secretary of Labor appointed and convened Industry Committee No. 128-C for the Corsets, Brassieres, and Allied Garments Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under sections 6 (a), (b) and (c) of the Act of such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 128-C are hereby published, revising § 614.2 of Part 614, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by sections

Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 638 (40 F.R. 18519), the Secretary of Labor appointed and convened Industry Committee No. 128-F for the Sweater and Knit Swimwear Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under sections 6 (a), (b) and (c) of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 128-F are hereby published, revising § 611.2 of Part 611, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by section 6(c) of the 1974 Fair Labor Standards Amendments are set forth in this wage order.

As revised, § 611.2 reads as follows:

§ 611.2 Wage rates.

(a) Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(b) The minimum wage for this industry is $1.98 an hour for the period ending April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended; 29 U.S.C. 205, 206, 208).

Effective date. The effective date of this revision is December 31, 1975.

Signed at Washington, D.C. this 10th day of December, 1975.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.75-33744 Filed 12-12-75;8:45 am]

PART 612—THE WOMEN'S OUTERWEAR, NEEDLEWORK, AND MISCELLANEOUS FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 638 (40 F.R. 18519), the Secretary of Labor appointed and convened Industry Committee No. 128-E for the Women's Outerwear, Needlework, and Miscellaneous Fabricated Textile Products Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under sections 6 (a) (b) and (c) of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 128-E are hereby published, revising §§ 612.1 and 612.2 of Part 612, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by section 6(c) of the 1974 Fair Labor Standards Amendments are set forth in this wage order.

As revised, §§ 612.1 and 612.2 read as follows:

§ 612.1 Definition.

The Women's Outerwear, Needlework, and Miscellaneous Fabricated Textile Products Industry in Puerto Rico is defined as follows: The manufacture from any material of women's and girls' outerwear (except scarves, blouses, and girls' dresses) and all other apparel and apparel furnishings and accessories made by knitting, crocheting, cutting, sewing, embroidering, or other processes; and the manufacture of all textile products and the manufacture of like articles in which a synthetic material in sheet form is the basic component: *Provided, however,* That the industry shall not include any product or activity included in the jewelry and miscellaneous products manufacturing industry; the textile mill products industry; or any of the other apparel industries in Puerto Rico as defined in the wage orders for those industries in Puerto Rico.

§ 612.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Pre-1966 coverage classification.* (1) The minimum wage for this classification is $2.00 an hour for the period ending April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(2) This classification is defined as all activities in the industry to which section 6 of the Act would have applied prior to the Fair Labor Standards Amendments of 1966.

(b) *1966 coverage classification.* (1) The minimum wage for this classification is $1.99 an hour for the period ending April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(2) This classification is defined as all activities in the industry to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, As Amended; 29 U.S.C. 205, 206, 208).

Effective date. The effective date of this revision is December 31, 1975.

Signed at Washington, D.C., this 10th day of December, 1975.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.75-33745 Filed 12-12-75;8:45 am]

PART 614—THE CORSETS, BRASSIERES, AND ALLIED GARMENTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 638 (40 F.R. 18519), the Secretary of Labor appointed and convened Industry Committee No. 128-C for the Corsets, Brassieres, and Allied Garments Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under sections 6 (a), (b) and (c) of the Act of such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 128-C are hereby published, revising § 614.2 of Part 614, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by sections

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6 (a), (b) and (c) of the 1974 Fair Labor Standards Amendments are set forth in this wage order.

As revised, § 614.2 reads as follows:

§ 614.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Pre-1961 coverage classification.* (1) The minimum rate for this classification is $1.98 an hour for the period ending April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $2.10 an hour for the period ending December 31, 1975. Since the mainland rate has been attained, the rate specified in section 6(a) (1) now applies, namely, $2.30 an hour after December 31, 1975 (section 6(c)(5)).

(c) *1966 coverage classification.* (1) The minimum wage for this classification is $2.00 an hour for the period ending December 31, 1975. Since the mainland rate has been attained, the rates specified in section 6(b) now apply, namely $2.20 an hour during the year ending December 31, 1976; and $2.30 an hour thereafter (section 6(c)(5)).

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended; 29 U.S.C. 205, 206, 208).

Effective date. The effective date of this revision is December 31, 1975.

Signed at Washington, D.C., this 10th day of December, 1975.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division U.S. Department of Labor.

[FR Doc.75-33746 Filed 12-12-75;8:45 am]

PART 615—THE MEN'S AND BOYS' CLOTHING AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 638 (40 F.R. 18519), the Secretary of Labor appointed and convened Industry Committee No. 127-A for the Men's and Boys' Clothing and Related Products Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under sections 6 (a), (b) and (c) of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recomendations with respect to the the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 127-A are hereby published, revising §§ 615.1 and 615.2 of Part 615, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by section 6(c) of the 1974 Fair Labor Standards Amendments are set forth in this wage order.

As revised, §§ 615.1 and 615.2 read as follows:

§ 615.1 Definition.

The Men's and Boys' Clothing and Related Products Industry in Puerto Rico is defined as follows:

The manufacture from any material of men's and boys' clothing, furnishings, accessories, and related products: *Provided, however,* That the industry shall not include the manufacture of handle made straw hats, gloves, hosiery, footwear, belts (except fabric), sweaters, handkerchiefs, scarves, mufflers, or any product or activity included in the children's dress and related products industry in Puerto Rico; the military hats and caps industry in Puerto Rico; or in the women's and children's underwear and women's blouse industry in Puerto Rico.

§ 615.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Pre-1961 coverage classifications:* The classifications in this paragraph (a) apply to all activities in the industry to which Section 6 of the Act would have applied prior to the Fair Labor Standards Amendments of 1961.

(1) *Work clothing and separate trousers classification.* (i) The minimum wage for this classification is $1.92 an hour effective until April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(ii) This classification is defined as the manufacture of men's, youths' and boys' work shirts, pants, and other work clothing and washable service apparel, and separate trousers and slacks.

(2) *Military-style hats and caps classification.* (i) The minimum wage for this classification is $1.95 an hour effective until April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(ii) This classification is defined as the manufacture of military-style hats and caps.

(3) *Other products and activities classification.* (i) The minimum wage for this classification is $1.85 an hour effective until April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(ii) This classification is defined as all products and activities not included in the other pre-1961 coverage classifications.

(b) *1961 coverage classification.* (1) The minimum wage for this classification is $1.85 an hour effective until April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(2) This classification is defined as all activities of employees covered by Section 6 of the Act only by reason of the Fair Labor Standards Amendments of 1961.

(c) *1966 coverage classifications:* The classifications in this paragraph (c) apply only to those activities in the industry to which Section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(1) *Trousers classification.* (i) The minimum wage for this classification is $1.92 an hour effective until April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(ii) This classification is defined as the manufacture of men's, youths' and boys' work pants and separate trousers and slacks.

(2) *Other products and activities classification.* (i) The minimum wage for this classification is $1.95 an hour effective until April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(ii) This classification is defined as all products and activities not included in other 1966 coverage classifications.

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended; 29 U.S.C. 205, 206, 208.)

Effective date. The effective date of this revision is December 31, 1975.

Signed at Washington, D.C. this 10th day of December, 1975.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.75-33747 Filed 12-12-75;8:45 am]

PART 687—THE HOSIERY INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 638 (40 F.R. 18519), the Secretary of Labor appointed and convened Industry Committee No. 127-B for the Hosiery Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under sections 6 (a), (b) and (c) of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 127-B are hereby published, revising §§ 687.1 and 687.2 of Part 687, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by section 6(c) of the 1974 Fair Labor Standards Amendments are set forth in this wage order.

As revised, §§ 687.1 and 687.2 read as follows:

§ 687.1 Definition.

The Hosiery Industry in Puerto Rico is defined as follows: (a) The manufacture and processing of hosiery, including, among other processes, the knitting, seaming, looping, dyeing, clocking, and all phases of finishing hosiery, but not including the manufacture or processing of yarn or thread.

§ 687.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Pre-1966 coverage classifications.* The classifications in this paragraph (a) apply to all activities in the industry to which section 6 of the Act would have applied prior to the Fair Labor Standards Amendments of 1966.

(1) *Women's hosiery classification.* (i) The minimum wage for this classification is $1.88 an hour for the period ending April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(ii) This classification is defined as the manufacture and processing of women's hosiery, both seamless and full-fahioned, including among other processes knitting, seaming, looping, dyeing, clocking, and all phases of finishing.

(2) *Other hosiery classification.* (i) The minimum wage for this classification is $1.67 an hour for the period ending April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(ii) This classification is defined as the manufacture of all other hosiery, including men's and children's hosiery and women's socks, and involving such processes as knitting, seaming, looping, dyeing, clocking, and all phases of finishing.

(b) *1966 coverage classifications.* The classifications in this paragraph (b) apply only to those activities in the industry to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1966.

(1) *Women's hosiery classification.* (i) The minimum wage for this classification is $1.88 an hour for the period ending April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(ii) This classification is defined as the manufacture and processing of women's hosiery, both seamless and full-fashioned, including among other processes knitting, seaming, looping, dyeing, clocking, and all phases of finishing.

(2) *Other hosiery classification.* (i) The minimum wage for this classification is $1.695 an hour for the period ending April 30, 1976. Under section 6(c) the rate will be increased by $0.15 an hour on May 1, 1976 and on May 1 of each subsequent year until the mainland rate is reached (section 6(c)(2)).

(ii) This classification is defined as all activities in the hosiery industry, except those activities included in the women's hosiery classification.

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064, as amended; 29 U.S.C. 205, 206, 208).

Effective date. This revision is effective December 31, 1975.

Signed at Washington, D.C. this 10th day of December, 1975.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.75-33738 Filed 12-12-75;8:45 am]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1902—STATE PLANS FOR THE DEVELOPMENT OF STATE STANDARDS

Procedures for Determinations Under Section 18(e) of the Occupational Safety and Health Act of 1970

Correction

In FR Doc. 75-31836 appearing at page 54780 in the issue of Wednesday, November 26, 1975, the following corrections should be made:

1) On page 54784 in the first column, in § 1902.37(b)(10) the following words should be added to complete the fifth line, "adequate information to support any".

2) In the same column, in § 1902.37 (b)(14) the following words should be added to complete the fourth line, "State has taken the appropriate and".

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER NN—DEEPWATER PORTS

[CGD 75-002]

LICENSING PROCEDURES AND DESIGN CONSTRUCTION, EQUIPMENT AND OPERATIONS

Requirements; Corrections

In FR Doc. 75-29866 beginning at page 52539 in the FEDERAL REGISTER of Monday, November 10, 1975, the following changes are made:

1. On page 52558 in § 148.205(a), "(G-CMC/82)" is corrected to read "(G-CMC/81)" and "Room 8234" is corrected to read "Room 8117".

2. On page 52563 the first paragraph of Appendix A is corrected to read as follows:

APPENDIX A: ENVIRONMENTAL REVIEW CRITERIA FOR DEEPWATER PORTS

I *Authority.* • • • By amendment of Part 1 of Title 49, Code of Federal Regulations (49 CFR 1.46(t)), dated April 25, 1975, the Secretary delegated to the Commandant of the Coast Guard the responsibility to establish such criteria (40 FR 20088-20089). (49 CFR 1.46(t) is presently redesignated as 49 CFR 1.46(s) (40 FR 43901-43906)).

3. On page 52573 § 150.117 is corrected by deleting paragraph (f) from the section.

4. On page 52574 in § 150.207(c)(4)(iv) the words "Voice communications" are corrected to read "Voice radiotelecommunications".

Dated: December 3, 1975.

O. W. SILER,
Admiral,
U.S. Coast Guard Commandant.

[FR Doc.75-33325 Filed 12-12-75;8:45 am]

[CGD 75-002]

LICENSING PROCEDURES AND DESIGN CONSTRUCTION, EQUIPMENT AND OPERATIONS

Requirements

Correction

In FR Doc. 75-29866 appearing at page 52540 in the issue for Monday, November

V40241 DEC 15 75 XUM

10, 1975, the following changes should be made:

1. On page 52543, the third column, the first complete paragraph, the seventh line, the first word which presently reads "chartered" should read "charted".

2. In the same column, under the paragraph designated "3", the second line, the word "chartered" should read "charted".

3. On page 52547, the middle column, the third line from the bottom should be deleted.

4. On the same page, the third column, after the fifth line from the bottom, the following phrase should be added: "OPEC embargo but the August–November".

5. On page 52556, the first column, the paragraph designated "(g)", the first line which presently reads "(g) *Water.* (1) Evidence that the re-" should read "(g) *Water.* Evidence that the re-".

6. The paragraph immediately following which is presently designated "(2)" should be designated "(g–1)".

7. On page 52557, the middle column, the paragraph designated "(4)", the fourth line, the word "signal" should be inserted between the words "fog" and "apparatus".

8. On the same page, the third column, the paragraph designated "(ii)", the third line, the word "throughout" should read "throughputs".

9. On page 52574, the first column, the fourth line, the word "trailing" should read "training".

10. On page 52577, the third column, under § 150.425(a), the last line which presently reads "the safety and life and property." should read "the safety of life and property."

11. On page 52578, the middle column, the heading above the right column of the table, the phrase which presently reads "decibel Angstrom" should read "dBA".

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5551; A-057654]

ALASKA

Revocation of Public Land Order No. 2789; Partial Revocation of Public Land Order No. 5353

By virtue of the authority vested in the Secretary of the Interior by section 4 of the Act of May 24, 1928, 45 Stat. 729; 49 U.S.C. 214, and sections 14(h)(3) and 22(h)(4) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688 (hereinafter referred to as the Act), it is ordered as follows:

1. Public Land Order No. 2789 of October 15, 1962, which withdrew lands for use of the Federal Aviation Agency (now the Federal Aviation Administration) in the maintenance of an air navigation facility, is hereby revoked in its entirety. The lands are described as follows:

WOODY ISLAND, KODIAK AREA

Beginning at a point where line 1–2 of U.S. Survey 484 intersects mean high tide of St. Paul Harbor, thence: S. 34°57′ E., 2.50 chains to Corner No. 2, U.S. Survey 484; S. 54°54′ W., 2.17 chains to Corner No. 3, U.S. Survey 484; S. 41°41′ E., 5.34 chains to Corner No. 4, U.S. Survey 484; N. 88°10′ E., 2.79 chains to Corner No. 5, U.S. Survey 484; S. 55°25′ W., 4.77 chains to Corner No. 1, U.S. Survey 603; Tract B; S. 76°45′ W., 2.21 chains to Corner No. 4, U.S. Survey 603, Tract B; S. 76°45′ W., approximately 3.7 chains to mean high tide of St. Paul Harbor, thence northeasterly along the line of mean high tide approximately 15 chains to the point of beginning.

Containing about 6.75 acres.

2. By virtue of the authority vested in the Secretary of the Interior by section 22(h)(4) of the Act, the Secretary has determined that none of the lands described in paragraph 1 are subject to selection by the village of Ouzinkie, Woody Island, or Anton Larsen Bay, or any other Native village or regional corporation under any provisions of said Act because of their location within 2 miles of the boundary of the city limits of Kodiak, as set forth in section 22(1) of the Act, and any withdrawals of the lands for such selection are hereby terminated.

3. Public Land Order No. 5353 of July 17, 1973, which withdrew lands pursuant to Executive Order No. 10355, from all forms of appropriation under the public land laws pending determination of the eligibility of the village of Woody Island, is hereby revoked as to the lands described in paragraph 1.

4. All of the lands described in paragraph 1 are hereby made available for withdrawal by the Secretary of the Interior for possible selection by the Natives of Kodiak in accordance with section 14(h) of the Act and regulations 43 CFR 2650.6 and 2653.7.

5. The lands described in paragraph 1 are withdrawn by Public Land Order No. 5418 of March 25, 1974, for classification and protection of the public interest.

6. Prior to any conveyance of the lands described in paragraph 1, the lands shall be subject to administration by the Secretary of the Interior under the applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this order. Applications for leases under the Mineral Leasing Act, as amended, 30 U.S.C. 181–287 (1970), will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

JACK O. HORTON,
Assistant Secretary of the Interior.

DECEMBER 10, 1975.

[FR Doc.75-33717 Filed 12-12-75;8:45 am]

[Public Land Order 5552; A-024227]

ALASKA

Partial Revocation of Public Land Orders No. 1245 and No. 5353

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1245 of November 3, 1955, which withdrew lands for use of the United States Coast Guard as a loran station is hereby revoked so far as it affects the following described lands:

KODIAK ISLAND

MILLER POINT, SPRUCE CAPE AREA

Beginning at Corner No. 5 U.S. Survey 3101, on line 1–5 U.S. Survey 1682, thence north a distance of 2,477.42 feet, approximately along the existing fence line, to Corner No. 1, M.C. of U.S. Survey 1682, thence south 46°47′00″ E., approximate distance 2,072 feet to the mean high tide line, thence meandering southwesterly along the mean high tide line to a point which is also Corner No. 6 M.C. of U.S. Survey 3101, thence north 89°49′ W., approximate distance 863.28 feet to Corner No. 5, U.S. Survey No. 3101 along the existing fence line to the point of beginning, containing 51 acres more or less.

2. Public Land Order No. 5353 of July 17, 1973, which withdrew lands pursuant to Executive Order No. 10355, from all forms of appropriation under the public land laws pending determination of the eligibility of the village of Woody Island, is hereby revoked as to the lands described in paragraph 1.

3. All of the lands described in paragraph 1 are hereby made available for withdrawal by the Secretary of the Interior for possible selection by the Natives of Kodiak in accordance with section 14(h) of the Act and regulations 43 CFR 2650.6 and 2653.7.

4. The lands described in paragraph 1 are withdrawn by Public Land Order No. 5418 of March 25, 1974, for classification and protection of the public interest.

5. Prior to any conveyance of the lands described in paragraph 1, the lands shall be subject to administration by the Secretary of the Interior under the applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this order. Applications for leases under the Mineral Leasing Act, as amended, 30 U.S.C. 181–287 (1970), will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

JACK O. HORTON,
Assistant Secretary of the Interior.

DECEMBER 10, 1975.

[FR Doc.75-33718 Filed 12-12-75;8:45 am]

[Public Land Order 5553; AA-5949, AA-8357]

ALASKA

Public Land Order No. 17 Revoked; Partial Revocation of Public Land Order No. 5353

By virtue of the authority contained in section 4 of the Act of May 24, 1928, 45 Stat. 729; 49 U.S.C. 214, and by virtue of the authority vested in the Secretary of the Interior by sections 14(h)(3) and 22(h)(4) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 704, 714 (hereinafter referred to as the Act), it is ordered as follows:

1. Public Land Order No. 17 of July 21, 1942, which withdrew lands for the Civil Aeronautics Administration for air navigation facilities, known as Air Navigation Site Withdrawal No. 179, is hereby revoked in its entirety. The lands are described as follows:

TRACT 1

Beginning at Corner No. 15 of U.S. Survey No. 626 on Woody Island in the Kodiak Group, located in approximate latitude 57°46′50″ N., longitude 152°20′30″ W. thence by metes and bounds, N. 48°46′ E., 723.0 feet; N. 43°15′E., 822.0 feet; N. 28°00′ E., 800.0 feet; east 860.0 feet, to a point on the shoreline on the east side of Woody Island:

Southerly 13,200.0 feet, along shore of Chiniak Bay at mean high tide to Corner No. 4 of U.S. Survey No. 1674; north 1,585.32 feet along east boundary of U.S. Survey No. 1674 to Corner No. 5 thereof; west 242.22 feet, along north boundary of U.S. Survey No. 1674 to Corner No. 6 thereof; N. 37°45′ E., 1,267.0 feet, along southeast boundary of U.S. Survey No. 626; N. 52°15′ W., 3,007.6 feet; N. 37°45′ E., 3,285.0 feet, to point of beginning, containing 728 acres.

TRACT 2

A right-of-way 100 feet wide for an access roadway the centerline of which is described as follows:

Beginning at a point on the west boundary of the tract above described, from which Corner No. 15 of U.S. Survey No. 626 bears N. 37°45′ E., 3,065.0 feet, thence by metes and bounds: N. 47°52′ W., 285.0 feet; S. 60°15′ W., 213.8 feet; S. 89°59′ W., 158.8 feet; S. 89°25′ W., 201.8 feet; S. 76°13′ W., 459.8 feet; S. 74°33′ W., 493.8 feet; N. 48°47′ W., 144.8 feet; N. 31°09′ W., 166.8 feet; N. 66°14′ W., 84.8 feet; N. 10°12′ E., 201.8 feet; N. 01°30′ E., 368.8 feet; N. 66°58′ W., 663.8 feet; N. 35°07′ W., 214.8 feet; N. 27°33′ E., 275.0 feet; to a point near the east end of the board walk to the dock on the shore of St. Paul Harbor, containing 9 acres.

2. By virtue of the authority vested in the Secretary of the Interior by section 22(h)(4) of the Act, the Secretary has determined that none of the lands described in paragraph 1 which are within 2 miles of the city of Kodiak are subject to selection by any Native village or regional corporation under any provisions of said Act because of their location within 2 miles of the boundary of the city limits of Kodiak, as set forth in section 22(1) of the Act, and any withdrawals of the lands for such selection are hereby terminated.

3. Public Land Order No. 5353 of July 17, 1973, which withdrew lands pending determination of the eligibility of the village of Woody Island, is hereby revoked as to the lands described in paragraph 1 of this order, which are within 2 miles of the city of Kodiak.

4. All of the lands described in paragraph 1 which are within 2 miles of the city of Kodiak are hereby made available for withdrawal by the Secretary for possible selection by the Natives of Kodiak in accordance with section 14(h) of the Act and regulations 43 CFR 2650.6 and 2653.7.

5. The lands described in paragraph 1 which are within 2 miles of the city of Kodiak are withdrawn by Public Land Order No. 5180, as amended, for classification and protection of the public interest. All of the lands described in paragraph 1 which are outside of a line 2 miles from the boundary of the city of Kodiak are within the section 11(a) withdrawal for the village of Woody Island.

6. Prior to any conveyance of the lands described in paragraph 1, the lands shall be subject to administration by the Secretary of the Interior under the applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way or easements shall not be impaired by this order. Applications for leases under the Mineral Leasing Act, as amended, 30 U.S.C. 181–287 (1970) will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

JACK O. HORTON,
Assistant Secretary of the Interior.

DECEMBER 10, 1975.

[FR Doc.75-33719 Filed 12-12-75;8:45 am]

[Public Land Order 5554; AA-9106]

ALASKA

Withdrawal of Lands for Selection by the Natives of Kodiak, Inc.

By virtue of the authority vested in the Secretary of the Interior by section 14(h) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 704 (hereinafter referred to as the Act), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C. Ch. 2), and from mineral leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. 181–287 (1970), and are hereby reserved so that the Natives of Kodiak, Inc., may select from these lands under section 14(h)(3) of the Act:

SEWARD MERIDIAN

T. 22 S., R. 18 W. (fractional),
Secs. 2 thru 11, 13 thru 36.
T. 22 S., R. 19 W. (fractional).
T. 23 S., R. 18 W. (fractional).
T. 27 S., R. 19 W.,

KODIAK ISLAND

MILLER POINT, SPRUCE CAPE AREA

(Former Coast Guard Loran Station)

Beginning at Corner No. 5, U.S. Survey 3101, on line 1–5 U.S. Survey 1682, thence north a distance of 2,477.42 ft., approximately along the existing fence line, to Corner No. 1, M.C. of U.S. Survey 1682, thence south 46°47′00″ E., approximate distance 2,072 ft. to the mean high tide line, thence meandering southwesterly along the mean high tide line to a point which is also Corner No. 6 M.C. of U.S. Survey 3101, thence north 89°49′ W., approximate distance 863.28 ft. to Corner No. 5, U.S. Survey No. 3101 along the existing fence line to the point of beginning.
T. 27 and 28 S., R. 19 W. (fractional),

Those parts of the following described lands lying within two miles of the boundary of the city limits of Kodiak:

TRACT 1

Beginning at Corner No. 15 of U.S. Survey No. 626 on Woody Island in the Kodiak Group, thence N. 48°45′ E., 723.0 ft.; N. 43°15′ E., 822.0 feet; N. 28°00′ E., 800.0 feet; east 860.0 feet, to a point on the shoreline on the east side of Woody Island; southerly 13,200.0 feet along shore of Chiniak Bay at mean high tide to Corner No. 4 of U.S. Survey No. 1674; North 1,585.32 feet along east boundary of U.S. Survey No. 1674 to Corner No. 5 thereof; west 242.22 feet, along north boundary of U.S. Survey No. 1674 to Corner No. 6 thereof; N. 37°45′ E., 1,267.0 feet, along southeast boundary of U.S. Survey No. 626; N. 52°15′ W., 3,007.6 feet; N. 37°45′ E., 3,285.0 feet to point of beginning.

TRACT 2

A right-of-way 100 feet wide for an access roadway the centerline of which is described as follows:

Beginning at a point on the west boundary of the tract above described, from which Corner No. 15 of U.S. Survey No. 626 bears N. 37°45′ E., 3,065.0 feet, thence N. 47°52′ W., 285.0 feet; S. 60°15′ W., 213.8 feet; S. 89°59′ W., 158.8 feet; S. 89°25′ W., 201.8 feet; S. 76°13′ W., 459.8 feet; S. 74°33′ W., 493.8 feet; N. 48°47′ W., 144.8 feet; N. 31°09′ W., 166.8 feet; N. 66°14′ W., 84.8 feet; N. 10°12′ E., 201.8 feet; N. 01°30′ E., 368.8 feet; N. 66°58′ W., 663.8 feet; N. 35°07′ W., 215.8 feet; N. 27°33′ E., 275.0 feet; to a point near the east end of the board walk to the dock on the shore of St. Paul Harbor.
T. 28 S., R. 19 W. (fractional),
Beginning at a point where line 1–2 of U.S. Survey 484 intersects mean high tide of St. Paul Harbor, thence, S. 34°57′ E., 2.50 chains to Corner No. 2, U.S. Survey 484; S. 54°54′ W., 2.17 chains to Corner No. 3, U.S. Survey 484; S. 41°41′ E., 5.34 chains to Corner No. 4, U.S. Survey 484; N. 88°10′ E., 2.79 chains to Corner No. 5, U.S. Survey 484; S. 55°25′ W., 4.77 chains to Corner No. 1, U.S. Survey 603, Tract B; S. 76°45′ W., 2.21 chains to Corner No. 4, U.S. Survey 603, Tract B; S. 76°45′ W., approximately 3.7 chains to mean high tide of St. Paul Harbor, thence, northeasterly along the line of mean high tide approximately 15 chains to the point of beginning.

The areas described aggregate approximately 46,080 acres, of which the Natives of Kodiak, Inc., may select no more than 23,040 acres.

2. Prior to the conveyance of any of the lands withdrawn by this order, the lands remain subject to administration by the Secretary of the Interior or the Secretary of Agriculture, as applicable, under applicable laws and regulations and their authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal. Applications for leases under the Mineral Leasing Act, as amended, 30 U.S.C. 181–287 (1970), shall be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

JACK O. HORTON,
Assistant Secretary of the Interior.

DECEMBER 10, 1975.

[FR Doc.75-33720 Filed 12-12-75;8:45 am]

[Public Land Order 5555]

ALASKA

Amendment of Public Land Order No. 5176

By virtue of the authority vested in the Secretary of the Interior by section 11(a)(3) of the Alaska Native Claims Settlement Act of December 18, 1971,

V 40 241 DEC 15 75 XUM

85 Stat. 688, 696, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subparagraphs a, b and c of paragraph 1 of Public Land Order No. 5176 of March 9, 1972, as amended by Public Land Order No. 5191 of March 17, 1972, Public Land Order No. 5393 of September 14, 1973, and Public Land Order No. 5454 of December 10, 1974, withdrawing, reserving and designating lands for selection by the village corporations of English Bay and Port Graham, Tatitlek, and Eyak, respectively, are hereby amended to make all of the lands withdrawn by subparagraph a available to the village corporations of English Bay, Port Graham, and Chenega, and all of the lands withdrawn by subparagraphs b and c available to the village corporations of Tatitlek, Eyak and Chenega.

2. The lands withdrawn by Public Land Order No. 5176, as amended, remain subject to all of the terms and conditions contained therein.

DECEMBER 10, 1975.

JACK O. HORTON,
Assistant Secretary of the Interior.

[FR Doc.75-33721 Filed 12-12-75;8:45 am]

[Public Land Order 5556]

ALASKA

Amendment of Public Land Orders 5179, 5396, and 5169

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority vested in the Secretary of the Interior by section 11 of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 696 (hereinafter referred to as the Act), it is ordered as follows:

1. Paragraph 2 of Public Land Order No. 5179 of March 9, 1972, which withdrew lands in aid of legislation concerning addition to or creation of units of the national park, forest, wildlife refuge, and wild and scenic rivers systems and for classification, is hereby amended to delete the following described lands:

UMIAT MERIDIAN

PROTRACTED DESCRIPTIONS

T. 4 S., Rs. 10 thru 15 W., south of Naval Petroleum Reserve No. 4.
T. 5 S., R. 9 W., W½, south of Naval Petroleum Reserve No. 4.
T. 5 S., R. 10 W., south of Naval Petroleum Reserve No. 4.
T. 5 S., Rs. 11 thru 14 W.
T. 5 S., Rs. 15 and 16 W., south of Naval Petroleum Reserve No. 4.
T. 6 S., R. 9 W., W½.
T. 6 S., Rs. 10 thru 15 W.
T. 6 S., R. 16 W., east of Naval Petroleum Reserve No. 4.
T. 7 S., R. 9 W., W½.
T. 7 S., Rs. 10 thru 15 W.
T. 7 S., R. 16 W., east of Naval Petroleum Reserve No. 4.
T. 8 S., Rs. 9 thru 15 W.
T. 8 S., R. 16 W., east of Naval Petroleum Reserve No. 4.
T. 9 S., Rs. 9 thru 15 W.
T. 9 S., R. 16 W., outside of Naval Petroleum Reserve No. 4.
T. 10 S., Rs. 11 thru 15 W.
T. 10 S., R. 16 W., outside of Naval Petroleum Reserve No. 4.
T. 11 S., Rs. 14 and 15 W.
T. 11 S., R. 16 W., that part outside of Naval Petroleum Reserve No. 4.
T. 12 S., Rs. 14 and 15 W., fractional.
T. 12 S., R. 16 W., fractional, that portion outside of Naval Petroleum Reserve No. 4.

2. Paragraph 1 of Public Land Order No. 5396 of September 14, 1973, which amended Public Land Order No. 5179 of March 9, 1972, is hereby amended to delete the lands described in paragraph 1 of this order.

3. Paragraph 2 of Public Land Order 5169 of March 9, 1972, as amended, which withdrew and reserved certain lands for selection by the Arctic Slope Regional Corporation under section 12 of the Act, is hereby further amended to add the lands described in paragraph 1 of this order. All of the terms of paragraph 2 of Public Land Order No. 5169 of March 9, 1972, are made expressly applicable to these lands.

4. Prior to conveyance of any of the lands covered by this order, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired. Applications for leases under the Mineral Leasing Act, as amended, 30 U.S.C. 181–287 (1970), will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

DECEMBER 10, 1975.

JACK O. HORTON,
Assistant Secretary of the Interior.

[FR Doc.75-33722 Filed 12-12-75;8:45 am]

[Public Land Order 5557]

ALASKA

Amendment of Public Land Order No. 5170, as Amended

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831) and pursuant to sections 11(a)(3) and 22(h)(4) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 696, 714 (hereinafter referred to as the Act); it is ordered as follows:

1. Public Land Order No. 5170 of March 9, 1972, as amended by Public Land Order No. 5395 of September 14, 1973, and Public Land Order 5450 of November 26, 1974, which withdrew lands for selection under section 12 of the Act by the village corporations and regional corporation for the approximate area covered by the operations of the Bering Straits Association, is hereby further amended to add to subparagraph e of paragraph 1 of said order, the following described lands:

KATEEL RIVER MERIDIAN

PROTRACTED DESCRIPTION

T. 5 S., R. 40 W., S½ (fractional).
Containing approximately 1,410 acres.

2. By virtue of the authority vested in the Secretary of the Interior by section 22(h)(4) of the Act, and in reliance upon a resolution filed by the Teller Native Corporation, relinquishing any right to select the lands described in paragraph 1, the withdrawal under section 11(a)(1) of the Act for the village of Teller is hereby terminated as to the lands described in paragraph 1 of this order.

3. The purpose of this order is to delete certain lands from the section 11(a)(1) withdrawal for the village of Teller and add those lands to the deficiency withdrawal for the village of King Island.

4. Prior to any conveyance of the lands described in paragraph 1 of this order, the lands shall be subject to administration by the Secretary of the Interior under the applicable laws and regulations, and his authority to make contracts, to grant leases, permits, rights-of-way, or easements shall not be impaired by this order. Applications for leases under the Mineral Leasing Act, as amended, 30 U.S.C. 181–287 (1970), will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

DECEMBER 10, 1975.

JACK O. HORTON,
Assistant Secretary of the Interior.

[FR Doc.75-33723 Filed 12-12-75;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[No. 72-41]

PART 551—TRUCK DETENTION AT THE PORT OF NEW YORK

Postponement of Effective Date

Final rules in this proceeding adopting General Order 35 were published in the FEDERAL REGISTER November 10, 1975 (40 FR 52385) to be effective December 10, 1975. Counsel for the New York Terminal Conference and the NYSA–ILA Contract Board have now requested a 180-day extension of the effective date, citing difficulties involved in amending tariffs to conform to the new rules and the need to educate personnel of those affected by the rules. Counsel for Middle Atlantic Conference oppose the requests.

We are of the opinion that additional time to comply with the rules is needed, but are confident such compliance will not require the full six months requested. Accordingly, it is ordered that the final rules in this proceeding shall be effective April 8, 1976. Tariffs required to be filed by these rules shall be filed sufficiently in advance of the effective date to meet applicable notice requirements.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-33734 Filed 12-12-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20467; RM-2403]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments; Green Bay, Wis.

1. The Commission now considers the substitution of FM Channel 253 for FM Channel 252A at Green Bay, Wisconsin, and modification of the license of Green Bay Broadcasting Company ("WDUZ") to specify operation on Channel 253 in place of Channel 252A, as proposed in the *Notice*, 40 Fed. Reg. 20651, adopted herein on April 29, 1975. WDUZ, petitioner in this proceeding and licensee of WDUZ(AM) and WDUZ–FM at Green Bay, commented in support of the proposal. No one else has commented, nor has anyone objected to the proposal.

2. Green Bay (pop. 87,809), seat of Brown County (pop. 158,244), now has three full-time AM stations, a Class A FM station licensed to petitioner, and a Class C FM station licensed to one of the other AM licensees. It is a major city engaged in paper manufacturing, food processing, agricultural trading, and shipping.

3. FM Channel 253 was assigned to Green Bay in our original FM Table of Assignments,[1] but was later removed and replaced by Channel 252A because mileage separation limits required 253 to be located 38 miles from Green Bay.[2] Present assignments and other circumstances now permit a Channel 253 transmitter to be located as close as 12 miles to Green Bay. WDUZ asserts that restoration of Channel 253 to Green Bay will eliminate the intermixture of Class C and Class A stations at Green Bay which operate on the two channels assigned there. Furthermore, WDUZ comments that a new service would be provided to substantial areas.

4. WDUZ complied with our request for new *Roanoke Rapids* and *Anamosa*[3] showings using the site specified in its supplemental petition. Based on a 100 kW station with an antenna 500 feet above average terrain, WDUZ shows no first FM service, but a second FM service to 612 persons in an area of 81 square miles. This would also be the second full-time aural service to this area, which now receives only a religious format FM station from Suring, Wisconsin. WDUZ states that upgrading its present facility from Class A to Class C will increase its signal to serve an additional 3,434 miles in which 276,962 persons reside.

5. As discussed in the *Notice*, the proposal does not have a significant effect on future channel assignments for surrounding communities because of the ample number of channels that are available. Adoption of the proposal would not require any other changes in the Table of Assignments.

6. We find merit in WDUZ's arguments. Adoption of the proposal would result in a new service to substantial areas, a second aural service to an underserved area, and elimination of intermixture at Green Bay. Our reasons for removing Channel 253 no longer exist. The population of the Green Bay area is in excess of other communities with Class C stations, and our Class A assignments are usually reserved for smaller towns.[4] WDUZ has made a sufficient showing that Green Bay is in need of another Class C assignment, and that its proposal would be in the public interest.

7. We therefore find that it is in the public interest to replace Channel 252A at Green Bay, Wisconsin, with Channel 253 and to modify the license of Green Bay Broadcasting Company for WDUZ–FM to specify operation on Channel 253 in place of Channel 252A. No Show Cause Order is necessary because petitioner itself sought the modification. Canadian concurrence has been received for the change in assignment at Green Bay, Wisconsin.

8. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303, 307(b) and 316 of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules.

§ 73.202 [Amended]

9. In view of the foregoing facts and public interest finding, it is ordered, That, effective January 15, 1976, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, is amended, insofar as the city listed below is concerned, to read as follows:

City:	*Channel No.*
Green Bay, Wisconsin	253, 266

10. It is further ordered, That effective January 15, 1976, the license held by Green Bay Broadcasting Company for Station WDUZ–FM, Green Bay, Wisconsin, IS MODIFIED to specify operation on Channel 253 in lieu of Channel 252A subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than January 15, 1976, of its acceptance of this modification.

(b) The licensee may continue to operate on Channel 252A under its outstanding authorization until it is ready to operate on the new frequency.

(c) The licensee shall submit to the Commission by February 16, 1976, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WDUZ–FM on Channel 253 at Green Bay, Wisconsin.

(d) Ten days prior to commencing operation on Channel 253, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(e) The licensee shall not commence operation on Channel 253 until the Commission specifically authorizes it to do so.

11. It is further ordered, That this proceeding (Docket 20467, RM–2403) is terminated.

(Secs. 4, 5, 303, 307, 48 stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307.)

Adopted: December 3, 1975.

Released: December 9, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-33695 Filed 12-12-75;8:45 am]

[FCC 75-1318]

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

Order

1. On July 2, 1974, the Commission allocated the channel 157.450 MHz to the Special Emergency Radio Service for one way paging operations (Docket 19880, FCC–74–707 published in the Federal Register on July 16, 1974). However, the Commission action did not delete the reference to this channel in the section it was previously listed under. (Available previously for developmental operation in the Land Transportation Radio Services).

2. On May 28, 1975, the Commission allocated the frequency 159.480 MHz to the Petroleum Radio Service for oil spill operations. (Docket 20027, FCC 75–611 published in the Federal Register on June 10, 1975). Again the action taken did not delete reference to this channel in the section it was previously listed under. (Available previously for developmental operation in the Public Safety and Land Transportation Radio Services).

3. This Order is issued to correct the rules by deleting § 89.101(f) and by deleting the two frequency bands 157.450–157.4625 and 159.480–159.4875 MHz in § 93.204(b). Persons authorized for developmental operations on these channels may continue to operate for the balance of their license term.

4. Inasmuch as this Order is to clarify an action previously taken, the prior notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) do not apply. Authority for this amendment is contained in Sections 4(i) and 303(r) of the Communications Act of 1934 as amended, and in § 0.231(d) of the Commission's Rules and Regulations.

5. Accordingly, it is ordered, effective December 17, 1975, that §§ 89.101(f) and 93.204(b) are amended as set forth below.

[1] *Third Report, Memorandum Opinion and Order*, 40 F.C.C. 747 (1963).

[2] *San Diego, California*, 29 Fed. Reg. 7463 (1964).

[3] 9 F.C.C. 2d 672 (1967) and 46 F.C.C. 2d 520 (1974), respectively.

[4] See § 73.206(a)(2), F.C.C. Rules.

V40241 DEC 15 75 XUM

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: December 2, 1975.

Released: December 8, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

I. Part 89 of the Commission's Rules is amended as follows:

§ 89.101 [Amended]

1. Section 89.101 is amended by deleting paragraph (f) and adding the word Reserved.

II. Part 93 of the Commission's Rules is amended as follows:

1. Section 93.204(b) is revised as follows, and the frequency bands 157.450–157.4625 and 159.480–159.4875 MHz are deleted.

§ 93.204 Frequencies available for assignment.

* * * * *

(b) The frequency band 33.00–33.01 MHz is available for assignment to base stations and mobile stations in any of the Land Transportation Radio Services for developmental operation only, using any type of emission other than pulsed emission. The bandwidth occupied by the emission of each such station must be contained at all times within the assigned frequency band.

[FR Doc.75-33606 Filed 12-12-75;8:45 am]

[FCC 75-1317]

PART 95—CITIZENS RADIO SERVICE
PART 97—AMATEUR RADIO SERVICE
Order Regarding Canadian Applications

In the matter of amendment of Parts 95 and 97 of the Commission's Rules to eliminate the requirement for the furnishing of a United States address by certain Canadian applicants requesting permission to operate a radio station in the United States.

1. Under the terms of two agreements between the United States and Canada (TIAS No. 2508 and No. 6931), Canadian citizens licensed in the Canadian Amateur, General, and Land Mobile Radio Services are permitted, under prescribed terms and conditions, to operate their radio stations in the United States.

2. The Rules are being amended to reflect the intent of these agreements by permitting Canadian licensees in the Amateur and General Radio Services to make application for permits to operate their stations in the United States without furnishing the Commission with an address in the United States to which correspondence and documents may be directed.

3. The amendments adopted herein are procedural in nature, and hence, the prior notice, procedure, and effective date provisions of the Administrative Procedure Act, 5 U.S.C. §553, are not applicable.

4. In view of the foregoing, IT IS ORDERED, effective December 17, 1975, that Parts 95 and 97 are amended as set forth below. Authority for this amendment appears in sections 4(i) and 303 of the Communications Act of 1934, as amended.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: December 2, 1975.

Released: December 8, 1975.

FEDERAL COMMUNICATIONS COMMISSION.
[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 95 and 97 of Chapter 1 of Title 47 of the Code of Federal Regulations are amended as follows:

1. Section 95.14 is revised to read as follows:

§ 95.14 Mailing address furnished by licensee.

Except for applications submitted by Canadian citizens pursuant to agreement between the United States and Canada (TIAS No. 2508 and No. 6931), each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

2. Section 97.42 is revised to read as follows:

§ 97.42 Mailing address furnished by licensee.

Except for applications submitted by Canadian citizens pursuant to agreement between the United States and Canada (TIAS No. 2508 and No. 6931), each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

[FR Doc.75-33697 Filed 12-12-75;8:45 am]

Title 50—Wildlife and Fisheries
CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR
PART 28—PUBLIC ACCESS, USE AND RECREATION
Chincoteague National Wildlife Refuge

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Entry into the refuge is permitted between the hours of 4:00 a.m. to 10:00 p.m. daily for the purposes of sightseeing, nature study, wildlife observation, photography, hiking, beachcombing, sunbathing, and fishing, including clamming and crabbing, as posted. Swimming and surfing are permitted along the entire refuge beach. Lifeguards are not provided. Entry into the refuge by boat is permitted at the designated public use area at Tom's Cove Hook and Assateague Point.

Operation of registered motor vehicles and bicycles is permitted on designated access roads, trails, and parking areas. Riding of horses and other saddle animals is permitted only along the shoulder of the access road to the Coast Guard crossover and thence along the beach southward from that point. Off-road travel by oversand vehicles is permitted only on designated routes within the public use area at Tom's Cove Hook. Pets must remain in vehicles at all times.

Fishermen who hold special overnight beach-fishing permits issued jointly by the Superintendent, Assateague Island National Seashore, and the Refuge Manager, Chincoteague National Wildlife Refuge, may remain on the refuge between the hours of 10:00 p.m. and 4:00 a.m. on the dates for which such permit is issued.

Organized youth-group and backpack camping is permitted by advance reservation only in National Park Service operated campsites located on the refuge. Permits may be obtained from the Superintendent, Assateague Island National Seashore.

Picnicking is permitted at Tom's Cove Hook in areas designated by the National Park Service.

The possession of any drugs or substances, or immediate precursors, identified in Schedules I, II, III, IV, or V of Part B of the Controlled Substances Act, 21 U.S.C. 812, or any drugs or substances added to these schedules pursuant to the terms of the Act, is prohibited on the refuge unless such drugs or substances were obtained in accordance with law. Presence in the refuge when under the influence of a controlled substance to a degree that may endanger oneself or another person or property, or may interfere with another person's enjoyment of the refuge is prohibited.

The refuge, comprising approximately 9,840 acres, is delineated on a map available from the Refuge Manager, Chincoteague National Wildlife Refuge, P.O. Box 62, Chincoteague, Virginia 23336, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

WILLIAM C. ASHE,
Acting Regional Director
U.S. Fish and Wildlife Service.

DECEMBER 5, 1975.

[FR Doc.75-33660 Filed 12-12-75;8:45 am]

PART 33—SPORT FISHING
National Bison Range

The following special regulations are issued and are effective on date of publication in the Federal Register.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

MONTANA

NATIONAL BISON RANGE

Sport fishing on the National Bison Range, Moiese, Montana, is only permitted along the portions of the Jocko River as posted. These open areas are delineated on maps available at refuge headquarters, one-half mile east of Moiese, Montana. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

NINEPIPE NATIONAL WILDLIFE REFUGE

(Headquarters National Bison Range, Moiese, Montana)

Sport fishing is permitted in accordance with special regulations. Entire refuge is open from July 15, until beginning of waterfowl hunting season, and before July 15, on west and north shore lines from picnic area to Allentown bridge, except central portion of north shore (nine-tenths of a mile), as posted. Entire refuge is closed during migratory waterfowl hunting season. Ice fishing is permitted after the closure of waterfowl hunting season until March 1. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

Special Regulations: Ninepipe National Wildlife Refuge.

1. Off shore islands are closed to fishing and trespass.
2. Use of boats is prohibited.
3. Vehicles must be parked at designated areas.
4. Motorized travel on the ice is prohibited.
5. No ice fishing shelters may be left overnight.

PABLO NATIONAL WILDLIFE REFUGE

(Headquarters National Bison Range, Moiese, Montana)

Sport fishing is closed on Pablo Reservoir during the migratory waterfowl hunting season. It is open during the balance of the year, in accordance with special regulations, on the north and east shore lines from inlet canal to south end of dam as posted. Ice fishing is permitted after the closing of the waterfowl hunting season. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

Special Regulations: Pablo National Wildlife Refuge.

1. Off shore islands are closed to fishing and trespass.
2. Use of boats is prohibited.
3. Vehicles must be parked at designated areas.
4. Motorized travel on the ice is prohibited.
5. No ice fishing shelters may be left overnight.

NORTHWEST MONTANA WATERFOWL PRODUCTION AREAS

(Headquarters National Bison Range, Moiese, Montana)

Flathead Lake Waterfowl Production Area and Smith Lake Waterfowl Production Area are open to sport fishing in accordance with all applicable State regulations. Fishing from shore is prohibited from March 1, to July 15, on lands within the boundary of posted Waterfowl Production Areas. All islands at the mouth of the Flathead River are closed to trespass except during the waterfowl hunting season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

Special regulations: Northwest Montana Waterfowl Production Areas.

1. Vehicle travel is permitted only on designated roads and parking areas.

SWAN RIVER NATIONAL WILDLIFE REFUGE

(Headquarters National Bison Range, Moiese, Montana)

Sport fishing is permitted on those parts of the Swan River and Swan Lake which lie within the boundaries of Swan River National Wildlife Refuge. Fishing from shore within the refuge is prohibited from March 1, to July 15. Fishing will be in accordance with all applicable State regulations.

MARVIN R. KASCHKE,
Refuge Manager, National
Bison Range, Moiese, Montana.

DECEMBER 8, 1975.

[FR Doc.75-33661 Filed 12-12-75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Parts 142 and 158]

SPECIAL PERMITS FOR IMMEDIATE DELIVERY PRIOR TO ENTRY

Proposed Amendments Regarding Fresh Produce Arriving From Canada or Mexico

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), and sections 448, 484, 506, 552, 553, 623, and 624, 46 Stat. 714, as amended, 722, as amended, 732, as amended, 742, as amended, 759, as amended (19 U.S.C. 1448, 1484, 1506, 1552, 1553, 1623, 1624), it is proposed to amend sections 142.2 and 158.11 of the Customs Regulations (19 CFR 142.2, 158.11) to provide a special procedure in connection with the entry of fresh fruits and vegetables arriving from a contiguous foreign country. Under this procedure, special permits for immediate delivery could be issued for fresh fruits and vegetables arriving from Canada or Mexico, even though a portion thereof is subsequently to be entered for immediate transportation without appraisement or for transportation and exportation to a foreign country.

At the present time, facilities do not always exist directly at the border for the examination and sorting of fresh fruits and vegetables which arrive by truck from a contiguous foreign country (primarily Mexico). Consequently, the merchandise must be taken to an examination point away from the border for sorting and determining which portion is to be entered for domestic consumption at the port of importation or at some other domestic port and which portion is to transit the United States in bond for exportation to a foreign country (primarily Canada). The provisions of Part 142 of the Customs Regulations (19 CFR Part 142), relating to special permits for immediate delivery prior to entry, have been interpreted to require that merchandise released pursuant to a special permit for immediate delivery subsequently be entered either for consumption, warehouse, or appraisement. However, pursuant to sections 448(b), 552, and 553 of the Tariff Act of 1930, as amended (19 U.S.C. 1448(b), 1552, and 1553), it has been determined that merchandise for which a special permit for immediate delivery prior to entry is issued may subsequently be entered for immediate transportation without appraisement or for transportation and exportation, provided the revenue will not be endangered.

The proposed amendment to §142.2(b) of the Customs Regulations (19 CFR 142.2(b)), as set forth below, would permit fresh fruits and vegetables arriving from a contiguous foreign country (1) to be released under a special permit for immediate delivery for examination at the importer's premises within the limits of the port of importation, but removed from the border area, (2) to be examined and sorted at those premises, with the portion without commercial value being segregated in accordance with the provisions of § 158.11(b) of the Customs Regulations (19 CFR 158.11(b)), and (3) to be thereafter entered either for consumption, for immediate transportation without appraisement to another port of entry, or for transportation and exportation to a foreign country. The merchandise would be transported from the border to the importer's premises either in the same vehicles in which the merchandise crossed the border or in other vehicles provided by the importer. Appropriate stipulations regarding all of the activities prior to entry would be incorporated in the bond required by § 142.4 of the Customs Regulations (19 CFR 142.4) as a condition of the special permit for immediate delivery. The merchandise for which the special permit is issued would be considered to remain in Customs Custody.

To reflect this procedure, it is proposed to amend §142.2(b) of the Customs Regulations, relating to the issuance of special permits for immediate delivery for merchandise arriving from Canada or Mexico, by placing the provisions presently contained in that paragraph in a separate subparagraph (1), and by adding new provisions in subparagraph (2). It is also proposed to amend § 158.11 (b) (1) of the Customs Regulations to include an appropriate reference to the procedure to be set forth in § 142.2(b).

Accordingly, it is proposed to amend paragraph (b) of §142.2 of the Customs Regulations (19 CFR 142.2(b)) and paragraph (b) (1) of §158.11 of the Customs Regulations (19 CFR 158.11(b)(1)) to read as set forth below:

§ 142.2(b) is revised to read as follows:

§ 142.2 Application for special permit for immediate delivery.

. . . . . .

(b) *Merchandise from Canada or Mexico.* (1) *When the customhouse is closed.* In the case of merchandise arriving from Canada or Mexico when the customhouse is closed and destined to places other than the port of arrival, the application and the evidence of the right to make a entry may be submitted to the chief Customs officer on duty and a special permit may be issued for immediate release, provided the applicant has on file in the customhouse a term bond in accordance with § 142.4(b) or (c).

(2) *Fresh fruits and vegetables.* Applications for special permits for immediate delivery may be made for the transportation of fresh fruits and vegetables for human consumption arriving from Canada or Mexico to the importer's premises within the port of importation, but removed from the area immediately contiguous to the border, under an appropriate stipulation to the bond provided for in § 142.4. The fresh fruits and vegetables shall be transported in the vehicles in which the merchandise crossed the border, or, if transshipment is necessary, in vehicles provided by the importer, to the importer's premises. The produce may be examined at the importer's premises, those portions without commercial value segregated in accordance with the provisions of § 158.11(b) of this chapter, and the balance entered for consumption or transported in bond under an entry for immediate transportation without appraisement or an entry for transportation and exportation. Merchandise for which a special permit has been issued under the provisions of this paragraph shall be considered to remain in Customs custody.

Section 158.11(b)(1) is revised to read as follows:

§ 158.11 Merchandise completely worthless at time of importation.

. . . . . .

(b) . . .

(1) An application for such allowance shall be filed with the district director on Customs Form 4315 in duplicate, within 96 hours after the unlading of the merchandise and before any of the shipment involved has been removed from the pier (or other area permitted under § 142.2(b)(2) of this chapter) pursuant to the entry permit.

. . . . . .

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received on or before January 14, 1976.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)) at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: December 8, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-33716 Filed 12-12-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Part 1822]

[FmHA Instruction 444.4]

FARM LABOR HOUSING LOAN POLICIES

Procedures and Authorizations

Notice is hereby given that the Farmers Home Administration has under consideration revisions to Sections 1822.72 and 1822.73 of Subpart C of Part 1822, Title 7, Code of Federal Regulations (31 FR 14148) to eliminate requirements that County Committees certify eligibility of Labor Housing loan applicants.

Interested persons are invited to submit written comments, suggestions, data, or arguments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before January 14, 1976. Written comments received on or before January 14, 1976 will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons at the Office of the Chief, Directives Management Branch during regular business hours (8:15 a.m.–4:45 p.m.).

As proposed, § 1822.72(c) is revised as follows:

§ 1822.72 Final preparation and processing of loan docket.

. . . . . .

(c) *County Committee certification.* County Committees will not be used to review Labor Housing loan applications.

. . . . . .

Section 1822.73(b)(1) is removed as follows:

§ 1822.73 Loan approval.

. . . . . .

(b) *Loan approval official's responsibility.*

. . . . . .

(1) [Removed]

. . . . . .

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Date: December 8, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-33727 Filed 12-12-75;8:45 am]

[7 CFR Part 1822]

[FmHA Instruction 444.6]

FARM LABOR HOUSING GRANT POLICIES

Procedures and Authorizations

Notice is hereby given that the Farmers Home Administration has under consideration revisions to Section 1822.218 of Subpart E of Part 1822, Title 7, Code of Federal Regulations (35 FR 14437) to eliminate the requirement that County Committees certify eligibility of labor housing grant applicants.

Interested parties are invited to submit written comments, suggestions, data, or arguments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before January 14, 1976. Written comments received on or before January 14, 1976 will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons at the Office of the Chief, Directives Management Branch during regular business hours (8:15 a.m. to 4:45 p.m.)

As proposed, § 1822.218(b) is revised as follows:

§ 1822.218 Actions prior to grant approval.

. . . . . .

(b) *County Committee certification.* County Committees will not be used to review labor housing grant applications.

. . . . . .

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development 7 CFR 270.)

Date December 8, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-33728 Filed 12-12-75;8:45 am]

[7 CFR Part 1822]

(FmHA Instruction 444.8)

RURAL HOUSING SITE LOAN POLICIES

Procedures and Authorizations

Notice is hereby given that the Farmers Home Administration has under consideration revisions to Section 1822.271 of Subpart G of Part 1822, Title 7, Code of Federal Regulations (35 FR 10687) to eliminate the requirement that County Committees certify eligibility of Rural Housing Site loan applications.

Interested parties may submit written comments, suggestions, data, or arguments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before January 14, 1976. Written comments received on or before January 14, 1976 will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons at the Office of the Chief, Directives, Management Branch during regular business hours (8:15 a.m. to 4:45 p.m.).

As proposed § 1822.271(d)(2) is revised as follows:

§ 1822.271 Processing applications.

. . . . . .

(d) *Preparation of docket forms.*

. . . . . .

(2) *County Committee certification.* County Committees will not be used to review RHS loan applications.

. . . . . .

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 270.)

Dated: December 8, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-33729 Filed 12-12-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1000]

[Docket No. 75N-0340]

MEDICAL RADIATION EXPOSURE OF WOMEN OF CHILDBEARING AGE

Advance Notice of Proposed Guideline Publication

The Commissioner of Food and Drugs announces that proposed guidelines are to be developed for medical radiation exposure of women of childbearing age. Comments and data are to be submitted before February 13, 1976, to: Division of Compliance, Bureau of Radiological Health (HFX-440), 5600 Fishers Lane, Rockville, MD 20852.

The Bureau of Radiological Health of the Food and Drug Administration (FDA) announces that studies of certain diagnostic x-ray and nuclear medicine practices are to be undertaken to determine those actions that may be taken to minimize unnecessary ionizing radiation exposure of the developing human embryo and fetus. In these studies, efforts will be made to collect sufficient information to provide a basis for appropriate radiation protection guidelines for use by the clinician. Comments are invited on this subject and possible guidelines that may be developed.

The FDA, through the Bureau of Radiological Health and under authority of the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602, 42 U.S.C. 263b et seq.) conducts and supports research, training, and operational activities to minimize unnecessary exposure of the public to electronic product radiation. In carrying out the purposes of the act, the Commissioner is authorized to make such recommendations relating to the control of electronic product

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radiation as he considers appropriate (section 356(b)(1)(A)). In this capacity and under the authority of section 301 of the Radiation Control for Health and Commissioner is considering the development of guidelines that would provide recommendations to health practitioners and others concerning the exposure of women of childbearing age to ionizing radiation for diagnostic purposes. These recommendations are intended to minimize unnecessary exposure of developing human embryos and fetuses to ionizing radiation that results from radiological examinations. As used in this advance notice of proposed rule making, the term "radiological" includes both x-ray and nuclear medicine procedures used in medicine for diagnosis of disease or injury.

These guidelines would be among several which will be proposed by the Commissioner concerning the hazards and control of electronic product radiation or radiation from other sources. Some of these guidelines may be established for areas or activities inappropriate for mandatory control. However, they will be developed in cooperation with national scientific and technical authorities and representatives of professional, public, and private groups that have an interest and knowledge in the field. The guidelines will therefore represent a consensus of expert opinion upon which individual practitioners and allied health personnel can rely. These guidelines, which will provide guidance on techniques for reducing unnecessary exposure to electronic product or other sources of radiation such as nuclear medicine procedures, would be implemented through educational programs and cooperative activities with professional organizations and State health agencies. This advance notice is being issued pursuant to the FDA's policy of early public participation in guideline development activities.

It presently appears that general guidance can be provided which is appropriate for all types of diagnostic procedures. Thus, as presently contemplated, the proposed guidelines would provide recommendations regarding ionizing radiation exposure from both x-ray examinations and diagnostic procedures employing radiopharmaceuticals or other sources of ionizing radiation. However, should the information developed during this study or from comments received as a result of this advance notice indicate that nuclear medicine or other non-x-ray procedures require different recommendations, appropriate guidelines may be developed for each type of procedure, and they may be published separately.

Interested persons are invited to participate in developing the proposed guidelines by submitting written comments or data on the subject. Communications on the proposed guidelines should be sent to the address noted above. Comments received on or before February 13, 1976 will be considered by the Commissioner before the proposed guidelines are written. When a determination is made on their content, the guidelines will be published in the FEDERAL REGISTER as proposals and public comment will be invited. Comments received after February 13, 1976, will be considered with the public comment on the proposed guidelines and will be used in revising the proposed guidelines.

To assist the Commissioner in this study and the development of useful guidelines, detailed scientific and technical data, as well as comments or suggestions, supported by detailed rationale and justification are solicited on the following questions:

1. Is it advisable to schedule nonemergency radiological examinations of the abdomen of women of childbearing age only during the early part of the menstrual cycle? If such scheduling is appropriate, should this be done only when the examination could be deferred until term if a pregnancy is observed or suspected at the time the examination is scheduled to occur?

2. Is it feasible to modify radiological examinations of known or possibly pregnant women, e.g., fewer views, different technique factors, to reduce exposure of the embryo or fetus? If so, under what circumstances? To what extent does this result in an unacceptable loss of diagnostic information?

3. Is it advisable to recommend to institutions that the physician ordering the examination indicate on the referral slip whether or not the patient is or could be pregnant?

4. Is it advisable to recommend to institutions that the physician ordering the examination indicate on the referral slip whether he would be satisfied with a limited study, i.e., modified from the routine manner of performance, on a patient known or suspected to be pregnant?

5. For which abdominal x-ray examinations could fetal shielding be employed without compromising the diagnostic value of the radiograph?

6. To what extent do pelvimetry examinations affect decisionmaking in the management of delivery?

7. How much radiation exposure is received by the embryo or fetus from various diagnostic nuclear medicine procedures?

8. With what frequency are nuclear medicine diagnostic procedures performed on women of childbearing age?

9. How useful is nuclear medicine placental scanning in the medical management of pregnant women?

Individuals or organizations wishing to provide information on these questions or other relevant topics for use in the development of the guidelines, or wishing to receive information made public on the development of these guidelines, should send their comments or addresses to the address noted above.

As part of this program, the Bureau of Radiological Health will prepare a technical overview report which will include an analysis of the current recommendations regarding medical radiation exposure of women. This report will summarize information on the benefits and limitations of the current recommendations, review the most recent scientific data relating to this question, and suggest a possible alternative approach. When completed, this technical overview report will be published and made available to interested parties, and it will serve as the basis for further discussion leading to appropriate guidelines for general clinical use.

When developed, the guidelines will be codified as voluntary recommendations in a new Subart C of Part 1000 of Chapter I of Title 21 of the Code of Federal Regulations. Subpart C, "Guidelines and Recommendations," is being established (see the FEDERAL REGISTER of September 16, 1975 (40 FR 42749)) to provide wide dissemination and a permanent record of these radiation protection recommendations.

This advance notice of proposed guideline publication is issued under the authority of the provisions of the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 356, 82 Stat. 1174–1176 (42 U.S.C. 263d)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: December 8, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-33649 Filed 12-12-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 75-32; Notice 1]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Definition of "Gross Axle Weight Rating"

This notice proposes to amend the definition of "Gross axle weight rating" and "GAWR" to require that the rating be established for 60-mph speeds or the vehicle's maximum operational speed, whichever is lower.

"Gross axle weight rating" is defined in 49 CFR § 571.3 as "the value specified by the vehicle manufacturer as the load-carrying capacity of a single axle system, as measured at the tire-ground interfaces." The GAWR value on the vehicle's certification label indicates the strength of the axle systems, as a measure of the loads that the vehicle may safely carry. Some of the safety standards depend on specific GAWR values for their application. For example, Standard No. 121, *Air Brake Systems* (49 CFR 571.121), has immediate application to trucks, buses, and trailers with GAWR values under 24,000 pounds, but does not apply to vehicles with GAWR values in excess of 24,000 pounds until September 1, 1976. Some manufacturers have been attempting to qualify for the later effective date of Standard No. 121 by certifying a vehicle at a speed less

than its maximum operational speed in order to place a higher GAWR value on the certification label. However, the operator of such a vehicle may drive it at normal highway speeds. If the vehicle is loaded in conformance with the reduced-speed GAWR value shown on the certification label, operation at higher speeds will effectively overload the vehicle with respect to its brake system, thereby creating a safety hazard. The NHTSA has no objection to the inclusion of reduced-speed GAWR values in the operation manual or on labels other than the certification label. However, in order to ensure safe operation of the vehicle at normal highway speeds, the certification label should contain the vehicle's GAWR rating at its maximum operational speed.

The NHTSA has determined that the maximum operational speed of a vehicle for purposes of determining the GAWR value should be 60 mph or the vehicle's maximum attainable speed, whichever is less. In arriving at this determination, the NHTSA considered several factors, including general vehicle capabilities, current speed limits, and the unqualified tire rating given by the Tire and Rim Association at 60 mph. In light of the foregoing, it is proposed that Part 571 of Title 49, Code of Federal Regulations, "Federal Motor Vehicle Safety Standards", be amended in part to read as follows:

§ 571.3(b) is amended as follows:

§ 571.3 Definitions.

• • • • • •

(b) • • •

"Gross axle weight rating" or "GAWR" means the value specified by the vehicle manufacturer as the load-carrying capacity of a single anxle system on the vehicle, as measured at the tire-ground interfaces, when the vehicle is operating at any speed up to 60 mph or up to the vehicle's maximum attainable speed, whichever is less.

• • • • • •

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: January 29, 1976.

Proposed effective date: Date of publication of final rule.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on December 9, 1975.

ROBERT L. CARTER,
Associate Administrator Motor Vehicle Programs.

[FR Doc.75-33714 Filed 12-12-75;8:45 am]

[49 CFR Part 571]

[Docket No. 75-9; Notice 03]

USED COMPONENTS IN TRAILER MANUFACTURING

This notice proposes the addition of a new paragraph to 49 CFR 571.7, *Applicability*, to specify the conditions under which a trailer assembled by combining new materials with a used running gear assembly will be considered used for the purposes of the motor vehicle safety standards, associated regulations, and the National Traffic and Motor Vehicle Safety Act.

A running gear assembly is the axle or axles, wheels, suspension and related components sometimes known as a "bogie" that support the frame and upper portions of the trailer. A number of persons, including Bertolini Engineering Company and the Monon Trailer Company (Monon), have asked the National Highway Traffic Safety Administration to reconsider its letter interpretations of what constitutes the manufacture of a new trailer when a used running gear assembly from an existing vehicle is involved. Until now, the NHTSA has recognized the commercial practice of refurbishing wrecked or badly worn trailers by permitting "repair" without recertification to new standards if, at a minimum, the running gear and main frame structural members of the existing trailer are used in the rebuilding operation. A recent amendment of Part 571 permits the use of "glider kits" in truck assembly without recertification if, at a minimum, the engine, transmission, and drive axle(s) of the assembled vehicle are not new, and at least two of these components were taken from the same vehicle.

Several letters from trailer manufacturers and the Monon petition argue that the requirement for both a used running gear and main frame members does not adequately reflect the common practice of manufacturing trailers without separate main frame members that can be salvaged for reuse. More often, "monocoque" van and some tank trailer construction utilizes the walls of the cargo container as the load-bearing structural members in place of separate frame rails.

Monon Trailer Company has petitioned for reconsideration of the present NHTSA position so that a used running gear assembly alone may be used in the assembly of a trailer without considering it to be newly-manufactured and therefore required to meet the standards. The petition argues that the value of the running gear assembly has always been sufficiently large to justify rebuilding operations of this nature. The company estimates that between 10 and 30 percent of its production has traditionally been the rebuilding of trailers using only the running gear assembly from the existing trailer. Monon points out that the rebuilding business typically falls to the smaller manufacturers and that the impossibility of rebuilding to Standard No. 121 specifications would mean the loss of most of this business. It argues that use of the running gear alone is directly comparable to the use of drive train components alone in the use of glider kits to rebuild powered vehicles.

A petition from Bertolini Engineering Company asks for limited relief of the same nature.

The Monon petition recognizes the possibility that unrestricted reuse of running gear assemblies could develop into a pervasive practice throughout the industry to evade the requirements of the air brake standard. To prevent this possibility, the petition suggests that the identity of the original trailer be continued in the refurbished trailer, that the original trailer be no more than 8 years old, and that the rebuilt trailer be sold only to the owner of the trailer from which it was rebuilt. Monon suggests also that compliance be required with regard to all new components and that the running gear be required as a minimum in the rebuilding operation. The company points out that the previous-owner requirement accords with Internal Revenue Service requirements for excise tax treatment. Additionally the 8-year criterion is intended to agree with certain industrial practices on the rebuilding of trailers.

The NHTSA has received the views of others on the economic considerations that enter into these rebuilding operations. The agency has also indicated with regard to Standard No. 121 that it would monitor the effect of the standard with a view to reducing its costs where possible without loss of significant safety benefit. The NHTSA tentatively concludes that reuse of running gear assemblies is economically justified to the degree that they have been reutilized in the past.

Therefore the agency proposes a revision of its position in this area to permit limited rebuilding of trailers from new material other than the running gear assembly without the requirement of recertification.

As safeguards against evasion of the air brake standard, the agency proposes an 8-year limit on the use of running gear assemblies for rebuilding operations. Additionally, the requirement that the trailer be sold to the original owner under its original identity would be included to prevent large-scale evasion of the standard by parties who might at-

V 40 241 DEC 15 75 XUM

tempt to recycle old, unreliable equipment that would normally be junked.

In consideration of the foregoing, it is proposed that a new paragraph (f) be added to 49 CFR 571.7, *Applicability*, to read as follows:

§ 571.7 Applicability.

* * * * *

(f) *Combining new and used components in trailer manufacture.* When new materials are used in the assembly of a trailer, the trailer will be considered newly manufactured for purposes of paragraph (a) of this section, the application of the requirements of this chapter, and the Act, unless, at a minimum, the trailer running gear assembly (axle(s), wheels, braking, suspension and components for attachment to the frame) is not new, and was taken from an existing trailer—

(1) Whose date of production is less than 8 years earlier than that of the reassembled vehicle;

(2) Whose identity is continued in the reassembled vehicle with respect to model, year, vehicle identification number, and any other documentation incident to the vehicle's reassembly and registration; and

(3) That is owned or leased by the user of the reassembled vehicle.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: January 29, 1976.

Proposed effective date: Date of publication of final rule in the FEDERAL REGISTER.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on December 9, 1975.

ROBERT L. CARTER,
Associate Administrator
Motor Vehicle Programs.

[FR Doc.75-33715 Filed 12-12-75;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 503]

[Docket No. 75-59]

RECORD OF IDENTIFIABLE PERSONAL INFORMATION

Access

Notice is hereby given that the Federal Maritime Commission proposes to amend Title 46 of the Code of Federal Regulations, Part 503, Subpart G implementing the provisions of the Privacy Act of 1974 (5 U.S.C. 552(a), P.L. 93-579). The amendments proposed herein are designed to further clarify the Commission's Rules as they relate to the protection of the personal privacy of individuals identified in records maintained by the Commission.

Section 503.64 presently states that:

Upon request for information made in accordance with section 503.63 of this subpart, the Assistant Managing Director or his delegate shall within a reasonable period of time furnish in writing to the requesting party notice of the existence or non-existence of any records described in such requests.

Section 503.65(c)(1) (i) and (ii) presently states:

(1) Upon request made in accordance with this section, the Assistant Managing Director or his delegate shall: (i) Determine whether or not such requests shall be granted;

(ii) Make such determination and provide notification within a reasonable period of time after receipt of such requests.

In order to provide a more specific time limitation within which the Commission must respond to a request for information concerning a record, or a request for access to a record, it is proposed that both section 503.64 and section 503.65(c)(1) (i) and (ii) be rewritten to include a ten day period for response (excluding Saturdays, Sundays, and legal public holidays).

Section 503.65(c)(2) now states that:

If access to a record is denied because such information has been compiled by the Commission in reasonable anticipation of a civil or criminal action or proceeding, the Assistant Managing Director shall notify the individual of such determination and his right to judicial appeal under 5 U.S.C. 552a(g).

To clarify this section, the phrase "or for any other reason" has been added in order to broaden the scope of available judicial review when access to a record has been denied.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and the Privacy Act of 1974 (5 U.S.C. 552a(f), P. L. 93-579), Title 46 of the Code of Federal Regulations Part 503, Subpart G is proposed to be amended as follows:

1. Section 503.64 is revised to read as follows:

§ 503.64 Commission procedure on requests for information.

Upon request for information made in accordance with section 503.63 of this subpart, the Assistant Managing Director or his delegate shall within ten days (excluding Saturdays, Sundays, and legal public holidays) furnish in writing to the requesting party notice of the existence or non-existence of any records described in such requests.

2. Section 503.65(c) is revised as follows:

§ 503.65 Commission determination of requests for access.

* * * * *

(1) Upon the request made in accordance with this section, the Assistant Managing Director or his delegate shall:

(i) Determine whether or not such requests shall be granted;

(ii) Make such determination and provide notification within ten days (excluding Saturdays, Sundays, and legal public holidays) after receipt of such requests.

(iii) Notify the individual that fees for reproducing copies will be made in accordance with section 503.69.

(2) If access to a record is denied because such information has been compiled by the Commission in reasonable anticipation of a civil or criminal action or proceeding, or for any other reason, the Assistant Managing Director shall notify the individual of such determination and his right to judicial appeal under 5 U.S.C. 552a(g).

Interested parties may participate in this rulemaking by filing with the Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, on or before January 14, 1976, an original and 15 copies of their views and arguments pertaining to the proposed amendments. All suggestions for changes in text should be accompanied by drafts of the language thought necessary to accomplish the desired change and should be supported by statements and arguments relating the proposed change to the Privacy Act of 1974.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-33769 Filed 12-12-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240 and 249]

[Rel. No. 34-11874; File Nos. S7-585, S7-586]

SECURITIES INFORMATION PROCESSORS

Extension of Comment Periods

On September 23, 1975 the Commission announced in Release No. 34-11673 [40 FR 45422] the adoption of Rule 11Ab2-1 and related Form SIP to provide for the registration of securities information processors pursuant to Section 11A(b) of the Securities Exchange Act of 1934. The Commission also requested in Release No. 34-11673 that interested parties comment upon Rule 11Ab2-1, Form SIP, proposed rules 11Ab2-2, 3 and 11Ab5-1 (S7-585) and on the need to require the registration of nonexclusive securities information processors (S7-586) [40 FR 45448]. The comment periods on the matters enumerated in Release No. 34-11673 have each elapsed.

The Commission is aware, however, that interested parties have requested additional time within which to comment upon these matters. Further, the Commission finds that the opportunity to receive additional comments would be in the public interest and may aid the Commission in exercising its regulatory authority with respect to securities information processors.

Accordingly, the Commission in Release No. 34-11874, 40 FR 56987, ordered the public comment periods established by Release No. 34-11673 extended to and including December 22, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 26, 1975.

[FR Doc.75-33670 Filed 12-12-75;8:45 am]

As discussed more fully in Release No. 5627,[2] this rulemaking proceeding is being conducted in response to the order and opinion of Judge Charles R. Richey in "Natural Resources Defense Council v. Securities and Exchange Commission," 389 F. Supp. 689 (D.D.C., 1974). Counsel have submitted to the Court a joint estimate of the time required to complete the rulemaking proceeding, and a draft order based thereon.[3] Whether or not the district court has the authority to impose on the Commission a deadline respecting rulemaking activities, the Commission will attempt to complete this proceeding, and issue final regulations, within a relatively short period after the close of the comment period announced in Release No. 5627.

Accordingly, the Commission wishes to advise interested persons that it is unlikely that the Commission will grant an extension of the January 12, 1976, comment deadline. Further, the staff may not follow the practice, sometimes employed, of informally holding the proceeding open and considering comments received, after the announced comment deadline, but during the period of staff review of public submissions. The Commission requests, in addition, that interested persons submit their comments as far in advance of January 12, 1976, as possible.

The rulemaking proposals announced in Release No. 5627 would, among other things, require registrants to provide as an exhibit to certain documents filed with the Commission, a list of their most recently filed "environmental compliance reports" which indicate that they have not met any applicable environmental standard established pursuant to a federal statute.

For example, under the Federal Water Pollution Control Act, 33 U.S.C. 1151, *et seq.*, the Environmental Protection Agency ("EPA") and, in certain cases, the states, administer the National Pollutant Discharge Elimination System. See 40 C.F.R. 124, 125. Sources of water pollution are required under that program to obtain a discharge permit, and to establish a schedule for compliance pursuant to its terms. The source must report at specified intervals whether it has met the compliance schedule. Further, if for any reason the source fails to comply with maximum effluent limitations specified in its permit, a report describing that occurrence must, within five days, be filed with the EPA Regional Administrator or the state. Permittees are also required to file discharge monitoring reports on a quarterly basis indicating the volume and composition of discharges.

Similarly, under the Clean Air Act, 42 U.S.C. 1857, *et seq.*, new sources of air emissions in certain categories are required to monitor and summarize excess emission data and report it to EPA. See 40 C.F.R. pt. 60. Further, EPA has recently required states to submit implementation plans which prescribe monitoring and reporting requirements for certain classes of existing air pollution sources. See 40 CFR pt. 51. EPA also has authority, pursuant to Section 114 of the Clean Air Act, to require special reports as appropriate. The EPA Office of Mobile Source Pollution has proposed regulations requiring auto manufacturers to report information concerning pollution-related defects.

To date, relatively few comments have been received with respect to the proposed rule and, for this reason, the Commission hereby again requests the views of all interested persons. In addition, it is requested that registrants who are planning to comment, identify and briefly describe the types, number and content of "environmental compliance reports" filed by them within the last 12 months. This information will be helpful in assessing various aspects of the proposed rule, including the costs and burdens which would be involved.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 10, 1975.

[FR Doc.75-33885 Filed 12-12-75;8:45 am]

[17 CFR Parts 239, 240 and 249]

[Release Nos. 33-5653, 34-11914; File No. S7-593]

ENVIRONMENTAL AND SOCIAL DISCLOSURE

Supplemental Information Regarding Request for Public Comment on Rulemaking Proposals

On October 14, 1975, the Securities and Exchange Commission issued Securities Act Release No. 5627,[1] which contained the Commission's conclusions in its public proceeding concerning possible disclosure of environmental, equal employment, and other socially significant matters. That release also invited public comment on certain Commission rulemaking proposals concerning disclosure of registrants' compliance with certain existing environmental standards.

[1] 8 "SEC Docket" 41 (October 29, 1975); 40 FR 51658 (Nov. 6, 1975).

[2] Release No. 5627, *supra* note 1, at 5-8 (Section I, Background). See, also, Securities Act Release No. 5569 (Feb. 11, 1975), 6 "SEC Docket" 25 (Feb. 25, 1975), 40 FR 7013 (Feb. 18, 1975).

[3] Submission of such an estimate was required by an order of the Court entered on October 7, 1975.

V40241 DEC 15 75 XUM

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-5/131]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW

Study Group on Hotelkeepers' Liability

A meeting of the Study Group on Hotelkeepers' Liability, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will take place on Thursday, February 5, 1976, at the United States Mission to the United Nations, 799 United Nations Plaza, New York. The meeting, which will begin at 10:00 a.m., will be open to the public.

The purpose of the meeting is to discuss hotelkeepers' liability.

Members of the general public may attend up to the limits of the capacity of the meeting room and participate in the discussion subject to instructions of the Chairman.

Entrance to the United States Mission building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to February 5, 1976, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Robert E. Dalton, Office of the Legal Adviser, Department of State; the telephone number is area code 202, 632-2107.

Dated: December 1, 1975.

ROBERT E. DALTON,
Executive Director.

[FR Doc.75-33667 Filed 12-12-75;8:45 am]

[Public Notice CM-5/132]

SHIPPING COORDINATING COMMITTEE

United States National Committee for the Prevention of Marine Pollution; Meeting

The working group on segregated ballast in existing tankers of the United States National Committee for the Prevention of Marine Pollution, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Wednesday, January 7, 1976, in Room 7202 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C.

The purpose of the meeting will be to

—discuss proceedings at the Fourth Session of the Intergovernmental Maritime Consultative Organization's (IMCO) Marine Environment Protection Committee (MEPC)

—review the study understaken by certain Member States of IMCO

—further discuss the U.S. study in light of recent IMCO activities

Requests for further information on the meeting should be directed to Captain F. P. Schubert, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2010.

The Chairman will entertain comments from the public as time permits.

DECEMBER 8, 1975.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

[FR Doc.75-33665 Filed 12-12-75;8:45 am]

[Public Notice CM-5/133]

SHIPPING COORDINATING COMMITTEE

Subcommittee on Safety of Life at Sea; Meeting

The working group on fire protection of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Thursday, January 8, 1976, in Room 8334 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The purpose of the meeting is to prepare position documents for the Eighteenth Session of the Subcommittee on Fire Protection of the Intergovernmental Maritime Consultative Organization (IMCO), to be held in London in March, 1976. In particular, the working group will discuss the following topics:

—fire test procedures

—fire protection requirements for special purpose ships (mobile offshore drilling units)

—fire protection of dangerous goods

Requests for further information on the meeting should be directed to Mr. D. F. Sheehan, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2197.

The Chairman will entertain comments from the public as time permits.

DECEMBER 8, 1975.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

[FR Doc.75-33666 Filed 12-12-75;8:45 am]

DEPARTMENT OF THE TREASURY

[Dept. Circ. 570, 1975 Rev., Supp. No. 6]

Fiscal Service

SECURITY MUTUAL CASUALTY CO.

Surety Companies Acceptable on Federal Bonds; Termination of Authority

Notice is hereby given that the certificate of authority issued by the Treasury to Security Mutual Casualty Company, Chicago, Illinois, under Sections 6 to 13 of Title 6 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated, effective this date.

The company was last listed as an acceptable surety on Federal bonds at 40 FR 29256, July 10, 1975.

Bond-approving officers of the Government should, in instances where such action is necessary, secure new bonds in lieu of bonds executed by Security Mutual Casualty Company.

Dated: December 8, 1975.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.75-33652 Filed 12-12-75;8:45 am]

Office of the Secretary

[Public Debt Series No. 35-75]

TREASURY NOTES OF SERIES G-1979

Dated and Bearing Interest From Jan. 6, 1976; Due Dec. 31, 1979

DECEMBER 10, 1975.

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $2,000,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series G-1979. The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Standard time, Monday, December 22, 1975, under competitive and noncompetitive bidding, as set forth in Section III hereof.

II. DESCRIPTION OF NOTES

1. The notes will be dated January 6, 1976, and will bear interest from that date, payable on a semiannual basis on June 30 and December 31, 1976, and thereafter on June 30 and December 31 in each year until the principal amount becomes payable. They will mature December 31, 1979, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation

now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Standard time, Monday, December 22, 1975. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of one percent necessary to make the average accepted price 100.000 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $2,000,000,000 of notes offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before January 6, 1976, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. Payment must be in cash, in other funds immediately available to the Treasury by January 6, 1976, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Wednesday, December 31, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in the case of the Treasury, or (2) Monday, December 29, 1975, if the check is drawn on a bank in anotner district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.75-33725 Filed 12-11-75;8:53 am]

[Public Debt Series No. 34-75]

TREASURY NOTES OF SERIES P-1977

Dated and Bearing Interest From December 31, 1975; Due December 31, 1977

DECEMBER 10, 1975.

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $2,500,000,000, or thereabouts of notes of the United States designated Treasury Notes of Series P-1977. The interest rate for the notes will be determined as set forth in Section III paragraph 3 hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Standard time, Tuesday, December 16, 1975, under competitive and noncompetitive bidding, as set forth in Section III hereof. The 7 percent Treasury Notes of Series H-1975, maturing December 31, 1975, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. DESCRIPTION OF NOTES

1. The notes will be dated December 31, 1975, and will bear interest from that date, payable semiannually on June 30 and December 31, 1976, and June 30 and December 31, 1977. They will mature December 31, 1977, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or

V 40241 DEC 15 75 XUM

any of the posssesions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Standard time, Tuesday, December 16, 1975. Each tender must state the face amount of notes bid for, which must be $5,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimales, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account. Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or 7 percent Treasury Notes of Series H–1975 which will be accepted at par) of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of 1 percent necessary to make the average accepted price 100.000 or less. That will be the rate of the interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reejct any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $2,500,000,000 of notes offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before December 31, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt. Payment must be in cash, 7 percent Treasury Notes of Series H–1975 (interest coupons dated December 31, 1975, should be detached), in other funds immediately available to the Treasury by December 31, 1975, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Monday, December 29, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in case of the Treasury, or (2) Tuesday, December 23, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with notes, a cash adjustment will be made to or required of the bidder for any difference between the face amount of nates submitted and the amount payable on the notes allotted.

V. ASSIGNMENT OF REGISTERED NOTES

1. Registered notes tendered as deposits and in payment for notes allotted hereunder are not required to be assigned if the notes are to be registered in the same names and forms as appear in the registrations or assignments of the notes, surrendered. Specific instructions for the issuance and delivery of the notes, signed by the owner or his authorized representative, must accompany the notes presented. Otherwise, the notes should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. When the new notes are to be registered in names and forms different from those in the inscriptions or assignments of the notes presented the assignment should be to "The Secretary of the Treasury for Treasury Notes of Series P–1977 in the name of (name and taxpayer identifying number)." If notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon Treasury Notes of Series P–1977 to be delivered to _____." Notes tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The notes must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.75-33724 Filed 12-11-75;8:52 am]

ADVISORY COMMITTEE ON REFORM OF THE INTERNATIONAL MONETARY SYSTEM

Meeting

Notice is hereby given that the meeting of the Advisory Committee on Reform of the International Monetary System in Washington, D.C., to be held on December 16, 1975, for which notice was given in FEDERAL REGISTER, Vol. 40, No. 231, has been rescheduled for December 30, 1975.

Dated: December 11, 1975.

WARREN F. BRECHT,
Assistant Secretary of the Treasury.

[FR Doc.75-33813 Filed 12-12-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

POLICY PLANS ADVISORY PANEL

Establishment, Organization and Functions

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Policy Plans Advisory Panel has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory Committee and concurs with its establishment.

The nature and purpose of the Policy Plans Advisory Panel is indicated below:

The purpose of the Policy Plans Advisory Panel is to support the Deputy Assistant Secretary of Defense (Policy Plans and National Security Council Affairs), Office of the Assistant Secretary of Defense (International Security Affairs), in identifying key national security planning issues. The Panel will achieve this objective by (1) analyzing the substantive issues involved in the Policy Plans and National Security Council work underway at any particular time; (2) examining additional areas worthy of effort; and (3) evaluating the pertinency, quality and value of the ongoing work. The Panel will also undertake specific assignments connected with efforts to resolve national security problems and will itself carry out such analyses as directed by the Deputy Assistant Secretary or the Director, Policy Plans and National Security Council Affairs.

DECEMBER 10, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

[FR Doc.75-33618 Filed 12-12-1975;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

HOFFMAN LAROCHE, INC.

Manufacture of Controlled Substances; Notice of Registration

By Notice dated October 7, 1975, and published in the FEDERAL REGISTER on October 14, 1975; (40 FR 48146), Hoffman LaRoche, Inc., Kingland Road and Bloomfield Avenue, Nutley, New Jersey 07110, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug:	Schedule
Alphaprodine	II
Levorphanol	II
Dextrorphan	I

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Acting Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basis classes of controlled substances listed above is granted.

Dated: December 3, 1975.

HENRY S. DOGIN,
Acting Administrator, Drug Enforcement Administration.

[FR Doc.75-33669 Filed 12-12-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 27127]

NEW MEXICO

Notice of Application

DECEMBER 8, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½ inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 27 N., R. 8 W.,
Sec. 24, NW¼NW¼.

This pipeline will convey natural gas across .166 of a mile of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-33656 Filed 12-12-75;8:45 am]

[NM 27128 and 27134]

NEW MEXICO

Notice of Applications

DECEMBER 8, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 29 N., R. 8 W.,
Sec. 6, lots 8 and 9.
T. 29 N., R. 9 W.,
Sec. 1, lots 5 and 12.
T. 32 N., R. 11 W.,
Sec. 27, SW¼SW¼.

These pipelines will convey natural gas across .609 of a mile of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-33657 Filed 12-12-75;8:45 am]

OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAMS

Notice of Approval

1. Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagrams approved on the dates indicated, are available, for information only, in the Outer Continental Shelf Office, Bureau of Land Management, Anchorage, Alaska. In accordance with Title 43, Code of Federal Regulations, these protraction diagrams are the basic record for the description of mineral and oil and gas lease offers in the geographic areas they represent.

OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAMS

Description number	Approval date
2-5	June 11, 1975.
2-6 St. Paul Island	Mar. 20, 1975.
2-7	Do.
3-5	June 11, 1975.
3-8	Mar. 20, 1975.
4-5	June 11, 1975.
6-4	Sept. 22, 1975.
7-4	Do.

2. Copies of these diagrams are for sale at two dollars ($2.00) per sheet by the Manager, Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510. The street address is 800 "A" Street, Anchorage, Alaska. Checks or Money Orders should be made payable to the Bureau of Land Management.

EDWARD J. HOFFMANN,
Manager, Alaska Outer Continental Shelf Office.

[FR Doc.75-33659 Filed 12-12-75;8:45 am]

OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAMS

Approval; Correction

In FR Doc. 75-28303 appearing at page 49112 in the FEDERAL REGISTER of Octo-

V40241 DEC 15 75 XUM

ber 21, 1975, the description of the first protraction diagram listed was erroneously published as "Stuwick Island". This description should be corrected to read "Sutwik Island".

Dated: November 3, 1975.

EDWARD J. HOFFMAN,
Manager, Alaska
Outer Continental Shelf Office.

[FR Doc.75-33658 Filed 12-12-75;8:45 am]

Bureau of Reclamation

[Act of June 17, 1902, 32 Stat. 388, as amended or supplemented; No. 92]

YUMA IRRIGATION PROJECT, ARIZONA-CALIFORNIA RESERVATION DIVISION, CALIFORNIA

Public Notice of Annual Operation and Maintenance Charges and Annual Water Rental Charges

NOVEMBER 7, 1975.

1. *Annual Operation and Maintenance Charges for Lands Under Public Notice, Reservation Division.* The minimum annual operation and maintenance charge for calendar year 1976 and thereafter until further notice against all lands of the Reservation Division under public notice shall be $21.50 per irrigable acre, whether water is used or not, payment of which will entitle the water user (may be landowner, lessee, and/or water right applicant or holder) to 8 acre-feet of water per acre on certain sandy areas shown on the list attached to Public Notice No. 72, dated December 1, 1955, as amended February 16, 1956, and to 5 acre-feet of water per irrigable acre on all other lands of the Division under Public Notice. Additional water, if available, will be furnished at the rate of $5.50 per acre-foot payable in advance. Credit equivalent to the amount paid for additional water unused prior to the end of any calendar year will be applied against the minimum charges for water for the following calendar year. No credit will be given for water purchased during any calendar year at the minimum charge but undelivered at the end of said calendar year.

The minimum annual operation and maintenance charge per calendar year for each parcel of land under public notice containing less than 1 acre shall be $21.50.

Where in the opinion of the Project Manager, Yuma Projects Office, it may be done without interference with other project requirements, upon written request filed in advance by a water user who is not delinquent in the payment of any operation and maintenance charges, water will be furnished free of charge for reclaiming lands by the usual methods; *Provided, however,* That lands for which free water was served during the preceding calendar year will not again be served free water in the absence of evidence satisfactory to the Project Manager that although the water so served free of charge during such preceding year was applied to the lands in sufficient quantities over a period of not more than 3 months, the results accomplished during such preceding year were not satisfactory.

All minimum annual operation and maintenance charges shall be due and payable on January 1, 1976, and on January 1 of each year thereafter.

2. *Annual Water Rental Charges for Other Lands, Reservation Division.* Irrigation water will be furnished during the calendar year 1976 and thereafter until further notice for lands in the Reservation Division not under Public Notice which can be irrigated from the present distribution system without further construction expense by the Bureau, upon a rental basis under approved applications at the following rates:

A. The minimum annual charge shall be $21.50 per irrigable acre, payment of which will entitle the applicant to 8 acre-feet of water per acre on certain sandy areas listed in Public Notice No. 86, Supplement No. 1, dated July 10, 1970, and to 5 acre-feet of water per irrigable acre on all other lands in the Division not under Public Notice.

B. Additional water, if available, will be furnished at the rate of $5.50 per acre-foot.

All charges shall be payable in advance of the delivery of water. Credit will be given for additional water paid for but not used.

3. *Damages and Termination of Water Deliveries.* Upon failure of any water user in the Reservation Division, including for purposes of this paragraph only, lessees of Indian lands, to comply with the regulations for ordering and delivery of irrigation water in the Division, or to pay any bill rendered by the United States for costs of extra maintenance of or repairs to the irrigation and drainage systems of the Reservation Division of the Yuma Project which are required as a result of faulty irrigation practices of the water user, all as established and determined by the Project Manager after consultation with the water user, the United States reserves the right to withhold the delivery of water to the lands of any water user who is in default thereof, or to stop the delivery of water thereto if water is being so delivered during any period in which said user is in violation of the provisions of the regulations, or has failed to pay said bills.

4. *Penalties.* On all payments not made on or before the due dates, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid and a like penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

5. *Place of Payment.* All payments should be made to the Bureau of Reclamation, Office of Project Manager, Yuma Projects Office, Yuma, Arizona, or mailed to Bureau of Reclamation, P.O. Bin 5569, Yuma, Arizona 85364.

R. A. OLSON,
Acting Regional Director.

[FR Doc.75-33704 Filed 12-12-75;8:45 am]

Geological Survey

ISLAND PARK, IDAHO

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Section 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as the Island Park Known Geothermal Resources Area, effective April 1, 1975:

(12) IDAHO

ISLAND PARK KNOWN GEOTHERMAL RESOURCES AREA BOISE MERIDIAN, IDAHO

T. 11 N., R. 42 E.
Sec. 15.
T. 12 N., R. 42 E.,
Sec. 3;
Sec. 8; E½NE¼, SW¼NE¼, S½;
Secs. 29, 30, and 31.
T. 11 N., R. 43 E.,
Secs. 7, 17, 19, 23, 26, 28, 30, 31, and 34.
T. 12 N., R. 43 E.,
Secs. 2, 10, 22, and 27.
T. 10 N., R. 44 E.,
Secs. 2, 5, 19, 20, 22, 24, and 33.
T. 11 N., R. 44 E.,
Secs. 6, 7, 15, 19, 29, 31, 33, and 35.
T. 12 N., R. 44 E.
Sec. 30.
T. 10 N., R. 45 E., Secs. 9, 10, and 16.
T. 11 N., R. 45 E., Secs. 5, 8, 28, 29, 33, and 34.
T. 12 N., R. 45 E., Sec. 29.

The area described aggregates 28,539 acres, more or less.

Dated: November 18, 1975.

WILLARD C. GERE,
Conservation Manager
Western Region.

[FR Doc.75-33662 Filed 12-12-75;8:45 am]

National Park Service

WAKEFIELD NATIONAL MEMORIAL ASSOCIATION

Intention To Issue Concession Permit

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that after January 14, 1975, the Department of the Interior, through the Superintendent, George Washington Birthplace National Monument, proposes to issue a concession permit to Wakefield National Memorial Association authorizing it to provide concession facilities and services for the public at George Washington Birthplace for a period of one year from January 1, 1976, through December 31, 1976.

An assessment of the environmental impact of this proposed action has been made, and it has been determined that it will not significantly affect the quality of the environment and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Office of the Superintendent, George Washington Birthplace National Monument, Washington's Birthplace, Virginia.

The foregoing concessioner has performed its obligations under the expired permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before January 14, 1975.

Interested parties should contact the Superintendent, George Washington Birthplace National Monument, Washington's Birthplace, Virginia, for information as to the requirements of the proposed permit.

Dated: December 12, 1975.

PHILIP O. STEWART,
Acting Associate Director,
National Park Service.

[FR Doc.75-33620 Filed 12-12-75;8:45 am]

WEIN AIR ALASKA

Intention To Extend Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that after January 14, 1975 the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Wein Air Alaska, Inc., authorizing it to provide concession facilities and services for the public at Katmai National Monument for a period of one (1) year, from January 1, 1976, through December 31, 1976.

An assessment of the environmental impact of this proposed action has been made, and it has been determined that it will not significantly affect the quality of the environment and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Office of the Regional Director, Pacific Northwest Region, Fourth and Pike Building, Seattle, Washington 98101.

The foregoing concessioner has performed its obligations under the expired contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act first cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before January 14, 1975.

Interested parties should contact the Assistant Director of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed action.

Dated: November 28, 1975.

PHILIP O. STEWART,
Acting Associate Director,
National Park Service.

[FR Doc.75-33619 Filed 12-12-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SAMUEL R. McKELVIE NATIONAL FOREST GRAZING ADVISORY BOARD

Intent To Establish

The Department of Agriculture proposes to establish the Samuel R. McKelvie National Forest Grazing Advisory Board for the period ending January 5, 1977, under Forest Service regulation 36 CFR 231.10.

This is to be a local advisory board of the Forest Service to provide National Forest range users a means for the collective expression of their views and recommendations concerning the management and administration of the Samuel R. McKelvie National Forest grazing lands and to develop local interest and responsibility in better range management.

The Assistant Secretary for Conservation, Research and Education determined that establishment of this board is necessary and in the public interest in connection with duties imposed on the Department by law.

Comments of interested persons concerning establishment of this board may be submitted to the Forest Supervisor of the Nebraska National Forest, 270 Pine Street, Chadron, Nebraska 69337, on or before December 30, 1975.

All written submissions made pursuant to this notice will be available for public inspection in the Forest Supervisor's office during regular business hours (7 CFR 1.27(b)).

THOMAS C. NELSON,
Acting Chief.

DECEMBER 9, 1975.

[FR Doc.75-33726 Filed 12-12-75;8:45 am]

Soil Conservation Service

CADRON CREEK WATERSHED PROJECTS, ARKANSAS

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Cadron Creek Watershed Projects, Cleburne, Conway, Faulkner, Van Buren, and White Counties, Arkansas, USDA-SCS-EIS-WS-(ADM)-76-1-(D)-AR.

The draft environmental impact statement concerns a plan for watershed protection, flood prevention, and recreation on three adjacent watersheds for which individual work plans have been developed. They are North Fork Cadron Creek, East Fork Cadron Creek; and Lower Cadron Creek. The planned works of improvement include the accelerated application of conservation land treatment measures, 15 floodwater retarding structures, and public recreation development at Woolly Hollow State Park. The planned flood prevention measures will reduce flooding on 24,002 acres. The recreational development will provide 125,480 annual recreational days.

A limited supply of the draft environmental impact statement is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 700 West Capitol, Little Rock, Arkansas 72201.

Copies of the draft environmental impact statement have been sent for comments to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to M. J. Spears, State Conservationist, Soil Conservation Service, Post Office Box 2323, Little Rock, Arkansas 72203.

Comments must be received on or before February 2, 1976, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program Number 10.904, National Archives Reference Services.)

Dated: December 5, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc.75-33599 Filed 12-12-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

DEFINITIONS SUBCOMMITTEE OF THE NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Definitions Subcommittee of the Numerically Controlled Machine Tool Technical Advisory Committee will be held on Tuesday, January 13, 1976, at 3:30 p.m. in Room 1851, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assist-

V40241 DEC 15 75 XUM

ant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Section 2404(c)(1) and the Federal Advisory Committee Act. The Definitions Subcommittee of the Numerically Controlled Machine Tool Technical Advisory Committee was initially established on July 10, 1973. On July 15, 1975, the Director, Office of Export Administration, approved the reestablishment of this Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Definitions Subcommittee was formed to provide universally acceptable numerically controlled nomenclature for machine tool systems.

The Subcommittee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Subcommittee Chairman.
(2) Presentation of papers or comments by the public.
(3) Further review of current definitions.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determine on November 25, 1975, pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al.* v. *C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Numerically Controlled Machine Tool Technical Advisory Committee and of any subcommittees thereof is published elsewhere in this issue.

Dated: December 1, 1975.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.75-33683 Filed 12-12-75;8:45 am].

ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Electronic Instrumentation Technical Advisory Committee will be held on Tuesday, January 13, 1976, Room 3817, 9:30 a.m., Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973. On October 7, 1975, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. section 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to electronic instrumentation, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Discussion of on-going Committee work programs.
(4) Discussion regarding new members and new Chairman.

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1975, pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al.*, v. *C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Electronic Instrumentation Technical Advisory Committee and of any subcommittees thereof is hereby published.

Dated: December 9, 1975.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

Notice of Determination

In response to written requests of representatives of a substantial segment of the electronic industry, the Electronic Instrumentation Technical Advisory Committee was established by the Secretary of Commerce pursuant to Section 5(c)(1) of the Export Administration Act of 1969, 50 U.S.C. App. Section 2404(c)(1) (Supp. III, 1973), as amended, Public Law No. 93-500, Section 5(b) (October 29, 1974), to advise the Department of Commerce with respect to questions involving technical matters, worldwide availability, and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to electronic instrumentation, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee, which currently has twelve members representing industry and eight members representing government agencies, will terminate no later than October 23, 1977, unless extended by the Secretary of Commerce or his designee. All members of the Committee have the appropriate security clearance.

The Committee's activities are conducted in accordance with the provisions of Section 5(c)(1) of the Export Administration Act of 1969, as amended, the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the head of the agency (or his delegate) to which the committee reports determines in writing that all; or some portion, of the agency of the meeting of the Committee is concerned with matters listed in Section 552(b) of Title 5 of the United States Code.

Section 552(b)(1) of Title 5, United States Code, provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interest of national security or foreign policy, and are in fact properly classified pursuant to such Executive Order.

Notices of Determination authorizing the closing of meetings, or portions thereof, of the Electronic Instrumentation Technical Advisory Committee and its formal subcommittees, dealing with security classified matters, were approved on March 12, 1974 for the Committee's first meeting on April 9, 1974; on April 25, 1974 for the meeting of May 9, 1974; and on May 28, 1974, covering a series of meetings for the period May 28, 1974 through January 3, 1975; and on December 16, 1974 for a series of meetings from January 4, 1975 through October 22, 1975.

In order to provide advice to the Department under the terms of its charter, the Committee and formal subcommittees thereof will continue to hold a series of meetings dealing with the matters set forth in the first paragraph of this Determination. These meetings will include discussions of the COCOM control list as it relates to the commodities and technical data under its purview, and with the foreign availability of these commodities and technical data. In addition, the Committee and its formal subcommittees will be preparing recommendations for the Department's consideration relating to the U.S. Government's negotiating position on COCOM-related matters. Much of the information relating to the COCOM control list, as well as proposed changes, is now or will be security classified for national security or foreign policy reasons, pursuant to Executive Order No. 11652, 3 CFR 339 (1974). In order for the Committee and its formal subcommittees to provide required advice to the U.S. Government, it will be necessary to provide the Committee and its formal subcommittees with such classified material. Therefore, the portions of the series of meetings of the Committee and of subcommittees thereof that will involve discussions of matters specifically authorized under criteria established by an executive order to be kept secret in the interest of national security or foreign policy and are in fact properly classified pursuant to such executive order, must be closed to the public. The remaining portions of the series of meetings will be open to the public.

Accordingly, I hereby determine, pursuant to Section 10(d) of the Federal Advisory Committee Act that those portions of the series of meetings of the Committee and of any subcommittees thereof, dealing with the aforementioned classified materials shall be exempt, for the period October 23, 1975, to October 22, 1976, from the provisions of Section 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the Committee and subcommittee discussions will be concerned with matters listed in Section 552(b)(1) of Title 5, United States Code. The remaining portions of the meetings will be open to the public.

Dated: September 29, 1975.

GUY W. CHAMBERLIN,
Assistant Secretary for Administration, Acting.

Dated: September 30, 1975.

DANIEL GARBERN,
Acting General Counsel.

[FR Doc.75-33684 Filed 12-12-75;8:45 am]

Economic Development Administration

WRAPPER TOBACCO

Study of the Producing Firms

SUMMARY

The U.S. Department of Commerce has conducted a study of the wrapper tobacco industry as required by section 264 of the Trade Act of 1974. It has attempted to determine the number of firms in the industry which have been or are likely to be certified as eligible to apply for adjustment assistance and the extent to which the orderly adjustment of the firms may be facilitated through the use of existing programs. Such a study by the Department is required whenever the U.S. International Trade Commission makes an "escape-clause" investigation under section 201 of the Trade Act.

The Commission reported to the President on November 5, 1975, the results of its investigation to determine whether increased imports of wrapper tobacco represents a substantial cause (or threat) of injury to the domestic industry producing like or directly competitive products. The Commission made a unanimous negative determination, primarily on the basis that a marked decline in United States production and consumption of large cigars, the major product using wrapper tobacco, is more important than increased imports as a cause of any serious injury that may have occurred to the domestic producers of wrapper tobacco.

There are currently a total of approximately 77 domestic growers of shade-grown wrapper tobacco, including 55 growers in southwestern Georgia and the central part of northern Florida and 22 in the Connecticut River Valley of Connecticut and Massachusetts. The tobacco from the two areas, grown under tents of light-weight cloth, has distinct characteristics caused by differences in varieties, soil, and climatic conditions. Wrapper tobacco is used by cigar makers as the smooth outer wrapping of large cigars, i.e., those that weigh more than three pounds per thousand. Domestic production of large cigars rose in the 1960's and then declined sharply in the 1970's as production of small, cigarette-size cigars grew rapidly. Output in 1974 amounted to 6.5 million large cigars, or 32 percent less than the 1964 output, and the decline continued in 1975, with an annual rate of les than 6 billion units in January-August 1975.

To be certificated eligible to apply for adjustment assistance, a firm must demonstrate that increased imports of like or directly competitive articles contributed importantly to declines in sales or production, or both, and separation, or threat of separation of the firm's workers. U.S. imports of wrapper tobacco, chiefly from Nicaragua, Honduras and the Cameroon Republic, increased by 69 percent between 1970 and 1974 to 977,300 pounds, valued at $3.8 million. Imports in the first seven months of 1975 rose 27 percent over the comparable period of 1974 to 728,300 pounds. Increases have also been recorded in terms of imports relative to domestic production.

As of the date of this report, none of the wrapper tobacco growers has petitioned the Department of Commerce for certification of eligibility to apply for adjustment assistance and the Department has no means of determining which of the producers could qualify for certification. However, it is possible that a petitioning firm could be certified, even though the industry of which it is a member received a negative determination on a section 201 investigation by the International Trade Commission. In determining whether imports "contributed importantly" among possible causes for worker separation and decreases in sales or production for a petitioning firm, the influence of imports as a cause would be considered by the Department on the basis of the totality and inter-relationship of all possible causes affecting the operations of the individual firm. The "contributed importantly" criterion which must be met for the firm to be certified is somewhat less stringent than the "substantial cause" criterion which is required for a positive determination in an industry investigation.

Under the program of adjustment assistance for firms authorized by the Trade Act, financial assistance to certified firms may take the form of direct loans and loan guarantees, and technical assistance, to enable a firm to

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establish a competitive position in the same or a different industry. Financial assistance may be used for the acquisition, construction, installation, modernization, expansion or conversion of fixed assets, or for working capital necessary for a firm to implement its adjustment plan. Technical assistance may be used for management and operational assistance, feasibility studies and related research to aid in developing and implementing a firm's recovery plan.

Firms may also benefit indirectly from financial assistance available to trade-impacted communities under provisions of the Trade Act in a manner similar to the public works, business development and Title IX programs administered by the Department's Economic Development Administration ("EDA") pursuant to the *Public Works and Economic Development Act of 1965*. These other programs of EDA provide business development loans to assist firms in certain designated areas identified on the basis of adverse employment factors; loans and grants to states, local governments and nonprofit organizations for acquiring, developing and improving public works and public service facilities; and grants to states and local areas for a comprehensive program of adjustment to an actual or threatened economic dislocation or adjustment problem.

Other Federal programs which might be of interest to growers of wrapper tobacco include those administered by the Farmers Home Administration, Department of Agriculture, of guaranteed loans to operators of family farms, either to make more efficient use of their land, labor and other resources; or to assist farmers in enlarging, improving and purchasing family farms, and to refinance debt so as to place the farming operation on a sound basis.

Additional information about the adjustment assistance program and copies of the report, *Prospects for Adjustment Assistance for Producers of Wrapper Tobacco*, are available from the Office of Public Affairs, Economic Development Administration, Room 7019, U.S. Department of Commerce, Washington, D.C. 20230 (telephone 202/967-5113).

JACK W. OSBURN, JR.,
Chief Trade Act Certification Division Office of Planning and Program Support.

[FR Doc.75-33685 Filed 12-12-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N-0202; DESI 366]

PROTOKYLOL HYDROCHLORIDE INJECTION AND EPINEPHRINE SUSPENSION IN OIL FOR INJECTION

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications or Pertinent Parts Thereof

A notice (DESI 366) was published in the FEDERAL REGISTER of July 11, 1972 (37 FR 13564), in which the Food and Drug Administration announced the following conclusions: that protokylol hydrochlorids for injection is less than effective (probably effective) for the symptomatic relief of acute and chronic bronchial asthma and for bronchospasm associated with emphysema, chronic bronchitis, and bronchiectasis; that it lacks substantial evidence of effectiveness for pulmonary fibrosis; and that epinephrine oil suspension is less than effective (probably effective) for symptomatic treatment of bronchial asthma, urticaria, angioedema, and hay fever. No additional data to support effectiveness were submitted and this notice proposes to withdraw approval of the drug products described below. Persons wishing to request a hearing may do so on or before January 14, 1976.

1. NDA 366; Adrenalin in Oil for injection containing epinephrine in suspension; formerly marketed by Parke, Davis and Co., Joseph Campau at the River, Detroit, MI 48232.

2. NDA 1-225; Epinephrine Suspension (in oil); formerly marketed by Endo Laboratories, Inc., 1000 Stewart Ave., Garden City, NY 11533.

3. That part of NDA 11-469 pertaining to Caytine Injection, an aqueous solution containing protokylol hydrochloride; Lakeside Laboratories, Division of Richardson-Merrell, Inc., 1707 E. North Ave., Milwaukee, WI 53203.

Sus-Phrine Suspension, an aqueous suspension of epinephrine (NDA 7-942), was also included in the July 11, 1972 DESI announcement. Data which were submitted for this product are under review and conclusions concerning it will be published in a future issue of the FEDERAL REGISTER.

Both Endo Laboratories, holder of NDA 1-225 for Epinephrine Suspension (in oil) and Parke, Davis and Co., holder of NDA 366 for Adrenalin in Oil have, by letters of August 2, 1972 and October 31, 1975, respectively, waived opportunity for a hearing, stating that those products are no longer being marketed. The purpose of naming those two products in this notice is to offer an opportunity for hearing to persons who manufacture or distribute a drug product which is identical, related, or similar to them, as defined in 21 CFR 310.6. Upon expiration of the time allowed for requesting a hearing, a final order will be published withdrawing approval of NDA 1-225 and NDA 366.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug products.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505 (e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before January 14, 1976, a written notice of appearance and request for hearing, and (2) on or before February 13, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 52 Stat. 1052-1053, as amended; 21 U.S.C. 355), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: December 5, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-33650 Filed 12-12-75;8:45 am]

[Docket No. 75N-0357]

OTC DRUG REVIEW PANEL ON ANTACID DRUG PRODUCTS

Availability of Certain Transcripts of Closed Sessions

On March 20, 1974, Dr. Sidney Wolfe, Director of the Health Research Group, filed suit in the United States District Court for the District of Columbia to obtain copies of verbatim transcripts of closed sessions of the over-the-counter (OTC) drug review panel on antacid drug products. *Wolfe* v. *Weinberger*, No. 74-454. The suit was based on the Freedom of Information Act (5 U.S.C. 552) and the Federal Advisory Committee Act (5 U.S.C. App. I). The Food and Drug Administration had denied access to the transcripts on the ground that they reflected internal deliberations of the antacid panel, and so were exempt from disclosure under both statutes pursuant to exemption 5 of the Freedom of Information Act (5 U.S.C. 552(b)(5)).

On October 31, 1975, the District Court (Richey, J.) ordered the transcripts to be produced. The court held that the transcripts are not exempt under 5 U.S.C. 552(b)(5). However, since all but one of the panel's meetings had occurred before January 5, 1973, the court expressly declined to reach any issue involving the Federal Advisory Committee Act, which was not effective until that date.

For this reason, and because the issue of the availability of exemption 5 to close deliberative sessions of advisory committees (and, by implication, to protect advisory committee transcripts) under the Federal Advisory Committee Act is presented in a case now pending in the United States Court of Appeals for the District of Columbia Circuit (*Aviation Consumer Action Project* v. *Washburn*, No. 75-1086), the Government has decided not to appeal the District Court's decision in *Wolfe* v. *Weinberger*. Moreover, the transcripts at issue were made available to the staff of the Subcommittee on Intergovernmental Relations and Human Resources of the House Committee on Government Operations. As a result, substantial portions of the transcripts about which some controversy had developed were introduced into the public record of hearings held before the subcommittee on May 9 and 12, 1975.

Accordingly, although no appeal of the narrow ruling in *Wolfe* will be taken, and the antacid panel's transcripts are therefore now available, the Commissioner of Food and Drugs does not regard the decision as necessitating a modification in existing policy, and where necessary and appropriate, will continue to authorize the closing of the deliberative portions of advisory committee meetings pursuant to exemption 5. The basis for this policy has been set forth numerous times; see, e.g., Notice of Meetings of Food and Drug Administration Advisory Committees published in the FEDERAL REGISTER of February 5, 1973 (38 FR 3345, 3347). The Department of Justice has advised the Food and Drug Administration that, because the decision in *Wolfe* is explicitly not based on the Federal Advisory Committee Act, the agency may adhere to its existing policy and, if necessary, defend that policy in court.

Dated: December 8, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc 75-33851 Filed 12-12-75;8:45 am]

Health Resources Administration

MEETINGS

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory bodies scheduled to assemble during the month of January 1976:

Name: National Advisory Council on Health Professions Education.

Date and Time: January 6-7, 1976, 8:30 a.m.

Place: Conference Room Number 6, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

Open on January 6, 8:30 a.m.—10:30 a.m.

Closed remainder of meeting.

Purpose: The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on its review of applications requesting such assistance.

Agenda: During the open portion of the meeting, the Council will receive general announcements, discuss pending legislation, review past minutes and set future meeting dates. During the closed session the Council will meet for the purpose of considering applications for Federal assistance submitted under the Dental Health Training of Auxilliary Management, the Dental Health Continuing Education, and the Special Project Preceptorship Training Programs, and will not be open to the public in accordance with the provisions set forth in section 552(b)(5) and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Resources Administration, pursuant to Public Law 92-463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Mrs. Lynn Stevens, Room 4C-02, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, Telephone (301) 496-6601.

Name: Health Services Research Study Section.

Date and Time: January 11-14, 1976, 9:00 a.m.

Place: Connecticut Room—3rd Floor, Holiday Inn—Bethesda, 8130 Wisconsin Avenue, Bethesda, Maryland 20014.

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Closed on January 11 (Sunday).

Open on January 12, 9:00 a.m.—10:00 a.m.

Closed remainder of meeting.

Purpose: The Study Section is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session of the meeting will be devoted to a business meeting covering administrative matters and reports. During the closed session the Study Section will be reviewing research grant applications for Federal assistance, relating to the delivery, organization, and financing of health services, and will not be open to the public in accordance with provisions set forth in section 552(b)(5) and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Resources Administration, pursuant to Public Law 92–463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Mr. Hoke Glover, Room 15–19, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, Telephone (301) 443–2920.

Name: Health Services Developmental Grants Study Section.

Date and Time: January 18–21, 1976, 1:00 p.m.

Place: Sir Francis Drake Hotel, 450 Powell Street, San Francisco, California 94102.

Open on January 18, 1:00 p.m.—2:00 p.m.

Closed remainder of meeting.

Purpose: The Study Section is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The Study Section, during the open session, will review the Administrative Report, Minutes, establish future meeting dates and discuss other related general matters. The Study Section, during the closed session, will be reviewing research grant applications for Federal assistance, and will not be open to the public in accordance with the provisions set forth in section 552(b)(5) and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Resources Administration, pursuant to Public Law 92–463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Mr. David McFall, Room 15–19, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, Telephone (301) 443–2930.

Name: Health Care Technology Study Section.

Date and Time: January 18–21, 1976, 2:00 p.m.

Place: January 18, New Jersey Room, Holiday Inn-Bethesda, 8130 Wisconsin Avenue, Bethesda, Maryland 20014.

Place: January 19–21, Conference Room "G", Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Closed on January 18 (Sunday).

Open January 19, 9:00 a.m.—10:00 a.m.

Closed remainder of meeting.

Purpose: The Study Section is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session of the meeting will be devoted to a business meeting covering administrative matters and reports. During the closed session, the Study Section will be reviewing research grant applications for Federal assistance, relating to the delivery, organization, and financing of health services, and will not be open to the public in accordance with the provisions set forth in section 552(b)(5) and (6), Title 5, U.C. Code and the Determination by the Administrator, Health Resources Administration, pursuant to Public Law 92–463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Mr. Jonathan Bromberg, Room 15–19, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, Telephone (301) 443–2920.

Agenda items are subject to change as priorities dictate.

Dated: December 5, 1975.

JAMES A. WALSH,
Associate Administrator for Opertaions and Management.

[FR Doc.75–33646 Filed 12–12–75;8:45 am]

TASK FORCE ON ANNUAL REPORT ON THE NATION'S HEALTH

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to assemble during the month of January 1976:

Name: Task Force on Annual Report on the Nation's Health—United States National Committee on Vital and Health Statistics.

Date and Time: January 13–14, 1976, 9:30 a.m.

Place: Conference Room 8–08, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Open for entire session.

Purpose: The United States National Committee on Vital and Health Statistics assists and advises on an annual report on the state of the Nation's health, its health services, their costs and distributions, and to make proposals for improvement of the Nation's health statistics and health information systems.

Agenda: The annual report on the Nation's Health as mandated by Public Law 93–353, will be reviewed by members of the National Committee. The report identifies problems and issues and clarifies the nature of the complex relationships surrounding the problems of health care and its organization.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Mr. James A. Smith, Room 8–21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, Telephone (301) 443–1470.

Dated: December 8, 1975.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.75–33647 Filed 12–12–75;8:45 am]

Office of the Secretary

COMMUNITY HEALTH CENTERS

Delegation of Authority

Notice is hereby given that the following delegation and redelegations have been made, with authority for further redelegation, under section 330 of the Public Health Service Act, as added by section 501 of Pub. L. 94–63, providing for Community Health Centers:

1. Delegation from the Secretary to the Assistant Secretary for Health of all authorities vested in the Secretary of Health, Education, and Welfare by section 330 of the Public Health Service Act with the exception of authority to issue regulations.

2. Redelegation from the Assistant Secretary for Health to the Regional Health Administrators of authority under section 330 of the Public Health Service Act for grants within their respective regions other than grants that are national or multi-regional in scope.

3. Redelegation from the Assistant Secretary for Health to the Administrator, Health Services Administration of all authorities under sections 330 of the Public Health Service Act except those specifically redelegated to the Regional Health Administrators.

This redelegation includes authority for grants that are national or multi-regional in scope.

The above delegation and redelegations were effective on November 25, 1975.

Dated: December 3, 1975.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.75–33703 Filed 12–12–75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA–490–DR; NFD–313]

HAWAII

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on December 7, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Hawaii resulting from earthquakes, seismic sea waves, and volcanic action beginning about November 29, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of Hawaii.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Robert C. Stevens, HUD Region IX, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Hawaii to have been adversely affected by this declared major disaster:

The County of: Hawaii

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: December 8, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75–33679 Filed 12–12–75;8:45 am]

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), IT IS HEREBY ORDERED that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on January 21, 1976, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before January 7, 1976.

6. The Respondent is HEREBY NOTIFIED that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: December 4, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75–33675 Filed 12–12–75;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N–75–464]

BEAVER LAKE

Notice of Hearing

In the matter of Beaver Lake, OILSR No. 0–1331–32–3(A–K) Doc. No. 75–245–IS. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Beaver Lake Corporation, Robert L. Gerlach, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90–448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued October 29, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Beaver Lake, located in Cass County, Nebraska, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received November 19, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), IT IS HEREBY ORDERED that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on January 21, 1976, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before January 7, 1976.

6. The Respondent is HEREBY NOTIFIED that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: December 4, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75–33676 Filed 12–12–75;8:45 am]

[Docket No. N–75–467]

PINEHURST

Notice of Hearing

In the matter of Pinehurst, OILSR No. 0–1644–38–36, 0–1644–38–36(A) Docket No. 75–218–IS. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Pinehurst Incorporated, William C. Brent, Chairman of the Board, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90–448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued October 6, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Pinehurst, located in Moore County, North Carolina, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received October 30, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

[Docket No. N–75–465]

SALT FORK CAMPGROUNDS

Notice of Hearing

In the matter of Salt Fork Campgrounds, OILSR No. 0–3125–41–30, 0–3125–41–30(A) Doc. No. 75–242–IS. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Salt Fork Campgrounds, Inc., Ray Melton, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90–448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued October 15, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Salt Fork Campgrounds, located in Ohio state, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received October 30, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

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3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), IT IS HEREBY ORDERED that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on January 20, 1976, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before January 6, 1976.

6. The Respondent is HEREBY NOTIFIED that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: December 4, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-33677 Filed 12-12-75;8:45 am]

[Docket No. N-75-466]

YOGI BEAR JELLYSTONE PARK CAMP RESORT

Notice of Hearing

In the matter of Yogi Bear Jellystone Park Camp Resort, OILSR No. 0-3524-41-37, 0-3524-41-37(A), Doc. No. 75-241-IS. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Land Unlimited, Inc., B. J. Bryant, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued October 15, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Yogi Bear Jellystone Park Camp Resort, located in Ohio State, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received October 31, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), IT IS HEREBY ORDERED that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on January 19, 1976, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before January 5, 1976.

6. The Respondent is HEREBY NOTIFIED that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary,

Dated: December 4, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-33678 Filed 12-12-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

[Docket No. EX74-4; Notice 4]

AM GENERAL CORP.

Petition for Temporary Exemption From Motor Vehicle Safety Standard

AM General Corporation of Detroit, Michigan, has been granted an exemption until February 1, 1976, of its temporary exemption from Motor Vehicle Safety Standard No. 103, *Windshield Defrosting and Defogging Systems*.

Notice of the company's petition was published on October 10, 1975, (40 FR 47826) and an opportunity afforded for comment.

On August 26, 1974, notice was published in the FEDERAL REGISTER (39 FR 30853) of AM General's petition to manufacture 300 electric delivery vans for the U.S. Postal Service without windshield defrosting systems. The basis of the petition was that an exemption would facilitate the development and field evaluation of a low-emission motor vehicle. The Administrator granted AM General's petition on November 7, 1974 (39 FR 39439), issuing an exemption. Because "numerous 'in-house' and vendor oriented problems have slowed down our anticipated monthly production schedule" and "a safety related defect . . . has further delayed production of these vehicles," AM General "found it impossible to finish production of the remaining vehicles by the deadline of November 1, 1975" and requested an extension of its exemption to February 1, 1976.

No comments were received on the petition.

The vehicles for which AM General Corporation seeks an extension of its exemption are those that it intended to produce under the original exemption and represent the completion of its contract with the US Postal Service. Therefore, there is no valid reason not to allow it to do so.

In consideration of the foregoing, the Administrator finds that an extension of NHTSA Exemption No. 74-4 would facilitate the development and field evaluation of a low emission motor vehicle, and that such extension would be in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act. Accordingly, NHTSA Exemption No. 74-4, from 49 CFR 571.103, Motor Vehicle Safety Standard No. 103, *Windshield Defrosting and Defogging Systems*, is hereby extended to February 1, 1976.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.50.)

Issued on December 10, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-33672 Filed 12-12-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25476]

AIRLINE TARIFF PUBLISHERS, INC.

Notice of Prehearing Conference on Remanded Proceeding

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 4, 1976, at 10:00 a.m. (local time), in Room 1003-B, Universal North Building, 1875 Connecticut Ave. NW., Washington, D.C., before Administrative Law Judge Janet D. Saxon.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before January 16, 1976, and the other parties on or before January 26, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., December 9, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-33709 Filed 12-12-75;8:45 am]

[Docket No. 27982]

ALOHA AIRLINES, INC.

Notice of Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge Dee C. Blythe to Administrative Law Judge Richard M. Hartsock. Future communications should be addressed to Judge Hartsock.

Dated at Washington, D.C., December 9, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-33708 Filed 12-12-75;8:45 am]

CONDOR FLUGDIENST GMBH

[Docket No. 27802]

Notice of Reassignment of Proceeding Regarding Charter Permit Renewal (German)

This proceeding has been reassigned from Administrative Law Judge Dee C. Blythe to Administrative Law Judge Richard M. Hartsock. Future communications should be addressed to Judge Hartsock.

Dated at Washington, D.C., December 9, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc. 75-33705 Filed 12-12-75;8:45 am]

[Docket No. 27919]

THE FLYING TIGER LINE INC., ET AL.

Notice of Hearing Regarding Enforcement Proceeding

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on January 26, 1976, at 10:00 a.m. (local time), in Room 1003-B, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Janet D. Saxon.

Dated at Washington, D.C., December 9, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-33706 Filed 12-12-75;8:45 am]

NIGERIA AIRWAYS, LIMITED

[Docket No. 27970]

Notice of Reassignment of Proceeding Regarding Foreign Permit Renewal (Nigeria-U.S.)

This proceeding has been reassigned from Administrative Law Judge Dee C. Blythe to Administrative Law Judge Richard M. Hartsock. Future communications should be addressed to Judge Hartsock.

Dated at Washington, D.C., December 9, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-33707 Filed 12-12-75;8:45 am]

[Docket No. 27914]

TOURIST ENTERPRISES CORP., "ORBIS"

Notice of Reassignment of Proceeding

In the matter of Tourist Enterprises Corp., "ORBIS" d/b/a Polish Travel Bureau, Inc., and d/b/a Pargiello Services, Inc.

This proceeding has been reassigned from Administrative Law Judge Dee C. Blythe to Administrative Law Judge Richard M. Hartsock. Future communications should be addressed to Judge Hartsock.

Dated at Washington, D.C., December 9, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-33710 Filed 12-12-75;8:45 am]

[Docket 28146]

WESTERN AIR LINES, INC.

U.S.-MEXICO PASSENGER FARES

Prehearing Conference

Correction

In FR Doc. 75-32825 appearing on page 56963 in the issue for Friday, December 5, 1975, in the second complete paragraph, after the fifth line, add the following material: "proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5)".

CIVIL SERVICE COMMISSION

NOTICE OF REVOCATION OF AUTHORITY TO MAKE A NONCAREER EXECUTIVE ASSIGNMENT

Department of Transportation

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Trahsportation to fill by noncareer executive assignment in the excepted service the position of Assistant Administrator for Information Services, Office of Public Affairs, Federal Aviation Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-33912 Filed 12-12-75;11:28 am]

FEDERAL COMMUNICATIONS COMMISSION

ADVISORY COMMITTEE TO ASSIST FCC STEERING COMMITTEE IN PREPARATION FOR 1979 ITU WORLD ADMINISTRATIVE RADIO CONFERENCE

Cancellation of Meeting

DECEMBER 9, 1975.

The meeting of the Industry Advisory Committee previously scheduled for December 15, 1975 has been cancelled. Instead, the meeting of the Committee has been rescheduled for Monday, January 19, 1976, at 10:00 a.m. in Room 8210 of the Commission's offices located at 2025 M Street NW., Washington, D.C.

The agenda will include the following:

(a) Discussion of a program of monitoring to ascertain spectrum occupancy;

(b) Issues identified at the November 3, 1975 meeting as well as any new issues identified subsequently; and

(c) Reports of the Functional Committee Chairmen and Steering Committee Representatives regarding progress made in their Conference preparatory areas of responsibility.

Membership on the Committee is limited to Commission invitation; however, attendance at this meeting will be open to the general public and any written comments will be accepted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-33694 Filed 12-12-75;8:45 am]

RADIO ASTRONOMY SERVICE WORKING GROUP FOR 1979 ITU WORLD ADMINISTRATIVE RADIO CONFERENCE

Meeting

DECEMBER 9, 1975.

A meeting of the Radio Astronomy Srevice Working Group for the 1979 General World Administrative Radio Conference is scheduled to be held on Monday, January 5, 1976, at 9:30 a.m. in Room 752 of the Commission's offices located at 1919 M Street NW., Washington, D.C. The agenda for this meeting will consist of the following:

1. Tutorial session on significance of radioastronomy.

2. Discussion of priorities among present and proposed radio astronomy service frequency allocations.

3. Justification for specific spectral line allocations and prognosis concerning new lines.

4. Adjacent band problems.

5. FCC requirements for information from radio astronomy community.

The advisory committee meeting is open to the general public and any writ-

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ten comments will be accepted before or after the meeting.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-33699 Filed 12-12-75;8:45 am]

RED CARPET FLYING SERVICE AND MOUNTAIN AIR AVIATION, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In the matter of applications of Red Carpet Flying Service, Walla Walla, Washington (Docket No. 20635; File No. 59-A-L-85) and Mountain Air Aviation, Inc., Walla Walla, Washington (Docket No. 20636; File No. 20-A-L-95) For an aeronautical advisory station to serve the Walla Walla City-County Airport, Walla Walla, Washington.

1. Red Carpet Flying Service (hereinafter called Red Carpet) and Mountain Air Aviation, Inc. (hereinafter called Mountain Air) have each filed a new application for authority to operate an aeronautical advisory station at the same airport. Since § 87.251(a) of the Commission's rules provides that only one aeronautical advisory station may be authorized at a landing area, the above-captioned applications are mutually exclusive. Accordingly, it is necessary to designate the applications for comparative hearing in order to determine which application should be granted. Except for the issues specified herein, each applicant is otherwise qualified.

2. In view of the foregoing, IT IS ORDERED, That pursuant to the provisions of § 309(e) of the Communications Act of 1934, as amended, and § 0.331 of the Commission's rules, the above-captioned applications ARE HEREBY DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING at a time and place to be specified in a subsequent Order on the following comparative issues: (a) to determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules.

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine in light of the evidence adduced on the foregoing issues which of the applications should be granted.

3. *It is further ordered*, That to avail themselves of an opportunity to be heard, Red Carpet and Mountain Air, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted: November 21, 1975.

Released: November 25, 1975.

[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.75-33698 Filed 12-12-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[No. 75-1104]

CONSERVATOR

Notice of Appointment

DECEMBER 10, 1975.

Whereas, by the Federal Home Loan Bank Board Resolution No. 75-1099 dated December 10, 1975, the Federal Home Loan Bank Board, acting under the authority conferred upon it by Section 5(d)(6) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464 (d)(6)), appointed a Conservator for Popular Federal Savings and Loan Association, Miami, Florida; and

Whereas, Section 547.4 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 547.4) requires that a certified copy of notice of such action be mailed to the Association, and that notice of such action also be filed forthwith for publication in the FEDERAL REGISTER;

Now, therefore, be is resolved, that the Secretary to the Board is directed to file the following notice for publication in the FEDERAL REGISTER, and to mail said notice by certified mail to the address of record of Popular Federal Savings and Loan Association, Miami, Florida:

Notice is hereby given that on December 10, 1975, the Federal Home Loan Bank Board by Resolution No. 75-1099 appointed Francis O. Betzold, as Conservator for Popular Federal Savings and Loan Association, Miami, Florida, pending further disposition of said Association and its affairs, and, as such Conservator, to have an exercise all the powers, rights and privileges, and assume and perform all of the duties and responsibilities, of a Conservator accorded or imposed by and subject to the provision of law, the Rules and Regulations for the Federal Savings and Loan System, and orders issued by the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN,
Secretary.

[FR Doc.75-33748 Filed 12-12-75;8:45 am]

FEDERAL MARITIME COMMISSION

PORT AUTHORITY OF NEW YORK AND NEW JERSEY, ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 5, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

PORT AUTHORITY OF NEW YORK AND NEW JERSEY, SEA-LAND SERVICE, INC. AND PUERTO RICO MARITIME SHIPPING AUTHORITY

Notice of Agreement Filed by:

E. J. Sheppard, Esquire, Morgan, Lewis and Bocklus, 1800 M Street NW., Washington, D.C. 20036.

Agreement No. T-3036-1, between Port Authority of New York and New Jersey (Authority), Sea-Land Service, Inc., (Sea-Land) and Puerto Rico Maritime Shipping Authority (PRMSA), modifies the parties' basic agreement which provides for the sublease from Sea-Land to PRMSA of certain facilities located in Elizabeth, New Jersey. The purpose of the modification is: (1) to delete section 8(c) in its entirety; (2) decrease the amount of the basic rental; and (3) make other minor technical changes.

By Order of the Federal Maritime Commission.

Dated: December 10, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-33733 Filed 12-12-75;8:45 am]

SEA-LAND SERVICE, INC. AND PUERTO RICO MARITIME SHIPPING AUTHORITY

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 5, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

E. J. Sheppard, Esquire, Morgan, Lewis and Bocklus, 1800 M Street NW., Washington, D.C. 20036.

Agreement No. T-3193, between Sea-Land Service, Inc., and Puerto Rico Maritime Shipping Authority, provides for the preferential interchange of container cranes. As compensation, the party using the other party's crane shall pay: (1) the sum of $300 per hour for a guaranteed minimum of four hours of usage per day; and (2) a proportional amount of any and all applicable license fees or taxes assessed or levied as a consequence of the use or possession of the licensed crane.

By Order of the Federal Maritime Commission.

Dated: December 10, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-33732 Filed 12-12-75;8:45 am]

FEDERAL POWER COMMISSION

[Rate Schedule Nos. 79, etc.]

AMOCO PRODUCTION CO., ET AL.

Rate Change Filings

DECEMBER 8, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before December 19, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Nov. 14, 1975	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	79	United Gas Pipe Line Co.	Texas Gulf Coast.
Nov. 17, 1975	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	354	Northern Natural Gas Co.	Permian Basin.
Nov. 20, 1975	Cities Service Oil Co., Box 300, Tulsa, Okla. 74102.	177	El Paso Natural Gas Co.	Do.
Nov. 24, 1975	HNG Oil Co., P.O. Box 2267, Midland, Tex. 79701.	29	do	Do.
Do	do	30	do	Do.
Do	Texaco Inc., P.O. Box 52332, Houston, Tex. 77052.	272	Texas Eastern Transmission Corp.	Texas Gulf Coast.

[FR Doc.75-33643 Filed 12-12-75;8:45 am]

[Docket No. RP76-18]

ARKANSAS LOUISIANA GAS CO.

Order Denying Motion for Reconsideration

DECEMBER 8, 1975.

On October 31, 1975 Arkansas Louisiana Gas Company (Arkla) filed an Answer to Petition to Intervene and Protest of Arkansas-Missouri Power Company and Motion for Consideration of Order requesting the Commission to suspend the proposed change in rates for transportation service[1] for one day rather than five months as ordered. Arkansas-Missouri Power Company (Ark-Mo) filed an Answer to Motion for Reconsideration on November 7, 1975.

Arkla contends that "no justification can be given for a five-month suspension." However, the holding in *Municipal Light Boards of Reading and Wakefield* v. *F.P.C.*, 450 F.2d 1341 (D.C. Cir. 1971) indicates that the length of suspension is a non-reviewable and discretionary determination of the Commission. Moreover, our Order of October 31, 1975 stated, *inter alia*, that the following issues should be given "careful consideration" by the parties to this proceeding: "propriety of charging Ark-Mo on the basis of system-wide transportation and storage costs, the claimed increases in wages and employee benefits, materials and supplies expenses, and the claimed overall return of 12.23%." Based on our review and reconsideration of Arkla's filing and motion we have concluded that a five-month suspension was justified.

Arkla asserts in its motion that because the Commission failed to address the issue of the justness and reasonableness of the existing transportation charge of 3.56 cents per Mcf we "implicitly recognize that the 3.56 cents per Mcf rate is too low".

This assertion clearly misinterprets our order. Under the Natural Gas Act, the Commission's power to suspend is limited to "new schedules" filed by any natural gas company after thirty days notice to the Commission and the public. Section 4 (d) and (e) of the Act, 15 U.S.C. §§ 717c(d) and (e). By suspending a proposal, we make no decision concerning the justness and reasonableness of an existing rate. Accordingly, our Order of October 31, 1975 in this proceeding does not address the issue of Arkla's existing rate, but relates to the propriety of Arkla's proposed rate.

The Commission finds. Good cause exists to deny Arkla's Motion for Reconsideration.

[1] Second Revised Sheet No. 44 and First Revised Sheet No. 47 to First Revised Volume No. 2 of Arkla's FPC Gas Tariff.

V40241 DEC 15 75 XUM

The Commission orders. (A) Arkla's Motion for Consideration is hereby denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33631 Filed 12-12-75;8:45 am]

[Docket No. ER76-311]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Proposed Changes in FPC Electric Service Tariffs

DECEMBER 8, 1975.

Take notice that Central Illinois Public Service Company (Company) on December 1, 1975, tendered for filing changes in its FPC Electric Tariffs proposing to revise (1) Rate Schedule W-1 for wholesale elecric service to electric cooperatives, (2) Rate Schedule W-2 for wholesale electric service to municipal customers purchasing their total requirements and (3) Service Schedule W-3 for wholesale electric service to customers purchasing partial requirements to supplement their own generation. Company also filed a new service agreement with Mt. Carmel Public Utility Co. which provides that the charges for service under the agreement will be based upon Company's Service Schedule W-3. The proposed tariff changes would increase revenues from jurisdictional sales and service by an aggregate of $2,881,424.42 based on calendar year 1975.

Company proposes to make the tariff changes effective January 1, 1976, for some customers and for other customers upon the expiration of the various effective periods for the rates and charges currently specified in the agreements between the Company and those customers.

Company states that the proposed tariff revisions contain an upward adjustment in the rate level to more adequately reflect current and anticipated economic conditions. Company states further that the proposed revisions to Rate Schedule W-1 resulted from a settlement which was reached after extended negotiations.

Copies of the filing were served upon Company's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33632 Filed 12-12-75;8:45 am]

[Docket No. C 176-254]

GENERAL AMERICAN OIL COMPANY OF TEXAS, ET AL.

Application

DECEMBER 8, 1975.

Take notice that on November 4, 1975, American General Oil Company of Texas (Operator), *et al.*, Meadows Building, Dallas, Texas 75206, filed in Docket No. CI76-254 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sale for resale of natural gas in interstate commerce from the Lawson Field, Acadia Parish, Louisiana, to Texas Gas Transmission Corporation (Texas Gas), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the reserves dedicated to the contract on file as its FPC Gas Rate Schedule No. 73 are depleted and that the well has been plugged and abandoned. Applicant states further that the leases covered by the contract have expired and have been released.

It is also stated that Texas Gas has agreed not to object to the abandonment of the subject sale on the condition Applicant grant Texas Gas the exclusive option to purchase any gas which may ever be produced in the future from the properties by Applicant, which option Applicant states it is unwilling to grant although it has no present intention of acquiring an interest in said properties. It is further stated that Texas Gas also insists on said condition as a condition precedent to its concurrence in contract termination.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 19, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33633 Filed 12-12-75;8:45 am]

[Docket No. CI76-354]

GENERAL AMERICAN OIL COMPANY OF TEXAS, ET AL.

Application

DECEMBER 8, 1975.

Take notice that on November 4, 1975, General American Oil Company of Texas (Operator), *et al.* (Applicant), Meadows Building, Dallas, Texas 75206, filed in Docket No. CI76-254 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon sales for resale of natural gas in interstate commerce from the Lawson Field, Acadia Parish, Louisiana, to Texas Gas Transmission Corporation (Texas Gas), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the reserves dedicated to the contract on file as its FPC Gas Rate Schedule No. 81 are depleted and that the well has been plugged and abandoned. Applicant states further that the leases covered by the contract have expired and have been released. It is also stated that Texas Gas has agreed not to object to the abandonment of the subject sales on the condition that Applicant grant Texas Gas the exclusive option to purchase any gas which may ever be produced in the future from the properties by Applicant, which option Applicant states it is unwilling to grant although it has no present intention of acquiring an interest in said properties. It is further stated that Texas Gas also insists on said condition as a condition precedent to its concurrence in contract termination.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not

serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33634 Filed 12-12-75;8:45 am]

[Docket No. RP73-17 (PGA76-1)]

GRANITE STATE GAS TRANSMISSION, INC.

Proposed Changes in Rates Pursuant to Purchased Gas Adjustment Provision

DECEMBER 8, 1975.

Take notice that Granite State Gas Transmission, Inc. (Granite State), on December 1, 1975, tendered for filing Tenth Revised Sheet No. 3A and Substitute Tenth Revised Sheet No. 3A in its FPC Gas Tariff, Original Volume No. 1, containing proposed changes in rates to be effective January 1, 1976.

According to Granite State, the instant filing is made pursuant to a purchased gas cost adjustment provision in its tariff, previously approved by the Commission on December 14, 1972, in Docket No. RP73-17 and the proposed changes, submitted on alternate sheets, reflect alternate changes in the cost of gas purchased from its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., which Tennessee has proposed to make effective January 1, 1976.

Granite State further states that its proposed purchased gas cost changes are applicable to its sales to Northern Utilities, Inc. (Northern) which is Granite State's sole jurisdictional customer. According to Granite State, the annual effect on Northern of the proposed rates contained on Tenth Revised Sheet No. 3A is $152,604 and the annual effect of the proposed rates contained on Substitute Tenth Revised Sheet No. 3A is $167,633. Both estimates are based on purchases from Tennessee and sales to Northern for the twelve months ended October 31, 1975.

According to Granite State, copies of the filing were served upon Northern and the regulatory commissions of the States of Maine and New Hampshire.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 23, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33635 Filed 12-12-75;8:45 am]

[Docket No. ER76-265]

MISSISSIPPI POWER & LIGHT CO.

Agreement

DECEMBER 8, 1975.

Take notice that on November 18, 1975, Mississippi Power & Light Company (MP&L) tendered for filing an Agreement for Municipal Wholesale Electric Service dated October 21, 1975, providing for delivery of power to the City of Itta Bena, Mississippi (City). This Agreement incorporates MP&L's Rate Schedule MW-13 (Revised) which is presently effective, subject to refund, pending the outcome of the proceeding in Docket No. E-9058.

MP&L requests that the Agreement become effective on the date initial service may actually be rendered. MP&L states it will advise the Commission of that date.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33636 Filed 12-12-75;8:45 am]

[Docket No. ER76-17]

OHIO POWER CO.

Order Extending Procedural Dates and Requiring Submission of Data

DECEMBER 8, 1975.

On July 21, 1975, Ohio Power Company (Ohio) tendered for filing a proposed rate increase to Wheeling Electric Company, a corporate affiliate. On August 29, 1975, the Commission accepted the proposed tariff sheets for filing and suspended their effectiveness until November 1, 1975. By order of November 6, 1975, the procedural dates in this docket were extended five weeks. This was done in response to Staff's motion asking for a twelve week extension, which motion was opposed by Ohio.

On November 13, 1975, Staff filed this motion asking for a further extension of procedural dates and asking the Commission to set a date for Ohio to submit a response to Staff's data request of October 31, 1975. Staff points out that the requested data is necessary for Staff to prepare testimony and accordingly it will need time to evaluate the data after it is submitted. Ohio's response indicates that they will serve a response to Staff's data request but they oppose a further extension of time.

Our review of this motion indicates that the public interest will best be served by granting Staff's motion for extending procedural dates and fixing a date certain for submission of the data.

The Commission finds. The granting of Staff's motion will be in the public interest and it should be granted.

The Commission orders. (A) The motion of Staff is granted.

(B) Ohio shall respond to Staff's data request on or before December 12, 1975.

(C) The procedural dates in this proceeding are extended as follows:

Service of Staff Testimony, January 13, 1976.
Service of Intervenor Testimony, February 3, 1976.
Service of Company Rebuttal, February 24, 1976.
Hearing, March 9, 1976.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33637 Filed 12-12-75;8:45 am]

[Docket No. R-472]

OHIO RIVER PIPELINE CORP.

Request for Waiver

DECEMBER 8, 1975.

Request for waiver of requirements to file Form 16 Reports in accordance with Order Nos. 489 and 523.

By Order Nos. 489 and 523 issued in Docket No. R-472 on August 24, 1973, and February 6, 1975, respectively, the Commission promulgated § 260.12 of Statements and Reports (Schedules), (18 CFR 260.12), which requires interstate natural gas pipeline companies

V40241 DEC 15 75 XUM

making sales of natural gas for resale in interstate commerce to file a semi-annual report of gas supply, requirements and curtailments, designated as FPC Form No. 16.

Ohio River Pipeline Corporation (Ohio), a Class A pipeline company, has requested, by letter dated September 18, 1975, that it be granted a waiver of the reporting requirements of § 260.12. Ohio purchases all of its natural gas from Texas Gas Transmission Corporation (Texas Gas) and sells all of its gas to Indiana Gas Corporation (Indiana). Ohio's gas supply, requirements and curtailments are reflected in the FPC Form No. 16 filed by Texas Gas.

Ohio also has requested that it be exempted from filing FPC Form No. 17. By letter from the Secretary dated November 10, 1972, the Commission staff requested that natural gas companies file FPC Form No. 17. The language of the aforementioned letter requests that such information, a *Monthly Report of Natural Gas Pipeline Curtailments*, be submitted. The report is one generated by the staff and not by direction of the Commission. The filing of Form No. 17 is voluntary. Since it is filed on a voluntary basis, no exemption from filing the Form is required.

The Commission finds. (1) Ohio has demonstrated good cause for the waiver of the reporting requirements of § 260.12 of Statements and Reports (Schedules).

(2) A waiver of the reporting requirements of FPC Form No. 17 is not necessary because such filing is not mandatory.

The Commission orders. (A) The request of Ohio for a waiver of the reporting requirements of Form No. 16 under Order No. 489 and 523 is granted, subject to further review should its operations change in the future.

(B) The request for waiver of Form No. 17 is rejected as unnecessary.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33642 Filed 12-12-75;8:45 am]

[Docket No. ER76-282]

OKLAHOMA GAS AND ELECTRIC CO.

Amended Fuel Clause

DECEMBER 8, 1975.

Take notice that on November 24, 1975, Oklahoma Gas and Electric Company (OG&E) tendered for filing an amended Fuel Cost Adjustment clause which replaces the Fuel clause in its standard rate schedules PN-1 and PN-2. This amended clause affects 26 FPC Rates of OG&E.

OG&E requests an effective date of January 1, 1976, for this clause.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33638 Filed 12-12-75;8:45 am]

[Docket No. ER76-283]

OKLAHOMA GAS AND ELECTRIC CO.

Agreement

DECEMBER 8, 1975.

Take notice that on November 24, 1975, Oklahoma Gas and Electric Company (OG&E) tendered for filing an Agreement between it and Red River Valley Rural Electric Association, dated July 23, 1975, which provides for wholesale electric service at a new point of delivery, called the Wolfe Creek point.

OG&E states that this Agreement will be under its Standard Rural Electric Cooperative Rate Schedule, PN-2 which is its standard schedule for service to Rural Electric Cooperatives. OG&E also included a Fuel Cost Adjustment clause to conform to the requirements of § 35.14 of the Commission's Regulations as amended by Order No. 517.

OG&E requests an effective date of July 24, 1975, and that the notice requirement be waived to allow this date.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33639 Filed 12-12-75;8:45 am]

[Docket No. CI73-617]

PIONEER PRODUCTION CORP.

Order Granting Petition for Special Relief

NOVEMBER 21, 1975.

On March 6, 1974, Pioneer Production Corporation (Pioneer) filed in Docket No. CI73-617 a petition for special relief from the Hugoton-Anadarko Area rate ceiling pursuant to Opinion No. 586[1] and § 1.7 (b) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(b)) for a sale of natural gas to Northern Natural Gas Company (Northern) from the McQuiddy No. 1 and McQuiddy No. 2 wells located in Hemphill County, Texas.

Pioneer owns a 25% working interest in the McQuiddy No. 1 and No. 2 wells. By letter orders of August 30, 1973 and March 1, 1974, the Commission issued temporary certificates authorizing pioneer to sell its interest in the gas produced from the subject wells to Northern at the applicable area rate ceiling for new gas of 21.5 cents per Mcf pursuant to a gas sales contract dated February 27, 1973 and designated as Pioneer's FPC Gas Rate Schedule No. 43. In its petition for special relief Pioneer stated that the operator of the wells had entered into an agreement with a compression contractor for compression of the gas from the two wells in order that the gas could be delivered against the pressures in Northern's lines. Pioneer requested that the Commission grant it special relief from the area rate ceiling and allow Pioneer to collect either (a) 5 cents per Mcf for compression charges as provided by its contract with Northern, or (b) the amount actually incurred by Pioneer for compression charges.

Following the issuance of Opinion No. 699 and subsequent orders in Docket No. R-389-B, Pioneer filed for rate increases to the nationwide rate as established by Opinion No. 699-H for its sales from the subject wells to Northern. Subsequently, on June 2, 1975, Pioneer filed an amended petition for special relief in Docket No. CI73-617, seeking special relief from the nationwide rate, and again requesting that the Commission authorize Pioneer to collect either 5 cents per Mcf or the amounts actually incurred by Pioneer for compression charges. Pioneer avers that it cannot economically continue to absorb its compression costs and still maintain service.

Notice of Pioneer's petition for special relief was issued on March 14, 1974, and appeared in the Federal Register on March 21, 1974, at 39 FR 10666. No protests or petitions to intervene have been filed.

Pioneer's contract with Northern provides for Northern to pay 5 cents per Mcf to Pioneer in the event that Pioneer must compress the gas produced from the subject wells. Consequently, Pioneer is entitled to receive no more than 5 cents per Mcf for compression charges.

In seven previous special relief proceedings involving only expenditures for compression facilities,[2] we granted relief based on consideration of the incremental cost of compression and the additional reserves recoverable as a result thereof. In this proceeding Pioneer seeks similar relief, i.e., an increase in its current rate to correspond to the added expense of compression.

Based on its analysis of data submitted by Pioneer, Staff estimates that 103.869 Mcf remain to be produced as of July 1, 1975, and concludes that, based on the incremental cost of compression, Pioneer is entitled to collect 5 cents per Mcf for compression costs in addition to the national rate it is currently collecting. After a careful review of the costs to be incurred and the reserves to be recovered, we conclude that it is in the public interest to grant Pioneer's amended petition.[3]

The Commission orders. (A) Pioneer's amended petition for special relief filed June 2, 1975, is hereby granted.

(B) Pioneer is authorized to collect an additional 5.0 cents per Mcf at 14.65 psia, in addition to the national rate it is collecting pursuant to Opinion No. 699-H, for gas produced from the McQuiddy No. 1 and No. 2 wells, effective on the date that Pioneer files an appropriate notice of rate change filing pursuant to § 154.94 of the Commission's Regulations under the Natural Gas Act (18 CFR Section 154.94).

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33629 Filed 12-12-75;8:45 am]

[Docket No. CP75-306, etc.]

TEXAS EASTERN TRANSMISSION CORP., ET AL.

Texas Eastern Transmission Corp., Trunkline Gas Co. (Docket No. CP75-306); Texas Eastern Transmission Corp., United Gas Pipe Line Co., (Docket No. CP67-26); Texas Eastern Transmission Corp., (Docket No. CP73-297); Texas Eastern Transmission Corp., Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Docket No. CP75-355); Texas Eastern Transmission Corp. (Docket No. G-6508).

Findings and Order After Statutory Hearing Consolidating Applications, Granting Permission and Approval To Abandon, Issuing Certificate of Public Convenience and Necessity, Amending Orders and Granting Interventions

NOVEMBER 21, 1975.

On April 15, 1975, Texas Eastern Transmission Corporation (Texas Eastern) filed in Docket No. CP75-306 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a portion of its interstate gas transmission facilities for the purpose of using such abandoned facilities in connection with the transportation of petroleum products.

In order to implement the proposed pipeline conversion, Texas Eastern, in conjunction with several other interstate pipelines, has filed four related applications requesting exchange and/or construction authorization to enable Texas Eastern to continue service from existing sources of gas supply or exchange gas now connected to its Provident City—Beaumont line proposed to be abandoned in Docket No. CP75-306.

Texas Eastern requests authorization in Docket No. CP75-306 to abandon approximately 202 miles of its Provident City—Beaumont pipeline along with 6,200 horsepower of compression at two compressor stations located along said pipeline. Texas Eastern states that after grant of abandonment it will transfer the Provident City—Beaumont line to its Products Pipeline Division for use as a common carrier of petroleum products. Texas Eastern intends to reconnect gas supplies currently being transported through its Provident City—Beaumont line by reconnection to Texas Eastern's parallel 30-inch McAllen pipeline or connection to the systems of other interstate pipeline companies with whom it proposes to engage in exchange arrangements. Texas Eastern proposes to charge the total cost of such reconnections, estimated at $605,000, to its Products Pipeline Division and will not include such costs in Texas Eastern's rate base. Texas Eastern further proposes to remove the net depreciated cost of the facilities to be abandoned from its gas plant in service account and transfer such costs to its Products Pipeline Division.[1]

To implement the proposed reallocation of existing gas supply along the pipeline to be abandoned in Docket No. CP 75-306 the following applications and amendments have been filed.

1. On June 4, 1975, Texas Eastern and Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) filed in Docket No. CP75-355 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to construct and operate interconnections on three of Tennessee's pipelines, the 6-inch Nader pipeline in Colorado County, Texas, the 6-inch Bonus-Frnka pipeline in Wharton County, Texas, and the 30-inch No. 1 pipeline in Wharton County, Texas. Applicants state that the facilities to be constructed (1.88 miles of 3-inch pipeline, valves and taps) would consist of three interconnections that would be connected to five existing sources of gas supply. Texas Eastern proposes to deliver to Tennessee approximately 550 Mcf of gas per day at the proposed taps under an existing exchange agreement on an Mcf-for-Mcf basis as authorized by the certificate issued in Docket No. CP63-177 on March 18, 1963, as amended February 7, 1974. Tennessee would redeliver an equal volume of gas at existing points of interconnection that are mutually agreeable.

Volumes to be delivered and redelivered are limited to 1,500 Mcf per day. The estimated cost of the facilities is $257,321 which would be borne by Texas Eastern's Products Pipeline Division as part of the cost of conversion of the Provident City—Beaumont pipeline to common carrier products service.

2. On June 6, 1975, Texas Eastern filed in Docket No. CP73-297 a petition to amend the order of the Commission issued December 10, 1973, as amended August 23, 1974, to authorize the construction and operation of additional facilities for the previously authorized exchange of gas with Natural Gas Pipeline Company of America (Natural). Texas Eastern states that pursuant to an agreement with Natural dated November 17, 1972, as amended February 6, 1974, and December 3, 1974, Natural delivers gas to Texas Eastern at a point near Texas Eastern's 16-inch Provident City-Beaumont pipeline and that Texas Eastern redelivers an equivalent volume at the intersection of Natural's 12-inch Chocolate Bayou Lateral and Texas Eastern's 30-inch McAllen Line in Brazoria County, Texas.

Texas Eastern proposes that the deliveries from Natural made at its Provident City-Beaumont pipeline delivery point (proposed to be abandoned in Docket No. CP75-306) be authorized to be made to Texas Eastern's Provident City-Blessing 24-inch pipeline in Lavaca County, Texas. To effectuate the proposed change, Texas Eastern proposes to construct and operate 2.5 miles of 3-inch pipeline, a tap and a valve at an estimated cost to the Products Pipeline Division of $156,150.

3. On June 3, 1975, Texas Eastern and Trunkline Gas Company (Trunkline)

[1] 44 F.P.C. 761 (1970).

[2] Barnwell, Inc., Docket No. CI72-654 (issued August 2, 1973); Petro-Lewis Corp., Docket No. RI74-43 (issued January 10, 1974) Texas Pacific Oil Co., Docket No. RI74-49 (issued January 10, 1974); Mapco, Inc., Docket No. RI74-123 (issued February 7, 1974); T. L. Nutt, Docket No. RI74-78 (issued March 18, 1974); Suburban Propane Corp., Docket No. RI74-111 (issued April 4, 1974); American Petrofina Company of Texas (Operator), *et al.*, Docket No. RI75-17, RI75-19, (issued March 3, 1975).

[3] The rate increase that we herein authorize Pioneer to collect does not take into account any effect on Pioneer's tax liability resulting from the repeal of the percentage depletion allowance by the Tax Reduction Act of 1975.

[1] Texas Eastern states that the total gross amount of investment attributable to the facilities proposed to be abandoned is $13,183,700, and indicates that removal of the net depreciated cost of the facilities from its gas plant in service account will result in a reduction in Texas Eastern's net rate base of $2,831,900.

V40241 DEC 15 75 XUM

filed in Docket No. G–6508 a joint petition to amend further the order issued on January 3, 1956, as amended June 1, 1970, in said docket by deleting therefrom authorization to exchange natural gas and operate facilities therefor at an interconnection of their pipelines in Wharton County, Texas. Petitioners have agreed to delete the Wharton exchange point from their exchange agreement while agreeing that in all other respects the exchange agreement will remain unchanged. Petitioners state that the subject exchange point is on the pipeline proposed to be abandoned in Docket No. CP75–306 and that because of depletion of gas it has been inactive for a number of years. Petitioners propose to continue their exchange agreement using the remaining authorized delivery points.

4. On June 26, 1975, Texas Eastern and United Gas Pipe Line Company (United) filed in Docket No. CP67–26 a joint petition to amend the order of the Commission issued on July 22, 1969, as amended, by deleting therefrom authorization to exchange natural gas at an authorized exchange point near Beaumont, Jefferson County, Texas. The petition states that although Petitioners are authorized to exchange gas at a point near Beaumont, that permission and approval to abandon facilities were granted United by the Commission on August 14, 1970, in Docket No. CP70–103 (44 FPC 292). United no longer has facilities at the authorized point of exchange and said point is included in that portion of Texas Eastern's system proposed to be abandoned in Docket No. CP75–306.

In order to convert its existing natural gas pipeline into products transportation service Texas Eastern proposes in Docket No. CP75–306 to abandon the following facilities:

(1) 16.21 miles of 16-inch pipeline No. 23, looping the Wilcox Trend pipeline No. 21, terminating at the Provident City junction, located in Lavaca County Texas;

(2) 109.05 miles of 16-inch pipeline No. 5, Provident City to Baytown, located in Lavaca, Colorado, Wharton, Fort Bend, Galveston and Harris Counties, Texas;

(3) 61.58 miles of 20-inch pipeline No. 8, Baytown to Beaumont, located in Harris, Chambers, and Jefferson Counties, Texas;

(4) 2,200 H.P. Booth Compressor Station located on the 16-inch pipeline No. 5 in Fort Bend County, Texas;

(5) 4,000 H.P. Hankamer Compressor Station (Station B) located on the 20-inch pipeline No. 8 in Chambers County, Texas; and

(6) 15.6 miles of gathering line and miscellaneous facilities.

In order to reconnect existing sources of supply, Texas Eastern proposes the following changes be made on its system:

(1) On the 16-inch line No. 23 loop west of Provident City reconnect the 6-inch Salem, 8-inch North Morales, and Blohm Laterals to the 16-inch line No. 21;

(2) On the 16-inch line No. 5, Provident City to Baytown;

(a) Gas supply sources, M&R 581, 1647, 1515, 1611, 1656, will be reconnected to the system of Tennessee for exchange.[3]

(b) Relocate a delivery of gas (M&R 1633) made for the account of Natural Gas Pipeline Company of America for exchange.[4]

(c) Eliminate an exchange interconnection with Trunkline. Applicant states that this small volume exchange point has been inactive for some time and that Trunkline has agreed that any future use of this exchange location is doubtful.[5]

(3) On the 20-inch line No. 8, Baytown to Beaumont:

(a) Reconnect supply sources 207, 210, 393, 233, 228 to the 30-inch McAllen pipeline No. 16;

(b) Eliminate the exchange point M&R 076, for exchange deliveries to United. Applicant states that this small volume exchange point has been inactive for some time and that United has agreed that any future use of this exchange location is doubtful.[6]

Texas Eastern asserts that its proposed abandonment and consequent conversion of the subject facilities are justified by the perceived benefit of gas customers from the optimization of available capacity, by reduction in the cost of service with no effect on the level of service to existing gas customers, and by the perceived benefit to the markets served by the products pipeline.

The application by Texas Eastern in Docket No. CP75–306 was noticed on April 25, 1975, with protests or petitions to intervene due by May 16, 1975. A petition for leave to intervene was filed by Natural Gas Pipeline Company of America (Natural) on May 16 and on May 19 a late petition to intervene was filed by Public Service Electric and Gas Company (Public Service).

The application by Texas Eastern in Docket No. CP73–297 was noticed on June 17, 1975, with protests or petitions to intervene due by July 7, 1975. On June 27 Natural filed a petition for leave to intervene in Docket Nos. CP73–297 and CP75–306 in support of both applications.

The applications in Docket Nos. G–6508, CP67–26 and CP75–355 were noticed on June 19, July 7, and June 20, 1975, respectively. No petitions to intervene or notices of intervention have been filed in said dockets.

On July 7, 1975, Texas Eastern filed a motion for consolidation and request for expeditious action in Docket Nos. CP75–306, CP75–355, CP73–297, G–6508 and CP67–26. Texas Eastern submits consolidation is appropriate inasmuch as the authorizations sought in these applications are related to, and necessitated only by the abandonment application in Docket No. CP75–306. The motion further urges expedited hearing and determination in these hearings to allow the midwestern and northeastern market served by Texas Eastern's Products Pipeline to benefit by conversion by the 1975–76 heating season. On July 11, 1975, Tennessee filed a motion in support of consolidation and expeditious action.

On September 17, 1975, Texas Eastern filed a motion pursuant to the provisions of Section 1.17 of the Commission's Rules of Practice and Procedure, for expedited consideration and decision on its application in Docket No. CP75–306 or alternatively for interim authorization to convert 61.58 miles of 20-inch pipeline and related facilities to liquid transportation service pending hearings on its application. In support of its motion, Texas Eastern alleges that grant of abandonment and conversion by early to mid-October 1975 will make the Btu equivalent of more than 200,000 Mcf of gas per day available to energy users in the Midwest and Northeast during the 1975–76 heating season while resulting in no reduction in level of natural gas deliveries. The motion alleges that the Commission's Uniform System of Account (Paragraph 5F of Gas Plant Instructions 1, Chap. 1, 18 CFR § 201) requires that the pipeline be transferred at its depreciated original cost and that by following this procedure there will result a reduction in Texas Eastern's cost of service and consequently its rates. Texas Eastern estimates that 18 months would be required for it to acquire the necessary right-of-way and construct new facilities to provide capacity equal to that of the proposed pipeline after conversion.

Alternatively, Texas Eastern requests that the Commission issue an order on an interim basis and pending final decision, authorization to convert to liquid transportation service 61.59 miles of 20-inch pipeline from Baytown to Beaumont. Texas Eastern states that this will provide 50,000 barrels per day capacity from the Houston-Baytown-Texas City

[3] Authorization for such exchange sought in application filed in Docket No. CP75–355.

[4] Amendment to existing authorization sought in Docket No. CP73–297.

[5] Amendment to existing authorization sought in Docket No. G–6508.

[6] Amendment to existing authorization sought in Docket No. CP76–26.

[7] Texas Eastern's Products Pipeline Division operates a 3,263 mile common carrier products pipeline system transporting refined petroleum products. The main line of the products system extends from Beaumont, Texas to Lebanon, Ohio. The pipeline to be abandoned in Docket No. CP75–306 is proposed to be utilized as a common carrier to transport petroleum products from refineries and other sources of supply in the Texas Gulf Coast area (including the Houston, Baytown-Texas City refinery complex area) to Texas Eastern's Beaumont terminal for further transportation to the Midwestern and Northeastern markets. The requested conversion will make an additional 50,000 barrels per day capacity available to transport petroleum products. The Btu equivalent of 50,000 barrels of No. 2 fuel oil is approximately 300,000 Mcf per day of 1,000 Btu gas while 50,000 barrels of butane is equivalent to approximately 222,000 Mcf of gas and 50,000 barrels of butane is equivalent to approximately 190,000 Mcf of gas.

refinery area for deliveries to the Midwest and Northeast.[7]

Due to the interrelated nature of the applications in Docket Nos. G–6508, CP67–26, CP73–297, CP75–355 and CP75–306 it is appropriate to consolidate said filings.

The record indicates that there is only approximately 6,400 Mcf of gas per day available to Texas Eastern's 16 and 20-inch Provident City-Beaumont pipeline. Of this volume, 600 Mcf of gas per day can be reconnected to adjacent pipelines through exchange arrangements with other pipeline companies. The remaining 5,800 Mcf of gas per day can be reconnected to Texas Eastern's parallel 30-inch McAllen pipeline. It appears that Texas Eastern's 30-inch McAllen line has sufficient excess capacity to accommodate this volume of gas as well as other gas supplies which may be developed adjacent to those lines.

Since gas service will continue after abandonment of the Provident City-Beaumont pipeline without impairing natural gas service we will authorize abandonment and the related certificate applications at this time to allow Texas Eastern to convert said line to transport much needed petroleum products to the Midwestern and Northeastern markets for the 1975–76 heating season. We do so, however, on a conditional basis reserving the issues of appropriate transfer value and proper accounting procedure for later determination.

This Commission has the authority to require a transfer at a price other than net undepreciated original cost.[8] The Uniform Systems of Accounts does not require transfer of the Provident City-Beaumont pipeline at its depreciated original cost. The Uniform Systems of Accounts is but an instrument to be used by the Commission in meeting its statutory obligation of granting abandonment only when and under such conditions that the public convenience or necessity is served. We therefore put Texas Eastern on notice that we reserve the issues of proper transfer value and accounting.[9] We may ultimately find that Texas Eastern's proposed transfer value is proper and so order or that transfer should be made at some value above or below net undepreciated book value. Similarly we may authorize Texas Eastern's proposed accounting for said transfer or find that some different accounting procedure is necessary such as one which might flow any transfer value in excess of net undepreciated book value to the natural gas consumer.

At a hearing held on November 12, 1975, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application and exhibits thereto, submitted in support of the authorization sought herein, and upon consideration of the record,

The Commission finds: (1) It is necessary and appropriate that the applications in Docket Nos. G–6508, CP67–26, CP73–297, CP75–355 and CP75–306 should be consolidated.

(2) Participation by Natural Gas Pipeline Company of America and Public Service Electric and Gas Company in this proceeding may be in the public interest.

(3) Applicants, Texas Eastern Transmission Corporation, Trunkline Gas Company, United Gas Pipe Line Company, and Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. are "natural-gas companies" within the meaning of the Natural Gas Act.

(4) The facilities hereinbefore described, as more fully described in the application, are used in the transportation and sale of natural gas in interstate commerce subject to the jurisdiction of the Commission, and the abandonment thereof is subject to the requirements of Subsection (b) of section 7 of the Natural Gas Act.

(5) The abandonment proposed by Applicants are permitted by the public convenience or necessary and should be approved as hereinafter ordered.

(6) The proposed facilities hereinbefore described, as more fully described in the application in this proceeding, are to be used in the transportation of natural gas in interstate commerce subject to the jurisdiction of the Commission, and the construction and operation thereof by Applicants are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(7) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(8) The construction and operation of facilities by Applicants are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(9) It is necessary and appropriate to require Texas Eastern to file a separate accounting proposal within six months after abandonment, which proposal shall require Commission approval.

The Commission orders. (A) Certificates of public convenience and necessity are issued authorizing Applicants in Docket Nos. CP75–355 and CP75–306 to construct and operate the proposed facilities as hereinbefore described, all as more fully described in the application in this proceeding, upon the terms and conditions of this order.

(B) The certificates issued by paragraph (A) above and the rights granted thereunder are conditioned upon Applicants' compliance with all applicable Commission regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (a), (c)(3), (c)(4), (e), (f) and (g) of § 157.20 of such Regulations.

(C) The facilities authorized by paragraph (a) above shall be constructed and placed in actual operation, as provided by paragraph (b) of § 157.20 of the Regulations under the Natural Gas Act, within one year of the date of this order.

(D) The orders issued in Docket Nos. G–6508 and CP67–26 are further amended by allowing abandonment of the facilities and service hereinbefore described, all as more fuly described in the applications in this proceeding. In all other respects said orders shall remain in full force and effect.

(e) Permission for and approval of the abandonment by Applicant of the facilities in Docket No. CP75–306 hereinbefore described, as more fully described in the application are granted subject to Applicant's filing a separate accounting proposal within six months after abandonment, which proposal shall require Commission approval.

(f) The order issuing a certificate of public convenience and necessity in Docket No. CP73–297 is further amended authorizing the construction and operation of additional facilities as hereinbefore described, all as more fully described in the application. In all other respects said order shall remain in full force and effect.

(G) Texas Eastern shall notify the Commission of its acceptance of a certificate of public convenience and necessity and abandonment authorization as conditioned in Docket No. CP75–306 within 30 days. Applicants shall advise the Commission of the dates of abandonment within 10 days thereof.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–33630 Filed 12–12–75;8:45 am]

[8] Plant Instruction No. 5 of the Commission's Uniform System of Accounts provides that when gas plant constituting an operating unit or system is sold, the difference between the net undepreciated book value of the property sold and the consideration received should be recorded in Account 421.1, Gain on Disposition of Property, *unless otherwise ordered by the Commission.* (Emphasis added) There is nothing in the Uniform System of Accounts which prohibits a transfer at a value in excess of net undepreciated book value of the property. In fact if the Commission deemed it appropriate the Commission could "otherwise order" that the difference between the net undepreciated book value of the line and a transfer value in excess of that be treated as, in effect, a reduction in expense to Texas Eastern's gas customers.

[9] In an order issued in Florida Gas Transmission Company, Docket No. CP74–192 on February 10, 1975, we ordered a formal hearing to develop a record, *inter alia*, regarding: "the full cost of the proposed products pipeline, including necessary conversion costs, as compared to the full cost of a new such pipeline, in order to determine the propriety of the sale to an affiliate company at depreciated original cost of jurisdictional facility for conversion to a non-jurisdictional use; . . .".

[Docket No. ER76–269]

UNION ELECTRIC CO.

Letter Agreement

DECEMBER 8, 1975.

Take notice that on November 20, 1975, Union Electric Company (Union) ten-

V40241 DEC 15 75 XUM

dered for filing a letter Agreement dated September 24, 1975, between Union and Associated Electric Cooperative, Inc. (Associated). Union states the Agreement modifies the provisions of the Interchange Agreement dated March 27, 1968, between Associated and Union by providing for a new delivery point between the parties and establishing charges to be paid for use of Union's facilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before December 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33640 Filed 12-12-75;8:45 am]

[Docket No. ER76-295]

UNITED ILLUMINATING CO.

Termination

DECEMBER 8, 1975.

Take notice that on November 26, 1975, the United Illuminating Company (the Company) filed a notice that the initial rate schedule submitted to the Commission on September 12, 1975 by the Company (Docket No. ER76-120) providing for the sale of power by the Company to the City of Holyoke, Massachusetts Gas and Electric Department (Holyoke) pursuant to a contract dated as of August 1, 1975, (the Contract) has terminated by its own terms effective October 31, 1975.

The Company states that the reason for the termination is that the Contract, by Paragraph 2 thereof, provided that it would "expire at 11:59 P.M. on the date prior to the effective date of that certain Agreement" pursuant to which Holyoke would purchase a joint ownership interest in the Company's New Haven Harbor Station Unit No. 1 (the Unit). The Contract was limited to the wholesale sale of electric energy for the brief period of time commencing with the commercial operation of the Unit and ending when Holyoke could complete its financing program to enable it to purchase a joint ownership share in the Unit. Holyoke completed its financing program by the sale of revenue bonds on October 29, 1975 and purchased a joint ownership share in the Unit on November 1, 1975.

The Company requests that the Commission order this notice be effective as of October 31, 1975.

A copy of this notice has been mailed to the City of Holyoke, Massachusetts Gas and Electric Department.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33641 Filed 12-12-75;8:45 am]

[Docket Nos. RI76-73 and RI76-74]

MARATHON OIL CO. ET AL.

Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 5, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf [2] Rate in effect	Cents per Mcf [2] Proposed increased rate	Rate in effect subject to refund in Docket No.
RI76-73	Marathon Oil Co.	24	18	El Paso Natural Gas Co., (New Mexico) (Rocky Mountain).	$2,471	11- 6-76		6-1-76	[3] 27.1492	[3] 28.1919	RI75-110.
RI76-74	Exxon Corp.	218	17	Mountain Fuel Supply Co., (Wyoming) (Rocky Mountain).	3,061	11-12-75		6-1-76	[3] 26.9164	[3] 27.9865	RI75-119.
	do.	249	21	Northwest Pipeline Corp., (Wyoming) (Rocky Mountain).	1,130	11-12-75		6-1-76	[3] 32.4051	[3] 33.5061	RI75-63.
	do.	336	13	El Paso Natural Gas Co., (Colorado) (Rocky Mountain).	180	11-12-75		6-1-76	30.35	30.94	RI75-63.
RI76-30	Texaco, Inc.	183	1 to 22	do.	(70)	11- 6-75		4-1-76	[3] 32.0216	[3] 31.3839	RI75-38.
	do.			El Paso Natural Gas Co., (Utah) (Rocky Mountain).	0	11- 6-75		4-1-76	[3] 30.5270	[4] 30.5234	RI75-38.

[2] Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[3] Subject to British thermal unit adjustment.
[4] Includes previously allowed double tax in order to recoup past taxes.
[5] Not used.
[6] Corrects filing submitted Aug. 29, 1975, which was suspended until Apr. 1, 1976, in Docket No. RI76-30.
[7] Not used.
[8] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.

Texaco's proposed rate filing corrects a previously filed increase which was suspended for five months until April 1, 1976 in Docket No. RI76-30. This filing reflects a reduction in the rates originally requested. However, these rates and the original rates both exceed the applicable Opinion No. 658 are ceiling rate and the corrected filing is suspended until April 1, 1976 in the existing proceeding in Docket No. RI76-30.

The remaining proposed rate increases exceed the applicable area ceiling rate established in Opinion No. 658 and are suspended for five months.

[FR Doc.75-33532 Filed 12-12-75;8:45 am]

[Docket Nos. RI76-66, et al.]

TEXACO INC. ET AL.

Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 21, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

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APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject ot refund in docket No.
									Rate in effect	Proposed increased rate[4]	
R176-66...	Texaco, Inc	149	15	Colorado Interstate Gas Co. (Wyoming) (Rocky Mountain).	$2,000	10-24-75		4-24-76	28.3752	28.4291	
	do	310	13	do	100	10-24-75		4-24-76	28.3752	28.4291	
R176-67...	Amoco Production Co	193	25	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).	6,180	11- 3-75		6- 1-76	29.823	30.235	R175-81.
	do			do	679	11- 3-75		6-26-76	[1] 32.2601	34.978	
	do			do		11- 3-75	1- 1-76	(2)	[3] 60.840	[3] 62.032	
	do			do	4,815	11- 3-75		6- 1-76	29.7	30.235	R175-81.
	do	233	21	do	150	11- 3-75		6-26-76	[1] 32.2601	34.978	
	do			do		11- 3-75	1- 1-76	(2)	[3] 60.8	[3] 62.032	
	do			do	317	11- 3-75		6- 1-76	27.6597	28.1599	R175-72.
R176-68...	Sun Oil Co	353	21	do		11- 3-75		6- 1-76	29.3273	29.8330	R175-72.
	do			do	45	11- 3-75		6- 1-76	27.33	27.82	R175-72.
						11- 3-75		6- 1-75	29.0	29.5	R175-72.
	do	415	14	Southern Union Gathering Co. (New Mexico) (Rocky Mountain).	1,353	11- 3-75		6- 1-76	27.4767	27.9823	R175-72.
						11- 3-75		6- 1-76	29.3273	29.8330	R175-72.
	do	431	13	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).	85	11- 3-75		6- 1-76	27.4767	27.9823	R175-70.
						11- 3-75		6- 1-76	29.3273	29.8330	R175-70.

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Suspended in Docket No. R176-20.
[2] The pressure base is 14.73 lb/in²a.
[3] Accepted to become effective on Jan. 1, 1976.
[4] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.

The proposed increases for production from wells which are subject to Opinion No. 699, as amended, contained in Supplement Nos. 25 and 21 to Amoco's Rate Schedule Nos. 193 and 233, respectively, reflect the 1.0¢ increase in the base national rate effective January 1, 1976, as provided by Section 2.56(a)(3) of Opinion No. 699–H, and they are accepted to be effective on January 1, 1976.

The other rate increases exceed the applicable area ceiling established in Opinion No. 658 and they are suspended for five months.

[FR Doc.75–33593 Filed 12–12–75;8:45 am]

[Docket Nos. AR61–2; AR69–1, *et al.* Docket Nos. RP67–10; RP69–41]

TEXAS GAS TRANSMISSION CORP.

Proposed Refund Plan

DECEMBER 4, 1975.

Take notice that on November 20, 1975, Texas Gas Transmission Corporation (Texas Gas) tendered for filing its proposed plan for the flow-through of refunds received from producers pursuant to Opinion No. 598 in Docket Nos. AR61–2 and AR69–1, *et al.* Texas Gas states that the refunds, totaling $200,453, are applicable to gas purchases from various producers[1] during the period October 1, 1968 to January 11, 1970 in Docket No. RP–67–10 and the period January 12, 1970 to December 31, 1970 in Docket No. RP69–41. Texas Gas proposes to flow-through these refunds by crediting the balance in its Purchase Gas Cost Clearing Account pursuant to Section 23.10(c) of its FPC Gas Tariff, Third Revised Volume No. 1.

Texas Gas states that a copy of this filing was sent to all its jurisdictional customers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before December 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[1] See Appendix A for a list of companies receiving refunds.

APPENDIX A.—*Texas Gas Transmission Corp.*

[Refunds received under Commission order issued Aug. 19, 1975, docket Nos. AR61–2, AR69–1, et al.]

Supplier	Rate Schedule	Principal	Interest	Total
Anadarko Production Co	125	$28.09	$14.47	$42.56
Brown, George R	13	164.15	70.94	235.09
Do	18	6,560.66	2,886.32	9,446.98
McCain, M. F	5	5,370.39	2,276.75	7,647.14
Exchange Oil & Gas Corp., for Oil & Gas Futures, Inc	3	9,768.37	4,232.07	13,995.44
Aztec Oil & Gas Co	15	572.20	73.41	645.61
Do	16	286.11	36.70	322.81
Do	19	1,395.61	179.04	1,574.65
Edwin L. Cox for Robert K. Franklin	79	1.41	.48	1.89
Edwin L. Cox for Atves, Needham, Forman, Miller, and Corden	73	27,387.09	11,984.25	39,371.34
Union Oil Co. of California for Donner, Reese, Ellis, Lucas, and Ruffin	13	3,308.07	376.64	3,684.71
Cenard Oil & Gas Co	1	4,175.92	298.86	4,474.78
Do	3	771.98	10.25	282.23
Do	5	232.50	96.95	329.45
Bel Oil Corp	7	1,419.29	536.47	1,955.76
Do	51	573.93	236.99	810.92
American Petrofina Co. of Texas	115	318.43	46.53	364.96
Sohio for Circle Drilling Co	38	301.05	34.87	335.92
Union Oil Co. of California for Gallery Properties, Inc	73	1.17	.15	1.32
General American for Bolyard, Bolyard, and Morgan	75	5.78	.81	6.59
General American for Ailes, Bailey, Brown, Bright, Gibbs, and United Geopel Pab	78	110.66	11.96	122.62
General American for Cambro, Owens, and Voorhies	25	51.70	5.63	57.33
Calco for Knox, Moak, Lucas, and Irwin	11	21.74	1.61	23.35
Calco for N. D. Williams	25	135.68	49.62	185.30
Calco for Lyons Petroleum Corp	40	2,023.07	956.37	2,979.44
Getty Oil Co	91	1,256.55	531.41	1,787.96
Do	92	236.98	85.11	322.09
Do	115	2,676.20	1,292.83	3,969.03
Amerada Hess Corp. for Getty Oil Co	13	175.48	142.55	318.03
Calco for Getty Oil Co	24	73.06	36.34	109.40
Texas Gas Exploration Corp. for Alice Armer	3	40.04	1.56	41.60
Texas Gas Exploration Corp. for Champlin Petroleum Co	3	65.32	21.60	86.92
Getty Oil Co. for L. H. Meltzer	91	9.59	3.47	13.06
Getty Oil Co. for Edward P. Allis	115	40.03	17.19	57.22
River Corp	5	362.65	121.71	184.36
Do	11	56,585.80	23,641.96	80,227.76
Do	13	8,070.25	3,485.48	11,555.73
Do	15	6,345.32	2,678.43	9,023.75
Do	70	2.21	.92	3.16
Gulf Oil Corp. for King Resources Co	93	47.45	20.77	68.22
Do	4	778.73	315.35	1,094.08
Texas Gas Exploration Corp. for L. A. Emboolas	127	1,645.93	702.35	2,348.28
Exxon for Natural Gas & Oil Corp	115	10.21	4.39	14.60
Getty Oil Co. for Dr. J. J. Burdin				
Total		142,931.90	57,521.56	200,453.46

[FR Doc.75–33530 Filed 12–12–75;8:45 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on October 21, 1975.[1]

The information reviewed at this meeting suggests that output of goods and services—which had turned up in the second quarter—increased sharply further in the third quarter. In recent months retail sales have been maintained at the higher levels reached in early summer, and industrial production has strengthened progressively. Nonfarm payroll employment continued to expand in September, and the unemployment rate edged down from 8.4 to 8.3 percent. In September, as in August, average wholesale prices of industrial commodities rose somewhat faster than earlier in the year, in part because of increases in prices of energy products; prices of farm and food products rose sharply in September. The advance in average wage rates in recent months has remained somewhat less rapid than in 1974 and early 1975.

After rising further in late September, the exchange value of the dollar against leading foreign currencies has declined to about its mid-September level. In August the U.S. foreign trade surplus increased as agricultural exports rose. Bank-reported private capital movements showed a further net inflow, while U.S. liabilities to foreign official agencies declined again.

M_1 rose slightly on the average in September but declined in the latter part of the month and in early October. From the second to the third quarter, however, M_1 grew at a 6.9 per cent annual rate. Inflows of consumer-type time and savings deposits to banks and to nonbank thrift institutions continued to moderate in September, reflecting in part the attractiveness of alternative investments, and growth in M_2 and M_3 slowed further. Although conditions in markets for State and local government securities continued to be adversely affected by New York's financial problems, most short- and long-term interest rates have declined in recent weeks. On October 15 the Board of Governors announced a reduction of member bank reserve requirements on long-term time deposits.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions that will encourage continued economic recovery, while resisting inflationary pressures and contributing to a sustainable pattern of international transactions.

To implement this policy, while taking account of developments in domestic and international financial markets, the Committee seeks to achieve bank reserve and money market conditions consistent with moderate growth in monetary aggregates over the months ahead.

By order of the Federal Open Market Committee, December 9, 1975.

ARTHUR L. BROIDA,
Secretary.

[1] The Record of Policy Actions of the Committee for the meeting of October 21, 1975, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

[FR Doc.75–33681 Filed 12–12–75;8:45 am]

INDEPENDENT FINANCIAL, LTD.

Formation of Bank Holding Company

Independent Financial, Ltd., Brown Deer, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent of more of the voting shares of The Brown Deer Bank, Brown Deer, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 29, 1975.

Board of Governors of the Federal Reserve System, December 4, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75–33673 Filed 12–12–75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

APPLICATIONS FOR RENEWAL PERMITS, ELECTRIC FACE EQUIPMENT STANDARD

Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4195–000, DILSTON CORPORATION, Mine No. 3, Mine ID No. 15 01549 0, Grundy, Virginia, ICP Permit No. 4195–004—R–2 (Bailey 4-Wheel Tractor, I.D. No. 4), ICP Permit No. 4195–007—R–2 (Bailey 4-Wheel Tractor, I.D. No. 7).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that

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requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

DECEMBER 5, 1975.

[FR Doc.75-33645 Filed 12-12-75;8:45 am]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

ROSEAU RIVER DRAINAGE

Public Hearings

The International Joint Commission, a permanent Canada and United States body established under the Boundary Waters Treaty of 1909, will hold public hearings on the Main Report of the International Roseau River Engineering Board at the times and places noted below.

The studies were made pursuant to a Reference from the two Governments dated January 16, 1929. The original Reference had not been fully reported upon by the Commission in its Interim Report dated June 8, 1929, and no final report was made. Various measures for land drainage and flood control had been undertaken independently by the two countries in the years between the Commission's Interim Report and the reconstitution of the present Board in the summer of 1971.

Therefore, on August 26, 1971, the Commission directed the Board to determine:

(a) The effect of the control works set in place along the river since 1929;

(b) What co-ordinated plan or plans could provide effective use and control of the water;

(c) What the effects of the plan or plans would be on the environment and on flood flows in both the Roseau and Red Rivers;

(d) What additional works and/or measures would be required by these plans, what their cost would be and how the costs should be allocated between the two countries.

The purpose of these public hearings is to receive the views and advice of the public on the Board's report to assist the Commission in preparation of its final report to the Governments of Canada and the United States on the Reference. The hearings are international in nature and irrespective of the location in which they are held, the citizens of both the United States and Canada are invited to attend and participate.

Anyone wishing to present views on the substance of the report, either on his own behalf or as a representative of others, will be given an opportunity to do so. Statements may be given orally or in writing. Allocation of time may be required for oral statements; therefore, witnesses should be prepared to summarize written statements. Written statements may be of any length. If written statements are submitted, it is requested that, if possible, thirty (30) copies be provided for the Commission's use. Additional copies may be deposited with the Secretaries for representatives of the news media and others present. Also, where possible, advance notice of persons or parties wishing to make a statement would be appreciated by the Commission.

Copies of the report may be obtained from the Secretaries of the Commission or from:

Mr. P. A. Fischer, U.S. Army Corps of Engineers, 1135 U.S. Post Office and Custom House, St. Paul, Minnesota 55101.

TIMES AND PLACES OF HEARINGS

2:00 p.m., January 13, 1976, Municipal Auditorium, Roseau, Minnesota.

W. A. Bullard, Secretary, U.S. Section, International Joint Commission, Room 200, 1717 H Street NW., Washington, D.C. 20440, Stop 86, Telephone: 202/296-2142.

11:00 a.m., January 14, 1976, Community Centre, Dominion City, Manitoba.

D. G. Chance, Secretary, Canadian Section, International Joint Commission, Room 850, 151 Slater Street, Ottawa, Ontario, K1P 5H3, Telephone: 613/992-2945.

WILLIAM A. BULLARD,
Secretary, U.S. Section, International Joint Commission.

D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission.

DECEMBER 11, 1975.

[FR Doc.75-33879 Filed 12-12-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[No. 337-TA-5]

CHAIN DOOR LOCKS

Notice of Prehearing Conference

Notice is hereby given that the United States International Trade Commission will hold a prehearing conference in connection with investigation No. 337-TA-5, Chain Door Locks, on Tuesday, January 6, 1976, at 10:00 a.m., EST, in Room 206 of the United States International Trade Commission Building, 701 E Street, Northwest, Washington, D.C. 20436.

The proposed agenda for the prehearing conference is: 1. Stipulation to proposed Commission Rules (40 FR 46173, Sept. 2, 1975) for this investigation, and to evidence of record.

2. The scope of a proposed additional hearing.

3. A proposed protective order (to be furnished prior to the prehearing conference) and distribution of material submitted in confidence to the parties.

4. Collection of additional economic data.

5. Discussion as to proposed witnesses.

6. Discussion of dates relevant to the hearing.

7. Any other matters mentioned in documents served in accordance with the paragraph below.

To include additional items on the prehearing conference agenda, each participant should serve written proposals on the presiding officer and all parties before December 30, 1975.

Parties with like interests will be grouped and a spokesman appointed for their common interests at the prehearing conference.

At the conference the participants should be prepared to discuss problems involved in the proceeding, procedural and substantive, and should be authorized to make commitments with respect thereto. Among the specific items to be discussed within the framework of the agenda listed above are: stipulations as to facts, authentication of documents, future procedural dates, including dates for the service of direct and rebuttal evidence, dates for trial briefs and dates for the hearing.

Failure to attend the prehearing conference may result in waiver of your right to receive data or to object to rules, dates, or procedure ordered at such conference, or object to stipulations entered into by the parties.

Issued: December 9, 1975.

[SEAL] MYRON R. RENICK,
Administrative Law Judge.

[FR Doc.75-33713 Filed 12-12-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. P-564-A]

PACIFIC GAS AND ELECTRIC CO.

Receipt of Partial Application for Construction Permits and Facility License: Time for Submission of Views on Antitrust Matters

Pacific Gas and Electric Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated August 14, 1975, in connection with their plans to construct and operate two reactors in Stanislaus County, California. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portions of the application consisting of an Environmental Report and the Preliminary Safety Analysis Report (PSAR) pursuant to § 2.101 of Part 2, are expected to be filed in September 1976 and April 1977, respectively. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application will be available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Local Public Document Room, Stanislaus County Free Library, 1500 I Street, Modesto, California 95345. Docket No. P-564-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any persons who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before January 30, 1976.

Dated at Bethesda, Md., this 21st day of November 1975.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Light Water Reactors Branch 2-3, Division of Reactor Licensing.

[FR Doc.75-32094 Filed 11-28-75;8:45 am]

POWER AUTHORITY OF THE STATE OF NEW YORK

[Docket No. 50-549]

Receipt of Partial Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters

Power Authority of the State of New York (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed a part of an application dated July 25, 1975, in connection with their plans to construct and operate a reactor in Greene County, New York, Greene County Nuclear Power Plant (the facility), will be a pressurized water reactor designed for operation at 3600 thermal megawatts with a net electrical output of approximately 1273 megawatts. This portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

In addition, the general information portion of the application and the Environmental Report were docketed on September 15, 1975, but without the full Preliminary Safety Analysis Report in accordance with 10 CFR 2.101. The Preliminary Safety Analysis Report was tendered but initially rejected and is expected to be re-submitted for docketing in the near future. A separate notice of receipt for this remaining portion will be published at that time. A notice of hearing is also being published separately dealing with radiological health and safety and environmental matters.

Copies of the individual portions of the application, as noted above, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Catskill Public Library, Franklin Street, Catskill, New York 12414.

Docket No. 50-549-A has been assigned to this antitrust portion of the application and it should be referenced in any corespondence relating to it. Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before February 6, 1976.

Dated at Bethesda, Maryland, this 19th day of November 1975.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Light Water Reactors Branch 2-3, Division of Reactor Licensing.

[FR Doc.75-32702 Filed 12-3-75;8:45 am]

[Docket No. 50-317]

BALTIMORE GAS AND ELECTRIC CO.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. DPR-53, issued to Baltimore Gas and Electric Company (the licensee), which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant Unit 1 (the facility) located in Calvert County, Maryland. The amendment was effective as of November 30, 1975.

The amendment incorporates an exemption from the requirements of Section III.D.3 of Appendix J of 10 CFR Part 50. It changes the Technical Specifications for the facility to extend the first retest interval of approximately 47% of the containment isolation valves until the next plant shutdown and cooldown following issuance of this amendment, but no later than December 30, 1975.

The application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. The Commission also concluded that the granting of the exemption from the requirements of Section III.D.3 of Appendix J for the above-referenced test is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated November 18, 1975, (2) the letter from the Director of the Nuclear Reactor Regulation to Baltimore Gas and Electric Company (issued concurrently with this Notice), (3) Amendment No. 11 to License No. DPR-53, with Change No. 10, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Calvert County Library, Prince Frederick, Maryland 20678. A single copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 4th day of December, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-33686 Filed 12-12-75;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Notice of Issuance of Amendment to Facility License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR-46, issued to the Nebraska Public Power District (the licensee), which revised Technical Specifications for operation of the Cooper Nuclear Station (the facility) located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

This amendment revises the Administrative Controls Section of the Technical Specifications for the facility to change the record retention period (for principal maintenance activities and reportable occurrences) from "for the life of the plant" to "for at least five years" consistent with current requirements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated September 9, 1975, (2) Amendment No. 15 to License No. DPR-46, with Change No. 18 and (3)

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the Commission's concurrently issued Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Auburn Public Library, 1118–15th Street, Auburn, Nebraska 68305. A copy of items (2) and (3) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 2nd day of December, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-33687 Filed 12-12-75;8:45 am]

[Docket No. 50-277]

PHILADELPHIA ELECTRIC CO., ET AL.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR–44 issued to Philadelphia Electric Company, Public Service Electric & Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station Unit 2, located in Peach Bottom, York County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment modifies the provisions in the Technical Specifications relating to Limiting Conditions for Operation associated with the Emergency Core Cooling System (ECCS) and Reactor Core Power Distribution Limits; and provides for modification of the ECCS to improve its performance in accordance with the licensees' application for amendment dated July 9, 1975.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on August 18, 1975 (40 FR 34647). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated July 9, 1975, September 10, October 30, November 7, 18 and 20, 1975, (2) Amendment No. 15 to License No. DPR–44, with Change No. 15, (3) the Commission's related Safety Evaluation, and (4) the Commission's Negative Declaration dated November 21, 1975 (which is also being published in the FEDERAL REGISTER) and associated Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 28th day of November, 1975.

For the Nuclear Regulatory Commission.

D. M. ELLIOTT,
Acting Chief Operating Reactors Branch No. 3 Division of Reactor Licensing.

[FR Doc.75-33688 Filed 12-12-75;8:45 am]

[Docket No. 50-277]

PHILADELPHIA ELECTRIC CO.

Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed a change to the Appendix A Technical Specifications of Facility Operating License DPR–44 as proposed by the licensee, Philadelphia Electric Company. This change would authorize the licensee to operate the Peach Bottom Atomic Power Station Unit 2 in York County, Pennsylvania, with certain revisions to the present limiting conditions for operation as specified in Appendix A of the referenced license. These revisions would result from implementing the Acceptance Criteria for the Emergency Core Cooling Systems for Light Water Power Reactors (ECCS) as specified in § 50.46 of Part 50 CFR. No revisions to the Environmental Technical Specifications (Appendix B) were requested in connection with the proposed action.

The proposed action would be carried out in conjunction with a planned shutdown for the purpose of correcting a channel box wear problem within the reactor core. The proposed ECCS action would result in a reduced power level of no more than 15 percent for no more than 12 months.

The Commission's Division of Reactor Licensing has evaluated the expected environmental impact of the proposed change. On the basis of this appraisal, the Commission has concluded that an environmental impact statement is not warranted for this particular action. There would be no environmental impact attributable to the proposed action other than those impacts described in the Commission's Final Environmental Statement for Peach Bottom, Units 2 and 3, issued April 1973. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Martin Memorial Library, 159 East Market Street, York, Pennsylvania.

Dated at Rockville, Maryland, this 21st day of November 1975.

For the Nuclear Regulatory Commission.

GORDON K. DICKER,
Chief Environmental Projects Branch 2 Division of Reactor Licensing.

[FR Doc.75-33689 Filed 12-12-75;8:45 am]

[Docket No. 50-277]

PHILADELPHIA ELECTRIC CO.

Order for Modification of License

I. Philadelphia Electric Company (PECO or Licensee) is the holder of Facility Operating License No. DPR–44 which authorizes operation of Peach Bottom Atomic Power Station Unit 2 (Unit 2 or the Facility) at steady-state reactor core power levels not in excess of 3295 megawatts thermal (rated power). The Facility is a boiling water reactor (BWR) located at the Licensee's site in Peach Bottom, York County, Pennsylvania.

II. 1. On July 23, 1975, the Nuclear Regulatory Commission (the Commission) issued an "Order for Modification of License" (40 FR 32179 of July 31, 1975) which confirmed a plan for limited additional operation of the facility. As explained in the Order of July 23, 1975, the Facility's channel box wear, as indicated by the noise-to-signal ratio recorded by the traversing incore probe (TIP), had exceeded the threshold for remedial action. The remedial action, confirmed by the Order, limited operation of the facility at not more than 40 percent of rated core flow and with a maximum fuel bundle power of 3.35 MWt. In addition, the Order permitted operation up to full flow and power for a brief period of time needed to collect flow vibration data and to conduct fuel preconditioning. The Order further stipulated that the Licensee was to shutdown the facility following approximately 45 equivalent full flow days from June 21, 1975 unless within that period certain specified tests have been completed which demonstrated the efficacy of the 40% flow limit.

2. By letter dated October 24, 1975, the Licensee proposed a plan, previously discussed with the NRC staff, setting forth a course of remedial action, which would allow operation with flow rates above 40 percent of rated flow and maximum bundle power above 3.35 MWt. The plan would involve shutdown of the reactor and appropriate replacement of worn channel boxes and plugging of the core support plate bypass holes. The reactor was shutdown on October 31, 1975, for visual inspection of the channel boxes and the necessary repairs.

3. By its letter dated September 29, 1975, the Licensee provided details relating to the fuel channel inspection program and the installation of core bypass flow plugs in the lower core plate and supplied analyses to demonstrate the adequacy of the procedures for plug installation. Additionally, by its letter dated October 24, 1975, the Licensee referenced modifications previously approved and implemented at the Duane Arnold and Vermont Yankee reactors.

4. On November 4, 1975, the Commission issued an "Order for Modification of License" (40 FR 52671 November 11, 1975) that approved the repair program and authorized the installation of bypass hole plugs in the facility's lower core plate. As discussed in the November 4, 1975 Order, the NRC staff concluded that the plugs will reduce the vibration of the instrument thimbles caused by flow through the bypass holes. By telecon on November 18, 1975, Philadelphia Electric Company confirmed that the licensee's inspection and repair program was completed. The inspection program resulted in the rejection of 128 channel boxes with unacceptable wear as defined in the repair program. These channel boxes were replaced. Eighty-four channel boxes with indications of wear, but within the criteria of the repair program, were also replaced. Philadelphia Electric Company also confirmed that all flow bypass holes in the core plate were plugged.

5. By letters dated November 7,[1] 18, and 20, 1975, the licensee provided analyses, including an emergency core cooling performance analysis, for reactor power operation with the plugs installed in the bypass holes. The November 7, 1975 letter supplemented letters of July 9, September 10, October 1 and 30, 1975 related to ECCS analyses.

6. The Commission's staff has reviewed the analyses submitted by the licensee on November 7, 1975 and supplements thereto to support operation with the bypass flow hole plugs installed. As discussed in the Commission's concurrently issued Safety Evaluation for Amendment No. 15 to the license the proposed operation with plugs will require modified limits relating to emergency core cooling system performance. The modified limits specified in the concurrently issued Amendment No. 15 would be based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR § 50.46. The amendment would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to the facility, terminate the further restrictions imposed by the Commission's December 27, 1974 Order for Modification of License (40 FR 1772, January 9, 1975), and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR Section 50.46. The amendment would also revise the Technical Specifications to permit operation of the facility using operating limits based on the General Electric Thermal Analysis Basis (GETAB) and with the Low Pressure Coolant Injection System modified in accordance with the licensee's application for license amendment dated July 9, 1975 as supplemented.

It also should be noted that plugs identical to those to be used in Peach Bottom Unit 2 have been installed in the Cooper, Vermont Yankee, Duane Arnold and Pilgrim reactors. The plugs installed in Vermont Yankee were removed during a refueling operation after ten months of successful service. No abnormalities or loose pieces were reported. Vermont Yankee has since reinstalled the plugs.

7. Based on our review of the licensee's submittals of November 7, 18, and 20, 1975, and the prior related experience at the Pilgrim and Vermont Yankee reactors, the NRC staff concluded in its concurrently issued Safety Evaluation that operation of Peach Bottom Unit 2 in accordance with the additional restrictions set forth in Amendment No. 15 to the license would provide reasonable assurance that the public health and safety would not be endangered.

III. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, *it is ordered*, That Facility Operating License No. DPR–44 is hereby amended by substituting the following provisions for the provisions set out in the Commission's Orders for Modification of License dated December 27, 1974 and November 4, 1975:

1. Operation of Peach Bottom Atomic Power Station Unit 2 with plugged bypass flow holes is hereby authorized subject to the conditions set forth in the concurrently issued Amendment No. 15 to the Facility License No. DPR–44 incorporating Change No. 15 to the Technical Specifications, and

2. A monitoring program using LPRM and TIP traces and available accelerometers on incore instrument guide tubes shall be performed for the purpose of detecting any instrument tube—channel box interaction.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland, this 28th day of November, 1975.

[FR Doc.75-33690 Filed 12-12-75;8:45 am]

[1] Copies of the November 7, 1975 filing by the Licensee are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and are being placed in the Martin Memorial Library, 189 E. Market Street, York, Pennsylvania.

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Proposed Subcommittee and Full Committee Meetings

In order to provide advance information regarding proposed ACRS Subcommittee and full Committee meetings, the following preliminary schedule is being published. This preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed Subcommittee and full Committee meetings published in FR Vol. 40, No. 223, pg. 53446, November 18, 1975. Those meetings that are definitely scheduled have had, or will have, an individual notice published in the FEDERAL REGISTER approximately 15 days (or more) prior to the meeting. Those Subcommittee meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the January 8–10, 1976 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–1406, Attn: Mary E. Vanderholt) between 8:15 a.m. and 5:00 p.m. EST.

SUBCOMMITTEE MEETINGS

* *Diablo Canyon Nuclear Power Station, Units 1 and 2*, December 17, 1975, San Luis Obispo, CA. Postponed. Tentatively scheduled to be held February 20, 1976 in San Luis Obispo, CA.

* *Hartsville Nuclear Power Plant, Units 1, 2, 3, and 4*, December 17–18, 1975, Hartsville, TN. Postponed. Scheduled to be held February 26–27, 1976 in Nashville, TN.

* *Emergency Core Cooling Systems (ECCS)*, December 19, 1975. Washington, D.C., to discuss "A Critique of the Computer Safety Prediction Methods," by C. J. Hocevar. Notice published in Federal Register, Vol. 40, page 56500, December 3, 1975.

* *Emergency Core Cooling Systems (ECCS)*, December 20, 1975, Washington, D.C., to discuss the status of the review of Westinghouse Upper Head Injection (UHI). Notice published in Federal Register Vol. 40, page 56499, December 3, 1975.

* *General Electric Water Reactors*, December 29–30, 1975, Washington, D.C. to discuss on December 29 the design and performance of the Mark I, II, and III Pressure Suppression Containments, and to discus on December 20 the status of the General Electric Standard Safety Analysis Report (GESSAR). Notice published in Federal Register Vol. 40, page 57721, December 11, 1975.

* *Inspection and Enforcement Activities*, January 6, 1976, Chattanooga, TN. Postponed. Scheduled to be held January 23, 1976 in Chattanooga, TN.

* *Anticipated Transients Without Scram (ATWS)*, January 6, 1976, Washington, D.C., to continue the review of certain proposed reactor design changes for Class B plants, as proposed by reactor vendors.

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Safeguards for Special Nuclear Material and Security of Nuclear Facilities, January 6, 1976, Washington, D.C., to discuss access control, diversion detection, and contingency planning.

• *D. C. Cook Nuclear Plant, Unit 1*, January 7, 1976, Washington, D.C. Postponed. Scheduled to be held February 4, 1976 in Washington, D.C.

• *Regulatory Guides*, January 7, 1976, Washington, D.C. Postponed. Scheduled to be held February 4, 1976 in Washington, D.C.

• *Safety of Operating Reactors*, January 7, 1976, Washington, D.C., to discuss how operating experiences is factored into continuing operation and new designs, and to obtain a report on operating experience.

• *Stone and Webster Standard Safety Analysis Report (SWESSAR)*, January 22, 1976, Washington, D.C., to review the application of the Stone and Webster Engineering Corporation for a preliminary design approval of its Standard Safety Analysis Report.

• *Inspection and Enforcement Activities*, January 23, 1976, Chattanooga, TN, to continue the discussion of third-party inspection and the roles of inspection and examination organizations in relation to nuclear safety.

• *Davis-Besse Nuclear Power Station, Unit 1*, January 29–30, 1976, Toledo, OH, to review the application of the Toledo Edison Company for an operating license.

• *North Anna Power Station Units 1 and 2*, February 3, 1976, *tentative*, Wash., D.C., to review the application of the Virginia Electric and Power Company for an operating license.

• *D. C. Cook Nuclear Plant, Unit 1*, February 4, 1976, Washington, D.C., to review the application of the Indiana-Michigan Electric Company for a permit to increase the power level of Unit 1.

• *Regulatory Guides*, February 4, 1976, Washington, D.C., to review working papers regarding future Regulatory Guides and proposed changes to existing Guides.

• *Sequoyah Nuclear Power Plant, Units 1 and 2*, February 12–13, 1976, *tentative*, Chattanooga, TN, to review the application of the Tennessee Valley Authority for an operating license.

• *Clinch River Breeder Reactor Plant*, February 18, 1976, Hanford, WA, and February 19, 1976, Los Angeles, CA, to discuss the research and development programs at the Hanford Engineering and Development Laboratory and the Atomics International Facility for liquid metal fast breeder reactors, particularly those aspects of interest relative to the Clinch River Breeder Reactor Plant.

• *Diablo Canyon Nuclear Power Station, Units 1 and 2*, February 20, 1976, *tentative*, San Luis Obispo, CA, to continue the review of the application of the Pacific Gas and Electric Company for an operating license.

• *Cherokee Nuclear Station, Units 1, 2, and 3*, February 20, 1976, Charlotte, NC, to review the application of the Duke Power Company for a permit to construct Units 1, 2, and 3.

• *Perkins Nuclear Station, Units 1, 2, and 3*, February 21, 1976, Charlotte, NC, to review the application of the Duke Power Company for a permit to construct Units 1, 2, and 3.

• *Washington Public Power Supply Systems, Projects 3 and 5*, February 24, 1976, Richland, WA, to review the application of the Washington Public Power Supply Systems to construct Projects 3 and 5.

• *Hartsville Nuclear Power Plant, Units 1, 2, 3, and 4*, February 27, 1976, Nashville, TN, to review the application of the Tennessee Valley Authority for a permit to construct Units 1, 2, 3, and 4.

FULL COMMITTEE MEETINGS

JANUARY 8–10, 1976

• Anticipated Transients Without Scram—Review of Proposed Design Changes for Light Water Reactors.

FEBRUARY 5–7, 1976

Agenda to be published later.

Dated: December 11, 1975.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.33889 Filed 12–12–75;10:35 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR SCIENCE EDUCATION

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Science Education. Date: January 5 and 6, 1976. Time: 9 a.m. each day. Place: Rm. 651, 5225 Wisconsin Avenue, NW., Washington, D.C. Type of meeting: Part Open—January 5—Closed; January 6—Open.

Contact person: Ms. Fran Watts, Staff Assistant, Science Education Directorate, National Science Foundation, Rm. W–600, Washington, D.C. 20550, telephone (202) 282–7930.

Summary minutes (open portion): May be obtained from the Committee Management Coordination Staff, Management Analysis Office, National Science Foundation, Rm. 248, Washington, D.C. 20550.

Purpose of advisory committee: To provide advice and recommendations concerning the impact of all Foundation activities (including research, scientific information; and international programs; as well as, specifically, "education" programs) relating to education in the sciences in U.S. schools, colleges and universities.

Agenda:

January 5—Closed

Science Education Directorate budget for fiscal year 1977.

January 6—Open

Review of Background and Status of Science for Citizens Program.

Recommendations and Development of Plans for Science for Citizens Program.

Reason for closing: The Committee will be reviewing and discussing internal budgetary plans for fiscal year 1977 that have been prepared by full-time officers of the Science Education Directorate.

Authority for closing: The Director of the National Science Foundation determined on December 4, 1975, that the portion of the meeting dealing with the fiscal year 1977 budget is within exemption 5 of Section 552(b), 5 U.S. Code, and should, therefore, be closed to the public. This determination was made in accordance with the provisions of Section 10(d) of Pub. L. 92–463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

DECEMBER 10, 1975.

[FR Doc.75–33613 Filed 12–12–75;8:45 am]

ADVISORY PANEL FOR ENGINEERING MECHANICS

Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following:

Name: Advisory Panel for Engineering Mechanics. Date: January 7 and 8, 1976. Time: 9:00 a.m. to 5:00 p.m. each day. Place: Rm. 543, National Science Foundation, 1800 G Street NW., Washington, D.C. Type of meeting: Open.

Contact person: Dr. Michael P. Gaus, Head, Engineering Mechanics Section, Rm. 419, National Science Foundation, Washington, D.C. 20550, telephone (202) 632–5787.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Management Analysis Office, Rm. 248, National Science Foundation, Washington, D.C. 20550.

Purpose of advisory panel: To provide advice and counsel concerning the status and new directions of Engineering Mechanics research.

Agenda:

January 7

9:00 a.m. Introduction.

9:30 a.m. Review: NSF Organization, Recent Changes in Engineering Mechanics Section, Overview of grant activity.

1.30 p.m. Interaction with other agencies.

2:30 p.m. Discussion: Should the Section Consider Supporting Technology Transfer Efforts.

3:30 p.m. Interdisciplinary Research.

4:30 p.m. Future Research Directions.

January 8

9:00 a.m. University - Industry Cooperation.

10:00 a.m. Future Research Directions (Continued).

2:30 p.m. Further Discussion of Agenda Items.

GAIL A. MCHENRY,
Acting Committee Management Officer.

DECEMBER 10, 1975.

[FR Doc.75–33614 Filed 12–12–75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance reports intended for use in collecting information from the public received by the Office of Management and Budget on December 9, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the Reviewer listed.

NEW FORMS

NATIONAL SCIENCE FOUNDATION:

Surveys of Scientific and Technical Manpower requirements in energy-related industries, single-time, energy related industries, Strasser, A., 395–5867.

U.S. CIVIL SERVICE COMMISSION:

Supplemental Form for Clerk Examination Annct., FR–3021, on occasion, entry on clerk list, Caywood, D. P., 395–3443.

UNITED STATES INTERNATIONAL TRADE COMMISSION:

Purchaser's Questionnaire—Iron Blues, single-time, purchasers of Iron Blues, Evinger, S. K., 395–3710.

Importer's Questionnaire—Iron Blues, single-time, importers, Evinger, S. K., 395–3710.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Application for Participation (Child Care Food Program), FNS–341, FNS–341–1, annually, Institutions Administration by FNS, Human Resources Division, Lowry, R. L., 395–3532.

DEPARTMENT OF COMMERCE

Bureau of Census:

Property transfer record sheet, TEX–30, single-time, Field Division Census Bureau, Ellett, C. A., 395–5867.

Real Estate sales survey, TEX–31, single-time, households involved in real estate transfers, Ellett, C. A., 395–5867.

Mobile home permit questionnaire, S–410, on occasion, permit issuing officials in local government, Sunderhauf, M. B., Maria Gonzales, 395–6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration:

Rural health initiative (RHI) reporting requirements, HSA1120, annually, ambulatory health care clinics, Lowry, R. L., 395–3772.

National Institute of Education: NIE Compensatory Education Study-District Survey I, NIE140, single-time, state and district officials, George Hall, 395–6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management: Survey of potential users of a data bank, single-time, research institutions, Community & Veterans Affairs Division, 395–3532.

Community Planning and Management: Housing element survey, comprehensive planning assistance, single-time, state planning directors, Community & Veterans Affairs Division, Sunderhauf, M. B., 395–3532.

DEPARTMENT OF JUSTICE

Departmental and other exemplary and promising projects recommendation: LEAA 2300/6, semi-annually, criminal justice program, Lowry, R. L., 395–3772.

DEPARTMENT OF LABOR

Bureau of International Labor Affairs: Foreign car impact study, ILAB 39, single-time, buyers of imported cars, Evinger, S. K., 395–3710.

DEPARTMENT OF THE INTERIOR

National Park Service: Dispersed winter recreation use patterns and visitor, attitudes at Crater Lake-Diamond Lake, Oregon, single-time, winter recreationists, Lowry, R. L., 395–3772.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration: Consumer Services Survey—Hot Line, single-time, individuals, economics and general government division, Sunderhauf, M. B., 395–3451.

NO

United States International Trade Commission: Preliminary Survey to Establish Importers of Certain Dry Wall Screws, single-time, importers, Evinger, S. K., 395–3710.

REVISIONA

U.S. CIVIL SERVICE COMMISSION

Annuitant's Report of Annual Income: BRI 49–160, annually, disability annuitants, Caywood, D. P., 395–3443.

NATIONAL CREDIT UNION ADMINISTRATION

Annual Report for State-Chartered Credit Unions: NCUA 5306, annually, State chartered credit unions, Harry B. Sheftel.

State Central Credit Union Financial Statements: NCUA 5307, annually, State central credit unions, Harry B. Sheftel.

VETERANS ADMINISTRATION

Inquiry Concerning Applicant for Employment: FL 5 127, on occasion, supervisors and employers, Caywood, D. P., 395–3443.

Institutional Account For VA Beneficiaries: 27–4706B, on occasion, legal custodian, Caywood, D. P., 395–3443.

Claim For Health Benefits (SGLI and VGLI), 29–8283, on occasion, claimants, Caywood, D. P., 395–3443.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: farm production expenditure survey, annually, farmers, Lowry, R. L., 395–3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center For Disease Control: childhood lead poisoning prevention program and laboratory lead activity quarterly reports, CDC 7.21.1, CDC7.21.2, quarterly, lead poisoning programs, George Hall, 395–6140.

National Center For Education Statistics: upper division and post-baccalaureate enrollment by degree field, fall 1976, OE2300, annually, colleges and universities, George Hall, 395–6140.

Office of Education: institutional characteristics of colleges and universities: 1976–77, OE–2300–1, annually, colleges and universities, George Hall, 395–6140.

National Center for Education Statistics: Degrees and Other Formal Awards Conferred Between July 1, 1975 and June 30, 1976, OE2300–2.1, annually, George Hall, 395–6140.

National Center for Education Statistics: Financial Statistics of Institutions of Higher Education for Fiscal Year Ending 1976, OE2300–4, Annually, Colleges and Universities, George Hall, 395–6140.

EXTENSIONS

U.S. CIVIL SERVICE COMMISSION

JFA Qualifications Brief: CSC–994, on occasion, applicants for Federal jobs, Marsha Traynham, 395–4529.

JFA Education and Experience Questionnaire: CSC 994–A, on occasion, applicants for Federal employment, Marsha Traynham, 395–4529.

VETERANS ADMINISTRATION

Request to Vendor for Volume of Purchases by Veterans Canteen Service Field Offices: FL 10–195, annually, manufacturers, Marsha Traynham, 395–4529.

GENERAL SERVICES ADMINISTRATION

National Historical Sources Grant Program Financial Report: GSA2066, semi-annually, universities, historical societies, Peterson, M. O., 395–5631.

U.S. CIVIL SERVICE COMMISSION

Supplemental Qualifications Statement: Computer Specialist, CSC 972, on occasion, applicants for Federal employment, Caywood, D. P., 395–3443.

Trade Background Sheet: CSC 670, on occasion, applicants for Federal employment, Marsha Traynham, 395–4529.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Weekly Weather and Crop Report, weekly, county extension agents, Marsha Traynham, 395–4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service: Statistical Report on Medical Care Recipients, Payments Services, SRSNCS2082, annually, state medicaid, Marsha Traynham, 395–4529.

National Institutes of Health: Medical Library Resources Project Grants, Library Data Sheets and Supplemental Instructions to, NIH 398 and 2006–1 applications, NIH–LM–6, on occasion, public and private non-profit organization, Lowry, R. L., 395–3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management: Designation of Rented Units—Section 3 Leased Housing, M.7430.1, on occasion, local housing authorities, Community and Veterans Affairs Division, 395–3532.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration: application for registration (type B), DEA 225, Registered Under Controlled Substances Act, Marsha Traynham, 395–4520.

Drug Enforcement Administration: application for permit to maintain central

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records, DEA 274, registered under Controlled Substances Act, Marsha Traynham, 395–4529.

Immigration and Naturalization Service, data relating to beneficiary of private bill, G–79A, on occasion, parties to private bills, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Do.75–33846 Filed 12–12–75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the office of management and budget on December 5, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Solar energy information request; ERDA–631SE, on occasion, solar energy professionals, Harry B. Sheftel.

DEPARTMENT OF AGRICULTURE

Statistical reporting service; esthetic evaluation of alternative timber, harvesting practices on the coram experimental forest, other (see SF–83), college students, Lowry, R. L., 395–3772.

DEPARTMENT OF COMMERCE

Economic Development Administration; Mail/on-site follow-on survey to form ED–110X, single-time, individuals, Strasser, A., Lowry, R. L., 395–5867.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research: Congregate housing survey, single-time congregate housing residents, community and veterans affairs division, Sunderhauf, M. B., 395–3532.

REVISIONS

General Services Administration application claim for replacement housing (payment for tenants and certain others), GSA2685, on occasion, tenants, Harry B. Sheftel.

Application claims for moving costs and related expenses (families and individuals), GSA–2684, on occasion, individuals, Harry B. Sheftel.

VETERANS ADMINISTRATION

Data on property securing prior GI loan: 26–6377, on occasion, veterans, Caywood, D. P., 395–3443.

DEPARTMENT OF STATE (EXCL. AID AND ACTION)

Application for amendment of passport: DSP–19, on occasion, passport applicants, Harry B. Sheftel.

Application for passport by mail, DSP 82, on occasion, passport applicants, Harry B. Sheftel.

DEPARTMENT OF DEFENSE

Department of the Army (excluding Defense Civil Preparedness Agency); outline of financial and administrative control, on occasion, transportation industry, Sunderhauf, M. B., 395–6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE SOCIAL SECURITY ADMINISTRATION:

Application for supplementary security income (individual), SSA 8001, on occasion, individuals who apply for Supplementary Security Income, Caywood, D. P., 395–3443.

Application for supplemental security income (individual with spouse), SSA 8002, on occasion, individuals who apply for Supplemental Security Income, Caywood, D. P., 395–3443.

Application for supplemental security income (couple), SSA–8000, on occasion, individuals who apply for Supplemental Security Income, Caywood, D. P., 395–3443.

EXTENSIONS

DEPARTMENT OF STATE (EXCLUDING AID AND ACTION)

Report of birth (U.S.) citizens born abroad), FS–240, on occasion, citizen abroad, Marsha Traynham, 395–4529.

Birth affidavit: DSP–10A, on occasion, passport applicants, Marsha Traynham, 395–4529.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration: Application for registration (type A), DEA 224, on occasion, registrants, Harry B. Sheftel.

DEPARTMENT OF LABOR

Bureau of Labor Statistics:

International Price Program—Import Price Information, BLS3007A, annually, U.S. Importers, Strasser, A., 395–5867.

International Commodity Price Information, BLS–2894A, annually, U.S. Exporters, Strasser, A., 395–5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–33847 Filed 12–12–75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11916; (SR–MSRB–75–2)]

MUNICIPAL SECURITIES RULEMAKING BOARD

Order Approving Proposed Rule Change

DECEMBER 11, 1975.

In the matter of Municipal Securities Rulemaking Board, 1629 K Street, NW., Suite 700, Washington, D.C. 20006.

On November 5, 1975, the Municipal Securities Rulemaking Board (the "MSRB)" filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder, copies of proposed Rule A–12. Proposed Rule A–12 provides for an initial assessment of $100 payable by each municipal securities broker and each municipal securities dealer, presently or hereafter registered with the Commission, to be paid to the MSRB not later than (1) December 15, 1975, or (2) ten days from the date of registration with the Commission, whichever shall occur later.

Notice of MSRB Rule A–12 together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 11809 (November 7, 1975)) and by publication in the FEDERAL REGISTER (40 FR 52896 (November 13, 1975)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB, and in particular, the requirements of Section 15B of the Act. The Commission furthur finds that MSRB Rule A–12 should be approved on teh twenty-eighth day after the date of publication of notice of the filing thereof because, as a rule establishing a fee, it need not have been published prior to effectiveness and, further, because adequate time has been provided for public comment on the Rule in view of the relative simplicity of its terms and consequences.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, for good cause found that the proposed rule change filed with the Commission on November 5, 1975 be approved.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–33862 Filed 12–12–75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 04/04–5120]

COMMERCIAL INVESTMENT RESOURCES, INC.

Issuance of License To Operate as a Small Business Investment Company

On September 16, 1975, a notice was published in the FEDERAL REGISTER (40 FR 42804) stating that Commercial Investment Resources, Inc., located at 19 West Oxmoor Road, Birmingham, Alabama 35209, had filed an application with the Small Business Administration. pursuant to 13 CFR 107.102 (1975) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business October 1, 1975, to submit their comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA issued License No. 04/04–5120 to Commercial Investment Resources, Inc., on November 11, 1975, to operate as a small business investment company, pursuant to section 301(d) of the Act.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 8, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75–33664 Filed 12–12–75;8:45 am]

CONCORD DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Concord District Advisory Council will hold a public meeting at 10:00 a.m., Thursday, January 15, 1976, at 55 Pleasant Street, Room 213, Concord, New Hampshire 03301, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, write Bert Teague, at the above address or call 603–224–4041.

Dated: December 9, 1975.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils, Small Business Administration.

[FR Doc.75–33663 Filed 12–12–75;8:45 am]

[Declaration of Disaster Loan Area #1196]

NEW YORK

Declaration of Disaster Area

Erie and Chautauqua counties and adjacent counties within the State of New York, constitute a disaster area because of damage resulting from high winds, high water and flooding November 10, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on February 6, 1976, and for economic injury until the close of business on September 8, 1976, at:

Small Business Administration, Branch Office, Federal Building—Room 1311, 111 West Huron Street, Buffalo, New York 14202.

or other locally announced locations.

Dated: December 8, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75–33712 Filed 12–12–75;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON MANPOWER AND EMPLOYMENT

Meeting

The BRAC Committee on Manpower and Employment will meet at 9:30 a.m., January 7, 1976, at the General Accounting Office Building, 441 G Street NW., Room 2106, Washigton, D.C. The agenda for the meeting is as follows:

1. Proposed realignment of programs between the Office of Manpower Structure and Trends and the Office of Current Employment Analysis.

2. Report on status of Standard Occupational Classification system.

3. Description of surveys planned to determine the intensity of job search by employed and unemployed persons.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 523–1559.

Signed at Washington, D.C. this 9th day of December 1975.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.75–33735 Filed 12–12–75;8:45 am]

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON ECONOMIC GROWTH

Meeting

The BRAC Committee on Economic Growth will meet at 10:00 a.m., January 14, 1976, at the General Accounting Office Building, 441 G Street NW., Room 2106, Washington, D.C. Agenda for the meeting follows:

1. Brief Overview of Current BLS Economic Growth Model.

2. Recent Labor Force Developments and Their Implications for the Future.

3. Description of the Alternative 1980–85 Projections.

4. Discussion of Energy Alternatives.

5. Flow of Funds Implication of BLS Economic Growth Projections—Stephen P. Taylor, Federal Reserve System.

6. Evaluation of the BLS 1970 Economic and Manpower Projections.

7. Brief Review of 1976 Program Plans.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executve Secretary, Business Research Advisory Council on (Area Code 202) 523–1559.

Signed at Washington, D.C. this 8th day of December 1975.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.75–33736 Filed 12–12–75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 930]

ASSIGNMENT OF HEARINGS

DECEMBER 10, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 140824, Metro Cab, Inc., continued to January 6, 1976 (4 days) at Trenton, New Jersey, in Council Chambers Room 228, City Hall, 319 East State Street.

AB–52 Sub 4, Atchison, Topeka and Santa Fe Railway Company Abandonment Between Richmond and B.C. Junction, in Ray Clay Clinton and Buchanan Counties, Missouri, now assigned January 13, 1976 at *Palttsburg*, Missouri, is canceled and reassigned January 13, 1976 (3 days) at *Excelsior Springs*, Missouri in The Excelsior Trust Co., 2nd Floor, 218 South Street.

MC 21436 Sub 3, Thomas F. Welsh, DBA Relinace Van Company, now assigned December 16, 1975, at Washington, D.C., is canceled and application dismissed.

MC 8973 Sub 39, Metropolitan Trucking, Inc., now being assigned February 2, 1976, (1 day), at New York, N.Y., in a hearing room to be later designated.

MC 140962, Philip Antonucci dba Anty Trucking, now being assigned February 3, 1976, (1 day), at New York, N.Y., in a hearing room to be later designated.

MC 141081, Trailer Car Corp., now being assigned February 4, 1976, (3 days), at New York, N.Y., in a hearing room to be later designated.

MC 112520 Sub 301, McKenzie Tank Lines, Inc., now being assigned continued hearing January 14, 1976 (3 days) at Atlanta, Georgia; in the Admiral Benbow Inn, 1470 Spring Street.

MC 12797 Sub 5, Presley Tours, Inc., application dismissed.

MC 8497 Sub 1, Glascow Hauling, Inc., now being assigned January 21, 1976 (3 days), at Harrisburg, Pa.: in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–33754 Filed 12–12–75;8:45 am]

[Notice No. 138]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 15, 1975.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 C.F.R. Part 1132:

No. MC–FC–76193. (Correction) (DONALD L. KERBS, doing business as C & R TRUCK LINE—Transferee—DONALD L. KERBS AND NEAL J. LOVIN, doing business as 'C & R TRUCK LINE—Transferor—), on November 25, 1975, the above-entitled application was published in the FEDERAL REGISTER. The notice stated that Donald L. Kerbs, doing business as C & R Truck Line, intends to temporarily operate the motor carrier properties of Donald L. Kerbs and Neal J. Lovin, doing business as C & R Truck Line. This notice inaccurately described the nature of the transaction. In this proceeding Donald L. Kerbs, doing business as C & R Truck Line, intends to acquire the certificate of registration underlying, intrastate authority of Donald L. Kerbs and Neal J. Lovin doing business as C & R Truck Line.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–33750 Filed 12–12–75;8:45 am]

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[Notice No. 139]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 15, 1975.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 C.F.R. Part 1132:

No. MC–FC–76201. By application filed December 5, 1975, KEITH PADDOCK & SONS, INC., Route 17 & 36, Jasper, NY 14855, seeks temporary authority to lease the operating rights of LARISON FARM SERVICE, INC., Van Etten, NY 14889, under section 210a(b). The transfer to KEITH PADDOCK & SONS, INC., of the operating rights of LARISON FARM SERVICE, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33751 Filed 12-12-75;8:45 am]

[Notice No. 140]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 15, 1975.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 C.F.R. Part 1132:

No. MC–FC–76233. By application filed December 5, 1975, LEE LINE, INC., 709 Bench St., Red Wing, MN 55066 (seeks temporary authority to lease the operating rights of STANLEY E. SKAGGS, doing business as S & A LINES, 206 E. Maple, Mora, MN 55051, under section 210a(b). The transfer to LEE LINE, INC., of the operating rights of STANLEY E. SKAGGS, doing business as S & A LINES, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33752 Filed 12-12-75;8:45 am]

[Notice No. 141]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 15, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

NOTICES

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before January 5, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–76161. By order of December 9, 1975, the Motor Carrier Board approved the transfer to Aurora Delivery, Inc., Anchorage, Alaska, of the operating rights in certificate No. MC–119402 (Sub-No. 2) issued June 19, 1970, to Ferman L. Strickland and Eileen Strickland doing business as Aurora Delivery, authorizing the transportation of general commodities (with the usual exceptions), (1) between Anchorage, Alaska, and Wasilla, Alaska, serving all intermediate points; and (2) between all points within 100 air miles of Anchorage, Alaska, which are north of a line drawn in an east-west direction through Anchorage, Alaska. A. Robert Hahn, Jr., 542 Second Avenue, Anchorage, Alaska 99501, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33753 Filed 12-12-75;8:45 am]

[Notice No. 93]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Transport of New Jersey, MC–3647 Sub-443	MC–3647 Sub-448	Oct. 8,1975
Burgess & Cook, Inc., MC–4687 Sub-15	MC–4687 Sub-16	Oct. 22,1975
Trans-American Van Service, Inc., MC–22254 Sub-73	MC–22254 Sub-77	Oct. 17,1975
Sioux Transportation Co., Inc., MC–22301 Sub-18	MC–22301 Sub-19	Oct. 15,1975
IML Freight, Inc., MC–33641 Sub-117	MC–33641 Sub-118	Oct. 21,1975
C. E. Lizza, Inc., MC–48213 Sub-38	MC–48213 Sub-39	Do.
Refiners Transport Terminal Corp., MC–50069 Subs-488, -489	MC–50069 Sub-490	Oct. 8,1975
Schneider Transport, Inc., MC–51146 Sub-333	MC–51146 Sub-349	Oct. 17,1975
Schneider Transport, Inc., MC–51146 Sub-341	MC–51146 Sub-339	Oct. 23,1975
D.b.a. Vesely Brothers "The Movers," MC–51518 Sub-7	MC–51518 Sub-8	Oct. 1,1975
Ellex Transportation, Inc., MC–52460 Subs-128, -131, -138, -145, -163, -171	MC–52160 Sub-134	Oct. 22,1975
Ellex Transportation, Inc., MC–52160 Sub-142	MC–52160 Sub-143	Oct. 8,1975
Brown Transport Corp., MC–59679 Sub-78	MC–59679 Sub-79	Nov. 4,1975
Bowling Green Express, Inc., MC–97394 Sub-12	MC–97394 Sub-14	Oct. 30,1975
Fleet Transport Co., Inc., MC–103051 Sub-304	MC–103051 Sub-307	Nov. 3,1975
Pre-Fab Transit Co., MC–107295 Sub-656	MC–107295 Sub-680	Oct. 17,1975
Signal Delivery Service, Inc., MC–108303 Sub-86	MC–108303 Sub-87	Oct. 20,1975
D.b.a. Indiana River Transport, Inc., MC–109708 Sub-58	MC–109708 Sub-59	Oct. 16,1975
Wenger Truck Line, Inc., MC–109818 Sub-18	MC–109818 Sub-19	Oct. 20,1975
Schneider Truck Lines, Inc., MC–110988 Sub-306	MC–110988 Sub-309	Oct. 31,1975
Purolator Courier Corp., MC–111729 Subs-398, -399	MC–111729 Sub-412	Do.
McKenzie Tank Lines, Inc., MC–112520 Sub-298	MC–112520 Sub-299	Oct. 16,1975
Todd Transport Co., Inc., MC–113158 Sub-26	MC–113158 Sub-27	Do.
William T. Herron, MC–113300 Sub-5	MC–113300 Sub-6	Nov. 5,1975
Miedfeldt Trucking Service, Inc., MC–114097 Sub-5	MC–114097 Sub-6	Oct. 16,1975
Lumber Transport, Inc., MC–115496 Sub-22	MC–115496 Sub-28	Do.
Lumber Transport, Inc., MC–115496 Sub-25	MC–115496 Sub-27	Do.
Brink's Canada, Ltd., MC–115646 Sub-4	MC–115646 Sub-5	Oct. 20,1975
Louis Grover, MC–115904 Subs-34, -36	MC–115904 Sub-35	Oct. 31,1975
Robertson Tank Lines, Inc., MC–116077 Subs-355, -360, -362	MC–116077 Sub-365	Nov. 5,1975
Nance and Columis, Inc., MC–116300 Sub-16	MC–116300 Sub-17	Nov. 6,1975
Newman and Pemberton Corp., MC–117416 Sub-10	MC–117416 Sub-11	Nov. 5,1975
M. Bruenger & Co., Inc., MC–118142 Sub-59	MC–118142 Sub-64	Oct. 2,1975
Schultz Transit, Inc., MC–118202 Sub-40	MC–118202 Sub-38	Oct. 15,1975
Denver Southwest Express, Inc., MC–118431 Sub-13	MC–118431 Sub-7	Oct. 10,1975
N.A.B. Trucking Co., Inc., MC–119726 Sub-37	MC–119726 Sub-43	Do.
Beaver Transport Co., MC–119767 Sub-318	MC–119767 Sub-321	Do.
Diamond Transportation System, Inc., MC–123048 Sub-257	MC–123048 Sub-293	Nov. 5,1975
Summit City Enterprises, Inc., MC–123640 Sub-19	MC–123640 Sub-20	Do.
Decker and Sons, Inc., MC–124711 Sub-25	MC–124711 Sub-27	Nov. 4,1975
M & W Grain Co., MC–127355 Sub-14	MC–127355 Sub-15	Nov. 5,1975
Bosch Trucking Co., Inc., MC–127550 Sub-3	MC–127550 Sub-2	Oct. 28,1975
Midwestern Distribution, Inc., MC–128273 Sub-168	MC–128273 Sub-163	Do.
B & B Trucking, Inc., MC–128866 Sub-52	MC–128866 Sub-53	Do.
Patton's, Inc., MC–129516 Sub-34	MC–129516 Sub-34	Nov. 7,1975
D.b.a. Werner Enterprises, MC–133233 Sub-31	MC–133233 Sub-29	Nov. 5,1975
Direct Service, Inc., MC–134783 Sub-4	MC–134783 Sub-6	Do.
D.b.a. Belue's Trucking, MC–134978 Sub-7	MC–134978 Sub-8	Oct. 30,1975

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33749 Filed 12-12-75;8:45 am]

federal register

MONDAY, DECEMBER 15, 1975

PART II:

DEPARTMENT OF TRANSPORTATION

Coast Guard

MARINE SANITATION DEVICES

Certifications Granted

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

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DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75 227]

MARINE SANITATION DEVICES

Certifications Granted

The purpose of this document is to notify interested persons that the Commandant, U.S. Coast Guard, has certified the design of certain marine sanitation devices or has authorized the manufacturer to label certain devices in accordance with the U.S. Coast Guard Marine Sanitation Device Regulations (33 CFR, Part 159).

When the Coast Guard determines that a device successfully satisfies the Design, Construction and Testing requirements of Subpart C of 33 CFR, Part 159, the manufacturer is authorized by the Coast Guard to label each device that he manufactures that is in all material respects substantially the same as the test device. This label serves as the purchaser's verification of the certification on such devices.

Existing equipment that is certified under 33 CFR 159.12 cannot be labelled under 33 CFR 159.16 as being certified. Because of this fact, purchasers of these devices are urged to request from the manufacturer or dealer a copy of the Coast Guard letter granting certification of the device. The "verification" column in the list below shows the date of the Coast Guard letter granting certification. A copy of the certification letter or this Notice should be retained by the owner of such equipment as evidence that the device has been certified by the Coast Guard.

(33 U.S.C. 1322, 49 CFR 1.46 (l) and (m)).

Dated: December 4, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant Marine Safety.

MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 31 OCTOBER 1975
PURSUANT TO THE PROVISIONS OF 33 CFR, PART 159

Distributor (D) Owner (O) or Manufacturer (M)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification
Aquatic Designs Inc. (M) 7000 E. Genesee St. Fayatteville, N. Y. 13066	Aquaseptic	Model 20	No Discharge	All MFG. Before 1/30/76	No	None Assigned	USCG LTR of 11 July 75
	Aquaseptic	Model 30	No Discharge	All MFG. Before 1/30/76	No	None Assigned	USCG LTR of 11 July 75
A/S Atlas (M) Baltorpvej 154 DK-2750 Ballerup Kobenhaven Denmark	Waste Treatment Plant	AWWU	Discharge	Systems manufactured prior to 30 Jan. 1976 upon application to the Coast Guard by the Manufacturer	No	None Assigned	USCG LTR of 8 Oct. 75
	Waste Treatment Plant	AWWU	No Discharge	Systems manufactured prior to 30 Jan. 1976 upon application to the Coast Guard by the Manufacturer	No	None Assigned	USCG LTR of 21 Oct. 75
Babcock and Wilcox (M) Industrial and Marine Division 4282 Strausser St., N. W. P. O. Box 2423 North Canton, Ohio 44720	Marine Sewage Disposal System	SWD Mark 1 a	No Discharge	All systems manufactured prior to 30 Jan. 1976 upon application to the Coast Guard by the Manufacturer	No	None Assigned	USCG LTR of 5 Sep. 75
Bay Shipbuilding Corp. (M) Sturgeon Bay, Wisc. 54235	Holding System	None assigned	No Discharge	System aboard Bay Shipbuilding Hull No. 715	No	None Assigned	USCG LTR of 19 Sep. 75
Bethlehem Steel Co. (M) Central Technical Div.-Shipbuilding Sparrows Point, Md. 21219	Holding System	None assigned	No Discharge	Systems Aboard Hull No. 4642	No	None Assigned	USCG LTR OF 15 Aug 75
				Hull No. 4643	No	None Assigned	USCG LTR of 15 Aug 75
				Hull No. 4644	No	None Assigned	USCG LTR of 15 Aug 75
Boeing Aerospace Co. (M) P. O. Box 3999 Seattle, Wash. 98124	Holding System			Systems Aboard			
		929-100	No Discharge	Hull No. 001	No	None Assigned	USCG LTR of 1 Aug 75
		929-100	No Discharge	Hull No. 003	No	None Assigned	USCG LTR of 1 Aug 75
		929-100	No Discharge	Hull No. 004	No	None Assigned	USCG LTR of 1 Aug 75
		929-100	No Discharge	Hull No. 006	No	None Assigned	USCG LTR of 1 Aug 75

MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 31 OCTOBER 1975
PURSUANT TO THE PROVISIONS OF 33 CFR, PART 159

Distributor (D) Owner (O) or Manufacturer (M)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification
Bridge, Warren (O) Warren Bridge's Landing Federal Dam, MN 56641	Penta-Potti and Installation Kit	259.73508 and 259.73525	No-discharge	System aboard: The Vessel "Ann" and no others	No	None assigned	USCG ltr of 14 MAR 75
Chrysler Corp. (M) Space Division P. O. Box 29200 New Orleans, Louisiana 70129	Aqua Sans	Model A	No-discharge	Systems aboard: Tara Lynn S Erisca Theriot Janet Theriot Nica Theriot Toya Theriot Pye Theriot Joshua Theriot Main Iron Works Hull 20 System Serial No. 013 System Serial No. 014 System Serial No. 015 System Serial No. 016 and others mfrd. prior to 30 JAN 1976 upon application to the Coast Guard by the manufacturer.	 No No No No No No No No No No No No	 None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned	 USCG ltr of 20 May 75 USCG ltr of 20 May 75 USCG ltr of 20 May 75 USCG ltr of 20 May 75 USCG ltr of 20 May 75 USCG ltr of 20 May 75 USCG ltr of 20 May 75 USCG ltr of 20 May 75 USCG ltr of 20 May 75 USCG ltr of 20 May 75 USCG ltr of 20 May 75 USCG ltr of 20 May 75
Water and Waste Management Operation Colt Industries (M) 701 Lawton Avenue Beloit, Wisconsin 53511	EnviroVac System	None assigned	No-discharge	Systems manufactured prior to 30 JAN 1976 upon application to the Coast Guard by the manufacturer.	No	None assigned	USCG ltr of 22 May 75
Crounse Corp. (O) 2626 Broadway Paducah, Kentucky 42001	Crounse Stack Injection System	None assigned	No-discharge	Systems aboard: M/V Eva Kelley M/V Shirley Bowland M/V Jean Akin	 No No No	 None assigned None assigned None assigned	 USCG ltr of 14 APR 75 USCG ltr of 14 APR 75 USCG ltr of 14 APR 75

MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 31 OCTOBER 1975
PURSUANT TO THE PROVISIONS OF 33 CFR, PART 159

Owner (O) Manufacturer (M) Distributor (D)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification
Crounse Corp (O) (continued)	Crounse Stack Injection System	None assigned	No-discharge	M/V Rachel M/V Sue Chappell M/V Donna Kaeling M/V Louise M/V Barbara M/V Jincy M/V Patricia M/V Hazel M/V Ellan Stone M/V Kay Templeton M/V Sara Page M/V Annabel M/V Nancy B M/V Nell M/V Nadine Baker M/V Alice M/V Mary Alice Baker M/V Zelda Humphrey M/V Genevieve	No No No No No No No No No No No No No No No No No No No	None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned	USCG ltr of 14 APR 75 USCG ltr of 14 APR 75 USCG ltr of 14 APR 75 USCG ltr of 14 APR 75 USCG ltr of 14 APR 75 USCG ltr of 14 APR 75 USCG ltr of 14 APR 75 USCG ltr of 14 APR 75 USCG ltr of 14 APR 75 USCG ltr of 14 APR 75 USCG ltr of 14 APR 75 USCG ltr of 14 APR 75 USCG ltr of 14 APR 75 USCG ltr of 14 APR 75 USCG ltr of 14 APR 75 USCG ltr of 14 APR 75 USCG ltr of 14 APR 75 USCG ltr of 14 APR 75 USCG ltr of 14 APR 75
Demco Inc. (M) 829-845 S.E. 29th St. P. O. Box 94700 Oklahoma City, Oklahoma 73109	Packaged Sewage Plant	WT-325 WT-625 WT-1000 WT-1250 WT-1565 WT-1875 WT-2200 WT-2500 WT-2815 WT-3125 WT-3750 WT-5000 WT-6000 WT-7000	Discharge	Units of these model numbers manufactured prior to 30 JAN 1976 upon application to the Coast Guard by the manufacturer.	No No No No No No No No No No No No No No	None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned	USCG ltr of 15 MAY 75 USCG ltr of 15 MAY 75 USCG ltr of 15 MAY 75 USCG ltr of 15 MAY 75 USCG ltr of 15 MAY 75 USCG ltr of 15 MAY 75 USCG ltr of 15 MAY 75 USCG ltr of 15 MAY 75 USCG ltr of 15 MAY 75 USCG ltr of 15 MAY 75 USCG ltr of 15 MAY 75 USCG ltr of 15 MAY 75 USCG ltr of 15 MAY 75 USCG ltr of 15 MAY 75

MARINE SANITATION DEVICES CERTIFIED BY THE U.S. COAST GUARD AS OF 31 OCTOBER 1975
PURSUANT TO THE PROVISIONS OF 33 CFR, PART 159

Owner (O) Manufacturer (M) Distributor (D)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification
Demco Inc. (M) (continued)	Packaged Sewage Plant	WT-8000 WT-9000 WT-10,000 WT-12,500	Discharge	Units of these model numbers manufactured prior to 30 JAN 1976 upon application to the Coast Guard by the manufacturer.	No No No No	None assigned None assigned None assigned None assigned	USCG ltr of 15 MAY 75 USCG ltr of 15 MAY 75 USCG ltr of 15 MAY 75 USCG ltr of 15 MAY 75
Drew Chemical Corp. 701 Jefferson Rd. (D) Parsippany, New Jersey 07054	Bio-Pure System	6E, 12E, 20E, 30E, 50E, and 75E	Discharge	Systems aboard: Burmeister & Wain Hull No. 858 Burmeister & Wain Hull No. 859 Cammell Laird Hull No. 1362 Cammell Laird Hull No. 1363 Cammell Laird Hull No. 1365 Cammell Laird Hull No. 1366 SS Texas Clipper Dredge Ezra Sensibar Davie Hull 685 Davie Hull 686 Davie Hull 687 Davie Hull 688 Collingwood Hull 208 Collingwood Hull 209 Collingwood Hull 207 Collingwood Hull 210 Sanyasu Shipyard Hull 1018	 No No No No No No No No No No No No No No No No	 None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned	 USCG ltr of 22 MAY 75 USCG ltr of 22 MAY 75 USCG ltr of 22 MAY 75 USCG ltr of 22 MAY 75 USCG ltr of 22 MAY 75 USCG ltr of 22 MAY 75 USCG ltr of 22 MAY 75 USCG ltr of 22 MAY 75 USCG ltr of 22 MAY 75 USCG ltr of 22 MAY 75 USCG ltr of 22 MAY 75 USCG ltr of 22 MAY 75 USCG ltr of 22 MAY 75 USCG ltr of 22 MAY 75 USCG ltr of 22 MAY 75

MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 31 October 1975
PURSUANT TO THE PROVISIONS OF 33 CFR, PART 159

Owner (O) Manufacturer (M) Distributor (D)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification
Drew Chemical (continued)	Bio-Pure	6E, 12E 20E, 30E, 50E, and 75E	Discharge	and additional units of these model numbers manufactured prior to 30 JAN 1976 upon application to the Coast Guard by the manufacturer.	No	None assigned	USCG ltr of 22 MAY 75
Electrods Corp. (M) P. O. Box 229 Chardon, Ohio 44024 (Raritan)	Lectra/San	None assigned	Discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 8 APR 75
Filteron Systems (M) 2970 Blystone No. 103 Dallas, Texas 75220	Treatment Plant	MSD-5000	Discharge	Systems Manufactured prior to 30 Jan 1976 upon application to the Coast Guard by the manufacturer	No	None Assigned	USCG ltr of 15 Sep 75
Firestone Coated Fabrics Co. (M) Box 887 U. S. Highway 82B West Magnolia, AR 71753	Flexible Holding Tank	Model No. 15 Model No. 30 Model No. 40	No-discharge No-discharge No-discharge	All mfg. before 1/30/76 All mfg. before 1/30/76 All mfg. before 1/30/76	No No No	N/A N/A N/A	USCG ltr of 14 MAR 75 USCG ltr of 14 MAR 75 USCG ltr of 14 MAR 75
General American Research Div. (M) General American Transportation Corp. 7449 North Natches Ave. Niles, Ill. 60648	ETS System	None Assigned	No-Discharge	Systems aboard Marine Industries Hull No. 24 Marine Industries Hull No. 25 and all other units manufactured prior to 30 Jan. 1976 upon application to the Coast Guard by the manufacturer	No No	None Assigned None Assigned	USCG ltr of 30 Jun 75 USCG ltr of 30 Jun 75

MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 31 October 1975
PURSUANT TO THE PROVISIONS OF 33 CFR, PART 159

Owner (O) Manufacturer (M) Distributor (D)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification
Hamworthy (M) Engineering, Ltd. Pump & Compressor Div. Fleets Corner Poole Dorset BH17 7LA United Kingdom	Trident MK. 1	T10 T20 T30 T40 T50 T60 T75 T100	Discharge Discharge Discharge Discharge Discharge Discharge Discharge Discharge	All units of these model numbers manufactured prior to 30 January 1976 upon application to the Coast Guard by the manufacturer	No No No No No No No	None Assigned None Assigned None Assigned None Assigned None Assigned None Assigned None Assinged	USCG ltr of 2 July 75 USCG ltr of 2. July 75 USCG ltr of 2 July 75 USCG ltr of 2 July 75 USCG ltr of 2 July 75 USCG ltr of 2. July 75 USCG ltr of 2 July 75
Home Lines, Inc. (O) 1 World Trade Center Suite 3969 New York, New York 10048	Holding System	None Assigned	No Dischrge	System installed aboard SS Doric	No	None Assigned	USCG ltr of 2 May 75

MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 31 October 1975
PURSUANT TO THE PROVISIONS OF 33 CFR, PART 159

Owner (O) Manufacturer (M) Disbributor (D)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification
Hyde Products, Inc. (M) 810 Sharon Drive Westlake, Ohio 44145	Physical/Chemical Waste Treatment System	None assigned	Discharge	Systems aboard: Str. T. W. Robinson Str. Consumers Power Str. John Sherwin M/V Venus Str. Elton Hoyt Str. Charles M. Beeghley M/V Charles Wilson Str. J. L. Mauthe M/V H. Lee White M/V Sam Laud Bay Shipbuilding Hull 714 American Shipbuilding Hull 905 American Shipbuilding Hull 906 and other systems manufactured before 30 JAN 1976 upon application to the Coast Guard by the manufacturer.	No No No No No No No No No No No	None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned	USCG ltr of 12 FEB 75 USCG ltr of 12 FEB 75 USCG ltr of 12 FEB 75 USCG ltr of 12 FEB 75 USCG ltr of 12 FEB 75 USCG ltr of 12 FEB 75 USCG ltr of 12 FEB 75 USCG ltr of 12 FEB 75 USCG ltr of 12 FEB 75 USCG ltr of 12 FEB 75 USCG ltr of 12 FEB 75
Incerator Systems, Inc. 520 East 72nd St. (D) New York, NY 10021	Envirohead	CH-3	No-discharge	All mfg. before 30 JAN 1976	No	None assigned	USCG ltr of 22 MAY 75
	Marine Head	RH-4	No-discharge	All mfg. before 30 JAN 1976	No	None assigned	USCG ltr of 22 MAY 75
	Ejectajet	SE-1	No-discharge	Units manufactured prior to 30 JAN 76 upon application to the Coast Guard by the distributor.	No	None assigned	USCG ltr of 22 MAY 75
	MSTS System	MSTS/1	No-discharge	Units manufactured prior to 30 JAN 76 upon application to the Coast Guard by the distributor.	No	None assigned	USCG ltr of 22 MAY 75
	Primary Treatment Sewage Disposal System	PS-5	Discharge	Units manufactured prior to 30 JAN 76 upon application to the Coast Guard by the distributor.	No	None assigned	USCG ltr of 22 MAY 75
Isball, Jim, Jr. (O) Route 1, Box 592 Leander, Texas 78641	Attwood Marine Head with 5-gallon holding tank	9880-9885	No-discharge	System aboard vessel "Eglantine"	No	None assigned	USCG ltr of 22 MAY 75

MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 31 OCTOBER 75
PURSUANT TO THE PROVISIONS OF 33 CFR, PART 159

Owner (O) or Manufacturer (M)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification
Jensen General Corp. (M) 1946 East 46th St. Los Angeles, CA. 90058	Marine Head	770E 770M 770EM	No Discharge No Discharge No Discharge	All Units of these Model Numbers Manufactured prior to 30 Jan. 1976	No No No	None Assigned None Assigned None Assigned	USCG LTR of 28 Aug 75 USCG LTR of 28 Aug 75 USCG LTR of 28 Aug 75
Jered Industries (M) 1300 S. Coolidge Rd. Birmingham, MI 48008	Vacuum Flush Sewage Treatment System	None assigned	No-discharge	Systems aboard: Avondale Hull 2266 Avondale Hull 2267 Avondale Hull 2268 Newport News Hull 608 Newport News Hull 609 Newport News Hull 610 and other systems manufactured prior to 30 JAN 1976 upon application to the Coast Guard by the manufacturer.	 No No No No No No	 None assigned None assigned None assigned None assigned None assigned None assigned	 USCG ltr of 19 FEB 75 USCG ltr of 19 FEB 75 USCG ltr of 19 FEB 75 USCG ltr of 19 FEB 75 USCG ltr of 19 FEB 75 USCG ltr of 19 FEB 75
Kadas Kampers, Inc. (D) 1724 Laskin Road Virginia Beach, VA 23454	Ecolet	None assigned	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 26 FEB 75
Kasado Shipyard Co. LTD. (M) 708 Kasadoshima Kudamatsu Yamaguchi Prefecture Japan	Holding Tank	None assigned	No Discharge	System Aboard Kasado Hull No. 287	No	None Assigned	USCG LTR of 5 Sep 75
Kelso Shipbuilding (M) P. O. Box 268 Galveston, Texas 77550	Holding Tank	None assigned	No Discharge	System Aboard Kelso Shipbuilding Hull No. 210	No	None Assigned	USCG LTR of 21 Oct 75

MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 31 OCTOBER 75
PURSUANT TO THE PROVISIONS OF 33 CFR, PART 159

Owner (O) Manufacturer (M) Distributor (D)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification
Koehler-Dayton, Inc. (M) P. O. Box 309 New Britain, CT 06050	Konvert-A-Head	13-701595	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 MAR 75
	Commidore	1-110445	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 MAR 75
	MSTS System	702765-1	No-discharge	Systems aboard: M/V John P. Kennedy	No	None assigned	USCG ltr of 18 MAR 75
	EnviroJet	1-143555	No-discharge	M/V Vincent D. Tibbets	No	None assigned	USCG ltr of 18 MAR 75
	EnviroJet	1-143555	No-discharge	M/V Texaco Explorer and other systems manufactured prior to 30 JAN 1976 upon application to the Coast Guard by the manufacturer.	No	None assigned	USCG ltr of 8 APR 75
Koehler-Dayton, Inc. (M) P. O. Box 309 New Britain, Connecticut 06050 (continued)	EnviroMac	None assigned	Discharge Discharge Discharge Discharge Discharge Discharge Discharge Discharge Discharge Discharge Discharge Discharge Discharge Discharge Discharge Discharge Discharge Discharge Discharge	Systems aboard: M/V Magnolia M/V Lemmerhirt M/V No. 25 M/V Alabama Belle M/V Robin M/V Alamo M/V John Henry M/V Pacific Seahorse M/V Atlantic Seahorse M/V Valda M/V Billy Harbison M/V Thatcher M/V D. H. LeMay M/V Billy Houser M/V Lynda Anne M/V Victor II M/V Percy L. LeMay M/V Jim Vickers M/V Leslie Vickers and other systems manufactured prior to 30 JAN 1976 upon application to the Coast Guard by the manufacturer.	 No No No No No No No No No No No No No No No No No No No	 None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned None assigned	 USCG ltr of 8 APR 75 USCG ltr of 8 APR 75 USCG ltr of 8 APR 75 USCG ltr of 8 APR 75 USCG ltr of 8 APR 75 USCG ltr of 8 APR 75 USCG ltr of 8 APR 75 USCG ltr of 8 APR 75 USCG ltr of 8 APR 75 USCG ltr of 8 APR 75 USCG ltr of 8 APR 75 USCG ltr of 8 APR 75 USCG ltr of 8 APR 75 USCG ltr of 8 APR 75 USCG ltr of 8 APR 75 USCG ltr of 8 APR 75 USCG ltr of 8 APR 75 USCG ltr of 8 APR 75

MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 31 OCTOBER 75
PURSUANT TO PROVISIONS OF 33 CFR, PART 159

Owner (O) Manufacturer (M) Distributor (D)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification
LaMere Industries, Inc. (M) Walworth, Wisconsin 53184	Destroilet	57 P5C	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 FEB 75
		57 N5C	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 FEB 75
		57 P9C	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 FEB 75
		57 N9C	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 FEB 75
		57 E9C	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 FEB 75
LaMere Industries (continued)	Destroilet	57 P2C	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 FEB 75
		57 N2C	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 FEB 75
Lek Mfg. Co. (M) 4040 West 123rd st. Alsip, Ill. 60658	Recirculating Holding Tank	Model D	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG Ltr of 7 Jul 75
Mangone Shipbuilding (M) 819 So. 80th St. P. O. Box 5446 Houston, Texas 77012	Holding Tank Holding Tank	None Assigned	No-discharge	System Aboard Vessel "FLORIDA MARTIN II"	No	None assigned	USCG ltr of 5 SEP 75

MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 31 October 1975
PURSUANT TO THE PROVISIONS OF 33 CFR, PART 159

Owner (O) Manufacturer (M) Distributor (D)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification
Mansfield Sanitary Inc. (M) 150 First Street Perrysville, OH 44864	Vacu-Flush System	Heads 206 208 248 306 308 348 406E 406M 408E 408M 448E 448M Vacuum Pumps 6112 6061 6124 6100 6132 6062 SB 1-1/2-A 1-1/2DV-E1/2 IP S11SA S32D S12L	No-discharge	All Vacu-Flush Systems manufactured prior to 30 JAN 76 which are made up of the components listed herein, and their associated controls.	No	None assigned	USCG ltr of 28 MAR 75
Mansfield Sanitary (Con't)	Vacu-Flush System	Vacuum Tanks 5914151 5914201 580012 580020 580030 7291 Holding Tanks 590012 590020 590030 590042 5915151 5915201 and no others	No-discharge	All Vacu-Flush Systems manufactured prior to 30 JAN 76 which are made up of the components listed herein, and their associated controls.	No	None assigned	USCG ltr of 28 MAR 75
	Toilet with holding tank	911-M28	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 28 MAR 75
		912-M28	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 28 MAR 75

MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 31 October 1975
PURSUANT TO THE PROVISIONS OF 33 CFR, PART 159

Owner (O) Manufacturer (M) Distributor (D)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification
Marland Environmental Systems, Inc. (M) 57 West Ave. Wayne, PA 19087	Sewage Treatment Systems	MSS-PT	Discharge	All units of these model numbers manufactured prior to 30 January 1976 upon application to the Coast Guard by the manufacturer	No	None Assigned	USCG ltr of 15 Sep 75
		MSS-ST	Discharge		No	None Assigned	USCG ltr of 15 Sep 75
Metal Bath Industries, Inc. (M) P.O. Box 32067 Oklahoma City, OK 73132	Metal Bath	None Assigned	No-Discharge	All Mfg. before 1/30/76	No	None Assigned	USCG ltr of 20 Aug 1975
Microphor, Inc. (M) P. O. Box 490 Willits, CA 95490	Marine Waste Treatment System	M-8	Discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 8 APR 75
		M-10	Discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 8 APR 75
		M-12	Discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 8 APR 75
		TA-200	Discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 8 APR 75
		M-14	Discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 6 JUNE 75
Monogram Industries (M) 1165 East 230th Street Carson, CA 90745	Monomatic	1-SE	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 MAR 75
	Monomatic	3-SE	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 MAR 75
	Monomatic	3-SLPE	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 MAR 75
	Monomatic II	641	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 MAR 75
	Handihead	4050	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 MAR 75
	Handihead II	154	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 MAR 75

MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 31 October 1975
PURSUANT TO THE PROVISIONS OF 33 CFR, PART 159

Owner (O) Manufacturer (M) Distributor (D)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification
Monogram Industries (continued)	Super Monomatic	S-100	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 MAR 75
	Monotank	469	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 MAR 75
	Extendo Tank	768	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 MAR 75
	Jet-O-Matic	600 (160M)	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 MAR 75
	Jet-O-Matic	601-P (160M-P)	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 MAR 75
	Jet-O-Matic	602 (160M-PA)	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 MAR 75
	Jet-O-Matic	15010-001	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 18 MAR 75
	Handihead	158	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 6 JUNE 75
	Monotron	764	Discharge	All with Label	Yes	159.15/1002/1	Label on Unit
Moran Towing & Transportation (O) One World Trade Ctr. Suite 5335 New York, New York 10048	Recirc/Holding system	None assigned	No-discharge	Systems aboard: McDermott Hull 210	No	None assigned	USCG ltr of 20 MAR 75
				McDermott Hull 211	No	None assigned	USCG ltr of 20 MAR 75
				McDermott Hull 212	No	None assigned	USCG ltr of 20 MAR 75
				McDermott Hull 213	No	None assigned	USCG ltr of 20 MAR 75
Raritan Engineering Co. (D) 1025 North High St. Millville, New Jersey 08332	Flexible Holding Tank	RHT 15	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 3 JUNE 75
	Flexible Holding Tank	RHT 30	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 3 JUNE 75
	Compact Head with holding tank	CHTTP	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 3 JUNE 75
	Lectra/San	None assigned	Discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 8 APR 75
	Lectra/San	12VDC	Discharge	All with Label	Yes	159.15/1001/1	Label on Unit
	Lectra/San	32VDC	Discharge	All with Label	Yes	159.15/1001/2	Label on Unit

MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 31 OCTOBER 75
PURSUANT TO THE PROVISIONS OF 33 CFR, PART 159

Owner (O) Manufacturer (M) Distributor (D)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification
Red Fox Industries (M) P. O. Drawer 640 New Iberia, Louisiana 70560	Marine Sewage Treatment Unit	RF-350-C	Discharge	Units of these model numbers manufactured prior to 30 JAN 1976 upon application to the Coast Guard by the manufacturer.	No	None assigned	USCG ltr of 30 APR 75
		RF-500-C			No	None assigned	USCG ltr of 30 APR 75
		RF-1000-C			No	None assigned	USCG ltr of 30 APR 75
		RF-1500-C			No	None assigned	USCG ltr of 30 APR 75
		RF-2000-C			No	None assigned	USCG ltr of 30 APR 75
		RF-2500-C			No	None assigned	USCG ltr of 30 APR 75
		RF-3000-C			No	None assigned	USCG ltr of 30 APR 75
		RF-3500-C			No	None assigned	USCG ltr of 30 APR 75
		RF-4000-C			No	None assigned	USCG ltr of 30 APR 75
		RF-4500-C			No	None assigned	USCG ltr of 30 APR 75
		RF-5500-C			No	None assigned	USCG ltr of 30 APR 75
		RF-500-M			No	None assigned	USCG ltr of 30 APR 75
		RF-1000-M			No	None assigned	USCG ltr of 30 APR 75
		RF-1800-M			No	None assigned	USCG ltr of 30 APR 75
		RF-2500-M			No	None assigned	USCG ltr of 30 APR 75
		RF-3000-M			No	None assigned	USCG ltr of 30 APR 75
		RF-3500-M			No	None assigned	USCG ltr of 30 APR 75
		RF-4500-M			No	None assigned	USCG ltr of 30 APR 75
		RF-5000-M			No	None assigned	USCG ltr of 30 APR 75
		RF-5500-M			No	None assigned	USCG ltr of 30 APR 75
		RF-6000-M			No	None assigned	USCG ltr of 30 APR 75
		RF-7500-M			No	None assigned	USCG ltr of 30 APR 75
		RF-9000-M			No	None assigned	USCG ltr of 30 APR 75
		RF-5000-SM			No	None assigned	USCG ltr of 30 APR 75
Sanitation Equipment LTD. (M) 1081 Alnesa St. Downsview Ontario Canada	Pot POURRI	Model 709 with Installation Kit	No-Discharge	All MFG. Before 1/30/76	No	None assigned	USCG Ltr of 28 AUG 75

MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 31 OCTOBER 75
PURSUANT TO THE PROVISIONS OF 33 CFR, PART 159

Owner (O) Manufacturer (M) Distributor (D)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verification
St. Louis Ship Division (M) Pott Industries, Inc. 611 East Marceau St. St. Louis, Missouri 63111	FAST No-Discharge System	10N	No-discharge	Systems manufactured prior to 30 JAN 76 upon application to the Coast Guard by the manufacturer.	No	None assigned	USCG ltr of 6 JUNE 75
		15N	No-discharge		No	None assigned	USCG ltr of 6 JUNE 75
		20N	No-discharge		No	None assigned	USCG ltr of 6 JUNE 75
	FAST Discharge System	10D	Discharge	System Aboard M/V MISSOURI and all Systems of these Model Numbers Manufacturer prior to 30 January 1976 upon application to the Coast Guard by the Manufacturer	No	None assigned	USCG Ltr of 17 Sep 75
		15D	Discharge		No	None assigned	USCG Ltr of 17 Sep 75
		20D	Discharge		No	None assigned	USCG Ltr of 17 Sep 75
		40D4	Discharge		No	None assigned	USCG Ltr of 17 Sep 75
		60D4	Discharge		No	None Assigned	USCG Ltr of 17 Sep 75
	FAST	15D	Discharge	All with Label	Yes	159.15/1003/1	Label on Unit
Southern Towing Co. (O) 1814 First Nat'l Bank Building P. O. Box 411 Memphis, TN 38101	"Crounse" Type System	None assigned	No-discharge	Systems aboard:			
			No-discharge	M/V Laura Elizabeth	No	None assigned	USCG ltr of 28 MAR 75
			No-discharge	M/V James L. Williams	No	None assigned	USCG ltr of 28 MAR 75
			No-discharge	M/V Dorothy I. Southern	No	None assigned	USCG ltr of 28 MAR 75
			No-discharge	M/V Katy Riley	No	None assigned	USCG ltr of 28 MAR 75
			No-discharge	M/V John M. Warner	No	None assigned	USCG ltr of 28 MAR 75
			No-discharge	M/V Jim Southern	No	None assigned	USCG ltr of 28 MAR 75
			No-discharge	M/V Charles Southern	No	None assigned	USCG ltr of 28 MAR 75
			No-discharge	M/V C. B. Southern	No	None assigned	USCG ltr of 28 MAR 75
			No-discharge	M/V Robert Ingle	No	None assigned	USCG ltr of 28 MAR 75
			No-discharge	M/V Clark Frame	No	None assigned	USCG ltr of 28 MAR 75
			No-discharge	Mainstream Shipyard Hull No. 7560	No	None assigned	USCG ltr of 28 MAR 75

MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 31 OCTOBER 1975
PURSUANT TO THE PROVISIONS OF 33 CFR, PART 159

Owner (O) Manufacturer (M) Distributor (D)	Device	Model Number	Type	Certification Applies to	Label	Certification Number	Verfication
Thetford Corp. (M) P. O. Box 1285 Ann Arbor, Michigan 48106	Sea Farer with dockside discharge kit	08428	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 23 MAY 75
	Safari with dockside discharge kit	08428	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 23 MAY 75
	Electra-Majic	80	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 23 MAY 75
	Penta Potti with dockside discharga kit	08907	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 23 MAY 75
Todd Enterprises, Inc., (M) 530 Wallington Ave. Cranston, R. I. 02910	Mini - Pot Delux with Pumpout Mounting Kit	None Assigned	No Discharge	All Mfg. Before 1/30/76	No	None assigned	USCG Ltr of 3 Sep 75
	Carry JON-2 with PumpouT Mounting Kit	None Assigned	No Discharge	All Mfg. Before 1/30/76	No	None assigned	USCG Ltr of 3 Sep 75
Wasatch Division (M) Thiokol Corporation P. O. Box 524 Brigham City, Utah 84302	"AFT Waste Treatment System"	None assigned	Discharge	System installed aboard: SS Cliffs Victory	No	None assigned	USCG ltr of 12 MAY 75

NOTICES

MARINE SANITATION DEVICES CERTIFIED BY THE U. S. COAST GUARD AS OF 31 October 1975
PURSUANT TO THE PROVISIONS OF 33 CFR, PART 159

Owner (O) Manufacturer (M) Distributor (D)	Device	Model	Type	Certification Applies to	Label	Certification Number	Verification
Wilcox-Crittenden (M) P. O. Box 1111 Middletown, Conn. 06457	Recirculating Tank	6015	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 6 JUNE 75
	Recirculating Tank	6016	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 6 JUNE 75
	Recirculating Tank	6017	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 6 JUNE 75
	Recirculating Tank	6018	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 6 JUNE 75
	Holding Tank	6012	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 6 JUNE 75
	Holding Tank	6013	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 6 JUNE 75
	Holding Tank	6014	No-discharge	All mfg. before 1/30/76	No	None assigned	USCG ltr of 6 JUNE 75
Williams, Arthur E (O) 1777 Ala Moana Apt. 2141 Honolulu, Hawaii 96815	Holding Tank	None Assigned	No Discharge	Unit Aboard Vessel "WESTWIND"	No	None assigned	USCG Ltr of 11 Aug 75
Wilson Water Purification Co. (M) 2371 Broadway Buffalo, N. Y. 14212	Treatment Plant	MA-CL	Discharge	All units manufactured prior to 30 Jan. 1976 upon application to the Coast Guard by the Manufacturer	No	None assigned	USCG Ltr of 5 Sep 75
Zapata Bulk Transport, Inc. (O) c/o Todd Shipyards Corp. P. O. Box 231 San Pedro, CA. 90733	Holding Tank	None Assigned	No Discharge	Systems Aboard Zapata Patriot Zapata Ranger Zapata Rover Zapata Courier	 No No No No	 None assigned None assigned None assigned None assigned	 USCG Ltr of 20 Jun 75 USCG Ltr of 20 Jun 75 USCG Ltr of 20 Jun 75 USCG Ltr of 20 Jun 75

NOTICES

[FR Doc.75-33326 Filed 12-12-75;8:45 am]

federal register

MONDAY, DECEMBER 15, 1975



PART III:

FEDERAL ELECTION COMMISSION

■

INDEX OF NOTICES

Interim Guidelines, Proposed Regulations, Advisory Opinion Requests and Advisory Opinions

V40241 DEC 15 75 XUM

FEDERAL ELECTION COMMISSION

[Notice 1975-89]

INDEX OF NOTICES PUBLISHED IN THE "FEDERAL REGISTER" BY THE FEDERAL ELECTION COMMISSION

Today, the Federal Election Commission publishes an index for all *interim guidelines, proposed regulations, advisory opinion requests,* and *advisory opinions* which have been published by the Commission through November 19, 1975. This index includes numerical, subject matter, and publication date notation for each published item. In every case, the FEDERAL REGISTER notice number will be the common reference to each entry.

For a full text of any of the entries included in this index, you may write to the Information Office, Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463, or call Area Code (202) 382-4733. When ordering any of these items, *please specify and order only by the Federal Register notice number.*

To follow regularly the activities of the Commission, you may refer directly to the FEDERAL REGISTER. With this index, every item published by the Commission can be located by *Federal Register notice number* in the FEDERAL REGISTER for the appropriate date. The FEDERAL REGISTER is available for inspection at any Public Library which is also a Federal depository, or by subscription through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. For subscribers to the FEDERAL REGISTER, a suggested method to follow the activities of the Commission is to keep Commission notices arranged chronologically by *Federal Register notice number* and use this index to locate any particular entry.

This index is divided into two general categories: (1) *Interim guidelines* and *proposed regulations;* and (2) *advisory opinion requests* and *advisory opinions.* A brief explanation of each category follows:

(1) *Interim guidelines and proposed regulations.* Under the Federal Election Campaign Act of 1971, as amended, (FECA, as amended) the Commission has power to prescribe suitable rules and regulations to carry out certain provisions and to formulate general policy for the administration of the Act. The FECA, as amended, prescribes that any rule or regulation which is proposed by the Commission must be submitted to the Congress for review (see 2 U.S.C. § 438 (c)). If the proposed regulation is not disapproved by Congress within 30 legislative days, it assumes the full force and effect of law as promulgated by the Commission.

Pending the completion of regulations to implement the Act, the Commission adopted an interim guideline procedure whereby a notice of general applicability is provided for certain matters which need immediate clarification. These *interim guidelines* serve as a basis upon which persons affected by the law can rely in making decisions during the period in which formal regulations are being developed.

This index lists the *interim guidelines* and the *proposed regulations* first, in the chronological order in which they have been published in the FEDERAL REGISTER, and second, in alphabetical order by subject matter.

(2) *Advisory opinion requests and advisory opinions.* The FECA, as amended, provides that upon the request of (a) any individual holding Federal office, (b) any candidate for Federal office, (c) any political committee, the Commission can render an *advisory opinion* as to whether any specific transaction or activity by that individual or committee would constitute a violation of the FECA, as amended (see 2 U.S.C. § 437f). Any person receiving an *advisory opinion* who acts in good faith in accordance with provisions and findings of the *advisory opinion* will be presumed to be in compliance with the Act.

This index lists the following:

(a) *Advisory opinion requests* (*AORs*) by number, in the order in which they are published;

(b) *Advisory opinions* (*AOs*) which have been issued by the Commission in response to these *AORs.* (Each *AO* number will correspond to its respective *AOR* number. Issuance of *AOs* by the Commission is not necessarily in the order in which the *AORs* have been published. Every *AOR* and corresponding *AO*, when issued, can be located by referring to its FEDERAL REGISTER *Notice Number*);

(c) *AORs* and *AOs* listed alphabetically by subject matter;

(d) Relevant sections of the U.S. Code with a reference to the *AOs* which deal with these sections; and

(e) A brief description of each *AO.*

(This is the first publication of this index. It will be published monthly. Its purpose is to assist those who have a current need to be up-to-date on Federal election campaign laws and policies issued by the Commission. The Commission welcomes comments on the format and contents of this index, and any suggestions for change to make it more beneficial to its users.)

Dated: December 4, 1975.

THOMAS B. CURTIS,
Chairman, for the
Federal Election Commission.

KEY TO DATES OF PUBLICATION
IN THE FEDERAL REGISTER
FOR FEDERAL ELECTION COMMISSION
INTERIM GUIDELINES
&
PROPOSED REGULATIONS

INTERIM GUIDELINE	FEDERAL REGISTER DATE	FEDERAL REGISTER NOTICE NUMBER
Reporting	June 2, 1975	1975-1
Addendum to interim guidelines	June 16, 1975	-3
Multi-candidate committees	June 26, 1975	-6
Complaint procedure	July 7, 1975	-9
Reporting old debts and obligations	August 5, 1975	-20
Records to be maintained for certification for primary matching funds	August 11, 1975	-22
New Hampshire election	September 3, 1975	-34
Disbursement procedures for public financing	September 3, 1975	-36
Presidential primary matching funds	September 9, 1975	-40
Tennessee special election	September 22, 1975	-47
October 10 quarterly report	September 29, 1975	-53
Reporting requirements	October 9, 1975	-58

PROPOSED REGULATION	FEDERAL REGISTER DATE	FEDERAL REGISTER NOTICE NUMBER
Office accounts, franking accounts, and excess campaign contributions	August 5, 1975	1975-18
Document filing -i.e., office in which document is filed	August 6, 1975	-21
Document filing - i.e., office in which document is filed	September 22, 1975	-45
Disclosure requirements, Title 2	September 29, 1975	-51
Subpena power, Title 2	October 9, 1975	-59
Presidential Primary matching funds	October 9, 1975	-57
Allocation of contributions and expenditures	November 5, 1975	-72

V 40 241 DEC 15 75 5 XUM

INTERIM GUIDELINES†	FEDERAL REGISTER NOTICE NUMBER
Campaign debts	1975-20
Complaint procedure	-9
Matching funds see Public financing	
Multi-candidate committee - Reporting	-6
New Hampshire Senate Election(Sept.16,1975)	-34
Nominating conventions, National - Matching funds see Public financing - Nominating conventions, National	
Primary matching funds, Presidential see Public financing - Presidential primary	
Public financing - Nominating conventions, National	-36
Public financing - Presidential primary	-22,40
Reporting by multi-candidate committee, see Multi-candidate committee - Reporting	
Reporting requirements	-20,60
Reporting requirements - Dates	-1,3,53
Tennessee special election (Nov. 25, 1975)	-47

PROPOSED REGULATIONS	FEDERAL REGISTER NOTICE NUMBER
Allocation of contributions see Contributions, Allocation of	
Allocation of expenditures see Expenditures, Allocation of	
Contributions, Allocation of	1975-72
Disclosure requirements see Reporting requirements	
Excess campaign funds	-18
Filing requirements see Reporting requirements	
Franked mail	-18
Expenditures, Allocation of	-72
Office accounts	-18
Public financing - Presidential primary	-57
Reporting requirements	-21,45,51,59
Subpenas	-59

KEY TO FEDERAL REGISTER NOTICE NUMBERS FOR FEDERAL ELECTION COMMISSION ADVISORY OPINION REQUESTS AND ADVISORY OPINIONS

ADVISORY OPINION REQUEST NUMBERS	FEDERAL REGISTER DATES	FEDERAL REGISTER NOTICE NUMBER
1-6	June 24, 1975	1975-5
7-8	July 2, 1975	-7
9-12	July 9, 1975	-11
13-17	July 17, 1975	-13
18-23	July 29, 1975	-16
24-37	Aug. 20, 1975	-29
38-48	Sept. 3, 1975	-37
49	Sept. 18, 1975	-46
50-57	Sept. 3, 1975	-37
58-59	Sept. 18, 1975	-46
60	Sept. 18 and Oct. 20, 1975	-46 and -63
61-65	Sept. 18, 1975	-46
66-71	Sept. 22, 1975	-48
72	Sept. 24, 1975	-50
73-78	Oct. 1, 1975	-56
82-86	Nov. 4, 1975	-67
87-97	Nov. 4, 1975	-70
98	Nov. 12, 1975	-75
99	Nov. 5, 1975	-73
100-106	Nov. 12, 1975	-75

V40241 DEC 15 75 5 XUM

KEY TO FEDERAL REGISTER NOTICE NUMBERS FOR FEDERAL ELECTION COMMISSION ADVISORY OPINION REQUESTS AND ADVISORY OPINIONS(cont.)

ADVISORY OPINION NUMBERS	FEDERAL REGISTER DATES	FEDERAL REGISTER NOTICE NUMBERS
1	July 15, 1975	1975-12
2-3	Aug. 18, 1975	-24
4	July 15, 1975	-12
5-6	July 25, 1975	-15
7	Sept. 3, 1975	-35
8	Aug. 21, 1975	-30
9	Aug. 19, 1975	-27
10	Sept. 3, 1975	-33
11	Sept. 16, 1975	-44
13	Aug. 21, 1975	-30
14	Aug. 13, 1975	-23
15	Sept. 24, 1975	-49
16	Aug. 19, 1975	-27
17	Sept. 3, 1975	-35
18	Sept. 16, 1975	-43
20	Oct. 1, 1975	-52
21	Nov. 12, 1975	-74
22	Oct. 1, 1975	-54
26-30	Nov. 4, 1975	-66
35	Sept. 24, 1975	-49
37	Sept. 11, 1975	-42
40-41	Oct. 9, 1975	-60
45	Nov. 19, 1975	-79
47	Oct. 24, 1975	-64
51	Nov. 5, 1975	-71
52	Nov. 12, 1975	-74
57	Nov. 5, 1975	-71
59	Nov. 19, 1975	-79
62	Nov. 12, 1975	-74
64	Nov. 12, 1975	-74
66	Nov. 19, 1975	-78
67	Nov. 12, 1975	-74
74	Nov. 4, 1975	-66
77	Nov. 5, 1975	-71
78	Nov. 19, 1975	-78

SUBJECT INDEX

TO FEDERAL ELECTION COMMISSION ADVISORY OPINION REQUESTS & ADVISORY OPINIONS

SUBJECTS	ADVISORY OPINION REQUESTS	ADVISORY OPINIONS
Accountants' fees see Fees, Accountants'		
Administrative expenses of political committees see Political committee - Administrative expenses		
Advertising	98	
Advertising - Expenditure limits	42	
Advisory groups' contributions	80	
Agents' fees see Fees, Agents'		
Allocation statements see Expenditures, Allocation of - Statements and Contributions, Allocation of - Statements		
Attorneys' fees see Fees, Attorneys'		
Awards	85	
Bank accounts		2,41
Bank contributions		14
Bankruptcy	102	
Billboard signs	67	67
Campaign committee see Political committee		
Campaign debts	5,6,39,50,52,64,68,82,83,102,106	5,6,52,57,64
Cash contributions	44	
Charitable contributions	55,101	
Check, Contributions by	60	
Conferences, Political see Political conferences		
Constituent services funds see Office accounts		
Continuous reporting see Reporting, Continuous		
Contributions by advisory groups see Advisory groups' contributions		
Contributions by banks see Bank contributions		
Contributions by check see Check, Contributions by		
Contributions by corporations see Corporate contributions		
Contributions by county political committees see County political committee contributions		
Contributions by family see Family contributions		
Contributions by government contractors see Government contractors' contributions		
Contributions by individuals see Individual contributions		
Contributions by Labor, Organized see Labor, Organized - Contributions		
Contributions by non-profit organizations see Non-profit organizations - Contributions		
Contributions by partnerships see Partnership contributions		

V40241 DEC 15 75 XUM

	AORs	AOs
Contributions - Definition	4	
Contributions - Food & beverages see Food and beverages as contributions		
Contributions, In-kind see In-kind contributions		
Contributions, Investment of see Investment of contributions		
Contributions - Limits - Earmarking	10,26,74	
Contributions - Limits - President	44	
Contributions, Non-election year	74	74
Contributions - Personal services, Voluntary see Personal services, Voluntary		
Contribution - Time limits	57	57,74
Contributions to charity see Charitable contributions		
Corporate contributions	1,13,14,16,21, 23,36,47,59,73	1,13,14,16, 21,47,59
Corporate employee political donation programs see Voluntary employee political donation programs		
County political committee contributions	29	29
Debts, Campaign see Campaign debts		
Delegates, Selection of see Nominating conventions, National - Selection of delegates		
Dual candidacy	11,61	11
Earmarking see Contributions - Limits - Earmarking		
Election - Definition	105	
Employee political donation programs see Voluntary employee political donation programs		
Excess campaign funds	26,38,51,58,60, 71,88	26,51
Expenditures, Allocation of - Statements	2	
Expenditures by candidate see Personal funds		
Expenditures by President of U.S. see U.S. President - Expenditures		
Expenditures by unauthorized persons see Unauthorized persons' expenditures		
Expenditures by Vice-President of U.S. see U.S. Vice-President - Expenditures		
Expenditures - Definition	10,22	
Expenditures - Limits - Advertising see Advertising - Expenditure limits		
Family contributions	31,65	
Fees, Accountants'	27	27
Fees, Agents'	84	
Fees, Attorneys'	27	27
Filing of allocation statements see Allocation statements		
Food & beverages as contributions	94	
Franked mail	3	

	AORs	AOs
Fundraising costs	33,49,62,68,78, 82	62,78
Get-out-the-vote activities see Registration of voters - Drives		
Gifts	20	
Government contractors' contributions	31,99	
Honorariums	8,46,55,63,77, 84,85,89,93	8,20,77
Host committees - National conventions see Nominating conventions, National - Host committees		
In-kind contributions see also Personal services, Voluntary	94	
Incorporation of political committee see Political committee, Incorporation of		
Individual contributions	49,74	74
Intern programs	100	
Investment of contributions	41	41
Labor, Organized - Contributions	60,70	14
Loans	4	
Loans by a candidate	57	
Loans, Retired	69,83	
Multi-candidate political committees	2,3,25,32,34, 45,90,96	45
National conventions, Nominating see Nominating conventions, National		
National political party conventions see Nominating conventions, National		
Newsletter accounts see also Office accounts	24	2,3
Newspaper subscriptions	30	30
Nominating conventions, National	1,47	1
Nominating conventions, National - Expenses of delegates	91	
Nominating conventions, National - Host committees	47	
Nominating conventions, National - Selection of delegates	12	
Nominating conventions, State	54,105	
Non-election year contributions see Contributions, Non-election year		
Non-profit organizations - Contributions	75,92	
Office accounts see also Newsletter accounts	10,14,25,51, 56,58,73	4,10,14,51, 64
Officers of political committees	35	35
Officers of political committees - Signature of	67	67
Opinion polls	76	
Partnership contributions	17,104	17

V 40 241 DEC 15 75 XUM

	AORs	AOs
Personal funds	11	
Personal services, Voluntary	97	
Petitions to nominate see Nomination by petition		
Political action committee see Political education committee		
Political committee - Administrative expenses	21	
Political committee - Authorization of	19	
Political committee - Definition	28,81	28
Political committee - Incorporation of	37	37
Political committee officers see Officers of political committees		
Political committee, Principal	16	16
Political committee - Reporting		28,40
Political committee - Subordinate	86,95,96	2
Political committee, Subordinate-Reporting	103	
Political conferences as contributions	87	
Political education committees - Contributions	20,23,36,92	20
Political education committees - Reporting	40	20
Polls, Opinion see Opinion polls		
Preemption of state law	38	
Presents see Gifts		
President - U.S. see U.S. President		
Principal campaign committee see Political committee, Principal		
Raffles	60	
Registration drives see Registration of voters - Drives		
Registration of voters - Drives		20,21
Reporting by political committee see Political committee - Reporting		
Reporting by political committee, Subordinate see Political committee, Subordinate - Reporting		
Reporting by political education commitees see Political education committees-Reporting		
Reporting, Continuous	18	18
Reporting requirements		2
Retired loans see Loans, Retired		
Royalties	15,77	15,77
Slush funds see Office accounts		
Statements of allocation see Allocation statements		
Subordinate political committees see Political committee, Subordinate		
Surplus campaign funds see Excess campaign funds		
Telephone calls	70	

	AORs	AOs
Telethons	4	4
Television broadcasts	24	
Time limits on contributions see Contributions - Time-limits		
Transfer of campaign funds	10,22,45,58, 66,71	10,22,40, 45,66
Travel expenses	13,24,30,72, 73,98	8,13,20,30
Trust funds	101	
Unauthorized persons' expenditures		22
U.S.Code (see Separate index for code sections)		
U.S. President - Expenditures	72	
U.S. Vice-President - Expenditures	72	
Unopposed primary candidates	9	9
Unused campaign funds. see Excess campaign funds		
Vice-President - U.S. see U.S. Vice-President		
Voluntary employee political donation programs	43,79	
Voluntary personal services see Personal services, Voluntary		
Voter registration see Registration of voters		

V 40 241 DEC 15 75 XUM

U.S.CODE INDEX to Federal Election Commission Opinions

CODE SECTION	ADVISORY OPINION
2 USC S.431(b)	
2 USC 431(d)	1975-4
2 USC 431(e)	1975-15
2 USC 431(e)(3)	
2 USC 432(a)	
2 USC 432(f)	1975-16
2 USC 433(b)(1)	
2 USC 433(b)(3)	
2 USC 433(c)	
2 USC 433(d)	1975-18
2 USC 434	1975-4
2 USC 434(a)(1)(C)	1975-16
2 USC 434(b)	1975-10
2 USC 434(b)(2)	1975-40
2 USC 434(b)(12)	1975-18
2 USC 434(b)(13)	1975-20
2 USC 436(b)	1975-18
2 USC 436(c)	1975-18
2 USC 437a	1975-2
2 USC 437b	
2 USC 437b(a)	1975-41
2 USC 437b(a)(2)	1975-2
2 USC 437d(a)(9)	
2 USC 437f(a)	
2 USC 439a	1975-51,64
2 USC 439b	
18 USC S.591(a)	1975-1
18 USC 591(b)	
18 USC 591(e)	1975-15
18 USC 591(e)(1)	1975-4
18 USC 591(e)(5)(A)	1975-20
18 USC 591(e)(5)(D)	
18 USC 591(f)	1975-15,22
18 USC 591(f)(4)	1975-62
18 USC 591(f)(4)(B)	1975-20
18 USC 591(f)(4)(C)	1975-2
18 USC 591(f)(4)(H)	1975-78
18 USC 608	1975-2,9,14
18 USC 608(a)	
18 USC 608(a)(1)	1975-5,6,11
18 USC 608(a)(3)	1975-57
18 USC 608(a)(4)	1975-57
18 USC 608(b)	1975-5,6,10,26,52,62
18 USC 608(b)(1)	1975-11,17,74
18 USC 608(b)(2)	1975-11,45,74
18 USC 608(b)(3)	1975-74
18 USC 608(c)	1975-7,15,22,28
18 USC 608(c)(1)(A)	1975-11
18 USC 608(c)(1)(C)	1975-11

U.S. CODE INDEX to Federal Election Commission Opinions (cont.)

CODE SECTION	ADVISORY OPINION
18 USC 608(e)	1975-15,20
18 USC 608(f)	
18 USC 608(f)(3)	1975-2,29
18 USC 610	1975-1,7,13,14,16,21,37, 47,59
18 USC 612	1975-67
18 USC 616	1975-8,20,77
26 USC S.9008(b)(1)	
26 USC 9008(d)	1975-1
26 USC 9008(e)	1975-1
26 USC 9008(g)	1975-1
39 USC S.3210(f)	1975-3,7,14

V40241 DEC 15 75 XUM

DESCRIPTIONS OF EACH ADVISORY OPINION

AO 1975-1 NATIONAL PARTY CONVENTIONS. Corporations may not make contributions to assist national party conventions except under limited circumstances.

AO 1975-2 MICHIGAN COMMITTEES. State committee and subordinate local party organizations may allocate expenditures among each other for purposes of the party spending limits.

AO 1975-3 REPUBLICAN CONGRESSIONAL COMMITTEE. Costs of printing or preparing matter sent under Congressional frank are not covered by contribution and expenditure limits.

AO 1975-4 DEMOCRATIC PARTY TELETHON. Endorsers or guarantors of loans to Democratic National Telethon are "contributors" subject to limits.

AO 1975-5 PRE-1973 DEBTS. Contribution and expenditure limits do not apply to cancellation of pre-1973 debts.

AO 1975-6 1973-1974 CAMPAIGN DEBTS. Only the limitation on expenditures from a candidate's personal funds apply to cancellation of 1973-1974 campaign debts.

AO 1975-7 CONGRESSIONAL OFFICE ACCOUNTS. Contributions and expenditures from office accounts are subject to limitations but contributions and expenditures from franking accounts are exempt.

AO 1975-8 HONORARIUMS. Designating honorariums to charity counts against limit on honorariums.

AO 1975-9 UNOPPOSED PRIMARY CANDIDATE. An unopposed primary is defined as an "election" for contribution/expenditure limitations.

AO 1975-10 INTERNAL TRANSFER OF CAMPAIGN FUNDS. Answers a series of questions on transfers between committees, either Federal or non-Federal.

AO 1975-11 DUAL CANDIDACIES. Defines applicability of limits of candidates running for two Federal offices simultaneously.

AO 1975-13 CHAMBER OF COMMERCE MONIES. Corporations cannot provide travel expenses to candidates.

AO 1975-14 CONTRIBUTIONS TO DEFRAY CONSTITUENT SERVICE EXPENSES. Corporations, national banks, and unions may not contribute to office accounts.

AO 1974-15 THE WALLACE CAMPAIGN ROYALTIES. Candidate George Wallace can receive royalty payments.

AO 1975-16 INCORPORATED ASSOCIATIONS. Incorporated associations cannot contribute to campaigns. Numerous campaign committee requirements explained.

AO 1975-17 PARTNERSHIP CONTRIBUTIONS. Partnerships are limited to $1,000, and each partner's share counts against his limit.

AO 1975-18 CONTINUOUS REPORTING OF PAST DEBTS. Committees with outstanding debts must continue to report.

AO 1975-20 POLITICAL EDUCATION COMMITTEES. Political committees may perform certain non-candidate-oriented activities without incurring contributions or expenditures.

AO 1975-21 LOCAL PARTY COMMITTEE ACCOUNTS. Sets forth an allocation formula to be used in determining the portion of expenses that may be paid from non-corporate sources and expenses that may be paid from corporate funds in States where such contributions are permitted.

AO 1975-22 TRANSFERS OF FUNDS. Transfers of funds from a Senatorial committee to a party organization are expenditures. AUTHORIZED EXPENDITURES. A person cannot be authorized to receive contributions but not be authorized to make expenditures.

V 40 241 DEC 15 75 XUM

AO 1975-26 EARMARKED CONTRIBUTIONS. Application of contribution limitations to earmarked campaign funds deposited with Senatorial campaign committees.

AO 1975-27 ATTORNEY AND ACCOUNTANT FEES. Attorney and accountant fees must be charged against expenditure limits. Contains dissenting opinion of two Commissioners.

AO 1975-28 STATUS OF POLITICAL COMMITTEES. Clarifies the status of political committees supporting a former candidate for the Presidency.

AO 1975-29 POLITICAL PARTIES. Applicability of contribution limitations to county committees.

AO 1975-30 OFFICE ACCOUNTS AND CONSTITUENT SERVICE FUNDS. A principal campaign committee may make expenditures to purchase newspaper subscriptions and to reimburse the candidate for travel expenses.

AO 1975-35 ORGANIZATION OF POLITICAL COMMITTEES. Individuals may serve as officers of more than one political committee.

AO 1975-37 INCORPORATED POLITICAL COMMITTEES. Committees organized solely for political purposes may incorporate.

AO 1975-40 REPORTING OF POLITICAL CONTRIBUTIONS. Political committees and candidates must report all contributions from all political committees no matter how small the amount.

AO 1975-41 INVESTMENT OR DEPOSIT OF CONTRIBUTIONS INTO SAVINGS ACCOUNTS. Committees may make internal transfers of funds between checking and savings accounts without listing transactions on the report.

AO 1975-45 MULTI-CANDIDATE COMMITTEES. Application of contribution limitations to multi-candidate committees.

AO 1975-47 CLARIFICATION OF AO 1975-1. Expenditures of corporate funds by host committee to attract a national party convention. Supplements AO 1975-1 and deals with the purposes for which national conventions host committees may make expenditures and the application of convention spending limitations to such expenditures.

AO 1975-51 OFFICE ACCOUNTS. Use of excess campaign funds to purchase Congressional office equipment. Use of computer terminal to aid in handling of Congressman's constituent mail.

AO 1975-52 STATE COMMITTEE AID TO RETIRE DEBTS. Extent to which a State Committee may assist a successful Federal candidate in retiring a 1974 election campaign debt.

AO 1975-57 REPAYMENT OF LOANS. Contributions to repay loans made before January 1, 1975 which were received prior to issuance of the Commission's Interim Guidelines on retiring past debts.

AO 1975-62 CONTRIBUTIONS TO DEFRAY FUNDRAISING COSTS. The portion of a donation which covers the actual costs of a fundraising dinner must be counted as a contribution.

AO 1975-64 FUNDRAISING EVENTS TO RETIRE DEBTS. A single fundraising function may be held to retire a 1972 campaign debt and a 1973-74 office account deficit.

AO 1975-67 CAMPAIGN BILLBOARDS. Use of name of campaign committee chairman and treasurer is not required on billboard signs.

AO 1975-74 CONTRIBUTION IN NON-ELECTION YEARS. A contribution made to a multi-candidate committee in a non-election year is not counted against the contributor's $25,000 aggregate limit for the election year.

AO 1975-77 ROYALTIES. Royalties from publication of a book are not an honorarium.

AO 1975-78 FUNDRAISING EXEMPTION. The 20% fundraising exemption applies broadly to fundraising costs, not just to the actual solicitation of contributions.

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V 40 241 DEC 15 75 XUM

federal register

MONDAY, DECEMBER 15, 1975



PART IV:

DEPARTMENT OF LABOR

Office of the Secretary

■

PRIVACY ACT OF 1974

Notice of Systems of Records

V40241 DEC 15 75 XUM

Department of Labor

Office of the Secretary

Privacy Act of 1974

Supplemental Notice of Proposed Systems of Records

Pursuant to the requirements of sections (e) (4) and (11) of the Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896), the Department of Labor hereby gives notice of the maintenance of systems of records designated DOL/OASA-6, DOL/OASA-8 and DOL/MA-14. These systems of records were in existence on September 27, 1975, and should have been published in the notice of proposed systems published by Department of Labor on September 8, 1975 (40 FR 41739), but due to administrative oversight, were inadvertently omitted from that notice. The routine uses set forth in the prefatory statement accompanying the initial publication of systems of records (40 FR 41739) applies to the newly designated systems of records contained herein and is hereby incorporated by reference. In addition, the Department proposes to amend the notice of systems of records designated DOL/MA-8 and DOL/MA-9 published in the Federal Register on September 8, 1975 (40 FR 41748).

Pursuant to sections (j) and (k) of the Privacy Act of 1974, it is proposed to adopt exemptions for two previously noticed systems of records, DOL/OASA-3 (40 FR 41750) and DOL/LMSA-1 (40 FR 47981). The reasons for, and the scope of the exemptions are set forth below.

The Department invites public comment on all parts of this notice. Interested persons are invited to submit written data, views and arguments to Seth Zinman, Associate Solicitor of Labor, Division of Legislation and Legal Counsel, Room N2428, New Department of Labor Building, 200 Constitution Avenue, N. W., Washington, D. C. 20210, on or before January 12, 1976. Written material received from the public through said date will be considered by the Department before taking action on a final notice. Submissions will be available for public inspection at the above address during normal working hours.

Signed in Washington, D. C. this 3rd day of December, 1975.

John T. Dunlop,
Secretary of Labor.

1. Notice is hereby given by the Department of Labor of its maintenance of the following systems of records: DOL/OASA-6 Executive Assignment System File DOL/OASA-8 Executive Candidacy Self-Nomination Application File DOL/MA-14 Corpsmember Personnel File

-DOL/LMSA1

System name: LMSE index cards Division of Enforcement.

System location: U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N5416, Washington, D.C. 20216; all Area Offices.

Categories of individuals covered by the system: Union Officers, individuals investigated, and individuals interviewed.

Categories of records in the system: Primarily investigative material relating to investigations under the LMRDA-1959 and EO 11491.

Authority for maintenance of the system: LMRDA - 1959 and EO 11491.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is disclosed to other Federal, state and local law enforcement agencies; to various congressional committees; in the President's Anti-Organized Crime Program including but not limited to reports of investigation, reports of interview and memoranda relating to investigations and intelligence information.

Storage: Manual file.

Retrievability: By name of individual.

Safeguards: Cards are in roladex machine which is locked at night. In addition, cards are number-coded so that only an authorized employee can find a desired file.

Retention and disposal: Cards are retained indefinitely; files are kept for three years, at which time they are sent to Federal Records Center for two years, after which except for those records with historical value, they are destroyed.

System manager(s) and address: Acting Director, LMSE, U.S. Department of Labor, 200 Constitution Avenue, Room N5408, Washington, D.C. 20216.

Notification procedure: Mail all inquires to Systems Manager at above address.

Record access procedures: As above.

Contesting record procedures: As above.

Record source categories: Information compiled from interviews conducted during investigations, written complaints, and written reports received from other agencies.

Systems exempted from certain provisions of the act:

a. Criminal law enforcement. In accordance with paragraph 3 (j) (2) of the Privacy Act, information maintained in the system of records consisting of the card index and case files in the Division of Enforcement of the Office of Labor-Management Standards Enforcement which relates to criminal investigations is exempt from all provisions contained in 5 U.S.C. 552a except those requirements set forth in paragraphs (b), (c) (l) and (2), (e) (4) (A) through (F), (e) (6), (7), (9), (10) and (11), and paragraph (i) of the Act. Two of the three branches in the Division of Enforcement perform activities primarily relating to the enforcement of criminal laws including activities carried out under the provisions of the President's Anti-Organized Crime Program and Titles II, V, and VI of the Labor-Management Reporting and Disclosure Act of 1959, As Amended. The disclosure of information contained in the criminal investigative files, including the names of persons or agencies to whom the information has been transmitted, would substantially compromise the effectiveness of the Division's investigations. Knowledge of such investigations could enable subjects to take such action as is necessary to prevent detection of criminal activities, conceal evidence, or to escape prosecution. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their respective families, and could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, or retained would impede significantly the effectiveness of the Divisions' investigatory activities, and in addition, may often preclude the apprehension and successful prosecution of persons engaged in criminal activity in the labor-management area.

b. Other law enforcement. In accordance with paragraph 3(k) (2) of the Privacy Act, investigatory material compiled for law enforcement purposes other than material declared exempt under paragraph 3(j) (2) of the Act, which is maintained in the card index and case files of the Division of Enforcement of the Office of Labor-Management Standards Enforcement is exempt from paragraphs (c) (3), (d), (e) (4) (G), (H) and (I), and paragraph (f) of 5 U.S.C. 552a. The disclosure of information contained in civil investigative files, including the names of persons or agencies to whom the information has been transmitted, would substantially compromise the effectiveness of the Division's investigations. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence, or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their respective families, and, in addition, could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, or retained would also impede significantly the effectiveness of the Division's investigatory activities.

DOL/MA-8

System name: Job Corps Mainstream File

System location: Room 2821, GAO Bldg., 441 G. St., N.W., Washington, D.C.

Categories of individuals covered by the system: Job Corps enrollees

Categories of records in the system: Personal characteristics

Authority for maintenance of the system: 29 U.S.C. 911 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None

Storage: Magnetic tape

Retrievability: Social Security number.

Safeguards: Unique data set name and volume serial number for the file.

Retention and disposal: File is cumulative from inception of Job Corps.

System manager(s) and address: Chief, Division of ADP Systems, Patrick Henry Building, Room 4410, 601 D. Street, N.W., Washington, D.C. 20213.

Notification procedure: Systems Manager at above address.

Record access procedures: As above

Contesting record procedures: As above

Record source categories: Job Corps Centers

DOL/MA-9

System name: Job Corps Placement File

System location: Room 2821, GAO Bldg., 441 G. St., N.W., Washington, D.C.

Categories of individuals covered by the system: Job Corps enrollees

Categories of records in the system: Personal characteristics

Authority for maintenance of the system: 29 U.S.C. 911 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Storage: Magnetic Tape

Retrievability: Name and Social Security number.

Safeguards: Restricted to only authorized personnel.

Retention and disposal: File is cumulative since inception of Job Corps

System manager(s) and address: Chief, Division of ADP Systems, Patrick Henry Building, Room 4410, 601 D. Street, N.W., Washington, D.C. 20213.

Notification procedure: Systems Manager at above address.

Record access procedures: As above

Contesting record procedures: As above

Record source categories: Job Corps Centers

DOL/MA-14

System name: Job Corpsmember Personnel File

System location: State Employment Agencies, private contract screening agencies, Job Corps Regional Offices, Job Corps Centers, Gatehouses (contract placement), and Federal Records Centers (FRC)

Categories of individuals covered by the system: Job Corps trainees

Categories of records in the system: Complete personnel file of each corpsmember with all pertinent papers including: pay, allowance, health, education, vocational training and any correspondence or other documents relating to individual corpsmembers status, assignment, promotion, discipline, investigation, or course participation

Authority for maintenance of the system: Economic Opportunity Act of 1964, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Storage: Locked file cabinet with policy of limited access.

Retrievability: File retrieved only by name.

Safeguards: Locked file cabinets with policy of very limited access

Retention and disposal: Standard Form 115 has been submitted to GSA/NARS requesting treatment as Federal personnel files under General Records Schedule 1, Item 1.

System manager(s) and address: Corpsmember Records Liaison Officer, Corpsmember Support Unit, Patrick Henry Building, Room 6122, 601 D. Street, N.W. Washington, D.C. 20213

Notification procedure: Regional Manpower Administration Office, or Systems Manager at above address.

Record access procedures: Systems Manager at above address.

Contesting record procedures: Same as access.

Record source categories: Pertinent personnel data received from various employment related sources.

-DOL/OASA-3

System name: General Investigations file

System location: Directorate of Audit and Investigations, OASA, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Categories of individuals covered by the system: Employees, applicants, contractors, subcontractors, grantees, subgrantees, claimants, and individuals threatening DOL employees.

Categories of records in the system: Resolution of investigations of criminal or conduct violations, ongoing investigation files, and investigatory index card files.

Authority for maintenance of the system: EO11222 and Title 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Federal, state, or local government agencies for civil, criminal or regulatory law enforcement; hiring or retention of employees, security clearance, letting of contracts, issuance of licenses, grant or other benefits.

Storage: Information in the system is stored in case files and on index file cards alphabetically keyed to records maintained in case files.

Retrievability: Information is retrieved by name of respondent.

Safeguards: Information is kept in file cabinets in a locked, secured room. Access by key is limited to Office of Investigations staff only.

Retention and disposal: No retention and disposal procedure exists for investigative files. However, a proposal has been submitted for National Archives (NARS) approval. This proposal calls for the transfer of investigative files to the Federal Records Center (FRC) five years after the end of the fiscal year in which the last action occurred. The files would be held in the FRC for ten years and then destroyed. Index cards would be retained permanently.

System manager(s) and address: Director of Audit and Investigations, OASA, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Notification procedure: Address inquiries to the Systems Manager above.

Record access procedures: Individuals desiring to contest or amend information maintained in the system should direct their requests to the Systems Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Contesting record procedures: Same as above.

Record source categories: The information contained in this system was received from individual complaints, witnesses, respondents, Federal, state, and local government records, and individual or company records.

Systems exempted from certain provisions of the act:

a. Criminal law enforcement: In accordance with paragraph 3(j) (2) of the Act, information maintained in the files of the Office of Investigations (OI) is exempt from all provisions set forth in 5 U.S.C 552a except those requirements contained in paragraphs (b), (c) (1) and (2), (e) (4) (A) through (F), (e) (6), (7), (9), (10) and (11), and paragraph (i). The primary function of OI is that of enforcement of the criminal laws within the meaning of 5 USC 552a (j) (2). The file maintained by OI contains information compiled in connection with such criminal investigations. The confidential nature of this information is essential to the conduct of effective investigations into alleged unlawful activity and crime conducive situations. Knowledge of OI investigations could enable subjects to take such action as is necessary to prevent detection of criminal activities, conceal evidence, or to escape prosecution. In addition, it could lead to the intimidation of, or harm to, sources, informants, witnesses and their respective families. While the information from this system is to be withheld, it will only be withheld to the extent necessary to protect the integrity of such investigations.

b. Other Law Enforcement: In accordance with paragraph 3(k) (2) of the Act, other investigatory material including certain material compiled from reciprocal investigations is exempt from the requirements set forth in paragraphs (c) (3) (d), (e) (4) (G), (H), and (I), and (f) of the Act until such time as a determination is made based upon such information, at which time the information will only be withheld to the extent necessary to protect the identity of a confidential source who has furnished information under an express promise that his or her identity would be held in confidence (or prior to September 27, 1975, under an implied promise that the source's identity would be protected). This exemption is necessary in order to protect the integrity of law enforcement investigations as well as to protect the identities of sources who would not otherwise provide information.

V40241 DEC 15 75 XUM

c. Protective service. In accordance with paragraph 3 (k) (3) of the Act, OI investigatory material maintained in connection with assisting the U.S. Secret Service (USSS) to provide protective services to the President of the United States or other individuals pursuant to section 3056 of Title 18 is exempt from paragraphs (c) (3), (d), (e) (4) (G), (H) and (I) and paragraph (f) of the Act. This exemption will enable OI to continue its support of the U.S. Secret Service without compromising the effectiveness of either agency's activity.

d. Contract investigations. In accordance with paragraph 3(k) (5) of the Act, investigatory material compiled in connection with contract investigations solely for the purpose of determining suitability, eligibility, or qualifications for a DOL contract is exempt from paragraphs (c) (3), (d) and (f) of the Act to the extent that disclosure of such material would reveal the identity of a confidential source when an express promise has been given to withhold the identity of the source (or prior to September 27, 1975, under an implied promise that the source's identity would not be revealed). This exemption is necessary for OI to collect information from certain sources who would otherwise be unwilling to provide information necessary to conduct such investigations.

-DOL/OASA-6

System name: Directorate of Personnel Management, Office of Executive Staffing, Executive Assignment System File.

System location: Department of Labor Building, Rm. N5478, 200 Constitution Avenue, Washington, D.C. 20210.

Categories of individuals covered by the system: Department of Labor executives/managers at supergrade levels.

Categories of records in the system: Personnel information concerning candidates and appointees of supergrade positions.

Authority for maintenance of the system: Federal Personnel Manual, Chapter 305.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure to staff members of DOL operating administrative/personnel offices; other Federal agencies personnel offices; Civil Service Commission/Bureau of Executive Manpower.

Storage: Manual Files

Retrievability: Organizational location and name.

Safeguards: Files located in private office, locked when not in use.

Retention and disposal: Active files are retained during employment. Inactive files are retained by organization for historical/ comparative purposes.

System manager(s) and address: Assistant Director, Office of Executive Staffing, Rm. N5476, NDOL, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Notification procedure: N/A

Record access procedures: As above

Contesting record procedures: N/A

Record source categories: Civil Service Commission Forms SF171, 915, 916, 917, 0F8; DOL 1-481.

-DOL/OASA-8

System name: Executive Candidacy Self-Nomination Application File.

System location: Department of Labor, Room C5327, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Categories of individuals covered by the system: Executive Candidacy, Senior Executive Development Program (GS-14 and GS-15 participants).

Categories of records in the system: Self-nomination forms, assessment results, Merit Staffing Report, Supervisor's evaluation.

Authority for maintenance of the system: Secretary's Order 15-74 on education and career development in DOL; manual on Senior Executive Development program; FPM letter 412-2 on Executive Management and Development.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Storage: Manual file

Retrievability: By individual's name.

Safeguards: Other than once to selection panel, information is disclosed to affected individual at his/her request.

Retention and disposal: Records updated by participant sending in additions.

System manager(s) and address: Director, Office of Education and Career Development, U.S. Department of Labor, Room C5327, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Notification procedure: As above

Record access procedures: As above

Contesting record procedures: As above

Record source categories: Self-nomination form, Merit Staffing Report, Supervisor's evaluation submitted at request of participant. Assessment reports, by contract, seen by participant.

[FR Doc. 75-33423 Filed 12-12-75;8:45 am]

federal register

MONDAY, DECEMBER 15, 1975



PART V:

OFFICE OF MANAGEMENT AND BUDGET

RESCISSIONS AND DEFERRALS

Cumulative Report

V40241 DEC 15 75 XUM

OFFICE OF MANAGEMENT AND BUDGET

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS/DECEMBER 1975

This report is submitted in fulfillment of the requirements of section 1014 (e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all current year budget authority with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of December 1, 1975, of the rescissions and deferrals contained in the first eight special messages transmitted to the Congress for fiscal year 1976. These messages were transmitted to the Congress on July 1 and 25, September 10 and 24, October 3 and 20, November 18, and December 1, 1975.

RESCISSIONS (ATTACHMENT A)

During the month of November, two additional special messages were transmitted to Congress bringing the total number of pending rescissions to 19 ($2,127.7 million in budget authority).

DEFERRALS (ATTACHMENT B)

As of December 1, 1975, $3,354.7 million in 1976 budget authority was being deferred from obligation and another $87.7 million in 1976 obligations was being deferred from expenditure.

The 85 deferrals transmitted in the eight 1976 special messages are tabulated in Attachment B.

INFORMATION FROM SPECIAL MESSAGES

The six special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the FEDERAL REGISTERS of:

Wednesday, July 9, 1975 (Vol. 40, No. 132, Part V).
Wednesday, July 10, 1975 (Vol. 40, No. 147, Part II).
Monday, September 15, 1975 (Vol. 40, No. 179, Part V).
Monday, September 29, 1975 (Vol. 40, No. 189, Part V).
Wednesday, October 8, 1975 (Vol. 40, No. 196, Part VII).
Thursday, October 23, 1975 (Vol. 40, No. 206, Part III).
Thursday, November 20, 1975 (Vol. 40, No. 225, Part VI).
Thursday, December 4, 1975 (Vol. 40, No. 234, Part II).

JAMES T. LYNN,
Director.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEC 10 1975

Honorable Nelson A. Rockefeller
President of the Senate
Washington, D.C. 20510

Dear Mr. President:

In accordance with Executive Order 11845 I am transmitting the cumulative report required by Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974. In accordance with that Act, the report is also being transmitted to the House and will be published in the Federal Register.

Sincerely yours,

James T. Lynn
Director

Enclosure

IDENTICAL LETTER SENT TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

V40241 DEC 15 75 XUM

ATTACHMENT A

STATUS OF RESCISSIONS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

As of December 1, 1975

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Department of Agriculture							
Agriculture Research Service:							
Construction	R76-15	225	11-29-75				
Agriculture Stabilization and Conservation Service:							
Water Bank Act Program	R76-16	12,500	11-29-75				
Forestry Incentives Program	R76-17	18,750	11-29-75				
Farmers Home Administration:							
Rural Water and Waste Disposal Grants	R76-18	150,000	11-29-75				
Rural Development Grants	R76-19	12,344	11-29-75				
Rural Housing for Domestic farm labor	R76-20	9,375	11-29-75				
Mutual and self-help housing	R76-21	12,287	11-29-75				
Self-help housing land development fund	R76-22	1,498	11-29-75				
Rural housing insurance fund	R76-23	10,000	11-29-75				
Rural community fire protection grants	R76-24	4,375	11-29-75				
Agriculture Marketing Service:							
Payments to States and possessions	R76-25	2,000	11-29-75				
Forest Service:							
Forest Roads and Trails	R76-4	[25,723]	07-25-75			25,723	10-07-75

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Department of Health, Education and Welfare							
Office of Education:							
Elementary and Secondary education	R76-9	220,404	11-18-75				
School assistance in federally affected areas	R76-10	220,968	11-18-75				
Education for the Handicapped	R76-11	36,375	11-18-75				
Occupational, vocational, and adult education	R76-12	14,241	11-18-75				
Higher education	R76-13	768,140	11-18-75				
Library resources	R76-14	28,975	11-18-75				
Assistant Secretary for Human Development:							
Child Development and Head Start	R76-5	[7,000]	07-25-75			7,000	10-24-75
Department of Housing and Urban Development							
Housing Production and Mortgage Credit:							
State Housing Finance and Development Agencies	R76-26	600,000 5/	11-29-75				
Department of the Interior							
Bureau of Mines							
Helium Fund	R76-6	[47,500]	07-25-75	47,500	10-13-75 1/		
Department of Transportation							
Federal Highway Administration:							
National Scenic and Recreational Highway	R76-1	[90,000]	07-01-75	2/	2/		
Access Highways to Public Recreation Areas on Lakes	R76-2	[25,000]	07-01-75	25,000 3/	11-24-75 3/	3/	11-24-75 3/
Department of the Treasury							
Office of the Secretary:							
Construction, Federal Law Enforcement Training Center	R76-3	[8,665]	07-01-75			8,665	09-23-75

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Other Independent Agencies							
Community Services Administration:							
Economic Opportunity Program:							
Research and Demonstration	R76-7	[2,500]4/	07-25-75				
Community and Economic Development	R76-8	[7,500]4/	07-25-75				
Consumer Product Safety Commission:							
Salaries and expenses	R76-27	5,225	11-29-75				
TOTAL		2,127,682		72,500		41,388	

1/ P.L. 94-111.
2/ See House Report No. 94-496. Deferral of the $90 million was reported to the Congress on September 24, 1975, in D76-55.
3/ P.L. 94-134, signed November 24, 1975, rescinds the $25 million in R76-2 and makes new appropriations of $10 million.
4/ These funds, provided in P.L. 94-32, lapsed on September 30, 1975.
5/ For 1976, $15 million in contract authority and $15 million to liquidate that contract authority.

ATTACHMENT B

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Agriculture 1/

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-75
Agricultural Research Service									
Construction	D76-68		7,570	11-29-75					7,570
Animal and Plant Inspection Service									
Construction	D76-69		6,314	11-29-75					6,314
Foreign Agricultural Service									
Salaries and Expenses (Special Foreign Currency)	D76-1		2,232	~~07-01-75~~					2,232
Agricultural Stabilization and Conservation Service									
Commodity Credit Corporation Administrative Expenses	D76-71		2,787	11-29-75					2,787
Agricultural Conservation Program	D76-28	[31,667]		07-25-75 09-10-75				-31,667	
	D76-28A	[31,667]		09-10-75 10-03-75				-31,667	
	D76-28B		63,333	10-03-75 10-21-75				-63,333 2/	0
	D76-70		90,000	11-29-75					90,000
Water Bank Act Program	D76-29	[536]		07-25-75 10-03-75				-536	
	D76-29A		1,072	10-03-75 10-21-75				-1,072 2/	0
Forestry Incentives Program	D76-30	[3,750]		07-25-75 10-03-75				-3,750	
	D76-30A		7,500	10-03-75 10-21-75				-7,500 2/	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-75
Farmers Home Administration									
Rural Water and Waste Disposal	D76-31	[37,500]		07-25-75 10-03-75				-37,500	
	D76-31A		75,000	10-03-75 10-21-75				-75,000 2/	0
	D76-72		50,000	11-29-75					50,000
Rural Housing for Domestic Farm Labor Grants	D76-32	[1,250]		07-25-75 10-03-75				-1,250	
	D76-32A		2,500	10-03-75 10-21-75				-2,500 2/	0
Mutual and Self-help Housing Grants	D76-33	[2,050]		07-25-75 10-03-75				-2,050	
	D76-33A		3,300	10-03-75 10-21-75				-3,300 2/	0
Self-help Housing Land Development Fund	D76-34	[1,625]		07-25-75 10-03-75				-1,625	
	D76-34A		1,625	10-03-75 10-21-75				-1,625 2/	0
Soil Conservation Service									
Watershed and flood prevention operations	D76-73		22,500	11-29-75					22,500
Resource conservation and development	D76-74		4,960	11-29-75					4,960
Agricultural Marketing Service									
Payments to States and Possessions	D76-35	[400]		07-25-75 10-03-75				-400	
	D76-35A		800	10-03-75 10-21-75				-800 2/	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-75
Forest Service									
Forest Roads and Trails	D76-36		280,000	07-25-75					280,000
Expenses, Brush Disposal	D76-37		27,113	07-25-75					27,113
Licensee Programs	D76-38		95	07-25-75					95
TOTAL		110,445	648,701					-265,575	493,571

1/ On July 10, 1975, the Senate passed an impoundment resolution requiring release of Youth Conservation Corps funds reported two days earlier by the General Accounting Office as being deferred ($10 million). Funds were released on July 16, 1975.
2/ Enactment of P.L. 94-122 (October 21, 1975) ended deferrals of funds provided by the continuing resolution.

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-75
National Oceanic and Atmospheric Administration									
Fisheries Loan Fund	D76-2		7,252	07-01-75 11-14-75				-769 1/	6,483
Promote and Develop Fishery Products	D76-3		1,355	07-01-75					1,355
Fishermen's Guaranty Fund	D76-75		152	11-29-75					152
Office of the Assistant Secretary for Science and Technology									
Scientific and Technical research and services	D76-76		1,187	11-29-75					1,187
TOTAL			9,946					-769 1/	9,177

1/ Reflects a revised unobligated balance brought forward from FY 1975.

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-75
Shipbuilding and Conversion, Navy	D76-4		1,793,590	07-01-75					1,793,590
Military Construction, All Services	D76-5		233,630	07-01-75					
				06-27-75	-1,582				
				07-29-75	-1,752				
				08-25-75	-15,046				
				09-04-75	-5,515				
				10-06-75				245	
				10-15-75	-34,524				
				10-24-75	-16,415				
				11-03-75	-5				
				11-03-75				3,399	162,435
TOTAL			2,027,220		-74,839			3,644	1,956,025

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-75
Wildlife Conservation Military Reservations	D76-6		432	07-01-75 09-19-75 09-24-75				-13 1/2/ -31 1/	388
TOTAL			432					-44	388

1/ Reflects the actual unobligated balance carried forward July 1, which is a lesser amount than previously estimated.
2/ Reflects a decrease in anticipated receipts for the year.

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-75
Health Services Administration									
Health Services	D76-57		1,082	10-20-75					1,082
Indian Health Facilities	D76-39		1,000	07-25-75					1,000
National Institutes of Health									
National Cancer Institute	D76-58		7,000	10-20-75					7,000
National Heart and Lung Institute	D76-59		2,700	10-20-75					2,700
National Institutes of Dental Research	D76-60		518	10-20-75					518
National Institute of Neurological and Communicative Disorders and Stroke	D76-61		682	10-20-75					682
National Institutes of General Medical Sciences	D76-62		2,318	10-20-75					2,318
National Institute of Child Health and Human Development	D76-63		1,234	10-20-75					1,234
Buildings and Facilities	D76-7		2,164	07-01-75 09-22-75	-2,164				0
Office of the Director	D76-64		572	10-20-75					572

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-75
Alcohol, Drug Abuse and Mental Health Administration									
Alcohol, Drug Abuse, and Mental Health	D76-40	[3,409]		07-25-75 10-03-75				-3,409 1/	0
	D76-40A	[2,426]		10-03-75 10-20-75				-2,426 1/	0
	D76-40B		2,753	10-20-75					2,753
Health Resources Administration									
Health Resources	D76-41		22,000	07-25-75 07-25-75	-22,000				0
Office of the Assistant Secretary for Health									
Assistant Secretary for health	D76-65		753	11-18-75					753
Scientific Activities Overseas (Special Foreign Currency)	D76-8		3,652	07-01-75					3,652
Office of Education									
Elementary and Secondary Education	D76-51		8,000	09-10-75					8,000
	D76-52		2,968	09-10-75					2,968
School Assistance in Federally Affected Areas	D76-42		68,350	07-25-75 09-10-75				-68,350 2/	0
Higher Education	D76-9		49,040	07-01-75					49,040
Higher Education	D76-43		9,500	07-25-75 09-10-75				-9,500 2/	0
Library Resources	D76-44		10,437	07-25-75 09-10-75				-10,437 2/	0
Social and Rehabilitative Service									
Public Assistance Child Welfare Services	D76-45	[1,000]		07-25-75 10-03-75				-1,000	0
	D76-45A		2,000	10-03-75					2,000

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-75
Social Security Administration									
Limitation on Construction	D76-54		14,910	09-24-75					14,910
Special Institutions									
Howard University	D76-10	[8,174]		07-01-75				-8,174	
	D76-10A		12,225	11-18-75					12,225
Assistant Secretary for Human Development									
Research and Training Activities Overseas (Special Foreign Currency)	D76-11	[7,307]		07-01-75 07-25-75				-7,307 1/	0
	D76-11A		8,307	07-25-75 07-15-75	-3,665				
	D76-11B			11-29-75 11-11-75	-390 -558				3,694
TOTAL		22,316	234,165		-28,777			-110,603	117,101

1/ Subsequently incorporated in a supplementary report.
2/ Enactment of P.L. 94-94 (September 10, 1975) ended deferral of funds provided by the Continuing Resolution.

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-75
Bureau of Land Management									
Public Lands Development Roads and Trails	D76-12		25,847	07-01-75					25,847
Bureau of Reclamation									
Construction and Rehabilitation	D76-13	[1,030]		07-01-75 07-25-75				-1,030 1/	0
	D76-13A		1,030	07-25-75					1,030
Upper Colorado River Storage Project	D76-14		1,150	07-01-75					1,150
Bureau of Outdoor Recreation									
Land and Water Conservation Fund	D76-15		30,000	07-01-75					30,000
Fish and Wildlife Service									
Federal Aid in Fish Restoration and Management	D76-16		6,330	07-01-75					6,330
Federal Aid in Wildlife Restoration	D76-17		21,470	07-01-75					21,470
National Park Service									
Road Construction	D76-18		238,092	07-01-75					238,092
Geological Survey									
Payment from Proceeds, Sale of Water	D76-19		29	07-01-75					29
Bureau of Mines									
Drainage of Anthracite Mines	D76-46		3,375	07-25-75					3,375
Bureau of Indian Affairs									
Road Construction	D76-20		68,470	07-01-75					68,470
TOTAL		1,030	395,793					-1,030	395,793

1/ Subsequently incorporated in a supplementary report.

Agency: Department of Labor

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-75
Departmental Management									
Working Capital Fund	D76-77		977	11-29-75					977
Pension Benefit Guaranty Corporation									
Pension Guaranty Fund	D76-78		(1,431)*	11-29-75					(1,431)*
TOTAL			977						977

* Annexed Budget item. Not included in totals. This deferral will not affect budgetary outlays because PBGC is an off-budget agency. However, it will result in reducing Treasury financing needs by $1,431 thousand for FY 1976.

Agency: Department of State

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-75
International Center, Washington, D.C.	D76-66		2,572	11-18-75					2,572
Refugee and Migration Affairs: Special Assistance to refugees from Cambodia and Vietnam	D76-85		28,493	11-29-75					28,493
TOTAL			31,065						31,065

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-75
Coast Guard: Acquisition, Construction and Improvements	D76-21		707	07-01-75					707
Federal Aviation Administration: Civil Supersonic Aircraft Development Termination	D76-22		7,686	07-01-75 11-24-75				-6,000*	1,686
Facilities and Equipment (Airport and Airway Trust Fund)	D76-23		75,824	07-01-75					75,824
Federal Highway Administration: National Scenic and Recreational Highway	D76-55		90,000	09-24-75					90,000
TOTAL			174,217					-6,000*	168,217

* P.L. 94-134, signed November 24, 1975, transferred $6 million from "Civil supersonic aircraft development termination" to FAA "Operations."

Agency: Department of the Treasury

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-75
Office of the Secretary									
State and Local Government Fiscal Assistance Trust Fund	D76-24		93,420	07-01-75					
				07-31-75	-246				
				08-11-75	-18				
				10-01-75	-3,145				
				11-01-75	-41				89,970
State and Local Government Fiscal Assistance Trust Fund	D76-25	[38,391] 1/		07-01-75 09-10-75				-38,391 1/2/	
	D76-25A	[57,587] 1/		09-10-75 10-20-75				-57,587 1/2/	
	D76-25B	[75,856] 1/		10-20-75 11-18-75				-75,856 1/2/	
	D76-25C		75,856 1/	11-18-75					75,856 1/
	D76-67		11,833 1/	11-18-75					11,833 1/
Loans to the District of Columbia for Capital Outlay	D76-53		39,370	09-10-75					39,370
TOTAL		171,834 O	132,790 BA 87,689 O		-3,450 BA			-171,834 O	129,340 BA 87,689 O

1/ Outlays only.
2/ Subsequently incorporated in a supplementary report.

Agency: Environmental Protection Agency

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-75
Research and Development	D76-79		2,000	11-29-75					2,000
	D76-80		4,600	11-29-75					4,600
Abatement and Control	D76-47		4,000	07-25-75 07-23-75	-4,000				0
	D76-81		3,750	11-29-75					3,750
	D76-82		10,000	11-29-75					10,000
	D76-83		15,000	11-29-75					15,000
TOTAL			39,350		-4,000				35,350

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-75
Rare Silver Dollar Program	D76-48		1,790	07-25-75					1,790
TOTAL			1,790						1,790

Agency: National Aeronautics and Space Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 12-01-75
Research and Program Management	D76-84		2,900	11-29-75					2,900
TOTAL			2,900						2,900

Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	Releases Resulting From Subsequent Actions Taken by: House	Releases Resulting From Subsequent Actions Taken by: Senate	Adjustments	Amount Deferred as of 12-01-75
Community Services Administration									
Economic Opportunity Program									
Emergency Energy Conservation Services	D76-49		16,500	07-25-75 10-03-75			-16,500 1/		0
Community and Economic Development	D76-50		14,500	07-25-75 07-24-75	-14,500				0
Foreign Claims Settlement Commission									
Payment of Vietnam Prisoner of War Claims	D76-26		11,081	07-01-75					11,081
American Revolution Bicentennial Administration	D76-27		1,000	07-01-75					1,000
National Commission on Productivity and Work Quality	D76-56		1,500	09-24-75 10-01-75	-600				900
TOTAL			44,581		-15,100		-16,500		12,981
TOTAL, ALL DEFERRALS		133,791 BA 171,834 O	3,743,927 BA 87,689 O		-126,166		-16,500	-380,377 BA -171,834 O	3,354,675 BA 87,689 O

1/ Impoundment resolution, S. Res. 267, passed the Senate October 3, 1975, rejecting this deferral.

[FR Doc.75-33890 Filed 12-12-75;10:39 am]

Vol. 40—No. 242
12–16–75
PAGES
58279–58420

federal register

TUESDAY, DECEMBER 16, 1975

highlights

PART I:

HOLIDAY FOR FEDERAL EMPLOYEES
Executive order closing Government departments and agencies on Friday, December 26, 1975 58279

ENDANGERED WILDLIFE
Interior/FWS proposes to determine critical habitat for six species; comments by 2–20–76 58308

ENVIRONMENT
EPA proposes to revise requirements on variances in State Implementation Plans; comments by 1–15–76 58317
EPA proposes exemptions for certain inert ingredients in pesticides; comments by 1–15–76 58321
HEW/FDA and EPA issue rules on use of 2,4-D in hyacinth control programs; effective 12–16–75 (2 documents) 58287, 58294
National Commission on Water Quality to hold January hearings 58354

EDUCATION
HEW/OE sets closing dates for certain program applications (3 documents) 58338, 58339

NEW ANIMAL DRUGS
HEW/FDA approves use of monensin in cattle feed; effective 12–16–75 58289

CONTINUED INSIDE

PART II:

FEDERAL ELECTIONS
FEC issues seven advisory opinions and publishes list of requests; comments by 12–26–75 (3 documents) 58392, 58394, 58397

PART III:

DISADVANTAGED STUDENTS
HEW/OE proposes new rules and amendments to existing project regulations; public hearings 1–12–76 (3 documents) 58400, 58405, 58409

PART IV:

AIR QUALITY
EPA amends standards for new stationary sources 58415

V 40 242 DEC 16 75
242
XUM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

List of Public Laws

H.R. 6971 ..... Public Law 94-145
Consumer Goods Pricing Act of 1975
(Dec. 12, 1975; 89 Stat. 801)

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HIGHLIGHTS—Continued

INSULIN SYRINGES
HEW/FDA extends effective date to 7-5-76 for warning and caution statement 58288

ANTIBIOTICS
HEW/FDA provides for certification of ampicillin trihydrate-probenecid capsules; effective 12-16-75 58288

HIGHWAYS
DOT/FHWA issues advance notice of proposed rulemaking on adequacy of directional signs; comments by 2-9-76 58312

HAZARDOUS MATERIALS
DOT/MTB issues rules for transporting on cargo-only aircraft; effective 12-11-75 58307

PROCUREMENT
GSA publishes executive branch position on certain recommendations by Commission on Government Procurement 58354

CHEESE FROM FINLAND
Treasury issues preliminary countervailing duty determination; comments by 1-15-76 58323

MEETINGS—
Citizens' Advisory Committee on Environmental Quality, 1-16-76 58340
Commerce: Economic Advisory Board, 1-22-76 58331
DIBA: Management-Labor Textile Advisory Committee, 1-21-76 58330
CPSC: National Advisory Committee for the Flammable Fabrics Act, 1-27 and 1-28-76 58340
DOD/Army: Scientific Advisory Panel, 2-2 and 2-3-76 58324
HEW/Alcohol, Drug Abuse, and Mental Health Administration, Advisory Committees for January, 1976 58331
NIH: Advisory Committees, January and February, 1976 (15 documents) 58334-58338
National Endowment for the Humanities: Fellowships Panel, 1-5, 1-7 through 1-10, and 1-16-76 (2 documents) 58354
State: Northwest Atlantic Fisheries Advisory Committee, 1-6-76 58323
USDA/AMS: Raisin Advisory Board, 1-8-76 58327

CANCELLED MEETING
DOD/AF: Scientific Advisory Board, 12-10-75 58324

contents

THE PRESIDENT

Executive Orders
Holiday for Federal employees; closing of departments and agencies on Friday, December 26, 1975 58279

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE
Notices
Meetings:
Raisin Advisory Board 58327

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Food and Nutrition Service; Rural Electrification Administration.
Rules
Investigatory subpoenas; issuance and service pursuant to statutes administered by Secretary 58281

AIR FORCE DEPARTMENT
Notices
Meeting:
Scientific Advisory Board 58324

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION
Notices
Meeting:
Advisory committees 58331

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Livestock and poultry quarantine:
Brucellosis 58281

ARMY DEPARTMENT
Rules
Uniformed services health benefits program 58290
Notices
Meeting:
Scientific Advisory Panel 58324

CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY
Notices
Meeting 58340

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Aeroamerica, Inc., et al 58340
Frontier Airlines, Inc 58340
Long-Haul Motor/Railroad Carrier 58340

COAST GUARD
Rules
Disclosure of records and information; correction 58306

COMMERCE DEPARTMENT
See also Domestic and International Business Administration; National Oceanic and Atmospheric Administration; Maritime Administration.
Notices
Meeting:
Economic Advisory Board 58331

CONSUMER PRODUCT SAFETY COMMISSION
Notices
Meeting:
National Advisory Committee for the Flammable Fabrics Act 58340

COST ACCOUNTING STANDARDS BOARD
Rules
Cost accounting standards:
Pension cost, composition and measurement 58281

CUSTOMS SERVICE
Notices
Countervailing duty petitions:
Cheese from Finland 58323

DEFENSE DEPARTMENT
See Air Force Department; Army Department.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Meetings:
Management-Labor Textile Advisory Committee 58330
Scientific articles; duty-free entry:
Louisiana State University 58327
Public Health Service Hospital, Staten Island 58328
Temple University Hospital 58328
University of California, L.A. 58328
University of Florida 58329
University of Georgia 58329
University of Wisconsin 58330

V40I242 DEC 16 75 XUM

EDUCATION OFFICE
Proposed Rules
Special Services for Disadvantaged Students Program; administration 58405
Talent Search Program; administration 58409
Upward Bound Program; administration 58400
Notices
Applications and proposals, closing dates:
Right to Read Reading Academy Program 58338
Right to Read Reading Improvement Projects 58339
Right to Read Special Emphasis Program 58339

ENVIRONMENTAL PROTECTION AGENCY
Rules
Air pollution, standards of performance for new stationary sources:
Definitions 58415
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
2,4-D 58294
Water quality standards, implementing Safe Drink Water Act:
Interim project review guidelines 58292
Proposed Rules
Air quality implementation plans:
California 58319
Kentucky 58319
Preparation, adoption, and submittal 58317
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
Inert ingredients 58321
Notices
Ambient air monitoring reference and equivalent methods 58340
Edwards Underground Reservoir, San Antonio, Texas area; determination 58344
Environmental impact statements and other actions impacting the environment; availability of comments 58340
Pesticide and food additive petitions; filing 58345

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Hawker Siddeley Aviation Ltd 58284
Hazardous materials; carriage on cargo-only aircraft as only means of transportation 58284

FEDERAL COMMUNICATIONS COMMISSION
Rules
Authority delegations:
Chief, Common Carrier Bureau 58306
Industrial Communications Emergency Plan; correction 58306
Proposed Rules
Marine utility stations; locality restrictions and ship station capability modification 58322

FEDERAL ELECTION COMMISSION
Notices
Advisory opinion requests 58392
Advisory opinions:
Honorariums to Federal officeholders appearing at noncampaign fundraiser; contributions from nonprofit incorporated organizations of professionals 58397
Scope of corporate contribution proscription; applicability of limitations on contributions and expenditures to nomination by a petition effort; contribution from immediate family for Senate campaign; application of honorarium limitations; date when honorarium received 58394

FEDERAL ENERGY ADMINISTRATION
Notices
Transportation Advisory Committee; charter amendment 58345

FEDERAL HIGHWAY ADMINISTRATION
Proposed Rules
Directional and official signs; national standards 58312

FEDERAL MARITIME COMMISSION
Notices
Agreements filed:
Sea-Land Service, Inc., et al 58346
Sea-Land Service, Inc. and Puerto Rico Ports Authority 58346
Freight forwarder licenses:
Air Maritime Corp 58345
Negron, James L 58346
Ros Forwarding, Inc 58346
Xanadu Cruises, Inc.; certificate of financial responsibility for indemnification of passengers 58347

FEDERAL POWER COMMISSION
Notices
Committees, establishment, etc.:
Gas Survey Advisory Committees, National; membership, etc. (10 documents) 58352-58353
Hearings, etc.:
Arkansas-Missouri Power Co 58348
Cities Service Gas Co 58349
Columbia Gas Transmission Corp 58349
Connecticut Light and Power Co. and the Hartford Electric Co 58351
Connecticut Light and Power Co., et al 58351
Exxon Corp., et al 58347
Holyoke Water Power Co 58350
Monongahela Power Co., et al 58350
Public Service Co. of Oklahoma 58350
Southwestern Electric Power Co. (2 documents) 58350
Texas Gas Utilities Division 58351
Upper Peninsula Power Co 58351

FEDERAL TRADE COMMISSION
Rules
Prohibited trade practices:
Burglar King 58287
Inter - Continental Services Corp., et al 58286

FISH AND WILDLIFE SERVICE
Rules
Endangered and threatened species; fish, wildlife, and plants:
Alligator, American; correction 58307
Proposed Rules
Endangered and threatened species; fish, wildlife, and plants:
Snail Darter, American Crocodile, Whooping Crane, California Condor, Indiana Bat and Florida Manatee 58308
Notices
Endangered species permits; applications 58324

FOOD AND DRUG ADMINISTRATION
Rules
Animal drugs, feeds and related products:
Monensin 58289
Food additives:
2,4-D 58287
Human drugs:
Ampicillin trihydrate-probenecid capsules 58288
Insulin syringes; warning and caution statement 58288

FOOD AND NUTRITION SERVICE
Rules
Free and reduced price meals and free milk in schools; correction 58281

GENERAL ACCOUNTING OFFICE
Notices
Regulatory reports review; receipt of report proposals 58354

GENERAL SERVICES ADMINISTRATION
Notices
Executive Branch position on Commission on Government Procurement Recommendations A-29 and A-46 58354

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Alcohol, Drug Abuse, and Mental Health Administration; Education Office; Food and Drug Administration; National Institutes of Health.
Notices
License, exclusive patent:
Mason, William H 58339

INTERIOR DEPARTMENT
See also Fish and Wildlife Service.
Rules
Employee responsibilities and conduct; organizational designations and position titles 58295

Notices
Departmental seal; criteria for use 58326
Environmental statements, etc.; availability:
Oil shale plant; proposed construction and operation 58326
Financial interest statements:
Timme, E. F 58327

INTERSTATE COMMERCE COMMISSION
Notices
Hearings assignments 58355
Motor carriers:
Lease and interchange of vehicles 58359
Temporary authority applications 58355

MARITIME ADMINISTRATION
Notices
Applications, etc.:
Cove Tankers Corp 58330

MATERIALS TRANSPORTATION BUREAU
Rules
Hazardous materials; carriage on cargo-only aircraft as only means of transportation 58307

NATIONAL COMMISSION ON WATER QUALITY
Notices
Public hearings on draft report of impacts of Federal Water Pollution Control Act of 1972 58354

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES
Notices
Meetings:
Advisory Committee Fellowships Panel (2 documents) 58354

NATIONAL INSTITUTES OF HEALTH
Notices
Meetings:
Aging Review Committee 58334
Allergy and Immunology Research Committee 58334
Animal Resources Advisory Committee 58334
Arteriosclerosis and Hypertension Advisory Committee 58335
Automation in the Medical Laboratory Sciences Review Committee 58335
Biomedical Library Review Committee 58335
General Clinical Research Centers Committee 58335
National Advisory Eye Council 58388
National Cancer Institute advisory committees (2 documents) 58336
Population Research Committee 58337
President's Cancer Panel 58338
Temporary Committee for a Statistical Analysis and Quality Control Center 58337
Vision Research Program Committee 58338

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Notices
Meeting:
Marine Fisheries Advisory Committee 58331

PANAMA CANAL
Rules
Military reservations; revision of boundaries (2 documents) 58290, 58292

RURAL ELECTRIFICATION ADMINISTRATION
Notices
Loan guarantees proposed:
Arizona Electric Power Cooperative, Inc 58327

STATE DEPARTMENT
Notices
Meeting:
Northwest Atlantic Fisheries Advisory Committee 58323

TRANSPORTATION DEPARTMENT
See Coast Guard; Federal Aviation Administration; Federal Highway Administration; Materials Transportation Bureau.

TREASURY DEPARTMENT
See also Customs Service.
Notices
Antidumping:
Potassium chloride from Canada 58323

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR
EXECUTIVE ORDERS:
11891 58279

4 CFR
412 58281

7 CFR
1 58281
245 58281

9 CFR
78 58281

14 CFR
39 58284
103 58284

16 CFR
13 (2 documents) 58286, 58287

21 CFR
123 58287
369 58288

21 CFR—Continued
440 58288
556 58289
558 58289

23 CFR
PROPOSED RULES:
750 58312

32 CFR
577 58290

35 CFR
5 (2 documents) 58290, 58292

40 CFR
60 58416
149 58292
180 58294
PROPOSED RULES:
51 58317
52 (3 documents) 58317, 58319
180 58321

43 CFR
20 58295

45 CFR
PROPOSED RULES:
155 58400
157 58405
159 58409

46 CFR
4 58306
5 58306
14 58306

47 CFR
0 58306
91 58306
PROPOSED RULES:
81 58322
83 58322

49 CFR
103 58307

50 CFR
17 58307
PROPOSED RULES:
17 58308

V40242 DEC 16 75 XUM

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

1 CFR
Chapter I 55633
425 56651

3 CFR
EXECUTIVE ORDERS:
8278 (Revoked in part by PLO 5550) 56667
10422 (Amended by EO 11890) 57775
11890 57775
11891 58279

4 CFR
412 58281

5 CFR
213 ..... 56651, 57202, 57351, 57461, 57777, 58127
890 55829
736 56651

7 CFR
1 58281
2 ..... 56421, 56669, 58127
16 55829
25 57205
25A 57205
52 57206
245 ..... 57206, 57777, 58281
271 ..... 55646, 57434–57438
722 55656
725 55656
726 56421
729 55658
905 57641
907 ..... 56670, 57641, 58127
910 57777
912 57641
959 57209
982 55829
984 57351
1421 56423
1464 ..... 57209, 57777
1865 57642
1980 57643
PROPOSED RULES:
622 56457
724 57809
726 57810
916 57221
928 57221
932 56457
999 57368
1060 56674
1063 56674
1822 58151

9 CFR
78 58281
113 57806
331 ..... 57807, 57808
381 ..... 57807, 57808
PROPOSED RULES:
91 56675

10 CFR
212 57439
RULINGS:
1975–18 55860

12 CFR
7 56883
217 57663
225 55634
226 55634
265 55635
303 58128
327 57209
329 ..... 57664, 57778
522 57442
526 57665
545 ..... 57665, 57781
555 57781
563 57665
571 57783
PROPOSED RULES:
556 57690
571 57690

13 CFR
117 57351
PROPOSED RULES:
120 57602
121 ..... 55860, 55868

14 CFR
39 ..... 55635–55637, 56652, 56883, 57352, 57353, 57444, 57665, 57666, 57783–57785, 58128–58130, 58284
71 ..... 55638, 55829, 56423, 56424, 56652, 56884, 57203, 57204, 57353, 57354, 57444, 57666, 57785, 57786, 58131, 58284
75 ..... 55830, 56884
97 ..... 57204, 57666
103 57667
121 57444
123 57444
135 57444
288 56652
PROPOSED RULES:
37 57222
39 57811
63 57342
71 ..... 55664, 55665, 55866, 56919, 57368, 57369
91 57342
103 57688
105 57342
121 57342
123 57342
129 57342
135 57342
137 57342
145 57342
147 57342
241 57462
253 55665
378 57462
399 55665

15 CFR
379 56424
950 56653

16 CFR
13 ..... 56655–56658, 57195–57201, 57445–57447, 57668, 58286, 58287
302 56659
433 58131
1512 57449
1602 55885

17 CFR
200 ..... 57449, 58131
210 ..... 55830, 55835
239 55836
240 ..... 55837, 57355, 57357, 57449, 57786
241 57786
249 55837
275 57795
PROPOSED RULES:
12 55666
239 58155
240 ..... 57463, 58154, 58155
249 ..... 58154, 58155

18 CFR
2 56886
35 56424
141 57450

19 CFR
4 55837
141 57796
159 ..... 55638, 55639
201 55838
PROPOSED RULES:
141 56674
142 ..... 56674, 58150
143 56674
158 58150
159 56674
201 56936

20 CFR
405 56659
410 56886
618 57766
PROPOSED RULES:
405 56458
625 56931

21 CFR
1 ..... 57451, 57453
3 57451
4 55838
7 55838
37 57454
121 ..... 56907, 57209
123 ..... 56425, 58287
369 58288
430 57796
436 57797
440 58288
444 57798
529 57454
540 55849
546 57455
556 ..... 57454, 58289
558 ..... 57668, 57798, 58132, 58289
561 56425
600 57688
640 55849

21 CFR—Continued
1308 58132
1316 57210
PROPOSED RULES:
1 57811
10 57811
27 57811
51 57811
53 57811
102 57688
310 ..... 55869, 56675, 57811
330 ..... 56675, 57811
338 57292
339 57292
340 57292
600 57688
610 57688
640 57688
660 57688
1000 58151

22 CFR
602 56661

23 CFR
230 57358
450 57799
630 ..... 55639, 57799
712 55643
PROPOSED RULES:
750 58312

24 CFR
205 58133
207 58133
213 58134
220 58134
221 58134
232 58134
235 58134
236 58134
242 58134
244 58134
1710 56907
1912 57210
1914 ..... 56670, 57803
1915 ..... 56672, 56910
1916 56426
1917 ..... 56426, 57668
1920 ..... 56427–56429, 57669, 57670
PROPOSED RULES:
1710 56919
1917 56459

25 CFR
233 58135
PROPOSED RULES:
178 57694

26 CFR
1 ..... 55849, 58138
301 55849
PROPOSED RULES:
1 ..... 56448, 57364, 57462

27 CFR
6 55856
194 56887

28 CFR
PROPOSED RULES:
19 56453
42 56454

29 CFR
602 58138
603 58138
608 58139
609 58140
610 58140
611 58140
612 58141
614 58141
615 58142
687 58143
1902 ..... 55857, 58143
1952 57455
1953 57804
2602 57457
PROPOSED RULES:
40 57332
1910 ..... 55866, 55867
2610 57982
2611 57980

32 CFR
577 58290
650 55962

33 CFR
Ch. I 58143
117 56429
128 56430
207 57358
PROPOSED RULES:
117 57222

34 CFR
PROPOSED RULES:
Ch. I 56459

35 CFR
5 ..... 58290, 58292

36 CFR
7 56888
PROPOSED RULES:
2 57694

37 CFR
1 37358
2 37358

38 CFR
1 56433
3 ..... 56434, 57459
17 57805
PROPOSED RULES:
3 56936

39 CFR
Ch. I 57670
42 57212
43 57212
44 57212
45 57212
47 57212
111 ..... 57212, 57670
PROPOSED RULES:
111 57223

40 CFR
52 ..... 56888–56890, 57359
60 58416
149 58292
180 ..... 55857, 57215, 58294
407 57216
408 55770
414 ..... 56435, 56436

40 CFR—Continued
PROPOSED RULES:
6 55868
51 58317
52 ..... 58317, 58319
85 56932
124 56932
125 56932
180 58321
407 57223

41 CFR
14–1 ..... 57670, 57671
50–201 57805
101–26 57216
105–61 56892
114–43 55857
114–60 55858

42 CFR
57 56674
PROPOSED RULES:
2a 56692

43 CFR
2 57671
20 58295
PUBLIC LAND ORDERS:
17 (Revoked in part by PLO 5553) 58144
1245 (Revoked in part by PLO 5552) 58144
2789 (Revoked by PLO 5551) 58144
5169 (Amended by PLO 5556) 58146
5170 (Amended by PLO 5557) 58146
5178 (Amended by PLO 5555) 58145
5179 (Amended by PLO 5556) 58146
5184 (Amended by PLO 5550) 56667
5187 (Revoked in part by PLO 5550) 56667
5353 (Revoked n part by PLO's 5551, 5552, 5553) 58144
5396 (Amended by PLO 5556) 58146
5550 56667
5551 58144
5552 58144
5553 58144
5554 58145
5555 58145
5556 58146
5557 58146
PROPOSED RULES:
2600 57364

45 CFR
102 57760
160c 57926
233 57359
302 57672
1013 55859
1222 57217
PROPOSED RULES:
115 57042
155 58400
157 58405
159 58409
160d 55659
162 56678

46 CFR
4 58306
5 ..... 57672, 58306
12 57673
14 58306
42 57218
310 55643

V40I242 DEC 16 75 XUM

46 CFR—Continued

401 57673
551 58146

PROPOSED RULES:

Ch. I 57688
10 55663
503 58154

47 CFR

0 ..... 57359, 58306
1 55644
2 57674
73 ..... 55644, 57360, 58147
76 57361
81 57675
83 57675
87 57675
89 58147
91 ..... 57682, 57684, 58306
93 58147
95 58148
97 58148

47 CFR—Continued

PROPOSED RULES:

76 55868
81 58322
83 58322
89 57369
91 57369

49 CFR

10 57361
103 ..... 57687, 58307
107 56442
174 57433
310 55645
571 ..... 56667, 56898, 57687
575 57806
1010 56668
1033 ..... 55860, 56443, 56444, 56898, 57433
1125 57639

PROPOSED RULES:

393 57369
557 56926

49 CFR—Continued

PROPOSED RULES—Continued

567 55665
568 55665
571 ..... 55665, 56920, 56928, 57690, 58152, 58153
579 56930
1108 57465

50 CFR

17 58307
28 ..... 56444, 56445, 56669, 57218, 57220, 57459–57461, 58148
33 ..... 55860, 56446, 57363, 58149
216 56899
280 57461

PROPOSED RULES:

17 ..... 57221, 58308
510 ..... 55679, 57812
520 57692

FEDERAL REGISTER PAGES AND DATES—DECEMBER

Pages	*Date*
55633–55828	1
55829–56420	2
56421–56649	3
56651–56882	4
56883–57193	5
57195–57349	8
57351–57432	9
57433–57639	10
57641–57773	11
57775–58126	12
58127–58278	15
58279–58420	16

presidential documents

Title 3—The President

Executive Order 11891 • December 15, 1975

Providing for the Closing of Government Departments and Agencies on Friday, December 26, 1975

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. All Executive departments, independent establishments, and other governmental agencies, including their field services, except as provided by Section 2 below, shall be closed, and employees thereof shall be excused from duty, on Friday, December 26, 1975, the day following Christmas Day.

SEC. 2. Section 1 of this Order shall not apply to those offices and installations, or parts thereof, in the Department of State, the Department of Defense, or other departments, independent establishments, and governmental agencies which the heads thereof determine should remain open for reasons of national security or defense or other public reasons, nor to employees thereof who in the judgment of their agency heads should be at their posts of duty for these reasons.

SEC. 3. Friday, December 26, 1975, shall be considered as falling within the scope of Executive Order No. 11582 and of 5 U.S.C. 5546 and 6103(b) and other similar statutes so far as they relate to the pay and leave of employees of the United States.

Gerald R. Ford

THE WHITE HOUSE,
December 15, 1975.

[FR Doc.75-34083 Filed 12-15-75;10:52 am]

V 40 242 DEC 16 75 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

PART 412—COST ACCOUNTING STANDARD FOR COMPOSITION AND MEASUREMENT OF PENSION COST

Effective Date

On September 24, 1975, a Cost Accounting Standard entitled Cost Accounting Standard for Composition and Measurement of Pension Cost was published in the Federal Register (40 FR 43873 et seq.).

The effective date of the Standard which was reserved in the September 24 publication is January 1, 1976 and § 412.-80(a) is therefore supplemented as follows:

§ 412.80 Effective date.

(a) The effective date of this Standard is January 1, 1976.

(84 Stat. 796, sec. 103; 50 U.S.C. app. 2168).

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.75-33883 Filed 12-15-75;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 1—ADMINISTRATIVE REGULATIONS

Investigatory Subpoenas: Issuance and Service Pursuant to Statutes Administered by the Secretary of Agriculture

Section 1.29(a), Title 7, Code of Federal Regulations is revised to clarify the conditions under which subpoenas may be issued, and to make it clear that authority to issue subpoenas may not be redelegated by the head of a Department agency.

Accordingly, § 1.29(a) is revised to read as follows:

§ 1.29 Subpoenas relating to investigations under statutes administered by the Secretary of Agriculture.

(a) *Issuance of subpoena.* When the Secretary is authorized by statute to issue a subpoena in connection with an investigation being conducted by the Department, the attendance of a witness and the production of evidence relating to the investigation may be required by subpoena at any designated place, including the witness' place of business. Upon request of any representative of the Secretary involved in connection with the investigation, such subpoena may be issued by the Secretary, any Department official authorized pursuant to Part 2 of this title to administer the program to which the statute relates, or by the Director, Office of Investigation with respect to an investigation involving the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), if the official who is to issue the subpoena is satisfied as to the reasonableness of the grounds, necessity and scope thereof: *Provided, however,* That the authority to issue subpoenas may not be delegated or redelegated by the head of an agency.

* * * * *

Effective date. This revision shall become effective on December 16, 1975.

Done at Washington, D.C., this 11 day of December, 1975.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.75-33849 Filed 12-15-75;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—CHILD NUTRITION PROGRAMS

[Amdt. 8]

PART 245—DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS AND FREE MILK IN SCHOOLS

Nondiscretionary Regulations

In FR Doc. 75-32771 appearing on page 57206 in the issue of Monday, December 8, 1975, the heading should have appeared as set forth above.

In § 245.3(c), on page 57207, in the 12th line the word "child" was misspelled.

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 78—BRUCELLOSIS

Subpart D—Designation of Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

BRUCELLOSIS AREAS

The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Noncertified Areas in § 78.22 because it has been determined that they no longer come within the definition of a Modified Certified Brucellosis Area in § 78.1(m): Adair County in Missouri; Adair County in Oklahoma; Angelina, Dawson, Galveston, Garza, Hardeman, Hopkins, Jasper, Morris, Red River, Shelby, Terry, Uvalde, Webb, and Zavala Counties in Texas.

The amendments delete the following areas from the list of Noncertified Areas in § 78.22 and add such areas to the list designated as Modified Certified Brucellosis Areas in § 78.21 because it has been determined that they again come within the definition of a Modified Certified Brucellosis Area in § 78.1(m): Beadle County in South Dakota; Harris, Liberty, McMullen, Robertson, and Upshur Counties in Texas.

The amendments delete the following areas from the list of Certified Brucellosis-Free Areas in § 78.20 and add such areas to the list designated as Noncertified Areas in § 78.22 because it has been determined that they no longer come within the definition of a Certified Brucellosis-Free Area in § 78.1(l): Jackson County in Illinois; Brewster County in Texas.

The amendments delete the following areas from the list of Noncertified Areas in § 78.22 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they again come within the definition of a Certified Brucellosis-Free Area in § 78.1(l): Newton County in Texas.

The amendments delete the following areas from the list of Certified Brucellosis-Free Areas in § 78.20 and add such areas to the list designated as Modified Certified Brucellosis Areas in § 78.21 because it has been determined that they now come within the definition of a Modified Certified Brucellosis Area in § 78.1(m): Bannock County in Idaho, Reeves County in Texas.

The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they now come within the definition of a Certified Brucellosis-Free Area in § 78.1(l): Baca and Prowers Counties in Colorado; Fulton, Gallatin, and Woodford Counties in Illinois; Sequatchie County in Tennessee; Box Elder County in Utah.

Accordingly, §§ 78.20, 78.21, and 78.22 of Part 78, Title 9, Code of Federal Regulations, designating Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, and Noncertified Areas, respectively, are amended to read as follows:

§ 78.20 Movement of bison for purposes other than slaughter.

(a) *Entire States.*

Arizona, California, Connecticut, Delaware, Hawaii, Indiana, Maine, Maryland,

V 40 242 DEC 16 75 XUM

Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, West Virginia, Wisconsin, Virgin Islands.

(b) *Specific Counties Within States.*

Alabama. Barbour, Cherokee, Clay, Cleburne, Dale, Etowah, Geneva, Henry, Houston, Lee, Russell.

Arkansas. Ashley, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Dallas, Drew, Fulton, Garland, Grant, Greene, Jackson, Lafayette, Madison, Marion, Monroe, Montgomery, Newton, Ouachita, Perry, Pike, Polk, Pope, Prairie, Searcy, Sharp, Stone, Union, Woodruff, Yell.

Colorado. Adams, Alamosa, Arapahoe, Archuleta, Baca, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crawley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Weld.

Florida. Baker, Bay, Brevard, Calhoun, Dade, Dixie, Escambia, Franklin, Gadsden, Gulf, Hamilton, Holmes, Jackson, Leon, Liberty, Monroe, Okaloosa, Orange, Pasco, Santa Rosa, Seminole, Sumter, Taylor, Wakulla, Walton, Washington.

Georgia. Appling, Atkinson, Bacon, Banks, Barrow, Brantley, Bryan, Bulloch, Burke, Butts, Camden, Candler, Charlton, Chatham, Chattahoochee, Clarke, Clayton, Cook, Crawford, Dawson, De Kalb, Echols, Effingham, Evans, Fannin, Franklin, Glascock, Glynn, Greene, Habersham, Henry, Jeff Davis, Johnson, Jones, Lanier, Laurens, Liberty, Long, Madison, McIntosh, Monroe, Peach, Rabun, Richmond, Rockdale, Schley, Screven, Stephens, Taylor, Telfair, Toombs, Towns, Treutlen, Twiggs, Upson, Ware, Washington, Wayne, Wheeler, White, Wilkinson.

Idaho. Ada, Adams, Bear Lake, Benewah, Blaine, Boise, Bonner, Boundary, Butte, Camas, Canyon, Caribou, Cassia, Clark, Clearwater, Custer, Elmore, Fremont, Gem, Gooding, Idaho, Jefferson, Jerome, Kootenai, Latah, Lemhi, Lewis, Lincoln, Madison, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Power, Shoshone, Teton, Twin Falls, Valley, Washington, Yellowstone National Park.

Illinois. Adams, Alexander, Boone, Bond, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Grundy, Hamilton, Hancock, Henderson, Henry, Iroquois, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, Macon, Macoupin, Madison, Marion, Marshall, Massac, McDonough, McHenry, McLean, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, White, Whiteside, Will, Winnebago, Woodford.

Iowa. Adair, Adams, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Dallas, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Sac, Scott, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Washington, Webster, Winnebago, Winneshiek, Woodbury, Worth, Wright.

Kansas. Comanche, Doniphan, Ford, Grove, Haskell, Hodgeman, Johnson, Lane, Marshall, Pawnee, Phillips, Riley, Scott, Trego, Washington.

Kentucky. Bell Breathitt, Campbell, Clay, Edmonson, Floyd, Harlan, Jackson, Johnson, Kenton, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan, Owsley, Pendleton, Perry, Pike, Robertson, Trimble, Whitley, Wolfe.

Mississippi. Alcorn, Hancock, Harrison, Jackson, Stone, Tishomingo.

Missouri. Audrain, Barry, Carter, Dallas, Douglas, Dunklin, Franklin, Gasconade, Hickory, Iron, Jackson, Laclede, Lewis, Marion, Miller, Moniteau Montgomery, Perry, Platte, Pulaski, St. Louis, Schuyler, Shelby.

Montana. Big Horn, Beaverhead, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Custer, Daniels, Dawson, Deer Lodge, Elaine, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, Madison, McCone, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powder River, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, Yellowstone.

New Mexico. Bernalillo, Catron, Dona Ana, Grant, Harding, Lincoln, Los Alamos, Luna, McKinley, Otero, Sandoval, San Juan, Santa Fe, Sierra, Taos.

South Dakota. Aurora, Beadle, Bennett, Bon Homme, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Custer, Davison, Day, Deuel, Dewey, Douglas, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton.

Tennessee. Anderson, Bledsoe, Blount, Campbell, Carter, Cheatham, Claiborne, Davidson, Decatur, Dickson, Fentress, Grainger, Greene, Grundy, Hamblen, Hancock, Hardin, Houston, Jackson, Jefferson, Johnson, Knox, Lake, Lincoln, Meigs, Monroe, Morgan, Polk, Roane, Robertson, Rutherford, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, White.

Texas. Cochran, Comal, Crane, Childress, El Paso, Gray, Hansford, Hartley, Hemphill, Irion, Jeff Davis, Kerr, Kimble, Lipscomb, Llano, Loving, Newton, Pecos, Reagan, Roberts, Sterling, Terrell, Val Verde, Ward, Winkler.

Utah. Beaver, Box Elder, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, Wayne, Weber.

Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Natrona, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston.

Puerto Rico. Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Anasco, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Camuy, Canovanas (Loiza), Catano, Cayey, Cieba, Ciales, Cidra, Coama, Comerio, Corozal, Culebra, Dorado, Fajardo, Guanica, Guayama, Guayanilla, Gurabo, Hormigueros, Humacao, Isabela, Jayuya, Juana Diaz, Lajas, Lares, Las Marias, Luquillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Morovis, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Rio Pieddras, Sabana Grande, Salinas, San German, San Juan, San Lorenzo, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, Yabucoa, Yauco.

§ 78.21 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as modified Certified Brucellosis Areas:

(a) *Entire States.* Alaska, Nebraska.

(b) *Specific Counties Within States.*

Alabama. Autauga, Baldwin, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Chilton, Choctaw, Clarke, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, De Kalb, Elmore, Escambia, Fayette, Franklin, Greene, Hale, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston.

Arkansas. Arkansas, Chicot, Clark, Crawford, Crittenden, Cross, Desha, Faulkner, Franklin, Hempstead, Hot

Spring, Howard, Independence, Izard, Jefferson, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Miller, Mississippi, Nevada, Phillips, Poinsett, Pulaski, Randolph, Saline, Scott, St. Francis, Sebastian, Sevier, Van Buren, Washington, White.

Colorado. Kiowa, Morgan, Pueblo, Yuma.

Florida. Alachua, Bradford, Broward, Charlotte, Citrus, Clay, Collier, Columbia, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Nassau, Okeechobee, Osceola, Palm Beach, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Suwannee, Union, Volusia.

Georgia. Baker, Baldwin, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Carroll, Catoosa, Chattooga, Cherokee, Clay, Clinch, Cobb, Coffee, Colquitt, Columbia, Coweta, Crisp, Dade, Decatur, Dodge, Dooly, Dougherty, Douglas, Early, Elbert, Emanuel, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Grady, Gwinnett, Hall, Hancock, Haralson, Harris, Hart, Heard, Houston, Irwin, Jackson, Jasper, Jefferson, Jenkins, Lamar, Lee, Lincoln, Lowndes, Lumpkin, Macon, Marion, McDuffie, Meriwether, Miller, Mitchell, Montgomery, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Randolph, Seminole, Spalding, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Terrell, Thomas, Tift, Troup, Turner, Union, Walker, Walton, Warren, Webster, Whitfield, Wilcox, Wilkes, Worth.

Idaho. Bannock, Bingham, Bonneville, Franklin.

Illinois. Brown, Effingham, Hardin, Mason, Pike, Pope, Wayne, Williamson.

Iowa. Allamakee, Appanoose, Crawford, Davis, Decatur, Guthrie, Pottawattamie, Poweshiek, Ringgold, Warren, Wayne.

Kansas. Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Cowley, Crawford, Decatur, Dickinson, Douglas, Edwards, Elk, Ellis, Ellsworth, Finney, Franklin, Geary, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Jackson, Jefferson, Jewell, Kearny, Kingman, Kiowa, Labette, Leavenworth, Lincoln, Linn, Logan, Lyon, Marion, McPherson, Meade, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pottawatomie, Pratt, Rawlins, Reno, Republic, Rice, Rooks, Rush, Russell, Saline, Sedgwick, Seward, Shawnee, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Wabaunsee, Wallace, Wichita, Wilson, Woodson, Wyandotte.

Kentucky. Adair, Allen, Anderson, Ballard, Barren, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Breckenridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Carter, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Davless, Elliott, Estill, Fayette, Fleming, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Greenup, Hancock, Harlin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Jessamine, Larue, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshall, Mason, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Montgomery, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Powell, Pulaski, Rockcastle, Rowan, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington, Wayne, Webster, Woodford.

Louisiana. Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Caldwell, Cameron, Catahoula, Claiborne, Concordia, East Baton Rouge, East Carrol, East Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson, Jefferson Davis, Lafayette, Lafourche, La Salle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Red River, Richland, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vermilion, Vernon, Washington, Webster, West Baton Rouge, West Carroll, West Felicianna, Winn.

Mississippi. Adams, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Choctaw, Chickasaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, LeFlore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, Yazoo.

Missouri. Andrew, Atchison, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Daviess, De Kalb, Dent, Gentry, Greene, Grundy, Harrison, Henry, Holt, Howard, Howell, Jasper, Jefferson, Johnson, Knox, Lafayette, Lawrence, Lincoln, Linn, Livingston, Macon, Madison, Maries, McDonald, Mercer, Mississippi, Monroe, Morgan, New Madrid, Newton, Nodaway, Oregon, Osage, Ozark, Pemiscot, Pettis, Phelps, Pike, Polk, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Genevieve, Saline, Scotland, Scott, Shannon, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, Wright.

New Mexico. Chaves, Colfax, Curry, De Baca, Eddy, Guadalupe, Hidalgo, Lea, Mora, Quay, Rio Arriba, Roosevelt, San Miguel, Socorro, Torrance, Union, Valencia.

Oklahoma. Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Lincoln, Logan, Love, McClain, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, Woodward.

South Dakota. Brookings, Edmunds, Jones, Marshall, Stanley, Crow Creek Indian Reservation.

Tennessee. Bedford, Benton, Bradley, Cannon, Carroll, Chester, Clay, Cocke, Coffee, Crockett, Cumberland, DeKalb, Dyer, Fayette, Franklin, Gibson, Giles, Hamilton, Hardeman, Hawkins, Haywood, Henderson, Henry, Hickman, Humphreys, Lauderdale, Lawrence, Lewis, Loudon, Macon, Madison, Marion, Marshall, Maury, McMinn, McNairy, Montgomery, Moore, Obion, Overton, Perry, Pickett, Putnam, Rhea, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Wayne, Weakley, Williamson, Wilson.

Texas. Anderson, Andrews, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Camp, Carson, Cass, Castro, Chambers, Cherokee, Clay, Coke, Coleman, Collin, Collingsworth, Colorado, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmitt, Donley, Eastland, Edwards, Ellis, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Gillespie, Glassock, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardin, Harris, Harrison, Hays, Henderson, Hill, Hockley, Hood, Houston, Howard, Hudspeth, Hunt, Hutchinson, Jack, Jackson, Jim Hogg, Johnson, Jones, Kaufman, Kendall, Kenedy, Kent, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Mason, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Motley, Navarro, Nolan, Nueces, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Presidio, Rains, Randall, Real, Reeves, Refugio, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Sherman, Smith, Somervell, Stephens, Stonewall, Sutton, Swisher, Tarrant, Taylor, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Van Zandt, Victoria, Walker, Waller, Washington, Wharton,

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Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Yoakum, Young, Zapata.

Utah. Cache.

Wyoming. Lincoln.

Puerto Rico. Arecibo, Carolina, Guaynabo, Hatillo, Juncos, Las Piedras, Naguabo.

§ 78.22 Noncertified Areas.

Illinois. Jackson.

Missouri. Adair.

Oklahoma. Adair, LeFlore, Pushmataha.

South Dakota. Corson, Ziebach.

Texas. Angelina, Brewster, Cameron, Duval, Ector, Galveston, Garza, Hardeman, Haskell, Hidalgo, Hopkins, Jasper, Jefferson, Jim Wells, Karnes, Live Oak, Morris, Red River, Reeves, Shelby, Starr, Terry, Uvalde, Webb, Zavala.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125, 134b; 134f, 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.16.)

Effective date. The foregoing amendments shall become effective December 16, 1975.

The amendments impose certain restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. They should be made effective promptly in order to accomplish their purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of December 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-33805 Filed 12-15-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14848; Amdt. 39-2469]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation Ltd., DH/BH-125 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modification to strengthen inboard flap structures on certain Hawker Siddeley DH/BH-125 airplanes, which have been damaged in a number of cases due to landing on heavily watered, or slush, or snow covered runways, was published in the FEDERAL REGISTER on August 1, 1975 (40 FR 32342).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), §39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION LTD. Applies to DH-125 series 3AR, S/N 25/148 and 149; series 3ARA, S/N 25/151, 152, 153, 155, 156, 158, 159, and NA 700 through NA 710; series 400 A, S/N NA 711 through NA 752 airplanes and to BH-125 series 400 A, S/N NA 753 through NA 780; and series 600A, S/N 25/6001 through 6004, 6007, 6009, 6010, 6011, 6013, 6014, 6016, 6018, 6020, 6022 through 6026, 6032, 6034, 6038, 6040, 6044, 6046, 6047, and 6051 airplanes.

Compliance required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent structural damage to the inboard end of the flaps which can result from landing on heavily watered, or slush, or snow covered runways, incorporate the structural modification to the inboard end of the flap (L/H & R/H) in accordance with the accomplishment instructions in Hawker Siddeley Aviation Ltd. Service Bulletin 27-112 (2426), Revision 1, dated March 11, 1975, or an FAA-approved equivalent.

This amendment becomes effective on January 15, 1976.

Issued in Washington, D.C., on December 9, 1975.

R. P. SKULLY,
Director, Flight Standards Service.

[FR Doc.75-33767 Filed 12-15-75;8:45 am]

[Docket HM-128; Amdt. No. 103-27]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Carriage of Certain Hazardous Materials on Cargo-Only Aircraft as Only Means of Transportation

The purpose of these amendments to 14 CFR Part 103 is to authorize certain materials, the air transportation of which is otherwise prohibited or restricted, to be transported by cargo-only aircraft subject to special handling and operational controls when other means of transport are not practicable.

On October 1, 1975, the Materials Transportation Bureau published a notice of proposed rulemaking on this subject (40 FR 45197) inviting public comments and announcing a public hearing for October 23, 1975, in Washington, D.C. All comments received have been given due consideration.

As a result of comments received, the following changes which the Bureau believes compatible with the basic proposal have been made in the proposed amendments in addition to language changes for clarification:

1. The introductory clause in § 103.33 is reworded to (1) make that section equally applicable to small aircraft and helicopters operating in remote areas of the United States outside Alaska as well as within Alaska, and (2) include other flammable liquids, such as alcohol, used as fuel.

2. In the table in § 103.37(a), the entry pertaining to electric blasting caps (more than 1000) Class A explosives is revised to allow them to be carried on the same aircraft with non-hazardous cargo if they are packaged in IME 22 cap containers.

3. In the table in § 103.37(a), the entry pertaining to electric blasting caps (1000 or less) is revised to allow them to be carried in IME 22 or MC 201 cap containers on the same aircraft with other hazardous cargo, except Class A or Class B explosives.

4. In the table in § 103.37(a), the entry pertaining to high explosives Class A is revised to allow them to also be carried on the same aircraft with certain other commercial blasting agents which are similar to high explosives, are difficult to initiate, and are presently authorized for carriage aboard cargo-only aircraft.

5. In § 103.37(b)(2) requiring advance permission from airports where hazardous materials covered by new § 103.37 are to be loaded or unloaded or where the aircraft is to land enroute, a new provision is added in recognition of the possibility of the aircraft being diverted to an alternate airport.

6. In § 103.37(b)(6), the written instructions to be provided to the pilot of a cargo-only aircraft scheduled to carry any of the special hazardous materials shipments authorized by these amendments are modified to include the name of the airport official[s] who have granted the required approval for the use of his airport facilities.

7. The proposed prohibition in § 103.37(c)(4)(ii) against smoking and flame or spark producing devices within 50 feet of aircraft loading or unloading flammable or combustible liquid bulk tanks is transferred to paragraph (b)(9) of that section so as to make the prohibition applicable to all loadings and unloadings of hazardous materials covered by new § 103.37.

The Bureau has not adopted a number of other recommendations for the reasons stated:

1. It was recommended that electric blasting caps in IME 22 or MC 201 cap containers be allowed to accompany any other hazardous or non-hazardous cargo. As stated above, the proposed amendment has been modified to allow Class A shipments (1000 or more) with other non-hazardous materials and Class C shipments (less than 1000) with hazardous materials exclusive of Class A or B explosives as well as with non-hazardous cargoes.

The Bureau is considering a broad review and possible revision of the regulations pertaining to the classification and packaging of blasting caps for all modes of transportation. Until that effort is completed, the Bureau is not prepared to issue a regulation that would authorize large quantities of blasting caps (*i.e.*, Class A) to be transported in the same aircraft with other hazardous materials such as flammable liquids, corrosive liquids, or oxidizing materials. The Bureau's primary concern in this regard is the possible adverse interaction that could occur even considering the high integrity of the IME 22 container system.

2. It was also recommended that Class A high explosives be allowed to accompany non-hazardous materials. The Bureau believes that shipments of these explosives should be made on an exclusive basis receiving the full attention of the loading, off-loading, and airborne cargo handling personnel, the only exception being those closely related materials which have been added to the high explosives entry in the § 103.37(a) table: These materials, as pointed out by several commentors, are also used in blasting operations and are generally handled and treated with the same consideration as high explosives. Any further relaxations in this regard can only be considered and the related circumstances evaluated on a case-by-case basis.

In consideration of the foregoing, 14 CFR Part 103 is amended as follows:

1. In § 103.19, paragraphs (a) and (c) are revised to read as follows:

§ 103.19 **Quantity limitations.**

(a) Except as provided in § 103.31(b) in the case of a small, single pilot, cargo-means of transportation are not available or impracticable, no person may only aircraft being used when other carry more than 150 pounds net weight of nonflammable compressed gas in any inaccessible cargo pit or bin on any aircraft.

• • • • •

(c) Except as provided in § 103.31(b) in the case of a small, single pilot, cargo-only aircraft being used when other means of transportation are not available or impracticable, no person may carry more than 50 pounds of any article that is subject to this part (other than an article specified in paragraph (a) or (b) of this section and magnetized materials) in any inaccessible cargo pit or bin of any aircraft.

• • • • •

2. Section 103.31(b) is revised to read as follows:

§ 103.31 **Cargo location.**

• • • • •

(b) Except in the case of a small, single pilot aircraft being used where other means of transportation are not available or impracticable, each person carrying materials acceptable only for cargo aircraft shall carry those articles in a location accessible to a crewmember in flight. When materials acceptable for cargo-only aircraft are carried on a small, single pilot, cargo-only aircraft being used where other means of transportation are not available or impracticable, they may be carried in a location that is not accessible to the pilot, subject to the following conditions:

(1) No person other than the pilot, an FAA inspector, the shipper or consignee of the material or a representative of the shipper or consignee so designated in writing, or a person necessary for handling the material may be carried on the aircraft.

(2) The pilot must be provided with written instructions on characteristics and proper handling of the material.

(3) Whenever a change of pilots occurs while the material is on board, the new pilot must be briefed under a hand-to-hand signature service provided by the operator of the aircraft.

• • • • •

3. In § 103.33 the heading and the introductory clause preceding paragraph (a) are revised; paragraph (c)(3) is added to read as follows:

§ 103.33 **Transportation of flammable liquid fuels in small, passenger-carrying aircraft.**

A small aircraft or helicopter operated entirely within the State of Alaska or into a remote area elsewhere in the United States may carry, in other than scheduled passenger operations, not more than 20 gallons of flammable liquid fuels—

• • • • • •

(c) • • •

(3) DOT Specification 17E containers of not more than 5 gallons capacity.

• • • • •

4. A new section 103.37 is added to read as follows:

§ 103.37 **Cargo-only aircraft; only means of transportation.**

(a) Notwithstanding § 103.9(a) (1) and (2), when means of transportation other than air are not available or are impracticable, hazardous materials listed in the following table may be carried on a cargo-only aircraft subject to the conditions stated in the table and in paragraph (b) and, when appropriate, paragraph (c) of this section:

Material description	Class	Conditions
Electric blasting caps (more than 1000).	Class A explosives..	Permitted only when no other cargo is aboard the aircraft. However, if the electric blasting caps are packed in an IME 22 container (*see* 49 CFR 171.7(d)(9)) they may be transported in the same aircraft with materials that are not classed as hazardous materials.
Electric blasting caps (1000 or less).	Class C explosives..	Permitted only when no other cargo is aboard the aircraft. However, if the electric blasting caps are packed in a DOT MC 201 container (49 CFR 178.318) or an IME 22 container (*see* 49 CFR 171.7(d)(9)) they may be transported in the same aircraft with materials other than Class A or Class B explosives.
Gasoline	Flammable liquid...	Permitted in metal drums having rated capacities of 55 gal or less. May not be transported in the same aircraft with materials classed as Class A, B, or C explosives, corrosive materials or oxidizing materials. Permitted in installed metal tanks each having a capacity of more than 110 gal subject to the conditions specified in paragraph (c) of this section.
High explosives	Class A explosives..	Limited to explosives to be used for blasting. Permitted only when no other cargo is aboard the aircraft or when being transported in the same aircraft with an authorized shipment of any one or more of the following materials to be used for blasting: Nitro carbo nitrate. Cordeau detonant fuse. Propellant explosive (solid) Class B [water gels only]. Propellant explosive (liquid) Class B [water gels only].
Oil, n.o.s.; petroleum oil; or petroleum oil, n.o.s.	Flammable liquid...	Permitted in metal drums having rated capacities of 55 gal or less. May not be transported in the same aircraft with materials classed as Class A, B, or C explosives, corrosive materials or oxidizing materials. Permitted in installed metal tanks each having a capacity of more than 110 gal subject to the conditions specified in paragraph (c) of this section.
Combustible liquid, n.o.s.	Combustible liquid.	Permitted in installed metal tanks each having a capacity of more than 110 gal subject to the conditions specified in paragraph (c) of this section.

(b) The following conditions apply to the carriage of hazardous materials performed under the authority of this section:

(1) No person other than a required flight crewmember, an FAA inspector, the shipper or consignee of the material or a representative of the shipper or consignee so designated in writing, or a person necessary for handling the material may be carried on the aircraft.

(2) The operator of the aircraft must have advance permission from the owner or operator of each manned airport where the material is to be loaded or unloaded or where the aircraft is to land while the material is on board. When the destination is changed after departure because of weather or other unforeseen circumstances, permission from the owner or operator of the alternate airport should be obtained as soon as practicable before landing.

(3) At any airport where the airport owner or operator or authorized representative thereof has designated a location for loading or unloading the material concerned, the material may not be loaded or unloaded at any other location.

(4) If the material concerned can create destructive forces or have lethal or injurious effects over an appreciable area as a result of an accident involving the aircraft or the material, the loading and unloading of the aircraft and its operation in takeoff, en route, and in landing must be conducted at a safe distance from heavily populated areas and from any place of human abode or assembly.

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(5) If the aircraft is being operated by a holder of a certificate issued under Part 121, Part 127, or Part 135 of this title, operations must be conducted in accordance with conditions and limitations specified in the certificate holder's operations specifications or operations manual accepted by the FAA. If the aircraft is being operated under Part 91 of this title, operations must be conducted in accordance with an operations plan accepted and acknowledged in writing by the operator's FAA District Office.

(6) Each pilot of the aircraft must be provided written instructions stating the conditions and limitations of the operation being conducted and the name of the airport official[s] granting the advance permission required by the first sentence of subparagraph (2) of this paragraph.

(7) The aircraft and the loading arrangement to be used must be approved for safe carriage of the particular materials concerned by the FAA District Office holding the operator's certificate and charged with overall inspection of its operations, or the appropriate FAA District Office serving the place where the material is to be loaded.

(8) When Class A explosives are carried under the authority of this section, the operator of the aircraft shall obtain route approval from the FAA inspector in the operator's FAA District Office.

(9) During loading and unloading, no person may smoke, carry a lighted cigarette, cigar, or pipe, or operate any device capable of causing an open flame or spark within 50 feet of the aircraft.

(c) The following additional conditions apply to the carriage of flammable liquids and combustible liquids in metal tanks each having a capacity of more than 110 gallons under the authority of this section:

(1) The tanks and their associated piping and equipment and the installations thereof must have been approved under a supplemental type certificate.

(2) In the case of an aircraft being operated by a certificate holder, the operator shall list the aircraft and the supplemental type certificate approval information in its operating specifications. If the aircraft is being operated by other than a certificate holder, a copy of the supplemental type certificate must be carried on board the aircraft.

(3) The crew of the aircraft must be thoroughly briefed on the operation of the particular bulk tank system being used.

(4) During loading and unloading and thereafter until any remaining fumes within the aircraft are dissipated:

(i) Only those electrically operated bulk tank shutoff valves that have been approved under a supplemental type certificate may be electrically operated.

(ii) No engine or electrical equipment, avionic equipment, or auxiliary power units may be operated, except position lights in the steady position and equipment required by approved loading or unloading procedures, as set forth in the operator's operations manual, or for operators that are not certificate holders, as set forth in a written statement.

(iii) No person may fill a container, other than an approved bulk tank, with a flammable or combustible liquid or discharge a flammable or combustible liquid from a container, other than an approved bulk tank, while that container is inside or within 50 feet of the aircraft.

(iv) When filling an approved bulk tank by hose from inside the aircraft, the doors and hatches must be fully open to insure proper ventilation.

(v) Static ground wires must be connected between the storage tank or fueler and the aircraft, and between the aircraft and a positive ground device.

Since these amendments relieve restrictions and do not impose any new duties or obligations, they are being made effective in less than 30 days after publication in the FEDERAL REGISTER.

(49 U.S.C. 1472(h) (1), 49 CFR 1.53(h).)

Effective date: These amendments are effective on December 11, 1975.

Issued in Washington, D.C., on December 11, 1975.

JAMES T. CURTIS, Jr.,
Director, Materials Transportation Bureau.

[FR Doc.75-33834 Filed 12-15-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2763]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Inter-Continental Services Corporation, et al.

Subpart—Coercing and intimidating: § 13.356 Delinquent debtors. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45 (c) Complaints. Subpart—Misrepresenting oneself and goods—business status, advantages or connections: § 13.1440 Identity; § 13.1460 Individual or private business as professional person, association or guild; § 13.1520 Personnel or staff. Subpart—Simulating another or product thereof: § 13.2208 Court documents. Subpart—Threatening suits, not in good faith; § 13.2264 Delinquent debt collection.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Inter-Continental Services Corporation, a Corporation, and North American Credit Services, Inc., a Corporation, and Jerome E. Baker, Jerry L. Nickell, and James F. Bell, Individually and as Officers of said Corporations, and Ronald A. Green and Thomas F. Fangrow, Individually and as Officers of Inter-Continental Services Corporation, and Richard L. Wilson, Individually and as an Officer of North American Credit Services, Inc.

Consent order requiring two Shawnee Mission, Kans., debt collection agency affiliates, among other things to cease using legal-looking forms, letterheads or language that might deceive debtors or credit card holders, and making telephone misrepresentations. Further, the order limits the times during which the credit card holder or debtor may be called.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondents Inter-Continental Services Corporation, a corporation, its successors and assigns, and its officers, and North American Credit Services, Inc., a corporation, its successors and assigns, and its officers, and Jerome E. Baker, Jerry L. Nickell and James F. Bell, individually and as officers of said corporations, and Ronald A. Green and Thomas F. Fangrow, individually and as officers of Inter-Continental Services Corporation, and Richard L. Wilson, individually and as an officer of North American Credit Services, Inc., and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the collection of accounts or the retrieval of credit cards in or affecting commerce as "commerce" is defined by the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any legal action is being considered, will be taken, or has been taken, or using any forms, letters or other documents which simulate legal process.

2. Representing, directly or by implication, that respondents or their agents or employees are attorneys, or misrepresenting in any manner the position or function of any of respondents, their agents or employees.

3. Representing, directly or by implication, that the failure of any individual to pay amounts requested, or to take any other action, will result in garnishment of wages, attachment of any property, or will affect the individual's credit rating.

4. Communicating or threatening to communicate with any alleged debtor's employer or any other person not liable for the debt, other than the spouse or attorney of the alleged debtor, except by order of a court, or solely to locate an alleged debtor whose whereabouts are genuinely unknown by respondents: *Provided That,* in these circumstances, no mention of the alleged indebtedness is made.

5. Placing of any telephone call to any alleged debtor or to any individual from whom respondents wish to retrieve a credit card, in the time zone of such person, before the hour of 8:00 a.m. or after the hour of 9:00 p.m. on week days, including Saturdays; or before the hour of 11:00 a.m. or after the hour of 9:00 p.m. on Sundays unless permission is received from such person to so call.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

6. Misrepresenting in any manner the consequences of individuals' or alleged debtors' failure to comply with any of respondents' requests or demands.

It is further ordered, That respondents maintain and make available records relative to complaints received by respondents involving the acts and practices prohibited by this order and which describe steps taken by respondents to investigate and dispose of said complaints. Said records shall be maintained for a period of six (6) months from the date such complaint is received, for inspection and copying by the Federal Trade Commission.

It is further ordered, That respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions, to each of their branch offices, and to each of their customers.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission Nov. 14, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-33760 Filed 12-15-75;8:45 am]

[Docket No. C-2762]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Ira Sachs t/a Burglar King

Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(k) Records, in general; 13.533–55 Refunds, rebates and/or credits. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; § 13.1892 Sales contract, right-to-cancel provision; § 13.1905 Terms and conditions; 13.905–50 Sales contract.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Ira Sachs, an Individual, Trading and Doing Business as Burglar King

Consent order requiring a Chicago, Ill., door-to-door seller of burglar gates, among other things to cease violating provisions of the Trade Regulation Rule on Door-to-Door Sales (16 CFR 429) by failing to disclose to customers of their right to cancel contracts during a specified cooling-off period with full refund of any monies paid.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondent Ira Sachs, an individual, trading and doing business as Burglar King, or under any name or names, its successors and assigns and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any door-to-door sale of consumer goods or services, as such sales are defined in the Federal Trade Commission Trade Regulation Rule Concerning a Cooling-Off Period Rule for Door-To-Door Sales (16 CFR 429.1) (hereinafter "the Commission Rule"), do forthwith cease and desist from:

1. Failing to furnish their buyers with a fully completed copy of the contract used in door-to-door sales, as such transactions are defined in the Rule, which contains in immediate proximity to the space reserved in the contract for the signature of the buyer a summary notice of the buyer's right to cancel in substantially the same form as that required in subsection (a) of the Commission's Rule.

2. Failing to inform each buyer orally at the time he signs the contract or purchases the goods or services of his right to cancel as required in subsection (e) of the Commission's Rule.

3. Including in their door-to-door contracts a confession of judgment clause.

4. Engaging in any act or practice which constitutes an unfair or deceptive act or practice pursuant to the Commission's Trade Regulation Rule entitled "Cooling Off Period for Door to Door Sales", effective June 7, 1974, 16 C.F.R. 429 (a copy of which is attached hereto as Appendix A), and any amendments thereto.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the door-to-door sale of the respondents' goods or services, as such transactions are defined in the Commission's Rule, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the company ownership, such as dissolution, assignment or sale, the creation or dissolution of subsidiaries, incorporation, or any other change in the ownership which may affect compliance obligations arising out of the order.

It is further ordered, That respondent, in connection with the promotion, offering for sale, sale or distribution of any consumer goods or services included in this order, offer to cancel the sale of such goods or services and to refund immediately all monies paid by any customer who was procured by or involved a violation of any of the provisions of this Order; and make such cancellation and refund to any customer who so elects. Respondent shall maintain a list of the names and addresses of such customers requesting a cancellation of their contracts or a refund under the terms of this paragraph for a three (3) year period together with a record of the action taken in each case and make such records available for inspection by the Commission.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the form and manner in which they have complied with this order.

The Decision and Order was issued by the Commission Nov. 4, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-33761 Filed 12-15-75;8:45 am]

[1] Copies of the Complaint, Decision and Order, filed with the original document.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[FAP6H5104/R 17; (FRL 469–2)]

PART 123—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

2,4-D

On October 28, 1975, the Environmental Protection Agency (EPA) announced (40 FR 50124) that the Department of the Army, Office of the Chief of Engineers (DAEN-CWO-R), Washington, DC 20314, had submitted a petition (FAP6H5104) which proposed that 21 CFR 123.100 be amended by establishing a food additive regulation permitting the use of the herbicide and plant regulator 2,4-dichlorophenoxyacetic acid (2,4-D) in potable water with a tolerance of 0.1 part per million. Residues would

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result from the application of the dimethylamine salt of 2,4-D in water hyacinth control programs conducted by the Corps of Engineers or other Federal, State, or local public agencies in ponds, lakes, reservoirs, marshes, bayous, drainage ditches, canals, rivers and streams that are quiescent or slow moving. No comments were received by the Agency in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated and it is concluded that the regulation should be established. The tolerance established by amending 21 CFR 123.100 will protect the public health.

Any person adversely affected by this regulation may, on or before January 15, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on December 16, 1975, Part 123, Subpart A, Section 123.100, is amended as set forth below.

(Section 409(c)(1) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 348(c)(1)])

Dated: December 9, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Section 123.100 is amended by revising the regulation to permit the use of 2,4-D in potable water in water hyacinth control programs as follows:

* * * * *

§ 123.100 2,4-D.

Tolerances are established for residues of the herbicide 2,4-D (2,4-dichlorophenoxyacetic acid) as follows:

2 parts per million in the milled fractions (except flour) derived from barley, oats, rye, and wheat to be ingested as food or to be converted to food. Such residues may be present therein only as a result of application to the growing crop of the herbicides identified in 40 CFR 180.142.

0.1 part per million (negligible residue) in potable water. Such residues may be present therein only:

(a) as a result of the application of the dimethylamine salt of 2,4-D to irrigation ditch banks in the Western United States in programs of the Bureau of Reclamation; cooperating water user organizations; the Bureau of Sport Fisheries, U.S. Department of the Interior; Agricultural Research Service, U.S. Department of Agriculture; and the Corps of Engineers, U.S. Department of Defense.

(b) as a result of the application of the dimethylamine salt of 2,4-D for water hyacinth control in ponds, lakes, reservoirs, marshes, bayous, drainage ditches, canals, rivers and streams that are quiescent or slow moving in programs of the Corps of Engineers or other Federal, State, or local public agencies.

(c) as a result of application of the dimethylamine salt of 2,4-D and the butoxyethanol ester of 2,4-D to the Fort Cobb Reservoir in central Oklahoma under an experimental use program which expires June 20, 1976. This program is to be conducted by the Bureau of Reclamation, U.S. Department of Interior. Residues remaining in potable water after June 20, 1976, will not be considered actionable if the pesticide is legally applied during the term and in accordance with provisions of the experimental permit/food additive tolerance.

* * * * *

[FR Doc.75-33869 Filed 12-15-75;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 75N-0241]

PART 369—INTERPRETATIVE STATEMENT RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

Insulin Syringes; Recommended Warning and Caution Statement, Effective Date Extension

This order extends to July 6, 1976, the effective date of the requirement that all insulin syringe labeling carry a warning and caution statement.

In an amendment of § 369.30 (21 CFR 369.30), published in the FEDERAL REGISTER of October 6, 1975 (40 FR 46100), the Commissioner of Food and Drugs required that a warning and caution statement be added to the labeling of all insulin syringes after January 5, 1976. The order was based on a proposal published in the FEDERAL REGISTER of November 15, 1974 (39 FR 40301).

The Commissioner concludes, on the basis of information contained in petitions submitted to FDA requesting an extension of the effective date, and other relevant data, that the order of October 6, 1975 should be amended to provide for a 6-month extension of the effective date.

This extension would give manufacturers ample time to make changes in the labeling of individual syringes. Copies of the petitions are available for review at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner is aware, however, that manufacturers currently have the capacity to provide copies of the warning and caution statement with wholesale and retail packages of insulin syringes distributed in bulk. In most cases, this information could be distributed to the appropriate user (e.g., through a hospital or retail pharmacy), thus providing the user with the needed information during the interval between January 6, 1976, when the regulation was to become effective, and July 6, 1976, the new effective date.

As a condition to granting the extension, the Commissioner is requiring that after January 5, 1976, and until July 6, 1976, manufacturers provide copies of the warning and caution statement with wholesale and retail packages of insulin syringes distributed in bulk. The Commissioner will consider petitions requesting exceptions to this interim requirement, provided that the petitioner can substantiate a claim with sufficient data that compliance with this requirement would result in a substantial disruption of the supply of insulin syringes or would in any other way be detrimental to the public health.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(m), 502, 701(a), 52 Stat. 1041, 1050-1051 as amended, 1055 (21 U.S.C. 321(m), 352, 371(a))), and under authority delegated to the Commissioner (21 CFR 2.120), the effective date for the order amending § 369.30 is revised to read as follows:

Effective date. Manufacturers shall provide product inserts of the required labeling under this regulation with all wholesale and retail packages of insulin syringes distributed in bulk after January 5, 1976 and before July 6, 1976. The labeling of all individual insulin syringes introduced into interstate commerce after July 5, 1976 shall be in compliance with this regulation.

(Secs. 201(m), 502, 701(a), 52 Stat. 1041, 1050-1051, 1055 (21 U.S.C. 321(m), 352, 371(a)).)

Dated: December 10, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-33773 Filed 12-15-75;8:45 am]

PART 440—PENICILLIN ANTIBIOTIC DRUGS

Ampicillin Trihydrate-Probenecid Capsules

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 357), with respect to approval of the antibiotic drug product, ampicillin trihydrate-probenecid capsules.

The Commissioner concludes that data supplied by the manufacturer concerning the subject antibiotic drug product are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for its certification, effective December 16, 1975.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 440 is amended by adding new § 440.107e to read as follows:

§ 440.107e Ampicillin trihydrate-probenecid capsules.

(a) *Requirements for certification—*

(1) *Standards of identity, strength, quality, and purity.* Ampicillin trihydrate-probenecid capsules are composed of ampicillin trihydrate and probenecid with or without one or more buffer substances, diluents, binders, lubricants, vegetable oils, colorings, and flavorings enclosed in a gelatin capsule. Each capsule contains ampicillin trihydrate equivalent to 389 milligrams of ampicillin and 111 milligrams of probenecid. Its ampicillin content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. Its probenecid content is satisfactory if it is not less than 90 percent and not more than 110 percent of the number of milligrams of probenecid that it is represented to contain. Its moisture content is not less than 8.5 percent and not more than 13.0 percent. The ampicillin trihydrate used conforms to the standards prescribed by § 440.7(a)(1). The probenecid used conforms to the standards prescribed by the U.S.P.

(2) *Labeling.* In addition to the labeling requirements prescribed by § 432.5 of this chapter, this drug shall be labeled "ampicillin-probenecid capsules".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(A) The ampicillin trihydrate used in making the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(B) The probenecid used in making the batch for all U.S.P. specifications.

(C) The batch for ampicillin content, probenecid content, and moisture.

(ii) Samples required:

(A) The ampicillin trihydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(B) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) *Ampicillin content.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar with sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend for 8 to 10 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Place the contents of a representative number of capsules into a high-speed glass blender jar with sufficient distilled water to give a convenient concentration. Blend for 8 to 10 minutes. Filter through Whatman No. 2 filter paper. Further dilute an aliquot of the filtrate with distilled water to the prescribed concentration.

(2) *Probenecid content*—(i) *Preparation of standard solution.* Transfer approximately 25 milligrams of probenecid reference standard U.S.P., accurately weighed, to a 25-milliliter volumetric flask. Dissolve and dilute to volume with 1 percent aqueous sodium carbonate solution.

(ii) *Preparation of sample solution.* Place the contents of a representative number of capsules into a high-speed glass blender jar with 100 milliliters of 1 percent aqueous sodium carbonate solution for each capsule. Blend for 8 to 10 minutes. Filter a portion through Whatman No. 2 filter paper, discarding the first 10-milliliter portion of the filtrate.

(iii) *Procedure.* Transfer 2.0 milliliters of the clear filtrate to a 125-milliliter separatory funnel and add 8.0 milliliters of 1.0*N* hydrochloric acid. Extract the solution with four 20-milliliter portions of chloroform, filtering each extract into a 100-milliliter volumetric flask through a glass wool pledget and 6 grams of chloroform-washed anhydrous sodium sulfate. Wash the pledget and sodium sulfate with chloroform, dilute to volume with chloroform and mix. Treat 2.0 milliliters of the standard solution in the same manner. Using a suitable spectrophotometer equipped with a 1-centimeter cell and chloroform washed with 1 percent aqueous sodium carbonate solution as a blank, determine the absorbance of the sample and standard solutions at the peak near 257 nanometers.

(iv) *Calculations.* Calculate the probenecid content as follows:

$$\text{Milligrams probenecid per capsule} = \frac{\text{Absorbance of sample} \times \frac{\text{weight of standard in milligrams}}{\text{Absorbance of standard} \times 25} \times \text{percent purity of standard}}{}$$

$$\text{Milligrams probenecid per capsule} = \frac{\text{Absorbance of sample} \times \frac{\text{weight of standard in milligrams}}{\text{Absorbance of standard} \times 25} \times \text{percent purity of standard}}{}$$

(3) *Loss on drying.* Proceed as directed in § 436.200(a) of this chapter.

As the conditions prerequisite to providing for certification of the subject antibiotic drug product have been complied with and since the matter is noncontroversial in nature, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This amendment shall become effective December 16, 1975.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357))

Dated: December 10, 1975.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.75-33772 Filed 12-15-75;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Monensin

The Commissioner of Food and Drugs has evaluated a new animal drug application (95-735V) filed by Elanco Products Co., Division of Eli Lilly & Co., 740 South Alabama St., Indianapolis, IN 46206, proposing the safe and effective use of monensin in the feed of cattle. The new animal drug application also proposes that finished feeds prepared from a 20-gram-per-pound premix as the sole drug need not satisfy all the requirements of section 512(m) of the Federal Food, Drug, and Cosmetic Act. The application is approved, effective December 16, 1975.

Monensin as the sole drug premix meets the uniform criteria set forth in 1971 Bureau of Veterinary Medicine memoranda for administrative waiver of the ministerial requirements of section 512(m) of the act. The pertinent provisions of the memoranda indicate that waiver is appropriate if:

1. The feeding of 1.5X to 2X level of the product in the finished feed does not have an impact on the tissue residue picture, i.e., an impact on an existing withdrawal period or tolerance.

2. The product is not a known carcinogen or is not classed with a family of known carcinogens.

3. Appropriate documentation covering animal safety is on file. This will not require additional generation of data in that this documentation is by definition a part of the new animal drug application (NADA).

4. The margin of safety to the animal and safety to the consumer is such that the product label does not have to contain a statement such as "Use as the sole source of * * *".

5. Data are on file to demonstrate that the product is efficacious over the approved range. This data should generally satisfy current standards for the demonstration of efficacy.

6. Except under special circumstances, the product has been used at least 3 years in the target species without significant complaints related to or associated with it. Applications of this criterion require a review of the available Drug Experience Reports.

The memoranda make explicit that because waiver of the ministerial requirements of section 512(m) is permitted only for specific efficacy claims or at specific levels of the drugs, distinct products with corresponding labeling for those claims or levels should exist. This is necessary in order to cover those premixes that can be made into finished feeds with various concentrations of drugs.

The foregoing criteria established in the 1971 memoranda constitute an interim agency policy that is under review. The Bureau of Veterinary Medicine is preparing a proposed regulation for publication in the FEDERAL REGISTER, based on the criteria listed above, governing waiver of the 512(m) requirements for

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the finished feed. In waiving the ministerial requirements of section 512(m), the agency has not waived the current good manufacturing practice regulations under Part 225 (21 CFR 225) for feed mills mixing such feeds.

The Commissioner is amending Part 558 to reflect this approval, and Part 556 to provide a tolerance for negligible residues of monensin in the edible tissues of cattle.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

The Commissioner has carefully considered the environmental effects of the regulation and, because it does not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. Copies of the FDA environmental impact assessment are on file with the Hearing Clerk, Food and Drug Administration, address noted above.

Therefore, under the Federal Food, Drug and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 556 and 558 are amended as follows:

1. In Part 556, by revising § 556.420 to read as follows:

§ 556.420 Monensin.

A tolerance of 0.05 part per million is established for negligible residues of monensin in the edible tissues of chickens and cattle.

2. In Part 558 by amending § 558.355 by adding new paragraph (b)(7), revising paragraphs (c) and (d), and adding new paragraph (f)(3) to read as follows:

§ 558.355 Monensin.

* * * * *

(b) * * *

(7) To 000986: 20 or 30 grams per lb., as monensin sodium, paragraph (f)(3).

(c) *Assay limits.* (1) Finished chicken feed not less than 75 percent nor more than 125 percent of labeled amount of monensin activity.

(2) Finished feeds for cattle:

(i) Feeds labeled as containing 5 to 10 grams of monensin activity per ton, not less than 80 percent nor more than 120 percent of labeled amount of monensin activity.

(ii) Feeds labeled as containing 10 to 30 grams of monensin activity per ton, not less than 85 percent nor more than 115 percent of labeled amount of monensin activity.

(d) *Special considerations.* (1) Finished chicken feed containing monensin as the mycelial cake shall bear an expiration date of 90 days after its date of manufacture.

(2) Finished cattle feeds containing 30 grams or less monensin sodium per ton shall bear an expiration date of 30 days after its date of manufacture.

(3) Finished cattle feeds manufactured from feed supplements that contain not more than 1,200 grams per ton of monensin and that comply with the provisions of paragraph (f)(3) of this section are not required to comply with the requirements of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

(4) Finished cattle feeds manufactured from premixes containing 20 grams per pound of monensin and that comply with the requirements of paragraph (f)(3) of this section are not required to comply with the requirements of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

* * * * *

(f) * * *

(3) *Cattle*—(i) *Amount per ton.* Monensin, 5–30 grams.

(ii) *Indications for use.* Improved feed efficiency.

(iii) *Limitations.* Feed only to cattle being fed in confinement for slaughter; feed continuously in finished feed; as monensin sodium; each animal must receive not more than 360 milligrams per day and not less than 50 milligrams per day.

Effective date. This regulation shall be effective December 16, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: December 10, 1975.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.75-33774 Filed 12-15-75;8:45 am]

Title 32—National Defense

CHAPTER V—DEPARTMENT OF THE ARMY

SUBCHAPTER F—PERSONNEL

PART 577—MEDICAL AND DENTAL ATTENDANCE

Uniformed Services Health Benefits Program

Below is a procedural change to the Code of Federal Regulations, title 32, Part 577, Medical and Dental Attendance. Since it was approved by the Department of Defense on October 24, 1973, it is not necessary to publish as a proposed rule.

§ 577.64 Basic program of CHAMPUS for dependents and retired members.

* * * * *

(i) *Timely filing of claims.* (1) Claims for services and supplies provided on and after January 1, 1974—All claims must be submitted no later than December 31 of the calendar year after the one in which the care, service, or supply was provided.

(2) Claims for services and supplies provided prior to January 1, 1974—All claims received by CHAMPUS fiscal administrators for care, service, or supplies furnished more than five years after the care, service, or supply was provided shall be forwarded to OCHAMPUS, Denver, Colorado 80240. The Director, OCHAMPUS, may, at his absolute discretion, allow or disallow the claim.

* * * * *

(Department of Defense Memorandum 24 October 1973)

By authority of the Secretary of the Army.

Dated: December 9, 1975.

ROBERT G. FLOWERS, Jr.,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.75-33766 Filed 12-15-75;8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 5—PUBLIC LANDS; MILITARY RESERVATIONS, SUBPART B—MILITARY RESERVATIONS

Revision of Boundaries of Certain Military Reservations and Redesignation of Albrook Air Force Base as Albrook Air Force Station

This document amends the regulations describing the boundaries of two military reservations within the Canal Zone. The amendment transfers certain lands from the present Albrook Air Force Base to the Curundu Army Reservation because the subject lands have been declared surplus to the needs of the Department of the Air Force. In addition, the amendment redesignates Albrook Air Force Base as Albrook Air Force Station.

Part 5 of 35 CFR is amended as follows:

§ 5.26 [Amended]

1. In § 5.26(a), the portion of the text thereof commencing with the fifth unnumbered paragraph (which begins: S.15°28'20" E., 127.4 feet, along. . . .") and ending with all of the thirty-eighth unnumbered paragraph (which begins: "The above-described boundary line from monument No. 32–A. . . .") is deleted, and the following text is substituted therefor:

* * * * *

S. 15°28'20" E., 43.3 feet, along the eastern fence line of the Deer Park to an unmarked point called 35–1, located at right angles to, and 85 feet southeasterly from the centerline of Canfield Avenue;

Southwesterly, along a line parallel to and 85 feet southeasterly from the centerline of Canfield Avenue, to an unmarked point called 35–2, located on the east sidewall of the concrete paved ditch leading from Flood Control Dam No. 2;

Southerly, 1,870 feet, more or less, following the east sidewall of the above-mentioned paved ditch, to an unmarked point called 35–3, located on the prolongation of the east sidewall of an improved drainage ditch on the west side of Taxiway No. 1;

Southerly, 790 feet, more or less, along the prolongation of, and along the east sidewall of the improved drainage ditch, to an unmarked point called 35–4, located on the easterly sidewall of the improved ditch at its head;

Southerly, 800 feet, more or less, to an unmarked point called 35–5, located on the south sidewall of the concrete paved channel of the Maria Salas River where the said sidewall meets an existing headwall;

Southwesterly, 900 feet, more or less, along the south sidewall of the paved channel of the Maria Salas River, to an unmarked point called 35–6, located where the sidewall meets an existing concrete headwall approximately 60 feet north of Building No. 444;

Southwesterly, 100 feet, more or less, to an unmarked point called 35–7, located at the intersection of the prolongation of the east edge of Canfield Avenue with the west prolongation of the north face of Building No. 444;

Southwesterly, 2,850 feet, more or less, along the prolongation of, and along the east edge of Canfield Avenue, to monument "H", which is a 3-inch iron pipe set in concrete, located at the corner of a cyclone fence on the northeasterly side of Gaillard Highway;

The above-described boundary line from monument No. 34 to monument "H", inclusive, is common with the easterly boundary of Albrook Air Force Station (Parcel No. 2).

Along the above-mentioned cyclone fence, with the following courses, to monument "M";

S. 32°45'40" E., 507.7 feet, to monument "I", which is a 3-inch iron pipe set in concrete;

S. 20°14'30" E., 791.0 feet, to monument "J", which is a 3-inch iron pipe set in concrete;

S. 26°57'30" E., 300.2 feet, to monument "K", which is a 3-inch iron pipe set in concrete;

S. 34°35'40" E., 305.1 feet, to monument "L", which is a 3-inch iron pipe set in concrete;

S. 45°40'40" E., 265.2 feet, to monument "M", which is a 3-inch iron pipe set in concrete, the geodetic position of which is in latitude 8°57' N. plus 4,887.1 feet and longitude 79°33' W. plus 4,153.0 feet;

Easterly, parallel to, and 1.5 feet from the face of the above-mentioned cyclone fence, to monument "P", which is a 3-inch iron pipe set in concrete, located 1.5 feet southerly from the above-mentioned cyclone fence, the geodetic position of which is in latitude 8°57' N. plus 4,796.5 feet, and longitude 79°33' W. plus 3,406.7 feet;

Northeasterly, along a line parallel to, and 30 feet from the northwesterly edge of Gaillard Highway, passing through to the westerly side of the above-mentioned cyclone fence, to monument "Q", which is a 3-inch iron pipe set in concrete;

N. 40°17'50" E., 378.4 feet, to monument "R", which is a 3-inch iron pipe set in concrete;

N. 05°12'40" W., 20.4 feet, to monument "S", which is a 3-inch iron pipe set in concrete;

N. 39°04'50" E., 836.2 feet, to monument "T", which is a 3-inch iron pipe set in concrete;

N. 85°23'00" E., 57.4 feet, to monument "U", which is a 3-inch iron pipe set in concrete, located southwesterly from the southerly corner of the hangar situated southwesterly from the Civil Affairs Building, Ancon, C.Z., and is on the southerly boundary of Parcel No. 2, Fort Clayton Army Reservation;

N. 58°14'06" W., 227.6 feet, along the southwesterly edge of the concrete apron, southwesterly from the above-mentioned hangar, to monument No. 75.9, which is an iron rod set in concrete, located at the southwesterly edge of the above-mentioned apron;

N. 24°57'39" E., 148.2 feet, to monument No. 75–8, which is an iron rod set in concrete, located 15.0 feet westerly from the westerly corner of the above-mentioned hangar;

N. 32°22'09" E., 199.9 feet, along a line parallel to and 15.0 feet northwesterly from the northwesterly face of the above-mentioned hangar, to monument No. 75–7, which is a monel metal plug, located in a concrete sidewalk, and is 15.0 feet northwesterly from the northly corner of the above-mentioned hangar;

N. 38°19'54" E., 157.2 feet, to monument No. 75–6, which is an iron rod set in concrete, located 5.0 feet northerly from the northerly edge of the northerly concrete apron of the above-mentioned hangar;

S. 58°18'51" E., 53.6 feet, to monument No. 75–5, which is an iron rod set in concrete, located 5.0 feet northerly from the northerly edge of the above-mentioned apron;

S. 84°11'06" E., 49.2 feet, to monument No. 75–4, which is an iron rod set in concrete, located 5.0 feet northerly from the northerly edge of the above-mentioned apron, and is 250.0 feet southeasterly from the northwesterly edge of a concrete taxiway;

N. 39°47'24" E., 210.7 feet, along a line parallel to and 250.0 feet southeasterly from the above-mentioned taxiway to monument No. 75–3, which is a 1½-inch iron pipe set in concrete, located 250.0 feet southeasterly from the above-mentioned taxiway;

N. 39°46'25" E., 1,192.3 feet, along a line parallel to and 250.0 feet southeasterly from the above-mentioned taxiway, to monument No. 75–2, which is a 1½-inch pipe set in concrete;

N. 20°28'30" E., 670.3 feet, along a line parallel to and 250.0 feet southeasterly from the above-mentioned taxiway, to monument No. 75–1, which is a 1½-inch iron pipe set in concrete, located at the corner of a cyclone fence on the westerly side of Curundu Road;

S. 50°56'10" E., 561.9 feet, along the southwesterly side of the above-mentioned cyclone fence, to monument No. 75, which is a 1½-inch iron pipe set in concrete, located at the corner of the above-mentioned cyclone fence;

S. 49°48'50" E., 445.3 feet, to monument No. 74, which is a brass plug in a concrete road pavement;

S. 52°01'20" E., 192.3 feet, to monument No. 73, which is a 1½-inch iron pipe set in concrete, located at the corner of a cyclone fence on the westerly side of Curundu Road;

2. In § 5.26(a), the concluding sentence of the fifty-first unnumbered paragraph (which paragraph begins "northerly, along the centerline of the Rio Curundu . . ."), is revised to read as follows:

Point No. 72 is located at the southeast corner of Fort Clayton Army Reservation (Parcel No. 4).

3. In § 5.26(a), the concluding sentence of the sixty-eighth unnumbered paragraph (which paragraph begins: "Northwesterly, along the face of the above-mentioned cyclone fence . . .") is revised to read as follows:

Monument No. 41 is on the easterly boundary of Fort Clayton Army Reservation (Parcel No. 4).

4. In § 5.26(a), the sixty-ninth unnumbered paragraph) which begins: "The above-described boundary line . . .") is revised to read as follows:

The above-described boundary line from point No. 72 through monuments Nos. 71 to 41, inclusive, is common with the southerly boundary of Fort Clayton Army Reservation (Parcel No. 4).

5. In § 5.26(a), the concluding paragraph (which begins: "The area of Curundu Army Reservation . . .") is revised to read as follows:

The area of Curundu Army Reservation is 1355.0 acres, more or less, and is as shown on Canal Zone Government Drawing No. 6116–34, (Revision No. 9, dated February 4, 1975) entitled "Map Showing U.S. Army and U.S. Air Force Reservations—Fort Clayton, Corozal, Curundu and Albrook Air Force Base, Canal Zone", scale 1: 10,000, dated May 29, 1952, on file in the Office of the Governor of the Canal Zone, Balboa Heights, Canal Zone.

6. Section 5.26(b) is revised to read as follows:

(b) A right-of-way, through Curundu Army Reservation, over a strip of land 10 feet each side of the centerline of the railroad tracks, between monument "B" (Parcel No. 4) of Albrook Air Force Station and monument No. 74 of Curundu Army Reservation, is reserved for the Air Force.

7. The title and introductory paragraph of § 5.61 are revised to read as follows:

§ 5.61 Albrook Air Force Station.

The following-described areas of land, situated in the Canal Zone and designated as the Albrook Air Force Station, are reserved and set apart as, and assigned to the uses and purposes of, an Air Force reservation, under the jurisdiction and control of the Secretary of the Air Force but subject to § 5.82:

* * * * *

8. In § 5.61, the portion of the text thereof commencing with the twenty-first unnumbered paragraph of Parcel No. 2 (which begins: "S. 15°28'20" E., 127.4 feet, along the eastern fence . . .") and ending with all of the seventy-seventh unnumbered paragraph (which begins: N. 32°45'40" W., 507.7 feet to monument "H" . . .") is deleted and the following text is substituted therefor:

S. 15°28'20" E., 43.3 feet, along the eastern fence line of the Deer Park to an unmarked point called 35–1, located at right angles to, and 85 feet southeasterly from the centerline of Canfield Avenue;

Southwesterly, along a line parallel to and 85 feet southeasterly from the centerline of Canfield Avenue, to an unmarked point called 35–2, located on the east sidewall of the concrete paved ditch leading from Flood Control Dam No. 2;

Southerly, 1,870 feet, more or less, following the east sidewall of the above-mentioned paved ditch, to an unmarked point called 35–3, located on the prolongation of the east sidewall of an improved drainage ditch on the west side of Taxiway No. 1;

Southerly, 790 feet, more or less, along the prolongation of, and along the east sidewall of the improved drainage ditch, to an unmarked point called 35–4, located on the easterly sidewall of the improved ditch at its head;

Southerly, 800 feet, more or less, to an unmarked point called 35–5, located on the south sidewall of the concrete paved channel of the Maria Salas River where the said sidewall meets an existing headwall;

V 40 242 DEC 16 75 XUM

Southwesterly, 900 feet, more or less, along the south sidewall of the paved channel of the Maria Salas River, to an unmarked point called 35–6, located where the sidewall meets an existing concrete headwall approximately 60 feet north of Building No. 444;

Southwesterly, 100 feet, more or less, to an unmarked point called 35–7, located at the intersection of the prolongation of the east edge of Canfield Avenue with the west prolongation of the north face of Building No. 444;

Southwesterly, 2,850 feet, more or less, along the prolongation of, and along the east edge of Canfield Avenue, to monument "H", which is a 3-inch iron pipe set in concrete, located at the corner of a cyclone fence on the northeasterly side of Gaillard Highway;

The above-described boundary line from monument 32–A to monument "H", inclusive, is common with the western boundary of the Curundu Army Reservation.

9. In § 5.61, the concluding paragraph (which begins: "The total area of Albrook . . .") is revised to read as follows:

The total area of Albrook Air Force Station is 692.7 acres, more or less; Parcel No. 2 is 560.3 acres, more or less; Parcel No. 3 is 31.8 acres, more or less; Parcel No. 4 is 98.6 acres, more or less; and Parcel No. 6 is 2.01 acres; and is as shown on Canal Zone Government Drawing No. 6116–34 (Revision No. 9 dated February 4, 1975 entitled "Map Showing U.S. Army and U.S. Air Force Reservations—Fort Clayton, Corozal, Curundu, and Albrook Air Force Base, Canal Zone", scale 1:10,000, dated May 29, 1952, on file in the Office of the Governor of the Canal Zone, Balboa Heights, Canal Zone.

Effective Date: This amendment is effective November 1, 1975.

(2 C.Z.C: §§ 31, 33, 76A Stat. 7, 35 CFR 3.3(c))

H. R. PARFITT,
Governor of the Canal Zone.

Dated: October 14, 1975.

Approved:

MARTIN R. HOFFMANN,
Secretary of the Army.

Dated: November 6, 1975.

[FR Doc.75–33763 Filed 12–15–75;8:45 am]

PART 5—PUBLIC LANDS; MILITARY RESERVATIONS

Revision of Boundaries of Certain Military Reservations

This document amends the regulations describing the boundaries of a military reservation in the Canal Zone. The amendment removes certain lands from the Howard Air Force Base because the subject lands have been declared surplus to the needs of the Department of the Air Force.

§ 5.62 [Amended]

In 35 CFR Part 5, § 5.62(a) is amended as follows:

1. Parcel No. 3 is deleted in its entirety.

2. Parcel No. 4 is amended as follows: Immediately following the last paragraph of Parcel No. 4 (which begins: "S. 49°33'25" E., 2,170 feet, more or less, through . . .") add the following paragraphs:

The directions of the lines refer to the true meridian and the geodetic positions of all points refer to the Panama—Colon datum of the Canal Zone Triangulation system.

The total area of Howard Air Force Base is 6,775.1 acres, more or less, Parcel No. 1 contains an area of 4,258 acres, more or less and is shown on Canal Zone Government Drawing No. X–6121–47, Sheet 1 of 2, entitled, "Boundaries of Howard Air Force Base and Fort Kobbe Army Reservation." Parcel No. 2 contains an area of 2,488.8 acres, more or less, and is as shown on Canal Zone Government Drawing No. X–6121–47, Sheet 2 of 2, entitled "Boundary of Parcel No. 2, Howard Air Force Base." Parcel No. 4 contains an area of 26.3 acres, more or less, and is as shown on Canal Zone Government Drawing No. M–6117–46 (Revision No. 2, dated April 21, 1974) entitled "Fort Clayton Army Reservation." Drawing No. X–6121–47, Sheets 1 and 2, scale 1:10,000 dated May 13, 1969 and Drawing No. M–6117–46, scale 1:3,000, dated April 21, 1974 are on file in the Office of the Governor of the Canal Zone, Balboa Heights, Canal Zone.

* * * * *

Effective date: This amendment is effective November 1, 1975.

[2 C.Z.C. 31, 33, 76A Stat. 7, 35 CFR 3.3(c)]

H. R. PARFITT,
Governor of the Canal Zone.

OCTOBER 14, 1975.

Approved:

MARTIN R. HOFFMANN,
Secretary of the Army.

NOVEMBER 6, 1975.

[FR Doc.75–33764 Filed 12–15–75;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D—WATER PROGRAMS

[FRL 464–4]

PART 149—REVIEW OF PROJECTS AFFECTING SOLE SOURCE AQUIFERS

Edwards Underground Reservoir, Tex. Area; Interim Project Review Guidelines

Section 1424(e) of the Safe Drinking Water Act (Pub. L. 93–523) authorizes the Administrator to determine, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health. No commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may then be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health.

Pursuant to Section 1424(e) of the Safe Drinking Water Act, the Administrator has determined that the San Antonio area has an aquifer, the Edwards Underground Reservoir, which is the principal source of drinking water for this area. The following interim guidelines describe the project review process applicable to major Federal financially assisted programs or actions which may affect the Edwards Underground Reservoir through the recharge zone as described in the Edwards Underground Reservoir Notice of Determination.

EPA does not wish to delay approval of numerous minor and some major Federal actions which have a negligible impact on ground water quality. Therefore, the Administrator will only review on his own motion those major programs or actions which in his judgment may have a significant impact on the safety of drinking water in the reservoir.

In general, the major Federal financially assisted programs or actions with which the EPA will be primarily concerned are those which in the opinion of the Regional Administrator are already subject to the provisions of the National Environmental Policy Act. EPA requests that Federal agencies originating projects which might contaminate the reservoir through the recharge zone, particularly if such projects involve hazardous or toxic materials, prepare an environmental impact statement, or a brief groundwater impact evaluation. Accordingly, review under Section 1424(e) will generally be carried out in conjunction with EPA's review of draft and final environmental impact statements as presently required. Citizens may still petition EPA to review projects other than those which the agency reviews on its own initiative. However, this Agency will not be concerned with reviewing minor actions having an insignificant impact on the quality of the reservoir such as individual home mortgage loans (i.e. Farmers Home Administration loans, Veterans Administration loans, and others). Ordinarily, the Regional Administrator will review a project upon his own initiative if he determines that it is significant enough to be subject to NEPA requirements and is located in the recharge zone; in such cases the Administrator requests that Federal agencies responsible for implementing the National Environmental Policy Act notify EPA of any projects for which they are planning to prepare environmental assessments or environmental impact statements and discuss in such evaluations the groundwater quality implications of such actions with respect to the recharge zone.

The streamflow source zone, as outlined in the Edwards Underground Reservoir Notice of Determination, is an area which drains into the recharge zone and contributes approximately 90% of the recharge flow to the reservoir. EPA will review projects in the streamflow source zone upon petition or on an exceptional basis only. A petition to review a project in this area must reasonably demonstrate that the impact of the project in the streamflow source zone will be of a magnitude such that it may have a significant impact on the quality of the Edwards Underground Reservoir through the recharge zone. Federal agencies financing major actions or programs on the streamflow source zone should, in their environmental assessments and environmental impact statements, discuss

the effect which such actions might have on the quality of any waters reaching the recharge zone.

Programs or actions for which environmental impact statements are not necessary but for which petitions under §149.4 of these regulations have been submitted and found to have merit will be reviewed by EPA after requesting the originating agency to prepare a brief groundwater impact evaluation.

EPA is working with other Federal agencies to develop procedures whereby EPA will be notified of proposed commitments for major programs or actions which could contaminate the Edwards Underground Reservoir. EPA's personnel reviewing draft and final EIS's have been instructed to include in future reviews notification to the responsible agency when EPA determines that a project is subject to 1424(e) review. Although the project review process cannot be delegated, EPA will rely to the maximum extent possible upon any existing State control mechanisms in protecting the groundwater quality of the Edwards Underground Reservoir.

EPA review of federally assisted projects applies only to future commitments for Fderal financial assistance; outstanding commitments are not affected by this determination, however, a renewal of a lapsed commitment for a project may subject that project to EPA review.

It should also be emphasized that the statute applies only to Federal financial assistance. Direct Federal actions, such as dredging performed by the Corps of Engineers, are not subject to review under § 1424(e). Some types of direct Federal action may be performed by contractors for the government. An example would be construction of roads on Federal lands by a contractor under the supervision of the Bureau of Public Roads. This also constitutes direct Federal action, as opposed to "Federal financial assistance", and it is for that reason not subject to review under § 1424(e).

Because these procedures must be effective immediately in order to allow project review to proceed in the San Antonio area, notice and comment upon these interim regulations is impracticable, and they shall be effective immediately upon publication in the FEDERAL REGISTER. However, the agency will consider any public comments hereon submitted within 60 days after publication.

A map outlining the recharge zone and streamflow source zone can be obtained from the address below. Public comments should be sent to the same address within sixty (60) days from the date of publication:

Environmental Protection Agency, Region VI, Water Division, 1600 Patterson Street, Suite 1100, Dallas, Texas 75201

After reviewing all public comments received and evaluating the agency's experience in the application of these interim guidelines to the Edwards Underground Reservoir, the EPA may revise these regulations or publish general regulations for the review of Federal financially assisted projects under 1424(e).

Dated: December 10, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart A—Edward Aquifer, San Antonio, Tex.

Sec.
149.1 Applicability.
149.2 Definitions.
149.3 Project review authority.
149.4 Submission of petitions.
149.5 Decision to review.
149.6 Notice of review.
149.7 Public hearing.
149.8 Decisions under 1424(e).
149.9 Resubmittal of redesigned projects.
149.10 Waiver of requirements.
149.11 Effect of decision by Administrator.

Subpart A—Edwards Aquifer, San Antonio, Texas

§ 149.1 Applicability.

This document sets forth, pursuant to Section 1424(e) and 1450 of the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93–523, interim guidelines relating to the review of major Federal financially assisted programs or actions which could potentially affect the quality of the Edwards Underground Reservoir through the recharge zone.

§ 149.2 Definitions.

As defined in these guidelines, and except as otherwise specifically provided, the term(s):

(a) "Act" means the Public Health Service Act, as amended by the Safe Drinking Water Act, P.L. 93–523.

(b) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(c) "Recharge zone" means the area through which water enters the Edwards Underground Reservoir.

(d) "Administrator" or "Regional Administrator" means the Administrator or a Regional Administrator of the United States Environmental Protection Agency.

(e) "Person" means an individual, corporation, company, association, partnership, State, or municipality.

(f) "Project" means a major Federal financially assisted program or major Federal financially assisted action which may have a significant impact on the quality of the Edwards Underground Reservoir.

(g) "Streamflow source zone" means the upstream headwaters area of the Nueces, San Antonio and Guadalupe River basins where contaminants may enter the streams that replenish the Edwards Underground Reservoir through the recharge zone.

(h) "Significant hazard to public health" means any level of contaminant which causes or may cause the Edwards Underground Reservoir to exceed any maximum contaminant level set forth in any promulgated National Primary Drinking Water Standard (whether or not the 18 month period following promulgation prescribed in section 1412(b)(5) of the Act has passed with respect to such standard) at any point where the water may be used or which may otherwise have a serious adverse effect on the health of persons.

(i) "Commitment of Federal financial assistance" means a commitment by a Department, agency, or instrumentality of the Federal Government, through any authorized agent, to provide financial assistance through a contract, grant, loan guarantee or otherwise. Renewal of a commitment which the issuing agency determines has lapsed shall not constitute a new commitment unless the Regional Administrator determines that the project may have a significant impact upon a designated aquifer and that such impact has not previously been reviewed. The determination of the Federal agency issuing a commitment shall be conclusive with respect to the existence of such commitment.

§ 149.3 Project review authority.

(a) The Regional Administrator is hereby delegated the authority and assigned responsibility for carrying out the responsibilities assigned to the Administrator under Section 1424(e) of the Act, except the publication of a final determination that a project may contaminate the Edwards Underground Reservoir through a recharge zone so as to create a significant hazard to public health.

(b) Upon his own motion or upon petition, the Regional Administrator may review any project which he considers may potentially lead to contamination of the Edwards Underground Reservoir through its recharge zone so as to create a significant hazard to public health.

§ 149.4 Submission of petitions.

Any person may submit a petition requesting the Regional Administrator to review a project to determine if such project will contaminate the Edwards Underground Reservoir so as to create a significant hazard to public health. Any such petition shall identify:

(a) The name, address and telephone number of the individual, organization or other entity submitting the petition;

(b) A brief statement of the requesting person's interest in the Regional Administrator's determination;

(c) The name of the project and Federal agency involved;

(d) The potential contaminants involved;

(e) The means by which the contaminants might enter the reservoir;

(f) The potential cumulative impacts of the proposed project;

(g) A statement of applicable action already taken by State and local agencies including establishment of regulations to prevent contamination of the Edwards Underground Reservoir and why, in the petitioner's judgment, that action was inadequate;

(h) A statement of any actions taken under the National Environmental Policy Act and why, in the petitioner's judgment, that action was inadequate in regard to evaluation of potential effect on the reservoir.

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§ 149.5 Decision to review.

(a) In determining whether to review a project on his own or in response to a petition, the Regional Administrator shall consider whether the project is:

(1) Located within a recharge zone, as defined by the Administrator in the Edwards Underground Reservoir Notice of Determination; or

(2) Of a nature that could directly or indirectly cause contamination of the Edwards Underground Reservoir.

(b) The Regional Administrator shall review any draft environmental impact statement provided by any other Federal agency to determine if the action involved may significantly affect groundwater quality and whether it is otherwise subject to review under Section 1424(e).

(c) The Regional Administrator may request such additional information from the petitioner as he deems necessary in determining whether to review a project.

(d) The Regional Administrator may consult with or request additional information from the Federal agency to which the project application has been made, and with the applicant through such agency, as well as with appropriate State and local agencies and other persons or entities as may be appropriate.

§ 149.6 Notice of review.

(a) Notice to Federal agency—The Regional Administrator shall notify the originating Federal agency in writing of any decision to review a project pursuant to Section 1424(e). The notification shall include:

(1) A description and identification of the project;

(2) A request for information. The nature and detail of information will depend upon the project's size and expected effects on public health;

(3) For projects subject to NEPA, a statement that (i) the Federal agency should endeavor to integrate its analysis and review into its broad environmental responsibilities under the National Environmental Policy Act (NEPA) (42 U.S.C. 4321) and (ii) that the Federal agency may attach the information requested by EPA to the detailed statement required under Section 102(2)(C) of NEPA and submit the package to EPA as part of the normal review process required by NEPA, if the Federal agency determines that NEPA applies to the project;

(4) For projects for which environmental impact statements are not appropriate but for which a citizen petition has been submitted and accepted, a statement that the Federal agency may prepare a groundwater impact evaluation of whether the proposed project may contaminate the Edwards Underground Reservoir through a recharge zone so as to create a significant hazard to public health.

(b) Notice to Public—The Regional Administrator shall provide public notice of a decision to formally review any project, either in response to a petition or his own motion, by such means as he deems appropriate. The notice shall set forth the availability for public review of all data and information available to the Regional Administrator and shall solicit comments, data and information with respect to the determination of impact under 1424(e).

(c) Period for review—The period for public comment shall be 30 days after public notice unless the Regional Administrator extends the period at his discretion or a public hearing is held pursuant to Section 149.7.

§ 149.7 Public hearing.

Where there is significant public interest therein, the Regional Administrator may hold a public hearing with respect to any project or projects to be reviewed. Public hearings held under this section should be coordinated, if possible, with other Federal agency public hearings held pursuant to their applicable laws and regulations. Any such hearing shall be conducted by the Regional Administrator or his designee in an informal, orderly, and expeditious manner. Where appropriate, limits may be placed upon the time allowed for oral statements, and statements may be required to be submitted in writing. The record will be held open for further public comment for seven (7) days following the close of the public hearing.

§ 149.8 Decision under 1424(e).

(a) As soon as practicable after the submission of public comments under Section 1424(e), information requested by the Environmental Protection Agency from the originating Federal agency, and on the basis of such information as is available to him, the Regional Administrator shall review the project taking the following factors into account:

(1) The extent of possible public health hazard by the project;

(2) Planning, design, construction, operation, maintenance and monitoring measures included in the project which could prevent or mitigate the possible health hazard;

(3) The extent and effectiveness of State or local controls over possible contaminant releases to the Edwards Underground Reservoir;

(4) The expected benefits of the project;

(5) The cumulative impacts of the proposed project.

(b) After reviewing the available information, the Regional Administrator shall

(1) Decline, on behalf of the Administrator, to make the requested determination; or

(2) Forward the available project information to the Administrator with his recommendation that the Administrator make the determination that a project may contaminate the reservoir through the recharge zone so as to create significant hazard to public health.

(c) After receiving the available information forwarded by the Regional Administrator, the Administrator shall:

(1) Decline to make such a determination; or

(2) Determine that the project may contaminate the reservoir through the recharge zone so as to create a significant hazard to public health.

(d) Notice of any decision by the Regional Administrator under subsection (b)(1) or by the Administrator under paragraph (c) of this section shall be published in the Federal Register. Such notice shall include a description of the proposed project, and a statement of the decision with an accompanying statement of facts and reasons.

§ 149.9 Resubmittal of redesigned projects.

If a project is redesigned in response to EPA's objections, the applicant for Federal funds or the grantor agency may petition the Regional Administrator to withdraw the determination that the project may contaminate the reservoir through the recharge zone so as to create a significant hazard to public health. Any such petition shall demonstrate how the project has been redesigned so as to justify the withdrawal of EPA's objections. If appropriate, the Regional Administrator may request public comments or hold an informal public hearing to consider the petition. After review of the pertinent information, the Regional Administrator may vacate the determination or may refuse to vacate the determination. The decision of the Regional Administrator shall be published in the Federal Register with an accompanying statement of reasons.

§ 149.10 Waiver of requirements.

The requirements of section 149.6 concerning notice and public comment may be waived by the Regional Administrator where for good cause he finds that the notice and public procedures are impracticable, unnecessary, or contrary to the public interest.

§ 149.11 Effect of decision by Administrator.

After publication of a decision that a proposed project may contaminate the Edwards Underground Reservoir through the recharge zone so as to create a significant hazard to public health, no commitment for Federal financial assistance may be entered into for such project. However, a commitment may be entered into, if authorized under another provision of law, to plan or design such project to assure that it will not so contaminate the reservoir.

[FR Doc.75-33864 Filed 12-15-75;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[PP1E1046/R68; FRL 469-1]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,4-D

On October 28, 1975, the Environmental Protection Agency published in the FEDERAL REGISTER (40 FR 50099) a notice of proposed rulemaking to amend 40 CFR 180.142 to establish tolerances for residues of the herbicide and plant regulator 2,4-dichlorophenoxyacetic acid (2,4-D) in or on the raw agricultural commodities fish and shellfish at 1.0 part per million (ppm) resulting from the application of its dimethylamine salt in water hyacinth control programs. Notice of the proposed rulemaking was published in response to a petition (PP 1E1046) submitted by the Department of the Army, Office of the Chief of Engineers [DAEN-CWO-F], Washington, DC 20314.

No comments or requests for referral to an advisory committee were received by the Agency. Therefore, based on the data submitted in the petition and other relevant material it is concluded that the tolerance established by amending 40 CFR 180.142 will protect the public health and that the proposed regulation should be adopted without change.

Any person adversely affected by this regulation may, on or before January 15, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW., East Tower, Room 1019, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Dated: December 9, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, § 180.142, is amended by adding the new paragraph (f) to read as follows:

§ 180.142 2,4-D; tolerances for residues.

* * * * * *

(f) Tolerances are established for residues of 2,4-D(2,4-dichlorophenoxyacetic acid) from application of its dimethylamine salt for water hyacinth control in ponds, lakes, reservoirs, marshes, bayous, drainage ditches, canals, rivers and streams that are quiescent or slow moving in programs conducted by the Corps of Engineers or other Federal, State, or local public agencies at 1.0 part per million (ppm) in the crops and crop groupings listed in paragraph (c) above and at 1.0 ppm in or on the raw agricultural commodities fish and shellfish. Where tolerances are established at higher levels from other uses of the dimethylamine salt of 2,4-D on crops included within these commodity groups, the higher tolerances also apply to residues from the aquatic uses cited above.

[FR Doc.75-33865 Filed 12-15-75;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 20—EMPLOYEE RESPONSIBILITIES AND CONDUCT

List of Employees Required To File Statements

In accordance with the provisions of 5 CFR 735.104, Appendix C to Part 20 of Title 43 of the Code of Federal Regulations is amended in its entirety to reflect current organizational designations and position titles. Additional positions are included based on the criteria approved by the Civil Service Commission June 18, 1975, and published on July 3, 1975 (40 FR 28288). As provided in 43 CFR 20.735-22(a)(1)-(5), the employees in the positions listed in this appendix shall file statements of employment and financial interests with the ethics counselors designated in 43 CFR 20.735-22(c)(1)-(7). These additions were approved by the Civil Service Commission on November 14, 1975 and are effective on December 16, 1975.

(E.O. 11222 of May 8, 1965; 3 CFR, 1964-1965, Comp.; 5 CFR 735.104; 43 CFR 735-22.)

JAMES T. CLARKE,
Assistant Secretary of the Interior.

Dated: December 9, 1975.

APPENDIX C

LIST OF EMPLOYEES REQUIRED TO FILE STATEMENTS

Secretary's Immediate Office

Executive Assistant to the Secretary, Washington, D.C.
Assistants to the Secretary (3), Washington, D.C.
Special Assistant to the Secretary (6), Washington, D.C.
Confidential Assistant to the Secretary (2), Washington, D.C.
Assistant to the Secretary and Director of Communications, Washington, D.C.
Special Assistants to the Secretary (Field Representatives (7):
Anchorage, Alaska.
Portland, Oregon.
San Francisco, California.
Albuquerque, New Mexico.
Atlanta, Georgia.
Boston, Massachusetts.
Denver, Colorado.
Assistant and Science Advisor to the Secretary, Washington, D.C.
Asaistant to the Secretary and Director of Office of International Activities, Washington, D.C.

Immediate Office of the Under Secretary

Deputy Under Secretary, Washington, D.C. (2)
Technical Assistant to the Under Secretary, Washington, D.C.
Assistant to the Under Secretary, Anchorage, Alaska

Ethics Counselors

Deputy Department Ethics Counselor, Washington, D.C.
Deputy Ethics Counselor, Office of the Secretary, Washington, D.C.
Deputy Bureau Ethics Counselors, Washington, D.C., Portland, Oregon, Tulsa, Oklahoma, Elberton, Georgia, Arlington, Virginia, Reston, Virginia (16)
Assistant Department Ethics Counselor, Washington, D.C.
Assistant Ethics Counselor, Office of the Secretary, Washington, D.C. (2)
Assistant Bureau Ethics Counselors, Washington, D.C., Portland, Oregon, Elberton, Georgia, Albuquerque, New Mexico, Twin Cities, Minnesota, Atlanta, Georgia, Boston, Massachusetts, Seattle, Washington, Spokane, Washington, Walla Walla, Washington, Arlington, Virginia, Reston, Virginia (21)

Office for Equal Opportunity

Director, Washington, D.C.
Assistant Director—Contract Compliance, Washington, D.C.
Assistant Director—Title VI Compliance, Washington, D.C.
Equal Opportunity Specialist—Contract Compliance, Washington, D.C. (2)
Equal Opportunity Specialist—Contract Compliance, Regional Offices (45)
Title VI Compliance Officer, Washington, D.C. (6)
Minority Business Enterprise Specialist, Washington, D.C. (3)

Office of Hearings and Appeals

Director, Washington, D.C.

BOARD OF CONTRACT APPEALS

Supervisory Attorney-Examiner (General) (Administrative Judge, Chief), Washington, D.C.
Attorney-Examiners (General) (Administrative Judges) (4), Washington, D.C.

BOARD OF INDIAN APPEALS

Supervisory Attorney-Adviser (General) (Administrative Judge, Chief), Washington, D.C.
Attorney-Advisers (General) (Administrative Judges) (2), Washington, D.C.

BOARD OF MINE OPERATIONS APPEALS

Supervisory Attorney-Adviser (General) (Administrative Judge, Chief), Washington, D.C.
Attorney-Advisers (General) (Administrative Judges) (2), Washington, D.C.

BOARD OF LAND APPEALS

Supervisory Attorney-Examiner (General) (Administrative Judge, Chief), Washington, D.C.
Attorney-Advisers (General) (Administrative Judges) (7), Washington, D.C.

ALASKA NATIVE CLAIMS APPEAL BOARD

Board Chairman, Anchorage, Alaska
Board Members (3), Anchorage, Alaska

HEARINGS DIVISION

Chief Administrative Law Judge, Washington, D.C.
Assistant Chief Administrative Law Judge (Regional)
Administrative Law Judges (Departmental) (14), Washington, D.C.
Administrative Law Judges (Regional (17)

Office of Territorial Affairs

Director, Office of Territorial Affairs, Washington, D.C.
Deputy Director, Office of Territorial Affairs, Washington, D.C.
Government Comptroller for the Virgin Islands, St. Thomas, Virgin Islands.
Auditor, (3), GS-14, St. Thomas, Virgin Islands
Auditor, (6), GS-13, St. Thomas and St. Croix, Virgin Islands.
Government Comptroller for Guam/TTPI, Agana, Guam.
Auditor, (1), GS-14, Guam
Auditor, (2), GS-13, Guam

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Governor of American Samoa, Pago Pago, Tutuila, American Samoa.
Secretary of American Samoa, Pago Pago, Tutuila, American Samoa.
Attorney General, Pago Pago, Tutuila, American Samoa.
Director, Department of Financial Management, Pago Pago, American Samoa.
Chief Justice of American Samoa, Pago Pago, Tutuila, American Samoa.
Associate Justice of American Samoa, Pago Pago, Tutuila, American Samoa.
Director, Office of Material Management, Pago Pago, American Samoa.
High Commissioner of the Trust Territory, Saipan, Mariana Islands.
Deputy High Commissioner of the Trust Territory, Saipan, Mariana Islands.
Director of Resources and Development, Saipan, Mariana Islands.
Attorney General, Saipan, Mariana Islands.
Director of Finance, Saipan, Mariana Islands.
Chief Justice, Saipan, Mariana Islands.
Associate Justice, Palau, Western Caroline Islands.
Associate Justice, Majuro, Marshall Islands.
Associate Justice, Ponape, Eastern Caroline Islands.
District Administrator, Yap, Western Caroline Islands.
Special Assistant to High Commissioner for District Affairs, Saipan, Mariana Islands.
Special Assistant to High Commissioner for Legislative Affairs, Saipan, Mariana Islands.
Public Defender, Trust Territory of the Pacific Islands, Saipan, Mariana Islands.

Bureau of Indian Affairs

Deputy Commissioner, Washington, D.C.
Director, Office of Administration, Washington, D.C.
Chief, Audit Staff, Washington, D.C.
Chief, Division of Contracting, Washington, D.C.
Assistant Director, Support Services, Washington, D.C.
Property and Supply Officer, Administrative Services Center, Albuquerque, New Mexico.
Assistant Director, Management Services, Washington, D.C.
Chief, Division of Property Management, Washington, D.C.
Chief, Division of Facilities Engineering, Albuquerque, New Mexico.
Assistant Chief, Division of Facilities Engineering, Albuquerque, New Mexico.
Assistant Director, Financial Management, Washington, D.C.
Director, Office of Indian Services, Washington, D.C.
Director, Office of Indian Education Programs, Washington, D.C.
Director, Office of Tribal Resources Development, Washington, D.C.
Director, Office of Trust Responsibilities, Washington, D.C.
Area Director, Aberdeen, South Dakota.
Deputy Area Director, Aberdeen, South Dakota.
Area Property and Supply Officer, Aberdeen, South Dakota.
Superintendent, Cheyenne River Agency, Eagle Butte, South Dakota.
Superintendent, Crow Creek Agency, Ft. Thompson, South Dakota.
Superintendent, Fort Berthold Agency, New Town, North Dakota.
Superintendent, Fort Totten Agency, Ft. Totten, North Dakota.
Superintendent, Lower Brule Agency, Lower Brule, South Dakota.
Superintendent, Pine Ridge Agency, Pine Ridge, South Dakota.
Superintendent, Rosebud Agency, Rosebud, South Dakota.
Superintendent, Sisseton Agency, Sisseton, South Dakota
Superintendent, Standing Rock Agency, Fort Yates, North Dakota
Superintendent, Turtle Mountain Agency, Belcourt, North Dakota
Superintendent, Winnebago Agency, Winnebago, Nebraska
Superintendent, Yankton Agency, Wagner, South Dakota
Area Director, Albuquerque, New Mexico
Assistant Area Director, Administration, Albuquerque, New Mexico
Area Property and Supply Officer, Albuquerque, New Mexico
Contract Specialist, Albuquerque, New Mexico
Contract Management Engineer, Albuquerque, New Mexico
Superintendent, Jicarilla Agency, Dulce, New Mexico
Superintendent, Mescalero Agency, Ruidoso, New Mexico
Superintendent, Northern Pueblos Agency, Santa Fe, New Mexico
Superintendent, Ramah-Navajo Agency, Ramah, New Mexico
Superintendent, Southern Pueblos Agency, Albuquerque, New Mexico
Superintendent, Southern Ute Agency, Ignacio, Colorado
Superintendent, Ute Mountain Ute Agency, Towaoc, Colorado
Area Director, Anadarko, Oklahoma
Area Administrative Officer, Anadarko, Oklahoma
Superintendent, Anadarko Agency, Anadarko, Oklahoma
Superintendent, Concho Agency, El Reno, Oklahoma
Superintendent, Horton Agency, Horton, Kansas
Superintendent, Pawnee Agency, Pawnee, Oklahoma
Superintendent, Shawnee Agency, Shawnee, Oklahoma
Area Director, Billings, Montana
Assistant Area Director, Administration, Billings, Montana
Area Property and Supply Officer, Billings, Montana
Contract Specialist, Billings, Montana GS–12
Project Engineer, Flathead Irrigation Project, St. Ignatius, Montana
Superintendent, Blackfeet Agency, Browning, Montana
Superintendent, Crow Agency, Crow Agency, Montana
Superintendent, Flathead Agency, Ronan, Montana
Superintendent, Fort Belknap Agency, Harlem, Montana
Superintendent, Fort Peck Agency, Poplar, Montana
Superintendent, Northern Cheyenne Agency, Lame Deer, Montana
Superintendent, Rocky Boy's Agency, Box Elder, Montana
Superintendent, Wind River Agency, Ft. Washakie, Wyoming
Area Director, Eastern Area Office, Washington, D.C.
Superintendent, Cherokee Agency, Cherokee, North Carolina
Superintendent, Choctaw Agency, Philadelphia, Mississippi
Superintendent, Seminole Agency, Hollywood, Florida
Area Director, Juneau, Alaska
Assistant Area Director, Administration, Juneau, Alaska
Area Property and Supply Officer, Juneau, Alaska
Contract Specialist, Juneau, Alaska GS–12
Superintendent, Southeast Agency, Juneau, Alaska
Superintendent, Anchorage Agency, Anchorage, Alaska
Superintendent, Bethel Agency, Bethel, Alaska
Superintendent, Fairbanks Agency, Fairbanks, Alaska
Superintendent, Nome Agency, Nome, Alaska
Administrative and Special Representative (Liaison Officer, Seattle, Washington, Juneau Area), Seattle, Washington
Area Director, Minneapolis, Minnesota
Assistant Area Director, Minneapolis, Minnesota
Area Administrative Officer, Minneapolis, Minnesota
Contract Specialist, Minneapolis, Minnesota GS–12
Superintendent, Great Lakes Agency, Ashland, Wisconsin
Superintendent, Minnesota Agency, Bemidji, Minnesota
Superintendent, Red Lake Agency, Red Lake, Minnesota
Area Director, Muskogee, Oklahoma
Deputy Area Director, Muskogee, Oklahoma
Area Property and Supply Officer, Muskogee, Oklahoma
Contract Management Engineer, Muskogee, Oklahoma GS–12
Superintendent, Ardmore Agency, Ardmore, Oklahoma
Superintendent, Okmulgee Agency, Okmulgee, Oklahoma
Superintendent, Osage Agency, Pawhuska, Oklahoma
Superintendent, Miami Agency, Miami, Oklahoma
Superintendent, Tahlequah Agency, Tahlequah, Oklahoma
Superintendent, Talihina Agency, Talihina, Oklahoma
Superintendent, Wewoka Agency, Wewoka, Oklahoma
Area Director, Navajo Area, Window Rock, Arizona
Assistant Area Director, Administration (Navajo Area), Gallup, New Mexico
Area Property and Supply Officer, Navajo Area, Gallup, New Mexico
Contract Specialists, Navajo Area, Gallup, New Mexicvo (1) GS–13; (3) GS–12
Superintendent, Chinle Agency, Chinle, Arizona
Superintendent, Eastern Navajo Agency, Crownpoint, New Mexico
Superintendent, Fort Defiance Agency, Fort Defiance, Arizona
Superintendent, Shiprock Agency, Shiprock, New Mexico
Superintendent, Tuba City Agency, Tuba City, Arizona
Project Manager, Navajo Irrigation Project, Farmington, New Mexico
Area Director, Phoenix, Arizona
Assistant Area Director, Administration, Phoenix, Arizona
Area Property and Supply Officer, Phoenix, Arizona
Contract Specialists, Phoenix, Arizona (1) GS–12; (1) GS–13
General Engineer, San Carlos Irrigation Project, Coolidge, Arizona
Superintendent, Colorado River Agency, Parker, Arizona
Superintendent, Eastern Nevada Agency, Owyhee, Nevada
Superintendent, Fort Apache Agency, Whiteriver, Arizona
Superintendent, Hopi Agency, Keams Canyon, Arizona
Superintendent, Papago Agency, Sells, Arizona
Superintendent, Pima Agency, Sacaton, Arizona
Superintendent, Salt River Agency, Scottsdale, Arizona
Superintendent, San Carlos Agency, San Carlos, Arizona
Superintendent, Truxton Canyon Agency, Valentine, Arizona
Superintendent, Uintah and Ouray Agency, Ft. Ducheane, Utah
Superintendent, Western Nevada Agency, Stewart, Nevada
Area Director, Portland, Oregon

Assistant Area Director, Administration, Portland, Oregon
Area Property and Supply Officer, Portland, Oregon
General Engineer, Wapato Irrigation Project, Wapato, Washington
Contract Specialist, Portland, Oregon (1) GS–12
Superintendent, Colville Agency, Nespelem, Washington
Superintendent, Fort Hall Agency, Fort Hall, Idaho
Superintendent, Northern Idaho Agency, Lapwai, Idaho
Superintendent, Spokane Agency, Wellpinit, Washington
Superintendent, Umatilla Agency, Pendleton, Oregon
Superintendent, Warm Springs Agency, Warm Springs, Oregon
Superintendent, Western Washington Agency, Everett, Washington
Superintendent, Yakima Agency, Toppenish, Washington
Area Director, Sacramento, California
Area Administrative Officer, Sacramento, California
Contract Specialist, Sacramento, California (1) GS–12
Superintendent, Central California Agency, Sacramento, California
Superintendent, Hoopa Agency, Hoopa, California
Superintendent, Southern California Agency, Riverside, California
Field Representative, Palm Springs Area Field Office, Palm Springs, California

Office of the Solicitor

Deputy Solicitor, Washington, D.C. (2)
Special Assistants to the Solicitor, Washington, D.C. (2)
Associate Solicitors (5), Washington, D.C.
Assistant Solicitors (24), Washington, D.C.
Regional Solicitors (8)
Assistant Regional Solicitors (11)
Field Solicitors (17)
Administrative Management Assistant, Washington, D.C.

Assistant Secretary-Program Development and Budget

Deputy Assistant Secretary, Washington, D.C.
Director, Office of Policy Analysis
Assistant Director, Program Staff
Assistant Director, Economics

Office of Environmental Project Review

Director, Office of Environmental Project Review, Washington, D.C.
General Engineer (2), Washington, D.C.
Environmental Review Officer (2), Washington, D.C.

Office of Budget

Director, Washington, D.C.
Deputy Director, Washington, D.C.
Chief, Division of Financial Administration, Washington, D.C.

Office of Outer Continental Shelf Program Coordination

Director, Outer Continental Shelf Program Coordination Office, Washington, D.C.

Assistant Secretary—Management

Deputy Assistant Secretary—Management, Washington, D.C.
Special Assistant to the Assistant Secretary—Management, Washington, D.C.
Digital Computer Systems Administrator, Washington, D.C.
DIPS Project Leader, Washington, D.C.

Office of Audit and Investigation

Director, Washington, D.C.
Staff Assistant (Deputy Counselor), Washington, D.C.
Program Audit Manager, Washington, D.C. (4)
Manager, Division of Investigation, Washington, D.C.
Regional Audit Manager (3), (Washington, D.C.; Denver, Colorado; and Sacramento, California)
Regional Audit Supervisor (24), (Washington, D.C.; Denver, Colorado; Albuquerque, New Mexico; Sacramento, California; Portland, Oregon)
Auditor (21), GS–12, (Washington, D.C.; Denver, Colorado; Albuquerque, New Mexico; Sacramento, California; and Portland, Oregon)
Supervisory Auditor, Contract and Grant Audit, Washington, D.C.
Management Analyst, Washington, D.C.
Management Analyst, (2), GS–12 (Washington, D.C. and Denver, Colorado)
Investigators (General), (5), GS–13 and above, Washington, D.C.

Office of Aircraft Services

Director, Office of Aircraft Services, Boise, Idaho
Contracting and General Services Manager, Boise, Idaho.
Supervisory Contract Specialist, Boise, Idaho
Chief, Division of Technical Services, Boise, Idaho
Regional Director, Office of Aircraft Services, Anchorage, Alaska
Chief, Division of Technical Services, Anchorage, Alaska

Office of ADP Management

Director, Office of ADP Management
Staff Specialist: (4) Washington, D.C.
Specialist: (4) Washington, D.C.
Plans and Policy Officer
Systems and Equipment Review Analyst
Operations Review Analyst
ADP Resource Management Specialist

Office of Manpower Training and Youth Activities

Director, Office of Manpower Training and Youth Activities, Washington, D.C.
Division Manager, Administrative Division, Washington, D.C.
Division Manager, Operations Division, Washington, D.C.
Conservation Center Director, Ft. Simcoe, Washington

Office of Library Services

Library Director, Washington, D.C.

Office of Management Consulting

Director, Washington, D.C.
Assistant Director, General Management and Organization, Washington, D.C.
Assistant Director, Financial Systems, Washington, D.C.
Assistant Director, Applied Systems, Washington, D.C.
Assistant Director, Special Projects, Washington, D.C.

Office of Management Operations

Director, Washington, D.C.
Deputy Director, Washington, D.C.
Chief, Division of General Services, Washington, D.C.
Chief, Division of Printing and Publications

Office of Management Services

Director, Washington, D.C.
Assistant Director for Procurement, Washington, D.C.
Procurement Analyst, Washington, D.C. (2)
Grants Policy Specialist, Washington, D.C.
Procurement Analyst, Salt Lake City, Utah.
Staff Assistant for Analysis & Evaluation, Washington, D.C.

Office of Organization and Personnel Management

Director, Office of Organization and Personnel Management, Washington, D.C.
Chief, Division of Employee Development and Improvement, Washington, D.C.

Office of Secretarial Operations

Chief, Division of Fiscal Services, Washington, D.C.
Chief, Division of Personnel Services, Washington, D.C.
Chief, Branch of Personnel Operations (2), Washington, D.C.

Assistant Secretary—Congressional and Legislative Affairs

Deputy Assistant Secretary—Congressional and Legislative Affairs, Washington, D.C.
Assistant to the Secretary, Congressional Liaison, Washington, D.C.

Office of Legislation

Director, Office of Legislation, Washington, D.C.
Staff Assistant
Assistant Legislative Counsels

Office of Assistant Secretary—Energy and Minerals

Deputy Assistant Secretaries (4), Washington, D.C.
Staff—Assistant to Assistant Secretary (4), Washington, D.C.
Public Information Officer, Washington, D.C.
Administrator, Ocean Mining Administration, Washington, D.C.
Coal Policy Coordinator, Washington, D.C.
Executive Assistant, Washington, D.C.
Industrial Specialists (2), Washington, D.C.

Office of Research and Development

Director, Office of Research and Development, Washington, D.C.

Office of Minerals Policy Development

Director, Office of Minerals Policy Development, Washington, D.C.

BUREAU OF MINES

Director
Chief Mining Engineer
Chief, Office of Mineral Information
Officer in Charge, Audio Visual
Chief, Division of Public Information
Public Information Specialists, GS–13 and above
Chief, Division of Production and Distribution
Assistant to the Director for Congressional and Legislative Affairs
Chief Scientist
Chief, Office of University Relations
Management Officer, Office of University Relations
Associate Director—Mineral and Materials Research and Development
Special Assistant—Environmental Activities
Chief, Process Evaluation Group
Chief, Coal Preparation and Analysis
Chief, Office of Energy and Minerals Technology Coordination
Chief, Division of Helium
General Manager, Helium Operations
Administrative Officer, Helium Operations
Assistant Director—Mining
Chief, Division of Mining Research Health and Safety [1]

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Chief, Division of Mine Systems Engineering [1]
Chief, Division of Mining Research—Resources [1]
Chief, Division of Environment [1]
Assistant to the Chief, Division of Environment
Chief, Environmental Affairs Field Office
Research Director, Pittsburgh Mining and Safety Research Center [2]
Research Director, Denver Mining Research Center [2]
Research Director, Twin Cities Mining Research Center [2]
Research Director, Spokane Mining Research Center [2]
Assistant Director—Metallurgy
Chief, Division of Solid Wastes [3]
Chief, Division of Metallurgy [3]
Research Director, College Park Metallurgy Research Center [4]
Research Director, Twin Cities Metallurgy Research Center [4]
Research Director, Salt Lake City Metallurgy Research Center [4]
Research Director, Rolla Metallurgy Research Center [4]
Research Director, Reno Metallurgy Research Center [4]
Research Director, Albany Metallurgy Research Center [4]
Chief, Boulder City Metallurgy Research Laboratory [4]
Chief, Tuscaloosa Metallurgy Research Laboratory [4]
Associate Director—Mineral and Materials Supply/Demand Analysis
Chief, State Liaison Program Office
Liaison Program Staff Specialists
All State Liaison Officers
Chief, Division of Statistical and Technical Services
Chief, Office of Statistics
Chief, Office of Technical Data Services
Assistant Director—Metals, Minerals and Materials
Chief, Division of Ferrous Metals [5]
Chief, Division of Nonferrous Metals [5]
Chief, Division of Nonmetallic Minerals [5]
Assistant Director—Fuels
Assistant to the Director—Fuels
Chief, Division of Fuels Data [6]
Chief, Division of Interfuels Studies [6]
Chief, Division of Coal [6]
Chief, Division of Petroleum and Natural Gas [6]
Chief, Dallas Field Office
Assistant Director—International Data and Analysis
Special Assistant—International Activities
Chiefs, Area Offices
Area Specialists
Assistant Director—Field and Environmental Activities
Chief, Dallas Field Office
tion [7]
Chief, Office of Minerals Availability [7]
Chief, Alaska Field Operation Center [7]
Chief, Western Field Operation Center [7]
Chief, Intermountain Field Operation Center [7]
Chief, Eastern Field Operation Center [7]
Assistant Director—Interindustry and Economic Analysis
Chief, Division of Interindustry Analysis [8]
Chief, Division of Economic Analysis [8]
Assistant Director—Program Development and Evaluation
Chief, Division of Planning and Evaluation
Chief, Division of Budget
Assistant Director—Administration
Chief, Division of Automatic Data Processing
Chief, Branch of Administration and Contracts
Chief, Pittsburgh/Bruceton Administrative Office
Chief, Branch of Procurement and Property
Contract Specialists, GS–13 and above
Chief, Division of Management Services
Deputy Management Services Officer
Chief, Branch of Contracts and Grants
Contract Specialists and Analysts, GS–13 and above
Chief, Branch of Procurement and Property Operations
Deputy Chief, Branch of Procurement and Property Operations
Contract Specialists, GS–13 and above

NOTE.—Any supervisor not otherwise covered by the above will be required to file if he/she supervises an employee who is required to file.

FOOTNOTES

[1] Staff Engineers, GS–12 and above, Washington Office (regardless of official classification title) will also be required to file a statement. (22) GS–12 (7).

[2] Technical Project Officers, GS–12 and above (regardless of official classification title) will also be required to file. (133) GS–12 (20)

[3] Staff Engineers, Washington Office (regardless of official classification title) will also be required to file.

[4] Technical Project Officers (regardless of official classification title) will also be required to file.

[5] Commodity Specialists, GS–12 and above (regardless of official classification title) will also be required to file. (51) GS–12 (14)

[6] Commodity Specialists, GS–12 and above (regardless of official classification title) will also be required to file. (30) GS–12 (7)

[7] Mineral Assessment Specialists, GS–12 and above (regradless of official classification title) will also be required to file. (70) GS–12 (40)

[8] Staff Specialists, GS–12 and above will also be required to file. (20) GS–12 (7)

GEOLOGICAL SURVEY

Assistant Director—Program Analysis, Reston, Virginia.
Deputy Assistant Director—Western Region, Menlo Park, California.
Special Assistant, Office of the Director, Reston, Virginia.
Senior Scientist, Washington, DC.
Biological Scientist, Reston, Virginia.
Special Assistant to the Director (Office and Laboratory Facilities), Reston, Virginia.
Public Information Officer, Reston, Virginia.
Geologists (2), Reston, Virginia.
Special Assistant for Environmental Analysis, Reston, Virginia.
Research Geographer (2), Reston, Virginia.
Associate Research Coordinator (EROS), Reston, Virginia.
Staff Scientist, Reston, Virginia.
Staff Assistant for Program Development, Reston, Virginia.
Research Coordinator, Mineral and Land Resources, Reston, Virginia.
Research Coordinator, Water Resources, Reston, Virginia.
Assistant Program Manager for Applications Research, Reston, Virginia.
Mining Engineer, Reston, Virginia.
General Engineer, Reston, Virginia.
Geographer (2), Reston, Virginia.
Geologist (2), Reston, Virginia. (1) GS–12
Staff Engineer, Reston, Virginia.
Administrative Officer EROS Program, Reston, Virginia.
Supervisory Operations Research Analyst, Reston, Virginia.
Computer Specialist, Reston, Virginia.
Environmental Planner, Reston, Virginia.
Operations Research Analyst, Reston, Virginia.
Remote Sensing Specialist, Bay St. Louis, Mississippi.
Physical Scientist (4), Reston, Virginia.
Administrative Officer, EROS Data Center, Sioux Falls, South Dakota.
Research Forester, Sioux Falls, South Dakota.
Supervisory Remote Sensing Specialist, Sioux Falls, South Dakota.
Chief, Branch of Professional Services, Sioux Falls, South Dakota.
General Engineer, Sioux Falls, South Dakota.
Physical Scientist, Sioux Falls, South Dakota.
Supervisory Geologist (2), Reston, Virginia.
Hydrologist (4), Reston, Virginia.
Geologist (5), Reston, Virginia.
Supervisory Physical Scientist, Reston, Virginia.
Deputy Assistant Director for Administration, Reston, Virginia.
Chief, Branch of Procurement and Contracts, Reston, Virginia.
Contract Specialist (12), Reston, Virginia. (5) GS–12
Management Officer, Reston, Virginia.
Supervisory Contract Specialist, Reston, Virginia.
Procurement Agent (2), Reston, Virginia. (2) GS–12
Management Officer, Lakewood, Colorado.
Supervisory Contract Specialist, Lakewood, Colorado.
Contract Specialist (2), Lakewood, Colorado. GS–12 (2)
Management Officer, Menlo Park, California.
Procurement Officer, Menlo Park, California.
Contract Specialist (3), Menlo Park, California. (2) GS–12
Assistant Chief, Computer Center Division, Reston, Virginia.
Assistant Chief for Operations, Conservation Division, Reston, Virginia.
Assistant Chief for Programs, Conservation Division, Reston, Virginia.
Assistant Chief for Resources Evaluation, Conservation Division, Reston, Virginia.
Assistant Regional Conservation Manager, Menlo Park, California.
Regional Conservation Manager, Menlo Park, California.
Assistant Regional Conservation Manager, Lakewood, Colorado.
Assistant Conservation Manager, Metairie, Louisiana.
Area Oil and Gas Supervisor—Resource Evaluation and Analysis, Metairie, Louisiana.
Assistant Oil and Gas Supervisor—Resource Evaluation and Analysis, Metairie, Louisiana.
Regional Conservation Manager, Washington, D.C.
Environmental Conservation Specialist, Reston, Virginia.
Environmental Specialist, Reston, Virginia. GS–12 (1)
Economist, Reston, Virginia.
Operating Accountant, Reston, Virginia. GS–12 (1)
Accountant, Reston, Virginia.
Accounting Assistant, Reston, Virginia. GS–12 (1)
Scientific Staff Assistant, Reston, Virginia.
Program Analysis Officer, Reston, Virginia.
Legal Staff Assistant (2), Reston, Virginia.
Mathematical Statistician, Reston, Virginia.
Administrative Officer, Reston, Virginia.
Supervisory Petroleum Engineer, Anchorage, Alaska.
Supervisory Physical Scientist, Anchorage, Alaska.
Geophysicist (4), Anchorage, Alaska. GS–12 (4)
Geologist (9), Anchorage, Alaska. GS–12 (7)
Petroleum Engineer (5), Anchorage, Alaska. GS–12 (2)
Petroleum Engineering Technician, Anchorage, Alaska. GS–12 (1)
Accounting and Administrative Officer, Anchorage, Alaska. GS–12 (1)
Supervisory Petroleum Engineer, Bakersfield, California.

Petroleum Engineer (2), Bakersfield, California. GS–12 (2)
Petroleum Engineering Technician (2), Bakersfield, California. GS–12 (2)
Supervisory Petroleum Engineer (3), Los Angeles, California.
Geologist (11), Los Angeles, California. GS–12 (4)
Research Geologist, Los Angeles, California.
Environmental Specialist, Los Angeles, California.
Petroleum Engineer (10), Los Angeles, California. GS–12 (7)
Petroleum Engineering Technician, Los Angeles, California. GS–12 (1)
Geophysicist (4), Los Angeles, California. GS–12 (3)
Mechanical Engineer, Los Angeles, California. GS–12 (1)
Supervisory Accountant, Los Angeles, California. GS–12 (1)
Accountant, Los Angeles, California. GS–12 (1)
Accounting Assistant (Mineral Royalties), Los Angeles, California. GS–12 (1)
Supervisory Mining Engineer (2), Menlo Park, California.
Supervisory Petroleum Engineer, Menlo Park, California.
Supervisory Physical Scientist (2), Menlo Park, California.
Supervisory Geologist (2), Menlo Park, California.
Supervisory Hydrologist, Menlo Park, California.
Mining Engineer (4), Menlo Park, California. GS–12 (3)
Geologist (13), Menlo Park, California. GS–12 (1)
Physical Scientist (5), Menlo Park, California. GS–12 (2)
Petroleum Engineer (5), Menlo Park, California. GS–12 (3)
Petroleum Engineering Technician, Menlo Park, California. GS–12 (1)
Mechanical Engineer, Menlo Park, California. GS–12 (1)
Chemical Engineer, Menlo Park, California. GS–12 (1)
Geophysicist, Menlo Park, California. GS–12 (1)
Industry Economist, Menlo Park, California. GS–12 (1)
Administrative Officer, Menlo Park, California. GS–12 (1)
Accounting Assistant (Mineral Royalties), Menlo Park, California. GS–12 (1)
Supervisory Petroleum Engineer, Santa Barbara, California.
Petroleum Engineer, Santa Barbara, California. GS–12 (1)
Petroleum Engineering Technician (6), Santa Barbara, California. GS–12 (6)
Supervisory Hydraulic Engineer, Denver, Colorado.
Geologist (16), Denver, Colorado. GS–12 (16)
Mining Engineer (2), Denver, Colorado. GS–12 (2)
Administrative Officer, Denver, Colorado. GS–12 (1)
Systems Accountant, Denver, Colorado. GS–12 (1)
Accounting Assistant (Typing), Denver, Colorado.
Supervisory Petroleum Engineer, Durango, Colorado.
Petroleum Engineer (2), Durango, Colorado. GS–12 (2)
Supervisory Mining Engineer, Grand Junction, Colorado.
Supervisory Physical Scientist, Grand Junction, Colorado.
Supervisory Hydrologist, Grand Junction, Colorado.
Environmental Specialist (Geology), Grand Junction, Colorado.
Environmental Specialist (Reclamation), Grand Junction, Colorado. GS–12 (1)
Physical Scientist, Grand Junction, Colorado.
Meteorologist, Grand Junction, Colorado.
Supervisory Mining Engineer (2), Lakewood, Colorado.
Supervisory Physical Scientist (2), Lakewood, Colorado.
Supervisory Geologist, Lakewood, Colorado.
Geologist (6), Lakewood, Colorado.
Physical Scientist (3), Lakewood, Colorado.
Hydraulic Engineer, Lakewood, Colorado.
Computer Systems Analyst, Lakewood, Colorado.
Petroleum Engineer (2), Lakewood, Colorado.
Staff Assistant for Oil and Gas, Lakewood, Colorado.
Staff Assistant for Programs, Lakewood, Colorado.
Staff Assistant for Environment, Lakewood, Colorado.
Staff Assistant for Mining, Lakewood, Colorado.
Mining Engineer (2), Pocatello, Idaho. GS–12 (1)
Supervisory Petroleum Engineer, Houma, Louisiana.
Petroleum Engineer (3), Houma, Louisiana. GS–12 (3)
Petroleum Engineering Technician (2), Houma, Louisiana. GS–12 (2)
Supervisory Petroleum Engineer, Lafayette, Louisiana.
Petroleum Engineer (5), Lafayette, Louisiana. GS–12 (5)
Petroleum Engineering Technician (8), Lafayette, Louisiana. GS–12 (8)
Geologist, Lafayette, Louisiana. GS–12 (1)
Geophysicist, Lafayette, Louisiana. GS–12 (1)
Supervisory Petroleum Engineer, Lake Charles, Louisiana.
Supervisory Petroleum Engineer (13), Metairie, Louisiana. GS–12 (4)
Supervisory Geologist (3), Metairie, Louisiana.
Supervisory Geophysicist (3), Metairie, Louisiana.
Geologist (37), Metairie, Louisiana. GS–12 (37)
Digital Computer Systems Administrator, Metairie, Louisiana.
Petroleum Engineer (42), Metairie, Louisiana. GS–12 (30)
Petroleum Engineering Technician (6), Metairie, Louisiana. GS–12 (6)
Mechanical Engineer (2), Metairie, Louisiana. GS–12 (2)
General Engineer, Metairie, Louisiana. GS–12 (1)
Electrical Engineer, Metairie, Louisiana. GS–12 (1)
Physical Science Technician, Metairie, Louisiana. GS–12 (1)
Helicopter Transportation Specialist, Metairie, Louisiana. GS–12 (1)
Administrative Officer, Metairie, Louisiana. GS–12 (1)
Supervisory Accountant (3), Metairie, Louisiana. GS–12 (3)
Accountant (2), Metairie, Louisiana. GS–12 (2)
Accounting Assistant (Mineral Royalties) (6), Metairie, Louisiana. GS–12 (6)
Auditor (2), Metairie, Louisiana. GS–12 (2)
Staff Assistant for Environmental Analysis, Metairie, Louisiana.
Staff Assistant for Programs, Metairie, Louisiana.
Staff Assistant for Operations and Regulation, Metairie, Louisiana.
Geophysicist (11), Metairie, Louisiana. GS–12 (11)
Supervisory Petroleum Engineer, Jackson, Mississippi.
Petroleum Engineer, Jackson, Mississippi. GS–12 (1)
District Mining Engineer, Rolla, Missouri.
Supervisory Petroleum Engineer, Billings, Montana.
Petroleum Engineer, Billings, Montana. GS–12 (1)
Supervisory Mining Engineer (2), Billings, Montana.
Mining Engineer, Billings, Montana. GS–12 (1)
Geologist (6), Billings, Montana. GS–12 (6)
Accounting Assistant (Mineral Royalties), Billings, Montana. GS–12 (1)
Supervisory Petroleum Engineer, Reno, Nevada.
Supervisory Petroleum Engineer, Artesia, New Mexico.
Petroleum Engineer, Artesia, New Mexico. GS–12 (1)
Supervisory Mining Engineer, Carlsbad, New Mexico.
Mining Engineer (3), Carlsbad, New Mexico. GS–12 (1)
Mining Inspector, Carlsbad, New Mexico. GS–12 (1)
Supervisory Petroleum Engineer, Farmington, New Mexico.
Petroleum Engineer, Farmington, New Mexico. GS–12 (1)
Geologist, Farmington, New Mexico.
Petroleum Engineering Technician, Farmington, New Mexico. GS–12 (1)
Supervisory Petroleum Engineer, Hobbs, New Mexico.
Petroleum Engineer, Hobbs, New Mexico. GS–12 (1)
Supervisory Petroleum Engineer (3), Roswell, New Mexico.
Petroleum Engineer (5), Roswell, New Mexico. GS–12 (3)
Supervisory Geologist (2), Roswell, New Mexico.
Geologist (3), Roswell, New Mexico. GS–12 (3)
Supervisory Accountant (2), Roswell, New Mexico. GS–12 (2)
Accountant, Roswell, New Mexico. GS–12 (1)
Accounting Assistant (Mineral Royalties) (2), Roswell, New Mexico. GS–12 (2)
Accounting Clerk (Mineral Royalties), Roswell, New Mexico. GS–12 (1)
Supervisory Mining Engineer, McAlester, Oklahoma.
Accounting Assistant (Mineral Royalties), McAlester, Oklahoma. GS–12 (1)
Supervisory Petroleum Engineer, Oklahoma City, Oklahoma.
Petroleum Engineering Technician (2), Oklahoma City, Oklahoma. GS–12 (2)
Supervisory Petroleum Engineer (2), Tulsa, Oklahoma.
Petroleum Engineer (2), Tulsa, Oklahoma. GS–12 (2)
Geologist (2), Tulsa, Oklahoma. GS–12 (1)
Supervisory Accountant (2), Tulsa, Oklahoma. GS–12 (2)
Supervisory Accounting Assistant (Mineral Royalties), Tulsa, Oklahoma. GS–12 (1)
Accounting Assistant (Mineral Royalties) (2), Tulsa, Oklahoma. GS–12 (2)
Supervisory Petroleum Engineer, Portland, Oregon.
Supervisory Hydraulic Engineer, Portland, Oregon.
Supervisory Petroleum Engineer (2), Salt Lake City, Utah.
Petroleum Engineer (2), Salt Lake City, Utah.
Supervisory Mining Engineer (2), Salt Lake City, Utah.
Supervisory Geologist, Salt Lake City, Utah.
Mining Engineer (4), Salt Lake City, Utah. GS–12 (4)
Geologist (4), Salt Lake City, Utah. GS–12 (3)
Accounting Assistant (Mineral Royalties), Salt Lake City, Utah. GS–12 (1)
Supervisory Petroleum Engineer (2), Reston, Virginia.
Supervisory Mining Engineer, Reston, Virginia.
Supervisory Physical Scientist (2), Reston, Virginia.

V40242 DEC 16 75 XUM

Supervisory Geologist (2), Reston, Virginia.
Mining Engineer (8), Reston, Virginia.
Geologist (5), Reston, Virginia. GS–12 (1)
Geophysicist, Reston, Virginia.
Physical Scientist (4), Reston, Virginia.
Hydraulic Engineer, Reston, Virginia.
Petroleum Engineer (5), Reston, Virginia. GS–12 (2)
Petroleum Engineering Technician, Tacoma, Washington.
Supervisory Petroleum Engineer (4), Casper, Wyoming.
Petroleum Engineer (8), Casper, Wyoming. GS–12 (7)
Supervisory Geologist (2), Casper, Wyoming.
Geologist (7), Casper, Wyoming. GS–12 (7)
Supervisory Accountant (2), Casper, Wyoming GS–12 (2)
Accountant, Casper, Wyoming. GS–12 (1)
Supervisory Accounting Assistant (Mineral Royalties), Casper, Wyoming. GS–12 (1)
Accounting Assistant (Mineral Royalties) (2), Casper, Wyoming. GS–12 (2)
Supervisory Petroleum Engineer, Newcastle, Wyoming.
Petroleum Engineer, Newcastle, Wyoming. GS–12 (1)
Supervisory Petroleum Engineer, Rock Springs, Wyoming.
Petroleum Engineer (2), Rock Springs, Wyoming. GS–12 (1)
Mining Engineer, Rock Springs, Wyoming.
Supervisory Petroleum Engineer, Thermopolis, Wyoming.
Petroleum Engineer, Thermopolis, Wyoming. GS–12 (1)
Supervisory Petroleum Engineer, Washington, DC.
Supervisory Mining Engineer, Washington, DC.
Supervisory Geologist, Washington, DC.
Geologist (3), Washington, DC. GS–12 (3)
Petroleum Engineer (2), Washington, DC.
Geophysicist (5), Washington, DC. GS–12 (4)
Deputy Chief Geologist, Reston, Virginia.
Deputy Chief Geologist for Program and Budget, Reston, Virginia.
Assistant Program Officer, Reston, Virginia.
Administrative Officer, Reston, Virginia.
Eastern Regional Geologist, Reston, Virginia.
Deputy Eastern Regional Geologist, Reston, Virginia.
Central Regional Geologist, Denver, Colorado.
Deputy Central Regional Geologist, Denver, Colorado.
Western Regional Geologist, Menlo Park, California.
Deputy Western Regional Geologist, Menlo Park, California.
Administrative Officer, Reston, Virginia.
International Activities Officer, Reston, Virginia.
Assistant to Office Chief, Reston, Virginia.
Mineral Attache Assistant, Reston, Virginia.
Circum-Pacific Specialist, Menlo Park, California.
Project Chief (Indonesia), Reston, Virginia.
Deputy Mission Chief (SAG), Jidda, Saudi Arabia.
Deputy Chief, Office of Environmental Geology, Reston, Virginia.
Administrative Officer, Reston, Virginia.
Staff Geologist, Reston, Virginia.
Chief, Branch of Eastern Environmental Geology, Reston, Virginia.
Staff Geologist, Reston, Virginia.
Chief, Branch of Kentucky Environmental Geology, Lexington, Kentucky.
Chief, Branch of Central Environmental Geology, Lakewood, Colorado.
Program Manager, Lakewood, Colorado.
Chief, Branch of Western Environmental Geology, Menlo Park, California.
Program Manager, Menlo Park, California.
Chief, Branch of Engineering Geology, Lakewood, Colorado.
Chief, Branch of Special Projects, Lakewood, Colorado.
Chief, Branch of Astrogeology, Menlo Park, California.
Chief, Branch of Paleontology and Stratigraphy, Washington, DC.
Deputy Chief, Office of Mineral Resources, Reston, Virginia.
Deputy Chief, Office of Mineral Resources—Wilderness Program, Reston, Virginia.
Staff Geologist, Denver Programs, Reston, Virginia.
Staff Geologist, Menlo Park Programs, Reston, Virginia.
Chief, Branch of Alaskan Geology, Menlo Park, California.
Chief, Branch of Western Mineral Resources, Menlo Park, California.
Chief, Branch of Exploration Research, Golden, Colorado.
Chief, Office of Resource Analysis, Reston, Virginia.
Chief, Branch of Central Mineral Resources, Denver, Colorado.
Chief, Branch of Eastern Mineral Resources, Reston, Virginia.
Geologist, Reston, Virginia.
Administrative Officer, Reston, Virginia.
Deputy Chief, Office of Scientific Publications, Reston, Virginia.
Chief, Branch of Seismic Engineering, San Francisco, California.
Chief, Branch of Seismicity and Risk Analysis, Golden, Colorado.
Chief, Branch of Seismology, Menlo Park, California.
Chief, Branch of Earthquake Tectonics, Menlo Park, California.
Supervisory Geophysicist, Albuquerque, New Mexico.
Chief, Office of Earthquake Studies, Reston, Virginia.
Deputy for Seismology, Reston, Virginia.
Deputy for Engineering, Reston, Virginia.
Deputy for Geology, Reston, Virginia.
Administrative Officer, Reston, Virginia.
Program Manager for Contracts, Menlo Park, California.
Deputy Chief for Geophysical Programs, Lakewood, Colorado.
Deputy Chief for Geothermal Research, Reston, Virginia.
Program Manager, Menlo Park, California.
Deputy Chief, Office of Geochemistry and Geophysics, Reston, Virginia.
Staff Geophysicist for Remote Sensing, Reston, Virginia.
Administrative Officer, Reston, Virginia.
Staff Geologist for Remote Sensing, Reston, Virginia.
Staff Botanist for Geochemistry and Geophysics, Reston, Virginia. GS–12 (1)
Chief, Branch of Experimental Geochemistry and Mineralogy, Reston, Virginia.
Chief, Branch of Theoretical and Applied Geophysics, Lakewood, Colorado.
Chief, Branch of Isotope Geology, Lakewood, Colorado.
Chief, Branch of Regional Geochemistry, Lakewood, Colorado.
Geophysicist, Lakewood, Colorado.
Supervisory Geophysicist, Lakewood, Colorado.
Staff Geologist for Resource Analysis, Reston, Virginia.
Principal Deputy to Chief, Office of Energy Resources, Reston, Virginia.
Contracts and Grants Officer, Reston, Virginia.
Deputy for Coal Resources, Reston, Virginia.
Deputy for Uranium-Thorium Deposits, Reston, Virginia.
Deputy for Oil and Gas Resources, Reston, Virginia.
Deputy for Marine Geology, Reston, Virginia.
Staff Geologist for Coastal Zone Program, Reston, Virginia.
Deputy for Outer Continental Shelf Environmental Studies, Reston, Virginia.
Administrative Officer, Reston, Virginia.
Chief, Branch of Oil and Gas Resources, Lakewood, Colorado.
Chief, Branch of Coal Resources, Reston, Virginia.
Chief, Branch of Chemical Resources, Lakewood, Colorado.
Chief, Branch of Uranium-Thorium Resources, Lakewood, Colorado.
Chief, Branch of Atlantic-Gulf of Mexico Geology, Woods Hole, Massachusetts.
Chief, Branch of Pacific-Arctic Geology, Menlo Park, California.
Associate Chief, Publications Division, Reston, Virginia.
Assistant Chief (Management and Administration), Publications Division, Reston, Virginia.
Deputy Assistant Chief (Management and Administration), Reston, Virginia.
Chief, Branch of Administrative Services, Reston, Virginia.
Assistant Chief (Research and Technical Coordination), Reston, Virginia.
Deputy Assistant Chief (Research and Technical Coordination), Reston, Virginia.
Printing Liaison Officer, Reston, Virginia.
Chief, Eastern Region, Reston, Virginia.
Assistant Chief, Eastern Region, Reston, Virginia.
Chief, Administrative Services, Eastern Region, Reston, Virginia.
Assistant Chief Administrative Services, Eastern Region, Reston, Virginia.
Chief, Branch of Technical Editing, Eastern Region, Reston, Virginia.
Chief, Branch of Cartography, Eastern Region, Reston, Virginia.
Chief, Branch of Printing, Eastern Region, Reston, Virginia.
Chief, Branch of Distribution, Eastern Region, Arlington, Virginia.
Chief, Branch of Exhibits, Eastern Region, Reston, Virginia.
Chief, Branch of Visual Services, Eastern Region, Reston, Virginia.
Chief, Central Region, Lakewood, Colorado.
Chief, Branch of Technical Editing, Central Region, Lakewood, Colorado.
Chief, Branch of Cartography, Central Region, Lakewood, Colorado.
Chief, Branch of Distribution, Central Region, Lakewood, Colorado.
Chief, Branch of Exhibits, Central Region, Lakewood, Colorado. GS–12 (1)
Chief, Western Region, Menlo Park, California.
Chief, Branch of Cartography, Western Region, Menlo Park, California.
Chief, Branch of Technical Editing, Western Region, Menlo Park, California.
Chief, Office of Research and Technical Standards, Reston, Virginia.
Chief, Special Mapping Center, Reston, Virginia.
Deputy Chief, Research and Technical Standards, Reston, Virginia.
Photographic Technologist, Reston, Virginia.
Civil Engineer, Reston, Virginia.
Research Specialist (5), Reston, Virginia.
Chief, Branch of Research and Design, Reston, Virginia.
Chief, Branch of Aerial Photography, Reston, Virginia.
Research Civil Engineer (2), Reston, Virginia.
Cartographer (3), Reston, Virginia. GS–12 (1)
Chief, Branch of Exhibits, Western Region, Menlo Park, Calif. GS–12 (1)
Cartographic Technician, Reston, Virginia GS–12 (1)
Chief, Branch of Field Surveys, Reston, Virginia.
Chief, Branch of Photogrammetry, Reston, Virginia.
Chief, Branch of Cartography, Reston, Virginia.
Assistant Chief Hydrologist for Operations, Reston, Virginia.

Regional Hydrologist, Menlo Park, California.
Supervisory Hydrologist (Delaware River Master), Reston, Virginia.
Supervisory Hydrologist, Tallahassee, Florida.
Supervisory Hydrologist, Lakewood, Colorado.
Hydrologist (2), Reston, Virginia.

Mining Enforcement and Safety Administration

Assistant Administrator—Plans, Assessments, and Management
Assistant Administrator—Coal Mine Health and Safety
Assistant Administrator—Metal and Nonmetal Mine Health and Safety
Assistant Administrator—Education and Training
Assistant Administrator—Technical Support
District Manager, Coal Mine Health and Safety, District 1, Wilkes-Barre, Pa.
District Manager, Coal Mine Health and Safety, District 2, Pittsburgh, Pa.
District Manager, Coal Mine Health and Safety, District 3, Morgantown, W. Va.
District Manager, Coal Mine Health and Safety, District 4, Mount Hope, W. Va.
District Manager, Coal Mine Health and Safety, District 5, Norton, Va.
District Manager, Coal Mine Health and Safety, District 6, Pikeville, Ky.
District Manager, Coal Mine Health and Safety, District 7, Barbourville, Ky.
District Manager, Coal Mine Health and Safety, District 8, Vincennes, Ind.
District Manager, Coal Mine Health and Safety, District 9, Denver, Colo.
District Manager, Metal and Nonmetal Mine Health and Safety, North Central District, Duluth, Minnesota
District Manager, Metal and Nonmetal Mine Health and Safety, Northeastern District, Pittsburgh, Pennsylvania
District Manager, Metal and Nonmetal Mine Health and Safety, Southeastern District, Birmingham, Alabama
District Manager, Metal and Nonmetal Mine Health and Safety, South Central District, Dallas, Texas
District Manager, Metal and Nonmetal Mine Health and Safety, Rocky Mountain District, Denver, Colorado
District Manager, Metal and Nonmetal Mine Health and Safety, Western District, Alameda, California
Chief, Office of Assessment
Chief, Division of Management Services
Chief, State Grant Program Office
Superintendent, National Mine Health and Safety Academy
Executive Assistant to the Administrator
Chief, Division of Health, Coal Mine Health and Safety
Chief, Division of Safety, Coal Mine Health and Safety
Chief, Division of Health, Metal and Nonmetal Mine Health and Safety
Chief, Division of Safety, Metal and Nonmetal Mine Health and Safety
Chief, Pittsburgh Technical Support Center
Chief, Denver Technical Support Center
Procurement Officer, Arlington, Virginia
Subdistrict Manager, Coal Mine Health and Safety, Monroeville, Pennsylvania
Subdistrict Manager, Coal Mine Health and Safety, Johnstown, Pennsylvania
Subdistrict Manager, Coal Mine Health and Safety, Mount Hope, West Virginia
Subdistrict Manager, Coal Mine Health and Safety, Princeton, West Virginia
Subdistrict Manager, Coal Mine Health and Safety, Madison, West Virginia
Subdistrict Manager, Coal Mine Health and Safety, Norton, West Virginia
Subdistrict Manager, Coal Mine Health and Safety, Richlands, Virginia
Subdistrict Manager, Coal Mine Health and Safety, Barbourville, Kentucky
Subdistrict Manager, Coal Mine Health and Safety, Madisonville, Kentucky
Subdistrict Manager, Coal Mine Health and Safety, Birmingham, Alabama
Subdistrict Manager, Coal Mine Health and Safety, Vincennes, Indiana
Subdistrict Manager, Coal Mine Health and Safety, St. Clairsville, Ohio
Subdistrict Manager, Coal Mine Health and Safety, Denver, Colorado
Subdistrict Manager, Coal Mine Health and Safety, Price, Utah
Subdistrict Manager, Coal Mine Health and Safety, McAlester, Oklahoma
Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Pittsburgh, Pennsylvania
Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Albany, New York
Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Birmingham, Alabama
Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Knoxville, Tennessee
Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Duluth, Minnesota
Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Vincennes, Indiana
Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Dallas, Texas
Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Rolla, Missouri
Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Denver, Colorado
Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Salt Lake City, Utah
Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Alameda, California
Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Seattle, Washington
Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Reno, Nevada
Subdistrict Manager, Metal and Nonmetal Mine Health and Safety, Phoenix, Arizona
All Supervisory Coal Mine Health and Safety Inspectors, GS–13 and above (139)
All Supervisory Metal and Nonmetal Mine Health and Safety Inspectors, GS–13 and above (16)
All Coal Mine Health and Safety Inspectors (1004) GS–12 (624) GS–11 (185) GS–9 (195)
All Metal and Nonmetal Health and Safety Inspectors (252) GS–12 (76) GS–11 (82) GS–9 (94)

Alaska Power Administration

Chief, Administrative Services Division, Juneau, Alaska.
Chief, Power Division, Juneau, Alaska.
Chief, Project Development Division, Juneau, Alaska.
Project Superintendent (Eklutna), Palmer, Alaska.
Project Superintendent (Snettisham), Juneau, Alaska.

BONNEVILLE POWER ADMINISTRATION

Public Information Officer, Portland, Oregon
Assistant to Chief Engineer, Computer Applications Staff, Division of Engineering and Construction, Portland, Oregon
BPA Project Manager, Portland, Oregon
Projects Engineer-Richland, Washington
General Engineer-Richland, Washington
General Services Manager, Vancouver, Washington
Assistant Head, Line Construction Section, Branch of Construction, Vancouver, Washington
Assistant Chief, Branch of Land, Portland, Oregon
Head, Appraisal Section, Branch of Land, Portland, Oregon
Head, Acquisitions Section, Branch of Land, Portland, Oregon
Head, Bids and Awards Unit, Branch of Materials and Procurement, Portland, Oregon
Head, Purchase Unit, Branch of Materials and Procurement, Portland, Oregon
Staff Assistant, Contract Management Section, Branch of Materials and Procurement, Portland, Oregon
Consultants (3), Branch of Control Engineering, Portland, Oregon
Head, Program Planning and Management Staff, Branch of Control Engineering, Portland, Oregon
Head, Technical Services Staff, Branch of Control Engineering, Portland, Oregon
Project Manager, Station Projects Unit A, Branch of Substation Design, Portland, Oregon
Project Manager, Station Projects Unit B, Branch of Substation Design, Portland, Oregon
Project Manager, Station Projects Unit C, Branch of Substation Design, Portland, Oregon
Project Manager, Station Projects Unit D, Branch of Substation Design, Portland, Oregon
Consultants (2), Branch of Transmission Design, Portland, Oregon
Assistant Administrative Manager, Portland, Oregon
Assistant Head, Disbursement Audit Section, Branch of Finance and Accounts, Portland, Oregon
Assistant Operation and Maintenance Manager, Portland, Oregon
Assistant to Operations and Maintenance Manager (Program Management), Portland, Oregon
Assistant Chief, Branch of System Operations, Portland, Oregon
District Manager, Kalispell District Office, Kalispell, Montana
District Manager, Eugene District Office, Eugene, Oregon
District Manager, Wenatchee District Office, Wentachee, Washington
District Manager, Idaho Falls District Office, Idaho Falls, Idaho
Assistant to Power Manager (Computer Applications), Portland, Oregon
Head, Requirements Section, Branch of Power Resources, Portland, Oregon

Defense Electric Power Administration

Administrator, Defense Electric Power Administration, Washington, D.C.

SOUTHEASTERN POWER ADMINISTRATION

Chief, Division of Fiscal Operations, Elberton, Georgia
Chief, Division of Power Sales, Elberton, Georgia
Chief, Division of Power Operations, Elberton, Georgia
Chief, Division of Administrative Management, Elberton, Georgia
Supervisory Cost Allocation, Rate and Repayment Specialist, Division of Fiscal Operations, Elberton, Georgia
Supervisory Electrical Engineer, Division of Power Sales, Elberton, Georgia
General Engineer, Division of Power Operations, Elberton, Georgia

SOUTHWESTERN POWER ADMINISTRATION

Administrator, Tulsa, Okla.
Deputy Administrator, Tulsa, Okla.
Director, Planning Staff, Tulsa, Okla.
Chief, Division of Power Marketing, Tulsa, Okla.
Chief, Division of Power Facilities, Tulsa, Okla.

VOL 40 242 DEC 16 75 XUM

Chief, Division of Administrative Management, Tulsa, Okla.
Electrical Engineer, Advisor to the Administrator, Tulsa, Okla.
Chief, Branch of Power Resources Production, Tulsa, Okla.
Chief, Branch of Power Operations, Tulsa, Okla.
Chief, Branch of Engineering, Tulsa, Okla.
Chief, Branch of Customer Service, Tulsa, Okla.
Chief, Branch of Finance and Accounts, Tulsa, Okla.
Chief, Branch of Personnel Management, Tulsa, Okla.
Chief, Branch of General Services, Tulsa, Okla.
Chief, Branch of Maintenance, Tulsa, Okla.
Chief, Branch of Power Contracts, Tulsa, Okla.
Area, Engineer, Muskogee, Okla.
Area, Engineer, Jonesboro, Ark.
Area, Engineer, Springfield, Mo.
Public Utilities Specialist (2), Tulsa, Okla.
Electrical Engineer (Power Systems), Planning Staff, Tulsa, Okla.

Assistant Secretary for Fish and Wildlife and Parks

Deputy Assistant Secretary, Washington, D.C. (2)
Special Assistant, Washington, D.C. (3)

National Park Service

Deputy Director—Washington, D.C.
Assistant to the Director—Washington, D.C.
Assistant to the Director for Public Affairs—Washington, D.C.
Associate Directors—Washington, D.C. (4)
Assistant Directors—Washington, D.C. (7)
Deputy Associate Director, Administration—Washington, D.C.
Deputy Associate Director, Legislation—Washington, D.C.
President, National Park Foundation
Chief Scientist—Washington, D.C.
Chief, Planning and Program Policy—Washington, D.C.
Chief, Division of Contracting and Property Management—Washington, D.C.
Chief, Concessions Division—Washington, D.C.
Chief, Land Acquisition Division—Washington, D.C.
Chief, Grants Division—Washington, D.C.
Chief, Finance Division—Washington, D.C.
Chief, Systems Design Division—Washington, D.C.
Chief, Organization and Methods Division—Washington, D.C.
Chief, Federal, State, and Private Liaison Division—Washington, D.C.
Chief, Programming and Budget Division—Washington, D.C.
Chief, Program Controls Division—Washington, D.C.
Chief, Natural Resources Division—Washington, D.C.
Chief, Youth Conservation Division—Washington, D.C.
Chief, Visitor Services Division—Washington, D.C.
Chief, Interpretation Division—Washington, D.C.
Chief, Professional Publications Division—Washington, D.C.
Chief, Interagency Archeological Services Division—Washington, D.C.
Chief, National Register Division—Washington, D.C.
Chief, Environmental Quality Division—Washington, D.C.
Chief, Maintenance Division—Washington, D.C.
Chief Architect (Historical)—Washington, D.C.
Supervisory Architect—Washington, D.C.
Hydrologist—Washington, D.C.
Supply Management Officer—Washington, D.C.
Supervisory Appraiser—Washington, D.C.
Appraisers—Washington, D.C.
Appraisers, GS–13 and above (10)
Realty Officers and Specialists, GS–13 and above (27)
Chief, Branch of Coordination and Control—Washington, D.C.
Concessions Analysts, GS–13 and above (2)—Washington, D.C.
Concessions Analysts and Specialists, GS–13 and above (6)
Regional Directors (8)
Director, National Capital Parks—Washington, D.C.
Deputy Regional Directors (8)
Deputy Director, National Capital Parks—Washington, D.C.
Associate Directors, Regions and National Capital Parks (33)
Regional Chiefs, Division of Contracting and Property Management (8)
Manager, Denver Service Center—Denver, Colorado
Associate Manager, Denver Service Center—Denver, Colorado
Deputy Associate Manager, Denver Service Center—Denver, Colorado
Manager, Harpers Ferry Center, Harpers Ferry, West Virginia
Deputy Manager, Harpers Ferry Center—Harpers Ferry, West Virginia
Administrative Officer, Harpers Ferry Center—Harpers Ferry, West Virginia
Superintendents, GS–13 and above (93)
Assistant Superintendents, GS–13 and above (10)
Regional Chiefs, Division of Finance (7)
Administrative Officers, GS–13 and above (10)
Regional Chiefs, Division of Programming and Budget (8)
Chief, Division of Exhibits, Harpers Ferry Center—Harpers Ferry, West Virginia
Chief, Division of Publications, Harpers Ferry Center—Harpers Ferry, West Virginia
Chief, Division of Museum Services, Harpers Ferry Center—Harpers Ferry, West Virginia
Chief, Division of Audiovisual Arts, Harpers Ferry Center—Harpers Ferry, West Virginia
Chief, Land Acquisition—Santa Fe, New Mexico
Assistant to the Regional Director, Idaho—Boise, Idaho
Chief Scientist—Seattle, Washington
Mining Engineer—Seattle, Washington
Management Assistant—Seattle, Washington
Staff Assistant—Seattle, Washington
Team Leader, Alaska—Seattle, Washington
Chief, Midwest Archeological Center—Lincoln, Nebraska
Conservation Center Directors (3)—Atlanta, Georgia
Supervisory—Archeologist, Southeast Archeological Center—Atlanta, Georgia
Supervisory Archeologist, Atlanta Archeological Center—Atlanta, Georgia
Chiefs, Division of Programming and Budget (8)
Manager, Western Archeological Center—Tucson, Arizona
Architect—Philadelphia, Pennsylvania
Park Planner—Philadelphia, Pennsylvania
General Biological Scientist—Philadelphia, Pennsylvania
Public Information Officer—Philadelphia, Pennsylvania
Outdoor Recreation Planner—Philadelphia, Pennsylvania
Staff Curator—Philadelphia, Pennsylvania
Archeologist—Philadelphia, Pennsylvania
Special Assistant to the Regional Director for Bicentennial Projects—Philadelphia, Pennsylvania
Supervisory Museum Curator—Philadelphia, Pennsylvania
Supervisory Park Ranger (Colonial NHP)—Philadelphia, Pennsylvania
Supervisory Legal Assistant (C&O Canal)—Philadelphia, Pennsylvania
Assistant to the Regional Director—Boston, Massachusetts
Chiefs, Maintenance, GS–13 and above (2)—Boston, Massachusetts
Chiefs, Visitor Services, GS–13 and above (2)—Boston, Massachusetts
Chief, Park Operations—Boston, Massachusetts
Public Information Officers, GS–13 and above (2)—Boston, Massachusetts
Regional Scientist—Boston, Massachusetts
Regional Landmarks Specialist—Boston, Massachusetts
Unit Manager, GS–13 and above—Boston, Massachusetts
Park Planners, GS–13 and above (2)—Boston, Massachusetts
Regional Federal and State Liaison Coordinator—Boston, Massachusetts
Assistant to the Regional Director, Utah—Salt Lake City, Utah
Assistant to the Regional Director, Public Affairs—Denver, Colorado
Chief, Contract Administration Division, Denver Service Center—Denver, Colorado
Supervisory Archeologist, Denver Archeological Office—Denver, Colorado
Assistant Managers, (5) Denver Service Center—Denver, Colorado
Chief, Quality Control and Compliance Division, Denver Service Center—Denver, Colorado
Chief, Surveys Division, Denver Service Center—Denver, Colorado
Chief, Graphic Services Division, Denver Service Center—Denver, Colorado
Chief, Historic Preservation Division, Denver Service Center—Denver, Colorado
Chief, Professional Support Division, Denver Service Center—Denver, Colorado
Chief, Branch of Construction Contracts, Denver Service Center—Denver, Colorado
Chief, Branch of Professional Service Contracts, Denver Service Center—Denver, Colorado
Chief Scientist, NPS Science Center—Denver, Colorado
Program Manager, NPS Science Center—Denver, Colorado
Chief, Division of Property Management, National Capital Parks—Washington, D.C.
Chief, Division of Programming and Budget, National Capital Parks—Washington, D.C.
Chief, Division of Contracting and Procurement, National Capital Parks—Washington, D.C.
Chief, Division of Finance, National Capital Parks—Washington, D.C.
General Managers (2), National Capital Parks, Washington, D.C.
Chief, U.S. Park Police—Washington, D.C.
Assistant Chief, U.S. Park Police—Washington, D.C.

Bureau of Outdoor Recreation

Deputy Director, Washington, D.C.
All Assistant Directors (3), Washington, D.C.
Chief, Division of Personnel and Management, Washington, D.C.
Chief, Office of Communications, Washington, D.C.
Chief, Division of State Programs, Washington, D.C.
Chief, Division of Federal Land Acquisition, Washington, D.C.
Management Officer, Washington, D.C.
Accounting Officer, Washington, D.C.
All Regional Directors (7)
All Deputy Regional Directors (2)
All Assistant Regional Directors (16)
Regional Supervisory Outdoor Recreation Planners (State Grants) (7)
All Contract Managers (7)
Employees detailed to the Alaskan Natural Gas Transportation System (3)

U.S. Fish and Wildlife Service

Deputy Director—Washington, D.C.
Associate Directors—Washington, D.C.
Deputy Associate Directors—Washington, D.C.
Assistant Directors—Washington, D.C.
Deputy Assistant Directors—Washington, D.C.
Special Assistant to the Director—Washington, D.C.
Chief, Contracting and General Services—Washington, D.C.
Assistant Chief, Contracting and General Services—Washington, D.C.
Chief, Division of Federal Aid—Washington, D.C.
Chief, Division of Technical Assistance—Washington, D.C.
Regional Directors—Portland, Oregon; Albuquerque, New Mexico; Twin Cities, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado
Deputy Regional Directors—Portland, Oregon; Albuquerque, New Mexico; Twin Cities, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado
Associate Regional Directors—Portland, Oregon; Albuquerque, New Mexico; Twin Cities, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado
Regional Supervisor, Federal Aid—Portland, Oregon; Albuquerque, New Mexico; Twin Cities, Minnesota; Atlanta, Georgia; Boston, Massachusetts
Alaska Area Director—Anchorage, Alaska
Deputy Alaska Area Director—Anchorage, Alaska
Chief, Property Officer—Portland, Oregon: Twin Cities, Minnesota; Atlanta, Georgia (GS–13 and above)
Chief Property Officers—Albuquerque, New Mexico; Boston, Massachusetts (2) GS–12
Chief, Officer of Planning and Assistance—Denver, Colorado
Western Field Coodinator—Denver, Colorado
Chief and Assistant Chief, Division of Ecological Services—Washington, D.C.
Senior Ecologist, Office of Biological Services—Washington, D.C.
Chiefs of Research Divisions—Washington, D.C. (5)
Project Coordinator, Upland Ecosystems, Office of Biological Services—Washington, D.C.
Project Coordinator, Aquatic Ecosystems, Office of Biological Services—Washington, D.C.
Project Coordinator, Inventory and Systems—Washington, D.C.
Leader, Coastal Ecosystems, Office of Biological Services—Washington, D.C.
Leader, Stream Alteration Team, Office of Biological Services—Washington, D.C.
Leader, Power Plant Team, Office of Biological Services—Washington, D.C.
Leader, Western Energy and Land Use Team, Office of Biological Services—Washington, D.C.
Special Agents—Washington, D.C. (19) GS–12 (8)
AFW Program Coordinators—Washington, D.C. (6)
Chief, Office of International Wildlife—Washington, D.C.
Chief and Assistant Chief, Office of Endangered Species—Washington, D.C.
Assistant Chief, Division of Federal Aid—Washington, D.C.
Staff Biologists, GS–13 and above, Division of Federal Aid—Washington, D.C. (6)
Chief, Office of Legislative Services—Washington, D.C.
Chief, Office of Current Information, Public Affairs—Washington, D.C.
Chief, Office of Audio Visual Services, Public Affairs—Washington, D.C.
Chief, Office of Radio and TV Program Coordination, Public Affairs—Washington, D.C.
Chief, Youth Conservation Programs—Washington, D.C.
Chief and Assistant Chief, Division of Engineering—Washington, D.C.
Chief, and Assistant Chief, Division of Wildlife Refuges—Washington, D.C.
Chief and Assistant Chief, Division of National Fish Hatcheries—Washington, D.C.
Chief and Assistant Chief, Division of Realty—Washington, D.C.
Chief Appraiser—Washington, D.C.
Realty Specialists and Appraisers, GS–13 and above—Washington, D.C. (9)
Chief, Office of Migratory Bird Management—Washington, D.C.
Assistant Chief, Migratory Bird Management—Laurel, Maryland
Assistant Chief, Division of Technical Assistance—Washington, D.C.
Chief, Branch of State, Federal and Private Services, Technical Assistance—Washington, D.C.
Chief, Branch of Indian Eskimo Services, Technical Assistance—Washington, D.C.
Chief, Branch of Pesticide Activities, Technical Assistance—Washington, D.C.
Assistant Regional Directors—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado, (24)
Assistant Area Directors—Anchorage, Alaska (2)
Chiefs, Office of Support Services—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado (6)
Chief, Property Officer—Denver, Colorado
Regional Public Affairs Officers—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado; Alaska (7)
Regional Safety Officer—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado; Alaska (7) GS–12 (6)
Activity Leaders, Office of Biological Services—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado; Alaska
Staff Biologists, GS–12 and above, Federal Aid—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado (30) GS–12 (18)
Realty Specialists and Appraisers, GS–11 and above—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado (54) GS–12 (34)
Pesticide Specialists, Technical Assistance Program—Portland, Oregon; Albuquerque, New Mexico; Minneapolis, Minnesota; Atlanta, Georgia; Boston, Massachusetts; Denver, Colorado (6) GS–12 (5)
Coordinator, Indian Programs, Technical Assistance—Portland, Oregon

Field Level

Unit Leaders, Cooperative Fish and Wildlife Research Units, All—Various Locations, (45)
Director, Patuxent Wildlife Research Center—Laurel, Maryland
Director, Denver Wildlife Research Center—Denver, Colorado
Director, Northern Prairie Wildlife Research Center—Jamestown, North Dakota
Director, Great Lakes Fisheries Laboratory—Ann Arbor, Michigan
Director, Fish Control Laboratory—LaCrosse, Wisconsin
Director, National Fish and Wildlife Laboratory—Washington, D.C.
Area Supervisors, Division of Ecological Services, All—Various locations (40) GS–12 (15)
Special Agents, All—Various locations (168) GS–12 (142)
Project Leaders, National Wildlife Refuges, All—Various locations (164) GS–12 (154)
Project Leaders, National Fish Hatcheries, All—Various locations (90) GS–12 (87)
Research Laboratory Directors, All—Various locations (20)
Center Directors, Job Corps Centers—Puxico, Missouri and Indiahoma, Oklahoma
State Supervisors, Animal Damage Control Programs, All—Various locations (34) GS–12 (32)
Director, Administrative Service Center—Denver, Colorado
Chief, Engineering Service Center—Denver, Colorado
Project Leaders, Technical Assistance Programs, All—Various locations (51) GS–12 (49)
Area and Assistant Area Managers, All—Various locations (36)

Assistant Secretary—Land and Water Resources

Deputy Assistant Secretaries (2), Washington, D.C.
Special Assistant to the Assistant Secretary
Staff Assistant (Economics), Washington, D.C.
Staff Assistants (6), Washington, D.C.

Bureau of Reclamation

Assistant Commissioner—Resource Development, Commissioner's Office, Washington, D.C.
Assistant Commissioner—Resource Management, Commissioner's Office, Washington, D.C.
Assistant Commissioner—Resource Planning, Commissioner's Office, Washington, D.C.
Assistant Commissioner—Administration, Commissioner's Office, Washington, D.C.
Assistant to the Commissioner—Ecology Commissioner's Office, Washington, D.C.
Chief, Division of General Services, Commissioner's Office, Washington, D.C.
Chief, Division of General Engineering, Commissioner's Office, Washington, D.C.
Chief, Construction and Contracting Activities Branch, Commissioner's Office, Washington, D.C.
Chief, Division of Research, Commissioner's Office, Washington, D.C.
Chief, Division of Power, Commissioner's Office, Washington, D.C.
Assistant Chief, Division of Power, Commissioner's Office, Washington, D.C.
Chief, Systems Engineering Branch, Commissioner's Office, Washington, D.C.
Chief, Division of Program Coordination and Finance, Commissioner's Office, Washington, D.C.
Assistant Chief, Division of Program Coordination and Finance, Commissioner's Office, Washington, D.C.
Chief, Division of Procurement and Property, Commissioner's Office, Washington, D.C.
Chief, Operations Branch, Division of Procurement and Property, Commissioner's Office, Washington, D.C.
Chief, Division of Planning, Commissioner's Office, Washington, D.C.
Assistant Chief, Division of Planning, Commissioner's Office, Washington, D.C.
Chief, Division of Water and Land, Commissioner's Office, Washington, D.C.
Assistant Chief, Division of Water and Land, Commissioner's Office, Washington, D.C.
Chief, Water Operations Branch, Commissioner's Office, Washington, D.C.

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Chief, Lands and Recreation Branch, Commissioner's Office, Washington, D.C.
Realty Officer, Commissioner's Office, Washington, D.C.
Chief, Contracts and Repayment Branch, Commissioner's Office, Washington, D.C.
Contract and Repayment Specialists (3), Commissioner's Office, Washington, D.C.
Chief, Division of Youth Conservation Programs, Commissioner's Office, Washington, D.C.
Chief, Office of Public Affairs, Commissioner's Office, Washington, D.C.

ENGINEERING AND RESEARCH CENTER

Director of Design and Construction, Engineering and Research Center, Denver, Colorado
Supervisory General Engineers (11), Denver, Colorado
Environmental Specialist, Denver, Colorado
Supervisory Electrical Engineers (2), Denver, Colorado
Supervisory Civil Engineers (11), Denver, Colorado
Chief, Division of Management Support, Denver, Colorado
Supervisory Contract Specialist, Denver, Colorado GS–12
Supervisory Contract Procurement Officer, Denver, Colorado GS–12
Supervisory Procurement Agent, Denver, Colorado
Supervisory Mechanical Engineer, Denver, Colorado
Supervisory Geologist, Denver, Colorado
Civil Engineers (4), Denver, Colorado
Procurement Officer, Denver, Colorado
Supervisory General Physical Scientists (5), Denver, Colorado
Supervisory Research Physical Scientists (3), Denver, Colorado
Research Physical Scientist, Denver, Colorado
Supervisory Hydraulic Engineer, Denver, Colorado
General Engineer, Denver, Colorado
Supply Management Officer, Denver, Colorado
Appraiser, Denver, Colorado

PACIFIC NORTHWEST REGION

Regional Director, Pacific Northwest Region, Boise, Idaho
Assistant Regional Director, Boise, Idaho
Assistant to the Regional Director, Boise, Idaho
Regional Engineer, Boise, Idaho
Chief, Construction Branch, Boise, Idaho
Chief, Design Branch, Boise, Idaho
Chief, Division of Water and Land Operations, Boise, Idaho
Chief, Repayment and Statistics Branch, Boise, Idaho
Chief, Lands and Recreation Branch, Boise, Idaho
Regional Supervisor of Power, Boise, Idaho
Chief, Resources and Contracts Branch, Boise, Idaho
Regional Planning Officer, Boise, Idaho
Assistant Regional Planning Officer, Boise, Idaho
Chief, Engineering and Surveys Branch, Boise, Idaho
Chief, Economic Resources Branch, Boise, Idaho
Regional Procurement and Property Officer, Boise, Idaho
Chief, Resource Utilization Branch, Boise, Idaho
Regional Public Affairs Officer, Boise, Idaho
Chief, Procurement Branch, Boise, Idaho GS–12
Contract Specialist, Boise, Idaho GS–12
Appraiser, Boise, Idaho GS–12
Realty Specialists (5), Boise, Idaho GS–11
Chief, Water Operations Branch, Boise, Idaho
Project Superintendent, Central Snake Projects Office, Boise, Idaho
Chief, Salem Field Branch, Salem, Oregon
Center Director, Columbia Basin Civilian Conservation Center, Moses Lake, Washington
Project Manager, Columbia Basin Project Office, Ephrata, Washington
Chief, Engineering and Drainage Division, Ephrata, Washington
Chief, Construction Division, Ephrata, Washington
Chief, Water and Land Operations Division, Ephrata, Washington
Chief, Realty Branch, Ephrata, Washington GS–12
Chief, Appraisal Branch, Ephrata, Washington GS–12
Appraiser, Ephrata, Washington GS–11
Project Superintendent, Hungry Horse Project Office, Hungry Horse, Washington
Project Superintendent, Minidoka Project Office, Burley, Idaho
Center Director, Marsing Civilian Conservation Center, Marsing, Idaho
Project Construction Engineer, East Greenacres Project Office, Post Falls, Idaho
Project Construction Engineer, Teton Project Office, Newdale, Idaho
Office Engineer, St. Anthony, Idaho
Field Engineer, St. Anthony, Idaho
Project Construction Engineer, Tualatin Project Office, Forest Grove, Oregon
Field Engineer, Forest Grove, Oregon
Office Engineer, Forest Grove, Oregon
Realty Specialists (3), Tualatin Project Office, Forest Grove, Oregon GS–12 (1) GS–11 (2)
Project Superintendent, Yakima Project Office, Yakima, Washington
Project Construction Engineer, Chief Joseph Dam Project Office, Manson, Washington
Realty Officer, Chief Joseph Dam Project Office, Manson, Washington GS–11
Appraiser, Manson, Washington GS–9
No. 33766 Gay, D. J. Day Lino 12–12–75 No. 63
J 58-000 folio 143
Columbia-North Pacific Planning Officer, Columbia North Pacific Planning Office, Vancouver, Washington
Project Manager, Grand Coulee Project Office, Grand Coulee, Washington
Chief, Third Power Plant Construction Division, Grand Coulee, Washington
Field Engineer, Grand Coulee, Washington
Office Engineer, Grand Coulee, Washington
Chief, Maintenance Division, Grand Coulee, Washington
Chief, Operations Division, Grand Coulee, Washington
Project Public Affairs Officer, Grand Coulee Project Office, Grand Coulee, Washington GS–12
Chief, Administrative Services, Grand Coulee, Washington

MID-PACIFIC REGION

Regional Director, Sacramento, California
Assistant Regional Director, Sacramento, California
Assistant Regional Director, Sacramento, California
Assistant to the Regional Director—Administrative Management, Sacramento, California
Project Construction Engineer, Fresno, California
Chief, Office Engineering Division, Fresno, California
Project Manager, Klamath Falls, Oregon
Project Construction Engineer, Auburn, California
Chief, Office Engineering Division, Auburn, California
Chief, Right-of-Way Division, Auburn, California
Administrative Officer, Auburn, California
Project Manager, Carson City, Nevada
Regional Loan Engineer, Sacramento, California
Regional Supervisor of Water and Land Operations, Sacramento, California
Regional Supervisor of Power, Sacramento, California
Chief, Marketing and Sales Branch, Sacramento, California
Regional Engineer, Sacramento, California
Regional Planning Officer, Sacramento, California
Assistant Regional Planning Officer, Sacramento, California
Chief, Repayment Branch, Division of Water and Land Operations, Sacramento, California
Regional Supply and Services Officer, Sacramento, California
Chief, Procurement Branch, Division of Supply and Services, Sacramento, California
Chief, Acquisition Branch, Division of Real Estate, Sacramento, California
Regional Real Estate Officer, Sacramento, California
Supervisory Appraiser, Sacramento, California
Chief, Folsom Field Division, Folsom, California
Chief, Fresno Field Division, Fresno, California
Chief, Tracy Field Division, Tracy, California
Chief, Shasta Field Division, Redding, California
Project Construction Engineer, Willows, California
Chief, Office Engineering Division, Willows, California
Project Construction Engineer, Gilroy, California

LOWER COLORADO REGION

Regional Director, Lower Colorado Region, Boulder City, Nevada
Assistant Regional Director, Boulder City, Nevada
Assistant to the Regional Director, Boulder City, Nevada
Regional Public Affairs Officer, Boulder City, Nevada
Regional Engineer, Boulder City, Nevada
Regional Supervisor of Power, Boulder City, Nevada
Regional Supervisor of Water and Land Operations, Boulder City, Nevada
Assistant Regional Supervisor of Power, Boulder City, Nevada
Regional Supply and Services Officer, Boulder City, Nevada
Chief, Procurement Branch, Boulder City, Nevada GS–12
Chief, Contracts and Repayment Branch, Boulder City, Nevada
Chief, Marketing and Sales Branch, Boulder City, Nevada
Regional Planning Officer, Boulder City, Nevada
Regional Loan Program Coordinator, Boulder City, Nevada GS–12
Project Manager, Boulder City, Nevada
Project Manager, Parker-Davis Project, Phoenix, Arizona
Assistant Project Manager, Parker-Davis Project, Phoenix, Arizona
Chief, Office of Procurement and Property, Parker-Davis Project, Phoenix, Arizona GS–12
Projects Manager, Arizona Projects Office, Phoenix, Arizona
Associate Projects Manager, Arizona Projects Office, Phoenix, Arizona
Chief, Administrative Division, Arizona Projects Office, Phoenix, Arizona
Chief, Procurement and Property Branch, Arizona Projects Office, Phoenix, Arizona GS–12
Chief, Appraisal Branch, Arizona Projects Office, Phoenix, Arizona
Chief, Lands Branch, Arizona Projects Office, Phoenix, Arizona
Project Manager, Yuma Projects Office, Yuma, Arizona

Assistant Project Manager, Yuma Projects Office, Yuma, Arizona
Chief, Administrative Division, Yuma Projects Office, Yuma, Arizona

UPPER COLORADO REGION

U.S. Representative on the Bear River Commission (Expert), Salt Lake City, Utah
U.S. Commissioner & Chairman, Upper Colorado River Commission, Salt Lake City, Utah
Regional Director, Salt Lake City, Utah
Assistant Regional Director, Salt Lake City, Utah
Assistant to Regional Director—Administrative Management, Salt Lake City, Utah
Public Information Officer, Salt Lake City, Utah
Regional Engineer, Salt Lake City, Utah
Regional Supervisor of Water and Land Operations, Salt Lake City, Utah
Chief, Operations and Repayment Branch, Salt Lake City, Utah
Chief, Lands Branch, Salt Lake City, Utah
Realty Specialist, Salt Lake City, Utah
Appraisers (2), Salt Lake City, Utah GS–12 (1); GS–11 (1)
Regional Planning Officer, Salt Lake City, Utah
Regional Supervisor of Water and Land Op- Utah
Public Utilities Specialists (2), Salt Lake City, Utah GS–12 (1)
Chief, Marketing and Sales Branch, Salt Lake City, Utah
Regional Finance Officer, Salt Lake City, Utah
Regional Property and Services Officer, Salt Lake City, Utah
Regional Procurement Officer, Salt Lake City, Utah GS–12
Project Power Manager, CRSP Power Operations Office, Montrose, Colorado
Administrative Officer, Montrose, Colorado
Chief, Procurement Branch, Montrose, Colorado GS–11
General Supply Officer, Montrose, Colorado GS–11
Chief, Flaming Gorge Field Division, Flaming Gorge Field Division, Dutch John, Utah
Chief, Glen Canyon, Field Division, Glen Canyon Field Division, Page, Arizona
Administrative Officer, Page, Arizona GS–12
Chief, General Supply Specialist, Page, Arizona GS–9
Project Manager, Western Colorado Projects Officer, Grand Junction, Colorado
Administrative Officer, Grand Junction, Colorado
Center Director, Colibran Job Corps Civilian Conservation Center, Colibran, Colorado
Administrative Officer, Colibran, Colorado GS–11
Center Director, Weber Basin Job Corps Civilian Conservation Center, Ogden, Utah
Assistant Center Director, Ogden, Utah GS–12
Administrative Officer, Ogden, Utah GS–11

SOUTHWEST REGION

Regional Director, Southwest Region, Amarillo, Texas
Assistant Regional Director, Amarillo, Texas
Regional Public Information and General Services Officer, Amarillo, Texas GS–12
Regional Engineer, Amarillo, Texas
Regional Supervisor of Power, Amarillo, Texas
Regional Planning Officer, Amarillo, Texas
Regional Supervisor of Water and Land Operations, Amarillo, Texas
Chief, Land Operations Branch, Division of Water and Land Operations, Amarillo, Texas
Chief, Repayment and Economics Branch, Division of Water and Land Operations, Amarillo, Texas
Regional Finance Officer, Amarillo, Texas
Regional Procurement and Property Officer, Amarillo, Texas
Project Superintendent, Upper Rio Grande Basin Project Office, Albuquerque, New Mexico
Project Superintendent, Rio Grande Project, El Paso, Texas
Project Construction Engineer, San Juan-Chamma Project, Santa Fe, New Mexico
Project Construction Engineer, Navajo Indian Irrigation Project, Farmington, New Mexico
Planning Officer, Albuquerque, New Mexico
Project Manager, Pecos River Project Office, Carlsbad, New Mexico
Planning Officer, Oklahoma City, Oklahoma
Planning Officer, Austin, Texas
Project Construction Engineer, Mountain Park Project Office, Altus, Oklahoma GS–12
Chief, Right-of-Way Division, Mountain Park Project Office, Altus, Oklahoma
Project Construction Engineer, Palmetto Bend Project Office, Edna, Texas
Chief, Right-of-Way Division, Palmetto Bend Project Office, Edna, Texas
Special Government Employee, U.S. Commissioner and Chairman of the Canadian River Commission (Expert), Office of the Regional Director, Amarillo, Texas

UPPER MISSOURI REGION

Regional Director, Billings, Montana
Assistant Regional Director, Billings, Montana
Assistant to the Regional Director, Billings, Montana
Regional Public Affairs Officer, Billings, Montana
Regional Engineer, Billings, Montana
Regional Supervisor of Water and Land Operations, Billings, Montana
Regional Supervisor of Power, Billings, Montana
Assistant Regional Supervisor of Power, Billings, Montana
Chief, Power Marketing and Sales Branch, Billings, Montana
Chief, Reviewing Appraiser, Billings, Montana GS–12
Regional Planning Engineer, Billings, Montana
Regional Procurement and Property Officer, Billings, Montana
Chief, Procurement Branch, Billings, Montana G–12
Chief, Right-of-Way Branch, Billings, Montana
Project Manager, Bismarck, North Dakota
Assistant Project Manager, Bismarck, North Dakota
Chief, Administrative Services Division, Bismarck, North Dakota
Chief, Procurement and Property, Bismarck, North Dakota GS–12
Chief, Appraisal Branch, Bismarck, North Dakota GS–12
Chief, Acquisition Branch, Bismarck, North Dakota GS–12
Public Information Officer, Bismarck, North Dakota GS–11
Appraisers (3), Bismarck, North Dakota GS–11
Realty Specialists (4), Bismarck, North Dakota GS–11
Project Manager, Huron, South Dakota
Assistant Project Manager, Huron, South Dakota
Chief, Right-of-Way Branch, Huron, South Dakota GS–12
Realty Specialists (3), Huron, South Dakota GS–11
Appraisers (4), Huron, South Dakota GS 7–11
Chief, Administrative Services Division, Huron, South Dakota
Chief, Procurement and Property Branch, Huron, South Dakota GS–12
Project Manager, Great Falls, Montana
Project Manager, Riverton, Wyoming
Administrative Officer, Riverton, Wyoming GS–11
Power System Operations Officer, Watertown, South Dakota
Assistant Power System Operations Officer Watertown, South Dakota
Chief, Administrative Services Division, Watertown, South Dakota GS–12
Project Superintendent, Canyon Ferry, Montana
Administrative Officer, Canyon Ferry, Montana GS–9
Project Superintendent, Fort Peck, Montana
Project Superintendent, Fort Smith, Montana
Chief, Administrative Services Division, Fort Smith, Montana GS–9

LOWER MISSOURI REGION

Regional Director, Lower Missouri Region, Denver, Colorado
Assistant Regional Director, Denver, Colorado
Assistant to the Regional Director—Administrative Management, Denver, Colorado
Regional Public Affairs Officer, Denver, Colorado
Regional Engineer, Denver, Colorado
Chief, Construction Coordination and Estimates Branch, Denver, Colorado
Regional Planning Officer, Denver, Colorado
Regional Supervisor of Water and Land, Denver, Colorado
Chief, Land Acquisition Branch, Denver, Colorado
Appraisers (2), Denver, Colorado GS–11 (1); GS–12 (1)
Realty Specialists (2), Denver, Colorado GS–9 (1); GS–11 (1)
Chief, Repayment Branch, Denver, Colorado
Regional Supervisor of Power, Denver, Colorado
Chief, Power Contracts Branch, Denver, Colorado
Regional Finance Officer, Denver, Colorado
Supply Management Officer, Denver, Colorado
Regional Procurement Officer, Denver, Colorado GS–11
Kansas Reclamation Representative, Topeka, Kansas
MRB Planning Officer, Omaha, Nebraska
Wyoming Reclamation Representative, Cheyenne, Wyoming
Project Manager, Fryingpan-Arkansas Project, Pueblo, Colorado
Chief, Construction Field Division, Fryingpan-Arkansas Project, Salida, Colorado
Realty Specialists (2), Fryingpan-Arkansas, Pueblo, Colorado GS–11 (1); GS–12(1)
Administrative Officer, Fryingpan-Arkansas Project, Pueblo, Colorado
Project Manager, South Platte River Project, Loveland, Colorado
Project Manager, North Platte River Projects, Casper, Wyoming
Construction Engineer, Cheyenne Construction Office, Cheyenne, Wyoming
Project Manager, Kansas River Project, McCook, Nebraska
Planning Officer, Nebraska Reclamation Office, Grand Island, Nebraska

BUREAU OF LAND MANAGEMENT

Associate Director, Washington, D.C.
Assistant Director, Administration, Washington, D.C.
Assistant Director, Resources, Washington, D.C.
Deputy Assistant Director, Resources, Washington, D.C.
Assistant Director, Legislation and Plans, Washington, D.C.
Assistant Director, Technical Services, Washington, D.C.
Assistant Director, Minerals Management, Washington, D.C.
Deputy Assistant Director, Minerals Management, Washington, D.C.
Chief, Office of Evaluation, Washington, D.C.
Chief, Division of Lands and Realty, Washington, D.C.

V 40 242 DEC 16 75 XUM

Chief, Division of Mineral Resources, Washington, D.C.
Chief, Division of Minerals Environmental Assessment, Washington, D.C.
Chief, Division of Minerals Program Development and Analysis, Washington, D.C.
Chief, Division of Forestry, Washington, D.C.
Chief, Division of Appraisal, Washington, D.C.
Chief, Division of Budget and Program Development, Washington, D.C.
Chief, Division of Finance, Washington, D.C.
All Chiefs, Division of Administrative Services (2).
All Managers, Outer Continental Shelf Offices (4).
All Assistant Managers, Outer Continental Shelf Offices (2).
All State Directors (12).
All Associate State Directors (12).
All Chiefs, Division of Technical Services (11).
All Chiefs, Division of Resources (11).
All District Managers (61).
All Assistant District Managers (19).
Director, Denver Service Center, Denver, Colorado.
BLM Director, Boise Interagency Fire Center, Boise, Idaho.
Deputy BLM Director, Boise Interagency Fire Center, Boise, Idaho.
Chief, Appraisal Staff, Denver Service Center, Denver, Colorado.
All Staff Appraisers, Denver Service Center, Denver, Colorado (2).
All Chief State Appraisers (11) GS–12 and above. GS–12 (8); GS–13 (3).
Chief, Division of Data Processing, Denver, Colorado.
Chief, Office of Scientific Systems Development, Denver, Colorado.
Pipeline Project Coordinator, Anchorage, Alaska.
Chief, Division of Cadastral Survey, Anchorage, Alaska.

Office of Land Use and Water Planning

Director, Office of Land Use and Water Planning, Washington, D.C.

Office of Water Research and Technology

Assistant Director, Program Planning and Evaluation, Washington, D.C.
Budget and Program Analyst, Office of Program Planning and Evaluation, Washington, D.C.
General Engineer, Office of Program Planning and Evaluation, Washington, D.C.
Assistant Director, Research, Washington, D.C.
Chief, Biological Sciences Division, Washington, D.C.
Chief, Hydrologic Sciences Division, Washington, D.C.
Physical Scientist, Hydrologic Sciences Division, Washington, D.C.
Chief, Physical Chemistry Division, Washington, D.C.
Physical Scientist (2), Physical Chemistry Division, Washington, D.C.
Chemist, Physical Chemistry Division, Washington, D.C.
Chief, Planning Sciences Division, Washington, D.C.
Physical Scientist (2), Planning Sciences Division, Washington, D.C.
Chief, Engineering Systems Division, Washington, D.C.
Physical Scientist, Engineering Systems Division, Washington, D.C.
Manager, Water Resources Scientific Information Center, Washington, D.C.
Assistant Manager, Water Resources Scientific Information Center, Washington, D.C.
Computer Systems Analyst, Water Resources Scientific Information Center, Washington, D.C.
Physical Scientist, Water Resources Scientific Information Center, Washington, D.C.
Administrative Manager, Washington, D.C.
Staff Assistant, Office of Administrative Manager, Washington, D.C.
Chief, Contracts and Grants Management Division, Washington, D.C.
Assistant Chief, Contracts and Grants Management Division, Washington, D.C.
Contract Specialist, Contracts and Grants Management Division, Washington, D.C.
Chief, Management Services Division, Washington, D.C.
Assistant Director, Saline Water Conversion, Washington, D.C.
General Engineer, Office of Assistant Director, Saline Water Conversion, Washington, D.C.
Chief, Membrane Processes Division, Washington, D.C.
Physical Scientist, Membrane Processes Division, Washington, D.C.
Chief, Thermodynamic Processes Division, Washington, D.C.
General Engineer, Thermodynamic Processes Division, Washington, D.C.
Chief, Facilities Engineering Design and Construction Division, Washington, D.C.
General Engineer (2), Facilities Engineering Design and Construction Division, Washington, D.C.
Manager, Wrightsville Beach Test Facility, Wrightsville Beach, N. Car.
Manager, Roswell Test Facility, Roswell, N. Mex.
Manager, Fountain Valley Test Facility, Fountain Valley, Calif.

[FR Doc.76–33816 Filed 12–15–75;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

MARINE INVESTIGATION REGULATIONS

Disclosure of Records and Information

CFR Correction

In 46 CFR Parts 1–29, Revised as of October 1, 1975 the following corrections are made:

1. Sections 4.13–5 thru 4.13–40 appearing on page 36 and corresponding table of contents entries on page 29 should be deleted.

2. Sections 5.50–5 and 5.50–10 appearing on page 63, and corresponding table of contents entries on page 39 should be deleted.

3. Sections 14.15–5 thru 14.15–15 appearing on page 146, and corresponding table of contents entries on page 141 should be deleted.

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75–1289]

PART 0—COMMISSION ORGANIZATION

Delegations of Authority to the Chief, Common Carrier Bureau; Correction

1. In the Order, FCC 75–1151, 56 FCC 2d —, (released October 21, 1975), (40 FR 50035) the Commission adopted procedural modifications of § 0.291 of the Commission's rules with the respect to Delegations of Authority to the Chief, Common Carrier Bureau. The following corrections are intended to clarify the extent of authority delegated.

1. At paragraph 1, line 5: delete parenthetical phrase.

2. At paragraph 1, line 9, after ". . . Commission.": insert "The proposal continues the delegation of joint authority to the Chief, Common Carrier Bureau and to the Chief, Safety and Special Radio Services Bureau to act upon applications involving common carrier matters in the maritime mobile service, aeronautical mobile service and in the fixed service in Alaska.

Adopted: November 25, 1975.

Released: December 1, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–33838 Filed 12–15–75;8:45 am]

[Docket No. 20444; RM No. 2430; FCC 75–1316]

PART 91—INDUSTRIAL RADIO SERVICES

Industrial Communications Emergency Plan

Correction

In FR Doc. 75–33344, appearing on page 57684 in the issue of Thursday, December 11, 1975, make the following correction on page 57685: In the first column, the two lines immediately above the heading "Subpart Q—Emergency Communications" should read "B. New Subpart Q is added to Part 91 as follows:".

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Carriage of Certain Hazardous Materials on Cargo-Only Aircraft as Only Means of Transportation

CROSS REFERENCE: For a document issued by the Materials Transportation Bureau, Department of Transportation, see FR document 75–33834, appearing elsewhere in this issue.

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Reclassification of the American Alligator and Other Amendments; Correction

In FR Doc. 75–31134 appearing at page 53399 in the FEDERAL REGISTER of Tuesday, November 18, 1975, the following changes should be made:

1. Item number 21 is corrected to read "section 17.45 Special rules—snails and clams [Reserved]".

2. Item number 24 is corrected to read "On page 44425, section 17.23(b)(4)(ii) is corrected to read "Became binding prior to the date when the notice of a review of the status of the species or the notice of proposed rulemaking proposing to list such wildlife as endangered was published in the FEDERAL REGISTER, whichever is earlier;".

Dated: December 10, 1975.

GEORGE W. MILIAS,
Acting Director,
U.S. Fish and Wildlife Service.

[FR Doc.75–33842 Filed 12–15–75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

U.S. Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Determination of Critical Habitat for Snail Darter, American Crocodile, Whooping Crane, California Condor, Indiana Bat and Florida Manatee

The Director, United States Fish and Wildlife Service, hereby issues a proposed rulemaking which would determine critical habitat for six endangered species, pursuant to section 7 of the Endangered Species Act of 1973 [16 U.S.C. 1531–1543]. An interpretation of the term critical habitat was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER of April 22, 1975 [40 FR 17764–17765], and a notice of intent to determine critical habitat for five of the six species named below was published by the Fish and Wildlife Service in the FEDERAL REGISTER of May 16, 1975 [40 FR 21499–21500].

The areas delineated below do not necessarily include the entire critical habitat of any of the name species, and modifications to critical habitat descriptions may be proposed in the future. In accordance with section 7 of the Endangered Species Act of 1973, all Federal departments and agencies would be required to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of the critical habitat of the six named species found within the areas delineated below.

It is recognized that some of the delineated areas are large and may contain man-made structures, settlements, and other localities that are not of primary use to the species involved. It should be stressed, however, that this is only a proposed rulemaking that is setting forth the outer parameters of the critical habitat areas in question, and that based upon the comments received and additional studies conducted by the Fish and Wildlife Service, the final rulemaking will exclude those settlements and structures devoid of critical habitat significance.

Until the issuance of additional guidelines, all Federal departments and agencies should, in accordance with section 7 of the Endangered Species Act, consult with the Secretary of the Interior with respect to any actions which might reasonably be expected to affect critical habitat within the delineated areas.

BASIS FOR DETERMINATION

SNAIL DARTER (*Percina (Imostoma)* SP.)

Tennessee. Critical habitat for the snail darter extends from river mile 0.5 to river mile 17 of the Little Tennessee River, Loudon County, Tennessee. River miles 0.5 thorugh 17 are shown on a map entitled "Tellico Project," prepared by the Tennessee Valley Authority (TVA), Bureau of Water Control Planning, August 1965 (map 65–MS–453 K 501). River mile 17 is two river miles below the U.S. Highway 411 bridge over the Little Tennessee River, and is near Rose Island; river mile 0.5 on the Little Tennessee River is one half mile upstream from its confluence with the Tennessee River. Presently, this section of river is the only known existing habitat of the snail darter. In portions of this area, certain conditions exist which are required by the species, and the disruption of these conditions would lead to decline or extinction of the snail darter.

AMERICAN CROCODILE (*Crocodylus acutus*)

Florida. All land and water within the following boundary: beginning at the easternmost tip of Turkey Point, Dade County, on the coast of Biscayne Bay; thence southeastward along a straight line to Christmas Point at the southernmost tip of Elliot Key; thence southwestward along a line following the shores of the Atlantic Ocean side of Old Rhodes Key, Palo Alto Key, Anglefish Key, Key Largo, Plantation Key, Windley Key, Upper Matecumbe Key, Lower Matecumbe Key, and Long Key, to the westernmost tip of Long Key; thence northward along a straight line to the termination of the main Everglades National Park road at Flamingo; thence to a point ten road miles northeastward along the main Everglades National Park road; thence northeastward along a straight line to the point of beginning. The delineated area must be considered an absolute minimum amount of critical habitat for the American crocodile in Florida. The current population of the State, with only 200 to 300 individuals, is concentrated in this area and is dependent upon the included habitat of Florida Bay and associated brackish marshes, swamps, creeks, and canals. All known breeding females, of which there are less than ten in Florida, inhabit and nest in the delineated area.

Whooping Crane (*Grus americana*)

Texas. An area of land, water, and airspace with a boundary as follows: beginning at a point where Texas State Highway 35 crosses the Refugio-Aransas county line; thence eastward along the Refugio-Aransas county line to the point at which this line reaches San Antonio Bay; thence northeastward across San Antonio Bay to the western-most tip of Swan Point, Calhoun County; thence southeastward along a straight line drawn through the westernmost tip of Vanderveer Island on the south side of Espiritu Santo Bay and through Matagorda Island to the point at which the line reaches the coast of the Gulf of Mexico; thence southwestward along the outer shores of Matagorda and St. Joseph Islands to a point five statute miles southwest of Cedar Bayou; thence northwestward to the point at which the Texas State Highway 35 bridge over Aransas Bay reaches the Lamar Peninsula; thence northward along Texas State Highway 35 to the point of beginning. This area is the only wintering site of the last surviving wild population of whooping cranes. The population is entirely dependent on this area and on the food supplies, cover and isolation that it provides.

Oklahoma. Salt Plains National Wildlife Refuge, Alfalfa County. This area provides an important stopping site on the migration route of the whooping crane. A number of the birds are known to have utilized the site during most years of the last decade.

Kansas. Quivira National Wildlife Refuge, Stafford, Reno, and Rice Counties; and Cheyenne Bottoms State Waterfowl Management Area, Barton County. These areas provide important stopping sites on the migration route of the whooping crane. A number of the birds are known to have utilized each of the sites during most years of the last decade.

Nebraska. An area of land, water, and airspace with a boundary as follows: beginning at the junction of U.S. Highway 283 and U.S. Highway 30 at Lexington, Dawson County; thence eastward along U.S. Highway 30 to its junction with U.S. Highway 281 near Grand Island, Hall County; thence southward along U.S. Highway 281 to its junction with U.S. Highway 136 at Red Cloud, Webster County; thence westward along U.S. Highway 136 to its junction with U.S. Highway 183 at Alma, Harlan County; thence northward along U.S. Highway 183 to its junction with U.S. Highway 34 at Holrege, Phelps County; thence westward along U.S. Highway 34 to its junction with Nebraska State Highway 23; thence northwestward along Nebraska State Highway 23 to its junction with U.S. Highway 283 at Elwood, Gosper

County; thence northward along U.S. Highway 283 to the point of beginning. This area of the Platte River Valley and wet prairie to the south forms the most important stopping site on the migration route of the whooping crane. Historical data show that this area, sometimes called the "Big Bend" area of the Platte River, was a focal point through which the whooping cranes passed before spreading out to their wintering grounds to the south and their breeding grounds to the north. There are more old records of the presence of the species here than in any other part of the migration route, and recent confirmed records indicate continued heavy use within the last few years. Available information indicates that the combination of the Platte River channel, and adjacent wet meadows, rainwater basins, and farmlands form a unique association of habitats that is the most valuable part of the entire migration route of the species. Reduction in the quality or size of this habitat association, especially in the water level of the area, could be expected to have an adverse effect on the surviving population of the species.

Idaho. Grays Lake National Wildlife Refuge, and all land and water within one mile of the boundaries of this refuge, Bonneville and Caribou Counties. This area is the site of an experimental project in which whooping crane eggs, taken from nests in Canada, were placed in the nests of sandhill cranes (*Grus canadensis*) at Grays Lake. It is hoped that the sandhill cranes will raise the whooping crane hatchlings to maturity, thereby establishing a new flock of whooping cranes in the wild.

Colorado. Monte Vista National Wildlife Refuge, Alamosa and Rio Grande Counties, and Alamosa National Wildlife Refuge, Alamosa and Conejos Counties. These areas are the most important stopping sites on the migration route of the sandhill cranes that are serving as "foster parents" of the whooping cranes hatched in the Grays Lake experiment.

New Mexico. All areas at or below 4,600 feet in elevation of Bosque del Apache National Wildlife Refuge, Socorro County. This area is the primary wintering ground of the sandhill cranes that are serving as "foster parents" of the whooping cranes hatched in the Grays Lake Experiment.

CALIFORNIA CONDOR (GYMNOGYTS CALIFORNICUS)

California. Sespe-piru Condor Area: an area of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain, in Ventura and Los Angeles Counties, with the following components (San Bernardino Meridian): Sespe Condor Sanctuary, as delineated by Public Land Order 695 (January 1951); T4N R20W sec. 2, 5–10, N½ sec. 11; T4N R21W Sec. 1–3, 10–12 N¼ Sec. 13, N¼ Sec. 14, N¼ Sec. 15; T5N R18W Sec. 4–9, 18, 19, 30, 31, N½ Sec. 3, N½ Sec. 17; T5N R21W Sec. 1–4, 9–16, 21–28, 33–36; T6N R18W Sec. 7–11, 14–23, 26–35; T6N R19W Sec. 7–36; T6N R20W Sec. 8–36; T6N R21W Sec. 13–36; T6N R22W Sec. 3–26, 35, 36; T6N R23W Sec. 1–3, 10–14, 24, N½ Sec. 23; T7N R22W Sec. 31; T7N R23W Sec. 34–36. *Matilija Condor Area:* an area of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain, in Ventura and Santa Barbara Counties, with the following components (San Bernardino Meridian): T5N R24W W½ Sec. 3, Sec. 4–11, 14, 15, N½ Sec. 16, N¼ Sec. 17; T5N R25W E½ Sec. 1, NE¼ Sec. 12; T5½N R24W Sec. 31–34; T6N R24W S½ Sec. 32, S½ Sec. 33, S½ Sec. 34. *Sisquoc-San Rafael Condor Area:* an area of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain, in Santa Barbara County, with the following components (San Bernardino Meridian): T6N R26W Sec. 5, 6; T6N R27W Sec. 1, 2; T7N R26W Sec. 5–8, 17–20, 29–32; T7N R27W Sec. 1–14, 23–26, 35, 36, T7N R28W Sec. 1, 2, 11, 12; T8N R26W Sec. 19–22, 27–34; T8N R27W Sec. 19–36. *Hi Mountain-Beartrap Condor Areas:* areas of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain in San Luis Obispo County, with the following components (Mt. Diablo Meridian): T30S R16E Sec. 13, 14, 23–26, SE¼ Sec. 11, S½ Sec. 12; T30S R17E Sec. 17–20, 29, 30; T31S R14E Sec. 1, 2, 11, 12, E½ Sec. 3, E½ Sec. 10, N½ Sec. 14, N½ Sec. 13; T31S R15E W½ Sec. 6, W½ Sec. 7, NW¼ Sec. 18. Sespe-Piru, Matilija, Sisquoc-San Rafael, and Hi Mountain-Beartrap condor areas, as described above, are considered critical for nesting and related year long activity.

Mt. Pinos Condor Area: an area of land, water, and airspace in Ventura and Kern Counties, with the following components (San Bernardino Meridian): T8N R21W W½ Sec. 5, Sec. 6, N½ Sec. 7, NW¼ Sec. 8, T8N R22W Sec. 1, 2, E½ Sec. 3, NE¼ Sec. 10, N½ Sec. 11, N½ Sec. 12; T9N R21W Sec. 31, 32, W½ Sec. 33; T9N R22W E½ Sec. 35, Sec. 36. *Blue Ridge Condor Area:* an area of land, water, and airspace in Tulare County, with the following components (Mt. Diablo Meridian): T19S R29E Sec. 5–9, 15–22, 27–30. The Mt. Pinos and Blue Ridge Condor areas, as described above, are considered critical for roosting.

Tejon Ranch: an area of land, water, and airspace in Kern County, with the following components (San Bernardino Meridian): R16W T10N, R17W T10N, R17W T11N, R18W T9N, R18W T10N, R19W T10N. *Kern County rangelands:* an area of land, water, and airspace in Kern County between California State Highway 65 and the western boundary of Sequoia National Forest, with the following components (Mt. Diablo Meridian): R29E T25S, R29E T26S, R30E T25S, R30E T26S. *Tulare County rangelands:* an area of land, water, and airspace in Tulare County between California State Highway 65, State Highway 198, and the western boundary of Sequoia National Forest, with the following components (Mt. Diablo Meridian): R28E T18S (all sections); R28E T19S (all sections); R28E T20S (all sections); R28E T21S Sec. 1–18; R29E T20S (all sections); R29E T21S Sec. 1–18. The Tejon Ranch, Kern County rangelands, and Tulare County rangelands, as described above, are considered critical for feeding and related activities. The Tejon Ranch is very important because it contains the only significant feeding habitat remaining in close proximity to the Sespe-Piru condor nesting area. In most cases condor feeding habitat is not so restricted as nesting and roosting sites, and only certain portions of the areas described above are needed at any one time. Because, however, the location of food is directly related to both condor distribution and reproductive success, substantial areas of open range, with adequate food, and limited development and disturbance, would have to be preserved in each delineated area in order to maintain the species.

INDIANA BAT (*Myotis sodalis*)

Illinois. Blackball Mine, La Salle County.

Indiana. Big Wyandotte Cave, Crawford County; Ray's Cave, Greene County.

Kentucky. Bat Cave, Carter County; Coach Cave, Edmonson County.

Missouri. Cave 021, Crawford County; Cave 009, Franklin County; Cave 017, Franklin County; Pilot Knob Mine, Iron County; Bat Cave, Shannon County; Cave 029, Washington County (numbers asigned by Division of Ecological Services, U.S. Fish and Wildlife Service, Region 6).

Tennessee. White Oak Blowhole Cave, Blount County.

West Virginia. Hellhole Cave, Pendleton County.

The precise localities of these caves and mines are on file with the U.S. Fish and Wildlife Service. Approximately 94 percent of the known Indiana bat population hibernates at these sites. The bats are entirely dependent on the shelter provided by these caves and mines during the winter. Their loss or subjection to excessive disturbance or modification would lead to the near or total extinction of the species. Riparian habitat is also believed to be essential to the bat for feeding and reproduction. These habitats are currently being evaluated and may be proposed in the future as critical habitat.

FLORIDA MANATEE (TRICHECHUS MANATUS)

Florida. Crystal River and its headwaters known as King's Bay, Citrus County; the Little Manatee River downstream from the U.S. Highway 301 bridge, Hillsborough County; the Manatee River downstream from the Lake Manatee Dam, Manatee County; the Myakka River downstream from Myakka River State Park, Sarasota and Charlotte Counties; the Peace River downstream from the Florida State Highway 760 bridge, De Soto and Charlotte Counties; Charlotte Harbor north of the Charlotte-Lee County line, Charlotte County; Caloosahatchee River downstream from the Florida State Highway 31 bridge, Lee County; all U.S. territorial waters

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adjoining the coast and islands, and all connected bays and estuaries, and rivers from Gordon's Pass, near Naples, Collier County, southward to and including Whitewater Bay, Monroe County; all waters of Card, Barnes, Blackwater, Little Blackwater, Manatee, and Buttonwood Sounds between Key Largo, Monroe County, and the mainland of Dade County; Biscayne Bay, and all adjoining and connected lakes, rivers, canals, and waterways from the southern tip of Key Biscayne northward to and including Maule Lake, Dade County; all of Lake Worth, from its northernmost point immediately south of the intersection of U.S. Highway 1 and Florida State Highway A1A southward to its southernmost point immediately north of the town of Boynton Beach, Palm Beach County; the Loxahatchee River and its headwaters, Martin and West Palm Beach Counties; that section of the intracoastal waterway from the town of Sewalls Point, Martin County to Jupiter Inlet, Palm Beach County; the entire inland section of water known as the Indian River, from its northernmost point immediately south of the intersection of U.S. Highway 1 and Florida State Highway 3, Volusia County, southward to its southernmost point near the town of Seawalls Point, and the entire inland section of water known as the Banana River and all waterways between the Indian and Banana Rivers, Orange and Brevard Counties; the St. Johns River, including Lake George, and including Blue Springs and Silver Glen Springs from their points of origin to their confluences with the St. Johns River; that section of the Intracoastal Waterway from its confluence with the St. Marys River on the Georgia-Florida border to the Florida State Highway A1A bridge south of Coastal City, Nassau and Duval Counties.

The delineated areas contain the largest concentrations of manatees in the United States, and are the only areas that presently can be defined as having major dependent populations. The Crystal River and its King's Bay headwaters form one of the largest natural warm water resources for manatees. Up to 60 manatees possibly representing six to ten percent of the total population of the species in the United States, utilize this refugium during cold weather periods. The Little Manatee, Manatee, Myakka, and Peace rivers, and Charlotte Harbor all support large manatee concentrations. Manatees also utilize the Caloosahatchee River and associated coastal areas. The warm water discharge of the Florida Power and Light Company Ft. Meyers power plant into the Orange River, on the south bank of the Caloosahatchee River at Tice, is known to attract as many as 75 manatees during cold periods. The area off the coast of Collier and Monroe Counties, southwestern Florida, is the center of a large, but uncounted manatee population. This population is at least partially resident and is dependent on the extensive local growths of *Thalassia* and *Diplanthera* as a primary food resource. Concentrations of as many as 75 manatees are observed in Whitewater Bay. The waterway formed by Card, Barnes, Blackwater, and Buttonwood sounds may constiture the manatee's essential thoroughfare between Miami-Biscayne Bay and the lower Keys and Florida Bay.

PROCEDURES

The rule proposed in this notice will be followed by a more complete rulemaking on the entire subject of critical habitat. That rulemaking will codify, among other things, the criteria for determining critical habitat and general rules for Federal agencies. At the time that this future rulemaking is adopted, the specific determinations proposed here for these six species will become part of that rulemaking. In the interim, this special designation of critical habitat, upon final rulemaking, will be found in new §§ 17.81 through 17.86, under Subpart F—Critical Habitats, 50 CFR Part 17. This Subpart was proposed to be added to Part 17 by the proposed regulation for determining critical habitat for the Mississippi sandhill crane (40 FR 40521–40522, September 3, 1975).

PUBLIC COMMENTS SOLICITED

The Director intends that finally adopted rules be as responsive as possible to the conservation of the critical habitat of endangered and threatened species. The Director therefore desires to obtain the comments and suggestions of the public, other concerned government agencies, and private interests on these proposed rules.

Final promulgation of critical habitat regulations will take into consideration the comments received by the Director. Such comments and any additional information received may lead the Director to adopt final regulations that differ from this proposal.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. All relevant comments received no later than February 20, 1976, will be considered. The Service will attempt to acknowledge receipt of comments, but substantive responses to individual comments may not be provided. Comments received will be available for public inspection during normal business hours at the Service's Office in Suite 600, 1612 K Street NW., Washington, D.C.

Accordingly, it is hereby proposed to amend 50 CFR Part 17 to determine critical habitat for the following endangered species, as shown below.

Dated: November 12, 1975.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

1. Amend the proposed Subpart F, 50 CFR Part 17, by adding the following new §§ 17.81 through 17.86.

Subpart F—Critical Habitat

Sec.
17.81 Snail darter.
17.82 American crocodile.
17.83 Whooping crane.
17.84 California condor.
17.85 Indiana bat.
17.86 Florida manatee.

Subpart F—Critical Habitat

§ 17.81 Snail darter.

(a) The following area is critical habitat for the snail darter (*Percina (Imostoma)* sp.): From river mile 0.5 to river mile 17 of the Little Tennessee River, Loudon County, Tennessee, as shown on a map entitled "Tellico Project", prepared by Tennessee Valley Authority, Bureau of Water Control Planning, August 1965 (map 65–MS–453 K 501).

(b) Pursuant to section 7 of the act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of this critical habitat area.

§ 17.82 American crocodile.

(a) The following area is critical habitat for the American crocodile (*Crocodylus acutus*): All land and water within the following boundary in Florida: beginning at the easternmost tip of Turkey Point, Dade County, on the coast of Biscayne Bay; thence southeastward along a straight line to Christmas Point at the southernmost tip of Elliott Key; thence southwestward along a line following the shores of the Atlantic Ocean side of Old Rhodes Key, Palo Alto Key, Anglefish Key, Key Largo, Plantation Key, Windley Key, Upper Matecumbe Key, Lower Matecumbe Key, and Long Key, to the westernmost tip of Long Key; thence northward along a straight line to the termination of the main Everglades National Park road at Flamingo; thence to a point ten road miles northeastward along the main Everglades National Park road; thence northeastward along a straight line to the point of beginning.

(b) Pursuant to section 7 of the act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of this critical habitat area.

§ 17.83 Whooping crane.

(a) The following areas are critical habitat for the whooping crane (*Grus americana*):

(i) *Texas.* An area of land, water, and airspace within Texas with a boundary as follows: beginning at a point where Texas State Highway 35 crosses the Refugio-Aransas County line; thence eastward along the Refugio-Aransas county line to the point at which this line reaches San Antonio Bay; thence northeastward across San Antonio Bay to the

westernmost tip of Swan Point, Calhoun County; thence southeastward along a straight line drawn through the westernmost tip of Vanderveer Island on the south side of Espiritu Santo Bay and through Matagorda Island to the point at which the line reaches the coast of the Gulf of Mexico; thence southwestward along the outer shores of Matagorda and St. Joseph Islands to a point five statute miles southwest of Cedar Bayou; thence northwestward to the point at which the Texas State Highway 35 bridge over Aransas Bay reaches the Lamar Peninsula; thence northward along Texas State Highway 35 to the point of beginning.

(ii) *Oklahoma.* Salt Plains National Wildlife Refuge, Alfalfa County.

(iii) *Kansas.* Quivira National Wildlife Refuge, Stafford, Reno and Rice Counties; and Cheyenne Bottoms State Waterfowl Management Area, Barton County.

(iv) *Nebraska.* An area of land, water, and airspace within Nebraska with a boundary as follows: beginning at the junction of U.S. Highway 283 and U.S. Highway 30 at Lexington, Dawson County; thence eastward along U.S. Highway 30 to its junction with U.S. Highway 281 near Grand Island, Hall County; thence southward along U.S. Highway 281 to its junction with U.S. Highway 136 at Red Cloud, Webster County; thence westward along U.S. Highway 136 to its junction with U.S. Highway 183 at Alma, Harlan County; thence northward along U.S. Highway 183 to its junction with U.S. Highway 34 at Holrege, Phelps County; thence westward along U.S. Highway 34 to its junction with Nebraska State Highway 23; thence northwestward along Nebraska State Highway 23 to its junction with U.S. Highway 283 at Elwood, Gosper County; thence northward along U.S. Highway 283 to the point of beginning.

(v) *Idaho.* Grays Lake National Wildlife Refuge, and all land and water within one mile of the boundaries of this refuge, Bonneville and Caribou Counties.

(vi) *Colorado.* Monte Vista National Wildlife Refuge, Alamosa and Rio Grande Counties; and Alamosa National Wildlife Refuge, Alamosa and Conejos Counties.

(vii) *New Mexico.* All areas at or below 4,600 in elevation of Bosque del Apache National Wildlife Refuge, Socorro County.

(b) Pursuant to section 7 of the act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded or carried out by them do not result in the destruction or modification of these critical habitat areas.

§ 17.84 California condor.

(a) The following areas in California are critical habitat for the California condor (*Gymnogyps californicus*):

(i) *Sespe-Piru Condor Area:* an area of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain, in Ventura and Los Angeles Counties, with the following components (San Bernardino Meridian): Sespe Condor Sanctuary, as delineated by Public Land Order 695 (January 1951); T4N R20W Sec. 2, 5–10, N½ Sec. 11; T4N R21W Sec. 1–3, 10–12, N¼ Sec. 13, N¼ Sec. 14, N¼ Sec. 15; T5N R18W Sec. 4–9, 18, 19, 30, 31, N½ Sec. 3, N½ Sec. 17; T5N R21W Sec. 1–4, 9–16, 21–28, 33–36; T6N R18W Sec. 7–11, 14–23, 26–35; T6N R19W Sec. 7–36; T6N R20W Sec. 8–36; T6N R21W Sec. 13–36; T6N R22W Sec. 3–26, 35, 36; T6N R23W Sec. 1–3, 10–14, 24, N½ Sec. 23; T7N R22W Sec. 31; T7N R23W Sec. 34–36.

(ii) *Matilija Condor Area:* an area of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain, in Ventura and Santa Barbara Counties, with the following components (San Bernardino Meridian): T5N R24W W½ Sec. 3, Sec. 4–11, 14, 15, N½ Sec. 16, N¼ Sec. 17; T5N R25W E½ Sec. 1, NE¼ Sec. 12; T5½N R24W Sec. 31–34; T6N R24W S½ Sec. 32, S½ Sec. 33, S½ Sec. 34.

(iii) *Sisquoc-San Rafael Condor Area:* an area of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain, Santa Barbara County, with the following components (San Bernardino Meridian): T6N R26W Sec. 5, 6; T6N R27W Sec. 1, 2; T7N R26W Sec. 5–8, 17–20, 29–32; T7N R27W Sec. 1–14, 23–26, 35, 36, T7N R28W Sec. 1, 2, 11, 12; T8N R26W Sec. 19–22, 27–34; T8N R27W Sec. 19–36.

(iv) *Hi Mountain-Beartrap Condor Areas:* areas of land, water, and airspace to an elevation of not less than 3,000 feet above the terrain in San Luis Obispo County, with the following components (Mt. Diablo Meridian): T30S R16E Sec. 13, 14, 23–26, SE¼ Sec. 11, S½ Sec. 12; T30S R17E Sec. 17–20, 29, 30; T31S R14E Sec. 1, 2, 11, 12, E½ Sec. 3, E½ Sec. 10, N½ Sec. 14, N½ Sec. 13; T31S R15E W½ Sec. 6, W½ Sec. 7, NW¼ Sec. 18.

(v) *Mt. Pinos Condor Area:* An area of land, water, and airspace in Ventura and Kern Counties, with the following components (San Bernardio Meridian): T8N R21W W½ Sec. 5, Sec. 6, N½ Sec. 7, NW¼ Sec. 8; T8N R22W Sec. 1, 2, E½ Sec. 3, NE¼ Sec. 10, N½ Sec. 11, N½ Sec. 12; T9N R21W Sec. 31, 32, W½ Sec. 33; T9N R22W E½ Sec. 35, Sec. 36.

(vi) *Blue Ridge Condor Areas:* An area of land, water, and airspace in Tulare County, with the following components (Mt. Diablo Meridian): T19S R29E Sec. 5–9, 15–22, 27–30.

(vii) *Tejon Ranch:* an area of land, water, and airspace in Kern County, with the following components (San Bernardino Meridian): R16W T10N, R17W T10N, R17W T11N, R18W T9N, R18W T10N, R19W T10N.

(viii) *Kern County rangelands:* an area of land, water, and airspace in Kern County between California State Highway 65 and the western boundary of Sequoia National Forest, with the following components (Mt. Diablo Meridian): R29E T25S, R29E T26S, R30E T25S, R30E T26S.

(ix) *Tulare County rangelands:* an area of land, water, and airspace in Tulare County between California State Highway 65, State Highway 198, and the western boundary of Sequoia National Forest, with the following components (Mt. Diablo Meridian): R28E T18S (all sections); R28E T19S (all sections); R28E T20S (all sections); R28E T21S Sec. 1–18; R29E T20S (all sections); R29E T21S Sec. 1–18.

(b) Pursuant to section 7 of the act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these critical habitat areas.

§ 17.85 Indiana bat.

(a) The following areas are critical habitat for the Indiana bat (*Myotis sodalis*):

(i) *Illinois.* The Blackball Mine, La Salle County.

(ii) *Indiana.* Big Wyandotte Cave, Crawford County; Ray's Cave, Greene County.

(iii) *Kentucky.* Bat Cave, Carter County; Coach Cave, Edmonson County.

(iv) *Missouri.* Cave 021, Crawford County; Cave 009, Franklin County; Cave 017, Franklin County; Pilot Knob Mine, Iron County; Bat Cave, Shannon County; Cave 029, Washington County [numbers assigned by Division of Ecological Services, U.S. Fish and Wildlife Service, Region 6].

(v) *Tennessee.* White Oak Blowhole Cave, Blount County.

(vi) *West Virginia.* Hellhole Cave, Pendleton County.

(b) Pursuant to section 7 of the act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these critical habitat areas.

§ 17.86 Florida manatee.

(a) The following areas in Florida are critical habitat for the Florida manatee (*Trichechus manatus*): Crystal River and its headwaters known as King's Bay, Citrus County; the Little Manatee River downstream from the U.S. Highway 301 bridge, Hillsborough County; the Manatee River downstream from the Lake Manatee Dam, Manatee County; the Myakka River downstream from Myakka River State Park, Sarasota and Charlotte Counties; the Peace River downstream from the Florida State Highway 760 bridge, De Soto and Charlotte Counties; Charlotte Harbor north of the Charlotte-Lee county line, Charlotte County; Caloosahatchee River downstream from the Florida State Highway 31 bridge, Lee County; all U.S. territorial waters adjoining the coast and islands of Lee County; all U.S. territorial waters adjoining the coast and islands and all connected bays, estuaries, and rivers from Gordon's Pass, near Naples, Collier County, southward to and including Whitewater Bay, Monroe County; all waters of Card, Barnes, Blackwater, Little Blackwater, Manatee, and Buttonwood sounds between Key Largo, Monroe

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County, and the mainland of Dade County; Biscayne Bay, and all adjoining and connected lakes, rivers, canals, and waterways from the southern tip of Key Biscayne northward to and including Maule Lake, Dade County; all of Lake Worth, from its northernmost point immediately south of the intersection of U.S. Highway 1 and Florida State Highway A1A southward to its southernmost point immediately north of the town of Boynton Beach, Palm Beach County; the Loxahatchee River and its headwaters, Martin and West Palm Beach Counties; that section of the intracoastal waterway from the town of Sewalls Point, Martin County to Jupiter Inlet, Palm Beach County; the entire inland section of water known as the Indian River, from its nothernmost point immediately south of the intersection of U.S. Highway 1 and Florida State Highway 3, Volusia County, southward to its southernmost point near the town of Sewalls Point, Martin County, and the entire inland section of water known as the Banana River and all waterways between the Indian and Banana rivers, Orange and Brevard Counties; the St. Johns River, including Lake George, and including Blue Springs and Silver Glen Springs from their points of origin to their confluences with the St. Johns River; that section of the Intracoastal Waterway from its confluence with the St. Marys River on the Georgia-Florida border to the Florida State Highway A1A bridge south of Coastal City, Nassau and Duval Counties.

(b) Pursuant to section 7 of the act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of the critical habitat area.

[FR Doc.75-33841 Filed 12-15-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. 75-9]

[23 CFR Part 750]

NATIONAL STANDARDS FOR DIRECTIONAL AND OFFICIAL SIGNS

Advance Notice of Proposed Rulemaking

The Federal Highway Administration is herein issuing an advance notice of proposed rulemaking in regard to the National Standards for Directional and Official Signs which the Department of Transportation has issued for signs along the Interstate and Federal-aid primary system containing directional information pertaining to, but not limited to, natural wonders, scenic and historical sites, pursuant to 23 U.S.C. § 131(c), as amended, at Subpart B, Part 750, Title 23, CFR, as amended.

The purpose of this advance notice of proposed rulemaking is to make available to the public and to solicit comments from interested parties on a study concerning the aforementioned subject.

Current standards permit signs of a maximum area of 150 square feet, with a maximum width of 20 feet and a maximum length of 20 feet. However, since the issuance of the National Standards, there has been substantial controversy as to the adequacy of the standards. Some believe that the standards are too restrictive, while others believe the standards are too generous. Attention has focused specifically on the height, width, area, number, and spacing of signs. To evaluate objectively the National Standards issued, the Federal Highway Administration, in cooperation with the National Bureau of Standards, investigated the effectiveness of signs erected in accordance with the standards. The completed study was made available to the public on October 17, 1975.

Copies of this study will be available after January 5, 1976, for inspection at all Regional and Division offices of the Federal Highway Administration and the Office of Chief Counsel, Room 4226, Federal Highway Administration, 400 7th Street SW., Washington, D.C. 20590. Copies are also available upon request from the foregoing office. The addresses of the Regional offices are as follows:

Federal Highway Administration—Region 1, Leo W. O'Brien Federal Building, Room 729, Clinton Avenue and North Pearl Street, Albany, New York 12207.
Federal Highway Administration—Region 3, George H. Fallon Federal Office Building, 31 Hopkins Plaza, Room 1633, Baltimore, Maryland 21201.
Federal Highway Administration—Region 4, Suite 200, 1720 Peachtree Road NW., Atlanta, Georgia 30309.
Federal Highway Administration—Region 5, 18209 Dixie Highway, Homewood, Illinois 60430.
Federal Highway Administration—Region 6, 619 Taylor Street, Fort Worth, Texas 76102.
Federal Highway Administration—Region 7, 6301 Rockhill Road, Kansas City, Missouri 64131, Mailing address: Post Office Box 19715, Kansas City, Missouri 64141.
Federal Highway Administration—Region 8, Post Office Box 25246, Building 40, Denver Federal Center, Denver, Colorado 80225.
Federal Highway Administration—Region 9, Two Embarcadero Center, Suite 530, San Francisco, California 94111, Mailing address: Post Office Box 7616, San Francisco, California 94120.
Federal Highway Administration—Region 10, Mohawk Building, Room 412, 222 SW. Morrison Street, Portland, Oregon 97204.
Federal Highway Administration—Region 15, 1000 North Glebe Road, Arlington, Virginia 22201 (Eastern Federal Highway Projects Office).

The Division offices are located in the State capitals, with the exception of those of Iowa and Maryland, which are located in Ames and Baltimore, respectively.

Data and comments on this advance notice of proposed rulemaking may be submitted to the Federal Highway Administration, Department of Transportation, Room 4226, Docket No. 75-9, 400 7th Street, SW., Washington, D.C. 20590. All written communications received by February 9, 1976, will be considered before final action is taken on this proposal. Three (3) copies of any data and comments should be submitted and reference made to Docket No. 75-9. Copies of comments received will be available for examination during normal business hours, 7:45 a.m. to 4:15 p.m., at the foregoing address.

This advance notice of proposed rulemaking is issued under the authority of 23 U.S.C. § 131 and § 315; 49 CFR 1.48.

Issued on: December 9, 1975.

J. R. COUPAL, JR.,
Deputy Administrator,
Federal Highway Administrator.

A summary of the study follows: The 1965 Highway Beautification Act made provisions for the establishment of effective control of outdoor advertising signs, displays, and devices which are visible from highways in the United States. In support of the Act, the Department of Transportation in 1969 issued National Standards for Directional and Other Official Signs. These standards apply to signs that contain directional information for attractions such as natural wonders, scenic and historical sites, and other activities deemed to be in the interest of the traveling public. Moreover, they pertain to signs located within 660 feet of the nearest edge of the right-of-way of the Interstate and Federal-aid primary system. They do not apply to signs erected on the highway right-of-way.

The standards have been controversial and have come under criticism from both commercial and environmental groups. Environmental groups have criticized the standards for being too liberal whereas commercial groups have objected to them for being too restrictive. Furthermore, private businesses that are permitted to erect directional information signs in the protected zone have criticized the standards on the grounds that they are inconsistent with the information processing requirements of the motorist. For example, The National Caves Association, an organization of privately owned and operated caverns, has criticized the standards on this basis.

The sign design constraints in the standards that have been most severely challenged concern the restrictions placed on sign height, width, area, number and spacing. The maximum sign dimensions permitted under the existing standards, including border and trim, but not supports are: area=150 square feet, height=20 feet, and width=20 feet. No more than three directional signs for a given activity and facing the same direction of travel may be located along any single approach route to the activity. No two signs may be spaced less than one mile apart and none can be located within 2,000 feet of an interchange or intersection. In addition, the signs have to be within 75 air miles of the activity for the Interstate System and within 50 air miles for the Primary System.

In response to the questions raised concerning the adequacy of the standards, the Office of Environmental Policy of the Federal Highway Administration (FHWA) requested the FHWA Office of Research to evaluate the standards on the basis of the needs of the motorist. Pursuant to this request the Office of

Research initiated a human factors evaluation of the existing standards. The National Bureau of Standards (NBS), under contract to FHWA, assisted in this evaluation by performing a review of the adequacy of the standards based on an analysis of pertinent literature and existing data. The results of the NBS review are documented in a report entitled, "An Overview of the Adequacy of National Standards for Directional and Other Official Signs." As a parallel effort the FHWA Office of Research also conducted a human factors staff study on the importance of sign location to driver information processing. The technical report presenting the results of this study is entitled, "A Laboratory Evaluation of Public Information Signs." Copies of both of these reports are included in the aforementioned study.

OBJECTIVE

The objective of this paper is to synthesize the results of the NBS review and FHWA staff study and summarize the important conclusions and recommendations. The primary question addressed in the analysis was: Are the present National Standards for Directional and Other Official Signs adequate in terms of the information processing requirements of the motorist? The secondary question concerned how the standards should be changed in the event they were found to be inadequate.

APPROACH

To address the question concerning the adequacy of the current standards, NBS completed a comprehensive literature search and review of the pertinent available data. In conjunction with the technical literature review, four experts were consulted whose published research dealt with subjects relevant to parts of the standards. The consultants performed a review of the standards and responded to questions on specific points. On the basis of the examination of the relevant technical material, two recently developed theoretical models dealing with driver information processing were identified as being applicable to the evaluation. Using these models, a theoretical analysis was performed on the standards. To provide a real world frame of reference for considering the results of the theoretical analysis, measurements were taken on signs in the field. This theoretical analysis is the primary basis for many of the conclusions and recommendations presented in the report.

In addition to the NBS work, two laboratory experiments were conducted by FHWA staff in the Office of Research. The experiments were designed to study the importance of sign angle of regard to driver information processing. The term "angle of regard" is used in this report to refer to the divergence angle between the direction of roadway travel and the driver's line of sight toward the sign. In the first experiment comparisons were made between the relative effectiveness of signs varying in size, message length, and angle of regard. The second experiment investigated the effects of different numbers and spacings of signs on driver performance. Both experiments employed a part-task simulator which provided measures of drivers' perception and comprehension of signing information, latitudinal and longitudinal control, and decision making at roadway junctures.

Theoretical Analysis. The two theoretical models that were determined by by NBS to be applicable to the question of adequacy of the standards were developed by King (1971) and Rockwell (1973). Both models consider the effects of vehicular velocity, perpendicular distance between the sign and roadway, sign width, number of words on the sign, and the angle of regard on the minimum viewing distance of a sign. There models assume ideal visibility conditions. The minimum viewing distance is the minimum line of sight distance at which the driver must begin reading a given sign in order to have enough time to adequately process all of its information. It is distinguished from the term, legibility distance, which refers to the maximum distance at which a sign can be read because of the characteristics of its letters and numbers. For a sign to be adequate from the point of view of the motorist, it must satisfy both legibility and viewing distance requirements.

The King model is based on empirical research done by others in the United States and Great Britain whereas Rockwell's model is based primarily on his own eye-movement experiments. Both models use the geometrics shown in Figure 1. The parameters used in the models are:

AB = minimum viewing distance.
AC = minimum distance required to search and acquire information from the sign (minimum information processing distance). AC is the product of the design speed and minimum information processing time of the motorist.
DE = width of roadway.
EF = perpendicular distance between the inner edge of the sign and the outer edge of the roadway.
FB = one half the sign width.
θ (theta) = maximum acceptable angle of regard which determines the last point where the driver can read the sign (terminal divergence angle).

The equations of the King and Rockwell models reduce to the following general form:

$$AB = \sqrt{(AC + (DE + EF + FB)\cot\theta)^2 + (DE + EF + FB)^2}$$

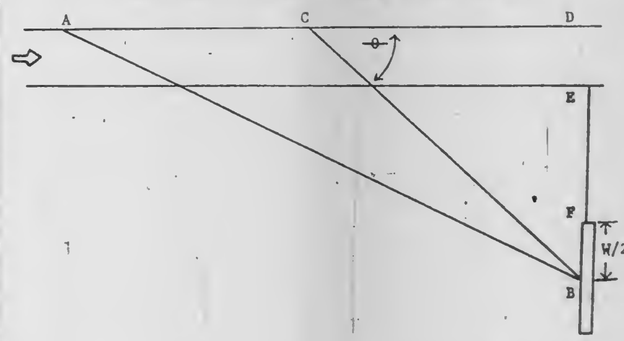


Figure 1. Geometrics used in theoretical models.

The difference between the two models pertains to the assumptions on which they are based. Although the mathematical form of the models reduce to an identical equation, the different assumptions of the models affect the values assigned to some of the parameters. There are two parameters affected by the assumptions, the minimum information processing distance (AC) and the terminal divergence angle θ. They will differ in value when the two models are compared.

The theoretical analysis performed by NBS consisted of comparing the legibility distances of signs designed according to the existing standards with their predicted minimum viewing distances as determined by the Rockwell and King models. The main premise of the analysis was that for a sign to meet the information processing requirements of the driver, its maximum legibility distance had to be greater or equal to its minimum viewing distance. In other words, a sign has to be capable of being read at the point (point A in Figure 1) where the driver must begin processing its information. The assumption is that if the motorist cannot begin reading the sign at its minimum viewing distance (point A) then he cannot finish reading it before he reaches the terminal divergence angle (point C in Figure 1). This is coupled with the assumption that the driver cannot adequate process informa-

V 40 242 DEC 16 75 XUM

tion on the sign beyond the terminal divergence angle. Therefore, for purposes of the analysis, the current standards were considered to be inadequate under the conditions where signs were not capable of being designed so that their maximum legibility distance was more or equal to their required viewing distance.

As part of the analysis, theoretical signs were designed for testing with the King and Rockwell models. This made it necessary to determine the maximum sign dimensions which could accommodate a worst case message in compliance with the standards. Signs were designed with the worst case message displayed in three different formats. The three formats presented the message in four, three, and two lines of text. Furthermore, five signs differing in letter case and line spacing characteristics were designed for each of the three formats. This brought the total number of types of theoretical signs that were tested against the models to 15. Presented in Figure 2 is one of the theoretical signs that was evaluated. It is a sign with the worst case message in four lines of text using upper and lower case letters.

An optimum height to width ratio had to be determined for each of the 15 theoretical signs so that each could be designed to fit in a 150 square foot area where neither the height nor width exceeded 20 feet. From the optimum height to width ratios, the actual height and width was calculated for each sign along with the resulting character height per line of text. Using the optimum character height, the legibility distances were then computed for each of the 15 theoretical signs.

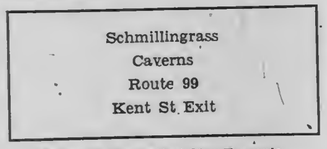


FIGURE 2. Theoretical Sign Example.

Having the maximum legibility distances for the 15 theoretical signs, optimally designed in compliance with the standards, comparisons were then possible between these values and the minimum viewing distances predicted by the King and Rockwell models as a function of perpendicular distance from the roadway edge. In addition, the sign dimensions for the equivalence point where maximum legibility distance and minimum viewing distance were equal were derived for each theoretical sign as a function of perpendicular distance. This latter analysis permitted an examination of what changes to the sign dimensions were required to maintain legibility and viewing distance requirements of signs located at various distances from the roadway.

Laboratory Experiments. The first laboratory experiment performed by FHWA staff concerned the effects of sign angle of regard, sign size, and message length on driver information processing. Thirty paid volunteers drove a part-task rolling road simulator and responded to sign stimuli located at 0, 14, 50, and 65 degrees relative to the roadway. These angles were chosen to represent signs positioned 0, 80, 370, and 660 feet from the pavement surface, respectively. Three sign sizes of 150, 375, and 600 square feet were simulated and two message lengths were used. One type of test sign had a short message (Deep Cave, Next Right). The other test sign had a long message (Natural Bridge Caverns, Next Exit Turn Right).

The simulator consisted of a modified AEtna driving unit, originally designed for driver training, and a moving roadway display. The simulated roadway was painted on a motor driven, back-lighted, 11 inch wide Mylar loop which the test driver viewed through a 6 x 2 inch viewing aperture. The roadway geometry varied in lateral position and provided destination choice points. Using the steering wheel and accelerator pedal control of the AEtna unit, subjects tracked the roadway and controlled its speed of movement.

Test signs were presented to the subjects by means of four 35mm projectors located behind 1 x 2 feet rear projection screens. The projection screens were positioned at 0, 14, 50 and 65 degrees relative to the driver's position and 10.6 feet from his eyes. Polarized filters were placed in front of each projector shutter to balance the light brightness between projectors, and the shutter opening on each projector was set for 0.5 seconds.

Each subject was instructed to drive the simulator and follow the test signs to a prescribed destination. They were told to ignore signs that were not relevant to their destination, but to push the dimmer switch in the AEtna cab with their foot when they identified a sign directing them to their destination. When they came to a junction in the road they were to take the appropriate direction indicated by the sign. The subjects were told to drive at their own pace.

The presentation of the signs in terms of the angle of regard, test slides, and irrelevant slides was programmed to be near random. The subjects completed three trials under each possible combination of size and angle of regard variables. On the three trials subjects were directed by the test signs to go right, left and straight ahead, respectively, at the roadway junctures. Half of the drivers, selected at random, were directed to the Deep Cave (short message) and half to Natural Bridge Caverns (long message). The order of sign presentation was changed halfway through the testing to counter balance the effects of learning.

The dependent variables for the experiment were (1) the subject's response latency to the test signs, (2) tracking variance in the vicinity of the test signs, (3) speed in the vicinity of the test signs, and (4) the number of correct choices at the roadway junctures.

The second laboratory experiment dealt with the relative effects of various numbers and spacings of signs on driver information processing. The number of test signs preceding each roadway juncture was varied between 2, 3, and 4 signs. Spacing variations included a condition where signs were spaced close together near the junction versus two conditions where the spacing distance was increased. In the second experiment all of the test signs were presented only in the two positions farthest from the road, 370 and 660 feet. Sign size was randomized and used. Otherwise, the conditions and measures were identical to those described for the first experiment.

RESULTS AND DISCUSSION.

Theoretical Analysis. The results of the NBS theoretical analysis will be presented and discussed first since they are the most germane to the central question of the evaluation. Only the most significant results will be covered here, however. The reader is referred to the original report for the complete details and results.

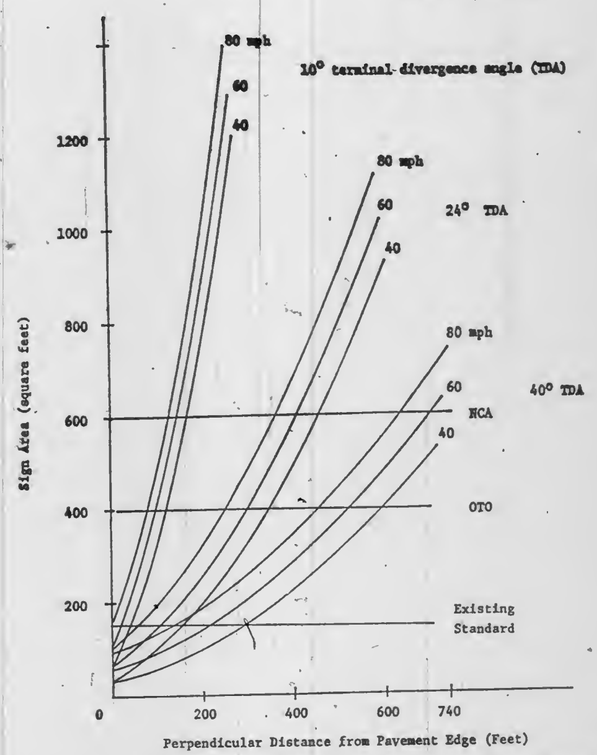


Figure 3. Required Sign Area as a function of Sign Location Parameters.

Perpendicular Distance from Pavement Edge (Feet)

Figure 3. Required Sign Area as a function of Sign Location Parameters.

Figure 3 summarizes the most important findings of the theoretical analysis. This figure shows the conditions under which the existing standard, in terms of the square footage limitation placed on total sign size, is adequate and inadequate. It also illustrates when the standards proposed by the FHWA Office of Traffic Operations (OTO) and the National Caves Association (NCA) are adequate and inadequate. The three lines drawn horizontally across the figure mark the sign area limitations under the existing standard, the proposed OTO standard, and the standard proposed by NCA. The areas below these lines depict the conditions under which these respective standards are adequate. The area above the lines show when they are inadequate.

Plotted along the vertical axis in Figure 3 is sign area in square feet and along the horizontal axis is the perpendicular distance in feet between the inner edge of the sign and the outer edge of the roadway. The curves show how the variables, vehicle speed and terminal divergence angle (angle of regard), affect required sign area as a function of a sign's perpendicular distance from the highway. The angle of regard values of 10, 24, and 40 degrees form three curve clusters in the figure with the lines in each cluster representing vehicular speed values of 40, 60, and 80 miles per hour.

It is apparent from Figure 3 that the existing standard, limiting the total sign area to 150 square feet, is not adequate for a large portion of the controlled 660 foot zone. For example, if the 40 mph/40° angle curve is examined, it can be seen that the existing standard becomes inadequate when a sign is placed greater than 300 feet from the edge of the highway. Similarly, the present standard is never adequate for the conditions represented by the 80 mph/10° angle curve.

It is important that the conditions represented by the curves in Figure 3 be clearly defined. As was pointed out earlier, in order for a given sign to satisfy the information processing requirements of the driver, it must be legible at its minimum viewing distance. Sign legibility is determined by many variables, but the most important one is letter size which in turn controls total sign size. On the other hand, minimum viewing distance is also affected by several variables the most critical of which are the perpendicular distance of the sign from the highway and its terminal divergence angle. Both of these variables affect the time afforded a driver to process the information on a sign. As expected the speed of the driver's vehicle is also important.

It comes down to the fact that the three major variables, sign distance from the roadway, terminal divergence angle, and the driver's speed combine to determine how large a sign must be to accommodate letter characters that are large enough to be adequately processed by the motorist. The curves in Figure 3 demonstrate how these variables relate to required sign size. It can be seen that as the terminal divergence angle increases from 10 to 40 degrees, the required sign size greatly decreases. Similarly, as the perpendicular distance between the sign and the roadway increases, much more sign area is needed. Increases in the speed at which the motorist is traveling also increases the necessary sign size:

In making the observation that the terminal angle of regard has a profound effect on required sign size, the question is raised concerning what value should be selected for this angle in determining the adequacy of the present standards. There is no evidence currently available that directly addresses this question. However, the FHWA laboratory work and work reported in Ewald and Mandelker (1971) permits some reasonable bounds to be placed on its value.

It can be argued that the 10 degree angle would be appropriate only under extreme conditions where the driver is heavily loaded in terms of visual input and demanding vehicular control actions. Such conditions exist for some urban area freeways which carry heavy traffic volumes where the interchanges are closely spaced and the driver is overloaded with visual information. As was pointed out in the NBS report, angles up to 10 degrees are within the limits that a driver can be expected to see and read roadside signs without head movement. Therefore, this angle is appropriate for the determination of sign sizes for extremely demanding driving conditions assuming line of sight requirements can be accommodated, but not as a basis for determining the overall adequacy of the present standards.

In terms of the most common driving conditions where the standards apply, it can be reasoned that a terminal divergence angle of 40 degrees is the maximum value that should be accepted. There are different views on this; e.g., Rockwell uses 30 degrees with his model. In the absence of any conclusive data, 40 degrees was considered the maximum acceptable angle to use in evaluating the present standard. It is compatible with the assumption that most of the traffic using signs where the standards apply will be moving on the average of 60 miles per hour. At 60 miles per hour, the driver can see clearly that detail which lies within an area of 110 to 1,400 feet ahead of the car and within an angle of 40 degrees (Ewald and Mandelker, 1971).

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There are other assumptions upon which the values in Figure 3 are based. It is clear that the quantity of information on a sign and its design affects the curves in this figure. These curves represent a sign that can be thought of as a worst case in terms of the information content. The worst case sign used is like the one illustrated in Figure 2. It has seven words and numerals and the identification content part of the information contains 21 characters. Few if any signs are required that exceed this much content and can still conform to the content specifications of the standard. The sign represented by the curves in Figure 3 is also designed with four lines of text. This was done because all of the worst case signs designed with three and two lines of text violated the width specification of the standard when optimum height to width ratios were determined. Therefore, the optimal design of the worst case sign in terms of the existing standards for the maximum use of 150 square feet has four lines of text. In addition, the sign represented in Figure 3 has upper and lower case characters and 0.75 interline spacing.

The legibility distance per inch of character height used to determine the curves in Figure 3 was 49.8 feet per inch. This is the "rule of thumb" value used by highway engineers to estimate the legibility distances of right-of-way signs that exhibit upper and lower case series E type alphabets. The 15 theoretical signs developed by NBS were all designed on the basis of the series E alphabet characteristics. The 49.8 feet per inch legibility distance value represents a highway design driver with 20/23 visual acuity. The visual angle associated with this rule of thumb value is 1.15 minutes of arc. This means that the visual angle subtended by the stroke width of a series E type letter character on the retina of the driver's eye at 49.8 feet is 1.15 minutes of arc.

Different curves would be generated in Figure 3 for each of the 15 theoretical signs analyzed by NBS. This is because the spacing and upper and lower case characteristics of the letters affect the legibility distances of the signs. For example, signs that exhibit all upper case letters have a legibility distance of 43.0 feet per inch of character height. Therefore in terms of maximum exploitation of the standards, signs with upper and lower case characters are more effective than those with all upper case letters because they exhibit greater legibility distances. The sign used to generate the curves in Figure 3 has optimum legibility characteristics.

The final qualification that must be stated about the theoretical analysis relates to the characteristics of the model used to determine the minimum viewing distances that were in turn employed in the computation of the required sign size values shown in Figure 3. King's model was used to obtain the results illustrated in this figure. The predictions from his model appear to be more consistent with field observations in comparison with the Rockwell model. The minimum viewing distance values computed by means of the Rockwell model were substantially greater than those predicted by the King model. Consequently, larger required sign sizes were predicted by the Rockwell model as a function of vehicle velocity and perpendicular sign distance. The reader should not form the conclusion however that the findings of the King model were found to be valid whereas those of the Rockwell model were not. A systematic field evaluation was not conducted to validate these two models since this was beyond the scope of the project. As NBS pointed out in their report, it is impossible to ascertain the precise accuracy of the predicted minimum viewing distances without a thorough field evaluation.

On balance, the results of the theoretical analysis performed by NBS support the conclusion that the present sign size limitation standards are inadequate for the outer portion of the 660 foot control zone. When the standards are given the benefit of the doubt through the use of the King versus the Rockwell model, a 40 degree terminal divergence angle, and a highway design speed of 60 miles per hour, they fail to permit adequate sign designs beyond 200 feet from the highway. However, the sign size standards do allow the design of signs that can satisfy the information processing needs of the driver when they are located within 200 feet of the highway.

Laboratory Experiments. The results of the first laboratory experiment indicated that sign size and angle of regard had a significant effect on driver performance in the simulator. The accuracy of the navigational decisions made at roadway junctions decreased significantly the farther the signs were located from the edge of the roadway. This decrease in accuracy was attenuated, however, with the larger sign sizes. In addition, comparisons between the longer and shorter messages showed an overall lower decision accuracy when signs with longer messages were used.

Results on the speed of response measure in Experiment I revealed that drivers responded faster to short message signs than they did to long message signs and they also responded faster to those at close distances to the simulated highway as opposed to those farther away. Sign size also produced a significant effect on the driver's speed of response. However, faster response times were associated with the middle sized sign (375 square feet) rather than the largest (600 square feet).

There were significant findings on the driving speed and roadway tracking performance measures in the first experiment. Higher speeds were associated with signs close to the roadway, but sign size and message length had no effect on this measure. The amount of variability in the driver's steering (tracking) in the vicinity of the test signs showed that the largest steering variance was associated with the largest sign.

In general, the results from Experiment I showed a degradation in driver performance with signs located at greater distances from the roadway. This is consistent with the NBS theoretical analysis which showed a lack of adequacy in the size standard for signs located in the outer reaches of the controlled zone. For example, the NBS analysis indicated a failure in the size standard for signs greater than 100 feet from the highway assuming a highway design speed of 60 miles per hour and a terminal divergence angle of 24 degrees. The FHWA staff study revealed more than a 20 percent drop in driver navigational accuracy when the 150 square foot sign with seven words (long message) was moved from 80 to 370 feet from the roadway edge. These distances represented angles of regard of 14 and 50 degrees respectively. Since distances between 80 and 370 feet were not simulated in the FHWA staff study, it is not possible to ascertain the effects of signs positioned between 80 and 370 feet from the roadway on navigational decision accuracy. Nevertheless, the breakdown in driver performance associated with signs in compliance with the standards located in the outer two-thirds portion of the control zone, as predicted by the NBS analysis, was in general substantiated by the laboratory results.

More specifically, the NBS and FHWA studies agree that the present size standard is adequate within 80 feet from the highway edge. Even the more stringent, but ideally more acceptable, terminal divergence angle of 24 degrees at a design speed of 60 miles per hour is compatible with the current standard within 100 feet (see Figure 3). On the other hand, the laboratory work is in concert with the NBS analysis that a terminal divergence angle of 40 degrees is a maximum upper limit for purposes of determining the required viewing distance of signs. Therefore, it comes down to the fact that both the laboratory and theoretical analysis suggest that the existing size standard is definitely adequate within 100 feet of the roadway. And, that this standard probably diminishes in its adequacy from 100 feet until it can only at best be considered minimally acceptable at 200 feet from the highway.

With regard to the results from laboratory Experiment II, neither variations in the number or spacing of signs produced statistically significant results. As the number of signs was increased from two to four, there was no tendency for subjects to make more correct choices at the roadway junctures. Also, variations in sign spacing produced no identifiable trend. Accuracy was the same when signs were bunched near the juncture as it was when the signs were spread along the entire length of the roadway. The caveat with respect to these findings, however, is that number and spacing variables do not lend themselves well to the simulation technique used here. Therefore, these results must be accepted somewhat tentatively.

The four experts in traffic signing that were commissioned by NBS to provide a

critique of the adequacy of the standards expressed their views on standards pertaining to number and spacing of signs. None of the consultants found justification to increase the number of signs or change the minimum spacing between signs. They agreed that if for some reason the spacing was changed, the minimum distance between signs should never be less than 1500–2000 feet.

[FR Doc.75–33668 Filed 12–15–75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 463–1]

[40 CFR Parts 51, 52]

STATE IMPLEMENTATION PLANS

Variances

On August 14, 1971 (36 FR 15486), the Administrator of the Environmental Protection Agency promulgated as 40 CFR Part 420, regulations for the preparation, adoption, and submittal of State Implementation Plans (SIPs) under section 110 of the Clean Air Act, as amended. These regulations were republished November 25, 1971 (36 FR 22398), as 40 CFR Part 51. Subsequent to this republication, numerous additions and changes have been made to the original requirements. The amendments proposed herein would further revise 40 CFR Part 51 by clarifying the requirements pertaining to variances to regulations which have been approved as part of a State Implementation Plan.

Background

In response to four appellate court decisions involving the question of variances, the Administrator on September 26, 1974 (39 FR 34533) promulgated new §§ 51.11(g) Legal Authority, 51.15(d) Compliance Schedules, 51.20 Attainment Dates for National Standards, and 52.26 Variances and Enforcement Orders to implement the court decisions. Also on that date the Agency promulgated a revised § 51.32(f).

As originally promulgated, § 51.32(f) permitted variances to be treated as plan revisions where the variance would not prevent attainment or maintenance of a national standard within the time specified in the plan. (See 38 FR 15958, June 19, 1973). This was true of variances that extended beyond an applicable attainment date as well as variances terminating prior to an applicable attainment date. However, on September 26, 1974, the section was revised to restrict the approvable term of a variance to the preattainment date period. As indicated above, this was done in consequence of four circuit court opinions. (For a more comprehensive narrative on the subject, see the Agency's Notice of Interim Variance Policy on Post Attainment Date Variances published on May 23, 1975, at 40 FR 22587). The Agency's rulemaking of September 26, 1974, (39 FR 34573) will not be pursued further.

One of these decisions, *NRDC et al, v. EPA*, 489 F. 2d 390 (CA 5, 1974), has since been overturned (on the variance issue) by the Supreme Court in *Train v. NRDC et al.*, (421 U.S. 60), 7 ERC 1735 (decided April 16, 1975). In its decision, the Supreme Court stated that EPA's original position on variances, i.e., that they were to be treated as a plan revision under § 110(a)(3), "was at least sufficiently reasonable that it should have been accepted by the reviewing courts." (7 ERC at 1739). In light of this pronouncement by the Supreme Court, EPA has decided to reinstate its original position on variances as reflected in the original § 51.32(f). The actions proposed herein accomplish this by withdrawing all conflicting regulations promulgated on September 26, 1974, and by reinstituting the substance of the original § 51.32(f). Also proposed herein is a new provision (§ 51.1(y)) which defines variances, and a new procedural provision (§ 51.34(a)) which emphasizes that, as is the case with all plan revisions that alter emission regulations or schedules, variances must be accompanied by a demonstration which shows that all requirements applicable to plan revisions have been met, and that such revisions and demonstrations are to be handled under the current procedures for submitting revisions to State Implementation Plans.

Definition of Variance

For the purpose of this regulation, the term variance is defined as the temporary deferral of a final compliance date for an individual source subject to an approved regulation, or a temporary change to an approved regulation as it applies to an individual source. Hence, it is assumed for purposes of these regulations, that a variance does not revise a source's underlying obligations; rather, that the variance merely alters the time frame within which the obligation must be satisfied. If the plan revision was such that the date was removed permanently or that the relaxed emission limit was continued as a new regulation, then the action would not be considered a variance.

As noted, Federally approved variances constitute revisions to the State Implementation Plans. Accordingly, the variance process must begin at the State level. All procedures set up by the State for variances would first have to be met by the source requesting the variance. If this were done and the State approved the variance request, the State would then have to submit the variance to the Administrator in the proper form following the procedures for submission of a plan revision. If the control strategy demonstration accompanying the submission showed that the variance would not interfere with attainment or maintenance of the national standards, then it would be approved by the Administrator. Otherwise, the variance would be disapproved. In this latter case, the State would have to seek recourse under § 110(f), or would have to revise its control strategy in some other manner, or take appropriate enforcement action. As noted by the Supreme Court, variances do not become part of an implementation plan until approved by EPA. (7 ERC at 1746.) Also, the pendency or granting of a variance at the State level does not, in itself, operate as a stay of Federal enforcement.

Implications of These Regulations

As explained above, the regulations proposed herein would treat any given variance as a plan revision. Under 40 CFR 51.8, any revision must, in order to be approvable, satisfy all requirements of 40 CFR Part 51. Of these requirements, the two most important are 40 CFR 51.4, which requires full public participation in the granting of the variances, and 40 CFR 51.12, 51.13, and 51.14, which require a demonstration that revisions to emission regulations or schedules will provide for sufficient emission reduction to ensure attainment and maintenance of the national standards.

Paragraph 51.4 requires at least one public hearing on the plan revision (variance), preceded by adequate notice of such hearing. Additionally, each local air pollution control agency within the region, and neighboring State(s) in the case of interstate AQCRs, must be notified of the variance request and the public must be given an opportunity to inspect the conditions of the variance.

By virtue of paragraphs 51.12, 51.13, and 51.14, a variance must be disapproved if it fails to provide for emission limitations necessary to attain and maintain the national standards.

Most States have considerable experience in developing control strategy demonstrations as described in 40 CFR 51. Additionally, the Environmental Protection Agency has published numerous Guidelines to assist States in analyzing ambient air quality data, and in assessing the potential impact of source emissions on that air quality.

A complete list of agency guidelines is available from the Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460. These guidelines are available from the Librarian of each EPA Regional Office. The guidelines which are most pertinent to the development and analysis of control strategy demonstrations are the following volumes of the technical series *Guidelines for Air Quality Maintenance Planning and Analysis:*

Volume 3: Control Strategies

Volume 5: Case Studies in Plan Development

Volume 10: Reviewing New Stationary Sources

The basis for Agency policy regarding approvability of plan revisions is the mandate in the Clean Air Act that the Administrator must approve implementation plans if they are adequate to attain and maintain the national standards, and therefore that he must disapprove plans which are not adequate to attain and maintain the national standards. The control strategy demonstration, which must be submitted in support of any revision to an emission regulation or schedule is the primary method by which the Administrator insures that this legislative mandate is accomplished.

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The typical control strategy demonstration is a very detailed document which contains the latest available comprehensive data regarding air quality, emissions and ambient background levels which influence that air quality, the regulations which control the emissions, and the procedures which ensure that the national standards will be maintained in the future. These four basic elements form the basis for determining the approvability of the plan revision.

Development of a control strategy demonstration is time consuming and expensive, and therefore, is usually undertaken only when absolutely necessary. For a State to develop an adequate control strategy demonstration in support of most variances, the complete emission inventory for the affected area would have to be updated, because emissions inventories are normally not routinely maintained; the available ambient monitoring data for the past several years would have to be collected and evaluated; the impact of emissions from sources which have been approved for construction but which are not yet reflected in the ambient data would have to be assessed; and any impact of existing regulations which have not been implemented, in combination with anticipated growth, would have to be projected. These data, and the impact of the proposed plan revision, would then have to be incorporated into, in most cases, a sophisticated air quality simulation model (atmospheric dispersion model) to assess the adequacy of the total control strategy.

It is not necessarily required that the control strategy demonstration be submitted for the entire Air Quality Control Region. The area affected by an individual source is a function of many variables. Generally, if a variance is proposed for a source located within an Air Quality Maintenance Area (AQMA) designated pursuant to 40 CFR 51.12(f) the demonstration would have to include all sources located within the AQMA, as well as any other sources within the area affected by the source for which the variance is being requested. This is because designation of an area as an AQMA is a preliminary indication that the existing State Implementation Plan for that area is potentially inadequate to ensure maintenance of the national standards. In the Administrator's judgment, a more complete air quality analysis is therefore warranted in these areas. However, this requirement would not necessarily apply to those few AQMAS in which air quality is substantially superior to the national standards.

For sources not located in AQMAs, the control strategy demonstration would normally have to include only those sources located within the area affected by the source in question, plus those additional sources whose emissions impact on the affected area. The areas considered in different control strategy demonstrations would therefore vary widely depending upon many considerations. However, even for a very small source, the control strategy demonstration must consider all significant sources within at least 5 kilometers of the source in question.

SEQUENTIAL VARIANCE SUBMITTAL

It should also be noted that Agency policy regarding treatment of sequential SIP revisions is to rely upon the State to determine which sources should receive any "benefits" attending SIP revisions. This policy, as applied to variances, means that the Administrator will assess the approvability of variances in the order in which they are submited by the State. For example, if a State were to submit three variances in sequence, the Administrator would approve those variances in sequence so long as at each step, attainment and maintenance of standards were demonstrated. If the first two variance requests provided adequate demonstration, but the third did not (due to the impact of the first two), then the third variance would be disapproved. The Administrator would not assess whether, for example, the first variance should be disapproved in order to permit approval of the third.

Using this same example, if all three variances were submitted simultaneously, absent a requested ordering of preference, all three would be disapproved. The Administrator would treat such a submittal as a total package, and would not assess the relative merits of the individual variances, even though one or two of the variances might be approvable as individual revisions.

The Administrator will assess the approvability of a variance under the same criteria used to assess the approvability of any other revision to emission regulations or schedules, i.e., whether the variance would interfere with attainment or maintenance of national standards.

Finally, it should be noted that as worded, the September 26, 1974, regulations referred to all post-attainment deferral action, including both enforcement orders and variances. Since that time extensive regulations involving post-attainment orders have been proposed by the Agency under a new Part 65. (See 40 FR 14876.) Accordingly, the proposal which follows does not address State deferral action that would qualify as enforcement under Part 65, except to the extent that the State deferral action would qualify as a plan revision.

OPPORTUNITY FOR PUBLIC COMMENT

In response to the regulations promulgated and proposed on September 26, 1974, 13 separate industrial and utility petitioners filed § 307 petitions in five separate circuit courts. All of these actions have been stayed in light of the above-cited *Train* case and consequential representations by the Agency that the September 26, 1974 regulations would be revised. Accordingly, although it would be appropriate to publish the following regulations as final rulemaking since they merely reinstate previous Agency policy with no additional requirements, it is nevertheless deemed desirable to release them as proposed rulemaking. By doing so, it is anticipated that any concerns still harbored by the 13 petitioning parties referred to above can be resolved through the administrative process rather than by costly and time-consuming litigation. Also, the proposal will provide NRDC (and the other parties responsible for the four circuit court cases which precipitated the September 26, 1974 regulations) with an opportunity to comment on the way EPA has chosen to implement the Supreme Court's decision in *Train V. NRDC et al.*

All interested parties are invited to submit written comments on the proposed regulations set forth below. Comments should be submitted, preferably in triplicate, to the Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, Attention: Mr. Schueneman. All relevant comments received on or before January 15, 1976, will be considered. Comments received by EPA will be available for inspection during normal business hours at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460. This notice of proposed rulemaking is issued under the authority of sections 110 and 301 of the Clean Air Act. (42 U.S.C. 1857c–5 and 1857g)

Dated: December 9, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 51 of Title 40, Code of Federal Regulations, is proposed to be amended as follows:

1. In § 51.1 paragraph (y) is added as follows:

§ 51.1 Definitions.

* * * * *

(y) "Variance" means the temporary deferral of a final compliance date for an individual source subject to an approved regulation, or a temporary change to an approved regulation as it applies to an individual source.

§ 51.11 [Amended]

2. In § 51.11, paragraph (g) is revoked.

§ 51.15 [Amended]

3. In § 51.15, paragraph (d) is revoked.

4. In § 51.32 paragraph (f) is revised to read as follows:

§ 51.32 Request for 1-year postponement.

(f) Notwithstanding the requirements of this section, a State's implementation plan may be revised in accordance with § 51.6 to permit a source to comply after the applicable attainment date with an emission limitation of that plan if such plan, as revised, continues to provide for attainment and maintenance of the national standards as provided in §§ 51.12, 51.13, and 51.14.

5. In Subpart C, § 51.34 is added as follows:

§ 51.34 Variances.

(a) In order to be considered for approval as a revision to the State implementation plan, a variance must be submitted by the State in accordance with the requirements of § 51.6.

Part 52 of Title 40, Code of Federal Regulations, is proposed to be amended as follows:

§ 52.26 [Revoked]

6. Section 52.26 is revoked.

[FR Doc.75-33866 Filed 12-15-75;8:45 am]

[40 CFR Part 52]

[FRL 468-4]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kentucky: Proposal of Plan Revision

On August 15, 1974 (39 FR 29357), the Administrator took approval/disapproval action on the Kentucky plan to attain and maintain the national ambient air quality standards in that State, his earlier approval of the plan having been vacated by a decision of the U.S. Court of Appeals for the Sixth Circuit. Chapter VII of the plan, control regulations, was approved except for section 1(b) of AP-1, which was explicitly disapproved since it could be construed as permitting the use of intermittent controls in cases where continuous controls were available. Chapter IV, Control Strategy: Sulfur Dioxide and Particulates, and Chapter V, Control Strategy: Carbon Monoxide, Hydrocarbons, Photochemical Oxidants, Nitrogen Dioxide, were approved as justifying the regulations set forth as Chapter VII.

At that time, the Administrator encouraged the Kentucky Division of Air Pollution to re-examine its sulfur dioxide control strategy to determine if it could be modified without jeopardizing the attainment and maintenance of the national standards for that pollutant. Also, the regulations of Chapter VII, adopted in 1972, expired on June 30, 1975. Accordingly, the Kentucky agency has developed a new body of control regulations. These were formally adopted on July 2, 1975. On August 30, 1975, the new regulations were submitted to EPA as a proposed plan revision. In addition, the analytical material justifying the new regulations was incorporated into revisions to Chapters IV and V, and these have also been submitted as plan revisions. The hearing on the new regulations was held on April 15, 1975, following public notice in all air quality control regions in the Commonwealth of Kentucky. Therefore, all procedural requirements of 40 CFR Part 51 have been met. The purpose of this notice is to describe the major changes in the Kentucky plan and to request public comment thereon.

MAJOR CHANGES

1. Under 401 KAR 3:010, the Department for Natural Resources and Environmental Protection may now unilaterally issue compliance schedules.

2. Under 401 KAR 3:040, regulations concerning emissions of asbestos, mercury, beryllium, and beryllium rocket motor firing are added.

3. Under 401 KAR 3:050, emission limitations for additional new source categories are as follows: (a) Process operations, (b) asphalt concrete plants, (c) petroleum refineries, (d) storage vessels for petroleum liquids, (e) secondary lead smelters, (f) secondary brass and bronze ingot production plants, (g) iron and steel plants, (h) sewage treatment plants, (i) sources using organic solvents, (j) Kraft (sulfate) pulp mills, (l) ethylene producing plants, and (m) oil-effluent water separators.

Kentucky already has Federally approved regulations for new installations of five source categories. In the proposed regulations, a change has been made in the regulation covering new installations of indirect heat exchangers to allow boiler averaging between existing units and new units in order to calculate total allowable emissions. This is in conflict with 40 CFR Part 60, and where such conflict exists, Part 60 must prevail.

4. Under 401 KAR 3:060, emission limits for some categories of existing sources are changed. The major changes are: (a) NO_x regulations for indirect heat exchangers are dropped, (b) SO_2 emission limits for indirect heat exchangers are tightened for some units and relaxed for others, in accordance with the degree of control required to meet ambient standards, (c) emission rate averaging by boiler over an entire facility is allowed in regulating SO_2 emissions from indirect heat exchangers, (d) particulate regulations for sulfuric acid plants and sulfate pulp mills are added, (e) carbon monoxide limitations from processes and hydrocarbon limitations from solvent disposal/evaporation are dropped, and (f) regulations for some sources are now found under different headings.

5. The date for attaining primary and secondary ambient standards for sulfur dioxide is set at July 1, 1977, for the entire State.

Additionally, many changes in definitions, grouping, and codification have been made to improve the readability of the regulations and to improve their usefulness as reference materials.

Copies of the three proposed chapters are available for public inspection at the following locations:

Air Programs Branch, Environmental Protection Agency, Region IV, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309
Kentucky Division of Air Pollution, U.S. 127 South, Frankfort, Kentucky 40601
Kentucky Division of Air Pollution, Appalachian Regional Office, 623 High Street, Room 22, Hazard, Kentucky 41701
Owensboro Regional Office, 311 W 2nd Street, Owensboro, Kentucky 42301
South Central Regional Office, 1032 College Street, Suite 202, Bowling Green, Kentucky 42101
Ashland Regional Office, 2106 29th Street, Ashland, Kentucky 41201
Cincinnati Regional Office, 7209 US 42, Florence, Kentucky 41402
Paducah Regional Office, 609 Kentucky Avenue, Paducah, Kentucky 42001

Interested persons are encouraged to submit written comments on the proposed plan revisions. These comments will be weighed carefully by EPA before the agency decides to approve or disapprove these changes in the Kentucky plan. Comments will be accepted on or before January 15, 1976. They should be addressed to: John Eagles, Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region IV, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309.

(42 U.S.C. 1857c-5(a))

Dated: December 8, 1975.

JACK E. RAVAN,
Regional Administrator.

[FR Doc.75-33758 Filed 12-15-75;8:45 am]

[40 CFR Part 52]

(FRL 468-8)

STATE IMPLEMENTATION PLANS

Air Pollution Emergency Plan for California

On August 14, 1971 (36 FR 15486), the Administrator promulgated regulations (originally designated 42 CFR 420.16, now designated 40 CFR 51.16) specifying minimum requirements for compliance with section 110(a)(2)(F)(v) of the Clean Air Act of 1970 (42 U.S.C. 1857c-5(a)(2)(F)(v)). These regulations required, as part of each State Air Quality Standards Implementation Plan (SIP), the establishment of an Air Pollution Emergency Episode Contingency Plan with at least two (2) stages for all Priority I and Priority II Air Quality Control Regions (AQCRs).

On October 23, 1971 (36 FR 20513), 40 CFR 51.16 was amended to include in paragraph (a), specific concentrations of pollutants "which would cause significant harm to the health of persons." Each state's Air Pollution Emergency Episode Contingency Plan is required to prevent these concentrations from occurring. The section was amended again on August 3, 1973 (38 FR 20835), by deleting paragraph (c), which had required the submittal of emission control action programs for each stationary source emitting 100 tons per year or more of any one pollutant.

On August 20, 1975 (40 FR 36330), 40 CFR 51.16(a) was revised to read that the significant harm level for photochemical oxidants is 1200 micrograms per cubic meter (0.6 ppm), for one-hour.

The SIP originally submitted by the State of California on February 21, 1972, did not contain comprehensive air pollution emergency contingency plans for any of California's Priority I or II AQCRs. The California SIP was therefore legally deficient in that it did not fulfill the requirements of 40 CFR 51.16. Furthermore, the episode plans contained in the rules and regulations of individual Air Pollution Control Districts within the State of California did not adequate meet the requirements of 40 CFR 51.16. The Administrator therefore, on May 31, 1972 (37 FR 10851), disap-

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proved the episode contingency plan portion of the California SIP, as originally submitted (40 CFR 52.231).

On November 13, 1973 the State of California adopted a Comprehensive Air Pollution Emergency Contingency Plan. This plan set forth requirements and guidelines for the development of detailed episode contingency plans by individual Air Pollution Control Districts (APCDs) within the State. Many APCDs adopted the rules needed to establish and implement episode programs to be in keeping with the State Plan.

On February 6, 1974, the State of California submitted its comprehensive Air Pollution Emergency Contingency Plan and the implementing regulations of the affected APCDs to the Administrator as Chapter 4 of Revision 4 to the California SIP.

After careful consideration, the Regional Administrator, on June 26, 1974 (39 FR 23069), proposed a conditional approval of part of California's comprehensive Air Pollution Emergency Plan and proposed a disapproval for regions not covered by the plan. In addition, the State was requested to correct several technical deficiencies and submit all APCD rules, state procedures for air episodes under the Peacetime Emergency Plan, and improved procedures for interdistrict coordination. Because of this conditional approval/disapproval, the State of California has significantly revised their plan. During the past 18 months, the State has responded to the technical deficiencies and other conditions noted by EPA. Since August 6, 1975, EPA and the Air Resources Board (ARB) have been on a voluntarily developed compliance schedule leading towards federal approval of an air episode plan for the South Coast Air Basin (SCAB) of California. The schedule is the result of the lawsuit brought against EPA and the ARB by the California Lung Association, etc. et al. in the U.S. District Court for the Central District of California, Civil No. CV 75 1044 WPG. The complaint requests the Court to order EPA to promulgate and enforce an episode plan for the SCAB until a State Plan is approved and to order the ARB to revise that portion of the SIP dealing with air episodes.

On December 5, 1975 the Executive Officer of the California Air Resources Board submitted California's Air Pollution Emergency Plan as amended on October 21, 1975 to the Regional Administrator as a revision to the California SIP.

The Administrator hereby issues this notice setting forth the California Air Pollution Emergency Plan as proposed rulemaking, and advises the public that comments may be submitted on whether the emergency plan should be approved or disapproved as required by section 110 of the Clean Air Act. Only comments received on or before January 15, 1976 will be considered. The Administrator's decision to approve or disapprove the plan is based on whether it meets the requirements of section 110(a)(2)(F)(v) and EPA regulations in 40 CFR Part 51.

The plan provides the basis for taking action to prevent air pollution concentrations from reaching levels which could endanger or cause significant harm to the public health and to abate such concentrations should they occur. The plan is primarily applicable in the areas of California which do not meet air quality standards and where the potential exists for air pollution to reach concentrations at which emergency actions are necessary.

The plan provides for abatement action and specifies the minimum geographical areas of applicability and pollutants (sulfur dioxide, oxidants, carbon monoxide). If excessive concentrations of other pollutants occur or are predicted to occur similar abatement actions or other actions as appropriate shall be taken by the affected APCD after consultation with the ARB.

The plan provides for three episode stages. Specific levels and abatement actions are given. The stages can be declared on either attained or predicted levels. A "4th Stage" (Air Pollution Disaster) is declared whenever medical authorities or local officials determine that a substantial number of persons are suffering or are likely to suffer incapacitating effects from air pollution and analysis of the data indicates the condition is likely to continue or reoccur. This stage can be declared regardless of the measured concentrations.

The APCDs are responsible for declaring episodes but the ARB can declare an episode after consultation with the APCD if the affected APCD fails to declare it immediately and the ARB determines it is predicted or exists. The APCDs are required to adopt the necessary rules and regulations to implement the revised plan. The ARB can enforce the appropriate provisions of the APCD's regulations if the APCD does not take responsible action to abate the episode.

The state plan and local regulations require abatement plans for both stationary and mobile sources. The stationary source abatement plans are required for an industrial business or commercial establishment emitting 100 tons per year or more of hydrocarbons or any pollutant included in the plan. Traffic abatement plans are directed toward reducing the causes for vehicular traffic but may include direct controls and must include specific actions to be taken at each episode stage. The abatement plans are reviewed and approved by the APCD according to the criteria established by the ARB. Abatement plans must be submitted by the source within 45 days after notification, reviewed by the APCD and approved or disapproved within an additional 45 days. If disapproved, the plan must be revised and resubmitted within 30 days of the notice of disapproval. If the required plan is not submitted within this time limit, the applicant is considered to be in violation of the APCD's rules and regulations. Each APCD must prepare plans for inspection of sources subject to mandatory curtailment to assure compliance and to determine effects of curtailment.

The plan requires approved procedures for interdistrict and interbasin coordination and in the absence of approved procedures provides for the source area to seek relief from the ARB from implementing actions considered inappropriate. The time limit gives the source area one hour to determine the appropriateness of the requested actions and the ARB an additional hour after receiving the request to advise the source area on what actions must be taken.

The following actions are taken when Stage 1 is declared:

1. Issue health warning for sensitive persons.
2. Advise schools to discontinue strenuous activities by students.
3. Abatement Actions—

a. Initiate actions to reduce vehicular traffic.

b. If a sulfur oxide episode is declared, request specific sulfur oxide sources to reduce emissions.

When Stage 2 is declared:

1. Issue health warning to sensitive persons and those displaying reaction symptoms.
2. Suspend programs which involve physical exertion by participants using public parks or public recreation facilities. Programs with adult participants in scheduled athletic events with paid attendance are excepted.
3. Abatement Actions—

a. Prohibit the burning of combustible refuse.

b. Implement the OPCD traffic curtailment plan appropriate to the episode.

c. Implement the APCD stationary source plans appropriate to the episode. Affected industries will be advised to prepare for possible shutdown.

d. If a carbon monoxide episode is declared, where appropriate and when approved by local law enforcement officials advise motorists to turn off engines.

When Stage 3 is declared:

1. Issue warnings, describing protective measures.
2. Implement the source inspection plans.
3. Abatement actions—

a. Implement the traffic curtailment plans appropriate to the episode.

b. Implement the stationary source curtailment plans appropriate to the episode.

When an Air Pollution Disaster is declared, the Governor will order the institution of any health protection and abatement actions he considers appropriate. Examples of disaster abatement actions are given in the plan, as are recommended "self-help" actions for oxidant episodes.

Copies of California's Air Pollution Emergency Plan are available for public inspection during normal business hours at the Office of EPA, Region IX, 100 California Street, San Francisco, California 94111 and at EPA's Los Angeles Contact Office, Room 2037, 300 North Los Angeles Street, Los Angeles, California 90012 and in the Office of the California Air Resources Board, 1709 11th Street, Sacramento, California 95814 and at the Public Information Reference Unit EPA, 401 "M" Street SW., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California 94111. Relevant comments received on or before January 15, 1976 will be considered and acknowledged. Comments received will be available during normal working hours at the Region IX Offices and at the Public Information Reference Unit.

(Section 110(a) of the Clean Air Act, as amended 42 U.S.C. 1857c-5(a))

Dated: December 8, 1975.

PAUL DE FALCO, JR.,
Regional Administrator.

[FR Doc.75-33887 Filed 12-15-75;8:45 am]

[40 CFR Part 180]

[FRL 469-5; OPP-300008]

PESTICIDE PROGRAMS

Proposed Tolerances

At the request of several interested persons, the Administrator, Environmental Protection Agency, is proposing, pursuant to Section 408(e) of the Federal Food, Drug, and Cosmetic Act, to amend 40 CFR 180.1001 to exempt certain additional pesticide chemicals which are inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements.

The inert (or occasionally active) ingredients concerned, and the persons requesting that the Administrator propose exemptions with respect to them are as follows:

Ethylene oxide adducts of 2,4,7,9-tetramethyl-5-decynediol, the ethylene oxide content averages 3.5, 10, or 30 moles.	Air Products and Chemicals, 1 Possumtown Rd., Piscataway NJ 08854.
α-Alkyl (C_{12}-C_{18}) ω-hydroxypoly(oxyethylene) block polymer with poly-(oxypropylene); polyoxyethylene content is 3-12 moles and polyoxypropylene content is 2-9 moles.	BASF Wyandotte Corp., Wyandotte MI 48192.
α,α - (Methylene(4 - (1,1,3,3 - tetramethylbutyl) - o - phenylene)} bis - ω - hydroxypoly (oxyethylene) having 6-7.5 moles of ethylene oxide per hydroxyl group.	Diamond Shamrock Chemical Co., Nopco Chemical Div., PO Box 2386R, Morristown NJ 07960.
Paraformaldehyde; propylene oxide.	Upjohn Co., Kalamazoo MI 49001.
Pigment Red 48.	Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804.
Sodium O-phenylphenate.	Dow Chemical USA, 2030 Dow Center, Midland MI 48640.
Woolwax alcohols.	Thompson-Hayward Chemical Co., PO Box 2383, Kansas City KS 66110.
Zinc orthophosphate.	Leffingwell Chemical Co., Agricultural and Industrial Chemicals, PO Box 188, Brea CA 92621.
Phenol; polyvinyl chloride; 1,1,1-trichloroethane.	Animal Health Institute, Suite 1009, 1717 K St. NW., Washington DC 20006.

Based on available information on the chemistry and toxicity of these substances, as well as on a review of the history of their use, it has been found that when used in accordance with good agricultural practice, these substances are useful as adjuvants and do not pose a hazard. It has been concluded, therefore, that the proposed amendment to the regulations (40 CFR 180.1001) will protect the public health.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before January 15, 1976, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received by January 15, 1976 and should bear a notation indicating the subject [OPP-300008].

All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)))

Dated: December 10, 1975.

JOHN B. RITCH, JR.,
Director,
Registration Division.

It is proposed that Part 180, Subpart D, § 180.1001 be amended by revising the item "Paraformaldehyde . . ." in paragraph (d) and by alphabetically inserting new items in paragraphs (c), (d), and (e) as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

. . . . . .

(c) . . .

Inert ingredients	Limits	Uses
Ethylene oxide adducts of 2,4,7,9-tetramethyl-5-decynediol, the ethylene oxide content averages 3.5, 10, or 30 moles.		Surfactants, related adjuvants of surfactants.

(d) . . .

Inert ingredients	Limits	Uses
α-Alkyl (C_{12}-C_{18}) ω-hydroxy-poly (oxyethylene) block polymer with poly (oxypropylene); poly-oxyethylene content 3-12 moles and polyoxypropylene content 2-9 moles.		Surfactants, related adjuvants of surfactants.
α,α-(methylene(4-(1,1,3,3-tetramethylbutyl)-o-phenylene)) bis-ω-hydroxypoly (oxyethylene) having 6-7.5 moles of ethylene oxide per hydroxyl group.		Surfactants, related adjuvants of surfactants.
Paraformaldehyde	Not more than 2 percent of pesticide formulation.	Preservative for formulation.
Pigment red 48	For seed treatment use only.	Dye.
Sodium o-phenylphenate.	Not more than 0.1 percent of pesticide formulation.	Preservative for formulation.
Woolwax alcohols		Safener.
Zinc orthophosphate		Plant nutrient and safener.

(e) . . .

Inert ingredients	Limits	Uses
Ethylene oxide adducts of 2,4,7,9-tetramethyl-5-decynediol, the ethylene oxide content averages 3.5, 10, or 30 moles.		Surfactants, related adjuvants of surfactants.
α,α(Methylene (4-(1,1,3,3-tetramethylbutyl)-o-phenylene))bis-ω-hydroxypoly (oxyethylene) having 6-7.5 moles of ethylene oxide per hydroxyl group.		Surfactants, related adjuvants of surfactants.
Paraformaldehyde	Not more than 2 percent of pesticide formulation.	Preservative for formulation.
Phenol		Solvent, co-solvent.
Polyvinyl chloride		Solid diluent, carrier.
Propylene oxide		Stabilizer.
1,1,1-trichloroethane		Solvent, co-solvent.

[FR Doc.75-33888 Filed 12-15-75;8:45 am]

V 40 242 DEC 16 75 XUM

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 81, 83]

[Docket No. 20638; FCC 75-1287]

MARINE UTILITY STATIONS AND SHIP STATIONS

Notice of Proposed Rule Making

In the Matter of Amendment of the rules to remove locality restrictions from Marine Utility stations and to modify the capabilities of ship stations to meet certain operational requirements of ships.

1. Notice of Proposed Rule Making is hereby given.

2. By this Notice, the Commission proposes to amend its rules to enhance the operational flexibility and usefulness of certain methods of ship communications. It proposes to do so in two ways: (1) by removal of locality restrictions from Marine Utility stations, and (2) by establishing "associated portable ship units" to permit the use of portable, low power units by the licensee of a ship station in association with the main ship station in circumstances where auxiliary equipment is used about the ship.

REMOVAL OF LOCALITY RESTRICTIONS ON MARINE UTILITY SHIP AND COAST STATIONS

3. A series of waiver requests has been received by the Commission seeking relief from the locality restrictions on marine utility ship and coast stations which are contained in §§ 81.3 (l) and (m); 83.2(h) and (i); and § 81.362(a) of the rules. The waived requests indicate that these restrictions unduly and unnecessarily hamper the operational usefulness of these stations and their continued retention does not appear to be necessary.

4. Accordingly, we propose to abolish these restrictions on marine utility stations by deleting the phrase "within a designated local area" from §§ 81.3 (l) and (m) and 83.2(h) and (i) of the rules and by deleting § 81.362(a) of the rules in its entirety as set forth below.

PROVISION FOR ASSOCIATED PORTABLE SHIP UNITS

5. There appears to be an operational requirement for the use of small, hand-held portable units in connection with a ship radio station which requirement is not currently met by utility stations or on-board communications. This operational requirement stems from the use of auxiliary equipment in the vicinity of the "mother ship". The auxiliary equipment is used on dinghies, launches, etc. in the vicinity of the mother ship.

6. Accordingly, we propose to provide for the use of such equipment to meet this operational requirement. In order to preclude improper uses of the proposed associated portable ship units, such as point to point communications on land or as a substitute for circumventing limited or public coast stations on land, this type of station must necessarily be carefully restricted. The restrictions on use of an associated portable ship unit are contained in the attached appendix and are intended to limit the use of the device to the legitimate needs of the vessel—commercial or non-commercial—and not to substitute for or displace communications which should be conducted in accordance with other provisions of Part 83 of the Commission's rules.

7. The proposed amendment as set forth below is issued pursuant to the authority contained in Section 303(r) of the Communications Act of 1934, as amended.

8. Pursuant to the applicable procedures set forth in Section 1.415 of the Commission's rules, interested persons may file comments on or before January 11, 1976, and reply comments on or before January 21, 1976. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

9. In accordance with the provisions of Section 1.419 of the Commission's rules, an original and 11 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to this Notice of Proposed Rule Making, will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

Adopted: November 25, 1975.

Released: December 2, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 81.3 (l) and (m) is amended by deleting the references to a designated local area as follows:

§ 81.3 Maritime mobile service.

* * * * *

(l) *Marine-utility coast station.* A coast station, readily portable for use as a limited coast station at unspecified points ashore.

(m) *Marine-utility ship station.* A ship station, readily portable for use as a limited ship station on mobile vessels.

* * * * *

§ 81.362 [Amended]

3. Section 81.362(a) is deleted and designated [Reserved].

2. Seciton 83.3 (h) and (i) is amended by deleting the references to a designated local area, as follows:

§ 83.3 Maritime mobile service.

* * * * *

(h) *Marine-utility ship station.* A ship station, readily portable for use as a limited ship station on mobile vessels.

(i) *Marine-utility coast station.* A coast station, readily portable for use as a limited coast station at unspecified points ashore.

* * * * *

4. Section 83.2(i) is amended to include reference to associated portable ship units as follows:

§ 83.2 General.

* * * * *

(i) *Ship station License.* A license authorizing the operation of a ship station, a survival craft station associated with a ship, a ship radionavigation station, or an associated portable ship unit or units for use in the vicinity of the ship with which it is associated.

* * * * *

5. Subpart G of Part 83 is amended by adding a new section as follows:

§ 83.166 Operational conditions on use of associated portable ship units.

Use of an associated portable ship unit is restricted as follows:

(a) It shall be operated only on the safety and calling frequency 156.8 MHz (Channel 16), and on commercial or non-commercial intership frequencies appropriate to the class of ship station with which it is associated.

(b) Except for safety purposes, it shall be used to communicate only with the ship station with which it is associated or with other associated ship portable units but portable units may not be used from or on shore.

(c) It shall be equipped to transmit on Channel 16 and at least one appropriate intership frequency.

(d) Calling shall occur on Channel 16 unless, by prearrangement, provision is made for calling and working on an intership frequency.

(e) Power is limited to one watt.

(f) The call sign of the ship station with which it is associated and an appropriate unit designator shall be used.

6. Section 83.103 is amended by adding a reference to associated ship portable units, as follows:

§ 83.103 Location of station.

All components of a station on board ship subject to this part, including the antenna(s), antenna supporting structures, and source(s) of power used to energize the station equipment, shall be located on board the vessel identified in the station license, even though the vessel be temporarily moored. For purposes of communication, no component of a ship station shall be connected by wire line directly or indirectly to any equipment, apparatus, or facilities which are not located entirely on board the vessel identified in the station license: Provided, That the limitations on this section shall not apply (a) when the station is being operated in an emergency under the provisions of § 83.75, (b) when it is necessary, while the ship is temporarily moored, to energize one or more components of a main installation or an emergency installation by means of a source of power not located on board the ship for the purpose of assuring compliance with any applicable safety radio requirement of law, or (c) to associated ship portable units which may be used in accordance with the conditions contained in Section 83.166 of this part.

[FR Doc.75-33839 Filed 12-15-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[CM-5/134]

NORTHWEST ATLANTIC FISHERIES ADVISORY COMMITTEE

Open and Closed Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act, notice is given that the Northwest Atlantic Fisheries Advisory Committee to the U.S. Commissioners to the International Commission for the Northwest Atlantic Fisheries (ICNAF), will hold a meeting at 10:00 a.m., Tuesday, January 6, 1976, in room 307 of the John F. Kennedy Federal Building in Boston, Massachusetts. The morning session of the meeting will be open to the public, and the afternoon session will be closed to the public.

The meeting will be devoted to discussions on and development of the U.S. negotiating positon for the Special Meeting of ICNAF, particularly herring allocations off the U.S. east coast, to be held in Rome, Italy, January 21–26, 1976. Pursuant to section 4 of the Northwest Atlantic Fisheries Act of 1950, which provides that "the Advisory Committee . . . shall be given full opportunity to examine and to be heard on all proposed programs of investigation, reports, and recommendations of the United States Commissioners . . ." the members of the Advisory Committee will examine the possible positions to be taken by the U.S. Commissioners. During the afternoon session, this discussion will necessarily involve discussion of classified national security information, in part related to the Law of the Sea, the premature disclosure of which would adversely affect the ability of the U.S. negotiators at the Special Meeting to achieve U.S. fisheries and foreign policy objectives. As it has been determined that the afternoon session of the meeting will involve matters exempt from public disclosure under 5 U.S.C. 552(b)(1) and that the public interest requires that such discussions be withheld from disclosure, the afternoon session will not be open to the public.

Dated: December 10, 1975.

LEO N. SCHOWENGERDT, JR.,
Office of Fisheries Affairs.

[FR Doc.75-33765 Filed 12-15-75;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

CHEESE FROM FINLAND

Preliminary Countervailing Duty Determination

On August 15, 1975, a "Notice of Receipt of Countervailing Duty Petition" was published in the Federal Register (40 FR 34423). The notice stated that a petition had been received alleging that payments and bestowals conferred by the Government of Finland upon the manufacture, production, or exportation of cheese constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

On the basis of an investigation conducted pursuant to § 159.47(c) Customs Regulations (19 CFR 159.47(c)), it has been determined preliminarily that a bounty or grant is being paid or bestowed upon the manufacture, production, or exportation of cheese from Finland. Programs considered to be bounties or grants include a deficiency payment provided by the Government on milk which is designed to offset increases in milk production costs, export refunds provided by the Government to make up losses on sales of cheese exports, regional production assistance subsidies, milk transportation cost subsidies, and preferential financing for dairy plant modernization in developing regions.

It has been preliminarily determined, therefore, that imports of cheese from Finland benefit from the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

A final decision in this case is required before June 11, 1976. Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by his office on or before January 15, 1976.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Approved: December 11, 1975.

VERNON D. ACREE,
Commissioner of Customs.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-33880 Filed 12-15-75;8:45 am]

Office of the Secretary

POTASSIUM CHLORIDE (OTHERWISE KNOWN AS MURIATE OF POTASH) FROM CANADA

Tentative Determination To Modify or Revoke Dumping Finding

A finding of dumping with respect to potassium chloride, otherwise known as muriate of potash, from Canada was made in Treasury Decision 69-265 which was published in the FEDERAL REGISTER on December 19, 1969 (34 FR 19904).

After due investigation, it has been determined, tentatively, that potassium chloride exported by Cominco, Ltd., Vancouver, British Columbia, Canada, is not being, nor is likely to be sold, for export to the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*).

Statement of reasons on which this tentative determination is based. The investigation indicated that, with the exception of some sporadic sales for which dumping duties in *de minimis* amounts were assessed, all sales by Cominco, Ltd., for a period two years subsequent to the finding of dumping have been made at not less than fair value. Written assurances have been given that future sales of potassium chloride to the United States will be made at not less than fair value.

Accordingly, notice is hereby given that the Department of the Treasury intends to modify the finding of dumping with respect to potassium chloride from Canada to exclude potassium chloride produced and sold by Cominco, Ltd., from the finding.

In accordance with § 153.37, Customs Regulations (19 CFR 153.37), interested persons may present written views or arguments, or requests in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed

V 40 242 DEC 16 75 XUM

to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by his office on or before December 26, 1975. Such requests must be accompanied by a statement outlining the issues to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the Federal Register. This notice is published pursuant to § 153.41(c) of the Customs Regulations (19 CFR 153.41(c)).

Dated: December 10, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-33381 Filed 12-15-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Cancelled Meeting

DECEMBER 5, 1975.

Reference is made to the USAF Scientific Advisory Board meeting of the USAF Scientific Advisory Board ad hoc Committee on the Location, Identification, and Destruction of Surface Targets by Tactical Air Forces Under Adverse Weather Conditions, to be held on December 10, 1975, published in FEDERAL REGISTER, Volume 40, No. 219, Wednesday, November 12, 1975. The meeting has been canceled and will not be rescheduled.

JAMES L. ELMER,
Major, USAF Executive,
Directorate of Administration.

[FR Doc.75-33759 Filed 12-15-75;8:45 am]

Department of the Army

ARMY SCIENTIFIC ADVISORY PANEL

Amended Notice of Meeting

Under the provisions of exemption contained in section 552(b)(1), Title 5 U.S.C., this meeting is partially closed to the public (3 February, 0800-1050 hours) due to the overall secret security classification of the material to be discussed.

Name of committee: Army Scientific Advisory Panel. Date: February 2-3, 1976. Place: Ames Research Center, Moffett Field, CA. Time: 0800-2200 hours, February 2, 1976, 0800-1135 hours, February 3, 1976. Agenda: Attached.

Any additional information concerning the meeting may be obtained from Dr. Marvin E. Lasser, Chief Scientist, Department of the Army, Executive Director, Army Scientific Advisory Panel, Washington, D.C., (202) 695-1447.

MARVIN E. LASSER,
Executive Director.

ASAP WINTER MEETING AGENDA

AMES RESEARCH CENTER

February 2-3, 1976

Sunday, February 1

Arrivals at San Francisco and San Jose Airports and travel to Rickeys.

Monday, February 2

0740–0800	**Enroute from Rickeys Hyatt House to Ames Research Center by bus.**
0800–0805	**Welcome, B. G. Stevens.**
0805–0810	**Remarks, Dr. Mark.**
0810–0815	**Remarks, Mr. O'Neill.**
0815–0835	**Air Mobility Requirements, M. G. Maddox.**
0835–0855	**Discussion.**
0855–0910	**Utility Tactical Transport Aircraft System (UTTAS), HQ AVSCOM.**
0910–0925	**Discussion.**
0925–0945	**Coffee break.**
0945–1000	**Advanced Attack Helicopter (AAH), HQ AVSCOM.**
1000–1015	**Discussion.**
1015–1030	**Remotely Piloted Vehicles (RPV), HQ AVSCOM.**
1030–1045	**Discussion.**
1045–1130	**A/C Survivability Equipment, AH–1Q Advanced Blade, Manufacturing Methods & Technology (MM&T) Program, HQ AVSCOM.**
1130–1215	**Discussion.**
1215–1315	**Luncheon.**
1315–1430	**Tour: Laser Velocimeter, Water Tunnel, Acoustics, Simulation. HQ AMRDL.**
1430–1450	**Break.**
1450–1520	**Advancing Blade Concept (ABC), Tilt Rotor, Rotor Systems Research Aircraft (RSRA), Controllable Twist Rotor, HQ AMRDL.**
1520–1550	**Discussion.**
1550–1635	**Propulsion, Structures, Aerodynamics, HQ AMRDL.**
1635–1720	**Discussion.**
1720–1740	**Enroute Rickeys Hyatt House by Bus.**
1740–1830	**Unscheduled Time.**
1830–2200	**Social Hour and Dinner, Rose Room, Rickeys Hyatt House—Remarks by Assistant Secretary of the Army (R&D); Honorable Edward A. Miller.**
	Presentation on the Army Materiel Acquisition Review Committee (AMARC), Mr. Gale.

Tuesday, February 3

0740–0800	Enroute from Rickeys Hyatt House to Ames Research Center by Bus.
0800–0805	Remarks, Panel Chairman.
0805–0855	USAF Presentation "Tactical Air Concept for Close Air Support 1980–85" (SECRET), HQ, Tactical Air Commaud.
0855–0945	Discussion.
0945–1005	Break.

Panel Business Meeting—Ad Hoc Group Chairman Reports

1005–1010	Remarks of the Panel Chairman, Mr. O'Neill.
1010–1020	Army Security Agency Programs (SECRET), Mr. Brown.
1020–1030	Discussion.
1030–1040	Fire Safe Fuels (Confidential), Dr. Hess.
1040–1050	Discussion.
1050–1100	Nap of the Earth (NOE) Simulation (Unclassified), Dr. Curtiss.
1100–1110	Discussion.
1110–1120	1974 Summer Study Review (Unclassified), Mr. Hope.
1120–1130	Discussion.
1130–1135	Administrative Remarks, Swearing-In of New Members and Consultants, and Adjournment, Mr. O'Neill.

[FR Doc.75-33815 Filed 12-15-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application for Amendment

A permit authorizing capture of not more than 25 INDIANA BATS (*Myotis sodalis*) for purposes of identification and release, was issued on November 11, 1974, to Mr. Todd L. Vogel, U.S. Fish and Wildlife Service, Kansas City, Missouri. The name of the permittee was changed to Area Manager, U.S. Fish and Wildlife Service, Kansas City, Missouri, on May 23, 1975, by amendment to the permit. A notice containing the application for the permit was published in the FEDERAL REGISTER on October 2, 1974 (39 FA 35582) soliciting public comments for a period of 30 days. A notice of the issuance of the permit was published on February 5, 1975 (40 FR 5380–81–82).

Under date of October 23, 1975, the Acting Area Director, U.S. Fish and Wildlife Service, Kansas City, Missouri, has submitted a request for amendment of the permit. Published herewith is that request. It is being considered pursuant to § 13.23, Title 50 Code of Federal Regulations (see 39 FR 1162).

OCTOBER 23, 1975.

To: Director, U.S. Fish & Wildlife Service (LE), Washington, D.C.
From: Acting Area Manager, U.S. Fish & Wildlife Service, Kansas City, Mo.
Subject: Amendment of U.S. Fish & Wildlife Permit (Endangered Species), No. PRT–8–31–C.

This supersedes our request for amendment of PRT–8–31–C dated August 13, 1975.

The cooperative study on Myotine bats in the Meramec Basin, Missouri, is being conducted under the authority of the subject permit.

In order to achieve the objectives of the study and to obtain data which will aid in recovery of the species, it will be necessary to capture and observe the bats in a number of different sites and situations. Bats will be captured with nets or traps in foraging areas and in or near cave entrances. Disturbances while bats are in hibernation will be held to a minimum, and hibernating bats will be tagged only when it is necessary to examine them for other purposes.

The following additional information is also provided for your information as required by 50 CFR 17.22.

(1) Indiana bat, *Myotis sodalis*, undesignated numbers, all ages, both males and females.

Activity sought be authorized by this amendment is described earlier in this memo and in the attached "Scope of Work."

(2) The wildlife sought to be covered by this permit is still in the wild.

(3) Only trained, knowledgable, professional biologists will be working under the authority of this permit. Methods selected for use in obtaining wildlife sought to be covered by this permit will be those demonstrated to be the least damaging and disruptive to the subject wildlife and least likely to cause their death or removal from the wild.

(4) N/A.

(5) Any wildlife covered by this permit that is accidentally killed during capture will be retained for scientific study by participants in the cooperative myotine bat study. Upon completion of the study, all such wildlife shall be submitted to the National Fish and Wildlife Laboratory, U.S. Fish and Wildlife Service, Washington, D.C.

(6) Applicant does not seek to have live wildlife covered by this permit as described in this subsection.

(7) Copies of contracts and agreements are attached.

(8) Justification has been provided earlier in this memo, in the attached "Scope of Work," and in original request for Fish and Wildlife Permit (Endangered Species) No. PRT–8–31–C.

JAMES W. SALYER.

APPENDIX A

SCOPE OF WORK

1. *General Description of Work:* The work to be accomplished by the Contractor consists of performing the necessary research and the writing of a report that will evaluate the status of myotine bats (with emphasis on the Indiana bat, *Myotis sodalis*) in the Meramec Park Lake project area and vicinity.

2. *Location of the Study Area:* The study area consists of all project fee and easement lands and any other lands deemed significant near the flood control pool (elevation 709 ft. m.s.l. for Meramec). Meramec Park Lake will be located on the Meramec River primarily in Crawford County. The dam will be constructed at mile 108.7. 40,700 acres will be obtained by fee and easement for project purposes. The normal pool elevation will be 675 ft. m.s.l.

3. *Work to be performed by the Contractor:* The Contractor shall complete the following phases of this study which will include those items listed under each phase:

a. Phase I: *Spring-Summer population and habitat analysis.* (1) Search for sites used by nursery colonies and other roosting groups in caves, trees, buildings or other suitable places in the study area. Identify species of myotine bats present and estimate numbers present. Determine population structure. Measure pertinent parameters of summer roosts.

(2) Investigate summer habitat and quantify if possible.

(3) Capture and band myotine bats, record species, sex, age, and reproductive condition. Estimate density and/or relative abundance of the populations of each species of myotine bat using the Meramec Park Lake project area and vicinity as well as the sex and age structure.

(4) Determine foraging habitat of each species (emphasis on *M. sodalis*). Gather food-habitat data as possible from guano.

b. *Phase II: Fall population and habitat analysis.* (1) Survey all known caves in the study area to locate caves being used by myotine bats for prehibernation activities such as mating and staging areas. Determine population parameters.

(2) Document shift of bats from breeding areas to hibernating and staging caves. Distinguish among caves.

c. *Phase III: Hibernating populations and habitat analysis.* (1) Locate all caves used by hibernating myotine bats on all fee and easement lands and on other lands that may be impacted. All available literature and knowledgeable persons should be consulted.

(2) Survey each cave for the presence of bats. Identify species of myotine bats present and estimate numbers and sex ratio by species. Estimate extent of habitat by measuring such parameters as described below in c–3.

(3) Measure the following parameters for each cave having myotine bats or evidence of them. Other parameters should be measured as necessary.

(a) Relative humidity.

(b) Air and rock temperature.

(c) Approximate *entrance elevation*, dimensions and other distinguishing characteristics of each cave. Important bat caves that are near the flood pool elevation will be surveyed by the St. Louis District.

(d) Temperature of bats.

(e) Evidence of disturbance or visitation.

(f) Presence of water.

(4) Search for summer banded animals to determine if animals summering in the areas also winter there.

d. *Phase IV: Spring-Summer population and habitat analysis:* (Same as Phase I). Reproductive activities will be carefully monitored.

e. *Phase V: Analysis of the Impact of Meramec Park Lake on myotine bats.* (1) For each species, discuss the impacts of the projects on each phase of their life history. All phases of construction and project operation are to be considered. These activities include, but are not necessarily limited to:

(a) Constructing Meramec Park Lake Dam.

(b) Constructing all other buildings, structures, and facilities.

(c) Construction and relocation of roads.

(d) Operation and maintenance of the project after construction.

(e) Any effects of change in climate immediately adjacent to the lake.

(f) Effect of planned recreational and other developments on land adjacent to the lake.

f. *Phase VI: Species Management.* Discuss methods that would assure the continuation of all myotine bat species in the project area, with emphasis on the Indiana bat (*Myotis sodalis*). These could include, but not necessarily be limited to, the preservation of existing habitat and a monitoring study to take place during and after construction to assess actual impact.

4. *Schedule of Work:* a. *Phase I.* The Contractor shall complete the field investigations for this phase between 1 July 1975 and 30 August 1975. A preliminary report (3 copies) describing findings of this phase shall be submitted to the Contracting Officer, the U.S. Fish and Wildlife Service, Kansas City Area Office and the Missouri Department of Conservation by 1 October 1975.

b. *Phase II.* The Contractor shall complete the field investigations for this phase between 1 September 1975 and 30 November 1975. A preliminary report (3 copies) describing findings of this phase shall be submitted to the Contracting Officer, the U.S. Fish and Wildlife Service, Kansas City Area Office and the Missouri Department of Conservation by 1 January 1976.

c. *Phase III.* The Contractor shall complete the field investigations for this phase between 1 December 1975 and 30 April 1976. A preliminary report (3 copies) describing findings of this phase shall be submitted to the Contracting Officer, the U.S. Fish and Wildlife Service, Kansas City Area Office and the Missouri Department of Conservation by 1 June 1976.

d. *Phase IV.* The Contractor shall complete field investigations for this phase between 1 May 1976 and 30 August 1976.

e. *Phases V, VI, and Preliminary Draft Report.* (1) The preliminary draft of the final report (3 copies of each) covering the entire study shall be submitted to the Contracting Officer, the U.S. Fish and Wildlife Service, Kansas City Area Office and the Missouri Department of Conservation by 1 November 1976.

(2) The Contracting Officer and the U.S. Fish and Wildlife Service and the Missouri Department of Conservation shall review and return the preliminary draft within 30 calendar days after its receipt.

f. *Final Report.* The Contractor shall submit three copies each of the final report to the Contracting Officer and U.S. Fish and Wildlife Service Area Office and the Missouri Department of Conservation within 30 calendar days after receipt in writing from the Contracting Officer and the U.S. Fish and Wildlife Service Area Office and the Missouri Department of Conservation of approval of the preliminary draft report and comments thereon. The Contracting Officer, the U.S. Fish and Wildlife Service and the Missouri Department of Conservation will make a thorough examination of the final report, and if it is found to comply with the requirements of the contract, it shall be accepted and the Contractor so notified.

g. In the event these schedules are exceeded due to causes beyond the control and without the fault or negligence of the Contractor, the contract will be modified in writing and the contract completion date will be extended one calendar day for each calendar day of delay.

h. During the duration of the study, the principal investigator shall submit an activity report monthly to the permittee, U.S. Fish and Wildlife Service, Kansas City Area Office, as required by the Endangered Species Act of 1973 (Public Law 93–205, Section 10).

i. The Contractor shall not release any material for publicity or publication before completion of the study without the prior written approval of the Contracting Officer, the U.S. Fish and Wildlife Service and the Missouri Department of Conservation. At the completion of the project, this study shall be available to the investigator for publication.

5. *Format of the Reports.* The Contractor shall have the final report manuscript typed on a good grade of bond paper, size 8 x 10½". The typing shall be double-spaced on one side of each sheet only. The margins shall be 1¼" top to bottom, 1" right hand and 1¼" left hand. All pages shall be numbered. The final manuscript shall include: (1) an abstract; (2) Table of Contents, including a list of tables and a list of figures; (3) description of the study area; (4) description of methods and techniques; (5) the body of the report; (6) literature cited; and (7) a summary. The Contractor shall submit the final manuscript to the Contracting Officer in triplicate.

All caves visited during this study shall be located on a U.S.G.S. quadrangle map (7.5 minute series if available; 15 minute otherwise). The caves shall be referred to by a coded numbering system that follows Werner (1974). All references to caves in the text of this report shall be in the same numbering system; no other names or numbers shall be used. The map and a key to the coding system shall be given to the Contracting Officer, the U.S. Fish and Wildlife Service and the Missouri Department of Conservation with the draft report, but they shall not be attached to the report. The key shall list code number, Missouri Speleological Survey number (if available) and common name.

In keeping with the spirit of the Endangered Species Act of 1973, this Notice is being published to allow public comments on the request for amendment. Interested persons may comment on the

V40242 DEC 16 75 XUM

amendment by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received by January 15, 1976 will be considered.

Dated: December 11, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc. 75-33812 Filed 12-15-75;8:45 am]

Office of the Secretary

[INT DES 75-62]

COLORADO

Notice of Availability of Draft Environmental Statement

The draft environmental statement for the proposed construction and operation of an oil shale plant complex and related facilities in southwestern Colorado will be available to the public during the month of December.

The Bureau of Land Mangement invites your written comments within 60 days of this notice.

A limited number of copies are available upon request to Dale Andrus, State Director, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

Public reading copies will be available for review at the following locations:

BUREAU OF LAND MANAGEMENT OFFICES

Public Affairs Office, Bureau of Land Management, 18th and C Streets, NW., Washington, D.C. 20240
Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202
Moab District Office, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532
Grand Junction District Office, Bureau of Land Management, 223 Federal Office Building, Grand Junction, Colorado 81501
Utah State Office, Bureau of Land Management, Federal Building, 125 S. State Street, Salt Lake City, Utah 84111.

COUNTY COURTHOUSES

Grand County, Box 727, Moab, Utah 84532
Pitkin County, 506 E. Main, Aspen, Colorado 81611
Mesa County, 6th and Rood, Grand Junction, Colorado 81501
Garfield County, Glenwood Springs, Colorado 81601
San Juan County, Blanding, Utah 84511
Eagle County, P.O. Box 789, Eagle, Colorado 81631
Rio Blanco County, Meeker, Colorado 81641

PUBLIC LIBRARIES

Pitkin County Library, 110 E. Main, Aspen, Colorado 81611
Gordon Cooper Public Library, 443 Main, Carbondale, Colorado 81623
Delta City Public Library, 563 Palmer, Delta, Colorado 81416
Glenwood Springs Public Library, 806 Cooper Avenue, Glenwood Springs, Colorado 81601
Mesa College Library, Grand Junction, Colorado 81501
Mesa County Library, 530 Grand Avenue, Grand Junction, Colorado 81501
Meeker Public Library, 200 Main, Meeker, Colorado 81641
Garfield County Public Library, 402 W. Main, New Castle, Colorado 81647
Rangely Public Library, 109 E. Main, Rangely, Colorado 81648
Rifle City Library, P.O. Box 609, Rifle, Colorado 81650
Grand Juan Public Library, Monticello, Utah 84535
Ms. Kay Collins, Conservation Library, Denver Public Library, 1357 Broadway, Denver, Colorado 80203

Notice is also given that public hearings on the draft environmental statement will be held at the following locations:

Location	*Date and time*
City Council Chambers City and County Bldg., 1st and Center St., Moab, Utah.	Jan. 27, 1976, 1 to 5 p.m., 7 to 9 p.m.
Federal Court Room—Room 323, Federal Bldg., 4th and Rood, Grand Junction, Colo.	Jan. 28, 1976, 1 to 5 p.m., 7 to 9 p.m.
Public Meeting Room, Denver Public Library, 1357 Broadway, Denver, Colo.	Jan. 29, 1976, 1 to 5 p.m., 8:30 to 8:30 p.m.

Written comments or statements should be submitted to the State Director, Bureau of Land Management, Colorado State Office, Room 700, Coolrado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

Dated: December 12, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-33919 Filed 12-15-75;8:45 am]

Office of the Secretary

DEPARTMENTAL SEAL

Criteria for Use

This notice is issued in accordance with the provisions of 5 U.S.C. 552(a) (1) (E). The Department of the Interior directive related to seals and emblems, which was published in the FEDERAL REGISTER on October 17, 1969 (34 FR 16632), was recently revised by Departmental Manual Release Number 1809 dated November 13, 1975. The principal revision pertains to criteria for the use of the Departmental Seal published in subparagraph .1A(3), Chapter 4, Part 310 of the Department of the Interior Manual. The directive is published in its entirety below. The numbering system shown is that of the Departmental Manual.

Further information regarding this Notice may be obtained from the Director of Management Operations, Office of the Secretary, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202-343-6716.

Date: December 8, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

DEPARTMENTAL MANUAL

.1 *Seals.*

A. *Departmental Seal.* The use of a seal by the Department of the Interior is authorized and required by the Act of August 24, 1912 (37 Stat. 498; 43 USC 1460 et seq.). The seal consists of a male buffalo with the head and body in a left position, standinig on a prairie, with mountains and a rising sun in the background, enclosed within two concentric circles, having the words "U.S. Department of the Interior" and the date "March 3, 1849" inscribed in the top and bottom arcs within these circles. A reproduction of the seal appears as Appendix 1.

(1) *Policy.* The seal stands as the visible symbol of the Department, and it may not be used in connection with any commercial or other unofficial enterprise without the written approval of the custodian of the seal.

(2) *Custody.* The Director of Management Operations is the custodian of the Departmental seal.

(3) *Use.* In accordance with the Act of August 24, 1912 (37 Stat. 498; 43 USC 1460 et seq.) the official seal shall be impressed on all Departmental official papers and documents which require certification or authentication except for those Bureaus and Offices which have an official seal authorized by statute for authentication and certification purposes. See 310 DM 4.1B and 310 DM 10.

a. All official documents and publications (314 DM 3) and all letterheads (314 DM 5) printed for official use shall bear the printed seal of the Department. The use of the seal on the Departmental flag and other flags is outlined in 310 D M5.

b. Requests for permission to use the seal for other purposes should be addressed to the Director of Management Operations. Each request should contain exact and explicit information as to the intended use of the seal, with full details as to the product, method of reproduction, and any other data which would be helpful in appraising such a request.

B. *Bureau and Office Seals.* Bureaus and offices having seals authorized by statute will issue directives governing the policy, custody and use of such seals.

.2 *Emblems.* The use of emblems or insignia, which are not authorized by statute, to symbolize a bureau or office mission must be approved by the appropriate program Assistant Secretary and the Assistant Secretary-Management. Appropriate design, relationship of symbolism to mission, suitability of intended use, and the need for further clearance that may be required by legislation or Executive Order will be considered before approval is granted.



[FR Doc.75-33762 Filed 12-15-75;8:45 am]

Office of the Secretary

E. F. TIMME

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) No Change.
(2) No Change.
(3) No Change.
(4) No Change.

This statement is made as of October 3, 1975.

Dated: October 3, 1975.

E. F. TIMME

[FR Doc.75-33832 Filed 12-15-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

RAISIN ADVISORY BOARD

Public Meeting

Under the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770), notice is given of a meeting of the Raisin Advisory Board at 1:30 p.m., January 8, 1976, in the Forum of the Sheraton Inn, Freeway 99 and Clinton Avenue, Fresno, California.

The purpose of the meeting is to: Review production estimates for the 1975-76 crop year for natural Thompson Seedless and Dipped Seedless raisins; consider recommendations for final 1975-76 free and reserve percentages for those raisins; receive reports on amendments, operations, and weight conversion factors; and consider the need for amendment of the marketing order. The meeting will be open to the public.

The Raisin Advisory Board is established under the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 898), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

The names of Board members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Clyde E. Nef, Manager, Raisin Administrative Committee, 732 North Van Ness Street, Fresno, California 93720; telephone 209-268-5666.

Dated: December 10, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-33848 Filed 12-15-75;8:45 am]

Rural Electrification Administration

ARIZONA ELECTRIC POWER COOPERATIVE, INC.

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $261,520,000 to Arizona Electric Power Cooperative, Inc., of Benson, Arizona. These loan funds will be used to finance a project consisting of two 175 MW coal-fired generating units, 56 miles of 230 kV transmission line, 25 miles of 345 kV transmission line, and 24 percent undivided ownership interest in Tucson Gas & Electric 345 kV transmission facilities.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Dexter M. Smith, Manager, Arizona Electric Power Cooperative, Inc., P.O. Box 670, Benson, Arizona 85602.

In order to be considered, proposals must be submitted (on or before January 15, 1976) to Mr. Smith. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Arizona Electric and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 10th day of December, 1975.

RICHARD F. RICHTER,
Acting Administrator, Rural Electrification Administration.

[FR Doc.75-33850 Filed 12-15-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

LOUISIANA STATE UNIV.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00066-33-46040. Applicant: Louisiana State University Medical Center, School of Medicine in Shreveport, 1501 Kings Highway, P.O. Box 3932, Shreveport, Louisiana 71130. Article: Electron Microscope, Model JEM 100B with accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the studies of normal and pathological (diseased) cells and tissues obtained in the course of diagnosis and/or treatment of patients and in the course of research using animals, and cell or tissue cultures (including normal and cancerous cells, nerve tissues from chick embryos and from control and drug-treated suckling rodents, normal and diseased arteries and blood vessels, and control and experimental cells and tissues in cultures). The experiments to be conducted include: (1) Quantitative analysis of myelin formation and nerve maturation; (2) Examination of surgical biopsies and post-mortem specimens for research and diagnostic purposes; (3) Studies of experimentally induced vascular lesions; and (4) Examination of tissues and fluids from patients and from animals by transmission and scanning electron microscopy. In addition, the article will be used by faculty, qualified graduate students, post-doctoral research fellows in the Department of Pathology, and resident staff from associated teaching hospitals. Graduate courses in Cellular Pathology, Cancer Diagnosis, and Renal and Hepatic Ultrastructure will include laboratory sessions.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability for both transmission and scanning micrographs. The Department of Health, Education, and Welfare (HEW), in its memorandum dated November 11, 1975, advises that the capabilities described above are pertinent to the applicant's research studies. The most closely comparable domestic instrument is the Model EMU-4C electron microscope produced by Adam David Company. HEW further advises that the EMU-4C does not provide the pertinent combined transmission and scanning electron micrographs. We, therefore, find the EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.75-33798 Filed 12-15-75;8:45 am]

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PUBLIC HEALTH SERVICE HOSPITAL, STATEN ISLAND

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00052–33–46040. Applicant: U.S. Public Health Service Hospital, Bay Street & Vanderbilt Avenue, Staten Island, New York 10304. Article: Electron Microscope, Model EM 10A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the examination of all structure and membrane features using the preparative techniques of sectioning and freeze fracture. Tissue will be derived from experiments in which physiological parameters of the toad urinary bladder and rat kidney have been measured. Also pathological specimens from human renal biopsies and other tissues will be examined with the article. Experiments will be conducted to describe the relationship between structure and function in epithelia. In particular the effect of vassopressin on membrane structure and the effect of extracellular volume expansion on the structure of renal epithelial tight junctions will be investigated.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 27, 1975). Reasons: The foreign article provides a guaranteed resolution of 3.5 Angstroms point to point (Å pt.) and a high resolution gonimeter stage which guarantees 5 Å pt. resolution, tilt up to ±45 degrees, and rotation through 360 degrees. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model EMU–4C supplied by Adam David Company (Adam David). The Model EMU–4C provides a guaranteed resolution of 5 Å pt. and a tilt stage which has ±3 degrees tilt and a guaranteed resolution of 8 Å pt. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated November 11, 1975 that the best resolution and a goniometer stage are pertinent to the applicant's intended purposes. In addition, HEW advises that the Model EMU–4C did not provide equivalent resolution or goniometer stage at the time the article was ordered. We, therefore, find that the Model EMU–4C was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75–33799 Filed 12–15–75;8:45 am]

TEMPLE UNIVERSITY HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00068–35–54500. Applicant: Temple University Hospital, Dept. of Ophthalmology, 3400 North Broad Street, Philadelphia, Pa. 19140. Article: Ophthalmometer, Tonometer and **Slitlamp 900** (Cataract Detector). Manufacturer: Haag-Streit Co., Switzerland. Intended use of article: The article is intended to be used to correlate data in studies of pre and post operative results in cataract patients. This data will improve visual performance and rehabilitate patients after cataract or corneal surgery. The article will also be used to teach resident doctors and students how to examine patients before and after corneal and cataract surgery.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: the foreign article provides the capability for stereoscopic vision, as well as, precision of control. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated November 11, 1975 that the combination described above for the article is pertinent to the applicant's intended purposes. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended uses.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75–33800 Filed 12–15–75;8:45 am]

UNIVERSITY OF CALIFORNIA—LOS ANGELES

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific artilce pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00070–65–90000. Applicant: University of California, Department of Chemistry, Los Angeles, California 90024. Article: Rotating Anode X-ray generator GX–20. Manufacturer: Elliott Automation Radar Systems Ltd., United Kingdom. Intended use of article: The article is intended to be used for single crystals in a long range program aimed at understanding enzymatic structure and regulation.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a focused spot of minimal size (0.1 x 0.1 mm) and a rotating target for maximum x-ray beam intensity. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated November 11, 1975 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75–33801 Filed 12–15–75;8:45 am]

UNIVERSITY OF FLORIDA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00053–33–46040. Applicant: University of Florida, Dept. of Entomology, Institute of Food and Agricultural Sciences, 345 Archer Rd. Lab., Gainesville, Florida 32611. Article: Electron Microscope, Model HS–9. Manufacturer: Hitachi Ltd., Japan. Intended use of Article: The article is intended to be used for research in the following areas: (1) the ultrastructure, site of infection, and multiplication of a new complex microsporida associated with the imported fire ant and (2) the structure, multiplication, and translocation of insect viruses in various economic insect pests. The article will also be used in a number of graduate courses in entomology.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (March 19, 1975). Reasons: The foreign article is a relatively simple, easy to operate, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The article provides 6Å point to point resolution, an accelerating voltage of 75 kilovolts, and low distortion magnification from 500X through 100,000X plus 200X for scanning which permits an overlap of light and electron microscopy.

The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU–4C supplied by the Adam David Company. The Model EMU–4C is a relatively complex instrument designed for use of an experienced operator which provides magnifications of 1400X to 240,000X with its standard pole piece and low distortion magnifications of 500X to 70,000X through the use of a low magnification pole piece. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated November 11, 1975 that the full magnification range of the article without a pole piece change and relative simplicity of operation are pertinent to the applicant's intended purposes. HEW also advises that the Model EMU–4C does not have an equivalent magnification range without a pole piece change and is more complex than the work requires. In addition, HEW advices that the Model PA–1 supplied by the Adam David Company was in development at the time the article was ordered. In this regard, we note that a prototype of the PA–1 was first shown by Adam David in November, 1974. The record shows that neither the Department nor its consultants have been able to determine or verify the capabilities of the PA–1 as of the date of this decision. Thus the Department does not have a sufficient basis for ruling that the Adam David Company was able to supply the PA–1 at the time the foreign article was ordered, or that it is the scientific equivalent of the foreign article.

We, therefore, find that the Model EMU–4C was not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75–33802 Filed 12–15–75;8:45 am]

UNIVERSITY OF GEORGIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00055–33–46040. Applicant: University of Georgia, Dept. of Botany, Athens, Georgia 30602. Article: Electron Microscope, Model EM 10A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in carrying out a variety of research projects which will include: (1) Studies of the development and reproduction of lower fungi, namely phycomycetes; (2) Elucidation of characteristics of higher plants which contribute to their capacity to both gain and lose carbon dioxide; (3) Studies of the changes in subcellular organization during encystment germination, growth and differentiation of the phycomycete *Blastocladiella emersonii;* (4) Investigation of the transport of organic compounds in plants, particularly with regard to the structural features of the cells involved in such transport; (5) Further studies of ascocarp development (Sporomia), conidium ontogeny (Aspergillus, Cunninghamella, Phoma, Pestalotia), and ascosporogenesis (Byssochlamys, Eleutherascus); (6) Research centered on the developmental biology of Volvox: (7) Determination of the complete life cycles of pyrenomycetous Ascomycetes, including developmental morphology of conidial and ascigerous states and substrate relationships of mycelium, particularly the host cell-fungus interactions of the biotrophic parasites; and (8) Studies concerning the various aspects of the biology of the Labyrinthulales and Thraustochytriales including their distribution, morphology, taxonomy and phylogenetic position.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 25, 1975). Reasons: The foreign article provides distortion free micrographs over a magnification range 100 to 200,000 × without a pole-piece change and a guaranteed resolution of 3.5 Angstroms point to point (Å pt.) The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model EMU–4C electron microscope currently supplied by the Adam David Company (Adam David). The Model EMU–4C with its standard pole-piece, had a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range could be reduced to 200 magnifications or less. But the continued reduction of magnification induced an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU–4C that for highest quality, low magnification electron micrographs, an optional low magnificatoin pole-piece providing 500–70,000 × should be used. It is noted that changing the pole-piece on the Model EMU–4C requires a break in the vacuum of the column that induces the danger of contamination which would very likely lead to the failure of the experiments. The EMU–4C provided a guaranteed resolution of 5Åpt. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated November 11, 1975 that distortion free micrographs at low magnifications (100 ×) immediately followed by high magnification examinations at 200,000 × without a pole piece change and the additional resolution of the article are pertinent to the applicant's intended purposes. HEW also advises that the magnification range without pole piece change and the guaranteed resolution of the domestic Model EMU–4C was not scientifically equivalent to that of the foreign article for the applicant's intended use at the time the article was ordered.

We, therefore, find that the Model EMU–4C was not of equivalent scien-

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tific value to the foregin article, for such purposes as this article is intended to be used at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director, Special Import Programs Divisions.

[FR Doc.75-33803 Filed 12-15-75;8:45 am]

UNIVERSITY OF WISCONSIN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00065-33-46040. Applicant: University of Wisconsin, Department of Ophthalmology, School of Medicine, Madison, Wisconsin 53706. Article: Electron Microscope, Model Corinth 275 with Accessories. Manufacturer: AEI Scientific Apparatus Ltd., United Kingdom. Intended use of article: The article is intended to be used primarily for the investigation of the retina and the retinal vascular system in diabetic dog and human eyes in an effort to further clarify the pathogenesis of diabetic microvascular disease which often destroys vision and has become one of the leading causes of blindness.

The article will also be used by graduates and post-graduates as an integral part of their research work. The training of technicians will also play an important role in the teaching phase of the instrument use.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 26, 1975). Reasons: The foreign article provides both an open screen viewing which is available for direct measurement or tracing. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C manufactured by the Adam David Company. The Model EMU-4C did not provide an open viewing screen for measurement and/or tracing.

The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated November 11, 1975 that the open viewing screen of the foreign article is pertinent to the applicant's intended purposes. HEW also advises that the Model EMU-4C does not provide the pertinent open viewing screen.

We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75-33804 Filed 12-15-75;8:45 am]

Domestic and International Business Administration

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Public Meeting

The Management-Labor Textile Advisory Committee will meet at 2:00 p.m. on January 21, 1976, in Room 6802, Department of Commerce, 14th & Constitution Avenue, NW., Washington, D.C. 20230.

The Committee, which is comprised of 39 members, was established by the Secretary of Commerce on April 23, 1962 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after each meeting. To the extent time is available at the end of the meetings, the presentation of oral statements will be allowed.

Copies of the minutes of the meetings will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-967-5078.

Dated: December 11, 1975.

ALAN POLANSKY,
Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75-33831 Filed 12-15-75;8:45 am]

Maritime Administration

[Docket No. S-457, Sub. 1]

COVE TANKERS CORP.

Amended Notice of Application

Notice of Application for the above company, identified as Docket No. S-457, was published in the FEDERAL REGISTER on July 29, 1975 (40 FR 31823), indicating that Cove Tankers Corporation had filed an application with the Maritime Subsidy Board pursuant to Title VI (U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (Act), for an operating-differential subsidy agreement to expire December 31, 1975 (unless extended only for a subsidized voyage in progress on that date), to operate two tanker vessels, the SS Mount Explorer and the SS Mount Navigator, in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.). Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

The application was approved on October 6, 1975. Such Notice is now being republished to delete the passage "(unless extended only for a subsidized voyage in progress on that date)" and substituting the phrase "(unless otherwise extended)". It is anticipated that this contract will be extended to December 31, 1976.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294.

For purposes of section 605(c) of the Act, it should be assumed that, should the Board grant an extension to Cove's existing contract, the two vessels named above will continue to engage in the described trades, on a full-time basis, during the indicated time period. Under such approval each voyage must be approved for subsidy assistance prior to its commencement and the Board will act on such request(s) as an administrative matter for which there is no requirement for further section 605(c) Notice(s).

Any person having an interest in the extension of the contract, must on or before December 29, 1975, notify the board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject application, the purpose of such hearing will be to receive evidence relevant to (1) whether the effect of the extension of the contract would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in such essential service, and (2) whether in the accomplishment of the purposes and policy of the Act this contract should be extended to December 31, 1976.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Date: December 11, 1975.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-33857 Filed 12-15-75;8:45 am]

National Oceanic and Atmospheric Administration

MARINE FISHERIES ADVISORY COMMITTEE

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I, notice is hereby given of a change in date by which written statements from the public will be accepted for consideration at the meeting of the Marine Fisheries Advisory Committee (MAFAC) Ad Hoc Subcommittee on the Role of the National Oceanic and Atmospheric Administration in Implementation of *U.S.* v. *Washington* (Ad Hoc Subcommittee on the Boldt Decision). The meeting will be held on December 16, 1975, in the Main Auditorium of the Auditorium of the NMFS Northwest Fisheries Center. Reference FEDERAL REGISTER, Volume 40, Number 210 at 50555, October 30, 1975, and Number 228 at 54600, November 25, 1975.

The following change is to be noted by interested members of the public. The period for receipt of written statements is extended to December 26, 1975, from November 28, 1975, as previously published. The change results from recent evidence that many concerned individuals who desire to file comments have not had the opportunity to prepare written statements by the November 28th closing date.

Dated: December 12, 1975.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.75-33971 Filed 12-15-75;8:45 am]

Office of the Secretary

ECONOMIC ADVISORY BOARD

Notice of Meeting

A meeting of the Department of Commerce Economic Advisory Board will be held on Thursday, January 22, 1976 from 9:30 a.m. to 3:00 p.m. in Room 4832, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Board was established by the Secretary of Commerce on October 5, 1967. The purpose of the Board is to advise the Secretary of Commerce on economic policy issues. The intended agenda for this meeting is as follows:

Discuss specific industry situations in terms of consumer spending, inventory, and capital spending.

Discuss monetary and fiscal policy and the near-term outlook for prices and interest rates.

Discuss the outlook for overall economic activity through 1976 in terms of output and employment.

A limited number of seats will be available to the public on a first-come, first-served basis. Public participation will be limited to requests for clarification of items under discussion. Additional statements or inquiries may be submitted to the chairman before or after the meeting. Persons desiring to attend the meeting should advise Mr. Dominic R. Quinn, telephone (202) 967-3884, by January 16, 1976.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Committee Control Officer, Mr. Dominic R. Quinn, Special Assistant to the Assistant Secretary for Economic Affairs, Room 4858, Department of Commerce, Washington, D.C., 20230, telephone (202) 967-3884.

JAMES L. PATE,
Assistant Secretary for Economic Affairs.

[FR Doc.75-33811 Filed 12-15-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of January 1976:

MENTAL HEALTH SERVICES RESEARCH REVIEW COMMITTEE

January 5-7; 9 a.m.
Place d'Armes, 625 St. Ann Street, New Orleans, Louisiana
Open—January 5, 9-9:30 a.m.
Closed—Otherwise
Contact James Cumiskey, Parklawn Building, Room 11C-17, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3765

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to mental health services research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 9:30 a.m., January 5, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

EPIDEMIOLOGIC STUDIES REVIEW COMMITTEE

January 8-9; 9 a.m.
Kalorama Conference Room, The Washington Hilton, Connecticut Avenue at Columbia Road, NW., Washington, D.C.
Open—January 8, 9-10:00 a.m.
Closed—Otherwise
Contact Lavinia Walsh, Parklawn Building, Room 10C-09, 5600 Fishers Lane, Rockville, Md. 20852, 301-43-3774

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities in the field of epidemiology and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10:00 a.m., January 8, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5), and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

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EXPERIMENTAL PSYCHOLOGY RESEARCH REVIEW COMMITTEE

January 8–10; 9 a.m.
Cabinet Rom, Shoreham-Americana Hotel, Connecticut Avenue at Calvert Street, N.W., Washington, D.C.
Open—January 8, 9–9:30 a.m.
Closed—Otherwise
Contact Sally Connell, Parklawn Building, Room 10–95
5600 Fishers Lane, Rockville, Maryland 20852, 301–443–3936

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to experimental psychology research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 9:30 a.m., January 8, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

NEUROPSYCHOLOGY RESEARCH REVIEW COMMITTEE

January 8–10; 9 a.m.
Parliament Room, Wellington Hotel. 2505 Wisconsin Avenue NW., Washington, D.C.
Open—January 8, 9–10 a.m.
Closed—Otherwise
Contact Eileen Nugent, Parklawn Building, Room 10C–06, 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3942

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to neuropsychology research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10 a.m., January 8, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

CLINICAL PROGRAM-PROJECTS RESEARCH REVIEW COMMITTEE

January 9–10; 9 a.m.
Marriott Key Bridge Hotel, Rosslyn, Virginia
Open—January 9, 9–10 a.m.
Closed—Otherwise
Contact Evelyn Cralle, Parklawn Building, Room 10C–25
5600 Fishers Lane, Rockville, Md. 20852, 301–443–4707

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to clinical research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10 a.m., January 9, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

EXPERIMENTAL AND SPECIAL TRAINING REVIEW COMMITTEE

January 14–16; 9 a.m.
Conference Room "C", Parklawn Building, Rockville, Maryland
Open—January 14, 9–9:30 a.m.
Closed—Otherwise
Contact Dr. Ralph Simon, Parklawn Building, Room 8C–02, 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3893

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to experimental and special mental health training projects and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 9:30 a.m., January 14, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

SOCIAL SCIENCES RESEARCH REVIEW COMMITTEE

January 14–16; 9 a.m.
Captain's Table Room, La Valencia Hotel, 1132 Prospect Street, LaJolla, California
Open—January 14, 9–9:30 a.m.
Closed—Otherwise
Contact Marilyn Andersen, Parklawn Building, Room 10–95, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–3936

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to social science research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 9:30 a.m., January 14, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

METROPOLITAN MENTAL HEALTH PROBLEMS REVIEW COMMITTEE.

January 15–16; 9 a.m.
Conference Room 411, Quality Inn/Downtown, Massachusetts Avenue at Thomas Circle, NW., Washington, D.C.
Open—January 15, 9–9:30 a.m.
Closed—Otherwise
Contact Phyllis Pinzow, Parklawn Building, Room 15–99, 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3373

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health, Division of Special Mental Health Programs, Center for Studies of Metropolitan Problems. It makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 9:30 a.m., January 15, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

MINORITY GROUP MENTAL HEALTH PROGRAMS REVIEW COMMITTEE

January 15–16; 9 a.m.
Conference Room, Royal Inn of La Jolla, 7830 Faye Avenue, La Jolla, California
Open—January 15, 9–10:00 a.m.
Closed—Otherwise
Contact Edna M. Hardy Hill, Parklawn Building, Room 7–102, 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3724

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to minority mental health research and training and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10:00 a.m., January 15, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

CLINICAL PROJECTS RESEARCH REVIEW COMMITTEE

January 15–17; 9 a.m.
Marriott Key Bridge Hotel, Rosslyn, Virginia
Open—January 15, 9–10:00 a.m
Closed—Otherwise
Contact Harriet German, Parklawn Building, Room 10C–23B, 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4707

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to clinical research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10:00 a.m., January 15, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

MENTAL HEALTH SMALL GRANT COMMITTEE

January 15; 1 p.m.
January 16–17; 8:30 a.m.
Marshall Room and Warren Room, Sheraton Park Hotel, 2600 Woodley Road, NW., Washington, D.C.
Open—January 15, 4–5 p.m.
Closed—Otherwise
Contact Mary E. Enyart, Parklawn Building, Room 10C–14, 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4337

Purpose: The Committee is charged with the initial review of small grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to mental health research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 4 to 5 p.m., January 15, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

PERSONALITY AND COGNITION RESEARCH REVIEW COMMITTEE

January 16–18; 9 a.m.
Caucus Room, Shoreham Americana, Connecticut Avenue at Calvert Street, N.W., Washington, D.C.
Open—January 16, 9–10 a.m.
Closed—Otherwise
Contact Shirley Maltz, Parklawn Building, Room 10C–06, 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3942

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10 a.m., January 16, the meeting will be open for discussion of administrative announcements and program developments. Otherwise the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

SOCIAL PROBLEMS RESEARCH REVIEW COMMITTEE

January 18–19; 9 a.m.
Aztec Room, Sea Lodge, 8110 Camino Del Oro, La Jolla California
Open—January 18, 9–9:30 a.m.
Closed—Otherwise
Contact Hulda S. McLachlen, Parklawn Building, Room 9C–14, 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4843

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the Division of Extramural Research Programs, National Institute of Mental Health, relating to the field of social problems and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 9:30 a.m., January 18, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

CONTINUING EDUCATION TRAINING REVIEW COMMITTEE

January 21–23; 9 a.m.
Conference Room "G", Parklawn Building, Rockville, Maryland
Open—January 21, 9–9:30 a.m.
Closed—Otherwise
Contact Luella McNay, Parklawn Building, Room 8C–22, 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4735

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to education activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 9:30 a.m., January 21, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

CRIME AND DELINQUENCY REVIEW COMMITTEE

January 21–22; 9 a.m.
Plaza Room, Dupont Plaza Hotel, 1500 New Hampshire Avenue, NW., Washington, D.C.
Open—January 21, 9–10 a.m.
Closed—Otherwise
Contact Carol Beall, Parklawn Building, Room 18C–03, 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3728

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities in crime and delinquency, law and mental health interactions, and individual violent behavior and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10 a.m., January 21, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

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JUVENILE PROBLEMS RESEARCH REVIEW COMMITTEE

January 21; 7 p.m.
January 22–23; 9 a.m.
Kalorama Room, Washington Hilton, Connecticut Avenue at Columbia Road, NW., Washington, D.C.
Open—January 22, 9–9:30 a.m.
Closed—Otherwise
Contact Diana Souder, Parklawn Building, Room 10–99, 5600 Fishers Lane, Rockville, Maryland, 20852, 301–443–3566

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to development from infancy to young adulthood and makes recommendaitons to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 9:30 a.m., January 22, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing the initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Ttitle 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

ALCOHOL TRAINING REVIEW COMMITTEE

January 22–24; 9 a.m.
Conference Room "B", Parklawn Building, Rockville, Maryland
Open—January 22, 9–11 a.m.
Closed—Otherwise
Contact Dr. Melvin Davidoff, Parklawn Building, Room 16C–26, 5600 Fishers Lane, Rockville, Md. 20852, 301–443–1056

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism, ADAMHA, relating to training activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final reyiew.

Agenda: From 9 to 11 a.m., January 22, the Committee will be open for reports and announcements of administrative and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact persons listed above.

The NIAAA and NIMH Information Officers who will furnish summaries of the meetings and rosters of the Committee members are located in the Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852. The NIAAA Information Officer is Mr. Harry C. Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 6C–15, Telephone No. 301–443–3306. The NIMH Information Officer is Mr. Edwin Long, Deputy Director, Division of Scientific and Technical Information, National Institute of Mental Health, Room 15–105, Telephone No. 301–443–3600.

Dated: December 10, 1975.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75–33771 Filed 12–15–75;8:45 am]

National Institutes of Health

AGING REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Aging Review Committee, National Institute on Aging, on February 5, 1976, in Building 31C, Conference Room 8, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. to 10:00 a.m. on February 5 for introductory remarks by Dr. Richard Greulich, Acting Director, National Institute on Aging, and Dr. Leroy Duncan, Chief, Adult Development and Aging Branch. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 5 from 10:00 a.m. to adjournment for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portion of the meeting will involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Suzanna Porter, Committee Management Officer, NAI, Building 31, Room 4B63, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–5345, will provide a summary of the meeting and a roster of committee members. Dr. Walter Spieth, Executive Secretary of the Aging Review Committee, NIA, Landow Building, Room A–710; National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1033, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health.)

Dated: December 9, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75–33820 Filed 12–15–75;8:45 am]

ALLERGY AND IMMUNOLOGY RESEARCH COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Allergy and Immunology Research Committee, National Institute of Allergy and Infectious Diseases on January 26–27, 1976, at the National Institutes of Health, Building 31C, Conference Room 7, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to 10:00 a.m. on January 26 for the discussion of general policy matters and administrative reports. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting of the committee will be closed to the public from 10:00 a.m. on January 26 to adjournment on January 27 for the review, discussion, and evaluation of individual initial, pending, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, NIAID, National Institutes of Health, Building 31, Room 7A32, Bethesda, Maryland 20014, (301) 496–5717, will furnish rosters of committee members, summaries of the meetings, and other information pertaining to the meetings.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health.)

Dated: December 8, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75–33823 Filed 12–15–75;8:45 am]

ANIMAL RESOURCES ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Animal Resources Advisory Committee, Division of Research Resources, February 3–4, 1976, National Institutes of Health, Building 31, Conference Room 7, Bethesda, Maryland 20014. This meeting will be open to the public on February 3 from 8:00 a.m. to 10:00 a.m., during which time there will be a brief staff presentation on the current status of the Animal Resources Program. The Committee will select future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 10:00 a.m. to 5:00 p.m. on February 3 and from 8:00 a.m. to adjournment on February 4 for the review, discussion, and evaluation of initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of Committee members on individual grant applications containing detailed research protocols, designs and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. James Augustine, Chief, Office of Science and Health Reports, Division of Research Resources, Building 31, Room 5B39, Bethesda, Maryland 20014, 301/496–5545, will provide summaries of the meeting and rosters of Committee members. Dr. John E. Holman, Executive Secretary, Animal Resources Advisory Committee, Building 31, Room 5B35, Bethesda, Maryland 20014, 301/496–5507, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.306, National Institutes of Health)

Dated: December 8, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75–33825 Filed 12–15–75;8:45 am]

ARTERIOSCLEROSIS AND HYPERTENSION ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Arteriosclerosis and Hypertension Advisory Committee, National Heart and Lung Institute, January 30–31, 1976, in Building 31, Conference Room 4, NIH Reservation, Bethesda, Maryland.

The entire meeting will be open to the public from 9:00 a.m. to 6:00 p.m. on Friday, January 30 and from 9:00 a.m. to 3:00 p.m. on Saturday, January 31, to evaluate program support in Arteriosclerosis and Hypertension. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLI, Room 5A21, Building 31, National Institutes of Health, Bethesda, Maryland 20014, Phone (301) 496–4236, will provide summaries of the meeting and rosters of committee members.

Dr. Gardner C. McMillan, Associate Director for Entiology of Arteriosclerosis and Hypertension Program, NHLI, Room C803, Landow Building, National Institutes of Health, Bethesda, Maryland 20014, Phone (301) 496–1613, will furnish substantive program information.

Dated: December 1, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75–33830 Filed 12–15–75;8:45 am]

AUTOMATION IN THE MEDICAL LABORATORY SCIENCES REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Automation in the Medical Laboratory Sciences Review Committee, January 27–28, 1976, 9 a.m., National Institutes of Health, Building 31C, Conference Room 8. This meeting will be open to the public on January 27 from 9 a.m. to 5 p.m. for opening remarks and general discussion. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on January 28 from 9 a.m. to 5 p.m., for the review, discussion, evaluation, and ranking of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, Room 909, Bethesda, Maryland 20014, Telephone: 301–496–7301, will provide a summary of the meeting and a roster of committee members.

Dr. Robert S. Melville, Executive Secretary, Automation in the Medical Laboratory Sciences Review Committee, Westwood Building, Room 954, Bethesda, Maryland 20014, Telephone: 301–496–7081, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13–860, National Institute of General Medical Sciences, National Institutes of Health)

Dated: December 8, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75–33827 Filed 12–15–75;8:45 am]

BIOMEDICAL LIBRARY REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Biomedical Library Review Committee, National Library of Medicine, on February 4–5, 1976, from 8:30 a.m. to 5:00 p.m. on February 4, and from 8:30 a.m. to adjournment on February 5, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland.

The meeting will be open to the public from 8:30 to 11:00 a.m. on February 4 for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available. In accordance with provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 4 from 11:00 a.m. to 5:00 p.m. and from 8:30 a.m. to adjournment on February 5, for the review, discussion, and evaluation of individual initial pending grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Dr. Roger W. Dahlen, Executive Secretary of the Committee, and Chief, Division of Biomedical Information Support, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20014, Telephone Number: 301–496–4191, will furnish summaries of the meeting, rosters of committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program Nos. 13.348, 13.351, 13.353—National Institutes of Health.)

Dated: December 9, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75–33818 Filed 12–15–75;8:45 am]

GENERAL CLINICAL RESEARCH CENTERS COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the General Clinical Research Centers Committee on February 9 and 10, 1976, from 9:00 a.m. to 5:00 p.m. in The La Playa Hotel, Camino Real at 8, Carmel-by-the-Sea, California. This meeting will be open to the public from 9 a.m. to 10 a.m. on February 9, 1976, to discuss administrative reports. Attendance by the public will be limited to space available.

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In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting of the Committee will be closed to the public on February 9, 1976, from 10:00 a.m. to 5:00 p.m. and on February 10, 1976, from 9:00 a.m. to 5:00 p.m. for the review, discussion and evaluation of pending individual initial, renewal, and supplemental grant applications. The closed portions of the meeting involve solely the internal expression of views and judgments of Committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and professional qualifications of individuals associated with the applications.

Mr. James Augustine, Chief, Office of Science and Health Reports, Division of Research Resources, National Institutes of Health, Building 31, Room 5B39, Bethesda, Maryland 20014, (301) 496-5545, will furnish rosters of Committee members, summaries of the meetings, and other information pertaining to the meetings.

(Catalog of Federal Domestic Assistance Program No. 13.333, National Institutes of Health)

Dated: December 8, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-33824 Filed 12-15-75;8:45 am]

NATIONAL CANCER INSTITUTE ADVISORY COMMITTEES

Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

Name of committee: Clinical Cancer Education Committee.
Dates: January 15-16, 1976, 8:30 a.m.
Place: Building 31C Room: Conference Room 10 National Institutes of Health.
Times: Open—January 15, 8:30 a.m.-9:30 a.m. Closed—January 15, 9:30 a.m.-5:00 p.m. Closed—January 16, 8:30 a.m.-adjournment.
Closure reason: To Review Research Grant
Executive Secretary: Dr. Margaret Edwards, Address: Westwood Building Room: 10A18, National Institutes of Health. Phone 301/496-7762.
Catalog of Federal Domestic Assistance number, 13.314.

Name of committee: Cancer Clinical Investigation Review Committee.
Dates: January 19-21, 1976, 8:30 a.m.
Place: Building 31C Room: Conference Room 8, National Institutes of Health.
Times: Open—January 19, 8:30 a.m.-10:30 a.m. Closed—January 19, 10:30 a.m.-5:00 p.m. Closed—January 20, 8:30 a.m.-5:00 p.m.. Closed—January 21, 8:30 a.m.-adjournment.
Closure reason: To Review Research Grant Applications.
Executive secretary: Mr. Clare W. White. Address: Westwood Building, Room 822, National Institutes of Health. Phone 301/496-7058.

Catalog of Federal Domestic Assistance number, 13.314.

Dated: December 4, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75-33828 Filed 12-15-75;8:45 am]

NATIONAL CANCER INSTITUTES ADVISORY COMMITTEES

Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

Name of Committee: Committee on Cytology Automation.
Dates: January 7-9, 1976, 8:30 a.m.
Place: Building 31C. Room: Conference Room 5, National Institutes of Health.
Times: Open—January 7, 8:30 a.m.-5:00 p.m. Open—January 8, 8:30 a.m.-12:00 noon. Closed—January 8, 1:00 p.m.-5:00 p.m. Closed—January 9, 9:00 a.m.-adjournment.
Agenda Open Portion: Presentation of current progress by contractors.
Closure reason: To Review Research Contract Proposals.
Executive Secretary: Dr. Bill Bunnag. Address: Building 10, Room 1A21, National Institutes of Health. Phone 301/496-5282.
Catalog of Federal domestic assistance number, 13.825.
Name of committee: Breast Cancer Diagnosis Committee.
Dates: January 8, 1976, 9:00 a.m.
Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Md., Versailles Room 1.
Times: Open:—January 8, 11:00 a.m. to adjournment. Closed:—January 8, 9:00 a.m. to 11:00 a.m.
Agenda/open portion: Discussion of Project Areas of Fiscal Year 1977 Program.
Closure reason: To Review Research Contract Proposals.
Executive secretary: Dr. Bernice T. Radovich. Address: Landow Building, Room B404, National Institutes of Health. Phone 301/496-6774.
Catalog of Federal domestic assistance number, 13.825.
Name of committee: Breast Cancer Epidemiology Committee.
Dates: January 8, 1976, 9:00 a.m.
Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland, Versailles Room 2.
Times: Open:—January 8, 10:00 a.m.—adjournment. Closed:—January 8, 9:00 a.m.-10:00 a.m.
Agenda/open portion: Discussion of broad areas for future research.
Closure reason: To Review Research Contract Proposals.
Executive secretary: Dr. Elizabeth P. Anderson. Address: Landow Building, Room A406, National Institutes of Health. Phone 301/496-6718.
CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER, 13.825.
Name of committee: Breast Cancer Experimental Biology Committee.
Dates: January 8, 1976, 8:30 a.m.
Place: Building 31C ROOM: Conference Room 6, National Institutes of Health.
Times: Open:—January 8, 8:30 a.m.-9:30 a.m. Closed—January 8, 9:30 a.m.-adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Dr. D. Jane Taylor. Address: Landow Building Room A422, National Institutes of Health. Phone 301/496-6718.
Catalog of Federal domestic assistance number, 13.825.
Name of committee: Breast Cancer Treatment Committee.
Dates: January 8, 1976, 8:30 a.m.
Place: Landow Building Room: C418, 7910 Woodmont Avenue, Bethesda, Maryland 20014.
Times: Open:—January 8, 8:30 a.m.-10:00 a.m. Closed:—January 8, 10:00 a.m.-Adjournment.
Closure reason: To review research contract proposals.

Executive secretary: Dr. Mary E. Sears. Address: Landow Building Room A404, National Institutes of Health. Phone: 301/496-6773.
Catalog of Federal domestic assistance number, 13.825.
Name of committee: Drug Development Committee.
Dates: January 9, 1976, 9:00 a.m.
Place: Blair Building, Room: 414, 8300 Colesville Road, Silver Spring, Maryland 20910.
Times: Open:—January 9, 9:00 a.m.-9:15 a.m. Closed:—January 9, 9:15 a.m.-adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Mrs. Naomi FitzGibbon. Address: Blair Building Room 5A03, National Institutes of Health. Phone 301/-427-7337.
Catalog of Federal domestic assistance number, 13.825.
Name of committee: Temporary Committee for the Review of Data on Carcinogenicity of Cyclamate.
Dates: January 13, 1976, 9:00 a.m.
Place: Building 31C Room: Conference Room 10, National Institutes of Health.
Times: Open for the Entire Meeting.
Agenda: To review the preparation and progress of the Committee's report.
Executive secretary: Dr. James M. Sontag. Address: Landow Building Room: A-306, National Institutes of Health. Phone 301/-496-5471.
Name of committee: Diet, Nutrition and Cancer Program Advisory Committee.
Dates: January 13-14, 1976, 9:00 a.m.
Place: Building 31C Room: Conference Room 6, National Institutes of Health.
Times: Open for the Entire Meeting.
Agenda: To review developments in the Diet, Nutrition and Cancer Program.
Executive Secretary: Dr. Gio B. Gori. Address: Building 31 Room: 11A03, National Institutes of Health. Phone 301/496-6616.
Name of committee: Virus Cancer Program Scientific Review Committee A.
Dates: January 19-20, 1976, 9:00 a.m.
Place: Building 37 Room: 1B-04, National Institutes of Health.
Times: Open—January 19, 9:00 a.m.—9:30 a.m. Closed—January 19, 9:30 a.m.-5:00 p.m. Closed—January 20, 9:00 a.m.-adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Dr. Elke Jordan. Address: Building 37 Room 1A-01, National Institutes of Health. Phone 301/496-6927.
Catalog of Federal domestic assistance number, 13.825.
Name of committee: Biometry and Epidemiology Contract Review Committee.
Dates: January 20-21, 1976, 7:30 p.m.
Place: Landow Building Room: C418, 7910 Woodmont Avenue, Bethesda, Maryland 20014.
Times: Open—January 20, 7:30 p.m. to 11:00 p.m. Closed—January 21, 8:30 a.m. to Adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Mr. Harvey Geller. Address: Landow Building Room: C519, National Institutes of Health. Phone 301/496-6014.
Catalog of Federal domestic assistance number, 13.825.
Name of committee: Committee on Cancer Immunitherapy.
Dates: January 22, 1976, 1:00 p.m.
Place: Building 10 Room: 4B14, National Institutes of Health.
Times: Open—January 22, 1:00 p.m.-1:30 p.m. Closed—January 22, 1:30 p.m.—Adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Harriet Gordon. Address: Building 10 Room 4B17, National Institutes of Health. Phone 301/496-1791.
Catalog of Federal domestic assistance number, 13.825.
Name of committee: Cancer Control Intervention Programs Review Committee.
Dates: January 22, 1976, 8:30 a.m.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Maryland 20014.
Times: Open—January 22, 8:30 a.m.-9:00 a.m. Closed—January 22, 9:00 a.m.-adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Dr. Robert Bowser. Address: Blair Building Room 7A07, National Institutes of Health. Phone: 301/427-7943.
Catalog of Federal domestic assistance number, 13.825.
Name of committee: Drug Development Committee.
Dates: January 22-23, 1976, 9:00 a.m.
Place: Southern Research Institute, 2000 Ninth Avenue South, Birmingham, Alabama 35205.
Times: Open—January 23, 9:00 a.m.-9:15 a.m. Closed—January 22, 9:00 a.m.-5:00 p.m. Closed—January 23, 9:15 a.m.-adjournment
Closure reason: To review research contract proposals.
Executive secretary: Mrs. Naomi FitzGibbon. Address: Blair Building, Room 5A03, National Institutes of Health. Phone: 301/427-7337.
Catalog of Federal domestic assistance number, 13.825.
Name of committee: Cancer Control Supportive Review Committee.
Dates: January 27, 1976, 8:30 a.m.
Place: Building 31C Room: Conference Room 10, National Institutes of Health.
Times: Open—January 27, 8:30 a.m.-9:00 a.m. Closed—January 27, 9:00 a.m.—adjournment.
Closure reason: To review research contract proposals.
Executive secretary: Dr. Carlos Caban. Address: Blair Building, Room 7A07, National Institutes of Health. Phone: 301/427-7943.
Catalog of Federal domestic assistance number, 13.825.

Dated: December 4, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-33829 Filed 12-15-75;8:45 am]

POPULATION RESEARCH COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Population Research Committee, National Institute of Child Health and Human Development, on January 15-16, 1976, in the Landow Building, Room C-418, 7910 Woodmont Avenue, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. to 10:30 a.m. on January 15 to discuss the program status, new developments and projections for population research center and program project applications. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 15 from 10:30 a.m. to adjournment on January 16 for the review, discussion and evaluation of individual initial pending and supplemental grant applications. The closed portion of the meeting will involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1848, will provide a summary of the meeting and a roster of committee members. Dr. William A. Sadler, Executive Secretary of the Population Research Committee, NICHD, Room C-733, Landow Building, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-6515, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health.)

Dated: December 9, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-33819 Filed 12-15-75;8:45 am]

TEMPORARY COMMITTEE FOR A STATISTICAL ANALYSIS AND QUALITY CONTROL CENTER

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Temporary Committee for a Statistical Analysis and Quality Control Center (SAQC), National Cancer Institute, on January 26-27, 1976, Building 31, Conference Room 9, C Wing, National Institutes of Health, Bethesda, Maryland 20014.

This meeting will be open to the public on January 26, 1976 from 9:00 a.m. to 9:30 a.m. to discuss administrative details relating to the committee. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 26, 1976 from 9:30 a.m. to 5:00 p.m. and on January 27, 1976 from 9:00 a.m. to adjournment for the review discussion and evaluation of research contract proposals. The proposals contain information of a proprietary or confidential nature, including designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

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Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the meeting and rosters of committee members upon request.

Dr. Peter H. Graepel, Executive Secretary, Building 12A, Room 3039, National Institutes of Health, Bethesda, Maryland 20014 (301/496–6117) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: December 8, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–33826 Filed 12–15–75;8:45 am]

NATIONAL ADVISORY EYE COUNCIL, VISION RESEARCH PROGRAM PLANNING SUBCOMMITTEE

Meeting

Pursuant to Pub. L. 92–463 notice is hereby given of the meeting of the Vision Research Program Planning Subcommittee of the National Advisory Eye Council, National Eye Institute, on January 15, 1976, National Institutes of Health, Building 31, Room 6A–21, Bethesda, Maryland.

The entire meeting will be open, from 9:00 a.m. until adjournment. The meeting will be devoted to a discussion of the role of Subcommittee Panels to study research needs and opportunities in various vision disorders, a tentative schedule of Panel activities for the current planning cycle, and publication of an interim report updating information on vision research support and the impact of eye disease in the United States. Attendance by the public will be limited to space available.

Substantive information may be obtained from Mr. Julian Morris, Head, Office of Scientific Reports and Program Planning Coordination, National Eye Institute, National Institutes of Health, Bethesda, Maryland 20014, Building 31, Room 6A–27, telephone (301) 496–5248.

(Catalog of Federal Domestic Assistance Program No. 13.331, National Institutes of Health.)

Dated: December 8, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–33822 Filed 12–15–75;8:45 am]

PRESIDENT'S CANCER PANEL

Amended Notice of Meeting

Notice is hereby given of an addition to the agenda in the meeting January 21, 1976, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 7 of the President's Cancer Panel, National Cancer Institute, which was published in the FEDERAL REGISTER on November 25, 1975, vol. 40, No. 228, page 5406.

A full-scale presentation of NCI activities in the area of environmental carcinogenesis will be presented during the open session of the meeting from 9:30 a.m. to 12:00 noon.

Dated: December 9, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–33821 Filed 12–15–75;8:45 am]

VISION RESEARCH PROGRAM COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Vision Research Program Committee, National Eye Institute on January 16, 1976, at the Holiday Inn of Bethesda, Gallery, 8120 Wisconsin Avenue, Bethesda, Maryland 20014, convening at 8:30 a.m.

This meeting will be open to the public from 3:00 p.m. until adjournment for discussion of guidelines for the Academic Investigator Award and Research Center grant programs, workshops, and program planning (training). Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 9:00 a.m. until 3:00 p.m. for the review, discussion, and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Julian Morris, Head, Scientific Reports and Program Planning Coordination, National Eye Institute, National Institutes of Health, Bethesda, Maryland 20014, Building 31, Room 6A–27, telephone (301) 496–5248, will furnish summaries of the meeting and rosters of committee members.

Substantive program information may also be obtained from Dr. Wilford L. Nusser, Chief, Scientific Programs Branch, Extramural and Collaborative Programs, National Eye Institute, National Institutes of Health, Bethesda, Maryland 20014, Building 31, Room 6A–52, telephone (301) 496–5301.

(Catalog of Federal Domestic Assistance Program No. 13.331, National Institutes of Health.)

Dated: December 10, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–33817 Filed 12–15–75;8:45 am]

Office of Education

RIGHT TO READ READING ACADEMY PROGRAM

Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in the National Reading Improvement Program, Section 723 of Title VII Public Law 93–380 (20 U.S.C. 1963) applications are being accepted for new grants under the Right to Read Reading Academy Program. Applications must be received by the U.S. Office of Education Application Control Center on or before February 6, 1976.

A. APPLICATIONS SENT BY MAIL

An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue S.W., Washington, D.C. 20202, Attention: 13.533E. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than February 2, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date or receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education).

B. HAND DELIVERED APPLICATIONS

An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 20202. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. AUTHORITY

The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Parts 100, 100a). Regulations governing the Reading Academy Program were published as a notice of proposed rulemaking in the FEDERAL REGISTER on December 4, 1975 (General Provisions, 45 CFR Part 162, Subpart A and Reading Academy Program, 45 CFR 162, Subpart E) and will govern the operation of this program when adopted in final and made effective.

D. PROGRAM INFORMATION AND FORMS

Information and application forms may be obtained from the Right to Read Program, U.S. Office of Education, Room 2108, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(20 U.S.C. 1963)

(Catalog of Federal Domestic Assistance Number 13.533, Right to Read Elimination of Illiteracy)

Dated: December 10, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75–33806 Filed 12–15–75;8:45 am]

RIGHT TO READ SPECIAL EMPHASIS PROGRAM

Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in the National Reading Improvement Program, Section 721 of Title VII, Public Law 93–380, 20 U.S.C. 1961, applications are being accepted for contracts under the Right to Read Special Emphasis Program. Applications must be received by the U.S. Office of Education Application Control Center on or before February 27, 1976.

A. APPLICATIONS SENT BY MAIL

An application sent by mail should be addressed as follows: U.S. Office of Education, Grant Procurement Management Division, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.533H. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than February 23, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education).

B. HAND DELIVERED APPLICATIONS

An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. 20202. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m., Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. AUTHORITY

The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Parts 100, 100a). Regulations governing the Special Emphasis Projects were published as a notice of proposed rulemaking in the FEDERAL REGISTER on December 4, 1975 (General Provisions, 45 CFR Part 162, Subpart A and Special Emphasis Projects, 45 CFR Part 162, Subpart D) and will govern the operation of this program when adopted in final and made effective.

D. PROGRAM INFORMATION AND FORMS

Information and application forms may be obtained from the Right to Read Program, U.S. Office of Education, Room 2134, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(20 U.S.C. 1961)

(Catalog of Federal Domestic Assistance Number 13.533, Right to Read—Elimination of Illiteracy)

Dated: December 10, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75–33807 Filed 12–15–75; 8:45 am]

RIGHT TO READ READING IMPROVEMENT PROJECTS

Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in the National Reading Improvement Program, Section 705 of Title VII, Public Law 93–380, 20 U.S.C. 1921, applications are being accepted for new grants under the Right to Read Reading Improvement Projects.

Applications must be received by the U.S. Office of Education Application Control Center on or before March 16, 1976.

A. APPLICATIONS SENT BY MAIL

An application sent by mail should be addressed as follows: U.S. Office of Education, Grant Procurement Management Division, Application Control Center, 400 Maryland Avenue S.W., Washington, D.C. 20202, Attention: 13.533G. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than March 11, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education).

B. HAND DELIVERED APPLICATIONS

An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 20202. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. AUTHORITY

The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Parts 100, 100a). Regulations governing the Reading Improvement Projects were published as a notice of proposed rulemaking in the FEDERAL REGISTER on December 4, 1975 (General Provisions, 45 CFR Part 162, Subpart A and Reading Improvement Projects, 45 CFR Part 162, Subpart B) and will govern the operation of this program when adopted in final and made effective.

D. PROGRAM INFORMATION AND FORMS

Information and application forms may be obtained from the Right to Read Program, U.S. Office of Education, Room 2130, 400 Maryland Avenue, S.W., Washington, D.C. 20202 or phone 202–245–7950.

(20 U.S.C. 1921)

(Catalog of Federal Domestic Assistance Number 13.533, Right to Read Elimination of Illiteracy)

Dated: December 10, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75–33808 Filed 12–15–75;8:45 am]

Office of the Assistant Secretary

EXCLUSIVE LICENSE

Notice of Proposed Issuance

Pursuant to § 6.3, 45 CFR, Part 6, notice is hereby given of intent to issue a limited-term, revocable, exclusive patent license in and to an invention of William H. Mason entitled "Method and Apparatus for Continuous Mixing of Blood Plasma and Additives."

Any objection thereto together with request for opportunity to be heard, if desired, should be directed to the Assistant Secretary for Health, Department of Health, Education, and welfare, 330 Independence Avenue, SW., Washington, D.C. 20201, on or before January 15, 1976.

Interested parties may obtain a copy of the patent directed to this invention upon request in writing to the party hereinabove named.

(45 CFR 6.3)

Dated: December 9, 1975.

THEODORE COOPER,
Assistant Secretary for Health.

[FR Doc.75–33840 Filed 12–15–75;8:45 am]

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CIVIL AERONAUTICS BOARD

[Docket No. 26943]

AEROAMERICA, INC., GAC CORP., AND MODERN AIR TRANSPORT, INC.

Acquisition Agreement; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on January 14, 1976, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., December 10, 1975.

[SEAL] ROBERT L. PARK,
Assistant Secretary for Health.

[FR Doc.75-33844 Filed 12-15-75;8:45 am]

[Docket No. 26530]

FRONTIER AIRLINES, INC. DELETION OF COLUMBUS, NEBRASKA

Deletion of Columbus, Nebr.; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on January 28, 1976, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., December 10, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-33845 Filed 12-15-75;8:45 am]

[Docket 26907]

LONG-HAUL MOTOR/RAILROAD CARRIER AIR FREIGHT FORWARDER AUTHORITY CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the previsions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on January 21, 1976, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., December 10, 1975.

ROBERT L. PARK.
Chief Administrative Law Judge.

[FR Doc.75-33843 Filed 12-15-75;8:45 am]

CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

MEETING

The Citizens' Advisory Committee on Environmental Quality will meet on January 16, 1976, at 10 a.m. in Room 500, 1700 Pennsylvania Avenue, NW., Washington, D.C.

The Committee advises the President and the Council on Environmental Quality on matters pertaining to environmental quality. The purpose of the meeting is to review pending Committee business and to consider Committee activities for the coming year. Subjects discussed will include the Committee's 1975 Report to the President and the Council on Environmental Quality and other publications, land use, conservation and recycling of paper, energy, the use of abandoned railroad rights of way and utility rights of way for recreation trails, and other current environmental issues.

The meeting will be open to the public. Persons planning to attend the meeting are requested to notify in writing or by telephone no later than January 13, 1976, Lawrence N. Stevens, Executive Director, Citizens' Advisory Committee on Environmental Quality, 1700 Pennsylvania Avenue, NW., Washington, D.C. 20006, telephone (202) 223-3040. Members of the public may file written statements with the Committee before or after the meeting. Persons wishing to speak at the meeting are requested to consult with the Executive Director no later than January 9, 1976.

Requests for information should be submitted to the Executive Director (address given above).

LAWRENCE N. STEVENS,
Executive Director, Citizens' Advisory Committee on Environmental Quality.

[FR Doc.75-33814 Filed 12-15-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

NATIONAL ADVISORY COMMITTEE FOR THE FLAMMABLE FABRICS ACT

Notice of Meeting

Notice is given that a meeting of the National Advisory Committee for the Flammable Fabrics Act will be held on Tuesday, January 27, 1976 and Wednesday, January 28, 1976 in the 6th Floor Conference Room, Consumer Product Safety Commission, 1750 K Street, N.W., Washington, D.C.

The National Advisory Committee provides advice and recommendations on the Commission's proposals and plans for reducing the frequency and severity of burn injuries involving flammable fabrics.

Persons wishing to make oral or written presentations to the National Advisory Committee should notify the Secretary at least five (5) days in advance of the meeting.

The meeting is open to the public, however, space is limited. Further information concerning this meeting and specific agenda topics may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, phone (202) 634-7700.

Dated: December 10, 1975.

SHELDON D. BUTTS.
Acting Secretary.

[FR Doc.75-33809 Filed 12-15-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 468-7]

BENDIX CORP.

Ambient Air Monitoring Reference and Equivalent Methods

Notice is hereby given that on November 3, 1975, the Environmental Protection Agency received an application from The Bendix Corporation, Process Instruments Division, Lewisburg, West Virginia, to determine if its Model 8501-5C and 8501-5CA carbon monoxide analyzers should be designated by the Administrator of the EPA as reference or equivalent methods under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044). If, after appropriate technical study, the Administrator determines that either of these methods should be so designated, notice thereof will be given in a subsequent issue of the FEDERAL REGISTER.

WILSON K. TALLEY,
Assistant Administrator for Research and Development.

DECEMBER 5, 1975.

[FR Doc.75-33870 Filed 12-15-75;8:45 am]

[FRL 468-1]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of November 16, 1975 and November 30, 1975.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW., Washington, D.C. 20460, telephone 202/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: December 8, 1975.

PETER F. SMITH,
Acting Director, Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between Nov. 16, and 30, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-J65030-MT	O'Brien-Seventeenmile-Cross Mountain multiple use plan, Kootenai National Forest, Lincoln County, Mont.	LO-2	I
D-AFS-K40029-AZ	Swift Trail Forest Highway 34, AZ-34, Coronado National Forest, Graham County, Ariz.	ER-2	J
D-AFS-L61045-ID	Wild and scenic rivers, St. Joe River, St. Joe National Forest, St. Maries, Idaho.	LO-1	K
D-AFS-L61049-WA	East Deer Creek planning unit and land use plan, Colville National Forest, Wash.	ER-1	K
D-SCS-C36018-NY	Flint Creek watershed, Ontario, Steuben, and Yates Counties, N.Y.	ER-2	C
D-SCS-E36030-MS	Deer Creek watershed, Bolivar and Washington Counties, Miss.	LO-2	E
D-SCS-F36030-IN	Lost River watershed, Dubois, Lawrence, Martin, Orange, and Washington Counties, Ind.	ER-2	F
D-SCS-K34002-AZ	Buckhorn-Mesa watershed, Maricopa and Pinal Counties, Ariz.	ER-2	J
Corps of Engineers:			
D-COE-E35014-SC	Maintenance dredging of Atlantic Intracoastal Waterway, Little River to Port Royal Sound, S.C.	LO-2	E
D-COE-E35015-00	Maintenance dredging of the Gulf Intracoastal Waterway, Pearl River to Apalachee Bay (La., Miss., and Fla.).	ER-2	E
D-COE-K32005-CA	Fisherman's wharfarea, San Francisco Harbor, Calif.	ER-2	J
D-COE-K36014-CA	Flood control project, Santa Ana River, Main Stem and Santiago Creek, Orange, Riverside, and San Bernardino Counties, Calif.	3	K
DS-COE-L05004-00	2d powerhouse, Bonneville lock and dam, Columbia River (Oreg. and Wash.).	ER-2	K
Department of Defense:			
D-USA-D81004-VA	Fort Belvoir family housing project, Fort Belvoir, Va.	ER-2	D
D-USA-J20003-UT	Disposal of toxic residue, west granite disposal area, Dugway Proving Ground, Utah.	LO-2	I
D-USN-K11007-CA	Proposed restrictive use easement acquisition, Alcns Naval Air Station, Miramar, San Diego, San Diego County, Calif.	3	J
Department of Housing and Urban Development:			
D-HUD-B80005-MA	2d waterfront urban renewal project, Essex County, Gloucester, Mass.	ER-2	B
D-HUD-E24001-GA	Sanitary sewer trunk line, Douglas, Coffee County, Ga.	ER-2	E
D-HUD-E28004-AL	Pulaski Pike water system, Huntsville, Ala.	LO-2	E
D-HUD-E28005-TN	Phase II, waterline extension (CDBG), Marshall County, Tenn.	LO-1	E
DS-HUD-G85005-TX	Williamson Creek sewer trunk, Temple, Tex.	LO-1	G
Interstate Commerce Commission:			
D-ICC-J53000-00	Chicago & Northwestern R.R. abandonment, Wren, Iowa to Iroquois, S. Dak.	LO-2	I
Department of the Interior:			
D-BLM-J07001-UT	Kaiparowits power project, Kaiparowits Plateau, Utah.	ER-2	I
D-BOR-D61002-WV	New River Gorge, national wild and scenic river, W. Va.	LO-1	D
D-BOR-H39000-MO	Gasconade wild and scenic river study, Missouri	LO-2	H
RD-DOI-A01031-00	43 CFR pts. 23 and 3041, proposed surface management of federally owned coal resources, and 30 CFR pt. 211, coal mining operations.	EU-2	A
Department of Transportation:			
DS-FHW-A54023-MD	Relocated U.S. 140, Northwest Expressway, Baltimore County, Md.	LO-2	D
DS-FHW-D40027-MD	MD-198, air quality analysis, Prince Georges County, Md.	LO-2	D
D-FHW-E40005-GA	South Canton Bypass, Cherokee County, Ga.	LO-2	E
D-FHW-F40038-IL	I-255, St. Louis, Columbia to Collinsville, Monroe, St. Clair, Madison Counties, Ill.	LO-2	F
D-FHW-F40039-WI	U.S. 61 and U.S. 151, WI-35, Mississippi River, Dickeyville Rd., Grant County, Wis.	LO-2	F

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Identifying No.	Title	General nature of comments	Source for copies of comments
D-FHW-H40033-00	MO-36, St. Joseph and Missouri River, Buchanan County, Missouri and Doniphan Counties, Kans.	3	H
D-FHW-H40034-NB	NB-133, 50th St., Omaha North Freeway, Douglas County, Nebr.	ER-2	H
D-FHW-H40035-KS	KS-177 and KS-18 at Manhattan, Ripley County, Kans.	LO-2	H
D-FHW-H40036-NB	U.S. 136, Brownville Bridge West, Nemaha County, Neb.	ER-2	H
D-FHW-K40025-HI	Hilo Bayfront Highway, Wailoa River to Silva and Kalanianaole St., Hilo, Hawaii.	ER-2	J
Energy Research and Development Administration:			
D-ERD-A00113-00	Light water breeder reactor (LWBR) program	LO 2	A

APPENDIX II

DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental Impact of the Action

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between Nov. 16 and 30, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
F-SCS-F36018-MI	Rouge River watershed, Newaygo, Kent, Montcalm, Muskegon and Ottawa counties, Mich.	EPA generally had no objections to the project as proposed.	F
F-SCS-K36007-CA	Lower Pine Creek watershed project, Contra Costa County, Calif.	do	
Corps of Engineers:			
F-COE-A30048-GU	Agana small boat harbor, Agana, Guam.	do	J
F-COE-A32430-FL	St. Joseph Bay, maintenance dredging, Gulf County, Fla.	EPA generally had no objections to the project as proposed. However, EPA feels supplemental information should be provided on the elimination and relocation of the specific beach disposal sites.	E
F-COE-A34083-GA	Buford Dam and Lake Sidney Lanier, Chattahoochee River, Ga.	EPA generally had no objections to the project as proposed.	E
F-COE-A34103-MS	Water projects, Okatibbee Dam and Lake, Okatibbee Creek, Miss.	EPA generally had no objections to the project as proposed. However, EPA requested an opportunity to review future information relating to air quality.	E
F-COE-A35120-CA	Maintenance dredging Santa Cruz Harbor, Santa Cruz County, Calif.	EPA generally had no objections to the project as proposed.	J
F-COE-A35133-CA	Maintenance dredging of Moss landing harbor, Monterey County, Calif.	do	J
F-COE-E35003-GA	Maintenance dredging, Brunswick Harbor, Ga.	do	F
F-COE-F35002-WI	Kewaunee Harbor, maintenance dredging and contained dredge disposal, Wisconsin.	do	F

Identifying No.	Title	General nature of comments	Source for copies of comments
F-COE-F35003-IL	Waukegan Harbor, maintenance dredging and disposal area, Lake County, Ill.	EPA generally had no objections to the project as proposed. However, EPA feels additional consideration should be given to the potential erosion impacts and the project should incorporate a mitigation and contingency plan to prevent and monitor adverse drifts effects downshore.	F
F-COE-K36006-HI	Iao Stream flood control project, Maui, Hawaii.	EPA generally had no objections to the project as proposed.	J
General Services Administration:			
F-GSA-D81003-VA	Proposed Federal building and parking facility, Norfolk, Va.	do	D
Department of Housing and Urban Development:			
F-HUD-C36017-NY	Nanrauschaun Brook improvement project, Rockland County, N.Y.	EPA's review of the final EIS indicated the statement to be unresponsive to EPA's comments on the draft EIS. Therefore, EPA is unable to access the environmental impact of the proposed project as the result of the inadequately prepared final EIS.	C
Department of the Interior:			
F-IGS-J01001-WY	Belle Ayr south mine, Amax Coal Co., Campbell County, Wyo.	EPA generally had no objections to the project as proposed. However, EPA has requested a meeting with the U.S. Geological Survey prior to final approval of the mining plan by the area supervisor.	I
F-NPS-K61007-HI	Master plan, city of Refuge, National Historical Park, Hawaii.	EPA generally had no objections to the project as proposed.	J
Department of Transportation:			
F-FHW-A41845-MN.	I-90, Faribault County, Minn.	EPA generally had no objections to the project as proposed. However, EPA is still concerned about the project's wetland impacts. The proposed mitigation measures should minimize long-term wetland impacts provided management practices do improve wetland habitat and productivity, and a water quality management plan for the proposed impoundment are effectively implemented.	F
F-FHW-A41904-TN.	TN-6, North of Columbia, Maury County, Tenn.	EPA generally had no objections to the project as proposed.	E
F-FHW-A42236-MI.	U.S. 31, Mason Oceana county line to U.S. 10/31, Mason County, Mich.	EPA generally had no objections to the project as proposed. However, EPA feels additional consideration should be given to the effects of the project upon water quality, wetlands, and woodlands.	F
F-FHW-A42406-VA	I-95 and I-295, Richmond circumferential, I-64 to VA-5, Henrico, Chesterfield, and Hanover Counties, Va.	EPA generally had no objections to the project as proposed.	D
FS-UMT-A54014-GA.	Metropolitan Atlanta rapid transit system, station changes, Vine City, Techwood, Tucker-North De Kalb corridor, Candler Park and East Lake stations, Ga.	do	E

APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between Nov. 16 and 30, 1975*

Identifying No.	Title	Source of review
Department of Agriculture:		
F-AFS-L61031-ID	Black Pine planning unit, land use plan, Idaho	K
F-AFS-L61037-ID	Proposed land use plan, Squaw Creek planning unit, Boise National Forest, Idaho.	K
F-AFS-L61040-ID	Proposed land use plan, Middle Fork, Boise River, planning unit, Boise National Forest, Idaho.	K
F-SCS-B36004-CT	Yantic River watershed, New London and Tolland Counties, Conn	B
F-SCS-E36023-SC	Upper New River watershed, Jasper and Beaufort Counties, S.C	E
F-SCS-H36005-NB	Blackwood Creek watershed, Hayes Hitchcock, and Red Willow Counties, Nebr.	H
Corps of Engineers:		
F-COE-G32012-TX	Maintenance dredging, Freeport Harbor, Brazoria County, Tex	G
F-COE-G34005-TX	Cedar Bayou Channel, Chamber and Harris Counties, Tex	G
F-COE-L39001-OR	Hammond small boat basin, Clatsop County, Oreg	K
General Services Administration:		
F-GSA-G81001-TX	Lease facility for Drug Enforcenemt Administration, Dallas County, Tex	G
Department of Transportation:		
F-DOT-A41422-IA	IA-1, Johnson County, Iowa	H
F-FHW-A42275-MO	MO-50, Cole County, Mo	H
F-FHW-G40015-OK	U.S. 77, Shields Blvd., Oklahoma County, Okla	G
Veterans Administration:		
F-VAD-H81000-IA	Parking facility, Veterans' Administration Hospital, Iowa City, Iowa	H
F-VAD-L84002-ID	New clinical support facility and seismic corrections for various buildings, Veterans' Administration Hospital, Boise, Idaho.	K

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APPENDIX V.—*Regulations, legislation, and other Federal agency actions for which comments were issued between Nov. 16 and 30, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of the Interior: A-DOI-A30119-00	Water resources use and management policy statement.	EPA restated environmental reservations concerning the lack of specificity of the proposed administrative policy statement.	A

APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall, SW, Washington, D.C. 20460

B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203

C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106

E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street, NE, Atlanta, Georgia 30309

F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

[FR Doc.75-33611 Filed 12-15-75;8:45 am]

[FRL 464-5]

EDWARDS UNDERGROUND RESERVOIR

Notice of Determination

Notice is hereby given that pursuant to section 1424(e) of the Safe Drinking Water Act (Pub. L. 93-523) the Administrator of the Environmental Protection Agency has determined that the Edwards Underground Reservoir is the principal source of drinking water for an area in or near San Antonio, Texas, supplying water to wells tapping the reservoir in Kinney, Uvalde, Medina, Atascosa, Bexar, Comal, Guadalupe, and Hays Counties and that, if the reservoir were contaminated, it would create a significant hazard to public health.

BACKGROUND

The Safe Drinking Water Act was enacted on December 16, 1974. Section 1424 (e) of the Act states: (e) If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the FEDERAL REGISTER. After the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

On January 3, 1975, several groups in the San Antonio area, the Sierra Club, League of Women Voters, and the Citizens for a Better Environment petitioned the Administrator "to declare the Edwards Aquifer to be such an aquifer as the statute had in mind." A Notice of Receipt of this petition, together with a request for comments, was published in the FEDERAL REGISTER on March 6, 1975. In response to the notice and request for comments, written comments were received from both the public and private sectors. On June 4, 1975, the EPA held a public hearing in San Antonio, Texas, to hear the views of interested persons on the Edwards Underground Reservoir issue.

On the basis of the substantial amount of information which is available to this Agency and that presented by the public, the Administrator has made the following findings, which are the basis for the determination noted above:

1. The Edwards Underground Reservoir is the principal source of high quality water for about 1 million people, including seventeen (17) cities and towns, five (5) military installations, and a large number of farms and ranches. Current water supply treatment practice is limited to minimal disinfection for drinking purposes and there is no alternative source of drinking water supply which could economically replace the Edwards Underground Reservoir.

2. The Reservoir is vulnerable to contamination through its recharge zone, particularly from streams crossing the zone. Since contamination of a ground water aquifer can be difficult or impossible to reverse, contamination of the Edwards Underground Reservoir would pose a significant hazard to those people dependent on the reservoir for drinking purposes.

The Agency has carefully reviewed both the available data pertaining to the Edwards Underground Reservoir and comments that were subsequently submitted in writing. Most speakers at the hearing expressed the view that the reservoir provided the sole source of drinking water for a large area in and around San Antonio and that there would be a danger to public health if it were contaminated.

Among the determinations which the Administrator must make in connection with the designation of an area under section 1424(e) is that the area's sole or principal source aquifer, "if contaminated, would create a significant hazard to public health . . ." EPA does not construe this provision to require a determination that projects planned or likely to be constructed will in fact create such a hazard; it is sufficient to demonstrate that approximately one million people depend on the Edwards Underground Reservoir as their principal source of drinking water, and that the Reservoir is vulnerable to contamination through its recharge zone. Obviously, threats to the quality of the drinking water supply for such a large population could create a significant hazard to public health.

In public comments, the view was often expressed that EPA should refrain from designating the Edwards Underground Reservoir because a system of local controls to prevent contamination already existed. While the existence and effectiveness of local controls are clearly relevant to the question of reviewing future federally assisted projects, section 1424(e) does not make designation contingent on the absence of State or local regulations. Therefore, these factors do not properly bear on the decision whether or not to designate the reservoir.

This notice is concerned with that section of the Edwards Aquifer which is referred to as the Edwards Underground Reservoir; this reservoir is a distinct hydrological unit within the Edwards Aquifer and it is the principal source of drinking water for the San Antonio Area.

The Edwards Underground Reservoir is that portion of a belt of permeable waterbearing rock formation that includes the Comanche Peak, Edwards and Georgetown limestones. It extends from near Brackettville in Kinney County eastward through Uvalde, Medina and Bexar counties and northeastward through Comal and to near Kyle in Hays county. The reservoir also underlies a small section of Atascosa, and Guadalupe and Kendall counties.

Section 1424(e) of the Act requires that after publication of the Administrator's decision, "no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health. . . ." The recharge zone is that area through which water enters into the reservoir. This recharge zone in the case of the Edwards Underground Reservoir is located where the reservoir outcrops in Kinney, Uvalde, Medina, Bexar, Comal and Hays counties, together with that area within the 100 year floodplain of Cibolo Creek, beginning at Herff Falls in Kendall county and continuing downstream to the main outcrop area of the reservoir.

There is an upstream headwaters area draining into the recharge zone and contributing over 90% of the recharge flow to the reservoir. This is the streamflow source zone. Since such a high percentage of the recharge flow to the reservoir originates in this area it could have a significant impact on the quality of the water in the reservoir. This streamflow source zone includes the headwaters of the Nueces, San Antonio, and Guadalupe River basins above the recharge zone. The area includes much of Edwards, Real, Bandera, Kerr, and Kendall counties and parts of Kinney, Uvalde, Medina, Bexar, Comal, Hays, Gillespie and Blanco counties within the watershed boundaries of the three basins.

The data upon which these findings are based are available to the public and may be inspected during normal business hours at the Office of the Environmental Protection Agency, Region VI, 1600 Patterson Street, Dallas, Texas 75201. It includes:

(1) A map outlining the Edwards Underground Reservoir, the recharge zone and the streamflow source zone;

(2) A copy of the transcript of the public hearing and copies of public comments;

(3) A technical support document for designation of the Edwards Underground Reservoir under 1424(e) of the Safe Drinking Water Act.

A copy of the above documentation is also available at the U.S. Environmental Protection Agency, Office of Public Affairs, 401 M Street, SW., Washington, D.C. 20460.

The EPA is issuing interim guidelines for the selective review of major federally financed programs or actions which may contaminate the Edwards Underground Reservoir through the recharge zone so as to create a significant hazard to public health.

EPA, Region VI, is working with the Federal agencies which may in the near future fund projects in the area of concern to EPA, to develop interagency procedures whereby EPA will be notified of proposed commitments for projects which could contaminate the San Antonio area's principal source aquifer. Although the project review process cannot be delegated, the Regional Administrator in Region VI will reply to the maximum extent possible upon any existing or future State and local control mechanisms in protecting the ground water quality of the Edwards Underground Reservoir.

Dated: December 10, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-33871 Filed 12-15-75;8:45 am]

[FRL 469-6; PF 24]

PESTICIDE AND FOOD ADDITIVE PETITIONS

Notice of Filing

Pursuant to the provisions of Sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency gives notice that the following petitions have been submitted to the Agency for consideration. The petitions and proposals are:

PP 6F1656. Atlantic & Pacific Research, Inc., PO Box 14366, N. Palm Beach FL 33403. Proposes amending 40 CFR 180 by establishing an exemption from the requirement of a tolerance for residues of the insecticide isobutylenebutene copolymers resulting from the use of the pesticide on growing crops. (Raw agricultural commodities not specified in petition.) Proposed analytical method for determining residues is a gravimetric procedure. PM11

PP 6F1702. Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120. Proposes amending 40 CFR 180.234 by establishing a tolerance for residues of the insecticide *0,0*-diethyl *0*-[4-(methylsulfinyl) phenyl] phosphorothioate in or on the raw agricultural commodities beans, except lima beans (green and dry) at 0.05 part per million (ppm) and bean forage and hay at 0.8 ppm. Proposed analytical method for determining residues is a thermionic emission gas chromatographic procedure. PM11

FAP 6H5110. CIBA-GEIGY Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409. Proposes amending 21 CFR 123 and 561 by establishing regulations permitting the use of the insecticide 0,0-diethyl 0-(2-isophopyl-6-methyl-4-pyrimidinyl) phosphorothioate in spot and/or crack and crevice treatments in food handling establishments including food service, manufacturing, and processing establishments, such as restaurants, cafeterias, supermarkets, bakeries, breweries, dairies, meat slaughtering and packing plants and canneries, and in animal feed handling establishments, including feed manufacturing and processing establishments, such as stores, supermarkets, dairies, meat slaughtering and packing plants and canneries. PM15

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: December 10, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.75-33872 Filed 12-15-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

TRANSPORTATION ADVISORY COMMITTEE

Notice of Charter Amendment

Following consultation with the Office of Management and Budget, notice is hereby given to advise of a revision in the Charter of the Transportation Advisory Committee. The Charter was published in the September 2, 1975, issue of the FEDERAL REGISTER (40 FR 40202).

This amendment will revise the Charter to provide for the establishment of a subcommittee to the Committee; specifically, the Charter published September 2, 1975, is hereby amended by adding a new section B(9), to read as follows:

9. Subcommittees—The Transportation Advisory Committee shall have one subcommittee as follows:

a. The Executive Subcommittee. The objectives of this Subcommittee is to make recommendations to the parent Committee with respect to general transportation aspects of interests and problems related to the policy and implementation of programs to meet the continuing energy crisis.

The Subcommittee shall be comprised of such members of the parent Committee as may be determined by the Chairman of the parent Committee.

All actions of the Subcommittee shall be consistent with the provisions of B-1 through B-8.

The above amendment is effective immediately.

Issued at Washington, D.C. on Decem-11, 1975.

FRANK G. ZARB,
Administrator.

[FR Doc.75-33873 Filed 12-12-75; 9:31 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1266]

AIR MARITIME CORP.

Order of Revocation

By letter dated November 10, 1975, Air Maritime Corporation, P.O. Box 66346, O'Hare AMF, Chicago, Illinois 60666 was advised by the Federal Maritime Commission that independent Ocean Freight Forwarder License No. 1266 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before December 8, 1975.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Air Maritime Corporation has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commis-

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sion Order No. 201.1 (Revised) § 5.01(c) (dated June 30, 1975);

It is ordered, That Independent Ocean Freight Forwarder License No. 1266, issued to Air Maritime Corporation, be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1266 be and is hereby revoked effective December 8, 1975.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Air Maritime Corporation.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.75-33855 Filed 12-15-75;8:45 am]

[Independent Ocean Freight Forwarder License No. 1565]

JAMES L. NEGRON

Order of Revocation

By letter dated October 28, 1975, James L. Negron, 750 Parkview Circle, Elk Grove Village, Illinois 60007 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1565 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before November 30, 1975.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

James L. Negron has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) § 5.01(c) (dated June 30, 1975);

It is ordered, That Independent Ocean Freight Forwarder License No. 1565, issued to James L. Negron, be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1565 be and is hereby revoked effective November 30, 1975.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon James L. Negron.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.75-33853 Filed 12-15-75;8:45 am]

[Independent Ocean Freight Forwarder License No. 1286-R]

ROS FORWARDING, INC.

Order of Revocation

By letter dated October 14, 1975, Ros Forwarding, Inc., 8420 N.W. 58th Street, Miami, Florida 33166 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1286-R would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before November 13, 1975.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Ros Forwarding, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) § 5.01(c) dated June 30, 1975);

It is ordered, That Independent Ocean Freight Forwarder License No. 1286-R, issued to Ros Forwarding, Inc., be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1286-R be and is hereby revoked effective November 13, 1975.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Ros Forwarding, Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.75-33854 Filed 12-15-75;8:45 am]

SEA-LAND SERVICE, INC. AND PUERTO RICO PORTS AUTHORITY

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 5, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Gary R. Edwards, Esquire, Ragan and Mason, 900 Seventeenth Street, NW., Washington, D.C. 20006.

Agreement No. T-3199, between Puerto Rico Ports Authority (Authority) and Sea-Land Service, Inc., (Sea-Land), provides for the lease by Authority to Sea-Land of Parcels A-1 and A-2 and the granting of berthing privileges at Berth E located at the Puerto Rico Port Development. The use of the premises shall be restricted to shoreside operations pertaining to Sea-Land's oceanborne common carrier service. As compensation, Sea-Land shall pay $94,724 per year as ground rental and $5,000 per year for the preferential use of Berth E. Rentals are subject to reestablishment by Authority after the expiration of the initial term, January 31, 1978. Sea-Land shall also pay wharfage charges normally assessed by Authority guaranteeing a minimum of $125,000 annually for all uses of the berth plus all other charges normally assessed. Wharfage payable to the Authority on cargo moving through the berth on vessels not operated by Sea-Land will be credited to Sea-Land's annual minimum wharfage guarantee.

By Order of the Federal Maritime Commission.

Dated: December 11, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-33851 Filed 12-15-75;8:45 am]

SEA-LAND SERVICE, INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 5, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

E. J. Sheppard, Esquire, Morgan, Lewis and Bockius, 1800 M Street, N.W., Washington, D.C. 20036.

Agreement No. T-3191, between Sea-Land Service, Inc., (Sea-Land), Puerto Rico Maritime Shipping Authority (PRMSA), and Puerto Rico Ports Authority (Authority), provides for the irrevocable option of Sea-Land to substitute itself for PRMSA on the same terms and conditions as set forth in an agreement between PRMSA and Authority (Agreement No. T-3210). Agreement No. T-3210 is an agreement whereby PRMSA has preferential rights at Berth F and is lessee of certain parcels located at Puerto Nuevo, San Juan, Puerto Rico. As compensation under Agreement No. T-3191, Sea-Land shall pay as rental that percentage of the total ground rental which would otherwise be payable by PRMSA as lessee plus fees which would be payable by PRMSA for the preferential use of Berth F and wharfage charges.

By Order of the Federal Maritime Commission.

Dated: December 11, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-33852 Filed 12-15-75;8:45 am]

XANADU CRUISES, INC.

Indemnification of Passengers for Nonperformance of Transportation; Revocation of Certificate

Whereas, Xanadu Cruises, Inc., 7777 Perimeter Road S., Boeing Field, Seattle, Washington 98108, has cancelled its proposed cruise program of the XANADU between ports in California and Mexico, and

Whereas, Xanadu Cruises, Inc. has requested that Certificate (Performance) No. P-154 be cancelled.

It is ordered, That Certificate (Performance) No. P-154 issued to Xanadu Cruises, Inc., A. Joel Eisenberg and June Eisenberg covering the XANADU be and is hereby revoked effective December 8, 1975.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on the certificants.

By the Commission December 8, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-33856 Filed 12-15-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket G-3113, *et al.*]

EXXON CORP. ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

DECEMBER 8, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 2, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per thousand cubic feet in cents	Pressure base
G-3113 ..... C 10-10-75	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Cooper Jal Field, Lea County, N. Mex.	[1] [2] 50.82	14.73
G-4151 ..... (G-4560) C 11-12-75	Gulf Oil Corp. (successor to Cities Service Oil Co.), P.O. Box 1589, Tulsa, Okla. 74102.	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	[4] 18.9000	14.65
G-7270 ..... D 11-17-75	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Arkansas Louisiana Gas Co., Greenwood Area, Caddo Parish, La.	[3]	.....
G-8087 ..... D 10-16-75	Texaco, Inc., P.O. Box 2420, Tulsa, Okla. 74102.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp.	[3]	.....
G-10739 ..... D 11-7-75	Atlantic Richfield Co. (Operator) et al., P.O. Box 2819, Dallas, Tex. 75221.	Texas Eastern Transmission Corp., Loma Alta Field, McMullen County, Tex.	[3]	.....
G-12363 (NPC) C 11-13-75	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Northwest Pipeline Co., Basin Dakota Field, Rio Arriba County, N. Mex.	[4] 60.839	15.025
C165-606 ..... C 10-8-75	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Northern Natural Gas Co., Gomez Field, ecos County, Tex.	[5] 54.07	14.65
C168-621 ..... C 8-12-75 10-24-75	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Slick C-14 Well Borcea Field et al., Starr County, Tex.	[2] 20.0 [6] 54.1583 [2] [6] 55.2336	14.65 ....
C175-220 ..... C 11-4-75	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Panoma Council Grove Field, Morton County, Kans.	[6] 50.7230	14.65
C176-124 ..... (G-5145) F 11-6-75	RAM Exploration Co. (successor to Exxon Corp.), 1308 West Robinhood Dr., No. 16, Stockton, Calif. 95207.	El Paso Natural Gas Co., Sprayberry Trend, Reagan County, Tex.	19.325	14.65
C176-253 ..... F 10-31-75	CIG Exploration, Inc. (successor to Colorado Oil & Gas Corp.), 5 Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Madden Deep Field, Fremont County, Wyo.	[10] 53.8950	14.65
C176-255 ..... B 11-14-75	Jake L. Hamon, Republic National Bank Tower, P.O. Box 668, Dallas, Tex. 75221.	United Gas Pipe Line Co., Gibson Field, Terrebonne Parish, La.	Depleted	.....
C176-256 ..... F 11-5-75	Continental Oil Co. (successor to Skelly Oil Co.), P.O. Box 2197, Houston, Tex. 77001.	Cities Service Gas Co., Guymon-Hugoton Field, Texas County, Okla.	[11] 13.0	14.65
C176-257 ..... A 11-4-75	Arkla Exploration Co., P.O. Box 1734, Shreveport, La. 71151.	Arkansas Louisiana Gas Co., Calhoun Field, Ouachita Parish, La.	[6] 59.02	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

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Docket No. and date filed	Applicant	Purchaser and location	Price per thousand cubic feet in cents	Pressure base
C176-258..... A 11-4-75	Columbia Gas Development Corp., P.O. Box 1350, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Block 271, Ship Shoal Area, South Addition, offshore Louisiana.	[1] [2] $1.63	15.025
C176-259..... A 11-4-75	Arkla Exploration Co., P.O. Box 1734, Shreveport, La. 71151.	Arkansas Louisiana Gas Co., Northwest Reams Field, Pittsburg County, Okla.	[3] 54.5964	14.65
C176-260..... A 11-6-75	Cabot Corp. (SW), P.O. Box 1101, Pampa, Tex. 79065.	Texas Eastern Transmission Corp., Block 522, Block 543 Field, West Cameron Area, South addition, offshore Louisiana.	[11] [12] $1.5336	15.025
C176-261..... (CS71-140) F 11-6-75	Texaco, Inc. (successor to Skelly Oil Co.), P.O. Box 2420, Tulsa, Okla. 74102.	Northern Natural Gas Co., Gooch Field, Stevens County, Kans.	[3] 18.02	14.65
C176-262..... (CI64-425) F 11-6-75	Texaco, Inc. (successor to Cities Service Oil Co.), P.O. Box 2420, Tulsa, Okla. 74102.	....do.....	[3] 18	14.65
C176-263..... B 11-7-75	West Texas Oil Reports, P.O. Box 953, Midland, Tex. 79701.	El Paso Natural Gas Co., North Branch, Sutton County, Tex.	[26]	.....
C176-264..... (CS72-162) A 10-8-75	Gulf Oil Corp. (successor to Nafco Oil & Gas, Inc.), P.O. Box 1589, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, Carthage Field, Panola County, Tex.	17.6000	14.65
C176-265..... A 11-10-75	Fixmont Oil Corp., 6 East 43d St., New York, N.Y. 10017.	Texas Eastern Transmission Corp., Block 522 in West Cameron Block 543 Field, offshore Louisiana.	[14] [15] $1.5336	15.025
C176-266..... A 11-10-75	Case-Pomeroy Oil Corp., P.O. Box 1511, Midland, Tex. 79701.	....do.....	[15] [16] $1.5336	15.025
C176-267..... A 11-6-75	Laird Petroleum Corp., 830 Denver Club Bldg., Denver, Colo. 80202.	Michigan Wisconsin Pipe Line Co., West Viel Field, Ellis and Woodward Counties, Okla.	[17] 62.6704	14.65
C176-271..... A 11-12-75	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., West Delta Block 73 Field, offshore Louisiana.	[13] [18] 75.0	15.025
C176-272..... B 11-11-75	Enserch Exploration, Inc. (formerly Lone Star Producing Co.), 301 South Harwood St., Dallas, Tex. 75201.	Florida Gas Transmission Co., Flour Bluff Area, Nueces County, Tex.	Depleted	.....
C176-273..... A 11-13-75	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79105.	Trunkline Gas Co., East Cameron Blocks 322 and 323, offshore Louisiana.[4]	[1] [19] $1.44	15.025
C176-274..... A 11-13-75	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla. 73125.	Montana-Dakota Utilities Co., Boxcar Buttes Field, McKenzie County, N. Dak.	[13] [20] .767685	15.025
C176-275..... A 11-17-75	Chevron Oil Co., Western Division, P.O. Box 599, Denver, Colo. 80201.	El Paso Natural Gas Co., Penrose Area, Lea County, N. Mex.	[2] 68.3225	14.73
C176-276..... A 11-17-75	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Northern Natural Gas Co., Mullinville, Southeast Field, Kiowa, County, Kans.	[1] [22] .51	14.65
C176-277..... B 11-17-75	Caroline Hunt Schoellkopf and Loyd B. Sands, 1401 Elm, Dallas, Tex. 75202.	Northern Natural Gas Co., Ozona, Southwest (Wolfcamp) Field, Crockett County, Tex.	Depleted	.....
C176-280..... F 11-5-75	Continental Oil Co., (successor to Skelly Oil Co.), P.O. Box 2197, Houston, Tex. 77001.	Panhandle Eastern Pipeline Co., Guymon-Hugoton Field, Texas County, Okla.	[3] [23] 20.32254	14.65

[1] Subject to upward and downward British thermal unit adjustment.
[2] Base price subject to adjustment to include applicable taxes and British thermal unit adjustment.
[3] Includes 0.1910 cent downward British thermal unit adjustment and 4.309 cents tax reimbursement.
[4] Includes 5.530 cents upward British thermal unit adjustment and 1.49 cents for gathering.
[5] Includes 2.25 cents/M ft³ downward British thermal unit adjustment and 1.49 cents for gathering.
[6] Subject to downward British thermal unit adjustment.
[7] For sales from July 14, 1974 through August 11, 1975. Includes 4.032 cents tax reimbursement and 0.3978 cent for gathering. Subject to upward and downward British thermal unit adjustment.
[8] For sales from August 12, 1975. Includes 4.1127 cents tax reimbursement and 0.3978 cent for gathering. Subject to upward and downward British thermal unit adjustment.
[9] Being renoticed to show prices set forth in amendment of Oct. 24, 1975.
[10] Includes 2.1774 cents/M ft³ tax reimbursement.
[11] For sales heretofore made under Skelly Oil Co. FPC Gas Rate Schedule No. 171.
[12] Applicant is willing to accept a certificate in accordance with section 2.56a of the Commission's general policy and interpretations.
[13] Includes 9.36 cents upward British thermal unit adjustment.
[14] Includes downward British thermal unit adjustment and an upward British thermal unit adjustment of 9.3600 cents/M ft³.
[15] Applicant is willing to accept national adjusted price if required by certificate.
[16] Includes upward adjustment of 9.360 cents per Mcf.
[17] Includes 8.0795 cents upward British thermal unit adjustment and 3.8679 cents tax reimbursement.
[18] Includes 0.53 cent upward British thermal unit adjustment.
[19] Applicant states that certain leases in both blocks are committed to the contract, but only as to gas attributable to applicant's interest that may be produced from any wells on applicant's Platform "A" or any replacement platform in Block 322.
[20] Includes 6.98 cents upward British thermal unit adjustment.
[21] Includes 11.5291 cents upward British thermal unit adjustment.
[22] Applicant states that sales of gas were made for 2 years under the certificate issued in Docket No. CI73-766 and that sales terminated Oct. 26, 1975.
[23] For sales heretofore made under Skelly Oil Co. FPC Gas Rate Schedule No. 188.
[24] Producing properties assigned or deleted.
[25] Non-productive.
[26] Well productive.
[27] For sales from July 14, 1974 through Aug. 11, 1975. Includes 4.0320 cents tax reimbursement and 0.3978 cent for gathering. Subject to upward and downward British thermal unit adjustment.
[28] For sales from Aug. 12, 1975. Includes 4.1127 cents tax reimbursement and 0.3978 cent for gathering. Subject to upward and downward British thermal unit adjustment.
[29] Being renoticed to show prices set forth in amendment of Oct. 24, 1975.

[FR Doc.75-33644 Filed 12-15-75;8:45 am]

[Docket No. E-9092]

ARKANSAS-MISSOURI POWER CO.

Order Approving Settlement Agreements Upon Conditions

DECEMBER 9, 1975.

On August 28, 1975, Arkansas-Missouri Power Company (Ark-Mo) filed a motion in which it requested that the Commission approve two settlement agreements in the above referenced docket. Notice of Ark-Mo's filing was issued on September 9, 1975 with comments or protests due on or before September 17, 1975. The Commission Staff (Staff) has filed comments which support the settlement agreements.

This proceeding began on October 31, 1974 when Ark-Mo filed a general rate increase for sales to certain customers [1] and an increase in wheeling rates to certain other customers.[2] By orders issued November 29, 1974, January 23, 1975, and January 29, 1975 the Commission accepted for filing and suspended the rate increase to Missouri Utilities and Mississippi County Electric Cooperative. The Commission rejected the increase to Thayer and accepted the increases to the other customers effective on the date of the expiration of their respective contracts with Ark-Mo.

The general rate increase would have provided increased revenues of $86,380 based on a test year ending May 31, 1974. The settlement agreement concerning the wholesale sales customers reduces this amount to $78,173. The wheeling rate increase would have provided increased revenues of $58,320 to the Arkansas Cooperative and $34,125 to Mississippi County Cooperative based upon a test year ending May 31, 1974. The settlement agreement concerning wheeling rates reduces these amounts to $30,821 and $24,218, respectively. The settlement cost of service, capitalization, and rate of return are shown in Appendix A.

In addition to the rate reductions, the major elements of the settlement agreements are as follows:

WHOLESALE SALES

(1) Ark-Mo will retain the same form of rate schedule as originally filed except that Ark-Mo will file a fuel adjustment clause which conforms to Section 35.14 of Commission's Regulations as amended by Order No. 517.

(2) The rate increase shall become effective as to Gideon Anderson Lumber Company on August 1, 1975 and to Campbell on September 9, 1975.

(3) Refunds shall be made of amounts collected in excess of the settlement rates together with interest calculated at 9% per annum.

(4) The parties do not purport to settle any issues not expressly resolved by the settlement.

WHEELING CUSTOMERS

(1) Ark-Mo will charge uniform rates to the Arkansas Cooperative and the Mississippi County Cooperative.

(2) The form of the rate schedule as filed will be retained except that there will be a facilities charge for facilities installed to provide service to a particular customer.

(3) The rate increase to the Arkansas Cooperative shall become effective June 30, 1977.

(4) The Mississippi Cooperative will be credited with an amount equal to one-half of the increase between January 1, 1975 and June 30, 1977.

(5) Ark-Mo will refund any revenues collected in excess of the settlement rates together with interest calculated at 9% per annum.

(6) The parties do not intend to settle any matter not expressly resolved by the settlement agreement.

We note that Ark-Mo has, with respect to Gideon Anderson Lumber Company and Campbell, already filed superseding service agreements, which served as notices of termination of contractual service as required by Section 35.15 of the Commission's Rules and Regulations.

Our review of the settlement agreements show them to be just and reasonable and in the public interest. Accordingly, we shall approve them as conditioned below.

The Commission finds: The settlement agreements filed in this case are just and reasonable, in the public interest, and should be approved as conditioned below.

The Commission orders: (A) The settlement agreements filed in this proceeding are accepted and approved subject to the following conditions:

(1) Ark-Mo shall file within, thirty days, revised rate schedules reflecting the settlement agreements including the limited credit to Mississippi County Cooperative.

(2) The settlement rates shall become effective to Arkansas Electric Cooperative on June 30, 1977 provided that Ark-Mo file a superseding service agreement capable of serving as a notice of termination of contractual service as required by Section 35.15 of the Commission's rules and regulations.

(3) Ark-Mo shall file within thirty days a report of refunds of revenues collected in excess of the settlement rates together with interest calculated at the rate of 9% per annum.

(B) This order is without prejudice to any findings or orders which have been made or will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Ark-Mo, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Ark-Mo or any other person or party.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission. Commissioner Watt not participating.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A.—*Arkansas-Missouri Power Co., docket No. E-9092, settlement cost of service, test period, 12 mo ending May 31, 1974*

	Wholesale	Wheeling
Rate base	$484,665	$1,009,715
Operating expenses before taxes	395,952	105,497
Income taxes:		
Federal	6,888	8,319
State	343	338
Return (at 8.58 percent)	41,584	86,633
Total revenue requirement	444,767	200,687
Present revenues	366,594	145,649
Increase	78,173	55,038
Percent increase	21.32	37.78

Settlement capital structure and rate of return, Dec. 31, 1974

	Amount	Ratio	Cost of capital	Weighted return
	Thousands	*Percent*	*Percent*	*Percent*
Long-term debt	$22,671	52.10	6.36	3.31
Common equity	20,843	47.90	11.00	5.27
Total	43,514			8.58

[FR Doc.75-33776 Filed 12-15-75;8:45 am]

[Docket No. RP75-27]

CITIES SERVICE GAS CO.

Further Extension of Procedural Dates

DECEMBER 9, 1975.

On November 26, 1975, The Midwest Gas Users Association filed a motion to extend the procedural dates fixed by order issued November 22, 1974, as most recently modified by notice issued November 7, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Intervenor Testimony, January 5, 1976.
Service of Company Rebuttal, February 23, 1976.
Hearing, March 2, 1976 (10 a.m., e.s.t.).

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33777 Filed 12-15-75;8:45 am]

[1] Missouri Utilities Company, Gideon Anderson Lumber Company, and Cambell, Missouri.
[2] Thayer, Missouri, Arkansas Cooperative Corporation, Mississippi County Electric Cooperative, Inc.

[Docket No. CP75-129]

COLUMBIA GAS TRANSMISSION CORP.

Petition To Amend

DECEMBER 9, 1975.

Take notice that on November 6, 1975, Columbia Gas Transmission Corporation (Petitioner), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia, 25314, filed in Docket No. CP75-129 a petition to amend the order of the Commission of March 25, 1975 (53 FPC ____), as amended, issuing a certificate of public convenience and necessity and permitting and approving abandonment pursuant to section 7(c) and (b) of the Natural Gas Act to include authorization to construct and operate alternative facilities to those heretofore authorized, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner alleges that by the order of March 25, 1975, it is authorized to construct and operate approximately 1.9 miles of 4-inch transmission pipeline and appurtenant regulating facilities and to abandon approximately 15.6 miles of multiple 8-inch and single 8-inch pipeline in Lancaster County, Pennsylvania. It is further alleged that in preparation for the construction, Petitioner contacted the private property owners along the authorized 4-inch pipeline route, for the purpose of obtaining the necessary rights-of-way and that Petitioner received eight definite refusals, one acceptance and two indefinite responses.

Petitioner states that it has determined that it would be more expedient to utilize an alternative pipeline route which would require the construction of approximately 2.3 miles of 4-inch pipeline and appurtenant regulating facilities. The alternative routing is also said to require the retention in service of a 3.9 miles segment of 8-inch pipeline for which permission and approval to abandon were granted. The segment to be retained is said to have been constructed in 1956 and to be suitable for continued operation.

The proposed construction would consist of approximately 2.0 miles of 4-inch pipeline and appurtenant facilities connecting the western terminus of the retained 3.9 mile segment of 8-inch pipeline with Petitioner's 20-inch pipeline. Petitioner states that 0.3 mile of 4-inch pipeline would be constructed from the eastern terminus of the retained 3.9 mile segment of 8-inch pipeline to the existing Lititz point of delivery. The proposed construction would permit Petitioner to abandon 11.7 miles of deteriorated multiple 8-inch pipeline, it is stated.

The total cost of the proposed facilities is estimated by Petition to be $160,000 to be financed with funds generated from internal sources.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8

V40242 DEC 16 75 XUM

or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33778 Filed 12-15-75;8:45 am]

[Docket No. ER76-306]

HOLYOKE WATER POWER CO.

Termination of Rate Schedule

DECEMBER 9, 1975.

Take notice that on November 28, 1975, Holyoke Water Power Company (Holyoke) tendered for filing notice of termination of its Rate Schedule FPC No. 7, effective July 15, 1966. Holyoke states that this Rate Schedule was terminated April 30, 1968, in accordance with its terms.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33779 Filed 12-15-75;8:45 am]

[Docket No. E-9161]

MONONGAHELA POWER CO. ET AL.

Further Extension of Procedural Dates

DECEMBER 9, 1975.

On November 28, 1975, The Monongahela Power Company, The Potomac Edison Company, and The West Penn Power Company filed a motion to extend the procedural dates fixed by order issued March 10, 1975, as most recently modified by notice issued September 8, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Company
Testimony, January 29, 1976.
Service of Staff
Testimony, February 23, 1976.
Service of Intervenor
Testimony, March 8, 1976.
Service of Company
Rebuttal, March 22, 1976.
Hearing, April 5, 1976 (10 a.m., e.s.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33780 Filed 12-15-75;8:45 am]

[Docket No. ER76-290]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Rate Schedule Change

DECEMBER 9, 1975.

Take notice that on November 24, 1975, the Public Service Company of Oklahoma (PSO) tendered for filing a letter agreement dated October 27, 1975 between PSO and Southwestern Electric Power Company (SWEPCO) amending Schedule RE, a supplement to the Interconnection Agreement between PSO and SWEPCO which is on file with the Commission as Supplement No. 19 to Rate Schedule FPC No. PSO 118. Schedule RE provides for replacement energy transactions between the systems of the two companies. Also filed with the Commission was a Certificate of Concurrence dated October 31, 1975, by SWEPCO.

PSO states that the change being made in the proposed amendatory letter agreement is the add-on portion of the rate when energy being supplied by the seller is purchased from another supplier and passes through the seller's system to the buyer. According to PSO, the rate for each kilowatt hour is the same rate previously accepted for filing under Schedule ES of the same Interconnection Agreement.

The effective date for the proposed change is January 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33781 Filed 12-15-75;8:45 am]

[Docket No. ER76-207]

SOUTHWESTERN ELECTRIC POWER CO.

Revisions to Previously Filed Rate Schedule Changes

DECEMBER 9, 1975.

Take notice that on November 24, 1975, Southwestern Electric Power Company (SWEPCO) tendered for filing certain revised sheets which are to replace those pages of the same title and page number filed in the above captioned docket on October 31, 1975. The earlier filing was noticed by the Commission on November 7, 1975.

SWEPCO states that the changes in the revised sheets are minor and do not affect the results contained in the original sheets.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33782 Filed 12-15-75;8:45 am]

[Docket No. ER76-210]

SOUTHWESTERN ELECTRIC POWER CO.

Revisions to Previously Filed Rate Schedule Changes

DECEMBER 9, 1975.

Take notice that on November 24, 1975, Southwestern Electric Power Company (SWEPCO) tendered for filing certain revised sheets which are to replace those pages of the same title and page number filed in the above captioned docket on October 31, 1975. The earlier filing was noticed by the Commission on November 11, 1975.

SWEPCO states that the changes in the revised sheets are minor and do not affect the results contained in the original sheets.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33783 Filed 12-15-75;8:45 am]

[Docket No. CP62-288, CP65-270, and CP70-204]

TEXAS GAS UTILITIES DIVISION

Petition To Amend

DECEMBER 9, 1975.

Take notice that on October 29, 1975, Texas Gas Utilities Division (Petitioner), Five Greenway Plaza East, Houston, Texas, filed in Docket Nos. CP65-270 and CP70-204 a petition to amend the orders of the Commission issued in said dockets pursuant to Section 3 of the Natural Gas Act for authorization to continue the exportation of natural gas authorized to be exported by its predecessor and in Docket No. CP62-288 to amend the permit issued pursuant to Executive Order No. 1085, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that its predecessor in interest, Texas Gas Utilities Company (TGUC), was authorized to export natural gas by orders of the Commission of May 3, 1966 (35 FPC 684), and March 25, 1970 (43 FPC 475), and that as successor, Petitioner has continued such operations. Petitioner states that TGUC was merged into Lo-Vaca Gathering Company and has been operating as a division thereof effective August 31, 1972. Petitioner does not propose any change in service or facilities from those that were authorized by the Commission.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 19, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33784 Filed 12-15-75;8:45 am]

[Docket No. ER76-299]

CONNECTICUT LIGHT AND POWER CO. AND HARTFORD ELECTRIC LIGHT CO.

Notice of Termination

DECEMBER 9, 1975.

Take notice that on November 26, 1975, The Connecticut Light and Power Company (CL&P) and The Hartford Electric Light Company (HELCO) filed with the Commission a notice that the following rate schedules, effective November 1, 1974, were terminated in accordance with their terms on October 31, 1975:

Rate Schedule FPC No. CL&P 102; and Rate Schedule FPC No. HELCO 83.

CL&P and HELCO state that notice of the proposed termination has been served upon the Central Maine Power Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before December 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the procedinig. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33785 Filed 12-15-75;8:45 am]

[Docket No. ER76-300]

CONNECTICUT LIGHT AND POWER CO. ET AL.

Notice of Termination

DECEMBER 9, 1975.

Take notice that on November 26, 1975, The Connecticut Light and Power Company (CL&P), The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) filed with the Commission a notice that the following rate schedules, effective May 1, 1974, were terminated in accordance with their terms on October 31, 1974:

Rate Schedule FPC No. CL&P 91; Rate Schedule FPC No. HELCO 74; and Rate Schedule FPC No. WMECO 90.

CL&P, HELCO and WMECO state that notice of the proposed termination has been served upon New Bedford Gas and Edison Light Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before December 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33786 Filed 12-15-75;8:45 am]

[Docket No. E-9200]

UPPER PENINSULA POWER CO.

Order Approving Settlement Agreement

DECEMBER 9, 1975.

On December 30, 1974, Upper Peninsula Power Company (Uppco) tendered for filing proposed changes in its FPC Rate Schedule Nos. 2, 3, 6, 7, 12, 13, 14 and 15, for service to the Alger-Delta Cooperative Electric Association, the Ontagon County Rural Electrification Association, the Village of Baraga, the City of Gladstone, the Village of L'Anse, the City of Neagunee, all in Michigan, and to the Wisconsin-Michigan Power Company. The proposed changes would increase revenues from these jurisdictional customers by approximately $287,079, based on the 12-month period ended July 31, 1974.

By order issued January 30, 1975, the Commission accepted the proposed tariff changes for filing, suspended the rate increase for 30 days, to become effective March 2, 1975, subject to refund and set the matter for hearing. An untimely petition to intervene in this proceeding was filed on October 8, 1975, by the City of Gladstone.

In addition, the Commission, in the order of January 30, 1975, found that Uppco's proposed fuel cost adjustment clause did not fully comply with Order No. 517. On March 31, 1975, Uppco submitted a revised fuel cost adjustment clause which the Commission accepted for filing and approved by letter order dated April 24, 1975, and permitted to become effective as of March 2, 1975.

As a result of settlement conferences, Uppco, on September 12, 1975, filed a Settlement Agreement and a Motion for Approval of the Settlement Agreement.

The proposed agreement reduces Uppco's rate increase to its jurisdictional customers from $287,079, or a 21.2% increase reflected in Uppco's original filing to $200,020, or a 14.8% increase. The settlement increase will provide Uppco with a return on equity of 12.75% and an overall rate of return of 8.65%, based upon its capital structure of March 31, 1975.[1]

Notice of the proposed settlement agreement was issued on September 18, 1975, with comments due on or before October 14, 1975. Staff filed comments in support of the proposed settlement on October 14, 1975.

On October 8, 1975, the City of Gladstone, Michigan (Gladstone) filed a Petition To Intervene And Motion For Comprehensive Interchange Agreement. Therein, Gladstone requests that the Commission not terminate the docket in this proceeding even though it should approve the proposed settlement agreement, which Gladstone does not oppose. Rather, Gladstone petitions to intervene in this proceeding and requests that the

[1] The settlement cost of service and capitalization are set forth in Attachment A to this order.

V40242 DEC 16 75 XUM

docket remain open to consider its entitlement to purchase power pursuant to a comprehensive interchange agreement which it is currently attempting to negotiate with Uppco.

On October 22, 1975, Uppco filed its response to Gladstone's pleading wherein Uppco opposes Gladstone's petition to intervene in this proceeding and its request that the Commission order Uppco to enter into a comprehensive interchange agreement with Gladstone. Uppco contends Gladstone is seeking to enlarge the scope of the proceeding, in which the only issue heretofore has been the justness and reasonableness of Uppco's W-1 rate for firm wholesale sales. Moreover, Uppco states that Gladstone's requests should be denied in that it did not file a timely petition to intervene or attempt to participate in the settlement discussions and because Gladstone does not oppose the Commission's approving the proposed settlement agreement. Uppco further opposes Gladstone's request that the Commission should permit the docket in this proceeding to remain open to consider an interchange arrangement. Uppco asserts that should the docket be closed, Gladstone would not be prejudiced in negotiating an interchange arrangement with Uppco which the latter is willing to consider in good faith.

Our review of the proposed settlement, Staff's comments and the related record indicates that it is a reasonable and appropriate resolution of the issues in this proceeding in the public interest and that, accordingly, it should be adopted, as hereinafter ordered. Gladstone's October 8, 1975, petition to intervene and request that the Commission hold open the docket in this proceeding to consider ordering an interchange arrangement between Gladstone and Uppco should be granted as to the former request and denied as to the latter. The issue presented for consideration in this filing is whether or not the proposed settlement agreement provides for just and reasonable rates under the W-1 rate schedule for firm wholesale sales. Gladstone's petition addresses that issue insofar as Gladstone supports the proposed settlement agreement. Our action herein does not preclude Gladstone and Uppco from negotiating a comprehensive interchange agreement on their own motion. Moreover, Gladstone may file pursuant to Section 202(b) of the Federal Power Act for such relief as it may deem appropriate.

The Commission finds: (1) The proposed settlement of this proceeding as filed by Uppco with the Commission on September 12, 1975, is reasonable and proper and in the public interest in carrying out the provisions of the Federal Power Act and should be approved, as hereinafter ordered.

(2) Good cause exists to deny Gladstone's October 8, 1975, motion requesting the Commission to order Uppco to provide Gladstone a comprehensive interchange agreement.

(3) Gladstone's untimely petition to intervene in this proceeding should be granted.

The Commission orders: (A) The proposed settlement filed by Uppco on September 12, 1975, is incorporated herein by reference and made a part hereof, is approved, and adopted to be effective as of March 2, 1975.

(B) Within thirty days of the issuance of this order, Uppco shall file with the Commission a report of the payment of all refunds including 9% interest per annum thereon.

(C) Uppco shall file, within 30 days of the date of issuance of this order, rate schedules revised in accordance with the terms of the settlement agreement.

(D) Gladstone's October 8, 1975, motion requesting the Commission to order Uppco to provide Gladstone a comprehensive interchange agreement is hereby denied.

(E) Gladstone's untimely petition to intervene is granted subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene: And *provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(F) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, Uppco, or by any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against Uppco or any other person or party.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

ATTACHMENT A

UPPER PENINSULA POWER COMPANY
DOCKET NO. E-9300

Test Period—12 Months Ended July 31, 1974

Settlement Cost of Service

Rate base	$3,469,782
Operating expenses before taxes	$1,121,814
Income taxes	
Federal	113,567
State	16,870
Return (at 8.65%)	300,136
Total revenue requirement	$1,552,417
Present revenues	$1,352,397
Increase	200,020
Percent increase	14.8%

Capital structure, Mar. 31, 1957

	Amount	Ratio (percent)	Cost of capital (percent)	Weighted return (percent)
Long-term debt	$23,719,594	54.08	6.42	3.47
Preferred stock	5,005,300	11.41	6.84	.78
Common equity	15,120,602	34.48	12.75	4.40
Accumulated deferred Federal income tax	13,581	.03		
Total	$43,859,077	100.00		8.65

[FR Doc.75-33787 Filed 12-15-75;8:45 am]

NATIONAL GAS SURVEY TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

DECEMBER 9, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Transmission, Distribution & Storage-Technical Advisory Committee of the National Gas Survey.

1. Membership. A new member to the Transmission, Distribution & Storage-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Edward F. Hubbard, Philadelphia Gas Works, Philadelphia, Pennsylvania.

Mr. Hubbard replaces Mr. Harry Connelly as a representative of Philadelphia Gas Works.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33788 Filed 12-15-75;8:45 am]

NATIONAL GAS SURVEY TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY TASK FORCE-IMPACT OF GAS SHORTAGE ON TRANSMISSION, DISTRIBUTION AND STORAGE OF GAS

Order Removing Members

DECEMBER 9, 1975.

The Federal Power Commission by Order issued September 15, 1975, announced a new National Gas Survey program, and established the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Transmission, Distribution and Storage of Gas.

1. Membership. Resignations from National Gas Survey Advisory Committees and Task Forces have been received and accepted from several persons who had been selected and approved for participation as members. The following member, with Commission approval, is hereby removed from membership on the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Transmission, Distribution and Storage of Gas as indicated:

E. F. Hubbard, Philadelphia Gas Works, Philadelphia, Pennsylvania.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33789 Filed 12-15-75;8:45 am]

NATIONAL GAS SURVEY RESEARCH AND DEVELOPMENT-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

DECEMBER 9, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Research and Development-Technical Advisory Committee of the National Gas Survey.

1. Membership. A new member to the Research and Development-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Charles B. Colton, Hittman Associates, Inc., Columbia, Maryland.

Mr. Colton replaces Mr. Howard Hagler as a representative of Hittman Associates, Inc.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33790 Filed 12-15-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-REGULATORY ASPECTS OF SUBSTITUTE GAS

Order Designating Members

DECEMBER 9, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Regulatory Aspects of Substitute Gas of the National Gas Survey.

1. Membership. A new member to the Supply-Technical Advisory Task Force-Regulatory Aspects of Substitute Gas as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

David C. Maselli, Common Cause, Washington, D.C.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33791 Filed 12-15-75;8:45 am]

THE NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE—NONCONVENTIONAL NATURAL GAS RESOURCES

DECEMBER 9, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force—Nonconventional Natural Gas Resources of the National Gas Survey.

1. Membership. A new member to the Supply-Technical Advisory Task Force—Nonconventional Natural Gas Resources as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

John M. Dennison, Department of Geology, University of North Carolina, Chapel Hill, North Carolina.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33792 Filed 12-15-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

DECEMBER 9, 1975.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey Supply-Technical Advisory Committee and initial membership for this Committee.

1. Membership. A new member to the Supply-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Paul L. Hathaway, Consolidated Edison Company, of New York, Inc., New York, New York.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33793 Filed 12-15-75;8:45 am]

THE NATIONAL GAS SURVEY FINANCE-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

DECEMBER 9, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Finance-Technical Advisory Committee of the National Gas Survey.

1. Membership. A new member to the Finance-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

J. E. Bixby, Texas Eastern Transmission Corporation, Houston, Texas.

Mr. Bixby replaces Mr. Donald T. Quinn as a representative of Texas Eastern Transmission Corporation.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33794 Filed 12-15-75;8:45 am]

THE NATIONAL GAS SURVEY CONSERVATION-TECHNICAL ADVISORY TASK FORCE-EFFICIENCY IN USE OF GAS

Order Designating Members

DECEMBER 9, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Conservation-Technical Advisory Task Force-Efficiency in Use of Gas of the National Gas Survey.

1. Membership. New members to the Conservation-Technical Advisory Task Force-Efficiency in Use of Gas as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Robert A. Filip, Southern California Gas Company, Los Angeles, California.
Harvey M. Bernstein, Hittman Associates, Inc., Columbia, Maryland.
John B. Edwards, Ford Motor Company, Dearborn, Michigan.

Mr. Bernstein replaces Mr. Howard Hagler as a representative of Hittman Associates, Inc.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33795 Filed 12-15-75;8:45 am]

THE NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-SYNTHESIZED GASEOUS HYDROCARBON FUELS

Order Designating Members

DECEMBER 9, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels of the National Gas Survey.

1. Membership. New members to the Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

David C. Maselli, Common Cause, Washington, D.C.
John A. Whitcombe, The Oil Shale Corporation, Los Angeles, California.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33796 Filed 12-15-75;8:45 am]

THE NATIONAL GAS SURVEY TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY TASK FORCE-RATE DESIGN

Order Designating Members

DECEMBER 9, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Transmission, Distribution & Storage-Technical Advisory Task Force-Rate Design of the National Gas Survey.

1. Membership. A new member to the Transmission, Distribution & Storage-Technical Advisory Task Force-Rate Design as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Harry Connelly, Philadelphia Gas Works, Philadelphia, Pennsylvania.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33797 Filed 12-15-75;8:45 am]

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GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on December 8, 1975. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before January 5, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Staff, 202–376–5425.

CIVIL AERONAUTICS BOARD

The Civil Aeronautics Board (CAB) has requested an extension no change clearance of Part 372a of the Board's Special Regulations dealing with travel group charters. The request includes Form 372a entitled CAB Travel Group Charter Passenger Name List, a reporting requirement entitled Post-flight Accounting Report, and a records retention requirement. Respondents number approximately 100 travel group charter organizations who complete an average of 10 forms and 10 post-flight reports annually. CAB estimates that each form 372a requires on hour to complete and each post-flight accounting report requires 15 minutes to complete.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-33863 Filed 12-15-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

COMMISSION ON GOVERNMENT PROCUREMENT

Executive Branch Position

Notice is given of the executive branch position with respect to Commission on Government Procurement Recommendations A–29 and A–46.

Recommendation A–29: "Establish procedures for a single final overhead settlement binding on all Federal contracts at a given contractor location." The executive branch has accepted this recommendation as its policy, which will be implemented by a Federal Management Circular.

Recommendation A–46: "Revise current debarment policies to provide for uniform treatment for comparable violations of the various social and economic requirements and to establish a broader range of sanctions for such violations." The executive branch has accepted this recommendation with a modification to include all statutory and administrative debarments and suspensions. The use of fines was ruled out, and a provision for contractor reinstatement upon demonstrated compliance is included in the executive branch position, which now reads as follows:

"Revise current debarment procedures to provide for uniform treatment for comparable violations and provide for reinstatement of a contractor's eligibility after he has demonstrated compliance."

An interagency task force is being established to recommend areas of implementation of this recommendation.

This notice is being published by direction of the Administrator for Federal Procurement Policy, Office of Management and Budget.

Dated at Washington, D.C. on December 3, 1975.

WILLIAM W. THYBONY,
Acting Associate Administrator.

[FR Doc.75-33833 Filed 12-15-75;8:45 am]

NATIONAL COMMISSION ON WATER QUALITY

PUBLIC HEARINGS

Notice is hereby given that the National Commission on Water Quality will hold a series of public hearings to review its draft report of the impacts of the Federal Water Pollution Control Act of 1972. This report, as required by Section 315 of the Act, assesses the total economic, social, and environmental effects of achieving or not achieving the effluent limitations and goals set forth (in the Act) for 1983.

The hearings will be held on the following dates and at the following locations beginning at 9:30 a.m.

Chicago, Ill	Jan. 10, 1976	Ceremonial Courtroom, Dirksen Bldg.
San Francisco, Calif.	do	Hyatt-Regency Hotel.
Fort Worth, Tex.	Jan. 12, 1976	Ramada Inn Central.
Boston, Mass	do	Statler Hilton.
Washington, D.C.	Jan. 19, 1976	New Executive Office Bldg.

Persons wishing to testify should register at least three days before the hearings by writing or calling Robert Hutchings, Office of Public Affairs, National Commission on Water Quality, Post Office Box 19266, Washington, D.C. 20036 (202–254–7806). Copies of the report may be obtained by writing or telephoning the above. Copies have also been placed in principal libraries in the United States.

Time limitations on oral testimony at the hearings may be established at the discretion of the Commission member chairing the hearings. Two copies of written testimony should be supplied to the Commission at the hearings. The hearing record will be held open until the close of business on February 6, 1976. The Commission requests that persons who are unable to participate in public hearings and who wish to do so, furnish comments directly to the Commission, attention Office of Public Affairs.

F. J. CLARKE,
Executive Director.

[FR Doc.75-33861 Filed 12-15-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

ADVISORY COMMITTEE FELLOWSHIPS PANEL

Meeting

DECEMBER 2, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463) notice is hereby given that a meeting of the Fellowships Panel will be held in Washington, D.C., on January 5, 8, and 9, 1976, from 9:00 a.m. to 5:30 p.m.

The purpose of the meeting is to review Fellowships in Residence for College Teachers applications submitted to the National Endowment for the Humanities for 1976–1977 fellowship grants.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information get in touch with the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW.; Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.75-33769 Filed 12-15-75;8:45 am]

ADVISORY COMMITTEE FELLOWSHIPS PANEL

Meeting

DECEMBER 3, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the Fellowships Panel will be held at Washington, D.C. on January 5, 7, 9, 10, and 16, 1976.

The purpose of the meeting is to review Summer Stipend applications submitted to the National Endowment for the Humanities for 1976 summer grants.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting will fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.75-33770 Filed 12-15-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 931]

ASSIGNMENT OF HEARINGS

DECEMBER 11, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

AB–1 Sub 32, Chicago and North Western Transportation Company Abandonment Between Watertown and Doland, in Condington, Clark and Spink Counties, South Dakota, now being assigned February 18, 1976 (3 days) at Watertown, South Dakota; in a hearing room to be designated later.

MC 114457 Sub 232, Dart Transit Company, now being assigned February 23, 1976 (2 days) at Omaha, Nebraska; in a hearing room to be designated later.

MC 123211 Sub 259, Hilt Truck Line, Inc., now being assigned February 25, 1976 (3 days) at Omaha, Nebraska; in a hearing room to be designated later.

MC–C–8423, Dunlap Bus Lines, Inc.—Revocation of Certificate, now assigned January 22, 1976 at Nashville, Tennessee, is canceled.

MC 119619 Sub 75, Distributors Service Co., now being assigned February 18, 1976 (3 days) at Milwaukee, Wisconsin; in a hearing room to be designated later.

MC–F–12388, South Bend Freight Line, Inc.—Purchase—Delia Cartage Co., Inc. and MC 31533 Sub 13, South Bend Freight Line, Inc., now being assigned February 23, 1976 (1 week) at Chicago, Illinois; in a hearing room to be designated later.

MC 138313 Sub 9, Builders Transport, Inc., now assigned January 20, 1976, at Portland, Oreg., will be held in Room 103, Pioneer Courthouse, 555 Yamhill Street.

MC 107743 Sub 28, System Transport, Inc., now assigned January 22, 1976, at Portland, Oreg., will be held in Room 103, Pioneer Courthouse, 555 Yamhill Street.

MC 127539 Sub 43, Parker Refrigerated Service, Inc., now assigned January 26, 1976, at Portland, Oreg., will be held in Room 103, Pioneer Courthouse, 555 S.W. Yamhill Street.

MC 128086 Sub 6, A & M Hauling, Inc., now assigned February 2, 1976, at Billings, Mont., will be held in Room 5000 Federal Building, 316 North 26th.

MC 136376 Sub 7, Mont R. Lynch, dba Lynch Trucking, now assigned February 4, 1976, at Billings, Mont., will be held in Room 5000 Federal Building, 316 North 26th.

No. 36223, Continental Grain Company V. Chicago And North Western Transportation Company, Et Al., now being assigned March 8, 1976 (1 Week) at Milwaukee, Wisconsin, in a hearing room to be designated later.

No. 36213, Precision Wood Products, Incorporated V. The Akron, Canton & Youngstown Railroad Company, Et Al., now being assigned March 1, 1976, (1 Week) at Seattle, Washington, in a hearing room to be designated later.

I & S M–28783, General Increase, October 1975, C. & S. M. F. T. A. now assigned January 6, 1976, at Washington, D.C., is Cancelled.

No. MC 115524 Sub 27, Bursch Trucking, Inc., dba Roadrunner Trucking, Inc., now assigned January 27, 1976, at Phoenix, Ariz., is canceled and application dismissed.

MC 129631 Sub 47, Pack Transport, Inc., application dismissed.

MC 33446 Sub 3, The Redifer Bus Company, now being assigned February 18, 1976 (3 days) at Cleveland, Ohio; in a hearing room to be designated later.

MC 110525 Sub 1124, Chemical Leaman Tank Lines, Inc., now being assigned February 23, 1976 (2 days) at Columbus, Ohio; in a hearing room to be designated later.

MC 134029 Sub 4, Sigel's Hauling, Inc., now being assigned February 25, 1976 (3 days) at Columbus, Ohio; in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-33859 Filed 12-15-75;8:45 am]

[Notice No. 142]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 11, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 58549 (Sub-No. 22 TA), filed December 2, 1975. Applicant: CLINE MUNDY, doing business as, GENERAL MOTOR LINES, 1534 Granby St. NE., P.O. Box 5157, Roanoke, Va. 24012. Applicant's representative: Jerry D. Beard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Warm Springs, Va., and Monterey, Va., over U.S. Highway 220, serving all intermediate points. Applicant intends to tack authority sought with that presently held in MC–58549 Sub 11, at Warm Springs, Va., and interline with other carriers at Roanoke and Martinsville, Va., for 180 days. Supporting shipper: Mauzy's, Monterey, Va. 24465. Send protests to: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Ave SW., Roanoke, Va. 24011.

No. MC 87511 (Sub-No. 18TA), filed November 25, 1975. Applicant: SAIA MOTOR FREIGHT LINE, INC., P.O. Box 10157, Station One, Houma, La. 70360. Applicant's representative: A. Rex Joyner, P.O. Box 10338, Jefferson, La. 70181. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, serving the Superior Oil Plant Site near Junction of Louisiana Highway 14 and Louisiana 3056, as an off route point in connection with carrier's existing regular route authority. Applicant intends to tack its existing authority with MC 87511 and subs thereunder, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Superior Oil Company, P.O. Box 1521, Houston, Tex. 77001. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 9038 Federal Bldg., 701 Loyola Ave., New Orleans, La. 70113.

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No. MC 88161 (Sub-No. 90 TA), filed December 3, 1975. Applicant: INLAND TRANSPORTATION CO., INC., 6737 Corson Ave., South, Seattle, Wash. 98108. Applicant's representative: Stephen A. Cole (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid resins*, in bulk, *and catalysts, polyurethane foam and glass fibre roving* in packages or containers, on the same vehicle, in combination for the same shipper, from Tacoma, Wash., to Caldwell and Wallace, Idaho, and Portland, Oreg., for 180 days. Supporting shipper: Reichhold Chemicals, Inc., P.O. Box 1482, Tacoma, Wash. 98401. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 102478 (Sub-No. 5 TA), filed December 1, 1975. Applicant: BRIGHT BELT MOTOR LINES, INC., P.O. Box 237, Grifton, N.C. 28530. Applicant's representative: Jesse H. Wade (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials, industrial asphalt*, from points in Carteret County, N.C. and the plantsite of Trumbull Asphalt Company, of Morehead City, N.C., to points in Pennsylvania, South Carolina, Virginia, and North Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Trumbull Asphalt Company, Morehead City, N.C. 28557. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 107295 (Sub-No. 791 TA), filed December 2, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, door frames, windows, window frames, and millwork*, from Peru, Ill., to points in Connecticut, Delaware, the District of Columbia, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia and Wisconsin, for 180 days. Supporting shipper: W. C. Wahlstrom, Secretary-Treasurer, Illinois Millwork Corporation, 1315 Water St., Peru, Ill. 61354. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 108380 (Sub-No. 88 TA), filed November 26, 1975. Applicant: JOHNSTON'S FUEL LINERS, INC., P.O. Box 100, Newcastle, Wyo. 82701. Applicant's representative: Stockton and Lewis, The 1650 Grant St. Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosote oil*, from Ironton, Utah, to Whitewood, S. Dak., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Reilly Tar & Chemical Corporation, Box 1186, Provo, Utah 84601. Send protests to: Paul A. Naughton, District Superivsor, Interstate Commerce Commission, Room 1006 Federal Bldg. & Post Office, 100 East B St., Casper, Wyo. 82601.

No. MC 108449 (Sub-No. 388 TA), filed November 25, 1975. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer compounds*, in bulk, in tank vehicles, from Chemolite, Minn., to Prairie du Chien, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Minnesota Mining & Manufacturing Company, 3M Center, St. Paul, Minn. 55101. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 110563 (Sub-No. 162 TA), filed December 3, 1975. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Bldg., Sidney, Ohio 45365. Applicant's representative: John L. Maurer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Booker, Tex., to points in California, for 180 days. Masters Dressed Beef, d/b/a Booker Custom Packing Co., Box 290, Booker, Tex. 79005. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 111611 (Sub-No. 25 TA), filed November 28, 1975. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Ave., Lewistown, Pa. 17044. Applicant's representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass reinforced products*, from the plantsite of Fiber-Dyne, Inc., Sun Valley, Calif., to Denver, Colo., Rocky Flats, Colo., and Cleveland, Ohio, for 180 days. Supporting shipper: Fiber-Dyne, Inc., 8530 San Fernando Road, Sun Valley, Calif. 91352. Send protests to: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 113528 (Sub-No. 27 TA), filed November 28, 1975. Applicant: MERCURY FREIGHT LINES, INC., P.O. Box 1247, Mobile, Ala. 36601. Applicant's representative: Joy Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials*, from the plantsite of Bird & Son., Inc. Charleston, S.C., to points in Alabama and points in Florida west of the Apalachicola River, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bird & Son, Inc., Washington St., East Walpole, Mass. 02032. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 119160 (Sub-No. 8 TA), filed November 26, 1975. Applicant: H. E. SPANN AND COMPANY, INC., P.O. Box 1111, Mt. Pleasant, Tex. Applicant's representative: Paul D. Angenend, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Aggregate*, in bulk, in dump vehicles, from Little Rock, Ark., to Sulphur Springs, Tex., for 180 days. Supporting shipper: A. P. Green Refractories Company, P.O. Box 277, Sulphur Springs, Tex. 75482. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 119774 (Sub-No. 87 TA), filed November 24, 1975. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, composition shingles, rolled roofing, roofing compounds and accessories*, from the plantsite and storage facilities of Elk Corporation, at or near Stephens, Ark., and Camden, Ark., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Elk Corporation, P.O. Box 37, Stephens, Ark. 71764. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 123255 (Sub-No. 56 TA), filed December 1, 1975. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers and lids*, from

Rochester, Mich., to Matteson and Chicago, Ill.; Baltimore and Beltsville, Md.; Chaska, Minn.; Cleveland, Medina, Perrysburg, and Toledo, Ohio; Philadelphia, Pa. and New York, N.Y., and the commercial zone thereof, for 180 days. Supporting shipper: Letica Corporation, 1600 West Hamlin Road, Rochester, Mich. 48063. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 126421 (Sub-No. 5 TA), filed December 1, 1975. Applicant: GYPSUM TRANSPORT, INC., East Highway 80, P.O. Box 2679, Abilene, Tex. 79604. Applicant's representative: Jerry Prestridge, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags or sacks, from the port of entry on the International Boundary Line between the United States and the Republic of Mexico at El Paso, Tex., to points in Texas, restricted to traffic originating in the Republic of Mexico, for 180 days. Supporting shipper: Cementos de Chihuahua SA, Apartado Postal 2135, CD, Juarez, Chihuahua SA. Send protests to: H. C. Morrison, Sr., Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 128870 (Sub-No. 5 TA), filed December 1, 1975. Applicant: NATIONAL MATERIALS CORPORATION, P.O. Box 187, New Braunfels, Tex. 78130. Applicants' representative: Jerome E. Faust (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in tank trucks, from the plantsite of United States Gypsum Company, at or near New Braunfels, Tex., to the United States-Mexican Boundary Line, at Brownsville, Tex., for 180 days. Supporting shipper: United States Gypsum Company, P.O. Box 773, New Braunfels, Tex. 78130. Send protests to: Richard H. Dawkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room B-400 Federal Bldg., San Antonio, Tex. 78205.

No. MC 129808 (Sub-No. 18 TA), filed November 26, 1975. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., P.O. Box 2078, Grand Island, Nebr. 68801. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation pipe and fittings*, from the plantsite and facilities of Heinzman Manufacturing Co., a Division of Henizman Engineering, Inc., at or near Grand Island, Nebr., to San Ysidro, Calif., under a continuing contract with Heinzman Manufacturing Co., a Division of Heinzman Engineering, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gerald L. Richards, General Traffic Manager, Heinzman Manufacturing Co., a Division of Heinzman Engineering, Inc., P.O. Box A, Grand Island, Nebr. 68801. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 134551 (Sub-No. 7 TA), filed November 25, 1975. Applicant: LANTER REFRIGERATED DISTRIBUTING CO., 3 Caine Drive, Madison, Ill. 62060. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Springfield, Mo., to Madison, and East St. Louis, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robert M. Zachar, General Manager, Meat Products Division, Missouri Farmers Association, Inc., Meat Products Division, Main P.O. Box 787, Springfield, Mo. 65801. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 135352 (Sub-No. 7 TA), filed December 1, 1975. Applicant: LITTLE DUTCH LINES, INC., 1111 North Prairie St., Pella, Iowa 50219. Applicant's representative: Thomas E. Leahy, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive batteries and battery acid* in containers, from Salina, Kans., to Pella, Iowa, under a continuing contract with Schiebout Tire Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Schiebout Tire Co., Inc. P.O. Box 151, Pella, Iowa 50219. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC136485 (Sub-No. 7 TA), filed November 21, 1975. Applicant: WALDORF TRANSPORTATION CO., INC., P.O. Box 358, Waldorf, Md. 20601. Applicant's representative: John G. Jameson, Jr. (same address as applicant) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment, electrical supplies and materials, supplies and equipment* used in the installation of electrical equipment and electrical supplies (except commodities which because of size and weight require the use of special equipment and except commodities in bulk), from points in Maryland, Virginia, West Virginia, Ohio, Kentucky, Pennsylvania, New York, New Jersey, Delaware, Connecticut, Massachusetts, Rhode Island and Vermont, to points in Allegany, Washington, Frederick, Carroll, Baltimore, Harford, Cecil, Howard, Montgomery, Prince Georges, Anne Arundel, Calvert, Charles, St. Marys, Kent, Queen Annes, Talbot, Caroline, Dorchester, Wicomico, Somerset, Worchester Counties, Baltimore City, Md.; Franklin and Adams Counties, Pa.; Berkeley, Jefferson Counties, W. Va.; Frederick, Clarke, Page, Shenandoah, Rockingham, Rappahannock, Fauquier, Loudoun, Arlington, Fairfax Counties, Alexandria City, Va.; the District of Columbia. Restriction: The services authorized above are limited to a transportation service to be performed under a continuing contract or contracts with Tristate Electrical Supply Co., Inc., Hagerstown, Md., for 180 days. Supporting shipper: Tristate Electrical Supply Co., Inc., 1741 Dual Highway, Hagerstown, Md. 21740. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room B-317, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 134387 (Sub-No. 26 TA), filed December 2, 1975. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, Calif. 90280. Applicant's representative: David P. Christianson, 606 S. Olive, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from points in Los Angeles County, Calif., to points in Coconino County, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Nackard Pepsi Cola Bottling Company, 4980 Railhead Ave., Coconino, Ariz. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 139893 (Sub-No. 3 TA), filed November 28, 1975. Applicant: THAMES VALLEY BRICK & BUILDING PRODUCTS LIMITED, P.O. Box 314, Chatham, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick* (except refractory and vitrified clay products), and *stone* when moving in mixed loads with brick, from ports of entry on the International Boundary Line between the United States and Canada at the Niagara, Detroit and St. Clair Rivers, to Albany, Amsterdam, Auburn, Batavia, Binghamton, Buffalo, Caledonia, Cambria, Canton, Central Square, Cheektowaga, Cicero, Clarence, Corgland, East Aurora, Elmira, Fredonia, Geneva, Honeoye Falls, Ithaca, Jamestown, Lancaster Lockport, Malone, Massena, Medina, Middletown, Newark, Niagara Falls, Olean, Ogdensburg, Oneonta, Orchard Park, Oswego, Pittsfield, Plattsburg, Ransomville, Rochester, Rome, Sanborn, Solvay, Syracuse, Utica, Watertown, West Seneca and White Plains, N.Y.; Mt. Clemens and Kawkawlin, Mich.; Erie, Pa., and Toledo, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating au-

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thority. Supporting shippers: Angelstone Limited, Christopher G. Jones, Secretary-Treasurer, Cambridge, Ontario, Canada. Toronto Brick Company, James Marshall, Sales Manager, 1425 Bayview Ave., Toronto, Ontario, Canada. Diamond Clay Products Limited, Daniel Kurucz, Traffic Superintendent, Highway #5, Burlington, Ontario, Canada. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 141520 (Sub-No. 1-TA), filed November 26, 1975. Applicant: INTER-CITY EXPRESS, INC., 1746 E. Adams St., Jacksonville, Fla. 32206. Applicant's representative: Norman J. Bolinger, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers, *and emp'y containers*, between points in the Jacksonville, Fla., commercial zone, including Jacksonville, Fla. (except Yulee and Fernandina Beach, Fla.), restricted to shipments having a prior or subsequent movement by water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Sea-Land Service, Inc., P.O. Box 3281, Jacksonville, Fla. 32206. Norton, Lilly & Company, Inc., 1829 Westcott St., Jacksonville, Fla. 32205. Southern Shipping Company, P.O. Box 4668, Jacksonville, Fla. 32201. Harrington & Co., Inc., 305 Union St., Jacksonville, Fla. 32202. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 141535 (Sub-No. 1 TA), filed November 24, 1975. Applicant: LEONARD POHREN, 741 East 2nd St., Washington, Iowa 52353. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, from Cedar Rapids and Washington, Iowa to points in Illinois and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cargill, Incorporated, 411 6th St. NE., Cedar Rapids, Iowa 52406. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 141558 TA, filed December 1, 1975. Applicant: VINCENT J. CORRADO, doing business as, V & E TRUCKING, 2061 Monongahela Ave., Pittsburgh, Pa. 15218. Applicant's representative: John A. Pillar, 1122 Frick Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Swinging meat, meat products and meat by-products*, in temperature-controlled vehicles, from the facilities of Herr's Island Packing Company in Pittsburgh, Pa., to Stamford, Conn.; the District of Columbia; Chicago, Ill.; Baltimore and Landover, Md.; Boston, Mass.; Elizabeth, Hawthorne, Jersey City, Newark, Passaic, Westfield and Woodbridge, N.J.; Mt. Kisco, New York City, Schenectady and Waterford, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Herr's Island Packing Company, d/b/a Western Packers, Herr's Island, Pittsburgh, Pa. 15222. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 141559 TA, filed December 1, 1975. Applicant: LAWRENCE W. TOMASINI AND DONALD L. BURDETTE, a partnership, doing business as, OREGON PACIFIC TRANSPORT, 11739 S. E. Ash St., Portland, Oreg. 97216. Applicant's representative: Lawrence W. Tomasini (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heat exchangers, associated equipment and supplies*, between the plantsite of Allied Air Products at Newberg, Oreg., and points in the United States, under a continuing contract with Allied Air Products Co., Inc., for 180 days. Supporting shipper: Allied Air Products Co., Inc., 315 E. Franklin St., Newberg, Oreg. 97132. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 113–Pioneer Courthouse, 555 S. W. Yamhill St., Portland, Oreg. 97204.

No. MC 141560 TA, filed December 2, 1975. Applicant: JAMES E. HARRELSON'S USED CARS, Route 2, Box 408–A, Johns Island, S.C. 29455. Applicant's representative: Gene W. Dukes, Box 368, St. George, S.C. 29477. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stolen or repossessed automobiles and trucks*, between points in South Carolina, on the one hand, and, on the other, points in the United States, for 180 days. Supporting shippers: The South Carolina National Bank, P.O. Box 700, Charleston, S.C. 29402. Bankers Trust of South Carolina, P.O. Box 610, Charleston, S.C. 29401. Jim Bilton Ford, Inc., 315 Parler Ave., St. George, S.C. 29477 Chrysler Credit Corp., P.O. Box 10525, Charleston, S.C. 29411. General Motors Acceptance Corp., P.O. Box 3335, Charleston, S.C. 29407. Renken-Loan-And Discount Co., Inc., 204 Helm Ave., Charleston Heights, S.C. 29405. Ford Motor Credit Company, P.O. Box 3546, Charleston, S.C. 29407. TranSouth Financial Corp., P.O. Box 7386, Charleston Heights, S.C. 29405. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickins St., Columbia, S.C. 29201.

No. MC 141563 TA, filed December 3, 1975. Applicant: LYNCH TRUCKING, INC., P.O. Box 712, Billings, Mont. 59103. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting and floor covering and installation materials and accessories*, from points in Georgia to points in North Dakota and Sioux Falls, S. Dak., for 180 days. Supporting shipper: Wilfred Mastel, Executive Secretary, Northwest Buying Group, Box 467, Dickinson, N. Dak. 58601. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 141564 TA, filed December 1, 1975. Applicant: JAMES MOTOR SERVICE, INC., 5131 W. Wilfe Drive, Oak Lawn, Ill. 60453. Applicant's representative: Conrad W. Cherry (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (1) between the commercial zone of Chicago, Ill., and the commercial zone of Louisville, Ky., and (2) from the commercial zone of Chicago, Ill., to points in Indiana, Wisconsin and Michigan, under a continuing contract with K. F. C. Management Company, and Colgate Palmolive Company, for 180 days. Supporting shippers: K. F. C. Management Company, Jerry Ebertshauser, Customer Service Manager, 7715 S. 78th Ave., Bridgeview, Ill. 60455. Colgate Palmolive Company, H. R. Schroeder, Traffic Manager, 1251 S. 4th St., Louisville, Ky 40201. Send protests to: Patricia A. Roscoe, Transportation Assistant. Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

PASSENGER APPLICATION

No. MC 102676 (Sub-No. 11 TA), filed November 28, 1975. Applicant: WORCESTER BUS CO., INC., 287 Grove St., Worcester, Mass. 01605. Applicant's representative: James F. Martin, 3003 Windsor Ridge Road, Westboro, Mass. 01581. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations originating at Worcester, Oxford and Webster, Mass., to the site of Plainfield Greyhound Park, Plainfield, Conn., and return, restricted to the racing season, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 37 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: James D. Perry, Jr., District Supervisor, 338 Federal Bldg., & U.S. Courthouse, 436 Dwight St., Springfield, Mass. 01103.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33860 Filed 12-15-75;8:45 am]

[EX PARTE No. MC-43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

DECEMBER 11, 1975.

At a Session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C., on the 4th day of December, 1975.

It appearing, That a petition has been filed by Imperial Van Lines, Inc., (MC–65665 and MC–65665 Sub-No. 14G) and Martin Van Lines, Inc., (MC–112263), under temporary common control for waiver of paragraph (c) of section 1057.4 and paragraph (d) of section 1057.5 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057), concerning equipment leased and interchanged between petitioners;

It further appearing, That petitioners have a jointly administered program applying the same standards of inspection and maintenance to equipment in accordance with the motor carrier safety regulations of the U.S. Department of Transportation;

It further appearing, That the U.S. Department of Transportation offers no objection to a grant of the relief sought based on an examination of petitioners' record;

It is ordered, That waiver of paragraph (c) of § 1057.4, be, and, it is hereby granted provided that the equipment is inspected on the day it is to be leased or interchanged and found to meet the requirement of the motor carrier safety regulations of the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control.

It is further ordered, That waiver of paragraph (d) of § 1057.5 be, and, it is hereby denied.

By the Commission, Motor Carrier Leasing Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33858 Filed 12-15-75;8:45 am]

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federal register

TUESDAY, DECEMBER 16, 1975



PART II:

FEDERAL ELECTION COMMISSION

ADVISORY OPINIONS AND REQUESTS

V 40 242 DEC 16 75 XUM

FEDERAL ELECTION COMMISSION

[Notice 1975–90]

ADVISORY OPINIONS

The Federal Election Commission announces the publication today of Advisory Opinions 1975–50, 1975–53, 1975–65, 1975–85 and 1975–93. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or 96 of Title 26, United States Code, or of Sections 608, 610, 611, 613, 614, 615, 616 or 617 of Title 18, United States Code.

The Commission points out that these advisory opinions should be regarded as interim rulings which are subject to modification by future Commission regulations of general applicability. In the event that a holding in either opinion is altered by the Commission's regulations, the persons to whom the opinions were issued will be notified.

ADVISORY OPINION 1975–50

APPLICABILITY OF 1974 AMENDMENTS; SCOPE OF CORPORATE CONTRIBUTION PROSCRIPTION IN SECTION 610

This advisory opinion is rendered under 2 U.S.C. § 437f in response to a request by the campaign committee of Jeff LaCaze, a former candidate for Federal office. The request was published as AOR 1975–50 in the September 3, 1975 FEDERAL REGISTER (40 FR 40678). No comments were received.

The request states that Mr. LaCaze was a candidate for the House of Representatives from the Sixth District of Louisiana. The results of the general election of November 5, 1974, were disputed and after litigation the State courts ordered a new election for January 7, 1975. Prior to the new election, the LaCaze Committee wrote to the Clerk of the House of Representatives, seeking, in essence, an opinion as to whether the 1974 campaign law amendments were applicable to the election and, in particular, to contributions and expenditures received between January 1–7, 1975. The response, contained in a telegram, quoted from a note to 2 U.S.C. § 437c, as amended in 1974, which stated in substance that until the qualification of all the members of the Federal Election Commission and its General Counsel and until the transfer provided for in the subsection, the Clerk of the House of Representatives shall continue to carry out his responsibilities under Title I and Title III of the Federal Election Campaign Act of 1971, as such Titles existed on the day before the enactment of the Act.

The LaCaze Committee asks whether the Advisory Opinion of the Commission as to the applicability of the 1974 Amendments to post-December 31, 1974 expenditures (AO 1975–6 in 40 FR 31316) applies in his particular situation. The Committee also seeks opinions as to the following unrelated issues: (a) whether accrued interest payments on 1974 promissory notes executed in connection with Mr. LaCaze's Congressional campaign, if paid in 1975, are subject to the contribution and expenditure limits of the 1974 Amendments to the Federal election campaign law; (b) whether 18 U.S.C. § 610 prohibits a corporation from forgiving or settling prior debts owed by a candidate to the corporation and, if not, whether such debts can be written off as bad debts.

The first question involves an apparently unique, individual situation and as such qualifies as an isolated exception to Advisory Opinion 1975–6. The telegram from the Clerk of the House of Representatives—although not specifically stating so—was clearly subject to an interpretation that the contribution and expenditure limitations set forth in Title I of the 1974 law were inapplicable to Mr. LaCaze. As such, given Mr. LaCaze's apparent good faith reliance on the telegram, it is the conclusion of the Commission that he cannot be held to be subject to the contravening Advisory Opinion of the Commission, which was published some seven months after his campaign was concluded. However, although Mr. LaCaze's debts will be treated as if they were subject to the 1971 Federal Election Campaign Act, all contributions made to retire them are subject to the restrictions set forth in Advisory Opinion 1975–82, approved by the Commission on December 2, 1975, (40 FR 57757).

With regard to the second question, a promissory note is in essence a "loan" or "advance" and hence comes within the meaning of the definition of "contribution", as it is set forth in 18 U.S.C. § 591(e)(1). Since the Commission has already concluded in AO 1975–6 (*supra*) that the contribution and expenditure limitations set forth in 18 U.S.C. §608 are, with the exception of a candidate's use of personal funds, inapplicable to an election campaign which occurred prior to January 1, 1975, it is clear that this conclusion also applies to promissory notes. Moreover, if the maker of a promissory note signed a commitment to make future interest payments then these payments may be dated back to the date the note was signed. If this date in Mr. LaCaze's case is prior to January 7, 1975, then it is the Commission's conclusion that the interest payments would not be covered by the 1974 Amendments to the Federal Election Campaign Act, even if the payments were made after January 7, 1975. However, this conclusion does not apply to interest payments made by the candidate himself. These would have to be counted toward the limitation set forth in 18 U.S.C. § 608(a)(1)(C). (See AO 1975–6, *supra*, as modified by AO 1975–82, *supra*.)

The final question concerns the application of 18 U.S.C. § 610 to the settlement or forgiveness of debts owed by a candidate or political committee to corporations. In general, a corporation may not forgive prior debts or settle these debts for less than the amount owed by the candidate or committee, because settlement or forgiveness of a corporate debt is a contribution under § 610. However, in certain extenuating circumstances (which shall be subject to Commission scrutiny on a case by case basis), settlement or forgiveness of such a corporate debt may not be considered a contribution under § 610 if a showing is made to the Commission that the corporate creditor has treated the outstanding debt of a candidate or political committee in a commercially reasonable manner.

Such a showing must include at least the following:

(1) That the initial extension of credit to the candidate or political committee was made in a manner and on terms similar to extensions of credit to a non-political debtor or in accordance with regulations prescribed by a regulatory Board or Commission pursuant to 2 U.S.C. § 451;

(2) That the candidate or political committee has undertaken an exhaustive effort to satisfy the outstanding debt; and

(3) The corporate creditor has pursued its remedies in a manner similar in intensity to that employed in pursuit of a non-political debtor.

The question of whether an uncollected debt owed by a candidate or political committee to a corporation may be written off by the corporation as a bad debt for income tax purposes does not involve issues falling within the statutory authority of the Commission.

The Commission notes that the limits in 18 U.S.C. § 608(a) applied to Mr. LaCaze's campaign even though he was not subject to the other limits in § 608 as added by the 1974 Amendments. This opinion does not address the question of whether Mr. LaCaze would be in violation of 18 U.S.C. § 608(a) if, having already expended up to the § 608(a) limit, he pays any State court judgments rendered against him personally for a campaign debt.

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975–53

APPLICATION OF LIMITATIONS ON CONTRIBUTIONS AND EXPENDITURES TO NOMINATION BY A PETITION EFFORT

This advisory opinion is rendered under 2 U.S.C. § 437f, in response to a request, published on September 3, 1975 (40 FR 40678), concerning the applicability of the limitations on contributions and expenditures, contained in 18 U.S.C. § 608, to the process by which a candidate is nominated for a ballot position in a general election via a petition effort. Written comments were invited but none were received.

The request raises three separate questions. First the request asks whether the limitation on expenditures contained in 18 U.S.C. § 608(c)(1)(C) applies to an independent candidate for the Senate who seeks to qualify for a ballot position in a general election through the gathering of petition signatures instead of seeking nomination in the party primary. The Commission is of the opinion that the limitations contained in such section do apply to a petition effort for nomination in the same manner in which they apply to candidates seeking nomination through a primary or other party selection route. 18 U.S.C. § 608(c)(1)(C) applies "in the case of any campaign for nomination for election by a candidate for the office of Senator" and is not limited by its terms to a primary election. Rather, the word campaign, as used in section 608(c)(1)(C) refers to the process by which the candidate seeks to qualify for a ballot position in a general election. Because the Commission sees a need to delineate the time when such a process ends and the general election campaign begins, it adopts the following guideline. With respect to individuals seeking a ballot position in a general election for Federal office without nomination by a party, a primary election shall be deemed to have occurred on the day prescribed by applicable State law as the last day to qualify for a position on the general election ballot or the date of the last major party primary election whichever is later. (See Proposed Disclosure Regulations, § 100.6(b)(2) adopted by the Commission on November 25, 1975). If a candidate makes expenditures during the "primary" period which are directed toward the general election, (such as buying television time to be used prior to the general election but after the close of the "primary" period) such expenditures will be charged against the candidate's general election expenditure limitation. Similarly, if a candidate incurs expenditures after the "primary" period which are directly related to his or her petition effort, these expenditures would be considered "primary" expenditures.

Second, the request asks whether, assuming an independent candidate is considered for purposes of the spending limitations in the same manner as a candidate for nomination in a primary, there are any restrictions on the funds used to qualify by petition other than those imposed by the Federal Election Campaign Act of 1971, as amended. It is the Commission's opinion that any expenditures made for the purpose of qualifying a candidate for election to Federal office through a petition effort may be made in the same amounts and in the same manner as funds expended to qualify for nomination by running in a primary election. The Commission is currently in the process of drafting regulations which will provide direction as to how to allocate the cost of materials to the primary and general election efforts, respectively.

Third, the Commission is requested to rule on the extent to which surplus funds not expended in a petition effort may be carried over into the general election campaign subsequent to the qualification for the general election ballot by the candidate.

The Commission is of the opinion that surplus funds remaining from a primary or petition campaign may be carried over and used in the general election so long as the general election limits on spending established by 18 U.S.C. § 608 are not exceeded. However, contributions ostensibly earmarked for the primary election or "primary" period in the instant case, which are received by the candidate after the primary election (period) will be treated as contributions for the general election unless at the time the contribution is received the amount of debts from the primary campaign exceeds the balance on hand in the primary election account. Only those post-primary contributions needed to retire the primary debt will be treated as made with respect to the primary election.

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975–65

CONTRIBUTION FROM IMMEDIATE FAMILY FOR SENATE CAMPAIGN

This advisory opinion is rendered under 2 U.S.C. § 437f, in response to a request for an advisory opinion from Congressman Alphonzo Bell which was published as AOR 1975–65 in the FEDERAL REGISTER, September 18, 1975 (40 FR 43162). Interested parties were given an opportunity to submit written comments regarding the request, but none were received.

Representative Bell presents two issues for determination by the Commission: (1) whether the spouses of his children and his wife's brother, sister and parents are members of his "immediate family" for the purpose of limits on contributions from family funds; (2) whether a member of a candidate's immediate family may contribute up to $1,000 (18 U.S.C. § 608(b)(1)) once the candidate has reached the ceiling on permissible expenditures from his or her family's personal funds.

I. MEMBERS OF IMMEDIATE FAMILY

18 U.S.C. § 608(a)(1) provides in pertinent part that:

No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaigns during any calendar year for nomination for election, or for election to Federal office in excess of, in the aggregate—

(A) $50,000, in the case of a candidate for the office of President or Vice President of the United States;

(B) $35,000, in the case of a candidate for the office of Senator * * * or

(C) $25,000, in the case of a candidate for the office of Representative * * *.

For the purposes of these limitations on contributions/expenditures from personal funds, the term "immediate family" has been unambiguously defined. According to the explicit language of § 608(a)(2),

"immediate family" means a candidate's spouse, and any child, parent, grandparent, brother or sister of the candidate, and the spouses of such persons.

Therefore, the brother, sister and parents of Representative Bell's wife are not regarded as members of his "immediate family," whereas the spouses of his children come within the purview of § 608(a)(2).

II. CONFLICT OF 18 U.S.C. §§ 608(a)(1) AND 608(b)(1)

Regarding the second issue raised, it is the opinion of the Commission that an immediate family member may contribute more than $1,000 to the related Federal candidate, provided the member does not exceed the $25,000 aggregate limit on contributions by an individual [18 U.S.C. § 608(b)(3)] and that the candidate does not surpass the ceiling on contributions and/or expenditures from personal or family funds [18 U.S.C. § 608(a)(1)].

On its face, the language of § 608(a)(1) clearly supports the view of the Commission. A candidate is permitted to make campaign expenditures no greater than the amount designated for the office sought "from his personal funds, *or the personal funds of his immediate family* * * *" The Appellate Court in *Buckley* v. *Valeo*, 519 F.2d 821, at 854 (D.C. Cir., 1975), upheld § 608(a) against constitutional challenge, interpreting it as serving "to relax the $1,000 per candidate contribution limit for a candidate and his immediate family."

§ 608(a) does not relax the $25,000 ceiling on all contributions in a calendar year, however. Each donation of a family member to the campaign of a related candidate must be credited against the § 608(b)(3) limit. A family member who has already made contributions aggregating $25,000 may not, therefore, contribute further to the related candidate.

A candidate, however, is not restricted by the § 608(b)(3) ceiling in drawing monies from personal funds in connection with his/her own campaigns. The language of § 608(a) on its face clearly overrides the application of the $25,000 aggregate contribution limits of § 608(b)(3) as to candidates for the offices of President, Vice President, Senator, or Representative from a state which is entitled to only one Representative [18 U.S.C. § 608(a)(1)(A)–(B)].

After a candidate reaches the appropriate § 608(a) aggregate limit, further contributions by any immediate family member are prohibited. If any family member wishes to further contribute to the candidate or to the candidate's campaign committee, the candidate or another family member who has previously given should request a refund in the same amount from the principal campaign committee in order not to violate § 608(a).

This advisory opinion is issued on an interim basis pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

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ADVISORY OPINION 1975–85

APPLICATION OF HONORARIUM LIMITATIONS TO THE ACCEPTANCE OF AN AWARD

This advisory opinion is rendered under 2 U.S.C. § 437f in response to a request for an advisory opinion which was submitted by Senator Hubert H. Humphrey, which was published as AOR 1975–85 in the November 4, 1975, FEDERAL REGISTER (40 FR 51355). Interested parties were given an opportunity to submit written comments relating to the request. No comments were received.

The request generally asks whether a monetary award given to a United States Senator in recognition of public service or special achievement, is to be treated as an honorarium, and thus limited by the provisions of 18 U.S.C. § 616. Specifically, the facts of the request are that Senator Hubert H. Humphrey has been selected as a 1975 recipient of the "Joseph Prize for Human Rights" which is given through the Anti-defamation League of B'nai B'rith. The prize includes a medal and a $5,000 monetary award. According to Mr. Gartner, Senator Humphrey is not required to make an appearance, speech or prepare an article for the Anti-defamation League in order to receive the prize. In addition, if Senator Humphrey is allowed to accept the award, he intends to donate the full amount for a charitable purpose.

It is provided in 18 U.S.C. § 616 that:

Whoever, while an elected or appointed officer or employee of any branch of the Federal Government—

(1) accepts any honorarium of more than $1,000 • • • for any appearance, speech or article; or

(2) accepts honorariums • • • aggregating more than $15,000 in any calendar year; shall be fined not less than $1,000 nor more than $5,000.

This provision clearly limits honoraria accepted for any appearance, speech, or article. The question then arises as to whether, for purposes of this section, money received as an award in recognition of public service or special achievement is to be treated as an honorarium. In this case the Commission concludes that the word "honorarium" should be read narrowly to reflect only the obvious intent of the statute, and should not be interpreted as including "an award." This view accords with the legislative history of 18 U.S.C. § 616 (120 CONG. REC. S. 18526 (daily ed. Oct. 8, 1974)) which shows a Congressional intent to limit only honoraria accepted in exchange for some action by a Federal official or employee, and shows no intent to provide a broad regulatory scheme which would govern all awards made to Federal officers and employees. It also may be helpful to note that an award is distinguished from an honorarium under the Internal Revenue Code, where an honorarium is treated as taxable income, but an award is excluded from gross income. 26 U.S.C. § 74; T.D. 6137, 1952–2 C.B. 27.

Thus it is the conclusion of the Commission that an award will not generally be treated as an honorarium for purposes of 18 U.S.C. § 616, if the award is made to an officer or employee of the Federal Government:

(1) Primarily in recognition of religious, charitable, scientific, educational, artistic, literary, or civic achievement;

(2) Based on a selection process with established criteria, and which process does not require the Federal officer or employee to apply for or compete for the award;

(3) Gratuitously under circumstances which make clear that the Federal officer or employee is not required to make an appearance or speech, or write an article as a condition for receiving the award; and

(4) Under circumstances where there is no significant evidence indicating that the award is made in lieu of an honorarium or a contribution.

The foregoing are not necessarily exhaustive of the criteria for distinguishing an award from an honorarium, but do provide pertinent guidance applicable to Senator Humphrey's particular situation.

In order to determine whether the "Joseph Prize for Human Rights" is an award, it is necessary for the Commission to examine the nature of this prize. The Commission has been informed that the Joseph Prize is an established international award which is presented annually, or as the occasion warrants, to those persons whose life's work has been the improvement of human relations and the preservation or growth of human rights. The Joseph Prize for Human Rights was established to promote the development of democratic institutions and practices which may enrich the human spirit. The Prize is intended to celebrate the efforts of current leaders who seek the establishment of human rights.

In light of the nature of the Joseph Prize and the Commission's policy distinction between an award and an honorarium, it is the opinion of the Commission that the Joseph Prize is a monetary award which does not constitute an honorarium. Thus it may be accepted by Senator Humphrey for his personal use, or donated by the Senator to a charity, without regard to the limitations on honoraria provided in 18 U.S.C. § 616.

This advisory opinion is issued only on an interim basis pending the promulgation by the Commission of rules and regulations, or policy statements, of general applicability.

ADVISORY OPINION 1975–93

DATE WHEN HONORARIUM RECEIVED

This advisory opinion is issued pursuant to 2 U.S.C. § 437f. The request was published on November 4, 1975 in the FEDERAL REGISTER, 40 FR 51357. Interested persons were invited to submit written comments. No comments were received.

This request was submitted by Congresswoman Bella S. Abzug. She states that in 1974 she contracted to speak at Chatham College for an honorarium of $2,000; that she fulfilled this engagement in November 1974 but was not paid until 1975. She asks two questions. First, whether she may accept the full $2,000 without violating 18 U.S.C. § 616. Second, whether the honorarium will count against the $15,000 aggregate limit in 1975 and, if so, what amount will be charged against that limit.

The Commission answers the first question in the affirmative and the second in the negative. Ms. Abzug's engagement in 1974 was made prior to the effective date of the Federal Election Campaign Act Amendments of 1974 and had she been paid in 1974 it would not have come within the restrictions of § 616. Therefore, the Commission will not consider Ms. Azbug's receipt of her agreed honorarium in 1975 as applicable to the $1,000 or $15,000 limits under 18 U.S.C. § 616.

This advisory opinion is rendered on an interim basis pending promulgation of final rules and regulations or policy statements of general applicability.

Dated: December 5, 1975.

VERNON W. THOMSON,
Commissioner,
Federal Election Commission.

[FR Doc.75-33569 Filed 12-15-75;8:45 am]

[Notice 1975–92, AOR 1975–112—AOR 1975–118]

ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975–4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Requests 1975–112 through 1975–118 are published today.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests on or before December 26, 1975. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street, NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975–112: Payment by Bank of Travel Expenses of Members of Congress in Connection with a Bank-Sponsored Forum; Use of Political Action Committee Funds; Payment of Costs of Forum; Determination of Member's Candidacy (Request Edited by the Commission).

DEAR MR. CHAIRMAN: We would like to request an advisory opinion on the legality of our paying the travel expenses of Members of Congress appearing at Congressional Forums sponsored by [Security Pacific National Bank] as part of its Active Citizenship Today (ACT) program.

• • • • • •

• • • ACT has recently registered a political action committee with the Commission which will be available for employees wishing to make financial contributions to candidates for local, state and Federal office.

As part of our ACT educational effort, we have held a series of Congressional Forums for our branch managers in congressional districts where we have a significant number of offices. Managers of all branches located in a given Congressional District are invited to a dinner, paid for by the Bank, where they have the opportunity to meet the Congressman from that district and chat informally with him. Following dinner the Congressman makes brief remarks and then responds to questions from the audience for thirty to forty minutes. We emphasize that these Forums are private and off-the-record with no members of the press present and no media releases prepared either by us or the Congressman.

In the past, the Bank has paid or reimbursed the Member of Congress for travel expenses associated with appearances at these Congressional Forums. No honorarium is given. Commission Advisory Opinions 1975–8 and 1975–13 appear to raise questions about paying such travel expenses from corporate funds. We are particularly concerned about the language of AO 1975–8 relating to appearances before "substantial numbers of people, comprising a part of the electorate with respect to which the individual is a Federal candidate."

The following facts relate to the Congressional Forum program:

1. The dinner is by invitation only. Only Security Pacific employees are present. Remarks are off-the-record and no publicity release is made.

2. Only managers of branches within the physical confines of a given Congressional District are invited. The number attending is typically between 35 and 50.

3. Due to the commuting pattern in the Los Angeles area, many of the managers attending do not reside in the same Congressional District in which they work and therefore are not constituents of the Congressman appearing at the meeting. The number of non-constituents attending varies in each case depending on location and work arrangements.

4. At these meetings, the majority of time is spent in the question and answer session with the discussion focusing on legislative and governmental policy issues of interest to the attendees in their capacity as branch bank managers. Questions are not submitted for advance screening by the Congressman.

Given the foregoing facts, we would like to have answers to the following questions:

1. May the Bank pay or reimburse the travel expenses of the Congressman appearing at the Forum?

2. What constitutes a "substantial number of people" in the context of AO 1975–8?

3. If the answer to Question 1 is affirmative, must the Bank determine who among the invited managers actually reside in the District, and therefore are constituents, to determine whether or not such a payment from corporate funds may be legally made?

4. If the answer to Question 1 is negative, may such expenses be paid by the ACT employee contribution fund with such payments being reported as political contributions?

5. Is it legal for the Bank to pay from corporate funds the cost of the meeting room, meals and refreshments consumed at the meeting?

6. When should the determination as to the Congressman's declaration of candidacy be made? When our invitation is extended? When the Congressman appears and addresses the Forum? When payment for transportation and expenses are made?

7. Assuming that the Congressman is not a candidate, does the fact that while traveling to or from our Forum he addresses a political gathering or accepts a political contribution change the legality of the payment?

RICHARD F. MCADOO.

Source: Richard F. McAdoo, Vice President, Security Pacific National Bank, Suite 712, 1730 Rhode Island Avenue, NW., Washington, D.C. 20036 (November 19, 1975.)

AOR 1975—113: Political Committee's Reimbursement For Personal Services (In-Kind Contributions). (Request Edited by the Commission).

DEAR CHAIRMAN CURTIS: [I request an advisory opinion on] • • • certain procedures which have been instituted by The President Ford Committee ("PFC") to assure that all personal services provided the PFC by (a) individuals, generally, and (b) by corporate, national bank, or labor organization employees, officials, or officers, specifically, are furnished in such a manner as to conform with the Federal election campaign law.

• • • • • •

[In our view, the Commission has previously indicated that] . . . under certain circumstances, an individual may engage in voluntary campaign activity during working hours on a compensatory time arrangement or basis without such personal services being considered an "in-kind" contribution. Absent a showing that such personal services were provided during the individual's personal time or that the organization will be reimbursed on a compensatory time basis, it would appear that the personal services would constitute an "in-kind" contribution to the political committee.

• • • • • •

• • • Before an individual is permitted to perform any personal services for the PFC, we will conduct review of the individual's employment status and, in particular, the nature and method of the individual's form of compensation. We intend to exclude from such compensation any indirect and normal fringe benefits paid by the individual's employer (e.g. medical, dental, disability, life and other forms of insurance, pension and stock option or savings plans), since such benefits are difficult to compute and any requirement that would mandate the exclusion of these benefits would unduly and unfairly penalize the individual for participating in the political arena. The wage or salary data will then be analyzed to determine the dollar value which may reasonably be considered an "in-kind" contribution and if that time spent on PFC business would not be made up within a reasonable period, a periodic reimbursement program will be established. In other words, if the individual is not volunteering on his own time or he does not plan to make up this time within a reasonable period, the PFC will reimburse the individual's employer for any salary or other direct compensation paid by that corporation, bank or labor organization. In effect, the individual will become an "independent contractor" for such purposes during the time the PFC reimburses his or her employer.

In order to illustrate the procedures which have been instituted, the following examples are hereby submitted.

First, Dean Burch, Esquire, a member of the Washington, D.C. law firm of Pierson, Ball and Dowd, provides personal services to the PFC on a volunteer basis. Mr. Burch, in his capacity as the Chairman of the PFC Advisory Board, spends approximately ten hours per week on PFC related matters. A portion of the services are provided during his normal work day. Therefore, pursuant to the proposed Title 2 regulations, Mr. Burch has agreed to make up such firm time within a reasonable period in order that it not be considered an "in-kind" contribution by Messrs. Pierson, Ball and Dowd. To actuate this program, Mr. Burch plans to supplement his normal working hours with extra, firm-related, work accomplished during his normal lunch hours, before and after normal working hours or weekends. Any identifiable administrative support provided (e.g. photocopying and telephone tolls), other than incidental support of a *de minimus* nature, will be reimbursed to his law firm by the PFC.

Second, the PFC has recently retained Mr. David Owen of Overland Park, Kansas, as its Great Plains Regional Coordinator. Mr. Owen, in addition to being a partner in a number of limited partnerships and an officer in a corporation, is the President and Chairman of the Board of the First National Bank of Shawnee Mission in Kansas. In return for his personal services, the bank compensates Mr. Owen with a yearly salary, insurance commissions, a car allowance

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and normal medical/health fringe benefits.

Following the aforementioned reimbursement program, the PFC will reimburse the Shawnee Mission Bank an appropriate *pro rata* share of Mr. Owen's salary for the time he spends as our field coordinator. In addition to his salary, Mr. Owen receives a car allowance and a medical benefits program from the Shawnee Mission bank. However, as stated above, it is our position that this car allowance and the other fringe benefits should not be deemed an "in-kind" contribution and, therefore, need not be reimbursed by the PFC.

As previously noted, Mr. Owen has other business interests, specifically in the areas of real estate and cattle raising. He has informed us that he presently spends only 10 hours per week in connection with such other interests and that he plans to continue spending 10 hours per week of his spare time on these interests. Thus, no "in-kind" contribution will be deemed to have been made to the PFC by Mr. Owen's other businesses.

In conclusion, based on the aforementioned facts, • • • it is the position of the PFC that no "in-kind" contribution will be rendered by either the Shawnee Mission bank or Messrs. Pierson, Ball and Dowd, or any other individual, corporation, national bank or labor organization which compensates an employee such as Mr. Owen or Mr. Burch while such an individual provides personal services to the PFC.

• • • [T]he PFC hereby requests the Commission to render an Advisory Opinion with respect to whether the aforementioned specific transactions and activities, including the proposed PFC procedures and reimbursement program, are in accordance with the Federal election campaign laws.

• • • • •

ROBERT P. VISSER,
General Counsel

T. TIMOTHY RYAN,
Assistant General Counsel.

Source: Robert P. Visser, General Counsel, T. Timothy Ryan, Assistant General Counsel, President Ford Committee, 1828 L Street, NW., Suite 250, Washington, D.C. 20036. (November 26, 1975.)

AOR 1975–144: Application of Contribution and Spending Limits to Unauthorized Effort to Draft Presidential Candidate (Request edited by Commission).

This letter concerns an area in which clarification is needed from your Commission on the Federal Election Laws, as they were modified by the 1974 amendments.

Section 608(e) reads: *Expenditures relative to clearly identified candidate.* No person may make any expenditure (other than an expenditure made by or on behalf of a candidate within the meaning of subsection (c)(2)(B)) relative to a clearly identified candidate during a calendar year which, when added to all other expenditures made by such person during the year advocating the election or defeat of such candidate, exceeds $1,000.

Some of us are considering promoting the candidacy of United States Senator Hubert Humphrey, forming a Draft Humphrey for President Committee. . . . Senator Humphrey has declared that he is not a candidate and does not intend to become a candidate, though he would become a candidate if selected by the Democratic convention.

Polls show that among Democratic voters he now is the first choice. Yet if Section 608(e) would be applied to a committee formed to try to draft him, since he will not approve any expenditure or effort on his behalf on our part, in effect our voice would be muted. That clearly is not the intent of the law.

If such a limitation would apply to such committee activities, citizens will be effectively denied their right to express their choice for a possible nominee. Only announced or acknowledged candidates would be allowed to receive any organized support.

We could proceed on the assumption that Section 608(e) does not apply in our case since he is not a "clearly identified candidate" and I assume we would be living up to the letter of the law, though not its spirit.

From a technical standpoint that may be the correct answer, since he does not fall under the definition of candidate in Section 591(b):

A "candidate" means an individual who seeks nomination for election, or election, to a Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office if he has—

(1) Taken the action necessary under the law of a State to qualify himself for nomination for election, or election; or

(2) Received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office; . . .

If your Commission should rule that Section 608(e) is not applicable in our circumstance, we would comply with the spirit of the law and file detailed financial data with you.

I am not arguing that "draft" movements should be allowed to operate lavishly while an unannounced candidate waits silently in the wings, benefiting from the fiction that he or she is not a contestant for Federal office. However, on occasion, strong sentiment for an individual does build up, ouside the normal channels of the political process. An overly restrictive interpretation of the campaign expenditure provisions of the 1974 amendments would negate efforts to demonstrate to a potential candidate and his potential backers) that a certain level of support does exist. . . .

It seems to me your Commission must recognize both the intent of the law and its letter.

The intent of the law is to bring into the open our political processes, limit the amounts which can be spent, and under certain circumstances to make candidates eligible for matching funds.

A reasonable interpretation would appear to be a ruling by your Commission that

1. Committees which attempt to draft candidates for federal office are subject to the same reporting and acounting procedures as federal candidates.

2. The restriction to a $1,000 expenditure does not apply to a committee attempting to draft a candidate.

3. The "draft" mechanism cannot be used as a means to evade limitations on expenditures in behalf of a candidate.

4. Any money received by a "draft committee" cannot be considered for matching federal funding.

PAUL SIMON,
U.S. Congressman.

Source: Paul Simon, U.S. Congressman, Congress of the United States, House of Representatives, Washington, D.C. 20515. (December 2, 1975.)

AOR 1975—115: Waiver of Reporting Requirements for a Local Political Committee (Request Edited by the Commission).

GENTLEMEN:

• • • • •

I represent the DuPage County Republican Central Committee, whose headquarters are at 224 South Washington Street, Wheaton, Illinois 60187. The Committee was granted a waiver of the requirement that it file periodic disclosure reports, by both the Clerk of the House of Representatives and the Secretary of the Senate. I [request an advisory opinion on whether] those waivers still hold.

The waivers were based on that section of the law exempting those committees whose activities, contributions and expenditures are substantially local in nature—in this case, primarily support of county and state officials and candidates.

However, the committee also supports two candidates for the U.S. House of Representatives, and a candidate for the U.S. Senate, within the county, as well as a presidential candidate, when he runs.

Federal law prohibits the making of contributions by corporations to candidates for Federal office. However, Illinois law does not prohibit corporate contributions to committees or candidates for county or state office.

The question, then, which arises • • • is this:

May the committee accept contributions from corporations, based on the waivers from the law granted to the committee, even though a portion of those contributions may, in fact, be ultimately spent on behalf of, or even be given to, candidates for Federal office?

THOMAS C. KELLEGHAN,
General Counsel.

Source: Thomas C. Kelleghan, General Counsel, DuPage County Republican Central Committee, 224 S. Washington Street, Wheaton, Illinois 60187. (November 24, 1975.)

AOR 1975—116: Registration and Reporting Requirements of County Committees (Request Edited by the Commission).

GENTLEMEN: The undersigned is Treasurer of the Oklahoma Republican State Committee ("State Committee"). • • • We are • • • requesting an advisory opinion concerning • • • procedures on reporting and disclosure of campaign funds [by] Federal nonregistered Oklahoma county committees • • •.

A non-registered county committee accept[s] contributions during a calendar year exceeding $1,000.00. Such contributions are made in the name of the county as well as the Oklahoma Republican Party but are not earmarked in any way, such as operating fund or candidate reserve fund. The county committee in turn transfers such contributions to the State Committee which in time transfers part of the state funds to a Federal candidate.

Does this procedure make a nonregistered county committee a political committee as defined by the Federal Campaign Act and subject to FEC registration and reporting?

HORACE K. CALVERT

Source: Oklahoma Republican State Committee, Horace K. Calvert, Treasurer, 3380 Liberty Tower, Oklahoma City, Oklahoma 73102. (November 21, 1975.)

AOR 1975—117: Application of Contribution and Expenditure Limitations to Political Committee's Mailing Project (Request Edited by the Commission).

DEAR CHAIRMAN CURTIS: • • • Young America's Campaign Committee is a political committee which is registered and has filed reports.

• • • • •

No member of the Board of Directors is engaged in any capacity in support of any person who is a candidate for nomination or election to the office of President or Vice-President of the United States.

Young America's Campaign Committee does not support any person for nomination or election to the office of President of the United States. The Committee does not seek contributions from anyone for the purpose of supporting a person for nomination or election to the office of President or Vice-President of the United States.

In October, the committee approved a project known as "Citizens Against Kennedy." In the early part of this month, the Committee made a mailing in the nature of the fund-raising appeal to approximately 61,000 addresses throughout the country. • • •

The Committee has neither sought nor obtained the consent nor approval with respect to the project known as "Citizens Against Kennedy" from any person seeking nomination or election to the office of President or Vice-President of the United States.

On the basis of all available evidence to the Committee, Senator Kennedy is not a candidate for nomination or election to the office of President of the United States.

In view of these circumstances and the facts which have been presented to you, the Committee asks for an advisory opinion with respect to whether • • • it is bound by any limitation on the receipt of contributions and the making of expenditures with respect to the Committee's project, known as "Citizens Against Kennedy."

RONALD ROBINSON.

Source: Young America's Campaign Committee, Ronald Robinson, Chairman, 1919–18th Street, NW., Suite 800, Washington, D.C. 20006. (November 25, 1975.)

AOR 1975—118: Establishment and Administration of Separate Segregated Fund by a Corporation (Request Edited by the Commission).

DEAR SIRS: This is a request for an advisory opinion pursuant to Section 437f of Title 2 of the U.S. Code.

Metropolitan Life Insurance Company ("Metropolitan") is a Federal contractor and intends to establish a separate segregated fund for political purposes as permitted under Sections 610 and 611 of Title 18 of the U.S. Code, as amended. It is contemplated that the fund will make contributions to candidates for Federal and local election, to committees supporting such candidates and for other political purposes. Prior to any solicitation or acceptance of contributions, the fund will register with the Commission. It will maintain all records and file all reports required under applicable Federal law and regulations.

Initially, all monthly paid employees of Metropolitan, the present minimum annual salaries in this group being $17,000, will be encouraged to become members of the fund, membership being automatic on their contributing thereto. Participation by other employees may later be solicited. Members will be permitted to designate the recipients of their contributions but they would be offered the option to permit the fund's officers—who are also the members of its Steering Committee—to designate the recipients of any funds which are not earmarked for specific candidates or purposes.

It is contemplated that a general solicitation will be made and payroll deductions will be permitted. Naturally, the decision to contribute or not will be purely voluntary and it will be stressed that no coercion may be brought to bear on any person to contribute.

I enclose proposed by-laws for the fund, together with membership and payroll deduction forms.

We would appreciate your opinion as to whether the fund, if operated along the lines described above and in the enclosures, accords with the requirements of applicable Federal law.

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JOHN J. CREEDON

Source: John J. Creedon, Senior Vice President and General Counsel, Metropolitan Life, One Madison Avenue, New York, New York 10010. (October 28, 1975.)

Dated: December 9, 1975.

THOMAS B. CURTIS,
Chairman for the Federal Election Commission.

[FR Doc.75-33601 Filed 12-15-75;8:45 am]

FEDERAL ELECTION COMMISSION

[Notice 1975–94]

ADVISORY OPINIONS

The Federal Election Commission announces the publication today of Advisory Opinions 1975–63 and 1975–75. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26, United States Code, or of Sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18, United States Code.

The Commission points out that these advisory opinions should be regarded as interim rulings which are subject to modification by future Commission regulations of general applicability. In the event that a holding in either opinion is altered by the Commission's regulations, the persons to whom the opinions were issued will be notified.

ADVISORY OPINION 1975–63

HONORARIUMS TO FEDERAL OFFICEHOLDERS APPEARING AT NON-CAMPAIGN FUNDRAISER

This advisory opinion is rendered under 2 U.S.C. § 437f in response to a request for an advisory opinion which was submitted by "Womenfor," a registered political committee and published as AOR 1975–63 in the FEDERAL REGISTER for September 18, 1975. Interested parties were given an opportunity to submit written comments relating to the request. No comments were received.

The request poses the question of whether an honorarium paid to a Member of Congress for speaking at a fundraising luncheon sponsored by a registered political committee, must be treated as a political contribution. The request asks the same question with respect to the reimbursement of travel expenses to the speaker and to the speaker's spouse.

The Commission has been informed that the speaker was Representative Bella Abzug who appeared before a luncheon audience in California that was not comprised of her constituents. At the time of the luncheon (October 13,

V 40242 DEC 16 75 XUM

1975) Representative Abzug had become a candidate in New York for election to the U.S. Senate and re-election to the House of Representatives under the definition in 2 U.S.C. § 431(b) and 18 U.S.C. § 591(b).

A contribution is defined in 2 U.S.C. § 431(e) and 18 U.S.C. § 591(e) as a gift, subscription, loan, advance, deposit of money, or anything of value made for the purpose of "influencing the nomination for election or election of any person to Federal Office." Thus, in certain circumstances, an honorarium and accompanying travel expenses can also be a contribution. The Commission has expressly characterized an honorarium paid by a political committee as a contribution in those circumstances where: (1) the individual is a candidate for Federal office; and (2) the audience for the speech or appearance is comprised in substantial part of individuals from the electorate with respect to which the individual is a Federal candidate. See AO 1975–20, Part 7, 40 FR 45292 (October 1, 1975).

As the Commission's information on Womenfor's fundraising luncheon clearly shows that the speaker's audience was not a part of the electorate with respect to which she is a Federal candidate; neither the honorarium nor the reimbursement for actual travel expenses for the speaker and the speaker's spouse constitutes a contribution as defined in 2 U.S.C. § 431(e) and 18 U.S.C. § 591(e). Thus, the honorarium is subject only to the limitations of 18 US.C. § 616. Womenfor is a reporting political committee under the Act and is required to disclose the honorarium and travel expenses in the appropriate report to the Commission, even though these disbursements are not considered by the Commission as a "contribution" or "expenditure."

The Commission emphasizes that all situations where a political committee pays an honorarium and/or actual travel expenses to or on behalf of a Federal candidate are subject to examination or audit for any implications that the "honorarium" is in fact paid and treated by the recipient as made for the purpose of "influencing" the recipient's nomination or election to Federal office, 2 U.S.C. § 431 (e), (f) and 18 U.S.C. § 591 (e), (f). At a future date the Commission intends to establish additional criteria as to when an honorarium paid by a political committee will be treated as a "contribution" or "expenditure."

This advisory opinion is issued only on an interim basis pending the promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975–75

CONTRIBUTIONS FROM NONPROFIT INCORPORATED ORGANIZATIONS OF PROFESSIONALS

The Federal Election Commission issues this advisory opinion under 2 U.S.C. § 437f in response to a request submitted by the American Dental Political Action Committee (ADPAC). The request was published by the Commission in the FEDERAL REGISTER on October 1, 1975 (40 FR 45294). Interested persons were given an opportunity to submit comments relating to the request. No comments were received.

ADPAC is an unincorporated political committee which supports candidates for Federal office and which has registered as a political committee with the Commission. ADPAC inquires whether the Legislative Interest Committee of Illinois Dentists (LICID) is prohibited from making contributions by 18 U.S.C. § 610, and whether it may accept contributions from LICID. LICID is a nonprofit organization, incorporated for liability purposes only, whose only function in the past was to support candidates for the Illinois legislature. LICID now anticipates making contributions to and independent expenditures on behalf of Federal candidates.

The Commission previously issued an advisory opinion, AO 1975–16, which stated in part, that "If a non-profit organization is created expressly and exclusively to engage in political activities, however, and has incorporated for liability purposes only, the general prohibitions in Section 610 will not apply." Thus, the mere fact of LICID's incorporation does not prohibit it from making contributions and expenditures to or on behalf of Federal candidates.

However, in order to contribute to Federal candidates or political committees [as defined in 2 U.S.C. § 431(d) and 18 U.S.C. § 591(d)] LICID must comply with either of the following alternative courses of action. Compliance with one of the alternatives is necessary since some of LICID's funds are apparently paid or donated by corporations. The alternatives are:

(1) If LICID intends to make contributions to non-Federal and Federal candidates from one general fund, it must:

(a) File a Statement of Organization as a political committee under 2 U.S.C. § 433;

(b) Disclose the sources of all monies in its general fund in its first report required under 2 U.S.C. § 434;

(c) Return all monies, whether dues or contributions, which were paid or contributed in violation of relevant Federal law including 18 U.S.C. §§ 608, 610, 611, 613, 614, and 615, and thereafter refuse to accept such monies at any time;

(d) Report all receipts and disbursements, Federal or non-Federal, pursuant to 2 U.S.C. § 434 and the Commission's future regulations on disclosure.

(2) LICID may otherwise establish a separate Federal campaign committee for the purpose of making contributions or expenditures in connection with Federal elections, and ADPAC may receive contributions from this committee subject to the following:

(a) The separate committee may not receive contributions other than contributions designated by the donor for such committee or where the solicitation expressly states that such contribution will be used for Federal elections;

(b) All contributions to the committee will be subject to the limitations of 18 U.S.C. § 608(b) and the prohibitions of 18 U.S.C. §§ 610, 611, 613, 614 and 615;

(c) The committee may receive other contributions, in the form of transfers, only from another Federal campaign committee or political committee [2 U.S.C. § 431(d) and 18 U.S.C. § 591(d)];

(d) LICID shall file a Statement of Organization with the Commission and shall file reports of contributions received by and expenditures made from the Federal committee pursuant to 2 U.S.C. §§ 433, 434 and the Commission's future regulations on disclosure.

(e) LICID must pay the expenses of establishing, administering and soliciting contributions to the separate Federal campaign committee only from monies properly in this committee.

It should be noted, however, that although an incorporated non-profit political committee is not subject to the prohibitions of § 610, the treasurer and the chairman of such a political committee nevertheless remain personally responsible for carrying out their respective duties as contemplated by the Federal Election Campaign Act of 1971, as amended. The fact of incorporation does not absolve those officers of any liability imposed upon them under the Act, implementing regulations, and pertinent provisions of Title 18, United States Code.

This advisory opinion is issued on an interim basis pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

Dated: December 10, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.75–33835 Filed 12–15–75;8:45 am]

federal register

TUESDAY, DECEMBER 16, 1975

PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

UPWARD BOUND PROGRAM

SPECIAL SERVICES FOR DISADVANTAGED STUDENTS PROGRAM

TALENT SEARCH PROGRAM

Proposed Rules

V 40 242 DEC 16 75 XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 155]

UPWARD BOUND

Notice of Proposed Rulemaking

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and pursuant to the authority contained in Title IV-A-4 of the Higher Education Act of 1965, as amended, (20 U.S.C. 1070d—1070d-1), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to revise Part 155 of Title 45 of the Code of Federal Regulations, which governs the administration of the Upward Bound Program, to read as set forth below.

1. *Program purpose.* The Upward Bound Program, authorized by Section 417B of the Higher Education Act, is designed to generate skills and motivation necessary for success in education beyond high school for low-income students with inadequate secondary school preparation. Upward Bound projects provide a summer residential program during which participants receive (1) intensive instruction in basic communication skills, such as reading, public speaking and writing, mathematics and science, and (2) guidance and counseling with regard to educational and career opportunities. Such projects also provide, during the school year, tutoring and counseling services.

The goal of the program and projects funded under this part is to increase the academic performance and motivational levels of eligible enrollees so that such persons may complete secondary school and successfully pursue postsecondary educational programs.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 3, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below reflect the results of this study as it pertains to the Upward Bound Program. Upon publication of the revised Part 155 in final form, after comments and hearing, all preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting the Upward Bound Program will be superseded, effective 30 days after such publication.

3. *Effect of Office of Education general provisions regulations.* The proposed regulations do not include provisions relating to general fiscal and administrative matters which are covered in the overall Office of Education general provisions regulation, (45 CFR 100a).

4. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232 (a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

5. *Opportunity for public hearing.* Pursuant to Section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations. Hearings will be held in the following places on the dates below and will commence at 10:00 a.m. on each of the days specified.

a. Washington, D.C.

Auditorium—Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 20202

Public hearing will be held on January 12, 1976.

b. Dallas Texas.

Room 1130–1132, 1200 Main Tower Building, Dallas, Texas 75202

Public hearing will be held on January 12, 1976.

c. San Francisco, California.

Room 15018, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102.

Public hearing will be held on January 12, 1976.

The purpose of the hearing is to receive comments and suggestions on the published materials. Parties interested in attending the hearing should notify the Office of Education, 400 Maryland Avenue, S.W., Room 2085, FOB 6, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his or her presentation to a maximum of fifteen minutes.

Written comments and recommendations may also be sent to the above address. All relevant material received on or before December 29, 1975, will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday of each week.

(Catalog of Federal Domestic Assistance Program Number 13.492, Upward Bound)

Dated: October 10, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: December 5, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 155 of Title 45 of the Code of Federal Regulations is revised to read as follows:

PART 155—UPWARD BOUND PROGRAM

Sec.

155.1 Scope and purpose-general provisions.
155.2 Definitions.
155.3 Project size and selection of students.
155.4 Eligible project participants.
155.5 Summer residential and academic year components.
155.6 Eligible applicants.
155.7 Applications.
155.8 Funding criteria.
155.9 Program requirements.
155.10 Veteran's projects.
155.11 National demonstration projects.
155.12 Allowable costs—stipends.
155.13 Salary and wage rates.
155.14 Student records.
155.15 Travel.
155.16 Functional relationship and unification among Talent Search, Upward Bound, Special Services for Disadvantaged Students, and Educational Opportunity Centers projects.

AUTHORITY: Sec. 417A–417B, Title IV of the Higher Education Act of 1965 as amended by sec. 131(b), Title I, Pub. L. 92–318, 86 Stat. 258–259 (20 U.S.C. 1070d–1070d–1), unless otherwise noted.

§ 155.1 Scope and purpose—general provisions.

(a) The regulations in this part govern the administration of the Upward Bound Program. This program is designed to generate skills and motivation necessary for success in education beyond high school for enrollees from low-income backgrounds who have inadequate secondary school preparation. Upward Bound projects provide a summer residential program during which participants receive (1) intensive instruction in basic communication skills, such as reading, public speaking and writing, mathematics and science, and (2) guidance and counseling with regard to educational and career opportunities. Such projects also provide, during the school year, tutoring and counseling services. The goal of the program and projects funded under this part is to increase the academic performance and motivational levels of eligible enrollees so that such persons may complete secondary school and successfully pursue postsecondary educational programs.

(b) Assistance provided under this part is subject to applicable provisions

contained in subchapter A of this chapter relating to fiscal, administrative, and other matters (General Provisions for Office of Education Programs—45 CFR 100a).

(20 U.S.C. 1070d–1070d–1)

§ 155.2 Definitions.

For the purpose of this part:

(a) "Act" means the Higher Education Act of 1965, as amended.

(20 U.S.C. 1001 *et seq.*)

(b) "Academic potential" means a capacity for success in post-secondary education which is documented either by traditional measurements, including standardized achievement tests, or other verifiable indicators.

(20 U.S.C. 1070d–1)

(c) "Combination of institutions of higher education" means (1) a group of institutions of higher education that have entered into a cooperative arrangement for the purpose (although not necessarily for the exclusive purpose) of carrying out a project or (2) a public or private agency, organization, or institution designed or created by a group of institutions of higher education for the purpose (although not necessarily for the exclusive purpose) of carrying out a project on their behalf.

(20 U.S.C. 1141(j))

(d) "Institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a 2-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provision of paragraphs (d) (1), (2), (4), and (5) of this section, unless the school is a public institution, in which case it may also be accredited by the State agency in that State which has been listed by the Commissioner as a reliable authority as to the quality of public postsecondary vocational education in that State, and any proprietary institution of higher education, as defined in paragraph (e) of this section, which has an agreement with the Commissioner containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this part has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students.

(20 U.S.C. 1141(a), 20 U.S.C. 1088(b)(3))

(e) "Proprietary institution of higher education" means a school which (1) provides not less than a 6-month program of training to prepare students for gainful employment in a recognized occupation, (2) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (3) is legally authorized by the State in which it is located to provide a program of education beyond secondary education, (4) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, (5) is not a public or other nonprofit institution, and (6) has been in existence for at least two years.

(20 U.S.C. 1088(b)(3))

(f) "State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1141(b); 1088(a))

(g) "Target school" means a secondary school which has a large number and/or high percentage of students from families whose annual adjusted family income is less than the low-income level prescribed annually by the Commissioner, has a large number and/or high percentage of dropouts and has a low number and/or percentage of students entering postsecondary educational institutions.

(20 U.S.C. 1070d–1070d–1)

(h) "Veteran" means a person who served in the active military, naval or air service of the United States, and who was discharged or released therefrom under conditions other than dishonorable.

(38 U.S.C. 101(2))

(i) "Youth" means (i) a veteran or (ii) a person between the ages of 15 to 22.

(20 U.S.C. 1070d–1070d–1, unless otherwise noted)

§ 155.3 Project size and selection of students.

(a) Each project funded under this part shall serve between fifty and one hundred fifty participants. Participants may include students enrolled in target schools situated not more than 50 miles from the institution administering the project, and secondary school dropouts and veterans residing within such fifty mile radius. Upward Bound projects serving veterans shall be composed exclusively of veterans.

(b) [Reserved]

(c) The Commissioner may authorize exceptions to any limitations set forth in paragraph (a) of this section if it can be shown that such exceptions will not hinder the effectiveness of the project nor prevent the Upward Bound program from achieving its stated goals and objectives.

(20 U.S.C. 1070d–1)

§ 155.4 Eligible project participants.

A youth is eligible to participate in a project funded under this part if such youth:

(a) Is a citizen or national of the United States, or is in the United States for other than a temporary purpose and is, or intends to become, a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands;

(b) Comes from a family whose annual adjusted family income is not more than the low-income level prescribed annually by the Commissioner;

(c) Has academic potential but is unlikely to apply for admission to, or be accepted for enrollment in, an institution of postsecondary education because of a lack of preparation, or underachievement, or both, in secondary school; and

(d) Has completed the 10th grade.

(20 U.S.C. 1070d–1)

§ 155.5 Summer residential and academic year components.

(a) Except as provided in paragraph (d) of this section, each project funded under this part shall consist of a summer residential component and an academic year component.

(b) Summer residential components shall be of at least six weeks in duration and shall:

(1) Provide residential facilities, including room and board, on a postsecondary institution's campus;

(2) Provide for participants who have not completed secondary school basic skills development on an intensive basis in those academic subjects required for secondary school graduation and postsecondary school admission;

(3) Provide intensive postsecondary orientation and preparatory instruction for participants who have graduated from secondary school and have been accepted for enrollment at a postsecondary institution;

(4) Provide motivational activities through (i) individualized guidance and counseling, and (ii) such activities as field trips to museums, educational institutions, theaters, and movies that have as their purpose the intellectual and cultural development of such students;

(5) Provide a staff composed of (i) teachers from the target schools the participants are attending, (ii) postsecondary instructors from the host institution

V 40242 DEC 16 75 XUM

above the graduate assistant level, and (iii) other individuals with areas of specialization that will enhance the learning potential of participants;

(6) Provide tutor-counselors, that is, postsecondary school students with backgrounds similar to those of the participants, who have demonstrated success in postsecondary education and can serve as peer models for participants; and

(7) Provide such other services that have as their purpose the educational preparation of participants for postsecondary admissions, including assisting participants in the preparation of admissions and financial aid forms and ensuring that participants take national standardized tests required for postsecondary admission.

(c) Academic year components shall:

(1) Provide on a weekly basis one or more of the following activities and services to participants: (i) Individualized guidance, counseling and orientation in career opportunities and requirements for postsecondary education including preparation of admission and financial aid applications and preparation for national standardized tests required for postsecondary admission, (ii) academic instruction and tutoring within the context of courses being studied by the student at the secondary school, and (iii) activities such as field trips to museums, educational institutions, theaters, and movies that have as their purpose the intellectual and cultural development of such students;

(2) Provide an on-going evaluation of each participant's progress toward achieving adequate academic skills and motivation necessary for success in postsecondary education, including an assessment of each participant's realistic postsecondary educational opportunities;

(3) Provide such other activities that have as their purpose the educational preparation of participants for postsecondary admissions which have the specific approval of the Commissioner; and

(4) Provide for a staff that is adequate to perform such activities.

(d) A summer *residential* component may not be provided for projects for veterans and need not be provided if residential facilities are not available in the area to be served and the project can provide equivalent services and activities to participants that such students would receive from a summer residential component. Veteran's projects and projects which the Commissioner has determined need not provide residential facilities shall carry out those activities enumerated in subparagraphs (b)(2) through (b)(7) of this section.

(20 U.S.C. 1070d–1)

§ 155.6 Eligible applicants.

(a) The Commissioner is authorized to make grants to and contracts with institutions of higher education or combinations of such institutions and, in exceptional cases, secondary schools and secondary vocational schools.

(b) A combination of institutions receiving a grant or contract under this part shall vest responsibility for the administration of that grant or contract in one of its participating institutions or in a public or private agency established by the combination for that purpose.

(c) A secondary school or secondary vocational school may receive funds under this part in the event no other institution capable of providing such facilities is available in the geographic area to be served by the project and provided that the school has facilities for providing a residential summer component.

(20 U.S.C. 1070d–1)

§ 155.7 Applications.

(a) Applicants for grants or contracts under this part shall file an application with the Commissioner before the closing date for such applications established annually by the Commissioner. Such applications shall contain the following information and such other information as the Commissioner may from time to time prescribe:

(1) A documented description of the target schools in terms of the number of students from families whose annual adjusted family income is not more than the low-income level prescribed annually by the Commissioner, the number and percentage of their students who subsequently enroll in postsecondary education, the quality of the school's counseling program, the dropout rate for each school, and the number of students from low-income families with inadequate academic preparation but with academic potential for postsecondary education;

(2) The ethnic/racial composition of low-income youths enrolled in the target school and residing in the geographic area to be served;

(3) The number of participants to be selected and the grade levels to be served;

(4) A description of the applicant's plan for (i) the identification and selection of eligible participants from academic and non-academic sources, (ii) the assessment of participants in terms of their academic potential for postsecondary education and their academic and motivational needs at the time of entry into the project, (iii) the provision of career and academic counseling and guidance, (iv) the provision of academic, cultural and recreational services and activities, and (v) the evaluation of each participant's progress toward achieving the academic skills and motivation needed for success in postsecondary education;

(5) A description of the summer residential and academic year components; for applicant not proposing a summer residential component, the reasons for not conducting such a component and an explanation of how equivalent services will be provided;

(6) A description of (i) the project's staffing pattern including the professional requirements for each position and the duties to be performed by each staff member, and (ii) the plan for staff selection and in-service training;

(7) A description of the applicant's plan to (i) orient the target schools and postsecondary schools in the geographic area to be served to the goals of the Upward Bound project and (ii) utilize community and other resources to supplement authorized activities;

(8) A description of the applicant's plan for evaluating the effectiveness of the project;

(9) If the applicant has carried out a project that was not funded under the Upward Bound Program, the applicant shall provide a description of that project, including (i) the number of students served, (ii) the method used to select participants, (iii) the services offered, (iv) the number of such participants attaining a minimum of one year's growth in reading, communication skills, and mathematics, (v) the number of participants who gained admission to postsecondary institutions, and (vi) any evaluation reports made on that project; and

(10) A detailed budget.

(b) Where the applicant is a combination of institutions of higher education, the applicant shall describe the role and function that each member of the combination will play in the operation of the project, and shall include written commitments from each institution that it will perform the activities ascribed to it.

(c) Applications for veterans projects shall, in addition to the requirements set forth in paragraphs (a) and (b) of this section, provide a description of the educational services and activities already available for veterans residing in the target area who do not possess a high school equivalency certificate.

(d) Applications for national demonstration projects shall, in addition to the requirements set forth in paragraphs (a) and (b) of this section, detail the innovative and experimental approaches to be taken in the provision of project services and shall otherwise provide the information needed to determine whether the project satisfies the requirements of § 155.11.

(20 U.S.C. 1070d–1)

§ 155.8 Funding criteria.

(a) *Continuation awards.* Priority will be given to a request for funds for the continuation of a project that (1) was begun in a prior fiscal year and (2) was approved for a multi-year work period that has not expired. (continuation award)

(b) *Conditions for approval.* Requests for contribution awards will be approved only if,

(1) The need continues to exist for the services provided by the project;

(2) Satisfactory progress has been made in implementing the approved work plan and in achieving the project's goals and objectives, as indicated by site visits, progress, and other relevant data;

(3) The project continues to offer promise of success in enabling youths to enter postsecondary education with an adequate academic background;

(4) All required reports, including data collection reports, quarterly fiscal reports, and semi-annual and annual narrative reports, have been received and accepted by the Commissioner; and

(5) Funds are available to continue the project.

(c) *New awards.* Except as provided in paragraphs (a) and (b) of this section, the Commissioner will select applicants to be funded for new awards, including veterans awards, under this part on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following additional criteria:

(1) The number of persons who would qualify to participate under this part who will be enrolled in the target schools or reside in the area to be served during the project period and who were enrolled in such schools or resided in such area for the three years preceding the year for which the application is submitted;

(2) The extent to which the applicant has successfully carried out a project that is comparable or identical to those authorized under this part;

(3) The extent to which the project will (i) generate academic skills and motivation that will enable the participants to gain admission to postsecondary educational institutions other than the institution administering the project and (ii) assist participants to attain a minimum of one year's growth, as measured by nationally standardized testing instruments stipulated in the application, in those academic subjects such as reading communication skills and writing which are essential for postsecondary education and in which participants are deficient;

(4) The comprehensiveness of the applicant's plan for (i) identifying and selecting eligible participants, (ii) assessing and documenting their educational needs and potential for postsecondary education through the use of nationally standardized tests and such other evaluative methods the applicant may choose to use, (iii) providing career and academic guidance and counseling, (iv) preparing and motivating project participants for admission to postsecondary institutions, and (v) assisting participants in applying for admission to postsecondary institutions which are appropriate for such participants' abilities and ambitions;

(5) The reasonableness of the allocation of resources among project activities;

(6) The extent to which the applicant has provided for the orientation of target school and applicant staff to the goals and objectives of the Upward Bound Program and has provided for the utilization of community and other resources to supplement authorized activities;

(7) The quality of the applicant's plan to evaluate project services in terms of increasing participants' performance levels, motivating participants to enroll in postsecondary educational programs and assisting them to obtain adequate financial aid; and

(8) The extent to which the proposed budget reflects the activities to be undertaken.

(d) Preference will be given to those applicants for new awards that propose to carry out a summer residential component.

(e) *National demonstration awards.* The Commissioner will select a limited number of applications to be funded as Upward Bound national demonstration projects on the basis of the criteria set forth in paragraph (c) and the following additional criteria:

(1) Whether the proposed project is national or inter-regional in scope and does not duplicate nor compete with existing regional or national programs nor consolidate existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(2) Whether the proposal presents a clearly new or experimental technique or design for the provision of Upward Bound services for eligible participants;

(3) Whether the proposed activities and results can be readily replicated and utilized by other educational programs concerned with the provision of services for similar youths;

(4) Whether the proposed project will provide services not readily available on a local or regional basis for such youths; and

(5) Whether the proposed project will provide disadvantaged students a variety of educational opportunities and options for postsecondary education.

(20 U.S.C. 1070d–1)

§ 155.9 Program requirements.

(a) Each project funded under this part shall:

(1) Develop and utilize objective procedures to identify participants from a variety of sources and select eligible participants on the basis of a comprehensive needs assessment including standardized and other instruments which will diagnose specific areas of academic strengths and weaknesses;

(2) Set specific objectives, stated in quantifiable terms, that each participant shall attain in order to be able to secure admissions on a regular basis at an institution appropriate for the abilities and career ambitions of each student;

(3) Engage a project director with sufficient professional qualifications, administrative skills and a clear commitment to the goals of the program to serve in a full-time capacity for the summer residential component and in a full or part-time capacity for the academic year component;

(4) provide the project director with sufficient authority to conduct the project effectively and expend project funds as required;

(5) design and implement an evaluation mechanism to test the effectiveness of (i) project progress in meeting approved goals and objectives, (ii) project efforts in remedying academic deficiencies diagnosed when students initially entered the project, and (iii) project activities designed to effect other changes in the academic and personal skills or project participants which are necessary for success in postsecondary education;

(6) assure that all the facilities of the host institution, both academic and non-academic, will be made available to all project participants;

(7) utilize institutional and community resources to provide diagnostic health services to identify physical impediments to learning and to remedy those impediments;

(8) implement a plan for following participants through their postsecondary educational program; and

(9) make every effort (i) with regard to successful graduates from the project, to secure admissions, with adequate financial aid, to an institution of postsecondary education which is appropriate to such students' abilities and ambitions, or, (ii) in the event such graduates are unable to secure regular admissions at a postsecondary institution, to secure special review from the admissions and financial aid personnel of the host institution.

(b) [Reserved]

(20 U.S.C. 1070d–1)

§ 155.10 Veterans projects.

(a) The Commissioner may fund Upward Bound projects for veterans. Such projects shall:

(1) Provide basic skills development on an intensive basis to individual participants in those academic subjects required for the successful completion of a high school equivalency certification program;

(2) Provide supportive activities through (i) individualized guidance and counseling, (ii) liaison with personnel of the Veterans Administration and State veterans agencies with regard to educational benefits for participants, and (iii) assistance in gaining admission to postsecondary educational programs and in obtaining financial aid where necessary; and

(3) Engage (i) a full-time project director with sufficient administrative skills and professional qualifications to conduct a special educational program for veterans who will be provided sufficient latitude to conduct the project effectively and to expand project funds as required, and (ii) a staff, including tutoring personnel, that has adequate professional qualifications to teach equivalency programs and to carry out proposed activities and services.

(b) Veterans projects may not conduct a summer residential component nor may they pay stipends.

(c) Projects funded under this subpart must secure certification for the payment of veterans education benefits by appropriate State and Federal agencies prior to the beginning of educational activities.

(20 U.S.C. 1070d–1)

§ 155.11 National demonstration projects.

(a) The Commissioner may reserve funds to conduct innovative and experimental Upward Bound projects.

V 40 242 DEC 16 75 XUM

(b) National demonstration projects shall:

(1) Be national or inter-regional in scope; they may not duplicate nor compete with existing regional or national programs or consolidate existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(2) Present a clearly new or experimental technique or design for the provision of Upward Bound services and activities for eligible participants;

(3) Be readily replicated and utilized by other educational programs concerned with the provision of services and activities for similar youths;

(4) Provide services not readily available on a local or regional basis for such youth; and

(5) Provide disadvantaged youth a variety of educational opportunities and options for postsecondary education.

(20 U.S.C. 1070d–1)

§ 155.12 Allowable costs—stipends.

(a) The Commissioner will pay those costs that are reasonably related to carrying out the project. Such costs may include:

(1) In-service training of project staff;

(2) The rental of space if space is not available at the sponsoring institution and if the space rented is not owned by the sponsoring institution;

(3) Room and board expenses for Upward Bound participants computed on a weekly basis if the expenses are consistent with those rates charged regularly enrolled students at the sponsoring institution during the summer session. In the event the host institution does not have a summer school operating at the same time as the Upward Bound project, room and board fees may be no higher than those fees charged regularly enrolled students during the academic year computed on a weekly basis. Room and board fees may be provided for the residential staff of the project only if the staff members are required to live in the dormitories with students;

(4) Student activity fees;

(5) Admission fees to educational activities, theaters, movies and other cultural events which have as their purpose the intellectual and cultural development of participants; and

(6) Entertainment costs for project sponsored banquets, social activities, and ceremonies during the summer component.

(b) Costs that may not be supported by funds under this part shall include:

(1) The construction, modification, or major repairs of buildings or the purchase of land or buildings;

(2) The duplication of services specifically available to students at the institution or through such local facilities as vocational rehabilitation centers, medical clinics, and social service organizations;

(3) Research;

(4) Tuition costs or instructional costs associated with courses carrying college credit;

(5) Purchase of any equipment unless it is demonstrated that purchase is less expensive than renting;

(6) Meals for staff except as provided in subparagraph (a)(3) of this section; and

(7) Clothing.

(c) Grantees under this part will be allowed indirect costs as authorized in accordance with item 4c, Appendix A, parts 100 thru 100d of the General Provisions for Office of Education Programs.

(d)(1) Projects shall provide stipends to all participants who are enrolled on a full-time basis in the summer component of an Upward Bound project. Such payments may not exceed a rate of $30 per month except in exceptional cases, as determined by the Commissioner;

(2) Stipends shall be paid to students who are in attendance during the summer component on a full-time basis; and

(3) Stipends may not be paid for the academic year component.

(20 U.S.C. 1070d–1)

§ 155.13 Salary and wage rates.

(a) The salaries paid to project staff under this part shall be comparable to the salaries paid to persons with similar positions within the sponsoring institution.

(b) The minimum rate of compensation that may be paid to project employees, including students, shall be the minimum wage required under any applicable Federal, State, or local laws.

(20 U.S.C. 1070d–1)

§ 155.14 Student records.

(a) Projects shall develop and utilize a data collection system which allows for accurate student accountability.

(b) To document the progress of each student participating in the project, student files shall include, but are not limited to, the following:

(1) Procedures used to select individual participants, including records of interviews;

(2) High school transcripts and all available test scores;

(3) Documents pertaining to student eligibility as defined in § 155.4;

(4) Diagnostic analysis of the student's academic strengths and weaknesses at the time of entry into the project, and the program support developed to improve the student's skills;

(5) Documentation of counseling activity, such as records, family contacts, career explorations, college visits, and referrals;

(6) Sequential activity reports that show continuous contacts with the student, the services provided, the measurements of progress, and other reports that relate to the academic and other types of assistance provided the student;

(7) A medical consent form signed by the student's parent(s) or guardian;

(8) Student health records which show medical or dental diagnostic services provided through the efforts of the project;

(9) Project efforts in assisting students in gaining admission to and financial assistance for attendance at postsecondary institutions;

(10) Project follow-up on students with particular emphasis on postsecondary enrollment and status;

(11) The recommendations made to the student upon the student's completion of the project regarding his educational and career potentials; and

(12) The reasons for a student's leaving the project if he left prior to enrollment in a postsecondary educational institution.

(20 U.S.C. 1070d–1)

§ 155.15 Travel.

In accordance with the cost principals set forth in Appendix C to parts 100 through 100d of this title, the following travel is authorized:

(a) Field trips for educational purposes which are in reasonable proximity to the project's regular location;

(b) Student travel to and from regularly schedule project activities;

(c) Staff travel to professional and eductional conferences specifically related to project development and to Office of Education-sponsored meetings when approved in writing by the Commissioner;

(d) Transportation costs for formal visits to the campus of the sponsoring institution for parents, foster parents, or legal guardians of Upward Bound students, and overnight accommodation costs for such persons when necessary because of distance;

(e) Other travel specifically approved by the Commissioner in writing and in advance of such travel.

(20 U.S.C. 1070d–1)

§ 155.16 Functional relationships and unification among Talent Search, Upward Bound, Special Services for Disadvantaged Students, and Educational Opportunity Centers.

In addition to the requirements set forth in 45 CFR 100a.275, if an applicant under this part also requests funds to carry out one or more of the following programs, Talent Search, Special Services for Disadvantaged Students, or Educational Opportunity Centers, the application must reflect the following:

(a) Provision for a single, unified administrative program operation;

(b) Provision for separate program identities, activities and budget;

(c) Consolidation of personnel and program functions to the fullest extent possible while still maintaining separate program identities; and

(d) Coordination and liaison with other Talent Search, Upward Bound, Special Services and Educational Opportunity Centers projects operating in close geographic proximity, including, where feasible, the sharing of facilities, staff, services and activities.

(20 U.S.C. 1070d–1; 1232c(b)(1))

[FR Doc.75–33700 Filed 12–15–75;8:45 am]

[45 CFR Part 157]

SPECIAL SERVICES FOR DISADVANTAGED STUDENTS

Notice of Proposed Rulemaking

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92–318) and pursuant to the authority contained in Title IV–A–4 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070d–1070d–1), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Chapter I of Title 45 of the Code of Federal Regulations by adding Part 157, which governs the administration of the Special Services for Disadvantaged Students Program, to read as set forth below.

1. *Program purposes.* The Special Services for Disadvantaged Students Program, authorized by section 417B of the Higher Education Act, is designed to assist students who, by reason of deprived educational, cultural, or economic background, or physical handicap, or limited English-speaking ability, are in need of remedial and other special services to initiate or complete their postsecondary educational program. Discretionary grants are made directly to post-secondary educational institutions to benefit students enrolled or accepted for enrollment at the beneficiary institution.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Educaiton programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below reflect the results of this study as it pertains to the Special Services for Disadvantaged Students Program. Upon publication of these proposed regulations in final form, after comments and a hearing, all preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting the Special Services for Disadvantaged Students Program will be superseded, effective 30 days after such publication.

3. *Effect of Office of Education general provisions regulations.* The proposed regulations do not include provisions relating to general fiscal and administrative matters which are covered in the overall Office of Education general provisions regulations (45 CFR 100a).

4. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

5. *Opportunity for public hearing.* Pursuant to Section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations. Hearings will be held in the following places on the dates below and will commence at 10:00 a.m. on each of the days specified.

a. Washington, D.C.

Auditorium—Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 20202

Public hearing will be held on January 12, 1976.

b. Dallas, Texas

Room 1130–1132, 1200 Main Tower Building, Dallas, Texas 75202

Public hearing will be held on January 12, 1976.

c. San Francisco, California

Room 15018, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102

Public hearing will be held on January 12, 1976.

The purpose of the hearing is to receive comments and suggestions on the published materials. Parties interested in attending the hearing should notify the Office of Education, 400 Maryland Avenue, S.W., Room 2085, FOB–6, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his or her presentation to a maximum of fifteen minutes.

Written comments and recommendations may also be sent to the above address. All relevant material received on or before December 29, 1975, will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday of each week.

(Catalog of Federal Domestic Assistance Program Number 13.482, Special Services for Disadvantaged Students)

Dated: October 10, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: December 5, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare

Chapter I, Title 45 of the Code of Federal Regulations is amended by adding a new part, Part 157, to read as follows:

PART 157—SPECIAL SERVICES FOR DISADVANTAGED STUDENTS

Sec.
157.1 Scope and purpose—general provisions regulations.
157.2 Definitions.
157.3 Eligible project participants.
157.4 Eligible applicants.
157.5 Applications.
157.6 Funding criteria.
157.7 Program requirements.
157.8 Bilingual educational projects.
157.9 National demonstration projects.
157.10 Allowable costs.
157.11 Salary and wage rates.
157.12 Student records.
157.13 Travel.
159.14 Functional relationships and unification among Talent Search, Upward Bound, Special Services and Educational Opportunity Centers.

AUTHORITY: Sec. 417A–417B, Title IV of the Higher Education Act of 1965 as amended by sec. 131(b) of Title I, Pub. L. 92–318, 86 Stat. 258–259 and 88 Stat. 603–604 (20 U.S.C. 1070d—1070d–1), unless otherwise noted.

§ 157.1 Scope and purpose—general provisions regulations.

(a) The regulations in this part govern the administration of the Special Services for Disadvantaged Students (Special Services) Program. This program is designed to provide remedial and other special services for students with academic potential who (1) are enrolled or accepted for enrollment at an institution of higher education which is a beneficiary of a grant or contract made under this part and (2) by reason of deprived educational, cultural, or economic background, or physical handicap, or limited English-speaking ability, are in need of such services to assist them to initiate, continue, or resume their postsecondary education. The goal of the program and projects under this part shall be to increase the retention and graduation rates of such students.

(b) Assistance provided under this part is subject to applicable provisions contained in subchapter A of this chapter relating to fiscal, administrative, and other matters (General Provisions for Office of Education Programs—45 CFR 100a).

(20 U.S.C. 1070d–1070d–1)

§ 157.2 Definitions.

For the purpose of this part:

(a) "Academic potential" means a capacity for success in postsecondary education which is documented either by traditional measurements, including standardized achievement tests, or other verifiable indicators.

(20 U.S.C. 1070d–1)

(b) "Act" means the Higher Education Act of 1965, as amended.

(20 U.S.C. 1001 et seq.)

(c) "Bilingual educational teaching, guidance, and counseling" means teaching, guidance, and counseling in two languages, one of which is English.

(20 U.S.C. 1070d–1)

V 40 242 DEC 16 75 XUM

(d) "Combinations of institutions of higher education" means (1) a group of institutions of higher education that have entered into a cooperative arrangement for the purpose (although not necessarily for the exclusive purpose) of carrying out a project or (2) a public or private agency, organization, or institution designed or created by a group of institutions of higher education for the purpose (although not necessarily for the exclusive purpose) of carrying out a project on their behalf.

(20 U.S.C. 1141(j))

(e) "Deprived cultural background," with regard to a student, means a student's lack of exposure to, or insufficient knowledge of, those values of society which are necessary to succeed in postsecondary education.

(f) "Deprived educational background," with regard to a student, means that a student attended a secondary school which did not adequately prepare him to participate successfully in postsecondary education.

(20 U.S.C. 1070d–1)

(g) "Institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a 2-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provision of subparagraphs (1), (2), (4), and (5) of this paragraph unless the school is a public institution, in which case it may also be accredited by the State agency in that State, which has been listed by the Commissioner as a reliable authority as to the quality of public postsecondary vocational education in that State, and any proprietary institution of higher education, as defined in paragraph (j), which has an agreement with the Commissioner containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this title has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students,

(20 U.S.C. 1141(a); 1088(b)(3))

(h) "Limited English-speaking ability" means a command of the English language that is inadequate for success in education beyond high school.

(i) "Physically handicapped students" means those students who, because of their physical disabilities, need specifically designed instructional materials or programs, modified physical facilities, or related services to participate fully in the experience and opportunities offered by postsecondary institutions. Physical disabilities include but are not limited to:

(1) Legal blindness,
(2) Deafness,
(3) Cerebral palsy,
(4) Epilepsy,
(5) Mobility difficulties due to use of appliances or prosthetics,
(6) Quadriplegia, paraplegia, or hemiplegia.
(7) Severe heart condition, and
(8) Multiple disabilities or any combination of the above conditions.

(20 U.S.C. 1070d–1)

(j) "Proprietary institution of higher education" means a school (1) which provides not less than a 6-month program of training to prepare students for gainful employment in a recognized occupation, (2) which admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (3) which is legally authorized by the State in which it is located to provide a program of education beyond secondary education, (4) which is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, (5) which is not a public or other nonprofit institution, and (6) which has been in existence for at least two years.

(20 U.S.C. 1088(b)(3))

(k) "State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1141(b); 1088(a))

(20 U.S.C. 1070d–1070d–1, unless otherwise noted)

§ 157.3 Eligible project participants.

(a) A student is eligible to participate in a program or project authorized under this part if such student:

(1) Is enrolled or accepted for enrollment at an institution which is the beneficiary of a grant or contract made under this part;

(2) Is a citizen or national of the U.S., is in the U.S. for other than a temporary purpose and is or intends to become a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands;

(3) Is an individual with academic potential who demonstrates a need for the remedial and special services authorized under this part as a result of (i) a deprived educational, cultural or economic background or (ii) physical handicap or (iii) a limited English-speaking ability; and

(4) Comes from a family whose annual adjusted family income is not more than the low-income level prescribed annually by the Commissioner unless that student is physically handicapped or is of limited English-speaking ability and is in need of bilingual education, teaching, guidance and counseling in order to successfully pursue postsecondary education.

(b) Students of limited English-speaking ability or with physical handicaps may be served under this part without regard to their families' adjusted family income.

(20 U.S.C. 1070d–1)

§ 157.4 Eligible applicant.

(a) The Commissioner is authorized to make grants to and contracts with institutions of higher education and combinations of such institutions.

(b) A combination of institutions receiving a grant or contract under this part shall vest responsibility for administering the project in one of the participating institutions or in an agency established by the institutions for carrying out the project on their behalf.

(20 U.S.C 1070d–1)

§ 157.5 Applications.

(a) Applicants for grants or contracts under this part shall file an application with the Commissioner before the closing date for such applications established annually by the Commissioner. Such applications shall contain the following information and such other information as the Commissioner may from time to time prescribe:

(1) The number of low-income students, physically handicapped students and students of limited English-speaking ability enrolled or accepted for enrollment at the institution who are eligible for program services and a description of the ethnic/racial background of the students to be served by the project;

(2) A description of the methods by which project participants will be selected and their needs assessed;

(3) A description of the comprehensive services that will be provided to meet the students' needs;

(4) A description of the academic and cultural problems these students have at the time of entry into the institution and continue to encounter while pursuing their education at the institution;

(5) The amount and type of student financial aid available at the applicant institution that can be awarded to participants;

(6) A description of the administrative and academic policies that bear on the ability of the project participants to graduate from the institution;

(7) A description of (i) the project's staffing pattern, including the professional requirements and duties of each staff member, and (ii) its plan for staff selection and in-service training;

(8) If the applicant has carried out a project that was not funded under this part but was comparable or identical to one authorized under this part, a description of that project, including the number of students served, the methods used to select students, the services offered, the number of such students who graduated from the institution, and any evaluation reports made on that project;

(9) A description of the manner in which the applicant will orient the institutional community to the goals and objectives of the Special Services Program and a description of the community resources available to the project and the manner in which those resources will be used;

(10) A description of the applicant's plan for evaluating the effectiveness of the project; and

(11) The proposed budget.

(b) Where the applicant is a combination of institutions of higher education, the applicant shall describe the role and function that each member of the combination will play in the operation of the project, and shall include written commitments from each institution that it will perform the activities ascribed to it.

(c) Applications for bilingual educational projects shall provide the information necessary to determine whether the proposed project satisfies the requirements of § 157.8.

(d) Applications for national demonstration projects shall detail the innovative and experimental approaches to be taken in the provision of project services and shall otherwise provide the information needed to determine whether the proposed project satisfies the requirements of § 157.9.

(20 U.S.C. 1070d–1)

§ 157.6 Funding criteria.

(a) *Continuation awards.* Priority will be given to a request for funds for the continuation of a project that (1) was begun in a prior fiscal year and (2) was approved for a multi-year work period that has not expired. (continuation award)

(b) *Conditions for approval.* Requests for continuation awards will be approved only if (1) the need continues to exist for the services provided by the project;

(2) Satisfactory progress has been made in implementing the approved work plan and in achieving the project's goals and objectives, as indicated by site visits, progress reports, and other relevant data;

(3) The project continues to offer promise of success in enabling students to complete their postsecondary education;

(4) All required reports, including data collection reports, quarterly fiscal reports, and semi-annual and annual narrative reports have been received and accepted by the Commissioner; and

(5) Funds are available to continue the project.

(c) *New awards.* Except as provided in paragraphs (a) and (b) of this section, the Commissioner will select applicants to be funded under this part on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following additional criteria:

(1) The number of students enrolled at the institution who are eligible, by reason of deprived economic, cultural, or academic backgrounds, or physical handicaps, or limited English-speaking ability, to participate in the project;

(2) The degree to which student financial assistance at the applicant institution will be used to meet the needs of students who will be participating in the project;

(3) The degree to which administrative and academic policies have as their purpose the maximization of a student's chances for graduating from the host institution;

(4) The comprehensiveness of the applicant's plan for (i) selecting students to be served by the project, (ii) conducting an assessment of supportive services needed by the students, and (iii) providing the services;

(5) The extent to which the applicant proposes to orient the institutional community to the goals and objectives of the Special Services Program and utilize institutional and community resources available to the project;

(6) The quality of the applicant's plan to evaluate the project in terms of the effects of project services on the progress made by students participating in the project and the extent to which project participants graduate from the institution;

(7) The reasonableness of the allocation of resources among the project activities;

(8) The extent to which the proposed budget reflects the activities to be undertaken; and

(9) The extent to which the applicant has successfully carried out a project that is comparable or identical to one authorized under this part.

(d) *National demonstration awards.* The Commissioner will select a limited number of applications to be funded as Special Services national demonstration projects on the basis of the criteria set forth in paragraph (c) of this section and the following additional criteria:

(1) Whether the proposed project is national or interregional in scope and does not duplicate or compete with existing regional or national programs or consolidate existing regional or interregional educational activities under the aegis of a single agency or institution;

(2) Whether the proposal presents a clearly new or experimental technique or design for the provision of special services for students from deprived educational, cultural, or economic backgrounds, or for students with physical disabilities, or for students of limited English-speaking ability enrolled at the institution which is the beneficiary of the award;

(3) Whether the applicant's proposed activities and expected results can be readily replicated and utilized by other educational programs concerned with the provision of special supportive services for similar students;

(4) Whether the proposed project will provide services not readily available on a local or regional basis for participants; and

(5) Whether the proposed project will provide disadvantaged students a variety of educational opportunities and career options.

(20 U.S.C. 1070d–1)

§ 157.7 Program requirements.

(a) Each project funded under this part shall:

(1) Develop and utilize procedures to identify and select eligible students. Such procedures shall include a comprehensive needs assessment of the individual student to determine those academic and other educational deficiencies which need to be corrected to enable that student to graduate;

(2) Provide career and academic guidance and counseling and, within the professional and economic constraints of the project, personal counseling;

(3) Provide remedial and special classes, tutoring, and such other activities that will enable project participants to compete with sufficient academic skills at the institution, without creating a long-range dependency on the project;

(4) Develop and utilize special curricular and instructional methods which will enable students to complete required and prerequisite courses in a reasonable period of time; and

(5) Document the effects of project activities on students' performance and progress while they are participating in the project.

(b) Each institution receiving funds under this part shall:

(1) Obtain and provide adequate financial aid for students enrolled in the project to enable them to continue their academic program;

(2) Retain such students at the institution for a period of time sufficient to enable them to adjust to and participate meaningfully in the academic program at the institution (a minimum of two years for a 4-year program, one year for a 2-year program);

(3) Make all resources and facilities which are available to regular students of the institution available to project participants;

(4) Place the project within an integral department of the institution's academic structure;

(5) Locate the project in an area that is accessible to the students to be served;

(6) Engage (i) a full-time project director with sufficient administrative skills and a clear commitment to the goals of the program, who will be provided sufficient latitude to conduct the

V 40 242 DEC 16 75 XUM

project effectively and expend project funds, and (ii) a staff that has adequate professional qualifications and commitment to carry out the proposed activities and services;

(7) Utilize institutional facilities and, when possible, staff, to provide pre-service and in-service training for the project staff; and

(8) Develop an administrative and faculty commitment to the goals of the Special Services Program.

(20 U.S.C. 1070d–1)

§ 157.8 Bilingual educational projects.

(a) Projects serving students of limited English-speaking ability shall provide special instruction in the use of the English language to such students, either through the project or the institution's regular program of instruction.

(b) Projects serving only students of limited English-speaking ability, or projects with a specific component to serve such students, shall provide bilingual personal, career, and academic counseling and guidance; bilingual remedial and special classes that enable students to complete required and prerequisite courses; bilingual tutorial services; and other bilingual supportive services necessary to meet the educational needs of the participants.

(c) Projects serving only students with limited English-speaking ability or projects with a specific component serving such students shall select each student for participation in the project on the basis of the degree of difficulty that the student has in speaking and understanding instructions in the English language, if the project cannot serve all such students who are enrolled or accepted for enrollment at the institution.

(20 U.S.C. 1070d–1)

§ 157.9 National demonstration projects.

(a) The Commissioner may reserve funds to conduct national demonstration projects which will involve innovative and experimental approaches to the provision of remedial and other special services to project participants.

(b) National demonstration projects shall:

(1) Be national or inter-regional in scope; they may not duplicate nor compete with existing regional or national programs nor consolidate existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(2) Present a clearly new or experimental technique or design for the provision of special services for students from deprived educational, cultural, or economic backgrounds, or for students with physical disabilities, or for students of limited English-speaking ability enrolled at the institution which is the beneficiary of the award;

(3) Be readily replicated and utilized by other educational programs concerned with the provision of special supportive services for similar students;

(4) Provide services not readily available on a local or regional basis for participants; and

(5) Provide disadvantaged students a variety of educational opportunities and career options.

(20 U.S.C. 1070d–1)

§ 157.10 Allowable costs.

(a) The Commissioner will pay for those costs that are reasonably related to the operation of a project. Such costs may include the following:

(1) Remedial and special classes if such classes are limited to project participants and the grantee institution does not provide such services as part of its program of instruction;

(2) Courses in English language instruction for students of limited English-speaking ability if the institution does not provide such instruction as part of its program of instruction and such instruction is limited to project participants; and

(3) In-service training of project staff.

(b) Costs that may not be charged against the grant include the following:

(1) The costs involved in the recruitment of students for enrollment at the grantee institution;

(2) The construction or purchase of new buildings and the extensive modification or major repair of existing buildings;

(3) The purchase of major equipment;

(4) The payment of tuition, stipends, or any other form of student financial support;

(5) Research; and

(6) Activities of a recreational or cultural nature that are not directly related to gaining proficiency in a required academic subject.

(c) Grantees under this part will be allowed indirect cost as authorized in accordance with item 4c, Appendix A, parts 100 thru 100d of the General Provisions for Office of Education Programs.

(20 U.S.C. 1070d–1)

§ 157.11 Salary and wage rates.

(a) The salaries paid to project staff under this part shall be comparable to the salaries paid to persons with similar positions within the grantee institution.

(b) The minimum rate of compensation that may be paid to project employees, including sutdents, shall be the minimum wage required to be paid by the institution under applicable Federal, State, or local law.

(20 U.S.C. 1070d–1)

§ 157.12 Student records.

(a) Projects shall develop and utilize a data collection system which allows for accurate student accountability.

(b) To document the progress of each student participating in the project, student files shall include, but are not limited to, the following:

(1) Procedures used to select individual participants;

(2) High school transcripts and all available test scores;

(3) Documents supporting student's eligibility as defined in § 157.3;

(4) Diagnostic analysis of the student's academic strengths and weaknesses and the program support developed to improve the student's skills;

(5) Documentation of counseling activity, such as family contacts, career explorations, referrals;

(6) Sequential activity reports that show continuous contacts with the student, the services provided, the measurements of progress, and other reports that relate to the academic and other types of assistance provided the student;

(7) A summary at the end of each academic term of credit-hours attempted and earned, grade point average, credit hours earned toward graduation, and courses dropped and the reason for dropping them;

(8) Documentation of an exit interview which shall include, but not be limited to (i) the reason for student's leaving the project, (ii) a permanent mailing address, and (iii) the recommendations made to the student upon the student's completion of the project regarding his educational and career potentials.

(20 U.S.C. 1070d–1)

§ 157.13 Travel.

In accordance with the cost principals set forth in Appendix C to parts 100 through 100d of this title, the following travel is authorized:

(a) Transportation of students to and from educational activities sponsored by the project and approved in writing by the Commissioner;

(b) Project staff travel to professional and educational conferences specifically related to project development and to Office of Education sponsored meetings, when approved by the Commissioner;

(c) Other travel specifically approved by the Commissioner in writing and in advance of such travel.

(20 U.S.C. 1070d–1)

§ 157.14 Functional relationship and unification among Talent Search, Upward Bound, Special Services for Disadvantaged Students, and Educational Opportunity Centers.

In addition to the requirements set forth in 45 CFR 100a.275, when an applicant under this part also requests funds to carry out one or more of the following programs, Talent Search, Upward Bound, or Educational Opportunity Centers, the application must reflect the following:

(a) Provisions for a single unified administrative program operation;

(b) Provision for separate program identities, activities, and budget;

(c) Consolidation of personnel and program functions to the fullest extent possible while still maintaining separate program identities; and

(d) Coordination and liaison with other Talent Search, Upward Bound, Special Services and Educational Opportunity Centers operating in close geographic proximity, including, where feasible, the sharing of facilities, staff, services and activities.

(20 U.S.C. 1070d–1; 1232c(b)(1))

[FR Doc.75-33701 Filed 12-15-75;8:45 am]

[45 CFR Part 159]

TALENT SEARCH

Notice of Proposed Rulemaking

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and pursuant to the authority contained in Title IV-A-4 of the Higher Education Act of 1965, as amended, (20 U.S.C. 1070d–1070d–1), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Chapter I of Title 45 of the Code of Federal Regulations by adding Part 159, which governs the administration of the Talent Search Program, to read as set forth below.

1. *Program purpose.* The Talent Search Program, authorized by section 417B of the Higher Education Act, is designed to identify qualified youths of financial or cultural need with an exceptional potential for postsecondary educational training and encourage them to complete secondary school and undertake postsecondary educational training, publicize existing forms of student financial aid, and encourage secondary school or college dropouts of demonstrated aptitude to reenter educational programs, including postsecondary school programs.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below reflect the results of this study as it pertains to the Talent Search Program. Upon publication of the proposed regulations in final form, after comments and a hearing, all preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting the Talent Search Program will be superseded, effective 30 days after such publication.

3. *Effect of Office of Education general provisions regulations.* The proposed regulations do not include provisions relating to general fiscal and administrative matters which are covered in the overall Office of Education general provisions regulations (45 CFR 100a).

4. *Citations of legal autohrity.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

5. *Opportunity for public hearing.* Pursuant to Section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations. Hearings will be held in the following places on the dates below and will commence at 10:00 a.m. on each of the days specified.

a. Washington, D.C.

Auditorium—Regional Office Building Three, 7th and D Streets SW., Washington, D.C. 20202.

Public hearing will be held on January 12, 1976.

b. Dallas, Texas

Room 1130–1132, 1200 Main Tower Building, Dallas, Texas 75202.

Public hearing will be held on January 12, 1976.

c. San Francisco, California

Room 15018, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102.

Public hearing will be held on January 12, 1976.

The purpose of the hearing is to receive comments and suggestions on the published materials. Parties interested in attending the hearing should notify the Office of Education, 400 Maryland Avenue SW., Room 2085, Fob 6, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his or her presentation to a maximum of fifteen minutes.

Written comments and recommendations may also be sent to the above address. All relevant material received prior to the thirtieth day from the date these regulations are published in the FEDERAL REGISTER will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday of each week.

(Catalog of Federal Domestic Assistance Number 13.488, Talent Search)

Dated: October 10, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: December 5, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Chapter I of Title 45 of the Code of Federal Regulations is amended by adding a new part, Part 159, to read as follows:

PART 159—TALENT SEARCH PROGRAMS

Sec.
159.1 Scope and purpose-general provisions regulations.
159.2 Definitions.
159.3 Project setting-target area.
159.4 Eligible project participants.
159.5 Eligible applicants.
159.6 Applications.
159.7 Funding criteria.
159.8 Project activities and services-project requirements.
159.9 National demonstration projects.
159.10 Allowable costs.
159.11 Salary and wage rates.
159.12 Youth records.
159.13 Travel.
159.14 Functional relationships and unification among Talent Search, Upward Bound, Special Services for Disadvantaged Students, and Educational Opportunity Centers.

AUTHORITY: Sec. 417A–417B, Title IV of the Higher Education Act of 1965 as amended by sec. 131(b), Title I, Pub. L. 92-318, 86 Stat. 258–259 (20 U.S.C. 1070d–1070d–1), unless otherwise noted.

§ 159.1 Scope and purpose—general provisions regulations.

(a) The regulations in this part govern the administration of the Talent Search Program. This program is designed to (1) identify youths of financial or cultural need with an exceptional potential for postsecondary educational training and encourage them to complete secondary school and undertake postsecondary educational training, (2) publicize existing forms of student financial aid, and (3) encourage secondary school or college dropouts of demonstrated aptitude to reenter educational programs, including postsecondary school programs. The goal of the projects funded under this part shall be to increase the rate at which youths of financial or cultural need complete secondary school and enroll, with adequate financial aid, in postsecondary educational programs.

(b) Assistance provided under this part is subject to applicable provisions contained in subchapter A of this chapter relating to fiscal, administrative, and other matters (General Provisions for Office of Education Programs—45 CFR 100a).

(20 U.S.C. 1070d—1070d–1)

§ 159.2 Definitions.

For the purpose of this part: (a) "Act" means the Higher Education Act of 1965, as amended.

(20 U.S.C. 1001 et seq.)

(b) "Combination of institutions of higher education" means (1) a group of institutions of higher education that have entered into a cooperative arrangement for the purpose (although not necessarily for the exclusive purpose) of carrying out a Talent Search project or (2) a public or private agency, organization or

V 40 242 DEC 16 75 XUM

institution designated or created by a group of institutions of higher education for the purpose (although not necessarily for the exclusive purpose) of carrying out a Talent Search project on their behalf.

(20 U.S.C. 1141(j))

(c) "Cultural need" means with regard to a youth the lack of exposure to or insufficient knowledge of the values of society which are necessary for success in postsecondary education.

(20 U.S.C. 1070d–1)

(d) "Demonstrated aptitude" means with regard to secondary and postsecondary dropouts a documented competence in those skills necessary to enter, reenter or complete postsecondary education.

(20 U.S.C. 1070d–1)

(e) "Exceptional potential" means a capacity for success in postsecondary education which is documented either by traditional measurements, including standardized achievement tests, or other verifiable indicators;

(20 U.S.C. 1070d–1)

(f) "Institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a 2-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted on transfer, by not less than three institutions which are so accredited for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provision of subparagraphs (1), (2), (4), and (5) of this paragraph, unless the school is a public institution, in which case it may also be accredited by the State agency in that State which has been listed by the Commissioner as a reliable authority as to the quality of public postsecondary vocational education in that State, and any proprietary institution of higher education as defined in paragraph (g) of this section, which has an agreement with the Commissioner containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this part has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students.

(20 U.S.C. 1141(a); 20 U.S.C. 1088(b)(3))

(g) "Proprietary institution of higher education" means a school which (1) provides not less than a 6-month program of training to prepare students for gainful employment in a recognized occupation, (2) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (3) is legally authorized by the State in which it is located to provide a program of education beyond secondary education, (4) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, (5) is not a public or other nonprofit institution, and (6) has been in existence for at least two years.

(20 U.S.C. 1088(b)(3))

(h) "Secondary school" means a school which provides secondary education as determined under State law, except that it does not include any education provided beyond grade 12.

(20 U.S.C. 1141(d))

(i) "State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the U.S. Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1141(b); 1088(a))

(j) "Veteran" means a person who served in the active military, naval, or air service of the United States, and who was discharged or released therefrom under conditions other than dishonorable.

(38 U.S.C. 101(2))

(k) "Youth" means (i) a veteran or (ii) a person between the ages of 15 to 22.

(20 U.S.C. 1070d–1070d–1, unless otherwise noted)

§ 159.3 Project setting-target area.

Talent Search projects, except national demonstration projects, shall provide their services to qualified youths residing or attending school in a discrete geographic area. (target area) A target area is characterized by a large number of families whose annual adjusted family income is not more than the low-income level prescribed annually by the Commissioner, a large number of youth from low-income families, a high secondary school dropout rate, and a low level of postsecondary attendance.

(20 U.S.C. 1070d–1)

§ 159.4 Eligible project participants.

A youth is eligible to receive services under this part if he: (a) Is a citizen or national of the United States, or is in the United States for other than a temporary purpose, and is, or intends to become a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands;

(b) Comes from a family whose annual adjusted family income is not more than the low-income level prescribed annually by the Commissioner;

(c) Has "exceptional potential" for success in postsecondary education or, in the case of secondary or postsecondary school dropouts, a "demonstrated aptitude" for reentry into secondary or postsecondary educational programs;

(d) Is of financial or cultural need; and

(e) Is in need of (i) guidance and counseling to complete secondary school, (ii) information and counseling on postsecondary educational opportunities, (iii) assistance in gaining admisson or readmission to postsecondary educational institutions, or (iv) assistance in applying for financial aid to attend such institutions.

(20 U.S.C. 1070d–1)

§ 159.5 Eligible applicants.

(a) The Commissioner may make grants to and contracts with the following agencies, institutions, and organizations to carry out Talent Search projects: (1) Institutions of higher education, including institutions with vocational and career education programs;

(2) Combinations of institutions of higher education;

(3) Public and private agencies and organizations (including professional and scholarly organizations); and

(4) In exceptional cases, secondary schools and secondary vocational schools, if there are no institutions of higher education or public or private agencies within a reasonable geographic distance of such secondary or vocational school providing educational services similar to the services authorized under this part.

(b) A combination of institutions receiving a grant or contract under this part shall vest responsibility for the administration of that grant or contract in one of its participating institutions or in a public or private agency established by the combination for that purpose.

(20 U.S.C. 1070d–1)

§ 159.6 Applications.

(a) Applicants for grants or contracts under this part shall file an application with the Commissioner before the closing date established annually by the Commissioner, and shall provide the following information and such other information as the Commissioner may from time to time prescribe: (1) The geographic area to be served (target area);

(2) A documented description of the target area in terms of (i) the income level of the area residents, the number and percentage of families in the area whose annual adjusted family income is not more than the low-income level prescribed annually by the Commissioner, (ii) the number and percentage of youths from low-income families residing or attending school in the area, (iii) the number and percentage of dropouts from secondary schools in the area for the three years preceding the year for which the application is submitted, and (iv) the number and percentage of youths who have attended school, or are residing, in the area and who have entered postsecondary institutions during the three years preceding the year for which the application is submitted;

(3) A description of the individual secondary schools in the target area including (i) for the three years preceding the year for which the application is being submitted, the dropout rate for each school, and the number and percentage of students from each school who subsequently enroll in postsecondary institutions, (ii) the number of students in the school from low-income families; and (iii) the quality of the school's counseling program;

(4) The ethnic/racial composition of youth from low-income families attending secondary school, or residing, in the target area;

(5) The number of youths of financial or cultural need who reside or attend school in the target area who have an exceptional potential or a demonstrated aptitude for postsecondary education and are in need of project services to complete secondary school and enroll in postsecondary institutions;

(6) A projection of the effect of the project in the target area on the secondary school dropout rate, the rate of postsecondary school admissions and the number of secondary and postsecondary dropouts who reenter educational programs;

(7) A description of the applicant's plan for (i) the identification and selection of eligible participants, (ii) the assessment and documentation of their potential for postsecondary education, (iii) the provision of career and academic counseling and guidance, (iv) the dissemination of information on student financial aid in the target area, and (v) the provision of assistance to project participants in gaining admission to secondary and postsecondary institutions, and in obtaining student financial aid;

(8) A description of the applicant's plan to orient the secondary and postsecondary schools in the target area to the goals of the Talent Search project and to utilize community and other resources to supplement authorized activities;

(9) A description of (i) the project's staffing pattern including the professional requirements and duties of each staff member, and (ii) the plan for staff selection and in-service training;

(10) If the applicant has carried out a project that was not funded under this part but was comparable or identical to one authorized under this part, a description of that project including the number of youth served, the methods used to select participants, the services offered, the rate of increase of postsecondary admissions in the area served, the rate of decrease in secondary and postsecondary school dropouts, the rate of increase of secondary and postsecondary school dropouts who reenter educational programs, and any evaluation reports made on that project; and

(11) A description of the applicant's plan for evaluating the effectiveness of the project.

(b) Where the applicant is a combination of institutions of higher education, the applicant shall describe the role and function that each member of the combination will play in the operation of the project, and shall include written commitments from each institution that it will perform the activities ascribed to it.

(c) Applications for national demonstration projects shall detail the innovative and experimental approaches to be taken in the provision of project services and shall otherwise provide the information needed to determine whether the project satisfies the requirements of § 159.9.

(20 U.S.C. 1070d–1)

§ 159.7 Funding criteria.

(a) *Continuation awards.* Priority will be given to a request for funds for the continuation of a project that (1) was begun in a prior fiscal year and (2) was approved for a multi-year work period that has not expired.

(b) *Conditions for approval.* Requests for continuation awards will be approved only if:

(1) The need continues to exist for the services provided by the project;

(2) Satisfactory progress has been made in implementing the approved work plan and in achieving the project's goals and objectives, as indicated by site visits, progress reports, and other relevant data;

(3) The project continues to offer promis of success in enabling youths to resume, or continue their secondary education, or to enter, resume, or continue their post . condary education with adequate financial aid;

(4) All required reports, including data collection reports, quarterly fiscal reports, and annual and semi-annual narrative reports, have been received and accepted by the Commissioner; and

(5) Funds are available to continue the project.

(c) *New awards.* Except as provided in paragraphs (a) and (b) of this section, the Commissioner will select applicants to be funded under this part on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following additional criteria:

(1) The extent to which the target area of the project is characterized by (i) a high number or percentage of secondary school dropouts, (ii) a low level of postsecondary school attendance, (iii) a high percentage of families whose annual adjusted family income is not more than the low-income level prescribed annually by the Commissioner, and (iv) students from low-income families having low aspiration levels and special needs.

(2) The number of youths of financial or cultural need who reside or attend schools in the target area, have exceptional potential for succes in postsecondary education, and are in need of project services to complete secondary school and enroll in postsecondary educational programs, obtain student financial aid to pursue postsecondary education, or return to secondary or postsecondary educational programs;

(3) The extent to which the applicant has successfully carried out a project that is comparable or identical to those authorized under this part;

(4) The extent to which the project will, in the target area, increase the rate of postsecondary admissions, decrease the rate of secondary school and postsecondary school dropouts, and increase the number of secondary and postsecondary dropouts who reenter educational programs;

(5) The comprehensiveness of the applicant's plan for (i) identifying and selecting eligible participants and assessing and documenting their potential for postsecondary education, (ii) providing career and academic guidance and counseling, (iii) disseminating information on student financial aid to the target population, and (iv) assisting youths in gaining admission to secondary and postsecondary institutions and in obtaining student financial aid;

(6) The reasonableness of the allocation of resources among the proposed project activities;

(7) The extent to which the applicant has provided for the orientation of secondary and postsecondary schools in the target area to the goals and objectives of the Talent Search Program and has provided for the utilization of community and other resources to supplement authorized activities;

(8) The quality of the applicant's plan to evaluate the effects of project services in enrolling participants in postsecondary educational programs with adequate financial aid and returning participants to secondary and post secondary educational programs; and

(9) The extent to which the proposed budget reflects the activities to be undertaken.

(d) *National demonstration projects.* The Commissioner will select a limited number of applications to be funded as Talent Search national demonstration projects on the basis of the criteria set forth in paragraph (c) of this section and the following additional criteria:

(1) Whether the proposed project is national or inter-regional in scope, and does not duplicate nor compete with existing regional or national programs nor consolidate existing regional or interregional educational activities under the aegis of a single agency or institution;

V 40 242 DEC 16 75 D XUM

(2) Whether the proposal presents a clearly new or experimental technique or design for the provision of Talent Search services for eligible participants;

(3) Whether the proposed activities and results can be readily replicated and utilized by other educational programs concerned with the provision of services for similar youths;

(4) Whether the proposed project will provide services not readily available on a local or regional basis for such youths; and

(5) Whether the proposed project will provide disadvantaged students a variety of educational opportunities and options for postsecondary education.

(20 U.S.C. 1070d–1)

§ 159.8 Project activities and services-project requirements.

(a) Each project funded under this part shall provide the following services:

(1) Collection and dissemination of information regarding the variety of postsecondary educational opportunities, student financial aid, academic assistance and career options available to project participants;

(2) Counseling and guidance to each project participant with regard to the appropriate postsecondary institution for that person;

(3) Counseling with regard to career options available to project participants; and

(4) Assistance to project participants in applying for admission to postsecondary institutions and for student financial aid.

(b) Each project shall: (1) Serve a minimum of 1,000 youths;

(2) Develop and utilize a comprehensive needs assessment process, which includes traditional and nontraditional measuring techniques, to determine each participant's interests, career goals, academic potential, and financial need;

(3) Focus project activities at secondary schools that have had over the three years preceding the year for which the project application is submitted (i) less than 30 percent of their graduating classes enroll in postsecondary institutions, or a high dropout rate and (ii) an inadequate counseling program with regard to postsecondary educational opportunities;

(4) Develop and implement a strategy to identify, encourage, and return to educational institutions those secondary and postsecondary school dropouts who have a demonstrated aptitude for postsecondary education;

(5) Not duplicate services offered by an Educational Opportunity Center, another Talent Search project or other similar programs in the target area;

(6) Establish cooperative relationships with service agencies in the target area which have resources needed by the project participants;

(7) Establish a direct relationship with educational institutions to determine admission requirements, filing and deadline dates for the submission of admission and financial aid applications, course requirements, and appropriate supportive services available for project participants; and

(8) Engage (i) a full-time project director with sufficient administrative skills and a clear commitment to the goals of the program, who will be provided sufficient latitude to conduct the project effectively and to expend project funds as required, and (ii) a staff that has adequate professional qualifications and commitment to carry out the proposed activities and services.

(20 U.S.C. 1070d–1)

§ 159.9 National demonstration projects.

(a) The Commissioner may reserve funds to conduct innovative and experimental Talent Search projects.

(b) National demonstration projects shall: (1) Be national or inter-regional in scope; they may not duplicate nor compete with existing regional or national programs or consolidate existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(2) Present a clearly new or experimental technique or design for the provision of Talent Search services for eligible participants;

(3) Be readily replicable and utilized by other educational programs concerned with the provision of services for similar youth;

(4) Provide services not readily available on a local or regional basis for such youth; and

(5) Provide disadvantaged youth a variety of educational opportunities and options for postsecondary education.

(20 U.S.C. 1070d–1)

§ 159.10 Allowable costs.

(a) The Commissioner will pay those costs that are reasonably related to carrying out the project.

(b) Costs that may not be charged against the project include: (1) Tutoring or any instructional costs;

(2) Tuition, fees, stipends or other forms of direct financial support for youths participating in project activities;

(3) Application fees for enrollment or financial aid;

(4) Duplication of services that are otherwise provided by the institution or agency sponsoring the project or by such local agencies as vocational rehabilitation centers and social service organization;

(5) Construction, major remodeling or major repair; and

(6) Meals and lodging.

(c) Grantees under this part will be allowed indirect costs as authorized in accordance with item 4c, Appendix A, parts 100 thru 100d of the General Provisions for Office of Education Programs.

(20 U.S.C. 1070d–1)

§ 159.11 Salary and wage rates.

(a) The salaries paid to project staff under this part shall be comparable to the salaries paid to persons with similar positions within the sponsoring institution or agency.

(b) The minimum rate of compensation that may be paid to project employees, including students, shall be the minimum wage required under any applicable Federal, State, or local law.

(20 U.S.C. 1070d–1)

§ 159.12 Youth records.

Projects shall develop and utilize a data collection system which allows the project to establish accurate participant records, including, but not limited to, the following: (a) The method used to select the participant;

(b) The participant's high school transcripts and all available aptitude and achievement test scores;

(c) Information concerning the participant's eligibility to receive services under the project;

(d) Documentation of counseling services received by the student;

(e) Documentation of visits made to postsecondary institutions;

(f) Documentation of assistance provided the participant in applying for admission to postsecondary institutions and for student financial aid;

(g) The postsecondary institutions which accepted the participant for admisison and the one in which he or she enrolled;

(h) The amount and type of student financial aid received by the participant; and

(i) The participant's age, sex, race, family income, grade level and permanent address.

(20 U.S.C. 1070d–1)

§ 159.13 Travel.

In accordance with the cost principals set forth in Appendix C to parts 100 through 100d of this title, the following travel is authorized: (a) Travel to enable youths (i) to visit campuses of postsecondary institutions which are in reasonable proximity to the project's target area, (ii) to participate in "College Days" or their equivalent or (iii) to develop career potential;

(b) Staff travel to professional and educational conferences specifically related to project development and

(c) Other travel specifically approved by the Commissioner in writing and in advance of such travel.

(20 U.S.C. 1070d–1)

§ 159.14 Functional relationships and unification among Talent Search, Upward Bound, Special Services for Disadvantaged Students, and Educational Opportunity Centers.

In addition to the requirements set forth in CFR 100a.275, when an applicant under this part also requests funds to carry out one or more of the following programs, Upward Bound, Special Services for Disadvantaged Students or Educational Opportunity Centers, the application must reflect the following:

(a) Provision for a single, unified administrative program operation;

(b) Provision for separate program identities, activities, and budget;

(c) Consolidation of personnel and program functions to the fullest extent possible while still maintaining separate program identity; and

(d) Coordination and liaison with other Talent Search, Upward Bound, Special Services and Educational Opportunity Centers projects operating in close geographic proximity, including, where feasible, the sharing of facilities, staff, services and activities.

(20 U.S.C. 1070d–1; 1232c(b)(1))

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V 40 242 DEC 16 75 XUM

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PART IV:

ENVIRONMENTAL PROTECTION AGENCY

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Modification, Notification and Reconstruction

V40242 DEC 16 75 XUM

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 402-8]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Modification, Notification, and Reconstruction

On October 15, 1974 (39 FR 36946), under section 111 of the Clean Air Act, as amended (42 U.S.C. 1857), the Environmental Protection Agency (EPA) proposed amendments to the general provisions of 40 CFR Part 60. These amendments included additions and revisions to clarify the definition of the term "modification" appearing in the Act, to require notification of construction or potential modification, and to clarify when standards of performance are applicable to reconstructed sources. These regulations apply to all stationary sources constructed or modified after the proposal date of an applicable standard of performance.

Interested parties participated in the rulemaking by sending comments to EPA. Fifty-three comment letters were received, 43 of which came from industry, with the remainder coming from State and Federal agencies. Copies of the comment letters received and a summary of the comments with EPA's responses are available for public inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. In addition, copies of the comment summary and Agency responses may be obtained upon written request from the EPA Public Information Center (PM-215), 401 M Street SW., Washington, D.C. 20460 (specify Public Comment Summary—Modification, Notification, and Reconstruction). The comments have been carefully considered, and where determined by the Administrator to be appropriate, changes have been made to the proposed regulations and are incorporated in the regulations promulgated herein. The most significant comments and the differences between the proposed and promulgated regulations are discussed below.

Terminology

Understandably there has been some confusion as to the difference between the various types of "sources" and "facilities" defined in § 60.2 of these regulations. Generally speaking, "sources" are entire plants, while "facilities" are identifiable pieces of process equipment or individual components which when taken together would comprise a source. "Affected facilities" are facilities subject to standards of performance, and are specifically identified in the first section of each subpart of Part 60. An "existing facility" is generally a piece of equipment or component of the same type as an affected facility, but which differs in that it was constructed prior to the date of proposal of an applicable standard of performance. This distinction is somewhat complicated because an existing facility which undergoes a modification within the meaning of the Act and these regulations becomes an affected facility. However, generally speaking, the distinction between "affected facilities" and "existing facilities" depends on the date of construction. The terms are intended to be the direct regulatory counterparts of the statutory definitions of "new source" and "existing source" appearing in section 111 of the Act.

"Designated facilities" form a subcategory of "existing facilities." A "designated facility" is an existing facility which emits a "designated pollutant," i.e., a pollutant which is neither a hazardous pollutant, as defined by section 112 of the Act, nor a pollutant subject to national ambient air quality standards. The term "designated facilities," however, has no special relevance to the issue of modification.

Definition of "Capital Expenditure"

Several commentators argued that the proposed definition of "capital expenditure," as applicable to the exemption for increasing the production rate of an existing facility in § 60.14(e)(2), was too vague. The regulations promulgated herein correct this deficiency by incorporating by reference and by requiring the application of the procedure contained in Internal Revenue Service Publication 534, which is available from any IRS office. The procedure set forth in IRS Publication 534 is relatively straightforward. First, the total cost of increasing the production or operating rate must be determined. All expenditures necessary to increasing the facility's operating rate must be included in this total. However, for purposes of § 60.14(e)(2) this amount must not be reduced by any "excluded additions," as defined in IRS Publication 534, as would be done for tax purposes. Next, the facility's basis (usually its cost), as defined by Section 1012 of the Internal Revenue Code, must be determined. If the product of the appropriate "annual asset guideline repair allowance percentage" tabulated in Publication 534 and the facility's basis exceeds the cost of increasing the operating rate, the change will not be treated as a modification. Conversely, if the cost of making the change is more than the above product and the emissions have increased, the change will be treated as a modification.

The advantage of adopting the procedure in IRS Publication 534 is that firm and precise guidance is provided as to what constitutes a capital expenditure. The procedure involves concepts and information which are available to all owners and operators and with which they are familiar, and it is the Administrator's opinion that it adequately responds to the complaints of vagueness made in comments.

Notification of Construction

The regulations promulgated herein contain a requirement that owners or operators notify EPA within 30 days of the commencement of construction of an affected facility. Some commentators, however, questioned the Agency's legal authority to require such a notification and questioned the need for such information.

Section 301(a) of the Act provides the Administrator authority to issue regulations "necessary to carry out his functions under [the] Act." The Agency has learned through experience with administering the new source performance standards that knowledge of the sources which may become subject to the standards is important to the effective implementation of section 111. This notification will not be used for approval or disapproval of the planned construction; the purpose is to allow the Administrator to locate sources which will be subject to the regulations appearing in this part, and to enable the Administrator to inform the sources about applicable regulations in an effort to minimize future problems. In the case of mass produced facilities, which are purchased by the ultimate user when construction is completed, the construction notification requirement will not apply. Notification prior to startup, however will still be required.

Use of Emission Factors

The proposed regulations listed emission factors as one possible method to be used in determining whether a facility has increased its emissions. Emission factors have two major advantages. First, they are inexpensive to use. Second, they may be applied prospectively, i.e., they can be used in some cases to determine whether a particular change *will* increase a facility's emissions before the change is implemented. This is important to owners or operators since they can thereby obtain advance notice of the consequences of proposed changes they are planning prior to commitment to a particular course of action. Emission factors do not, however, provide results as precise as other methods, such as actual stack testing. Nevertheless, in many cases the emission consequences of a proposed change can be reliably predicted by the use of emission factors. In such cases, where emissions will clearly increase or will clearly [illegible] increase, the Agency will rely primarily on emission factors. Only where the resulting change in emission rate is ambiguous, or where a dispute arises as to the result obtained by the use of emission factors, will other methods be used. Section 60.14(b) has been revised to reflect this policy.

The "Bubble Concept"

The phrase "bubble concept" has been used to refer to the trading off of emission increases from one facility undergoing a physical or operational change with emission reductions from another facility, in order to achieve no net increase in the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by the stationary source taken as a whole.

Several commentators suggested that the "bubble concept" be extended to cover "new construction." Under the proposed regulations, the "bubble concept" could be utilized to offset emission increases from a facility undergoing a physical or operational change (as distinguished from a "new facility") at a lower economic cost than would arise if the facility undergoing the change were to be considered by EPA as being modified within the meaning of section 111 of the Act and consequently required to meet standards of performance. Under the suggested approach a new facility could be added to an existing source without having to meet otherwise applicable standards of performance, provided the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by the stationary source taken as a whole did not increase. If adopted, this suggestion could exempt most new construction at existing sources from having to comply with otherwise applicable standards of performance. Such an interpretation of the section 111 provisions of the Act would grant a significant and unfair economic advantage to owners or operators of existing sources replacing facilities with new construction as compared to someone wishing to construct an entirely new source.

If the bubble concept were extended to cover new construction, large sources of air pollution could avoid the application of new source performance standards indefinitely. Such sources could continually replace obsolete or worn out facilities with new facilities of the same type. If the same emission controls were adopted, no overall emission increase would result. In this manner, the source could continue indefinitely without ever being required to upgrade air pollution control systems to meet standards of performance for new facilities. The Administrator interprets section 111 to require that new producers of emissions be subject to the standards whether constructed at a new plant site or an existing one. Therefore, where a new facility is constructed, new source performance standards must be met. In situations involving physical or operational changes to an existing facility which increase emissions from that facility, greater flexibility is permitted to avoid the imposition of large control costs if the projected increase can be offset by controlling other plant facilities.

Several commentators argued that if the Administrator adopted the proposed interpretation of the term "modification", which would consider a modification to have occurred even if there was only a relatively minor detectable emission rate increase (thus requiring application of standards of performance), the Administrator would in effect prevent owners or operators from implementing physical or operational changes necessary to switch from gas and oil to coal in comport with the President's policy of reducing gas and oil consumption. The Administrator has concluded that if such situations exist, they will be relatively rare and, in any event, will be peculiar to the group of facilities covered by a particular standard of performance rather than to all facilities in general. Therefore, the Administrator has further concluded that it would be more appropriate to consider such circumstances and possible avenues of relief in connection with the promulgation of or amendment to particular standards of performance rather than through the amendment of the general provisions of 40 CFR Part 60.

Where the use of the bubble concept is elected by an owner or operator, some guarantee is necessary to insure that emissions do not subsequently increase above the level present before the physical or operational change in question. For example, reducing a facility's operating rate is a permissible means of offsetting emission increases from another facility undergoing a physical or operational change. If the exemption provided by § 60.14(e)(2) as promulgated herein were subsequently used to increase the first facility's operating rate back to the prior level, the intent of the Act would be circumvented and the compliance measures previously adopted would be nullified. Therefore, in those cases where utilization of the exemptions under § 60.14(e)(2), (3), or (4) as promulgated herein would effectively negate the compliance measures originally adopted, use of those exemptions will not be permitted.

One limitation placed on utilization of the "bubble concept" by the proposed regulation was that emission reductions could be credited only if achieved at an "existing" or "affected" facility. The purpose of this requirement was to limit the "bubble concept" to those facilities which could be source tested by EPA reference methods. One commentator pointed out that some facilities other than "existing" or "affected" facilities (i.e., facilities of the type for which no standards have been promulgated) lend themselves to accurate emission measurement. Therefore, § 60.14(d) has been revised to permit emission reductions to be credited from all facilities whose emissions can be measured by reference, equivalent, or alternative methods, as defined in § 60.2(s), (t), and (u). In addition, when a facility which cannot be tested by any of these methods is permanently closed, the regulations have been revised to permit emission rate reductions from such closures to be used to offset emission rate increases if methods such as emission factors clearly show, to the Administrator's satisfaction that the reduction offsets any increase. The regulation does not allow facilities which cannot be tested by any of these methods to reduce their production as a means of reducing emissions to offset emission rate increases because establishing allowable emissions for such facilities and monitoring compliance to insure that the allowable emissions are not exceeded would be very difficult and even impossible in many cases.

Also, under the proposed regulations applicable to the "bubble concept," actual emission testing was the only permissible method for demonstrating that there has been no increase in the total emission rate of any pollutant to which a standard applies from all facilities within the stationary source. Several commentators correctly argued that if methods such as emission factors are sufficiently accurate to determine emission rates under other sections of the regulation [i.e. § 60.14(b)], they should be adequate for the purposes of utilization of the bubble concept. Thus, the regulations have been revised to permit the use of emission factors in those cases where it can be demonstrated to the Administrator's satisfaction that they will clearly show that total emissions will or will not increase. Where the Administrator is not convinced of the reliability of emission factors in a particular case, other methods will be required.

Ownership Change

The regulation has been amended by adding § 60.14(e)(6) which states that a change in ownership or relocating a source does not by itself bring a source under these modification regulations.

Reconstruction

Several commentators questioned the Agency's legal authority to propose standards of performance on reconstructed sources. Many commentators further believed that the Agency is attempting to delete the emission increase requirement from the definition of modification. The Agency's actual intent is to prevent circumvention of the law. Section 111 of the Act requires compliance with standards of performance in two cases, new construction and modification. The reconstruction provision is intended to apply where an existing facility's components are replaced to such an extent that it is technologically and economically feasible for the reconstructed facility to comply with the applicable standards of performance. In the case of an entirely new facility the proper time to apply the best adequately demonstrated control technology is when the facility is originally constructed. As explained in the preamble to the proposed regulation, the purpose of the reconstruction provision is to recognize that replacement of many of the components of a facility can be substantially equivalent to totally replacing it at the end of its useful life with a newly constructed affected facility. For existing facilities which substantially retain their character as existing facilities, application of best adequately demonstrated control technology is considered appropriate when any physical or operational change is made which causes an increase in emissions to the atmosphere (this is modification). Thus, the criteria for "reconstruction" are independent from the criteria for "modification."

Sections 60.14 and 60.15 set up the procedures and criteria to be used in making the determination to apply best adequately demonstrated control technology to existing facilities to which some changes have been made.

Under the proposed regulations, the replacement of a substantial portion of an existing facility's components constituted reconstruction. Many commentators questioned the meaning of "substantial portion." After considering the comments and the vagueness of this term, the Agency decided to revise the proposed reconstruction provisions to

V 40 242 DEC 16 75 XUM

better clarify to owners or operators what actions they must take and what action the Administrator will take. Section 60.15 of the regulations as revised specifies that reconstruction occurs upon replacement of components if the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility and it is technologically and econbmically feasible for the facility after the replacements to comply with the applicable standards of performance. The 50 percent replacement criteria is designed merely to key the notification to the Administrator; it is not an independent basis for the Administrator's determination. The term "fixed capital cost" is defined as the capital needed to provide all the depreciable components and is intended to include such things as the costs of engineering, purchase, and installation of major process equipment, contractors' fees, instrumentation, auxiliary facilities, buildings, and structures. Costs associated with the purchase and installation of air pollution control equipment (e.g., baghouses, electrostatic precipitators, scrubbers, etc.) are not considered in estimating the fixed capital cost of a comparable entirely new facility unless that control equipment is required as part of the process (e.g., product recovery).

The revised § 60.15 leaves the final determination with the Administrator as to when it is technologically and economically feasible to comply with the applicable standards of performance. Further clarification and definition is not possible because the spectrum of replacement projects that will take place in the future at existing facilities is so broad that it is not possible to be any more specific. Section 60.15 sets forth the criteria which the Administrator will use in making his determination. For example, if the estimated life of the facility after the replacements is significantly less than the estimated life of a new facility, the replacement may not be considered reconstruction. If the equipment being replaced does not emit or cause an emission of an air pollutant, it may be determined that controlling the components that do emit air pollutants is not reasonable considering cost, and standards of performance for new sources should not be applied. If there is insufficient space after the replacements at an existing facility to install the necessary air pollution control system to comply with the standards of performance, then reconstruction would not be determined to have occurred. Finally, the Administrator will consider all technical and economic limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.

While § 60.15 expresses the basic Agency policy and interpretation regarding reconstruction, individual subparts may refine and delimit the concept as applied to individual categories of facilities.

RESPONSE TO REQUESTS FOR DETERMINATION

Section 60.5 has been revised to indicate that the Administrator will make a determination of whether an action by an owner or operator constitutes reconstruction within the meaning of § 60.15. Also, in response to a public comment, a new § 60.5(b) has been added to indicate the Administrator's intention to respond to requests for determinations within 30 days of receipt of the request.

STATISTICAL TEST

Appendix C of the regulation incorporates a statistical procedure for determining whether an emission increase has occurred. Several individuals commented on the procedure as proposed. After considering all these comments and conducting further study into the subject, the Administrator has determined that a statistical procedure is substantially superior to a method comparing average emissions, and that no other statistical procedure is clearly superior to the one adopted (Student's t test). A more detailed analysis of this issue can be found in EPA's responses to the comments mentioned previously.

Effective date. These regulations are effective on December 16, 1975. Since they represent a clarification of the Agency's existing enforcement policy, good cause is found for not delaying the effective date, as required by 5 U.S.C. 553(d)(3). However, the regulations will, in effect, apply retroactively to any enforcement activity now in progress since they do reflect present Agency policy.

(Sections 111, 114, and 301 of the Clean Air Act, as amended (42 U.S.C. 1857c–6, 1857c–9, and 1857g))

Dated: December 8, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. The table of sections is amended by adding §§ 60.14 and 60.15 and Appendix C as follows:

Subpart A—General Provisions

* * * * *

Sec.
60.14 Modification..
60.15 Reconstruction.

* * * * *

Appendix C—Determination of Emission Rate Change.

2. In § 60.2, paragraphs (d) and (h) are revised and paragraphs (aa) and (bb) are added as follows:

§ 60.2 Definitions.

* * * * *

(d) "Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant and which contains any one or combination of the following:

(1) Affected facilities.

(2) Existing facilities.

(3) Facilities of the type for which no standards have been promulgated in this part.

* * * * *

(h) "Modification" means any physical change in, or change in the method of operation of, an existing facility which increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted.

* * * * *

(aa) "Existing facility" means, with reference to a stationary source, any apparatus of the type for which a standard is promulgated in this part, and the construction or modification of which was commenced before the date of proposal of that standard; or any apparatus which could be altered in such a way as to be of that type.

(bb) "Capital expenditure" means an expenditure for a physical or operational change to an existing facility which exceeds the product of the applicable "annual asset guideline repair allowance percentage" specified in the latest edition of Internal Revenue Service Publication 534 and the existing facility's basis, as defined by section 1012 of the Internal Revenue Code.

3. Section 60.5 is revised to read as follows:

§ 60.5 Determination of construction or modification.

(a) When requested to do so by an owner or operator, the Administrator will make a determination of whether action taken or intended to be taken by such owner or operator constitutes construction (including reconstruction) or modification or the commencement thereof within the meaning of this part.

(b) The Administrator will respond to any request for a determination under paragraph (a) of this section within 30 days of receipt of such request.

4. In § 60.7, paragraphs (a)(1) and (a)(2) are revised, and paragraphs (a)(3), (a)(4), and (e) are added as follows:

§ 60.7 Notification and recordkeeping.

(a) Any owner or operator subject to the provisions of this part shall furnish the Administrator written notification as follows:

(1) A notification of the date construction (or reconstruction as defined under § 60.15) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.

(2) A notification of the anticipated date of initial startup of an affected facility postmarked not more than 60 days nor less than 30 days prior to such date.

(3) A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.

(4) A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in § 60.14(e) and the exemption is not denied under § 60.14(d)(4). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.

* * * * *

(e) If notification substantially similar to that in paragraph (a) of this section is required by any other State or local agency, sending the Administrator a copy of that notification will satisfy the requirements of paragraph (a) of this section.

5. Subpart A is amended by adding §§ 60.14 and 60.15 as follows:

§ 60.14 Modification.

(a) Except as provided under paragraphs (d), (e) and (f) of this section, any physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies shall be considered a modification within the meaning of section 111 of the Act. Upon modification, an existing facility shall become an affected facility for each pollutant to which a standard applies and for which there is an increase in the emission rate to the atmosphere.

(b) Emission rate shall be expressed as kg/hr of any pollutant discharged into the atmosphere for which a standard is applicable. The Administrator shall use the following to determine emission rate:

(1) Emission factors as specified in the latest issue of "Compilation of Air Pollutant Emission Factors," EPA Publication No. AP–42, or other emission factors determined by the Administrator to be superior to AP–42 emission factors, in cases where utilization of emission factors demonstrate that the emission level resulting from the physical or operational change will either clearly increase or clearly not increase.

(2) Material balances, continuous monitor data, or manual emission tests in cases where utilization of emission factors as referenced in paragraph (b)(1) of this section does not demonstrate to the Administrator's satisfaction whether the emission level resulting from the physical or operational change will either clearly increase or clearly not increase, or where an owner or operator demonstrates to the Administrator's satisfaction that there are reasonable grounds to dispute the result obtained by the Administrator utilizing emission factors as referenced in paragraph (b)(1) of this section. When the emission rate is based on results from manual emission tests or continuous monitoring systems, the procedures specified in Appendix C of this part shall be used to determine whether an increase in emission rate has occurred. Tests shall be conducted under such conditions as the Administrator shall specify to the owner or operator based on representative performance of the facility. At least three valid test runs must be conducted before and at least three after the physical or operational change. All operating parameters which may affect emissions must be held constant to the maximum feasible degree for all test runs.

(c) The addition of an affected facility to a stationary source as an expansion to that source or as a replacement for an existing facility shall not by itself bring within the applicability of this part any other facility within that source.

(d) A modification shall not be deemed to occur if an existing facility undergoes a physical or operational change where the owner or operator demonstrates to the Administrator's satisfaction (by any of the procedures prescribed under paragraph (b) of this section) that the total emission rate of any pollutant has not increased from all facilities within the stationary source to which appropriate reference, equivalent, or alternative methods, as defined in § 60.2 (s), (t) and (u), can be applied. An owner or operator may completely and permanently close any facility within a stationary source to prevent an increase in the total emission rate regardless of whether such reference, equivalent or alternative method can be applied, if the decrease in emission rate from such closure can be adequately determined by any of the procedures prescribed under paragraph (b) of this section. The owner or operator of the source shall have the burden of demonstrating compliance with this section.

(1) Such demonstration shall be in writing and shall include: (i) The name and address of the owner or operator.

(ii) The location of the stationary source.

(iii) A complete description of the existing facility undergoing the physical or operational change resulting in an increase in emission rate, any applicable control system, and the physical or operational change to such facility.

(iv) The emission rates into the atmosphere from the existing facility of each pollutant to which a standard applies determined before and after the physical or operational change takes place, to the extent such information is known or can be predicted.

(v) A complete description of each facility and the control systems, if any, for those facilities within the stationary source where the emission rate of each pollutant in question will be decreased to compensate for the increase in emission rate from the existing facility undergoing the physical or operational change.

(vi) The emission rates into the atmosphere of the pollutants in question from each facility described under paragraph (d)(1)(v) of this section both before and after the improvement or installation of any applicable control system or any physical or operational changes to such facilities to reduce emission rate.

(vii) A complete description of the procedures and methods used to determine the emission rates.

(2) Compliance with paragraph (d) of this section may be demonstrated by the methods listed in paragraph (b) of this section, where appropriate. Decreases in emissions resulting from requirements of a State implementation plan approved or promulgated under Part 52 of this chapter will not be acceptable. The required reduction in emission rate may be accomplished through the installation or improvement of a control system or through physical or operational changes to facilities including reducing the production of a facility or closing a facility.

(3) Emission rates established for the existing facility which is undergoing a physical or operational change resulting in an increase in the emission rate, and established for the facilities described under paragraph (d)(1)(v) of this section shall become the baseline for determining whether such facilities undergo a modification or are in compliance with standards.

(4) Any emission rate in excess of that rate established under paragraph (d)(3) of this section shall be a violation of these regulations except as otherwise provided in paragraph (e) of this section. However, any owner or operator electing to demonstrate compliance under this paragraph (d) must apply to the Administrator to obtain the use of any exemptions under paragraphs (e)(2), (e)(3), and (e)(4) of this section. The Administrator will grant such exemption only if, in his judgment, the compliance originally demonstrated under this paragraph will not be circumvented or nullified by the utilization of the exemption.

(5) The Administrator may require the use of continuous monitoring devices and compliance with necessary reporting procedures for each facility described in paragraph (d)(1)(iii) and (d)(1)(v) of this section.

(e) The following shall not, by themselves, be considered modifications under this part:

(1) Maintenance, repair, and replacement which the Administrator determines to be routine for a source category, subject to the provisions of paragraph (c) of this section and § 60.15.

(2) An increase in production rate of an existing facility, if that increase can be accomplished without a capital expenditure on the stationary source containing that facility.

(3) An increase in the hours of operation.

(4) Use of an alternative fuel or raw material if, prior to the date any standard under this part becomes applicable to that source type, as provided by § 60.1, the existing facility was designed to accommodate that alternative use. A facility shall be considered to be designed to accommodate an alternative fuel or raw material if that use could be accomplished under the facility's construction

V 40 242 DEC 16 75 XUM

specifications, as amended, prior to the change. Conversion to coal required for energy considerations, as specified in section 119(d)(5) of the Act, shall not be considered a modification.

(5) The addition or use of any system or device whose primary function is the reduction of air pollutants, except when an emission control system is removed or is replaced by a system which the Administrator determines to be less environmentally beneficial.

(6) The relocation or change in ownership of an existing facility.

(f) Special provisions set forth under an applicable subpart of this part shall supersede any conflicting provisions of this section.

(g) Within 180 days of the completion of any physical or operational change subject to the control measures specified in paragraphs (a) or (d) of this section, compliance with all applicable standards must be achieved.

§ 60.15 Reconstruction.

(a) An existing facility, upon reconstruction, becomes an affected facility, irrespective of any change in emission rate.

(b) "Reconstruction" means the replacement of components of an existing facility to such an extent that:

(1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, and

(2) It is technologically and economically feasible to meet the applicable standards set forth in this part.

(c) "Fixed capital cost" means the capital needed to provide all the depreciable components.

(d) If an owner or operator of an existing facility proposes to replace components, and the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, he shall notify the Administrator of the proposed replacements. The notice must be postmarked 60 days (or as soon as practicable) before construction of the replacements is commenced and must include the following information:

(1) Name and address of the owner or operator.

(2) The location of the existing facility.

(3) A brief description of the existing facility and the components which are to be replaced.

(4) A description of the existing air pollution control equipment and the proposed air pollution control equipment.

(5) An estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new facility.

(6) The estimated life of the existing facility after the replacements.

(7) A discussion of any economic or technical limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.

(e) The Administrator will determine, within 30 days of the receipt of the notice required by paragraph (d) of this section and any additional information he may reasonably require, whether the proposed replacement constitutes reconstruction.

(f) The Administrator's determination under paragraph (e) shall be based on:

(1) The fixed capital cost of the replacements in comparison to the fixed capital cost that would be required to construct a comparable entirely new facility;

(2) The estimated life of the facility after the replacements compared to the life of a comparable entirely new facility;

(3) The extent to which the components being replaced cause or contribute to the emissions from the facility; and

(4) Any economic or technical limitations on compliance with applicable standards of performance which are inherent in the proposed replacements.

(g) Individual subparts of this part may include specific provisions which refine and delimit the concept of reconstruction set forth in this section.

6. Part 60 is amended by adding Appendix C as follows:

APPENDIX C—DETERMINATION OF EMISSION RATE CHANGE

1. *Introduction.*

1.1 The following method shall be used to determine whether a physical or operational change to an existing facility resulted in an increase in the emission rate to the atmosphere. The method used is the Student's *t* test, commonly used to make inferences from small samples.

2. *Data.*

2.1 Each emission test shall consist of *n* runs (usually three) which produce *n* emission rates. Thus two sets of emission rates are generated, one before and one after the change, the two sets being of equal size.

2.2 When using manual emission tests, except as provided in § 60.8(b) of this part, the reference methods of Appendix A to this part shall be used in accordance with the procedures specified in the applicable subpart both before and after the change to obtain the data.

2.3 When using continuous monitors, the facility shall be operated as if a manual emission test were being performed. Valid data using the averaging time which would be required if a manual emission test were being conducted shall be used.

3. *Procedure.*

3.1 Subscripts a and b denote prechange and postchange respectively.

3.2 Calculate the arithmetic mean emission rate, $\bar{E}$, for each set of data using Equation 1.

$$\bar{E} = \frac{\sum_{i=1}^{n} E_i}{n} = \frac{E_1 + E_2 \ldots + E_n}{n} \quad (1)$$

where:
E_i = Emission rate for the i th run.
n = number of runs

3.3 Calculate the sample variance, S^2, for each set of data using Equation 2.

$$S^2 = \frac{\sum_{i=1}^{n} (E_i - \bar{E})^2}{n-1} = \frac{\sum_{i=1}^{n} E_i^2 - \left(\sum_{i=1}^{n} E_i\right)^2 / n}{n-1} \quad (2)$$

3.4 Calculate the pooled estimate, S_p, using Equation 3.

$$S_p = \left[\frac{(n_a-1)\ S_a^2 + (n_b-1)\ S_b^2}{n_a+n_b-2}\right]^{1/2} \quad (3)$$

3.5 Calculate the test statistic, t, using Equation 4.

$$t = \frac{\bar{E}_b - \bar{E}_a}{S_p\left[\frac{1}{n_a}+\frac{1}{n_b}\right]^{1/2}} \quad (4)$$

4. *Results.*

4.1 If $\bar{E}_b > \bar{E}_a$ and $t > t'$, where t' is the critical value of t obtained from Table 1, then with 95% confidence the difference between $\bar{E}_b$ and $\bar{E}_a$ is significant, and an increase in emission rate to the atmosphere has occurred.

TABLE 1

Degree of freedom (n_a+n_b-2):	t' (95 percent confidence level)
2	2.920
3	2.353
4	2.132
5	2.015
6	1.943
7	1.895
8	1.860

For greater than 8 degrees of freedom, see any standard statistical handbook or text.

5. *Example.*

5.1 Assume the two performance tests produced the following set of data:

	Test a:	Test b
Run 1.	100	115
Run 2.	95	120
Run 3.	110	125

5.2 Using Equation 1—

$$\bar{E}_a = \frac{100+95+110}{3} = 102$$

$$\bar{E}_b = \frac{115+120+125}{3} = 120$$

5.3 Using Equation 2—

$$S_a^2 = \frac{(100-102)^2+(95-102)^2+(110-102)^2}{3-1} = 58.5$$

$$S_b^2 = \frac{(115-120)^2+(120-120)^2+(125-120)^2}{3-1} = 25$$

5.4 Using Equation 3—

$$S_p = \left[\frac{(3-1)\ (58.5)+(3-1)\ (25)}{3+3-2}\right]^{1/2} = 6.46$$

5.5 Using Equation 4—

$$t = \frac{120-102}{6.46\left[\frac{1}{3}+\frac{1}{3}\right]^{1/2}} = 3.412$$

5.6 Since $(n_a+n_b-2)=4$, $t'=2.132$ (from Table 1). Thus since $t > t'$ the difference in the values of $\bar{E}_a$ and $\bar{E}_b$ is significant, and there has been an increase in emission rate to the atmosphere.

6. *Continuous Monitoring Data.*

6.1 Hourly averages from continuous monitoring devices, where available, should be used as data points and the above procedure followed.

(Secs. 111 and 114 of the Clean Air Act, as amended by sec. 4(a) of Pub. L. 91-604, 84 Stat 1678 (42 U.S.C. 1857c-6, 1857c-9))

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243

Vol.40—No.243
12–17–75
PAGES
58421–58621

federal register

WEDNESDAY, DECEMBER 17, 1975

highlights

PART I:

PASSENGER VESSELS
DOT/CG proposes inclusion of women in fire and boat drills; comments by 1–26–76 58457

INFLATABLE LIFERAFTS
DOT/CG incorporates current specification requirements for vessel inspections; effective 1–19–76..... 58453

TEACHER CORPS PROJECTS
HEW/OE proposed funding criteria for fiscal 1976; comments by 1–16–76 58486

VOCATIONAL REHABILITATION
HEW/Human Development Office announces priorities and closing date for receipt of applications for short-term training; closing date 3–5–76 58488

STATE POSTSECONDARY EDUCATION COMMISSION
HEW/OE announces closing date of 1–16–76 for receipt of information concerning establishment 58485

CONTINUED INSIDE

PART II:

TREATMENT WORKS
EPA incorporates policies and procedures governing procurement of professional services under grants for construction; effective 12–17–75; 1–1–76 and 3–1–76... 58601

PART III:

FEDERAL ELECTIONS
FEC issues interim guidelines for January 31, 1976 report of receipts and expenditures..... 58615

PART IV:

OLD OIL ALLOCATION
FEA publishes entitlement notice for October 1975 ... 58619

V40243 DEC 17 75 XUM

EDUCATION PROFESSIONS DEVELOPMENT
HEW/OE proposes regulations governing assistance; comments before 1–15–76; hearing on 1–15–76 58459

PUBLIC EMPLOYEE PROGRAM
Labor/OSHA provides minimum requirements for approved State plans; effective 12–16–75 58450

FEDERAL DISASTER ASSISTANCE
HUD/FDAA precludes credit-worthy FmHA applicants from obtaining grants for items or services eligible under the FmHA Emergency Loan Program; effective 12–17–75 58450

CLEAR CHANNEL BROADCASTING
FCC proposes changes in standard broadcast band; comments by 3–18–76 58467

MODIFIED WHEY PRODUCTS
HEW/FDA requests GRAS affirmation petitions by 2–17–76 to establish safe conditions for use 58485

MEETINGS—
HEW/FDA: Advisory Committees for January, 1–3 through 1–27–76 58479
Commerce: Technical Advisory Board, 1–14 and 1–15–76 58478
DOT/FHA: National Advisory Committee on Uniform Traffic Control Devices, 1–15 through 1–17–76 58489
NHTSA: National Highway Safety Advisory Committee Executive Subcommittee, 1–8 and 1–9–76 58491
NSF: Human Cell Biology Advisory Council, 1–10–76 58513
Federal Agency Scientific and Technical Information Managers', 1–14–76 58513
GSA: Regional Public Advisory Panel on Architectural and Engineering Services, 1–7–76 58513
Labor/Interdepartmental Workers' Compensation Task Force: Conference on Occupational Diseases and Workers' Compensation, 2–10 through 2–12–76 58519

RESCHEDULED MEETING—
CAB: Commuter Airline Association of America, 12–19–75 58491

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5282. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

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contents

AGING ADMINISTRATION
Notices
Meetings:
Utah: Fiscal Year 1976 State Plan 58478

AGRICULTURAL MARKETING SERVICE
Rules
Milk marketing orders:
Quad cities-Dubuque 58447
Oranges, grapefruits, tangerines and tangelos grown in Fla 58446

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules
Tobacco; allotment and marketing quota regulations, 1972–73 and subsequent marketing years 58444

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Soil Conservation Service.
Notices
Organization and functions:
Federal Crop Insurance Corporation; correction 58474

CIVIL AERONAUTICS BOARD
Rules
Military transportation; exemption of air carriers; minimum rates for certain air transportation; correction 58449
Notices
Hearings, etc.:
Commuter Airline Association of America 58491
International Air Transport Association; correction 58491

CIVIL SERVICE COMMISSION
Rules
Excepted service:
Republication of amendments 58421

COAST GUARD
Rules
Lifesaving equipment; inflatable liferafts specifications 58453
Proposed Rules
Passenger vessels; fire and boat drills; inclusion of women 58457

COMMERCE DEPARTMENT
See National Technical Information Service.
Notices
Meetings:
Commerce Technical Advisory Board 58478

COMMODITY CREDIT CORPORATION
Rules
Loans, purchases and other operations; rule of fractions 58448
Notices
Monthly sales list:
FY ending June 30, 1976 58474

CONSUMER PRODUCT SAFETY COMMISSION
Rules
Substantial product hazard notification; amendment and clarifications 58449

CUSTOMS SERVICE
Proposed Rules
Administrative rulings:
Unimog; change in tariff classification 58470
Notices
Countervailing duty petitions:
Cotton and man-made fiber textile products from India 58472

DRUG ENFORCEMENT ADMINISTRATION
Notices
Applications, etc.; controlled substances:
Abbott Laboratories 58473

EDUCATION OFFICE
Proposed Rules
Education profession development; mandatory requirements for programs 58459
Notices
Applications and proposals, closing dates:
State Postsecondary Education Commissions 58485
Selection criteria for applications:
Teacher Corps Projects 58486

ENVIRONMENTAL PROTECTION AGENCY
Rules
Grants, procurement for construction of treatment works 58601

FEDERAL COMMUNICATIONS COMMISSION
Rules
Industrial radio services:
Petroleum geophysical operations frequencies 58455
Proposed Rules
Television broadcast stations:
Clear channel broadcasting in standard broadcast band 58467
Notices
Canadian broadcasting stations; table notification list (3 documents) 58492, 58493
Hearings, etc.:
American Telephone and Telegraph Co 58491
CBS Inc., et al 58493
MCI Telecommunications Corp 58496

FEDERAL DISASTER ASSISTANCE ADMINISTRATION
Rules
Federal disaster assistance:
Individual and family grants; national eligibility criteria 58450

FEDERAL ELECTION COMMISSION
Notices
Annual report of receipts and expenditures, January 31st report; interim guideline 58615

FEDERAL ENERGY ADMINISTRATION
Notices
Old oil allocation program; 1975; entitlement notices:
October 58619

FEDERAL HIGHWAY ADMINISTRATION
Notices
Meetings:
Uniform Traffic Control Devices, National Advisory Committee on 58489

FEDERAL MARITIME COMMISSION
Notices
Agreements filed:
Puerto Rico Maritime Shipping Authority and Puerto Rico Ports Authority 58497
Oil pollution; certificates of financial responsibility 58496

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Algonquin Gas Transmission Co. (2 documents) 58497, 58498
Arkansas Louisiana Gas Co 58499
Chattanooga Gas Co 58499
Columbia Gas Transmission Corp 58499
Consolidated Gas Supply Corp. 58500
Groom, Peter R 58504
Gulf States Utilities Co 58500
Hamer, Allan K 58498
Inland Gas Co., Inc 58500
Maine Public Service Co 58501
Metropolitan Edison Co 58501
Mountain Fuel Supply Co 58502
National Fuel Gas Supply Corp. 58502
Northern Natural Gas Co. (2 documents) 58503
Oklahoma Natural Gas Gathering Corp 58503
Pacific Gas and Electric Co 58503
Pacific Power and Light Co 58504
Patterson, Francis I 58500
Public Service Company of New Hampshire 58504
Royal International Petroleum Corp 58505
Sierra Pacific Power Co 58505
Southern Louisiana Area rate proceeding, et al 58498
Southern Natural Gas Co 58507
Southwestern Electric Power Co 58507
Tennessee Gas Pipeline Co 58507
Texaco, Inc 58508
Texas Gas Transmission Corp. and United Gas Pipe Line Co. 58509
Transcontinental Gas Pipe Line Corp. (4 documents) 58509, 59510, 58512
Transcontinental Gas Pipe Line Corp. and Texas Gas Transmission Corp 58511
Trunkline Gas Co 58511
Wisconsin Power and Light Co. 58511
Wisconsin Public Service Corp. 58511
National Gas Survey Curtailment Strategies-Technical Advisory Committee; new member 58502

V40I243 DEC 17 75 XUM

FEDERAL RESERVE SYSTEM
Notices
Applications, etc.:
Capco Corp. 58512
Citizens Bancorp 58512
Hawkeye Bancorporation 58513
Republic of Texas Corp 58513
South Dakota Bancshares, Inc. 58513

FISCAL SERVICE
Notices
Surety companies acceptable on Federal bonds:
Central Mutual Insurance Co. 58472
National-Ben Franklin Insurance Co 58472
Winterthur Swiss Insurance Co. 58472

FOOD AND DRUG ADMINISTRATION
Notices
Early education for handicapped children; extension of closing date applications; correction 58485
Food additives; petitions filed or withdrawn:
Alta Lipids Ltd 58484
Safety of certain food ingredients; modified whey products 58485
Meetings:
Advisory committees; panels, etc 58479

GENERAL SERVICES ADMINISTRATION
Notices
Meetings:
Architectural Regional Public Advisory Panel and Engineering Services 58513

GEOLOGICAL SURVEY
Notices
Geothermal resource areas, operations, etc.:
Nevada 58473
Oil shale land classification:
Colorado 58473

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Aging Administration; Education Office; Food and Drug Administration; Human Development Office.
Notices
Reorganization and function:
Office of Investigations 58489

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Federal Disaster Assistance Administration.

HUMAN DEVELOPMENT OFFICE
Notices
Applications, etc.:
Short-term training in vocational rehabilitation; closing date 58488

IMMIGRATION AND NATURALIZATION SERVICE
Rules
Organization and functions; miscellaneous amendments 58448

INTERDEPARTMENTAL WORKERS' COMPENSATION TASK FORCE
Notices
Meetings:
Occupational Diseases and Workers' Compensation, Conference on 58519

INTERIOR DEPARTMENT
See also Geological Survey; Land Management Bureau.
Notices
Environmental statements; availability, etc.:
Grand Canyon Complex, Arizona 58473
Pinnacles National Monument, California 58473

INTERNAL REVENUE SERVICE
Proposed Rules
Income tax:
Minimum vesting standards; comment period extension 58471

INTERSTATE COMMERCE COMMISSION
Notices
Fourth section applications for relief 58521
Hearing assignments 58520
Motor carriers:
Alternate route deviation 58533
Applications and certain other proceedings 58534
Intrastate applications 58520
Irregular route motor common carriers; gateway elimination 58521
Temporary authority terminations 58539
Rerouting of traffic:
Association of American Railroads 58520
Rogers Transfer, Inc.; petition for interpretation of authority 58539

JUSTICE DEPARTMENT
See Drug Enforcement Administration; Immigration and Naturalization Service.

LABOR DEPARTMENT
See Interdepartmental Workers' Compensation Task Force; Occupational Safety and Health Administration.
Notices
Adjustment assistance:
Conso Products Co., Pa. 58519

LAND MANAGEMENT BUREAU
Rules
Public land orders:
Alaska 58453

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Notices
Meetings:
National Highway Safety Advisory Committee 58491
Motor vehicle safety standards; temporary exemption petitions:
Lafer Automotive of Brazil 58490

NATIONAL SCIENCE FOUNDATION
Notices
Meetings:
Federal Agency Scientific and Technical Information Managers 58513
Human Cell Biology Advisory Panel 58513

NATIONAL TECHNICAL INFORMATION SERVICE
Notices
Inventions, government-owned; availability for licensing (4 documents) 58475–58477

NUCLEAR REGULATORY COMMISSION
Notices
Applications, etc.:
Carolina Power & Light Co. 58514
Dairyland Power Cooperative 58514
Duke Power Co. 58516
Florida Power and Light Co. (2 documents) 58516
General Atomic Co. 58516
Gulf States Utilities Co. 58517
Illinois Power Co. 58517
Jersey Central Power & Light Co. (2 documents) 58517, 58518
Northern States Power Co. 58518
Portland General Electric Co. et al 58519
Public Service Electric and Gas Co. 58518
Puerto Rico Water Resources Authority 58519
Virginia Electric & Power Co. 58519

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Rules
State plans for enforcement of standards:
Requirements for public employee programs 58450
Proposed Rules
Health and safety standards; extension of comment period:
Asbestos 58457
Beryllium 58458
Trichloroethylene 58458

SOCIAL AND REHABILITATION SERVICE
Rules
Financial assistance programs, coverage and conditions of eligibility; correction 58453

SOIL CONSERVATION SERVICE
Notices
Environmental statements on watershed projects; availability, etc.:
Choctaw Bayou Watershed Project, Louisiana 58474
Middle Walnut Watershed Project, Kansas 58474
Mud Creek Watershed Project, Alabama 58475

STATE DEPARTMENT
Rules
Procurement by formal advertising and by negotiation 58452

TRANSPORTATION DEPARTMENT
See Coast Guard; Federal Highway Administration; National Highway Traffic Safety Administration.

Rules
Relocation assistance and land acquisition under Federal and federally-assisted programs 58455

TREASURY DEPARTMENT
See also Customs Service; Fiscal Service; Internal Revenue Service.

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR
EXECUTIVE ORDERS:
6827 (Amended by PLO 5559) 58453

5 CFR
213 58421

7 CFR
724 58444
905 58446
1063 58447
1405 58448

8 CFR
100 58448
103 58448
238 58448
316a 58448

14 CFR
288 58449

16 CFR
1115 58449

19 CFR
PROPOSED RULES:
177 58470

24 CFR
2205 58450

26 CFR
PROPOSED RULES:
1 58471

29 CFR
1952 58450
PROPOSED RULES:
1910 (3 documents) 58457, 58458

40 CFR
35 58602

41 CFR
6–1 58452
6–2 58453
6–3 58453

43 CFR
PUBLIC LAND ORDERS:
5559 58453

45 CFR
223 58459
PROPOSED RULES:
100a 58459
100c 58459
174 58454

46 CFR
33 58454
75 58454
78 58454
94 58454
97 58454
167 58454
176 58454
192 58455
PROPOSED RULES:
78 58457

47 CFR
91 58455
PROPOSED RULES:
73 58467

49 CFR
25 58455

V 40 243 DEC 17 75 XUM

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

1 CFR

Chapter I 55633
425 56651

3 CFR

EXECUTIVE ORDERS:

6827 (Amended by PLO 5559) 58453
8278 (Revoked in part by PLO 5550) 56667
10422 (Amended by EO 11890) 57775
11890 57775
11891 58279

4 CFR

412 58281

5 CFR

213 ..... 56651, 57202, 57351, 57461, 57777, 58127, 58421
890 55829
736 56651

7 CFR

1 58281
2 ..... 56421, 56669, 58127
16 55829
25 57205
25A 57205
52 57206
245 ..... 57206, 57777, 58281
271 ..... 55646, 57434–57438
722 55656
725 55656
726 56421
729 55658
724 58444
905 ..... 57641, 58446
907 ..... 56670, 57641, 58127
910 57777
912 57641
959 57209
982 55829
984 57351
1063 58447
1405 58448
1421 56423
1464 ..... 57209, 57777
1842 57643
1865 57642
1980 57643

PROPOSED RULES:

622 56457
724 57809
726 57810
916 57221
928 57221
932 56457
999 57368
1060 56674
1063 56674
1822 58151

8 CFR

100 58448
103 58448

8 CFR—Continued

238 58448
316a 58448

9 CFR

78 58281
113 57806
331 ..... 57807, 57808
381 ..... 57807, 57808

PROPOSED RULES:

91 56675

10 CFR

212 57439

RULINGS:

1975–18 55860

12 CFR

7 56883
217 57663
225 55634
226 55634
265 55635
303 58128
327 57209
329 ..... 57664, 57778
522 57442
526 57665
545 ..... 57665, 57781
555 57781
563 57665
571 57783

PROPOSED RULES:

556 57690
571 57690

13 CFR

117 57351

PROPOSED RULES:

120 57602
121 ..... 55860, 55868

14 CFR

39 ..... 55635–55637, 56652, 56883, 57352, 57353, 57444, 57665, 57666, 57783–57785, 58128–58130, 58284
71 ..... 55638, 55829, 56423, 56424, 56652, 56884, 57203, 57204, 57353, 57354, 57444, 57666, 57785, 57786, 58131, 58284
75 ..... 55830, 56884
97 ..... 57204, 57666
103 57667
121 57444
123 57444
135 57444
288 ..... 56652, 58449

PROPOSED RULES:

37 57222
39 57811
63 57342
71 ..... 55664, 55665, 55866, 56919, 57368, 57369
91 57342

14 CFR—Continued

PROPOSED RULES—Continued

103 57688
105 57342
121 57342
123 57342
129 57342
135 57342
137 57342
145 57342
147 57342
241 57462
253 55665
378 57462
399 55665

15 CFR

379 56424
950 56653

16 CFR

13 ..... 56655–56658, 57195–57201, 57445–57447, 57668, 58286, 58287
302 56659
433 58131
1115 58449
1512 57449
1602 56885

17 CFR

200 ..... 57449, 58131
210 ..... 55830, 55835
239 55836
240 ..... 55837, 57355, 57357, 57449, 57786
241 57786
249 55837
275 57795

PROPOSED RULES:

12 55666
239 58155
240 ..... 57463, 58154, 58155
249 ..... 58154, 58155

18 CFR

2 56886
35 56424
141 57450

19 CFR

4 55837
141 57796
159 ..... 55638, 55639
201 55838

PROPOSED RULES:

141 56674
142 ..... 56674, 58150
143 56674
158 58150
159 56674
177 58470
201 56936

20 CFR

405 56659
410 56886
618 57766

PROPOSED RULES:

405 56458
625 56931

21 CFR

1 ..... 57451, 57453
3 57451
4 55838
7 55838
37 57454
121 ..... 56907, 57209
123 ..... 56425, 58287
369 58288
430 57796
436 57797
440 57798
444 57798
529 57454
540 55849
546 57455
556 ..... 57454, 58289
558 ..... 57668, 57798, 58132, 58289
561 56425
600 57688
640 55849
1308 58132
1316 57210

PROPOSED RULES:

1 57811
10 57811
27 57811
51 57811
53 57811
102 57688
310 ..... 55869, 56675, 57811
330 ..... 56675, 57811
338 57292
339 57292
340 57292
600 57688
610 57688
640 57688
660 57688
1000 58151

22 CFR

602 56661

23 CFR

230 57358
450 57799
630 ..... 55639, 57799
712 55643

PROPOSED RULES:

750 58312

24 CFR

205 58133
207 58133
213 58134
220 58134
221 58134
232 58134
235 58134
236 58134
242 58134
244 58134
1710 56907
1912 57210
1914 ..... 56670, 57803
1915 ..... 56672, 56910
1916 56426
1917 ..... 56426, 57668
1920 ..... 56427–56429, 57669, 57670
2205 58450

24 CFR—Continued

PROPOSED RULES:

1710 56919
1917 56459

25 CFR

233 58135

PROPOSED RULES:

178 57694

26 CFR

1 ..... 55849, 58136
301 55849

PROPOSED RULES:

1 ..... 56448, 57364, 57462, 58471

27 CFR

6 56856
194 56887

28 CFR

PROPOSED RULES:

19 56453
42 56454

29 CFR

602 58138
603 58138
608 58139
609 58140
610 58140
611 58140
612 58141
614 58141
615 58142
687 58143
1902 ..... 55857, 58143
1952 ..... 57455, 58450
1953 57804
2602 57457

PROPOSED RULES:

40 57332
1910 ..... 55866, 55867, 58457, 58458
2610 57982
2611 57980

32 CFR

577 58290
650 55962

33 CFR

Ch. I 58143
117 56429
128 56430
207 57358

PROPOSED RULES:

117 57222

34 CFR

PROPOSED RULES:

Ch. I 56459

35 CFR

5 ..... 58290, 58292

36 CFR

7 56888

PROPOSED RULES:

2 57694

37 CFR

1 57358

37 CFR—Continued

2 37358

38 CFR

1 56433
3 ..... 56434, 57459
17 57805

PROPOSED RULES:

3 56936

39 CFR

Ch. I 57670
42 57212
43 57212
44 57212
45 57212
47 57212
111 ..... 57212, 57670

PROPOSED RULES:

111 57223

40 CFR

35 58602
52 ..... 56888–56890, 57359
60 58416
149 58292
180 ..... 55857, 57215, 58294
407 57216
408 55770
414 ..... 56435, 56436

PROPOSED RULES:

6 55868
51 58317
52 ..... 58317, 58319
85 56932
124 56932
125 56932
180 58321
407 57223

41 CFR

6–1 56452
6–2 58453
6–3 58453
14–1 ..... 57670, 57671
50–201 57805
101–26 57216
105–61 56892
114–43 55857
114–60 55858

42 CFR

57 56674

PROPOSED RULES:

2a 56692

43 CFR

2 57671
20 58295

PUBLIC LAND ORDERS:

17 (Revoked in part by PLO 5553) 58144
1245 (Revoked in part by PLO 5552) 58144
2789 (Revoked by PLO 5551) 58144
5169 (Amended by PLO 5556) 58146
5170 (Amended by PLO 5557) 58146
5176 (Amended by PLO 5555) 58145
5179 (Amended by PLO 5556) 58146
5184 (Amended by PLO 5550) 56667
5187 (Revoked in part by PLO 5550) 56667
5353 (Revoked in part by PLO's 5551, 5552, 5553) 58144

V 40 243 DEC 17 75 XUM

43 CFR—Continued

5396 (Amended by PLO 5556)	58146
5550	56667
5551	58144
5552	58144
5553	58144
5554	58145
5555	58145
5556	58146
5557	58146
5559	58453

PROPOSED RULES:

2600	57364

45 CFR

102	57760
160c	57926
223	58453
233	57359
302	57672
1013	55859
1222	57217

PROPOSED RULES:

100a	58459
100c	58459
115	57042
155	58400
157	58405
159	58409
160d	55659
162	56678
174	58459

46 CFR

4	58306
5	57672, 58306
12	57673
14	58306

46 CFR—Continued

33	58454
42	57218
75	58454
78	58454
94	58454
97	58454
142	58454
167	58454
176	58454
192	58455
310	55643
401	57673
551	58146

PROPOSED RULES:

Ch. I	57688
10	55663
78	58457
503	58154

47 CFR

0	57359, 58306
1	55644
2	57674
73	55644, 57360, 58147
76	57361
81	57675
83	57675
87	57675
89	58147
91	57682, 57684, 58306, 58455
93	58147
95	58148
97	58148

PROPOSED RULES:

73	58467
76	55868
81	58322
83	58322

47 CFR—Continued

PROPOSED RULES—Continued

89	57369
91	57369

49 CFR

10	57361
25	58455
103	57687, 58307
107	56442
174	57433
310	55645
571	56667, 56898, 57687
575	57806
1010	56668
1033	55860, 56443, 56444, 56898, 57433
1125	57639

PROPOSED RULES:

393	57369
557	56926
567	55665
568	55665
571	55665, 56920, 56928, 57690, 58152, 58153
579	56930
1108	57465

50 CFR

17	58307
28	56444, 56445, 56669, 57218, 57220, 57459–57461, 58148
33	55860, 56446, 57363, 58149
216	56899
280	57461

PROPOSED RULES:

17	57221, 58308
510	55679, 57812
520	57692

FEDERAL REGISTER PAGES AND DATES—DECEMBER

Pages	*Date*
55633–55828	1
55829–56420	2
56421–56649	3
56651–56882	4
56883–57193	5
57195–57349	8
57351–57432	9
57433–57639	10
57641–57773	11
57775–58126	12
58127–58278	15
58279–58420	16
58421–58621	17

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

EPA—Standards of performance for new stationary sources; State plans for control of certain pollutants from existing facilities 53340 11–17–75

NRC—Licensing of source material; special nuclear material; effluent monitoring and reporting requirements ... 53230; 11–17–75

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Farmers Home Administration—
Receiving and processing applications; use of social security numbers; comments by 12–24–75. 54429; 11–24–75

CIVIL AERONAUTICS BOARD

Domestic load-factor standards; general policy; comments by 12–26–75. 54812; 11–26–75

Policy statements; commissions and other compensation; comments by 12–22–75..... 54010; 11–20–75

COMMODITY FUTURES TRADING COMMISSION

Arbitration or other dispute settlement procedures; comments by 12–22–75. 54430; 11–24–75

ENVIRONMENTAL PROTECTION AGENCY

Air pollution, emission regulations for new motorcycles; comments by 12–22–75..... 49496; 10–22–75

Clean air implementation plans, Oregon; (2 documents) comments by 12–22–75 ..... 54012; 11–20–75

District of Columbia; implementation plan; revision; comments by 12–24–75..... 54436; 11–24–75

Stage II gasoline vapor recovery; comments by 12–29–75..... 54436; 11–24–75

First published at.. 47668; 10–9–75

Sulfur oxide control; Arizona implementation plan; comments by 12–22–75. 49362; 10–22–75

FEDERAL COMMUNICATION COMMISSION

Adjudicatory re-regulation; comments by 12–22–75..... 54436; 11–24–75

FEDERAL ELECTION COMMISSION

Advisory opinion procedure; comments by 12–24–75..... 54547; 11–24–75

FEDERAL RESERVE SYSTEM

Bank holding companies; proposal considering whether automobile leasing should continue to be permissible activity; comments by 12–22–75. 53272; 11–17–75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—
Consumer Education Program; grants and contracts; comments by 12–26–75 ..... 54805; 11–26–75

Handicapped children; assistance to states for education; comments by 12–26–75..... 54804; 11–26–75

Food and Drug Administration—
Over-the-counter drugs; testing of category III active ingredients; comments by 11–22–75. 49097; 10–21–75

Social Security Administration—
Supplemental security income for the aged, blind, and disabled; unearned income; comments by 12–22–75. 54005; 11–20–75

Office of the Secretary—
U.S. Exchange Visitor Program, request for waiver of two-year foreign resident requirements; comments by 12–26–75..... 52407; 11–10–75

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Equal employment opportunity; policy and procedures; comments by 12–26–75..... 54550; 11–24–75

Assistant Secretary for Housing Production and Mortgage Credit Office—
Loans for housing for the elderly and the handicapped; comments by 12–26–75..... 54734; 11–25–75

INTERIOR DEPARTMENT

Land Management Bureau—
Oil and gas leasing activities; bond requirements; comments by 12–26–75..... 54585; 11–25–75

National Park Service—
Shenandoah National Park; camping regulations; comments by 12–24–75..... 54428; 11–24–75

INTERSTATE COMMERCE COMMISSION

Operating authority and rules of practice; revision of application forms; comments by 12–22–75. 52058; 11–7–75

Revised content requirements and page limitations for petitions for reconsideration; comments by 12–23–75..... 52417; 11–10–75

LABOR DEPARTMENT

Federal Contract Compliance Office—
Affirmative action plan; Federally involved construction contractors; comments extended to 12–22–75. 54005; 11–20–75

First published at 41149; 9–5–75

TRANSPORTATION DEPARTMENT

Coast Guard—
Requirements for deepwater port site evaluation; comments 12–26–75. 52581; 11–10–75

Federal Aviation Administration—
Airworthiness directives; Douglas Model DC–10 Series Airplanes; comments by 12–22–75. 53406; 11–18–75

Hugo, Colorado; transition area alteration; comments by 12–24–75. 54429; 11–24–75

Parker, California; airway alteration; comments by 12–24–75. 54429; 11–24–75

Transition area; Crownpoint, N. Mex.; comments by 12–22–75. 54007; 11–20–75

Transition area; Downingtown, Pa.; comments by 12–22–75. 54006; 11–20–75

Vehicle size and weight enforcement; certification; comments by 12–31–75..... 54812; 11–26–75

TREASURY DEPARTMENT

Customs Service—
Customs Form 7502, Warehouse or Rewarehouse Entry, be executed in triplicate requirement; comments by 12–26–75.... 54575; 11–25–75

Merchandise, special classes; importation; motor vehicles and equipment; comments by 12–22–75. 54002; 11–20–75

Internal Revenue Service—
Change in corporate tax rates and increase in corporate surtax exemption; comments by 12–26–75. 54582; 11–25–75

Refund of 1974 individual income taxes and tax credit for certain personal exemptions; comments by 12–26–75..... 54583; 11–25–75

Next Week's Meetings

CIVIL SERVICE COMMISSION

Federal Employees Pay Council; to be held in Washington, D.C. (closed); 12–24–75..... 56715; 12–4–75

Next Week's Public Hearings

CIVIL AERONAUTICS BOARD

Laker Air Travel Ltd., to be held at Washington, D.C.; 12–22–75. 52433; 11–10–75

List of Public Laws

S. 267..... Pub. Law 94–146
An act to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado
(Dec. 12, 1975; 89 Stat. 802)

S. 1245..... Pub. Law 94–147
An act to amend section 218 of title 23, United States Code
(Dec. 12, 1975; 89 Stat. 803)

H.R. 9915..... Pub. Law 94–149
An act to make teachnical amendments to the Federal Rules of Evidence, the Federal Rules of Criminal Procedure, and to related provisions of titles 18 and 28 of the United States Code
(Dec. 12, 1975; 89 Stat. 805)

H.R. 10027..... Pub. Law 94–148
An act to authorize the Secretary of Agriculture to enter into cooperative agreements which benefit certain Forest Service programs and to advance or reimburse funds to cooperators for work performed, and for other purposes
(Dec. 12, 1975; 89 Stat. 804)

V 40 243 DEC 17 75 D XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Due to the large number of amendments which have been published to Part 213 of Title 5 of the Code of Federal Regulations, it has been determined that a republication without change would serve to set forth all published amendments in one codified statement. There is no substantive change in the provisions of this part. It is merely republished for the convenience of the users of the Federal Register and the Code of Federal Regulations. Therefore, Part 213 is revised to read as follows.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

PART 213—EXCEPTED SERVICE

Subpart A—General Provisions

Sec.
213.101 Definitions.
213.102 Identification of positions in Schedule A, B, or C.

Subpart B—[Reserved]

Subpart C—Excepted Schedules

SCHEDULE A

Sec.
213.3101 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.
213.3102 Entire executive civil service.
213.3103 Executive Office of the President.
213.3104 Department of State.
213.3105 Department of the Treasury.
213.3106 Department of Defense.
213.3107 Department of the Army.
213.3108 Department of the Navy.
213.3109 Department of the Air Force.
213.3110 Department of Justice.
213.3112 Department of the Interior.
213.3113 Department of Agriculture.
213.3114 Department of Commerce.
213.3115 Department of Labor.
213.3116 Department of Health, Education, and Welfare.
213.3118 Environmental Protection Agency.
213.3121 National Security Council.
213.3123 Cabinet Committee on Opportunities for Spanish-Speaking People.
213.3124 Board of Governors, Federal Reserve System.
213.3127 Veterans Administration.
213.3128 U.S. Information Agency.
213.3129 Federal Power Commission.
213.3130 Securities and Exchange Commission.
213.3132 Small Business Administration.
213.3133 Federal Deposit Insurance Corporation.
213.3135 National Capital Housing Authority.
213.3136 U.S. Soldiers' and Airmen's Home.
213.3137 General Services Administration.
213.3138 [Reserved]
213.3139 U.S. International Trade Commission.
213.3141 National Labor Relations Board.
213.3142 Export-Import Bank of the United States.
213.3143 Farm Credit Administration.
213.3146 Selective Service System.
213.3147 Federal Mediation and Conciliation Service.
213.3148 National Aeronautics and Space Administration.
213.3149 Panama Canal Company.
213.3152 U.S. Government Printing Office.
213.3153 Government of the District of Columbia.
213.3154 Federal Home Loan Bank Board.
213.3156 Commission on Civil Rights.
213.3157 National Credit Union Administration.
213.3158 Franklin Delano Roosevelt Memorial Commission.
213.3161 James Madison Memorial Commission.
213.3162 National Aeronautics and Space Council.
213.3165 President's Advisory Committee on Labor-Management Policy.
213.3170 Civil Service Commission.
213.3172 [Reserved]
213.3178 [Reserved]
213.3182 National Foundation on the Arts and the Humanities.
213.3184 [Reserved]
213.3187 District of Columbia Redevelopment Land Agency.
213.3190 [Reserved]
213.3194 Department of Transportation.
213.3195 President's Temporary Commission on Pennsylvania Avenue.
213.3199 Temporary boards and commissions.

SCHEDULE B

213.3201 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.
213.3202 Entire executive civil service.
213.3203 [Reserved]
213.3204 Department of State.
213.3205 Department of the Treasury.
213.3206 Department of Defense.
213.3209 Department of the Air Force.
213.3210 Department of Justice.
213.3212 Department of the Interior.
213.3214 Department of Commerce.
213.3215 Department of Labor.
213.3216 Department of Health, Education, and Welfare.
213.3228 U.S. Information Agency.
213.3229 Federal Power Commission.
213.3242 Export-Import Bank of the United States.
213.3246 Selective Service System.
213.3253 Government of the District of Columbia.
213.3259 ACTION.
213.3268 Agency for International Development.
213.3272 Administrative Office of the U.S. Courts.
213.3273 Community Services Administration.
213.3276 Appalachian Regional Commission.

SCHEDULE C

213.3301 Positions of a confidential or policy-determining character.
213.3301a Special revocation of exceptions.
213.3301b Revocation of exceptions.
213.3303 Executive Office of the President.
213.3304 Department of State.
213.3305 Department of the Treasury.
213.3306 Department of Defense.
213.3307 Department of the Army.
213.3308 Department of the Navy.
213.3309 Department of the Air Force.
213.3310 Department of Justice.
213.3312 Department of the Interior.
213.3313 Department of Agriculture.
213.3314 Department of Commerce.
213.3315 Department of Labor.
213.3316 Department of Health, Education, and Welfare.
213.3317 Overseas Private Investment Corporation.
213.3318 Environmental Protection Agency.
213.3319 Administrative Conference of the United States.
213.3320 Inter-American Foundation.
213.3322 Interstate Commerce Commission.
213.3325 The Tax Court of the United States.
213.3326 [Reserved]
213.3327 Veterans Administration.
213.3328 U.S. Information Agency.
213.3329 Federal Power Commission.
213.3330 Securities and Exchange Commission.
213.3331 [Reserved]
213.3332 Small Business Administration.
213.3333 Federal Deposit Insurance Corporation.
213.3334 Federal Trade Commission.
213.3337 General Services Administration.
213.3338 Federal Communications Commission.
213.3339 U.S. International Trade Commission.
213.3340 Civil Aeronautics Board.
213.3341 National Labor Relations Board.
213.3342 Export-Import Bank of the United States.
213.3343 Farm Credit Administration.
213.3344 Occupational Safety and Health Review Commission.
213.3345 Indian Claims Commission.
213.3346 Selective Service System.
213.3348 National Aeronautics and Space Administration.
213.3349 Panama Canal Company.
213.3350 Foreign Claims Settlement Commission of the United States.
213.3351 [Reserved]
213.3354 Federal Home Loan Bank Board.
213.3355 The Renegotiation Board.
213.3356 Commission on Civil Rights.
213.3357 National Credit Union Administration.
213.3359 ACTION.
213.3360 Consumer Product Safety Commission.
213.3364 U.S. Arms Control and Disarmament Agency.
213.3366 Federal Maritime Commission.
213.3368 Agency for International Development.

V 40 243 DEC 17 75 XUM

213.3372 [Reserved]
213.3373 Community Services Administration.
213.3374 [Reserved]
213.3376 Appalachian Regional Commission.
213.3377 Equal Employment Opportunity Commission.
213.3379 Commodity Futures Trading Commission.
213.3382 National Foundation on the Arts and the Humanities.
213.3384 Department of Housing and Urban Development.
213.3386 Regional Commissions, Public Works and Economic Development Act of 1965.
213.3388 Federal Energy Administration.
213.3394 Department of Transportation.
213.3399 Temporary Boards and Commissions.

AUTHORITY: 5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp. p. 218.

Subpart A—General Provisions

§ 213.101 Definitions.

In this chapter:

(a) Excepted service has the meaning given that term by section 2103 of title 5, United States Code, and includes all positions in the executive branch of the Federal Government which are specifically excepted from the competitive service by or pursuant to statute, by the President, or by the Commission under § 6.1 or § 9.20 of the civil service rules (Subchapter A of this chapter).

(b) "Excepted position" means a position in the excepted service.

§ 213.102 Identification of positions in Schedule A, B, or C.

The Commission shall decide whether the duties of any particular position are such that it may be filled as an excepted position under Schedule A, B, or C.

Subpart B—[Reserved]

Subpart C—Excepted Schedules

SCHEDULE A

§ 213.3101 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.

(a) The positions enumerated in §§ 213.3102 to 213.3199 are positions other than those of a confidential or policy-determining character for which it is not practicable to examine and which are excepted from the competitive service and constitute Schedule A.

(b) An agency (including a military department) may not appoint the son or daughter of a civilian employee of that agency, or the son or daughter of a member of its uniformed service, to a position listed in Schedule A for summer or student employment within the United States. This prohibition does not apply to the appointment of persons (1) who are eligible for placement assistance under the Commission's Displaced Employee (DE) Program, (2) who are employed to meet urgent needs resulting from an emergency posing an immediate threat to life or property, or (3) who are members of families which are eligible to receive financial assistance under a public welfare program or the total income of which in relation to family size does not exceed limits established by the Commission and published in the Federal Personnel Manual.

(c) An agency may appoint for summer employment within the United States in positions listed in Schedule A only in accordance with the terms of the Commission's summer employment program. This restriction does not apply to positions that are excepted only when filled by particular types of individuals.

(d) In this section "summer employment" means any employment beginning after May 12 which will end before October 1 of the same year. "Student employment" means the employment of persons who are enrolled or who have been accepted for enrollment, on a substantially full-time basis, as resident students of a secondary school or of an institution of higher learning; a resident student, for this purpose, is a student in actual physical attendance at a school as distinguished from a correspondence student.

§ 213.3102 Entire executive civil service.

(a) Positions of Chaplain and Chaplain's Assistant.

(b) Cooks, except at fixed locations such as hospitals, quarantine stations, and penal institutions.

(c) Positions to which appointments are made by the President without confirmation by the Senate.

(d) Attorneys.

(e) Law clerk trainee positions. Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed 14 months pending admission to the bar. No person shall be given more than one appointment under this paragraph. However, an appointment which was initially made for less than 14 months may be extended for not to exceed 14 months in total duration.

(f) Chinese, Japanese, and Hindu interpreters.

(g) Any position the duties of which are part-time or intermittent in which the appointee will receive compensation during his service year that aggregates not more than 40 percent of the annual salary rate for the first step of GS–3. This limitation on compensation includes any premium pay such as for overtime, night, Sunday, or holiday work. It does not, however, include any mandatory within-grade salary increases to which the employee becomes entitled subsequent to appointment under this authority. Appointments under this authority shall not be for job employment. In the metropolitan area of Washington, D.C., appointments under this authority shall be subject to the prior approval of the Commission.

(h) Subject to prior approval by the Commission, positions in Federal mental institutions when filled by persons who have been patients of such institutions and been discharged and are certified by the medical head thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(i) Subject to prior approval of the Commission, positions requiring temporary, part-time, or intermittent employment in wage board type occupations (i.e., position excluded from Classification Act coverage by section 202(7) of the Act) on construction or repair work, where the activity is carried on in localities where examination coverage for the positions has not been provided and where because of employment conditions there is a shortage of available candidates for the positions. Appointments under this paragraph shall not extend beyond 1 year, and the employment thereunder shall not exceed 180 working days a year. Seasonal employments of a recurring nature are not authorized under this paragraph.

(j) Subject to approval of the Director of Selective Service, positions for which in the opinion of the Commission a local recruiting shortage exists when filled by individuals performing reconciliation service pursuant to Presidential Proclamation No. 4313 of September 16, 1974. Initial appointments under this authority may not exceed 1 year, and an initial appointment may be extended for one or more periods to a total of not to exceed 1 year. Such appointment may be further extended for one or more periods not to exceed 1 additional year. No person may serve under this authority longer than 2 years. No new appointments may be made under this authority after June 30, 1977.

(k) Positions without compensation provided appointments thereto meet the requirements of applicable laws relating to compensation.

(l) Positions requiring the temporary or intermittent employment of professional, scientific, or technical experts for consultation purposes.

(m) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) in field establishments outside central office and regional office cities of the Commission where examination coverage has not been provided for the positions, as follows:

(1) For temporary, intermittent, or seasonal employment (exclusive of positions covered by paragraph (l) of this section) not to exceed 180 working days a year in the Departments of Agriculture, Commerce, and Interior, in the Federal Aviation Agency, and in the International Boundary and Water Commission; or

(2) When it is specifically held by the Commission that this authority is applicable, for employment in localities that are isolated with respect to labor supply and where there is a shortage of available candidates for the positions.

(n) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(o) Positions of a scientific, professional, or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employments under this provision shall not exceed 130 working days a year.

(p) Positions of a scientific, professional, or analytical nature when filled by bona fide graduate students at accredited colleges or universities provided that the work performed for the agency is to be used by the student as a basis for completing certain academic requirements toward a graduate degree. Employments under this provision may be continued only so long as the foregoing conditions are met, and the total period of such employment shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(q) Postions at grade GS–7 and below when appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be: (1) Bona fide high school science or mathematics teachers or (2) bona fide students at high schools or accredited colleges or universities who are pursuing courses related to the field in which employed. No person shall be employed under this provision in (i) positions of a routine clerical type or (ii) in excess of 1040 working hours a year; except that the 1040 working-hours-a-year limitation shall not apply to positions at grade GS–4 and below which are established in connection with associate degree cooperative education programs. Students enrolled in bachelor's degree cooperative education programs as defined in § 213.3202(a) of this Part shall not be employed under this provision. Appointments under this authority may be made only to positions for which qualification standards established under Part 302 of this chapter are consistent with the education and experience standards established for comparable positions in the competitive service.

(r) All positions of a project nature when filled by individuals the salaries of whom are paid out of (1) funds allocated by the President under authority of Pub. L. 87–658, approved September 14, 1962, the Public Works Acceleration Act; or (2) funds allocated by the Secretary of Commerce under authority of title X of the Public Works and Economic Development Act of 1965, as amended. Employment under this authority shall be for a temporary period not to exceed 1 year. No new appointments of persons paid out of funds allocated under title X of Public Works and Economic Development Act may be made after September 30, 1976.

(s) [Reserved]

(t) Positions when filled by mentally retarded persons in accordance with written agreements executed between an agency and the Commission. Provisions to be included in such agreements are specified in the Federal Personnel Manual.

(u) Subject to prior approval of the Commission, positions when filled by severely handicapped persons who (1) under temporary appointment, have demonstrated their ability to perform the duties satisfactorily; or (2) are certified by counselors of State Vocational Rehabilitation agencies or the Veterans Administration as likely to succeed in the performance of the duties.

(v) Temporary Summer Aid positions whose duties involve work of a routine nature not regularly covered under the General Schedule and requiring no specific knowledge or skills, when filled by youths appointed for summer employment under such economic or educational needs standards as the Commission may prescribe. A person may not be appointed unless he has reached his sixteenth but not his twenty-second birthday, or employed for more than 700 hours under this paragraph. This paragraph shall apply only to the positions whose pay is fixed at the equivalent of the highest minimum wage rate established by the Fair Labor Standards Act of 1938, as amended. However, during 1974 an agency shall not fix the pay at a rate less than that paid to Summer Aids by Federal agencies (other than the Postal Service) in the geographic area concerned in 1973.

(w) Part-time or intermittent positions the duties of which involve work of a routine nature when filled by students appointed in furtherance of the President's Youth Opportunity Stay-in-School Campaign and when the following conditions are met: (1) Appointees are enrolled in or accepted for enrollment in a resident secondary school or institution of higher learning, accredited by a recognized accrediting body; (2) employment does not exceed 16 hours in any calendar week (40 hours in any calendar week which falls within a vacation period); (3) while employed, appointees continue to maintain an acceptable school standing, although they need not attend school during the summer; (4) appointees need the earnings from the employment to continue in school; and (5) salaries are fixed by the agency head at a level commensurate with the duties assigned and the expected level of performance. Appointments under this authority may not extend beyond 1 year: *Provided*, That such appointments may be extended for additional periods of not to exceed 1 year each if the conditions for initial appointment are still met. A person may not be appointed under this authority unless he has reached his 16th but not his 22d birthday. No new appointments may be made under this authority between May 1 and August 31, inclusive.

(x) Subject to prior approval of the Commission, positions for which a local recruiting shortage exists when filled by inmates of Federal and District of Columbia penal and correctional institutions under work release programs authorized by the Prisoner Rehabilitation Act of 1965 and the District of Columbia Work Release Act. Initial appointments under this authority may not exceed one year. An initial appointment may be extended for one or more periods not to exceed one additional year each with the prior approval of the Commission upon a finding that the inmate is still in a work release status and that a local recruiting shortage still exists. No person may serve under this authority longer than one year beyond the date he is released from custody.

(y) Positions at grade GS–2 and below for summer employment, as defined in § 213.3101(d), of assistants to scientific, professional, and technical employees, when filled by finalists in national science contests under hiring programs approved by the Commission.

(z) Not to exceed 30 positions of assistants to top-level Federal officials when filled by persons designated by the President as White House Fellows.

(aa) Scientific and professional research associate positions at GS–11 and above when filled on a temporary basis by persons having a doctoral degree in an appropriate field of study for research activities of mutual interest to appointees and their agencies. Appointments are limited to persons referred by the National Research Council under its postdoctoral research associate program and may be made initially for 1 year only. An agency may extend an appointment made under this authority for up to 1 additional year when the program committee at the laboratory concerned determines that extension will benefit both the associate and the laboratory.

(bb) Subject to prior approval of the Commission, positions when filled by aliens in the absence of qualified citizens.

(cc) Positions at GS–15 and below when filled by persons identified as Interchange Executives by the President's Commission on Personnel Interchange. Appointments made under this authority may not extend beyond 2 years.

(dd) Positions at the grade GS–12 through GS–15 levels when filled by persons designated as Fellows under the Brookings Institution's Economic Policy Fellowship Program. Appointments made under this authority may not exceed 2 years in duration and no appointment may extend beyond June 30, 1975.

(ee) Positions in research and development facilities when filled for not to exceed 1 year by scientists and engineers appointed under a program of Presidential internships. No new appointments may be made under authority after December 31, 1973.

(ff) Not to exceed 25 positions when filled in accordance with an agreement between the Commission and the Department of Justice by persons in programs administered by the Attorney General of the United States under Pub. L. 91–452 and related statutes. A person appointed under this authority may continue to be employed under it after he ceases to be in a qualifying program only as long as he remains in the same agency without a break in service.

(gg) Positions providing direct services to Indo-Chinese refugees or directly aiding the refugee resettlement program when filled by noncitizens previously employed by the United States in Vietnam and Cambodia. Service under this authority may not exceed 2 years. No new appointments may be made under this authority after June 30, 1976.

V 401243 DEC 17 75 XUM

§ 213.3103 Executive Office of the President.

(a) *Office of Science and Technology.* (1) All professional positions on the Staff of the Office.

(b) [Reserved]

(c) *Council on Environmental Quality.* (1) Professional and technical positions in grades GS–13 through 15 on the staff of the Council.

(d) [Reserved]

(e) *Office of Telecommunications Policy.* (1) Professional positions in grades GS–13 through 15 on the staff of the Office.

(2) All positions assigned to the staff of the Domestic Council Committee on the Right of Privacy in grades GS–7 through GS–15.

(f) *Special Action Office for Drug Abuse Prevention.* (1) After December 1, 1973, all positions on the staff of the Special Action Office for Drug Abuse Prevention not filled in the competitive service or under another authority. No one may serve under this authority after June 30, 1975.

§ 213.3104 Department of State.

(a) *Office of the Secretary.* (1) Six physical science administration officers at GS–14 and above in International Scientific and Technological Affairs.

(2)–(4) [Reserved]

(5) Executive Officer, Executive Secretariat.

(b) [Reserved]

(c) *International Boundary and Water Commission, United States and Mexico.* (1) Gage readers employed part-time or intermittently at isolated localities when, in the opinion of the Commission, appointment through competitive examination is impracticable.

(d) *International Boundary Commission, United States and Canada.* (1) Temporary and intermittent field employees such as instrumentmen, foremen, recorders, packers, cooks, and axemen, for not to exceed 130 working days or 6 months within any 1 calendar year.

§ 213.3105 Department of the Treasury.

(a) [Reserved]

(b) *U.S. Customs Service.* (1) Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(2) [Reserved]

(3) Positions of part-time, intermittent, or temporary Customs Inspectors, and Port Directors in Alaska paid at a rate not above GS–9 and for not more than 130 working days in a service year.

(4) Positions of day "pickup" laborers whose assignments are to intermittent duties of short duration that must be performed without delay in field establishments where hiring of "pickup" laborers is authorized by the Bureau of Customs headquarters. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Customs for more than 180 working days a year under this authority or under a combination of this authority and any other authority for excepted appointment that may be appropriate. This authority is not appropriate for job employment.

(5) Positions at GS–9 and below of Customs Enforcement Officer, Customs Inspector, Customs Marine Clerk/Officer, Customs Aid (sampling), Customs Warehouse Officer, Port Director, Interpreter, and Laborer, with duties of a continuing nature that require the part-time or intermittent service of an employee for not more than 700 hours in his service year. An individual appointed under this exception may not be employed in the Bureau of Customs under a combination of this and any other exception for more than 700 hours in his service year.

(6) Twenty-five positions of Criminal Investigator for special assignments.

(7) [Reserved]

(8) Staff assistant positions established to aid in the reorganization of the Bureau of Customs under Reorganization Plan No. 1 of 1965, when filled by persons with 1 year or more of current service as a Presidential appointee in a key position in the Bureau. No person may be employed under this paragraph in excess of 3 years.

(9) Not to exceed 25 positions of Customs Patrol Officers in the Papago Indian Agency in the State of Arizona when filled by the appointment of persons of one-fourth or more Indian blood.

(c) *Office of Trade, Energy, and Financial Resources Policy Coordination.* (1) Not to exceed 10 positions at the equivalent of GS–13 through GS–17 to supplement the permanent staff in the study of complex problems relating to international trade and energy policies and programs of the Government, when filled by individuals with special qualifications for the particular study being undertaken. Employment under this authority may not exceed 4 years.

(d) [Reserved]

(e) *Internal Revenue Service.* (1) Twenty positions of investigator for special assignments.

(f) *Office of the Assistant Secretary for International Affairs.* (1) Not to exceed 10 positions in the Research and Planning Office at the equivalent of GS–13 through GS–17 to supplement the permanent staff in the study of complex problems relating to international financial and economic policies and programs of the Government, when filled by individuals with special qualifications for the particular study being undertaken. Employment under this authority may not exceed 4 years.

(g) *Bureau of Alcohol, Tobacco, and Firearms.* (1) Thirty positions of investigator for special assignments.

§ 213.3106 Department of Defense.

(a) *Office of the Secretary.* (1) Five Special Advisers in the immediate office of the Secretary or Deputy Secretary with responsibility for studies and recommendations in broad program areas. These positions have advisory rather than operating duties, except as operating or administrative responsibility may be exercised in connection with pilot studies.

(2) Positions assigned exclusively to Communications Intelligence Activities.

(3) Positions assigned to or in support of special classified training activities.

(4) Three Staff Assistants.

(5) Director, Intelligence Resources and Programs, OASD (Administration).

(6) One Executive Secretary, US-USSR Standing Consultative Commission and Staff Analyst (SALT), Office of the Assistant Secretary of Defense (International Security Affairs).

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force).* (1) Professional positions in Military Dependent School Systems overseas.

(2) Positions in attache systems overseas, including all professional and scientific positions in the Naval Research Branch Office in London.

(3) Positions of clerk-translator, translator, and interpreter overseas.

(4) Positions of Educational Specialist the incumbents of which will serve as Director of Religious Education on the Staffs of the Chaplains in the military services.

(5) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Director of Defense Research and Engineering of the Department of Defense when occupied by alien scientists initially employed under the program including those who have acquired United States citizenship during such employment.

(6) Positions in overseas installations of the Department of Defense when filled by dependents of military or civilian employees of the Department resident in the area. Employment under this authority may not extend longer than 2 months following the transfer from the area or the separation of a dependent's sponsor: *Provided*, That (i) a school employee may be permitted to complete the school year; and (ii) an employee other than a school employee may be permitted to serve up to 1 additional year when the military department concerned finds the additional employment is in the interest of management.

(7) Positions assigned to all Cryptologic Intelligence Activities/Functions of the Military Departments.

(8) The Dean, Associate Dean, faculty members, and teaching/research assistant positions on the staff of the Uniformed Services University of the Health Sciences.

(c) *Interdepartmental Activities.* (1) Positions in support of National Security Programs and Space Council Activities.

(d) *General.* (1) Positions concerned with advising, administering, supervising or performing work in the collection, processing, analysis, production, evaluation, interpretation, dissemination, and estimation of intelligence information, including scientific and technical positions in the intelligence function; and

positions involved in the planning, programming, and management of intelligence resources when, in the opinion of the Commission, it is impracticable to examine. This authority does not apply to positions assigned to Cryptologic and Communications Intelligence Activities/Functions.

§ 213.3107 Department of the Army.

(a) *General.* (1) Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter when, in the opinion of the Commission, appointment through competitive examination is impractical. This authority does not apply to positions assigned to Cryptologic Intelligence Activities/Functions.

(2) Unskilled laborers and munitions handlers engaged in handling Ordnance materiel, including ammunition, where temporary or intermittent employment is necessary.

(3) Student occupational therapist positions in Army hospitals. Appointments to these positions will not extend beyond the training period applicable to each individual case, which is a minimum of 3 months' training and a maximum of 12 months' training, depending upon the individual's previous clinical training.

(4) [Reserved]

(5) Positions assigned exclusively to Army Communications Intelligence Activities.

(6) Trainee student medical technologist (intern) positions at the Rodriguez Army Hospital, Fort Brooke, Puerto Rico. Appointments to these positions will not extend beyond the training period applicable to each individual case, depending upon the individual's previous clinical training. Employment under this provision may not exceed 1 year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Pub. L. 80–330.

(7) [Reserved]

(8) Not to exceed 350 positions of members of treatment and counseling teams and related positions, such as those of ward attendants and occupational therapy assistants, to assist in the implementation of an alcohol and drug abuse prevention and control program, when filled by persons who have a history of alcoholism or drug addiction and who have been successfully treated.

(9) Positions of civilian technicians in an Army Reserve unit designated by the Department to participate in a special CONARC test program, when filled on a temporary basis by members of Reserve components who have military occupational specialties required for test purposes. No appointment may extend beyond September 30, 1974.

(b) *Transportation Corps.* (1) Longshoremen and stevedores employed at ports of embarkation in the United States; and all positions on vessels operated by the Transportation Corps.

(c) *Corps of Engineers.* (1) Land appraisers employed on a temporary basis for a period not to exceed 1 year on special projects where knowledge of local values or conditions or other specialized qualifications not possessed by appraisers regularly employed by the Corps of Engineers are required for successful results.

(2) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) on survey, construction, short-term maintenance, or floating-plant operations, where because of turnover, lack of housing facilities, mobility of work site, or remoteness of personnel servicing facilities, an adequate labor force can be recruited only by immediate gate hiring on a local basis. This authority can be used only when the Commission has determined that it is specifically applicable to a given situation; ordinarily, it will not be used for employment in Civil Service central office, regional, and branch office cities or in cities where there is a local Board of U.S. Civil Service Examiners to service the employing establishment.

(d) *U.S. Military Academy, West Point, N.Y.* (1) Civilian professors, instructors, teachers (except teachers at the Children's School), hostesses, chapel organist and choirmaster, librarian when filled by an officer of the Regular Army retired from active service, and military secretary to the Superintendent when filled by a Military Academy graduate retired as a regular commissioned officer for disability.

(e) *National War College, Washington, D.C.* (1) Civilian directors of studies for employment of not to exceed 1 year: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed 2 additional years.

(f) *Joint Brazil-United States Defense Commission.* (1) One position of clerk-stenographer-translator or civilian aide requiring a knowledge of English, Portuguese, and Spanish.

(g) *Defense Language Institute.* (1) Positions of instructors whose duties require proficiency in the teaching of a foreign language, and supervisory instructors whose duties require a background in language teaching.

(2) Clerical and Education Aid positions (except at the English Language School) whose incumbents are required to have a foreign language knowledge and whose duties require rapid and accurate typing, writing, proofreading or related skills used in the production of foreign language materials.

(3) [Reserved]

(4) Foreign language instructor positions at local Army language training facilities established pursuant to the Defense Language Program.

(5) Foreign language subject-matter specialist positions in the research and development program whose duties require native proficiency in a given foreign language to assist in the development and evaluation of instructional material and methods directly related to the teaching of foreign languages. Initial appointments under this authority may not exceed 1 year, but may be extended for no more than a total of 3 additional 1-year periods with prior approval of the Director, Defense Language Institute.

(h) *Army War College, Carlisle Barracks, Pa.* (1) One position of Educational Specialist for employment of not to exceed 1 year: *Provided*, That such employment may, with the prior approval of the Commission, be extended for not to exceed 1 additional year.

(i) *Defense Systems Management School, Fort Belvoir, Va.* (1) The Deputy Commandant and professors in grades GS–13 through 15.

(j) *U.S. Military Academy Preparatory School, Fort Monmouth, New Jersey.*

(1) Positions of Academic Director, Department Head and Instructor.

§ 213.3108 Department of the Navy.

(a) *General.* (1) Intelligence and counterintelligence positions assigned to Naval Intelligence Activities/Functions, except positions in Cryptologic Intelligence Activities/Functions. Use of this authority outside the Naval Intelligence Command requires prior certification by the Commander, Deputy Commander, or Assistant Deputy Commander that the incumbent will perform duties concerned with the specific function in carrying out assigned responsibilities.

(2) [Reserved]

(3) [Reserved]

(4) Not to exceed 50 positions of resident-in-training at U.S. naval regional medical centers, hospitals, and dispensaries which have residency training programs, when filled by residents assigned as affiliates for part of their training from non-Federal hospitals. Assignments shall be on a temporary (full-time or part-time) or intermittent basis, shall not amount to more than 6 months for any person, and shall be applied only to persons whose compensation is fixed under 5 U.S.C. 5351–54.

(5) One Staff Assistant to the Naval Aide to the President.

(6) [Reserved]

(7) Positions of student social worker for temporary, part-time, or intermittent employment in U.S. naval regional medical centers, hospitals, and dispensaries, when filled by bona fide students enrolled in academic institutions: *Provided*, That the work performed in the agency is to be used by the student as a basis for completing certain academic requirements by such educational institution to qualify for a graduate degree in social work. This authority shall be applied only to students whose compensation is fixed under 5 U.S.C. 5351–54.

(8) Positions of student practical nurse for temporary, part-time, or intermittent employment in U.S. naval regional medical centers, hospitals, and dispensaries, when filled by trainees enrolled in a non-Federal institution in an approved program of educational and clinical training which meets the requirements for licensing as a practical nurse. This authority shall be applied only to trainees whose compensation is fixed under 5 U.S.C. 5351–54.

V 40 243 DEC 17 75 XUM

(9) One Personnel Security Specialist, Naval Personnel Program Support Activity, Bureau of Naval Personnel.

(10) Positions of medical technology intern in U.S. naval regional medical centers, hospitals, and dispensaries, when filled by students enrolled in approved programs of training in non-Federal institutions. Employment under this authority may be filled on a full-time, part-time, or intermittent basis but may not exceed 1 year. This authority shall be applied only to students whose compensation is fixed under 5 U.S.C. 5351–54.

(11) Positions of medical intern at U.S. naval regional medical centers, hospitals, and dispensaries, when filled by persons who are serving medical internships at participating non-Federal hospitals and whose compensation is fixed under 5 U.S.C. 5351–54. Employment under this authority may not exceed 1 year.

(12) Positions of student speech pathologist at U.S. naval regional medical centers, hospitals, and dispensaries, when filled by persons who are enrolled in participating non-Federal institutions and whose compensation is fixed under 5 U.S.C. 5351–54. Employment under this authority may not exceed 1 year.

(13) Positions of student dental assistant in U.S. naval dental centers, clinics, and departments, when filled by students who are enrolled in an approved dental assistant program in a participating non-Federal institution, and whose compensation is fixed under 5 U.S.C. 5351–54. Employment under this authority may not exceed 1 year.

(14) Not to exceed 100 positions of rehabilitation counselors and therapists in grades GS–3 through 11 to assist in the implementation of a drug rehabilitation program when filled by persons who have a history of drug addiction and who have been successfully treated. No new appointments may be made under this authority after July 31, 1973.

(15) Marine positions assigned to a coastal or seagoing vessel operated by a naval activity for research or training purposes.

(b) *Naval Academy, Naval Postgraduate School, and Naval War College.* (1) Professors, instructors, and teachers; and the librarian, organist-choirmaster, registrar, the dean of admissions, and social counselors at the Naval Academy.

(c) *Naval Home.* (1) Positions of orderly when filled by the appointment of beneficiaries of the Home.

(d) *Military Sealift Command.* (1) All positions on vessels operated by the Military Sealift Command.

(e) [Reserved]

(f) [Reserved]

(g) *Office of Naval Research.* (1) Not to exceed 5 positions of Liaison Scientist, GS–13/15, in the office of Naval Research Branch Office in Japan, when filled by research scientists who have specialized experience in scientific disciplines of current interest to the Department and who have a demonstrated ability to deal with the Japanese scientific community in their disciplines. An appointment under this authority may be made initially for a period not to exceed 2 years. With the prior approval of the Commission, total employment under this authority may be for as long as 3 years.

§ 213.3109 Department of the Air Force.

(a) *Office of the Secretary.* (1) Three Special Assistants in the Office of the Secretary of the Air Force. These positions have advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with the pilot studies.

(b) [Reserved]

(c) [Reserved]

(d) *U.S. Air Force Academy, Colorado.* (1) Positions of Cadet Hostesses, Instructors in Physical Education, and two Instructors in Music (Choirmasters).

(e) *Air Force Systems Command.* (1) Not to exceed 12 positions of engineer, GS–14–15, at the Aeronautical Systems Division, Wright-Patterson Air Force Base, when filled on a temporary basis by persons serving under an agreement with aerospace contractors. Employment under this authority is limited to 4 years.

§ 213.3110 Department of Justice.

(a) *General.* (1) Deputy U.S. Marshals employed on an hourly basis for intermittent service.

(2) Positions of temporary deputy marshals in lieu of bailiff in the U.S. courts when employed on an intermittent basis.

(3) U.S. Marshal in the Virgin Islands.

(4) [Reserved]

(5) Thirty positions of Field Representative, GS–9 through GS–14, in the Community Relations Service for temporary or intermittent employment for not to exceed 130 working days a year.

(6) Not to exceed 20 positions of Field Representative Trainee, GS–5–7, in the Community Relations Service, for employment on college campuses for not to exceed 130 working days a year. Employment under this authority is limited to 1 year: *Provided*, That an appointment may be extended for one additional year with the prior approval of the Commission.

(b) *Immigration and Naturalization Service.* (1) Information Officer.

(2) Four positions of Regional Commissioner.

(c) *Drug Enforcement Administration.* (1) 154 special agent positions for undercover work.

(2) 150 positions of Intelligence Research Agent and/or Intelligence Operation Specialist in the GS–132 series, grades GS–9 through GS–15.

§ 213.3112 Department of the Interior.

(a) *General.* (1) Temporary, intermittent, or seasonal positions in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(2) All positions on Government-owned ships or vessels operated by the Department of the Interior.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings, or other structures and prevent damages or theft of Government property. Such appointments shall not extend beyond 130 working days a year without the prior approval of the Commission.

(4) Temporary, intermittent, or seasonal field assistants at GS–5, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority shall not exceed 180 working days a year for positions at GS–4 and below in survey parties in the Bureau of Land Management and Geological Survey and shall not exceed 130 working days a year for other positions authorized under this subparagraph. This authority shall not apply to positions of field assistants engaged in fishery management work in Alaska.

(5) Temporary positions established in the field service of the Department for emergency forest and range fire prevention or suppression and blister rust control for not to exceed 180 working days a year: *Provided*, That an employee may work as many as 220 working days a year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property.

(6) Persons employed in field positions, the work of which is financed jointly by the Department of the Interior and cooperating persons or organizations outside the Federal service.

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(8) Subject to prior approval of the Commission, temporary, intermittent, or seasonal positions at GS–7 or below in Alaska, as follows: Positions in nonprofessional mining activities, such as those of drillers, miners, caterpillar operators, and samplers; and positions of field assistants engaged in fishery management work. Employment under this authority shall not exceed 180 working days a year and shall be appropriate only when the activity is carried on in a remote or isolated area, there is no Board of U.S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(9) Subject to prior approval of the Commission, temporary, part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or maintenance work for not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area, there is no Board of U.S. Civil Service Examiners to service the employing establishment, and there is a shortage of available candidates for the positions.

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

(b) *Bureau of Indian Affairs.* (1) Housekeeper positions at a gross salary not in excess of the entrance rate of grade GS–4 or its equivalent when, because of isolation or lack of quarters, appointment through competitive examination is, in the opinion of the Commission, impracticable.

(2) Subject to prior approval of the Commission, assistants in Alaska native schools (not including teachers and instructors) at a salary rate not in excess of that of GS–4 or its equivalent where the schools are in isolated or remote areas or lack suitable quarters.

(c) *Indian Arts and Crafts Board.* (1) The Executive Director.

(d) *Bonneville Power Administration.* (1) Five Area Managers.

(e) *Office of Territories.* (1) The Clerk of the High Court of American Samoa.

(2) and (3) [Reserved]

(4) Special Assistants to the Governor of American Samoa who perform specialized administrative, professional, technical, and scientific duties as members of his immediate staff.

(f) *National Park Service.* (1) Park Ranger positions (appropriate specializations) at salaries equivalent to GS–5 or GS–4 and those equivalent to grade GS–7 or GS–6 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career protective or interpretive personnel of the National Park Service. (The total number of Park Ranger and Park Technician positions at salaries equivalent to GS–7 and GS–6 excepted under this subparagraph and subparagraph (2) of this paragraph shall not exceed 200.) Employment under this subparagraph is limited to persons who meet the qualification standards for each salary level which have been agreed upon by the Commission and the Department. These standards include as a minimum the following number of previous seasons' experience in the National Park Service as a Park Ranger at a salary equivalent to the next lower grade:

(i) For IGS–7: Two seasons at IGS–6 level.

(ii) For IGS–6: Two seasons at IGS–5 level.

(iii) For IGS–5: One season at IGS–4 level.

Employment under this subparagraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the same appointing office in the National Park Service under this subparagraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

(2) Park Aid and Park Technician positions at salaries equivalent to GS–2 through GS–5 to perform technical and practical work supporting the management, conservation, interpretation, development, and use of park areas and resources; and positions at salaries equivalent to GS–7 and GS–6 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career resources management, interpretive or visitor service personnel of the National Park Service. (The total number of Park Technician and Park Ranger positions at salaries equivalent to GS–7 and GS–6 excepted under this subparagraph and subparagraph (1) of this paragraph shall not exceed 200.) Employment under this subparagraph is limited to persons who meet the qualification standards for each salary level which have been agreed upon by the Commission and the Department. These standards include as a minimum the following number of previous seasons' experience in the National Park Service as a Park Aid or Park Technician equivalent to the next lower grade:

(i) For IG–7; Two seasons at IGS–6 level.

(ii) For IGS–6; Two seasons at IGS–5 level.

(iii) For IGS–5; One season at IGS–4 level.

(iv) For IGS–4; One season at IGS–3 level or its equivalent in experience.

(v) For IGS–3; One season at IGS–2 level or its equivalent in experience.

Employment under this subparagraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the same appointing office in the National Park Service under this subparagraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values or conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case: *Provided*, That such employment may, with prior approval of the Commission, be extended for not to exceed an additional 50 working days in any single year.

(h) *Office of the Deputy Assistant Secretary for Territorial Affairs.* (1) Positions of Territorial Management Interns, GS–5, when filled by persons selected by the Government of the Trust Territory of the Pacific Islands. No appointment may extend beyond 1 year.

§ 213.3113 Department of Agriculture.

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. Except for positions for which selection is jointly made by the Department and the cooperating organization, this authority is not applicable to positions in the Agriculture Research Service, the Animal and Plant Health Inspection Service, or positions in the Statistical Reporting Service. This authority is not applicable to the following positions in the Agricultural Marketing Service: Agricultural Commodity grader (grain) and (meat), (poultry), and (dairy) agricultural commodity aid (grain), and tobacco inspection positions.

(2) Any local veterinarian employed on a fee basis or a part-time basis.

(3) Not to exceed 25 professional, scientific, or technical positions in grade GS–7 or higher to be filled on an exchange basis by qualified employees on the rolls of State governments, colleges, or universities, for a limited period not to exceed 1 year.

(4) [Reserved]

(5) Temporary, intermittent, or seasonal employment in the field service of the Department in positions at and below GS–7 and WG–10 in the following types of positions: Field assistants for subprofessional services; caretakers at temporarily closed camps or improved areas; field enumerators and supervisors; forest workers engaged primarily for fire prevention or suppression activities and other forest workers employed at headquarters other than forest supervisor and regional offices; State performance assistants in the Agricultural Stabilization and Conservation Service; collectors of the Farmers Home Administration; agricultural commodity aids (cotton) in the Agricultural Marketing Service; agricultural helpers, helper-leaders, and workers in the Agricultural Research and the Animal and Plant Health Inspection Service; and, subject to prior Commission approval granted in the calendar year in which the appointment is to be made, other clerical, trades, crafts, and manual labor positions. Total employment under this subparagraph may not exceed 180 working days in a service year: *Provided*, That an employee may work as many as 220 working days in a service year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property. This paragraph does not cover trades, crafts, and manual labor positions covered by paragraphs (l) and (m) of § 213.3102.

(6) Not to exceed eight positions whose incumbents serve on an intermittent or temporary basis as field representatives of the Department of Agriculture and in this capacity represent the Department's Disaster Committee in conducting surveys and appraisals of conditions in areas whose status as "major disaster" areas under Pub. L. 81–875, is under consideration. Employment under this authority shall not exceed 130 working days a year.

(7) [Reserved]

(8) Not to exceed 10 positions directly concerned with programs of the Department for employment of Cuban refugees possessing college-level training appropriate for such positions. No new appointments may be made under this authority after December 31, 1968.

(9) Not to exceed 15 positions of Program Assistant GS–12 through 15 when filled by persons whose current service in

V 40 243 DEC 17 75 XUM

agricultural programs of the Department at the State level has provided specialized knowledge and experience needed by the Department for the more efficient administration of its programs. No new appointments may be made under this authority after June 30, 1970.

(b) *Office of the Secretary.* (1) Special Livestock Loans Committeemen employed for not more than 180 working days a year, to approve and direct the servicing of emergency livestock loans.

(2) The positions of the two members and two alternate members of the Board of Forest Appeals which must be filled under departmental regulation by persons who have not been Federal employees for 2 years before appointment. Employment under this exception shall be on a when-actually-employed basis.

(c) *Forest Service.* (1) Temporary, intermittent, or seasonal positions when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a national forest and as being dependent for livelihood primarily upon employment available within the national forest.

(2) Positions in Alaska of Laborers, Boat Operators, Mechanics, Equipment Operators, and Carpenters whose duties require the operation of boats in coastal waters and/or the establishment and maintenance of work camps in remote areas.

(d) *Agricultural Stabilization and Conservation Service.* (1) Six positions of Regional Director at GS–14 and GS–15.

(2) Members of State Committees.

(3) State Executive Directors.

(e) *Farmers Home Administration.* (1) State committeemen to consider, recommend, and advise with respect to the Farmers Home Administration program.

(2) County committeemen to consider, recommend, and advise with respect to the Farmers Home Administration program.

(3) Temporary positions whose principal duties involve the making and servicing of emergency loans pursuant to current statutes authorizing emergency loans. Appointments under this provision shall not exceed 1 year unless extended with the prior approval of the Commission for additional periods not to exceed 1 year each.

(4) State Directors and not to exceed three positions of State Director-at-Large.

(5) Temporary positions in State and county offices of the Farmers Home Administration whose principal duties involve the making and servicing of loans pursuant to the Economic Opportunity Act of 1964. Appointments under this provision shall not exceed 1 year unless extended with prior Commission approval for not to exceed 1 additional year.

(6) Professional and clerical positions in the Trust Territory of the Pacific Islands when occupied by indigenous residents of the Territory to provide financial assistance pursuant to current authorizing statutes.

(f) *Agricultural Marketing Service.* (1) Positions of cotton classers GS–9 and below, clerks GS–2, supervisory clerks GS–3, and laborers, employed on a seasonal basis in cotton-classing offices outside the Washington, D.C. Metropolitan Area. Employment under this authority (or under a combination of this authority and any other excepting authority) shall not exceed 1,280 hours a year in the case of cotton classers and laborers, and 1,040 hours a year in the case of clerks; except that a GS–5 cotton classer may be employed as a trainee during his first appointment for an initial period of 6 months for training purposes without regard to the above time limitation.

(2) [Reserved]

(3) Milk Market Administrators.

(4) All positions on the staffs of Milk Market Administrators.

(5) Positions of agricultural commodity graders (processed fruits and vegetables), GS–9 and below, and of graders' aides (processed fruits and vegetables), GS–2–4, for temporary employment on a part-time or intermittent basis for not to exceed 1,280 hours a year.

(6) Temporary positions at GS–9 and below of agricultural commodity graders (poultry) and agricultural commodity graders (dairy). Employment under this authority may not exceed 1,280 hours a year.

(g) *Agricultural Research Service.* (1) Field employees on programs conducted under the terms of cooperative agreements or memorandums of understanding with States or other non-Federal cooperating organizations, provided the employees are jointly selected and their salary is supplied by the cooperators on the basis of not less than a 40-percent contribution by each of the cooperators.

(h) *Foreign Agricultural Service.* (1) Agricultural Attaché positions at grade GS–16 and above where the duties require that the major portion of the employee's time be spent in foreign countries.

(i) [Reserved]

(j) *Food and Nutrition Service.* (1) Temporary positions in grade GS–4 and below, and the wage system equivalents, whose principal duties involve the distribution of food to needy families at Federal Commodity Distribution Centers. After June 30, 1971, appointments under this authority may be made only to replace employees on the rolls as of that date, or their successors.

(k) *Animal and Plant Health Inspection Service.* (1) Field employees on programs conducted under the terms of cooperative agreements or memorandums of understanding with States or other non-Federal cooperating organizations, provided the employees are jointly selected and their salary is supplied by the cooperators on the basis of not less than a 40-percent contribution by each of the cooperators.

(2) Temporary field positions concerned with the control, suppression, and eradication of emergency livestock diseases. Persons appointed under this authority may not be employed in these positions in the Animal and Plant Health Inspection Service for longer than 1 year under this authority, or under a combination of this and any other authorities for excepted appointment that may be appropriate, without prior approval of the Commission. This authority shall be appropriate only in situations declared by the Secretary of Agriculture to be emergencies threatening the livestock industry of the country.

(3) Positions of meat and poultry inspectors (veterinarians at GS–11 and below and nonveterinarians at appropriate grades below GS–11) for employment on a temporary, intermittent, or seasonal basis, not to exceed 1,280 hours a year.

§ 213.3114 Department of Commerce.

(a) *General.* (1) Agents to take and transmit meteorological observations in connection with aviation who are employed on a part-time basis and whose compensation is based on a fee for each observation performed rather than on an hourly or per annum basis: *Provided,* That the number of observations shall not exceed a daily average of 12 during any calendar month.

(2) Employment of individuals, firms, or corporations for not to exceed 1 year for special statistical studies and statistical compilations, other than Personal Census Records Service, the compensation for which is derived from funds deposited with the United States under the Act of May 27, 1935 (49 Stat. 292): *Provided,* That such employments may, with the approval of the Commission, be extended for not to exceed an additional year.

(3) Not to exceed 50 scientific and technical positions whose duties are performed primarily in the Antarctic. Incumbents of these positions may be stationed in continental United States for periods of orientation, training, analysis of data, and report writing.

(b) *Office of the Secretary.* (1) [Reserved]

(2) One Civil Aviation Specialist.

(3) One Advisor on Equal Employment Opportunity.

(4) Not to exceed 26 positions of Business Management Fellowship Program Specialist, GS–11/12.

(c) *Coast and Geodetic Survey.* (1) All civilian positions on vessels operated by the Coast and Geodetic Survey.

(2) Temporary positions required in connection with the surveying operations of the field service of the Coast and Geodetic Survey. Appointment to such positions shall not exceed 8 months in any 1 calendar year.

(d) *Bureau of the Census.* (1) Supervisors, assistant supervisors, supervisors' clerks, and enumerators in the field service, other than Current Program Interviewers, for temporary, part-time, or intermittent employment for not to exceed 1 year: *Provided,* That such appointments may be extended for additional periods of not to exceed 1 year each; but that prior Commission approval is required for extension for longer than 1 year.

(2) Current Program Interviewers employed on an intermittent basis in the field service.

(3) [Reserved]

(e)–(g) [Reserved]

(h) *Maritime Administration.* (1) Public Information Officer.

(2)–(4) [Reserved]

(5) The positions of Chief Investigator and Security Officer and Deputy Chief Investigator and Security Officer.

(6) All positions on Government-owned vessels or those bareboats chartered to the Government and operated by or for the Maritime Administration.

(7) [Reserved]

(8) One Special Assistant to the Administrator (Tanker Advisor).

(9) Two Special Assistants to the Deputy Administrator.

(10) U.S. Merchant Marine Academy positions of: Professors, Instructors, and Teachers; including heads of Departments of Physical Education and Athletics, Shipboard Training, Humanities, Mathematics and Science, Maritime Law and Economics, Nautical Science, and Engineering; the Commandant of Midshipmen, the Assistant Commandant of Midshipmen; Director of Music; and seven Company Officers.

(11) U.S. Merchant Marine Academy positions of: the Superintendent; the Assistant Superintendent for Planning; Dean; Registrar; one Educational Specialist (Director of Admissions) and one Assistant Director of Admissions; Assistant Dean; Director, Office of External Affairs; Placement Officer; Administrative Librarian; the Special Assistant to the Superintendent; three Academy Training Representatives; and Shipboard Training Assistant.

(i) *Office of the Assistant Secretary for Domestic and International Business.* (1) Thirty positions at GS–12 and above in specialized fields relating to international trade or commerce in the Bureau of International Commerce or in other units under the jurisdiction of the Assistant Secretary for Domestic and International Business. Incumbents will be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed 2 years for any individual appointee.

(2) Not to exceed 40 positions of Managers and Deputy Managers of International Trade Fairs and Exhibit Programs in foreign countries when the duties require a considerable portion of the employee's time to be spent in foreign countries.

(3) Not to exceed 30 positions in grades GS–12 through GS–15, to be filled by persons qualified as industrial or marketing specialists, who possess specialized knowledge and experience in industrial production, industrial operations and related problems, market structure and trends, retail and wholesale trade practices, distribution channels and costs, or business financing and credit practices applicable to one or more of the current segments of U.S. industry served by the Assistant Secretary for Domestic and International Business, and the subordinate components of his organization which are involved in Domestic Business matters. Appointments under this authority may be made for a period of not to exceed two years and may, with prior approval of the Commission, be extended for an additional period of two years.

(j) *National Oceanic and Atmospheric Administration.* (1) Subject to prior approval of the Commission, which shall be contingent upon a showing of inadequate housing facilities, meteorological aid positions at the following stations in Alaska: Barrow, Bethal, Kotzebue, McGrath, Northway, and St. Paul Island.

(2) Cook positions on Swan Island.

§ 213.3115 Department of Labor.

(a) *Office of the Secretary.* (1) Chairman and two members, Employees' Compensation Appeals Board.

(2) Chairman and two members, Benefits Review Board.

(b) *Bureau of Labor Statistics.* (1) Part-time and intermittent employment for field survey and enumeration work in the Bureau of Labor Statistics. This authority is applicable to positions where the salary is equivalent to GS–5 and below. Employment within the Bureau of Labor Statistics under this authority, or a combination of this authority and any other authorities for excepted appointment, shall not exceed:

(i) 180 working days a year for positions at GS–5;

(ii) 130 working days a year for positions at GS–4 and below.

The total number of appointments at GS–5 shall not exceed 75. Appointments at the GS–3 and GS–4 grade levels are not limited in number.

(c) *Office of Federal Contract Compliance.* (1) All positions at GS–15 and below involving performance of the functions of the program known as "Plans for Progress."

(d) *Manpower Administration.* (1) Not to exceed 10 positions of Manpower Development Officer and Manpower Development Specialist in the Division of Indian Manpower Programs when filled by the appointment of persons of one-fourth or more Indian blood. These positions require direct contact with Indian tribes and communities in the development and administration of comprehensive manpower training and employment programs.

§ 213.3116 Department of Health, Education, and Welfare.

(a) *National Center for Mental Health Services, Training and Research.* (1) Three Medical Officers (Surgical Resident).

(2) Student Medical Interns for temporary or part-time employment.

(3) Temporary positions of graduate nurses appointed as students for the purpose of receiving 12 weeks of training equivalent to psychiatric affiliation. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Pub. L. 80–330.

(4) Three positions of Medical Officers (Radiology Resident): *Provided,* That employment under this authority shall not exceed 1 year, except that selected residents may be nominated and reappointed for an additional year of training when the parent hospital determines that the supplemental training will meet the specialized needs of the individual resident.

(5) Eight positions of psychodrama trainees, including interns and first- and second-year residents. This authority shall be applied only to positions with compensation fixed under 5 U.S.C. 5351 and 5352.

(6) Two Medical Officers (Anatomical Pathology Resident) for not to exceed 2 years' employment in the case of any one individual.

(7) Three Medical Officers (Internal Medicine Resident) for not to exceed 3 months' employment in the case of any one individual.

(8) Four positions of Medical Officer (Physical Medicine and Rehabilitation Resident): *Provided,* That employment under this authority shall not exceed 1 year, except that selected residents may be nominated and reappointed for an additional year of training when the parent hospital determines that the supplemental training will meet the specialized needs of the individual resident. Initial appointments may be made at any level within the 3-year residency as approved by the American Medical Association.

(9) Positions of Chaplain Residents: *Provided,* That employment under this authority shall not exceed 39 months for any individual. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of 5 U.S.C. sections 5351 and 5352.

(10) One position of Medical Officer (Ophthalmology Resident) when filled by persons whose compensation is fixed under 5 U.S.C. 5351–5356. Employment under this authority may not exceed 4 months.

(b) *Public Health Service.* (1) Special escorts to accompany patients of the Public Health Service in accordance with existing laws and regulations. Employment under this subparagraph shall be only for the period of time necessary for the escort to deliver the patient to his destination and to return.

(2) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) All positions in leprosy investigation stations.

(4) Positions concerned with problems in preventive medicine financed or participated in by the Department of Health, Education, and Welfare and a cooperating State, county, municipality, incorporated organization, or an individual in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(5) Medical and dental interns, externs, and residents; and student nurses.

(6) Positions of scientific, professional, or technical nature when filled by bona fide students enrolled in academic institutions: *Provided,* That the work

V 40 243 DEC 17 75 XUM

performed in the agency is to be used by the student as a basis for completing certain academic requirements required by an educational institution to qualify for a scientific, professional, or technical field: *And provided further*, That appropriate exclusions of the positions under the authority of Pub. L. 80–330 have been approved by the Civil Service Commission.

(7) Student Dietitians and Resident Physicians at Freedman's Hospital.

(8) Positions directly and primarily related to the providing of services to Indians when filled by the appointment of Indians who are one-fourth or more Indian blood.

(9) Not to exceed 30 positions of clerical assistants employed on a part-time and intermittent basis to aid cooperating clinicians in non-Federal tuberculosis sanatoria in the keeping of records and the preparation of reports in connection with research studies into the effectiveness of antimicrobial agents in the treatment of tuberculosis. Persons appointed under this authority may not be employed in this kind of work in the Public Health Service for more than 180 working days in a single year under this authority or under a combination of this and any other authority for excepted appointment that may be appropriate.

(c) *Office of Education.* (1) Positions concerned with problems in education financed and participated in by the Office of Education, Department of Health, Education, and Welfare, and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(d) *Social Security Administration.* (1) Six positions of social insurance representative in the district offices of the Social Security Administration in the State of Arizona when filled by the appointment of persons of one-fourth or more Indian blood.

(2) Seven positions of social insurance representative in the district offices of the Social Security Administration in the State of New Mexico, when filled by the appointment of persons of one-fourth or more Indian blood.

(3) Two positions of social insurance representative in the district offices of the Social Security Administration in the State of Alaska when filled by the appointment of persons of one-fourth or more Alaskan Native blood (Eskimos, Indians, or Aleuts).

(e) *General.* (1) Not to exceed 40 positions in medical and related occupations for employment under the Cuban refugee program. No new appointments may be made after December 31, 1968.

(f) *The President's Council on Physical Fitness.* (1) Three staff assistants, The President's Council on Physical Fitness.

(g) *Social and Rehabilitation Administration.* (1) Not to exceed 195 positions directly concerned with programs conducted by the Department in connection with the problems of Cuban refugees: *Provided*, That new appointments shall be limited to Cuban refugees.

(h) *National Institute of Mental Health—Health Services and Mental Health Administration.* (1) Positions in the National Institute of Mental Health involving performance of various therapeutic and service assignments under a rehabilitation program concerned with the treatment of drug addicts, when filled by persons who have a history of drug addiction and who have been successfully treated.

(i) *National Center for Health Statistics.* (1) Not to exceed 20 positions of Health Examination Representative, grades GS–7 and 9, serving on Health and Nutrition Examination Survey teams of the Division of Health Examination Statistics.

§ 213.3118 Environmental Protection Agency.

(a) Not to exceed 12 positions of Sanitation Facility Trainees, WG–1 through 5, to implement the Alaska Village Demonstration Projects under the Water Quality Improvement Act of 1970. Employment under this authority may not exceed 2 years.

§ 213.3121 National Security Council.

(a) All positions on the staff of the Council.

§ 213.3123 Cabinet Committee on Opportunities for Spanish-Speaking People.

(a) All positions on the committee staff.

§ 213.3124 Board of Governors, Federal Reserve System.

(a) All positions.

§ 213.3127 Veterans Administration.

(a) *Construction Division.* (1) Temporary construction workers paid from "purchase and hire" funds and appointed for not to exceed the duration of a construction project.

(b) Not to exceed 300 positions of rehabilitation Counselors, GS–3 through GS–11, in drug and alcoholic treatment units when filled by former patients.

§ 213.3128 U.S. Information Agency.

(a) Two Liaison Officers (Congressional) in the Office of the General Counsel.

(b) One Chief of Religious Information.

§ 213.3129 Federal Power Commission.

(a) Three special assistants to the Commission.

§ 213.3130 Securities and Exchange Commission.

(a) Director, Division of Corporation Finance; Director, Division of Corporate Regulation; Director, Division of Trading and Markets.

(b) Nine positions of Regional Administrator.

(c) Positions of accountant and auditor, GS–13 through 15, when filled by persons selected under the SEC accounting fellow program. No more than three positions may be filled under this authority at any one time. An employee may not serve under this authority longer than two years.

§ 213.3132 Small Business Administration.

(a) When the President under 42 U.S.C. 1855–1855g, or the Secretary of Agriculture under 7 U.S.C. 1961 or the Small Business Administration under 15 U.S.C. 636(b)(1), declares an area to be a disaster area, positions filled by temporary appointment of employees to make and administer disaster loans in that area under the Small Business Act, as amended, for the duration of the disaster. Original appointments may not exceed 2 years and no employee may serve under this authority for longer than 2 years without the Commission's prior approval.

(b) [Reserved]

(c) Position of Community Economic-Industrial Planner, GS–7 through 12, when filled by local residents who represent the interest of the groups to be served by the Minority Enterpreneurship Teams of which they are members.

§ 213.3133 Federal Deposit Insurance Corporation.

(a) All field positions concerned with the work of liquidating the assets of closed banks or the liquidation of loans to banks, and all temporary field positions the work of which is concerned with paying the depositors of closed insured banks.

(b) One position of Chief Clerk in the San Juan, P.R., office.

§ 213.3135 National Capital Housing Authority.

(a) Executive Director.

(b) Positions of teachers engaged on a part-time or intermittent basis in the instruction of trainees enrolled in training programs on the maintenance and repair of buildings and grounds.

(c) Until December 31, 1975, one position of Chairman, Resident Involvement Workgroup, with responsibility for encouraging tenant participation in the development of a management system.

(d) Until March 1, 1976, seven positions, including two trainee positions, of Resident Housing Manager in an experimental demonstration program of public housing management improvement.

§ 213.3136 U.S. Soldiers' and Airmen's Home.

(a) All positions.

§ 213.3137 General Services Administration.

(a) *General.* (1) Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care, and preservation of plants, warehouses, shipyards, airfields, and surplus facilities of a similar nature pending disposition of such facilities.

(b) [Reserved]

(c) *Office of the Regional Administrator—Region 9.* (1) One Program Assistant.

§ 213.3138 [Reserved]

§ 213.3139 U.S. International Trade Commission.

(a) The Secretary of the Commission.

§ 213.3141 National Labor Relations Board.

(a) Election Clerks and Election Examiners for temporary, part-time or intermittent employment in connection with elections under the Labor Management Relations Act.

§ 213.3142 Export-Import Bank of the United States.

(a) Three Special Assistants to the Board of Directors, grade GS–14 and above, with responsibility for carrying out special overseas assignments for the Board.

§ 213.3143 Farm Credit Administration.

(a) Federal Land Bank Association receivers and conservators.

(b) Not to exceed seven positions in the Credit Services of the Farm Credit Administration in grades GS–13 or above, requiring technical or administrative experience in the field of agricultural credit: *Provided*, That this authority may be used only when making appointments of persons who have acquired such experience in the Farm Credit Administration or in one or more of the institutions supervised by the Farm Credit Administration.

§ 213.3146 Selective Service System.

(a) State Directors.

(b) Deputy or Assistant State Directors and State Medical Officers in State Headquarters.

(c) [Reserved]

(d) Executive Secretary, National Selective Service Appeal Board.

§ 213.3147 Federal Mediation and Conciliation Service.

(a) Executive Secretary of a Board of Inquiry appointed under section 206 of the Labor-Management Relations Act of 1947 (29 U.S.C. 176).

§ 213.3148 National Aeronautics and Space Administration.

(a) One hundred fifty alien scientists having special qualifications in the fields of aeronautical and space research where such employment is deemed by the Administrator of the National Aeronautics and Space Administration to be necessary in the public interest.

(b) Forty scientific specialists to be engaged on special research projects.

(c) [Reserved]

(d) Ten medical officer positions for employment of third year medical residents in the field of aerospace medicine. An individual may not be employed more than one year under this exception.

§ 213.3149 Panama Canal Company.

(a) All positions on vessels operated by the Panama Canal Company.

§ 213.3152 U.S. Government Printing Office.

(a) One Umpire.

(b) Positions in the printing trades when filled by students majoring in printing technology employed under a cooperative education agreement with the Washington Technical Institute.

§ 213.3153 Government of the District of Columbia.

(a) Positions of noneducational employees of the Board of Higher Education, the Board of Vocational Education, the Federal City College, and the Washington Technical Institute.

§ 213.3154 Federal Home Loan Bank Board.

(a) One Secretary, Federal Home Loan Bank Board.

(b) [Reserved]

(c) All temporary field positions in the Federal Savings and Loan Insurance Corporation concerned with the work of liquidating the assets of closed insured institutions, or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom, and all temporary field positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions.

§ 213.3156 Commission on Civil Rights.

(a) Until June 30, 1978, 25 positions at grade GS–11 and above of employees who collect, study, and appraise civil rights information to carry out the national clearinghouse responsibilities of the Commission under Pub. L. 88–352, as amended.

§ 213.3157 National Credit Union Administration.

(a) Liquidation Agents employed on a temporary or intermittent basis in the field.

§ 213.3158 Franklin Delano Roosevelt Memorial Commission.

(a) All positions on the staff of the Commission.

§ 213.3161 James Madison Memorial Commission.

(a) One Executive Secretary.

§ 213.3162 National Aeronautics and Space Council.

(a) All positions.

§ 213.3165 President's Advisory Committee on Labor-Management Policy.

(a) One Assistant Executive Director.

§ 213.3170 Civil Service Commission.

(a) Persons employed on a WAE basis to serve as members of the International Organizations Employees Loyalty Board for the purpose of holding hearings overseas.

(b) Chairman, Federal Prevailing Rate Advisory Committee.

§ 213.3172 [Reserved]

§ 213.3178 [Reserved]

§ 213.3182 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.* (1) [Reserved]

(2) Until June 30, 1976, Director of State and Community Operations, when filled at GS–15 and below.

(3) Until June 30, 1976, eight Program Directors.

(4) Until June 30, 1976, One Assistant Director for Theatre Programs.

(5) Until June 30, 1976, one Director of Folk Arts Programs.

(6)–(10) [Reserved]

(11) Until June 30, 1976, four Project Evaluators.

(12) Until June 30, 1976, one Director of Museum Programs.

(13) Until June 30, 1976, two Assistant Directors for State and Community Operations.

(14) Until June 30, 1976, one Assistant Director of Music Programs.

(15) Until June 30, 1976, one Director of Developing Arts Programs.

(16) Until June 30, 1976, one Director for Public Media Programs.

(17) Until June 30, 1976, one Assistant to the Chairman.

(18) [Reserved]

(19) Until June 30, 1976, one Director, Interdisciplinary Programs.

(20) Until June 30, 1976, one Director of Special Projects.

(21) Until June 30, 1976, one Assistant Director of Expansion Arts Programs.

(22) Until June 30, 1976, one Assistant Director of Public Media Programs.

(23) Until June 30, 1976, one Assistant Director of Architecture and Environment Arts Programs.

(24) Until June 30, 1976, one Assistant Director of Dance.

(25) Until June 30, 1976, one Assistant Director of Visual Arts.

(26) Until June 30, 1976, one Assistant Director of Museum.

(27) Until June 30, 1976, one Assistant Director of Special Projects.

(28) Until June 30, 1976, one Crafts Coordinator.

(29) Until June 30, 1976, one Director of Performing Arts and Public Media Programs.

(b) *National Endowment for the Humanities.* (1) and (2) [Reserved]

(3) Until June 30, 1976, Director of Planning and Analysis, when filled at GS–15 and below.

(4) Until June 30, 1976, Director of Fellowships and Stipends.

(5) Until June 30, 1976, Director of Research and Grants.

(6) Until June 30, 1976, one Special Assistant to the Chairman.

(7) Until June 30, 1976, two Program Officers, Division of Education Programs.

(8) Until June 30, 1976, three Program Officers, Division of Fellowships and Stipends.

(9) Until June 30, 1976, two Program Officers, Division of Research and Grants.

(10) Until June 30, 1976, one Assistant to the Director of Planning and Analysis.

(11) Until June 30, 1976, Director of Education Programs.

(12) Until June 30, 1976, two Program Officers, Division of Public Programs.

(13) Until June 30, 1976, Director of Public Programs.

(14) Until June 30, 1976, five Program Officers, State-Based Programs, Division of Public Programs.

(15) [Reserved]

(16) [Reserved]

V 40243 DEC 17 75 XUM

(17) Until June 30, 1976, one Program Officer, Special Projects, Division of Public Programs.

(18) Until June 30, 1976, two Program Officers, Museum Programs, Division of Public Programs.

(19) Until June 30, 1976, two Special Assistants to the Deputy Chairman.

(20) Until June 30, 1976, one Program Analyst, Office of Planning and Analysis.

(21) Until June 30, 1976, one Media Programs Officer, Division of Public Programs.

(22) Until June 30, 1976, one Bicentennial Coordinator, Office of the Chairman.

(23) Until June 30, 1976, one Deputy Director of Public Programs.

(24) Until June 30, 1976, one Program Officer/Deputy Director, Division of Research Grants.

(25) Until June 30, 1976, one Planning Officer, Office of Planning and Analysis.

§ 213.3184 [Reserved]

§ 213.3187 District of Columbia Redevelopment Land Agency.

(a) Neighborhood Aide (Urban Renewal) positions when filled by residents of the urban renewal project area in which the Aides will serve. Employment under this authority may not exceed 2 years.

§ 213.3190 [Reserved]

§ 213.3194 Department of Transportation.

(a) *U.S. Coast Guard.* (1) Continuing positions at grade GS–9 and below whose incumbents are engaged in the admeasurement or documentation of merchant vessels on a part-time or intermittent basis not exceeding 700 hours in a service year. A person appointed under this authority may not be employed in the Coast Guard under a combination of this authority and any other authority for excepted appointment for more than 700 hours during his service year.

(2) Lamplighters.

(3) Professors, Associate Professors, Assistant Professors, Instructors, one Principal Librarian, one Cadet Hostess, and one Psychologist (Counseling) at the Coast Guard Academy, New London, Conn.

(b) *The Alaska Railroad.* (1) Temporary, part-time, or intermittent positions of nonsupervisory laborers in Alaska, involving railroad construction or repair work at locations outside the Fairbanks and Anchorage commuting areas when there are no local housing facilities available except crew cars and examination is impracticable because of the mobility of the work site, the short-term nature of a maintenance project, or the immediate need for a temporary work force to cope with unexpected turnover or unexpected situations requiring augmentation of the regular work crew in remote or isolated locations. Employment under this authority shall not exceed 180 working days a year.

(2) The General Manager.

(3) The Assistant General Manager.

(c) *Federal Highway Administration.* (1) Temporary, intermittent, or seasonal employment in the field service of the Bureau of Public Roads at grades not higher than GS–5 for subprofessional engineering aide work on the highway surveys and constructions projects, for not to exceed 180 working days a year, when in the opinion of the Commission appointment through competitive examination is impracticable.

(d) *Federal Aviation Administration.* (1) Caretakers and Light Attendants employed on emergency fields and other air navigation facilities who are paid on a fee basis.

(2) Medical Officer positions on Wake Island.

(3) Laborer positions on Swan Island.

(4) One Air Carrier Cabin Safety Specialist. Service under this authority may not exceed 2 years.

(e) *St. Lawrence Seaway Development Corporation.* (1) Assistant Manager, Seaway International Bridge.

(f) *Urban Mass Transportation Administration.* (1) Employment for not to exceed two years of up to six individuals in grades ranging from GS–11 through 15, for the international seminar on "The Role of Urban Transportation in Community Development."

§ 213.3195 President's Temporary Commission on Pennsylvania Avenue.

(a) Not to exceed six positions on the Temporary Comission staff.

§ 213.3199 Temporary boards and commissions.

(a)–(f) [Reserved]

(g) *The National Council on Indian Opportunity.* (1) Positions at GS–15 and below on the staff of the Council when filled by Indians who are of one-fourth or more Indian blood.

(h)–(j) [Reserved]

(k) *American Revolution Bicentennial Administration.* (1) Positions in grades GS–9 through 15, other than those primarily concerned with administrative and internal management matters.

(l) *Commission on American Shipbuilding.* (1) Until December 31, 1973, positions at GS–15 and below on the staff of the Commission.

(m) *Cost of Living Council and Related Organizations.* (1) Until April 30, 1974, not to exceed 50 positions in grades GS–12 and above when it is determined that existing registers are not appropriate or do not permit appointment expeditiously.

(n) *National Commission on Productivity.* (1) Until December 31, 1975, positions in grade GS–15 and below on the staff of the Commission.

(o) *Marine Mammal Commission.* (1) Until June 30, 1977, all positions on the staff of the Commission.

(p) *Micronesian Claims Commission.* (1) Until October 15, 1976, 4 Legal Research Assistant positions on the staff of the Commission.

(q) *Alaska Native Claims Ad Hoc Appeals Board.* (1) Members of this Board.

(r) *Council on Wage and Price Stability.* (1) Until September 30, 1977, all positions on the staff of the Council.

(s) *President's Commission on Olympic Sports.* (1) All positions on the staff of the Commission.

(t) *National Study Commission on Records and Documents.* (1) All positions at grades GS–15 and below.

SCHEDULE B

§ 213.3201 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.

The positions enumerated in §§ 213.3202 to 213.3299 are positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination and which are excepted from the competitive service and constitute Schedule B. Appointments to these positions are subject to such noncompetitive examination as may be prescribed by the Commission.

§ 213.3202 Entire executive civil service.

(a) Student Trainee positions established in connection with a bachelor's degree cooperative education program which provides for a formally arranged schedule of periods of attendance at an institution of higher learning combined with periods of at least six months of study-related work in a Federal agency. The periods of work and study together must satisfy requirements for a bachelor's degree and provide experience necessary for career or career-conditional appointment to administrative, professional, or technical positions in the Federal Government upon the student's graduation. The Commission's determination on requirements relating to appointments under this paragraph will be published in the Federal Personnel Manual. Except for the requirement concerning competitive selection from a register, appointments under this paragraph are subject to all the requirements and conditions governing career-conditional appointment, including investigation by the Commission to establish an appointee's qualifications and suitability. Appointees may not continue to serve in Student Trainee positions more than 90 days after completion of or separation from the cooperative education program.

§ 213.3204 Department of State.

(a) Persons formerly employed abroad in the Foreign Service of the United States (this means civilian employment in the executive branch) for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS–9 and above.

(b) Technical cryptographic positions in the Communications Security Division, Office of Communications.

(c) Director and Deputy Director, Foreign Buildings Operations.

§ 213.3205 Department of the Treasury.

(a) Positions of Deputy Comptroller of the Currency, Chief National Bank Examiner, Assistant Chief National Bank Examiner, Regional Administrator of National Banks, Deputy Regional Administrator of National Banks, Assistant to the Comptroller of the Currency, National Bank Examiner, Associate National Bank Examiner, and Assistant National Bank Examiner, whose salaries are paid from assessments against national banks and other financial institutions.

(b) [Reserved]

(c) Not to exceed two positions of Accountant (Tax Specialist) at grades GS–13 and above to serve as specialists on the accounting analysis and treatment of corporation taxes. Employments under this paragraph shall not exceed a period of 18 months in any individual case.

(d) Positions concerned with the protection of the life and safety of the President and members of his immediate family, or other persons for whom similar protective services are prescribed by law, when filled in accordance with special appointment procedures approved by the Commission. Service under this authority may not exceed (1) a total of 4 years or (2) 120 days following completion of the service required for conversion under Executive Order 11203, whichever occurs first.

§ 213.3206 Department of Defense.

(a) *Office of the Secretary* (1) [Reserved]

(2) Professional positions at GS–11 through GS–15 involving systems, costs, and economic analysis functions in the Office of the Assistant Secretary (Program Analysis and Evaluation); and in the Office of the Deputy Assistant Secretary (Systems Policy and Information) in the Office of the Assistant Secretary (Comptroller).

(3) [Reserved]

(4) One Assistant for Counter-Insurgency, Office of the Assistant Secretary (International Security Affairs).

(5) One Net Assessment Coordinator.

§ 213.3209 Department of the Air Force.

(a) [Reserved]

(b) Civilian Deans and Professors at the Air Force Institute of Technology, Wright-Patterson Air Force Base, Dayton, Ohio.

§ 213.3210 Department of Justice.

(a) [Reserved]

(b) Positions of Port Receptionist and Supervisory Port Receptionist, Immigration and Naturalization Service.

§ 213.3212 Department of the Interior.

(a) Any competitive position at an Indian school when filled by the spouse of a competitive employee of the school, when because of isolation or lack of quarters, the Commission deems appointment through competitive examination impracticable.

§ 213.3214 Department of Commerce.

(a) *Bureau of the Census.* (1) Not to exceed 100 positions of interviewers, supervisors, and data collection specialists in the Census Bureau who conduct interviews in the hard-core poverty areas of large cities or who supervise the conduct of these interviews, when filled by residents of the areas served.

(b) *Economic Development Administration.* (1) Four Area Supervisors.

(2) Four Assistant Area Supervisors.

(c) *Office of Minority Business Enterprise.*

(1) Until December 31, 1976, not to exceed 15 positions of Minority Business Opportunity Specialist at grades GS–9 through GS–15.

(d) *Office of Telecommunications.* (1) Not to exceed 10 positions of Telecommunications Policy Analysts, grades GS–11 through 15. Employment under this authority may not exceed 2 years.

§ 213.3215 Department of Labor.

(a) and (b) [Reserved]

(c) Not to exceed 35 positions of Manpower Development Specialist at grades GS–9 through GS–15 in the Manpower Administration. This authority may not be used after June 30, 1973.

§ 213.3216 Department of Health, Education, and Welfare.

(a) *Office of Education.* (1) Fifty positions, GS–7 through GS–11, concerned with advising on education policies, practices, and procedures under unusual and abnormal conditions. Persons employed under this provision must be bona fide elementary school and high school teachers. Appointments under this authority may be made for a period of not to exceed 1 year, and may, with the prior approval of the Civil Service Commission, be extended for an additional period of 1 year.

(b) [Reserved]

(c) Not to exceed 10 positions of HEW Fellows in grades GS–11 through 15. Employment under this authority may not extend beyond 1 year.

§ 213.3228 U.S. Information Agency.

(a) Persons formerly employed abroad in the Foreign Service of the United States or as Binational Center Grantees for a period of at least 4 years for service in executive and administrative positions, or for at least 2 years for professional positions, in grades GS–9 and above.

§ 213.3229 Federal Power Commission.

(a) A Chief Engineer.

§ 213.3242 Export-Import Bank of the United States.

(a) Not to exceed 24 positions of Loan Specialist GS–7 through 14 when occupied by persons selected jointly by commercial banks and the agency for participation in the Eximbank-Commercial Bank Orientation Program. Appointments under this authority may not exceed 15 months.

§ 213.3246 Selective Service System.

(a) Positions in the Selective Service System when filled by persons who as commissioned officer personnel in the Armed Forces have previously been trained for or have been on active military duty in the Selective Service program, and cannot, for some reason beyond their control, be brought to active military duty in the current Selective Service program.

§ 213.3253 Government of the District of Columbia.

(a) Chairman, Secretary and Members of the Board of Police and Fire Surgeons, District of Columbia.

§ 213.3259 ACTION.

(a) *Office of Domestic and Anti-Poverty Operations.* (1) Not to exceed 25 positions of Program Specialist at grades GS–9 through GS–15.

(2) Until December 31, 1975, not to exceed 10 positions of Regional Director, GS–15. Employment under this authority may not exceed 2 years: *Provided*, That the Director of ACTION may extend appointments made under this authority for up to 2 additional years if he deems such action essential to the accomplishment of agency goals.

§ 213.3268 Agency for International Development.

(a) Not to exceed 30 positions at GS–9 and above when filled by persons who have served overseas with the Agency for International Development for not less than 2 years.

§ 213.3272 Administrative Office of the U.S. Courts

(a) Not to exceed twelve positions of Federal Probation System Administrator in the Division of Probation, when filled by Federal Probation Officers on active service in the U.S. Courts.

(b) [Reserved]

(c) Three positions of Clerks Liaison Officer in the Division of Clerks of Court.

§ 213.3273 Community Services Administration.

(a) Seven Regional Directors.

(b) [Reserved]

(6) One Chief, Research and Plans Division.

§ 213.3276 Appalachian Regional Commission.

(a) Two Program Coordinators.

SCHEDULE C

§ 213.3301 Positions of a confidential or policy-determining character.

The positions enumerated in §§ 213.3302 to 213.3399 are positions of a confidential or policy-determining character which are excepted from the competitive service, to which appointments may be made without examination by the Commission and which constitute Schedule C.

§ 213.3301a Special revocation of exceptions.

The exception from the competitive service for each position in the executive branch listed in Schedule C which is classified in grade GS–16, GS–17, or GS–18, and is covered by Civil Service Rule IX (§ 9.1 of Subchapter A of this chapter) is revoked effective November 17, 1967. Each such position is removed from Schedule C effective November 17, 1967.

§ 213.3301b Revocation of exceptions.

(a) Except as provided by paragraph (b) of this section the exception from

V 40 243 DEC 17 75 D XUM

the competitive service for each position at GS–15 and below in the executive branch listed in schedule C is revoked when the position has been vacant for 60 calendar days or more.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Commission may delay the revocation action for an additional 60 calendar days when the agency demonstrates that it: (1) Has been actively recruiting for the position; (2) has made a tentative selection; and (3) has set an appointment date within the additional 60-day period.

(c) An agency shall notify the Commission within 3 work days after a schedule C position at GS–15 and below has been vacated or filled.

§ 213.3303 Executive Office of the President.

(a) *Office of Management and Budget.*
(1) Four Secretaries to the Director.
(2) One Special Assistant to the Deputy Director.
(3) One Private Secretary to the Deputy Director.
(4) Associate Director.
(5) [Reserved]
(6) One Secretary to each of three Associate Directors.
(7) Four Assistant Directors.
(8) One Private Secretary to an Assistant Director.
(9) [Reserved]
(10) Associate Director for National Security and International Affairs.
(11) Associate Director for Human and Community Affairs.
(12) Associate Director for Economics and Government.
(13) Associate Director for Natural Resources, Energy and Science.
(14) One Secretary to the Assistant to the Director for Public Affairs.
(15) [Reserved]
(16) One Confidential Secretary to the Administrator, Office of Federal Procurement Policy.

(b) *Council of Economic Advisers.* (1) Two Secretaries to the Chairman and one to each of the other two members.
(c)–(e) [Reserved]
(f) *President's Commission on White House Fellows.* (1) The Executive Director.
(2) The Associate Executive Director.
(g) *Council on Environmental Quality.* (1) One Special Assistant to the Chairman.
(2) One Confidential Assistant to each Member of the Council.
(h) [Reserved]
(i) *Office of Telecommunications Policy.* (1) [Reserved]
(2) [Reserved]
(3) One Confidential Assistant to the Deputy Director.
(4) One Courier.
(5) [Reserved]
(6) Confidential Secretary to the Director.
(7) One Confidential Secretary to the Deputy Director.
(j) [Reserved]

§ 213.3304 Department of State.

(a) *Office of the Secretary.* (1) [Reserved]
(2) Four Private Secretaries to the Secretary.
(3) One position of Secretary to the Under Secretary for Political Affairs.
(4)–(8) [Reserved]
(9) The Chief of Protocol.
(10) [Reserved]
(11) One Personal Assistant to the Under Secretary for Coordinating Security Assistance Programs.
(12) One Personal Assistant to the Ambassador at Large and Chief of Mission to the North Atlantic Treaty Organization.
(13)–(15) [Reserved]
(16) One Secretary (Stenography) to the Deputy Under Secretary for Management.
(17) One Personal Assistant to the Ambassador-at-Large.
(18) [Reserved]
(19) One Assistant Chief of Protocol for Visits.
(20) One Secretary to the Executive Assistant to the Secretary.
(b) [Reserved]
(c) *Office of the Assistant Secretary for Congressional Relations.* (1)–(3) [Reserved]
(4) One Legislative Officer.
(d) *Bureau of Oceans and International Environmental and Scientific Affairs.* (1) One Secretary to the Assistant Secretary.
(e) *Bureau of Economic Affairs.* (1) One Private Secretary to the Assistant Secretary.
(f) *Bureau of Intelligence and Research.* (1) One Private Secretary.
(2) Director of Intelligence and Research.
(g) [Reserved]
(h) *Bureau of International Organization Affairs.* (1) [Reserved]
(2) One Secretary and Personal Assistant to the U.S. Representative to the Council of the Organization of American States.
(3) One Supervisory Foreign Affairs Officer.
(i) [Reserved]
(j) [Reserved]
(k) *Bureau of Inter-American Affairs.* (1) One Private Secretary to the Assistant Secretary.
(l)–(p) [Reserved]
(q) *Office of the Under Secretary for Economic Affairs.* (1) [Reserved]
(2) One Confidential Assistant to the Under Secretary.
(r) [Reserved]
(s) *Bureau of Educational and Cultural Affairs.* (1) One Private Secretary to the Assistant Secretary for Educational and Cultural Affairs.
(2) [Reserved]
(t) *Office of the Inspector General, Foreign Assistance.* (1) One Private Secretary to the Inspector General, Foreign Assistance.
(2) One Private Secretary to the Deputy Inspector General, Foreign Assistance.
(u) *Office of the Counselor.* (1) [Reserved]
(2) One Staff Assistant to the Counselor.
(v) *Bureau of Politico-Military Affairs.* (1) One Private Secretary to the Director.
(w) [Reserved]
(x) [Reserved]
(y) *Office of the Assistant Secretary for Public Affairs.* (1) One Secretary and Personal Assistant to the Assistant Secretary for Public Affairs.
(z) *Office of the Assistant Secretary for Near Eastern and South Asian Affairs.* (1) Secretary to the Assistant Secretary.

§ 213.3305 Department of the Treasury.

(a) *Office of the Secretary.* (1) [Reserved]
(2) Special Assistant to the Secretary (National Security Affairs).
(3) [Reserved]
(4) One Public Information Officer.
(5) [Reserved]
(6) One Staff Assistant to the Special Assistant to the Secretary (National Security Affairs).
(7) One Staff Assistant to the National Director, U.S. Savings Bonds Division.
(8) [Reserved]
(9) One Special Assistant to the Deputy Secretary.
(10) One Deputy Special Assistant to the Secretary (National Security Affairs).
(11) [Reserved]
(12) One Staff Assistant to the Assistant Secretary (International Affairs).
(13) One Secretary to the Secretary.
(14) One Liaison Officer, Officer of the Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations).
(15) [Reserved]
(16) One Confidential Secretary to the Assistant Secretary (Enforcement, Operations, and Tariff Affairs).
(17) One Confidential Assistant to the Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations).
(18) One Confidential Secretary to the Assistant Secretary (Economic Policy).
(19) One Staff Assistant to the Assistant Secretary for Trade, Energy, and Financial Resources Policy Coordination.
(20) Deputy to the Assistant Secretary, Saudi Arabian Operations and Policies.
(21) Deputy Assistant Secretary (Trade and Raw Materials Policy).
(22) One Confidential Staff Assistant to the Assistant Secretary for International Affairs.
(23)–(24) [Reserved]
(25) One Secretary to the Special Assistant to the Secretary (Public Affairs).
(26) [Reserved]
(27) [Reserved]
(28) One Special Assistant to the Assistant Secretary (International Affairs).
(29) [Reserved]
(30) One Deputy Assistant Secretary for Trade and Investment Policy (International Affairs).
(31) One Deputy Assistant Secretary for Research and/or Director of Research (International Affairs).
(32) Deputy Assistant Secretary for Developing Nations Finance.
(33) [Reserved]
(34) One External Affairs Officer (Public Affairs).

(35) One Special Assistant to the Under Secretary.
(36)–(37) [Reserved]
(38) One Secretary to the Deputy Assistant Secretary (Enforcement, Operations, and Tariff Affairs).
(39) One Staff Assistant to the Assistant Secretary for Administration.
(40) [Reserved]
(41) One Staff Assistant to the Assistant Secretary (Legislative Affairs).
(42)–(44) [Reserved]
(45) Energy Adviser to the Deputy Secretary.
(46) Special Assistant to the Assistant Secretary for International Affairs.
(47) Three Staff Assistants to the Secretary.
(48) One Secretary to the Assistant Secretary (Legislative Affairs).
(49) [Reserved]
(50) Executive Assistant to the Deputy Secretary and Administrator, Federal Energy Office.
(51) Three Special Assistants to the Assistant Secretary (Legislative Affairs).
(52) Assistant to the Secretary and Director, Office of Revenue Sharing.
(53) One Confidential Assistant to the Treasurer of the United States.
(54) Special Assistant to the Secretary.
(55) One Confidential Assistant to the Secretary.
(56) [Reserved]
(57) Deputy Assistant Secretary (Financial Resources Policy Coordination).
(58) Deputy Assistant Secretary (Energy Policy).
(59) Adviser to the Secretary (Counselor to the Chairman, Economic Policy Board).
(60) One Staff Assistant (Secretary) to the Counselor to the Secretary.
(61) One Special Assistant to the Assistant Secretary (Enforcement, Operations, and Trade Affairs).
(62) One Special Assistant to the Under Secretary for Revenue Sharing and Intergovernmental Relations.
(63) One Special Assistant to the Assistant Secretary (Tax Policy).
(64) One Confidential Secretary to the Assistant Secretary (Tax Policy).
(b) [Reserved]
(c) *Bureau of Customs.* (1) Commissioner of Customs.
(2)–(4) [Reserved]
(d)–(e) [Reserved]
(f) *Bureau of the Mint.* (1) [Reserved]
(2) One Confidential Assistant to the Director of the Mint.
(3) [Reserved]

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* (1) One Special Assistant and two Private Secretaries to the Secretary.
(2) One Private Secretary to the Deputy Secretary of Defense and one Private Secretary to each of the following: the Director of Defense Research and Engineering; the Principal Deputy Director of Defense Research and Engineering; the Deputy Directors of Defense Research and Engineering (Tactical Warfare Programs), (Strategic systems), (Research and Technology); the Director, Advanced Research Project Agency; the Assistant Secretaries of Defense(Manpower and Reserve Affairs), (International Security Affairs), (Public Affairs), (Installations and Logistics), (Comptroller), (Program Analysis and Evaluation), (Intelligence), and (Legislative Affairs); the General Counsel; the Assistant to the Secretary of Defense (Atomic Energy); and the Military Assistants to the Secretary of Defense.
(3) One Chauffeur to the Secretary and one Chauffeur to the Deputy Secretary.
(4) [Reserved]
(5) The Defense Advisor to USNATO in Brussels, Belgium.
(6) One Private Secretary to the Defense Adviser to USNATO in Brussels, Belgium.
(7) [Reserved]
(8) One Assistant to the Secretary of Defense (Legislative Affairs).
(9) [Reserved]
(10) One Special Assistant to the Assistant Secretary of Defense (Legislative Affairs).
(11) One Personal Secretary to the Deputy Secretary of Defense.
(12) One Private Secretary to the Principal Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.
(13) One Private Secretary to the Special Assistant to the Secretary of Defense.
(14) One Private Secretary to the Assistant to the Secretary and Deputy Secretary of Defense.
(15) [Reserved]
(16) One Staff Assistant to the Director of Economic Utilization Policy, Office of the Assistant Secretary of Defense (Installations and Logistics).
(17) One Confidential Assistant to the President of the Uniformed Services University of the Health Sciences.
(18) One Special Assistant for Foreign Affairs Legislation to the Assistant Secretary of Defense (Legislative Affairs).
(19) Adjutant General to the Director, D.C. National Guard.
(20) One Principal Assistant to the Assistant Secretary of Defense (Legislative Affairs) for House Affairs.
(21) One Confidential Assistant (Interdepartmental Activities) to the Chairman, Presidential Clemency Board.
(22) Special Assistant to the Assistant Secretary of Defense (International Security Affairs).
(23) Four Deputy Directors of Defense Research and Engineering and the Director, Advanced Research Projects Agency.
(24) [Reserved]
(25) One Principal Deputy Director of Defense Research and Engineering.
(26)–(28) [Reserved]
(29) Principal Deputy Assistant Secretary of Defense (Comptroller).
(30) [Reserved]
(31) One Private Secretary to the Deputy Assistant Secretary (Reserve Affairs).
(32)–(33) [Reserved]
(34) One Staff Assistant to the Special Assistant to the Secretary and Deputy Secretary of Defense.
(35) One Private Secretary to the Assistant Secretary (Health and Environment).
(36) One Private Secretary to the Principal Deputy Assistant Secretary of Defense (Comptroller).
(37) One Personal Security Assistant to the Secretary.
(38) Private Secretary to the Principal Deputy Assistant Secretary of Defense (Program Analysis and Evaluation).
(39) [Reserved]
(40) One Confidential Assistant to the Deputy Director of Defense Research and Engineering (Test and Evaluation).
(41)–(44) [Reserved]
(45) One Private Secretary to the Principal Deputy Assistant Secretary (Manpower and Reserve Affairs).
(46) [Reserved]
(47) One Personal and Confidential Assistant to the Secretary of Defense.
(48) One Private Secretary to the Principal Deputy Assistant Secretary (Public Affairs).
(49) One Private Secretary to the Principal Deputy Assistant Secretary (Health and Environment).
(50) Defense Representative, Iran.
(51)–(52) [Reserved]
(53) One Special Assistant for Accession Policy to the Assistant Secretary of Defense (Manpower and Reserve Affairs).
(54) One Private Secretary to the Secretary of Defense, Mutual and Balanced Force Representative.
(55) [Reserved]
(56) One Personal and Confidential Assistant to the Director of Net Assessment.
(57) One Private Secretary to the Director of Net Assessment.
(58) One Special Assistant to the Director, Telecommunications and Command and Control Systems.
(59) One Private Secretary to the Director, Telecommunications and Command and Control Systems.
(60) One Special Assistant for Communication and Community Liaison to the Deputy Assistant Secretary (Equal Opportunity).
(61) Director of Telecommunications and Command and Control Systems.
(62) Principal Deputy Assistant Secretary of Defense (International Security Affairs).
(63) One Secretary to the President, Uniformed Services University of the Health Sciences.
(64) President of the Uniformed Services University of the Health Sciences.
(65) [Reserved]
(66) [Reserved]
(67) One Special Assistant to the Director of Defense Research and Engineering.
(68) One Private Secretary to the Principal Deputy Assistant Secretary (Legislative Affairs).
(69) One Confidential Assistant to the Special Assistant to the Secretary.
(70) One Confidential Assistant to the Defense Representative, Iran.

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(71) One Private Secretary to the Defense Representative, Iran.
(72) One Confidential Assistant to the Assistant Secretary (International Security Affairs).
(73) One Staff Assistant (Interdepartmental Activities) to the Assistant to the President for National Security Affairs.
(b) *Court of Military Appeals.* (1) One Private Secretary to each of four Judges of the Court.
(c) *Interdepartmental Programs.* (1) [Reserved]
(2) Two Private Secretaries engaged in the interdepartmental activities of the office of the Secretary of Defense.
(3)–(4) [Reserved]
(d) [Reserved]
(e) *Defense Civil Preparedness Agency.* (1) The Director.
(2) One Special Assistant to the Director.

§ 213.3307 Department of the Army.

(a) *Office of the Secretary.* (1) One Private Secretary or Confidential Assistant to the Secretary, to the Under Secretary, and to each Assistant Secretary of the Army.
(2) The General Counsel.
(3) One Special Assistant to the Secretary.
(4) One Secretary to the Special Assistant to the Secretary.
(b) [Reserved]

§ 213.3308 Department of the Navy.

(a) *Office of the Secretary.* (1) [Reserved]
(2) One Private Secretary to the Secretary and one Private or Confidential Secretary to the Under Secretary and to each Assistant Secretary of the Navy.
(3)–(8) [Reserved]
(9) Three Special Assistants to the Military Assistant to the President.
(10) [Reserved]
(11) [Reserved]
(12) General Counsel.

§ 213.3309 Department of the Air Force.

(a) *Office of the Secretary.* (1) Two Private Secretaries to the Secretary, one Private Secretary to the Undersecretary, and one Private Secretary each to each of the four Assistant Secretaries of the Air Force.
(2) The General Counsel.
(3) One Private Secretary to the General Counsel.
(4)–(6) [Reserved]
(7) One Administrative Assistant and one Private Secretary in the Office of the Military Aide to the Vice President.
(8) Two Private Secretaries in the Office of the Military Assistant to the President.
(9) One Secretary to the Deputy Assistant Secretary of the Air Force (Research and Development).

§ 213.3310 Department of Justice.

(a) *Office of the Attorney General.* (1) Two Private Secretaries to the Attorney General.
(2)–(3) [Reserved]
(4) Three Confidential Assistants to the Attorney General.
(5) Two Secretaries for the Attorney General.
(6)–(7) [Reserved]
(7) [Reserved]
(8) Associate Attorney General.
(9) [Reserved]
(10) One Private Secretary to the Executive Assistant to the Attorney General.
(b) *Office of the Deputy Attorney General.* (1) One Confidential Assistant (Private Secretary) to the Deputy Attorney General.
(2) and (3) [Reserved]
(4) One Confidential Secretary to the Associate Deputy Attorney General.
(5) One Staff Assistant to the Deputy Attorney General.
(6) One Special Assistant to the Director, Office of Criminal Justice.
(7) [Reserved]
(c) *Office of the Solicitor General.* (1) One Confidential Assistant (Private Secretary) to the Solicitor General.
(d) *Anti-Trust Division.* (1) [Reserved]
(2) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(e) *Civil Division.* (1) [Reserved]
(2) One position of Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(3) [Reserved]
(4) One Special Assistant to the Assistant Attorney General.
(f) *Criminal Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(g) *Tax Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(h) *Land and Natural Resources Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(i) *Drug Enforcement Administration.* (1) [Reserved]
(2) One Special Assistant to the Administrator.
(3) Director of Public Affairs.
(j) *Immigration and Naturalization Service.* (1) One Public Information Officer.
(1) One Public Information Officer.
(k) [Reserved]
(2) Three Members of the Board.
(l) *Office of Legal Counsel.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(m) *Burecu of Prisons.* (1) The Director.
(n) *Federal Prison Industries, Inc.* (1) The Commissioner of Industries.
(o) *Office of U.S. Attorney.* (1) Secretary and Confidential Assistant to the U.S. Attorney (23 positions).
(p) [Reserved]
(q) *Civil Rights Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.
(2)–(3) [Reserved]
(r) *Community Relations Service.* (1) One Private Secretary to the Director.
(2)–(4) [Reserved]
(5) One Special Assistant to the Director.
(6) One Special Assistant to the Deputy Director.
(7) One Staff Assistant to the Director.
(s) *Law Enforcement Assistance Administration.* (1) One Secretary (Steno) to the Administrator.
(2) [Reserved]
(3) Three Special Assistants to the Administrator.
(4) [Reserved]
(5) One Secretary to the Director, National Institute of Law Enforcement and Criminal Justice.
(6) One Deputy Director, National Institute of Law Enforcement and Criminal Justice.
(7) One Special Assistant to the Director, National Institute of Law Enforcement and Criminal Justice.
(8) [Reserved]
(9) One Secretary to the Deputy Administrator.
(10) [Reserved]
(t) *Office for Drug Abuse Law Enforcement.* (1) One Director.
(u) *Office of National Narcotics Intelligence.* (1) One Director.
(2) [Reserved]
(v) *Office of Legislative Affairs.* (1) One Secertary to the Assistant Attorney General.
(w) *Watergate Special Prosecution Force.* (1) One Special Assistant for Public Information to the Special Prosecutor.
(x) *Office of Justice Policy and Planning.* (1) Three Confidential Assistants to the Director.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* (1) Eight Confidential Assistants to the Secretary.
(2) Five Special Assistants to the Secretary.
(3) Six Special Assistants (Field Representatives).
(4) Chauffeur for the Secretary.
(5) Three Special Assistants to the Assistant Secretary for Fish and Wildlife and Parks and one Confidential Assistant (Administrative Assistant) to each of the four Assistant Secretaries for Energy and Minerals, Land and Water Resources, Fish and Wildlife and Parks and Congressional and Legislative Affairs.
(6) One Assistant to the Assistant Secretary for Energy and Minerals (Congressional Liaison).
(7) [Reserved]
(8) One Private Secretary to the Under Secretary.
(9) One Steward.
(10)–(11) [Reserved]
(12) One Assistant and Science Adviser to the Secretary.
(13) One Confidential Assistant to the Assistant to the Secretary and Director of Communications.
(14) [Reserved]
(15) One Confidential Assistant to the Secretary (Interdepartmental Activities).
(16) One Coal Policy Coordinator, Office of the Assistant Secretary for Energy and Minerals.
(17) One Special Assistant to the Assistant Secretary for Congressional and Legislative Affairs.

(18) One Confidential Assistant to the Secretary (Interdepartmental Activities).
(19)–(21) [Reserved]
(22) One Confidential Assistant to the Director, Office of Hearings and Appeals.
(23)–(25) [Reserved]
(26) Three Assistants to the Secretary (Congressional Liaison).
(27)–(29) [Reserved]
(30) One Special Assistant to the Assistant Secretary for Management.
(31)–(33) [Reserved]
(34) Two Staff Assistants to the Assistant Secretary for Program Development and Budget.
(35)–(36) [Reserved]
(37) One Special Assistant to the Assistant Secretary for Energy and Minerals.
(38)–(42) [Reserved]
(43) One Deputy Director of Communications.
(b) *Office of the Solicitor.* (1) One Confidential Assistant to the Solicitor.
(2) One Special Assistant to the Solicitor.
(3) One Confidential Assistant to the Deputy Solicitor.
(c)–(g) [Reserved]
(h) *National Park Service.* (1) Director.
(2) [Reserved]
(3) One Special Assistant to the Director.
(4)–(6) [Reserved]
(i) *Bonneville Power Administration.* (1) Administrator.
(2) Confidential Assistant to the Administrator.
(3)–(4) [Reserved]
(j) [Reserved]
(k) *Southwestern Power Administration.* (1) Administrator.
(2) [Reserved]
(3) One Confidential Assistant to the Administrator.
(4) [Reserved]
(l) *Office of the Director of Territorial Affairs.* (1) [Reserved]
(2) One Secretary of American Samoa.
(3) One Chief Justice of American Samoa.
(4)–(10) [Reserved]
(11) One Secretary to the High Commissioner of the Trust Territory.
(12) One Staff Assistant to the Director.
(m) *Bureau of Outdoor Recreation.* (2)–(4) [Reserved]
(n)–(o) [Reserved]

§ 213.3313 Department of Agriculture

(a) *Office of the Secretary.* (1) One Administrative Assistant to the Secretary.
(2) One Assistant to the Secretary for Intergovernmental Affairs.
(3)–(4) [Reserved]
(5) Four Confidential Assistants to the Secretary.
(6) [Reserved]
(7) One Chauffeur for the Secretary.
(8) One Private Secretary and Administrative Assistant to the Executive Assistant to the Secretary.
(9) Two Confidential Assistants to the Assistant Secretary for Marketing and Consumer Services.
(10) One Private Secretary to each of the four Assistant Secretaries other than the Administrative Assistant Secretary.
(11) Two Confidential Assistants to the Assistant Secretary for Conservation, Research, and Education.
(12) One Confidential Assistant to the Assistant Secretary for International Affairs and Commodity Programs.
(13) One Private Secretary to the Deputy Assistant Secretary for International Affairs and Commodity Programs.
(14)–(19) [Reserved]
(20) One Confidential Assistant to the Assistant Secretary for Rural Development.
(21)–(23) [Reserved]
(24) One Private Secretary to the Assistant to the Secretary for Intergovernmental Affairs.
(25)–(27) [Reserved]
(28) One Private Secretary to the Confidential Assistant to the Secretary.
(29)–(31) [Reserved]
(32) One Private Secretary to the Deputy Assistant Secretary for Marketing and Consumer Service.
(33) One Private Secretary to the Deputy Assistant Secretary for Rural Development.
(34) One Special Assistant to the Secretary for Consumer Affairs.
(35) [Reserved]
(36) [Reserved]
(b) *Rural Electrification Administration.* (1) One Private Secretary to the Administrator.
(2)–(3) [Reserved]
(4) Two Assistants to the Administrator.
(c) *Office of the Under Secretary.* (1) One Administrative Officer and Private Secretary to the Under Secretary.
(2) and (3) [Reserved]
(4) One Private Secretary to the Deputy Under Secretary for Congressional Liaison.
(5) [Reserved]
(6) Six Confidential Assistants to the Deputy Under Secretary for Congressional Relations.
(7) [Reserved]
(8) One Staff Assistant to the Deputy Under Secretary.
(d) *Office of General Counsel.* (1)–(2) [Reserved]
(3) One Private Secretary to the General Counsel.
(4) One Confidential Assistant to the General Counsel.
(e) *Foreign Agricultural Service.* (1) [Reserved]
(2) The Administrator.
(3) One Confidential Assistant to the Administrator.
(f) *Farmers Home Administration.* (1)–(2) [Reserved]
(3) One Assistant to the Administrator.
(4) Two Confidential Assistants to the Administrator.
(5) One Private Secretary to the Administrator.
(g) *Federal Crop Insurance Corporation.* (1) The Manager.
(2) Members of the Board of Directors.
(3) One Private Secretary to the Manager.
(4) [Reserved]
(h) *Agricultural Stabilization and Conservation Service.* (1) Administrator.
(2)–(3) [Reserved]
(4) Four Confidential Assistants to the Administrator.
(5) One Private Secretary to the Administrator.
(6) Director, Tobacco Division.
(7) [Reserved]
(8) Director, Conservation and Land Use Programs Division.
(i) *Commodity Credit Corporation.* (1) The President.
(2) The Executive Vice-President.
(3) The Secretary.
(j)–(l) [Reserved]
(m) *Agricultural Marketing Service.* (1) The Administrator.
(2) One Private Secretary to the Administrator.
(3) Two Confidential Assistants to the Administrator.
(n) *Agricultural Economics.* (1) The Director.
(2) [Reserved]
(3) One Private Secretary to the Director.
(4) [Reserved]
(o) [Reserved]
(p) *Science and Education.* (1) The Director.
(2) [Reserved]
(q) *Food and Nutrition Service.* (1) Three Confidential Assistants to the Administrator.
(r) [Reserved]
(s) *Packers and Stockyards Administration.* (1) One Private Secretary to the Administrator.
(t) *Rural Development Administration.* (1) Two Confidential Assistants to the Administrator.
(2) One Private Secretary to the Administrator.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* (1) Six Confidential Assistants to the Secretary.
(2) Two Private Secretaries to the Secretary.
(3) One Confidential Assistant and one Private Secretary to the Under Secretary.
(4) One Private Secretary to the Assistant Secretary for Economic Affairs.
(5) One Confidential Assistant and one Private Secretary to the General Counsel.
(6) One Private Secretary to the Deputy General Counsel.
(7) One Chauffeur for the Secretary.
(8) One Confidential Assistant to the Assistant Secretary for Administration.
(9) Three Congressional Liaison Officers.
(10) One Private Secretary to the Assistant to the Secretary for Congressional Affairs.
(11) One Special Assistant to the Assistant Secretary for Economic Affairs.
(12)–(16) [Reserved]
(17) Two Confidential Assistants to the Director, Office of Minority Business Enterprise.
(18) [Reserved]

V 40 N 243 DEC 17 75 XUM

(19) Special Assistant to the Secretary for Policy Development.
(20) [Reserved]
(21) Assistant to the Secretary.
(22)–(24) [Reserved]
(25) One Private Secretary to the Assistant Secretary for Maritime Affairs.
(26) Assistant to the Secretary for Congressional Affairs.
(27)–(28) [Reserved]
(29) Two Special Assistants to the Assistant Secretary for Administration.
(30) [Reserved]
(31) One Special Assistant to the Special Assistant to the Secretary for Public Affairs.
(32) One Secretary to the Special Assistant to the Secretary for Energy Policy.
(33) Two Confidential Assistants to the Special Assistant to the Secretary for Energy Policy.
(b)–(c) [Reserved]
(d) *Bureau of the Census.* (1) [Reserved]
(2) One Confidential Research Assistant to the Director.
(3)–(6) [Reserved]
(e) [Reserved]
(f) *National Bureau of Standards.* (1) Administrative Officer.
(g)–(k) [Reserved]
(l) *U.S. Travel Service.* (1) [Reserved]
(2) [Reserved]
(3) One Private Secretary to the Assistant Secretary for Tourism.
(4) [Reserved]
(m) *Office of the Assistant Secretary for Domestic and International Business.* (1) One Private Secretary and one Confidential Assistant to the Assistant Secretary.
(2)–(6) [Reserved]
(7) National Export Expansion Coordinator.
(8) and (9) [Reserved]
(10) One Confidential Assistant to the Director, Bureau of Competitive Assessment and Business Policy.
(11)–(15) [Reserved]
(16) Deputy Assistant Secretary for Domestic and International Business.
(17) Deputy Assistant Secretary for Domestic Commerce.
(18) Two Confidential Assistants to the Deputy Assistant Secretary for International Commerce.
(19) One Private Secretary to the Deputy Assistant Secretary for Domestic and International Business.
(20) One Confidential Assistant to the Director, Bureau of East-West Trade.
(n) *Office of the Assistant Secretary for Science and Technology.* (1) Two Special Assistants to the Assistant Secretary for Science and Technology.
(2) and (3) [Reserved]
(o)–(p) [Reserved]
(q) *Office of the Assistant Secretary for Economic Development.* (1) Confidential Secretary to the Assistant Secretary.
(2)–(6) [Reserved]
(7) Director, Office of Congressional Relations.
(8) One Special Assistant to the Deputy Assistant Secretary for Economic Development.
(9) Two Congressional Liaison Officers.
(10) Director, Office of Public Affairs.
(11) [Reserved]
(12) One Confidential Assistant to the Assistant Secretary.
(r) *National Oceanic and Atmospheric Administration.* (1) One Private Secretary to the Administrator.
(2) One Private Secretary (Confidential Assistant) to the Deputy Administrator.
(3) [Reserved]
(s) [Reserved]
(t) [Reserved]
(u) *National Fire Prevention and Control Administration.* (1) One Confidential Assistant to the Administrator.
(2) [Reserved]
(3) One Private Secretary to the Administrator.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* (1) Two Special Assistants, one Confidential Assistant, one Staff Assistant, and one Private Secretary to the Secretary.
(2) One Private Secretary to the Under Secretary.
(3) One Private Secretary to each Assistant Secretary of Labor who is appointed by the President, except the Assistant Secretary for Employment Standards Administration.
(4) [Reserved]
(5) [Reserved]
(6) One Assistant to each Assistant Secretary of Labor appointed by the President except the Assistant Secretary for Manpower.
(7) One Private Secretary to the Executive Assistant to the Secretary.
(8) Three Assistants to the Deputy Under Secretary for Legislative Affairs.
(9) The Manpower Administrator.
(10)–(14) [Reserved]
(15) Deputy Under Secretary for International Labor Affairs.
(16) One Confidential Assistant to the Deputy Under Secretary for International Affairs.
(17)–(20) [Reserved]
(21) One Confidential Assistant to the Deputy Under Secretary.
(22) Three Special Assistants to the Assistant Secretary for Occupational Safety and Health Administration.
(23) [Reserved]
(24) One Special Assistant to the Director, Office of Program Operations, Occupational Safety and Health Administration.
(25) [Reserved]
(26) One Secretary to the Public Affairs Director.
(27) Two Secretaries to the Secretary.
(28) [Reserved]
(29) Two Assistants to the Deputy Under Secretary for Legislative Affairs.
(30) [Reserved]
(31) Counselor to the Secretary.
(32) [Reserved]
(33) Deputy Under Secretary for Legislative Affairs.
(34) [Reserved]
(35) One Executive Assistant to the Assistant Secretary for Occupational Safety and Health.
(36) [Reserved]
(37) One Special Assistant to the Associate Assistant Secretary for National Programs, Occupational Safety and Health Administration.
(38) One Confidential Staff Assistant to the Deputy Assistant Secretary for Manpower/Manpower Administrator.
(39) One Staff Assistant to the Public Affairs Director.
(40) Executive Director of the Pension Benefit Guaranty Corporation.
(41) Administrator for Pension and Welfare Benefits, Labor Management Services Administration.
(42) One Secretary (Steno) to the Administrator for Pension and Welfare Benefits.
(43) One Staff Assistant to the Under Secretary.
(b) *Office of the Solicitor.* (1) One Private Secretary to the Solicitor.
(2) [Reserved]
(c) [Reserved]
(d) *Manpower Administration.* (1) Not to exceed 10 positions of Manpower Development Officer and Manpower Development Specialist in the Division of Indian Manpower Programs when filled by the appointment of persons of one-fourth or more Indian blood. These positions require direct contact with Indian tribes and communities in the development and administration of comprehensive manpower training and employment programs.
(e) [Reserved]
(f) *Women's Bureau.* (1) One Private Secretary to the Director.
(2) Two Special Assistants to the Director.
(g)–(h) [Reserved]
(i) *Office of Federal Contract Compliance.* (1) One Special Assistant to the Director.
(j) *Office for Economic Policy Review.* (1) One Private Secretary to the Deputy Under Secretary for Economic Policy Review.
(2) One Executive Assistant to the Deputy Under Secretary for Economic Policy Review.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* (1) [Reserved]
(2) Two Confidential Assistants to the Secretary.
(3)–(4) [Reserved]
(5) One Confidential Secretary to the Under Secretary.
(6) Three Confidential Assistants to the Under Secretary.
(7)–(10) [Reserved]
(11) Four Assistants to the Secretary for Special Programs.
(12) [Reserved]
(13) Four Assistants to the Secretary.
(14) [Reserved]
(15) One Private Secretary to the Secretary.
(16)–(18) [Reserved]
(19) Counselor.
(20) One Receptionist (Typing) to the Secretary.
(21)–(24) [Reserved]

(25) One Confidential Assistant to the Special Assistant to the Secretary for Health Policy.
(26)–(28) [Reserved]
(29) Three Special Assistants to the Assistant Secretary for Public Affairs.
(30) One confidential assistant to the Assistant Secretary for Public Affairs.
(31) Commissioner, Youth Development.
(32) Deputy Commissioner, Youth Development.
(33) [Reserved]
(34) One Executive Assistant to the Secretary.
(35) One Secretary to the Executive Assistant to the Secretary.
(36) One Motor Vehicle Operator (Chauffeur for the Secretary).
(37) One Assistant (Personal Security) to the Secretary.
(b) [Reserved]
(c) *Office of Education.* (1) [Reserved]
(2) Deputy Commissioner for Occupational and Adult Education.
(3)–(11) [Reserved]
(12) Assistant Commissioner for Public Affairs.
(d)–(e) [Reserved]
(f) *Office of the Assistant Secretary for Legislation.* (1) Two Special Assistants to the Assistant Secretary.
(2) One Confidential Secretary to the Deputy Assistant Secretary for Legislation.
(3)–(4) [Reserved]
(5) One Assistant to the Assistant Secretary.
(6) [Reserved]
(7) One Special Assistant to the Deputy Assistant Secretary for Legislation (Education).
(8) One Deputy Assistant Secretary for Legislation (Welfare).
(9) One Special Assistant to the Deputy Assistant Secretary for Legislation (Welfare).
(10) Four Special Assistants to the Deputy Assistant Secretary for Congressional Liaison.
(11) One Special Assistant to the Deputy Assistant Secretary for Legislation (Health).
(12) One Confidential Assistant to the Assistant Secretary.
(13) One Deputy Assistant Secretary (Education).
(g) *Welfare Administration.* (1) The Commissioner.
(2) One Confidential Secretary to the Commissioner.
(3) One Confidential Assistant to the Commissioner.
(h) *Office of the Assistant Secretary for Health and Scientific Affairs.* (1)–(4) [Reserved]
(5) The Commissioner, Food and Drug Administration.
(6) Administrator, Health Services and Mental Health Administration.
(7)–(10) [Reserved]
(11) Administrator, National Institutes of Health.
(i) *Federal Council on the Aging.* (1) [Reserved]
(2) One Special Assistant to the Chairperson, Federal Council on the Aging.
(j) [Reserved]
(k) *Office of the Assistant Secretary for Planning and Evaluation.* (1)–(3) [Reserved]
(4) One Special Assistant to the Assistant Secretary.
(5)–(9) [Reserved]
(10) One Special Assistant for Telecommunications.
(11)–(13) [Reserved]
(l) *Social Security Administration.* (1) One Deputy Commissioner.
(2) [Reserved]
(m) *Office of Public Affairs.* (1) Director of Public Affairs.
(2) One Director for Communications.
(3) [Reserved]
(4) One Writer-Editor.
(5) One Confidential Assistant to the Special Assistant to the President for Consumer Affairs.
(n) *Office of the Assistant Secretary for Human Development.* (1) [Reserved]
(2) Director, Planning and Evaluation.
(3) One Special Assistant for Juvenile Delinquency to the Deputy Assistant Secretary for Youth and Student Affairs.
(4)–(5) [Reserved]
(6) One Special Assistant to the Deputy Assistant Secretary for Youth and Student Affairs.
(7) One Special Assistant for Student Affairs to the Deputy Assistant Secretary for Youth and Student Affairs.
(8)–(14) [Reserved]
(15) One Confidential Assistant to the Commissioner of Vocational Rehabilitation.
(16) One Confidential Assistant to the Commissioner of Rehabilitation Services Administration.
(o) *Social and Rehabilitation Service.* (1) Administrator, Social and Rehabilitation Service.
(2) [Reserved]
(3) One Confidential Assistant to the Administrator.
(4) Commissioner of Vocational Rehabilitation.
(5)–(8) [Reserved]
(9) One Assistant Administrator for Policy Coordination.
(10) [Reserved]
(11) One Confidential Assistant to the Commissioner, Assistance Payments Administration.
(p) *Office of the General Counsel.* (1) One Confidential Secretary to the General Counsel.
(2) [Reserved]
(3) One Special Assistant to the General Counsel.
(4) [Reserved]
(q) *Office of the Special Assistant to the Secretary for Civil Rights.* (1) One Special Assistant to the Special Assistant.
(2) One Confidential Secretary to the Special Assistant.
(3) One Assistant to the Special Assistant.
(4) Two Special Assistants for Special Groups.
(5) One Special Assistant for Public Affairs.
(6) [Reserved]
(7) Director, Office of Policy Communication.
(r) *Office of the Assistant Secretary for Education.*—(1) One Special Assistant to the Assistant Secretary.
(2) One Confidential Assistant to the Assistant Secretary.
(3) One Confidential Assistant to the Deputy Assistant Secretary for Education (Policy Communications).
(4) One Special Assistant to the Deputy Assistant Secretary for Education (Policy Communications).
(5) One Executive Assistant to the Assistant Secretary.
(6) One Staff Assistant for Special Projects to the Assistant Secretary.
(7) One Confidential Secretary to the Deputy Assistant Secretary for Education.
(8) One Special Assistant to the Deputy Assistant Secretary.

§ 213.3317 Overseas Private Investment Corporation.

(a) One Chauffeur to the President.
(b)–(d) [Reserved]

§ 213.3318 Environmental Protection Agency.

(a) *Office of the Administrator.* (1) Eight Special Assistants to the Administrator.
(2) and (3) [Reserved]
(4) One Staff Assistant to the Administrator.
(5) One Secretary to the Deputy Administrator.
(6)–(11) [Reserved]
(b) *Office of Legislation.* (1) One Assistant Director for Congressional Affairs.
(2) One Congressional Liaison Representative.
(3)–(5) [Reserved]
(6) One Legislative Affairs Specialist.
(c) *Office of Public Affairs.*
(1)–(3) [Reserved]
(4) Two Public Information Specialists.
(5) One Special Assistant to the Director.
(d) *Office of the Assistant Administrator for Enforcement.* (1) One Special Assistant to the Assistant Administrator.
(2) [Reserved]
(e) *Office of Regional and Intergovernmental Relations.* (1) One Regional and Intergovernmental Liaison Specialist.

§ 213.3319 Administrative Conference of the United States.

(a) One Private Secretary to the Chairman.

§ 213.3320 Inter-American Foundation.

(a) Two Confidential Assistants to the President.
(b) [Reserved]
(c) One Private Secretary to the Vice President.
(d) [Reserved]
(e) One Administrative Aide to the President.

§ 213.3322 Interstate Commerce Commission.

(a) One Confidential Assistant to each Commissioner.
(b)–(d) [Reserved]

V40243 DEC 17 75 XUM

(e) One Confidential Assistant to the Chairman.
(f) One Secretary to the Congressional Liaison Officer.
(g) [Reserved]

§ 213.3325 The Tax Court of the United States.

(a) One Private Secretary and one Technical Assistant for the Chief Judge and one Private Secretary and two Technical Assistants for each Judge.

§ 213.3326 [Reserved]

§ 213.3327 Veterans Administration.

(a) *Office of the Administrator.* (1) Two Confidential Assistants to the Special Assistant to the Administrator.
(2) The Deputy Administrator.
(3) The General Counsel.
(4) The Associate Deputy Administrator.
(5) [Reserved]
(6) Three Confidential Assistants to the Assistant Deputy Administrator.
(7) One Confidential Assistant to the Executive Assistant to the Administrator.
(8) Five Confidential Assistants to the Assistant Deputy Administrator.
(9) Director, National Cemetery System.
(10) One Confidential Assistant to the Deputy Administrator.
(b) *Department of Veterans Benefits.* (1) The Chief Benefits Director.
(2) [Reserved]

§ 213.3328 U.S. Information Agency.

(a) Two Secretarial Assistants to the Deputy Director.
(b) One Confidential Assistant to the General Counsel.
(c) One Secretarial Assistant to the Director.
(d) One Secretary to the Director.
(e)–(f) [Reserved]
(g) Deputy Director (Policy and Plans).
(h) Associate Director (Policy and Plans).
(i)–(k) [Reserved]
(l) One Special Assistant to the Assistant Director (Motion Picture and Television Service).

§ 213.3329 Federal Power Commission.

(a) Five Private Secretaries in the Office of the Chairman, one Confidential Assistant to the Chairman, one Private Secretary to each of three Commissioners, and one Confidential Assistant to each Commissioner.
(b) [Reserved]
(c) One secretary to the Assistant Executive Director (Regulatory Information System and Administration).
(d) [Reserved]
(e) One Private Secretary to the Executive Director.
(f) Two Assistants to the Chairman and five Technical Assistants to the other three Commissioners.
(g)–(j) [Reserved]
(k) One Private Secretary to the Assistant to the Chairman.

§ 213.3330 Securities and Exchange Commission.

(a)–(c) [Reserved]
(d) One Confidential Assistant to the Chairman and one Confidential Assistant to each of the other four Members of the Commission.
(e) Two Administrative Aides to the Executive Director.
(f) One Secretary to the General Counsel.
(g) One Secretary to the Chief Accountant.
(h) One Executive Aide to the Executive Assistant to the Chairman.

§ 213.3331 [Reserved]

§ 213.3332 Small Business Administration.

(a) One Deputy Administrator, Associate Administrator for Finance and Investment, Associate Administrator for Operations and the Associate Administrator for Procurement and Management Assistance.
(b) One Special Assistant to the Associate Administrator for Operations.
(c) One Confidential Assistant to the Administrator.
(d) One Special Assistant and Director of Equal Opportunity and Compliance, Office of the Administrator.
(e) Two Congressional Relations Officers.
(f) Director, Office of Congressional Relations.
(g) One Advisory Councils Officer.
(h) [Reserved]
(i) One Confidential Assistant to the Deputy Administrator.
(j)–(k) [Reserved]
(l) One Confidential Assistant (Secretary) to the Associate Administrator for Operations.
(m) One Executive Assistant to the Administrator.
(n) One Confidential Assistant to the Executive Assistant to the Administrator.
(o) One Special Assistant to the Assistant Administrator for Congressional and Public Affairs.
(p) Three positions of Special Assistant to the Associate Administrator for Minority Small Business.
(q) [Reserved]
(r) One Confidential Assistant (Secretary) to the Associate Administrator for Finance and Investment.
(s) One Confidential Assistant to the General Counsel.
(t) One Special Assistant to the Deputy Administrator.
(u) [Reserved]

§ 213.3333 Federal Deposit Insurance Corporation.

(a) One Assistant to each member of the Board of Directors.
(b) One Confidential Assistant to the Board of Directors.
(c) General Counsel.
(d) One Special Assistant to the Chairman.
(e) Executive Assistant and Controller.
(f) [Reserved]
(g) One Special Assistant to the Director (Appointive).

§ 213.3334 Federal Trade Commission.

(a) Two Secretaries to the Chairman.
(b) Director of Public Information.
(c) One Secretary to the Director of Public Information.

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* (1) [Reserved]
(2) The Deputy Administrator.
(3) The Assistant Administrator.
(4) Three Confidential Assistants to the Assistant Administrator.
(5) Two Confidential Assistants to the Deputy Administrator.
(6) Three Confidential Assistants to the Administrator.
(7) [Reserved]
(8) One Special Assistant to the Assistant Administrator.
(9)–(10) [Reserved]
(11) One Confidential Assistant to the General Counsel.
(12) [Reserved]
(13) Associate Administrator for Federal Management Policy.
(14) One Special Assistant to the Deputy Administrator.
(15) Director, Office of Preparedness.
(16) One Confidential Assistant to the Associate Administrator for Federal Management Policy.
(17) One Special Assistant to the Administrator.
(18) Deputy Director of Congressional Affairs.
(19) Director of Communications.
(b) *Public Buildings Service.* (1) The Commissioner.
(2) Four Confidential Assistants to the Commissioner.
(c) *Federal Supply Service.* (1) The Commissioner.
(2) Two Confidential Assistants to the Commissioner.
(d) *National Archives and Records Service.* (1) The Archivist of the United States.
(2) [Reserved]
(e) [Reserved]
(f) *Property Management and Disposal Service.* (1) Commissioner.
(2) [Reserved]
(g) [Reserved]
(h) *Automated Data and Telecommunications Service.* (1) [Reserved]
(2) The Commissioner.
(3) One Confidential Assistant (Executive Secretary) to the Commissioner.

§ 213.3338 Federal Communications Commission.

(a) One Special Assistant to the Chairman.
(b) One Secretary to the Legal Assistant to the Chairman.
(c) One Special Assistant to a Commissioner.

§ 213.3339 U.S. International Trade Commission.

(a) One Confidential Assistant to the Chairman and one Confidential Assistant to each of the other five Commissioners.
(b) One Administrative Assistant to the Chairman.

(c) One Administrative Assistant to the Executive Director.
(d)–(e) [Reserved]
(f) One position of Staff Assistant to each of five Commissioners.
(g) One Staff Assistant (Economics) to a Commissioner.
(h) [Reserved]
(i) One Staff Assistant to a Commissioner (Legal).
(j) One Secretary to the Chairman.
(k) Secretary to a Commissioner.
(l) Two positions of Staff Assistant to a Commissioner.

§ 213.3340 Civil Aeronautics Board.

(a) One Administrative Assistant to each Member of the Board.
(b) One Secretary to each Member of the Board.
(c) Director of Information.
(d)–(e) [Reserved]
(f) One Secretary to the Director, Bureau of International Affairs.

§ 213.3341 National Labor Relations Board.

(a) One Confidential Staff Assistant to the Chairman.
(b) One Confidential Assistant to the Chairman and one Confidential Assistant to each of four Board Members.
(c) [Reserved]
(d) Two Confidential Assistants to the General Counsel.
(e) [Reserved]
(f) One Executive Assistant to the Chairman.

§ 213.3342 Export-Import Bank of the United States.

(a) One Confidential Assistant to the President and Chairman.
(b) One Private Secretary to the First Vice-President.
(c) One Private Secretary to each of the three members of the Board of Directors.
(d) Two Special Assistants to the President and Chairman.
(e)–(g) [Reserved]
(h) One Secretary (typing) to the Congressional Liaison Officer.
(i) One Private Secretary to the Senior Vice President for Exporter Credits, Guarantees and Insurance.
(j)–(k) [Reserved]
(l) One Secretary to the Senior Vice President, Reseach and Communications.
(m) One Secretary to the General Counsel.
(n) One Vice President for Public Affairs.
(o) Executive Vice President.
(p) One Congressional Liaison Officer.
(q) One Secretary to each of two Executive Vice Presidents.
(r) One Secretary to the Special Assistant to the President and Chairman.

§ 213.3343 Farm Credit Administration.

(a) [Reserved]
(b) Deputy Governor, Credit and Operations.
(c) Deputy Governor, Finance and Research.
(d) Deputy Governor, Administration.
(e) Deputy Governor and General Counsel.
(f) Deputy Governor and Chief Examiner.

§ 213.3344 Occupational Safety and Health Review Commission.

(a) One Staff Assistant to the Chairman.
(b) [Reserved]
(c) One Confidential Assistant to each member of the Commission other than the Chairman.

§ 213.3345 Indian Claims Commission.

(a) One Private Secretary to the Chairman and one Private Secretary to each of the other four Commissioners.

§ 213.3346 Selective Service System.

(a)–(c) [Reserved]
(d) One Private Secretary to the Deputy Director of Selective Service.
(e) and (f) [Reserved]
(g) One Private Secretary to the Director of Selective Service.
(h) [Reserved]

§ 213.3348 National Aeronautics and Space Administration.

(a) One Secretary to the Administrator.
(b) One Secretary to the Deputy Administrator.
(c) One Secretary to each of the following: The Associate Administrator for Manned Space Flight, the Associate Administrator for Advanced Research and Technology.
(d) Associate Administrator.
(e)–(f) [Reserved]
(g) Associate Administrator for Manned Space Flight.
(h) Associate Deputy Administrator.
(i) Deputy Associate Administrator.
(j) General Counsel.
(k)–(l) [Reserved]
(m) One Secretary to the Associate Administrator.
(n) One Secretary to the Associate Administrator for Center Operations.
(o) One Physical Fitness Services Program Specialist.
(p) Associate Administrator for Aeronautics and Space Technology.
(q) Associate Administrator for Space Science.
(r) Associate Administrator for Applications.
(s) Associate Administrator for Tracking and Data Acquisition.
(t) Associate Administrator for Center Operations.

§ 213.3349 Panama Canal Company.

(a) Secretary.

§ 213.3350 Foreign Claims Settlement Commission of the United States.

(a)–(b) [Reserved]
(c) One Private Secretary to the Chairman.

§ 213.3351 [Reserved]

§ 213.3354 Federal Home Loan Bank Board.

(a) One Secretary to the Chairman of the Board.
(b) Two Secretaries to Board Members.
(c) One Assistant to a Board Member.
(d) [Reserved]
(e) Director, Office of Communications.
(f)–(g) [Reserved]
(h) One Secretary to the General Counsel.
(i) [Reserved]
(j) One Secretary to the Director, Office of Economic Research, and Adviser to the Board.
(k) One Secretary to the Director, Office of the Federal Home Loan Banks.

§ 213.3355 The Renegotiation Board.

(a) One Special Assistant to the Chairman and one Special Assistant to each of the other four Renegotiation Board Members.
(b) One Secretary to the Chairman.
(c) One Secretary to each of three Board Members.

§ 213.3356 Commission on Civil Rights.

(a) One Confidential Secretary to the Staff Director.
(b)–(c) [Reserved]
(d) One Confidential Secretary to the Deputy Staff Director.
(e) One Special Assistant to the Staff Director.
(f) One Director, Congressional Liaison.

§ 213.3357 National Credit Union Administration.

(a) One Secretary to the Deputy Administrator.
(b) One Public Information Officer.
(c) One legislative Liaison Officer.

§ 213.3359 ACTION.

(a) One Special Assistant to the Associate Director for Domestic and Anti-Poverty Operations.
(b) One Chauffeur to the Director.
(c) [Reserved]
(d) One Deputy Associate Director for SCORE/ACE.
(e)–(f) [Reserved]
(g) One Confidential Aide to the Director.
(h)–(j) [Reserved]
(k) One Deputy Associate Director for ACTION Education Programs.
(l)–(n) [Reserved]
(o) One Special Assistant to the Assistant Director for Policy and Planning.
(p) One Confidential Secretary to the Deputy Associate Director (Domestic and Anti-Poverty Operations).
(q) Two Staff Assistants to the Director.
(r) Two Special Assistants to the Director.
(s) One Special Assistant to the Deputy Director.

§ 213.3360 Consumer Product Safety Commission.

(a) One Secretary (Stenography) to one Commissioner and one Staff Assistant to one Commissioner.
(b) One Special Assistant for External Affairs to each of three Commissioners.
(c) One Special Assistant for Internal Affairs to each member of the Commission.
(d) Director of Congressional Relations.

V 40 243 DEC 17 75 XUM

§ 213.3364 U.S. Arms Control and Disarmament Agency.

(a) One Private Secretary to the Director.
(b) One Private Secretary to the Deputy Director.
(c) One Private Secretary to each Assistant Director appointed by the President (four positions).
(d) One Public Affairs Adviser.
(e) The General Counsel.
(f) One Private Secretary to the General Counsel.
(g)–(h) [Reserved]
(i) One Congressional Assistant to the General Counsel.
(j) One Confidential Assistant to the General Counsel.
(k) One Private Secretary to the ACDA Representative to the Mutual and Balanced Force Reduction Talks.
(l) One Staff Assistant to the Deputy Director.

§ 213.3367 Federal Maritime Commission.

(a) One Confidential Assistant to each of four Commissioners.
(b) One Administrative Assistant to the Chairman, one Private Secretary to each Commissioner, and one Administrative Assistant to the Managing Director.
(c) One Confidential Assistant to the Chairman.

§ 213.3368 Agency for International Development.

(a) *Office of the Administrator.* (1) [Reserved]
(2) One Confidential Assistant (Private Secretary) to the Administrator.
(3) One Chauffeur for the Administrator.
(4) One Private Secretary to the Deputy Administrator.
(b) [Reserved]
(c) *Office of the General Counsel.* (1) One Private Secretary to the General Counsel.
(2) The General Counsel.
(d) [Reserved]
(e) *Office of the Assistant Administrator for Legislative Affairs.* (1)–(4) [Reserved]
(5) One Congressional Liaison Officer.
(f) [Reserved]

§ 213.3372 [Reserved]

§ 213.3373 Community Services Administration.

(a) *Office of the Director.* (1)–(3) [Reserved]
(4) One Confidential Secretary and one Private Secretary to the Director.
(5) One Confidential Assistant to the Special Assistant to the Director.
(b) *Office of Operations.* (1) One Special Assistant to the Assistant Director.
(2) One Confidential Staff Assistant to the Assistant Director.
(3) One Chief, State and Local Government Division.
(c) *Office of Program Review.* (1) One Special Assistant to the Associate Director.
(2) One Planning and Review Advisor to the Associate Director.
(3) One Private Resources Adviser to the Associate Director for Program Review.
(4) One Coordinator, Rural Affairs Program.
(5) One Coordinator, Youth Affairs Program.
(d) *Office of Congressional Relations.* (1) The Associate Director.
(2) One Confidential Advisor to the Associate Director.
(e) *Office of Public Affairs.* (1) The Associate Director.
(2) One Confidential Assistant to the Associate Director.
(f) *Office of General Counsel.* (1) One Confidential Staff Assistant to the General Counsel.

§ 213.3374 [Reserved]

§ 213.3376 Appalachian Regional Commission.

(a) One Special Assistant to the Federal Cochairman.
(b) One Private Secretary to the Federal Cochairman and one Private Secretary to his alternate.

§ 213.3377 Equal Employment Opportunity Commission.

(a) Four Special Assistants to the Chairman.
(b) One Special Assistant and one Secretary to each Member of the Commission.
(c) Two Secretaries to the Chairman.
(d) One Secretary to each of two Special Assistants to the Chairman.
(e) One Public Information Officer.
(f) One Special Assistant to each of three members of the Commission.
(g) One Special Assistant to the Vice Chairman.
(h) One Private and Confidential Assistant to the Director of Congressional Affairs.
(i) One Special Assistant to the Executive Director.

§ 213.3379 Commodity Futures Trading Commission.

(a) One Secretary and one Administrative Assistant to the Chairman.
(b) One Administrative Assistant to each of the four Commissioners.
(c) One Public Information Officer.
(d) One Congressional Relations Officer.
(e) The General Counsel.
(f) The Executive Director.
(g) Administrative Assistant to the Executive Director.
(h) [Reserved]
(i) One Assistant to the Chairman.
(j) One Special Assistant to the Vice Chairman.
(k) One position of Special Assistant to the Commissioner for each of four Commissioners.
(l) One Special Assistant for Intergovernmental Affairs.
(m) One Special Assistant for Policy Review.

§ 213.3382 National Foundation on the Arts and the Humanities.

(a) One Executive Secretary to the Chairman, National Endowment for the Arts.
(b) One Assistant to the Chairman, National Endowment for the Arts.
(c)–(d) [Reserved]
(e) One Special Assistant to the Chairman of the National Endowment for the Humanities.
(f) [Reserved]
(g) One Special Assistant for Management Policy to the Director for Planning and Management, National Endowment for the Arts.
(h) One Congressional Liaison Officer, National Endowment for the Arts.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* (1) [Reserved]
(2) One Executive Secretary to the Secretary.
(3)–(8) [Reserved]
(9) Three Special Assistants to the Under Secretary.
(10) One Private Secretary to the Assistant Secretary for Legislative Affairs.
(11) [Reserved]
(12) Three Special Assistants to the Secretary.
(13)–(16) [Reserved]
(17) Federal Insurance Administrator.
(18) [Reserved]
(19) One Special Assistant to the General Counsel.
(20) Deputy Assistant Secretary for Equal Opportunity.
(21) Deputy General Counsels
(22) [Reserved]
(23) One Private Secretary to the Deputy Assistant Secretary for Legislative Affairs.
(24) One Staff Assistant to the Under Secretary.
(25) Two Staff Assistants to the Assistant to the Secretary (Public Affairs).
(26) Three Senior Assistants for Legislative Affairs.
(27) Eight Assistants for Legislative Affairs.
(28)–(30) [Reserved]
(31) One Special Assistant to the Secretary, One Program Assistant, and One Administrative Aide.
(32)–(34) [Reserved]
(35) One Administrative Aide to the Executive Assistant to the Secretary.
(36) One Private Secretary to the Assistant to the Secretary (Public Affairs).
(37)–(43) [Reserved]
(44) One Deputy Under Secretary for Field Operations.
(45) [Revoked]
(46) Four Public Information Officers, Office of the Assistant to the Secretary for Public Affairs.
(47) Three Public Information Specialists, Office of the Assistant to the Secretary for Public Affairs.
(48) [Reserved]
(49) One Director, Executive Secretariat.
(50) [Reserved]
(51) One Staff Assistant to the Assistant to the Secretary for Programs for the Elderly and Handicapped.
(52) [Reserved]
(53) Assistant to the Secretary (Public Affairs).

(54) One Deputy Assistant to the Secretary for Programs for the Elderly and the Handicapped.
(55) One Staff Assistant to the Director, Executive Secretariat.
(56) One Special Assistant to the Assistant to the Secretary for Public Affairs.
(57) Deputy Under Secretary for Management.
(58) [Reserved]
(b) *Office of the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Administration Commissioner.* (1) One Private Secretary to the Assistant Secretary–Commissioner.
(2) One Deputy Assistant Secretary–Commissioner.
(3)–(5) [Reserved]
(6) One Staff Assistant to the Assistant Secretary–Commissioner.
(7)–(8) [Reserved]
(9) President, Government National Mortgage Association.
(10)–(11) [Reserved]
(12) Two Special Assistants to the Assistant Secretary–Commissioner.
(13) [Reserved]
(14) One Private Secretary to the President, Government National Mortgage Association.
(15) One Executive Assistant to the President, Government National Mortgage Association.
(16) One Special Assistant to the Assistant Secretary for Housing Production and Mortgage Credit.
(c) *Office of Assistant Secretary for Housing Management.* (1) One Private Secretary to the Assistant Secretary.
(2)–(3) [Reserved]
(4) Four Special Assistants to the Assistant Secretary.
(5) Two Staff Assistans to the Assistant Secretary.
(6)–(8) [Reserved]
(d) *Office of Assistant Secretary for Community Planning and Management.* (1) One Private Secretary to the Assistant Secretary.
(2) [Reserved]
(3) Four Special Assistants to the Assistant Secretary.
(4)–(9) [Reserved]
(10) One Staff Assistant to the Deputy Assistant Secretary.
(11) Deputy Assistant Secretary for Community Planning and Development.
(e) [Reserved]
(f) *Office of the Assistant Secretary for Equal Opportunity.* (1)–(2) [Reserved]
(3) Two Special Assistants to the Assistant Secretary.
(4) One Staff Assistant to the Deputy Assistant Secretary.
(5) [Reserved]
(6) One Executive Assistant to the Assistant Secretary.
(g) *Office of the Assistant Secretary for Research and Technology.* (1) One Private Secretary to the Assistant Secretary.
(2) [Reserved]
(3) [Reserved]
(4) One Special Assistant for Research Dissemination.
(h) *Office of the Administrator, Federal Disaster Assistance Administrator.* (1) One Private Secretary to the Administrator.
(i) *Office of the Assistant Secretary for Policy Development and Research.* (1) One Executive Assistant to the Assistant Secretary.
(2) One Secretary to the Deputy Assistant Secretary for Policy Development.
(3) [Reserved]
(4) One Deputy Assistant Secretary for Research and Demonstration.
(5) One Special Assistant.
(6) One Deputy Assistant Secretary for Policy Development.
(j) *Community Development Corporation.*
(1) Administrative Aide to the President/General Manager.
(2) One Staff Assistant to the General Manager.
(3) One Special Assistant to the General Manager.
(k) *Office of New Communities Administration.*
(1) [Reserved]
(2) Special Assistant to the Administrator.

§ 213.3386 Regional Commissions, Public Works and Economic Development Act of 1965.

(a) One Special Assistant to the Federal Cochairman of each Regional Commission (except Old West Regional Commission) established under the Public Works and Economic Development Act of 1965.
(b) One Special Assistant to the Alternate Federal Cochairman of each Regional Commission (except for the New England, Four Corners, and Old West Regional Commissions) established under the Public Works and Economic Development Act of 1965.
(c) One Private Secretary to the Federal Cochairman of each regional Commission established under the Public Works and Economic Development Act of 1965.
(d) One Private Secretary to the Alternate Federal Cochairman of each Regional Commission (except for the Four Corners Regional Commission and the Ozarks Regional Commission) established under the Public Works and Economic Development Act of 1965.

§ 213.3388 Federal Energy Administration.

(a) *Office of the Administrator.* (1)–(2) [Reserved]
(3) One Staff Assistant to the Administrator.
(b) *Office of the Deputy Administrator.* (1) One Staff Assistant to the Deputy Administrator.
(2) One Staff Assistant to the Director for Nuclear Affairs.
(3) One Special Assistant to the Deputy Administrator.
(c) *Office of Communications and Public Affairs.* (1) The Director.
(2) One Special Assistant to the Director.
(d) *Office of Congressional Affairs.* (1) One Special Assistant, Congressional Affairs.
(2) Three Staff Assistants, Congressional Affairs.
(3) One Staff Assistant to the Special Assistant, Congressional Affairs.
(4) One Special Assistant to the Director.
(e) *Office of the General Counsel.* (1) [Reserved]
(2) One Confidential Assistant (Secretary) to the General Counsel.
(f) [Reserved]
(g) *Office of the Assistant Administrator for Conservation and Environment.* (1) One Confidential Assistant (Secretary) to the Assistant Administrator.
(2) One Special Assistant to the Assistant Administrator.
(h) *Office of the Assistant Administrator for Management and Administration.* (1) Deputy Assistant Administrator.
(i) *Office of the Assistant Administrator for International Energy Affairs* (1) One Confidential Assistant (Secretary) to the Assistant Administrator.
(j) *Office of The Assistant Administrator for Energy Resource Development.*
(1) One Executive Assistant to the Assistant Administrator.
(2) One Confidential Assistant for Legislation.
(k) *Office of the Assistant Administrator for Policy and Analysis.* (1) One Executive Assistant to the Assistant Administrator.
(l) *Office of the Deputy Administrator (Policy Planning).* (1) One Special Assistant
(2) One Staff Assistant to the Deputy Administrator.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* (1) [Reserved]
(2) Three Special Assistants to the Secretary.
(3) Two Confidential Secretaries to the Secretary.
(4) One Secretary to the Director, Materials Transportation Bureau.
(5) [Reserved]
(6) One Confidential Secretary to the General Counsel.
(7) One Confidential Secretary to the Deputy Secretary.
(8) Director, Materials Transportation Bureau.
(9) One Confidential Secretary to the Assistant Secretary for Systems Development and Technology.
(10) Special Assistant for Special Projects.
(11) One Special Assistant to the Deputy Secretary.
(12) One Chauffeur to the Secretary.
(13) One Chauffeur to the Deputy Secretary.
(14)–(16) [Reserved]
(17) Seven Congressional Liaison Officers, Office of the Director of Congressional Affairs.
(18) Director, Office of Congressional Relations.
(19)–(20) [Reserved]

V 40 N 243
DEC 17 75
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(21) One Special Assistant to the Assistant Secretary for Policy, Plans, and International Affairs.
(22) One Confidential Secretary to the Assistant Secretary for Environment, Safety, and Consumer Affairs.
(23)–(25) [Reserved]
(26) One Public Information Assistant to the Director, Office of Public Affairs.
(27) [Reserved]
(28) One Confidential Secretary to the Director, Office of Congressional Relations.
(29) Director, Office of Public Affairs.
(30) One Special Assistant to the Assistant Secretary for Environment, Safety, and Consumer Affairs.
(31)–(32) [Reserved]
(33) One Secretary to a Special Assistant to the Secretary.
(34)–(35) [Reserved]
(36) One Special Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs.
(37) [Revoked]
(38) One Staff Assistant to the Executive Secretary to the Secretary.
(39)–(40) [Reserved]
(41) One Secretary to the Special Assistant to the Deputy Secretary.
(42) [Reserved]
(43) One Staff Assistant to the Deputy Secretary.
(44) Deputy Under Secretary.
(45) [Reserved]
(46) One Secretary to the Director, Office of Program Management.
(47) One Intergovernmental Liaison Officer.

(b) *National Transportation Safety Board.* (1) One Administrative Assistant to each of three Board Members.
(2) One Confidential Secretary to each of the five Board members.
(3) One Confidential Secretary to the General Manager.
(4) One Legislative Affairs Officer, Office of the General Manager.
(5) One Program Analysis Officer.
(6) One Administrative Assistant to the Chairman.

(c) [Reserved]

(d) *Federal Highway Administration.* (1) Deputy Administrator.
(2) One position of Secretary (Steno) to the Administrator.
(3) [Reserved]

(e) *Federal Railroad Administration.* (1)–(3) [Reserved]
(4) One Confidential Secretary to the Administrator.
(5) One Public Information Officer.
(6) One Secretary to the Deputy Administrator.
(7) One Special Assistant to the Administrator.
(8) [Reserved]

(f) *Urban Mass Transportation Administration.* (1) [Reserved]
(2) One Confidential Secretary to the Administrator.
(3) Deputy Administrator.
(4) One Secretary to the Deputy Administrator.
(5) One Special Assistant to the Administrator.

(g) *St. Lawrence Seaway Development Corporation.* (1) One Special Assistant to the Administrator.
(2) One Confidential Secretary to the Administrator.
(3) [Reserved]

(h) *Federal Aviation Administration.* (1) One Private Secretary to the Administrator.
(2) One Special Assistant to the Administrator.
(3) Assistant Administrator for Information Services.
(4)–(7) [Reserved]

(i) *National Highway Traffic Safety Administration.* (1) Deputy Administrator.
(2) One Private Secretary to the Administrator.
(3) One Special Assistant to the Administrator.
(4) One Public Information Officer.

§ 213.3399 Temporary Boards and Commissions.

(a) [Reserved]

(b) *American Revolution Bicentennial Administration.* (1) Director.
(2) Deputy Executive Director for Program Development and Coordination.
(3) Deputy Executive Director for Communications and Field Services.
(4) Deputy Executive Director for Finance and Administration.
(5) One Staff Assistant (Secretary) to the Administrator.
(6) One Staff Assistant (Secretary) to the Deputy Administrator.

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Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 4]

PART 724—FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55) TOBACCO

Tobacco Allotment and Marketing Quota Regulations, 1972–73 and Subsequent Marketing Years

In 40 FR 12670 there was published a notice of proposed rulemaking which, among other proposals, related to the inclusion of toxaphene and endrin, with DDT and TDE, as pesticides which, if used on tobacco, would make the tobacco ineligible for price support. Interested persons were given 30 days after publication of the notice to submit data, views, and recommendations with respect to the proposal. After consideration of the responses received, these changes were made in the loan regulations. This amendment makes corresponding changes in the fire-cured, dark air-cured, Virginia sun-cured, cigar-binder (types 51 and 52), and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco marketing quota regulations (7 CFR 724.50 et seq.). This amendment also contains other minor revisions and deletions which do not materially affect the 1975–76 crops of fire-cured, dark air-cured, Virginia sun-cured, cigar-binder (types 51 and 52), and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco.

The following changes and additions are made:

1. Section 724.60 is amended to eliminate restrictions on allocating reserve acreage for farms owned, operated, or controlled by committeemen or the county executive director.

2. Section 724.70 is amended to provide that allotments may be transferred from a farm the first year after a new farm allotment is approved.

3. Section 724.71 is amended to authorize the State committee to determine counties affected by natural disaster.

4. Section 724.81 is amended to add the use of toxaphene on endrin to the requirements for issuing an MQ–77 showing zero penalty.

5. Section 724.88 is amended by adding the penalty rate for excess tobacco for the 1975–76 marketing year.

6. Section 724.90 is amended to require that the penalty on excess marketings by a dealer will be determined by comparing the tobacco resales for a kind of tobacco with the tobacco purchases for the same kind of tobacco. Penalty will be due at any time the resales exceed the purchases of a kind of tobacco.

7. Section 724.98 is amended to remove the requirement that the Director, Program Operations Division, approve dealer exemption from regular record and report requirements.

8. Section 724.110 is amended to provide for determinations relating to the use or nonuse of DDT, TDE, toxaphene, or endrin.

9. Other editorial changes are made as appropriate.

Since farmers are now harvesting their tobacco, it is essential that these regulations be made effective at the earliest possible date. Accordingly, this document is being made effective upon date of publication in the FEDERAL REGISTER. The amendment to the regulations is as follows:

1. The table of contents is amended by revising the reference to 724.110 as follows:

Sec.

* * * * * * *

724.110 Determination of use of DDT, TDE, toxaphene, or endrin.

§ 724.60 [Amended]

2. Section 724.60 is amended by deleting the last sentence in paragraph (b).

3. Section 724.70 is amended by revising paragraph (h) to read as follows:

§ 724.70 Transfer of fire-cured, dark air-cured, and Virginia sun-cured tobacco allotments by lease, sale, or by owner under section 318 of the act.

* * * * * * *

(h) *No transfer of new farm allotment.* A new farm allotment shall not be transferred.

* * * * * * *

4. Section 724.71 is amended by revising paragraphs (a) and (b) to read as follows:

§ 724.71 Transfer of tobacco farm acreage allotment for farms affected by a natural disaster.

(a) *Designation of counties affected by a natural disaster.* The State committee shall determine those counties affected by a natural disaster (including but not limited to hurricane, rain, flash flood, hail, drought, and any other severe weather) which prevents the timely planting or replanting of any of the tobacco acreage allotment for any farm in the county. The county committee of each county affected by the determination shall publicize the determination.

(b) *Application for transfer.* The owner or operator of a farm in a county designated for any year under paragraph (a) of this section may file a written application for transfer of tobacco acreage within the farm tobacco allotment for such year to another farm or farms in the same county or in any other nearby county in the same or another State if such acreage cannot be timely planted or replanted because of the natural disaster determined for such year. The application shall be filed with the county committee of the county in which the farm affected by such disaster is located. If the application involves a transfer to a nearby county, the county committee for the nearby county shall be consulted before action is taken by the county committee receiving the application.

* * * * * * *

5. In § 724.81 paragraphs (d) and (e) (3) (i) and (ii) are revised to read as follows:

§ 724.81 Issuance of producer marketing cards.

* * * * * * *

(d) *Issuance of within quota marketing card.* Except as provided in paragraph (e)(3) of this section, a within quota marketing card, MQ–76 (eligible for price support), shall be issued for each farm for each kind of tobacco: * * *

(e) * * *

(3) *MQ–77 showing zero penalty.* (i) DDT TDE, toxaphene, or endrin was used on such kind of tobacco; (ii) the farm had excess tobacco and the acreage of tobacco reported by the farm operator differed from the measured acreage by more than the measurement variance specified in Part 718 of this chapter but the excess tobacco has been disposed according to § 724.80; or (iii) * * *.

6. Section 724.83 is amended by revising paragraph (b) to read as follows:

§ 724.83 Claim stamping and replacing marketing cards.

* * * * * * *

(b) *Replacing, exchanging, or issuing additional marketing cards.* Subject to the approval of the county executive director, two or more marketing cards may be issued for any farm. Upon the return to the county office of a marketing card which had been used in its entirety and before the marketing of tobacco from the farm has been completed, a new marketing card bearing the same name, information, and identification as the used card shall be issued for the farm. A new marketing card shall be issued to replace a card which has been determined by the county executive director who issued the card to have been lost, destroyed, or stolen.

7. Section 724.86 is amended by revising paragraph (c) (1) to read as follows:

§ 724.86 Identification of marketings, excluding cigar tobacco.

* * * * * * *

(c) *Other persons authorized to execute MQ–76 or MQ–77 (including sale memos).* (1) A warehouseman who has been authorized during the current marketing year on MQ–78, Tobacco Warehouse Organization, may record a sale on MQ–76 (or MQ–77 including the issuance of a sale memo) to identify a sale for a farm if a marketing recorder is not available at the warehouse when the marketing card is presented.

* * * * * * *

8. Section 724.88 is amended by adding paragraph (g) to read as follows:

§ 724.88 Rate of penalty.

* * * * * * *

(g) (1) *The 1974–75 average market price.* The average market price for the kinds of tobacco listed below as determined by the Crop Reporting Board, Statistical Reporting Service, U.S. Department of Agriculture for the 1974–75 marketing year was:

AVERAGE MARKET PRICE

Kind of tobacco:	Cents per pound
Fire-cured (type 21)	81.7
Fire-cured (types 22, 23, 24)	93.4
Dark air-cured	76.9
Virginia sun-cured	82.1
Cigar-filler and binder (types 42, 43, 53, 54, and 55)	72.7
Cigar-binder (types 51 and 52)	82.0

(2) *1975–76 rate of penalty per pound.* The penalty rate per pound for the kinds of tobacco listed below upon marketings of excess tobacco subject to marketing quotas during the 1975–76 marketing year shall be:

RATE OF PENALTY

Kinds of tobacco:	Cents per Pound
Fire-cured (type 21)	61
Fire-cured (types 22, 23, 24)	70
Dark air-cured	58
Virginia sun-cured	62
Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55)	55
Cigar-binder (types 51 and 52)	(1)

[1] Quotas terminated for 1975 crop.

9. Section 724.90 is amended by revising paragraphs (d), (e), and (j) to read as follows:

§ 724.90 Penalties considered to be due from warehousemen, dealers, buyers and others excluding the producer.

* * * * * * *

(d) *Leaf account tobacco.* If resales of a kind of tobacco are in excess of prior leaf account purchases for the same kind of tobacco, such marketing shall be considered to be a marketing of excess tobacco unless such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The actual quantity of floorsweepings for a kind of tobacco which the State executive director determines have been properly identified as floorsweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco if the amount thereof for the warehouse does not exceed the maximum allowable floorsweepings for the season for the same kind of tobacco, as determined by multiplying the limitation set forth in § 724.51(k) by total first sales at auction for the kind of tobacco excluding warehouse leaf account purchases of the kind of tobacco.

(e) *Dealer's tobacco.* The tobacco resales of a kind of tobacco by a dealer (as shown or due to be shown on Form MQ–79), which are in excess of his total prior tobacco purchases of the same kind of tobacco (as shown or due to be shown on Form MQ–79) shall be considered to be a marketing of excess tobacco and penalty thereon shall be due at the time the marketing takes place which results in the excess. If the resale which results in penalty being due is made at auction, the warehouse shall deduct the penalty from the proceeds of the sale and shall remit the penalty to the marketing recorder. Penalty due which is not withheld by a warehouseman shall be remitted weekly by the dealer to the State Office with his reports on Form MQ–79.

* * * * * * *

(j) *Carryover tobacco (except cigar tobacco).* Any tobacco on hand and reported or due to be reported under § 724.96 for warehousemen and § 724.97 for dealers, shall be included as a resale in determining whether an account had excess resales. Unless the kind of tobacco is determined to the satisfaction of the State committee or the committee's representative it shall be considered the kind with the highest marketing quota penalty rate unless the warehouseman or dealer furnishes proof that the Agricultural Marketing Service, U.S. Department of Agriculture, has classified the tobacco as a kind with a lower penalty rate or a kind not subject to quotas. Unless the warehouseman furnishes proof acceptable to the State committee and unless the dealer furnishes proof acceptable to the State executive director, showing that such account does not represent excess tobacco, penalty at the full rate shall be paid thereon by such warehousemen or dealer.

10. Section 724.96 is amended by revising the general statement in the beginning of the section to read as follows:

§ 724.96 Warehouseman's records and reports.

Each warehouse shall keep the records and make the reports separately for each quota or nonquota kind of tobacco as provided in this section.

* * * * * * *

11. Section 724.98 is amended to read as follows:

V 40 243 DEC 17 75 XUM

§ 724.98 Dealers exempt from regular records and reports, excluding cigar tobacco buyers.

Any dealer or buyer who acquired tobacco in the form in which tobacco ordinarily is sold by farmers and resells five percent or less of any such tobacco shall not be subject to the requirements of § 724.97 except for the requirements which relate to the reporting of nonauction purchases from producers and the requirements of paragraph (e) of § 724.97. A dealer or buyer whose resales in the form ordinarily sold by farmers exceed five percent of his purchases as a direct result of order buying for another dealer for a service fee may be exempt from the requirements of § 724.97 (except for requirements which relate to nonauction purchases from producers and requirements of paragraph (e) of § 724.97); *Provided*, That where deemed necessary the Director, Program Operations Division, or the State committee may require a report of all tobacco purchased by the dealer without regard to the exemption.

12. Section 724.110 is amended to read as follows:

§ 724.110 Determination of use of DDT, TDE, toxaphene, or endrin.

(a) *Definitions.* DDT, TDE, toxaphene, and endrin are defined in 40 CFR 180.147; 180.197; 180.138; and 180.131, respectively.

(b) *Producer's report.* The operator, or any producer, on each farm producing fire-cured, dark air-cured, Virginia sun-cured, cigar-binder (types 51 and 52) or cigar filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco shall file a report on MQ–38 showing whether or not toxaphene, endrin, DDT, or TDE was used on the tobacco in the field or after being harvested. If the operator of a farm on which any of the kinds of tobacco cited in this paragraph was produced refuses to file a report on MQ–38, all fire-cured, dark air-cured, Virginia sun-cured, cigar-binder (types 51 and 52) or cigar filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco produced on such farm shall be considered by the county committee to have been treated with such a pesticide.

(c) *Producer's right to recertify.* Any producer on a farm shall have the right to recertify on MQ–38 if the recertification is filed with the county committee prior to the time any tobacco has been marketed from the farm or a request has been made to collect a sample of cured leaves.

(d) *Collection of samples for chemical analysis.* Samples shall be collected at random from producer tobacco crops during weigh-in at the auction warehouse. Samples also shall be collected on any farm where the county committee has reason to believe the producer used toxaphene, endrin, DDT, or TDE on the tobacco and the producer certified to nonuse of these pesticides on the crop.

(e) *Producer refusal to permit sampling.* If a producer or producer representative refuses to permit the sampling of a tobacco crop, all tobacco of such crop produced on the farm shall be considered by the county committee to have been treated with DDT, TDE, toxaphene, or endrin.

(f) *Notice to farm operator.* A written notice shall be furnished to the operator of each farm for which the county committee determines that tobacco, after being transplanted or after being harvested was treated with DDT, TDE, toxaphene, or endrin. Such determination by the county committee shall be based on (1) the certification on MQ–38 or (2) refusal to file MQ–38, or (3) refusal to permit sampling, or (4) chemical analysis showing total parts per million of residue to be equal to or greater than:

(i) Three for DDT and/or TDE,
(ii) Five for toxaphene, or
(iii) One for endrin.

The notice to the farm operator shall constitute notice to all persons who as owner, operator, landlord, tenant, or sharecropper, are interested in the tobacco being grown on the farm.

(g) *Producer's right to appeal.* Any producer on a farm who believes that the DDT, TDE, toxaphene, or endrin determination for the farm is not correct may file a request that the county committee reconsider such determination. The request for reconsideration must be submitted in writing and postmarked or delivered to the county committee within seven days after the date of mailing of the notice of determination. The request must be signed. If the appellant believes that the county committee's determination on such reconsideration is not correct, he may appeal to the State committee. The appeal must be submitted in writing and postmarked or delivered to the State committee within seven days after the date of mailing of the notice of the decision of the county committee. The decision of the State committee shall be final.

(Secs. 301, 312, 313, 314, 316, 318, 373–375, 377, 378, 52 Stat. 38, as amended, 47 as amended, 48 as amended, 75 Stat. 469 as amended, 81 Stat. 120, as amended, 52 Stat. 63 as amended, 65 as amended, 66 as amended, 70 Stat. 206, as amended, 72 Stat. 995, as amended; (7 U.S.C. 1301, 1312, 1313, 1314, 1314b, 1314d, 1373–1375, 1377, 1378))

Effective date: December 17, 1975.

Signed at Washington, D.C., on December 9, 1975.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75–33960 Filed 12–16–75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Orange Reg. 74, Amdt. 3; Grapefruit Reg. 76, Amdt. 3, Tangerine Reg. 47, Amdt. 6; Tangelo Reg. 47, Amdt. 3]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

These amendments prescribe total limitation of shipment regulations for oranges, grapefruit, tangerines, and tangelos during the period beginning at 6:00 p.m., e.s.t., December 23, 1975, and ending at 12:01 a.m., e.s.t., December 30, 1975. The regulations are designed to avert the accumulation of excessive market supplies of the specified fruits during and immediately following the Christmas holiday period in which, historically, there has been greatly reduced market demand.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, grapefruit, tangerines, and tangelos, as hereinafter provided, will tend to effectutate the declared policy of the act.

(2) These amendments reflect the Department's appraisal of the potential marketing situation during the week in which Christmas Day occurs and for the period immediately following. Historically, there has been heavy purchasing of fresh oranges, grapefruit, tangerines, and tangelos in the terminal markets prior to Christmas Day followed by a period of slow movement immediately following the holiday. An accumulation of excessive quantities of fruit in the markets during and immediately following the Christmas Day week contributes to unstable marketing conditions. Hence, the curtailment of such shipments, as hereinafter specified, would contribute to a better-managed supply situation and in turn to the establishment of orderly marketing.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these amendments until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which these amendments are based became available and the time when these amendments must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Domestic shipments of Florida oranges, grapefruit, tangerines, and tangelos are currently regulated pursuant to Orange Regulation 74 (40 FR 42318, 49785, 54420), Grapefruit Regulation 76 (40 FR 42317, 49785, 54420), Tangerine Regulation 47 (40 FR 42318, 49785, 51619, 54420, 54767, 57641), and Tangelo Regulation 47 (40 FR 42318, 49785, 54420) and, unless sooner termitted or modified, will continue to be so regulated; determinations as to the need for, and extent of, regulation under § 905.52(a)(3) of the order must await the development of the crops and the availability of information about the demand for such fruits; the recommendation and supporting information for limiting the total quantity of fresh oranges, grapefruit, tangerines, and tangelos by prohibiting shipments thereof, pursuant to said section, during the period herein provided, were promptly submitted to the Department after an open meeting of members of the Growers Administrative Committee on December 2, 1975, held to consider recommendations for such regulations, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; necessary supplemental information was submitted to the Department on December 2, 1975; information regarding the provisions of the regulations recommended by the committees has been disseminated among shippers of such fruits grown in the production area, and these regulations, including the effective time thereof, are identical with the recommendations of the committees; and compliance with these regulations will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

Order. 1. In § 905.560 (Orange Regulation 74; 40 FR 42318, 49785, 54420), the provisions of paragraph (d) are revised to read as follows:

§ 905.560 Orange Regulation 74.

* * * * *

(d) During the period beginning at 6:00 p.m., e.s.t., December 23, 1975, and ending at 12:01 a.m., e.s.t, December 30, 1975, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any oranges grown in the production area.

2. In § 905.563 (Grapefruit Regulation 76; 40 FR 42317, 49785, 54420), the provisions of paragraph (d) are revised to read as follows:

§ 905.563 Grapefruit Regulation 76.

* * * * *

(d) During the period beginning at 6:00 p.m., e.s.t., December 23, 1975, and ending at 12:01 a.m., e.s.t, December 30, 1975, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any grapefruit grown in the production area.

3. In § 905.561 (Tangerine Regulation 47; 40 FR 42318, 49785, 51619, 54420, 54767, 57641), the provisions of paragraph (d) are revised to read as follows:

§ 905.561 Tangerine Regulation 47.

* * * * *

(d) During the period beginning at 6:00 p.m., e.s.t., December 23, 1975, and ending at 12:01 a.m., e.s.t., December 30, 1975, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangerines grown in the production area.

4. In § 905.562 (Tangelo Regulation 47; 40 FR 42318, 49785, 54420), the provisions of paragraph (d) are revised to read as follows:

§ 905.562 Tangelo Regulation 47.

* * * * *

(d) During the period beginning at 6:00 p.m., e.s.t., December 23, 1975, and ending at 12:01 a.m., e.s.t., December 30, 1975, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangelos grown in the production area.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: December 11, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–33959 Filed 12–16–75;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 63]

PART 1063—MILK IN THE QUAD CITIES—DUBUQUE MARKETING AREA

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Quad Cities—Dubuque marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 56674) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. None were filed in opposition.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of December 1975 and January 1976 the following provisions of the order do not tend to effectuate the declared policy of the Act:

Section 1063.13(b)(2)—"In any of the months of September through January, milk diverted from the farm of a producer on days in excess of the number of days that milk was delivered to a pool plant from such farm during the month shall not be producer milk."

Statement of consideration. This suspension will permit unlimited diversions of producer milk under the Quad Cities-Dubuque order during December 1975 and January 1976.

Two cooperatives representing a substantial majority of producers on the market filed views and arguments in support of this action.

Reserve milk supplies in this market are customarily diverted from pool distributing plants to nonpool manufacturing plants. The reserve milk supplies during December 1975 and January 1976 are expected to exceed the quantity of producer milk that may be diverted to nonpool manufacturing plants under the present diversion limitations. To maintain producer status for all their member milk during these two months, it will be necessary for cooperative associations to move much of the reserve milk supply from farms to pool distributing plants and then reship it to nonpool manufacturing plants, unless this action is taken.

This suspension will permit the economical movement of milk directly from farms to manufacturing plants while maintaining producer status for all dairy farmers regularly associated with the market.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the most efficient method of handling the market's reserve milk supplies is by direct movement from producers' farms to nonpool manufacturing plants. This suspension allows such economical movement of milk while the dairy farmers involved retain producer status.

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective December 17, 1975.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for December 1975 and January 1976.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Effective date: December 17, 1975.

Signed at Washington, D.C., on December 12, 1975.

JOHN DAMGARD,
Deputy Assistant Secretary.

[FR Doc.75–34009 Filed 12–16–75;8:45 am]

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CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS AND POLICIES

PART 1405—LOANS, PURCHASES, AND OTHER OPERATIONS

Rule of Fractions

The regulations issued by Commodity Credit Corporation (CCC) and published as Part 1405, Loans, Purchases, and Other Operations in the FEDERAL REGISTER (7 CFR) are amended as set forth below.

A new § 1405.2 is added to describe the procedure to be used when rounding fractions to read as follows:

§ 1405.2 Basic rule of fractions.

The rule of fractions to be used in rounding fractions shall be as provided in § 793.1–793.2 of 7 CFR.

The basic rule of fractions is currently being administered for Commodity Credit Corporation's price support programs under section 7 CFR 793.1–793.2. However, since 7 CFR, appears in Chapter VII of 7 CFR covering ASCS programs, the amendment will provide a cross reference in Chapter XIV of 7 CFR covering CCC operations. Therefore, it is found and determined that compliance with the proposed notice of rulemaking procedure would be impractical, unnecessary and contrary to the public interest.

(Sec. 4, 62 Stat. 1070, as amended; (15 U.S.C. 714b))

Effective date: December 17, 1975.

Signed at Washington, D.C., on December 9, 1975.

E. J. PERSON,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.75-33962 Filed 12-16-75;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

MISCELLANEOUS AMENDMENTS

Pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93–502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1, miscellaneous amendments, as set forth hereinafter, are prescribed in Parts 100, 103, 238 and 316a of Chapter I of Title 8 of the Code of Federal Regulations.

Effective July 1, 1975, the Frankfurt, Germany District Office of the Service was closed. All suboffices and areas of jurisdiction formerly under the Frankfurt District Office on that date were transferred to the jurisdiction of the Rome, Italy District Office of the Service. Accordingly, §§ 100.4(b), 103.1(o) and 103.4 are amended in pertinent part to reflect that change.

In Part 100, § 100.4(e) specifies the district headquarters of the Service at which special inquiry officers are stationed. Since a special inquiry officer is stationed at the Buffalo, New York; Denver, Colorado, and Houston, Texas. District headquarters and a special inquiry officer is no longer stationed at the Philadelphia, Pennsylvania District headquarters, § 100.4(e) is updated to reflect these changes.

In accordance with the provisions of section 238(d) of the Immigration and Nationality Act, an agreement has been entered into between the Commissioner of Immigration and Naturalization and Royal Air Maroc, a transportation line operating to ports of the United States, to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries. In Part 238, § 238.3(b) is, therefore, amended by adding "Royal Air Maroc" to the listing of signatory lines.

An agreement for preinspection at Vancouver, B.C., Canada, of flights of International Jet Air, Ltd. destined to the United States, has been entered into between that line and the Commissioner of Immigration and Naturalization pursuant to sections 103 and 238(b) of the Immigration and Nationality Act. Accordingly, § 238.4 is amended by adding "International Jet Air, Ltd." to the listing of transportation lines which have entered into agreements for the preinspection of their passengers and crews at the designated place outside the United States.

On October 21, 1975, it was determined that the Association of Universities for Research in Astronomy (AURA, Inc.), Tucson, Arizona, is an American institution of research for the purpose of preserving residence in the United States for naturalization. Accordingly, in Part 316a, § 316a.2 is amended by adding the Association of Universities for Research in Astronomy to the listing therein of American institutions of research. The listing in § 316a.2 is also amended editorially by changing "Colorado University (Department of History), Boulder, Colorado" to read "University of Colorado (Department of History), Boulder, Colorado."

In the light of the foregoing, the following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 100—STATEMENT OF ORGANIZATION

Part 100 is amended in the following respects:

§ 100.4 [Amended]

1. In § 100.4(b), subparagraph "34. *Frankfurt, Germany.*" is deleted in its entirety.

2. In § 100.4, subparagraph 37 of paragraph (b), and paragraph (e) are amended to read as follows:

• • • • • •

(b) *District offices.* The following districts, which are designated by numbers, have fixed headquarters and are divided as follows:

• • • • • •

37. *Rome, Italy.* The district office in Rome, Italy has jurisdiction over Europe, Africa, and the countries of Asia lying to the west and north of the western and northern borders, respectively, of Afghanistan, Pakistan, People's Republic of China and Mongolian People's Republic.

• • • • • •

(e) *Special inquiry officers.* Special inquiry officers are stationed at the following district headquarters: Districts 2, 3, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 21, 25, and 38.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. In § 103.1(o), the second sentence is amended by deleting therefrom the reference to District 34. As amended, § 103.1(o) reads in pertinent part as follows:

§ 103.1 Delegations of authority.

• • • • • •

(o) *Officers in charge.* • • • Officers in charge in Districts 33 and 37 have the same powers with respect to petitions and applications submitted by citizens or aliens residing in their respective areas as are conferred on district directors in the United States. • • •

• • • • • •

2. In § 103.4, the second sentence is amended by deleting therefrom the reference to District 34. As amended, § 103.4 reads in pertinent part as follows:

§ 103.4 Certifications.

• • • District directors in the United States and officers in charge in Districts 33 and 37 may certify their decisions to the appellate authority designated in this chapter when the case involves an unusually complex or novel question of law or fact. • • •

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

In § 238.3 *Aliens in immediate and continuous transit*, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by adding thereto in alphabetical sequence the following transportation line: "Royal Air Maroc".

§ 238.4 [Amended]

In § 238.4 *Preinspection outside the United States*, the listing of transportation lines under "At Vancouver" is amended by adding thereto in alphabetical sequence: "International Jet Air, Ltd."

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

§ 316a.2 [Amended]

In § 316a.2 *American institutions of research*, the listing of research institutions is amended by adding thereto in alphabetical sequence the following institution: "Association of Universities for Research in Astronomy (AURA, Inc.), Tucson, Arizona." The listing of research institutions is further amended by deleting therefrom "Colorado University (Department of History), Boulder, Colorado" and by substituting in lieu thereof

in alphabetical sequence: "University of Colorado (Department of History), Boulder, Colorado."

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendments to §§ 100.4 (b) and (e), 103.1(o) and 103.4 relate to agency management; the amendments to §§ 238.3(b) and 238.4 add transportation lines to the listings; and the amendments to § 316a.2 add an institution of research to the listing and are editorial in nature.

Effective date. The amendments made in this order shall become effective December 17, 1975.

(80 Stat. 383; 5 U.S.C. 552 as amended by Pub. L. 93–502, 88 Stat. 1561; Sec. 103, 66 Stat. 173, 8 U.S.C. 1103)

Dated: December 12, 1975.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.75-33986 Filed 12-16-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. ER-940; Amdt. No. 46]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Minimum Rates for Certain Air Transportation

Correction

In FR Doc. 75–32731 appearing at page 56652 in the issue of Thursday, December 4, 1975, make the following changes on page 56653:

1. In column one at the end of the first complete paragraph insert "(Docket 28441), is denied."

2. In column one the second complete paragraph is republished to read as follows:

Contrary to the implications of the petition and answers, the Board has not abandoned its monthly review of the rate impact of reported fuel price changes. By ER–920, we merely dropped the automatic monthly surcharge rate adjustment in favor of a quarterly adjustment procedure. In doing so, however, the Board expressly indicated its intent to respond should a significant interim price change warrant amendment of the surcharge rates. Our review of the surcharge-rate impact for the fuel prices reported as at October 1, 1975, including the revised data for TIA, did not produce results for the international MAC carriers as a class to warrant an amendment to the existing fuel surcharge rates. The analysis of reported fuel prices as at November 1, 1975, however, indicates that adjustment to these rates should now be made.[2]

[2] Footnote not printed.

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER B—CONSUMER PRODUCT SAFETY ACT REGULATIONS

PART 1115—SUBSTANTIAL PRODUCT HAZARD NOTIFICATIONS

Clarifications

In this document the Consumer Product Safety Commission amends the substantial product hazard notification provisions of Part 1115 of Title 16 of the Code of Federal Regulations to require that such notifications be submitted to the Director, Office of Product Defect Identification, and to require that written delegations of authority to make such notifications also be submitted to the Director, Office of Product Defect Identification. This document also clarifies Part 1115 to make clear that it applies to "consumer products" which are subject to regulation by the Commission under the Flammable Fabrics Act, Federal Hazardous Substance Act, Poison Prevention Packaging Act, and Refrigerator Safety Act as well as the Consumer Product Safety Act.

In the FEDERAL REGISTER of February 19, 1974 (39 FR 6061) the Consumer Product Safety Commission promulgated a regulation (16 CFR Part 1115) under section 15 of the Consumer Product Safety Act (15 U.S.C. 2064), requiring manufacturers, distributors, and retailers of consumer products to notify the Director, Bureau of Compliance, of products which either do not comply with an applicable consumer product safety rule or which could create a substantial product hazard. In addition, the regulation requires that the chief executive officer of the reporting company sign and certify the information submitted under this requirement. This responsibility may be delegated by the chief executive officer by informing the Commission in writing of the delegation of authority. The regulation does not designate the office of the Commission to which the notice of delegation of authority should be sent.

This notice amends §§ 1115.4 and 1115.8 of the regulation by deleting reference to the Director, Bureau of Compliance, and by substituting in its place the Director, Office of Product Defect Identification. Section 1115.9 is also amended by deleting references to the Commission and substituting in their place, the Director, Office of Product Defect Identification. This amendment to §§ 1115.4, 1115.8, and 1115.9 applies only to notifications and delegations of authority submitted on or after the effective date of the amendment and does not affect previously filed notifications or delegations of authority.

In the preamble to the regulation published on February 19, 1974, the Commission affirmed the position expressed in the proposed regulation (August 3, 1973, 38 FR 20902) that the notification requirements of section 15 of the CPSA apply to all consumer products subject to regulation by the Commission, including those under the four acts transferred to the Commission by section 30 of the CPSA (15 U.S.C. 2079). These acts are the Flammable Fabrics Act, Federal Hazardous Substance Act, Poison Prevention Packaging Act, and Refrigerator Safety Act. The Commission found under section 30(d) of the CPSA that risks of injury of products falling within the authority of the Flammable Fabrics Act, Federal Hazardous Substance Act, and Poison Prevention Packaging Act can neither be eliminated or reduced to a sufficient extent in a timely fashion unless the Commission is notified under section 15(b) of the CPSA.

Although the Commission made the finding in the Preamble to the document published February 19, 1974 (39 FR 6061, 6062), the regulation itself does not specifically state that it applies to the transferred acts as well as the Consumer Product Safety Act. Therefore, to eliminate any possible confusion that may result from this omission in the body of the regulation, § 1115.1 is amended by adding a statement on the application of the regulation. This clarifying amendment does not alter the scope or application of the regulation.

Because the contents of this document are either a statement relating to internal procedures or a restatement of a previous finding, the notice, public rulemaking procedure, and effective date requirements contained in the Administrative Procedure Act, 5 U.S.C. 553, are unnecessary.

Pursuant to the provisions of the Consumer Product Safety Act 9 Pub. L. 92–573, sections 15 (a), (b), 27 (b), (e), 30; 86 Stat. 1221, 1228, 1231; 15 U.S.C. 2064 (a), (b), 2076(b)(e), 2079; Part 1115 of Title 16 of the Code of Federal Regulations is amended and/or clarified by revising §§ 1115.1, 1115.4, 1115.8 and 1115.9 to read as follows:

§ 1115.1 Scope.

(a) This Part 1115 prescribes notification requirements to be followed by manufacturers, distributors, and retailers who obtain information which reasonably supports the conclusion that one of their products fails to comply with an applicable consumer product safety rule or contains a defect which could create a substantial product hazard.

(b) Manufacturers, distributors, and retailers of "consumer products," as that term is defined in section 3(a) of the Consumer Product Safety Act, which are subject to regulation by the Consumer Product Safety Commission under provisions of the Consumer Product Safety Act, Flammable Fabrics Act, Federal Hazardous Substances Act, Poison Prevention Packaging Act, and Refrigerator Safety Act must comply with the requirements for notification of defect set forth in section 15(b) of the CPSA and the provisions of this Part 1115. Reports

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are required for defects which create or could create a substantial product hazard. A failure to comply with a standard or regulation issued under the provisions of the transferred acts is not required to be reported unless such failure to comply is also a defect which creates or could create a substantial product hazard.

§ 1115.4 General requirements.

Every manufacturer of a consumer product distributed in commerce and every retailer and distributor of such consumer product shall immediately inform the Director, Office of Product Defect Identification, Consumer Product Safety Commission, Washington, D.C. 20207 (phone (301) 492–6608), upon obtaining information which reasonably supports the conclusion that a consumer product fails to comply with an applicable consumer product safety rule or upon obtaining information which reasonably supports the conclusion that a product contains a defect which creates or could create a substantial product hazard. Such manufacturer, distributor, or retailer need not so inform the Commission if the manufacturer, distributor or retailer has actual knowledge that the Commission has been adequately informed of such defect or failure to comply. For the purposes of this Part 1115, the Commission will be "adequately informed" when it has received the information specified in this Part 1115.

§ 1115.8 Final statement.

A written report by a responsible official of the manufacturer shall be submitted to the Director, Office of Product Defect Identification, Consumer Product Safety Commission, Washington, D.C. 20207, when all of the information specified in § 1115.7 has been supplied.

§ 1115.9 Delegation of authority.

The chief executive officer of the notifying company shall sign and certify any information forwarded to the Director, Office of Product Defect Identification, for the purposes of complying with section 15(b) of the Act, or shall delegate this responsibility and so inform the Director, Office of Product Defect Identification, in writing • • •

Effective date. This document becomes effective December 17, 1975.

Dated: December 12, 1975.

SHELDON D. BUTTS,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc.75-33963 Filed 12-16-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER XIII—FEDERAL DISASTER ASSISTANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-282]

PART 2205—FEDERAL DISASTER ASSISTANCE

National Eligibility Criteria; Individual and Family Grants

The Department promulgated the Final Regulations for Federal Disaster Assistance under the Federal Disaster Relief Act of 1974, Pub. L. 93–288, in the FEDERAL REGISTER, 40 FR 23252, Wednesday, May 28, 1975, as 24 CFR Part 2205.

Section 2205.48(c) contains the National Eligibility Criteria for Individual and Family Grants under section 408 of Pub. L. 93–288. Participating States determine the eligibility of an individual or family for a grant to meet a necessary expense or serious need in accordance with these criteria. Under the existing criteria, an otherwise eligible applicant who has made application to other available governmental programs for assistance and has either been found unqualified or has not received assistance sufficient to meet all necessary expenses or serious needs may be eligible for Individual and Family Grant programs assistance.

On August 5, 1975, the President signed Pub. L. 94–68 which amends the Consolidated Farm and Rural Development Act. The amendment imposes a test for credit on farmers, ranchers and persons engaged in aquaculture who seek Emergency Loans from Farmers Home Administration (FmHA) to meet certain disaster-related needs. Credit-worthy farmers, ranchers and persons engaged in aquaculture who are excluded from the FmHA Emergency Loan program become potentially eligible for section 408 Individual and Family Grants under § 2205.48(c) as it currently reads.

The provision of grant funds for items or services covered by the Emergency Loan program, when such loan assistance is denied because of the applicants ability to obtain credit, would create an anomaly in conjunction with the intent of the credit test imposed by Pub. L. 94–68. To alleviate this unfair situation, § 2205.48(c) is amended to preclude the credit-worthy FmHA applicant from obtaining grant assistance for items or services eligible under the FmHA Emergency Loan program.

In view of the enactment of Pub. L. 94–68, it has been determined that notice and public comment is impracticable and contrary to the public interest, and that this corrective measure should be promulgated and made effective immediately. The time required for notice and public comment would substantially delay the rectification of the obvious conflict between the FmHA Emergency Loan program and the Individual and Family Grant program. As a consequence, States which have suffered major disasters and are administering Individual and Family Grant programs would be unable to complete their administrative activities within the time limits prescribed in § 2205.48(g). As a further consequence, the FDAA may be required to make grants to credit-worthy farmers which would be in direct conflict with the Congressional intent in Pub. L. 94–68.

The Administrator of the Federal Disaster Assistance Administration, with the concurrence of the appropriate Departmental officials, has issued a Finding of Inapplicability of Environmental Impact concerning this amendment. It is the position of the signatories to that Finding that this amendment in itself has no significant impact on the human environment since it does not materially extend or alter the language already adopted by Congress in the Act. Interested parties may inspect this Finding of Inapplicability of Environmental Impact at the office of the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, Washington, D.C. 20410.

Accordingly, pursuant to the authority contained in section 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)) and section 601 of the Disaster Relief Act of 1974 (42 U.S.C. 5121n.), 24 CFR Part 2205 is amended by adding the following:

§ 2205.48 Individual and family grants.

• • • • • •

(c) *National eligibility criteria.* • • •

(1) *General.* • • •

(i) • • •

(D) Farmers, ranchers, and persons engaged in aquaculture who are qualified to apply to the Farmers Home Administration (FmHA), must submit proof of the denial of such loan assistance from the FmHA before they may be considered eligible for a grant under this section. If applicants have been denied such loan assistance because, in FmHA's determination, they are able to obtain necessary credit from other sources they will be considered ineligible for grant assistance for those items or services for which assistance may be provided by the FmHA's Emergency Loan program.

• • • • • •

Effective date. This amendment takes effect on December 17, 1975.

NOTE.—Is it hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with the OMB Circular A–107.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75–33983 Filed 12–16–75;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Requirements for Public Employee Programs

Pursuant to the authority under sections 8(g)(2) and 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657(g)(2) and 667) (hereinafter referred to as the Act), 29 CFR Part 1952, "Approved State Plans for Enforcement of State Standards," is amended by adding a new section, § 1952.11, providing minimum requirements for public employee programs in approved State plans as required under section 18(c)(6) of the Act.

Section 18(c)(6) of the Act provides that a State plan, as one of the criteria for its approval, is to contain satisfactory assurances that the State will, to the extent permitted by its law, establish and maintain an effective and comprehensive occupational safety and health program applicable to public agencies of the State and its political subdivisions, which program is to be as effective as the standards contained in an approved plan. See also 29 CFR 1902.3(j).

In providing the qualification, "to the extent permitted by its law," Congress specifically recognized the situation where a State may not be constitutionally empowered to exercise authority or control over public employees of local governments to the same extent as over State employees, because of limitations on State jurisdiction and authority over local government employees, as where localities operate under constitutionally granted "home rule" charters (Leg. History of Occupational Safety and Health Act of 1970 S. 2193, Pub. L. 91–596, prepared by the Subcommittee on Labor of the Committee on Labor and Public Welfare, United States Senate, June 1971, pp. 197, 1054, 1059). Consequently, Congress mandated that a State plan provide a program for all State and local government employees to the full extent that it is legislatively able to do so. Any State action to reduce or remove coverage of public employees in order to limit the State's responsibilities under section 18(c)(6) of the Act would be a sound basis for the rejection or withdrawal of approval of a plan.

Whatever limitations there may be on State authority to cover public employees under a State's program must be fully documented by an opinion from the Attorney General of the State. The Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) will review State interpretations of any such limitations and, if necessary, he may suggest alternative methods of providing a program for public employees within the State, where such limitations exist.

In any event, a State plan must provide an effective and comprehensive program providing application of occupational safety and health standards to its public employees, which program is as effective as the standards provided for private employees. Standards applicable to public employees must deal with hazards as comprehensively as standards applicable to private employees under the plan. In other words, standards at least as effective as those applicable to working conditions in private industry must be applicable to the same or similar working conditions in public employment. In addition, procedures and requirements for promulgation of standards and granting of variances from standards must be the same as those provided for private industry, in accordance with Part 1902 of this chapter.

It is possible that certain public occupations may involve exposure to hazards which are unique to that occupation and thus employees in these occupations would not be provided with adequate protection by the application of existing standards (i.e. firefighting, emergency services). For such occupations, States are encouraged to develop and enforce standards tailored to the needs of the particular hazard involved.

The legislative history and the provisions of section 18(c)(6) of the Act indicate that Congress recognized that the enforcement mechanisms under the Act would not necessarily be as appropriate for application to public employers as they would be to private employers. It is in the discretion of the individual State as to whether it will provide a means of enforcement under its public employee program which will be applied in the same manner as for private employers.

However, certain minimum enforcement elements are deemed essential to ensure an "effective and comprehensive" occupational safety and health program for public employees which is as effective as the standards contained in an approved plan. These elements, derived from the indices of effectiveness for enforcement of a private employee program contained in 29 CFR 1902.4(c), are deemed basic to the effective application of occupational safety and health standards within the meaning of the Act. It should be noted, however, that in addressing these concepts, a state public employee program may use approaches different from those used in a private industry program. For instance, a State may not find it appropriate to impose monetary sanctions against public employers, or the designated agency under the plan might choose to develop self inspection programs with State level agencies, rather than conducting the inspections itself. A State public employee program, in providing for application of standards to all public employees in the State at least as effective as those applicable to private employees, must provide for the following: (1) Regular inspections of workplaces, including inspections in response to valid employee complaints, (2) a means for employees to bring possible violations to the attention of inspectors, (3) notification to employees, or their representatives, when no violations are found as a result of violations alleged by such employees or their representatives, and provision for informal review of such determination, (4) a means of informing employees of their protections and obligations under the Act, (5) protection for employees against discrimination or discharge because they have exercised rights under the program, (6) employee access to information on their exposure to toxic materials or harmful physical agents and prompt notification to employees when they have been or are being exposed to such materials or agents at concentrations or levels above those specified by the applicable standards, (7) procedures for the prompt restraint or elimination of imminent danger situations, (8) a means of promptly notifying employers and employees when an alleged violation has occurred, including the proposed abatement requirements, (9) a means of establishing timetables for the correction of violations, and (10) a program for encouraging voluntary compliance. See also North Carolina approval decision (38 FR 3041, February 11, 1973).

It should be noted, however, that even though the State may develop enforcement approaches for these elements which differ from those which it uses in its private industry program, the designated agency must maintain control over the implementation of the program. For example, the designated agency might choose to provide for the development and enforcement of a public employee plan by a political subdivision, but at all times the designated agency must be able to ensure prompt response to results of the evaluation of the program. See Colorado Approval Decision (38 FR 25172).

The new § 1952.11 of this chapter includes statements of policy, interpretations of the Act and its implementing regulations respecting requirements for public employee programs under approved State plans. Regulations concerning statutory interpretations and policy statements do not require a public comment period prior to becoming effective (Administrative Procedure Act, 5 U.S.C. 553(b)(3)(A)). In addition, the requirements outlined above were set forth in a program directive, P.D. #72–22, which was reviewed by the Advisory Committee on Intergovernmental Relations in July 1972 (See CCH, Employment Safety and Health Guide, 1973–1974 Supplemental Volumes, paragraph 9045). The requirements outlined above were also set forth in the notice of the decision approving the North Carolina Occupational Safety and Health Plan (38 FR 3041).

In addition, the Assistant Secretary, in accordance with 5 U.S.C. 553(b)(3)(B), finds that good cause exists for not delaying the effective date of these regulations as they codify statutory interpretations which have been uniformly applied and incorporated in each State plan approved under section 18(c) of the Act, as set forth in Subpart B, below.

Therefore, pursuant to the authority contained in sections 8(g)(2) and 18 of the Act, 29 CFR 1952.11 is added as follows. The amendment shall be effective December 16, 1975.

§ 1952.11 State and local government employee programs.

(a) Each approved State plan must contain satisfactory assurances that the State will, to the extent permitted by its law, establish and maintain an effective and comprehensive occupational safety and health program applicable to all employees of public agencies of the State and its political subdivisions which program is as effective as the standards contained in an approved plan.

(b) This criteria for approved State plans is interpreted to require the following elements with regard to coverage, standards, and enforcement:

(1) *Coverage.* The program must cover all public employees over which the State has legislative authority under its constitution. "To the extent permitted by its law," specifically recognizes the situation where local governments ex-

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clusively control their own employees, such as under certain "home rule" charters.

(2) *Standards.* The program must be as effective as the standards contained in the approved plan applicable to private employers. Thus, the same criteria and indices of standards effectiveness contained in §§ 1902.3(c) and 1902.4 (a) and (b) of this chapter would apply to the public employee program. Where hazards are unique to public employment, all appropriate indices of effectiveness, such as those dealing with temporary emergency standards, development of standards, employee information, variances, and protective equipment, would be applicable to standards for such hazards.

(3) *Enforcement.* Although section 18 (c)(6) of the Act requires State public employee programs to be "as effective as standards" contained in the State plan, minimum enforcement elements are required to ensure an "effective and comprehensive" public employee program as follows (See notice of approval of the North Carolina Plan (38 FR 3041):

(i) Regular inspections of workplaces, including inspections in response to valid employee complaints;

(ii) A means for employees to bring possible violations to the attention of inspectors;

(iii) Notification to employees, or their representatives, of decisions that no violations are found as a result of complaints by such employees or their representatives, and informal review of such decisions;

(iv) A means of informing employees of their protections and obligations under the Act;

(v) Protection for employees against discharge of discrimination because of the exercise of rights under the Act;

(vi) Employee access to information on their exposure to toxic materials or harmful physical agents and prompt notification to employees when they have been or are being exposed to such materials or agents at concentrations or levels above those specified by the applicable standards;

(vii) Procedures for the prompt restraint or elimination of imminent danger situations;

(viii) A means of promptly notifying employers and employees when an alleged violation has occurred, including the proposed abatement requirements;

(ix) A means of establishing timetables for the correction of violations;

(x) A program for encouraging voluntary compliance; and;

(xi) Such other additional enforcement provisions under State law as may have been included in the State plan.

(c) In accordance with § 1902.3(b)(3), the State agency or agencies designated to administer the plan throughout the State must retain overall responsibility for the entire plan. Political subdivisions may have the responsibility and authority for the development and enforcement of standards: *Provided*, That the designated State agency or agencies have adequate authority by statute, regulation, or agreement to insure that the commitments of the State under the plan will be fulfilled.

These commitments supersede and control any delegation of authority to State or local agencies. (See Notice of Approval of Colorado Plan, 38 FR 25172.)

(Secs. 8(g)(2), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C. this 10th day of December 1975.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.75-34013 Filed 12-16-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 6—DEPARTMENT OF STATE

[Dept. Reg. 108.719]

PROCUREMENT REGULATIONS

Miscellaneous Amendments

Parts 6-1, 6-2, and 6-3 of Title 41 of the Code of Federal Regulations are amended to implement Pub. L. 93-356, dated July 25, 1975, which amended the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471) to increase the authority to negotiate small purchases from $2,500 to $10,000. This amendment supplements FPR Amendment 153 published in the FEDERAL REGISTER on September 25, 1975 (40 FR 44137). Additionally, procedures for administrative debarment are updated, and certain organizational changes and editorial corrections are made.

Inasmuch as these regulations relate to internal procedures and are based on FPR regulations previously published, it is impractical and unnecessary to subject them to the notice and public procedure requirements for rulemaking under 5 U.S.C. 553.

PART 6-1—GENERAL

1. In Subpart 6-1.4, § 6-1.404-2(c)(5)(ii) is amended to read as follows:

§ 6-1.404-2 Designation.

* * * * * * *

(c) * * *
(5) * * *

(ii) Direct transactions with vendors within the United States shall not exceed $5,000 per transaction unless such transaction is under a contract executed by the Department of State, the General Services Administration or other U.S. Government Agency. Such transactions with U.S. vendors shall be in accordance with small purchase procedures described in Subpart 1-3.6 of this title and Subpart 6-3.6 of this chapter.

2. Subpart 6-1.6 is revised by deleting the text and reserving the present §§ 6-1.601 and 6-1.602, and by adding new §§ 6-1.604 and 6-1.604-1 as follows:

Subpart 6-1.6—Debarred and Ineligible Bidders

Sec.
6-1.601 [Reserved]
6-1.602 [Reserved]
6-1.604 Department of State procedure for administrative debarment.
6-1.604-1 Notice and hearing.

AUTHORITY: Sec. 205(c), 63 Stat. 390, as amended, (40 U.S.C. 486(c)); sec. 4, 63 Stat. 111, (22 U.S.C. 2658)

Subpart 6-1.6—Debarred and Ineligible Bidders

§§ 6-1.601—6-1.602 [Reserved]

§ 6-1.604 Department of State procedure for administrative debarment.

(a) Administrative debarment may be initiated by any Contracting Officer of the Department.

(b) The recommendation for debarment together with a statement of the causes or conditions (see § 1-1.604 of this title), the suggested term of debarment, and the documentary evidence to support the recommendation will be submitted to the Chief, Supply and Transportation Division. If concurred in, the recommendation will be forwarded to the Legal Adviser for approval and returned to the Chief, Supply and Transportation Division.

§ 6-1.604-1 Notice and hearing.

(a) *Notice.* A notice of proposed debarment will:

(1) Concisely state the facts on which the proposed debarment is predicated;

(2) Specify the period of the proposed debarment;

(3) Inform the firm or individual of the action which the Department may take in the event a low bid or proposal is received from the firm or individual before the proposed debarment is finally determined;

(4) Inform the firm or individual of its right, within twenty (20) days of the date of the notice of the proposed debarment, or such other time as may be specified in the notice, to request a hearing;

(5) Provide that the firm or individual may submit a written reply to the notice of proposed debarment within twenty (20) days of its date, or such other time as may be specified in the notice. The reply shall set forth the facts on which the firm or individual relies and request a hearing, if one is desired;

(6) Inform the firm or individual that if no reply or request for hearing is received within twenty (20) days from the date of the notice of proposed debarment or such other time as may be specified in the notice, that the debarment will become effective on the date specified in the notice.

(b) *Hearing.* Hearings requested in connection with debarment proceedings shall be conducted before the Deputy Assistant Secretary for Operations or his designee. An opportunity shall be afforded to the firm or individual to appear with witnesses and counsel, to present facts or circumstances showing cause why such firm or individual should not be debarred. If the firm or individual elects not to appear, the reviewing authority will make the decision based on the facts on record and such additional evidence as may be furnished by the parties involved. After consideration of the facts, the reviewing authority shall notify the firm or individual of the final decision.

PART 6-2—PROCUREMENT BY FORMAL ADVERTISING

3. In Subpart 6-2.2, § 6-2.202-50(a) is revised to read as follows:

§ 6-2.202-50 Grouping of items in a single invitation for bids.

(a) It is basic Government policy that procurement shall be effected by formal advertising, except as provided in Subpart 1-3.2 of this title. Consequently, requirements aggregating more than $10,000 shall not be broken down into several purchases or contracts of less than $10,000 merely for the purpose of utilizing negotiation. (See § 1-3.602 of this title.) In order to minimize the administrative costs to the Government each invitation for bids shall include all items suitable for procurement by the procuring activity at the time the invitation is being prepared which are customarily provided by the prospective bidders.

* * * * * * *

PART 6-3—PROCUREMENT BY NEGOTIATION

4. In Subpart 6-3.6, § 6-3.605-3 is amended by revising paragraphs (b)(2)(i) and (ii), and adding a new paragraph (b)(2)(iii) as follows:

§ 6-3.605-3 Agency order forms.

* * * * * * *

(b) * * *
(2) * * *

(i) Procedures for purchasing for surface shipment from Federal Supply Schedule contractors are in § 6-5.5004 of this chapter. They may be followed, as applicable, in purchasing from other government contractors. The dollar limitation of $5,000 on purchases from U.S. vendors described in § 6-1.404-2(c)(5)(ii) of this chapter does not apply to purchases under Government contracts existing at the time of purchase.

(ii) Posts should normally follow the procedures in § 6-5.5004 of this chapter in purchasing for surface shipment from noncontract sources so that payment to the vendor may be accelerated through usage of the Despatch Agent's services. The dollar limitation of $5,000 on purchases from U.S. vendors described in § 6-1,404(c)(5)(ii) of this chapter applies to the aggregate total of the order (including all estimated handling and freight charges) to be paid to the vendor.

(iii) The terms and conditions required by § 1-3.605-2 of this title shall be added or incorporated by reference on the purchase order form for small purchases in excess of $2,500 from U.S. vendors.

5. The text in § 6-3.606-2 is deleted and the section is reserved, and in § 6-3.606-4 (a)(2) is revised to read as follows:

§ 6-3.606-2 [Reserved]

§ 6-3.606-4 Documentation.

(a) * * *

(2) The names of persons authorized to place orders, the method of placing such orders, the maximum limitation of individual orders (which, in any case shall not exceed $5,000), and the maximum cumulative purchase limitation under the arrangement.

* * * * * * *

(Sec. 205(c), 63 Stat. 390, as amended, (40 U.S.C. 486(c)); sec. 4, 63 Stat. 111, (22 U.S.C. 2658)).

Effective date. These amendments are effective December 3, 1975.

Dated: December 3, 1975.

[SEAL] JOHN M. THOMAS,
Assistant Secretary for Administration.

[FR Doc.75-33914 Filed 12-16-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5559]

[AA-6977]

ALASKA

Amendment of Executive Order No. 6827; Transfer of Lands From Department of the Air Force to the U.S. Coast Guard

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

Executive Order No. 6827 of August 21, 1934, which withdrew lands for the War Department for the use of the Signal Corps, which lands were subsequently transferred on July 3, 1962, by paragraph IV of General Orders No. 38, Department of the Army, to the Department of the Air Force, is hereby amended so far as it relates to the following described land to transfer jurisdiction of said land to the U.S. Coast Guard, Department of Transportation for the housing of personnel:

ANCHORAGE TOWNSITE

LOT 18, BLOCK 16

Containing 0.14 of an acre.

JACK O. HORTON,
Assistant Secretary of the Interior.

DECEMBER 11, 1975.

[FR Doc.75-33877 Filed 12-16-75;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 223—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

General Administration

Correction

In FR Doc. 75-16662, appearing at page 27154 in the issue for Thursday, June 26, 1975, on page 27156 § 233.20(a)(3)(vi) should read as follows:

§ 233.20 Need and amount of assistance.

(a) * * *
(3) * * *

(vi) Except for child support obligations assigned pursuant to § 232.11 of this chapter, if the State agency holds relatives responsible for the support of applicants and recipients, (a) include an income scale for use in determining whether responsible relatives have sufficient income to warrant expectation that they can contribute to the support of applicants or recipients, which income scale exceeds a minimum level of living and at least represents a minimum level of adequacy that takes account of the needs and other obligations of the relatives; and (b) will be made for contributions from relatives whose net cash income is below the income scale. In family groups living together, income of the spouse is considered available for his spouse and income of parent is considered available for children under 21.

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

MARKINGS ON INFLATABLE LIFERAFTS

● **Purpose. These regulations amend the lifesaving equipment requirement's by incorporating the current Coast Guard specification requirements for inflatable liferafts in the inspection requirements for vessels.** ●

On August 1, 1975, there were published in the FEDERAL REGISTER (40 FR 32339) proposed rules concerning the markings on certain inflatable liferafts if they were to continue to be used in Great Lakes service after January 1, 1976, and on other certificated vessels after January 1, 1980. Interested parties were given an opportunity to submit, not later than September 15, 1975, data, views and recommendations regarding the marking requirements.

No comments were received on the proposal. The proposed regulations are hereby adopted with the following corrections of errors:

1. In § 94.10-5 (b)(2)(ii), strike the words "paragraph (b)(3)(iii)", and insert the words "paragraph (b)(2)(iii)" in place thereof.

2. In § 167.36-2 (e)(2), strike the words "paragraph (b)(3)iii)" and insert the words "paragraph (e)(3)" in place thereof.

3. In § 176.25-20 (d)(2), strike the words "paragraph (b)(3)(iii)" and insert the words "paragraph (d)(3)" in place thereof.

4. In § 176.25-22 (e)(2), strike the words "paragraph (b)(3)(iii)" and insert the words "paragraph (e)(3)" in place thereof.

5. In § 192.10-5 (b)(2)(ii), strike the words "paragraph (b)(3)(iii)" and insert the words "paragraph (b)(2)(iii)" in place thereof.

The adopted regulations, as corrected, are set forth below.

Effective date. These regulations shall become effective on January 19, 1976.

Dated: December 10, 1975.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

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Chapter 1 of Title 46, Code of Federal Regulations is amended as follows:

PART 33—LIFESAVING APPLIANCES

1. By revising § 33.01–30(f) to read as follows:

§ 33.01–30 Approval of lifesavings appliances—TB/ALL.

• • • • •

(f) An inflatable liferaft must meet the following:

(1) The liferaft must be approved under Subpart 160.051 of this chapter.

(2) On a tankship on an international voyage, the liferaft must have a carrying capacity of not less than 6 or more than 25 persons.

(3) Except as required in paragraph (f)(4) of this section, the liferaft must be marked in accordance with § 160.051–8 of this chapter.

(4) After January 1, 1976 on vessels certificated for Great Lakes service and after January 1, 1980 on other certificated vessels, the liferaft must show on or near the liferaft's nameplate, and the liferaft's container must show on or near the plate, marking approved by a Coast Guard inspector that is—

(i) An approval number consisting of "160.051/" followed by a number that is greater than "49" that is followed by a revision number (e.g. 160.051/50/1); or

(ii) An approval number consisting of "160.051/" followed by a number that is smaller than 50 that is followed by a reviston number (e.g. 160.051/48/1), the words "MOD. TEMP", a Coast Guard inspector's initials, and the date that an inspector found that the liferaft met § 160.051–5(c)(4) of this chapter.

• • • • •

2. By revising the note following § 33.25–10(b) to read as follows:

§ 33.25–10 Marking of liferafts—TB/ALL.

• • • • •

(b) • • •

NOTE: See § 33.01–30(f), (3) and (4) and § 160.051–8 of this chapter for required markings on an inflatable liferaft and a liferaft's container.

PART 75—LIFESAVING EQUIPMENT

3. By revising § 75.10–5(b)(3) to read as follows:

§ 75.10–5 Type of lifeboats, liferafts, lifefloats, and buoyant apparatus required.

• • • • •

(b) • • •

(3) An inflatable liferaft must meet the following:

(i) The liferaft must be approved under Subpart 160.051 of this chapter.

(ii) Except as required in paragraph (b)(3)(iii) of this section, the liferaft must be marked in accordance with § 160.051–8 of this chapter.

(iii) After January 1, 1976 on vessels certificated for Great Lakes service and after January 1, 1980 on other certificated vessels, the liferaft must show on or near the liferaft's nameplate, and the liferaft's container must show on or near the plate, marking approved by a Coast Guard inspector that is—

(A) An approval number consisting of "160.051/" followed by a number that is greater than 49 followed by a revision number (e.g. 160.051/50/1); or

(B) An approval number consisting of "160.051/" followed by a number that is smaller than 50 that is followed by a revision number (e.g. 160.051/48/1), the words "MOD. TEMP.", a Coast Guard inspector's initials, and the date that an inspector found that the liferaft met § 160.051–5(c)(4) of this chapter.

• • • • •

4. By revising the note following § 78.47–63(c) to read as follows:

§ 78.47–63 Liferafts, lifefloats, and buoyant apparatus.

• • • • •

(c) • • •

NOTE: See § 75.10–5(b)(3)(ii) and (iii) and § 160.051–8 of this chapter for required markings on an inflatable liferaft and a liferaft's container.

PART 94—LIFESAVING EQUIPMENT

5. By revising § 94.10–5(b)(2) to read as follows:

§ 94.10–5 Type of lifeboats, liferafts, lifefloats, buoyant apparatus, and rescue boats required.

• • • • •

(b) • • •

(2) An inflatable liferaft must meet the following:

(i) The liferaft must be approved under Subpart 160.051 of this chapter.

(ii) Except as required in paragraph (b)(2)(iii) of this section, the liferaft must be marked in accordance with § 160.051–8 of this chapter.

(iii) After January 1, 1976 on vessels certificated for Great Lakes service and after January 1, 1980 on other certificated vessels, the liferaft must show on or near the liferaft's nameplate, and the liferaft's container must show on or near the plate, marking approved by a Coast Guard inspector that is—

(A) An approval number consisting of "160.051/" followed by a number that is greater than 49 followed by a revision number (e.g. 160.051/50/1); or

(B) An approval number consisting of "160.051/" followed by a number that is smaller than 50 that is followed by a revision number (e.g. 160.051/48/1), the words "MOD. TEMP.", a Coast Guard inspector's initials, and the date that an inspector found that the liferaft met § 160.051–5(c)(4) of this chapter.

PART 97—OPERATIONS

• • • • •

6. By revising the note following § 97.37–40(c) to read as follows:

§ 97.37–40 Liferafts, lifeboats, and buoyant apparatus.

• • • • •

(c) • • •

NOTE: See § 94.10–5(b)(2)(ii) and (iii) and § 160.051–8 of this chapter for required markings on an inflatable liferaft and a liferaft's container.

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

7. By amending § 167.35–2 by adding a new paragraph (e) to read as follows:

§ 167.35–2 Inflatable liferafts.

• • • • •

(e) An inflatable liferaft must meet the following:

(1) The liferaft must be approved under Subpart 160.051 of this chapter.

(2) Except as required in paragraph (e)(3) of this section, the liferaft must be marked in accordance with § 160.051–8 of this chapter.

(3) After January 1, 1976 on vessels certificated for Great Lakes service and after January 1, 1980 on other certificated vessels, the liferaft must show on or near the liferaft's nameplate, and the liferaft's container must show on or near the plate, marking approved by a Coast Guard inspector that is—

(i) an approval number consisting of "160.051/" followed by a number that is greater than 49 followed by a revision number (e.g. 160.051/50/1); or

(ii) an approval number consisting of "160.051/" followed by a number that is smaller than 50 that is followed by a revision number (e.g. 160.051/48/1), the words "MOD. TEMP.", a Coast Guard inspector's initials, and the date that an inspector found that the liferaft met § 160.051–5(c)(4) of this chapter.

8. By revising the note following § 167.55–5(j)(2) to read as follows:

§ 167.55–5 Marking of fire and emergency equipment, etc.

• • • • •

(j) • • •

(2) • • •

NOTE: See § 167.35–2(e)(2) and (3) and § 160.051–8 of this chapter for required markings on an inflatable liferaft and a liferaft's container.

PART 176—INSPECTION AND CERTIFICATION

9. By amending § 176.25–20 by adding a new paragraph (d) to read as follows:

§ 176.25–20 Lifesaving equipment—S.

• • • • •

(d) An inflatable liferaft must meet the following:

(1) The liferaft must be approved under Subpart 160.051 of this chapter.

(2) Except as required in paragraph (d)(3) of this section, the liferaft must be marked in accordance with § 160.051–8 of this chapter.

(3) After January 1, 1976 on vessels certificated for Great Lakes service and after January 1, 1980 on other certificated vessels, the liferaft must show on or near the liferaft's nameplate, and the liferaft's container must show on or near the plate, marking approved by a Coast Guard inspector that is—

(i) An approval number consisting of "160.051/" followed by a number that is greater than 49 followed by a revision number (e.g. 160.051/50/1); or

(ii) An approval number consisting of "160.051/" followed by a number that is smaller than 50 that is followed by a revision number (e.g. 160.051/48/1), the words "MOD. TEMP.", a Coast Guard inspector's initials, and the date that an inspector found that the liferaft met § 160.051–5(c)(4) of this chapter.

10. By amending § 176.25–22 by adding a new paragraph (e) to read as follows:

§ 176.25–22 Lifesaving equipment—L.

• • • • •

(e) An inflatable liferaft must meet the following:

(1) The liferaft must be approved under Subpart 160.051 of this chapter.

(2) Except as required in paragraph (e)(3) of this section, the liferaft must be marked in accordance with § 160.051–8 of this chapter.

(3) After January 1, 1976 on vessels certificated for Great Lakes service and after January 1, 1980 on other certificated vessels, the liferaft must show on or near the liferaft's nameplate, and the liferaft's container must show on or near the plate, marking approved by a Coast Guard inspector that is—

(i) An approval number consisting of "160.051/" followed by a number that is greater than 49 followed by a revision number (e.g. 160.051/50/1); or

(ii) An approval number consisting of "160.051/" followed by a number that is smaller than 50 that is followed by a revision number (e.g. 160.051/48/1), the words "MOD. TEMP.", a Coast Guard inspector's initials, and the date that an inspector found that the liferaft met § 160.051–5(c)(4) of this chapter.

PART 192—LIFESAVING EQUIPMENT

11. By revising § 192.10–5(b)(2) to read as follows:

§ 192.10–5 Type of lifeboats, liferafts, lifefloats, buoyant apparatus, and rescue boats required.

• • • • •

(b) • • •

(2) An inflatable liferaft must meet the following:

(i) The liferaft must be approved under Subpart 160.051 of this chapter.

(ii) Except as required in paragraph (b)(2)(iii) of this section, the liferaft must be marked in accordance with § 160.051–8 of this chapter.

(iii) After January 1, 1976 on vessels certificated for Great Lakes service and after January 1, 1980 on other certificated vessels, the liferaft must show on or near the liferaft's nameplate, and the liferaft's container must show on or near the plate, marking approved by a Coast Guard inspector that is—

(A) An approval number consisting of "160.051/" followed by a number that is greater than 49 followed by a revision number (e.g. 160.051/50/1); or

(B) An approval number consisting of "160.051/" followed by a number that is smaller than 50 that is followed by a revision number (e.g. 160.051/48/1), the words "MOD. TEMP.", a Coast Guard inspector's initials, and the date that an inspector found that the liferaft met § 160.051–5(c)(4) of this chapter.

(R.S. 4417a, as amended (46 U.S.C. 391a), R.S. 4405, as amended (46 U.S.C. 375), R.S. 4462, as amended (46 U.S.C. 416), sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

[FR Doc.75–33989 Filed 12–16–75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20032; RM–1917]

PART 91—INDUSTRIAL RADIO SERVICES

Use of Certain Frequencies for Petroleum Geophysical Operations

1. This order is to correct a misprint in a Commission document which resulted in the deletion of ten, 150 MHz-band tertiary frequencies from the Petroleum Radio Service Frequency Table (§ 91.304). The document in which this took place is: Report and Order in Docket 20032, FCC 74–1188, released November 12, 1974 and published in the FEDERAL REGISTER on November 20, 1974 (39 FR 40764).

2. Part of the intent of Docket 20032 was to specify the frequencies to be used for geophysical operations. However, when listing the 150 MHz band channels available for geophysical operations, page two of the Appendix, an asterisk between each of the listed frequencies (designating that a frequency or frequencies between the two channels is left out) was inadvertently omitted. Therefore, in printing the rules the tertiary channels between each of the frequencies listed in the Appendix were omitted.

3. Inasmuch as this Order is a non-substantive editional revision of the Commission's rules, the Commission is taking this action pursuant to § 0.231(d) of the rules and compliance with the prior notice and procedure prescribed by section 4(a) of the Administrative Procedure Act, 5 U.S.C. 553, is not necessary. Authority for this amendment is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules and regulations.

4. *Accordingly it is ordered*, Effective December 29, 1975, § 91.304 is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1006; (47 U.S.C. 104, 303.))

FEDERAL COMMUNICATIONS COMMISSION

Adopted: December 10, 1975.

Released: December 11, 1975.

[SEAL] RICHARD D. LICHTWARDT, *Executive Director.*

Section 91.304(a) is amended as follows:

§ 91.304 Frequencies available.

(a) • • •

Petroleum radio service frequency table

Frequency or band	Class of station(s)	Limitations
MHz		
•	•	•
153.050	Base or mobile	11, 40
153.065	do	11
153.080	do	11, 40
153.095	do	11
153.110	do	11, 40
153.125	do	11
153.140	do	11, 40
153.155	do	11
153.170	do	11, 40
153.185	do	11
153.200	do	11, 40
153.215	do	11
153.230	do	11, 40
153.245	do	11
153.260	do	11, 40
153.275	do	11
153.290	do	11, 40
153.305	do	11
153.320	do	11, 40
153.335	do	11
153.350	do	11, 40
•	•	•

[FR Doc.75–33982 Filed 12–16–75;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 29; Amdt. No. 25–2]

PART 25—RELOCATION ASSISTANCE AND LAND ACQUISITION UNDER FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Schedule of Moving Expense Allowances; Individuals and Families

Part 25 of the regulations of the Office of the Secretary implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 84 Stat. 1894, was published in the FEDERAL REGISTER on September 4, 1975, 40 FR 41040. The purpose of this amendment is to clarify, in § 25.153, that the Federal Highway Administrator will update Appendix A in January and June of each year to reflect any changes in the schedule covered by that appendix.

Since this amendment relates to Departmental management, procedures and practices, and not to the substance of the regulations, public notice and procedure thereon are unnecessary, and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 25 of title 49 of the Code of Federal Regulations is amended as set forth below:

1. Section 25.153 is amended to read as follows:

V 40 243 DEC 17 75 XUM

§ 25.153 Schedule of moving expense allowances; individuals and families.

The Federal Highway Administrator shall—

(a) Establish and maintain in Appendix A to this part a schedule of moving expense allowances applicable to individuals and families displaced by projects to which this part applies for each State. The schedule shall cover every locality in the State and shall be based on current local moving costs. The allowances for any individual or family may not be more than $300.00.

(b) Amend Appendix A of this part to reflect any changes in the schedule covered by that appendix by publication in the FEDERAL REGISTER in January and June of each year.

(Sec. 213, 84 Stat. 1900 (42 U.S.C. 4633))

Effective date. This amendment is effective on December 17, 1975.

Issued in Washington, D.C., on December 11, 1975.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

[FR Doc.75-33884 Filed 12-16-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 78]

[CGD 75-009]

FIRE AND BOAT DRILLS ON PASSENGER VESSELS

Proposed Rulemaking

The Coast Guard is considering amending the regulations for fire and boat drills on passenger vessels to delete the provision which excludes female crew members from participating in the drills.

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments to the Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Each person or organization submitting a comment should include their name and address, identify this notice (CGD 75-009), and give reasons for any recommendations made.

Comments received before January 26, 1976, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination in room 8117, Department of Transportation, Nassif Building, 400 Seventh St. SW., Washington, D.C. This proposal may be changed in light of comments received.

No hearing is contemplated, but one may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by a person or organization desiring to comment orally at a public hearing and raising a genuine issue.

This amendment is being considered because as more women are employed in departments other than the steward's department, the safety of a vessel could be affected if the entire crew is not required to participate in fire and boat drills.

In consideration of the foregoing, it is proposed that Part 78 of Title 46 of the Code of Federal Regulations be amended as follows:

§ 78.17-50 [Amended]

In § 78.17-50(c), by deleting the words "except female members" in the first sentence.

(R.S. 4488, as amended; (46 U.S.C. 481; 49 U.S.C. 1655(b); 49 CFR 1.46(b)).)

Dated December 9, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant Marine Safety.

[FR Doc.75-33990 Filed 12-16-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-033]

OCCUPATIONAL EXPOSURE TO ASBESTOS

Extension of Time To File Comments on Proposed Revision; Corrections

1. *Extension of time.* On October 9, 1975, notice was published in the FEDERAL REGISTER (40 CFR 47652) of a proposed revision of the occupational safety and health standard for exposure to asbestos, pursuant to the authority in sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657) and 29 CFR Part 1911. Interested persons were given until December 8, 1975, to submit written data, views, and arguments regarding the proposed revision and to file objections thereto. In response to the notice, interested parties have submitted requests for an extension of the period within which to file comments. The basis for the requests is that the issues raised by the proposal are complex, that additional time is needed to compile relevant data and information regarding the proposed revision and that affected parties are also submitting comments on other recently published OSHA proposals. The requesting parties state that additional time is necessary in order to submit appropriate comments on the proposed revision.

OSHA finds these requests and supporting rationale to have merit, and has decided to extend the period for the filing of comments and objections for approximately 60 additional days. Because of the need to prepare an inflationary impact statement, this extension of time will not unduly delay the standards-setting process. Therefore, notice is hereby given that the period for submitting written data, views and arguments, as well as for the filing of objections and requests for an informal hearing on the proposed revision of the standard on asbestos, is extended from December 8, 1975 to February 9, 1976. As originally directed, such material must be submitted in quadruplicate to the Docket Officer, Docket H-033 U.S. Department of Labor, Room N-3620, 3d and Constitution Avenue, NW., Washington, D.C. 20210 (Telephone 202/523-9076). The data, views, and arguments will be available for public inspection and copying at the above address. All written submissions received will be made a part of the record. In all other respects, the terms of the original notice remain in effect.

2. *Corrections.* In FR Doc. 75-26561, appearing in the FEDERAL REGISTER of October 9, 1975, it is necessary to make the following corrections:

1. On page 47653, in the first column, lines 7-9 of the first full paragraph are corrected to read "industry (624,000 short tons), while 23 percent were used in nonconstruction. Approxi-"

2. On page 47653, in the first column, the second sentence of the fourth paragraph is corrected to read as follows: "The Occupational Safety and Health Administration and the standards issued by it do not apply to working conditions in mining and milling operations to the extent that such working conditions are covered by regulations affecting occupational safety or health prescribed or enforced by the Mining Enforcement and Safety Administration of the Department of the Interior."

3. On page 47653, in the third column, in line 31, the quotation is corrected by adding the word "suffer" after the word "will".

4. On page 47654, in the first column, line 15 of the third full paragraph, the reference "Selikoff, 1965:" is corrected to read, "Selikoff, Hommond and Churg, 1965;".

5. In page 47654, in the third column, line 14 of the first complete paragraph, the year "1965" is corrected to read "1967".

6. On page 47654, in the third column, line 14 from the bottom of the first full paragraph, the word "asbestosis" is corrected to read "asbestos".

7. On page 47655, in the first column, line 11 of the fourth paragraph, the reference "Enterline, 1972" is corrected to read "Enterline, de Coufle and Henderson, 1972".

8. On page 47655, in the third column, line 5 of the second full paragraph, the date "1972" is corrected to read "1973".

9. On page 47656, in the first column, lines 2, 8 and 9 from the bottom of the second full paragraph, the references are corrected to read "Sheers and Templeton, 1968"; "Stumphius, 1971", and "Rawcliffe, 1971", respectively.

10. On page 47659, reference 8, the name of "Nureweather, E.R.A." is corrected to read "Mereweter, E.R.A."

11. On page 47659, reference 9, the name "Dressen, W.C." is corrected to read "Dreessen, W.C."

V 40 243 DEC 17 75 XUM

12. On page 47660, reference 13, the name "Dozz, R" is corrected to read "Doll, R".

13. On page 47660, reference 15, the title of the paper is corrected by changing the word "Conjugal" to "Household Contact".

14. On page 47660, reference 19, the title of the paper is corrected by changing the word "Research" to "Recent".

15. On page 47660, reference 21, the name "P. Marehand" is corrected to read "P. Marchand".

16. On page 47660, reference 22, the name "Entickwap, J.B." is corrected to read "Enticknap, J. B.".

17. On page 47660, reference 23, the entire reference is corrected to read: Borow, M., Conston, A., Livornese, L.I., and N. Schalet: Mesothelioma Following Exposure to Asbestos: a Review of 72 Cases. Chest 64: 641–646 (1973).

18. On page 47660, reference 25, the city "Bristol" is corrected to read "Brighton".

19. On page 47660, reference 27, the name "Still, P. M." is corrected to read "Stell, P.M.".

20. On page 47660, reference 29, the publication year is corrected by changing "(1976)" to "(1970)".

21. On page 47660, reference 31, the date is corrected by changing "September 30, 1974" to "September 20, 1974".

22. On page 47660, reference 32, the name "Wester, I." is corrected to read "Webster, I."

23. On page 47660, reference 33, the name "L. Davies" is corrected to read "T. A. Lloyd Davies".

24. On page 47660, reference 34 is to be added as follows: "Lillington, G.A., Jamppe, R.W. and J.R. Differding: Conjugal-Malignant Mesotheliomas. New Eng. J. Med. 291: 583–584 (1974)."

25. On page 47660, reference 38, in the title of the paper, the name "Wallheren" is corrected to read "Welcheren".

26. On page 47660, reference 39, the name "Sherrs, G." is corrected to read "Sheers, G".

27. On page 47660, reference 40, in the title of the paper, the word "Plural" is corrected to read "Pleural".

28. On page 47660, reference 41, the name "Wagner, J. K." is corrected to read "Wagoner, J.K."

29. On page 47660, reference 42, the name "Eolge, J.R." is corrected to read "Edge, J.R.", and in the title of the paper, the name "Barrow-in-Furnances" is corrected to read "Barrow-in-Furness."

30. On page 47664, in the third column, the first sentence of paragraph "II C" is corrected to read "Employees involved in clean-up operations where air concentrations are unknown should wear respiratory equipment as specified in Table 1 of the asbestos standard, which protects for up to at least 1000 times the limits in paragraph (b) of the asbestos standard."

31. On page 47665, in the second column, line 11 of paragraph I(f) is corrected by changing "50" to "1,000".

(Secs. 6, 8, 84 Stat. 1593, 1599 (29 U.S.C. 655, 657); Secretary of Labor's Order No. 12–71, 36 FR 8754, and 29 CFR Part 1911).

Signed at Washington, D.C., this 10th day of December 1975.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.75–34014 Filed 12–16–75;8:45 am]

[29 CFR Part 1910]

[Docket No. H–005]

OCCUPATIONAL EXPOSURE TO BERYLLIUM

Extension of Time To File Comments on Proposed Rule; Corrections

1. *Extension of time.* On October 17, 1975, notice was published in the FEDERAL REGISTER (40 FR 48814) of a proposed occupational safety and health standard for exposure to beryllium, pursuant to the authority in sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657) and 29 CFR Part 1911. Interested persons were given until December 16, 1975, to submit written data, views, and arguments regarding the proposed standard and to file objections thereto. In response to the notice, interested parties have submitted requests for an extension of the period within which to file comments. The basis for the requests is that the issues raised by the proposal are complex, that additional time is needed to compile relevant data and information regarding the proposed standard, and that affected parties are also submitting comments on other recently published OSHA proposals. The requesting parties state that additional time is necessary in order to submit appropriate comments on the proposed standard.

We find these requests and supporting rationale to have merit, and have decided to extend the period for the filing of comments and objections for approximately 45 additional days. Because of the need to prepare an inflationary impact statement, this extension of time will not unduly delay the standards-setting process. Therefore, notice is hereby given that the period for submitting written data, views and arguments, as well as for the filing of objections and requests for an informal hearing on the proposed standard on beryllium, is extended from December 16, 1975 to February 2, 1976. As originally directed, such material must be submitted in quadruplicate to the Docket Officer, Docket H–005, U.S. Department of Labor, Room N–3620, 3b and Constitution Avenue, NW., Washington, D.C. 20210 (Telephone 202/523–8076). The data, views, and arguments will be available for public inspection and copying at the above address. All written submissions received will be made a part of the record. In all other respects, the terms of the original notice remain in effect.

2. *Corrections.* In the proposed standard on beryllium (FR Doc. 75–27991) appearing at page 48814 in the FEDERAL REGISTER of Friday, October 17, 1975, the following corrections should be made:

1. On page 48819, in the third column, line 4 of the third full paragraph, is corrected to read: "the proposed standard are followed. The proposal also calls for periodic cleaning."

2. On page 48823, in the first column, line 6 of the seventh full paragraph, is corrected to read "lieum in excess of 1.0 microgram per cubic meter of".

(Secs. 6, 8, 84 Stat. 1593, 1599 (29 U.S.C. 655, 657); Secretary of Labor's Order No. 12–71, 36 FR 8754, and 29 CFR Part 1911).

Signed at Washington, D.C., this 10th day of December 1975.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.75–34015 Filed 12–16–75;8:45 am]

[29 CFR Part 1910]

[Docket No. H–048]

OCCUPATIONAL EXPOSURE TO TRICHLOROETHYLENE

Extension of Time To File Comments on Proposed Rule; Corrections

1. *Extension of time.* On October 20, 1975, notice was published in the FEDERAL REGISTER (40 FR 49032) of a proposed occupational safety and health standard for exposure to trichloroethylene pursuant to the authority in sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657) and 29 CFR Part 1911. Interested persons were invited to submit data, views and arguments regarding the proposed standard and to file objections thereto, on or before December 19, 1975. In response to the notice, submissions have been received from several interested parties requesting additional time in which to file comments. Generally, the reasons given for the requests are that the issues raised by the proposed standard on trichloroethylene are novel and complex and that affected parties are submitting comments on other recently published OSHA proposals as well. The requesting parties state that more time is essential in order to properly respond to the proposed standard on trichloroethylene.

We find these requests and supporting rationale to have merit, and have decided to extend the period for the filing of comments and objections for approximately 60 additional days. Because of the need to prepare an inflationary impact statement and have it available for public comment in advance of any hearing, this extension of time will not unduly delay the standards-setting process. Therefore, notice is hereby given that the period for submitting written data, views, and arguments, as well as for the filing of objections and requests for an informal hearing on the proposed standard on trichloroethylene is extended from December 19, 1975 to February 20, 1976. As originally directed, such material must be submitted in quadruplicate to the Docket Officer, Docket H–048, U.S. Department of Labor, Room N–3620, 3rd and Constitution Avenue NW., Washington, D.C. 20210 (Telephone 202/523–8076). The data, views, and arguments will be available for public inspection and copying at the above address. All written submissions received will be made a part of the record. In all other respects, the terms of the original notice remain in effect.

2. *Corrections.* In the proposed standard on trichloroethylene (FR Doc. 75–27990) appearing at page 49032 in the FEDERAL REGISTER of Monday, October 20, 1975, the following corrections should be made:

1. On page 49033, in the third column, line 19 of paragraph 1 is corrected to read "found at 20,000 ppm for 24 minutes".

2. On page 49033, in the third column, line 21 of paragraph 1 is corrected to read "84 minutes, and 3,000 ppm for seven hours".

3. On page 49035, in the first column, line 10, is corrected by adding the word "safety" before the words "and health".

4. On page 49037, in the third column, line 17 of the third full paragraph, the word "monitory" is corrected to read "monitoring".

5. On page 49038, in the first column, line 4 of the fourth full paragraph, the word "employers" is corrected to read "employees".

6. On page 49040, in the first column, in the References Section VII, line two of reference #26, the word "Trichlromethylene" is corrected to read "Trichloroethylene".

(Secs. 6, 8, 84 Stat. 1593, 1599 (29 U.S.C. 655, 657); Secretary of Labor's Order No. 12–71, 36 FR 8754, and 29 CFR Part 1911)

Signed at Washington, D.C., this 10th day of December 1975.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.75–34016 Filed 12–16–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Parts 100a, 100c, 174]

EDUCATION PROFESSIONS DEVELOPMENT PROGRAMS

Proposed Mandatory Requirements

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92–318) and pursuant to the authority contained in the Education Professions Development Act (Title V of the Higher Education Act of 1965, Pub. L. 89–329 as amended, Parts D and F; 20 U.S.C. 1091–1092, 1119–1119c–3) the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45 of the Code of Federal Regulations by amending Part 174 as set forth below. The proposed amendments would be applicable to the programs authorized by Parts D and F of the Education Professions Development Act. The regulations contain mandatory requirements for these programs. At this time, there will be no separate guidelines. Should guidelines be issued in the future, they would be limited to material in the nature of suggestions and recommendations for program management and operation. Certain technical and conforming amendments are also proposed for Parts 100a and 100c (General Provisions Regulations).

(a) *Purpose of programs.* Title V of the Act provides for assistance to improve the quality of education and to help meet critical shortages of adequately trained educational personnel by (1) Developing information on the actual needs for educational personnel, both present and long-range; (2) Providing a broad range of high quality training and retraining opportunities responsive to changing manpower needs; (3) Attracting a greater number of qualified persons into the education professions; (4) Attracting persons who can stimulate creativity in the arts and other skills to undertake short-term or long-term assignments in education; and (5) Helping to make educational personnel training programs more responsive to the needs of schools and colleges.

Assistance under the regulations set forth below may be provided under Part D of the Act to improve training opportunities for personnel serving in programs of education other than higher education (including programs for (1) bilingual education training; (2) training teachers for Indian children; and (3) urban/rural school development), and under Part F of the Act for training and for developing programs for vocational education personnel.

(b) *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below reflect the result of this study as it pertains to programs under Parts D and F of the Act. Upon publication of these revisions to Part 174 in final form after comments and public hearing, all preceding rules, regulations, and other published interpretations and orders issued in connection with or affecting Parts D and F of the Act, except the Office of Education General Provisions Regulations, will be superseded.

(c) *Effect of Office of Education general provisions regulations.* General fiscal and administrative rules for these programs (except under section 552 of the Act) are covered under the overall Office of Education General Provisions Regulations set forth in 45 CFR Parts 100 and 100a, which were adopted in connection with the same study under section 503 of the Education Amendments of 1972 of which this publication is a part.

(d) *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232 (a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In such a case the citation refers to all that appears in the section above the citation. When the citation appears only at the end of the section it applies to the entire section.

(e) *Opportunity for public hearing.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations as follows:

A hearing will take place at the U.S. Office of Education in the auditorium of the Regional Office Building Three (ROB No. 3) located at 7th and D Streets, SW., Washington, D.C. beginning at 10 a.m. on January 15, 1976.

The purpose of the hearing is to receive comments and suggestions on the published materials.

Interested parties may also submit written comments and recommendations to Room 2085, Federal Office Building No. 6, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503. All relevant material received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week.

Parties interested in attending the hearing should notify the Office of Education at the above address, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

(Catalog of Federal Domestic Assistance Programs Nos. 13.503, 13.504, 13.505, 13.506, 13.546, Education Professions Development Programs)

Dated: November 10, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: December 5, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

V 40243 DEC 17 75 XUM

Title 45 of the Code of Federal Regulations is amended as follows:

PART 100a—DIRECT PROJECT GRANT AND CONTRACT PROGRAMS

1. Section 100a.10(a)(26) is revised to read as follows:

§ 100a.10 Scope.

(a) *Programs.* Except to the extent inconsistent with an applicable statute or regulations, the provisions contained in this part apply to all Federal programs authorized under the following authorities:

* * * * * *

(26) The following programs authorized under the Education Professions Development Act: Attracting qualified persons to the field of education (section 504); the Teacher Corps (Part B–1); fellowships for teachers and related educational personnel (Part C); improving training opportunities for personnel serving in programs of education other than higher education (Part D); training programs for higher education personnel (Part E); and exchange programs, institutes, and in-service education for vocational education teachers, supervisors, coordinators, and administrators (section 553) (20 U.S.C. 1091c, 1101, 1111, 1119, 1119b, 1119c); * * *

* * * * * *

PART 100c—INDIRECT COSTS UNDER CERTAIN PROGRAMS

2. Section 100c.1 is amended by adding a new paragraph (f–1), to read as follows:

§ 100c.1 Scope.

* * * * * *

(f–1) Section 553 of the Education Professions Development Act (20 U.S.C. 1119c–2); * * *

* * * * * *

3. Section 100c.2 is revised by substituting the term "State agency" for the term "State educational agency" (except in § 100c.2(a)), and by substituting the term "recipient" for the term "local educational agency" (except in § 100c.2(f)). As revised, § 100c.2 reads as follows:

§ 100c.2 Indirect costs.

(a) *Local educational agencies—Approval of rates by State educational agency.* Each State educational agency, on the basis of a plan approved by the Commissioner, shall approve indirect cost rates for those local educational agencies which request the establishment of such rates.

(b) *Other recipients.* Recipients other than local educational agencies may incure indirect costs under any Federal program listed in § 100c.1, on the basis of an indirect cost rate approved by the Commissioner under applicable principles and procedures contained in Appendix B to this subchapter and this section.

(c) *Formula for determining rates.* Each indirect cost rate approved for a recipient is to be determined annually, and shall be the percentage that the amount of the recipient's total expenditure for administrative and fixed charges, as defined in paragraphs (d) and (e) of this section, is to the total of all other expenditures (excluding capital outlay, debt service, fines, penalties, contingencies, and election expenses) incurred by that recipient for its non-Federal activities in the most recent year for which that data are available.

(d) *Administrative charges.* For the purposes of this section, the term "administrative" refers to those activities which have as their purpose the direction and control of the recipient's affairs which are institution-wide and not confined to one activity, school, subject, phase of school operations, or other single responsibility (unless the activity is a service function, such as accounting, payroll, or personnel, normally provided at the recipient's level but is physically located elsewhere for convenience or better management, in which case it shall be so included). Expenditures for the board of education or other governing body of the recipient, for the compensation of the chief administrative officer of the recipient and of each of the schools' or other components of the recipient, and for the operation of their immediate offices, are not to be included as administrative charges for the purposes of paragraph (c) of this section and are not to be charged to the Federal program involved on an indirect or direct cost basis.

(e) *Fixed charges.* For the purposes of this section, the term "fixed charges" shall be limited to contributions by the recipient to retirement (including State, county, or local retirement funds, social security, and pension payments) and to property, employee, and liability insurance. Only the fixed charges applicable to the administrative charges specified in paragraph (d) of this section may be included. Other items of expenditure commonly referred to as fixed charges are not to be included for the purpose of determining indirect cost rates.

(f) *Duplication of costs prohibited.* Recipients which use indirect cost rates shall not charge administrative and fixed charges (as defined in paragraphs (d) and (e) of this section) to the Federal program funds on a direct cost basis.

(g) *Maximum indirect costs.* The amount of Federal program funds to be paid for indirect costs shall not exceed the product of the direct costs incurred in connection with that Federal program, multiplied by the indirect cost rate. The same indirect cost rate shall be applicable for the determination of all indirect costs to be paid from funds appropriated under that Federal program for a particular fiscal year.

(20 U.S.C. 1231c(b); Authority cited in 45 CFR 100c.1)

PART 174—EDUCATION PROFESSIONS DEVELOPMENT

4. In Part 174, Subpart A–1 is revised, Subpart D is redesignated as Subpart D–1 and revised, new Subparts D–2, D–3, and D–4 are added, Subpart F is redesignated as Subpart F–1 and revised, and new Subparts F–2 and F–3 are added, to read as follows:

Subpart A–1—General

Sec.
174.1 Scope and purpose.
174.2 General definitions.
174.3 Limitations on payments.
174.4 Tuition charges.
174.5 Other applicable regulations.

AUTHORITY: Sec. 503, Education Amendments of 1972 (Pub. L. 92–318); Education Professions Development Act (Title V of the Higher Education Act of 1965, Pub. L. 89–329 as amended, Parts D and F (20 U.S.C. 1091–1092, 1119–1119c–3)).

Subpart A–1—General

§ 174.1 Scope and purpose.

(a) *Scope.* (1) This Part 174 sets forth regulations implementing the Education Professions Development Act.

(2) Except as otherwise provided in this part, the provisions contained in this subpart apply to all programs authorized under the Education Professions Development Act (Title V of the Higher Education Act of 1965, Pub. L. 89–329, as amended), except the Teacher Corps program under Part B–1 of the Act.

(20 U.S.C. 1091 et seq.)

(b) *Purpose.* The purpose of these programs is to improve the quality of education and to help meet critical shortages of adequately trained educational personnel by:

(1) Developing information on the actual needs for educational personnel, both present and long-range;

(2) Providing a broad range of high quality training and retraining opportunities responsive to changing manpower needs;

(3) Attracting a greater number of qualified persons into the education professions;

(4) Attracting persons who can stimulate creativity in the arts and other skills to undertake short-term or long-term assignments in education; and

(5) Helping to make educational training programs more responsive to the needs of schools and colleges.

(20 U.S.C. 1091(a))

§ 174.2 General definitions.

As used in this part:

"Academic year" consists of not less than two semesters or three quarters, beginning in the fall of the year, within a single twelve month period. This period is usually of approximately nine months' duration.

"Act" means Title V of the Higher Education Act of 1965 as amended.

(20 U.S.C. 1091 et seq.)

"Career education" means education which emphasizes the relationships between education and work—paid or unpaid—which extend from pre-school age through the retirement years. The term includes education relating to career awareness, career explorations, career decision-making, and the implementation of career decisions.

(20 U.S.C. 1091 et seq.)

"Combination of institutions of higher education" is defined as set forth in section 1201(j) of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1141(j))

"Community" means the residents in the attendance area of a school, including the parents or guardians of all children who attend the school. The term also refers generally to the society in that area, including its organizations and institutions.

"Fellowship" means an award under this part to a participant to enable him to carry out a full-time program of graduate study.

"Fellow" means a person who receives a fellowship.

(20 U.S.C. 1091 et seq.)

"Gifted and talented children" is defined as set forth in section 1201(k) of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1141(k))

"Institution of higher education" is defined as set forth in section 1201(a) of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1141(a))

"Institutional allowance" means a sum of money provided to an institution in conjunction with a pre-doctoral fellowship awarded to an individual to study at the institution. It is provided in lieu of tuition and other fees which the student would otherwise be charged.

(20 U.S.C. 1091 et seq.)

"Local educational agency" is defined as set forth in section 1201(g) of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1141(g))

"National Advisory Council on Education Professions Development" is the Presidentially appointed advisory body established by the Act to review Federal programs for training educational personnel, to evaluate the effectiveness of the programs in meeting needs for additional educational personnel and in achieving improved quality in training programs, and to advise the Secretary and the Commissioner on related policy matters.

(20 U.S.C. 1091(a))

"Participant" means a student who participates in a program funded under this part.

(20 U.S.C. 1091 et seq.)

"School or department of divinity" is defined as set forth in section 1201(1) of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1141(1))

"State" includes, in addition to the several States of the Union: the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands.

(20 U.S.C. 1141(b))

"State educational agency" is defined as set forth in section 1201(h) of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1141(h))

"Stipend" means the allowance paid to a participant for subsistence and other expenses of the participant and his or her dependents, in such amount as the Commissioner may determine to be consistent with prevailing practices under comparable Federally-supported programs.

(20 U.S.C. 1119(d)) and 1119c–1(b)(1))

"Teacher aide" or "paraprofessional" means a person who assists a teacher in the performance of his or her professional teaching or administrative duties or in some other activity which assists a teacher in the educational process. The term does not include persons in positions such as clerk to a principal, foodhandlers in a cafeteria, or other jobs not related to the educational process. The term "teacher" includes educational personnel such as librarians, counselors, school social workers, child psychologists, educational media specialists, and school nurses, as well as classroom teachers.

(20 U.S.C. 1091 et seq.)

§ 174.3 Limitations on payments.

(a) No payment may be made under this part for religious worship or instruction or training for a religious vocation or to teach theological subjects.

(20 U.S.C. 1092)

(b) A dependency allowance may not be claimed for an individual who is concurrently receiving assistance under Pub. L. 82–550, as amended (Veterans' Readjustment Assistance Act of 1952).

(20 U.S.C. 1091 et seq.)

§ 174.4 Tuition charges.

Participants in programs supported under this part shall not be charged tuition: *Provided*, That if the payment of tuition by all students at an institution is required as a matter of State law, tuition may be paid for the participants at the same rate as charged for all students and the amount thereof shall be included as a cost under the award to the institution in lieu of an equal amount of otherwise allowable costs.

(20 U.S.C. 1091 et seq.)

§ 174.5 Other applicable regulations.

Assistance provided under this part (except under Subpart F–2) is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(20 U.S.C. 1091 et seq.)

Subpart D–1—Improving Training Opportunities for Personnel Serving in Programs of Education Other Than Higher Education—General

Sec.
174.80 Scope and purpose.
174.81 Eligible applicants.
174.82 Set asides.
174.83 Eligible participants.
174.84 Examples of authorized programs and projects.
174.85 Allowable costs.
174.86 Stipends.
174.87 General criteria for approval of training programs.
174.88 Distribution of training programs.

AUTHORITY: Sec. 503, Education Amendments of 1972 (Pub. L. 92–318); Education Professions Development Act (Title V of the Higher Education Act of 1965, Pub. L. 89–329 as amended, Parts D and F (20 U.S.C. 1091–1092, 1119–1119c–3)).

Subpart D–1—Improving Training Opportunities for Personnel Serving in Programs of Education Other Than Higher Education—General

§ 174.80 Scope and purpose.

(a) *Scope.* This subpart applies to all programs authorized under Part D of the Act.

(20 U.S.C. 1119–1119a–1)

(b) *Purpose.* The purpose of the program authorized under Part D of the Act is to carry out programs for improving training opportunities for personnel serving in programs of education other than higher education.

(20 U.S.C. 1119(a))

§ 174.81 Eligible applicants.

Except as provided in Subpart D–3 (Indian Education) of this part, the Commissioner is authorized to make grants to, or contracts with, institutions of higher education and State educational agencies to carry out the purposes of Part D of the Act. The Commissioner may also make grants to, or contracts with, local educational agencies, if the Commissioner has consulted with the State educational agency and that agency is satisfied that the program or project will be coordinated with programs carried out under Part B of the Act.

(20 U.S.C. 1119(a))

§ 174.82 Set asides.

(a) Not less than 5 percent of the funds made available for the purposes of Part D of the Act will be used under Subpart D–2 of this part.

(20 U.S.C. 1091(b)(7))

(b) Not less than 5 percent of the funds made available for the purposes of Part D of the Act will be used under Subpart D–3 of this part.

(20 U.S.C. 1119a)

§ 174.83 Eligible participants.

Subject to the limitation in § 174.3(a), programs and projects under this part shall be designed to improve the qualifications of persons who are serving or preparing (a) to serve in educational programs in public and private elementary and secondary schools (including preschool and adult and vocational education programs) or postsecondary vocational schools, or (b) to supervise or train persons so serving.

(20 U.S.C. 1119(a))

§ 174.84 Examples of authorized programs and projects.

Programs or projects authorized under Part D of the Act include, but are not limited to:

(a) Programs or projects to train or retrain teachers, or supervisors or trainers of teachers, in any subject generally taught in the schools;

V 40 243 DEC 17 75 XUM

(b) Programs or projects to train or retrain other educational personnel in such fields as guidance and counseling (including occupational counseling), school social work, child psychology, remedial speech and reading, career education, child development, and educational media (including educational or instructional television or radio);

(c) Programs or projects to train teacher aides and other nonprofessional educational personnel;

(d) Programs or projects to provide training and preparation for persons participating in educational programs for children of preschool age;

(e) Programs or projects to prepare teachers and other educational personnel to meet the special needs of the socially, culturally, and economically disadvantaged;

(f) Programs or projects to prepare teachers and other educational personnel to meet the special needs of exceptionally gifted students;

(g) Programs or projects to train or retrain persons engaging in programs of special education for the handicapped;

(h) Programs or projects to train or retrain persons engaging in special educational programs for children of limited English-speaking ability;

(i) Programs or projects to provide inservice and other training and preparation for school administrators;

(j) Programs or projects to prepare artists, craftsmen, scientists, artisans, or persons from other professions or vocations, or homemakers, to teach or otherwise assist in programs or projects of education on a long-term, short-term, or part-time basis;

(k) Programs or projects (including cooperative arrangements or consortia between institutions of higher education, junior and community colleges, or between such institutions and State or local educational agencies and nonprofit education associations) for the improvement of undergraduate programs for preparing educational personnel, including design, development, and evaluation of exemplary undergraduate training programs, introduction of high quality and more effective curricula and curricular materials, and the provision of increased opportunities for practical teaching experience for prospective teachers in elementary and secondary schools;

(l) Programs and projects designed to meet the need for the training of teachers for participation in education programs for migratory children or migratory agricultural workers, including teacher exchange programs; and

(m) Programs or projects to train or retrain educational personnel for work in career education.

(20 U.S.C. 1119(b))

§ 174.85 Allowable costs.

Funds for programs or projects under Part D of the Act may be used only to pay the cost of:

(a) Short-term or regular session institutes;

(b) Other preservice and inservice training programs or projects designed to improve the qualifications of persons entering and reentering the field of elementary and secondary education or postsecondary vocational education, except that funds may not be used for seminars, symposia, workshops, or conferenees unless they are part of a continuing program of inservice or preservice training;

(c) Projects or programs to improve undergraduate or other programs for training educational personnel; or

(d) Such activities as may be necessary to carry out the purposes of § 174.84 (l), to the extent that such activities are not inconsistent with the other provisions of Part D of the Act.

(20 U.S.C. 1119(c))

§ 174.86 Stipends.

Grants or contracts under Part D of the Act may include provisions for the payment to participants of such stipends (including allowances for subsistence and other expenses for such participants and their dependents) as the Commissioner may determine to be consistent with prevailing practices under comparable Federally-supported programs.

(20 U.S.C. 1119(d))

§ 174.87 General criteria for approval of training programs.

The criteria upon which all applications for assistance under Part D of the Act will be evaluated will include, in addition to the criteria set forth in § 100a.-26(b) of this chapter, the following:

(a) The extent to which there is evidence of cooperative planning and of the maximum use and coordination of resources and competencies of the educational agencies and institutions involved;

(b) The extent to which there is expertise or has been previous experience in conducting the type of program or project for which application is made, and the extent of planning for operation of the proposed program or project: *Provided*, That this criterion will not preclude awards to developing or evolving institutions where there is a reasonable probability that such institutions will be able successfully to conduct the program or project;

(c) The extent to which the program or project incorporates innovative concepts and techniques designed to meet current problems experienced in the Nation's schools;

(d) The extent to which the proposed program or project could meet current or prospective national, regional, local, or State needs for educational personnel; and

(e) The extent to which there is evidence of institutional commitment to support the proposed program or project.

(20 U.S.C. 1119)

§ 174.88 Distribution of training programs.

In making grants and contracts for programs and projects under Part D of the Act, the Commissioner will seek to achieve an equitable geographical distribution of training opportunities throughout the Nation, taking into account the number of children in each State who are aged three to seventeen.

(20 U.S.C. 1119a–1)

Subpart D–2—Bilingual Education Training Program

Sec.
174.100 Program for teachers of children with limited English-speaking ability.
174.101 Definitions.
174.102 Applications.
174.103 Criteria for evaluation of applications.

AUTHORITY: Sec. 503, Education Amendments of 1972 (Pub. L. 92–318); Education Professions Development Act (Title V of the Higher Education Act of 1965, Pub. L. 89–329 as amended, Parts D and F (20 U.S.C. 1091–1092, 1119–1119c–3)).

Subpart D–2—Bilingual Education Training Program

§ 174.100 Programs for teachers of children with limited English-speaking ability.

(a) *Purpose of program.* The purpose of the bilingual education training program is to increase the number of qualified educational personnel serving or preparing to serve in bilingual education programs for children with limited English-speaking ability and to increase the number of educational institutions or agencies capable of training those personnel.

(20 U.S.C. 1119)

(b) *Type of programs.* Funds will be provided for the support of inservice and/or preservice programs or projects to train or retrain persons engaging or preparing to engage in special educational programs for children of limited English-speaking ability.

(20 U.S.C. 1119(b)(8))

§ 174.101 Definitions.

For the purposes of this subpart:

"Bilingual education" means the use of two languages, one of which is English, as mediums of instruction.

"Children of limited English-speaking ability" means:

(a)(1) children who were not born in the United States or whose native language is a language other than English;

(2) children who come from environments where a language other than English is dominant; and

(b) by reason thereof, have difficulty speaking and understanding instruction in the English language.

(20 U.S.C. 1119)

§ 174.102 Applications.

(a) *Submission.* Parties eligible (under § 174.81) who wish to apply under this subpart, shall submit an application to the Commissioner in accordance with §§ 100a.15 and 100a.16 of this chapter.

(b) *Contents.* An application for assistance to carry out a bilingual education training program or project shall, in addition to meeting the requirements of §§ 100a.15 and 100a.16 of this chapter, describe the activities to be undertaken in the proposed program or project and

shall include information adequate to show that the proposed program or project will:

(1) Result in educational personnel better prepared to teach children of limited English-speaking ability or educational personnel better prepared to train teachers of those children;

(2) Increase the capability of an institution or agency to train educational personnel in bilingual education; and

(3) Serve the educational personnel needs of a particular school or school district serving children of limited English-speaking ability.

(20 U.S.C. 1119(b)(8))

§ 174.103 Criteria for evaluation of applications.

In addition to evaluation on the basis of criteria set forth in § 174.87, the Commissioner will evaluate applications under this subpart on the basis of the following:

(a) The extent to which the program or project emphasizes the preparation of educational personnel to teach effectively in both the English language and the dominant language of the children in the school or school district whose educational personnel needs will be served by the proposed program or project;

(b) The extent to which the training of personnel under the program or project is coordinated with projects funded under the Bilingual Education Act (Title VII of the Elementary and Secondary Education Act of 1965, as amended), bilingual programs funded under the Emergency School Aid Act of 1972, as amended, and other bilingual projects;

(c) The extent to which the application includes effective procedures for evaluating the impact of the program or project in terms of the number and effectiveness of teachers serving in bilingual education programs; and

(d) The extent to which the teaching techniques and methods proposed for training educational personnel show promise of providing effective bilingual education.

(20 U.S.C. 1119(b)(8))

Subpart D–3—Teachers for Indian Children Program

Sec.
174.110 Programs for teachers of children living on Indian reservations.
174.111 Definitions.
174.112 Eligible applicants.
174.113 Applications.
174.114 Criteria for evaluation of applications.
174.115 Program requirements.

AUTHORITY: Sec. 503, Education Amendments of 1972 (Pub. L. 92–318); Education Professions Development Act (Title V of the Higher Education Act of 1965, Pub. L. 89–329 as amended, Parts D and F (20 U.S.C. 1091–1092, 1119–1119c–3)).

Subpart D–3—Teachers for Indian Children Program

§ 174.110 Programs for teachers of children living on Indian reservations.

(a) *Purpose.* The purpose of the program under this subpart is to provide preservice and/or inservice training to persons preparing to serve or serving as teachers of children living on reservations serviced by elementary and secondary schools for Indian children operated or supported by the Department of the Interior, including public and private schools operated by Indian tribes and by nonprofit institutions and organizations of Indian tribes.

(b) *Preference.* In carrying out the provisions of this subpart, preference shall be given to the training of Indians. Emphasis will be given to increasing the number of Indian teachers who are of the same tribal group as the Indian children they will teach.

(20 U.S.C. 1119a)

§ 174.111 Definitions.

For the purposes of this subpart:

"Indian" means any individual who:

(a) Is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendent, in the first or second degree, of any such member;

(b) Is considered by the Secretary of the Interior to be an Indian for any purpose; or

(c) Is an Eskimo or Aleut or other Alaska Native.

(20 U.S.C. 1119a)

§ 174.112 Eligible applicants.

Funds under this subpart may be provided to institutions of higher education (including community and junior colleges) and other public and private nonprofit agencies and organizations (including schools owned or operated by Indian tribes, and Indian educational organizations and institutions).

(20 U.S.C. 1119a)

§ 174.113 Applications.

(a) *Submission.* Parties eligible under this subpart and who wish to apply, shall submit an application to the Commissioner in accordance with §§ 100a.15 and 100a.16 of this chapter.

(b) *Consultation.* Each application must include assurances that the applicant has consulted in the preparation of the application with (1) schools which employ or are likely to employ persons to be trained under the proposed program, and (2) with the Indian communities whose children are attending those schools.

(20 U.S.C. 1119a)

§ 174.114 Criteria for evaluation of applications.

(a) *Criteria.* In addition to the criteria set forth in § 174.87, the Commissioner will evaluate applications under this subpart on the basis of the following:

(1) The extent to which the proposed program is directed toward the educational personnel needs of schools serving Indian children on a particular reservation;

(2) The extent to which the proposed program is designed to meet the special educational needs of those children;

(3) The number and percentage of Indians to be trained in the program;

(4) The extent to which provision is made for practicum or work experience;

(5) The extent to which effective procedures are included for evaluating the impact of the program, in terms of: (i) The number and effectiveness of teachers serving in target schools, and (ii) meeting the needs of the students attending those schools; and

(6) The degree to which the proposed training program focuses on approaches, methods, and techniques which are pertinent to the education of Indian children.

(b) *Priority.* Priority in funding programs under this subpart will be given, whenever possible, to applications submitted by public and private nonprofit schools owned or operated by Indian tribes or Indian educational organizations.

(20 U.S.C. 1119a)

§ 174.115 Program requirements.

Each program assisted under this subpart shall meet the following requirements:

(a) Preference must be given to the training of Indians;

(b) Arrangements must be made, where feasible, for the trainees under this program to work during the period of their training with Indian children who are members of the same tribal group as the trainees;

(c) The grantee or contractor must establish communication with the schools which are employing or are likely to employ persons trained under this program and with the Indian communities whose children are attending those schools, and consult with those schools and the local communities in carrying out the proposed training program; and

(d) Training must include the language, culture, and heritage of the Indian children who are being taught or are likely to be taught by persons trained under the proposed program.

(20 U.S.C. 1119a)

Subpart D–4—Urban/Rural School Development Program

Sec.
174.141 Purpose.
174.142 Local site of program.
174.143 Preference.
174.144 Applications.
174.145 Eligible participants in the program.
174.146 School/community council.
174.147 Criteria for evaluation of applications.

AUTHORITY: Sec. 503, Education Amendments of 1972 (Pub. L. 92–318); Education Professions Development Act (Title V of the Higher Education Act of 1965, Pub. L. 89–329 as amended, Parts D and F (20 U.S.C. 1091–1092, 1119–1119c–3)).

Subpart D–4—Urban/Rural School Development Program

§ 174.141 Purpose.

The purpose of the progam under this subpart is to improve the quality of edu-

V 40 243 DEC 17 75 XUM

cation for socially, culturally, and economically disadvantaged children by providing specialized training and retraining activities for teachers and other educational personnel to meet the special needs of those children.

(20 U.S.C. 1119(b)(5))

§ 174.142 Local site of program.

(a) Training and retraining activities under this subpart shall be provided for educational personnel in schools (1) in which student achievement levels in reading and mathematics are among the lowest in the local educational agency in which the schools are located; and (2) which are located in both urban and rural communities with median income levels which are among the lowest in the local educational agencies in which such communities are located.

(b) A program assisted under this part may provide training in one or more schools which meet the requirements of paragraph (a) of this section.

(20 U.S.C. 1119(b)(5))

§ 174.143 Preference.

Because of the local nature of the program under this subpart, preference will be given to applications from local educational agencies.

(20 U.S.C. 1119(b)(5))

§ 174.144 Applications.

(a) *Submission.* Parties eligible (under § 174.81) who wish to apply under this subpart, shall submit an application to the Commissioner in accordance with §§ 100a.15 and 100a.16 of this chapter.

(b) *Contents.* An application shall, in addition to meeting the requirements of §§ 100a.15 and 100a.16 of this chapter, contain the following:

(1) A demographic description of the communities and schools in which the proposed program would be carried out;

(2) A description of the special needs of the disadvantaged children in the schools to be served;

(3) A description of the training and retraining activities to be carried out under the proposed program, for teachers and other educational personnel in those schools, which will meet the needs described in paragraph (b)(2) of this section;

(4) A plan for the establishment of a school/community council under § 174.146, which includes mechanisms to ensure that the council will consult with the applicant on program related matters, including program development and the use of funds for program activities;

(5) In the case of a local educational agency applicant, an assurance that the applicant will continue local fiscal support for the school(s) at which the program will be carried out, at or above the level of fiscal support for other schools in the local educational agency;

(6) An assurance that the applicant will make available, to the extent of its capacity to do so, such technical assistance to the school/community council as the council reasonably requests; and

(7) In the case of a State educational agency applicant, an assurance that State fiscal support to the local educational agency in which the proposed program is to be carried out will continue on the same basis as if no assistance were provided under this subpart.

(20 U.S.C. 1119(b)(5))

§ 174.145 Eligible participants in the program.

Teachers and other educational personnel, including non-professional personnel, and persons from other professions or vacations who are teaching or otherwise assisting in educational programs or projects at the participating school or schools are eligible to participate in training programs under this subpart.

(20 U.S.C. 1119(b)(5))

§ 174.146 School/community council.

(a) *Council membership.* A school/community council (consisting of persons such as teachers and other professional and non-professional educational personnel from the participating school or schools, parents of children served by those schools, students attending those schools, and other members of the community) shall be established by each recipient under this subpart.

(b) *Council responsibilities.* Each council established under paragraph (a) of this section shall be responsible for the following:

(1) Consulting with the recipient and providing advice with respect to program policy, educational needs of the students, teachers, and other educational personnel in participating schools, and the development of training and retraining programs to meet those needs;

(2) Electing a chairperson, vice-chairperson, secretary, and other officers deemed necessary to carry out the functions of the council;

(3) Recommending to the local educational agency the appointment of a school development team manager who will (i) assist the council in performing its functions, (ii) serve as liaison among the council, the participating schools, and the local educational agency, (iii) ensure that all the requirements of the program are being met, and (iv) perform other related duties as deemed necessary by the council;

(4) Helping to establish for each participating school in the program, a team of school staff members to assist in the development and implementation of training and other related activities at that school; and

(5) Providing technical and other assistance in developing and carrying out the program in the local school(s).

(20 U.S.C. 1119(b)(5))

§ 174.147 Criteria for evaluation of applications.

In addition to the criteria set forth in § 174.87, the Commissioner will evaluate applications under this subpart on the basis of the following:

(a) The need for financial assistance; and

(b) The extent of coordination with other similar Federal, State, or local programs.

(20 U.S.C. 1119)

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Subpart F–1—Training and Development Programs for Vocational Educational Personnel—General

Sec.
174.190 Scope and purpose.
174.191 Special definitions.
174.192 Special consideration.

AUTHORITY: Sec. 503, Education Amendments of 1972 (Pub. L. 92–318); Education Professions Development Act (Title V of the Higher Education Act of 1965, Pub. L. 89–329 as amended, Parts D and F (20 U.S.C. 1091–1092, 1119–1119c–3)).

Subpart F–1—Training and Development Programs for Vocational Educational Personnel—General

§ 174.190 Scope and purpose.

(a) *Scope.* This subpart applies to all programs authorized under part F of the Act.

(20 U.S.C. 1119–1119c–3)

(b) *Purpose.* The purposes of the programs under Part F of the Act are to:

(1) Provide opportunities for experienced vocational educators (under Subpart F–2 of this part) to spend full-time in advanced study of vocational education for a period not to exceed three years in length;

(2) Provide opportunities (under Subpart F–3 of this part) to up-date the occupational compentencies of vocational education teachers through exchanges of personnel between vocational education programs and commercial, industrial, or other public or private employment related to the subject matter of vocational education; and

(3) Provide programs (under Subpart F–3 of this past) of inservice teacher education and short-term institutes for vocational education personnel.

(20 U.S.C. 1119c)

§ 174.191 Special definitions.

For the purposes of this subpart and Subparts F–2 and F–3 of this part:

"State board" means the State board designated or created by State law as the sole State agency responsible for the administration of vocational education, or for supervision of the administration thereof by local educational agencies in the State.

(20 U.S.C. 1119c–2)

§ 174.192 Special consideration.

In approving training and development programs for vocational education personnel the Commissioner will give special consideration to programs which are designed to familiarize teachers with new curricular materials in vocational education.

(20 U.S.C. 1119c–3)

Subpart F–2—Leadership Development Awards

Sec.
174.196 Leadership development awards.
174.198 Eligibility of individuals.
174.199 Selection of award recipients.
174.200 Assignment of approved institution.

Sec.
174.201 Stipends to individuals.
174.202 Conditions for continued eligibility.
174.203 Payment conditioned on appropriation.
174.204 Institutional allowance.
174.205 Institutional eligibility and approval.

AUTHORITY: Sec. 503, Education Amendments of 1972 (Pub. L. 92–318); Education Professions Development Act (Title V of the Higher Education Act of 1965, Pub. L. 89–329 as amended, Parts D and F (20 U.S.C. 1091–1092, 1119–1119c–3)).

Subpart F–2—Leadership Development Awards

§ 174.196 Leadership development awards.

(a) *Awards.* The Commissioner will make leadership development awards to qualified vocational education personnel (including administrators, supervisors, teacher educators, researchers, and instructors in vocational education) for advanced study in an approved vocational education leadership development program of an institution of higher education.

(b) *Award period.* Leadership development awards will usually be made for one twelve-month period, but in no case will an award be made for a period exceeding thirty-six months.

(20 U.S.C. 1119c, 1119c–1(a))

§ 174.197 Allocation of awards.

In order to meet the needs for qualified vocational educational personnel in vocational education programs in all the States, the Commissioner will apportion leadership development awards equitably among the States, taking into account such factors as (a) the State's vocational educational enrollments, (b) the total population of the State aged fifteen through sixty-five, and (c) the incidence of youth unemployment and school dropouts in each State.

(20 U.S.C. 119c–1(d))

§ 174.198 Eligibility of individuals.

(a) A person is eligible to receive a leadership development award if such person:

(1) Has had not less than two years of experience in vocational education or in industrial training, or military technical training; or, in the case of researchers, experience in social science research which is applicable to vocational education; or

(2) Is currently employed or is reasonably assured of employment in vocational education and has successfully completed, as a minimum, a baccalaureate degree program; or

(3) Is recommended by his or her employer, or others, as having leadership potential in the field of vocational education and is eligible for admission as a graduate student to a program of higher education approved by the Commissioner under § 174.205.

(b) In order to receive a leadership development award the person selected shall enroll in a vocational educational leadership development program approved under § 174.205.

(20 U.S.C. 1119c–1(a))

§ 174.199 Selection of award recipients.

(a) *Submission of application.* Applications for leadership development awards shall be submitted to the Commissioner through the State Board (as defined in § 174.191) for the State in which the applicant is employed or is assured of employment. The State Board will evaluate the applications and make recommendations to the Commissioner as to which applicants it believes should receive awards.

(b) *Selection criteria for award recipients.* The following factors will be considered by the appropriate State Board in recommending, and by the Commissioner in selecting, leadership development award recipients:

(1) Whether the applicant has attained a high level of academic achievement (a grade point average of 3.0 out of 4.0 points or the equivalent in the applicant's major field of study is a prerequisite for receiving an award);

(2) The quality of work performed by the applicant if the applicant has been or is employed;

(3) Whether the applicant in his undergraduate or graduate studies majored in a recognized field of vocational education or in a supporting service or discipline;

(4) Evidence of the applicant's commitment to the improvement of vocational education;

(5) Evidence of the applicant's leadership potential;

(6) The area or level of vocational education in which the applicant is interested in working;

(7) The leadership needs of the State where the applicant is employed or is reasonably assured of employment, in the field of vocational education; and

(8) The extent to which the persons receiving awards will be reasonably representative of the ethnic composition of the population of the State, including disadvantaged minorities.

(c) *Status of applicants.* In evaluating new applications for awards under this program, consideration will be given to past and present recipients of awards, as well as to persons who have not in the past received awards under the program.

(20 U.S.C. 1119c–1)

§ 174.200 Assignment to approved institution.

An applicant for an award shall identify a first, second, and third choice of institutions (approved under § 172.205) he desires to attend. The assignment of an award recipient to an approved institution will be made by the Commissioner.

(20 U.S.C. 1119c–1)

§ 174.201 Stipends to individuals.

(a) *Academic year.* Each person awarded a leadership development award shall receive a stipend of (1) $4,000 for each academic year of full-time study at the institution of higher education to which an award recipient is assigned for the award period, and (2) $600 for each such year for each dependent.

(b) *Summer session.* An additional stipend may be awarded of (1) $800 for full-time summer study at the same institution of higher education, and (2) $150 for this period for each dependent.

(20 U.S.C. 1119c–1(b)(1))

§ 174.202 Conditions for continued eligibility.

(a) *Satisfactory participation.* A recipient of anaward may continue to receive payments under § 174.201 only during such periods as the Commissioner finds that the recipient:

(1) Is maintaining satisfactory proficiency in study or research in the field of vocational education in an institution of higher education;

(2) Is devoting essentially full time to such study or research; and

(3) Is not engaging in gainful employment, other than part-time employment by that institution in teaching, research, or similar activities, approved by the Commissioner.

(20 U.S.C. 1119c–1(e))

(b) *Employment limitation.* The limitation with respect to employment set forth in paragraph (a)(3) of this section does not apply to the period of time between an academic year and a summer session or between academic years (if a stipend is not received under § 174.201 (b) for full-time summer study).

(20 U.S.C. 1119c–1(e))

§ 174.203 Payment conditioned on appropriation.

Leadership development award payments under § 174.201 after the first year of the award period (in case of awards made for a period exceeding twelve months) are subject to the continued availability of Federal funds under Part F of the Act.

(20 U.S.C. 119c–1)

§ 174.204 Institutional allowance.

(a) The Commissioner will (in addition to the stipend paid to an award recipient under § 174.201) pay an institutional allowance to the institution of higher education at which the recipient is pursuing his course of study, in the amount of $2,800 per participant, per academic year, with an additional $700 per participant for full-time study during the summer session.

(b) The institutional allowance is made in lieu of tuition and all non-refundable fees and deposits that would otherwise be required of the student.

(20 U.S.C. 1119c–1)

§ 174.205 Institutional eligibility and approval.

The Commissioner will approve the vocational education leadership development program of an institution of higher education only upon finding that:

V 40 243 DEC 17 75 XUM

(a) The institution offers a comprehensive program in vocational education with adequate supporting services and disciplines such as education administration, guidance and counseling research, and curriculum development, including:

(1) A focus on career education;

(2) Training in those leadership skills necessary to increase the participation of disadvantaged and underrepresented persons such as the handicapped, minorities, and women, in vocational education programs at all levels;

(3) Administrative and programmatic flexibility for individualizing the program, while maintaining high standards of academic and instructional quality;

(4) Resources and supporting services for at least five of the generally recognized fields of vocational education, such as vocational agriculture, trade and industry, health occupations, vocational home economics, and technical, industrial, distributive, and office occupations, which are integrated into an articulated comprehensive approach to vocational education;

(5) Practicum and internship components;

(6) A focus on systematically familiarizing the individual with new curriculum materials in vocational education;

(7) The incorporation of State, regional and national vocational education leadership needs; and

(8) Adequate supporting services and disciplines such as education administration, guidance and counseling, and research and curriculum development;

(b) The program under paragraph (a) of this section is designed to further substantially the objective of improving vocational education through providing opportunities for graduate training for vocational education teachers, supervisors, and administrators, and of university level vocational education teacher educators and researchers;

(c) The program is conducted by a school of graduate study in the institution of higher education; and

(d) The program is approved by the State Board in the State where the institution is located.

(20 U.S.C. 1119c-1(c))

Subpart F–3—State Systems Programs

Sec.

174.215 General purpose of training grants.
174.216 Cooperative arrangements.
174.217 Types of training programs.
174.218 Applications for grants.
174.219 Criteria for evaluation of applications.

AUTHORITY: Sec. 503, Education Amendments of 1972 (Pub. L. 92-318); Education Professions Development Act (Title V of the Higher Education Act of 1965, Pub. L. 89-329, as amended, Parts D and F (20 U.S.C. 1091-1092, 1119-1119c-3)).

Subpart F–3—State Systems Programs

§ 174.215 General purpose of training grants.

The Commissioner may award grants to State boards (as defined in § 174.191) to pay the cost of carrying out cooperative arrangements for the training or retraining of experienced vocational education personnel such as teachers, teacher educators, administrators, supervisors, coordinators, and other personnel, in order to strengthen education programs supported under Part F of the Act and the administration of schools offering vocational education.

(20 U.S.C. 1119c-2(a))

§ 174.216 Cooperative arrangements.

(a) Cooperative arrangements to carry out training or retraining under this subpart may be between schools offering vocational education and private business or industry, commercial enterprises, or with other educational institutions (including those for the handicapped and the delinquent).

(b) Each agency, enterprise, and institution which enters into a cooperative arrangement under this program, shall attest to the accuracy of a statement of its responsibilities and undertakings set forth in the arrangement by signature of an authorized official on the grant application submitted to the Commissioner by the State board under § 174.218.

(20 U.S.C. 1119c-2(a))

§ 174.217 Types of training programs.

Grants under this subpart may be used for projects and activities such as:

(a) Exchange of vocational education teachers and other staff members with skilled technicians or supervisors in industry (including mutual arrangements for preserving employment and retirement status, and other employment benefits during the period of exchange), and the development and operation of cooperative programs involving periods of teaching in schools providing vocational education and of experience in commercial, industrial, or other public or private employment related to the subject matter taught in those schools;

(b) Inservice training programs for vocational education teachers and other staff members to improve the quality of instruction, supervision, and administration of vocational education programs; and

(c) Short-term or regular-session institutes, or other preservice and inservice training programs or projects designed to improve the qualifications of persons entering and reentering the field of vocational education, except that funds may not be used for seminars, symposia, workshops, or conferences, unless these are part of a continuing program of inservice or preservice training.

(20 U.S.C. 1119c-2(b))

§ 174.218 Applications for grants.

(a) *Submission.* Applications from State Boards for grants under this subpart shall be submitted to the Commissioner in accordance with §§ 100a.15 and 100a.16 of this chapter.

(b) *Contents.* The Commissioner will not approve an application unless it:

(1) Sets forth a program for carrying out one or more projects or activities which meet the requirements of § 174.217, and provides for such methods of administration as are necessary for the proper and efficient operation of the program (the application shall identify the individuals who are responsible for coordinating Statewide vocational education personnel development);

(2) Sets forth policies and procedures which assure that Federal funds made available under this subpart for any fiscal year will be so used as to supplement, and to the extent practicable increase, the level of funds that would, in the absence of the Federal funds, be made available for purposes which meet the requirements in § 174.217, and in no case supplant those funds;

(3) Provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this subpart; and

(4) Provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this subpart, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of those reports.

(20 U.S.C. 1119c-2(c))

§ 174.219 Criteria for evaluation of applications.

In addition to the criteria set forth in § 100a.26(b) of this chapter, the Commissioner will evaluate applications for grants under this subpart on the basis of the following:

(a) The extent to which under the cooperative araringement the State board identifies the present and future needs of the State for particular areas of vacational education and channels its personnel development program toward meeting the needs in those areas;

(b) The extent to which the proposed training to be provided under the cooperative arrangement will familiarize education personnel with new curricular materials in vocational education;

(c) The extent to which the proposed training to be provided under the cooperative araringement involves an area of vocational education in which there is a critical shortage of highly qualified personnel but for which no State or local funds are available to train those personnel;

(d) The extent to which the personnel to be trained under a cooperative arrangement include persons previously under-represented in vocational education such as women, handicapped persons, and ethnic and racial minorities;

(e) The extent to which the proposed training of administrative personnel under cooperative arrangements will result in better coordination between the administrators of vocational education programs at the State and local levels;

(f) The extent to which the proposed training to be provided under the cooperative arrangement will include training in the field of career education;

(g) In the case of a cooperative arrangement which addresses a national or regional need, the extent to which the application analyzes that need in the various States involved; and

(h) In the case of a cooperative arrangement involving an institution of higher education, the extent to which such arrangement will develop the capability of that institution to produce highly qualified vocational education personnel.

(20 U.S.C. 1119c-2)

[FR Doc.75-33911 Filed 12-16-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20642; FCC 75-133]

STANDARD BROADCAST BAND

Clear Channel Broadcasting

1. This notice institutes a proceeding looking toward the amendment of the rules which govern the use of the 25 clear channels listed in § 73.25(a) of our rules regulations. It solicits assistance in the accumulation of background information which we deem a necessary basis for an informed decision in this matter, describes the general nature of the rule amendments which are under consideration, and invites general or specific comment with respect to these proposal. In adopting this notice, we are formally and fully reopening the proceeding in Docket No. 6741, which was terminated by a Report and Order on September 13, 1961 (31 F.C.C. 565; 21 R.R. 1808), with the adoption of certain amendments to our clear channel rules, but with other important matters at issue left for resolution at some future time. It is our primary aim herein to seek a final resolution of these issues, in the light of our experience with the 1961 rule amendments, and with due regard to present day conditions and current Commission policies.

2. The 1961 Report and Order in Docket 6741 concluded a proceeding begun on February 20, 1945, to explore the changes which should be made in existing patterns of clear channel usage, in the light of the uncontroverted fact that approximately half of the land area of the United States and about 25,000,000 people were without nighttime primary service from standard broadcast stations. In that proceeding, two approaches to the problem of providing improved service to these areas and populations received extensive consideration, generally aimed at enhancing the quality of service which clear channel stations provide to these areas and populations: (1) Permitting existing I–A stations to operate with greatly increased power, or (2) by assigning new Class I stations on the I–A channels, so situated and so protected by the existing I–A stations as to provide new groundwave and skywave services to deprived areas and populations from comparatively nearby locations. Studies of possible solutions of this nature usually contemplated the employment of high power on some channels, and duplicate Class I operation on others. Essential to the effective implementation of the latter approach was the installation of directional antennas by existing I–A stations for the purpose of protecting the service of duplicating Class I stations over wide areas.

3. The decision reached in 1961 left the permissible power and required operating conditions of the I–A stations unchanged, but amended the rules so as to permit the assignment of a single unlimited time Class II station to each of thirteen of the 25 I–A channels. On eleven of these channels new stations (Class II–A) were to be authorized, located in specific western states deemed to have a dearth of nighttime primary service. The Class II assignments provided for on the remaining two "duplicated" channels (750 and 760 kHz) were for existing stations, required to be removed from their existing frequencies by the provisions of the then recently negotiated U.S./Mexican standard broadcasting agreement. With the exception of the Channel 770 kHz, which was subject to a separate proceeding[1] involving the conditions of joint operation of WABC, New York, and KOB, Albuquerque, New Mexico, the remaining channels were held in status quo, for possible future consideration for operation by the I–A stations on these channels with increased power, or, in the alternative, eventual duplication of the channels.

4. On this question, our Report and Order stated:

> Upon careful consideration, we conclude there is insufficient basis before us for a finding that the public interest would be served by authorizing higher power, but at the same time the question warrants further consideration in the light of such improvements and changes in services as may result from the action we now take to authorize additional unlimited time stations on 13 of the Class I–A clear channels.
>
> We thus leave open and unprejudiced the question of whether, and if so, how, the public interest would be served by changing the rules affecting the use of the 12 Class I–A channels now left in status quo. At such time as further developments, including progress under the changes we now adopt, provide additional light on the question we will give further consideration to how best to utilize the 12 clear channels not now disturbed • • •.

5. As to the "duplicated" Class I–A channels, we said:

> We have achieved such plan with respect to the making of the Class II assignments provided for herein. After the specific location and facilities of the Class II stations have become established the way would be open for consideration, in subsequent rule making proceedings, of any further proposals which may be submitted for additional unlimited-time Class II assignments on the Class I–A channels in question. As in the case of the Class II–A assignments for which we now provide, any such rule making proposals would be examined in the light of the prime objective of further reducing nighttime white areas while at the same time affording due protection to the co-channel Class I–A station.

6. In its Memorandum Opinion and Order of November 28, 1962, denying various petitions for rehearing, reconsideration or stay of its September, 1961, Report and Order, the Commission observed:

> • • • Moreover, a majority of the Commission believes that the additional unlimited-time assignments provided for can be effectuated without substantial impairment of the wide-area service rendered by the I–A stations, and without impingement on the possibility of sufficient improvement of service through higher power—if that is later concluded to be appropriate—on the other 12 channels better suited for that approach, and perhaps also on some of the 13 now duplicated • • •.

7. These, and other similar pronouncements in this proceeding and related documents made clear the Commission's intention to review, in further proceedings the basic dispositions arrived at in 1961, this review to take place at such time as we were able to assess the service benefits resulting from the implementation of the II–A assignments provided for in the 1961 decision. The ambit of such a review, it appears, would be extensive, and would include consideration of the following:

(a) Whether some or all of the I–A stations on the unduplicated clear channels should be permitted to operate with higher power, whether Class II unlimited time assignments should be provided for on these channels, or whether they should be left in status quo.

(b) Whether additional Class II unlimited time assignments should be provided for on the duplicated clear channels.

(c) Whether some or all of the I–A stations on the duplicated channels would be permitted to operate with higher power.

8. Today, more than fourteen years after the promulgation of the clear channel decision, the deployment of class II–A stations pursuant to the assignments contemplated by this decision is nearly complete. New Class II–A stations have been authorized on 10 of the eleven channels made available for such assignments. Mutually exclusive applications for the last of these assignments are presently in hearing.

9. In the light of the above situation, we are now able to assess with some degree of accuracy the service gains which the new Class II–A stations have made possible. Having done this, in accordance with our intention as stated above, it appears that we should undertake to consider what further changes may be appropriate in the rules governing I–A channel usage in the light of the degree of success which has attended our previous efforts.

10. In addition, we have a number of long pending petitions for rule making

[1] In 1969, the Commission reopened the proceeding in Docket 6741 for the limited purpose of seeking a solution to the long standing "KOB problem" within the context of this proceeding (notice of proposed rule making, adopted April 22, 1969, FCC 69-405, 17 F.C.C. 2d 257). This phase of the proceeding has not been concluded, but the Commission expects to render an early decision in this matter, prior to reaching the more general solutions sought in the instant document.

V40243 DEC 17 75 XUM

with respect to the I–A clear channels, upon which we have withheld action in the belief that the relief sought by the petitioners could be considered feasibly only within the context of a reopened clear channel proceeding. These petitions are as follows:

RM–434. Filed on April 8, 1963, by the Clear Channel Broadcasting Service (CCBS) and seeking rule amendments to permit power in excess of 50 kilowatts by all Class I–A stations.

RM–441. Filed on May 3, 1963, by WSM, Inc., licensee of I–A Station WSM, Nashville, Tennessee. This petition supports the CCBS petition described above, but specifies a proposed power ceiling of 750 kW, and particularizes WSM's specific interest in higher power operation on 650 kHz.

RM–478. Filed on September 5, 1963, by Midwest Radio-Television, Inc., licensee of WCCO, Minneapolis, Minnesota, seeking rule amendments permitting power up to 750 kW for all I–A stations.

RM–530. Filed on November 13, 1963, by Loyola University, licensee of WWL, New Orleans, Louisiana, supporting the CCBS petition in general, but specifically seeking more limited relief—rule amendments permitting higher power on the "unduplicated" I–A channels.

11. For a very long period of time we have maintained restrictions on the secondary use of the I–A channels over and above those which can be technically justified, purely on the theory that additional assignments of any nature would limit our future ability to develop an optimum plan for the use of these channels to improve nighttime service. In particular, we have permitted no new daytime assignments on I–A channels during a period long antedating the 1961 decision, even though much more extensive use could be made on these channels during daytime hours without adversely affecting their nighttime employment. A definitive and final decision of literally any nature on the way the channels are to be utilized to provide nighttime service will almost inevitable result in a lessening of the restrictions presently placed on their daytime use.[2]

12. Finally, we note that, for more than a decade, we have maintained special restrictions on the use which overwise might be made of the 30 channels which are within thirty kHz of the I–A channels, restrictions designed to prevent the assignment of new stations to these channels at locations and with operating conditions which could hamper our freedom to implement any future plan we might adopt for I–A channel use, whether for I–A a high power operation, or for further duplication with Class II stations. If these restrictions, which are not dictated by any existing technical consideration, ever are to be removed, a final decision as to Class I–A channel use must be made.[3]

13. All of the above are cogent reasons why we should, at this time, attempt once again, to arrive at a complete, definitive and final clear channel decision. However, the previous proceeding which, in its sixteen years of existence, generated thousands of pages of testimony and hundreds of exhibits, representing countless hours of effort by attorneys and engineers and others of the industry and the Commission, and hundreds of thousands of dollars in cost, resulted, in the end, in a decision which left fundamental issues unresolved. If we are to embark on a new endeavor to resolve those issues, it should be, if possible, on the basis of some prior assurance that we will not become enmeshed, once again, in an extensive, expensive and, in the end, largely fruitless exercise. It is therefore the purpose of this inquiry to undertake a preliminary examination of the clear channel question in the light of present day conditions and current Commission rules and policies, and to elicit information which may point the way to methods of attacking the problem which hold promise of leading to some productive end.

14. It should first be observed that the ten new Class II–A stations which the Commission has authorized pursuant to the 1961 rule amendments are providing or will provide a first nighttime primary service to approximately 300,000 persons. Standing by itself, this appears to be a substantial achievement, but when it is viewed against the period of nearly ten years it has taken to accomplish this end, and the 25,000,000 persons which, it was estimated in 1961, had no nighttime primary service, it is obvious that the Class II assignments have done hardly more than nibble at the fringes of the problem of inadequate nighttime standard broadcast service. We do not believe that standard broadcast stations of other classes which have been authorized since that time have appreciably contributed to a reduction in unserved population, and any up-dated study of nighttime coverage by standard broadcast stations would reveal inadequacies of the general magnitude found to exist in 1961.

Notice of Inquiry

15. Until comparatively recently, it has been our consistent policy to consider broadcast service needs, and the means for fulfilling them entirely within the confines of each broadcast service. This policy heretofore has been followed in dealing with all facets of clear channel matters. However, we believe that the unfilled need for nighttime service should now be evaluated in the light of the policy enunciated by the Commission and reflected in rules adopted on February 21, 1973 (Docket 18651, FCC 73–220) that thenceforth, in determining requirements for additional standard broadcast stations, the standard broadcast and the FM broadcast services were to be treated together, as a single aural service. Thus, in any future study of existing nighttime service conditions, we believe the contributions of both standard broadcast and FM must be considered, and in planning measures to rectify present service deficiencies, the reasonable potentialities of both services must be taken into account. Studies by the Commission of limited extent would indicate that existing FM stations are providing service to extensive areas which are without primary nighttime service from standard broadcast stations, particularly in the eastern states. However, a nationwide study is required to determine to what degree FM is now supplementing AM nighttime service on an overall basis, and reasonably may be relied on in the future to extend aural nighttime service to those areas and populations which remain unserved. The Commission intends to conduct a study of existing FM service, relying on available government resources for its accomplishment. When completed, the results of the study will be entered into the record of this proceeding. Assuming that the study will disclose areas and populations which presently are without FM service or AM primary service at night, it appears appropriate to assess the remaining resources of the FM band, and to determine how they may be exploited most efficiently, and the means which may be employed to encourage and direct the future assignment of FM and FM translator stations to locations designed to remedy any service deficiencies which the above mentioned study reveals. We invite the participation of interested parties in conducting studies and developing programs aimed toward the full exploitation of the potentialities of FM for extending nighttime service to all parts of the United States.

16. Crucial to the final settlement of the clear channel problem is an unequivocal decision by the Commission as to whether Class I–A stations are to be authorized, at least in particular instances, to operate with power in excess of 50 kilowatts. It has long been recognized that if the quality of secondary service is to be enhanced to the degree that it becomes an adequate substitute for primary service, station power must be increased very substantially—in the order of ten to fifteen times. However, the implementation of such power increases inevitably will have adverse effects on the structure and balance of the existing broadcast service, effects which reasonably may be foreseen, but whose magnitude are difficult to assess with any degree of precision. The opponents of

[2] There are presently approximately 60 daytime and limited-time stations on the 25 I–A channels, an average of somewhat more than 2 per channel. In contrast, the shared (I–B) clear channels accommodate, on the average, more than 22 daytime stations per channel, in addition to many unlimited time Class II assignments.

[3] Action on the following applications has been held in abeyance for this reason: BP–10505 (860 kHz, Gresham, Ore., new); BP–11164 (690 kHz, Prineville, Ore., KRCO); BP–12211 (690 kHz, Blackfoot, Ida., KBLI); BP–12480 (860 kHz, Boise, Ida., new); BP–12685 (860 kHz, Beaverton, Ore., new); BP–13703 (1150 kHz, Welch, W. Va., WELC); BP–13883 (860 kHz, Salt Lake City, Utah, KWHO); and BP–13958 (1050 kHz, White Bear, Minn., new).

clear channel power increases, which include virtually all segments of the broadcasting industry, with the exception of the licensees of those few stations which might be eligible for such increases, have cited the destructive competition which they believe such powerful operations would create, with the draining of advertising revenue from many smaller stations, and a lessening of their ability to operate in the public interest. Further, these parties have alleged, high power operation would lead to the socially undesirable result of the placing in the hands of a very small number of persons, instruments by which they may influence the thinking and conduct of vast segments of the population. General considerations such as these, in the past, have presented major obstacles to any action by the Commission which would raise the I–A power ceiling. Nevertheless, the Commission heretofore has avoided taking a stand which would preclude the implementation of higher power at some future time.

17. In addition to the economic and social problems described, higher power operation by Class I–A stations presents at least one technical problem—such stations would cause increased interference to other stations, principally to those on adjacent channels. In certain instances, such interference could result to stations in neighboring countries which are entitled to protection under pertinent treaties. While these effects, internationally and domestically, might be reduced with the ultilization of directional antennas by the high power stations, directionalization for this purpose in many instances may not be consonant with the attainment of desired service objectives, and, in any event, cannot be expected to prevent substantial increases in interference from occurring. Interference to stations in neighboring countries must be resolved by appropriate negotiations. In instances of domestic interference, a determination may be necessary as to whether the service gains resulting from high power operation by each Class I–A station authorized for such operation outweights the losses of service from other stations which would be incurred as a result of increased interference from the Class I–A station. While the interference problem is substantial, it at least lends itself to quantification and evaluation; questions as to the economic and social impact of high power are presented in a context sufficiently unique that attempts at their resolution, without any factual base, have produced results which are little more than speculative. It seems obvious that if the Commission is to again attack this question with any greater probability of success than it has heretofore experienced, some approach more likely to produce definitive results must be employed than previously has been taken. The operation of a I–A station with high power pursuant to a temporary authorization has previously been offered as a means for gaining actual experience with the effects of such operation, but such an approach is fraught with obvious practical difficulties which make it less than attractive. The possibility exists that with modern computer techniques a program may be designed to simulate effectively the conditions obtaining during such operation, capable of projecting, at least, the economic impact of such operation in quantitative terms of reasonable reliability. We invite a full discussion of the economic and social effects of high-power operation of Class I–A stations, and the submission of general suggestions or proposals for specific programs for developing meaningful information bearing on these questions.

18. More than ten years have elapsed since Class I–A licensees have evinced marked interest in or willingness to undertake high power operation,[4] if it were authorized, and changes in the broadcasting structure (particularly the further diversion of the nighttime broadcast audience to television) may have made the considerable investment in the necessary facilities so unattractive from the economic standpoint that the question has become of only academic interest. Certainly, the provision, by rule, for higher power operation on specified I–A channels would be undersirable if these facilities were to remain unimplemented, or were implemented at power levels which, while higher than is presently permitted, fall substantially short of that deemed necessary to provide skywave service of adequate quality. Under such circumstances, the channels involved would not be utilized for the purpose intended, but would have been removed from consideration in any other plan to further their more complete utilization.

19. In any event, the expression of current interest, and to the extent possible, the future intentions of the licensees on Class I–A stations regarding high power operation would contribute substantially to our consideration of this matter. Accordingly, we invite responses from such licensees to the following question: If the rules were amended to permit the operation of Class I–A stations with greatly increased power, which licensees of such stations would submit applications for power increases? At what maximum power level would each station undertake to operate?

20. In the vicinity of any broadcast transmitter where its field is intense, undesirable secondary effects are often experienced, e.g., blanketing of broadcast receivers, generation of spurious signals in other radio communications equipment, induced interference in telephone lines and in home audio systems, and the induction in nearby ungrounded metallic structures of voltages, which may, on occasion, be of such magnitude as to be capable of causing burns or shock. As the power of the transmitter is increased, the area over which some or all of these effects may occur, increases. To limit these unwanted side effects, it is customary to site transmitters of relatively high power in areas where the population and facilities subject to unduly high fields are at a minimum. If any standard broadcast station is to be authorized to operate with power which is ten times or more the maximum presently authorized for such stations, it is obvious that special attention must be given to the proper location of the transmitter, and that any authorization which may be issued to an existing I–A station to increase power may involve the specification of a new transmitter site in a sparsely settled area, and may impose other special conditions designed to minimize undesirable secondary effects. The licensee of a I–A station interested in high power operation shall indicate the availability of a suitable site from which to conduct it. Parties are invited to comment on the general magnitude of problems of the nature discussed.

21. While it is, of course, axiomatic that substantial increases in the power of stations providing secondary service will result in improvements in the quality of this service, whether it will, under present day conditions, be a fully adequate substitute for primary service is a question requiring full exploration. The average intensity of a skywave signal, even from a station of relatively high power, never attains a level at which it might be considered substantially immune to the effects of co-channel interference under all circumstances. Over the years, such interference from stations in Central and South American countries has reportedly increased in strength. While it has been argued that the clear channel stations require increased power in order to counteract the effects of such interference, a contrary view of the significance of this factor may be taken—that it may be futile to expect to provide extensive skywave service of satisfactory quality in the presence of this interference, and, accordingly, the clear channels should be more poductively employed. In any event, in any new evaluation of the present and potential use of clear channels we believe that the possible effects of interference from foreign stations cannot be ignored. Thus, we anticipate the need for up-to-date examination of this situation. We request the participation of interested parties in determining the sources and levels of interference existing in U.S. I–A channels.[5]

22. In any plan to expand the usage of the clear channels by the authorization of additional Class II–A stations, the impact must be considered of the promulgation, pursuant to the Report and Order in Docket 16222, adopted January 13,

[4] The following applications for super power have been tendered for filing: Station KSL, Salt Lake City, Utah, 1160 kHz, 500 kW, U; Station WHO, Des Moines, Iowa, 1040 kHz, 750 kW, U; Station KFI, Los Angeles, California, 640 kHz, 750 kW, DA–N, U; Station WLW, Cincinnati, Ohio, 700 kHz, 750 kW, U; Station WSM, Nashville, Tennessee, 650 kHz, 750 kW, U; Station WCCO, Minneapolis, Minnesota, 830 kHz, 750 kW, DA–N, U; Station WJR, Detroit, Michigan, 760 kHz, 500 kW, DA–1, U; and Station WGN, Chicago, Illinois, 720 kHz, 750 kW, U.

[5] The Commission's Field Operations Bureau would expect to aid in this effort. However, for a reasonably complete picture of channel conditions to be obtained, monitoring at as many locations as possible, undertaken systematically, is necessary.

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1971 (FCC 71-39) of rule amendments influencing the design of directional antennas. The amended rules establish a floor on the degree to which the radiated field strength may be reduced, and hence indirectly control the necessary geographical separation between a directionalized station and a station whose service the directional antenna is designed to protect. To some extent, therefore, these rules would restrict such freedom of action as previously existed in the choice of suitable locations or areas for new Class II-A stations. Comments are requested on the significance of this restriction on the possible future employment of such stations to improve nighttime standard broadcast service.

23. It has been alleged that, over the years, the role of the standard broadcast station has become increasingly localized in nature and that listeners primarily rely on nearby stations for program fare, news and information geared to the interests and needs of each particular area. While this may well be the case where the listener is able to exercise a choice between service from local and distant sources, there are many millions of persons who reside in areas which are beyond the nighttime primary service contour of any standard broadcast station. For these people, in the past, secondary signals from clear channel stations have offered the only useful nighttime broadcast service. FM broadcast signals are now available to many areas beyond the reach of primary standard broadcast service, and television service, which customarily fractionalizes nighttime aural broadcast audiences, is sometimes also available. However, it is questionable whether these alternative services, even when available, can fully meet the needs of the mobile population—truck drivers and others, probably counted in the millions, who customarily travel at night. For these people, the extended range of the clear channel station offers a special advantage—the ability to receive the uninterrupted broadcasts of a single station over many miles of highway. It is pertinent to the resolution of this proceeding to determine, on the basis of actual listenership, the extent to which the secondary service of clear channel stations continues to be utilized and relied upon. We request the submission of the results of audience surveys, designed to elicit responses from listeners residing in areas which receive no primary standard broadcast service at night, and from those who travel during nighttime hours, revealing the extent to which the secondary service from clear channel stations is customarily utilized.

PROPOSED RULE MAKING

24. In this proceeding the Commission intends to consider rule amendments in four areas. The first three of the approaches set forth below, implemented separately or in combination, are those pointed to as subject to future determination in our 1961 decision. However, we intend to maintain complete flexibility in our consideration of this matter, and do not preclude the possibility that, after a thorough study of all pertinent information and engineering data, we may propose a resolution of the problem which goes beyond adoption of the particular alternatives, or combination of alternatives to which we have heretofore limited ourselves. Thus, a study of present and potential FM service may reveal a reduction in the extent of nighttime unserved area and population to such an extent that the need for secondary service from clear channel stations will have been substantially lessened. It may also be found that practical obstacles to the institution of measures aimed at improving the quality of secondary service are too great to be surmounted. Under such circumstances, we may wish to consider rule amendments which will affect the basic pattern of clear channel use, e.g., elimination of the protection of secondary service on some or all of the I-A channels, and the employment of such channels to provide primary service from a larger number of stations than could be accommodated under previously considered "duplication" formulas. We have indicated hereinafter a fourth approach which contemplates clear channel usage of this nature.

25. Accordingly, the Commission invites comments with respect to the following:

(1) Amendment of the rules to permit the authorization of power in excess of 50 kilowatts for selected Class I-A stations.

(2) Amendment of the rules to permit additional unlimited-time Class II stations on the "duplicated" Class I-A channels, either in limited number and in designated areas (the present "II-A" plan), or to permit the addition of new stations in all instances where adequate protection for the clear channel station's secondary service and for other stations is afforded.

(3) Amendment of the rules to permit the assignment of unlimited-time Class II stations to those I-A channels which are presently unduplicated, either on a designated basis, or generally, with protection, in each instance, afforded the I-A station's secondary service.

(4) Amendment of the rules to permit the employment of some or all of the present I-A channels by a multiplicity of stations which are intended to render only local or regional groundwave service.

26. These proposals are, of course, general in nature, and comments thereon may be similarly generalized. However, we will accept for consideration such detailed proposals for clear channel use as interested parties may desire to submit. Having had the benefit of the comments herein, and having reviewed the information filed in response to the questions propounded in the notice of inquiry, we anticipate that we will be able to present, in a *further notice of proposed rule making*, concrete and specific proposals in this matter.

27. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments, accompanied by other pertinent material on or before March 18, 1976, and reply comments on or before April 19, 1976. All relevant and timely comments and reply comments will be considered by the Commission before it decides upon the further action to be taken in this proceeding. In reaching this decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

28. In accordance with the provisions of § 1.419 of the rules, an original and 11 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. Copies of all pleadings filed in this proceeding are available for public inspection in the Public Reference Room at the Commission's headquarters in Washington, D.C. (1919 M Street, NW.).

Adopted: December 4, 1975.

Released: December 12, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-33977 Filed 12-16-75;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 177]

ADMINISTRATIVE RULINGS

Proposed Change in Tariff Classification of a Vehicle Known as "Unimog"

Notice is hereby given under the authority of § 177.10 of the Customs Regulations (19 CFR 177.10) that the Customs Service is reviewing the tariff classification of a vehicle known as the Unimog. If this change of practice is adopted, it will result in a higher rate of duty for such merchandise.

Under an established and uniform practice, importations of a vehicle known as the Unimog have been classified under the provision for tractors suitable for agricultural use in item 692.30, Tariff Schedules of the United States (TSUS), and accorded free entry.

Since the primary design, construction, and function of the Unimog in the United States is that of a truck, even though it is capable of performing some tractor operations, the Customs Service proposes to classify these all-purpose vehicles under the provision for automobile trucks valued at $1,000 or more for the transport of persons or articles in item 692.02, TSUS, dutiable at the modified rate of 25 percent ad valorem under item 945.69, TSUS.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted in writing to the Commissioner of Customs, Attention: Classification and Value Division, Washington, D.C. 20229, not later than February 17, 1976.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), at the Classification and Value Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

VERNON D. ACREE,
Commissioner of Customs.

Approved: November 24, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-34007 Filed 12-16-75;8:45 am]

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Minimum Vesting Standards; Extension of Time for Comments

The proposed amendment to the regulations under section 411 of the Internal Revenue Code of 1954, relating to the minimum vesting standards, appears in the FEDERAL REGISTER for November 5, 1975 (40 FR 51445).

Written comments or suggestions pertaining to the proposed amendment and requests for a public hearing by persons submitting written comments or suggestions were required to be submitted by January 9, 1976. The time for submission of written comments or suggestions pertaining to the proposed amendment and for requesting a public hearing is hereby extended to February 9, 1976.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.75-34201 Filed 12-16-75;11:24 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

COTTON AND MAN-MADE FIBER TEXTILE PRODUCTS FROM INDIA

Final Countervailing Duty Determination

On July 3, 1975, a "Notice of Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (40 FR 28104). The notice stated that on the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), a preliminary determination was made that no bounties or grants are being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), upon the manufacture, production, or exportation of cotton and man-made fiber textile products from India.

The notice stated further that before a final determination would be made in this proceeding, consideration would be given to any relevant data, views or arguments submitted in writing 30 days from the date of the notice with respect to the preliminary determination. The 30-day period for the submission of views was extended to 60 days by notice published in the FEDERAL REGISTER of August 15, 1975 (40 FR 34423).

No written submissions having been received, it is hereby determined, for the reasons stated in the preliminary determination, that no bounties or grants are being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), upon the manufacture, production, or exportation of cotton and man-made fiber textile products from India.

This notice is published pursuant to section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

VERNON D. ACREE,
Commissioner of Customs.

Approved: December 1, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-33440 Filed 12-16-75;8:45 am]

Fiscal Service

[Dept. Circ. 570, 1975 Rev., Supp. No. 7]

CENTRAL MUTUAL INSURANCE COMPANY

Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $1,569,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

Central Mutual Insurance Company
Van Wert, Ohio
Ohio

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Government Financial Operations, Audit Staff, Washington, D.C. 20226.

Dated: December 10, 1975.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.75-33916 Filed 12-16-75;8:45 am]

[Dept. Circ. 570, 1975 Rev., Supp. No. 8]

NATIONAL-BEN FRANKLIN INSURANCE COMPANY OF MICHIGAN

Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $1,492,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

National-Ben Franklin Insurance Company of Michigan
Southfield, Michigan
Michigan

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Government Financial Operations, Audit Staff, Washington, D.C. 20226.

Dated: December 10, 1975.

DAVID MOSSE,
Fiscal Assistant Secretary.

[FR Doc.75-33917 Filed 12-16-75;8:45 am]

[Dept. Circ. 570, 1975 Rev., Supp. No. 9]

"WINTERTHUR" SWISS INSURANCE COMPANY, UNITED STATES BRANCH

Surety Companies Acceptable on Federal Bonds; Change of Name

Accident and Casualty Insurance Company of Winterthur, Switzerland (U.S. Office, New York, New York), a Swiss corporation, has formally changed its name to "Winterthur" Swiss Insurance Company (U.S. Office, New York, New York), effective June 10, 1975. Documents evidencing the change of name are on file in the Treasury.

A new certificate of authority as an acceptable reinsuring company on Federal bonds, dated July 1, 1975, has been issued by the Secretary of the Treasury to "Winterthur" Swiss Insurance Company (U.S. Office, New York, New York), under Treasury Circular 297, Revised February 10, 1975 (31 CFR Part 223), to replace the certificate issued July 1, 1975 (40 FR 29259, July 10, 1975) to the company under its former name, Accident and Casualty Insurance Company of Winterthur, Switzerland (U.S. Office, New York, New York). The underwriting limitation of $1,172,000 previously established for the company remains unchanged.

A substitute certificate of authority was also issued the company under its new name for the period June 10-30, 1975 to provide legal continuity.

The change in name of Accident and Casualty Insurance Company of Winterthur, Switzerland (U.S. Office, New York, New York) does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to a certificate of authority issued by the Secretary of the Treasury.

Certificates of authority expire on June 30 each year, unless sooner revoked and new certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: December 11, 1975.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.75-33918 Filed 12-16-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

ABBOTT LABORATORIES

Importation of Controlled Substance; Methylphenidate, Scheduling of Prehearing Conference

Pursuant to § 1311.42 of Title 21, Code of Federal Regulations, a notice dated May 23, 1975 was published on June 10, 1975 at 40 FR 24758, that Abbott Laboratories, 14th and Sheridan Road, North Chicago, Illinois 60064, had made application to the Drug Enforcement Administration to be registered as an importer of methylphenidate, a basic class controlled substance listed in Schedule II.

Thereafter a notice dated August 5, 1975 was published on August 25, 1975 at 40 FR 37060, that, MBH Chemical Corporation having objected to said application and requested a hearing thereon, a hearing would be held thereon commencing at 10 a.m. on Tuesday, October 7, 1975 at the Drug Enforcement Administration, Washington, D.C.

Thereafter a Statement of Policy and Interpretation dated September 18, 1975 was published on September 23, 1975 at 40 FR 43745 concerning certain procedures respecting applications for registration or reregistration to import a basic class of any controlled substance in Schedule I or II.

And thereafter under date of October 3, 1975 an Order to Show Cause was issued to Abbott Laboratories advising that, after reviewing its application referred to hereinabove, the Acting Administrator, Drug Enforcement Administration, was unable to make certain determinations with respect thereto, and affording an opportunity to Abbott Laboratories to show cause why he should not deny the application aforesaid.

Subsequently MBH Chemical Corporation effectively withdrew its objection and request for hearing with respect to the aforesaid application but Abbott Laboratories has requested a hearing with respect thereto pursuant to the Order to Show Cause described hereinabove.

Notice is hereby given that the proceedings commenced on October 7, 1975 pursuant to the notice published on August 25, 1975, were continued on December 8, 1975 and will be still further continued and carried forward by a Prehearing Conference on Tuesday, January 20, 1976, commencing at 10 a.m. in Room 1210, Drug Enforcement Administration, 1405 Eye Street, NW, Washington, D.C., at which time and place any person believing himself entitled to participate in these proceedings and who desires to do so should appear and present, orally and in writing, his reasons for such belief and desire. Enquiries as to the present posture and proceedings to date in this matter should be made in writing and be addressed to "Federal Register Representative", Office of Chief Counsel, Drug Enforcement Administration, 1405 Eye Street, NW, Washington, D.C.

HENRY S. DOGIN,
Acting Administrator.

DECEMBER 12, 1975.

[FR Doc.75-34159 Filed 12-16-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Colorado No. 9]

COLORADO

Oil Shale Land Classification Order

Oil Shale Land Classification Order Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, COLORADO

Non-oil shale lands:
T. 11 S., R. 97 W.,
Secs. 10 to 16, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 12 S., R. 97 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 22 to 24, inclusive.

The area described aggregates 23,231 acres, more or less, of which all are classified as non-oil shale.

Dated: December 8, 1975.

W. A. RADLINSKI,
Acting Director.

[FR Doc.75-33915 Filed 12-16-75;8:45 am]

WILSON HOT SPRING, NEVADA

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by section 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), the delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual 220.2.1 G, the following described lands are hereby defined as the Wilson Hot Spring known geothermal resources area, effective February 1, 1974.

(28) NEVADA

WILSON HOT SPRING KNOWN GEOTHERMAL RESOURCES AREA

Mt. Diablo Meridian, Nevada

T. 10 N., R. 25 E.,
Sec. 3: all.
T. 11 N., R. 25 E.,
Sec 34: all.

The above area aggregates 1,294.12 acres (517.65 hectares), more or less.

Dated: November 13, 1975.

HILLARY A. ODEN,
Acting Conservation Manager, Western Region.

[FR Doc.75-33878 Filed 12-16-75;8:45 am]

Office of the Secretary

[INT FES 75-97]

GRAND CANYON COMPLEX, ARIZONA

Proposed Master Plan; Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for the proposed master plan, the Grand Canyon Complex, Arizona.

The final environmental statement considers proposals to conserve and protect the resources of the Grand Canyon Complex, including those for an enlarged park, for the redevelopment of Grand Canyon Village for concentrated day use, and for managing the majority of park lands as natural or wilderness areas.

Copies are available from or for inspection at the following locations:

Western Regional Office, National Park Service, 450 Golden Gate Avenue, San Francisco, California 94102.
Southern Arizona Group, National Park Service, 1115 North First Street, Phoenix, Arizona 85004.
Grand Canyon National Park, P.O. Box 129, Grand Canyon, Arizona 86023.

Dated: November 26, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-33958 Filed 12-16-75;8:45 am]

[INT FES 75-99]

PINNACLES NATIONAL MONUMENT, CALIFORNIA

Proposed Master Plan; Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for the Proposed Master Plan, Pinnacles National Monument, California.

The final environmental statement considers measures to conserve and protect the resources of Pinnacles National Monument. These measures include the acquisition of 1435 acres of land for preservation of wildlife and relocation of visitor facilities; conversion of all facilities to day use; development of 13 miles of hiking trail; and providing a visitor shuttle system during periods of heavy visitation.

Copies are available from or for inspection at the following locations:

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Western Regional Office, National Park Service, 450 Golden Gate Avenue, San Francisco, California 94102.
Los Angeles Field Office, National Park Service, Room 2202, New Federal Building, Los Angeles, California 90012.
Pinnacles National Monument, Paicines, California 95045.

Dated: December 1, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-33972 Filed 12-16-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 7]

SALES PRICES FOR MILK

Monthly Sales List (Fiscal Year Ending June 30, 1976)

The CCC Monthly Sales List for the fiscal year ending June 30, 1976, published at 40 FR 30510, as amended, is further amended as follows: The provisions of section 27 entitled "Nonfat Dry Milk—Unrestricted Use Sales", as revised at 40 FR 53607 are further revised to read as follows:

Market price, but not less than the following announced prices for spray process nonfat dry milk (NDM) in 50-lb bags (in cent per pound)

	Nonfat dry milk in bags of type specified in ASCS announcement CMO-1	Nonfat dry milk in commercial type bags
U.S. Extra Grade:		
Produced before Sept. 1, 1974	71.75	71.50
Produced Sept. 1, through Dec. 31, 1974	73.25	73.00
U.S. standard grade (regardless of date of production)	70.75	70.50

Sales are in carlots only in-store at storage location of products. Sales are made under Announcement MP-14.

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); sec. 407, 63 Stat. 1055, as amended (7 U.S.C. 1427))

Effective date: November 1, 1975.

Signed at Washington, D.C., on December 9, 1975.

E. J. PERSON,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-33961 Filed 12-16-75;8:45 am]

Office of the Secretary

FEDERAL CROP INSURANCE CORPORATION

Organization, Functions, and Delegations of Authority; Correction

In FR Doc. 75-30128 appearing at page 52424 in the FEDERAL REGISTER of November 10, 1975, paragraph (1) of section 5, Part 3 appearing in the center column of page 52424 is corrected in the ninth line of that paragraph by adding the word, "Wisconsin", immediately following the word, "Pennsylvania", and immediately before the words, "and New York".

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-34010 Filed 12-16-75;8:45 am]

Soil Conservation Service

CHOCTAW BAYOU WATERSHED PROJECT, LOUISIANA

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Choctaw Bayou Watershed Project, West Baton Rouge, Pointe Coupee, and Iberville Parishes, Louisiana. USDA-SCS-EIS-WS-(ADM)-76-4-(D)-LA.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment supplemented by channel work, and three structures for water control (weirs). The channel work will involve clearing and debris removal on 22 miles of existing channels, 6 miles of new channel construction, and 64 miles of enlargement by excavation to provide improved water management in a flatland watershed that is 49 percent agricultural cropland and grassland. Of the 86 miles of work proposed on existing streams or channels, 79 miles will involve those with only ephemeral flow, 4 miles with intermittent flow, and 3 miles with ponded water.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 3737 Government Street, Alexandria, La. 71301.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301.

Comments must be received on or before February 3, 1976, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Service)

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-33874 Filed 12-16-75;8:45 am]

MIDDLE WALNUT WATERSHED PROJECT, KANSAS

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Middle Walnut Watershed Project, Butler, Sedgwick, Cowley, and Sumner Counties, Kansas, USDA-SCS-EIS-WS-(ADM)-76-1-(D)-KS.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment, supplemented by 14 floodwater retarding structures and one multiple-purpose reservoir with recreation facilities. The recreational development will provide 50,000 recreation visits annually.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 760 South Broadway, Salina, Kansas 67401.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Robert K. Griffin, State Conservationist, Soil Conservation Service, 760 South Broadway, Salina, Kansas 67401.

Comments must be received on or before February 9, 1976, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: December 10, 1975.

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-33876 Filed 12-16-75;8:45 am]

MUD CREEK WATERSHED PROJECT, ALABAMA

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1960; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Mud Creek Watershed Project, Cullman County, Alabama, USDA-SCS-EIS-WS-(ADM)-75-3-(D)-AL.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment supplemented by channel work. The channel work will involve 4.7 miles of enlargement by excavation to provide additional streamflow capacity. Of the 4.7 miles of work proposed on existing streams or channels, 2.6 miles will involve those with only ephemeral flow, 1.1 miles with intermittent flow, and 1.0 mile with perennial flow.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 138 South Gay Street, Auburn, Alabama 36830.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to William B. Lingle, State Conservationist, Soil Conservation Service, 138 South Gay Street, Auburn, Alabama 36830.

Comments must be received on or before February 6, 1976, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: Demember 10, 1975.

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-33875 Filed 12-16-75;8:45 am]

DEPARTMENT OF COMMERCE

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of patents are available from the Commissioner of Patents, Washington, D.C. 20231, at $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161, at the prices cited. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent Office. Claims and other technical data can usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, NW, Washington, D.C. 20240.

Patent application 579,640: Recovery of Zinc from Zinc Chloride by Fused Salt Electrolysis; filed 21 May 1975; PC $3.25/MF $2.25.
Patent application 580,444: Regular Copolyamides as Desalination Membranes; filed 23 May 1975; PC $3.25/MF $2.25.
Patent application 582,005: Method and Apparatus for a Power Circuit Breaker Controller; filed 29 May 1975, PC $3.75/MF $2.25.
Patent application 588,549: Remote Sealing of Mine Passages Containing Flowing Water; filed 19 June 1975; PC $3.25/MF $2.25.
Patent application 588,999: Recovery of Lead from Battery Scrap; filed 25 June 1975; PC $3.25/MF $2.25.
Patent application 596,117: A Method for Removing Soluble Selenium from Acidic Waste Water; filed 15 July 1975; PC $3.25/MF $2.25.
Patent application 599,741: Precision Aerosol Divider; filed 28 July 1975; PC $3.25/MF $2.25.
Patent application 601,125: Preparation of PbO2 Anode; filed 31 July 1975; PC $3.25/MF $2.25.
Patent application 603,422: Endless Conveyor System; filed 11 August 1975; PC $3.25/MF $2.25.
Patent application 604,566: Method of Operating a Constant Depth Linear Cutting Head on a Retrofitted Continuous Mining Machine; filed 14 August 1975; PC $3.25/MF $2.25.
Patent application 606,803: Structural Material; filed 22 August 1975; PC $3.25/MF $2.25.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217.

Patent application 426,783: Shock Attenuating Structure; filed 20 December 1973; PC $3.25/MF $2.25.
Patent application 442,530: Serial-Access Linear Transform Device; filed 14 February 1974; PC $3.75/MF $2.25.
Patent application 446,062: Method of Determining Watertight Integrity in Hovercraft; filed 6 August 1974; PC $3.25/ MF $2.25.
Patent application 449,295: Crown Float/Decelerator; filed 8 March 1974; PC $3.25/MF $2.25.
Patent application 452,082: Cargo/Ballast Separation by Dual Membrane System; filed 18 March 1974, PC $3.25/MF $2.25.
Patent application 454,886: Slam/Shock Isolation Pedestal; filed 26 March 1974; PC $3.25/MF $2.25.
Patent application 458,141; Bomb Rack Sway Brace Assembly; filed 5 April 1974; PC $3.25/MF $2.25.
Patent application 463,944: Custom Fitted Lightweight Air Conditioned Protective Helmet; filed 25 April 1974; PC $3.25/MF $2.25.
Patent application 465,800: Ophthalmodynamometer; filed 1 May 1974; PC $3.25/ MF $2.25.
Patent application 471,384: Aircraft Barricade Jet-Net; filed 20 May 1974; PC $3.25/ MF $2.25.
Patent application 472,559: Space Shuttle Orbiter Barricade; filed 23 May 1974; PC $3.25/MF $2.25.
Patent application 476,821: Reduced Shear Stress End Fitting; filed 6 June 1974; PC $3.25/MF $2.25.
Patent application 481,007: Torsionally and/or Axial Soft Coupling; filed 20 June 1974; PC $3.25/MF $2.25.
Patent application 482,979: Holographic Interferometry Apparatus and Method of Measuring Deflections of Dynamic Bodies; filed 25 June 1974; PC $3.25/MF $2.25.
Patent application 487,481: Quiet Shrouded Circulation Control Propeller; filed 11 July 1974; PC $32.25/MF $2.25.
Patent application 492,314: Flux-Switched Inductor Alternator; filed 26 July 1974; PC $3.25/MF $2.25.
Patent application 505,719: A System to Process Antenna Beams to Obtain the Angular Location of a Target with High Resolution and Accuracy; filed 13 September 1974; PC $3.25/MF $2.25.
Patent application 506,921: Electrolysis Apparatus and a Method of Hydrodynamic Cavitation Protection; filed 17 September 1974; PC $3.25/MF $2.25.
Patent application 514,706: Discrete Cosine Transform Signal Processor; filed 15 October 1974; PC $3.25/$2.25.
Patent application 529,992: Launching Means for Surface Effect Ships; filed 5 December 1974; PC $3.25/MF $2.25.
Patent application 533,116: Laser Activated Superconducting Switch; filed 16 December 1974; PC $3.25/MF $2.25.
Patent application 534,990: A Device for Determining the State of Charge in Batteries; filed 20 December 1974; PC $3.25/ MF $2.25.
Patent application 536,076: Inverted Voltage Gerdien Condenser; filed; 24 December 1974; PC $3.25/MF $2.25.
Patent application 540,047: Flight Simulator Visual Display System; filed 10 January 1975; PC $3.25/MF $2.25.
Patent application 554,358: Method for Reclaiming and Recycling plastic Bonded Energetic Material; filed 3 March 1975; PC $3.25/MF $2.25.
Patent application 561,964: High Pressure, 4-Position, 5-Way, Pilot Operated Valve for Corrosive Media; filed 25 March 1975; PC $3.25/MF $2.25.
Patent application 565,305: Method and Means to Access and Extended Memory Unit; filed 4 April 1975; PC $3.25/MF $2.25.
Patent application 570,927: High Speed Fiber Optic Communication Link; filed 22 April 1975; PC $3.25/MF $2.25.
Patent application 570,933: Recirculation of Liquid Metal Current Collectors in Acyclic Machines; filed 22 April 1975; PC $3.25/MF $2.25.
Patent application 571,194: Process and Apparatus for Producing High Precision Laser Mirror Seats; filed 24 April 1975; PC $3.25/ MF $2.25.

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Patent application 572,557: Tracking Status Detector for a digital Delay Lock Loop; filed 28 April 1975; PC $3.25/MF $2.25.

Patent application 576,496: Acousto-Optically Tuned Laser; filed 12 May 1975; PC $3.25 MF $2.25.

Patent application 576,941: Eyeletting Attachment for Drill Presses; filed 12 May 1975; PC $3.25/MF $2.25.

Patent application 577,525: Process for Fabricating Ceramic Bone Implant and Product Thereof; filed 14 May 1975; PC $3.25/MF $2.25.

Patent application 581,258: Pseudo Sampling; filed 27 May 1975; PC $3.25/MF $2.25.

Patent 3,868,572: Audio Transmission and Reception Assembly; filed 16 March 1973, patented 25 February 1975; not available NTIS.

Patent 3,878,324: Smearing Effect Attenuator; filed 1 April 1974; patented 15 April 1975; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP–2, Washington, D.C. 20546.

Patent application 595,254: System and Method for Tracking a Signal Source; filed 11 July 1975; PC $3.25/MF $2.25.

Patent application 608,482: Binocular Attachment; filed 28 August 1975; PC $3.25/MF $2.25.

Patent 3,898,578: Integrable Power Gyrator; patented 5 August 1975; not available NTIS.

Patent 3,898,730: Bonding Method in the Manufacture of Continuous Regression Rate Sensor Devices; patented 12 August 1975; not available NTIS.

Patent 3,898,882: Flow Measuring Apparatus; patented 12 August 1975; not available NTIS.

Patent 3,899,224: Lubricated Journal Bearing; patented 12 August 1975; not available NTIS.

Patent 3,899,252: NDIR Gas Analyzer Based on Absorption Modulation Ratios for Known and Unknown Samples; patented 12 August 1975; not available NTIS.

Patent 3,899,517: Perfluoro Alkylene Dioxy-Bis-(4-Phthalic Anhydrides) and Oxy-Bis-(Perfluoroalkyleneoxyphthalic Anhydrides); patented 12 August 1975; not available NTIS.

Patent 3,899,680: Protected Isotope Heat Source; patented 12 August 1975; not available NTIS.

Patent 3,899,696: Electric Power Generation System Directory from Laser Power; patented 12 August 1975; not available NTIS.

Patent 3,899,745: Isolated Output System for a Class D Switching-Mode Amplifier; patented 12 August 1975; not available NTIS.

Patent 3,900,705: Dual Digital Video Switcher; patented 19 August 1975; not available NTIS.

Patent 3,900,741: Fault Tolerant Clock Apparatus Utilizing a Controlled Minority of Clock Elements; patented 19 August 1975; not available NTIS.

Patent 3,900,847: Satellite Aided Vehicle Avoidance System; patented 19 August 1975; not available NTIS.

Patent 3,902,143: Refrigerated Coaxial Coupling; patented 26 August 1975; not available NTIS.

[FR Doc.75–34003 Filed 12–16–75;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

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DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, NW, Washington, DC 20240.

Patent application 576,400: Fluxless Recovery of Metallic Aluminum from Wastes; filed 9 May 1975; PC $3.25/MF $2.25.

Patent application 596,883: Method for Making Asymmetric Semipermeable Membranes; filed 17 July 1975; PC $3.25/MF $2.25.

Patent 3,884,794: Solvent Refined Coal Process Including Recycle of Coal Minerals; filed 4 March 1974; patented 20 May 1975; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217.

Patent application 375,971: Subchannel Decoupling Filters for Echo Location Systems; filed 2 July 1973; PC $3.75/MF $2.25.

Patent application 420,829: An Acoustic Device for Measuring Rotation Rates; filed 3 December 1973; PC $3.25/MF $2.25.

Patent application 444,576: Leakage Test Method and Apparatus; filed 21 February 1974; PC $3.25 MF $2.25.

Patent application 451,621: An Improved Reserve Battery; filed 15 March 1974; PC $3.25 MF $2.25.

Patent application 460,323: A process for Making a Molded Valve Housing for a Prosthetic Limb; filed 12 April 1974; PC $3.25 MF $2.25.

Patent application 465,795: An Improved Chill Block; filed 1 May 1974; PC $3.25/MF $2.25.

Patent application 466,118: Nonlinear Array Hydrophone Simulator; filed 2 May 1974; PC $3.25 MF $2.25.

Patent application 470,877: A.D.C. Operated Ground Fault Locator for Energized Shipboard A.C. Electrical Systems; filed 17 May 1974; PC $3.25 MF $2.25.

Patent application 475,688: A Method for Reducing the Viscosity of Aluminum Gelled Fuels; filed 3 June 1974; PC $3.25/MF $2.25.

Patent application 482,393: Electronic Solid State Sensor Image Size Control; filed 24 June 1974; PC $3.25/MF $2.25.

Patent application 572,590: Lasing Dye; filed 28 April 1975; PC $3.25/MF $2.25.

Patent application 573,699: Battlefield IFF System; filed 1 May 1975; PC $3.25/MF $2.25.

Patent application 574,984: An Integrated Inertial Reference–Inertial Navigation System; filed 6 May 1975; PC $3.25/MF $2.25.

Patent application 580,385: Gossypol, an Abundant, Low-Cost Iron Deactivator, Pot-Life Extender, and Processing Aid for HTPB Propellants; filed 23 May 1975; PC $3.25/MF $2.25.

Patent application 580,856: Fiber Optic Granding and Polishing Tool; filed 27 May 1975; PC $3.25/MF $2.25.

Patent application 584,321: An Integrated Optical Data Bus Coupler; filed 6 June 1975; PC $3.25/MF $2.25.

Patent application 588,738: Weapons Training Simulator Utilizing Polarized Light; filed 20 June 1975; PC $3.25/MF $2.25.

Patent application 588,914: PbS–Al Selective Solar Absorber; filed 20 June 1975; PC $3.25/MF $2.25.

Patent application 588,987: Composite Polarized Film for Use in a Weapon Training Simulator; filed 20 June 1975; PC $3.25/MF $2.25.

Patent application: 588,998: High Current Pulser Circuit; filed 20 June 1975; PC $3.25/MF $2.25.

Patent application 589,160: Voltage Ramp Temperature Controller; filed 23 June 1975; PC $3.25/MF $2.25.

Patent application 589,503: Laser Receiver Anti-Sun Circuit; filed 23 June 1975; PC $3.25/MF $2.25.

Patent application 593,071: Universal Infantry Weapons Trainer; filed 3 July 1975; PC $3.25/MF $2.25.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP–2, Washington, DC 20546.

Patent application 561,956: Method of and Means for Testing a Tape Record/Playback System; filed 25 March 1975; PC $3.25/MF $2.25.

Patent application 571,816: Varying Density Composite Structure; filed 25 April 1975; PC $3.25/MF $2.25.

Patent application 612,899: Jet Engine Air Intake System; filed 12 September 1975; PC $3.25/MF $2.25.

Patent 3,905,356: Subminiature Insertable Force Transducer; patented 16 September 1975; Not available NTIS.

Patent 3,906,231: Doped Josephson Tunneling Junction for Use in a Sensitive IR Detector; patented 16 September 1975; not available NTIS.

Patent 3,906,296: Stored Charge Transistor; patented 16 September 1975; not available NTIS.

Patent 3,906,374: Symmetrical Odd-Modulus Frequency Divider; patented 16 September 1975; not available NTIS.

Patent 3,906,393: Acoustically Controlled Distributed Feedback Laser; patented 16 September 1975; not available NTIS.

Patent 3,906,397: Diatomic Infrared Gasdynamic Laser; patented 16 September 1975; not available NTIS.

[FR Doc.75–34004 Filed 12–16–75;8:45 am]

GOVERNMENT-OWNED INVENTIONS

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DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, NW., Washington, DC 20240.

Patent 3,833,717: Production of Cuprous Oxide, filed 1 August 1972, patented 3 September 1974, not available NTIS.

Patent 3,834,896: Recovery of Gold; filed 21 June 1972; patented 10 September 1974; not available NTIS.

Patent 3,849,265: Electro-Oxidative Method for the Recovery of Molybdenum from Sulfide Ores; filed 1 October 1971; patented 19 November 1974; not available NTIS.

Patent 3,852,060: Formation of Metal Filaments by Solid State Reactions; filed 25 June 1973; patented 3 December 1974, not available NTIS.

Patent 3,873,860: MHD Power Generation; filed 21 November 1973; patented 25 March 1975; not available NTIS.

Patent 3,875,096: Process for the Preparation of a Stable Salt Form of a Sulfonated Polyarylether Sulfone; filed 20 March 1974, patented 1 April 1975; not available NTIS.

Patent 3,892,639: Extraction of Metal Values from Lateritic Ores; filed 11 September 1974; patented 1 July 1975; not available NTIS.

Patent 3,899,569: Preparation of Highly Pure Titanium Tetrachloride from Ilmenite Slag; filed 1 February 1972; patented 12 August 1975; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217.

Patent application 482,308: Low Distortion, Amplitude Staple Quadrature Oscillator; filed 24 June 1974; PC $3.25/FM $2.25.

Patent application 483,603: Inflatable Body and Head Restraint, filed 27 June 1974; PC $3.25/MF $2.25.

Patent application 491,983: Train Resonant Car-Body Rocking Detector System; filed 25 July 1974; PC $3.25/MF $2.25.

Patent application 495,478: Overheated Journal Bearing Derailment Prevention System; filed 7 August 1974; PC $3.25/MF $2.25.

Patent application 495,480: Local Derailment Sensor and Brake Actuator System; filed 7 August 1974; PC $3.25/MF $2.25.

Patent application 586,104: High-Speed Adder; filed 18 June 1975; PC $3.25/MF $2.25.

Patent application 592,705: Dual-Mode Display Device; filed 2 July 1975, PC $3.25/MF $2.25.

Patent application 593,071: Universal Infantry Weapons Trainer; filed 3 July 1975; PC $3.25/MF $2.25.

Patent application 597,869: Dual Ejector Stores Attitude Control System; filed 21 July 1975; PC $3.25/MF $2.25.

Patent 3,821,751: Method for World Wide Synchronization of Tracking Radars; filed 27 March 1972; patented 28 June 1974; not available NTIS.

Patent 3,821,752: Electronic Interference Detector for Range-Tracking Pulse Radar Systems; filed 31 August 1966; patented 28 June 1974; not available NTIS.

Patent 3,822,038: Multicoupler Percent Frequency Separation Calculator; filed 15 June 1972; patented 2 July 1974; not available NTIS.

Patent 3,822,086: Apparatus for Recharging ATR Tube; filed 1 February 1973; patented 2 July 1974; not available NTIS.

Patent 3,823,208: Method of Making a Permanent Prosthetic Socket, filed 24 May 1971; patented 9 July 1974; not available NTIS.

Patent 3,823,901: Aerial Launch System; filed 24 July 1973; patented 16 July 1974; not available NTIS.

Patent 3,824,014: Relief Mask for High Resolution Photolithography; filed 26 July 1973; patented 16 July 1974; not available NTIS.

Patent 3,824,289: Method for the Manufacture of Tetrakis (Dimethylamino) Ethylene; filed 21 October 1971; patented 16 July 1974; not available NTIS.

Patent 3,824,497: High-Purity, Frequency-Stable, Adjustable, Wien-Bridge, Oscillator; filed 20 July 1973; patented 16 July 1974; not available NTIS.

Patent 3,826,452: Electrical Control Device for a Re-Entry Vehicle; filed 25 May 1973; patented 30 July 1974; not available ITIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP–2, Washington, DC 20546.

Patent application 612,899: Jet Engine Air Intake System; filed 12 September 1975; PC $3.25/MF $2.25.

Patent 3,905,660: Drilled Ball Bearing with a One Piece Anti-Tipping Cage Assembly; patented 16 September 1975; not available NTIS.

Patent 3,906,393: Acoustically Controlled Distributed Feedback Laser; patented 16 September 1975; not available NTIS.

Patent 3,906,397: Diatomic Infrared Gasdynamic Laser; patented 16 September 1975; not available NTIS.

[FR Doc.75–34005 Filed 12–16–75;8:45 am]

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DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. ENVIRONMENTAL PROTECTION AGENCY, Room W513, 401 M Street, SW, Washington, DC 20460.

Patent application 510,188: Polarization Excitation Device for X-Ray Fluorescence Analysis; filed 30 September 1974; PC $3.25/MF $2.25.

Patent application 520,218: System for Dewatering Dilute Slurries; filed 1 November 1974; PC $3.25/MF 02,25.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, NW, Washington, DC 20240.

Patent application 576,393: Process for Recovering Copper from Oxidized Ores; filed 9 May 1975; PC $3.25/MCF $2.25.

Patent application 588,547: Decomposition of Sulfide Minerals; filed 19 June 1975; PC $3.25/MF $2.25.

Patent application 588,548: Titanium Diboride Composition; filed 19 June 1975; PC $3.25/MF $2.25.

Patent application 591,743: Decomposition of Sulfide Ores filed 30 June 1975; PC $3.25/MF $2.25.

Patent application 595,902: Dehydration of Magnesium Chloride; filed 14 July 1975; PC $3.25/MF $2.25.

Patent 3,877,932: Pressure Cementation Process for Recovery of Copper from Solution; filed 21 February 1974; patented 15 April 1975; not available NTIS.

Patent 3,877,978: Semipermeable Membranes; filed 27 March 1974; patented 15 April 1975; not available NTIS.

Patent 3,878,276: Cellulose Acetate Blend Membranes; filed 24 May 1972; patented 15 April 1975; not available NTIS.

Patent 3,880,618: Simultaneously Removing Sulfur and Nitrogen Oxides from Gases; filed 2 March 1973; patented 29 April 1975; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217.

Patent application 428,533: Ordnance Alignment and Loading Apparatus; filed 26 December 1973; PC $3.25/MF $2.25.

Patent application 438,313: Non-Polluting, Antifouling, Composition and Method; filed 31 January 1974; PC $3.75/MF $2.25.

Patent application 439,486: Propellant-Actuated Deep Water Anchor, filed 4 February 1974; PC $3.25/MF $2.25.

Patent application 453,241: Dual Field Excitation for a Carbon Dioxide Laser; filed 21 March 1974; PC $3.25/MF $2.25.

Patent application 465,978: Ophthalmodynamometer; filed 1 May 1974; PC $3.25/MF $2.25.

Patent application 482,307: Dyeing of Novoloid Fiber; filed 24 June 1974; PC $3.25/MF $2.25.

Patent application 482,980: Fuel Cell Using Lithium-Aluminum Alloy Anode and Aqueous Electrolyte; filed 25 June 1974; PC $3.25/MF $2.25.

Patent application 536,077: Radiosonde Circuitry for Impedance Measurement of an A1203 Absolute Water Vapor Sensor; filed 24 December 1974; PC $3.25/MF $2.25.

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Patent application 546,051: Variable-to-Block-with-Prefix Source Coding Technique; filed 31 January 1975; PC $3.75/MF $2.25.

Patent application 561,017: Inertial Optical Stabilizer; filed 21 March 1975; PC $3.25/MF $2.25.

Patent application 562,381: Apparatus for Insulating Stator Coils; filed 26 March 1975; PC $3.25/MF $2.25.

Patent application 576,733: High Speed Optical Matrix Multiplier Syatem; filed 12 May 1975; PC $3.25/MF $2.25.

Patent application 577,365: Magnetic Shielding of Computer Components from Lightning; filed 13 May 1975; PC $3.25/MF $2.25.

Patent application 579,770: Improved Demisting System for Cold Starts and Restarts; filed 22 May 1975; PC $3.25/MF $2.25.

Patent application 581,063: Organic Nucleating Agent for Both Warm and Cold Clouds; filed 27 May 1975; PC $3.25/MF $2.25.

Patent application 582,044: Paint-on Thermocouple; filed 29 May 1975; PC $3.25/MF $2.25.

Patent application 584,321: An Integredated Optical Date Bus Coupler; filed 6 June 1975; PC $3.25/MF $2.25.

Patent application 585,142: Light-Weight Low-Cost Antenna Element; filed 9 June 1975; PC $3.25/MF $2.25.

Patent application 586,113: Improved Millimeter Waveguide to Microstrip Transition; filed 11 June 1975; PC $3.25/MF $2.25.

Patent application 587,445: In-Line Waveguide to Coax Transition; filed 16 June 1975; PC $3.25/MF $2.25.

Patent application 588,914: PbS–Al Selective Solar Absorber; filed 20 June 1975; PC $3.25/MF $2.25.

Patent application 589,489: Efficient Dye Laser Materials for the Ultraviolet; filed 20 June 1975; PC $3.25/MF $2.25.

Patent application 600,255: Optical Measurement of the Difference in Alignment Between Reference Frames; filed 30 July 1975; PC $3.25/MF $2.25.

[FR Doc.75-34006 Filed 12-16-75;8:45 am]

Office of the Secretary

COMMERCE TECHNICAL ADVISORY BOARD

Meeting

A meeting of the Department of Commerce Technical Advisory Board will be held on Wednesday, January 14, 1976, from 9:00 a.m. to 5:00 p.m. and Thursday, January 15, 1975, from 8:30 a.m. to 12:00 noon, at the main Commerce Building, 14th Street and Constitution Avenue, Washington, D.C., Room 6802.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value to the business community. Agenda items will include:

Discussion of Regulatory Reform Concepts.
Review of Department of Commerce Responsibility Under PL 92-500, Section 6.
Discussion of Court for Scientific Controversy Experiment.
Discuission of Proposed Panel on Commercialization of Federally Funded RD&D.
Presentation on Technology Transfer with Lesser Developed Countries.

A limited number of seats will be available to the public and the press. The public will be permitted to file written statements or inquiries with the Chairman before or after the meeting.

Persons desiring to obtain further information concerning the Board should contact Mr. William C. Holt, Room 3877, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; Telephone (202)–967–2394.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

DECEMBER 11, 1975.

[FR Doc.75-33910 Filed 12-16-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Administration on Aging

UTAH: FISCAL YEAR 1976 STATE PLAN

Hearing

Notice is hereby given that in keeping with section 305(c) of Title III of the Older Americans Act of 1965, as amended, and 45 CFR 903.1[illegible] of the Federal Regulations (section 305(c) Pub. L. 93-29, 87 Stat. 36–45 (42 U.S.C. 3021–3025).; 38 FR 28045), and the request of the Governor thereunder, the Commissioner on Aging will hold a hearing to decide whether the Fiscal Year 1976 State Plan submitted by the State of Utah under section 304 of the Act conforms to the Federal requirements which pertain to the State's request to be designated a single State planning and service area under section 307(a) of the Act. Following is the notice of hearing from the Commissioner to the State of Utah which states the time and place for the hearing, the issues which will be considered, and a reference to the rules of practice and procedure which will be followed:

DECEMBER 8, 1975.

DEAR GOVERNOR RAMPTON:

I have received your telegram of November 6 stating your wish to have a hearing in response to my September 16 and October 18 letters relative to my intent to disapprove the State's request to be designated as a single State planning and service area and the Fiscal Year 1976 State Plan for Title III under the Older Americans Act of 1965, as amended.

I wish to notify you that I have scheduled the hearing for 9:00 a.m., January 30, 1976 to be held in Room B–20, Federal Building, 125 South State Street, Salt Lake City, Utah. I am enclosing the Rules of Practice and Procedure established for the proceedings which have been adapted from those published for hearings on conformity of State public assistance plans to Federal requirements set forth at 45 CFR Part 213.

I shall serve as the presiding officer for the hearing. I have designated Ms. Marlene Morris, Hearings Assistant, Social Security Administration, Room 302, Denver Building, 352 Denver Street, Salt Lake City, Utah, as the Administration on Aging Hearing Clerk. She shall perform those duties and responsibilities set forth in the enclosed Rules of Practice and Procedure.

The issues to be considered at the hearing are (1) whether or not the evidence submitted by the State of Utah in support of its request for designation as a single State planning and service area, as well as any other relevant evidence which may be adduced, support a conclusion under the criteria set forth at 45 CFR 903.57(f)(2) that there are circumstances relating to the State which justify approval of its request to be designated as a single State planning and service area; and (ii) whether the performance of the established area agencies on aging and the programs they administer under their approved area plans is such that a change to designate the State as a single State planning and service area is necessary to assure efficient and effective operations of the Title III program.

As stated to you in my letter of September 16, based on the evidence submitted in the State Plan, the State did not appear to have met the test for designation as a single State planning and service area. Based upon facts presented in the State Plan, we concluded that the Plan proposed by Utah was more closely aligned with requirements for implementation of the Title III program by State and Area Agencies on Aging in designated planning and service areas rather than by a single State Agency administering a single State planning and service area.

The State Plan proposed that rather than continuing its area agencies on aging throughout the State, it would establish "projects." The Plan stated that whenever possible, a multi-county organization would be established as a "project" and would subcontract within that multi-county district for services. If a particular county does not wish to become a sub-contractor, it may apply directly to the State for separate "project" status, and if approved, receive grants directly from the State.

A comparison of the "project" scheme proposed in the Plan and the requirements under the Act and regulations relative to States with area agencies on aging revealed no substantial differences. The functions assigned to "projects" appear to be like those prescribed for area agencies. However, Title III requires that States divide themselves into planning and service areas and designate an area agency to be responsible for implementing the program within a discrete planning and service area. It does not contemplate the kind of administration of the Title III Program proposed in the State Plan for Fiscal Year 1976. Although the Plan does not refer to planning and service areas througout the State, it seemed clear nonetheless that this is the basis on which the State would administer the Title III Program. The Plan states that multi-county or county "projects" would develop an "area project plan on aging" for their respective areas, based on a finding of needs of older persons and determination of priorities, and then submit the plan for approval to the State Agency. After approving the plan, the State Agency would award all funds to these "projects" which would award the funds in turn to services programs. This proposed method of operating the Title III program under authority of a single State planning and service area appears to follow the methods prescribed for States with area agencies on aging. Thus the difference between the proposal and one which would provide for area agencies becomes illusory. There is difficulty, therefore, understanding why the proposed basic change in the Utah Plan is either desirable or necessary.

I refer you to my letter of September 16 for a more detailed discussion of these points. I also reviewed the Plan in light of the criteria set forth at 45 CFR 903.57(f)(2) on the question of whether the State is too small to be effectively divided. The Governor, by Executive Order, divided the State into seven multi-county planning districts. In Fiscal Year 1974 the State established 31 planning and service areas for purposes of the Title III program under its State Plan. In Fiscal Year 1975, the State again divided itself into planning and service areas. The State Plan for Fiscal Year 1976 state that the two multi-county planning and service areas have functioned effectively as a result of this division. The Plan states that Utah is too small for effective division because it compromises a land area of 82,096 square miles and ranks 36th in population density in the United States. We agree that these are important factors to consider in planning for the development of comprehensive and coordinated services for older persons. However, the State of Utah appears to have overcome this obstacle in light of the Governor's Executive Order and the past record of the State in operating the Title III program. These factors supported a conclusion that Utah is not too small to be effectively divided.

On the question of whether the size and distribution of the elderly population is such that division of the State would spread coordination and management resources too thinly to be effective, although Utah ranks 36th in the nation in the size of its population, the population distribution is such that the State has a large urban older population in Salt Lake County, a widely dispersed rural population separated by mountain and desert areas and two Indian reservations. These three groups, often separated from one another by physical barriers, represent widely divergent interests and needs. Further, the Plan indicated that Salt Lake County alone has a population of 59,864 persons over age sixty which encompasses 43 percent of the total population aged sixty or over in the State. We took note of the preference stated under Section 306(a)(1) of the Act for any unit of general purpose local government which has a population aged sixty or over of fifty thousand or more, or which contains fifteen percent or more of the State's population aged sixty or over. I did not find the evidence sufficiently persuasive to permit designation of the State as a single planning and service area in light of the concentration of population in Salt Lake City and County.

Relative to the question of whether the State Agency is capable of performing area agency functions, the Plan proposes to have the local "projects" perform many of the functions which would be performed by the State Agency under a single State planning and service area. As a result, I was unable to make a conclusive judgment on satisfaction of this criterion.

On the question of whether the State has been constituted as one area for other planning and social services administration purposes, the Plan indicated that the State has done so.

Respecting the question of whether State law forbids the division of the State into areas, or the administration of area plans by local agencies, the evidence presented indicates no such proscription.

Based upon the foregoing, I was unable to approve the designation of Utah as a single State planning and service area.

Until such time as the matter of the State Plan is resolved by the hearing, the operations of the Title III Program are governed by the provisions of the currently approved State Plan for Fiscal Year 1975. Administration of the Title VII Program will also continue under the only approved Plan extant.

Very sincerely and cordially yours,

ARTHUR S. FLEMMING,
Commissioner on Aging.

Any individual or group wishing to participate as a party shall file a petition with Ms. Marlene Morris, Hearings Assistant, Social Security Administration, Room 302 Denver Building, 352 Denver Street, Salt Lake City, Utah 84102, telephone 801–524–5315, within 15 days after the date of publication of this notice, and shall serve a copy on each party of record at that time. Such petition shall concisely state (1) the petitioner's interest in the proceeding; (2) who will appear for petitioner; (3) the issue on which petitioner wishes to participate; and (4) whether petitioner intends to present witnesses.

Individuals or groups may be recognized as parties, if the issues to be considered at the hearing are of direct interest to them and might result to their detriment under the governing Federal statute. The Commissioner shall promptly determine whether each petitioner has the requisite interest in the proceedings and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interests, the Commissioner may request all such petitioners to designate a single representative, or he may recognize one or more of such petitioners to represent all such petitioners. The Commissioner shall give each petitioner written notice of the decision on his petition, and if the petition is denied; he shall briefly state the grounds for denial.

Further information on the hearing may be obtained from the Office of the Commissioner, Administration on Aging, Room 4030, Donohoe Building, 400 Sixth Street SW., Washington, D.C. 20201, telephone: 202–245–2205.

Dated: December 8, 1975.

ARTHUR S. FLEMMING,
Commissioner on Aging.

[FR Doc.75-33964 Filed 12-16-75;8:45 am]

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

This notice announces forthcoming meetings of the public advisory committees of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meetings and the methods by which interested persons may participate in the open public hearings conducted by the committees. The notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)). The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Panel on Review of Hemorrhoidal Drug Products.	Jan. 3 and 4, 9 a.m., Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, Md.	Open public hearing Jan. 3, 9 to 10 a.m.; closed committee deliberations Jan. 3, 10 a.m. to 4:30 p.m., Jan. 4, 9 a.m. to 4:30 p.m.; Thomas D. DeCillis (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) hemorrhoidal drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
2. Nuclear Pharmacy Subcommittee of Radiopharmaceutical Advisory Committee.	Jan. 5 and 6, 9 a.m. Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Jan. 5, 9 to 10 a.m.; open committee discussion Jan. 5, 10 a.m. to 4:30 p.m., Jan. 6, 9 a.m. to 12 m.; closed committee deliberations Jan. 6, 12 m. to 1 p.m.; C. H. Maxwell, M.D. (HFD–150), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–5197.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of presently marketed and investigational prescription drugs for use in the practice of nuclear medicine.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of the guidelines for the regulation of central nuclear pharmacies. Interested parties may submit written statements for consideration by the committee if sent to C. H. Maxwell, M.D., Executive Secretary, by December 22, 1975.

Closed committee deliberations. Discussion of material reviewed in the open session. This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views and to avoid undue interference with agency or committee operations (5 U.S.C. 552(b)(4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
3. Panel on Review of Blood and Blood Derivatives.	Jan. 9 and 10, 9 a.m. (Jan. 9), 8:30 a.m. (Jan. 10), Room 121, Building 29, National Institutes of Health, 8600 Rockville Pike, Bethesda, Md.	Open public hearing Jan. 9, 9 to 10 a.m.; open committee discussion Jan. 9, 10 a.m. to 12 m.; closed committee deliberations Jan. 9, 1 p.m. to adjournment; Jan. 10, 8:30 a.m. to adjournment; Clay Siek (HFB–6), 8800 Rockville Pike, Bethesda, Md. 20014, 301–496–4545.

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General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of biological products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of blood bank products, container labeling and serologic testing for syphilis.

Closed committee deliberations. Discussion of licensed blood bank products and initial review of data submissions from producers of plasma fractional products. This portion of the meeting will be closed to permit discussion of trade secret data and to allow for the free exchange of internal views and formulation of recommendations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
4. Panel on Review of Antimicrobial Drug Products.	Jan. 9, 10, and 11, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Jan. 9, 9 to 10 a.m.; closed committee deliberations Jan. 9, 10 a.m. to 4:30 p.m., Jan. 10 and 11, 9 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) antimicrobial drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b) (5)).

Committee name	Date, time, and place	Type of meeting and contact person
5. Panel on Review of Miscellaneous Internal Drug Products.	Jan. 11 and 12, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed committee deliberations Jan. 11, 9 a.m. to 4:30 p.m., open public hearing Jan. 12, 9 to 10 a.m.; closed committee deliberations Jan. 12, 10 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) miscellaneous internal drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b) (5)).

Committee name	Date, time, and place	Type of meeting and contact person
6. Panel on Review of Cardiovascular Devices.	Jan. 12, 9:30 a.m., Room 4173, HEW North, 330 Independence Ave. SW., Washington, D.C.	Open public hearing 9:30 to 10:30 a.m.; closed committee deliberations 10:30 a.m. to 4 p.m.; Glenn A. Rahmoeller (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of cardiovascular devices.

Agenda—Open public hearing. Discussion of subcommittee's activities and recommendations and to develop a list of priorities for those devices classified in the standards category and for those devices classified in the premarket approval category. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Discussion of recommendations regarding the subcommittee's activities and standards and premarket approval priority lists. This portion of the meeting will be closed to protect the free exchange of internal views and to avoid undue interference with committee operations (5 U.S.C. 552(b) (5)).

Committee name	Date, time, and place	Type of meeting and contact person
7. Pulmonary Functions and Respiratory Diseases Subcommittee of the Panel on Review of Anesthesiology Devices.	Jan. 13, 9 a.m., Room 6321, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing 9 to 10 a.m.; closed committee deliberations 10 a.m. to 5 p.m.; Franklyn K. Coombs (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852 301-443-3550.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of devices in the field of anesthesiology.

Agenda—Open public hearing. Robert S. Kennedy, Ph.D., the Classification Coordinator for the Division of Classification and Scientific Evaluation, will present an overview of classification for the new members of the subcommittee.

Closed committee deliberations. The subcommittee will continue to review the device list and correct, add, or delete devices in order to have a comprehensive list of their area of expertise. The subcommittee will then use the logic scheme to classify the following devices: clip nose; collector, specimen; heater, spirometer; valve, end tidal volume, carbon dioxide (rahn sampler); apparatus, cario-pulmonary testing, computerized; computer, predicted values; computer, pulmonary functions; cabinet plethysmograph (whole body); console, pulmonary function testing, mobile; device, diffusing capacity measuring; device, maximum breathing capacity; plethysmograph, volumetric; rhinonemometer; rhinorheometer; spirometer, dry, continuous indicating; spirometer, dry, single breath (electronic); spirometer, electromechanical; spirometer, incentive, manual; spirometer, incentive powered; spirometer, wet continuous indicating; spirometer, wet, single breath; system, pulmonary diagnostic; system, pulmonary diagnostic for measurement of residual air; analyzer, cardiac output; analyzer, gas, chromatograph, cardiopulmonary; analyzer, oxygen/carbon monoxide/total hemoglobin; collector, sample, respiratory gas Chromatograph; gas, calibration (not for human use); mass spectrometer, medical; pump, gas mixing; transducer, air service, differential; transducer, photoelectric transilluminating; transducer, reflectance; ergometer, bicycle; ergometer, bicycle, hyperbolic; ergometer, treadmill; oxygenator, membrane; catheter, nasal, oxygen; connector, tube, tracheostomy, swivel trach; trap, sterile specimen; tube, aspirating, flexible; tube, breathing, flexible; tube, connecting, oxygen; tube, rebreathing (adler); ventilator, cuirass; apparatus, regulating, two-stage inhalation therapy; attachment, positive pressure; brush, bronchial (tube); condenser, heat and moisture (artificial nose); controller, oxygen; controller, oxygen monitor; controller, volumetric ventilation; drain, tee; kit, aerosol, accessory unit; kit, drainage tubing; mask, midas, nonconductive; mask, oxygen; mask, oxygen, low concentration; mouthpiece, disposable; mouthpiece, nondisposable; set, connecting, oxygen therapy; set, intermittent positive pressure breathing (IPPB); tubing, aerosol; tubing, medical; tubing, oxygen supply; inhalator, nonpowered; inhalator, powered; tent, aerosol; tent, controlled environment; tent, oxygen, disposable; tent, oxygen, nondisposable; tent, oxygen, with or without refrigeration; unit, oxygen generating, portable; unit, portable, oxygen; aid, pulmonary-oxygen, hale; aid, respiratory; device, lung function; machine, percussor, powered—electric; respirator, face; tank respirator (iron lung); unit, respiration; unit, respiration, volume; bottles, blow; chair, posture, for cardiac and pulmonary treatment; device, intermittent positive pressure breathing (IPPB); device, oxygen therapy; flowmeter, air; flowmeter, oxygen therapy; system, oxygen walker (carry around); unit, pressure breathing, powered—electric; unit, pressure breathing, powered—pneumatic. This portion of the meeting is closed in order to protect the free exchange of internal views and to avoid undue interference with subcommittee operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
8. Cardiovascular and Renal Advisory Committee.	Jan. 13 and 14, 9 a.m., Conference Room E, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Jan. 13, 9 to 10 a.m.; open committee discussion Jan. 13, 10 a.m. to 5 p.m., Jan. 14, 9 a.m. to 1 p.m.; closed committee deliberations Jan. 14, 1:30 to 3:30 p.m.; Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4730.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of presently marketed and investigational prescription drugs for use in cardiovascular and renal disorders.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of NDA 17-476 (Slow-K); guidelines for protocols for antihypertensive, antiarrhythmic and anti-aniginal drugs; and discussion of NDA 17-567 (Bretylium).

Closed committee deliberations. This portion of the meeting will be closed in order to protect the free exchange of internal views and for formulation of committee recommendations on agenda items (5 U.S.C. 552(b) (5)).

Committee name	Date, time, and place	Type of meeting and contact person
9. Panel on Review of Topical Analgesics.	Jan. 13 and 14, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Jan. 13, 9 to 10 a.m.; closed committee deliberations Jan. 13, 10 a.m. to 4:30 p.m., Jan. 14, 9 a.m. to 4:30 p.m.; Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) topical analgesic drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b) (5)).

Committee name	Date, time, and place	Type of meeting and contact person
10. Panel on Review of Vitamin, Mineral, and Hematinic Drug Products.	Jan. 12 and 14, 9 a.m., Sheraton O'Hare Motor Hotel, 6810 North Mannheim Rd., Rosemont, Ill.	Open public hearing Jan. 13, 9 to 10 a.m.; closed committee deliberations Jan. 13, 10 a.m. to 4:30 p.m., Jan. 14, 9 a.m. to 4:30 p.m.; Thomas D. DeCillis (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) vitamin, mineral, and hematinic drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b) (5)).

Committee name	Date, time, and place	Type of meeting and contact person
11. Panel on Review of Allergenic Extracts.	Jan. 16 and 17, 9 a.m., Room 121, Building 29, National Institute of Health, 8800 Rockville Pike, Bethesda, Md.	Closed committee deliberations Jan. 16, 9 a.m. to 12 m.; open public hearing Jan. 16, 1 to 2 p.m.; open committee discussion Jan. 16, 2 to 3 p.m.; closed committee deliberations Jan. 16, 3 p.m. to adjournment, Jan. 17, 9 a.m. to adjournment; Clay Sisk (HFB-6), 8800 Rockville Pike, Bethesda, Md. 20014, 301-496-4545.

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General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of biological products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of allergenic extracts of limited use; manufacturing practices for pollen extracts; aluminum adjuvants; and mycotoxin control.

Closed committee deliberations. Review of data submitted from allergenic extract producers for: (1) Dust extracts, (2) epidermal extracts, (3) tree pollen extracts, and (4) food extracts. This portion of the meeting will be closed to permit discussion of trade secret data and to allow for the free exchange of internal views and formulation of recommendations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
12. Panel on Review of Miscellaneous External Drug Products.	Jan. 18 and 19, 10 a.m. (Jan. 18), 9 a.m. (Jan. 19), Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed committee deliberations Jan. 18, 10 a.m. to 4:30 p.m.; open public hearing Jan. 19, 9 to 10 a.m.; closed committee deliberations Jan. 19, 10 a.m. to 4:30 p.m.; Thomas D. DeCillis (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) miscellaneous external drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
13. Microbiology Subcommittee of the Diagnostic Products Advisory Committee.	Jan. 19 and 20, 9 a.m., Room 5109, HEW North, 330 Independence Ave. SW., Washington, D.C.	Closed committee deliberations Jan. 19, 9 a.m. to 5 p.m.; open public hearing Jan. 20, 9 to 10 a.m.; closed committee diliberations Jan. 20, 10 a.m. to 5 p.m.; Bobbi Dresser (HFK-200), 5600 Fishers Lane, Rockville Md. 20852, 301-443-4045.

General function of the committee. Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products, and recommends priorities on presently marketed products for standard setting by the Food and Drug Administration.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of products listed in this announcement to Tom Tsakeris, Classification Head (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852. Submission of data relative to tentative classification findings is also invited. Inquiries or information pertaining to other portions of the agenda should be addressed to Bobbi Dresser, Executive Secretary.

Closed committee deliberations. The Subcommittee will be discussing the development of regulatory standards for: (1) Nontreponemal Tests for Syphilis, (2) Anti-Rubella Antibody Tests, (3) Fluorescent Antibody Tests for Rabies. The Microbiology Subcommittee will consider for classification all products intrinsic to the identification of the following pathogens: *Bacteriology*—Diphtheroid bacilli, Actinobacillus mallei and sp., Salmonella sp., Citrobacter sp., Arizona sp., Shigella sp., Klebsiella sp., Enterobacter sp., Serratia sp., Esherichia coli, Proteus sp., Edwardsiella sp., Providencia sp., Acinetobacter calcoaceticus, Eikenella corrodens, Alcaligenes sp., Achromobacter sp., Flaviobacterium sp., Pseudomonas sp., Comamonas terrigena, Aeromonas sp., Vibrio cholerae and related sp., Campylobacter (vibrio) fetus, Brucella sp., Francisella turlarensis, Yersinia sp., Pasteurella sp., Bacillus anthracis, Bacillus sp., Listeria monocytogenes, Erysipelothrix rhusiopathiae, Streptobacillus moniliformis, Spirillum minor, Mycoplasma sp., Treponema pallidum, Borrelia sp., Leptospira sp., Mycobacterium leprae, Mycobacterium tuberculosis and other sp., Nocardia and related sp., Clostridium sp., Anaerobic cocci, Anaerobic gram-negative bacilli, Anaerobic nonspore-forming gram-positive bacilli. *Mycology*—Cryptococcus neoformans, Candida albicans and related sp., Blastomyces determatitidis, Paracoccidioidides brasiliensis, Coccidioides immitis, Histoplasma capsulatum, Phycomycosis group, Cladosporium bantianum and related sp., Sporotrichum schenkii, Chromoblastomycosis group, Madduromycosis group, Rhinosporidium seeberi, Dermatophyte group, Aspergillus sp., Mycotic keratitis group, Piedra group, Malassezia furfur. *Parasitology*—Entamoeba histolytica, Ballantidum coli, Giardia lamblia, Chilomastix mesnili, Trichomonas vaginalis, Toxoplasma gondii, Enterobius vermicularis, Trichuris trichuria, Ascaris lumbaricoides, Hookworm group, Strongyloides stercoralis, Trichinella spiralis, Wucheria bancrofti, Brugia malayi, Onchocerca volvulus, Loa loa, Dracunculus medinensis, Taenia sp., Hymenolepis sp., Diphyllobothrium lathum, Echinococcus sp., Schistosoma hematobium and related sp., Paragonimus westermani, Trypanosoma sp., Leishmania sp., Plasmodium sp., Toxoplasmosa gondii, Tasciola sp., intestinal flukes, Pneumocystis carinii.

Virology—Variola, Vaccinia, Herpesvirus hominis, Varicella-zoster, Cytomegalovirus, Epstein-Barr virus, Adenoviruses (31 serotypes), Polioviruses, Coxsackie, Echoviruses, Rhinoviruses, Japanese B Encephalitis, St. Louis Encephalitis, Influenza, Parainfluenza, Mumps, Rubeola, Respiratory Syncytical virus, Rabies, Marburg Agent, Lymphocytic choriomeningitis, Tacaribe Complex, Reovirus, Coronaviruses, Hepatitis Viruses A and B, Rubella, Chlamydiae, and Rickettsiae. These products may includes culture media, biochemical identifications, tissue culture, special stains, antisera (including precipitins, agglutinins and fluorescent antibody) and ingredients of special preparations. This meeting will be closed to allow committee members to discuss freely the development of regulatory standards and product classifications and to afford the members an opportunity to discuss specific product hazards which could become regulatory matters (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
14. Disposable Accessories for Respiratory Therapy Subcommittee and Humidifiers Subcommittee of the Panel on Review of Anesthesiology Devices.	Jan. 21, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing 9 a.m. to 12 m.; open committee discussion 1 to 5 p.m.; Franklyn K. Coombs (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of anesthesiology devices.

Agenda—Open public hearing. The joint meeting of these subcommittees will have several guest speakers discuss problems common to these devices. The goal of these subcommittees is to identify problem areas, determine the severity of the problem, and indicate what criteria proposed standards should have in order to alleviate the indicated problems.

Open committee discussion. The subcommittee will list the known or reported problem areas, and indicate what criteria they feel would be needed in proposing standards for these devices.

Committee name	Date, time, and place	Type of meeting and contact person
15. Biologic Effects of Ultrasound Subcommittee of the Panel on Review of Obstetrical and Gynecological Devices.	Jan. 22 and 23, 9 a.m., Room 6N26, Denver General Hospital, West 6th Cherokee St., Denver, Colo.	Open public hearing Jan. 22, 9 to 10 a.m.; open committee discussion Jan. 22, 10 a.m. to 2 p.m.; closed committee deliberations Jan. 22, 2 to 4 p.m.; open committee discussion Jan. 23, 9 a.m. to 1 p.m.; closed committee deliberation Jan. 23, 1 to 3 p.m.; Lillian Yin, Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of obstetrical and gynecological devices.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to standards development for obstetrical/gynecological ultrasonic diagnostic devices. Those desiring to make formal presentations should notify Lillian Yin, Ph.D., Executive Secretary, in writing by January 19, 1976. Submission of written data is also invited.

Open committee discussion. The panel will review the pertinent journal articles and presentations of fetal biologic effects of ultrasound and determine whether there are sufficient data available for standards development of obstetrical/gynecological diagnostic ultrasonic devices.

Closed committee deliberations. The subcommittee will draft a report to support the committee's recommendation of the classification of the obstetrical/gynecological diagnostic ultrasonic devices to the Panel on Review of Obstetrical and Gynecological Devices. This portion of the meeting will be closed in order to protect the free exchange of internal views and to avoid undue interference with committee operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
16. Panel on Review of Antiperspirant Drug Products.	Jan. 23 and 23, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Jan. 22, 9 to 10 a.m.; closed committee deliberations Jan. 22, 10 a.m. to 4:30 p.m. Jan. 23, 9 a.m. to 4:30 p.m.; Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4090.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) antiperspirant drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

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Committee name	Date, time, and place	Type of meeting and contact person
17. Implants Subcommittee of the Panel on Review of Cardiovascular devices.	Jan. 23, 9:30 a.m., Room 4173, HEW North, 330 Independence Ave. SW., Washington, D.C.	Open public hearing 9:30 to 10:30 a.m.; closed committee deliberations 10:30 a.m. to 4 p.m.; Glenn A. Rahmoeller (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2375.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of cardiovascular devices.

Agenda—Open public hearing. The purpose of this meeting is to discuss and develop a product development protocol guideline for prosthetic heart valves. During this portion of the meeting any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Discussion of the guidelines for the panel. This portion of the meeting will be closed to protect the free exchange of internal views and for the formulation of recommendations and to avoid undue interference with agency or panel operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
18. Panel on Review of Dentifrices and Dental Care Agents.	Jan. 23 and 24, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Jan. 23, 9 to 10 a.m.; closed committee deliberations Jan. 23, 10 a.m. to 4:30 p.m., Jan. 24, 9 a.m. to 4:30 p.m.; Michael Kennedy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) dentifrices and dental care agents. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
19. Dental Drug Products Advisory Committee.	Jan. 27, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; Clarence C. Gilkes, D.D.S. (HFD-160), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3560.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of presently marketed and investigational prescription drug products proposed for use in the practice of dentistry.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of guidelines for clinical studies regarding gingivitis and caries.

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.S. 552(b) (4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves inter-agency or intra-agency memoranda or discussion and deliberations of matters that, if in writing would constitute such memoranda, and which would, therefore, be exempt from public disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussion portion of the meeting); review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have previously been made public, and presentation of any other data or information that is not exempt from public disclosure.

Dated: December 11, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-33907 Filed 12-16-75;8:45 am]

[Docket No. 75F-0289]

ALTA LIPIDS LTD.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that petitions FAP MF 3631, 3638 have been filed by Alta Lipids Ltd., P.O. Box 1187, Boise, ID 83701, proposing issuance of a food additive regulation to 21 CFR Part 121 to provide for safe use of formaldehyde-treated animal fat and protein constituents of ruminant feed supplements to increase the consumption rate of animal fat, and for improvement of the handling characteristics of animal fats, respectively.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: December 10, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-33908 Filed 12-16-75;8:45 am]

Food and Drug Administration

EARLY EDUCATION FOR HANDICAPPED CHILDREN

Extension of Closing Date for Receipt of Applications

Correction

In FR Doc. 75-32978, appearing at page 57377 in the issue for Tuesday, December 9, 1975, in the table on page 57377, the fifth number under the heading "NDA No." now reading "12-226" should read "12-266".

[Docket No. 75G-0336]

SAFETY OF CERTAIN FOOD INGREDIENTS

Request for Submission of Additional GRAS Affirmation Petitions for Modified Whey Products

The Commissioner of Food and Drugs is requesting submission of generally recognized as safe (GRAS) affirmation petitions for modified whey products. The petitions will be used to establish safe conditions of use for modified whey products and to assist in the adoption of common or usual names for such products as made by various processes. Petitions are to be submitted by February 17, 1976.

In the FEDERAL REGISTER of March 7, 1973 (38 FR 6215), notice was given that a petition (GRASP 3G0011) had been filed by Foremost-McKesson, Inc., Crocker Plaza, One Post St., San Francisco, CA 94104, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that whey fractions consisting of demineralized whey, delactosed whey, and demineralized-delactosed whey are generally recognized as safe (GRAS) for use in food.

To accomplish the various modifications of whey, Foremost-McKesson, Inc., utilized electrodialyses to remove mineral salts, and crystallization to remove the lactose. Mineral salts removal ranged from 25 to 90 percent of those salts present in the liquid whey, and corresponding lactose removal from 25 to 75 percent. The descriptive names used by the petitioner to identify the modified whey products were "demineralized whey" when 90 percent of the minerals were removed and "delactosed whey" when 75 percent of the lactose was removed. The term "demineralized-delactosed whey" was used to identify the product when 90 percent of the minerals and 75 percent of the lactose were removed. Any removal of salts or lactose at less than the maximum percentages quoted above resulted in the addition of the prefix "partially" to the name of the modified product.

The Commissioner is aware that modified whey products are produced by other companies using processes that differ from the process used by Foremost-McKesson. Use of different processes may result in modified whey products that differ in comopsition from those made by Foremost-McKesson. For such substances, the description of the composition and the names proposed by Foremost-McKesson for their modified whey products may not be applicable. Thus, affirmation of the GRAS status of modified whey products based only on the Foremost-McKesson petition might result in the establishment of specifications and names for modified whey products that would not be applicable to modified whey products made by other processes.

As a result, the Commissioner is of the opinion that all processes for making modified whey products should be considered at the same time, so that a class determination can be made whether affirmation of GRAS status or a food additive regulation is appropriate. In any ensuing regulation, it is anticipated that all manufacturing processes would be disclosed in detail, the product(s) would be identified as to composition, and the descriptive nomenclature would be applicable to all types of modified whey products. Specifically, compositional data of the product(s) should include the percentage of the protein, lactose, mineral salts, fats, etc., of both the starter and the modified wheys. In addition, heavy metals concentrations (ppm) and orotic acid content (wgt/wgt) of the modified wheys, and the analytical methods used are required for the determination of safety and establishment of specifications. Product nomenclature should be provided for consideration by the Commissioner in establishing common and usual names for these products.

To implement these actions, the Commissioner hereby solicits the submission of petitions for affirmation of GRAS status of modified wheys from all companies making such products, in accordance with the provisions outlined in 21 CFR 121.40. The petition submitted by Foremost-McKesson, Inc., can be examined at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, for use as a model for submission of petitions.

GRAS affirmation petitions submitted in response to this notice should be sent to the GRAS Review Branch, HFF-335, Division of Food and Color Additives, Bureau of Foods, Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, in quadruplicate, by February 17, 1976.

Dated: December 10, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-33906 Filed 12-16-75;8:45 am]

Office of Education

STATE POSTSECONDARY EDUCATION COMMISSIONS

Closing Date for Receipt of Information Concerning Establishment

In order for a State to receive funds appropriated during fiscal year 1976 to support comprehensive statewide planning for postsecondary education as authorized under section 1203 of the Higher Education Act of 1965 (20 U.S.C. 1142b), it must have established a State Postsecondary Education Commission which, as required by section 1202(a) of that Act, is "broadly and equitably representative of the general public and public and private nonprofit and proprietary institutions of postsecondary education in the State, including community colleges, junior colleges, postsecondary vocational schools, area vocational schools, technical institutes, four year institutions of higher education and branches thereof." States which have not previously submitted information concerning establishment of such a State Commission and which wish to receive such planning funds must submit the following information to the U.S. Commissioner of Education by January 16, 1976:

(1) An indication of which of the following three options for establishing a section 1202 State Commission the State has chosen to follow: (i) Creation of a new Commission, (ii) designation of an existing State agency or State Commission, or (iii) expanding, augmenting or reconstituting the membership of an existing State agency or State Commission.

(2) An indication whether any of the following State-administered program authorities contained in the Higher Education Act of 1965 have been assigned to the Section 1202 State Commission:

(i) Community Services and Continuing Education (HEA Section 105);

(ii) Equipment for Undergraduate Instruction (HEA Section 603); and (iii) Grants for Construction of Undergraduate Academic Facilities (HEA Section 704).

(3) The official name, address and telephone number of the State Commission.

(4) The names, mailing addresses and terms of office of the members of the State Commission.

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(5) The name, title, mailing address and telephone number of the principal staff officer of the State Commission.

(6) A letter, signed by the Governor, explaining how the membership of the State Commission meets the "broadly and equitably representative" requirements of Section 1202(a) and what provisions have been made to ensure continuing compliance with these requirements of the law.

The above information may be sent by mail or hand-delivered.

(a) *Information sent by mail.* Information sent by mail should be addressed to the U.S. Commissioner of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. Such information will be considered to be received on time if:

(1) The information was sent by registered or critified mail not later than January 12, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The information is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

(b) *Information delivered by hand.* Information to be delivered by hand must be taken to Room 4181, 400 Maryland Avenue SW., Washington, D.C. Hand-delivered information will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time, except Saturdays, Sundays, and Federal holidays. Information will not be accepted after 4:00 p.m. on the closing date.

(20 U.S.C. 1142b)

Dated: December 11, 1975.

(Catalog of Federal Domestic Assistance Number 13.550; State Postsecondary Education Commissions)

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-33886 Filed 12-16-75;8:45 am]

TEACHER CORPS PROJECTS

Notice of Proposed Criteria for Selection of Applications

Pursuant to the authority contained in Part B-1 of the Education Professions Development Act of 1965, as amended (79 Stat. 1255–1258 as amended, 20 U.S.C. 1101–1107a), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the criteria set forth below as the basis on which applications submitted for Teacher Corps projects for Fiscal Year 1976 will be judged.

Because of the recent amendments to the Teacher Corps legislation made by Sec. 835 of the Education Amendments of 1974, Pub. L. 93–380, projects are now authorized which, in addition to providing support for broadening programs of teacher preparation, also provide support for demonstration projects for retraining of experienced teachers and teacher aides, so as to strengthen the educational opportunities available to children in school attendance areas having concentrations of low-income families. Assistance under this program will be subject to Part 100a of Title 45 of the Code of Federal Regulations.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed criteria to the Teacher Corps, U.S. Office of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection Mondays through Fridays between 8:30 a.m. and 4:30 p.m. at the Teacher Corps office, Room 4031 of Federal Office Building Number Six, 400 Maryland Avenue, SW., Washington, D.C.

All comments, suggestions, or objections to be considered must be received not later than January 16, 1976.

(Catalog of Federal Domestic Assistance Program No. 13.489 Teacher Corps—Operations and Training)

Dated: November 10, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: December 12, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

I. CRITERIA FOR THE SELECTION OF TEACHER CORPS PROJECT APPLICATIONS

In addition to the criteria set forth in 45 CFR 100a.26(b), the following criteria will also be used as a basis for approving applications for Teacher Corps projects and in determining the amount of the award under approved applications:

(A) *Instructions Program.* The extent to which the proposed instructional program provides:

(i) Training options designed to enable Teacher Corps interns, teacher aides, and experienced teachers to provide individualized classroom instruction;

(ii) Adequate means for evaluating their competencies; and

(iii) Training to prepare these persons to serve in schools in areas having concentrations of low income families.

These low income areas are determined in accordance with Section 103 of Title I of the Elementary and Secondary Act of 1965, as amended. The training will relate to such matters as identifying children with learning and behavioral problems, diagnosing their special needs, and prescribing learning activities to meet those needs.

(20 U.S.C. 1101, 1103)

(B) *Community Based Education.* The extent to which the application sets forth opportunities for involvement of parents of childen to be served by the proposed project in decision-making, planning, development, implementation, and evaluation of the project. There must be evidence that this participation has occurred during the development of the application and that provision is made for developing the capabilities of parents, residents in the community, and secondary education and college students to serve as part-time tutors or full-time instructional assistants in the project (including, where appropriate, provision for university courses). There must be procedures for adequate dissemination of program plans and evaluation to parents and the public.

(20 U.S.C. 1101, 1103, 1231d)

(C) *Institutional Adoption.* The extent to which the project is designed so that the successful elements of the project can be incorporated into the overall instructional program of the applicant institution or agency.

(20 U.S.C. 1101, 1103)

(D) *Needs Analysis.* Whether the retraining of experienced teachers and teacher aides, and the training of teacher interns, will be based on an analysis of the learning needs of children from low income families.

(20 U.S.C. 1101, 1103)

(E) *Multi-Cultural Consideration.* The extent to which the application supports activities that are responsive to the diverse cultures represented by the proposed project's target populaitons, and relates to the needs of the communities and students to be served by the Teacher Corps project. In applications for projects in areas where the target population is predominantly from one culture, there must be an indication of the extent to which the project will increase the children's knowledge of their own culture and other cultures as well.

(20 U.S.C. 1101, 1103)

(F) *Diagnostic-Prescriptive Teaching.* The extent to which the application contains provisions for training in

(i) Skills needed to identify special learning problems;

(ii) Skills needed to diagnose particular learning needs; and

(iii) Skills needed to prescribe programs to meet these learning problems and needs.

The application must show how these skills can be applied to all children to be served by the project, and to improve the educational opportunities in the regular classroom for children with learning and behavioral problems. This must be an integral part of the program design for all projects.

(20 U.S.C. 1101, 1103)

(G) *School-Staff Focus.* The extent to which the proposed retraining of experienced teachers and teacher aides will be available to the entire educational staff of each school receiving a Teacher Corps intern team.

(20 U.S.C. 1101, 1103)

(H) *Field Based Instruction.* The extent to which appropriate aspects of the instruction for experienced teachers and teacher aides, teacher interns, or community volunteers, will be carried out in the school served by the project and the local community rather than at the participating college or university.

(20 U.S.C. 1101, 1103)

(I) *Collaborative Decision-Making.* The extent to which the application indicates that a school-community council for each participating school exists or will be developed to respond to the needs and wishes of those directly involved with the project (such as Teacher Corps members, staff, trainees, school administrators, and members of the community) and to those less directly involved (such as teacher unions, State Educational Agencies and other organizations which may influence or be affected by the project).

(20 U.S.C. 1101, 1103)

(J) *Intern Teams.* The extent to which the application sets forth a team organization which will be able to operate effectively in carrying out the purposes of the project. An intern team (except as otherwise determined by the Commissioner) consists of 4 interns led by an experienced teacher who is the team leader. There is one team for each Teacher Corps project.

(20 U.S.C. 1103)

(K) *Local Needs.* The extent to which the project has special characteristics which take account of local conditions (such as population density, housing patterns, etc.).

(20 U.S.C. 1101, 1103)

(L) *Equitable Geographical Distribution.* The extent to which approval of the project would further the equitable geographical distribution of projects, including proportional representation among urban and rural areas.

(20 U.S.C. 1101, 1103)

(M) *Management and Evaluation Plans.* The extent to which plans for program organization, management, and evaluation are set forth. Data collection procedures must be described based on program goals, performance criteria, and regular program review.

(20 U.S.C. 1101, 1103)

II. DEMONSTRATION REQUIREMENTS

Collectively, Teacher Corps projects should represent a coherent effort to demonstrate to all local educational agencies and communities the potential for training and retraining approaches. Therefore, each application for a Teacher Corps project must combine:

(i) The meeting of local educational needs and concerns, with

(ii) A demonstration project for the training of teacher interns and the retraining of experienced teachers and teacher aides that could have wider applicability than the local project.

To achieve this coherence and broader impact, the demonstration project must adopt one of the following broadly defined strategies:

(A) *The Training Complex.* This strategy is designed to provide training and retraining of educational personnel at a site located within or near the schools, and where a school program for children is to be conducted. The institution of higher education and the local educational agency establish the training complex where teacher interns and experienced teachers and teacher aides are to be trained and retrained. This is intended to become a permanent structure for training and retraining educational personnel for the local educational agency. Applications may show wide diversity in the features of a training complex, but they must describe plans for the direct involvement of training personnel from the institution of higher education at the training complex with school officials and the trainees, and a wide use of community and local educational agency resources for the development and delivery of both training and retraining.

(20 U.S.C. 1101, 1103)

(B) *Competency-Based Teacher Education.* This strategy specifies in advance what effective teachers should be able to do when the training is completed. It then measures their achievements by observing their work with children in a school. The training for experienced teachers, teacher interns, teacher aides, and community volunteers is delivered through sequential modules based on increasing their levels of competencies. Applications must describe how the proposed project will:

(i) Objectively define the needed competencies based on analysis of training and retraining needs;

(ii) Develop systematic management processes so that persons in training or retraining can evaluate their own learning needs and achievements;

(iii) Provide alternative modes of instruction to help trainees achieve the needed competencies relating to the improvement of educating students; and

(iv) Direct the use of university and other program resources towards meeting the needs of teacher interns, experienced teachers, teacher aides, and community volunteers within the local educational agencies served by the project.

(20 U.S.C. 1101, 1103)

(C) *Training for Implementing Alternative School Designs.* In local educational agencies where alternative school designs are planned, this strategy may be chosen to demonstrate, through a Teacher Corps project, a program of training teacher interns and retraining experienced teachers and teacher aides for implementing such an innovation. Applications must:

(i) Contain assurances that the local educational agency is already committed to an alternative design and that the institution of higher eduaction involved in the Teacher Corps project will be able to demonstrate appropriate training and retraining activities;

(ii) Limit Teacher Corps resources to training and retraining, and provide evidence that locally controlled resources are committed to supporting other aspects of the project; and

(iii) Demonstrate a viable alternative strategy for improving the education of low income children by improving both the skills of educational personnel and the conditions under which education takes place.

(20 U.S.C. 1101, 1103)

(D) *Interdisciplinary Training Approaches.* This strategy should be chosen by those applicants who wish to demonstrate a training program for teacher interns and the retraining of experienced teachers and teacher aides that involves the participation in teacher education of representatives from various academic disciplines (such as the liberal and fine arts, physical and natural sciences, social sciences, and humanities). The approach selected must be aimed at increasing the educational opportunities of low income children by enriching and reorganizing the base of knowledge and experience for planning and managing learning activities. Applications must emphasize that there has been collaborative planning by representatives of diverse disciplines and that the proposed training and retraining is responsive to the cultural and community values of the families of the children to be served. Applications must also emphasize how and to what extent interrelationships among educational agencies and institutions (such as universities and local educational agencies) and other community institutions are to be improved by their choice of this strategy.

(20 U.S.C. 1101, 1103)

(E) *Training for the Systematic Adaption of Research Findings.* There is presently available, in immediately usable form, a substantial body of research results which has proven effective and is relevant to learning and educational processes for schools serving low income populations. This research represents a vast potential resource which, as yet, has not been organized into systemic or overall program demonstrations. These research findings can be incorporated into the design of Teacher Corps programs for the training of teacher interns and the retraining of experienced teachers and teacher aides by identifying training objectives, selecting approaches to training and evaluation, creating instructional materials and activities or adapting existing materials to new situations. Applications selecting this strategy must:

(i) Identity and describe the validated research findings that will be incorporated into a demonstration program of teacher intern training and the retraining of experienced teachers and teacher aides, and show the relationship of these research findings to the educational problems addressed by the application;

(ii) Indicate a plan for the systematic application of these findings to activities of practicing educational personnel; and

(iii) Show how the proposed program, based on these findings, will have applicability to other local educational agencies, and to educational groups, as a demonstration project.

(20 U.S.C. 1101, 1103)

[FR Doc.75-34094 Filed 12-16-75;8:45 am]

V40243 DEC 17 75 XUM

Office of Human Development

REHABILITATION SERVICES ADMINISTRATION

Priorities and Closing Date for Receipt of Applications Regarding Short-Term Training in Vocational Rehabilitation

Notice is hereby given that pursuant to the authority contained in section 203 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 763), grants may be made to State vocational rehabilitation agencies and other public or nonprofit agencies and organizations, including institutions of higher education, to assist in increasing the numbers of personnel trained in providing vocational rehabilitation services to handicapped individuals and in performing other functions necessary to the development of such services.

Applications for training of national scope must be received by the Division of Grants and Contract Management, Office of Human Development, Room 1427, 330 C Street, S.W., Washington, D.C. 20201 by March 5, 1976.

Applications for training of Regional significance must be submitted to the appropriate Regional Office of the Rehabilitation Services Administration by March 5, 1976.

Regulations governing rehabilitation short-term training were published in the FEDERAL REGISTER in Subpart A and Subpart E of Part 1362 of Chapter XIII of Title 45 of the Code of Federal Regulations (45 CFR Part 1362), on November 25, 1975.

A. *Purpose.* Short-term training grants in vocational rehabilitation are made for the purpose of paying part of the costs of projects designed for improving the professional practice skills of vocational rehabilitation workers serving the physically and mentally disabled, especially those who are severely disabled.

B. *Eligible applicants.* Applications may be submitted by State vocational rehabilitation agencies and other public or nonprofit agencies or organizations, including institutions of higher education.

C. *Available funds.* An estimated $1.75 million is available for rehabilitation short-term training in FY 1976.

D. *Purpose of short-term training of national scope and program priorities.* 1. Short-term training of national scope, appropriate for the submittal of applications to the Central Office of the Rehabilitation Service Administration in Washington, D.C., includes proposals for the support of any workshop, institute, seminar or other short-term training course conducted in order:

(a) To develop curriculum, or other training modules appropriate for general use in rehabilitation agencies throughout the country and related to (1) the provision of vocational rehabilitation services to specific groups of handicapped individuals or (2) the improved performance of vocational rehabilitation practitioners in carrying out specific functional responsibilities;

(b) to provide special training of national significance at a single training setting, or, on a coordinate basis, at a number of different training settings.

There are no geographical restrictions for trainees practicipating in short-term training courses of national scope.

2. In FY 1976 the following program priorities, not in order of priority, have been identified for short-term training of national scope:

(a) The vocational rehabilitation of the severely handicapped mentally ill;

(b) The vocational rehabilitation of individuals with cancer;

(c) The vocational rehabilitation of individuals with cerebral palsy;

(d) The use of self-employment as a vocational goal for the severely handicapped;

(e) Group rehabilitation counseling techniques in the vocational rehabilitation of the severely handicapped;

(f) The definition of role, function, and training needs of work adjustment specialists with the handicapped;

(g) The definition of role, function, and training needs of rehabilitation engineers;

(h) State vocational rehabilitation agency staff development specialist training;

(i) The use of psychological consultants by State vocational rehabilitation agencies;

(j) The evaluation of vocational rehabilitation programs and activities; and

(k) The improvement of vocational rehabilitation services for disabled veterans,

E. *Purpose of short-term training of regional scope and program priorities.* 1. Short-term training of Regional scope, appropriate for the submittal of applications to a Regional Office of the Rehabilitation Services Administration, includes proposals for the support of any workshop, institute, seminar, or other short-term training course designed for the direct training of employees of State vocational rehabilitation agencies or employees of closely cooperating vocational rehabilitation agencies or facilities with a Region, or other individuals with a special interest in the vocational rehabilitation of the physically and mentally disabled.

Trainees participating within a Regional short-term training course will be limited to those residing within a geographical region designated by the Department of Health, Education, and Welfare.

2. In FY 1976 the following program priorities, not in order of priority, have been identified for Regional Office short-term training:

(a) The vocational rehabilitation of the mentally retarded;

(b) The vocational rehabilitation of the mentally ill;

(c) The vocational rehabilitation of the blind;

(d) The vocational rehabilitation of the deaf;

(e) The vocational rehabilitation of individuals with end-stage renal disease;

(f) The vocational rehabilitation of the spinal cord injured;

(g) The vocational rehabilitation of persons with epilepsy;

(h) The vocational rehabilitation of individuals with cardiac disease;

(i) Vocational rehabilitation service delivery in rural areas;

(j) Interagency cooperation in the rehabilitation of handicapped youth;

(k) The vocational rehabilitation of the aging disabled;

(l) The vocational rehabilitation of SSI–SSDI clients;

(m) Job placement for the severely handicapped;

(n) Program and financial management in vocational rehabilitation;

(o) Research utilization in vocational rehabilitation;

(p) The utilization of medical consultants in the vocational rehabilitation process;

(q) The role of the State vocational rehabilitation agency rehabilitation facility specialists;

(r) Consumer involvement and consultation in policy development for the State-Federal vocational rehabilitation program; and

(s) The removal of architectural and transportation barriers.

F. *Application review and evaluation.* Applications for the support of short-term training in vocational rehabilitation will be evaluated in terms of such factors as:

1. The relevance of the content of the proposed short-term training to the administratively established objectives of the public rehabilitation program and the objectives of the Rehabilitation Act of 1973, as amended;

2. The qualifications of the instructional staff;

3. The speed with which the training can be put to use by the persons proposed to be trained;

4. The reasonableness of the budget in relation to the proposed project;

5. The extent to which the proposal provides for a method for the development of the training curriculum and a method for implementation of the training;

6. The extent to which the proposal provides for an evaluation methodology, including the manner in which such methodology will be employed to measure the achievement of the objectives of the training program; and

7. The evidence of a working relationship with an appropriate State vocational rehabilitation agency and other agencies providing vocational rehabilitation services.

G. *Program information and application forms*—1. *Short-term training of regional scope.* Program information, including specific FY 1976 short-term training plans for each Regional Office, and application forms may be obtained from:

REGION I

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203.

REGION II

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Federal Building, 26 Federal Plaza, New York, New York 10007.

REGION III

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 3535 Market Street, Philadelphia, Pennsylvania 19101.

REGION IV

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 50–7th Street, N.E., Room 737–A, Atlanta, Georgia 30323.

REGION V

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 300 South Wacker Drive, 30th Floor, Chicago, Illinois 60607.

REGION VI

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 1114 Commerce Street – 4th Floor, Dallas, Texas 75202.

REGION VII

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 601 East 12th Street, Kansas City, Missouri 64106.

REGION VIII

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Federal Office Building, Room 9017, 19th and Stout Streets, Denver, Colorado 80202.

REGION IX

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Federal Office Building, 50 Fulton Street, San Francisco, California 94102.

REGION X

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Arcade Building, 1321 Second Avenue, Seattle, Washington 98101.

2. *Short-term training of national scope.* Program information, including the general FY 1976 plan for short-term training of national scope, and application forms may be obtained from: Division of Grants and Contract Management, Office of Human Development, Room 1427, 330 C Street, S.W., Washington, D.C. 20201.

H. *Application submittal*—1. *Applications sent by mail.* Applications for the support of short-term training of national scope for the training of individuals from throughout the country should be addressed as follows: Division of Grants and Contract Management, Office of Human Development, Room 1427, 330 C Street, SW., Washington, D.C. 20201. Applications for the support of short-term training of Regional scope should be addressed to the Director, Office of Rehabilitation Services Administration. An application sent by mail will be considered to be received on time if:

(a) The application was sent by registered or certified mail not later than March 5, 1976 as evidenced by the U.S. Postal Service postmark, or on the original receipt from the U.S. Postal Service; or

(b) The application is received on or before the closing date of either the Department of Health, Education, and Welfare or the Office of Human Development mailrooms in Washington, D.C., or as appropriate, a Regional Office mailroom. (In establishing the date of receipt, consideration will be given to the time date stamps of such mailrooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the Office of Human Development.)

2. *Hand delivered applications.* An application to be hand delivered must be taken to the Division of Grants and Contract Management, Office of Human Development, 330 C Street, SW., Washington, D.C., or to the appropriate Regional Office of the Director, Office of Rehabilitation Services. Hand delivered applications will be accepted during normal working hours. Applications will not be accepted after 5:00 p.m., on the closing date.

(29 U.S.C. 763)

(Catalog of Federal Domestic Assistance Number 13.629, Rehabilitation Training)

Dated: December 4, 1975.

ANDREW S. ADAMS,
Commissioner, Rehabilitation Services Administration.

[FR Doc.75–34002 Filed 12–16–75;8:45 am]

Office of the Secretary

OFFICE OF INVESTIGATIONS

Reorganization Order

Under the authority of section 6 of Reorganization Plan No. 1 of 1953 and pursuant to the authorities vested in me as Secretary of Health, Education, and Welfare, I hereby establish the Office of Investigations in the Office of the Under Secretary effective November 30, 1975. The Division of Investigations (1T7002) of the Office of Investigations and Security of the Office of the Assistant Secretary for Administration and Management is hereby transferred to the Office of Investigations effective November 30, 1975. The Investigations Branch (4E-1405) of the Office of Administrative Appraisal and Planning, Social Security Administration is hereby transferred to the Office of Investigations effective December 28, 1975.

SECTION 1. *Organization.* The Office of Investigations (1B60) shall be located in the Office of the Under Secretary. It will function under the direction of a Director who will report directly to the Under Secretary.

SEC. 2. *Continuation of regulations.* Except as inconsistent with this Reorganization Order, all regulations, rules, orders, statements of policy, or interpretations with respect to the Investigations Branch, SSA and Division of Investigations, OS heretofore issued and in effect prior to the date of this Reorganization Order or to become effective subsequent to said date, are continued in full force and effect.

SEC. 3. *Prior statement of organization, functions, and delegations of authority.* To the extent inconsistent with this Reorganization Order all previous statement's "Organization Manual" are delegations of authority, as well as applicable present chapters of the Department's "Organization Manual" are hereby superseded by this Reorganization Order, except that, pending further redelegation, all delegations in effect immediately prior to the effective date of this Reorganization Order shall continue in effect.

SEC. 4. *Funds, personnel, and equipment.* Transfer of organizations and functions effected by this Reorganization Order shall be accompanied in each instance by direct and supporting funds, positions, records, equipment, supplies, and other resources.

Effective date. This Reorganization Order shall be effective November 30, 1975.

Dated: December 10, 1975.

DAVID MATHEWS,
Secretary.

[FR Doc.75–34001 Filed 12–16–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

NATIONAL ADVISORY COMMITTEE ON UNIFORM TRAFFIC CONTROL DEVICES

Open Meeting

Pursuant to Executive Order 11671, the Federal Highway Administration announces the meeting dates and relevant information for the Annual Meeting of the National Advisory Committee on Uniform Traffic Control Devices. The meeting will be held January 15–17, 1976, at the Sheraton Park Hotel, Washington, D.C. The full Committee will convene at 1:00 p.m. January 15 with Subcommittee working sessions scheduled for 2:00 p.m. January 15 and 8:30 a.m. January 16.

For further information contact the Office of Traffic Operations, Federal Highway Administration, 400 7th Street, SW., Washington, D.C. Code 202–426–0411. Attendance by the public will be limited to space available.

Purpose. This Committee reviews currently approved standards, guides and warrants for traffic control devices contained in the Manual on Uniform Traffic Control Devices, the national standard for all classes of highways. Recommedations on revisions and proposed new standards to meet new developments and improvements are developed as needed.

The Committee makes studies, conducts investigations, prepares reports, develops recommendations and advice to assist the Federal Highway Administrator in developing appropriate standards as authorized in 23 U.S.C. 109(d) and 402(a).

Agenda. Agenda items will include reports of the chairmen of the technical subcommittees on signs, signals, pavement markings, traffic controls for construction and maintenance areas, and bicycle facilities. Recommendations from the subcommittees for proposed additions to or revisions in current traffic control device standards will be discussed and action taken relative to providing advice to the Federal Highway Administration on these matters.

JAMES J. CROWLEY,
Director, Office of Traffic Operations, Federal Highway Administration.

[FR Doc.75–33882 Filed 12–16–75;8:45 am]

V40243 DEC 17 75 XUM

National Highway Traffic Safety Administration

[Docket No. EX75–24; Notice 2]

LAFER AUTOMOTIVE OF BRAZIL

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

Lafer Automotive of Brazil (Sao Paulo) has been granted temporary exemption of its Spinnaker model from 11 Federal motor vehicle safety standards on the basis that compliance would cause it substantial economic hardship.

Notice of the petition was published on October 1, 1975 (40 FR 45217), and an opportunity afforded for comment.

Lafer manufactured 200 vehicles in its initial production period beginning September 1, 1974. It wishes to introduce to the American market a replica of the 1952 MG TD British sports car, employing a fiberglass body mounted upon a new Volkswagen chassis. Its request for a 3-year exemption may be summarized as follows:

Standard No. 101, *Control Location, Identification, and Illumination* (S4.3). There is no direct lighting for the headlamp switch, the hazard warning switch, and the windshield wiper system switch. However, ambient lighting is provided by lights for adjoining gauges. Rewiring and modifying the dash design would cost $3,000.

Standard No. 105–75, *Hydraulic Brake Systems* (S5.3). There is no brake system failure indicator lamp and engineering and testing costs would amount to $10,000.

Standard No. 106–74, *Brake Hoses* (S5.2). The hoses are not labeled. They otherwise comply with the standard.

Standard No. 114, *Theft Protection* (S4.1, S4.4). There is no key-locking system or warning device. It would cost the company $7,500 to correct the noncompliance.

Standard No. 201, *Occupant Protection in Interior Impact* (S3.1, S3.2, S3.4, S3.5). The passenger side area of the console and the arm rests are not padded. There are no sun visors. Modification and testing would cost approximately $8,000.

Standard No. 208, *Occupant Crash Protection* (S5, S7.3). Exemption is requested for the barrier tests and warning devices. Cost of testing would be $7,000. The vehicle has a Type 2 seat belt assembly, not required for open vehicles.

Standard No. 214, *Side Door Strength*. In the view of an independent consultant hired to judge compliance of the vehicle the Spinnaker meets Standard No. 214. However, an exemption would save the company $600 in tests, and $3,000 in engineering costs if changes are required.

Standard No. 215, *Exterior Protection*. The compliance status is unknown, but failure to comply would require redesign of the vehicle.

Standard No. 301–75, *Fuel System Integrity*. Petitioner believes that the vehicle conforms but compliance would require $800 for a test plus the cost of one automobile.

Standard No. 302, *Flammability of Interior Materials*. The seats are covered with leather and probably comply. Compliance of the convertible top is unknown. Testing would cost $600.

Petitioner intends to investigate means of compliance while the exemption is in effect, but will withdraw from the American market if the venture is not practicable. It projects sales of 3,000 vehicles over the next 3 years. The company had net losses of $147,000 in 1974 and $11,000 in the first 6 months of 1975.

In addition, the company requested exemption from S4.1.1 and S5.1 of Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, its amended petition arriving too late for inclusion in the FEDERAL REGISTER notice. Petitioner stated that its lighting equipment is of foreign origin, and it lacks "the labeling * * * required by the SAE standards". It has a large inventory of lamps and feels that this is a de minimis variation.

No comments were received in response to the notice.

The NHTSA has the following comments on the Lafer petition. The company's problem areas may be separated into three categories: the equipment complies in all respects but labeling and an exemption is needed because of inventory (Standard Nos. 106 and 108); the vehicle probably complies but tests to verify conformance are expensive (Standards Nos. 214, 301, and 302); vehicle modifications are necessary for conformance (Standards Nos. 101, 105–75, 114, 201, 208, 215). With reference to the first compliance category, no inventory of items or estimate of costs have been submitted. However, since the company is still operating at a net loss it is obvious that allowing it to use equipment in inventory would contribute to an improvement in its financial picture. On the basis of the information at hand, however, no justification is deemed shown for an exemption greater than 1 year.

Concerning the second category, where compliance is believed to exist, cost of testing is estimated at a total of $2,000, with an additional expenditure of $3,000 if modifications are required to meet Standard No. 214. The NHTSA believes that a temporary exemption would allow the petitioner to make sufficient sales in the American market to generate funds for testing to verify conformance with these standards. The NHTSA considers that in this instance, the informed engineering judgment of petitioner's outside consultants might be an adequate basis upon which Lafer could certify compliance with the standard in good faith in lieu of actually conducting tests. Although there is no legal requirement to test, the NHTSA realizes that many manufacturers prefer to conduct the tests set out in the standards as a means of assuring themselves they meet its performance requirements. Therefore, an exemption of 2 years is provided for Lafer to make the tests it deems necessary.

Finally, regarding the third category of noncompliances, modifications to comply with Standards Nos. 101, 105–75, 114, and 201 would require a total expenditure of $28,500. Although the company has estimated a cost of an additional $7,000 to comply with "barrier test" requirements of Standard No. 208, it appears to have misread the standard. Performance requirements and tests for rollover and lateral collisions have been proposed but not adopted. The cost of meeting the warning device requirements of the standard by Lafer are believed to be substantially less than $7,000. It is obvious that as long as the company is in a loss position compliance costs will be burdensome to it. A period of 3 years, during which it hopes to sell 3,000 automobiles, should be sufficient time for it to generate funds with which to achieve conformance by the end of the exemption period. Petitioner argued that the exemption would be in the public interest and consistent with traffic safety objectives by providing American citizens with jobs (certain vehicle options, such as radios, and air conditioning, and the engine, will be purchased and installed in the U.S.), and the opportunity to own a vehicle not otherwise available.

For the above reasons it is found that a temporary exemption is in the public interest and considered with the objectives of the National Traffic and Motor Vehicle Safety Act of 1966. Accordingly, Lafer Automotive of Brazil is hereby granted NHTSA Exemption No. 75–24 expiring with respect to the following listed standards on the dates indicated:

November 1, 1976. 49 CFR 571.106, Motor Vehicle Safety Standard No. 106, *Brake Hoses;* 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment.*

November 1, 1977. 49 CFR 571.214, Motor Vehicle Safety Standard No. 214, *Side Door Strength;* 49 CFR 571.301, Motor Vehicle Safety Standard No. 301, *Fuel System Integrity;* 49 CFR 571.302, Motor Vehicle Safety Standard No. 302, *Flammability of Interior Materials.*

November 1, 1978. 49 CFR 571.101, Motor Vehicle Safety Standard No. 101, *Control Location, Identification, and Illumination;* S5.3 of 49 CFR 571.105–75, Motor Vehicle Safety Standard No. 105–75, *Hydraulic Brake Systems;* 49 CFR 571.114, Motor Vehicle Safety Standard No. 114, *Theft Protection;* S3.1, S3.2, S3.4, and S3.5 of 49 CFR 571.201, Motor Vehicle Safety Standard No. 201, *Occupant Protection In Interior Impact;* 49 CFR 571.208, Motor Vehicle Safety Standard No. 208, *Occupant Crash Protection*, and 49 CFR 571.215, Motor Vehicle Safety Standard No. 215, *Exterior Protection.*

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159, (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51)

Issued on December 12, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75–33974 Filed 12–16–75;8:45 am]

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE'S EXECUTIVE SUBCOMMITTEE

Public Meeting

On January 8 and 9, 1976, the National Highway Safety Advisory Committee's Executive Subcommittee will hold open meetings at the Department of Transportation headquarters building, 400 Seventh Street, SW., Washington, D.C.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards, proposed to be issued by the Secretary under the national highway safety program.

The Executive Subcommittee will meet in Room 4234 on January 8 from 1:00 p.m. until 4:00 p.m. and on January 9 from 8:30 a.m. until 12:00 noon with the following agenda:

Plans for Future Committee Activities
New Business/Old Business

The above meetings are subject to the approval of the Secretary.

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, telephone 202–426–2872.

This notice is given pursuant to section 10(a)(2) of Pub. L. 92–463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: December 11, 1975.

WM. H. MARSH,
Executive Secretary.

[FR Doc.75–33965 Filed 12–16–75;8:45 am]

CIVIL AERONAUTICS BOARD

COMMUTER AIRLINE ASSOCIATION OF AMERICA

Postponement of Meeting

Notice is hereby given that the briefing with the above Association concerning the problems and opportunities facing the commuter airline industry and scheduled to be held on December 19, 1975, at 2:30 p.m. (40 FR 57711, December 11, 1975), is hereby postponed to January 6, 1976, at 3 p.m., in Room 1027 of the Universal Building.

Dated at Washington, D.C., December 12, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–34011 Filed 12–16–75;8:45 am]

[Order 75–12–40; Docket 26494, Agreement C.A.B. 25548 R–1 through R–3; Agreement C.A.B. 25565 R–1 and R–2]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fares; Order

Correction

In FR Doc. 75–33566 appearing at page 57831 in the issue of Friday, December 12, 1975, in the first column of the first table the second entry under Agreement CAB 25548 should read "R–2".

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19989; FCC 75–1319]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Revision of the Wide Area Telecommunications Service (WATS)

1. We have before us a question certified to the Commission by the presiding Administrative Law Judge (ALJ) on September 30, 1975 concerning the scope of Phase II of this proceeding, and briefs on this question filed on October 10, 1975 by AT&T, the Trial Staff, MCI Telecommunications Corporation (MCI) and National Data Corporation (National Data).

2. Phase I of this proceeding was initiated by our April 5, 1974 order and concerns, among other things, the lawfulness of AT&T's January 1974 tariff filing (Transmittal No. 11935) which made significant and substantial changes in the internal WATS rate structure (46 FCC 2d 81, 82–83). AT&T indicated, among other things, such changes would result in rate decreases for 40 percent of WATS customers and increases for the remaining 60 percent, but that the overall result would be no significant change in total WATS revenues or earnings. The record in Phase I has been certified to the Commission for decision. Phase II of this proceeding was initiated by our March 27, 1975 Order (52 FCC 2d 155) and concerns the lawfulness of certain changes in the WATS tariff filed with AT&T's March 1975 tariff filing (Transmittal No. 12303).[1] AT&T's March 1975 filing resulted in a $365 million net overall increase in AT&T revenues with $43 million allocated to WATS (a 4.4% increase). As we noted in our March 27, 1975 Order the March 1975 WATS tariff changes resulted in some increased rates, particularly over shorter distances, and decreases in others. The issues we designated for hearing in Phase II were as follows:

(1) Whether the charges, classifications, practices, and regulations published in the aforesaid tariff revisions are or will be just and reasonable within the meaning of section 201(b) of the Act;

(2) Whether such charges, classifications, practices and regulations are free from unjust and unreasonable discrimination and do not make or give any undue or unreasonable preference, prejudice, or disadvantage to any particular person, class of persons, or locality, within the meaning of section 202(a) of the Act;

(3) Whether the revised tariff schedules conform to the requirements of Section 203 of the Act; and

(4) If any of such charges, classifications, practices, or regulations are found to be unlawful, whether the Commission, pursuant to section 205 of the Act, should prescribe charges, classifications, practices and regulations for the service governed by the tariffs, and if so, what should be prescribed.

3. The ALJ requests that we clarify the scope of the evidence we wish introduced in Phase II. The controversy as to the scope of Phase II arose when AT&T objected on the grounds of relevance, materiality and burden to most of the first round interrogatories and information requests and/or cross-examination questioning of the non-Bell parties. Briefly stated, the non-Bell parties contend that the designated issues contemplate a conventional rate hearing whereby AT&T must fully justify its March 1975 WATS rate revisions including revenue/cost relationships and cost of service studies relating to the allocation of $43 million of the March 1975 rate increase to WATS. AT&T views the designated issues much more narrowly. Briefly stated, AT&T claims that the scope of Phase II is limited to determination of the reasonableness of the change in the WATS rate structure, i.e., "whether such changes were made in accordance with ratemaking principles and theory at issue in Phase I and whether the March 1975 WATS revisions are reasonably designed to produce $43 million in additional reve-

[1] In accordance with our Order (40 FR 14980), the ALJ exercised his discretion and determined at a prehearing conference on April 25, 1975 that the March 1975 WATS changes should constitute an independent second phase of the proceeding (Tr. 3–4).

V 40 243 DEC 17 75 XUM

nues allocated to WATS."[2] AT&T contends that the non-Bell parties' interpretation of the scope of Phase II would result in relitigation of Phase I issues now before the Commission for decision and would result in wasteful duplication of matters at issue in Docket No. 19129 Phase II, where the MTS rate structure is in issue, and Docket No. 18128, which concerns the manner of allocating revenue increases and relative rate levels among the major AT&T service categories.

[2] AT&T states that in issue in Phase I is, among other things, "an explanation of and justification for setting WATS rates on the basis of maintaining rate relationships between MTS and WATS rates" (AT&T Brief at 4–5) Further, AT&T states that "the [March 1975] changes in the WATS structure were not based on costs attributable to WATS" and that "no cost of service studies were required to support or explain the WATS revisions." AT&T states that the "change in the WATS structure was designed solely to maintain the rate relationships between MTS and WATS which were described and are in issue in Phase I while proportionately contributing toward the overall revenue increase." (AT&T Brief at 14) The Trial Staff raises the following questions on AT&T's rate structure approach: "Is it sufficiently appropriate when evaluating the validity, lawfulness and reasonability of the WATS rate structure revisions to exclusively justify these WATS changes by resorting to a comparison of the WATS rate relationship to another service (MTS); or, must the WATS rate structure revisions, in and of themselves, be justified in terms (usage, volume, demand, costs, revenue, etc.) of the WATS service alone or in conjunction with a comparison of the WATS–MTS rate relationship?" (emphasis supplied by Trial Staff) (Trial Staff Brief at 3)

4. The ALJ notes that if the AT&T approach is followed a short record will be compiled which should furnish adequate basis for a Commission decision if the Commission ultimately approves the ratemaking technique set forth in Phase I. If the non-Bell approach is followed the ALJ indicates that a lengthy record can be anticipated, much of it duplicative of information already received in Docket No. 18128. The ALJ notes further that such information would be superfluous if the Commission ultimately approves the Phase I ratemaking techniques, but might provide the basis for prescribed rates if the Phase I ratemaking is disapproved.

5. It was not our intention that Phase II would involve substantial relitigation of Phase I issues or duplicate matters pending in other proceedings such as Docket No. 18128. Thus, the reasonableness of AT&T's allocation of its March 1975 revenue increase to MTS, Private Line and WATS is not in issue in Phase II but rather will be subject to ultimate conclusions reached in Docket No. 18128.[3] However, assuming AT&T's allocation of $43 million to WATS is appropriate, which is a question we need not reach here, we are concerned in Phase II, as noted above, with the reasonableness of AT&T's internal allocation of the $43 million on the basis of short haul and long haul considerations. This issue is to be considered in addition to those suggested by AT&T above National Data requests the addition of two other issues as follows:

(a) Whether AT&T should make available, upon request, the background information which substantiates the WATS bills sent to AT&T's customers.

(b) Whether AT&T, in computing additional period charges for a customer, should be required to apply the customer's usage in excess of the initial period allowance for access lines in one service group to lines in another service group serving a higher numbered service area where there has not been full utilization of the initial period allowance for lines in the servce group servng the higher numbered servce area. (National Data Brief at 8)

These issues are not to be considered in Phase II because National Data's request is an untimely request for enlargement of issues rather than a request for clarification of issues as contemplated by the ALJ's certification order. More significantly, it has failed to show that the likelihood of its prevailing on the suggested issues is so substantial as to outweigh the public interest benefits inherent in the orderly and fair administration of the Commission's business. Edgefield-Saluda v. F.C.C., 5 F.C.C. 2d 148, 149 (1966).

6. *Accordingly, it is ordered*, That further proceedings in Phase II of Docket No. 19989 will be conducted in accordance with the determinations and views expressed herein.

Adopted: December 2, 1975.

Released: December 11, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–33978 Filed 12–16–75;8:45 am]

[3] We express no view herein as to whether AT&T's allocation of its revenue increase is "consistent with sound rate-making principles on an interim basis." 30 F.C.C. 2d 503, 504 (1971).

[Canadian List No. 346]

CANADIAN BROADCAST STATIONS

Notification List

OCTOBER 31, 1975.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix below to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power (in kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		970 kHz							
CKCH (PO 970 kHz, 5 kW, DA–1, N. 45°22'59", W. 75°48'47").	Hull, Quebec, N. 45°14'12", W. 75°37'57".	50D/10N	DA–2	U	III				EIO, Oct. 31, 1976.
		1150 kHz							
CHTN (now in operation)	Charlottetown, Prince Edward Island, N. 46°11'22", W. 63°09'54".	10	DA–N ND–D–182.2	U	II				
		1250 kHz							
CFBV (minor change in site—PO N. 54°47'30", W. 127°11'30").	Smithers, British Columbia, N. 54°47'41", W. 127°11'36".	1D/0.25N	ND–180	U	IV	135	120	320	Do.
		1350 kHz							
CKLB (correction to description sheet).	Oshawa, Ontario N. 43°52'19", W. 78°45'54".	10D/5N	DA–2	U	III				
		1450 kHz							
(New)	Gaspe, Quebec, N. 48°50'45", W. 64°29'45".	1D/0.25N	ND–190 DA–N	U	IV	170	120	271	Do.
		1570 kHz							
CKTA (PO 1570 kHz, 5 kW, DA–N).	Taber, Alberta, N. 49°45'38", W. 112°16'17".	10D/5N	ND–D–191		II				Do.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc.75–33981 Filed 12–16–75;8:45 am]

[Canadian List No. 347]

CANADIAN BROADCAST STATIONS

Notification List

NOVEMBER 24, 1975.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power (in kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		930 kHz							
(New)	Espanola, Ontario, N. 46°14'-29", W. 81°46'36".	10	DA–N ND–D–186.5	U	III				EIO Nov. 24, 1976
		1240 kHz							
(New)	Wabush-Labrador City, Newfoundland, N. 52°55'50", W. 66°53'24".	1D/0.25N	ND–190	U	IV	198	120	320	Do.
		1570 kHz							
CJWW (assignment of call letters).	Saskatoon, Saskatchewan, N. 52°04'25" W. 106°48'36".	10	DA–2	U	III				
		1490 kHz							
(New)	Wabush-Labrador City, Newfoundland, N. 52°55'50", W. 66°53'24".	1D/0.25N	ND–190	U	IV	198	120	320	Do.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc.75–33980 Filed 12–16–75;8:45 am]

[Canadian List No. 348]

CANADIAN BROADCAST STATIONS

Notification List

NOVEMBER 26, 1975.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power (in kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		800 kHz							
CJJC	Langley, British Columbia, N. 49°06'56", W. 122°32'38".	10	DA–2	U	II				NIO Nov. 26, 1975.
		860 kHz							
CFVR (PO 1240 kHz, 1 kWD/0.25 kWN, DA–D, ND–N–190, N. 49°04'02", W. 122°17'09").	Abbotsford, British Columbia, N. 49°01'08", W. 122°-13'46".	10	DA–2	U	II				EIO Nov. 26, 1976.
CJJC (delete immediately vide 800 kHz).	Langley Prairie, British Columbia, N. 49°03'54", W. 122°34'18".	1	DA–2	U	II				

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc.75–33978 Filed 12–16–75;8:45 am]

[FCC 75R–451; Docket No. 20010, File No. BRCT–10; 20011, File No. BPCT–4540]

CBS INC. AND FIRST DELAWARE VALLEY CITIZENS TELEVISION, INC.

Broadcast License and Construction Permit

1. This proceeding involves the mutually exclusive applications of CBS Inc. (WCAU–TV) (CBS) for renewal of its license for Station WCAU–TV, Philadelphia, Pennsylvania, and First Delaware Valley Citizens Television, Inc. (First Delaware) for a new television broadcast station at Philadelphia, Pennsylvania. The Review Board now has before it a fourth motion to enlarge issues, filed April 25, 1975, by CBS,[1 2] requesting the addition of the following issues against First Delaware:

1. To determine whether the effectuation of the First Delaware proposal for a transmitter site and antenna system will materially alter the reradiation pattern of the Banks tower, will increase the reradiation of standard broadcast Station WRCP's signal beyond its maximum expected operating values and will create objectionable interference to other standard broadcast stations operating at or near the WRCP frequency including KXEL, Waterloo, Iowa.

2. To determine whether the effectuation of the First Delaware proposal for a transmitter site and antenna system will adversely affect the directional antenna pattern of WHYY–TV, Channel 12, Wilmington and impair WHYY–TV's ability to protect a co-channel station, WBNG–TV, Binghamton, New York.

3. To determine whether the First Delaware proposal is structurally feasible.

WRCP RE-RADIATION ISSUE

2. CBS first points out that First Delaware's engineering proposal includes

[1] The Board also has before it the following related pleadings: (a) Opposition, filed May 30, 1975, by First Delaware; (b) opposition, filed June 2, 1975, by the Broadcast Bureau; and (c) reply, filed June 18, 1975, by CBS.

[2] In the Board's view, CBS has shown good cause for its late-filed motion, as required by § 1.229(b), since the requested issues relate to applicant's new transmitter site and antenna system first proposed in an amendment accepted by Order of the Presiding Judge, FCC 75M–632, released April 9, 1975, only sixteen days before this motion was filed. In any case, the motion raises substantial public interest questions. See The Edgefield-Saluda Radio Company, 5 FCC 2d 148, 8 RR 2d 811 (1966).

V 40 243 DEC 17 75 XUM

construction of a candelabra platform which is to be located on an existing tower owned by Banks Realty Company (Banks). The addition of the candelabra platform, asserts CBS, will result in an increase in re-radiation of standard broadcast Station WRCP's [8] signal and, consequently, cause WRCP to exceed its maximum expected operating values (MEOVs) of radiation, resulting in objectionable interference to other standard broadcast stations. CBS alleges that WRCP's MEOVs were modified in 1969 due to new construction of broadcast facilities in the area, and that those modifications left little or no tolerance for increased re-radiation of WRCP's signal without creating objectionable interference to other standard broadcast stations, particularly to Station KXEL.[4] Movant contends that an increase in re-radiation due to applicant's proposed modifications of the Banks tower would cause WRCP to exceed the limitations set forth in Section 73.187 of the Commission's Rules and cause objectionable interference to KXEL within its protected 0.1 mV/m contour.[5] CBS submits an affidavit in which KXEL's director of engineering confirms this conclusion.[7] Furthermore, movant's engineer calculates that the construction of a candelabra platform on the Banks tower would increase the re-radiation of WRCP's signal by more than 20 mV/m at a distance of one mile from the Banks tower,[8] thus causing the WRCP signal to exceed the 18 mV/m tolerance in KXEL's direction (288° True).[9]

3. CBS further alleges that, although the Presiding Judge ruled that the WRCP proximity condition [10] applies to First Delaware's presently proposed site,[11] the necessity for an issue is not mooted. CBS contends that the proposed modification will so increase the re-radiation of the WRCP signal that the applicant will clearly not be able to satisfy this condition, citing Childress Broadcasting Corp., 27 FCC 2d 31, 20 RR 2d 1187 (1971), and Tri-Country Broadcasting Co., 27 FCC 2d 1013, 21 RR 2d 380 (1971). However, both First Delaware and the Bureau oppose the addition of the requested issue, contending that the imposed condition is sufficient under the circumstances. The Bureau argues that the Commission has had considerable experience with the special problems affecting WRCP and it has previously dealt with those problems by use of conditions.[12] Moreover, the Bureau contends that there have been numerous changes in the antenna farm around Station WRCP over the last several years and the Commission has imposed conditions rather than placing these matters in hearing under specified issues. Thus, it is the Bureau's position that re-radiation problems of this nature are most readily resolved by empirical methods pursuant to well-established engineering procedures, citing WVOC, Inc., 32 FCC 2d 765, 768, 23 RR 2d 371, 375 (1971); and assuming that the applicant makes a reasonable showing that it can comply with the WRCP condition, addition of an issue is unnecessary.

4. First Delaware argues that the allegations of CBS' engineer, Ogden Prestholdt, are largely conjectural because he failed to personally examine the Banks tower.[13] Moreover, applicant submits that CBS' contentions lack specificity, as required by Rule 1.229(c), since Mr. Prestholdt did not, in his affidavit, present sufficiently detailed engineering studies showing that it would be impossible for First Delaware to protect WRCP.[14] Furthermore, applicant argues that its proposal would have no adverse effect on WRCP's signal since a more significant modification made to the tower system of Station WTAF–TV, a UHF station approximately the same distance from WRCP as is the Banks tower, had no effect on WRCP's signal.[15] [16]

5. In reply, CBS asserts that the WTAF–TV modification was basically a minor one in comparison to that which would be necessitated by the applicant's proposal. Movant's engineer, Mr. Prestholdt, estimates that First Delaware's proposed modification of the Banks tower is equivalent to an increase in the height of that tower of more than three and one-half to five and one-half times the height added to the WTAF–TV tower.[17] Consequently, contends CBS, applicant's proposed modification could be expected to produce a substantially greater increase in WRCP re-radiation than the WTAF–TV modification. Movant further submits that since, at best, there is a bona fide dispute among engineers, an issue should be specified.

6. The Board will add a re-radiation issue. CBS has made a showing raising a substantial question as to whether a harmful increase in the re-radiation of WRCP's signal would be caused by the construction of First Delaware's proposed platform on the Banks tower. Mr. Prestholdt's re-radiation calculations adequately support CBS' allegations, as required by § 1.229(c) of the Commission's rules.[18] Moreover, his contention that the applicant's proposal will increase the re-radiation of WRCP's signal by more than 20 mV/m at a distance of one mile from the Banks tower is not factually disputed in the responsive pleadings.[19] Consequently, on the basis of the information presently before us, we are unable to resolve the conflict concerning the question of possible interference to Station KXEL.[20] [21] Thus, the condition imposed on the grant of First Delaware's application is not adequate and an issue is necessary, especially since movant has shown that it may be impossible for First Delaware to prevent harmful re-radiation of WRCP's signal. Cf. WSTE–TV, Inc., 11 FCC 2d 1013, 12 RR 2d 605 (1968).

WHYY–TV Interference Issue

7. CBS next requests the addition of an issue to permit evidentiary inquiry into the possibility that First Delaware's proposal for a transmitter site and antenna system will adversely affect the directional antenna pattern of WHYY–TV, a station whose antenna is located on the Banks tower.[22] Movant's consulting engineer contends that applicant's candelabra platform, as depicted in a drawing prepared by the manufacturer of the Banks tower,[23] is totally incompatible with the present operation of the WHYY–TV antenna. He argues that one of the lattice work metallic candelabra arms of the proposed platform would occupy some of the same space now occupied by the WHYY–TV antenna. Even if the arms were modified to accommodate the physical presence of the WHYY–TV antenna, contends CBS, they would still cause severe distortion of the WHYY–TV directional antenna pattern, and in so doing, impair WHYY–TV's ability to protect co-channel Station WBNG–TV, Binghamton, New York. Movant further alleges that the candelabra platform arms would require supporting diagonal braces, which by themselves would distort the WHYY–TV antenna pattern, and the proposed installation of "quarter-wave 'choke'" elements on the braces would merely change rather than cure the problem of pattern distortion.

8. In opposition, First Delaware asserts that CBS has failed to make a required threshold showing for the addition of an interference issue because its motion is wholly unsupported by engineering data depicting the extent of the distortion and a fortiori the extent of the interference. It is also the position of First Delaware that if such distortion and/or interference should occur, it can be corrected by the use of filters, chokes and other electronic circuitry. First Delaware further asserts that the platform which it has proposed as a candelabra design requiring diagonal braces, could be redesigned as a cross beam or tee bar.[24] In addition, First Delaware presents a series of arguments relating to WHYY–TV's lease with Bank's Realty and the present position of its antenna on the tower. The Bureau also opposes the addition of the issue.

9. In reply, CBS argues that a candelabra platform with braces is the only proposal set forth in First Delaware's amendment and it cannot now argue that the use of such braces is not part of its proposal. Movant further contends that even if the "beam arrangement" or "tee" bar were employed by the applicant to avoid using diagonal metal braces needed to secure a candelabra platform, a significant vertical dimension would still exist in the platform causing distortion to WHYY–TV's antenna pattern.

10. The requested issue will be denied. We agree with the Bureau and First Delaware that CBS's allegations are too speculative to warrant the addition of the WHYY–TV distortion and interference issue. Movant has relied solely on the opinion of its engineer, without submitting supporting data, thus not meeting the specificity and support requirements of Rule 1.229(c). Technical showings and/or mathematical calculations should have been submitted to show the expected distortion of the WHYY–TV directional antenna pattern in order to make the required threshold showing for the addition of the requested issue. No such showing has been made by CBS. Moreover, it is likely, as First Delaware contends, that such distortion if it did occur can be corrected by the use of filters, chokes and other electronic circuitry. In light of these circumstances we do not and need not resolve any of the questions presented concerning WHYY–TV's lease with respect to whether its antenna has been correctly placed on the Banks tower.

Structural Feasibility Issue

11. In support of its contention that there are serious questions as to whether First Delaware's proposal is structurally feasible, CBS submits that First Delaware failed to conduct a feasibility study of its proposed modifications to the Banks tower although advised to do so by both its consulting engineers.[25] Such a study is necessary, alleges movant, since there has already been a departure from the original specifications of the Banks tower,[26] and the applicant's proposal would be a further departure since it involves the addition of a VHF television antenna rather than a UHF antenna, as originally planned by the manufacturer of the tower. Moreover, CBS asserts that First Delaware's consulting engineer has considered only the question of dead weight on the tower, whereas the calculation of windloads on a given structure is an essential factor in determining structural feasibility, citing Deep South Broadcasting Co. (WSLA), 25 FCC 824, 14 RR 1001 (1958), aff'd., 107 U.S. App. D.C. 384, 278 F.2d 264 (1960). Movant further argues that the burden is on an applicant to show that its transmitter proposal is structurally feasible and First Delaware has failed to do so.

12. The Board will deny the request for a structural feasibility issue. CBS' request once again does not comport with the specificity and support requirements of § 1.229(c) of the Commission's rules. Movant has failed to substantiate its allegation that the Banks tower may not be able to support the proposed platform. Moreover, there is no Commission requirement that a feasibility study be conducted in each case.[27] In light of First

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[8] WRCP, Philadelphia, Pennsylvania, operates on 1540 kHz with a power of 50 kW, directional antenna, daytime only. WRCP is located, according to CBS, about three-tenths of a mile from the Banks tower.

[4] KXEL, Waterloo, Iowa, is a clear channel station, which operates co-channel with WRCP.

[5] CBS' consulting engineer, Ogden L. Prestholdt, in an affidavit submitted with the motion to enlarge issues, notes that First Delaware's proposal might also cause interference to standard broadcast Stations WDON, Wheaton, Maryland; WPTS, Pittston, Pennsylvania; WSER, Elkton, Maryland; and WADK, Newport, Rhode Island.

[6] Rule 73.187 reads, in pertinent part: " • • • no authorization will be granted for Class II facilities if the proposed facilities would radiate • • • toward any point on the 0.1 mV/m contour of a co-channel U.S. Class I station • • • in excess of those [values] obtained • • • in • • • this section." KXEL is a Class I station, whereas, WRCP is a class II station.

[7] KXEL's engineering director bases his conclusion in this regard on the Prestholdt affidavits and his own study of the situation.

[8] Prestholdt, CBS' engineer, calculates the impact of the applicant's proposal by first obtaining a value of 82.4 mV/m as the re-radiation of WRCP's signal by a thin wire vertical antenna. Using his engineering judgment, he determined that "[a] value of 100 mV/m or more is possible" due to the complexities of the Banks tower. He finally predicts that the proposed platform would increase the present re-radiation of the WRCP signal by an order of magnitude of 20 percent.

[9] CBS also contends, contrary to First Delaware's claim, that the guy wires could not be satisfactorily detuned with respect to the WRCP signal. In any case, movant argues, the re-radiation problem cannot be cured by making any new guy wires "electrically neutral" since the tower and candelabra structure themselves will cause unacceptable re-radiation of the WRCP signal.

[10] The Commission in its designation Order, 39 FR 15157, published May 1, 1974, attached the WRCP proximity condition to applicant's original transmitter site proposal which specified the present WCAU–TV site.

[11] This ruling was made by the Judge in his Memorandum Opinion and Order granting applicant's petition to amend its application in order to change its transmitter site. See n.2, *supra*.

[12] See the applications of WHYY–TV (BMPET–710, filed January 27, 1971); WTAF–TV (BPCT–4576, filed January 26, 1973); and WCAU–TV (BPCT–4403, filed December 7, 1970).

[13] C. Robert Gross, engineering director of Station WCAU–TV, in his affidavit submitted with the motion to enlarge issues, stated that he had observed the Banks tower and telephoned the information to the engineering firm of A. D. Ring and Associates in Washington, D.C., of which Mr. Prestholdt is a partner.

[14] First Delaware also contends that the affidavit of KXEL's engineering director, which was submitted by CBS to support its allegations, fails to meet the requirements of Rule 1.229(c) since he relied on Mr. Prestholdt's statements without any independent verification of the accuracy of those statements, and he failed to set forth specific facts about tests or studies which would demonstrate the possibility of any adverse impact on Station KXEL.

[15] First Delaware contends that the WRCP radiated field is vertically polarized and any vertical structure would be apt to re-radiate that field and possibly affect WRCP's operation. Consequently, argues applicant, if the vertical WTAF–TV increment of 45 feet in a higher radiated WRCP field had no effect on WRCP, a horizontal platform on the Banks tower of only 35 feet, cross-polarized to the lower radiated WRCP field, with no increase in height, would have no adverse effect on WRCP. Specifically, First Delaware asserts that the ground radiation towards WTAF's tower is 1300 mV/m at 1 mile compared to 750 mV/m directed at the Banks tower. The Commission imposed a standard proximity condition on the WTAF–TV application, which applicant alleges was fully satisfied. See n.12, supra.

[16] First Delaware further contends that the guy wire cables could either be broken up by insulators or be made of Glastran, thus preventing any deleterious effect on WRCP's radiation pattern.

[17] CBS argues that applicant's horizonal platform would cause a "top loading" effect on the Banks tower considerably increasing its effective height.

[18] However, since Mr. Prestholdt has failed to explain the basis on which he determined the "top loading" effect of applicant's proposal on the Banks tower, his conclusions in this regard cannot be accepted. Nor can the conclusions of KXEL's engineering director be considered, since he did not provide the facts on which they were based, other than explaining that he had relied on Mr. Prestholdt's affidavits and his own study.

[19] First Delaware's contention that CBS' petition lacked specificity in this respect is unfounded. See n.8, infra.

[20] However, movant has failed to adequately support its allegations that the re-radiation of WRCP's signal would cause objectionable interference to other standard broadcast stations operating at or near Station WRCP's frequency.

[21] The Board agrees with the Bureau that many re-radiation problems have been resolved by state-of-the-art methods. However, the case cited by the Bureau do not have the critical protection requirements that are involved in the subject case. This fact is illustrated by the required modifications in WRCP's MEOVs in 1969 in order to protect existing stations. In critical cases such as this one, time, money and the public interest suffer if a proximity condition cannot be satisfied after construction has been completed. See Cosmopolitan Enterprises, Inc., 39 FR 21068, 47 FCC 2d 325 (1974).

[22] WHYY–TV is an educational station licensed to Wilmington, Delaware, which broadcasts on Channel 12. Its directional antenna is side mounted near the top of the Banks tower. According to WCAU–TV's engineering director, C. Robert Gross, WHYY's antenna is approximately sixty feet in overall length, extending approximately ten feet below the top of the tower structure.

[23] This drawing is submitted as an attachment to the motion to enlarge issues.

[24] As an example, First Delaware's consulting engineer submits that the three-antenna platform used by Station WDCA–TV (Channel 20), Washington, D.C., which is 30 feet across (compared to the proposed Banks platform of 35 feet), has no diagonal braces or guy wires. Furthermore, he contends, in the event that only two-antennas are to be mounted on the tower, a two-antenna cross bar such as the one employed by Station WQED in Pittsburgh, which is 40 feet long and also has no diagonal braces, could be utilized.

[25] With its motion to enlarge issues, CBS submits depositions from Walter L. Davis, formerly applicant's consulting engineer, and Serge Bergen, presently applicant's consulting engineer.

[26] CBS submits that the addition of a reflector to the Banks tower has already caused the tower to be "derated" from its original specifications of a uniform windload of 50 pounds per square foot to 45 pounds per square foot.

[27] As previously indicated, movant relies on Deep South Broadcasting Co., (WSLA), supra, in support of its request for a structural feasibility issue. In that case, however, the applicant was proposing something unique, the construction of an antenna tower taller than any other previously built. Thus, the calculation of windloads, which was not done, was an essential factor in determining its structural suitability. That is not the situation here since there is nothing particularly unusual about First Delaware's antenna proposal.

V 40 243 DEC 17 75 XUM

Delaware's submission of correspondence from the tower's owner and manufacturer as to its being adequately stressed to support the applicant's antenna, it is the Board's view that the basis for further inquiry into this matter has not been established. See Erway Television Corp., 2 FCC 2d 1037, 7 RR 2d 538 (1966), in which the Board refused to add an issue in similar circumstances.

13. Accordingly, *it is ordered*, That the motion to enlarge issues, filed April 25, 1975, by CBS Inc. (WCAU-TV), is granted, to the extent indicated below, and is denied in all other respects; and

14. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issue: To determine whether First Delaware's proposed antenna system will increase the re-radiation of standard broadcast Station WRCP's signal beyond its maximum expected operating values and will create objectionable interference to standard broadcast Station KXEL, Waterloo, Iowa.

15. *It is further ordered*, That the burden of proceeding with the introduction of evidence and proof under the issue added herein shall be on First Delaware Valley Citizens Television, Inc.

Adopted: December 5, 1975.

Released: December 12, 1975.

FEDERAL COMMUNICATION COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-33976 Filed 12-16-75;8:45 am]

[FCC 75-1312; Docket No. 20640]

MCI TELECOMMUNICATIONS CORP.

Execunet Service; Investigation

1. On July 2, 1975 we adopted an Order, FCC 75-799, which rejected the above-captioned tariff provisions filed by MCI Telecommunications Corporation (MCI) on the basis that it offered a service for which MCI had not been granted authorization. We found Execunet to be essentially a switched public message telephone service (MTS) rather than private line foreign exchange (FX) service, as MCI contended. Since MCI's authorizations permitted operation of their facilities only for private line services, we held that the company could not lawfully offer Execunet, and rejected the tariff provisions.

2. MCI petitioned the United States Court of Appeals for the District of Columbia for review of the Commission's Order. MCI Telecommunications Corp v. FCC and U.S. No. 75-1635. In a motion filed with the Court seeking a judicial stay of the Commission's Order, MCI presented several new arguments or elaborations on arguments that it had presented to the Commission. In order to afford us the opportunity to address those arguments in the first instance before judicial review, Commission counsel asked the Court to hold the review proceeding in abeyance to permit MCI to present its arguments to the Commission. By order released October 24, 1975, the Court granted our motion. Its order directed that any further proceedings "be conducted and concluded expeditiously."

3. Consistent with the Court's order, we believe it appropriate to permit MCI and other interested parties to submit briefs and comments regarding the lawfulness of MCI's offering of Execunet service. The deadline for opening briefs and comments is January 16, 1976 replies, if any, must be filed on or before January 26, 1976. Upon receipt of these filings, and on the basis of their content, we will determine whether further proceedings are required, including oral argument before the Commission en banc and, if substantial issues of fact remain unresolved, an evidentiary hearing.

4. *Accordingly, it is ordered*, That interested persons shall submit briefs and comments on or before January 16, 1976, and replies no later than January 26, 1976, addressing the issue whether or not Execunet is a service which MCI is authorized to offer pursuant to its facility authorizations and policies set forth by this Commission.

5. *It is further ordered*, That MCI Telecommunications Corporation and other interested persons filing comments and briefs pursuant to paragraph 4 above are made parties to this proceeding.

Adopted: December 2, 1976.

Released: December 3, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-33975 Filed 12-16-75;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and Section 311 (p) (1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/operator and vessel*
01005---	Albrecht and Boserup: *Bymos.*
01069---	Oglebay Norton Co.: *Edmund Fitzgerald.*
01073---	N.V.T.V.D. Koninklijke Hollandsche Lloyd: *Graveland.*
01139---	Offshore Marine Limited: *Petrel Shore.*
01152---	Neptune Martime Co. of Monrovia: *Nephele.*
01330---	Shell Tankers (U.K.) Ltd.: *Hastula.*
01334---	American President Lines, Ltd.: *Japan Mail, Washington Mail.*
01428---	Ocean Transport and Trading Ltd.: *Asphalion.*
01447---	Scotstoun Shipping Co. Ltd.: *Kyoto Forest.*
01448---	Burnside Shipping Co. Ltd.: *Daghestan.*
01462---	The Ropner Shipping Co. Ltd.: *Bridge Pool.*
01578---	Harald Jacobsen Shipping A/S: *Janne.*
01580---	I/S Jahre Line: *Kronprins Harald.*
01608---	D'Amico Societa Di Navigazione A.R.L.: *Sofia D'amico.*
01722---	Transworld Carriers, Inc.: *Ria Manamo.*
01820---	The Scottish Shire Line Ltd.: *Argyllshire.*
01838---	Skipsaksjeselskapt Eidsiva: *Verona.*
01854---	Southern Towing Co.: *STC-2000.*
01861---	BP Tanker Co., Ltd.: *British Architect.*
01908---	The Union Castle Mail Steamship Co., Ltd.: *Rotherwick Castle.*
01982---	AB Svenska Ostasiatiska Kompaniet: *Ceylon.*
02026---	Newport Tankers Corp.: *Achilles.*
02131---	Houlder Line Ltd.: *HTS Coupler 1.*
02153---	Vale Do Rio Doce Navegacao S/A: *Docerimer.*
02187---	Egil Naesheims Rederi A/S: *Varodd.*
02194---	Compagnie Generale Transatlantique: *Winnipeg.*
02249---	Fisser and V. Doornum: *Boca Tabla, Elizabeth Fisser, Erika Fisser, Isar, Sunbaden, Suncapri, Sunfrancis, Sunlina, Sunvreeland.*
02330---	Oriental Shipping Corp.: *Stream Dolphin, Stream Hauser, Stream Rudder.*
02333---	Diamond Shamrock Corp.: *NMS 1900.*
02583---	Pacific Inland Navigation Co. Inc.: *548, Mohawk, Pac 160-4, Pac 270, Pac 312-1, Pac 336-1, Pac 336-2, Pac 537, Pac 560, Pac 570, ZBO 260.*
02600---	Belgo-American Steamship Co., S.A.: *Belgo Merchant.*
02601---	Caraibische Scheepvaart, Maatschappij N.V.: *Tinto.*
02880---	Compania Maritima Los Hermanos S.A.: *Costis.*
02862---	Ocean Shipping and Enterprises, Ltd.: *Ocean Gadis.*
02958---	Kawasaki Kisen K.K.: *Harbour Bridge.*
02959---	Kokuyo Kaiun Kabushiki Kaisha: *Kurushima Maru.*
03245---	Rederiaktieselskabet Danneborg: *Weco Offshore III.*
03322---	Daiichi Chuo Kisen Kabushiki Kaisha: *Hososhima Maru, Wakayama Maru.*
03389---	Shell Tankers B.V.: *Kabylia, Korovina.*
03436---	Iino Kaiun K.K.: *Goho Maru, Shinho Maru, Taiho Maru, Toho Maru, Zuiyo Maru.*
03484---	Sanko Kisen K.K.: *Toko Maru, Zenko Maru.*
03491---	Satokuni Kisen K.K.: *Kichiei Maru.*
03501---	Osaka Shosen Mitsui Senpaku K.K.: *Tohkohsan Maru. Maru, Kyotai Maru, Madras Maru.*
03503---	Shinyei Senpaku K.K.: *Adelaide Maru, Kyotai Maru, Madras Maru.*
03509---	Taiyo Shosen K.K.: *Pegasus No. 1.*
03733---	Great Lakes Dredge and Dock Co.: *No. 9.*
03736---	Bethlehem Steel Corp.: *Bethflor, Bethtex.*
03744---	Ocean Fisheries, Inc.: *Ocean Queen.*
03883---	Ohio Barge Line Inc.: *M-3.*
03968---	Zim-Israel Navigation Co., Ltd.: *Iris, Narcis.*
04004---	Koninklijke Java-China-Paketvaart Lijnen N.V.: *Straat Torres.*
04037---	C. F. Bean Corp.: *Tide Mar XXI.*
04171---	Young Brothers, Ltd.: *YB 20.*

Certificate No.	*Owner/operator and vessel*
04259---	Continental Oceanic Navigation Corp., Ltd.: *Barbara.*
04262---	Eddie Steamship Co., Ltd.: *Polly, Welly.*
04264---	Outerocean Navigation Corp. Ltd.: *Greta.*
04437---	Lebeouf Bros. Towing Co., Inc.: *Charles Milby, F-15, Husky 852, Husky 854, Lbtco 9, OC-602, Peggy Coyle, Reb 2402, TM-113.*
04637---	McAllister Brothers, Inc. (New York): *Placco 2.*
04639---	New London Freight Lines: *Gay Head, Orient.*
04750---	Tosui Enyo Gyogyo Kabushiki Kaisha: *Tosuimaru No. 10.*
05030---	Wallem and Co. A/S: *Nego Victoria.*
05040---	General Construction Co.: *Papoose.*
05091---	Dansk Esso A/S: *Esso Dania.*
05500---	Petroleos Mexicanos: *Independencia.*
05624---	Perusahaan Pertambangan Minyak Dan Gas Bumi Negara (Pertamina): *Permina Samudra IV, Permina Samudra VIII.*
05747---	Pittston Marine Transport Corp.: *A. K. Storm.*
05792---	Korea Wonyang Fisheries Co. Ltd.: *Kwang Myong No. 97.*
06065---	K/S Norfold A/S and Co.: *Ross Point.*
06469---	Wilh. Chr. Bech: *Kirsten Bech.*
06775---	Whitco (Marine Services) Ltd.: *Cardiff Clipper, Teesside Clipper.*
06877---	Societe Francaise De Transport Maritimes Paris: *Bourgogne.*
07096---	Carib Reefers N.V.: *Southern Star.*
07263---	Santa Martha Bay Shipping and Trading Co., Ltd.: *Rijn.*
07375---	Panathinaikos Compania Naviera S.A. Panama: *Pericles Halcoussis.*
07387---	Wiards Seereederei Ms. "Verena Wiards": *Klaus Schoke.*
07603---	Anglomar Bulk Carriers Ltd.: *Hampton Lion.*
07743---	Yangming Marine Transport Corp: *Kuo Ming.*
07851---	Panlyras Shipping Corp.: *Captain Pandelis S. Lyras.*
08184---	Evimeria Compania Naviera S.A.: *Evimeria.*
08351---	Globtik Tankers Bahamas, Ltd.: *Globtic Sun.*
08490---	Fraternidad Maritime Co. Ltd.: *Nigeria.*
08833---	General Metals of Tacoma, Inc.: *Burrard Dry Dock 3, Oneida, Twin Harbor.*
08853---	Interessentskapet Saga Sierra: *Carbo Sierra.*
08854---	Interessentskapet Saga Stripe: *Carbo Stripe.*
09074---	Zuito Shipping Co., Ltd., *Rhein Maru.*
09076---	Ferrostaal-Posiedon Bulk Reederei Gmbh: *Puerto Buitrago.*
09894---	Jaime Emilio Numez: *Emma.*
10356---	Boom Transport Corp.: *Rita Maersk.*
10583---	Madison Shipping Corp.: *Sunfrancis.*
10731---	Il Woo Marine Co., Ltd.: *Kotoku Maru.*

By The Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-33988 Filed 12-16-75;8:45 am]

PUERTO RICO MARITIME SHIPPING AUTHORITY AND PUERTO RICO PORT AUTHORITY

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 6, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

E. J. Sheppard, Esquire, Morgan, Lewis and Bockius, 1800 M Street, N.W., Washington, D.C. 20036.

Agreement No. T-3210, between Puerto Rico Maritime Shipping Authority (PRMSA) and Puerto Rico Ports Authority (Authority), provides for the lease of Parcel B and the preferential use of Berth F at Puerto Nuevo Port Development. The initial term of the agreement expires on January 31, 1978, and may be renewed for an additional five years. The use of Parcel B by PRMSA is restricted to shoreside operations pertaining to its oceanborne common carrier service. As compensation, Authority shall receive an annual fee of $87,352.02. PRMSA shall also pay an annual fee of $5,000 for the preferential use of Berth F. After the expiration of the initial term, rentals are subject to reestablishment by Authority. In addition to the annual fees, PRMSA shall pay wharfage charges normally assessed by Authority with a guaranteed minimum of $125,000 plus dockage, trailer wharfage, demurrage and other charges which are normally assessed. Wharfage payable to the Authority on cargo moving through the berth on vessels not operated by PRMSA would be credited to PRMSA's annual minimum wharfage guarantee.

Dated: December 12, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-33987 Filed 12-16-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP72-110 and PGA76-4]

ALGONQUIN GAS TRANSMISSION CO.

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

DECEMBER 8, 1975.

Take notice that Algonquin Gas transmission Company ("Algonquin Gas"), on November 26, 1975, tendered for filing Revised Eleventh Revised Sheet No. 10 and Eleventh Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1.

These sheets are being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. The rate change is being filed under Algonquin Gas' Revised Eleventh Revised Sheet No. 10 to reflect a change in purchased gas costs to be paid to its supplier, Texas Eastern Transmission Corporation ("Texas Eastern") under its tariff sheet entitled Revised Fifteenth Revised Sheet No. 14D, proposed to be effective January 1, 1976, which includes, among other things, amounts associated with small producer purchases by Texas Eastern in excess of the rate levels prescribed in the Commission's Opinion No. 742 and that portion of emergency purchases by Texas Eastern from other than small producers in excess of the national rate level prescribed in the Commission's Opinion No. 699-H. In addition, in the event the Commission should suspend for one day Texas Eastern's above-mentioned tariff sheet, Algonquin Gas also filed Eleventh Revised Sheet No. 10 which reflects a change in the cost of purchased gas to be paid to its supplier, Texas Eastern, under its tariff sheet entitled Fifteenth Revised Sheet No. 14D, proposed to be effective January 1, 1976, exclusive of amounts associated with small producer purchases by Texas Eastern in excess of the national rate levels prescribed in Opinion No. 742 and that portion of emergency purchases by Texas Eastern from other than small producers in excess of the national rate level prescribed in the Commission's Opinion No. 699-H from its supplier, Texas Eastern.

Algonquin Gas requests that the Commission accept for filing the appropriate tariff sheet or sheets to be effective January 1, 1976, or such other date as well synchronize its rates with those of Texas Eastern.

V 40 0243 DEC 17 75 XUM

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33946 Filed 12-16-75;8:45 am]

[Docket No. CP76-158]

ALGONQUIN GAS TRANSMISSION CO.

Application

DECEMBER 9, 1975.

Take notice that on November 10, 1975, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP76-158 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange and transportation of natural gas on a best-efforts basis for the benefit of Connecticut Gas Company (Connecticut Gas), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that by Commission order of September 2, 1975 (54 FPC ——) Distrigas of Massachusetts Corporation (DOMAC) was granted a temporary certificate authorizing the sale of liquefied natural gas to Connecticut Gas. Applicant further states that to effectuate the deliveries of such gas, Applicant, Boston and Connecticut Gas have arranged for vaporized LNG to be released by Boston to Applicant for delivery by displacement to Connecticut Gas pursuant to a transportation agreement dated October 20, 1975. The proposed service would be from the later of November 1, 1975, or the date of Commission authorization, through April 30, 1976. Applicant states that Connecticut Gas anticipates the purchase of up to approximately 250,000 million Btu of gas from DOMAC.

Boston would accept delivery of vaporized LNG from DOMAC at Everett, Massachusetts, for use in its own system. Equivalent volumes would be released by Boston, a customer of Applicant, to Applicant. Applicant would deliver equivalent volumes to Connecticut Gas at existing points of interconnection with Connecticut Gas in the State of Connecticut. Applicant would charge Connecticut Gas 15 cents per million Btu so transported. Applicant does not propose to construct any facilities in the instant application and states that the proposed service would be rendered on a best-efforts basis to the extent to which it would not affect any existing operation or service.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 19, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33923 Filed 12-16-75;8:45 am]

[Docket No. ID-1747]

ALLAN K. HAMER

Application

DECEMBER 8, 1975.

Take notice that on November 28, 1975, Allan K. Hamer (Applicant) filed an application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Director & President, Brockton Edison Company, Public Utility.

Brockton Edison Company ("Brockton"), a Massachusetts corporation having its principal place of business at 36 Main Street, Brockton, Massachusetts, owns and operates facilities for the transmission and distribution of electric energy at retail in the city of Brockton and 16 surrounding towns in Massachusetts. Most of the energy sold by Brockton is purchased from Montaup Electric Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33947 Filed 12-16-75;8:45 am]

[Docket Nos. AR61-2, AR69-1, etc., (Disputed Zone)]

AREA RATE PROCEEDING, ET AL. (SOUTHERN LOUISIANA AREA)

Order Directing Disbursement and Flow-Through of Refunds

DECEMBER 9, 1975.

The Commission issued an order on February 23, 1973, in the above-entitled proceedings with respect to producers who were making sales on or after August 1, 1971, at a rate in excess of the offshore rate prescribed in Opinion No. 598 under contracts dated prior to October 1, 1968, in those areas of the Disputed Zone which were determined by the United States Supreme Court to be in the Federal Domain. (See supplemental decrees issued in "United States v. Louisiana," 404 U.S. 388 (1971) and 409 U.S. 17 (1972).). Pursuant to Ordering Paragraph (A) of the February 23 order, the producers were required to file refund reports showing all excess amounts collected, together with interest at 7 percent per annum, calculated to the date of the refund report. As provided by Section 9.1 of the settlement proposal approved in Opinion No. 598, these refunds are not subject to the crediting provisions of Opinion No. 598. The order of February 23 further directed the producers to retain the subject refunds pending further order of the Commission. We now require the producers to disburse their refunds, including interest, to their purchasers.

In order to insure the orderly administration and review of the refunds to be made pursuant to this order, we shall require that all refunds be coordinated with and reported by the producer under whose rate schedule the sale was made.

Once the refunds have been disbursed to the respective purchasers, the purchasers shall flow the refunds through to their jurisdictional customers; see order issued March 17, 1975, in Docket No. AR64-1, et al.; *Provided, however,* That purchasers shall not be required to flow through those refunds, if any, as to which they may assert a claim of entitlement under the terms of prior rate settlement agreements approved by the Commission.

The Commission finds. It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the refunds subject to this order be disbursed and flowed-through as hereinafter ordered.

The Commission orders. (A) On or before January 30, 1976, each producer owing refunds under the Commission's order issued herein on February 23, 1973, shall disburse such refunds to the purchaser and shall file a copy of a release from the purchaser.

(B) All refunds and reports made pursuant to ordering paragraph (A) above shall be coordinated with and reported by the producer under whose rate schedule the sale was made.

(C) On or before March 1, 1976, each purchaser shall submit three copies of a plan for the flow-through of the refunds herein ordered to be disbursed and any refunds previously disbursed by producers in the Disputed Zone and presently being retained by the purchaser, applicable to jurisdictional sales, indicating the amount payable to each jurisdictional customer, the basis used to compute the amount payable, the periods involved, and the applicable FPC docket numbers. Copies of the flow-through plans shall be served on each of the purchaser's jurisdictional customers and upon interested state regulatory Commissions.

(D) Upon notification by the Commission's Secretary, and to the extent directed thereby, purchasers shall proceed with the distribution of refunds to their jurisdictional customers.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33924 Filed 12-16-75;8:45 am]

[Docket No. CP72-9]

ARKANSAS LOUISIANA GAS CO.

Petition To Amend

DECEMBER 9, 1975.

Take notice that on October 28, 1975, Arkansas Louisiana Gas Company (Petitioner), Post Office Box 1734, Shreveport, Louisiana 71102, filed in Docket No. CP72-9 a petition to amend the order of the Commission of November 1, 1971 (46 FPC 1110), as amended, issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to include authorization to exchange natural gas with Cities Service Gas Company (Cities) at an additional point, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that it is authorized by the certificate of public convenience and necessity granted by the Commission on November 1, 1971, to exchange up to 10,000 Mcf of gas per day with Cities. Petitioner also states that it is authorized pursuant to a budget-type certificate to connect and receive new gas supply during the calendar year 1975, as amended, and to implement authorized exchange and or transportation arrangement with other pipeline companies.

Petitioner in the instant petition to amend requests authorization to operate an additional delivery point through which Petitioner would receive gas for exchange from Cities. Such exchange would be made by displacement, would be within the volumetric limitations previously authorized, and would obviate the need to duplicate facilities, it is stated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 19, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33925 Filed 12-16-75;8:45 am]

[Docket No. CP73-329; PGA76-2]

CHATTANOOGA GAS CO.

Proposed PGA Rate Adjustment

DECEMBER 8, 1975.

Take notice that on December 1, 1975, Chattanooga Gas Company, A Division of Jupiter Industries, Inc., (Chattanooga) tendered for filing effective on January 1, 1976, consisting of the following revised tariff sheets:

Fifteenth Revised Sheet No. 6, and, alternatively, Alternate Fifteenth Revised Sheet No. 6

Chattanooga states that the sole purpose of these Revised Tariff Sheets is to adjust Chattanooga's LNG rates pursuant to the PGA provision in section 5 of the general terms and conditions of its FPC Tariff to reflect increased purchased gas costs resulting from PGA rate increases by its suppliers, Southern Natural Gas Company, (Southern) in Docket No. RP73-64 and East Tennessee Natural Gas Company, (East Tennessee) in Docket Nos. RP71-15 and RP75-28.

Chattanooga requests that its Fifteenth Revised Sheet No. 6 be made effective on January 1, 1976, the proposed effective date of the underlying increases by Southern and East Tennessee.

Chattanooga further states that it is relying on its alternate rate increase reflected on Alternate Fifteenth Revised Sheet No. 6 to be effective on January 1, 1976, in the event Fifteenth Revised Sheet No. 6 is not accepted to be effective because of the inclusion of small producer purchases by Tennessee Gas Pipeline Company at rates above those established in Opinion No. 742.

Chattanooga states that copies of the filing have been mailed to all of its jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33948 Filed 12-16-75;8:45 am]

[Docket No. RP73-65; PGA76-2]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

DECEMBER 8, 1975.

Take notice that Columbia Gas Transmission Corporation (Columbia) on December 1, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. The proposed changes to be effective January 15, 1976, provide purchased gas adjustments to reflect increased costs of gas purchased from pipeline suppliers of $43,199,552.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33949 Filed 12-16-75;8:45 am]

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[Docket No. RP72-157; PGA76-3]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in Gas Tariff

DECEMBER 8, 1975.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on November 26, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, pursuant to its PGA clause for rates to be effective January 1, 1976. The proposed rate increase would generate $6.1 million annually in additional jurisdictional revenues.

Consolidated states that the PGA filing was triggered by rate increases filed by Tennessee Gas Pipeline Company and Texas Eastern Transmission Corporation, both to be effective January 1, 1976. Also included is a rate decrease by Texas Gas Transmission Corporation, approved by Commission order of October 6, 1975.

Consolidated is requesting a waiver of any of the Commission's rules and regulations in order to permit the proposed rates to go into effect on January 1, 1976.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 23, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33950 Filed 12-16-75;8:45 am]

[Docket No. ID-1746]

FRANCIS I. PATTERSON

Application

DECEMBER 8, 1975.

Take notice that on November 28, 1975, Francis I. Patterson (Applicant) filed an application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Assistant Secretary, Blackstone Valley Electric Company, Public Utility.
Assistant Clerk, Brockton Edison Company, Public Utility.
Assistant Clerk, Fall River Electric Light Company, Public Utility.
Director & Assistant Clerk, Montaup Electric, Public Utility.

Blackstone Valley Electric Company ("Blackstone"), a Rhode Island corporation having its principal place of business on Washington Highway, Lincoln, Rhode Island, owns and operates facilities for the transmission and distribution of electric energy at retail in and around Pawtucket, Woonsocket, Central Falls, Cumberland, Lincoln, North Smithfield, and parts of Burrillville, Rhode Island. Practically all of the energy sold by Blackstone is purchased from Montaup Electric Company.

Brockton Edison Company ("Brockton"), a Massachusetts corporation having its principal place of business at 36 Main Street, Brockton, Massachusetts, owns and operates facilities for the transmission and distribution of electric energy at retail in the city of Brockton and sixteen surrounding towns in Massachusetts. Practically all of the energy sold by Brockton is purchased from Montaup Electric Company.

Fall River Electric Light Company ("Fall River"), a Massachusetts corporation having its principal place of business at 85 North Main Street, Fall River, Massachusetts, owns and operates facilities for the distribution of electric energy at retail in the city of Fall River and in the neighboring towns of Swansea, Somerset, the major part of Dighton, and a part of Westport, all in Massachusetts. Practically all of the energy sold by Fall River is purchased from Montaup Electric Company.

Montaup Electric Company ("Montaup"), a Massachusetts corporation having its principal place of business in Somerset, Massachusetts, owns and operates facilities in that town for the generation of electric energy and facilities in Somerset and elsewhere in Massachusetts for the transmission of such energy. Montaup as the bulk power supply for the EUA system sells most of the electric energy which it generates together with the energy it purchases to Blackstone, Brockton, and Fall River which companies together own all of Montaup's outstanding securities except short-term notes representing bank borrowings. Montaup also supplies wholesale electric energy for resale to the town of Middleboro, Massachusetts, and to Newport Electric Corporation, Narragansett Electric Company (Tiverton Division), and the Pascoag Fire District, all in Rhode Island.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-33951 Filed 12-16-75;8:45 am]

[Docket No. ES 76-25]

GULF STATES UTILITIES CO.

Application

DECEMBER 8, 1975.

Take notice that on November 28, 1975, Gulf States Utilities Company (Applicant) filed an application pursuant to section 204 of the Federal Power Act for authorization to issue $60 million principal amount of First Mortgage Bonds and 4,000,000 additional shares of common stock, no par value, via competitive bidding.

Applicant is incorporated under the laws of the State of Texas, with its principal business office at Beaumont, Texas and is engaged in the generation, transmission, distribution and sale of electrical energy in the State of Louisiana and Texas.

The proceeds from the sale of the new securities will be used to pay off part of the companys' outstanding commercial paper and short-term bank loans previously authorized by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 2, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33952 Filed 12-16-75;8:45 am]

[Docket No. RP76-3]

INLAND GAS COMPANY, INC.

Proposed Settlement

DECEMBER 9, 1975.

Take notice that on November 18, 1975, the Administrative Law Judge in Docket No. 75-50 certified a proposed settlement to the Commission for action. The instant proceeding was initiated by the filing of Inland's curtailment plan on July 31, 1975, consisting of The Inland Gas Company's Inc. (Inland) FPC Gas Tariff, Original Volume No. 1. By Order issued October 20, 1975, the Commission, inter alia, accepted Inland's Tariff Sheets and suspended the use thereof until January 2, 1976.

As a result of settlement discussions the curtailment procedures have been agreed to and an agreement has been reached, as hereinafter set forth.

The Settlement. Inland states that due to the situation created by the curtailments by Tennessee Gas Pipeline Company (Tennessee) it has imposed on its 9 larger industrial customers with daily contract demands in excess of 300 Mcf of gas a proportional curtailment. Inland expects no curtailment will be imposed in either August or September, but that a curtailment of approximately 30 percent of entitlements is expected in November and December.

The proposed settlement in this proceeding consists of Transcript pages 1 thru 37 and exhibits 1 thru 5.

The proposed curtailment procedures to be effective January 1, 1976, would fully protect Inland's rural domestic and commercial customers by imposing proportionate curtailments on its larger industrial customers with entitlements in excess of 300 Mcf of gas per day. The proposed curtailment plan is not in strict accordance with the end-use priorities that are prescribed in § 2.7 but the proposed plan would mitigate or obviate the need for extraordinary relief, which would require Inland to flow-through such requests into Tennessee's curtailment proceeding and would require a formal litigated proceeding. The proposal would spread the burden of curtailment on Inland's nine larger industrial customers. The proposed settlement is in accord with Commission Order 467-B and consistent with the curtailment policy contained therein particularly under the conditions existing in the instant situation.

In addition, the proposed tariff provides for overrun penalties of $10.00 per Mcf and distribution of the penalties among those customers which were unable to receive gas as a result of the overruns.

Filing of Comments. It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before December 19, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33934 Filed 12-16-75;8:45 am]

[Docket No. E-8264]

MAINE PUBLIC SERVICE CO.

Postponement of Hearing Date

DECEMBER 8, 1975.

On December 2, 1975, Staff Counsel filed a motion to extend the hearing date fixed by order issued May 5, 1975, as most recently modified by notice issued September 23, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the hearing date in the above proceeding is postponed from December 9, 1975 to January 14, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33953 Filed 12-16-75;8:45 am]

[Docket No. ER76-209]

METROPOLITAN EDISON CO.

Order Accepting for Filing and Suspending Proposed Increased Rates and Establishing Hearing Procedures

NOVEMBER 25, 1975.

On October 31, 1975, Metropolitan Edison Company (Met-Ed) tendered for filing increased rates for all-requirements service to Hershey Electric Company and the Borough of Kutztown, Pennsylvania, served at transmission voltage under rate RT, and to the Boroughs of Goldsboro, Lewisberry, and Royalton, Pennsylvania, served at distribution voltage under rate RP. Met-Ed also tendered for filing increased rates for partial requirements and wheeling service to Allegheny Electric Cooperative, Inc. (Allegheny). Met-Ed filed a revised fuel adjustment clause for its all-requirements service and its partial requirements service to Allegheny to conform with Order No. 517.[1]

Public notice of Met-Ed's filing was issued on November 14, 1975, with protests or petitions to intervene due on or before November 28, 1975. To date no comments, protests or petitions to intervene have been received. Met-Ed has requested that the proposed rates be made effective as of December 1, 1975.

Met-Ed states that on the basis of a test period consisting of the 12 months ending June 30, 1976, the proposed rates would produce $3,255,197 in additional revenues from the all-requirements wholesale customers or a 45.6 percent increase above present rates, as well as $1,289,569 in additional revenues from Allegheny, or a 72.2 percent increase. In addition, it states the proposed partial requirements rate accounts for $1,119,157 of the increase to Allegheny and the new wheeling rate would produce the balance of $170,412.

According to Met-Ed, the proposed rates are intended to recover sharp increases in costs since the 1972 test period which was the basis for the present rates provided in settlement agreements approved by the Commission's order issued March 7, 1975, in Docket Nos. E-8394 and E-8439. Met-Ed claims that the requested rate increase is urgently needed if Met-Ed is to be able to finance the facilities necessary to meet its load growth. In support thereof, Met-Ed indicates that without further rate increases, it will end 1976 with an earnings coverage of 1.85 times the interest requirements of long-term debt. Met-Ed states that the minimum coverage required under its indenture is 2.0 times such annual interest requirements and that the minimum coverage is required for 12 consecutive months out of the 15 months preceding proposed issuance of securities. Without immediate additional rate relief, Met-Ed states that its projected earnings show that it will have exhausted its ability to sell long-term debt by mid-year 1976. Construction expenditures, for which additional capital will be needed, are estimated to be $240,000,000 for the years 1975-1977. Met-Ed contends that in light of the increased cost of common stock equity which for Met-Ed has averaged 17 percent, it believes an allowance for common stock equity of at least 14.5 percent is necessary and that a fair rate of return for Met-Ed is in the range of 10¼ percent to 10½ percent.

The proposed rate levels have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall suspend the use thereof until January 1, 1976, when the rates will be permitted to became effective, subject to refund, and we shall establish hearing procedures to determine the justness and reasonableness of Met-Ed's filing.

Our review of the filing indicates that Met-Ed has included plant held for future use (other than land) in the rate base; normalized the tax effects of capitalized items, as well as interest associated with construction work in progress, in the income tax calculation; and separated the transmission function into various subfunctions reflecting voltage or service levels for allocation purposes. Parties filing testimony in this case should address themselves to, inter alia, the propriety of these actions. Witnesses submitting testimony on rate of return should address, inter alia, (1) Met-Ed's proposal for a return on equity of 14.5 percent and concomitant rate of return of between 10¼ percent to 10½ percent, (2) Met-Ed's present and future needs for capital, (3) the adequacy and significance of Met-Ed's present pre-tax debt interest coverage ratio, (4) the adequacy and significance of the past and present ratios of market value to book value of Met-Ed's common stock, and (5) the standing of Met-Ed in particular and the standing of comparable utilities in the market for capital.

We believe the fuel adjustment clause included in the proposed rate satisfies the requirements set forth in Order No. 517.

The Commission finds. It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the increased rates and charges, as proposed by Met-Ed in Docket No. ER76-209 and that such increase be accepted for filing and suspended as hereinafter provided.

The Commission orders. (A) Pending a hearing and final decision thereon,

[1] Tariff and Rate Schedule designations are shown on Appendix A.

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Met-Ed's proposed changes in its rates and charges, as filed on October 31, 1975, are accepted for filing and suspended until January 1, 1976, when the proposed rate schedule supplements shall become effective, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, and the Commission's Rules and Regulations (18 CFR, Chapter I) a public hearing shall be held on April 6, 1976, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to determine the lawfulness and reasonableness of the proposed rates and charges, contained in Met-Ed's rate increase filed on October 31, 1975.

(C) The Commission Staff shall serve its prepared testimony and exhibits on or before February 24, 1976. Any intervenor evidence shall be filed on or before March 9, 1976. Any rebuttal evidence by Met-Ed shall be served on or before March 23, 1976.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conference or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

DESIGNATIONS

[Docket No. ER76-209]

(1) First Revised Sheet Nos. 7, 9, 11 and 14, Second Revised Sheet Nos. 13, 15, and 16, and Third Revised Sheet No. 17 to FPC Electric Tariff, Original Volume No. 1 (Revised terms, rates and fuel adjustment clause superseding Original Sheet Nos. 7, 9, 11 and 14, First Revised Sheet Nos. 13, 15 and 16, and Second Revised Sheet No. 17).

(2) Supplement No. 8 to Rate Schedule FPC No. 43 (Exhibit B—Rate for Supplemental Power and Energy. Supersedes Supplement No. 5).

(3) Supplement No. 9 to Rate Schedule FPC No. 43 (Fuel Adjustment Clause Supersedes Supplement No. 6).

Filed: October 31, 1975.
Effective: January 1, 1976.

[FR Doc.75-33943 Filed 12-16-75;8:45 am]

[Docket No. CP76-159]

MOUNTAIN FUEL SUPPLY CO.

Application

DECEMBER 9, 1975.

Take notice that on November 11, 1975, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP76-159 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 15 pipeline taps on its jurisdictional pipeline at unspecified places during the 12-month period following authorization, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it from time to time receives requests for service from individuals located adjacent to existing transmission facilities for residential and small commercial service not in excess of 50 Mcf of gas per day. Further, Applicant states that it anticipates requests for farm taps along the route of the pipeline it is constructing pursuant to authorization in Docket No. CP73-213. Applicant states that the authorization requested in the instant application would enable it to provide such service more efficiently without unreasonable delay.

Applicant states that the total cost of the proposed construction would not exceed $30,000, nor would any single tap and related facilities cost in excess of $3,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 19, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33926 Filed 12-16-75;8:45 am]

[Docket No. RP74-100]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed Tariff Change

DECEMBER 8, 1975.

Take notice that on November 28, 1975, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, First Revised Sheet No. 37, proposed to be effective January 1, 1976.

National states that the sole purpose of this revised tariff sheet is to change the filing requirements in Section 17.5 of the General Terms and Conditions to conform its tariff to Order No. 535, issued September 16, 1975, in Docket No. RM75-9.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before December 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33954 Filed 12-16-75;8:45 am]

NATIONAL GAS SURVEY CURTAILMENT STRATEGIES-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

DECEMBER 8, 1975.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey Curtailment Strategies-Technical Advisory Committee and initial membership for this Committee.

1. Membership. A new member to the Curtailment Strategies-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Ray J. Nery, North Carolina Utilities Commission, Raleigh, North Carolina.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33955 Filed 12-16-75;8:45 am]

[Docket No. CP68-75]

NORTHERN NATURAL GAS CO

Petition To Amend

DECEMBER 9, 1975.

Take notice that on November 18, 1975, Northern Natural Gas Company (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed a petition to amend the order issued in Docket No. CP68-75 on May 20, 1968 (39 FPC 821), as amended on November 10, 1971 (46 FPC 1177), pursuant to section 7(c) of the Natural Gas Act by authorizing the exchange of natural gas with Phillips Petroleum Company (Phillips) at an additional point of delivery in Ochiltree County, Texas, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

By order issued May 20, 1968, as amended, Petitioner was authorized to exchange gas with Phillips at points of delivery in Oklahoma and Texas. Petitioner states that it and Phillips now desire to establish an additional point to accommodate the delivery of exchange gas by Petitioner to Phillips under the terms of a June 23, 1975, amendment to the Gray County Gas Exchange Agreement.[1] In accordance with this amendment, Petitioner states, it will deliver and Phillips will receive, at a point of connection with facilities to be installed by Phillips in Ochiltree County, Texas, up to 2,500 Mcf of gas per day. Redelivery of gas exchange volumes by Phillips to Petitioner will be made at the existing delivery points in Ellis County, Oklahoma, and Gray County, Texas, pursuant to the Gray County Gas Exchange Agreement, as amended.

Petitioner proposes to construct at an estimated cost of $740, and operate certain side valve facilities on its 24-inch Texas main line for connection thereto by Phillips. Phillips shall install and operate the necessary facilities to measure the gas delivered by Petitioner at such point, it is stated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary*

[FR Doc.75-33927 Filed 12-16-75;8:45 am]

[Docket No. RP73-48; PGA No. 76-1a]

NORTHERN NATURAL GAS CO.

Order Granting Intervention

DECEMBER 9, 1975.

On October 20, 1975, Northern Natural Gas Company (Northern) tendered for filing revised tariff sheets to reflect a decrease in rates to its jurisdictional customers pursuant to the purchased gas cost adjustment provisions of its FPC Gas Tariff. Notice of Northern's filing was issued on July 9, 1975, with protests and petitions to intervene due on or before November 10, 1975.

A timely petition to intervene was filed by Michigan Wisconsin Pipe Line Company (Michigan Wisconsin). Upon review of this petition, we believe that Michigan Wisconsin has a sufficient interest in this proceeding to warrant its intervention.

The Commission finds. It may be in the public interest for Michigan Wisconsin to intervene in these proceedings.

The Commission orders. (A) Michigan Wisconsin Pipe Line Company is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33928 Filed 12-16-75;8:45 am]

[Docket No. RP72-115; PGA76-1]

OKLAHOMA NATURAL GAS GATHERING CORP.

Proposed Change in Rate Pursuant to Purchased Gas Cost Adjustments

DECEMBER 8, 1975.

Take notice that on November 24, 1975, Oklahoma Natural Gas Gathering Corporation (Oklahoma) tendered for filing Eighth Revised Sheet PGA-1 to its FPC Gas Tariff, Original Volume No. 1. Oklahoma states that this tariff sheet will revise Oklahoma's Base Tariff Rate to recover the balance accumulated in the unrecovered purchase gas cost account and flow through the increase in the system cost of purchased gas.

The effective date for the proposed change is January 1, 1976.

Oklahoma states that copies of this tariff filing are being mailed to all jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33956 Filed 12-16-75;8:45 am]

[Docket No. ER76-296]

PACIFIC GAS AND ELECTRIC CO.

Tariff Changes

DECEMBER 9, 1975.

Take notice that Pacific Gas and Electric Company (Pacific), on November 26, 1975, tendered for filing an amendment to the Power Sale, Exchange and Integration Contract[1] between Pacific and Sacramento Municipal Utility District (Sacramento).

Pacific states that the terms of the present Contract provide for the integration of Sacramento's hydroelectric and nuclear resources with Pacific's and for Pacific's purchase of Sacramento's surplus capacity and energy from Sacramento's Rancho Seco Unit No. 1. The present terms further provide that similar arrangements will be agreed upon for Sacramento's next large thermal power plant. Under the proposed amendments, Sacramento's next large thermal plant is

[1] The Gray County Gas Exchange Agreement dated June 17, 1968, between Petitioner and Phillips is filed with the Commission as Petitioner's Rate Schedule X-18 of its FPC Gas Tariff, Original Volume No. 2.

[1] Designated Pacific Gas and Electric Company, FPC Rate Schedule No. 45.

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specifically identified as being the second nuclear unit at Rancho Seco. Moreover, the amendment modifies the terms and conditions relating to integrated operation, sales and exchanges and expands such terms and conditions to include Sacramento's proposed geothermal and combustion turbine resources.

Pacific proposes that the amendment become effective December 26, 1975.

Pacific states that copies of the filing have been sent to Sacramento and to the California Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33929 Filed 12-16-75;8:45 am]

[Docket No. E-9212]

PACIFIC POWER & LIGHT CO.

Compliance Filing

DECEMBER 8, 1975.

Take notice that on November 28, 1975, Pacific Power & Light Company tendered for filing service agreements under its FPC Electric Tariff Original Volume No. 2 pursuant to the Commission's order issued November 17, 1975 in the above captioned proceeding. The filed service agreements cover sales of nonfirm thermal energy to (1) City of Pasadena, California, (2) City of Burbank, California, (3) Southern California Edison Company, (4) Pacific Gas and Electric Company, (5) City of Glendale, California, (6) San Diego Gas & Electric Company, (7) Utah Power & Light Company, (8) Department of Water and Power of the City of Los Angeles and (9) Portland General Electric Company.

The filing indicates that copies were served upon each of the above customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33957 Filed 12-16-75;8:45 am]

[Docket No. ID-1757]

PETER R. GROOME

Application

DECEMBER 8, 1975.

Take notice that on November 28, 1975, Peter R. Groome, (Applicant) filed an application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Vice President, Brockton Edison Company, Public Utility.
Vice President, Fall River Electric Light, Public Utility.

Brockton Edison Company ("Brockton"), a Massachusetts corporation having its principal place of business at 36 Main Street, Brockton, Massachusetts, owns and operates facilities for the transmission and distribution of electric energy at retail in the city of Brockton and 16 surrounding towns in Massachusetts. Most of the energy sold by Brockton is purchased from Montaup Electric Company.

Fall River Electric Light Company ("Fall River"), a Massachusetts corporation having its principal place of business at 85 North Main Street, Fall River, Massachusetts, owns and operates facilities for the distribution of electric energy at retail in the city of Fall River and in neighboring towns of Swansea, Somerset, the major part of Dighton, and a part of Westport, all in Massachusetts. Most of the energy sold by Fall River is purchased from Montaup Electric Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 29, 1975, file with the Federal Power Commission, Washington, D.C., 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33920 Filed 12-16-75;8:45 am]

[Docket No. ER76-111]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Order Denying Rehearing and Amending Prior Order

NOVEMBER 25, 1975.

The Commission, on October 6, 1975, issued a letter order in the above-captioned proceeding in which we refused to assign a filing date to Public Service Company of New Hampshire's (Public Service or the Company) September 10, 1975, filing of a "first step" wholesale rate increase based on a 1974 calendar year cost of service. In that order we stated that the Period I data provided was out of date and therefore the propriety of the proposed rate increase could not be properly evaluated. We required Public Service to "submit actual data for the period ending no earlier than four months prior to the date of filing of the proposed increase."

On October 30, 1975, Public Service applied for rehearing of this order. Public Service maintains that its filing is in accordance with the requirement that cost data be for the most recent twelve consecutive months for which actual data are available, as set forth in § 35.13(b)(4)(iii) of the regulations, and the new "staleness" standard of the Commission, first announced in Interstate Power Company, order issued September 10, 1975, in Docket No. ER76-70, is arbitrary, inconsistent with past Commission actions, and constitutes an abuse of discretion.

Public Service maintains that it has submitted data "for the most recent twelve consecutive months for which actual data are available" as required by the Regulations. Public Service points out that in its Order No. 487 issued July 17, 1973, the Commission explicitly refused to establish a time certain which Period I data should encompass in making this section of the regulations effective. Public Service states that the Commission in Docket No. RM76-6 announced its proposal to amend § 35.13(b)(4)(iii) to a four month standard for Period I data. Public Service states that, by its actions since Interstate, the Commission is according immediate anpd retroactive application to an amendment it has yet to adopt. Public Service submits that the Commission cannot, without abusing its discretion, apply its new rulemaking policy to a rate prepared and filed on the basis of the present regulation and the Commission's past interpretation of that regulation.

Public Service also argues that its filing is in "substantial compliance" with the filing requirements, and that materials tendered for filing should be rejected only where they "patently fail to conform" to a regulation. Public Service submits, as an alternative, that the Commission should assign a filing date to the company's filing and require updated Period I data, which the company is willing to submit. Public Service maintains that in no event should a fixed four month standard for Period I data be enforced by the Commission. The company adds that it seriously doubts that it could meet such time limitation.

During the year 1975, we have accepted electric rate filings utilizing Period I data for the twelve months ended December 31, 1974, as meeting the filing requirements of § 35.13(b)(4)(iii) of the regulations that such data be "* * * for the most recent twelve consecutive months for which actual data are available * * *" However, we realized in so doing that at some point in time data for the twelve months ended December 31, 1974, would eventually become stale and thus outside any reasonable interpretation of the requirement of submission of the most recently available data. In the Interstate order we were dealing with data that was 7½ months old and made the determination that such data was too stale to be "the most recently available" and therefore rejected Interstate's filing for failure to comply with § 35.13(b)(4)(iii) of the regulations. Since that action, we have consistently refused to accept rate filings containing Period I data which was more than seven months old.

In deciding to reject Public Service's September 10, 1975, filing, we found that the Period I data contained in the company's submittal was for a 12 month period which ended more than nine months prior to the date Public Service's submittal was filed.

Therefore, consistent with our order issued in Consumers Power Company, issued October 29, 1975, in Docket No. ER76-45,[1] we affirm our prior letter order of October 6, 1975, in holding that Public Service's filing of September 10, 1975, is deficient in that we are not persuaded that the Period I data as submitted is for the most recent twelve consecutive months for which data is available. We shall amend our prior order to the extent that a four month time period shall not be required to substantially comply with § 35.13(b)(4)(iii) of the regulations. However, Public Service shall be required to submit Period I data for a time period ending no more than seven months prior to the date of filing, consistent with the cases as hereinabove cited.

The Commission finds. Except as hereinafter ordered, the application for rehearing filed by Public Service on October 30, 1975, raises no new facts or principals of law which warrant modification of our order of October 6, 1975, in the subject docket.

The Commission orders. (A) Public Service's October 30, 1975, application for rehearing of our order of October 6, 1975, is hereby denied.

(B) In any refiling in this docket, Public Service shall be required to submit Period I data terminating no more than seven months from the date of filing, consistent with our actions in cases as hereinabove cited.

[1] See also: Montaup Electric Company, issued November 3, 1975, in Docket No. ER76-46; Western Power Division, Central Telephone and Utilities Corporation, issued November —, 1975, in Docket No. ER76-92.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33944 Filed 12-16-75;8:45 am]

[Docket No. RI76-72]

ROYAL INTERNATIONAL PETROLEUM CORP.

Petition for Special Relief

DECEMBER 9, 1975.

Take notice that on December 1, 1975, Royal International Petroleum Corporation (Petitioner), 700 Oil and Gas Building, New Orleans, Louisiana 70112, filed a petition for special relief in Docket No. RI76-72, pursuant to § 2.76 of the Commission's general policy and interpretations. Petitioner requests that it be granted special relief with respect to its State Lease 5605 No. A-1, Block 69, Chandeleur Sound, St. Bernard Paris, Louisiana well. Petitioner states that due to extensive deterioration in its flow and resultant leakage of gas, the No. A-1 well has been shut-in for approximately 55 days prior to this filing.

Under the terms of its lease agreement with the State of Louisiana, Petitioner's lease will automatically terminate if State Lease 5605 is non-productive or shut-in for more than 90 days. Petitioner also states that if the lease terminates, it will have no alternative but to seek an abandonment of its sale under section 7(b) of the Natural Gas Act.

Petitioner states that its sale of gas from said acreage is made to Southern Natural Gas Company pursuant to its Small Producer Certificate issued in Docket No. CS72-617 on April 10, 1972 at 42.0¢ per Mcf at 15.025 psia, of which 7.0¢ per Mcf is paid to the State of Louisiana in Severance Tax, resulting in a net price to Petitioner of 35.0¢ per Mcf. Petitioner states that it cannot be economically justified in installing a new flowline unless it can be granted relief for a price of 75.0¢ per Mcf upon completion of the new flowline.

Any person desiring to be heard or to make any protest with reference to said petition should on or before December 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33930 Filed 12-16-75;8:45 am]

[Docket No. ER76-87]

SIERRA PACIFIC POWER CO.

Order Rejecting in Part, Accepting in Part and Suspending Rate Increase, Denying Request for Waiver, Permitting Interventions, and Establishing Procedures

NOVEMBER 25, 1975.

On August 25, 1975, as completed on October 29, 1975, Sierra Pacific Power Company (Sierra Pacific) tendered for filed proposed changes in its Rate Schedule R and a revised fuel adjustment clause, such changes being reflected in its FPC Electric Tariff, Volume No. 1.[1] These proposed changes would increase revenues from Sierra Pacific's wholesale customers [2] by approximately $716,132, or 15.4 percent based on the test year ended June 1976. Sierra Pacific states that the proposed increase is necessary to permit it to cover the increased costs of providing service, and to increase its overall rate of return to 10.53 percent to allow Sierra Pacific to obtain the financial results necessary to attract the amounts of new capital to meet growing electrical demands. Sierra Pacific requests an effective date of September 21, 1975.

Sierra Pacific's filing also includes proposed Supplement No. 3 to its EPC Rate Schedule No. 11 which would have the effect of transferring service to one of its wholesale customers, Mt. Wheeler Power, Inc. (Mt. Wheeler), from a previous Rate Schedule R-2 to its Rate Schedule R, under which all the other wholesale customers are served after the proposed effective date of September 21, 1975. In support of the requested transfer of Mt. Wheeler to Rate Schedule R, Sierra Pacific points out that since commencement of service to Mt. Wheeler in 1973 it was served under a separate rate schedule due to the isolation of the transmission line serving Mt. Wheeler from the remainder of Sierra Pacific's system. Sierra Pacific states that in August, 1975, it completed construction of a 230 Kv transmission line which integrated Mt. Wheeler with Sierra Pacific's system. Sierra Pacific requests waiver of the Commission's Regulations concerning notice requirements so that it may be permitted to place Mt. Wheeler on interim Rate Schedule R effective August 8, 1975, the date the interconnection of facilities was completed until September 21, 1975.

Sierra Pacific's August 25, 1975 filing was noticed on August 28, 1975, with all

[1] FPC Electric Tariff, 4th Revised Sheet No. 1, 3rd Revised Sheet No. 2, 2nd Revised Sheet No. 3, 7th Revised Sheet No. 4, 3rd Revised Sheet No. 5, Original Sheet No. 5A, 4th Revised Sheet No. 8, 2nd Revised Sheet No. 8A, Original Sheet No. 8B, 1st Revised Sheet No. 9H, 6th Revised Sheet No. 15; Supplement No. 3 to Rate Schedule FPC No. 11, Supplement No. 4 to Rate Schedule FPC No. 11.

[2] California-Pacific Utilities Company; City of Fallon, Nevada; Mt. Wheeler Power, Inc.; Pafific Gas and Electric Company; Truckee-Donner Public Utility District; U.S. Department of the Navy, Naval Ammunition Depot, Hawthorne, Nevada.

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protests, comments, or petitions to intervene due on or before September 15, 1975. Sierra Pacific's supplemental filing of October 29, 1975 was noticed on November 5, 1975, with all protests, comments or petitions to intervene due on or before November 17, 1975. Petitions to intervene have been filed on behalf of the City of Fallon, Nevada, the Truckee-Donner Public Utility District, Pacific Gas and Electric Company, California-Pacific Utilities Company, and Mt. Wheeler Power, Inc. The City of Fallon, Nevada, the Truckee-Donner Public Utility District and Mt. Wheeler Power, Inc., also protested Sierra Pacific's filing alleging that the proposed rates would produce an excessive rate of return. Mt. Wheeler also protests Sierra Pacific's attempt to place it under Rate Schedule R, the tariff under which service is rendered to the other wholesale customers. An untimely notice of intervention was filed on behalf of the Public Service Commission of Nevada. On September 25, 1975, Sierra Pacific filed an answer to the protests of the City of Fallon, Nevada, the Truckee-Donner Public Utility District and Mt. Wheeler.

Our examination of Sierra Pacific's filing reveals that a portion of it is based upon the inclusion of construction work in progress (CWIP) in the rate base which will not be in service at the end of the test period. Recent Commission decisions have made it clear that the Commission will not currently allow utilities to base rates upon the inclusion of CWIP in rate base.[3] As we stated in the Order Denying Application For Rehearing, Georgia Power Company, Docket No. E-9091, issued September 19, 1975:

> The majority rule of public utility regulation holds that the value of plant under construction cannot be included in the rate base until the plant is "used and useful" in providing service to jurisdictional customers. We have consistently applied the "used and useful" rule throughout our formally reported final decisions. Our Uniform System of Accounts for public utilities and licensees clearly reflects that principle, although it has not been formally codified in a separate regulation, as is the case for gas pipeline companies, § 154.63(f), 18 CFR.

Accordingly we shall reject that portion of the Company's filing which is based upon the inclusion of CWIP in rate base and shall require Sierra Pacific to file revised tariff sheets reflecting the elimination of such amounts.

Our review of Sierra Pacific's proposed fuel and purchased power adjustment clause indicates that the clause does not comply with the requirements set forth in Order No. 517.[4] Specifically the proposed clause includes total cost of purchased power and energy rather than the fuel component of such purchased costs. Additionally the clause imputes to the fuels consumed in the current period the most recent cost by type of fuel so that the clause does not reflect the actual costs of fuel consumed. Sierra Pacific proposes to adjust the costs every six months to reflect over- or under-recoveries and requests authorization to use Account 283 to record the tax effects resulting from the adoption of this deferral method. Finally Sierra Pacific's proposed fuel and purchased power adjustment clause utilizes total system losses rather than wholesale losses as specified in Order No. 517. We are of the opinion that Sierra Pacific's request to utilize Account 283 as well as the infirmities of the proposed clause require an evidentiary hearing on the proposed fuel and purchased power adjustment clause.

Our review further indicates that the proposed rates, which would permit Sierra Pacific an overall rate of return of 10.53 percent and a return on equity of 16.39 percent, have not been shown to be just and reasonable and may be unjust, unreasonable, preferential or otherwise unlawful. We shall therefore deny Sierra Pacific's request for waiver of our regulations to permit the proposed rates to become effective September 21, 1975, and instead suspend their effectiveness from November 28, 1975 (thirty days from the completion of Sierra Pacific's filing) and permit them to become effective, subject to refund, on December 29, 1975.

With respect to Sierra Pacific's request to place Mt. Wheeler on Rate Schedule R, Sierra Pacific has tendered an interim Rate Schedule R to apply to Mt. Wheeler from August 8, 1975, the date of system interconnection, to the proposed effective date of the rate increase in Rate Schedule R. We have previously faced the question of the propriety of whether Mt. Wheeler should be served under a separate rate schedule or whether it should be served under the rate schedule used to serve Sierra Pacific's other wholesale customers. In Opinion No. 702[5] we found that so long as Mt. Wheeler was served by an isolated portion of Sierra Pacific's system it was entitled to a rate based on costs associated with only that portion of the system. However we did acknowledge that the rationale for a separate rate may no longer be applicable upon interconnection of Mt. Wheeler to Sierra Pacific's total system. We stated:

> [Sierra] is constructing and expects to complete and energize in 1975 a 230 Kv transmission line which will connect Mt. Wheeler to its main system. As a result, both the cost of the power which Sierra purchases from PG&E and the cost of its fuel will begin to affect Sierra's cost of serving Mt. Wheeler. Absent special circumstances, Mt. Wheeler will become subject to the same ratemaking considerations as are applicable to Sierra's other wholesale customers on its main system.
>
> While Sierra could thereby avoid another rate filing after Mt. Wheeler is connected to its main system, the fact remains that the rate level under Rate Schedule R does not reflect Sierra's cost of serving Mt. Wheeler. Furthermore, when Sierra places the 230 kV transmission line into service in 1975 it will begin to provide all of its customers on its main system with double-ended service through its connections with PG&E in the west and UP&L in the east. It is apparent, therefore, that Sierra should review its Rate Schedule R as soon as practicable thereafter to determine from operating experience the import of that UP&L power upon its cost of serving all of its wholesale customers on its main system, including Mt. Wheeler * * *.[6]

We shall therefore permit Sierra Pacific to place Mt. Wheeler on service under its Rate Schedule R effective December 29, 1975, concurrently with the effective date of the proposed rate increase in Rate Schedule R. We shall accordingly deny Sierra Pacific's request to place Mt. Wheeler on interim rate Schedule R effective August 8, 1975 and apply an interim rate to the service made thereunder. We conclude good cause does not exist to waive our notice requirements in this case. In accordance with our statement in Opinion No. 702, quoted above, Mt. Wheeler may present testimony in the evidentiary hearing hereafter ordered on the question of whether it should continue to be served under Rate Schedule R. or under a separate rate schedule.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act, particularly sections 205 and 206 thereof, that the Commission accept for filing Sierra Pacific's proposed tariff sheets reflecting a rate increase and fuel and purchased power adjustment clause tendered on August 25, 1975 and completed on October 29, 1975, suspend their effectiveness and permit them to become effective December 29, 1975 subject to refund.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act, particularly sections 205 and 205 thereof, that the Commission enter upon a hearing concerning the lawfulness of the proposed rates, charges and conditions of service contained in the Company's rate increase filed August 25, 1975 as completed on October 29, 1975.

(3) Sierra Pacific's request of waiver of our notice requirements to permit it to place Mt. Wheeler on interim Rate Schedule R on August 8, 1975 and permit it to charge that rate until the proposed increase becomes effective should be denied.

(4) Good cause exists to allow the intervention of the above-named petitioners.

[3] See e.g., Central Vermont Public Service Corporation, Docket No. E-9040, orders issued August 5, 1975, September 30, 1975; Green Mountain Power Corporation, Docket No. E-9446, orders issued June 13, 1975 and August 4, 1975; New England Power Company, Docket Nos. E-9316 and E-9140, orders issued August 5, 1975 and October 3, 1975; Georgia Power Company, Docket No. E-9091, orders issued August 5, 1975, September 11, 1975 and September 19, 1975; Philadelphia Electric Company, Docket No. E-9388, order issued September 26, 1975; Rockland Electric Company, Docket No. E-9001, order issued October 14, 1975; Northern States Power Company, Docket No. E-9148, order issued October 14, 1975; Nevada Power Company, Docket No. ER76-40, order issued October 15, 1975.

[4] Pending review in Georgia Power Company v. FPC, No. 75-1940, D.C. Circuit. Application for Stay, denied October 3, 1975.

[4] Fuel Adjustment Clauses in Wholesale Rate Schedule, Docket No. R-479, Order No. 517, issued November 13, 1974.

[5] Sierra Pacific Power Company, Docket Nos. E-7706 et al., Opinion No. 702, issued August 15, 1974.

[6] Opinion No. 702, mimeo at 9.

(5) Prior to the effective date of Sierra Pacific's proposed rate increase, Sierra Pacific should be required to file revised tariff sheets reflecting the elimination of CWIP from its rate base.

The Commission orders. (A) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Ch. I), a public hearing shall be held on March 16, 1976, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rate charges and conditions of service contained in the Company's rate increase filed August 25, 1975 as completed October 29, 1975.

(B) Pending a hearing and final decision thereon that portion of the Company's filing which is not based upon the inclusion of CWIP in the rate base is hereby accepted for filing, suspended and the use thereof deferred until December 29, 1975.

(C) Prior to the effective date of Sierra Pacific's proposed rate increase, Sierra Pacific shall file revised tariff sheets reflecting the elimination of CWIP from rate base.

(D) Sierra Pacific's request of waiver of our notice requirements to permit it to place Mt. Wheeler on interim Rate Schedule R on August 8, 1975 and permit it to charge that rate until the proposed increase becomes effective is hereby denied.

(E) On or before February 3, 1976, the Commission Staff shall serve its prepared testimony and exhibits. On or before February 17, 1976, the Intervenors shall serve their testimony and exhibits. On or before March 2, 1976, Sierra Pacific shall serve its rebuttal testimony and exhibits.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see delegation of authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(H) The above mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33945 Filed 12-16-75;8:45 am]

[Docket No. RP76-44]

SOUTHERN NATURAL GAS CO.

Proposed Changes in Gas Tariff

DECEMBER 9, 1975.

Take notice that Southern Natural Gas Company, on November 28, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 3. The proposed changes would increase revenues from a field sale to Sea Robin Pipeline Company under Southern's Rate Schedule F-9 by $32,451 based on an estimated sales volume for the twelve-month period succeeding the proposed effective date of January 1, 1976.

Southern states that this filing is being made to reflect the fixed annual escalation pursuant to § 2.56(a)(3) of the Federal Power Commission's general policy and interpretations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33931 Filed 12-16-75;8:45 am]

[Docket No. ER76-208]

SOUTHWESTERN ELECTRIC POWER CO.

Revisions to Previously Filed Rate Schedule Changes

DECEMBER 8, 1975.

Take notice that on November 24, 1975, Southwestern Electric Power Company (SWEPCO) tendered for filing certain revised sheets which are to replace those pages of the same title and page number filed in the above captioned docket on October 31, 1975. The earlier filing was noticed by the Commission on November 7, 1975.

SWEPCO states that the changes in the revised sheets are minor and do not affect the results contained in the original sheets.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33921 Filed 12-16-75;8:45 am]

[Docket No. CP75-358]

TENNESSEE GAS PIPELINE CO.

Order To Show Cause, Setting Date for Formal Hearing, Prescribing Procedures, and Denying Exemption

DECEMBER 10, 1975.

On June 5, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (TGP), filed in Docket No. CP75-358 an application as supplemented on July 24, 1975, pursuant to section 1(c) of the Natural Gas Act for exemption from jurisdiction of the Commission of its Line 400-1, the 16-inch San Salvador Line, all as more fully set forth in the application on file in this proceeding.

TGP's Line 400-1 was authorized by Commission Order dated July 3, 1946, in Docket No. G-660,[1] and constructed in that year. The 16-inch Line 400-1 is connected at 17 points to, and paralleled along its entire length (98.71 miles) by TGP's Line 400-2, a 26-inch pipe. Line 400-1 can be operated independently or in conjunction with Line 400-2. TGP alleges that because of declining deliverability from the producing area contiguous to these lines Line 400-1 is no longer being used to transport gas certificated for sale in interstate commerce. TGP further contends that Line 400-2 has approximately 249,000 Mcf/d surplus capacity per day. TGP reports that since November 27, 1974, Line 400-1 has been and is being operated as a separate pipeline solely and exclusively for the purpose of transporting intrastate gas, which is received from and redelivered to the Celanese Corporation (Celanese) within the State of Texas, pursuant to a transportation agreement dated December 17, 1957, as amended. The service to Celanese through the interstate facilities commenced January 1, 1958, and involved a commingled stream of Celanese's intrastate gas and TGP's interstate gas flow until November 27, 1974, when the exclusive use of interstate facilities for intrastate gas was initiated.

TGP states that its rates, service, and facilities for the transportation and sale of gas by Line 400-1 are subject to the jurisdiction of the Texas Railroad Com-

[1] 5 FPC 153 (1946).

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mission, which is exercising jurisdiction.

Upon this set of allegations we have before us an application for an exemption from our jurisdiction based upon section 1(c) of the Natural Gas Act.[2]

The purpose of section 1(c) of the Act is to exempt certain persons from compliance with the provisions of the Act to which they would otherwise be subject as a result of their operations involving "• • • natural gas received by such person within or at the boundary of a state • • •," i.e., gas that is moving in interstate commerce prior to its delivery to the applicant, which gas would subject the applicant to the Commission's jurisdiction. Section 152.3(c) of the Commission's rules and regulations concerning section 1(c) filings specifically states "• • • that all of the natural gas which applicant receives from out-of-state sources is and will be ultimately consumed within the State in which the operations sought to be exempted are conducted."

We have continually ruled that section 1(c) applies solely to interstate gas received within or at the boundary of a state, which gas is totally consumed within that state.[3]

The natural gas which flows through TGP's Line 400–1 is totally intrastate in character[4] prior to receipt by TGP. Consequently, the operations and facilities proposed to be exempted, are not within the contemplation of section 1(c).

We note further that another common element in section 1(c) exemptions we have granted to interstate pipeline companies is that of separate and unconnected systems, wherein the exempted facilities have been isolated from the main transmission system.[5] The instant case presents a pipeline configuration which is actually a loop line inextricably connected to the larger main line at 17 points by valves and certificated, inter alia, to "• • • become integral parts of applicant's transmission pipeline system and will be used in the transportation and sale of natural gas in interstate commerce."[6] At its sole discretion, TGP has "closed the values" in effecting an isolated system. The proposal is tantamount to exempting capacity in a single main transmission line from the provisions of the Act, which is not consonant with our interpretation of the section 1(c) exemption.

Therefore, after fully considering the allegations of TGP we find that TGP's request for an exemption pursuant to section 1(c) of the Natural Gas Act must hereinafter be denied.

Aside from the issue of the section 1(c) exemption requested, the application reveals that an unauthorized service has been conducted by TGP since 1958 utilizing certificated interstate facilities (Line 400–1) for the intrastate transportation of natural gas. TGP's application further reveals that since November 27, 1974, Line 400–1, a certificated facility, has been exclusively utilized for an intrastate service. In view of this action and its duration, we will issue an order requiring TGP to show cause why its aforecited actions should not to be held to be violations of the Natural Gas Act, particularly sections 7(b) and 7(c) thereof.

We will further order TGP to demonstrate how it treated the Line 400–1 with regard to each of its filings since January 1, 1958, for rate increases. Thus, information should be filed according to docket number for each rate proceeding since the inception of the service to Celanese.

The Commission finds. (1) TGP, a Delaware Corporation having its principal place of business in Houston, Texas, is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission in its order of July 12, 1947, in Docket No. G–910 (6 FPC 777).

(2) TGP has failed in its application in Docket No. CP75–358 to demonstrate that the hereinabove mentioned facilities and transportation of natural gas should be granted an exemption from Commission jurisdiction pursuant to Section 1(c) of the Natural Gas Act, therefore said exemption will be hereinafter denied.

(3) It may be that TGP has been and continues to be in violation of the Natural Gas Act and the Commission's regulations thereunder.

(4) It is necessary and appropriate that a public hearing be held on the matters involved and issues presented in this proceeding as hereinbefore described.

The Commission orders. (A) The application of TGP in Docket No. CP75–358 for exemption of the hereinbefore mentioned facilities and transportation of natural gas from the Commission's jurisdiction pursuant to section 1(c) of the Natural Gas Act is denied.

(B) TGP shall show cause, if any there be, at a hearing directed in paragraph (C) below, why it should not be held in violation of the Natural Gas Act and in particular section 7(b), 7(c) and 4 thereof as well as the Commission's regulations thereunder for not obtaining authorization from the Commission before abandoning jurisdictional facilities and for rendering a transportation service through jurisdictional facilities without certificate authorization and the related tariff filing.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7, 14, 15 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing concerning the matters involved and issues presented in this proceeding as hereinbefore set forth will be held in a hearing room of the Federal Power Commission, Washington, D.C., commencing at 10 a.m. (e.s.t.) on February 3, 1976. TGP shall file with the Secretary of the Commission and serve upon the Presiding Administrative Law Judge, the Commission Staff and all other parties, testimony and exhibits addressing the specific issues set forth in this order, including, but not limited to, the material relating to the rate treatment accorded the subject facilities, as well as any other testimony and exhibits, which TGP proposes to offer at the hearing on or before January 19, 1976.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose (see delegation of authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

By the Commission.[7]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33942 Filed 12-16-75;8:45 am]

[Docket No. CI76-269]

TEXACO INC.

Application

DECEMBER 9, 1975.

Take notice that on November 11, 1975, Texaco Inc. (Applicant), P.O. Box 52332, Houston, Texas 77052, filed in Docket No. CI76–269 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Columbia Gas Transmission Corporation (Columbia), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the gas proposed to be sold to Columbia is produced in Eugene Island Block 313, offshore Louisiana, and would be delivered at the inlet side of metering facilities on Applicant's platforms in Eugene Island Block 313 and Eugene Island Block 338, offshore Louisiana. It is stated that all commercially producable nautral gas reserves from the surface to the limit of each well bore on Platform "A" in Block 313 are committed to Columbia. The contract for the subject sale provides for a rate of $1.63 per Mcf at 15.025 psia; however, Applicant states that it is willing to accept a certificate conditioned to the rate set forth in § 2.56a of the Commission's general policy and interpretations (18 CFR 2.56a).

By letter accompanying the subject application Applicant requests that the Commission waive paragraph (d) of § 2.83 of the general policy and interpretations (18 CFR 2.83(d)). Applicant notes in the application that the contract for this sale contains no specific quantity delivery obligation and states that the obligations of Applicant and Columbia are based on a total quantity consisting of all available oil well gas production plus 90 percent of Applicant's gas well gas delivery capacity, which total quantity is subject to the physical capability of Applicant's wells to produce gas from time to time during the term of the contract under prudent operating practices and subject to the customary contractual reservations of gas for use in field and operating operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33932 Filed 12-16-75;8:45 am]

[Docket No. CP61–79]

TEXAS GAS TRANSMISSION CORP. AND UNITED GAS PIPE LINE CO.

Petition To Amend

DECEMBER 9, 1975.

Take notice that on November 17, 1975, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42301, and United Gas Pipe Line Company (United), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP61–79 a joint petition to amend the order issued in said docket on December 19, 1960 (24 FPC 1099), as amended, pursuant to section 7(c) of the Natural Gas Act by authorizing the exchange of gas between Petitioners at four additional delivery points in Webster, Ouachita, Acadia, and Allen Parishes, Louisiana, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Pursuant to the certificate issued in the subject docket on December 19, 1960, as amended, United and Texas Gas make exchanges of natural gas at various points under an exchange agreement between them dated August 30, 1960, as amended. Petitioners state that by a letter agreement dated August 6, 1975, Petitioners have further amended the exchange agreement to add four additional proposed points of delivery as follows:

1. At the outlet of the Beacon Gasoline Plant in Webster Parish, Louisiana,
2. At the outlet of the Calhoun Gasoline Plant in Ouachita Parish, Louisiana,
3. At a proposed exchange point to be constructed by United where United's 6-inch pipeline intersects Texas Gas's 4-inch pipeline in Acadia Parish, Louisiana, and
4. At the interconnection of United's 6-inch pipeline and Texas Gas's 8-inch pipeline in Allen Parish, Louisiana.

Petitioners state that the facilities required to be constructed in order to establish the proposed points of delivery in Acadia Parish are a 6-inch meter station, 300 feet of 4-inch pipeline and appurtenant facilities to be installed by United and a 2-inch side valve and related equipment between Texas Gas's pipeline and United's pipeline to be installed by Texas Gas. The estimated cost of the proposed facilities is said to be $65,093 of which Texas Gas's estimated cost will be $2,220, while United's estimated cost will be $62,873. Petitioners state that the additional delivery points will allow for greater flexibility in delivering gas from one party to the other in case of emergency or under other circumstances where such deliveries would be beneficial to fulfill the obligations of the Petitioners.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33933 Filed 12-16-75;8:45 am]

[Docket No. CP76–181]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

DECEMBER 9, 1975.

Take notice that on December 3, 1975, Transcontinental Gas Pipe Line Corporation (Transco); Post Office Box 1396; Houston, Texas 77001, filed in Docket No. CP76–181 an application pursuant to section 7 of the Natural Gas Act, as amended, the rules and regulations of the Federal Power Commission issued thereunder and § 2.79 of the Commission's general policy and interpretations, for a certificate of public convenience and necessity authorizing Transco to transport a quantity of natural gas estimated to be up to 700 Mcf per day on an interruptible basis for Dan River Inc. (Dan River), an industrial customer of the City of Danville, Virginia (Danville), a Transco CD–2 customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco states that the gas will be purchased by Dan River from production in the North Starks Field, Calcasieu Parish, Louisiana and delivered to Transco at a mutually agreeable existing tap and valve assembly on Transco's Main Line A in Calcasieu Parish, Louisiana. Transco will redeliver the transportation volumes to existing points of delivery to Danville for the account of Dan River. Dan River will pay Transco an initial charge of 22 cents per Mcf delivered to Danville for Dan River's account, and Transco will retain 3.8 percent of the transportation volumes for compressor fuel and line loss make-up.

The application states that the gas is intended for high-priority process use in Dan River's plant.

It appears reasonable and in the public interest to shorten the notice period for filing interventions and protests. Therefore, any person desiring to be heard or to make any protests with reference to said application should on or before December 19, 1975, file with the

[1] Section 1(c) The provisions of this Act shall not apply to any person engaged in or legally authorized to engage in the transportation in interstate commrece or the sale in interstate commerce for resale, of natural gas received by such person from another person within or at the boundary of a State if all the natural gas so received is ultimately consumed within such State, or to any facilities used by such person for such transportation or sale, provided that the rates and service of such person and facilities be subject to regulation by a State commission. The matters exempted from the provisions of this Act by this subsection are hereby declared to be matters primarily of local concern and subject to regulation by the several States. A certification from such State commission to the Federal Power Commission that such State commission has regulatory jurisdiction over rates and service of such person and facilities and is exercising such jurisdiction shall constitute conclusive evidence of such regulatory power or jurisdiction.

[2] Consolidated Gas and Utilities Corporation, 13 FPC 1459 (1954); United Gas Pipe Line Company, 35 FPC 172 (1966); Texas Gas Transmission Corporation, 38 FPC 855 (1967); Utah Gas Service Company, 38 FPC 1219 (1967; and Arkansas-Louisiana Gas Company, 34 FPC 1578 (1965).

[3] By letter filed August 21, 1975, in response to the Commission Staff's inquiry, Celanese advised that the gas it delivers to TGP for transportation is purchased from Amoco Production Company and emanates from, and is transported to TGP wholly within the State of Texas via Celanese's own facilities. At no time prior to receipt by TGP is the subject gas commingled with any other intrastate or interstate stream.

[5] Supra., at footnote 3.

[6] Finding Paragraph (1) in 5 FPC 153 (1946), which Order authorized Line 400–1.

[7] Commissioner Watt not participating.

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Federal Power Commission; Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33936 Filed 12-16-75;8:45 am]

[Docket No. CP76-184]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

DECEMBER 9, 1975.

Take notice that on December 3, 1975, Transcontinental Gas Pipe Line Corporation (Transco); Post Office Box 1396; Houston, Texas 77001, filed in Docket No. CP76-184 an application pursuant to section 7 of the Natural Gas Act, as amended, the rules and regulations of the Federal Power Commission issued thereunder and § 2.79 of the Commission's general policy and interpretations, for a certificate of public convenience and necessity authorizing Transco to transport a quantity of natural gas estimated to be 500 Mcf per day on an interruptible basis for Corning Glass Works (Corning), an existing industrial customer of the City of Danville, Virginia (Danville), a Transco CD-2 customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco states that the gas will be purchased by Corning from production in the Monroe Field, Union, Ouachita and Morehouse, Parishes, Louisiana and delivered to Transco at a mutually agreeable existing authorized exchange point between United Gas Pipe Line Company (United) and Transco. Transco will redeliver the transportation volumes to existing points of delivery to Danville for the account of Corning. Corning will pay Transco an initial charge of 22 cents per Mcf delivered to Danville for Corning's account, and Transco will retain 3.8 percent of the Transportation volumes for compressor fuel and line loss make-up.

The application states that the gas is intended for high-priority process use in Corning's Danville, Virginia plant.

It appears reasonable and in the public interest that the period for filing interventions and protests be shortened. Therefore, any person desiring to be heard or to make any protests with reference to said application should on or before December 19, 1975, file with the Federal Power Commission; Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33937 Filed 12-16-75;8:45 am]

[Docket No. CP76-185]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

DECEMBER 9, 1975.

Take notice that on December 3, 1975, Transcontinental Gas Pipe Line Corporation (Transco); Post Office Box 1396; Houston, Texas 77001, filed in Docket No. CP76-185 an application pursuant to section 7 of the Natural Gas Act, as amended, the rules and regulations of the Federal Power Commission issued thereunder and § 2.79 of the Commission's general policy and interpretations, for a certificate of public convenience and necessity authorizing Transco to transport a quantity of natural gas estimated to average 1,300 Mcf per day on an interruptible basis for Lithium Corporation of America (LCA), an existing industrial customer of Public Service Company of North Carolina, Inc. (Public Service), a Transco CD-2 customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco states that the gas will be purchased by LCA from production in the Monroe Field, Union, Ouachita and Morehouse Parishes, Louisiana and delivered to Transco at a mutually agreeable existing authorized exchange point between United Gas Pipe Line Company (United) and Transco. Transco will redeliver the transportation volumes to existing points of delivery to Public Service for the account of LCA. LCA will pay Transco an initial charge of 22 cents Mcf delivered to Public Service for LCA's account, and Transco will retain 3.8 percent of the transportation volumes for compressor fuel and line loss make-up.

The application states that the gas is intended for high-priority process use in LCA's Bessemer City, North Carolina plant.

It appears reasonable and in the public interest that the period for filing interventions and protests be shortened. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before December 19, 1975, file with the Federal Power Commission; Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33938 Filed 12-16-75;8:45 am]

[Docket No. CP72-182]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND TEXAS GAS TRANSMISSION CORP.

Petition To Amend

DECEMBER 9, 1975.

(Take notice that on November 24, 1975, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, jointly Petitioners, filed in Docket No. CP72-182, a petition to amend the order of the Commission of June 27, 1972 (47 FPC 1621), issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act to include the Tigre Lagoon Field, Vermilion and Iberia Parishes, Louisiana, as an authorized point of delivery of natural gas by Transco to Texas Gas for exchange, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioners state that Tigre Lagoon Field in Vermilion and Iberia Parishes was authorized as a delivery point by Texas Gas to Transco by order of the Commission of October 16, 1974. It is further stated that both Transco and Texas Gas purchase gas from various wells in the Tigre Lagoon Field, and that one of the wells to which Texas Gas is connected, the Union Oil Company of California's Brossard No. 8 Well, has been worked over and recompleted in shallower horizons, with the gas from said well being dedicated to Transco. To avoid the duplication of facilities it is proposed in the instant petition to amend that the Tigre Lagoon Field be authorized as a point of delivery of natural gas for Transco to Texas Gas in addition to the present authorization for delivery from Texas Gas to Transco.

The daily volume of gas estimated to be made available to Transco by the proposed delivery point is not expected to exceed 2,000 Mcf per day. Petitioners state that no charge is proposed for the exchange since Transco's gas delivered to Texas Gas would be redelivered to Transco at another location in the Tigre Lagoon Field.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33939 Filed 12-16-75;8:45 am]

[Docket No. RP76-42]

TRUNKLINE GAS CO.

Revision to Tariff

DECEMBER 9, 1975.

Take notice that on November 24, 1975, Trunkline Gas Company (Trunkline) tendered for filing Eighth Revised Sheet No. 37 to its FPC Gas Tariff, Original Volume No. 2. Trunkline states the Revised Sheets reflects a redetermination of the price to be paid under Rate Schedule F-2 as prescribed by the Commission in Ordering Paragraph (A) (a-3) of Opinion No. 699-H and in accordance with the provisions of its Rate Schedule.

Trunkline requests an effective date of January 1, 1976, for the Revised Sheet.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33940 Filed 12-16-75;8:45 am]

[Docket No. E-9198]

WISCONSIN POWER AND LIGHT CO.

Proposed Settlement

DECEMBER 8, 1975.

Take notice that on November 28, 1975, Wisconsin Power and Light Company (WP&L or Company) filed a Stipulation in the above-captioned docket pursuant to § 1.18 of the Commission's rules of practice and procedure. The Stipulation, signed by the Company, the Cooperative Intervenors, and the Municipal Wholesale Power Group as Intervenors, purports to settle all matters in controversy in this docket, which was initiated on December 30, 1974, when WP&L tendered for filing proposed changes in its W-2 and W-3 Electric Service Tariff, Wholesale for Resale Charges.

In the Stipulation, WP&L states that by negotiations, and as a result of conferences among all parties, including Commission Staff, said parties have jointly agreed to recommend to the Commission the provisions as contained in the subject Stipulation as a final settlement in this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33922 Filed 12-16-75;8:45 am]

[Docket No. ER76-297]

WISCONSIN PUBLIC SERVICE CORP.

Tariff Change

DECEMBER 9, 1975.

Take notice that Wisconsin Public Service Corporation on November 26, 1975, tendered for filing proposed changes in its Federal Power Commission Electric Service Tariff No. 32. Proposed changes in revenue as a result of this amendment are unknown as the quantities of energy to be exchanged are indeterminate. Proposed changes modify the Fuel Clause Adjustment to the FPC format and allow for the purchases of General Purpose Energy.

Copies of the filing were served upon the City of Marshfield.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-33941 Filed 12-16-75;8:45 am]

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[Docket No. CP76-152]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application; Correction

DECEMBER 12, 1975.

The notice of application issued in this docket on December 4, 1975, was in error and should be disregarded. A prior notice was issued November 10, 1975, and published in the FEDERAL REGISTER on November 17, 1975 (40 FR 53313).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34188 Filed 12-16-75;10:46 am]

FEDERAL RESERVE SYSTEM

CAPCO CORP.

Formation of Bank Holding Company

CAPCO Corporation, Lincoln, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of Citizens State Bank, Lincoln, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than January 12, 1976.

Board of Governors of the Federal Reserve System, December 10, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-33967 Filed 12-16-75;8:45 am]

CITIZENS BANCORP

Order Approving Formation of Bank Holding Company and Acquisition of Citizens Development Company

Citizens Bancorp, Albany, Oregon, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Citizens Valley Bank, Albany, Oregon ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of shares of Bank.

Applicant has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for the Board's approval to acquire 100 percent of the voting shares of the successor by merger to Citizens Development Company, Albany, Oregon ("CDC"), a company that presently engages in making loans; purchasing notes and contracts; and owning and leasing real and personal property.[1] The activities that Applicant proposes to engage in have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (40 FR 43095). The time for filing comments and views has expired, and the applications and all comments received have been considered by the Board in light of the factors set forth in section 3(c) of the Act, and the considerations specified in section 4(c)(8) of the Act.

Applicant was organized by the directors of Bank for the purpose of becoming a bank holding company through acquisition of Bank. Bank, with deposits of approximately $62 million, holds approximately 1 percent of the total commercial bank deposits in Oregon[2] and, based on June 30, 1974, branch deposit data, is the second largest of 5 banks located in the relevant banking market.[3] Inasmuch as Applicant has no existing subsidiary banks and the proposal represents merely a restructuring of Bank's ownership, the acquisition of Bank by Applicant would have no adverse effects on competition within the area served by Bank. Accordingly, it is concluded that competitive considerations are consistent with approval of the application.

The financial condition, managerial resources, and prospects of Bank are regarded as satisfactory and consistent with approval of the application. The management of Applicant is satisfactory, and Applicant's financial condition and prospects, which are dependent upon the profitable operations of both Bank and CDC, appear favorable. Accordingly, considerations relating to banking factors are consistent with approval of the application. Considerations relating to the convenience and needs of the communities to be served are also regarded as being consistent with approval of the application to acquire Bank. It is the Board's judgment that consummation of the proposal to form a bank holding company would be consistent with the public interest and the application should be approved.

Applicant has also applied to the Board to acquire all the voting shares of CDC pursuant to § 225.4(a)(1) of Regulation Y. CDC was organized by directors of Bank in 1960, and CDC and Bank have been affiliated through identical shareholders and identical boards of directors since the formation of CDC in 1960. The proposed subsidiary would engage in the activities of making personal and industrial loans, including loans on a participation basis with Bank, and purchasing discount contracts and mortgages. Such activities are to be conducted on the premises of Bank and of its branch offices. Applicant states that the other activities presently engaged in by CDC involving the ownership and leasing of certain real and personal property will be discontinued and such properties disposed of within a period of two years from the date as of which Applicant becomes a bank holding company, as required by section 4(a)(2) of the Act.[4] It does not appear that the acquisition of CDC would have any significant effect on existing or future competition. On the other hand, approval of the application would assure residents of the area of the continuance of a convenient source of the services described above, which factor the Board regards as being in the public interest. Furthermore, there is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors the Board must consider under section 4(c)(8) both favor approval of Applicant's proposals.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order; and neither the acquisition of Bank nor commencement of the proposed non-banking activities shall be accomplished later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority. The determination as to Applicant's proposed non-banking activities is subject to the conditions set forth in § 224.4(c) of Regulation Y and the Board's authority to require reports by, and make examination of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of

[1] Applicant will discontinue the owning and leasing of certain real and personal property within a period of two years from the date it becomes a bank holding company.

[2] All banking data are as of June 30, 1975, unless otherwise indicated.

[3] The market is approximated by Linn County.

[4] CDC has also, from time to time, sold debentures to the general public, the proceeds of which were invested in loan participations. In connection with this application, Applicant has indicated that, in the future, debentures will not be sold by Bank's employees nor on the premises of Bank. Moreover, debentures issued in the future will clearly indicate that they are not obligations of any bank, are not guaranteed by any bank, and are not covered by FDIC deposit insurance.

the Act and the Board's regulations issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[5] effective December 9, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-33966 Filed 12-16-75;8:45 am]

HAWKEYE BANCORPORATION

Acquisition of Bank

Hawkeye Bancorporation, Des Moines, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire indirectly 80.25 percent or more of the voting shares of Centerville National Bank, Centreville, Iowa, through acquisition of 100 percent of the voting shares of Centerville National, Inc., Centerville, Iowa, a bank holding company that owns 80.25 percent of the voting shares of Centerville National Bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 12, 1976.

Board of Governors of the Federal Reserve System, December 10, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-33968 Filed 12-16-75;8:45 am]

REPUBLIC OF TEXAS CORP.

Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of First National Bank of Henderson, Henderson, Texas; First Bank in Groveton, Groveton, Texas; and First Bank & Trust, Lufkin, Texas; and 24.9 per cent of the voting shares of Diboll State Bank, Diboll, Texas. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the applications should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 12, 1976.

Board of Governors of the Federal Reserve System, December 10, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-33969 Filed 12-16-75;8:45 am]

SOUTH DAKOTA BANCSHARES, INC.

Formation of Bank Holding Company

South Dakota Bancshares, Inc., Pierre, South Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 96.2 per cent or more of the voting shares of The Pierre National Bank, Pierre, South Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than January 9, 1975.

Board of Governors of the Federal Reserve Ssytem, December 9, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-33970 Filed 12-16-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 4, January 7, 1976, from 10 a.m. to 4 p.m., Room 5A, 1776 Peachtree Street, NW., Atlanta, Georgia 30309. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the prototypical design for the proposed Internal Revenue Service Tax Administration System Computer Building which may be located at various sites throughout the United States. If the program is approved and funded by Congress, site adaption at the Covington, Kentucky facility may be included in the contract. Frank and open discussion of the professional qualifications of the firms being considered is essential to insure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public.

Dated: December 5, 1975.

J. E. SMITH,
Acting Regional Administrator.

[FR Doc.75-33964 Filed 12-16-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR HUMAN CELL BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Human Cell Biology.
Date: January 10, 1976.
Time: 9:00 a.m.
Place: Room 338, National Science Foundation, 1800 G Street, NW., Washington, D.C.
Type of meeting: Closed.
Contact person: Dr. Herman W. Lewis, Acting Program Director, Human Cell Biology, National Science Foundation, Rm. 326, Washington, D.C. 20550, telephone (202) 632-4200.
Purpose of advisory panel: To provide advice and recommendations concerning support for research in Human Cell Biology.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5) and (6).
Authority to close meeting: The determination made on February 21, 1975, by the Director of the National Science Foundation pursuant to provisions of section 10(d) of Pub. L. 92-463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

DECEMBER 12, 1975.

[FR Doc.75-33887 Filed 12-16-75;8:45 am]

FEDERAL AGENCY SCIENTIFIC AND TECHNICAL INFORMATION MANAGERS' INTERAGENCY COMMITTEE

Meeting

The Federal Agency Scientific and Technical Information Managers' Meeting will be held on January 14, 1976, from 9:30 a.m. to 12 noon in Rm. 1105, Department of State, 2201 C Street, NW., Washington, D.C. This NSF-sponsored interagency committee provides a forum for interchange of information concerning common problems and coordination in the Federal effort regarding national/international scientific and technical information and communication areas. The agenda for this meeting will consist of discussions of international policy issue and strategies.

[5] Voting for this action: Chairman Burns, Governors Bucher, Coldwell, and Jackson. Absent and not voting: Governors Mitchell, Holland, and Wallich.

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The membership of this interagency committee is comprised solely of Federal employees and officers, and does not fall under the provisions of the Federal Advisory Committee Act (P.L. 92–463). However, members of the public are invited to attend this meeting. Any persons wishing to attend or requiring further information should contact Mr. Andrew A. Aines, Office of Science Information Service, Rm. 719–P, National Science Foundation, Washington, D.C. 20550, telephone 202/632–5836.

FRED K. MURAKAMI,
Management Analysis Officer.

DECEMBER 11, 1975.

[FR Doc.75–33888 Filed 12–16–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–261]

CAROLINA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commisison) has issued Amendment No. 16 to Facility Operating License No. DPR–23 issued to Carolina Power & Light Company which revised Technical Specifications for operation of the H.B. Robinson Steam Electric Plant Unit No. 2, located in Darlington County, Hartsville, South Carolina. The amendment is effective as of its date of issuance.

This amendment deletes provisions in the Technical Specifications relating to the requirement for certain local leak rate testing for the Robinson-2 containment system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated December 3, 1975, (2) Amendment No. 16 to License No. DPR–23, with Change No. 41 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 5th day of December, 1975.

For The Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.75–33894 Filed 12–16–75;8:45 am]

[Docket No. 50–409]

DAIRYLAND POWER COOPERATIVE (LA CROSSE BOILING WATER REACTOR)

Determination With Respect to Request for Variance From the Interim Acceptance Criteria

On August 5, 1974, The Atomic Energy Commission's Regulatory staff (now NRC staff) issued to Dairyland Power Cooperative (the licensee) a Determination (38 FR 29217, August 14, 1974) which granted a variance extending the time until November 1, 1975, for the La Crosse Boiling Water Reactor (LACBWR or the facility) to achieve compliance with the Commission's Interim Acceptance Criteria (IAC) for Emergency Core Cooling Systems (ECCS) for Light-Water Power Reactors set forth in the Commission's Interim Policy Statement (26 FR 12247, June 29, 1971).

By letter dated October 10, 1975, the licensee requested that the November 1, 1975, date for achieving compliance with the IAC for the facility be extended to March 1, 1976.

On October 29, 1975, the Director of Nuclear Reactor Regulation issued concurrently a Determination extending the November 1, 1975, date for compliance with the IAC to November 21, 1975, and a Notice of Request for Variance. The Determination and the Notice were published in the FEDERAL REGISTER (40 FR 51507) on November 5, 1975. The purpose of this extension of time was to permit the NRC staff to carefully review the request for variance and any public comments thereon. The licensee's October 10, 1975, request (received 15 days prior to the November 1, 1975, deadline for achieving compliance with the IAC) did not permit sufficient time for public comment and careful consideration. The notice advised that the Commission was considering granting a variance from the IAC. This notice also invited the submission of views and comments by any interested persons.

On November 18, 1975, the Director of Nuclear Reactor Regulation issued a Determination extending the November 21, 1975, date for achieving IAC compliance to Demember 5, 1975. This extension of time was granted because a delay between the time of issuance of the Notice by the Nuclear Regulatory Commission and publication in the FEDERAL REGISTER provided only two days between the notice period termination date (November 19, 1975) and the expiration date (November 21, 1975) of the October 29, 1975, Determination. The NRC staff did not believe that the two days would provide sufficient time for receipt and meaningful review of comments from members of the public.

On November 18 and 20, 1975, comments were filed with the Commission, addressing the Notice of Request for Variance. In substance, the comments stated that the facility does not meet the requirements of the IAC and therefore further variances should not be granted.

By Determination of October 29, 1975, and subsequent Determination of November 18, 1975, we extended the date by which operation of the facility must be in conformity with the IAC from November 1, 1975, to December 5, 1975. This extension was granted so that we might carefully review the Dairyland Power Cooperative variance request and comments from interested persons before making a final disposition of this request. Having completed these reviews, we find that it would be in the public interest to grant a variance subject to the terms and conditions discussed below. In conjunction with this Determination we have addressed the comments provided by interested parties.

Dairyland Power Cooperative's efforts to upgrade the ECCS compatibility of the facility have received close scrutiny by the staff of the Commission and that of its predecessor, the Atomic Energy Commission. See Determination dated June 28, 1974; extending July 1, 1974, date for compliance with Interim Acceptance Criteria to August 5, 1974, (39 FR 24942) Determination, dated August 5, 1974, (38 FR 29217, August 14, 1974) granting variance from IAC until November 1, 1975; Determination dated October 29, 1975, (40 FR 51507, November 5, 1975) granting variance from IAC until November 21, 1975; Determination dated November 18, 1975 (40 FR 54480, November 24, 1975) granting variance from IAC until December 5, 1975. Each of these determinations granting variances or extensions of time with respect to actions associated with upgrading of the LACBWR ECCS was predicated upon findings that reasonable efforts were being made to accomplish ECCS modifications at the earliest practicable date, and that continued operation of the reactor would not adversely affect the health and safety of the public.

These findings were premised upon two principal factors. First, since the facility could meet the performance requirements of the IAC under most postulated accident conditions (though required redundancy of emergency cooling systems and power sources was missing), reliance was placed on the extremely low probability of a loss of coolant accident (LOCA) occurring simultaneously with a loss of all offsite power sources. Second, increased assurance with respect to the adequacy of protection was based upon:

(a) LACBWR capability to detect primary coolant leaks or potential leaks before cracks could propagate appreciably,

(b) trebled in-service inspection frequency,

(c) modifications to be performed to increase the reliability of installed systems in consideration of long term operation, and

(d) special reporting requirements with respect to continued efforts to upgrade the facility's ECCS.

To date, plant modifications and procedures that have been completed or implemented in accordance with the conditions of the August 5, 1974 Determination to increase the reliability of installed emergency core cooling systems and associated power supplies are as follows:

(1) The existing on-site emergency diesel generator has been modified to be started by a low reactor vessel water signal in addition to the existing automatic start on low essential bus voltage. This modification will provide emergency on-site power more expediently in accident situations if off-site power is lost.

(2) An additional high reactor vessel water level switch has been installed to stop the high pressure core spray pumps at a high reactor water level of 19 inches (Safety Evaluation dated August 8, 1975). This modification will serve to further decrease the probability of single failure in the ECCS.

(3) Additional switches have been installed in series with the boron-emergency core spray system control value solenoids. These switches will eliminate the possibility of a single failure (the boron injection push button switch that could otherwise energize the control valves diverting emergency core coolant) from rendering the ECCS inoperable.

(4) The frequency of the existing diesel generator start test has been increased to bi-weekly. Increasing the diesel generator start test frequency will decrease the probability of a malfunction occurring when the unit is called upon to perform.

(5) In addition to these modifications and the progress reports required by the determination of August 5, 1974, LACBWR has produced approximately 37,000 Megawatt-hours of electrical energy at a reactor power level of 95 percent without any major problems or incidents. During this period an inspection of all pipe welds was performed in accordance with the NRC Inspection & Enforcement Bulletin No. 75–01A; no defects or leaks were observed.

(6) In accordance with our request (AEC letter, dated May 8, 1974) the licensee submitted an analysis based on the ECCS regulation identified in 10 CFR 50.46, and Appendix K. We have evaluated the analysis performed by the licensee to determine whether it conforms with the essential elements of those requirements of Appendix K to 10 CFR Part 50 which are applicable to stainless steel clad fuel in the LACBWR core and have found that LACBWR meets the intent of the rule. To further assess the reliability of the modifications performed and to assure conformance with current rules and regulations regarding ECCS, we have requested the licensee to evaluate their systems to specifically determine where they may be susceptible to single failure and propose modifications if appropriate. The requested analysis is forthcoming. Based on our review of the LACBWR ECCS system we find that, with the exception of the planned diesel generator modification and some minor modifications which may evolve as a result of the forthcoming single failure analysis, the facility meets the requirements of the IAC.

The justification relied upon for the presently requested variance from the IAC is the same as that which supported the grant of previous IAC variances for LACBWR. As discussed above, such variances for this facility rested not only upon the extremely low probability of a loss-of-coolant accident simultaneously with a loss of all off-site power, but also upon heightened in-service inspection frequency and other measures designed to increase the reliability of the present ECCS. Since these considerations remain unchanged, they continue to provide reasonable assurance that operation of the facility beyond December 5, 1975, will not adversely affect the health and safety of the public.

The licensee's request for variance stated that due to equipment delays and expected energy needs in the area, application of the IAC to the facility is not practicable by November 1, 1975, and that an extension until March 1, 1976, to achieve IAC compliance was warranted because of energy needs in the licensee's service area. Since receipt of the request we have met with licensee and have reviewed their proposed schedule for completion of the modifications and the various equipment delivery schedules. In light of our general knowledge of installation requirements and the procurement situation for nuclear reactor grade equipment and our recognition that the licensee has taken all reasonable steps that could result in shortening of the diesel generator installation schedule, we are satisfied that the present schedule for having all additional components delivered on-site by January 22, 1976, represents a reasonable minimum time for receipt of equipment and that no other reasonable alternatives can be employed to further improve the schedule. In addition, we recognize that further delays in component delivery may occur which are beyond the licensee's control. However, we have also assessed the energy requirements of the area served by the licensee and have concluded that cessation of plant operation by March 1, 1976, will not adversely affect the licensee's energy commitment to the area. We have therefore concluded that good cause exists for granting a further variance extending the date for compliance with the IAC for this facility, and that it is in the public interest to allow LACBWR to operate until the critical items needed to complete the diesel generator modification are delivered on-site, and installed, and all wiring completed which can be performed while the facility is in operation, or until March 1, 1976 (whichever is earlier) based on our conclusion that the public health and safety will not be adversely affected, and on consideration of the licensee's assessment that the unavailability of LACBWR from December 5, 1975 to March 1, 1976, could necessitate the use of approximately eight million gallons of fuel oil or purchased power for replacement capacity representing a differential cost increase of approximately 2.4 million dollars, the bulk of which would be passed on to the consumer.

We have considered all the comments submitted to the Commission by interested parties, in response to the November, 5, 1975, Notice, and have addressed all but one of these concerns in the preceding paragraphs.

The remaining item states that variances granted after November 1, 1975, could have been avoided because the licensee's August 26, 1975, progress report on IAC indicated that late delivery of key items would hamper their effort to comply with the IAC by November 1, 1975. This was brought to our attention early in July 1975 and discussed with the licensee. During these discussions and subsequent discussions in early October 1975, the licensee stated that it was their intention to cease operation of the facility on November 1, 1975, and to remain shutdown until such time that the diesel generator modifications were completed. However, due to unscheduled outages of the licensee's fossil plants, the licensee reassessed their energy requirements and concluded that continued operation of LACBWR would provide the voltage regulation necessary to insure the security of the utility system serving the area. Thus on October 10, 1975, DPC requested a variance from the IAC to extend the IAC compliance date to March 1, 1976 for the facility.

Based on the foregoing considerations, we find that cessation of operation of the licensee's facility on December 5, 1975, is not warranted, and the date by which operation of the facility must be brought into conformity with the IAC is hereby extended through March 1, 1976, subject to the following conditions:

(1) Dairyland Power Cooperative shall exert its best efforts to complete the proposed ECCS modifications at the earliest possible date.

(2) The bi-weekly start testing of the existing diesel generator shall remain in effect until such time that the facility conforms to the IAC.

(3) Dairyland Power Cooperative shall report periodically, but not less than once every three weeks commencing with the date of this Determination, to the Director of Nuclear Reactor Regulation, its progress in attempting to achieve

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compliance with the IAC. Should these reports reveal that the licensee is not pursuing such compliance in a reasonably diligent manner, the variance may be subject to revocation.

(4) This extension shall expire on March 1, 1976.

Dated at Bethesda, Md., this 4th day December, 1975.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc.75-33895 Filed 12-16-75;8:45 am]

[Docket Nos. 50-488—50-490]

DUKE POWER CO. (PERKINS NUCLEAR STATION, UNITS 1, 2 AND 3)

Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this proceeding:

Alan S. Rosenthal, Chairman
Dr. Lawrence R. Quarles
Richard S. Salzman

Dated: December 10, 1975.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.33896 Filed 12-16-75;8:45 am]

[Docket No. P-636-A]

FLORIDA POWER & LIGHT CO.

[TWO UNITS]

Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

DECEMBER 17, 1975.

Florida Power & Light Company (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated July 14, 1975, in connection with its plans to construct and operate two nuclear power reactors. At this time, final decisions have not been reached with respect to site selection, and it is possible that more than one site will be utilized. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application, consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to § 2.101 of Part 2, is expected to be filed during 1976. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., 20555. As soon as a site is selected, a Local Public Document Room will be established where related documents will be made available for public inspection. Docket No. P-636-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation on or before January 26, 1976.

Dated at Bethesda, Md., this 20th day of November 1975.

For The Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Project Branch 1-3, Division of Reactor Licensing.

[FR Doc.75-31859 Filed 11-25-75;8:45 am]

[Dockets Nos. 50-250 and 50-251]

FLORIDA POWER AND LIGHT CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 14 and No. 13 to Facility Operating Licenses Nos. DPR-31 and DPR-41, respectively, issued to Florida Power and Light Company which revised Technical Specifications for operation of the Turkey Point Nuclear Generating Units 3 and 4, located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendment modifies the operating limits in the Technical Specifications to allow operation of Turkey Point Nuclear Generating Unit 3, following refueling, at 2100 psia until the extended fuel residence time is reached. The operating limits for Unit 4 set forth in the Technical Specifications remain unchanged although the Unit 4 Technical Specifications will be modified to reflect the revisions to the Unit 3 Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on October 31, 1975 (40 FR 50745). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated September 9, 1975 and supplements dated October 29, November 21 and November 26, 1975, (2) Amendments Nos. 14 and 13 to Licenses Nos. DPR-31 and DPR-41, with Change No. 26 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental & Urbal Affairs Library, Florida International University, Miami, Florida 33199.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 11th day of December, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-33897 Filed 12-16-75;8:45 am]

[Docket No. 50-227]

GENERAL ATOMIC CO.

Order Terminating Facility Operating License

The Nuclear Regulatory Commission (the Commission) has found that the General Atomic Company TRIGA Mark III reactor, located at Torry Pines Mesa, near San Diego, California, has been dismantled and decontaminated, and that satisfactory disposition has been made of the component parts and fuel in accordance with the Commission's regulations in 10 CFR Ch. I, and in a manner not inimical to the common defense and security or to the health and safety of the public. The facility was dismantled pursuant to a Commission Order dated August 15, 1975.

The facility area has been inspected by the Commission's Office of Inspection and Enforcement and radiation surveys confirm that radiation levels meet the values defined in the decommissioning plan.

Therefore, pursuant to the application by General Atomic Company, dated September 23, 1975, as supplemented on October 29, 1975, Facility Operating License No. R-100 is hereby terminated as of the date of this order.

Dated at Bethesda, Md., this 10th day of December, 1975.

For the Nuclear Regulatory Commission.

KARL R. GOLLER,
Assistant Director for Operating Reactors, Division of Reactor Licensing.

[FR Doc.75-33898 Filed 12-16-75;8:16 am]

[Docket Nos. 50-458 and 50-459]

GULF STATES UTILITIES CO.

Establishment of Local Public Document Room

Notice is hereby given that the Nuclear Regulatory Commission has established an additional Public Document Room at the Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803, where members of the public can inspect documents and correspondence related to the Gulf States Utilities Company's application for authorization to construct and operate the proposed River Bend Station, Units 1 and 2, which are to be located in West Feliciana Parish, Louisiana. Notice of receipt of the application was published in the FEDERAL REGISTER on October 23, 1973 (38 FR 29245).

Copies of documents and correspondence are also available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Audubon Library, West Feliciana Branch, Ferdinand Street, St. Francisille, Louisiana 70775.

Dated at Bethesda, Md., this 4th day of December 1975.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Project Brach 2-1, Division of Reactor Licensing.

[FR Doc.75-33899 Filed 12-16-75;8:45 am]

[Docket Nos. 50-461, 50-462]

ILLINOIS POWER CO. (CLINTON POWER STATION, UNITS 1 AND 2)

Order Setting Evidentiary Hearing on Further Health and Safety Issues

On December 7, 1973, the United States Atomic Energy Commission[1] published a "Notice of Hearing on Application for Construction Permits", (38 FR 33789) with respect to the application filed by Illinois Power Company ("Applicant") for construction permits for two boiling water nuclear reactors designated as Clinton Power Station Units 1 and 2, proposed to be located at Applicant's site in DeWitt County, approximately six miles east of Clinton, Illinois.

Sessions of the evidentiary hearing were held before this Atomic Safety and Licensing Board ("Board") between June 17, 1975 and July 3, 1975. Thereafter, the Board issued a Partial Initial Decision on environmental and site suitability determinations on September 30, 1975 (LBP-75-59, NRC-75/9, at p. 579). The purpose of this Notice of Hearing is to set a date for the commencement of the evidentiary hearing on health and safety issues in the above-identified proceeding.

Accordingly, please take notice: *And it is hereby ordered,* That an evidentiary hearing on health and safety issues will be held at 10:00 a.m., local time, on Wednesday, January 7, 1976 in the Holiday Inn Decatur, U.S. Route 36 W and Wycles Road, Decatur, Illinois 62522. The hearing shall run continuously until all evidence has been received on health and safety issues or until continued by further order of the Board.

Members of the public are invited to attend this evidentiary hearing and individuals or organizations wishing to make a limited appearance pursuant to 10 CFR 2.715(a) will be permitted to do so on the first morning of the session.

The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the evidentiary hearing, will be permitted both before and after the evidentiary hearing and during any recess. The use of such equipment will not, however, be allowed while the evidentiary hearing is in session.

Issued at Bethesda, Md., this 9th day of December 1975.

By order of the Atomic Safety and Licensing Board.

ROBERT M. LAZO,
Chairman.

[FR Doc. 75-33900 Filed 12-16-75;8:45 am]

[1] In accordance with the Energy Reorganization Act of 1974, Pub. L. 93-438, 88 Stat. 1233, the Nuclear Regulatory Commission (NRC) was established on January 19, 1975. The NRC assumed the licensing and regulatory functions of the former Atomic Energy Commission.

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Proposed Issuance of Amendment to Provision Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-16 issued to Jersey Central Power & Light Company (the licensee), for operation of the Oyster Creek Nuclear Generating Station, located in Lacey Township, Ocean County, New Jersey.

The amendment would revise the provisions in the Technical Specifications to (1) allow the facility to remain in the shutdown refueling, or startup mode with reduced core spray system capability for the duration of the outage during which improvements to the ECCS system are made, and (2) provide operability requirements for the condensate system until the ECCS modifications are completed, in accordance with the licensee's application for amendment dated June 24, 1975 and supplements dated July 15, November 7, and December 3, 1975.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By January 16, 1976 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to George F. Trowbridge, Esq., Shaw, Pittman, Potts, Trowbridge & Madden, 910 17th Street, NW., Washington, D.C. 20016, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated June 24, 1975, and supplements dated July 15, November 7, and December 3, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey 08753. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request ad-

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dressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 10th day of December 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-33891 Filed 12-16-75;8:45 am]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Proposed Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission is considering issuance of an amendment to Provisional Operating License No. DPR-16 issued to Jersey Central Power & Light Company (the licensee), for operation of the Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey.

The amendment would revise the provisions in the Technical Specifications to (1) revise the fuel cladding integrity safety limit based on revised minimum critical power ratio (MCPR) criteria for avoiding boiling transition during transient conditions, and (2) provide for a variable MCPR during steady state operation as a function of the degree of operability of the average power range monitor (APRM) system based on rod withdrawal error transient analyses.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By January 16, 1976 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject provisional operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, Barr Building, 910 17th Street, NW., Washington, D.C. 20006.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine the witnesses.

For further details with respect to this action, see the application for amendment dated October 20, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey 08753. The license amendment and the Safety Evaluation when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commmission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 8th day of December, 1975.

For the Nuclear Regulatory Commission.

DONALD M. ELLIOTT,
Acting Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[Docket Nos. 50-282; 50-306]

NORTHERN STATES POWER CO. (PRAIRIE ISLAND NUCLEAR GENERATING PLANT, UNITS 1 AND 2)

Evidentiary Hearing

DECEMBER 10, 1975.

The evidentiary hearing on the steam generator tube integrity issue will commence at 9:30 a.m. (CST) on Tuesday, January 6, 1976 in the Courtroom of the United States Court of Appeals for the Eighth Circuit, 5th floor, U.S. Federal Building and Courthouse, 316 North Robert Street, St. Paul, Minnesota.

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-33901 Filed 12-16-75;8:45 am]

[Dockets Nos. 50-277, 50-278]

PHILADELPHIA ELECTRIC CO. ET AL.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 10 and 8 to Facility Operating Licenses Nos. DPR-44 and DPR-56, respectively, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, for operation of the Peach Bottom Atomic Power Station, Units 2 and 3, located in York County, Pennsylvania. The amendments are effective as of the date of issuance.

The amendments extend the date for implementation of License Amendments Nos. 12 and 10, issued on November 10, 1975 and which were to be effective on December 10, 1975, to January 1, 1976.

The application for License Amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for License Amendments dated December 4, 1975, (2) Amendments Nos. 10 and 8 to Licenses Nos. DPR-44 and DPR-56, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 10th day of December, 1975.

For the Nuclear Regulatory Commission.

DONALD M. ELLIOTT,
Acting Chief, Operating Reactos Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-33903 Filed 12-16-75;8:45 am]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO. ET AL.

Issuance of a Facility Operating License; Correction

In the matter of Portland General Electric Company, the City of Eugene, Oregon, Pacific Power and Light Company and Trojan Nuclear Plant.

The captioned F.R. Doc. 75-32273, published on page 55723 on Monday, December 1, 1975, was incorrect in referring to the Initial Decision issued by the Atomic Safety and Licensing Board on January 28, 1974, which continued in effect Construction Permit No. CPPR-79 for the Trojan Nuclear Plant, as the Initial Decision which authorized issuance of the operating license.

The Initial Decision which authorized issuance of the operating license was issued by the Atomic Safety and Licensing Board on February 4, 1974.

Dated at Bethesda, Md., this 11th day of December, 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Division of Reactor Licensing.

[FR Doc.75-33902 Filed 12-16-75;8:45 am]

[Docket No. 50-376]

PUERTO RICO WATER RESOURCES AUTHORITY (NORTH COAST NUCLEAR PLANT UNIT 1)

Postponement of Special Prehearing Conference

At the request of the Applicant and the Intervenor the special prehearing conference in the above matter, originally scheduled for Wednesday, January 7, 1976, is being postponed. A revised schedule will be issued at a later date.

It is so ordered.

For the Atomic Safety and Licensing Board.

Dated at Bethesda, Md., this 10th day of December 1975.

JAMES R. YORE,
Chairman.

[FR Doc.75-33904 Filed 12-16-75;8:45 am]

[Dockets Nos. 50-280, 50-281]

VIRGINIA ELECTRIC & POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 13 to Facility Operating Licenses Nos. DPR-32 and DPR-37 issued to Virginia Electric & Power Company which revised Technical Specifications for operation of the Surry Power Station, Units 1 and 2, located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments revise the provisions in the Technical Specifications relating to 3 miscellaneous items. These changes include: (1) A revised surveillance requirement in the Inservice Inspection Program, (2) an error correction, and (3) a revised limiting condition for operation in the fuel oil system for the emergency diesel-generators.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendments dated September 17, 1975, (2) Amendments No. 13 to licenses Nos. DPR-32 and DPR-37, with Change No. 28 and (3) the Commission's related Safety Evalaution. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C. and at the Swem Library, College of William & Mary, Williamsburg, Virginia.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 8th day of December, 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch 4, Division of Reactor Licensing.

[FR Doc.75-33905 Filed 12-16-75;8:45 am]

DEPARTMENT OF LABOR

Interdepartmental Workers' Compensation Task Force

OCCUPATIONAL DISEASES AND WORKERS' COMPENSATION

Conference

Notice is hereby given that a Conference on Occupational Diseases and Workers' Compensation will be held on February 10-12, 1976 at the University of Chicago, Center for Continuing Education, 1307 East 60th Street, Chicago, Illinois. The Conference will begin each day at 9:00 a.m. All meetings will take place in the Assembly of the Center. The agenda for the Conference is as follows:

I. Magnitude of the Occupational Disease Problem—curently available data; coverage and costs of occupational diseases re Workers' Compensation; additional information and methodology needed for improved assessment of magnitude.

II. Medical Aspects of Determining Causality—i.e., how the medical decision is made as to whether or not and to what extent a worker's disease/illness is related to work.

III. Legal/Administrative Aspects of Handling Occupational Diseases Within Workers' Compensation (Federal and State)—evidence required under various Workers' Compensation systems; mechanisms for facilitating determination, e.g., presumptions, guidelines; current practices and needs.

IV. Program Interrelationships and Costs—primary compensation; alternative approaches; benefit and administrative costs; options for financing.

This Conference is open to the public. It is suggested that persons planning to attend this Conference as observers contact Ms. June M. Robinson, Interdepartmental. Workers' Compensation Task Force on (Area Code 202) 961-4403.

Signed at Washington, D.C., this 10th day of December 1975.

J. HOWARD BUNN, JR.,
Director, Interdepartmental Workers' Compensation Task Force.

[FR Doc 75-34012 Filed 12-16-75;8:45 am]

Office of the Secretary

[TA-W-215]

CONSO PRODUCTS CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-215; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 2, 1975 in response to a worker petition received on October 1, 1975 which was filed by the Textile Workers Union of America on behalf of workers and former workers producing tiebacks, holdbacks, decorative trimmings and auxiliary products at the Montgomery, Pennsylvania plant.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 48414) on October 15, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Conso Products Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number of proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or

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partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers declined 16 percent in the first 9 months of 1975 compared to the like period in 1974.

Sales or production, or both, have decreased absolutely. Sales at the Montgomery plant increased 14 percent in the first 9 months of 1975 compared to the like period in 1974. Production declined 15 percent in the first 9 months of 1975 compared to the like period in 1974. The plant is scheduled to be shutdown December 15, 1975.

Increased imports contributed importantly. Imports of tiebacks like or directly competitive with those produced at the Montgomery plant decreased in value from 105 thousand dollars in the first 7 months of 1974 to 80 thousand dollars in the first 7 months of 1975.

The evidence developed by the Department's investigation indicated that the principal products at the Montgomery plant are tiebacks and decorative trim, accounting for approximately 75 percent of total plant production. Industry analysts have found no evidence of imported decorative trim competitive with Conso's trim produced at the Montgomery plant. Imports of tiebacks have been negligible. In 1974, imports of tiebacks amounted to 3 percent of the total U.S. sales of tiebacks. In the first 7 months of 1975, imports of tiebacks declined 24 percent by value compared to the same period in 1974.

Imports of zippers increased 8 percent by quantity in 1974 compared to 1973. The ratio of zipper imports to domestic sales increased from 6.9 percent in 1973 to 8.4 percent in 1974. Approximately 10 percent of the total workforce at the Montgomery plant are engaged in the production of zippers. The small increase in imports of zippers in 1974 did not contribute importantly to the decline of total production and total employment at the Montgomery plant.

Industry analysts have not found any evidence of imports for pleater hooks or holdbacks, the other products produced at the Montgomery plant.

In a survey of Conso's customers, none were found that switched from Conso's products to competitive imports. Price and delivery delays were given as the major reasons for switching from Conso's products to other domestically-produced products.

Conclusion. After careful revew of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with tiebacks, holdbacks, zippers, pleater hooks, and decorative trim produced at the Montgomery, Pennsylvania plant of Conso Products Company did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 4th day of December 1975.

GLORIA G. PRATT,
Director,
Office of Foreign Economic Policy.

[FR Doc.75-34017 Filed 12-16-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 932]

ASSIGNMENT OF HEARINGS

DECEMBER 12, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. MC 140886, Mayfield Motor Line, Inc., now assigned January 19, 1976, at Nashville, Tenn., will be held in Room 651, Federal Courthouse Bldg., 8th & Broad Street.

MC 135646 Sub 3, Jimmie W. Dervan dba Dervan Cartage Service, now assigned January 28, 1976, at Atlanta, Ga., will be held in Room 305, 1252 Peachtree Street, N.W.

MC 139134 Sub 2, Kennedy Motors, Inc., now assigned January 19, 1976, at Los Angeles, Calif., will be held in Room 1501 Courthouse, 312 North Spring Street.

MC 140651, Rocky Mountain Trout, Inc., now assigned January 22, 1976, at Salt Lake City, Utah, will be held in B-20 Federal Building, 125 S. State Street.

MC-F-12573, Noble Transport, Inc.—Purchase (Portion)—R. Clyde Ashworth Transfer, Inc. and MC-F-12574, Kenneth Savage, Neal Savage, and T. Luke Savage dba Savage Brothers — Control — Ashworth Transfer, Inc., now assigned January 26, 1976, at Salt Lake City, Utah, will be held in B-20 Federal Building, 125 S. State Street.

MC 119619 Sub 82, Distributors Service Co., now assigned February 2, 1976, at Denver, Colo., will be held in Room 595, Tax Court, 1961 Stout Street.

MC 19227 Sub 213, Leonard Bros. Trucking Co., Inc., now assigned January 13, 1976, at Dallas, Tex., will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 111231 Sub 193, Jones Truck Lines, Inc., now assigned January 14, 1976, at Dallas, Tex., will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 140811 Sub 1, Richard R. Shultz, dba Carrier Trucking, now assigned January 15, 1976, at Dallas, Tex., will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 135486 Sub 11, Jack Hodge Transport, Inc., now assigned January 16, 1976, at Dallas, Tex., will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

No. 35957, Southern Clay Products, Inc., v. Southern Pacific Transportation Company, ET AL., and No. 36160, Sikes Corporation v. Southern Pacific Transportation Company, now assigned January 19, 1976, at Dallas, Tex., will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 111729 Sub 555, Purolator Courier Corp., now assigned January 12, 1976, at Dallas, Tex. will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-33998 Filed 12-16-75;8:45 am]

[I.C.C. O. 143, Amdt. 2; Rev. S. O. 994]

ASSOCIATION OF AMERICAN RAILROADS

Rerouting or Diversion of Traffic

TO ALL RAIROADS: Upon further consideration of I.C.C. Order No. 143, and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 143 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 15, 1975, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 10, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc75-33999 Filed 12-16-75;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 12, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Intrastate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Colorado Docket No. 28537-Extension filed July 23, 1975. Applicant: LEROY K. WHITT, doing business as, WHITT TRANSFER & STORAGE CO., 314 Lamkin Street, Pueblo, Colo. 81003. Applicant's representative: Kenneth R. Hoffman, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, Colo. 80203. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Applicant seeks an extension of the authority under PUC No. 2288 by the addition of the following authority: Transportation of *household goods*, between all points in the State of Colorado, restricted (A) The term "household goods" means (1) personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwellings; (2) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; and (3) articles, including objects of art, displays, and exhibits, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods. (B) Notwithstanding the provisions of restriction (A) this authority shall be restricted against the transportation of money, coins, currency, gold, silver, bullion, jewelry, checks, bank drafts, negotiable instruments, business papers, securities, valuables, mail and inter-office correspondence, and other valuable papers. (C) Paragraph 4 hereof is subject to the restrictions that the operator of this certificate shall not be permitted, without further authority from this Commission, to establish a branch office, or to have an agent employed for the purposes of developing business, at any point outside the County of Pueblo, State of Colorado. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place has been set on February 4, 1976, at 10 a.m., at 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203. Requests for procedural information should be addressed to the Public Utilities Commission of the State of Colorado, Department of Regulatory Agencies, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203 and should *not* be directed to the Interstate Commerce Commission.

Florida Docket No. 750707-CCT filed November 25, 1975. Applicant: ORLANDO CARTAGE, INC., 1420 Sligh Blvd., Orlando, Fla. 32806. Applicant's representative: Richard B. Austin, 214 Palm Coast II Bldg., 5255 N.W. 87th Avenue, Miami, Fla. 33178. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transport, as a common carrier by motor vehicles, over irregular routes, *General commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment and handling), between Orange County, Fla., on the one hand, and, on the other, points in Orange, Lake, Marion, Volusia, Brevard, Seminole, Osceola, Polk, Indian River and St. Lucie Counties, Fla., on the other; and from the ten named counties, on the one hand, to Orange County, Fla. Restricted to traffic having a prior or subsequent handling by rail. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Florida Public Service Commission, 700 South Adams Street, Tallahassee, Fla. 32304 and should not be directed to the Interstate Commerce Commission.

Missouri Docket No. T-36,466 filed October 9, 1975. Applicant: W-K WAREHOUSE & DELIVERY SERVICE, INC., 20 Darby Lane, Crystal City, Mo. 63019. Applicant's representative: Charles C. McCarter, Suite 706, 230 South Bemiston, St. Louis, Mo. 63105. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, between all points in the territory or area included in the St. Louis Commercial Zone provided for in Sections 390.020(14), 390.030(9), and 390.041(4) RSMo., five miles on either side of Interstate Highway 55 between the intersection of that highway and said Commercial Zone and the intersection of that Highway and Missouri State Highway 32, and all points between, to, from, and within said Commercial Zone and said five mile strip over irregular routes, as a common carrier, including interline operations therein. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place scheduled for January 22nd and 23rd, 1976, at 10 a.m., on the 10th floor, Jefferson State Office Building, Jefferson City, Mo. Requests for procedural information should be addressed to the Missouri Public Service Commission, Jefferson State Office Building, Jefferson City, Mo. 65101 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-33995 Filed 12-16-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 12, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the Application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before January 2, 1976. FSA No. 43089—*Joint Water-Rail Container Rates—American President Lines, Ltd.* Filed by American President Lines, Ltd., (No. 21), for itself and interested rail carriers. Rates on general commodities, from ports in Asia and Continental Europe, to rail carrier's terminals in California, Oregon, and Washington.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-33992 Filed 12-16-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

DECEMBER 12, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission on or before January 16, 1976. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

MC 41406 (Sub-No. 53G) filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and steel and steel products*, (1) from points in Illinois, Indiana and St. Louis, Mo., to points in Ohio, Pennsylvania, New York, West Virginia and points in Kentucky within 5 miles of the Ohio River. The purpose of this filing is to eliminate the gateways of Detroit, Mich., Monroe, Mich., or Middletown, Ohio. (2) from Pittsburgh, Pa. and Youngstown, Ohio and points within 50 miles of each: Cleveland, Lorain, Zanesville, Cambridge, Mansfield, Cincinnati, Middletown, and Portsmouth, Ohio, Monroe and Detroit, Mich., Buffalo, N.Y., and points in Lackawanna and Hamburg Townships, Erie County, N.Y., and those points in Kentucky within 5 miles of the Ohio River,

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to points in Illinois, Indiana, Iowa, Missouri, and Wisconsin. The purpose of this filing is to eliminate the gateways of Sturgis, Mich. or Middletown, Ohio.

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

ELIMINATION OF GATEWAY LETTER NOTICES

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before December 29, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC–564 (Sub–No. E4), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 24, 1975. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Washington on and west of a line beginning at the Oregon-Washington State line, thence along U.S. Highway 395 to junction Washington Highway 17, thence along Washington Highway 17 to junction U.S. Highway 97, thence along U.S. Highway 97 to the United States-Canada International Boundary line, on the one hand, and, on the other, Lincoln, Nebr. The purpose of this filing is to eliminate the gateways of Wenatchee, Wash., points in Montana, and points in Iowa within 150 miles of Austin, Minn. The purpose of this correction is to correct a highway description.

No. MC–564 (Sub–No. E10), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 24, 1975. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods;* (1) between points in Iowa within 150 miles of Austin, Minn., on the one hand, and, on the other, points in that part of Washington on and west of U.S. Highway 97 (Wenatchee, Wash., and points in Montana) *; and (2) between points in that part of Iowa on and east of Interstate Highway 35, on the one hand, and, on the other, points in that part of Washington on and west of U.S. Highway 97 (Wenatchee, Wash.; points in Montana; and points in that part of Illinois within 150 miles of Austin, Minn.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct the destination territory in (2) above.

No. MC–564 (Sub–No. E15), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 24, 1975. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in New York, on the one hand, and, on the other, points in that part of Oregon on and west of U.S. Highway 395. The purpose of this filing is to eliminate the gateways of points in Illinois; points in Iowa and Wisconsin within 150 miles of Austin, Minn., Montana; and Wenatchee, Wash. The purpose of this correction is to correct the gateway.

No. MC–564 (Sub–No. E35), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 24, 1975. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between the District of Columbia, on the one hand; and, on the other, points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 277 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction Texas Highway 163, thence along Texas Highway 163 to junction U.S. Highway 90, thence along U.S. Highway 90 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateways of points in Illinois, points in Iowa within 150 miles of Austin, Minn.; and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5. The purpose of this correction is to correct the gateway above.

No. MC–564 (Sub–No. E66), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 24, 1975. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Connecticut, on the one hand, and, on the other, St. Louis, Mo. (points in Illinois) *; points in that part of Missouri on, west, and north of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 50 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line (points in Illinois and points in Iowa within 150 miles of Austin, Minn.) *; points in that part of Missouri on, west, and south of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 54 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Arkansas-Missouri State line (points in Illinois) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct the highway descriptions above.

No. MC–564 (Sub–No. E76), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 24, 1975. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Michigan, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5; and points in Illinois within 150 miles of Austin, Minn. The purpose of this correction is to correct the gateway above.

No. MC–564 (Sub–No. E86), (correction), filed June 4, 1974, published in the FEDERAL REGISTER September 23, 1975. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Michigan on and south of a line beginning at Lake Michigan and extending along U.S. Highway 10 to junction Michigan Highway 25, thence along Michigan Highway 25 to Port Huron, Mich., on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateway of points in Illinois within 150 miles of Austin, Minn. The purpose of this correction is to correct a typographical error.

No. MC–564 (Sub–No. E104), (correction), filed June 4, 1974, published in the FEDERAL REGISTER September 23, 1975. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Illinois on and north of Interstate Highway 80, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of points in Iowa within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5. The purpose of this correction is to correct the territorial description.

No. MC–564 (Sub–No. E113), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 24, 1975. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Wisconsin within 150 miles of Austin, Minn., and points in that part of Wisconsin on and south of Wisconsin Highway 60; on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateways of Illinois within 150 miles of Austin, Minn. The purpose of this correction is to correct the highway description above.

No. MC–564 (Sub–No. E124), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 24, 1975. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Illinois on and north of Interstate Highway 80, on the one hand, and, on the other, points in that part of Missouri on, west, and north of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 65 to U.S. Highway 36, thence along U.S. Highway 36 to Interstate Highway 35, thence along Interstate Highway 35 to junction Missouri Highway 291, thence along Missouri Highway 291 to junction Missouri Highway 2, thence along Missouri Highway 2 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateways of points in Iowa within 150 miles of Austin, Minn. The purpose of this correction is to correct the highway description.

No. MC–564 (Sub–No. E128), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 24, 1975. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Missouri on, south, and west of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 54 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Arkansas-Missouri State line (points in Iowa within 150 miles of Austin, Minn.) *; and St. Louis, Mo. (points in Illinois within 150 miles of Austin, Minn.) *, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate the gateways indicated above. The purpose of this correction is to correct the territorial description above.

No. MC–564 (Sub–No. E131), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 24, 1975. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods;* (1) between St. Louis, Mo., and points in that part of Missouri on, south, and west of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 54 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in West Virginia (points in Illinois) *; and (2) between points in that part of Missouri on and west of Interstate Highway 35, on the one hand, and, on the other, points in that part of West Virginia on and north of U.S. Highway 50 (points in Iowa within 150 miles of Austin, Minn., and points in Illinois) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct the highway description above.

No. MC–564 (Sub–No. E142), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 24, 1975. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Boston, Mass., points in New Hampshire, and points in Maine, on the one hand, and, on the other, points in that part of Arkansas on, west, and north of a line beginning at the Arkansas-Missouri State line and extending along Arkansas Highway 7 to junction Arkansas Highway 22, thence along Arkansas Highway 22 to the Oklahoma-Arkansas State line. The purpose of this filing is to eliminate the gateways of Illinois; points in Iowa within 150 miles of Austin, Minn.; and points in Missouri south of U.S. Highway 54 and west of Missouri Highway 5. The purpose of this correction is to correct the origin points above.

No. MC–564 (Sub–No. E143), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 24, 1975. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Benton, Boone, Carroll, and Washington Counties, Ark., on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn.; and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5. The purpose of this correction is to correct the origin points above.

No. MC–564 (Sub–No. E170), (correction), filed June 4, 1974, published in the FEDERAL REGISTER September 24, 1975. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Roland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Willmar, Minn., on the one hand, and, on the other, points in that part of Kentucky on and south of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 231 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Illinois-Kentucky State line. The purpose of this filing is to eliminate the gateway of points in Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC–564 (Sub–No. —E182), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 24, 1975. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Willmar, Minn., on the one hand, and, on the other, points in that part of Kentucky on and south of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 231 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Illinois-Kentucky State line. The purpose of this filing is to eliminate the gateway of points in Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC–564 (Sub–No. E170), (correction), filed June 4, 1974, published in the FEDERAL REGISTER September 24, 1975. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Roland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Willmar, Minn., on the one hand, and, on the other, points in that part of Kentucky on and south of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 231 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Illinois-Kentucky State line. The purpose of this filing is to eliminate the gateway of points in Missouri south of U.S. Highway 54 and west of Missouri Highway 5. The purpose of this correction is to correct the origin points above.

No. MC–564 (Sub–No. E182), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 24, 1975. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between St. Louis, Mo. (points in Illinois within 150 miles of Austin, Minn., points in Montana and Wenatchee, Wash.) *; and points in that part of Missouri on, south, and west of a line beginning at the Missouri-Kansas State line, thence along U.S. Highway 54 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Arkansas-Missouri State line (points in Iowa within 150 miles of Austin, Minn., points in Montana and Wenatchee, Wash.) *, on the one hand, and, on the other, points in Clatsop, Columbia, Tillamook, Washington, Yamhill, Polk, Lincoln, Marion, Clackamas, Multnomah, and Hood River Counties, Oreg., and The Dalles, Oreg. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct the territorial description.

No. MC–4405 (Sub–No. E39), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Missouri, Kansas, and East St. Louis, Ill., on the one hand, and, on the other, points in California, restricted against the transportation of shipments between

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(1) Modoc and Siskiyou Counties, Calif., on the one hand, and, on the other, Cheyenne, Decatur, Norton, and Rawlins Counties, Kans.; and (2) between Modoc County, Calif., on the one hand, and, on the other, Sherman County, Kans. The purpose of this filing is to eliminate the gateways of points in Oklahoma, Texas, New Mexico and Nevada or California south of a line beginning at the Pacific Ocean and extending easterly through Monterey, Salinas, Fresno, Dunlop, and Independence to the California-Nevada State line.

No. MC-4405 (Sub-No. E40), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe line, including the stringing and picking up thereof, restricted against the transportation of any such commodities to be used in, or in connection with, main or trunk pipelines, restricted to the transportation of commodities, which because of their size or weight, require the use of special equipment or handling, between points in Kansas, on the one hand, and, on the other, points in Kentucky, West Virginia, Virginia, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, and Georgia. The purpose of this filing is to eliminate the gateway of points in Arkansas.

No. MC-4405 (Sub-No. E41), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe line, including the stringing and picking up thereof, restricted against the transportation of any such commodities to be used in, or in connection with, main or trunk pipelines, restricted to the transportation of commodities, which because of their size or weight, require the use of special equipment or handling, between points in Oklahoma, on the one hand, and, on the other, points in Indiana, Ohio, Kentucky, West Virginia, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi. The purpose of this filing is to eliminate the gateway of points in Arkansas.

No. MC-4405 (Sub-No. E42), filed June 4, 1974. Applicant: DEALERS TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Texas, on the one hand, and, on the other, points in Arizona. The purpose of this filing is to eliminate the gateway of points in New Mexico on, north, and west of U.S. Highway 54.

No. MC-4405 (Sub-No. E43), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Nebraska and Kansas, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC-4405 (Sub-No. E44), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill., 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Texas, on the one hand, and, on the other, points in Colorado, restricted against the transportation of shipments between points in Colorado west of U.S. Highway 87, on the one hand, and, on the other points in El Paso, Loving Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, and Reeves Counties, Tex. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC-4405 (Sub-No. E45), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Missouri, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC-4405 (Sub-No. E46), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60483. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Nebraska and Kansas, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC-4405 (Sub-No. E47), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Missouri, on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateway of points in New Mexico on, north, and west of U.S. Highway 54.

No. MC-4405 (Sub-No. E48), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Texas, on the one hand, and, on the other, points in Oklahoma.

moving in connection therewith, between points in Kentucky and Virginia, on the one hand, and, on the other, points in Texas (points in Arkansas or Mississippi) *, New Mexico (points in Arkansas or Mississippi and Texas) *, and Arizona (points in Arkansas or Mississippi, Texas, and New Mexico) *. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC-4405 (Sub-No. E49), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Indiana, Ohio, and West Virginia, on the one hand, and, on the other, points in New Mexico and Arizona. The purpose of this filing is to eliminate the gateway of points in Arkansas or Mississippi and New Mexico.

No. MC-4405 (Sub-No. E50), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Indiana, Ohio, West Virginia, Alabama, Florida, Georgia, Tennessee, North Carolina, and South Carolina, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateway of points in Arkansas or Mississippi.

No. MC-4405 (Sub-No. E51), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Indiana, on the one hand, and, on the other, points in Oregon, restricted against the transportation of shipments between points in Oregon north of U.S. Highway 20, on the one hand, and, on the other, points in Indiana north of Interstate Highway 70. The purpose of this filing is to eliminate the gateways of points in Arkansas, Texas, New Mexico, and Nevada or California south of a line beginning at the Pacific Ocean and extending easterly through Monterey, Salinas, Fresno, Dunlop and Indepedence to the California-Nevada State line.

No. MC-4405 (Sub-No. E52), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Alabama, Georgia, Florida, and South Carolina, on the one hand, and, on the other, points in California and Nevada. The purpose of this filing is to eliminate the gateway of points in Mississippi, Texas, New Mexico and Nevada or California south of a line beginning at the Pacific Ocean and extending east through Monterey, Salinas, Fresno, Dunlop and Independence to the California-Nevada State line.

No. MC-4405 (Sub-No. E53), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in California and Nevada, on the one hand, and, on the other, points in Kentucky, Tennessee, Virginia, West Virginia, and North Carolina. The purpose of this filing is to eliminate the gateway of points in Arkansas, Texas, New Mexico, and Nevada, or points in California south of a line beginning at the Pacific Ocean and extending east through Monterey, Salinas, Fresno, Dunlop and Independence to the Nevada-California State line.

No. MC-4405 (Sub-No. E54), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Arkansas, Louisiana, and Mississippi, on the one hand, and, on the other, points in California. The purpose of this filing is to eliminate the gateway of points in Mississippi, Texas, New Mexico and Nevada or California south of a line beginning at the Pacific Ocean and extending east through Monterey, Salinas, Fresno, Dunlop and Independence to the California-Nevada State line.

No. MC-4405 (Sub-No. E55), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Arkansas, Louisiana, and Mississippi, on the one hand, and, on the other, points in California. The purpose of this filing is to eliminate the gateway of points in Texas, New Mexico and Nevada or California south of a line beginning at the Pacific Ocean and extending east through Monterey, Salinas, Fresno, Dunlop and Independence to the California-Nevada State line.

No. MC-4405 (Sub-No. E56), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies moving in connection therewith, between points in Alabama, Tennessee, Georgia, North Carolina, South Carolina, and Florida, on the one hand, and, on the other, points in Washington, Oregon. The purpose of this filing is to eliminate the gateway of points in Arkansas or Mississippi and Texas, New Mexico, and Nevada.

No. MC-4405 (Sub-No. E57), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill., 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies moving in connection therewith, between points in Kentucky, Virginia, and West Virginia, on the one hand, and, on the other, points in Washington and Oregon. The purpose of this filing is to eliminate the gateway of points in Arkansas, Texas, New Mexico and Nevada.

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No. MC–4405 (Sub-No. E58), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Arkansas, Louisiana, Tennessee, Mississippi, Alabama, on the one hand, and, on the other, points in New Mexico and Arizona. The purpose of this filing is to eliminate the gateway of points in Arkansas or Mississippi and Texas and New Mexico.

No. MC–4405 (Sub-No. E59), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Oregon (except points in Gilliam, Wheeler, Grant, Morrow, Umatille, Baker, Union, and Willowa Counties), on the one hand, and, on the other, points in Missouri and E. St. Louis, Ill. The purpose of this filing is to eliminate the gateway of points in Nevada, New Mexico, Texas, and Oklahoma.

No. MC–4405 (Sub–No. E60), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative. Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes; transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Washington, on the one hand, and, on the other, points in Illinois and Missouri and E. St. Louis, Ill., restricted against the transportation of traffic between those points in Washington, east of Benton, Douglas, Grant and Okanogan Counties, on the one hand, and, on the other, those in Missouri in and west of Mercer, Grundy, Livingston, and Carroll Counties, and those in Clay, and Day Counties.

No. MC–4405 (Sub–No. E61), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Washington in and west of Benton, Grant, Douglas and Okanogan Counties, on the one hand, and, on the other, points in Kansas except those points in Kansas west of U.S. Highway 81 and north of Interstate Highway 70. The purpose of this filing is to eliminate the gateway of points in Nevada, New Mexico, Texas, and Oklahoma.

No. MC–4405 (Sub–No. E62), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith; between points in Texas and Oklahoma, on the one hand, and, on the other, points in Washington and Oregon. The purpose of this filing is to eliminate the gateway of points in Texas, New Mexico, and Nevada.

No. MC–4405 (Sub–No. E63), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *Self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Oregon on and south of U.S. Highway 20, on the one hand, and, on the other, those points in Kansas on and south of a line beginning at the Colorado-Kansas State line and extending along Kansas Highway 96 to junction U.S. Highway 56 to junction U.S. Highway 77 to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateway of points in Oklahoma, Texas, New Mexico, and Nevada.

No. MC–4405 (Sub-No. E64), filed June 4, 1974. Applicant: DEALERS TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools parts and supplies moving in connection therewith, between points in Nebraska, on the one hand, and, on the other, points in New Mexico, restricted against the transportation of traffic between points in Nebraska west of Nebraska Highway 61, on the one hand, and, on the other, points in San Juan, Rio Areba, Taos, and McKinley Counties, N. Mex.

No. MC 51146 (Sub-No. E23), filed October 23, 1975. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Canned goods;* (a) from points in Washington, to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, points in Louisiana on and east of a line beginning at the Mississippi-Louisiana State line and extending along U.S. Highway 61 to New Orleans, thence along Louisiana Highway 23 to the Mississippi River, and points in Arkansas on, north, and east of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 63 to junction U.S. Highway 167, thence along U.S. Highway 167 to Little Rock, and thence along U.S. Highway 70 to the Arkansas-Tennessee State line; (b) from points in Oregon (except Portland and points east and south of a line beginning at the California-Oregon State line and extending along U.S. Highway 395 to Burns, thence along U.S. Highway 20 to the Oregon-Utah State line), to points in North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, and points in Mississippi on and east of a line beginning at the Tennessee-Mississippi State line and extending along U.S. Highway 51 to junction Mississippi Highway 35, thence along Mississippi Highway 35 to junction U.S. Highway 49, thence along U.S. Highway 49 to the Gulf of Mexico; (c) from points in California north of Monterey, Fresno, and Mono Counties, Calif. (except Hemet and Gustine, Calif.), to points in North Carolina, South Carolina, and points in Tennessee on and east of U.S. Highway 27; (d) from points in California on and west of a line beginning at Costa Mesa, and extending along California Highway 55 to junction California Highway 91, thence along California Highway 91 to Riverside, thence along U.S. Highway 395 to the California-Nevada State line (except Gustine, Hemet, and Fresno), to points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending along Interstate Highway 75 to Knoxville, thence along U.S. Highway 441 to the Tennessee-North Carolina State line, points in North Carolina on and east of U.S. Highway 25, and points in South Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 276 to junction Interstate Highway 26, thence along Interstate Highway 26 to Charleston.

(2) *Materials* and *supplies* utilized by food business houses which are meat, meat products, and meat by-products, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk); (a) from points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Minnesota, Wisconsin (except points south and east of a line beginning at Milwaukee and extending along U.S. Highway 18 to junction U.S. Highway 151, thence along U.S. Highway 151 to the Wisconsin-Illinois State line), Iowa (except points south of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 20 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line), Nebraska (except points south and east of a line beginning at the Iowa-Nebraska State line and extending along Nebraska Highway 2 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line) Kansas (except points east of U.S. Highway 183), Oklahoma (except points east of U.S. Highway 83), and Texas (except points east of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 287 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Texas Highway 349, thence along Texas Highway 349 to junction U.S. Highway 67, thence along U.S. 67 to the United States-Mexico International Boundary line), to points in Massachusetts; (b) from points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Minnesota, Wisconsin (except points south of U.S. Highway 18), Iowa (except points south and east of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 20 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line), Nebraska (except points south and east of a line beginning at the Iowa-Nebraska State line and extending along Nebraska Highway 2 to junction junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line), Kansas (except points south and east of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 183 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Colorado State line), Oklahoma (except points east of Oklahoma Highway 136), and points in El Paso County, Tex., to points in Connecticut.

(c) From points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Minnesota, Wisconsin (except points south and east of a line beginning at Milwaukee and extending along U.S. Highway 18 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Illinois State line), Iowa (except points south and east of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 51 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Missouri State line), Nebraska (except points south and east of a line beginning at the Iowa-Nebraska State line and extending along Nebraska Highway 2 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line), Kansas (except points east of U.S. Highway 281), Texas (except points east of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 287 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Texas Highway 349, thence along Texas Highway 349 to junction U.S. Highway 67, thence along U.S. Highway 67 to the United States-Mexico International Boundary line), and points in Cimarron, Texas, Beaver, and Harper Counties, Okla., to points in Rhode Island; (d) from points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, North Dakota, South Dakota, Minnesota, Wisconsin (except points south of a line beginning at Sheboygan and extending along Wisconsin Highway 23 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 18, thence along U.S. Highway 18 to the Wisconsin-Iowa State line), Iowa (except points south of a line beginning at the Wisconsin-Iowa State line and extending along U.S. Highway 18 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line), Nebraska (except points south and east of a line beginning at the Iowa-Nebraska State line and extending along Nebraska Highway 91 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-Kansas State line), Colorado (except points south and east of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 24 to junction U.S. Highway 85, thence along U.S. Highway 85 to the Colorado-New Mexico State line), and new Mexico (except points east of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 85 to junction New Mexico Highway 3, thence along New Mexico Highway 3 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line), to points in New Jersey.

(e) From points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, North Dakota, South Dakota, Minnesota, Wisconsin (except points south of a line beginning at Sheboygan and extending along Wisconsin Highway 23 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Wisconsin-Minnesota State line), Iowa (except points south of Iowa Highway 9), Colorado (except points east of a line beginning at the Nebraska-Colorado State line and extending along Colorado Highway 71 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line), and New Mexico (except points east of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 285 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line), to points in New York; (f) from points in Washington, Oregon, California, Nevada, Idaho, Utah, Montana, Wyoming, North Da-

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kota, South Dakota, Minnesota, Wisconsin (except points south of a line beginning at Sheboygan and extending along Wisconsin Highway 23 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to the Wisconsin-Minnesota State line), Iowa (except points south of Iowa Highway 9), Nebraska (except points east of a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway 385 to junction Nebraska Highway 19, thence along Nebraska Highway 19 to the Nebraska-Colorado State line), Colorado (except points south and east of a line beginning at the Nebraska-Colorado State line and extending along Colorado Highway 113 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 550, thence along U.S. Highway 550 to the Colorado-New Mexico State line), and Arizona (except points east of a line beginning at the New Mexico-Arizona State line and extending along U.S. Highway 666 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 89, thence along U.S. Highway 89 to the United States-Mexico International Boundary line), to points in Pennsylvania.

(g) From points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, North Dakota, South Dakota, Minnesota, Wisconsin (except points south of a line beginning at Sheboygan and extending along Wisconsin Highway 23 to junction Wisconsin Highway 82, thence along Wisconsin Highway 82 to the Wisconsin-Iowa State line), Iowa (except points south of a line beginning at the Wisconsin-Iowa State line and extending along U.S. Highway 18 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line), Nebraska (except points south and east of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 20 to junction U.S. Highway 83; thence along U.S. Highway 83 to the Nebraska-Kansas State line), Colorado (except points east of a line beginning at the Nebraska-Colorado State line and extending along U.S. Highway 6 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 550, thence along U.S. Highway 550 to the Colorado-New Mexico State line), to points in Maryland, Delaware, and the District of Columbia; (h) from points in Washington, Oregon, Idaho, Montana, North Dakota, Minnesota, Wisconsin (except points south of a line beginning at Sheboygan and extending along Wisconsin Highway 23 to junction Wisconsin Highway 82, thence along Wisconsin Highway 82 to the Wisconsin-Iowa State line), South Dakota (except points south and east of a line beginning at the Iowa-South Dakota State line and extending along U.S. Highway 46 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-Nebraska State line), Wyoming (except points south and east of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 26 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Interstate Highway 80, thence Utah (except points east of a line beginning at the Wyoming-Utah State line along Interstate Highway 80 to the Wyoming-Utah State line), and extending along Interstate Highway 80 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Arizona State line), Nevada (except points south of Interstate Highway 15), and California (except points east of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 to junction Interstate Highway 5, thence along Interstate Highway 5 to the United States-Mexico International Boundary line), to points in West Virginia.

(i) From points in Washington, Oregon, Idaho, Montana, North Dakota, Minnesota, Wisconsin (except points south of a line beginning at Sheboygan and extending along Wisconsin Highway 23 to junction Wisconsin Highway 82, thence along Wisconsin Highway 82 to the Wisconsin-Iowa State line), Iowa (except points south of Iowa Highway 9), South Dakota (except points south and east of a line beginning at the Iowa-South Dakota State line and extending along U.S. Highway 18 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-Nebraska State line), Wyoming (except points south and east of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 20 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Wyoming-Utah State line), Utah (except points east of U.S. Highway 91), Nevada (except points south of a line beginning at the Utah-Nevada State line and extending along Nevada Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line), and points in California in and north of Santa Cruz, Santa Clara, Merced, Mariposa, and Mona Counties, to points in Virginia; (j) from points in Washington, Oregon, Idaho, Montana, North Dakota, Minnesota, Wisconsin (except points south of a line beginning at Sheboygan and extending along Wisconsin Highway 23 to junction Wisconsin Highway 82, thence along Wisconsin Highway 82 to the Wisconsin-Iowa State line), Iowa (except points south of Iowa Highway 9), South Dakota (except points south of a line beginning at the Iowa-South Dakota State line and extending along U.S. Highway 18 to junction U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-Nebraska State line), Wyoming (except points south of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 20 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Wyoming-Utah State line), Utah (except points south of a line beginning at the Wyoming-Utah State line and extending along U.S. Highway 189 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Nevada State line), Nevada (except points south of U.S. Highway 50), and California (except points south of a line beginning at the Nevada-California State line and extending along Interstate Highway 80 to junction California Highway 17, thence along California Highway 17 to the Pacific Ocean), to points in South Carolina.

(k) From points in Washington, North Dakota, Wisconsin (except points south of a line beginning at Manitowoc and extending along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Wisconsin-Minnesota State line), Minnesota (except points south of U.S. Highway 12), South Dakota (except points south of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 12 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Wyoming State line), Montana (except points south of U.S. Highway 10), Idaho (except points south of U.S. Highway 12), and Oregon (except points south and east of a line beginning at the Washington-Oregon State line and extending along U.S. Highway 395 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Pacific Ocean), to points in Kentucky; (l) from points in Washington, Oregon, Montana, North Dakota, the Upper Peninsula of Michigan (except points east of a line beginning at Marquette and extending along U.S. Highway 41 to the Michigan-Wisconsin State line), Wisconsin (except points south of a line beginning at Green Bay and extending along U.S. Highway 41 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Wisconsin-Minnesota State line), Minnesota (except points south of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 12 to junction U.S. Highway 212, thence along U.S. Highway 212 to the Minnesota-South Dakota State line), South Dakota (except points south of U.S. Highway 14), Wyoming (except points south of a line beginning at the South Dakota-Wyoming State line and extending along U.S. Highway 14 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Wyoming-Idaho State line), Idaho (except points south and east of a line beginning at the Montana-Idaho State line and extending along Interstate Highway 15 to junction Interstate Highway 15W, thence along Interstate Highway 15W to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 93, thence

along U.S. Highway 93 to the Idaho-Nevada State line), Nevada (except points south and east of a line beginning at the Idaho-Nevada State line and extending along U.S. Highway 93 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-California State line), and California (except points south of Interstate Highway 80), to points in Indiana (except points in the Chicago, Ill., commercial zone), restricted against the transportation of traffic from the facilities of Armour & Co. at Green Bay, Wis., to points in Indiana and Ohio.

(m) From points in Washington, Oregon, Idaho, Montana, North Dakota, California (except points east of a line beginning at the United States-Mexico International Boundary line and extending along California Highway 111 to junction California Highway 86, at or near Heber, Calif., thence along California Highway 86 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Interstate Highway 15, thence along Interstate Highway 15 to the California-Nevada State line), Nevada (except points east and south of a line beginning at the California-Nevada State line and extending along Interstate Highway 15 to junction U.S. Highway 93, thence along U.S. Highway 93 to Panaca, thence along Nevada Highway 25 to the Nevada-Utah State line), Utah (except points south and east of a line beginning at the Nevada-Utah State line and extending along Utah Highway 56 to junction Interstate Highway 15, thence along Interstate Highway 15 to Provo, thence along U.S. Highway 189 to the Utah-Wyoming State line), Wyoming (except points south of a line beginning at the Idaho-Wyoming State line and extending along U.S. Highway 26 to Orin, thence along U.S. Highway 20 to the Wyoming-Nebraska State line), South Dakota (except points south of U.S. Highway 16), Minnesota (except points south of a line beginning at the South Dakota-Minnesota State line and extending along U.S. Highway 16 to Worthington, thence along Minnesota Highway 60 to the Minnesota-Wisconsin State line), and Wisconsin (except points south of U.S. Highway 10), to points in Ohio, restricted against the transportation of traffic from the facilities of Armour & Co., Green Bay, Wis., to points in Indiana and Ohio. The purpose of this filing is to eliminate the gateways of: Fort Atkinson, Wis., in (1) above; and the plant and warehouse facilities of Haskon, Bingham/Risdon Division, at Ashwaybenon, Wis., in (2) above.

No. MC 67646 (Sub-No. E3), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER August 25, 1975. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, Pa. 17055. Applicant's representative: Daniel W. Rohrbaugh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, sand, gravel, earth, stone, households goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, and commodities in bulk), between Baltimore, Md., on the one hand, and, on the other, those points in Pennsylvania within 60 miles of Bel Air, Md., which are on and east of a line begining at Harrisburg, Pa., thence along U.S. Highway 15 to junction Pennsylvania Highway 194, thence along Pennsylvania Highway 194 to junction Pennsylvania Highway 94, thence along Pennsylvania Highway 94 to the Pennsylvania-Maryland State line (except Hanover and points on and east of U.S. Highway 1). The purpose of this filing is to eliminate the gateway of Harford County, Md. The purpose of this correction is to correct the applicant's name.

No. MC 67646 (Sub-No. E7), (Correction), filed May 16, 1974, published in the FEDERAL REGISTER August 25, 1975. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, Pa. 17055. Applicant's representative: Daniel W. Rohrbaugh (same as above). Authority sought to operate * * * The purpose of this correction is to correct the applicant's name above.

No. MC 102616 (Sub-No. E152), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial solvents*, in bulk, in tank vehicles, from Baltimore, Md., and points within ten miles thereof; (1) to points in Cuyahoga, Hamilton, Mahoning, Stark, Summit, and Trumbull Counties, Ohio (Romney, W. Va.) *; (2) to points in Ohio, (a) in the commercial zones of Cincinnati and Dayton, (b) Westwood, Fairmount, Cumminsville, St. Bernard, Avondale, Norwood, Oakley, Linwood, and Sedamsville, Ohio, (c) on a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 52 to Cincinnati, (d) on a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 27 to junction Ohio Highway 73 (i) to junction U.S. Highway 127 to Cincinnati, and (ii) to junction Ohio Highway 4, to junction U.S. Highway 127 to Middletown; (e) on a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 35 to junction U.S. Highway 127 to Cincinnati; (f) on a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 25, thence along U.S. Highway 25 to Cincinnati; (g) on a line beginning at junction U.S. Highway 25 and Ohio Highway 4 and extending along Ohio Highway 4 to junction U.S. Highway 127, thence along U.S. Highway 127 to Cincinnati; and (h) on a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to junction Ohio Highway 49, thence along Ohio Highway 49 to Dayton (Romney, W. Va., and Akron, Ohio) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 102616 (Sub-No. E173), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Michigan; (a) in the commercial zone of Detroit; (b) Lincoln Park, Ecorse, River Rouge, Wayne, Dearborn, Plymouth, Farmington, Southfield, Berkeley, Royal Oak, Pleasant Ridge, Ferndale, East Detroit, and Grosse Pointe Farms; (c) on a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 12, (i) to junction U.S. Highway 25 to Mount Clemens, (ii) to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Michigan Highway 150, thence along Michigan Highway 150 to Rochester, (iii) to junction U.S. Highway 127 to Jackson, and (iv) to junction U.S. Highway 23 to Ann Arbor; (d) on a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 94 to junction U.S. Highway 12; (e) on a line beginning at junction U.S. Highway 94, (i) and U.S. Highway 31 and extending along U.S. Highway 31 to Niles, and (ii) and Michigan Highway 40 and extending along Michigan Highway 40 to Niles; (f) on a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 94 to junction Michigan Highway 78, thence along Michigan Highway 78 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 43, thence along Michigan Highway 43 to junction unnumbered highway, thence along unnumbered highway to junction U.S. Highway 96, thence along U.S. Highway 96 to Detroit; (g) on a line beginning at Lansing and extending along Michigan Highway 78 to junction U.S. Highway 10, thence along U.S. Highway 10 to Detroit; (h) on a line beginning at junction U.S. Highways 12 and 223 and extending along U.S. Highway 223 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 25, thence along U.S. Highway 25 to Detroit; and Dundee, Mich.; (i) on U.S. Highway 23 beginning at junction U.S. Highway 12 and extending to the Michigan-Ohio State line; (j) on U.S. Highways 24 or 25 beginning at Detroit and extending to the Michigan-Ohio State line; to points in North Carolina and Virginia. The purpose of this filing is to eliminate the gateways of Akron, Ohio, and South Charleston or Institute, W. Va.

No. MC-102616 (Sub-No. E174), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's

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representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Michigan; (a) in the commercial zone of Detroit; (b) Lincoln Park, Ecorse, River Rouge, Wayne, Dearborn, Plymouth, Farmington, Southfield, Berkeley, Royal Oak, Pleasant Ridge, Ferndale, East Detroit, and Grosse Pointe Farm; (c) on a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 12, (i) to junction U.S. Highway 25 to Mount Clemens, (ii) to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Michigan Highway 150, thence along Michigan Highway 150 to Rochester, (ii) to junction U.S. Highway 127 to Jackson, and (iv) to junction U.S. Highway 23 to Ann Arbor; (d) on a line beginning at the Indiana-Michigdn State line and extending along U.S. Highway 94 to junction U.S. Highway 12; (e) on a line beginning at junction U.S. Highway 94, (i) and U.S. Highway 31 and extending along U.S. Highway 31 to Niles, and (ii) and Michigan Highway 40 and extending along Michigan Highway 40 to Niles; (f) on a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 94 to junction Michigan Highway 78, thence along Michigan Highway 78 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 43, thence along Michigan Highway 43 to junction unnumbered highway, thence along unnumbered highway to junction U.S. Highway 96, thence along U.S. Highway 96 to Detroit; (g) on a line beginning at Lansing and extending along Michigan Highway 78 to junction U.S. Highway 10, thence along U.S. Highway 10 to Detroit; (h) on a line beginning at junction U.S. Highways 12 and 223 and extending along U.S. Highway 223 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 25, thence along U.S. Highway 25 to Detroit; and Dundee, Mich.; (i) on U.S. Highway 23 beginning at junction U.S. Highway 12 and extending to the Michigan-Ohio State line; and (j) on U.S. Highway 24 or 25 beginning at Detroit and extending to the Michigan-Ohio State line; to points in Brooke, Hampshire, Hancock, Kanawha, Marion, Marshall, Monongalia, Pleasants, and Wetzels Counties, W. Va., Cuyahoga, Mahoning, Stark, Summit, and Trumbull Counties, Ohio, and Allegheny, Beaver, Butler, Cambria, and McKean Counties. The purpose of this filing is to eliminate the gateway of Akron, Ohio.

No. MC–102616 (Sub–No. E235), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Bayonne, Tremley Point, Sewaren, Perth Amboy, and Paulsboro, N.J., and points within five miles of each to points in Michigan; (a) in the commercial zone of Detroit; (b) Lincoln Park, Ecorse, River Rouge, Wayne, Dearborn, Plymouth, Farmington, Southfield, Berkeley, Royal Oak, Pleasant Ridge, Ferndale, East Detroit, and Grosse Pointe Farm; (c) on a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 12, (i) to junction U.S. Highway 25 to Mount Clemens, (ii) to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Michigan Highway 150, thence along Michigan Highway 150 to Rochester, (iii) to junction U.S. Highway 127, thence along U.S. Highway 127 to Jackson; and (iv) to junction U.S. Highway 23, thence along U.S. Highway 23 to Ann Arbor; (d) on a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 94 to junction U.S. Highway 12; (e) on a line beginning at junction U.S. Highway 94 (i) and U.S. Highway 31 and extending along U.S. Highway 31 to Niles, and (ii) and Michigan Highway 40 and extending along Michigan Highway 40 to Niles; (f) on a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 94 to junction Michigan Highway 78, thence along Michigan Highway 78 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 43, thence along Michigan Highway 43 to junction unnumbered highway, thence along unnumbered highway to junction U.S. Highway 96, thence along U.S. Highway 96 to Detroit; (g) on a line beginning at Lansing and extending along Michigan Highway 78 to junction U.S. Highway 10, thence along U.S. Highway 10 to Detroit; (h) on a line beginning at junction U.S. Highways 12 and 223 and extending along U.S. Highway 223, thence along U.S. Highway 223 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 25 ,thence along U.S. Highway 25 to Detroit; and Dundee, Mich.; (i) on U.S. Highway 23 beginning at junction U.S. Highway 23 and extending to the Michigan–Ohio State line; and (j) on U.S. Highway 24 or 25 beginning at Detroit and extending to the Michigan-Ohio State line. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

No. MC–102616 (Sub–No. E236), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Bayonne, Tremley Point, Sewaren, Perth Amboy, and Paulsboro, N.J., and points within five miles thereof, to points in Ohio; (a) in the commercial zones of Cincinnati and Dayton; (b) Westwood, Fairmount, Cumminsville, St. Bernard, Avondale, Norwood, Oakley, Linwood, and Sedamsville, Ohio; (c) on a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 52 to Cincinnati; (d) on a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 27 to junction Ohio 73, (i) to junction U.S. Highway 127 to Cincinnati, and (ii) to junction Ohio Highway 4 to junction U.S. Highway 127, thence along U.S. Highway 127 to Middletown; (e) on a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 35 to junction U.S. Highway 127, thence along U.S. Highway 127 to Cincinnati; (f) on a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 25, thence along U.S. Highway 25 to Cincinnati; (g) on a line beginning at junction U.S. Highway 25 and Ohio Highway 4 and extending along Ohio Highway 4 to junction U.S. Highway 127, thence along U.S. Highway 127 to Cincinnati; and (h) on a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to junction Ohio Highway 49, thence along Ohio Highway 49 to Dayton. The purpose of this filing is to eliminate the gateway of Akron, Ohio.

No. MC–103993 (Sub-No. E72), filed May 24, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 W. Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate at as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages from the plant site of Atlantic Mobile Corporation, located in Baltimore County, Maryland, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateway of that part of the United States on and east of a line beginning at the Gulf of Mexico at the Louisiana-Texas State line and extending along the Louisiana-Texas State line to the Louisiana-Arkansas State line thence eastward along the Louisiana-Arkansas State line to the Mississippi River, thence northward along the Mississippi River to its junction with the western boundary of Itasca County, Minnesota and thence northward along the western boundary of Itasca and Koochiching Counties, Minnesota, to the United States-Canada Boundary line.

No. MC–103993 (Sub-No. E73), filed May 24, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 W. Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages from Chester, New York, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateway of that part of the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minnesota and thence northward along the western boundaries of Itasca and Koochiching Counties, Minnesota to the United States-Canada Boundary line (except those in New York).

No. MC–103993 (Sub-No. E74), filed May 24, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 W. Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated Buildings*, complete, knocked down, or in sections and *equipment* and materials incidental to the erection and completion of such buildings when shipped therewith, and rejected shipments of such buildings and commodities and equipment incidental to the handling of such commodities (1) from points in Iowa in, south, and east of Jackson, Jones, Linn, Benton, Tama, Marshall, Story, Boone, Dallas, Madison, Union, and Ringgold Counties, Iowa, to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of Polk County, Iowa.

No. MC–103993 (Sub-No. E75), filed May 24, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 W. Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections and *equipment* and *materials* incidental to the erection and completion of such buildings when shipped therewith, and rejected shipments of such buildings and commodities and equipment incidental to the handling of such commodities: (1) from points in Florida, Georgia, Alabama, Mississippi, Tennessee, the Lower Peninsula of Michigan, that part of Wisconsn, on and south of U.S. Highway 18, that part of Missouri on and east of a line beginning at the Missouri-Iowa State line, thence south along U.S. Highway 69 to its junction with Missouri Highway 13, thence south on Missouri Highway 13 to the Missouri-Arkansas State line, that part of Arkansas on and east of a line beginning at the Arkansas-Missouri State line, thence south on U.S. Highway 71 to its junction with Arkansas Highway 16, thence along Arkansas Highway 16 to its junction with Arkansas Highway 23, thence along Arkansas Highway 23 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to its junction with U.S. Highway 270, thence along U.S. Highway 270 to its junction with Arkansas Highway 27, thence along Arkansas Highway 27 to its junction with Arkansas Highway 19, thence along Arkansas Highway 19 to the Arkansas-Louisiana State line, and that part of Louisiana on and east of a line beginning at the Arkansas-Louisiana State line, and that part of Louisiana on and east of a line beginning at the Arkansas-Louisiana State line, thence south on U.S. Highway 167 to its junction with U.S. Highway 90, thence along U.S. Highway 90 to its junction with Louisiana Highway 1, thence along Louisiana Highway 1 to the Gulf of Mexico, to points in Wyoming; and, (2) from points in Florida, Georgia, Alabama, Mississippi, Tennessee, Missouri, Arkansas, Louisiana, that part of Kansas, on and east of U.S. Highway 77, and that part of Oklahoma and Texas on and east of Interstate Highway 35, to points in Montana. The purpose of this filing is to eliminate the gateway of Polk County, Iowa.

No. MC–103993 (Sub-No. E76), filed May 24, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 W. Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections and *equipment* and *materials* incidental to the erection and completion of such buildings when shipped therewith, and rejected shipments of such buildings and commodities and equipment incidental to the handling of such commodities; (1) from points in Arkansas, Louisiana, Mississippi, Missouri, and points in that portion of Oklahoma and Texas on and east of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 75 to the junction of Indian Nation Turnpike, thence along the Indian Nation Turnpike to the junction of U.S. Highway 271, thence along U.S. Highway 271 to the junction of Texas Highway 19, thence along Texas Highway 19 to its junction with U.S. Highway 75, thence along U.S. Highway 75 to its junction with Texas Highway 288, thence along Texas Highway 288 to the Gulf of Mexico, to points in Montana, North Dakota, and South Dakota; (2) from points in Kansas, Oklahoma and Texas on and east of a line beginning at the Kansas-Missouri State line, thence south along U.S. Highway 169 to its junction with U.S. Highway 75, thence along U.S. Highway 75 to its junction with Interstate Highway 35, thence south along Interstate Highway 35 to the International Boundary line between the United States and Mexico to points in North Dakota; and (3) from points in Kansas, Oklahoma, and Texas, on and east of a line beginning at the Kansas-Nebraska State line, thence south along U.S. Highway 75 to its junction with Interstate Highway 35 to its junction with U.S. Highway 77, hence south along U.S. Highway 77 to its junction with U.S. Highway 64, thence west on U.S. Highway 64 to its junction with Interstate Highway 35, thence south on Interstate Highway 35 to the International Boundary line between the United States and Mexico, to points in North Dakota on and north of U.S. Highway 2. The purpose of this filing is to eliminate the gateway of Polk County, Iowa.

No. MC–108119 (Sub-No. E38), filed May 4, 1975. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Mark E. Moser (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as contractors' equipment, heavy and bulky articles, machinery and machinery parts, articles requiring specialized handling or rigging, and machinery, materials, supplies and equipment used or useful in road construction, mining, logging and sawmill operations, which, because of size or weight, require special handling or the use of special equipment, and related parts, materials, and supplies when their transportation is incidental to the transportation by carrier of commodities which, by reason of size or weight require special handling or the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, restricted to commodities which are transported on trailers.

(a) Between points in Montana in and west of the Counties of Flathead and Missoula on the one hand, and, on the other hand, points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Iowa, that part of Kansas on and east of a line beginning at the Nebraska-Kansas State line and extending southerly along U.S. Highway 281 to its junction with U.S. Highway 40, thence westerly along U.S. Highway 40 to its junction with U.S. Highway 183, thence southerly along U.S. Highway 183 to the Kansas-Oklahoma State line, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan (points in the Upper Peninsula), Minnesota, Mississippi, that part of Nebraska on and east of U.S. Highway 281, New Hampshire, New Jersey, New York, North Carolina, that part of North Dakota on and east of a line beginning at the North Dakota–Canada boundary and extending southerly along North Dakota Highway 1 to Interstate Highway 94, thence westerly along Interstate Highway 94 to its junction with U.S. Highway 281, thence southerly along U.S. Highway 281 to the North Dakota–South Dakota State line, that part of Oklahoma on and east of a line beginning at the Oklahoma-Kansas State line and extending southerly along U.S. Highway 183 to its junction with U.S. Highway 270, thence southerly along U.S. Highway 270 to its junction with Oklahoma Highway 34 to its junction with U.S. Highway 283, thence southerly along U.S. Highway 283 to the Oklahoma-Texas State line, Pennsylvania, Rhode Island, South Carolina, that part of South Dakota on and east of U.S. Highway 281, Tennessee, that part of Texas on and east of a line beginning at the Texas-Oklahoma State line, and extending along southerly along U.S. Highway 183 to its junction with U.S. Highway 277, thence southerly along U.S. Highway 277 to its junction with U.S. Highway 83, thence southerly along U.S. Highway 83 to the International boundary line near Laredo, Texas, Vermont, Virginia, West Virginia and Wisconsin.

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(b) Between points in Montana within the Counties of Lewis and Clark, Powell, Granite, Ravalli, Anaconda, Jefferson, Beaverhead, Silver Bow, and Madison, on the one hand, and, on the other hand, points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Iowa, that part of Kansas on and east of U.S. Highway 281, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan (points in the Upper Peninsula only), Minnesota, Mississippi, that part of Nebraska on and east of U.S. Highway 281, New Hampshire, New Jersey, New York, North Carolina, that part of North Dakota on and east of a line beginning at the North Dakota-Canada boundary and extending southerly along North Dakota Highway 1 to its junction with North Dakota Highway 13, thence easterly along North Dakota Highway 13 to its junction with North Dakota Highway 32, thence southerly along North Dakota Highway 32 to the North Dakota-South Dakota State line, that part of Oklahoma on and east of a line beginning at the Oklahoma-Kansas State line and extending southerly along U.S. Highway 281 to its junction with U.S. Highway 183, thence southerly along U.S. Highway 183 to the Oklahoma-Texas State line, Pennsylvania, Rhode Island, South Carolina, that part of South Dakota on and east of a line beginning at the North Dakota-South Dakota State line, and extending southerly along South Dakota Highway 25 to its junction with South Dakota Highway 10, thence westerly along South Dakota Highway 10 to its junction with South Dakota Highway 37, thence southerly along South Dakota Highway 37 to its junction with U.S. Highway 18, thence westerly along U.S. Highway 18 to its junction with U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-Nebraska State line, Tennessee, that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending southerly along U.S. Highway 183 to its junction with U.S. Highway 277, thence southerly along U.S. Highway 277 to its junction with U.S. Highway 83, thence southerly along U.S. Highway 83 to the International Boundary line near Laredo, Texas, Vermont, Virginia, West Virginia and Wisconsin restricted in (1) and (2) against the transportation of farm machinery from or to the States of Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia and Wyoming are restricted against the transportation of farm machinery. The purpose of this filing is to eliminate the gateways of Western Montana and Minnesota.

No. MC-108119 (Sub-No. E39), filed May 4, 1975. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Mark E. Moser (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which, because of size or weight, require special handling or the use of special equipment, and related parts, materials, and supplies when their transportation is incidental to the transportation by carrier of commodities which, by reason of size or weight, require special handling or the use of special equipment; and (2) *Self-propelled Articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith: (a) between points in South Dakota that lie east of U.S. Highway 83, and west of U.S. Highway 81, on the one hand, and, on the other hand, points in that part of Alabama on and east of a line extending northerly from the Alabama-Florida State line along U.S. Highway 231 to Montgomery Alabama thence northwesterly along U.S. Highway 82 to the Alabama-Mississippi State line, Connecticut, Delaware, District of Columbia, that part of Florida on and east of Interstate Highway 75 extending northerly from St. Petersburg, Florida to Ocala, Florida, thence northwesterly along U.S. Highway 27 to the Florida-Georgia State line, Georgia, that part of Illinois on and east of a line extending northerly from the Illinois-Kentucky State line to along U.S. Highway 51 to Bloomington, Illinois, thence northwesterly along Intertsate Highway 74 to the Illinois-Iowa State line, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan (points in the Lower Peninsula only), Minnesota, that part of Mississippi on and north of a line beginning at the Mississippi-Alabama State line and extending westerly along U.S. Highway 82 to Columbus, Mississippi, thence northerly along U.S. Highway 45 to Tupelo, Mississippi, thence northwesterly along U.S. Highway 78 to the Mississippi-Tennessee State line, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, that part of Tennessee on and east of U.S. Highway 51, Vermont, Virginia and West Virginia.

(b) Between points in South Dakota on and east of U.S. Highway 81, (except Union County, South Dakota), on the one hand, and, on the other hand, points in that part of Alabama on and east of a line extending northerly from the Alabama-Florida State line along U.S. Highway 231 to Montgomery, Alabama, thence northwesterly along U.S. Highway 82 to the Alabama-Mississippi State line, Arizona, California, Connecticut, Delaware, District of Columbia, that part of Florida, on and east of Interstate Highway 75 extending northerly from St. Petersburg, Florida to Ocala, Florida, thence northwesterly along U.S. Highway 27, to the Florida-Georgia State line, Georgia, that part of Illinois on and east of a line extending northerly from the Illinois-Kentucky line along U.S. Highway 51 to Bloomington, Illinois, thence northwesterly along Interstate Highway 74 to the Illinois-Iowa State line, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan (points in the Lower Peninsula only), Minnesota, that part of Mississippi on and north of a line beginning at the Mississippi-Alabama State line and extending westerly along U.S. Highway 82 to Columbus, Mississippi, thence northerly along U.S. Highway 45 to Tupelo, Mississippi, thence northwesterly along U.S. Highway 78 to the Mississippi-Tennessee State line, that part of Montana on and west of a line extending northerly from the Montana-Wyoming State line along U.S. Highway 87 to its junction with Montana Highway 19, thence northerly along Montana Highway 19 to its junction with U.S. Highway 191, thence northerly along U.S. Highway 191 to its junction with Montana Highway 242 at Malta, Montana, thence northerly along Montana Highway 242 to the Montana-Canadian Boundary, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, that part of Tennessee, on and east of U.S. Highway 51, Utah, Vermont, Virginia, West Virginia, and that part of Wyoming on and west of a line extending northerly from the Wyoming-Colorado State line along Wyoming Highway 789 to Creston, Wyoming, thence easterly along Interstate Highway 80 to Rawlins, Wyoming, thence northerly along U.S. Highway 287 to Muddy Gap, Wyoming, thence northeasterly along Wyoming Highway 220 to Casper, Wyoming, thence northerly along U.S. Highway 87 to the Montana-Wyoming State line.

(c) Between points in South Dakota on and west of U.S. Highway 83, on the one hand, and, on the other hand, points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, that part of Kansas, on and east of a line extending northerly from the Kansas-Oklahoma line along U.S. Highway 75 to Topeka, Kansas, thence easterly along Interstate 70 to the Kansas-Missouri State line, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan (points in the Lower Peninsula only), Minnesota, Mississippi, Missouri, (except points in the counties of Andrew, Atchison, Gentry, Harrison, Holt, Nodaway, and Worth), New Hampshire, New Jersey, New York, North Carolina, Ohio, that part of Oklahoma on and east of the Indian Nation Turnpike extending northerly from the Oklahoma-Texas line to McAlester, Oklahoma, thence northerly along U.S. Highway 75 to the Oklahoma-Kansas State line Pennsylvania, Rhode Island, South Carolina, Tennessee, that part of Texas, on and east of Interstate Highway 45 extending northerly from Galveston, Texas to Buffalo, Texas, thence northeasterly along U.S. Highway 79 to Jacksonville, Texas, thence northerly along U.S. Highway 69 to Tyler, Texas, thence northerly along U.S. Highway 271 to the Texas-Oklahoma State line, Vermont, Virginia, and West Virginia.

(d) Between points in South Dakota located within Union County, on the

one hand, and, on the other, points in Alabama, Arizona, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, that part of Illinois on and east of a line beginning at the Wisconsin-Illinois State line and extending southerly along U.S. Highway 51 to its junction with U.S. Highway 66, thence southwesterly along U.S. Highway 55 to the Illinois-Missouri State line, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan (points in the Lower Peninsula only), Minnesota, Mississippi, that part of Missouri on and east of U.S. Highway 67, that part of Montana on and west of a line beginning at the Montana-Canada boundary and extending southerly along Montana Highway 242 to its junction with U.S. Highway 191, thence southerly along Montana Highway 242 to its junction with U.S. Highway 191, thence southerly along U.S. Highway 191 to its junction with U.S. Highway 87, thence southerly along U.S. Highway 87 to the Montana-Wyoming State line, Nevada, New Hampshire, New Jersey, that part of New Mexico on and west of a line beginning at the Colorado-New Mexico State line, and extending southerly along Interstate Highway 25 to its junction with U.S. Highway 285, thence southerly along U.S. Highway 285 to its junction with U.S. Highway 62, thence easterly along U.S. Highway 62 to the New Mexico-Texas State line, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, That part of Texas on and south of a line beginning at the New Mexico-Texas State line and extending easterly along U.S. Highway 180 to its junction with U.S. Highway 87, thence southeasterly along U.S. Highway 87 to its junction with Interstate Highway 20, thence easterly along Interstate Highway 20 to the Louisiana-Texas State line, Utah, Vermont, Virginia and West Virginia; restricted in (1) and (2) above, against the transportation of farm machinery to or from Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, and Wyoming, and restricted in (2) above, to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of Minnesota.

No. MC 109637 (Sub-E47), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from the Petroleum Products Terminal of the LaGloria Oil & Gas Co., near Seymour, Ind., the Terminal site of the Texas Eastern Transmission Corp., at or near Lebanon, Warren County, Ohio and Hamilton County, Ohio to points in Arkansas, Florida, Louisiana, Oklahoma, Texas and points in Kansas on, west and south of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 81 to junction State Highway 196, thence along State Highway 196 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Calvert City, Kentucky.

No. MC 115257 (Sub-E2), filed May 12, 1974. Applicant: SHAMROCK VAN LINES, INC., P.O. Box 53443, Oklahoma City, Okla. 73105. Applicant's representative: Williams E. Bentley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household Goods*, as defined by the Commission, (A) between points in Oregon on the one hand, and, on the other, points in North Dakota; (B) between points in Oregon west and north of U.S. Highway 395 from California border to Burns, U.S. Highway 20 from Burns to Ontario on the one hand, and, on the other, points in Colorado east of U.S. Highway 287 from the Wyoming border to Denver, Interstate Highway 25 from Denver to New Mexico border. (C) Between points in Oregon west of U.S. Highway 97 on the one hand, and, on the other, points in Wyoming east of Interstate Highway 25. The purpose of this filing is to eliminate the gateway of any point in Montana west of U.S. Highway 89.

No. MC 115841, (Sub-No. E53), filed June 4, 1974, published in the FEDERAL REGISTER September 16, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. The letter-notice listed in the September 16, 1975, FEDERAL REGISTER was inadvertently published. The authority sought in E53 was published September 5, 1975 and stands as the correct authority and publication date.

No. MC 119777 (Sub-No. E6), (Correction), filed April 9, 1974, published in the FEDERAL REGISTER October 7, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel*, and *iron and steel articles*, which require special handling, because of size and weight (except machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and incidental to, or used in connection with (a) the discovery, development, production, and preservation of natural gas and petroleum, (b) the construction, operation, repairs, servicing, dismantling, and maintenance of pipe lines and facilities for the storage of natural gas, gasoline, and petroleum, and (c) the dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas, and petroleum; (16) from points in Illinois on, north, and east of a line beginning at the Wisconsin-Illinois State line extending along U.S. Highway 51 to junction Illinois Highway 38, thence along Illinois Highway 38 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction U.S. Highway 52, thence along U.S. Highway 52 to . . . ; (33) from points in Indiana on, north, and east of a line beginning at the Illinois-Indiana State line . . . ; and (41) from points in Indiana on, north, and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 12 to junction Indiana Highway 53, thence along Indiana Highway 53 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction U.S. Highway 460. The purpose of this filing is to eliminate the gateway of Kokomo, Ind. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 121420 (Sub-No. E9) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER May 20, 1975. Applicant: DART TRUCKING CO., INC., 61 Railroad St., Canfield, Ohio 44406. Applicant's representative: Paul F. Berry, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Limestone* and *limestone products*, *insecticides*, *herbicides*, *fungicides*, *fertilizer*, and *fertilizer ingredients and materials* (other than such commodities in bulk liquid form), and *iron bearing agglomerates*, in dry bulk form, from points in those parts of Beaver, Allegheny, Armstrong, Lawrence, and Westmoreland Counties, Pa., that are within 50 miles of Toronto, Ohio, to points in Lucas County, Ohio, on and east of U.S. Highway 23. The purpose of this filing is to eliminate the gateway of Mahoning Township, Lawrence County, Pa. The purpose of this partial correction is to correct the highway description above. The remainder of this letter-notice remains as previously published.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-33996 Filed 12-16-75;8:45 am]

[Notice 43]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 12, 1975.

The following letter-notices of proposals (except as otherwise specifically

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noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4 (c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4 (c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4 (c)(12) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before January 16, 1976.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 33641 (Deviation No. 106), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed December 5, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Lewistown, Pa., over U.S. Highway 322 to junction Pennsylvania Highway 153, thence over Pennsylvania Highway 153 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction Ohio Highway 21, thence over Ohio Highway 21 to junction Ohio Highway 585, thence over Ohio Highway 585 to Wooster, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Lewistown, Pa., over U.S. Highway 22 to Pittsburgh, Pa., thence over Pennsylvania Highway 65 to Rochester, Pa., thence over Pennsylvania Highway 68 to junction Ohio Highway 39 at the Ohio-Pennsylvania State line, thence over Ohio Highway 39 to E. Liverpool, Ohio, thence over U.S. Highway 30 to Wooster, Ohio, and return over the same route.

No. MC 59680 (Deviation No. 96), STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, Dallas, Tex. 75222, filed December 5, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Shreveport, La., over U.S. Highway 71 to junction U.S. Highway 190, and (2) From Shreveport, La., over Louisiana Highway 1 to Alexandria, La., thence over U.S. Highway 71 to junction U.S. Highway 190, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Shreveport, La., over U.S. Highway 171 to junction U.S. Highway 190, thence over U.S. Highway 190 to Baton Rouge, La., and return over the same route, restricted to the transportation of traffic moving to or from points in Louisiana, with service at Baton Rouge, La., restricted to traffic moving to or from points west of the Louisiana-Texas State line.

No. MC 75320 (Deviation No. 58), CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801, filed November 21, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Tupelo, Miss., over U.S. Highway 78 to junction U.S. Highway 278 near Hamilton, Ala., thence over U.S. Highway 278 to junction Alabama Highway 5 near Natural Bridge, Ala., thence over Alabama Highway 5 to junction U.S. Highway 78 near Jasper, Ala., thence over U.S. Highway 78 to Birmingham, Ala., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Tupelo, Miss., over U.S. Highway 45 to junction Mississippi Highway 45W (now Alternate U.S. Highway 45) thence over Mississippi Highway 45W to junction U.S. Highway 82, thence over U.S. Highway 82 to Tuscaloosa, Ala., thence over U.S. Highway 11 to Birmingham, Ala., and return over the same route.

No. MC-106051 (Deviation No. 3, OLD COLONY TRANSPORTATION CO., INC., 676 Dartmouth St., S. Dartmouth, Mass. 02748, filed November 21, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Utica, N. Y., over New York Highway 12 to Watertown, N.Y., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Utica, N.Y., over New York Highway 5 to Syracuse, N.Y., thence over U.S. Highway 11 to Watertown, N.Y., and return over the same route.

No. MC 111231 (Deviation No. 45), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed December 5, 1975. Carrier's representative: Kim D. Mann, 702 World Center Bldg., 918 Sixteenth St., N.W., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Atlanta, Ga., over Interstate Highway 20 to Tuscaloosa, Ala. (using portions of U.S. Highway 78 where Interstate Highway 20 is incomplete), thence over U.S. Highway 82 to Greenville, Miss., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Atlanta, Ga., over U.S. Highway 78 to Memphis, Tenn., thence over U.S. Highway 61 to junction U.S. Highway 82, thence over U.S. Highway 82 to Greenville, Miss., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Atlanta, Ga., over U.S. Highway 78 to Memphis, Tenn., thence over U.S. Highway 61 to junction U.S. Highway 82, thence over U.S. Highway 82 to Greenville, Miss., and return over the same route for operating convenience only.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75 33994 Filed 12-16-75;8:45 am]

[Notice 99]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 12, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) Grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under sections 5(2) and 212(b); (4) notices of filing of sections 5(2) and 210a(b) finance applications; and (5) notices of filing of section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 CFR 1100.250.

Protests to the granting of the requested authority must be filed with the Commission on or before January 16, 1976 (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's general rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served

concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

No. MC 44370 (Sub-No. 2), (Notice of Filing of Petition to Modify Territorial Description) filed November 5, 1975. Petitioner: E. M. LERIT, INC., 418–13th Avenue, Newark, N.J. 07103. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Petitioner holds a motor *common carrier* certificate in MC 44370 (Sub-No. 2), issued April 23, 1945, authorizing transportation, over irregular routes, of (1) *Scrap non-ferrous metals, including the coverings therefor or appurtenance thereto*, on skids or in containers, from East Orange, N.J., to points in Richmond County, New York, N.Y.; and (2) *empty containers and skids*, from points in Richmond County, New York, N.Y., to East Orange, N.J.

By the instant petition, petitioner seeks to add Piscataway, N.J., as an origin point in part (1) and as a destination point in part (2) of the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before January 16, 1976.

No. MC 126305 (Sub-No. 68), (Notice of Filing of Petition for Clarification and Amendment of Certificate), filed November 4, 1975. Petitioner: BOYD BROTHERS TRANSPORTATION CO., INC., Route 1, Clayton, Ala. 36016. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a motor *common carrier* certificate in No. MC 126305 (Sub-No. 68), issued September 10, 1975, authorizing transportation, over irregular routes, of (1) *Textile products*, from Laurinburg, Rockingham, and Saint Pauls, N.C., to Philadelphia, Pa., and New York, N.Y.; (2) *general commodities* (except Classes A and B explosives household goods as defined by the Commission, and commodities requiring special equipment), from New York, N.Y., and York, Pa., to points within 50 miles of Hamlet, N.C., including Hamlet; (3) *fresh fruits and vegetables*, from points in North Carolina and South Carolina, to New York, N.Y., Newark and Elizabeth, N.J., and Philadelphia, Pa.

By the instant petition, petitioner seeks to amend part (2) in the above authority to read, *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment) from New York, N.Y., Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act, (the "exempt" zone), and those points in New Jersey any part of which is within 5 miles of New York, N.Y., and York, Pa., to points within 50 miles of Hamlet, N.C., including Hamlet; or that applicant be permitted to establish as its terminal area, all points within which local operations may now be conducted in the New York Commercial Zone as redefined. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before January 16, 1976.

No. MC 128486 and (Sub-Nos. 1, 2, and 3), (Notice of Filing of Petition to Modify Permits), filed October 6, 1975. Petitioner: LILY TRANSPORT LINES, INC., 25 Denby Road, Boston (Allston), Mass. 02134. Petitioner's representative: Frank J. Weiner and Wesley S. Chused, 15 Court Square, Boston, Mass. 02108. Petitioner holds motor *contract carrier* permits in No. MC 128486 and (Sub-Nos. 1, 2, and 3), issued October 20, 1967, April 16, 1968, March 17, 1970, and August 7, 1972, respectively, authorizing transportation, over irregular routes, of MC 128486 (1) *Ice cream toppings, preserves, jellies, fruit juices, fruit drinks, flavoring syrups, and maple syrup* (except in bulk), from Lawrence, Mass., to points in Connecticut, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; (2) *fruits and juices* (except in bulk), from Jersey City and Newark, N.J., Middleport and Westfield, N.Y., and North East, Pa., to Lawrence, Mass.; (3) *glass bottles*, from Danielson, Conn., Bridgeton, Freehold, Jersey City, and Salem, N.J., Elmira, N.Y., Knox and Marienville, Pa., and Coventry, R.I., to Lawrence, Mass.; (4) *tin cans*, from Baltimore, Md., and Fairport, N.Y., to Lawrence, Mass., under a continuing contract, or contracts, with Lincoln Foods, Inc., of Lawrence, Mass.; MC 128486 (Sub-No. 1), *apple juice and vinegar*, in bulk, in tank vehicles, from Highland, N.Y., and Buckfield, Maine, to Lawrence, Mass., under a continuing contract, or contracts, with Lincoln Foods, Inc., of Lawrence, Mass.; MC 128486 (Sub-No. 2) (1) *glass bottles*, (a) from Danielson, Conn., Bridgeton, Freehold, Jersey City, North Bergen, and Salem, N.J., Elmira, N.Y., Knox and Marienville, Pa., Coventry, R.I., and Lawrence, Mass., to Buckfield, Maine; and (b) from North Bergen, N.J., to Lawrence, Mass.; (2) *fruit juices and fruit drinks*, in containers, from Buckfield, Maine, to points in Connecticut, Massachusetts, New Hampshire, and Rhode Island, under a continuing contract, or contracts, with Lincoln Foods, Inc., of Lawrence, Mass.; MC 128486 (Sub-No. 3), (1) *ice cream toppings, preserves, jellies, fruit juices, fruit drinks, flavoring syrups, and maple syrup* (except in bulk), from Woburn, Mass., to points in Connecticut, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

(2) *Fruit and juices* (except in bulk), from Jersey City and Newark, N.J., Middleport, and Westfield, N.Y., and North East Pa., to Woburn, Mass.; (3) *glass bottles*, (a) from Danielson, Conn., Bridgeton, Freehold, Jersey City, North Bergen and Salem, N.J., Elmira, N.Y., Knox and Marienville, Pa., and Coventry, R.I., to Woburn, Mass.; (b) from Woburn, Mass., to Buckfield, Maine; and (c) from Wharton, N.J., to Lawrence and Woburn, Mass., Backfield, Maine, and Highland, N.Y.; (4) *tin cans*, (a) from Baltimore, Md., and Fairport, N.Y., to Woburn, Mass.; and (b) from Edison Township, N.J., to Lawrence and Woburn, Mass., Buckfield, Maine, and Highland, N.Y.; (5) *apple juice and vinegar*, in bulk, in tank vehicles, from Highland, N.Y. and Buckfield, Maine, to Woburn, Mass., under a continuing contract, or contracts, with Lincoln Foods, Inc., of Lawrence, Mass.; (6) *canned and preserved foods*, from Lawrence, and Woburn, Mass., to points in Connecticut, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont; and (7) *canned foods*, from Kennett Square, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. Restriction: The operations authorized in the 2 commodity descriptions next above are limited to a transportation service to be performed, under a continuing contract, or contracts, with S. S. Pierce Company of Boston, Mass.

By the instant petition, petitioner seeks to delete Lincoln Foods, Inc., as a contract shipper wherever it appears in MC 128486, MC 128486 (Sub-No. 1), MC 128486 (Sub-No. 2), and MC 128486 (Sub-No. 3), and to substitute in lieu thereof, Seneca Foods Corporation of Dundee, N.Y., and S. S. Pierce Company of Boston, Mass. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before January 16, 1976.

No. MC 139846, (Notice of Filing of Petition to Substitute Contracting Shipper), filed November 7, 1975. Petitioner: WADDICK TRANSPORT LIMITED, R.R. #6, Chatham, Ontario, Canada. Petitioner's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Petitioner holds a motor *contract carrier* permit in No. MC 139846, issued June 18, 1975, authorizing transportation, over irregular routes, of *Liquid protein supplements*, not intended for human consumption, in bulk, in tank vehicles, from Adrian, Mich., and Arcade, N.Y., to ports of entry on the International Boundary line between the United States and Canada located in Michigan and New York, under a continuing contract, or contracts with Brockville Chemical Industries Limited of Montreal, Quebec, Canada.

By the instant petition, petitioner seeks to delete Brockville Chemical Industries Limited of Montreal, Quebec, Canada as a contract shipper in the above authority, and to substitute in lieu thereof, Ruminant Nitrogen Products Company of Adrian, Mich. Any interested person or persons desiring to par-

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ticipate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before January 16, 1976.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 139809 (Sub-No. 9), filed November 25, 1975. Applicant: FORBES REFRIGERATED TRANSPORT, INC., 2001 Charleston Road, Wilson, N.C. 27893. Applicant's representative: David P. Permar, 327 Hillsborough Street, P.O. Box 527, Raleigh, N.C. 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products, and articles*, distributed by meat-packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration and meat rails, from points in North Carolina, to points in Maryland, Delaware, Pennsylvania, New Jersey, and New York, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Wilson, N.C.

(2) *Bananas*, from points in that part of the New York, N.Y. Commercial Zone as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by section 203 (b) (8) of the Interstate Commerce Act (the exempt zone), to points in North Caroline with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Raleigh, Fayetteville and Goldsboro, N.C.

(3) *Meats, meat products and meat by-products, and articles* distributed by meat packing houses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration (except frozen foods), from points in North Carolina, to points in Connecticut, Maryland, New Jersey, New York and Pennsylvania and *returned shipments* of the above-described commodities, from points in Connecticut, Maryland, New Jersey, New York and Pennsylvania, to points in North Carolina. The purpose of this filing is to eliminate the gateway of Kingston, N.C.

(4) *Meats, meat products and meat by-products, and articles*, distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from points in North Carolina, to Washington, D.C., and points in West Virginia, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Wilson, N.C.

(5) *Bananas*, from points in that part of the New York, N.Y. Commercial Zone, as defined in New York, N.Y., Commercial Zone, 111 M.C.C. 123, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the exempt zone), to points in North Carolina, with no transportation for compensation on return except as otherwise authorized.

(6) *Bananas and agricultural commodities* exempt from economic regulation under section 203(b)(8) of the Interstate Commerce Act, when transported in mixed shipments with bananas, from Baltimore, Md., to points in North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, with no transportation for compensation on return except as otherwise authorized.

(7) *Meats, meat products, meat by-products, and articles*, distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plant site and storage facilities utilized by Swift Fresh Meats Company, a division of Swift and Company at Wilson, N.C., to points in South Carolina and Virginia, with no transportation for compensation on return except as otherwise authorized restricted to the transportation of traffic originating at the above-described plant site and storage facilities and destined to points in the above-specified destination states, from points in North Carolina, to points in Massachusetts and Virginia, with no transportation for compensation on return except as otherwise authorized.

(8) *Meats, meat products and meat by-products and articles* distributed by meat packing houses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeraton, from points in North Carolina, to points in Massachusetts, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Wilson, N.C.

NOTE.—This is a gateway elimination request and is a matter directly related to a section 5(2) proceeding in MC–F–12634 published in the FEDERAL REGISTER issue of September 24, 1975. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., Richmond, Va. or Washington, D.C.

No. MC 141525 filed November 7, 1975. Applicant: T. E. ANDRESEN, INC., 67 Stetson Avenue, Swampscott, Mass. 01907. Applicant's representative: Thomas E. Andresen, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Massachusetts, on the one hand, and, on the other, points in Massachusetts, New Hampshire, Maine, Vermont, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. The purpose of this filing is to eliminate the gateways of Swampscott, Mass. and five miles thereof.

NOTE.—This is a gateway elimination request and is a matter directly related to a transfer application in MC–FC–76115. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC–F–12263. Petition filed September 2, 1975, under Rule 102 of the Commission's general rules of practice for approval of an amendment to an agreement between common carriers for the pooling of traffic. Applicants: THE SANTA FE TRAIL TRANSPORTATION COMPANY, P.O. Box 56, Wichita, KS 67202 (MC 30605), with ILLINOIS CALIFORNIA EXPRESS, INC., P.O. Box 16404, Denver, CO 80216 (MC 48958), RED BALL MOTOR FREIGHT, INC., P.O. Box 47407, Dallas, TX 75207 (MC 2229), and NAVAJO FREIGHT LINES, INC., 1205 South Platte River, Denver, CA 80223 (MC 76032), seeks to modify an agreement for the pooling of traffic consisting of general commodities moving to and from points in Arriba, Bernal, Glorieta, Ilfeld, Las Vegas, Maxwell, Pecos, Raton, Romeroville, Towe, Sands, San Jose, Serafina, Springer, Tecolote, Wagon Mound, and Watrous, N. Mex., by changing the pool point for exchange of traffic between THE SANTA FE TRAIL TRANSPORTATION COMPANY AND RED BALL MOTOR FREIGHT INC., from Raton, N. Mex., to Amarillo, Tex. Attorney: William O. Turney, 20001 Massachusetts Ave. NW., Washington, DC 20036.

No. MC–F–12570. (Correction), (CHARTER EXPRESS, INC.—PURCHASE—SATURN EXPRESS, INC.), published in the July 2, 1975, issue of the FEDERAL REGISTER on page 27997. Prior notice should have included the following operating authority. Ceramic tile, as a contract carrier over irregular routes, from the facilities of the Marmon Group, Inc., at or near Jackson, Miss., to points in Louisiana, Arkansas, Kentucky, Tennessee and Alabama.

No. MC–F–12691. Authority sought for control and merger by COMMERCIAL MOTOR FREIGHT, INC., 3400 Refugee Rd., Columbus, OH 43227, of the operating rights and properties of LOVELACE TRUCK SERVICE, INC., P.O. Box 1019, Terre Haute, IN 47807, and for acquisition by BANNER INDUSTRIES, INC., 1605 Superior Bldg., Cleveland, OH 44114,

of control of such rights and properties through the transaction. Applicants' attorneys: David Axelrod, 39 S. LaSalle St., Chicago, IL 60603, R. L. Ratchford, 3400 Refugee Rd., Columbus, OH 43227, and Robert G. Wolfe, 410 Star Bldg., Terre Haute, IN 47807. Operating rights sought to be controlled and merged: General commodities, with certain specified exceptions, and numerous other specified commodities, as a common carrier, over regular and irregular routes, from, to, and between specified points in the States of Illinois, Indiana, Missouri, Iowa, Kentucky, Michigan, Wisconsin, Minnesota, Ohio and Kansas, with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC 151 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. COMMERCIAL MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Ohio, Pennsylvania, Indiana, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12692. Authority sought for purchase by MALLINGER TRUCK LINE, INC., RFD #4, Fort Dodge, IA 50501, of a portion of the operating rights of B. J. McADAMS, INC., Route 6, North Little Rock, AR 72118, and for acquisition by DENNIS MALLINGER, AND JUDY MALLINGER, also of Fort Dodge, IA 50501, of control of such rights through the purchase. Applicants' attorney: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Operating rights sought to be transferred: *Canned goods*, as a *common carrier* over irregular routes, from Hartford, Bailey and Grawn, Mich., to points in Arkansas, Louisiana, and Mississippi; *canned goods*, when moving in mixed loads with frozen foods, from Hartford, Bailey, and Grawn, Mich., to points in Texas and Oklahoma; *frozen foods*, when moving in mixed loads with canned goods, from Hartford, Bailey, and Grawn, Mich., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas, with restriction; *frozen bakery products* and *frozen milk and cream substitute*, from Appleton, Wis., to points in Oklahoma, Texas, and Arkansas, with restriction. Vendee is authorized to operate as a *common carrier* in Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Texas, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12697. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: RED BALL MOTOR FREIGHT, INC., P.O. Box 47407, Dallas, TX 75247 (MC 2229), with THUNDERBIRD FREIGHT LINES, INC., 1515 South 22nd Ave., Phoenix, AZ 85009 (MC 69512), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving to and from points in Abbott, Agua Fria, Alcalde, Amistad, Broadview, Bueyeros, Capulin, Cimmaron, Clayton, Colfax, Colmor, Des Moines, De Taos (Ranches de Taos), Dixon, Eagle Nest, Embudo, Elizabethtown, El Prado, Espanola, Farley, Forrest, French, Gabaldon, Gallaher, Gladstone, Grady, Greenville, Hayden, Koehler, Levy, Logan, Mosquero, Mt. Dora, Mills, Molybdenum, Nara Visa, Passamonte, Penasco, Pilar, York Canyon, Pojoaque, Quay, Ragland, Red River, Rosebud, Roy, Rinconado, Santa Cruz, Santa Fe, Sedan, Shadybrook, Solano, Stead, Sugarite, Swastika, Talpa, Taos, Taos Peublo, Taylor Springs, Tesuque, Tesuque Pueblo, Texico, Tucumcari, Ute Park, Van Houten, and Velarde, New Mexico. Attorney: Russell R. Sage, Suite 400 Overlook Office Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. RED BALL MOTOR FREIGHT, INC., is authorized to operate as a common carrier in Texas, Louisiana, Arkansas, Oklahoma, New Mexico, Colorado, Alabama, Mississippi, Tennessee, Kansas, Missouri, and California.

No. MC–F–12699. Authority sought for purchase by ROADWAY EXPRESS, INC., P.O. Box 471, Akron, OH 44309 of a portion of the operating rights of OWENS TRANSFER CORPORATION, Box 330, Du Quoin, IL 62832, and for acquisition by GALEN J. ROUSH, also of Akron, OH 44309, of control of such rights through the purchase. Applicants' attorney and representative: William O. Turney, 2001 Massachusetts Ave., N.W., Washington, D.C. 20036, and Douglas W. Faris, P.O. Box 471, Akron, OH 44309. Operating rights sought to be transferred: *General commodities*, with the usual exceptions, as a *common carrier*, over regular routes, between St. Louis, Mo., and Cairo, Ill., between Centralia and Cairo, Ill., between Benton, and Harrisburg, Ill., serving intermediate and off-route points located generally in southwestern Illinois, between the plant site of the West Virginia Pulp and Paper Co., at or near Wickliffe, Ky., and Cairo, Ill., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Alabama Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12702. Authority sought for merger by GULF COAST MOTOR LINE, INC., 921 Third St., South, St. Petersburg, FL 33701, of the operating rights and property of SOUTHERN TOURS, INC., and for acquisition by VIOLA W. SHOUPPE, and VIOLA W. SHOUPPE, as Administratrix of the Estate of BYRON C. SHOUPPE, Deceased, all of the above-mentioned address, of control of such rights through the transaction. Applicants' attorneys: Ansley Watson, Jr., 512 Florida Ave., P.O. Box 1531, Tampa, FL 33601, and S. Harrison Kahn, 733 Investment Bldg., Washington, D.C. 20005. Operating rights sought to be merged: Passengers and their baggage, restricted to traffic originating at the point indicated, in charter operations, as a common carrier over irregular routes, from St. Petersburg, Fla., to points and places in Florida, and return: passengers and their baggage, restricted to traffic originating and terminating at the point indicated, in special operations of round-trip sightseeing or pleasure tours, from St. Petersburg, Fla., to points and places in Florida, and return. GULF COAST MOTOR LINE, INC., is authorized to operate as a common carrier in all of the States (except Hawaii). Application has not in the United States been filed for temporary authority under section 210a(b).

NOTE: Pursuant to Docket No. MC–F–9412, Byron C. Shouppe acquired control of Gulf Coast Motor Line, Inc., by order dated July 18, 1966, and served July 26, 1966.

No. MC–F–12703. Authority sought for purchase by CHARLES W. KARPER, INC., 144 S. Eight St., Chambersburg, PA 17201, of a portion of the operating rights and property of H. C. GABLER, INC., R.D. #3, Chambersburg, PA 17201, and for acquisition by CHARLES W. KARPER, 561 S. Seventh St., Chambersburg, PA 17201, of control of such rights and property through the purchase. Applicants' attorney: Christian V. Graf, 407 N Front St., Harrisburg, PA 17101. Operating rights sought to be transferred: *Concrete products*, as a *common carrier* over irregular routes, from points in Franklin County, Pa., to points in Connecticut, Delaware, Massachusetts, New York, Rhode Island, and the District of Columbia, from points in Franklin County, Pa., to points in Maryland, New Jersey, Virginia and West Virginia. Vendee is authorized to operate as a *common carrier* in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12704. Authority sought for merger by WAGONER TRANSPORTATION COMPANY, 755 E. Hackley Ave., Muskegon Heights, MI 49444, of the operating rights and property of (B) MERCURY TRANSIT COMPANY; and (BB) SEAWAY TRANSPORTATION COMPANY, and for acquisition by HAROLD WAGONER and W. SCOTT WAGONER, all of the above-mentioned address, of

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control of such rights and property through the transaction. Applicants' attorney: Leonard D. Verdier, Jr., 900 Old Kent Bldg., Grand Rapids, MI 49502. Operating rights sought to be merged: (B) *Petroleum* and *petroleum products*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from Escanaba, Mich, to points in Wisconsin; from Kewaunee, Wis., to points in the Upper Penisula of Mich. (BB) *Lime, lime hydrate* and *calcium carbide residue*, as a *common carrier* over irregular routes, from the plant site of E. I. Du Pont Company near Montague, Mich., to points in Indiana. WAGONER TRANSPORTATION COMPANY, is authorized to operate as a *common carrier* in Michigan and Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC 12705. Authority sought for purchase by GALLATIN-PORTLAND FREIGHT LINES, INC., P.O. Box 888, Gallatin, TN 37066, of the operating rights of ROBERT H. BRADSHAW, doing business as HARTSVILLE FREIGHT COMPANY, P.O. Box 1, Hartsville, TN 37074, and for acquisition by SHELBY GREFORY, also of Gallatin, TN 37066, of control of such rights through the purchase. Applicants' attorney: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. Operating rights sought to be transferred: Under certificates of registration in Docket Nos. MC–125085 (Sub-No. 1) and (Sub-No. 2), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Tennessee. Vendee is authorized to operate as a *common carrier* in Tennessee. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12706. Authority sought for purchase by ART PAPE TRANSFER, INC., 1080 E. 12th St., Dubuque, IA 52001, of the operating rights and property of MILLER'S TRUCKING AND RENTAL, INC., 200 Southern Ave., Dubuque, IA 52001, and for acquisition by ARTHUR J. PAPE, also of Dubuque, IA 52001, of control of such rights and property through the purchase. Applicants' attorney: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Operating rights sought to be transferred: Building materials, except commodities in bulk, as a contract carrier over irregular routes, from Dubuque, Iowa, to points in Illinois, Indiana, Kansas, Minnesota, Missouri, North Dakota, Nebraska, Oklahoma, South Dakota, Texas and Wisconsin, from Dubuque, Iowa, to points in Alabama, Arkansas, California, Colorado, Georgia, Kentucky, Michigan, Montana, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming; *dock or vehicle shelters, dock enclosures, canopies, awnings, protective shields, screens, garments, kits, partitions, protective blankets, visibility belts, cable and hose protectors*, and *related accessories* (except commodities in bulk), from Dubuque, Iowa, to points in Connecticut, Maryland, New Jersey, New York, and Pennsylvania; *materials and supplies* (except commodities in bulk), used in the manufacture and distribution of building materials, from points in Arkansas, California, Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Texas, Tennessee, West Virginia and Wisconsin, to Dubuque, Iowa; (1) *dock or vehicle shelters, dock enclosures, canopies, awnings, protective shield, screens, garments, kits, partitions, protective blankets, visibility belts, cable and hose protectors*, and *related accessories* (except commodities in bulk), from Dubuque, Iowa, to points in Delaware, Massachusetts, North Carolina, Rhode Island, South Carolina, and Virginia; and return with (2) *materials* and supplies used in the manufacture and distribution of the commodities described in (1) above (except commodities in bulk); *ornamental iron products*, and *accessories* for ornamental iron products, from Mt. Carroll, Ill., to points in Arkansas, Colorado, Kansas, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming, from Lodi, Ohio, to Mt. Carroll, Ill., with restrictions. Vendee is authorized to operate as a *common carrier* in all of the States in the United States. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12707., Authority sought for control and merger by THE CHIEF FREIGHT LINES COMPANY, 2401 N. Harvard Ave., Tulsa, OK 74115, of the operating rights and property of MORRISON MOTOR FREIGHT, INC., 1100 E. Jenkins Blvd., Akron, OH 44306, and for acquisition by LLOYD STITH AND J. E. STITH, both of Tulsa, OK 74115, of control of such rights and property through the transaction. Applicants' attorneys: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603, and Sam Roberts, 501 Philtower Bldg., Tulsa, OK 74103. Operating rights sought to be controlled and merged: *General commodities*, with certain specified exceptions, and other numerous specified commodities, as a *common carrier* over regular and irregular routes, between points in Ohio, Kansas, Indiana, Pennsylvania, Missouri, West Virginia, Kentucky, New York, and Illinois, with certain restrictions, serving various intermediate and off-route points, over three alternate routes for operating convenience only, as more specifically described in Docket No. MC–59728 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. THE CHIEF FREIGHT LINES COMPANY, is authorized to operate as a *common carrier* in Texas, Illinois, Indiana, Oklahoma, Kansas, Missouri, New York, Ohio and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12708. Authority sought for purchase by MURROW'S TRANSFER, INCORPORATED, P.O. Box 4095, High Point, N.C., 27263, of the operating rights of D & D TRUCKING COMPANY, LOUIS J. FISHER, JR., RECEIVER, P.O. Drawer 1150, High Point, N.C., 27261, and for acquisition by W. C. MURROW, also of High Point, N.C., 27263, of control of such rights through the purchase. Applicants' attorney: George W. Clapp, P.O. Box 836, Taylors, S.C., 29687. Operating rights sought to be transferred: *New furniture*, as a *common carrier* over irregular routes, between points in North Carolina; *new, used and reconditioned furniture, store fixtures, and store display equipment*, except in bulk, between Statesville, N.C., on the one hand, and, on the other, points in Georgia, South Carolina, and Virginia. Vendee is authorized to operate as a *common carrier* in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12710. Authority sought for purchase by MINNESOTA–WISCONSIN TRUCK LINES, INC., 965 Eustis Street, St. Paul, MN., 55114, of the operating rights and property of NORTHLAND FREIGHT LINES, INC., Box 1652, Grand Forks, N.D., 58201, and for acquisition by ARTHUR A. MCCUE, 965 Eustis St., St. Paul, MN., 55114, of control of such rights and property through the purchase. Applicants' attorney: William S. Rosen, 630 Osborn Building, St., Paul, MN., 55102. Operating rights sought to be transferred: *General Commodities* with exceptions as a *common carrier* over regular routes between Fordville, N. Dak., and St. Paul, Minn. serving no intermediate points, and serving the off-route points of Minneapolis, Minn.; *general commodities* with exceptions as a *common carrier* over irregular routes between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, Hillsboro, Portland, Michigan, Whitman, Adams, Minto, Grafton, Park River, Dahlen, Lankin, Hoople, and Grand Forks, N. Dak., between Grand Forks, N. Dak., on the one hand, and, on the other, the site of the United States Air Force Base (located approximately 20 miles northwest of Grand Forks), and points within five miles of said air force base; livestock, between points in that part of North Dakota north of North Dakota Highway 15 and east of North Dakota Highway 1, including points on the indicated portions of the highways specified, on the one hand, and, on the other, South St. Paul, Minn.; between Stephen, Minn., and points in Minnesota within 20 miles of Stephen, Minn., on the one hand, and, on the other, West Fargo and Union Stockyards, Cass County, N. Dak., from Drayton, N. Dak., and points within five miles of Drayton, N. Dak., to South St. Paul, Minn.; *fertilizer, fence and fence materials* and *culverts*, from Fargo, West Fargo, and Union Stockyards, N. Dak., to points, except municipalities, in Minnesota within 20 miles of Stephen, Minn. Vendee is authorized to operate as a *common carrier* in Minnesota, North Dakota, South Dakota and Wisconsin. Application has been filed for temporary authority under section 210a(b).

ILLINOIS CENTRAL GULF RAILROAD COMPANY, 233 North Michigan Avenue, Chicago, Illinois, 60601, represented by Mr. Howard D. Koontz, Senior General Solicitor, Illinois Central Gulf Railroad Company, 233 North Michigan Avenue, Chicago, Illinois, 60601, hereby gives notice that, on the 17th day of November 1975, it filed with the Interstate Commerce Commission at Washington, D.C., an application under section 5(2) of the Interstate Commerce Act for an order approving and authorizing the acquisition and operation of trackage rights over 7.79 miles of track of the Chicago & Illinois Midland Railway Company located in Sangamon County, Illinois, between Springfield, Illinois, and Andrew, Illinois, in order to interchange unit coal trains with Chicago & Illinois Midland Railroad at Andrew, Illinois, in lieu of at Springfield, Illinois, where Chicago & Illinois Midland Railway Company lacks adequate track space for interchanging long coal trains without blocking crossings. The application has been asigned Finance Docket No. 28046.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Natl. Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 ICC 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than January 16, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–33997 Filed 12–16–75;8:45 am]

[No. MC–C–8734]

ROGERS TRANSFER, INC.

Petition for Interpretation of Authority

DECEMBER 12, 1975.

At the request of Bert Collins, representative on behalf of petitioner, the time for filing comments in the above-entitled proceeding has been extended from December 15, 1975. to December 22, 1975.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–33991 Filed 12–16–75;8:45 am]

[Notice 94]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Peoples Express Co., MC–1756 Sub-28	MC–1756 Sub-No. 29	Oct. 3, 1975
Monson Dray Line, Inc., MC–4483 Sub-18	MC–4483 Sub-19	Do.
Deaton, Inc., MC–11207 Sub-345	MC–11207 Sub-343	Nov. 15, 1975
Briggs Transportation Co., MC–25555 Sub-72	MC–25555 Sub-78	Oct. 3, 1975
Rogers Cartage Co., MC–64932 Sub-524	MC–64932 Sub-529	Oct. 24, 1975
Rogers Cartage Co., MC–64932 Sub-546	MC–64932 Sub-547	Do.
Spector Freight System, Inc., MC–69116 Sub-165	MC–69116 Sub-167	Oct. 9, 1975
Melton Truck Lines, Inc., MC–100666 Sub-289	MC–100666 Sub-291	Oct. 3, 1975
Knudsen Trucking, Inc., MC–105159 Sub-28	MC–105159 Sub-32	Sept. 29, 1975
Dahlen Transport of Iowa, MC–105375 Sub-55	MC–105375 Sub-56	Oct. 9, 1975
Bulk Carriers, Inc., MC–107010 Sub-56	MC–107010 Sub-56	Oct. 17, 1975
Matlack, Inc., MC–107403 Sub-897	MC–107403 Sub-918	Sept. 29, 1975
Refrigerated Transport Co., MC–107515 Sub-969	MC–107515 Sub-967	Do.
Hyman Freightways, Inc., MC–108535 Sub-26	MC–108535 Sub-24	Oct. 22, 1975
Tri-State Motor Transit Co., MC–109397 Sub-289	MC–109397 Sub-291	Nov. 12, 1975
J. E. Lammert Transfer, Inc., MC–110589 Sub-4	MC–110589 Sub-7	Nov. 16, 1975
Purolator Courier Corp., MC–111729 Sub-449	MC–111729 Sub-466	Oct. 22, 1975
Purolator Courier Corp., MC–111729 Sub-461	MC–111729 Sub-474	Do.
Roblesen's Express, Inc., MC–111981 Sub-20	MC–111981 Sub-19	Do.
Erickson Transport Corp., MC–113908 Subs-321, 323	MC–113908 Sub-325	Oct. 24, 1975
Farris Truck Line, MC–114239 Sub-31	MC–114239 Sub-32	Sept. 29, 1975
Wynne Transport Service, Inc., MC–114725 Sub-56	MC–114725 Sub-58	Oct. 22, 1975
Western-Commercial Transport, Inc., MC–116063 Sub-130, 131	MC–116063 Sub-132	Oct. 3, 1975
Scott Transfer Co., Inc., MC–116947 Sub-35	MC–116947 Sub-37	Sept. 30, 1975
Tempco Trans., Inc., MC–119069 Sub-36	MC–119069 Sub-39	Do.
D.b.a., All-Star Transportation, MC–134182 Sub-22	MC–134182 Sub-23	Nov. 14, 1975
George Bros., Inc., MC–136246 Sub-7	MC–136246 Sub-8	Nov. 6, 1975
Robco Transportation, Inc., MC–136786 Sub-51	MC–136786 Sub-53	Nov. 12, 1975
D.b.a., Dayton Air Freight, MC–138255 Subs-1, 2	MC–138255 Sub-3	Nov. 13, 197

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–33993 Filed 12–16–75;8:45 am]

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federal register

WEDNESDAY, DECEMBER 17, 1975



PART II:

ENVIRONMENTAL PROTECTION AGENCY

■

GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

State and Local Assistance

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Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 457-3]

PART 35—STATE AND LOCAL ASSISTANCE

Procurement Under Grants for Construction of Treatment Works

On May 9, 1975, the Environmental Protection Agency published in the FEDERAL REGISTER a proposal to amend its general grant regulations to incorporate minimum standards for procurement under grants (Part 33) and to amend its State and local assistance grant regulations (Part 35) to incorporate, among other things, policies and procedures governing procurement of professional services under grants for construction of treatment works (40 FR 20296). The regulation published here finalizes the amendments to Part 35 only. Part 33 will be published separately within the next several months.

The May 9 proposed regulation requested the submission of comments from interested parties until June 9, 1975. The comment period was later extended through July 15, 1975, (40 FR 24534). Approximately 1650 comments were received. Of these, approximately 1290 were letters from equipment manufacturers and others supporting adoption of § 35.938–6. About half of the remaining comments were from the engineering profession. Many comments were received from local governments and sewerage authorities. Comments were also received from States, professional associations, attorneys, construction contractors, academicians and others. In addition, members of Congress forwarded about 400 inquiries. All comments received were carefully considered by program, legal, audit and grants administration personnel in developing the final regulation. Following the public comment period, EPA held a series of meetings with representatives of professional and business groups and State and local governments who had commented on the proposal in an effort to maximize public participation of all parties principally affected by the regulations. In conjunction with these groups, EPA is participating in workshops to discuss how the regulations will be implemented and to insure that this promulgation will not disrupt the construction grants program.

The procurement provisions in these amendments to Part 35 apply only to grants for construction of treatment works. These provisions are requirements for procurement of architectural or engineering services and construction contracts. Part 33, when promulgated, will include similar provisions applicable to all other grant programs of the Agency. In addition, Part 33 will include other procurement provisions for all other grant programs which will be applicable to the construction grants program only for ancillary procurements such as legal or accounting services.

Many commenters questioned the need for these regulations, asserting either that Federal Management Circular 74–7 provides sufficient guidance for grantees, or that procurement requirements were more appropriate for an advisory handbook than regulations. While many agencies have guidelines or other directives which they have developed to govern procurement practices under their grants, it is EPA policy to use the FEDERAL REGISTER process to advise all interested parties of grant requirements. Our experience indicates that we need regulatory requirements to assure the prudent administration of Federal funds. Eighteen billion dollars are currently authorized for the construction grants program, almost all of which is expended by contract. EPA is expected to adopt reasonable measures to minimize the potential for misuse of any part of these funds or any other funds we manage. Accordingly, these amendments to Part 35 accomplish the implementation of the standards of Attachment "O" to FMC 74–7 for the EPA construction grants program.

SECTION 35.936 SERIES

Sections 35.936 through 35.936–21 were not included in the May 9 proposal. Many of these provisions were scattered throughout the document. Others have been added as a result of comments requesting clarification. These sections include general procurement policies and definitions which are applicable to all procurements, whether for architectural/engineering services or construction.

The small purchase provisions have been included in the interest of minimizing paperwork and are consistent with Federal procurement practice and Attachment "O" to FMC 74–7. Procurements of $10,000 or less are considered small purchases and are not subject to any of the provisions of the regulations other than the very minimal requirements stated in § 35.936–19.

The provisions pertaining to the delegation to States and certification of State and local procurement systems (§ 35.936–21) were developed in response to comments regarding the administration of State and local procurement systems and responsibilities. This section carries out the objective of FMC 74–7 to place greater reliance on State and local governments. These provisions permit State and local governments to follow their own systems where those systems offer the same protections as do these regulations.

SECTION 35.937 SERIES

In response to many comments which questioned EPA's intent in this regard, the regulation has been worded to clearly express that it is not the intent of the Agency or of the regulations to require grantees to solicit "bids" for engineering services, nor to require grantees to compare the cost proposals of competing firms with which it is negotiating. The basis of final selection would remain the grantee's choice. The regulations emphasize the negotiation process necessary to ensure the best technical product at a fair and reasonable price. The Agency will neither prohibit nor encourage price competition as States and localities have varying practices in this regard.

Many commenters questioned the need, as well as the ability, of small communities to follow the procurement procedures set forth by the regulation. While we believe that it would be desirable for small communities to incorporate the procurement process of the regulations in their local practices, we have exempted small communities (populations of 25,000 or less) from the announcement and selection provisions (§§ 35.937–2, 35.937–3, 35.937–4). Other revisions in the final regulation which would be of assistance to such communities include the requirement for a standard cost review format (rather than the cost analysis required by the proposed regulation for contracts in excess of $100,000) and the provision of standard contract clauses in Appendixes C–1 and C–2. Several commenters were of the view that the regulations would work a hardship on smaller consulting firms, many of which worked primarily for small communities. These changes should also be of assistance to small firms.

Section 35.937–1 sets forth the types of contracts which are permissible for use for architectural or engineering services under a grant, the circumstances where each type is most appropriate, and identifies two types of contracts, cost-plus-percentage-of-cost (CPPC) and percentage-of-construction-cost (PCC), which may not be used. Both FMC 74–7 and these regulations prohibit these types, as in both these types of contract, profit escalates as cost escalates, and, therefore, there is no incentive to reduce costs. As there are a number of contract forms or types which are allowable, the regulations attempt only to set the broad outlines.

Inasmuch as architect-engineers are commonly selected based on technical qualifications, the regulations establish a process to provide the maximum feasible opportunity for technically qualified firms to be considered while assisting the grantee in selecting the appropriate firm. These provisions have been revised from the proposed regulation to eliminate what many commenters thought were burdensome provisions. While we considered the many requests that "Brooks Bill" procedures be made mandatory, the Agency has elected to remain neutral regarding the question of price competition and the regulation, therefore, permits the use of Brooks Bill or other State and local procedures.

As an aid to the grantee in negotiation, the Agency believes it necessary to require that the selected engineer submit cost and profit data to the grantee for his consideration. On a selected basis, that is, contracts over $100,000 in communities whose procurement systems have not been certified, EPA will review for procedural conformity. We did not consider it appropriate to establish ranges or ceilings on profit in these sub-

agreements since there are many variables which would enter into the determination.

SECTION 35.938 SERIES

This series of sections, relating to construction contracts of grantees, was established in the final regulations promulgated on February 11, 1974. In these new final regulations, §§ 35.938–1 through 35.938–4 remain substantially the same as in the previous final regulation and several new sections are added.

Section 35.938–5 establishes negotiation procedures for change orders under fixed price construction contracts. Change orders, in most cases, are negotiated procurement and the same basic procedures should be used to ensure the best and most economical results. The final regulation sets forth the complete negotiation process, including cost review.

Sections 35.938–6 and 35.938–7 implement the Agency's policy of encouraging prompt progress payments as work progresses so as to eliminate unnecessary interest costs. Section 35.938–6 establishes in the regulations the retainage policy issued in Program Guidance Memorandum 43 on November 18, 1974. Section 35.938–7 establishes provisions relating to progress payments for specifically manufactured equipment in conformity with this overall EPA policy.

SECTION 35.939

Based on our experience with the current § 35.939, the new regulations delineate the protest process in a more precise fashion. These improved procedures should be an advantage to all affected parties.

SECTION 35.965

This section repeats in the construction grant regulations those sanctions against noncompliance which are included in the general grant regulations at 40 CFR 30.430.

APPENDIXES C–1 AND C–2

In these Appendixes, EPA will provide standard provisions for use in consulting engineering agreements and construction contracts. Such simplification and standardization of procedures should be of assistance to both contractors and grantees. EPA endorses the "Contract Documents for Construction of Federally Assisted Water and Sewer Projects," for use in conjunction with the provisions of Appendix C–2.

Readers will note that Appendixes C–1 and C–2 are, as of this publication, "reserved." The clauses are currently being put in final form and will be published in the FEDERAL REGISTER shortly, so that they will be available for use by the effective date.

APPENDIX D

This Appendix is a continuation of the policies of Program Guidance Memorandum 53 issued by EPA on July 8, 1975, which established interim policy with regard to consulting engineering agreements already in effect on the date of award of new grant assistance for any step of a construction grant. It is obvious that necessary renegotiations need not wait until grant award is imminent and that projects can proceed to the next step without delay occasioned by such renegotiation.

Many commenters raised the issue of delays occasioned by EPA review required by this regulation. EPA already receives consulting engineering agreements as part of the grant application pursuant to existing regulations. We believe that these regulations provide EPA staff with better guidance for such review and should not necessitate additional time.

We recognize that any change in regulations could cause some delay while all affected parties become accustomed to the changes. We are making every effort to minimize any delay, particularly through the workshops mentioned above.

Based on EPA experience in administering Program Guidance Memorandum 53, several organizational and administrative changes were made in the text as Appendix D appears. Accordingly, Appendix D will become effective on the date of publication and will supersede Program Guidance Memorandum 53 and all other prior letters, memoranda and guidance on this subject.

This Appendix D is applicable only to engineering agreements funded under construction grants awarded pursuant to Subpart E of Part 35. Generally, the same policies and procedures will be applicable to the audit and administration of other construction grant projects, such as reimbursement grants awarded pursuant to section 206 of Pub. L. 92–500 (40 CFR Part 35 Subpart D) and section 8 of the prior Federal Water Pollution Control Act (40 CFR Part 35 Subpart C).

It is important to note that the object of these regulations is to ensure the best possible engineering design at a reasonable cost to the taxpayer. Essential to the accomplishment of this goal are sound grantee procurement systems and practices. It is to assist grantees in the procurement process that these regulations have been developed.

A more comprehensive summary of these regulations and a more detailed discussion of comments received is available and will be sent to all parties who commented on the proposed regulation. Other interested parties desiring to receive a copy of this document are advised to write to the Director, Grants Administration Division (PM–216), Environmental Protection Agency, Washington, D.C. 20460, to request a copy of "Supplementary Discussion of Regulations Governing Procurement Under Grants for Construction of Treatment Works."

Technical amendments to Parts 30 and 35 necessitated by the promulgation of these regulations will be issued shortly.

Effective date. Appendix D shall become effective on December 17, 1975, and § 35.939 shall become effective on January 1, 1976, since they do not substantially change current Agency policies and requirements and prompt implementation will benefit Agency programs. All other sections and Appendixes of these regulations shall become effective on March 1, 1976, and shall govern all grants for construction of treatment works (including subsequent related projects) awarded on or after that date.

Dated: December 1, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 35 of Title 40 of the Code of Federal Regulations is amended by deleting existing §§ 35.938 through 35.939 and adding new §§ 35.936 through 35.939 and § 35.965, which sections shall read as follows:

Sec.

35.936	Procurement.
35.936–1	Definitions.
35.936–2	Grantee procurement systems; State or local law.
35.936–3	Competition.
35.936–4	Profits.
35.936–5	Grantee responsibility.
35.936–6	EPA responsibility.
35.936–7	Small and minority business.
35.936–8	Privity of contract.
35.936–9	Disputes.
35.936–10	Federal procurement regulations.
35.936–11	General requirements for subagreements.
35.936–12	Documentation.
35.936–13	Specifications.
35.936–14	Force account work.
35.936–15	Limitations on subagreement award.
35.936–16	Code or standards of conduct.
35.936–17	Fraud and other unlawful or corrupt practices.
35.936–18	Negotiation of subagreements.
35.936–19	Small purchases.
35.936–20	Allowable costs.
35.936–21	Delegation to State agencies; certification of procurement systems.
35.937	Subagreements for architectural or engineering services.
35.937–1	Type of contract (subagreement).
35.937–2	Public notice.
35.937–3	Evaluation of qualifications.
35.937–4	Solicitation and evaluation of proposals.
35.937–5	Negotiation.
35.937–6	Cost and price considerations.
35.937–7	Profit.
35.937–8	Award of subagreement.
35.937–9	Required solicitation and subagreement provisions.
35.937–10	Subagreement payments—architectural or engineering services.
35.937–11	Applicability to existing contracts.
35.937–12	Subcontracts under subagreements for architectural or engineering services.
35.938	Construction contracts (subagreements) of grantees.
35.938–1	Applicability.
35.938–2	Performance by contract.
35.938–3	Type of contract.
35.938–4	Formal advertising.
35.938–5	Negotiation of contract amendments (change orders).
35.938–6	Progress payments to contractors.
35.938–7	Retention from progress payments.
35.938–8	Required construction contract provisions.
35.938–9	Subcontracts under construction contracts.
35.939	Protests.
•	• • • • •
35.965	Enforcement.
•	• • • • •

V 40243 DEC 17 75 XUM

Sec.

Appendix C-1—Required Provisions—Consulting Engineering Agreements [Reserved].
Appendix C-2—Required Provisions—Construction Contracts [Reserved].
Appendix D—EPA Transition Policy—Consulting Engineering Agreements.

AUTHORITY: Secs. 109(b), 201 through 205, 207, 210 through 212, and 501(a), 502, and 511 of Pub. L. 92-500 (86 Stat. 816; 33 U.S.C. 1251) as amended by Pub. L. 93-243.

§ 35.936 Procurement.

(a) Sections 35.936 through 35.939 set forth policies and minimum standards for procurement of architectural or engineering services as defined in § 35.937 and construction contracts as described in § 35.938 by grantees under all steps of grants for construction of treatment works. Acquisition of real property shall be conducted in accordance with Part 4, Subpart F of this chapter. Other procurements of goods and services shall be conducted in accordance with the provisions of Part 33 of this subchapter.

(b) This subpart does not apply to work beyond the scope of the project for which grant assistance is awarded (i.e., ineligible work).

§ 35.936-1 Definitions.

As used in §§ 35.936 through 35.939, the following words and terms shall have the meaning set forth below. All terms not defined herein shall have the meaning given to them in § 30.135 of this subchapter, and in § 35.905.

(a) *Grant agreement.* The written agreement and amendments thereto between EPA and a grantee in which the terms and conditions governing the grant are stated and agreed to by both parties pursuant to § 30.345 (Award of grant) of this subchapter.

(b) *Subagreement.* A written agreement between an EPA grantee and another party (other than another public agency) and any tier of agreement thereunder for the furnishing of services, supplies, or equipment necessary to complete the project for which a grant was awarded, including contracts and subcontracts for personal and professional services and purchase orders. (See §§ 35.937-12 and 35.938-9 regarding subcontracts of any tier under prime contracts for architectural or engineering services or construction awarded by the grantee—generally applicable only to subcontracts in excess of $10,000.)

(c) *Contractor.* The party to whom a subagreement is awarded.

(d) *Grantee.* Any municipality which has been awarded a grant for construction of a treatment works pursuant to this subpart. In addition, where appropriate in §§ 35.936 through 35.939, the designation grantee may also refer to an applicant for such a grant.

§ 35.936-2 Grantee procurement systems; State or local law.

(a) Grantees may use their own procurement systems and procedures which meet applicable requirements of State, territorial or local laws and ordinances to the extent that such systems and procedures do not conflict with minimum requirements set forth in this subchapter.

(b) State or local laws, ordinances, regulations or procedures which are designed to or operate to give local or in-State bidders or proposers preference over other bidders or proposers shall not be employed in evaluating bids or proposals for subagreements under a grant.

§ 35.936-3 Competition.

It is the policy of the Environmental Protection Agency to encourage free and open competition appropriate to the type of project work to be performed.

§ 35.936-4 Profits.

Only fair and reasonable profits may be earned by contractors in subagreements under EPA grants. See § 35.937-7 (Profit) for discussion of profits under negotiated subagreements for architectural or engineering services, and § 35.938-5(f) for discussion of profits under negotiated change orders to construction contracts. Profit included in a formally advertised, competitively bid, fixed price construction contract awarded pursuant to § 35.938 is presumed to be reasonable.

§ 35.936-5 Grantee responsibility.

(a) The grantee is responsible for the administration and successful accomplishment of the project for which EPA grant assistance is awarded. The grantee is responsible for the settlement and satisfaction of all contractual and administrative issues arising out of subagreements entered into under the grant (except as provided in § 35.936-6 (EPA responsibility) below) in accordance with sound business judgment and good administrative practice. This includes (but is not limited to) issuance of invitations for bids or requests for proposals, selection of contractors, award of contracts, protests of award, claims, disputes, and other related procurement matters.

(b) With the prior written approval of the Regional Administrator, these functions may be performed for the grantee by an individual or firm retained for the purpose. Such an agent acts for the grantee and is subject to the provisions of this subpart applicable to the grantee.

§ 35.936-6 EPA responsibility.

Generally, EPA is responsible only for reviewing grantee compliance with Federal requirements applicable to a grantee's procurement. However, where specifically provided in this chapter, EPA is responsible for making the determination concerning compliance with Federal requirements.

§ 35.936-7 Small and minority business.

Positive efforts shall be made by grantees to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for subagreements and contracts to be performed utilizing Federal grant funds.

§ 35.936-8 Privity of contract.

Neither the Environmental Protection Agency nor the United States shall be a party to any subagreement (including contracts or subcontracts), nor to any solicitation or request for proposals therefor. (See §§ 35.937-9(a), 35.938-4(c)(5) and Appendixes C-1 and C-2 to this subpart for the required solicitation statement and contract provisions.)

§ 35.936-9 Disputes.

Only an EPA grantee may initiate and prosecute an appeal to the Administrator under the disputes provision of a grant with respect to its subagreements thereunder for its own name and benefit (see Subpart J of Part 30 of this subchapter). Neither a contractor nor a subcontractor of a grantee may prosecute an appeal under the disputes provisions of a grant in its own name or interest.

§ 35.936-10 Federal procurement regulations.

Regulations applicable to direct Federal procurement shall not be applicable to subagreements under grants except as stated in this subchapter.

§ 35.936-11 General requirements for subagreements.

Subagreements must:

(a) Be necessary for and directly related to the accomplishment of the project work;

(b) Be in the form of a bilaterally executed written agreement (except for small purchases of $10,000 or less);

(c) Be for monetary or in-kind consideration; and

(d) Not be in the nature of a grant or gift.

§ 35.936-12 Documentation.

(a) Procurement records and files for purchases in excess of $10,000 shall include the following:

(1) Basis for contractor selection;

(2) Justification for lack of competition if competition appropriate to the type of project work to be performed is required but not obtained; and

(3) Basis for award cost or price.

(b) Procurement documentation required by § 30.805 (Records) of this subchapter and by this subpart, including a copy of each subagreement, must be retained by the grantee or contractors of the grantee for the period of time specified in § 30.805 (Records) of this subchapter and is subject to all the requirements of § 30.805 of this subchapter. A copy of each subagreement must be furnished to the Project Officer upon request.

§ 35.936-13 Specifications.

(a) *Nonrestrictive specifications.* (1) No specification for bids or statement of work in connection with such works shall be written in such a manner as to contain proprietary, exclusionary, or discriminatory requirements other than those based upon performance, unless such requirements are necessary to test or demonstrate a specific thing or to provide for necessary interchangeability of

parts and equipment, or at least two brand names or trade names of comparable quality or utility are listed and are followed by the words "or equal." The single base bid method of solicitation for equipment and parts for determination of a low responsive bidder may not be utilized. With regard to materials, if a single material is specified, the grantee must be prepared to substantiate the basis for the selection of the material.

(2) Project specifications shall, to the extent practicable, provide for maximum use of structures, machines, products, materials, construction methods, and equipment which are readily available through competitive procurement, or through standard or proven production techniques, methods, and processes, except to the extent that advanced technology may be utilized pursuant to § 35.908.

(b) *Sole source restriction.* A specification shall not require the use of structures, materials, equipment, or processes which are known to be available only from a sole source, unless such use has been adequately justified in writing by the grantee's engineer as meeting the minimum needs of the particular project.

(c) *Experience clause restriction.* The general use of experience clauses requiring equipment manufacturers to have a record of satisfactory operation for a specified period of time or of bonds or deposits to guarantee replacement in the event of failure is restricted to special cases where the grantee's engineer adequately justifies any such requirement in writing. Where such justification has been made, submission of a bond or deposit shall be permitted in lieu of a specified experience period, and the period of time for which such bond or deposit is required should not exceed the experience period specified.

§ 35.936-14 Force account work.

(a) A grantee must secure prior written approval of the Project Officer for utilization of the force account method in lieu of subagreement for any step 1 or step 2 work in excess of $10,000 or any step 3 work in excess of $25,000 unless the force account method is stipulated in the grant agreement.

(b) The Project Officer's approval shall be based on the grantee's certification that he possesses the necessary competence required to accomplish such work and (1) the work can be accomplished more economically by the use of the force account method, or (2) emergency circumstances so dictate.

§ 35.936-15 Limitations on subagreement award.

No subagreement shall be awarded:

(a) To any person or organization which does not meet the responsibility standards set forth in § 30.340-2(a) through (d) and (g) (Standards) of this subchapter;

(b) If any portion of the contract work not exempted by § 30.420-3(b) of this subchapter will be performed at a facility listed by the Director, EPA Office of Federal Activities, in violation of the anti-pollution requirements of the Clean Air Act and the Federal Water Pollution Control Act, as set forth in § 30.420-3 (Prohibition against violating facilities) of this subchapter and Part 15 of this chapter (Administration of the Clean Air Act and the Federal Water Pollution Control Act With Respect to Federal Contracts, Grants or Loans); or

(c) To any person or organization which is ineligible pursuant to the conflict of interest requirements of § 30.420-4 (Conflict of interest) of this subchapter.

§ 35.936-16 Code or standards of conduct.

(a) The grantee must maintain a code or standards of conduct which shall govern the performance of its officers, employees, or agents in the conduct of project work, including procurement and the expending of project funds. The grantee's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors or potential contractors. The grantee must avoid personal or organizational conflicts of interest or noncompetitive procurement practices which restrict or eliminate competition or otherwise restrain trade.

(b) To the extent permissible by State or local law or formal institutional requirements and procedures, such standards shall provide for penalties, sanctions, or other adequate disciplinary actions to be instituted for project-related violations of law or of such code or standards of conduct by either the grantee officers, employees, or agents, or by contractors or their agents.

(c) The grantee must inform the Project Officer in writing of each serious allegation of a project-related violation or known or proven project-related violation of law or code or standards of conduct, by its officers, employees, contractors, or by their agents, and of the prosecutive or disciplinary action taken by the grantee with respect to such infractions, and must cooperate with Federal officials with respect to any Federal prosecutive or disciplinary actions instituted with respect to such infractions. Pursuant to § 30.245 (Fraud and other unlawful or corrupt practices) of this subchapter, the Project Officer must notify the Director, EPA Security and Inspection Division, of all such notifications from the grantee.

(d) EPA shall cooperate with the grantee with respect to its disciplinary or prosecutive actions taken with respect to any apparent project-related violations of law or of the grantee's code or standards of conduct.

§ 35.936-17 Fraud and other unlawful or corrupt practices.

All procurements under grants are covered by the provisions of § 30.245 of this subchapter relating to fraud and other unlawful or corrupt practices.

§ 35.936-18 Negotiation of subagreements.

(a) Formal advertising, with adequate purchase description, sealed bids and public openings shall be the required method of procurement unless negotiation pursuant to paragraph (b) of this section is necessary to accomplish sound procurement.

(b) All negotiated procurement shall be conducted in a manner to provide to the maximum practicable extent open and free competition appropriate to the type of project work to be performed. Negotiation of subagreements by the grantee is authorized in accordance with the applicable procedures of this subchapter if any of the following conditions are applicable:

(1) Public exigency will not permit the delay incident to formally advertised procurement (e.g., an emergency procurement).

(2) The aggregate amount involved does not exceed $10,000 (see § 35.936-19 for small purchases).

(3) The material or service to be procured is available from only one person or entity. If the procurement is expected to aggregate more than $10,000, the grantee must document its file with a justification of the need for noncompetitive procurement, and provide such documentation to the Project Officer on request.

(4) The procurement is for personal or professional services (including architectural or engineering services) or for any service to be rendered by a university or other educational institution.

(5) No responsive, responsible bids at acceptable price levels have been received after formal advertising, and, with respect to procurement under § 35.938-4 (Formal advertising), prior written approval of the Regional Administrator has been obtained.

(6) The procurement is for materials or services where the prices are established by law.

(7) The procurement is for technical items or equipment requiring standardization and interchangeability of parts with existing equipment.

(8) The procurement is for experimental, developmental or research services.

§ 35.936-19 Small purchases.

(a) A small purchase is the procurement of materials, supplies, and services when the aggregate amount involved in any one transaction does not exceed $10,000. The small purchase limitation of $10,000 applies to the aggregate total of an order, including all estimated handling and freight charges, overhead, and profit to be paid under the order. In arriving at the aggregate amount involved in any one transaction, there must be included all items which should properly be grouped together. Reasonable competition shall be obtained.

(b) Subagreements for small purchases need not be in the form of a bilaterally executed written agreement. Where appropriate, unilateral purchase orders, sales slips, memoranda of oral price quotations, and the like may be utilized in the interest of minimizing paperwork. Retention in the purchase files of these documents and of written quotations received, or references to catalogs or printed price lists used, will suffice as the record supporting the price paid.

V40243 DEC 17 75 XUM

§ 35.936–20 Allowable costs.

(a) Incurring costs under subagreements which are not awarded or administered in compliance with this part or Part 33 of this subchapter, as appropriate, shall be cause for disallowance of those costs under the grant.

(b) Appropriate cost principles applicable to subagreements under EPA grants are identified in § 30.710 (Federal cost principles) of this subchapter. Pursuant to that section, the contractor's actual costs, direct and indirect, eligible for Federal participation in a cost reimbursement contract shall be those allowable under the applicable provisions of 41 CFR 1–15.2 (Principles and Procedures for Use in Cost-Reimbursement Type Supply and Research Contracts With Commercial Organizations) and 1–15.4 (Construction and Architect-Engineer Contracts).

(c) Reasonable costs of compliance with the procurement requirements of these regulations are allowable costs of administration under the grant. Costs of announcement and selection of a consulting engineer are allowable, even when the announcement is conducted prior to award of the grant.

§ 35.936–21 Delegation to State agencies; certification of procurement systems.

(a) In accordance with § 35.912 (Delegation to State agencies), EPA may include in a written agreement with a State agency certification of the technical and administrative adequacy of procurement documentation required to be submitted to EPA pursuant to these sections.

(b) In those cases where a State agency believes that State laws which govern municipal procurement include the same requirements or operate to provide the same protections as do §§ 35.936, 35.937 and 35.938, the State may request the Administrator to approve the State system as used by municipalities in lieu of the procedures of these sections. EPA shall review the State system to determine its adequacy.

(c) In those cases where a State agency determines that an applicant's procurement ordinances or applicable statutes include the same requirements or operate to provide the same protections as do §§ 35.936, 35.937 and 35.938, the State may certify (accompanied by appropriate documentation) the adequacy of the municipality's ordinances and statutes and request the Administrator to approve the municipality's system in lieu of the procedures of these sections. EPA shall conduct or may request the State to conduct a review of the municipality's system to determine its adequacy.

§ 35.937 Subagreements for architectural or engineering services.

(a) *Applicability.* Except as is otherwise provided in § 35.937–2, the provisions of §§ 35.937 through 35.937–11 apply to all subagreements of grantees for architectural or engineering services where the aggregate amount of services involved is expected to exceed $10,000. The provisions of §§ 35.937–2 (Public notice), 35.937–3 (Evaluation of qualifications) and 35.937–4 (Solicitation and evaluation of proposals) are not required, but may be followed, where the population of the grantee municipality is 25,000 or less according to the most recent U.S. census. When $10,000 or less of services (e.g., for consultant or consultant subcontract services) is required, the provisions of § 35.936–19 (Small purchases) shall apply.

(b) *Policy.* Step 1, Step 2, or administration or management of Step 3 project work may be performed by negotiated procurement of architectural or engineering services. It is the policy of the Federal Government to encourage public announcement of the requirements for personal and professional services, including engineering services. Subagreements for such services shall be negotiated with candidates selected on the basis of demonstrated competence and qualifications for the type of professional services required and at fair and reasonable prices. All negotiated procurement shall be conducted in a manner to provide to the maximum practicable extent open and free competition. Nothing in this subpart shall be construed as requiring competitive bids or price competition in the procurement of architectural or engineering services.

(c) *Definitions.* As used in §§ 35.937 through 35.937–11 the following words and terms shall have the meaning set forth below:

(1) *Architectural or engineering services.* Those professional services associated with research, development, design and construction, alteration, or repair of real property, as well as incidental services that members of these professions and those in their employ may logically or justifiably perform, including studies, investigations, surveys, evaluations, consultations, planning, programming, conceptual designs, plans and specifications, cost estimates, inspections, shop drawing reviews, sample recommendations, preparation of operation and maintenance manuals, and other related services.

(2) *Engineer.* A professional firm or individual engaged to provide services as defined in paragraph (c)(1) of this section by subagreement under a grant.

§ 35.937–1 Type of contract (subagreement).

(a) *General.* The cost-plus-percentage-of-cost and the percentage-of-construction-cost types of contract are prohibited. Cost reimbursement, fixed price, or per diem types of contracts or combinations thereof may be negotiated for architectural or engineering services. A fixed price contract is generally used only when the scope and extent of work to be performed is clearly defined. In most other cases, a cost reimbursement type of contract is more appropriate. A per diem contract may be used if no other type of contract is appropriate. An incentive fee may be utilized if the grantee submits an adequate independent cost estimate and price comparison pursuant to § 35.937–6.

(b) *Cost reimbursement contracts.* Each cost reimbursement contract must clearly establish a cost ceiling which the engineer may not exceed without formally amending the contract and a fixed dollar profit which may not be increased except in case of a contract amendment which increases the scope of work.

(c) *Fixed price contracts.* An acceptable fixed price contract is one which establishes a guaranteed maximum price which may not be increased except to the extent that a contract amendment increases the scope of work.

(d) *Compensation procedures.* If, under either a cost reimbursement or fixed price contract, the grantee desires to utilize a multiplier type of compensation, all of the following must apply:

(1) The multiplier and the portions of the multiplier allocable to overhead and allocable to profit have been specifically negotiated;

(2) The portion of the multiplier allocable to overhead includes only allowable items of cost under the cost principles of 41 CFR 1–15.2 and 1–15.4;

(3) The portions of the multiplier allocable to profit and allocable to overhead have been separately identified in the contract; and

(4) The fixed price contract includes a guaranteed maximum price for completion of the specifically defined scope of work; the cost reimbursement contract includes a fixed dollar profit which may not be increased except in case of a contract amendment which increases the scope of work.

(e) *Per diem contracts.* A per diem agreement expected to exceed $10,000 may be utilized only after a determination that a fixed price or cost reimbursement type contract is not appropriate. Per diem agreements should be used only to a limited extent such as where the first task under a Step 1 grant involves establishing the scope and cost of succeeding Step 1 tasks, or for incidental services such as expert testimony or intermittent or professional testing services. (Resident engineer and resident inspection services should generally be compensated under paragraph (b) or (c) of this section.) Cost and profit included in the per diem rate must be specifically negotiated and displayed separately in the engineer's proposal. The contract must clearly establish a price ceiling which may not be exceeded without formally amending the contract.

§ 35.937–2 Public notice.

(a) Adequate public notice as provided in paragraphs (b) or (c) of this section must be given of the requirement for architectural or engineering services for all subagreements with an anticipated price in excess of $25,000, except as provided in paragraphs (d), (e) and (f) of this section. In providing public notice pursuant to paragraphs (b) and (c) of this section, grantees must comply with the policies enunciated in §§ 35.936–2(b), 35.936–3, and 35.936–7.

(b) *Public announcement.* A notice of request for qualifications should be published in professional journals, newspapers, or publications of general circulation over a reasonable area, and, in addition if desired, through posted public notices or written notification directed to interested persons, firms, or professional organizations inviting the submissions of statements of qualifications. The announcement must clearly state the deadline and place for submission of qualification statements.

(c) *Prequalified list.* As an alternative to publishing public notice as in paragraph (b) of this section, the grantee may secure or maintain a list of qualified candidates. Such a list must:

(1) Be developed with public notice procedures as in paragraph (b) of this section;

(2) Provide for continuous updating; and

(3) Be maintained by the grantee or secured from the State or from a nearby political subdivision of the State.

(d) This public notice requirement and the related requirements of §§ 35.937–3 and 35.937–4 shall not be required, but may be followed, where the population of the grantee municipality is 25,000 or less according to the latest U.S. census.

(e) This public notice requirement (and the related requirements of §§ 35.937–3 and 35.937–4) shall not apply to the procurement of architectural or engineering services for Steps 2 or 3 of a grant if the grantee is satisfied with the qualifications and performance of an engineer who performed all or any part of the Step 1 or Step 2 work, the engineer has the capacity to perform the subsequent steps and the grantee desires the same engineer to provide architectural or engineering services for the subsequent steps.

(f) When a single treatment works is segmented into two or more Step 3 projects, and if the Step 2 work is accordingly segmented so that the initial contract for preparation of construction drawings and specifications does not cover the entire treatment works to be built under one grant, the grantee need not announce the requirement for architectural or engineering services for subsequent segments of design work under one grant. The grantee may use the same engineering firm that was selected for the initial segment of Step 2 work for subsequent segments if he desires to do so. All other appropriate provisions of these sections, including cost review and negotiation of price, will apply to each segment of work.

§ 35.937–3 Evaluation of qualifications.

(a) The grantee shall review the qualifications of firms which responded to the announcement or were on the prequalified list and shall uniformly evaluate the firms.

(b) Qualifications shall be evaluated by an objective process such as by the appointment of a board or committee, which, to the extent practicable, should include persons with technical skills.

(c) Criteria which should be considered in the evaluation of candidates for submission of proposals should include:

(1) Specialized experience and technical competence of the candidate or firm and its personnel (including a joint venture, association or professional subcontract) in connection with the type of services required and the complexity of the project;

(2) Past record of performance on contracts with the grantee, other government agencies or public bodies, and with private industry, including such factors as control of costs, quality of work, and ability to meet schedules;

(3) Capacity of the candidate to perform the work (including any specialized services) within the time limitations, taking into consideration the current and planned workload of the firm;

(4) The familiarity of the candidate with types of problems applicable to the project; and

(5) Avoidance of personal and organizational conflicts of interest prohibited under State and local law and § 35.936–16.

§ 35.937–4 Solicitation and evaluation of proposals.

(a) Requests for professional services proposals must be sent to no fewer than three candidates who either responded to the announcement or were selected from the prequalified list, unless after good faith effort to solicit qualifications in accordance with § 35.937–2, fewer than three qualified candidates respond, in which case all qualified candidates must be provided requests for proposals.

(b) Requests for professional services proposals must be in writing and must contain the information necesary to enable a prospective offeror to prepare a proposal properly. The request for proposals must include the solicitation statement required pursuant to § 35.937–9(a) and must inform offerors of the evaluation criteria, including all those in paragraph (c) of this section, and of the relative importance attached to each criterion (a numerical weighted formula need not be utilized).

(c) All proposals submitted in response to the request for professional services proposals must be uniformly evaluated. Evaluation criteria shall include, as a minimum, all criteria stated in § 35.937–3(c). The grantee shall also evaluate the candidate's proposed method to accomplish the work required, including, where appropriate, demonstrated capability to explore and develop innovative or advanced techniques and designs. The grantee's evaluation shall comply with § 35.936–7 (Small and minority business).

(d) Proposals shall be evaluated by an objective process such as the appointment of a board or committee which to the extent practicable includes persons with technical skills. Oral (including telephone) or written interviews should be conducted with top rated proposers, and information derived therefrom shall be treated on a confidential basis, except as required to be disclosed pursuant to State or local law or to EPA pursuant to § 35.937–6 (Cost and price considerations).

(e) At no point during the entire procurement process shall information be conveyed to any candidate which would provide an unfair competitive advantage.

§ 35.937–5 Negotiation.

(a) Grantees are responsible for negotiation of their contracts for architectural or engineering services. Contract procurement including negotiation may be performed by the grantee directly or by another non-Federal governmental body, person or firm retained for the purpose. Contract negotiations may include the services of technical, legal, audit or other specialists to the extent deemed appropriate.

(b) Negotiations shall be conducted in accordance with the principles of Pub. L. 92–582, 40 U.S.C. 541–544 (commonly known as the Brooks Bill and incorporated in Federal procurement regulations at 41 CFR 1–4.10) or in accordance with State or local procedures.

(c) The object of negotiations with any candidate shall be to reach agreement on the provisions of the proposed contract. The grantee and the candidate shall discuss, as a minimum:

(1) The scope and extent of work and other essential requirements;

(2) Identification of the personnel and facilities necessary to accomplish the work within the required time, including where needed, employment of additional personnel, subcontracting, joint ventures, etc.;

(3) Provision of the required technical services in accordance with regulations and criteria established for the project; and

(4) A fair and reasonable price for the required work, to be determined in accordance with the cost and profit considerations set forth in §§ 35.937–6 and 35.937–7, and payment provisions.

§ 35.937–6 Cost and price considerations.

(a) *General.* It is the policy of EPA that the cost or price of all subagreements and amendments thereto must be considered. For each subagreement in excess of $10,000 but not greater than $100,000, grantees shall use the procedures described in paragraph (c) of this section or an equivalent process.

(b) *Subagreements over $100,000.* For each subagreement expected to exceed $100,000, or for two subagreements which aggregate more than $100,000 awarded to an engineer for work on one step, or where renegotiation or amendment of a subagreement will result in a contract price in excess of $100,000, or where the amendment itself is in excess of $100,000, the provisions of this paragraph (b) shall apply.

(1) The candidate(s) selected for negotiation shall submit to the grantee for review sufficient cost and pricing data as described in paragraph (c) of this section to enable the grantee to ascertain the necessity and reasonableness of costs and amounts proposed, and the allowability and eligibility of costs proposed.

(2) The applicant/grantee shall submit to the EPA Project Officer for review (i) documentation of the public notice of need for architectural or engineering

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services, selection procedures used, and negotiation methodology used, in those cases where §§ 35.937–2, 35.937–3 and 35.937–4 are applicable, (ii) the cost and pricing data submitted by the selected engineer, (iii) a certification of review and acceptance of the selected engineer's cost or price, and (iv) a copy of the proposed subagreement document. The EPA Project Officer will review the complete subagreement action and approve the grantee's compliance with appropriate procedures prior to award of the subagreement. The grantee shall be notified upon completion of review.

(c) *Cost review.* (1) A review of proposed subagreement costs shall be made by the grantee.

(2) As a minimum, proposed subagreement costs shall be presented in summary format prescribed by the Administrator and shall be supported by a certification executed by the selected engineer that proposed costs reflect complete, current and accurate cost and pricing data applicable to the date of anticipated subagreement award.

(3) In addition to the specific elements of cost, the estimated amount of profit shall be set forth separately in the cost summary for fixed price contracts and a maximum total dollar amount of profit shall be set forth separately in the cost summary for cost reimbursement contracts.

(4) More detailed cost data than that required by the summary format may be required by the grantee to substantiate the reasonableness of proposed subagreement costs. Such detailed documentation is normally required by EPA only when the selected engineer is unable to certify that the cost and pricing data used are complete, current and accurate. EPA may, on a selected basis, perform a preaward cost analysis on any subagreement. Normally, a provisional overhead rate will be agreed upon prior to contract award.

(5) Appropriate consideration should be given to § 30.710 of this subchapter which contains general cost principles which must be used for the determination of the allowability of costs under grants. The engineer's actual costs, direct and indirect, allowable for Federal participation shall be determined in accordance with the terms and conditions of the subagreement, this subpart and the cost principles included in 41 CFR 1–15.2 and 1–15.4. Examples of costs which are not allowable under those cost principles include, but are not limited to, entertainment, interest on borrowed capital and bad debts.

(6) The engineer shall have an accounting system which accounts for costs in accordance with generally accepted accounting principles. This system shall provide for the identification, accumulation and segregation of allowable and unallowable project costs among projects. Allowable project costs shall be determined in accordance with paragraph (c)(5) of this section. The engineer must propose and account for costs in a manner consistent with his normal accounting procedures.

(7) Subagreements awarded on the basis of review of a cost element summary and a certification of complete, current and accurate cost and pricing data shall be subject to downward renegotiation or recoupment of funds where the Regional Administrator determines that such certification was not based on complete, current and accurate cost and pricing data or not based on costs allowable under the appropriate FPR cost principles (41 CFR 1–15.2 and 1–15.4) at the time of award.

§ 35.937–7 Profit.

The objective of negotiations shall be the exercise of sound business judgment and good administrative practice including the determination of a fair and reasonable profit based on the firm's assumption of risk and input to total performance and not merely the application of a predetermined percentage factor. For the purpose of subagreements under EPA grants, profit is defined as the net proceeds obtained by deducting all allowable costs (direct and indirect) from the price. (Because this definition of profit is based on Federal procurement principles, it may vary from the firm's definition of profit for other purposes.) Profit on a subagreement and each amendment to a subagreement under a grant should be sufficient to attract engineers who possess talents and skills necessary to the accomplishment of project objectives, and to stimulate efficient and expeditious completion of the project. Where cost review is performed, the estimate of profit should be reviewed by the grantee as are all other elements of price.

§ 35.937–8 Award of subagreement.

After the close of negotiations and after review and approval by the EPA Project Officer if required pursuant to § 35.937–6(b), the grantee may award the contract. Unsuccessful candidates should be notified promptly.

§ 35.937–9 Required solicitation and subagreement provisions.

(a) *Required solicitation statement.* Requests for qualifications or proposals must include the following statement, as well as the proposed terms of the subagreement.

> Any contract awarded under this request for (qualifications/professional proposals) is expected to be funded in part by a grant from the United States Environmental Protection Agency. This procurement will be subject to regulations contained in 40 CFR 35.936, 35.937 and 35.939. Neither the United States nor the United States Environmental Protection Agency is nor will be a party to this request for (qualifications/professional proposals) or any resulting contract.

(b) *Content of subagreement.* Each subagreement must adequately define:

(1) The scope and extent of project work;

(2) The time for performance and completion of the contract work, including where appropriate, dates for completion of significant project tasks;

(3) Personnel and facilities necessary to accomplish the work within the required time;

(4) The extent of subcontracting and consultant agreements; and

(5) Payment provisions in accordance with § 35.937–10.

If any of these elements cannot be defined adequately for later tasks or steps at the time of contract execution, the subsequent tasks or steps shall not be included in the contract at that time.

(c) *Required subagreement provisions.* Each consulting engineering contract must include the provisions set forth in Appendix C–1 to this subpart.

§ 35.937–10 Subagreement payments—architectural or engineering services.

(a) Generally, payment will be made under consulting engineering contracts upon the completion of a step, or if specified in the grant agreement, upon completion of specific tasks within the step. However, where the consulting engineer would otherwise be required to finance substantial expenses, the grantee may provide for monthly or periodic progress payments in the consulting engineering agreement. Such progress payments may be requested by the consulting engineer based upon the estimated amount and value of the work and services performed by the engineer under the contract, which estimates shall be accompanied by such supporting documentation as the grantee may require. Upon the grantee's approval of the estimate, EPA shall make payment upon properly certified vouchers as soon as practicable of ninety percent of the Federal share of the amount as determined above, less all previous payments. When the grantee determines that the work under the contract or any specified task is substantially complete and that the amount of retained percentages is in excess of the amount considered by the grantee to be adequate for the protection of the grantee and the Federal Government, the grantee may at his discretion release to the engineer such excess amount.

(b) Upon satisfactory completion by the engineer of the work called for under the terms of a contract, and upon acceptance of such work by the grantee, with the concurrence of the EPA Project Officer, the engineer will be paid the unpaid balance of any money due for such work, including any retained percentages relating to this portion of the work.

(c) Payment may not be withheld for professional services, except as provided in the contract for professional services. Any withholding should be limited to only that amount necessary to assure contract compliance.

§ 35.937–11 Applicability to existing contracts.

In some cases a negotiated subagreement may have been executed prior to the effective date of these regulations to cover work under more than one step of a grant. Such contracts already in existence may not comply with the requirements of §§ 35.936 and 35.937. Appendix D to this subpart sets forth EPA policy with respect to such contracts and must be implemented prior to the

grant award action for the next step under the grant.

§ 35.937–12 Subcontracts under subagreements for architectural or engineering services.

(a) The award or execution of subcontracts under a prime contract for architectural or engineering services awarded to an engineer by a grantee, and the procurement and negotiation procedures used by the engineer in awarding such subcontracts are not required to comply with any of the provisions, selection procedures, policies or principles set forth in §§ 35.936 or 35.937 except those specifically stated in paragraph (b) of this section.

(b) The award or execution of subcontracts in excess of $10,000 under a prime contract for architectural or engineering services and the procurement procedures used by the engineer in awarding such subcontracts must comply with the following:

(1) Section 35.936–2(b), (State and local law);

(2) Section 35.936–7, Small and minority business;

(3) Section 35.936–15(b), (prohibition against listed violating facilities);

(4) Section 35.936–17, Fraud and other unlawful or corrupt practices;

(5) Section 35.937–6, Cost and price considerations; and

(6) Section 35.937–7, Profit.

§ 35.938 Construction contracts (subagreements) of grantees.

§ 35.938–1 Applicability.

This section applies to construction contracts (subagreements) in excess of $10,000 awarded by grantees for any Step 3 project.

§ 35.938–2 Performance by contract.

The project work shall be performed under one or more contracts awarded by the grantee to private firms, except for force account work authorized by § 35.936–14.

§ 35.938–3 Type of contract.

Each contract shall be a fixed price (lump sum or unit price or a combination of the two) contract, unless the Regional Administrator gives advance written approval for the grantee to use some other acceptable type of contract. The cost-plus-percentage-of-cost type of contract shall not be used in any event.

§ 35.938–4 Formal advertising.

Each contract shall be awarded after formal advertising, unless negotiation is permitted in accordance with § 35.936–18. Formal advertising shall be in accordance with the following:

(a) *Adequate public notice.* The grantee will cause adequate notice to be given of the solicitation by publication in newspapers or journals of general circulation beyond the grantee's locality (Statewide, generally), inviting bids on the project work, and stating the method by which bidding documents may be obtained and/or examined. Where the estimated cost of Step 3 construction is ten million dollars or more, such notice must generally be published in trade journals of Nationwide distribution. The grantee should, in addition, solicit bids directly from bidders if it maintains a bidders list.

(b) *Adequate time for preparing bids.* Adequate time, generally not less than 30 days, must be allowed between the date when public notice pursuant to paragraph (a) of this section is first published and the date by which bids must be submitted. Bidding documents (including specifications and drawings) shall be available to prospective bidders from the date when such notice is first published.

(c) *Adequate bidding documents.* A reasonable number of bidding documents (invitations for bid) shall be prepared by the grantee and shall be furnished upon request on a first-come, first-served basis. A complete set of bidding documents shall be maintained by the grantee and shall be available for inspection and copying by any party. Such bidding documents shall include:

(1) A complete statement of the work to be performed, including necessary drawings and specifications, and the required completion schedule. (Drawings and specifications may be made available for inspection and purchase instead of being furnished.);

(2) The terms and conditions of the contract to be awarded;

(3) A clear explanation of the method of bidding and the method of evaluation of bid prices, and the basis and method for award of the contract;

(4) Responsibility requirements or criteria which will be employed in evaluating bidders;

(5) The following statement:

> Any contract or contracts awarded under this Invitation for Bids are expected to be funded in part by a grant from the United States Environmental Protection Agency. Neither the United States nor any of its departments, agencies or employees is or will be a party to this Invitation for Bids or any resulting contract. This procurement will be subject to regulations contained in 40 CFR 35.936, 35.938, and 35.939.;

and

(6) A copy of §§ 35.936, 35.938 and 35.939.

(d) *Sealed bids.* The grantee shall provide for bidding by sealed bid and for the safeguarding of bids received until public opening.

(e) *Addenda to bidding documents.* If a grantee desires to amend any part of the bidding documents (including drawings and specifications) during the period when bids are being prepared, the addenda shall be communicated in writing to all firms which have obtained bidding documents in time to be considered prior to the bid opening time.

(f) *Bid modifications.* A firm which has submitted a bid shall be allowed to modify or withdraw its bid prior to the time of bid opening.

(g) *Public opening of bids.* The grantee shall provide for a public opening of bids at the place, date and time announced in the bidding documents.

(h) *Award to the low, responsive, responsible bidder.* (1) After bids are opened, they shall be evaluated by the grantee in accordance with the methods and criteria set forth in the bidding documents.

(2) The grantee may reserve the right to reject all bids. Unless all bids are rejected, award shall be made to the low, responsive, responsible bidder.

(3) If award is intended to be made to a firm which did not submit the lowest bid, a written statement shall be prepared prior to any award and retained by the grantee explaining why each lower bidder was deemed nonresponsible or not responsive.

(4) State or local laws, ordinances, regulations or procedures which are designed or which operate to give local or in-State bidders preference over other bidders shall not be employed in evaluating bids.

§ 35.938–5 Negotiation of contract amendments (change orders).

(a) *Grantee responsibility.* Grantees are responsible for negotiation of construction contract change orders. This function may be performed by the grantee directly or, if authorized, by his engineer. During negotiations with the contractor the grantee shall:

(1) Make certain that the contractor has a clear understanding of the scope and extent of work and other essential requirements;

(2) Assure that the contractor demonstrates that he will make available or will obtain the necessary personnel, equipment and materials to accomplish the work within the required time; and

(3) Assure a fair and reasonable price for the required work.

(b) *Changes in contract price or time.* The contract price or time may be changed only by a change order. When negotiations are required, they shall be conducted in accordance with paragraph (c) or (d) of this section, as appropriate. The value of any work covered by a change order or of any claim for increase or decrease in the contract price shall be determined by the method set forth in paragraphs (b)(1) through (b)(3) of this section which is most advantageous to the grantee.

(1) Unit prices. (i) Original bid items. Unit prices previously approved are acceptable for pricing changes of original bid items. However, when changes in quantities exceed 15 percent of the original bid quantity and the total dollar change of that bid item is significant, the unit price shall be reviewed by the grantee to determine if a new unit price should be negotiated.

(ii) New items. Unit prices of new items shall be negotiated.

(2) A lump sum to be negotiated.

(3) Cost reimbursement—the actual cost for labor, direct overhead, materials, supplies, equipment, and other services necessary to complete the work plus an amount to be agreed upon to cover the cost of general overhead and profit to be negotiated.

(c) For each change order not in excess of $100,000 the contractor shall submit sufficient cost and pricing data to the grantee to enable the grantee to

V 40243 DEC 17 75 XUM

determine the necessity and reasonableness of costs and amounts proposed, and the allowability and eligibility of costs proposed.

(d) For each change order in excess of $100,000, the contractor shall submit to the grantee for review sufficient cost and pricing data as described in paragraphs (d)(1) through (d)(6) of this section to enable the grantee to ascertain the necessity and reasonableness of costs and amounts proposed, and the allowability and eligibility of costs proposed.

(1) As a minimum, proposed change order costs shall be presented in summary format prescribed by the Administrator and shall be supported by a certification executed by the contractor that proposed costs reflect complete, current and accurate cost and pricing data applicable to the date of the change order.

(2) In addition to the specific elements of cost, the estimated amount of profit shall be set forth separately in the cost summary for fixed price change orders and a specific total dollar amount of profit will be set forth separately in the cost summary for cost reimbursement change orders.

(3) More detailed cost data than that required by the summary format may be required by the grantee to substantiate the reasonableness of proposed change order costs. Such detailed documentation is normally required by EPA only when the contractor is unable to certify that proposed change order costs are complete, current and accurate. EPA, may, on a selected basis, perform a detailed cost analysis of any change order. Normally, a provisional overhead rate will be agreed upon.

(4) Appropriate consideration should be given to § 30.710 of this subchapter which contains general cost principles which must be used for the determination and allowability of costs under grants. The contractor's actual costs, direct and indirect, allowable for Federal participation shall be determined in accordance with the terms and conditions of the contract, this subpart and the cost principles included in 41 CFR 1–15.2 and 1–15.4. Examples of costs which are not allowable under those cost principles include, but are not limited to, entertainment, interest on borrowed capital and bad debts.

(5) For costs under cost reimbursement change orders, the contractor shall have an accounting system which accounts for such costs in accordance with generally accepted accounting principles. This system shall provide for the identification, accumulation and segregation of allowable and unallowable change orders. Allowable change order costs shall be determined in accordance with paragraph (d)(4) of this section. The contractor must propose and account for such costs in a manner consistent with his normal accounting procedures.

(6) Change orders awarded on the basis of review of a cost element summary and a certification of complete, current and accurate cost and pricing data shall be subject to downward renegotiation or recoupment of funds where subsequent audit substantiates that such certification was not based on complete, current and accurate cost and pricing data and on costs allowable under the appropriate FPR cost principles (41 CFR 1–15.2 and 1–15.4) at the time of change order execution.

(e) *EPA review.* In addition to the requirements of §§ 35.935–10 (Copies of contract documents) and 35.935–11 (Project changes), the grantee shall submit, prior to the execution of any change order in excess of $100,000, to the EPA Project Officer for review:

(1) The cost and pricing data submitted by the contractor,

(2) A certification of review and acceptance of the contractor's cost or price, and

(3) A copy of the proposed change order.

(f) *Profit.* The objective of negotiations shall be the exercise of sound business judgment and good administrative practice including the determination of a fair and reasonable profit based on the contractor's assumption of risk and input to total performance and not merely the application of a predetermined percentage factor. For the purpose of negotiated change orders to construction contracts under EPA grants, profit is defined as the net proceeds obtained by deducting all allowable costs (direct and indirect) from the price. The estimate of profit should be reviewed by the grantee as are all other elements of price.

(g) *Related work.* Related work shall not be split into two amendments or change orders merely to keep it under $100,000 and thereby avoid the requirements of paragraph (d) of this section. For change orders which include both additive and deductive items:

(1) If any single item (additive or deductive) exceeds $100,000, the requirements of paragraph (d) of this section shall be applicable.

(2) If no single additive or deductive item has a value of $100,000, but the total price of the change order is over $100,000, the requirements of paragraph (d) of this section shall be applicable.

(3) If the total of additive items of work in the change order exceeds $100,000, or the total of deductive items of work in the change order exceeds $100,000, and the net price of the change order is less than $100,000, the requirements of paragraph (d) of this section shall apply.

§ 35.938–6 Progress payments to contractors.

(a) *Policy.* It is EPA policy that, except as may be otherwise provided by State law, prompt progress payments should be made by grantees to prime contractors and by prime contractors to subcontractors and suppliers for eligible construction, material, and equipment costs, including those of undelivered specifically manufactured equipment, incurred under a contract under an EPA construction grant.

(b) *Conditions of progress payments.* For purposes of this section, progress payments are defined as follows:

(1) Payments for work in place.

(2) Payments for materials or equipment which have been delivered to the construction site, or which are stockpiled in the vicinity of the construction site, in accordance with the terms of the contract, when conditional or final acceptance is made by or for the grantee. It is the grantee's responsibility to assure that items for which progress payments have been made are adequately insured and are protected through appropriate security measures. Costs of such insurance and security are allowable costs in accordance with § 35.940.

(3) Payments for undelivered specifically manufactured items or equipment (excluding off-the-shelf or catalog items), as work thereon progresses. Such payments must be made if provisions therefor are included in the bid and contract documents. Such provisions may be included at the option of the grantee only when all of the following conditions exist:

(i) The equipment is so designated in the project specifications;

(ii) The equipment to be specifically manufactured for the project could not be readily utilized on nor diverted to another job; and

(iii) A fabrication period of more than six months is anticipated.

(c) *Protection of progress payments made for specifically manufactured equipment.* The grantee will assure protection of the Federal interest in progress payments made for items or equipment referred to in paragraph (b)(3) of this section. This protection must be in a manner or form acceptable to the grantee and must take the form of (1) recordation under the Uniform Commercial Code adequate to protect the interest of the grantee and the government, or (2) securities negotiable without recourse, condition or restrictions, a progress payment bond or an irrevocable letter of credit provided to the grantee through the prime contractor by the subcontractor or supplier.

(d) *Limitations on progress payments for specifically manufactured equipment.* (1) Progress payments made for specifically manufactured equipment or items shall be limited to the following:

(i) A first payment upon submission by the prime contractor of shop drawings for the equipment or items in an amount not exceeding fifteen percent of the contract or item price plus appropriate and allowable higher-tier costs;

(ii) And, subsequent to the grantee's release or approval for manufacture, additional payments not more frequently than monthly thereafter up to seventy-five percent of the contract or item price plus appropriate and allowable higher-tier costs: *Provided*, That payment may also be made in accordance with the contract and grant terms and conditions for ancillary on-site work prior to delivery of the specifically manufactured equipment or items.

(2) In no case may progress payments for undelivered equipment or items pursuant to paragraph (d)(1)(i) or (ii) of this section be made in an amount greater than seventy-five percent of the cumulative incurred costs allocable to contract performance with respect to the equipment or items. Submission of a request for any such progress payments must be accompanied by a certification furnished by the fabricator of the equipment or item that the amount of progress payment claimed constitutes not more than seventy-five percent of cumulative incurred costs allocable to contract performance, and in addition, in the case of the first progress payment request, a certification that the amount claimed does not exceed 15 percent of the contract or item price quoted by the fabricator.

(3) As used in this section, the term "costs allocable to contract performance" with respect to undelivered equipment or items includes all expenses of contract performance which are reasonable, allocable to the contract, consistent with sound and generally accepted accounting principles and practices consistently applied, and which are not excluded by the contract.

(e) *Enforcement.* A subcontractor or supplier which is determined by the Regional Administrator to have frustrated the intent of the provisions regarding progress payments for major equipment or specifically manufactured equipment through intentional forfeiture of its bond or failure to deliver the equipment may be determined nonresponsible and ineligible for further work under EPA grants.

(f) *Contract provisions.* Where applicable, appropriate provisions regarding progress payments must be included in each contract and subcontract. Grantees must use clauses acceptable to the EPA Regional Administrator.

(g) *Implementation.* The foregoing progress payments policy should be implemented in invitations for bids under Step 3 grants. If provision for progress payments is made subsequent to contract award, it must be for consideration which the grantee deems adequate.

§ 35.938–7 Retention from progress payments.

(a) The grantee may retain a portion of the amount otherwise due the contractor. Except as provided in paragraph (a)(4) of this section, the amount retained by the grantee shall be limited to the following:

(1) Withholding of not more than 10 percent of the payment claimed until work is 50 percent complete;

(2) When work is 50 percent complete, reduction of the withholding to 5 percent of the dollar value of all work satisfactorily completed to date: *Provided*, That the contractor is making satisfactory progress and there is no specific cause for greater withholding;

(3) When the work is substantially complete (operational or beneficial occupancy), the withheld amount shall be further reduced below 5 percent to only that amount necessary to assure completion.

(4) The grantee may reinstate up to 10 percent withholding if the grantee determines, at its discretion, that the contractor is not making satisfactory progress or there is other specific cause for such withholding.

(5) The grantee may accept securities negotiable without recourse, condition or restrictions, a release of retainage bond, or an irrevocable letter of credit provided by the contractor in lieu of all or part of the cash retainage.

(b) The foregoing retention policy shall be implemented with respect to all Step 3 projects for which plans and specifications are approved after March 1, 1976. Appropriate provision to assure compliance with this policy must be included in the bid documents for such projects initially or by addendum prior to the bid submission date, and as a special condition in the grant agreement or in a grant amendment. For all previous active projects, the foregoing policy may be implemented by the grantee through contract amendment upon written request to the grantee by the contractor upon consideration which the grantee deems adequate.

(c) Pursuant to § 30.620–3 (Interest earned on grant funds) of this subchapter, a grantee who delays disbursement of grant funds will be required to credit to the United States all interest earned on those funds.

§ 35.938–8 Required construction contract provisions.

(a) Each construction contract must include the "General Conditions" of the "Contract Documents for Construction of Federally Assisted Water and Sewer Projects," as revised.

(b) In addition, each construction contract must include the "Supplemental General Conditions" set forth in Appendix C–2 to this subpart.

§ 35.938–9 Subcontracts under construction contracts.

(a) The award or execution of subcontracts by a prime contractor under a construction contract awarded to the prime contractor by the grantee, and the procurement and negotiation procedures used by prime contractors in awarding or executing subcontracts are not required to comply with any of the provisions, selection procedures, policies or principles set forth in § 35.936 or § 35.938 except those specifically stated in this section. In addition, the bid protest procedures of § 35.939 are not available to parties executing subcontracts with prime contractors except as specifically provided in that section.

(b) The award or execution of subcontracts by a prime contractor under a formally advertised, competitively bid, fixed price construction contract awarded to the prime contractor by the grantee, and the procurement and negotiation procedures used by such prime contractors in awarding or executing such subcontracts must comply with the following:

(1) Section 35.936–2(b), (State and local law);

(2) Section 35.936–7, Small or minority business;

(3) Section 35.936–15(b), (prohibition against listed violating facilities); and

(4) Section 35.936–17, Fraud and other unlawful or corrupt practices.

(c) The award of subcontracts under construction contracts not described above in paragraph (b) of this section and the procurement and negotiation procedures of prime contractors on contracts not meeting that description must comply with paragraphs (b)(1) through (b)(4) of this section as well as the principles of § 35.938–5.

§ 35.939 Protests.

(a) *General.* A protest based upon an alleged violation of the procurement requirements of §§ 35.936 through 35.938–9 may be filed against a grantee's procurement action by a party with an adversely affected direct financial interest. Any such protest must be received by the grantee within the time period set forth in paragraph (b)(1) of this section. The grantee is responsible for resolution of the protest prior to the taking of the protested action, in accordance with paragraph (d) of this section, except as otherwise provided by paragraphs (j) and (k) of this section. The Regional Administrator will review grantee protest determinations in accordance with paragraph (e) of this section, if a timely request for such review is filed pursuant to paragraph (b)(2) of this section. In the case of protests which he determines are frivolous or without merit, the Regional Administrator may take such actions as are described in paragraphs (i)(2) and (k) of this section.

(b) *Time limitations:* (1) A protest pursuant to paragraph (d) of this section should be made as early as possible during the procurement process (for example, immediately after issuance of a solicitation for bids) to avoid disruption of or unnecessary delay to the procurement process. A protest authorized by paragraph (d) of this section must be received by the grantee within one week after the basis for the protest is known or should have been known, whichever is earlier (generally, in the case of formally advertised procurement, within one week after bid opening, if the basis for the protest is, or should have been, then known).

(2) A protest appeal authorized by paragraph (e) of this section must be received by the Regional Administrator within one week after the complainant has received the grantee's determination.

(3) If a protest is mailed, the complaining party bears the risk of nondelivery within the required time period. It is suggested that all documents transmitted pursuant to this section be mailed by certified mail (return receipt requested) or otherwise delivered in a manner which will objectively establish the date of receipt. Initiation of protest actions pursuant to paragraphs (d) or (e) of this section may be made by brief telegraphic notice accompanied by simultaneous mailing or other delivery

V 40 243 DEC 17 75 D XUM

of a more detailed statement of the basis for the protest. Telephonic protests will not be considered.

(c) *Other initial requirements.* (1) The initial protest document must briefly state the basis for the protest, and should (i) refer to the specific section(s) of this subpart which allegedly prohibit the procurement action, (ii) specifically request a determination pursuant to this section, (iii) identify the specific procurement document(s) or portion(s) thereof in issue, and (iv) include the name, telephone number, and address of the person representing the protesting party.

(2) The party filing the protest must concurrently transmit a copy of the initial protest document and any attached documentation to all other parties with a direct financial interest which may be adversely affected by the determination of the protest (generally, all bidders or proposers who appear to have a substantial and reasonable prospect of receiving an award if the protest is denied or sustained) and to the appropriate EPA Regional Administrator.

(d) *Grantee determination.* (1) The grantee is responsible for the initial resolution of protests based upon alleged violations of the procurement requirements of this subpart.

(2) Upon receipt of a timely written protest the grantee must:

(i) Afford the complaining party and interested parties an opportunity to present arguments in support of their views in writing or at a conference or other suitable meeting (such as a city council meeting);

(ii) Inform the complainant and other interested parties of the procedures which the grantee will observe for resolution of the protest;

(iii) Obtain an appropriate extension of the period for acceptance of the bid and bond(s) of each interested party, where applicable; failure to agree to a suitable extension of such bid and bid bond(s) by the party which initiated the protest shall be cause for summary dismissal of the protest by the grantee or the Regional Administrator; and

(iv) Promptly deliver (preferably by certified mail, return receipt requested, or by personal delivery) its written determination of the protest to the complaining party and to each other participating party.

(3) The grantee's determination must be accompanied by a legal opinion addressing issues arising under state, territorial, or local law (if any), and where Step 3 construction is involved, by an engineering report, if appropriate.

(4) The grantee should seek to resolve any such protest as promptly as possible—generally within three weeks after receipt of a protest, unless extenuating circumstances require a longer period of time for proper resolution of the protest.

(e) *Regional Administrator review.* (1) A party with a direct financial interest adversely affected by a grantee determination made pursuant to paragraph (d) of this section with respect to a procurement requirement of this subpart may submit a written request to the Regional Administrator for his review of such determination. Any such request must be in writing, must adequately state the basis for the protest (including reference to the specific section(s) of this subpart alleged to prohibit the procurement action), and must be received by the Regional Administrator within one week after the complaining party has received the grantee's determination of the protest. A copy of the grantee's determination and other documentation in support of the request for review shall be transmitted with the request.

(2) The Regional Counsel or his delegee will afford both the grantee and the complaining party, as well as any other party with a financial interest which may be adversely affected by determination of the protest, an opportunity to present arguments in support of their views in writing or at a conference at a time and place convenient to the parties as determined by the Regional Counsel or his delegee, and he shall thereafter promptly submit in writing his report and recommendations concerning the protest to the Regional Administrator.

(3) Any such conference should be held within not more than ten days after receipt of the request for review and the report should be transmitted to the Regional Administrator within ten days after the date set for receipt of the participants' written materials or for the conference. The Regional Administrator should transmit his determination of the protest with an adequate explanation thereof to the grantee and simultaneously to each participating party within one week after receipt of the report and recommendations. His determination shall constitute final agency action, from which there shall be no further administrative appeal. The Regional Counsel may extend these time limitations, where appropriate.

(f) *Procedures.* (1) Where resolution of an issue properly raised with respect to a procurement requirement of this subpart requires prior or collateral resolution of a legal issue arising under State or local law, and such law is not clearly established in published legal decisions of the State or other relevant jurisdiction, the grantee or Regional Administrator may rely upon:

(i) An opinion of the grantee's legal counsel adequately addressing the issue,

(ii) The established or consistent practice of the grantee, to the extent appropriate, or

(iii) The law of other States or local jurisdictions as established in published legal decisions, or

(iv) If none of the foregoing adequately resolve the issue, published decisions of the Comptroller General of the United States (U.S. General Accounting Office) or of the Federal courts addressing Federal requirements comparable to procurement requirements of this subpart.

(2) For the determination of Federal issues presented by the protest, the Regional Administrator may rely upon:

(i) Determinations of other protests decided under this section, unless such protests have been reversed, and

(ii) Published decisions of the Comptroller General of the United States or of the Federal courts addressing Federal requirements comparable to procurement requirements of this subpart.

(3) The Regional Counsel may establish additional procedural requirements or deadlines for the submission of materials by parties or for the accomplishment of other procedures. Where time limitations are established by this section or by the Regional Counsel, participants must seek to accomplish the required action as promptly as possible in the interest of expediting the procurement action.

(4) A party who submits a document subsequent to initiation of a protest proceeding pursuant to paragraph (d) or (e) of this section must simultaneously furnish each other party with a copy of such document.

(5) The procedures established by this section are not intended to preclude informal resolution or voluntary withdrawal of protests. A complainant may withdraw its appeal at any time, and the protest proceeding shall thereupon be terminated.

(6) The Regional Administrator may utilize appropriate provisions of this section in the discharge of his responsibility to review grantee procurement methods under § 35.935–2(a).

(g) *Burden of proof.* (1) In proceedings pursuant to paragraphs (d) and (e) of this section, if the grantee proposes to award a formally advertised, competitively bid, fixed price contract to a party who has submitted the apparent lowest price, the party initiating the protest will bear the burden of proof in the protest proceedings.

(2) In the proceedings pursuant to paragraph (e) of this section,

(i) If the grantee proposes to award a formally advertised, competitively bid, fixed-price contract to a bidder other than the bidder which submitted the apparent lowest price, the grantee will bear the burden of proving that its determination concerning responsiveness is in accordance with this subchapter; and

(ii) If the basis for the grantee's determination is a finding of nonresponsibility, the grantee must establish and substantiate the basis for its determination and must adequately establish that such determination has been made in good faith.

(h) *Deferral of procurement action.* Upon receipt of a protest pursuant to paragraph (d) of this section, the grantee must defer the protested procurement action (for example, defer the contract award or issuance of notice to proceed under a contract) until ten days after delivery of its determination to the participating parties. Where the Regional Administrator has received a written protest pursuant to paragraph (e) of this section, he must notify the grantee promptly to defer its protested procurement action until notified of the formal or informal resolution of the protest. If a determination is made by either the grantee or the Regional Administrator which is favorable to the complainant, the grantee's procurement action (for example, contract award) must be taken in accordance with such determination.

(i) *Enforcement.* (1) Noncompliance with the procurement provisions of this subchapter by the grantee shall be cause for enforcement action in accordance with one or more of the provisions of § 35.965.

(2) If the Regional Administrator determines that a protest prosecuted pursuant to this section is frivolous, he may determine the party which prosecuted such protest to be nonresponsible and ineligible for future contract award (see also paragraph (k) of this section).

(j) *Limitation.* A protest may not be filed pursuant to this section with respect to the following:

(1) Issues not arising under the procurement provisions of this subchapter;

(2) Issues relating to the selection of a consulting engineer: *Provided,* That a protest may be filed only with respect to the mandatory procedural requirements of §§ 35.937 through 35.937–9;

(3) Issues primarily determined by State or local law or ordinances;

(4) Provisions of Federal regulations applicable to direct Federal contracts, unless such provisions are explicitly referred to or incorporated in this subpart;

(5) Basic project design determinations (for example, the selection of incineration versus other methods of disposal of sludge); or

(6) Award of subcontracts or issuance of purchase orders under a formally advertised, competitively bid, lump-sum construction contract: *Provided,* That protest may be made with respect to alleged violation of the following:

(i) Nonrestrictive specifications (see § 35.936–13(a)); or

(ii) Provisions of this subpart applicable to the procurement procedures, negotiation or award of subcontracts or issuance of purchase orders pursuant to § 35.937–12 (Subcontracts under subagreements for architectual or engineering services) or § 35.938–9 (Subcontracts under construction contracts).

(k) *Summary disposition.* The Regional Administrator may summarily dismiss a protest, without proceedings under paragraphs (d) or (e) of this section, if he determines that the protest is frivolous or without merit—for example, that the protested action of the grantee primarily involves issues of state or local law. Any such determination shall refer briefly to the facts substantiating the basis for the determination.

§ 35.965 Enforcement.

Noncompliance with the provisions of this subpart shall be cause for any one or more of the following sanctions, as determined appropriate by the Regional Administrator:

(a) The grant may be terminated or annulled pursuant to § 30.920 of this subchapter;

(b) Project costs directly related to the noncompliance may be disallowed;

(c) Payment otherwise due to the grantee of up to ten percent (10%) may be withheld (see § 30.615–3 of this subchapter);

(d) Project work may be suspended pursuant to § 30.915 of this subchapter;

(e) A noncomplying grantee may be found nonresponsible or ineligible for future Federal assistance or a noncomplying contractor may be found nonresponsible or ineligible for approval for future contract award under EPA grants;

(f) An injunction may be entered or other equitable relief afforded by a court of appropriate jurisdiction;

(g) Such other administrative or judicial action may be instituted as may be legally available and appropriate.

APPENDIX C–1—REQUIRED PROVISIONS—CONSULTING ENGINEERING AGREEMENTS [RESERVED]

APPENDIX C–2—REQUIRED PROVISIONS—CONSTRUCTION CONTRACTS [RESERVED]

APPENDIX D—EPA TRANSITION POLICY—EXISTING CONSULTING ENGINEERING AGREEMENTS

A. ACCESS TO RECORDS—AUDIT

1. *Access clause.* After June 30, 1975, a construction grant for Steps 1, 2 or 3 will not be awarded nor will initiation of Step 1 work be approved pursuant to 40 CFR 35.917(e) or 35.925–18(a)(3), unless an acceptable records and access clause is included in the consulting engineering subagreement. The clause contained in Appendix C–1 shall be used after March 1, 1976. The clause required by former PG–53 or approved as an alternate thereto may be utilized for all contracts under grants awarded prior to March 1, 1976.

2. *EPA exercise of right of access to records.* Under applicable statutory and regulatory provisions, EPA has a broad right of access to grantees' consulting engineers' records pertinent to performance of EPA project work. The extent to which EPA will exercise this right of access will depend upon the nature of the records and upon the type of agreement.

a. For the purpose of determining where EPA shall exercise its right of access, engineers' project-related records have been divided into three categories:

(1) *Category A.* Records pertaining directly to the professional, technical and other services performed, excluding any type of financial records of the consulting engineer.

(2) *Category B.* Financial records of the consulting engineer pertaining to the direct costs of professional, technical and other services performed, excluding financial records pertaining to profit and overhead or other indirect costs.

(3) *Category C.* Financial records of the consulting engineer excluded from Category B.

b. In all cases, EPA will exercise its right of access to Category A records. Also, where there is an indication that fraud, gross abuse, or corrupt practices may be involved, EPA will exercise its right of access to records in all categories. Otherwise, access to consulting engineers' financial records (Categories B and C) will depend principally upon the method(s) of compensation stipulated in the agreement:

(1) *Agreements based upon a percentage of construction cost.* Category B and C records will not be audited. However, terms of the agreement including the total amount of compensation will be evaluated for fairness and reasonableness and consistency with historical and advisory guidelines in general use and acceptable locally such as ASCE Manual 45 or other analyses or data relied upon or utilized by the contracting parties in negotiation of the agreement. Such evaluation shall also consider comparable contracts for which EPA grants have been awarded.

(2) *Agreements based upon salary cost times a multiplier including profit.* Category B records will be audited. Category C records will not be audited. However, terms of the agreement, including the total amount of compensation and the multiplier, will be evaluated for fairness and reasonableness and consistency with historical and advisory guidelines in general use and acceptable locally such as ASCE Manual 45 or other analyses or data relied upon or utilized by the contracting parties in negotiation of the agreement. Such evaluation shall also consider comparable contracts for which EPA grants have been awarded. Items of overhead or other indirect costs will only be audited to the extent necessary to assure that types of costs found both in overhead and reimbursable direct costs, if any, are properly charged.

(3) *Per diem agreements.* Category B records will be audited. Category C records will not be audited. Audit will be performed to the extent necessary to determine that hours claimed and classes of personnel used were properly supported. The per diem rates will be evaluated in accordance with appropriate portions of paragraphs A.2.b.(1) and (2) of this appendix.

(4) *Cost plus a fixed fee (profit).* All direct costs and overhead and other indirect costs claimed will be audited to determine that they are reasonable, allowable, and properly supported by the consulting engineer's records. The amount of fixed fee will not be questioned unless the total compensation appears unreasonable when evaluated in accordance with paragraphs A.2.b.(1) and (2) of this appendix.

(5) *Fixed price lump sum contracts.* Category B and C records will not be audited. The contract amount will not be questioned unless the total compensation appears unreasonable when evaluated in accordance with appropriate portions of paragraphs A.2.b.(1) and (2) of this appendix.

c. Under agreements covering both grant-eligible and ineligible work, access to records will be exercised to the extent necessary to allocate contract work or costs between work grant-eligible for Title II construction grant assistance and work or costs which are ineligible.

d. Under agreements utilizing two or more methods of compensation, each part of the agreement will be separately audited in accordance with the appropriate subparagraph of paragraph (b)(2) of this section.

e. Any audited firm and the grantee will be afforded opportunity for an audit exit conference and an opportunity to receive and comment upon the pertinent portions of each draft audit report. The final audit report will include the written comments, if any, of the audited parties in addition to those of the appropriate state and/or Federal agency(ies).

B. TYPE OF CONTRACT

1. The percentage of construction cost type of contract, and the multiplier contract, where profit is included in the multiplier, may not be utilized for Step 1 or Step 2 work initiated after June 30, 1975, when the Step 1 or Step 2 grant is awarded subsequent to June 30, 1975. (A multiplier type of compensation may be utilized only under acceptable types of contracts; see 40 CFR 35.–937–1(d).)

2. Step 1 and Step 2 work performed under the percentage of construction cost type of contract and the multiplier contract, where profit is included in the multiplier, will be reimbursed and such contracts will not be questioned where such costs are re-

V40243 DEC 17 75 XUM

imbursed in conjunction with a Step 3 grant award within the scope of Step 2 work contracted for prior to July 1, 1975. However, the current Step 2 work will not be continued indefinitely for multiple, subsequent Step 3 projects in order to avoid modifying the consultant agreement.

3. Where Step 2 work is initiated after June 30, 1975, under contracts prohibited by paragraphs B.1. and B.2. of this appendix, EPA approval may not be given nor grant assistance awarded until the terms of compensation under the contract have been renegotiated.

4. Establishing an "upset" figure (an upper limit which cannot be exceeded without a formal amendment to the agreement) under a multiplier contract, where profit is included in the multiplier, is not acceptable where renegotiation of such contracts is required. In such renegotiation, the amount of profit must be specifically identified.

5. Total allowable contract costs for grant payment for a contract based upon a percentage of construction cost will be based upon the following:

a. Where work for the design step is essentially continuous from start of design to bidding, and bid opening for Step 3 construction occurs within one year after substantial completion of Step 2 design work, the total allowable contract costs for grant payment may not exceed an amount based upon the low bid for construction.

b. Where work for the design step is not essentially continuous from start of design to bidding, or one year or more elapses between substantial completion of Step 2 design work and bid opening for Step 3 construction, the total allowable contract costs for grant payment may not exceed an amount based upon the lower of:

(1) The consulting engineer's construction cost estimate provided at the time of such substantial completion plus an escalation of this construction cost estimate of up to five percent, but not to exceed the consulting engineer's total compensation based on the low bid for construction, or

(2) The consulting engineer's construction cost estimate provided at the time of such substantial completion plus a consulting engineer's compensation escalation not to exceed $50,000, but not to exceed the consulting engineer's total compensation based upon the low bid for construction.

c. Where the low bid for construction would have resulted in a higher consulting engineer's total compensation than provided in paragraph b., the Regional Administrator may also consider a reasonable additional compensation for updating the plans and specifications, revising cost estimates, or similar services.

6. Where renegotiation is required pursuant to this Appendix D, such renegotiation is subject to 40 CFR 35.937-1, 35.937-6, 35.937-7, 35.937-9 and 35.937-10.

C. ANNOUNCEMENT AND SELECTION

The requirements of 40 CFR 35.937-2 through 35.937-4 shall not apply to Step 1 work where the Step 1 grant was awarded or the initiation of Step 1 work was approved by EPA (pursuant to 40 CFR 35.917 (e)) prior to March 1, 1976, nor to subsequent Step 2 and Step 3 work in accordance with 40 CFR 35.937-2(d), provided that the grantee is satisfied with the qualifications and performance of the engineer employed.

D. REQUIRED CONSULTING ENGINEERING PROVISIONS

Effective March 1, 1976, grant assistance for Steps 1, 2 or 3 will not be awarded nor will initiation of Step 1 work be approved pursuant to 40 CFR 35.917(e) or 35.925-18 (a)(3), unless the subagreement clauses required pursuant to Appendix C-1 are included in the consulting engineering subagreement.

E. ENFORCEMENT

1. Refusal by a consulting engineer to insert the required access clause, or to allow access to its records, or to renegotiate a consulting engineering contract in accordance with the foregoing requirements, will render costs incurred under such contract unallowable. Accordingly, all such costs will be questioned and disallowed pending compliance with this appendix.

2. Where the Regional Administartor determines that the time required to comply with the access to records and type of contract provisions of this appendix will unduly delay award of grant assistance, he may award the grant assistance conditioned upon compliance with this appendix within a specified period of time. In such event, no grant payments for the affected engineering work may be made until such compliance has been obtained.

[FR Doc.75-32882 Filed 12-16-75;8:45 am]

federal register

WEDNESDAY, DECEMBER 17, 1975



PART III:

FEDERAL ELECTION COMMISSION

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JANUARY 31st ANNUAL REPORT OF RECEIPTS AND EXPENDITURES

Interim Guideline

V40243 DEC 17 75 XUM

FEDERAL ELECTION COMMISSION

[Notice 1975-91]

JANUARY 31 ANNUAL REPORT OF RECEIPTS AND EXPENDITURES

Interim Guideline

All candidates for Federal office and political committees supporting these candidates are required to file an Annual Report of Receipts and Expenditures on or before January 31, 1976. This report shall cover financial activity from the date of the last report filed through December 31, 1975. If no report was filed during the 1975 calendar year, the Annual Report shall include all financial activity from January 1, 1975, through December 31, 1975.

In the cases in which special elections to fill a vacancy in a Federal office occurred during calendar year 1975, this year-end report shall be designated as a Quarterly Report, shall cover the period from the date of the last report through December 31, 1975, and is required to be filed on or before January 31, 1976.

A report filed by registered or certified mail postmarked on or before January 31, 1976, shall be considered a timely filing.

The Commission advises that the reporting parties observe the following guidelines with regard to the office in which these reports are filed:

(1) Candidates for the U.S. House of Representatives and political committees solely supporting such candidates should file with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, D.C. 20515.

(2) Candidates for the U.S. Senate and political committees solely supporting such candidates should file with the Secretary of the Senate, 119 D Street., NE., Washington, D.C. 20510.

(3) Candidates for the Office of U.S. President and committees solely supporting such candidates should file with the Federal Election Commission, 1325 K Street, NW., Washington, D.C. 20463.

(4) Political committees supporting more than one candidate (multi-candidate committees) which have heretofore reported to two or more supervisory officers or which, if new, would have had to file with more than one supervisory officer (as, for example, a committee supporting candidates for both the Senate and the Presidency), should file their January 31, 1976, report with the Federal Election Commission, 1325 K Street, NW., Washington, D.C. 20463. Multi-candidate committees supporting only candidates for the House of Representatives should file their January 31, 1976, report with the Clerk of the House of Representatives. Multi-candidate committees supporting only candidates for the Senate should file their January 31, 1976, report with the Secretary of the Senate. Multi-candidate committees which have heretofore filed only with the General Accounting Office or which, if new, would have filed only with the General Accounting Office, should file the January 31, 1976, report with the Federal Election Commission at the above address.

No multi-candidate committee described in the foregoing paragraph need file with the principal campaign committees of the candidates supported, except that:

(a) A multi-candidate committee which receives contributions earmarked by the contributor for any individual candidate or an authorized committee thereof shall report such contribution to that candidate's principal campaign committee and the Commission, the Clerk, or the Secretary, as appropriate, and

(b) Any multi-candidate committee which is authorized to make expenditures in behalf of a candidate should report any such expenditures to that candidate's principal campaign committee and the Commission, the Clerk, or the Secretary, as appropriate. If no principal campaign committee has been designated, contributions and expenditures to be reported under this paragraph should be reported in a form which clearly identifies the candidate to whom they relate.

Committees which have not heretofore filed should additionally file a registration statement under 2 U.S.C. Section 433. Committees which support only candidates for the House of Representatives should register with the Clerk thereof. Committees which support only candidates for the Senate should register with the Secretary thereof. All other committees should register with the Commission.

The Commission further advises that persons subject to 2 U.S.C. 434(e) ("Contribution or expenditures by persons other than political committees or candidates") should file the January 31, 1976, report with the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463.

Interim reporting forms published by the Commission should be used to file the January 31 report. If needed, these forms may be obtained from the Commission.

Dated: December 9, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.75-33693 Filed 12-16-75;8:45 am]

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federal register

WEDNESDAY, DECEMBER 17, 1975



PART IV:

FEDERAL ENERGY ADMINISTRATION

OLD OIL ALLOCATION PROGRAM

Entitlement Notice for October 1975

V40243 DEC 17 75 XUM

FEDERAL ENERGY ADMINISTRATION

OLD OIL ALLOCATION PROGRAM

Entitlement Notice for October 1975

In accordance with the provisions of 10 CFR 211.67 relating to FEA's old oil allocation program, the monthly notice specified in § 211.67(i) is hereby published.

Based on reports submitted to FEA by refiners as to crude oil receipts and crude oil runs to stills for October 1975 and an application of the entitlement adjustment for small refiners provided in 10 CFR 211.67(e), the adjusted national old oil supply ratio for October 1975 is calculated to be .363629.

The issuance of entitlements for the month of October 1975 to refiners is set forth in the Appendix below to this notice. The Appendix below lists the name of each refiner to which entitlements have been issued, the number of entitlements issued to each such refiner, and the number of barrels of old oil included in each such refiner's adjusted crude oil receipts.

Pursuant to 10 CFR 211.67(i)(4), FEA hereby fixes the price at which entitlements shall be sold and purchased for the month of October 1975 at $8.62, which is the exact differential as reported for the month of October between the weighted average costs to refiners of old oil and of new, released, stripper well and imported crude oil.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of October 1975 than the number of barrels of old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of October 1975 equal to the difference between the number of barrels of old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of October 1975 in excess of the number of barrels of old oil included in their adjusted crude oil receipts for October 1975 shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for September 1975 pursuant to 10 CFR 211.67(i)(5). No corrections for reporting errors for months prior to September 1975 are reflected in the listing as FEA intends to effect these corrections through modifications to the program to be issued in the near future.

The listing specifies a negative volume of old oil receipts as to one refiner due to corrective adjustments. The total number of entitlements issued to that refiner under the listing includes the number specified in the "issued" column, as well as a number of entitlements equal to the number of barrels of old oil shown as the negative volume.

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by FEA pursuant to § 211.67(h).

The listing of entitlement issuances contained in the Appendix also reflects relief granted by FEA's Office of Exceptions and Appeals. The following refiners are not shown in the listing due to their having been exempted from the entitlement purchase requirements of the program under exception decisions or stays: Fletcher, Good Hope, J&W, Laketon, Midland, Navajo, N-Amer-Petro, OKC, Thagard and Young. The aggregate volume of old oil receipts for these firms for October 1975 was 2,275,882 barrels, which was not taken into account for purposes of making the calculations in the listing.

The total number of entitlements required to be purchased and sold under this notice is 18,189,988.

Payment for entitlements required to be purchased under 10 CFR 211.67(b) for October 1975 must be made by December 31, 1975. On or prior to January 10, 1976, each firm which is required to purchase or sell entitlements for the month of October shall file with FEA the monthly transaction report specified in 10 CFR 211.66(i) certifying its purchases and sales of entitlements for the month of October. FEA will mail monthly transaction report forms for the month of October to reporting firms in December 1975. FEA requests that firms which have been unable to locate other firms for required entitlement transactions by December 31, 1975 contact FEA at 202–634–7615 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to December 31, 1975, FEA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67(j).

FEA may revise this notice in the event that the Energy Policy and Conservation Act is enacted in a form that requires adjustments to October entitlement issuances with respect to purchase obligations of small refiners. If any such revision of this notice is required, FEA will so advise all firms named in the Appendix hereto prior to December 31, 1975.

This notice is issued pursuant to Subpart G of FEA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with FEA's Office of Exceptions and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before January 16, 1976.

Issued in Washington, D.C., on December 12, 1975.

MICHAEL F. BUTLER,
General Counsel.

APPENDIX.—*Notice of entitlements for allocation of old oil*

Reporting firm short name	Old oil adjusted receipts	Entitlement position: Issued	Required to buy	Required to sell
A-Johnson	0	64,824	0	64,824
Allied	41,566	65,057	0	23,491
Amer-Petrofina	1,397,453	1,851,032	0	453,579
Amerada-Hess	2,295,122	5,963,720	0	3,668,598
Amoco	11,692,810	10,568,356	1,123,654	0
Apco	353,168	617,173	0	234,005
Arco	6,368,497	7,540,279	0	1,171,782
Arizona	36,002	18,794	17,208	0
Asamera	4,481	26,322	0	21,831
Ashland	2,211,526	3,694,480	0	1,182,954
Bayou	59,415	46,670	12,745	0
Beacon	305,122	170,607	134,515	0
C&H	661	1,290	0	629
Caltnnet	0	26,235	0	26,235
Canal	57,327	54,658	2,669	0
Caribou	103,046	92,894	10,752	0
Champlin	1,922,705	1,534,061	388,734	0
Charter	1,214,541	971,451	243,090	0
Citgo	4,072,025	3,139,980	932,045	0
Claiborne	5,459	5,298	161	0
Clark	555,541	1,111,351	0	555,810
Coastal	732,000	1,351,344	0	619,284
Conoco	4,416,388	3,555,214	861,654	0
Coreo	0	961,419	0	961,419
Cra-Farmland	888,016	698,423	110,593	0
Cross	9,697	53,381	0	43,684
Crown	356,640	785,347	0	228,707
Crystal-Oil	167,247	179,862	0	12,615
Crystal-Ref	250	24,184	0	23,925
Delta	699,805	494,750	205,055	0
Diamond	591,228	592,411	0	1,183
Dorchester	5,496	11,964	0	6,489
Dow	67,068	37,903	29,165	0
Eddy	62,070	62,135	0	65
Edgington-Oil	281,078	253,259	27,819	0
Edgington-Oxn	11,424	11,351	73	0
Evangeline	35,296	22,864	12,432	0
Exxon	13,819,828	13,671,448	148,380	0
Famariss	288,259	288,659	0	400
Farmers-Un	467,596	425,227	62,369	0
Flint	11,021	9,703	1,318	0
Gary	257,162	87,398	0	86,271
Getty	−3,066	1,032,887	0	745,725
Giant	32,396	[1] 34,091	0	39,147
Gladieux	0	148,701	0	115,705
Golden-Eagle	0	107,911	0	107,911
Guam	10,904,657	348,543	0	349,543
Gulf	14,492	7,526,456	3,468,201	0
Gulf-Sts	0	17,411	0	2,919
Hiri	807,071	654,505	0	654,505
Howell	445,659	416,441	384,630	0
Hunt	651,114	289,363	156,296	0
Husky	128,283	509,916	81,198	0
Indiana-Farm		246,861	0	117,418

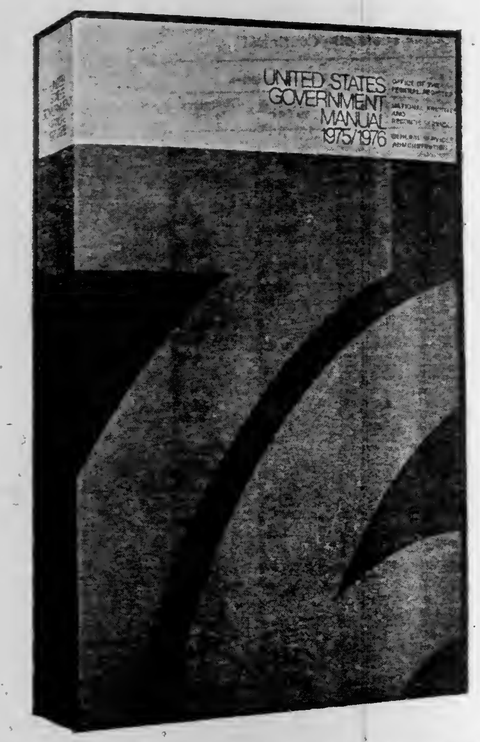
APPENDIX.—*Notice of entitlement for allocation of old oil*—Continued

Reporting firm short name	Old oil adjusted receipts	Entitlement position: Issued	Required to buy	Required to sell
Kentucky	1,731	6,597	0	4,866
Kerr-McGee	2,487,086	1,793,297	643,789	0
Koch	468,930	1,136,702	0	667,772
Lagloria	487,666	345,238	142,428	0
Lakeside	157,061	111,255	45,806	0
Little-Amer	300,539	193,331	107,208	0
MacMillan	85,851	184,646	0	98,995
Marathon	3,255,298	2,734,806	520,492	0
Marlen	110,518	270,654	0	160,136
Mid-Amer	0	42,939	0	42,939
Mobil	8,791,370	7,667,509	1,123,861	0
Mohawk	495,300	517,591	0	22,291
Monsanto	465,993	399,617	66,376	0
Morrison	7,752	7,243	509	0
Mountaineer	3,508	3,900	0	392
Murphy	1,050,391	1,087,175	0	36,784
Natl-Coop	462,251	546,960	0	84,709
Newhall	214,643	145,240	69,403	0
Northland	27,887	33,974	0	6,087
Oil-Shale	1,269,573	1,053,330	216,243	0
Pasco	986,115	852,823	133,292	0
Pennzoil	684,409	561,085	123,324	0
Phillips	3,687,746	4,290,052	0	602,906
Pioneer	15,643	31,887	0	16,244
Placid	344,003	328,524	17,479	0
Platent	80,589	74,660	5,929	0
Powerine	337,661	455,286	0	117,625
Pride	226,530	253,351	0	26,821
Quaker-St	8,203	281,746	0	273,543
Road-Oil	0	2,318	0	2,318
Rock-Island	475,238	406,855	68,383	0
Saber-Tex	108,032	52,165	55,567	0
Sabre-Cal	624	18,861	0	18,237
Sage-Creek	3,959	2,709	1,250	0
San-Joaquin	64,225	95,601	0	31,376
Seminole	0	49,338	0	49,338
Shell	13,136,697	10,438,397	2,698,300	0
Sigmor	7,432	22,277	0	14,845
Skelly	1,064,746	849,139	215,607	0
So-Hampton	96,230	97,435	0	1,205
Socal	9,099,000	10,873,257	0	1,774,257
Sohio	2,758,993	3,378,375	0	619,382
Somerset	1,097	38,143	0	37,046
Sound	0	14,669	0	14,669
Southland	359,554	256,084	103,470	0
Sunland	91,989	95,565	0	3,576
Sunoco	6,570,784	5,346,323	1,224,641	0
Tenneco	1,029,793	1,178,756	0	148,963
Tesoro	1,083,428	704,184	379,244	0
Texaco	11,671,472	11,774,403	0	102,931
Texas-Asph	717	1,269	0	552
Texas-City	1,160,842	878,311	282,531	0
The-Refinery	128,164	202,709	0	74,545
Thriftway	26,286	36,907	0	10,621
Thunderbird	119,546	123,566	0	3,720
Tonkawa	25,209	53,819	0	28,610
Total-Leonard	130,235	499,826	0	369,591
Union-Oil	5,960,538	4,544,302	1,446,236	0
Union-Texas	125,030	107,121	17,909	0
Unid-Ind	278	0	278	0
Untd-Ref	131,120	601,987	0	470,868
US-Oil	70	141,702	0	141,632
Vickers	341,700	405,986	0	64,286
Vulcan	0	25,224	0	25,224
Warrior	56,529	48,077	8,452	0
West-Coast	26,764	45,921	0	19,157
Western	2,290	24,018	0	21,719
Wickett	87,559	95,487	0	7,928
Winston	39,808	187,833	0	148,025
Wireback	0	1,299	0	1,299
Witco	435,583	378,178	57,405	0
Yetter	0	1,346	0	1,346
Total	162,126,995	152,126,995	18,189,988	18,189,988

[1] Reflects a correction for excessive old oil receipts reported for September 1975.
[2] Does not include entitlements issued by virtue of the negative volume of old oil receipts shown.

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V 4 0 1 2 4 3 DEC 17 75 XUM



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244

Vol.40—No.244
12–18–75
PAGES
58623–58844

federal register

THURSDAY, DECEMBER 18, 1975

highlights

PART I:

NOTICE TO EXECUTIVE AGENCIES—PRIVACY ACT OF 1974
The Federal Register's Privacy Act Digest will be available on or about January 12, 1976. Executive agencies may obtain copies only by submitting Standard Form 1 to the Planning Services Division of the Government Printing Office by December 23, 1975, or by purchase from the Superintendent of Documents. Requisitions should refer to Jacket number 599–056.

REFRIGERATORS AND FREEZERS
Commerce sets forth voluntary energy conservation specifications (2 documents); effective 1–19–76..... 58673, 58675

COUGH MEDICINES
HEW/FDA withdraws approval of Cothera Syrup and gives notice of opportunity for hearing (2 documents).... 58676, 58677

PUBLIC DEMONSTRATIONS
Interior/NPS proposes regulations for permit requirements for special events in Washington, D.C.; comments by 2–17–76..... 58651

AIR POLLUTION
EPA amends regulations for labeling and importation of catalyst equipped vehicles; effective 12–18–75..... 58646

CONTINUED INSIDE

PART II:

MOBILE HOMES
HUD revises construction and safety standards; effective 6–15–76..... 58751

PART III:

PRESCRIPTION DRUGS
HEW/FDA amends advertisement and labeling regulations; effective 1–19–76..... 58793

PART IV:

FEDERAL ELECTIONS
FEC issues advisory opinions..... 58801

PART V:

COMPREHENSIVE EMPLOYMENT AND TRAINING
Labor/ETA sets allocation of funds for FY 1976..... 58805

V40244 DEC 18 75 XUM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. The list is kept current in each issue of the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 5197..... Pub. L. 94–150
An act to authorize the employment of certain foreign citizens on the vessel Seafreeze Atlantic, Official Number 517242
(Dec. 15, 1975; 89 Stat. 807)

S. 240..... Pub. L. 94–151
An act to amend the Act entitled "An Act granting a charter to the General Federation of Women's Clubs"
(Dec. 15, 1975; 89 Stat. 809)

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HIGHLIGHTS—Continued

NATURAL GAS
FPC orders producers to report expenditures, development activities, and revenues; effective 12–18–75..... 58630

INCOME TAX
Treasury/IRS issues regulations on advertising and other activities of exempt organizations..... 58637

MEAT INSPECTION
USDA/APHIS establishes program for certification of animal fats for exportation; effective 1–5–76..... 58627

VACCINES
USDA/APHIS revises testing procedures for bacteria and fungi; effective 1–19–76..... 58626

COTTON TEXTILES
CITA terminates agreement between U.S. and Poland.... 58683

VETERANS' RECORDS
VA establishes safeguards against disclosure of personal information under the Privacy Act; effective 9–27–75..... 58644

IMMIGRANT LABOR CERTIFICATIONS
Labor proposes modification of definition of Household Domestic Service Workers; comments by 1–19–76..... 58664

RURAL HOUSING LOANS
USDA/FmHA proposes to amend regulations to include certain areas of population from 10,000 to 20,000; comments by 1–19–76..... 58657

NATIONAL HIGHWAY INSTITUTE
DOT/FHA revises regulations for Fellowship and Scholarship Program; effective 12–29–75..... 58633

MEETINGS—
DOD/Navy: Chief of Naval Operations Executive Panel Advisory Committee, 1–21 and 1–22–76..... 58667
HEW/OE: National Advisory Council on Indian Education, 1–15 thru 1–18–76..... 58678
Office of the Secretary: Review Panel on New Drug Regulation, 1–18–76..... 58679
Commerce/DIBA: Importers' Textile Advisory Committee, 2–5–76..... 58673
NBS: Federal Information Processing Standards Coordinating and Advisory Committee, 1–29–76.. 58673
Labor/BLS: Business Research Advisory Council's Committee on Occupational Safety and Health Statistics, 1–15–76..... 58704
DOT/FAA: Radio Technical Commission for Aeronautics, 1–23–76..... 58679
FRA: Railroad Operating Rules Advisory Committee, 1–19 and 1–20–76..... 58680
USDA/FS: Fremont National Forest Grazing Advisory Board, 1–21–76..... 58673
SEC: Report Coordinating Group, 1–12–76..... 58703

RESCHEDULED MEETINGS—
HEW/DE: National Advisory Council on Extension and Continuing Education, 1–7–76..... 58678

contents

ACTION
Proposed Rules
Domestic programs; standards of evaluation ---------- 58659

AGRICULTURAL MARKETING SERVICE
Rules
Grapefruit grown in Fla---------- 28650
Oranges (Navel) grown in Ariz. and Calif---------- 28649
Proposed Rules
Onions grown in South Tex---- 58656

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Forest Service; Soil Conservation Service.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Certification of technical animal fats and export, voluntary---- 58627
Viruses, serums, toxins, and analogous products:
Bacterial contamination; increase in incubation period_ 58626

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Delta Air Lines, Inc---------- 58680
International Air Transport Association ---------- 58681
Tourist Enterprises Corp., "ORBIS" ---------- 58683

COMMERCE DEPARTMENT
See also Domestic and International Business Administration; National Bureau of Standards.
Notices
Refrigerators and freezers; labeling specifications (2 documents) ---------- 58673, 58675

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS
Notices
Cotton textiles:
Polish People's Republic------- 58683

COMMODITY FUTURES TRADING COMMISSION
Proposed Rules
Floor brokers and commission merchants; dual trading------- 58660
Notices
Bona fide hedging transactions or positions; definitions; hearing-- 58684

COMMUNITY SERVICES ADMINISTRATION
Rules
Community Action Programs:
Policy regarding grants; correction ---------- 58649

DEFENSE DEPARTMENT
See Navy Department

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Meetings:
Importers' Technical Advisory Committee ---------- 58673

EDUCATION OFFICE
Notices
Meetings:
Indian Education National Advisory Council---------- 58678

EMPLOYMENT AND TRAINING ADMINISTRATION
Notices
Comprehensive employment and training; fund allocations------ 58805

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Notices
Public document room; change of address ---------- 58686

V 40 244 DEC 18 75 XUM

ENVIRONMENTAL PROTECTION AGENCY
Rules
Air pollutants, hazardous, National emission standards:
Washington, authority delegations ... 58646
Air pollution control, new motor vehicles and engines:
Catalyst equipped vehicles; labeling and importation of ... 58646
Energy Supply and Environmental Coordination Act, related authority; compliance date extensions, eligibility ... 58644
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
Fluchloralin ... 58648
Glyphosate ... 58647
Proposed Rules
Air quality implementation plans; various States:
South Carolina ... 58663
Notices
Pesticide tolerance in or on certain raw agricultural commodities and food additive tolerances; petitions:
American Cyanamid Co. (2 documents) ... 58685
Chevron Chemical Co ... 58685
Pesticides, specific exemptions and experimental use permits:
Elanco Products Co ... 58686
State of Arizona, DEF for defoliant harvest aid ... 58684

FARMERS HOME ADMINISTRATION
Proposed Rules
Rural housing loan policies; redefinitions ... 58657
Notices
Disaster areas:
Iowa ... 58672
Wisconsin ... 58672

EXPORT-IMPORT BANK OF THE UNITED STATES
Notices
Advisory Committee; annual report ... 58686

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
British Aircraft Corp ... 58623
Hawker Siddeley Aviation Ltd. (2 documents) ... 58623
Pilatus Aircraft Ltd ... 58623
Societe Nationale Industrielle Aerospatiale (2 documents) ... 58624
Reporting points ... 58624
Standard instrument approach procedures ... 58625
VOR Federal airways ... 58624
Notices
Meetings:
Radio Technical Commission for Aeronautics ... 58679

FEDERAL ELECTION COMMISSION
Notices
Advisory opinions:
Administrative costs incurred by a corporation; and expenditure limitations; and raffles ... 58801

FEDERAL ENERGY ADMINISTRATION
Notices
Oil Shale Corp.; consent order ... 58686

FEDERAL HIGHWAY ADMINISTRATION
Rules
Education and training programs ... 58633

FEDERAL INSURANCE ADMINISTRATION
Notices
National Insurance Development Program Advisory Board; request for nomination of members ... 58679

FEDERAL POWER COMMISSION
Rules
Natural gas companies:
Reserves, report form No. 40 ... 58632
Natural gas producers; investigation of expenditures, exploration and development activities, etc ... 58630
Notices
Hearings, etc.:
Alabama Gas Corp ... 58687
Appalachian Power Co ... 58687
Atlantic Richfield Co., et al ... 58688
Boston Edison Co ... 58688
Central Vermont Public Service Corp ... 58688
City of Falfurrias, Texas and Natural Gas Pipeline Company of America ... 58689
Columbia Gas Transmission Corp. and Columbia Gulf Transmission Co ... 58689
Commercial Pipeline Company, Inc ... 58689
Connecticut Light and Power Co ... 58689
Duke Power Co ... 58689
Electric Energy, Inc ... 58690
El Paso Natural Gas Co. (2 documents) ... 58690, 58691
Florida Power Corp ... 58691
Illinois Power Co ... 58691
Lawrenceburg Gas Transmission Corp ... 58691
Louisiana Power and Light Co ... 58692
Mississippi River Transmission Corp ... 58692
Middle South Services, Inc. and Alabama Power and Light Co ... 58692
Montana Power Co ... 58693
Montaup Electric Co ... 58693
Mosinee Paper Co ... 58693
National Fuel Gas Supply Corp., et al ... 58693
New Bedford Gas and Edison Light Co ... 58694
New England Power Co. (2 documents) ... 58694
Northern Natural Gas Co ... 58694
Ohio Power Co ... 58694
Oklahoma Gas and Electric Co. (2 documents) ... 58695
Pacific Gas and Electric Co ... 58695
Parowan City ... 58695
Pennsylvania Electric Co ... 58695
Potomac Edison Co. (2 documents) ... 58696
P.S. & G., Inc ... 58696
Tampa Electric Co ... 58696
Texas Gas Pipe Line Corp ... 58697
Transcontinental Gas Pipe Line Corp ... 58697
Wisconsin Public Service Corp ... 58697

FEDERAL RAILROAD ADMINISTRATION
Notices
Meetings:
Railroad Operating Rules Advisory Committee ... 58680

FEDERAL TRADE COMMISSION
Notices
Warranties, applications:
Harmsco, Inc ... 58698

FISH AND WILDLIFE SERVICE
Rules
Fishing:
Valentine National Wildlife Refuge, Nebr ... 58649
Notices
Endangered species permits; applications ... 58669

FOOD AND DRUG ADMINISTRATION
Rules
Animal drugs, feeds, and related products:
Chlortetracycline boluses; correction ... 58633
Prescription drugs; reminder labeling and advertisements ... 58793
Notices
Human drugs:
Cothera Syrup; withdrawal of approval (2 documents) ... 58676, 58677

FOREST SERVICE
Notices
Meetings:
Fremont National Forest Grazing Advisory Board ... 58673

GEOLOGICAL SURVEY
Notices
Geothermal resource areas; operations, etc.:
Idaho ... 58671

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Education Office; Food and Drug Administration; Social Security Administration.
Notices
Authority delegations:
Social Security Administration ... 58679
Organization, functions and authority delegations:
Education Office ... 58678
Meetings:
National Advisory Council on Extension and Continuing Education ... 58678
New Drug Regulation Review Panel ... 58679

HEARINGS AND APPEALS OFFICE
Notices
Applications, etc.:
Harlan Central Coal Co ... 58671
Helvetia Coal Co
Island Creek Coal Co
Rochester & Pittsburgh Coal Co ... 58672

HOUSING AND URBAN DEVELOPMENT ADMINISTRATION
See also Federal Insurance Administration; Housing Production and Mortgage Credit, Office of Assistant Secretary.
Notices
Designation of acting area director; Minneapolis-St. Paul office ... 58679

HOUSING PRODUCTION AND MORTGAGE CREDIT, OFFICE OF ASSISTANT SECRETARY
Rules
Authority delegations:
Director, Office of Underwriting Standards ... 58637
Mobile homes; construction and safety standards ... 58751

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Geological Survey; Hearings and Appeals Office; Land Management Bureau.

INTERNAL REVENUE SERVICE
Rules
Income taxes:
Activities of exempt organizations ... 53637
Proposed Rules
Arbitage bonds; miscellaneous amendments; correction (2 documents) ... 58656
Notices
Authority delegations:
Assistant Commissioner ... 58665
Certain officers and employees ... 58665

INTERNATIONAL TRADE COMMISSION
Notices
Import and export investigations:
Certain components of automatic tobacco leaf graders ... 58698
Piezoelectric ceramic 10.7 MHz electric wave filters ... 58699

INTERSTATE COMMERCE COMMISSION
Notices
Abandonment of services:
Sacramento Northern Railway ... 58715
Hearing assignments ... 58715
Motor carrier, broker, water carrier, and freight forwarder applications ... 58705
Motor carriers:
Lease and interchange of vehicles ... 58715
Transfer proceedings ... 58716

JUSTICE DEPARTMENT
Rules
Committees, panels; establishment, renewals, etc.:
Office of Professional Responsibility ... 58643
Organization, functions and authority delegations:
Assistant Attorney General and Director, Federal Bureau of Investigation ... 58644

LABOR DEPARTMENT
See also Bureau of Statistics; Employment and Training Administration; Occupational Safety and Health Administration.
Proposed Rules
Immigrant certifications; modification of definition ... 58664
Notices
Adjustment assistance:
Moda Contracting Corp ... 58704

LABOR STATISTICS BUREAU
Notices
Meetings:
Occupational Safety and Health Statistics Committee ... 58704

LAND MANAGEMENT BUREAU
Rules
Public land orders:
Oregon ... 58648
Notices
Applications, etc.:
New Mexico (2 documents) ... 58668, 58669
Wyoming (4 documents) ... 58668
Survey plat filings:
Arizona ... 58667
Withdrawal and reservation of lands, proposed, etc.:
Idaho ... 58668

NATIONAL BUREAU OF STANDARDS
Notices
Voluntary product standards:
Plastic-lined steel pipe fittings ... 58673
Meetings:
Federal Information Processing Standards Coordinating and Advisory Committee ... 58673

NATIONAL COMMUNICATIONS SYSTEM
Notices
Telecommunications: coding and modulation requirements for nondiversity 2400 bit/second modems; proposed Federal standard 1005 ... 58699

NATIONAL PARK SERVICE
Proposed Rules
Permit requirements; demonstrations and special events ... 58651

NATIONAL TRANSPORTATION SAFETY BOARD
Notices
Safety recommendations and accident reports; availability, responses, etc ... 58700

NAVY DEPARTMENT
Notices
Meetings:
Chief of Naval Operations Executive Panel Advisory Committee ... 58667

NUCLEAR REGULATORY COMMISSION
Notices
Applications, etc.:
Georgia Power Co., et al ... 58701

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Notices
State plans for enforcement of standards:
Oregon ... 58704

SECURITIES AND EXCHANGE COMMISSION
Notices
Meetings:
Report Coordinating Group ... 58703
Hearings, etc.:
Atlas Small Business Investment Corp ... 58701
Canadian Javelin, Ltd ... 58702
Equity Funding Corporation of America ... 58702
GAC Corp. and GAC Properties Credit Inc ... 58702
Industries International, Inc ... 58703
RCA International Development Corp ... 58703
Transjersey Bancorp ... 58704

SOIL CONSERVATION SERVICE
Rules
Long term contracting; editorial amendments; correction ... 58649

SOCIAL SECURITY ADMINISTRATION
Authority delegations:
Claims representatives, field representatives, district and branch offices and Office of Program Operations ... 58679

STATE DEPARTMENT
Notices
Authority delegations:
Deputy Secretary ... 58665

TRANSPORTATION DEPARTMENT
See also Federal Aviation Administration; Federal Highway Administration; Federal Railway Administration.
Notices
Transportation-Related Signs and Symbols Advisory Committee; renewal ... 58680

TREASURY DEPARTMENT
See also Internal Revenue Service.
Notices
Antidumping:
Polymethyl methacrylate from Japan ... 58666

VETERANS ADMINISTRATION
Rules
Privacy Act of 1974:
Safeguarding personal information in records; correction ... 58644

V 40 244 DEC 18 75 XUM

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR

631 58649
907 58649
913 58649

PROPOSED RULES:

959 58656
1822 58657

9 CFR

113 58626
351 58627

14 CFR

39 (6 documents) 58623, 58624
71 (2 documents) 58624
97 58625

17 CFR

PROPOSED RULES:

155 58660

18 CFR

3 58630
260 (2 documents) 58630, 58632

21 CFR

200 58799
201 58799
202 58799
546 58633

23 CFR

260 58633

24 CFR

200 58637
280 58752

26 CFR

1 58637

PROPOSED RULES:

1 (2 documents) 58656

28 CFR

0 (2 documents) 58643, 58644

29 CFR

PROPOSED RULES:

60 58664

36 CFR

PROPOSED RULES:

50 58651

38 CFR

1 58644

40 CFR

55 58644
61 58646
85 58646
86 58646
180 (2 documents) 58647, 58648

PROPOSED RULES:

52 58663

43 CFR

PUBLIC LAND ORDERS:

4392 (Revoked in part by PLO 5560) 58648
5560 58648

45 CFR

1061 58649

PROPOSED RULES:

1223 58659

50 CFR

33 58649

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

1 CFR

Chapter I 55633
425 56651

3 CFR

EXECUTIVE ORDERS:

6827 (Amended by PLO 5559) 58453
8278 (Revoked in part by PLO 5550) 56667
10422 (Amended by EO 11890) 57775
11890 57775
11891 58279

4 CFR

412 58281

5 CFR

213 ..... 56651, 57202, 57351, 57461, 57777, 58127, 58421
890 55829
736 56651

7 CFR

1 58281
2 ..... 56421, 56669, 58127
16 55829
25 57205
25A 57205
52 57206
245 ..... 57206, 57777, 58281
271 ..... 55646, 57434–57438
631 58649
722 55656
725 55656
726 56421
729 55658
724 58444
905 ..... 57641, 58446
907 ..... 56670, 57641, 58127, 58649
910 57777
912 57641
913 58650
959 57209
982 55829
984 57351
1063 58447
1405 58448
1421 56423
1464 ..... 57209, 57777
1842 57643
1865 57642
1980 57643

PROPOSED RULES:

622 56457
724 57809
726 57810
916 57221
928 57221
932 56457
959 58656
999 57368
1060 56674
1063 56674
1822 ..... 58151, 58656

8 CFR

100 58448
103 58448
238 58448
316a 58448

9 CFR

78 58281
113 ..... 57806, 58626
331 ..... 57807, 57808
351 58627
381 ..... 57807, 57808

PROPOSED RULES:

91 56675

10 CFR

212 57439

RULINGS:

1975–18 55860

12 CFR

7 56883
217 57663
225 55634
226 55634
265 55635
303 58128
327 57209
329 ..... 57664, 57778
522 57442
526 57665
545 ..... 57665, 57781
555 57781
563 57665
571 57783

PROPOSED RULES:

556 57690
571 57690

13 CFR

117 57351

PROPOSED RULES:

120 57602
121 ..... 55860, 55868

14 CFR

39 ..... 55635–55637, 56652, 56883, 57352, 57353, 57444, 57665, 57666, 57783–57785, 58128–58130, 58284, 58623, 58624
71 ..... 55638, 55829, 56423, 56424, 56652, 56884, 57203, 57204, 57353, 57354, 57444, 57666, 57785, 57786, 58131, 58284, 58624
75 ..... 55830, 56884
97 ..... 57204, 57666, 58625
103 57667
121 57444
123 57444
135 57444
288 ..... 56652, 58449

PROPOSED RULES:

37 57222
39 57811
63 57342
71 ..... 55664, 55665, 55866, 56919, 57368, 57369
91 57342
103 57688
105 57342
121 57342
123 57342
129 57342

14 CFR—Continued

PROPOSED RULES—Continued

135 57342
137 57342
145 57342
147 57342
241 57462
253 55665
378 57462
399 55665

15 CFR

379 56424
950 56653

16 CFR

13 ..... 56655–56658, 57195–57201, 57445–57447, 57668, 58286, 58287
302 56659
433 58131
1115 58449
1512 57449
1602 56885

17 CFR

200 ..... 57449, 58131
210 ..... 55830, 55835
239 55836
240 ..... 55837, 57355, 57357, 57449, 57786
241 57786
249 55837
275 57795

PROPOSED RULES:

12 55666
155 58660
239 58155
240 ..... 57463, 58154, 58155
249 ..... 58154, 58155

18 CFR

2 56886
3 58630
35 56424
141 57450
260 ..... 58630, 58632

19 CFR

4 55837
141 57796
159 ..... 55638, 55639
201 55838

PROPOSED RULES:

141 56674
142 ..... 56674, 58150
143 56674
158 58150
159 56674
177 58470
201 56936

20 CFR

405 56659
410 56886
618 57766

PROPOSED RULES:

405 56458
625 56931

V 40 244 DEC 18 75 XUM

21 CFR

1 ..... 57451, 57453
3 57451
4 55838
7 55838
37 57454
121 ..... 56907, 57209
123 ..... 56425, 58287
200 58799
201 58799
202 58799
369 58288
430 57796
436 57797
440 58288
444 57798
529 57454
540 55849
546 ..... 57455, 58633
556 ..... 57454, 58289
558 ..... 57668, 57798, 58132, 58289
561 56425
600 57688
640 55849
1308 58132
1316 57210

PROPOSED RULES:

1 57811
10 57811
27 57811
51 57811
53 57811
102 57888
310 ..... 55869, 56675, 57811
330 ..... 56675, 57811
338 57292
339 57292
340 57292
600 57688
610 57688
640 57688
660 57688
1000 58151

22 CFR

602 56661

23 CFR

230 57358
260 58633
450 57799
630 ..... 55639, 57799
712 55643

PROPOSED RULES:

750 58312

24 CFR

200 58637
205 58133
207 58133
213 58134
220 58134
221 58134
232 58134
235 58134
238 58134
242 58134
244 58134
280 58752
1710 56907
1912 57210
1914 ..... 56670, 57803
1915 ..... 56672, 56910
1916 56426
1917 ..... 56426, 57668

24 CFR—Continued

1920 ..... 56427–56429, 57669, 57670
2205 58450

PROPOSED RULES:

1710 56919
1917 56459

25 CFR

233 58135

PROPOSED RULES:

178 57694

26 CFR

1 ..... 55849, 58138, 58637
301 55849

PROPOSED RULES:

1 ..... 56448, 57364, 57462, 58471, 58656

27 CFR

6 55856
194 56887

28 CFR

0 ..... 58643, 58644

PROPOSED RULES:

19 56453
42 56454

29 CFR

602 58138
603 58138
608 58139
609 58140
610 58140
611 58140
612 58141
614 58141
615 58142
687 58143
1902 ..... 55857, 58143
1952 ..... 57455, 58450
1953 57804
2602 57457

PROPOSED RULES:

40 57332
60 58664
1910 ..... 55866, 55867, 58457, 58458
2610 57982
2611 57980

32 CFR

577 58290
650 55962

33 CFR

Ch. I 58143
117 56429
128 56430
207 57358

PROPOSED RULES:

117 57222

34 CFR

PROPOSED RULES:

Ch. I 56459

35 CFR

5 ..... 58290, 58292

36 CFR

7 56888

PROPOSED RULES:

2 57694
50 58651

37 CFR

1 37358
2 37358

38 CFR

1 ..... 56433, 56844
3 ..... 56434, 57459
17 57805

PROPOSED RULES:

3 56936

39 CFR

Ch. I 57670
42 57212
43 57212
44 57212
45 57212
47 57212
111 ..... 57212, 57670

PROPOSED RULES:

111 57223

40 CFR

35 58602
52 ..... 56888–56890, 57359
55 56844
60 58416
61 58646
85 58646
86 58646
149 58292
180 ..... 55857, 57215, 58294, 58647, 58648
407 57216
408 55770
414 ..... 56435, 56436

PROPOSED RULES:

6 55868
51 58317
52 ..... 58317, 58319, 58663
85 56932
124 56932
125 56932
180 58321
407 57223

41 CFR

6–1 58452
6–2 58453
6–3 58453
14–1 ..... 57670, 57671
50–201 57805
101–26 57216
105–61 56892
114–43 55857
114–60 55858

42 CFR

57 56674

PROPOSED RULES:

2a 56692

43 CFR

2 57671
20 58295

PUBLIC LAND ORDERS:

17 (Revoked in part by PLO 5553) 58144
1245 (Revoked in part by PLO 5552) 58144
2789 (Revoked by PLO 5551) 58144
4392 (Revoked in part by PLO 5560) 58648
5169 (Amended by PLO 5556) 58146
5170 (Amended by PLO 5557) 58146
5176 (Amended by PLO 5555) 58145

43 CFR—Continued

5179 (Amended by PLO 5556) 58146
5184 (Amended by PLO 5550) 56667
5187 (Revoked in part by PLO 5550) 56667
5353 (Revoked n part by PLO's 5551, 5552, 5553) 58144
5396 (Amended by PLO 5556) 58146
5550 56667
5551 58144
5552 58144
5553 58144
5554 58145
5555 58145
5556 58146
5557 58146
5559 58453
5560 58648

PROPOSED RULES:

2600 57364

45 CFR

102 57760
160c 57926
223 58453
233 57359
302 57672
1013 55859
1061 58640
1222 57217

PROPOSED RULES:

100a 58459
100c 58459
115 57042
155 58400
157 58405
159 58409
160d 55659
162 56678
174 58459
1224 58659

46 CFR

4 58306
5 ..... 57672, 58306
12 57673
14 58306
33 58454
42 57218
75 58454
78 58454
94 58454
97 58454
142 58454
167 58454
176 58454
192 58455
310 55643
401 57673
551 58146

PROPOSED RULES:

Ch. I 57688
10 55663
78 58457
503 58154

47 CFR

0 ..... 57359, 58306
1 55644
2 57674
73 ..... 55644, 57360, 58147
76 57361
81 57675
83 57675
87 57675
89 58147
91 ..... 57682, 57684, 58306, 58455
93 58147
95 58148
97 58148

PROPOSED RULES:

73 58467
76 55868

47 CFR—Continued

PROPOSED RULES—Continued

81 58322
83 58322
89 57369
91 57369

49 CFR

10 57361
25 58455
103 ..... 57687, 58307
107 56442
174 57433
310 55645
571 ..... 56667, 56898, 57687
575 57806
1010 56668
1033 ..... 55860, 56443, 56444, 56898, 57433
1125 57639

PROPOSED RULES:

393 57369
557 56926
567 55665
568 55665
571 ..... 55665, 56920, 56928, 57690, 58152, 58153
579 56930
1108 57465

50 CFR

17 58307
28 ..... 56444, 56445, 56669, 57218, 57220, 57459–57461, 58148
33 ..... 55860, 56446, 57363, 58149, 58649
216 56899
280 57461

PROPOSED RULES:

17 ..... 57221, 58308
510 ..... 55679, 57812
520 57692

FEDERAL REGISTER PAGES AND DATES—DECEMBER

Pages	Date
55635–55828	1
55829–56420	2
56421–56649	3
56651–56882	4
56883–57193	5
57195–57349	8
57351–57432	9
57433–57639	10
57641–57773	11
57775–58126	12
58127–58278	15
58279–58420	16
58421–58621	17
56823–58844	18

V 40 244 DEC 18 75 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14885; Amdt. 39-2474]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Viscount Models 744, 745D, and 810 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring an electrical back-up propeller feathering system to the manual propeller feathering system on British Aircraft Corporation Viscount Models 744, 745D and 810 airplanes was published in the FEDERAL REGISTER on August 6, 1975, (40 FR 33051).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORPORATION. Applies to British Aircraft Corporation (BAC) Viscount Models 744, 745D and 810 airplanes, certificated in all categories.

Compliance is required within the next 300 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent failure of propeller feathering, install an electrical back-up to the primary manual feathering system in accordance with the instructions contained in BAC Bulletin-For-Modification No. FG.2122, dated February 11, 1972, (for Viscount Model 810 airplanes), or BAC Bulletin-For-Modification No. D.3245, dated February 11, 1972 (for Viscount Models 744 and 745D airplanes), as appropriate, or an equivalent of either approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, FAA-American Embassy, APO New York 09667.

This amendment becomes effective on January 19, 1976.

Issued in Washington, D.C., on December 11, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc. 75-34076 Filed 12-17-75;8:45 am]

[Docket No. 14849; Amdt. 39-2473]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation Ltd. DH-104 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the adjusting screws of the nose gear and main gear on Hawker Siddeley Aviation Ltd. DH-104 airplanes was published in the FEDERAL REGISTER on August 1, 1975, (40 FR 32342).

Interested persons have been afforded the opportunity to participate in the making of the amendment. No objections were received.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION LTD. Applies to DH-104 Series airplanes certificated in all categories except those modified in accordance with Hawker Siddeley Modification 1723.

Compliance is required within the next 250 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent cracking of the nose gear and main gear adjusting screws, replace the three adjusting screws, P/N 4U.493, with new adjusting screws, P/N 4U.567, in accordance with paragraph No. 5 of Hawker Siddeley Technical News Sheet No. 231, dated March 19, 1973, or with FAA-approved equivalent parts and procedure.

This amendment becomes effective on January 19, 1976.

Issued in Washington, D.C., on December 11, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-34077 Filed 12-17-75;8:45 am]

[Docket No. 14868; Amdt. 39-2475]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation Ltd., DH-114 Series Airplanes

A proposal to amend the Federal Aviation Regulations to include an airworthiness directive requiring the replacement of the nose gear adjusting screw with an improved part on Hawker Siddeley Aviation Ltd., DH-114 series airplanes was published in the FEDERAL REGISTER on August 5, 1975, (40 FR 32837).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION. Applies to DH-114 series airplanes certificated in all categories except those modified in accordance with Hawker Siddeley Modification 1610.

Compliance required within the next 400 hours' time in service after the effective date of this AD unless already accomplished.

To prevent cracking of the nose gear adjusting screw, replace P/N 4U.493 with P/N 4U.567 in accordance with paragraph No. 5 of Hawker Siddeley Technical News Sheet No. U.16, dated March 19, 1973, or with an FAA-approved equivalent part and procedure.

This amendment becomes effective on January 19, 1976.

Issued in Washington, D.C., on December 10, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-34075 Filed 12-17-75;8:45 am]

[Docket No. 14870; Amdt. 39-2478]

PART 39—AIRWORTHINESS DIRECTIVES

Pilatus Aircraft Limited Model PC-6 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of aluminum fuel line and elbow fittings with stainless steel parts on Pilatus Model PC-6 airplanes manufactured by Pilatus Aircraft Ltd. was published in the FEDERAL REGISTER on August 5, 1975 (440 FR 32838).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of

V 40 244 DEC 18 75 XUM

section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PILATUS AIRCRAFT LTD. Applies to Pilatus Model PC-6 airplanes, serial numbers 685 and below (all variants) manufactured by Pilatus Aircraft Ltd., powered by Lycoming OSO-480-B1A6 engines.

NOTE: This AD does not apply to Pilatus PC-6 airplanes manufactured by Fairchild Hiller.

Compliance is required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent hazardous fuel leaks from developing at the elbow fittings connecting the fuel line to the fuel pump and carburetor and to prevent a broken fuel line, accomplish the following:

(a) Replace aluminum fittings (AN 822-8D and AN 823-8D) with stainless steel fittings (MS 20822-8C and MS 20823-8C), or FAA-approved equivalents.

(b) Replace aluminum fuel line P/N 6238.-0094.80 with a stainless steel fuel line P/N 6238.0094.80C, or an FAA-approved equivalent.

This amendment becomes effective on January 19, 1976.

Issued in Washington, D.C., on December 11, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-34072 Filed 12-17-75;8:45 am]

[Docket No. 14818; Amdt. 39-2477]

PART 39—AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale Alouette II and Alouette III Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a one-time inspection, repair, and replacement, as necessary, of the blade spars of the main rotor blades on certain Societe Nationale Industrielle Aerospatiale Alouette helicopters (S.N.I.A.S.) was published in the FEDERAL REGISTER on July 29, 1975, (40 FR 31806).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE. Applies to Alouette helicopter Models SE-3130, SE-313B, SA-3180, SA-318B, SA-318C, SA-315B, SE-3160, SA-316B, SA-319B, and SA-316C incorporating 3130 series main rotor blade(s) with serial number 9554 and lower, and 3160 series main rotor blade(s) with serial number 6999 and lower.

Compliance is required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished in accordance with Lama Service Bulletin No. 01.04 for the Model SA-315B, or Alouette Service Bulletin No. 01.30 for the other designated models.

To prevent failure of the main rotor blades due to corrosion, inspect the blade spar in the section between the attachment fitting and root end rib for corrosion, repair as necessary, and return to service, in accordance with paragraphs 2 B(2), 2 B(3), 2 B(4) and 2 C of SGAC-approved Alouette Service Bulletin No. 01.30, as amended August 30, 1972, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

This amendment becomes effective on January 19, 1976.

Issued in Washington, D.C., on December 10, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-34073 Filed 12-17-75;8:45 am]

[Docket No. 14882; Amdt. 39-2476]

PART 39—AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale Model SA-341G "Gazelle" Helicopter

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modification of the fuel system of the Aerospatiale Model SA-341G "Gazelle" helicopter was published in the FEDERAL REGISTER on August 6, 1975 (40 FR 33050).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE. Applies to Model SA-341G "Gazelle" helicopters, certificated in all categories, serial numbers 1062 and lower, incorporating standard fuel tank P/N 341A.-55.1065.20, or .22 or .24.

Compliance is required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished in accordance with Gazelle Service Bulletin No. 28.01.

To prevent interruption of fuel flow to the engine during execution of approved flight maneuvers, modify the fuel system to provide for increased fuel sump capacity and an improved booster pump location in accordance with subparagraph 2(B) of Gazelle Service Bulletin No. 28.01, as revised November 21, 1973, or an FAA-approved equivalent.

This amendment becomes effective on January 19, 1976.

Issued in Washington, D.C., on December 11, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-34074 Filed 12-17-75;8:45 am]

[Airspace Docket No. 75-WE-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of Federal Airway

On November 6, 1975, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (40 FR 51655) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal Airway No. 293 from Bryce Canyon, Utah, to Grand Canyon, Ariz., via the Page, Ariz., VOR.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. We received one response to the NPRM in which the commentator posed no objection to the proposal.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 29, 1976, as hereinafter set forth.

Section 71.123 (41 FR 307) is amended as follows:

In V-293 "From Bryce Canyon, Utah;" is deleted and "From Grand Canyon, Ariz., via Page, Ariz.; INT Page 340° and Bryce Canyon, Utah., 120° radials; Bryce Canyon;" is substituted therefore.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on December 11, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-34079 Filed 12-17-75;8:45 am]

[Airspace Docket No. 75-WA-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Renumbering of Airway Segments

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to renumber certain segments of airways which cross the United States/Canadian border.

The Canadian Ministry of Transport has asked that the United States portion of alternate airway segments, going to/from Canada, be renumbered. It is necessary that this action be effective March 25, 1976, at the same time that all alternate airways in Canada are renumbered.

Because this action merely renumbers existing routes without changing any airspace, it is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 25, 1976, as hereinafter set forth.

Section 71.123 (41 FR 307) is amended as follows:

a. In V-14 "Buffalo, N.Y. including a N alternate from Erie to Buffalo via INT Erie 043° and Buffalo 259° radials;" is deleted and "Buffalo;" is substituted therefor.

b. In V-31 "Rochester," is deleted and "Rochester; INT Rochester 289° and Kleinburg, Ont., 133° radials; Kleinburg. The airspace within Canada is excluded." is substituted therefor.

c. In V-34 "Rochester, including a south alternate via INT of Kleinburg 133° and Rochester 289° radials;" is deleted and "Rochester;" is substituted therefor.

d. In V-36, all before "Elmira, N.Y.;" is deleted and "From Sault Ste Marie, Mich., to the INT of the Sault Ste Marie 110° radial and the United States/Canadian border. From Toronto, Ont., via INT Toronto 141° and Buffalo, N.Y., 312° radials; Buffalo;" is substituted therefor.

e. In V-42 "Akron, Ohio, including an E alternate from Windsor, Ont., Canada, to Akron via INT Windsor 134° and Akron 312° radials." is deleted and "to Akron, Ohio." is substituted therefor.

f. In V-43 "to Erie, Pa." is deleted and "Erie, Pa.; INT Erie 043° and Buffalo, N.Y., 259° radials; to Buffalo." is substituted therefor.

g. In V-90 "Dunkirk, including a N alternate from INT Windsor 063° and Dunkirk 266° radials to Dunkirk via Aylmer, Ont." is deleted and "Dunkirk." is substituted therefor.

h. In V-164 "From Buffalo, N.Y.," is deleted and "From Toronto, Ont., via Toronto 141° and Buffalo, N.Y. 312° radials; Buffalo;" is substituted therefor. Also "The airspace within Canada is excluded." is added after "East Texas."

i. In V-218 all after "Pontiac, Mich.;" is deleted and "INT Pontiac 112° and Windsor, Ont., 320° radials; Windsor; INT Windsor 134° and Akron, Ohio, 312° radials; to Akron. The airspace within Canada is excluded." is substituted therefor.

j. In V-300 "Wiarton, Ontario, Canada, including a N alternate." is deleted and "to Wiarton, Ont., Canada." is substituted therefor.

k. V-464 is amended to read as follows: "From the INT of Windsor, Ont., Canada, 083° and Aylmer, Ont., Canada, 235° radials, via Aylmer; Dunkirk, N.Y.; to Geneseo, N.Y."

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on December 11, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-34080 Filed 12-17-75;8:45 am]

[Docket No. 15243; Amdt. No. 999]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are dscribed in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or cancelling the following VOR-VOR/DME SIAPs, *effective January 29, 1976.*

Bishop, CA—Bishop Arpt., VOR-A, Amdt. 1
Clinton, OK—Clinton-Sherman Arpt., VOR Rwy 35, Amdt. 2
Concord, CA—Buchanan Field, VOR Rwy 19R, Amdt. 7
Demopolis, AL—Demopolis Muni. Arpt., VOR/DME-A, Original
Ellensburg, WA—Bowers Field, VOR-B, Original
Fallon, NV—Fallon Muni. Arpt., VOR/DME-B, Amdt. 1
Fort Bridger, WY—Fort Bridger Arpt., VOR-A, Amdt. 2
Frederick, MD—Frederick Muni. Arpt., VOR Rwy 23, Amdt. 4
Idaho Falls, ID—Fanning Field, VOR Rwy 21, Amdt. 3
Knoxville, TN—McGhee-Tyson Arpt., VOR Rwy 22R, Original
Lexington, NC—Lexington Muni. Arpt., VOR/DME-A, Original
Marion, IL—Williamson County Arpt., VOR-A, Original
Nashville, TN—Nashville Metro. Arpt., VOR Rwy 31, Amdt. 23
Salina, KS—Salina Muni. Arpt., VOR Rwy 17 (TAC), Amdt. 9
San Antonio, TX—Stinson Muni. Arpt., VOR Rwy 32, Amdt. 8
San Francisco, CA—San Francisco Int'l Arpt., VOR Rwy 19L, Amdt. 3
Swainsboro, GA—Emanuel County Arpt., VOR-A, Amdt. 1
Unalakleet, AK—Unalakleet Arpt., VOR-C, Amdt. 2
Unalakleet, AK—Unalakleet Arpt., VOR/DME-A, Amdt. 3
Unalakleet, AK—Unalakleet Arpt., VOR/DME-D, Original

. . . *effective January 15, 1976.*

Springtown, TX—Springtown Arpt., VOR/DME Rwy 17, Original, cancelled

. . . *effective December 25, 1975.*

Valdosta, GA—Valdosta Muni. Arpt., VOR Rwy 35, Amdt. 22

. . . *effective December 9, 1975.*

Pell City, AL—St. Clair County Arpt., VOR-A, Amdt. 4

. . . *effective December 4, 1975.*

Madison, GA—Madison Muni. Arpt., VOR/DME-A, Amdt. 3

2. Section 97.25 is amended by originating, amending, or cancelling the following SDF-LOC-LDA SIAPs, *effective January 29, 1976.*

Chicago, IL—Chicago O'Hare Int'l Arpt., LOC(BC) Rwy 14 R, Amdt. 3, cancelled
Clinton, OK—Clinton-Sherman Arpt., LOC (BC) Rwy 17, Amdt. 2
Nashville, TN—Nashville Metro. Arpt., LOC Rwy 31, Amdt. 2
Nome, AK—Nome Arpt., LOC Rwy 27, Amdt. 2

. . . *effective December 25, 1975.*

Valdosta, GA—Valdosta Muni. Arpt., LOC Rwy 35, Amdt. 1, Cancelled

. . . *effective December 9, 1975.*

Anniston, AL—Anniston-Calhoun County Arpt., LOC Rwy 5, Amdt. 6

3. Section 97.27 is amended by originating, amending, or cancelling the following NDB/ADF SIAPs, *effective January 29, 1976.*

Adrian, MI—The Lenawee County Arpt., NDB Rwy 5, Amdt. 3
Chicago, IL—Chicago Midway Arpt., NDB Rwy 4R, Amdt. 6
Clinton, OK—Clinton-Sherman Arpt., NDB Rwy 17, Amdt. 2
Idaho Falls, ID—Fanning Field, NDB Rwy 21, Amdt. 3
Mattoon-Charleston, IL—Coles County Memorial Arpt., NDB Rwy 29, Amdt. 1
Petersburg, AK—Petersburg Arpt., NDB-A, Amdt. 2
Phillipsburg, KS—Phillipsburg Muni. Arpt., NDB Rwy 31, Amdt. 3
Salina, KS—Salina Muni. Arpt., NDB Rwy 35, Amdt. 7
San Francisco, CA—San Francisco Int'l Arpt., NDB Rwy 19L, Amdt. 6
Unalakleet, AK—Unalakleet Arpt., NDB-B, Amdt. 1

. . . *effective January 8, 1976.*

V 40244 DEC 18 75 XUM

Fort Dodge, IA—Fort Dodge Muni. Arpt., NDB Rwy 6, Amdt. 1

. . . *effective December 25, 1975.*

Knoxville, TN—McGhee Tyson Arpt., NDB Rwy 4L, Original
Murray, KY—Murray-Calloway County Arpt., NDB Rwy 23, Original

. . . *effective December 9, 1975.*

Anniston, AL—Anniston-Calhoun County Arpt., NDB Rwy 5, Amdt. 12

. . . *effective December 8, 1975.*

Jessup, GA—Jessup-Wayne County Arpt., NDB Rwy 10, Amdt. 1

4. Section 97.29 is amended by originating, amending, or cancelling the following ILS SIAPs, *effective January 29, 1976.*

Chicago, IL—Chicago Midway Arpt., ILS Rwy 4R, Amdt. 2
Clinton, OK—Clinton-Sherman Arpt., ILS Rwy 35, Amdt. 2
Dayton, OH—James M. Cox-Dayton Muni. Arpt., ILS Rwy 18, Amdt. 3
Idaho Falls, ID—Fanning Field, ILS Rwy 21, Amdt. 2
Mattoon-Charleston, IL—Coles County Memorial Arpt., ILS Rwy 29, Amdt. 1
Mobile, AL—Bates Field, ILS Rwy 32, Amdt. 1
Salina, KS—Salina Muni. Arpt., ILS Rwy 35, Amdt. 9
San Francisco, CA—San Francisco Int'l Arpt., ILS Rwy 19L, Amdt. 11
Seattle, WA—Seattle-Tacoma Int'l Arpt., ILS Rwy 16R, Amdt. 4

. . . *effective January 8, 1976.*

Fort Dodge, IA—Fort Dodge Muni. Arpt., ILS Rwy 8, Original

. . . *effective December 25, 1975.*

Knoxville, TN—McGhee-Tyson Arpt. ILS Rwy 4L, Original
Valdosta, GA—Valdosta Muni. Arpt., ILS Rwy 35, Original

. . . *effective December 9, 1975.*

St. Paul, MN—St. Paul Downtown Holman Field, MLS Rwy 30 (Interim) Amdt. 1

. . . *effective December 8, 1975.*

Bakersfield, CA—Meadows Field, ILS Rwy 30R, Amdt. 21

5. Section 97.31 is amended by originating, amending, or cancelling the following RADAR SIAPs, *effective January 29, 1976.*

Nashville, TN—Nashville Metro. Arpt., RADAR-1, Amdt. 15

6. Section 97.33 is amended by originating, amending, or cancelling the following RNAV SIAPs, *effective January 29, 1976.*

Salina, KS—Salina Muni. Arpt., RNAV, Rwy 17, Amdt. 2

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on December 11, 1975.

JAMES O. ROBINSON,
Acting Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 FR 5610).

[FR Doc.75-34081 Filed 12-17-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

• Purpose: To revise the test procedures for testing live vaccines for purity. •

On November 6, 1975, a notice of proposed amendments to Part 113 was published in the FEDERAL REGISTER at 40 FR 51646.

Bacterial or fungicidal contamination of live virus vaccines is detected by using the test procedures prescribed in § 113.27. The authorized retests using only 10 samples creates a doubt as to the accuracy of the results obtained. This doubt is eliminated for all practical purposes when 20 samples are used as provided for in these amendments.

The test for bacterial contamination prescribed in § 113.26 for use in testing for bacteria in products other than live virus vaccines calls for incubation for 14 days. The test in § 113.27 calls for incubation for only 7 days. Experience has shown that some bacterial contamination is not determined until the second week of incubation. These amendments increase the incubation period to 14 days in § 113.27 to conform to the requirements in § 113.26.

These amendments change the requirements of the diluent to be used in the test from "sterile distilled water" to "sterile purified water." This change permits the use of water which has been purified by means other than distillation.

Comments were received from four licensees. Two recommended publication in final form as proposed and the other two recommended relaxation of the test by changing either the conditions for a satisfactory test or for a retest. The recommended changes could not be justified and were rejected.

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rulemaking, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913, (21 U.S.C. 151-158), the amendments of Part 113 of Subchapter E, Chapter 1, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted.

§ 113.27 is amended by revising paragraphs (a) (3) (ii), (a) (4), (a) (7) (i) and (ii), (c) (1), (d) (2), (d) (2) (i), (ii) and (vii), and adding a new paragraph d) (2) (viii) to read:

§ 113.27 Detection of viable bacteria and fungi in live vaccines.

• • • • • •

(a) • • •

(3) • • •

(ii) Desiccated vaccine shall be rehydrated as recommended on the label with the accompanying diluent or with sterile purified water.

(4) To test for bacteria, 0.2 ml of vaccine from each final container sample shall be placed into a corresponding individual vessel containing a minimum of 120 ml of Soybean Casein Digest Medium. Additional medium shall be used if the determination made as required in § 113.25(d) indicates the need for a greater dilution of the biological product. Incubation shall be at 30° to 35° C for 14 days.

• • • • • •

(7) • • •

(i) If growth is found in two or three test vessels of the initial test, one retest to rule out faulty technique may be conducted using 20 unopened final container samples.

(ii) If no growth is found in 9 or 10 of the test vessels in the initial test or 19 or 20 of the test vessels in the retest, the serial or subserial meets the requirements of the test.

• • • • • •

(c) • • •

(1) To test for bacteria, 0.2 ml of the sample of Master Seed Virus shall be placed in 10 individual vessels each containing a minimum of 120 ml of Soybean Casein Digest Medium. Incubation shall be at 30° to 35° C for 14 days.

• • • • • •

(d) • • •

(2) Test procedures in this paragraph shall be followed.

(i) Ten final container samples of completed product from each serial and each subserial shall be tested using the medium prescribed in paragraph (d) (1) of this section.

(ii) Immediately prior to starting the test, frozen liquid vaccine shall be thawed, and lyophilized vaccine shall be rehydrated to the quantity recommended on the label using the accompanying sterile diluent or sterile purified water. Product recommended for mass vaccination shall be rehydrated at the rate of 30 ml sterile purified water per 1000 doses.

• • • • • •

(vii) If the average count at either incubation condition for a serial or subserial exceeds one colony per dose for vaccines recommended for poultry or 10 colonies per dose for vaccines recommended for other animals, one retest to rule out faulty technique may be conducted using 20 unopened final containers.

(viii) If the average count at either incubation condition of the final test for a serial or subserial exceeds one colony per dose for vaccines recommended for poultry or 10 colonies per dose for vaccines recommended for other animals, the serial or subserial is unsatisfactory.

(37 Stat. 832-833; 21 U.S.C. 151-158)

Effective date: These amendments take effect January 19, 1976.

Done at Washington, DC, this 15th day of December, 1975.

PIERRE A. CHALOUX,
Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-34145 Filed 12-17-75;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

PART 351—CERTIFICATION OF TECHNICAL ANIMAL FATS FOR EXPORT

Voluntary Certification of Certain Rendered Animal Fats for Export

• Purpose. The purpose of this document is to establish a program for certifying certain rendered animal fat for export. •

Pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624) the Animal and Plant Health Inspection Service hereby promulgates new regulations, to appear in 9 CFR Part 351, providing for certification, upon a voluntary fee basis, of the class and quality of certain rendered animal fats for export to foreign countries.

Statement of considerations. In response to changes in some foreign countries' requirements regarding the source materials of rendered animal fats they import, the Department of Agriculture is establishing, by these regulations, a new voluntary export certification program. This program is designed to facilitate this U.S. export trade by providing certification as to the source materials of certain rendered animal fats.

Therefore, the Table of Contents for Title 9, Chapter III, Subchapter B, is amended to show a new Part 351, and regulations to appear in Part 351 are issued to read as follows:

DEFINITIONS

Sec.
351.1 Meaning of words.
351.2 Terms defined.

SCOPE OF CERTIFICATION SERVICE

351.3 Kind of service.

PROCEDURE FOR OBTAINING SERVICE: ADMINISTRATION OF PROGRAM

351.4 Application for certification service.
351.5 Conditions of eligibility for certification service; review of applications.
351.6 Official number.
351.7 Administration of certification service program.

FEES

351.8 Charges for surveys of plants.
351.9 Charges for examinations.

FACILITIES AND OPERATIONS

351.10 Facilities.
351.11 Identification and separation of technical animal fats for certification and materials for use therein; removal of wrappers, etc.; cleaning of equipment.
351.12 Circuit supervisor to be informed when plant operates.
351.13 Inspectors to have access to certified plants at all times.
351.14 Processes to be supervised; extent of examinations.
351.15 Reports of violations.

TRANSPORTATION AND EXPORTATION OF CERTIFIED TECHNICAL ANIMAL FAT

351.16 Certificate required for shipments of technical animal fat.
351.17 Identification required.

PROHIBITIONS

351.18 Official identifications; unauthorized use.

REMEDIES; PENALTIES

351.19 Refusal of certification for specific lots.
351.20 Withdrawal of service from certified plants.

APPEALS

351.21 Appeals.

RECORDS AND REPORTS

351.22 Certified plants to maintain records and make reports; access to records.

AUTHORITY: (Sec. 203, 205, 60 Stat. 1087 and 1090, as amended, 7 U.S.C. 1622, 1624)

DEFINITIONS

§ 351.1 Meaning of words.

Words used in this Part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 351.2 Terms defined.

When used in this Part, unless the context otherwise requires:

(a) "Department" means the United States Department of Agriculture.

(b) "Program" means the Meat and Poultry Inspection Program of the Animal and Plant Health Inspection Service of the Department.

(c) "Administrator" means the Administrator of the Animal and Plant Health Inspection Service of the Department, or any officer or employee of the Department to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) "Circuit supervisor" means an employee of the Program assigned to supervise and perform official work in a circuit. Such employee is assigned by and reports directly to the Administrator or person designated by him.

(e) "Inspector" means an employee of the Program or a cooperating State.

(f) "Circuit" means one or more inspected plants assigned to a circuit supervisor.

(g) "Recognized State" means any State not designated in § 331.2 of this chapter.

(h) "Cooperating State" means any State cooperating under § 351.7 in administration of the regulations in this Part.

(i) "Inspection" means ante-mortem and post-mortem inspection by Program inspectors or inspectors of a Meat Inspection Service of a recognized State.

(j) "Animals" means cattle, sheep, swine, goats, horses, mules and other equines.

(k) "Technical animal fat" means animal fat eligible for exportation, or storage for exportation, in accordance with § 325.11 of this chapter.

(l) "Certified technical animal fat" means technical animal fat certified for export or storage for export under the regulations in this Part.

(m) "Tallow" means technical animal fat with a minimum titre of 40°C.

(n) "Certified plant" means any plant or storage facility preparing or storing certified technical animal fat for export, or for transfer to another certified plant or storage facility for ultimate export, and at which certification service is provided under the regulations in this Part.

(o) "Inspected and Passed" means inspected and passed under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or the meat inspection laws of a recognized State.

SCOPE OF CERTIFICATION SERVICE

§ 351.3 Kind of service.

(a) Certification, in the form set forth in paragraph (b), is available under the regulations in this Part for specific lots of technical animal fat for export, if the fat was rendered from materials derived from carcasses, or parts of carcasses, that had been inspected and passed and came from animals that did not die otherwise than by slaughter under inspection. The certification will be made by a Program employee when he determines, upon the basis of examinations made by him or other inspectors, as provided in § 51.14, and information obtained by him or them from the exporter or other sources, as provided in the regulations in this Part, that the technical animal fat is eligible for certification under this section and therefore the statements to be certified are correct. The service will be available upon a voluntary fee basis in accordance with said regulations.

(b) (1) The form of Certificate for Export of Technical Animal Fats is as follows:

V 40 244 DEC 18 75 XUM

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
MEAT AND POULTRY INSPECTION PROGRAM
WASHINGTON, D.C. 20250

CERTIFICATE FOR EXPORT OF TECHNICAL ANIMAL FATS

1. KIND OF PRODUCT
2. NET WEIGHT OF PRODUCT *(From Bill of Lading)*
3. NAME AND ADDRESS OF PLANT MAKING SHIPMENT
4. NAME AND ADDRESS OF TRANSPORTING COMPANY
CERTIFIED PLANT NO.
5. NAME OF VESSEL
6. COUNTRY OF DESTINATION
7. VESSEL NUMBER
8. NAME OF CITY WHERE LOADED
9. DATE LOADED

The Undersigned Certifies In Accordance With 9 CFR 351.3 That:

a. The product described above has been obtained by rendering raw materials, none of which were diseased, suspected of being diseased, or from dead animals.

b. The product covered by this certification has not been rendered under the continuous Federal inspection provided in the Federal Meat Inspection Act. For compliance with this certification, the plant equipment, plant conditions, and processing operations of the rendering plant(s) supplying the product entitled by this certification are subject to Federal inspection on a periodic basis as authorized by the Agricultural Marketing Act and regulations thereunder *(9 CFR Part 351)*.

10. ISSUED AT *(Name of City)*
11. DATE ISSUED
12. SIGNATURE OF USDA INSPECTOR

MP FORM 87
NOV. 1975

(2) Certified technical animal fat may be described on the certificate as "technical animal fat"; or if it is tallow, it may be described on the certificate as "Tallow" and the description may include the statement "titre not less than 40° C."

PROCEDURE FOR OBTAINING SERVICE: ADMINISTRATION OF PROGRAM

§ 351.4 Application for certification service.

Application for certification service under the regulations in this Part may be made to the Administrator by the operator of any rendering plant or storage facility at which technical animal fat is prepared or stored for export. In case of a change of ownership or change of location, a new application shall be made. Applications shall be made on forms [1] available from the Administrator and provide all information called for thereon relating to the identity of the applicant and the plant, and the nature of the plant operations, and a certification of specified facts and an agreement to comply with specified requirements.

§ 351.5 Conditions of eligibility for certification service; review of applications.

(a) To be eligible for certification service under the regulations in this Part, the operator of a rendering plant must demonstrate that:

(1) He operates a rendering plant which will receive materials derived from inspected and passed carcasses, or parts of carcasses, of animals that did not die otherwise than by slaughter under inspection, (i.e., not "dead animals"); and such source materials will be rendered at the plant into technical animal fat eligible for export, or storage for export, in accordance with the regulations in this Part;

(2) The source materials and the rendered technical animal fat described in subparagraph (1) will be identified and kept separated at all times from other products; and

(3) He will comply with the applicable regulations in this Part.

(b) To be eligible for certification service under the regulations in this Part, the operator of a storage facility must demonstrate that:

(1) He operates a storage facility that will receive for storage certified technical animal fat shipped directly from a certified rendering plant for storage for export and he will keep each such shipment identified and separated from other such shipments, and from other products that are not certified, and he will receive such fat only if it is accompanied by MP Form 85, as required by § 351.17.

(2) He will comply with the applicable regulations in this Part.

(c) Each applicant for certification service must file with the Administrator, with the application for service, a written description of the procedures to be used for receiving, identifying, processing, storing, and otherwise handling technical animal fat, and materials for use in the preparation thereof, at the plant or storage facility involved, and for shipping technical animal fat from the plant or facility and storing and exporting such technical animal fat, and a written description of the shipping, receiving, and inventory records maintained for technical animal fat.

(d) The Administrator will determine, on the basis of all information available to him, whether the arrangements at the plant or storage facility are such as will assure that certifications of technical animal fat will be correct, and, if so, will grant the application for certification service. An applicant will be given an opportunity to present his views prior to refusal of the service.

[1] Copy filed as part of the original document.

§ 351.6 Official number.

The Administrator will assign a certified technical animal fat plant number to each plant granted service. Such number shall be preceded by the letter "C" and be used to identify all certified technical animal fat prepared or stored by the plant.

§ 351.7 Administration of certification service program.

(a) The regulations in this Part shall be administered by the circuit supervisor for the jurisdiction in which is located the certified plant or plants for which application for certification service is made, and such assistants as may be necessary will be assigned by the Administrator.

(b) The Administrator may enter into a cooperative agreement with any recognized State for the conduct by State employees of any surveys, examinations, and other activities involved in the administration of the regulations in this Part. However, certifications under these regulations may be issued only by Program employees, as provided in § 351.3.

FEES

§ 351.8 Charges for surveys of plants.

Applicants for the certification service shall pay the Department for salary costs at $12.40 per hour, travel and per diem allowances at rates currently allowed by the Government Travel Regulations, and other expenses incidental to the initial survey of the rendering plants or storage facilities for which certification service is requested.

§ 351.9 Charges for examinations.

(a) The hourly fees to be charged and collected by the Administrator shall be $12.40 per hour for examinations, as provided for in § 351.14, and $19.20 per hour for any laboratory service required to determine the eligibility of any technical animal fat for certification under the regulations in this Part. Such fees shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the inspector or inspectors in connection therewith.

(b) Charges may also be made to cover the actual cost of travel and per diem allowance at rates currently allowed by the General Services Administration, and other expenses incurred by the Department in connection with such examinations and laboratory service.

FACILITIES AND OPERATIONS

§ 351.10 Facilities.

(a) Facilities for the preparation, identification, and storage of the technical animal fat to be certified shall be furnished and maintained by the certified plant in accordance with this section.

(b) The operator of the certified plant shall provide at the plant, rooms, compartments, and equipment needed to maintain the identity of certified technical animal fats and materials used in their preparation, and separation of such

articles from other products. Such rooms, compartments, and equipment shall be conspicuously marked with the phrase "Certified Technical Animal Fat" whenever they contain these fats.

§ 351.11 Identification and separation of technical animal fats for certification and materials for use therein; removal of wrappers, etc.; cleaning of equipment.

(a) All technical animal fat to be offered for certification under this Part and materials to be used in the preparation of such fat, and all certified technical animal fat, shall be identified and kept separate from other products from the time of receipt at a certified plant and throughout processing or handling at such plant. All wrappers and packaging shall be removed from the source materials to the fullest extent practicable before the materials are rendered at the plant.

(b) If a plant's operations are within the provisions of § 351.14(b)(3), all equipment shall be cleaned before it is used for receiving, preparation, or storage of certified technical animal fats or material to be used in preparation of such fats. Such cleaning shall be done in such manner as to prevent contamination of such certified fats or source material with materials that are unacceptable under § 351.3.

§ 351.12 Circuit supervisor to be informed when plant operates.

The operator of each certified plant shall inform the circuit supervisor, in advance, when the plant's work schedule will include preparing technical animal fats for certification and identify the approximate days and hours when operations will begin and end.

§ 351.13 Inspectors to have access to certified plants at all times.

For the purpose of administering the regulations in this Part, inspectors shall have access at all times by day or night to every part of a certified plant.

§ 351.14 Processes to be supervised; extent of examinations.

(a) All processes used in the preparation of certified technical animal fats at any certified plant shall be subject to supervision by an inspector. Certified plants shall not prepare any technical animal fat for certification under the regulations in this Part, except in accordance with such regulations.

(b) Supervision, ranging from full-time coverage of an entire process to one or more reviews per month, to determine a plant's compliance with the regulations in this Part will be maintained. A circuit supervisor may increase the frequency of reviews whenever he deems necessary to assure the validity of certifications under the regulations in this Part. Usual coverage of individual rendering plants will be as follows:

(1) Coverage shall be at least once a month if the plant consistently handles only raw materials acceptable under § 351.3 for the preparation of certified technical animal fat and the plant operator, in writing, certifies that he is maintaining this procedure.

(2) Coverage shall be at least once a week if the plant consistently handles some raw materials that are acceptable, and some that are unacceptable, under § 351.3, for the preparation of certified technical animal fat, uses separate equipment for processing, and uses separate rooms, compartments, and equipment for receiving and storing the respective types of raw materials and technical animal fats, and the plant operator, in writing, certifies that he is maintaining this complete physical separation procedure.

(3) Coverage shall be fulltime during receiving of raw materials and their preparation into certified technical animal fat, if the plant handles some raw materials that are acceptable, and some that are unacceptable, under § 351.3, for the preparation of certified technical animal fat, and uses the same rooms, compartments, and equipment, with only time separation between receiving, processing, and storing the respective types of raw materials and technical animal fats.

§ 351.15 Reports of violations.

Inspectors shall report to the circuit supervisor any apparent violations of the regulations in this Part or the Federal Meat Inspection Act or regulations thereunder (subchapter A of this chapter) which occur at certified plants, or elsewhere, within their knowledge. The circuit supervisor shall report such actions to the Administrator through appropriate channels.

TRANSPORTATION AND EXPORTATION OF CERTIFIED TECHNICAL ANIMAL FAT

§ 351.16 Certificate required for shipments of technical animal fat.

No certified plant shall export any certified technical animal fat unless the shipment is accompanied by a certificate issued under § 351.3.

§ 351.17 Identification required.

Certified technical animal fats being exported directly from a certified plant or transferred between certified plants for storage for export are subject to the requirements of § 325.11 of this chapter. In addition, such shipments between certified plants shall be accompanied by MP Form 85 (Declaration to Accompany Technical Animal Fats Between Certified Technical Animal Fat Plants) [1] prepared by the operator of the certified plant from which shipment is made, certifying that the product has been obtained by rendering raw materials derived from federally or State inspected and passed carcasses, or parts of carcasses. Technical animal fat described on MP Form 85 as tallow must meet the definition of "Tallow" in § 351.2.

PROHIBITIONS

§ 351.18 Official identifications; unauthorized use.

(a) The form of certification set forth in § 351.3 and the term "Certified Technical Animal Fat" are official identifications for purposes of the Agricultural Marketing Act of 1946, as amended, and shall not be falsely made, issued, altered, forged, or counterfeited, or used for purpose of misrepresentation or deception.

(b) No container which bears or is to bear any designation as certified technical animal fat shall be filled in whole or in part, except with technical animal fats which have been certified and identified in compliance with this Part.

REMEDIES: PENALTIES

§ 351.19 Refusal of certification for specific lots.

If an inspector has reason to believe that a lot of technical animal fat is ineligible for certification under § 351.3, or any materials to be used in a lot of technical animal fat would make the technical animal fat ineligible for such certification, certification of the lot shall be withheld pending final determination by the circuit supervisor. The operator of the plant shall be afforded an opportunity to demonstrate the eligibility of the lot for certification before the final determination is made.

§ 351.20 Withdrawal of service from certified plants.

(a) After opportunity for hearing has been accorded the operator of a certified plant, the certification service, provided for in this Part, may be withdrawn from such plant in accordance with the applicable rules of practice, if it is determined that:

(1) The operator, or his employee or agent:

(i) Has made any willful misrepresentation or engaged in any fraudulent or deceptive practice in connection with the service;

(ii) Has interfered with or obstructed any Program employee or other inspector in the performance of his duties, under the regulations in this Part, by intimidation, threats, or other improper means; or

(iii) Has violated section 203(h) of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622(h)), or any regulation in this Part; or

(2) Facilities or procedures at the certified plant do not conform to the arrangements approved by the Administrator under § 351.5.

(b) Pending final determination of the matter, the Administrator may summarily suspend the certification service at any certified plant when he has reason to believe that there is cause for withdrawal of the service under paragraph (a).

APPEALS

§ 351.21 Appeals.

Any decision by an employee of the Program may be appealed by any adversely affected person to the immediate supervisor of such employee. Decisions of other inspectors may be appealed to the circuit supervisor.

RECORDS AND REPORTS

§ 351.22 Certified plants to maintain records and make reports; access to records.

(a) Each day a certified plant prepares, receives, or ships certified technical animal fat or receives material for use in such product, the operator of the plant shall prepare records identifying

[1] Copy filed as part of the original document.

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the kinds and quantities of such materials and technical animal fats received, the number of pounds of certified technical animal fat prepared or shipped, and an up-to-date inventory of certified technical animal fats in storage. The operator of each certified plant shall include in the records required by this section all MP Forms 85 which he receives with shipments of certified technical animal fat from any other certified plant. These records shall be maintained by the operator of each certified plant and made available to an inspector, upon request, for examination and copying, for a period of 1 year after the date of the transaction involved.

(b) The operator of each certified plant shall provide such relevant information as any inspector may request to enable him to determine whether any technical animal fats are eligible for certification and whether the plant is eligible for certification service under the regulations in this Part.

(Sec. 203, 205, 60 Stat. 1087 and 1090, as amended, 7 U.S.C. 1622, 1624; 37 FR 28464, 28478; 40 FR 50455)

The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Since the regulations provide for a purely voluntary service which has been requested by certain exporters and the regulations should be made effective as soon as possible to be of maximum benefit to all exporters and domestic processors of the rendered animal fats for export and other affected persons, it is found upon good cause that notice and other public rulemaking proceedings in connection with issuance of the regulations are impracticable and unnecessary, and good cause is found for making the regulations effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing regulations shall become effective on January 5, 1976.

Done at Washington, D.C., on December 12, 1975.

HARRY C. MUSSMAN,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-34090 Filed 12-17-75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Order No. 543; Docket No. RM75-24]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHANGES; ETHICAL STANDARDS

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Reporting of Producer Expenditures and Activities

DECEMBER 10, 1975.

Continuing investigation of expenditures, exploration and development activities, production, reserve additions, and revenues of natural gas producers and producing affiliates subject to the jurisdiction of the Federal Power Commission.

Order requiring the reporting of producer expenditures, exploration and development activity, production, reserve additions and revenues.

In this proceeding we adopt rules and regulations providing for the systematic collection of data and information concerning producer and producer affiliate expenditures, exploration and development activities, reserve additions, production and revenue. All persons found by the Commission to be a "natural-gas company" within the meaning of the Natural Gas Act[1] and their jurisdictional affiliates and subsidiaries as defined in 18 C.F.R. § 157.40(a) (2) of the Commission's Regulations, except as exempted herein, shall be required to file and attest to the information solicited in the attached report.

On March 13, 1975, the Commission issued a Notice of Proposed Rulemaking in Docket No. RM75-24[2] pursuant to the Administrative Procedure Act (APA), 5 U.S.C. § 551 (1970) and Sections 4, 5, 8, 10, 14, 15, and 16 of the Natural Gas Act. In this notice the Commission proposed to amend its Rules by adding a section requiring the annual filing of a report containing data related to the abovementioned areas by each person found by the Commission to be a "natural-gas company" within the meaning of the Natural Gas Act. The data was to be collected through completion of a standardized report form which was appended to the March 13, 1975, Notice of Proposed Rulemaking.

As proposed in the Notice of Rulemaking, FPC Form No. 64 contained three Schedules with attachments. As adopted, all Schedules will apply to the United States, excluding Alaska and Hawaii and will apply to Alaska separately. Schedule No. 1 will summarize total expenditures made by producers for exploration and development and production of oil and gas by type of reservoir. Schedule No. 2 is directed to data on exploration and development activity. Schedule No. 3 details production, revenue, royalty, and non-associated gas reserve data.[2a]

NEED FOR FORM NO. 64

The deepening national energy crisis and shortage of alternate domestic energy sources compels the Commission to undertake continuing broadly-based investigations of all facts and circumstances underlying the Commission's ratemaking functions established in Sections 4 and 5 of the Natural Gas Act. The logical starting point for any producer ratemaking determination made by the Commission is a consideration of the costs involved.[3] The importance of this element of a just and reasonable rate and the components thereof is discussed in our most recent determination of the nationwide rate.[4] Form No. 64 has been designed to provide us with information which will be extremely valuable in our biennial review of the Opinion No. 699-H nationwide rate for new gas and in determining possible adjustments to flowing gas prices.

Most importantly, Form No. 64 will provide a data source of information on producer expenditures, revenues, and leasing and drilling activity which is independently verifiable. Collection of this data and that to be submitted on Form Nos. 40[5] and 45[6] will permit us, in our biennial review, to rely primarily on information submitted directly to and auditable by the Commission rather than published data not open to close scrutiny.

Furthermore, no timely information on natural gas producer and producer affiliate expenditures, exploration and developmental activities, reserve additions, and revenues is collected by any Government agency on a comprehensive and correlated basis. The rules and regulations adopted herein will provide us with a continuous flow of current information to be used in evaluating the efficacy and consequences of rates established by the Commission.

FPC Form No. 64 requires submission of certain productivity data for the U.S. excluding Alaska and Hawaii for the past nine years, 1965–1973; and for Alaska for the year 1974 and thereafter. The importance of this type of information to a determination of productivity, a vital component of the costing methodology employed in Opinion No. 699-H, was set forth in Order No. 526 which promulgated Form No. 40, FPC Form No. 40, Annual Report Of Proved Domestic Gas Reserves, will provide productivity data for the initial report year and each subsequent year. The initial report of Form No. 64 will gather productivity data for several years prior to the report year of Form No. 40. Thereafter, Form No. 64 will not require productivity data (except for Alaska) so as not to duplicate Form No. 40.

Certain cost data for the U.S. excluding Alaska and Hawaii will be filed in the initial report for the years 1970–1974 and each year thereafter. Cost data for Alaska will be filed in the initial report for 1974 and each year thereafter.

COMMENTS

By our Notice of Proposed Rulemaking issued March 13, 1975, we requested submission of comments by any interested person no later than April 30, 1975. However, subsequent motions for additional time for submission of comments were filed by several parties. On April 23, 1975, we granted these motions and extended the date for filing to May 14, 1975. Fifty-four parties filed extensive comments which we have carefully considered. We have reached our decision weighing our need to know gas producer expenditures and revenue, together with leasing and drilling activity in order to discharge our statutory duty of ratemaking, against a full knowledge of the reporting burden placed upon industry.

This reporting burden is one area in which we received numerous comments. Most of the respondents stated that they would need from four to six months to complete and file Form No. 64 based upon the proposed requirement of ten years of prior data and data by the six production areas. Generally, small producers claimed that the financial burden, limited staff and detailed records make Form No. 64 an impossible task for small exploration and production companies.

With respect to the 10-year data requirement, several large producers stated that they did not retain data for more than five years while other producers indicated a shorter retention period. We recognize the problem of record unavailability. In order to secure complete cost and productivity data for eventual pricing, we are adopting the proposed 10-year requirement with respect to productivity data[4a] and are revising the reporting period for cost data to five years. This accommodation, the Commission believes, will still enable us to utilize data contained in the initial report year for immediate and meaningful averaging of costs and productivity.

Regarding the burden of requiring data by the six production areas, several respondents questioned their purpose inasmuch as ceiling rates are now being set on a national basis. We agree. Use of the area data could lead to a multiprice system based upon area new gas costs which are generally less reliable than nationwide costs. Additionally, certain problems of confidentiality would be eliminated by our not requiring area data. However, with respect to the voiced concern over confidentiality, it is appropriate at this point to reaffirm our position in Order No. 526 involving reserve data. As we stated there, we recognize that disclosure of certain information may at times be detrimental to the private interests of producers. Nevertheless, we have determined that the public right to the information outweighs respondents' proprietary interest.[7]

Small producers requested that the filing requirements be limited to producers selling jurisdictional gas over 1,000,000 Mcf or 10,000,000 Mcf annually. Consistent with the exemption stated in Form No. 40 which gathers productivity data for 1974 and each subsequent year, Form No. 64, as herein adopted, will exempt from filing the initial report all natural gas companies, which, together with their affiliate(s) produced for direct sale and for sale for resale, in interstate commerce 250,000 Mcf or less of gas at 14.73 psia and 60° Fahrenheit during the year 1974. This exemption will apply for each subsequent report only so long as the annual volume of 250,000 Mcf is not exceeded.

Several persons requested that well costs and footage be reported by the operator on a gross basis and on a completed well basis. The latter request will be granted in order to avoid dealing with data on wells in progress at the end of the report year which generally have not been determined to be a successful well or dry hole. However, we have retained our original proposal of reporting on a working interest basis for consistency and uniformity in reporting. Productivity data, consisting of reserve additions and gas well footage obtained in Form No. 40, will be reported on a working interest basis. Therefore, the drilling expenditures, related footage and productivity data for past years obtained in Form No. 64 must be reported on a working interest basis in order to correlate with the productivity data reported in Form No. 40.

Furthermore, aside from well drilling and other lease expenditures, there are many other expenditures, such as overheads, which are not recorded by the lease operator but are maintained in each producer's records on a working interest basis. Since several costs are developed by their relationship to well drilling costs it is therefore necessary to obtain all expenditure data on a consistent working interest basis.

Several respondents requested that the annual data be reported on a fiscal year basis rather than a calendar year basis to be consistent with their accounting procedures. In order to afford respondents time to adjust their records, the Commission will permit respondents the option of reporting on a calendar or fiscal year basis in the initial Form No. 64 report with the exception of productivity data. That data must be reported on a calendar year basis for conformity with Form No. 40. Respondents electing to report on a fiscal year basis must identify the annual time period for each of the prior years' data. This optional reporting basis is only to be used in the initial report. Thereafter annual reports are required on a uniform calendar year basis.

Numerous parties were critical of having to report production volumes and revenue on a well rather than a lease basis because of their record-keeping system. There were also suggestions that volumes be reported on a wet or dry basis, again for record-keeping purposes. In order to alleviate any burden experienced by filing Form No. 64, we have no objection to adopting these modifications.

Numerous additional comments and suggestions on which we will not elaborate in this order were, however, noted. As a result, instructions and definitions associated with Form No. 64 have been revised and clarified in yet another attempt to reduce respondents' burden in filing this report.

By letter of November 17, 1975, GAO approved Form 64 for one year as submitted by this agency on October 1, 1975. While we recognize that this Form is subject to reclearance by the Comptroller General (GAO) pursuant to Section 3512 (b) of Title 44 of the United States Code[8] and GAO's implementing regulations,[9] we regard Form No. 64 as adopted by this order to be a permanent ongoing report form in furtherance of our statutory responsibilities under the Natural Gas Act. Accordingly, absent any Commission initiated changes in the form during the upcoming year, we do not propose in any subsequent reclearance procedure to once again justify the necessity for the form and its reporting requirements.

The Commission finds: (1) The notice and opportunity to participate in this proceeding with respect to the matters presently before the Commission through the written submission of comments and suggestions are consistent and in accordance with all procedural requirements as prescribed in Section 553, Title 5 of the United States Code.

(2) The amendment to Part 3 of the Commission's General Rules and Section 3.170, Approved Forms, as herein prescribed, is necessary and appropriate for the administration of the Natural Gas Act.

(3) The amendment to Part 260, Statements and Reports, to add a new Section 260.21 is necessary and appropriate for the administration of the Natural Gas Act.

(4) Since the modifications to the amendments prescribed herein which were not included in the notice of this proceeding are consistent with the prime purpose of the proposed rulemaking, further notice thereof is unnecessary.

The Commission orders: The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly Sections 4, 5, 7, 8, 14, 15, and 16 thereof [52 Stat. 822, 823, 824, 825, 828, 829, 830 (1938); 56 Stat. 83, 84 (1942); 61 Stat. 459 (1974); 76 Stat. 72 (1962); 15 U.S.C. 717c, 717d, 717f, 717g, 717m, 717n, 717o] hereby orders that its General Rules Part 260, Subchapter G of Chapter I, Title 18 of the Code of Fed-

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[1] § 2(6); 52 Stat. 822 (1938); 15 U.S.C. § 717b(6) (1970).

[2] 40 FR 12817.

[2a] Forms and schedules filed as part of the original document.

[3] *Texaco Inc.* v. *F.P.C.*, 417 U.S. 380 (1974).

[4] Opinion No. 699-H, Opinion And Order On Rehearing Affirming In Part And Modifying In Part Opinion No. 699 And Granting In Part And Denying In Part Petitions For Rehearing, Docket No. R-389-B (Issued December 4, 1974) (Hereinafter Opinion No. 699-H).

[5] Order No. 526, Natural Gas Companies Annual Report Of Proved Domestic Gas Reserves: FPC Form No. 40 Docket No. RM74-16 (Issued February 25, 1975) (Hereinafter Order No. 526).

[6] Order No. 521, Investigation of Rates Charged for Non-jurisdictional Sales of Natural Gas by Natural Gas Companies Subject to the Jurisdiction of the Federal Power Commission, Docket No. RM74-12 (Issued January 9, 1975).

[4a] This requirement is consistent with past Commission practice in prior area and national rate proceedings in estimating productivity, which is the relationship between reserve additions and gas well footage.

[7] *F.C.C.* v. *Schreiber*, 381 U.S. 279 (1964).

[8] 44 U.S.C. § 3512 (1973), Pub. L. No. 93-153, 1st Sess., 93rd Cong., § 409 (1973).

[9] See 4 C.F.R. Section 10.11 (General Accounting Office) Renewals or revisions of existing plans and report forms.

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eral Regulations, be amended by adding a new Section 260.21 as follows:

§ 260.21 Form No. 64, Report of Producer Expenditures, Exploration and Development Activity, Production, Reserve Additions, and Revenues; Including Those of Any Affiliate (Associate) or Subsidiary of Each Person Found by the Commission to be a "natural-gas company" within the meaning of the Natural Gas Act.

Exempted from filing the initial report of Form 64 are all natural gas companies, which, together with their affiliate(s) produced for direct sale and for sale for resale in interstate commerce 250,000 Mcf or less of gas at 14.73 psia and 60° Fahrenheit during the year 1974. This exemption will continue for each subsequent annual report until the annual volume of 250,000 Mcf is exceeded.

(a) The Form of Natural Gas Companies, Annual Report of Producer Expenditures, Exploration and Development Activity, Production, Reserve Additions, and Revenues as FPC Form No. 64 is adopted.

(b) Each person required to report pursuant to this order shall prepare and file with the Commission an original and four copies of Schedule Nos. 1, 2, and 3, FPC Form No. 64.

(c) For the U.S., excluding Alaska and Hawaii, certain Form No. 64 data shall be reported for the years 1970–1974 and each subsequent year with the exception of productivity data on Schedule No. 3, Items (3) (a) through (3) (f) which shall only be reported for the years 1965–1973.

(d) For Alaska and adjacent offshore areas, complete Form No. 64 data, including productivity data, shall be reported for the year 1974 and each subsequent year.

(e) The initial report and the annual report for 1975 shall be filed within six months after the date of the issuance of this order. Subsequent reports shall be filed no later than March 31 of each year.

(f) Information filed pursuant to this order shall be made available at the Commission's offices for public inspection.

(B) We amend Section 3.170 of Part 3, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations by revising paragraph (a) (27) as follows:

§ 3.170 Approved forms, etc.

(a) The following is a list of approved forms, statements, and reports, under the Natural Gas Act, descriptions of which have been published in Subchapter G, Parts 250 and 260 of this chapter.

• • • • •

(27) Form No. 64, Report of Producer Expenditures, Exploration and Development Activity, Production, Reserve Additions, and Revenues of each person found by the Commission to be a "natural-gas company" within the meaning of the Natural Gas Act, and their jurisdictional affiliates and subsidiaries as defined in 18 C.F.R. § 157.40(a)(2) of the Commission's Regulations. (§ 261.21 of this Chapter)

(C) This order is effective as of the date of issuance.

(D) The Secretary shall cause prompt publication of this notice to be made in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-33935 Filed 12-17-75;8:45 am]

[Docket No. RM74-16]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Natural Gas Companies Annual Report of Proved Domestic Gas

DECEMBER 10, 1975.

On November 10, 1975, Sabine Royalty Corporation and Dalco Oil Company (Sabine) petitioned for rehearing of the order issued October 29, 1975 granting extensions of time to file Form No. 40 until March 1, 1976 but denying, among others, the petition of Sabine for a partial waiver of the filing requirements or, in the alternative, permission to file its report for 1974 on April 1, 1977. In its petition of November 10, 1975 Sabine also requests that, pending the completion of judicial review,[1] the Commission stay its orders of October 10 and 29, 1975 requiring respondents to file Form No. 40 to continue to gather the information requested on that form.

In its petition Sabine asserts that the Commission acted in an arbitrary and capricious manner in denying Sabine relief. In the October 29, 1975 order the Commission noted that only thirteen respondents, including Sabine and Dalco, had requested an extension of time beyond March 1, 1976, and the Commission further stated that these few requests were "not reasonable." Sabine asserts that, for the reasons expressed in its original request for waiver or an extension of time, the Commission could only conclude that petitioner had proven its right to relief and, therefore, the denial of that relief was an abuse of discretion by the Commission.

Sabine's petition, filed on November 10, 1975, fails to note the statement in our order of October 29, 1975 that the Commission had the power to act on the requests for extension of time granted therein only until the record was docketed before the Court in the case on appeal, *Union Oil Company of California* v. *Federal Power Commission*. Since Sabine is a party to that proceeding, it is aware that the record was filed with the Court prior to the instant Sabine petition. Therefore, the Commission, pursuant to Section 19(b) of the Natural Gas Act,[2] does not have the authority to act on the Sabine petition.

The Notice of Proposed Rulemaking setting forth the reporting requirements of Form No. 40 and the justification therefor was issued on April 15, 1974. Order No. 526, issued February 25, 1975, which promulgated Form No. 40, set the date for filing offshore and onshore 1974 reserve data as July 1, 1975. At that time we set forth our urgent need for this information.[3] In Order No. 526–A the Commission postponed the filing date for 1974 data pertaining to the onshore and state controlled offshore to October 2, 1975. Subsequent postponements resulted in the March 1, 1976 date that is presently applicable to Sabine. Thus, petitioner has been on notice since April 15, 1974 as to the type of information which might be required in this proceeding. The petition of Sabine and Dalco is no different from that of all of the other respondents to Form No. 40, none of whom petitioned for rehearing of the October 29, 1975 order setting the March 1, 1976 filing date.

We recognized in our original order,[4] and subsequently,[5] that Form No. 40 imposed a burden on the reporting companies, but we found the public interest in obtaining the requested reserve data far outweighed the imposition Form No. 40 placed on the respondents. Since the original promulgation of the form we have granted several of the requests of certain reporting entities for extensions of time. The March 1, 1976 date set by the October 29, 1975 order provided a more than adequate period in which respondents can reorient their record-keeping so as to comply with Form No. 40. Only Sabine and Dalco protest that the interim until March 1, 1976 is insufficient and, as we stated in our October 29, 1975 order, such a request for an extension past March 1, 1976 is not reasonable.

Sabine also requests that the Commission stay the effect of the October 29, 1975 order pending the completion of judicial review. As we stated in that order, a stay in the compilation of the necessary data by the producers in preparation of filing is not in the public interest.[6]

The Commission orders. The petition of Sabine and Dalco for rehearing and reconsideration is rejected. The motion for stay of Sabine and Dalco is rejected.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34191 Filed 12-17-75;8:45 am]

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[1] Form No. 40 was promulgated by Order No. 526 and Order No. 526–A, which are the subject of judicial review in *Union Oil Company of California, et al.* v. *F.P.C.*, Nos. 75–2891, *et al.* (9th Cir.) On October 15, 1975 the Court stayed the requirement to file Form No. 40 pending further order of the Court. On November 10, 1975, the Commission moved to vacate this stay following the issuance of the October 29, 1975 order but the Court has not acted on the Commission's motion to date.

[1] 15 U.S.C. 717r(b).

[2] *Order Prescribing Procedures and Instituting Uniform Annual Filing of National Proved Domestic Natural Gas Reserves Information*, Order No. 526, Docket No. RM74–16, ---- F.P.C. ----, mimeo pp. 6–10 (February 25, 1975).

[4] *Id.* at 23.

[5] *Order Making Regulation Effective, Clarifying Order, and Denying Rehearing*, Order No. 526–A, Docket No. RM74–16, ---- F.P.C. ----, mimeo pp. 7–9 (August 18, 1975).

[6] *Order Granting Extensions of Time*, Docket No. RM74–16, ---- F.P.C. ----, mimeo p. 2 (October 29, 1975).

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 546—TETRACYCLINE ANTIBIOTIC DRUGS FOR ANIMAL USE

Chlortetracycline Boluses

Correction

In FR Doc. 75–33155 appearing on page 57455 in the issue for Wednesday, December 10, 1975, the third complete paragraph, the address for the Hearing Clerk which presently reads "560 Fishers Lane" should read "5600 Fishers Lane".

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER D—NATIONAL HIGHWAY INSTITUTE

PART 260—EDUCATION AND TRAINING PROGRAMS

Revision

● Purpose. The purpose of this document is to publish revised information and requirements with respect to training programs of The National Highway Institute. ●

The National Highway Institute was established pursuant to Section 321 of Title 23, United States Code, to develop and administer, in connection with the State highway departments, training programs of instruction for Federal Highway Administration and State or local highway/transportation agency employees engaged or to be engaged in Federal-aid highway work. Regulations published hereby provide notice of the establishment of related fellowship and scholarship programs.

General notice of proposed rulemaking is not required inasmuch as the regulations relate to benefits or contracts pursuant to 5 U.S.C. 553(a)(2).

This regulation is effective December 29, 1975.

Issued on: December 10, 1975.

J. R. COUPAL, Jr.,
Acting Federal Highway Administrator.

Title 23 CFR, Part 260 is revised to read as follows:

Subpart A—Highway Safety

Sec.
260.101 Purpose.
260.103 Definitions.
260.105 Objectives.
260.107 Eligibility.
260.109 Selection.
260.111 Responsibilities of Educational Institutions.
260.113 Responsibilities of Employing Agencies.
260.115 Equal Opportunity.
260.117 Application Procedures.

Subpart B—Highway Transportation Research and Education

260.201 Purpose.
260.203 Definitions.
260.205 Objectives.
260.207 Eligibility.
260.209 Selection.
260.211 Responsibilities of Educational Institutions.
260.213 Responsibilities of Employing Agencies.
260.215 Equal Opportunity.
260.217 Application Procedures.

Subpart C—Highway Technology

260.301 Purpose.
260.303 Definitions.
260.305 Objectives.
260.307 Eligibility.
260.309 Selection.
260.311 Responsibilities of Educational Institutions.
260.313 Responsibilities of Employing Agencies.
260.315 Equal Opportunity.
260.317 Application Procedures.

Subpart A—Highway Safety

§ 260.101 Purpose.

The purpose of this subpart is to establish the policy and eligibility requirements and selection criteria for the Federal Highway Administration (FHWA) Fellowship Program in Highway Safety as administered by the National Highway Institute pursuant to sections 307(a), 315, 321, and 403, of Title 23, United States Code. This subpart also provides information relative to the application process.

§ 260.103 Definitions.

The following definitions shall apply for the purpose of this subpart:

(a) Candidate—one who has completed and submitted the necessary forms and documents in order to be considered for selection for a fellowship.

(b) Employing agency—the agency for which the candidate works. This may be either a State or local highway/transportation agency.

(c) Fellowship—the grant presented to the successful candidate to assist this candidate financially during the period of graduate study.

(d) State highway/transportation agency—the agency with the responsibility for initiating and carrying forward a highway program, or public transportation program utilizing highways at the State level.

(e) Local highway/transportation agency—the agency or metropolitan planning organization with the responsibility for initiating and carrying forward a highway program, or public transportation program utilizing highways at the local level, usually the city or county level.

(f) National Highway Institute (NHI)—the organization located within the FHWA responsible for the administration of the FHWA Fellowship Program in Highway Safety.

(g) Recipient—the successful candidate receiving a fellowship.

§ 260.105 Objectives.

(a) The objective of the fellowship program is to assist State and local agencies in developing the expert manpower needed for the implementation of their highway safety programs and to assist in the development of more effective highway safety programs at all levels of government.

(b) To meet its objective, the program shall provide for 9 to 12 months of full-time or up to 24 months of part-time graduate study in the field of highway safety. The program for each year shall be announced by an FHWA Notice.[1] This notice will contain an application form and will announce the number of Fellowship grants to be awarded and their value.

§ 206.107 Eligibility.

(a) Prior recipients of FHWA Scholarships or Fellowships are not eligible.

(b) Candidates shall be employees of State or local highway/transportation agencies.

(c) A candidate shall have earned a Bachelor's or comparable college level degree in a discipline that impinges on highway transportation prior to beginning advanced study under this program.

(d) Candidates must submit evidence of acceptance or probable acceptance for advanced study in highway safety, design, and traffic engineering or safety management courses in schools offering strong comprehensive programs that serve to promote and advance highway safety. Study programs that are not principally oriented toward the roadway environment are not considered to be within the scope of this fellowship program. General planning and engineering study programs are not encouraged under this program. Evidence of probable acceptance may be a letter from the department chairman, graduate school official, or other authorized person.

(e) Candidates shall agree to pursue certain minimum study loads as determined by the FHWA and designated in the FHWA Notice announcing the program each year.

(f) Prior to final selection, each candidate shall agree, in writing, to work in public service with a State or local highway/transportation agency in the field of highway safety for at least 3 years after completing the study period, or to repay the grant or pro-rata amount of the grant.

(g) Candidates shall agree to respond to brief questionnaires designed to assist the NHI in program evaluation both during and following the study period.

(h) Concurrent with the FHWA grant, candidates may accept salary support from their employers. Candidates may also accept salary or wages for part-time work performed. However, acceptance of salary support and part-time salary or wages is subject to the terms of the nonprofit criterion stipulated in section 260.107(j) of this subpart. Funds from this grant shall not be used to support the student's work on research projects for which the institution is being paid Federal funds. Candidates shall not accept other types of scholarship or fellowship assistance with

[1] The Federal Highway Notices are available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

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the exception of benefits under programs administered by the Veterans Administration (VA) subject to the regulations governing VA programs.

(i) Recipients of awards for full-time study shall agree to limit their part-time employment as stipulated in the FHWA Notice announcing the program.

(j) Candidates shall not profit financially from FHWA fellowships. Where acceptance of the living stipend portion of the grant would result in a profit to the candidate, as determined by comparing the candidate's regular full-time salary with the candidate's part-time salary and employer salary support plus living stipend, the grant amount shall be reduced accordingly except in cases where a candidate must relocate and maintain two households. If a candidate must relocate and maintain two households in order to participate in the program, the candidate's part-time salary and employer salary support plus the living stipend may exceed the candidate's regular full-time salary by an amount not to exceed the cost of maintaining the second household.

(k) Candidates shall be citizens, or shall declare their intent to become citizens of the United States.

§ 260.109 Selection.

(a) Candidates shall be rated by a selection panel appointed by the Director of the NHI. Members of the panel shall represent the highway safety interests of government, industry, and the academic community.

(b) Candidates, including otherwise qualified handicapped individuals, shall be rated without regard to their race, color, sex, national origin, age, or handicap.

(c) The main factors to be considered by the panel are given in priority order as follows:

(1) Candidate's potential to contribute to a State or local highway safety program. These categories of candidates are listed in the order of their preference if other factors that bear on selection are roughly equal:

(i) Present employees of State or local highway/transportation agencies who demonstrate intent to return to work for their agencies, and

(ii) Present employees of State or local highway/transportation agencies who are committed to work for State or local highway/transportation agencies upon completion of the study.

(2) Relevance of a candidate's study program to the objectives of the fellowship program.

(3) Relevant experience.

(4) Academic and professional achievements.

(d) Using ratings given by the selection panel, the Director of the NHI shall select candidates for awards and designate alternates.

(e) The FHWA may designate in the FHWA Notice announcing the program the maximum number of awards that will be made to employees of any one agency.

§ 260.111 Responsibilities of Educational Institutions.

(a) The college or university chosen by the fellowship recipient shall enter into an appropriate agreement with the FHWA providing for the administration of the grant by the college or university. The institution shall arrange with the recipient for the disbursement of the grant funds throughout the study period.

(b) The college or university chosen by the fellowship recipient shall designate a faculty advisor prior to the commitment of funds by the FHWA. The faculty advisor will be requested to submit reports of the recipient's study progress following completion of each study period. These reports are oriented toward total program evaluation. To assure the recipient's rights to privacy, the FHWA will obtain appropriate advance concurrences from the recipients.

§ 260.113 Responsibilities of Employing Agencies.

(a) A candidate's employing agency is responsible for furnishing statements concerning the relevancy of the candidate's study to agency requirements. The agency is encouraged to identify educational and training priorities and to provide back-up to support its priority candidates for this program. The employer's statements are highly relevant to the selection process.

(b) Employing agencies are encouraged to give favorable consideration to the requests of candidates for educational leave and salary support for the study period to facilitate the candidates' applications. Agency decisions involving salary support and educational leave that will affect the acceptance of awards by recipients should be made at the earliest possible date to provide adequate time for the FHWA to select alternates to replace candidates that decline their awards. Agencies are responsible for negotiations with their candidates concerning conditions of reinstatement and the candidates' commitments to return to work.

(c) Employing agencies are encouraged to publicize the availability of these fellowships throughout the agencies, to implement procedures for internal evaluation of applications, and to forward the applications to the FHWA Division office in their State.

(d) Employing agencies that choose to process their employees' applications are responsible for observing the cut-off date for the FHWA to receive applications. This date will be stipulated in the FHWA Notice announcing the program for each academic year.

§ 260.115 Equal Opportunity.

(a) Consistent with the provisions of the Civil Rights Act of 1964 and Title VI Assurances executed by each State, 23 U.S.C. 324, and 29 U.S.C. 794, no applicant, including otherwise qualified handicapped individuals, shall on the grounds of race, color, sex, national origin, or handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under this program.

(b) In accordance with Executive Order 11141, no individual shall be denied the benefits of this program because of age.

(c) State agencies should make information on this program available to all eligible employees, including otherwise qualified handicapped individuals, so as to assure nondiscrimination on the grounds of race, color, sex, national origin, age, or handicap.

§ 260.117 Application Procedures.

(a) The FHWA Notices announcing the program for each year and containing the application form may be obtained from FHWA regional and division offices, State highway agencies, metropolitan planning organizations, Governors' Highway Safety Representatives, and from colleges and universities. Forms may also be obtained from the National Highway Institute, HHI-3, Federal Highway Administration, Washington, D.C. 20590.

(b) In order to become a candidate, the applicant shall complete and forward the application form according to the instructions in the FHWA Notice announcing the program. The cut-off date for submitting the application stipulated in the Notice should be observed.

Subpart B—Highway Transportation Research and Education

§ 260.201 Purpose.

The purpose of this subpart is to establish the policy and eligibility requirements and selection criteria for the Federal Highway Administration (FHWA) Fellowship Program in Highway Transportation Research and Education as administered by the National Highway Institute (NHI) pursuant to sections 307 (a), 315, and 321 of title 23, United States Code, and § 1.48 (b) and (h) of title 49, Code of Federal Regulations. This subpart also provides information relative to the application process.

§ 260.203 Definitions.

The following definitions shall apply for the purpose of this subpart:

(a) Candidate—one who has completed and submitted the necessary forms and documents in order to be considered for selection for a fellowship.

(b) Employing Agency—the agency for which the candidate works. This may be either a State or local highway/transportation agency.

(c) Fellowship—the grant presented to the successful candidate to assist this candidate financially during the period of graduate study.

(d) State highway/transportation agency—the agency with the responsibility for initiating and carrying forward a highway program or public transportation program utilizing highways at the State level.

(e) Local highway/transportation agency—the agency or metropolitan planning organization with the responsibility for initiating and carrying forward a highway program or public transportation program utilizing highways at the local level, usually the city or county level.

(f) National Highway Institute (NHI)—the organization located within the FHWA responsible for the administration of the FHWA Fellowship Program in Highway Transportation Research and Education.

(g) Recipient—the successful candidate receiving a fellowship.

§ 260.205 Objectives.

(a) The objective of the Fellowship Program in Highway Transportation Research and Education is to assist State and local agencies in developing the expert manpower needed for the implementation of their highway programs and to assist in the development of more effective transportation programs at all levels of government.

(b) This program shall provide for 9 to 12 months of full-time or up to 24 months of part-time graduate study in the field of highway transportation. The program for each year shall be announced by an FHWA Notice. This Notice will contain an application form and will announce the number of Fellowship grants to be awarded and their value.

§ 260.207 Eligibility.

(a) Prior recipients of FHWA Scholarships or Fellowships are not eligible.

(b) A candidate shall have earned a Bachelor's or comparable college level degree in a discipline that impinges on highway transportation prior to beginning advanced study under this program.

(c) Candidates shall submit evidence of acceptance or probable acceptance for advanced study in schools offering opportunities for research and study in highway transportation or related fields. Evidence of probable acceptance may be a letter from the department chairman, graduate school official, or other authorized person.

(d) Candidates shall agree to pursue certain minimum study loads as determined by the FHWA and designated in the FHWA Notice announcing the program each year.

(e) Prior to final selection, each candidate shall agree, in writing, to work in public service with a State or local highway/transportation agency in the field of highway transportation for at least 3 years after completing the study period, or to repay the grant or a pro-rata amount of the grant.

(f) Candidates shall agree to respond to brief questionnaires designed to assist the NHI in program evaluation both during and following the study period.

(g) Concurrent with the FHWA grant, candidates may accept salary support from their employers. Candidates may also accept salary or wages for part-time work performed. However, acceptance of salary support and part-time salary or wages is subject to the terms of the nonprofit criterion stipulated in § 260.207(i) of this subpart. Funds from this grant shall not be used to support the student's work on research projects for which the institution is being paid Federal funds. Candidates shall not accept other types of scholarship or fellowship assistance with the exception of benefits under programs administered by the Veterans Administration (VA) subject to the regulations governing VA programs.

(h) Recipients of awards for full-time study shall agree to limit their part-time employment as stipulated in the FHWA Notice announcing the program.

(i) Candidates shall not profit financially from FHWA fellowships. Where acceptance of the living stipend portion of the grant would result in a profit to the candidate, as determined by comparing the candidate's regular full-time salary with the candidate's part-time salary and employer salary support plus living stipend, the grant amount shall be reduced accordingly except in cases where a candidate must relocate and maintain two households. If a candidate must relocate and maintain two households in order to participate in the program, the candidate's part-time salary and employer salary support plus the living stipend may exceed the candidate's regular full-time salary by an amount not to exceed the cost of maintaining the second household.

(j) Candidates shall be citizens, or shall declare their intent to become citizens of the United States.

§ 260.209 Selection.

(a) Candidates shall be rated by a selection panel appointed by the Director of the NHI. Members of the panel shall represent the highway transportation interests of government, industry, and the academic community.

(b) Candidates, including otherwise qualified handicapped individuals, shall be rated without regard to their race, color, sex, national origin, age, or handicap.

(c) The main factors to be considered by the panel are given in priority order as follows:

(1) Candidate's potential to contribute to a State or local highway transportation program. These categories of candidates are listed in the order of their preference if other factors that bear on selection are roughly equal:

(i) Present employees of State or local highway/transportation agencies who demonstrate intent to return to work for their agencies.

(ii) Present employees of State or local highway/transportation agencies who are committed to work for State or local highway/transportation agencies upon completion of the study.

(iii) Students and industry representatives who have job commitments with State or local highway/transportation agencies.

(2) Relevance of a candidate's study program to the objectives of the fellowship program.

(3) Relevant experience.

(4) Academic and professional achievements.

(d) Using ratings given by the selection panel, the Director of the NHI shall select candidates for awards and designate altefnates.

(e) The FHWA may designate in the FHWA Notice announcing the program the maximum number of awards that will be made to employees of any one agency.

§ 260.211 Responsibilities of Educational Institutions.

(a) The college or university chosen by the fellowship recipient shall enter into an appropriate agreement with the FHWA providing for the administration of the grant by the college or university. The institution shall arrange with the recipient for the disbursement of the grant funds throughout the study period.

(b) The college or university chosen by the fellowship recipient shall designate a faculty advisor prior to the commitment of funds by the FHWA. The faculty advisor will be requested to submit reports of the recipient's study progress following completion of each study period. These reports are oriented toward total program evaluation. To assure the recipient's rights to privacy, the FHWA will obtain appropriate advance concurrences from the recipients.

§ 260.213 Responsibilities of Employing Agencies.

(a) A candidate's employing agency is responsible for furnishing statements concerning the relevancy of the candidate's study to agency requirements. The agency is encouraged to identify educational and training priorities and to provide back-up to support its priority candidates for this program. The employers' statements are highly relevant to the selection process.

(b) Employing agencies are encouraged to give favorable consideration to the requests of candidates for educational leave and salary support for the study period to facilitate the candidates' applications. Agency decisions involving salary support and educational leave that will affect the acceptance of awards by recipients should be made at the earliest possible date to provide adequate time for the FHWA to select alternates to replace candidates that decline their awards. Agencies are responsible for negotiations with their candidates concerning conditions of reinstatement and the candidates' commitments to return to work.

(c) Employing agencies are encouraged to publicize the availability of these fellowships throughout the agencies, to implement procedures for internal evaluation of applications, and to forward the applications to the FHWA Division office in their State.

(d) Employing agencies that choose to process their employees' applications are responsible for observing the cut-off date for the FHWA to receive applications. This date will be stipulated in the FHWA Notice announcing the program for each academic year.

§ 260.215 Equal Opportunity.

(a) Consistent with the provisions of the Civil Rights Act of 1964 and Title VI Assurances executed by each State, 23 U.S.C. 324, and 29 U.S.C. 794, no appli-

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cant, including otherwise qualified handicapped individuals, shall on the grounds of race, color, sex, national origin, or handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under this program.

(b) In accordance with Executive Order 11141, no individual shall be denied the benefits of this program because of age.

(c) State agencies should make information on this program available to all eligible employees, including otherwise qualified handicapped individuals, so as to assure nondiscrimination on the grounds of race, color, sex, national origin, age, or handicap.

§ 260.217 Application Procedures.

(a) The FHWA Notices announcing the program each year and containing the application form may be obtained from FHWA regional and division offices, State highway agencies, metropolitan planning organizations, Governors' Highway Safety Representatives, and from colleges and universities. Forms may also be obtained from the National Highway Institute, HHI–3, Federal Highway Administration, Washington, D.C. 20590.

(b) In order to become a candidate, the applicant shall complete and forward the application form according to the instructions in the FHWA Notice announcing the program. The cut-off date for submitting the application stipulated in the Notice should be observed.

Subpart C—Highway Technology

§ 260.301 Purpose.

The purpose of this subpart is to establish the policy and eligibility requirements and selection criteria for the Federal Highway Administration (FHWA) Scholarship Program in Highway Technology as administered by the National Highway Institute (NHI) pursuant to sections 307(a), 315, 321 and 403 of title 23, United States Code, and sections 1.48 (b) and (h) of title 49, Code of Federal Regulations. This subpart also provides information relative to the application process.

§ 260.303 Definitions.

The following definitions shall apply for the purpose of this subpart:

(a) Candidate—One who has completed and submitted the necessary forms and documents in order to be considered for selection for a scholarship.

(b) Employing Agency—The agency for which the candidate works. This may be either a State or local highway/transportation agency or the Federal Highway Administration (FHWA).

(c) State highway/transportation agency—The agency with the responsibility for initiating and carrying forward a highway program, or public transportation program utilizing highways, at the State level.

(d) Local highway/transportation agency—The agency or the metropolitan planning organization with the responsibility for initiating and carrying forward a highway program, or public transportation program utilizing highways, at the local level, usually the city or county level.

(e) National Highway Institute (NHI)—The organization located within the FHWA responsible for the administration of the FHWA Scholarship Program in Highway Technology.

(f) Recipient—The successful candidate receiving a scholarship.

(g) Scholarship—The grant presented to the successful candidate to assist this candidate financially during the period of post-secondary study.

§ 260.305 Objectives.

(a) The objective of the Scholarship Program in Highway Technology is to assist State and local agencies and the FHWA in developing the expert manpower needed for the implementation of their programs and to assist in the development of more effective transportation programs at all levels of government.

(b) To meet its objective the program provides 9 to 12 months of full-time or up to 24 months of part-time post-secondary study in the field of highway transportation. The program for each year shall be announced by an FHWA Notice. This Notice will contain an application form and will announce the number of scholarship grants to be awarded and their value.

§ 260.307 Eligibility.

(a) Prior recipients of FHWA Scholarships are not eligible.

(b) Preference will be given to candidates who are presently employed by the FHWA and by State or local highway/transportation agencies. Candidates who are students with job commitments to work in the field of highway transportation for State and local highway/transportation agencies are eligible.

(c) Candidates shall submit evidence of acceptance, or probable acceptance, for study in programs that will enhance their contribution to their employers. Evidence of probable acceptance may be a letter from the department chairman or other school official.

(d) Candidates shall agree to pursue certain minimum study loads as determined by the FHWA and designated in the FHWA Notice announcing the program each year.

(e) Prior to final selection, a candidate who is an FHWA employee shall agree, in writing, to continue working for the FHWA for at least 3 years after completing the study period or to repay the grant or a pro rata amount of the grant. A candidate who is an employee of a State or local highway/transportation agency shall agree, in writing, to work in public service with a State or local highway/transportation agency for at least 3 years after completing the study period, or to repay the grant, or a pro rata amount of the grant.

(f) Candidates shall agree to respond to brief questionnaires designed to assist the NHI in program evaluation both during and following the study period.

(g) Concurrent with the FHWA grant, candidates may accept salary support from their employers. Candidates may also accept salary or wages for part-time work performed. However, acceptance of salary support and part-time salary or wages is subject to the terms of the non-profit criterion stipulated in Section 260.307(i) of this subpart. Funds from this grant shall not be used to support the student's work on research projects for which the institution is being paid Federal funds. Candidates shall not accept other types of scholarship or fellowship assistance with the exception of benefits under programs administered by the Veterans Administration (VA) subject to the regulations governing VA programs.

(h) Recipients of awards for full-time study shall agree to limit their part-time employment as stipulated in the FHWA Notice announcing the program.

(i) Candidates shall not profit financially from FHWA Scholarships. Where acceptance of the living stipend portion of the grant would result in a profit to the candidate, as determined by comparing the candidate's regular full-time salary with the candidate's part-time salary and employer salary support plus living stipend, the grant amount will be reduced accordingly, except in cases where a candidate must relocate and maintain two households. If a candidate must relocate and maintain two households in order to participate in the program, the candidate's part-time salary and employer salary support plus the living stipend may exceed the candidate's regular full-time salary by an amount not to exceed the cost of maintaining the second household.

(j) Candidates shall be citizens, or shall declare their intent to become citizens of the United States.

§ 260.309 Selection.

(a) Candidates shall be rated by a selection panel appointed by the Director of the NHI. Members of the panel shall represent the highway transportation interests of government, industry, and the academic community.

(b) Candidates, including otherwise qualified handicapped individuals, shall be rated without regard to their race, color, sex, national origin, age, or handicap.

(c) The main factors to be considered by the panel are given in priority order as follows:

(1) Academic and professional achievements.

(2) Candidate's potential to contribute to a Federal, State, or local highway program.

(3) Relevant experience.

(4) Relevance of a candidate's study program to the objectives of the scholarship program.

(d) Using ratings given by the selection panel, the Director of the NHI shall select candidates for awards and designate alternates.

(e) The FHWA may designate in the FHWA Notice announcing the program the maximum number of awards that will be made to employees of any one agency.

§ 260.311 Responsibilities of Educational Institutions.

(a) The college or university chosen by the scholarship recipient shall enter into an appropriate agreement with the FHWA providing for the administration of the grant by the college or university. The institution shall arrange with the recipient for the disbursement of the grant funds throughout the study period.

(b) The college or university chosen by the scholarship recipient shall designate a faculty advisor prior to the commitment of funds by the FHWA. The faculty advisor will be requested to submit reports of the recipient's study progress following completion of each study period. These reports are oriented toward total program evaluation. To assure the recipient's rights to privacy, the FHWA will obtain appropriate advance concurrences from the recipients.

§ 260.313 Responsibilities of Employing Agencies.

(a) A candidate's employing agency is responsible for furnishing statements concerning the relevancy of the candidate's study to agency requirements. The agency is encouraged to identify educational and training priorities and to provide back-up to support its priority candidates for this program. The employers' statements are highly relevant to the selection process.

(b) Employing agencies are encouraged to give favorable consideration to the requests of candidates for educational leave and salary support for the study period to facilitate the candidates' applications. Agency decisions involving salary support and educational leave that will affect the acceptance of awards by recipients should be made at the earliest possible date to provide adequate time for the FHWA to select alternates to replace candidates that decline their awards. Agencies are responsible for negotiations with their candidates concerning conditions of reinstatement and the candidates' commitments to return to work.

(c) Employing agencies are encouraged to publicize the availability of these scholarships throughout the agencies, to implement procedures for internal evaluation of applications, and to forward the applications to the FHWA Division office in their State.

(d) Employing agencies that choose to process their employees' applications are responsible for observing the cut-off date for the FHWA to receive applications. This date will be stipulated in the Notice announcing the program for each academic year.

§ 260.315 Equal Opportunity.

(a) Consistent with the provisions of the Civil Rights Act of 1964 and Title VI Assurances executed by each State, 23 U.S.C. 324, and 29 U.S.C. 794, no applicant, including otherwise qualified handicapped individuals, shall on the grounds of race, color, sex, national origin, or handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under this program.

(b) In accordance with Executive Order 11141, no individual shall be denied benefits of this program because of age.

(c) State agencies should make information on this program available to all eligible employees, including otherwise qualified handicapped individuals, so as to assure nondiscrimination on the grounds of race, color, sex, national origin, age, or handicap.

§ 260.317 Application Procedures.

(a) The FHWA Notice announcing the program for each year and containing the application form may be obtained from FHWA regional and division offices, State highway agencies, metropolitan planning organizations, Governors' Highway Safety Representatives, and from colleges and universities. Forms may also be obtained from the National Highway Institute, HHI–3, Federal Highway Administration, Washington, D.C. 20590.

(b) In order to become a candidate, the applicant shall complete and forward the application form according to the instructions in the FHWA Notice announcing the program. The cut-off date for submitting the application stipulated in the Notice should be observed.

[FR Doc.75–34126 Filed 12–17–75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF THE ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–75–364]

PART 200—INTRODUCTION

Delegations to Particular Positions

Pursuant to section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d), the Assistant Secretary-Commissioner is revising the delegations of authority under 24 CFR, subpart D. These revisions are necessary to implement section 8 of the U.S. Housing Act of 1937 and amendments to sections 235 and 236 of the National Housing Act as contained in Title II of the Housing and Community Development Act of 1974 in relation to the establishment of income ceilings. Because this amendment relates to agency management and personnel, comment and public procedure are unnecessary.

Accordingly, Part 200, subpart D of Title 24 is amended by:

1. Section 200.56 is amended by adding a new paragraph (l) to read as follows:

§ 200.56 Director, Office of Underwriting Standards.

* * * * * *

(l) To establish income ceilings for individual areas in the United States for "lower-income families" and "very low income families" as these terms are used for housing assistance under section 8 of the U.S. Housing Act of 1937, as amended; for families eligible for single-family mortgage assistance under section 235 of the National Housing Act, as amended; and for tenants eligible for occupancy in projects receiving multi-family mortgage assistance under section 236 of the National Housing Act, as amended; including establishing income ceilings higher or lower than 80 per centum of the median for individual areas on the basis of findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors.

2. Section 200.56d is amended by adding a new paragraph (c) to read as follows:

§ 200.56d Director, Economic and Market Analysis Division.

* * * * * *

(c) Under the general supervision of the Director, Office of Underwriting Standards, to establish income ceilings for individual areas in the United States for "lower-income families" and "very low income families" as these terms are used for housing assistance under section 8 of the U.S. Housing Act of 1937, as amended; for families eligible for single-family mortgage assistance under section 235 of the National Housing Act, as amended; and for tenants eligible for occupancy in projects receiving multi-family mortgage assistance under section 236 of the National Housing Act, as amended; including establishing income ceilings higher and lower than 80 per centum of the median for individual areas on the basis of findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors.

Effective date. This amendment is effective as of January 1, 1976.

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit — Federal Housing Commissioner.

[FR Doc.75–34098 Filed 12–17–75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7392]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Advertising, etc., Activities

On September 11, 1971, a notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) relating to the advertising income of exempt organizations under section 513(c) of the Internal Revenue Code of 1954, as amended by section 121(c) of the Tax Reform Act of 1969 (83 Stat. 542), was published in the FEDERAL REGISTER (36 F.R. 18316).

The amendments to the regulations provide rules regarding the computation of unrelated business tax on exempt or-

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ganization from the sale of advertising in periodicals. In general the regulations allow an organization to reduce their advertising income from a periodical (i.e.—the amount by which gross advertising income exceeds direct advertising costs) by the excess of readership costs over circulation income attributable to such periodical. Where periodicals are furnished dues paying members of the organization without further charge, a portion of the dues must be allocated to the circulation income of the periodical. The notice of proposed rule making set forth seven factors to be used in making this allocation. The amendments adopted by this document simplify the allocation rule by reducing the factors to three (1) subscription price charged to nonmembers; (2) subscription price charged to members and; (3) pro rata allocation of membership receipts based upon cost.

The amendments also allow consolidation of two or more periodicals if such periodicals are published for the production of income. Rules are set forth to determine if a periodical is published for the production of income.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

After consideration of all such relevant matter as was presented by interested persons regarding the rule proposed, the amendment of the Income Tax Regulations (26 CFR Part 1) is hereby adopted, subject to the changes set forth below:

Paragraph 1. Section 1.512 (a)–1 as set forth in paragraph 1 of the appendix of the notice of proposed rule making is changed by revising paragraphs (f) (4) and (5) to read as follows:

§ 1.512 (a)–1 *Definition.*

* * * * *

(f) Determination of unrelated business taxable income derived from sale of advertising in exempt organization periodical.

* * *

(4) *Allocable membership receipts.* The allocable membership receipts of an exempt organization periodical shall be determined in accordance with the following rules:

(i) *Subscription price charged to nonmembers.* If 20 percent or more of the total circulation of a periodical consist of sales to nonmembers, the subscription price charged to such nonmembers shall determine the price of the periodical for purposes of allocating membership receipts to the periodical.

(ii) *Subscription price to nonmembers.* If paragraph (f) (4) (i) of this section does not apply and if the membership dues from 20 percent or more of the members of an exempt organization are less than those received from the other members because the former members do not receive the periodical, the amount of the reduction in membership dues for a member not receiving the periodical shall determine the price of the periodical for purposes of allocating membership receipts to the periodical.

(iii) *Pro rata allocation of membership receipts.* Since it may generally be assumed that membership receipts and gross advertising income are equally available for all the exempt activities (including the periodical) of the organization, the share of membership receipts allocated to the periodical, where paragraphs (f) (4) (i) and (ii) of this section do not apply, shall be an amount equal to the organization's membership receipts multiplied by a fraction the numerator of which is the total periodical costs and the denominator of which is such costs plus the cost of other exempt activities of the organization. For example, assume that an exempt organization has total periodical costs of $30,000 and other exempt costs of $70,000. Further assume that the membership receipts of the organization are $60,000 and that paragraphs (f) (4) (i) and (ii) of this section do not apply. Under these circumstances $18,000 ($60,000 times $30,000/$100,000) is allocated to the periodical's circulation income.

(5) *Examples.* The rules set forth in paragraph (f) (4) of this section may be illustrated by the following examples. For purposes of these examples it is assumed that the exempt organization periodical contains advertising, and that the production and distribution of the readership content of the periodical is related to the organization's exempt purpose.

Example (1). U is an exempt scientific organization with 10,000 members who pay annual dues of $15 per year. One of U's activities is the publication of a monthly periodical which is distributed to all of its members. U also distributes 5,000 additional copies of its periodical to nonmember subscribers at a cost of $10 per year. Pursuant to paragraph (f) (4) (i) of this section, since the nonmember circulation of U's periodical represents 33⅓ percent of its total circulation the subscription price charged to nonmembers will be used to determine the portion of U's membership receipts allocable to the periodical. Thus, U's allocable membership receipts will be $100,000 ($10 times 10,000 members), and U's total circulation income for the periodical will be $150,000 ($100,000 from members plus $50,000 from sales to nonmembers).

Example (2). Assume the facts as stated in example (1), except that U sells only 500 copies of its periodical to nonmembers, at a price of $10 per year. Assume further that U's members may elect not to receive the periodical, in which case their annual dues are reduced from $15 per year to $6 per year, and that only 3,000 members elect to receive the periodical and pay the full dues of $15 per year. U's stated subscription price to members of $9 consistently results in an excess of total income (including gross advertising income) attributable to the periodical over total costs of the periodical. Since the 500 copies of the periodical distributed to nonmembers represents only 14 percent of the 3,500 copies distributed, pursuant to paragraph (f) (4) (i) of this section, the $10 subscription price charged to nonmembers will not be used in determining the portion of membership receipts allocable to the periodical. On the other hand, since 70 percent of the members elect not to receive the periodical and pay $9 less per year in dues, pursuant to paragraph (f) (4) (ii) of this section, such $9 price will be used in determining the subscription price charged to members. Thus, the allocable membership receipts will be $9 per member, or $27,000 ($9 times 3,000 copies) and U's total circulation income will be $32,000 ($27,000 plus $5,000).

Example (3). (a) W, an exempt trade association, has 800 members who pay annual dues of $50 per year. W publishes a monthly journal the editorial content and advertising of which are directed to the business interests of its own members. The journal is distributed to all of W's members and no receipts are derived from nonmembers.

(b) W has total receipts of $100,000 of which $40,000 ($50×800) are membership receipts and $60,000 are gross advertising income. W's total costs for the journal and other exempt activities is $100,000. W has total periodical costs of $76,000 of which $41,000 are direct advertising costs and $35,000 are readership costs.

(c) Paragraph (f) (4) (i) of this section will not apply since no copies are available to nonmembers. Therefore, the allocation of membership receipts shall be made in accordance with paragraph (f) (4) (iii) of this section. Based upon pro rata allocation of membership receipts (40,000) by a fraction the numerator of which is total periodical costs ($76,000) and the denominator of which is the total costs of the journal and the other exempt activities ($100,000), $30,400 ($76,000/$100,000 times $40,000) of membership receipts in circulation income.

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved: December 12, 1975.

WILLIAM M. GOLDSTEIN,
Deputy Assistant Secretary of the Treasury.

On September 11, 1971, a notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) relating to the advertising income of exempt organizations under section 513(c) of the Internal Revenue Code of 1954, as amended by section 121(c) of the Tax Reform Act of 1969 (83 Stat. 542), was published in the FEDERAL REGISTER (36 FR 18316).

The amendments to the regulations provide rules regarding the computation of unrelated business tax on exempt organization from the sale of advertising in periodicals. In general the regulations allow an organization to reduce their advertising income from a periodical (i.e., the amount by which gross advertising income exceeds direct advertising costs) by the excess of readership costs over circulation income attributable to such periodical. Where periodicals are furnished dues paying members of the organization without further charge, a portion of the dues must be allocated to the circulation income of the periodical. The notice of proposed rule making set forth seven factors to be used in making this allocation. The amendments adopted by this document simplify the allocation rule by reducing the factors to three (1) subscription price charged to nonmembers; (2) subscription price charged to members and; (3) pro rata allocation of membership receipts based upon cost.

The amendments also allow consolidation of two or more periodicals if such periodicals are published for the production of income. Rules are set forth to determine if a periodical is published for the production of income.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

After consideration of all such relevant matter as was presented by interested persons regarding the rule proposed, the amendment of the Income Tax Regulations (26 CFR Part 1) is hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Section 1.512(a)–1 is amended to read as follows:

§ 1.512(a)–1 Definition.

(a) *In general.* Section 512 defines "unrelated business taxable income" as the gross income derived from any unrelated trade or business regularly carried on, less those deductions allowed by chapter 1 of the Code which are directly connected with the carrying on of such trade or business, subject to the modifications referred to in § 1.512(b)–1. To be deductible in computing unrelated business taxable income, expenses, depreciation and similar items not only must qualify as deductions allowed by chapter 1 of the Code but also must be directly connected with the carrying on of an unrelated trade or business activity. Except as provided in paragraphs (d) (2) and (f) of this section, to be "directly connected with" the conduct of an unrelated business activity for purposes of section 512, an item of deduction must have proximate and primary relationship to the carrying on of that business activity. In the case of an organization which derives gross income from the regular conduct of two or more unrelated business activities, unrelated business taxable income is the aggregate of gross income from all such unrelated business activities less the aggregate of the deductions allowed with respect to all such unrelated business activities.

(b) *Expenses attributable solely to unrelated business activities.* Expenses, depreciation, and similar items attributable solely to the conduct of unrelated business activities are proximately and primarily related to that business activity, and therefore qualify for deduction to the extent that they meet the requirements of section 162, section 167, or other relevant provisions of the Code, connected with the conduct of that activity and are deductible in computing unrelated business activities are directly connected with the conduct of that activity and are deductible in computing unrelated business taxable income if they otherwise qualify for deduction under the requirements of section 162. Similarly, depreciation of a building used entirely in the conduct of unrelated business activities would be an allowable deduction to the extent otherwise permitted by section 167.

(c) *Dual use of facilities or personnel.* Where facilities are used both to carry on exempt activities and to conduct unrelated trade or business activities, expenses, depreciation and similar items attributable to such facilities (as, for example, items of overhead), shall be allocated between the two uses on a reasonable basis. Similarly, where personnel are used both to carry on exempt activities and to conduct unrelated trade or business activities, expenses and similar items attributable to such personnel (as, for example, items of salary) shall be allocated between the two uses on a reasonable basis. The portion of any such item so allocated to the unrelated trade or business activity is proximately and primarily related to that business activity, and shall be allowable as a deduction in computing unrelated business taxable income in the manner and to the extent permitted by section 162, section 167, or other relevant provisions of the Code. Thus, for example, assume that X, an exempt organization subject to the provisions of section 511, pays its president a salary of $20,000 a year. X derives gross income from the conduct of unrelated trade or business activities. The president devotes approximately 10 percent of his time during the year to the unrelated business activity. For purposes of computing X's unrelated business taxable income, a deduction of $2,000 (10 percent of $20,000), would be allowable for the salary paid to its president.

(d) *Exploitation of exempt activities.*—(1) *In general. In certain cases,* gross income is derived from an unrelated trade or business activity which exploits an exempt activity. One example of such exploitation is the sale of advertising in a periodical of an exempt organization which contains editorial material related to the accomplishment of the organization's exempt purpose. Except as specified in subparagraph (2) of this paragraph and paragraph (f) of this section, in such cases, expenses, depreciation and similar items attributable to the conduct of the exempt activities are no deductible in computing unrelated business taxable income. Since such items are incident to an activity which is carried on in furtherance of the exempt purpose of the organization, they do not possess the necessary proximate and primary relationship to the unrelated trade or business activity and are therefore not directly connected with that business activity.

(2) *Allowable deductions.* Where an unrelated trade or business activity is of a kind carried on for profit by taxable organizations and where the exempt activity exploited by the business is a type of activity normally conducted by taxable organizations in pursuance of such business, expenses, depreciation, and similar items which are attributable to the exempt activity qualify as directly connected with the carrying on of the unrelated trade or business activity to the extent that:

(i) The aggregate of such items exceeds the income (if any) derived from or attributable to the exempt activity; and

(ii) The allocation of such excess to the unrelated trade or business activity does not result in a loss from such unrelated trade or business activity.

Under the rule of the preceding sentence, expenses, depreciation and similar items paid or incurred in the performance of an exempt activity must be allocated first to the exempt activity to the extent of the income derived from or attributable to the performance of that activity. Furthermore, such items are in no event allocable to the unrelated trade or business activity exploiting such exempt activity to the extent that their deduction would result in a loss carryover or carryback with respect to that trade or business activity. Similarly, they may not be taken into account in computing unrelated business taxable income attributable to any unrelated trade or business activity not exploiting the same exempt activity. See paragraph (f) of this section for the application of these rules to periodicals published by exempt organizations.

(e) *Example.* Paragraphs (a) through (d) of this section are illustrated by the following example:

Example. W is an exempt business league with a large membership. Under an arrangement with an advertising agency W regularly mails brochures, pamphlets and other advertising materials to its members, charging the agency an agreed amount per enclosure. The distribution of the advertising materials does not contribute importantly to the accomplishment of the purpose for which W is granted exemption. Accordingly, the payments made to W by the advertising agency constitute gross income from an unrelated trade or business activity. In computing W's unrelated business taxable income, the expenses attributable solely to the conduct of the business, or allocable to such business under the rule of paragraph (c) of this section, are allowable as deductions in accordance with the provisions of section 162. Such deductions include the costs of handling and mailing, the salaries of personnel used full-time in the unrelated business activity and an allocable portion of the salaries of personnel used both to carry on exempt activities and to conduct the unrelated business activity. However, costs of developing W's membership and carrying on its exempt activities are not deductible. Those costs are necessary to the maintenance of the intangible asset exploited in the unrelated business activity—W's membership—but are incurred primarily in connection with W's fundamental purpose as an exempt organization. As a consequence, they do not have proximate and primary relationship to the conduct of the unrelated business activity and do not qualify as directly connected with it.

(f) *Determination of unrelated business taxable income derived from sale of advertising in exempt organization periodicals.*—(1) *In general.* Under section 513 (relating to the definition of unrelated trade or business) and § 1.513–1, amounts realized by an exempt organization from the sale of advertising in a periodical constitute gross income from an unrelated trade or business activity involving the exploitation of an exempt activity, namely, the circulation and readership of the periodical developed through the production and distribution of the readership content of the periodical. Paragraph (d) of this section provides for the allowance of deductions attributable to the production and distribution of the readership content of the periodical. Thus, subject to the limitations of paragraph (d) (2) of this section, where the circulation and readership of an exempt organization periodical are utilized in connection with the sale of advertising in the periodical, expenses, depreciation, and similar items of deductions attributable to the production and distribution of the editorial or readership content of the periodical shall qualify as items of deductions directly connected with the unrelated advertising activity. Subparagraphs (2) through (6) of this paragraph provide rules for determining the amount of unrelated business taxable income attrib-

V 40 244 DEC 18 75 XUM

utable to the sale of advertising in exempt organization periodicals. Subparagraph (7) of this paragraph provides rules for determining when the unrelated business taxable income of two or more exempt organization periodicals may be determined on a consolidated basis.

(2) *Computation of unrelated business taxable income attributable to sale of advertising*—(i) *Excess advertising costs.* If the direct advertising costs of an exempt organization periodical (determined under subparagraph (6)(ii) of this paragraph) exceed gross advertising income (determined under subparagraph (3)(ii) of this paragraph), such excess shall be allowable as a deduction in determining unrelated business taxable income from any unrelated trade or business activity carried on by the organization.

(ii) *Excess advertising income.* If the gross advertising income of an exempt organization periodical exceeds direct advertising costs, paragraph (d)(2) of this section provides that items of deduction attributable to the production and distribution of the readership content of an exempt organization periodical shall qualify as items of deduction directly connected with unrelated advertising activity in computing the amount of unrelated business taxable income derived from the advertising activity to the extent that such items exceed the income derived from or attributable to such production and distribution, but only to the extent that such items do not result in a loss from such advertising activity. Furthermore, such items of deduction shall not qualify as directly connected with such advertising activity to the extent that their deduction would result in a loss carryback or carryover with respect to such advertising activity. Similarly, such items of deduction shall not be taken into account in computing unrelated business taxable income attributable to any unrelated trade or business activity other than such advertising activity. Thus—

(*a*) If the circulation income of the periodical (determined under subparagraph (3)(iii) of this paragraph) equals or exceeds the readership costs of such periodical (determined under subparagraph (6)(iii) of this paragraph), the unrelated business taxable income attributable to the periodical is the excess of the gross advertising income of the periodical over direct advertising costs; but

(*b*) If the readership costs of an exempt organization periodical exceed the circulation income of the periodical, the unrelated business taxable income is the excess, if any, of the total income attributable to the periodical (determined under subparagraph (3) of this paragraph) over the total periodical costs (as defined in subparagraph (6)(i) of this paragraph).

See subparagraph (7) of this paragraph for rules relating to the consolidation of two or more periodicals.

(iii) *Examples.* The application of this paragraph may be illustrated by the following examples. For purposes of these examples it is assumed that the production and distribution of the readership content of the periodical is related to the organization's exempt purpose.

Example (1). X, an exempt trade association, publishes a single periodical which carries advertising. During 1971, X realizes a total of $40,000 from the sale of advertising in the periodical (gross advertising income) and $60,000 from sales of the periodical to members and nonmembers (circulation income). The total periodical costs are $90,000 of which $50,000 is directly connected with the sale and publication of advertising (direct advertising costs) and $40,000 is attributable to the production and distribution of the readership content (readership costs). Since the direct advertising costs of the periodical ($50,000) exceed gross advertising income ($40,000), pursuant to subdivision (i) of this subparagraph, the unrelated business taxable income attributable to advertising is determined solely on the basis of the income and deductions directly connected with the production and sale of the advertising:

Gross advertising revenue	$40,000
Direct advertising costs	(50,000)
Loss attributable to advertising	(10,000)

X has realized a loss of $10,000 from its advertising activity. This loss is an allowable deduction in computing X's unrelated business taxable income derived from any other unrelated trade or business activity.

Example (2). Assume the facts as stated in example (1), except that the circulation income of X periodical is $100,000 instead of $60,000, and that of the total periodical costs, $25,000 are direct advertising costs, and $65,000 are readership costs. Since the circulation income ($100,000) exceeds the total readership costs ($65,000), pursuant to subdivision (ii)(*a*) of this subparagraph the unrelated business taxable income attributable to the advertising activity is $15,000, the excess of gross advertising income ($40,000) over direct advertising costs ($25,000).

Example (3). Assume the facts as stated in example (1), except that of the total periodical costs, $20,000 are direct advertising costs and $70,000 are readership costs. Since the readership costs of the periodical ($70,000), exceed the circulation income ($60,000), pursuant to subdivision (ii)(*b*) of this subparagraph the unrelated business taxable income attributable to advertising is the excess of the total income attributable to the periodical over the total periodical costs. Thus, X has unrelated business taxable income attributable to the advertising activity of $10,000 ($100,000 total income attributable to the periodical less $90,000 total periodical costs).

Example (4). Assume the facts as stated in example (1), except that the total periodical costs are $120,000 of which $30,000 are direct advertising costs and $90,000 are readership costs. Since the readership costs of the periodical ($90,000), exceed the circulation income ($60,000), pursuant to subdivision (ii)(*b*) of this subparagraph the unrelated business taxable income attributable to advertising is the excess, if any, of the total income attributable to the periodical over the total periodical costs. Since the total income of the periodical ($100,000) does not exceed the total periodical costs ($120,000), X has not derived any unrelated business taxable income from the advertising activity. Further, only $70,000 of the $90,000 of readership costs may be deducted in computing unrelated business taxable income since as provided in subdivision (ii) of this subparagraph, such costs may be deducted, to the extent they exceed circulation income, only to the extent they do not result in a loss from the advertising activity. Thus, there is no loss from such activity, and no amount may be deducted on this account in computing X's unrelated trade or business income derived from any other unrelated trade or business activity.

(3) *Income attributable to exempt organization periodicals*—(i) *In general.* For purposes of this paragraph the total income attributable to an exempt organization periodical is the sum of its gross advertising income and its circulation income.

(ii) *Gross advertising income.* The term "gross advertising income" means all amounts derived from the unrelated advertising activities of an exempt organization periodical (or for purposes of this paragraph in the case of a taxable organization, all amounts derived from the advertising activities of the taxable organization).

(iii) *Circulation income.* The term "circulation income" means the income attributable to the production, distribution or circulation of a periodical (other than gross advertising income) including all amounts realized from or attributable to the sale or distribution of the readership content of the periodical, such as amounts realized from charges made for reprinting or republishing articles and special items in the periodical and amounts realized from sales of back issues. Where the right to receive an exempt organization periodical is associated with membership or similar status in such organization for which dues, fees or other charges are received (hereinafter referred to as "membership receipts"), circulation income includes the portion of such membership receipts allocable to the periodical (hereinafter referred to as "allocable membership receipts"). Allowable membership receipts is the amount which would have been charged and paid if—

(*a*) The periodical was that of a taxable organization.

(*b*) The periodical was published for profit, and

(*c*) The member was an unrelated party dealing with the taxable organization at arm's length.

See subparagraph (4) of this paragraph for a discussion of the factors to be considered in determining allocable membership receipts of an exempt organization periodical under the standard described in the preceding sentence.

(4) *Allocable membership receipts.* The allocable membership receipts of an exempt organization periodical shall be determined in accordance with the following rules:

(i) *Subscription price charged to nonmembers.* If 20 percent or more of the total circulation of a periodical consist of sales to nonmembers, the subscription price charged to such nonmembers shall determine the price of the periodical for purposes of allocating membership receipts to the periodical.

(ii) *Subscription price to nonmembers.* If paragraph (f)(4)(i) of this section does not apply and if the membership dues from 20 percent or more of the members of an exempt organization are less than those received from the other members because the former members do not receive the periodical, the amount of the reduction in membership dues for a member not receiving the periodical shall determine the price of the periodical for purposes of allocating membership receipts to the periodical.

(iii) *Pro rata allocation of membership receipts.* Since it may generally be assumed that membership receipts and gross advertising income are equally available for all the exempt activities (including the periodical) of the organization, the share of membership receipts allocated to the periodical, where paragraphs (f)(4)(i) and (ii) of this section do not apply, shall be an amount equal to the organization's membership receipts multiplied by a fraction the numerator of which is the total periodical costs and the denominator of which is such costs plus the cost of other exempt activities of the organization. For example, assume that an exempt organization has total periodical costs of $30,000 and other exempt costs of $70,000. Further assume that the membership receipts of the organization are $60,000 and that paragraphs (f)(4)(i) and (ii) of this section do not apply. Under these circumstances $18,000 ($60,000 times $30,000/$100,000) is allocated to the periodical's circulation income.

(5) *Examples.* The rules set forth in paragraph (f)(4) of this section may be illustrated by the following examples. For purposes of these examples it is assumed that the exempt organization periodical contains advertising, and that the production and distribution of the readership content of the periodical is related to the organization's exempt purpose.

Example (1). U is an exempt scientific organization with 10,000 members who pay annual dues of $15 per year. One of U's activities is the publication of a monthly periodical which is distributed to all of its members. U also distributes 5,000 additional copies of its periodical to nonmember subscribers at a cost of $10 per year. Pursuant to paragraph (f)(4)(i) of this section, since the nonmember circulation of U's periodical represents 33⅓ percent of its total circulation the subscription price charged to nonmembers will be used to determine the portion of U's membership receipts allocable to the periodical. Thus, U's allocable membership receipts will be $100,000 ($10 times 10,000 members), and U's total circulation income for the periodical will be $150,000 ($100,000 from members plus $50,000 from sales to nonmembers).

Example (2). Assume the facts as stated in example (1), except that U sells only 500 copies of its periodical to nonmembers, at a price of $10 per year. Assume further that U's members may elect not to receive the periodical, in which case their annual dues are reduced from $15 per year to $6 per year, and that only 3,000 members elect to receive the periodical and pay the full dues of $15 per year. U's stated subscription price to members of $9 consistently results in an excess of total income (including gross advertising income) attributable to the periodical over total costs of the periodical. Since the 500 copies of the periodical distributed to nonmembers represents only 14 percent of the 3,500 copies distributed, pursuant to paragraph (f)(4)(i) of this section, the $10 subscription price charged to nonmembers will not be used in determining the portion of membership receipts allocable to the periodical. On the other hand, since 70 percent of the members elect not to receive the periodical and pay $9 less per year in dues, pursuant to paragraph (f)(4)(ii) of this section, such $9 price will be used in determining the subscription price charged to members. Thus, the allocable membership receipts will be $9 per member, or $27,000 ($9 times 3,000 copies) and U's total circulation income will be $32,000 ($27,000 plus $5,000).

Example (3). (a) W, an exempt trade association, has 800 members who pay annual dues of $50 per year. W publishes a monthly journal the editorial content and advertising of which are directed to the business interests of its own members. The journal is distributed to all of W's members and no receipts are derived from nonmembers.

(b) W has total receipts of $100,000 of which $40,000 ($50 x 800) are membership receipts and $60,000 are gross advertising income. W's total costs for the journal and other exempt activities is $100,000. W has total periodical costs of $76,000 of which $41,000 are direct advertising costs and $35,000 are readership costs.

(c) Paragraph (f)(4)(i) of this section will not apply since no copies are available to nonmembers. Therefore, the allocation of membership receipts shall be made in accordance with paragraph (f)(4)(iii) of this section. Based upon pro rata allocation of membership receipts ($40,000) by a fraction the numerator of which is total periodical costs ($76,000) and, the denominator of which is the total costs of the journal and the other exempt activities ($100,000), $30,400 ($76,000/$100,000 times $40,000) of membership receipts is circulation income.

(6) *Deductions attributable to exempt organization periodicals*—(i) *In general.* For purposes of this paragraph the term "total periodical costs" means the total deductions attributable to the periodical. For purposes of this paragraph the total periodical costs of an exempt organization periodical are the sum of the direct advertising costs of the periodical (determined under subdivision (ii) of this subparagraph) and the readership costs of the periodical (determined under subdivision (iii) of this subparagraph). Items of deduction properly attributable to exempt activities other than the publication of an exempt organization periodical may not be allocated to such periodical. Where items are attributable both to an exempt organization periodical and to other activities of an exempt organization, the allocation of such items must be made on a reasonable basis which fairly reflects the portion of such item properly attributable to each such activity. The method of allocation will vary with the nature of the item, but once adopted, a reasonable method of allocation with respect to an item must be used consistently. Thus, for example, salaries may generally be allocated among various activities on the basis of the time devoted to each activity; occupancy costs such as rent, heat and electricity ma ybe allocated on the basis of the portion of space devoted to each activity; and depreciation may be allocated on the basis of space occupied and the portion of the particular asset utilized in each activity. Allocations based on dollar receipts from various exempt activities will generally not be reasonable since such receipts are usually not an accurate reflection of the costs associated with activities carried on by exempt organizations.

(ii) *Direct advertising costs.* (*a*) The direct advertising costs of an exempt organization periodical include all expenses, depreciation, and similar items of deduction which are directly connected with the sale and publication of advertising as determined in accordance with paragraphs (a), (b), and (c) of this section. These items are allowable as deductions in the computation of unrelated business income of the organization for the taxable year to the extent they meet the requirements of section 162, section 167, or other relevant provisions of the Code. The items allowable as deductions under this subdivision do not include any items of deduction attributable to the production or distribution of the readership content of the periodical.

(*b*) The items allowable as deductions under this subdivision would include agency commissions and other direct selling costs, such as transportation and travel expenses, office salaries, promotion and research expenses, and direct office overhead directly connected with the sale of advertising lineage in the periodical. Also included would be other items of deduction commonly classified as advertising costs under standard account classification, such as art work and copy preparation, telephone, telegraph, postage, and similar costs directly connected with advertising.

(*c*) In addition to the items of deduction normally included in standard account classifications relating to advertising costs, it is also necessary to ascertain the portion of mechanical and distribution costs attributable to advertising lineage. For this purpose, the general account classifications of items includible in mechanical and distribution costs ordinarily employed in business-paper and consumer publication accounting provide a guide for the computation. Thus, the mechanical and distribution costs in such cases would include the portion of the costs and other expenses of composition, presswork, binding, mailing (including paper and wrappers used for mailing), and the bulk postage attributable to the advertising lineage of the publication. The portion of mechanical and distribution costs attributable to advertising lineage of the periodical will be determined on the basis of the ratio of advertising lineage to total lineage of the periodical, and the application of that ratio to the total mechanical and distribution costs of the periodical, where records are not kept in such a manner as to reflect more accurately the allocation of mechanical and distributions costs to advertising lineage of the periodical, and where there is no factor in the character of the periodical to indicate that such an allocation would be unreasonable.

(iii) *Readership costs.* The "readership costs" of an exempt organization periodical include expenses, depreciation or similar items which are directly connected with the production and distribution of the readership content of the

V 40 244 DEC 18 75 XUM

periodical and which would otherwise be allowable as deductions in determining unrelated business taxable income under section 512 and the regulations thereunder if such production and distribution constituted an unrelated trade or business activity. Thus, readership costs include all the items of deduction attributable to an exempt organization periodical which are not allocated to direct advertising costs under subdivision (ii) of this subparagraph, including the portion of such items attributable to the readership content of the periodical, as opposed to the advertising content, and the portion of mechanical and distribution costs which is not attributable to advertising lineage in the periodical.

(7) *Consolidation*—(i) *In general.* Where an exempt organization subject to unrelated business income tax under section 511 publishes two or more periodicals for the production of income, it may treat the gross income from all (but not less than all) of such periodicals and the items of deduction directly connected with such periodicals (including readership costs of such periodicals), on a consolidated basis as if such periodicals were one periodical in determining the amount of unrelated business taxable income derived from the sale of advertising in such periodical. Such treatment must, however, be followed consistently and once adopted shall be binding unless the consent of the Commissioner is obtained as provided in sections 446(e) and § 1.446–1(e).

(ii) *Production of income.* For purposes of this subparagraph, an exempt organization periodical is "published for the production of income" if—

(*a*) The organization generally receives gross advertising income from the periodical equal to at least 25 percent of the readership costs of such periodical, and

(*b*) The publication of such periodical is an activity engaged in for profit.

For purposes of the preceding sentence, the determination whether the publication of a periodical is an activity engaged in for profit is to be made by reference to objective standards taking into account all the facts and circumstances involved in each case. The facts and circumstances must indicate that the organization carries on the activity with the objective that the publication of the periodical will result in economic profit (without regard to tax consequences), although not necessarily in a particular year. Thus, an exempt organization periodical may be treated as having been published with such an objective even though in a particular year its total periodical costs exceed its total income. Similarly, if an exempt organization begins publishing a new periodical, the fact that the total periodical costs exceed the total income for the startup years because of a lack of advertising sales does not mean that the periodical was published without an objective of economic profit. The organization may establish that the activity was carried on with such an objective. This might be established by showing, for example, that there is a reasonable expectation that the total income, by reason of an increase in advertising sales, will exceed costs within a reasonable time. See § 1.183–2 for additional factors bearing on this determination.

(iii) *Example.* This subparagraph may be illustrated by the following example:

Example. Y, an exempt trade association, publishes three periodicals which it distributes to its members: a weekly newsletter, a monthly magazine, and quarterly journal. Both the monthly magazine and the quarterly journal contain advertising which accounts for gross advertising income equal to more than 25 percent of their respective readership costs. Similarly, the total income attributable to each such periodical has exceeded the total deductions attributable to each such periodical for substantially all the years they have been published. The newsletter carries no advertising and its annual subscription price is not intended to cover the cost of publication. The newsletter is a service of Y distributed to all of its members in an effort to keep them informed of changes occurring in the business world and is not engaged in for profit. Under these circumstances, Y may consolidate the income and deductions from the monthly and quarterly journals in computing its unrelated business taxable income, but may not consolidate the income and deductions attributable to the publication of the newsletter with the income and deductions of its other periodicals since the newsletter is not published for the production of income.

(g) *Foreign organizations*—(1) *In general.* The unrelated business taxable income of a foreign organization exempt from taxation under section 501(a) consists of:

(i) The organization's unrelated business taxable income which is derived from sources within the United States but which is not effectively connected with the conduct of a trade or business within the United States, plus

(ii) The organization's unrelated business taxable income effectively connected with the conduct of a trade or business within the United States (whether or not such income is derived from sources within the United States).

To determine whether income realized by a foreign organization is derived from sources within the United States or is effectively connected with the conduct of a trade or business within the United States, see part 1, subchapter N, chapter 1 of the Code (section 861 and following) and the regulations thereunder.

(2) *Effective dates.* Subparagraph (1) of this paragraph applies to taxable years beginning after December 31, 1969. For taxable years beginning on or before December 31, 1969, the unrelated business taxable income of a foreign organization exempt from taxation under section 501(a) consists of the organization's unrelated business taxable income which—

(i) For taxable years beginning after December 31, 1966, is effectively connected with the conduct of a trade or business within the United States, whether or not such income is derived from sources within the United States;

(ii) For taxable years beginning on or before December 31, 1966, is derived from sources within the United States.

(h) *Effective date.* Paragraphs (a) through (f) of this section are applicable with respect to taxable years beginning after December 12, 1967. However, if a taxpayer wishes to rely on the rules stated therein for taxable years beginning before December 13, 1967, he may do so.

PAR. 2. Section 1.513 is amended by revising section 513(c) and by adding an historical note. These amended and added provisions read as follows:

§ 1.513 Statutory provisions; unrelated trade or business.

SEC. 513 *Unrelated trade or business.* • • •

(c) *Advertising, etc., activities.* For purposes of this section, the term "trade or business" includes any activity which is carried on for the production of income from the sale of goods or the performance of services. For purposes of the preceding sentence, an activity does not lose identity as a trade or business merely because it is carried on within a larger aggregate of similar activities or within a larger complex of other endeavors which may, or may not, be related to the exempt purposes of the organization. Where an activity carried on for profit constitutes an unrelated trade or business no part of such trade or business shall be excluded from such classification merely because it does not result in profit.

[Sec. 513(c) as amended by sec. 121(c), Tax Reform Act 1969 (83 Stat. 542)]

PAR. 3. Section 1.513–1 is amended by revising paragraph (a), paragraph (b), and paragraph (f). These amended provisions read as follows:

§ 1.513–1 Definition of unrelated trade or business.

(a) *In general.* As used in section 512 the term "unrelated business taxable income" means the gross income derived by an organization from any unrelated trade or business regularly carried on by it, less the deductions and subject to the modifications provided in section 512. Section 513 specifies with certain exceptions that the phrase "unrelated trade or business" means, in the case of an organization subject to the tax imposed by section 511, any trade or business the conduct of which is not substantially related (aside from the need of such organization for income or funds or the use it makes of the profits derived) to the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501 (or, in the case of an organization described in section 511(a)(2)(B), to the exercise or performance of any purpose or function described in section 501(c)(3)). (For certain exceptions from this definition, see paragraph (e) of this section. For a special definition of "unrelated trade or business" applicable to certain trusts, see section 513(b).) Therefore, unless one of the specific exceptions of section 512 or 513 is applicable, gross income of an exempt organization subject to the tax imposed by section 511 is includible in the computation of unrelated business taxable income if: (1) It is income from trade or business; (2) such trade or business is regularly carried on by the organization; and (3) the conduct of such trade or business is not substantially related (other than through the production of funds) to the organization's performance of its exempt functions.

(b) *Trade or business.* The primary objective of adoption of the unrelated business income tax was to eliminate a source of unfair competition by placing the unrelated business activities of certain exempt organizations upon the same tax basis as the nonexempt business endeavors with which they compete. On the other hand, where an activity does not possess the characteristics of a trade or business within the meaning of section 162, such as when an organization sends out low-cost articles incidental to the solicitation of charitable contributions, the unrelated business income tax does not apply since the organization is not in competition with taxable organizations. However, in general, any activity of a section 511 organization which is carried on for the production of income and which otherwise possesses the characteristics required to constitute "trade or business" within the meaning of section 162—and which, in addition, is not substantially related to the performance of exempt functions—presents sufficient likelihood of unfair competition to be within the policy of the tax. Accordingly, for purposes of section 513 the term "trade or business" has the same meaning it has in section 162, and generally includes any activity carried on for the production of income from the sale of goods or performance of services. Thus, the term "trade or business" in section 513 is not limited to integrated aggregates of assets, activities and good will which comprise businesses for the purposes of certain other provisions of the Internal Revenue Code. Activities of producing or distributing goods or performing services from which a particular amount of gross income is derived do not lose identity as trade or business merely because they are carried on within a larger aggregate of similar activities or within a larger complex of other endeavors which may, or may not, be related to the exempt purposes of the organization. Thus, for example, the regular sale of pharmaceutical supplies to the general public by a hospital pharmacy does not lose identity as trade or business merely because the pharmacy also furnishes supplies to the hospital and patients of the hospital in accordance with its exempt purposes or in compliance with the terms of section 513(a)(2). Similarly, activities of soliciting, selling, and publishing commercial advertising do not lose identity as a trade or business even though the advertising is published in an exempt organization periodical which contains editorial matter related to the exempt purposes of the organization. However, where an activity carried on for the production of income constitutes an unrelated trade or business, no part of such trade or business shall be excluded from such classification merely because it does not result in profit.

• • • • •

(f) *Special rule respecting publishing businesses prior to 1970.* For a special rule for taxable years beginning before January 1, 1970, with respect to publishing businesses carried on by an organization, see section 513(c) of the Code prior to its amendment by section 121(c) of the Tax Reform Act of 1969 (83 Stat. 542).

• • • • •

PAR. 4. Section 1.513–2 is amended by revising paragraph (c) to read as follows:

§ 1.513–2 Definition of unrelated trade or business applicable to taxable years beginning before December 13, 1967.

• • • • •

(c) *Special rules respecting publishing businesses.* For a special rule with respect to publishing businesses carried on by an organization, see section 513(c) of the Code prior to its amendment by section 121(c) of the Tax Reform Act of 1969 (83 Stat. 542).

• • • • •

[FR Doc.75–34148 Filed 12–17–75;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 635–75]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Office of Professional Responsibility

This order establishes within the Department of Justice an Office of Professional Responsibility to be headed by a Counsel on Professional Responsibility. The Counsel's function will be to ensure that Departmental employees continue to perform their duties in accord with the professional standards expected of the Nation's principal law enforcement agency. To this end, the Office of Professional Responsibility will serve as a special review and advisory body, reporting directly to the Attorney General or, in appropriate cases, to the Deputy Attorney General or the Solicitor General.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

§ 0.1 [Amended]

1. Section 0.1 of Subpart A is amended by deleting "Office of Special Review" and by substituting in its place "Office of Professional Responsibility."

2. The existing Subpart G–2 is deleted and the following new Subpart G–2 is inserted in its place:

Subpart G–2—Office of Professional Responsibility

§ 0.39 Organization.

The Office of Professional Responsibility shall be headed by a Counsel, appointed by the Attorney General. The Counsel shall be subject to the general supervision and direction of the Attorney General or, whenever appropriate, of the Deputy Attorney General or the Solicitor General.

§ 0.39a Functions.

The Counsel on Professional Responsibility shall:

(a) Receive and review any information or allegation presented to him concerning conduct by a Department employee that may be in violation of law, of Department regulations or orders, or of applicable standards of conduct. However, this provision does not preempt the primary responsibility of internal inspection units of the Department to receive such information or allegations and to conduct investigations.

(b) Make such preliminary inquiry as may be necessary to determine whether the matter should be referred to another official within the Department.

(c) Refer any matter that appears to warrant examination in the following manner:

(1) If the matter appears to involve a violation of law, to the head of the investigative agency having jurisdiction to investigate such violations;

(2) If the matter appears not to involve a violation of law, to the head of the office, division, bureau, or board to which the employee is assigned, or to the head of its internal inspection unit;

(3) If referral to the official indicated in paragraph (c) (1) or (2) would be inappropriate, to the Attorney General and the Deputy Attorney General or, if referral to both the Attorney General and the Deputy Attorney General would also be inappropriate, to whichever of them would be proper or to the Solicitor General.

(d) Recommend to the Attorney General, the Deputy Attorney General, or the Solicitor General what further action should be undertaken with regard to any matter referred to such official under paragraph (c)(3), including the assignment of any task force or individual to undertake the action recommended and any special arrangements that appear warranted.

(e) Undertake any investigation of a matter referred under paragraph (c)(3) that may be assigned by the Attorney General, the Deputy Attorney General, or the Solicitor General, or cooperate with any other organization, task force, or individual that may be assigned by such official to undertake the investigation.

(f) Submit to the Attorney General and the Deputy Attorney General or, if submission to both would be inappropriate, to whichever of them would be proper or to the Solicitor General:

(1) An immediate report concerning any matter referred under paragraph (c)(1) or (c)(2) that should be brought to the attention of a higher official;

(2) An immediate report concerning the adequacy of any investigation of a matter referred under paragraph (c), if the Counsel believes that a significant question exists as to the adequacy of such investigation;

(3) A monthly report summarizing all matters referred under paragraph (c) during the preceding month; and

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(4) An annual report, or a semi-annual report if the Counsel determines this to be necessary, reviewing and evaluating the activities of internal inspection units or, where there are no such units, the discharge of comparable duties within the Department.

(g) Submit recommendations to the Attorney General and the Deputy Attorney General on the need for changes in policies or procedures that become evident during the course of his inquiries.

(h) Undertake any other responsibilities assigned by the Attorney General, including duties relating to the improvement of the performance of the Department.

§ 0.39b Relationship to other departmental units.

(a) Primary responsibility for assuring the maintenance of the highest standards of professional responsibility by Department employees shall continue to rest with the heads of the offices, divisions, bureaus, and boards of the Department.

(b) Primary responsibility for investigating an allegation of unprofessional conduct that is lodged against an employee of the Department normally shall continue to rest with the head of the office, division, bureau, or board to which the employee is assigned, or with the head of its internal inspection unit, or, if the conduct appears to constitute a violation of law, with the head of the investigative or prosecutive agency having jurisdiction over the subject matter involved.

(c) The heads of the offices, divisions, bureaus, and boards shall provide information and assistance requested by the Counsel in connection with reviews or investigations conducted by the Counsel or by any other person assigned to conduct reviews or investigations and shall keep the Counsel informed of major investigations that they are conducting.

(d) Employees of the Department may be assigned to the Office of Professional Responsibility on a case-by-case basis to conduct such inquiries as may be warranted. However, no investigative personnel shall be assigned except under the specific direction of the Attorney General or the Deputy Attorney General and, in normal course, with the agreement of the head of the unit to which the investigative personnel are regularly assigned. Personnel assigned to the Office shall work under the direction of the Counsel.

§ 0.39c Committee on Professional Responsibility.

The Committee on Professional Responsibility shall consist of Department officials designated by the Attorney General and shall serve as an advisory body to the Counsel.

Dated: December 8, 1975.

EDWARD H. LEVI,
Attorney General.

[FR Doc.75-34124 Filed 12-17-75;8:45 am]

[Order No. 634-75]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Authorizations With Respect to Personnel and Certain Administrative Matters

This order makes two technical amendments to the Department of Justice organizational regulations.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, Part O of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

1. Section 0.76(g) of Subpart O is revised to read as follows:

§ 0.76 Specific functions.

* * * * *

(g) Settling and authorizing payment of employee claims under the Military and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240-243).

* * * * *

2. Section 0.150 of Subpart X is revised to read as follows:

§ 0.150 Collection of erroneous payments.

The Director of the Federal Bureau of Investigation for the FBI and the Assistant Attorney General for Administration for all other organizational units of the Department are authorized, in accordance with the regulations prescribed by the Attorney General under Section 5514(b) of Title 5, United States Code, to collect indebtedness resulting from erroneous payments to employees.

Dated: December 8, 1975.

EDWARD H. LEVI,
Attorney General.

[FR Doc.75-34125 Filed 12-17-75;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 1—GENERAL PROVISIONS

Safeguarding Personal Information in Veterans Administration Records

On page 51204 of the FEDERAL REGISTER of November 4, 1975, there was published a notice of proposed regulatory development to add paragraphs (h), (i), and (j) to § 1.576, Title 38, Code of Federal Regulations. These paragraphs implement the provisions of section 552a(1), title 5, United States Code insofar as they affect Veterans Administration records stored with General Services Administration, now or in the future.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

No written comments have been received and the proposed regulation is hereby adopted without change and is set forth below.

Effective date. This VA Regulation is effective September 27, 1975, the effective date of section 3, Pub. L. 93-579.

Approved: December 12, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

In § 1.576, paragraphs (h), (i) and (j) are added to read as follows:

§ 1.576 General policies, conditions of disclosure, accounting of certain disclosures, and definitions.

* * * * *

(h) The Veterans Administration will, for the purposes of 5 U.S.C. 552a, consider that it maintains any agency record which it deposits with the Administrator of General Services for storage, processing, and servicing in accordance with section 3103 of title 44, United States Code. Any such record will be considered subject to the provisions of § 1.575 series implementing 5 U.S.C. 552a and any other applicable Veterans Administration regulations. The Administrator of General Services is not authorized to disclose such a record except to the Veterans Administration, or under regulations established by the Veterans Administration which are not inconsistent with 5 U.S.C. 552a.

(i) The Veterans Administration will, for the purposes of 5 U.S.C. 552a, consider that a record is maintained by the National Archives of the United States if it pertains to an identifiable individual and was transferred to the National Archives prior to September 27, 1975, as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government. Such records are not subject to the provisions of 5 U.S.C. 552a except that a statement generally describing such records (modeled after the requirements relating to records subject to subsections (e)(4)(A) through (G) of 5 U.S.C. 552a) will be published in the FEDERAL REGISTER.

(j) The Veterans Administration will also, for the purposes of 5 U.S.C. 552a, consider that a record is maintained by the National Archives of the United States if it pertains to an identifiable individual and is transferred to the National Archives on or after September 27, 1975, as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government. Such records are exempt from the requirements of 5 U.S.C. 552a except subsections (e)(4)(A) through (G) and (e)(9) thereof.

[FR Doc.75-34169 Filed 12-17-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 468-5]

PART 55—ENERGY RELATED AUTHORITY

Miscellaneous Amendments

On April 28, 1975 (40 FR 18438), pursuant to section 119 of the Clean Air Act (42 U.S.C. 1857, et seq., as amended by Pub. L. 91-604, 84 Stat. 1676, and Pub. L. 93-319, 88 Stat. 246), the Administrator promulgated subpart A of Part 55 setting forth requirements for fuel burning sources eligible for compliance date extensions, temporary suspensions, and one year postponements.

To be eligible for a compliance date extension under the Energy Supply and Environmental Coordination Act of 1974 (ESECA), a source must be prohibited from using petroleum products or natural gas by reason of an order which is issued by the Federal Energy Administration (FEA) under section 2(a) of ESECA or it must have begun conversion as defined in § 55.04(b) to the use of coal as its primary energy source during the period beginning on September 15, 1973, and ending on March 15, 1974, and the source must convert to the use of coal as its primary energy source after September 15, 1973. Section 55.01(b) is revised to include the latter requirement for eligibility.

The requirements published in the April 28, 1975, FEDERAL REGISTER as Subpart A of Part 55 did not set forth a definition for the phrase "converts to the use of coal as its primary energy source." Section 55.02(j) is added to define a source which "converts to the use of coal as its primary energy source" as a source which used petroleum products or natural gas to provide more than 50 percent of its heat input for the two year period ending on September 15, 1973, and which actually converts thereafter to the use of coal as its "primary energy source" (as defined at 10 CFR 303.2 of FEA's regulations).

Congress clearly intended that only sources which actually convert to coal should be eligible for compliance date extensions under section 119(c) of the Clean Air Act. For this reason, the Administrator rejected at (40 FR 18438), a proposal to consider as a converted source any historical coal burner which is subject to compliance schedule(s) to convert to natural gas or petroleum products to comply with air pollution requirements and which is ordered by the Administrator of the Federal Energy Administration to continue burning coal under section 2 of ESECA. In such a case there would be no actual conversion. The definition promulgated herein would provide that a source is eligible for a compliance date extension only if an actual conversion is required by an FEA order.

Section 55.04(q) is added to provide that the Administrator may, on his own motion, postpone the submittal of the information required under § 55.04(a) or (b) if he finds that the State in which the source is located has submitted a plan revision to EPA for approval and such plan revision affects the source in question. This will relieve the source from having to commit itself to submitting a compliance schedule for an air pollution requirement which may not be in effect upon approval of the plan revision by EPA.

Section 55.04(a)(1)(i) is revised to delete the phrase "(before July 1, 1975)." This is simply an error since, in some cases, the source will not be able to convert to the burning of coal in compliance with all air pollution requirements until after July 1, 1975.

Section 55.04(e) is revised to provide specifically that the Administrator may set forth enforceable compliance schedules as part of any primary standard condition or regional limitation. This will allow EPA to effectively monitor the source's progress toward compliance with these requirements. Since a compliance date extension will be granted by definition in any case where the regional limitation applies, the compliance schedule for meeting regional limitation requirements should comply with the requirements set forth in § 55.04(a).

Section 55.04(a)(2)(i)(C) is revised to change "installation or process" to "installation of process." Section 55.04(n) is revised to change "(6)" to "(5)". These revisions are necessary to correct typographical or printing errors.

These rulemaking actions are effective on (date of promulgation) without proposal and the 30 day deferral of effectiveness of the promulgation. EPA believes that the changes being made to part 55 are either minor and non-controversial, or required by law, or both. In addition, the FEA coal conversion program is at a crucial stage of implementation, and to hold it up for a further round of public comment on the limited changes made by these regulations would be contrary to the Congressional intent to convert eligible plants rapidly from oil and gas use to coal use.

Accordingly, the Administrator finds that a pre-promulgation public comment period on these regulations would be "impracticable, unnecessary, or contrary to the public interest" within the meaning of 5 U.S.C. § 553(b)(B). Public comment is invited, however, for a period of 30 days following the promulgation of these rules. Interested persons may submit written comments (in duplicate) to the Division of Stationary Source Enforcement (EN-341), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Attention: Mr. Richard D. Wilson, Director. Following the close of the comment period, EPA will publish a response to any substantive comments received, together with any amendments to these regulations which seem justified in the light of those comments.

These regulations are promulgated under the authority of sections 114, 119 and 301 of the Clean Air Act as amended (42 U.S.C. 1857 et seq.).

Dated: December 12, 1975.

JOHN QUARLES,
Acting Administrator.

Part 55 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 55.01 is amended by revising paragraph (b)(1), deleting paragraph (b)(2) and renumbering paragraphs (b)(3) through (b)(5) to (b)(2) through (b)(4). As revised paragraph (b)(1) reads as follows:

§ 55.01 Applicability.

* * * * *

(b) The Administrator shall issue a compliance date extension to any fuel burning stationary source: (1) Which is eligible to apply for a compliance date extension because:

(i) Such source is prohibited from using petroleum products or natural gas by reason of an order which is issued under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 or such source began conversion as defined in § 55.04(b) to the use of coal as its primary energy source during the period beginning on September 15, 1973, and ending on March 15, 1974; and

(ii) Such source, on or after September 15, 1973, converts to the use of coal as its primary energy source;

* * * * *

2. Section 55.02 is amended by adding paragraph (j) as follows:

§ 55.02 Definitions.

* * * * *

(j) "Converts to the use of coal as its primary energy source" means to convert from the use of more than 50 percent heat input from petroleum products or natural gas over the two year period ending on September 15, 1973, to the use of coal as a primary energy source as defined by 10 CFR 303.2.

3. Section 55.04 is amended by deleting the phrase "(before July 1, 1975)" from paragraph (a)(1)(i), changing the phrase "installation or process" to "installation of process" in paragraph (a)(2)(i)(C), changing "(6)" to "(5)" in paragraph (n), revising the first sentence of paragraph (e) and adding a new paragraph (q). The revised first sentence of paragraph (e) and new paragraph (q) read as follows:

§ 55.04 Compliance date extensions.

* * * * *

(e) The Administrator shall set forth any necessary primary standard condition, regional limitation and any interim requirements (including enforceable compliance schedules to meet such requirements) which the Administrator determines are reasonable and practicable as conditions of any plan for compliance. * * *

* * * * *

(q) The Administrator may, on his own motion, postpone the date for submittal of the information required under paragraphs (a) or (b) of this section if the State in which a source required to make such submittal is located has submitted a plan revision under 40 CFR Part 51 to the Administrator for approval, such plan revision is presently being reviewed by the Administrator, and such plan revision would revise an air pollution requirement applicable to such source.

[FR Doc.75-34160 Filed 12-17-75;8:45 am]

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[FRL 470–4]

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to Washington Local Agencies

Pursuant to section 112(d) of the Clean Air Act, as amended, the Regional Administrator of Region X, Environmental Protection Agency (EPA), delegated to the State of Washington Department of Ecology on February 28, 1975, the authority to implement and enforce the program for national emission standards for hazardous air pollutants (NESHAPS). The delegation was announced in the FEDERAL REGISTER on April 1, 1975 (40 FR 14632). On April 25, 1975 (40 FR 18169) the Assistant Administrator for Air and Waste Management promulgated a change to 40 CFR 61.04, *Address*, to reflect the delegation to the State of Washington.

On September 22 and 23, 1975, the State Department of Ecology requested EPA's concurrence in the State's subdelegation of the NESHAPS program to four local air pollution control agencies. After reviewing the State's request, the Regional Administrator determined that the sub-delegations meet all the requirements outlined in EPA's delegation of February 28, 1975. Therefore, the Regional Administrator on October 15, 1975, concurred in the sub-delegations to the four local agencies listed below with the stipulation that all the conditions placed on the original delegation to the State shall also apply to the sub-delegations to the local agencies. EPA is today amending 40 CFR 61.04 to reflect the State's sub-delegations.

The amended § 61.04 provides that all reports, requests, applications, submittals and communications required pursuant to Part 61 which were previously to be sent to the Director of the State of Washington Department of Ecology (DOE) will now be sent to the Puget Sound Air Pollution Control Agency (PSAPCA), the Northwest Air Pollution Authority (NWAPA), the Spokane County Air Pollution Authority (SCAPA) or the Yakima County Clean Air Authority (YCCAA), as appropriate. It should be noted that the delegation to the YCCAA applies only to demolition projects containing asbestos. Other source categories located in Yakima County subject to the NESHAPS regulation should continue to address all correspondence to the Department of Ecology. The amended section is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegations which are reflected by this administrative amendment were effective on September 22 to the YCCAA and September 23 to the other three agencies, and it serves no useful purpose to delay the technical change of the addition of the local agency addresses to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of section 112 of the Clean Air Act, as amended. 42 U.S.C. 1857c–7.

Dated: December 15, 1975.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 61.04, paragraph (b)(WW) is revised to read as follows:

§ 61.04 Address.

• • • • • •

(b) • • •

(WW)(i) Washington; State of Washington, Department of Ecology, Olympia, Washington 98504.

(ii) Northwest Air Pollution Authority, 207 Pioneer Building, Second and Pine Streets, Mount Vernon, Washington 98273.

(iii) Puget Sound Air Pollution Control Agency, 410 West Harrison Street, Seattle, Washington 98119.

(iv) Spokane County Air Pollution Control Authority, North 811 Jefferson, Spokane, Washington 99201.

(v) Yakima County Clean Air Authority, County Courthouse, Yakima, Washington 98901.

• • • • • •

[FR Doc.75-34161 Filed 12-17-75;8:45 am]

[FRL 463-2]

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES; CERTIFICATION AND TEST PROCEDURES

Labeling and Importation of Catalyst Equipped Vehicles

On June 30, 1975 the Environmental Protection Agency's regulations with respect to the importation of catalyst-equipped motor vehicles were published in the FEDERAL REGISTER (40 FR 27448). A petition for reconsideration of the promulgated regulations was subsequently received by the Environmental Protection Agency (EPA) from General Motors (GM) in a letter dated August 13, 1975. In light of the comments made by GM in its petition and the need for a number of technical amendments, the Agency has elected to amend the regulations to incorporate certain changes.

The regulations promulgated June 30, 1975, deny importation, except as a bonded entry, to all motor vehicles certified with catalysts which are driven outside the United States, Canada and Mexico unless the vehicles are part of an internal control program (hereafter, catalyst control program) operated by a vehicle manufacturer, the Department of State, or the Department of Defense and approved by the Administrator. The basis for such action was that unleaded gasoline would not be generally available for use overseas and continued use of leaded gasoline would permanently impair the conversion efficiency of the catalyst. Under these conditions, the catalyst-equipped vehicle would be almost certain to exceed applicable Clean Air Act standards. The regulations included provisions which require the use of either a joint DOT/EPA or EPA doorpost label to identify catalyst-equipped vehicles in order to differentiate between those vehicles which require a bond as a condition for admission from those admissible without a bond.

In its petition, GM (1) states that the regulations are not cost-effective and therefore should be withdrawn, (2) submits several labeling alternatives (some of which were similar to prior GM submittals in response to the Notice of Proposed Rulemaking) and requests that one of these be used in lieu of the present regulatory alternatives, (3) states that an inflationary impact statement should have been issued by EPA in accordance with the President's Executive Order 11821, dated November 27, 1974, and (4) requests reconsideration of the regulations because it considers the regulations unrealistic in the type of control they envision automobile manufacturers have over individual importers.

Comments (1) and (4) of the GM petition have already been considered and rejected by the Agency in the Rulemaking process leading to the June 30, 1975 regulations. GM did not submit any new information or arguments in these areas. Comment (3) was rejected because these regulations did not fall under the purview of Executive Order 11821 in that this was not a major proposal for legislation, regulations or rules. In regard to comment (2), four additional labeling options were considered, one of which is recommended as an acceptable alternative for incorporation into the regulations.

The present regulations provide that either (1) a new label can be added to the driver's doorpost where it can be more easily seen by Customs inspectors or (2) the necessary information can be placed on the DOT label already on the doorpost. The new option will permit manufacturers to add the necessary catalyst information to the certification label under the hood. These options enable manufacturers to have maximum labeling flexibility while ameliorating any potential lead-time problems.

In addition, certain technical changes are included in these amendments to correct inadvertent omissions in the June 30, 1975 FEDERAL REGISTER publication of the final regulations. The omissions pertaining to the 1976 model year consisted of deletions in the certification and labeling sections caused by incorrect numbering of certain paragraphs and typographical deletions. There were also inadvertent omissions from the recodification of the 1977 model year certification regulations published in the June 30, 1975 FEDERAL REGISTER. It was the Agency's intent that the certification and labeling regulations have general applicability for future model years, and therefore, the Agency is reinserting the omitted sections into the regulations.

The Agency finds it is in the public interest and that good cause exists for making these regulations effective December 18, 1975, and without receiving public comment since: (1) the technical amendments only correct inadvertent omissions in the FEDERAL REGISTER and, (2) none of the substantive changes in any way invalidate labeling procedures currently used by manufacturers as prescribed by regulation for the 1976 model year. Rather the changes provide additional labeling flexibility with no additional burden placed on either the public or the regulated industry.

These amendments are issued under the authority of sections 203, 206(a), and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f–1, 1857–5, 1857g(a)).

Dated: December 12, 1975.

JOHN QUARLES,
Acting Administrator.

Parts 85 and 86 of Chapter I, Title 40 of the Code of Federal Regulations are amended as follows:

1. In section 85.076–30, paragraph (a)(3) is redesignated paragraph (a)(4), a new paragraph (a)(3) is added; and paragraph (b)(2) is revised as set forth below:

§ 85.076–30 Certification.

(a) • • •

(3) One such certificate will be issued for each engine family and will certify compliance with no more than one set of applicable standards.

(4) Certificates issued for vehicles certified with catalytic converters shall be subject to the following term in addition to the terms in paragraph (a)(2) of this section: "Catalyst-equipped vehicles, otherwise covered by this certificate, which are driven outside the United States, Canada, and Mexico will be presumed to have been operated on leaded gasoline resulting in deactivation of the catalysts. If these vehicles are imported or offered for importation without retrofit of the catalyst, they will be considered not to be within the coverage of this certificate unless included in a catalyst control program operated by a manufacturer or a United States Government Agency and approved by the Administrator." Certificates for the 1976 model year which have been issued before the effective date of this subparagraph shall be subject to this term.

• • • • • •

(b) • • •

(2) The Administrator will proceed as in paragraph (a) of this section with respect to the vehicles belonging to an engine family all of which comply with one set of applicable standards.

• • • • • •

2. In section 85.076–35, paragraphs (a)(4)(v) and (c) are revised as follows:

§ 85.076–35 Labeling.

(a) • • •

(4) • • •

(v) The statement: "This Vehicle Conforms to U.S. E.P.A. Regulations Applicable to 1976 Model Year New Motor Vehicles" or "This Vehicle Conforms to U.S. E.P.A. Regulations Applicable to 1976 Model Year New Motor Vehicles, with the exception of the carbon monoxide standard for California," whichever is applicable.

• • • • • •

(c)(1) The manufacturer of any light duty motor vehicle subject to the standards prescribed in § 85.076–1 shall, in addition and subsequent to setting forth those statements on the label required by the Department of Transportation (DOT) pursuant to 49 CFR 567.4, set forth on the DOT label or on an additional label located in proximity to the DOT label and affixed as described in 49 CFR 567.4(b) the following information in the English language, lettered in block letters and numerals not less than three thirty-seconds of an inch high, of a color that contrasts with the background of the label: (i) The Heading: "Vehicle Emission Control Information"; (ii) The Statement: "This vehicle conforms to U.S. E.P.A. Regulations Applicable to 1976 Model Year New Motor Vehicles"; (iii) One of the following statements, as applicable, in letters and numerals not less than six thirty-seconds of an inch high and of a color that contrasts with the background of the label:

(A) For all vehicles certified as non-catalyst-equipped: "NON-CATALYST"

(B) For all vehicles certified as catalyst-equipped which are included in a manufacturer's catalyst control program for which approval has been given by the Administrator: "CATALYST—APPROVED FOR IMPORT"

(C) For all vehicles certified as catalyst-equipped which are not included in a manufacturer's catalyst control program for which prior approval has been given by the Administrator: "CATALYST"

(2) In lieu of selecting either of the labeling options of paragraph (c)(1) of this section, the manufacturer may add the information required by paragraph (c)(1)(iii) of this section to the label required by paragraph (a) of this section. The required information will be set forth in the manner prescribed by paragraph (c)(1)(iii).

3. In section 86.077–30, a new paragraph (a)(7) is added, and reads as follows:

§ 86.077–30 Certification.

(a) • • •

(7) Certificates issued for light duty vehicles or light duty trucks certified with catalytic converters shall be subject to the following term in addition to the term in paragraph (a)(2) of this section: "Catalyst-equipped vehicles, otherwise covered by this certificate, which are driven outside the United States, Canada, and Mexico will be presumed to have been operated on leaded gasoline resulting in deactivation of the catalysts. If these vehicles are imported or offered for importation without retrofit of the catalyst, they will be considered not to be within the coverage of this certificate unless included in a catalyst control program operated by a manufacturer or a United States Government Agency and approved by the Administrator."

• • • • • •

4. In section 86.077–35, paragraph (c) is added and reads as follows:

§ 86.077–35 Labeling.

• • • • • •

(c)(1) The manufacturer of any light duty vehicle or light duty truck subject to the standards prescribed in § 86.077–8 or § 86.077–9 shall, in addition and subsequent to setting forth those statements on the label required by the Department of Transportation (DOT) pursuant to 49 CFR 567.4, set forth on the DOT label or on an additional label located in proximity to the DOT label and affixed as described in 49 CFR 567.4(b) the following information in the English language, lettered in block letters and numerals not less than three thirty-seconds of an inch high, of a color that contrasts with the background of the label:

(i) The Heading: "Vehicle Emission Control Information"

(ii) The Statement: "This Vehicle Conforms to U.S. EPA Regulations Applicable to 1977 Model Year New Motor Vehicles"

(iii) One of the following statements, as applicable, in letters and numerals not less than six thirty-seconds of an inch high and of a color that contrasts with the background of the label:

(A) For all vehicles certified as non-catalyst-equipped: "NON-CATALYST"

(B) For all vehicles certified as catalyst-equipped which are included in a manufacturer's catalyst control program for which approval has been given by the Administrator: "CATALYST—APPROVED FOR IMPORT"

(C) For all vehicles certified as catalyst-equipped which are not included in a manufacturer's catalyst control program for which prior approval has been given by the Administrator: "CATALYST"

(2) In lieu of selecting either of the labeling options of paragraph (c)(1) of this section, the manufacturer may add the information required by paragraph (c)(1)(iii) of this section to the label required by paragraph (a) of this section. The required information will be set forth in the manner prescribed by paragraph (c)(1)(iii).

[FR Doc.75-34162 Filed 12-17-75;8:45 am]

[FRL 469-7; PP5F1536/R71]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Glyphosate

On September 23, 1974, the Environmental Protection Agency (EPA) announced (39 FR 34098) that Monsanto Co., 800 N. Lindbergh Blvd., St. Louis MO 63116, had filed a pesticide petition (PP 5F1536). This petition proposed that 40 CFR 180 be amended by the establishment of tolerances for negligible residues of the herbicide glyphosate (*N*-(phos-

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phonomethyl)-glycine) and its metabolite aminomethylphosphonic acid in or on the following raw agricultural commodities:

Commodity:	Parts per million
Grain crops	0.1 (N)
Grasses, forage	.2 (N)
Soybeans	.2 (N)
Soybeans, forage	.4
Soybeans, hay	.4

Forage grasses at 0.2 part per million (ppm)
Soybean forage and hay at 0.2 ppm.
Grain crops at 0.1 ppm.
Soybeans at 0.1 ppm.

Monsanto Co. subsequently amended the petition by: (1) increasing the proposed tolerance for residues in soybean forage and soybean hay from 0.2 to 0.4 ppm; and (2) increasing the proposed tolerance for negligible residues in soybeans from 0.1 to 0.2 ppm.

The data submitted in the petition and other relevant material have been evaluated, and the herbicide is considered to be useful for the purpose for which the tolerances are sought. There is no reasonable expectation of residues in eggs, meat, milk, or poultry as delineated in 40 CFR 180.6(a)(3). The tolerances established by amending 40 CFR 180 will protect the public health, and it has been concluded, therefore, that the tolerances should be established as set forth below.

Any person adversely affected by this regulation may, on or before January 19, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective December 18, 1975, Part 180, Subpart C, is amended by adding the new § 180.364 as set forth below.

Dated: December 11, 1975.

JOHN B. RITCH, Jr.,
Acting Deputy Assistant Administrator for Pesticide Programs.

Section 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)).

Part 180, Subpart C, is amended by adding the new § 180.364 which establishes the following tolerances for combined residues of the herbicide glyphosate and its metabolite aminomethylphosphonic acid in or on raw agricultural commodities:

1. Soybean forage and hay at 0.4 part per million (ppm).

2. Forage grasses and soybeans at 0.2 ppm negligible residues (N).

3. Grain crops at 0.1 ppm (N).

§ 180.364 Glyphosate; tolerances for residues.

Tolerances are established for combined residues of the herbicide glyphosate (*N*-(phosphonomethyl) glycine) and its metabolite aminomethylphosphonic acide in or on the following raw agricultural commodities:

Commodity:	Parts per million
Grain crops	0.1 (N)
Grasses, forage	.2 (N)
Soybeans	.2 (N)
Soybeans, forage	.4
Soybeans, hay	.4

[FR Doc.75-34019 Filed 12-17-75;8:45 am]

[FRL 468-6; PP5F1621/R70]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Fluchloralin

On May 8, 1975, the Environmental Protection Agency (EPA) announced (40 FR 20129) that BASF Wyandotte Corp., 100 Cherry Hill Rd., PO Box 181, Parsippany NJ 07054, had filed a pesticide petition (PP5F1621). This petition proposed that 40 CFR 180 be amended by the establishment of a tolerance for negligible residues of the herbicide fluchloralin (*N* - (2-chloroethyl)-α,α,α-trifluoro-2,6-dinitro-*N*-propyl-*p*-toluidine), in or on the raw agricultural commodities cottonseed and soybeans at 0.05 part per million (ppm).

Temporary tolerances have been established previously for residues of fluchloralin on cottonseed and soybeans in connection with an experimental use permit issued to BASF Wyandotte. On February 26, 1974, the EPA gave notice (39 FR 7483) that BASF Wyandotte had been granted a temporary tolerance for negligible residues of the herbicide in or on cottonseed at 0.05 ppm. This temporary tolerance was subsequently extended for one year on March 21, 1975 (40 FR 12842) and will expire March 17, 1976. On February 10, 1975 (40 FR 6227), a temporary tolerance was established for negligible residues of fluchloralin in or on the raw agricultural commodity soybeans at 0.05 ppm which will expire February 4, 1976.

The data submitted in the petition and other relevant material have been evaluated, and the herbicide is considered to be useful for the purpose for which the tolerance is sought. There is no reasonable expectation of residues in eggs, meat, milk, or poultry as delineated in 40 CFR 180.6(a)(3). The tolerance established by amending 40 CFR 180 will protect the public health, and it has been concluded, therefore, that the tolerance should be established as set forth below.

Any person adversely affected by this regulation may, on or before January 19, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on December 18, 1975, Part 180, Subpart C, is amended by adding the new § 180.363 set forth below.

Dated: December 9, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

(Sec. 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)).)

Part 180, Subpart C, is amended by adding the new § 180.363 which establishes a tolerance of 0.05 part per million for negligible residues of the herbicide fluchloralin in or on the raw agricultural commodities cottonseed and soybeans, as follows:

§ 180.363 Fluchloralin; tolerances for residues.

Tolerances are established for negligible residues (N) of the herbicide fluchloralin (*N* - (2 - chloroethyl) - α,α,α - trifludro - 2,6 - dinitro - *N* - propyl - p-toluidine) in or on the following raw agricultural commodities:

Commodity	Parts per million
Cotton, seed	0.05 (N)
Soybeans	0.05 (N)

[FR Doc.75-34127 Filed 12-17-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[PUBLIC LAND ORDER 5560; (OR-1943)]

OREGON

Withdrawal of Lands for Construction of Forest Development Road; Partial Revocation of Public Land Order No. 4392

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights and to the provisions of existing withdrawals, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws, nor the disposal of materials under the Act of July 31, 1947, as amended, 30 U.S.C. 601-604 (1970), and reserved for use of the Department of Agriculture for the construction of a forest development road and for the granting of easements for road rights-of-way as authorized by section 2 of the Act of October 13, 1964, 16 U.S.C. 532, 533 (1970):

WILLAMETTE MERIDIAN

CRESCENT CREEK ROAD

T. 24 S., R. 9 E.,
Sec. 4, SW¼NE¼ and SE¼NW¼.

A strip of land 66 feet in width, being 33 feet on each side of the centerline of Crescent Creek Road No. 2320 in and through the above subdivisions, beginning at about station 14+00 and ending at about 28+00 as shown on map filed by the Forest Service with the Bureau of Land Management, October 25, 1974. Containing 2.1 acres more or less in Klamath County.

2. Public Land Order No. 4392 of April 1, 1968, withdrawing lands for road purposes is hereby revoked so far as it affects the following described lands as shown on a map filed by the Forest Service on June 27, 1967:

WILLAMETTE MERIDIAN

CRESCENT CREEK ROAD

T. 24 S., R. 9 E.,
Sec. 4, SW¼NE¼ and SE¼NW¼.

A strip of land 66 feet in width, being 33 feet on each side of the centerline of that segment of Crescent Creek Road in the above subdivisions, being relocated in land described in paragraph 1, and shown on map referred to in paragraph 1. Containing 2.5 acres more or less in Klamath County.

3. The purpose of this order is to allow for the realignment and relocation of a segment of a forest development road and for the replacement of an unsafe road bridge located on the lands described in paragraph 2 of this order.

4. The withdrawal made by this order shall not preclude entries, dispositions, or leases under applicable public land laws, of any legal subdivision traversed by any forest development road constructed on any lands withdrawn by this order: Provided, that any such entry, disposition, or lease shall be subject to this order and to any road right-of-way easement over the lands issued by the Department of Agriculture.

JACK O. HORTON,
Assistant Secretary of the Interior.

DECEMBER 11, 1975.

[FR Doc.75-34117 Filed 12-17-75;8:45 am]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

CSA Policy Re Grants Funded Under Title X of the Public Works and Economic Development Act of 1965

On November 10, 1975 CSA published its rules on funding grants under Title X of the Public Works and Economic Development Act of 1965. The purpose of this filing is to correct an omission in the list of agencies/organizations whose projects were selected for funding and to delete two agencies from that list. The two agencies are to be deleted from Appendix A to subparts 1061.40-1-1061.40-9 because their projects are to be funded by another Federal agency and one agency is being added since it was inadvertently not included in Appendix A although funds have been reserved by Commerce for two of its projects. As a result of these actions, the Title X funds to be transferred to the Community Services Administration by the Department of Commerce will now total $63.9 million rather than the previously announced $64.6 million.

The provisions of this subpart issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Effective: December 18, 1975.

BERT A. GALLEGOS,
Director.

In § 1061.40-1-§ 1061.40-9, Appendix A is amended as follows:

Delete: Passamaquoddy Indian Tribal Council, Pleasant Point, Perry, Maine 04667.

(a) Pleasant Point landscaping and shore reclamation	$283,992

Delete: Toledo Economic Planning Association, 1810 Madison Ave., Toledo, Ohio.

(a) Energy conservation through winterization	440,000

Add: Choanoke Area Development Association, Main and 3d Sts., Murfreesboro, N.C. 27855.

(a) Low-income housing	166,527
(b) Transportation	88,884

[FR Doc.75-34140 Filed 12-17-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Valentine National Wildlife Refuge

The following special regulation is issued and is effective on December 18, 1975.

§ 33.5 Special regulations; sport fishing for individual refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Valentine National Wildlife Refuge, Nebraska is permitted only on the areas designated by signs as open to fishing. These open areas comprising 2,457 acres of water on the refuge, are delineated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish & Wildlife Service, P.O. Box 250, Pierre, South Dakota 57501.

Sport fishing shall be in accordance with all applicable State regulations subject to the following special regulations:

(1) The open season for sport fishing on the refuge during daylight hours only, will be from January 1, 1976 through December 31, 1976.

(2) Hook and line, bow and arrow, and hand spear fishing only are permitted.

(3) Boats with or without electric-type outboard motors are permitted on lakes open to sport fishing in accordance with State boating regulations. Internal combustion type motors are prohibited.

(4) The use or possession of live minnows or fish for bait or the possession of any seine or net for capturing live minnows is prohibited. Dead minnows or parts thereof, may be used as bait.

The provisions of this special regulation supplement the regulations which govern sport fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

ROBERT M. ELLIS,
Refuge Manager, Fort Niobrara-Valentine Complex, Valentine, Nebraska.

NOVEMBER 25, 1975.

[FR Doc.75-34118 Filed 12-17-75;8:45 am]

Title 7—Agriculture

CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

PART 631—GREAT PLAINS CONSERVATION PROGRAM

Correction

In FR Doc. 75-31088, published at page 53370 in the issue dated Tuesday, November 18, 1975, the following changes should be made:

1. In table of sections, in § 631.17, first line following "payments", delete "be-". In second line preceding "between", delete "ments".

2. In paragraph (b)(2) of § 631.25, fifth line from bottom of paragraph, delete "produced" and insert "producer".

3. In paragraph (e)(1) of § 631.25, seventh line, delete "or grants".

(Catalog of Federal Domestic Assistance Program No. 10.900 National Archives Reference Services.)

DECEMBER 9, 1975.

EDWARD E. THOMAS,
Acting Administrator.

[FR Doc.75-34112 Filed 12-17-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Regulation 358]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Dec. 19-25, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

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§ 907.658 is added as set forth below:

§ 907.658 Navel Orange Regulation 358.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges continues to be excellent with demand exceeding available supplies, which are limited largely because of maturity and weather. Prices f.o.b. averaged $4.25 a carton on a reported sales volume of 995 carlots last week, compared with an average f.o.b. price of $4.44 per carton and sales of 996 carlots a week earlier. Track and rolling supplies at 472 cars were up 56 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 16, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period December 19, 1975, through December 25, 1975, are hereby fixed as follows:

(i) District 1: 705,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 45,000 cartons."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended: 7 U.S.C. 601–674)

Dated:

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-34347 Filed 12-17-75;11:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Expenses and Rate of Assessment

This document authorizes expenses of $30,500 of the Interior Grapefruit Marketing Committee, under Marketing Order No. 913, for the 1975–76 fiscal period and fixes a rate of assessment of $0.005 per standard packed box of grapefruit handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses.

On November 21, 1975, notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 54252) regarding proposed expenses and the related rate of assessment for the period August 1, 1975, through July 31, 1976, pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice provided that all written data, views, or arguments in connection with said proposals be submitted by December 10, 1975. None were received. After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Interior Grapefruit Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 913.211 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Interior Grapefruit Marketing Committee during the period August 1, 1975, through July 31, 1976, will amount to $30,500.

(b) *Rate of Assessment.* The rate of assessment for said period, payable by each handler in accordance with § 913.31, is fixed at $0.005 per standard packed box of grapefruit.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of grapefruit are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable grapefruit handled during the aforesaid period, and (3) such period began on August 1, 1975, and said rate of assessment will automatically apply to all such grapefruit bginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 15, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-34146 Filed 12-17-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 50]

NATIONAL CAPITAL PARKS REGULATIONS

Demonstrations and Special Events; Permit Requirements

By court direction, the Secretary of the Interior must now undertake to revise what has heretofore been designated as the "public gathering" permit regulations appearing in section 50.19 of the Code of Federal Regulations, Title 36, Part 50. Part 50 contains the regulations specifically applicable to park areas administered by National Capital Parks, National Park Service, in the District of Columbia and its environs. The Secretary now has under consideration the proposed complete revision, set forth below, of the provisions of 36 CFR 50.19. That proposed regulation constitutes the park-use permit system governing "demonstrations" and "special events" (as defined in the proposed regulation) sought to be concluded in National Capital Parks areas.

National Capital Parks park-use permit regulation, 36 CFR 50.19, has been the subject of extensive litigation in *A Quaker Action Group* v. *Morton*. The United States Court of Appeals for the District of Columbia Circuit entered the final decision in that case (in Appeal Nos. 73–2061 and 73–2190) on January 24, 1975 amended June 25, 1975. See 516 F. 2d 717 (1975). Pursuant to that final decision of the Court of Appeals, the United States District Court for the District of Columbia entered its order on mandate implementing the Court of Appeals decision, *A Quaker Action Group* v. *Kleppe*, Civ. No. 688–69 (D.D.C. Nov. 21, 1975). This order on mandate specifically requires that the Secretary amend the provisions of 36 CFR 50.19 in certain respects and provides a time framework for the Secretary's rulemaking proceedings. The present rulemaking proceedings are designed to carry out the Secretary's responsibilities under the District Court order on mandate.

Because this order on mandate is the essential basis for the present proposed revision of the park-use permit system, the relevant portions of that order are set out as follows:

Ordered: 1. That the 100/500 limitations on demonstrations on the sidewalk in front of the White House and in Lafayette Park contained in the August, 1967, memorandum of T. Sutton Jett and subsequently incorporated in the revised Regulations of the Department of the Interior are invalid and void as an unconstitutional infringement of the plaintiffs' rights to freedom of speech and to assemble peacefully and petition that Government for a redress of grievances.

2. That any limitation of less than 750/3000 on demonstrations on the sidewalk in front of the White House and in Lafayette Park is invalid and void as an unconstitutional infringement of plaintiffs' rights to freedom of speech and to assemble peaceably and petition the Government for a redress of grievances.

a. The Defendant Secretary of the Interior shall issue an amendment to the provisions of 36 CFR § 50.19 which shall provide for minimum limitations equal to or greater than 750/3000 on demonstrations on the sidewalk in front of the White House and in Lafayette Park respectively, and which shall supersede the Secretary's Notice published on September 6, 1973 at 38 F.R. 24218.

b. Such amendment shall make provision for a waiver procedure under which the minimum limitation applicable to Lafayette Park may be waived by the Secretary under appropriate standards, including a requirement that applicants make an adequate showing that their proposed demonstration had been planned and would be patrolled in such fashion as to render unlikely any substantial risk to the occupants or officers of the White House or adjoining office buildings. Provision may also be made therein of a requirement that applicants furnish more information for waiver requests than they must for ordinary permit applications, including information as to the capability of the sponsors to establish crowd control techniques and to supply emergency aid and facilities.

c. Once such a waiver procedure is established for Lafayette Park, as required by (b) above, and the Secretary's experience thereunder over a reasonable period of time indicates the practicability thereof, the Secretary shall by further amendment to 36 CFR § 50.19 consider the extension of a like waiver to the minimum limitation applicable to the White House sidewalk.

d. Pending the amendments to 36 CFR § 50.19 as provided in this Order, there shall be effective a limitation of 750/3000 on demonstrations on the sidewalk in front of the White House and in Lafayette Park respectively, unless the limitation shall be waived by the Secretary for good cause shown, and during this period if application is made for waiver and refused by the Secretary, the applicant may apply to this Court in this cause for a waiver.

3. That the permit requirement of 36 CFR § 50.19 does not confer impermissibly broad discretion on government officials to grant or deny permits in violation of First Amendment rights except as set forth in this paragraph and in paragraphs 1 and 2 of this Order. In order that the permit system of 36 CFR § 50.19 falls within limits imposed by the First Amendment, the Secretary shall, after appropriate rule-making proceedings, issue amendments to 35 CFR § 50.19 in accordance with this Order.

a. Such amendments shall define the activities subject to the permit requirement in terms which will ensure that the regulation does not impermissibly discriminate against First Amendment activities. Any distinctions upon which such definition is based must turn on security criteria rather than on free speech criteria.

b. Such amendments shall provide specific implementing standards for denial or withdrawal of an individual permit and shall provide for principled consideration under such standards by an official of responsible rank and function.

c. Such amendments shall remove the exemption from the permit requirement of "NPS events," and, if the Secretary determines to retain the designation "NPS events," shall prescribe express standards governing the grant or denial of such designations. Similar designations of events to receive preferential treatment under the permit system shall also be the subject of express standards and procedures as to grant or denial of such designations.

d. Such amendments shall provide that an application for a permit is to be deemed granted unless within 24 hours after submission a written statement of reasons for denial is furnished. The requirement that applications be submitted at least 48 hours in advance of public gatherings is valid.

e. The *per se* ban on continuous public gatherings lasting beyond 24 hours or beyond 7 consecutive days is illegal and void. However, the Secretary may require, and amendments to 36 CFR § 50.19 may provide, that any permit for a period beyond a specified duration is subject to displacement if other applicants seek a permit which does not admit of double occupancy.

f. The restrictions on rush hour public gatherings are valid.

g. The ban on the use of sound amplification system on the White House sidewalk is valid.

h. The requirement of marshals for simultaneous public gatherings in Lafayette Park and the White House sidewalk is valid.

4. That, in taking the actions directed by paragraphs 2 and 3 of this Order, the defendants shall consider those alternatives less restrictive of public gatherings suggested by the Court of Appeals, including a notice system instead of a permit system, the exemption of smaller gatherings from any requirements, waiver of rush hour provisions, and the strengthening of the White House fence

* * * * * *

A Quaker Action Group v. *Kleppe*, Civ. No. 688–69 (D.D.C., Nov. 21, 1975) *.* *.

In complying with the provisions of the above quoted court order on mandate, the Secretary has given due reflective consideration to the legitimate park value and the security concerns operative in the National Capital Parks areas. In this connection, attention is invited to the Secretary's "Prefatory Statement" which accompanied publication of the earlier 36 CFR 50.19 revision in proposed form on July 17, 1970 (35 FR 11485, et seq.). The Secretary's pertinent policy judgments and discussion with regard to park value and security concerns as contained therein are incorporated here by reference. The present proposed regulation set forth below is intended to comply with the requirements of the court order on mandate, accommodating the speech-related and associational interests involved, while yet protecting the legitimate park value and security concerns discussed in the Secretary's "Prefatory Statement" of July 17, 1970.

V 40244 DEC 18 75 XUM

The present proposed revision to 36 CFR 50.19 retains the park use permit system. It undertakes with more precision to define the speech-related, associational and recreational activities which are subject to the permit requirement under the regulation. Those activities requiring a permit are classified into two categories: one is termed "demonstrations" and the other "special events". The essential characteristic of both is that those activities have an effect, intent or propensity to draw a crowd of onlookers. By specifying this essential characteristic, the proposed regulation means to encompass by the permit requirements solely those forms of conduct which either by their purpose or nature are likely to draw persons into an area in greater numbers than ordinarily occur when casual use is made by park visitors or tourists in the particular park area.

This essential characteristic of the use of park areas for speech-related, associational, or recreational purposes affects the Park Service's planning and ability to maintain an effective level of protection in the particular park area. The proposed permit provisions set forth below are calculated to allow the Park Service sufficient notice and control over such speech-related, associational or recreational use of park areas, so as to insure that proper security precautions and augmentation of forces may be undertaken to meet contingencies as required by the circumstances. It is considered that this fully conforms to the court mandate that the Secretary's permit requirement distinctions turn on security rather than free-speech criteria.

The present proposed regulation, in distinguishing between "demonstrations" and "special events", seeks to achieve a better accommodation of speech-related (and connected associational) activities than is considered desirable for other associational activities. The term "demonstrations" encompasses activities which have as their primary purpose the communication or expression of views or grievances. The term "special events" is defined so as to encompass all other associational activities within the reach of the regulation, e.g. recreational (including entertainment) activities that have the indicated effect, intent or propensity to draw onlookers. The proposed regulation extends preferred treatment to speech-related (and connected associational) activities in a number of respects.

However, no distinction is made between demonstrations and special events, insofar as priority of access to park areas is concerned. Use of park land is on a first-come, first-served basis. The use of a particular park area will be granted in order of receipt of fully executed permit application forms. Also, there are certain annually recurring "national celebration" events which are listed in section (d)(1) of the proposed regulation. These special events are given use of the specific park sites for the dates listed. This priority of use is based strictly on the first-come, first-served basis. It is noted that these annually recurrent events are planned and budgeted for the same park areas and times year after year. This is considered to be in accord with the Court of Appeals expressed views. See 516 F. 2d at 729.

Demonstrations are otherwise given preferred treatment over special events in the following respects: Demonstrations are permitted in Lafayette Park and on the White House sidewalk, whereas special events are not. Demonstrations are permitted to continue in duration beyond a specified time period, unless another application seeks use of the area which does not admit of double occupancy. Special events are not permitted to continue beyond the specified period even though no other applicant has requested use of the area. Demonstration permit applications are deemed granted unless denied within 24 hours of receipt. But special events applications require that written permits be granted or denied within a reasonable time. Also, special events will not be permitted if the criteria outlined in section (e)(6) of the proposed regulation are not met. Those criteria are designed to reduce the total number of special events occurring on park lands so as to minimize the impact on park respurces and to assure that the proposed programs are not inconsistent with the purposes for which the park is established, can be permitted consistent with a reasonable allocation of the park budgetary resources, and are not duplicative of other events offered in the park or other nearby areas. No such requirements are imposed on demonstration activities.

It is considered that the preferential treatment accorded speech-related (and connected associational) activities, and the elimination of "NPS events" (thereby requiring permits for all activities subject to the regulation, including those presented by the National Park Service) meet the requirement of paragraph 3c of the District Court order on mandate.

With regard to Lafayette Park and the White House sidewalk, the proposed regulation adopts the limitation of 750 persons for the White House sidewalk and 3,000 persons for Lafayette Park. The 3,000 person limitation for Lafayette Park may be waived upon an adequate showing by the applicant that the proposed demonstration will be patrolled in such a fashion as to render unlikely any substantial risk to the occupants or officers of the White House or adjoining office buildings. In this connection the applicant seeking the waiver must provide certain information with regard to the number of demonstration marshals to be furnished, their training and experience, emergency crowd control techniques to be utilized and the type and amount of emergency aid and facilities to be furnished. The District Court order provides that upon implementation of the waiver procedure for Lafayette Park, if the practicality thereof is indicated by experience over a reasonable period of time, the Secretary must consider further amendment of 36 CFR 50.19, so as to extend the waiver provision to demonstrations on the White House sidewalk. This will be considered by the Secretary in further rulemaking proceedings at a later time.

The proposed regulation also provides express standards for the denial or revocation of permits as required by paragraph 3b of the District Court order. It allows denial of a demonstration or special event permit by the Director or his authorized delegate if the area requested has been or will be committed to another group; the activity will present a clear and present danger to the public safety, good order, or health; the activity proposed cannot reasonably be accommodated in the area requested (in which case an alternative area will be proposed); or the application proposes activities contrary to applicable laws or regulations. The regulation requires (section f) that revocation of a demonstration permit in advance of the conduct of the demonstration be personally approved by the Director, National Capital Parks, or in his absence or unavailability, by an authorized delegate of responsible rank and function. It further provides that such revocation must be based upon the standards contained in subsection (d). The regulation provides for revocation of a demonstration permit during the course of the demonstration by the ranking U.S. Park Police supervisory official in charge if continuation of the demonstration presents a clear and present danger to public safety, good order, or health, or for any violations of applicable law or regulation. Permits for special events are revocable at any time in the reasonable discretion of the Director or his delegate.

The proposed regulation retains the requirement that a permit for activities proposed for the White House area (Lafayette Park, the White House sidewalk and the Ellipse) must be filed so as to be received by the Director, National Capital Parks at least 48 hours in advance of the proposed activity. The proposed regulation extends this provision to all other park areas where a permit is required. In accord with paragraph 3d of the District Court order, the proposed regulation provides that demonstration applications will be deemed granted within 24 hours of receipt unless a written denial of the application is issued upon the approval of the Director. It also requires that applications be received during the hours from 8:00 am to 4:00 pm, Monday through Friday, except legal holidays. Applications will be immediately date-and-time stamped upon receipt and the time periods will begin from the stamped date and time. This provision for official receipt only during office hours is designed to permit the Park Service to properly process applications within the prescribed time period. The proposed regulation also provides that applications for special events will be processed with reasonable promptness. The 24-hour time limitation does not apply to applications for special events.

The provision in the current regulation prohibiting activities lasting beyond 24 hours or beyond seven consecutive days has been eliminated from the proposed regulation pursuant to the direction in paragraph 3c of the District Court order.

However, a provision has been included in the present proposed regulation limiting activities in the White House area to seven days, except that activities are permitted on the Ellipse for a period of three weeks. For all other park areas, the duration limitation is three weeks. This duration restriction applies to all special events. However, with respect to demonstration, the activity will be permitted to continue beyond the specified time periods, unless another application seeks a permit for use of the area which would not admit of double occupancy. The National Park Service will begin permitting activities under the revised duration restrictions immediately. However, with respect to those activities for which permits have already been granted and the activity planned in such a fashion that compliance with the duration limits would work an undue hardship, those activities will be permitted for the time periods and areas already authorized.

In accord with the provisions of paragraph 4 of the District Court order, the Department of the Interior together with representatives of the United States Secret Service has considered those alternatives less restrictive of public gatherings suggested by the Court of Appeals, including a notice system instead of a permit system, the exemption of smaller gatherings from any requirements, the strengthening of the White House fence and waiver of rush hour provisions. It has been determined that a notice system would not serve effectively to protect the legitimate park value and security concerns involved and in particular would create unreasonable burdens in coordinating simultaneous multiple demonstrations and special events activities. The exemption of smaller gatherings likewise was not considered feasible, because of the possibility that the proliferation of numerous simultaneous small gatherings would impart like burdens as one large gathering, and their overlapping with large gatherings would create myriad security and enforcement problems. Strengthening the White House fence was also considered. It was felt that a fence of sufficient character would amount to a solid wall which would create an undesirable garrison-type appearance and which would deprive visitors of a view of the White House.

It has been determined that the restrictions on activities during rush hour periods may be waived upon a showing that the proposed activity will not unreasonably interfere with rush hour traffic. This waiver provision is incorporated within § 50.19(e)(5) of the proposed regulation.

While it is the tentative judgment of the Secretary that these other methods do not afford sufficient control to provide protection to the operative park value and security interests in the area, the views of the public, in this regard are earnestly solicited, in the manner noted below, and will be given reflective consideration.

Submittal of Written Comments

Interested persons may participate in these rulemaking proceedings by submission of written comments to the Director, National Capital Parks, National Park Service, 1100 Ohio Drive, SW., Washington, D.C. 20242. All comments received on or before February 17, 1976, will be considered. The Service will attempt to acknowledge individual comments, but substantive responses to individual comments may not be provided. Comments received will be available for public inspection during normal business hours (8 am–4 pm, Mon.–Fri.) at the Director's Office, National Capital Parks, 1100 Ohio Drive, SW., Washington, D.C.

This notice of proposed rulemaking is issued under the authority of the Acts of August 25, 1916, (16 USC 1, et. seq.) and July 1, 1898, (8 D.C. Code 108, et. seq.) and all laws amendatory and supplementary thereto and pursuant to the order on mandate issued by the United States District Court for the District of Columbia in *A Quaker Action Group v. Kleppe*, Civ. No. 688–69 (D.D.C. Nov. 21, 1975).

Dated: December 12, 1975.

NATHANIEL P. REED,
Acting Secretary of the Interior.

Accordingly, it is hereby proposed to revise § 50.19 to read as follows.

§ 50.19 Demonstrations and special events.

(a) Definitions:

(1) The term "demonstrations" includes demonstrating, picketing, speechmaking, marching, holding of vigils and all other like forms of conduct which involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term does not include casual park use by visitors or tourists which does not have an intent or propensity to attract a crowd or onlookers.

(2) The term "special events" includes sports events, pageants, celebrations, historical reenactments, regattas, entertainments, exhibitions, parades, fairs, festivals and similar events (including such events presented by the National Park Service), which are not demonstrations under (1) above, and which are engaged in by one or more persons, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term also does not include casual park use by visitors or tourists which does not have an intent or propensity to attract a crowd or onlookers.

(3) The term "national celebration events" means the annually recurring special events regularly scheduled by National Capital Parks, which are listed in (d)(1) below.

(4) The term "White House area" means all park areas, including sidewalks adjacent thereto, within these bounds: on the south, Constitution Avenue, NW.; on the north, H Street, NW.; on the east, 15th Street, NW.; and on the west, 17th Street, NW.

(5) The term "White House sidewalk" means the south sidewalk of Pennsylvania Avenue, NW., between East and West Executive Avenues, NW.

(6) The term "Lafayette Park" means the park areas, including sidewalks adjacent thereto, within these bounds: on the south, Pennsylvania Avenue, NW.; on the north, H Street, NW.; on the east, Madison Place, NW.; and on the west, Jackson Place, NW.

(7) The term "Ellipse" means the park areas, including sidewalks adjacent thereto, within these bounds: on the south, Constitution Avenue, NW.; on the north, E Street, NW.; on the west, 17th Street, NW.; and on the east, 15th Street, NW.

(8) The term "Kennedy Center" means the areas, under the administration of the National Park Service within the National Cultural Institution known as the Kennedy Center and the sidewalks immediately surrounding that National Institution.

(9) The term "Lincoln Memorial" means the park areas enclosed by Lincoln Memorial Circle roadway.

(10) The term "Jefferson Memorial" means the circular portion of the Jefferson Memorial enclosed by the outermost series of columns, and all portions on the same levels or above the base of those columns.

(11) The term "Washington Monument" means the structure known as the Washington Monument and all space extending ten feet from the paved area surrounding its base, and the sidewalk from that base extending to 15th Street, and ten feet on either side thereof.

(12) The term "Constitution Gardens" means the park area within these bounds: on the north, Constitution Avenue, NW.; on the south, the north reflecting pool walk extending westerly from 17th Street, NW. to Bacon Drive, NW.; on the east, 17th Street, NW.; and on the west, Bacon Drive, NW.

(13) The term "Director" means the Director, National Capital Parks, National Park Service, U.S. Department of the Interior, or his authorized representative.

(14) The term "other park areas" includes all areas, including sidewalks adjacent thereto, other than the White House area, administered by National Capital Parks.

(b) Demonstrations and special events may be held only pursuant to a permit issued in accordance with the provisions of this section, except that demonstrations may be held in the following park areas without an official permit, provided that the conduct of such demonstrations is reasonably consistent with the protection and use of the indicated park area and the other requirements of this section:

V 40244 DEC 18 75 XUM

(1) *Franklin Park.* Thirteenth Street, between I and K Streets, NW., for no more than 500 persons.

(2) *McPherson Square.* Fifteenth Street, between I and K Streets, NW., for no more than 500 persons.

(3) *U.S. Reservation No. 31.* West of 18th Street and south of H Street, NW., for no more than 100 persons.

(4) *Rock Creek and Potomac Parkway.* West of 23rd Street, south of P Street, NW., for no more than 1,000 persons.

(5) *U.S. Reservation No. 46.* North side of Pennsylvania Avenue, west of Eighth Street and south of D Street, SW., for no more than 25 persons.

(c) Permit applications shall be submitted to the Director, National Capital Parks, 1100 Ohio Drive, SW., Washington, D.C. 20242. Permit applications shall be submitted in writing on a form provided by the National Park Service so as to be received by the Director at least 48 hours in advance of any proposed demonstration or special event. Forms shall be received only during the hours of 8 a.m.–4 p.m., Monday through Friday, holidays excepted. All demonstration applications, except those seeking waiver of the numerical limitations applicable to Lafayette Park (e)(2), shall be deemed granted, subject to all limitations and restrictions applicable to said park, unless denied within 24 hours of receipt. However, where a permit has been granted, or is deemed to have been granted pursuant to this subsection, the Director may revoke that permit pursuant to section (f).

(1) *White House area:* No permit shall be issued authorizing demonstrations; except for the White House sidewalk, Lafayette Park and the Ellipse. No permit shall be issued authorizing special events, except for the Ellipse, and except for annual commemorative wreath-laying ceremonies relating to the status in Lafayette Park.

(2) *Other park areas:* No permit shall be issued authorizing demonstrations or special events in the following other park areas:

(i) The Washington Monument, except for the official annual commemorative Washington birthday ceremony.

(ii) The Kennedy Center.

(iii) The Lincoln Memorial, except for the official annual commemorative Lincoln birthday ceremony.

(iv) The Jefferson Memorial, except for the official annual commemorative Jefferson birthday ceremony.

(v) Constitution Gardens.

(d) Permit application for demonstrations and special events shall be processed in order of receipt, and the use of a particular area shall be allocated in order of receipt of fully executed applications, subject to the limitations set forth in this section, provided that a permit may be denied in writing upon the personal approval of the Director, or, in his absence or unavailability by an authorized delegate of responsible rank and function upon the following grounds:

(1) A fully executed prior application for the same time and place has been received, and a permit has been or will be granted on an "exclusive" use basis; provided, however, that the following national celebration events shall have priority use of the particular park area during the indicated period, as follows:

(i) *Christmas Pageant of Peace:* In the oval portion of the Ellipse only, during approximately the last three weeks in December.

(ii) *President's Cup Regatta:* In East Potomac Park for approximately two days during the first week in June.

(iii) *Cherry Blossom Festival:* In the Japanese Lantern area adjacent to the Tidal Basin and on the Ellipse and the Washington Monument Grounds adjacent to Constitution Avenue, NW., between 15th and 17th Streets, NW., for one day during the first two weeks in April.

(iv) Fourth of July Celebration: On the Washington Monument Grounds.

(v) Festival of American Folklife: In the areas bounded on the south by Independence Avenue, NW.; on the north by a line running adjacent to the south side of the Reflecting Pool between 17th Street, NW., and Lincoln Memorial Circle; on the east by 17th Street, NW.; on the west by Lincoln Memorial Circle and 23rd Street, NW., for two week period in approximately late June and early July.

(vi) Columbus Day Commemorative Wreath-Laying: At the Columbus statue on the Union Plaza on Columbus Day.

(2) It reasonably appears that the proposed demonstration or special event will present a clear and present danger to the public safety, good order, or health.

(3) The proposed demonstration or special event is of such a nature or duration that it cannot reasonably be accommodated in the particular area applied for; in that event, an alternate site, if available for the activity, shall be proposed by the Director to the applicant; in this connection, the Director shall reasonably take into account possible damage to the park, including trees, shrubbery, other plantings, park installations and statues.

(4) The application proposes activities contrary to any of the provisions of this section or other applicable law or regulation.

(e) Issuance of permits shall be subject to the following limitations:

(1) No more than 750 persons shall be permitted to conduct a demonstration on the White House sidewalk at any one time.

(2) No more than 3,000 persons shall be permitted to conduct a demonstration in Lafayette Park at any one time. The Director may waive the 3,000 person limitation for Lafayette Park upon a showing by the applicant that the proposed demonstration has been planned and will be patrolled in such a fashion so as to render unlikely any substantial risk to legitimate public interests in the area. In making a waiver determination the Director shall consider and the applicant shall furnish the following information at least 15 days in advance of the proposed demonstration.

(i) Number of marshals to be furnished.

(ii) The training these marshals have received including a brief summary of that training.

(iii) The experience of these marshals in crowd situations including a brief summary of those experiences.

(iv) The equipment to be furnished marshals including number of portable radios, power and frequency.

(v) The means by which marshals shall be identified.

(vi) A summary of proposed marshal functions including emergency contingency plans.

(vii) List of emergency facilities to be provided including first aid and sanitary facilities.

(3) No permit shall be issued for a demonstration on the White House sidewalk and in Lafayette Park at the same time, except under the following conditions:

(i) Any demonstrator overages above those specified in (e)(1–2) shall proceed to the Ellipse via 15th Street and/or 17th Street (or shall proceed to some other agreed-upon designated park site) and shall there conduct their demonstration activities; and

(ii) The organization, group, or other sponsor of such demonstration shall undertake in good faith all reasonable action—including the provision of sufficient marshals—to insure good order and self-discipline in carrying on such demonstration, including any necessary movements of persons, so that the numerical limitations prescribed in (e)(1–2) shall be observed at all times on the White House sidewalk and in Lafayette Park.

(4) No permit shall be issued authorizing demonstrations or special events in excess of the time periods below provided that these periods shall be extended for demonstrations only, unless another application requests use of the particular area and said application precludes double occupancy:

(i) White House area, except the Ellipse: Seven days.

(ii) The Ellipse and all other park areas: Three weeks.

(5) No demonstration or special event shall be permitted to be held between the hours of 7:00–9:30 a.m. and 4:00–6:30 p.m., except on Saturdays, Sundays, and legal holidays. If it shall be made to appear to the satisfaction of the Director that the holding of a particular demonstration or special event will not unreasonably interfere with rush-hour traffic, this requirement will be waived by the Director.

(6) No special event shall be permitted unless approved by the Director. In determining whether to approve a proposed special event, the Director shall consider and base his determination upon the following criteria:

(i) Whether the objectives and purposes of the proposed special event relate to and are within the basic mission and responsibilities of National Capital Parks, National Park Service.

(ii) Whether the park area requested is reasonably suited in terms of accessibility, size, and nature of the proposed special event.

(iii) Whether the proposed special event can be permitted within a reasonable budgetary allocation of National Park Service funds considering the event's public appeal, and the anticipated participation of the general public therein.

(iv) Whether the proposed event is duplicative of events previously offered in National Capital Parks areas or elsewhere in or about Washington, D.C.

(v) Whether the activities contemplated for the proposed special event are in conformity with all applicable laws and regulations.

(7) In connection with permitted demonstrations or special events, temporary structures (including speakers' stands, platforms, lecterns, chairs, portable sanitary facilities and press and news facilities) reasonably necessary for the conduct of the demonstration or special event shall be permitted, provided prior notice has been given to the Director, except that:

(i) No structures shall be permitted on the White House sidewalk.

(ii) All such temporary structures shall be erected in such a manner so as to cause the least possible damage to park property and basic park values and shall be removed as soon as practicable after the conclusion of the permitted demonstration or special event.

(iii) The Director may impose reasonable restrictions upon the temporary structures permitted, in the interest of protecting the park areas involved, traffic and public safety considerations, and other legitimate park value concerns.

(iv) Any structures utilized in a demonstration extending in duration beyond the time limitations specified in (e)(4) (i) and (ii) must upon 24 hours notice be capable of being removed and the site restored or the structure secured in such a fashion so as to not unreasonably interfere with use of the park area by other permittees authorized under this section.

(8) In connection with permitted demonstrations or special events, sound amplification equipment reasonably necessary for the conduct of the demonstration or special event shall be permitted, provided prior notice has been given to the Director, except that:

(i) No sound amplification equipment shall be used on the White House sidewalk, other than hand-portable sound amplification equipment which the Director determines, in the exercise of his judgment, is necessary for crowd-control purposes.

(ii) The Director reserves the right to limit the sound amplification equipment, so that it will not unreasonably disturb nonparticipating persons, or in the vicinity of, the area.

(9) Authorized permits may contain additional reasonable conditions and additional time limitations, consistent with this regulation, in the interest of protecting the park site, the use of nearby areas by other persons, and other legitimate park value concerns.

(f) A permit issued for a demonstration is revocable only upon a ground for which an application therefore would be subject to denial under (d) or (e)

V 40 244 DEC 18 75 XUM

above. Any such revocation, prior to the conduct of the demonstration, shall be in writing and shall be personally approved by the Director, or, in his absence or unavailability, by an authorized delegate of responsible rank and function. During the conduct of a demonstration, a permit may be revoked by the ranking U.S. Park Police supervisory official in charge if continuation of the event presents a clear and present danger to the public safety, good order or health or for any violations of applicable law or regulation. A permit issued for a special event is revocable, at any time, in the reasonable discretion of the Director or his authorized delegate.

[FR Doc.75-34100 Filed 12-17-75;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

ARBITRAGE BONDS

Notice of Proposed Rulemaking

Correction

In FR Doc. 75-32607, appearing at page 56448 in the issue for Wednesday, December 3, 1975, make the following changes:

1. In the preamble, in the middle column on page 56448, in the first paragraph after the signature, correct the following:

a. In the 9th line change "§ 1.4" to read "§ 13.4".

b. In the last line, change "(8 FR 10927)" to read "(38 FR 10927)".

2. In the second paragraph after the signature in the preamble, in the sixth line, change "(7 FR 10946)" to read "(37 FR 10946)".

3. In the third paragraph after the signature, correct the following:

a. In the third line, after the word "before" insert the date "January 2, 1976".

b. In the tenth line, after the word "After" insert the date "January 1, 1976".

c. In the 13th line, after the word "after", insert the date "January 2, 1976".

[26 CFR Part 1]

ARBITRAGE BOND

Correction

On December 3, 1975, notice of proposed rule making under section 103(d) of the Internal Revenue Code of 1954, relating to arbitrage bonds, was published in the FEDERAL REGISTER (40 FR 56448). These proposed regulations are corrected by adding a new sentence between the second and third sentences in § 1.103-14(e)(2)(ii) (page 56450). This new sentence reads as follows: "Those proceeds of the prior issue which are invested in materially higher yield acquired obligations pursuant to the provisions of paragraph (d) of this section or § 1.103-13(b)(1)(ii) shall be the last proceeds which become transferred proceeds."

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.75-34149 Filed 12-17-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Proposed Handling Regulation

This proposal, designed to promote orderly marketing of South Texas onions, would impose minimum grade, size and container standards and require inspection of fresh market shipments to keep undesirable onions from being shipped to consumers.

Consideration is being given to the issuance of a handling regulation, hereinafter set forth, which was recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959). This program regulates the handling of onions grown in designated counties in South Texas and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the expected volume and composition of the 1976 early spring crop of South Texas onions and of the marketing prospects for the shipping season which is expected to begin about March 8.

The proposed grade and size requirements are similar to last season's and are designed to prevent onions of poor quality or undesirable sizes from being distributed in fresh market channels.

Thus only onions that contain not more than 20 percent defects of U.S. No. 1 grade and are not packed or loaded on Sunday may be shipped from March 8 through May 8, 1976, similar to last season. However, this season in order to provide more orderly marketing from all districts, the inspection and container requirements are proposed to be extended through June 12, 1976.

The proposed container requirements should prevent the use of off-size or deceptive containers which could adversely affect the reputation and returns of South Texas onions. However, it would not preclude the use of containers customarily packed for the retail trade. One change of a minor nature would be the proposed increase in the long dimension of the 50-pound pack from 38½ to 39½ inches. The committee has been informed by handlers that the additional length would result in easier closure of the bags and greatly improve packing operations. The proposed prohibition on packaging and loading onions on Sunday is recommended to provide more orderly marketing by tailoring shipments from the production area more closely to the ability of receiving markets to accept marketings.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Up to 100 pounds of onions may be handled, other than for resale, per day without regard to requirements of this section in order to avoid placing an unreasonable burden on persons handling noncommercial quantities of onions.

The proposals with respect to special purpose shipments are recommended to allow the shipment of onions for experimental purposes or the use of containers which have been the subject of test shipments during past seasons, and should encourage exports by allowing the use of containers required for such purposes. Shipments for relief or charity should be exempt from inspection and assessment requirements since no useful purpose would be served by regulating such shipments.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in duplicate with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than January 2, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

It is proposed to add § 959.316 to read as follows:

§ 959.316 Handling regulation.

During the period March 8-June 12, 1976, no handler may package or load onions on any Sunday, or handle any lot of onions grown in the production area, except red onions, unless such onions meet the assessment requirements of § 959.216 and the requirements of paragraphs (a), (b), (c) and (d) of this section, or unless such onions are handled in accordance with the provisions of paragraphs (e) or (f) of this section except the grade and size requirements of paragraphs (a) and (b) and the Sunday packaging prohibition shall terminate at 11:59 p.m. on May 8, 1976.

(a) *Grade requirements.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be

permitted in individual packages in percentage grade lots. Application of tolerances in U.S. onion standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small" 1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker"—1¾ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) "Medium"—2 to 3½ inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(5) "Tolerances for size in the U.S. onion standards shall apply except that for 'repacker' and 'medium' sizes not more than 20 percent, by weight, of onions in any lot may be larger than the maximum diameter specified. Application of tolerances in the U.S. onion standards shall apply."

(c) *Container requirements.* (1) 25-pound bags, with an average net weight in any lot of not more than 27½ pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches; or

(2) 50-pound bags, with an average net weight in any lot of not more than 55 pounds per bag, and with outside dimensions not larger than 33 inches by 39½ inches.

(3) These container requirements shall not be applicable to onions sold to Federal agencies.

(d) *Inspection.* (1) No handler may handle any onions regulated hereunder, except pursuant to paragraph (e) or (f)(3) of this section, unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of onions for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document, upon request, is surrendered to authorities designated by the committee.

(3) For purposes of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(e) *Minimum quantity exemption.* Any handler may handle, other than for resale, up to, but not to exceed 100 pounds of onions per day without regard to the requirements of this section, but this exemption shall not apply to any shipment or any portion thereof of over 100 pounds of onions.

(f) *Special purpose shipments and culls.* (1) Onions may be handled in containers customarily packed for the retail trade and in other designated special purpose containers as follows:

(i) Each handler desiring to make such shipments shall first apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) After obtaining an approved Certificate of Privilege, each handler may handle onions packed in 2, 3 or 5-pound containers customarily packed for the retail trade, 20-kilogram bags, or 50-pound cartons, if they meet the grade, size, and inspection requirements of paragraphs (a), (b) and (d) of this section and if they are handled in accordance with the reporting requirements established in paragraph (f)(2) of this section on such shipments: *Provided*, That shipments of 2, 3 and 5-pound containers shall not exceed 10 percent of a handler's total weekly onion shipments, and provided further that shipments of 50-pound cartons shall not exceed 10 percent of a handler's total weekly onion shipments of all onions allowed to be marketed under this section.

(iii) The average gross weight per lot of onions packed in master containers shall not exceed 115 percent of the designated net contents.

(iv) The average net weight per lot of 50-pound cartons shall not exceed 55 pounds.

(v) The average net weight per lot of 20-kilogram bags shall not exceed 22 kilograms, and with outside dimensions of such bags not greater than 32 inches by 36 inches.

(vi) 20-kilogram bags shall be conspicuously labeled with the words "FOR EXPORT ONLY" and shipments shall be only to points outside of the 48 contiguous States of the United States, the District of Columbia, Canada, or Mexico.

(2) *Reporting requirements for shipments in designated special purpose containers.* Each handler who handles shipments of onions in containers customarily packed for the retail trade and in other designated special purpose containers, shall report thereon to the committee, the inspection certificate numbers, the grade and size of onions packed, and the size of the containers in which such onions were handled. Such report, in accordance with § 959.80, shall be furnished to the committee in such manner, on such forms and at such times as it may prescribe. Also, each handler of such shipments of onions shall maintain records of such marketings, pursuant to § 959.80(c). Such reports shall be subject to review and audit by the committee to verify reports thereon.

(3) *Experimental shipments.* Upon approval of the committee, onions may be shipped in bulk bins with inside dimensions of 47 inches x 37½ inches x 36 inches deep and having a volume of 59,440 cubic inches, or similar containers. Each container shall have a new perforated 2-mil polyethylene liner. The use of bulk bins for expiremetal shipments would be authorized for the first time this season, provided certain safeguard and reporting requirements are met. Such bulk bins have been successfully used for other products, and this proposal would permit handlers to test the feasibility of such containers for commercial shipments. Such experimental shipments shall be exempt from paragraph (c) of this section but shall not exceed ten percent of a handler's total weekly onion shipments and shall be handled in accordance with safeguard provisions of § 959.54 and this paragraph. Also the receiver must agree to furnish the committee with a report on the arrival condition of each shipment. Further, upon approval of the committee onions may be shipped for other experimental purposes exempt from regulations issued pursuant to §§ 959.42, 959.52 and 959.60 provided they are handled in accordance with safeguard provisions of § 959.54.

(4) *Onions failing to meet requirements.* Onions failing to meet the grade, size, and container requirements of this section, and not exempted under paragraph (e) of this section, may be handled only pursuant to § 959.126. Culls may be handled pursuant to § 959.126(a)(1). Shipments for relief or charity may be handled without regard to inspection and assessment requirements.

(g) *Definitions.* "U.S. onion standards" mean the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195-51.3209 of this title), or the United States Standards for Grades of Onions (Other Than Bermuda-Granex-Grano and Creole Types) (§§ 51.2830-51.2854 of this title), whichever is applicable to the particular variety, or variations thereof specified in this section. The term "U.S. No. 1" shall have the same meaning as set forth in these standards.

All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143, as amended, and this part.

Dated: December 12, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-34089 Filed 12-17-75;8:45 am]

Farmers Home Administration

[7 CFR Part 1822]

[FmHA Instruction 444.1]

RURAL HOUSING LOANS AND GRANTS

Section 502 Rural Housing Loan Policies, Procedures and Authorizations

Notice is hereby given that the Farmers Home Administration (FmHA) has under consideration the addition of Exhibit G to Subpart A of Part 1822, Chapter XVIII, Title 7 of the Code of Federal Regulations (39 FR 44993; 40 FR 42178; 40 FR 42736). The proposed Exhibit G lists those areas which are eligible for FmHA financial assistance for housing as rural areas pursuant to section 520 of the Housing Act of 1949, as amended by section 511 of the Housing and Community Development Act of 1974 (P.L. 93-383), because they have populations in excess of 10,000 but not in excess of 20,000, are not located in a standard metropolitan statistical area, and have

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a serious lack of mortgage credit as determined by the Secretary of Agriculture and the Secretary of Housing and Urban Development. The proposed Exhibit G also lists those areas which have populations in excess of 10,000 but not in excess of 20,000, are not located in a standard metropolitan statistical area, and which are not eligible for FmHA financial assistance for housing as rural areas pursuant to section 520 of the Housing Act of 1949, as amended, because they have been determined to be effectively utilizing the mortgage insurance programs of the Federal Housing Administration (FHA) in the Department of Housing and Urban Development (HUD) and accordingly do not have a serious lack of mortgage credit. Since the determinations required represented a highly subjective judgment, the criteria established to make that judgment were set so as to include on the eligible list all communities where any questions concerning the effectiveness of HUD/FHA programs existed. Therefore, the inclusion of a community on the list does not necessarily represent a definitive judgment by HUD as to the effectiveness of HUD/FHA mortgage insurance programs there.

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed Exhibit G on or before January 19, 1976, to the Office of the Chief, Directives Management Branch, Farmers Home Administration, Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch, Farmers Home Administration, during regular business hours (8:15 a.m.—4:45 p.m.).

As proposed, Exhibit G reads as follows:

EXHIBIT G—RURAL AREAS OF 10,000 TO 20,000 POPULATION

1. *Purpose.* This Exhibit G lists those areas which are eligible for FmHA programs as rural areas which have populations in excess of 10,000 but not in excess of 20,000, are not located in a Standard Metropolitan Statistical Area (SMSA) and have a serious lack of mortgage credit as determined by the Secretary of Agriculture and the Secretary of Housing and Urban Development. The Exhibit G also lists those areas which have populations in excess of 10,000 but not in excess of 20,000, are not located in an SMSA, and have been determined to be effectively utilizing the mortgage insurance programs of the Federal Housing Administration and accordingly do not have a serious lack of mortgage credit. These areas are not rural areas eligible for FmHA housing programs. State Directors are authorized to identify by list and maps the eligible areas in appropriate State regulations in accordance with this Exhibit.

2. *Eligible areas.* The areas eligible for FmHA assistance by State are:

ARKANSAS
Camden, Magnolia, Paragould, Russellville, Searcy, Stuttgart

CALIFORNIA
Arcata, Ukiah

COLORADO
Canon City and East Canon City, Durango, Sterling

CONNECTICUT
Willimantic

FLORIDA
Lake City, Port Charlotte, Palatka

GEORGIA
Americus, Carrollton, Cartersville, Cordele, Douglas, Newman, Statesboro, Thomaston, Tifton

IDAHO
Moscow

ILLINOIS
Canton, Centralia, Charlestown, Dixon, Effingham, Herrin-Energy, Lincoln, Marion, Monmouth, Mt. Vernon, Ottawa, Streator, Taylorville

INDIANA
Bedford, Connersville, Crawfordsville, Frankfort, Huntington, Logansport, Madison, Peru, Seymour, Wabash, Washington

IOWA
Boone, Fort Madison, Keokuk, Newton, Oskaloosa, Spencer

KANSAS
Atchinson, Chanute, Coffeyville, Hays, Independence, Liberal, McPerson, Newton, Ottawa, Parsons

KENTUCKY
Danville, Elizabethtown, Glasgow, Madisonville, Mayfield, Middlesboro, Murray, Richmond, Somerset

LOUISIANA
Abbeville, Eunice, Jeunings, Morgan City, Thibodaux

MAINE
Sanford

MARYLAND
Cambridge

MASSACHUSETTS
Adams Center, Greenfield, Hyannis, West Yarmouth, South Yarmouth, West Dennis, Dennis Port, South Dennis, North Adams

MICHIGAN
Alma, Alpena, Big Rapids, Cadillac, Escanaba, Iron Mountain-Kingsford, Sault Ste. Marie

MINNESOTA
Bedmidji, Breckenridge, Cloquet, Fairmont, Fairbault, New Ulm, Northfield, Owatonna, Worthington

MISSISSIPPI
Brookhaven, Corinth, McComb, Oxford, Starkville

MISSOURI
Carthage, Fulton, Hannibal, Kirksville, Kennett, Marshall, Mexico, Moberly, Poplar Bluff, Rolla, Warrensburg

MONTANA
Anaconda, Havre, Kalispell

NEBRASKA
Beatrice, Columbus, Kearney, Norfolk, Scottsbluff

NEW HAMPSHIRE
Berlin, Rochester

NEW MEXICO
Gallup, Las Vegas, Portales, Los Alamos

NEW YORK
Batavia, Massena, Ogdensburg, Olean, Oneonta

NORTH CAROLINA
Albemarle, Cherry Point, Elizabeth City, Henderson, Lenoir, Lumberton, Mt. Airy-Toast-Bannertown, Morganton, New Bern, Roanoke Rapids-Gaston, Sanford, Shelby, Tarboro-Princeville

NORTH DAKOTA
Dickinson, Jamestown, Wahpeton

OHIO
Bucyrus, Conneaut, Coshocton, Defiance, Fostoria, Fremont, Galion, Greenville, Mount Vernon, Norwalk, Salem, Washington Courthouse, Wooster, Cambridge

OKLAHOMA
Ada, Durant, Miami, Okmulgee, McAlester

OREGON
Astoria, Grants Pass, La Grande, McMinnville, Pendleton

PENNSYLVANIA
Appollo-Vandergrift, Athens-Sayre-South Waverly, Berwick, Bloomsburg, Bradford, Chambersburg, Clearfield, DuBois, Franklin, Indiana, Greenville, Connelsville, Grove City, Lewiston, Lockhaven, Meadville, Oil City, Sunbury, Warren, Waynesboro

PUERTO RICO
Coamo, Fajardo, Humacao, Manati, San German, Utuado, Vega Baja, Yauco

SOUTH CAROLINA
Beaufort, Lancaster, Union

SOUTH DAKOTA
Brookings, Watertown

TENNESSEE
Athens, Cookeville, Elizabethton, Greenville, McMinnville, Shelbyville, Tullahoma, Union City

TEXAS
Bay City, Beeville, Brownwood, Eagle Pass, Gainesville, Henderson, Kerrville, Lamesa, Port Lavaca, Uvalde, Vernon

VERMONT
Essex Junction, Montepelier-Barre Complex

VIRGIN ISLANDS
Charlotte Amalie

VIRGINIA
Covington, Harrisonburg, Pulaski, Radford, Winchester

WASHINGTON
Centralia, Ellensburg, Oak Harbor, Port Angeles

WEST VIRGINIA
Martinsburg

WISCONSIN
Beaver Dam, Marschfield, Menominie, Watertown, Whitewater

WYOMING
Sheridan

3. *Areas not eligible.* The areas not eligible for assistance by State are:

ALABAMA
Alexander City, Andalusia, Cullman, Enterprise, Ozark, Sylacauga, Talladega, Troy, Tuskegee

ARIZONA
Casa Grande, Douglas, Prescott

ARKANSAS
Conway, Forrest City

CALIFORNIA
Atwater, Brawley, Calexico, Hanford, Los Banos, Oroville, Paradise, Porterville, Tulare, Madera

FLORIDA
Leesburg, Naples, Vero Beach

GEORGIA
Bainbridge, Dublin and East Dublin, Moultrie

IDAHO
Caldwell, Coeur d'Alene

INDIANA
Goshen

KANSAS
Arkansas City, Winfield

KENTUCKY
Fort Campbell-North

LOUISIANA
Bastrop, Bogalusa, Hammond, Natchitoches, Ruston

MAINE
Brunswick

MICHIGAN
Niles, Traverse City

MINNESOTA
Alberta Lea, Brainerd, Fergus Falls, Marshall, Red Wing, Willmar

MISSISSIPPI
Canton, Cleveland, Picayune, Yazoo City

MISSOURI
Sikeston

NEW MEXICO
Artesia

NEW YORK
Corning, Cortland, Glen Falls, Hornell

NORTH CAROLINA
Eden, Reidsville

NORTH DAKOTA
Williston

OHIO
Belle Fontaine, Sidney, Wilmington

OKLAHOMA
Chickasha, Duncan

OREGON
Ashland, Bend, City of the Dalles, Roseburg

PENNSYLVANIA
Ellwood City

SOUTH CAROLINA
Gaffney, Georgetown, Laurens

SOUTH DAKOTA
Huron, Mitchell, Yankton

TENNESSEE
Dyersburg, Humboldt

TEXAS
Borger, Hereford, Levelland, Mineral Wells, Palestine, Pecos, Snyder, Sulfur Springs, Sweet Water

UTAH
Brigham City

VIRGINIA
Martinsville, Waynesboro

WASHINGTON
Moses Lake

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Dated: December 12, 1975.

WILLIAM H. WALKER, III,
Assistant Secretary.

[FR Doc.75-34147 Filed 12-17-75;8:45 am]

ACTION

[45 CFR Part 1223]

DOMESTIC PROGRAMS

Standards of Evaluation

Notice is hereby given that the Director, ACTION proposes to amend Chapter XII, Title 45, Code of Federal Regulations to add a new Part 1223. Pursuant to Section 416(b) and 420 of the Domestic Volunteer Service Act of 1973, Public Law 93-113, 84 Stat. 394, 412 and 414, these proposed regulations establish general standards for evaluation of program and project effectiveness in achieving the objectives of the Act.

Inquiries may be addressed and comments and views concerning the proposed new part may be submitted to ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525. All comments received on or before February 2, 1976 will be considered. All comments in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

It is therefore proposed to add a new Part 1223 to Chapter XII of Title 45 of the Code of Federal Regulations as follows:

PART 1223—STANDARDS OF EVALUATION

Sec.
1223.1-1 Introduction.
1223.1-2 Applicability.
1223.1-3 Policy.

AUTHORITY: Sec. 416(b) and 420 of Pub. L. 93-113, 87 Stat. 412 and 414.

§ 1223.1 Introduction.

Section 416 (a) of the Domestic Volunteer Service Act of 1973 (the Act), Pub. L. 93-113, 87 Stat. 394 and 412 provides that the Director of the Agency is

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responsible for (1) evaluating the impact and effectiveness of all programs authorized by the Act; (2) their effectiveness in achieving stated goals in general and in relation to their cost; (3) their impact on related programs; and (4) their structure and mechanisms for delivery of services. Section 416(b) of the Act states that "the Director shall develop and publish general standards for evaluation of program and project effectiveness in achieving the objectives of this Act."

§ 1223.1–2 Applicability.

This part shall apply to all programs and projects authorized under Titles I, II and III of the Act.

§ 1223.1–3 Policy.

ACTION programs will be evaluated in terms of:

(a) Effectiveness in achieving stated goals. Among the factors which may be examined are:

(1) Performance as related to: (i) The specific, measurable objectives established;

(ii) Time periods specified for meeting the specified objectives;

(iii) The ACTION goals or legislative mission statements established.

(2) Differences among activity areas as to achievement of objectives.

(b) Dollar costs relative to goals and objectives achieved, and/or services produced. Among the factors whih may be examined are:

(1) Dollar cost by area of program emphasis;

(2) Average cost of ACTION administration for the respective programs;

(3) Estimated average dollar amount of matching funds and dollar value of services/supplies provided through the sponsor for the activity;

(4) Market value of the total sponsor services/supplies resulting from volunteer activity;

(i) By project or program

(ii) By area of emphasis

(iii) By type of services/supplies for which grants were made (average for each).

(c) Impact (effect) on related, non-Agency goals. Among the factors which may be examined are:

(1) Actual impact vs. specified impact objectives with respect to effect on volunteers, sponsors, clients and community;

(2) Differences among areas of emphasis, and among projects or programs as to impact;

(3) Types of secondary activities performed as an outcome of ACTION programs;

(4) Project interaction with other Federal and local programs;

(5) Community resource mobilization: total full-time and part-time volunteers generated (where applicable), by area of emphasis and by category of grant amount;

(6) Total tangible resources generated, by area of emphasis and by category of grant amount;

(7) Institutionalization: extent to which the sponsors and/or other entities have become new local centers of initiative as a result of activity.

(d) The appropriateness of the structure and mechanism for the delivery of services. Among the factors which may be examined are:

(1) Sponsor's own overall emphasis and scope aside from ACTION project or program, or number of sponsors for each type of emphasis;

(2) Areas of emphasis: (i) Number of volunteers and/or other benefits generated by elements of the standard ACTION typology by project and program emphasis;

(ii) Degree of poverty involvement, by project or program and by area of emphasis.

(3) Target community: (i) Definition of limits

(ii) Demographics

(iii) Nature and extent of poverty problem being address.

(4) Organizational structure and procedures (narrative);

(5) ACTION staff involvement: tasks performed by ACTION Headquarters, Regional Office and State Program Office with respect to project or program and estimated time spent;

(6) Effectiveness of the ACTION monitoring/information system at Headquarters and in the Region.

(e) The degree to which the program has undertaken or is undertaking to build upon programmatic strengths and correct programmatic weaknesses. Among the factors which may be examined are:

(1) Extent and nature of deficiencies with respect to achievement of these objectives;

(2) Differences among areas of emphasis, and among projects or programs, as to achievement of overall objectives;

(3) Realistic steps which can be taken in future efforts to avoid these deficiencies;

(4) Extent and nature of impact deficiencies and possible corrective action which can be taken for future funding;

Both programs and projects will be evaluated against these standards to determine how well the purposes of the Domestic Volunteer Service Act of 1973 are being met. The opinions of program and project participants, including clients, volunteers, sponsors as well as ACTION staff, will be obtained and used in the course of such evaluations.

Issued at Washington, D.C. on December 15, 1975.

JOHN L. GANLEY,
Deputy Director.

[FR Doc.75–34101 Filed 12–17–75;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 155]

DUAL TRADING BY FLOOR BROKERS AND FUTURES COMMISSION MERCHANTS

Request for Comments

The Commodity Futures Trading Commission ("Commission") announced on December 12, 1975, that it is proposing to adopt, by January 21, 1976, regulations that would require all contract markets that wish to continue to permit dual trading after June 30, 1976, by floor brokers and futures commission merchants ("FCM's") to adopt and obtain Commission approval of certain rules to regulate dual trading.

In addition, the Commission is proposing for adoption, subject to review of comments received as a result of this notice and further study of the issue, a regulation that would ban dual trading by floor brokers after January 16, 1977, on any contract market that has not submitted by that date a plan which provides for the development of a method for recording to permit reconstruction of the sequence of futures transactions executed on the contract market. Furthermore, this proposed regulation would prohibit dual trading by floor brokers on a contract market after April 17, 1977, or such later date as the Commission may determine in connection with a particular plan, unless a plan of that contract market for recording to permit reconstruction of the sequence of futures transactions has been declared effective by the Commission.

BACKGROUND

Paragraphs (1) and (2) of section 4j of the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. § 6j (1) and (2), direct the Commission to determine whether the practice generally known as dual trading may continue; that is, (1) whether floor brokers may trade for their own account or any account in which they have trading discretion and also execute a customer's order for commodity futures contracts and (2) whether FCM's may trade for their own account or any proprietary account.[1] Section 4j further states that if the Commission decides to permit dual trading, it shall determine the terms, conditions and circumstances under which dual trading

[1] Section 4j was added to the Act in 1974 by section 203 of the Commodity Futures Trading Commission Act of 1974, Pub. L. No. 93–463, 88 Stat. 1389, 1396. Section 4j(1) states:

The Commission shall [by January 21, 1976] . . . make a determination, after notice and opportunity for hearing, whether or not a floor broker may trade for his own account or any account in which such broker has trading discretion, and also execute a customer's order for future delivery and, if the Commission determines that such trades and such executions shall be permitted, the Commission shall further determine the terms, conditions, and circumstances under which such trades and such executions shall be conducted. . . .

Section 4j(2) states:

The Commission shall [by January 21, 1976] . . . make a determination, after notice and opportunity for hearing, whether or not a futures commission merchant may trade for its own account or any proprietary account, as defined by the Commission, and if the Commission determines that such trades shall be permitted, the Commission shall further determine the terms, conditions, and circumstances under which such trades shall be conducted. . . .

The term "proprietary account" as used in the proposed regulation is defined in § 1.3y of the regulations under the Act.

may occur. The section also provides that the Commission shall, at a minimum, consider the effect on liquidity of the market place in any determination it shall make and that the Commission may make separate determinations for different contract markets, *i.e.*, on a pit-by-pit basis.

The legislative history of section 4j contains discussions both of the possible conflict of interests inherent in dual trading and of the arguments in favor of dual trading—that it promotes liquidity in the market place and expertise among floor brokers.[2] However, Congress evidently concluded that it did not have sufficient evidence to determine whether dual trading should be banned or, if not banned, under what terms and conditions it should be permitted to continue. Congress delegated those determinations to the Commission.

Following the establishment of the Commission, the staff began an internal review of the question of dual trading; that review is continuing. In addition, the Commission's Advisory Committee on Market Regulation has considered this question and made a series of recommendations for Commission consideration to the effect that the Commission recognize that dual trading is necessary to provide liquidity in the market place and that dual trading promotes expertise among floor brokers. The Advisory Committee further recommended, however, that regulation was needed to control potential abuses of dual trading. The Advisory Committee also suggested that a study be conducted of time stamping mechanisms, or other systems, that would permit more precise recording of the time of execution of trades. Furthermore, the Committee recommended that a study be made of the effect on liquidity of dual trading.

DISCUSSION OF PROPOSED REGULATIONS 155.1 AND 155.2

Proposed regulation 155.2 would require all contract markets that wish to continue to permit dual trading (as that term is defined in proposed regulation 155.1)[3] by floor brokers and FCM's after June 30, 1976, to obtain Commission approval of contract market rules[4] which are intended to prevent the abuses which may arise from the possible conflict of interests inherent in dual trading.

Although the Commission is continuing its study of dual trading, and although the extent of the actual abuses of dual trading by floor brokers cannot be determined until some adequate method of reconstructing the sequence of floor trades is implemented, the Commission believes that, because of the possible conflict of interests which is inherent in dual trading, such trading should be permitted only if it is subject to a regulatory program which includes certain minimum standards set forth in proposed regulation 155.2.[5] To some extent the standards are a codification of principles of agency law.[6] Certain of the activities proscribed by proposed regulation 155.2, such as prearranged trading and other illegal noncompetitive trading, are violations of the Act and the regulations issued thereunder.

Although some contract markets have rules meeting the standards set forth in the Commission's proposal, one purpose of the proposed Commission regulation is to assure that basic minimum safeguards are provided by every contract market.[7] The Commission requests comment on whether the standards contained in the proposed regulations are appropriate, whether alternative standards are appropriate, and—especially—what additional safeguards should be considered.[8]

DISCUSSION OF PROPOSED REGULATION 155.3

Proposed regulation 155.3 is aimed at floor brokers. Paragraph (a) of the proposed regulation would prohibit dual trading by floor brokers after January 16, 1977, in any commodity with respect to which the contract market has not submitted to the Commission a plan which would provide a mechanism for recording transaction data, either by time stamping or otherwise, to enable the sequence of the execution of transactions on the floor to be reconstructed. Such plan may take into consideration the differences in activity of trading in each commodity. In addition, proposed regulation 155.3(b) would ban dual trading on a contract market after April 17, 1977, or such later date as the Commission may determine in connection with a particular plan, unless a plan of that contract market, as described above, has been declared in effect by the Commission.

The importance of transaction timing was stressed in the legislative history of section 4j. While Congress did not itself impose a time stamping requirement—in effect delegating a decision on that issue to the Commission—section 4g of the Act was strengthened in 1974 to permit the Commission to require daily trading records to include "such information as the Commission shall prescribe by rule."[9]

In addition, the problem of detecting dual trading abuses was discussed at some length in a recent report of the Comptroller General:

. . . Since timing information is not required on a broker's personal trades, the abusive practice of a broker's trading for his own account while he has a customer's order in

[2] *See Hearings on Small Business Problems Involved in the Marketing of Grain and Other Commodities Before the Subcomm. on Special Small Business Problems of the House Permanent Select Comm. on Small Business*, 93d Cong., 1st Sess. (July 25, 26; September 18, 25, 26; October 2, 3, and 4, 1973); *Hearings on the Review of Commodity Exchange Act and Discussion of Possible Changes Before the House Comm. on Agriculture*, 93d Cong., 1st Sess. (October 16, 17, 18, and 24, 1973); *Hearings on H.R. 11955 Before the House Comm. on Agriculture*, 93d Cong., 2d Sess. (January 23, 24, 29, 30, and 31, 1974); and *Hearings on S. 2485, S. 2578, S. 2837 and H.R. 13113 Before the Senate Comm. on Agriculture and Forestry*, 93d Cong., 2d Sess. (May 13, 14, 15, 16, 17, 20, 21, and 22, 1974).

[3] The definition of dual trading with respect to a floor broker is limited to the situation in which the floor broker trades for himself on the same day in which he trades for another person in the same commodity for future delivery. This provision is not included in the definition of dual trading with respect to FCM's because an FCM, as defined in section 2(a) of the Act, is by its very nature continuously soliciting customers' orders.

[4] The rules adopted by each contract market must be submitted to the Commission for approval pursuant to section 5a(12) of the Act. 7 U.S.C. § 7a(12). Contract markets may set terms and conditions more restrictive than those specified in the proposed regulation.

[5] Many of the proposed standards were adopted from the recommendations of the Commission's Advisory Committee on Market Regulation.

[6] When a floor broker, an FCM, or an associated person of an FCM executes, or causes the execution of, an order, he is acting as an agent. *See* Meyer, *The Law of Stockbrokers and Stock Exchanges* 249–253, 282 (1931). As such, he owes certain duties to his principal, which are, in general, fiduciary in nature. *See* W. Seavey, *Law of Agency* 4, 243–248 (West 1964). Under basic principles of agency law, an agent's own interests must not conflict with those of his principal. *Id.* at 243–246. For example, an agent may not, in general, compete with his principal. *Id.* at 246. No proof of actual injury to the principal is normally required to establish that the agent has violated his duty; the mere potential for abuse is often sufficient. *See* 3 Loss, *Securities Regulation* 1501 (2d ed. 1961). These principles of agency law have been held to apply specifically to the commodities industry. For instance, it has been held that a member of a commodity exchange holding the power to direct futures trading in a customer's account is a fiduciary. A violation of that duty, fiduciary or otherwise, may be fraudulent conduct actionable under section 4b of the Act. Douglas Steen, 21 A.D. 1076 (1962). Similarly, it has been indicated that an FCM may be regarded as a fiduciary with respect to his relationship with customers. Hecht v. Harris, Upham & Co., 283 F. Supp. 417 (N.D. Cal. 1968).

[7] Concern has been expressed regarding potential abuses that may arise from the allocation by FCM's and floor brokers of previously-executed transactions among accounts over which they have trading discretion. The Commission directs interested parties to § 1.35(a–1) of its regulations, which contains safeguards against such abuses.

[8] The Commission will shortly propose a rule adopting similar standards for transactions by futures commission merchants who are not members of any contract market and their associated persons.

[9] The Conference Report to H.R. 13113, the bill which became the Commodity Futures Trading Commission Act of 1974, stated: If, for example, the Commission determines that it needs the time of each trade made on the exchanges and the identification of the traders involved in each trade, it can require that a record be kept of this information and that it be reported to the Commission by the clearinghouse and contract market.

S. Rep. No. 93–1194, 93d Cong., 2d Sess. 42 (1974).

V 40 244 DEC 18 75 XUM

hand is virtually impossible to detect because the time sequence of the broker's trades cannot be determined from the records. This omission bears heavily on the question of whether or not dual trading—trading by brokers, both for customers and for their own accounts—should be prohibited or restricted, which was a matter of concern in congressional hearings in 1973 and 1974 and which was discussed in our interim report. Neither CEA [a predecessor agency of the Commission] nor the commodity futures trading industry knows the extent of dual trading abuses, and neither can know in the absence of timing information.[10]

The Commission believes that a system which would permit the reconstruction of the sequence of the execution of transactions is an important element of a regulatory program to deter and to detect the possible abuses presented by dual trading. Without such a system the effectiveness of certain aspects of proposed regulation 155.2 is limited.[11]

Because of the complex and controversial issues involved in the area covered by proposed regulation 155.3, the Commission has established a 90-day period during which contract markets, floor brokers and other interested persons may submit written comments.[12] During this period, the Commission intends to continue its study of dual trading, including its effect on liquidity. In this regard, the Commission requests that comments specifically address the question of liquidity, utilizing factual data where appropriate.

The Commission urges that in responding to proposed regulation 155.3, each contract market advise the Commission as to the feasibility of undertaking a co-operative effort involving all contract markets, working in conjunction with the Commission, to develop suitable mechanisms, devices or other methods designed to record the sequence of the execution of transactions on the exchange floor. The Commission particularly requests each contract market to comment upon whether its present procedures and systems can be modified so as to permit the reconstruction of the sequence of transactions on its trading floor, and whether, as an alternative to banning dual trading by floor brokers, some other form of regulation would be more appropriate if an effective method of reconstructing the sequence of transactions on the floor is not implemented. Finally, the Commission requests specific comment respecting possible alternatives to proposed regulation 155.3 which would provide an adequate method of enforcing the standards with respect to floor brokers set forth in proposed regulation 155.2.

In consideration of the foregoing, the Commission hereby proposes to amend 17 CFR Chapter I by adding a new part 155 as follows:

Part 155—Standards Regarding Dual Trading

Sec.
155.1 Definitions.
155.2 Trading standards.
155.3 Transaction sequence plans.

AUTHORITY: Secs. 4b, 4g, 4j, and 8a of the Commodity Exchange Act, as amended (7 U.S.C. 6b, 6g, 6j and 12a)

§ 155.1 Definitions.

(a) *Dual Trading or Dual Trade*—(1) With respect to any floor broker these terms mean trading in a commodity for future delivery for any account in which such floor broker has an interest or over which he has discretionary authority on the same day in which such floor broker trades for another person in the same commodity for future delivery, except that these terms do not include any transaction to liquidate any position that results from an error made while attempting to execute an order for another person; (2) with respect to any futures commission merchant or associated person thereof, these terms means trading for any account of the futures commission merchant, any proprietary account of the futures commission merchant, or any account of any associated person, officer, partner, or employee of the futures commission merchant, their spouses or minor dependents living in the same household, except that these terms do not include any transaction to liquidate any position that results from an error made while attempting to have executed an order for another person.

§ 155.2 Trading standards.

(a) After June 30, 1976, no member of a contract market acting as a floor broker or acting as a futures commission merchant, and no associated person of such a futures commission merchant, shall dual trade, and no contract market shall permit any member acting as a floor broker or acting as a futures commission merchant or any associated person of such a futures commission merchant to dual trade, unless such dual trading is conducted in conformity with a set of rules adopted by the contract market and submitted to and approved by the Commission in accordance with the provisions of paragraph (b) of this section.

(b) The set of rules adopted by a contract market and submitted to the Commission for approval as provided in paragraph (a) of this section shall at a minimum:

(1) *Floor Brokers*—With respect to each member of the contract market acting as a floor broker:

(i) Prohibit such member from executing any transaction for his own account, or for any account in which he has an interest, while holding an order of another person in the same commodity for future delivery which is executable at the market price, except that such member may take into his own account, and subsequently liquidate, any position that results from an error made while attempting to execute an order for another person.

(ii) Prohibit such member from executing any transaction for any account in which he has discretionary authority, except that an order for such an account may be placed with another member for execution.

(iii) Prohibit such member from disclosing at any time that he is holding an order of another person, or from divulging, or taking the other side of, for any purpose, except in conformity with contract market rules approved by the Commission, any order revealed to him by reason of his relationship with such other person.

(iv) Prohibit such member from making any purchase or sale which has been directly or indirectly prearranged.

(v) Require that every execution of a transaction on the floor by such member be immediately confirmed with the opposite floor broker or floor trader; such confirmation shall identify price, quantity and respective clearing members.

(vi) Require that, in executing an order of another person, such member use due diligence to execute that order at the best possible price or prices available on the floor of the contract market.

(2) *Futures Commission Merchants*—With respect to each member of the contract market acting as a futures commission merchant:

(i) Prohibit such member, its associated persons, officers, partners, and employees from disclosing at any time that an order of another person is being held by such member, its associated persons, officers, partners, or employees, or from divulging, or knowingly taking the other side of, for any purpose, except in conformity with contract market rules approved by the Commission, any order revealed to such member, its associated persons, officers, partners, or employees by reason of their relationship with such other person.

(ii) Require such member to establish procedures to assure, to the extent possible, that with respect to each office or branch office, each order received from another person which is executable at or near the market price is transmitted to the floor of the contract market before such member transmits to the floor of the contract market any order in the same commodity for future delivery for the account of such member, any proprietary account of such member, or any account of any of its associated persons, officers, partners, employees or their spouses or minor dependents living in the same household, and require such member to otherwise use due diligence in handling each order received from another person so as to enable each such order to be executed at the best possible price or prices available on the contract market.

(iii) Prohibit the associated persons, officers, partners and employees of such member from acting in collusion to circumvent the requirements of paragraph (b)(2)(ii) of this § 155.2.

(iv) Require such member to establish a compliance program which shall (A) to the extent possible, assure that the handling of orders for its proprietary accounts and for all accounts on its books of its associated persons, officers, partners, employees and their spouses and minor dependents living in the same household is in compliance with contract market rules adopted in accordance with paragraph (b)(2) of this § 155.2, and (B) either prohibit its associated persons, officers, partners, employees and their spouses and minor dependents living in the same household from having accounts with other futures commission merchants or, in the alternative, require that the establishment of such accounts be approved by a designated person or persons in a supervisory capacity and that confirmation of all transactions in such accounts be transmitted to a designated person or persons in a supervisory capacity to assure, to the extent possible, compliance with the Act, the regulations thereunder and contract market rules adopted in accordance with paragraph (b)(2) of this § 155.2

(v) Prohibit such member from handling the accounts of any other member's associated persons, officers, partners, employees or their spouses or minor dependents living in the same household, without the written approval of such other member and without submitting to such other member copies of all confirmations and statements rendered to such associated persons, officers, partners, employees and their spouses and minor dependents living in the same household.

(3) Require that a record be established and maintained of all changes in price for futures transactions executed on the floor of the contract market. This record shall include the time of all changes in price to the nearest ten seconds.

§ 155.3 Transaction sequence plans.

(a) After January 16, 1977, no member of a contract market acting as a floor broker shall dual trade, and no contract market shall permit any member acting as a floor broker to dual trade, unless such contract market has submitted to the Commission a plan, with a timetable for implementation, which provides for the development, as soon as practicable, of a method, through time stamping or otherwise, for recording the sequence of futures transactions executed on the contract market. This method must, at a minimum, be designed to permit the reconstruction of the sequence of futures transactions on the contract market in those commodities for future delivery in which dual trading is not prohibited by contract market rules and must include the identities of the persons executing such transactions, and of the clearing members and customers of such clearing members in such transactions. The plan submitted by a contract market must provide that, pending the development of the method for reconstruction of the sequence of futures transactions, continued improvements will be made in recordkeeping to improve the tracing of the handling of customers' orders.

(b) After April 17, 1977, or such later date as the Commission by order shall determine with respect to a particular plan, no member of a contract market acting as a floor broker shall dual trade, and no contract market shall permit any member acting as a floor broker to dual trade, unless a plan, as described in paragraph (a) of this § 155.3, has been adopted by the contract market and declared in effect by the Commission upon such terms and conditions as the Commission may by order prescribe.

* * * * *

The Commission is holding a hearing through written submission on the merits of the proposed regulations. Interested persons are invited to express their views and comments on whether the foregoing proposed regulations should be adopted either in the form proposed or as modified in some respect. Written statements of views and comments should be submitted to the Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036, Attn. Secretariat. All statements regarding proposed regulations 155.1 and 155.2 received on or before January 12, 1976, will be considered by the Commission before taking action on those proposed regulations. All statements regarding proposed regulation 155.3 received on or before March 12, 1976, will be considered by the Commission before taking action on that proposed regulation. In addition, any person may request the opportunity to express his views at an oral hearing; if the Commission should conclude that an oral presentation will be of value, it will, by subsequent notice, set the time and place of that hearing. All such communications will be available for public inspection.

Issued in Washington, D.C. this 12th day of December 1975.

By the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-34087 Filed 12-17-75;8:45 am]

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[10] Comptroller General of the United States, *Report to the Congress on Improvements Needed in Regulation of Commodity Futures Trading* (June 24, 1975) (CCH Commodity Futures Law Rep., Extra Edition Number 6, p. 19 (July 8, 1975)).

[11] As amended by section 407 of the Commodity Futures Trading Commission Act of 1974, section 5a(8) of the Act requires each contract market to enforce all of its rules approved by the Commission which relate to trading requirements. Therefore, a contract market would have a statutory obligation to enforce any rules adopted pursuant to proposed regulation 155.2.

[12] The comment period for proposed regulation 155.1 and 155.2 is 30 days.

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 470-1]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

South Carolina: Legal Authority

On May 31, 1972 (37 FR 10842), the Administrator approved most of the South Carolina plan to attain and maintain the national ambient air quality standards in that State. Specifically disapproved at that time was the plan's provisions for the public availability of emission data. On October 28, 1972 (37 FR 23085), the Administrator, at the request of the Governor of South Carolina, delegated to the State the legal authority needed to determine and make public the compliance status of air pollution sources, including the authority to require owners or operators of stationary sources to install, maintain and operate emission monitoring devices, to keep records of and report the information thus obtained, and to release to the public such emission data correlated with any applicable emission standards or regulations. On October 15, 1975, Governor James B. Edwards submitted to the Agency as a plan revision the Pollution Control Act of South Carolina as amended, most recently by Act No. 395 of the 1975 General Assembly; transmitted an opinion of the State's Attorney General that the Pollution Control Act of South Carolina as now amended satisfies the requirements of 40 CFR 51.10(e), 51.11(a)(5), and 51.11(a)(6); and requested that the Agency withdraw its delegation of legal authority as set forth at 40 CFR 52.2124(c). The purpose of the present notice is to solicit public comment on the State of South Carolina's revised legal authority to carry out the provisions of the Clean Air Act and the Agency's implementing regulations.

In an opinion rendered on September 19, 1975, to the South Carolina Department of Health and Environmental Control, the South Carolina Attorney General cited the following portions of the amended Pollution Control Act of South Carolina to support his contention that the legislation now meets all pertinent requirements of 40 CFR Part 51:

§ 9 [The Board of Environmental Health and Control may] (10) require to be submitted to it and consider for approval plans for disposal systems or sources or any parts thereof and inspect the construction thereto for compliance with approved plans; (20) conduct investigations of conditions in the air or waters of the State to determine whether or not standards are being contravened and the origin of materials which are causing the polluted conditions; (22) require the owner or operator of any source or disposal system to establish and maintain such operational records; make reports; install, use, and maintain monitoring equipment or methods; sample and analyze emissions or discharges in accordance with prescribed methods, at locations, intervals, and procedures as the Board shall prescribe; and provide such other information as the Board reasonably may require; (23.1) enter at all times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to pollution or the possible pollution of the environment of the State. . . .

§ 30 Any records, reports or information obtained under any provision of this Act shall be available to the public. Upon a showing satisfactory to the Department by any person that records, reports or information, or particular parts thereof, other than effluent or emission data, if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Department shall consider such records, report or information or particular portion thereof confidential in the administration of this act.

Copies of the materials submitted by South Carolina may be examined during normal business hours at the following locations:
Public Information Reference Unit,
Library Systems Branch,
Environmental Protection Agency,
401 M Street, SW.
Washington, D.C. 20460.

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Air Programs Branch, Environmental Protection Agency, Region IV, 1421 Peachtree Street, NE., Atlanta, Georgia 30309.
Bureau of Air Quality Control, Department of Health & Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201.

Interested persons are urged to submit written comments on the present plan revision. To be considered, such comments must be received on or before January 19, 1976, and should be addressed to John Eagles at the Atlanta address given above. If the Administrator determines, on the basis of information and views available to him, that the present revision satisfies the requirements of 40 CFR 51.10(e), 51.11(a)(5) and 51.11(a)(6), he will revoke his disapproval of the South Carolina plan at 40 CFR 52.2124 (a) and (b) as well as the delegation of authority set forth at 40 CFR 52.2124(c).

(Section 110(a) of the Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: December 11, 1975.

JACK E. LAVAN,
Regional Administrator, Region IV.

[FR Doc.75-34163 Filed 12-17-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary of Labor

[29 CFR Part 60]

IMMIGRATION; IMMIGRANT LABOR CERTIFICATIONS

Modification of Schedule B Definition

Section 212(a)(14), of the Immigration and Nationality Act, 79 Stat. 911, 8 USCA 1182, provides the statutory authority for the Secretary of Labor to make determinations regarding the immigration of alien workers into the United States. An alien who seeks to immigrate for the purpose of employment is ineligible to receive a visa and is excluded from admission into the United States unless the Secretary of Labor has certified that qualified United States workers are not available and that the alien's employment will not adversely affect wages and working conditions of the workers in the United States similarly employed. To facilitate the labor certification procedure the Secretary of Labor has defined various occupational categories to serve as guidelines for occupational qualification requirements.

Notice is hereby given that the Secretary of Labor proposes to modify the definition of *Household Domestic Service Workers* at 29 CFR 60.7. Under the current regulation an alien seeking certification as a household domestic service worker must document one year's full time paid experience in performing those tasks incident to the maintenance of private households. This experience can only have been acquired as a result of employment in private households.

The proposed regulation would provide that the one year's documented paid experience may be acquired in public or private institutions or establishments as well as in private households. It would provide, however, that the tasks performed in the public or private institutions or establishments be equivalent to those tasks normally associated with the maintenance of a private household.

Inquiries may be addressed, and data, views, and arguments may be submitted until January 19, 1976, to the Assistant Secretary for Employment and Training, Department of Labor, Attention: William B. Lewis, Room 8000, 6th and D Streets, NW., Washington, D.C. 20213.

In consideration of the foregoing, it is proposed to modify 29 CFR Part 60.7 to read as follows:

§ 60.7 Schedules.

. . . . . .

SCHEDULE B

. . . . . .

OCCUPATIONAL DEFINITIONS

. . . . . .

Household Domestic Service Workers

Perform a variety of tasks in private households, including activities such as cleaning, dusting, washing, ironing, making beds, maintaining clothes, marketing, cooking, serving food, and caring for children or disabled persons: Provided, however, that noncertification under this category shall apply only to these workers who have had less than one year of documented full-time paid experience in the work to be performed, working on a live-in or live-out basis in private households, or in public or private institutions or establishments where the worker has performed tasks equivalent to tasks normally associated with the maintenance of a private household.

Signed at Washington, D.C. this 12th day of December, 1975.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.75-34155 Filed 12-17-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Office of the Secretary

[Delegation of Authority No. 133]

NATIONAL GALLERY OF ART

Delegation of Functions Under the Joint Resolution

By virtue of the authority vested in me by the Joint Resolution Providing for the construction and maintenance of a National Gallery of Art of March 24, 1937, as amended, (50 Stat. 51, 20 U.S.C. 71 *et seq.*) and Section 4 of the Act of May 26, 1949, as amended, (63 Stat. 111, 22 U.S.C. 2658), it is ordered as follows:

Sec. 1. While reserving to the Secretary of State the title of Trustee ex officio, and the right at any time to exercise the functions conferred on the Secretary of State by the Joint Resolution, such functions are hereby delegated to the Deputy Secretary of State.

Sec. 2. In the event of inability of the Deputy Secretary of State by reason of sickness, absence, other duties, or otherwise to perform the functions, the Assistant Secretary of State for Educational and Cultural Affairs is authorized to perform such functions.

Sec. 3. This Delegation of Authority shall be effective December 10, 1975.

[SEAL] HENRY A. KISSINGER,
Secretary of State.

[FR Doc.75-34134 Filed 12-17-75;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 151 (Rev. 1)]

ASSISTANT COMMISSIONER (EMPLOYEE PLANS AND EXEMPT ORGANIZATIONS), ET AL.

Delegation of Authority

1. Pursuant to authority vested in the Commissioner of Internal Revenue by section 6103(g) of the Internal Revenue Code of 1954 and Treasury Department Order No. 150-37, dated March 17, 1955, there is hereby delegated to the Assistant Commissioner (Employee Plans and Exempt Organizations), the Service Center Directors and the District Directors of the Key Districts for Employee Plans and Exempt Organizations matters the authority to furnish the Department of Labor or the Pension Benefit Guaranty Corporation:

(a) upon specific written request, the information specified in 26 CFR 420.6103(g)-1, 2, 3(c)(1), and 3(c)(2), and

(b) without application or written request, the information specified in 26 CFR 420.6103(g)-3(a)(2).

2. The authority delegated to the Assistant Commissioner (Employee Plans and Exempt Organizations) in paragraph 1 may be redelegated but not below Branch Chiefs, Employee Plans Division.

3. The authority delegated to the Service Center Directors in paragraph 1 may be redelegated but not below Section Chiefs, in Service Centers.

4. The authority delegated District Directors of the Key Districts in paragraph 1(a) may be redelegated but not below Chiefs, Technical Staffs, Employee Plans and Exempt Organizations Divisions.

5. The authority delegated to District Directors of the Key Districts in paragraph 1(b) may be redelegated but not below Chiefs, Service Units, Employee Plans and Exempt Organizations Divisions.

6. Delegation Order No. 151, issued June 25, 1975, is hereby superseded.

Date of issue: December 3, 1975.

Effective date: December 3, 1975.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75-34151 Filed 12-17-75;8:45 am]

[Order No. 4 (Rev. 3)]

ASSISTANT COMMISSIONER AND DIRECTOR, INTERNAL SECURITY DIVISION

Delegation of Authority

1(a). The authorities granted to the Commissioner of Internal Revenue by 26 CFR 301.7602-1(b), 301.7603-1, 301.7604-1 and 301.7605-1(a) to issue summonses; to set the time and place for appearance; to serve summonses; to take testimony under oath of the person summoned; to receive and examine books, papers, records or other data produced in compliance with the summons; and to enforce summonses, are delegated to the officers and employees of the Internal Revenue Service specified in paragraphs 1(b), 1(c) and 1(d) of this Order and subject to the limitations stated in paragraphs 1(b), 1(c), 1(d) and 6 of this Order.

(b) The authorities to issue summonses and to perform the other functions related thereto specified in paragraph 1(a) of this Order, are delegated to the following officers and employees, provided that the authority to issue a summons in which the proper name or names of the taxpayer or taxpayers is not identified because unknown or unidentifiable (hereinafter called a "John Doe" summons) may be exercised only by said officers and employees and by them only after obtaining pre-issuance legal review by Regional Counsel or the Chief Counsel in the case of Inspection and International Operations.

(1) Inspection: Assistant Commissioner and Director, Internal Security Division.

(2) District Intelligence: Chief of Division.

(3) International Operations: Director and Chiefs of Divisions.

(4) District Collection Activity: Chief of Division.

(5) District Audit: Chief of Division.

(6) District Employee Plans and Exempt Organizations: Chief of Division.

(c) The authorities to issue summonses except "John Doe" summonses, and to perform other functions related thereto specified in paragraph 1(a) of this Order, are delegated to the following officers and employees:

(1) Inspection: Regional Inspectors and Assistant Regional Inspectors (Internal Security) and Chief, Investigations Branch.

(2) District Intelligence: Assistant Chief of Division; Chiefs of Branches, and Group Managers.

(3) International Operations: Assistant Director; Chiefs of Branches; Case Managers; and Group Managers.

(4) District Collection Activity: Assistant Chief of Division; Chiefs of Field Branches and Office Branches; Chief, Special Procedures Staff and Group Managers.

(5) District Audit: Chiefs of Examination Branches; Case Managers and Group Managers.

(6) District Employee Plans and Exempt Organizations: Group Managers.

(d) The authority to issue summonses except "John Doe" summonses and to perform the other functions related thereto specified in paragraph 1(a) of this Order is delegated to the following officers and employees except that in the instance of a summons to a third party witness, the issuing officers' case manager, group manager, or any supervisory official above that level, has in advance personally authorized the issuance of the summons. Such authorization shall be manifested by the signature of the authorizing officer on the face of the original and all copies of the summons or by a statement on the face of the original and all copies of the summons, signed by the issuing officer, that he had prior authorization to issue said summons and stating the name and title of the authorizing official and the date of authorization.

(1) International Operations: Internal Revenue Agents; Attorneys, Estate Tax; Estate Tax Examiners; Special Agents; Revenue Service and Assistant Revenue Service Representatives; Tax

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Auditors; and Revenue Officers, GS–9 and above.

(2) District Intelligence: Special Agents.

(3) District Collection: Revenue Officers, GS–9 and above.

(4) District Audit: Internal Revenue Agents; Tax Auditors; Attorneys, Estate Tax; and Estate Tax Examiners.

(5) District Employee Plans and Exempt Organizations: Internal Revenue Agents; Tax Law Specialists; and Tax Auditors.

(e) Each of the officers and employees referred to in paragraphs 1(b), 1(c) and 1(d) of this Order may serve a summons whether it is issued by him or another official.

2. Each of the officers and employees referred to in paragraphs 1(b), 1(c) and 1(d) of this Order, authorized to issue summonses, is delegated the authority under 26 CFR 301.7602–1(b) to designate any other officer or employee of the Internal Revenue Service referred to in paragraph 4(b) of this Order, as the individual before whom a person summoned pursuant to § 7602 of the Internal Revenue Code shall appear. Any such other officer or employee of the Internal Revenue Service when so designated in a summons is authorized to take testimony under oath of the person summoned and to receive and examine books, papers, records or other data produced in compliance with the summons.

3. Internal Security Inspectors are delegated the authority under 26 CFR 301.7603–1 to serve summonses issued in accordance with this Order by any of the officers and employees of the Inspection Service referred to in paragraphs 1(b)(1) and 1(c)(1) of this Order even though Internal Security Inspectors do not have the authority to issue summonses.

4(a). The authorities granted to the Commissioner of Internal Revenue by 26 CFR 307.7602–1(a), and 301.7605–1(a) to examine books, papers, records, or other data, to take testimony under oath and to set the time and place of examination are delegated to the officers and employees of the Internal Revenue Service specified in paragraphs 4(b), 4(c), and 4(d) of this Order and subject to the limitations stated in paragraphs 4(c) and 6 of this Order.

(b) General Designations (1) Inspection: Assistant Commissioner; Director, Internal Security Division; Director, Internal Audit Division; Regional Inspectors; Internal Auditors, and Internal Security Inspectors.

(2) District Intelligence: Chief and Assistant Chief of Division; Chiefs of Branches; Group Managers, and Special Agents.

(3) International Operations: Director; Assistant Director; Chief of Divisions and Branches; Special Agents; Case Managers; Group Managers; Internal Revenue Agents; Attorneys, Estate Tax; Estate Tax Examiners; Revenue Service and Assistant Revenue Service Representatives; Tax Auditors; and Revenue Officers.

(4) District Collection Activity: Chief and Assistant Chief of Division; Chiefs of Field Branches and Office Branches; Chiefs, Special Procedures Staffs; Group Managers and Revenue Officers.

(5) District Audit: Chief of Division; Chiefs of Examination Branches; Conferees; Case Managers; Group Managers; Internal Revenue Agents; Tax Auditors; Attorneys, Estate Tax; and Estate Tax Examiners.

(6) Regional and District Employee Plans and Exempt Organizations: Conferees; Chief of Division; Chief of Examination Branch; Chief, Technical Staff; Group Managers; Internal Revenue Agents; Tax Law Specialists; and Tax Auditors.

(7) Service Center: Chief, Audit Division; Chief, Intelligence Staff; Revenue Agents; Tax Auditors and Special Agents.

(c) District Directors, Service Center Directors, Regional Inspectors, the Chief of Investigation Branch, and the Director of International Operations may redelegate the authority under 4(a) of this Order to aides or trainees, respectively, for the positions of revenue agent, tax law specialist, revenue officer, internal auditor, internal security inspector, and special agent, provided that each such aide or trainee shall exercise said authority only under the direct supervision, respectively, as applicable of a revenue agent, tax law specialist, revenue officer, special agent, internal auditor or internal security inspector.

(d) District Directors may redelegate the authority under 4(a) of this Order to Revenue Representatives and Office Collection Representatives.

5. Under the authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7622–1, the officers and employees of the Internal Revenue Service referred to in paragraphs 1(b), 1(c), 1(d) and 4(b) and 4(c) of this Order are designated to administer oaths and affirmations and to certify to such papers as may be necessary under the internal revenue laws and regulations *except* that the authority to certify shall not be construed as applying to those papers or documents the certification of which is authorized by separate order or directive. Revenue Representatives and Office Collection Representatives referred to in paragraph 4(d) of this Order are not designated to administer oaths or to perform the other functions mentioned in this paragraph.

6. The authority delegated herein may not be redelegated except as provided in paragraphs 4(c) and 4(d).

7. This Order supersedes Delegation Order No. 4 (Rev. 2), issued April 30, 1973, and Delegation Order No. 37 (Revised), issued September 3, 1957.

Date of issue: November 24, 1975.

Effective date: December 24, 1975.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75–34152 Filed 12–17–75;8:45 am]

Office of the Secretary

POLYMETHYL METHACRYLATE OF PELLET, POWDER, FLAKE, GRANULAR OR SIMILAR FORMS FROM JAPAN

Antidumping Withholding of Appraisement Notice

Information was received on May 16, 1975, from E. I. du Pont de Nemours, alleging that polymethyl methacrylate polymers from Japan were being sold in the United States at less than fair value thereby causing injury to, or the likelihood of injury to, or the prevention of establishment of an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of June 16, 1975 (40 FR 25497). An "Amendment of Antidumping Proceeding Notice" limiting the class or kind of merchandise under consideration to polymethyl methacrylate of pellet, powder, flake, granular or similar forms from Japan was published in the FEDERAL REGISTER of June 23, 1975 (40 FR 26264).

TENTATIVE DETERMINATION OF SALES AT LESS THAN FAIR VALUE

On the basis of the information developed in Customs' investigation and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160 (b)), I hereby determine that there are reasonable grounds to believe or suspect that the purchase price of polymethyl methacrylate of pellet, powder, flake, granular or similar forms, from Japan is less, or is likely to be less, than the fair value, and thereby the foreign market value, of such or similar merchandise.

STATEMENT OF REASONS

The reasons and bases for the above tentative determination are as follows:

a. *Scope of the Investigation*—It appears that all, or virtually all, imports of the subject merchandise from Japan were manufactured by either Mitsubishi Rayon Co., Ltd., or Asahi Chemical Industry Co., Ltd., both of Tokyo, Japan. Therefore, the investigation was limited to these two manufacturers.

b. *Basis of Comparison*—For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales appear to be made to non-related Japanese trading companies. Home market price, as defined in § 153.3, Customs Regulations, (19 CFR 153.3), was used since such or similar merchandise appears to be sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

c. *Purchase Price*—For the purpose of this tentative determination of sales at less than fair value, adjustments have been made on the following bases. In accordance with § 153.31(b), Customs Regulations, (19 CFR 153.31(b)), pricing information was obtained concerning imports of polymethyl methacrylate from Japan during the 6-month period January 1, 1975, through June 30, 1975.

In the import transactions, all of the merchandise was purchased, or agreed to be purchased, prior to the time of exportation by the persons by whom or for whose account it was purchased, within the meaning of section 203 of the Act. The purchase price has been calculated on the basis of the ex go-down, Japanese port, packed price to the United States. Deductions have been made for inland freight, export selling expenses and packing with respect to both manufacturers. A deduction has been made for a royalty payment for merchandise sold by Asahi Chemical Industry Co., Ltd.

d. *Home Market Price*—For the purposes of this tentative determination of sales at less than fair value, adjustments have been made on the following bases. The home market price has been calculated on the basis of the delivered, net, packed price to the distributor. Adjustments have been made for credit expense, transportation, technical service expenses shown to be directly related to the sales in question, and packing costs, as appropriate, for merchandise sold by both manufacturers, in accordance with section 153.8, Customs Regulations (19 CFR 153.8). Adjustments for credit expenses relate to discounted promissory notes used for payment in the home market. Adjustments for technical services relate to travel expenses, salaries, and materials of technicians in providing technical services to home market purchasers and are directly related to sales in the home market. With respect to sales by Asahi Chemical Industry Co., Ltd., further adjustments for differences in circumstances of sales have been made for freely offered discounts and rebates of merchandise, for certain sales aids provided for the benefit of purchasers in later sales, and for royalty payments for merchandise. With respect to sales by Mitsubishi Rayon Co., Ltd., further adjustments for differences in circumstances of sales have been made for certain advertising and sales aid expenses incurred for the benefit of purchasers in later sales.

Adjustments for differences in circumstances of sales in accordance with § 153.8, Customs Regulations, (19 CFR 153.8), for warehousing costs for inventory purposes, salesmen's salaries, interest on inventory, and research and development expenses were claimed by counsel for both manufacturers. These expenses do not bear a direct relationship to the sales under consideration and no adjustment has been allowed for these expenses. Further adjustments for certain technical service expenses, including that for the supply of molds and technical brochures to purchasers in the home market, have not been allowed, but may be granted subsequently, if it is shown that these expenses are directly related to the sales under consideration.

Adjustments to the home market price, in purchase price situations, are allowed only for circumstances of sale which bear a direct relationship to the sales under consideration. Accordingly, warehousing costs for inventory purposes are not an allowable adjustment, since these expenses must be borne regardless of whether particular sales are made.

Salesmen's salaries, unlike commissions, are also not an allowable adjustment to home market price, since they too must be paid by the company irrespective of whether sales are made.

Adjustments for technical services rendered by a foreign company in its home market for purchasers of its product may be allowable if shown to be directly related to the sales under consideration. Technical services rendered to customers in the foreign market for advice on items, such as usage or application of the product sold is an allowable adjustment and is granted to the extent to which the specific direct costs of the services rendered are documented. The documentation submitted in the instant case relates to the salaries, fringe benefits, travel expenses, and material expenses of the technicians employed for rendering technical services. These expenses have been allowed.

e. *Result of Fair Value Comparison.*—Using the above criteria, preliminary analysis suggests that purchase price probably will be lower than the home market price of such or similar merchandise. Comparisons were made on approximately 95 percent of all polymethyl methacrylate sold in the United States during the period of investigation. Margins were tentatively found, ranging from 17–40 percent, on 100 percent of sales compared. The weighted average margin tentatively appears to be between 17–25 percent.

Accordingly, Customs Officers are being directed to withhold appraisement of polymethyl methacrylate of pellet, powder, flake, granular or similar forms, from Japan in accordance with section 153.48, Customs Regulations, (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office on or before December 29, 1975. Such request must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before January 19, 1976.

This notice, which is published pursuant to § 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

DECEMBER 15, 1975.

[FR Doc.75–34185 Filed 12–17–75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee will hold a closed meeting on January 21–22, 1976, at the Pentagon, Washington, D.C. The sessions will commence at 9:00 a.m. and terminate at 5:30 p.m. daily.

The agenda will consist of matters required by Executive Order to be kept secret in the interest of national defense, including a current intelligence political-military assessment, briefings on significant intelligence highlights, and discussions on naval missions, policy and strategy, ship acquisition, systems development, specialized technology, and long-range Navy plans. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in Section 552(b)(1) of Title 5, United States Code.

Dated: December 10, 1975.

LARRY G. PARKS,
Captain, JAGC, U.S. Navy, Assistant Judge Advocate General (Civil Law).

[FR Doc.75–34114 Filed 12–17–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 566]

ARIZONA

Filing of Plat of Survey; Correction

DECEMBER 12, 1975.

1. In F.R. Document 75–32457, appearing on page 56465 of the issue of Wednesday, December 3, 1975, the third line describing the survey, now reading Survey No. 2235, is corrected to read "Survey No. 2325."

CHARLES G. BAZAN, JR.,
Chief, Branch of Records and Data Management.

[FR Doc.75–34066 Filed 12–17–75;8:45 am]

V40244 DEC 18 75 XUM

[NM 27116, 27117 and 27118]

NEW MEXICO

Notice of Applications

DECEMBER 11, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for five 4½ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 19 S., R. 32 E.,
Sec. 15, SW¼SW¼;
Sec. 22, NW¼NW¼.
T. 19 S., R. 33 E.,
Sec. 13, W½NW¼ and NW¼SW¼.
T. 19 S., R. 34 E.,
Sec. 4, S½SW¼ and SW¼SE¼.

These pipelines will convey natural gas across 1.597 miles of national resource lands in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-34067 Filed 12-17-75;8:45 am]

[Wyoming 53189]

WYOMING

Notice of Application

DECEMBER 11, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 29 N., R. 113 W.,
Sec. 28.

The pipeline will convey natural gas from the Tip Top #F-44X-28G well in sec. 28, T. 29 N., R. 113 W., to an existing gathering system in sec 6, T. 28 N., R. 113 W., Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-34068 Filed 12-17-75;8:45 am]

[Wyoming 53190]

WYOMING

Notice of Application

DECEMBER 11, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 28 N., R. 113 W.,
Sec. 6.
T. 29 N., R 113 W.,
Sec. 28;
Sec. 33.

The pipeline will be an extension to the Big Piney Gathering System in Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-34069 Filed 12-17-75;8:45 am]

[Wyoming 53191]

WYOMING

Notice of Application

DECEMBER 11, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 28 N., R. 113 W.,
Sec. 8;
Sec. 9.

The pipeline will convey natural gas from the Tip Top #F13-X-9G well in sec. 9 to a gathering system in sec. 8, all in T. 28 N., R. 113 W., Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 75-34070 Filed 12-17-75;8:45 am]

[Wyoming 53192]

WYOMING

Notice of Application

DECEMBER 11, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 29 N., R. 113 W.,
Sec. 28;
Sec. 29.

The pipeline will convey natural gas from the Tip Top #F-33X-29G well in sec. 29, T. 29 N., R. 113 W., to an existing gathering system in sec. 6, T. 28 N., R. 113 W., Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-34071 Filed 12-17-75;8:45 am]

[Serial Nos. I-5782, I-4966]

IDAHO

Hearing on Proposed Withdrawal of Public Lands

DECEMBER 11, 1975.

Notice is hereby given that a public hearing will be held at 9:30 a.m., Tuesday, February 10, 1976, at the Washington Water Power auditorium, at the corner of 5th Street and Lakeside Avenue to Coeur d'Alene, Idaho. The hearing pertains to the requests by the Forest Service (Idaho 5782, Idaho 4966) for the withdrawal from all location and entry under the mining laws, but not the mineral leasing laws, of the lands described hereafter for use by the Forest Service as botanical, scenic and recreation areas as set forth in notices of withdrawal published in the FEDERAL REGISTER on August 29 and May 11, 1972.

The lands involved are described as follows:

BOISE MERIDIAN

COEUR D'ALENE RIVER—MCPHERSON'S RANCH TO JORDAN CAMPGROUND

T. 52 N., R. 2 E.,
Sec. 1, lots 1 and 2.
T. 52 N., R. 3 E.,
Sec. 6, lots 2, 3 and 4, SW¼NE¼ and those portions of E½SE¼NW¼, NE¼SW¼ outside HES 804.
T. 53 N., R. 2 E.,
Sec. 36, S½SE¼NE¼, E½SE¼.
T. 53 N., R. 3 E.,
Sec. 16, W½NW¼;
Sec. 17, E½E½NE¼, N½NW¼NE¼NE¼, S½NW¼SE¼NE¼, SW¼SE¼NE¼, W½NE¼, E½SE¼NW¼, E½SW¼, E½SW¼SW¼, S½SW¼SW¼SW¼, NW¼SE¼, NW¼SW¼SE¼;
Sec. 19, E½NE¼, SE¼NW¼NE¼, SW¼NE¼, E½SW¼, SE¼;
Sec. 20, W½NE¼NW¼, NW¼NW¼, N½SW¼NW¼;
Sec. 30, NE¼, S½SW¼, W½SE¼, W½E½SE¼;
Sec. 31, N½NW¼NE¼, W½.

The areas described total 1,867.17 acres.

REVETT LAKE RECREATION AREA

T. 49 N., R. 5 E.,
Sec. 25, lots 1 and 2, SE¼NE¼NW¼SE¼, S½NW¼SE¼, SW¼SE¼, SE¼SE¼NE¼SW¼, NE¼NE¼SE¼SW¼, S½NE¼SE¼SW¼, SE¼SE¼SW¼;
Sec. 36, lots 1 and 2, N½NW¼NE¼, SE¼NW¼NE¼, E½SW¼NW¼NE¼, NW¼SW¼NW¼NE¼, E½NE¼NE¼NW¼.
T. 49 N., R. 6E.,
Sec. 30, lots 4 and 5, N½NE¼NW¼NE¼, SW¼NE¼NW¼NE¼, SE¼NW¼NW¼NE¼, SW½NW¼NE¼, NW¼SE¼NW¼NE¼, E½SE¼NE¼NW¼, SW¼SW¼NE¼NW¼, SE¼SE¼NW¼NW¼, E½SW¼NW¼, SE¼NW¼SW¼NW¼, E½SW¼SW¼NW¼, NE¼NE¼SE¼NW¼, W½NE¼SE¼NW¼, NW¼SE¼NW¼, N½SW¼SE¼NW¼, SW¼SW¼SE¼NW¼;
Sec. 31, lot 1.

The areas described total 443.31 acres.

GLIDDEN LAKES RECREATION AREA

T. 48 N., R. 6 E.,
Sec. 7, lot 1, S½NE¼SW¼SE¼, SE¼SW¼SE¼;
Sec. 8, lots 4, 5 and 6;
Sec. 17, lots 2 and 3, NW¼NW¼, NW¼SW¼NW¼, W½NE¼SW¼NW¼, NW¼SW¼SW¼NW¼;
Sec. 18, lot 1, E½NW¼NE¼, NE¼SW¼NE¼, N½SE¼NE¼, N½S½SE¼NE¼.

The areas described total 368.09 acres.

SETTLERS GROVE OF ANCIENT CEDAR

T. 50 N., R. 5 E.,
Sec. 4, NW¼NE¼ of lot 1, NW¼ of lot 1, SW¼SW¼ of lot 1, N½SW¼ of lot 1, SE¼NE¼ of lot 2, SE¼ of lot 2, NE¼SW¼NE¼, NW¼SE¼SW¼NE¼, E½NW¼SW¼NE¼, SW¼NW¼SW¼NE¼, SW¼SW¼NE¼, E½SE¼SE¼NW¼, SW¼ SE¼SE¼NW¼, SE¼SW¼SE¼NW¼, NW¼NE¼SW¼, NE¼NE¼SW¼, S½NE¼NW¼SW¼, SE¼NW¼NW¼SW¼, NE¼SW¼NW¼SW¼, N½SE¼NW¼SW¼, W½NW¼NW¼SE¼.
T. 51 N., R. 5 E.,
Sec. 33, S½SE¼NE¼SE¼, SE¼SW¼NE¼SE¼, NE¼SE¼SE¼, E½NW¼SE¼SE¼, W½SE¼SE¼SE¼, SW¼SE¼SE¼, NE¼SE¼SE¼SE¼;
Sec. 34, SW¼NW¼SW¼, NW¼SW¼SW¼, S½NW¼NW¼SW¼.

The areas described total 183.47 acres, more or less.

All of the above areas aggregate 2,862.04 acres more or less in Shoshone County.

The hearing will be open to attendance of opponents to the withdrawal who may state their views and to proponents of the withdrawal who may explain its purpose, intent and extent and to all interested persons who desire to be heard on the subject. Those who desire to be heard in person at the hearing and those who desire to submit written statements should file notice thereof not later than January 19, 1976, with the State Director, Bureau of Land Management, P.O. Box 042, Boise, Idaho 83724.

RICHARD H. PETRIE,
Acting State Director.

[FR Doc.75-34093 Filed 12-17-75;8:45 am]

[NM 27129, 27130, 27131, 27132, 27133, 27136 and 27137]

NEW MEXICO

Notice of Applications

DECEMBER 10, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for six 4½ inch and one 6⅝ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 N., R. 12 W.,
Sec. 21, W½NW¼;
Sec. 33, SE¼NW¼, N½SE¼ and SE¼SE¼;
Sec. 34, W½SW¼ and SE¼ SW¼.
T. 31 N., R. 10 W.,
Sec. 20, lots 1 and 15;
Sec. 21, lot 4.

These pipelines will convey natural gas across 1.791 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-34116 Filed 12-17-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: San Diego Zoological Garden, Post Office Box 551, San Diego, California 92112; Clyde A. Hill, Curator of Mammals.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Check one only)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
Import two (2) male and one (1) female Crowned mongoose lemur (Lemur mongoz coronatus) endangered species for breeding in captivity.
Export one (1) male and one (1) female Red ruffed lemur, Varecia variegatus ruber, endangered species for breeding in

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
San Diego Zoological Garden
P. O. Box 551
San Diego, California 92112
Phone: 714-234-5151

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

4a. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION:
Public Zoo - Wildlife exhibition research programs in addition to educational and related activities.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. Clyde A. Hill, Curator of Mammals 714-234-5151
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

5. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Import from Cologne, West Germany
Export from San Diego, CA

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number) Marine Mammal 669, ES409, ES136, 1962-10 (Under 1944 law issued 62) Scientific coll.1-SC-169 K.C. Lint

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document(s))
Not required

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ Not required

10. DESIRED EFFECTIVE DATE
ASAP

11. DURATION NEEDED
Until terminated

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.
SIGNATURE (In ink) Clyde A. Hill | DATE 30 October 1975

V 40 244 DEC 18 75 5 XUM

OCTOBER 30, 1975.

DIRECTOR (FWS/LE), U.S. FISH AND WILDLIFE SERVICE, U.S. DEPARTMENT OF THE INTERIOR,
P.O. Box 19183,
Washington, D.C. 20036.

DEAR SIR: The San Diego Zoological Garden requests an endangered species permit to import two male and one female crowned mongoose lemur and a permit to export one male and one female red ruffed lemur. Both permits are for the purpose of an animal exchange between the zoo in Cologne, Germany and the San Diego Zoo.

1. Common and scientific names of the species or subspecies, number, age, and sex of the wildlife to be covered in the permit.

The Cologne Zoo has two male (born in 1975 at that institution) and a female (born there in 1973) crowned mongoose lemur *Lemur mongoz coronatus*. Those three animals can be exchanged for a male and a female red ruffed lemur *Varecia variegatus ruber* born at the San Diego Zoo. The male was born on 20 May 1973, the female 8 May 1974.

2. Copy of the contract or other agreement under which such wildlife is to be imported, showing the country of origin, name and address of the seller or consignor, date of the contract, number and weight (if available), and description of the wildlife.

Attached are photocopies of letters from Uta Hick dated 26 September 1975 concerning the exchange and Dr. Ernst Kullman, director of the Cologne Zoo dated 28 September 1975. Data to fulfill this section are contained in these letters.

3. A full statement of justification for the permit including details of the project or other plans for utilization of the wildlife in relation to zoological, educational, scientific, or propagational purposes as appropriate and the planned disposition of the wildlife upon termination of the project.

In 1963 the San Diego Zoo began negotiations with the Malagasy Government to import primates and other fauna from the island of Madagascar. The main motive behind this importation was to establish a breeding nucleus of a number of species in order to study their basic reproductive biology and to impart the message of wildlife conservation to the three million visitors that come to the San Diego Zoo each year. We were impressed with the fact that only one fifteenth of the forest remained in Madagascar and it was disappearing at a fast rate.

We believe in the premise that wildlife can best be saved in its native environment and captive breeding is a secondary line of defense. Nevertheless, a captive breeding program is sometimes the only answer. When conditions indicate an extensive captive breeding program may be necessary in the future, it is wise to establish the proper husbandry techniques needed for each species before the wild population reaches a critical level. We thought at the time, and still do, that some of the animals of Madagascar might be doomed unless they were saved by captive breeding. We therefore made preparations to obtain and work with various lemuroids.

The Malagasy Government agreed to our plan and it designated the San Diego Zoo as a depository for their protected wildlife. The Malagasy Government requested a member of the zoo staff to present its case in Tananarive and I did so in 1965. Following the meeting the government gave us permits for the genera *Lemur Varecia, Propithecus, Indri* and later *Microvebus*. The permits were given to us on a tax exempt basis, a waiver which I uderstand is seldom given. The permits were also coordinated with the International Union for the Conservation of Nature and they are available for examination. Other than those I personally collected in 1965 lemurs have trickled into our institution by ones and twos. Our animals are pets confiscated by the game department and then shipped to us.

Our program for these primates has been highly successful and a most intriguing experience. In *Lemur catta* we have had 51 births and five infant deaths. Only one adult has died in the past 10 years. By careful management we have increased our twin birth ratio to more than 36 percent. In 1965 we imported a trio of *Lemur macaco*, all are still alive. Eleven have been born, two infants died and there were two stillbirths. Our *Varecia variegatus* (for many years considered to also be in the genus *Lemur*) have produced 27 infants of which eight died. All eight infants died because the social behavior of this aberrant species was not known. We now know successful birth and rearing of the young can take place only if no other adult or juvenile females are present. Ten *Varecia variegatus ruber* have been born, the first litter of three was a long and difficult birth and none survived but all subsequent infants have. We have made the most amazing observations on the *Varecia* lemurs. Unlike their very close relatives in the genus *Lemur*, ruffed lemur babies are raised in a nest like birds rather than carried about in the normal primate fashion. This unusual maternal-infant behavior has been a most important discovery and vital to the successful rearing of this species. The incompatibility of females at birth time is also highly significant.

We wish to continue our projects of learning the basic techniques of keeping and rearing the True Lemurs in captivity. The Cologne Zoo has also been a world leader in breeding and studying several species of *Lemur*. They have successfully bred and raised the black and white *Varecia variegatus* and thus should have no difficulty with subspecies *ruber*. They have bred the rare crowned mongoose lemur and we would like to establish the first breeding nucleus in the New World. We believe we have the necessary expertise to handle such a project and we also believe the Cologne Zoo will have no difficulty with the pair of lemurs we wish to send them.

4. A description and the address of the institution or other facility where the wildlife will be used or maintained.

The crowned mongoose lemurs will be held at the San Diego Zoo. This institution is owned by the City of San Diego but is managed and operated by a California non-profit corporation known as the Zoological Society of San Diego. The postal address is: San Diego Zoo, Box 551, San Diego, California 92112, telephone: 714-234-5151. "The Cologne Zoo was established in 1860. It is a pleasant zoo park by the Rhine, with many fine new buildings." (*Zoos of the World*, James Fisher, published for The American Museum of Natural History, The Natural History Press, Garden City, New York, 1967, page 238). The postal address is Zoologischer Garten Köln, 5 Köln 60, Reichier Strausse 1973, Köln, West Germany.

5. A statement that at the time of application the wildlife to be imported is still in the wild, was born in captivity or has been removed from the wild.

As documented in the letters of Uta Hick and Dr. Ernst Kullman, the mongoose lemurs were born in the Cologne Zoo. The red ruffed lemurs to be sent to the Cologne Zoo were born in the San Diego Zoo.

6. A resume of the applicant's attempts to obtain the wildlife to be imported from sources which would not cause the death or removal of additional animals from the wild.

All the animals in this exchange were born in captivity, thus will not be a drain on the natural population of wild lemurs.

7. (i) A complete description, including photographs or diagrams, of the area and facilities in which the wildlife will be housed.

The Cologne Zoo recently finished a new exhibit building which they call The Lemur House. Rather than take up much space in the application describing this building and its workings we have, instead, enclosed some publications concerning this facility. In their excellent journal *Freunde Des Kölner Zoo* an article was published containing many photographs showing the Lemur House, please refer to "Der Neubau Des Lemurehauses" by Kurt Meywald.

The San Diego Zoo enclosure, see enclosed drawings, is basically an open air exhibit. The floor, two side walls and the back wall are smooth cement covered with epoxy. The front and top is a screen of electric weld wire allowing sunlight and free circulation of air. The cage contains resting shelves, a wooden climbing tree plus miscellaneous climbing and recreational apparatus. The rear of the cage opens into a shelter/bedroom containing a draft proof, sleeping shelf having an electrically heated floor which is thermostatically controlled. These enclosures have been operable since 1960 and have been proven effective. They have given us outstanding reproductive and longevity records for many species of primates, especially the more delicate kinds.

(ii) A brief résumé of the technical expertise available, including any experience the applicant or his personnel have had in propagating the species or closely related species to be imported.

Some of the material required for this section has already been recorded in section 3 of this application. In addition, we have enclosed personnel résumés of San Diego Zoo mammal curators and veterinarians who will be working with the species. Also please examine the following enclosures: Zoo *Köln, Lemurenhaus Eroffnet!* Please especially study the color photographs of the various species of lemurs and other primates kept in the Cologne Zoo. The primates are in magnificent condition. Also Heft 4, 16 Jahrgang of *Zeitschrift Des Kölner Zoo* by Uta Hick which has a color photograph of a white-fronted lemur on the cover. This journal points out the excellence of their primate care and gives insight to their scientific and literary expertise. A fine 13 page article on lemur behavior, feeding techniques, etc. by Uta Hick entitled "Das erste Jahr in neuen Lemurenhaus" appeared in Heft 4, 17 Jahrgang, *Zeitschrift Des Kölner Zoo* is enclosed. Another article by Uta Hick concerning Cologne's lemur breeding program is included which is entitled "Einige Beobachtungen zur Fortpflanzund und Jugendentiwicklung von *Lemur catta, Lemur mongoz mongoz, Lemur mongoz coronatus und Lemur fulvus albifrons*". The well illustrated 11 page article appeared in Heft 3, 13 Jahrgang, *Freunde Des Kölner Zoo* and it has, as do the other cited articles, a summary in English and all photographs are captioned in English as well as German. General notes on the Cologne lemur collection appeared in Heft 2, 10 Jahrgang, *Zeitschrift Des Kölner Zoo* by Uta Hick, entitled "Aus der Kölner Lemuren-Sammlung". Three more references are enclosed which deal with other rare and delicate primate species to demonstrate an across-the-board excellence in primate husbandry.

A paper on the breeding and husbandry of the red-backed saki and white-nosed saki again illustrates in color the superior condition of their animals. It is titled "Erstmalig gelungene Zucht eines Bartsakis" again written by Uta Hick and published in *Freunde Des Köner Zoo*, Heft 2, 11 Jahrgang. Cologne is also well known for their fine colony of rare and delicate Douc langurs and another 10 page article by Uta Hick "Zucht un Haltung von Kleiderafen" appeared in Heft 3, 13 Jahrgang, *Freunde Des Kölner Zoo* summarizes their experience with the species. Last, there is an 11 page scientific paper in English by Uta Hick, "Breeding and Maintenance of Douc Langurs at Cologne Zoo". The aforementioned literature should not only illustrate the facility but the expertise of the Cologne Zoo staff. In addition, Uta Hick's letter of 21 October 1975 states she has worked with lemurs since 1964 and more than 60% of the lemurs in the Cologne collection were born in the Cologne Zoo.

(iv) A detailed description of the type, size and construction of the container: Arrangements for feeding, watering, and otherwise caring for the wildlife in transit: and the arrangements for caring for the wildlife on importation into the United States.

The lemurs will be air transported on Lufthansa Airline via polar flight between Los Angeles and Frankfurt. Cologne is only a short distance from Frankfurt and that leg of the trip will be made by zoo truck. Transportation from and to Los Angeles will be made by zoo truck driven by an experienced primate keeper. The shipping crates will exceed the minimum standards required by the International Air Transport Association (IATA). Feeding and watering facilities are built into the crates. At Los Angeles the lemurs will be met by our customs house broker, James G. Wiley Company, 5315 West 102nd Street, P.O. Box 90008, Airport Station, Los Angeles, California 90009. This company is well experienced with animal needs and has been our broker for many years. The San Diego Zoo has met the registration standards for HEW effective 11 October 1975.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I, Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely,

CLYDE A. HILL,
Curator of Mammals.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received within 30 days of the date of publication will be considered.

Dated: December 3, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-34096 Filed 12-17-75;8:45 am]

Geological Survey

KNOWN GEOTHERMAL RESOURCES AREA

Crane Creek, Idaho

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as the Crane Creek Known Geothermal Resources Area, effective February 1, 1974:

(12) IDAHO

CRANE CREEK KNOWN GEOTHERMAL RESOURCES AREA, BOISE MERIDIAN, IDAHO

T. 11 N., R. 3 W.,
Secs. 5 through 8 and 18.
T. 11 N., R. 4 W.
Secs. 1 and 12.

The area described aggregates 4,342 acres, more or less.

Dated: November 18, 1975.

WILLIAM G. GERE,
Conservation Manager Western Region.

[FR Doc. 75-34119 Filed 12-17-75;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-31]

HARLAN CENTRAL COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Harlan Central Coal Company has filed a petition to modify the application of 30 CFR 77.1605(k) to its D-1 Mine, Totz, Kentucky.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, Petitioner states:

1. Petitioner's access road which is the subject of the petition is approximately 1 mile in length. The road is narrow due to the steep slopes of the mountains. The outer banks are fill material and will not support guard rails.

2. The use of berms would eliminate many possible passing areas for coal trucks and cars thus creating a hazard from loaded coal trucks.

3. The access road is maintained with graders and by pushing mud and snow over the outer edge of the road. Through fall, winter, and spring, frequent freezes and thaws occur which, if berms are installed, would create near impossible travel conditions.

4. Access roads without berms can be maintained by use of gravel, salt and grading equipment whereas they cannot be safely maintained with berms.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 19, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: December 11, 1975.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

[FR Doc.74-34120 Filed 12-17-75;8:45 am]

[Docket No. M 76-29]

HELVETIA COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Helvetia Coal Company has filed a petition to modify the application of 30 CFR 75.1101-8(b) to its Lucerne Nos. 6, 8 and 9 Mines, Indiana, Pennsylvania.

30 CFR 75.1101-8(b) provides:

Two or more branch lines, at least one of which shall be above the top belt and one between the top and bottom belt, shall be installed in each sprinkler system to provide a uniform discharge of water to the belt surface.

In support of its petition, Petitioner states: 1. Petitioner presently utilizes a foam generator system authorized by section 75.-1101-5 at Lucerne No. 6 and Lucerne No. 8 Mines. Lucerne No. 9 is just being developed and is not yet in production. Petitioner proposes to install a sprinkler system authorized by section 75.1101-6 at those mines and at Lucerne No. 9, but with a modification from the specific requirements of section 75.1101-8(b) as discussed below.

2. Petitioner requests modification of section 75.1101-8(b) to permit the use of a single line as part of its sprinkler system at main and secondary belt conveyor drives at the above-captioned mines.

3. The proposed modification will both improve existing systems and guarantee no less than the same measure of protection afforded the miners by use of the dual branch lines because:

(a) The single branch line will be installed with nozzles at 8 foot intervals at or above the plane of the top belt and offset to the side, allowing water to be released onto the top and bottom surfaces of the top belt and top surface of the bottom belt;

(b) A single-line system installed in this fashion performs the purpose intended by the regulations. The preliminary report of the research team studying the efficiency of the single-line system under MESA's Technical Support Group concluded that a single-line sprinkler system of the type proposed by Petitioner is as efficient for safety purposes as the branch line system.

4. Petitioner's proposed system will meet requirements of sections 75.1101-8(c), (d) and (e), and thereby improve reliability while providing no less than the same protection afforded miners by use of the dual branch system.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 19, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: December 11, 1975.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

[FR Doc.75-34121 Filed 12-17-75;8:45 am]

DEC 18 75 V40 I244 D XUM

[Docket No. M 76-32]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 961(c) (1970), Island Creek Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its Guyan No. 4 Mine, Logan County, West Virginia.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read in conjunction with section 75.1405 is 30 CFR 75.1405-1 which provides:

The requirement of 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

In support of its petition, Petitioner states: 1. Petitioner's mine employs a track coal haulage system, but all cars are handled as a unit. The only time cars are coupled or uncoupled is at the section loading point and at the dump area on the surface. Cars are not regularly coupled or uncoupled except in these instances.

2. Track haulage cars used for transporting supplies in Petitioner's mines are not regularly coupled and uncoupled as the majority of all supply trips are coupled before entering the mine and not uncoupled prior to returning from said trip. Supplies are unloaded directly from the cars while on track.

3. Petitioner has designed semi-automatic, lever operated-type couplers for use on its track equipment which enables the miner to couple or uncouple said cars without physically positioning himself between vehicles. Said system, furthermore, allows closer and more accessible inspection of coupling parts than possible with automatic couplers which would aid in the prevention of coupling failure. A copy of a schematic drawing of said system is attached hereto, as Exhibit A,[1] and made a part hereof.

4. Petitioner states that its training program and safety record regarding its coupling system has been excellent in the subject mine.

5. Because of the foregoing facts, installation of automatic couplers on all equipment used on track in Petitioner's aforementioned mine would diminish safety and, in fact, create hazards or the risk of hazards not now present.

6. Furthermore, the alternative method proposed by Petitioner will at all times guarantee the same, or a greater degree of protection as afforded by 30 CFR 75.1405.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 19, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: December 11, 1975.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

[FR Doc.75-34122 Filed 12-17-75;8:45 am]

[1] Exhibit A is available for inspection at the address contained in the last paragraph of the notice.

[Docket No. M 76-30]

ROCHESTER & PITTSBURGH COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861 (c) (1970), Rochester & Pittsburgh Coal Company has filed a petition to modify the application of 30 CFR 75.1101-8(b) to the following mines located in Indiana County, Pennsylvania.

30 CFR 75.1101-8(b) provides:

Two or more branch lines, at least one of which shall be above the top belt and one between the top and bottom belt, shall be installed in each sprinkler system to provide a uniform discharge of water to the belt surface.

In support of its petition, Petitioner states:

1. Petitioner presently utilizes deluge-type, water spray, foam generator and dry chemical systems to control fire at main and secondary belt conveyor drives authorized by 30 CFR section 75.1101 *et seq.* in its Emilie, Jane and Margaret mines. Petitioner proposes to install a sprinkler system authorized by section 75.1101-6 in those mines and in its Uring mines, now under construction, but with a modification from the specific requirements of section 75.1101-8 (b) as discussed below.

2. Petitioner requests modification of section 75.1101-8(b) to permit the use of a single line as part of its sprinkler system at main and secondary belt conveyor drives at the above-captioned mines.

3. The proposed modification will both improve existing systems and guarantee no less than the same measure of protection afforded the miners by use of the dual branch lines because:

(a) The single branch line will be installed with nozzles at 8 foot intervals at or above the plane of the top belt and offset to the side, allowing water to be released onto the top and bottom surfaces of the top belt and top surface of the bottom belt;

(b) A single-line system installed in this fashion performs the purpose intended by the regulations. The preliminary report of the research team studying the efficiency of the single-line system under MESA's Technical Support Group concluded that a single-line sprinkler system of the type proposed by Petitioner is as efficient for safety purposes as the branch line system.

4. Petitioner's proposed system will meet requirements of sections 75.1101-8 (c), (d) and (e), and thereby improve reliability while providing no less than the same protection afforded miners by use of the dual branch system.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 19, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: December 11, 1975.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

[FR Doc.75-34123 Filed 12-17-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A273]

IOWA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Story County, Iowa, as a result of excessive rainfall May 27 through June 26, accompanied by high winds, hail, and lightning; and severe flooding June 26 and 27, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Robert D. Ray that such designation be made.

Applications for Emergency loans must be received by this Department no later than February 2, 1976, for physical losses and September 1, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 9th day of December, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-34091 Filed 12-17-75;8:45 am]

[Notice of Designation Number A274]

WISCONSIN

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Marathon County, Wisconsin, as a result of a drought occurring on June 30, 1975, through August 20, 1975; excessive rainfall on September 1, 1975, through September 20, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Patrick J. Lucey that such designation be made.

Applications for Emergency loans must be received by this Department no later than February 2, 1976, for physical losses and September 3, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 9th day of December, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-34092 Filed 12-17-75;8:45 am]

Forest Service

FREMONT NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Fremont National Forest Grazing Advisory Board will meet at 1:00 p.m. on January 21, 1976 in the Fremont Forest Supervisor's Office, 34 North D Street, Lakeview, Oregon. The purpose of this meeting is to discuss the 1975 Grazing Report, problems, budgeting, review of proposed manual amendments, the 10-year program, and other items as needed.

The meeting will be open to the public. Persons who wish to attend should notify Phil Lee, P.O. Box 551, Lakeview, Oregon 97630, Telephone 947-2151. Written statements may be filed with the grazing board before or after the meeting.

ERNEST B. PRICE, JR.,
Acting Forest Supervisor.

DECEMBER 22, 1975.

[FR Doc.75-34065 Filed 12-17-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

IMPORTERS' TEXTILE ADVISORY COMMITTEE

Public Meeting

The Importers' Textile Advisory Committee will meet at 10:30 a.m. on February 5, 1976, in Room 6802, Department of Commerce, 14th & Constitution Avenue NW., Washington, D.C. 20230.

The Committee, which is comprised of 20 members, was established by the Secretary of Commerce on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool and man-made fiber textile agreements.

The agenda for the meeting is as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-967-5078.

Dated: December 15, 1975.

ALAN POLANSKY,
Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75-34110 Filed 12-17-75;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 9:00 a.m. to 1:00 p.m. on Thursday, January 29, 1976, in Dining Room C, Administration Building, of the National Bureau of Standards, in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal Information Processing Standards.

The public will be permitted to attend, to file written statements, and, to the extent time permits, to present oral statements. Persons planning to attend should notify Robert E. Rountree, Jr., Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (phone 301-921-3157).

Dated: December 12, 1975.

JOHN D. HOFFMAN,
Acting Director.

[FR Doc.75-34133 Filed 12-17-75;8:45 am]

VOLUNTARY PRODUCT STANDARD

Action on Proposed Withdrawal

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Voluntary Product Standard PS 33-70, "Polytetrafluoroethylene (PTFE) Plastic-Lined Steel Pipe and Fittings."

This withdrawal action is being taken for the reason that the product is covered by American Society for Testing and Materials' ASTM F 432-75, "Polytetrafluoroethylene (PTFE) Plastic-Lined Ferrous Metal Pipe and Fittings." and the continued duplication of this standard is inappropriate. This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of October 20, 1975 (40 FR 48959) to withdraw this standard.

The effective date for the withdrawal of this standard will be February 17, 1976. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: December 12, 1975.

JOHN D. HOFFMAN,
Acting Director.

[FR Doc.75-34131 Filed 12-17-75;8:45 am]

Office of the Secretary

REFRIGERATORS, COMBINATION REFRIGERATOR-FREEZERS, AND FREEZERS

Voluntary Energy Conservation; Testing and Labeling

By notice published in the FEDERAL REGISTER August 25, 1975 (40 FR 37063), the Department of Commerce announced its intention to issue a completed Appendix A to each of the following three Specifications: Voluntary Energy Conservation Specification No. 2-75, for Refrigerators; Voluntary Energy Conservation Specification No. 3-75, for Combination Refrigerator-Freezers; and Voluntary Energy Conservation Specification No. 4-75, for Freezers.

Interested parties were afforded an opportunity until September 24, 1975, to submit to the Assistant Secretary for Science and Technology written comments and suggestions relative to the proposed Appendix A to each Specification. Only two comments were received in response to the August 25, 1975, notice. These were revised energy values submitted by the Association of Home Appliance Manufacturers on behalf of the manufacturers who are members of the Association, and a copy of the values for energy consumption submitted by Amana Refrigeration, Inc. This correspondence and an analysis of the comments contained in it are available for public inspection at the Central Reference and Records Inspection Facility, Room 7068, Main Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230.

Based on the data submitted, the proposed Appendix A to each of the three cited Specifications has been modified. The resulting final Appendix A's are hereby issued. In accordance with the

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notice published in the FEDERAL REGISTER on August 1, 1975 (40 FR 32415), each Specification will become fully operational on January 19, 1976. Manufacturers, however, may indicate their intent to become participants in the Program with respect to these Specifications at any time.

Potential participants are advised that an amendment to Specifications 2–75, 3–75, and 4–75 has been proposed in the FEDERAL REGISTER October 7, 1975 (40 FR 46337).

Issued: November 28, 1975.

BETSY ANCKER-JOHNSON, Ph.D.,
Assistant Secretary for Science and Technology.

The final Appendix A to each Specification is as follows:

VOLUNTARY ENERGY CONSERVATION SPECIFICATION NO. 2–75, FOR REFRIGERATORS

Appendix A: Total refrigerated volume and cost of energy ranges

Rated total refrigerated volume in cubic feet	Ranges of total refrigerated volume in cubic feet	Ranges [1] of cost of energy in dollars per month at a rate of 4¢ per kilowatt-hour for models with			
		Manual defrost		Automatic defrost	
		Minimum	Maximum	Minimum	Maximum
Less than 2.5	3.5 and less	1.10	2.00		
2.5 to 3.4	1.5 to 4.5	1.10	2.70		
3.5 to 4.4	2.5 to 5.5	1.10	2.70		
4.5 to 5.4	3.5 to 6.5	1.40	2.70		
5.5 to 6.4	4.5 to 7.5	1.40	2.70		
6.5 to 7.4	5.5 to 8.5	1.40	2.90		
7.5 to 8.4	6.5 to 9.5	1.80	2.90		
8.5 to 9.4	7.5 to 10.5	1.80	2.40		
9.5 to 10.4	8.5 to 11.5	1.80	2.40		
10.5 to 11.4	9.5 to 12.5	1.80	2.40		
11.5 to 12.4	10.5 to 13.5	1.80	2.60		
12.5 to 13.4	11.5 to 14.5	1.80	2.90		
13.5 to 14.4	12.5 to 15.5	1.80	2.80		
14.5 to 15.4	13.5 to 16.5	1.80	2.80		
15.5 to 16.4	14.5 to 17.5				
16.5 and over	15.5 and over				

[1] Cost of energy ranges include both the lowest values obtainable with anti-sweat heaters at their lowest energy consuming condition and the highest values obtainable with anti-sweat heaters at their highest energy consuming condition, for those models that have anti-sweat heater switches.

VOLUNTARY ENERGY CONSERVATION SPECIFICATION NO. 3–75, FOR COMBINATION REFRIGERATOR-FREEZERS

Appendix A: Total refrigerated volume and cost of energy ranges

Rated total refrigerated volume in cubic feet	Ranges of total refrigerated volume in cubic feet	Ranges [1] of cost of energy in dollars per month at a rate of 4¢ per kilowatt-hour for models with			
		Partial Automatic defrost		Automatic defrost	
		Minimum	Maximum	Minimum	Maximum
Less than 10.5	11.5 and less	3.20	4.40		
10.5 to 11.4	9.5 to 12.5	3.00	4.40	5.20	6.20
11.5 to 12.4	10.5 to 13.5	3.00	4.40	5.20	6.80
12.5 to 13.4	11.5 to 14.5	3.00	4.80	4.60	6.80
13.5 to 14.4	12.5 to 15.5	3.20	4.80	4.60	6.80
14.5 to 15.4	13.5 to 16.5	2.20	4.80	3.50	7.80
15.5 to 16.4	14.5 to 17.5	2.20	3.20	3.50	8.30
16.5 to 17.4	15.5 to 18.5	2.20	2.20	3.50	8.30
17.5 to 18.4	16.5 to 19.5			4.00	9.70
18.5 to 19.4	17.5 to 20.5			4.00	9.70
19.5 to 20.4	18.5 to 21.5			4.00	9.70
20.5 to 21.4	19.5 to 22.5			4.80	9.60
21.5 to 22.4	20.5 to 23.5			4.80	9.60
22.5 to 23.4	21.5 to 24.5			4.80	9.60
23.5 to 24.4	22.5 to 25.5			5.50	10.70
24.5 to 25.4	23.5 to 26.5			5.50	10.70
25.5 to 26.4	24.5 to 27.5			7.90	10.70
26.5 to 27.4	25.5 to 28.5			8.00	8.00
27.5 to 28.4	26.5 to 29.5			8.00	8.00
28.5 to 29.4	27.5 to 30.5			8.00	8.00
29.5 and over	28.5 and over				

[1] Cost of energy ranges include both the lowest values obtainable with anti-sweat heaters at their lowest energy consuming condition and the highest values obtainable with anti-sweat heaters at their highest energy consuming condition, for those models that have anti-sweat heater switches.

VOLUNTARY ENERGY CONSERVATION SPECIFICATION NO. 4–75, FOR FREEZERS

Appendix A: Total refrigerated volume and cost of energy ranges

Rated total refrigerated volume in cubic feet	Ranges of total refrigerated volume in cubic feet	Ranges [1] of cost of energy in dollars per month at a rate of 4¢ per kilowatt-hour for models with			
		Manual defrost		Automatic defrost	
		Minimum	Maximum	Minimum	Maximum
Less than 5.5	6.5 and less	2.30	3.40		
5.5 to 6.4	4.5 to 7.5	2.30	3.40		
6.5 to 7.4	5.5 to 8.5	2.40	3.40		
7.5 to 8.4	6.5 to 9.5	2.40	3.20		
8.5 to 9.4	7.5 to 10.5	2.80	4.30		
9.5 to 10.4	8.5 to 11.5	2.80	4.30		
10.5 to 11.4	9.5 to 12.5	3.00	4.30	6.60	6.90
11.5 to 12.4	10.5 to 13.5	3.00	5.10	6.30	6.90
12.5 to 13.4	14.5 to 14.5	3.40	5.10	6.30	6.90
13.5 to 14.4	12.5 to 15.5	3.40	6.80	6.30	7.90
14.5 to 15.4	13.5 to 16.5	3.40	6.80	5.40	7.90
15.5 to 16.4	14.5 to 17.5	3.70	6.80	5.20	7.90
16.5 to 17.4	15.5 to 18.5	3.50	5.60	5.20	7.50
17.5 to 18.4	16.5 to 19.5	3.50	6.50	5.20	7.50
18.5 to 19.4	17.5 to 20.5	3.50	5.50	6.00	7.50
19.5 to 20.4	18.5 to 21.5	3.60	6.10	6.00	7.90
20.5 to 21.4	19.5 to 22.5	3.60	6.60	6.00	7.80
21.5 to 22.4	20.5 to 23.5	4.20	6.60	7.80	7.80
22.5 to 23.4	21.5 to 24.5	4.90	6.60	7.80	7.80
23.5 to 24.4	22.5 to 25.5	4.90	6.90		
24.5 to 25.4	23.5 to 26.5	5.30	6.90		
25.5 to 26.4	24.5 to 27.5	5.30	8.40		
26.5 to 27.4	25.5 to 28.5	5.40	8.40		
27.5 to 28.4	26.5 to 29.5	6.40	8.40		
28.5 to 29.4	27.5 to 30.5	6.40	6.80	9.80	9.80
29.5 and over	28.5 and over	6.80	6.80	9.80	9.80

[1] Cost of energy ranges include both the lowest values obtainable with anti-sweat heaters at their lowest energy consuming condition and the highest values obtainable with anti-sweat heaters at their highest energy consuming condition, for those models that have anti-sweat heater switches.

[FR Doc.75–32787 Filed 12–5–75;8:45 am]

REFRIGERATORS, COMBINATION REFRIGERATOR-FREEZERS, AND FREEZERS

Amendments to Labeling Specifications

By notice published in the FEDERAL REGISTER October 7, 1975 (40 FR 46337), the Department of Commerce announced its intention to amend Voluntary Energy Conservation Specifications Nos. 2–75, 3–75, and 4–75, for refrigerators, combination refrigerator-freezers, and freezers, respectively, which were published in, the FEDERAL REGISTER of August 1, 1975 (40 FR 32415), in accordance with the Procedures for a Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation, 15 CFR Part 9. The proposed amendments to the three labeling specifications were made in accordance with Section 10.0 of each Specification.

These proposed amendments consist of minor changes to the figures and modifications to sections 5.1.6 and 5.2.2 in each of the three Specifications. The first proposed amendment is a change in the design of labels for refrigerators, combination refrigerator-freezers, and freezers having anti-sweat heater switches and is intended to produce improved label clarity and readability by making the effect of anti-sweat heater switches more evident and by clarifying the use of the terms "on" and "off". The second proposed amendment is a corresponding change in section 5.1.6 intended to clarify the use of the words "on" and "off" for the anti-sweat heater switches. The third proposed amendment is the addition of several notes to the label drawings and is intended to clarify the printing instructions. The fourth proposed amendment is a change in section 5.2.2 providing manufacturers with optional locations for attaching labels to the units.

Interested parties were afforded until November 6, 1975, to submit to the Assistant Secretary for Science and Technology written comments or suggestions relative to the proposed amendments.

Comments in response to the publication of the proposed amendments were received from four sources and were reviewed and analyzed within the Department. An analysis of the comments received has been prepared. A copy of this analysis; as well as copies of the comments received, is filed in the Central Reference and Records Inspection Facility, Room 7068, Main Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230, and is available for public inspection at that location.

Accordingly, the Specifications Nos. 2–75, 3–75 and 4–75, for refrigerators, combination refrigerator-freezers, and freezers, respectively (40 FR 32415), are amended as set forth below. These amendments remain as proposed in the notice published in the FEDERAL REGISTER October 7, 1975 (40 FR 46337).

As an aid to locating and further describing the changes in the design of the labels, two minor additions have been made to the text of the description of the changes in the design of the labels as the description appeared at Item 1 in the notice on the proposed amendments (40 FR 46337). In Item 1.a., the phrase "in the cost of energy section" has been inserted following the phrase "with the Power Saver switch off" to distinguish the latter from the same phrase appearing in the energy consumption section. A new Item 1.e. has been added to describe certain minor clarifying changes in the wording of the note.

The effect of the changes in the design of the labels as described by Items 1 and 3 below is shown in the amended Figure 3 of Energy Conservation Specification No. 3–75, for Combination Refrigerator-Freezers. Because the changes in the other figures referred to are identical to the changes shown, good cause is found that publication of the other amended figures is unnecessary. *Effective date.* These amendments shall become effective January 19, 1976.

Issued: December 12, 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

1. On the label designs shown in Figures 3, 5, and 7 of each of the three Specifications:

a. The phrase "with the Power Saver switch off" in the cost of energy section is changed to "with Power Saver switch on" and relocated, its type made heavier and changed to capital letters, and its color changed to Pantone Super Warm Red.

b. For the word "NOTE" and the cost of energy value in the note, the type size is increased.

c. For the value of the energy consumption with the Power Saver switch on, the color is changed to Pantone Super Warm Red.

d. In the second sentence of the note, in the column headings in the cost table, and in the energy consumption section, the term "off" is substituted for "on" and the term "on" substituted for "off," so that the terms are employed to indicate that the anti-sweat heater is activated with the Power Saver switch in the "off" position.

e. The first sentence of the note is changed to read, "This model has a Power Saver (anti-sweat heater) switch which you can turn off and on." The introductory clause of the second sentence is changed to read "When it is in the off position," and the second word thereafter is changed from "unit" to "model."

2. In section 5.1.6 of each of the three Specifications, the first sentence is revised to read:

In cases where a manufacturer labels his anti-sweat heater switch with nomenclature such as "Economizer" or "Power Economizer," this nomenclature may be substituted for the term "Power Saver" in the note on the label, in the column heading in the cost table, in the line reading "WITH POWER SAVER SWITCH ON," and in the explanations of energy consumption and cost of energy.

The third sentence of Section 5.1.6 is deleted.

3. On Figures 1, 3, 4, 5, 6, and 7 of each of the three Specifications, additional notes describing type sizes and directions regarding color have been placed around the label drawing. These notes and directions are not part of the label design.

4. Section 5.2.2 of each of the three Specifications is revised to read as follows:

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a. For Specification 2–75:

The labels specified in 5.1.4 and 5.1.5 shall be attached either to the inside of the refrigerator compartment door or to the outside of the refrigerator. If attached to the inside of the refrigerator compartment door, the labels shall not be obscured by overhanging shelves or protrusions when viewed from a standing position. If attached to the outside of the refrigerator, the labels shall be positioned on the front near the top of the unit, except that for units less than four feet high the labels may as an option be positioned on the top near the front of the unit.

b. For Specification 3–75:

The labels specified in 5.1.4 and 5.1.5 shall be attached either to the inside of the refrigerator compartment door or to the outside of the combination refrigerator-freezer. If attached to the inside of the refrigerator compartment door, the labels shall not be obscured by overhanging shelves or protrusions when viewed from a standing position. If attached to the outside of the combination refrigerator-freezer, the labels shall be positioned on the front near tthe top of the unit, except that for units less than four feet high the labels may as an option be positioned on the top near the front of the unit.

c. For Specification 4–75:

The labels specified in 5.1.4 and 5.1.5 shall for upright freezers be attached either to the inside of the freezer compartment door or to the outside of the upright freezer. If attached to the inside of the freezer compartment door, the labels shall not be obscured by overhanging shelves or protrusions when viewed from a standing position. If attached to the outside of the upright freezer, the labels shall be positioned on the front near the top of the unit, except that for units less than four feet high the labels may as an option be positioned on the top near the front of the unit. The labels specified in 5.1.4 and 5.1.5 shall for chest-type freezers be attached either to the inside of the freezer compartment lid, provided that the lid opens 75° or more, or to the outside of the chest-type freezer. If attached to the outside of the chest-type freezer, the labels shall be positioned either on the top near the front of the unit or on the front near the top of the unit.

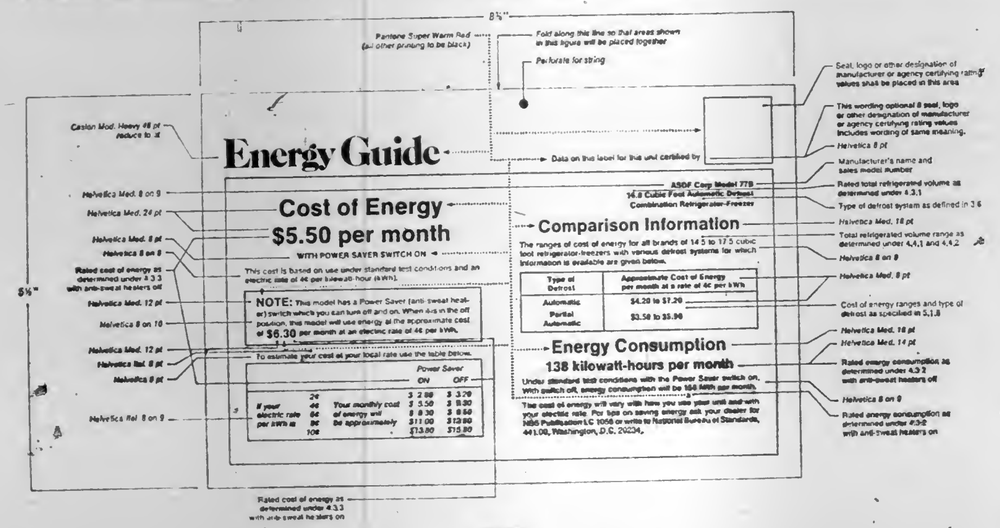


FIGURE 3
Combination Refrigerator-Freezer

[FR Doc.75–34099 Filed 12–17–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N–0320; DESI No. 6514]

COMBINATION COUGH PREPARATION CONTAINING DIMETHOXANATE HYDROCHLORIDE

Withdrawal of Approval of New Drug Application

A notice (DESI 6514; Docket No. FDC–D–537 (now Docket No. 75N–0320)) was published in the FEDERAL REGISTER of February 9, 1973 (38 FR 4006), in which the Commissioner of Food and Drugs offered an opportunity for hearing on his proposal to withdraw approval of the new drug application described below for Cothera Compound. The basis of the proposed action was that there is a lack of substantial evidence that the combination product is effective for its claimed use for the relief of cough. The notice further stated that, in lieu of requesting a hearing, the holder of the new drug application could file a notice of intent to reformulate and relabel the product. The holder of the new drug application neither requested a hearing nor expressed intent to reformulate the product. The product is no longer marketed by the firm. On December 14, 1973 (38 FR 34481), a notice was published in the FEDERAL REGISTER stating that products that contain an antitussive agent and one or more of certain other drugs that were subject to review in the OTC Study were exempt from further implementation procedures pending conclusions pursuant to the OTC Study of such drug entities. In effect, this exempted Cothera Compound pending such conclusions. However, in that no data concerning dimethoxanate hydrochloride were submitted for consideration in the OTC Study, the exemption no longer applies to that product and this notice withdraws approval of the new drug application for it.

Cothera Compound, containing dimethoxanate hydrochloride, isothipendyl hydrochloride, phenylephrine hydrochloride, acetaminophen, ammonium chloride, sodium citrate, and chloroform; formerly marketed by Ayerst Laboratories, Division of American Home Products Corp., 685 Third Ave., New York, NY 10017 (NDA 11–706).

All drug products that are identical, related, or similar to the drug product named above, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance, (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

The holder of the new drug application did not file a notice of intent to reformulate and relabel the product as provided by the notice of February 9, 1973. Neither the holder of the application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended (21 U.S.C. 355)), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 11–706 and all amendments and supplements applying thereto is withdrawn effective December 29, 1975.

Shipment in interstate commerce of the above product or any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: December 11, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75–34085 Filed 12–17–75;8:45 am]

[Docket No. 75N–0321; DESI NO. 5213]

COUGH PREPARATION CONTAINING DIMETHOXANATE HYDROCHLORIDE

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

A notice (DESI 5213) was published in the FEDERAL REGISTER of April 20, 1972 (37 FR 7827), in which the Food and Drug Administration announced its conclusions that the drug product described below is less than effective (probably effective) for the temporary relief of cough, and that additional evidence is required to establish its effectiveness. No data concerning effectiveness were received and the product has been reclassified as lacking substantial evidence of effectiveness. This notice proposes to withdraw approval of the new drug application. The holder of the new drug application no longer markets the product. Persons wishing to request a hearing must do so by January 19, 1976.

Cothera Syrup containing dimethoxanate hydrochloride; formerly marketed by Ayerst Laboratories, Division of American Home Products Corp., 685 Third Ave., New York, NY 10017 (NDA 11–174).

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505 (e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distributes a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201 (p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before January 19, 1976, a written notice of appearance and request for hearing, and (2) on or before February 17, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

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This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: December 11, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-34084 Filed 12-17-75;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), that the next meeting of the Full Council of the National Advisory Council on Indian Education will be held January 15, 16, 17, 18, 1976, at the Holiday Inn-Downtown, 1000 East 6th Street, Reno, Nevada 89502.

The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act (P.L. 92–318, Title IV, 20 U.S.C. 1221g). The Council, among other things, is directed to:

(1) Advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate, or from which they can benefit, including sections 241aa to 241ff and 887c of this title and with respect to adequate funding thereof;

(2) Review applications for assistance under sections 241aa to 241ff, 887c, and 1211a of this title, and make recommendations to the Commissioner with respect to their approval;

(3) Evaluate programs and projects carried out under any program of the Department of Health, Education and Welfare in which Indian children or adults can participate, or from which they can benefit, and disseminate the results of such evaluations;

(4) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) Assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 241bb (b) of this title; and

(6) To submit to the Congress no later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Advisory Council's recommendations to the Commissioner with respect to the funding of any such programs.

The meetings on January 15, 16, 17, 18, 1976, will be open to the public beginning at 9:00 A.M. These meetings will be held at the Holiday Inn-Downtown. The proposed agenda includes:

January 15, 1976

(1) Committee Discussions

January 16, 17, 18, 1976

(1) Executive Director's Report
(2) Planning future NACIE activities
(3) Regular Council Business
(4) Committee Reports

Records shall be kept of all Council proceedings (and shall be available for public inspection) at the Office of the National Advisory Council on Indian Education located at 425 13th Street NW., Suite 326, Washington, D.C. 20004.

Signed at Washington, D.C., on December 12, 1975.

LINCOLN C. WHITE,
Executive Director, NACIE.

[FR Doc.75-34115 Filed 12-17-75;8:45 am]

THE NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Notice of Public Meeting of the Federal Programs Evaluation Committee

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Pub. L. 92–463, that a meeting of the Federal Programs Evaluation Committee of the National Advisory Council on Extension and Continuing Education, that was to be held on December 16, 1975, has been rescheduled to meet on January 7, 1976, in the Council Office, 425 13th St. NW., Suite 529, Washington, D.C. The meeting will begin at 9:00 a.m. and adjourn at 4:30 p.m.

The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89–329. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meeting of the Federal Programs Evaluation Committee will be open to the public, but because of the limited space available in the Council office, anyone wishing to attend the meeting should inform the Council's staff office (376–8888) no later than December 31, 1975. The purpose of the meeting will be to review all Office of Education programs having extension and community service components. All records of Council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 13th St. NW., Washington, D.C.

JAMES A. TURMAN,
Executive Director.

DECEMBER 16, 1975.

[FR Doc.75-34315 Filed 12-17-75;10:35 am]

Office of the Secretary

OFFICE OF BILINGUAL EDUCATION

Statement of Organization, Functions, and Delegations of Authority

Part 2 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare concerns the Office of Education. The citation to the functional statement for this office concerning the Office of Education, which is an element of the Education Division, is 40 FR 19515, 5/5/75, as amended.

The functional statement is further amended to attain the purposes of the Bilingual Education Act (Title VII of the Elementary and Secondary Education Act of 1965 as amended by Section 105 of the Education Amendments of 1974). The following new statements are inserted immediately after the statement following the heading, Office of the Commissioner, Office of Career Education:

Office of Bilingual Education. The Office of Bilingual Education provides national leadership in development and administration of the policies of bilingual education of the Federal Government and provides for the coordination of the various programs which, in part or in whole, address themselves to the needs of persons of limited English speaking ability. The Office is responsible for administration of a program of assistance to develop and carry out bilingual education projects designed to meet the educational needs of students who have difficulty speaking and understanding instruction in the English language, and for administration of a bilingual education training program designed to strengthen bilingual-bicultural education programs by supporting training for teachers and trainers of teachers.

Division of Bilingual Education Program Development. Administers supportive grant activities at centers, State educational agencies, local educational agencies, and institutions of higher education which affect bilingual education programs. Provides national direction for the development of effective materials, practices and techniques used in bilingual education programs. Provides technical assistance to centers, State educational agencies, local educational agencies and institutions of higher education providing services for the development and dissemination of instructional materials and equipment suitable for use in bilingual education programs. Maintains appropriate operational systems for receipt and technical review of applications submitted for supportive and developmental activities. Directs long-range planning for programs of equal educational opportunity which allow equal participation by students of limited English-speaking ability.

Division of Bilingual Education Elementary and Secondary Programs. Administers demonstration programs and awards funds to local educational agencies, State educational agencies and institutions of higher education for the support of projects designed to meet the special educational needs of students with limited English-speaking ability. Provides professional leadership, direction, and guidance in the stimulation, development, evaluation, and monitoring of projects in State and local educational agencies and institutions of higher education.

Division of Bilingual Education Postsecondary Programs. Administers and coordinates all bilingual education training activities supervised by institutions of higher education excluding those under Part J of the Vocational Education Act of 1963, as amended by the Education Amendments of 1974. Assists in establishment, operation and improvement of training programs for personnel preparing to participate in programs of bilingual education and auxiliary and supplementary training programs. Provides financial assistnce to institutions of higher education for training programs in bilingual education.

Dated: December 11, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-34129 Filed 12-17-75;8:45 am]

REVIEW PANEL ON NEW DRUG REGULATION

Meeting

Notice is hereby given, pursuant to Pub. L. 92–463, that the Review Panel on New Drug Regulation, established pursuant to 42 USC 217 a. by the Secretary of Health, Education, and Welfare, on February 21, 1975, will meet on Sunday, January 18, 1976, at 9:15 a.m. and Monday, January 19, 1976, at 8:30 a.m. in Room 5051 of the Department of Health, Education and Welfare's North Building, 330 Independence Avenue SW., Washington, D.C. The Review Panel will consider matters pertaining to its study of existing policies and procedures for the regulation of new drugs by the Food and Drug Administration. The meeting is open to the public.

The Review Panel will not meet on January 5 and 6, 1976, as originally scheduled.

Further information on the Review Panel may be obtained from Dr. Lionel M. Bernstein, Executive Secretary, Review Panel on New Drug Regulation, Room 4617, HEW North Building, 330 Independence Avenue SW., Washington, D.C. 20201, telephone (202) 245–7510.

LIONEL M. BERNSTEIN, M.D.,
Executive Secretary,
Review Panel on New Drug Regulation.

DECEMBER 11, 1975.

[FR Doc.75-34113 Filed 12-17-75;8:45 am]

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

Correction

In FR Doc. 75-32398 appearing at page 55885 in the issue for Tuesday, December 2, 1975, on page 55886 in the first column under *Sec. 4-05-20*, paragraph (D)(2), the fourth line now reading "assure effective and economical in man—" should have read "assure effective and economical operations in man—".

Social Security Administration

ADDITIONAL DELEGATIONS OF AUTHORITY

Determinations Concerning the Appointment of Representative Payees for Individuals Entitled to Benefits Under Title II of the Social Security Act, as Amended

Section 205(b) of the Social Security Act, as amended (the Act), confers upon the Secretary of Health, Education, and Welfare (the Secretary) authority to make findings of fact and decisions as to the rights of individuals applying for payments under title II of the Act. Section 205(j) of the Act further confers upon the Secretary authority to certify payment to a relative of any applicant entitled to benefits under title II, or to some other person, if the interest of the applicant would be served thereby. The Secretary has delegated authority to perform these functions to the Commissioner of Social Security (the Commissioner), with authority to redelegate (33 FR 5836, dated April 16, 1968). From time-to-time, the Commissioner has redelegated these authorities to appropriate subordinate positions in the Social Security Administration (SSA), or has modified such redelegations.

Notice is hereby given that the Commissioner has redelegated the following authority, under section 205(j) of the Act, to the additional SSA positions enumerated below:

I. Authority to make final determinations as to whether payments to individuals entitled to benefits under title II of the Act should be certified for payment to representative payees; and

II. Authority to make final determinations as to who should be appointed to serve as representative payees on behalf of individuals entitled to benefits under title II of the Act, including authority to determine whether or not to continue the appointment of a particular representative payee.

Delegates	*Scope of authority*
A. Claims representatives and field representatives, district and branch offices, Office of Program Operations.	A. and B. Cases within the jurisdiction of district and branch offices, Office of Program Operations.
B. All district and branch office positions in the direct line of supervision over the positions specified in item A. above.	Do.

These additional redelegations are effective as of the date that this notice is published in the FEDERAL REGISTER. Further redelegations may not be made.

Dated: December 12, 1975.

JAMES B. CARDWELL,
Commissioner of Social Security.

[FR Doc.75-34135 Filed 12-17-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. N–75–457]

NATIONAL INSURANCE DEVELOPMENT PROGRAM ADVISORY BOARD

Request for Nomination of Members

On November 17, 1975, the Department of Housing and Urban Development published in the FEDERAL REGISTER (FR 53298) a Request for Nomination of Members to the captioned Advisory Board.

Such nominations were to be submitted in writing to J. Robert Hunter, Acting Federal Insurance Administrator of HUD, Room 4100, 451 Seventh St. SW., Washington, D.C. 20410, on or before December 15, 1975. The Administrator hereby extends the deadline for submissions until January 9, 1976.

Issued at Washington, D.C., December 15, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.75-34218 Filed 12-17-75;8:45 am]

[Docket No. D–75–394]

ACTING AREA DIRECTOR, MINNEAPOLIS-ST. PAUL AREA OFFICE

Designation

Designation of Acting Area Director—Each of the officials appointed to the following positions is designated to serve as Acting Area Director during the absence of the Area Director, with all the powers, functions, and duties redelegated or assigned to the Area Directors: *Provided*, That no official is authorized to serve as Acting Area Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director.
2. The Director, Housing Production and Mortgage Credit Division.
3. The Area Counsel.
4. The Director, Housing Management Division.
5. The Director, Community Planning and Development Division.
6. The Director, Administrative Division.

Effective date—This designation and delegation shall be effective on December 18, 1975.

MADELINE HASTINGS,
Acting Area Director,
Minneapolis-St. Paul Area Office.

[FR Doc.75-34097 Filed 12-17-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS, EXECUTIVE COMMITTEE

Meeting

Notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics (RTCA) Executive Committ-

V40244 DEC 18 75 XUM

tee, which is being utilized as an advisory committee within the meaning of the Federal Advisory Committee Act, 5 U.S.C. Appendix I. It is to be held January 23, 1976, in RTCA Conference Room 261, 1717 H Street NW., Washington, D.C., commencing at 9:30 a.m. Agenda items include:

1. Approval of the Minutes of the October 17, 1975, meeting.
2. Special Committee Activities Report for October–December 1975.
3. Chairman's Report on RTCA administration and activities including FAA Sponsorship of RTCA.
4. Appointment of an ad hoc group for nomination and selection of a new RTCA Chairman.
5. Appointment of an ad hoc group to plan a future work program for RTCA.
6. Report on the status of the proposed RTCA Rotational Internship Program.
7. Report of the MPS/MOC Informal Group's activities.

The meetings of the RTCA Executive Committee are open to the public, subject to limitations of space available. Subject to time being available, any member of the public may present oral statements at the meeting, or may submit written statements to the RTCA Secretariat. Requests to receive additional information or to be heard should be made by contacting the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006, telephone (202 296-0484.

Issued in Washington, D.C., on December 12, 1975.

EDGAR A. POST,
Designated Officer.

[FR Doc.75-34078 Filed 12-17-75;8:45 am]

Federal Railroad Administration

RAILROAD OPERATING RULES ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Railroad Operating Rules Advisory Committee will meet on Monday, January 19 and Tuesday, January 20, 1976 in Jacksonville, Florida, at the Jacksonville Hilton Hotel, 565 South Main Street.

The Committee was established to provide advice to the Federal Railroad Administration (FRA) concerning solutions to problem areas involving the operating rules of the nation's railroads.

This meeting is being held in Jacksonville, Florida in keeping with the FRA's policy of scheduling Advisory Committee meetings at locations throughout the country so as to facilitate public participation by railroad labor and management personnel and other interested persons. The agenda for this meeting will include the discussion of the top two "leading causes of train accidents attributed to negligence of employees" as stated by the National Transportation Safety Board in its special study entitled "Train Accidents Attributed to the 'Negligence of Employees'" (NTSB–RSS–72–1). These two causes are identified as (1) failure to secure by handbrake including failure to set handbrakes on sufficient number of cars, and (2) absence of man on or at leading car being pushed. These two causes were chosen for further study at the November meeting of the Committee. In addition to these topics the Committee will also review material related to railroad operating rules training programs, and continue its study of the training issue.

The entire meeting will be open to the public. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so. Under a procedure established by the Committee, persons submitting written statements are requested to provide 15 copies to provide distribution to each of the Committee members. Members of the public who wish to make prepared oral presentations should inform the Office of the Chief Counsel, Federal Railroad Administration, (202) 426-8220 at least 5 days prior to the meeting if possible and reasonable provision will be made for their appearance on the agenda. The public will also be provided the opportunity to participate in the Committee discussions during the meeting.

Minutes of the meeting will be made available for public inspection and duplication during regular business hours in the Office of the Chief Counsel, Federal Railroad Administration, Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C.

Issued in Washington, D.C. on December 12, 1975.

BRUCE M. FLOHR,
Deputy Administrator
Committee Chairman.

[FR Doc.75 34064 Filed 12-17-75;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON TRANSPORTATION-RELATED SIGNS AND SYMBOLS

Notice of Renewal

Notice is hereby given that the Advisory Committee on Transportation-Related Signs and Symbols is being renewed. The Assistant Secretary of Transportation for Environment, Safety, and Consumer Affairs is sponsor of the Committee, which consists of 22 experts on the development and use of symbol signs drawn from Government agencies, the transportation industry, and the fields of graphic arts and industrial design. The Committee makes recommendations for the development of a comprehensive system of transportation-related, passenger/pedestrian-oriented symbol signs to meet U.S. needs in domestic and international transportation.

The Secretary of Transportation has determined that formation and operation of the Advisory Committee on Transportation-Related Signs and Symbols are necessary in the public interest in connection with the performance of duties imposed on the Department of Transportation by law. Meetings of the Committee will be open to the public.

Issued in Washington, D.C., December 10, 1975.

WILLIAM R. MEYERS,
Executive Director, Advisory Committee on Transportation-Related Signs and Symbols.

[FR Doc.75-34128 Filed 12-17-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 28545]

DELTA AIR LINES, INC.

Proposed Approval of Application for Disclaimer of Jurisdiction

Application of Delta Air Lines, Inc. for disclaimer of jurisdiction, approval under section 408 of the Federal Aviation Act of 1958, as amended, or for an exemption under section 416 thereof and motion to withhold information from public disclosure, Docket 28545.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the Civil Aeronautics Board intends to issue the attached order. Interested persons are hereby afforded until December 23, 1975, within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., December 15, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

ORDER APPROVING TRANSACTION AND GRANTING MOTION

Delta Air Lines, Inc. (Delta), requests that the Board disclaim jurisdiction over or, in the alternative, approve without hearing, pursuant to the third proviso of section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), or grant an exemption from section 408 pursuant to section 416(b) of the Act, with respect to a sales transaction as more fully described below.

Delta has also filed a motion to withhold from public disclosure the purchase agreement and supporting agreements relating to the transaction being considered herein.[1]

Delta is a certificated air carrier holding domestic, international, and overseas authorizations. It has entered into a purchase agreement with FBA Aircraft, S.A. (FBA), pursuant to which Delta will sell to FBA 21 DC-8-51 aircraft and 19 JT3D-1 spare engines, FBA is a corporation organized under the laws of Panama and is engaged primarily as a broker/dealer of used aircraft and conducts business largely outside the United States.

The purchase agreement establishes *inter alia*, prices for the aircraft and engines, delivery and payment schedules, maintenance status of aircraft and engines at time of delivery, and certain guarantees to Delta in the event of default on the purchase agreement by FBA. Included in these guarantees is a separate guarantee by Frederick B. Ayer (Mr. Ayer) and Pan Ayer, S.A. (Pan Ayer), and a pledge by Frederick B. Ayer II (Mr. Ayer II) of nonvoting common stock of FBA and Pan Ayer. Mr. Ayer is president and a member of the board of directors of FBA and is chief operating officer and chairman of the board of directors of Pan Ayer. Mr. Ayer also owns all of the stock of Frederick B. Ayer and Associates, Inc. (Associates), and Universal Trading Corporation, Delaware and Panama corporations, respectively, both engaged in aircraft leasing. Through Associates he has 50 percent control of Mackey International Airlines, Inc., an air commuter operating pursuant to the exemption of Part 298 of the Board's Economic Regulations and specific large-aircraft exemptions.[2] Mr. Ayer II owns approximately 92 percent of the nonvoting common stock of Pan Ayer and all of the nonvoting common stock of FBA. Pan Ayer is another Panamanian corporation engaged as an aircraft broker/dealer outside the United States.

In support of the application, Delta asserts that it, on the one hand, and FBA and Pan Ayer, on the other, have no officer or directors in common nor do the companies own or exercise any control over any other company involved in the transaction; that the sale is being made as part of Delta's fleet standardization and modernization program which will increase efficiency and reduce costs; that each of the aircraft and spare engines will be surplus to Delta's needs by the scheduled delivery date; that the purchase agreement is the result of an arm's-length bargaining; that the securities and guarantees described above are normal for a transaction of the type being considered herein; that Delta will obtain certain *nonvoting* stock of Pan Ayer and FBA only upon default under the pledge agreement; and that should Delta obtain the stock, it would be unable to exercise any control over Pan Ayer or FBA. The applicant states further that the contemplated sale does not involve a substantial portion of Delta's properties within the meaning of section 408;[3] that the percentages of aircraft, lift capacity, and market value of aircraft are less than those prescribed in Part 299 of the Board's Economic Regulations, although the number of aircraft exceeds the limit (10 aircraft) therein; that the transaction and accompanying guarantee and pledge are consistent with the provisions of section 408(b) of the Act; and that prompt approval by the Board is necessary since any delay might mean the transaction could not be consummated.

No objections to this application or requests for a hearing have been received.

Notice of intent to dispose of this application without a hearing has been published in the Federal Register, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the above, it is concluded that Delta is an air carrier, that FBA is a phase of aeronautics, that the aircraft involved in the contemplated transaction constitute a substantial part of the properties of Delta, all within the meaning of section 408 of the Act,[4] and that the transaction is therefore subject to section 408 of the Act. However, it is further concluded that the above-described transaction will not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation or tend to unreasonably restrain trade, substantially lessen competition, or create a monopoly. This sale agreement was entered into after arm's-length bargaining and there appear to be no interlocking or control relationships between Delta, on the one hand, and FBA or Pan Ayer, on the other. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. It does not appear that Delta will be hindered in performing its certificate obligations since the aircraft involved in the transaction will be surplus to Delta's needs at the time of disposal.[5]

Therefore, it is found that the transaction should be approved without a hearing pursuant to the third proviso of section 408(b) of the Act and that, except to the extent specifically granted herein, the application should be dismissed.

We shall grant Delta's motion to withhold the purchase agreement and supporting agreements from public disclosure. Disclosure of the agreements would impair FBA's ability to resell the aircraft and could therefore cause a termination of the agreement, to Delta's disadvantage. Further, in the event of termination of the purchase agreement for any reason, disclosure of the agreements could impair Delta's ability to negotiate a new sale for the aircraft remaining in its possession. Disclosure of such information at this time would serve no public interest. In such circumstances we find, pursuant to section 1104 of the Act, that disclosure of such information at this time would be adverse to Delta's interests and it is not required in the interests of the public. Accordingly, we shall grant confidential treatment to the purchase agreement and the supplemental agreements.

ACCORDINGLY, IT IS ORDERED THAT:

1. The application for approval of the sale transaction described herein be and it hereby is approved;

2. The motion of Delta to withhold the purchase agreement and supporting agreements as set out in footnote 1, *supra*, from public disclosure be and it hereby is granted; and

3. To the extent not specifically granted herein, all requests in docket 28545 be and they hereby are dismissed.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] ——— ———,
Secretary.

[FR Doc.75-34143 Filed 12-17-75;8:45 am]

[1] These documents include a purchase agreement; a guarantee by Fred B. Ayer and Pan Ayer, S.A.; a pledge agreement by Fred B. Ayer II; and a letter concerning deposits into an escrow fund. The latter three documents are considered by Delta to be part of the purchase agreement itself.

[2] This control relationship was authorized by the Board in *Frederick B. Ayer et al., Control Relationships*, order 75-7-84, July 17, 1975.

[3] The aircraft constitute 11 percent of Delta's total aircraft, 10.75 percent of Delta's overall lift capacity, and 1.5 percent of the market value of Delta's aircraft.

[4] The Board has repeatedly reaffirmed the 10 percent rule of thumb in determining substantiality in acting on aircraft lease or sales transactions; *i.e.*, it has held that it will disclaim jurisdiction when the equipment being leased or sold involves *less than 10* percent of the carrier's fleet in terms of market value, lift capacity, *and* number of aircraft. See *Sterling Airways A/S and Overseas National Airways, Inc., Dry-Lease Transaction*, order 75-9-80, Sept. 23, 1975, and specifically n. 2 therein.

[5] A primary objective of sec. 408 of the Act is to insure that by disposing of aircraft an air carrier does not impair its ability to perform its certificate obligations. (Cf. order 70-5-111, May 21, 1970.)

[Order 75-12-55; Docket 26494, Agreement C.A.B. 25549, R-1 through R-6, Agreement C.A.B. 25571]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

North/Central Pacific Air Fares

DECEMBER 12, 1975.

Agreements adopted by the Joint Traffic Conferences of the International Air Transport Association relating to North/Central Pacific air fares.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements, adopted at the 1975 Composite Passenger Traffic Conference held at Cannes during October, would close fares in the North/Central Pacific through March 31, 1976.[1]

In essence, the agreements readopt, with a 3 percent general increase, presently effective North/Central Pacific fares, which in turn generally reflect IATA fares in effect prior to April 1, 1975.[2] In addition, the agreements establish new 30/120 day excursion fares from U.S. points to most major Asian destinations at levels $20 to $49 above presently existing non IATA long duration excursion fares; incorporate and increase by 3 percent present group 30/40 GIT fares specified in yen from Japanese points to U.S. destinations and established outside of IATA by intercarrier agreement and approved by the Board,[3] and amend present rules governing group 10 GIT fares to permit individual return travel from the last stopover point in Asia.

The purpose of this order is to establish dates for the submission of carrier justification in support of the subject agreement and comments from other interested persons. The carrier justification should include historical data for the calendar year ending December 31, 1975 for total Pacific services, based upon the carriers' experience as reported to the Board in Form 41 reports for the first 3

[1] Previous agreements attempting to close fares in this area and outlined in procedural Order 75-10-8, dated October 1, 1975, were declared defeated by IATA in a transmittal to the Board dated October 28, 1975. In addition, Appendix A sets forth a comparison of present and proposed fares in selected U.S.-Asia markets.

[2] Order 75-3-100, dated March 26, 1975, acted upon an IATA-proposed North/Central Pacific fare structure for effect April 1, 1975. In that order, the Board, *inter alia*, disapproved all North/Central Pacific normal economy fares to/from U.S. points, all promotional fares to/from Alaskan points and a 3 percent currency surcharge on sales of U.S.-originating passenger fares.

[3] See Order 75-9-106, September 29, 1975, which approved the replacement of Contract Bulk Inclusive Tour fares from Japan with GIT fares for minimum size groups of 40 to Hawaii and 30 to Alaska and the continental United States.

V40244 DEC 18 75 XUM

quarters of 1975 and an estimate of 4th quarter 1975 performance. The data should then be adjusted to exclude charter and cargo operations as well as intra Pacific passenger operations so as to establish the present economic status of passenger services in the area covered by the subject agreements.' The carriers will also be expected to include a forecast for the year ending December 31, 1976, both including and excluding the increased fares for which approval is sought. Finally, although Northwest Airlines, Inc. is not a party to the IATA agreements, we will nevertheless expect it to provide data comparable to that requested above.

' A suggested format is shown in Appendix B, which should also be used to set forth historical and forecast information relating to traffic and capacity.

In addition, we request the North/Central Pacific carriers to address several outstanding questions of fare structure in this market, *i.e.*, continuation of a number of promotional fares at discounts in excess of 50 percent, the relatively high yields from Alaska-Far East fares compared with that from fares to/from other United States gateways, and the rationale behind the open return provision proposed for the group 10 GIT fares.

Accordingly, IT IS ORDERED THAT:

1. All United States air carrier members of the International Air Transport Association shall file within ten days after the date of service of this order, full documentation and economic justification, as described above, in support of the subject agreements;

2. Northwest Airlines, Inc. shall file within ten days after the date of service of this order, data similar to that required of the IATA carriers;

3. Comments and/or objections from interested persons shall be submitted within seventeen days after the date of service of this order; and

4. Tariffs implementing the subject agreements shall not be filed in advance of Board action on the subject agreements.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN,
Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

North/Central Pacific Fares

	West Coast-Tokyo		West Coast-Hong Kong		West Coast-Singapore	
Fare	Present	Proposed	Present	Proposed	Present	Proposed
First Class	$1,624	$1,674	$2,094	$2,158	$2,288	$2,358
Economy	1,004	1,036	1,274	1,314	1,452	1,496
14/21 Day Exc.	964	920	1,179	1,125	1 141	1,280
30/120 Day Exc. 1/	650	670	690	721	-	-
Affinity Group						
(25)	793	817	968	998	1,103	1,137
(70)	550	567	685	706	-	-
(100)	437	451	-	-	-	-
35 Day IIT	853	879	1,042	1,074	1,187	1,223
GIT Basic	564	581	743	766	866	892
Peak	684	705	881	908	1,005	1,036
30/40 Group GIT 2/						
Basic	484.40	499.33	-	-	-	-
Shoulder	619.50	638.52	-	-	-	-
Peak	638.10	657.44	-	-	-	-

1/ Available only from the U. S.
2/ Available only from Japan. Fares are specified in Japanese yen and are converted to U. S. dollars at the IATA 021b exchange rate of $1 = 296 yen.

Appendix A

Operating Revenues and Expenses
International - Pacific Area

	HISTORICAL						FORECAST - ENDED 12/31/76
		Exclusions 2/			N/Central Pacific Scheduled Passenger 4/		N/Central Pacific Scheduled Passenger Operations
Revenues	ear Ended December 31, 1975 1/	Military & Commercial Charter Services	Total Intra Pac. Operations	Cargo Services 3/	As Reported	Accounting Adjustments 5/	At present fares / At proposed fares
Total passenger rev. (scheduled)							
Express (scheduled)							
Freight (scheduled)							
Mail (scheduled)							
Charter, passenger							
Charter, freight							
Other transport							
Over-all transp. rev.							
Non-transport revenue							
Over-all operating rev.							
Expenses							
Flying Operations-fuel							
Maintenance - direct							
Maintenance - indirect							
Passenger service							
Aircraft & Traffic serv.							
Promotion and sales							
General & administration - transport related							
Amortization of Development and Preop. Exp. etc.							
Depreciation, flight equipment							
Depreciation, other than flight equipment							
Over-all operating expenses							
Operating profit (loss)							
Other non-operating Income & Expense, Net							
Net Income Before Tax							
Income Tax @ 48 percent							
Special Items - net							
Income after tax and Special Items							
Additional interest exp.							
Return element							
Investment							
ROI							

1/ As reported in Form 41 for the first 3 quarters of 1975 and an estimate of performance for the 4th quarter of 1975.
2/ Pan American is required to exclude separately its total South Pacific operations.
3/ Belly and all cargo services, including mail.
4/ Balance.
5/ To include but not limited to an annualization of present revenues and expenses -- explain fully.

Appendix B

[FR Doc.75-34142 Filed 12-17-75;8:45 am]

TOURIST ENTERPRISES CORP., "ORBIS"

Notice of Reassignment of Proceeding

Correction

In FR Doc. 75-33710 appearing at page 58169 in the issue for Monday, December 15, 1975 in the second line of the first paragraph, the reference, "d/b/a Polish Travel Bureau" should have read "d/b/a Orbis Polish Travel Bureau".

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

TERMINATING BILATERAL COTTON TEXTILE AGREEMENT OF MARCH 15, 1967, AS AMENDED AND EXTENDED, BETWEEN THE GOVERNMENTS OF THE UNITED STATES AND THE POLISH PEOPLE'S REPUBLIC

Levels of Restraint

DECEMBER 11, 1975.

On February 25, 1975, there was published in the FEDERAL REGISTER (40 F.R. 8120) a letter dated February 20, 1975 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products, produced or manufactured in Poland and exported to the United States during the twelve-month period which began on March 1, 1975. The purpose of this notice is to announce that, inasmuch as notes have been exchanged establishing a new bilateral cotton textile agreement, the Governments of the United States and the Polish People's Republic have agreed to terminate the Bilateral Cotton Textile Agreement of March 15, 1967, as amended and extended.

Accordingly, there is published below a letter of December 11, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs cancelling the directive of February 20, 1975.

Effective date: December 11, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

December 11, 1975.

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229:

DEAR MR. COMMISSIONER: This directive cancels and supersedes, effective on December 11, 1975, the directive of February 20, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit, effective on March 1, 1975 and for the twelve-month period extending through February 29, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption of certain cotton textiles and cotton textile products, produced or manufactured in Poland, in excess of certain specified levels of restraint.

The actions taken with respect to the Government of the Polish People's Republic and with respect to imports of cotton textiles and cotton textile products from Poland have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the

V40244 DEC 18 75 XUM

implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-34111 Filed 12-17-75;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

DEFINITION OF BONA FIDE HEDGING TRANSACTIONS OR POSITIONS

Notice of Public Hearing

Commencing at 10:00 a.m. on Thursday, January 8, 1976, the Commodity Futures Trading Commission ("Commission") will receive oral and written testimony from interested persons concerning the definition of the terms "bona fide hedging transactions or positions" in Section 4a(3) of the Commodity Exchange Act ("Act"), 7 U.S.C. § 6a, as amended by Section 404 of the Commodity Futures Trading Commission Act of 1974 ("CFTC Act"), Pub. L. No. 93-463, 88 Stat. 1389, 1413. Interested persons may participate in that hearing, which will be held at: The Federal Building, 26 Federal Plaza, Conference Room 2705 (27th Floor), New York, New York.

BACKGROUND

Section 4a of the Act authorizes the Commission to establish limits on the trading and position of any person under contracts of sale for future delivery on or subject to the rules of any contract market. That section provides, however, that those limits shall not "apply to transactions or positions which are shown to be bona fide hedging transactions or positions as such terms . . . [are] defined by the Commission. . . ."

On Monday, August 18, 1975, the Commission published notice in the FEDERAL REGISTER seeking comment on an appropriate definition for the terms "bona fide hedging transactions or positions." *See* 40 F.R. 34627. In response to the Commission's announcement, nearly 100 comments were received from exchanges, traders, dealers, producers, and other interested persons. Subsequently, the Commission published notice in the FEDERAL REGISTER on Friday, October 17, 1975, which stated:

> In response to . . . . [the August 18] release, the Commission has received approximately 100 comments and, as of the date of this release, was still receiving comments. While many of the comments stress the same issues, numerous areas were raised which the Commission had not previously considered but which the Commission believes deserve due consideration. For that reason, the Commission has determined that it will be unable to promulgate a new definition of bona fide hedging transactions or positions prior to October 18, 1975. However, the Commission has determined to adopt § 1.3(z) of the present regulations under the Commodity Exchange Act with minor changes as an interim definition of bona fide hedging transactions and positions. That interim definition will remain effective until such time as a new definition is promulgated by the Commission.[1]

The Commission's announcement of October 17, 1975, also stated that the Commission had appointed an Advisory Committee on the Economic Role of Contract Markets which would be considering the definition of "bona fide hedging transactions or positions." The Commission's Advisory Committee has discussed these terms and will be holding further meetings to discuss this topic. In addition, members of the Advisory Committee may participate in the hearing on January 8, 1976.

The Commission particularly desires information on hedging needs and practices in the newly-regulated commodities, and how such practices and needs should be reflected in an effective hedging definition. Comment is also sought with regard to hedging practices and needs in the newly-approved futures contracts in Treasury bills and mortgage-backed certificates guaranteed by the Government National Mortgage Association.

Anticipatory hedging is another concept on which comment is desired. The Commission would like specific examples of how anticipatory hedging might apply to purchases and sales of commodities and to sales of their products and by-products, along with explanation of how such anticipatory hedging would reduce business risks.

The Commission also seeks comment and information on how international commodity and futures markets are arbitraged, and how such arbitrage transactions contribute to reduction in commercial business risks.

Interested persons should also refer to the Commission's FEDERAL REGISTER notice of August 18, 1975, 40 FR 34627, for a list of the general areas in which the Commission wishes comment. The Commission and its staff may question commentators more specifically at the conclusion of their prepared testimony.

Persons interested in participating in the Commission's hearing should contact Dennis Avery, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036, (202) 254-6289, before December 30, 1975. In addition, persons wishing to appear at the Commission's hearing should forward an outline of their proposed testimony to Mr. Avery by January 4, 1976. Oral presentations will be limited to 15 minutes.

Dated: December 12, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-34086 Filed 12-17-75;8:45 am]

[1] 40 FR 48688. In addition, the Commission's October 17 announcement stated that public hearings could be held on an appropriate definition for that term.

ENVIRONMENTAL PROTECTION AGENCY

[FRL 469-8; OPP-180059]

ARIZONA

Issuance of a Specific Exemption To Use DEF as a Defoliant Harvest Aid

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency has granted a specific exemption to the State of Arizona (hereafter referred to as the "Applicant") to use DEF (S,S,S-tributylphosphorotrithioate) as a defoliant harvest aid on okra located in Pinal County, Arizona. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information set forth in the application. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Room E-315, Washington, D.C. 20460.

According to the Applicant, the State of Arizona produces 80 percent of the Nation's okra seed on 100 acres located in Pinal County, Arizona; these acres must be defoliated before frost occurs to provide uniform drying of the okra seed, thereby preventing pod shattering. Without this exemption allowing the use of DEF defoliant as a harvest aid, the losses would amount to one-half the crop; the economic loss potential would be approximately $48,000. The Applicant proposed to apply by air 225 pounds A.I. of the DEF on the 100 acres to defoliate the crop. The Applicant requested that the application be made as soon as possible, in view of the fact that there was imminent danger of frost conditions. No adverse effects on man or the environment are anticipated as a result of the requested use pattern, which is similar to that for cotton.

After reviewing the application and other available information, EPA has determined that (a) an emergency situation does exist in Arizona; (b) there is no pesticide presently registered and available for use to control the okra seed situation in Arizona; (c) there are no alternative methods of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the okra seed are not desiccated; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until December 1, 1975, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The treated acreage of okra shall not exceed one hundred (100) acres;
2. The treated okra is to be used only for seed;
3. The rate of application of DEF shall be 2.25 pounds A.I. per acre;
4. A pesticide product labeled for use on cotton, a closely related use pattern, shall be applied;
5. The Applicant must supervise aerial applications to minimize drift to non-target areas. The pesticide must be kept out of lakes, streams, and ponds. The pesticide is not to be applied where runoff is likely to occur;
6. The Applicant must follow any more stringent requirements imposed by State law or regulation or applied by the State pesticide regulatory authority; and
7. The Applicant is reminded of the reporting requirements of § 166.5 of the amended FIFRA.

It should be noted that if the Administrator determines that the Applicant is not complying with the requirements set forth or if such action is necessary to protect man or the environment, the exemption shall be immediately withdrawn.

Dated: December 12, 1975.

JOHN B. RITCH, Jr.,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-34020 Filed 12-17-75;8:45 am]

[FRL 470-7; PP5G1576/T22]

AMERICAN CYANAMID CO.

Notice of Extension of Temporary Tolerance; Difenzoquat Methylsulfate (1,2-dimethyl-3,5-diphenyl - 1*H* - pyrazolium methyl sulfate)

On May 8, 1975, the Environmental Protection Agency (EPA) announced (40 FR 20128) that, in response to a pesticide petition (PP 5G1576) submitted by American Cyanamid Co., P.O. Box 400, Princeton, N.J. 08540, temporary tolerances had been established for residues of the herbicide difenzoquat methylsulfate (1,2-dimethyl-3,5-diphenyl-1*H*-pyrazolium methyl sulfate) in or on the following raw agricultural commodities: 1. Wheat straw at 20 parts per million (ppm).

2. Wheat grain, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 ppm (negligible residues).

American Cyanamid Co. has requested a one-year extension of these temporary tolerances to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities treated in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

Based on the data submitted in the petition and other relevant material, it is concluded that the extension of the temporary tolerances will protect the public health. The temporary tolerances are being extended, therefore, on condition that the herbicide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the active herbicide to be used must not exceed the quantity authorized by the experimental use permit.
2. American Cyanamid Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire December 15, 1976. Residues not in excess of these temporary tolerances remaining in or on the raw agricultural commodities listed above will not be considered to be actionable if the herbicide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this herbicide indicate such revocation is necessary to protect the public health.

Dater: December 15, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 436a(j)].

[FR Doc.75-34166 Filed 12-17-75;8:45 am]

[FRL 470-5; PP4G1453/T21]

AMERICAN CYANAMID CO.

Notice of Reextension of Temporary Tolerance; Difenzoquat Methylsulfate (1,2-Dimethyl-3,5-Diphenyl - 1H - Pyrazolium Methylsulfate)

On May 15, 1975, the Environmental Protection Agency (EPA) announced (39 FR 17346) that, in response to a pesticide petition (PP 4G1453) submitted by American Cyanamid Co., P.O. Box 400, Princeton NJ 08540, temporary tolerances had been established for residues of the herbicide difenzoquat methylsulfate (1,2-dimethyl-3,5-diphenyl-1*H*-pyrazolium methylsulfate) in or on the raw agricultural commodities listed below: Barley straw at 0.5 part per million (ppm).

Barley grain and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 ppm (negligible residues).

These temporary tolerances were to have expired on May 8, 1975.

On January 31, 1975, the EPA announced (40 FR 4676) that, in response to a request by the petitioner, the Agency had granted a one-year extension of the temporary tolerances for negligible residues in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 ppm and the establishment of higher levels of 20 ppm in or on barley straw and 0.2 ppm in or on barley grain. These temporary tolerances are to expire on January 24, 1976. American Cyanamid Co. has requested a further one-year extension of these temporary tolerances to permit continued testing to obtain additional data and to permit the marketing of barley treated in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

Based on the data submitted in the petition and other relevant material, it is concluded that the reextension of the temporary tolerances will protect the public health. The temporary tolerances are being renewed, therefore, on condition that the herbicide be used in accordance with the experimental use permit with the following provisions.

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.
2. The American Cyanamid Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire December 15, 1976. Residues not in excess of these temporary tolerances remaining in or on the raw agricultural commodities listed above will not be considered to be actionable if the herbicide is legally applied during the term and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this herbicide indicate such revocation is necessary to protect the public health.

Dated: December 15, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].

[FR Doc.75-34164 Filed 12-17-75;8:45 am]

[FRL 470-6; PP4G1470/T8A]

CHEVRON CHEMICAL CO.

Notice of Renewal of Temporary Tolerance; Diquat (6,7-Dihydrodipyrido (1,2-a:2',1'-c)Pyraziiinium)

On September 9, 1975, the Environmental Protection Agency (EPA) gave notice (40 FR 41833) that, in response to a request by the Chevron Chemical Co., 940 Hensley St., Richmond CA 94804, it had granted a one-year renewal of a temporary tolerance for negligible residues of the herbicide and plant regulator diquat (6,7-dihydrodipyrido (1,2-a:2',1,-c) pyraziiinium) derived from application of the dibromide salt and calculated as the cation in or on the raw agricultural commodity potatoes at 0.2 part per million (ppm). Both this temporary tolerance and the experimental use permit, which was renewed concurrently, were to have expired September 2, 1976.

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The petitioner has subsequently requested that the temporary tolerance be extended for forty-nine days to permit continued testing to obtain additional data and to permit the marketing of potatoes treated in accordance with the experimental use permit that is being extended concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

Based on the data submitted in the petition and other relevant material, it is concluded that the extension of the temporary tolerance will protect the public health. The temporary tolerance is being extended, therefore, on condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the active herbicide and plant regulator to be used must not exceed the quantity authorized by the experimental use permit which was issued September 2, 1975.

2. Chevron Chemical Co., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires October 21, 1976. Residues not in excess of this temporary tolerance remaining in or on the raw agricultural commodity potatoes after the expiration of this tolerance will not be considered to be actionable if the pesticide is legally applied during the term and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this herbicide indicate such revocation is necessary to protect the public health.

Dated: December 15, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].

[FR Doc.75-34165 Filed 12-17-75;8:45 am]

[FRL 470-8; OPP-50051]

ELANCO PRODUCTS CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Elanco Products Company, Indianapolis, Indiana 46206. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 1471-EUP-49) allows the use of 520 pounds of the herbicide tebuthiuron against various grasses and weeds in sugarcane. A total of approximately 400 acres is involved; the program is authorized only in Louisiana and Texas. The experimental use permit is effective from November 26, 1975, to November 26, 1976. A temporary tolerance for residues of the active ingredient in or on sugarcane has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: December 15, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.75-34167 Filed 12-17-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PUBLIC DOCUMENT ROOM

Change of Address

Notice is hereby given that the Energy Research and Development Administration (ERDA) Public Document Room (formerly at 1717 H Street, NW., Washington, D.C. 20545) is now located at

20 Massachusetts Avenue, NW., Washington, D.C. 20545.

ERDA Rules and Regulations referring to the location of the ERDA Public Document Room will be revised to reflect the new address, as appropriate, when next reprinted.

Dated: December 1, 1975.

ROBERT F. ALLNUTT,
Deputy Assistant Administrator
for Administration.

[FR Doc.75-34061 Filed 12-15-75;9:24 am]

EXPORT-IMPORT BANK OF THE UNITED STATES

ADVISORY COMMITTEE

Annual Report

DECEMBER 30, 1975.

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. 552B, notice is hereby given that the Annual Report of the Export-Import Bank of the United States has been filed with the Library of Congress and is on record at the Export-Import Bank of the United States.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Miss Joan P. Harris, 811 Vermont Avenue NW., Washington, D.C. 20571.

JOAN P. HARRIS,
Advisory Committee,
Management Officer.

[FR Doc.75-34144 Filed 12-17-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

OIL SHALE CORPORATION

Notice of Consent Order

I. INTRODUCTION

Pursuant to 10 CFR § 205.197(c), the Federal Energy Administration (FEA) hereby gives notice of a Consent Order which, on October 31, 1975, was executed between The Oil Shale Corporation (TOSCO) and the FEA. In accordance with that section, the FEA will receive comments with respect to this Consent Order. Although this Consent Order has been signed and tentatively accepted by the FEA, the FEA may, based upon comments received, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative order.

II. THE CONSENT ORDER

The Oil Shale Corporation, located at 10100 Santa Monica Boulevard, Los Angeles, California 90067, is a firm engaged in the refining and resale of petroleum products. It has two refining subsidiaries, Toscopetro and Lion Oil, located in California and Arkansas, respectively.

On August 25, 1975, the FEA issued a Notice of Probable Violation (NOPV) to TOSCO alleging, in part, that the FEA had reason to believe TOSCO's practice of treating its refining subsidiaries, Lion Oil and Toscopetro, as independent entities with respect to the measurement and allocation of costs, was in violation of 10 CFR § 212.83. The NOPV alleged that the FEA pricing regulations require the measurement and allocation of costs on a single firm basis.

In concluding this compliance proceeding and in resolution of the issues raised in the August 25, 1975 NOPV, the FEA and TOSCO entered into a Consent Order on October 31, 1975, the significant terms of which are that:

(1) TOSCO shall immediately cease its separate pricing practices and begin treating the entire firm, including Lion Oil and Toscopetro, as a single pricing entity under FEA regulations;

(2) TOSCO shall make cash refunds and price rollbacks to various Lion Oil and Toscopetro customers on a pro-rata basis totaling $1,831,021.80 to gasoline purchasers, $376,427.09 to No. 2 oil purchasers, and $469,626.98 to purchasers of general refinery products;

(3) TOSCO shall pay a total of $187,688.67 in interest payments on the refunds due to customers, assessed from the period November 1, 1974 to June 30, 1975 at an annual rate of 6 percent and after July 1, 1975 at an annual rate of 9 percent;

(4) TOSCO shall notify refund recipients that the amounts refunded shall be deemed a reduction in the recipients' product costs for purposes of their own compliance with FEA regulations and to assure that an appropriate portion of the benefits of the TOSCO refunds be received by downstream purchasers;

(5) Since the refunds do not represent the recoupment of costs by the combined firm in excess of actual combined costs

incurred, but rather, an allegedly improper manner of allocating cost recoupment between the two refining subsidiaries, TOSCO may credit the refunds made under this Consent Order to the costs available for recovery in the months of greatest overrecovery for each respective product;

(6) TOSCO shall pay to the U.S. Treasury the amount of $162,000.00 in compromise of civil penalties pursuant to 10 CFR § 205.202(c)(2); and

(7) The provisions of 10 CFR § 205.197, including the publication of this Notice, are applicable to the Consent Order.

The FEA has determined that the public interests required immediate implementation of the Consent Order. Therefore the provisions of the Consent Order relating to restitution were implemented on the date of its execution, October 31, 1975. However, the actions already taken to implement this order are subject to modification if the FEA determines that such modification is necessary after the receipt of public comments.

III. SUBMISSION OF WRITTEN COMMENTS

Interested persons are invited to comment on this Consent Order by submitting such comments in writing to: Mr. William C. Arntz, Regional Administrator, Region IX, Federal Energy Administration, 111 Pine Street, San Francisco, California 94111. Copies of this Consent Order may be received free of charge by written request to this same address or by calling (415) 556-7216.

Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on TOSCO Consent Order." All comments received by 4:30 p.m. p.d.t. on the 30th calendar day following publication of this notice will be considered by the FEA in evaluating the Consent Order. Any information or data which, in the opinion of the person furnishing it, is confidential must be identified as such and submitted in accordance with the procedures outlined in 10 CFR § 205.9(f).

Issued in Washington, D.C., December 12, 1975.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.75-34063 Filed 12-15-75;9:25 am]

FEDERAL POWER COMMISSION

[Docket No. CP76-164]

ALABAMA GAS CORP.

Notice of Application

DECEMBER 10, 1975.

Take notice that on November 19, 1975, Alabama Gas Corporation (Applicant), 1918 North First Avenue, Birmingham, Alabama 35295, filed in Docket No. CP76-164 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of liquefied natural gas (LNG) to South Carolina Electric and Gas Company (South Carolina), within the contemplation of Section 2.68 of the Commission's General Policy and Interpretations (18 CFR 2.68), to assist South Carolina in commencing its own LNG plant operations and in protecting its high priority customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that South Carolina is now in the process of completing a LNG storage plant located in Charleston, South Carolina, but that the liquefaction facility will not be completed for use during the 1975-76 winter heating season. It is said that because South Carolina's liquefaction facility has not been completed, South Carolina projects a deficiency in its gas supply for the 1975-76 winter heating season of approximately 80,000 Mcf of gas. In order to assist South Carolina in meeting its high-priority requirements during the 1975-76 heating season and to provide South Carolina with necessary quantities of LNG for cooling of South Carolina's LNG storage facility before its operation may begin, Applicant requests authorization to make a sale to South Carolina of 165,000 Mcf of LNG. It is stated that such sale will be made pursuant to the terms of a November 17, 1975, agreement which provides that Applicant will deliver 55,000 Mcf of LNG during November and December 1975, and Applicant will make its best effort to deliver 55,000 Mcf in January and 55,000 Mcf in February, 1976. Based upon a stated cost of service per Mcf of $1.80 plus a commodity cost as of October 16, 1975, of 58.793 cents per Mcf, Applicant will charge South Carolina $2.38793 per Mcf of gas sold under the instant proposal. Applicant estimates that it presently has available sufficient LNG volumes to make the proposed sale to South Carolina without interfering with its present system operations and without jeopardizing service to its own high-priority customers. Applicant states that South Carolina will transport the LNG by truck from Applicant's peak-shaving LNG plants located in Pinson and Coosada, Alabama, to Charleston, South Carolina.

Applicant states that because it and South Carolina are now and, after expiration of the proposed sales, will continue to be engaged strictly in intrastate operations, Applicant requests a certificate subject to the following conditions:

1. The certificate shall be limited to authorization of the sale proposed herein;

2. The Commission shall waive any accounting and other requirements generally applicable to a "natural-gas company" for the term of the certificate and with respect to this sale, except for the volumes sold and charges made for such volumes;

3. The Commission shall indicate that all of the facilities and operations and related activities of Applicant and South Carolina are and will continue to be exempt from Commission regulations, and the non-jurisdictional status of the existing sales, operations and facilities of Applicant and South Carolina will not be rendered jurisdictional or otherwise affected by Commission regulation by reason of any certificate issued for the proposed sales; and

4. The Commission shall indicate that upon the requested abandonment becoming effective, Applicant and South Carolina will not be considered as natural-gas companies within the meaning of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary

[FR Doc.75-34030 Filed 12-17-75;8:45 am]

[Docket Nos. E-7775 and ER76-321]

APPALACHIAN POWER CO.

Filing of Proposed Rate Increase

DECEMBER 10, 1975.

Take notice that Appalachian Power Company (Appalachian) on November 26, 1975, filed with the Commission a letter dated November 25, 1975, addressed to the Mayor of the City of Martinsville, Virginia (Martinsville), in which Appalachian notified Martinsville of its intention to serve Martinsville on and after January 1, 1976, on a day-to-day basis. Appalachian states that it advised Martinsville that the rates, terms and conditions of such day-to-day service would be as set forth in Appalachian's F.P.C. Rate Schedule No. 27 as theretofore amended and as further amended by the November 25, 1975, letter and by the two (2) Supplements attached to the November 25, 1975, letter. The first of those Supplements incorporates Appalachian's "Rate Schedule WS" presently the subject of proceedings in Docket No. E-7775; the second would replace the fuel adjustment clause of Rate Schedule

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WS by a filing identical with that made in Docket No. ER76–24.

Appalachian has requested an effective date of January 1, 1976.

Appalachian states that Martinsville would have paid increased charges of approximately $165,550, or 7.03%, had the rates and charges proposed been in effect during calendar year 1974. Appalachian also states that it has served the materials tendered both on Martinsville and on the State Corporation Commission of the Commonwealth of Virginia.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–34031 Filed 12–17–75;8:45 am]

[Rate Schedule Nos. 12, *et al.*]

ATLANTIC RICHFIELD CO., ET AL.

Rate Change Filings Pursuant to Commission's Opinion No. 699–H

DECEMBER 10, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699–H, issued December 4, 1974. Pursuant to Opinion No. 699–H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before December 23, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Nov. 26, 1975	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	12	El Paso Natural Gas Co.	Permian Basin.
Do	do	13	do	Do.
Do	do	62	do	Do.
Do	do	132	do	Do.
Do	do	168	do	Do.
Do	do	193	do	Do.
Do	do	367	do	Do.
Do	do	402	do	Do.
Do	do	406	do	Do.
Do	do	493	do	Do.
Do	do	497	do	Do.
Do	do	500	do	Do.
Do	do	501	do	Do.
Do	do	503	do	Do.
Do	do	565	do	Do.
Do	do	633	do	Do.
Do	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	185	Arkansas Louisiana Gas Co.	Other Southwest.
Do	Amoco Production Co., 500 Jefferson Bldg., Houston, Tex. 77001.	5	El Paso Natural Gas Co.	Permian Basin.
Do	do	17	do	Do.
Do	do	115	do	Do.
Do	do	168	do	Do.

[FR Doc.75–34021 Filed 12–17–75;8:45 am]

[Docket No. ER76–324]

BOSTON EDISON CO.

Tariff Change

DECEMBER 10, 1975.

Take notice that Boston Edison Company, on December 2, 1975, tendered for filing proposed changes in its FPC Electric Rate Schedule, No. 44, for service to the Braintree Municipal Light Department of Braintree, Massachusetts. That rate schedule now provides that the fuel clause applicable to Edison's partial requirements service to Braintree shall be whatever fuel clause is from time to time applicable in Edison's General Service for Resale Rate for All Requirements Service. The proposed changes would continue until March 31, 1976, the date Edison's service to Braintree terminates, the fuel clause currently applicable to that service regardless of any changes Edison makes in its fuel clause for all requirements service.

The proposed changes were agreed to by both Edison and Braintree and are intended for their mutual benefit. The changes were made because Edison will have to modify the fuel clause in its rate for all requirements service to conform to the requirements of Order No. 517. Both Edison and Braintree believe that the revisions to their basic rate and fuel clause necessary to comply with the requirements of Order No. 517 would create undue burden. Edison, supported by Braintree, included in its filing a request for waiver of the requirements of Order No. 517 for the remaining term of its service to Braintree.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1975. Protests will be considered by the Commission in determining the appropriate actions to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–34032 Filed 12–17–75;8:45 am]

[Docket No. ER 76–329]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Fuel Clause Filing

DECEMBER 10, 1975.

Take notice that Central Vermont Public Service Corporation on December 2, 1975, tendered for filing amendments to its wholesale electric tariff to bring its fuel cost adjustment clause into compliance with Commission Order No. 517. Central Vermont requests that the proposed changes be allowed to become effective on January 1, 1976.

The company states that copies of this filing have been mailed to its wholesale customers affected by the filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1975. Protests will be considered by the Commission in determining the appropriate actions to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–34033 Filed 12–17–75;8:45 am]

[Docket No. CP76–161]

CITY OF FALFURRIAS, TEXAS, AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

DECEMBER 10, 1975.

Take notice that on November 13, 1975, the City of Falfurrias, Texas (Applicant), Falfurrias, Texas 78355, filed in Docket No. CP76–161 an application pursuant to Section 7(a) of the Natural Gas Act for an order directing Natural Gas Pipeline Company of American (Respondent) to sell natural gas to Applicant for resale and distribution for residential and small commercial use, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it is a municipality engaged in the local distribution of natural gas to the public. It is stated that Applicant has been receiving natural gas from Mobil Oil Corporation (Mobil) as successor in interest to La Gloria Oil and Gas Company at the residue outlet of Mobil's La Gloria gas processing plant. Such deliveries are said to be made pursuant to short-term contracts which have expired, and the wells providing such supply have depleted with the exception of one well. The production from the one remaining well as alleged to have declined to the point where volumes produced can no longer supply the needs of Applicant and are continuing to decline. Applicant states that all other attempts to obtain natural gas service from interstate and intrastate sources have been unsuccessful.

Applicant requests that the Commission order Respondent to provide natural gas to Applicant for its small commercial and residential customers, which are estimated to require 201,000 Mcf of natural gas at 14.65 psia per year for the next three years. The estimated daily maximum delivery is 1,200 Mcf of gas and the average daily quantity is 500 Mcf, all at 14.65 psia. Applicant further states that Respondent is currently receiving deliveries of natural gas at the residue outlet of the La Gloria gas processing plant; therefore, there would be no need for Respondent to construct any facilities since Applicant is said to have taken delivery off the return residue line running from the plant to leases in the immediate vicinity.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 156.9). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–34034 Filed 12–17–75;8:45 am]

[Docket No. RP75–106 and Docket No. RP75–105]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CO.

Further Extension of Procedural Dates

DECEMBER 10, 1975.

On November 18, 1975, Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company filed a motion to further extend the procedural dates fixed by order issued July 14, 1976, as most recently modified by notice issued October 30, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, January 12, 1976.
Service of Company Rebuttal, January 26, 1976.
Hearing, February 10, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–34047 Filed 12–17–75;8:45 am]

[Docket No. RP75–8 (PGA No. 76–1)]

COMMERCIAL PIPELINE CO., INC.

Notice of Filing

DECEMBER 10, 1975.

Take notice that on November 20, 1975, Commercial Pipeline Company, Inc. (Commercial), filed Eighth Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1 to effect a PGA increase of 2.03¢ per Mcf or $6,083 annually.

The increase would track a rate increase by Commercial's sole supplier, Cities Service Gas Company which became effective on November 23, 1975. Commercial requests waiver of the prior notice requirement to permit the PGA increase to become effective on November 23, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–34035 Filed 12–17–75;8:45 am]

[Docket No. ER76–320]

CONNECTICUT LIGHT & POWER CO.

Filing of Rate Schedule

DECEMBER 10, 1975.

Take notice that The Connecticut Light and Power Company (CL&P) on December 2, 1975, tendered for filing proposed changes in its FPC Electric Tariff Resale Service Rate R–2. CL&P proposes to amend its fuel adjustment clause, to adjust its demand charges in its tariff, and to make other minor modifications in the present tariff.

CL&P states that the purpose of the proposed rates is to recover its increased costs of service, in particular the capacity costs associated with its ownership interest in the nuclear generating unit known as Millstone Unit 2, which is expected to begin commercial operation during December, 1975, and to reflect higher depreciation rates and the Company's adoption for ratemaking purposes of the accounting procedures relating to interperiod allocations of income taxes promulgated by Commission Order 530.

CL&P requests an effective date of January 1, 1976.

CL&P states that copies of the filing were served upon its jurisdictional customers and the Connecticut Public Utilities Control Authority.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–34028 Filed 12–17–75;8:45 am]

[Docket No. ER76–223]

DUKE POWER CO.

Notice of Filing

DECEMBER 11, 1975.

Take notice that on November 6, 1975, Duke Power Company (Company) tendered for filing a supplement to the Company's Electric Power Contract with the City of Monroe, North Carolina. This contract is on file with the Commission and has been designated "Duke Power Company Rate Schedule FPC No. 238".

The documents submitted with this filing are Exhibit A–2, Delivery Point No. 1, dated October 30, 1975, and Exhibit A, Delivery Point No. 3, dated February 7, 1974. The Company states that Exhibit A–2, Delivery Point No. 1 provides for termination of this point of delivery. Exhibit A, Delivery Point No. 3, provides for a new point of delivery. The Company

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states that these changes were made at the request of the customer. The Company requests that these documents become effective on December 19, 1975.

The Company states that copies of the Exhibits have been served on the City of Monroe, North Carolina.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before December 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34036 Filed 12-17-75;8:45 am]

[Docket No. E-9267]

ELECTRIC ENERGY, INC.

Order Terminating Proceeding

DECEMBER 10, 1975.

On February 18, 1975, Electric Energy, Inc. (EEI), tendered for filing (1) Modification No. 11 [1] to its Contract No. AT-(40-1)-1312 ("Contract") with the Energy Research and Development Administration (ERDA), the successor to the Atomic Energy Commission and (2) Amendment No. 5 [2] to its Interim Supplemental and Surplus Power Agreement ("Agreement") with its Sponsors.[3]

EEI was formed in 1950 for the purpose of selling electric energy to a gaseous diffusion uranium enrichment facility which the United States Atomic Energy Commission, ERDA's predecessor agency, constructed and which ERDA now operates at Paducah, Kentucky. Because of the magnitude of the power needs of the Paducah facility EEI was organized by a group of electric utilities.[4]

EEI constructed and operates a 1,000 MW generating station at Joppa, Illinois. Modification 11 to the Contract provides for the delivery of 735 NW of power to ERDA from the Joppa facility from April 1, 1975 through December 31, 1989, except for the months of June through September, 1975, 1976 and 1977, when only 235 MW is to be delivered.

The tendered agreements result in additional charges to ERDA of $64,976 and to the Sponsors of $860,442, for the twelve month period ending March 31, 1976. The agreements also change the allocation arrangement of power and energy from the previous method by which ERDA had the right to the first 735 MW from the Joppa plant with the remainder being available to the Sponsors to a plan under which ERDA and the Sponsors have an equal right to specific percentages of the Joppa Plant output. Under the new agreement, ERDA benefits from non-operating income of EEI, an item previously used to decrease charges to the Sponsors.

The new agreement also provides for additional services to be made available to ERDA, such as economy energy, additional power and make-up power, which may be beneficial to ERDA in that the opportunity to purchase energy at a lower cost than that produced at the Joppa Plant was not provided under the previous agreement.

Also included within the terms of Modification 11 is a provision for ERDA to pay a surcharge during the period August 1, 1980 through December 31, 1989. The surcharge to be paid by ERDA, calculated as the product of 735 MW multiplied by 0.7 mills/kwh multiplied by the number of hours in the month for which billing is taken place, amounts to $25.9 million.

EEI contends that such surcharge constitutes satisfaction of and compliance with the requirements of the preceding agreement which provides that there shall be a "partial reimbursement for costs incurred by the Sponsoring Companies" resulting from the cancellation and subsequent reinstatement of 500 MW of power by ERDA in the middle 1960's. The company states further that the surcharge provision was arrived at and agreed to through negotiations between the parties.

By our Order, issued April 27, 1975, both Modification 11 to the Contract and Amendment 5 to the Agreement were accepted for filing and permitted to become effective, as proposed, on April 1, 1975.[5] With regard to the surcharge provision, however, we instituted an investigation [6] pursuant to the authority vested in us under Section 206 of the Federal Power Act.

The Commission Staff and EEI are the only parties to this proceeding. On October 14, 1975, the Staff filed a letter stating that no issue exists which would warrant the service of Staff's testimony and that, therefore, no Staff evidence would be served. Consequently, on October 28, 1975, EEI filed a Motion to Terminate the Section 206 investigation. In support of its motion and as an exhibit attached thereto, EEI introduced a letter in which ERDA states its belief that EEI should be allowed to implement Modification 11 including the surcharge provision.

Notice of EEI's Motion to Terminate was issued on November 19, 1975 with protests or petitions to intervene due on or before November 24, 1975. No protests or petitions have been received.

Upon consideration of EEI's Motion and further review of the surcharge provision contained in Modification 11, we are of the opinion that no purpose would be served by further proceedings in this docket and that it would be in the public interest to terminate the proceeding. Accordingly, we conclude that good cause exists to grant EEI's Motion of October 28, 1975.

The Commission finds. Good cause exists to grant EEI's Motion of October 28, 1975 and, consequently, to terminate the Section 206 investigation initiated by our Order of April 23, 1975, in this docket.

The Commission orders. (A) EEI's Motion of October 28, 1975, requesting termination of the Section 206 investigation initiated by our Order of April 23, 1975, in this Docket is hereby granted.

(B) The Section 206 investigation initiated by our Order of April 25, 1975, in this Docket is hereby terminated.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34049 Filed 12-17-75;8:45 am]

[Docket No. RP76-45]

EL PASO NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

DECEMBER 10, 1975.

Take notice that El Paso Natural Gas Company (El Paso), on December 1, 1975, tendered for filing proposed changes in special Rate Schedule F-2 to its FPC Gas Tariff, Third Revised Volume No. 2. The proposed changes would increase revenues from a field sale in Dewey County, Oklahoma, to Michigan Wisconsin Pipeline Company under El Paso's Rate Schedule F-2 by $56,887, based on an estimated sales volume for the twelve-month period succeeding the proposed effective date of January 1, 1976.

El Paso states that this filing is being made to reflect an increase in rate pursuant to Section 2.56a of the Federal Power Commission's General Policy and Interpretations and in accordance with Article XI of said Rate Schedule F-2.

In connection with the instant notice of change, El Paso also tendered for filing and acceptance Original Sheet No. 1-D.1 to its FPC Gas Tariff, Third Revised Volume No. 2. El Paso states that said tariff sheet is a Statement of Rates sheet applicable to special Rate Schedules F-1, F-2 and F-3. El Paso further states that the purpose of such tariff sheet is to include on the Statement of Rates tariff sheet in El Paso's Third Revised Volume No. 2 tariff those rate schedules for which there is presently no tariff sheet reflecting the sales rates applicable to such rate schedules.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before December 23, 1975, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34037 Filed 12-17-75;8:45 am]

[Docket Nos. RP72-155 and RP75-39 (PGA76-1)]

EL PASO NATURAL GAS CO.

Further Extension of Procedural Dates

DECEMBER 10, 1975.

On November 26, 1975, Texas International Petroleum Corporation filed a motion to extend the procedural dates fixed by order issued September 30, 1975, as most recently modified by order issued November 14, 1975, in the above-designated proceeding.

On December 5, 1975, El Paso Natural Gas Company filed a response to the above motion stating that it does not oppose the extension of procedural dates but will oppose any further extension of time.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of El Paso's Testimony, January 8, 1976.
Service of Staff and Intervenor Testimony, February 12, 1976.
Service of Company Rebuttal, February 26, 1976.
Hearing, March 9, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34048 Filed 12-17-75;8:45 am]

[Docket No. ER76-318]

FLORIDA POWER CO.

Interconnection Filing

DECEMBER 10, 1975.

Take notice that on December 1, 1975, Florida Power Corporation ("Florida Power") tendered for filing an Interconnection Agreement ("Agreement") between Florida Power and the City of Lakeland, Florida, entered into on October 22, 1975. The Agreement provides for the following interconnection services: emergency energy, short-term firm capacity and energy, economy energy and long-term firm capacity and energy. Florida Power asks that the Agreement, in accordance with its terms, be permitted to become effective on January 1, 1976.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before December 19, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (19 CFR 1.8 or 1.10).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The documents filed by Florida Power are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34068 Filed 12-17-75;8:45 am]

[Docket No. ER76-322]

ILLINOIS POWER CO.

Proposed Rate Schedule Changes

DECEMBER 10, 1975.

Take notice that on December 1, 1975, Illinois Power Company (Illinois) tendered for filing with the Commission an amendment to each of the agreements between Illinois and nine electric cooperative associations for purchase of power. Each of these agreements became effective January 1, 1973 and are designated as the following rate schedules:

Rate schedule	*Electric cooperative*
FPC No. 52	Clinton County Electric Cooperative, Inc.
FPC No. 53	Corn Belt Electric Cooperative, Inc.
FPC No. 54	Farmers Mutual Electric Co.
FPC No. 55	Illinois Valley Electric Cooperative, Inc.
FPC No. 56	McDonough Power Cooperative
FPC No. 57	Monroe County Electric Cooperative, Inc.
FPC No. 58	Southwestern Electric Cooperative, Inc.
FPC No. 59	Tri-County Electric Cooperative, Inc.
FPC No. 60	Western Illinois Power Cooperative, Inc.

According to Illinois, the proposed changes are being made to conform the fuel adjustment clause contained in each of the agreements to FPC Order No. 517. The proposed effective date for these changes is January 1, 1976.

Illinois states that the proposed changes are being filed as an alternative to the request previously filed by the nine electric cooperative customers in Docket No. ER76-189 for a one year extension of the effective date of a conforming fuel clause in the aforementioned rate schedules to January 1, 1977. Illinois had concurred in cooperatives' requested waiver. Illinois states that the revised fuel clause tendered in the instant filing is intended to conform with Order No. 517 in the event the Commission declines to grant the requested one year waiver.

Copies of the instant filing have been served by Illinois upon each of the nine electric cooperative customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commissions' Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34030 Filed 12-17-75;8:45 am]

[Docket No. RP75-110]

LAWRENCEBURG GAS TRANSMISSION CORP.

Change in Rate

DECEMBER 10, 1975.

Take notice that on November 17, 1975, Lawrenceburg Gas Transmission Corporation (Lawrenceburg), Post Office Box 960, Cincinnati, Ohio 45201, filed in Docket No. RP75-110 a notice of change in rate pursuant to Section 4 of the Natural Gas Act consisting of Original Sheet Nos. 9 through 12 and 21 of Lawrenceburg's Gas Tariff, First Revised Volume No. 1, to set forth a plan for the curtailment of deliveries of natural gas, all as more fully set forth in the notice of change in rate on file with the Commission and open to public inspection.

Lawrenceburg states that the proposed gas tariff sheets incorporate a *pro rata* type curtailment plan under which Lawrenceburg will allocate its available gas supply that it receives from its sole supplier, Texas Gas Transmission Corporation (Texas Gas), to its two wholesale customers, Lawrenceburg Gas Company (Lawrenceburg Gas) and The Cincinnati Gas & Electric Company (Cincinnati). The proposed plan is said to establish seasonal entitlements for each of Lawrenceburg's two customers, the total of which is equal to Lawrenceburg's seasonal entitlements from Texas Gas. The entitlements of each customer are based on the past four-year average year purchased volumes. When Lawrenceburg's gas supply is inadequate to meet its customers' seasonal entitlements, it

[1] Designated, "Rate Schedule FPC No. 3, Supplement No. 9".
[2] Designated, "Rate Schedule FPC No. 4, Supplement No. 20".
[3] EEI's Sponsors are Union Electric Company, Illinois Power Company, Kentucky Utilities Company, and Central Illinois Public Service Company.
[4] EEI was organized by Union Electric Company, Central Illinois Public Service Company, Illinois Power Company, Kentucky Utilities Company, and Middle South Utilities Company. They held 40%, 20%, 20%, 10% and 10% of EEI's stock, respectively. Kentucky Utilities has since acquired all of the shares held by Middle South Utilities Company.
[5] *Electric Energy, Incorporated*, Docket No. E-9267, Order issued April 23, 1975, mimeo. ed., p. 5.
[6] *Ibid.*

[Docket No. RP76-44]

NORTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

DECEMBER 10, 1975.

Take notice that Northern Natural Gas Company (Northern), on December 1, 1975, tendered for filing proposed changes in special Rate Schedule F-2 to its FPC Gas Tariff, Third Revised Volume No. 2. The proposed changes would increase revenues from a field sale in Dewey County, Oklahoma, to Michigan Wisconsin Pipeline Company under Northern's Rate Schedule F-2 by $56,887, based on an estimated sales volume for the twelve-month period succeeding the proposed effective date of January 1, 1976.

Northern states that this filing is being made to reflect an increase in rate pursuant to Section 2.56a of the Federal Power Commission's General Policy and Interpretations and in accordance with Article XI of said Rate Schedule F-2.

In connection with the instant notice of change, Northern also tendered for filing and acceptance Original Sheet No. 1-D.1 to its FPC Gas Tariff, Third Revised Volume No. 2. Northern states that said tariff sheet is a Statement of Rates sheet applicable to special Rate Schedules F-1, F-2 and F-3. Northern further states that the purpose of such tariff sheet is to include on the Statement of Rates tariff sheet in Northern's Third Revised Volume No. 2 tariff those rate schedules for which there is presently no tariff sheet reflecting the sales rates applicable to such rate schedules.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before December 23, 1975, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34039 Filed 12-17-75;8:45 am]

[Docket No. RP76-46]

NORTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

DECEMBER 10, 1975.

Take notice that Northern Natural Gas Company (Northern), on December 1, 1975, tendered for filing proposed changes in special Rate Schedule F-2 to its FPC Gas Tariff, Third Revised Volume No. 2. The proposed changes would increase revenues from a field sale in Dewey County, Oklahoma, to Michigan Wisconsin Pipeline Company under Northern's Rate Schedule F-2 by $56,887, based on an estimated sales volume for the twelve-month period succeeding the proposed effective date of January 1, 1976.

Northern states that this filing is being made to reflect an increase in rate pursuant to Section 2.56a of the Federal Power Commission's General Policy and Interpretations and in accordance with Article XI of said Rate Schedule F-2.

In connection with the instant notice of change, Northern also tendered for filing and acceptance Original Sheet No. 1-D.1 to its FPC Gas Tariff, Third Revised Volume No. 2. Northern states that said tariff sheet is a Statement of Rates sheet applicable to special Rate Schedules F-1, F-2 and F-3. Northern further states that the purpose of such tariff sheet is to include on the Statement of Rates tariff sheet in Northern's Third Revised Volume No. 2 tariff those rate schedules for which there is presently no tariff sheet reflecting the sales rates applicable to such rate schedules.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before December 23, 1975, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34040 Filed 12-17-75;8:45 am]

[Docket No. RP76-47]

NORTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

DECEMBER 10, 1975.

Take notice that Northern Natural Gas Company (Northern), on December 1, 1975, tendered for filing proposed changes in special Rate Schedule F-2 to its FPC Gas Tariff, Third Revised Volume No. 2. The proposed changes would increase revenues from a field sale in Dewey County, Oklahoma, to Michigan Wisconsin Pipeline Company under Northern's Rate Schedule F-2 by $56,887, based on an estimated sales volume for the twelve-month period succeeding the proposed effective date of January 1, 1976.

Northern states that this filing is being made to reflect an increase in rate pursuant to Section 2.56a of the Federal Power Commission's General Policy and Interpretations and in accordance with Article XI of said Rate Schedule F-2.

In connection with the instant notice of change, Northern also tendered for filing and acceptance Original Sheet No. 1-D.1 to its FPC Gas Tariff, Third Revised Volume No. 2. Northern states that said tariff sheet is a Statement of Rates sheet applicable to special Rate Schedules F-1, F-2 and F-3. Northern further states that the purpose of such tariff sheet is to include on the Statement of Rates tariff sheet in Northern's Third Revised Volume No. 2 tariff those rate schedules for which there is presently no tariff sheet reflecting the sales rates applicable to such rate schedules.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before December 23, 1975, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34041 Filed 12-17-75;8:45 am]

[Docket No. RP76-48]

NORTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

DECEMBER 10, 1975.

Take notice that Northern Natural Gas Company (Northern), on December 1, 1975, tendered for filing proposed changes in special Rate Schedule F-2 to its FPC Gas Tariff, Third Revised Volume No. 2. The proposed changes would increase revenues from a field sale in Dewey County, Oklahoma, to Michigan Wisconsin Pipeline Company under Northern's Rate Schedule F-2 by $56,887, based on an estimated sales volume for the twelve-month period succeeding the proposed effective date of January 1, 1976.

Northern states that this filing is being made to reflect an increase in rate pursuant to Section 2.56a of the Federal Power Commission's General Policy and Interpretations and in accordance with Article XI of said Rate Schedule F-2.

In connection with the instant notice of change, Northern also tendered for filing and acceptance Original Sheet No. 1-D.1 to its FPC Gas Tariff, Third Revised Volume No. 2. Northern states that said tariff sheet is a Statement of Rates sheet applicable to special Rate Schedules F-1, F-2 and F-3. Northern further states that the purpose of such tariff sheet is to include on the Statement of Rates tariff sheet in Northern's Third Revised Volume No. 2 tariff those rate schedules for which there is presently no tariff sheet reflecting the sales rates applicable to such rate schedules.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before December 23, 1975, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34042 Filed 12-17-75;8:45 am]

V40244 DEC 18 75 XUM

would invoke curtailment on a pro rata basis by the application of a percentage to the seasonal entitlement volumes.

A provision is provided in the proposed plan for penalties in the event a buyer exceeds his authorized seasonal quantity entitlement. The actual assessed penalties would be limited by the penalty charges incurred by Lawrenceburg from its supplier. Also included is a provision for exemption from curtailment to protect high priority loads whereby additional curtailment would be assigned to one buyer in order to protect the other buyer.

A provision is included to take care of the "Credit Allowances as a Result of Curtailment" that Lawrenceburg may receive from its supplier. This allowance would be assigned to each buyer on the basis that each buyer's curtailment was below his seasonal quantity entitlements. No penalty charges or credit allowances would accrue to buyers unless penalty charges or credit allowances are realized by Lawrenceburg from Texas Gas.

In explaining the reason for the proposed plan, Lawrenceburg notes that it presently does not have a curtailment plan due to the fact that it was rendering wholesale natural gas service to only two wholesale customers, one on a "firm service basis" and one on an "excess service basis"; and giving consideration to the anticipated minor curtailment from its supplier, Texas Gas, a curtailment plan for Lawrenceburg was unnecessary since it could asign all curtailment volumes from Texas Gas to its "excess service basis" customer, Cincinnati. This could be done contractually by means of its applicable Rate Schedule EX-1 and its service agreement with Cincinnati without a filed curtailment plan. Because of the deepening curtailment by Texas Gas, Lawrenceburg says that it now finds that it will be unable to meet the high priority loads of Cincinnati. Lawrenceburg, therefore, on June 23, 1975, filed in Docket No. CP75-370 for a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act, authorizing the continuation of a sale for resale to Cincinnati on a firm rather than an excess basis. Receipt of authorization for the change in service on October 31, 1975, is said to require the introduction of a curtailment plan to allocate the available gas supply from Texas Gas to Lawrenceburg's two wholesale customers on an equitable basis.

In order to facilitate the change from "excess service" to "firm service" to Cincinnati and to effectuate a curtailment plan, Lawrenceburg's firm service customer, Lawrenceburg Gas, is said to have agreed to assign some of its contract demand and annual volumes to Cincinnati. Lawrenceburg Gas' contract demand volume of 15,000 Mcf would be reduced to 12,000 Mcf to conform approximately to its historical maximum day purchase, with 3,000 Mcf assigned to Cincinnati. The annual quantity entitlement by seasons of Lawrenceburg from Texas Gas would be allocated between Lawrenceburg Gas and Cincinnati on the basis of a historical four-year average year basis. Lawrenceburg says that it has elected to use a *pro rata* type curtailment plan rather than the Commission policy plan set forth in Section 2.78 of the Commission's General Policy and Interpretations (18 CFR 2.78) considered by Lawrenceburg and its customers to be the most equitable plan for Lawrenceburg.

Any person desiring to be heard or to make any protest with reference to said notice of change in rate should on or before December 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34040 Filed 12-17-75;8:45 am]

[Docket No. ER76-316]

LOUISIANA POWER & LIGHT CO.

Notice of Filing

DECEMBER 10, 1975.

Take notice that on December 2, 1975, Louisiana Power & Light Company (LP&L) tendered for filing a proposed service agreement with the City of Vidalia, Louisiana. LP&L states that the purpose of the new agreement is to increase contract quantities and to relocate and increase the capacity of the substation serving Vidalia. LP&L states further that the proposed filing is intended to supersede its FPC Rate Schedule No. 41 with Vidalia and that no change in rates are involved.

A copy of the filing has been served upon Vidalia.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34041 Filed 12-17-75;8:45 am]

[Docket No. RP72-149 PGA76-4a]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

DECEMBER 10, 1975.

Take notice that Mississippi River Transmission Corporation ("Mississippi") on December 4, 1975, submitted for filing Substitute Alternate Thirty-Sixth Revised Sheet No. 3A and Substitute Alternate Thirty-Seventh Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1 to become effective December 15, 1975 and January 1, 1976, respectively. Such tariff sheets which are filed pursuant to the provisions of Mississippi's purchased gas cost adjustment clause substitute any and all previous tariff sheets filed to become effective on the aforementioned dates.

Mississippi submitted schedules containing computations supporting the rate changes to be effective December 15, 1975 and January 1, 1976. Mississippi states that copies of its filing were served on Mississippi's jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 23, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34043 Filed 12-17-75;8:45 am]

[Docket No. ER76-287]

MIDDLE SOUTH SERVICES, INC. ALABAMA POWER & LIGHT CO.

Rate Schedule Change

DECEMBER 10, 1975.

Take notice that on November 24, 1975, Middle South Services, Inc. (MSS) tendered for filing a letter agreement dated November 3, 1975 between MSS, as agent for Arkansas Power & Light Company (AP&L), and Southwestern Electric Power Company (SWEPCO) amending Schedule RE, a supplement to the Interconnection Agreement between AP&L and SWEPCO which is on file with the Commission as Supplement No. 10 to Rate Schedule FPC No. AP&L 20. Schedule RE provides for replacement energy transactions between the systems of the two companies. Also filed with the Commission was a Certificate of Concurrence dated November 13, 1975 by SWEPCO.

MSS states that the change being made in the proposed amendatory letter agreement is in the add-on portion of the rate when energy being supplied by the seller is purchased from another supplier and passes through the seller's system to the buyer. According to MSS, the rate for each kilowatt hour is the same rate previously accepted for filing under Schedule ES of the same Interconnection Agreement.

The effective date for the proposed change is January 1, 1976.

MSS states that copies of the filing are being sent to AP&L and SWEPCO.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34042 Filed 12-17-75;8:45 am]

[Project No. 2301]

MONTANA POWER CO.

Issuance of Annual License

DECEMBER 10, 1975.

On December 23, 1968, the Montana Power Company, Licensee for Mystic Lake Project No. 2301, located in Stillwater County, Montana, on West Rosebud Creek and Mystic Lake, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder. Licensee also made a supplemental filing pursuant to Commission Order No. 384 on December 23, 1969, and a supplemental filing pursuant to Commission Order No. 415 on October 29, 1970.

The license for Project No. 2301 was issued effective December 1, 1961, for a period ending December 31, 1969. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project pursuant to the Federal Power Act, pending completion of Commission action on Licensee's application, it is appropriate to The Montana Power Company for continued operation and maintenance of Project No. 2301.

Take notice that an annual license is issued to The Montana Power Company (Licensee) under the Federal Power Act for the period January 1, 1976, to December 31, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Mystic Lake Project No. 2301, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34057 Filed 12-17-75;8:45 am]

[Docket No. ER76-46]

MONTAUP ELECTRIC CO.

Order Denying Application for Rehearing

DECEMBER 10, 1975.

By order issued August 29, 1975, in the instant proceeding, we, *inter alia*, accepted for filing and suspended for one month, or until October 1, 1975, Montaup Electric Company's (Montaup) proposed increased rates filed herein. By order issued November 3, 1975, we granted certain Applications for Rehearing filed by Intervenors[1] herein to the extent that we amended our order of August 29 by providing for a suspension of the proposed increased rates for five months, or until February 1, 1976.

Montaup, on November 14, 1975, filed an Application for Rehearing of our November 3, 1975, order, seeking further modification of the suspension period to permit its proposed rates to become effective January 1, 1976. In support of its Application, Montaup states that its Canal No. 2 generating unit will become commercially operational on or before December 31, 1975, and that if it is not permitted to charge rates based on the inclusion of that unit in rate base for the month of January, it will lose $338,147 in after tax earnings. Montaup also relies on the possibility of additional losses in the event Canal No. 2 goes into service on December 1, 1975 and on its need for outside financing for its construction program for the years 1975-1987.

We believe that, except for the maximum period set by the Federal Power Act, the length of the suspension period we may order under Section 205(e) of the Act is a matter entrusted to our discretion.[2] Nothing contained in Montaup's Application for Rehearing persuades us that we should suspend its proposed rates for less than the maximum period permitted by statute. As we stated in our August 29, 1975 order, these rates have not been shown to be just and reasonable. Any loss which Montaup alleges is predicated on collection of rates which, therefore, may not be just and reasonable and may be subject to reduction after hearing and decision. The allegation of a loss of revenues, therefore, is not persuasive that we should permit these rates to become effective before the end of the five month suspension period. Accordingly, we shall deny Montaup's Application for Rehearing.

The Commission finds. Montaup's Application for Rehearing raises no new issues of fact or law not previously considered, or, considered herein, to justify granting rehearing.

The Commission orders. (A) Montaup's Application for Rehearing is hereby denied.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission. Commissioner Watt not participating.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34050 Filed 12-17-75;8:45 am]

[Project No. 2207]

MOSINEE PAPER CO.

Issuance of Annual License

DECEMBER 10, 1975.

On December 26, 1974, Mosinee Paper Company, Licensee for Mosinee Project No. 2207, located on the Wisconsin River near Mosinee, Wisconsin, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 2207 was issued effective January 1, 1938, for a period ending December 31, 1974. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project pursuant to the Federal Power Act, pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Mosinee Paper Company for continued operation and maintenance of Project No. 2207.

Take notice that an annual license is issued to Mosinee Paper Company (Licensee), for the period January 1, 1976 to December 31, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Mosinee Project No. 2207, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34051 Filed 12-17-75;8:45 am]

NATIONAL FUEL GAS SUPPLY CORP. ET AL.

[Docket No. CP75-348; Docket Nos. CP75-372 and CP75-373; Docket No. CP76-11]

Extension of Procedural Dates

DECEMBER 10, 1975.

National Fuel Gas Supply Corporation, Tennessee Gas Pipeline Company, Columbia Gas Transmission Corporation, Consolidated Gas Supply Corporation,

[1] The Municipal Gas and Electric Department of the Town of Middleboro, Massachusetts (Middleboro) and the Rhode Island Consumers' Council and Division of Public Utilities and Carriers of the State of Rhode Island (Rhode Island). Montaup also filed a Motion for Reconsideration of our August 29 order, seeking an extension of the suspension period of an additional two months.

[2] See: *Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *Federal Power Commission*, 450 F. 2d 1341, 1351-2 (D.C. Cir. 1971).

V40244 DEC 18 75 XUM

Transcontinental Gas Pipe Line Corporation.

On December 5, 1975, National Fuel Gas Supply Corporation, Tennessee Gas Pipeline Company, Columbia Gas Transmission Corporation, Consolidated Gas Supply Corporation, and Transcontinental Gas Pipe Line Corporation jointly filed a motion to extend the procedural dates fixed by order issued November 28, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Applicants and Intervenor Testimony, January 20, 1976.
Hearing, February 17, 1976 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34052 Filed 12-17-75;8:45 am]

[Docket No. ER76-315]

NEW BEDFORD GAS & EDISON LIGHT CO.

Notice of Filing

DECEMBER 10, 1975.

Take notice that on December 1, 1975, the New Bedford Gas and Edison Light Company (New Bedford) tendered for filing a change in its rate schedule governing the determination of carrying charges on certain 345KV transmission facilities. New Bedford requests an effective date of January 1, 1976.

New Bedford states that copies of this filing have been mailed to it customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34044 Filed 12-17-75;8:45 am]

[Docket Nos. E-9136 and E-9140]

NEW ENGLAND POWER CO.

Notice of Compliance Filing

DECEMBER 8, 1975.

Take notice that November 21, 1975, New England Power Company (NEPCO), in compliance with ordering paragraph B of the Commisison's order of August 5, 1975 and paragraph D of its order of December 3, 1975, filed revised tariff sheets effective for the period June 1, 1975 through August 1, 1975 reflecting reduced rates consistent with the Commission's orders. According to NEPCO, refunds with interest at nine percent per annum are being made to reflect the reduced rates. NEPCO states that these refunds are subject to final adjudication pending the outcome of NEPCO's appeal of the Commission's refund orders to the United States Court of Appeals For the First Circuit.

According to NEPCO, its present tariff sheets, made effective as of August 2, 1975 by the Commission's order of October 3, 1975 reflect an approximate $13 million annual reduction in the rate contained in previously filed tariff sheets which they superceded. NEPCO believes that these currently effective tariff sheets are in full compliance with the Commission's orders of August 5 and October 3, 1975. Hence, no superceding tariff sheets are being filed, it states.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34022 Filed 12-17-75;8:45 am]

[Docket No. ER76-104]

NEW ENGLAND POWER CO.

Compliance Filing

DECEMBER 10, 1975.

Take notice that on November 19, 1975 New England Power Company (NEPCO) tendered for filing a request for an effective date of December 20, 1974 for its unit sales contracts with Montaup Electric Company, New Bedford Gas and Electric Company, Bangor Hydro Electric Company and Vermont Electric Power Company relative to the output of NEPCO's Brayton Point No. 4 Unit. In conjunction with its request, NEPCO agrees that the rates charged under the contracts shall be subject to refund as of the effective date, pending final disposition of the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34045 Filed 12-17-75;8:45 am]

[Docket No. CP75-361]

NORTHERN NATURAL GAS CO.

Extension of Procedural Dates

DECEMBER 11, 1975.

On December 5, 1975, Northern Natural Gas Company filed a motion to extend the procedural dates fixed by order issued December 2, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Applicant and supporting parties Testimony, January 16, 1976.
Hearing, January 23, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34060 Filed 12-17-75;8:45 am]

[Docket No. ER-76-102]

OHIO POWER CO.

Proposed Change in Rates and Charges

DECEMBER 10, 1975.

Take notice that Ohio Power Company (OPCO), on December 2, 1975 tendered for filing proposed Supplement to the Facilities and Operating Agreement dated as of May 1, 1967 between the Dayton Power and Light Company and Ohio Power Company. The proposed changes, which OPCO states have been agreed to by the Dayton Power and Light Company, would increase revenues from jurisdictional sales and service by $1,671,434, based on the 12-month period ending September 30, 1975.

OPCO states that the filing is intended to be a revision to the proposed changes in its tariff tendered for filing on September 5, 1975, which was subsequently stated to be deficient in a letter of September 19, 1975 from the Secretary. OPCO requests an effective date of January 1, 1976.

OPCO states that copies of the filing were served upon The Dayton Power and Light Company and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34023 Filed 12-17-75;8:45 am]

[Docket No. ER76-286]

OKLAHOMA GAS & ELECTRIC CO.

Supplement to Rate Schedule

DECEMBER 10, 1975.

Take notice that on November 24, 1975, Oklahoma Gas and Electric Company (OG&E) tendered for filing a Letter Agreement dated November 3, 1975, between it and Middle South Services, Inc., as Agent for Arkansas Power and Light Company. This agreement amends Schedule RE, Replacement Energy, which is designated as Supplement No. 13 to OG&E's Rate Schedule FPC No. 12A. OG&E states the change being made is the add-on portion of the rate when being supplied by the Seller is purchased from another supplier and passes through Seller's system to the Buyer.

OG&E requests an effective date of January 1, 1976, for this Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34024 Filed 12-17-75;8:45 am]

[Docket No. ER76-289]

OKLAHOMA GAS & ELECTRIC CO.

Supplement to Agreement

DECEMBER 10, 1975.

Take notice that on November 24, 1975, Oklahoma Gas and Electric Company (OG&E) tendered for filing a Letter Agreement, dated November 3, 1975, between it and Kansas Gas and Electric Company. This Agreement amends Schedule RE, Replacement Energy, which is designated as Supplement No. 13 to OG&E's Rate Schedule FPC No. 32. OG&E states the change being made is the add-on portion of the rate when energy being supplied by the Seller is purchased from another supplier and passes through the Seller's system to the Buyer.

OG&E requests an effective date of January 1, 1976, for this Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34025 Filed 12-17-75;8:45 am]

[Docket No. ER 76-319]

PACIFIC GAS & ELECTRIC CO.

Proposed Changes in Rates and Charges

DECEMBER 10, 1975.

Take notice that on December 2, 1975, Pacific Gas and Electric Company (PGandE) tendered for filing a notice of change in the fuel cost adjustment provision applicable to rate schedules under its FPC Electric Tariffs, Original Volumes Nos. 1 and 2. The proposed effective date for such change is January 1, 1976.

PGandE states that the principal reason for the proposed change for which notice is given herein is to conform the fuel cost adjustment provision in PGandE's tariff to Section 35.14 of the Commission's Regulations under the Federal Power Act, as amended by Opinion No. 517.

Copies of the filing were served upon PGandE's jurisdictional customers, the California Public Utilities Commission and the Public Service Commission of Nevada.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34026 Filed 12-17-75;8:45 am]

[Project No. 1273]

PAROWAN CITY

Issuance of Annual License

DECEMBER 10, 1975.

On May 22, 1975, Parowan City, Licensee for Center Creek Project No. 1273, located on Center Creek near Parowan City, Utah, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 1273 was issued effective July 19, 1935, for a period ending December 31, 1974. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project, pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Parowan City for continued operation and maintenance of Project No. 1273.

Take notice that an annual license is issued to Parowan City (Licensee) under the Federal Power Act for the period January 1, 1976, to December 31, 1976, unless during that period a new license for the project is issued, for the continued operation and maintenance of Center Creek Project No. 1273, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34054 Filed 12-17-75;8:45 am]

[Docket No. ER76-301]

PENNSYLVANIA ELECTRIC CO.

Rate Change

DECEMBER 10, 1975.

Take notice that on November 26, 1975, Pennsylvania Electric Company (Penelec) tendered for filing an increased rate "RP" for Penelec's all-requirements wholesale service at primary voltage to six Pennsylvania municipal customers (the Boroughs of Berlin, East Conemaugh, Girard, Hooversville, Smethport and Summerhil) and to six investor-owned utilities (Rockingham Light, Heat & Power Company, Waterford Electric Light Company, Wellsborough Electric Company, Windber Electric Corporation, and West Penn Power Company). Penelec also tendered for filing increased rates for partial requirements and wheeling service to Allegheny Electric Cooperative, Inc. (Allegheny). Penelec filed a revised fuel cost adjustment clause for its all-requirements service and its partial requirements service to Allegheny to conform with Order No. 517 issued November 13, 1974.

Penelec states that on the basis of the 12 months ended June 30, 1976 (Period II), the proposed rates would produce $1,854,542 in additional revenues from its all-requirements customers, or a 42.7 percent increase, and $7,557,472 in additional revenues from Allegheny, or a 68.7 percent increase.

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Penelec states that the proposed rates are intended to recover sharp increases in cost over the 1972 costs underlying the present all-requirements wholesale rates, and the 1971 cost used to derive rates for service to Allegheny. In requesting a December 27, 1975 effective date, Penelec states that the increase is overdue and that without immediate rate relief it will not be able to meet coverage requirements to issue bonds by mid-1976.

Copies of the filing were served upon the affected jurisdictional customers and the Pennsylvania Public Utility Commission. Any persons desiring to be heard or to make any protest with reference to said filing should, on or before December 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The documents filed by Penelec are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34027 Filed 12-17-75;8:45 am]

[Project No. 2516]

POTOMAC EDISON CO.

Issuance of Annual License

DECEMBER 10, 1975.

On September 28, 1973, the Potomac Edison Company, Licensee for Dam No. 4 Project No. 2516, located in Berkeley County, West Virginia on the Potomac River near the town of Shepherdstown, filed an application for a new license under the Federal Power Act and Commission regulations thereunder. The Applicant filed a motion requesting Commission permission to file late on October 15, 1973.

The license for Project No. 2516 was issued effective January 1, 1969, for a period ending December 31, 1973. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to The Potomac Edison Company for continued operation and maintenance of Project No. 2516.

Take notice that an annual license is issued to The Potomac Edison Company (Licensee) for the period January 1, 1976 to December 31, 1976, or until the issuance of a new license for the project, for the continued operation and maintenance of the Dam No. 4 Project No. 2516, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34058 Filed 12-17-75;8:45 am]

[Project No. 2517]

POTOMAC EDISON CO.

Issuance of Annual License

DECEMBER 10, 1975.

On September 28, 1973, The Potomac Edison Company, Licensee for Dam No. 5 Project No. 2517, located in Berkeley County, West Virginia on the Potomac River, near the Town of Hedgesville, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder. The Applicant filed a motion requesting Commission permission to file late on October 15, 1973.

The license for Project No. 2517 was issued effective January 1, 1969, for a period ending December 31, 1973. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to The Potomac Edison Company for continued operation and maintenance of Project No. 2517.

Take notice that an annual license is issued to The Potomac Edison Company (Licensee), for the period January 1, 1976, to December 31, 1976, or until the issuance of a new license for the project, for the continued operation and maintenance of the Dam No. 5 Project No. 2517, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34059 Filed 12-17-75;8:45 am]

[Docket No. RI76-71]

P. S. & G., INC.

Petition for Special Relief

DECEMBER 10, 1975.

Take notice that on November 21, 1975, P. S. & G., Incorporated (Petitioner), 1804 Chamber of Commerce Building, Houston, Texas 77004, filed a petition for special relief in Docket No. RI76-71, pursuant to Section 2.76 of the Commission's General Policy and Interpretations. Petitioner is seeking a rate of 92.5¢ per Mcf for the sale of natural gas to Texas Gas Transmission Corporation from certain wells in the Monroe Field, Louisiana. Petitioner further states that it has now reached the point of economic limit on said properties and without relief it will be forced to abandon the properties.

Any person desiring to be heard or to make any protest with reference to said petition should on or before December 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34053 Filed 12-17-75;8:45 am]

[Docket Nos. E-9007 and E-9054]

TAMPA ELECTRIC CO.

Order Accepting Proposed Amendment and Terminating Proceedings

DECEMBER 10, 1975.

On September 4, 1974, Tampa Electric Company (Tampa) tendered for filing in Docket No. E-9007 as an Initial Rate Schedule an Agreement for Interchange Service between Tampa and City of Lakeland (Lakeland). Notice of this filing was issued on September 21, 1974, with protests and/or petitions to intervene due on or before October 18, 1974. No response was received.

On October 7, 1974, Tampa tendered for filing in Docket No. E-9054 an amendment to the original agreement which provides for increased rates for all the service schedules in the original agreement. Notice of this filing was issued on October 17, 1974, with protests and/or petitions to intervene due on or before October 24, 1974. No response was received.

Deficiency letters dated October 16, 1974, November 4, 1974, and December 26, 1974, were issued by the Secretary of the Federal Power Commission with respect to Tampa's initial and amended Agreements. Tampa, in response to those letters, submitted supplemental data on various occasions and completed its filing on April 2, 1975.

By order issued April 30, 1975, in Docket Nos. E-9007 and E-9054, the Commission suspended the amendment to Tampa's interconnection agreement with Lakeland for one day and set the matter for hearing under Section 205 of the Federal Power Act. The Commission found the energy charge included in Tampa's amended emergency, scheduled and surplus interchange service schedules to be in question. A conference was held at the Commission on June 19, 1975, attended by Staff, including Staff Counsel, and representatives of Tampa. Pursuant to that discussion, on September 17, 1975, Tampa submitted additional information in support of the proposed energy charge.

On September 23, 1975, Tampa filed a motion to terminate proceedings in the above-referenced dockets. In support of its motion Tampa states that following the conference of June 19, 1975, supplemental information was submitted to the Commission Staff which, Tampa believes, satisfies the Staff that no issues remain to be resolved. Notice of this motion was issued on October 2, 1975, with comments, protests, or petitions to intervene due on or before October 15, 1975. No responses were received, and Staff has filed no objection to Tampa's motion and supporting statements.

Our review of Tampa's motion indicates that sufficient justification has been shown to support the energy charge, and the adder included therein, of Tampa's proposed amendment with Lakeland, and that it would be in the public interest to accept the subject amendment and to terminate this proceeding.

The Commission finds. Good cause exists to accept the proposed amendment to Tampa's interconnection agreement with Lakeland, and to terminate the proceedings relating thereto.

The Commission orders. (A) Tampa's proposed amendment to its interconnection agreement with Lakeland is hereby accepted.

(B) Tampa's motion filed September 23, 1975, is hereby granted.

(C) The proceedings instituted by order issued April 30, 1975, in Docket Nos. E-9007 and E-9054 are hereby terminated.

(D) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34055 Filed 12-17-75;8:45 am]

[Docket No. RP75-56]

TEXAS GAS PIPE LINE CORP.

Further Extension of Procedural Dates

DECEMBER 10, 1975.

On December 9, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued March 7, 1975, as most recently modified by notice issued November 17, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Company Rebuttal, February 16, 1976.
Hearing, March 8, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34056 Filed 12-17-75;8:45 am]

[Docket No. CP76-162]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

DECEMBER 10, 1975.

Take notice that on November 17, 1975, Transcontinental Gas Pipe Line Corporation (Applicant), Box 1396, Houston, Texas 77001, filed in Docket No. CP76-162 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport natural gas for Delmarva Power & Light Company (Delmarva), an existing distribution customer of Applicant, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant seeks authorization to transport, on an interruptible basis, for Delmarva during the period December 1, 1975, through April 30, 1976, by displacement, the gasified equivalent of approximately 300,000 Mcf of gas in liquid form (LNG) which, Applicant states, Delmarva has stored in the tank of Algonquin LNG, Inc. (Algonquin LNG), at Providence, Rhode Island.

The application indicates that Algonquin LNG will gasify Delmarva's LNG and deliver the same by displacement to its affiliate, Algonquin Gas Transmission Company (Algonquin Gas), which will transport and deliver equivalent quantities of gas by displacement to its supplier, Texas Eastern Transmission Corporation (Texas Eastern). Further, it is indicated that Texas Eastern will in turn transport and deliver equivalent quantities of gas by displacement to Applicant. Applicant states that all such deliveries will be on a thermal equivalent basis. Applicant in turn, it is stated, will then transport and deliver by displacement to its CD-3 customer, Delmarva, volumes of gas equivalent on an Mcf basis to those received from Texas Eastern.

Applicant, Algonquin Gas, Texas Eastern, and Delmarva have entered into an agreement, dated September 26, 1975, providing for the proposed arrangement. The application indicates that Algonquin Gas will effectuate deliveries to Texas Eastern by reducing its purchases from Texas Eastern; Texas Eastern will make deliveries to Applicant at mutually agreeable existing exchange points with Applicant in the New Jersey-Pennsylvania area; and Applicant will make deliveries to Delmarva at existing points of delivery to that customer. It is stated that no additional facilities are required to carry out the proposed arrangements. Further, Applicant states, none of the parties, including Applicant, are obligated to transport, on a best efforts basis, more than 10 billion Btu of gas per day to Delmarva.

It is alleged that Delmarva is experiencing substantial curtailment in deliveries of contract demand volumes from Applicant due to the shortage of flowing gas supplies on Applicant's system. Further, it is alleged that the additional gas to be made available by means of the instant proposal will help offset these curtailments under Applicant's Rate Schedule CD-3.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34029 Filed 12-17-75;8:45 am]

[Docket No. E-8867]

WISCONSIN PUBLIC SERVICE CORP.

Order Granting in Part and Denying in Part Application for Rehearing and Amending Prior Order

DECEMBER 9, 1975.

On November 10, 1975, Wisconsin Public Service Corporation (WPSC) filed an application for rehearing of the Commission's Order Approving Settlement Agreement With Conditions, issued October 21, 1975, in the above-captioned docket.

We required that the following language be incorporated into the existing service contracts between WPSC and its Customers as a condition to our approval of the settlement:

"WPSC and each of the Customers hereby agree that, notwithstanding any provision to the contrary in the Service Contract between WPSC and the Customer, the Customer may purchase less than its full requirements and shall have the right to interconnect in a manner where it could take any of its requirements from another supplier or deliver to other buyers. In the event that the Customer purchases less than its full requirements or so interconnects, the Customer will provide WPSC with at least two years' prior written notice and the Company and the Customer shall enter into an amended contract with amended rates as may be appropriate under the circumstances. In the event

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that an amended contract and/or amended rates are executed by the parties, WPSC will submit to the Federal Power Commission the proposed amendments."

WPSC requests that the following language be added to that condition:

"If the parties are unable to reach mutual agreement, WPSC will file with the Federal Power Commission an appropriate schedule of rates and terms for such proposed new service and such schedule shall become effective therefor in accordance with the provisions of Section 205 of the Federal Power Act."

In our suspension order in this proceeding, issued August 23, 1974, we reserved the Customers' rights to raise the *Mobile-Sierra*[1] doctrine as to their existing service agreements and rate schedules. We believe that the Customers' contractual rights should not be compromised by this Commission's imposition of a settlement condition. Accordingly, we shall preserve the Customers' existing contractual rights and disallow that portion of WPSC's proposed language which would recognize any new filing as one contractually authorized and thus permitted under Section 205 of the Federal Power Act. If after the Customer has interconnected with WPSC, and WPSC and the Customer have failed to agree on an amended contract with amended rates as may be appropriate under the circumstances, then WPSC may file an appropriate schedule of rates and terms for such proposed service. At that time, we can decide any issue which may be raised with respect to *Mobile-Sierra*.

Accordingly, we will amend our prior order to add the following language as a condition thereof:

"If the parties are unable to reach mutual agreement, WPSC will file with the Federal Power Commission an appropriate schedule of rates and terms for such proposed new service."

WPSC further requests in its application for rehearing that the Commission modify the timetable in ordering paragraphs (C) and (D) at mimeo p. 9 of the October 21, 1975, order to permit WPSC 30 days from the issuance of this order to file the amended rate schedules and amendments to service agreements. We will grant this request.

On November 10, 1975, WPSC separately filed a motion for stay of our Order Approving Settlement Agreement With Conditions issued October 21, 1975, pending final disposition of WPSC's application for rehearing. We have granted stay of our October 21, 1975, order pending action on WPSC's application for rehearing by separate order issued herein on November 21, 1975.

The Commission finds: Good cause exists to grant in part and deny in part rehearing and amend our October 21, 1975, Order Approving Settlement Agreement With Conditions in Docket No. E-8867 as ordered *infra*.

[1] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *F.P.C.* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

The Commission orders: (A) Except as hereinafter ordered, WPSC's application for rehearing is hereby denied.

(B) The contract language specified at mimeo p. 6 of our October 21, 1975, order is hereby revised to provide as follows:

"WPSC and each of the Customers hereby agree that, notwithstanding any provision to the contrary in the Service Contract between WPSC and the Customer, the Customer may purchase less than its full requirements and shall have the right to interconnect in a manner where it could take any of its requirements from another supplier or deliver to other buyers. In the event that the Customer purchases less than its full requirements or so interconnects, the Customer will provide WPSC with at least two years' prior written notice and the Company and the Customer shall enter into an amended contract with amended rates as may be appropriate under the circumstances. In the event that an amended contract and/or amended rates are executed by the parties, WPSC will submit to the Federal Power Commission the proposed amendments. If the parties are unable to reach mutual greement, WPSC will file with the Federal Power Commission an appropriate schedule of rates and terms for such proposed new service."

(C) Our October 21, 1975, order is hereby modified with respect to ordering paragraphs (C) and (D) at mimeo p. 9 to allow 30 days from the issuance of this order for WPSC to file the amended rate schedules and the amendments to service contracts with the revised substiturte contract language specified in this order.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc. 75-34046 Filed 12-17-75;8:45 am]

FEDERAL TRADE COMMISSION

HARMSCO, INC.

Request for Comments

Invitation to Comment on Application of Harmsco, Inc. for Waiver Pursuant to Section 102(c) of Magnuson-Moss Warranty Act, 15 U.S.C. 2302(c).

Section 102(c) of the Magnuson-Moss Warranty Act, 15 U.S.C. 2302(c), provides that no warrantor of a consumer product may condition performance under a written warranty on the consumer using any article or service which is identified by brand, trade or corporate name. (This prohibition does not apply to articles or services which are provided without charge under the terms of the warranty).

Under a further provision of Section 102(c) of the Act, the Commission may waive the prohibition upon application by a warrantor. The Act further requires the Commission to notify the public of an application for waiver and to invite public comment on it.

Harmsco, Inc., a manufacturer of swimming pool filters and filter cartridges seeks a waiver of § 102(c). The proposed written warranty of Harmsco contains the following provision:

"This guarantee is void if filter cartridges produced by any manufacturer other than Harmsco, Inc. are used in this filter."

The Magnuson-Moss Act provides that the Commission may waive the prohibition of § 102(c) "if—

(1) The warrantor satisfies the Commission that the warranted product will function properly only if the article or service so identified is used in connection with the warranted product, and

(2) The Commission finds that such a waiver is in the public interest."

The Commission invites interested persons to direct their comments to the question of whether the statutory standards have been met by Harmsco.

Harmsco's application and the documents submitted in support of the application are available for public inspection and copying at the Office of Legal & Public Records, Room 130, Federal Trade Commission, Washington, D.C. All comments filed by interested persons will be considered by the Commission before making a decision on the application.

All interested persons are given notice of the opportunity to present written views and arguments with respect to the application. The public record will remain open for comment until February 17, 1976. All comments should be identified as "Comment on Harmsco Application," and should be delivered no later than that date to: Secretary, Federal Trade Commission, Room 172, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

Issued: December 18, 1975.

By direction of the Commission.

CHARLES A. TOBIN, *Secretary.*

[FR Doc.75-34082 Filed 12-17-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-TA-12]

CERTAIN COMPONENTS OF AUTOMATIC TOBACCO LEAF GRADERS

Notice and Order Terminating the Investigation

Based upon the receipt of a complaint filed by AMF, Inc., the United States International Trade Commission (formerly the United States Tariff Commission) initiated a preliminary inquiry (docket number 337-L-76) under section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), as to whether there exists unfair methods of competition or unfair acts in the importation or sale of tobacco leaf graders covered by United States Letters Patent 3,750,882. Notice of initiation of this preliminary inquiry was published in the FEDERAL REGISTER on September 25, 1974 (39 FR 34483). In the FEDERAL REGISTER of June 4, 1975 (40 FR 24056), notice was given that the preliminary inquiry was to be conducted as an investigation (docket number 337-TA-12).

Subsequent to initiation of the preliminary inquiry, a settlement agreement and consent judgment (C.A. No. 74-0506 R, E.D. Va., April 28, 1975) were entered into between AMF, Inc. (the complainant), Technical Development Corporation (the foreign manufacturer of the subject components), Universal Leaf Tobacco Company (the domestic purchaser of the subject components), and MacTavish Machine Manufacturing Company which agreement and consent judgment cover the patent in issue. On April 30, 1975, AMF, Inc., filed with the Commission a request to terminate the above-captioned investigation along with accompanying consents of Universal Leaf Tobacco Company, Technical Development Corporation and MacTavish Machine Manufacturing Company, dated April 21, April 18, and April 23, 1975, respectively.

The United States International Trade Commission determines as a result of the request and accompanying consents to terminate, the June 4, 1975, submission of Technical Development Company and MacTavish Machine Manufacturing Company, all evidence available to the Commission and the submission of the Commission investigative attorney, that there is no violation of section 337, Tariff Act of 1930, as amended. No finding has been made by the Commission whether there were any violations of section 337 prior to the execution of the settlement agreement and consent judgment. Therefore, the Commission hereby gives notice of and orders the termination of the above-captioned investigation.

This notice and termination shall become effective December 29, 1975, unless objection and request for reconsideration of this action is filed by any interested person within the aforesaid 10-day period. Any objection and request for reconsideration shall be accompanied by a statement setting forth the facts relied upon in support of such objection and request and shall be served on the other parties to this investigation. Notice of receipt of objection and request for reconsideration will be published in the FEDERAL REGISTER.

By order of the Commission.

Issued: December 12, 1975.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.75-34158 Filed 12-17-75;8:45 am]

[337-TA-8]

PIEZOELECTRIC CERAMIC 10.7 MHz ELECTRIC WAVE FILTERS

Notice and Order Terminating the Investigation

Based upon the receipt of a complaint filed by the Vernitron Corporation, the United States International Trade Commission (formerly the United States Tariff Commission) initiated a preliminary inquiry under section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053) (docket number 337-L-68), as to whether there exists unfair methods of competition or unfair acts in the importation or sale of the electric wave filters covered by United States Letters Patents 3,659,123 and 3,676,724. Notice of initiation of this preliminary inquiry was published in the FEDERAL REGISTER on November 30, 1973 (38 FR 33127). In the FEDERAL REGISTER of June 4, 1975 (40 FR 24056), notice was given that the preliminary inquiry was to be conducted as an investigation (docket number 337-TA-8).

Subsequent to initiation of the preliminary inquiry, sublicensing agreements were entered into between Murata Manufacturing Company (an exclusive licensee of Vernitron Corp.) and Taiyo-Yuden Company, Ltd., and Toko, Inc. (the foreign manufacturers of the subject electric filters) which cover the patents in issue. Vernitron Corporation filed a request with the Commission, on April 1, 1975, to terminate the above-captioned investigation. On March 26, 1975, and April 16, 1975, respectfully, Toko, Inc., with Toko America, Inc., and Taiyo-Yuden Company, Ltd., also filed requests to terminate the investigation.

The United States International Trade Commission determines as a result of these requests to terminate, the evidence in the record and the submission of the Commission investigative attorney, that there is no violation of section 337, Tariff Act of 1930, as amended. No finding has been made by the Commission whether there were any violations of section 337 prior to the execution of the sublicensing agreements. Therefore, the Commission hereby gives notice of and orders the termination of the above-captioned investigation.

This notice and termination shall become effective December 29, 1975, unless objection and request for reconsideration of this action is filed by any interested person within the aforesaid 10-day period. Any objection and request for reconsideration shall be accompanied by a statement setting forth the facts relied upon in support of such objection and request and shall be served on the other parties to this investigation. Notice of receipt of objection and request for reconsideration will be published in the FEDERAL REGISTER.

By Order of the Commission.

Issued: December 12, 1975.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.75-34157 Filed 12-17-75;8:45 am]

NATIONAL COMMUNICATIONS SYSTEM

TELECOMMUNICATIONS: CODING AND MODULATION REQUIREMENTS FOR NONDIVERSITY 2400 BIT/SECOND MODEMS

Proposed Federal Standard 1005

The Administrator of the General Services Administration (GSA) is responsible, under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On 14 August 1972, the National Communications System (NCS)[1] was designated by the Administrator, GSA, as the responsible agent for the development of Federal standards for NCS interoperability and the computer-communication interface. The Federal Telecommunication Standards Committee (FTSC) was established under the administration of NCS to accomplish this mission. This proposed Federal standard is one of a series of Federal standards on telecommunications presently under development.

Prior to submission of the final endosement of the proposed Federal standard to the Office of Telecommunications Policy (OTP), Executive Office of the President, and GSA, it is essential that proper consideration be given to the needs and views of industry, the public, and state and local governments. The purpose of this Notice is to solicit such views.

Interested parties may submit their comments to the Office of Technology and Standards, National Communications System, Washington, D.C. 20305. All comments should be submitted by 20 February 1976.

JAMES M. ROCKWELL, *Major General, USA, Vice Manager, National Communications System.*

MAURICE W. ROCHE, *Director, Correspondence and Directives, OASD (Comptroller).*

DECEMBER 15, 1975.

NCS PROJECT 75-53/1 PROPOSED FED STD 1005
NOVEMBER 25, 1975

PROPOSED FEDERAL STANDARD

Telecommunications: Coding and Modulation Requirements for Nondiversity 2400 Bit Second Modems

This draft of November 25, 1975, prepared by the National Communications System, has not been approved and is subject to modification.

DO NOT USE PRIOR TO APPROVAL

1. General Information

1.1 Scope. This standard establishes the coding and modulation requirements for 2400 bit/second modems owned or leased by the Federal Government for use over analog tranamission channels other than those derived from high-frequency radio facilities.

1.2 Purpose. The purpose of this standard is to facilitate interoperability between telecommunication facilities and systems of the Federal Government.

1.3 Application. This standard shall be used by all Federal agencies in the design and procurement of nondiversity 2400 bit/second modems for use with nominal 4 KHz channels derived from either switched networks or dedicated lines. Typically, such channels are derived from frequency division multiplex equipment associated with microwave, cable, and satellite transmission systems. The requirements of this standard become effective 1 July 1976.

[1] DoD Directive 5100.41 "Arrangements for Discharge of Executive Agent Responsibilities for the NCS"—filed as part of original document.

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2. Requirements

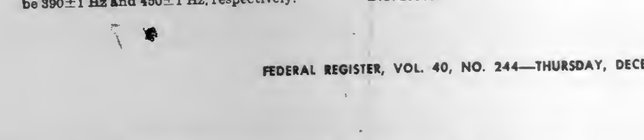
2.1 .2400 Bit/second Operation

2.1.1 The transmit carrier frequency shall be 1800 ±1 Hz.

2.1.2 The data stream to be modulated is divided into pairs of consecutive bits (dibits). Each dibit is encoded as a phase change of the 1800 Hz carrier relative to the phase of the carrier during transmission of the immediately preceding dibit as indicated below.

DIBIT	PHASE CHANGE
00	+ 45°
01	+ 135°
11	+225°
10	+ 315°

The phase change is the actual phase shift in the transition region from the end of one following signaling element as illustrated signaling element to the beginning of the below.



At the demodulator, the dibits are decoded and the bits are reassembled in the correct order. The left-hand digit of the dibit is the one occurring first in the data stream as it enters the modulator portion of the modem.

2.1.3 Synchronization

2.1.3.1 During the interval between Request to Send (RS) indication from an associated Data Terminal Equipment (DTE) and the modem responding with a Clear to Send (CS) indication, synchronization signals will be generated by the transmitting modem to properly condition the receiving modem(s). Unless a scrambler is utilized, continuous 225° phase changes (dibit 11) shall be transmitted for the duration of the synchronization period.

2.1.3.2 Modems capable of 2-wire, half-duplex operation shall have the ability to delay Clear to Send (CS) indication for a period of at least 140 ms following the receipt of Request to Send (RS) indication. During 2-wire, half-duplex operation using the above delay, modems shall also withhold Receiver Ready (RR) indication after the end of each modem transmission for a period of 110±20 ms to protect against the effect of line echoes.

2.1.4 The data signaling rate shall be 2400 bit/second±0.01 percent.

2.2 1200 Bit/second Operation (Optional).

2.2.1 1200 bit/second data rate operation will be achieved, when available, by treating each binary 1 bit as a "11" dibit and each binary 0 bit as a "00" dibit while utilizing the 2400 bit/second method of operation. This capability, when available, shall be switch selectable by a front panel control.

2.2.2 The data signaling rate shall be 1200 bit/second±0.01 percent.

2.2.3 All other characteristics shall be as specified for 2400 bit/second operation.

2.3 Secondary Channel (Optional).

2.3.1 Secondary channel modulation rate shall not exceed 150 baud.

2.3.2 Characteristic frequencies of the binary 1 (mark) and binary 0 (space) shall be 390±1 Hz and 450±1 Hz, respectively.

2.3.3 When simultaneous transmission of the primary channel and secondary channel occur in the same direction, the secondary channel shall be 6±0.6dB lower in power level than the primary channel.

2.4 Scrambler (Optional)

2.4.1 When utilized, digital input signals will be encoded in the modem prior to modulation of the 1800 Hz carrier. Similarly, demodulated signals will be decoded by an inverse process at the distant modem.

2.4.2 The encoder and decoder shall be capable of being bypassed by switch selection.

2.5 General Characteristics

2.5.1 The input and output impedance of the modem to the analog line shall be 600±60 ohms balanced.

2.5.2 The output level of the modulator shall be adjustable from −15 dBm to 0 dBm in no greater than 1 dB steps. Output level shall not be adjustable by operating personnel.

2.5.3 The demodulator shall have an input sensitivity adjustable to −42±3dBm and −32±3dBm. When the above-stated input sensitivities are used, the input level dynamic range shall be at least 30 dB above the input sensitivity.

2.5.4 A fixed compromise equalizer shall either be incorporated into the receiver or be switchable between the receiver and transmitter. The characteristics of this equalizer are dependent upon system application.

3. Changes. When a Federal agency considers that this standard does not provide for its essential needs, a statement citing inadequacies shall be sent in duplicate to the General Services Administration, Federal Supply Service, Washington, D.C. 20406, in accordance with provisions of Federal Property Management Regulations 41 CFR 101-29.3. The General Services Administration will determine the appropriate action to be taken and will notify the agency.

Preparing Activity:

National Communications System, Office of Technology and Standards, Washington, D.C. 20305.

This document is available from the General Services Administration (GSA), acting as agent for the Superintendent of Documents. A copy for bidding and contracting purposes is available from GSA Business Services Centers. Copies are for sale at the GSA, Specification Sales, Building 197 (Washington Navy Yard), Washington, D.C. 20407 for ?? cents each.

Washington, D.C. 20407 for __ cents each

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 75-37]

ACCIDENT REPORT; RESPONSES TO RECOMMENDATIONS

Notice of Availability and Receipt

Aviation Accident Report. The National Transportation Safety Board announces the release of its report on a Western Airlines accident at Casper, Wyoming, which occurred March 31, 1975. The report, No. NTSB-AAR-75-15, was made public December 10. The Board determines that the probable cause was the failure of the pilot-in-command to exercise good judgment when he failed to execute a missed approach and continued a nonprecision approach to a landing without adequately assessing the aircraft's position relative to the runway threshold. Contributing to the accident were the excessive height and speed at which he crossed the approach end of the runway and the failure of other flight crewmembers to provide him with required callouts. As a result of the investigation of this accident, the Board issued on November 23 safety recommendation A-75-84 to the Federal Aviation Administration (40 FR 55394). The recommendation is reproduced in the report.

Responses to Safety Recommendations. During the past week, the Safety Board received the following replies from addressees of earlier recommendations:

From the U.S. Coast Guard, letter of November 23 re recommendations M-75-6 through 8. These recommendations were contained in marine casualty report No. USCG/NTSB-MAR-75-2, released March 12, 1975, concerning entanglement of the submersible JOHNSON SEA LINK with submerged wreckage off Key West, Florida, June 17, 1973. With reference to M-75-6, the Coast Guard has joined the Office of the Oceanographer of the Navy in funding a survey of worldwide submersible search and rescue capabilities, the survey to receive wide distribution. Re M-75-7, the Coast Guard concurs that an underwater television unit and descending line attachment would be beneficial to submersible search and rescue operations, and is seriously considering acquiring such a device. The Coast Guard will continue to monitor the level of activity of civilian submersibles to determine whether acquisition is justifiable. Re M-75-8, a research and development program to develop the capability for civilian submersible rescue operations is under review, according to the Coast Guard. Should this program be initiated, appropriate coordination with the Navy will be affected.

From the Federal Railroad Administration, letter of December 5 re recommendations R-75-36 through 38, issued in Board report NTSB-RAR-75-8 concerning the collision of two Penn Central commuter trains at Botanical Garden Station in New York City, January 2, 1975. (See 40 FR 34202 and 40 FR 39563.) Re recommendation R-75-36, FRA published an advance notice of proposed rulemaking May 2, 1975, at 40 FR 19209, and is now reviewing comments. A copy of the proposed rule is attached to FRA's letter. Re R-75-37, FRA indicates that the question of minimum physical standards and periodic physical examinations of all crewmembers is presently under discussion by the Railroad Operating Rules Advisory Committee. Concerning R-75-38, FRA is presently conducting research to determine standards for rail passenger vehicle crashworthiness as well as crash injury protection for passengers, the research to serve as a basis for the consideration of future regulations.

From the Federal Railroad Administration, letter of December 8 regarding recommendation R-75-17 and operation of the E-60-CP locomotives built by General Electric Company for Amtrak on the Northeast Corridor operation. (See 40 FR 56984.) FRA states that it does "not take exception to Amtrak's indicated plan to place the E-60 locomotives in revenue service at maximum speed of 85 m.p.h. with the overspeed set at 87 m.p.h. on Class 6 track. We also agreed with Amtrak's recommendation that speeds would possibly be increased to 95 m.p.h. as confidence is gained in the wear characteristics of the teflon plate modification." FRA will continue to monitor the operation and further testing performed by Amtrak in conjunction with the E-60 locomotive.

From the Materials Transportation Bureau, letter of December 1, 1975, re recommendations P-75-14 and 15 which the Safety Board issued after investigating the October 13, 1975, blast at the El Paso Gas Company facility in Goldsmith, Texas. Recommendation P-75-15; issued November 14, was reported at 40 FR 54030. Recommendation P-75-14, issued the same day to the Interstate Natural Gas Association of America and to the American Petroleum Institute, recommended that these two organizations advise their member companies who operate similar gas processing plants to locate any areas of potential liquid accumulation and internal corrosion within their facilities and to take necessary remedial action to prevent similar accidents from occurring. MTB concurs with these recommendations, stating, "These recommendations support our efforts to encourage operators to take the actions necessary to prevent the occurrence of similar accidents."

The aviation accident report is available to the general public; single copies may be obtained without charge. A $4.00 user-service charge will be made for each recommendation response, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, identified by report and/or recommendation number and date of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident report may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)))

MARGARET L. FISHER,
Federal Register Liaison Officer.

DECEMBER 15, 1975.

[FR Doc.75-34130 Filed 12-17-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-321]

GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Notice of Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Facility Operating License No. DPR-57 issued to Georgia Power Company & Oglethorpe Electric Membership Corporation for operation of the Edwin I. Hatch Nuclear Plant Unit 1 located in Appling County, Georgia.

This amendment would revise the Technical Specifications to add requirements that would limit the period of time operation can be continued with immovable control rods that could have control rod mechanism collect housing failures.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By January 19, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of this amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, Barr Building, 910 17th Street, NW., Washington, D.C. 20006, attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to these actions, see the Commission's letter to Georgia Power Company & Oglethorpe Electric Membership Corporation dated September 23, 1975 and the attached proposed Technical Specifications and the Safety Evaluation by the Commission's staff dated September 23, 1975 and Georgia Power Company's letter dated October 13, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513. This license amendment and the Safety Evaluation may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 8th day of December 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-33893 Filed 12-17-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 9079; (811-1023)]

ATLAS SMALL BUSINESS INVESTMENT CORP.

Filing of Application

DECEMBER 11, 1975.

Notice is hereby given that Atlas Small Business Investment Corporation, 1808

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Main Street, Kansas City, Missouri 64108, ("Applicant" or "Atlas"), a Missouri corporation registered as a nondiversified, closed-end, management investment company under the Investment Company Act of 1940 (the "Act") and licensed to operate as a small business investment company under the Small Business Investment Act of 1958, filed an application on June 11, 1974 and amendments thereto on November 1, 1974 and November 10, 1975, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Section 3(c)(1) excepts from the definition of an "investment company", as such term is used in the Act, any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. For the purposes of Section 3(c)(1), beneficial ownership by a company is deemed to be beneficial ownership by one person unless such company owns 10 percent or more of the outstanding voting securities of the issuer. In the latter case the shareholders of the company which owns such outstanding voting securities of the issuer are deemed to be the beneficial owners of the issuer's securities.

Rule 3c-2 of the Commission, promulgated pursuant to Section 3(c), provides, however, in pertinent part, that for the purpose of Section 3(c)(1) of the Act, beneficial ownership by a company owning 10 per cent or more of the outstanding voting securities of any issuer which is a small business investment company licensed to operate under the Small Business Investment Act of 1958 shall be deemed to be beneficial ownership by one person if and so long as the value of all securities of small business investment companies owned by such company does not exceed 5 per cent of the value of its total assets.

Applicant has 15,275 shares of capital stock issued and outstanding which are owned beneficially by 16 persons. Oppenheimer Industries, Inc. ("Oppenheimer") owns beneficially 11,869 shares or 77.7% of the outstanding voting securities of Applicant and has 925 stockholders. Oppenheimer's interest in Applicant is its only interest in a small business investment company.

The Board of Directors of Applicant valued Atlas' common stock at $9.34 per share as of fiscal year end March 31, 1975. Based upon this valuation, Oppenheimer's interest in Atlas on the same date was worth $110,856 or only 4.35% of the value of its total investments ($2,544,050) excluding other assets. The value of Oppenheimer's interest in Atlas' common stock ($110,856) is less than 1% of the value of its total assets, valued as of the end of Oppenheimer's latest fiscal year (January 31, 1975) as being in excess of $15 million. Applicant represents that it is not making and has not presently proposed to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of the order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 5, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter will be issued as of course following such date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered that the Secretary of the Commission shall send a copy of this notice by certified mail to the Associate Administrator for Investment, Investment Division, Small Business Administration, Washington, D.C. 20416.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34102 Filed 12-17-75;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Notice of Suspension of Trading

DECEMBER 12, 1975.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from December 15, 1975 through December 24, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34103 Filed 12-17-75;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Notice of Suspension of Trading

DECEMBER 12, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 13, 1975 through December 22, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34105 Filed 12-17-75;8:45 am]

[File No. 500-1]

GAC CORP. AND GAC PROPERTIES CREDIT INC.

Notice of Suspension of Trading

DECEMBER 9, 1975.

The common stock of GAC Corporation being traded on the New York Stock Exchange, Midwest Stock Exchange, Pacific Coast Stock Exchange, PBW Stock Exchange and Boston Stock Exchange, the voting preference $1.00 series stock of GAC Corporation being traded on the PBW Stock Exchange, the convertible preferred $1.06 cumulative stock of GAC Corporation being traded on the New York Stock Exchange and PBW Stock Exchange, the preferred $6.50 series cumulative stock of GAC Corporation being traded on the PBW Stock Exchange, the 5⅞% convertible subordinated debentures due 1994 of GAC Corporation being traded on the New York Stock Exchange; the 11% senior debentures due 1977 of GAC Properties Credit Incorporated being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of GAC Corporation and GAC Properties Credit Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 4:10 p.m. (EST) on December 9, 1975 through midnight (EST) on December 18, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34105 Filed 12-17-75;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Notice of Suspension of Trading

DECEMBER 12, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 13, 1975 through December 22, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34106 Filed 12-17-75;8:45 am]

[File No. 81-192]

RCA INTERNATIONAL DEVELOPMENT CORP.

Application and Opportunity for Hearing

DECEMBER 9, 1975.

Notice is hereby given that RCA International Development Corporation ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for a finding that an exemption from the requirement to file reports pursuant to Section 13 of the 1934 Act would not be inconsistent with the public interest or the protection of investors.

Section 12(b) of the 1934 Act provides that an issuer may register securities on a national exchange by filing a registration statement with both the exchange and the Securities and Exchange Commission (the "Commisison"), which registration statement contains information as to the issuer and any person directly or indirectly controlling or controlled by the issuer as the Commisison may require for the protection of investors or in the public interest.

Section 13 of the 1934 Act requires that issuers of securities registered pursuant to Section 12 must file certain periodic reports with the Commission for the protection of investors and to insure fair dealing in the security.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole, or in part, any issuer or class of issuers from the registration or periodic reporting provisions under Sections 12 and 13, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states in part:

1. Applicant, a Delaware corporation, is a wholly-owned subsidiary of RCA Corporation ("RCA"), a diversified company with numerous subsidiaries. Applicant operates as an overseas financing vehicle for RCA and its subsidiaries.

2. In 1968, Applicant issued $50 million principal amount of 5% Guaranteed Sinking Fund Debentures due 1988 (the "Debentures") to foreign investors.

3. The Debentures are convertible into shares of RCA common stock and are unconditionally guaranteed as to payment of principal, interest, premium, if any, and all required sinking fund payments.

4. The Debentures were offered abroad to foreign nationals in accordance with procedures designed to prevent the sale of the Debentures in the United States or its territories or to nationals or residents thereof.

5. The Debentures are listed on the New York Stock Exchange and are registered pursuant to Section 12(b) of the 1934 Act.

6. Since Applicant's Debentures were listed on the New York Stock Exchange in 1968, there has hardly been any trading in the Debentures.

In the absence of an exemption, Applicant is required to file certain periodic reports with the Commission pursuant to Section 13 of the 1934 Act because the Debentures are registered with the Commission and listed on the New York Stock Exchange.

Accordingly, Applicant believes that the exemption order requested by it is appropriate in view of the fact that a trading market in its Debentures is unlikely to become significant and that since the Debentures are guaranteed by and convertible into common stock of RCA, it is the 1934 Act Reports of RCA and not those of Applicant in which Debentureholders and investors would be primarily interested.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C.

Notice is further given that any interested person not later than January 2, 1975, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549 and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34107 Filed 12-17-75;8:45 am]

SEC REPORT COORDINATING GROUP (ADVISORY)

Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, the Securities and Exchange Commission announces a public advisory committee meeting.

The Commission's Report Coordinating Group (Advisory), will hold a meeting on January 12, 1976 at 1735 K St. NW., Third Floor Conference Room, Washington, D.C. The meeting will commence at 10:00 a.m. local time and will be for the purpose of discussing the FOCUS Report of financial and operational information and the development of simplified trading forms, registration forms and assessment procedures.

The Group's meetings are open to the public. Any interested person may attend and appear before or file statements with the advisory committee. Said statements, if in written form, may be filed before or after the meeting. Oral statements shall be made at the time and in the manner permitted to the Report Coordinating Group.

The Report Coordinating Group was formed to assist the Commission in developing a coherent, industry-wide, coordinated reporting system. In carrying out this objective, the Report Coordinating Group is to review all reports, forms and similar materials required of broker-dealers by the Commission, the self-regulatory community and others. The Group is advising the Commission on such matters as eliminating unnecessary duplication in reporting, reducing reporting requirements where feasible, and implementing the FOCUS Report of financial and operational information. (Securities Exchange Act Release No. 10612; Securities Exchange Act Release No. 10959; Securities Exchange Act Release No. 11140; Securities Exchange Act Release No. 11149; Securities Exchange Act Release No. 11748).

Information concerning the meeting, including the procedures for submitting statements to the Group, may be obtained by contacting: Mr. Daniel J. Piliero II, Secretary, SEC Report Co-

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ordinating Group, Securities and Exchange Commission, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 12, 1975.

[FR Doc.75-34109 Filed 12-17-75;8:45 am]

[File No. 500-1]

TRANSJERSEY BANCORP

Notice of Suspension of Trading

DECEMBER 12, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Transjersey Bancorp being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 14, 1975 through December 23, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34108 Filed 12-17-75;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH STATISTICS

Meeting

The BRAC Committee on Occupational Safety and Health Statistics will meet at 10:00 a.m., January 15, 1976, at the New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C., Room N4437 A, B, and C. The agenda for the meeting is as follows:

1. Report on Bureau responsibilities for occupational safety and health statistics after 4 years
2. Annual survey (a) Report on the results of the 1974 Survey of Occupational Injuries and Illnesses
   (b) Status of the 1975 Survey of Occupational Injuries and Illnesses
3. Recordability guidelines
4. Research activities (a) Insurance company of North America project results
   (b) Proposed projects
   (c) Supplementary Data Systems
5. State statistical program (a) Status of State statistical grants and State plans

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 523-1559.

Signed at Washington, D.C. this 11th day of December 1975.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.75-34153 Filed 12-17-75;8:45 am]

Occupational Safety and Health Administration

OREGON STATE STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Assistant Regional Directors for Occupational Safety and Health (hereinafter called the Assistant Regional Director) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18 (c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision. The notice of Approval of Revised Developmental Schedule was further published on April 1, 1974, in the FEDERAL REGISTER (39 FR 11881).

The Oregon plan provides for the adoption of Federal standards as State standards after comments and/or public hearing. Section 1952.108 of Subpart D sets forth the State's schedule for the adoption of Federal standards. By letter dated December 31, 1974, from Keith Wilson, Chairman, Workmen's Compensation Board, to James W. Lake, Assistant Regional Director, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR Part 1910 Subpart B, 29 CFR Parts 1915, 1916, and 1917. These standards, which are contained in Oregon Safety Code for Places of Employment, were promulgated after public comment requested on November 1, 1974, and resolution adopted by Workmen's Compensation Board on November 20, 1974, pursuant to the Department of State's Administrative Rules Bulletin, Vol. 14, No. 9, dated November 1, 1974.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and they are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 6048, 909 First Avenue, Federal Office Building, Seattle, Washington 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310; and the Technical Data Center, Room N-3620, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2 (c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon State plan as a proposed change and making the Assistant Regional Director's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective December 18, 1975.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Seattle, Washington, this 21st day of February 1975.

JAMES W. LAKE,
Assistant Regional Director.

[FR Doc.75-34154 Filed 12-17-75;8:45 am]

Office of the Secretary

[TA-W-363]

MODA CONTRACTING CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 28, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Moda Contracting Corporation, Division of Petrocelli, Inc., New York, New York (TA-W-363). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits, sportcoats, and trousers produced by Moda Contracting Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below; not later than December 29, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 28th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34156 Filed 12-17-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 100]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 12, 1975.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) (as amended, 49 FR 37215) published in the FEDERAL REGISTER issue of August 26, 1975, effective September 15, 1975, further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the* FEDERAL REGISTER *of a notice that the proceeding has been assigned for oral hearing.*

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 531 (Sub-No. 325), filed November 17, 1975. Applicant: YOUNGER BROTHERS, INC., P.O. Box 14048, 4904 Griggs Rd., Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, (1) from the plantsite and facilities of Witco Chemical located at or near Houston, Tex., to points in the United States (except Alaska and Hawaii); (2) from the plantsite of Argus Chemical Corp. located at or near Taft, La., to points in the United States (except Alaska and Hawaii); and (3) from the plantsite of Halby Chemical Corp. (Division of Argus Chemical Corp.) located at or near Taft, La., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La. or Houston, Tex.

No. MC 11207 (Sub-No. 361), filed November 20, 1975. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, 702 World Center Building, 918 Sixteenth St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials*, from the plantsite and facilities of Bird and Son, Inc., Charleston, S.C., to points in Alabama and Florida (points west of the Apalachicola River).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charleston, S.C. or Birmingham, Ala.

No. MC 11220 (Sub-No. 145), filed November 3, 1975. Applicant: GORDONS TRANSPORTS, INC., 185 W. McLemore Avenue, P.O. Box 59, Memphis, Tenn. 38101. Applicant's representative: Jay C. Miner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), Between Dallas, Tex. and Kansas City, Mo.: From Dallas, Tex. over U.S. Highway 75 to junction U.S. Highway 69, thence over U.S. Highways 69 and 75 to Atoka, Okla., thence over U.S. Highway 69 to junction Interstate Highway 44 (Will Rogers Turnpike), thence over Interstate Highway 44 to junction U.S. Highway 166, thence over U.S. Highway 166 to junction Kansas Highway 26, thence over Kansas Highway 26 to junction U.S. Highway 69, thence over U.S. Highway 69, to Kansas City, Mo. and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn. or Washington, D.C.

No. MC 18535 (Sub-No. 64), filed November 10, 1975. Applicant: HICKLIN MOTOR LINE, INC., P.O. Box 377, U.S. Highway No. 601, St. Matthews, S.C. 29135. Applicant's representative: Lawrence M. Gressette, Jr., P.O. Box 346, 203 Railroad Avenue, N.W., St. Matthews, S.C. 29135. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sponge iron pellets, metal briquettes and oxide fines*, in controlled-flow dump vehicles, between points in South Carolina on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana,

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and Wisconsin; and (2) *compressed scrap motor vehicles and/or shredded vehicle scrap metal*, (a) between points in South Carolina on the one hand, and, on the other, points in Richmond County, Ga.; and (b) between Wilmington, N.C., and 25 miles thereof and points in Richmond County, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbia, S.C.

No. MC 30837 (Sub-No. 470), filed Nov. 14, 1975. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buses and ambulances*, in driveaway service, from Mayfield and Montgomery, Pa., to points in the United States (including Alaska, but excluding Hawaii); and (2) *ambulances*, in driveaway service, from Tulare, Calif.; Sturgis, Mich.; Athens, N.Y.; and Sherman, Tex., to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 51146 (Sub-No. 452), filed November 12, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Novelty ice cream products, and water ices* (except in bulk), in mechanically-refrigerated trailers, from Richland Center, Wis., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas and all points east thereof (except points in Wisconsin).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 52793 (Sub-No. 21), filed November 3, 1975. Applicant: BEKINS VAN LINES CO., 333 South Center Street, Hillside, Ill. 60662. Applicant's representative: Warren N. Grossman, Suite 825, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *New furniture*, uncrated, *new furnishings*, uncrated, and *new appliances*, uncrated, and *accessories and parts*, incidental to the commodities described herein which are shipped in the same vehicle and at the same time with such commodities; (b) *new store and office fixtures*, uncrated, and *accessories and parts*, incidental thereto which are shipped in the same vehicle and at the same time with the commodities described herein; and (c) *new kitchen and institutional fixtures and equipment*, uncrated, and *accessories and parts*, incidental thereto which are shipped in the same vehicle at the same time with the commodities described herein; and (2) (a) between points in California, Oregon and Washington; and (b) between points in California, Oregon and Washington, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or Chicago, Ill.

No. MC 52917 (Sub-No. 64), filed November 17, 1975. Applicant: CHESAPEAKE MOTOR LINES, INC., 6748 Dorsey Road, Baltimore, Md. 21227. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foods and foodstuffs*, in vehicles equipped with temperature control, and (2) *related advertising paraphernalia materials, equipment and supplies*, used in the preparation and serving of foods in restaurants, cafeteria, hotels, or commissaries, in mixed shipments with the commodities named in (1), between points in Frederick, Anne Arundel, Howard, Prince Georges, Washington and Baltimore Counties, Md.; points in Delaware; New Jersey; Baltimore, Md.; and the District of Columbia; and New York, N.Y.; and points in Nassau, Suffolk, and Westchester Counties, N.Y.; points in Virginia on and east of U.S. Interstate Route 95; points in Stafford, Prince William, and Fairfax Counties, Va. west of U.S. Interstate Route 95; and points in Pennsylvania east of the Susquehanna River.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 58885 (Sub-No. 29), (Correction), filed October 20, 1975, published in the FEDERAL REGISTER issue of November 20, 1975, and republished as corrected this issue. Applicant: ATLANTA MOTOR LINES, INC., P.O. Box 345, Conley, Ga. 30027. Applicant's repersentative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301.

NOTE.—The purpose of this correction is to indicate the correct zip code for applicant's representative, the rest of the application remains the same as previously noticed.

No. MC 78228 (Sub-No. 54), filed November 14, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent carbon*, in dump vehicles, from points in the United States (except Alaska and Hawaii), to Catlettsburg, Ky.; Neville Island, Pa.; and Bayport, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 83835 (Sub-No. 125), filed November 20, 1975. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foam board, insulation, insulated foam board panels, and cold storage insulated panels*, from Dallas, Tex., to points in the United States east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the eastern boundary of Itasca County, Minn., thence northward along the eastern boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 106603 (Sub-No. 144), filed November 13, 1975. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street, S.W., Grand Rapids, Mich. 49508. Applicants' representative: Martin J. Leavitt, 22375 Hagerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products* (except in bulk), from points in Pulaski County, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, Tennessee, West Virginia and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 46240 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 107107 (Sub-No. 445), filed November 17, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Avenue (LeJeune Road), Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell, 12805 N.W. 42nd Avenue, Opa Locka, Fla. 33054. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Pittsburgh, Pa., and its Commercial Zone, to points in Alabama, Florida, Georgia, North Carolina and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 107323 (Sub-No. 48), filed November 12, 1975. Applicant: GILLILAND TRANSFER COMPANY, 7180 West 48th Street, Fremont, Mich. 49412. Applicant's representative: Donald B. Levine, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Fremont, Mich., to points in Wisconsin on and south of a line beginning at the Minnesota-Wisconsin state line and extending along U.S. Highway 12 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction U.S. Highway 45, and on and west of a line extending from the junction of Wisconsin Highway 29 and U.S. Highway 45, thence along U.S. Highway 45 to the junction of U.S. Highway 41, thence along U.S. Highway 41 to the junction of Illinois-Wisconsin state line; and to points in Minnesota on and east and south of a line beginning at the Iowa-Minnesota state line and extending along U.S. Highway 50 to Worthington, Minn., thence along Minnesota Highway 60 to Windom, Minn., thence along U.S. Highway 71 to Wilmar, Minn., thence along Minnesota Highway 23 to St. Cloud, Minn., thence along U.S. Highway 10 to St. Paul, Minn., and thence along U.S. Highway 12 to the Minnesota-Wisconsin state line.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 107993 (Sub-No. 43), filed November 12, 1975. Applicant: J. J. WILLIS TRUCKING COMPANY, a Corporation, P.O. Box 5328, Terminal Station, Dallas, Tex. 75222. Applicant's representative: J. G. Dail, Jr., 1111 E St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foam board, insulation, insulated gypsum foam board panels, insulated panels, and insulated building sections*, from the plantsite of Panel-Era, Inc., at Dallas, Tex., to points in Arkansas, Arizona, California, Colorado, Louisiana, Kansas, Mississippi, Missouri, New Mexico, Oklahoma, Utah, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 108341 (Sub-No. 39), filed November 14, 1975. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, and machinery parts, street sweepers, road construction machinery, contractor's equipment, vehicles, tractors, articles requiring special equipment, and parts, implements, attachments, accessories and supplies therefor*, from the facilities of Athey Products Corporation, at or near Wake Forest, N.C., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas and Louisiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 109397 (Sub-No. 323), filed November 10, 1975. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Bus. Rte I-44 East, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel, iron and steel articles, and wire products*, from points in Washington and California, to points in the United States and Canada, through, but not limited to, the ports of entry on the International Boundary line between the United States and Canada located at Washington, including Alaska, but excluding Hawaii; and (2) *materials, equipment and supplies* (except commodities in bulk), used in the manufacture and distribution of the commodities described in (1) above, from points in the United States, including Alaska, but excluding Hawaii, to points in Washington and California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 111310 (Sub-No. 15), filed November 17, 1975. Applicant: BEER TRANSIT, INC., P.O. Box 338, Hartland, Wis. 53029. Applicant's representative: Wayne W. Wilson, 329 West Wilson St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, and *related advertising equipment, premiums, materials and supplies*, when shipped therewith, from Cold Spring, Minn., to points in Wisconsin, Illinois and Indiana; (2) *Used empty malt beverage containers*, from points in Wisconsin, Illinois and Indiana, to Cold Spring, Minn.; (3) *Insulation*, from points in Dodge County, Wis., to points in Illinois, Michigan, Indiana, Ohio, Kentucky, Tennessee, Iowa, Pennsylvania, Missouri, Minnesota, New York, and New Mexico; (4) *Malt beverages*, and *related advertising equipment, premiums, materials, and supplies*, when shipped therewith, from Minneapolis and St. Paul, Minn., to points in Illinois and Indiana; and (5) *Used empty malt beverage containers*, from points in Illinois and Indiana, to Minneapolis and St. Paul, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis. or Black River Falls, Wis.

No. MC 112304 (Sub-No. 105), filed November 13, 1975. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except in bulk, Classes A and B explosives, household goods as defined by the Commission, livestock and articles of unusual value), restricted to shipments having a prior or subsequent movement in conjunction with intermodal traffic, between points in Daviess County, Ky., on the one hand, and, on the other, points in Kentucky, Illinois, Indiana, Wisconsin, Michigan, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Tennessee, Georgia, Alabama, Mississippi, Arkansas, Missouri and Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.; Louisville or Lexington, Ky.

No. MC 113678 (Sub-No. 605), filed November 7, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery products*, from Cambridge, Norwood, and Mansfield, Mass., and Ashton, R.I., to Chicago, Ill., Denver, Colo., Salt Lake, Utah, and points in Oregon, Washington and California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass., or Denver, Colo.

No. MC 113678 (Sub-No. 606), filed November 7, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from the plantsite and facilities of Johnson Biscuit Company, at or near Sioux City, Iowa and points in Union County, S. Dak., to points in the United States in and east of the western boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, restricted to the transportation of traffic originating at the above named origins and destined to the above described destination territory.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Sioux City, Iowa, Omaha, Nebr., or Denver, Colo.

No. MC 113908 (Sub-No. 358), filed November 12, 1975. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer* in bulk, from Cabool, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, Texas and Wisconsin; and (2) *liquid fertilizer solutions*, in bulk, in tank vehicles, from the terminal site of Agrico Chemical Company, located at or near Falls City, Nebr., to points in Iowa, Missouri and Kansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., Chicago, Ill., or Washington, D.C.

No. MC 114273 (Sub-No. 242), filed November 17, 1975. Applicant: CRST, INC.,

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P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue, NE., Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride and chemicals*, from Syracuse, N.Y., to points in Illinois and Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 249), filed November 17, 1975. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared flour mixes and breading and batter mixes*, from Evansville, Ind., to points in Nebraska, Kansas, Iowa, Missouri, Minnesota, Wisconsin, Illinois, Louisiana, Michigan, Ohio, Pennsylvania, New York, West Virginia, Connecticut, New Hampshire, Rhode Island, Massachusetts, Vermont and Maine.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 115841 (Sub-No. 509), filed November 12, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 200, 105 Vulcan Road, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Terry P. Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from Fountain Inn, S.C., to points in the United States (except Alaska, Hawaii, and South Carolina).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 116273 (Sub-No. 200), filed November 13, 1975. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in tank vehicles, from Owensboro, Ky., to points in Illinois, Indiana, Kentucky, Missouri, Tennessee, Ohio, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 118142 (Sub-No. 109), filed November 10, 1975. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from Boardman, Oreg., and Othello, Wash., to Alexandria and Shreveport, La., and Houston, Tex.; and (2) from Castroville, Calif., to Tulsa, Okla. and Shreveport, La.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans., or Kansas City, Mo.

No. MC 118959 (Sub-No. 131), filed November 17, 1975. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Red clay pottery*, from the facilities utilized by CDP Corporation located at Houston, Tex., to points in the United States (except Texas, Hawaii and Alaska).

NOTE.—Applicant holds contract carrier authority in MC 125664, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 12307 (Sub-No. 273), filed November 17, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tanks*, from Geauga County, Ohio, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 124211 (Sub-No. 271), filed November 10, 1975. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint, paint materials, and materials, equipment and supplies*, used in the manufacture thereof, between points in Ottawa County, Mich., and points in Cabell County, W. Va., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.; Indianapolis, Ind.; or Chicago, Ill.

No. MC 124692 (Sub-No. 158), filed November 17, 1975. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: J. David Douglas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire and wire rope*, from the facilities of Broderick and Bascom Rope Co. located at Peoria, Ill., to points in Washington, Oregon, Idaho, Utah, Montana, and Wyoming, restricted to traffic originating at the facilities of Broderick and Bascom Rope Co.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or St. Paul, Minn.

No. MC 124813 (Sub-No. 137), filed Nov. 12, 1975. Applicant: UMTHUN TRUCKING CO., a Corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from Belvidere, Ill., to points in Iowa, Wisconsin, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

NOTE.—Applicant holds contract carrier authority in MC 118468 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124846 (Sub-No. 2), filed Nov. 17, 1975. Applicant: KALLMEYER BROS. ENTERPRISES, INC., 4 Schiller Street, P.O. Box 233, Hermann, Mo. 65041. Applicant's representative: Thomas P. Rose, Jefferson Building, P.O. Box 205, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Milwaukee, Wis., to Hermann, Mo., under contract with Marvin Scheidegger, d.b.a. Marvin's Distributing Company, at Hermann, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Jefferson City or St. Louis, Mo.

No. MC 124887 (Sub-No. 18), filed November 12, 1975. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Folkston, Higgston, and Meldrim, Ga., to points in Alabama, Florida, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.; Atlanta, Ga., or Washington, D.C.

No. MC 125433 (Sub-No. 62), filed November 14, 1975. Applicant: F–B TRUCK LINE COMPANY, a Corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, between points in Oregon, Washington, California and points north of the southern boundary of Idaho County, Idaho, and points in Montana on and west of a direct north and south line extending from the northwest corner of Wyoming

to the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in Minnesota, South Dakota, Nebraska, Kansas, Oklahoma, Arkansas, Missouri, Iowa, Wisconsin, Illinois, Indiana, Michigan and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Portland, Oreg. or Seattle, Wash.

No. MC 126276 (Sub-No. 143), filed November 12, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Container, container components and ends, container closures, and materials, equipment and supplies* used in the manufacture and distribution of containers, ends and closures, from St. Joseph, Mo., Malden, Mass., Columbus, Ohio, Albany, N.Y., Oil City, Pa., Peoria Heights, Ill., LaCrosse, Wis. and Elwood, Ind., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Continental Can Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 126305 (Sub-No. 75), filed November 20, 1975. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. #1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spheres, highway marking strip glass, ballotini, and glass, crushed ground or powdered*, from the facilities of Potters Industries, Inc., located at or near Brownwood, Tex., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas; and (2) *materials, equipment and supplies*, used in the manufacture and sale of glass spheres and glass spheres (except in bulk, in tank vehicles), from the above named destination points, to the facilities of Potter Industries, Inc., located at or near Brownwood, Tex.

NOTE.—If a hearing is deemed necessary applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 126436 (Sub-No. 9), filed November 13, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors, electric welders, and parts and accessories thereof, welding supplies and hand truck parts*, from the plantsites and storage facilities of Lincoln Electric Co., Inc., located in Cuyahoga and Lake Counties, Ohio, to points in Arizona, California, Kansas, New Mexico, Oklahoma and Texas, under a continuing contract with The Lincoln Electric Company.

NOTE.—Applicant holds common carrier authority in MC 107515 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Cleveland, Ohio or Washington, D.C.

No. MC 127303 (Sub-No. 19), filed November 14, 1975. Applicant: HENRY ZELLMER, doing business as ZELLMER TRUCK LINES, P.O. Box 996, Granville, Ill. 61326. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and soap* (except in bulk), from Des Moines, Iowa, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 127355 (Sub-No. 18), filed November 19, 1975. Applicant: M & N GRAIN COMPANY, a Corporation, P.O. Box "P", Nevada, Mo. 64772. Applicant's representative: Donald J. Quinn, Suite 900–1012 Baltimore, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Compressed fireplace logs*, made of peanut hulls and wax, in boxes, from Camilla, Ga., to points in Alabama, Arkansas, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Carolina, North Dakota, Oklahoma, Ohio, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin and Wyoming, under a continuing contract or contracts with Camilla Cotton Oil Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Washington, D.C.

No. MC 128030 (Sub-No. 96), filed September 25, 1975. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: James R. Madler, 1255 N. Sandburg Terrace, Suite 1608, Chicago, Ill. 60610. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic coated and laminated wood*, from Danville, Ill., to points in Alabama, Arkansas, Florida, Indiana, Iowa, Michigan, Pennsylvania, Ohio, and Wisconsin; (2) *Air-conditioning and refrigeration equipment and parts thereof;* and (3) *Materials, equipment and supplies*, used in the manufacture and shipping of the above (except in bulk), between Danville, and Beardstown, Ill., on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii, restricted to traffic originating at and destined to the named origins and destinations; (4) *Grain and grain products;* dry, edible or non-edible, viz: Corn, Corn Germ, corn products, corn flakes, corn flour, corn grits; corn meal; grits, bakers or brewers; grits, hominy feed, Soybeans and soybean products, dry, edible or non-edible, viz: soybeans; soybean flakes, soybean flour, soybean grits, soybean meal, soybean products; soybean products and grain products, blended, edible or non-edible, from Danville, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 5352, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 128273 (Sub-No. 210), filed November 12, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, Jr., 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, plastic products, containers and products*, produced or distributed by manufacturers and converters of paper and paper products (except commodities in bulk), from Ft. Worth, Tex., and Shelbyville, Ill., to points in Washington, Oregon, California, Nevada, Utah, Colorado, Arizona, and Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 128273 (Sub-No. 211), filed November 12, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, Jr., 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber* (except commodities in bulk) and *equipment, materials and supplies*, used in the processing of rubber (except commodities in bulk), (1) from Vicksburg, Miss., to points in Washington, Oregon, Montana, Idaho, Wyoming, Nevada, Utah, Colorado, Arizona, and New Mexico and (2) from points in Washington, Oregon, Montana, Idaho, Wyoming, Nevada, Utah, Colorado, Arizona, and New Mexico, to Vicksburg, Miss.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 128988 (Sub-No. 72), filed November 20, 1975. Applicant: JO/KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by wholesale and retail manufacturers of hospital equipment, materials and supplies*, from Los Angeles, Calif., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas, restricted to a

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transportation service to be performed under a continuing contract or contracts with Everest & Jennings, Inc., and restricted against the transportation of commodities in bulk, and commodities which by reason of size or weight require the use of special equipment.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 129401 (Sub-No. 6), filed November 20, 1975. Applicant: DOUGLAS & BESS, INC., Route 5, Box 238, Statesville, N.C. 28677. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Airplane seats*, from Winston-Salem, N.C., to points in the United States (except Alaska and Hawaii), under a continuing contract with Fairchild-Burns Company, Division of Fairchild Industries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

No. MC 129808 (Sub-No. 16), filed November 17, 1975. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., Old West Highway 30, P.O. Box F, Grand Island, Nebr. 68801. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Home decorating trimmings and accessories*, from Grand Island, Nebr., to Dallas, Tex.; and (2) *materials, supplies, and equipment* used in the manufacture, sale and distribution of home decorating trimmings and accessories (except commodities in bulk), between Grand Island, Nebr. and Traverse City, Mich., under a continuing contract or contracts with Burwood Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 133035 (Sub-No. 24), filed November 10, 1975. Applicant: DILTS TRUCKING, INC., Route No. 1, Crescent, Iowa 51526. Applicant's representative: Marshall D. Becker, 530 Univac Bldg., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the terminal site of Agrico Chemical Company, located at or near Falls City, Nebr., to points in Iowa, Kansas and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Tulsa, Okla., or Omaha, Nebr.

No. MC 133145 (Sub-No. 3), filed November 12, 1975. Applicant: THE PORTANOVA TRUCKING COMPANY, INC., 114 Teller Road, Trumbull, Conn. 06611. Applicant's representative: William J. Meuser, 86 Cherry Street, P.O. Box 507, Milford, Conn. 06460. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and building materials*, between points in Connecticut, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, and New York.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 134183 (Sub-No. 2), filed Nov. 14, 1975. Applicant: CHARLES ZUMSTEIN, doing business as C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, Ohio 45338. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed additives and supplements*, from the plantsite and facilities of Henwood Feed Additives, Inc., at or near Lewisburg, Ohio, to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies*, used in the manufacture, sale, distribution, and production of the commodities in (1) above, from points in the United States (except Alaska and Hawaii), to the plantsite and facilities of Henwood Feed Additives, Inc., at or near Lewisburg, Ohio, restricted to the transportation of traffic moving under a continuing contract or contracts with Henwood Feed Additives, Inc., at Lewisburg, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134219 (Sub-No. 9), filed November 13, 1975. Applicant: GEORGE V. D'AGOSTINO, doing business as AIRLIN TRUCKING CO., Foot of Cutter Dock Road, Woodbridge, N.J. 07095. Applicant's representative: Thomas F. X. Foley, 744 Broad Street, Suite 2005, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Artificial fireplace logs, materials and supplies* used in the manufacture of artificial fireplace logs, between the plantsites and warehouses of Eastern Firelog, Division of P & M Lumber Products Corp., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, District of Columbia, and Nashau, N.H., under a continuing contract with Eastern Firelog, Division of P & M Lumber Products Corp., Fairless Hills, Pa.

NOTE.—Applicant holds common carrier authority in MC 134743, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Newark, N.J.

No. MC 134388 (Sub-No. 9), filed November 12, 1975. Applicant: HOME RUN, INC., 3 East Washington Street, Jamestown, Ohio 45335. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and component parts, materials, supplies and fixtures*, used in the erection or assembly of buildings (except buildings in sections when mounted on wheeled undercarriages, and cement), between Fairfield and Butler Counties, Ohio, on the one hand, and on the other, points in Indiana, Kentucky, and West Virginia, under a continuing contract or contracts with Gremsco Home Manufacturing.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 134404 (Sub-No. 24), filed November 10, 1975. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 499, So. Bound Brook, N.J. 08880. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning products; nutritional foods and related articles*, and *materials, supplies, and equipment*, used in the manufacture, distribution, or sale of the above commodities (except in bulk), (a) from Franklin, Ky., to Urbana, Ohio; and (b) from Cincinnati, Ohio, to Franklin, Ky.; and (2) *materials, supplies, and equipment* (except in bulk), from Newburyport, and West Springfield, Mass.; Cincinnati, Ohio; Syracuse, N.Y.; Belvedere, N.J.; Wyandotte, Mich.; and Alpha, Ohio, to East Stroudsburg, Pa., restricted to a service to be performed under contract with The Drackett Products Co., a Division of Bristol Myers.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134922 (Sub-No. 152), filed November 20, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Rubber articles and compounds* (except commodities in bulk and those which because of size or weight require the use of special equipment), from Frazer and Conshohocken, Pa., to Carson City and Reno, Nev.; Portland, Oreg.; and points in California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Little Rock, Ark.

No. MC 135634 (Sub-No. 5), filed November 17, 1975. Applicant: JOSEPH M. HANEY, SR., doing business as J. M. HANEY TRUCKING COMPANY, 4754 Mahoning Avenue, Youngstown, Ohio 44515. Applicant's representative: Abraham A. Diamond, 29 South LaSalle Street, Suite 454, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts, accessories, equipment, and supplies* (except commodities in bulk, and those requiring special equipment), from the facilities of Midas-International Corp., at Chicago, Ill., to points in New York, Pennsylvania, and West Virginia, under contract with Midas International Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135982 (Sub-No. 10), filed November 6, 1975. Applicant: S. L. HARRIS, doing business as P.B.I., P.O. Box 7130, Longview, Tex. 75601. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer chassis* (other than those designed to be drawn by passenger automobiles), and *parts and equipment and accessories therefor*, in initial movements, (a) from the plantsite and storage facilities of Great Dane Trailers, Inc., at or near Brazil, Ind., to points in the United States (including Alaska, but excluding Hawaii); (b) from the plantsite and storage facilities of Arrow Trailers, Inc., at or near Memphis, Tenn., to points in the United States (including Alaska, but excluding Hawaii); and (c) from the plantsite and storage facilities of Great Dane Trailers, Inc., at or near Savannah, Ga., to points in the United States (including Alaska, but excluding Hawaii); and (2) *trailers, semi-trailers, trailer chassis* (other than those designed to be drawn by passenger automobiles), and *parts and equipment and accessories therefor*, in secondary movements, between points in the United States (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Savannah or Atlanta, Ga.

No. MC 136246 (Sub-No. 9), filed November 10, 1975. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, Nebr. 68979. Applicant's representative: Marshall D. Becker, 530 Univac Bldg., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the terminal site of Agrico Chemical Company, located at or near Falls City, Nebr., to points in Iowa, Kansas, and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Tulsa, Okla., or Omaha, Nebr.

No. MC 136343 (Sub-No. 58) (Amendment), filed October 14, 1975, published in the FEDERAL REGISTER issue of October 31, 1975, republished as amended this issue. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printing paper and paper products*, from the facilities of Watervliet Paper Company, Inc., located at Watervliet and Sodus, Mich., to points in Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Maryland, Delaware, Virginia, North Carolina, South Carolina, Florida, Alabama, Kentucky, Georgia, Mississippi, Louisiana, Tennessee, West Virginia, and the District of Columbia; (2) *equipment, materials, and supplies* used or useful in the manufacture of printing paper and paper products from the above named states to the facilities of Watervliet Paper Company, Inc., at Watervliet and Sodus, Mich., restricted to the transportation of shipments originating at the specified origins destined to the designated destinations.

NOTE.—The purpose of this republication is to broaden the requested authority in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 136464 (Sub-No. 17), filed November 12, 1975. Applicant: CAROLINA-WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, N.C. 20760. Applicant's representative: Eric Meierhoefer, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Zippers, thread, binding, braid, lace, tape, webbing, and ribbon*, (a) from Port Hueneme and Los Angeles, Calif., to Morton, Miss.; Stanley, N.C., and Mechlenburg County, N.C.; (b) between Dallas, Tex., on the one hand, and, on the other, Port Hueneme and Los Angeles, Calif.; Morton, Miss.; Stanley, N.C., and Mechlenburg County, N.C.; and (c) between Morton, Miss., on the one hand, and, on the other, Stanley, N.C., and Mechlenburg County, N.C.; and (2) *hand and/or machine sewing aides, and materials and supplies* used in the manufacture and sale of zippers, thread, binding, braid, lace, tape, webbing, and ribbon, when moving in mixed loads with those commodities in (1) above, between Stanley, N.C., and Mechlenburg County, N.C.; Morton, Miss.; Dallas, Tex., and Port Hueneme and Los Angeles, Calif.; restricted to shipments moving between the facilities utilized by Talon Division of Textron, under a continuing contract or contracts with Talon Division of Textron, Inc., of Meadville, Pa.

NOTE.—Applicant holds common carrier authority in MC 128635 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, N.C., or Washington, D.C.

No. MC 136560 (Sub-No. 4), filed November 10, 1975. Applicant: KEITH PADDOCK & SONS, INC., Routes 17 and 36, Jasper, N.Y. 14855. Applicant's representative: S. Michael Richards, 44 North Avenue, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed and feed ingredients*, from Kennedy, N.Y., to points in Bradford, Clinton, Columbia, Lycoming, Potter, Sullivan, Tioga Counties, Pa., under a continuing contract or contracts with Agway, Inc., Feed Division, Syracuse, N.Y.; and (2) *animal and poultry feed*, from points in Chemung County, N.Y., to points in Bradford, Lackawana, Pike Potter, Sullivan, Susquehanna, Tioga, Wayne, and Wyoming Counties, Pa., under a continuing contract or contracts with Ralston Purina Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Harrisburg, Pa., or Syracuse, N.Y.

No. MC 136605 (Sub-No. 8), filed November 17, 1975. Applicant: DAVIS BROS. DIST., INC., 2024 Trade Street, P.O. Box 1027, Missoula, Mont. 59801. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barite* (except commodities in bulk, in tank vehicles), from the facilities of Montana Barite Co., at or near Missoula, Mont., to points in and west of Ohio, Kentucky, Tennessee, Arkansas, and Texas (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 127349 Sub 2, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Missoula, Billings, or Helena, Mont.

No. MC 136828 (Sub-No. 4), filed November 17, 1975. Applicant: COX & SHAY, INC., P.O. Drawer O, Pinson, Ala. 35126. Applicant's representative: R. Connor Wiggins, Jr., Suite 909–100 North Main Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformers, rectifiers, electrostatic precipitators, circuit breakers, power distribution and transmission equipment, materials, and supplies*, from Helena, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 138109 (Sub-No. 1), filed November 14, 1975. Applicant: RAY J. FORNEY, P.O. Box 257, Ashton, Ill. 51006. Applicant's representative: E. Stephen Heisley, Suite 805, 666 11th St., NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery stores and food processors; and (2) *equipment, materials, and supplies*, used in the operation and business of such stores (except commodities in bulk), between the plantsites and warehouse facilities of Crest Foods, Inc., at or near Ashton and Forreston, Ill., on the one hand, and, on the other, points in the United States in and west of Montana, Wyoming, Colorado, New Mexico, Texas, Arkansas, and Louisiana (except Alaska and Hawaii), restricted to a transportation service to be performed under a continuing contract or contracts with Crest Foods, Inc., at Ashton, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 138752 (Sub-No. 4), filed November 17, 1975. Applicant: BEAUFERD SCHMIDT, P.O. Box 107, 521 N. 81 By-Pass, McPherson, Kans. 67460. Applicant's representative: Eugene W. Hiatt, 308 Casson Building, 603 Topeka Blvd., Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Polyurethane foam*, between Newton, Kans., on the one hand, and, on

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the other, Tulsa, Edmond, Guthrie, Lawton, Chickasha, and Muskogee, Okla.; Gainsville, Amarillo, Arlington, and Houston, Tex.; Little Rock, Fort Smith, and Siloam Springs, Ark.; Neosho, Mo.; Council Bluffs, Iowa, and Lincoln, Nebr., under a continuing contract or contracts with Future Foam, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita or Topeka, Kans.

No. MC 138789 (Sub-No. 5), filed November 10, 1975. Applicant: U & R EXPRESS, INC., P.O. Box 2369, White City, Oreg. 97501. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, from points in Lemhi County, Idaho, to Missoula, Mont., under a continuing contract or contracts, with Evans Products Co.

NOTE.—Applicant holds common carrier authority in MC 135592 Sub 2, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Missoula, Mont.

No. MC 138902 (Sub-No. 3), filed November 14, 1975. Applicant: ERB TRANSPORTATION COMPANY, INC., P.O. Box 65, Crozet, Va. 22932. Applicant's representative: Harry C. Ames, Jr., Suite 805 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between the plantsites of the Morton Frozen Foods Division, ITT Continental Baking Company, Inc., at or near Crozet, Va., and Russellville, Ark.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139305 (Sub-No. 2), filed November 12, 1975. Applicant: LONNY RAYE CUMMINGS, doing business as AMERICAN MACHINERY MART, 10438 S.E. 23rd St., Bellevue, Wash. 98004. Applicant's representative: David S. White, 307 Blanchard, Seattle, Wash. 98121. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Conveyor equipment and conveyor components*, (1) between Chico, Calif., and Danville, Ky.; and (2) between Chico, Calif., and points in Montana and Wyoming, under a continuing contract or contracts with Rexnord, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash., Portland, Oregon, or San Francisco, Calif.

No. MC 139495 (Sub-No. 102) (Procedural correction), filed October 16, 1975, published in the FEDERAL REGISTER issue of November 13, 1975, and republished this issue. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, Suite 1030, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen and except in bulk), from the plantsite and storage facilities utilized by Ragu Foods, Inc., at or near Merced, Calif., to points in Montana, Wyoming, Colorado, New Mexico, Texas, Arizona, Utah, Idaho, Washington, Oregon, and Nevada.

NOTE.—This republication indicates that this matter was not determined by scheduled hearings as previously noticed, and that the period for the filing of protest is extended to 30 days from the date this notice appears in the FEDERAL REGISTER. Applicant holds contract carrier authority in MC 133106 and Subs thereunder, therefore dual operations may be involved.

No. MC 139495 (Sub-No. 111), filed Nov. 14, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Drugs, medicines, toilet preparations, disinfectants, candy, confectionery, beverage preparations, anti-acid mints, tooth brushes, chewing gum, chewing gum base, store display racks or stands, and packaging materials*, in mechanically-refrigerated vehicles, (1) from Lititz, Pa., to Elk Grove Village and Rockford, Ill., and points in Washington, Oregon, California, Nevada, Utah, Idaho, Arizona, New Mexico, Colorado, Nebraska, Kansas, Oklahoma, Texas, Iowa (except points in that part of Iowa east of U.S. Highway 59), and Missouri (except points in that part of Missouri on and east of U.S. Highway 65); (2) from Elk Grove Village and Rockford, Ill., to points in Washington, Oregon, California, Nevada, Utah, Idaho, Arizona, New Mexico, Colorado, Nebraska, Kansas, Oklahoma, Texas, Iowa (except points in that part of Iowa east of U.S. Highway 59), Missouri (except points in that part of Missouri on and east of U.S. Highway 65); and (3) from the plantsites and storage facilities of Warner-Lambert Company, at or near Long Island City, N.Y., and North Bergen, N.J., to Columbus, Ohio; Elk Grove Village and Rockford, Ill.; Arlington, Tex.; Anaheim, Calif.; and Milwaukee, Oreg.; (B) *diagnostic products, medicines, drugs, sunglasses, and dental supplies and materials*, in vehicles equipped with mechanical refrigeration, from the facilities used by Warner-Lambert Company, at or near Morris Plains, N.J., to Peoria, Ill.; Dallas, Tex.; and Los Angeles, Calif.; (C) *sunglasses*, from Chelsea, Mass., to the destination points named in (B) above; (D) *dental supplies and materials*, from Philadelphia, Pa., to the destination points named in (B) above; and (E) *personal care products*, from the facilities of Warner-Lambert Company, at or near Anaheim, Calif., to South Brunswick, N.J.; Atlanta, Ga.; Elk Grove Village, Ill.; and Grand Prairie, Tex.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 112), filed November 12, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods*, from the facilities utilized by Hi-Life Packing Company located at or near Chicago, Ill., and Hamilton, Mich., to points in New Jersey, New York, Pennsylvania, Massachusetts, Connecticut, Mississippi, Louisiana, Arkansas, Texas, Kansas, and Tennessee.

NOTE.—Applicant holds contract carrier authority in MC 133106 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140581 (Sub-No. 1), filed November 17, 1975. Applicant: TOMMY HAGWOOD, doing business as HAGWOOD ENTERPRISES, Route 1, Box 222–A, Trafford, Ala. 35172. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, between Los Angeles, Calif., on the one hand, and, on the other, New York, N.Y.; Baltimore, Md., and points in Alabama, Mississippi, Louisiana, Georgia, South Carolina, and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Los Angeles or San Diego, Calif.

No. MC 140677 (Sub-No. 8), filed November 17, 1975. Applicant: JOHN T. BREWER, JOHN R. BREWER, AND LEWIS L. BREWER, doing business as BREWER TRUCKING, 1603 East Tallent, Rapid City, S. Dak. 57701. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houses*, prefabricated, unassembled, *and house parts*, from Rothschild, Wis., to points in South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Rapid City or Custer, S. Dak.

No. MC 140677 (Sub-No. 9), filed November 17, 1975. Applicant: JOHN T. BREWER, JOHN R. BREWER, AND LEWIS L. BREWER, doing business as BREWER TRUCKING, 1603 East Tallent, Rapid City, S. Dak. 57701. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, bark, shavings, and other sawmill products* (except lumber) and *additives* thereto, from points in Pennington, Custer, and Butte Counties, S. Dak., and Crook and Weston Counties, Wyo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Rapid City or Custer, S. Dak.

No. MC 141100 (Sub-No. 2), filed November 20, 1975. Applicant: ROBERT ANDREWS AND DERRELL ANDREWS, a partnership, doing business as ANDEWS EQUIPMENT RENTALS, Cale Road, Prescott, Ark. 71857. Applicant's representative: Robert Andrews (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, rock, and gravel*, from Pike and Nevada Counties, Ark., to Caddo, Bossier, and Webster Parishes, La., under contract with Prescott Sand & Gravel Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 141199 (Sub-No. 1), filed November 12, 1975. Applicant: A. D. MEDLIN, doing business as MEDLIN AUTO BUYING SERVICE, 2901 South Grant Street, Arlington, Va. 22202. Applicant's representative: A. D. Medlin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used autos*, between the District of Columbia and its commercial zone, Portsmouth, Va., and its commercial zone, and the Used Auto Auction Lot, located at or near Fredericksburg, Va., on the one hand, and, on the other, points in Dade, Broward, and Palm Beach Counties, Fla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Miami, Fla., or Washington, D.C.

No. MC 141279 (Sub-No. 1), filed November 17, 1975. Applicant: SOUTHERN ILLINOIS TRANSPORTATION, 101 W. Vienna St., Anna, Ill. 62906. Applicant's representative: John Paul Womick, 609 E. College, Carbondale, Ill., 62901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poles, posts, wood pilings, crossing panels, cross ties, and lumber*, with or without perservative treatment, between Carbondale, Jonesboro, and Galesburg, Ill., on the one hand, and, on the other, points in Kentucky, Indiana, Wisconsin, Missouri, Michigan, Tennessee, and Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Carbondale, Ill., St. Louis, Mo., or Chicago, Ill.

No. MC 141326 (Sub-No. 3), filed November 17, 1975. Applicant: S & S TRUCKING COMPANY, P.O. Box 67, State Docks Road, Eufaula, Ala. 36027. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tree bark, wood shavings, wood chips, and wood sawdust*, from points in Barbour County, Ala., to Blountstown, Fla., and Vienna, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala., or Montgomery, Ala.

No. MC 141371, filed September 18, 1975. Applicant: BILL BURLEY, doing business as BUYERS REFRIGERATED TRUCK SERVICE, 2391 Arden Way, Sacramento, Calif. 95825. Applicant's representative: James R. Coombs, 909 A Eighth Street, Sacramento, Calif. 95814. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities and such merchandise as is dealt in by wholesale, retail, general grocery, and food business houses* (except commodities in bulk), between points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, and Washington, under a continuing contract or contracts with Monarch Institutional Foods at Sacramento, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Sacramento or San Francisco, Calif.

No. MC 141422 (Sub-No. 1), filed Nov. 3, 1975. Applicant: FOREST PRODUCTS TRANSPORTATION, INC., Route 2, Hamilton, Ala. 35570. Applicant's representative: John Self, P.O. Box 597, Hamilton, Ala. 35570. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Untreated lumber*, from points in Mississippi south of Interstate Highway 20, to Hamilton, Ala.; (2) *woodchips*, from Hamilton, Ala., to Counce, Tenn.; and (3) *lumber, treated and untreated*, from Hamilton, Ala., to points in Florida, Wisconsin, Tennessee, Kentucky, Illinois, Iowa, Michigan, Ohio, Missouri, Indiana, Georgia, Virginia, North Carolina, and South Carolina, under contract with W. T. Vick Lumber Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Hamilton or Birmingham, Ala.

No. MC 141434 (Correction), filed October 8, 1975, published in the FEDERAL REGISTER issue of November 13, 1975, and republished, as corrected this issue. Applicant: RICHARD F. BRIGGS AND ELTON R. LONGSTREET, a partnership, doing business as B-LONG TRANSPORTATION, R.D. #1, Bear Lake, Pa. 16402. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel shelving, pallet racks, and parts and accessories* utilized in the erection of steel shelving and pallet racks, from North East, Pa., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, and (2) *materials and supplies* utilized in the manufacture of steel shelving and pallet racks (except commodities in bulk), on return, from points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, to North East, Pa., under contract with Bernard-Gloekler North East Co., Inc., Ridg-U-rak, Inc., and Dixie Fabricating Company, Inc.

NOTE.—The purpose of this republication is to state the correct address of the applicant's representative. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., Columbus, Ohio, or Washington, D.C.

No. MC 141455, filed October 20, 1975. Applicant: ROBERT P. LAURENS, doing business as LAURENS TRUCKING, Killdeer Road, Webster, Mass. 01570. Applicant's representative: George J. Robinson, 293 Main Street, Webster, Mass. 01570. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, stone, asphalt, paving materials, loam, wood chips, lime, shavings, sawdust, coal and fertilizer*, in bulk, in dump vehicles, between points in Windham County, Conn., Worcester County, Mass., and points in Providence County, R.I. north and westerly of Providence, R.I.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Worcester or Boston, Mass., or Hartford, Conn.

No. MC 141462 (Sub-No. 2), filed November 20, 1975. Applicant: BENNE MACHINERY SALVAGE & SALES, INC., Rural Route No. 3, Box 502, Concordia, Kans. 66901. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and machinery*, from Waterloo, Iowa, East Moline, Ill., Ottumwa, Iowa, Kansas City, Mo., Des Moines, Iowa, Dubuque, Iowa, Appleton, Wis., and Greeley, Colo., to points in Cloud, Clay, Republic, Mitchell, Saline, Ottawa, and Jewell County, Kans., under contract with William Lagemann, Concordia Tractor, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 141502 (Sub-No. 1), filed November 13, 1975. Applicant: MOVIN ON TRANSPORTATION, INC., G.P.O. Box 1774, New York, N.Y. 10001. Applicant's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical goods and equipment, materials, and supplies* used in the manufacture, production, distribution, and repair of such commodities, between the facilities of Sony Corp. of America at Moonachie, N.J., on the one hand, and, on the other, points in Nassau, Westchester, and Suffolk Counties, N.Y., and those in the New York, N.Y., Commercial Zone as defined in the Fifth Supplemental Report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by Section 203(b)(8) of the Act (the exempt zone), under contract with Sony Corp. of America.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 141510, filed November 7, 1975. Applicant: VAN'S BUILDERS SUPPLY, INC., 1422 Western Avenue, Las Vegas, Nev. 89102. Applicant's representative: Jones & Barfield, 128 South Fourth Street, Las Vegas, Nev. 89101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet rock, gypsum and*

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gypsum products, from points in Clark County, Nev., to points in Los Angeles, Orange, Riverside, San Bernardino, San Diego, Ventura, and Santa Barbara Counties, Calif. If a hearing is deemed necessary, applicant requests it be held at either Las Vegas, Reno, Nev., or Los Angeles, Calif.

No. MC 141512, filed Nov. 13, 1975. Applicant: HOMER'S TOWING & SERVICE, INC., 5501 North Lovers Lane Road, Milwaukee, Wis. 53225. Applicant's representative: Wayne W. Wilson, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, disabled, inoperative, stolen, repossessed, used, abandoned vehicles, and replacement vehicles, and parts and equipment therefor*, between points in Wisconsin on and south of State Highway 33, and on and east of Interstate Highway 90, on the one hand, and, on the other, points in Minnesota, Iowa, Illinois, Indiana, Ohio, and Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Milwaukee or Madison, Wis.

No. MC 141514, filed November 6, 1975. Applicant: WILLIAM H. BURGENER, doing business as BURGENER CONTRACT CARRIERS, RFD #3, Box 485, Merrill, Wis. 54452. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Blvd., Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oils and greases, lubricants, fuel additives, hydraulic fluids, and roof and driveway coatings or sealers*, in containers, from the plantsite or warehouse facilities of Schaeffer Manufacturing Company located at or near St. Louis, Mo., to points in (a) the Upper Peninsula of Michigan; (b) to points in and north of Big Stone, Swift, Kandiyohi, Meeker, Wright, Anoka, and Chisago Counties, Minn.; and (c) points in and north of Crawford, Richland, Sauk, Columbia, Dodge, Washington, and Ozaukee Counties, Wis., under a continuing contract or contracts with Schaeffer Manufacturing Company of St. Louis, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis.

No. MC 141522, filed November 17, 1975. Applicant: NORTH WEST COMMERCIAL HAULING, LTD., 10608 169th Street, Edmonton, Alberta, Canada T5P 3X6. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used construction equipment*, between ports of entry on the International Boundary line between the United States and Canada located at or near Alexandria Bay and Niagara Falls, N.Y.; Sault Ste. Marie, Mich.; Noyes, Minn.; Sweetgrass, Mont., and Blaine, Wash., on the one hand, and, on the other, points in Alabama, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Montana, New York, Ohio, Oregon, Tennessee, Virginia, and Washington, restricted to traffic moving in foreign commerce originating at or destined to points in Alberta and British Columbia, Canada, under a continuing contract with North West Commercial Sales, Ltd.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at any city in Montana.

No. MC 141527, filed November 17, 1975. Applicant: D. & D. LUMBER COMPANY, INC., 2146 Amity Hill Road, Statesville, N.C. 28677. Applicant's repersentative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20037. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from Taylorsville, N.C., to points in California, under a continuing contract or contracts with Lewittes Furniture Enterprises, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141541, filed November 20, 1975. Applicant: SUPERTRANS, INC., P.O. Box 82, Pompton Plains, N.J. 07444. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Home furnishings, portable buildings, materials, equipment and supplies*, used in the manufacture and sale of the foregoing commodities (except commodities in bulk), between Fairfield and Paterson, N.J., on the one hand, and, on the other, points in Massachusetts, Pennsylvania, Ohio, Illinois, Georgia, Florida, Alabama, Mississippi, Texas, New York, and California, under a continuing contract or contracts with Designex, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Newark, N.J.

PASSENGER APPLICATIONS

No. MC 2832 (Sub-No. 12), filed June 3, 1975. Applicant: THE KELLEY TRANSIT COMPANY; INC., 30 Railroad Square, Torrington, Conn. 06790. Applicant's representative: Thomas A. Kelley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special and round trip operations, (a) beginning and ending at points in Litchfield County, Conn., and extending to Boston, Fall River, Foxboro, Gloucester, Hyannis, New Bedford, Newburyport, Orleans, Plymouth, Provincetown, Salem, Springfield, Sturbridge, and West Springfield, Mass., and Newport and Providence, R.I.; and (b) beginning and ending at points in Litchfield County, Conn., and extending to Westfield, Easthampton, South Deerfield, Greenfield, Northfied, Shelburne Falls, North Adams, Williamstown, Pittsfield, Lenox, Great Barrington, Sheffield, and Hancock, Mass., and New Lebanon, Green River, and Hillsdale, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn., or Springfield, Mass.

No. MC 141496, filed October 30, 1975. Applicant: COLUMBIA STAGE LINES, LTD., 4972 Still Creek Avenue, Burnaby, British Columbia V5C 4E4 Canada. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and personal effects*, in round-trip charter operations, beginning and ending at ports of entry on the International Boundary line between the United States and Canada located in Washington, and extending to points in Washington, Oregon, California, Nevada, and Arizona.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash., or Vancouver, British Columbia, Canada.

BROKER APPLICATION

No. MC 130352, filed November 12, 1975. Applicant: TESA COMPANY, INC., P.O. Box 4217, Parkersburg, W. Va. 26101. Applicant's representative: Gerald DeBarr (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Parkersburg, W. Va., to sell or offer to sell the transportation of *Coal, asphalt, slag, gravel, red dog, sand, limestone, and ashes* in bulk, in dump vehicles, by common carriers between points in Ritchie, Randolph, Barbour, Taylor, Harrison, Lewis, Gilmer, Upshur, Wood, Pleasants, Jackson, Mason Counties, W. Va., and points in Washington, Athens, Galia, Meigs Counties, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charleston, or Parkersburg, W. Va.

FREIGHT FORWARDER APPLICATIONS

No. FF 283 (Sub-No. 3), filed November 12, 1975. Applicant: SMYTH WORLDWIDE MOVERS, INC., 314 108th Street NE., Bellevue, Wash. 98009. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water, and express, in the transportation of (a) *Used household goods and unaccompanied baggage*, and (b) *used automobiles*, between points in the United States including Alaksa, restricted in (b) above to the transportation of export and import traffic.

NOTE.—Applicant states that the purpose of this instant application is to add Alaska to the authority it already holds in FF-283, (Sub-No. 1) and that it will surrender said authority for cancellation upon grant of this application. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. FF 478, filed November 11, 1975. Applicant: BRINKE TRANSPORTATION CORPORATION, 1095 E. 21st Street, Hialeah, Fla. 33013. Applicant's representative: J. Raymond Clark, 600 New Hampshire Ave NW., Washington, D.C. 20037. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor vehicle, water, and express, in the transportation of *General commodities*, between points in Dade County, Fla., on the one hand, and, on the other, points in Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Texas.

NOTE.—If a hearing is demed necessary, the applicant requests it be held at either Miami, Fla., or Washington, D.C.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 75-34000 Filed 12-17-75; 8:45 am]

[Notice No. 933]

ASSIGNMENT OF HEARINGS

DECEMBER 15, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 140016 Sub 4, Transportation Services Inc, now being assigned February 18, 1976, (3 days) at Reno, Nevada, in a hearing room to be later designated.

MC 130329, Victor F. Gamboa, dba Vic's Tour, now being assigned February 23, 1976, (2 days) at San Francisco, California, in a hearing room to be later designated.

MC 107012 Sub 218, North American Van Lines, Inc., now being assigned February 25, 1976, (3 days) at San Francisco, California, in a hearing room to be later designated.

MC 2890 Sub 50, American Buslines, Inc., MC 89037 Sub 8, now being assigned March 1, 1976, (1 week) at San Francisco, California, in a hearing room to be later designated.

MC 133689 Sub 63, Overland Express, Inc., now assigned January 13, 1976, at St. Paul, Minn., will be held in Court Room 2, Federal Building & U.S. Courthouse, 316 North Robert Street.

MC 114052 (Sub-No. 6), Catencamp Transfer & Storage, Inc., now assigned January 14, 1976, at St. Paul, Minn., will be held in Court Room 2, Federal Building & U.S. Courthouse, 316 North Robert Street.

MC 118202 Sub 50, Schultz Transit, Inc., now assigned January 15, 1976, at St. Paul, Minn., will be held in Court Room 2, Federal Building & U.S. Courthouse, 316 North Robert Street.

MC 95920 Sub 41, Santry Trucking Company, now assigned January 16, 1976, at St. Paul, Minn., will be held in Court Room 2, Federal Building & U.S. Courthouse, 316 North Robert Street.

AB 7 Sub 8, Chicago, Milwaukee, St. Paul, and Pacific Railroad Company Abandonment between St. Clair Junction and St. Clair, in Freeborn and Blue Earth Counties, Minnesota, now assigned January 19, 1976, at Albert Lea, Minn., will be held in The Multi-Purpose Room, 2nd Floor, City Center, 221 East Clark Street.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-34138 Filed 12-17-75;8:45 am]

[EX PARTE NO. MC-43]

B. F. WALKER, INC., ET AL.

Lease and Interchange of Vehicles by Motor Carriers; Waiver

At a session of the INTERSTATE COMMERCE COMMISSION, Motor Carrier Leasing Board, held at its office in Washington, D.C., on the 10th day of December, 1975.

It appearing, That a petition has been filed by B. F. Walker, Inc., (MC-74321 and numerous subs) and Noble Transport, Inc., as the operator (by virtue of temporary authority pursuant to MC-F-12573) of the rights of Ashworth Transfer, Inc., (MC-1872 and various subs), under common control, for waiver of paragraphs (a)(3) and (c) of section 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057), concerning equipment leased between petitioners;

It further appearing, That petitioners have a jointly administered program applying the same standards of inspection and maintenance to equipment in accordance with the motor carrier safety regulations of the U.S. Department of Transportation;

It further appearing, That that Department offers no objection to granting the petition, although operations will continue to be monitored by that agency;

It is ordered, That waiver of paragraphs (a)(3) and (c) of section 1057.4, be, and, it is hereby granted provided that the equipment is inspected on the day it is to be leased and found to meet the requirement of the motor carrier safety regulations of the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control.

By the Commission, Motor Carrier Leasing Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-34136 Filed 12-17-75;8:45 am]

[AB 72]

SACRAMENTO NORTHERN RAILWAY

Abandonment Between Sutter and Tarke, in Sutter County, California

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Sutter County, Calif., on or before December 30, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 5th day of December, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD, *Secretary.*

SACRAMENTO NORTHERN RAILWAY ABANDONMENT BETWEEN SUTTER AND TARKE, IN SUTTER COUNTY, CALIFORNIA

The Interstate Commerce Commission hereby gives notice that by order dated December 5, 1975, it has been determined that the proposed abandonment by the Sacramento Northern Railway of its line of railroad between Sutter and Tarke, a distance of 4.842 miles, all in Sutter County, Calif., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because area environmental quality will only be degraded slightly due to increased air pollution and energy consumption resulting from a small diversion of rail traffic to motor carrier transport upon abandonment. Lack of

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direct rail service may impede local developmental efforts, however, local highways are capable of handling the additional trucking needed to transport the diverted traffic. Even though rail service will be discontinued at one station, Tarke, Calif., the applicant will continue to maintain rail service at Sutter, Calif. There are no identifiable plans or land use policies in the tributary territory which are dependent upon continued rail service, nor have governmental units expressed an interest in utilizing this right-of-way for recreational purposes should this abandonment be authorized. There will be no effect on historic sites or recreational areas.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Intertsate Commerce Commission, Washington, D.C., 20423, on or before January 14, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-34137 Filed 12-17-75;8:45 am]

[Notice No. 142]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 11, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 31, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76144. By order entered December 11, 1975 the Motor Carrier Board approved the transfer to Louis G. Hannum, Inc., Pitman, N.J., of the operating rights set forth in Certificate No. MC-140551, issued July 25, 1975, to Louis G. Hannum, Jr., Pitman, N.J., authorizing the transportation of such merchandise, as is dealt in by wholesale and retail department stores, between Philadelphia, Pa., on the one hand, and, on the other, Camden, N.J., and points in that part of New Jersey within 30 miles of Camden. Franklin A. Wurman, 1400 Two Girard Plaza, Philadelphia, Pa. 19102, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-34139 Filed 12-17-75;8:45 am]

federal register

THURSDAY, DECEMBER 18, 1975

PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration)

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MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

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Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R75-340]

PART 280—MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

On June 25, 1975, the Department of Housing and Urban Development proposed Federal mobile home construction and safety standards (40 FR 26930); and on September 2, 1975, (40 FR 40261) published the final rule in the FEDERAL REGISTER pursuant to the requirements of the National Mobile Home Construction and Safety Standards Act of 1974 (Title VI of Pub. L. 93-383, U.S.C. 5401 et seq.). On September 10, 1975, corrections to § 280.305 were published at 40 FR 42007.

On November 11, 1975, the Department published corrections and proposed amendments to the final rule as published on September 2, 1975, (40 FR 52706).

Eighteen comments from consumers, manufacturers, suppliers, trade associations and government agencies were received in response to the proposed rulemaking. In addition, the National Mobile Home Advisory Council met on December 3, 1975, to discuss the November 11, 1975, proposed amendments. At its meeting, the Council also considered recommended revisions to other sections of the standard as published on September 2, 1975. Since the council did not arrive at a consensus, any reference to recommendations made by the council herein are based on HUD's understanding of the views of the majority of the Council members. A summary of the significant issues discussed by the Council follows.

NATIONAL MOBILE HOME ADVISORY COUNCIL

1. The Council considered the elimination of the "Quick Disconnect" device as proposed in the November 11, 1975, amendments. For purposes of assuring proper installation when connecting fuel gas piping between sections of expandable or multiple mobile homes, the consensus view of the Council was to retain the device as required in the September 2, 1975, Final Rule.

2. The Council considered oil safety controls required by § 280.707(f) and whether these controls should be required on all fuel burning appliances in the form of a thermal cutoff switch with a specific location required for the switch. The majority view of the Council was that the requirement for such controls is redundant when considering other operational controls on the furnace. Discussion also indicated that if such a device was to be required, it should be a part of the furnace listing. The apparent Council minority view was to extend the control requirements to all fuel burning appliances.

3. The Council discussed the proposed amendment to § 280.305(a) which permitted finished flooring up to ⅛" in thickness to be placed under load bearing walls. HUD determined from the Council discussion that additional clarification of the section was needed to resolve the question of whether the ⅛" finished flooring could be compressed from a greater thickness to ⅛" thickness under load bearing walls or if the finished flooring permitted was to be ⅛" uncompressed.

4. The Council discussed having the manufacturer make provisions for heat tape which is used to prevent freezing of exposed plumbing, piping and fixtures. Although in HUD's view there was no clear consensus on this issue, the view most prevalent was to have the manufacturer provide a receptacle outlet for heat tape and clearly specify in his instructions that if a heat tape was used to prevent freezing, it should be listed for use in mobile homes.

5. The Council discussed other provisions relating to installation including gas supply and electrical connections. The consensus view of the Council was that when there are items related to utility hook-up or connection, said connection should be left to local installation, due to the wide variance in requirements by the utilities and local enforcement programs.

THE STANDARD

After carefully considering the written comments received and issues raised by the Advisory Council, and following Departmental discussions with other Federal and state agencies, amendments to the final rule are being made by HUD.

In order to assist in the use of the standards, the final rule as published on September 2, with corrections made in the September 10, and November 11 FEDERAL REGISTER publications, and with amendments promulgated today, is published consolidated and complete herein.

The following is a discussion, by subpart, of the substantive amendments made to the final rule. Where the amendments were due to comments received, this is so indicated. Otherwise, the amendments are adopted as proposed in notice of proposed rulemaking of November 11, 1975.

Subpart A. General. 1. Section 280.1 is revised to add a new paragraph (b). The purpose of this subsection is to make clear that, to the extent possible, the Federal Mobile Home Construction and Safety Standards are written as performance requirements in preference to specification requirements. The subsection also makes it clear that: (1) Whenever specific requirements are used in the Standard, they are used because at this time, this is the best available means of identifying the desired performance and; (2) the use of specifications is not intended to prohibit the utilization of any material, piece of equipment, or system which does not meet the precise specifications but which upon evaluation provides equivalent or superior performance.

2. Section 280.1 is revised to add a new paragraph (c) which establishes a mechanism for the issuance of interpretative bulletins. The purpose of the bulletins would be to clarify the meaning of the various sections of the standard, and to assist in the enforcement of the standard.

The Department received comments requesting that a comment period be provided prior to the issuance of any interpretative bulletins. In order for HUD to make interpretations on a timely basis, a comment period for interpretative bulletins may not always be provided. The Department contemplates that the interpretative bulletins will reflect a wide range of determinations, some of which may indeed deserve publication and opportunity for comment. It is the Department's present intent to provide for a comment period in such cases.

The Department also received comments requesting that the availability of materials be given consideration prior to issuance of an interpretative bulletin. HUD anticipates that its bulletins will describe generic attributes and not specifically name a particular material, and in doing so will endeavor to authorize the use of materials which are in fact in production and available.

3. Section 280.6 is amended by changing the minimum size of the letters and numbers used in the serial numbering of mobile homes from ½ inch to ⅜ inch in height.

Subpart B. Planning Considerations. 1. Section 280.102(a) is amended to permit a maximum of 5 square feet of a recessed entry to be included when determining the gross floor area. Section 280.111 is amended to exclude the recessed entry way from the 5 feet minimum clear horizontal room dimension requirement. These changes permit the area encompassed by a standard door swing in a typical recessed entry to be included when determining the gross floor area.

2. Section 280.105(d)(2) is amended to permit the clear height requirement for exterior sliding glass doors to be reduced from 74" to 72" in height.

3. In order to make the language of § 280.404(a) consistent with § 280.106(a), the words "or approved device" are added to permit an alternate means of egress from bedrooms.

Subpart C. Fire Safety. 1. As stated in the preamble to the November 11 notice of proposed rulemaking, § 280.208(b) has been revised to clarify the requirements for the specific location of the smoke detector. The detector is now permitted to be located along the hallway space between the living area and the first bedroom. The prior reference to location between the living area and the bedroom door has been deleted. Based upon recommendations from the National Bureau of Standards, the following revisions have also been made:

(a) An exception to the above requirement has been included which permits the detector to be located on the living area side whenever a door is placed

in the hallway space between the living and bedroom areas.

(b) The detector, when practicable, is to be located between the living area and the air return intake.

(c) The architectural planning of a mobile home shall not isolate a smoke detector so as to impair its effectiveness.

HUD has determined the above revisions necessary to assure adequate response time and proper operation of the smoke detector so as to provide sufficient warning in case of fire to sleeping occupants.

2. The definition of "interior finish" has been moved from § 280.302(a)(9) to § 280.202(a)(2) and all appropriate subheadings renumbered.

3. The requirement for "firestopping" in § 280.206(a) is amended to establish a minimum firestop of 1 inch nominal lumber, or its equivalent, for mobile homes.

Subpart D. Body and Frame Requirements. 1. The definition of "diagonal tie" in § 280.302(a)(4) is amended to indicate that while its primary purpose is to resist horizontal forces, the tie may also be used to resist vertical forces.

2. Section 280.304 is amended to clarify that each individual wood member need not be marked as having a moisture content of 19% or less. Instead, the moisture content may be measured at the time of installation. (At the time of installation, each individual member shall not have a moisture content exceeding 19%.)

3. Section 280.305(a) as amended permits "uncompressed" finished flooring of up to ⅛ inch thickness under load bearing walls. This change is made in response to the Advisory Council recommendations to clarify HUD's intent with respect to this section.

Subpart E. Testing. 1. Since roof truss spacing varies in mobile homes, § 280.402(b)(1) is amended by deleting the 24 inch minimum length requirement for sheathing used in truss testing. The amended section requires that when plywood strip sheathing is used, it be at least of sufficient length to cover the top chords of the trusses being tested at the designated design spacing.

2. Section 280.402(b)(1) is revised to permit an alternate method of bracing the bottom chord of trusses being tested. This revision provides the manufacturer a choice of test methods.

3. Section 280.402(d)(3) limits the equivalent load in lieu of failure to a factor of safety (2.50) times the design live load plus the dead load.

4. Section 280.403(c)(4) is revised by changing the water resistance test to the appropriate ASTM Test Standard (ASTM E-547). This revision is made because the test standard previously referenced was a static test and required an exception for cycle testing. The ASTM Test Standard now referenced is a cyclic test, and does not alter the test procedures previously described.

5. Section 280.403(c) is amended to require production line testing of prime windows and sliding glass doors, in addition to the prototype testing required by the Standards. Production testing and the criteria for the tests to be used were recommended by the industry. The industry suggested, and the regulations provide, that the production units tested meet the prototype requirements, except with respect to the test level for water resistance, where a lower level of testing was recommended. HUD believes that production testing to the level proposed by the industry will result in better quality windows by reducing leakage and energy losses. However, HUD has some concern about the proposed level of testing suggested by the industry for water resistance. Accordingly, HUD will monitor the results of the production unit testing and, based on the experience gained and future research, may establish more stringent tests to demonstrate the performance of prime windows and sliding glass doors.

6. Section 280.403(i) incorporates into the window certification program the specific production line test requirements for prime windows and sliding glass doors. The testing frequency will be initially established by the agency certifying that the windows comply with the standard. Based on the results of HUD monitoring of the window certification program and planned research, HUD may establish the produtcion unit testing frequencies.

Subpart F. Thermal Protection. 1. Section 280.504(b) has been amended to conform to the language of § 1423.080(b) as published in the FEDERAL REGISTER on June 25, 1975, (40 FR 26944). This modification is necessary because the required language was inadvertently omitted from the final rule as published.

2. Based on recommendations from the special National Fire Protection Association Energy Task Force on Mobile Homes, the following revisions have been made:

(a) The format for representing transmission heat loss coefficients in § 280.506(a) has been revised, but the substantive requirements of the section remain unchanged.

(b) The table providing specific minimum levels of thermal insulation by climatic zone has been deleted to avoid misinterpretation of its use and meaning.

To assure uniform heat transmission in the mobile home, § 280.506(b) has been changed to require that the cavities in in exterior walls, floors and ceiling be provided with thermal insulation.

Subpart G. Plumbing Systems. 1. This revision incorporates the Advisory Council prevalent views for piping protection against freezing. Section 280.603(b)(4) has been revised to require the manufacturer to provide in his written Installation Instructions the method(s) to be used to prevent freezing of exposed piping and fixtures. The manufacturer is to specify in his instructions that when heat tape is used for this purpose, it shall be listed for use in mobile homes. In any case, a receptacle outlet for heat tape shall be installed on each mobile home by the manufacturer and be conveniently located for its use.

2. The requirements for drainage have been moved from § 280.603(b)(5). The words "complete gravity" have been deleted from the section. Drainage of all supply piping would still be required, but such drainage would not have to be achieved by the use of an absolute gravity system. The section has been relocated since the requirement for drainage is general and not limited to freezing.

3. Sections 280.114(b) and 280.607(b)(3) are amended to use the "bathroom floor level" to establish the datum plane from which the height of the shower compartment is to be measured.

4. In response to comments from the industry after September 2, HUD on its initiative, has amended § 280.609(a) to require the manufacturer to include in his written instructions that the mobile home has been designed for an inlet water pressure of 80 PSI and to state that when the mobile home is to be installed in areas where the water pressure exceeds 80 PSI, a pressure reducing valve should be installed. This revision is made by HUD to assure proper operation of the water piping system.

5. In § 280.610(c)(1) the requirement for a "permanent marker" for the drain outlet has been deleted.

Subpart H. Heating and Cooling Systems. 1. Section 280.705(a) is amended to clarify the responsibility of the manufacturer with respect to the gas supply system. This revision requires the manufacturer to design the gas piping system in accordance with the pressures listed in § 280.705(a). The manufacturer is now required to provide in his written installation instructions, the pressure range for safe operation of the piping system.

2. Section 280.705(c) remains unchanged from the section as presented in the September 2 final rule so as to require a "quick-disconnect device" for expandable or multiple unit mobile homes. (The November 11, 1975, FEDERAL REGISTER publication proposed an amendment which would have deleted the "quick-disconnect device".)

3. Section 280.705(d) is revised to provide additional design criteria to be used when sizing gas piping by the table(s) method. HUD is providing this criteria to assure uniform application of the tables.

4. Section 280.705(j) is amended to permit the location for all gas supply connections to be within 24 inches of the left (road) sidewall. This revision enables a manufacturer to standardize the location of the gas supply connection for all gas systems.

5. Section 280.705(1)(3) has been amended to indicate that shut-off valves are to be accessible in order to allow servicing of the appliance and removal of its components, and for shut off in case of emergency.

6. HUD has determined that the requirement for oil safety controls in § 280.707(f) of the September 2, 1975, final rule is redundant. The Department has therefore deleted the requirement for the following reasons:

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(a) Adequate safety controls are presently provided in oil fired furnaces,

(b) Equipment redesign has eliminated previous melting point problems,

(c) There may be adverse effects to furnace operation and durability associated with indiscriminate power interruption to the circulatory air blower, and

(d) The primary goal in the event of any fire is to remove all occupants from the mobile home, rather than encourage the occupant to remain in a burning unit, while attempting to cut off oil flow in case of a furnace fire.

The deletion of this requirement is also consistent with the majority view of the Advisory Council as perceived by HUD.

7. Section 280.708(a)(1) has been amended to require listing of termination fittings and moisture lint exhaust duct systems for gas clothes dryers only.

8. Section 280.709(e)(5) requires that when a furnace can only be used with a specific coil and the coil has a limited listing, the installation must be in accordance with that listing. This requirement would not prevent heatng and cooling equipment manufacturers from having their product listed for use in equipment manufactured by others.

9. In accordance comments received from the industry, § 280.709(g)(1) has been amended to require that the termination device and spark arrester be included in the listing of factory built chimneys. The specific requirements for the spark arrester indicated in § 280.709 (g)(1)(vii) have therefore been deleted since these specifications are already included in the listing.

This revision is made to be consistent with requirements for residential spark arresters used on factory built chimneys.

Subpart I. Electrical Systems. 1. Section 280.803(1)(2) as amended deletes the requirement that the manufacturer install conductors in the electric service raceway which goes to the underside of the mobile home. Instead, it requires that the manufacturer provide in his written installation instructions the proper service conductor sizes and the proper size of the junction box to be installed at the underside of the mobile home.

2. Section 280.806(d)(9) is amended to make clear that the use of receptacle outlet(s) which are integral with the light fixture over the bathroom basin satisfies the requirement for a receptable outlet adjacent to the bathroom basin.

Subpart J. Transportation. 1. Section 280.904(b)(5) is revised to delete the reference to the SAE Handbook, and now permits the mobile home manufacturer to use in his design evaluation the allowable stresses recommended by the spring assembly manufacturer.

All of the amendments which in the Department's judgment will have a significant impact on the final rule, as published, have been described above. The Department is presently considering comments submitted by interested parties on specific equipment and installations which may be the subject of interpretative bulletins as described in the preceding discussion on Subpart A.

The amendments to the final rule do not affect the Environmental Impact Statement for the Federal Mobile Home Construction and Safety Standards which was prepared and submitted to the Council on Environmental Quality. It is available for inspection and copying according to Department rules and regulations during regular business hours at the address below.

The amendments to the final rule do not affect the Economic Impact Statement assessing the impact of the Federal Mobile Home Construction and Safety Standards on the economy, the labor force, competition, and material and energy supplies which was prepared and submitted to the Council on Wage and Price Stability. This Statement is available for inspection and copying according to the rules and regulations of the Department during regular business hours in Room 10245, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C.

FUTURE AMENDMENTS TO THE STANDARD

HUD believes that the proportion of mobile homes and other manufactured housing in the total housing inventory will continue to increase. HUD also expects that future innovation in design, materials, construction methods, equipment components, subsystems, and also new methods of testing and evaluation may make some aspects of the initial Federal mobile home standards obsolete or inadequate.

Recognizing these factors, HUD expects and plans that the standards will evolve in an orderly fashion to meet changing needs and conditions, as have voluntary and state standards in the past.

The office of Mobile Home Standards will have an engineering staff to work on amendments to the standards and to propose and utilize research to support such amendments.

HUD invites comment or other communication at any time from any member of the public or any organization regarding the Federal mobile home standards and possible amendments to those standards.

In consideration of the comments received and pursuant to the authority contained in sections 604 and 625 of the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. 5403 and 5425), 88 Stat. 701 and 714, Part 280 of 24 CFR is amended and corrected as follows.

Effective date. These regulations are effective June 15, 1976.

DAVID M. DEWILDE,
Deputy Assistant Secretary-Commissioner for Housing Production and Mortgage Credit.

Introduction. The following regulations are in substantial measure based on the Standard for Mobile Homes NFPA 501B–1974/ANSI A119.1–1975 and particularly on sections B, C, D, and E of that standard. In addition, parts of these regulations are derived from state standards, enforcing agency standards, interpretation manuals and trade association standards.

Subpart A—General

Sec.
280.1 Scope.
280.2 Definitions.
280.3 Acceptance of plans.
280.4 Incorporation by reference.
280.5 Data plate.
280.6 Serial number.

Subpart B—Planning Considerations

280.101 Scope.
280.102 Definitions.
280.103 Light and ventilation.
280.104 Ceiling heights.
280.105 Exit facilities; exterior doors.
280.106 Exit facilities; egress windows.
280.107 Interior privacy.
280.108 Interior passage.
280.109 Space planning.
280.110 Room requirements.
280.111 Minimum room dimensions.
280.112 Toilet compartments.
280.113 Hallways.
280.114 Glass and glazed openings.

Subpart C—Fire Safety

280.201 Scope.
280.202 Definitions.
280.203 Flame spread limitations and combustibility.
280.204 Kitchen cabinet protection.
280.205 Carpeting.
280.206 Firestopping.
280.207 Requirements for foam plastic thermal insulating materials.
280.208 Mobile home fire detection equipment.

Subpart D—Body and Frame Construction Requirements

280.301 Scope.
280.302 Definitions.
280.303 General requirements.
280.304 Materials.
280.305 Structural design requirements.
280.306 Windstorm protection.
280.307 Resistance to elements and use.

Subpart E—Testing

280.401 Structural load tests.
280.402 Test procedures for roof trusses.
280.403 Standard for windows and sliding glass doors used in mobile homes.
280.404 Standard for egress windows for use in mobile homes.
280.405 Standard for swinging exterior passage doors for use in mobile homes.

Subpart F—Thermal Protection

280.501 Scope.
280.502 Definitions.
280.503 Materials.
280.504 Condensation control (vapor barriers).
280.505 Air infiltration.
280.506 Heat loss.
280.507 Comfort heat gain.
280.508 Heat loss, heat gain and cooling load calculations.
280.509 Criteria in absence of specific criteria.
280.510 Heat loss certificate.
280.511 Comfort cooling certificate and information.

Subpart G—Plumbing Systems

280.601 Scope.
280.602 Definitions.
280.603 General requirements.
280.604 Materials.

Sec.
280.605 Joints and connection.
280.606 Traps and cleanouts.
280.607 Plumbing fixtures.
280.608 Hangers and supports.
280.609 Water distribution systems.
280.610 Drainage systems.
280.611 Vents and venting.
280.612 Tests and inspection.

Subpart H—Heating, Cooling and Fuel Burning Systems

280.701 Scope.
280.702 Definitions.
Sec.
280.703 Minimum standards.
280.704 Fuel supply systems.
280.705 Gas piping systems.
280.706 Oil piping systems.
280.707 Heat producing appliances.
280.708 Clothes dryers.
280.709 Installation of appliances.
280.710 Ventilating, ventilation and combustion air.
280.711 Instructions.
280.712 Marking.
280.713 Accessibility.
280.714 Appliances, cooling.
280.715 Circulating air systems.

Subpart I—Electrical Systems

280.801 Scope.
280.802 Definitions.
280.803 Power supply.
280.804 Disconnecting means and branch-circuit protective equipment.
280.805 Branch circuits required.
280.806 Receptacle outlets.
280.807 Fixtures and appliances.
280.808 Wiring methods and materials.
280.809 Grounding.
280.810 Electrical testing.
280.811 Calculations.
280.812 Wiring of expandable units and dual units.
280.813 Outdoor outlets, fixtures, air conditioning equipment, etc.
280.814 Painting of wiring.
280.815 Polarization.
280.816 Examination of equipment for safety.

Subpart J—Transportation

280.901 Scope.
280.902 Definitions.
280.903 General requirements for designing the structure to withstand transportation shock and vibration.
280.904 Specific requirements for designing the transportation system.

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d), Title VI, Housing and Community Development Act of 1974 (42 U.S.C. 5401).

Subpart A—General

§ 280.1 Scope.

(a) This standard covers all equipment and installations in the design, construction, fire safety, plumbing, heat-producing and electrical systems of mobile homes which are designed to be used as dwelling units. The Secretary may approve such equipment and installations which are listed or labeled by an approved testing or listing agency. Equipment and installations not listed or labeled may be approved by the Secretary upon a determination that such equipment and installations are adequate for the protection of health, safety and the general welfare.

(b) These Federal Mobile Home Construction and Safety Standards seek, to the maximum extent possible, to establish performance requirements. In certain instances, however, the use of specific requirements in the Standard is necessary because, at this time, that is the best available means of identifying the desired performance. The use of specific requirements is not intended to prohibit the utilization of any material, piece of equipment, or system which cannot meet the precise specifications, but which upon evaluation provides equivalent or superior performance. Where any material, piece of equipment, or system which does not meet precise specifications set out in the standard is shown, to the satisfaction of the Secretary, to meet the level of performance of a material, piece of equipment or system which meets the precise specifications, the Secretary may waive the specifications set out in the standard for that material, piece of equipment, or system. Whenever a waiver is issued, the Secretary shall issue an interpretative bulletin which announces the waiver, states that the material, piece of equipment or system meets the required standard of performance, and sets out any limitations or other requirements with respect to how the material, piece of equipment, or system must be used, including any tests of the material, piece of equipment, or system which the Secretary determines must be carried out before it can be used. Where a waiver has been issued, the requirements of the section of the Federal standard to which the waiver relates may be met either by meeting the specifications set out in the standard or by meeting any requirements set out in the interpretative bulletin which announces the waiver.

(c) Interpretative bulletins may also be issued for the following purposes:

(1) to clarify the meaning of the standard; and

(2) to assist in the enforcement of the standard.

§ 280.2 Definitions.

(a) Definitions in this Subpart are those common to all Subparts of the standard and are in addition to the definitions provided in individual parts.

(1) "Approved," when used in connection with any material, appliance or construction, means complying with the requirements of the Department of Housing and Urban Development.

(2) "Center" means the midline between the right and left side of a mobile home.

(3) "Certified." See "listed."

(4) "Combustible Material" means materials made of, or surfaced with, wood, compressed paper, plant fibers, or other material that will ignite and burn. Such materials shall be considered as combustible even though flameproofed, fire-retardant treated, or plastered.

(5) "Defect" includes any defect in the performance, construction, components, or material of a mobile home that renders the home or any part thereof not fit for the ordinary use for which it was intended.

(6) "Department" means the Department of Housing and Urban Development.

(7) "Dwelling Unit" means one or more habitable rooms which are designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

(8) "Equipment" includes materials, appliances, devices, fixtures, fittings or accessories both in the construction of, and in the fire safety, plumbing, heat-producing and electrical systems of mobile homes.

(9) "Federal mobile home construction and safety standard" means a reasonable standard for the construction, design, and performance of a mobile home which meets the needs of the public including the need for quality, durability, and safety.

(10) "Imminent safety hazard" means a hazard that presents an imminent and unreasonable risk of death or severe personal injury.

(11) "Installations" means all arrangements and methods of construction, as well as fire safety, plumbing, heat-producing and electrical systems used in mobile homes.

(12) "Labeled" means a label, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of production of labeled equipment or materials, and by whose labeling is indicated compliance with nationally recognized standards or tests to determine suitable usage in a specified manner.

(13) "Length of a Mobile Home" means the distance from the exterior of the front wall (nearest to the drawbar and coupling mechanism) to the exterior of the rear wall (at the opposite end of the home) where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other attachments.

(14) "Listed or Certified" means included in a list published by a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner.

(15) "Manufacturer" means any person engaged in manufacturing or assembling mobile homes, including any person engaged in importing mobile homes for resale.

(16) "Mobile Home" means a structure, transportable in one or more sections, which is eight body feet or more in width and is thirty-two body feet or more in length, and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumb-

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ing, heating, air-conditioning, and electrical systems contained therein.

(17) "Mobile Home Construction" means all activities relating to the assembly and manufacture of a mobile home including, but not limited to, those relating to durability, quality and safety.

(18) "Mobile Home Safety" means the performance of a mobile home in such a manner that the public is protected against any unreasonable risk of the occurrence of accidents due to the design or construction of such mobile home, or any unreasonable risk of death or injury to the user or to the public if such accidents do occur.

(19) "Registered Engineer or Architect" means a person licensed to practice engineering or architecture in a state and subject to all laws and limitations imposed by the state's Board of Engineering and Architecture Examiners and who is engaged in the professional practice of rendering service or creative work requiring education, training and experience in engineering sciences and the application of special knowledge of the mathematical, physical and engineering sciences in such professional or creative work as consultation, investigation, evaluation, planning or design and supervision of construction for the purpose of securing compliance with specifications and design for any such work.

(20) "Secretary" means the Secretary of Housing and Urban Development, or an official of the Department delegated the authority of the Secretary with respect to Title VI of Public Law 93-383.

(21) "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(22) "Width of a Mobile Home" means the distance from the exterior of one side wall to the exterior of the opposite side wall where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, wall and roof extensions, or other attachments.

§ 280.3 Acceptance of plans.

(a) Each manufacturer of mobile homes shall submit the building plans for every model of such mobile home to the Secretary, or Secretary's designee, for the purpose of inspection for conformance to this standard.

(b) The manufacturer shall certify that each such building plan meets the Federal construction and safety standard in force at that time before the mobile home involved is produced.

(c) Regulations pertaining to enforcement of these standards and to labeling of mobile homes shall be as prescribed by the Secretary.

§ 280.4 Incorporation by reference.

(a) The specifications, standards and codes of agencies of the U.S. Government, to the extent they are incorporated by reference in this standard, have the same force and effect as this standard. Wherever reference standards and this standard are inconsistent, the requirements of this standard prevail to the extent of the inconsistency.

(b) The abbreviations and sources of these referenced standards, specifications and codes appear below:

AA—The Aluminum Association, 750 Third Avenue, New York, N.Y. 10017.
ABPA—Acoustical and Board Products Association, 205 West Touhy Avenue, Chicago, Illinois 60068.
AGA—American Gas Association Laboratories, 8501 East Pleasant Valley Road, Cleveland, Ohio 44131.
AISC—American Institute of Steel Construction, 1221 Avenue of the Americas, New York, New York 10020.
AISI—American Iron and Steel Institute, 1000 16th Street, N.W., Washington, D.C. 20036.
ATTC—American Institute of Timber Construction, 333 W. Hampden Avenue, Englewood, Colorado 80110.
ANSI—American National Standards Institute, 1430 Broadway, New York, New York 10017.
APA—American Plywood Association, 1119 A Street, Tacoma, Wash. 98401.
ASHRAE—American Society of Heating Refrigeration and Air-conditioning Engineers, 345 East 47th Street, New York, New York 10017.
ASME—American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017.
ASTM—American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.
CMI—Cultured Marble Institute, 230 North Michigan Avenue, Chicago, Illinois 60601.
CS—Commercial Standards—Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
DOC—Department of Commerce, Washington, D.C. 20230.
DOT—Department of Transportation, Washington, D.C. 20590.
FHDA—Fir and Hemlock Door Association, Yeon Building, Portland, Oregon 97204.
FS—Federal Specification—Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
GAL—Gas Appliance Laboratory, 3138 East Olympic Boulevard, Los Angeles, California 90023.
HPMA—Hardwood Plywood Manufacturers Association, P.O. Box 6246, Arlington, Virginia 22206.
HVI—Home Ventilating Institute, 230 North Michigan Avenue, Chicago, Illinois 60601.
IAPMO—International Association of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, California 90032.
I-SANTA—Industrial Staple and Nail Technical Association, P.O. Box 3072, City of Industry, California 91744.
NFPA—National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts.
(N)FPA—National Forest Products Association (formerly National Lumber Manufacturers Association), 1619 Massachusetts Ave., Wash., D.C. 20036.
NPA—National Particleboard Association, 2306 Perkins Place, Silver Spring, Maryland 20910.
NSF—National Sanitation Foundation, 3475 Plymouth Road, Ann Arbor, Michigan 48105.
NWMA—National Woodwork Manufacturers Association, 400 West Madison Street, Chicago, Illinois 60606.
PS—Product Standard—Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
SJI—Steel Joist Institute, 2001 Jefferson Davis Highway, Arlington, Virginia 22202.
TPI—Truss Plate Institute, Suite 200, 7100 Baltimore Avenue, College Park, Maryland 20740.
UL—Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Illinois 60611.

§ 280.5 Data plate.

(a) Each mobile home shall bear a data plate affixed in a permanent manner near the main electrical panel or other readily accessible and visible location. Data plates shall bear not less than the following information:

(1) The manufacturer's name and address.

(2) The serial number and the model number of the unit and date the unit was manufactured.

(3) The statement, "The mobile home is designed to comply with the Federal mobile home construction and safety standard in force at the time of manufacture."

(4) Factory installed equipment, the manufacturer's name and the model designation of major factory-installed appliances.

(5) Reference to the structural zone and wind zone for which the home is designed and duplicates of the maps as set forth in § 280.305(c)(4). This information may be combined with the heating/cooling certificate and insulation zone maps required by §§ 280.510 and 280.511.

§ 280.6 Serial number.

(a) A mobile home serial number which will identify the manufacturer and the state in which the mobile home is manufactured, must be stamped into the foremost cross member. Letters and numbers must be ⅜ inch minimum in height. Numbers must not be stamped into hitch assembly or drawbar.

Subpart B—Planning Considerations

§ 280.101 Scope.

Subpart B states the planning requirements in mobile homes. The intent of this subpart is to assure the adequacy of architectural planning considerations which assist in determining a safe and healthful environment.

§ 280.102 Definitions.

(a) "Gross Floor Area" means all space, wall to wall, including recessed entries not to exceed 5 sq. ft. and areas under built-in vanities and similar furniture. Where the ceiling height is less than that specified in § 280.104, the floor area under such ceilings shall not be included. Floor area of closets shall not be included in the gross floor area.

(b) "Habitable Room" means a room or enclosed floor space arranged for living, eating, food preparation, or sleeping purposes not including bathrooms, foyers, hallways, and other accessory floor space.

(c) "Laundry Area" means an area containing or designed to contain a laundry tray, clothes washer and/or clothes dryer.

§ 280.103 Light and ventilation.

Provisions shall be made for adequate light and ventilation in accordance with the following:

(a) Each habitable room shall be provided with exterior windows and/or doors having a total glazed area of not less than 8 percent of the gross floor area. An area equivalent to not less than 4 percent of the gross floor area shall be available for unobstructed ventilation. Glazed areas need not be openable where a mechanical ventilation system is provided and is capable of producing a change of air in the room(s) every 30 minutes with not less than one-fifth of the air supply taken from outside the mobile home. Windows and doors used for light or ventilation shall open directly to the outside of the home.

(b) In lieu of the requirements in § 280.103(a), kitchens may be provided with artificial light and mechanical ventilation capable of producing a change of air in the room every 30 minutes. (See § 280.710).

(c) Bathroom and toilet compartments. Each bathroom and toilet compartment shall be provided with artificial light and, in addition, be provided with external windows or doors having not less than 1½ sq. ft. of fully openable glazed area, except where a mechanical ventilation system is provided capable of producing a change of air every 12 minutes. Any mechanical ventilation system shall exhaust directly to the outside of the mobile home.

§ 280.104 Ceiling heights.

(a) Every habitable room and bathroom shall have a minimum ceiling height of not less than 7 feet, 0 inches for a minimum of 50 percent of the room's floor area. The remaining area may have a ceiling with a minimum height of 5 feet, 0 inches. Minimum height under dropped ducts, beams, etc. shall be 6 feet, 4 inches.

(b) Hallways and foyers shall have a minimum ceiling height of 6 feet, 6 inches.

§ 280.105 Exit facilities; exterior doors.

(a) *Number and location of exterior doors.* Mobile homes shall have a minimum of two exterior doors located remote from each other.

(1) Required egress doors shall not be located in rooms where a lockable interior door must be used in order to exit.

(2) In order for exit doors to be considered "remote" from each other, they must comply with all of the following: (i) Both of the required doors must not be in the same room or in a group of rooms which are not defined by fixed walls. (ii) Single wide units. Doors may not be less than 12 ft. c-c from each other as measured in any straight line direction regardless of the length of path of travel between doors. (iii) Double wide units. Doors may not be less than 20 ft. c-c from each other as measured in any straight line direction regardless of the length of path of travel between doors. (iv) One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 ft.

(b) *Door design and construction.* (1) Exterior swinging doors shall be constructed in accordance with § 280.405 the "Standard for Swinging Exterior Passage Doors for Use in Mobile Homes". Exterior sliding glass doors shall be constructed in accordance with § 280.403 the "Standard for Windows and Sliding Glass Doors Used in Mobile Homes".

(2) All exterior swinging doors shall provide a minimum 28 inch wide by 74 inch high clear opening. All exterior sliding glass doors shall provide a minimum 28 inch wide by 72 inch high clear opening.

(3) Each swinging exterior door other than screen or storm doors shall have a key-operated lock that has a deadlocking latch or a key-operated dead bolt with a passage latch. Locks shall not require the use of a key for operation from the inside.

(4) All exterior doors, including storm and screen doors, opening outward shall be provided with a safety door check.

§ 280.106 Exit facilities; egress windows.

(a) Every room designed expressly for sleeping purposes, unless it has an exit door (See § 280.105), shall have at least one outside window or approved device which meets the requirements of § 280.404 the "Standard for Egress Windows for Use in Mobile Homes".

(b) The bottom of the window opening shall not be more than 36 inches above the floor.

(c) Locks, latches, operating handles, tabs and any other window, screen or storm window devices which need to be operated in order to permit exiting shall not be located in excess of 60 inches from the finished floor.

§ 280.107 Interior privacy.

Bathroom and toilet compartment doors shall be equipped with a privacy lock.

§ 280.108 Interior passage.

(a) Interior doors having passage hardware without a privacy lock, or with a privacy lock not engaged, shall open from either side by a single movement of the hardware mechanism in any direction.

(b) Each mobile home interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button, or other locking device on the inside.

§ 280.109 Space planning.

The dimensions set forth in §§ 280.110 through 280.113 are intended to assure that space and a functional arrangement of this space are provided to accommodate the normal activities of living in the mobile home.

§ 280.110 Room requirements.

(a) Every mobile home shall have at least one living area with not less than 150 sq. ft. of gross floor area.

(b) Rooms designed for sleeping purposes shall have a minimum gross square foot floor area as follows:

(1) All bedrooms shall have at least 50 sq. ft. of floor area.

(2) Bedrooms designed for two or more people shall have 70 sq. ft. of floor area plus 50 sq. ft. for each person in excess of two.

(c) Every room designed for sleeping purposes shall have accessible clothes hanging space with a minimum inside depth of 22 inches and shall be equipped with a rod and shelf.

§ 280.111 Minimum room dimension.

The gross floor area required by § 280.110(a) and (b) shall have no clear horizontal dimension less than 5 feet except as permitted by § 280.102(a).

§ 280.112 Toilet compartments.

Each toilet compartment shall be a minimum of 30 inches in width, except, when the toilet is located adjacent to the short dimension of the tub, the distance from the tub to the center line of the toilet shall not be less than 12 inches. At least 21 inches of clear space shall be provided in front of each toilet.

§ 280.113 Hallways.

Hallways shall have a minimum horizontal dimension of 28 inches measured from the interior finished surface to the interior finished surface of the opposite wall. When appliances are installed in a laundry area, the measurement shall be from the front of the appliance to the opposite finished interior surface. When appliances are not installed and a laundry area is provided, the area shall have a minimum clear depth of 27 inches in addition to the 28 inches required for passage. In addition, a notice of the available clearance for washer/dryer units shall be posted in the laundry area. Minor protrusions into the minimum hallway width by doorknobs, trim, smoke detectors or light fixtures are permitted.

§ 280.114 Glass and glazed openings.

(a) *Windows and sliding glass doors.* All windows and sliding glass doors shall meet the requirements of § 280.403 the "Standard for Windows and Sliding Glass Doors Used in Mobile Homes".

(b) *Safety glazing.* Glazing in all entrance or exit doors, sliding glass door units (fixed or moving sections), unframed glass doors, unbacked mirrored wardrobe doors (i.e. mirrors not secured to a backing capable of being the door itself), shower and bathtub enclosures and surrounds to a height of 6 feet above the bathroom floor level, storm doors or combination doors, and in panels located within 12 inches on either side of exit or entrance doors shall be of a safety glazing material. Safety glazing material is considered to be any glazing material capable of passing the requirements of ANSI Z97.1–72.

Subpart C—Fire Safety

§ 280.201 Scope.

The purpose of Subpart C of this standard is to specify measures which will provide a reasonable degree of safety from fire for the occupants. It is the intent of this Subpart that mobile homes shall be constructed so as to reduce fire hazards and provide detection of a fire for safe egress.

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§ 280.202 Definitions.

(a) The following definitions are applicable to Subpart C only:

(1) "Flame Spread" means the propagation of flame over a surface.

(2) "Interior finish" means the surface material of walls, fixed or movable partitions, ceilings and other exposed interior surfaces affixed to the mobile home structure including any material such as paint or wallpaper and the substrate to which they are applied. Interior finish does not include windows and doors or their frames, skylight, trim, moldings, decorations or furnishing which are not affixed to the mobile home structure.

(3) "Single Station Alarm Device" means an assembly incorporating the smoke detector sensor, the electrical control equipment requirement, and the alarm-sounding device in one unit.

(4) "Smoke Detector" means wall mounted detector of the ionization chamber or photoelectric type which detects visible or invisible particles of combustion and operates from the 120 V AC source of electrical power supply.

§ 280.203 Flame spread limitations and combustibility.

(a) *Flame spread limitations.* The surface flame spread rating of interior finish materials shall not exceed the following when tested by Standard Method of Test for Surface Burning Characteristics of Building Materials, ASTM E84. The surface flame spread rating of interior finish materials required by § 280.203(a) (4) and (6) may be established using the Surface Flammability of Materials Using a Radiant Heat Energy Source, ASTM E162. Testing shall be by laboratories acceptable to the Secretary.

(1) The interior finish of all walls and partitions shall not have a flame spread rating exceeding 200 except as otherwise specified herein. The flame spread limitation shall not apply to; molding, trim, windows, doors or series of doors not exceeding 4 feet in width, and permanently attached decorative items such as pictures or accent panels constituting not more than 10 percent of the aggregate wall surface in any room or space nor more than 32 square feet in surface area whichever is less.

(2) All ceiling interior finish shall not have a flame spread rating exceeding 200, excluding molding and trim 2 inches or less in width.

(3) Furnace and water heater spaces shall be enclosed by walls, ceiling and doors having an interior finish with a flame spread rating not exceeding 25.

(4) Combustible kitchen cabinet doors, countertops, exposed bottoms and end panels shall not exceed a flame spread rating of 200. Cabinet rails, stiles, mullions and toe strips are exempted.

(5) Exposed interior finishes adjacent to the cooking range shall not have a flame spread rating exceeding 50. Adjacent surfaces are the exposed vertical surfaces between the range top height and the overhead cabinets and/or ceiling and within 6 horizontal inches of the cooking range.

(6) Finish surfaces of plastic bath tubs, shower units and tub or shower doors shall not exceed a flame spread rating of 200.

(b) *Combustibility.* The interior walls and ceiling encasing furnace and water heater enclosures (including doors) and the exposed wall adjacent to the cooking range as defined in § 280.203(a) (5) shall be surfaces with 5/16 inch gypsum board or material having equivalent fire protective properties. At furnace and water heater spaces all openings for pipes and vents shall be tight-fitted or firestopped.

§ 280.204 Kitchen cabinet protection.

(a) The bottom and sides of combustible kitchen cabinets over cooking ranges including a space of 6 inches from the side of the cooking range shall be protected with at least ¼ inch thick asbestos millboard covered with not less than 26 gage sheet metal (.017 stainless steel, .024 aluminum, or .020 copper) or equivalent protection. The protective metal over the range shall form a hood with not less than a 3 inch eyebrow (measuring horizontally from face of cabinet). The hood shall be centered over and at least as wide as the cooking range.

§ 280.205 Carpeting.

(a) Carpeting shall not be used under a fuel-fired furnace or water heater.

§ 280.206 Firestopping.

(a) Firestopping of 1 inch minimum nominal lumber or the equivalent, shall be provided to cut off all concealed draft openings in all stud walls and partitions, including furred spaces, so placed that the maximum vertical dimension of any concealed space is not over eight feet.

§ 280.207 Requirements for foam plastic thermal insulating materials.

(a) *General.* Foam plastic thermal insulating materials shall not be used within the cavity of walls or ceiling or exposed to the interior of the mobile home, unless otherwise specifically approved by HUD, based on accepted tests including full scale room fire testing.

(b) *Specific requirements.* Foam plastic having a flame spread rating of 75 or less may be used as siding backer board or sheathing with a maximum of ¾-inch thickness when separated from the interior of the mobile home by a minimum of 2-inches of mineral insulation or equivalent fire protective material.

§ 280.208 Mobile home fire detection equipment.

(a) *General.* At least one smoke detector (which may be a single-station alarm device) shall be installed in each mobile home to protect each separate bedroom area.

(b) *Smoke detector location.* A smoke detector shall be installed in the hallway or space communicating with the bedroom area.

(1) The specific location shall be in the hallway between the living room area and the first bedroom, except that when a door(s) separates the living area from the bedroom area, the detector shall be installed on the living area side as close to the door(s) as practicable.

(2) Mobile homes having bedrooms separated by any one or combination of common use areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room), shall have at least two smoke detectors, one detector protecting each bedroom area.

(3) Where practicable, the detector shall be located between the return air intake and the living area.

(4) The architectural planning of the mobile home shall not isolate a smoke detector so as to impair its effectiveness.

(c) *Smoke detectors.* Smoke detectors shall be either the ionization chamber or the photoelectric wall mounted type and shall comply with all the requirements of Underwriters' Laboratories Standard No. 167 for ionization and 168 for photoelectric type detectors. Detectors shall bear the label of a testing and approval laboratory that indicates the smoke detectors have been tested and approved under the requirements of UL 167 or 168. The testing and approved laboratory shall be one which maintains a periodic follow-up service of the labeled devices to ensure compliance with the original approval.

(d) *Installation.* Smoke detectors shall be installed on an interior wall of the mobile home. The top of the detector shall be 5- to 7-inches from the ceiling. The detector mounting shall be attached to an electrical outlet box and the detector connected by a permanent wiring method into a general electrical circuit. There shall be no switches in the circuit to the detector other than the overcurrent protective device protecting the branch circuit.

Subpart D—Body and Frame Construction Requirements

§ 280.301 Scope.

This Subpart covers the minimum requirements for materials, products, equipment and workmanship needed to assure that the mobile home will provide (a) structural strength and rigidity, (b) protection against corrosion, decay, insects and other similar destructive forces, (c) protection against hazards of windstorm, (d) resistance to the elements, and (e) durability and economy of maintenance.

§ 280.302 Definitions.

(a) The following definitions are applicable to Subpart D only:

(1) "Anchoring Equipment" means straps, cables, turnbuckles, and chains, including tensioning devices, which are used with ties to secure a mobile home to ground anchors.

(2) "Anchoring System" means a combination of ties, anchoring equipment, and ground anchors that will, when properly designed and installed, resist overturning and lateral movement of the mobile home from wind forces.

(3) "Tie" means strap, cable, or securing device used to connect the mobile home to ground anchors.

"(4) "Diagonal Tie" means a tie intended to primarily resist horizontal forces, but which may also be used to resist vertical forces."

(5) "Vertical Tie" means a tie intended to resist the uplifting or overturning forces.

(6) "Footing" means that portion of the support system that transmits loads directly to the soil.

(7) "Ground Anchor" means any device at the mobile home stand designed to transfer mobile home anchoring loads to the ground.

(8) "Hurricane Resistive Mobile Home" means a mobile home which meets the wind design load requirements for Zone II in § 280.305(c)(2).

(9) "Loads" (i) "Dead Loads" means the weight of all permanent construction including walls, floors, roof, partition, and fixed service equipment. (ii) "Live Load" means the weight superimposed by the use and occupancy of the mobile home, including wind load and snow load, but not including dead load. (iii) "Wind Load" means the lateral or vertical pressure or uplift on the mobile home due to wind blowing in any direction.

(10) "Main Frame" means the structural component on which is mounted the body of the mobile home.

(11) "Pier" means that portion of the support system between the footing and the mobile home exclusive of caps and shims.

(12) "Sheathing" means material which is applied on the exterior side of a building frame under the exterior weather resistant covering.

(13) "Stabilizing Devices" means all components of the anchoring and support systems such as piers, footings, ties, anchoring equipment, ground anchors, and any other equipment which supports the mobile home and secures it to the ground.

(14) "Support System" means a combination of footings, piers, caps, and shims that will, when properly installed, support the mobile home.

§ 280.303 General requirements.

(a) *Minimum requirements.* The design and construction of a mobile home shall conform with the provisions of this standard. Requirements for any size, weight, or quality of material modified by the terms of "minimum," "not less than," "at least," and similar expressions are minimum standards. The manufacturer or installer may exceed these standards provided such deviation does not result in any inferior installation or defeat the purpose and intent of this standard.

(b) *Construction.* All construction methods shall be in conformance with accepted engineering practices to insure durable, livable, and safe housing and shall demonstrate acceptable workmanship reflecting journeyman quality of work of the various trades.

(c) *Structural analysis.* The strength and rigidity of the component parts and/or the integrated structure shall be determined by engineering analysis or by suitable load tests to simulate the actual loads and conditions of application that occur. (See Subparts E and J.)

(d) *Hurricane resistive design.* Only mobile homes which meet the applicable requirements of § 280.305(c)(2) may be designated "Designed for Hurricane Zone." No similar designation which would imply hurricane resistance shall be used when the mobile home does not meet these requirements.

(e) *New materials and methods.* (1) Any new material or method of construction not provided for in this standard and any material or method of questioned suitability proposed for use in the manufacture of the structure shall nevertheless conform in performance to the requirements of this standard.

(2) Unless based on accepted engineering design for the use indicated, all new mobile home materials, equipment, systems or methods of construction not provided for in this standard shall be subjected to the tests specified in paragraph (g) of this section.

(f) *Allowable design stress.* The design stresses of all materials shall conform to accepted engineering practice. The use of materials not identified as to strength or stress grade shall be limited to the minimum allowable stresses under accepted engineering practice.

(g) *Alternate test procedures.* In the absence of listed and prescribed standards, the manufacturer shall develop or cause to be developed necessary tests to demonstrate the structural properties and the significant characteristics of the method employed. Such tests shall be witnessed by an independent licensed professional engineer or architect or by a recognized testing organization. Copies of the test results shall be kept on file by the mobile home manufacturer.

§ 280.304 Materials.

(a) Dimension and board lumber shall not exceed 19 percent moisture content at time of installation.

(b) (1) Standards for some of the generally used materials and methods of construction are listed in the following table. (2) Materials and methods of construction utilized in the design and construction of mobile homes which are covered by the standards in the following table, or any applicable portion thereof shall comply with these requirements. (3) Engineering analysis and testing methods contained in these references shall be utilized to judge conformance with accepted engineering practices required in § 280.303(c). (4) Materials and methods of installation conforming to these standards shall be considered acceptable when installed in conformance with the requirements of this Part. (5) Materials meeting the standards (or the applicable portion thereof) are considered acceptable unless otherwise specified herein or unless substantial doubt exists as to conformance.

Aluminum: Aluminum Construction Manual, specifications for aluminum structures.	AA–1971
Steel:	
Specification for the design, fabrication, and erection of structural steel for buildings with supplements 1, 2 and 3 (junior beams meeting ASTM A36 are acceptable if designed to meet the loadings and performance requirements of this standard).	AISC–1973
Specification for the design of cold-formed steel structural members with supplement 1.	AISI–1968
Specification for the design of light-gage cold-formed stainless steel structural members.	AISI–1972
Standard specifications for open web steel joists, J- and H-Series.	AISC and SJI
Criteria for structural applications of steel cables for buildings.	AISI–1973
Wood and wood products:	
Hardboard	PS 58, 59, and 60–1973
Hardwood and decorative plywood	USDC PS 51–71
Structural design guide for hardwood plywood	HPMA–SG–71
Timber, structural glued laminated—inspection	AITC–200–1973
Timber, structural glued laminated	USD PS 56–73
Construction and industrial plywood	PS 1–74
Plywood residential construction guide	APA–1975
Design specifications for plywood—lumber components	APA–1974
Fabrication specifications of plywood—lumber components	APA–1975
Stress grade lumber and its fastenings—national design specifications for (and supplement).	(N) FPA–1973
Structural design data—wood	(N) FPA–1970
Span tables for joists and rafters (PS 20–70)	(N) FPA–1973
Working stresses for joists and rafters	(N) FPA–1974
Timber construction standards	AITC–100–1972
Design specifications for light metal plate connected wood trusses.	TPI–74
Span tables for light metal plate connected wooden trusses	TPI, 1972
Particleboard for mobile home decking	NPA 1–73
Mat-formed wood particleboard	CS 236–66
All plywood beams for mobile homes	APA 124–74
Wood flush doors (interior, exterior)	NWMA I.S.1–74
Wood window units	ANSI A200.1–74
	(NWMA I.S.2–73)
Water repellent preservative treating for millwork	NWMA I.S.–4–70

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Wood and wood products—Continued	
Wood patio doors	NWMA I.S.3–70
Other: Gypsum wallboard	ASTM C36
Fasteners:	
Nails, brads, staples and spikes, wire, cut and wrought	F.S.FF–N–1 5b
Pneumatic and mechanically driven building construction fasteners.	I–SANTA–19–73
Windows and glazing: Transparent safety glazing material used in buildings.	ANSI Z97.1–1972
Unclassified: Building code requirements for minimum design loads in buildings and other structures.	ANSI A58.1–1972

(c) Wood products shall be identified as complying with the appropriate standards."

§ 280.305 Structural design requirements.

(a) Each mobile home shall be designed and constructed as a completely integrated structure capable of sustaining the design load requirements of this standard and shall be capable of transmitting these loads to stabilizing devices without exceeding the allowable loads stresses or deflections. Roof framing shall be securely fastened to wall framing, walls to floor structure, and floor structure to chassis to secure and maintain continuity between the floor and chassis, so as to resist wind overturning and sliding as imposed by design loads in this Part. Uncompressed finished flooring greater than ⅛ inch in thickness, shall not extend beneath load bearing walls which are fastened to the floor structure.

(b) *Design Loads.* (1) *Design dead loads.* Design dead loads shall be the actual dead load supported by the structural assembly under consideration. (2) *Design live loads.* The design live loads and wind and snow loads shall be as specified in this Section and shall be considered to be uniformly distributed. The roof live load or snow load shall not be considered as acting simultaneously with the wind load and the roof live or snow load and floor live loads shall not be considered as resisting the overturning moment due to wind. (3) When engineering calulations are performed, allowable unit stresses may be increased as provided in the documents referenced in § 280.304 except as shown otherwise in § 280.306(a).

(c) *Wind, Snow and Roof Loads.* (1) *Standard Wind (Zone I).* When a mobile home is not designated as "Hurricane-Resistive," the mobile home and each wind resisting part and portion thereof shall be designed for horizontal wind loads not less than 15 psf and a net uplift load of not less than 9 psf.

(2) *Hurricane Resistive (Zone II).* (i) When a mobile home is designated as "Hurricane Resistive," the home and each wind resisting part and portion thereof shall be designed for horizontal wind loads not less than 25 psf and a net uplift not less than 15 psf. (ii) For exposures in coastal and other areas where wind records indicate significant differences, 125 mph or greater, from the wind loads stated above, the Department may establish more stringent requirements for homes known to be destined for such areas.

(3) *Roof Loads.* (i) Flat, curved and pitched roofs shall be designed to resist the following live loads, applied downward on the horizontal projection as appropriate for the design zone marked on the mobile home:

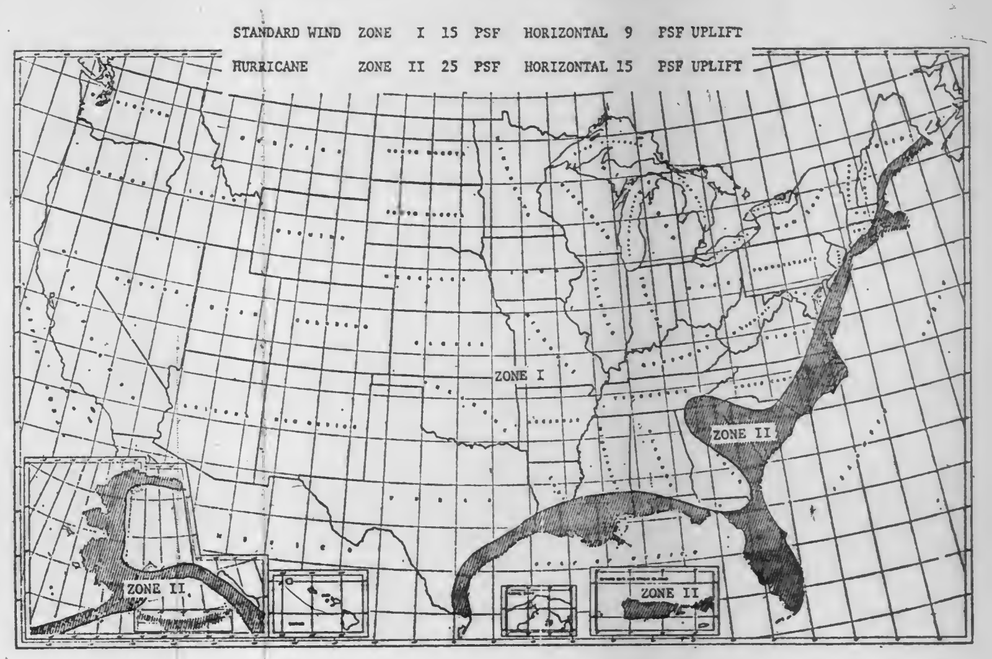
	Pounds per square foot
North Zone	40
Middle Zone	30
South Zone	20

(ii) For exposures in areas (mountainous or other) where snow or wind records or experience indicate significant differences from the loads stated above, the Department may establish more stringent requirements for homes known to be destined for sluch areas. For snow lands, such requirements are to be based on a roof snow load of 0.6 of the ground snow load for areas exposed to wind and a roof snow load of 0.8 of the ground snow load for sheltered areas.

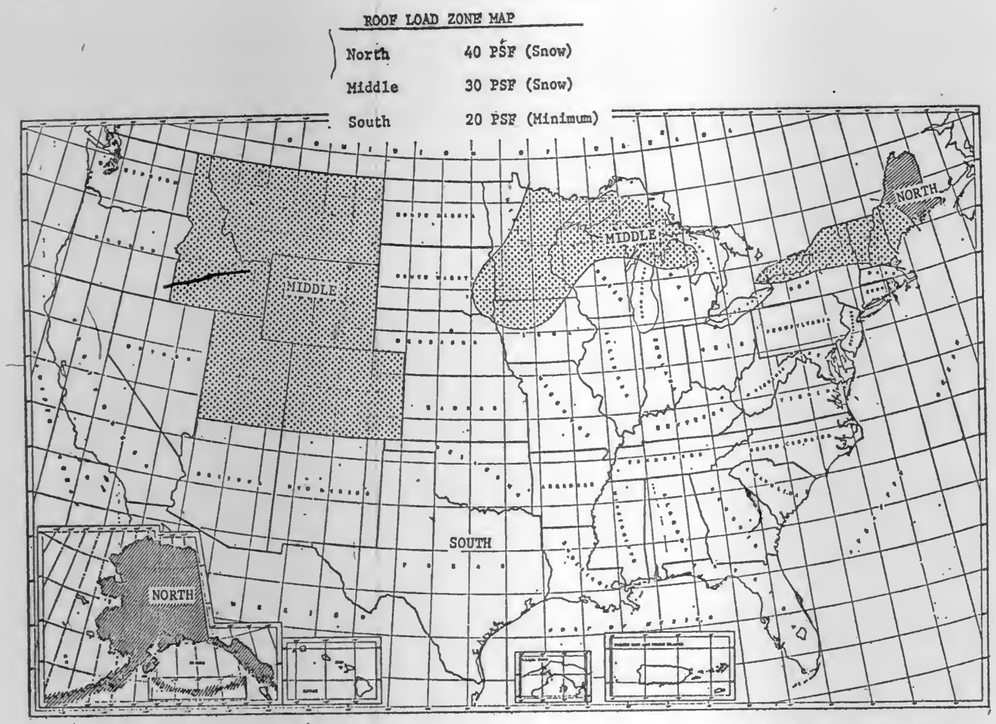
(iii) Eaves and cornices shall be designed for a net uplift pressure of 2.5 times the design uplift wind pressure cited in § 280.305(c) (1) and (2).

(4) The Data Plate posted in the mobile home (See § 280.5) shall show for which structural zone(s) of the USA the mobile home has been designed and the actual design external snow and/or wind live loads. The Data plate shall include reproduction of the Load Zone Maps shown in this Section and related information. The Load Zone Maps shall be not less than one-half the size illustrated.

WIND ZONE MAP



V40244 DEC 18 75 XUM



(d) *Design Load Deflection.* When a structural assembly is subjected to total design live loads, the deflection for structural framing members shall not exceed the following:

Floor	L/240
Roof and ceiling	L/180
Headers, beams, and girders (vertical load)	L/180
Walls and partitions	L/180

Where L equals the clear span between supports or two times the length of a cantilever.

(e) *Fastening of Structural Systems.* Roof framing shall be securely fastened to wall framing, walls to floor structure, and floor structure to chassis to secure and maintain continuity between the floor and chassis, so as to resist wind overturning and sliding as imposed by design loads in this Part.

(f) *Walls.* The walls shall be of sufficient strength to withstand the load requirements as defined in § 280.305(c) of this part, without exceeding the deflections as specified in § 280.305(d). The connections between the bearing walls, floor, and roof framework members shall be fabricated in such a manner as to provide support for the material used to enclose the mobile home and to provide for transfer of all lateral and vertical loads to the floor and chassis.

(1) Except where substantiated by engineering analysis or tests, studs shall not be notched or drilled in the middle one-third of their length.

(2) Interior walls and partitions shall be constructed with structural capacity adequate for the intended purpose and shall be capable of resisting a horizontal load of not less than five pounds per square foot. Finish of walls and partitions shall be securely fastened to wall framing.

(g) *Floors.* (1) Floor assemblies shall be designed in accordance with accepted engineering practice standards to support a minimum uniform live load of 40 lb/ft² plus the dead load of the materials. In addition (but not simultaneously), floors shall be able to support a 200-pound concentrated load on a one-inch diameter disc at the most critical location with a maximum deflection not to exceed one-eighth inch relative to floor framing. Perimeter wood joists of more than six inches depth shall be stabilized against overturning from superimposed loads as follows: at ends by solid blocking not less than two-inch thickness by full depth of joist, or by connecting to a continuous header not less than two-inch thickness and not less than the depth of the joist with connecting devices; at eight-feet maximum intermediate spacing by solid blocking or by wood cross-bridging of not less than one inch by three inches, metal cross-bridging of equal strength, or by other approved methods.

(2) Wood, wood fibre or plywood floors or subfloors in kitchens, bathrooms (including toilet compartments), laundry rooms, water heater compartments, and any other areas subject to excessive moisture shall be moisture resistant or shall be made moisture resistant by sealing or by an overlay of nonabsorbent material applied with water-resistant adhesive. Carpets and/or carpet pads shall not be installed in concealed spaces subject to excessive moisture such as plumbing fixture spaces.

(3) Except where substantiated by engineering analysis or tests:

(i) Notches on the ends of joists shall not exceed one-fourth the joist depth.

(ii) Holes bored in joists shall not be within 2 inches of the top or bottom of the joist, and the diameter of any such hole shall not exceed one-third the depth of the joist.

(iii) Notches in the top or bottom of the joists shall not exceed one-sixth the depth and shall not be located in the middle third of the span.

(4) Bottom board material (with or without patches) shall meet or exceed the level of 48 inch-pounds of puncture resistance as tested by the Beach Puncture Test in accordance with ASTM D-781-68. The material shall be suitable for patches and the patch life shall be equivalent to the material life. Patch installation instruction shall be included in the mobile home manufacturer's instructions.

(h) *Roofs.* (1) Roofs shall be of sufficient strength to withstand the load requirements as defined in § 280.305 (b) and (c) without exceeding the deflections specified in § 280.305(d). The connections between roof framework members and bearing walls shall be fabricated in such a manner to provide for the transfer of design vertical and horizontal loads to the bearing walls and to resist uplift forces.

(2) Roofing membranes shall be of sufficient rigidity to prevent deflection which would permit ponding of water or separation of seams due to wind, snow, ice, erection or transportation forces.

(3) Cutting of roof framework members for passage of electrical, plumbing or mechanical systems shall not be allowed except where substantiated by engineering analysis.

(4) All roof penetrations for electrical, plumbing or mechanical systems shall be properly flashed and sealed. In addition, where a metal roof membrane is penetrated, a wood backer shall be installed. The backer plate shall be not less than 5/16 inch plywood, with exterior glues, secured to the roof framing system beneath the metal roof, and shall be of a size to assure that all screws securing the flashing are held by the backer plate.

§ 280.306 Windstorm protection.

(a) *Provisions for support and anchoring systems.* Each mobile home shall have provisions for support and anchoring systems, which, when properly designed and installed, will resist overturning and lateral movement (sliding) of the mobile home as imposed by the respective design loads. The design wind loads to be utilized for calculating resistance to overturning and lateral movement shall be the wind loads indicated in § 280.305(c) (1) and (2) increased by a factor of safety of 1.5. The basic allowable stresses of materials required to resist overturning and lateral movement shall not be increased in the design and proportioning of these members.

(1) The provisions of this section shall be followed and the support and anchoring systems shall be designed by a Registered Professional Engineer or Architect.

(2) The manufacturer of each mobile home is required to make provision for the support and anchoring systems but is not required to provide the anchoring equipment or stabilizing devices. When the manufacturer's installation instructions provide for the main frame structure to be used as the points for connection of diagonal ties, no specific connecting devices need be provided on the main frame structure.

(b) The manufacturer shall provide printed instructions with each mobile home specifying the location and required capacity of stabilizing devices on which the design is based. The manufacturer shall provide drawings and specifications certified by a registered professional engineer indicating at least one acceptable system of anchorage including the details of required straps or cables, their end connections and all other devices needed to transfer the wind loads from the mobile home to the ground anchors.

(c) The provisions made for anchoring systems shall be based on the following design criteria for mobile homes.

(1) The minimum number of ties required per side shall be as required to resist the design loads stated in § 280.305 (c) (1) and (2).

(2) Ties shall be as evenly spaced as practicable along the length of the mobile home with not more than 8 feet open-end spacing on each end.

(3) When continuous straps are provided as vertical ties, such ties shall be positioned at rafters and studs. Where a vertical tie and diagonal tie are located at the same place, both ties may be connected to a single ground anchor, provided that the anchor used is capable of carrying both loadings.

(4) Add-on sections of expandable mobile homes shall have provisions for vertical ties at the exposed ends.

(d) Double-wide mobile homes require only diagonal ties. These shall be placed along the main frame and below the outer side walls.

(e) Protection shall be provided at sharp corners where the anchoring system requires the use of external cables or straps. Protection shall also be provided to minimize damage to roofing or sliding by the cable or strap.

(f) Anchoring equipment shall be capable of resisting an allowable working load equal to or exceeding 3,150 pounds and shall be capable of withstanding a 50 percent overload (4,725 pounds total) without failure of either the anchoring equipment or the attachment point on the mobile home.

(g) Anchoring equipment exposed to weathering shall have a resistance to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 ounces per square foot of surface coated.

(1) Slit or cut edges of zinc-coated steel strapping do not need to be zinc coated.

(2) Type 1, Finish B, Grade 1 steel strapping, 1¼ inches wide and 0.035 inch thick, conforming with Federal Specification QQ-S-781-H, is judged to conform with the provisions of this section and paragraph (f) above.

§ 280.307 Resistance to elements and use.

(a) Exterior coverings shall be of moisture and weather resistive materials attached with corrosion resistant fasteners to resist wind, snow and rain. Metal coverings and exposed metal structural members shall be of corrosion resistant materials or shall be protected to resist corrosion. All joints between portions of the exterior covering shall be designed, and assembled to protect against the infiltration of air and water, except for any designed ventilation of wall or roof cavity.

(b) Joints between dissimilar materials and joints between exterior coverings and frames of openings shall be protected with a compatible sealant suitable to resist infiltration of air or water.

(c) Where adjoining materials or assemblies of materials are of such nature that separation can occur due to expansion, contraction, wind loads or other loads induced by erection or transportation, sealants shall be of a type that maintains protection against infiltration or penetration by air, moisture or vermin.

(d) Exterior surfaces shall be sealed to resist the entrance of rodents.

Subpart E—Testing

§ 280.401 Structural load tests.

Every structural assembly tested shall be capable of meeting the Proof Load Test or the Ultimate Load Test as follows:

(a) *Proof load tests.* Every structural assembly tested shall be capable of sustaining its dead load plus superimposed live loads equal to 1.75 times the required live loads for a period of 12 hours without failure. Tests shall be conducted with loads applied and deflections recorded in ¼ design live load increments at 10-minute intervals until 1.25 times design live load plus dead load has been reached. Additional load shall then be applied continuously until 1.75 times design live load plus dead load has been reached. Assembly failure shall be considered as design live load deflection (or residual deflection measured 12 hours after live load removal) which is greater than the limits set in § 280.305(d), rupture, fracture, or excessive yielding. An assembly to be tested shall be of the minimum quality of materials and workmanship of the production. Each test assembly, component or subassembly shall be identified as to type and quality or grade of material. All assemblies, components or subassemblies qualifying under this section shall be subject to a continuing qualification testing program acceptable to the Department.

(b) *Ultimate load tests.* Ultimate load tests shall be performed on a minimum of three assemblies to generally evaluate the structural design. Every structural assembly tested shall be capable of sustaining its total dead load plus live loads increased by a factor of safety consistent with the material being tested. Factors of safety shall be based on nationally recognized standards and approved by the Department. Tests shall be conducted with loads applied and deflections recorded in ¼ design live load increments at 10-minute intervals until 1.25 times design live load plus dead load has been reached. Additional loading shall then be applied continu-

V40244 DEC 18 75 XUM

ously until failure occurs or 1.50 times the factor of safety times the design live load plus the dead load is reached. Assembly failure shall be considered as design live load deflection greater than the limits set in § 208.305(d) rupture, fracture, or excessive yielding. Assemblies to be tested shall be representative of average quality or materials and workmanship of the production. Each test assembly, component, or subassembly shall be identified as to type and quality or grade of material. All assemblies, components, or subassemblies qualifying under this section shall be subject to a periodic qualification testing program acceptable to the Department.

§ 280.402 Test procedure for roof trusses.

(a) *Roof load tests.* The following is an acceptable test procedure, consistent with the provisions of § 280.401, for roof trusses that are supported at the ends and support design loads. Where roof trusses act as support for other members, act as cantilevers, or support concentrated loads, they shall be tested accordingly.

(b) *General.* Trusses may be tested in pairs or singly in a suitable test facility. When tested singly, simulated lateral support of the test assembly may be provided, but in no case shall this lateral support exceed that which is specified for the completed mobile home. When tested in pairs, the trusses shall be spaced at the design spacing and shall be mounted on solid support accurately positioned to give the required clear span distance (L) as specified in the design. The top and bottom chords shall be braced and covered with the material, with connections or method of attachment, as specified by the completed mobile home.

(1) As an alternate test procedure, the top chord may be sheathed with ¼ inch by 12 inch plywood strips. The plywood strips shall be at least long enough to cover the top chords of the trusses at the designated design truss spacing. Adjacent plywood strips must be separated by at least ⅛ inch. The plywood strip shall be nailed with 4d nails or equivalent staples not closer than 8 inches on center along the top chord of one truss only. The bottom chords of the adjacent trusses may be either: (i) Unbraced, (ii) laterally braced together (not cross braced) with 1" x 2" stripping not closer than 24 inches on center nailed with only one 6d nail at each truss, or (iii) covered with the material, with connections or methods of attachment, as specified for the completed mobile home.

(2) Truss deflections will be measured relative to a taut wire running over the support and weighted at the end to insure constant tension or other approved methods. Deflections will be measured at the two quarter points and at midspan. Loading shall be applied to the top chord through a suitable hydraulic, pneumatic, or mechanical system, masonry units, or weights to simulate design loads. Load units for uniformly distributed loads shall be separated so that arch action does not occur, and shall be spaced not greater than 12 inches on center so as to simulate uniform loading.

(c) *Nondestructive test procedure*—(1) *Dead load plus live load.* (i) Noting figure A, measure and record initial elevation of the truss in test position at no load. (ii) Apply load units to the top chord of the truss equal to the full dead load of roof and ceiling. Measure and record deflections. (iii) Maintaining the dead load, add live load in approximate ¼ design live load increments. Measure the deflections after each loading increment. Apply incremental loads at a uniform rate such that approximately one-half hour is required to establish the total design load condition. Measure and record the deflections five minutes after loads have been applied. The maximum deflection due to design live load (deflection measured in step (iii) minus step (ii)) shall not exceed L/180, where L is a clear span measured in the same units. (iv) Continue to load truss to dead load plus 1.75 times the design live load. Maintain this loading for 12 hours and inspect the truss for failure. (v) Remove the total superimposed live load. Trusses not recovering to at least the L/180 position within 12 hours shall be considered as failing.

(2) *Uplift loads.* This test shall only be required for truss designs which may be critical under uplift load conditions. (i) Measure and record initial elevation of the truss in an inverted test position at no load. Bottom chord of the truss shall be mounted in the horizontal position. (ii) Apply the uplift load as stated in § 280.305(c) to the bottom chord of the truss. Measure and record the deflections 5 minutes after the load has been applied. (iii) Continue to load the truss to 1.75 times the design uplift load. Maintain this load for 3 hours and inspect the truss for failure. (iv) Remove applied loads and within three hours the truss must recover to at least L/180 position, where L is a clear span measured in the same units.

(d) *Destructive test procedure.* (1) Destructive tests shall be performed on three trusses to generally evaluate the truss design. (2) Noting figure A–1, apply the load units to the top chord of the truss assembly equal to full dead load of roof and ceiling. Measure and record deflections. Then apply load and record deflections in ¼ design live load increments at 10-minute intervals until 1.25 times design live load plus dead load has been reached. (3) Additional loading shall then be applied continuously until failure occurs or the factor of safety times the design live load plus the dead load is reached. (4) Assembly failure shall be considered as design live load deflection greater than the limits set in § 280.305(d), rupture, fracture, or excessive yielding. (5) The assembly shall be capable of sustaining the dead load plus the applicable factor of safety times the design live load (the applicable factor of safety for wood trusses shall be taken as 2.50).

(e) Trusses qualifying under the nondestructive test procedure, Tests §§ 208.402(c) (1) and (2) (when required), shall be subject to a continuing qualification testing program acceptable to the Department. Trusses qualifying under the destructive test procedures, Tests § 280.402 (c)(2) (when required), and (d), shall be subject to periodic tests only.

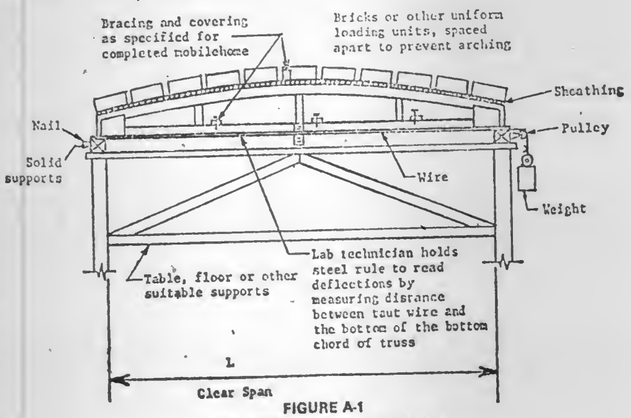


FIGURE A-1
Test Procedure for Roof Trusses

§ 280.403 Standard for windows and sliding glass doors used in mobile homes.

(a) *Scope.* This section sets the requirements for prime windows and sliding glass doors used in mobile homes except for windows used in entry doors. Windows so mounted are components of the door and thus are excluded from this standard.

(b) *Materials and methods.* Any material or method of construction, whether or not provided for in this standard, and any material or method of questioned suitability, proposed for use in manufacture, shall nevertheless conform in performance as outlined in paragraph (c) of this Section and proof of capability of structural integrity shall be presented. If applicable, units shall comply with the following:

(1) *Wood and wood based products.* (i) *Wood.* Wood parts including plywood and particleboard parts of window units shall have a moisture content of 6 to 12 percent at the time of fabrication. Wood parts, except inside stops and trim shall be manufactured utilizing wet-use adhesive requirements as defined in ASTM D–3110 and preservative treated in accordance with NWMA IS–4. (ii) *Plywood.* Plywood parts except for inside stops and trim shall be exterior type plywood and preservative treated in accordance with NWMA IS–4. (iii) *Particleboard.* Particleboard parts except for inside stops and trim shall be type-2 particleboard and preservative treated in accordance with NWMA IS–4.

(2) *Aluminum.* (i) *Alloys.* Aluminum shall be of a commercial quality and of proper alloy for window construction, free from defects impairing strength and/or durability, as follows:

Wrought aluminum alloys shall be those in which the alloying elements do not exceed the following maximum limits:

	Percent
Silicone	7.0
Magnesium Manganese Chromium	6.0
Iron	1.0
Copper	.4
Zinc	1.0
Other	.5
Aluminum	Balance

These limits apply to both bare products and to the core clad products. The cladding of clad products shall be within the same limits except that the maximum zinc limit may be 3.0 percent in order to assure that the cladding is anodic to the core. Where aluminum extrusions are used for the main frame and sash or ventilator sections, they shall have a minimum ultimate tensile strength of 22,000 psi and a yield of 16,000 psi.

(ii) *Finish.* The exposed surface of all aluminum members shall be clean and free from serious surface blemishes. If exposed welded joints are used, they shall be dressed and finished.

(3) *Glass.* (i) Safety glazing materials, where used, shall meet ANSI Z97.1–1972. Tempered glass, where used, shall also meet FS DD–G–1403A. (ii) Insulated glass, when used, shall meet or exceed the requirements of Sealed Insulating Glass Manufacturers Association (SIGMA) and shall be permanently identified with the name of the insulating glass manufacturer. (iii) Glass tolerances and areas shall meet or exceed the values shown in the Glass Table below.

Glass dimensional tolerances and maximum allowable areas [b]—sheet glass

Nominal thickness (inches)	Minimum thickness (inches)	Maximum area [b] (square feet) at 15 lb/ft²	Maximum area [b] (square feet) at 25 lb/ft²
1S or	0.078	11	10
SS	.085	13	11
2¼ oz	.106	18	14
DS	.115	20	15
3/16	.182	40	30
7/32	.206	58	37
¼	.236	72	48

[a] For other types of glass see Federal Specification DD–G–451c, dated Jan. 15, 1968.
[b] Maximum areas shown are based on minimum glass thicknesses set forth. Maximum areas shown apply for rectangular lites of annealed glass firmly supported on all 4 sides in a vertical position.

Tabulated areas may be increased as noted for use of tempered, heat strengthened or sealed insulating glass and shall be decreased as noted for use of sandblasted, wire or laminated glass. Glass louvers installed in jalousies shall be not less than 7/32" thick nor longer than 36" and exposed edges shall be seamed, ground or polished.

ADJUSTMENT FACTORS
RELATIVE RESISTANCE TO WIND LOADS [1]

Glass type:	Approximate relationship
Regular plate	1.0
Laminated	0.6
Wire	0.5
Heat strengthened	2.0
Fully tempered	4.0
Factory fabricated insulating glass [2]	1.5
Rough rolled or patterned surface	1.0
Sand blasted annealed glass	0.4

[1] To determine the maximum allowable area for the glass types listed multiply the allowable area established by the appropriate adjustment factor.
[2] Use thickness of thinner of the two lights, not thickness of unit.

(4) *Glazing.* Any method of glazing conforming to the Performance Requirements (paragraph c of this section) and Material and Methods Requirements (paragraph b of this section) shall be acceptable.

(5) *Hardware and Fasteners.* All hardware components and fasteners when considered as individual components, whether commercially available, or proprietary, must be capable of performing to the criteria stipulated in Performance Requirements, paragraph (c) of this section.

(c) *Performance Requirements.* Test procedures as outlined in pargaraphs (c) (1) thru (4) of this section are applicable to preproduction prototype units of prime windows and sliding glass doors. Production line units shall be equivalent in design and materials to the tested and passed prototype units and shall also meet the requirements of 280.403(c)(5).

(1) *Size of test specimen.* Production line units shall have width and height dimensions equal to or less than the corresponding dimensions of the prototype unit tested and passed. No inference of compliance to these requirements is to be made for products exceeding the size of the tested and passed prototype.

(2) *Structural performance test*—(i) *Zone I.* There shall be no glass breakage, permanent deflection or any other condition which would cause the specimen to be inoperable after being subjected to an exterior pressure, 15 pounds per square foot. The test method applicable to this requirement shall be ASTM E–330. (ii) *Zone II.* There shall be no glass breakage, permanent deflection or any other condition which would cause the specimen to be inoperable after being subjected to exterior pressure of 25 pounds per square foot. The test method applicable to this requirement shall be ASTM E–330. (iii) *Interior pressure.* There shall be no glass breakage, permanent deflection or any other condition which would cause the specimen to be inoperable after being subjected to an interior pressure equal to ½ the requirements in either paragraphs (c)(2)(i) or (c)(2)(ii). The test method applicable to this requirement shall be ASTM E–330 except that no artificial means of containing pressure shall be allowed. Should pressure not be obtainable due to lack of air the testing agency will report the pressure achieved, the theoretical air flow supplied to the unit, and certify that no additional flow from the equipment in use was available. Laboratory equipment used for this test must be capable of developing 10 x air flow determined in § 280.403(c)(3).

(3) *Air infiltration test.* Air infiltration shall not exceed 0.50 CFM per square foot of window area when tested in accordance with ASTM E–283 at an exterior pressure differential of 1.567 pounds per square foot (0.30" of water pressure).

(4) *Water resistance test.* No leakage shall pass the interior face of the test specimen at a test pressure of 2.86 psf (0.55" water pressure) when tested in accordance with ASTM E–547 with a test period consisting of four cycles, each cycle consisting of five minutes with pressure released, during which the water spray will be continuously applied. (i) For the purpose of compliance with paragraph (c)(4), all units which may have exterior screens, shall be tested first with screens in place and thereafter with screens removed. (ii) For the purpose of compliance with paragraph (c)(4), penetration, as referenced in ASTM E–331–70, paragraph 4.3, shall not include drops passing the interior face by energy developed in the bursting of sill drain system bubbles created by a pressure differential applied to the exterior face of the specimen.

(5) *Production Line Units.* Production line units of prime windows and sliding glass doors shall comply with: (i) The structural performance test to the zone limit certified in paragraph (c)(2) of this section and; (ii) the air infiltration test in paragraph (c)(3) of this section and; (iii) the water resistance test in paragraph (c)(4) of this section except that the test pressure shall be 1.56

V 40244 DEC 18 75 XUM

psf (0.30" water column) and the water application rate shall be 2.5 GPH, per square foot of window surface area, all other parameters being the same as set forth in paragraph (c) (4) of this section.

(d) *Test sequence.* The sequence of tests shall be performed as they are listed above except that Structural Performance Test to Zone I (15 PSF) exterior pressure may be followed by Zone I interior pressure (7.5 PSF), which may be followed by the Air Infiltration Test, which may be followed by the Water Resistance Test, which may be followed by the Structural Performance Test to Zone II and (25 PSF) exterior pressure, which may be followed by the Zone II and interior pressures (12.5 PSF), which may be followed by the Air Infiltration Test, which may be followed by the Water Resistance Test. The Air Infiltration Test may be performed after the Water Resistance Test providing all sealed areas are thoroughly dried.

(e) *Screens.* (1) Screen, when specified, shall be provided with fastening devices, suited particularly for application to the specific window for which they are intended, and be of sufficient strength to perform satisfactorily.

(2) Insect screening shall be of a material compatible with aluminum and shall meet CS 138–55, "Insect Wire Screening," FS RR–W–365, "Screening, Wire, Insect," CS 248–64, "Vinyl Coated Glass Fibre Insect Screening and Louver Cloth," or FS L–S–125a "Screening, Non Metallic Insect."

(f) *Assembly.* Windows shall be assembled in a secure and workmanlike manner to perform as hereinafter specified and to assure neat and weather tight construction. A permanent-type watertight joint shall be made at the junction of the sill and side frame members.

(g) *Shipping.* Units may be shipped either as a subassembly unit or as a completely assembled unit but not as a KD or open unit. A KD unit is a unit that is complete in its entirety with the exception of glass, glazing material, or screen, which is shipped in a disassembled condition and later assembled and glazed according to the instructions of the manufacturer and utilizing all of the components supplied or specified by the manufacturer.

(1) An open unit is a unit that is complete in its entirety with the exception of glass, glazing materials, or screen, which is shipped in an assembled condition and later glazed according to the instruction of the manufacturer, utilizing all of the components supplied by the manufacturer.

(2) A subassembly unit is a unit that is complete in its entirety including the glazing of glass or other glazing panels into their respective fixed or moving sash frames, which is shipped with such glazed panels separate from each other or from any master frame, which master frame may be either disassembled or assembled. The connection of such master frame to glazed, fixed, or moving panels is to take place later according to the instructions of the manufacturer utilizing all of the components supplied by the manufacturer.

(3) A completely assembled unit is one that is complete in its entirety and is shipped with all parts and subassemblies in complete connection with each other and no separate pieces.

(h) *Permanent identification.* (1) As identification, each unit shall bear a certification label containing a code number traceable to the manufacturer through the certifying agency or the name of the manufacturer or brand name together with the city and state location of the manufacturer or main office of the manufacturer.

(2) The label shall be of a permanent-type designed to discourage easy removal, shall be legible and shall remain legible under normal operating conditions for a period of not less than five years from date of product installation.

(3) Acceptable means of identification are, but are not limited to, the following: Embosed, stamped, cast or molded characters becoming an integral part of the material on which they are located; flexible color-fast and durable labels, decals, stickers, etc., affixed with a permanent-type adhesive; or rigid metal or plastic name plates affixed mechanically or with a permanent-type adhesive.

(4) Location of the label shall be such that it is accessible for normal direct viewing purposes from the interior side of the product, after the unit is installed, without the necessity of product disassembly. Identification located only on the glass or screen shall not be acceptable.

(i) *Certification.* The manufacturer shall show evidence of continued compliance by affixing a quality certification label to the product in accordance with ANSI Z34.1, "American National Standard Practice for Certification Procedures." In determining certifiability under this section, compliance shall consist of preproduction specimen testing in accordance with each and every requirement of this section followed by an in-plant inspection and production unit testing system consisting of a minimum of two such inspections per year by an independent quality assurance agency.

§ 280.404 Standard for egress windows for use in mobile homes.

(a) *Scope and purpose.* The purpose of this section is to establish the requirements for the design, construction, and installation of windows and approved devices intended to be used as an emergency exit during conditions encountered in a fire or similar disaster.

(b) *Requirements*—(1) *Installation.* Window manufacturers shall provide the home manufacturer with written installation instructions.

(2) *Performance.* The egress window including auxiliary frame and seals, if any, shall meet the requirements of § 280.403 "Standard for Windows and Sliding Glass Doors Used in Mobile Homes."

(3) *Dimensions.* (i) All egress windows shall have a minimum clear dimension of 22 inches when determined in accordance with Test A paragraph (d) (1) of this section. (ii) All egress windows shall have a minimum clear opening of 5 square feet when determined in accordance with Test B, paragraph (d) (2) of this section.

(4) *Operational.* (i) Operating instructions shall be applied to each egress window and carry the legend "Do Not Remove." In addition, the instructions should include a reminder to remove all shipping clips on screens, storm windows, and other appurtenances for exiting purposes. (ii) The number of locks and latches shall not exceed 2, not including the 4 appurtenance attachment mechanisms permitted by paragraph (c) (2) (i) of this section. (iii) Locks, latches, lifting and sliding operational forces shall not exceed a force of 20 pounds when tested in accordance with Test C, paragraph (d) (3) of this section. (iv) Any handle or latch required to operate the emergency egress provisions of the window shall be attached in the factory by either a permanent method or a mechanical method which requires a tool not commonly available in the home, unless removal of the latch or handle will in no way limit the effectiveness of the egress provision. (v) Any window whose egress provisions are dependent on the operation of a rotary operator is unacceptable.

Example: Awning windows utilizing a single vent for egress and requiring a rotary operator for activation is unacceptable, whereas an awning window set in a separate frame whose activation requires only a 180° twist of the lock to allow egress is acceptable even though a rotary operator is present for normal operation.

(c) *Appurtenances.* (1) The addition or inclusion of screens, storm windows, or other appurtenances shall not encroach upon the dimensional requirements set forth in paragraph (b) (3).

(2) Any mechanism used to attach an appurtenance such as a screen or storm window to the window shall meet the following requirements unless the appurtenance meets the requirements of paragraph (c) (3): (i) The number of mechanisms shall not exceed 4 and; (ii) The operating force of the mechanisms shall not exceed 5 pounds tested in accordance with Test D paragraph (d) (4) and; (iii) The mechanisms shall be designed so that that cannot be misapplied utilizing normal household tools such as screwdrivers, pliers and wrenches exceeding the aforementioned forces; and (iv) The surface to which the operating force is applied shall have a minimum cross-sectional area of 0.25 square inches.

(3) If an appurtenance such as a screen or storm window is attached to the window in such a manner that it need not be removed or disengaged in any way in order to effect a fully opened exit, the requirements of paragraph (c) (2) need not be met.

(4) The operating instructions detailed in paragraph (b) (4) (i) shall include instructions on the required removal and replacement of any screen and/or storm sash appurtenance.

(d) *Test methods*—(1) *Test Method A—Minimum Dimensions.* The minimum dimension of 22 in. required by paragraph (b) (3) (i) shall be tested as follows: When the window is in the final position for egress, a 22 in. dowel shall

be passed through the opening at the point of its least dimension while contacting only one point of the window frame, at either the horizontal or vertical orientation of the dowel. (i) Example: In a horizontally opening window (sliding or rolling), the minimum dimension requirement may be met as follows: When the window is in the final position for egress, place one end of the dowel perpendicularly against the portion of the main frame side (bottom) projecting furthest towards the center of the opening, and pass the dowel through the opening in a horizontal (vertical) plane without touching any portion of the device except the main frame side (bottom) on which it is pivoted. (ii) Example: Any type of window may be mounted in a side, bottom, or top hinged or pop-out egress frame which in the fully opened position meets the minimum dimension and area requirements.

(2) *Test Method B—Minimum Area.* The minimum area requirement of 5 square feet contained in paragraph (b) (3) (ii) shall be determined by multiplying the minimum dimension (which may exceed 22 in.) by the clear dimension measured perpendicularly to the minimum dimension and in the plane of the window main frame. (i) Example: In a vertically operating window whose minimum dimension is from the main frame bottom to that portion of the operating vent projecting furthest toward the horizontal center line of the egress opening when in the fully opened position, the minimum area shall be determined by multiplying the minimum dimension by the inside side-to-side dimension.

(3) *Test Method C—Operating Forces.* (i) For horizontal or vertical moving windows, a force gage shall be attached to the manual pull bar at its centerpoint. After opening the latch or lock, a force not to exceed 20 pounds shall be exerted in a direct pull parallel to the window in order to obtain movement in the opening direction. The window shall be in the closed and latched position prior to the test and shall have been subjected to 5 opening and closing cycles prior to the test. (ii) Locks and latches shall be tested as noted in section (d) (3) (i) except that the force gage shall be located in the center of the latch or lock handle.

(4) *Test Method D—Mechanical Device Operating Force (Appurtances).* (i) A force gage of sufficient capacity using a point contact and having the ability to retain the maximum reading (Chatillon DPP–50 or similar) shall be used. The force gage point shall be applied to the mechanism at the center of the normal force application area and sufficient force applied to disengage the appurtenance. The maximum reading shall be retained by the force gage and may be read directly.

(e) *Test Report.* (1) The test report shall include all requirements of this standard listed in their order shown in this standard. Where certain provisions of the standard do not apply, the notation "N.A." (Not applicable) shall so denote these items. Where certain appurtenances are not supplied; such as storm windows or screen, the notation "N.S." (Not supplied) shall so denote those items.

(2) The test report shall be complete with manufacturers assembly drawing, extrusion drawings, parts list, weatherstrip description, glazing method description including backbedding and glazing method, installation and operating instructions. Where the unit tested is not in its actual installation, a clause stating the following shall be included in the test report: "This unit tested as submitted. Actual installation must be in accordance with the instructions included with this report or this report is not valid."

(3) The test report on all units submitted for test not having appurtenances listed in paragraph (c) shall include a statement as follows: "This unit tested without storm windows (or screen). The installation of these items with this product invalidates this test report."

(4) For any test on component parts, such as balances, friction positioners, etc., certification by an independent testing agency shall be acceptable for evidence of compliance. If such certification is used, the test report shall so state, and give the name of the agency.

(5) Test reports used to demonstrate compliance with this standard to any governmental body shall be made available to the public upon request.

§ 280.405 Standard for swinging exterior passage doors for use in mobile homes.

(a) *Introduction.* This standard applies to all exterior passage door units, excluding sliding doors and doors used for access to utilities and compartments. This standard applies only to the door frame consisting of jambs, head and sill and the attached door or doors.

(b) *Purpose.* It is the purpose of this standard to establish the requirements for exterior passage door units irrespective of the type of material used in the manufacture of these products.

(c) *General requirements and materials of construction.* (1) The design and construction of the exterior passage door units shall conform with the provisions of this standard. Requirements for any size, weight, or quality of material modified by the terms of "minimum," "not less than," "at least," and similar expressions are minimum standards. The manufacturer may exceed these standards provided such deviation does not result in an inferior product or defeat the purpose and intent of this standard. Units may be shipped as a completely assembled unit, but not as KD or open unit. A KD unit is a unit that is complete in its entirety, which is shipped in a dissassembled condition and later assembled and glazed according to the instructions of the manufacturer. An open unit is a unit that is complete in its entirety with the exception of a window insert, which is shipped in an assembled condition and later glazed according to the instructions of the manufacturer. A completely assembled unit is one that is complete in its entirety and is shipped with all parts and subassemblies in complete connection with each other and no separate pieces, except for: Lock-knobs only and keys, door chain and attachments, storm door latch, chain and attachments, threshold extension, screw cover, drip cap.

(2) *Workmanship.* All construction methods, materials and workmanship shall be in conformance with accepted engineering practices to insure durable, livable, and safe housing.

(d) *Materials and methods.* Any material or method of construction, whether or not provided for in this standard, and any material or method of questioned suitability, proposed for use in manufacture, shall nevertheless conform in performance as outlined in paragraph (e) of this standard and proof of capability of structural integrity shall be presented. If applicable, units shall comply with the following:

(1) *Wood and wood based products*—(i) Wood. Wood door parts shall be manufactured of suitable lumber having a moisture content of 6 to 12 percent at time of fabrication. Wood parts except interior trim shall be manufactured utilizing wet-use adhesive requirements as defined in ASTM D–3110 and Preservative Treated in accordance with NWMA I.S.–4 standard. Doors shall conform to the Type 1 requirements of NWMA I.S. 1–74. (ii) Plywood. Plywood shall be exterior type and preservative treated in accordance with NWMA I.S.–4. (iii) Hardboard parts shall meet or exceed the requirements for ⅛ inch tempered hardboard in accordance with the latest edition of PS 58.

(2) *Hardware and fasteners.* All hardware components and fasteners when considered as individual components, whether commercially available, or proprietary, must be capable of performing to the criteria stipulated in this section and in the Performance Requirements Section, Paragraph (e) of these specifications.

(3) *Glass.* All glazing in doors shall be safety glazing material meeting ANSI Z97.1–72. Glass in jalousies shall also be at least 7/32 in. in thickness and not longer than 36 inches. Exposed edges shall be seamed, ground or polished to prevent injury.

(4) *Weatherstripping.* A tight threshold and weatherstripping to reduce air infiltration and improve water resistance shall be provided capable of conforming to the criteria stipulated in the Performance Requirements Section, Paragraph (e) of this standard.

(e) *Performance requirements*—(1) *Size of test specimen.* All tests shall be performed on exterior passage door units with all operable portions closed and all criteria herein are applicable to exterior passage doors of the largest type that the producer desires to qualify under this specification. No inference of compliance to these requirements is to be made for products exceeding the size of the test specimen submitted. Largest unit size is determined by the maximum width and height dimensions of production units that are equal to or less than correspond-

V 40 244 DEC 18 75 XUM

ing dimensions in that unit tested and passed.

(2) *Structural performance test*—(i) *Wind pressure resistivity.* There shall be no glass breakage or permanent deflection or any other condition which would cause the specimen to be inoperable after being subjected to exterior pressures of 25 pounds per square foot. The test method applicable to this requirement shall be ASTM E–330. (ii) *Interior pressure.* There shall be no glass breakage or permanent deflection or any other condition which would cause the specimen to be inoperable after being subjected to an interior pressure equal to ½ the requirements in paragraph (e) (2) (i). The test method applicable to this requirement shall be ASTM E–330 except that no artificial means of containing pressure shall be allowed. Should pressure not be obtainable due to lack of air, the testing agency will report the pressure achieved, the theoretical air flow supplied to the unit, and certify that no additional flow from the equipment in use was available. Laboratory equipment used for this test must be capable of developing 10 x air flow determined in paragraph (e) (2) (iii) of this specification. (iii) *Air infiltration test.* Air infiltration shall not exceed the limits set forth below when tested in accordance with ASTM E–283 at an exterior pressure differential of 1.56 pounds per square foot (0.300'' water pressure).

1.35 CFM per sq. ft. of door	Jan. 1, 1975.
1.2 CFM per sq. ft. of door	Jan. 1, 1976.
1.0 CFM per sq. ft. of door	Jan. 1, 1977.

(iv) *Water resistance test.* No water shall pass the interior face of the test specimen at a test pressure of 0 psf when tested in accordance with ASTM E–331. (v) The sequence of tests shall be performed as they are listed above. The Air Infiltration Test may be performed after the Water Resistance Test providing all sealed areas are thoroughly dried.

Subpart F—Thermal Protection

§ 280.501 Scope.

This subpart sets forth the requirements for condensation control, air infiltration, thermal insulation and certification for heating and comfort cooling.

§ 280.502 Definitions.

(a) The following definitions are applicable to Subpart F only:

(1) "Pressure Envelope" means that primary air barrier surrounding the living space which serves to limit air leakage. In construction using ventilated cavities, the pressure envelope is the interior skin.

(2) "Thermal Envelope Area" means the sum of the surface areas of outside walls, ceiling and floor, including all openings. The wall area is measured by multiplying outside wall lengths by the inside wall height from floor to ceiling. The floor and ceiling areas are considered as horizontal surfaces using exterior width and length.

§ 280.503 Materials.

Materials used for insulation shall be of proven effectiveness and adequate durability to assure that required design conditions concerning thermal transmission are attained.

§ 280.504 Condensation control (vapor barriers).

(a) *Ceilings.* Ceilings shall have a vapor barrier having a permeance not greater than 1 perm (dry cup method) installed on the living space side of the roof cavity.

(b) Exterior walls. (1) Exterior walls shall have a vapor barrier not greater than 1 perm (dry cup method) installed on the living space side of the wall, or (2) Unventilated wall cavities shall have an external covering and/or sheathing which forms the pressure envelope. The covering and/or sheathing shall have a combined permeance of not less than 5.0 perms. In the absence of test data, combined permeance may be computed using the formula:

$$P_{Total} = \frac{1}{\frac{1}{P_1} + \frac{1}{P_2}}$$

where P_1 and P_2 are the permeance values of the exterior covering and sheathing in perms.

Formed exterior siding applied in sections with joints not caulked or sealed shall not be considered to restrict water vapor transmission, or (3) Wall cavities shall be constructed so that ventilation is provided to dissipate any condensation occurring in these cavities.

§ 280.505 Air infiltration.

(a) *Envelope air infiltration.* The opaque envelope shall be designed and constructed to limit air infiltration to the living area of the home. Any design, material, method or combination thereof which accomplishes this goal may be used. The goal of the infiltration control criteria is to reduce heat loss/heat gain due to infiltration as much as possible without impinging on health and comfort and within the limits of reasonable economics.

(1) *Envelope penetrations.* Plumbing, mechanical and electrical penetrations of the pressure envelope not exempted by this part, and installations of window and door frames shall be constructed or treated to limit air infiltration. Penetrations of the pressure envelope made by electrical equipment, other than distribution panel boards and cable and conduit penetrations, are exempt from this requirement. Cable penetrations through outlet boxes are considered exempt.

(2) *Joints between major envelope elements.* Joints not designed to limit air infiltration between wall-to-wall, wall-to-ceiling and wall-to-floor connections shall be caulked or otherwise sealed. When walls are constructed to form a pressure envelope on the outside of the wall cavity, they are deemed to meet this requirement.

§ 280.506 Heat loss.

The mobile home heat loss/heat gain shall be determined by methods outlined in §§ 280.508 and 280.509. The outdoor winter design temperature zone for which the mobile home is acceptable and the lowest outdoor temperature to which the installed heating equipment will maintain a temperature of 70 F shall be certified as specified in § 280.510 of this subpart.

(a) Transmission Heat Loss Coefficient. The overall coefficient of heat transmission of the mobile home for the respective zones and an indoor design temperature of 70 F, including internal and external ducts, and excluding infiltration ventilation and condensation control, shall not exceed the B.T.U./(hr.) (sq. ft) (F) of the mobile home envelope area as tabulated below

Zone:	*Maximum transmission coefficient*
I	.157 Btu/(hr.) (sq. ft.) (F3
II	.126 Btu/(hr.) (sq. ft.) (F)
III	.104 Btu/(hr.) (sq. ft.) (F)

(b) To assure uniform heat transmission in mobile homes, cavities in exterior walls, floors, and ceilings shall be provided with thermal insulation.

(c) Mobile homes designed for Zones II and III shall be factory equipped with storm windows or insulating glass.

§ 280.507 Comfort heat gain.

Information necessary to calculate the home cooling load shall be provided as specified in this Part.

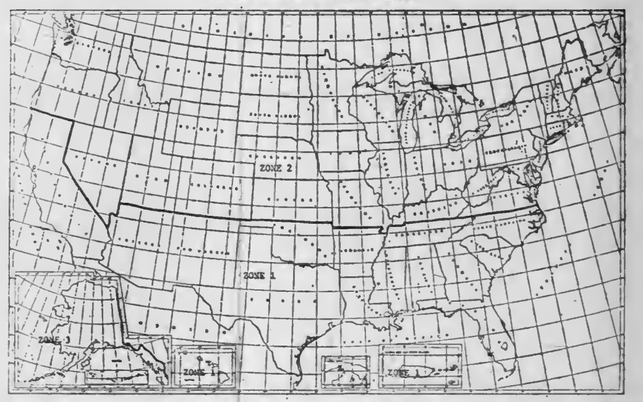
(a) *Transmission heat gains.* Homes complying with this section shall meet the minimum heat loss transmission coefficients specified in § 280.506(a).

§ 280.508 Heat loss, heat gain and cooling load calculations.

Information, values and data necessary for heat loss and heat gain determinations shall be taken from the 1972 ASHRAE Handbook of Fundamentals.

Infiltration and Ventilation—Chapter 19.
Determining "R" & "U" Value—Chapter 20.
Heating Load—Chapter 21.
Cooling Load Calculations—Chapter 22.
Outdoor Winter Design Temperatures (Use 97½ percent values)—Chapter 33.
Outdoor Summer Design Temperatures (Use 2½ percent values)—Chapter 33.

OUTDOOR WINTER DESIGN TEMPERATURE ZONES

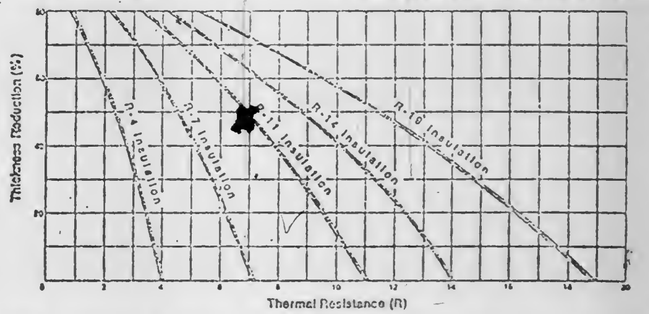


§ 280.509 Criteria in absence of specific data.

In the absence of specific data, for purposes of heat-loss/gain calculation, the following criteria shall be used:

(a) *Infiltration Heat Loss.* In the absence of measured infiltration heat loss data, the following formula shall be used to calculate heat loss due to infiltration and intermittently operated fans exhausting to the outdoors. The perimeter calculation shall be based on the dimensions of the pressure envelope.

Infiltration Heat-Loss=0.7 (T) (ft. of perimeter), BTU/hr.



When insulation is installed over the framing members the thermal performance of the insulation is reduced due to compression at the framing members. The Resistance value of the insulation between the framing members is reduced by 12.5 percent for framing members 16'' O.C., 8.5 percent for framing members 24'' O.C., and 4 percent for framing members 48'' O.C.

(d) *Air supply ducts within floor cavity.* Air supply ducts located within a floor cavity shall be assumed to be heating or cooling the floor cavity to living space temperatures unless the duct is structurally isolated by the framing system or thermally insulated from the rest of the floor cavity with a thermal insulation at least equal to R–4.

(e) *Air supply ducts within ceiling cavity.* Where supply ducts are located in ceiling cavities, the influence of the duct on cavity temperatures shall be considered in calculating envelope heat loss or heat gain.

(f) The supply duct loss (and/or heat gain where applicable—See § 280.511) shall be calculated using the actual duct surface area and the actual thickness of insulation between the duct and outside of the mobile home. If there is an air space of at least ½ inch between the duct and the insulation, heat loss/gain need not be calculated if the cavity in which the duct is located is assumed to be at living space temperature. The average temperature inside the supply duct, including ducts installed outside the mobile home, shall be assumed to be 130 F for purposes of calculation of heat loss and 60 F for heat gain.

(g) *Return air cavities.* Cavities used as return air plenums shall be considered to be at living space temperature.

where: T=70 minus the heating system capacity certification temperature stipulated in the Heating Certificate, in F.

(b) *Framing areas.*

Wall	15 percent of wall area less windows and doors.
Floor and Ceiling	10 percent of the area.

(c) *Insulation compression.* Insulation compressed to less than nominal thickness shall have its nominal R-values reduced for that area which is compressed in accordance with the following graph:

§ 280.510 Heat loss certificate.

The mobile home manufacturer shall permanently affix the following "Certificate" to an interior surface of the home that is readily visible to the homeowner. The "Certificate" shall specify the following:

(a) *Heating zone certification.* The design zone at which the mobile home heat loss complies with § 280.506(a).

(b) *Outdoor certification temperature.* The lowest outdoor temperature at which the installed heating equipment will maintain a 70 F temperature inside the home without storm sash or insulating glass for Zone I and with storm sash or insulating glass or Zones II and III and complying with §§ 280.508 and 280.509.

HEATING CERTIFICATE

Home Manufacturer _____
Plant Location _____
Home Model _____
(Include Winter Climate Zone Map)

This mobile home has been thermally insulated to conform with the requirements of the Federal Mobile Home Construction and Safety Standards for all locations within climatic Zone ——.

Heating Equipment Manufacturer _____
Heating Equipment Model _____

The above heating equipment has the capacity to maintain an average 70 F temperature in this home at outdoor temperatures of —— F.

To maximize furnace operating economy, and to conserve energy, it is recommended that this home be installed where the outdoor winter design temperature (97½%) is not higher than —— degrees Fahrenheit.[1]

The above information has been calculated assuming a maximum wind velocity of 15 MPH at standard atmospheric pressure.

§ 280.511 Comfort cooling certificate and information.

(a) The mobile home manufacturer shall permanently affix a "Comfort Cooling Certificate" to an interior surface of the home that is readily visible to the home owner. This certificate may be combined with the heating certificate required in § 280.511. The manufacturer shall comply with one of the following

[1] The temperature to be specified shall be 20 F or 30% of the design temperature difference, whichever is greater, added to the temperature specified as the heating system capacity certification temperature without storm windows or insulating glass for Zone I and with storm windows or insulating glass for Zones II and III. Design temperature difference is 70 minus the heating system capacity certification temperature in degrees Fahrenheit.

V 40 244 DEC 18 75 XUM

three alternatives in providing the certificate and additional information concerning the cooling of the mobile home:

(1) *Alternative 1.* If a central air conditioning system is provided by the home manufacturer, the heat gain calculation necessary to properly size the air conditioning equipment shall be in accordance with procedures outlined in Chapter 22 of the ASHRAE Handbook of Fundamentals, with an assumed location and orientation. The following information shall be supplied on the Comfort Cooling Certificate:

"Air Conditioner Manufacturer----------
Air Conditioner Model----------
Certified Capacity—B.T.U./Hr. in accordance with the appropriate Air Conditioning and Refrigeration Institute Standards.

The central air conditioning system provided with this home has been sized, assuming an orientation of the front (hitch) end of the home facing ---------- and is designed on the basis of a 75 F indoor temperature and an outdoor temperature of —— F dry bulb and —— F wet bulb."

Example Alternate 1

COMFORT COOLING CERTIFICATE

Mobile Home Mfg----------
Plant Location----------
Mobile Home Model----------
Air Conditioner Manufacturer----------
Air Conditioner Model----------

Certified Capacity—B.T.U./Hr. in accordance with the appropriate Air Conditioning and Refrigeration Institute Standards.

The central air conditioning system provided with this home has been sized assuming an orientation of the front (hitch end) of the home facing ----------. On this basis the system is designed to maintain an indoor temperature of 75 F when outdoor temperatures are —— F dry bulb and —— F wet bulb.

The temperature to which this home can be cooled will change depending upon the amount of exposure of the windows of this home to the sun's radiant heat. Therefore, the home's heat gains will vary dependent upon its orientation to the sun and any permanent shading provided. Information concerning the calculation of cooling loads at various locations, window exposures and shadings are provided in Chapter 22 of the 1972 edition of the ASHRAE Handbook of Fundamentals.

Information necessary to calculate cooling loads at various locations and orientations is provided in the special comfort cooling information provided with this mobile home.

(2) *Alternative 2.* For each home suitable for a central air cooling system, the manufacturer shall provide the following statement: "This air distribution system of this home is suitable for the installation of a central air conditioning system."

Example Alternate 2

COMFORT COOLING CERTIFICATE

Mobile Home Manufacturer----------
Plant Location----------
Mobile Home Model----------

This air distribution system of this home is suitable for the installation of central air conditioning.

The supply air distribution system installed in this home is sized for Mobile Home Central Air Conditioning System of up to —— B.T.U./Hr. rated capacity which are certified in accordance with the appropriate Air Conditioning and Refrigeration Institute Standards. When the air circulators of such air conditioners are rated at 0.3 inch water column static pressure or greater for the cooling air delivered to the mobile home supply air duct system.

Information necessary to calculate cooling loads at various locations and orientations is provided in the special comfort cooling information provided with this mobile home.

(3) *Alternative 3.* If the mobile home is not equipped with an air supply duct system, or if the manufacturer elects not to designate the home as being suitable for the installation of a central air conditioning system, the manufacturer shall provide the following statement: "This air distribution system of this home has not been designed in anticipation of its use with a central air conditioning system."

Example Alternate 3

COMFORT COOLING CERTIFICATE

Mobile Home Mfg----------
Plant Location----------
Mobile Home Model----------

The air distribution system of this home has not been designed in anticipation of its use with a central air conditioning system.

(b) For each home designated as suitable for central air conditioning the manufacturer shall provide the maximum central mobile home air conditioning capacity certified in accordance with the appropriate A.R.I. standards and in accordance with § 280.715(a)(3). If the capacity information provided is based on entrances to the air supply duct at other than the furnace plenum, the manufacturer shall indicate the correct supply air entrance and return air exit locations.

(c) *Comfort cooling information.* For each mobile home designated, either "suitable for" or "provided with" a central air conditioning system, the manufacturer shall provide comfort cooling information specific to the mobile home necessary to complete the cooling load calculations. The comfort cooling information shall include a statement to read as follows:

To determine the required capacity of equipment to cool a home efficiently and economically, a cooling load (heat gain) calculation is required. The cooling load is dependent on the orientation, location and the structure of the home. Central air conditioners operate most efficiently and provide the greatest comfort when their capacity closely approximates the calculated cooling load. Each home's air conditioner should be sized in accordance with Chapter 22 of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Handbooks of Fundamentals, once the location and orientation are known.

INFORMATION PROVIDED BY THE MANUFACTURER NECESSARY TO CALCULATE SENSIBLE HEAT GAIN

Walls (without windows and doors)	"U" ----------
Ceilings and roofs of light color	"U" ----------
Ceilings and roofs of dark color	"U" ----------
Floors	"U" ----------
Air ducts in floor	"U" ----------
Air ducts in ceiling	"U" ----------
Air ducts installed outside the home	"U" ----------

Information necessary to calculate duct area

Subpart G—Plumbing Systems

§ 280.601 Scope.

Subpart G of this Standard covers the plumbing materials, fixtures, and equipment installed within or on mobile homes. It is the intent of this subpart to assure water supply, drain, waste and vent systems which permit satisfactory functioning and provide for health and safety under all conditions of normal use.

§ 280.602 Definitions.

(a) The following definitions are applicable to Subpart G only:

(1) "Accessible," when applied to a fixture, connection, appliance or equipment, means having access thereto, but which may require removal of an access panel or opening of a door.

(2) "Air Gap (Water Distribution System)" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, water supplied appliances, or other device and the flood level rim of the receptacle.

(3) "Anti-Siphon Trap Vent Device" means a device which automatically opens to admit air to a fixture drain above the connection of the trap arm so as to prevent siphonage, and closes tightly when the pressure within the drainage system is equal to or greater than atmospheric pressure so as to prevent the escape of gases from the drainage system into the mobile home.

(4) "Backflow" means the flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended sources.

(5) "Backflow Connection" means any arrangement whereby blackflow can occur.

(6) "Backflow Preventer" means a device or means to prevent backflow.

(7) "Branch" means any part of the piping system other than a riser, main or stack.

(8) "Common Vent" means a vent connecting at the junction of fixture drains and serving as a vent for more than one fixture.

(9) "Continuous Vent" means a vertical vent that is a continuation of the drain to which it connects.

(10) "Continuous Waste" means a drain from two or more fixtures connected to a single trap.

(11) "Critical Level" means a point established by the testing laboratory (usually stamped on the device by the manufacturer) which determines the minimum elevation above the flood level rim of the fixture or receptacle served on which the device may be installed. When a backflow prevention device does not bear a critical level marking, the bottom of the vacuum breaker, combination valve, or of any such approved or listed device shall constitute the critical level.

(12) "Cross Connection" means any physical connection or arrangement between two otherwise separate systems or sources, one of which contains potable water and the other either water, steam,

gas or chemical of unknown or questionable safety whereby there may be a flow from one system or source to the other, the direction of flow depending on the pressure differential between the two systems.

(13) "Developed Length" means that length of pipe measured along the center line of the pipe and fittings.

(14) "Diameter," unless otherwise specifically stated, means the nominal (inside) diameter designated commercially.

(15) "Drain" means a pipe that carries waste, water, or water-borne waste in a drainage system.

(16) "Drain Connector" means the removable extension, consisting of all pipes, fittings and appurtenances, from the drain outlet to the drain inlet serving the mobile home.

(17) "Drain Outlet" means the lowest end of the main or secondary drain to which a sewer connection is made.

(18) "Drainage System" means all piping within or attached to the structure that conveys sewage or other liquid waste to the drain outlet, not including the drain connector.

(19) "Fixture Drain" means the drain from the trap of a fixture to the junction of that drain with any other drain pipe.

(20) "Fixture Supply" means the water supply pipe connecting a fixture to a branch water supply pipe or directly to a main water supply pipe.

(21) "Flood-Level" means the level in the receptacle over which water would overflow to the outside of the receptacle.

(22) "Flooded" means the condition which results when the liquid in a container or receptacle rises to the flood-level.

(23) "Flush Tank" means that portion of a toilet that is designed to contain sufficient water to adequately flush the fixture.

(24) "Flush Valve" means a device located at the bottom of a flush tank for flushing a toilet.

(25) "Flushometer Valve" means a device which discharges a predetermined quantity of water to a fixture for flushing purposes and is closed by direct water pressure.

(26) "Grade" means the fall (slope) of a pipe in reference to a horizontal plane expressed in inches per foot length.

(27) "Horizontal Branch" means any pipe extending laterally, which receives the discharge from one or more fixture drains and connects to the main drain.

(28) "Horizontal Pipe" means any pipe or fitting which makes an angle of not more than 45 degrees with the horizontal.

(29) "Individual Vent" means a pipe installed to vent a fixture drain.

(30) "Inlet Coupling" means the terminal end of the water system to which the water service connection is attached. It may be a swivel fitting or threaded pipe end.

(31) "Main" means the principal artery of the system to which branches may be connected.

(32) "Main Drain" means the lowest pipe of a drainage system which receives sewage from all the fixtures within a mobile home and conducts these wastes to the drain outlet.

(33) "Main Vent" means the principal artery of the venting system to which vent branches may be connected.

(34) "Offset" means a combination of pipe and/or fittings that brings one section of the pipe out of line but into a line parallel with the other section.

(35) "Pitch." See Grade.

(36) "Plumbing Fixtures" means receptacles, devices, or appliances which are supplied with water or which receive liquid or liquid-borne wastes for discharge into the drainage system.

(37) "Plumbing System" means the water supply and distribution pipes; plumbing fixtures, faucets and traps; soil, waste and vent pipes; and water-treating or water-using equipment.

(38) "Primary Vent." See Main Vent.

(39) "Relief Vent" means an auxiliary vent which permits additional circulation of air in or between drainage and vent systems.

(40) "Secondary Vent" means any vent other than the main vent or those serving each toilet.

(41) "Sewage" means any liquid waste containing animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.

(42) "Siphonage" means the loss of water-seal from fixture traps resulting from partial vacuum in the drainage system which may be of either of the following two types, or a combination of the two: (a.) Self-siphonage resulting from vacuum in a fixture drain generated solely by the discharge of the fixture served by that drain, or, (b). Induced siphonage resulting from vacuum in the drainage system generated by the discharge of one or more fixtures other than the one under observation.

(43) "Toilet Drain" means that part of the drainage piping which receives the discharge from each individual toilet.

(44) "Trap" means a fitting or device designed and constructed to provide a liquid seal that will prevent the back passage of air without materially affecting the flow of liquid waste through it.

(45) "Trap Arm" means the portion of a fixture drain between a trap and its vent.

(46) "Trap Seal" means the vertical depth of liquid that a trap will retain.

(47) "Vacuum Breaker." See Backflow Preventer.

(48) "Vent Cap" means the device or fitting which protects the vent pipe from foreign substance with an opening to the atmosphere equal to the area of the vent it serves.

(49) "Vent System" means that part of a piping installation which provides circulation of air within a drainage system.

(50) "Vertical Pipe" means any pipe or fitting which makes an angle of not more than 45 degrees with the vertical.

(51) "Water Connection" means the fitting or point of connection for the mobile-home water distribution system designed for connection to a water supply.

(52) "Water Connector" means the removable extension connecting the mobile home water distribution system to the water supply.

(53) "Water Distribution System" means potable water piping within or permanently attached to the mobile home.

(54) "Wet Vent" means a vent which also serves as a drain for one or more fixtures.

(55) "Wet Vented Drainage System" means the specially designed system of drain piping that also vents one or more plumbing fixtures by means of a common waste and vent pipe.

§ 280.603 General requirements.

(a) *Minimum requirements.* Any plumbing system installed in a mobile home shall conform, at least, with the provisions of this subpart.

(1) *General.* The plumbing system shall be of durable material, free from defective workmanship, and so designed and constructed as to give satisfactory service for a reasonable life expectancy.

(2) *Conservation.* Water closets shall be selected and adjusted to use the minimum quantity of water consistent with proper performance and cleaning.

(3) *Connection to drainage system.* All plumbing, fixtures, drains, appurtenances, and appliances designed or used to receive or discharge liquid waste or sewage shall be connected to the mobile home drainage system in a manner provided by this standard.

(4) *Workmanship.* All design, construction, and workmanship shall be in conformance with accepted engineering practices and shall be of such character as to secure the results sought to be obtained by this standard.

(5) *Components.* Plumbing materials, devices, fixtures, fittings, equipment, appliances, and accessories intended for use in or attached to a mobile home, and not shown in the Table in § 280.604, shall be listed or certified by an approved listing agency, or be specifically approved by the Department when listing by an approved listing agency is not available.

(6) *Prohibited fittings and practices.* (i) Drainage or vent piping shall not be drilled and tapped for the purpose of making connections. (ii) Except as specifically provided elsewhere in this standard, vent pipes shall not be used as waste or drain pipes. (iii) Fittings, connections, devices, or methods of installation that obstruct or retard the flow of sewage, or air in the drainage or venting systems in an amount greater than

V 40 244 DEC 18 75 XUM

the normal frictional resistance to flow shall not be used unless their use is acceptable in this standard or their use is accepted as having a desirable and acceptable function of ultimate benefit to the proper and continued functioning of the plumbing system. (iv) Cracks, holes, or other imperfections in materials shall not be concealed by welding, brazing, or soldering or by paint, wax, tar, or other leak-sealing or repairing agents. (v) Piping, fixtures or equipment shall be located so as not to interfere with the normal use or with the normal operation and use of windows, doors or other required facilities. (vi) Galvanized pipe shall not be bent or welded.

(7) *Alignment of fittings.* All valves, pipes, and fittings shall be installed in correct relationship to the direction of flow.

(b) *Protective requirements.* (1) Cutting structural members. Structural members shall not be unnecessarily or carelessly weakened by cutting or notching.

(2) *Exposed piping.* All piping, pipe threads, hangers, and support exposed to the weather, water, mud, and road hazard, and subject to damage therefrom, shall be painted, coated, wrapped, or otherwise protected from deterioration.

(3) *Road damage.* Pipes, supports, drains, outlets, or drain hoses shall not extend or protrude in a manner where they could be unduly subjected to damage during transit.

(4) *Freezing.* All piping and fixtures subject to freezing temperatures shall be insulated or protected to prevent freezing, under normal occupancy. The manufacturer shall provide: (i) Written installation instructions for the method(s) required for compliance to this section; (ii) a statement in his installation instructions that if heat tape is used it shall be listed for use with mobile homes; (iii) a receptacle outlet conveniently located for the use of a heat tape and in compliance with § 280.806(b).

(5) All piping, except the fixture trap, shall be designed to allow drainage.

(6) *Rodent resistance.* All exterior openings around piping and equipment shall be sealed to resist the entrance of rodents.

(7) Piping and electrical wiring shall not pass through the same holes in walls, floors or roofs. Plastic piping shall not be exposed to heat in excess of manufacturers recommendation or radiation from heat producing appliances.

§ 280.604 Materials.

(a) *Minimum standards.* Materials, fixtures, or devices used or entering into the construction of plumbing systems in any mobile home shall be free from defects and shall conform to approved standards or to applicable standards in the following Table.

(b) *Specific usage.* Each of the sections following the Table indicates specifically the type of material presently permitted for use in the various parts of the plumbing system.

Materials	ANSI	ASTM	FS	Other standards
Ferrous pipe and fittings				
Cast iron screwed fittings	B16.4—1971			
Malleable iron screwed fittings	B16.3—1971			
Special cast iron fittings				IAPMO PS 5—1966
Welded wrought iron pipe	B36.2—1969	A72—1968		
Wrought steel and wrought iron pipe	B36.10—1970			
Black and hot dipped zinc-coated (galvanized) welded and seamless steel pipe.		A120—1972a		
Welded and seamless steel pipe	B125.1—1972	A53—1972a		
Pipe threads (except dry-seal)	B2.1—1968			
Cast iron soil piping and fittings	A112.5.1—1971	A74—1972	WW-P-401D—1969	
Nonferrous pipe and fittings				
Seamless copper, pipe, standard sizes	H26.1—1973	B42—1972		
Wrought seamless copper and copper alloy tube	H23.4—1973	B251—1971		
Seamless copper water tube	H23.1—1973	B88—1972		
Copper drainage tube (DWV)	H23.6—1973	B306—1973		
Wrought copper and bronze solder-joint pressure fittings	B16.22—1973			
Wrought copper and wrought copper alloy solder-joint drainage fittings.	B16.29—1966			
Cast brass solder-joint pressure fittings	B16.18—1972			
Cast bronze solder-joint drainage fittings—DWV	B16.23—1969			
Cast bronze fittings for flared copper tubes	B16.26—1967			
Seamless red brass pipe, standard sizes	H27.1—1973	B43—1972		
Cast bronze threaded fittings, 150 and 300 pound	B16.15—1971			
Plastic Pipe and Fittings				
ABS plastic drain, waste, and vent pipe and fittings		D2261—1973	L-P 322B—1973.	IAPMO PS 17-71 NSF 14—1970
PVC plastic drain, waste, and vent pipe and fittings		D2665—1973	L-P-320B—1973.	IAPMO PS 27-69 NSF-14—1970
chlorinated poly (vinylchloride) (CPVC) plastic hot water distribution systems.		D2846—1973		NSF-14—1970
Polybutylene (PB) plastic pipe (SDR-PR)		D2662—1973		
Polybutylene (PB) plastic hot water distribution systems		D3309—1974		
Miscellaneous				
Pipe nipples, threaded			WW-N-351B(1)—1970.	
Rubber gaskets for cast iron soil pipe fittings		C564—1970		IAPMO PS 31—1971
Backflow prevention devices	A112.14.1—1975.			
Valve, bronze, gate 125—150 and 200 pound			WW-V-54D—1973.	
Valve, cast iron gate, threaded and flanged			WW-V-58B—1971.	
Plumbing—fixture-setting compound			HH-C-536A—1954.	
Cast brass and tubing P-traps				IAPMO PS 2—1966
Relief valves and automatic gas shutoff devices for hot water supply systems.	Z21.22[1]—1971.			
Solvent cement for ABS plastic pipe and fittings		D2235—1973		NSF-14—1970
Solvent cement for PVC plastic pipe and fittings		D2564—1973		NSF-14—1970
Anti-siphon trap vent device				NSF-24
Diversion tees and twin waste elbow				IAPMO PS 9-66
Flexible copper water connectors				IAPMO PS 14—1971
Dishwater drain airgaps				IAPMO PS 23—1968
Coated flexible metal gas connectors for exterior use				IAPMO TSC 9—1972
Plumbing fixtures				
Plumbing fixtures for land use			WW-P-541D—1971	
Vitreous china plumbing fixtures	A112.19.2—1973			
Enameled cast iron plumbing	A112.19.1—1973			
Porcelain enameled formed steel plumbing fixtures				IAPMO TSC 22—1972
Formed metal porcelain-enameled sanitary ware				IAPMO PS 5—1967
Plastic bathtub units	Z124.1—1974			
Gel-coated glass-fiber reinforced polyester resin shower receptor and shower stall units.	Z124.2—1967			
Stainless steel plumbing fixtures—residential use				CS-243—1962 NSF-24—1972
Drains for prefabricated and precast showers				IAMPO PS 4—1966 NSF-24—1972
Cultured marble lavatory				IAMPO PS 18—1973; CMI-LS-1-75
Performance specifications and methods of test for safety glazing material used in buildings.	Z97.1—1972			NSF-24—72

[1] With addenda.

§ 280.605 Joints and connections.

(a) *Tightness.* Joints and connections in the plumbing system shall be gastight and watertight for the pressures required under testing procedures.

(1) *Assembling of pipe.* All joints and connections shall be correctly assembled for tightness. Pipe threads shall be fully engaged with the threads of the fitting. Plastic pipe and copper tubing shall be inserted to the full depth of the solder cup or welding sockets of each fitting. Pipe threads and slip joints shall not be wrapped with string, paper, putty, or similar fillers.

(2) *Threaded joints.* Threads for screw pipe and fittings shall conform to the approved or listed standard. Pipe ends shall be reamed out to size of bore. All burrs, chips, cutting oil and foreign matter shall be removed. Pipe joint cement or thread lubricant shall be of approved type and applied to male threads only.

(3) *Solder joints.* Solder joints for tubing shall be made with approved or listed solder type fittings. Surfaces to be soldered shall be cleaned bright. The joints shall be properly fluxed with noncorrosive paste type flux and made with approved or listed 50–50 solder or an approved solder having a higher melting temperature.

(4) *Plastic pipe, fittings and joints.* Plastic pipe and fittings shall be joined by installation methods recommended by the manufacturer or in accordance with the provisions of a recognized, approved, or listed standard.

(5) *Union joints.* Metal unions in water piping shall have metal-to-metal ground seats.

(6) *Flared joints.* Flared joints for soft-copper water tubing shall be made with approved or listed fittings. The tubing shall be expanded with a proper flaring tool.

(7) *Cast iron soil pipe joints.* Approved or listed cast iron pipe may be joined as follows: (i) Approved or listed hubless pipe as per the manufacturer's recommendation. (ii) Hub and plain-end soil pipe may be joined by compression fittings per the manufacturer's recommendation.

§ 280.606 Traps and cleanouts.

(a) *Traps*—(1) *Traps required.* Each plumbing fixture, except listed toilets, shall be separately trapped by approved water seal "P" traps. All traps shall be effectively vented.

(2) *Dual fixtures.* A two-compartment sink, two single sinks, two lavatories, or a single sink and a single lavatory with waste outlets not more than 30 inches apart and in the same room and flood level rims at the same level may be connected to one "P" trap and may be considered as a single fixture for the purpose of drainage and vent requirements.

(3) *Prohibited traps.* A trap which depends for its seal upon concealed interior partitions shall not be used. Full "S" traps, bell traps, drum traps, crown-vented traps, and running traps are prohibited. Fixtures shall not be double-trapped.

(4) *Material and design.* Each trap shall be self-cleaning with a smooth and uniform interior waterway. Traps shall be manufactured of cast iron, cast brass, or drawn brass tubing of not less than No. 20 Brown and Sharpe gage, or approved or listed plastic, or other approved or listed material. Union joints for a trap shall be beaded to provide a shoulder for the union nut. Each trap shall have the manufacturer's name stamped or cast in the body of the trap, and each tubing trap shall show the gage of the tubing.

(5) *Trap seal.* Each "P" trap shall have a water seal of not less than 2 inches and not more than 4 inches and shall be set true to its seal.

(6) *Size.* Traps shall be not less than 1¼ inches in diameter. A trap shall not be larger than the waste pipe to which it is connected.

(7) *Location.* Each trap shall be located as close to its vent and to its fixture outlet as structural conditions will permit.

(8) *Length of tailpiece.* The vertical distance from a trap to the fixture outlet shall not exceed 24 inches.

(9) *Installation.* (i) *Grade of trap arm.* The piping between a "P" trap and the fixture tee or the vented waste line shall be graded ¼ inch per foot towards the vent and in no event shall have a slope greater than its diameter. The vent opening at fixture tees shall not be below the weir of the "P" trap outlet. (ii) *Trap arm offset.* The piping between the "P" trap and vent may change direction or be offset horizontally with the equivalent of no more than 180 degrees total change in direction with a maximum of 90 degrees by any one fitting. (iii) *Concealed traps.* Traps with mechanical joints shall be accessible for repair and inspection. (iv) *Removability of Traps, Etc.* Traps shall be designed and installed so the "U" bend is removable without removing the strainers from the fixture. Continuous waste and tail pieces which are permanently attached to the "U" bend shall also be removable without removing the strainer from the fixture.

(b) *Cleanout openings*—(1) *Location of cleanout fittings.* (i) Cleanouts shall be installed if the drainage system cannot be cleaned through fixtures, drains, or vents. Cleanouts shall also be provided when fittings of more than 45 degrees are used to affect an offset except where long turn ells are used which provide sufficient "sweep" for cleaning. (ii) A full size cleanout shall be installed at the upper end of any section of drain piping which does not have the required minimum slope of ¼ inch per foot grade. (iii) A clearing tool shall not be required to pass through more than 360 degrees of fittings, excluding removable "P" traps, to reach any part of the drainage system.

(2) *Access to cleanouts.* Cleanouts shall be accessible through an unobstructed minimum clearance of 12 inches directly in front of the opening. Each cleanout fitting shall open in a direction opposite to the flow or at right angles to the pipe. Concealed cleanouts that are not provided with access covers shall be extended to a point above the floor or outside of the mobile home, with pipe and fittings installed, as required, for drainage piping without sags and pockets.

(3) *Material.* Plugs and caps shall be brass or approved or listed plastic, with screw pipe threads.

(4) *Design.* Cleanout plugs shall have raised heads except that plugs at floor level shall have counter-sunk slots.

§ 280.607 Plumbing fixtures.

(a) *General requirements*—(1) *Quality of fixtures.* Plumbing fixtures shall have smooth impervious surfaces, be free from defects and concealed fouling surfaces, be capable of resisting road shock and vibration, and shall conform in quality and design to listed standards. Fixtures shall be permanently marked with the manufacturer's name.

(2) *Strainers.* The waste outlet of all plumbing fixtures, other than toilets, shall be equipped with a drain fitting that will provide an adequate unobstructed waterway.

(3) *Fixture connections.* Fixture tailpieces and continuous wastes in exposed or accessible locations shall be not less than No. 20 Brown and Sharpe gage seamless drawn-brass tubing or other approved pipe or tubing materials. Inaccessible fixture connections shall be constructed according to the requirements for drainage piping. Each fixture tailpiece, continuous waste, or waste and overflow shall be not less than 1½ inches for sinks of two or more compartments, dishwashers, clothes washing machines, laundry tubs, bath tubs, and not less than 1¼ inches for lavatories and single compartment sinks having a 2 inch maximum drain opening.

(4) *Concealed connections.* Concealed slip joint connections shall be provided with adequately sized unobstructed access panels and shall be accessible for inspection and repair.

(5) *Directional fitting.* An approved or listed "Y" or other directional-type branch fitting shall be installed in every tailpiece or continuous waste that receives the discharge from food waste disposal units, dishwashing, or other force-discharge fixture or appliance. (See also § 280.607(b)(4)(ii))

(b) *Fixtures.* (1) *Spacing.* All plumbing fixtures shall be so installed with regard to spacing as to be reasonably accessible for their intended use.

(2) *Toilets.* (i) Toilets shall be designed and manufactured according to approved or listed standards and shall be equipped with a water flushing device capable of adequately flushing and cleaning the bowl at each operation of the flushing mechanism. (ii) Toilet flushing devices shall be designed to replace the water seal in the bowl after each operation. Flush valves, flushometer valves, and ball cocks shall operate automatically to shut off at the end of each flush or when the tank is filled to operating capacity. (iii) Flush tanks shall be fitted with an overflow pipe large enough to prevent flooding at the maximum flow rate of the ball cock. Overflow pipes shall discharge into the toilet, through the tank. (iv) Toilets

V 40 244 DEC 18 75 XUM

immersed in the hottest water within the manufacturer or in accordance with pro- listed plastic, cast iron, or other listed

that have fouling surfaces that are not thoroughly washed at each discharge shall be prohibited. Any toilet that might permit the contents of the bowl to be siphoned back into the water system shall be prohibited. (v) Floor connection. Toilets shall be securely bolted to an approved flange or other approved fitting which is secured to the floor by means of corrosion-resistant screws. The bolts shall be of solid brass or other corrosion-resistant material and shall be not less than ¼ inch in diameter. A watertight seal shall be made between the toilet and flange or other approved fitting by use of a gasket or sealing compound.

(3) *Shower compartment.* (i) Each compartment stall shall be provided with an approved watertight receptor with sides and back extending at least 1 inch above the finished dam or threshold. In no case shall the depth of a shower receptor be less than 2 inches or more than 9 inches measured from the top of the finished dam or threshold to the top of the drain. The wall area shall be constructed of smooth, noncorrosive, and nonabsorbent waterproof materials to a height not less than 6 feet above the bathroom floor level. Such walls shall form a watertight joint with each other and with the bathtub, receptor or shower floor. The floor of the compartment shall slope uniformly to the drain at not less than one-fourth nor more than one-half inch per foot. (ii) The joint around the drain connection shall be made watertight by a flange, clamping ring, or other approved listed means. (iii) Shower doors and tub and shower enclosures shall be constructed so as to be waterproof and, if glazed, glazing shall comply with the Standard for Transparent Safety Glazing Material used in Buildings (ANSI Z97.1–1972). (iv) Prefabricated plumbing fixtures shall be approved or listed.

(4) *Dishwashing machines.* (i) Dishwashing machine shall not be directly connected to any waste piping, but shall discharge its waste through a fixed air gap installed above the machine. The drain connection from the air gap may connect to an individual trap, to a directional fitting installed in the sink tailpiece, or to the opening provided on the inlet side of a food waste disposal unit. (ii) Drain from a dishwashing machine shall not be connected to a sink tailpiece, continuous waste line, or trap on the discharge side of a food waste disposal unit.

(5) *Clothes washing machines.* (i) Clothes washing machines shall drain either into a properly vented trap, into a laundry tub tailpiece with watertight connections, into an open standpipe receptor, or over the rim of a laundry tub. (ii) Standpipes shall be 1½ inches minimum nominal iron pipe size, 1½ inches diameter nominal brass tubing not less than No. 20 Brown and Sharpe gage, or 1½ inches approved plastic materials. Receptors shall discharge into a vented trap or shall be connected to a laundry tub tailpiece by means of an approved or listed directional fitting. Each standpipe shall extend not less than 18 inches or more than 30 inches above its trap and shall terminate in an accessible location no lower than the top of clothes washing machine. A removable tightfitting cap or plug shall be installed on the standpipe when clothes washer is not provided. (iii) Clothes washing machine drain shall not be connected to the tailpiece, continuous waste, or trap of any sink or dishwashing machine.

(c) *Installation.* (1) *Access.* Each plumbing fixture and standpipe receptor shall be located and installed in a manner to be accessible for usage, cleaning, repair and replacement.

(2) *Alignment.* Fixtures shall be set level and in true alignment with adjacent walls. Where practical, piping from fixtures shall extend to nearest wall.

(3) *Brackets.* Wall-hung fixtures shall be rigidly attached to walls by metal brackets or supports without any strain being transmitted to the piping connections. Flush tanks shall be securely fastened to toilets or to the wall with corrosive-resistant materials.

(4) *Tub supports.* Bathtub rims at wall shall be supported on meal hangers or on end-grain wood blocking attached to the wall unless otherwise recommended by the manufacturer of the tub.

§ 280.608 Hangers and supports.

(a) *Strains and stresses.* Piping in a plumbing system shall be installed without undue strains and stresses, and provision shall be made for expansion, contraction, and structural settlement.

(b) *Piping supports.* Piping shall be secured at sufficiently close intervals to keep the pipe in alignment and carry the weight of the pipe and contents. Unless otherwise stated in the standards for specific materials shown in the Table in § 280.604(a), or unless specified by the pipe manufacturer, plastic drainage piping shall be supported at intervals not to exceed 4 feet and plastic water piping shall be supported at intervals not to exceed 3 feet.

(c) *Hangers and anchors.* (1) Hangers and anchors shall be of sufficient strength to support their proportional share of the pipe alignments and prevent rattling.

(2) Piping shall be securely attached to the structure by hangers, clamps, or brackets which provide protection against motion, vibration, road shock, or torque in the chassis.

(3) Hangers and straps supporting plastic pipe shall not compress, distort, cut or abrade the piping and shall allow free movement of the pipe.

§ 280.609 Water distribution system.

(a) *Water supply.* (1) *Supply piping.* Piping systems shall be sized to provide an adequate quantity of water to each plumbing fixture at a flow rate sufficient to keep the fixture in a clean and sanitary condition without any danger of backflow or siphonage (See Table in § 280.609(f)(1)). The manufacturer shall include in his written installation instructions that the mobile home has been designed for an inlet water pressure of 80 psi, and a statement that when the mobile home is to be installed in areas where the water pressure exceeds 80 psi, a pressure reducing valve should be installed.

(2) *Hot water supply.* Each mobile home equipped with a kitchen sink, and bathtub and/or shower shall be provided with a hot water supply system including a listed water heater.

(b) *Water outlets and supply connections.* (1) *Water connection.* Each mobile home with a water distribution system shall be equipped with a ¾-inch threaded inlet connection located within the rear half of the length of the mobile home. This connection shall be tagged or marked "Fresh Water Connection" (or "Fresh Water Fill"). A matching cap or plug shall be provided to seal the water inlet when it is not in use, and shall be permanently attached to the mobile home or water supply piping. When a master cold water shutoff full flow valve is not installed on the main feeder line in an accessible location, the manufacturer's installation instructions shall indicate that such a valve is to be installed in the water supply line adjacent to the home. When a mobile home includes expandable rooms or is composed of two or more units, fittings or connectors designed for such purpose shall be provided to connect any water piping. When not connected, the water piping shall be protected by means of matching threaded caps or plugs.

(2) *Prohibited connections.* (i) The installation of potable water supply piping or fixture or appliance connections shall be made in a manner to preclude the possibility of backflow. (ii) No part of the water system shall be connected to any drainage or vent piping.

(3) *Rim outlets.* The outlets of faucets, spouts, and similar devices shall be spaced at least 1 inch above the flood level of the fixture.

(4) *Appliance connections.* Water supplies connected to clothes washing or dishwashing machines shall be protected by an approved or listed fixed air gap provided within the appliance by the manufacturer.

(5) *Flushometer valves or manually operated flush valves.* An approved or listed vacuum breaker shall be installed and maintained in the water supply line on the discharge side of a toilet flushometer valve or manually operated flush valve. Vacuum breakers shall have a minimum clearance of 6 inches above the flood level of the fixture to the critical level mark unless otherwise permitted in their approval.

(6) *Flush tanks.* Toilet flush tanks shall be equipped with an approved or listed anti-siphon ball cock which shall be installed and maintained with its outlet or critical level mark not less than 1 inch above the full opening of the overflow pipe.

(c) *Water heater safety devices.* (1) *Relief valves.* (i) All water heaters shall be installed with approved and listed fully automatic valve or valves designed to provide temperature and pressure relief. (ii) Any temperature relief valve or combined pressure and temperature relief valve installed for this purpose shall have the temperature sensing element

immersed in the hottest water within the upper 6 inches of the tank. It shall be set to start relieving at a pressure of 150 psi or the rated working pressure of the tank whichever is lower and at or below a water temperature of 210° F. (iii) Relief valves shall be provided with full-sized drains, with cross sectional areas equivalent to that of the relief valve outlet, which shall be directed downward and discharge beneath the mobile home. Drain lines shall be of a material listed for hot water distribution and shall drain fully by gravity, shall not be trapped, and shall not have their outlets threaded, and the end of the drain shall be visible for inspection.

(d) *Materials.* (1) Piping material. Water pipe shall be of standard weight brass, galvanized wrought iron, galvanized steel, Type K, L or M copper tubing, approved or listed plastic or other approved or listed material. (i) Plastic Piping. All plastic water piping and fittings in mobile homes must be approved or listed for use with hot water.

(2) *Fittings.* Appropriate fittings shall be used for all changes in size and where pipes are joined. The material and design of fittings shall conform to the type of piping used. Special consideration shall be given to prevent corrosion when dissimilar metals are joined. (i) Fittings for screw piping shall be standard weight galvanized iron for galvanized iron and steel pipe, and of brass for brass piping. They shall be installed where required for change in direction, reduction of size, or where pipes are joined together. (ii) Fittings for copper tubing shall be cast brass or drawn copper (sweat-soldered) or shall be approved or listed fittings for the purpose intended.

(3) *Prohibited material.* Used piping materials shall not be permitted. Those pipe dopes, solder fluxes, oils, solvents, chemicals, or other substances that are toxic, corrosive, or otherwise detrimental to the water system shall not be used.

(e) *Installation of piping.* (1) *Minimum requirement.* All piping equipment, appurtenances, and devices shall be installed in workmanlike manner and shall conform with the provisions and intent of this standard.

(2) *Screw pipe.* Iron pipe-size brass or galvanized iron or steel pipe fittings shall be joined with approved or listed standard pipe threads fully engaged in the fittings. Pipe ends shall be reamed to the full bore of the pipe. Pipe-joint compound shall be insoluble in water, shall be nontoxic and shall be applied to male threads only.

(3) *Solder fittings.* Joints in copper water tube shall be made by the appropriate use of approved cast brass or wrought copper fittings, properly soldered together. The surface to be soldered shall be thoroughly cleaned bright mechanically. The joints shall be properly fluxed and made with approved solder.

(4) *Flared fittings.* A flaring tool shall be used to shape the ends of flared tubing to match the flare of fittings.

(5) *Plastic pipe and fittings.* Plastic pipe and fittings shall be joined by installation methods recommended by the manufacturer or in accordance with provisions of a listed standard.

(f) *Size of water supply piping.*—(1) *Minimum size.* The size of water supply piping and branch lines shall not be less than sizes shown in the following Table:

Minimum size tubing and pipe for water distribution systems

Number of fixtures	Tubing (nominal) Diameter (inches)	Tubing (nominal) Outer diameter (inches)	Pipe iron pipe size (inches)
1	*¾	⅝	¼
2	⅝	⅞	⅜
3	⅞	1⅛	½
4	1⅛	1⅜	¾
5 or more	¾	⅞	¾

* 6 ft maximum length.

Exceptions to table: ⅜ inch nominal diameter or ½ inch OD minimum size for clothes washing or dishwashing machines, unless larger size is recommended by the fixture manufacturer. ½ inch nominal diameter or ⅝ inch OD minimum size for flushometer or metering type valves unless otherwise specified in their listing. No galvanized screw piping shall be less than ½ inch iron pipe size.

(2) *Sizing procedure.* Both hot and cold water piping systems shall be computed by the following method: (i) *Size of branch.* Start at the most remote outlet on any branch of the hot or cold water piping and progressively count towards the water service connection, computing the total number of fixtures supplied along each section of piping. Where branches are joined together, the number of fixtures on each branch shall be totalled so that no fixture is counted twice. Following down the left-hand column of the preceding Table a corresponding number of fixtures will be found. The required pipe or tubing size is indicated in the other columns on the same line. (ii) A water heater, food waste disposal unit, evaporative cooler or ice maker shall not be counted as a water-using fixture when computing pipe sizes.

(g) *Line valves.* Valves, when installed in the water supply distribution system (except those immediately controlling one fixture supply) and when fully opened, shall have a cross-sectional area of the smallest orifice or opening, through which the water flows, at least equal to the cross-sectional area of the nominal size of the pipe in which the valve is installed.

§ 280.610 Drainage systems.

(a) *General.* (1) Each fixture directly connected to the drainage system shall be installed with a water seal trap (§ 280.606(a)).

(2) The drainage system shall be designed to provide an adequate circulation of air in all piping with no danger of siphonage, aspiration, or forcing of trap seals under conditions of ordinary use.

(b) *Materials*—(1) *Pipe.* Drainage piping shall be standard weight steel, wrought iron, brass, copper tube DWV, listed plastic, cast iron, or other listed or approved materials.

(2) *Fittings.* Drainage fittings shall be recessed drainage pattern with smooth interior waterways of the same diameter as the piping and shall be of a material conforming to the type of piping used. Drainage fittings shall be designed to provide for a ¼ inch per foot grade in horizontal piping. (i) Fittings for screw pipe shall be cast iron, malleable iron, brass, or listed plastic with standard pipe threads. (ii) Fittings for copper tubing shall be cast brass or wrought copper. (iii) Socket-type fittings for plastic piping shall comply with listed standards. (iv) Brass or bronze adaptor or wrought copper fittings shall be used to join copper tubing to threaded pipe.

(c) *Drain outlets*—(1) *Location of drain.* Each mobile home shall have only one drain outlet which shall terminate in the rear half section.

(2) *Clearance from drain outlet.* The drain outlet shall be provided with a minimum clearance of 3 inches in any direction from all parts of the structure or appurtenances and with not less than 18 inches unrestricted clearance directly in front of the drain outlet.

(3) *Drain connector.* The drain connector shall not be smaller than the piping to which it is connected and shall be equipped with a water-tight cap or plug matching the drain outlet. The cap or plug shall be permanently attached to the mobile home or drain outlet.

(4) The drain outlet and drain connector shall not be less than 3 inches inside diameter.

(5) Preassembly of drain lines. Drain lines, provided by the manufacturer, located under the mobile home, designed to bring the drain system to one distribution point and which may be damaged in transit, must be designed for proper site assembly.

(d) *Fixture connections.* Drainage piping shall be provided with approved or listed inlet fittings for fixture connections, correctly located according to the size and type of fixture to be connected.

(1) *Toilet connection.* The drain connection for each toilet shall be 3 inches minimum inside diameter and shall be fitted with an iron, brass, or listed plastic floor flange adaptor ring securely screwed, soldered or otherwise permanently attached to the drain piping, in an approved manner and securely fastened to the floor.

(e) *Size of drainage piping*—(1) *Fixture load.* Except as provided by § 280.611 (d)(2), drain pipe sizes shall be determined by the type of fixture and the total number connected to each drain. (i) A 1½ inch minimum diameter piping shall be required for one and not more than three individually vented fixtures. (ii) A 2-inch minimum diameter piping shall be required for four or more fixtures individually vented. (iii) A 3-inch minimum diameter piping shall be required for toilets.

(f) *Wet-vented drainage system.* Plumbing fixture traps may connect into a wet-vented drainage system which shall be designed and installed to accom-

modate the passage of air and waste in the same pipe.

(1) *Horizontal piping.* All parts of a wet-vented drainage system, including the connected fixture drains, shall be horizontal except for wet-vented vertical risers which shall terminate with a 1½ inch minimum diameter continuous vent. Where required by structural design, wet-vented drain piping may be offset vertically when other vented fixture drains or relief vents are connected to the drain piping at or below the vertical offsets.

(2) *Size.* A wet-vented drain pipe shall be 2 inches minimum diameter and at least one pipe size larger than the largest connected trap or fixture drain. Not more than three fixtures may connect to a 2-inch diameter wet-vented drain system.

(3) *Length of trap arm.* Fixture traps shall be located within the distance given in § 280.611(c)(5). Not more than one trap shall connect to a trap arm.

(g) *Offsets and branch fittings*—(1) *Changes in direction.* Changes in direction of drainage piping shall be made by the appropriate use of approved or listed fittings, and shall be of the following angles: 11¼, 22½, 45, 60, or 90 degrees; or other approved or listed fittings or combination of fittings with equivalent radius or sweep.

(2) *Horizontal to vertical.* Horizontal drainage lines, connecting with a vertical pipe shall enter through 45-degree "Y" branches, 60-degree "Y" branches, long-turn "TY" branches, sanitary "T" branches, or other approved or listed fittings or combination of fittings having equivalent sweep. Fittings having more than one branch at the same level shall not be used, unless the fitting is constructed so that the discharge from any one branch cannot readily enter any other branch. However, a double sanitary "T" may be used when the drain line is increased not less than two pipe sizes.

(3) *Horizontal to horizontal and vertical to horizontal.* Horizontal drainage lines connecting with other horizontal drainage lines or vertical drainage lines connected with horizontal drainage lines shall enter through 45-degree "Y" branches, long-turn "TY" branches, or other approved or listed fittings or combination of fittings having equivalent sweep.

(h) Grade of Horizontal Drainage Piping. Except for fixture connections on the inlet side of the trap, horizontal drainage piping shall be run in practical alignment and have a uniform grade of not less than ¼ inch per foot toward the mobile home drain outlet. Where it is impractical, due to the structural features or arrangement of any mobile home, to obtain a grade of ¼ inch per foot, the pipe or piping may have a grade of not less than ⅛ inch per foot, when a full size cleanout is installed at the upper end.

§ 280.611 Vents and venting.

(a) *General.* Each plumbing fixture trap shall be protected against siphonage and back pressure, and air circulation shall be ensured throughout all parts of the drainage system by means of vents installed in accordance with the requirements of this section and as otherwise required by this standard.

(b) *Materials*—(1) *Pipe.* Vent piping shall be standard weight steel, wrought iron, brass, copper tube DWV, listed plastic, cast iron or other approved or listed materials.

(2) *Fittings.* Appropriate fittings shall be used for all changes in direction or size and where pipes are joined. The material and design of vent fittings shall conform to the type of piping used. (i) Fittings for screw pipe shall be cast iron, malleable iron, plastic, or brass, with standard pipe threads. (ii) Fittings for copper tubing shall be cast brass or wrought copper. (iii) Fittings for plastic piping shall be made to approved applicable standards. (iv) Brass adaptor fittings or wrought copper shall be used to join copper tubing to threaded pipe. (v) Listed rectangular tubing may be used for vent piping only providing it has an open cross section at least equal to the circular vent pipe required. Listed transition fittings shall be used.

(c) *Size of vent piping*—(1) *Main vent.* The drain piping for each toilet shall be vented by a 1½ inch minimum diameter vent or rectangular vent of venting cross section equivalent to or greater than the venting cross section of a 1½ inch diameter vent, connected to the main drain by one of the following methods: (i) A 1½ inch diameter (min.) individual vent pipe or equivalent directly connected to the toilet drain within the distance allowed in § 280.611(c)(5), for 3-inch trap arms undiminished in size through the roof, (ii) A 1½ inch diameter (min.) continuous vent, or equivalent, indirectly connected to the toilet drain piping through a 2-inch wet-vented drain that carries the waste of not more than one fixture, or, (iii) Two or more vented drains when at least one is wet-vented, or 2-inch diameter (minimum), and each drain is separately connected to the main drain. At least one of the drains shall connect downstream from the toilet within the distance allowed in § 280.611(c)(5) for 3-inch trap arms.

(2) *Individual Vents.* Each individually vented fixture with a 1½ inch or smaller trap shall be provided with a vent pipe equivalent in area to a 1¼ inch nominal pipe size. The main vent, toilet vent and relief vent, and the continuous vent of wet-vented systems shall have an area equivalent to 1½ inch nominal pipe size.

(3) *Common Vent.* When two fixture traps located within the distance allowed from their vent have their trap arms connected separately at the same level into an approved double fitting, an individual vent pipe may serve as a common vent without any increase in size.

(4) *Intersecting Vents.* Where two or more vent pipes are joined together, no increase in size shall be required; however, the largest vent pipe shall extend full size through the roof.

(5) Distance of fixture trap from vent shall not exceed the values given in the following Table:

Maximum Distance of Fixtures From Vent Trap

Size of fixture drain (inches)	*Distance trap to vent*
1¼	4 ft. 6 in.
1½	4 ft 6 in.
2	5 ft.
3	6 ft.

(d) *Anti-siphon trap vent.* An anti-siphon trap vent may be used as a secondary vent system for plumbing fixtures protected by traps not larger than 1½ inches, when installed in accordance with the manufacturers' recommendations and the following conditions: (i) Not more than two fixtures individually protected by the device shall be drained by a common 1½ inch drain. (ii) Minimum drain size for three or more fixtures individually protected by the device shall be 2 inches. (iii) A primary vent stack must be installed to vent the main drain at the point of heaviest drainage fixture unit loading. (iv) The device shall be installed in a location that permits a free flow of air and shall be accessible for inspection, maintenance, and replacement and the sealing function shall be at least 6 inches above the top of the trap arm. (v) Materials for the anti-siphon trap vent shall be as follows: cap and housing shall be listed acrylonitrile-butadiene styrene, DWV grade; stem shall be DWV grade nylon or acetal; spring shall be stainless steel wire, type 302; sealing disc shall be neoprene, conforming to ASTM C 564–70, or, silicone rubber, low and high temperature and tear resistant, conforming to F.S. ZZ–R–765B and MIL–L–10547.

(e) *Grade and connections*—(1) *Horizontal vents.* Each vent shall extend vertically from its fixture "T" or point of connection with the waste piping to a point not less than 6 inches above the extreme flood level of the fixture it is venting before offsetting horizontally or being connected with any other vent pipe. Vents for horizontal drains shall connect above the centerline of the drain piping ahead (downstream) of the trap. Where required by structural conditions, vent piping may offset below the rim of the fixture at the maximum angle or height possible.

(f) *Vent terminal.*—(1) *Roof extension.* Each vent pipe shall extend through its flashing and terminate vertically, undiminished in size, not less than 2 inches above the roof. Vent openings shall not be less than 3 feet away from any motor-driven air intake that opens into habitable areas.

(2) *Flashing.* The opening around each vent pipe shall be made watertight by an adequate flashing or flashing material.

(g) *Vent caps.* Vent caps, if provided, shall be of the removable type (without removing the flashing from the roof). When vent caps are used for roof space ventilation and the caps are identical to vent caps used for the plumbing system,

plumbing system caps shall be identified with permanent markings.

§ 280.612 Test and inspection.

(a) *Water system.* All water piping in the water distribution system shall be subjected to a pressure test. The test shall be made by subjecting the system to air or water at 10 psi for 15 minutes without loss of pressure.

(b) *Drainage and vent system and plumbing fixtures.* The waste and vent system shall be tested by one of the three following alternate methods for evidence or indication of leakage:

(1) *Water test.* Before plumbing fixtures are connected, all of the openings into the piping shall be plugged and the entire piping system subjected to a static water test for 15 minutes by filling it with water to the top of the highest vent opening. There shall be no evidence of leakage.

(2) *Air test.* After all fixtures have been installed, the traps filled with water, and the remaining openings securely plugged, the entire system shall be subjected to a 2-inch (manometer) water column air pressure test. If the system loses pressure, leaks may be located with smoke pumped into the system, or with soap suds spread on the exterior of the piping (Bubble test).

(3) *Flood level test.* The mobile home shall be in a level position, all fixtures shall be connected, and the entire system shall be filled with water to the rim of the toilet bowl. (Tub and shower drains shall be plugged). After all trapped air has been released, the test shall be sustained for not less than 15 minutes without evidence of leaks. Then the system shall be unplugged and emptied. The waste piping above the level of the toilet bowl shall then be tested and show no indication of leakage when the high fixtures are filled with water and emptied simultaneously to obtain the maximum possible flow in the drain piping.

(c) *Fixture test.* The plumbing fixtures and connections shall be subjected to a flow test by filling them with water and checking for leaks and retarded flow while they are being emptied.

(d) *Shower compartments.* Shower compartments and receptors shall be tested for leaks prior to being covered by finish material. Each pan shall be filled with water to the top of the dam for not less than 15 minutes.

Subpart H—Heating, Cooling and Fuel Burning Systems

§ 280.701 Scope.

Subpart H of this standard covers the heating, cooling and fuel burning equipment installed within, on, or external to a mobile home.

§ 280.702 Definitions.

(a) The definitions in this subpart apply to Subpart H only.

(1) "Accessible," when applied to a fixture, connection, appliance or equipment, means having access thereto, but which may require the removal of an access panel, door or similar obstruction.

(2) "Air Conditioner Blower Coil System" means a comfort cooling appliance where the condenser section is placed external to the mobile home and evaporator section with circulating blower attached to the mobile home air supply duct system. Provision must be made for a return air system to the evaporator/blower section. Refrigerant connection between the two parts of the system is accomplished by tubing.

(3) "Air Conditioner Split System" means a comfort cooling appliance where the condenser section is placed external to the mobile home and the evaporator section incorporated into the heating appliance or with a separate blower/coil section within the mobile home. Refrigerant connection between the two parts of the system is accomplished by tubing.

(4) "Air Conditioning Condenser Section" means that portion of a refrigerated air cooling or (in the case of a heat pump) heating system which includes the refrigerant pump (compressor) and the external heat exchanger.

(5) "Air Conditioning Evaporator Section" means a heat exchanger used to cool or (in the case of a heat pump) heat air for use in comfort cooling (or heating) the living space.

(6) "Air Conditioning Self Contained System" means a comfort cooling appliance combining the condenser section, evaporator and air circulating blower into one unit with connecting ducts for the supply and return air systems.

(7) "Air Duct" means conduits or passageways for conveying air to or from heating, cooling, air conditioning or ventilation equipment, but not including the plenum.

(8) "Automatic Pump (Oil Lifter)" means a pump, not an integral part of the oil-burning appliance, that automatically pumps oil from the supply tank and delivers the oil under a constant head to an oil-burning appliance.

(9) "Btu. British Thermal Units" means the quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit.

(10) "Btuh" means British thermal units per hour.

(11) "Burner" means a device for the final conveyance of fuel or a mixture of fuel and air to the combustion zone.

(12) "Central Air Conditioning System" means either an air conditioning split system or an external combination heating/cooling system.

(13) "Class 0 Air Ducts" means ducts of materials and connectors having a fire-hazard classification of zero.

(14) "Class 1 Air Ducts" means ducts of materials and connectors having a flame-spread rating of not over 25 without evidence of continued progressive combustion and a smoke-developed rating of not over 50.

(15) "Class 2 Air Ducts" means ducts of materials and connectors having a flame-spread rating of not over 50 without evidence of continued progressive combustion and a smoke-developed rating of not over 50 for the inside surface and not over 100 for the outside surface.

(16) "Clearance" means the distance between the appliance, chimney, vent, chimney or vent connector or plenum and the nearest surface.

(17) "Connector—Gas Appliance" means a flexible or semi-rigid connector listed as conforming to ANSI Standard Z21.24, Metal Connectors for Gas Appliance, used to convey fuel gas, three feet or less in length (six feet or less for gas ranges), between a gas outlet and a gas appliance in the same room with the outlet.

(18) "Energy Efficiency Ratio (EER)" means the ratio of the cooling capacity output of an air conditioner for each unit of power input.

$$EER = \frac{\text{Capacity (Btuh)}}{\text{Power input (watts)}}$$

(19) "External Combination Heating/Cooling System" means a comfort conditioning system placed external to the mobile home with connecting ducts to the mobile home for the supply and return air systems.

(20) "Factory-Built Fireplace" means a hearth, fire chamber and chimney assembly composed of listed factory-built components assembled in accordance with the terms of listing to form a complete fireplace.

(21) "Fireplace Stove" means a chimney connected solid fuel-burning stove having part of its fire chamber open to the room.

(22) "Fuel Gas Piping System" means the arrangement of piping, tubing, fittings, connectors, valves and devices designed and intended to supply or control the flow of fuel gas to the appliance(s).

(23) "Fuel Oil Piping System" means the arrangement of piping, tubing, fittings, connectors, valves and devices designed and intended to supply or control the flow of fuel oil to the appliance(s).

(24) "Gas Clothes Dryer" means a device used to dry wet laundry by means of heat derived from the combustion of fuel gases.

(25) "Gas Refrigerator" means a gas-burning appliance which is designed to extract heat from a suitable chamber.

(26) "Gas Supply Connection" means the terminal end or connection to which a gas supply connector is attached.

(27) "Gas Supply Connector, Mobile Home" means a listed flexible connector designed for connecting the mobile home to the gas supply source.

(28) "Gas Vents" means factory-built vent piping and vent fittings listed by an approved testing agency, that are assembled and used in accordance with the terms of their listings, for conveying flue gases to the outside atmosphere. (j) "Type B Gas Vent" means a gas vent for venting gas appliances with draft hoods

V401244 DEC 18 75 XUM

and other gas appliances listed for use with Type B Gas Vents. (ii) "Type BW Gas Vent" means a gas vent for venting listed gas-fired vented wall furnaces.

(29) "Heat Producing Appliance" means all heating and cooking appliances and fuel burning appliances.

(30) "Heating Appliance" means an appliance for comfort heating or for domestic water heating.

(31) Liquefied Petroleum Gases." The terms "Liquefied petroleum gases," "LPG" and "LP-Gas" as used in this standard shall mean and include any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them: propane, propylene butanes (normal butane or isobutane), and butylenes.

(32) "Plenum" means an air compartment which is part of an air-distributing system, to which one or more ducts or outlets are connected. (i) Furnace supply plenum is a plenum attached directly to, or an integral part of, the air supply outlet of the furnace. (ii) Furnace return plenum is a plenum attached directly to, or an integral part of, the return inlet of the furnace.

(33) "Quick-Disconnect Device" means a hand-operated device which provides a means for connecting and disconnecting a gas supply or connecting gas systems and which is equipped with an automatic means to shut off the gas supply when the device is disconnected.

(34) "Readily Accessible" means direct access without the necessity of removing any panel, door, or similar obstruction.

(35) "Roof Jack" means that portion of a mobile home heater flue or vent assembly, including the cap, insulating means, flashing, and ceiling plate, located in and above the roof of a mobile home.

(36) "Sealed Combustion System Appliance" means an appliance which by its inherent design is constructed so that all air supplied for combustion, the combustion system of the appliance, and all products of combustion are completely isolated from the atmosphere of the space in which it is installed.

(37) "Water Heater" means an appliance for heating water for domestic purposes other than for space heating.

§ 280.703 Minimum standards.

Heating, cooling and fuel burning appliances and systems in mobile homes shall be free of defects and shall conform to applicable standards in the following table unless otherwise specified in this standard. (See § 280.4).

Type	ANSI	UL	Other standards
Appliances:			
Air conditioners, central cooling		465	
Liquid fuel-burning heating appliances for mobile homes and travel trailers.	A147.1—1969	307(A)—1969	
Electric Air Heater		1025	
Electric Baseboard Heating Equipment		1042	
Electric Central Air-Heating Equipment	1096		
Gas-heating appliances for mobile homes and travel trailers.		307(b)—1965	
Gas clothes dryers	Z21.5.1—1972 Z21.5.1a—1973 Z21.5.1b—1974		
Commercial gas-fired and electrically-heated hot water generating equipment.			NSF-5—1959
Gas-fired absorption summer air conditioning appliances.	Z21.40.1—1973 Z21.40.1b—1974		
Gas-fired gravity and forced air central furnaces	Z21.47—1973 Z21.47a—1974		
Gas-fired gravity and fan-type sealed combustion system wall furnaces.	Z21.44—1973 Z21.44a—1974 Z21.44b—1975		
Commercial cooking and warming equipment			NSF-4—1967
Household cooking gas appliances	Z21.1—1972 Z21.1a—1974		
Refrigerators using gas fuel	Z21.19—1971 Z21.19a—1972 Z21.19b—1973		
Automatic storage type water heaters with input less than 75,000 Btu/h.	Z21.10.1—1974 Z21.10.1a—1975		
Heating equipment, electric central air		1096	
Heat pumps		559	
Ferrous pipe and fittings:			
Black and hot dipped zinc-coated (galvanized) welded and seamless steel pipe for ordinary uses.			ASTM A120—1972a; WW-P-406D—1973
Electric-resistance welded coiled steel tubing for gas and fuel oil lines.			ASTM A539—1973
Pipe threads	B2.1—1968		
Wrought steel and wrought iron pipe	B36.10—1970		
Nonferrous pipe, tubing, and fittings:			
Seamless copper water tube			ASTM B88—1972
Seamless copper tube for air conditioning and refrigeration field service.			ASTM B280—1973
Metal connectors for gas appliances	Z21.24—1973		
Manually operated gas valves	Z21.15—1974		
Trailer standard for coated flexible metal gas connectors for exterior use.			1APMO TSC 9—1972
Wrought seamless copper and copper alloy tube			ASTM B251—1971
Seamless copper pipe, standard size			ASTM B42—1972, WW-P-377D—1962
Miscellaneous:			
Air ducts		181—1972	
Flame tests of flame-resistant fabrics		214—1971	
Tube fittings for flammable and combustible fluids and refrigeration service.		109—1972	
LPG containers and accessories			ASME, DOT
Pigtails, expansion coils, and flexible hose connectors for liquified petroleum gas.		569—1973	
Roof jacks for trailer coaches		311—1971	
Relief valves and automatic gas shutoff devices for hot water supply systems.	Z21.22—1971 Z21.22a—1972 Z21.22b—1974		
Automatic gas ignition systems and components	Z21.20—1971 Z21.20a—1972 Z21.20b—1974		
Automatic valves for gas appliances	Z21.21—1974		
Gas appliance thermostats	A21.23—1971 Z21.23a—1972 Z21.23b—1974		
Gas vents	A131.2—1973	441—1973	
Factory-built chimneys	A131.1—1971	103—1971	
Factory-built fireplaces	A131.3—1971	127—1971	GAL
Installation of oil burning equipment	A95.1—1974		NFPA No. 31—1974
Installation of gas appliances, gas piping in buildings	Z223.1—1974		NFPA No. 54—1974
Resident type warm air heating and air conditioning			NFPA No. 90B—1973
Tests for flammability of plastic materials for parts in devices and appliances.		94—1974	
Storage and handling of liquefied petroleum gas	A106.1—1974		NFPA No. 58—1974

§ 280.704 Fuel supply systems.

(a) *LP-Gas system design and service line pressure*—(1) Systems shall be of the vapor-withdrawal type.

(2) Gas, at a pressure not over 14 inches water column (½ psi), shall be delivered from the system into the gas supply connection.

(b) *LP-Gas Containers*—(1) *Maximum capacity.* No more than two containers having an individual water capacity of not more than 105 pounds (approximately 45 pounds LP-Gas capacity), shall be installed on or in a compartment of any mobile home.

(2) *Construction of containers.* Containers shall be constructed and marked in accordance with the specifications for LP-Gas Containers of the U.S. Department of Transportation (DOT) or the Rules for Construction of Unfired Pressure Vessels, Section VIII, Division 1, ASME Boiler and Pressure Vessel Code. ASME Containers shall have a design pressure of at least 312.5 psig. (i) Container supply systems shall be arranged for vapor withdrawal only. (ii) Container openings for vapor withdrawal shall be located in the vapor space when the container is in service or shall be provided with a suitable internal withdrawal tube which communicates with the vapor space in or near the highest point in the container when it is mounted in service position, with the vehicle on a level surface. Containers shall be permanently and legibly marked in a conspicuous manner on the outside to show the correct mounting position and the position of the service outlet connection. The method of mounting in place shall be such as to minimize the possibility of an incorrect positioning of the container.

(3) *Location of LP-Gas Containers and Systems.* (i) LP-Gas Containers shall not be installed, nor shall provisions be made for installing or storing any LP-Gas container, even temporarily, inside any mobile home except for listed, completely self-contained hand torches, lanterns, or similar equipment with containers having a maximum water capacity of not more than 2½ pounds (approximately one pound LP-Gas capacity). (ii) Containers, control valves, and regulating equipment, when installed, shall be mounted on the "A" frame of the mobile home, or installed in a compartment that is vaportight to the inside of the mobile home and accessible only from the outside. The compartment shall be ventilated at top and bottom to facilitate diffusion of vapors. The compartment shall be ventilated with two vents having an aggregate area of not less than two percent of the floor area of the compartment and shall open unrestricted to the outside atmosphere. The required vents shall be equally distributed between the floor and ceiling of the compartment. If the lower vent is located in the access door or wall, the bottom edge of the vent shall be flush with the floor level of the compartment. The top vent shall be located in the access door or wall with the bottom of the vent not more than 12 inches below the ceiling level of the compartment. All vents shall have an unrestricted discarge to the outside atmosphere. Access doors or panels of compartments shall not be equipped with locks or require special tools or knowledge to open. (iii) Permanent and removable fuel containers shall be securely mounted to prevent jarring loose, slipping or rotating and the fastenings shall be designed and constructed to withstand static loading in any direction equal to twice the weight of the tank and attachments when filled with fuel, using a safety factor of not less than four based on the ultimate strength of the material to be used.

(4) *LP-Gas Container Valves and Accessories.* (i) Valves in the assembly of a two-cylinder system shall be arranged so that replacement of containers can be made without shutting off the flow of gas to the appliance(s). This provision is not to be construed as requiring an automatic change-over device. (ii) Shutoff valves on the containers shall be protected as follows, in transit, in storage, and while being moved into final utilization by setting into a recess of the container to prevent possibility of their being struck if container is dropped upon a flat surface, or by ventilated cap or collar, fastened to the container, capable of withstanding a blow from any direction equivalent to that of a 30-pound weight dropped 4 feet. Construction shall be such that the blow will not be transmitted to the valve. (iv) Regulators shall be connected directly to the container shutoff valve outlets or mounted securely by means of a support bracket and connected to the container shutoff valve or valves with listed high pressure connections. If the container is permanently mounted the connector shall be as required above or with a listed semi-rigid tubing connector.

(5) *LP-Gas Safety Devices.* (i) DOT containers shall be provided with safety relief devices as required by the regulations of the U.S. Department of Transportation. ASME containers shall be provided with relief valves in accordance with Subsection 221 of the Standard for the Storage and Handling of Liquefied Petroleum Gases (NFPA No. 58–1974; ANSI Z106.1–1974). Safety relief valves shall have direct communication with the vapor space of the vessel. (ii) The delivery side of the gas pressure regulator shall be equipped with a safety relief device set to discharge at a pressure not less than two times and not more than three times the delivery pressure of the regulator. (iii) Systems mounted on the "A" frame assembly shall be so located that the discharge from the safety relief devices shall be into the open air and not less than three feet horizontally from any opening into the mobile home below the level of such discharge. (iv) Safety relief valves located within liquefied petroleum gas container compartments may be less than three feet from openings provided the bottom vent of the compartment is at the same level or lower than the bottom of any opening into the vehicle, or the compartment is not located on the same wall plane as the opening(s) and is at least two feet horizontally from such openings.

(6) *LP-Gas System Enclosure and Mounting.* (i) Housings and enclosures shall be designed to provide proper ventilation at least equivalent to that specified in § 280.704(b)(3)(ii). (ii) Doors, hoods, domes, or portions of housings and enclosures required to be removed or opened for replacement of containers shall incorporate means for clamping them firmly in place and preventing them from working loose during transit. (iii) Provisions shall be incorporated in the assembly to hold the containers firmly in position and prevent their movement during transit. (iv) Containers shall be mounted on a substantial support or a base secured firmly to the vehicle chassis. Neither the container nor its support shall extend below the mobile home frame.

(c) *Oil Tanks*—(1) *Installation.* Oil tanks and listed automatic pumps (oil lifters) installed for gravity flow of oil to heating equipment shall be installed so that the top of the tank is no higher than 8 feet above the appliance oil control and the bottom of the tank is not less than 18 inches above the appliance oil control.

(2) *Auxiliary Oil Storage Tank.* Oil supply tanks affixed to a mobile home shall be so located as to require filling and draining from the outside and shall be in a place readily available for inspection. If the fuel supply tank is located in a compartment of a mobile home, the compartment shall be ventilated at the bottom to permit diffusion of vapors and shall be insulated from the structural members of the body. Tanks so installed shall be provided with an outside fill and vent pipe and an approved liquid level gage.

(3) *Shutoff Valve.* A readily accessible, approved manual shutoff valve shall be installed at the outlet of an oil supply tank. The valve shall be installed to close against the supply.

(4) *Fuel Oil Filters.* All oil tanks shall be equipped with an approved oil filter or strainer located downstream from the tank shutoff valve. The fuel oil filter or strainer shall contain a sump with a drain for the entrapment of water.

§ 280.705 Gas piping systems.

(a) *General.* The requirements of this Section shall govern the installation of all fuel gas piping attached to any mobile home. The gas piping supply system shall be designed for a pressure not exceeding 14 inch water column (½ psi) and not less than 7 inch water column (¼ psi). The manufacturer shall indicate in his written installation instructions the design pressure limitations for safe and effective operation of the gas piping system. None of the requirements listed in this Section shall apply to the piping supplied as a part of an appliance. All exterior openings around piping, ducts, plenums or vents shall be sealed to resist the entrance of rodents.

(b) *Materials.* All materials used for the installation, extension, alteration, or repair of any gas piping system shall be new and free from defects or internal obstructions. It shall not be permissible

V 40 244 DEC 18 75 D XUM

to repair defects in gas piping or fittings. Inferior or defective materials shall be removed and replaced with acceptable material. The system shall be made of materials having a melting point of not less than 1,450° F, except as provided in § 280.705(e). They shall consist of one or more of the materials described in § 280.705(b) (1) through (4).

(1) Steel or wrought-iron pipe shall comply with ANSI Standard B36.10–1970 for Wrought-Steel and Wrought-Iron Pipe. Threaded brass pipe in iron pipe sizes may be used. Threaded brass pipe shall comply with Standard Sizes and Specifications for Seamless Red Brass Pipe (ASTM B43–66).

(2) Fittings for gas piping shall be wrought iron, malleable iron, steel, or brass (containing not more than 75 percent copper).

(3) Copper tubing shall be annealed type, Grade K or L, conforming to the Specifications for Seamless Copper Water Tube (ASTM B88–72), or shall comply with the Specifications for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service, ASTM B280–73. When used on systems designed for natural gas, such tubing shall be internally tinned.

(4) Steel tubing shall have a minimum wall thickness of 0.032 inch for tubing of ½ inch diameter and smaller and 0.049 inch for diameters ½ inch and larger. Steel tubing shall be constructed in accordance with ASTM Specification for Electric-Resistance-Welded Coiled Steel Tubing for Gas and Fuel Oil Lines (ASTM A539–73), and shall be externally corrosion protected.

(c) *Piping design.* Each mobile home requiring fuel gas for any purpose shall be equipped with a fuel gas piping system that is designed for LP-Gas only or with a natural gas piping system acceptable for LP-Gas.

(1) Where fuel gas piping is to be installed in both portions of an expandable or multiple unit mobile home, the design and construction of the crossover shall be as follows: (i) There shall be only one point of crossover which shall be readily accessible from the exterior of the mobile home. (ii) The connector between units shall be a listed type for exterior use, sized in accordance with § 280.705(d). (iii) The connection shall be made by a listed "quick disconnect" device which shall be designed to provide a positive seal of the supply side of the gas system when such device is separated. (iv) The flexible connector and "quick disconnect" device shall be provided with protection from mechanical and impact damage and located to minimize the possibility of tampering. (v) Suitable protective coverings for the "quick disconnect" device, when separated, shall be permanently attached to the device or flexible connector. (vi) A 3 inch by 1¾ inch minimum size tag made of etched, metal-stamped or embossed brass, stainless steel, anodized or alclad aluminum not less than 0.020 inch thick, or other approved material (e.g., 0.005 inch plastic laminates) shall be permanently attached on the exterior wall adjacent to the access to the "quick disconnect" device. Each tag shall be legibly inscribed with the following information using letters no smaller than ¼ inch high:

Do Not Use Tools to Separate the "Quick-Disconnect" Device.

(d) *Gas Pipe Sizing.* Gas piping systems shall be sized so that the pressure drop to any appliance inlet connection from any gas supply connection, when all appliances are in operation at maximum capacity, is not more than 0.5 inch water column as determined on the basis of test, or in accordance with the following Table. When determining gas pipe sizing in the table, gas shall be assumed to have a specific gravity of 0.65 and rated at 1000 B.T.U. per cubic foot. The natural gas supply connection(s) shall be not less than the size of the gas piping but shall be not smaller than ¾ inch nominal pipe size.

Part I

Maximum Capacity of Different Sizes of Pipe and Tubing in Thousands of Btu's Per Hour of Natural Gas For Gas Pressures of 0.5 Psig or Less and a Maximum Pressure Drop of ½ Inch Water Column

Iron Pipe Sizes											Tubing									
	Length in Feet											Length in Feet								
I.D.	10	20	30	40	50	60	70	80	90	100	O.D.	10	20	30	40	50	60	70	80	90	100
¼"	43	29	24	20	18	16	15	14	13	12	¾"	27	18	15	13	11	10	9	9	8	8
⅜"	95	65	52	45	40	36	33	31	29	27	½"	56	38	31	26	23	21	19	18	17	16
½"	175	120	97	82	73	66	61	57	53	50	⅝"	113	78	62	53	47	43	39	37	34	33
¾"	360	250	200	170	151	138	125	118	110	103	¾"	197	136	109	93	83	75	69	64	60	57
1"	680	465	375	320	285	260	240	220	215	195	⅞"	280	193	155	132	117	106	98	91	85	81

Part II

Maximum Capacity of Different Sizes of Pipe and Tubing in Thousands of Btu's Per Hour of Undiluted Liquefied Petroleum Gas Based on a Maximum Pressure Drop of ½ Inch Water Column

Iron Pipe											Tubing									
	Length in Feet											Length in Feet								
I.D.	10	20	30	40	50	60	70	80	90	100	O.D.	10	20	30	40	50	60	70	80	90	100
¼"	67	46	37	31	28	25	23	21	20	19	⅜"	39	26	21	19	—	—	—	—	—	—
⅜"	147	101	81	70	62	56	51	48	45	42	½"	92	62	50	41	37	35	31	29	27	26
½"	275	189	152	129	114	103	96	89	83	78	⅝"	199	131	107	90	79	72	67	62	59	55
¾"	567	393	315	267	237	217	196	185	173	162	¾"	329	216	181	145	131	121	112	104	95	90
1"	1071	732	590	504	448	409	378	346	322	307	⅞"	501	346	277	233	198	187	164	155	146	138

(e) *Joints for Gas Pipe.* All pipe joints in the piping system, unless welded or brazed, shall be threaded joints that comply with ANSI Standard Pipe Threads (Except Dryseal) B2–1—1968. Right and left nipples or couplings shall not be used. Unions, if used, shall be of ground joint type. The material used for welding or brazing pipe connections shall have a melting temperature in excess of 1,000 F.

(f) *Joints for Tubing.* (1) Tubing joints shall be made with either a single or a double flare of 45 degrees in accordance with SAE Standard J 533A or with other listed vibration-resistant fittings, or joints may be brazed with material having a melting point exceeding 1,000 F. Metallic ball sleeve compression-type tubing fittings shall not be used.

(2) Steel tubing joints shall be made with a double-flare in accordance with SAE Standard J 533A.

(g) *Pipe Joint Compound.* Screw joints shall be made up tight with listed pipe joint compound, insoluble in liquefied petroleum gas, and shall be applied to the male threads only.

(h) *Concealed Tubing.* Tubing shall not be run inside walls, floors, partitions, or roofs. Where tubing passes through walls, floors, partitions, roofs, or similar installations, such tubing shall be protected by the use of weather resistant grommets that shall snugly fit both the tubing and the hole through which the tubing passes.

(i) *Concealed Joints.* Piping or tubing joints shall not be located in any floor, wall partition, or similar concealed construction space.

(j) *Location of gas supply connection.* (1) For LP-Gas-only systems the supply connection shall be located at the "A" frame, container recess, or in the rear half of the total length of the mobile home and within 24 inches from the left (road) side wall, and should be as close as practicable to a point 30 feet from the front of the mobile home.

(2) For combination LP-Gas and natural gas systems, the natural gas supply connection shall be located under the rear half of the total length of the mobile home and within 24 inches of the left (road) side wall and be located as close as practicable to a point 30 feet from the front of the mobile home. The natural gas supply connection shall not be located beneath any exit door. An additional connection, if used, shall be located at the "A" frame. The system shall be sized to provide adequate capacity from either supply connection for natural gas.

(k) *Identification of gas supply connections.* Each mobile home shall have permanently affixed to the exterior skin at or near each gas supply connection or the end of the pipe, a tag of 3 inches by 1¾ inches minimum size, made of etched, metal-stamped or embossed brass, stainless steel, anodized or alclad aluminum not less than 0.020 inch thick, or other approved material (e.g., 0.005 inch plastic laminates), which reads (as appropriate) in accordance with one of the following label designs depending upon the fuel used. The connector capacity indicated on this tag shall be equal to or greater than the total Btuh rating of all intended gas appliances.

LP-Gas System

This gas piping system is designed for use of liquefied petroleum gas only.

DO NOT CONNECT NATURAL GAS TO THIS SYSTEM.

CONTAINER SHUTOFF VALVES SHALL BE CLOSED DURING TRANSIT.

When connecting to lot outlet, use a listed gas supply connector for mobile homes rated at ☐100,000 Btuh or more, ☐250,000 Btuh

Before turning on gas, make certain all gas connections have been made tight, all appliance valves are turned off, and any unconnected outlets are capped.

After turning on gas, test gas piping and connections to appliances for leakage with soapy water or bubble solution, and light all pilots.

Combination LP-Gas and Natural Gas System

This gas piping system is designed for use of either liquefied petroleum gas or natural gas.

NOTICE: BEFORE TURNING ON GAS BE CERTAIN APPLIANCES ARE DESIGNED FOR THE GAS CONNECTED AND ARE EQUIPPED WITH CORRECT ORIFICES. SECURELY CAP THIS INLET WHEN NOT CONNECTED FOR USE.

When connecting to lot outlet, use a listed gas supply connector for mobile homes rated at ☐100,000 Btuh or more. ☐250,000 Btuh

Before turning on gas, make certain all gas connections have been made tight, all appliance valves are turned off, and any unconnected outlets are capped.

After turning on gas, test gas piping and connections to appliances for leakage with soapy water or bubble solution, and light all pilots.

(l) *Gas supply connectors*—(1) *LP-Gas.* A listed LP-Gas flexible connector conforming to the UL Standard for Pigtails, Expansion Coils and Flexible Hose Connectors for LP-Gas (UL 569–1973) or equal shall be supplied when the fuel gas piping system is designed for the use of LP-Gas and cylinder(s) and regulator(s) are supplied.

(2) *Appliance connections.* All gas burning appliances shall be connected to the fuel piping. Materials as provided in § 280.705(b) or listed appliance connectors shall be used. Listed appliance connectors when used shall not run through walls, floors, ceilings or partitions. Connectors of aluminum shall not be used outdoors. A mobile home containing an LPG or combination LP-natural-gas-system may be provided with a gas outlet to supply exterior appliances when installed in accordance with the following: (i) No portion of the completed installation shall project beyond the wall of the mobile home. (ii) The outlet shall be provided with an approved "quick-disconnect" device, which shall be designed to provide a positive seal on the supply side of the gas system when the appliance is disconnected. A shutoff valve shall be installed immediately upstream of the quick-disconnect device. The complete device shall be provided as part of the original installation. (iii) Protective caps or plugs for the "quick-disconnect" device, when disconnected, shall be per-

V 40 244 DEC 18 75 XUM

manently attached to the mobile home adjacent to the device. (iv) A tag shall be permanently attached to the outside of the exterior wall of the mobile home as close as possible to the gas supply connection. The tag shall indicate the type of gas and the Btuh capacity of the outlet and shall be legibly inscribed as follows:

THIS OUTLET IS DESIGNED FOR USE WITH GAS PORTABLE APPLIANCES WHOSE TOTAL INPUT DO NOT EXCEED _____ BTUH. REPLACE PROTECTIVE COVERING OVER CONNECTOR WHEN NOT IN USE.

(3) *Valves.* A shutoff valve shall be installed in the fuel piping at each gas appliance inside the mobile home structure, upstream of the union or connector in addition to any valve on the appliance and so arranged to be accessible to permit servicing of the appliance and removal of its components, and for shutoff in case of emergency. The shutoff valve shall be located within 6 feet of a cooking appliance and within 3 feet of any other appliance. A shutoff valve may serve more than one applicant if located as required above. Shutoff valves used in connection with gas piping shall be of a type designed and listed for use on LP-Gas.

(4) *Gas Piping System Openings.* All openings in the gas piping system shall be closed gas-tight with threaded pipe plugs or pipe caps.

(5) *Electrical Ground.* Gas piping shall not be used for an electrical ground.

(6) *Couplings.* Pipe couplings and unions shall be used to join sections of threaded piping. Right and left nipples or couplings shall not be used.

(7) *Hangers and Supports.* All gas piping shall be adequately supported by galvanized or equivalently protected metal straps or hangers at intervals of not more than 4 feet, except where adequate support and protection is provided by structural members. Solid-iron-pipe gas supply connection(s) shall be rigidly anchored to a structural member within 6 inches of the supply connection(s).

(8) *Testing for Leakage.* (i) Before appliances are connected, piping systems shall stand a pressure of at least six inches mercury or three PSI gage for a period of not less than ten minutes without showing any drop in pressure. Pressure shall be measured with a mercury manometer or slope gage calibrated so as to be read in increments of not greater than one-tenth pound, or an equivalent device. The source of normal operating pressure shall be isolated before the pressure tests are made. Before a test is begun, the temperature of the ambient air and of the piping shall be approximately the same, and constant air temperature be maintained throughout the test. (ii) After appliances are connected, the piping system shall be pressurized to not less than 10 inches nor more than 14 inches water column and the appliance connections tested for leakage with soapy water or bubble solution.

§ 280.706 Oil Piping Systems.

(a) *General.* The requirements of this Section shall govern the installation of all liquid fuel piping attached to any mobile home. None of the requirements listed in this Section shall apply to the piping in the apliance(s).

(b) *Materials.* All materials used for the installation extension, alteration, or repair, of any oil piping systems shall be new and free from defects or internal obstructions. The system shall be made of materials having a melting point of not less than 1,450 F, except as provided in § 280.706(d) and (e). They shall consist of one or more of the materials described in § 280.706(b) (1) through (4). (1) Steel or wrought-iron pipe shall comply with American National Standard for Wrought-Steel or Wrought-Iron Pipe, B36.10—1970. Threaded copper or brass pipe in iron pipe sizes may be used. (2) Fittings for oil piping shall be wrought iron, malleable iron, steel, or brass (containing not more than 75 percent copper). (3) Copper tubing shall be annealed type, Grade K or L conforming to the Specifications for Seamless Copper Water Tube (ASTM B88–72), or shall comply with the specifications for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service, ASTM B280–73, (4) Steel tubing shall have a minimum wall thickness of 0.032 inch for diameters up to ½ inch and 0.049 inch for diameters ½ inch and larger. Steel tubing shall be constructed in accordance with the Specification for Electric-Resistance Welded Coiled Steel Tubing for Gas and Fuel Oil Lines (ASTM A539–73) and shall be externally corrosion protected.

(c) *Size of Oil Piping.* The minimum size of all fuel oil tank piping connecting outside tanks to the appliance shall be no smaller than ⅜ inch OD copper tubing or ¼ inch IPS. If No. 1 fuel oil is used with a listed automatic pump (fuel lifter), copper tubing shall be sized as specified by the pump manufacturer.

(d) *Joints for Oil Piping.* All pipe joints in the piping system, unless welded or brazed, shall be threaded joints which comply with American National Standard for Pipe Threads (Except Dryseal), B2.1—1968. The material used for brazing pipe connections shall have a melting temperature in excess of 1,000 F.

(e) *Joints for Tubing.* Joints in tubing shall be made with either a single or double flare of the proper degree, as recommended by the tubing manufacturer, by means of listed tubing fittings, or brazed with materials having a melting point in excess of 1,000 F.

(f) *Pipe joint compound.* Threaded joints shall be made up tight with listed pipe joint compound which shall be applied to the male threads only.

(g) *Couplings.* Pipe couplings and unions shall be used to join sections of threaded pipe. Right and left nipples or couplings shall not be used.

(h) *Grade of piping.* Fuel oil piping installed in conjunction with gravity feed systems to oil heating equipment shall slope in a gradual rise upward from a central location to both the oil tank and the appliance in order to eliminate air locks.

(i) *Strap hangers.* All oil piping shall be adequately supported by galvanized or equivalently protected metal straps or hangers at intervals of not more than 4 feet, except where adequate support and protection is provided by structural members. Solid-iron-pipe oil supply connection(s) shall be rigidly anchored to a structural member within 6 inches of the supply connection(s).

(j) *Testing for leakage.* Before setting the system in operation, tank installations and piping shall be checked for oil leaks with fuel oil of the same grade that will be burned in the appliance. No other material shall be used for testing fuel oil tanks and piping. Tanks shall be filled to maximum capacity for the final check for oil leakage.

§ 280.707 Heat producing appliances.

(a) Heat-producing appliances and vents, roof jacks and chimneys necessary for their installation in mobile homes shall be listed or certified by a nationally recognized testing agency for use in mobile homes.

(1) A mobile home shall be provided with a comfort heating system. (i) When a mobile home is manufactured to contain a heating appliance, the heating appliance shall be installed by the manufacturer of the mobile home in compliance with applicable sections of this subpart. (ii) When a mobile home is manufactured for field application of an external heating or combination heating/cooling appliance, preparation of the mobile home for this external application shall comply with the applicable sections of this part.

(2) After the effective date specified herein gas and oil burning comfort heating appliances shall have a flue loss of not more than that specified below, and a thermal efficiency of not less than that specified in nationally recognized standards. (See § 280.703)

Effective date:	*Maximum allowable flue loss*
Jan. 1, 1977	25 percent
Jan. 1, 1976	30 percent

(b) Fuel-burning heat-producing appliances and refrigeration appliances, except ranges and ovens, shall be of the vented type and vented to the outside.

(c) Fuel-burning appliances shall not be converted from one fuel to another fuel unless converted in accordance with the terms of their listing and the appliance manufacturer's instructions.

(d) *Performance Efficiency.* (1) All automatic electric storage water heaters shall have a standby loss not exceeding 43 watts/meter² (4 watts/FT²) of tank surface area effective January 1, 1977. The method of test for standby loss shall be as described in Section 4.3.1 of ANSI C72.1–72.

(2) All gas and oil-fired automatic storage water heaters shall have a recovery efficiency, E_r, and a standby loss, S, as described below, effective January 1, 1977. The method of test of E_r and S shall be as described in Section 2.7 of ANSI Z21.10.1–1974, except that for oil-fired units. CF=1.0, Q=total gallons of oil consumed and H=total heating value of oil in Btu/gallon.

Storage capacity in gallons	Recovery efficiency	Standby loss
Less than 25	At least 75 percent.	Not more than 7.5 percent.
25 up to 35	do	Not more than 7 percent.
35 or more	do	Not more than 6 percent.

(e) Each space heating, cooling or combination heating and cooling system shall be provided with at least one readily adjustable automatic control for regulation of living space temperature. The control shall be placed a minimum of 3 feet from the vertical edge of the appliance compartment door. It shall not be located on an exterior wall or on a wall separating the appliance compartment from a habitable room.

§ 280.708 Clothes dryers.

(a) *Clothes dryers.* (1) Clothes dryers shall be exhausted to the outside by a moisture-lint exhaust duct and termination fitting. Such termination fittings for gas dryers shall be listed or certified as components of the dryer.

(2) A clothes dryer moisture-lint exhaust duct shall not be connected to any other duct, vent or chimney.

(3) The exhaust duct shall not terminate beneath the mobile home.

(4) Moisture-lint exhaust ducts shall not be connected with sheet metal screws or other fastening devices which extend into the interior of the duct.

(b) *Gas clothes dryer.* A mobile home may be provided with "stubbed in" equipment at the factory to supply a gas clothes dryer for future installation by the owner provided it complies with the following provisions: (1) The "stubbed in" gas outlet shall be provided with a shutoff valve, the outlet of which is closed by threaded pipe plug or cap. (2) The "stubbed in" gas outlet shall be permanently labeled to identify it for use only as the supply connection for a gas clothes dryer. (3) A moisture-lint exhaust duct system shall be roughed in by the manufacturer at the time of original installation. The moisture-lint exhaust system shall comply with provisions of § 280.708(a) (1) through (4).

(c) *Electric clothes dryers.* Electric clothes dryers shall be exhausted to the outside in accordance with the appliance manufacturer's instructions. When a receptacle is installed to supply an electric clothes dryer for future installation by the owner, the moisture-lint exhaust system required by § 280.708(a) (4) shall be roughed in by the manufacturer. The moisture-lint exhaust system shall comply with provisions of § 280.708(a) (1) through (4).

§ 280.709 Installation of appliances.

(a) The installation of each appliance shall conform to the terms of its listing and the manufacturer's instructions. The installer shall leave the manufacturer's instructions attached to the appliance. Every appliance shall be secured in place to avoid displacement. For the purpose of servicing and replacement, each appliance shall be both accessible and removable.

(b) Heat-producing appliances shall be so located that no doors, drapes, or other such material can be placed or swing closer to the front of the appliance than the clearances specified on the labeled appliances.

(c) Clearances between heat-producing appliances and adjacent surfaces shall not be less than specified in the terms of their listing. Clearance spaces shall be framed in or guarded to prevent creation of storage space within the clearance specified.

(d) All fuel-burning appliances, except ranges, ovens, illuminating appliances, clothes dryers, solid fuel-burning fireplaces and solid fuel-burning fireplace stoves, shall be installed to provide for the complete separation of the combustion system from the interior atmosphere of the mobile home. Combustion air inlets and flue gas outlets shall be listed or certified as components of the appliance. The required separation may be obtained by:

(1) The installation of direct vent system (sealed combustion system) appliances, or

(2) The installation of appliances within enclosures so as to separate the appliance combustion system and venting system from the interior atmosphere of the mobile home. There shall not be any door, removable access panel, or other opening into the enclosure from the inside of the mobile home. Any opening for ducts, piping, wiring, etc., shall be sealed.

(e) A forced air appliance and its return-air system shall be designed and installed so that negative pressure created by the air-circulating fan cannot affect its or another appliance's combustion air supply or act to mix products of combustion with circulating air.

(1) The air circulating fan of a furnace installed in an enclosure with another fuel-burning appliance shall be operable only when any door or panel covering an opening in the furnace fan compartment or in a return air plenum or duct is in the closed position. This does not apply if both appliances are direct vent system (sealed combustion system) appliances.

(2) If a warm air appliance is installed within an enclosure to conform to § 280.709(d)(2), each warm-air outlet and each return air inlet shall extend to the exterior of the enclosure. Ducts, if used for that purpose, shall not have any opening within the enclosure and shall terminate at a location exterior to the enclosure.

(3) Cooling coils installed as a portion of, or in connection with, any forced-air furnace shall be installed on the downstream side unless the furnace is specifically otherwise listed.

(4) An air conditioner evaporator section shall not be located in the air discharge duct or plenum of any forced-air furnace unless the mobile home manufacturer has complied with certification required in § 280.511.

(5) If a cooling coil is installed with a forced-air furnace, the coil shall be installed in accordance with its listing. When a furnace-coil unit has a limited listing, the installation must be in accordance with that listing.

(6) When an external heating appliance or combination cooling/heating appliance is to be applied to a mobile home, the manufacturer shall make provision for proper location of the connection to the mobile home supply system and return air system of the external ducts connected to the appliance.

(7) The installation of a self contained air conditioner comfort cooling appliance shall meet the following requirements: (i) The installation on a duct common with an installed heating appliance shall require the installation of an automatic damper or other means to prevent the cooled air from passing through the heating appliance unless the heating appliance is certified or listed for such application and the supply system is intended for such an application. (ii) The installation shall prevent the flow of heated air into the external cooling appliance and its connecting ducts to the mobile home supply and return air system during the operation of the heating appliance installed in the mobile home. (iii) The installation shall prevent simultaneous operation of the heating and cooling appliances.

(f) *Vertical clearance above cooking top.* Ranges shall have a vertical clearance above the cooking top of not less than 24 inches. (See § 280.204).

(g) Solid fuel-burning factory-built fireplaces and fireplace stoves listed for use in mobile homes may be installed in mobile homes provided they and their installation conform to the following paragraphs. A fireplace or fireplace stove shall not be considered as a heating facility for determining compliance with Subpart F.

(1) A solid fuel-burning fireplace or fireplace stove shall be equipped with integral door(s) or shutter(s) designed to close the fireplace or fireplace stove fire chamber opening and shall include complete means for venting through the roof, a combustion air inlet, a hearth extension, and means to securely attach the fireplace or the fireplace stove to the mobile home structure. The installation shall conform to the following paragraphs (g)(1) (i) to (vii) inclusive: (i) A listed factory-built chimney designed to be attached directly to the fireplace or fireplace stove shall be used. The listed factory built chimney shall be equipped with and contain as part of its listing a termination device(s) and a spark arrester(s). (ii) A fireplace or fireplace stove, air intake assembly, hearth extension and the chimney shall be installed in accordance with the terms of their listings and their manufacturer's instructions. (iii) The combustion air inlet shall conduct the air directly into the fire chamber and shall be designed to prevent material from the hearth dropping onto the area beneath the mobile home. (iv) The fireplace or fireplace stove shall not be installed in a sleeping room. (v) Hearth extension shall be of noncombustible material not less than ⅜-inch thick. The hearth shall extend at least 16 inches in front or and at least 8 inches beyond each side of the fireplace

V40244 DEC 18 75 D XUM

or fireplace stove opening. Furthermore the hearth shall extend over the entire surface beneath a fireplace stove and beneath an elevated or overhanging fireplace. (vi) The label on each solid fuel-burning fireplace and solid fuel-burning fireplace stove shall include the following wording: For use with solid fuel only. (vii) The chimney shall extend at least three feet above the part of the roof through which it passes and at least two feet above the highest elevation of any part of the mobile home within 10 feet of the chimney. Portions of the chimney and termination that exceed an elevation of 13½ ft. above ground level may be designed to be removed for transporting the mobile home.

§ 280.710 Venting, ventilation and combustion air.

(a) The venting as required by § 280.707 (b) shall be accomplished by one or more of the methods given in (1) and (2) below:

(1) An integral vent system listed or certified as part of the appliance.

(2) A venting system consisting entirely of listed components, including roof jack, installed in accordance with the terms of the appliance listing and the appliance manufacturer's instructions.

(b) Venting and combustion air systems shall be installed in accordance with the following:

(1) Components shall be securely assembled and properly aligned using the method shown in the appliance manufacturer's instructions.

(2) Draft hood connectors shall be firmly attached to draft hood outlets or flue collars by sheet metal screws or by equivalent effective mechanical fasteners.

(3) Every joint of a vent, vent connector, exhaust duct and combustion air intake shall be secure and in alignment.

(c) Venting systems shall not terminate underneath a mobile home.

(d) Venting system terminations shall be not less than three feet from any motor-driven air intake discharging into habitable areas.

(e) The area in which cooking appliances are located shall be ventilated by a metal duct which may be single wall, not less than 12.5 square inches in cross-sectional area (minimum dimension shall be two inches) located above the appliance(s) and terminating outside the mobile home, or by listed mechanical ventilating equipment discharging outside the home, that is installed in accordance with the terms of listing and the manufacturer's instructions. Gravity or mechanical ventilation shall be installed within a horizontal distance of not more than ten feet from the vertical front of the appliance(s).

(f) Mechanical ventilation which exhausts directly to the outside atmosphere from the living space of a home shall be equipped with an automatic or manual damper. Operating controls shall be provided such that mechanical ventilation can be separately operated without directly energizing other energy consuming devices.

§ 280.711 Instructions.

Operating instructions shall be provided with each appliance. These instructions shall include directions and information covering the proper use and efficient operation of the appliance and its proper maintenance.

§ 280.712 Marking.

(a) Information on clearances, input rating, lighting and shutdown shall be attached to the appliances with the same permanence as the nameplate, and so located that it is easily readable when the appliance is properly installed or shutdown for transporting of mobile home.

(b) Each fuel-burning appliance shall bear permanent marking designating the type(s) of fuel for which it is listed.

§ 280.713 Accessibility.

Every appliance shall be accessible for inspection, service, repair, and replacement without removing permanent construction. Sufficient room shall be available to enable the operator to observe the burner, control, and ignition means while starting the appliance.

§ 280.714 Appliances, cooling.

(a) Every air conditioning unit or a combination air conditioning and heating unit shall be listed or certified by a nationally recognized testing agency for the application for which the unit is intended and installed in accordance with the terms of its listing.

(1) Mechanical air conditioners shall be rated in accordance with the Standard for Unitary Air-Conditioning Equipment (ARI Standard 210–74) and certified by ARI or other nationally recognized testing agency capable of providing follow-up service. (i) Electric motor-driven unitary cooling systems with rated capacity less than 65,000 Btu/hr manufactured after the times indicated in the following table, when rated at ARI Standard rating conditions as listed in ARI Standard 210–74, shall show energy efficiency ratio (EER) values not less than as shown below:

Date:	*Energy efficiency ratio*
Jan. 1, 1977	6.5
Jan. 1, 1980	7.2

(ii) Direct refrigerating systems serving any air conditioning or comfort-cooling system installed that ranks no lower than Group 5 in the Underwriters' Laboratories, Inc. "Classification of Comparative Life Hazard of Various Chemicals." (iii) Heat pumps shall be listed in the ARI Directory of Certified Unitary Heat Pumps or certified to comply with all the requirements of the Standard for Unitary Heat Pumps 240–74. Electric motor-driven vapor compression heat pumps with supplemental electrical resistance heat shall be sized to provide by compression at least 60 percent of the calculated annual heating requirement for the mobile home being served. A control shall be provided and set to prevent operation of supplemental electrical resistance heat at outdoor temperatures above 40 F, except for defrost operation. (iv) Electric motor-driven vapor compression heat pumps with supplemental electric resistance heat conforming to ARI Standard 240–74 manufactured after the dates indicated in the table shall show coefficient of performance ratios not less than shown below:

COP

Date	Outdoor air temperature		
	45° F	20° F	0° F
Jan. 1, 1977	2.2	1.4	Permit shutoff.
Jan. 1, 1980	2.5	1.7	1.0.

(2) Gas fired absorption air conditioners shall be listed or certified in cordance with ANSI Standard Z21.40.1–1973 and certified by AGA or another nationally recognized testing agency capable of providing follow-up service.

(3) Direct refrigerating systems serving any air conditioning or comfort-cooling system installed in a mobile home shall employ a type of refrigerant that ranks no lower than Group 5 in the Underwriters' Laboratories, Inc. "Classification of Comparative Life Hazard of Various Chemicals."

(b) *Installation and instructions.*

(1) The installation of each appliance shall conform to the terms of its listing as specified on the appliance and in the manufacturer's instructions. The installer shall include the manufacturer's installation instructions in the mobile home. Appliances shall be secured in place to avoid displacement and movement from vibration and road shock.

(2) Operating instructions shall be provided with the appliance.

(c) Fuel-burning air conditioners shall also comply with § 280.707.

(d) The appliance rating plate shall be so located that it is easily readable when the appliance is properly installed.

(e) Every installed appliance shall be accessible for inspection, service, repair and replacement without removing permanent construction.

§ 280.715 Circulating air system.

(a) *Supply system.* (1) Supply ducts and any dampers contained therein shall be made from galvanized steel, tin-plated steel, or aluminum, or shall be listed Class 0, Class 1, or Class 2 air ducts. Class 2 air ducts shall be located at least 3 feet from the furnace bonnet or plenum. A duct system integral with the structure shall be of durable construction that can be demonstrated to be equally resistant to fire and deterioration. Ducts constructed from sheet metal shall be in accordance with the following table:

Minimum metal thickness for ducts [1]

Duct type	Diameter 14 in or less	Width over 14 in
Round	0.013	0.016
Enclosed rectangular	.013	.016
Exposed rectangular	.016	.019

[1] When "nominal" thicknesses are specified, 0.003 in shall be added to these "minimum" metal thicknesses.

(2) Sizing of ducts for heating. (i) Ducts shall be so designed that when a labeled forced-air furnace is installed and operated continuously at its normal heating air circulating rate in the mobile home, with all registers in the full open position, the static pressure measured in the casing shall not exceed 90% of that shown on the label of the appliance. For upflow furnaces the static pressure shall be taken in the duct plenum. For external heating or combination heating/cooling appliances the static pressure shall be taken at the point used by the agency listing or certifying the appliance. (ii) When an evaporator-coil specifically designed for the particular furnace is installed between the furnace and the duct plenum, the total static pressure shall be measured downstream of the coil in accordance with the appliance label and shall not exceed 90 percent of that shown on the label of the appliance. (iii) When any other listed air-cooler coil is installed between the furnace and the duct plenum, the total static pressure shall be measured between the furnace and the coil and it shall not exceed 90 percent of that shown on the label of the furnace. (iv) The minimum dimension of any branch duct shall be at least 1½ inches, and of any main duct, 2½ inches.

(3) Sizing of ducts for air cooling. (i) The mobile home manufacturer shall certify the capacity of the air cooling supply duct system for the maximum allowable output of ARI certified central air conditioning systems. The certification shall be at operating static pressure of 0.3 inches of water or greater. (See § 280.511). (ii) The refrigerated air cooling supply duct system including registers must be capable of handling at least 300 cfm per 10,000 btuh with a static pressure no greater than 0.3 inches of water when measured at room temperature. In the case of application of external self contained comfort cooling appliances or the cooling mode of combination heating/cooling appliances, either the external ducts between the appliance and the mobile home supply system shall be considered part of, and shall comply with the requirements for the refrigerated air cooling supply duct system, or the connecting duct between the external appliance and the mobile supply duct system shall be a part of the listed appliance. The minimum dimension of any branch duct shall be at least 1½ inches, and of any main duct, 2½ inches.

(4) Airtightness of supply duct systems. A supply duct system shall be considered substantially airtight when the static pressure in the duct system, with all registers sealed and with the furnace air circulator at high speed, is at least 80 percent of the static pressure measured in the furnace casing, with its outlets sealed and the furnace air circulator operating at high speed. For the purpose of this paragraph and § 280.715(b) pressures shall be measured with a water manometer or equivalent device calibrated to read in increments not greater than ⅛ inch water column.

(5) Expandable or multiple mobile home connections. (i) An expandable or multiple mobile home may have ducts of the heating system installed in the various units. The points of connection must be so designed and constructed that when the mobile home is fully expanded or coupled, the resulting duct joint will conform to the requirements of this Part. (ii) Installation instructions for supporting the crossover duct from the mobile home shall be provided for onsite installation. The duct shall not be in contact with the ground.

(6) Air supply ducts shall be insulated with material having an effective thermal resistance (R) of not less than 4.0 unless they are within mobile home insulation having a minimum effective value of R–4.0 for floors or R–6.0 for ceilings.

(7) Supply and return ducts exposed directly to outside air, such as under chassis crossover ducts or ducts connecting external heating, cooling or combination heating/cooling appliances shall be insulated with material having a minimum thermal resistance of R=4.0, with a continuous vapor barrier having a perm rating of not more than 1 perm. Where exposed underneath the mobile home, all such ducts shall comply with § 280.715 (a)(5)(ii).

(b) *Return air systems.* (1) *Return air openings.* Provisions shall be made to permit the return of circulating air from all rooms and living spaces, except toilet room(s), to the circulating air supply inlet of the furnace.

(2) *Duct Material.* Return ducts and any diverting dampers contained therein shall be in accordance with the following: (i) Portions of return ducts directly above the heating surfaces, or closer than 2 feet from the outer jacket or casing of the furnace shall be constructed of metal in accordance with § 280.715(a)(1) or shall be listed Class 0 or Class 1 air ducts. (ii) Return ducts, except as required by (a) above, shall be constructed of one-inch (nominal) wood boards (flame spread classification of not more than 200), other suitable material no more flammable than one-inch board or in accordance with § 280.715(a)(1). (iii) The interior of combustible ducts shall be lined with noncombustible material at points where there might be danger from incandescent particles dropped through the register or furnace such as directly under floor registers and the bottom return. (iv) Factory made air ducts used for connecting external heating, cooling or combination heating/cooling appliances to the supply system and return air system of a mobile home shall be listed by a nationally recognized testing agency. Ducts applied to external heating appliances or combination heating/cooling appliances supply system outlets shall be constructed of metal in accordance with § 280.715(a)(1) or shall be listed Class 0 or Class 1 air ducts for those portions of the duct closer than 2 feet from the outer casing of the appliance. (v) Ducts applied to external appliances shall be resistant to deteriorating environmental effects, including but not limited to ultra violet rays, cold weather, or moisture and shall be resistant to insects and rodents.

(3) *Sizing.* The cross-sectional areas of the return air duct shall not be less than 2 square inches for each 1,000 Btu per hour input rating of the appliance. Dampers shall not be placed in a combination fresh air intake and return air duct so arranged that the required cross-sectional area will not be reduced at all possible positions of the damper.

(4) *Permanent unclosable openings.* Living areas not served by return air ducts or closed off from the return opening of the furnace by doors, sliding partitions, or other means shall be provided with permanent unclosable openings in the doors or separating partitions to allow circulated air to return to the furnace. Such openings may be grilled or louvered. The net free area of each opening shall be not less than 1 square inch for every 5 square feet of total living area closed off from the furnace by the door or partition serviced by that opening. Undercutting doors connecting the closed-off space may be used as a means of providing return air area. However, in the event that doors are undercut, they shall be undercut a minimum of 2 inches and no more than 2½ inches, and no more than one half of the free air area so provided shall be counted as return air area.

(c) *Joints and seams.* Joints and seams of ducts shall be securely fastened and made substantially airtight. Slip joints shall have a lap of at least 1 inch and shall be individually fastened. Tape or caulking compound may be used for sealing mechanically secure joints. Where used, tape or caulking compound shall not be subject to deterioration under long exposures to temperatures up to 200° F. and to conditions of high humidity, excessive moisture, or mildew.

(d) *Supports.* Ducts shall be securely supported.

(e) *Registers or grilles.* Fittings connecting the registers or grilles to the duct system shall be constructed of metal or material which complies with the requirements of Class 1 or 2 ducts under Underwriters' Laboratories, Inc. Standard for Air Ducts, UL181–1972. Air supply terminal devices (registers) when installed in kitchens, bedrooms and bathrooms shall be equipped with adjustable closeable dampers. Registers or grilles shall be constructed of metal or conform with the following:

(1) Be made of a material classified 94VE–0 or 94VE–1 when tested as described in Underwriters' Laboratories, Inc. Standard for Tests for Flammability of Plastic Materials for Parts in Devices and Appliances. UL94–1974.

DEC 18 75 V40244 XUM

(2) Floor register or grilles shall resist without structural failure a 200 lb. concentrated load on a 2-inch diameter disc applied to the most critical area of the exposed face of the register or grille. For this test the register or grille is to be at a temperature of not less than 165° F and is to be supported in accordance with the manufacturer's instructions.

Subpart I—Electrical Systems

§ 280.801 Scope.

(a) Subpart I of this Standard and Part A of Article 550 of the National Electrical Code (NFPA No. 70—1975) cover the electrical conductors and equipment installed within or on mobile homes and the conductors that connect mobile homes to a supply of electricity.

(b) In addition to the requirements of this Standard and Article 550 of the National Electrical Code (NFPA No. 70—1975), the applicable portions of other Articles of the National Electrical Code shall be followed covering electrical installations in mobile homes. Wherever the requirements of this Standard differ from the National Electrical Code, this Standard shall apply.

(c) The provisions of this Standard apply to mobile homes intended for connection to a wiring system nominally rated 115/230 volts, 3-wire AC, with grounded neutral.

(d) All electrical materials, devices, appliances, fittings and other equipment shall be listed or labeled by a nationally recognized testing agency and shall be connected in an approved manner when in service.

(e) Aluminum conductors are not acceptable in branch circuit wiring in mobile homes except as specifically approved by the Department after examination of proposed systems for individual cases.

§ 280.802 Definitions.

(a) The following definitions are applicable to Subpart I only.

(1) "Accessible (i) (As Applied to Equipment)" means admitting close approach because not guarded by locked doors, elevation, or other effective means. (See "Readily Accessible.") (ii) "(As Applied to Wiring Methods) means capable of being removed or exposed without damaging the mobile home structure or finish, or not permanently closed-in by the structure or finish of the mobile home (see "Concealed" and "Exposed").

(2) "Air Conditioning or Comfort Cooling Equipment" means all of that equipment intended or installed for the purpose of processing the treatment of air so as to control simultaneously its temperature, humidity, cleanliness, and distribution to meet the requirements of the conditioned space.

(3) (i) "Appliance" means utilization equipment, generally other than industrial, normally built in standardized sizes or types, which is installed or connected as a unit to perform one or more functions, such as clothes washing, air conditioning, food mixing, deep frying, etc. (ii) "Appliance, Fixed" means an appliance which is fastened or otherwise secured at a specific location. (iii) "Appliance, Portable" means an appliance which is actually moved or can easily be moved from one place to another in normal use. For the purpose of this Standard, the following major appliances are considered portable if cord-connected: refrigerators, clothes washers, dishwashers without booster heaters, or other similar appliances. (iv) "Appliance, Stationary" means an appliance which is not easily moved from one place to another in normal use.

(4) "Attachment Plug (Plug Cap) (Cap)" means a device which, by insertion in a receptacle, establishes connection between the conductors of the attached flexible cord and the conductors connected permanently to the receptacle.

(5) "Bonding" means the permanent joining of metallic parts to form an electrically conductive path which will assure electrical continuity and the capacity to conduct safely any current likely to be imposed.

(6) "Branch Circuit" (i) means the circuit conductors between the final overcurrent device protecting the circuit and the outlet(s). A device not approved for branch circuit protection, such as a thermal cutout or motor overload protective device, is not considered as the overcurrent device protecting the circuit. (ii) "Branch Circuit—Appliance" means a branch circuit supplying energy to one or more outlets to which appliances are to be connected; such circuits to have no permanently connected lighting fixtures not a part of an appliance. (iii) "Branch Circuit—General Purpose" means a circuit that supplies a number of outlets for lighting and appliances. (iv) "Branch Circuit—Individual" means a branch circuit that supplies only one utilization equipment.

(7) "Cabinet" means an enclosure designed either for surface or flush mounting, and provided with a frame, mat, or trim in which swinging doors are hung.

(8) "Circuit Breaker" means a device designed to open and close a circuit by nonautomatic means, and to open the circuit automatically on a predetermined overload of current without injury to itself when properly applied within its rating.

(9) "Concealed" means rendered inaccessible by the structure or finish of the mobile home. Wires in concealed raceways are considered concealed, even though they may become accessible by withdrawing them. (See "Accessible (As Applied to Wiring Methods)")

(10) "Connector, Pressure (Solderless)" means a device that establishes a connection between two or more conductors or between one or more conductors and a terminal by means of mechanical pressure and without the use of solder.

(11) "Dead Front (As Applied to Switches, Circuit-Breakers, Switchboards, and Distribution Panelboard)" means so designed, constructed, and installed that no current-carrying parts are normally exposed on the front.

(12) "Demand Factor" means the ratio of the maximum demand of a system, or part of a system, to the total connected load of a system or the part of the system under consideration.

(13) "Device" means a unit of an electrical system that is intended to carry but not utilize electrical energy.

(14) "Disconnecting Means" means a device, or group of devices, or other means by which the conductors of a circuit can be disconnected from their source of supply.

(15) "Distribution Panelboard" means a single panel or a group of panel units designed for assembly in the form of a single panel, including buses, and with or without switches or automatic overcurrent protective devices or both, for the control of light, heat, or power circuits of small individual as well as aggregate capacity; designed to be placed in a cabinet placed in or against a wall or partition and accessible only from the front.

(16) "Enclosed" means surrounded by a case that will prevent a person from accidentally contacting live parts.

(17) "Equipment" means a general term, including material, fittings, devices, appliances, fixtures, apparatus, and the like used as a part of, or in connection with, an electrical installation.

(18) "Exposed" (i) (As Applied to Live Parts) means capable of being inadvertently touched or approached nearer than a safe distance by a person. It is applied to parts not suitably guarded, isolated, or insulated. (See "Accessible" and "Concealed.") (ii) (As Applied to "Wiring Method") means on or attached to the surface or behind panels designed to allow access. (See "Accessible (As Applied to Wiring Methods)")

(19) "Externally Operable" means capable of being operated without exposing the operator to contact with live parts.

(20) "Feeder Assembly" means the overhead or under-chassis feeder conductors, including the grounding conductor, together with the necessary fittings and equipment, or a power supply cord approved for mobile home use, designed for the purpose of delivering energy from the source of electrical supply to the distribution panelboard within the mobile home.

(21) "Fitting" means an accessory, such as a locknut, bushing, or other part of a wiring system, that is intended primarily to perform a mechanical rather than an electrical function.

(22) "Ground" means a conducting connection, whether intentional or accidental, between an electrical circuit or equipment and earth, or to some conducting body that serves in place of the earth.

(23) "Grounded" means connected to earth or to some conducting body that serves in place of the earth.

(24) "Grounded Conductor" means a system or circuit conductor that is intentionally grounded.

(25) "Grounding Conductor" means a conductor used to connect equipment or the grounded circuit of a wiring system to a grounding electrode or electrodes.

(26) "Guarded" means covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats or platforms to remove the likelihood of approach or contact by persons or objects to a point of danger.

(27) "Isolated" means not readily accessible to persons unless special means for access are used.

(28) "Laundry Area" means an area containing or designed to contain either a laundry tray, clothes washer and/or clothes dryer.

(29) "Lighting Outlet" means an outlet intended for the direct connection of a lampholder, a lighting fixture, or a pendant cord terminating in a lampholder.

(30) "Mobile Home Accessory Building or Structure" means any awning, cabana, ramada, storage cabinet, carport, fence, windbreak or porch established for the use of the occupant of the mobile home upon a mobile home lot.

(31) "Mobile Home Service Equipment" means the equipment containing the disconnecting means, overcurrent protective devices, and receptacles or other means for connecting a mobile home feeder assembly.

(32) "Outlet" means a point on the wiring system at which current is taken to supply utilization equipment.

(33) "Panelboard" means a single panel or group of panel units designed for assembly in the form of a single panel; including buses; automatic overcurrent protective devices, and with or without switches for the control of light, heat, or power circuits; designed to be placed in a cabinet or cutout box placed in or against a wall or partition and accessible only from the front.

(34) "Raceway" means any channel for holding wires, cables, or busbars that is designed expressly for, and used solely for, this purpose. Raceways may be of metal or insulating material, and the term includes rigid metal conduit, rigid nonmetallic conduit, flexible metal conduit, electrical metallic tubing, underfloor raceways, cellular concrete floor raceways, cellular metal floor raceways, surface raceways, structural raceways, wireways, and busways.

(35) "Raintight" means so constructed or protected that exposure to a beating rain will not result in the entrance of water.

(36) "Readily Accessible" means capable of being reached quickly for operation, renewal, or inspection, without requiring those to whom ready access is requisite to climb over or remove obstacles or to resort to portable ladders, chairs, etc. (See "Accessible.")

(37) "Receptacle" means a contact device installed at an outlet for the connection of a single attachment plug. A single receptacle is a single contact device with no other contact device on the same yoke. A multiple receptacle is a single device containing two or more receptacles.

(38) "Receptacle Outlet" means an outlet where one or more receptacles are installed.

(39) "Utilization Equipment" means equipment which utilizes electric energy for mechanical, chemical, heating, lighting, or similar purposes.

(40) "Voltage (of a Circuit)" means the greatest root-mean-square (effective) difference of potential between any two conductors of the circuit concerned. Some systems, such as 3-phase 4-wire, single-phase 3-wire, and 3-wire direct-current may have various circuits of various voltages.

(41) "Weatherproof" means so constructed or protected that exposure to the weather will not interfere with successful operation. Rainproof, raintight, or watertight equipment can fulfill the requirements for weatherproof where varying weather conditions other than wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

§ 280.803 Power supply.

(a) The power supply to the mobile home shall be a feeder assembly consisting of not more than one listed 50 ampere mobile home power-supply cords, or a permanently installed circuit. A mobile home that is factory-equipped with gas or oil-fired central heating equipment and cooking appliances shall be permitted to be provided with a listed mobile home power-supply cord rated 40 amperes.

(b) If the mobile home has a power-supply cord, it shall be permanently attached to the distribution panelboard or to a junction box permanently connected to the distribution panelboard, with the free end terminating in an attachment plug cap.

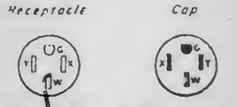
(c) Cords with adapters and pigtail ends, extension cords, and similar items shall not be attached to, or shipped with, a mobile home.

(d) A listed clamp or the equivalent shall be provided at the distribution panelboard knockout to afford strain relief for the cord to prevent strain from being transmitted to the terminals when the power-supply cord is handled in its intended manner.

(e) The cord shall be of an approved type with four conductors, one of which shall be identified by a continuous green color or a continuous green color with one or more yellow stripes for use as the grounding conductor.

(f) The attachment plug cap shall be a 3-pole, 4-wire grounding type, rated 50 amperes, 125/250 volts with a configuration as shown herein and intended for use with the 50-ampere, 125/250 receptacle configuration shown. It shall be molded of butyl rubber, neoprene, or other approved materials which have been found suitable for the purpose, and shall be molded to the flexible cord so that it adheres tightly to the cord at the point where the cord enters the attachment-plug cap. If a right-angle cap is used, the configuration shall be so oriented that the grounding member is farthest from the cord.

(g) The overall length of a power-supply cord, measured from the end of the cord, including bared leads, to the face of the attachment-plug cap shall not be less than 21 feet and shall not exceed 36½ feet. The length of cord from the face of the attachment-plug cap to the point where the cord enters the mobile home shall not be less than 20 feet.



50-ampere 125/250 volt receptacle and attachment-plug-cap configurations, 3 pole, 4-wire grounding type used for mobile home supply cords and mobile home parks. Complete details of the 50-ampere cap and receptacle can be found in the American National Standard Dimensions of Caps, Plugs and Receptacles, Grounding Type (ANSI C73.17—1972).

(h) The power-supply cord shall bear the following marking: "For use with mobile homes—40 amperes" or "For use with mobile homes—50 amperes."

(i) The point of entrance of the feeder assembly to the mobile home shall be in the exterior wall, floor, or roof, in the rear third section (away from the coupler), of the mobile home.

(j) Where the cord passes through walls or floors, it shall be protected by means of conduit and bushings or equivalent. The cord may be installed within the mobile home walls, provided a continuous raceway is installed from the branch-circuit panelboard to the underside of the mobile home floor. The raceway may be rigid conduit, electrical metallic tubing or polyethylene (PE), poly-vinylchloride (PVC) or acrylonitrile-butadiene-styrene (ABS) plastic tubing having a minimum wall thickness of nominal ⅛ inch.

(k) Permanent provisions shall be made for the protection of the attachment-plug cap of the power supply cord and any connector cord assembly or receptacle against corrosion and mechanical damage if such devices are in an exterior location while the mobile home is in transit.

(l) Where the calculated load exceeds 50 amperes or where a permanent feeder is used, the supply shall be by means of:

(1) One mast weatherhead installation installed in accordance with Article 230 of the National Electrical Code NFPA No. 70—1975 containing four continuous insulated, color-coded, feeder conductors, one of which shall be an equipment grounding conductor; or,

(2) An approved raceway from the disconnecting means in the mobile home to the underside of the mobile home with provisions for the attachment of a suitable junction box or fitting to the raceway on the underside of the mobile home. The manufacturer shall provide in his written installation instructions, the proper feeder conductor sizes for the raceway and the size of the junction box to be used.

§ 280.804 Disconnecting means and branch-circuit protective equipment.

(a) The branch-circuit equipment shall be permitted to be combined with

DEC 18 75
V 40 244
XUM

the disconnecting means as a single assembly. Such a combination shall be permitted to be designated as a distribution panelboard. If a fused distribution panelboard is used, the maximum fuse size of the mains shall be plainly marked with lettering at least ¼-inch high and visible when fuses are changed. See Section 110-22 of the National Electrical Code (NFPA No. 70—1975) concerning identification of each disconnecting means and each service, feeder, or branch circuit at the point where it originated and the type marking needed.

(b) Plug fuses and fuseholders shall be tamper-resistant, Type "S," enclosed in dead-front fuse panelboards. Electrical distribution panels containing circuit breakers shall also be dead-front type.

(c) Disconnectiong means. A single disconnecting means shall be provided in each mobile home consisting of a circuit breaker, or a switch and fuses and their accessories installed in a readily accessible location near the point of entrance of the supply cord or conductors into the mobile home. The main circuit breakers or fuses shall be plainly marked "Main." This equipment shall contain a solderless type of grounding connector or bar for the purposes of grounding with sufficient terminals for all grounding conductors. The neutral bar termination of the grounded circuit conductors shall be insulated.

(d) The disconnecting equipment shall have a rating suitable for the connected load. The distribution equipment, either circuit breaker or fused type, shall be located a minimum of 24 inches from the bottom of such equipment to the floor level of the mobile home. There shall be a label attached to the panelboard stating: This Panelboard shall be connected by a Feeder Assembly having Overcurrent Protection rated at not more than _____ Amperes. The correct ampere rating shall be marked in the blank space.

(e) A distribution panelboard employing a main circuit breaker shall be rated 50 amperes and employ a 2-pole circuit breaker rated 40 amperes for a 40-ampere supply cord, or 50 amperes for a 50-ampere supply cord. A distribution panelboard employing a disconnect switch and fuses shall be rated 60 amperes and shall employ a single 2-pole, 60-ampere fuseholder with 40- or 50-ampere main fuses for 40- or 50-ampere supply cords, respectively. The outside of the distribution panelboard shall be plainly marked with the fuse size.

(f) The distribution panelboard shall not be located in a bathroom, or in any other inaccessible location, but shall be permitted just inside a closet entry if the location is such that a clear space of 6 inches to easily ignitable materials is maintained in front of the distribution panelboard, and the distribution panelboard door can be extended to its full open position (at least 90 degrees). A clear working space at least 30 inches wide and 30 inches in front of the distribution panelboard shall be provided. This space shall extend from floor to the top of the distribution panelboard.

(g) Branch-circuit distribution equipment shall be installed in each mobile home and shall include overcurrent protection for each branch circuit consisting of either circuit breakers or fuses.

(1) The branch circuit overcurrent devices shall be rated: (i) not more than the circuit conductors; and (ii) not more than 150 percent of the rating of a single appliance rated 10 amperes or more which is supplied by an individual branch circuit; but (iii) not more than the fuse size marked on the air conditioner or other motor-operated appliance.

(h) A 15-ampere multiple receptacle shall be acceptable when connected to a 20-ampere laundry circuit.

(i) When circuit breakers are provided for branch-circuit protection, 230-volt circuits shall be protected by 2-pole common or companion trip, or handle-tied paired circuit breakers.

(j) A metal nameplate on the outside adjacent to the feeder assembly entrance shall read: This Connection for 120/240 Volt, 3-Pole, 4-Wire, 60 Hertz_____ Ampere Supply. The correct ampere rating shall be marked in the blank space.

§ 280.805 Branch circuits required.

(a) The number of branch circuits required shall be determined in accordance with the following:

(1) *Lighting.* Based on 3 watts per square foot times outside dimensions of the mobile home (coupler excluded) divided by 115 volts times amperage to determine number of 15- or 20-ampere lighting area circuits, e.g.,

$$\frac{3 \times \text{Length} \times \text{Width}}{115 \times 15 \text{ (or } 20)} = \text{No. of 15 (or 20) ampere circuits}$$

(2) *Portable appliances.* For the small appliance load in kitchen, pantry, family room, dining room and breakfast rooms of mobile homes, two or more 20-ampere appliance branch circuits, in addition to the branch circuit specified in § 280.805 (a)(1), shall be provided for all receptacle outlets in these rooms, and such circuits shall have no other outlets. Receptacle outlets supplied by at least two appliance receptacle branch circuits shall be installed in the kitchen.

(3) *General appliances (Including furnace, water heater, range, and central or room air conditioner, etc.).* There shall be one or more circuits of adequate rating in accordance with the following: (i) Ampere rating of fixed appliances not over 50 percent of circuit rating if lighting outlets (receptacles, other than kitchen, dining area, and laundry, considered as lighting outlets) are on same circuit; (ii) For fixed appliances on a circuit without lighting outlets, the sum of rated amperes shall not exceed the branch-circuit rating for other than motor loads or 80 percent of the branch-circuit rating for air conditioning or other motor loads; (iii) The rating of a single portable appliance on a circuit having no other outlets shall not exceed 80 percent of the circuit rating; (iv) The rating of range branch circuit shall be based on the range demand as specified for ranges in § 280.811, Item B(5) of Method 1. For central air conditioning, see Article 440 of the National Electrical Code (NFPA No. 70—1975). (v) Where laundry facilities are provided in a mobile home, a 20-ampere branch circuit shall be provided within 6 feet of the intended location of the appliance. See § 280.804(j).

§ 280.806 Receptacle Outlets.

(a) All receptacle outlets shall be:

(1) Of grounding type;

(2) Installed according to Section 210-7 of the National Electrical Code (NFPA No. 70 ___ 1975) and

(3) Except when supplying specific appliances, be parallel-blade, 15-ampere, 125-volt, either single or duplex.

(b) All 120 volt single phase, 15 and 20 ampere receptacle outlets, including receptacles in light fixtures, installed outdoors and in bathrooms shall have ground-fault circuit protection for personnel. Feeders supplying branch circuits may be protected by a ground-fault circuit-interrupter in lieu of the provision for such interrupters specified above.

(c) There shall be an outlet of the grounding type for each cord-connected fixed appliance installed.

(d) Receptacle outlets required. Except in the bath and hall areas, receptacle outlets shall be installed at wall spaces 2 feet wide or more, so that no point along the floor line is more than 6 feet, measured horizontally, from an outlet in that space. In addition, a receptacle outlet shall be installed:

(1) Over or adjacent to counter tops in the kitchen (at least one on each side of the sink if counter tops are on each side and 12 inches or over in width).

(2) Adjacent to the refrigerator and free-standing gas-range space.

(3) At counter top spaces for built-in vanities.

(4) At counter top spaces under wall-mounted cabinets.

(5) In the wall, at the nearest point where a bar type counter attaches to the wall.

(6) In the wall at the nearest point where a fixed room divider attaches to the wall.

(7) In laundry area.

(8) At least one receptacle outlet shall be installed outdoors. Receptacle outlets located in compartments accessible from outdoors shall be considered outdoor receptacles and shall be protected as required in § 280.806(b).

(9) Adjacent to bathroom basins or integral with the light fixture over the bathroom basin.

(10) Receptacle outlets are not required in the following locations: (i) wall space occupied by built-in kitchen or wardrobe cabinets, (ii) wall space behind doors which may be opened fully against a wall surface, (iii) room dividers of the lattice type, less than 8 feet long, not solid within 6 inches of the floor, (iv) wall space afforded by bar type counters.

(e) Receptacle outlets shall not be installed in or within reach (30 inches) of a shower or bathtub space.

(f) Receptacle outlets shall not be installed above electric baseboard heaters.

§ 280.807 Fixtures and appliances.

(a) Electrical materials, devices, appliances, fittings, and other equipment installed, intended for us in, or attached to the mobile home shall be approved for the application and shall be connected in an approved manner when in service. Facilities shall be provided to securely fasten appliances when the mobile home is in transit. (See § 280.809.)

(b) Specifically listed pendant-type fixtures or pendant cords shall be permitted in mobile homes.

(c) If a lighting fixture is provided over a bathtub or in a shower stall, it shall be of the enclosed and gasketed type, listed for wet locations.

(d) The switch for shower lighting fixtures and exhaust fans located over a tub or in a shower stall shall be located outside the tub shower space. (See § 280.806(e).)

(e) Any combustible wall or ceiling finish exposed between the edge of a fixture, canopy, or pan and an outlet box shall be covered with noncombustible material.

(f) Every appliance shall be accessible for inspection, service, repair, or replacement without removal of permanent construction.

§ 280.808 Wiring methods and materials.

(a) Except as specifically limited in this Part, the wiring methods and materials specified in the National Electrical Code (NFPA No. 70—1975) shall be used in mobile homes.

(b) Nonmetallic outlet boxes shall be acceptable only with nonmetallic cable.

(c) Nonmetallic cable located 15 inches or less above the floor, if exposed, shall be protected from physical damage by covering boards, guard strips, or conduit. Cable likely to be damaged by stowage shall be so protected in all cases.

(d) Nonmetallic sheathed cable shall be secured by staples, straps, or similar fittings so designed and installed as not to injure any cable. Cable shall be secured in place at intervals not exceeding 4½ feet and within 12 inches from every cabinet, box or fitting.

(e) Metal-clad and nonmetallic cables shall be permitted to pass through the centers of the wide side of 2-inch by 4-inch studs. However, they shall be protected where they pass through 2-inch by 2-inch studs or at other studs or frames where the cable or armor would be less than 1½ inches from the inside or outside surface of the studs when the wall covering materials are in contact with the studs. Steel plates on each side of the cable, or a tube, with not less than No. 16 MSG wall thickness shall be required to protect the cable. These plates or tubes shall be securely held in place.

(f) Where metallic faceplates are used they shall be effectively grounded.

(g) If the range, clothes dryer, or similar appliance is connected by metal-clad cable or flexible conduit, a length of not less than three feet of free cable or conduit shall be provided to permit moving the appliance. Type NM or Type SE cable shall not be used to connect a range or a dryer. This shall not prohibit the use of Type NM or Type SE cable between the branch circuit overcurrent protective device and a junction box or range or dryer receptacle.

(h) Threaded rigid metal conduit shall be provided with a locknut inside and outside the box, and a conduit bushing shall be used on the inside. Rigid nonmetallic conduit shall be permitted. Inside ends of the conduit shall be reamed.

(i) Switches shall be rated as follows:

(1) For lighting circuits, switches shall have a 10-ampere, 120–125 volt rating; or higher if needed for the connected load.

(2) For motors or other loads, switches shall have ampere or horsepower ratings, or both, adequate for loads controlled. (An "AC general-use" snap switch shall be permitted to control a motor 2 horsepower or less with full-load current not over 80 percent of the switch ampere rating).

(j) At least 4 inches of free conductor shall be left at each outlet box except where conductors are intended to loop without joints.

(k) When outdoor or under-chassis line-voltage wiring is exposed to moisture or physical damage, it shall be protected by rigid metal conduit. The conductors shall be suitable for wet locations. Electrical metallic tubing may be used when closely routed against frames and equipment enclosures.

(l) The cables or conductors shall be Type NMC, TW, or equivalent.

(m) Outlet boxes of dimensions less than those required in Table 370–6(a) of the National Electrical Code (NFPA No. 70–1975), shall be permitted provided the box has been tested and approved for the purpose.

(n) Boxes, fittings and cabinets shall be securely fastened in place, and shall be supported from a structural member of the home, either directly or by using a substantial brace. Snap-in type boxes provided with special wall or ceiling brackets that securely fasten boxes in walls or ceilings shall be permitted.

(o) Outlet boxes shall fit closely to openings in combustible walls and ceilings, and they shall be flush with such surfaces.

(p) Appliances having branch-circuit terminal connections which operate at temperatures higher than 60°C (140°F) shall have circuit conductors as described in paragraph (p) (1) and (2) of this section:

(1) Branch-circuit conductors having an insulation suitable for the temperature encountered shall be permitted to run directly to the appliance.

(2) Conductors having an insulation suitable for the temperature encountered shall be run from the appliance terminal connections to a readily accessible outlet box placed at least one foot from the appliance. These conductors shall be in a suitable raceway which shall extend for at least 4 feet.

§ 280.809 Grounding.

(a) *General.* Grounding of both electrical and nonelectrical metal parts in a mobile home shall be through connection to a grounding bus in the mobile home distribution panelboard. The grounding bus shall be grounded through the green-colored conductor in the supply cord or the feeder wiring to the service ground in the service-entrance equipment located adjacent to the mobile home location. Neither the frame of the mobile home nor the frame of any appliance shall be connected to the neutral conductor in the mobile home.

(b) *Insulated neutral.* (1) The grounded circuit conductor (neutral) shall be insulated from the grounding conductors and from equipment enclosures and other grounded parts. The grounded (neutral) circuit terminals in the distribution panelboard and in ranges, clothes dryers, counter-mounted cooking units, and wall-mounted ovens shall be insulated from the equipment enclosure. Bonding screws, straps, or buses in the distribution panelboard or in appliances shall be removed and discarded.

(2) Connection of ranges and clothes dryers with 115/230-volt, 3-wire ratings shall be made with 4-conductor cord and 3-pole, 4-wire grounding type plugs, or by Type AC metal-clad cable or conductors enclosed in flexible metal conduit. For 115-volt rated devices, a 3-conductor cord and a 2-pole, 3-wire grounding-type plug shall be permitted.

(c) *Equipment grounding means.* (1) The green-colored grounding wire in the supply cord or permanent feeder wiring shall be connected to the grounding bus in the distribution panelboard or disconnecting means.

(2) In the electrical system, all exposed metal parts, enclosures, frames, lamp fixture canopies, etc., shall be effectively bonded to the grounding terminal or enclosure of the distribution panelboard.

(3) Cord-connected appliances, such as washing machines, clothes dryers, refrigerators, and the electrical system of gas ranges, etc., shall be grounded by means of an approved cord with grounding conductor and grounding-type attachment plug.

(d) *Bonding of noncurrent-carrying metal parts.* (1) All exposed noncurrent-carrying metal parts that may become energized shall be effectively bonded to the grounding terminal or enclosure of the distribution panelboard. A bonding conductor shall be connected between each distribution panelboard and an accessible treminal on the chassis.

(2) Grounding terminals shall be of the solderless type and approved as pressure-terminal connectors recognized for the wire size used. Star washers or other approved paint-penetrating fitting shall be used to bond terminals to chassis or other coated areas. The bonding conductor shall be solid or stranded, insulated or bare and shall be No. 8 copper mini-

V 40 244 DEC 18 75 XUM

mum, or equal. The bonding conductor shall be routed so as not to be exposed to physical damage. Protection can be afforded by the configuration of the chassis.

(3) Metallic gas, water and waste pipes and metallic air-circulating ducts shall be considered bonded if they are connected to the terminal on the chassis (see § 280.809) by clamps, solderless connectors, or by suitable grounding-type straps.

(4) Any metallic roof and exterior covering shall be considered bonded if (i) the metal panels overlap one another and are securely attached to the wood or metal frame parts by metallic fasteners, and (ii) if the lower panel of the metallic exterior covering is secured by metallic fasteners at a cross member of the chassis by two metal straps per mobile home unit or section at opposite ends. The bonding strap material shall be a minimum of 4 inches in width of material equivalent to the skin or a material of equal or better electrical conductivity. The straps shall be fastened with paint-penetrating fittings (such as screws and star washers or equivalent).

§ 280.810 Electrical testing.

(a) Dielectric Strength Test. The wiring of each mobile home shall be subjected to a 1-minute, 900-volt dielectric strength test (with all switches closed) between live parts (including neutral) and the mobile home ground. Alternatively, the test may be performed at 1,080 volts for 1 second. This test shall be performed after branch circuits are complete and after fixtures or appliances are installed. Fixtures or appliances which are listed shall not be required to withstand the dielectric strength test.

(b) Each mobile home shall be subjected to: (1) A continuity test to assure that metallic parts are properly bonded. (2) Operational test to demonstrate that all equipment is connected and in working order and (3) Polarity checks to determine that connections have been properly made.

§ 280.811 Calculations.

(a) The following method shall be employed in computing the supply-cord and distribution-panelboard load for each feeder assembly for each mobile home and shall be based on a 3-wire, 115/230-volt supply with 115-volt loads balanced between the two legs of the 3-wire system. The total load for determining power supply by this method is the summation of:

(1) Lighting and small appliance load as calculated below:

(i) Lighting Watts: Length times width of mobile home (outside dimensions exclusive of coupler) times 3 watts per square foot; e.g. Length × width × 3=lighting watts.

(ii) Small Appliance Watts: Number of circuits times 1,500 watts for each 20-ampere appliance receptacle circuit (See definition of "Appliance Portable" with note): e.g. Number of circuits × 1,500= small appliance watts.

(iii) Total Watts: Lighting watts plus, small appliance=total watts.

(iv) First 3,000 total watts at 100 percent plus remainder at 35 percent=watts to be divided by 230 volts to obtain current (amperes) per leg.

(2) Nameplate amperes for motors and heater loads (exhaust fans, air conditioners, electric, gas, or oil heating). Omit smaller of air conditioning and heating except include blower motor if used as air conditioner evaporator motor. When an air conditioner is not installed and a 40-ampere power supply cord is provided, allow 15 amperes per leg for air conditioning.

(3) 25 percent of current of largest motor in (2).

(4) Total of nameplate amperes for: Disposal, dishwasher, water heater, clothes dryer, wall-mounted oven, cooking units. Where number of these appliances exceeds three, use 75 percent of total.

(5) Derive amperes for free-standing range (as distinguished from separate ovens and cooking units) by dividing values below by 230 volts.

Name plate rating (in watts)	*Use (in watts)*
10,000 or less	80 percent of rating.
10,001 to 12,500	8,000.
12,501 to 13,500	8,400.
13,501 to 14,500	8,800
14,501 to 15,500	9,200.
15,501 to 16,500	9,600.
16,501 to 17,500	10,000.

(6) If outlets or circuits are provided for other than factory-installed appliances include the anticipated load. The following example is given to illustrate the application of this Method of Calculation:

Example. A mobile home is 70×10 feet and has two portable appliance circuits, a 1000 watt 230 volt heater, a 200 watt 115 volt exhaust fan, a 400 watt 115 volt dishwasher and a 7000 watt electric range.

Lighting and small appliance load:	*Watts*
Lighting 70×10×3	2,100
Small appliance 1,500×2	3,000
Total	5,100
1st 3,000 W at 100 pct	3,000
Remainder (5,100−3,000=2,100) at 35 pct	735
Total	3,735

$$\frac{3,735}{230}=16 \text{ A per leg}$$

1,000 W (heater) ÷230=4.4 A.
200 W (fan) ÷115=1.7 A.
400 W (dishwaster) ÷115=3.5 A.
7,000 W (range)×0.8÷230=24.0 A.

	Amperes per leg A	B
Lighting and appliances	16	16
Heater (230 V)	4	4
Fan (115 V)	2	
Dishwasher (115 V)		4
Range	24	24
Totals	40	48

NOTE.—Based on the higher current calculated for either leg, use one 50-A supply cord.

(b) The following is an optional method of calculation for lighting and appliance loads for mobile homes served by a single 3-wire 115/230 volt set of feeder conductors with an ampacity of 100 or greater. The total load for determining the feeder ampacity may be computed in accordance with the following Table instead of the method previously specified. Feeder conductors whose demand load is determined by this optional calculation shall be permitted to have the neutral load determined by Section 220–22 of the National Electrical Code. The loads identified in the Table as "other load" and as "Remainder of other load" shall include the following:

(1) 1500 watts for each 2-wire, 20-ampere small appliance branch circuit and each laundry branch circuit specified.

(2) 3 watts per square foot for general lighting and general-use receptacles.

(3) The nameplate rating of all fixed appliances, ranges, wall-mounted ovens, counter-mounted cooking units, and including 4 or more separately controlled space heating loads.

(4) The nameplate ampere or kVA rating of all motors and of all low-power-factor loads.

(5) The largest of the following: (i) air conditioning load; (ii) the 65 percent diversified demand of the central electric space heating load; (iii) the 65 percent diversified demand of the load of less than four separately-controlled electric -space heating units; (iv) the connected load of four or more separately-controlled electric space heating units.

OPTIONAL CALCULATION FOR MOBILE HOMES WITH 110-AMPERE OR LARGER SERVICE

Load (in kilowatt or kilovoltampere):	*Demand factor (percent)*
Air-conditioning and cooling including heat pump compressors	100
Central electric space heating	65
Less than 4 separately controlled electric space heating units	65
1st 10 kW of all other load	100
Remainder of other load	40

§ 280.812 Wiring of expandable units and dual units.

(a) Expandable or multiple unit mobile homes shall use fixed-type wiring methods and materials for connecting such units to each other.

(b) Expandable or multiple unit mobile homes not having permanently installed feeders and which are to be moved from one location to another, shall be permitted to have disconnecting means with branch circuit protective equipment in each unit when so located that after assembly or joining together of units the requirements of § 280.803 will be met.

§ 280.813 Outdoor outlets, fixtures, air-conditioning equipment, etc.

(a) Outdoor fixtures and equipment shall be listed or approved for outdoor use. Outdoor receptacles or convenience outlets shall be of a gasketed-cover type.

(b) A mobile home provided with an outlet designed to energize heating and/or air conditioning equipment located outside the mobile home, shall have permanently affixed, adjacent to the outlet, a metal tag which reads:

This Connection Is for Air Conditioning Equipment Rated at Not More Than ------ Amperes, at ------ Volts, 60 Hertz. A disconnect shall be located within sight of the appliance.

The correct voltage and ampere ratings shall be given. The tag shall be not less than 0.020 inch, etched brass, stainless steel, anodized or alclad aluminum or equivalent. The tag shall be not less than 3 inches by 1¾ inches minimum size.

§ 280.814 Painting of wiring.

During painting or staining of the mobile home, it shall be permitted to paint metal raceways (except where grounding continuity would be reduced) or the sheath of the nonmetallic cable. Some arrangement, however, shall be made so that no paint shall be applied to the individual wires, as the color coding may be obliterated by the paint.

§ 280.815 Polarization.

(a) The identified (white) conducter shall be employed for grounding circuit conductors only and shall be connected to the identified (white) terminal or lead on receptacle outlets and fixtures. It shall be the unswitched wire in switched circuits, except that a cable containing an identified conductor (white) shall be permitted for single-pole three-way or four-way switch loops where the connections are made so that the unidentified conductor is the return conductor from the switch to the outlet. Painting of the terminal end of the wire shall not be required.

(b) If the identified (white) conductor of a cable is used for other than grounded conductors or for other than switch loops as explained above (for a 230-volt circuit, for example), the conductor shall be finished in a color other than white at each outlet where the conductors are visible and accessible.

(c) Green-colored wires or green with yellow stripe shall be used for grounding conductors only.

§ 280.816 Examination of equipment for safety.

The examination or inspection of equipment for safety, according to this standard, shall be conducted under uniform conditions and by organizations properly equipped and qualified for experimental testing, inspections of the run of goods at factories, and service-value determinations through field examinations.

Subpart J—Transportation

§ 280.901 Scope.

Subpart J of this Standard covers the general requirement for designing the structure of the mobile home to fully withstand the adverse effects of transportation shock and vibration without degradation of the integrated structure or of its component parts and the specific requirements pertaining to the transportation system and its relationship to the structure.

§ 280.902 Definitions.

(a) "Chassis" means the entire transportation system comprising the following subsystems: drawbar and coupling mechanism, frame, running gear assembly, and lights.

(b) "Drawbar and Coupling Mechanism" means the rigid assembly, (usually an "A" frame) upon which is mounted a coupling mechanism, which connects the mobile home's frame to the towing vehicle.

(c) "Frame" means the fabricated rigid substructure which provides considerable support to the affixed mobile home structure both during transport and on-site; and also provides a platform for securement of the running gear assembly, the drawbar and coupling mechanism.

(d) "Running Gear Assembly" means the subsystem consisting of suspension springs, axles, bearings, wheels, hubs, tires, and brakes, with their related hardware.

(e) "Lights" means those safety lights and associated wiring required by applicable U.S. Department of Transportation regulations.

(f) "Transportation System," (Same as Chassis, above).

(g) "Highway," includes all roads and streets to be legally used in transporting the mobile home.

(h) "Length," for purposes of transportation only, means the distance from the extreme front of the mobile home to the extreme rear, including the drawbar and coupling mechanism, but not including expandable features that do not project from the body during transportation.

§ 280.903 General requirements for designing the structure to withstand transportation shock and vibration.

(a) The cumulative effect of highway transportation shock and vibration upon a mobile home structure may result in incremental degradation of its designed performance in terms of providing a safe healthy and durable dwelling. Therefore, the mobile home shall be designed, in terms of its structural, plumbing, mechanical and electrical systems, to fully withstand such transportation forces during its intended life. (See §§ 280.303 (c) and 280.305(a)).

(b) Particular attention shall be given to maintaining watertight integrity and conserving energy by assuring that structural components in the roof and walls (and their interfaces with vents, windows, doors, etc.) are capable of resisting highway shock and vibration forces during primary and subsequent secondary transportation moves.

(c) In place of an engineering analysis, either of the following may be accepted: (1) Documented technical data of suitable highway tests which were conducted to simulate transportation loads and conditions; or (2) acceptable documented evidence of actual transportation experience which meets the intent of this subpart.

§ 280.904 Specific requirements for designing the transportation system.

(a) *General.* The entire system (frame, drawbar and coupling mechanism, running gear assembly, and lights) shall be designed and constructed as an integrated, balanced and durable unit which is safe and suitable for its specified use during the intended life of the mobile home. In operation, the transportation system (supporting the mobile home structure and its contents) shall effectively respond to the control of the towing vehicle in terms of tracking and braking, while traveling at applicable highway speeds and in normal highway traffic conditions.

(NOTE: While the majority of mobile homes utilize a fabricated steel frame assembly, upon which the mobile home structure is constructed, it is not the intent of this standard to limit innovation. Therefore, other concepts, such as integrating the frame function into the mobile home structure, are acceptable provided that such design meets the intent and requirements of this part).

(b) *Specific requirements*—(1) *Drawbar.* The drawbar shall be constructed of sufficient strength, rigidity and durability to safely withstand those dynamic forces experienced during highway transportation. It shall be securely fastened to the mobile home frame by either a continuous weld or by bolting.

(2) *Coupling mechanism.* The coupling mechanism (which is usually of the socket type) shall be securely fastened to the drawbar in such a manner as to assure safe and effective transfer of the maximum loads, including dynamic loads, between the mobile home structure and the hitch-assembly of the towing vehicle. The coupling shall be equipped with a manually operated mechanism so adapted as to prevent disengagement of the unit while in operation. The coupling shall be so designed that it can be disconnected regardless of the angle of the mobile home to the towing vehicle. With the mobile home parked on level ground, the center of the socket of the coupler shall not be less than 20 inches nor more than 26 inches from ground level.

(3) *Chassis.* The chassis, in conjunction with the mobile home structure, shall be designed and constructed to effectively sustain the designed loads consisting of the dead load plus a minimum of 3 pounds per square foot floor load, (example: free-standing range, refrigerator, and loose furniture) and the superimposed dynamic load resulting from highway movement but shall not be required to exceed twice the dead load. The integrated design shall be capable of insuring rigidity and structural integrity of the complete mobile home structure and to insure against deformation of structural or finish members during the intended life of the home.

(4) *Running gear assembly.* (i) The running gear assembly, as part of the chassis, shall be designed to perform, as a balanced system, in order to effectively sustain the designed loads set forth in § 280.904(b)(3) and to provide for dur-

V 40 244 DEC 18 75 XUM

THURSDAY, DECEMBER 18, 1975

able dependable safe mobility of the mobile home. It shall be designed to accept shock and vibration, both from the highway and the towing vehicle and effectively dampen these forces so as to protect the mobile home structure from damage and fatigue. Its components shall be designed to facilitate routine maintenance, inspection and replacement.

(ii) Location of the running gear assembly shall be determined by documented engineering analysis, taking into account the gross weight (including all contents), total length of the mobile home, the necessary coupling hitch weight, span distance, and turning radius. The coupling weight shall be not less than 12 percent nor more than 25 percent of the gross weight.

(5) *Spring assemblies.* Spring assemblies (springs, hangers, shackles, bushings and mounting bolts) shall be capable of withstanding all the design loads as outlined in 280.904(b)(3) without exceeding maximum allowable stresses for design spring assembly life as recommended by the spring assembly manufacturer. The capacity of the spring system shall assure, that under maximum operating load conditions, sufficient clearance shall be maintained between the tire and mobile home frame or structure to permit unimpeded wheel movement and for changing tires.

(6) *Axles.* Axles, and their connecting hardware, shall be capable of withstanding all of the design loads outlined in § 280.904(b)(3) without exceeding maximum allowable stresses for design axle life as recommended by the axle manufacturer. The number of axles required to provide a safe tow and good ride characteristics shall be determined and documented by engineering analysis. Those alternatives listed in § 280.903(c) may be accepted in place of such an analysis.

(7) *Hubs and bearings.* Hubs and bearings shall meet the requirements of § 280.904(b)(3) and good engineering practice. Both of these components shall be accessible for inspection, routine maintenance and replacement of parts.

(8) *Tires, wheels and rims.* Tires, wheels and rims shall meet the requirements of § 280.904(b)(3). Tires shall be selected for anticipated usage.

(9) *Brake assemblies.* (i) The number, type, size and design of brake assemblies required to assist the towing vehicle in providing effective control and stopping of the mobile home shall be determined and documented by engineering analysis. Those alternatives listed in § 280.903(c) may be accepted in place of such an analysis.

(ii) Brakes on the towing vehicle and the mobile home shall be capable of assuring that the maximum stopping distance from an initial velocity of 20 miles per hour does not exceed 40 feet (U.S. Department of Transportation Regulations).

(10) *Lights and associated wiring.* Highway safety electrical lights and associated wiring shall conform to applicable federal requirements in terms of location and performance. The manufacturer shall have the option of meeting this requirement by utilizing a temporary light/wiring harness provided by the mobile home transportation carrier.

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THURSDAY, DECEMBER 18, 1975

PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PRESCRIPTION DRUGS

Reminder Labeling and Reminder Advertisements

V 40 244 DEC 18 75 XUM

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS: GENERAL

[Docket No. 75N-0271]

REMINDER LABELING AND REMINDER ADVERTISEMENTS FOR PRESCRIPTION DRUGS

The Commissioner of Food and Drugs is amending, effective January 19, 1976, the regulations concerning reminder labeling and reminder advertisements under §§ 201.100 and 202.1 (21 CFR 201.100 and 202.1, formerly 21 CFR 1.106 and 1.105 respectively) to: (1) Delete the quantitative formula information requirement from reminder advertisements under § 202.1, (2) prohibit the use of reminder advertisements and reminder labeling, other than price lists and catalogs intended to convey price information to consumers, for prescription drug products whose labeling contains a boxed warning indicating a serious hazard associated with the use of the drug product, and (3) specify, under a new § 200.200 (21 CFR 200.200, proposed as 21 CFR 1.111), the required information to be included in reminder labeling and reminder advertisements whose sole purpose is to convey prescription price information to consumers. The regulation does not, however, require the public disclosure of prescription price information.

These amendments were proposed in notices published in the FEDERAL REGISTER of November 21, 1973 (38 FR 32140) and June 19, 1974 (39 FR 21165). In stating the comments and the Commissioner's response, the recodified section numbers are used.

In response to the November 21, 1973 proposal, 137 comments or inquiries were received from trade and professional associations, chain drug stores, individual pharmacists, university professors, individual consumers, manufacturers, consumer organizations, boards of pharmacy, and Federal and State agencies. The majority of comments were directed to proposed § 200.200. Some comments favored the objectives of the proposal but offered suggestions for modification based on experience with public disclosure, i.e., advertising or posting, of prescription drug prices. A few comments objected to the proposal without stating the reasons for such objections. Some comments expressed objections, based upon an erroneous interpretation of that proposal, that the regulation would require public disclosure of prescription drug prices. Two comments, one from a manufacturer and one from a professional association, were received on the June 19, 1974 proposal regarding the use of reminder advertisements and reminder labeling for prescription drugs whose labeling contains a boxed warning indicating a serious hazard associated with the use of the drug product. The comments submitted and the Commissioner's conclusions are as follows:

1. One consumer organization expressed the view that the Food and Drug Administration and the White House Office of Consumer Affairs "have launched a campaign to legalize the advertising of prescription prices on the grounds that price competition can be a spur to reducing health cost." The comment disagreed with the view that consumer "price shopping" is the most effective way of achieving a reduction in health costs. The comment stated that health costs can be reduced more effectively by a cooperative system of consumers, pharmacists, physicians, and other health care providers working together as this organization is attempting to do.

The Commissioner wishes to make it clear that the Food and Drug Administration has not "launched a campaign" on the issue of the advertising of prescription drug prices. The Federal Food, Drug, and Cosmetic Act requires the Food and Drug Administration to regulate all prescription drug advertising and labeling; therefore, this agency is obligated to promulgate whatever requirements are applicable for drug price disclosure. Retail pharmacies are neither required by the act to publicly disclose prescription drug price information, nor are they prohibited from posting price lists or otherwise publicly disclosing the prices charged for particular drug prescriptions. These amendments will ensure that the public disclosure of prescription prices, where the pharmacist elects to post or otherwise advertise prices for prescription drugs, meets all requirements of the act. The decision to engage in public disclosure of prescription prices is not for the Food and Drug Administration to make; these amendments merely constitute a mechanism by which this can be done consistent with the requirements for labeling and advertising under the Federal Food, Drug, and Cosmetic Act.

2. A number of comments objected to the detailed information which would be required under the proposed § 200.200 for reminder advertisements and reminder labeling when the only purpose is to provide consumers with information concerning the price charged for a prescription for a particular drug. The comments stated that price posting should be simple and readable.

The Commissioner agrees that the public disclosure of prescription prices should be simple and readable regardless of the type of media used to convey such information to the consumer. The final regulation has, therefore, been revised to simplify the requirements. The Commissioner concludes that all reminder advertisements and reminder labeling intended to provide consumers with information concerning the price charged for a prescription for a drug product shall contain the proprietary name of the drug product, if any; the established (generic) name of the drug product, if any; the drug product's strength if it is a single active ingredient product or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient; the dosage form; and the price charged for a prescription for a specific quantity of the drug product. The price stated in the reminder advertisement or reminder labeling as that charged for a prescription shall include all charges applicable to the consumer including, but not limited to, the cost of the drug product, professional fees, and handling fees, if any. Other written, printed, or graphic matter is permitted in reminder advertisements or reminder labeling intended to provide prescription price information to consumers, provided such information is not false or misleading and contains no representation or suggestion concerning the drug product's safety, effectiveness, or indications for use. The Commissioner points out that it is not the intent of this regulation to prohibit the inclusion of a statement in reminder advertisements or reminder labeling that discounts or price reductions are available to certain groups of consumers, e.g., senior citizens.

3. Several comments argued that consumers need valid information reflecting "value" and not just price alone with regard to prescription drug expenditures, and that adequate information on which to make price-value comparisons and judgments is not required under the proposed § 200.200. The proposed regulation required that the price stated in the reminder advertisement or reminder labeling for a prescription include all charges to the consumer including, but not limited to, the cost of the drug product, professional fees, handling fees, and mailing fees, if any. The comments suggested that the regulation require a statement as to what professional and/or convenience services are provided by a pharmacy and, if provided, whether they are included as a component of the price charged for the prescription. One comment suggested that charges which are not regularly included in all sales transactions be listed separately, if at all, and that mailing fees be listed separately without repetition.

The Commissioner concludes that information relating to those professional and/or convenience services provided by a pharmacy may be included in reminder advertisements and reminder labeling intended to provide consumers with price information under § 200.200. As previously stated, the listed price must include all charges including professional and/or convenience services which are applicable to the consumer. The cost for those services which are not applicable to all consumers, e.g., delivery fees and mailing fees, if any, may be listed separately and without repetition. Therefore, § 200.200 has been revised accordingly. As noted in item 2. of this preamble, the reminder advertisement or reminder labeling may also specify that discounts or price reductions are available to specific groups of consumers, e.g., senior citizens.

4. A number of comments questioned the need for the established name of the drug product when its trade name is declared or when it is not marketed generically. Some comments recommended posting the drug product by its commonly prescribed name rather than by the trade name and established name, if any.

The Commissioner advises that the requirement for including the established name of the drug product, if any, in reminder advertisements and reminder labeling under § 200.200 is consistent with the mandate of the Federal Food, Drug, and Cosmetic Act to require labeling to contain the established name of a drug product and with the intent of Congress to associate the established name of a drug product with its proprietary name. This mandate and intent apply to single active ingredient products and to those products containing more than one active ingredient which have an established (generic) name regardless of whether the product is marketed generically. The Commissioner advises that there are few established names for products containing more than one active ingredient and concludes that, in the absence of an established name for a combination product, it would be impracticable to require the established name for each active ingredient, particularly on price boards or posters. In addition, the Commissioner concludes that requiring the established (generic) name of a drug product only when the product is marketed generically would be an administrative burden to the pharmacist. This would require that a pharmacist know when a drug product becomes available from multiple sources and to update his reminder advertisement or reminder labeling periodically to add the established name to each such drug product.

Further, the Food and Drug Administration would like to encourage generic thinking on the part of physicians, pharmacists, and consumers. This policy is furthered by established (generic) name listing, even though the drug product may not be available generically.

5. Comments similarly questioned the need for the established name and quantity of each active ingredient in the drug product.

The Commissioner concludes that requiring lengthy formula information may result in confusion to the consumer without any corresponding benefits. Therefore, the established name and quantity of each active ingredient for a drug product containing more than one active ingredient is not required for reminder advertisements and reminder labeling solely intended to convey prescription price information to consumers. Although section 502(e)(1)(A)(ii) of the Federal Food, Drug, and Cosmetic Act and 21 CFR 201.10 (a), (c)(1), and (h) regarding drug labeling and 21 CFR 202.1 (a) and (e)(2)(i) regarding drug advertising require the established name of each active ingredient, such requirements may be waived by regulation "to the extent that compliance * * * is impracticable * * *." The Commissioner has found, on the basis of samples of price posters and catalogs previously submitted and put on display in the office of the Hearing Clerk, that compliance may be impracticable, particularly on price boards or posters. This requirement has therefore been waived for reminder advertisements and reminder labeling solely intended to provide consumers with the price for a prescription for a drug product. However, the quantity of the active ingredient, i.e., drug product strength, shall be required for reminder advertisements and reminder labeling under § 200.200 for all drug products containing a single active ingredient and for those drug products containing more than one active ingredient to which a relevant strength figure can be associated with the product without indicating each active ingredient, e.g., product A contains chlorothiazide 250 milligrams and reserpine 0.125 milligram; product B contains chlorothiazide 500 milligrams and reserpine 0.125 milligram—relevant strengths of 250 milligrams and 500 milligrams could be indicated for products A and B respectively. The Commissioner concludes that a drug product's strength is essential information to a consumer in determining the price for a prescription for a particular drug product. Although a drug product may not be marketed in more than one strength, a medical practitioner may indicate a drug product's strength on a prescription.

6. Objections were submitted to the requirement that the name of the manufacturer, packer, or distributor of the drug product be indicated and in the same way that it appears on the label of the drug product. The comments stated that the firm name that appears on the label is often not the manufacturer of the drug product; therefore such information would be useless information to the consumer in making price comparisons between manufacturers. One comment argued that inclusion of the name of the "supplier" would endorse the view that generic drugs are "significantly differentiable."

The Commissioner sees no basis for concluding that indicating the name of the manufacturer, packer, or distributor, or supplier would endorse the view that generic drugs are significantly differentiable. However, he concurs in part with the comment that the name of the manufacturer, packer, or distributor is not essential for determining the price of a prescription for a drug product and has deleted this requirement in the final regulation. This regulation does not intend to provide information that would permit comparison of prices between manufacturers, nor does it, however, prohibit a pharmacy from including the name of the manufacturer, packer, or distributor in the reminder advertisement or reminder labeling, if the pharmacy chooses to do so. If included, the firm name may appear in an acceptable abbreviated form provided such abbreviation is not in conflict with that known to be used by any other firm.

7. Comments also objected to requiring designation of the dosage form when the drug product has only one dosage form.

The Commissioner concludes that, in light of medical practitioners' detailed and specific prescribing habit of indicating a drug product's dosage form on a prescription regardless of whether the product is available in more than one dosage form, it is in the public interest to require this information in reminder advertisements and reminder labeling solely intended to provide consumers with price information for a prescription for a drug product. The absence of dosage form information on a price board or poster when a prescription contains such information may be confusing to a consumer.

8. Comments stated that optional information, such as the National Drug Code (NDC) number and package and dosage form trade name, could tend to overload an advertisement with unnecessary information and become a visual distraction or be used by States to require information which would, as a practical matter, discourage advertising.

The Commissioner agrees in part with the comment but concludes that reminder advertisements and reminder labelinb intended to convey prescription price information to a consumer should not be prohibited from containing additional information which may be useful to a consumer. The final regulation under § 200.200 has been modified to state that other written, printed, or graphic matter may be included in reminder advertisements and reminder labeling provided such additional information is neither false nor misleading and contains no representation or suggestion concerning the drug product's safety, effectiveness, or indications for use. The Commissioner advises that if reminder advertisements and reminder labeling under § 200.200 become replete with information not of value to a consumer, or are burdened by trivial, useless requirements intended to discourage advertising, a proposal to amend the regulation will be justified to limit the amount of permissible additional information.

9. Two comments objected to the proposal to permit disclosure of the prices charged for prescription drugs receiving no higher than a "possibly effective" DESI evaluation. One comment also objected to disclosure of prescription prices for those drug products required to carry a boxed warning statement in their advertising and labeling. These comments stated that such drugs may not be the subject of reminder labeling and reminder advertisement under §§ 201.100 and 202.1, respectively. The comments argued that, if promotion of such drugs to physicians and pharmacists is not justified, then promotion of these same drugs to the general public is equally inappropriate.

The Commissioner advises that reminder labeling under § 201.100 and reminder advertisements under § 202.1 are intended to call attention to the name of the drug product, and thereby bring to the attention of the physician the availability of a drug product, but do not include indications or dosage recommendations for use of the drug product, whereas reminder advertisements and reminder labeling under § 200.200 are intended to convey price information on prescription drugs to a consumer. A consumer may purchase a prescription drug only upon a prescription from a medical practitioner. Price posting thus neither promotes nor induces purchase, but

V 40 244 DEC 18 75 5 XUM

only permits informed purchasing decisions after a drug has been prescribed. As long as a drug product is commercially available, a medical practitioner may prescribe it, and, therefore, conveying the price for such a product to a consumer should not be prohibited. Accordingly, no change in the regulation is warranted.

10. One comment objected to the use in proposed § 200.200 of the "sole purpose" wording in stating the conditions for exemption for prescription drug reminder labeling and reminder advertisements from the requirements of §§ 201.100 and 202.1. The comment contended that "those who choose to advertise drug product price information aimed at consumers by means of reminder advertisements and/or reminder labeling obviously have as their purpose creating demand for their particular services or products." The comment requested deletion of the "sole purpose" wording from the proposed § 200.200.

The Commissioner does not agree that the purpose of disclosing drug product price information is to create a demand for a particular product. He has determined that the use of these words is necessary to underscore that the sole purpose of reminder advertisements and reminder labeling under § 200.200 is to provide price information to a consumer. Therefore, no change in the regulation is necessary.

11. Comments were received arguing that the requirements for all forms of reminder advertisements and reminder labeling should be consistent. As proposed, § 200.200 would require the quantitative disclosure of the active ingredients, name of the manufacturer, packer or distributor, dosage form, and price information, but such information is not required under §§ 201.100 and 202.1. The comments differed as to whether the additional required information under § 200.200 should be added to §§ 201.100 and 202.1 or deleted from § 200.200. Some comments contended that it is just as important that reminder labeling and reminder advertisements under §§ 201.100 and 202.1, respectively, which are directed to a physician, contain quantitative ingredient information, dosage form, and price information as it is for this information to be conveyed to a consumer, and that §§ 201.100 and 202.1 should be revised to contain such information. Another comment urged that, if these regulations are truly to benefit the public, they must require that all reminder advertisements and reminder labeling created by manufacturers, packers, and distributors specify the price charged pharmacists for specific quantities of the drug product involved. The comment argued that, if consumer benefits warrant the imposition of the requirements on pharmacists, they warrant its imposition equally on manufacturers, packers, and distributors since pharmacists are "consumers" in fact and also serve as "purchasing agents" for the consumers they serve.

The Commissioner advises that the information required for reminder labeling and reminder advertisements under §§ 201.100 and 202.1, respectively, and for reminder advertisements and reminder labeling under § 200.200 is that information deemed necessary to fulfill the intent of the reminder advertisement or reminder labeling under these sections. The intent of reminder labeling under § 201.100 or reminder advertisements under § 202.1 is to bring to the attention of the medical practitioner the availability of a drug product by calling attention to the name of the drug product. The quantitative ingredient information, name of manufacturer, packer, or distributor, dosage form information and price information are not considered necessary information for fulfilling this intent. Such information may, however, be included in reminder labeling or reminder advertisements under §§ 201.100 and 202.1 as optional information. Further, any price information contained in these reminder advertisements or reminder labeling would not indicate the actual price that a pharmacy would pay for purchasing the drug product or the price a consumer would pay for a prescription since such prices are determined by factors over which a medical practitioner has no control, e.g., purchase of the drug product by the retail pharmacy direct from the manufacturer, packer, or distributor vs. purchase through a wholesaler, quantity of drug product purchased, dispensing fee, etc.

The intent of reminder advertisements and reminder labeling under § 200.200 is to provide consumers with information concerning the price charged for a prescription for a particular drug product. Price is, therefore, a necessity under § 200.200. Quantitative ingredient information, except for single active ingredient drug products, and the name of the manufacturer, packer, or distributor are not required in the final regulation as revised. The dosage form of a drug product is required and is discussed under paragraph 7 of this preamble.

12. One comment suggested that the Food and Drug Administration may be premature in its efforts to implement regulations which would "stifle any further exploration, testing, or examination of new methods and means of providing meaningful information to the consumer."

The proposal to promulgate § 200.200 was in response to numerous inquiries concerning the agency's policy on the posting of prescription prices and to correct misunderstandings as to the agency's requirements. Price disclosure, as part of labeling and advertising, whether in the form of a price list, catalog, or other promotional material and whether mailed, posted in a pharmacy, placed in a newspaper, or aired on radio or television, is subject to Food and Drug Administration regulation. Section 200.200 was promulgated as a separate section in order to enable a pharmacist to clearly understand the precise requirements of reminder advertisements and reminder labeling which are solely intended to provide consumers with information concerning the price charged by a pharmacy for a prescription for a drug product. In addition, by specifying the kinds of required information, the Commissioner intends to ensure that such reminder advertisements and reminder labeling contain all the information needed by a consumer to make effective price determinations.

The Commissioner encourages exploration, testing, and examination of new methods and means of providing meaningful information to the consumer. If problems arise, the Commissioner may restrict the flexibility permitted by this regulation at a later date (as noted in comment 8).

13. Comments were received recommending modification of the proposed regulations so as not to override or conflict with more stringent State and local requirements relating to advertising or price posting of prescription drugs.

The Commissioner acknowledges that this regulation would override State and local requirements which cannot be complied with simultaneously with this regulation, e.g., one which excludes data required to be included by this regulation. The Food and Drug Administration is, however, obligated under the Federal Food, Drug, and Cosmetic Act to assure that such advertising meets the requirements of the act. Section 200.200 provides a mechanism for public disclosure of prescription drug prices consistent with the requirements of the act and provides consumers with the information needed to make meaningful prescription drug price determinations. This regulation does not require the public disclosure of prescription drug prices and therefore does not inhibit States from prohibiting such advertising under their jurisdiction.

The Commissioner is aware of one State law which is in conflict with this final regulation but has not conducted a survey to determine whether there are other conflicting State or local laws. He invites any State or locality that now has or wishes to adopt an order which would conflict with this regulation to submit a petition to the Food and Drug Administration requesting amendment of the requirements of § 200.200.

14. Numerous comments expressed concern that possible price posting/advertising would favor the discount and large chain operations because the independent pharmacies would have to eliminate their professional services in order to compete with the low prices posted by discount and large chain operations. Several comments also expressed concern that these regulations might restrict or destroy the professionalism of the practice of pharmacy because of the possibility that professional services, to remain competitive, would be restricted or even eliminated and that pharmacist-patient interaction would be reduced by eliminating the need for direct consumer inquiry to the pharmacist concerning drug prices and pharmacy services.

The Commissioner concludes that, in the absence of data supporting the fears expressed by the comment, e.g., from States where price posting is already in effect, it is difficult to perceive how the disclosure of prescription drug prices will

result in an elimination of professional services or in any way interfere with a pharmacist's professional function. Also, the economics of the practices of pharmacy are very complex and many factors interrelate between the large discount chain operations and the independent pharmacies. It appears unlikely that any single action such as the posting of prices for prescription drugs will interfere with the professionalism associated with the practice of pharmacy.

15. One comment suggested stressing that any deviation from § 200.200 would result in the drug product being considered misbranded.

The Commissioner agrees with this comment and has modified § 200.200 by adding a new paragraph (c) to state that any reminder advertisement or reminder labeling intended to provide price information to consumers which is not in compliance with the provisions of this regulation shall be the subject of appropriate regulatory action. Such action may be taken against the product and/or the responsible person.

16. Three comments stated that since those organizations who have mail-order prescription service programs would have to revise their catalogs to comply with the provisions of proposed § 200.200, it is not in the public interest in a time of shortages and economic slowdown to destroy catalogs now in stock or in circulation.

The Commissioner has considered the economic impact that § 200.200 may have on organizations who publish catalogs or have other existing reminder advertisements or reminder labeling intended to provide prescription prices to a consumer. He has concluded that it is not unreasonable to expect some reminder labeling, e.g., catalogs, to be revised annually and possibly more frequently in order to provide consumers with up-to-date information on the availability of drug products and their current prices. Therefore, the effective date for revision of existing reminder advertisements and reminder labeling, including catalogs, to bring them into compliance with § 200.200 shall be 12 months from the effective date of this regulation or at the time of the next printing/revision, whichever occurs first.

17. One comment stated that, as published, the proposal prohibits reminder advertisements and reminder labeling from containing "representations or suggestions relating to the drug product" and that such wording is too narrow. The comment argued that communications to practitioners of information such as quality controls used in the production of particular drugs or the physical or chemical quality of a substance should not require accompanying prescribing information and should be covered by the exemptions of §§ 201.100 and 202.1. The comment further recommended revising the definition of reminder labeling and reminder advertisements under these sections to read "Those reminder advertisements (or reminder labeling) • • • or other written, printed or graphic matter otherwise containing no representations or suggestions relating to dosage or indications of the drug product."

Reminder labeling under § 201.100 and reminder advertisements under § 202.1 are permitted to have "other written, printed, or graphic matter" in addition to the required information, provided such "other written, printed, or graphic matter" contains no representation or suggestion relating to the advertised drug product. The Commissioner points out that this regulation in no way prohibits a manufacturer from communicating information on quality control procedures or the physical or chemical qualities of a substance to a physician by a means other than through reminder advertisements or reminder labeling. If information relating to quality control procedures or the physical or chemical quality of a substance is included in a reminder advertisement or reminder labeling in a manner that is false or misleading or implies safety or effectiveness or otherwise contains a representation or suggestion relating to the advertised drug, the reminder advertisement or reminder labeling would be in violation of the law. Each reminder advertisement or reminder labeling containing such information would have to be reviewed on an individual basis to determine compliance with §§ 201.100 and 202.1.

18. One comment referred to section 201(n) of the act and stated that this section specifically provides that any regulations regarding prescription drug advertising shall be under the procedure set forth in section 701(e) of the act.

The Commissioner advises that section 201(n) of the act does not have such a reference and believes that the comment meant to refer to section 502(n) of the act, which includes a reference to section 701(e). The reference to section 701(e) applies only to section 502(n)(3) concerning the promulgation of rules regarding information in brief summary relating to side effects, contraindications, and effectiveness of a drug. These regulations do not establish such requirements. Rather, they deal with advertisements which are exempt from the "brief summary" requirements. The promulgation of these regulations is therefore appropriate under the general rule making authority in section 701(a) of the act.

19. One comment expressed concern that the proposed regulations would prohibit the advertising of products such as vitamins or antibiotics because that would be a "representation or suggestion relating to the drug product." The comment stated that this proposed regulation is "at odds with the current advertising practices which categorize drug products."

The Commissioner advises that categorizing prescription drug products by the use of headings that suggest indications on a price list or other reminder advertisement or reminder labeling is prohibited under this regulation. Where indications for use of a drug are included in a price list, the list must contain a brief summary relating to side effects, contraindications, and effectiveness of the drug. Reminder advertisements and reminder labeling are exempt from the requirements of such a brief summary because they serve to call attention to the name of a drug product without indicating the use of the drug product. This regulation does not, however, prohibit the use of the terms "vitamin" (when a vitamin preparation is deemed to be a drug as set forth under §§ 250.109 and 250.110 (21 CFR 250.109 and 250.110)) or when such a product is offered solely as a drug) or "antibiotic" in listing a drug product if such a term is part of the drug product's proprietary or established (generic) name.

20. One comment was directed to the fact that the proposed regulations may stimulate and encourage mass advertising by pharmaceutical manufacturers in public media such as television, radio, and magazines to gain a greater market share for so-called lower cost equivalents, particularly if such consumer educational efforts have the blessing and encouragement of the Food and Drug Administration.

This regulation neither encourages nor discourages consumer educational efforts by pharmaceutical manufacturers. The industry may undertake whatever promotional efforts it deems advisable as long as they meet all applicable legal requirements.

21. One professional association commented that if the regulation relating to advertising of prescription prices is not eliminated, it should be amended to require that the name of the actual manufacturer be placed on the label of all drugs and medicines sold to licensed retail pharmacies, hospitals, and other facilities.

The Commissioner concurs that requiring the actual manufacturer's name on a label might well be useful if a means can be found to define the "actual manufacturer" and if the act is changed to include this requirement. The matter is being studied further. The possibility of requiring the actual manufacturer's name on a label of a drug product is not, however, relevant to the proposal and therefore no action need be taken in this final regulation.

22. Comments suggested that, if prices are posted for large quantities, i.e., 50 or 100 dosage units, the price should also be posted for one dosage unit so as not to be misleading to the consumer who may have the erroneous impression that lesser amounts will be a pro rata multiple of the posted quantity. It was also suggested that the quantities posted should be those normally prescribed. One comment recommended that the regulation express some guidance regarding permissible quantity claims in order to avoid improper use of price disclosures.

As stated in the preamble to the proposal, it is not the intent of this regulation to specify the format of reminder advertisements and reminder labeling under § 200.200. The Commissioner recognizes that there are other ways to include the required and optional information in the reminder advertisement or reminder labeling other than that indicated in the example given in the proposal. Therefore, there is no requirement as to which drug products are to be listed or what quantity of a drug product is to

V 40 244 DEC 18 75 XUM

be included in the reminder advertisement or reminder labeling. For example, if a pharmacy wishes to indicate the price for one tablet or one capsule, it may do so. The Commissioner believes that pharmacies will exercise good judgment in indicating the price for a given quantity of a drug product and, therefore, is of the opinion that the regulation should not express guidance regarding permissible quantities for which prices are to be posted. The Commissioner does not object to a statement in the reminder advertisement or reminder labeling that prices for quantities not stated are available from the pharmacy.

23. One comment stated that advertising a specific quantity of a specific drug for a specific price would tend to promote that quantity of drug to the general public.

The Commissioner rejects this argument. Section 200.200 relates to the disclosure of prices for prescriptions for drug products. The drug product, and usually the quantity, to be purchased are specified by the medical practitioner on the prescription. The patient is merely using a listing of prescription drug products and their prices as a means of determining what that particular prescription will cost.

24. Several comments expressed concern that encouragement of prescription drug price advertising would promote self-medication and self-prescribing and lead to drug abuse and misuse by consumers who pressure their physicians to prescribe larger quantities and cheaper drugs. Some comments requested prohibiting the posting of the prices of controlled substances or of any drug which, in the opinion of the Food and Drug Administration, is detrimental to the public health and safety. A few comments felt that the posting of prices places drugs in the same category as other common commodities. One comment stated that the only type of drug advertising should be that which is educational to the public.

The Commissioner does not agree with these comments. The purpose of § 200.200 is to assist persons in preparing reminder advertisements and reminder labeling to make public the prices they charge for prescriptions for drug products and to assure that such reminder advertisements and reminder labeling contain all of the information needed by a consumer to make a price determination. Further, this regulation is applicable to those drug products which are available to the consumer only on prescription from a medical practitioner. The Commissioner is not aware of any evidence that drug product price disclosure leads to drug abuse and misuse. Therefore, it cannot be concluded that price listing alone, exclusive of promotional features, of a drug product subject to prescription by State-licensed medical practitioners will contribute to these drug-related problems. In addition, since access to and use of prescription drugs are tightly controlled, the posting of the prices for such drugs simply does not place them in the same category as other common commodities on the market.

The Commissioner rejects the request to prohibit the posting of prices for controlled substances or of any drug which, in the opinion of the Food and Drug Administration, is detrimental to the public health and safety. A medical practitioner may prescribe any drug product which is in commercial distribution; therefore, the public disclosure of the price for a prescription for any such drug product, including a controlled substance, should not be prohibited.

The Commissioner does not agree that drug advertising should be limited to that which is educational to the public. Reminder advertisements and reminder labeling directed to a physician or a consumer are equally important and should be permitted provided they are in compliance with the requirements of the Federal Food, Drug, and Cosmetic Act.

25. Several comments stated that physicians and dentists are not required to post their fees and questioned why proposed § 200.200 was not applicable to all practitioners of the healing arts. One comment questioned whether the regulation was applicable to hospital pharmacists and, if so, whether the prices would be applicable to both the out-patient and hospitalized patient.

The Commissioner advises that § 200.200 does not require drug price posting by anyone; however, if physicians, pharmacists, or other practitioners of the healing arts post drug prices, they must do so in accordance with this regulation. The Food and Drug Administration does not have jurisdiction over the practice of these professions, but does have jurisdiction over the labeling and advertising of prescription drugs, including prescription drugs which have been shipped in interstate commerce and are being held for dispensing to patients, under section 301(k) of the act (21 U.S.C. 331 (k)). The Commissioner advises that § 200.200 will apply to all persons responsible for prescription drug advertising and labeling intended to convey price information to consumers.

26. Three comments pointed out the following typographical errors in the proposal: In § 202.1(e)(2)(i), line 13—the word "quality" should be changed to "quantity"; and in § 200.200(a)(1), the last four lines reading "no representation or suggestion * * * indications for use" are redundant with the statement in § 200.200(a)(4) and should be deleted.

The Commissioner agrees with these comments and the final regulations have been revised accordingly.

27. Several comments questioned whether all matters relating to prices charged for drugs and pharmaceutical services are within the jurisdiction of the Food and Drug Administration. One comment argued that enforcement of this regulation would be severely restricted since "FDA does not have any inspectional authority over pharmacies through the general inspection authority under the act."

The Commissioner advises that the Food and Drug Administration has jurisdiction over the labeling and advertising of prescription drugs. Price disclosure, as part of prescription drug labeling and advertising, is subject to Food and Drug Administration regulation. The Commissioner concludes that any deviation from the requirements of this regulation will result in misbranding and that section 704(a) of the Federal Food, Drug, and Cosmetic Act provides inspectional authority necessary for enforcement of this regulation.

28. One comment suggested that the boxed warning criteria be more specifically defined in the proposed regulation prohibiting reminder advertisements and reminder labeling for drug products that are required to contain boxed warning statements in their advertisements and labeling. The comment interpreted the proposal as not intending to cover those products that still carry a box stating the effectiveness status as determined by the NAS/NRC review, nor intending to cover products that carry a special boxed statement not related to fatalities or serious damage.

The Commissioner advises that the regulation covers only those drug products whose labeling contains a boxed warning indicating a serious hazard associated with the use of the drug product and is not intended to cover other types of existing boxed warnings or boxed statements. The wording in the regulation has been revised accordingly.

29. The Federal Trade Commission (FTC) published a proposal regarding disclosure regulations concerning retail prices for prescription drugs in the FEDERAL REGISTER of June 4, 1975 (40 FR 24031). This Food and Drug Administration regulation differs, as to required information, from the FTC proposed alternative definition of "price information" in that it does not require the established name and quantity of each active ingredient for multiple active ingredient drug products nor the name of the manufacturer, packer, or distributor for any drug product; see paragraphs 5 and 6 of this preamble. In addition, under this final regulation the price stated for a drug product includes all charges to the consumer including, but not limited to, the cost of the drug product, professional fees and handling fees, if any. In light of the comments and hearings on the FTC proposal, the Food and Drug Administration may review its position with respect to whether further information should be provided to the consumer for determining a price for a prescription and whether there is a need to revise this regulation at a later date.

30. Proposed §§ 201.100(f) and 202.1(e)(2)(i) contain the wording "If the Commissioner finds * * * incidence of fatalities or serious damage * * *." The Commissioner has made an editorial change in the final regulation by replacing the term "damage" with the more appropriate term "injury."

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 502, 701(a), 52 Stat. 1041, 1050–1051 as amended by 76 Stat. 791, 1055 (21 U.S.C. 321(n), 352, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 200, 201, and 202 are amended as follows:

PART 200—GENERAL

1. In Part 200, a new Subpart E consisting of § 200.200 is added, to read as follows:

Subpart E—Prescription Drug Consumer Price Listing

§ 200.200 Prescription drugs; reminder advertisements and reminder labeling to provide price information to consumers.

(a) Prescription drug reminder advertisements and reminder labeling intended to provide price information to consumers are exempt from the requirements of §§ 201.100 and 202.1 of this chapter if all of the following conditions are met:

(1) The only purpose of the reminder advertisement or reminder labeling is to provide consumers with information concerning the price charged for a prescription for a particular drug product, and the reminder advertisement or reminder labeling contains no representation or suggestion concerning the drug product's safety, effectivness, or indications for use.

(2) The reminder advertisement or reminder labeling contains the proprietary name of the drug product, if any; the established (generic) name of the drug product, if any; the drug product's strength if the product contains a single active ingredient or if the product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient (the established name and quantity of each active ingredient are not required); the dosage form; and the price charged for a prescription for a specific quantity of the drug product.

(3) The reminder advertisement or reminder labeling may also include other written, printed, or graphic matter, e.g., identification of professional or convenience services provided by the pharmacy: *Provided*, That such information is neither false nor misleading and contains no representation or suggestion concerning the drug product's safety, effectiveness, or indications for use.

(4) The price stated in the reminder advertisement or reminder labeling as that charged for a prescription shall include all charges to the consumer including, but not limited to, the cost of the drug product, professional fees, and handling fees, if any. Mailing fees and delivery fees, if any, may be stated separately and without repetition.

(b) This exemption from §§ 201.100 and 202.1 of this chapter is applicable to all prescription drug reminder labeling and reminder advertisements solely intended to provide consumers with information regarding the price charged for prescriptions including price lists, catalogs, and other promotional material, whether mailed, posted in a pharmacy, placed in a newspaper, or aired on radio or television.

(c) Any reminder advertisement or reminder labeling intended to provide consumers with prescription price information which is not in compliance with this section shall be the subject of appropriate regulatory action. Such action may be taken against the product and/or the responsible person.

PART 201—LABELING

2. In Part 201, § 201.100(d)(2) is revised and a new paragraph (f) is added, to read as follows:

§ 201.100 Prescription drugs for human use.

* * * * *

(d) * * *

(2) The same information concerning the ingredients of the drug as appears on the label and labeling on or within the package from which the drug is to be dispensed.

* * * * *

(f) Reminder labeling which calls attention to the name of the drug product but does not include indications or dosage recommendations for use of the drug product is exempted from the provisions of paragraph (d) of this section. This reminder labeling shall contain only the proprietary name of the drug product, if any; the established name of the drug product, if any; the established name of each active ingredient in the drug product; and, optionally, information relating to quantitative ingredient statements, dosage form, quantity of package contents, price, the name and address of the manufacturer, packer, or distributor or other written, printed, or graphic matter containing no representation or suggestion relating to the drug product. If the Commissioner finds that there is evidence of significant incidence of fatalities or serious injury associated with the use of a particular prescription drug, he may withdraw this exemption by so notifying the manufacturer, packer, or distributor of the drug by letter. Reminder labeling, other than price lists and catalogs solely intended to convey price information including, but not limited to, those subject to the requirements of § 200.200 of this chapter, is not permitted for a prescription drug product whose labeling contains a boxed warning relating to a serious hazard associated with the use of the drug product. Reminder labeling which is intended to provide consumers with information concerning the price charged for a prescription for a particular drug product shall meet all of the conditions contained in § 200.200 of this chapter. Reminder labeling, other than that subject to the requirements of § 200.200 of this chapter, is not permitted for a drug for which an announcement has been published pursuant to a review of the labeling claims for the drug by the National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group, and for which no claim has been evaluated as higher than "possibly effective." If the Commissioner finds the circumstances are such that reminder labeling may be misleading to prescribers of drugs subject to NAS/NRC evaluation, such reminder labeling will not be allowed and the manufacturer, packer, or distributor will be notified either in the publication of the conclusions on the effectiveness of the drug or by letter.

PART 202—PRESCRIPTION DRUG ADVERTISING

3. In Part 202, § 202.1(e)(2)(i) is revised to read as follows:

§ 202.1 Prescription drug advertisements.

* * * * *

(e) * * *

(2) * * *

(i) *Reminder advertisements.* Reminder advertisements are those which call attention to the name of the drug product but do not include indications or dosage recommendations for use of the drug product. These reminder advertisements shall contain only the proprietary name of the drug product, if any; the established name of the drug product, if any; the established name of each active ingredient in the drug product; and, optionally, information relating to quantitative ingredient statements, dosage form, quantity of package contents, price, the name and address of the manufacturer, packer, or distributor or other written, printed, or graphic matter containing no representation or suggestion relating to the advertised drug product. If the Commissioner finds that there is evidence of significant incidence of fatalities or serious injury associated with the use of a particular prescription drug, he may withdraw this exemption by so notifying the manufacturer, packer, or distributor of the drug by letter. Reminder advertisements, other than those solely intended to convey price information including, but not limited to, those subject to the requirements of § 200.200 of this chapter, are not permitted for a prescription drug product whose labeling contains a boxed warning relating to a serious hazard associated with the use of the drug product. Reminder advertisements which are intended to provide consumers with information concerning the price charged for a prescription for a drug product are exempt from the requirements of this section if they meet all of the conditions contained in § 200.200 of this chapter. Reminder advertisements, other than those subject to the requirements of § 200.200 of this chapter, are not permitted for a drug for which an announcement has been published pursuant to a review on the labeling claims for the drug by the National Academy of Sciencies/National Research Council (NAS/NRC), Drug Efficacy Study Group, and for which no claim has been evaluated as higher than "possibly effective." If the Commissioner finds the circumstances are such that a reminder advertisement may be misleading to prescribers of drugs subject to NAS/NRC evaluation, such advertisements will not

V 40 244 DEC 18 75 XUM

THURSDAY, DECEMBER 18, 1975

be allowed and the manufacturer, packer, or distributor will be notified either in the publication of the conclusions on the effectiveness of the drug or by letter.

* * * * *

Effective date. This regulation shall become effective on January 19, 1976, except that § 200.200 shall not be effective for existing reminder advertisements and reminder labeling intended to provide prescription price information to consumers until such advertisements and labeling are revised at the time of the next printing or until December 18, 1976, whichever occurs first.

(Secs. 201(n), 502, 701(a), 52 Stat. 1041, 1050–1051 as amended by 76 Stat. 791, 1055 (21 U.S.C. 321(n), 352, 371(a)).)

Dated: December 9, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-33909 Filed 12-17-75;8:45 am]

federal register

THURSDAY, DECEMBER 18, 1975

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

PART IV:

FEDERAL ELECTION COMMISSION

■

ADVISORY OPINIONS

V40244 DEC 18 75 XUM

FEDERAL ELECTION COMMISSION

[Notice 1975–95]

ADVISORY OPINIONS

The Federal Election Commission announces the publication today of Advisory Opinions 1975–36, 1975–54 and 1975–60. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or 96 of Title 26 United States Code, or of Sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commission points out that these advisory opinions should be regarded as interim rulings which are subject to modification by future Commission regulations of general applicability. In the event that a holding in either opinion is altered by the Commission's regulations, the persons to whom the opinions were issued will be notified.

ADVISORY OPINION 1975–36

PAYMENT OF ADMINISTRATIVE COSTS INCURRED BY A CORPORATION ON BEHALF OF A POLITICAL ACTION COMMITTEE OPERATING AS A SEPARATE SEGREGATED FUND

The Federal Election Commission issues this Advisory Opinion under 2 U.S.C. 437f in response to a request submitted by the Committee for Thorough Agricultural Political Education. The request was published in the FEDERAL REGISTER on August 20, 1975 (40 FR 36534). Interested parties were given an opportunity to submit comments relating to the request. No comments were received.

The Committee for Thorough Agricultural Political Education (C-TAPE), a multicandidate political committee, requests an opinion as to whether the payment of an obligation of a predecessor committee would be a violation of the Federal Election Campaign of 1971, as amended. (FECA)

In 1972 and 1973, the Trust for Agricultural Political Education (TAPE) transferred funds in the amount of $1,931,541.09 to C-TAPE. C-TAPE was established by the Associated Milk Producers, Inc. (AMPI). The Commission is informed that in the normal course C-TAPE reimburses AMPI for expenses that AMPI incurs on its behalf. However, TAPE did not reimburse AMPI or its predecessor, Milk Producers, Inc. (MPI) for any expenses incurred during the period 1969 through March 1972. On June 19, 1975, AMPI billed C-TAPE for the TAPE expenses in the amount of $162,500 for that period. C-TAPE indicated that it considers the bill rendered for the expenses to be reasonable. C-TAPE has requested an advisory opinion on whether the payment of the bill from AMPI would violate the FECA.

It is the opinion of the Commission that C-TAPE's payment of the bill submitted by AMPI would not violate the FECA nor any of the provisions of Title 18, United States Code, which are within the advisory opinion jurisdiction of the Commission. C-TAPE must, of course, disclose the payment in the appropriate report.

The Commission's approval of the described transaction is conditioned on the validity of an assumption that the payment by C-TAPE is not made in satisfaction of any obligation previously incurred by AMPI in violation of applicable Federal law.

This advisory opinion is issued on an interim basis pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975–54

APPLICATION OF CONTRIBUTION AND EXPENDITURE LIMITATIONS TO EACH ELECTION HELD IN A STATE

The Federal Election Commission renders this advisory opinion under 2 U.S.C. § 437f in response to a request submitted by Mr. Kent Shearer on behalf of the Utah Republican Central Committee. This request was made public by the Commission and published in the FEDERAL REGISTER on September 3, 1795 (40 FR 40679). Interested parties were given an opportunity to submit comments relating to the requests. No comments were received.

Mr. Shearer seeks an advisory opinion concerning the Utah nominating process. At the respective State Nominating Conventions held by the political parties, primary candidates are reduced to two individuals. If, however, one candidate receives 70 percent of the vote he or she becomes the nominee without a primary. The specific question is whether the limitations on contributions and expenditures contained in 18 U.S.C. 608 (b) and (c) would apply separately to each phase of the nominating process (i.e., convention and primary).

The contribution limitations established in 18 U.S.C. 608(b) (1) and (2) apply separately to each election for Senators and Representatives. 18 U.S.C. 608(b)(5). Election, as defined in 18 U.S.C. 591(a) means, *inter alia*, (1) a general, special, primary, or run-off election or (2) a convention or caucus of a political party held to nominate a candidate. The Commission is of the opinion that a caucus or convention of a political party, such as the Utah State Nominating Convention, which is held prior to a primary election but which does *not* select a nominee is *not* a separate election. Such a caucus or convention is, in essence, a step in the nominating process and will be considered a part of the primary election. In the event the convention nominates a candidate by the requisite number of votes the nominating process and therefore the primary process ends. Accordingly, in Utah, an individual or political committee may contribute to a candidate up to the applicable limit in 18 U.S.C. 608(b) with respect to the nominating process.

The expenditure limitations in 18 U.S.C. 608(c)(1) (C) and (E) apply "in the case of any campaign for nomination for election" for Senator or Representative. A candidate is, therefore, subject to a single expenditure limitation for the time period during which he or she is seeking the nomination, regardless of whether the process includes a convention, primary or other procedure.

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975–60

RAFFLE AS FUNDRAISER FOR FEDERAL CANADIDATE

This advisory opinion is issued pursuant to 2 U.S.C. § 437f in response to a request for an advisory opinion submitted by Salvadore Gionfriddo, Chairman, Citizens for Moffett, and published as AOR 1975–60 in the September 18, 1975, FEDERAL REGISTER (40 FR 43166) and supplemented by a request published in the October 20, 1975, FEDERAL REGISTER (40 FR 49066). Interested parties were given an opportunity to submit written comments relating to the request. No comments were received.

The original request asked generally whether a raffle contemplated by supporters of Congressman Toby Moffett, which would be conducted in compliance with the laws of the State of Connecticut and featuring the sale of tickets to the general public, would be legitimate under the Federal Election Campaign Act of 1971, as amended (hereinafter FECA). Specifically the request asked:

a. Would such a raffle constitute a legal fundraising activity under the FECA?

b. Can a labor union serving under State law as a raffle sponsor, promote and operate the raffle?

c. Can union volunteers contribute their time without remuneration, during their normal time off from regular employment to promote such raffle activities?

d. If a labor union acts within State laws as the raffle sponsor and accordingly turns over the net proceeds to Congressman's campaign fund, should such funds be reported by the Congressman as the contributions of the union or as the contributions of individuals whose names and addresses were recorded at the time they purchased raffle tickets.

Mr. Gionfriddo, in further communication with the Commission, has indicated that a Democratic Town Committee has been designated as the official sponsor of the raffle. Since that portion of this request pertaining to union participation is moot, Mr. Gionfriddo has requested the Commission to issue an advisory opinion only on the first question of this request.

It is the opinion of the Commission that a raffle properly conducted under applicable State law would not violate the FECA. The Commission notes, however, that several provisions of Federal law specifically pertain to lotteries. The Postal Service has jurisdiction over 39 U.S.C. 3005. The several sections of

Chapter 61, Title 18, United States Code specifically pertain to lotteries. The Commission refers Mr. Gionfriddo to the Department of Justice which has jurisdiction over the entire chapter for any clarification of the applicability of this chapter to the fundraising raffle. The Federal Communications Commission has concurrent power with the Justice Department to enforce one of the sections of this chapter, 18 U.S.C. 1304.

In the supplemental request published in the October 20th REGISTER, Mr. Gionfriddo raised two additional questions. The first of these questions is

[I]f a raffle ticket purchaser chooses to pay by check, must the check be written to the sponsoring organization which is likely to be a union or Democratic Town Committee, or to the benefiting organization, Citizens for Moffett, or may it be written to either?

Since the union will not be a sponsor, this question is limited to whether the check should be made out to the Democratic Town Committee or to Citizens for Moffett. Because the raffle is a fundraising event for Congressman Moffett, the checks should be made out to Citizens for Moffett. If the checks are to be made out to the Democratic Town Committee, all solicitations must expressly and clearly state that the contributions or raffle ticket purchases will be used by Congressman Moffett's campaign. In addition, the drawer or contributor should, wherever possible, indicate clearly on the face of the instrument or otherwise direct that the proceeds of the check are to be considered a contribution from the drawer to Citizens for Moffett. In either situation, the Democratic Town Committee would be considered an intermediary or conduit. The Committee would have to report the original source and the intended recipient of such contribution to the Commission and to the intended recipient. 18 U.S.C. 608(b)(6).

In order to avoid any confusion, the Commission suggests that the checks be made out to Citizens for Moffett and that any checks made out to the Democratic Town Committee be returned with the request that they be issued payable to Citizens for Moffett.

The second question raised in the supplemental request is as follows:

[I]f the net total of funds raised exceeds the total debt of Citizens for Moffett, can Citizens for Moffett retain the surplus; if it cannot, should the surplus funds be retained by the sponsoring organization, returned to ticket purchasers, or disbursed in some other fashion?

If the purpose of this fundraiser is to retire pre–1975 campaign debts, the Commission sets forth the following guidelines which supplement the general procedures discussed in response to the previous question. Contributors purchasing tickets in excess of $100 must expressly earmark the contribution (as by notation on a check) for initial use to retire pre-1975 debts. If the contributions are so restricted, they will not be subject to the contribution limits of 18 U.S.C. 608(b). If any excess funds remain after liquidation of the pre-1975 debts, they may be used in any manner consistent with 2 U.S.C. 439a. Moreover, if the donors giving in excess of $100 provide specific written authorization, excess funds remaining after the repayment of the pre-1975 debt may be turned over to the 1976 campaign fund. Specific authorization is not required from persons contributing less than $100. A turnover of excess funds is subject to the limits of 18 U.S.C. 608(b). The Commission refers Mr. Gionfriddo to Advisory Opinion 1975–82 for a detailed discussion of fundraising to retire pre-1975 campaign deficits. (40 FR 57757).

If the purpose of the fundraiser is to retire a campaign debt incurred with respect to an election after January 1, 1975 the surplus may be retained by Citizens for Moffett. Contributions to retire debts incurred for elections after January 1, 1975, are subject to the limitations of 18 U.S.C. 608(b).

This advisory opinion is issued on an interim basis pending final promulgation by the Commission of rules and regulations or policy statements of general applicability.

Dated: December 12, 1975.

VERNON W. THOMSON,
Commissioner for the Federal Election Commission.

[FR Doc.75–34008 Filed 12–17–75;8:45 am]

V40244 DEC 18 75 5 XUM

THURSDAY, DECEMBER 18, 1975

federal register

THURSDAY, DECEMBER 18, 1975



PART V:

DEPARTMENT OF LABOR

Employment and Training Administration

■

COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Allocation of Funds

V40244 DEC 18 75 XUM

DEPARTMENT OF LABOR

Employment and Training Administration

COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Allocation of Funds

Notice is hereby given that the Employment and Training Administration has made the following allocations of funds for Fiscal Year 1976 under Titles I, II and VI of the Comprehensive Employment and Training Act of 1973, P.L. 93-203, as amended:

U S DEPARTMENT OF LABOR-MANPOWER ADMINISTRATION PAGE 1

FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
REGION I	28,280,894	111,706,925	148,682,237
CONNECTICUT	6,279,307	24,012,062	30,718,395
BRIDGEPRT CSRT	822,753	3,236,393	4,486,172
HARTFORD CSRT	1,164,446	4,239,178	5,403,624
NEW HAVEN CSRT	712,187	2,677,900	3,390,087
STAMFORD CSRT	270,567	954,995	1,225,562
WATERBURY CITY	350,361	1,436,710	1,787,071
BAL OF CONN	2,958,993	11,466,886	14,425,879
MAINE	2,262,443	9,004,154	11,469,827
PENOBSCOT CNTY	253,920	992,372	1,447,928
CUMBERLAND CNTY	362,468	1,358,407	1,722,469
BAL OF MAINE	1,646,055	6,653,375	8,299,430
MASSACHUSETTS	14,332,393	57,118,028	76,343,414
BOSTON	1,751,669	7,099,970	11,976,209
EMHRDA CSRT	788,910	3,132,978	4,906,912
NEW BEDFORD CSRT	580,343	2,422,112	3,002,455
HAMPDEN CNTY CSRT	1,215,304	4,903,836	6,269,454
WORCESTER CSRT	657,156	2,533,255	3,190,411
LOWELL CSRT	601,714	2,427,018	3,217,026
BROCKTON CSRT	486,104	1,914,818	2,845,713
BAL OF MASS	8,251,193	32,684,041	40,935,234
NEW HAMPSHIRE	1,287,119	4,677,364	6,169,781
ROCKHM/STAFFRD CSR	360,771	1,330,152	1,690,923
HILLSBOROUGH CNTY	410,436	1,502,451	1,912,887
BAL OF NEW HAMPSHI	515,912	1,844,761	2,565,971
RHODE ISLAND	3,161,825	13,160,834	16,322,659
PROVIDENCE	713,425	3,005,113	3,718,538
BAL OF R.I.	2,448,400	10,155,721	12,604,121
VERMONT	957,807	3,734,483	7,658,161
BAL OF VERMONT	957,807	3,734,483	7,658,161
REGION II	53,951,645	212,406,029	357,021,888
NEW JERSEY	13,542,791	52,574,753	85,936,967
ATLANTIC COUNTY	413,509	1,661,512	3,880,488
HUDSON COUNTYY	816,470	3,281,124	8,466,451
JERSEY CITY	485,920	1,901,564	4,630,986
MONMOUTH COUNTY	744,197	2,706,725	4,617,820
ESSEX COUNTY	961,981	3,565,737	4,527,718
NEWARK CITY	1,188,202	4,974,857	10,166,644
MORRIS COUNTY	479,453	1,813,798	2,293,251

V40244 DEC 18 75 XUM

U S DEPARTMENT OF LABOR-MANPOWER ADMINISTRATION PAGE 2

FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
UNION COUNTY	684,947	2,481,349	3,166,296
ELIZABETH CITY	254,241	989,468	1,243,709
MIDDLEXEA COUNTY	1,041,087	3,855,326	5,632,680
BERGEN COUNTY	1,350,954	4,811,983	6,162,937
PASSAIC COUNTYD	555,259	2,097,343	3,862,309
PATERSON CITY	405,450	1,674,919	4,198,752
MERCER COUNTY	120,241	648,899	769,140
TRENTON CITY,	216,499	840,071	1,559,143
CUMBERLAND COUNTY	336,420	1,381,305	2,216,747
BURLINGTON COUNTY	634,227	2,498,578	3,393,012
CAMDEN COUNTY	709,436	2,718,479	3,427,915
CAMDEN CITY	360,175	1,511,850	1,872,025
GLOUCESTER COUNTY	388,653	1,536,785	2,096,044
OCEAN COUNTY	428,367	1,654,591	2,877,707
SOMERSET CNTY	155,049	687,132	842,181
BAL OF N.J.	811,654	3,221,358	4,033,012
NEW YORK	33,649,953	131,383,227	205,034,340
ALBANY CSRT	430,614	1,516,820	1,947,434
RENSSELAER CNTY	251,995	930,768	1,182,763
SARATOGA COUNTY	207,786	783,400	991,186
SCHENCTADY CNTY	253,645	923,040	1,176,685
ERIE CSRT	1,254,972	4,931,094	6,186,066
BUFFALO CITY	1,421,623	5,965,744	8,460,514
NIAGARA COUNTY	651,700	2,704,631	4,414,610
BROOME COUNTY	326,331	1,180,519	1,506,850
CHEMUNG COUNTY	184,765	708,616	893,381
NEW YORK CITY	15,393,608	60,237,720	109,505,003
ROCKLAND COUNTY	296,065	1,089,803	1,385,868
WESTCHESTER CSRT	1,095,384	4,058,081	5,153,465
YONKERS CITY	379,482	1,460,579	1,840,061
NASSAU COUNTY CSRT	1,939,276	6,832,830	8,772,106
SUFFOLK CNTY CSRT	1,719,247	6,393,677	8,112,924
DUTCHESS COUNTY	104,879	670,598	775,477
MONROE/ROCHSTR CSR	636,016	3,038,325	3,674,341
OSWEGO CNTY	270,475	1,112,107	1,382,582
ONONDAGA COUNTY	386,223	1,364,733	1,750,956
SYRACUSE CITY	378,381	1,432,043	1,810,424
ONEIDA COUNTY	495,779	1,949,303	2,445,082
CHAUTAUQUA CSRT	541,776	2,095,745	2,637,521
ORANGE COUNTY	506,969	1,993,799	2,500,768
ST LAWRENCE CNTY	282,954	1,069,181	1,428,063
ULSTER COUNTY	338,576	1,349,408	1,687,984
STEUBEN CNTY	204,989	797,313	1,002,302
BAL OF NEW YORK	3,716,443	14,793,350	22,409,924
PUERTO RICO	6,758,901	28,448,049	66,050,581
PONCE MUNICIPIO	443,913	1,692,284	5,126,510

U S DEPARTMENT OF LABOR-MANPOWER ADMINISTRATION PAGE 3

FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
BAYAMON MUNICIPIO	291,387	1,171,756	3,003,075
CAROLINA MUNICIPIO	151,059	565,085	1,103,214
SAN JUAN CSRT	1,115,149	4,514,280	9,831,584
MAYAGUEZ MUNICIPIO	220,994	915,964	2,358,609
CAGUAS MUNICIPIO	313,720	1,341,965	3,705,899
BAL OF PUERTO RICO	4,222,679	18,046,715	40,921,690
REGION III	35,163,935	138,694,268	188,337,868
DELAWARE	1,134,501	4,392,853	5,880,078
WILMINGTON	255,525	1,054,882	1,663,131
BAL OF DEL	878,976	3,337,971	4,216,947
MARYLAND	4,876,762	20,315,218	25,852,541
BALTIMORE CSRT	3,303,667	12,127,392	15,431,059
MONTGOMERY COUNTY	0	998,451	998,451
PRINCE GEORGES CNT	195,909	1,808,768	2,099,348
WESTERN MD CSRT	641,839	2,525,882	3,733,611
BAL OF MD	735,347	2,854,725	3,590,072
PENNSYLVANIA	19,360,027	75,272,093	99,589,170
LEHIGH VALLEY CSRT	850,039	3,121,485	3,971,524
S. ALLEGHN. CSRT	883,653	3,419,465	6,090,967
ERIE CTY	215,353	787,530	1,002,883
ERIE CNTY	217,600	794,825	1,012,425
SUSQUEHANNA CSRT	136,613	1,593,370	1,729,983
LANCASTER CSRT	683,480	2,425,391	3,108,871
BUCKS COUNTY	743,463	2,773,182	3,516,645
CHESTER COUNTY	204,759	979,831	1,184,590
DELAWARE COUNTY	994,815	3,635,560	4,630,375
MONTGOMERY COUNTY	666,513	2,904,442	3,570,955
PHILADELPHIA	3,725,982	14,695,521	18,606,105
ALLEGHANY COUNTY	1,331,189	4,628,117	5,959,306
PITTSBURGH	985,276	3,812,830	5,580,134
BEAVER COUNTY	260,845	919,627	1,180,472
WASHINGTON COUNTY	292,029	1,069,212	1,361,241
WESTMORELAND CTY	674,812	2,614,566	3,809,407
BERKS COUNTY	411,170	1,417,232	1,828,402
LACKAWANNA COUNTY	360,404	1,469,922	1,830,326
SCRANTON	281,298	1,142,237	1,423,535
LUZERNE COUNTY	706,776	2,749,090	3,714,699
YORK COUNTY	433,458	1,557,604	1,991,062
LYCOMING CSRT	357,377	1,424,451	1,781,828
TRI-COUNTY CSRT	384,518	1,376,202	1,760,820
FAYETTE COUNTY	257,772	1,004,034	2,506,678
FRANKLIN COUNTY	84,426	438,689	523,115
LAWRENCE COUNTY	211,684	836,286	1,047,970
MERCER CNTY CSRT	568,643	2,202,852	2,946,042

V40244 DEC 18 75 XUM

U S DEPARTMENT OF LABOR-MANPOWER ADMINISTRATION PAGE 4

FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
SCHUYKILL CSRT	491,011	1,961,039	2,461,197
CENTER CNTY	138,769	487,646	626,415
NORTHUMBERLAND CNT	262,954	1,074,837	1,352,934
BAL OF PENN	1,523,246	5,955,018	7,478,264
VIRGINIA	6,058,912	24,955,192	31,559,917
PENNINSULA CSRT	450,471	1,594,813	2,045,284
STAMA	952,940	3,358,918	4,857,677
RAMPS	203,613	1,085,216	1,288,829
HENRICO CNTY CSRT	0	402,384	402,384
ROANOKE CSRT	423,323	1,557,651	1,980,974
ARLINGTON COUNTY	45,217	492,155	537,372
FAIRFAX COUNTY	0	798,956	798,956
PRINCE WM COUNTY	13,895	208,574	222,469
ALEXANDRIA CITY	0	228,581	228,581
BAL OF VA	3,969,447	15,227,944	19,197,391
WEST VIRGINIA	2,625,509	9,789,667	15,719,572
W. VA. STATEWIDE	2,625,509	9,789,667	15,719,572
WASHINGTON D.C.	1,108,224	3,969,245	9,736,590
WASHINGTON D.C.	1,108,224	3,969,245	9,736,590
REGION IV	63,817,292	253,875,283	322,015,485
ALABAMA	5,128,392	21,238,874	26,367,266
BIRMINGHAM CSRT	586,810	2,739,348	3,326,158
HUNTSVILLE CSRT	355,269	1,375,877	1,731,146
MOBILE CSRT	342,152	1,774,936	2,117,088
MONTGOMERY CSRT	245,482	997,172	1,242,654
TUSCALOOSA COUNTY	95,019	624,557	719,576
BAL OF ALABAMA	3,503,660	13,726,984	17,230,644
FLORIDA	15,951,965	62,078,105	81,681,799
VOLUSIA COUNTY	414,197	1,628,389	2,042,586
LEE COUNTY	361,092	1,453,351	1,814,443
ALACHUA COUNTY	160,873	562,621	723,494
BREVARD COUNTY	570,657	2,329,235	4,415,748
ORANGECNTY/ORLAND	1,102,996	4,375,265	5,478,261
ESCAMBIA CNTY	356,506	1,343,256	1,699,762
SARASOTA COUNTY	309,593	1,231,692	1,541,285
PASCO COUNTY	160,277	648,327	808,604
PALM BEACH COUNTY	963,035	3,795,104	4,758,139
HRTLND MNPWR CSRT	884,443	2,682,666	5,502,914
MIAMI/DADE CSRT	2,844,071	10,771,089	13,615,160
NE FLA MNPWR CSRT	832,561	2,997,979	3,850,540
BROWARD CSRT	1,955,906	7,898,523	9,853,529
LEON/GADSDEN CSRT	254,145	907,073	1,161,268

U S DEPARTMENT OF LABOR-MANPOWER ADMINISTRATION PAGE 5

FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
ST PETRSBG CSRT	1,041,310	3,981,835	5,023,151
TAMPA CSRT	1,194,438	4,601,599	5,796,037
MANATEE CNTY	240,759	962,833	1,203,592
SEMINOLE CNTY	272,401	1,085,788	1,358,189
BAL OF FLORIDA	2,213,559	8,821,538	11,035,097
GEORGIA	9,873,993	38,309,562	48,183,555
ATLANTA	1,656,970	6,709,888	8,366,858
FULTON COUNTY	343,482	1,289,574	1,633,056
DEKALB COUNTY	684,259	2,446,183	3,130,442
COBB COUNTY	506,831	1,969,531	2,476,362
CSRA CSRT	462,715	1,737,583	2,200,298
SAV/CHATHAM CSRT	269,466	993,418	1,262,884
MID. GA CSRT	447,307	1,684,612	2,131,919
COLUMBUS AREA CSRT	253,691	952,535	1,206,226
CLAYTON CNTY	206,731	772,465	979,196
BAL OF GEORGIA	5,042,541	19,753,773	24,796,314
KENTUCKY	4,068,228	15,971,888	20,711,317
KENTON COUNTY	210,630	778,104	988,734
LOUISVILLE CSRT	540,859	2,644,120	3,184,979
BLUEGRASS MA CSRT	100,156	743,876	844,032
RURAL CEP	490,093	1,779,148	2,940,442
BAL OF KENT	2,726,490	10,026,640	12,753,130
MISSISSIPPI	3,263,862	11,993,261	15,257,123
JACKSON CSRT	283,407	980,442	1,263,849
BAL OF MISS	2,980,455	11,012,819	13,993,274
NORTH CAROLINA	13,096,008	53,168,996	66,267,004
BUNCOMBE COUNTY	371,089	1,476,782	1,847,871
CUMBERLAND COUNTY	232,137	852,277	1,084,414
GASTON COUNTY	382,600	1,479,363	1,861,963
ONSLOW COUNTY	97,175	375,329	472,504
CHARLOTTE	717,507	2,859,560	3,577,067
WINSTON-SALEM CSRT	628,678	2,533,691	3,162,369
RALEIGH CSRT	554,060	2,104,394	2,658,460
WAKE CNTY	0	387,801	387,801
GREENSBORO-GUILFOR	545,353	1,989,333	2,534,686
DURHAM CSRT	188,755	1,006,341	1,195,096
ALAMANCE CNTY	266,073	1,056,856	1,322,929
BAL OF N.C.	9,114,575	37,047,259	46,161,844
SOUTH CAROLINA	6,231,613	24,937,003	31,168,616
S. CAROLINA CSRT	6,231,613	24,937,003	31,168,616
TENNESSEE	6,201,211	26,177,594	32,378,805
CHATTANOOGA	210,125	765,922	976,047

V40244 DEC 18 75 XUM

U S DEPARTMENT OF LABOR-MANPOWER ADMINISTRATION PAGE 6

FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
HAMILTON COUNTY	76,126	495,804	571,930
NASHVILLE/DAVIDSON	568,328	2,536,126	3,104,454
SULLIVAN COUNTY	0	332,889	332,889
KNOXVILLE CSRT	191,919	952,827	1,144,746
MEMPHIS CSRT	515,635	2,816,916	3,332,551
BALANCE OF TENN	4,639,078	18,277,110	22,916,188
REGION V	80,859,526	329,220,839	438,801,876
ILLINOIS **	13,344,133	58,520,448	72,970,287
CHICAGO	5,504,524	20,852,585	26,357,109
COOK COUNTY	717,231	7,877,417	8,594,648
DU PAGE COUNTY	20,315	1,215,465	1,235,780
KANE COUNTY	163,487	1,139,938	1,303,425
LAKE COUNTY	572,135	2,038,416	2,610,551
MACON COUNTY.	269,054	1,066,093	1,335,147
MCHENRY COUNTY	179,491	632,892	812,383
ROCK ISLAND COUNTY	43,245	529,586	572,831
TAZEWELL COUNTY	18,160	270,647	288,807
LA SALLE COUNTY	205,126	794,797	999,923
ROCKFORD CSRT	583,003	2,293,432	2,876,435
CHAMPAIGNE CSRT	19,307	523,810	543,117
WILL COUNTY CSRT	468,127	1,713,720	2,649,512
SANGAMON CNTY CSRT	114,509	638,859	753,368
MADISON CNTY CSRT	554,936	2,160,552	2,947,587
ST CLAIR CSRT	472,300	1,769,393	2,540,388
PEORIA CSRT	63,423	587,135	650,558
EAST ST LOUIS	211,776	897,187	1,216,212
SHAWNEE CSRT	157,433	660,861	818,294
MCLEAN CNTY	141,566	517,269	658,835
BAL OF ILLINOIS	2,864,983	10,340,394	13,205,377
INDIANA	9,911,785	39,290,897	51,486,392
GARY	323,029	1,226,919	2,030,480
HAMMOND	57,874	408,584	466,458
LAKE CNTY	109,511	742,304	851,815
ELKHART CNTY	374,850	1,528,939	1,903,789
SOUTH BEND	251,994	956,222	1,208,216
ST JOSEPH CNTY	209,804	775,978	985,782
TIPPECANOE CNTY	88,691	456,777	545,468
MADISON CNTY	390,900	1,609,875	2,000,775
VIGO CNTY	30,463	396,479	426,942
INDIANAPOLIS	1,475,324	5,503,176	6,978,500
LA PORTE CNTY	175,364	650,384	825,748
FT WAYNE CSRT	1,018,570	4,015,145	5,033,715
DELAWARE CSRT	326,974	1,295,241	1,622,215
SOUTHWESTERN CSRT	636,933	2,454,124	3,091,057
BAL OF INDIANA	4,441,104	17,271,150	23,515,432

**ILLINOIS ALLOCATIONS ARE BASED ON PROVISIONAL UNEMPLOYMENT ESTIMATES

U S DEPARTMENT OF LABOR-MANPOWER ADMINISTRATION PAGE 7

FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
MICHIGAN	27,569,440	114,248,849	152,439,014
WAYNE CNTY	2,656,692	10,805,821	13,462,513
DETROIT	5,545,476	23,909,287	32,220,994
DEARBORN	250,022	976,669	1,226,691
LIVONIA	194,258	732,178	926,436
MONROE CNTY	305,741	1,242,321	1,548,062
BAY CNTY	357,515	1,484,985	1,842,500
SAGINAW CNTY.	540,904	2,183,905	3,252,204
OAKLAND CNTY	2,935,561	12,128,474	15,064,035
ST CLAIR CNTY	496,513	2,120,769	5,059,090
CALHOUN CNTYS	378,564	1,522,489	1,901,053
KALAMAZOO CNTY	442,904	1,704,473	2,147,377
BERRIEN CNTY	506,694	2,087,833	2,594,527
OTTAWA CNTYS	318,260	1,258,369	1,576,629
ANN ARBOR/WASH CSR	817,983	3,361,670	4,179,653
KENT CNTY CSRT	1,606,617	6,486,704	8,093,321
MUSKEGON CSRT	449,371	1,824,551	2,273,922
GENESEE/FLINT CSRT	1,871,314	7,884,297	14,640,902
LANSING CSRT	1,019,303	4,072,070	5,091,373
JACKSON CSRT	808,949	3,309,483	4,118,432
MACOMB CNTY	1,304,638	5,353,099	6,657,737
WARREN CITY	466,109	1,877,936	2,344,045
BAL OF MICHIGAN	4,296,052	17,921,466	22,217,518
MINNESOTA	5,172,736	19,233,562	38,969,596
DULUTH	170,595	644,984	1,162,081
DAKOTA CNTY	168,118	588,622	756,740
URB. MINN. CSRT	2,013,385	7,107,705	9,121,090
ST PAUL CITY	547,096	1,990,620	3,584,886
RAMSEY CNTY	188,480	691,166	879,646
REGION III CSRT	286,434	1,019,431	4,056,385
MINN RCEP	577,362	2,158,176	10,184,579
BAL OF MINNESOTA	1,221,266	5,033,458	9,224,189
OHIO	18,714,609	72,817,983	91,532,592
CINCINNATI	996,558	3,901,840	4,898,398
BUTLER CNTY	601,346	2,445,011	3,046,357
CLARK CNTY	230,303	822,795	1,053,098
HAMILTON CNTY	238,328	1,676,336	1,914,664
LICKING/DEL CSRT	254,196	936,600	1,190,796
LORAIN CNTY	485,415	1,847,709	2,333,124
AKRON CSRT	1,314,405	4,919,880	6,234,285
CANTON CSRT	791,981	2,914,317	3,706,298
CLEVELAND CSRT	2,874,980	10,377,301	13,252,281
COLUMBUS CSRT	985,506	4,334,241	5,319,747
MIAMI VALLEY CSRT	1,027,787	3,782,385	4,810,172
GREENE CNTY	128,405	544,401	672,806

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U S DEPARTMENT OF LABOR-MANPOWER AUMINISTRATION PAGE 8

FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
TOLEDO CSRT	1,324,128	5,214,101	6,538,229
NE OHIO MNPWR CSRT	1,589,970	6,216,480	7,806,450
ALLEN CNTY	332,430	1,356,437	1,688,867
CLERMONT CNTY CSRT	493,853	1,915,400	2,409,253
BAL OF OHIO	5,045,018	19,612,749	24,657,767
WISCONSIN	6,146,823	25,109,100	31,403,995
OUTAGAMIE CNTY	34,302	359,013	393,315
ROCK CNTY	323,409	1,298,534	1,716,688
MILWAUKEE CNTY	1,838,392	6,803,945	8,642,837
MADISON-DANE CSRT	120,012	822,594	942,606
WOW CSRT	119,554	1,227,316	1,346,870
WINNE-FOND CSRT	246,032	1,169,731	1,415,763
TRICO CETAC	231,036	1,464,468	1,695,504
MARATHON COUNTY	160,598	586,866	747,464
RURAL CEP	337,521	1,348,703	1,739,951
BAL OF WISCONSIN	2,735,067	10,027,930	12,762,997
REGION VI	18,490,090	89,335,135	135,890,404
ARKANSAS	3,887,129	15,107,213	19,776,923
CENT. ARK CSRT	643,445	2,300,921	2,944,366
TEXARKANA CSRT	70,622	267,016	1,120,219
BAL OF ARK	3,173,062	12,539,276	15,712,338
LOUISIANA	5,040,616	19,734,173	43,667,890
RAPIDES PARISH	209,896	820,910	1,265,217
BATON ROUGE	319,224	1,286,688	2,471,248
LAFAYETTE PARISH	38,842	280,529	345,143
CALCASIEU/JEFFERSO	267,906	1,001,243	2,731,707
OUACHITA PARISH	221,177	860,094	1,081,271
NEW ORLEANS CITY	1,075,060	4,130,073	11,509,247
JEFFERSON PARRISH	194,945	1,140,524	1,668,140
SHREVEPRUT	327,799	1,235,148	1,562,947
BAL OF LOUISIANA	2,385,759	8,978,964	21,032,910
NEW MEXICO	1,620,703	6,016,449	11,359,563
ALBUQUERQUE	569,245	2,091,826	5,255,599
BAL OF NEW MEXICO	1,057,458	3,924,623	6,103,964
OKLAHOMA	1,307,712	8,072,518	9,435,213
COMANCHE CNTY	49,113	241,754	345,852
OKLAHOMA CNTY	0	358,333	358,333
OKLAHOMA CTY CSRT	242,502	1,648,042	1,890,544
TULSA CSRT	131,340	1,119,249	1,250,589
BAL OF OKLAHOMA	884,755	4,705,140	5,589,895
TEXAS	6,627,930	40,404,782	51,650,815

U S DEPARTMENT OF LABOR-MANPOWER AUMINISTRATION PAGE 9

FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
PANHANDLE MA CSRT	7,934	513,764	521,698
CAPITAL AREA CSRT	0	861,081	861,081
SE TEX COMP MA CSR	472,346	1,682,101	2,154,447
CAMERON COUNTY	368,568	1,455,720	2,247,651
COASTAL BEND CSRT	399,566	1,592,004	1,991,572
DALLAS CITY	47,647	2,304,702	2,352,349
DALLAS COUNTY	0	1,431,169	1,431,169
EL PASO CTY/CNTY	694,073	2,700,243	3,502,447
FT WORTH CSRT	162,524	1,740,063	1,902,587
TARRANT COUNTY	7,062	282,006	289,068
GALVESTON CNTY	0	466,322	466,322
HOUSTON	765,429	4,583,451	5,348,880
HARRIS COUNTY	0	880,449	880,449
CENTRAL TEXAS CSRT	12,611	334,995	347,606
HIDALGO CNTY CSRT	424,057	1,679,124	5,057,731
ALAMO CSRT	1,407,636	5,087,893	6,495,529
REGION IX CSRT	345,134	1,220,626	1,565,760
N TEXAS PLAN CSRT	0	396,673	396,673
WEBB COUNTY	245,895	1,057,710	2,435,664
TEXARKANA CSRT	109,465	410,346	519,811
BRAZORIA CSRT	0	632,671	632,671
BAL OF TEXAS	1,157,981	9,091,669	10,249,650
REGION VII	7,879,827	45,343,589	53,231,094
IOWA	1,754,465	9,855,746	11,610,211
CENT IOWA RALG CRT	143,996	1,520,829	1,664,825
LINN CNTYCSRT	61,543	436,325	497,868
BLACKHAWK COUNTY	64,523	368,090	432,613
WOODBURY COUNTY	121,801	456,983	578,784
SCOTT COUNTY	47,372	323,495	370,867
BAL OF IOWA	1,315,230	6,750,024	8,065,254
KANSAS	852,608	6,061,558	6,914,166
KANSAS CITY CSRT	364,807	1,388,842	1,753,649
TOPEKA CSRT	299,917	822,954	1,122,871
JOHNSON CNTY CSRT	0	797,173	797,173
WICHITA CTY	102,311	756,291	858,602
BAL OF KANSAS	85,573	2,296,298	2,381,871
MISSOURI	4,327,330	23,307,255	27,642,263
KANSAS CITY CSRT	1,327,337	5,050,238	6,377,575
INDEPENDENCE	161,102	560,799	721,901
JEFFERSON CSRT	312,482	1,204,567	1,517,049
SPRINGFIELD	230,853	844,342	1,075,195
ST LOUIS CITY	1,199,804	4,868,569	6,068,373
ST LOUIS COUNTY	367,237	3,449,581	3,816,818
BAL JACKSON CNTY	168,027	603,160	771,187

U S DEPARTMENT OF LABOR-MANPOWER AUMINISTRATION PAGE 10

FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
ST JOSEPH CSRT	0	0	0
BAL OF MISSOURI	1,327,850	8,380,947	9,708,797
NEBRASKA	1,000,000	5,000,000	6,000,000
REGION VIII	3,000,000	15,000,000	18,000,000
COLORADO	1,000,000	5,000,000	6,000,000
MONTANA	1,000,000	5,000,000	6,000,000
NORTH DAKOTA	1,000,000	5,000,000	6,000,000
SOUTH DAKOTA	1,000,000	5,000,000	6,000,000
UTAH	1,000,000	5,000,000	6,000,000
WYOMING	1,000,000	5,000,000	6,000,000
REGION IX	3,000,000	15,000,000	18,000,000
ARIZONA	1,000,000	5,000,000	6,000,000
CALIFORNIA	1,000,000	5,000,000	6,000,000
HAWAII	1,000,000	5,000,000	6,000,000
NEVADA	1,000,000	5,000,000	6,000,000
REGION X	3,000,000	15,000,000	18,000,000
ALASKA	1,000,000	5,000,000	6,000,000
IDAHO	1,000,000	5,000,000	6,000,000
OREGON	1,000,000	5,000,000	6,000,000
WASHINGTON	1,000,000	5,000,000	6,000,000
REGION I	3,000,000	15,000,000	18,000,000
CONNECTICUT	1,000,000	5,000,000	6,000,000
MAINE	1,000,000	5,000,000	6,000,000
MASSACHUSETTS	1,000,000	5,000,000	6,000,000
NEW HAMPSHIRE	1,000,000	5,000,000	6,000,000
RHODE ISLAND	1,000,000	5,000,000	6,000,000
VERMONT	1,000,000	5,000,000	6,000,000
REGION II	3,000,000	15,000,000	18,000,000
NEW JERSEY	1,000,000	5,000,000	6,000,000
NEW YORK	1,000,000	5,000,000	6,000,000
PUERTO RICO	1,000,000	5,000,000	6,000,000
REGION III	3,000,000	15,000,000	18,000,000
DELAWARE	1,000,000	5,000,000	6,000,000
DISTRICT OF COLUMBIA	1,000,000	5,000,000	6,000,000
MARYLAND	1,000,000	5,000,000	6,000,000
PENNSYLVANIA	1,000,000	5,000,000	6,000,000
VIRGINIA	1,000,000	5,000,000	6,000,000
WEST VIRGINIA	1,000,000	5,000,000	6,000,000
REGION IV	3,000,000	15,000,000	18,000,000
ALABAMA	1,000,000	5,000,000	6,000,000
FLORIDA	1,000,000	5,000,000	6,000,000
GEORGIA	1,000,000	5,000,000	6,000,000
KENTUCKY	1,000,000	5,000,000	6,000,000
MISSISSIPPI	1,000,000	5,000,000	6,000,000
NORTH CAROLINA	1,000,000	5,000,000	6,000,000
SOUTH CAROLINA	1,000,000	5,000,000	6,000,000
TENNESSEE	1,000,000	5,000,000	6,000,000
REGION V	3,000,000	15,000,000	18,000,000
ILLINOIS	1,000,000	5,000,000	6,000,000
INDIANA	1,000,000	5,000,000	6,000,000
MICHIGAN	1,000,000	5,000,000	6,000,000
MINNESOTA	1,000,000	5,000,000	6,000,000
OHIO	1,000,000	5,000,000	6,000,000
WISCONSIN	1,000,000	5,000,000	6,000,000
REGION VI	3,000,000	15,000,000	18,000,000
ARKANSAS	1,000,000	5,000,000	6,000,000
LOUISIANA	1,000,000	5,000,000	6,000,000
NEW MEXICO	1,000,000	5,000,000	6,000,000
OKLAHOMA	1,000,000	5,000,000	6,000,000
TEXAS	1,000,000	5,000,000	6,000,000
REGION VII	3,000,000	15,000,000	18,000,000
IOWA	1,000,000	5,000,000	6,000,000
KANSAS	1,000,000	5,000,000	6,000,000
MISSOURI	1,000,000	5,000,000	6,000,000

U S DEPARTMENT OF LABOR-MANPOWER ADMINISTRATION PAGE 10

FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
ST CHARLES CNTY	188,271	689,118	877,067
BAL OF MISSOURI	380,217	6,036,881	6,417,098
NEBRASKA	945,424	6,119,030	7,064,454
OMAHO CSRT	801,428	2,956,461	3,757,889
LINCOLN CITY	51,178	654,786	705,964
BAL OF NEBRASKA	92,818	2,507,783	2,600,601
REGION VIII	5,422,987	25,153,207	36,197,522
COLORADO	1,529,116	8,321,849	10,006,522
ARAPAHOE COUNTY	25,452	342,079	367,531
JEFFERSON COUNTY	54,205	557,198	611,403
COL SPRINGS CSRT	291,937	1,130,970	1,422,907
LARIMER COUNTY	71,759	310,289	382,058
DENVER CTY/CNTY	454,828	2,403,271	2,858,099
ADAMS CNTY	155,370	708,928	864,298
BOULDER CNTY	34,027	561,354	595,381
PUEBLO CNTY	84,151	416,162	655,870
WELD CNTY	29,212	217,212	246,424
BAL OF COLORADO	328,165	1,674,386	2,002,551
MONTANA	1,248,690	4,627,882	9,099,037
RURAL CEP	169,351	705,919	895,270
BAL OF MONTANA	1,059,339	3,921,963	8,203,767
NORTH DAKOTA	746,489	2,722,407	5,712,202
BAL OF N.D.	746,489	2,722,407	5,712,202
SOUTH DAKOTA	74,062	1,826,338	1,900,400
BAL OF S.D.	74,062	1,826,338	1,900,400
WYOMING	0	980,562	980,562
BAL OF WYOMING	0	980,562	980,562
UTAH	1,824,630	6,674,169	8,498,799
STATEWIDE CSRT	1,824,630	6,674,169	8,498,799
REGION IX	48,228,422	187,532,692	310,921,785
ARIZONA	3,897,631	14,937,119	18,834,750
PHOENIX/MARICOPA	2,532,598	9,897,988	12,430,586
TUCSON-PIMA COUNTY	501,587	2,004,833	2,566,420
BAL OF ARIZONA	863,446	3,034,298	3,837,744
CALIFORNIA	41,643,555	162,410,179	271,848,213
SUNNYVALE	209,777	700,939	973,716
BERKELEY	380,949	1,555,299	3,488,144

U S DEPARTMENT OF LABOR-MANPOWER ADMINISTRATION PAGE 11

FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
GLENDALE	210,859	741,415	952,274
LONG BEACH	696,733	2,674,205	4,205,558
LOS ANGELES	6,461,826	25,356,446	42,047,549
OAKLAND	985,643	3,991,140	7,371,879
PASADENA	184,307	665,791	850,098
SAN FRANCISCO	1,810,093	7,081,361	14,090,301
TORRANCE	219,205	779,895	999,100
BUTTE COUNTY	313,353	1,299,901	2,201,187
CONTRA COSTA CNTY	832,387	3,119,730	5,367,273
KERN COUNTY	512,656	1,905,931	2,570,784
LOS ANGELES COUNTY	6,202,955	23,328,627	39,738,785
MARIN COUNTY	327,478	1,189,890	1,597,481
MERCED COUNTY	259,102	1,060,513	1,722,126
MONTEREY COUNTY	496,788	1,966,680	2,463,468
SAN LUUIS OBISPO C	147,207	520,650	667,857
SAN MATEO COUNTY	349,307	2,461,326	2,810,633
SANTA BARABARA CNT	388,286	1,399,315	1,787,601
SANTA CRUZ COUNTY	392,872	1,599,826	2,089,780
SOLANO COUNTY	242,639	905,606	1,894,566
SONOMA COUNTY	573,235	2,329,966	3,076,263
STANISLAUS COUNTY	753,644	3,151,569	6,220,919
VENTURA COUNTY	671,052	2,511,420	3,182,472
SAN DIEGO RETC	2,810,511	10,900,599	27,653,815
ORANGE CNTY MANP	2,791,287	10,234,313	13,025,600
INLAND MANP ASSOC	2,537,550	10,026,773	12,627,873
FRESNO CTY/CNTY	901,521	3,758,977	5,786,319
TULARE/KINGS CNTY	462,944	1,752,799	2,601,784
SACRAMENTO/YOLO	1,343,526	5,081,660	10,462,465
STOCKTON/SAN JOAQU	709,298	2,839,692	4,147,242
SANTA CLARA VALLEY	2,135,095	8,089,117	10,224,212
CNTY OF ALAMEDA	1,061,036	3,992,305	6,594,244
RICHMOND	196,597	788,063	1,316,133
IMPERIAL COUNTY	204,851	840,420	1,477,669
HUMBOLT CNTY	377,189	1,599,882	2,437,176
BAL OF CALIFORNIA	2,426,297	10,142,136	21,063,867
HAWAII	1,257,906	4,557,160	13,072,652
HONOLULU/HAWAII CR	1,257,906	4,557,160	13,072,652
NEVADA	1,429,328	5,628,234	7,166,170
LAS VEGAS CSRT	813,719	3,234,781	4,048,500
WASHOE COUNTY	349,933	1,349,049	1,698,952
BAL OF NEVADA	265,706	1,044,404	1,418,718
REGION X	14,270,249	55,586,876	95,853,335
ALASKA	772,529	3,094,137	6,799,659
ANCHORAGE BOROUGH	270,659	1,018,559	1,790,604

V40244 DEC 18 75 XUM

U S DEPARTMENT OF LABOR-MANPOWER ADMINISTRATION PAGE 12

FY 1976 PUBLIC EMPLOYMENT ALLOCATION

	TITLE II BASE ALLOC	TITLE VI BASE ALLOC	TOTAL (INCL. DISCR.)
BAL OF ALASKA	501,470	2,075,576	5,009,055
IDAHO	1,565,343	5,989,519	7,554,862
STATEWIDE CSRT	1,565,343	5,989,519	7,554,862
OREGON	5,470,222	21,831,432	27,301,654
PORTLAND CITY	919,928	3,566,223	4,486,151
CLACKAMAS COUNTY	337,475	1,283,940	1,621,415
MULTNOMAH/WASH CRT	650,599	2,425,307	3,075,906
LANE COUNTY	609,005	2,458,720	3,067,725
M-WILM VAL MPR CST	607,354	2,434,094	3,041,448
JACKSON CNTY CSRT	468,998	1,955,287	2,424,285
BAL OF OREGON	1,876,863	7,707,861	9,584,724
WASHINGTON	6,462,055	24,671,788	54,197,160
KING SNO. CSRT	2,509,256	9,360,549	20,260,392
TACOMA CITY	282,307	1,081,840	2,634,091
PIERCE CNTY	319,269	1,160,169	3,187,538
SPOKANE CSRT	549,985	2,115,446	4,103,488
CLARK COUNTY	269,741	1,040,042	1,309,783
KITSAP COUNTY	153,810	563,518	2,031,342
YAKIMA COUNTY	346,509	1,369,363	4,488,972
BAL OF WASH	2,031,178	7,940,861	16,181,554
VIRGIN ISLANDS	311,599	1,265,870	1,814,544
AMERICAN SAMOA	76,134	309,293	443,352
GUAM	232,080	942,810	1,351,462
PACIFIC ISLANDS	198,314	805,651	1,154,849
INDIAN ORGANIZATIONS	1,800,235	8,136,597	9,936,832
NATIONAL TOTAL	358,983,229	1,460,315,064	2,101,654,533

TITLE I ALLOCATIONS

REGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	FY 1976	TOTAL TITLE I ALLOCATION
REGION I	82,764,572	20,691,141	2,398,384	599,595	106,453,692
CONNECTICUT	21,115,257	5,278,812	1,287,574	321,893	28,003,536
BRIDGEPORT CSRT	3,397,279	849,319	339,728	84,932	4,671,258
HARTFORD CSRT	5,067,361	1,266,840	506,736	126,684	6,967,621
NEW HAVEN CSRT	3,219,889	804,972	321,989	80,497	4,427,347
STAMFORD CSRT	1,191,213	297,803	119,121	29,780	1,637,917
WATERBURY CITY	1,118,853	279,713	0	0	1,398,566
BALANCE OF CONN	7,120,662	1,780,165	0	0	8,900,827
MAINE	6,812,944	1,703,237	0	0	8,516,181
PENOBSCOT CNTY	768,688	192,172	0	0	960,860
CUMBERLAND CNTY	1,159,414	289,854	0	0	1,449,268
BALANCE OF MAINE	4,884,842	1,221,211	0	0	6,106,053
MASSACHUSETTS	40,613,094	10,153,273	1,020,231	255,057	52,041,655
BOSTON	7,900,173	1,975,043	0	0	9,875,216
EMPDA CSRT	2,103,119	525,779	0	0	2,628,898
NEW BEDFORD CSRT	1,626,511	406,653	162,661	40,665	2,236,590
HAMPDEN CNTY CSRT	3,850,260	962,565	385,026	96,256	5,293,107
WORCESTER CSRT	1,686,950	422,239	168,895	42,224	2,322,308
LOWELL CSRT	1,849,851	462,462	184,985	46,246	2,543,544
BROCKTON CSRT	1,186,638	296,659	118,664	29,666	1,631,627
BALANCE OF MASS	20,407,492	5,101,873	0	0	25,509,365
NEW HAMPSHIRE	3,745,635	936,459	90,579	22,645	4,795,518

V40244 DEC 18 75 XUM

REGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
ROCK/STRAFFORD CSRT	905,791	226,448	90,579	22,645	1,245,463
HILLSBOROUGH CNTY	1,395,468	348,867	0	0	1,744,335
BALANCE OF N H	1,444,576	361,144	0	0	1,805,720
RHODE ISLAND	7,506,525	1,876,631	0	0	9,383,156
PROVIDENCE	3,038,958	759,739	0	0	3,798,697
BALANCE OF R I	4,467,567	1,116,892	0	0	5,584,459
VERMONT	2,970,917	742,729	0	0	3,713,646
BALANCE OF VERMONT	2,970,917	742,729	0	0	3,713,646
REGION II	188,770,616	47,192,647	2,931,841	732,960	239,628,064
NEW JERSEY	47,679,805	11,919,949	0	0	59,599,754
ATLANTIC COUNTY	1,362,813	340,703	0	0	1,703,516
HUDSON COUNTY	2,704,024	676,006	0	0	3,380,030
JERSEY CITY	2,543,805	635,951	0	0	3,179,756
MONMOUTH COUNTY	2,204,768	551,192	0	0	2,755,960
ESSEX COUNTY	2,572,946	643,236	0	0	3,216,182
NEWARK CITY	8,829,648	2,207,412	0	0	11,037,060
MORRIS COUNTY	1,368,007	342,002	0	0	1,710,009
UNION COUNTY	1,803,044	450,761	0	0	2,253,805
ELIZABETH CITY	784,920	196,230	0	0	981,150
MIDDLESEX COUNTY	2,970,424	742,606	0	0	3,713,030
BERGEN COUNTY	3,447,426	861,856	0	0	4,309,282
PASSAIC COUNTY	1,581,831	395,458	0	0	1,977,289
PATERSON CITY	1,310,139	327,535	0	0	1,637,674
MERCER COUNTY	787,210	196,802	0	0	984,012
TRENTON CITY	2,766,717	691,679	0	0	3,458,396
CUMBERLAND COUNTY	923,861	230,965	0	0	1,154,826
BURLINGTON COUNTY	1,584,421	396,105	0	0	1,980,526
CAMDEN COUNTY	1,763,742	440,935	0	0	2,204,677
CAMDEN CITY	1,271,457	317,864	0	0	1,589,321
GLOUCESTER COUNTY	962,897	240,724	0	0	1,203,621
OCEAN COUNTY	1,274,959	318,740	0	0	1,593,699

REGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
SOMERSET CNTY	700,575	175,144	0	0	875,719
BALANCE OF N J	2,160,171	540,043	0	0	2,700,214
NEW YORK	111,003,032	27,750,754	2,393,877	598,469	141,746,132
ALBANY CSRT	1,731,983	432,995	173,198	43,299	2,381,475
RENSSELAER CNTY	759,067	189,767	0	0	948,834
SARATOGA COUNTY	587,985	146,996	0	0	734,981
SCHENECTADY CNTY	746,016	186,504	0	0	932,520
ERIE CSRT	2,960,806	740,201	296,081	74,020	4,071,108
BUFFALO CITY	4,006,426	1,001,606	0	0	5,008,032
NIAGARA COUNTY	1,571,707	392,927	0	0	1,964,634
BROOME COUNTY	1,511,136	377,784	0	0	1,888,920
CHEMUNG COUNTY	605,822	151,455	0	0	757,277
NEW YORK CITY	56,760,265	14,190,066	0	0	70,950,331
ROCKLAND COUNTY	849,366	212,341	0	0	1,061,707
WESTCHESTER CSRT	3,351,974	837,994	335,197	83,799	4,608,964
YONKERS CITY	1,058,058	264,514	0	0	1,322,572
NASSAU COUNTY CSRT	5,913,425	1,478,355	591,342	147,836	8,130,958
SUFFOLK CNTY CSRT	4,726,160	1,181,540	472,616	118,154	6,498,470
DUTCHESS COUNTY	754,935	188,734	0	0	943,669
MONROE/ROCHESTER	3,666,365	916,591	366,636	91,659	5,041,251
OSWEGO CNTY	644,787	161,197	0	0	805,984
ONONDAGA CNTY	984,762	246,190	0	0	1,230,952
SYRACUSE CITY	1,612,548	403,137	0	0	2,015,685
ONEIDA COUNTY	1,624,131	406,033	0	0	2,030,164
CHAUTAUQUA CSRT	1,586,073	397,018	158,807	39,702	2,183,600
ORANGE COUNTY	1,184,317	296,079	0	0	1,480,396
ST LAWRENCE CNTY	704,158	176,040	0	0	880,198
ULSTER COUNTY	791,408	197,852	0	0	989,260
STEUBEN CNTY	513,216	128,304	0	0	641,520
BAL OF NEW YORK	9,794,136	2,448,534	0	0	12,242,670

REGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
PUERTO RICO	30,087,779	7,521,944	537,964	134,491	38,282,178
PONCE MUNICIPIO	2,102,120	525,530	0	0	2,627,650
BAYAMON MUNICIPIO	1,589,949	397,487	0	0	1,987,436
CAROLINA MUNICIPIO	860,432	215,108	0	0	1,075,540
SAN JUAN CSRT	5,379,643	1,344,911	537,964	134,491	7,397,009
MAYAGUEZ MUNICIPIO	1,268,946	317,236	0	0	1,586,182
CAGUAS MUNICIPIO	1,701,608	425,402	0	0	2,127,010
BAL OF PUERTO RICO	17,185,081	4,296,270	0	0	21,481,351
EGION III	140,223,941	35,055,979	4,627,120	1,156,781	181,063,821
DELAWARE	3,544,827	886,207	229,200	57,300	4,717,534
WILMINGTON	1,252,827	313,207	0	0	1,566,034
DEL INTGOV MA S.C.	2,292,000	573,000	229,200	57,300	3,151,500
MARYLAND	21,152,212	5,288,054	1,436,589	359,147	28,236,002
BALTIMORE CSRT	12,619,809	3,154,952	1,261,981	315,495	17,352,237
MONTGOMERY COUNTY	1,824,027	456,007	0	0	2,280,034
PRINCE GEORGES CO.	2,719,256	679,814	0	0	3,399,070
WESTERN MD CSRT	1,746,085	436,522	174,608	43,652	2,400,867
BALANCE OF MD	2,243,035	560,759	0	0	2,803,794
PENNSYLVANIA	64,826,633	16,206,657	1,145,212	286,304	82,464,806
LEHIGH VALLEY CONS	1,739,093	434,773	173,909	43,477	2,391,252
S. ALLEGANY CSRT	2,994,228	748,558	229,423	74,856	4,117,065
ERIE CTY	1,066,446	266,611	0	0	1,333,057
ERIE CNTY	566,485	141,621	0	0	708,106
SUSQUEHANNA CSRT	1,649,650	412,412	164,965	41,241	2,268,268

REGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
LANCASTER CSRT	1,513,669	378,418	151,367	37,842	2,081,296
BUCKS COUNTY	1,828,197	457,049	0	0	2,285,246
CHESTER COUNTY	983,082	245,771	0	0	1,228,853
DELAWARE COUNTY	2,571,632	642,908	0	0	3,214,540
MONTGOMERY COUNTY	2,307,617	576,904	0	0	2,884,521
PHILADELPHIA	12,538,476	3,134,619	0	0	15,673,095
ALLEGHENY COUNTY	4,344,025	1,086,006	0	0	5,430,031
PITTSBURGH	7,243,668	1,810,917	0	0	9,054,585
BEAVER COUNTY	875,362	218,840	0	0	1,094,202
WASHINGTON COUNTY	1,011,381	252,845	0	0	1,264,226
WESTMORELAND CNTY	2,143,672	535,918	0	0	2,679,590
BERKS COUNTY	1,052,226	263,056	0	0	1,315,282
LACKAWANNA COUNTY	860,333	215,083	0	0	1,075,416
SCRANTON	678,502	169,625	0	0	848,127
LUZERNE COUNTY	2,537,487	634,372	0	0	3,171,859
YORK COUNTY	974,972	243,743	0	0	1,218,715
LYCOMING CSRT	869,868	217,467	86,987	21,747	1,196,069
TRI-COUNTY CSRT	1,340,865	335,216	134,086	33,522	1,843,689
FAYETTE COUNTY	1,069,119	267,280	0	0	1,336,399
FRANKLIN COUNTY	437,007	109,252	0	0	546,259
LAWRENCE COUNTY	579,572	144,893	0	0	724,465
MERCER CNTY CSRT	1,858,503	464,626	0	0	2,323,129
SCHUYKILL CSRT	1,344,754	336,189	134,475	33,619	1,849,037
CENTRE CNTY	474,332	118,583	0	0	592,915
NORTHUMBERLAND CO.	761,904	190,476	0	0	952,380
BALANCE OF PENN	4,610,506	1,152,626	0	0	5,763,132
VIRGINIA	24,724,470	6,181,112	612,776	153,194	31,671,552
PENNINSULA CSRT	1,594,223	398,556	159,422	39,856	2,192,057
STAMA CSRT	4,533,539	1,133,384	453,354	113,338	6,233,615
RAMPS CSRT	2,162,862	540,714	0	0	2,703,576

REGION / STATE / PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
HENRICO CNTY CSRT	524,347	131,086	0	0	655,433
ROANOKE CSRT	1,199,940	299,983	0	0	1,499,923
ARLINGTON COUNTY	772,050	193,012	0	0	965,062
FAIRFAX COUNTY	1,390,617	347,654	0	0	1,738,271
PRINCE WM COUNTY	362,943	90,736	0	0	453,679
ALEXANDRIA CITY	470,168	117,542	0	0	587,710
BALANCE OF VA	11,713,781	2,928,445	0	0	14,642,226
WEST VIRGINIA	12,033,431	3,008,357	1,203,343	300,836	16,545,967
W. VA. STATEWIDE	12,033,431	3,008,357	1,203,343	300,836	16,545,967
WASHINGTON D. C.	13,942,368	3,485,592	0	0	17,427,960
WASHINGTON D. C.	13,942,368	3,485,592	0	0	17,427,960
REGION IV	210,849,024	52,712,253	7,564,645	1,891,158	273,017,080
ALABAMA	23,229,310	5,807,326	1,031,235	257,808	30,325,679
BIRMINGHAM CSRT	4,707,010	1,176,752	470,701	117,675	6,472,138
HUNTSVILLE CSRT	1,435,725	358,931	143,572	35,893	1,974,121
MOBILE CSRT	2,554,728	638,682	255,473	63,868	3,512,751
MONTGOMERY CSRT	1,614,894	403,723	161,489	40,372	2,220,478
TUSCALOOSA COUNTY	627,421	156,855	0	0	784,276
BALANCE OF ALABAMA	12,289,532	3,072,383	0	0	15,361,915
FLORIDA	45,412,179	11,353,044	2,816,737	704,183	60,286,143
VOLUSIA COUNTY	1,125,837	281,459	0	0	1,407,296
LEE COUNTY	596,808	149,202	0	0	746,010

REGION / STATE / PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
ALACHUA COUNTY	662,013	165,503	0	0	827,516
BREVARD COUNTY	1,668,500	417,125	0	0	2,085,625
ORANGE CNTY/ORL	2,026,360	506,590	202,636	50,659	2,786,245
ESCAMBIA COUNTY	1,144,019	286,005	0	0	1,430,024
SARASOTA COUNTY	577,360	144,340	0	0	721,700
PASCO COUNTY	523,722	130,930	0	0	654,652
PALM BEACH COUNTY	2,534,983	633,746	0	0	3,168,729
HRTLND MNPWR CNSRT	2,342,296	585,574	234,230	58,557	3,220,657
DADE/MONROE CSRT	8,799,211	2,199,803	879,921	219,980	12,098,915
NE FLA MNPWR CNSRT	3,328,345	832,086	332,834	83,209	4,576,474
BROWARD MNPR CNCL.	4,148,445	1,037,111	414,844	103,711	5,704,111
LEON/GADSDEN CNSRT	920,252	230,063	92,025	23,006	1,265,346
ST PETE/PINELLAS	2,876,966	719,242	287,697	71,924	3,955,829
TAMPA/HILLSBOROUGH	3,725,502	931,375	372,550	93,137	5,122,564
MANATEE CNTY	566,185	141,546	0	0	707,731
SEMINOLE CNTY	628,606	157,152	0	0	785,758
BALANCE OF FLORIDA	7,216,769	1,804,192	0	0	9,020,961
GEORGIA	27,143,725	6,785,932	408,241	102,059	34,439,957
ATLANTA	4,137,561	1,034,390	0	0	5,171,951
FULTON COUNTY	691,477	172,869	0	0	864,346
DEKALB COUNTY	1,398,118	349,530	0	0	1,747,648
COBB COUNTY	976,253	244,063	0	0	1,220,316
CSRA CSRT	1,699,536	424,884	169,954	42,488	2,336,862
SAV/CHATHAM CSRT	946,647	236,662	94,665	23,666	1,301,640
MID. GA CSRT	1,436,217	359,055	143,622	35,905	1,974,799
COLUMBUS AREA CSRT	1,263,357	315,839	0	0	1,579,196

REGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
CLAYTON CNTY	421,655	105,414	0	0	527,069
BALANCE OF GEORGIA	14,172,904	3,543,226	0	0	17,716,130
KENTUCKY	23,148,146	5,787,035	547,988	136,997	29,620,166
KENTON COUNTY	646,196	161,549	0	0	807,745
LVILLE/JEFF CSRT	3,890,088	972,522	389,009	97,252	5,348,871
BLUEGRASS MA CSRT	1,589,793	397,447	158,979	39,745	2,185,964
BALANCE OF KENT	17,022,069	4,255,517	0	0	21,277,586
MISSISSIPPI	17,489,905	4,372,477	168,705	42,176	22,073,263
JACKSON CSRT	1,687,048	421,762	168,705	42,176	2,319,691
BALANCE OF MISS	15,802,857	3,950,715	0	0	19,753,572
NORTH CAROLINA	31,197,996	7,799,500	270,223	67,556	39,335,275
BUNCOMBE COUNTY	724,930	181,233	0	0	906,163
CUMBERLAND COUNTY	1,092,771	273,193	0	0	1,365,964
GASTON COUNTY	611,487	152,872	0	0	764,359
ONSLOW COUNTY	367,444	91,861	0	0	459,305
CHARLOTTE	1,689,417	422,354	0	0	2,111,771
WINSTON-SALEM CSRT	1,399,911	349,978	139,991	34,998	1,924,878
RALEIGH CSRT	1,574,667	393,667	0	0	1,968,334
WAKE CNTY	417,239	104,310	0	0	521,549
GREENSBORO CSRT	1,309,869	327,467	0	0	1,637,336
DURHAM CSRT	1,302,318	325,579	130,232	32,558	1,790,687
ALAMANCE CNTY	590,595	147,649	0	0	738,244
BALANCE OF N.C.	20,117,348	5,029,337	0	0	25,146,685
SOUTH CAROLINA	17,502,251	4,375,562	1,750,225	437,556	24,065,594

REGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
S. CAROLINA CSRT	17,502,251	4,375,562	1,750,225	437,556	24,065,594
TENNESSEE	25,725,512	6,431,377	571,291	142,823	32,871,003
CHATTANOOGA	1,764,342	441,085	0	0	2,205,427
HAMILTON COUNTY	576,515	144,129	0	0	720,644
NASHVILLE/DAVIDSON	2,464,668	616,167	0	0	3,080,835
SULLIVAN COUNTY	610,976	152,744	0	0	763,720
KNOXVILLE CSRT	1,897,749	474,437	189,775	47,444	2,609,405
MEMPHIS CSRT	3,815,164	953,791	381,516	95,379	5,245,850
BALANCE OF TENN	14,596,098	3,649,024	0	0	18,245,122
EGION V	260,009,395	65,002,345	6,358,793	1,589,698	332,960,231
ILLINOIS	66,679,066	16,669,766	232,299	58,075	83,639,206
CHICAGO	33,243,453	8,310,863	0	0	41,554,316
COOK COUNTY	7,180,889	1,795,222	0	0	8,976,111
DUPAGE COUNTY	757,575	189,394	0	0	946,969
KANE COUNTY	939,895	234,974	0	0	1,174,869
LAKE COUNTY	1,384,166	346,041	0	0	1,730,207
MACON COUNTY	505,617	126,404	0	0	632,021
MCHENRY COUNTY	399,732	99,933	0	0	499,665
ROCK ISLAND COUNTY	699,516	174,879	0	0	874,395
TAZEWELL COUNTY	377,226	94,307	0	0	471,533
LASALLE COUNTY	433,158	108,289	0	0	541,447
ROCKFORD CSRT	973,330	243,333	97,333	24,333	1,338,329
CHAMPAIGN CSRT	698,589	174,647	69,859	17,465	960,560
WILL/GRUNDY CSRT	1,117,553	279,389	0	0	1,396,942
SANGAMON CNTY CSRT	651,073	162,769	65,107	16,277	895,226
MADISON CNTY CSRT	1,599,480	399,870	0	0	1,999,350

EGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
ST CLAIR CSRT	1,406,327	351,582	0	0	1,757,909
PEORIA CSRT	782,852	195,713	0	0	978,565
EAST ST LOUIS	2,584,629	646,157	0	0	3,230,786
SHAWNEE CSRT	1,158,462	289,614	0	0	1,448,076
MCLEAN CNTY	282,921	70,730	0	0	353,651
BAL OF ILLINOIS	9,502,623	2,375,656	0	0	11,878,279
INDIANA	30,759,906	7,689,979	460,570	115,143	39,025,598
GARY	4,556,817	1,139,204	0	0	5,696,021
HAMMOND	428,110	107,028	0	0	535,138
LAKE CNTY	1,465,614	366,403	0	0	1,832,017
ELKHART CNTY	560,329	140,082	0	0	700,411
SOUTH BEND	1,611,657	402,914	0	0	2,014,571
ST JOSEPH CNTY	443,887	110,972	0	0	554,859
TIPPECANOE CNTY	398,182	99,546	0	0	497,728
MADISON CNTY	658,748	164,687	0	0	823,435
VIGO CNTY	520,217	130,054	0	0	650,271
INDIANAPOLIS	4,224,467	1,056,117	0	0	5,280,584
LA PORTE CNTY	326,272	81,568	0	0	407,840
FT WAYNE CSRT	1,780,325	445,081	178,032	44,508	2,447,946
DELAWARE CSRT	685,390	171,348	68,539	17,135	942,412
SOUTHWESTERN CSRT	2,139,993	535,000	213,999	53,500	2,942,492
BAL OF INDIANA	10,959,898	2,739,975	0	0	13,699,873
MICHIGAN	60,765,229	15,191,306	1,302,870	325,717	77,585,122
WAYNE CNTY	5,084,549	1,271,137	0	0	6,355,686
DETROIT	14,426,859	3,606,715	0	0	18,033,574
DEARBORN	504,736	126,184	0	0	630,920
LIVONIA	341,760	85,440	0	0	427,200
MONROE CNTY	589,460	147,365	0	0	736,825
BAY CNTY	755,017	188,754	0	0	943,771

EGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
SAGINAW CNTY	1,356,813	339,203	0	0	1,696,016
OAKLAND CNTY	5,410,892	1,352,723	0	0	6,763,615
ST CLAIR CNTY	1,105,192	276,298	0	0	1,381,490
CALHOUN CNTY	892,126	223,032	0	0	1,115,158
KALAMAZOO CNTY	1,064,075	266,019	0	0	1,330,094
BERRIEN CNTY	1,114,748	278,687	0	0	1,393,435
OTTAWA CNTY	679,854	169,963	0	0	849,817
WASHTENAW COUNTY	914,171	228,543	0	0	1,142,714
ANN ARBOR	407,803	101,951	0	0	509,754
KENT CNTY CSRT	3,584,657	896,164	358,466	89,616	4,928,903
MUSKEGON CSRT	1,920,262	480,065	192,026	48,006	2,640,359
GENESSEE/FLINT CSR	3,742,035	935,509	374,203	93,551	5,145,298
INGHAM/LANSING CRT	2,324,626	581,156	232,463	58,116	3,196,361
JACKSON CSRT	1,457,121	364,280	145,712	36,428	2,003,541
MACOMB CNTY	2,426,169	606,542	0	0	3,032,711
WARREN CITY	832,663	208,166	0	0	1,040,829
BAL OF MICHIGAN	9,829,641	2,457,410	0	0	12,287,051
MINNESOTA	20,980,433	5,245,106	604,241	151,060	26,980,840
DULUTH	1,550,664	387,666	0	0	1,938,330
DAKOTA CNTY	460,705	115,176	0	0	575,881
URB MINNESOTA CSRT	6,042,415	1,510,603	604,241	151,060	8,308,319
ST PAUL CITY	2,104,299	526,075	0	0	2,630,374
RAMSEY CNTY	529,878	132,469	0	0	662,347
REGION III CSRT	1,731,177	432,793	0	0	2,163,970
BAL OF MINNESOTA	8,561,295	2,140,324	0	0	10,701,619
OHIO	59,124,915	14,781,228	3,502,829	875,707	78,284,679
CINCINNATI	5,220,207	1,305,052	0	0	6,525,259

REGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
BUTLER CNTY	954,062	238,515	0	0	1,192 577
CLARK CNTY	643,515	160,879	0	0	804,394
HAMILTON CNTY	1,032,975	258,244	0	0	1,291,219
LICKING/DEL. CSRT	649,378	162,345	64,938	16,235	892,896
LORAIN CNTY	992,396	248,099	0	0	1,240,495
AKRON CSRT	3,700,349	925,087	370,035	92,509	5,087,980
CANTON CSRT	1,654,260	413,565	165,426	41,356	2,274,607
CLEVELAND CSRT	13,600,314	3,400,078	1,360,031	340,008	18,700,431
COLUMBUS CSRT.	4,304,898	1,076,224	430,490	107,622	5,919,234
MIAMI VALLEY CSRT	4,201,362	1,050,341	420,136	105,034	5,776,873
GREENE CNTY	368,437	92,109	0	0	460,546
TOLEDO CSRT	3,105,272	776,318	310,527	77,632	4,269,749
NE OHIO MNPWR CSRT	3,812,463	953,115	381,246	95,311	5,242,135
ALLEN CNTY	506,145	126,536	0	0	632,681
CLERMONT CNTY CSRT	1,598,814	399,704	0	0	1,998,518
BAL OF OHIO	12,780,068	3,195,017	0	0	15,975,085
WISCONSIN	21,699,846	5,424,960	255,984	63,996	27,444,786
OUTAGAMIE CNTY	375,874	93,968	0	0	469,842
ROCK CNTY	676,095	169,024	0	0	845,119
MILWAUKEE CNTY	5,654,547	1,413,637	0	0	7,068,184
MADISON-DANE CSRT	1,168,369	292,093	116,837	29,209	1,606,508
WOW CSRT	1,057,821	264,455	0	0	1,322,276
WINNE-FOND CSRT	971,890	242,972	0	0	1,214,862

REGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
TRICO CETAC	1,391,466	347,866	139,147	34,787	1,913,266
MARATHON CNTY	465,864	116,466	0	0	582,330
BAL OF WISCONSIN	9,937,920	2,484,479	0	0	12,422,399
REGION VI	127,746,280	31,936,560	3,644,464	911,116	164,238,420
ARKANSAS	14,009,136	3,502,283	266,308	66,577	17,844,304
CENT. ARK CSRT	2,663,079	665,769	266,308	66,577	3,661,733
TEXARKANA CSRT	494,163	123,541	0	0	617,704
BALANCE OF ARK	10,851,894	2,712,973	0	0	13,564,867
LOUISIANA	25,050,847	6,262,712	131,880	32,970	31,478,409
RAPIDES PARISH	800,873	200,218	0	0	1,001,091
BATON ROUGE	1,764,521	441,130	0	0	2,205,651
LAFAYETTE PARISH	674,649	168,662	0	0	843,311
CALCASIEU/JEFF CRT	1,318,804	329,701	131,880	32,970	1,813,355
OUACHITA PARISH	801,102	200,276	0	0	1,001,378
NEW ORLEANS CTY	4,718,045	1,179,511	0	0	5,897,556
JEFFERSON PARRISH	1,758,999	439,750	0	0	2,198,749
SHREVEPORT	1,394,091	348,523	0	0	1,742,614
BAL OF LOUISIANA	11,819,763	2,954,941	0	0	14,774,704
NEW MEXICO	8,262,486	2,065,621	261,387	65,347	10,654,841
ALBUQUERQUE CSRT	2,613,870	653,467	261,387	65,347	3,594,071
BAL OF NEW MEXICO	5,648,616	1,412,154	0	0	7,060,770
OKLAHOMA	15,224,119	3,806,028	552,121	138,030	19,720,298
COMANCHE CNTY	464,174	116,043	0	0	- 580,217
OKLAHOMA CNTY	773,829	193,457	0	0	967,286

REGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
OKLAHOMA CTY CSRT	2,841,306	710,327	284,131	71,033	3,906,797
TULSA CSRT	2,679,905	669,975	267,990	66,997	3,684,867
BAL OF OKLAHOMA	8,464,905	2,116,226	0	0	10,581,131
TEXAS	65,199,692	16,299,916	2,432,768	608,192	84,540,568
PANHANDLE MA CSRT	1,547,643	386,911	154,764	38,691	2,128,009
CAPITAL AREA CSRT	2,320,465	580,117	232,046	58,012	3,190,640
SE TEX COMP MA CRT	1,909,156	477,290	190,916	47,729	2,625,091
CAMERON COUNTY	1,385,030	346,257	0	0	1,731,287
COASTAL BEND CSRT	2,841,160	710,290	284,116	71,029	3,906,595
DALLAS CITY	3,854,223	963,556	0	0	4,817,779
DALLAS CNTY	1,762,078	440,519	0	0	2,202,597
EL PASO CTY/CNTY	2,328,923	582,230	232,892	58,223	3,202,268
FT WORTH CSRT	2,474,684	618,669	0	0	3,093,353
TARRANT COUNTY	619,569	154,892	0	0	774,461
GALVESTON CNTY	1,153,764	288,441	0	0	1,442,205
HOUSTON	7,946,910	1,986,728	0	0	9,933,638
HARRIS COUNTY	1,625,384	406,346	0	0	2,031,730
CENTRAL TEXAS CSRT	976,238	244,058	97,624	24,406	1,342,326
HIDALGO CNTY CSRT	1,970,166	492,542	197,017	49,254	2,708,979
ALAMO CSRT	7,684,286	1,921,071	768,429	192,107	10,565,893
REGION XI CSRT	1,574,387	393,596	157,439	39,360	2,164,782
N TEXAS PLAN CSRT	1,175,249	293,811	117,525	29,381	1,615,966
WEBB COUNTY	1,200,339	300,085	0	0	1,500,424

REGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
TEXARKANA CSRT	806,760	201,690	0	0	1,008,450
BRAZORIA CSRT	1,733,939	433,482	0	0	2,167,421
BALANCE OF TEXAS	16,309,339	4,077,335	0	0	20,386,674
REGION VII	60,029,560	15,007,389	1,307,309	326,827	76,671,085
IOWA	12,872,904	3,218,226	390,482	97,621	16,579,233
CENT IOWA RALG	3,210,765	802,691	321,076	80,269	4,414,801
LINN CNTY CSRT	694,061	173,516	69,406	17,352	954,335
BLACKHAWK COUNTY	564,894	141,223	0	0	706,117
WOODBURY COUNTY	647,271	161,818	0	0	809,089
SCOTT COUNTY	451,013	112,753	0	0	563,766
BALANCE OF IOWA	7,304,900	1,826,225	0	0	9,131,125
KANSAS	10,596,520	2,649,131	97,510	24,377	13,367,538
KANSAS CITY CSRT	1,467,318	366,830	0	0	1,834,148
TOPEKA CSRT	975,096	243,774	97,510	24,377	1,340,757
JOHNSON CNTY CSRT	831,651	207,913	0	0	1,039,564
WICHITA CTY	1,577,961	394,490	0	0	1,972,451
BAL OF KANSAS	5,744,494	1,436,124	0	0	7,180,618
MISSOURI	28,643,101	7,160,774	504,435	126,109	36,434,419
KANSAS CITY CSRT	5,044,348	1,261,087	504,435	126,109	6,935,979
INDEPENDENCE	411,821	102,955	0	0	514,776
JEFFERSON CSRT	972,040	243,010	0	0	1,215,050
SPRINGFIELD	853,254	213,313	0	0	1,066,567

REGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
ST LOUIS CITY	6,434,640	1,608,660	0	0	8,043,300
ST LOUIS COUNTY	3,474,276	868,569	0	0	4,342,845
BAL JACKSON CNTY	420,880	105,220	0	0	526,100
ST CHARLES CNTY	525,724	131,431	0	0	657,155
BAL OF MISSOURI	10,506,118	2,626,529	0	0	13,132,647
NEBRASKA	7,917,035	1,979,258	314,882	78,720	10,289,895
OMAHA CSRT	3,148,818	787,204	314,882	78,720	4,329,624
LINCOLN CITY	718,169	179,542	0	0	897,711
BAL OF NEBRASKA	4,050,048	1,012,512	0	0	5,062,560
REGION VIII	31,401,284	7,850,319	754,491	188,623	40,194,717
COLORADO	11,499,767	2,874,941	101,583	25,396	14,501,687
ARAPAHOE COUNTY	495,113	123,778	0	0	618,891
JEFFERSON COUNTY	728,217	182,054	0	0	910,271
COL SPRINGS CSRT	1,015,827	253,957	101,583	25,396	1,396,763
LARIMER CNTY	424,071	106,018	0	0	530,089
DENVER CTY/CNTY	3,601,260	900,315	0	0	4,501,575
ADAMS CNTY	728,513	182,128	0	0	910,641
BOULDER CNTY	643,537	160,884	0	0	804,421
PUEBLO CNTY	680,319	170,080	0	0	850,399
WELD CNTY	459,885	114,971	0	0	574,856
BAL OF COLORADO	2,723,025	680,756	0	0	3,403,781
MONTANA	4,738,734	1,184,683	0	0	5,923,417
BAL OF MONTANA	4,738,734	1,184,683	0	0	5,923,417
NORTH DAKOTA	3,497,410	874,352	0	0	4,371,762
BALANCE OF N.D.	3,497,410	874,352	0	0	4,371,762
SOUTH DAKOTA	3,410,181	852,545	0	0	4,262,726

REGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
BALANCE S.D.	3,410,181	852,545	0	0	4,262,726
WYOMING	1,726,110	431,527	0	0	2,157,637
BALANCE OF WYOMING	1,726,110	431,527	0	0	2,157,637
UTAH	6,529,082	1,632,271	652,908	163,227	8,977,488
UTAH CONSORTIUM	6,529,082	1,632,271	652,908	163,227	8,977,488
REGION IX	161,172,621	40,293,153	6,085,766	1,521,442	209,072,982
ARIZONA	13,703,743	3,425,935	905,799	226,450	18,261,927
PHOENIX/MARICOPA	6,991,639	1,747,909	699,164	174,791	9,613,503
TUCSON-PIMA COUNTY	2,066,349	516,587	206,635	51,659	2,841,230
BALANCE OF ARIZONA	4,645,755	1,161,439	0	0	5,807,194
CALIFORNIA	138,147,639	34,536,908	4,413,474	1,103,369	178,201,390
SUNNYVALE	524,033	131,008	0	0	655,041
BERKELEY	1,165,548	291,387	0	0	1,456,935
GLENDALE	564,909	141,227	0	0	706,136
LONG BEACH	2,457,154	614,288	0	0	3,071,442
LOS ANGELES	21,114,997	5,278,749	0	0	26,393,746
OAKLAND	5,412,501	1,353,125	0	0	6,765,626
PASADENA	888,003	222,001	0	0	1,110,004
SAN FRANCISCO	7,201,467	1,800,367	0	0	9,001,834
TORRANCE	611,301	152,825	0	0	764,126
BUTTE COUNTY	836,503	209,126	0	0	1,045,629
CONTRA COSTA CNTY	2,480,736	620,184	0	0	3,100,920
KERN COUNTY	2,090,943	522,736	0	0	2,613,679
LOS ANGELES COUNTY	19,136,358	4,784,089	0	0	23,920,447
MARIN COUNTY	1,039,313	259,828	0	0	1,299,141
MERCED COUNTY	887,675	221,919	0	0	1,109,594
MONTEREY COUNTY	1,473,052	368,263	0	0	1,841,315

REGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
SAN LUIS OBISPO	642,096	160,524	0	0	802,620
SAN MATEO COUNTY	2,703,237	675,809	0	0	3,379,046
SANTA BARBARA CNTY	1,442,925	360,731	0	0	1,803,656
SANTA CRUZ COUNTY	1,048,359	262,090	0	0	1,310,449
SOLANO COUNTY	933,137	233,284	0	0	1,166,421
SONOMA COUNTY	1,643,516	410,879	0	0	2,054,395
STANISLAUS COUNTY	2,166,217	541,554	0	0	2,707,771
VENTURA COUNTY	2,339,909	584,977	0	0	2,924,886
SAN DIEGO RETC	9,274,760	2,318,690	927,476	231,869	12,752,795
ORANGE CNTY MANP	7,604,470	1,901,118	760,447	190,112	10,456,147
INLAND MANP ASSOC	8,463,775	2,115,944	846,377	211,594	11,637,690
FRESNO CTY/CNTY	4,067,755	1,016,939	406,775	101,694	5,593,163
TULARE/KINGS CNTY	2,035,168	508,792	203,517	50,879	2,798,356
SACRAMENTO/YOLO	4,596,142	1,149,036	459,614	114,904	6,319,696
STCKTN/SAN JUAQUIN	2,529,586	632,396	252,959	63,240	3,478,181
SANTA CLARA VALLEY	5,563,092	1,390,773	556,309	139,077	7,649,251
CNTY OF ALAMEDA	3,294,793	823,698	0	0	4,118,491
RICHMOND	1,294,137	323,534	0	0	1,617,671
IMPERIAL COUNTY	770,253	192,563	0	0	962,816
HUMBOLT CNTY	943,659	235,915	0	0	1,179,574
BAL OF CALIFORNIA	6,906,160	1,726,540	0	0	8,632,700
HAWAII	5,224,571	1,306,143	522,457	130,614	7,183,785
HAWAII ST/CNTY CRT	5,224,571	1,306,143	522,457	130,614	7,183,785
NEVADA	4,096,668	1,024,167	244,036	61,009	5,425,880
LAS VEGAS CSRT	2,440,360	610,090	244,036	61,009	3,355,495

EGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
WASHOE COUNTY	862,707	215,677	0	0	1,078,384
BALANCE OF NEVADA	793,601	198,400	0	0	992,001
EGION X	48,526,278	12,131,571	2,029,305	507,327	63.194,481
ALASKA	3,507,753	876,938	0	0	4,384,691
ANCHORAGE	1,085,448	271,362	0	0	1,356,810
BALANCE OF ALASKA	2,422,305	605,576	0	0	3,027,881
IDAHO	4,948,300	1,237,075	494,830	123,708	6,803,913
IDAHO STATEWIDE	4,948,300	1,237,075	494,830	123,708	6,803,913
OREGON	15,147,658	3,786,914	279,153	69,789	19,283,514
PORTLAND CITY	3,527,145	881,786	0	0	4,408,931
CLACKAMAS COUNTY	893,359	223,340	0	0	1,116,699
MULTNOMAH/WASH CRT	1,660,712	415,178	0	0	2,075,890
LANE COUNTY	1,557,136	389,284	0	0	1,946,420
M-WILM VAL MPR CRT	1,693,551	423,388	169,355	42,339	2,328,633
JACKSON/JOSEPHINE	1,097,984	274,495	109,798	27,450	1,509,727
BALANCE OF OREGON	4,717,771	1,179,443	0	0	5,897,214
WASHINGTON	24,922,567	6,230,644	1,255,322	313,830	32,722,363
KING SNO CSRT	10,756,339	2,689,085	1,075,634	268,908	14,789,966
TACOMA CITY	1,443,015	360,754	0	0	1,803,769
PIERCE CNTY	1,312,049	328,012	0	0	1,640,061
SPOKANE CSRT	1,796,877	449,220	179,688	44,922	2,470,707
CLARK COUNTY	727,812	181,953	0	0	909,765
KITSAP COUNTY	607,822	151,956	0	0	759,778
YAKIMA COUNTY	1,280,094	320,024	0	0	1,600,118

REGION STATE PRIME SPONSOR	BASE GRANTS FY 1976	BASE GRANTS TRANSITION QUARTER	CONSORTIA INCENTIVE FY 1976	CONSORTIA INCENTIVE TRANSITION QUARTER	TOTAL TITLE I ALLOCATION
			0	0	8,748,199
BALANCE OF WASH	6,998,559	1,749,640			
FORMULA TOTAL	1,311,493,571	327,873,357	37,702,118	9,425,527	1,686,494,573
E. KENTUCKY RURAL CEP	2,760,000	690,000	0	0	3,450,000
RURAL MINNESOTA CEP	2,059,000	514,750	0	0	2,573,750
N.W. WISCONSIN CEP	1,526,000	381,500	0	0	1,907,500
BUTTE MONTANA RURAL CEP	864,000	216,000	0	0	1,080,000
VIRGIN ISLANDS	1,219,700	304,925	0	0	1,524,695
AMERICAN SAMOA	239,600	59,900	0	0	299,500
GUAM	997,500	249,375	0	0	1,246,875
PACIFIC ISLANDS	315,500	78,875	0	0	394,375
NATIONAL TOTAL	1,321,474,871	330,368,682	37,702,118	9,425,527	1,698,971,198

ALLOCATIONS FOR STATE MANPOWER PLANNING COUNCILS FY 1976 and FY 1976/FY 1977 TRANSITION FUNDING

REGION STATE	FY 1976	TRANSITION QUARTER	TOTAL
REGION I	788,290	197,070	985,360
CONNECTICUT	188,038	47,029	235,067
MAINE	71,373	17,843	89,216
MASSACHUSETTS	395,303	98,825	494,128
NEW HAMPSHIRE	35,775	8,943	44,718
RHODE ISLAND	66,644	16,661	83,305
VERMONT	31,157	7,789	38,946
REGION II	1,847,856	461,963	2,309,819
NEW JERSEY	435,703	108,925	544,628
NEW YORK	1,100,600	275,150	1,375,750
PUERTO RICO	311,553	77,888	389,441
REGION III	1,316,779	329,192	1,645,971
DELAWARE	32,823	8,205	41,028
MARYLAND	193,887	48,471	242,358
PENNSYLVANIA	634,830	158,715	793,545
VIRGINIA	240,510	60,127	300,637
WEST VIRGINIA	119,550	29,888	149,438
WASHINGTON D. C.	95,144	23,786	118,930
REGION IV	2,041,214	510,300	2,551,514
ALABAMA	220,278	55,069	275,347
FLORIDA	467,409	116,852	584,261
GEORGIA	275,682	68,920	344,602
KENTUCKY	206,467	51,616	258,083
MISSISSIPPI	146,115	36,528	182,646
NORTH CAROLINA	305,139	76,284	381,423
SOUTH CAROLINA	172,236	43,059	215,295
TENNESSEE	247,888	61,972	309,860
REGION V	2,404,106	601,025	3,005,131
ILLINOIS	558,464	139,616	698,080
INDIANA	278,654	69,663	348,317
MICHIGAN	622,228	155,557	777,786
MINNESOTA	198,080	49,770	248,850
OHIO	526,031	131,507	657,538
WISCONSIN	219,648	54,912	274,560

V40244 DEC 18 75 XUM

REGION STATE	FY 1976	TRANSITION QUARTER	TOTAL
REGION VI	1,249,205	312,300	1,561,505
ARKANSAS	132,040	33,010	165,050
LOUISIANA	257,773	64,443	322,216
NEW MEXICO	75,613	18,903	94,516
OKLAHOMA	153,204	38,301	191,505
TEXAS	630,575	157,643	788,218
REGION VII	556,717	139,178	695,895
IOWA	119,980	29,995	149,975
KANSAS	103,765	25,949	129,714
MISSOURI	256,858	64,214	321,072
NEBRASKA	76,084	19,021	95,105
REGION VIII	318,791	79,696	398,487
COLORADO	112,633	28,158	140,791
MONTANA	49,702	12,425	62,127
NORTH DAKOTA	36,809	9,202	46,011
SOUTH DAKOTA	34,070	8,517	42,587
WYOMING	17,097	4,274	21,371
UTAH	68,480	17,120	85,600
REGION IX	1,632,480	408,118	2,040,598
ARIZONA	123,617	30,904	154,521
CALIFORNIA	1,412,139	353,034	1,765,173
HAWAII	54,785	13,696	68,481
NEVADA	41,939	10,484	52,423
REGION X	483,244	120,809	604,053
ALASKA	32,227	8,056	40,283
IDAHO	51,263	12,815	64,078
OREGON	152,205	38,051	190,256
WASHINGTON	247,549	61,897	309,436
FORMULA TOTAL	12,638,682	3,159,651	15,798,333
VIRGIN ISLANDS	9,930	2,483	12,413
AMERICAN SAMOA	1,951	488	2,439
GUAM	8,122	2,031	10,153
PACIFIC ISLANDS	2,569	567	3,136
NATIONAL TOTAL	12,661,254	3,165,220	15,826,474

ALLOCATIONS FOR SUPPLEMENTAL VOCATIONAL EDUCATIONAL SERVICES FY 1976 AND FY 1976/FY 1977 TRANSITION FUNDING

REGION STATE	FY 1976	TRANSITION QUARTER	TOTAL
REGION I	4,926,824	1,231,704	6,158,528
CONNECTICUT	1,175,236	293,809	1,469,045
MAINE	446,086	111,521	557,607
MASSACHUSETTS	2,470,642	617,660	3,088,302
NEW HAMPSHIRE	223,599	55,899	279,498
RHODE ISLAND	416,528	104,132	520,660
VERMONT	194,733	48,683	243,416
REGION II	11,549,082	2,887,269	14,436,351
NEW JERSEY	2,723,142	680,785	3,403,927
NEW YORK	6,876,738	1,719,684	8,596,422
PUERTO RICO	1,947,202	486,800	2,434,002
REGION III	8,229,875	2,052,467	10,282,342
DELAWARE	205,149	51,287	256,436
MARYLAND	1,211,792	302,948	1,514,740
PENNSYLVANIA	3,967,869	991,967	4,959,836
VIRGINIA	1,503,190	375,797	1,878,987
WEST VIRGINIA	747,223	186,805	934,028
WASHINGTON D. C.	594,652	143,663	738,315
REGION IV	12,757,585	3,189,393	15,946,978
ALABAMA	1,376,739	344,184	1,720,923
FLORIDA	2,921,303	730,325	3,651,628
GEORGIA	1,723,013	430,753	2,153,766
KENTUCKY	1,290,422	322,605	1,613,027
MISSISSIPPI	913,220	228,305	1,141,525
NORTH CAROLINA	1,907,116	476,779	2,383,895
SOUTH CAROLINA	1,076,474	269,118	1,345,592
TENNESSEE	1,549,298	387,324	1,936,622
REGION V	15,025,647	3,756,409	18,782,056
ILLINOIS	3,490,397	872,599	4,362,996
INDIANA	1,741,584	435,396	2,176,980
MICHIGAN	3,888,923	972,230	4,861,153
MINNESOTA	1,244,251	311,062	1,555,313
OHIO	3,287,690	821,922	4,109,612
WISCONSIN	1,372,802	343,200	1,716,002

V40244 DEC 18 75 XUM

REGION / STATE	FY 1976	TRANSITION QUARTER	TOTAL
REGION VI	7,807,931	1,951,881	9,759,812
ARKANSAS	825,247	206,311	1,031,558
LOUISIANA	1,611,083	402,770	2,013,853
NEW MEXICO	472,585	118,146	590,731
OKLAHOMA	957,528	239,382	1,196,910
TEXAS	3,941,088	985,272	4,926,360
REGION VII	3,479,486	869,871	4,349,357
IOWA	749,876	187,469	937,345
KANSAS	648,721	162,180	810,901
MISSOURI	1,605,361	401,340	2,006,701
NEBRASKA	475,528	118,882	594,410
REGION VIII	1,992,450	498,110	2,490,560
COLORADO	703,954	175,988	879,942
MONTANA	310,635	77,658	388,293
NORTH DAKOTA	230,057	57,514	287,571
SOUTH DAKOTA	212,943	53,235	266,178
WYOMING	106,860	26,715	133,575
UTAH	428,001	107,000	535,001
REGION IX	10,202,991	2,550,746	12,753,737
ARIZONA	772,608	193,152	965,760
CALIFORNIA	8,825,857	2,206,464	11,032,321
HAWAII	342,407	85,601	428,008
NEVADA	262,119	65,529	327,648
REGION X	3,020,282	755,069	3,775,351
ALASKA	201,419	50,354	251,773
IDAHO	320,397	80,099	400,496
OREGON	951,285	237,821	1,189,106
WASHINGTON	1,547,181	386,795	1,933,976
FORMULA TOTAL	78,991,753	19,742,919	98,734,672
VIRGIN ISLANDS	62,070	15,518	77,588
AMERICAN SAMOA	12,194	3,049	15,243
GUAM	50,765	12,691	63,456
PACIFIC ISLANDS	16,057	4,014	20,071
NATIONAL TOTAL	79,132,839	19,778,191	98,911,030

ALLOCATIONS FOR STATE PLANNING GRANTS
FY 1976 AND FY 1976/FY 1977
TRANSITION FUNDING

REGION / STATE	FY 1976	TRANSITION QUARTER	TOTAL
REGION I	3,941,460	985,362	4,926,822
CONNECTICUT	940,189	235,047	1,175,236
MAINE	356,868	89,217	446,085
MASSACHUSETTS	1,976,514	494,128	2,470,642
NEW HAMPSHIRE	178,879	44,719	223,598
RHODE ISLAND	333,223	83,305	416,528
VERMONT	155,787	38,946	194,733
REGION II	9,239,266	2,309,815	11,549,081
NEW JERSEY	2,178,513	544,628	2,723,141
NEW YORK	5,502,991	1,375,747	6,878,738
PUERTO RICO	1,557,762	389,440	1,947,202
REGION III	6,583,901	1,645,973	8,229,874
DELAWARE	164,119	41,029	205,148
MARYLAND	969,434	242,358	1,211,792
PENNSYLVANIA	3,174,296	793,574	3,967,870
VIRGINIA	1,202,552	300,638	1,503,190
WEST VIRGINIA	597,779	149,444	747,223
WASHINGTON D. C.	475,721	118,930	594,651
REGION IV	10,206,070	2,551,514	12,757,584
ALABAMA	1,101,391	275,347	1,376,738
FLORIDA	2,337,043	584,260	2,921,303
GEORGIA	1,378,411	344,602	1,723,013
KENTUCKY	1,032,338	258,084	1,290,422
MISSISSIPPI	730,576	182,644	913,220
NORTH CAROLINA	1,525,693	381,423	1,907,116
SOUTH CAROLINA	861,180	215,295	1,076,475
TENNESSEE	1,239,438	309,859	1,549,297
REGION V	12,020,519	3,005,128	15,025,647
ILLINOIS	2,792,318	698,079	3,490,397
INDIANA	1,393,268	348,317	1,741,585
MICHIGAN	3,111,138	777,784	3,888,922
MINNESOTA	995,401	248,850	1,244,251
OHIO	2,630,152	657,538	3,287,690
WISCONSIN	1,098,242	274,560	1,372,802

V40244 DEC 18 75 XUM

REGION STATE	FY 1976	TRANSITION QUARTER	TOTAL
REGION VI	6,246,025	1,561,506	7,807,529
ARKANSAS	660,198	165,049	825,247
LOUISIANA	1,288,866	322,216	1,611,082
NEW MEXICO	378,068	94,517	472,585
OKLAHOMA	766,022	191,505	957,527
TEXAS	3,152,871	788,217	3,941,088
REGION VII	2,783,587	695,896	3,479,483
IOWA	599,900	149,975	749,875
KANSAS	518,977	129,744	648,721
MISSOURI	1,288,288	321,072	1,605,360
NEBRASKA	380,422	95,105	475,527
REGION VIII	1,593,959	398,488	1,992,447
COLORADO	563,163	140,790	703,953
MONTANA	248,508	62,127	310,635
NORTH DAKOTA	184,046	46,011	230,057
SOUTH DAKOTA	170,354	42,588	212,942
WYOMING	85,488	21,372	106,860
UTAH	342,400	85,600	428,000
REGION IX	8,162,394	2,040,597	10,202,991
ARIZONA	618,087	154,521	772,608
CALIFORNIA	7,060,686	1,765,171	8,825,857
HAWAII	273,925	68,481	342,406
NEVADA	209,696	52,424	262,120
REGION X	2,416,226	604,055	3,020,281
ALASKA	161,135	40,283	201,418
IDAHO	256,318	64,079	320,397
OREGON	761,028	190,257	951,285
WASHINGTON	1,237,745	309,436	1,547,181
FORMULA TOTAL	63,193,407	15,798,332	78,991,739
VIRGIN ISLANDS	49,651	12,413	62,064
AMERICAN SAMOA	9,755	2,439	12,194
GUAM	40,613	10,153	50,766
PACIFIC ISLANDS	12,845	3,211	16,056
NATIONAL TOTAL	63,306,271	15,826,548	79,132,819

Signed at Washington, D.C. this 9th day of December, 1975.

ALBERT J. ANGEBRANNDT,
Associate Manpower Administrator for Administration & Management.

[FR Doc.75-33737 Filed 12-17-75;8:45 am]

V40244 DEC 18 75 XUM

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V40I244 DEC 18 75 XUM

Vol. 40—No. 245
12–19–75

PAGES
58845–59185

federal register

FRIDAY, DECEMBER 19, 1975

highlights

PART I:

HOW TO USE THE FEDERAL REGISTER
OFR announces briefings for agencies and the public, 1–21 and 1–22–76 58898

INDIAN MANPOWER PROGRAMS
Labor puts new limitations on allowable Federal costs; effective 1–19–76 58854

LABOR-MANAGEMENT STANDARDS
Labor amends financial, organizational and other reporting requirements and issues related forms (2 documents); effective 12–31–75 58855

CONTINUED INSIDE

PART II:

VOCATIONAL REHABILITATION
HEW/Human Development Office issues standards for evaluating programs and projects 58955

PART III:

EMPLOYEE BENEFIT PLANS
Labor LMSA and Treasury/IRS propose class exemptions from prohibitions involving certain multiemployer plan transactions; comments by 1–19–76 58963

PART IV:

TELECOMMUNICATIONS
National Communications System proposes a standard for systems utilizing synchronous transmissions 58969

PART V:

MINIMUM WAGES
Labor/ESA issues determinations for Federal and federally assisted construction 59091

PART VI:

PRIVACY ACT
NSF issues notice of an additional system of records 59183

245

V40 245 DEC 19 75 XUM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

EPA—Idaho air quality implementation plan 53588; 11–19–75
DOT/FHA—Federal and Federal-aid programs; coordination.. 53726; 11–19–75
FCC—Practice and procedure..... 53391; 11–18–75

List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. The list is kept current in each issue of the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 11027..... Pub. Law 94–153
An act to amend the effective date of the Defense Production Act Amendments of 1975
(Dec. 16, 1975; 89 Stat. 822)

S. 1537..... Pub. Law 94–152
Defense Production Act Amendments of 1975
(Dec. 16, 1975; 89 Stat. 810)

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CHILD PROTECTION PACKAGING REQUIREMENTS
CPSC proposes exemption for three liquid antibiotics; comments by 2–17–76 58865

FOOD ADDITIVES
HEW/FDA provides for safe use of isopropyl alcohol as an optional ingredient in sanitizing solutions; effective 12–19–75 58852

OCS OIL AND GAS OPERATIONS
Interior/GS proposes requirements and guidelines for suspension of production; comments by 1–19–76..... 58862
Interior/GS proposes rule changes to insure development of oil and gas leases; comments by 1–19–76..... 58862

SHORT-SPACED FM STATIONS
FCC reaffirms agreements policy 58893

BANK HOLDING COMPANIES
FRS proposes to regulate purchase or redemption by a company of its own shares 58866

BANK HOLDING COMPANIES AND BANKS
SEC amends financial reporting requirements..... 58851

SAVINGS AND LOAN ASSOCIATIONS
FHLBB amends rules on mobile facilities; effective 12–22–75 58848

TEACHER CORPS PROJECTS
HEW/OE issues notice of 1–21–76 closing date for receipt of applications 58884

INCOME AND ESTATE TAXES
Treasury/IRS proposes regulations on transfers for public, charitable and religious uses; comments by 1–23–76 58860
Treasury/IRS issues temporary regulations on transfers for public, charitable and religious uses..... 58852

ANTIDUMPING
Treasury initiates investigations on industrial vehicle tires from Canada and melamine in crystal form from Japan (2 documents)..... 58869

FOOTWEAR
Treasury/CS proposes a procedure for determining American selling price; comments by 1–19–76..... 58859

LASH-TYPE BARGES IN COASTWISE ACTIVITY
Treasury/CS eliminates sealing requirement; effective 12–19–75 58852

MEETINGS—
FPC: Coordinating Committee, 1–20–76 58897
Supply-Technical Advisory Task Force-Foreign Gas Supply, 1–7–76 58897
Justice: Federal Advisory Committee on False Identification, 1–8–76 58870
LEAA: Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice, 1–8–76 58870
USDA/FS: Coconino National Forest Advisory Committees, 1–21–76 58876
CSC: Federal Employees Pay Council, 1–7–76 58887
HEW: National Professional Standards Review Council, 1–12 and 1–13–76 58884
FDA: Discussion of development of a protocol with U.S. agencies to facilitate procurement of certain electronic products, 1–29–76 58883
CDC: Immunization Practices Advisory Committee, 1–29 and 1–30–76..... 58883
EO: Advisory Council on Women's Educational Programs, 1–6 and 1–7–76 58884
DOD: DDR&E High Energy Laser Review Group, 1–27 and 1–28–76..... 58870
Interior/NPS: Viable alternative sewage treatment methods at Otter Recreation Area, Va., 1–13 and 1–14–76 58875
Indiana Dunes National Lakeshore Advisory Commission, 1–16–76..... 58874
State/AID: Advisory Committee on Voluntary Foreign Aid, 1–16–76..... 58869
DOT/FAA: Air Traffic Control Advisory Committee, 1–29–76 58885

CANCELED MEETING—
HEW/OE: National Advisory Council on Adult Education, 1–3–76 58884

contents

AGENCY FOR INTERNATIONAL DEVELOPMENT
Notices
Authority delegations:
Deputy Administrator and Assistant Administrators..... 58869
Meetings:
Advisory Committee on Voluntary Foreign Aid..... 58869

AGRICULTURAL MARKETING SERVICE
Rules
Lemons grown in California..... 58845
Milk marketing orders:
Minnesota-North Dakota marketing area..... 58846
Proposed Rules
Prunes (dried) produced in California 58863

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Farmers Home Administration; Forest Service.

CIVIL AERONAUTICS BOARD
Rules
Inspection of accounts and property; identification..... 58850
Proposed Rules
Air carriers; exemption for military transportation..... 58864
Notices
Hearings, etc.:
Societe Anonyme Belge d'Exploitation de la Navigation Aerienne 58887

CIVIL SERVICE COMMISSION
Rules
Excepted service:
Commerce Department..... 58845
Equal Employment Opportunity Commission 58845
Health, Education, and Welfare Department 58845
International Trade Commission 58845
National Aeronautics and Space Administration 58845
Notices
Meetings:
Federal Employees Pay Council
Noncareer executive assignments:
Farm Credit Administration..... 58887
Federal Energy Administration 58887
Health, Education, and Welfare Department 58887

V40245 DEC 19 75 XUM

V40245 DEC 19 75 XUM

CONTENTS

Navy Department 58887
Treasury Department (2 documents) 58888

COAST GUARD
Rules
Drawbridge operations:
New Jersey 58856

COMMERCE DEPARTMENT
Notices
Organization and functions:
Assistant Secretary for Domestic and International Business 58876
Assistant Secretary for Economic Development 58878
Census Bureau 58879
Domestic and International Business Administration 58879
Economic Analysis Bureau 58878
National Oceanic and Atmospheric Administration 58882
Organization and Management Systems Office 58882

CONSUMER PRODUCT SAFETY COMMISSION
Proposed Rules
Human prescription drugs in oral dosage forms; exemptions from child protection packaging requirements 58865

CUSTOMS SERVICE
Rules
LASH-type barges; elimination of sealing requirement 58852
Proposed Rules
Certain footwear; determination of American selling price 58859

DEFENSE DEPARTMENT
Notices
Meetings:
DDR&E High Energy Laser Review Group 58870

DISEASE CONTROL CENTER
Notices
Immunization Practices Advisory Committee 58883

EDUCATION OFFICE
Notices
Meetings:
Advisory Council on Women's Educational Programs 58884
Executive Committee of the National Advisory Council on Adult Education; cancellation 58884
Teacher Corps projects; closing dates for receipt of applications 58884

EMPLOYMENT STANDARDS ADMINISTRATION
Notices
Minimum wages for Federal and Federally assisted construction; general wage determination decisions 59091

EMPLOYMENT AND TRAINING ADMINISTRATION
Notices
Employment transfer and business competition determinations under the Rural Development Act; applications 58907
Migrant and other seasonally employed farmworker programs; selection of potential sponsors; corrections 58908

ENVIRONMENTAL PROTECTION AGENCY
Notices
Implementation plans; public hearings 58891

ENVIRONMENTAL QUALITY COUNCIL
Notices
Environmental statements; availability 58888

FARMERS HOME ADMINISTRATION
Notices
Disaster areas:
Washington 58876

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Sikorsky (2 documents) 58848, 58849
Hazardous materials; carriage on cargo-only aircraft 58850
Jet routes 58850
Transition areas (4 documents) 58849, 58850
Proposed Rules
Federal airway 58864
Transition area (3 documents) 58863, 58864
Notices
Meetings:
Southern Region Air Traffic Control Advisory Committee 58885

FEDERAL COMMUNICATIONS COMMISSION
Rules
Privacy Act 58858
FM broadcast stations; table of assignments:
California 58858
Proposed Rules
Cable television; definition of system and creation of classes of systems 58866
Notices
Broadcast stations:
Standard applications ready and available for processing 58891
Committee renewals:
Radio Technical Commission for Marine Services 58891
Communications common carriers:
Domestic public radio services applications accepted for filing 58892
FM stations; agreements between short spaced stations 58893

FEDERAL DEPOSIT INSURANCE CORPORATION
Rules
Interest on deposits; general policy 58848

FEDERAL DISASTER ASSISTANCE ADMINISTRATION
Notices
Disaster areas:
Oklahoma 58884
Washington 58885

FEDERAL ENERGY ADMINISTRATION
Notices
Exceptions and appeals; cases filed 58893
Meetings:
Food Industry Advisory Committee (2 documents) 58895

FEDERAL HIGHWAY ADMINISTRATION
Rules
Motor carrier safety regulations:
Combustible liquids; correction 58858

FEDERAL HOME LOAN BANK BOARD
Rules
Federal savings and loan system:
Mobile facilities 58848

FEDERAL MARITIME COMMISSION
Notices
Agreements filed:
San Francisco Port Commission, et al 58896
Freight forwarder licenses:
Far Express Co 58896
Oil pollution; certificates of financial responsibility 58895

FEDERAL POWER COMMISSION
Notices
Meetings:
National Gas Survey Coordinating Committee 58897
Supply-Technical Advisory Task Force-Foreign Gas Supply 58897
Hearings, etc.:
Central Vermont Public Service Corp 58898
Davis, Crady, et al 58897
Florida Power Corp 58898

FEDERAL REGISTER OFFICE
Notices
Public briefing; how to use the Federal Register 58898

FEDERAL RESERVE SYSTEM
Proposed Rules
Bank holding companies; purchase or redemption of own shares 58866
Notices
Applications, etc.:
Beaver Bancshares, Inc 58899
Chemical New York Corp 58898
Fiduciary Investment Co. of New Jersey 58899
United Missouri Bancshares, Inc 58899

FEDERAL TRADE COMMISSION
Proposed Rules
Health spas; extension of time to propose disputed issues of fact 58867

CONTENTS

FISH AND WILDLIFE SERVICE
Notices
Coyote damage control; cattle, sheep, and goats; report on emergency use of M-44 devices 58871
Endangered species permits; applications 58872

FOOD AND DRUG ADMINISTRATION
Rules
Food additives:
Sanitizing solutions 58852
Notices
National Shellfish Safety Program; procedures 58883
Meetings:
Exemptions from Performance Standards for Electronic Products 58883

FOREST SERVICE
Notices
Environmental statements; availability, etc.:
Dolores National Wild and Scenic River; correction 58876
Meetings:
Coconino National Forest Advisory Committees 58876

GEOLOGICAL SURVEY
Proposed Rules
Outer continental shelf oil and gas:
OCS order and guidelines 58862
Regulation of operations 58862
Notices
Outer Continental Shelf; oil and gas development; order to assure diligence 58873

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Disease Control Center; Education Office; Food and Drug Administration; Health, Office of Assistant Secretary; Human Development Office; Social and Rehabilitation Service.
Notices
Meetings:
National Professional Standards Review Council 58884

HOUSING AND URBAN DEVELOPMENT ADMINISTRATION
See also Federal Disaster Assistance Administration.
Notices
Order of succession to act as Secretary 58885

HUMAN DEVELOPMENT OFFICE
Rules
Vocational rehabilitation programs; evaluation standards 58955

INTERIOR DEPARTMENT
See also Fish and Wildlife Service; Geological Survey; Land Management Bureau; National Park Service; Reclamation Bureau.
Notices
Environmental statements; availability, etc.:
Central Utah Project, Jensen Unit 58875
Dolores National Wild and Scenic River, Colo 58875
Upper St. Croix National Scenic Riverway, Minn. and Wis 58875

INTERNAL REVENUE SERVICE
Rules
Income and estate taxes; temporary regulations relating to transfers for public, charitable and religious uses 58852
Proposed Rules
transfers for public, charitable and religious uses 58860
Notices
Employee benefit plans; exemptions from prohibitions; issued jointly with Labor-Management Services Administration 58963

INTERNATIONAL TRADE COMMISSION
Notices
Import investigations:
Angolan robusta coffee 58899
Electronic audio and related equipment 58899
Ultra-microtome freezing attachments 58899

INTERSTATE COMMERCE COMMISSION
Notices
Hearings assignments 58913
Motor carriers:
Applications and certain other proceedings 5891
Lease and interchange of vehicles 58913
Temporary authority applications 58915
Transfer proceedings (2 documents) 58914
Surety approval:
Burlington Northern, Inc 58914

JUSTICE DEPARTMENT
See also Law Enforcement Assistance Administration.
Notices
Meetings:
Federal Advisory Committee on False Identification 58870

LABOR DEPARTMENT
See also Employment and Training Administration; Employment Standards Administration; Labor-Management Relations, Office of Assistant Secretary; Wage and Hour Division.
Rules
Comprehensive employment and training act:
Indian manpower programs; Federal cost limitations 58854
Notices
Adjustment assistance:
Corning Glass Works 58908
Fairfoot Shoe Co., Inc 58909
Lake Manufacturing Co 58909
Louis Goldsmith, Inc 58910
Raewin Clothes, Inc 58911
Webster Clothes, Inc 58911

LABOR-MANAGEMENT RELATIONS, OFFICE OF ASSISTANT SECRETARY
Rules
Standards of conduct; reporting requirements 58855
Labor organization reports 58855

LABOR-MANAGEMENT SERVICES ADMINISTRATION
Notices
Employee benefit plans; exemptions from prohibitions; issued jointly with IRS 58963

LAND MANAGEMENT BUREAU
Rules
Public land orders:
Alaska (4 documents) 58857
Notices
Oil and gas leasing; Outer Continental Shelf 58870

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
Notices
Meetings:
Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice 58870

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests (3 documents) 58900, 58901

NATIONAL COMMUNICATIONS SYSTEM
Notices
Proposed Federal standard 1003 58969

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Notices
Motor vehicle safety standards:
British Leyland U.K. Ltd.; petition for temporary exemption 58885

NATIONAL PARK SERVICE
Notices
Meetings:
Indiana Dunes National Lakeshore Advisory Commission 58874
Peaks of Otter Sewage Treatment, Blue Ridge Parkway, Va 58875

CONTENTS

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

CONTENTS

NATIONAL SCIENCE FOUNDATION
Notices
Privacy Act; additional system of records 59183

NUCLEAR REGULATORY COMMISSION
Rules
Radiation protection; change of terminology for limits 58847
Notices
Advisory Committee on Reactor Safeguards; availability of report 58900
Applications, etc.:
San Diego Gas and Electric Co 58900

RECLAMATION BUREAU
Notices
Environmental statements; availability, etc.:
Nueces River Project, Tex 58871

SECURITIES AND EXCHANGE COMMISSION
Rules
Financial statements:
Bank holding companies and banks 58851
Notices
Self-regulatory organizations; proposed rule changes:
Midwest Clearing Corp 58901
Midwest Securities Trust Co 58902
New York Stock Exchange, Inc 58905
Hearings, etc.:
Continental Vending Machine Corp 58905

STATE DEPARTMENT
See Agency for International Development.

TRANSPORTATION DEPARTMENT
See Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT
See also Customs Service; Internal Revenue Service.
Notices
Antidumping:
Industrial vehicle tires from Canada 58869
Melamine in crystal form from Japan 58869

WAGE AND HOUR DIVISION
Proposed Rules
Industry committees for various industries in Puerto Rico; appointment to investigate conditions and recommend minimum wage rates; hearings 58867
Notices
Institutions of higher education; certificates authorizing employment of full time students at subminimum wages 58912

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR
EXECUTIVE ORDERS:
2553 (Revoked in part by PLO 5564) 58857
5327 (Amended by PLO 5562) 58857
5389 (Amended by PLO 5563) 58857

5 CFR
213 (5 documents) 58845

7 CFR
910 58845
1060 58846
PROPOSED RULES:
993 58863

10 CFR
20 58847
50 58847

12 CFR
329 58848
545 58848
PROPOSED RULES:
225 58866

14 CFR
39 (2 documents) 58848, 58849
71 (4 documents) 58849, 58850
75 58850
103 58850
240 58850
PROPOSED RULES:
71 (4 documents) 58863, 58864
288 58864

16 CFR
PROPOSED RULES:
443 58867
1700 58865

17 CFR
210 58851

19 CFR
4 58852
PROPOSED RULES:
152 58859

21 CFR
121 58852

26 CFR
8 58852
24 58852
PROPOSED RULES:
1 58860
20 58860

29 CFR
97 58854
204 58855
402 58856
403 58856
408 58856
PROPOSED RULES:
723 58867
724 58867
725 58867

30 CFR
PROPOSED RULES:
250 (2 documents) 58862

33 CFR
117 58856

43 CFR
PUBLIC LAND ORDERS:
5252 (See PLO 5561) 58857
5554 (Amended by PLO 5564) 58857
5561 58857
5562 58857
5563 58857
5564 58857

45 CFR
410 58956
1370 58956

47 CFR
0 58858
73 58858
PROPOSED RULES:
76 58866

49 CFR
391 58858

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

1 CFR
Chapter I 55633
425 56651

3 CFR
EXECUTIVE ORDERS:
2553 (Revoked in part by PLO 5564) 58857
5327 (Amended by PLO 5562) 58857
5389 (Amended by PLO 5563) 58857
6827 (Amended by PLO 5559) 58453
8278 (Revoked in part by PLO 5550 56667
10422 (Amended by EO 11890) 57775
11890 57775
11891 58279

4 CFR
412 58281

5 CFR
213 ..... 56651, 57202, 57351, 57461, 57777, 58127, 58421, 58845
890 55829
736 56651

7 CFR
1 58281
2 ..... 56421, 56669, 58127
16 55829
25 57205
25A 57205
52 57206
245 ..... 57206, 57777, 58281
271 ..... 55646, 57434–57438
631 58649
722 55656
725 55656
726 56421
729 55658
724 58444
905 ..... 57641, 58446
907 ..... 56670, 57641, 58127, 58649
910 ..... 57777, 58845
912 57641
913 58650
959 57209
982 55829
984 57351
1060 58846
1063 58447
1405 58448
1421 56423
1464 ..... 57209, 57777
1842 57643
1865 57642
1980 57643
PROPOSED RULES:
622 56457
724 57809
726 57810
916 57221
928 57221
932 56457
959 58656
993 58863
999 57368

7 CFR—Continued
PROPOSED RULES—Continued
1060 56674
1063 56674
1822 ..... 58151, 58657

8 CFR
100 58448
103 58448
238 58448
316a 58448

9 CFR
78 58281
113 ..... 57806, 58626
331 ..... 57807, 57808
351 58627
381 ..... 57807, 57808
PROPOSED RULES:
91 56675

10 CFR
20 58847
50 58847
212 57439
RULINGS:
1975–18 55860

12 CFR
7 56883
217 57663
225 55634
226 55634
265 55635
303 58128
327 57209
329 ..... 57664, 57778, 58848
522 57442
526 57665
545 ..... 57665, 57781, 58848
555 57781
563 57665
571 57763
PROPOSED RULES:
225 58866
556 57690
571 57690

13 CFR
117 57351
PROPOSED RULES:
120 57602
121 ..... 55860, 55868

14 CFR
39 ..... 55635–55637, 56652, 56883, 57352, 57353, 57444, 57665, 57666, 57783–57785, 58128–58130, 58284, 58623, 58624, 58848, 58849
71 ..... 55638, 55829, 56423, 56424, 56652, 56884, 57203, 57204, 57353, 57354, 57444, 57666, 57785, 57786, 58131, 58284, 58624, 58849, 58850
75 ..... 55830, 56884, 58850
97 ..... 57204, 57666, 58625
103 ..... 57667, 58850
121 57444
123 57444

14 CFR—Continued
135 57444
240 58850
288 ..... 56652, 58449
PROPOSED RULES:
37 57222
39 57811
63 57342
71 ..... 55664, 55665, 55866, 56919, 57368, 57369, 58863, 58864
91 57342
103 57688
105 57342
121 57342
123 57342
129 57342
135 57342
137 57342
145 57342
147 57342
241 57462
253 55665
288 58864
378 57462
399 55665

15 CFR
379 56424
950 56653

16 CFR
13 ..... 56655–56658, 57195–57201, 57445–57447, 57668, 58286, 58287
302 56659
433 58131
1115 58449
1512 57449
1602 56885
PROPOSED RULES:
443 58867
1700 58865

17 CFR
200 ..... 57449, 58131
210 ..... 55830, 55835, 58851
239 55836
240 ..... 55837, 57355, 57357, 57449, 57786
241 57786
249 55837
275 57795
PROPOSED RULES:
12 55666
155 58660
239 58155
240 ..... 57463, 58154, 58155
249 ..... 58154, 58155

18 CFR
2 56886
3 58630
35 56424
141 57450
260 ..... 58630, 58632

19 CFR
4 ..... 55837, 58852
141 57796
159 ..... 55638, 55639
201 55838

FEDERAL REGISTER
V40 0245 DEC 19 75 XUM
V

19 CFR—Continued

PROPOSED RULES:

141 ... 56674
142 ... 56674, 58150
143 ... 56674
152 ... 58859
158 ... 58150
159 ... 56674
177 ... 58470
201 ... 56936

20 CFR

405 ... 56659
410 ... 56886
618 ... 57766

PROPOSED RULES:

405 ... 56458
625 ... 56931

21 CFR

1 ... 57451, 57453
3 ... 57451
4 ... 55838
7 ... 55838
37 ... 57454
121 ... 56907, 57209, 58852
123 ... 56425, 58287
200 ... 58799
201 ... 58799
202 ... 58799
369 ... 58288
430 ... 57796
436 ... 57797
440 ... 58288
444 ... 57798
529 ... 57454
540 ... 55849
546 ... 57455, 58633
556 ... 57454, 58289
558 ... 57668, 57798, 58132, 58289
561 ... 56425
600 ... 57688
640 ... 55849
1308 ... 58132
1316 ... 57210

PROPOSED RULES:

1 ... 57811
10 ... 57811
27 ... 57811
51 ... 57811
53 ... 57811
102 ... 57688
310 ... 55869, 56675, 57811
330 ... 56675, 57811
338 ... 57292
339 ... 57292
340 ... 57292
600 ... 57688
610 ... 57688
640 ... 57688
660 ... 57688
1000 ... 58151

22 CFR

602 ... 56661

23 CFR

230 ... 57358
260 ... 58633
450 ... 57799
630 ... 55639, 57799
712 ... 55643

PROPOSED RULES:

750 ... 58312

24 CFR

200 ... 58637
205 ... 58133
207 ... 58133
213 ... 58134
220 ... 58134
221 ... 58134
232 ... 58134
235 ... 58134
236 ... 58134
242 ... 58134
244 ... 58134
280 ... 58752
1710 ... 56907
1912 ... 57210
1914 ... 56670, 57803
1915 ... 56672, 56910
1916 ... 56426
1917 ... 56426, 57668
1920 ... 56427–56429, 57669, 57670
2205 ... 58450

PROPOSED RULES:

1710 ... 56919
1917 ... 56459

25 CFR

233 ... 58135

PROPOSED RULES:

178 ... 57694

26 CFR

1 ... 55849, 58138, 58637
8 ... 58852
24 ... 58852
301 ... 55849

PROPOSED RULES:

1 ... 56448, 57364, 57462, 58471, 58656, 58860
20 ... 58860

27 CFR

6 ... 55856
194 ... 56887

28 CFR

0 ... 58643, 58644

PROPOSED RULES:

19 ... 56453
42 ... 56454

29 CFR

97 ... 58854
204 ... 58855
402 ... 58856
403 ... 58856
408 ... 58856
602 ... 58138
603 ... 58138
608 ... 58139
609 ... 58140
610 ... 58140
611 ... 58140
612 ... 58141
614 ... 58141
615 ... 58142
687 ... 58143
1902 ... 55857, 58143
1952 ... 57455, 58450
1953 ... 57804
2602 ... 57457

PROPOSED RULES:

40 ... 57332
60 ... 58664
723 ... 58867

29 CFR—Continued

PROPOSED RULES—Continued

724 ... 58867
725 ... 58867
1910 ... 55866, 55867, 58457, 58458
2610 ... 57982
2611 ... 57980

30 CFR

PROPOSED RULES:

250 ... 58862

32 CFR

577 ... 58290
650 ... 55962

33 CFR

Ch. I ... 58143
117 ... 56429, 58856
128 ... 56430
207 ... 57358

PROPOSED RULES:

117 ... 57222

34 CFR

PROPOSED RULES:

Ch. I ... 56459

35 CFR

5 ... 58290, 58292

36 CFR

7 ... 56888

PROPOSED RULES:

2 ... 57694
50 ... 58651

37 CFR

1 ... 37358
2 ... 37358

38 CFR

1 ... 56433, 56644
3 ... 56434, 57459
17 ... 57805

PROPOSED RULES:

3 ... 56936

39 CFR

Ch. I ... 57670
42 ... 57212
43 ... 57212
44 ... 57212
45 ... 57212
47 ... 57212
111 ... 57212, 57670

PROPOSED RULES:

111 ... 57223

40 CFR

35 ... 58602
52 ... 56888–56890, 57359
55 ... 56644
60 ... 58416
61 ... 58646
85 ... 58646
86 ... 58646
149 ... 58292
180 ... 55857, 57215, 58294, 58647, 58648
407 ... 57216
408 ... 55770
414 ... 56435, 56436

40 CFR—Continued

PROPOSED RULES:

6 ... 55868
51 ... 58317
52 ... 58317, 58319, 58663
85 ... 56932
124 ... 56932
125 ... 56932
180 ... 58321
407 ... 57223

41 CFR

6–1 ... 58452
6–2 ... 58453
6–3 ... 58453
14–1 ... 57670, 57671
50–201 ... 57805
101–26 ... 57216
105–61 ... 56892
114–43 ... 55857
114–60 ... 55858

42 CFR

57 ... 56674

PROPOSED RULES:

2a ... 56692

43 CFR

2 ... 57671
20 ... 58295

PUBLIC LAND ORDERS:

17 (Revoked in part by PLO 5553) ... 58144
1245 (Revoked in part by PLO 5552) ... 58144
2789 (Revoked by PLO 5551) ... 58144
4392 (Revoked in part by PLO 5560) ... 58648
5169 (Amended by PLO 5556) ... 58146
5170 (Amended by PLO 5557) ... 58146
5176 (Amended by PLO 5555) ... 58145
5179 (Amended by PLO 5556) ... 58146
5184 (Amended by PLO 5550) ... 56667
5187 (Revoked in part by PLO 5550) ... 56667
5252 (See PLO 5561) ... 58857
5554 (Amended by PLO 5564) ... 58857
5561 ... 58857
5562 ... 58857
5563 ... 58857
5564 ... 58857
5353 (Revoked n part by PLO's 5551, 5552, 5553) ... 58144
5396 (Amended by PLO 5556) ... 58146
5550 ... 56667
5551 ... 58144
5552 ... 58144

43 CFR—Continued

5553 ... 58144
5554 ... 58145
5555 ... 58145
5556 ... 58146
5557 ... 58146
5559 ... 58453
5560 ... 58648

PROPOSED RULES:

2600 ... 57364

45 CFR

102 ... 57760
160c ... 57926
223 ... 58453
233 ... 57359
302 ... 57672
410 ... 58956
1013 ... 55859
1061 ... 58649
1222 ... 57217
1370 ... 58956

PROPOSED RULES:

100a ... 58459
100c ... 58459
115 ... 57042
155 ... 58400
157 ... 58405
159 ... 58409
160d ... 55659
162 ... 56678
174 ... 58459
1223 ... 58659

46 CFR

4 ... 58306
5 ... 57672, 58306
12 ... 57673
14 ... 58306
33 ... 58454
42 ... 57218
75 ... 58454
78 ... 58454
94 ... 58454
97 ... 58454
142 ... 58454
167 ... 58454
176 ... 58454
192 ... 58455
310 ... 55643
401 ... 57673
551 ... 58146

PROPOSED RULES:

Ch. I ... 57688
10 ... 55663
78 ... 58457
503 ... 58154

47 CFR

0 ... 57359, 58306, 58858
1 ... 55644
2 ... 57674
73 ... 55644, 57360, 58147, 58858
76 ... 57361
81 ... 57675
83 ... 57675
87 ... 57675
89 ... 58147
91 ... 57682, 57684, 58306, 58455
93 ... 58147
95 ... 58148
97 ... 58148

PROPOSED RULES:

73 ... 58467
76 ... 55868, 58866
81 ... 58322
83 ... 58322
89 ... 57369
91 ... 57369

49 CFR

10 ... 57361
25 ... 58455
103 ... 57687, 58307
107 ... 56442
174 ... 57433
310 ... 55645
391 ... 58858
571 ... 56667, 56898, 57687
575 ... 57806
1010 ... 56668
1033 ... 55860, 56443, 56444, 56898, 57433
1125 ... 57639

PROPOSED RULES:

393 ... 57369
557 ... 56926
567 ... 55665
568 ... 55665
571 ... 55665, 56920, 56928, 57690, 58152, 58153
579 ... 56930
1108 ... 57465

50 CFR

17 ... 58307
28 ... 56444, 56445, 56669, 57218, 57220, 57459–57461, 58148
33 ... 55860, 56446, 57363, 58149, 58649
216 ... 56899
280 ... 57461

PROPOSED RULES:

17 ... 57221, 58308
510 ... 55679, 57812
520 ... 57692

FEDERAL REGISTER PAGES AND DATES—DECEMBER

Pages	*Date*
55633–55828	1
55829–56420	2
56421–56649	3
56651–56882	4
56883–57193	5
57195–57349	8
57351–57432	9
57433–57639	10
57641–57773	11
57775–58126	12
58127–58278	15
58279–58420	16
58421–58621	17
58623–58844	18
58845–59185	19

V40245 DEC 19 75 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Special Assistant to the Assistant Secretary for Economic Development is reestablished under Schedule C.

Effective on December 19, 1975, § 213.3314(q)(11) is amended as set out below:

§ 213.3314 Department of Commerce.

* * * * * *

(q) *Office of the Assistant Secretary for Economic Development.* * * *

(11) One Special Assistant to the Assistant Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-34255 Filed 12-18-75;8:45 am]

PART 213—EXCEPTED SERVICE

Equal Employment Opportunity Commission

Section 213.3377 is amended to show that one position of Secretary to the Executive Assistant to the Chairman is excepted under Schedule C.

Effective on December 19, 1975, § 213.3377(j) is added as set out below:

§ 213.3377 Equal Employment Opportunity Commission.

* * * * * *

(j) One Secretary to the Executive Assistant to the Chairman.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-34256 Filed 12-18-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Confidential Assistant to the Under Secretary has been established and excepted under Schedule C.

Effective on December 19, 1975, § 213.3316(a)(6) is amended as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(6) Four Confidential Assistants to the Under Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-34257 Filed 12-18-75;8:45 am]

PART 213—EXCEPTED SERVICE

United States International Trade Commission

Section 213.3339 is amended to show that one position of Staff Assistant to a Commissioner is expected under Schedule C.

Effective on December 19, 1975, § 213.3339(m) is added as set out below:

§ 213.3339 United States International Trade Commission.

* * * * * *

(m) One Staff Assistant to a Commissioner.

(5 U.S.C. 3301, 3302; E 19577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-34258 Filed 12-18-75;8:45 am]

PART 213—EXCEPTED SERVICE

National Aeronautics and Space Administration

Section 213.3348 is amended to show a title change in the position of Associate Administrator for Manned Space Flight to Associate Administrator for Space Flight.

Effective on December 19, 1975, is amended as set out below.

§ 213.3348 National Aeronautics and Space Administration.

* * * * * *

(g) Associate Administrator for Space Flight.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-34259 Filed 12-18-75;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Regulation 18]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Dec. 21–27, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.318 Lemon Regulation 18.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable

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to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons remains easier this week as the trade continues to buy with caution. Average f.o.b. price was $6.31 per carton the week ended December 13, 1975, compared to $7.98 per carton the previous week. Track and rolling supplies at 230 cars were up 60 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 16, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period December 21, 1975, through December 27, 1975, is hereby fixed at 150,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 18, 1975.

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-34549 Filed 12-18-75;11:41 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 60]

PART 1060—MILK IN THE MINNESOTA-NORTH DAKOTA MARKETING AREA

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Minnesota-North Dakota marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 56674) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of December 1975, January and February 1976, the following provisions of the order do not tend to effectuate the declared policy of the Act:

The provisions to be suspended are as follows:

§ 1060.13 [Amended]

1. The parts of paragraph (c) (1) that read, "During March through June" and "During the months of July through February such handler may divert an aggregate quantity not exceeding 50 percent of the milk of all such producers whose milk has been received at a pool plant(s) for at least 3 days during the month."

2. The parts of paragraph (c) (2) that read, "During March through June" and "During the months of July through February such handler may divert an aggregate quantity not exceeding 50 percent of the milk of all such producers whose milk has been received at his pool plant(s) for at least 3 days during the month."

STATEMENT OF CONSIDERATION

This suspension action will permit unlimited diversion of producer milk under the Minnesota-North Dakota order during the months of December 1975 and January and February 1976.

The order provides that during any month of July through February a cooperative association may divert for its account a total quantity of milk not in excess of 50 percent of the milk of all member producers whose milk has been received at a pool plant(s) for at least 3 days during the month. Similarly, a handler in his capacity as the operator of a pool plant, may divert for his account the milk of producers (other than a member of a cooperative association that is a diverting handler during the same month) in a total quantity not exceeding 50 percent of the milk of all such producers whose milk has been received at his pool plant(s) for at least 3 days during the month. Provision is made for unlimited diversion during the months of March through June.

The purpose of the diversion provisions is to facilitate the orderly and efficient disposition of the market's reserves. The direct movement of milk from a producer's farm to a nonpool plant for disposition in manufacturing avoids the unnecessary expense of handling involved if the milk were required to be delivered first to the pool plant where normally received and then transferred to the nonpool plant.

This suspension action requested by Land O'Lakes, Inc., also has the support of Mid-America Dairymen, Inc., and the National Farmers Organization. The three cooperatives together represent a majority of producers supplying the fluid market.

This temporary suspension will extend for 3 additional months the period in which unlimited diversion is permitted. This action is needed under the circumstances applicable in the months of December 1975, and January and February, 1976. Heavy milk supplies on the market will necessitate movements to nonpool plants for manufacturing during these months in excess of the diversion limitations presently provided in the order.

If no suspension action is taken, inefficient handling would be necessary to assure producer milk status for a large quantity of the reserve milk handled under the order. Much of the milk that could be diverted directly from farms to nonpool plants for manufacture would need to move instead through pool supply plants to qualify as producer milk and then to nonpool plants. This would involve hauling to and from supply plants instead of single hauls from farms to nonpool plants. Also, it would involve the cost of handling the milk through supply plants.

A hearing has been held to consider modifications and/or merging of this order and certain other orders (39 FR 37164). This temporary suspension action is taken as an interim modification of the order pending the outcome of the hearing proceeding.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that under the circumstances described herein, the most efficient method of handling the market's reserve milk supply is movement directly from producers' farms to milk manufacturing plants. This suspension will allow such handling on an unlimited basis during December 1975 and January and February 1976, while the dairy farmers involved retain producer status. Interim action is necessary pending any amendatory procedures based upon a hearing held in November 1974, at which the diversion provisions of this order were reviewed.

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. No views were received in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective with respect to producer milk deliveries during December 1975, and January and February 1976.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of December 1975, and January and February 1976.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: December 19, 1975.

Signed at Washington, D.C., on December 15, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-34274 Filed 12-18-75;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Change of Terminology for "As Low As Practicable" Limits

On May 5, 1975, the Nuclear Regulatory Commission published in the FEDERAL REGISTER its decision in the rule making proceeding concerning numerical guides for design objectives and limiting conditions for operation to meet the criterion "as low as practicable" for radioactive material in light-water-cooled nuclear power reactor effluents, including amendments of 10 CFR Part 50 which became effective June 4, 1975.

In its decision, the Commission noted that during the pendency of the rule making, the International Commission on Radiological Protection, in ICRP Publication No. 22 has replaced the phrase "as low as practicable" with "as low as is reasonably achievable" in its recommendation on dose limitation. The Commission, in its decision, endorsed the attempt to make this basic concept of radiation protection more understandable and directed the staff to prepare and issue for public comment a proposed rule that would substitute the currently accepted phrasing "as low as is reasonably achievable" for the older, less precise terminology where it appears in the regulations.

In accordance with the Commission's directive the staff prepared proposed amendments of 10 CFR Parts 20 and 50 which would substitute the term "as low as is reasonably achievable" for the term "as low as practicable."

The notice of proposed rule making was published in the FEDERAL REGISTER on August 6, 1975 (40 FR 33029) inviting public comments by October 6, 1975.

Only one comment was received. The commenter expressed the view that some confusion and problems of practical application would result from the words "other societal and socioeconomic considerations" in the proposed amendments of §§ 20.1(c) and 50.34a(a). The commenter indicated that questions would be raised as to whether the quoted words are within the regulatory and statutory public health and safety concepts and whether the words really add anything to the regulations.

It is the Commission's view that the words "other societal and socioeconomic considerations" are consistent with the recommendation on dose limitation of the International Commission on Radiological Protection in ICRP Publication No. 22, serve to clarify the term "as low as is reasonably achievable", and should be included in the amendments.

Notice is hereby given that the proposed amendments are adopted without change and are set forth below.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 20 and 50 set forth below are published as a document subject to codification.

Effective Date. These amendments become effective on January 19, 1976.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201(f), Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841))

Dated at Bethesda, Maryland this 20th day of November 1975.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

1. Section 20.1 of 10 CFR Part 20 is amended by revising paragraph (c) to read as follows:

§ 20.1 Purpose.

* * * * * *

(c) In accordance with recommendations of the Federal Radiation Council, approved by the President, persons engaged in activities under licenses issued by the Nuclear Regulatory Commission pursuant to the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974 should, in addition to complying with the requirements set forth in this part, make every reasonable effort to maintain radiation exposures, and releases of radioactive materials in effluents to unrestricted areas, as low as is reasonably achievable. The term "as low as is reasonably achievable" means as low as is reasonably achievable taking into account the state of technology, and the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in relation to the utilization of atomic energy in the public interest.

2. Section 50.34a of 10 CFR Part 50 is amended by revising paragraph (a) to read as follows:

§ 50.34a Design objectives for equipment to control releases of radioactive material in effluents—nuclear power reactors.

(a) An application for a permit to construct a nuclear power reactor shall include a description of the preliminary design of equipment to be installed to maintain control over radioactive materials in gaseous and liquid effluents produced during normal reactor operations, including expected operational occurrences. In the case of an application filed on or after January 2, 1971, the application shall also identify the design objectives, and the means to be employed, for keeping levels of radioactive material in effluents to unrestricted areas as low as is reasonably achievable. The term "as low as is reasonably achievable" as used in this part means as low as is reasonably achievable taking into account the state of technology, and the economics of improvements in relation to benefits to the public health and safety and other societal and socioeconomic considerations, and in relation to the utilization of atomic energy in the public interest. The guides set out in Appendix I provide numerical guidance on design objectives for light-water-cooled nuclear power reactors to meet the requirement that radioactive material in effluents released to unrestricted areas be kept as low as is reasonably achievable. These numerical guides for design objectives and limiting conditions for operation are not to be construed as radiation protection standards.

* * * * * *

§ 50.36a and Appendix I [Amended]

3. Section 50.36a and Appendix I of 10 CFR Part 50 are amended by changing the term "as low as practicable" to "as low as is reasonably achievable" wherever it appears.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201(f), Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841)).

[FR Doc.75-34316 Filed 12-18-75;8:45 am]

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Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

To Permit Payment of a Time Deposit or Portion Thereof Without Penalty Prior to Maturity in Certain Cases Involving the Death of the Depositor(s) or Owner(s)

Correction

In FR Doc. 75-33431 appearing at page 57664 in the issue for Thursday, December 11, 1975, the effective date was omitted from the preamble and should appear in the second column, at the end of the second full paragraph, as follows:

"The amendment will be effective December 15, 1975, and will apply to all withdrawals made on or after that date irrespective of the fact that the depositor died prior thereto."

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[No. 75-1146]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

Mobile Facilities

DECEMBER 15, 1975.

The Federal Home Loan Bank Board on October 1, 1975, proposed amendments to § 545.14-4 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.14-4) for the purpose of clarifying certain provisions in the mobile facility regulations, to distinguish the mobile facility from the site where it conducts association business, and to require a description of the proposed facility, sites, and any improvements thereon in the application for Board approval of the mobile facility. Notice of such proposed Rulemaking was published in the FEDERAL REGISTER on October 8, 1975, (40 FR 47150) with an invitation for interested persons to submit written comments by November 10, 1975.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board deems it desirable to adopt the proposed amendments as proposed, with one technical change to reflect the present name of the form referred to in § 545.14-4(d).

Accordingly, the Board hereby amends § 545.14-4 by deleting paragraph (c)(1) and renumbering paragraphs (c) (2), (3), (4), (5), and (6) as (c) (1), (2), (3), (4), and (5), respectively, and revising renumbered subdivisions (c) (1), (2), (4), and (5) and paragraph (d) thereof to read as set forth below.

Since these amendments clarify existing regulations and apply to rules of Board procedure or practice, the Board hereby finds that publication of the amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553 (d) prior to the effective date thereof is unnecessary and hereby provides that said amendments shall become effective December 22, 1975.

§ 545.14-4 Mobile facility.

* * * * *

(c) *Action by the Board.* Each application by a Federal association which is an eligible association under the provisions of paragraph (b) of this section will be considered or processed pursuant to the provisions of this section. The Board's approval of any such application will be subject to the following provisions and any other conditions, requirements, and limitations the Board may specify in a particular case:

(1) The mobile facility shall be operated at two or more sites approved by the Board, each of which, at the time of filing of the application for permission to establish and operate the mobile facility, shall be more than 10 miles from the site of any home or branch office or agency of any other institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, unless the applicant establishes to the satisfaction of the Board that a shorter distance is justified;

(2) Such facility shall transact association business at the same site on the same day or days (not to exceed 3 days) of each week, during such hours, aggregating a total of not less than 4 hours a day, as the association's board of directors may from time to time determine, but no association business shall be conducted at any site in the absence of such facility;

* * * * *

(4) The mobile facility shall not remain at any site during non-business hours, with the exception of the night before and the night following a day on which the facility is at the site to transact association business; and

(5) Without prior approval by the Board, operation of such facility shall not be continued at a site after the expiration of such period of time as the Board may prescribe with respect to operation of the facility at such site.

(d) *Application form; supporting information.* An application for permission to establish and operate a mobile facility shall be in form prescribed by the Board and shall be supported in accordance with the prescribed "Facility Application" form. Such application shall show that there is a need for such facility in the geographic area and at each proposed site and that it is not feasible to establish a full-time office there. Such application shall also contain a description of the proposed mobile facility and the proposed sites, including any improvements (such as affixed shell structures) planned for such sites. An application shall be deemed to be complete when the foregoing requirements of this paragraph (d) have been met.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.75-34239 Filed 12-18-75;8:45 am]

Title 14—Aeronautic and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-NE-15; Amdt. 39-2462]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Model S-61L, S-61N and S-61NM Helicopters Certificated in All Categories

Pursuant to the authority delegated to me by the Administrator (31 FR 13697) an amendment to Amendment 39-2327 (40 FR 33434), AD 75-17-33, was adopted on October 2, 1975, and made effective immediately as to all known United States operators of Sikorsky Model S-61L, S-61N, and S-61NM helicopters. The amendment adopted on October 2, 1975, incorporated Sikorsky telegram SST6120CC036.1, dated October 2, 1975, into Amendment 39-2327, AD 75-17-33, as part of Sikorsky Service Bulletin No. 61B20-20, and extended the compliance time to November 3, 1975.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the amendment effective immediately as to all known U.S. operators of Sikorsky Model S-61L, S-61N, and S-61NM helicopters by individual telegrams, dated October 3, 1975. These conditions still exist and the amendment to Amendment 39-2327, AD 75-17-33, is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Amendment 39-2327 (40 FR 33434), AD 75-17-33, required modifications on Sikorsky Model S-61 helicopters equipped with sliding baggage doors by October 3, 1975. Subsequent to the issuance of Amendment 39-2327, it was determined that an error in Service Bulletin No. S61B20-20 dated August 15, 1975, will preclude proper installation of the required stops to limit the travel of the bearing cage. Therefore, this telegram amends the AD to extend the compliance time to November 3, 1975, in lieu of October 3, 1975, and to include Sikorsky telegram SST6120 CC036.1, dated October 2, 1975, as part of Sikorsky Service Bulletin No. S61B20-20. This amends Amendment 39-2327 (40 FR 33434), AD 75-17-33.

This amendment becomes effective December 19, 1975, for all persons except those to whom it was made effective immediately by telegram dated October 3, 1975.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Massachusetts, on December 9, 1975.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.75-34171 Filed 12-18-75;8:45 am]

[Docket No. 74-NE-34; Amdt. 39-2461]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S-61L, S-61N and S-61NM Type Helicopters Certificated in All Categories

Amendment 39-1167 (36 FR 4689), AD 71-06-02, as amended by Amendment 39-1271 (36 FR 16186), Amendment 39-1948 (39 FR 31626) and Amendment 39-1978 (39 FR 34649) established, and then revised, a schedule of replacement times for components of S-61L and S-61N type helicopters certificated in all categories. After issuing Amendment 39-1978, a Type Certificate was granted to the manufacturer for a new model helicopter, the S-61NM, having a type design utilizing major components of model S-61L and S-61N helicopters. The manufacturer has also developed, and obtained approval of, new and modified parts and their replacement times, and has obtained approval of increased replacement times for other components. Therefore, AD 71-06-02 is being superseded by a new AD to include the model S-61NM and to add new components and replacement times to the schedule by referring to the latest revision of the Sikorsky Service Bulletin, No. 61B General-1F.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, is amended by adding the following new airworthiness directive:

SIKORSKY AIRCRAFT. Applies to S-61L, S-61N, and S-61NM helicopters certificated in all categories.

Compliance required as indicated.

As a result of the completion of a recent engineering evaluation program and the development of additional substantiating data, a new schedule of replacement times has been established for the components of S-61 helicopters.

(a) After the effective date of this AD, the replacement of S-61 components must be accomplished in accordance with the schedule of Section 2C of Sikorsky Service Bulletin No. 61B General-1F dated October 20, 1975, or later FAA approved revisions.

(b) The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Sikorsky Aircraft, Stratford, Connecticut 06602. These documents may also be examined at FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. 20591. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Headquarters in Washington, D.C., and at the FAA, New England Region, Burlington, Massachusetts.

This supersedes Amendment 39-1167 (36 FR 4689), AD 71-06-02 as amended by Amendment 39-1271 (36 FR 16186), Amendment 39-1948 (39 FR 31626), and Amendment 39-1978 (39 FR 34649).

This amendment becomes effective January 2, 1976.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Massachusetts, on December 9, 1975.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.75-34172 Filed 12-18-75;8:45 am]

[Airspace Docket No. 75-SO-133]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On October 21, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 49101), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Lexington, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. All comments received were favorable except those submitted by the United States Air Force (USAF). The USAF objected on the basis that a portion of the transition area would be within two VFR Low Altitude Training Routes. The centerlines of these routes are located approximately four miles southwest of the Lexington Municipal Airport and have been in existence for some time. To negate the use of these two routes, which provide invaluable aircrew training, would have a serious impact on the USAF mission.

A review of the proposal, in light of the comments received, disclosed the following:

1. Military aircraft operating on the training routes must have a ceiling of 3,000 feet and visibility of 5 miles. With these weather minimums, both military and civil aircraft in the vicinity of Lexington will be operating on a "see and be seen" basis, in accordance with Federal Aviation Regulations, Part 91.

2. The designation of the transition area does not preclude the USAF from utilizing the airspace involved.

Therefore, the objection by the USAF to the designation of the Lexington, N.C., transition area is not valid from an aeronautical standpoint.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, January 29, 1976, as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

LEXINGTON, N.C.

That airspace extending upwards from 700 feet above the surface within a 5.5-mile radius of Lexington Municipal Airport (latitude 35°46'47" N., longitude 80°18'20" W.)

Issued in East Point, Ga., on December 4, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-34177 Filed 12-18-75;8:45 am]

[Airspace Docket No. 75-EA-70]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending section 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Gloucester, Va., Transition Area (40 FR 500).

The Gloucester, Virginia, 700-foot floor transition area is currently in effect on a full-time basis. Night landing minima are not authorized by the instrument approach procedure to Gloucester Airport. The airspace action proposed herein would alter the time designation of the Gloucester transition area so as to be consistent with the hours that the instrument approach procedure is authorized, which would be sunrise to sunset.

Since the amendment is less restrictive in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective December 19, 1976, as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations so as to alter the description of the Gloucester, Virginia 700-foot floor transition area as follows: In the text, following "excluding the portion within the West Point, Va., transition area." add, "This transition area shall be in effect from sunrise to sunset, daily.".

Issued in Jamaica, N.Y., on December 3, 1975.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.75-34178 Filed 12-18-75;8:45 am]

[Airspace Docket No. 75-EA-71]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending section 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Ocean City, Md., Transition Area (40 FR 558).

V40245 DEC 19 75 XUM

The VOR–B special instrument approach procedure for Ocean City Airport, Ocean City, Md., has been revised. The revision includes a one-degree change in the final approach course and will require alteration of the Ocean City, Md., transition area description to reflect this change.

Since the amendment is less restrictive in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective December 19, 1975, as follows:

1. Amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Ocean City, Md. Transition Area by deleting, "097°" and by inserting, "096°" in lieu thereof.

Issued in Jamaica, N.Y., on December 3, 1975.

Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.75–34179 Filed 12–18–75;8:45 am]

[Airspace Docket No. 75–EA–77]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending section 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Wakefield, Va., Transition Area (40 FR 608).

A pending change to the NDB instrument approach procedure to Runway 20 at Wakefield Municipal Airport, Wakefield, Virginia, will require a change in the 700-foot floor transition area description. Essentially, the airspace action would reduce the size of the existing transition area extension and would reorient the final approach course ten degrees west of the present bearing.

Since the amendment is less restrictive in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT January 29, 1976, as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations by altering the description of the Wakefield, Virginia 700-foot floor transition area by deleting, "and within 3.5 miles each side of the 024° bearing from the Wakefield RBN lat. 36°58'59" N., long. 77°00'05" W., extending from the 5-mile radius area to 11.5 miles northeast of the RBN." and by substituting therefor, "and within 3 miles each side of the 013° bearing from the Wakefield RBN lat. 36°58'59" N., long. 77°00'05" W. extending from the 5-mile radius area to 8.5 miles northeast of the RBN.".

Issued in Jamaica, N.Y., on December 3, 1975.

Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)).

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.75–34180 Filed 12–18–75;8:45 am]

[Airspace Docket No. 75–WA–26]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Jet Route Revocation

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to revoke the small segment of J/HL 552 that is within the State of Maine. The Canadian Ministry of Transport will revoke their portion of this route, effective January 29, 1976, and has requested that simultaneous action be taken by the Federal Aviation Administration.

Because this action merely revokes a relatively small segment of a Canadian high level route, it is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 GMT, January 29, 1976, as hereinafter set forth.

In § 75.100 (41 FR 704) Jet Route No. 552, (title and text) is revoked.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 10, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75–34170 Filed 12–18–75;8:45 am]

[Docket HM–126; Amdt. No. 103–27]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Carriage of Certain Hazardous Materials on Cargo-Only Aircraft as Only Means of Transportation

Correction

In FR Doc. 75–33834 appearing at page 58284 in the issue of Tuesday, December 16, 1975, make the following correction: On page 58285, § 103.19(a)., the fifth line should have appeared immediately after the second line.

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER–941, Amdt. 5]

PART 240—INSPECTION OF ACCOUNTS AND PROPERTY

Interpretation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., December 16, 1975.

Part 240 of the Board's Economic Regulations provides for inspection of certain properties of air carriers, foreign air carriers, and ticket agents. Section 240.1(c) prescribes the format for the identification card and credentials to be issued to Board employees authorized to perform such inspections.

This editorial amendment is being issued to change the format of the credentials slightly, in order to make it clear that the designated employees are special agents or auditors "of the Civil Aeronautics Board." No change is being made in the substantive authority of persons issued such credentials.

This editorial amendment is issued by the undersigned pursuant to delegation of authority from the Board to the General Counsel, in 14 CFR 385.19, and shall become effective on January 8, 1976. Procedures for review of this amendment are set forth in Subpart C of Part 385 (14 CFR 385.50 through 385.54).

Accordingly, the Board hereby revises § 240.1(c) to read as follows:

§ 240.1 Interpretation.

* * * * *

(c) The issuance in the form set forth below of an identification card and credentials to any such employee shall be construed to be an order and direction of the Board to such individual to inspect and examine lands, buildings, equipment, accounts, records, and memorandums in accordance with the authority conferred on the Board by the Act.

UNITED STATES OF AMERICA, CIVIL AERONAUTICS BOARD, WASHINGTON, D.C.

Number _____
Expires _____

[photo]

This is to certify that _____, whose signature and photograph appear hereon is a duly designated _____ of the Civil Aeronautics Board and is authorized and directed to perform the duties of said office in accordance with the laws of the United States and regulations thereunder, and his authority will be respected accordingly.

_____
Signature

By authority of the Civil Aeronautics Board.

_____
Secretary
CIVIL AERONAUTICS BOARD

Name _____
Date Issued _____
Number _____
Height _____
Weight _____
Hair _____
Eyes _____
Date of Birth _____

The holder hereof is authorized to investigate violations of the Federal Aviation Act, as amended, collect evidence in cases in which the regulatory authority of the Civil Aeronautics Board is or may be involved and perform other duties imposed upon him by law.

Under the Federal Aviation Act and Part 240 of the Economic Regulations of the Civil Aeronautics Board (14 CFR Part 240), the duly accredited special agents and auditors of the Board are empowered at all times to obtain access to all lands, buildings and equipment of any air carrier or foreign air carrier and to inspect, examine, and make notes and copies of all accounts, records, memorandums, documents, papers and correspondence kept or required to be kept by any air carrier, foreign air carrier or ticket agent.

The issuance of these credentials to the holder hereof constitutes an order and direction on the part of the Civil Aeronautics Board to such individual to carry out these duties as aforesaid and as more fully described in Part 240 of the Board's Economic Regulations.

Failure to honor these credentials will result in penalties as provided by law.

UNITED STATES OF AMERICA,
CIVIL AERONAUTICS BOARD,
WASHINGTON, D.C.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

By the Civil Aeronautics Board:

Effective: January 8, 1976.

Adopted: December 16, 1975.

[SEAL] JAMES C. SCHULTZ,
General Counsel.

[FR Doc.75–34252 Filed 12–18–75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–5654, 34–11917, 35–19296, IC–9080, AS–185]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

Subpart A—Accounting Series Releases

FINANCIAL REPORTING PRACTICES OF BANK HOLDING COMPANIES AND BANKS

In Securities Act Release No. 5620[1] the Commission proposed amendment of Article 9 of Regulation S–X [17 CFR 210.9–01 to 210.9–05] to conform certain reporting practices of bank holding companies and banks to generally accepted accounting principles as practiced in other industries. Comments on the proposal have been received and considered and with one modification the proposed amendment is now adopted. Regulation S–X which specifies the form and content of financial statements is amended by adding to the provisions applicable to banks (Rule 9–05) [§ 210.9–05] three subparagraphs relating to reporting of reserves for loan losses, classification of unearned income, and classification of certain debt instruments, sometimes referred to as capital debt.

As noted in Release 33–5620 these changes had been discussed from time to time with representatives of the banking community, Federal bank regulatory authorities, the American Institute of Certified Public Accountants, and the Internal Revenue Service. In addition, because of concerns that the change in reporting loan loss reserves would adversely affect the reserve accumulated for tax purposes, the Chief Accountant requested and received from the Internal Revenue Service a letter which said, in part:

> The Service has no requirement that the financial statements conform to the books in the case of additions to the bad debt reserves for banks already on the reserve method. We would deem it appropriate, however, that, if material, the disparity between the amount shown on the books and the amount shown on the financial statements be disclosed to the shareholder by way of a footnote or other method and the two amounts reconciled on the books.

The letters commenting on the proposal were favorable. It was suggested that the rule should provide for disclosure of the difference between the loan loss reserve stated on the financial statements and the reserve accumulated for tax purposes if material and such a change has been made. In addition the proposal to reclassify capital debt has been changed to make it clear that it includes subordinated indebtedness.

In connection with the provision that bonds, notes and debentures be reported as liabilities rather than capital, the recent proposal of the Federal bank regulatory authorities to amend their periodic Report of Condition (Call Report) reclassifies such debt in a similar manner. The description of that proposed revision states that the change "does not necessarily imply any supervisory change in the treatment of these notes by the banking agencies."

Commission action. The Commission hereby amends § 210.9–05 of 17 CFR Chapter II by the addition of new paragraphs (e), (f) and (g) as given below.

§ 210.9–05 Financial statements and schedules of banks.

* * * * *

(e) The valuation portion of the reserve for loan losses shall be reported as a deduction from loans receivable, the deferred tax portion as a deferred tax item, and the contingency portion as a part of undivided profits. If materially different from the valuation portion, the reserve accumulated under the Internal Revenue Code provisions shall be disclosed in a note and the two amounts reconciled.

(f) Bonds, notes, debentures and similar debt (including subordinated indebtedness) shall be reported as liabilities. Debt instruments may not be grouped with stockholders' equity under the caption "Capital."

(g) Unearned income shall be reported as a deduction from loans receivable.

(Secs. 6, 7, 8, 10 and 19(a) (15 U.S.C. 77f, 77g, 77h, 77j, 77s), Securities Act of 1933; secs. 12, 13, 15(d) and 23(a) (15 U.S.C. 78l,

[1] Notice of the proposed amendments was made in Securities Act Release No. 5620, Securities Exchange Act Release No. 11672, Public Utility Holding Company Act Release No. 19186 and Investment Company Act Release No. 8951, dated September 24, 1975. [40 FR 46117.]

V40245 DEC 19 75 XUM

78m, 78o(d), 78w), Securities Exchange Act of 1934; secs. 5(b), 14 and 20(a) (U.S.C. 79e, 79n, 79t), Public Utility Holding Company Act of 1935; secs. 8, 30, 31(c) and 38(a) (15 U.S.C. 80a-8, 80a-29, 80a-30(c), 80a-37(a)), Investment Company Act of 1940)

These amendments shall be effective with respect to financial statements filed after January 15, 1976, although they may be applied in statements filed prior to that time.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 11, 1975.

[FR Doc.75-34238 Filed 12-18-75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 75-315]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

LASH-Type Barges

Section 4.81(g) of the Customs Regulations (19 CFR 4.81(g)) sets forth a simplified permit-to-proceed procedure for LASH-type barges which requires, among other things, that the barges be sealed. However, it has been determined that it is often hazardous to comply with the sealing requirements of that section. In view of this determination and the determination that the reporting and manifesting requirements set forth elsewhere in § 4.81(g) provide satisfactory control of the barges and the cargo thereon, it has been decided to eliminate the sealing requirement as unnecessary.

Accordingly, Part 4 of the Customs Regulations (19 CFR Part 4) is amended in the following manner:

§ 4.81 [Amended]

1. Paragraph (g) of § 4.81 of the Customs Regulations (19 CFR 4.81(g)) is amended by deleting the word "sealed" from the first sentence of that paragraph; by deleting the last six words, "and the barge shall be resealed", in subparagraph (1) of that paragraph; and by deleting subparagraph (5) of that paragraph in its entirety.

2. Paragraph (a) of § 4.81a of the Customs Regulations (19 CFR 4.81a(a)) is amended by deleting the second sentence. (R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

Inasmuch as this amendment merely relaxes present requirements and requires no public initiative, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment will become effective December 19, 1975.

VERNON D. ACREE,
Commissioner of Customs.

Approved: December 3, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-34209 Filed 12-18-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75F-0095]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

Sanitizing Solutions

The Commissioner of Food and Drugs is amending § 121.2547 *Sanitizing solutions* (21 CFR 121.2547) to provide for safe use of isopropyl alcohol as an optional ingredient in sanitizing solutions, effective December 19, 1975.

Notice was given by publication in the FEDERAL REGISTER of July 8, 1975 (40 FR 28656), that a food additive petition (FAP 5H3086) was filed by Ashland Chemical Co., Division of Ashland Oil, Inc., 5200 Blazer Pkwy., P.O. Box 2219, Columbus, OH 43216, proposing that § 121.2547(b)(9) be amended to provide for safe use of isopropyl alcohol as noted above.

The Commissioner, having evaluated the data in the food additive petition and other relevant material, concludes that the regulations should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2547 is amended by revising paragraph (b)(9) as follows:

§ 121.2547 Sanitizing solutions.

* * * * *

(b) * * *

(9) An aqueous solution containing *n*-alkyl (C_{12}–C_{16}) benzyldimethylammonium chloride compounds having average molecular weights of 351–380 and consisting principally of alkyl groups with 12–16 carbon atoms with or without not over 1 percent each of groups with 8 and 10 carbon atoms. Additionally, the aqueous solution may contain isopropyl alcohol as an optional ingredient.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before January 19, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective December 19, 1975.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C 348(c)(1)).)

Dated: December 11, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-34207 Filed 12-18-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7393]

SUBCHAPTER A—INCOME TAX

[Income Tax Regs.]

PART 8—TEMPORARY INCOME TAX REGULATIONS UNDER SECTION 3 OF THE ACT OF OCTOBER 26, 1974 (PUBLIC LAW 93-483)

SUBCHAPTER B—ESTATE AND GIFT TAXES

[Estate Tax Regs.]

PART 24—TEMPORARY ESTATE TAX REGULATIONS UNDER SECTION 3 OF THE ACT OF OCTOBER 26, 1974 (PUBLIC LAW 93-483)

Transfers for Public, Charitable and Religious Uses

This document contains temporary income tax regulations (26 CFR Part 8) and estate tax regulations (26 CFR Part 24) under section 2055(e)(3) of the Internal Revenue Code of 1954 as added by section 3, Act of Oct. 26, 1974 (P.L. 93-483). These temporary regulations are to remain in force and effect until superseded by permanent regulations.

Section 2055(e)(2)(A) of the Code disallows an estate tax deduction for certain transfers to charity if the transfer is not in the form either of a charitable remainder trust that complies with section 664 of the Code or a pooled income fund that complies with section 642(c)(5) of the Code.

The new amendment to section 2055 is a relief provision which, in certain limited cases, extends until December 31, 1975, the transitional period originally allowed under the Tax Reform Act of 1969 to amend or conform a trust to the provisions of section 664 of the Code.

The relief provision applies to any interest for charitable purposes which passes under a will executed before September 21, 1974, or by an inter vivos trust created after July 31, 1969, and before September 21, 1974. The will or trust must be amended to meet the requirements of section 2055(e)(2)(A) by December 31, 1975, or judicial proceedings to amend the will or trust must be begun by that date.

The temporary regulations apply the relief provision to inter vivos transfers created after July 31, 1969, which are irrevocable at the date of death. However, in general, a trust amended pursuant to these temporary regulations is treated as a charitable remainder trust from the date it would be deemed created under section 664.

The temporary regulations make provision for judicial reformation as well as nonjudicial reformation by agreement of the parties provided the agreement is binding on all parties.

The temporary regulations provide that the amending procedure under section 2055(e)(3) is available only to charitable interests which, but for the disqualifying provisions of section 2055(e)(2)(A), otherwise qualify for a deduction under section 2055. A charitable interest cannot be created by the use of this relief provision.

Amendments to the regulations. In order to prescribe temporary income tax regulations (26 CFR Part 8) relating to charitable remainder trusts and temporary estate tax regulations (26 CFR Part 24) relating to transfers for public, charitable and religious uses pursuant to section 2055 of the Internal Revenue Code of 1954, as amended by section 3 of the Act of Oct. 26, 1974 (Pub. L. 93-483, 88 Stat. 1457), the following temporary regulations are hereby adopted:

1. A new § 8.1 is added as follows:

§ 8.1 Charitable remainder trusts.

(a) *Certain wills and trusts in existence on September 21, 1974.* In the case of a will executed before September 21, 1974, or a trust created (within the meaning of applicable local law) after July 31, 1969, and before September 21, 1974, which is amended pursuant to section 2055(e)(3) and § 24.1 of this Chapter (Temporary Estate Tax Regulations), a charitable remainder trust resulting from such amendment will be treated as a charitable remainder trust from the date it would be deemed created under § 1.664-1(a)(4) and (5) of this chapter (Income Tax Regulations), whether or not such date is after September 20, 1974.

(b) *Certain transfers to trusts created before August 1, 1969.* Property transferred to a trust created (within the meaning of applicable local law) before August 1, 1969, whose governing instrument provides that an organization described in section 170(c) receives an irrevocable remainder interest in such trust shall be deemed transferred to a trust created on the date of such transfer, provided that the transfer occurs after July 31, 1969 and prior to October 18, 1971, and pursuant to an amendment provided in § 24.1 of this chapter (Temporary Estate Tax Regulations), the transferred property and any undistributed income therefrom is severed and placed in a separate trust as of the date of the amendment.

2. A new § 24.1 is added as follows:

§ 24.1 Special rules applicable in the case of certain wills and trusts in existence on September 21, 1974.

(a) **In general,** in the case of a will executed before September 21, 1974, or a trust created (within the meaning of applicable local law) after July 31, 1969, and before September 21, 1974, if—

(1) At the time of the decedent's death a deduction is not allowable solely because of the failure of an interest in property which passes or has passed from the decedent to a person, or for a use, described in section 2055(a) to meet the requirements of section 2055(e)(2)(A), and

(2) The governing instrument is amended or conformed in accordance with this paragraph so that the interest is in a trust which is a charitable remainder annuity trust or a charitable remainder unitrust (described in section 664) or a pooled income fund (described in section 642(c)(5)), or the governing instrument is treated under paragraph (h) of this section as if it were amended, a deduction shall nevertheless be allowed.

(b) An amendment or conformation pursuant to this section must be made before January 1, 1976, or, if later, on or before the 30th day after the date on which judicial proceedings begun before January 1, 1976 (which are required to amend or conform the governing instrument) become final.

(c) A governing instrument may be amended or conformed under this section only where:

(1) The transfer is not in trust but passes under a will executed before September 21, 1974;

(2) The transfer is in the form of a testamentary trust created under a will executed before September 21, 1974;

(3) The transfer was in trust, which was created (within the meaning of applicable local law) after July 31, 1969, and before September 21, 1974, but only if, at the time of the creation of the trust, the governing instrument provides that an organization described in section 170(c) receives an irrevocable remainder interest in such trust;

(4) Property was transferred inter vivos after July 31, 1969, and before October 18, 1971, to a trust created (within the meaning of applicable local law) before August 1, 1969, which trust provides that an organization described in section 170(c) receives an irrevocable remainder interest in such trust, and the transferred property and any undistributed income therefrom is severed and placed in a separate trust before the applicable date specified in paragraph (b) of this section. An instrument governing a transfer under this subparagraph (4), which is amended pursuant to this section shall be treated as having made such transfer to a trust deemed created on the date of such transfer;

(5) In the case of a transfer to a pooled income fund made before September 21, 1974 (or a transfer made under a will which was executed before September 21, 1974), the instrument governing the transfer fails to satisfy the requirements of § 1.642(c)-5(b).

However, a governing instrument may not be amended pursuant to this section unless, at the time of the decedent's death, the interest is an irrevocable remainder interest for which a deduction, but for section 2055(e)(2)(A), would be allowable under section 2055(a) and the regulations thereunder. The provisions of section 508(d)(2)(A) (relating to disallowance of certain charitable, etc., deductions) shall not apply to such interest if the governing instrument is amended so as to comply with the requirements of section 508(e) (relating to governing instruments) by the applicable date described in paragraph (b) of this section.

(d) The decree resulting from any judicial proceedings begun to amend a governing instrument pursuant to paragraph (a) of this section must be binding, under local law, on all parties having an interest in the bequest or transfer as well as the fiduciary of the decedent's estate and trustee of the trust to be amended. In the event local law does not require judicial proceedings to amend or conform a governing instrument, a deduction may nevertheless be allowed if the governing instrument is amended or conformed by nonjudicial agreement between all parties having an interest in the bequest or transfer as well as the fiduciary of the decedent's estate and trustee of the trust to be amended provided that the agreement is binding, under local law, on all such parties. The judicial proceedings or nonjudicial agreement must also account for any distributions made from the deemed date of creation to the date of the amendment in the following manner:

(1) Where the amount of the distributions which would have been made by the trust to a recipient had the amendment pursuant to paragraph (a) of this section been in effect since the creation of the trust exceeds the amount of the distributions made by the trust prior to the amendment, the trust must pay an amount equal to such excess to the recipient;

(2) Where the amount of the distributions made to the recipient prior to the amendment pursuant to paragraph (a) of this section exceeds the amount of the distributions which would have been made by such trust if the amended provisions of such trust had been in effect from the time of creation of such trust, the recipient must pay an amount equal to such excess to the trust.

See § 1.664-1(d)(4) for rules relating to the year of inclusion in the case of an underpayment to a recipient and the allowance of a deduction in the case of an overpayment to a recipient.

(e) Where a charitable remainder trust (as described in § 1.664-1(a)(1)(iii)(a)) results from an amendment pursuant to this section, the trust will be treated as a charitable remainder trust for all purposes from the date it would be deemed created under § 1.664-1(a)(4) and (5), whether or not such date is after September 20, 1974. Subject to the limitations imposed by section 6511, the estate tax charitable deduction is allowable and the charitable remainder trust is exempt from Federal income taxation. For application of certain excise

V40245 DEC 19 75 XUM

taxes pursuant to section 4947(a)(2), see § 53.4947–1(c)(1)(iii) and (c)(6). In amending a governing instrument pursuant to paragraph (a) of this section, the exchange of a noncharitable beneficiary's interest in an unqualified transfer in trust for an interest in a qualified transfer in trust will not be treated as an act of self-dealing (described in section 4941) or a taxable expenditure (described in section 4945).

(f) If, on the due date for filing the estate tax return (including any extensions thereof), proceedings to amend or conform a governing instrument pursuant to paragraph (a) of this section have not become final, such return shall be filed with the tax computed as if no deduction were allowable under this section. When the proceedings to amend or conform such instrument have become final (within the applicable date described in paragraph (b) of this section), a deduction shall be allowed upon the filing of a claim for credit or refund (within the limitations of section 6511). In the case of a credit or refund as a result of an amendment, or conformation made pursuant to this section, no interest shall be allowed for the period prior to the expiration of the 180th day after the date on which the claim for credit or refund is filed.

(g) If a governing instrument is amended under this section then, except as provided in paragraph (h) (2) of this section, the amount of the deduction allowable under this section shall be the amount that equals the value of the interest which, under the rules of section 2055 (including the rules governing disclaimers) passes to, or for the use of, an organization described in section 2055(a).

(h) (1) In the case of a will executed before September 21, 1974, or a trust created (within the meaning of applicable local law) before such date and after July 31, 1969, that creates an interest for which a deduction would be allowable under section 2055(a) but for section 2055(e)(2)(A), if the date of death of the decedent is prior to January 1, 1976, and if on or before the filing date of the estate tax return (including any extension thereof)—

(i) The interest is in a charitable trust which, if a deduction under section 2055(a) had been allowed, would be in a trust described in section 4947(a)(1), or

(ii) Such interest passes directly to a person or for a use described in section 2055(a) (as, for example, by reason of the termination of an intervening interest),

the governing instrument shall be treated as if it were amended or conformed pursuant to paragraph (a) of this section and a deduction shall be allowed. See section 508(d)(2) and § 1.508(b) for the disallowance of such a deduction in the case of an interest in a trust described in section 4947(a)(1) if the governing instrument fails to meet the requirements of section 508(e) by the end of the taxable year of the trust in which the filing date of the estate tax return occurs. A governing instrument treated as amended under this paragraph may not thereafter be amended. The provisions of this paragraph shall not apply if the requirements of subdivision (i) or (ii) of this paragraph (h)(1) are satisfied as a result of an amendment of a dispositive provision of the governing instrument occurring since the date of death of the decedent.

(2) The amount of the deduction for a transfer which is treated under this paragraph as if it were amended will be determined as if the transfer were a charitable remainder annuity trust which provides an annuity of 6 percent of the initial fair market value payable from the date of death—

(i) In the case of a transfer providing a life estate, for the expected lives of the noncharitable beneficiaries as determined on the date of death of the decedent, or

(ii) In the case of a transfer providing a term of years, for the term of years as expressed in the governing instrument, but not to exceed 20 years.

Any distributions made to a recipient from the date of death of the decedent to the date on which the transfer is deemed to be amended (*i.e.*, the date the transfer satisfies the requirements of paragraph (h)(1) of this section) must be taken into account under this subparagraph (2) in determining the amount of the deduction to the extent that the adjustments in such distributions required by paragraph (d) of this section, determined as if the charitable remainder annuity trust were deemed created at the date of death of the decedent, have not been made on or before the filing date of the estate tax return.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that secion.

(Sections 2055(e)(3) and 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: December 15, 1975.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.75-34204 Filed 12-16-75;11:23 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Indian Manpower Programs; Allowable Federal Costs; New Limitations Thereon

On October 9, 1975, the Department published at 40 FR 47744 three proposed amendments to 29 CFR 97.161 *Allowable Federal costs* for the Indian Manpower programs under the Comprehensive Employment and Training Act of 1973, as amended, 29 U.S.C. 801.

The Department accepted comments on the proposed amendments until November 12, 1975. Only three comments were received. One comment suggested that the proposed travel regulations be clarified without specifying what was not clear. The Department, however, believes that the proposed regulation is clear, and in the absence of specific suggestions is making no change. Two comments objected to the proposed regulation on space valuation as unduly restrictive. The Department has relaxed this requirement by revising § 97.161(f)(6)(i).

Accordingly 29 CFR 97.161 is amended as set forth below.

This revision shall become effective on January 19, 1976.

Signed at Washington, D.C., this 15th day of December, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

§ 97.161 **Allowable Federal costs.**

* * * * *

(b) * * *

(3) No funds grants under this subpart may be used, either directly or indirectly, for purposes of obtaining consulting or technical assistance subgrants or contracts without prior written approval of the Division of Indian Manpower Programs. Requests for approval of such subgrants or contracts shall contain a detailed explanation as to the need for such consultant or technical assistance services and a reason why such services cannot be provided without such subgrants or contracts. The request shall also include a resume of the qualifications of the proposed consulting or technical assistance organization. The total proposed costs of such services must be reasonable in relation to the total administrative costs of the prime sponsor's grant.

* * * * *

(f) * * *

(6) * * *

(i) * * * The value of space owned by a prime sponsor or a member of a consortium and used for purposes of a section 302 program may be an allowable cost chargeable to the grant if the cost is approved in advance as reasonable by the Division of Indian Manpower Programs.

* * * * *

(f) * * *

(7) *Travel regulations.* The following travel regulations apply to all prime sponsors:

(i) *Advance approval.* All grantee, subgrantee or contractor payments for travel by employees, consultants, and members of boards or councils shall be approved in advance by the responsible official designated by the grantee.

(ii) *Out-of-State travel.* All out-of-State travel (in the case of multistate grantees, all travel out of the geographic

area of the grant) must be specifically approved in writing in advance by the Division of Indian Manpower Programs.

(iii) *Travel outside the geographic area of the grant* must be for programmatic purposes, viz.: job development, contract negotiations, administration of subgrants and contracts, etc. Travel outside the geographic area of the grant for nonprogrammatic purposes, viz.: training sessions, conferences, board meetings, consultation, etc., must be specifically approved in writing, in advance by the Division of Indian Manpower Programs.

(iv) *Travel policies.* All grantees, subgrantees and contractors are required to follow the travel policies set forth in the Standardized Government Travel Regulations (SGTR). Where a grantee, subgrantee or contractor has more restrictive requirements, the latter shall be followed.

(v) *Mileage costs.* Mileage costs for the use of privately owned automobiles shall be paid in accordance with prevailing rates in the community. In no event, however, shall the rates exceed those provided for in the SGTR.

(vi) *First-class travel.* Less than first-class travel accommodations shall be used in all instances except when:

(A) These accommodations do not exist or are not available within a reasonable time;

(B) Less than first-class travel would result in high overall costs because of required routing, time urgency, baggage differential, or other factors; or

(C) The physical condition of the traveler or other extenuating circumstances require the use of first-class travel.

(vii) *Per diem rates.* (A) Per diem rates shall be established by the prime sponsor based on the following factors:

(*1*) Cost of meals and lodging in the locality;

(2) Availability of meals and lodging at temporary duty locations without charge, or at nominal costs; and

(3) Extended duty at a place where the traveler may obtain accommodations at reduced rates.

(B) In no event shall per diem rates exceed the maximum established by the Standardized Government Travel Regulations for travel within the Continental United States and by the Civilian Personnel Per Diem Bulletin (Department of Defense) for travel within or to Hawaii and Puerto Rico.

[FR Doc.75-34296 Filed 12-18-75;8:45 am]

CHAPTER II—OFFICE OF THE ASSISTANT SECRETARY FOR LABOR-MANAGEMENT RELATIONS, DEPARTMENT OF LABOR

PART 204—STANDARDS OF CONDUCT

Reporting Requirements

On page 19993 of the FEDERAL REGISTER of May 7, 1975, there was published an amendment which revoked §§ 204.3 through §§ 204.25 and inserted a new §§ 204.3. Section 204.3 provides that labor organizations subject to Executive Order 11491 as amended by Executive Order 11616 file the same reports and on the same forms as required for labor organizations in the private sector under Parts 402, 403 and 408 of Chapter IV of Title 29. Labor organizations subject to the Executive Order were advised to continue to report on the G forms until such time as the revised LM forms were approved. Notice is hereby given that the LM forms are approved and labor organizations subject to the Executive Order shall file reports in accordance with 29 CFR 204.3.

Copies of the reporting forms are filed herewith and are available from the Office of Labor-Management Standards Enforcement, Room N5603, Department of Labor, 3rd and Constitution Avenue, NW., Washington, D.C. 20216.[1]

Effective date. The use of LM reporting forms as required by 29 CFR 204.3 is effective December 31, 1975. I find the following is good cause for not giving thirty days notice after publication in the FEDERAL REGISTER.

The regulation was published on May 7, 1975, and the proposed forms and instructions were published in the FEDERAL REGISTER on December 3, 1974, for notice and comment. There have subsequently been no important substantive changes in the forms or the instructions.

Pursuant to section 207 of the LMRDA labor organizations have ninety days from the end of their fiscal year to file the reports required by section 201 of the Act; consequently, a waiver of the 30-day delayed effective date will not impose an undue burden on the labor organizations.

In order to achieve a uniform basis for reporting and statistical data, use of the revised forms is required from the beginning of the calendar year. Approximately 70 percent of the reporting labor organizations have a fiscal year ending December 31.

The stock of the current labor organization annual report forms is virtually exhausted and is therefore insufficient to supply all the labor organizations whose fiscal year ends on December 31.

Weighing the inconvenience to the unions and the benefits to the Government, I find, pursuant to 5 U.S.C. 553(d)(3), this is good cause for requiring use of the LM forms for reporting information effective on December 31, 1975.

Signed at Washington, D.C. this 16th day of December, 1975.

PAUL J. FASSER, Jr.,
Assistant Secretary of Labor for Labor-Management Relations.

[FR Doc.75-34297 Filed 12-18-75;8:45 am]

[1] Forms filed as part of the original document.

CHAPTER IV—OFFICE OF LABOR-MANAGEMENT STANDARDS ENFORCEMENT

LABOR ORGANIZATIONS

Reports

On pages 41934 and 41935 of the FEDERAL REGISTER of December 3, 1974, there was published a notice of proposed amendments to §§ 402.1, 402.3, and 402.4 of Part 402; § 403.4 of Part 403; §§ 408.6 and 408.8 of Part 408, of Chapter IV, Title 29.

The change to §§ 402.1 and 402.3 deleted dates which are no longer applicable to the filing of reports. Section 403.4 was changed to apply to labor organizations subject solely to Executive Order 11491, as amended, as well as to Postal Unions.

Section 408.6 was changed to provide for the filing of Form 1A, if required, at the same time the annual financial report was filed on behalf of a labor organization in Trusteeship.

Section 408.8 was changed to clarify the use of the Form 15A at the time a trusteeship is terminated.

In addition, in § 402.4 it was proposed to use a new Form 1A for reporting certain amendments to the information reports; and to make certain other changes in the LM—1, LM—2, LM—3, and LM—16 and to the instructions for completing the required forms.

The following are among the changes that were made on the reporting forms and in the instructions in response to comments received after publication of the proposed forms and instructions on December 3, 1974, in the FEDERAL REGISTER (39 FR 41934). An item for providing additional information was added on Forms LM–1 and LM–1A in response to comments in order to reduce the need for attaching separate sheets. A definition of "work permits" and "transfer fees" was added to the instructions for Forms LM–1, LM–2 and LM–3 to clarify the type of information desired in the question on those forms pertaining to fees and dues required. The question concerning the next regular election of officers which had previously been added to Forms LM–2 and LM–3 has also been added to the Form LM–1A. In response to several comments, a cash reconciliation worktable was added to the instructions for the Form LM–3 to assist filers in determining whether they have correctly filled out the financial information section of the form. The instructions for completing column (E) "fair market value" of Schedule 5 "fixed assets" on Form LM–2 was separated into "Cash on hand" and "Cash in banks" to provide separate information on these two categories of cash as is done in the present Form LM–2 in order to facilitate the collection of statistical data and "Statement C—Cash" was changed accordingly. In response to a comment objecting to our treatment of mortgages as inadequate, the definition of mortgages was made less restrictive.

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A number of minor editorial changes were also made in the forms and the instructions. The name of the Office of Labor-Management and Welfare-Pension Reports was changed to the Office of Labor-Management Standards Enforcement and the ZIP code was changed to reflect a reorganization and relocation of the Office. The letters "LM" before file numbers were dropped since they will no longer be used. On the statements on Form LM–2 a "cents" column was added with "XX" in it to make it clear to filers that amounts are to be given in dollars only. On Form LM–3 Item 42 "loans made by your organization" and Item 43 "payments for benefits" were reversed so that the order in which these items are listed would be the same as on the Form LM–2. Clarifying language was added at several places including Item 20 on Form LM–2 and Item 18 on Form LM–3 concerning the filing of Form LM–1A, LM–2, and LM–3; and regarding the city, county, and state where the union is chartered to operate.

The following comments are among those that were considered but were not acted upon. An objection was received to the concept of Form LM–1A which was rejected since it has been determined that Form LM–1A will perform a vital function in providing more accessible updating for public disclosure purposes of the information provided on Form LM–1 and will permit the disposal of outdated annual reports. Significant changes in format and information on Forms LM–2 and LM–3 were suggested so that the gathering of information for estimating Gross National Product could be improved. In general these comments were rejected because computer printouts could provide much of the requested information. The proposed instructions for reporting of expenses of union-used cars were objected to on the basis that they impose too great of a burden on the reporting unions. No changes were made to these instructions as the information requested has always been required but has not been specifically set forth. An objection to the question requiring unions to report any discovery of a loss or shortage of union funds or other property was rejected because the question will provide needed information. A request to extend the filing period and to increase the $10,000 base at which salaries to employees must be itemized was rejected since these matters are established by statute.

Copies of these forms, which are filed herewith, are available from the Office of Labor-Management Standards Enforcement, Room N–5603, Department of Labor, 3rd and Constitution Avenue NW., Washington, D.C. 20216.[1]

Effective date. These amendments and the requirements for the use of the reporting forms shall be effective on December 31, 1975. I find that the following constitutes good cause for making these regulations and use of the forms effective less than 30 days after publication in the FEDERAL REGISTER:

The regulations and proposed forms and instructions were published in the FEDERAL REGISTER on December 3, 1974, for notice and comment, and there have subsequently been no important substantive changes in the forms or the instructions.

Pursuant to section 207 of the LMRDA labor organizations have ninety days from the end of their fiscal year to file the reports required by section 201 of the Act; consequently, a waiver of the 30-day delayed effective date will not impose an undue burden on the labor organizations.

In order to achieve a uniform basis for reporting and statistical data, use of the revised forms is required from the beginning of the calendar year. Approximately 70% of the reporting labor organizations have a fiscal year ending December 31.

The stock of the current labor organization annual report forms is virtually exhausted, and is therefore insufficient to supply all the labor organizations whose fiscal year ends on December 31.

Weighing the inconvenience to the unions and the benefits to the government, I find, pursuant to 5 U.S.C. 553(d)(3), there is good cause for making these amendments to the regulations and the requirement for the use of the reporting forms effective on December 31, 1975.

Interested persons were invited to submit written comments before January 10, 1976. No written objections were received to the proposed regulations and they are hereby adopted without change and are set forth below.

Signed at Washington, D.C., this 16th day of December 1975.

PAUL J. FASSER, JR.,
Assistant Secretary of Labor for Labor-Management Relations.

PART 402—LABOR ORGANIZATION INFORMATION REPORTS

§§ 402.1, 402.3 [Amended]

1. Sections 402.1 and 402.3 of Part 402 are amended by deleting from both sections the words "not later than December 14, 1959, or" and "whichever is later."

2. Section 402.4 of Part 402, Chapter IV, Title 29 is revised to read as follows:

§ 402.4 Subsequent reports.

Every labor organization shall update the information filed in its information report (Form LM–1), by filing two copies of Form LM–1A, entitled "Report of Current Status: Labor Organization Information Supplement," together with two copies of any documents called for by that form, at the time such labor organization files its first annual financial report following the effective date of this section as amended. Subsequently, two copies of a Form LM–1A together with documents prescribed by the instructions to that form shall be filed for each reporting period in which there have been changes in the constitution and bylaws or in the practices or procedures for which separate statements must be filed pursuant to subsection 201(a)(5) (A) through (M) of the Labor-Management Reporting and Disclosure Act. Such subsequent reports shall be filed when the labor organization files its annual financial report as provided in Part 403 of this chapter. Reports on Form LM–1A shall be signed by the president and treasurer or corresponding principal officers of the labor organization filing the reports.

PART 403—LABOR ORGANIZATION ANNUAL FINANCIAL REPORTS

§ 403.4 [Amended]

3. Section 403.4(b) of Part 403, Chapter IV, Title 29 is amended by adding the words "subject solely to Executive Order 11491, as amended, or" after the words "A local labor organization" in the first clause.

PART 408—LABOR ORGANIZATION TRUSTEESHIP REPORTS

4. Section 408.6 of Part 408, Chapter IV, Title 29 is revised to read as follows:

§ 408.6 Amendments to the Labor Organization Information Report filed by or on behalf of the subordinate labor organization.

During the continuance of a trusteeship, the labor organization which has assumed trusteeship over a subordinate labor organization, shall file with the Office of Labor-Management and Welfare-Pension Reports on behalf of the subordinate labor organization any change in the information required by Part 402 of this chapter by filing the Form LM–1A, if required, at the same time it files the annual financial report referred to in § 408.5.

5. Section 408.8 of Part 408, Chapter IV, Title 29 is revised to read as follows:

§ 408.8 Terminal trusteeship information report.

There shall be filed at the same time that the terminal trusteeship financial report is filed a terminal trusteeship information report on Form LM–16. If in answer to Item 6 of Form LM–16, there was (a) a convention or other policy determining body to which the subordinate organization sent delegates or would have sent delegates if not in trusteeship or (b) an election of officers of the labor organization assuming trusteeship, Form LM–15A should be used to report the required information with respect thereto.

(Sections 201, 208, 301, 73 Stat. 524, 529, 530, 29 U.S.C. 431, 438, 461 and Secretary's Order No. 11–72 (May 12, 1972))

[FR Doc.75–34298 Filed 12–18–75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75–052]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Passaic River, N.J.

This amendment changes the regulations for the Gregory Avenue drawbridge across the Passaic River, mile 14.0, to permit the draw to be maintained in a permanently closed position. This amendment was circulated as a public notice dated April 9, 1975 by the Commander, Third Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 75–052) on April 4, 1975, (40 FR 15093). Five responses were received. Three had no objection, while two objected. A thorough on-site survey of these objections found them to be without substantial foundation. The objectors were requested to comment again based on these findings. No response was received from either of them.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising paragraph (f)(2) of § 117.225 to read as follows:

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

* * * * * * *

(f) * * *

(2) *Passaic River.* Passaic and Bergen Counties highway bridges at Gregory Avenue, Second Street and West Eighth Street, Passaic. The draws need not open for the passage of vessels, and paragraphs (b) through (e) of this section shall not apply to these bridges.

* * * * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Effective date. This revision shall become effective on January 19, 1976.

Dated: December 12, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard of, Office of Marine Environment and Systems.

[FR Doc.75–34225 Filed 12–18–75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5564; AA–890]

ALASKA

Revocation of Executive Order No. 2553; Amendment of Public Land Order No. 5554

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and section 14(h) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 704 (hereinafter referred to as the Act), it is ordered as follows:

1. Executive Order No. 2553 of March 21, 1917, which withdrew lands in Alaska, covered by U.S. Survey No. 484 in connection with the U.S. Wireless Telegraph Service, is hereby revoked in its entirety, except as to the following described lands, which are now under the jurisdiction of the Federal Aviation Administration:

SEWARD MERIDIAN

T. 26 S., R. 19 W. (Fractional), U.S. Survey No. 484;
Beginning at M.C. No. 1 of U.S. Survey No. 484; thence S. 88°29' E., 3,564 ft. to Corner No. 1, the true point of beginning; thence S. 55°26' E., 175 ft. to Corner No. 2; thence N. 35°17' E., 125 ft. to Corner No. 3; thence N. 55°26' W., 175 ft. to Corner No. 4; thence S. 35°17' W., 125 ft. to the point of beginning; containing approximately ½ acre.

2. Public Land Order No. 5554 of December 10, 1975, withdrawing certain lands so that the Natives of Kodiak, Inc., may select from those lands under the provisions of section 14(h)(3) of the Act, is hereby amended to include the lands revoked in paragraph 1 of this order, and the said lands are expressly made subject to all of the terms and conditions of that order. The total areas described in Public Land Order No. 5554, as amended by this order, still aggregate approximately 46,080 acres, of which the Natives of Kodiak, Inc., may select no more than 23,040 acres.

JACK O. HORTON,
Assistant Secretary of the Interior.

DECEMBER 16, 1975.

[FR Doc.75–34214 Filed 12–18–75;8:45 am]

[Public Land Order 5563]

ALASKA

Amendment of Executive Order No. 5389, as Amended

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

Executive Order No. 5389 of July 7, 1930, as amended by Public Land Order No. 399 of August 20, 1947, which withdrew certain public lands in Alaska containing hot or medicinal springs, is hereby further amended and modified to the extent necessary to permit the withdrawal of lands under sections 11(a)(3) and 14(h) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 696, 704, and selections under sections 12 or 14(h) of that Act, and all withdrawals heretofore made pursuant to sections 11(a)(3) or 14(h) of that Act, and not revoked, are hereby affirmed as of the date of this order.

JACK O. HORTON,
Assistant Secretary of the Interior.

DECEMBER 16, 1975.

[FR Doc.75–34213 Filed 12–18–75;8:45 am]

[Public Land Order 5562]

ALASKA

Amendment of Executive Order No. 5327, as Amended

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

Executive Order No. 5327 of April 15, 1930, as amended, which withdrew deposits of oil shale and lands containing such deposits owned by the United States, so far as it relates to lands in the State of Alaska, is hereby further amended and modified to the extent necessary to permit the withdrawal of lands under sections 11(a)(3) and 14(h) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 696, 704, and selections under sections 12 or 14 of that Act, and all withdrawals heretofore made pursuant to sections 11(a)(3) or 14(h) of that Act and not revoked, are hereby affirmed as of the date of this order.

JACK O. HORTON,
Assistant Secretary of the Interior.

DECEMBER 16, 1975.

[FR Doc.75–34212 Filed 12–18–75;8:45 am]

[Public Land Order 5561]

ALASKA

Withdrawal for Classification or Reclassification of Some Areas Withdrawn by Section 11 of Alaska Native Claims Settlement Act

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Except as otherwise provided in paragraph 3 of this order, all those lands withdrawn by section 11(a)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 696, (hereinafter referred to as the Act), and all those lands withdrawn by the Secretary of the Interior under the provisions of section 11 of the Act which are withdrawn as of December 16, 1975, are hereby further withdrawn from settlement, entry, location, or disposal under the public land laws including the mining and mineral leasing laws and from selection by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, but not from disposal under the Act. The lands are reserved for the purpose of completing the administration of the Act.

2. On March 31, 1976, all those lands not under pending application for Native selection shall become available for State selection unless otherwise provided in any statute, regulation, court decree, contract, or public land order.

3. Public Land Order No. 5252 of September 16, 1972, which identifies lands that may be selected by the State of Alaska following selection by the appropriate regional corporations, is not affected by this order.

4. Prior to the conveyance of any lands described in paragraph 1 of this order, the lands shall remain subject to administration by the Secretary of the Interior under applicable laws and regulations and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this order. Applications for leases under the Mineral Leasing Act,

[1] Forms filed as part of the original document.

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supra, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

JACK O. HORTON,
Assistant Secretary of the Interior.

DECEMBER 16, 1975.

[FR Doc.75-34211 Filed 12-18-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL

[FCC 75-1336]

COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Privacy Act of 1974

1. The subject amendment is designed to further implement the Privacy Act of 1974, Pub. L. 93-579, December 31, 1974, 5 U.S.C. 552a by providing a means of administrative review in the event that a determination is made denying an individual access to his or her records. The Commission feels that such an opportunity to seek administrative review is consuming alternative course of action preferable to the more costly and time set out in the Act which requires a person who has had his or her request for access rejected to seek relief through the district courts of the United States.

2. Authority to amend Commission Rules is contained in sections 4(i), (j) and 303(r) of the Communications Act, as amended, 47 U.S.C. 154(i), (j) and 303(r).

3. Because the subject amendment is procedural in nature, compliance with the prior notice and effective date requirements of 5 U.S.C. 553 is not required.

4. In view of the foregoing, *It is ordered*, That the amendment to Part 0 of the rules set out below is adopted, effective December 24, 1975.

Adopted: December 9, 1975.

Released: December 16, 1975.

(Secs. 4, 5, 308, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Section 0.555(e) is added to read as follows:

§ 0.555 Disclosure of record information to individuals.

* * * * *

(e) In the event that a determination is made denying an individual access to his or her records for any reason, such individual may either:

(1) Seek administrative review of the adverse determination. Such a request shall be in writing and should be addressed to the system manager who made the initial decision. In addition, the request for review shall state specifically why the initial decision should be reversed.

(2) Seek judicial relief in the district courts of the United States pursuant to paragraph (g)(1)(B) of the Act.

[FR Doc.75-34241 Filed 12-18-75;8:45 am]

[Docket No. 20360; RM-2342]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations, Table of Assignments, Calif.

1. The Commission has before it for consideration the notice of proposed rulemaking adopted February 14, 1975 (40 FR 7945), inviting comments on a proposal to assign Channel 265A to Palm Springs, California, as its second FM channel assignment. This proceeding was instituted by a petition from KPSI Radio Corporation, licensee of AM Station KPSI, Palm Springs. Supporting comments were filed by the petitioner. No oppositions were submitted.

2. Palm Springs, population 20,936,[1] is located in Riverside County, population 459,074, approximately 110 miles east of Los Angeles and 87 miles north of the United States-Mexico boundary. It is a popular tourist center in the Upper Coachella Valley in Riverside County. Local aural service is provided by three AM stations—KCMJ (Class II, unlimited-time), KDES (Class III, unlimited-time); and KPSI (Class IV, unlimited-time) licensed to petitioner; and FM Station KDES-FM (Channel 284). Channel 265A could be assigned to Palm Springs in conformity with the Commission's minimum mileage separation requirements.

3. Petitioner has adduced sufficient evidence to support the assignment of a second FM channel to Palm Springs. Relevant economic data were set forth in the notice. Certain additional facts are provided by petitioner regarding Palm Springs' significant growth during the last few years. We are told that as of 1972, the city's permanent population was 23,100 and in 1973, that total had risen to 25,850. From 1970 to 1973, Palm Springs' population increased 23.5% according to data furnished by petitioner. The city also continues to be an important tourist center as evidenced by statistics furnished regarding airport passenger traffic and retail sales.

4. The assignment of Channel 265A to Palm Springs will cause preclusion on co-Channel 265A as stated in the notice, affecting four cities without FM assignments. Each of the affected cities, however, either already receives adequate service from nearby stations or will receive city-grade service from the assignment herein. In addition, Channel 292A would be available for future assignment to any of the communities should there be a demand.

[1] Population figures are from the 1970 U.S. Census, unless otherwise indicated.

5. The present assignment will result in an intermixture of classes of channels at Palm Springs. However, as petitioner notes, a facility site can be selected on high terrain so as to achieve parity of coverage area with the existing Class C channel. Thus we do not believe that an undesirable competitive situation would result. Petitioner has reaffirmed its intention to apply for a construction permit and to build a station promptly if its application is granted.

6. We believe that the public interest would be served by the assignment of Channel 265A to Palm Springs as a second FM channel. Pursuant to the United States-Mexican FM Broadcasting Agreement, Mexican concurrence has been obtained.

7. In view of the foregoing and pursuant to authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules; *it is ordered*, That effective January 30, 1976, the FM Table of Assignments, § 73.202(b) of the rules is amended to read as follows for the city listed below:

City:	*Channel No.*
Palm Springs, Calif.	265A, 284

8. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083 (47 U.S.C. 154, 155, 303, 307))

Adopted: December 11, 1975.

Released: December 16, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-34242 Filed 12-18-75;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-67; Notice No. 75-26]

PART 391—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

Intrastate Drivers of Vehicles Transporting Combustible Liquids; Correction

In FR Doc. 75-31889 appearing at page 54796 in the FEDERAL REGISTER of November 26, 1975, the section numbers reading § 391.69 at line 8 and § 391.69 at line 10 in the third column are corrected to read § 391.71 and § 391.71 consecutively.

Dated: December 11, 1975.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.75-34196 Filed 12-18-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 152]

CERTAIN FOOTWEAR

Determination of the American Selling Price

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), sections 336, 624, 46 Stat. 701, as amended, 759 (19 U.S.C. 1336, 1624), and 77A Stat. 332 (19 U.S.C. 1202 (Schedule 7, Part 1, Subpart A, Headnote 3(b), Tariff Schedules of the United States)), it is proposed to amend section 152.24 of the Customs Regulations (19 CFR 152.24) to set forth procedures for determining the American selling price of footwear classifiable under item 700.60, Tariff Schedules of the United States (19 U.S.C. 1202).

Section 152.24(a) of the Customs Regulations provides that the value of certain types of footwear provided for in item 700.60, Tariff Schedules of the United States, shall be appraised on the basis of the American selling price of like or similar domestic footwear. The proposed amendment provides that in order to ensure consideration of their merchandise in making a determination regarding the existence or nonexistence of an American selling price, domestic producers of such footwear should furnish the Area Director, New York Seaport Area with catalogs, price lists, and, if requested by the Area Director, samples of their footwear products to enable the United States Customs Service to make the most accurate determination possible in regard to the applicability of an American selling price. The proposal would also require importers of footwear classifiable under item 700.60, Tariff Schedules of the United States, to furnish the appropriate Customs officer at the port of entry with a sample from the first commercial shipment of each make of such footwear. The samples would then be forwarded to the Area Director, New York Seaport Area, for determination of the American selling price.

Once the Area Director has made a determination regarding the existence or nonexistence of an American selling price, the proposed amendment provides that the importer or domestic producers may, if they disagree with the determination, request that the Area Director seek advice or guidance from Headquarters, United States Customs Service.

Accordingly, it is proposed to amend § 152.24 of the Customs regulations (19 CFR 152.24) by adding a new paragraph (c) to read as follows:

§ 152.24 American selling price.

* * * * *

(c) *Determination of American selling price of footwear classifiable under item 700.60, Tariff Schedules of the United States.*—(1) *Submission of samples, catalogs, and price lists by domestic producers.* In order to ensure consideration of their merchandise in making a determination regarding the existence or nonexistence of an American selling price, domestic producers of footwear of the same class or kind as that classifiable under item 700.60, Tariff Schedules of the United States (19 U.S.C. 1202), should furnish the Area Director, New York Seaport Area, with all catalogs and price lists covering such footwear. If any catalogs or price lists furnished to the Area Director have been revised or amended, such revisions or amendments should be forwarded promptly to the Area Director, New York Seaport Area. At the request of the Area Director, New York Seaport Area, domestic producers should furnish samples of footwear of the same class or kind as that provided for in item 700.60. Accompanying the catalogs and price lists shall be a certification by the domestic producer, in substantially the following form, verifying that the footwear products covered are freely offered for sale for domestic consumption at the prices shown:

CERTIFICATION

I hereby certify that the enclosed information on production and price of footwear truly and accurately represents a presently produced article, freely offered for sale for domestic consumption to all purchasers at _____ (place where the greatest number of individual sales takes place), in the ordinary course of trade, in the usual wholesale quantities, without restrictions as to the disposition, use, or resale price of the merchandise by the purchasers.

I further certify that I will submit information regarding any change in the status of this product as it occurs.

_____
(signed)

_____
(title)

_____
(company)

_____
(date)

The Area Director may, at his discretion, request the Regional Director (Investigations) to verify by investigation all representations made in regard to any samples, catalogs, and price lists submitted.

(2) *Submission of samples by importers.* Importers of footwear classifiable under item 700.60, Tariff Schedules of the United States, shall furnish the appropriate Customs officer at the port of entry with a sample from the first commercial shipment of each make of such footwear imported into the United States. The samples will then be forwarded to the Area Director, New York Seaport Area, for determination of the American selling price.

(3) *Notification of Area Director's determination.* When the Area Director, New York Seaport Area, has determined the American selling price applicable to a particular sample, or has determined that the footwear is not like or similar to a domestic product, and therefore not subject to appraisement on the basis of American selling price, he shall notify the importer and domestic producers of such footwear of this determination. He shall not provide information with respect to the manufacturer, importer, or price of the imported product.

(4) *Examination of samples.* Within 15 days of notification of the Area Director's determination in regard to the applicability of an American selling price, the importer and domestic producers shall have an opportunity to examine representative samples of the footwear submitted by the importer and domestic producers which were considered by the Area Director in making his determination.

(5) *Request by importer or domestic producers that the Area Director seek internal advice.* The importer or domestic producers may, if they disagree with the Area Director's determination regarding the applicability of an American selling price, request that the Area Director seek internal advice from Headquarters, United States Customs Service, in accordance with the procedures set forth in section 177.11 of this chapter, provided the request by the importer or the domestic producers is received within 30 days of notification of the Area Director's determination.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To ensure consideration of such communications, they must be received not later than January 19, 1976.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR

V40245 DEC 1975 XUM

103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C. during regular business hours.

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: November 5, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-34210 Filed 12-18-75;8:45 am]

Internal Revenue Service

[26 CFR Parts 1, 20]

TRANSFERS FOR PUBLIC, CHARITABLE AND RELIGIOUS USES

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by January 23, 1976. Pursuant to 26 CFR 601.601 (b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by Jan. 23, 1976. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 2055 (e)(3) and 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) and the Estate Tax Regulations (26 CFR Part 20) to conform such regulations to the provisions of section 2055 (e)(3) as added by section 3, Act of Oct. 26, 1974 (P.L. 93-483).

Section 2055 (e) (2) (A) of the Code disallows an estate tax deduction for certain transfers to charity if the transfer is not in the form either of a charitable remainder trust that complies with section 664 of the Code or a pooled income fund that complies with section 642 (c) (5) of the Code.

The new amendment to section 2055 is a relief provision which, in certain limited cases, extends until December 31, 1975, the transitional period originally allowed under the Tax Reform Act of 1969 to amend or conform a trust to the provisions of section 664 of the Code.

The relief provision applies to any interest for charitable purposes which passes under a will executed before September 21, 1974, or by an intervivos trust created after July 31, 1969, and before September 21, 1974. The will or trust must be amended to meet the requirements of section 2055 (e) (2) (A) by December 31, 1975, or judicial proceedings to amend the will or trust must be begun by that date.

The proposed regulations apply the relief provision to inter vivos transfers created after July 31, 1969, which are irrevocable at the date of death. However, in general, a trust amended pursuant to these temporary regulations is treated as a charitable remainder trust from the date it would be deemed created under section 664.

The proposed regulations make provision for judicial reformation as well as nonjudicial reformation by agreement of the parties provided the agreement is binding on all parties.

The proposed regulations provide that the amending procedure under section 2055(e)(3) is available only to charitable interests which, but for the disqualifying provisions of section 2055(e)(2)(A), qualify for a deduction under section 2055. A charitable interest cannot be created by the use of this relief provision.

Proposed amendments to the regulations. To conform the Income Tax Regulations (26 CFR Part 1) and the Estate Tax Regulations (26 CFR Part 20) to the provisions of section 3 of the Act of Oct. 26, 1974 (Pub. L. 93-483, 88 Stat. 1457), such regulations are amended as follows:

PARAGRAPH 1. Paragraph (f) of § 1.664-1 is amended by revising the heading of subparagraph (3) and by adding a new subparagraph (4) at the end thereof. These revised and added provisions read as follows:

§ 1.664-1 Charitable remainder trusts.

* * * * * *

(f) *Effective Date.* * * *

(3) *Amendment of certain trusts created after July 31, 1969.* * * *

(4) *Certain wills and trusts in existence on September 21, 1974.* (i) In the case of a will executed before September 21, 1974, or a trust created (within the meaning of applicable local law) after July 31, 1969, and before September 21, 1974, which is amended pursuant to section 2055 (e) (3) and § 20.2055-2(g), a charitable remainder trust resulting from such amendment will be treated as a charitable remainder trust from the date it would be deemed created under § 1.664-1(a) (4) and (5), whether or not such date is after September 20, 1974.

(ii) Property transferred to a trust created (within the meaning of applicable local law) before August 1, 1969, whose governing instrument provides that an organization described in section 170(c) receives an irrevocable remainder interest in such trust shall be deemed transferred to a trust created on the date of such transfer, provided that the transfer occurs after July 31, 1969, and prior to October 18, 1971, and pursuant to an amendment provided in § 20.2055-2(g), the transferred property and any undistributed income therefrom is severed and placed in a separate trust as of the date of the amendment.

PAR. 2. Section 20.2055 is amended by adding a new paragraph (3) at the end of subsection (e) and by amending the historical note. These added and amended provisions read as follows:

§ 20.2055 Statutory provisions; transfers for public, charitable and religious uses.

SEC. 2055. *Transfers for public, charitable and religious uses.*

* * * * * *

(e) Disallowance of deductions in certain cases. * * *

(3) In the case of a will executed before September 21, 1974, or a trust created before such date, if a deduction is not allowable at the time of the decedent's death because of the failure of an interest in property which passes from the decedent to a person, or for a use, described in subsection (a), to meet the requirements of subparagraph (A) of paragraph (2) of this subsection, and if the governing instrument is amended or conformed on or before December 31, 1975, or, if later, on or before the 30th day after the date on which judicial proceedings begun on or before December 31, 1975 (which are required to amend or conform the governing instrument), become final, so that the interest is in a trust which is a charitable remainder annuity trust, a charitable remainder unitrust (described in section 664), or a pooled income fund (described in section 642(c)(5)), a deduction shall nevertheless be allowed. The Secretary or his delegate may, by regulation, provide for the application of the provisions of this paragraph to trusts whose governing instruments are amended or conformed in accordance with this paragraph, and such regulations may provide for any adjustments in the application of the provisions of section 508 (relating to special rules with respect to section 501(c)(3) organizations), subchapter J (relating to estate, trusts, beneficiaries, and decedents), and chapter 42 (relating to private foundations) to such trusts made necessary by the application of this paragraph. If, by the due date for the filing of an estate tax return (including any extension thereof), the interest is in a charitable trust which, upon allowance of a deduction would be described in section 4947(a)(1), or the interest passes directly to a person or for a use described in subsection (a), a deduction shall be allowed as if the governing instrument was amended or conformed under this paragraph. If the amendment or conformation of the governing instrument is made after the due date for the filing of the estate tax return (including any extension thereof), the deduction shall be allowed upon the filing of a timely claim for credit or refund (as provided for in section 6511) of an overpayment resulting from the application of this paragraph. In the case of a credit or refund as a result of an amendment or conformation made pursuant to this paragraph, no interest shall be allowed for the period prior to the expiration of the 180th day after the date on which the claim for credit or refund is filed.

* * * * * *

(Sec. 2055 as amended by sec. 1, Act of Aug. 6, 1956 (Pub. L. 1011, 84th Cong., 70 Stat. 1075); sec. 30(d), Technical Amendments Act 1958 (72 Stat. 1631); sec. 201(d), Tax Reform Act 1969 (83 Stat. 580); sec. 101(c), Excise Estate, and Gift Tax Adjustment Act 1970 (84 Stat. 1836); sec. 3, Act of Oct. 26, 1974 (Pub. L. 93-483, 88 Stat. 1457))

PAR. 3. § 20.2055-2 is amended by adding a sentence at the end of paragraph (a) and by adding a new paragraph (g) immediately following § 20.2055-2(f). These added and amended provisions read as follows:

§ 20.2055-2 Transfers not exclusively for charitable purposes.

(a) *Remainders and similar interests.* * * * See paragraph (g) of this section for special rules relating to certain wills and trusts in existence on September 21, 1974.

* * * * *

(g) *Special rules applicable in the case of certain wills and trusts in existence on September 21, 1974.* (1) In general, in the case of a will executed before September 21, 1974, or a trust created (within the meaning of applicable local law) after July 31, 1969, and before September 21, 1974, if—

(i) At the time of the decedent's death a deduction is not allowable solely because of the failure of an interest in property which passes or has passed from the decedent to a person, or for a use, described in section 2055(a) to meet the requirements of section 2055(e)(2)(A), and

(ii) The governing instrument is amended or conformed in accordance with this paragraph so that the interest is in a trust which is a charitable remainder annuity trust or a charitable remainder unitrust (described in section 664) or a pooled income fund (described in section 642(c)(5)), or the governing instrument is treated under paragraph (g)(3) of this section as if it were amended, a deduction shall nevertheless be allowed.

(2) An amendment or conformation pursuant to this paragraph must be made before January 1, 1976, or, if later, on or before the 30th day after the date on which judicial proceedings begun before January 1, 1976 (which are required to amend or conform the governing instrument) become final.

(3) A governing instrument may be amended or conformed under this paragraph only where:

(i) The transfer is not in trust but passes under a will executed before September 21, 1974;

(ii) The transfer is in the form of a testamentary trust created under a will executed before September 21, 1974;

(iii) The transfer was in trust, which was created (within the meaning of applicable local law) after July 31, 1969, and before September 21, 1974, but only if, at the time of the creation of the trust, the governing instrument provides that an organization described in section 170(c) receives an irrevocable remainder interest in such trust;

(iv) Property was transferred inter vivos after July 31, 1969, and before October 18, 1971, to a trust created (within the meaning of applicable local law) before August 1, 1969, which trust provides that an organization described in section 170 (c) receives an irrevocable remainder interest in such trust, and the transferred property and any undistributed income therefrom is severed and placed in a separate trust before the applicable date specified in paragraph (g)(2) of this section. An instrument governing a transfer under this subdivision (iv), which is amended pursuant to this paragraph, shall be treated as having made such transfer to a trust deemed created on the date of such transfer;

(v) In the case of a transfer to a pooled income fund made before September 21, 1974 (or a transfer made under a will which was executed before September 21, 1974), the instrument governing the transfer fails to satisfy the requirements of § 1.642(c)-5(b).

However, a governing instrument may not be amended pursuant to this paragraph unless, at the time of the decedent's death, the interest is an irrevocable remainder interest for which a deduction, but for section 2055(e)(2)(A), would be allowable under section 2055(a) and the regulations thereunder. The provisions of section 508(d)(2)(A) (relating to disallowance of certain charitable, etc., deductions) shall not apply to such interest if the governing instrument is amended so as to comply with the requirements of section 508(e) (relating to governing instruments) by the applicable date described in paragraph (g)(2) of this section.

(4) The decree resulting from any judicial proceedings begun to amend a governing instrument pursuant to paragraph (g)(1) of this section must be binding, under local law, on all parties having an interest in the bequest or transfer as well as the fiduciary of the decedent's estate and trustee of the trust to be amended. In the event local law does not require judicial proceedings to amend or conform a governing instrument, a deduction may nevertheless be allowed if the governing instrument is amended or conformed by nonjudicial agreement between all parties having an interest in the bequest or transfer as well as the fiduciary of the decedent's estate and trustee of the trust to be amended, provided that the agreement is binding, under local law, on all such parties. The judicial proceedings or nonjudicial agreement must also account for any distributions made from the deemed date of creation to the date of the amendment in the following manner:

(i) Where the amount of the distributions which would have been made by the trust to a recipient had the amendment pursuant to paragraph (g)(1) of this section been in effect since the creation of the trust exceeds the amount of the distributions made by the trust prior to the amendment, the trust must pay an amount equal to such excess to the recipient;

(ii) Where the amount of the distributions made to the recipient prior to the amendment pursuant to paragraph (g)(1) of this section exceeds the amount of the distributions which would have been made by such trust if the amended provisions of such trust had been in effect from the time of creation of such trust, the recipient must pay an amount equal to such excess to the trust.

See § 1.664-1(d)(4) for rules relating to the year of inclusion in the case of an underpayment to a recipient and the allowance of a deduction in the case of an overpayment to a recipient.

(5) Where a charitable remainder trust (as described in § 1.664-1(a)(1)(iii)(a)) results from an amendment pursuant to this paragraph, the trust will be treated as a charitable remainder trust for all purposes from the date it would be deemed created under § 1.664-1(a)(4) and (5), whether or not such date is after September 20, 1974. Subject to the limitations imposed by section 6511, the estate tax charitable deduction is allowable and the charitable remainder trust is exempt from Federal income taxation. For the application of certain excise taxes pursuant to section 4947(a)(2) see § 53.4947-1(c)(1)(iii) and (c)(8). In amending a governing instrument pursuant to paragraph (g)(1) of this section, the exchange of a noncharitable beneficiary's interest in an unqualified transfer in trust for an interest in a qualified transfer in trust will not be treated as an act of self-dealing (described in section 4941) or a taxable expenditure (described in section 4945).

(6) If, on the due date for filing the estate tax return (including any extensions thereof), proceedings to amend or conform a governing instrument pursuant to paragraph (g)(1) of this section have not become final, such return shall be filed with the tax computed as if no deduction were allowable under this paragraph. When the proceedings to amend or conform such instrument have become final (within the applicable date described in paragraph (g)(2) of this section), a deduction shall be allowed upon the filing of a claim for credit or refund (within the limitations of section 6511). In the case of a credit or refund as a result of an amendment or conformation made pursuant to this paragraph, no interest shall be allowed for the period prior to the expiration of the 180th day after the date on which the claim for credit or refund is filed.

(7) If a governing instrument is amended under this paragraph, then, except as provided in paragraph (g)(8)(ii) of this section, the amount of the deduction allowable under this section

V40245 DEC 1975 D XUM

shall be the amount that equals the value of the interest which, under the rules of section 2055 (including the rules governing disclaimers) passes to, or for the use of, an organization described in section 2055(a).

(8)(i) In the case of a will executed before September 21, 1974, or a trust created (within the meaning of applicable local law) before such date and after July 31, 1969, that creates an interest for which a deduction would be allowable under section 2055(a) but for section 2055(e)(2)(A), if the date of death of the decendent is prior to January 1, 1976, and if on or before the filing date of the estate tax return (including any extension thereof)—

(A) The interest is in a charitable trust which, if a deduction under section 2055(a) had been allowed, would be in a trust described in section 4947(a)(1), or

(B) Such interest passes directly to a person or for a use described in section 2055(a) (as, for example, by reason of the termination of an intervening interest),

the governing instrument shall be treated as if it were amended or conformed pursuant to paragraph (g)(1) of this section and a deduction shall be allowed. See section 508(d)(2) and § 1.508–2(b) for the disallowance of such a deduction in the case of an interest in a trust described in section 4947(a)(1) if the governing instrument fails to meet the requirements of section 508(e) by the end of the taxable year of the trust in which the filing date of the estate tax return occurs. A governing instrument treated as amended under this subdivision (i) may not thereafter be amended. The provisions of this subparagraph shall not apply if the requirements of subdivision (A) or (B) of this subdivision (ii) are satisfied as a result of an amendment of a dispositive provision of the governing instrument occuring since the date of death of the decedent.

(ii) The amount of the deduction for a transfer which is treated under this paragraph as if it were amended will be determined as if the transfer were a charitable remainder annuity trust which provides an annuity of 6 percent of the initial fair market value payable from the date of death—

(A) In the case of a transfer providing a life estate, for the expected lives of the noncharitable beneficiaries as determined on the date of death of the decedent, or

(B) In the case of a transfer providing a term of years, for the term of years as expressed in the governing instrument, but not to exceed 20 years.

Any distributions made to a recipient from the date of death of the decedent to the date on which the transfer is deemed to be amended (i.e., the date the transfer satisfies the requirement of paragraph (g)(8)(i) of this section) must be taken into account under this subdivision (ii) in determining the amount of the deduction, to the extent that the adjustments in such distributions required by paragraph (g)(4) of this section, determined as if the charitable remainder annuity trust were deemed created at the date of death of the decedent, have not been made on or before the filing date of the estate tax return.

[FR Doc.75–34203 Filed 12–16–75;11:23 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 250]

DILIGENCE IN OUTER CONTINENTAL SHELF OIL AND GAS OPERATIONS

OCS Order and Guidelines

To insure diligence in the development and production of oil and gas resources from the Outer Continental Shelf, the regulations found in 30 CFR 250.12 have been proposed to be amended to clarify the intent of granting suspension of operations or production.

In order to implement the modified regulations, it is proposed to issue an OCS Order for each active OCS area outlining the specific requirements under which the Area Oil and Gas Supervisor may approve a suspension of production. Also, it is further proposed to provide guidelines to all Area Oil and Gas Supervisors to assure uniformity of enforcement of the provisions of the OCS Order.

Interested persons are invited to submit written comments, suggestions, and objections concerning the proposed OCS Order and guidelines to the Director, U.S. Geological Survey, National Center, Mail Stop 101, 12201 Sunrise Valley Drive, Reston, Virginia 22092, on or before January 19, 1976.

W. A. RADLINSKI,
Acting Director.

DECEMBER 12, 1975.

[FR Doc.75–34198 Filed 12–18–75;8:45 am]

[30 CFR Part 250]

OUTER CONTINENTAL SHELF

Regulation of Operations

The Department of the Interior has undertaken a complete review of applicable regulations and lease terms to determine what changes could be made to ensure that lessees show adequate diligence in the exploration, development, and production of oil and gas from OCS lands under lease.

This review indicated that the Department has sufficient authority to assure diligence on the OCS under existing regulations. However, it became apparent that clarification of some of the regulations is needed. In order to accomplish this, it is proposed to amend 30 CFR 250.12 to clarify and prescribe certain standards of conduct regarding suspensions of production of oil and gas leases in the Outer Continental Shelf. The proposed amendments: (1) formally recognize the Oil and Gas Supervisor's authority to grant a suspension of production if one is necessary to comply with provisions of the National Environmental Policy Act of 1969, 83 Stat. 852,42 U.S.C. 4321–4335, and (2) specifically provide the conditions under which an Oil and Gas Supervisor must terminate a suspension. The proposed amendments are issued pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343).

Upon adoption of the amended regulations, an OCS Order will be issued in each active OCS area to provide more specific implementation actions. To insure clarification of intent and uniformity of enforcement, guidelines further elaborating on the proposed OCS Order will be furnished to the Area Oil and Gas Supervisors.

Comments on the proposed amendment to the regulations are invited. Interested persons may submit written comments, suggestions, and objections to the Director, U.S. Geological Survey, National Center, Mail Stop 101, 12201 Sunrise Valley Drive, Reston, Virginia 22092, on or before January 19, 1976. The proposed Order and guidelines are being published concurrently as a Notice with an invitation to comment.

It is proposed that § 250.12 be amended by adding a a sentence to paragraph (d)(1) which describes those actions that will result in a termination of a suspension of operations or production in paragraph (d), and by adding a new paragraph (d)(4) which recognizes the Oil and Gas Supervisor's authority to grant a suspension of operation of production to comoly with the National Environmental Policy Act as follows:

§ 250.12 **Regulation of Operations.**

* * * * *

(d) * * *

(1) * * * A suspension of operations or production shall terminate prior to the end of the period originally granted by the Supervisor when proper development of the lease ceases to be facilitated by the suspension; or adequate transportation facilities become available to the lease; or when the circumstances which justified the granting of the suspension no longer exist.

* * * * *

(4) The Supervisor is authorized, either in writing or orally with written confirmation, to suspend any operation, including production, to facilitate the preparation of environmental impact statements or analyses or for any other purpose necessary for the implementation of the National Environmental Policy Act of 1969, 83 Stat. 852, 42 U.S.C. 4321 et seq.

It is hefeby certified that the economic and inflationary impacts of these proposals have been carefully evaluated in accordance with OMB Circular A–107.

JACK W. CARLSON,
Assistant Secretary of the Interior.

DECEMBER 12, 1975.

[FR Doc.75–34197 Filed 12–18–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

Proposed Amendment of Administrative Rules and Regulations

Notice is hereby given of a proposal to revise paragraph (a) of § 993.128 of Subpart—Administrative Rules and Regulations (7 CFR 993.101–993.174). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal was recommended by the Prune Administrative Committee and would revise some of the boundaries of the seven independent producer election districts in § 993.128(a). The districts are for the purpose of obtaining nominations for producer members to represent independent producers on the Committee. The proposal would shift Napa and Stanislaus Counties from their current districts (Districts 3 and 6, respectively) to District 4, with which they are contiguous and, for the most part, culturally similar. By making this realignment, the seven districts will have insofar as practicable, equal representation by number of independent producers and production of dried prunes by such producers as required by § 993.28.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250 not later than January 2, 1976. All written submissions made pursuant to this notice should be made in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to revise paragraph (a) of § 993.128 of Subpart—Administrative Rules and Regulations (7 CFR 933.101–993.174) to read as follows:

§ 993.128 **Nominations for membership.**

(a) *Districts.* In accordance with the provisions of § 993.28, the districts referred to therein are described as follows:

(1) *District No. 1.* That portion of Sutter County south of a line extending along Nuestro Road, easterly to the Yuba County line and westerly to the Colusa County line.

(2) *District No. 2.* The county of Butte, and all that portion of Sutter County not included in District No. 1.

(3) *District No. 3.* The counties of Del Norte, Humboldt, Lake, Marin, Mendocino, Siskiyou, Sonoma, and Trinity.

(4) *District No. 4.* The counties of Alameda, Contra Costa, Napa, San Francisco, San Mateo, Santa Cruz, Solano, Stanislaus, and that portion of Santa Clara County north of a straight line extending along Miramonte Avenue, northeasterly to the Stanislaus County line, and southwesterly to the Santa Cruz County line.

(5) *District No. 5.* The counties of Monterey, San Benito, and all that portion of Santa Clara County not included in District No. 4.

(6) *District No. 6.* The counties of Amador, Fresno, Merced, Placer, Sacramento, San Joaquin, San Luis Obispo, Tulare, Yuba, and all the counties in the area not included in Districts Nos. 1 through 5, inclusive, and in District No. 7.

(7) *District No. 7.* The counties of Colusa, Glenn, Shasta, Tehama, and Yolo.

* * * * * *

Dated: December 16, 1975.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.75–34247 Filed 12–18–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75–SO–125]

TRANSITION AREA

Notice of Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the New Port Richey, Fla., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before January 19, 1976, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The New Port Richey transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the West Pasco Airport (Lat. 28°11'15" N., Long. 83°37'50" W.).

The proposed designation is required to provide controlled airspace protection for IFR operations at the West Pasco Airport. An instrument approach procedure to the airport, utilizing the St. Petersburg VORTAC, is proposed in conjunction with the designation of the transition area. If the proposed designation is acceptable, the airport operating authorization will be changed from VFR to IFR.

Issued in East Point, Ga., on October 6, 1975.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75–34181 Filed 12–18–75;8:45 am]

[Airspace Docket No. 75–SO–154]

[14 CFR Part 71]

TRANSITION AREA

Notice of Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Manteo, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before January 19, 1976, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Manteo transition area would be designated as:

That airspace extending upwards from 700 feet above the surface within a 5-mile radius of Manteo Airport (latitude 35°55'07" N., longitude 75°41'43" W.); within 3 miles each side of the 343° bearing from the Manteo RBN (latitude 35°54'58" N., longitude 75°41'42" W.), extending from the 5-mile radius area to 8.5 miles north of the RBN.

The proposed designation is required to provide controlled airspace for IFR operations at Manteo Airport. A prescribed instrument approach procedure to this airport, utilizing the Manteo (private) nondirectional radio beacon, is proposed in conjunction with the designation of this transition area.

DEC 19 75 V 40 245 XUM

Issued in East Point, Ga., on December 4, 1975.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-34182 Filed 12-18-75;8:45 am]

[Airspace Docket No. 75-EA-75]

[14 CFR Part 71]

DESIGNATION OF TRANSITION AREA

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Berlin, N.J., Transition Area.

A new VOR instrument approach procedure has been developed for Kettlerun Airpark, Berlin, New Jersey, to provide controlled airspace for IFR arrivals and departures at Kettlerun Airpark, and will require designation of a 700-foot floor transition area.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before January 19, 1976, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Berlin, New Jersey, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Berlin, New Jersey transition area as follows:

BERLIN, N.J.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 39°49'20" N., 74°53'35" W. of Kettlerun Airpark, Berlin, N.J. and within 2 miles each side of the Millville, N.J. VORTAC 011° radial, extending from the 7-mile radius area to 13 miles north of the VORTAC.

Issued in Jamaica, N.Y., on December 3, 1975.

Sec. 307(a), the Federal Aviation Act of 1958, 72 Stat. 749 (49 .S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.75-34183 Filed 12-18-75;8:45 am]

[Airspace Docket No. 75-CE-18]

[14 CFR Part 71]

ALTERATION OF FEDERAL AIRWAY

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would cap Federal Airway V-13W at 9,000 feet MSL between Des Moines and Fort Dodge, Iowa, to accommodate operations in the Boone Military Operations Area.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief Air Traffic Division, Federal Aviation Administration, 601 E. 12th Street, Kansas City, Mo. 64106. All communications received on or before January 19, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Information Services, Attention: Public Information Center, AIS-230, 800 Independence Avenue, S.W., Washington, D.C. 20591.

The proposed amendment would cap Federal Airway V-13W at 9,000 feet MSL between Des Moines and Fort Dodge, Iowa, to accommodate operations within the Boone Military Operations Area which would be used by Iowa Air National Guard units for air combat and air intercept training.

Little or no inconvenience to en route traffic is anticipated as a result of this action. The great majority of traffic utilizing this airway operates at or below 8,000 feet MSL.

Issued in Washington, D.C., on December 15, 1975.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-34184 Filed 12-18-75;8:45 am]

[EDR-288B; Docket 28422]

CIVIL AERONAUTICS BOARD

[14 CFR Part 288]

EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Extension of Time

DECEMBER 15, 1975.

The Board, by circulation of Notice of Proposed Rulemaking EDR-288, dated October 20, 1975, published at 40 FR 49794, October 24, 1975, gave notice that it has under consideration an amendment of Part 288 of its Economic Regulations (14 CFR Part 288). The amendment would adjust the minimum rates for Logair and Quicktrans domestic cargo charters performed by air carriers for the Department of Defense and contracted for by the Military Airlift Command (MAC). Interested persons were invited to participate in the rulemaking by submission of twelve (12) copies of written data, views, or arguments to the Docket Section of the Board on or before November 24, 1975, and reply comments on or before December 9, 1975. By EDR-288A, the time for filing comments and reply comments was extended until December 8, 1975, and December 22, 1975, respectively.

By letter dated December 12, 1975, MAC has requested an additional extension of time for filing reply comments until January 5, 1976. In support of the request, MAC states that as of the date of its letter, it had not as yet received a copy of the comments filed in the proceeding by Saturn Airways, and does not expect to be in receipt of such comments before December 15 so that it would be unable to analyze the comments and prepare a response by the date reply comments are presently due. In addition, MAC requests the extension because of unexpected additional work resulting from the negotiations presently under way in the Transatlantic, Transpacific, and Latin American Service Mail Rates Investigation, Docket 26487. MAC, therefore, requests an extension of time for filing reply comments until January 5, 1976.

The undersigned finds that good cause has been shown for an extension of time for filing reply comments.

Accordingly, pursuant to the authority delegated in Section 385.20(d) of the Board's Organization Regulations (14 CFR Part 385), the undersigned hereby extends the time for submitting reply comments to January 5, 1976.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324).

[SEAL] SIMON J. EILENBERG,
Acting Associate General Counsel, Rules.

[FR Doc.75-34253 Filed 12-18-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1700]

[Petition Nos. PP 75-4, 5, 6]

HUMAN PRESCRIPTION DRUGS IN ORAL DOSAGE FORMS

Proposed Exemptions From Child Protection Packaging Requirements

The purpose of this document is to propose exempting three drug preparations (described below) from 16 CFR 1700.14(a)(10), which prescribes child-resistant packaging requirements for human prescription drugs in oral dosage forms.

BACKGROUND

In the FEDERAL REGISTER of April 16, 1973 (38 FR 9431), and under provisions of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471), the Commissioner of the Food and Drug Administration promulgated a regulation (21 CFR 295.2(a)(10)), effective April 16, 1974, establishing child protection packaging requirements for human prescription drugs in oral dosage forms. This action followed a determination that the degree or nature of hazard to children in the availability of these substances, by reason of their packaging, was such that special packaging was required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting these substances and that the required special packaging was technically feasible, practicable, and appropriate.

In the document's preamble, the Commissioner announced that he would consider requests for exemptions from the packaging requirements and, if reasonable grounds were furnished, would publish proposed exemptions in the FEDERAL REGISTER.

Effective May 14, 1973, section 30(a) of the Consumer Product Safety Act (15 U.S.C. 2079(a)) transferred functions under the Poison Prevention Packaging Act of 1970 to the Consumer Product Safety Commission.

Subsequently, on August 7, 1973 (38 FR 21247), the Consumer Product Safety Commission revised and transferred the regulations under the Poison Prevention Packaging Act of 1970 (21 CFR Part 295 became 16 CFR Part 1700). Accordingly, the exemptions proposed below involve 16 CFR 1700.14(a)(10) instead of 21 CFR 295.2(a)(10).

PETITION

On July 18, 1974, the Consumer Product Safety Commission received a petition (dated June 13, 1974) from Lederle Laboratories, Pearl River, N.Y., requesting three exemptions from the packaging requirements of § 1700.14(a)(10). Reasons given in support of the exemptions were that special packaging is unavailable and an accidental ingestion would not pose a hazard to a child.

The petitioner requests that the following be exempted:

1. *Achromycin V Pediatric Drops.* This drug is a liquid, flavored preparation for oral administration, containing 1,000 mg of tetracycline hydrochloride in a 10-cc plastic bottle with dropper fixture built into the neck finish. The company conducted acute oral toxicity studies in adult, weanling, and newborn rats to determine a median lethal dosage. Results indicated an LD50 of 3,827 mg/kg of tetracycline hydrochloride in newborn rats.

The petitioner's extrapolation of these data in rats to a 20-kg child ingesting the entire contents of one bottle results in a dosage of 50 mg/kg, which would represent one-sixtieth of the dose that caused no deaths and only minor signs of toxicity in newborn rats.

Data for children younger than 5 years of age from the National Clearinghouse for Poison Control Centers for the period 1969 through 1973 reveal 79 ingestions of the product with no hospitalizations or fatalities reported.

2. *Declomycin Pediatric Drops.* This drug is a liquid, flavored preparation containing 600 mg of demethylchlortetracycline hydrochloride in a 10-cc bottle with separate dropper.

Results of toxicity studies conducted by the company in adult, weanling, and newborn rats indicate an acute oral LD50 of 2,107 mg/kg in newborn rats. The petitioner's extrapolation of these data obtained in rats to a 20-kg child's ingestion of the entire contents results in a dosage of 30 mg/kg, which would represent one-thirtieth of the dose that caused no deaths and only minor signs of toxicity in newborn rats.

Data for children younger than 5 years of age obtained from the National Clearinghouse for Poison Control Centers for the period 1969 through 1973 reveal 55 ingestions of the product with no hospitalizations or fatalities reported.

3. *Nilstat Oral Drops.* This drug is a liquid, flavored preparation containing 4,800,000 units of nystatin in a 48-cc bottle with separate dropper.

Acute oral toxicity studies of the product conducted by the company in dosages of up to 5,000,000 units of nystatin per kg resulted in few signs of toxicity and no deaths in the tested population of adult, weanling, and newborn rats.

Data from the National Clearinghouse for Poison Control Centers for the period 1969 through 1973 reveal 63 ingestions of the product and a similar one also containing nystatin with no hospitalizations of fatalities reported.

(Copies of the petition and the briefing document thereon prepared by CPSC staff may be seen in the Office of the Secretary, 10th floor, 1750 K Street NW., Washington, D.C.)

CONCLUSIONS AND PROPOSAL

Having considered the petition, information pertinent to the requested exemptions obtained by CPSC staff, and reports from the National Clearinghouse for Poison Control Centers, and having consulted, pursuant to section 3 of the Poison Prevention Packaging Act of 1970, with the Technical Advisory Committee on Poison Prevention Packaging, established in accordance with section 6 of the act, the Consumer Product Safety Commission concludes that exemptions covering the above-described products should be proposed as set forth below.

The Commission's decision to propose the exemptions is based principally on (1) human experience data that indicate the lack of serious personal injury or serious illness involving the subject substances and (2) acute oral toxicity studies conducted in laboratory rats that demonstrate minimal toxicity for these substances.

The Commission finds no substantial basis for the petitioner's claim of special packaging unavailability since various forms of child-resistant packaging suitable for these types of containers have passed the protocol standards for testing special packaging (16 CFR 1700.20).

The Commission emphasizes that this proposal is limited to exempting only from the child-resistant packaging requirements for prescription drugs imposed by § 1700.14(a)(10) and is further limited to only those products described below.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, Pub. L. 91-601, 84 Stat. 1670-72; 15 U.S.C. 1471(4), 1472, 1474) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), Pub. L. 92-573, 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission proposes that 16 CFR 1700.14(a)(10) be amended by adding three new subdivisions (ix), (x), and (xi), as follows:

§ 1700.14 Substances requiring special packaging.

(a) • • •

(10) *Prescription drugs.* Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal law to be dispensed only by or upon oral or written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c), except for the following:

• • • • • •

(ix) Achromycin V Drops, Pediatric, containing no more than 1,000 milligrams of tetracycline hydrochloride per package and no other substances subject to special packaging requirements under this section.

(x) Declomycin Drops, Pediatric, containing no more than 600 milligrams of demethylchlortetracycline hydrochloride per package and no other substances subject to special packaging requirements under this section.

(xi) Nilstat Oral Drops, containing no more than 4,800,000 units of nystatin per package and no other substances subject to special packaging requirements under this section.

• • • • • •

Because the Commission finds merit in the petitioner's exemption requests, publication of this proposal in the FEDERAL REGISTER shall have the effect of suspending 16 CFR 1700.14(a)(10) only as it applies to the drugs described above pending review of comments and completion of action on this proposal. This proposal

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shall in no other way abrogate or restrict the special packaging requirements for human prescription oral drugs.

Interested persons are invited to submit, on or before February 17, 1976, written comments regarding this proposal. Comments received after this date will be considered to the extent practicable. Comments and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments and accompanying data may be seen in the Office of the Secretary, 10th floor, 1750 K Street NW., Washington, D.C., during working hours Monday through Friday.

Dated: December 15, 1975.

SHELDON D. BUTTS,
Acting Secretary,
Consumer Product Safety Commission.

[FR Doc.75-34192 Filed 12-18-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 20561]

CABLE TELEVISION SYSTEM

Definition of System and Creation of Classes; Extension of Time

1. The Motion Picture Association of America, Inc., (MPA) has requested a further extension of time to file reply comments in the captioned proceeding (40 FR 55868) from December 19, 1975 to January 15, 1976. By Order of November 20, 1975 we granted an earlier request for an extension of time by MPA from the original due date of November 28, 1975 until December 19, 1975.

2. In support of its instant request, MPA urges that: this proceeding encompasses four separate and complex subjects; it has taken a substantial amount of time to review and analyze the voluminous comments filed herein; MPA is losing the services of present house counsel and must retain outside counsel who will need additional time to prepare reply comments; and the Christmas-New Year's holidays permit fewer available working days for the preparation of reply comments.

3. In view of the foregoing, it appears that good cause exists for the requested time extension.

Accordingly, it is ordered, That the date for filing reply comments in the captioned proceeding is extended to January 15, 1976.

This action is taken by the Chief, Cable Television Bureau pursuant to authority delegated by § 0.288(a) of the Commission's Rules.

Adopted: December 11, 1975.

Released: December 12, 1975.

FEDERAL COMMUNICATIONS COMMISSION

[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.75-34246 Filed 12-18-75;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

[Reg. Y]

BANK HOLDING COMPANIES

Purchase or Redemption by Bank Holding Companies of Their Own Shares

The Board of Governors has become aware of a number of instances in which bank holding companies have redeemed or repurchased a substantial portion of their outstanding voting shares in connection with a transfer of control of the holding company. Typically, such cases involve closely held holding companies, and the funds used to repurchase the outstanding shares are borrowed by the holding company, either from a third party or from the selling shareholder himself. Following the repurchase or redemption, the selling shareholder transfers the few remaining shares he holds to a new purchaser for nominal or minimum consideration. The new purchaser thus acquires control of a holding company encumbered with indebtedness that substantially represents the cost of acquisition of the holding company itself.

In such cases, the repurchase or redemption of shares by the holding company serves no corporate purpose; rather, it is intended solely to facilitate a transfer of control by the controlling shareholder or shareholder group. In certain cases that have come to the Board's attention, moreover, the volume of debt incurred by the holding company involved in such a "bootstrapping" transaction has rendered the holding company insolvent or has caused it to be in unsafe or unsound condition. The Board recognizes that there are many legitimate reasons why bank holding companies may wish to repurchase or redeem their own shares, and believes that a requirement that holding companies obtain prior Board approval for all such transactions may be unduly burdensome and unnecessary to cure the "bootstrapping" problem. For this reason, the Board has determined to initiate this rulemaking proceeding to propose a requirement that bank holding companies give prior notification to the appropriate Federal Reserve Bank of an intention to repurchase or redeem shares where the consideration to be paid, when aggregated with the consideration paid for all other repurchases or redemptions during the preceding five years, would equal 10 per cent of the holding company's current net worth. The Board may, as an alternative, consider imposing such a prior notice requirement with respect to all proposed repurchases or redemptions by bank holding companies, or, alternatively, with respect to those involving the incurring of debt or a transfer of control.

Where such notice discloses that consummation of the proposed repurchase or redemption would violate applicable law or would create an unsafe or unsound condition in the holding company, the Board would, in appropriate cases, invoke its authority under the Financial Institutions Supervisory Act of 1966 (section 8 (b) of the Federal Deposit Insurance Act) to institute cease-and-desist proceedings against the company in order to prevent the repurchase or redemption.

For the foregoing reasons, the Board proposes to amend Regulation Y as follows:

Part 225 of Regulation Y is amended by adding thereto a new § 225.6, as follows:

§ 225.6 Corporate practices.

(a) *Purchase or redemption by a bank holding company of its own shares.* No bank holding company shall purchase or redeem any shares of its outstanding voting securities without giving at least 60 days prior notice thereof to its Federal Reserve Bank if the consideration to be paid for such purchase or redemption, when aggregated with the consideration paid for all other such purchases or redemptions over the preceding five-year period, would equal 10 per cent or more of said holding company's consolidated net worth as of the date of such notice. The 60-day period shall begin to run from the date such notice is received by the Reserve Bank, which shall promptly acknowledge receipt thereof in writing. Each notice filed hereunder shall furnish the following information: (1) the title of the security to be purchased or redeemed, (2) the number of shares of that security to be purchased or redeemed, the total number of such shares outstanding as of the date of the notice, and the number of all other such shares purchased or redeemed over the preceding five-year period, (3) the consideration to be paid for the shares to be purchased or redeemed, and the consideration paid for all other such shares purchased or redeemed over the preceding five-year period, (4) the date upon which or the period of time during which the purchase or redemption will occur, (5) the names of the persons from whom the shares are to be purchased or redeemed, and the names of persons from whom all other such shares were purchased, (6) if debt is to be incurred or has been incurred by the company or a subsidiary in connection with the purchase or redemption or any other such purchase or redemption over the preceding five years, a description of the terms of the debt, including the identity of the obligee, and the interest rate, maturity and repayment schedule of the debt, (7) if a transfer of control is involved, a description of the terms of the transfer, including the identity of the transferee and a copy of any agreements relating to such transfer, and (8) a current and pro forma consolidated balance sheet of the holding company. The Reserve Bank may permit a purchase or redemption to be accomplished prior to the expiration of the 60-day period if it determines that the repurchase or redemption would not constitute an unsafe or unsound practice and would not violate any applicable law, rule, regulation or order, or any condition imposed by, or written agreement with, the Board.

This notice of proposed rulemaking is issued under the authority of sections 5(b) and 5(c) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1844(c) and (d)), and section 8(b) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1818(b)).

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments in writing on the proposal and the alternatives described above, to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 15, 1976. Such material will be made available for inspection and copying upon request except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

By order of the Board of Governors, December 10, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-34228 Filed 12-18-75;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 443]

HEALTH SPAS

Extension of Time To Propose Disputed Issues of Fact on Proposed Trade Regulation Rule

Notice of opportunity to propose disputed issues of fact regarding the proposed Trade Regulation Rule concerning Health Spas was published in the FEDERAL REGISTER on August 18, 1975 (40 FR 34615). The Notice also set forth the text of the proposed rule and a statement of reason for the proposed rule.

In response to a motion by Commission staff counsel supporting the Health Spa Rule, the Presiding Officer has determined, pursuant to the authority of Section 1.13(c)(1) of the Commission's Procedures and Rules of Practice, to extend the time for proposing disputed issues of fact for a period of ninety days beyond the present closing date of December 19, 1975. Accordingly, the record in this matter will remain open for that purpose until March 18, 1976.

Proposed disputed issues of fact concerning the proposed Rule should be filed with the Special Assistant Director for Rulemaking, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

Issued: December 16, 1975.

ROGER J. FITZPATRICK,
Presiding Officer.

[FR Doc.75-34194 Filed 12-18-75;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 723, 724, 725]

[Administrative Order No. 641]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wage Rates; Notice of Hearings

1. Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR 511, I hereby appoint the following industry committees for the indicated industries:

Committee Number	*Industry*
129–A	Education industry in Puerto Rico
129–B	Hospital and related institutions industry in Puerto Rico
130	Laundry and cleaning industry in Puerto Rico

2. These industries are defined as follows:

(a) The education industry in Puerto Rico is defined as follows: The operation of preschools, elementary or secondary schools, or institutions of higher education, or schools for mentally or physically handicapped or gifted persons, regardless of whether public or private or operated for profit or not for profit: *Provided, however,* That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

(b) The hospital and related institutions industry in Puerto Rico is defined as follows: The performance of activities in connection with the operation of hospitals, nursing homes, sanitariums, rest homes, convalescent homes, and related institutions primarily engaged in the care of persons who are sick, aged, or the mentally ill or defective who reside on the premises of such institutions, regardless of whether or not such a hospital or institution is public or private or operated for profit or not for profit: *Provided, however,* That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

(c) The laundry and cleaning industry in Puerto Rico is defined as follows: Laundering, dry cleaning, and incidental work such as repair of clothing and fabrics on which such work is done and the work done in family and commercial power laundries, linen supply and industrial launderers, diaper services, self-service laundries, hand laundries, cleaning and dyeing plants, and rug cleaning and repairing plants:

Provided, however, That the industry shall not include any activities to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

3. Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene the above-appointed industry committees;

(b) Refer to the industry committees the question of the minimum rates of wages to be fixed for the above-mentioned industries in Puerto Rico;

(c) Give notice of the hearings to be held by the several committees at the times and place indicated. The committees shall investigate conditions in the industries, and the committees, or any authorized subcommittee thereof, shall hear witnesses and receive such evidence as may be necessary or appropriate to enable the committees to perform their duties and functions under the aforementioned Act.

Industry Committee No. 129–A will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 10 a.m. on Monday, March 1, 1976. Following this hearing Industry Committee No. 129–B will immediately convene to conduct its investigation and begin its public hearing.

Industry Committee No. 130 will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 10 a.m. on Monday, March 8, 1976.

The hearings will take place in the offices of the Wage and Hour Division on the seventh floor of the Condominio San Albert Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico.

4. The rate or rates recommended by the committees shall not exceed the rates prescribed by section 6(b) of the Act, namely, $2.20 an hour during the year beginning January 1, 1976, nor $2.30 an hour after December 31, 1976.

Each industry committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands or American Samoa; except that each committee shall recommend the minimum rates prescribed in section 6(b), unless there is substantial documentary evidence including pertinent unabridged profit and loss statements and balance sheets for a representative period of years which establishes that the industry or a predominant portion thereof, is unable to pay the wage.

5. Whenever an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classification, and in determining the minimum wage rates for such classifications, the industry committee shall consider, among other relevant factors, the following: (a) Competitive conditions as affected by transportation, living, and production costs; (b) wages

V 40245 DEC 19 75 XUM

established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) wages paid for work of life or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

6. The Administrator shall prepare an economic report for the industry committees containing such data as he is able to assemble pertinent to the matters referred to them. Copies of such reports may be obtained at the national and Puerto Rican offices of the Wage and Hour Division of the U.S. Department of Labor as soon as they are completed and prior to the hearings. The industry committees shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearing.

7. The procedure of industry committees shall be governed by 29 CFR Part 511. Interested persons wishing to participate in the hearings shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the first hearing date set for each committee as set forth in this notice of hearing, i.e., February 20, 1976 for matters to be considered by Industry Committees No. 129–A and 129–B; and February 27, 1976 for matters to be considered by Industry Committee No. 130.

Signed at Washington, D.C. this 16th day of December 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-34295 Filed 12-18-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

Notice of Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(1)(2), Public Law 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Advisory Committee on Voluntary Foreign Aid which will be held on January 16, 1976, from 9:30 a.m. to 12:30 p.m. and 2:00 p.m. to 4:00 p.m., in Room 5951, New State Building, 21st and Virginia Avenue NW., Washington, D.C.

The purpose of the meeting is to consider the findings, recommendations and implications of the Filer Commission Report as they relate to voluntary agencies, A.I.D. and the Advisory Committee, and such other matters related to the foreign assistance advisory concerns of the Committee as may be appropriate.

The session will be open to the public. Any interested person may attend, appear before, or file statements with the Committee in accordance with procedures established by the Committee and to the extent time available for the meeting permits. Written statements may be filed before or after the meeting.

Mrs. Harriett S. Crowley will be the A.I.D. representative at the meeting. Information concerning the meeting may be obtained from Mr. Robert S. McClusky, Telephone: AC 202-632-1892. Persons desiring to attend the meeting should enter the New State Building through the 21st Street entrance.

Dated: December 16, 1975.

HARRIETT S. CROWLEY,
Acting Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.75-34229 Filed 12-18-75;8:45 am]

[Amdt. to Delegation of Authority No. 98]

DEPUTY ADMINISTRATOR AND ASSISTANT ADMINISTRATORS

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104 of November 3, 1961, as amended, from the Secretary of State (25 F.R. 10608) and in accordance with the provisions of section 624(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2384), it is directed as follows:

In the event of the absence, death, resignation, or disability of the Administrator, the following designated officers of the Agency for International Development shall, in the order of succession indicated, act as Administrator:

(1) Deputy Administrator,

(2) Assistant Administrator for Program and Policy Coordination,

(3) Assistant Administrator for Program and Management Services,

(4) Assistant Administrator, International Development Coordination.

(5) Assistant Administrator, Bureau for Latin America,

(6) Assistant Administrator, Bureau for Near East,

(7) Assistant Administrator, Bureau for Asia,

(8) Assistant Administrator, Bureau for Africa.

This Delegation of Authority amends and supersedes Delegation of Authority No. 98 of September 28, 1973 (38 FR 27628, October 5, 1973).

This Delegation of Authority is effective immediately.

Dated: November 11, 1975.

DANIEL PARKER,
Administrator.

[FR Doc.75-34176 Filed 12-18-75;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

(APP-2-04-O:D:T VK/RF)

INDUSTRIAL VEHICLE TIRES FROM CANADA

Antidumping Proceeding Notice

On November 13, 1975, information was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26 and 153.27), indicating a possibility that industrial vehicle tires from Canada, are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 162 et seq.).

For purposes of this notice, the term industrial vehicle tires means press-on, solid, rubber tires, cured or bonded to steel base bands, used on off-the-highway work vehicles, whether or not self-propelled.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States. Available information indicates substantial declines in the ratio of profit to sales and in employment levels in the domestic industry over the period 1974–1975. Other information indicates that imports of the subject merchandise from Canada commenced in April 1975 and during the period April–October 1975 obtained 4 percent of the United States market. The share of the U.S. market held by domestic manufacturers correspondingly declined during the same period. Also information indicates that domestic manufacturers are being undersold by the Canadian exporters on most sizes of industrial vehicle tires.

Having conducted a preliminary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information from all sources is as follows: The information received tends to indicate that the prices of merchandise sold for eploration to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

DECEMBER 15, 1975.

[FR Doc.75-34186 Filed 12-18-75;8:45 am]

MELAMINE IN CRYSTAL FORM FROM JAPAN

Antidumping Proceeding Notice

On November 14, 1975, information was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating the possibility that melamine in crystal form from Japan is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

There is evidence on record concerning injury or likelihood of injury to or prevention of establishment of an industry in the United States. This information indicates that a significant increase in U.S. market share on the part of Japanese imports has occurred, while the share of the U.S. market held by domestic producers has suffered a corresponding decline. Other information indicates that the capacity utilization of the U.S. industry has declined substantially over the period CY 1974–September 1975. Also information indicates that the margin by which domestic producers are being undersold by Japanese imports would be eliminated were the price differential between prices in the Japanese home mar-

V40245 DEC 19 75 XUM

ket and for export to the United States eliminated.

Having conducted a preliminary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of price information received from all sources is as follows: The information received tends to indicate that the merchandise sold for export to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

DECEMBER 12, 1975.

[FR Doc.75-34187 Filed 12-18-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DDR&E HIGH ENERGY LASER REVIEW GROUP

Notice of Closed Meetings

Pursuant to the provisions of Section 10 of Appendix I, Title 5, United States Code, notice is hereby given that closed meetings of the DDR&E High Energy Laser Review Group will be held at 0830 on Tuesday and Wednesday, January 27 and 28, 1976, in Adelphi, Maryland. The purpose is to review matters pertaining to the Department of Defense high energy laser program.

The subject matter of the meetings is classified in accordance with subparagraph (1) of Section 552(b) of Title 5 of the U.S. Code.

MAURICE W. ROCHE,
Director, Coorespondence and Directives, OASD (Comptroller).

DECEMBER 16, 1975.

[FR Doc.75-34254 Filed 12-18-75;8:45 am]

JUSTICE DEPARTMENT

FEDERAL ADVISORY COMMITTEE ON FALSE IDENTIFICATION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 5 USC Appendix I) that the tenth meeting of the Federal Advisory Committee on False Identification will be held at 9:30 a.m., Thursday, January 8, 1976, at the Briefing and Conference Center of the Department of Justice (opposite Room 1315), 10th and Constitution Avenue, NW., Washington, D.C.

The Committee was established by the Attorney General to study the criminal use of false identification at Federal, state, and local levels and to recommend measures to prevent such use.

At the plenary session of the January 8th meeting, the Committee will begin considering possible solutions to the criminal use of false identification. A list of many potential solutions will be distributed to Committee members. This list will contain summaries of solutions, and relevant information concerning their cost, time of implementation, administrative difficulty and other data. Members will then be asked to vote to rank these solutions according to preference so that the most desirable ones may be identified for further investigation. Following the plenary session each of the Committee's five Task Forces will continue their deliberations. Each agency or organization (or individual, if applicable) which is a member of the Committee will have one vote regardless of the number of representatives it sends to the Committee's meetings. An exception will be made only in cases where such a procedure clearly would be unfair. For example, both the Passport Office and the Visa Office of the State Department will have one vote each, despite the fact that both are a part of the State Department. Similarly, both the Social Security Administration and the Division of Vital Statistics, Department of Health, Education and Welfare (HEW), will have one vote, although both are a part of HEW. Any comments on such a voting procedure or objections thereto, should be made in writing to David J. Muchow at the address below, on or before January 8, 1976. A copy of the Committee's membership list is available upon request.

The meeting, which will adjourn at approximately 2:00 p.m., is open to the public. The Committee welcomes a broad spectrum of ideas from the public to assist the Committee in its efforts to protect each citizen's right to privacy and to aid in preventing the criminal use of false identification.

Further information concerning this meeting may be obtained from David J. Muchow, General Crimes Section, Criminal Division, Department of Justice, Room 516, Federal Triangle Building, 315 9th Street, NW., Washington, D.C. 20530, telephone (202) 739-3738. Minutes of the meeting will be available for public inspection two weeks after the meeting in Room 516, Federal Triangle Building.

RICHARD L. THORNBURGH,
Assistant Attorney General.

[FR Doc.75-34195 Filed 12-18-75;8:45 am]

Law Enforcement Assistance Administration

ADVISORY COMMITTEE TO THE ADMINISTRATOR ON STANDARDS FOR THE ADMINISTRATION OF JUVENILE JUSTICE

Meeting

Notice is hereby given that the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice, a subdivision of the National Advisory Committee on Juvenile Justice and Delinquency Prevention, will meet on Thursday, January 8, 1976, at the Ramada Inn, New Orleans Airport, 1021 Airline Highway, Kenner, Louisiana. The meeting is scheduled to begin at 9:00 a.m. and will adjourn by 5:00 p.m.

Discussion will focus on draft standards concerning the jurisdiction and organization of the family court, the right of juveniles to be represented by counsel in proceedings before the family court, the appropriate delinquency jurisdiction of the Federal courts, and alternative strategies for implementing the standards on juvenile justice and delinquency prevention.

The meeting will be open to the public.

For further information, please contact: Milton L. Luger, Assistant Administrator of the Law Enforcement Assistance Administration for the Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, NW., Room 446, Washington, D.C. 20531.

GERALD H. YAMADA,
Attorney-Advisor, Office of General Counsel.

[FR Doc.75-34193 Filed 12-18-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MID-ATLANTIC OUTER CONTINENTAL SHELF OFFSHORE NEW JERSEY AND DELAWARE

Notice of Public Hearing Regarding Proposed Mid-Atlantic Oil and Gas Lease Sale Offshore New Jersey and Delaware

In accordance with 43 CFR 3301.4, a public hearing will be held beginning at 9:00 a.m., on January 27, 1976, in the Grand Ballroom of the Sheraton Deauville Hotel and Motor Inn located on Boardwalk at Brighton in Atlantic City, New Jersey, for the purpose of receiving comments and suggestions relating to a proposed Mid-Atlantic oil and gas lease sale offshore New Jersey and Delaware. The hearing will extend through January 30, 1976, if necessary.

The hearing will provide the Secretary with additional information from both public and private sectors to help evaluate fully the potential effects of the possible offering of 154 tracts on the total environment, marine resources, recreation, economic, and other resources in the Mid-Atlantic area during the exploration, development, and production phases of the leasing program.

The hearing will also provide the Secretary, under Section 102(2)(C) of the National Environmental Policy Act of 1969, with the opportunity to receive additional comments and views of interested State and local agencies.

A draft envrionmental statement concerning the proposed lease sale (OCS Sale No. 40) was made available to the public on December 10, 1975. Single copies of this statement can be obtained at the New York Outer Continental Shelf Office, Bureau of Land Management, Six World Trade Center, Suite 600D, New York, New York 10048, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environment statement are also available for review in the following public libraries: New York Public Library, 5th Avenue and 42nd Street, New York City; Nassau Library System, Garden City, Long Island, New York; Suffolk Cooperative Library System, Bellport, Long Island, New York; Free Library of Philadelphia, Logan Square, Philadelphia, Pennsylvania; Wilmington Institute Free Library and New Castle County Free Library, Wilmington, Delaware; Rehoboth Beach Public Library, Rehoboth Beach, Delaware; Enoch Pratt Free Library, Baltimore, Maryland; Eastern Shore Area Library, Salisbury, Maryland; Trenton Free Public Library, Trenton, New Jersey; Atlantic City Free Public Library, Atlantic City, New Jersey; and Norfolk Public Library System, Norfolk, Virginia.

Interested individuals, representatives of organizations, and public officials wishing to testify at the hearing are requested to contact the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, at the above address by 4:45 p.m., January 19, 1976. Written comments from those unable to attend the hearing also should be addressed to the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, at the above address. The Department will accept written testimony and comments on the draft environmental statement until February 12, 1976. This should allow ample time for those unable to testify at the hearing to make their views known and for the submission of supplemental materials by those presenting oral testimony. Time limitations make it necessary to limit the length of oral presentations to ten minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the hearing record. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

After testimony and comments have been received and analyzed, a final environmental statement will be prepared.

CURT BERKLUND,
Director, Bureau of Land Management.

Approved: December 17, 1975.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.75-34365 Filed 12-18-75;8:45 am]

Bureau of Reclamation

[INT-FES 75-102]

NUECES RIVER PROJECT, TEXAS

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Deartment of the Interior has prepared a final environmental statement for the authorized Nueces River Project, Texas.

The environmental statement concerns a water storage project for the purposes of municipal and industrial water supplies plus fish and wildlife and recreation benefits. Choke Canyon Dam would be located on the Frio River in Live Oak County, Texas.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-4991

Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234-3007.

Office of the Regional Director, Bureau of Reclamation, Herring Plaza, Box H-4377, Amarillo, Texas 79101, telephone (806) 376-2404

Austin Planning Office, Bureau of Reclamation, Post Office Box 1946, Austin, Texas 78767, telephone (512) 397-5841

Single copies of the final statement may be obtained on request to the Commissioner of Reclamation, Regional Director, or Austin Planning Officer. Please refer to the statement number above.

Dated: December 16, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-34223 Filed 12-18-75;8:45 am]

Fish and Wildlife Service

COYOTE DAMAGE CONTROL: CATTLE, SHEEP AND GOATS

Report on Emergency Use of M-44 Devices During October 1975

Notice is hereby given on the emergency use of M-44 devices by the Department of Interior's operational predator damage control program for the month of October. This use is in compliance with the experimental use permit (No. 6704-EXP-6G) issued by the Environmental Protection Agency pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (7 U.S.C. 135-135k), and in accordance with 40 CFR 162.19, as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939). This report is made pursuant to FEDERAL REGISTER notice of June 20, 1974 (39 FR 2216G).

Actual M-44 use of October 1975 is as follows:

M-44.—Emergency use, October 1975

State	Number of counties	Number of ranches	Number of cattle, sheep, and goats, protected	Number of M-44's used
Arizona	3	20	1,382	248
Nevada	1	1	1,000	39
New Mexico	12	28	15,017	952
Montana	16	26	17,282	486
Oklahoma	1	1	60	4
Oregon	7	31	2,503	166
Texas	29	131	33,823	1,294
Utah	1	3	155	30
Wyoming	2	4	2,251	76
Total	72	235	73,673	3,315

The M-44 device took 280 coyotes on 105 of 235 emergency areas. Other species taken with this device included 14 red foxes, 5 gray foxes, 5 feral dogs, 17 raccoons, 10 opossums, 4 skunks, 2 ringtails, and 1 armadillo.

All of the above use of M-44 devices as a supplemental tool to attempt to resolve coyote depredation on cattle, sheep and goats was conducted by trained Service personnel in accordance with the "Procedure For Advance Identification and Approval of Areas For the Possible Emergency Use of Sodium Cyanide Delivered by the M-44 Device for the Control of Depredating Canids", as it appears in the FEDERAL REGISTER, Volume 39, No. 120, Thursday, June 20, 1974.

GEORGE W. MILIAS,
Acting Director U.S. Fish and Wildlife Service.

DECEMBER 15, 1975.

[FR Doc.75-34175 Filed 12-18-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. N-14]

NEVADA

Application

DECEMBER 12, 1975.

Notice is hereby given that pursuant to the Act of August 11, 1955 (69 Stat. 681), as amended by the Act of September 28, 1962 (76 Stat. 654), Nevada Power Company has applied for the following power transmission line right-of-way:

Mount Diablo-Sloan Canyon 230 kV Transmission Line

Mount Diablo Substation, Section 1, T. 22 S., R. 62 E., Mount Diablo Meridian, Clark County, Nevada, to Sloan Canyon Substation, Section 36, T. 23 S., R. 62 E., Mount Diablo Meridian, Clark County, Nevada.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be granted and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 26569, Las Vegas, Nevada 89126.

[Serial No. N-15]

NEVADA

Application

DECEMBER 12, 1975.

Notice is hereby given that pursuant to the Act of August 11, 1955 (69 Stat. 681), as amended by the Act of September 28, 1962 (76 Stat. 654), Nevada Power Company has applied for the following power transmission line right-of-way:

Mount Diablo-Sloan Canyon 230 kV Transmission Line

Sloan Canyon Substation, Section 36, T. 23 S., R. 62 E., Mount Diablo Meridian, Clark County, Nevada, to Mount Diablo Substation, Section 1, T. 22 S., R. 62 E., Mount Diablo Meridian, Clark County, Nevada.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be granted and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 26569, Las Vegas, Nevada 89126.

[Serial No. N-16]

NEVADA

Application

DECEMBER 12, 1975.

Notice is hereby given that pursuant to the Act of August 11, 1955 (69 Stat. 681), as amended by the Act of September 28, 1962 (76 Stat. 654), Nevada Power Company has applied for the following power transmission line right-of-way:

Mount Diablo-Sloan Canyon 230 kV Transmission Line

Mount Diablo Substation, Section 1, T. 22 S., R. 62 E., Mount Diablo Meridian, Clark County, Nevada, to Sloan Canyon Substation, Section 36, T. 23 S., R. 62 E., Mount Diablo Meridian, Clark County, Nevada.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be granted and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 26569, Las Vegas, Nevada 89126.

[Serial No. N-17]

NEVADA

Application

DECEMBER 12, 1975.

Notice is hereby given that pursuant to the Act of August 11, 1955 (69 Stat. 681), as amended by the Act of September 28, 1962 (76 Stat. 654), Nevada Power Company has applied for the following power transmission line right-of-way:

Mount Diablo-Sloan Canyon 230 kV Transmission Line

Sloan Canyon Substation, Section 36, T. 23 S., R. 62 E., Mount Diablo Meridian, Clark County, Nevada, to Mount Diablo Substation, Section 1, T. 22 S., R. 62 E., Mount Diablo Meridian, Clark County, Nevada.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be granted and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 26569, Las Vegas, Nevada 89126.

[Serial No. N-18]

NEVADA

Application

DECEMBER 12, 1975.

Notice is hereby given that pursuant to the Act of August 11, 1955 (69 Stat. 681), as amended by the Act of September 28, 1962 (76 Stat. 654), Nevada Power Company has applied for the following power transmission line right-of-way:

Mount Diablo-Sloan Canyon 230 kV Transmission Line

Mount Diablo Substation, Section 1, T. 22 S., R. 62 E., Mount Diablo Meridian, Clark County, Nevada, to Sloan Canyon Substation, Section 36, T. 23 S., R. 62 E., Mount Diablo Meridian, Clark County, Nevada.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be granted and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 26569, Las Vegas, Nevada 89126.

[Serial No. N-19]

NEVADA

Application

DECEMBER 12, 1975.

Notice is hereby given that pursuant to the Act of August 11, 1955 (69 Stat. 681), as amended by the Act of September 28, 1962 (76 Stat. 654), Nevada Power Company has applied for the following power transmission line right-of-way:

Mount Diablo-Sloan Canyon 230 kV Transmission Line

Sloan Canyon Substation, Section 36, T. 23 S., R. 62 E., Mount Diablo Meridian, Clark County, Nevada, to Mount Diablo Substation, Section 1, T. 22 S., R. 62 E., Mount Diablo Meridian, Clark County, Nevada.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be granted and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 26569, Las Vegas, Nevada 89126.

[Serial No. N-20]

NEVADA

Application

DECEMBER 12, 1975.

Notice is hereby given that pursuant to the Act of August 11, 1955 (69 Stat. 681), as amended by the Act of September 28, 1962 (76 Stat. 654), Nevada Power Company has applied for the following power transmission line right-of-way:

Mount Diablo-Sloan Canyon 230 kV Transmission Line

Mount Diablo Substation, Section 1, T. 22 S., R. 62 E., Mount Diablo Meridian, Clark County, Nevada, to Sloan Canyon Substation, Section 36, T. 23 S., R. 62 E., Mount Diablo Meridian, Clark County, Nevada.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be granted and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 26569, Las Vegas, Nevada 89126.

[Serial No. N-21]

NEVADA

Application

DECEMBER 12, 1975.

Notice is hereby given that pursuant to the Act of August 11, 1955 (69 Stat. 681), as amended by the Act of September 28, 1962 (76 Stat. 654), Nevada Power Company has applied for the following power transmission line right-of-way:

Mount Diablo-Sloan Canyon 230 kV Transmission Line

Sloan Canyon Substation, Section 36, T. 23 S., R. 62 E., Mount Diablo Meridian, Clark County, Nevada, to Mount Diablo Substation, Section 1, T. 22 S., R. 62 E., Mount Diablo Meridian, Clark County, Nevada.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be granted and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 26569, Las Vegas, Nevada 89126.

[Serial No. N-22]

NEVADA

Application

DECEMBER 12, 1975.

Notice is hereby given that pursuant to the Act of August 11, 1955 (69 Stat. 681), as amended by the Act of September 28, 1962 (76 Stat. 654), Nevada Power Company has applied for the following power transmission line right-of-way:

Mount Diablo-Sloan Canyon 230 kV Transmission Line

Mount Diablo Substation, Section 1, T. 22 S., R. 62 E., Mount Diablo Meridian, Clark County, Nevada, to Sloan Canyon Substation, Section 36, T. 23 S., R. 62 E., Mount Diablo Meridian, Clark County, Nevada.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be granted and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 26569, Las Vegas, Nevada 89126.

[Serial No. N-23]

NEVADA

Application

DECEMBER 12, 1975.

Notice is hereby given that pursuant to the Act of August 11, 1955 (69 Stat. 681), as amended by the Act of September 28, 1962 (76 Stat. 654), Nevada Power Company has applied for the following power transmission line right-of-way:

Mount Diablo-Sloan Canyon 230 kV Transmission Line

Sloan Canyon Substation, Section 36, T. 23 S., R. 62 E., Mount Diablo Meridian, Clark County, Nevada, to Mount Diablo Substation, Section 1, T. 22 S., R. 62 E., Mount Diablo Meridian, Clark County, Nevada.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be granted and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 26569, Las Vegas, Nevada 89126.

V40245 DEC 19 75 XUM

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant:

Texas Memorial Museum, Vertebrate Paleontology Laboratory, University of Texas at Austin, Austin, Texas 78757.

Wann Langston, Jr., Director

OMB NO. 42-R1578

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
to salvage carcasses of dead or mortally injured specimens of Alligator mississippiensis in Texas for preservation for scientific purposes and to salvage from domestic zoo collections the remains of any other species of crocodilians defined as endangered or threatened species for preservation as scientific specimens

3. APPLICANT. (If new, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Wann Langston, Jr., Director
Vertebrate Paleontology Laboratory
Texas Memorial Museum
University of Texas at Austin
Route 4 Box 189
Austin, Texas 78757 (512)836-0440#253

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING

☒ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT	WEIGHT
	5'10"	175
DATE OF BIRTH	COLOR HAIR	COLOR EYES
7/10/1921	red-gray	blue
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER	
(512) 836-0440 ex.253	444-28-7214	

OCCUPATION
Museum Director-Research Scientist

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Texas Memorial Museum, an administrative unit of The University of Texas at Austin

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
N/A

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. N/A

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Salvage collecting throughout the State of Texas; collection will be housed at the Vertebrate Paleontology Laboratory of the Texas Memorial Museum in Austin

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of documents)
Texas permits contingent upon receipt of federal permit (alligators only). Attachment 1.

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
not required

10. DESIRED EFFECTIVE
10/15/75 or earlier

11. DURATION NEEDED
two years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Attachment 2 [50 CFR #17-22]

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Wann Langston Jr. DATE August 13, 1975

3-200 (6/74)

Wann Langston, Jr.,

TEXAS MEMORIAL MUSEUM—THE UNIVERSITY OF TEXAS AT AUSTIN

Balcones Research Center, Bldg. #6, Route 4, Box 189, Austin, Texas 78757.

August 13, 1975.

MR. GENE HESTER/*Permits, U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036.*

DEAR MR. HESTER: Herewith is the application for a permit to salvage alligator specimens in Texas which you were kind enough to discuss with me during my recent visit to Washington. As I read the instruction sheet (FS-9 Act. 74) other crocodilians can be included in this single application, although the primary purpose is to obtain a permit for alligators. I have accordingly added the taxa of crocodilians which appear on page 2 of 50 CFR 17 (subpart B). It is my impression, however, that other crocodilians, especially the American crocodile (*Crocodylus acutus*) are classed as endangered, but I fail to find these on the lists available to me. As it is hoped that this institution may act as a depository for specimens of all crocodilian species that may become available as salvage specimens, if there is in fact a more extensive list, I should like to have a copy, so that I can apply for additional permits if required.

I presume that since this permit is for scientific research no fee will be charged.

I hope the accompanying material is in order, but should you have questions that can be cleared up by phone, please call me at (512) 836-0440 ext. 253.

I enjoyed our brief conversation, which clarified a number of questions that had been bothering me. Thanks for your time.

Sincerely yours,

WANN LANGSTON, JR.,
Director, Vertebrate Paleontology Laboratory.

ATTACHMENT 1

ITEM #8 (Form 3-200). The State of Texas currently requires a permit to collect and hold living or dead specimens of *Alligator mississippiensis*. This permit may be issued only if a required federal permit has been granted (state permits are issued only to individuals). I have discussed the possibility that a federal permit may not be required under P.L. 93-205 to engage in salvage of dead or dying animals inside the State of Texas, but I am informed that the State Attorney General has ruled that a federal permit is necessary in any case. The Texas Fish and Wildlife Department is willing to cooperate with us in all respects once the necessary permits are in hand. Upon receipt of the federal permit, I will apply for the required Texas documents. These provisions apply only to the American alligator, no state permit being required for salvage of zoo specimens of other species.

ATTACHMENT 2

ITEM #12 (Form 3-200). Reference 50 CFR #17-22.

17-22(1). This application requests permission to salvage specimens of the American alligator (*Alligator mississippiensis*), a threatened and endangered species. Owing to the accidental and uncertain occurrences of salvage specimens, it is impossible to estimate the number or condition of specimens to be obtained. Since this is a conservation practice, it is hoped to accumulate as many specimens as possible.

17-22(2). A salvage specimen is an animal already dead by natural or accidental causes either in the wild or in captivity.

17-22(3). This application does not anticipate removal of living wildlife from its natural habitats or from zoo collections, so 17-22(3) does not apply.

17-22(4). As the permit would include captive animals in zoos, the origin of the individuals includes the total range of *A. mississippiensis*. It should be noted, however, that the geographic origin of such animals is usually uncertain or unknown prior to 1973.

17-22(5). Specimens obtained under this permit will be permanently preserved either as wet preservations or skeletal preparations by the Texas Memorial Museum, an administrative unit of The University of Texas at Austin. The specimens will be located at the Museums Vertebrate Paleontology Laboratory which is situated at the University's Balcones Research Center. The address of the Laboratory is Route 4, Box 189, Austin, Texas 78757.

The Vertebrate Paleontology Laboratory maintains the largest comparative osteological research collection of extant species in the south-central U.S. The collection now numbering about 3,650 catalogued specimens with essential data is actively curated and professionally supervised according to currently accepted standards of systematics collection management. Specimens in the collection are available for study by qualified researchers, are used in class demonstrations at the University and where wet preservations are involved, may be used for dissection in anatomical studies.

17-22(6). Live material is not to be covered by this permit, so 17-22(8) does not apply.

17-22(7). There are no contracts relating to the subject of this application. I am assured of the full cooperation of the Texas Parks and Wildlife Department (see copy of letter attached). The Department will issue a Texas permit to collect and keep salvage specimens once a federal permit has been obtained. They will notify the Laboratory when specimens are discovered and will deliver carcasses to the Laboratory when convenient.

17-22(8). Salvage specimens become available from time to time but there is at present no program for preserving their remains for scientific research; salvable specimens in Texas are simply being destroyed. However, since the alligator is a threatened species in Texas, it is important to insure the preservation of as large a sample as possible (there is at present no significant statistical sample of preserved material at any museum in the state). It is by analyses and comparisons of large samples of crocodilians that the paleontologist (for example) can have a better basis for inferences about extinct crocodilians.

To be included under this permit are also certain other species of crocodilians classed as endangered. Only specimens which die in captivity are involved. These include the following: Crocodile, Cuban (*Crocodylus rhombifer*), Crocodile, Morelet's (*C. moreletti*), Crocodile, Nile (*C. niloticus*), Crocodile, Orinoco (*C. intermedius*), Gavial (*Gavialis gangeticus*), Yacare (*Caiman yacare*). Zoo mortality in these species is apparently not very high, but when a death occurs, it is important to have a valid permit to conserve the remains before they are destroyed.

Addendum to Application for Federal Fish and Wildlife Permit to salvage specimens of *Alligator mississippiensis* and other threatened or endangered species of crocodiles. [50 CFR 17.22(a)(8)(iii)]

The proposed salvage operations will over the years provide a pool of statistical material of *Alligator mississippiensis* and other species of crocodilians. The statistical data will provide a better idea of morphological variability in the species than now exists. Such data can be expected to contribute to the solution of systematic questions concerning the possible existence of morphologically definable populations in the American alligator. These data will also provide a useful guide to the estimation of variability in extinct crocodilian populations which is of great importance to paleontologists.

Specimens which are suitable may be used in studies of the gross anatomy of crocodilians with a view to learning more about the functional morphology of the species and by inference adding to the overall body of knowledge about extinct crocodilians.

Stomach contents, when available in carcasses, will provide additional information on the relationship between individual size, seasonality, and preferred diet of *Alligator mississippiensis* in the wild.

The essential need now is to preserve specimens (see 50 CFR 17.22(c)(3)) so that these will be available for scientific research in the future.

WANN LANGSTON, JR.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before January 19, 1976, will be considered.

Dated: December 15, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-34301 Filed 12-18-75;8:45 am]

OUTER CONTINENTAL SHELF

Guidelines to OCS Order No. 14

Introduction. The purpose of OCS Order No. "14" is to assure diligence in the development of the OCS's natural resources by allowing limited suspensions of operations or production while the operator is waiting for the installation of equipment or granting of permits necessary for the production or transportation of oil and gas from a lease. The standards in the Order are to be strictly applied, and a suspension should be granted only if the supervisor is satisfied that it will promote the development of the lease.

Although the supervisor may approve a request for suspension on several separate grounds, it is not intended that separate suspensions should be granted each time an operator meets the requirements of a separate category. For example, if an operator is waiting for equipment, but will also need a permit, whenever possible he should be required to do both at the same time, and should not get separate or successive suspensions for each.

Some of the types of factors that reflect on the operator's good faith and his actions to expedite production from the lease are listed below. These and other similar factors should be considered by the supervisor when he decides whether to grant a suspension request.

For ease of reading, the relevant part of the draft Order is repeated within quotation marks, before the associated guidelines are presented.

SUSPENSIONS OF PRODUCTION TO FACILITATE PROPER DEVELOPMENT

A. . . . is waiting for completion of drilling platform construction and installation or delivery of equipment or facilities which are necessary for production and for which the lessee has signed a contract that specifies a delivery date; or

Guidelines. 1. Incomplete construction, or undeliverd equipment or facilities, is not by itself sufficient justification for granting a suspension. The operator shall show to the satisfaction of the supervisor:

(a) that the undelivered or incompletely installed equipment is essential for producing oil and gas from the lease; and

(b) that the operator has made a timely and diligent effort to obtain the equipment;

(c) that the delivery or completion date in the contract is reasonable. To decide whether the time for delivery or completion stated in the contract is reasonable, the supervisor should compare it with the time needed to perform similar contracts. Of course, he shall also consider any other information that may aid him in making his determination.

2. As a condition for the suspension, the supervisor shall require the operator to continue doing any useful activity that will promote the early production of oil and gas from lease.

B. has pending before any Federal, State or local government authority, an application for a permit which is necessary before the lessee can produce oil or gas from the lease; or

Guidelines. 1. When granting suspensions under this provision it is important for the supervisor to be sure the provision is not being abused. The operator must show to the satisfaction of the supervisor that a bona fide application with a reasonable chance of success is involved. Successive applications made within a short period of time on the same or nearly the same terms as applications for permits or prices previously denied should not, for example, be considered bona fide applications.

2. Whenever possible, if more than one permit or license is necessary before the lessee can produce from the lease, the supervisor shall require that the operator submit all of the applications at the earliest possible time. Separate consecutive suspensions should not normally be granted for different applications when such applications can be acted upon during a single suspension period.

3. If other useful activity can be performed while the application is under review, and the investment in that activity will not be lost if the application is not granted, the supervisor should require that the useful activity be continued while the permit application is pending.

C. has submitted to the Department of the Interior a development plan or unitization agreement for the lease and is waiting for the Department to complete action on the plan or agreement; or

Guidelines. 1. The operator must show to the satisfaction of the supervisor that a bona fide application or agreement with a reasonable chance of success is involved.

2. If other activity can be done while the permit application is under review, and the investment in such activity will not be lost if the permit is not granted, the supervisor shall require that the useful activity be continued while the permit application is pending.

D. has submitted to the Department of the Interior and is actually conducting a geological and geophysical exploration or development program that includes drilling to develop sufficient reserves to produce either from the lease alone or in connection with other leases. For purposes of receiving a suspension under this provision, drilling activity on one lease may be determined by the supervisor to be activity on all leases which are to be considered as a unit for purposes of providing sufficient reserves to establish economic justification for the construction

V40245 DEC 19 75 XUM

of a pipeline necessary to transport such reserves from the subject leases.

Guidelines. 1. The purpose of this provision is to allow a suspension of a lease while the lessee is actively attempting to prove up enough reserves to justify a pipeline. To grant a suspension under these conditions, the supervisor shall require a report from the lessee showing:

(a) the specific leases to be considered as a unit for purposes of justifying the construction of a pipeline.

(b) the quantity of reserves already found on each lease.

(c) the minimum quantity of reserves required to justify the pipeline.

(d) an economic analysis showing how the estimated minimum quantity of reserves was determined and the assumptions used in arriving at the determination.

2. Mere proposals for further exploration do not meet the requirements of this section.

SUSPENSION OF PRODUCTION BECAUSE OF LACK OF TRANSPORTATION FACILITIES

A. . . . is waiting for the completion of pipeline construction, or delivery of pipeline equipment or facilities which are necessary for the transportation of oil and gas and for which the lessee has signed a contract that specifies the completion or delivery date, or

Guidelines. 1. An incomplete pipeline or undelivered equipment or facilities is not by itself sufficient justification for granting a suspension. The operator shall show to the satisfaction of the supervisor:

(a) that the undelivered or incompletely installed equipment is essential for producing oil and gas from the lease; and

(b) that the operator has made a timely and diligent effort to obtain the equipment; and

(c) that the delivery or completion date in the contract is reasonable. To decide whether the time for delivery or completion stated in the contract is reasonable, the supervisor should compare it with the time needed to perform similar contracts. He should also consider any other information that may aid him in making this determination.

2. As a condition for the suspension, the supervisor shall require the operator to continue doing any activity that will promote the early production of oil and gas from the lease.

B. . . . has pending before any Federal, State, local government authority an application or a permit which is necessary before the lessee can transport oil and gas from the lease, or

1. The operator must show to the satisfaction of the supervisor that a bona fide application with a reasonable chance of success is involved. Successive applications made within a short period of time on the same or nearly the same items as applications for permits or prices previously denied should not, for example, be considered bona fide applications.

2. Whenever possible, if more than one permit or license is necessary before the lessee can produce from the lease, the supervisor shall require that the operator submit all of the applications at the earliest possible time. Separate consecutive suspensions should not normally be granted for different applications can be acted upon during a single suspension period.

3. If other useful activity can be performed while the application is under review, and the investment in that activity will not be lost if the application is not granted, the supervisor should require that the useful activity be continued while the permit application is pending.

C. . . . has a contract to use an existing pipeline, but is unable to use the pipeline for reasons beyond the lessee's control.

Guidelines. 1. The operator must show that he has not caused or contributed to his inability to use the pipeline. Suspension of rights to operate by State agencies or acts of God may justify a suspension under this section.

2. If a suspension is granted, the supervisor shall require the operator to seek alternative means of transportation.

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
CONSERVATION DIVISION

OCS ORDER NO. 14

EFFECTIVE ----------

APPROVAL OF SUSPENSIONS OF PRODUCTION

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.12(d).

If the supervisor in his discretion approves a request for suspension of production pursuant to 30 CFR 250.12(d) (i) and (ii), the terms of the lease will not be deemed to expire as long as the suspension remains in effect.

The supervisor may not approve a request for a suspension to facilitate proper development or for lack of transportation facilities unless he is satisfied that the lessee: (1) has made the request in good faith; and (2) is taking and will continue to take all reasonable actions to expedite the production of oil and gas from the lease.

1. *Suspension of Production to Facilitate Proper Development.* A lease on which a well has been drilled and determined by the supervisor to be capable of being produced in paying quantities according to the provisions of OCS Order No. 4 and thereafter temporarily abandoned or permanently plugged and abandoned is being properly developed if the lessee:

A. Is waiting for completion of drilling platform construction and installation, or delivery of equipment or facilities which are necessary for production and for which the lessee has signed a contract that specifies a delivery date; or

B. Has pending before any Federal, State, or local government authority, an application for a permit which is necessary before the lessee can produce oil or gas from the lease; or

C. Has submitted to the Department of the Interior a development plan or unitization agreement for the lease and is waiting for the Department to complete action on the plan or agreement; or

D. Has submitted to the Department of the Interior and is actually conducting a geological and geophysical exploration or development program, that includes drilling to develop sufficient reserves to produce either from the lease alone, or in connection with other leases. For purposes of receiving a suspension under this provision, drilling activity on one lease may be determined by the supervisor to be activity on all leases which are to be considered as a unit for purposes of providing sufficient reserves to establish economic justification for the construction of a pipeline necessary to transport such reserves from the subject lease.

2. *Suspension of Production Because of Lack of Transportation Facilities.* A lease on which a well has been drilled and determined by the supervisor to be capable of being produced in paying quantities, according to the provisions of OCS Order No. 4, and thereafter temporarily abandoned or permanently plugged and abandoned, cannot be produced because of lack of transportation facilities if the lessee:

A. Is waiting for the completion of pipeline construction, or delivery of pipeline equipment or facilities which are necessary for the transportation of oil and gas and for which the lessee has signed a contract that specifies the completion or delivery date; or

B. Has pending before any Federal, State, or local government authority an application or a permit which is necessary before the lessee can trasport oil and gas from the lease; or

C. Has a contract to use an existing pipeline, but is unable to use the pipeline for reasons beyond the lessee's control.

Oil and Gas Supervisor

Approved: December 12, 1975.

EDDIE R. WYATT,
Acting Chief, Conservation Division.

[FR Doc.75-34199 Filed 12-18-75;8:45 am]

INDIANA DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 10:00 a.m., CST, on Friday, January 16, 1976,, at the Red Lantern Inn Banquet Room, Lake Front Drive, Beverly Shores, Indiana.

The Commission was established by Public Law 89-761 to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. William L. Lieber (Chairman)
Mrs. Anna R. Carlson
Mr. Harry W. Frey
Mrs. Ione F. Harrington
Mr. John A. Hillenbrand II
Mr. Harold G. Rudd
Mr. John R. Schnurlein
Mr. George H. Williams (Secretarial Consultant)

Matters to be discussed at this meeting include:

1. Status of Lakeshore construction contracts.

2. Status of Congressional legislation on expansion of Indiana Dunes National Lakeshore.

3. Plans for dedication of West Beach facilities.

4. State Park/Lakeshore joint ventures.

5. Coordination between State of Indiana, city of Gary, Northwestern Indiana Regional Planning Commission and National Park Service regarding West Beach facilities relating to the problem of egress and ingress.

6. Bicentennial comprehensive plan and status.

7. Land Acquisition Report.

The meeting will be open to the public. It is expected that about 90 persons will be able to attend the session in addition to commission members. Interested persons may make written statements. Such requests should be made to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, Route 2, Box 139-A. Chesterton, Indiana 46304, telephone area code 219, 926-7561.

Minutes of the meeting will be available for public inspection three weeks after the meeting at the office of the Indiana Dunes National Lakeshore located at the intersection of State Park Road and U.S. Highway 12 (Kemil Road), Chesterton, Indiana.

MERRILL D. BEAL,
Regional Director, Midwest Region, National Park Service.

Dated: December 9, 1975.

[FR Doc.75-34232 Filed 12-18-75;8:45 am]

PEAKS OF OTTER SEWAGE TREATMENT, BLUE RIDGE PARKWAY, VA.

Notice of Informal Public Meeting

Due to the failure of present sewage treatment measures to meet Environmental Protection Agency requirements, the National Park Service has scheduled a public meeting for the purpose of identifying viable alternative sewage treatment methods and their respective impacts on the human environment at the Blue Ridge Parkway's Peaks of Otter Recreation Area, Milepost 86, near Bedford, Virginia.

National Park Service representatives will be available at the Bedford Municipal Building on January 13 and 14, 1976, between the hours of 10 a.m. and 8 p.m. for the purpose of receiving comments and recommendations from interested citizens. Preparation of an environmental assessment and determination whether an environmental impact statement will be required will follow this public consultation.

A summary of preliminary data and identified alternatives is available upon request from the Superintendent, Blue Ridge Parkway, P.O. Box 7606, Asheville, North Carolina 28807.

Dated November 25, 1975.

ROBERT STANTON,
Acting Regional Director, Southeast Region.

[FR Doc. 75-34230 Filed 12-18-75;8:45 am]

[INT-FES-75-103]

JENSEN UNIT, CENTRAL UNIT PROJECT

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement concerning the Jensen Unit, Central Utah Project. The project would develop water for irrigation in the vicinity of Jensen, Utah, and municipal water to augment existing supplies to Vernal and other nearby northeastern Utah towns in Ashley Valley.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240 Telephone (202) 343-4991

Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225 Telephone (303) 234-3006

Office of the Regional Director, Bureau of Reclamation, Federal Building, 125 South State Street, Salt Lake City, Utah 84111 Telephone (801) 524-5404

Utah Activities Office, P.O. Box 1338, 168 West 100 North, Provo, Utah 84601 Telephone (801) 374-7222

Single copies of the final environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: December 16, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-34222 Filed 12-18-75;8:45 am]

Office of the Secretary

[INT DES 75-64]

PROPOSED DOLORES NATIONAL WILD AND SCENIC RIVER, COLORADO

Notice of Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, the Bureau of Outdoor Recreation and the Forest Service have prepared a draft environmental statement for the proposed Dolores National Wild and Scenic River in Colorado.

The environmental statement considers the probable impact of establishing a segment of the Dolores River as a component of the National Wild and Scenic Rivers System.

Comments are invited and should be submitted to the Regional Director, Bureau of Outdoor Recreation, Post Office Box 25387, Denver Federal Center, Denver, Colorado 80225, within 45 days. Copies of the draft statement are available for inspection at the following locations:

Office of Information, Bureau of Outdoor Recreation, Room 4427, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-5726

Office of Information, Forest Service, Room 3219, Department of Agriculture (South Bldg.), Washington, D.C. 20250, Telephone (202) 447-3760

Office of Regional Director, Bureau of Outdoor Recreation, Denver Federal Center, P.O. Box 25387, Denver, Colorado 80225, Telephone (303) 234-2634

U.S.D.A., Forest Service, Rocky Mountain Region, 11177 West 8th Avenue, Lakewood, Colorado 80225, Telephone (303) 234-3711

Colorado State Clearinghouse, Division of Planning, 615 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203

Areawide Clearinghouse, District 10 Regional Planning Commission, 107 South Cascade, Box 341, Montrose, Colorado 81401

Areawide Clearinghouse, Colorado West Council of Governments, 1400 Access Road, P.O. Box 341, Rifle, Colorado 81650

Durango Public Library, 1188 2nd Avenue, Durango, Colorado 81301

Dolores Public Library, 420 Central Avenue, Dolores, Colorado 81323

Dolores County Library, Dove Creek High School, Dove Creek, Colorado 81324

Cortez Public Library, 700 E. Montezuma Avenue, Cortez, Colorado 81321

Grand Junction—Mesa County Public Library, 521 White Avenue, Grand Junction, Colorado 81501

Denver Public Library, Conservation Library, 1357 Broadway, Denver, Colorado 80203

U.S. Forest Service, San Juan National Forest Headquarters, Oliger Building, 1474 Main Street, Durango, Colorado 81301

Bureau of Land Management, District Office, Highway 550 South, Montrose, Colorado 81401

San Miguel County Courthouse, 315 W. Colorado Avenue, Telluride, Colorado 81435

Grand County Courthouse, 125 E. Center Street, Moab, Utah 84532

Utah State Clearinghouse, Utah State Planning Coordinator, 118 State Capitol Building, Salt Lake City, Utah 84114

Southeastern Utah Association of Governments, 109 South Carbon Avenue, Price, Utah 84501

Single copies are available to the public and may be obtained by writing to the Regional Director, Bureau of Outdoor Recreation, Post Office Box 25387, Denver Federal Center, Denver, Colorado 80225. Please refer to the statement number shown above.

Dated: December 16, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-34224 Filed 12-18-75;8:45 am]

[INT DES 75-61]

MASTER PLAN FOR UPPER ST. CROIX NATIONAL SCENIC RIVERWAY, MINNESOTA AND WISCONSIN

Notice of Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a master plan for Upper St.

V40245 DEC 19 75 XUM

Croix National Scenic Riverway, Minnesota and Wisconsin.

The statement considers the management and use of Upper St. Croix National Scenic Riverway, Minnesota and Wisconsin.

Written comments on the environmental statement are invited and will be accepted for a period of forty-five (45) days following publication of this notice. Comments should be addressed to the Superintendent, Upper St. Croix National Scenic Riverway.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102
Minnesota-Wisconsin Boundary Commission, 619 Second Street, Hudson, Wisconsin 54016
Superintendent, St. Croix National Scenic Riverway, P.O. Box 579, St. Croix Falls, Wisconsin 54024

Dated: December 11, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-34231 Filed 12-18-75;8:45 am]

DEPARTMENT OF AGRICULTURE

[Designaiton Number A275]

Farmers Home Administration

WASHINGTON

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Chelan County, Washington, as a result of a severe hailstorm and cloudburst July 7, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Daniel J. Evans that such designation be made.

Applications for Emergency loans must be received by this Department no later than February 9, 1976, for physical losses and September 9, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 12th day of December, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-34206 Filed 12-18-75;8:45 am]

Forest Service

[Region 3]

COCONINO NATIONAL FOREST ADVISORY COMMITTEES

Notice of Meeting

The GRAZING ADVISORY BOARD COMMITTEE will meet at the Holiday Inn, Flagstaff, Arizona, on January 21, 1976.

The purpose of this meeting is:

1. Selection of Chairman
2. Review and adoption of new By-Laws
3. Reduction of permitted livestock on the Boynton Canyon Allotment
4. General

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor's Office, Telephone 774-5261, Ext. 1400.

The committee has established the following rules for public participation:

The meeting is open to all grazing permittees and the general public.

WILLIAM L. HOLMES,
Acting Forest Supervisor.

DECEMBER 12, 1975.

[FR Doc.75-34284 Filed 12-18-75;8:45 am]

PROPOSED DOLORES NATIONAL WILD AND SCENIC RIVER

Notice of Availability of Draft Environmental Statement

CROSS REFERENCE: For a document issued jointly by the Forest Service, Department of Agriculture, and the Department of the Interior on the subject of the proposed Dolores National Wild and Scenic River, see FR Doc. 75-34224 appearing in the notices section of this issue under the Office of the Secretary, Department of the Interior.

[Department Organization Order 10-3]

DEPARTMENT OF COMMERCE

ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS

Organization

This order effective November 17, 1975 supersedes the materials appearing at 39 FR 27484 of July 29, 1974, 40 FR 12534 of March 19, 1975, and 40 FR 42765 of September 16, 1975.

Section 1. Purpose.—.01 This order prescribes the scope of authority of the Assistant Secretary for Domestic and International Business and prescribes the general functions of the Domestic and International Business Administration (DIBA). The organizational structure of DIBA and the assignment of functions therein are prescribed in Department Organization Order 40-1.

.02 This revision incorporates the provisions of previous amendments; reflects the establishment of the position of Deputy Assistant Secretary for Field Operations (subparagraph 3.03f.); restores a delegation inadvertently omitted (subparagraph 4.01 l.); delegates to the Assistant Secretary for Domestic and International Business certain of the Secretary's authorities under the Trade Act of 1974 and Executive Order 11846 (subparagraphs 4.01y. and 4.01z.); and deletes the delegation with respect to adjustment assistance certification of firms and communities and studies and information activities under Section 264 of the Trade Act of 1974.

Section 2. Administrative designation.—The position of Assistant Secretary of Commerce, established by Public Law 80-191 (15 U.S.C. 1505), shall continue to be designated the Assistant Secretary for Domestic and International Business. The Assistant Secretary is appointed by the President by and with the advice and consent of the Senate.

Section 3. Scope of Authority.—.01 The Domestic and International Business Administration is hereby continued as a primary operating unit of the Department of Commerce.

.02 The Assistant Secretary for Domestic and International Business shall be the head of the Domestic and International Business Administration.

.03 The Assistant Secretary for Domestic and International Business shall be assisted by the *Deputy Assistant Secretary for Domestic and International Business* who shall perform such duties as the Assistant Secretary shall assign, and shall assume the duties of the Assistant Secretary during the latter's absence. In addition, the Assistant Secretary shall be assisted by the following DIBA officials in carrying out his responsibilities:

a. The *Deputy Assistant Secretary for International Economic Policy and Research.*

b. The *Deputy Assistant Secretary for Domestic Commerce.*

c. The *Deputy Assistant Secretary for International Commerce* who shall also be the *National Export Expansion Coordinator.*

d. The *Deputy Assistant Secretary for Resources and Trade Assistance.*

e. The *Deputy Assistant Secretary for East-West Trade.*

f. The *Deputy Assistant Secretary for Field Operations.*

Section 4. Delegation of Authority. .01 Pursuant to the authority vested in the Secretary of Commerce, and subject to such policies and directives as the Secretary may prescribe, the Assistant Secretary, DIB, is hereby delegated the authority of the Secretary of Commerce under:

a. The Act of February 14, 1903 (15 U.S.C. 1512 et seq.; 15 U.S.C. 171 et seq.) as amended, to foster, promote, and develop the foreign and domestic commerce of the United States, and related provisions;

b. The Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), conferred on the Secretary under Executive Order 10480, dated August 14, 1953, as amended, including authority to issue or modify orders restricting surface

transportation and discharge of certain commodities or for the prohibition of movement of American carriers to certain designated destinations, which authority has heretofore been implemented by the issuance of Transportation Orders T-1 and T-2, except the authority to create new agencies within the Department of Commerce;

c. Headnote 2, subpart B, part 6, schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) relating to the development, maintenance, and publication of a list of bona fide motor-vehicle manufacturers, and authority to promulgate rules and regulations pertaining thereto under Section 501(2) of Title V of the Automotive Products Trade Act of 1965 (19 U.S.C. 2031);

d. Executive Order 11490 of October 28, 1969, as it relates to the development of national emergency preparedness plans and programs concerning production functions and to the regulation and control of exports and imports under the jurisdiction of the Department, in support of national security, foreign policy, and economic stabilization objectives;

e. The National Security Act of 1947 (50 U.S.C. 401 et seq.), as amended, as it relates to mobilization preparedness responsibilities assigned thereunder;

f. The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h), as amended, with respect to the acquisition of stocks of materials for defense purposes;

g. Executive Order 11179 of September 22, 1964, as amended by Executive Order 11725 of June 27, 1973, with respect to the establishment and training of the National Defense Executive Reserve;

h. Executive Order 10421 of December 31, 1952, providing for the physical security of facilities important to the national defense;

i. The Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 et seq.), and Section 302 of Executive Order 10973 of November 3, 1961, issued pursuant thereto, relating to drawing the attention of private enterprise to investment opportunities abroad;

j. The delegation of authority, dated June 25, 1962, from the United States Information Agency under Section 5(e) of Executive Order 11034 of June 25, 1962, as amended by Executive Order 11380 of November 8, 1967, insofar as said delegation pertains to U.S. participation in trade missions abroad under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.);

k. The Act of October 18, 1962, as amended (46 U.S.C. 1122b), which authorized mobile trade fairs;

l. The China Trade Act of 1922, as amended (15 U.S.C. 141 et seq.), and Section 941 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 941), as it relates to certification of special dividend distributions.

m. Section 4221 of the Internal Revenue Code of 1954, as amended, and the Tariff Act of 1930, as amended (19 U.S.C. 1309), insofar as they relate to findings with respect to exemptions from taxes and import duties on supplies and equipment for aircraft;

n. Section 402 of the Act of June 30, 1949 (40 U.S.C. 512) as it relates to the authority of the Secretary of Commerce with respect to the importation of foreign excess property, Section 601 of the Act of June 30, 1949 (40 U.S.C. 473) relating to the importation into the U.S. of surplus property sold in foreign areas before July 1, 1949, as delegated to the Secretary of Commerce pursuant to F.L.C. Reg. 8 (44 CFR 308.15);

o. The Educational Scientific and Cultural Materials Importation Act of 1966 (19 U.S.C. 1202);

p. Headnote 6(d) of Schedule 7, part 2, subpart E of the Tariff Schedule of the United States (19 U.S.C. 1202), added by Public Law 89-805, pertaining to the allocation of quotas for duty-free importation into the customs territory of the United States of watches and watch movements, among producers located in the Virgin Islands, Guam, and American Samoa, respectively;

q. The Export Administration Act of 1969 (50 U.S.C. App. 2401 et seq.), as amended, and extended by the Equal Export Opportunity Act (Public Law 92-412, 86 Stat. 644), and the Export Administration Act Amendments of 1974 (Public Law 93-500, 88 Stat. 1552) and the authority under those Acts delegated to the Secretary of Commerce by Executive Order 11533 of June 4, 1970, as continued in effect by Executive Orders 11683 of August 29, 1972, 11798 of August 14, 1974, and 11818 of November 5, 1974, except that the following power, authority, and discretion shall be reserved to the Secretary:

1. The determinations required by section 7(c) with respect to the publication or disclosure of confidential information obtained under the provisions of the Act, and

2. The submission of reports to the President and to the Congress required by Section 10 of the Act;

r. Executive Order 10978 of December 5, 1961 regarding the Presidential "E" Award, "E" Certificate of Service, and "E Star" Award, except final selection of recipients;

s. Executive Order 11322 of January 5, 1967, and Executive Order 11419 of July 29, 1968, as they relate to the exportation from the United States of commodities and products to or on behalf of Southern Rhodesia.

t. Executive Order 11651 of March 3, 1972, regarding Textile Trade Agreements;

u. The Act of October 27, 1972 (Public Law 92-598; 84 Stat. 271) relating to the participation of the U.S. in the International Exposition on the Environment to be held in Spokane, Washington, in 1974;

v. The Foreign Investment Study Act of 1974 (Public Law 93-479, 88 Stat. 1450), which provides for a comprehensive, overall study of foreign direct investments in the United States. The functions thereunder shall be carried out in close coordination with the Bureau of Economic Analysis (Department Organization Order 35-1A, subparagraph 3.01 d.), including thereunder to the extent feasible the division or assignment of responsibilities. Any regulations established to carry out functions under the Act and reports to be submitted to the Congress are to be issued by the Secretary;

w. Section 6 of the Federal Water Pollution Control Act amendments of 1972 (Public Law 92-500; 86 Stat. 816; 33 U.S.C. 1251 nt. (Supp. III 1973)) relating to the preparation of a report from the Secretary of Commerce to the President and to the Congress on the effects of pollution abatement on international trade;

x. Executive Order 11858, of May 7, 1975, relating to foreign investment in the United States;

y. Sections 135 and 104 of the Trade Act of 1974 (88 Stat. 1978, 19 U.S.C. 2101 et seq.) and Section 4(d) of Executive Order 11846 of March 27, 1975, relating to industry policy and sector advisory committtees and the identification of product sectors of manufacturing; and

z. Sections 5(b) and 5(c) of Executive Order 11846 of March 27, 1975, relating to quantitative import restrictions and monitoring imports under orderly marketing agreements.

.02 The Assistant Secretary may exercise other authorities of the Secretary as applicable to performing the functions assigned in this order.

.03 The Assistant Secretary may redelegate his authority, subject to such conditions in the exercise of such authority as he may prescribe.

Section 5. Functions.—The Assistant Secretary, acting as such and as head of DIBA, shall be the principal officer of the Department to conduct Commerce activities aimed at promoting progressive business policies and growth and at strengthening the international economic position of the United States. In this respect he shall:

a. Propose general Federal policies for the Secretary to establish for promoting the business economy;

b. Develop and implement new programs to accomplish national objectives for improving and expanding the economic strength of the United States.

c. Conduct Commerce programs involving the expansion of international commerce, including research, analysis and the development of program and policy initiatives in the areas of international trade, finance and investment; expansion of East-West trade and other commercial relations; promotion of business-consumer relations; competitive assessment; domestic and international labor-management relations; import quota administration; export administration; the collection, analysis and dissemination of selected information on various industries, commodities and markets; the preparation and execution of plans for industrial mobilization readiness; and participation in domestic and international trade fairs and exhibitions as is necessary to the performance of DIBA's functions.

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d. Consult with and encourage cooperation and participation of the business community in the Department's domestic and international business programs;

e. Coordinate the Department's domestic and international business programs with other Federal agencies; and

f. Provide executive secretariat services and administrative support to the Foreign-Trade Zones Board.

Section 6. Savings Provision.—All rules, regulations, orders, determinations, authorizations, contracts, grants, agreements, proceedings, hearings, investigations, or other actions issued, undertaken, pending or entered into by or for DIBA shall continue and remain in full force and effect until they expire in due course or are revoked or amended by appropriate authority.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-34267 Filed 12-18-75;8:45 am]

[DEPARTMENT ORGANIZATION ORDER 10-4; Amendment 1]

ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT

Organization

This order effective November 17, 1975 amends the material appearing at 40 FR 56702 of December 4, 1975.

Department Organization Order 10-4, dated September 30, 1975, is hereby amended as shown below. The purpose of this amendment is to revise the delegation to the Assistant Secretary for Economic Development made under Chapters 3 and 4 of the Trade Act of 1974 so that the Assistant Secretary can certify firms and communities as eligible to receive adjustment assistance and conduct studies and information activities under Section 264 of the Act.

Section 4. Delegation of Authority.—Subparagraph .01e. is revised to read as follows:

"e. Chapters 3 and 4 of Title II of the Trade Act of 1974 (P.L. 93-618, 88 Stat. 1978, 19 U.S.C. 2101 et seq.) as they pertain to the certification of eligibility of firms and communities to apply or be considered for adjustment assistance, the termination of such certification, the provision of adjustment assistance to such firms and communities as are certified eligible to apply or be considered for adjustment assistance, and the studies, information activities, and assistance in preparation of petitions required under Section 264 of the Act in response to investigations and affirmative findings of the International Trade Commission, except that reports to be submitted to the President shall be issued by the Secretary."

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-34268 Filed 12-18-75;8:45 am]

[Department Organization Order 35-1B]

BUREAU OF ECONOMIC ANALYSIS

Organization

Section 1. Purpose.—.01 This order prescribes the organization and assignment of functions within the Bureau of Economic Analysis (BEA).

.02 The only significant change made in BEA's organization and assignment of functions is the creation of the Management Services Division to provide administrative support services to BEA (paragraph 8.01).

Section 2. Organization Structure.—The organization structure and line of authority of BEA shall be as depicted in the attached organization chart. A copy of the chart is on file with the original of this document with the Office of the Federal Register.

Section 3. Office of the Director.—.01 The *Director of the Bureau of Economic Analysis* shall develop policies and plans for and direct and manage the operations of BEA.

.02 The *Deputy Director* shall assist the Director in all aspects of the management of BEA, and perform the duties of the Director during the latter's absence.

.03 Staff Elements. a. The *Chief Statistician* shall monitor and improve the data sources and statistical estimating techniques used in the work of BEA, and advise the Director in these fields.

b. The *Chief Economist* shall analyze economic developments and problems, advise the Director with regard to them, and with regard to the economic research program of BEA.

Section 4. Associate Director for National Economic Accounts.—The *Associate Director for National Economic Accounts* shall plan and coordinate the systems of national economic accounts maintained by BEA, including the national income and product, wealth, government, and input-output accounts, and advise the Director in this field. The Associate Director shall have and coordinate the following units:

.01 The *Government Division* shall maintain, improve, and interpret the Federal, State, and local government accounts of the United States within the economic accounting framework; cooperate in the translation of the unified budget into economic accounting terms for publication in the Budget of the United States and the Economic Report of the President; prepare forecasts of Government receipts and expenditures for use in BEA's analyses of the economic outlook; and conduct research in the quantitative study of public finance.

.02 The *Interindustry Economics Division* shall maintain, improve, and interpret (1) the input-output accounts of the United States which show the flows of goods and services from each industry to other industries and to final markets in the economy, and the gross national product originating in each industry for given years, and (2) the time series of the gross national product originating in each of the industries of the Nation; conduct research in input-output techniques, including regional input-output techniques; and prepare special studies of the economic repercussions of changes in consumer, investment, foreign, and Government markets on the output of the Nation's industries and the incomes originating in them.

.03 The *National Income and Wealth Division* shall maintain, improve, and interpret the national income and product and wealth accounts of the United States, including national income, by type of income, industrial source and legal form; gross national product and its components; personal income and its components, disposition, and size distribution; the sources and uses of savings; national wealth by type of asset and ownership; and do research in the techniques required to interpret the national income and product and wealth accounts.

Section 5. Associate Director for National Analysis and Projections.—The *Associate Director for National Analysis and Projections* shall plan and coordinate the national economic analysis and projection programs of BEA, including the development of econometric models of the United States economy and the preparation of econometric forecasts; monitor econometric techniques used in BEA; coordinate BEA activities which relate to the overall effort of the Government to study the problems of economic growth; and advise the Director in these fields. The Associate Director shall have and coordinate the following units:

.01 The *Business Outlook Division* shall maintain, improve, and interpret data on past, current, and prospective domestic business investment in new plant and equipment; conduct designated surveys required to correct this information; maintain and improve econometric models of the U.S. economy designed to forecast short- and long-term changes in economic activity, and to assess the likely impact on economic activity of alternative fiscal, monetary, and other Government economic policies; and study problems relating to the Nation's economic growth.

.02 The *Current Business Analysis Division* shall conduct a continuing study of current business activity; prepare and publish in the *Survey of Current Business* regular interpretations of the business situation; conduct research required for assembling (for publication in the *Survey* and its *Business Statistics Supplement*) a detailed and comprehensive set of data produced by BEA and other agencies for use in evaluating the business situation; and be responsible for coordinating the press releases of BEA.

.03 The *Statistical Indicators Division* shall develop and publish reports such as *Business Conditions Digest, Defense Indicators,* and *Long-Term Economic Growth;* conduct research relating to the system of economic indicators (leading, coincident, and lagging) and to the methods and applications of seasonal and other time series adjustments; conduct analysis relating to the behavior of economic indicators; and provide services relating to the seasonal adjustment of time series.

Section 6. Associate Director for Regional Economics.—The *Associate Director for Regional Economics* shall plan and coordinate the regional economic measurement and analysis program of BEA and advise the Director in this field. The Associate Director shall have and coordinate the following units:

.01 The *Regional Economic Analysis Division* shall maintain and improve regional economic projections; conduct research in regional economics, with special attention to the factors determining the levels and rates of growth of regional economic activity; develop analytical techniques for regional economic impact studies; and conduct special analyses of regional economics in cooperation with Government agencies and private groups.

.02 The *Regional Economic Measurement Division* shall maintain and improve the regional economic accounts of the United States including personal income by type of income and industrial source for each of the States, metropolitan areas, and counties of the Nation; conduct research in regional economic measurement techniques; and maintain a regional economic information system.

Section 7. Associate Director for International Economics.—The *Associate Director for International Economics* shall plan and coordinate the international economic program of BEA and advise the Director in this field. The Associate Director shall have and coordinate the following units:

.01 The *Balance of Payments Division* shall maintain, improve, and interpret the balance of payments accounts of the United States and their current and capital components, including detail by foreign geographic area, to aid in understanding the effects of the balance of payments on the U.S. economy, and the role of the United States in the world economy; conduct designated surveys to obtain basic data necessary to construct the balance of payments accounts, including surveys of the foreign transactions of Government agencies; conduct research in the techniques required to interpret the balance of payments accounts; and prepare forecasts of the balance of payments of the United States.

.02 The *Foreign Demographic Analysis Division* shall conduct specialized studies of the population, manpower, economics, and social systems of foreign countries, involving the compilation and evaluation of relevant data; prepare estimates and projections; and prepare special analytical and interpretive reports and monographs.

.03 The *International Investment Division* shall maintain, improve, and interpret data on United States direct investments abroad, foreign direct investments in the United States, and income flows associated with such investments, including the transactions of foreign affiliates; conduct designated surveys required to obtain this information; conduct research in the techniques required to interpret international investment; and maintain and develop a data system on U.S. direct investments.

Section 8. Support Divisions.—.01 The *Management Services Division* shall provide budget, management analysis, and local administrative services; and shall arrange for and facilitate the provision of other administrative management services by the Office of the Secretary, including financial accounting and personnel services.

.02 The *Computer Systems and Services Division* shall maintain, coordinate, and improve the use of automatic data processing equipment by BEA, including the conduct of feasibility studies; prepare automatic data processing systems and programs; and provide data processing services for BEA.

Effective date: October 24, 1975.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-34271 Filed 12-18-75;8:45 am]

[Department Organization Order 35-2A: Amendment 1]

BUREAU OF THE CENSUS

Department Organization Order

This order effective November 18, 1975 amends the material appearing at 40 FR 42765 of September 16, 1975.

Department Organization Order 35-2A, dated August 4, 1975, is hereby amended as shown below. The purpose of this amendment is to update the citation on the Executive Order regarding collection of census information for emergency planning purposes.

Section 3. Delegation of Authority.—Subparagraph .01c is revised to read as follows:

"c. Section 904 of Executive Order 11490, which directs the Secretary to provide for the collection and reporting of census information on the status of human and economic resources, including population, housing, agriculture, manufacture, mineral industries, business, transportation, foreign trade, construction, and governments, as required for emergency planning purposes; and otherwise plan for and maintain a capability for damage assessment purposes, as set forth therein."

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-34272 Filed 12-18-75;8:45 am]

[Department Organization Order 40-1]

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Organization

This order effective November 17, 1975 supersedes the materials appearing at 40 FR 8978 of March 4, 1975, 40 FR 12532 of March 19, 1975, 40 FR 31651 of July 28 March 19, 1975, 40 FR 31651 of July 28, 1975 and 40 FR 56705 of December 4, 1975.

Section 1. Purpose.—.01 This order prescribes the organization and assignment of functions within the Domestic and International Business Administration (DIBA). Department Organization Order 10-3 prescribes the functions of DIBA and the scope of authority of the Assistant Secretary for Domestic and International Business.

.02 This revision incorporates the provisions of prior amendments, reflects the establishment of the position of Deputy Assistant Secretary for Field Operations and a new field structure in the Office of Field Operations: District and Satellite Offices in place of Regional and District Offices (Section 10 and paragraph 10.05 and Exhibit 2 respectively); provides for the realignment of functions in the Bureau of East-West Trade and changes in office names (Section 9.); abolishes the Office of Trade Adjustment Assistance because of the transfer of adjustment assistance certification of firms and communities and other functions to the Economic Development Administration; and provides Bureau status for International Economic Policy and Research because of its line functions (Section 5.).

Section 2. Organization and Structure.—The principal organization structure and line of authority of DIBA shall be as depicted in the attached organization chart (Exhibit 1). A copy of the chart is on file with the original of this document with the Office of the Federal Register.

Section 3. Office of the Assistant Secretary for Domestic and International Business.—.01 The *Assistant Secretary for Domestic and International Business* determines policy, directs the programs and is responsible for all activities of DIBA.

.02 The *Deputy Assistant Secretary for Domestic and International Business* shall perform such duties as the Assistant Secretary shall assign; shall carry out the Assistant Secretary's responsibilities in connection with the Defense Production Act of 1950 as amended and extended; shall be the principal assistant and advisor to the Assistant Secretary on public affairs, and administrative matters; shall direct the activities of the Office of Public Affairs and the Directorate of Administrative Management; and shall assume the duties of the Assistant Secretary during the latter's absence.

Section 4. Staff Offices.—.01 The *Office of Public Affairs* shall advise DIBA officials and organizational elements on

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all public affairs and information service matters; provide centralized information services for DIBA; conduct and be responsible for all DIBA publications programs, consonant with the provisions of Department Organization Order 20–9, "Office of Publications"; provide speech writing and scheduling services for DIBA; and maintain liaison for DIBA with the Departmental Office of Publications, the Departmental Office of Communications, and the news and trade media consonant with the provisions of Department Organization Order 15–3, "Office of Communications."

.02 The *Directorate of Administrative Management* shall provide administrative management services for all DIBA organizational components. The functions of the Directorate shall be carried out through the principal organizational elements as prescribed below:

a. The *Office of Personnel* shall develop and administer personnel management programs including recruitment, placement, employee development, classification, labor-management relations, equal employment opportunity, and employee relations and provide liaison with the Departmental Office of Personnel.

b. The *Office of Management and Systems* shall provide management, organization and systems analysis, including management studies and surveys and organizational planning studies; conduct a position management program; coordinate ADP systems development and the DIBA program management information system; perform the committee management, directives management, records disposition management, forms management, files management, and reports management functions for DIBA; coordinate GAO and Departmental audits within DIBA; coordinate DIBA activity under the Freedom of Information Act and the Privacy Act of 1974; and provide liaison with the Departmental Office of Organization and Management Systems.

c. The *Office of Administrative Support* shall provide administrative and support services including personnel, physical and document security, safety, correspondence control, and space management; shall provide procurement liaison; and shall coordinate and process communications between the Department of Commerce and posts abroad, consistent with any administrative agreements between the Assistant Secretary for Domestic and International Business and the Assistant Secretary for Administration.

d. The *Office of Budget* shall develop the DIBA program structure and program memorandum; assess program effectiveness; formulate, present, and execute the budget for DIBA; effect financial and budgetary controls; prepare budget reports; and provide liaison with the Departmental Office of Budget and Program Analysis.

Section 5. Bureau of International Economic Policy and Research.—The *Deputy Assistant Secretary for International Economic Policy and Research* shall determine the objectives of the Bureau—a mainline component of DIBA—assist and advise the Assistant Secretary in the research, analysis and formulation of international economic and commercial programs and policies relating to trade, finance and investment, and competitive assessment; shall initiate and review research studies on developments affecting U.S. trade and commercial interests abroad and provide statistical information and analysis on the foreign trade of the U.S. and of foreign countries; shall be responsible for development and coordination of policy formulation within DIBA; represent the Department in international trade and other negotiations; and supervise the Department's interagency policy role in such organizations as the National Security Council, the Council on International Economic Policy, the Office of the Special Trade Representative, and the National Advisory Council on International Monetary and Financial Policies. The Deputy Assistant Secretary shall be assisted by a Deputy Director who shall perform the functions of the Deputy Assistant Secretary in the latter's absence. The functions of the Bureau shall be carried out through its principal organizational elements as prescribed below:

.01 The *Office of International Trade Policy* shall be responsible for the development and implementation of the Department's positions on all aspects of U.S. international trade policy, including trade legislation and International Trade Commission findings, trade negotiations, consultations with industry, and trade and commercial policy relations with individual countries, regional economic groupings, and international organizations. For all such trade policy matters, the Office shall represent the Department on interagency committees, and in international meetings on trade policy matters; analyze and comment on relevant legislative proposals; prepare the Department's positions on International Trade Commission findings, bilateral trade policy issues and bilateral trade negotiations; manage the consultations with U.S. industry in support of multilateral trade negotiations; analyze and act on international trnsportation and insurance problems affecting U.S. business; maintain relationships and representation with business and trade groups; and, through appropriate channels, make representations to foreign governments on behalf of U.S. business on the maintenance of their full rights under the terms of treaties and international agreements of the United States. In carrying out these responsibilities, the Office shall coordinate international trade policy issues among the DIBA components.

.02 The *Office of International Finance and Investment* shall be responsible for the development and implementation of the Department's policies relating to international investment, finance, monetary affairs, U.S. and foreign taxation, standards, patent and copyright protection, and related matters arising from the international commercial and invetsment operations of U.S. firms. The Office shall also carry out DIBA's responsibilities for the conduct of a study of foreign direct investment in the United States in 1974.

.03 The *Office of Competitive Assessment* shall assess the competitiveness of American industry in domestic and international markets. This shall include studies of specific industries, sectors, and functions of the American economy and major foreign economies for the purpose of anticipating shifts in competitive conditions, and analyses of key competitive factors within and across industries in the U.S. and abroad.

.04 The *Office of Economic Research* shall conduct research studies on developments affecting U.S. trade and commercial interests abroad; shall be responsible for the development and coordination of econometric models concerned with longer-term U.S. trade and invetsment projections; and shall serve as liaison with U.S. Government research and intelligence agencies as well as with private research groups.

.05 The *Office of Foreign Investment in the United States* shall obtain, consolidate and analyze information on foreign investment in the United States; improve procedures for the collection and dissemination of information on such foreign investment; based on close observation of foreign investment in the U.S., prepare reports and analyses of trends and significant developments in appropriate categories of such investment; compile data and prepare evaluations of significant inward investment transactions; submit to the interagency Committee on Foreign Investment in the United States, appropriate reports, analyses, data and recommendations on foreign investment in the U.S.; and obtain information and assistance from other Federal departments and agencies in order to carry out the Secretary's functions and activities under Executive Order 11858.

Section 6. Bureau of International Commerce (BIC). The *Deputy Assistant Secretary for International Commerce* shall assist and advise the Assistant Secretary on export expansion, and shall serve as National Export Expansion Coordinator. Within the framework of overall DIBA goals, the Deputy Assistant Secretary shall determine the objectives of the Bureau—a mainline component of DIRA—formulate policies and programs for achieving those objectives, and direct the execution of Bureau programs. The Deputy Assistant Secretary shall provide a coordinated DIBA response to the economic situation and business opportunities in Near East countries including Saudi Arabia, Iran, Egypt, Israel, Lebanon, Syria, Iraq, Jordan, Kuwait, the United Arab Emirates, Libya, Morocco, Tunisia, and Algeria. The Deputy Assistant Secretary shall be assisted by a *Deputy Director* who shall perform the functions of the Deputy Assistant Secretary in the latter's absence. The functions of the Bureau shall be carried out through its principal organizational elements as prescribed below:

.01 The *Office of Market Planning* shall provide principal planning and strategy development for the Bureau; shall develop and review the Bureau's role, objectives, and operating plans on a worldwide basis; shall identify those sectors of U.S. industry with the greatest

export growth potential and examine foreign markets offering the greatest export opportunities to U.S. industry; shall develop guidelines for allocation of resources for DIBA-sponsored export programs; shall establish "intensive promotion cycles" for BIC export expansion activities; shall measure and evaluate Bureau programs; shall be responsible for programs to represent the interests of the Department to other agencies with regard to the official representation of U.S. commercial interests abroad; and shall coordinate country commercial programs and the Office of Field Operations/BIC agreement.

.02 The *Office of Export Development* shall conduct activities in the United States designed to stimulate export marketing in all segments of the domestic economy which have the capability to export; shall develop promotional activities for increasing national awareness of export potentials and benefits, and for improving Government/business cooperation in export development; shall be the focal point for the export expansion activities involving DIBA district offices; shall provide information on commercial participants in world trade and furnish specific trade investment opportunities to U.S. businessmen; shall assist qualified U.S. firms in achieving maximum participation in major systems and development projects abroad; shall provide coordination for DIBA participation in domestic trade fairs; shall encourage foreign direct capital investments and licensing by foreign firms in the United States; and shall provide information and other services consistent with U.S. balance of payments policies and objectives to U.S. firms undertaking investments overseas.

.03 The *Office of International Marketing* shall provide overseas marketing assistance to U.S. companies through a variety of informational and promotional techniques; shall plan and implement individual country programs to support the marketing needs of U.S. business on a targeted industry, product, and market basis, and shall maintain appropriate information services for all such activities; shall direct the exhibitions program at commercial trade fairs and U.S. trade centers; and shall have responsibility for carrying out any activities resulting from the participation of the United States in the International Exposition on the Environment at Spokane, Washington.

Section 7. Bureau of Resources and Trade Assistance.—The *Deputy Assistant Secretary for Resources and Trade Assistance* shall determine the objectives of the Bureau—a mainline component of DIBA—formulate the policies and programs for achieving those objectives, and direct execution of the programs. The Deputy Assistant Secretary shall be assisted by a *Deputy Director* who shall perform the functions of the Deputy Assistant Secretary in the latter's absence. The functions of the Bureau shall be carried out through its principal organizational elements as prescribed below:

.01 The *Office of Import Programs* shall deal with import problems involving industries experiencing difficulties from import competition and on problems in the field of international trade in primary commodities. For such import-impacted industries, and as otherwise required, it shall maintain interagency relationships and coordinate legislative comment, international negotiations, and representation with business and trade groups. It shall process applications for duty free importation of educational, scientific and cultural materials; process applications to import foreign excess property into the United States; perform staff work pertaining to the allocation of watches and watch movements among producers in the Virgin Islands, Guam, and American Samoa; provide executive secretarial services and administrative support to the Foreign-Trade Zones Board; analyze information pertaining to international trade in selected industrial products and analyze developments affecting U.S. imports of or international trade in primary commodities; and represent the Department in U.S. Government participation in international agreements and arrangements on commodities and industrial products.

.02 The *Office of Textiles* shall conduct studies and analyses of the fiber, textile and apparel sector of the industrial economy; provide interpretive data on trends affecting the sector's economic stability, and recommend appropriate Government action to improve the economic position of the sector; participate in administration and negotiation of international and bilateral textile agreements; and coordinate interagency relations, legislative comment, and liaison with relevant industry and trade groups.

Section 8. The Bureau of Domestic Commerce.—The *Deputy Assistant Secretary for Domestic Commerce* shall determine the objectives of the Bureau—a mainline component of DIBA—formulate policies and programs for achieving those objectives, and direct execution of the Bureau's programs. The Deputy Assistant Secretary shall be assisted by a *Deputy Director* who shall perform the functions of the Deputy Assistant Secretary in the latter's absence. The functions of the Bureau shall be carried out through its principal organizational elements as prescribed below:

.01 The *Office of Industrial Mobilization* shall perform national defense and industrial mobilization functions, as follows: assist in achieving, through administration of priorities and allocations and other means, an adequate supply of strategic, critical, and other products and materials for defense and defense-supporting activities and essential civilian needs, including the timely completion of current military, atomic energy, and space programs for production, construction, and research and development; and participate in the development of national plans to assure maximum readiness of the industrial resources of the United States, including the means for administering them, to meet any future demands of any national emergency.

.02 The *Office of Business and Legislative Issues* shall provide analyses and quantitative assessments of domestic business and legislative issues that support, supplement or complement activities of other elements of the Domestic and International Business Administration, the Department, or other agencies of the Government engaged in developing and evaluating domestic business policy options.

.03 The *Office of Business Research and Analysis* shall collect, maintain, and analyze domestic and international data on individual commodities and industries, such as production, pricing, inventories, marketing, labor, financing, taxation, and location and size of companies, exclusive of data related to the fiber, textile, and apparel sector of the industrial economy, which shall be the responsibility of the Bureau of Resources and Trade Assistance. (The fiber, textile and apparel sector of the industrial economy shall be the responsibility of the Bureau of Domestic Commerce insofar as required for the administration of the Defense Production Act of 1950, as amended.) This information will be used in support of policy decisions and program actions by the Bureau of Domestic Commerce, the Department of Commerce, and other areas of the Government. The Office shall monitor problem commodities for short supply export controls.

The Office shall also certify U.S. firms as "bona fide motor-vehicle manufacturers" qualified to trade under the provisions of the U.S.-Canadian Automotive Agreement, and prepare the President's Annual Report to Congress concerning implementation of the Automotive Products Trade Act of 1965.

.04 The *Office of Ombudsman for Business* shall serve as a focal point for business assistance, consultation, and advice; receive and respond to inquiries from business and industry, the Congress, other agencies of the Government, and the public; identify and take action to clarify business concerns involving Government policies and programs; serve as the Department's contact in consumer affairs matters with other Government agencies, business and public organizations. In carrying out its functions, the Office shall not represent, intervene on behalf of, or otherwise seek to assist business and individuals on specific matters, cases, or issues before Federal regulatory agencies or before Federal departments exercising a regulatory function with respect thereto; nor shall it participate in, intervene in regard to, or in any way seek to influence, the negotiation or renegotiation of the terms of contracts between business and the Government.

Section 9. The Bureau of East-West Trade.—The *Deputy Assistant Secretary for East-West Trade,* shall determine the objectives of the Bureau—a mainline component of DIBA—formulate policies and programs for achieving those objectives and direct execution of the programs. The Deputy Assistant Secretary (DAS) shall be assisted by a *Deputy Director* who shall perform the functions of the DAS in the latter's absence. (The Office of the DAS shall include a *Hearing Commissioner* who shall conduct hearings and perform other duties with re-

V40245 DEC 19 75 XUM

spect to administrative compliance proceedings involving Export Administration violations cases, in accordance with the rules set forth in the Export Administration Regulations.) The objectives, policies and programs of the Bureau of East-West Trade shall relate to the U.S.S.R., People's Republic of China, Poland, Romania, Czechoslovakia, Hungary, Bulgaria, Albania, East Germany, the Soviet zone of Berlin, Cuba, Mongolia and certain other areas of the world with similar economic/political structures, and, where necessary for export administration purposes, shall relate to other countries. The Office shall provide necessary secretariat and support services to the Export Administration Review Board and to the Advisory Committee on Export Policy. The functions of the Bureau shall be carried out through its principal organizational elements as prescribed below:

.01 The *Office of East-West Trade Development* shall, with regard to the countries and areas specified, be responsible for developing and implementing program recommendations with regard to trade and other commercial relations; preparing market assessments on Centrally Planned Economy (CPE) countries; gathering information bearing on commercial relations and providing advisory services and information for U.S. firms or industrial groups; developing and disseminating studies of market potential for U.S. trade with these countries and areas; developing and executing programs for U.S. trade promotional events and trade missions to the specified countries and areas; and coordinating activities relating to foreign commercial services and commercial representation in these countries.

.02 The *Office of East-West Country Affairs* shall maintain familiarity with and develop and disseminate information and advice on the economic and political conditions and policies and the U.S. trade and commercial relations with the countries and areas listed in Section 9; maintain contacts on East-West trade matters with foreign government officials in the U.S.; develop and provide country information and advice to other elements of the Bureau, the Department, the U.S. chairmen of joint trade commissions and members of interagency committees; and provide executive secretariat services to U.S. joint commercial commissions.

.03 The *Office of East-West Policy and Planning* shall formulate, analyze and make recommendations about legislative and policy issues arising in East-West trade activities; coordinate East-West trade policy review with international trade, finance and other organizations; monitor and maintain liaison with East-West trade-related national and international organizations; propose and monitor contracts for analyses of East-West trade matters and develop and provide statistical data services for the Bureau.

.04 The *Office of Export Administration* shall administer and, in conjunction with the Department's Office of the General Counsel, enforce the regulations and programs required to carry out Departmental responsibilities under the Export Administration Act of 1969, as amended; develop policies and measures for the administration of U.S. exports of commodities and technical data; seek, in collaboration with other Federal agencies, the adoption by foreign countries of such controls over their exports as will assist the policies of the United States with respect to trade between the free world and the specified countries and areas, and with such other areas as national security, foreign policy and short supply may require; shall have coordinating responsibilities for all short supply activities within DIBA and provide secretariat and support services to the Operating Committee of the Advisory Committee on Export Policy, and Technical Advisory Committees established under the Export Administration Act of 1969, as amended.

Section 10. Office of Field Operations.—The *Deputy Assistant Secretary for Field Operations* shall head the Office which shall serve as the Department's principal medium of contact with the business community at local levels for the functions listed below, most of which will be performed through District Offices and subordinate Satellite Offices located throughout the country (Exhibit 2). A copy of Exhibit 2 is on file with the original of this document with the Office of the Federal Register.

.01 Ascertaining the needs and desires for information and assistance relevant to the private economy that fall within the scope of Commerce's responsibilities, arranging or participating in the effective delivery of Commerce's business-related information products, and assisting in the planning and design of additional business information;

.02 Providing local assistance and service to business communities in utilizing information and related business aids of Commerce and of other agencies, and performing the field work and services involved in the programs of DIBA, and for other organizations of Commerce as may be arranged from time to time;

.03 Promoting participation of the general business community in the rsolution of economic and business problems of the Nation;

.04 Publishing the "Commerce Business Daily"; and

.05 Through the District or Satellite Offices located in the ten Uniform Federal Regional Council Cities, serving as the Department's principal coordinator at the regional level for Federal Preparedness Planning, Crisis Management and Emergency Operations. Accordingly, the Office Directors in the ten cities (i.e., Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, San Francisco and Seattle), having been designated Regional Emergency Coordinators, acting in accordance with instructions and guidance issued by the Director, Departmental Office of Emergency Readiness, through the Office of Field Operations, shall represent the Secretary and shall be the principal advisory and contact point for the Department for emergency readiness matters in their respective areas.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-34273 Filed 12-18-75;8:45 am]

[Department Organization Order 25-5A; Amendment 3]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Organization

This order effective November 19, 1975 further amends the materials appearing at 39 FR 27486 of July 29, 1974, 40 FR 36608 of August 21, 1975 and 40 FR 42764 of September 16, 1975.

Department Organization Order 25-5A, dated July 9, 1974, is hereby further amended as shown below. The purpose of this amendment is to delegate to the Administrator of NOAA the authority pertaining to disaster warnings that was delegated to the Secretary of Commerce by the Secretary of Housing and Urban Development.

Section 3. Delegation of Authority.—A new subparagraph .01cc. is added to read as follows:

"cc. The functions relating to section 202 of the Disaster Relief Act of 1974 (42 U.S.C. 5132) specified in the delegation of authority from the Secretary of Housing and Urban Development (40 FR 42769), effective September 16, 1975, which pertains to disaster warnings for meteorological catastrophes."

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-34270 Filed 12-18-75;8:45 am]

[Department Organization Order 20-7; Amendment 1]

OFFICE OF ORGANIZATION AND MANAGEMENT SYSTEMS

Organization

This order effective November 23, 1975, amends the material appearing at 37 FR 6416 of March 29, 1972.

Department Organization Order 20-7, dated March 19, 1972, is hereby amended as shown below.

The purpose of this amendment is to establish a new Information Management Division. The recent growth in the requirements placed on the Department in the area of information management, including the Federal Advisory Committee Act, the Freedom of Information Act as amended, and the Privacy Act of 1974, have made necessary the establishment of a separate organizational entity to handle this area of responsibility.

Section 5. Organization.—A new paragraph .05 is added to read:

".05 The *Information Management Division* shall develop policies, procedures, standards, and relevant rules and orders to assure Department compliance with the provisions of the Freedom of Information Act as amended, the Privacy Act of 1974, and the Federal Advisory Committee Act; monitor policy compliance by units of the Department; review the units' implementation of the rules and orders; function as the focal point in coordination with the Department's Office of General Counsel for the Department's administration of the three statutes; and serve as the principal staff component of the Department on information management and committee management functions."

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-34269 Filed 12-18-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

IMMUNIZATION PRACTICES ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pulbic Law 92-463), the Center for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee. Dates: January 29-30, 1976. Place: Room 207, Building 1, Center for Disease Control, 1600 Clifton Road NE., Atlanta, Georgia 30333. Time: 8:30 a.m. Type of Meeting: Open.

Contact Person: H. Bruce Dull, M.D., Executive Secretary of Committee, Building 1, Room 2118, Center for Disease Control, 1600 Clifton Road NE., Atlanta, Georgia 30333. Phone: 283-3701 (FTS) or 404-633-3311, ext. 3701.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents for public health practice.

Agenda: The Committee will consider the current status of polio vaccine in the prevention and control of polio in the United States. It will also continue its regular review of recommendations on the use of vaccines in public health practice.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: December 9, 1975.

DAVID SENCER,
Director, Center for Disease Control.

[FR Doc.75-34221 Filed 12-18-75;8:45 am]

Food and Drug Administration

[Docket No. 75N-0359]

EXEMPTIONS FROM PERFORMANCE STANDARDS FOR ELECTRONIC PRODUCTS

Meeting

The Commissioner of Food and Drugs announces a meeting to be held January 29, 1976 to discuss development of a protocol with United States Government departments and agencies to facilitate procurement of electronic products for which exemption from performance standards is sought.

The Commissioner issued in the FEDERAL REGISTER of September 30, 1975 (40 FR 44846) a proposed rule to establish procedures for manufacturers to apply for exemptions from performance standards issued under the Radiation Control for Health and Safety Act of 1968. According to the act, such exemptions may be granted to manufacturers of electronic products intended for use by United States Government departments or agencies provided there are procurement specifications governing radiation emissions and provided the product is of a type used solely or predominantly by United States Government departments or agencies.

Since publication of the proposal, it has become apparent that the proposed procedures may result in excessive procurement delays if the procuring Federal agency and the Bureau of Radiological Health (the Bureau) have not previously discussed the procurement specifications in those instances when the procuring agency expects there would be a conflict with standards issued under the act. Presently, there are standards for television receivers, microwave ovens, cold-cathode gas discharge tubes, diagnostic x-ray systems, cabinet x-ray systems (including baggage inspection systems), and laser products.

The Bureau desires to establish a protocol with United States Government departments and agencies whereby there could be consultation with the Bureau during development of procurement specifications for products regulated under the act. Such consultation would involve determination of the need for an exemption, the option of issuing a variance instead of an exemption, and radiation safety criteria to be incorporated in the procurement specifications if an exemption is required. Early discussions between the procuring agency and the Bureau would be advantageous to both the agency and the manufacturer to whom the contract is eventually awarded, since it will facilitate the processing of exemption applications when they are warranted.

A meeting to discuss interagency protocols described above will be held on January 29, 1976, at 9 a.m., in Rm. 416 of the Bureau of Radiological Health, 12720 Twinbrook Parkway, Rockville, MD 20852. This meeting is limited to representatives of United States Government departments and agencies that foresee a need for electronic products that may not meet Federal radiation safety standards issued under the Radiation Control for Health and Safety Act of 1968. United States Government departments or agencies that plan to send an individual representative to the meeting should so indicate in writing to the Bureau of Radiological Health (HFX-460), 5600 Fishers Lane, Rockville, MD 20852. If the Bureau has not been contacted by January 9, 1976, it will be assumed that the agency will not be represented at the meeting.

Dated: December 12, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-34206 Filed 12-18-75;8:45 am]

[Docket No. 75N-0075]

NATIONAL SHELLFISH SAFETY PROGRAM

Procedures for Promulgating Final Regulations

In the FEDERAL REGISTER of June 19, 1975 (40 FR 25916), the Commissioner of Food and Drugs issued proposed rules to ensure the safety and wholesomeness of fresh and frozen molluscan shellfish (oysters, clams, and mussels) sold in interstate commerce. The comment period was to close October 17, 1975, but was extended to November 13, 1975 by a notice published in the FEDERAL REGISTER of November 7, 1975 (40 FR 52051). This notice is to inform the public that the Commissioner will issue a revised proposed regulation which will provide for a 90-day comment period, and he will hold public hearings prior to publication of the final regulation.

The Commissioner has made a preliminary review of the comments received in response to the June 19, 1975 proposal and has concluded that there is considerable confusion about the intent and interpretation of the proposed regulations. In the interest of developing regulations that are understandable, reasonable, and enforceable, the Commissioner has decided to issue a revised proposed regulation that will incorporate his tentative conclusions.

The preamble to the revised proposed regulation will summarize each type of comment submitted in response to the proposal and the Commissioner's tentative conclusions on each type of comment. A comprehensive articulation of the reasons for the Commissioner's decision on each issue will accompany his tentative conclusions.

No specific date has been set for publication of the revised proposed regulation because of uncertainties about the time required to deal with all the issues raised by the comments received. However, it is intended that publication will be sometime during the summer of 1976.

During the comment period after the forthcoming revised proposed regulation, public hearings will be held to permit interested persons to present data, information, and views on this matter. The time, date, place, and procedures for these public hearings will be announced in subsequent notices published in the FEDERAL REGISTER.

The final regulation will be based upon substantive information presented at the public hearings and the comments received in response to the revised proposed regulation.

Until such time as a final regulation becomes effective, the Food and Drug Administration's participation in the National Shellfish Sanitation Program will continue on the same basis as it has in the past.

Dated: December 17, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-34321 Filed 12-18-75;9:17 am]

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Office of Education

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Cancelled Meeting

Notice is hereby given of the cancellation of the meeting of the Executive Committee of the National Advisory Council on Adult Education, January 3, 1976, Room 323, Pennsylvania Bldg., 425 13th Street, NW., Washington, D.C. which was published in the FEDERAL REGISTER on November 17, 1975, Volume 40, No. 222, page 53296.

Signed at Washington, D.C. on December 16, 1975.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc.75-34216 Filed 12-18-75;8:45 am]

ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Notice of Public Meetings of the Advisory Council on Women's Educational Programs

Notice is hereby given, pursuant to Public Law 92-463, that the next meeting of the Legislation Committee of the Advisory Council on Women's Educational Programs will be held from 1:00 p.m. to 6:00 p.m. on January 6, 1976, in Room 817 of the Riviere Building at 1832 M Street, N.W., Washington, D.C., and that the next meeting of the Council's Executive Committee will be held from 9:00 a.m. to 1:00 p.m. on January 7, 1976, at the same address.

The Advisory Council on Women's Educational Programs is established pursuant to Public Law 93-380 Section 408(f)(1). The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to Section 408 of Public Law 93-380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; and (d) develop criteria for the establishment of program priorities.

The meetings of both committees shall be open to the public. The agenda for the Legislation Committee will include discussions of the Women's Educational Equity Act of 1974 and of other pending education legislation.

The agenda for the Executive Committee meeting will include a discussion of plans and policies.

Records will be kept of all Council proceedings and will be available at the Council offices at Suite 821, 1832 M Street, N.W., Washington, D.C.

Signed at Washington, D.C. on December 16, 1975.

JOY R. SIMONSON,
Executive Director.

[FR Doc.75-34233 Filed 12-18-75;8:45 am]

Office of the Assistant Secretary for Health

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council. Date and Time: January 12, 1976 (10:00 a.m. to 5:00 p.m.), January 13, 1976 (9:00 a.m. to 1:00 p.m.). Place: Auditorium (first floor), DREW North Building, 330 Independence Avenue SW., Washington, D.C.

Purpose of Meeting: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to William D. Coughlan, Staff Director, National Professional Standards Review Council, Office of Quality Standards, Room 16A-09, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: December 11, 1975.

WILLIAM B. MUNIER,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.75-34250 Filed 12-18-75;8:45 am]

Office of Education

TEACHER CORPS PROJECTS

Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Part B-1 of The Education Professions Development Act (Title V of the Higher Education Act of 1965, as amended, 20 U.S.C. 1101-1107a), applications are being accepted for Teacher Corps projects for Fiscal Year 1976. Applications must be received by the Application Control Center on or before January 21, 1976.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.489. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than January 16, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of recipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m., Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Teacher Corps, 400 Maryland Avenue SW., Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a). Funding criteria applicable to this program were published in the FEDERAL REGISTER.

(Catalog of Federal Domestic Assistance Number 13.489; Teacher Corps—Operations and Training)

(20 U.S.C. 1101-1107a)

Dated: December 17, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-34523 Filed 12-18-75;9:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

OKLAHOMA

[FDAA-491-DR]
[NFD-314]

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on December 10, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Oklahoma resulting from severe storms and tornadoes occurring on December 5, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Oklahoma.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Joe D. Winkle, HUD Region VI, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Oklahoma to have been adversely affected by this declared major disaster:

The Counties of:

Latimer Tulsa

Dated: December 10, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

[FR Doc.75-34276 Filed 12-18-75;8:45 am]

WASHINGTON

[FDAA-492-DR]
[NFD-315]

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on December 13, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Washington resulting from severe storms and flooding beginning about November 30, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Washington.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. William H. Mayer, HUD Region X, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Washington to have been adversely affected by this declared major disaster:

The Counties of:

Grays Harbor	Skagit
King	Snohomish
Lewis	Whatcom

Dated: December 13, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

[FR Doc.75-34277 Filed 12-18-75;8:45 am]

Office of the Secretary

[Docket No. D-75-395]

ACTING SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Order of Succession

During any period when, by reason of absence, disability, or vacancy in office, neither the Secretary of Housing and Urban Development nor the Under Secretary is available to exercise the powers or perform the duties of the Office of the Secretary, the appointees to the positions listed below are authorized to act as Secretary, with all the powers, functions, and duties assigned to or vested in him: *Provided*, That none of the named officials shall act as Secretary unless all of the appointees listed before such official's title in this designation are unable to act by reason of absence, disability, or vacancy in the office:

1. General Counsel.
2. Assistant Secretary for Policy Development and Research.
3. Assistant Secretary for Community Planning and Development.
4. Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.
5. Assistant Secretary for Housing Management.
6. Assistant Secretary for Fair Housing and Equal Opportunity.
7. Assistant Secretary for Administration.
8. Assistant Secretary for Legislative Affairs.

This designation supersedes the designation effective December 23, 1969 (34 FR 20360, December 30, 1969) and the designation effective October 9, 1973 (38 FR 27853, October 9, 1973).

(Sec. 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d); Executive Order 11274, 31 FR 5243; Executive Order 11490, 34 FR 17567)

Effective date. This order is effective December 19, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-34275 Filed 12-18-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

SOUTHERN REGION AIR TRAFFIC CONTROL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given that the Southern Region Air Traffic Control Advisory Committee will hold a meeting at 9 a.m. est, January 29, 1976, at the Aviation Hall, Air Host Inn, Atlanta Airport, Atlanta, Georgia. The following agenda items are scheduled for this meeting:

1. Terminal Control Areas
2. Military Operations Areas and Low Level Operations
3. Significant ATC Procedural Changes
4. Atlanta ARTCC Delay Reduction Program
5. Warning and Restricted Area Utilization
6. Expanded Radar Service Program
7. ATC Automation
8. Atlantic Offshore Routes
9. 25 kHz Frequency Assignment Plan

The meeting will be open to the public. Interested persons are invited to attend the meeting and participate by making oral or written statements concerning the respective topics, their substance, and issues. Written statements should be submitted in duplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320 and will be made a part of the record of the proceedings. Persons wishing to make oral statements at the meeting must notify Mr. Lonnie D. Parrish, Chairman, Southern Region Air Traffic Control Advisory Committee, by January 14, 1976, that they desire to be heard and indicate the amount of time requested for their initial statements. Presentations will be scheduled on a first come, first served basis as time permits. Requests for further information should be made to the Chairman, Southern Region Air Traffic Control Advisory Committee.

Issued in East Point, Ga., on December 4, 1975.

LONNIE D. PARRISH,
Chairman, Southern Region Air Traffic Control Advisory Committee.

[FR Doc.75-34173 Filed 12-18-75;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX75-27; Notice 1]

BRITISH LEYLAND U.K. LTD.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

The Truck and Bus Division of British Leyland U.K. Limited, Leyland, Preston PR5 15N, England, has petitioned for an exemption until April 1, 1976, from four Federal motor vehicle safety standards for eight double-decker buses. The basis for the petition is that British Leyland is otherwise unable to sell a motor vehicle whose overall level of safety is equivalent to or exceeds the overall level of safety of non-exempted motor vehicles (49 CFR 555.6(d)).

Petitioner intends to supply eight prototype model double-decker buses to the Metropolitan Transit Authority of New York City for use in a demonstration project funded by the State of New York and the U.S. Department of Transportations' Urban Mass Transit Administration. The purpose of the project is to evaluate public acceptance of the double-decker concept as well as the benefits of rider safety, economics, and service that

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buses of this type provide. They will be placed in regularly scheduled service on short-haul, high-density MTA inner-city bus routes. If the project is successful, it is contemplated that additional orders will be placed, but for vehicles that are engineered for total compliance with the Federal standards. If the project is unsuccessful, MTA will not withdraw the buses from service, but will continue to operate them through the remainder of their service life. The buses are adaptations of the company's "Atlantean" AN-68 model which is represented as having "a proven record of safe operation based on millions of passenger miles of service."

In accordance with the regulations, British Leyland has provided (i) a detailed analysis of how the vehicle provides in its opinion, an overall level of safety equivalent to or exceeding the overall safety of non-exempted vehicles, including a description of how its bus fails to meet the four standards from which it requests exemption, (ii) comparative test results showing the extent of failure to meet the standards and (iii) descriptions of safety features that the bus offers that are not required by the Federal standards. Each standard will be discussed separately below.

Standard No. 102, *Transmission Shift Sequence, Starter Interlock and Transmisison Braking Effect*. Paragraph § 3.1.2 requires a supplemental braking effect when the bus speed is below 25 mph. The bus meets the requirement in its home-market configuration. Its contract with MTA, however, specifies that the buses be equipped with a special five-speed automatic transmission to provide a smoother and more comfortable ride for the passengers. With this transmission, however, the supplemental braking effect is not available until the vehicle speed is 23 mph or lower. Petitioner submits that the usual operating speed of the vehicle will be 10 mph to 20 mph and that there will be no diminution of safety. Even in the 23 mph to 25 mph range, petitioner argues that the difference is so slight as to be negligible. Passenger protection should be enhanced with the automatic transmission which is smoother than the standard one and "will provide substantially greater protection to standing passengers against the hazard of losing balance and being jolted as the vehicle shifts gears."

Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*. The bus is said to meet the Federal vehicle lighting standard in all respects except for photometrics of the combination rear stop, turn signal, back up and tail lamps, and the front side marker lamps. Although the vehicle meets ECE requirements, British Leyland estimates that in general the intensity levels set by Standard No. 108 are 20 percent higher. A precise comparative evaluation is difficult because the photometric test points of the ECE and US systems differ. The company argues that, given the condition under which the vehicles will operate, an equivalent level of safety is provided, saying the buses will be operated "over streets which are well lighted and where vehicle traffic is subject to a maximum degree of control, the small variation in candle power between these lamp units and those required by the standard would produce no measureable difference in operational safety."

Motor Vehicle Safety Standard No. 121, *Air Brake Systems*. There are several aspects of this standard that concern the petitioner.

A. S5.3.1 *Stopping Distances*. This paragraph requires in part that air braked vehicles stop from 20 mph within 54 feet, on wet pavement, when loaded to GVWR, or at unloaded vehicle weight plus 500 pounds. The British Leyland buses require 70 feet when laden, and 57 feet when unladen, otherwise there will be lock-up at the rear axle. Petitioner believes that its level of performance is equivalent to that of non-exempted buses.

B. S5.3.3 *Brake Actuation Time*. This paragraph requires that front and rear air brake systems be capable of actuation to emergency stopping pressure (60 psi) within 0.40 second from the first movement of the service brake control by the operator. The rear brake system on the British Leyland bus requires 0.46 second, and petitioner argues that the 0.06 second difference is marginal. The front brake system, however, requires only 0.18 second, exceeding the minimum of 0.40 second by a margin of 0.22 second, and petitioner thus argues that the overall system provides a level of safety equivalent to that provided by conforming vehicles.

C. S5.3.4 *Brake Release Time*. This paragraph measures brake release performance in terms of the time required for air pressure in the brake chambers to fall from 95 psi to 5 psi. This must occur in not more than 0.55 second. Petitioner's rear brake system exceeds this by 0.25 second. However, petitioner can comply when the range is 60 psi to 5 psi. It claims that the maximum air pressure level consistent with safe braking performance for its vehicle is the range between 30 and 45 psi, and "thus, in actual operation, petitioner's vehicles provide equivalent performance to those which meet the S5.3.4 specification in this respect."

D. S5.1.2.1 *Reservoirs*. The combined volume of British Leyland's service and emergency brake reservoirs does not conform to the capacity specification of this paragraph, but the combined capacity of the three reservoirs in its system allegedly exceeds the capacity level of the single reservoir system used in complying vehicles. Petitioner believes that the independent functioning by each reservoir system provides a higher level of safety than the single reservoir system found in most American buses.

Motor Vehicle Safety Standard No. 217, *Bus Window Retention and Release*. Petitioner requests an exemption from requirements pertaining to number and location of emergency exits. It argues that the standard is inappropriate as applied to the upper level of double-decker buses. The buses are fitted with three "emergency exits" on the upper level which are hinged "push-out" type window exits of sufficiently large dimensions (57¾" x 24¾") to permit rapid egress by passengers. On the lower level, emergency exits of an identical nature, number and size are found. The bus is also equipped with entry/exit doors at its middle and front sections which are sufficiently wide (3 feet 8 inches) to permit rapid egress by a double stream of passengers. Petitioner claims that it provides a total area of emergency egress of 8,702 square inches, almost double the emergency exit area required by this standard, and thus provides an equivalent overall level of safety.

With respect to safety features not required by Federal standards, British Leyland states that its channel section steel undercarriage is stronger than the "standard American transit bus [which] is built with an aluminum understructure." The British Leyland engine is separated from the passenger compartment by a full-width steel bulkhead while in the American bus the engine is integral to the main vehicle structure. The vehicle is thus able, according to British Leyland, to withstand greater stress and impact force than the counterpart American transit bus. Wider doors, one-step entry/exit platform, and a fire extinguisher are other safety features mentioned.

The company argues that an exemption would be in the public interest and consistent with the objective of the National Traffic and Motor Vehicle Safety Act because of superior carrying capacity and fuel economy that the buses provide.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition for exemption of British Leyland U.K. Ltd. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent practicable. Notice of final action on the petition will be published in the FEDERAL REGISTER.

Comment closing date: January 19, 1976.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on December 15, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-34217 Filed 12-18-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 75-12-69; Docket 28632]

SOCIETE ANONYME BELGE D'EXPLOITATION DE LA NAVIGATION AERIENNE

Order of Investigation and Suspension

Adoped by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of December, 1975

By tariff revisions filed pursuant to an order from the Government of Belgium for effect December 19, 1975, Societe Anonyme Belge d'Exploitation de la Navigation Aerienne (Sabena) proposes reduced fares from the United States to Belgium during the period April 1 through December 31, 1976, for persons of Belgian heritage. The fares, proposed at a discount of 50 percent from the round-trip normal economy fare, are intended to promote travel to Belgium during the commemoration of the 25th anniversary of King Baudouin's coronation, and would be available only to persons born in Belgium but now residing permanently abroad, children or grandchildren of native-born Belgians, and their spouses. The proposal carriers a 14/45-day minimum/maximum-stay requirement, with the additional stipulation that the date of at least one of several listed commemorative events be included in the stay.[1]

Upon consideration of all relevant matters, the Board has concluded that the proposed fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the fares should be suspended pending investigation.

Extension of a special discount to a limited group of U.S. residents based upon their national origin presents a *prima facie* case of unjust discrimination which is inconsistent with U.S. law. Moreover, to the extent the Government of Belgium, and Sabena, wish to promote observance of King Baudouin's 25th coronation anniversary, the promotional fares adopted by the members of the International Air Transport Association (IATA), including both the U.S.-and Belgian-flag cariers, and approved by both Governments, would appear to provide an adequate facility for the promotion of such travel.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 801 and 1002(j) thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions in Rule 296, on 10th Revised Page 82-F, to Passenger Fares Tariff No. PF-4, C.A.B. No. 44, issued by Air Tariffs Corporation, Agent, and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the tariff provisions specified in paragraph 1 above are suspended and their use deferred from December 19, 1975 to and including December 19, 1976, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The suspension ordered in paragraph 2, above shall not stay the cancellation of 8th and 9th Revised Pages 82-F to Passenger Fares Tariff No. PF-4, C.A.B. No. 44;

4. This order shall be submitted to the President[2] and shall become effective on December 19, 1975;

5. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated;

6. Copies of this order be filed in the aforesaid tariff and be served upon Societe Anonyme Belge d'Exploitation de la Navigation Aerienne; and

7. Except to the extent granted herein, the complaint of Pan American World Airways, Inc., in Docket 28562, be and hereby is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-34251 Filed 12-18-75;8:45 am]

[1] Pan American World Airways, Inc., has submitted a late-filed complaint against the proposed fares, requesting suspension and investigation on the grounds of unjust discrimination.

[2] This order was submitted to the President on December 5, 1975.

CIVIL SERVICE COMMISSION

FARM CREDIT ADMINISTRATION

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Farm Credit Administration to fill by noncareer executive assignment in the excepted service the position of Deputy Director of Credit Service, Credit Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.75-34260 Filed 12-18-75;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, January 7, 1976. This meeting will be held in room 5A06A of the U.S. Civil Service Commission building, 1900 E Street, NW., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent:

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-34266 Filed 12-18-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Energy Administration to fill by noncareer executive assignment in the excepted service the position of Associate Director for Policy Evaluation, Office of Nuclear Affairs, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.75-34262 Filed 12-18-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Director, Professional Standards Review Office, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.75-34261 Filed 12-18-75;8:45 am]

DEPARTMENT OF THE NAVY

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Serv-

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ice Commission authorizes the Department of the Navy to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary of the Navy (Manpower), Assistant Secretary of the Navy (M&RA).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-34263 Filed 12-18-75;8:45 am]

DEPARTMENT OF THE TREASURY

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Special Consultant to the Secretary for Public Affairs, Immediate Office of the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-34264 Filed 12-18-75;8:45 am]

DEPARTMENT OF THE TREASURY

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Legislative Affairs) and Special Assistant to the Secretary, Office of the Assistant Secretary (Legislative Affairs), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-34265 Filed 12-18-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from December 8 through December 12, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability (February 2, 1976). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fowden G. Maxwell, Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-3965.

SOIL CONSERVATION SERVICE

Draft

Mud Creek Watershed, Cullman County, Ala., December 8: The proposed plan is for watershed protection and flood prevention in Cullman County, Alabama. The project entails the application of land treatment measures on 2,350 acres of cropland, 3,720 acres of pastureland, and 4.7 miles of channel work. Adverse impacts include increased sedimentation and stream turbidity, and the loss of 69 acres of flood plain forest. Temporary increases in air and noise pollution would also result. (ELR Order No. 51772.)

Cadron Creek Watersheds, several counties Ark., December 8: The proposed project consists of watershed protection, flood prevention, and recreation for North Fork Cadron Creek, East Fork Cadron Creek, and Lower Cadron Creek Watersheds. Adverse impacts include the inundation of 1,163 acres by sediment pools and 3,922 acres by detention pools, and the relocation of 15 people. Project activities will decrease woodland habitat by 989 acres. (ELR Order No. 51769.)

Middle Walnut Watershed Project, several counties Kans., December 12: Proposed is a project for watershed protection, flood prevention, and public recreation in Butler, Cowley, Sedgwick, and Sumner Counties, Kansas. Adverse impacts of the project include the elimination of agricultural use and terrestrial wildlife habitat use of 518 acres, the interruption of agricultural and terrestrial wildlife habitat, use of 1,225 acres by periodic flooding, the elimination of 167 acres of agricultural land for dams and spillways, and the relocation of 15 persons. (ELR Order No. 51811.)

Choctaw Bayou Watershed, West Baton Rouge County, La., Point Coupee, La., Iberville, La., December 8: The proposed plan consists of land treatment and structural measures on 110,000 acres of land to provide flood protection and improve drainage in the Choctaw Bayou over a 50-year period. Adverse impacts include increase in soil erosion and a temporary lowering of water quality. A potential loss of 1,200 acres of forest land and habitat could occur as a result of the project. (ELR Order No. 51773.)

Crabtree Creek Watershed, Durham County, N.C., Wake County, N.C., December 8: The proposed action involves the completion of a watershed project in Wake and Durham Counties, North Carolina for flood prevention. Adverse effects include the loss of 817 acres of wildlife habitat and the permanent inundation of 16 miles of perennial and intermittent channels. The clearing and permanent inundation of 1.3 acres in Schenck Memorial Forest Natural Area will also result, as well as the destruction of Cool Mill Site. (ELR Order No. 51776.)

Bush River Watershed Project, Prince Edward County, Va., December 8: Proposed is a project for watershed protection, flood prevention, water supply, and fish and wildlife development in Prince Edward County, Virginia. The project will consist of land treatment on 19,810 acres of the watershed and eight dams. Project implementation will result in inundation of 26 miles of streams and the inundation or restricted use of 3,076 acres of land presently in forest land, cropland, and pastureland. Terrestrial wildlife habitat will also be reduced. (ELR Order No. 51771.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, 202-693-6795.

Draft

John Martin Dam and Reservoir, Arkansas River, Bent County, Colo., December 9: This statement concerns the identification of those impacts resulting from the continuing operation and maintenance program at John Martin Dam and Reservoir and the anticipated effects resulting from implementation of the updated John Martin Master Plan (November 1974). Adverse effects have been the development of sterile sediment beds, erosion of the shcreline and barren sediment beds, and some inundation of vegetation. (Albuquerque District) (ELR Order No. 51784.)

Panama City Harbor and Grand Lagoon, Maintenance, Bay County, Fla., December 9: Proposed is the continued maintenance to the authorized depths of the Federal navigation channels into Panama City Harbor and Grand Lagoon, Florida. Maintenance dredging will result in a temporary increase of turbidity, and the loss of non-motile organisms inhabiting the channel and disposal areas. There will also be an increase in potential sources of pollution associated with the growth of channel traffic and industrial development. (Mobile District) (ELR Order No. 51785.)

Great Lakes-St. Lawrence Seaway, Winter Program, Michigan, December 9: (ELR Order No. 51790.)

Abiquiu Dam and Reservoir, O&M, Rio Arriba County, N. Mex., December 10: Proposed is the continued operation and maintenance of Abiquiu Dam and Reservoir for flood damage reduction and sediment retention. The project also includes the development of recreation facilities and zoning of project lands. Approximately 1,500 acres of interspersed grassland and juniper woodland would be converted to a standing aquatic system, and archeological sites may be inundated. (Albuquerque District) (ELR Order No. 51800.)

Final

Foster City Development, San Mateo County, Calif., December 12: The Estero Municipal Improvement District, Foster City has applied for a Dept. of the Army Permit to place approximately 2,470,000 cu. yds. of fill on 5 areas totalling 382 acres in Foster City, San Mateo County. The 5 areas are proposed to be used for residential, city center, and light industrial development. The alteration of land use would eliminate wildlife habitat, and increase the chance of air quality degradation. (San Francisco District) Comments made by: USDA, HEW, HUD, DOI, DOT, EPA, AHP, and State and local agencies. (ELR Order No. 51813.)

Napa River Flood Control Project, Napa County, Calif., December 12: The proposed flood control project entails channel widening and realignment, dredging, riprap on portions of the riverbanks, and construction of concrete step-walls through the central urban area of the city of Napa, California. Acquisition of 577 acres of former tidelands will be used to mitigate permanent loss of fish and wildlife due to degradation, permanent removal of 10 buildings (3 residential and 7 commercial), temporary loss of foliage due to the removal of plant materials, and temporary construction disruption (including noise, traffic congestion and loss of recreational opportunity). (San Francisco District) Comments made by: DOT, USCG, USDA, DOC, HEW, HUD, DOI, EPA, AHP. (ELR Order No. 51815.)

Allatoona Dam and Lake, Bartow, Cherokee, and Cobb Counties, Ga., December 10: The project involves the continuation and maintenance of an existing multipurpose dam and reservoir located on the Etowah River in Barton, Cherokee and Cobb Counties. The project provides flood control, hydroelectrical power generation, recreational opportunities and regulation of stream flow for navigation. Adverse impacts include those of large releases of water for short periods of time as a result of peak power production, and of discharges in late summer containing low dissolved oxygen levels and causing concern downstream. (Mobile District) Comments made by: EPA, DOI, DOC, DOT, USDA, HUD, and State agencies. (ELR Order No. 51797.)

Dworshak Dam and Reservoir, Clearwater County, Idaho, December 10: The proposed action is the completion, operation, and management of Dworshak Dam and Reservoir, a multiple-purpose water resource project located in Clearwater County. The project has been under construction since 1963 and is 84% complete. Project purposes are flood control and power production with additional benefits to recreation. Adverse impacts are the loss of 54 miles of river, and negative effects on aesthetics and recreation with reservoir drawdown. (Walla Walla District) Comments made by: DOI, USCG, EPA, FPC, USDA, PRBC, and State and local agencies, and one individual. (ELR Order No. 51798.)

Marquette and Presque Isle Harbors, Maintenance, Michigan, December 10: The statement concerns continued maintenance dredging of Marquette Harbor and Presque Isle Harbor in Marquette, Michigan in order to afford continued use of the harbor. Adverse impacts include: air and water contamination, disruption of the benthic habitat, increased turbidity, and in the case of an on-land disposal facility for Presque Harbor, altered land use. (St. Paul District) Comments made by: EPA, USDA, HEW, DOC, DOI, DOT, and State and local agencies, and individuals. (ELR Order No. 51795.)

Berry's Creek Embankment and Facilities, Permit, Bergen County, N.J., December 12: The statement concerns the issuance of a permit to the New Jersey Sports and Exposition Complex to construct an embankment and other facilities in the Hackensack Meadowlands, adjacent to Berry's Creek. Approximately 35 acres of mercury contaminated marsh will be permanently lost due to activities within Berry's Creek Tidal Marsh. Development of the sports complex will result in increased economic development of the area along with increased noise and air pollution from the traffic volume and parking facility. The elimination of some marsh area would necessitate a change in the habitat of native terrestrial wildlife and birds. (New York District) Comments made by: HUD, AHP, HEW, FPC, DOC, EPA, DOI, DOT, and State and local agencies. (ELR Order No. 51808.)

Huron Harbor, Operations and Maintenance, Erie County, Ohio, December 10: The project entails maintenance of the 3523-foot west pier, the 1450-foot east breakwater, the 200-foot steel sheet pile shore protection and the existing 25-foot project depth in the lake approach and entrance channel. Polluted sediments dredged from the harbor will be deposited in an open lake dumping site in 1975 and in a diked disposal facility (now under construction) in 1976. Adverse impacts include annual disruption of the aquatic ecosystem, adverse effects upon water quality, recreation, aesthetics, and boat traffic during dredging. (Buffalo District) Comments made by: EPA, DOI, USDA, DOT. (ELR Order No. 51796.)

Wishart Point, Maintenance Dredging, Accomack County, Va., December 10: The statement concerns the maintenance dredging of a channel 60 feet wide and 6 feet deep from the Delaware Bay-Chesapeake Bay Waterway at Four Mouths through Balcast Narrows and across Powell's Bay and Bogues Bay to Wishart Point, a distance of about 2 miles. Adverse impacts include removal of organisms at the site of dredging and disturbance of disposal site. (Norfolk District) Comments made by: EPA, DOI, DOC, USCG, AHP, and State agencies. (ELR Order No. 51794.)

Tacoma Harbor Project, Washington, Pierce County, Wash., December 10: Proposed is the maintenance dredging of Tacoma Harbor. Three sections of the Blair Waterway will be dredged to a depth of 40 feet; dredged spoil will be placed behind dikes on an 82 acres disposal site. Adverse impacts will include the effects upon the benthic community. (Seattle District) Comments made by: OEO, EPA, NMFS, DOC, DOI, USCG, HUD, and State and local agencies. (ELR Order No. 51793.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Waterside Mall, Washington, D.C. 20460, 202-755-0940.

Draft

Water Quality Program (Phase I), San Francisco Bay, Calif., December 12: Proposed is a Water Quality Management Plan designed to eliminate six shallow shoreline discharges of treated, chlorinated sewage from the eastern shore of Lower and South San Francisco Bay. The existing Irvington and Newark sewage treatment plants will be abandoned and replaced by untreated sewage pump stations. New discharge locations will increase the transport and dispersion of pollutants from the Lower Bay to the Central Bay and Pacific Ocean. Adverse effects include damage to bottom organisms, and traffic disruption and other construction associated impacts. (ELR Order No. 51807.)

FEDERAL MARITIME COMMISSION

Draft

Cargo Transport, U.S. Gulf/Atlantic to Far East, December 8: The statement concerns FMC's investigation of the transport of containerized cargoes between various U.S. Atlantic/Gulf and Far East ports. The proceeding, Docket No. 73-38: Council of North American Shipping Association, et. al. v. American Mail Lines Ltd. et. al. was instituted to determine if transport of these cargoes by rail to and from Far East ports under joint rail-water through rates is contrary to sections of the Shipping Act, 1916 and violative of Section 8 of the Merchant Marine Act of 1920. By the Rail-water mode less energy is consumed but pollutant emissions would increase by approximately 2,891 short tons over the U.S. (ELR Order No. 51774.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 202-386-6084.

Final

Helms Project, Calif., December 10: This action entails consideration of an application for license and amendment of license by Pacific Gas and Electric Company to construct a pumped storage project to be located in California. Adverse impacts of the project would include removal of 300 acres of Sierra N.F. from commercial timber production, loss of aquatic habitat and biota, increased public use of certain areas, aesthetic impacts on this rather pristine area, and disturbance of wildlife during construction. Comments made by: AHP, USDA, COE, DOC, DOI, DOT, EPA, NRC, and State agencies, private groups, and individuals. (ELR Order No. 51804.)

DEPARTMENT OF HEW

Contact: Mr. Charles Custard, Acting Director, Office of Environmental Affairs, Office of the Assistant Secretary for Administration and Management, Room 3718 HEW-North, Washington, D.C. 20202, 202-963-4456.

Final

U.S. Navy Aqueduct, Florida Keys, Dade, and Monroe Counties, Fla., December 12: The statement concerns a proposal for the U.S. Navy to turn their water supply system over to the Florida Keys Aqueduct Authority (FKAA) so that FKAA may expend the capacity of the present system to meet the needs of the rest of the Keys. The property consists of 289.11 acres in Dade County where wells are located and related equipment used to obtain and transport the water to the Florida Keys. Providing additional fresh water to the Keys will permit a human population increase in Monroe County that will bring about land development and associated air and water pollution. Comments made by: USDA, GSA, DOI, DOT, EPA, DOC, and State and local agencies. (ELR Order No. 51814.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street, S.W., Washington, D.C. 20410, 202-755-6308.

Final

Inner Harbor West Urban Renewal, Baltimore, Baltimore County, Md., December 9: Proposed is a project for urban renewal encompassing 68 acres of land bordering on the southern end of the Central Business District of Baltimore. Roughly 1,300 housing units are planned of which approximately 80 to 100 units are slated for rehabilitation under the City's homesteading project. There are potential noise problems associated with automobile and truck traffic should I-395 be constructed. There will also be a potential negative impact on the housing market. Comments made by: DOI, HEW, DOC, EPA, and State agencies. (ELR Order No. 51786.)

Cromwell Road Low-Rent Housing, Chattanooga, Hamilton County, Tenn., December 11: The Chattanooga Housing Authority is requesting an Annual Contribution Contract (ACC) for 200 units of low-rent public housing to meet the need for replacement housing as a result of displacement by an Urban Renewal Project. The units are to be built on a 90 acre tract on Cromwell Road in Chattanooga, Tennessee. Adverse impacts include those associated with the nearby airport and railroad, the absence of water and sewer facilities, lack of adequate recreation facilities in the immediate area, and the lack of public transportation to serve the project. Comments made by: EPA, TVA, HEW, USDA, DOI, and State agencies. (ELR Order No. 51806.)

Section 104(h). The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

Draft

Water & Sewer Project, Brawley Co. Water District, Imperial County, Calif., December 8: The proposed project consists of installation of water and sewer facilities to service the area encompassed by the Brawley Water County District, California. The district en-

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tails approximately 316 acres and would particularly affect the Central Imperial County area. Adverse effects include minor disruptions during construction, possible increased population, and air quality deterioration. (ELR Order No. 51778.)

Low-Income Multi-Service Center, Livermore, Alameda County, Calif., December 9: The proposed project is construction of an office building and development of relative off-street parking area in Livermore, California, to serve the Low-Income Multi-Service Center. Adverse effects will consist of increased levels of noise and air pollution. (ELR Order No. 51791.)

Edenvale 11th Addition, Eden Prairie, Hennepin County, Minn., December 8: Proposed is the provision by HUD of mortgage insurance for single family homes and multifamily housing projects, Edenvale Planned Unit Development, Eden Prairie. Adverse effects of development are removal of farm land from production and increased demand for facilities and services. Increase in noise pollution and auto traffic are also expected, as well as disturbance of the ecological system by construction. (ELR Order No. 51781.)

Charles H. Wilson Regional Park, Torrance, Calif., Los Angeles County, Calif., December 10: The statement concerns a Community Development Block Grant to the City of Torrance for the development of Charles H. Wilson Community Park. The 44 acre site is part of a Heavy Manufacturing zoned 46.6 acre parcel. Adverse impacts expected from the project include increased traffic, noise and congestion in the area. (ELR Order No. 51805.)

Final

Water Line Extension, Marshall County, Tenn., December 8: The project is the construction of a 9.3 mile long water line extension in Marshall County, Tennessee. The service area encompasses approximately 3,945 acres and 250 people. Construction of the line will require the disruption of Springplace Road (F.A.S. 4329) in four places and the crossing of existing fence rows and private driveways. Comments made by: EPA, USDA, and State and local agencies. (ELR Order No. 51779.)

NW Texarkana Sewer Mains, Tex., December 12: The project seeks to provide sewer utilities to the residents in the area north of I-30, east of Summerhill Road, and west of Richmond Road excluding the Richmond Pines subdivision. The sewer mains will collect into one main running roughly north-south parallel to Cowhorn Creek ending at I-30 until completion of the Cowhorn Creek Outfall. Adverse impacts of the project include the disturbance of area ecology, the silting in Cowhorn Creek, site scaring, traffic disruption, construction noise, and air quality degradation, all of which are expected to be temporary. Comments made by: COE, EPA, and State agencies. (ELR Order No. 51812.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Draft

OCS Sale No. 40, Mid-Atlantic States, New Jersey and Delaware, December 10: The statement concerns the leasing of 154 tracts (876,750 acres) of Outer Continental Shelf lands. The tracts are located offshore New Jersey and Delaware 54 to 108.5 miles from shore. All tracts offered pose some degree of pollution risk to the environment due to accidental or chronic oil spillage. Socioeconomic effects from onshore development may cause ocal problems. (ELR Order No. 501792.)

Final

OCS Lease Sale, Gulf of Mexico, December 12: The statement concerns the lease sale of 135 tracts offshore Texas, Louisiana, Mississippi, Alabama, and Florida which would add 698,077 acres under federal lease in the Gulf. Development of the tracts would require an estimated 150 to 400 wells from 20 to 50 platforms and require 50 to 100 miles of pipeline. The possibility of an oil spill will be increased. Comments made by: EPA, DOC, DOD, ERDA, DOI, and State agencies. (ELR Order No. 51809.)

BUREAU OF RECLAMATION

Draft

Narrows Unit, Pick-Sloan Missouri Basin Program, Morgan County, Colo., December 9: This project entails construction of Narrows Dam and Reservoir to store and regulate flows in the South Platte River, and to provide irrigation, flood control, recreation, fish and wildlife enhancement, and municipal and industrial needs. Adverse impacts include the inundation of 15.5 miles of natural stream and 15,000 acres of agriculture and wildlife lands, and the loss of vegetation in the reservoir. Approximately 220 families will be displaced. (ELR Order No. 51788.)

Final

Completion of Lyman Project, Wyo., December 9: The proposed action is the construction of an earthfill dam on Smiths Fork to complete southwestern Wyoming's Lyman Project. The adverse effects of this project would include the direct loss of 300 acres of diverse wildlife habitat for numerous species, the inundation of about 172 acres of timber, the elimination of 1.8 miles of fishery habitat, an increase in evaporation loss of 25 acre-feet annually, short-term increases in sedimentation, esthetic degradation in the area, and possible minor earth slipouts in the dam embankment. Comments made by: AHP, USDA, USA, EPA, HEW, HUD, DOI, and State and local agencies and private groups. (ELR Order No. 51787.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street, S.W., Washington, D.C. 20590, 202-426-4357.

Draft

Motor Carrier Reform Act, December 8: The proposed Motor Carrier Reform Act is intended to bring about a more efficient use of resources by motor carriers regulated by the Interstate Commerce Commission. The statement indicates that enactment would result in the conservation of fuel and decreased traffic congestion. (ELR Order No. 51768.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

I-70 Widening, Kansas City, Wyandotte County Kans., December 10: Proposed is the widening of Interstate 70 from 94th Street to 10th Street in Kansas City. The improvement would consist of the addition of one lane in each direction between I-435 and I-635 and two lanes in each direction between I-635 and I-670. An additional 60 acres of land will be required for right-of-way, and from 2 to 52 families will be displaced. Construction disruption will result. (ELR Order No. 51803.)

US-36 Improvement, Kansas-Mo. State Line West, Brown, and Doniphan Counties, Kans. December 12: Proposed is the improvement of US-36, extending from the Kansas-Missouri State Line at St. Joseph, Missouri, to a point one mile east of the Brown-Doniphan County Line and one mile south of the existing US-36. Adverse effects include the removal of 1,600 acres of cropland from production, the acquisition of private residences with resultant displacement of people, and increases in noise and air pollution. (ELR Order No. 51810.)

West Cornhusker Highway, Lincoln, Lancaster County, Nebr., December 8: The proposed roadway improvement involves the upgrading and reconstruction of a 1.3 mile segment of West Cornhusker Highway and North West First Street in Lincoln, Nebraska. Construction will require an additional 12 acres of right-of-way and will require the relocation of twelve families and two businesses. A 4(f) statement is included concerning Oak Lake Park. (ELR Order No. 51770.)

SH 63, Ashland, Saunders County, Nebr., December 10: The statement concerns the reconstruction of State Highway 63 to provide a more direct, flood free, all-weather route to Ashland, Nebraska. The segment will be from 0.86 to 3.6 miles long and require six to 52 acres of right-of-way, depending upon the alternative chosen. Adverse impacts include dislocation of families and businesses, water pollution during construction, and vegetation loss. (ELR Order No. 51802.)

U.S. 220, I-85 to I-40 (Supplement), Guilford County, N.C., December 8: Proposed is a freeway connection between I-85 and I-40 in Greensboro, North Carolina. The 1.83 mile project will provide an at-grade intersection at the northern end until a future freeway extension is constructed. Adverse impacts include the disruption and relocation of 44 families, 3 businesses, and 1 church, the commitment of 87 acres of land, and the relocation of approximately 50 cemetery graves. (ELR Order No. 51780.)

Final

I-70, Dosstero-West (I 70-2(11)), Garfield and Eagle Counties, Colo., December 10: Proposed is the design and construction of a 20 mile section of Interstate 70 beginning about two miles east of Glenwood Springs and extending easterly to near Gypsum, Colorado. Adverse impacts of the project include encroachments into the Colorado River in certain areas of the canyon, displacement of small picnic areas, and physical changes in the canyon from rock cuts, excavation, and tunnels, or construction of long and high bridges. A 4(f) statement is included. Comments made by: HUD, COE, DOI, USDA, DOT, and State and local agencies. (ELR Order No. 51801.)

Final

S.R. 500, Melbourne, Florida, Brevard County, Fla., December 8: Proposed is the reconstruction of six miles of S.R. 500 from two to four lanes. Adverse impacts will include the taking of additional right-of-way, and the displacement of people; noise levels will increase. A 4(f) statement will be filed for the encroachment upon Melbourne Country Club and Babcock Park. Comments made by: USDA, DOI, HEW, EPA, and State and local agencies. (ELR Order No. 51775.)

I-474, Peoria and Tazewell, Peoria, and Tazewell Counties, Ill. December 12: The project involves the construction of I-474, a four lane highway facility in Peoria and Tazewell Counties. I-474 will be the complimentary interstate beltline route for I-74 in the greater Peoria area. Adverse impacts are the displacement of families, increased air and noise pollution, and the use of land for right-of-way purposes. Comments made by: HUD, DOI, USDA, EPA, DPT, and State and local agencies. (ELR Order No. 51816.)

Skipanon Bridge, S.H. 105, Warrenton, Clatsop County, Oreg., December 8: The proposed project will remodel or replace the Skipanan River Bridge at Warrenton. The existing bridge, containing a floatout span, has been found to be in violation of the original 1916 Federal permit which required fast-opening bascule bridge, opening on demand. Three alternatives and involve minor disturbance to the river streambed during involve repeated disturbance to the river streambed during construction. Long term alteration of upstream river use boating and development activities may occur. (85 pages) Comments made by: COE, DOC, DOI, EPA, and State and local agencies, and private groups. (ELR Order No. 51782.)

Washington Forest Highway 7, Snohomish Co., Snohomish County, Wash., December 8: The statement refers to the proposed construction of Washington Forest Highway 7, Mountain Loop Highway, beginning at Barlon Pass in Snohomish County, and extending northerly 23 miles connecting to SR 530 in Darrington. The purpose of the road is to provide good access between Granit Falls and Darrington, completing an 85 mile scenic loop highway. Adverse impacts include the permanent loss of 75 acres of vegetation and wildlife habitat, the temporary loss of 160 acres, and some increase in stream turbidity. Thirteen families will be displaced and a total of 52 lots will be taken. (Region 10) Comments made by: EPA, DOI, USDA, DOC, COE, and State agencies, organizations, and individuals. (ELR Order No. 51783.)

I-64 Appalachian Corridor "L", Raleigh County, W. Va. December 8: The statement discusses the anticipated social, economic, and environmnetal effects of seven proposed alternates schemes for I-64, Beckley to Bragg, and WVA Turnpike, Appalachian Corridor "L" from Beckley to Bradley. Adverse effects of the projects will be right-of-way acquisition, increased levels of air, noise and water pollution, and disturbance to wildlife. The exact number of miles, acres and displacements will not be known until one option is chosen. Comments made by: HEW, FPC, COE, AHP, USDA, DOC, EPA, DOI, and State and local agencies. (ELR Order No. 51777.)

FEDERAL AVIATION ADMINISTRATION

The Council has been requested by the Department of Transportation to clarify DOT's intention, concerning the release and circulation, on November 13, 1975 of the EIS for the Concorde.

The EIS was released by the Secretary at the time he announced his decision to hold a public hearing on January 5, 1976, and to make a final decision within thirty days thereafter. However, it was not DOT's intention to file the EIS formally as a final statement at that time. The Final EIS, revised if necessary, will be filed with CEQ subsequent to the public hearing.

Comments on the EIS released by the Department on November 13 may be submitted to DOT until January 13, 1976. The thirty day minimum review period for the final EIS will begin as of the date that it is formally filed by DOT with CEQ.

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-34226 Filed 12-18-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL-467-6]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Notice of Public Hearings

Correction

In FR Doc. 75-33284, appearing at page 57711, in the issue for Thursday, December 11, 1975, the date and Federal Register citation in the first line of the first paragraph should read "October 21, 1975 (40 FR 49103)".

FEDERAL COMMUNICATIONS COMMISSION

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Renewal

The Federal Communications Commission has determined that renewal of the Radio Technical Commission for Marine Services (RTCM) as an advisory committee of the Federal Government is necessary and in the public interest. Pursuant to the Federal Advisory Committee Act (P.L. 92-463), notice of renewal is hereby provided.

The purpose of the RTCM is to advance the art and science of marine telecommunications through study, investigation, appropriate recommendations to the Federal Government and industry, and promotion of ideas and exchange of information. The RTCM has been renewed for an additional two-year period extending until January 1, 1978.

FEDERAL COMMUNICATIONS COMMISSION
VINCENT J. MULLINS,
Secretary.

[FR Doc.75-34240 Filed 12-18-75;8:45 am]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on January 23, 1976, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on January 22, 1976, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on January 22, 1976. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: December 10, 1975.

Released: December 12, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPENDIX

BP-19826	NEW, Lake Isabella, Calif. John M. Ridenour Req: 1140 kHz, 500 W, Day.
BP-19863	WDCF, Dade City, Fla. Dade City Radio, Inc. Has: 1350 kHz, 1 kW, Day. Req: 1350 kHz, 500 W, 1 kW-LS, DA-N, U.
BP-20002	WUCR, Sparta, Tenn. WUCR, Incorporated Has: 860 kHz, 250 W, Day. Req: 860 kHz, 1 kW, Day.
BP-20019	WIZO, Franklin, Tenn. Harpeth Valley Broadcasting Co., Inc. Has: 1380 kHz, 1 kW, Day. Req: 1380 kHz, 5 kW, DA-Day.
BP-20020	KSDN, Aberdeen, S. Dak. Green Bay Broadcasting Co. Has: 930 kHz, 1 kW, DA-N, U. Req: 930 kHz, 1 kW, 5 kW-LS, DA-2, U.
BP-20021	WUNN, Mason, Mich. Family Life Broadcasting System Has: 1110 kHz, 250 W, Day. Req: 1110 kHz, 1 kW, DA-Day.
BP-20023	WANB, Waynesburg, Pa. Commonwealth Broadcasters, Inc. Has: 1580 kHz, 250 W, Day. Req: 1580 kHz, 500 W (250 W-CR), Day.
BP-20028	WWIT, Canton, N.C. WWIT, Inc. Has: 970 kHz, 1 kW, Day. Req: 970 kHz, 5 kW, Day.
BP-20029	WKKQ, Hibbing, Minn. Jerry J. Collins Has: 1060 kHz, 1 kW, Day. Req: 1060 kHz, 10 kW (5 kW-CH), Day.
BP-20030	NEW, Lancaster, Wis. Bert R. Peterson Req: 1280 kHz, 500 W, Day.
BP-20032	NEW, Saltville, Va. Childress of Virginia Req: 1600 kHz, 5 kW, Day.
BP-20033	NEW, Minocqua, Wis. Lakeland Communications, Inc. Req: 1570 kHz, 1 kW, Day.
BP-20034	NEW, Conway, S.C. Kingston Broadcasting Company, Inc. Req: 1050 kHz, 5 kW, DA-Day.
BP-20035	NEW, Calhoun, Ga. Cherokee Broadcasting Co. Req: 900 kHz, 1 kW, Day.
BP-20040	NEW, Southwest City, Mo. George C. Lackey Req: 1140 kHz, 250 W, Day.

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BP-20044 WFTO, Fulton, Miss.
Itawamba County Broadcasting Co., Inc.
Has: 1330 kHz, 1 kW, Day.
Req: 1330 kHz, 2.5 kW, Day.

[FR Doc.75-34245 Filed 12-18-75;8:45 am]

[Report No. 784]

MOTOR CARRIER SERVICES INFORMATION

Applications Accepted for Filing

DECEMBER 15, 1975.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act of 1934) or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning any of these applications within 30 days of the date of this notice.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE:

20963–CD–P–(3)–76, Burlington, Brighton & Wheatland Telephone Company (KUO636), C.P. to replace transmitter operating on 158.10 MHz at Loc. No. 1: McHenry Street, 1.73 miles South of Burlington; additional facilities to operate on 158.10 MHz at a new Loc. No. 4: Hwy. E, 2 mi. E. of Somers; and same facilities at a new Loc. No. 5: Near County Trunk, 2.25 miles NW. of Delavan, Wisconsin.

20964–CD–P–76, South Georgia Telephone Company (KIY751), C.P. to relocate and change antenna system operating on 152.54 MHz located at 200 Martin Street, Folkston, Georgia.

20965–CD–P–(2)–76, General Telephone Company of the Southwest (KLB326), C.P. to change antenna system operating on 152.63 MHz and for additional facilities to operate on 152.81 MHz located 1 mi. NE. of Sutton County Courthouse in Sonora, Texas.

20966–CD–P–(2)–76, Susquehanna Mobile Communications, Inc. (KGC599), C.P. to change antenna system operating on 454.250 and 454.275 MHz at Loc. No. 1: WHP-TV Site, Blue Mountain near Harrisburg, Pennsylvania.

20967–CD–P–(5)–76, Aircall, Inc. (KIY779), C.P. to change antenna system operating on 152.24 MHz at Loc. No. 1: On top of Spivey Mountain, Asheville; chg. antenna system operating on 454.100 MHz at Loc. No. 2: 216 Haywood Street, Asheville; additional facilities operating on 152.24 MHz at a new Loc. No. 3: High Hickory Knob, 2.5 miles South of Swannanoa; additional facilities oper. on 152.24 MHz at new Loc. No. 4: Chambers Mountain, 2 miles N. of Clyde; and same facilities at a new Loc. No. 5: Jumpoff Mountain, 3 miles West of Hendersonville, North Carolina.

20968–CD–P–76, Simon Rubinsky (KRS640), C.P. for additional facilities to operate on 158.70 MHz at a new Loc. No. 3: Hwy. No. 281, 2 mi. S. of Edinburg, Texas.

20969–CD–P–76, Camden Mobile Communications, Inc. (KUO643), C.P. to relocate and change antenna system operating on 152.03 MHz located on Hwy. 97, 0.7 mi. N. of Camden, South Carolina.

20970–CD–P–76, Harvey Jacquin d.b.a. Radio Communications Company (KSV972), C.P. to relocate and change antenna system operating on 454.275 MHz located 2.5 miles NNW. of Union, Missouri.

20971–CD–P–(2)–76, James W. Corn d.b.a. Omnicom (KOF914), C.P. to relocate and change antenna system operating on 454.05 and 454.30 MHz, Control located 1314 North Russell, Missoula, Montana.

20972–CD–P–76, General Telephone Company of the Northwest, Inc. (KTS244), C.P. for additional facilities to operate on 454.625 MHz located at 13013 NE. 65th Street, Kirkland, Washington.

20973–CD–TC–76, Romain Telephone Company, Inc. Consent to Transfer of Control from Romain Telephone Company, Inc., Transferor to Great Southwest Telephone Corporation, Transferee. Station: KLB755, Plains, Texas.

POINT TO POINT MICROWAVE RADIO SERVICE:

1314–CF–P–76, The Mountain States Telephone and Telegraph Company (new), Oak Creek, Colorado: Lat. 40°16'33" N., Long. 106°57'25" W. C.P. for a new station on frequency 2121.6V MHz toward Oil Well Hill passive reflector on azimuth 246.5°, and from passive reflector to Mt. Werner, Colorado on azimuth 44.1°.

1315–CF–P–76, Same (WHB70), Mt. Werner, 5.1 Miles East of Steamboat Springs, Colorado. Lat. 40°27'20" N., Long. 106°44'23" W. C.P. to change coordinates, add frequency 2171.6V MHz toward Oil Well Hill passive reflector on azimuth 224.3°, and from passive reflector to a new station at Oak Creek, Colorado on azimuth 66.5°.

1316–CF–P–76, Southwestern Bell Telephone Company (KOA62), 4 Miles SW. of Beeville, Texas. Lat. 28°23'14" N., Long. 97°48'43" W. C.P. to add frequency 4090V MHz toward Orange Grove, Texas on azimuth 207.9°.

1317–CF–P–76, Same (KOA63), 7.2 Miles NW. of Orange Grove, Texas. Lat. 28°00'50" N., Long. 98°02'04" W. C.P. to add frequencies 3710H MHz toward Rabb, Texas on azimuth 122.1°, and 4050V MHz toward Beeville, Texas on azimuth 27.8°.

1318–CF–P–76, Same (KOA64), Rabb, 5 Miles NW. of Robstown, Texas. Lat. 27°50'20" N., Long. 97°43'15" W. C.P. to add frequencies 3750H MHz toward Orange Grove, Texas on azimuth 302.2°, and 3750H MHz toward Corpus Christi, Texas on azimuth 99.0°.

1319–CF–P–76, Same (KKW21), 401 North Broadway, Corpus Christi, Texas. Lat. 27°47'35" N., Long. 97°23'48" W. C.P. to add frequency 3710H MHz toward Rabb, Texas on azimuth 279.1°.

1329–CF–P–76, Michigan Bell Telephone Company (KYZ99), 0.9 Mile South of Perkins, Michigan. Lat. 45°57'48"N., Long. 87°04'22" W. C.P. to add antenna and frequencies 3730V, 3810V, 3890V, 3970V MHz toward Escanaba, Michigan on azimuth 178.0°; 4050H MHz toward LaBranch, Michigan on azimuth 254.7°; and 3730H, 3810H, 3890H, 4130H MHz toward Forsyth, Michigan on azimuth 334.6°; modify antenna and receive station data.

1330–CF–P–76, Same (KQI64), 1005 First Street, Escanaba, Michigan. Lat. 45°44'40" N., Long. 87°03'43" W. C.P. to add antenna and frequencies 3770V, 3850V, 3930V, 4010V MHz toward Perkins, Michigan on azimuth 358.0°; modify receive station data.

1331–CF–P–76, Same (KQI65), Forsyth, 2 Miles NE. of Little Lake, Michigan. Lat. 46°18'27" N., Long. 87°18'32" W. C.P. to modify receive station data and add frequencies 3770H, 3850H, 3930H MHz toward Perkins, Michigan on azimuth 154.4°, and 3770H, 3850H, 3930H, 4170H MHz toward Marquette, Michigan on azimuth 346.0°.

1332–CF–P–76, Same (KQE89), 209 North Third Street, Marquette, Michigan. Lat. 46°32'41" N., Long. 87°23'40" W. C.P. to add antenna and frequencies 3730H, 3810H, 3890H MHz toward Forsyth, Michigan on azimuth 166.0°; modify receive station data.

1333–CF–P–76, Michigan Bell Telephone Company (KQO78), 0.9 Miles NW of LaBranche, Michigan. Lat. 45°53'01" N., Long. 87°29'06" W. C.P. to add frequencies 4090H, 4170H MHz toward Perkins, Michigan on azimuth 74.4°, and 4090H MHz toward Iron Mountain, Michigan on azimuth 261.2°.

1334–CF–P–76, Same (KQA32), On Millie Hill, Iron Mountain, Michigan. Lat. 45°49'17" N., Long. 88°02'42" W. C.P. to add frequencies 4050H, 4130H MHz toward LaBranche, Michigan on azimuth 80.8°.

1323–CF–MP–76, Southern Pacific Communications Co. (WAU252), 0.3 Miles SW of Cooksville, Maryland. Lat. 39°19'06" N., Long. 77°01'33" W. Mod. C.P. to add 6226.9V towards Crownsville, Maryland on azimuth 132.1 degrees and to delete 6345.5H towards American University, Washington, D.C.

1324–CF–MP–76, Same (WAU268), 210 North Charles Street, Baltimore, Maryland. Lat. 39°17'29" N., Long. 76°36'55" W. Mod. C.P. to change frequency and polarization on 5974.8V to 6226.9H towards Crownsville, Maryland on azimuth 180.6 degrees and to increase antenna structure height.

1326–CF–MP–76, Same (WAU271), Southern end of Bacon Ridge Road, Crownsville Maryland. Lat. 39°01'50" N. Long. 76°-37'08" W. Mod. C.P. to add 5945.2V towards Cooksville, Maryland and to change frequency and polarization on 6197.2V to 6004.5H towards Baltimore, Maryland on azimuth 0.6 degrees.

1327–CF–MP–76, Same (WAU272), 7600 Preston Drive, Landover, Maryland. Lat. 38°56'15" N., Long. 76°51'42" W. Mod. C.P. to change frequency and polarization on 5974.8H to 6197.2V towards Washington, D.C. on azimuth 256.3 degrees.

1328–CF–MP–78, Same (WAU273), 1801 K Street NW., Washington, D.C. Lat. 38°54'10" N., Long. 77°02'33" W. Mod. C.P. to change frequency 10755V to 5974.8V towards Landover, Maryland on azimuth 76.1 degrees and to delete 10755V towards American University, increase antenna height.

1338–CF–P–76, American Microwave & Communications, Inc. (KQL45), Bates, 5.5 miles NE of Iron River, Michigan. Lat. 46°06'08" N., Long. 88°32'30" W. CP to change frequencies to 6041.6H MHz, 6100.9H MHz and 6160.2H MHz toward Covington, Michigan.

1339–CF–P–76, Same. (KQL46), 0.5 mile West of Covington, Michigan. Lat. 46°32'02" N., Long. 88°32'37" W. CP to change frequencies to 6278.8H MHz, 6308.4V MHz, 6338.1H MHz and 6397.4H MHz toward Bergland, Michigan.

1340–CF–P–76, Same. (KQM30), 1.25 miles SW of Houghton, Michigan. Lat. 47°06'35" N., Long. 88°35'50" W. C.P. to change frequencies to 6041.6H MHz, 6100. 9H MHz & 6160.2H MHz toward Calumet, Michigan; change to 6041.6V MHz, 6100.9V MHz and 6160.2V MHz toward L'Anse, Michigan.

1341–CF–P–78, Same. (KQM82), Bergland, Michigan. Lat. 46°40'37" N., Long. 89°34'45" W. C.P. to add 5952.6V MHz, 6041.6H MHz, 6100.9H MHz and 6160.2H MHz toward Ironwood, Michigan.

1342–CF–P–76, Same. (KQN97), Ironwood, Michigan. Lat. 46°25'45" N., Long. 90°08'-51" W. C.P. to change frequencies to 6308.-4H MHz and 6367.7H MHz toward Ashland, Wisconsin.

1343–CF–P–76, Same. (new), 940 36th Street, Wyoming, Michigan. Lat. 42°53'55" N., Long. 85°41'18" W. C.P. for a new station on 5974.8V MHz toward Walker, Michigan.

1344–CF–P–76, Same. (WAH–28), 6.1 Miles West of Walker, Michigan. Lat. 42°58'31" N., Long. 85°47'27" W. C.P. to add 6197.2H MHz toward Muskegon, Michigan.

1345–CF–P–76. Eastern Microwave, Inc. (KEM35), Ingraham Hill, 3.3 Miles SSW of Binghamton, New York. Lat. 42°03'43" N., Long. 75°57'03" W. C.P. to add 6137.9V MHz, via power split, toward a new point of communication at Owego, New York.

MAJOR AMENDMENTS:

1265–CF–P–76, United States Transmission Systems, Inc. (new), Owings, South Carolina. Amended to change 6226.9V to 5945.2V towards Moore, South Carolina; correct coordinates to read Lat. 34°38'44" N. Long. 82°07'29" W.

[FR Doc.75-34244 Filed 12-18-75;8:45 am]

[FCC 75-1347]

AGREEMENTS BETWEEN SHORT-SPACED FM STATIONS

Commission Reaffirms Policy

DECEMBER 15, 1975.

Section 73.213(a) of our rules provides for an increase in the authorized facilities (height above average terrain and effective radiated power) of existing FM stations which are presently separated from other co-channel or first-adjacent channel FM stations by a distance less than the minimum distance required by section 73.207 of the rules. In essence, section 73.213(a) specifies the maximum spaced FM stations based upon the prescribed mileage bracket applicable to the particular FM stations. In adopting this rule, we rejected the proposal of permitting such an increase in facilities solely on the basis of an agreement between the short-spaced stations. However, in paragraph 19 of our *Fourth Report and Order* in Docket No. 14185, 40 FCC 868 (1964), we agreed to consider, on an *ad hoc* basis, increases in the facilities of short-spaced FM stations beyond the maximum facilities provided for in section 73.213(a) of the rules, where a mutual agreement exists between the stations. As stated in paragraph 19 of that document, this agreement must include a showing as to how the public interest will be served by full implementation of the agreement.

Since 1964, we have received numerous applications with accompanying agreements proposing facilities which are in excess of the maximums permitted by section 73.213(a) of the rules. At this point, we feel that it is necessary to reaffirm our intention to adhere to the policy that a public interest showing be part of any such proposal. We continue to believe that this policy is consistent with our stated intention of an efficient and orderly development of the FM broadcast service. Consequently, in order to simplify the processing of these applications and aid applicants who are contemplating entering into such an agreement, we are issuing this Public Notice to clarify the guidelines which are used in evaluating a particular agreement.

We will take into consideration the additional areas and populations which will receive primary service assuming *full* implementation of the agreement. By contrast, we will also consider the areas and populations which will receive interference[1] as a result of the mutual increases in facilities. In this regard, it will be necessary to determine the availability of other aural services to the interference areas created by full implementation of the agreement. Once the initial application is granted to increase facilities in line with an agreement found to be in the public interest, subsequent applications for incremental increases in authorized facilities looking toward full implementation of the agreement will be routinely granted.

In no event will a proposal be favorably considered which provides for facilities in excess of maximum power and antenna heghaimilittt
antenna height limitations set forth in section 73.211(b) of the rules. Furthermore, it must be reiterated that the agreements contemplated in the *Fourth Report and Order, supra*, pertain only to increases in facilities and *not* transmitter permissible facilities for existing short-site relocations. Therefore, notwithstanding any restriction contained in an agreement to the contrary, the relocation of transmitter sites will continue to be governed by section 73.213(f)(2)(ii) of the rules. In this regard, site change proposals falling within the applicant's present mileage bracket will be routinely granted with facilities up to the maximum contemplated by such agreement.

It should also be noted that these guidelines are only general in nature and do not, in any way, preclude us from requesting additional information when warranted. In addition, we wish to reemphasize that these agreements are intended only to provide a limited means by which some existing FM stations, authorized under previous allocation standards, may increase their facilities; agreements will not be favorably considered where an applicant proposes, for the first time, to create a mileage separation shortage under section 73.207(a) of the rules. The provision for such agreements does not constitute a departure from the FM allocation standards set forth in our *First Report and Order* in Docket No. 14185, 33 FCC 309 (1962). Accordingly, except for the limited provision for agreements discussed herein, FM allocation, including the nature and extent of interference protection accorded commercial FM stations, will continue to be determined solely by the mileage separation, power, and antenna height limitations set forth in sections 73.207, 73.211 and 73.213 of the rules, without regard to the concept of protected and interfering contours previously employed.

Action by the Commission December 9, 1975. Commissioners Wiley (Chairman), Lee, Reid, Hooks, Quello, Washburn and Robinson.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-34243 Filed 12-18-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of November 28 to December 5, 1975

Notice is hereby given that during the week of November 28 to December 5, 1975, the appeals and applications for exception or other relief listed in the Appendix to this notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,
General Counsel.

DECEMBER 12, 1975.

[1] For the purposes of these showings only, the normally protected service area is considered to be the area within the 1 mV/m (60 dBu) contour, and interference within the service area is considered to exist when the ratio of desired to undesired signals is less than 10 to 1 for co-channel stations and less than 2 to 1 for first-adjacent channel stations. The F (50,50) curves should be used for service contours, and the F (50,10) curves should be used for interfering contours.

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APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, Nov. 28–Dec. 5, 1975*

Date	Name of applicant	Case No.	Location	Type of submission
1975				
Dec. 1	Benton Airport. (If granted: Benton Airport would receive an increase in its base period use of aviation fuel based on an increase in services at Benton Airport.)	FEE-2096	Benton, Kans.	Exception to increase its base period use of aviation fuel.
Do	E&C Aero Services, Inc. (If granted: E&C Aero Services, Inc., would receive an increase in its base period use of aviation fuel based on increased demand for the product at E&C Aero Services, Inc.)	FEE-2097	St. Louis, Mo.	Do.
Do	Edgington Oil Co. (If granted: Edgington Oil Co. would receive an extension of the entitlement exception relief granted in FEA's Sept. 18, 1975, decision and order.)	FEE-2089	Long Beach, Calif.	Extension of FEA's entitlement exception relief, Edgington Oil Co., 2 FEA, par. 83,276 (Sept. 18, 1975).
Do	Fletcher Oil & Refining Co. (If granted: Fletcher Oil & Refining Co. would receive an extension of the entitlement exception relief granted in FEA's Nov. 11, 1975, decision and order.)	FEE-2094	Wilmington, Calif.	Extension of FEA's entitlement exception relief, Fletcher Oil & Refining Co., 2 FEA, par. —— (Nov. 11, 1975).
Do	Golden Flame Fuel Co. (If granted: Golden Flame Fuel Co. would be permitted to increase its selling price for fuel oil. The exception request is based on the firm's assertion that its May 15, 1973, margin on fuel oil sales is low.)	FEE-2098	Uniontown, Pa.	Price exception (sec. 212.93).
Do	Mount Hawley Aviation, Inc. (If granted: Mt. Hawley Aviation, Inc., would receive an increase in its base period use of aviation fuel based on exceptional growth in air traffic experienced at the Mount Hawley Airport.)	FEE-2095	Peoria, Ill.	Exception to increase its base period use of aviation fuel.
Do	NGL Supply, Inc. (C&H Refinery, Inc.). (If granted: NGL Supply, Inc., would receive an extension of the entitlement exception relief granted in FEA's Nov. 14, 1975, decision and order.)	FEE-2092	Washington, D.C.	Extension of FEA's entitlement exception relief, NGL Supply, Inc., 2 FEA, par. —— (Nov. 14, 1975).
Do	Placid Refining Co. (If granted: Placid Refining Co. would receive an extension of the stay relief granted in FEA's Oct. 17, 1975, decision and order pending the determination of its appeal.)	FES-0036	do	Extension of FEA's Oct. 17, 1975, decision and order, Placid Refining Co., 2 FEA, par. —— (Oct. 17, 1975).
Do	Pryor Oil Co. (If granted: Pryor Oil Co. would be assigned a new supplier to replace its base period supplier, Triton, Inc.)	FEE-2101	Griffin, Ga.	Exception to change supplier based on the supplier's decreased allocation, fraction.
Do	Pryor Oil Co. (If granted: Pryor Oil Co. would be permitted to replace the existing supplier of motor gasoline at various Federal installations under an 8(a) contract.)	FEE-2102	do	Exception to change suppliers under an 8(a) contract.
Do	Rock Island Refining Corp. (If granted: Rock Island Refining Corp. would not be required to purchase entitlements for its receipts of old oil in excess of the adjusted national old oil supply ratio for the months of December 1975, and January and February 1976.)	FEE-2093	Indianapolis, Ind.	Exception to FEA's entitlements program.
Do	Union Oil Co. of California. (If granted: Union Oil Co. of California would be permitted to increase its May 15, 1973, selling price for JP-4 aviation fuel on the basis that its May 15, 1973, selling price was below competitive levels.)	FEE-2100	Los Angeles, Calif.	Price exception (sec. 212.82).
Do	Wallack Brothers Co. (If granted: Wallack Brothers Co. would be assigned a new, lower-priced supplier of Varsol I.)	FEE-2099	New Haven, Conn.	Exception to change suppliers.
Do	Wickett Refining Co. (If granted: FEA's Oct. 24, 1975, decision and order would be rescinded and Wickett Refining Co. would not be required to purchase entitlements for its receipts of old oil in excess of the adjusted national old oil supply ratio.)	FEA-0678	Fort Worth, Tex.	Appeal of FEA's exception decision and order, Wickett Refining Co., 2 FEA par. 83, 343 (Oct. 24, 1975).
Dec. 2	Arizona Fuels Corp. (If granted: Arizona Fuels Corp. would be assigned a supply of crude oil from Tenneco Oil Co. to increase the level of operation of its Fredonia, Ariz., refinery.)	FEE-2090	Salt Lake City, Utah	Exception to Dec. 1 rule for crude oil supplier/purchaser relationships (211.63(a)).
Do	Lakeside Refining Co. (If granted: Lakeside Refining Co. would not be required to purchase entitlements for its receipts of old oil in excess of the adjusted national old oil supply ratio.)	FEE-2078	Kalamazoo, Mich.	Exception to the old oil entitlements program.
Dec. 3	Charter Oil Co. (If granted: Charter Oil Co. would be permitted to file amended forms FEA P-102-M-O for the months of January through June 1975 to receive an adjustment in its entitlement purchase obligation.)	FEE-2091	Jacksonville, Fla.	Exception to the reporting requirements of the old oil entitlements program.
Do	Kerr-McGee Corp. (If granted: The decision and order issued by the FEA Office of Regulatory Programs on Sept. 26, 1975, would be rescinded and Kerr-McGee Corp. would receive an increased allocation of crude oil under the refiners' buy/sell list to account for its expanded refinery capacity.)	FEA-0679	Oklahoma City, Okla.	Appeal of the crude oil allocation order issued by the FEA on Sept. 26, 1975.
Do	New England Petroleum Corp. (If granted: New England Petroleum Corp. would receive an extension of the entitlement relief granted in FEA's Nov. 17, 1975 Decision and Order.)	FEE-2103	Washington, D.C.	Extension of FEA's entitlement exception relief, New England Petroleum Corp., 2 FEA par. — (Nov. 17, 1975).
Dec. 4	Berry Holding Co. (If granted: FEA's November 10, 1975 Interpretation would be rescinded and certain wells owned by the Berry Holding Co. would qualify as stripper wells under 10 CFR 210.32.)	FEA-0680	Taft, Calif.	Appeal of FEA's Nov. 10, 1975 Interpretation pertaining to classification as a stripper well.
Do	Exxon Co., USA (If granted: FEA's November 17, 1975 Decision and Order which granted exception relief from the Entitlements Program to the New England Petroleum Corp. would be rescinded. FEA's November 17, 1975 Decision and Order which was issued to New England Petroleum Corp. would be stayed pending final determination of Exxon's appeal.)	FEA-0681, FES-0081	Washington, D.C.	Appeal of FEA's Nov. 17, 1975 Decision and Order, New England Petroleum Corp., 2 FEA, par. — (Nov. 17, 1975.) Stay requested.
Do	NGL Supply, Inc. (If granted: NGL Supply, Inc. would receive an extension of the entitlement exception relief granted in FEA's Nov. 14, 1975 Decision and Order.)	FEE-2104	Tulsa, Okla.	Extension of FEA's entitlement exception relief, NGL Supply, Inc., 2 FEA, par. — (Nov. 14, 1975).
Do	North American Petroleum. (If granted: North American Petroleum would receive a stay of its obligations to purchase entitlements in November pending the sale of its October entitlements.)	FES-0087	Abilene, Tex.	Request for a stay of entitlement purchase obligation.

[FR Doc.75-34062 Filed 12-15-75;9:25 am]

FOOD INDUSTRY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Advisory Committee will meet Tuesday, January 13, 1976 at 1:30 p.m., Westward V Room, The Americana Hotel, Miami Beach, Florida.

The Committee was established to advise the Administrator, FEA, about food-service interests and problems as these relate to national energy conservation programs.

The agenda is as follows:

1. Chairman's report, a. New membership, b. Proposed 1976 focus.
2. Energy conservation updates, a. Current status, b. Future emphasis.
3. Task force reports, a. Energy consumption data, b. Future Planning, c. Audit programs, d. Transportation, e. Retail grocery stores, f. Foodservice operations, g. Industrial education.
4. General discussion.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management, (202) 961-7022, at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on December 17, 1975.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.75-34519 Filed 12-18-75;9:11 am]

INDUSTRIAL EDUCATION SUBCOMMITTEE OF THE FOOD INDUSTRY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Industrial Education Subcommittee to the Food Industry Advisory Committee will meet Tuesday, January 13, 1976 at 9:30 a.m., at the Sea View Motel, 9909 Collins Avenue, Miami Beach, Florida.

The Committee was established to advise the Administrator, FEA, about food-service interests and problems as these relate to national energy conservation programs.

The agenda is as follows:

1. Distribution of the guide to energy conservation for food service.
2. State energy conservation seminar for food service.
3. Distribution of energy audit for meat packing and baking.

The meeting is open to the public. The Chairman of the Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on December 17, 1975.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.75-34520 Filed 12-18-75;9:12 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311 (p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Production) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01113	A/S J. Ludwig Mowinckels Rederi: *Fosna.*
01229	Belships Co., Ltd. Skibs-A/S: *Belcargo.*
01248	Dampskibs A/S Avenir, Skibs A/S Beaumont, Skibs A/S Beaulieu, Skibs A/S Beaufort, Skibs A/S Seattle: *Beaumont.*
01303	Prince Line Ltd.: *Cairnleader.*
01533	Henry Nielsen OY/AB: *Altano.*
02001	Rederiaktiebolaget Transatlantic: *Gunnar Carlsson.*
02039	Gryf Deep Sea Fishing Co. *Delfin.*
02243	Astramar Compania Argentina De Navegacion Sociedad Anonima Comercial: *Astradiego.*
02472	Texasgulf Inc: *TG 25, TG 26.*
02712	Tarpon Towing, Inc.: *RT 87, RT 98.*
02859	Cosmos Marine Development Corp. Liberia: *Cosmos Bellatrix.*
03004	Rederi Ab Soya: *Don Juan.*
03276	Universe Tankships, Inc.: *Universe Monitor.*
03420	Dainichi Kaiun Kabushiki Kaisha: *Nitten Maru.*
03453	Kyosei Kisen Kabushiki Kaisha: *Seian Maru.*
03482	Ryutsu Kaiun K.K.: *Ryutai Maru.*
03501	Osaka Shosen Mitsui Senpaku K.K.: *Alkuds.*
03503	Shofuki Kisen K.K.: *Shizuoka Maru, Shimane Maru.*
03730	Brown & Root, Inc.: *BAR 363, BAR 364, BAR 355, BAR 356, BAR 357.*
03733	Great Lakes Dredge & Dock Co.: *No. 130.*
03737	Interocean Shipping Co.: *Allegre.*
03836	Sploana Plovba: *Nova Gorica.*
03883	Ohio Barge Line, Inc.: *OBL 923, OBL 924, OBL 925.*
03915	Mobil Oil Corp.: *Mobil Legend.*
04080	Port Arthur Towing Co.: *Sissie Crawford.*
04212	Nilo Barge Line, Inc.: *James F. Towey.*
04580	Marine Transport Lines, Inc.: *Oswego Courage, Oswego Guardian.*
04767	Texaco, Inc.: *Texaco Barge 809.*
05027	Westwind Africa Line Ltd.: *Desert Wind.*
05046	Magnolia Marine Transport Co.: *MM-25.*
05091	Dansk Esso A/S: *Esso Danica.*
05470	Charter Transport Line, Inc.: *Witshuttle.*
05581	Latvian Shipping Co.: *Pavel Parenago.*
05676	International Barge Inc.: *BW 1933, BW 1934.*
05736	Flota Cubana De Pesca: *Rio Arimao.*
05792	Korea Wonyang Fisheries Co. Ltd.: *Kwang Myong 92, Kwang Myong 95, Kwang Myong 96.*
05816	Allan B. Hyde and Meade D. Hyde: *Hybur Trader.*
05946	Nihon Daigaku Co.: *Nihon University.*
05998	Navarion Shipping & Transport Co., Ltd.: *Prosperity, Agility.*
06169	Empresa De Navegacao Alianca S/A: *Amaralina, Botafogo.*
06248	Commercial Corporation "Sovrybflot": *Zaraisk.*
06359	Malaysian International Shipping Corp.: *Berhad, Bunga Selasih.*
06676	Overseas Maritime Ltd.: *Mari Boeing, Jamaica Farewell.*
06814	Navegadora Tropica S.A.: *Demarg.*
06934	Chevron Navigation Corp.: *Chevron Antwerp.*
07151	Sea Containers Chartering Ltd.: *Captain Paddon, Londis.*
07255	Teh Tung Steamship Co., Ltd.: *Mount Rui.*
07526	Marine Equipment Supplies, Inc.: *Santa Fe Mariner 3.*
07766	Transworld Shipping & Trading Co. Ltd.: *Pacific Queen.*
08426	Michele Amoruso & Figli: *Amoruso VI.*
08414	I.F.R. Services Ltd.: *Cardiff Clipper, London Clipper, Teesside Clipper.*
08488	Multinational Gas & Petrochemical Co.: *Global Gas.*
08854	Interessentskapet Saga Stripe: *Osco Stripe.*
08457	Louisiana Towboat Co., Inc.: *Mr. Jeffrey.*
08658	Il Woo Marine Co., Ltd.: *Kofoku Maru.*
08765	Landmo Shipping Services Ltd.: *Daghestan.*
08859	Miryung Navigation Co., Ltd.: *Protea.*
09024	Veb Fischkombinat Rostock: *Peter Kast.*
09031	Union Mechling Corp.: *Margaret C.*
09164	Aquanaves, C.A.: *Aquanaves I, Aquanaves II.*
09206	Societe Navale Chargeurs Delmasvieljeux: *Dina.*

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Certificate No.	Owner/operator and vessels
09211---	Crowley Maritime Corp.: *ZBO 280.*
09244---	System Fuels, Inc.: *SFI 41, SFI 42, SFI 43, SFI 44.*
09423---	Teh-Hu Cargocean Management Co. Ltd.: *Glorius.*
09760---	Amoco Transport Co.: Ocean Challenger.
09763---	Atlas Maritime Co., S.A.: *Al Bilad.*
09785---	San Diego Transportation Co.: *419.*
09991---	Laurel Ltd.: *Crown Hope.*
10006---	Taiyosuisan Kabushiki Kaisha: *Taiyo Maru No. 8.*
10214---	Arco Iris Naviera S.A.: *Kalimantan XBV.*
10297---	Imec Naviera Co. S.A.: *Icelander.*
10303---	Almare Societa Di Navigazione S.P.A.: *Almare Seconda.*
10381---	Oceanic Tankers Corp.: *Oceanic Erin.*
10423---	Merry Shipping Co., Inc: *Royal Lancer, Number 128, Number 137, Chief.*
10395---	Union Partenreederei MS Bremerhaven: *Bremerhaven.*
10453---	International Shipping Management Inc: *Alnajdi.*
10506---	Henry Stephens Shipping Co., Ltd.: *Ijewera.*
10532---	Bulgarian Tanker Fleet: *Toundja.*
10548---	Burgess Oil Co., Inc.: *Tide Mar 20.*
10565---	Robbins Towing Co.: *Hornet.*
10601---	Green Bay Transportation Co.: *Grand Bay.*
10603---	Zapata Product Tankers, Inc.: *Zapata Patriot, Zapata Ranger, Zapata Courier.*
10629---	Chevaby (Shipping) S.A.: *Chevalier Darby.*
10660---	Universal Navigation Corp., Inc.: *Oriental Sovereign.*
10663---	G.D.M. Barge Co., Inc.: *GDM-10, GDM-30.*
10665---	Dampskibsaktieselskabet Laly: *Lyra.*
10666---	Empresa Flota Atunera De Cuba: *Aguaji, Aguja, Albacora, Dorado, Alecrin, Anchoa, Arenque, Arigua, Bajonao, Bonito, Castero, Cubera, Damero, Emperador, Jurel, Liseta, Machuelo, Mero, Medregal, Merluza, Pargo, Rascasto, Robalo, Sierra, Jagua.*
10675---	Gibraltar Strait Shipping Inc.: *Fedtrade.*
10688---	Regent Orchid Shipping, Inc.: *Regent Ranger.*
10689---	Regent Cherry Shipping, Inc.: *Regent Radiance.*
10690---	Partrederiet Bravo VI: *Mette Bravo.*
10691---	Agelikos Astir Corp.: *Angelic Star.*
10694---	Sidomar Societe Anonyme: *Konkordia.*
10702---	K/S Talisman: *Talisman.*
10704---	Interoceanos Armadora S.A.: *Kavo Xifias.*
10711---	Hampel, Inc.: *Like One.*
10712---	Lovar Compania Naviera S.A.: *Bravo Maria.*
10715---	Mal Di Testa, Inc.: *Mal Di Testa.*
10716---	Cherokee Shipping Corp.: *Libra.*
10718---	Smit-Lloyd B.V.: *Smit Lloyd 46.*
10719---	Fontana Shipping Inc.: *Samos Sun.*
10720---	Delta Marine Drilling Co.: *Delta Nine.*
10725---	Lindinger Nimbus K/S: *Lindinger Nimbus.*
10727---	Pothitos, Shipping Co. S.A.: *Michalis.*
10728---	Wall Shipping Corp.: *Bluebird.*
10729---	Dragon Navigation S.A.: *Seishin.*
10730---	Montlake Navigation, S.A.: *Wen Kon.*
10732---	Hvalfangerselskapet "Gobus" A/S: *Lancelot.*
10733---	Kinsuke Okinaka: *Tokuei Maru No. 28.*
10734---	Donga Sangsa Co., Ltd.: *Dong Bo No. 37.*
10735---	Glory Ocean Transport S.A.: *Glory Ocean.*
10736---	Freighters Navigation Corp.: *Aristomachos.*
10739---	Glenarm Financiera Panama S.A.: *Olympic Breeze.*
10741---	Corona Steamship S.A.: *Caribbean Ace.*
10743---	Ever Humanity Line S.A.: *Ever Humanity.*
10744---	A/S Shipping Engagement: *Ragni Berg.*
10745---	Partrederiet Carita: *Carita.*
10746---	Cydonia Shipping Corp.: *Adelefotis.*
10747---	Garden Jupiter Shipping Ltd.: *Garden Jupiter.*
10748---	Seapath Navigation Co. Ltd.: *Elbella.*
10749---	Crown Zellerbach Corp.: *Oliver J. Olson III, J. Whitney.*
10752---	Juana Oya Perez: *Fragana.*
10754---	Banner Enterprises Corp.: *Master Michael.*
10755---	Cape Bauld Shipping Co. S.A.: *Hamburger Wappen.*
10756---	Calliroy Navigation S.A.: *Aristides.*
10757---	Ogden Loire Transport Inc.: *Ogden Loire.*
10759---	Indo Pacific Carriers Inc: *Hawatian Patriot.*
10760---	FMC Corp.: *Hull No. GTT-1, Hull No. GTT-2.*
10761---	Rederiet For M/S Silva: *Silva.*
10762---	Flagship Cruises Ltd.: *Kungsholm.*

By The Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-34287 Filed 12-18-15;8:45 am]

[Independent Ocean Freight Forwarder License No. 1404]

FAR EXPRESS CO.

Order of Revocation

By letter dated November 3, 1975, Fabio A. Ruiz R. d/b/a Far Express Company, 2310 Galiano Street, Coral Gables, Florida 33134 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1404 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before December 2, 1975.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Fabio A. Ruiz R. d/b/a Far Express Company has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (revised) Section 5.01(c) (dated 6/30/75):

It is ordered, That Independent Ocean Freight Forwarder License No. 1404, issued to Fabio A. Ruiz R. d/b/a Far Express Company, be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1404 be and is hereby revoked effective December 2, 1975.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Fabio A. Ruiz R. d/b/a Far Express Company.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.75-34286 Filed 12-18-75;8:45 am]

SAN FRANCISCO PORT COMMISSION AND INTERMODAL CARGO SERVICES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 8, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Richard A. Bobier, Chief Counsel, Port of San Francisco, Ferry Building, San Francisco, California 94111.

Agreement No. T-3197, between the San Francisco Port Commission (Port) and Intermodal Cargo Services, Inc., (ICS), is a five-year agreement for the operation by ICS of an off-dock eastbound container consolidation freight station and distribution center at Pier 26, San Francisco, California, for the distribution, consolidation and storage of OCP container cargo. ICS will collect monthly storage for the Port using rates quoted in Port of San Francisco Tariff 3-C. ICS will collect all other charges according to the rates published in the San Francisco Bay Carloading Tariff No. 1-C and Tariff No. 2-C.

By Order of the Federal Maritime Commission

FRANCIS C. HURNEY,
Secretary.

Dated: December 16, 1975.

[FR Doc.75-34285 Filed 12-18-75;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY COORDINATING COMMITTEE

Meeting

Conference Room 5200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, January 20, 1976, 9:30 a.m.

Presiding: Mr. Frederick W. Lawrence, Director, National Gas Survey; Mr. Allan R. Rexinger, Coordinating Committee, Coordinating Representative and Secretary, Federal Power Commission.

1 Call to Order—Mr. Frederick W. Lawrence.

2 Introductory Remarks—The Honorable Richard L. Dunham, Chairman, Federal Power Commission.

3 Introduction of Coordinating Committee Chairman—Dr. John J. Schanz, Jr., Resources for the Future, 1755 Massachusetts Avenue, NW., Washington, D.C., and Introduction of Coordinating Committee Vice Chairman—Mr. Harry Perry, National Economic Research Associates, Inc., 1211 Connecticut Avenue, NW., Washington, D.C.

4 Work Status Report of Technical Advisory Committees on (a) Supply, (b) Transmission, Distribution & Storage, (c) Conservation, (d) Finance, (e) Curtailment Strategies, and (f) Research & Development—Dr. John J. Schanz, Jr.

5 Discussion of (a) Common Problems, (b) Staffing, (c) Performance, (d) Assumptions and Methodologies—Dr. John J. Schanz, Jr.

6 Preparation, Processing and Review of Drafts and Final Reports—Dr. John J. Schanz, Jr.

7 National Gas Survey Time Table—Mr. Frederick W. Lawrence.

8 Discussion of Advisory Committee Input to Next Executive Advisory Committee Meeting—Dr. John J. Schanz, Jr.

9 Discussion of Scheduling Next Executive Advisory Committee Meeting Date—Dr. John J. Schanz, Jr.

10 Scheduling of Next Coordinating Committee Meeting Date—Mr. Frederick W. Lawrence.

11 Other Business—Mr. Frederick L. Lawrence.

12 Adjournment—Mr. Frederick W. Lawrence.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34189 Filed 12-18-75;8:45 am]

NATIONAL GAS SURVEY; SUPPLY-TECHNICAL ADVISORY TASK FORCE-FOREIGN GAS SUPPLY

Meeting

Conference Room 5200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426. January 7, 1976, 9:30 a.m.

Presiding: Randolph E. Mathura, Coordinating Representative and Secretary, Federal Power Commission.

1 Call to Order and Introductory Remarks—Randolph E. Mathura.

2 Introduction of Technical Advisory Task Force Chairman—George D. Carameros, Jr., Executive Vice President, The El Paso Company, Houston, Texas, and Introduction of Technical Advisory Task Force Vice Chairman—Amanullah R. Khan, Executive Advisor, International Programs, Institute of Gas Technology, Chicago, Illinois.

3 Task Force Working Session—George D. Carameros, Jr.

(a) Review Workscope and Define Objectives.

(b) Develop Work Plan and Completion Dates.

(c) Assignment of Work to Committee Members.

(d) Selection of Next Meeting Date.

(e) Discussion of Administrative and Other Matters.

(f) Comments and Discussion from Non-Task Force Attendees.

4 Adjournment—Randolph E. Mathura.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34190 Filed 12-18-75;8:45 am]

[Docket No. RI75-129]

C. CRADY DAVIS ET AL.

Settlement

DECEMBER 16, 1975.

Take notice that on December 3, 1975 C. Crady Davis, et al., ("Owners"), Southern Union Gathering Company ("Gathering Company"), and the Staff of the Federal Power Commission ("Staff"), filed with the Presiding Administrative Law Judge documents designed to settle this proceeding. The Presiding Administrative Law Judge certified the record in the case to the Commission on December 5, 1975 (issued December 9, 1975).

In the Settlement Documents, the parties recite, inter alia, that the basic contract under which Owners sell gas from four wells in the San Juan Basin Area to Gathering Company was terminated pursuant to its own terms, effective 11:59 p.m., April 30, 1973; that in July 1974 Owners and Gathering Company began a series of discussions relating to the execution of a renewal contract; that these discussions were not successful; and that on March 20, 1975, Owners filed a unilateral rate increase to the national new gas rate established by FPC Opinion No. 699-H, alleging that Gathering Company was guilty of failure to negotiate in good faith to formulate a renewal contract and that as a result Owners were eligible for the new gas rate; and that Gathering Company denied that it failed to negotiate in good faith towards formulation of a renewal contract.

On April 17, 1975 the Commission issued an order suspending Owners' unilateral rate increase until September 20, 1975. On April 18, 1975 the Commission issued an order in this proceeding setting Owners' unilateral rate increase for hearing. A hearing was held on July 9 and 10, 1975.

The documents filed by the parties further recite that after the hearing Owners and Gathering Company had a series of discussions concerning settlement of the matters in dispute. As a result of these discussions and a change in the circumstances which Gathering Company previously felt prevented it from executing a renewal contract acceptable to Owners, Gathering Company and Owners executed a renewal contract, dated as of September 20, 1975, covering the subject sale and a Drilling Agreement, dated September 20, 1975, obligating Owners to drill two new wells on the dedicated acreage. Owners filed the renewal contract with the Commission as a supplement to their Rate Schedule on November 28, 1975.

All of the parties have requested the Commission to find that the rate increase filed by Owners is just and reasonable. They have also requested the Commission to determine the effective date of such just and reasonable rate, Owners and Gathering Company contending that the proper effective date is September 20, 1975, the effective date of the renewal contract between Owners and Gathering Company, and the Staff contending that the proper effective date is November 28, 1975, the date on which the renewal contract was filed with the Commission.

Any person desiring to comment on said certification should file comments thereon with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20546, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments should be filed on or before December 22, 1975. Replies to comments should be filed on or before January 5, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make commentors parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34368 Filed 12-18-75;8:45 am]

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[Docket No. ER76-329]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Supplemental Filing

DECEMBER 17, 1975.

Take notice that on December 10, 1976, Central Vermont Public Service Corporation tendered for filing revenue comparisons for the 12 months ending December 31, 1976, the 12 months succeeding the proposed effective date, and revenue comparisons for calendar year 1974, the test year in the company's current rate proceeding, Docket E-9040. This filing comprises a supplement of the company's fuel clause filing of December 2, 1976.

The company states that copies of this filing have been sent to all parties receiving the filing of December 2, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34370 Filed 12-18-75;8:45 am]

[Docket No. ER76-123]

FLORIDA POWER CORP.

Supplemental Filing and of Settlement Rates

DECEMBER 17, 1975.

Take notice that on December 10, 1975, the Florida Power Corporation (Florida Power) tendered for filing updated studies for the 12 month period ending September 30, 1975 (Period I) and for calendar year 1976 (Period II). Florida Power states that this satisfies deficiency assessed by the Federal Power Commission in its letter of September 29, 1975, to the company whereby the Commission notified the company that in its filing of September 12, 1975, its submittal of Period I data failed to meet the regulation requiring data from the most recent 12 consecutive months for which actual data are available (See 18 CFR 35.13(b)(4)(iii)).

On December 10, 1975, Florida Power also tendered for filing settlement rates to the following rural electric cooperatives: Seminole Electric Cooperative, Inc., Clay Electric Cooperative, Inc., Glades Electric Cooperative, Inc., Suwannee Valley Electric Cooperative, Inc., Sumter Electric Cooperative, Inc., Central Florida Electric Cooperative, Inc. ,Withlacoochee Electric Cooperative, Inc., Talquin Electric Cooperative, Inc., TriCounty Electric Cooperative, Inc., and Peace River Electric Cooperative, Inc.; to the following municipal customers: Alachua, Bartow, Bushnell, Chattahoochee, Fort Meade, Lake Helen, Leesburg, Mount Dora, Newberry, Ocala, Quincy, Wauchula, and Williston, Florida; and to one investor-owned utility, Reedy Creek Utility Co., Inc.

Florida Power states that the settlement rates involve an increase over present rates of $5.4 million, or 8.7 percent on the 1975 basis used for the settlement. Florida Power requests a waiver of the Commission's notice requirements to permit these rates to become effective on January 1, 1976.

Florida Power states that copies of this filing were sent to its wholesale customers and the Florida Public Service Commission.

Any person desiring to be heard or to make any protests with reference to said filing should, on or before December 23, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The documents filed by Florida Power are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34371 Filed 12-18-75;8:45 am]

OFFICE OF THE FEDERAL REGISTER

HOW TO USE THE FEDERAL REGISTER

Public Briefings

"The FEDERAL REGISTER—What It Is and How to Use It" will be the topic of two briefings to be offered by the Office of the Federal Register on January 21 and 22, 1976. These sessions will begin at 9:30 a.m. and will be held in the FEDERAL REGISTER Conference Room, 8th Floor, 1100 L Street, N.W., Washington, DC. The briefings are open to the general public and Federal agency personnel and should be helpful to anyone who uses the FEDERAL REGISTER.

The sessions will last approximately 2 hours and will cover the following areas:

1. A brief history of the FEDERAL REGISTER.
2. The difference between legislation and regulations.
3. An introduction to the finding aids of the Office of the FEDERAL REGISTER.
4. The relationship of the FEDERAL REGISTER and the CODE OF FEDERAL REGULATIONS.
5. Important elements of a typical FEDERAL REGISTER document.

In addition, attendees will undertake a practical, problem-solving exercise. There will be ample time for questions.

The Office of the Federal Register does not interpret specific agency regulations and the sessions will not provide a forum for the discussion of substantive questions. Rather, the briefings are designed as an introduction for the person who discovers that he or she must use Federal Register publications to keep track and to gain an understanding of Federal regulations.

Space is limited and reservations are required. If additional briefings are necessary to accommodate all persons wishing to attend, a schedule will be announced. Reservations will be accepted by mail or by telephone on 202-523-5240. Mail reservations to: Ms. Denise Normandin, Office of the Federal Register, National Archives and Records Service, Washington, DC 20408.

FRED J. EMERY,
Director of the Federal Register.

DECEMBER 15, 1975.

[FR Doc.75-34088 Filed 12-18-75;8:45 am]

FEDERAL RESERVE SYSTEM

CHEMICAL NEW YORK CORP.

Proposed Acquisition of Van Deventer & Hoch

Chemical New York Corporation, New York, New York, has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Van Deventer & Hoch, Glendale, California. Notices of the application were published on October 29 and November 3, 1975 in the Los Angeles Times and the Wall Street Journal, respectively, newspapers circulated in Glendale, California.

Applicant states that the proposed subsidiary would engage in the following activities: 1) serving as investment adviser, as defined in Section 2(a)(20) of the Investment Company Act of 1940, to an investment company registered under the Act; 2) providing portfolio investment advisory and portfolio investment management services; 3) furnishing general economic information and advice, general economic statistical forecasting services and industry studies; and 4) acting in an agency capacity with respect to both discretionary accounts (managing agency accounts) and accounts where the approval of the client would be necessary before any investment change is made. Applicant states that such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 13, 1976.

Board of Governors of the Federal Reserve System, December 11, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-34227 Filed 12-18-75;8:45 am]

BEAVER BANCSHARES, INC.

Formation of Bank Holding Company

Beaver Bancshares, Inc., Beaver, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of The Bank of Beaver City, Beaver, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received no later than January 5, 1976.

Board of Governors of the Federal Reserve System, December 17, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-34535 Filed 12-18-75;10:41 am]

FIDUCIARY INVESTMENT COMPANY OF NEW JERSEY

Formation of Bank Holding Company

Fiduciary Investment Company of New Jersey, Newark, New Jersey, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 50.2 per cent or more of the voting shares of Security National Bank of New Jersey, Newark, New Jersey. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 5, 1976.

Board of Governors of the Federal Reserve System, December 17, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-34536 Filed 12-18-75;10:41 am]

UNITED MISSOURI BANCSHARES, INC.

Acquisition of Bank

United Missouri Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of The Park Bank of St. Joseph, Missouri, St. Joseph, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 7, 1976.

Board of Governors of the Federal Reserve System, December 16, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-34537 Filed 12-18-75;10:41 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-7]

CERTAIN ELECTRONIC AUDIO AND RELATED EQUIPMENT

Notice of Deletion

This notice is in reference to a Notice of Prehearing Conference and Rescheduled Hearing for United States International Trade Commission Investigation No. 337-TA-7, Certain Electronic Audio and Related Equipment, issued by me as presiding officer on Thursday, November 20, 1975, and published in the FEDERAL REGISTER on Wednesday, November 26, 1975 (40 FR 54883).

The following words are hereby ordered to be deleted from the above-cited Notice of Prehearing Conference and Rescheduled Hearing:

. . . and, if so whether or not an exclusion order or a cease and desist order should be issued.

Issued: December 11, 1975.

DANIEL MINCHEW,
Presiding Officer,
U.S. International Trade Commission.

[FR Doc.75-34205 Filed 12-18-75;8:45 am]

[Investigation No. 337-TA-16]

CERTAIN ANGOLAN ROBUSTA COFFEE

On December 12, 1975, the United States International Trade Commission received a motion (United States International Trade Commission Motion Docket No. M-170) from counsel for complaints to withdraw the complaint and terminate Investigation No. 337-TA-16, Certain Angolan Robusta Coffee, as a settlement between the parties to the investigation has been reached. The Commission has also been informed by counsel for complainants that a stipulation and order of dismissal with prejudice of the antitrust action in the United States District Court for the Southern District of New York (74 Civ. 5191 (L.F.M.)), an action containing many issues similar to those before the Commission, has been ordered.

Upon the basis of these aforementioned actions, I hereby order as follows:

(1) The necessity to respond to numbers one through five of Presiding Officer's Intructions issued by me on December 9, 1975, is postponed indefinitely;

(2) Number six of the above-mentioned Presiding Officer's Instructions need not be responded to, as it is subsumed by the following orders;

(3) The complainants submit by December 16, 1975, all documents which constitute the settlement before the United States District Court for the Southern District of New York in 74 Civ. 5191 (L.F.M.) and the proposed settlement before the Commission in this investigation and any other documents relevant thereto but not received by the Commission;

(4) The complainants submit by December 16, 1975, all stipulations, judgments, and orders issued by Judge McMahon in the above-cited United States District Court for the Southern District of New York action;

(5) All parties other than the moving parties submit by December 23, 1975, their responses to the United States International Trade Commission Motion Docket No. M-170;

(6) All parties submit by December 23, 1975, a brief and possible stipulations regarding procedures to be followed in the Commission's consideration of Motion Docket No. M-170; and

(7) All parties submit by December 23, 1975, briefs on the effect of the settlement agreement, and the effect of a possible termination by the Commission of its investigation, on the public interest.

Dated: December 15, 1975.

WILL E. LEONARD,
Presiding Officer.

[FR Doc.75-34299 Filed 12-18-75;8:45 am]

[337-TA-10]

CERTAIN ULTRA-MICROTOME FREEZING ATTACHMENTS

Notice of Hearing

Notice is hereby given that the United States International Trade Commission

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will hold a public hearing under Section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), in connection with investigation 337–TA–10, Certain Ultra-Microtome Freezing Attachments, January 9, 1976, at 10 a.m., e.s.t., at the U.S. International Trade Commission Building located at 701 E Street NW., Washington, D.C., for the purpose of allowing complainant American Optical Corporation to show cause why the investigation should not be terminated.

Requests from interested parties and persons for appearances at the hearing should be received by the Secretary of the U.S. International Trade Commission, in writing, at his office in Washington, D.C. 20436, not later than January 2, 1976.

Any objection and request for reconsideration of this action must be filed on or before December 29, 1975. Such objection and request for reconsideration shall be accompanied by a statement setting forth the facts relied upon in support of such objection and request and shall be served on the other parties to this investigation.

Notice of the institution of the investigation was published in the FEDERAL REGISTER on August 19, 1974 (39 FR 29975), with an assigned docket number 337–L–74. By notice published in the FEDERAL REGISTER on June 4, 1975 (40 FR 24076), this investigation was assigned new docket number 337–TA–10.

By Order of the Commission.

Issued: December 16, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-34300 Filed 12-18-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Availability of Reports

Copies of certain reports required to be made available to the public pursuant to Sections 10(d) and 13 of the Federal Advisory Committe Act (Public Law 92–463), with respect to the Nuclear Regulatory Commission's Advisory Committee on Reactor Safeguards, have been filed with the Library of Congress. These reports are available for public inspection at the Library of Congress, Special Forms Reading Room, Main Building, First Street and Independence Avenue, SE., Washington, D.C. 20545, and the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., during working hours Monday through Friday.

Dated: December 16, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-34330 Filed 12-18-75;8:45 am]

[Docket No. P–558–A]

SAN DIEGO GAS AND ELECTRIC CO.

Notice of Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

The San Diego Gas and Electric Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated Ocotber 29, 1975, in connection with their plans to construct and operate two generating units utilizing two pressurized water reactors. Each reactor will be designed for initial operation at approximately 2800 megawatts thermal, with a net electrical output of approximately 900 megawatts. The facility, designated as the Sundesert Nuclear Plant, Units 1 and 2, will be located in Riverside County, California, about 16 miles southwest of Blythe, California, and 50 miles north-northwest of Yuma, Arizona. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to Section 2.101 of Part 2, is expected to be filed in July, 1976. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

The San Diego Gas and Electric Company has invited other Southern California utilities to participate in the ownership and capacity of these units. As utilities indicate their interest, additional antitrust information will be submitted for them.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555; the Palo Verde Valley District Library, 125 West Chanslorway, Blythe, California 92255; the Federal Archives and Records Center, 24000 Avila Road, Laguna, California 92677; and the U.S. Nuclear Regulatory Commission, Region V, Inspection and Enforcement, 1990 North California Boulevard, Walnut Creek, California 94596. Docket No. P–558–A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation on or before February 3, 1976.

Dated at Bethesda, Maryland, this 1st day of December, 1975.

For the Nuclear Regulatory Commission.

ROBERT A. CLARK,
Chief Gas Cooled Reactors Branch Division of Reactor Licensing.

[FR Doc.75-32815 Filed 12-4-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on December 15, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

U.S. COMMISSION ON CIVIL RIGHTS

Supporting Statement for State Advisory Committees, Case Studies of Desegregated Districts:
200, 201, 202A, 202J, single-time, desegregated school districts, Joan Turek, Sunderhauf, M. B.

National Survey of School Superintendents', Mayors', and Chambers' of Commerce Perceptions of School Desegregation:
203A, 203C, single-time, school superintendents, Joan Turek, Sunderhauf, M. B.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service:
Child Care Food Program Regulations, 7 CFR 226, on occasion, nonprofit institutions, Human Resources Division, Lowry, R. L., 395–3532.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Teacher Questionnaire for Career Awareness/Migrant Education, OE 462, single-time, teachers, Joan Turek.

DEPARTMENT OF THE INTERIOR

National Park Service: National Environmental Study Area (NESA) Application, single-time, teachers, administrators, Lowry, R. L., 395–3772.

EXTENTIONS

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration: Financial and Statistical Report for Telephone Borrowers, REA 479, quarterly, REA telephone borrowers, Lowry, R. L., 395–3772.

Agricultural Marketing Service: Weekly Apple Truck Shipments, FY–351, weekly, apple shippers, Lowry, R. L., 395–3772.

Mainland Sugar Production and Marketing Report, Domestic Beet Processors, SU–70, monthly, sugar beet processors, Lowry, R. L., 395–3772.

Sugar Deliveries by Type of Buyer (and Class of Product on a Geographical Basis, SU64, quarterly, distributors of sugar, Lowry, R. L., 395–3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-34343 Filed 12-18-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on December 12, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, office of management and budget Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS.

VETERANS ADMINISTRATION

Agreement for Paying Delinquent Loan Payments:
26–6392, on occasion, obligor, Caywood, D.P., 395–3443.

Loan Service Report, 26–6808, on occasion mortgagor, Caywood, D. P., 395–3443.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Questionnaire on Quality of Life:
Other (See SF–83), quality of life, energy and science division, George Hall, 395–3810.

DEPARTMENT OF COMMERCE

Economic Development Administration:
Indian Lignite Manpower Study, ED–367Q, single-time, Indian adults on reservations, Strasser, A., 395–5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health:
NIH Training Questionnaire Ph.D. Programs, OASH 1209, single-time, chairmen medical schools, Dick Eisinger, 395–6140.

DEPARTMENT OF HOUSING, AND URBAN DEVELOPMENT

Policy Development and Research:
"Integrating Handicapped", single-time, handicapped individuals, community and veterans affairs division, Sunderhauf, M. B., 395–3532.

REVISIONS

VETERANS ADMINISTRATION

Request for Estate Information:
FL 27–439, on occasion, estate holders, Caywood, D. P., 395–3443.

DEPARTMENT OF COMMERCE

Bureau of Census:
National Prisoner Statistics-Admission and Release Report, NPS–2, NPS–3, on occasion, state correctional agencies, Marsha Traynham, 395–4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development:
Preparation of Grant Application (Program Narrative), OS 21 73, annually, state human service, Lowry, R. L., 395–3772.

DEPARTMENT OF LABOR

Employment Standards Administration:
Application for Farm Labor Contractor Identification Card, WH–412, annually, migrant agricultural workers, Lowry, R. L., 395–3772.
Doctor's Certificate, WH–415, annually, migrant agricultural workers, Harry B. Sheftel, 395–5870.
Vehicle Mechanical Inspection Report, WH–414, annually, migrant agricultural workers, Harry B. Sheftel, 395–5870.

EXTENSIONS

DEPARTMENT OF AGRICULTURAL

Food and Nutrition Service:
Regulations-Special Food Service Program for Children, on occasion, service institutions, Marsha Traynham, 395–4529.

Agricultural Stabilization and Conservation Service:
Certificate of Use of Sugar for Livestock Feeding or Distillation of Alcohol, SU23, on occasion, sugar importers/processors, Marsha Traynham, 395–4529.

Agricultural Marketing Service:
Application for License (to Inspect, Classify, Sample, Grade and-or Weigh Warehoused Commodities), TW–53, on occasion, grain firms, bankers, lawyers, Marsha Traynham, 395–4529.
Application for Classification and Market News Services (Cotton Information), ON–210, annually, cotton improvement groups, Marsha Traynham, 395–4529.
Application for Cotton or Linters Classifiers Examination and Chemists or Samplers License, CN–247, on occasion, applicants, Marsha Traynham, 395–4529.

Forest Service:
Aircraft Description and Pilot Qualifications, 6300–35, annually, private airlines, Marsha Traynham, 395–4529.

DEPARTMENT OF COMMERCE

Bureau of East-West Trade:
Shipments Which Transit Country Group Y or Z Enroute to any Other Destination, ECR 370.9, on occasion, commercial exporters, Marsha Traynham, 395–4529.

DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries and Wildlife:
Goose Productivity Study Envelope, 3–185, annually, waterfowl hunters, Lowry, R. L., 395–3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-34341 Filed 12-18-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on December 11, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Household Earthen and China Table and Kitchen Articles:
single-time,
purchasers,
Caywood, D. P., 395–3443.

GENERAL SERVICES ADMINISTRATION

Report of Concessions Operations (non-Cafeteria):
R9–1232,
monthly,
concessionaires in Federal buildings,
Lowry, R. L., 395–3772.

DEPARTMENT OF COMMERCE

Maritime Administration:
Survey of Measurements for State Radiation Control Programs,
NBS–1054,
single-time,
radiation control program,
Harry B. Sheftel, 395–5870.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
Vocational Training and Placement of the Severely Handicapped Program Survey, OE9057, 1, 2, single-time, professional organizations, George Hall, 395–6140.

Social Security Administration:
Provider Audit Cost Report, SSA–3208, quarterly, Blue Cross plans, Caywood, D. P., 395–3443.

DEC 19 75 V40 245 XUM

DEPARTMENT OF LABOR

Manpower Administration:
Senior Community Service Employment Program Quarterly Progress Report, ETA 5–140, quarterly, project grantees, Lowry, R. L., 395–3772.

REVISIONS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Household Earthen Table and Kitchen Articles, (Importers), annually, importers, Evinger, S. K., 395–3710.
Household Earthen Table and Kitchen Articles, annually, domestic manufacturers, Evinger, S. K., 395–3710.

VETERAN'S ADMINSTRATION

Direct Loan Closing Sheet, 26–6937, on occasion, Loan Closer, Caywood, D. P., 395–3443.
Application for Predischarge Education Program, 22–1990P, on occasion, servicemen or servicewomen, Caywood, D. P., 395–3443.
Request for Determination of Loan Guaranty Eligibility Unmarried Surviving Spouses, VA26–1817, on occasion, unmarried widows or widowers, Caywood, D. P., 395–3443.
Application for Designation as Fee Appraiser for Mobile Home Loans, 26–6681A, on occasion, Fee Appraiser, Caywood, D. P., 395–3443.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service:
North Central States Shipping Point Turkey Price Report, weekly, turkey shippers, Marsha Traynham, 395–4529.

DEPARTMENT OF COMMERCE

Economic Development Administration:
Market and Capacity Information Report of EDA Loan Applicants (Under Sec. 702), ED 220T, on occasion, business entities, Lowry, R. L., 395–3772.

Bureau of Census:
Opinions About the 1974 Census of Agriculture, S–333A, S–333B, single-time, farms, Hulett, D. J., Lowry, R. L., 395–4730.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage:
Supplement to Subscription Agreement—Cooperative Management-Type, etc., FHA–3232A, on occasion, applicants, Community and Veterans Affairs Division, 395–3532.

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Division (ESA):
Petition for Approval of Adjustments in Wages, Salaries, or Other Compensation, WSLD–2, on occasion, any business firm having employees, Marsha Traynham, 395–4529.
Request for a Ruling (Wage and Salary Stabilization Regulations), WSLD–1, on occasion, any business firm having employees, Marsha Traynham, 395–4529.

DEPARTMENT OF THE INTERIOR

Bureau of Mines:
Data for milling plant, 6–1182–X, on occasion, new milling plants, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–34342 Filed 12–18–75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–11919; File No. SR–MCC–75–3]

MIDWEST CLEARING CORPORATION

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on November 24, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

OLD RULE

Proxies and Communications to Holders of Eligible Securities

Rule 12. Notice to Participants

Section 1. When the Corporation is advised of a proposed meeting of holders of an eligible security, the Corporation will request from each Participant with a clearing free or loan free position in the security as of the close of business on the record date therefor advice as to the number of proxies desired by such Participant. Unless the Participant responds within the period specified in the request, proxies and proxy materials will not be sent to that Participant. Notices to Participants hereunder may be combined with notices by MSTC to MSTC Participants.

Transmittal of Proxies

Section 2. When the Corporation receives a timely response to a request made pursuant to Section 1, the Corporation will use its best efforts to obtain the requested number of executed proxies through MSTC, in the manner provided for in the MSTC Rules, and to cause such proxies to be transmitted to the requesting Participant, together with one copy of any related proxy materials and reports. It shall be the responsibility of the Participant to obtain additional copies of such materials and reports, if desired, from the issuer or transfer agent.

Communications Not Related to Meetings

Section 3. The Corporation may establish such procedures as it deems appropriate for the transmittal to Participants of communications to holders of eligible securities not made in connection with any proposed meeting.

Responsibility of Corporation

Section 4. The Corporation shall have no responsibility or obligation to Participants or others in respect of proxies or communications to holders of eligible securities except to use its best efforts to act in accordance with this Rule. Without limiting the generality of the foregoing, the Corporation shall have no responsibility in the event that the Corporation is unable to obtain through MSTC sufficient quantities of executed proxies or other materials to permit transmittal to all requesting Participants.

PROPOSED RULE

Proxies and Communications to Holders of Eligible Securities

Rule 12. Notice to Participants

Section 1. When the Corporation is advised of the proposed proxy record date of an eligible security sufficiently in advance of the record date therefor, the Corporation will use its best efforts to effect the transfer of all certificates held by the Corporation representing such security into the name of the Corporation's nominee. Upon the receipt of the proposed proxy record date, the Corporation will forward to the corporate secretary of the issuer an address verification form to confirm the correctness of the name and address of the corporate secretary/proxy dispersing agent. Failure of the corporate secretary to respond to this notification will result in subsequent materials being directed to this same corporate secretary. The Corporation will provide notification to its participants of the upcoming record date through their daily reports (Net Position and Activity Report) for each day, five days prior to the cut-off date and such notification shall continue to and inclusive of the record date. Notices to participants hereunder may be combined with notices by MSTC to MSTC Participants.

Transmittal of Proxies

Section 2. Upon receipt of the address verification from the corporate secretary, or in lieu of receipt of such verification (Note 1) the Corporation will prepare as of record date a listing called the Beneficial Participant Holders List, indicating those MCC participants and the respective number of clearing free and loan free position shares for which MCC held shares registered in its nominee name (Kray & Co.) over the record date. This listing will indicate the full name of the participant and the total MCC free position holdings in conjunction with and inclusive of MSTC free position shares of that Participant. The Corporation will forward this listing along with the executed Omnibus Proxy to the corporate secretary/proxy dispersing agent for the agent's further communication/distribution between his organization and the MCC participants. It shall be the responsibility of the corporate secretary/proxy dispersing agent to communicate directly with the MCC participant/beneficial shareholder. Initial distribution of materials and reports are the responsibility of the issuer, and any additional copies of such material should be requested by the participant from the issuing corporation.

Communications Not Related to Meetings

Section 3. Will remain unchanged.

Responsibility of Corporation

Section 4. The Corporation shall have no responsibility or obligation to participants, or others in respect of proxies or communications to holders of eligible securities except to use its best efforts to act in accordance with this rule. Without limiting the generality of the foregoing, the Corporation shall have no responsibility in the event that (i) the Corporation receives insufficient notice of a proposed meeting to permit action in accordance with Section 1; (ii) the Corporation is unable to effect transfer

of all the certificates into the name of the Corporation's nominee prior to record date; or (iii) the Corporation is unable to forward the Omnibus Proxy and the Beneficial Holders Participant Listing or other materials to the issuer of proxy dispersing agent in adequate time to permit distribution of the materials, and reports to the Corporation's participants.

(b) The proposed rule changes does not affect any other rule of the Midwest Clearing Corporation.

(c) No prior filings have been submitted.

Statement of Basis and Purpose

MCC hereby proposes to incorporate an omnibus proxy system for its proxy processing as it relates to participant free positions and corporate issuer notification. The proposed rule change would thereby correlate with Rule 7 of the Midwest Securities Trust Company—an already existing Securities and Exchange Commission approved Rule. The omnibus proxy procedure would improve the flow of information to the beneficial shareholder. MCC's omnibus proxy procedure would facilitate the processing of proxies among central certificate depositories in situations in which one depository is holding positions on behalf of another depository's participants.

MCC's current Rule calls for MCC to act as a distribution agent for the corporate issuer/dispersing agent as it relates to proxy processing. Upon receipt of a proposed meeting of shareholders of an eligible issue, MCC takes the underlying steps to insure that all underlying securities are registered in nominee name. On, or immediately after the Record Date, MCC contacts, via written communication and telephone follow-up, each participant having a free position in that eligible issue and solicits advice as to the number of proxies desired by such participant. If the participant does not respond, MCC takes no further action. Given a timely response from the participant, MCC solicits the requested number of proxies from the issuer and redistributes executed proxies to the participants. At this point it is the participant's responsibility for any other processing of these proxy materials as it relates to their customers.

Under the proposed rule change, MCC would be implementing an omnibus proxy system. This system would call for MCC to notify its participants on each day, beginning five (5) days prior to the Proxy Record Date, of the upcoming Proxy Record Date. The notification would occur through the participants' daily MCC report. MCC would also solicit an address vertification from the corporate issuer/dispersing agent. On or immediately after the Record Date, MCC will produce a Beneficial Participants Holding list which indicates each participant by symbol, full participant name, and the participant's free position. This list, along with an executed omnibus proxy, would be sent to the corporate issuer/dispersing agent based upon previous name and address information and/or updates received as a result of our prior Record Date solicitation. The omnibus proxy assignment would charge the corporate issuer/dispersing agent with the distribution and solicitation of proxy materials directly between himself and the MCC participant. Whenever MCC would be holding physical shares for the account of participants from other clearing corporations'/trust companies' participants, the omnibus proxy and Beneficial Participant Holding Report of MCC's nominee would assign the applicable voting rights to the other clearing corporation/trust company by means of our Omnibus Proxy Notice and Listing. The other clearing corporation/trust company would in turn reassign these voting rights to their appropriate participant.

MCC has not received any comments on the proposed rule change.

MCC does not perceive any burdens imposed on competition.

On or before January 23, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will;

(a) By order approve such proposed rule change or,

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 9, 1976.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 12, 1976.

[FR Doc.75–34237 Filed 12–18–75;8:45 am]

[Release No. 34–11920; File No. SR–MSTC–75–3]

MIDWEST SECURITIES TRUST COMPANY

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on November 24, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Agreement with Respect to a Comprehensive Securities Depository System

This Agreement, made this ---- day of ----------, 1975, between Midwest Stock Exchange, Inc. (hereinafter referred to as "MSE"), and American National Bank & Trust Company, Continental Illinois National Bank and Trust Company of Chicago, The First National Bank of Chicago, Harris Trust and Savings Bank and The Northern Trust Company (hereinafter sometimes referred to collectively as the "Banks"),

Witnesseth:

Whereas, as of May 9, 1973, the parties hereto entered into a Memorandum of Understanding (the "1973 Memorandum") contemplating the establishment by MSE, with the assistance of the Banks, of a securities depository to be known as Midwest Securities Trust Company ("MSTC"), and the participation of the Banks therein;

Whereas, MSE, with its own funds, has since established MSTC, and certain Banks have commenced participation therein, on a limited basis;

Whereas, the parties hereto desire to cancel and rescind the 1973 Memorandum, but to provide for continued and increased participation by the Banks in MSTC;

Whereas, the Banks desire to increase their participation MSTC, but to ensure that the operations and services of MSTC remain compatible with their needs, the Banks each desire representation on its board of directors;

Whereas, the By-Laws of MSTC (pertinent provisions of which are attached as Exhibit A hereto and incorporated herein by reference) provide for five Class B Directors, some or all of whom may be selected by MSTC participants which are not members of MSE, depending on the extent of the utilization by such participants of the services of MSTC;

Whereas, it is anticipated that the Banks may be unable, during the two years following the date of this Agreement, to utilize the services of MSTC to an extent sufficient to permit each Bank to be represented on its Board of Directors; and

Whereas, to induce the Banks to continue and increase their participation in MSTC, MSE is willing to appoint as Class B Directors of MSTC persons nominated by the Banks, as hereinafter set forth;

Now, Therefore, in consideration of the foregoing, and the mutual covenants and agreements hereinafter set forth, the parties hereto agree as follows:

1. Not less than seventy-five days before the annual meeting of shareholders of MSTC in the years 1967 and 1977, each Bank shall designate, in a written notice to MSE, one candidate for election as a Class B Director of MSTC.

2. MSE, as sole shareholder of MSTC, shall nominate for election as Class B Directors of MSTC, in accordance with its by-laws, those candidates designated by the Banks pursuant to Section 1 hereof.

3. In the event that persons in addition to the candidates designated by the banks are nominated for election as Class B Directors of MSTC, MSE will cast any votes to which it may be entitled under Article III, Section 2 of the By-Laws of MSTC for the candidates designated by the Banks, and shall, unless instructed otherwise in a written no-

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tice signed by all of the Banks, distribute its votes equally among said candidates.

4. If, during the term of this Agreement, a person other than a candidate designated by a Bank pursuant hereto shall be elected a Class B Director of MSTC, MSE shall use its best efforts to cause the By-Laws of MSTC to be amended so as to increase the number of Class B Directors to a number sufficient to provide representation for each Bank, provided that the number of Class A Directors shall be increased simultaneously so that Class A Directors shall continue to constitute a majority of the directors of MSTC. In the event that the By-Laws of MSTC are so amended, MSE shall appoint, to fill any vacancies among the Class B Directors created thereby, persons designated in writing by those Banks not then represented on the board of directors of MSTC, provided that such persons shall have been approved by a majority of the Class B Directors then in office, in accordance with Article III, Section 8 of the By-Laws of MSTC.

5. If, during the term of this Agreement, a vacancy shall occur among the Class B Directors of MSTC, and any Bank shall cease, by reason thereof, to be represented on the board of directors of MSTC, MSE shall appoint to fill such vacancy, a person designated in writing by such Bank, provided that such person shall have been approved by a majority of the remaining Class B Directors, in accordance with Article III, Section 8 of the By-Laws of MSTC.

6. This Agreement shall terminate immediately prior to the annual meeting of shareholders of MSTC for the year 1978, and shall be of no further force or effect thereafter. In the event that any of the Banks shall cease to be a participant of MSTC prior to said annual meeting, this Agreement shall terminate, as between MSE and such Bank, on the date on which such Bank ceases to be a participant of MSTC.

7. Notices and other communications hereunder shall be in writing and shall be deemed to have been duly given if delivered manually or mailed by registered mail, postage prepaid, to the address shown below, or such other address as such addressee shall have designated in writing to the party giving such notice or communication:

If to MSE:
Midwest Stock Exchange, Inc., 120 South LaSalle Street, Chicago, Illinois 60693, Attn: President.

If to the Banks:
American National Bank & Trust Company, 33 North LaSalle Street, Chicago, Illinois 60690 Attn: Mr. Perry Callas.
Continental Illinois National Bank and Trust Company of Chicago, 231 South LaSalle Street, Chicago, Illinois 60693, Attn: Mr. Gerald M. Czarnecki.
The First National Bank of Chicago, One First National Plaza, Chicago, Illinois 60670, Attn: Mr. Richard Wood.
Harris Trust and Savings Bank, 111 West Monroe Street, Chicago, Illinois 60690, Attn: Mr. Robert H. Long.
The Northern Trust Company, 50 South LaSalle Street, Chicago, Illinois 60675, Attn: Mr. Stuart Hamilton.

8. This Agreement shall be binding on and enforceable against the parties hereto and their respective successors and assigns, provided that this Agreement may not be assigned by any party without the prior written consent of the others, except in connection with a merger or consolidation or a sale of all or substantially all of the assets of such party.

9. If any party hereto shall be prohibited from performing any obligation hereunder, or if the performance of any such obligation shall become impracticable, by reason of any legislation or rule or regulation of governmental authority, or any action by any court or other governmental agency, such party shall to that extent be discharged of its obligations hereunder.

10. The construction and performance of this Agreement shall be governed by the laws of the State of Illinois.

11. This Agreement constitutes the entire understanding of the parties relating to the subject matter hereof and supersedes all prior understandings and agreement, whether written or oral, relating to said subject matter, including, without limitation, the 1973 Memorandum, which is hereby expressly cancelled and rescinded.

In witness whereof, the parties hereto have executed this Agreement, by their duly authorized officers, as of the date first set forth above.

Midwest Stock Exchange, Inc.

By ----------

American National Bank and Trust Company

By ----------

Harris Trust and Savings Bank

By ----------

Continental Illinois National Bank and Trust Company of Chicago

By ----------

The First National Bank of Chicago

By ----------

The Northern Trust Company

By ----------

MIDWEST SECURITIES TRUST COMPANY PROPOSED AMENDMENT TO ARTICLE III, SECTION 2 OF BY-LAWS

Section 2. Number, Tenure and Election. The board of directors of the Corporation shall be composed of six Class A Directors and five Class B Directors. Except as expressly provided otherwise in this Article III, the powers, rights, duties and obligations of Class A Directors and Class B Directors shall be identical. Each director shall hold office until the next annual meeting of shareholders or until his succesor shall have been elected and qualified. The Class A Directors shall be appointed by the sole shareholder of the Corporation, the Midwest Stock Exchange, and shall be selected with a view towards providing fair representation for the interests of said Exchange and of those members of said Exchange which are participants of the Corporation. Class B Directors shall be selected and appointed as follows:

1. Not less than sixty days before each annual meeting of shareholders, the sole shareholder shall nominate (by delivering to the Secretary of the Corporation a list of nominations) five individuals for election as Class B Directors. Within five days thereafter, the Secretary shall mail copies of the list of nominations to each participant of the Corporation which is not a member of the Midwest Stock Exchange ("Non-Member Participant"). Non-Member Participants shall have the right to nominate additional persons by filing with the Secretary, not less than thirty days prior to the annual meeting, a petition signed by not less than three Non-Member Participants. No petition shall nominate more than five individuals, and no participant shall sign petitions nominating, in the aggregate, more than five individuals.

2. In the event that no nominating petition is filed within the time prescribed above, the sole shareholder shall, at the annual meeting, appoint as Class B Directors the individuals named in the list of nominations mailed to Non-Member Participants: provided that if any such individual shall at that time be unable or unwilling to serve, that individual's position shall be left vacant until the first meeting of directors following the annual meeting of shareholders, and the sole shareholder shall thereafter appoint, to fill the vacancy, such individual as a majority of the other Class B Directors shall approve.

3. In the event that one or more nominating petitions are filed within the prescribed time, the Class B Directors shall be selected by an election, to be conducted as follows:

(a) Not less than twenty days prior to the annual meeting, the Secretary shall transmit to each Non-Member Participant a ballot setting forth the names of all nominees, incduing those nominated by petition, and the number of votes to which the Non-Member Participant is entitled, determined as hereinafter set forth.

(b) The number of votes to which each Non-Member Participant shall be entitled shall be determined as follows:

(i) There shall be determined, for each Non-Member Participant, (A) the ratio (expressed as a percentage) between the aggregate fees paid to the Corporation by the Non-Member Participant during the Corporation's most recent fiscal year and the total fees paid by all participants during such fiscal year; and (B) the ratio (expressed as a percentage) between the average value of the securities held by the Non-Member Participant in depository free or pledged positions with the Corporation during such fiscal year (determined by taking the average of the values of the securities so held as of the close of each month during such fiscal year) and the average value of the securities so held by all participants during such fiscal year (determined in the same manner).

(ii) The percentages determined in accordance with clauses (b)(i)(A) and (b)(i)(B), above, shall be added together, and each Non-Member Participant shall be entitled to that number of votes which bears the same proportion to 1,000 as the sum of such percentages bears to 100%. The total number of votes to which Non-Member Participants in the aggregate shall be entitled in any election of Class B directors shall be the number (not exceeding 2,000) determined pursuant to the preceding sentence.

(iii) If the aggregate number of votes to which all Non-Member Participants are entitled shall be less than 1,000, the sole shareholder shall be entitled to as many votes as the difference between 1,000 and the number of votes to which all Non-Member Participants are entitled, and the Secretary shall provide

to the sole shareholder an appropriate ballot.

(c) Each Non-Member Participant (and the sole shareholder, if the sole shareholder shall be entitled to vote) shall have the right to cast the number of votes to which it shall be entitled for as many nominees as there are positions to be filled, or to cumulate said votes, and to give one nominee as many votes as the number of positions multiplied by the number of said votes, or to distribute its votes on the same principle among as many nominees as it shall desire.

(d) At the annual meeting, the sole shareholder shall appoint as Class B Directors the five individuals receiving the highest number of votes in ballots returned to the Secretary prior to the time of the annual meeting.

MIDWEST SECURITIES TRUST COMPANY PROPOSED AMENDMENT TO ARTICLE III, SECTION 8 OF BY-LAWS

Section 8. Vacancies. Any vacancy occurring in the board of directors and any directorship to be filled by reason of an increase in the number of directors may be filled by election at an annual meeting or at a special meeting of shareholders called for that purpose; provided, however, that no person shall be elected to fill any vacancy among the Class B Directors, or any newly created Class B directorship, unless such person shall have been approved by a mapority of the Class B Directors then in office.

STATEMENT OF BASIS AND PURPOSE

The proposed changes are designed to build a strong MSTC based upon active support from both the broker/dealers and institutions. It recognizes the requirements of the banks to participate in the policy decisions of MSTC as they commit the assets under their control to this institution. It also lays the groundwork for a "user controlled" board satisfying the requirements of the amendments of the 1934 Act.

The proposed agreement with the Chicago clearing house banks would enhance MSTC's capacity to function as a trust company and facilitate further immobilization of the stock certificates by providing a practicable basis for the banks to become active participants.

The amendments to the MSTC By-Laws are designed to promote the prompt and accurate clearance and settlement of securities transactions by fostering cooperation and coordination with persons engaged in the clearance and settlement of securities transactions. Moreover, by providing a practicable basis for active bank participation, the amendments remove impediments and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions. Finally, the amendments provide for a fair representation of the shareholder participants in the section of directors and administration of MSTC's affairs.

The cancelling of the previous memorandum of understanding on a comprehensive securities depository system is made necessary by the adoption of a successor agreement.

Other than discussions with the clearing house banks on terms of the agreement, no other comments were solicited nor received.

MSTC does not believe that the proposed changes would impose any burden on competition.

On or before January 23, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 9, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

DECEMBER 12, 1975.

[FR Doc.75-34235 Filed 12-18-75;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Notice of Suspension of Trading

DECEMBER 15, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 16, 1975 through December 25, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-34234 Filed 12-18-75;8:45 am]

[Release No. 34-11922; Filed No. SR-NYSE-75-10]

NEW YORK STOCK EXCHANGE, INC.

Proposed Rule Changes

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 3, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

STATEMENT OF THE PROPOSED RULE CHANGES

The following is the proposed text of proposed amendments to the Rules and Procedures of Stock Clearing Corporation:

1. Add the following at the end of Rule 1:

The term "Special Representative" has the meaning specified in Rule 39.

2. Amend Rule 7 as follows:

Renumber Section 10 as Section 11 and add a new Section 10 as follows:

"Sec. 10. A Special Representative may submit, on any business day in accordance with the time schedules established or from time to time determined by the Corporation, odd-lot transaction data, which may reflect the netted results of other transactions, as to the rights and obligations of a Clearing Member which calls for the delivery of Cleared Securities and is between Clearing Members, notwithstanding the fact that the rights and obligations do not represent transactions compared under the foregoing sections of this Rule, provided that the data submitted regarding the transaction meets the requirements specified in the Procedures. The obligations of the Clearing Member reflected in such odd-lot transaction data shall be deemed to have been confirmed and acknowledged by the Clearing Member designated by the Special Representative as a party thereto and to have been adopted by such Clearing Member and, for the purposes of these Rules and determining the rights and obligations between the Corporation and any such Clearing Member under these Rules, shall be valid and binding upon such Clearing Member to the same extent as any transaction, and shall be deemed to be transactions, compared under this Rule. A Clearing Member which has been so designated by a Special Representative shall resolve any differences or claims regarding the rights and obligations reflected in the odd-lot transaction data submitted by the Special Representative with the Special Representative, and the Corporation shall have no responsibility in respect thereof or to adjust its records or the accounts of the Clearing Member in any way, otherwise than pursuant to the instructions of the Special Representative."

3. Amend Rule 11, Section 10 as follows:

"Sec. 10. A CNNS Security shall be removed from the list of CNS Securities

V 40 245 DEC 19 75 XUM

(a) immediately upon receipt by the Corporation of written notice from DTC that the security is no longer an Eligible Security under DTC's rules or (b) upon a determination by the Corporation that rights in respect of the security may expire, including the right to convert, exchange or tender the security for other securities or property and other rights of a similar nature, and such removal shall be promptly communicated to all Clearing Members by the Corporation. In such event, the Corporation shall, on the first Settlement Date on which such securities are not deliverable through the facilities of DTC and on each subsequent Settlement Date for any CNS Contracts entered in the CNS Accounting Operation prior to the effective date of removal, match with respect to each such Settlement Date opening Short and Long Positions in such security in that manner which the Corporation in its discretion may provide, issue receive and deliver security orders in respect thereof for each such day, which orders shall have the same status as security balance orders issued in connection with the Balance Order Accounting Operation and will be subject to those provisions of these Rules pertaining to such security balance orders unless otherwise specified by the Corporation and close out such positions in the CNS System by journal entry. Any CNS Contracts not entered into the CNS Accounting Operation prior to the effective date of removal, shall be deemed to be Balance Order Contracts and shall be settled in the Balance Order System under Rules 8, 9 and 10; *provided, however, that any such CNS Contract submitted by a Special Representative may, in the Corporation's diseretion, be returned to the Special Representative in which case it shall not be settled through the facilities of the Corporation.*

4. Amend Rule 20, Section 5(b) as follows:

"(b) If the Time of Insolvency occurs when a Balance Order Accounting Operation covering transactions effected by the insolvent Clearing Member on a day prior to that on which the Time of Insolvency occurs has not been completed, the Corporation, in its discretion, may determine either (i) that such transactions shall be excluded from such incompleted Balance Order Accounting Operation or CNS Accounting Operation, in which case the exchange tickets covering such transactions which have been delivered to the Corporation shall be returned to the Clearing Member who issued the same *and any odd-lot transaction data submitted to the Corporation by a Special Representative under Section 10 of Rule 7 shall be returned to the Special Representative,* or (ii) that such of the transactions of the insolvent Clearing Member as have been compared by the Corporation *or submitted to the Corporation under Section 10 of Rule 7* shall be included in such incompleted Balance Order Accounting Operation or CNS Accounting Operation and that such Operation shall be completed by the Corporation, in which case the provisions of Section 6 of this Rule shall apply to the security balance orders and the actions to be taken with respect thereto when the same are issued on completion of such Balance Order Accounting Operation and to the Completion of the CNS Accounting Operation; provided, however, that the Corporation shall not be required to handle any incompleted Balance Order Accounting Operation in the same manner as any incompleted CNS Accounting Operation."

5. Add the following new Rule 39:

"Rule 39. The Corporation may accept or rely upon any instruction given to the Corporation by a Clearing Member including wire transmission, physical delivery or delivery by other means of instructions recorded on magnetic tape or other media or of facsimile copies of instructions, in form acceptable to the Corporation and in accordance with the Procedures, which reasonably is understood by the Corporation to have been delivered to the Corporation by the Clearing Member, and the Corporation shall have no responsibility or liability for any errors which may occur, without negligence on the Corporation's part, in the course of transmission or recording of any transmissions or which may exist in any magnetic tape, document or other media so delivered to the Corporation.

"The Corporation may accept and rely upon any instruction given to the Corporation by a Special Representative, including wire transmission, physical delivery or delivery by other means of instructions, in form acceptable to the Corporation and in accordance with the Procedures, which reasonably is understood by the Corporation to have been delivered to the Corporation by the Special Representative, provided that such instruction does not relate to the Comparison Operation, and the Corporation shall have no responsibility or liability for any errors which may occur, without negligence on the Corporation's part, in the course of transmission or recording of transmission or which may exist in any magnetic tape, document or other media so delivered to the Corporation and the Corporation shall be entitled to act pursuant to any such instruction as though such instruction had been received from the Clearing Member for which the Special Representative is acting.

"Any Clearing Member delivering instructions as provided above, or on whose behalf a Special Representative shall deliver instructions as provided above, shall indemnify the Corporation, and any of its employees, officers, directors, shareholders, agents, Settling Members and Non-Members who may sustain any loss, liability or expense as a result of (a) any act done in reliance upon the authenticity of any instruction received by the Corporation, (b) the inaccurancy of the information contained therein or (c) effecting transactions in reliance upon such information or instruction against any such loss, liability or expense so long as such transactions are effected in accordance with such information and instructions even though they be inaccurate or not authentic and so long as the person asserting a right to indemnification shall not have knowledge of such inaccuracy or lack of authenticity at the time of the event or events giving rise to such loss, liability or expense.

"Notwithstanding the foregoing, the Corporation will not act upon any instruction purporting to have been given by a Clearing Member or a Special Representative which is received by wire transmission or in the form of facsimile copies or magnetic tape or media other than written instructions or from a Special Representation commencing one business day after the Corporation receives written notice from the Clearing Member that the Corporation shall not accept such instructions until such time as the Clearing Member shall withdraw such notice.

"For the purposes of these Rules a Special Representative shall be Carlisle DeCoppett & Co., but only to the extent that firm, or its partners, act as odd-lot dealers under the rules of the Exchange."

6. Amend the first paragraph on page 17 of the SCC Procedures as follows:

ACCOUNTING OPERATION

Compared trades generated by the Comparison Operation *and transactions deemed to be transactions compared under SCC Rule 7 by reason of Section 10 of said Rule 7* enter either the Balance Order Accounting Operation or the CNS Accounting Operation. The Balance Order Accounting Operation includes all Balance Order Securities except for transactions in Balance Order Securities for which receive and deliver security orders are issued which identify the original purchaser and seller and are issued at original contract money (e.g. Special Trades).

7. Amend the first paragraph of Section B on page 19 of the SCC Procedures as follows:

B. *CNS ACCOUNTING OPERATION.* All compared trades in CNS Securities (excluding Special Trades) are processed through the CNS Accounting Operation. This includes transactions compared on the T+1, T+2 and Added Trade Contract Lists. Purchases and sales are summarized on a Compared Trade Summary (see Figure 16). This report lists the CNS Contracts in each security originally listed in the T+1, T+2 and Added Trade Contract Lists *as well as transactions submitted to SCC by a Special Representative.*

8. Add the following paragraph at the end of Section B on page 19 of the SCC Procedures:

"The CNS Compared Trade Summary will reflect the transaction data submitted by Special Representatives (i.e. the share and money balance for each CNS Security) as a single item as provided to SCC by the Special Representative. The letter "C" in the first column of the Compared Trade Summary will identify such items. Each "As Of" trade submitted to SCC by a Special Representative will appear on the Compared Trade Summary as an individual trade, will be identified as "As Of", and will show the original trade date."

STATEMENT OF BASIS AND PURPOSE

The Basis and purpose of the foregoing rule changes is as follows:

PURPOSE OF PROPOSED RULE CHANGES

Odd-lot transactions effected on the Exchange are compared and netted by Carlisle De Coppett & Co. ("Carlisle"). Under existing procedures netted data is submitted to The Depository Trust Company ("DTC") and DTC, pursuant to its Rules, adjusts the accounts of DTC Participants in accordance with Carlisle's instructions. Carlisle acts as a Special Representative under DTC's Rules (see DTC Rule 6). The purpose of the proposed rule changes is to permit odd-lot transactions in securities which are eligible for the SCC CNS System to be settled through the CNS System rather than through DTC. As a consequence of this change, odd-lot transactions, already having been subject to some netting by Carlisle, will be netted with CNS positions. In addition, there will be a reduction in the number of deliveries which must be made. It is expected that the inclusion of odd-lot transactions in the CNS System will reduce the operations work required in the offices of SCC Clearing Members and reduce their expenses.

BASIS UNDER THE ACT FOR ADOPTING THE PROPOSED RULE CHANGES

(a) Not Applicable.

(b) The proposed rule changes relate to the Exchange's wholly-owned subsidiary, SCC and SCC's capacity to facilitate the prompt and accurate clearance and settlement of securities transactions.

(c) Not Applicable.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGES

Solicitation of comments was comments was commenced with this filing. No comments have been received.

BURDEN ON COMPETITION

None.

On or before January 23, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule changes, or

(B) institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before 15 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

DECEMBER 12, 1975.

[FR Doc.75-34236 Filed 12-18-75;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924 (b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity or existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 15th day of December, 1975.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending December 12, 1975

Name of applicant	Location of enterprise	Principal product or activity
New England Steel Co., Inc.	South Windham, Maine.	Steel castings and hot rolled steel bars.
Van Wyck International Corp.	Castile, N.Y.	Manufacture of heat element household appliances.
Tencor, Inc.	Hopewell, N.J.	Tennis court rentals and instruction.
Owens-Illinois, Inc.	Oswego County, N.Y.	Manufacture of glass containers for brewing industry.
Pedigree Pet Products, Inc.	Naguabo, P.R.	Canned dogfood and catfood.
Findlay Refractories Co. of Pennsylvania	Washington, Pa.	Large cast refractory block and special refractory shapes for use in melting furnaces, coke ovens, and reactors.
Cliffside Motor Inn	Harpers Ferry, W. Va.	Motel and restaurant.
Alyeska, Inc.	Bruceton Mills, W. Va.	Land development and sales.
Beach Cycle & Supply Co. Inc.	Gulfport, Miss.	Lawn and turf equipment.
James W. Akridge d.b.a. Big Cliffy Services & Supply.	Big Cliffy, Ky.	Farm supplies and machinery repair.
Sonoco Products Co. (tenant of the town of Mount Olive).	Mount Olive, N.C.	Spirally wound paper tubes.
Southern Belle Dairy Co., Inc.	Somerset, Ky.	Milk and milk related products.
Custom Fabricators, Inc.	Johnson City, Tenn.	Heavy custom metal work and machine shop work.
Habershaw Hardware & Distributing Co.	Cornelia, Ga.	Hardware, furniture, and building materials.
Johnson Development Corp.	Smithfield, N.C.	Industrial building (rental).

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Applications received during the week ending December 12, 1975

Name of applicant	Location of enterprise	Principal product or activity
The Streat Corp	Nicholls, Ga	Children's coats.
Joseph W. Best d.b.a. Kelly and Best	Clinton, N.C	Wholesale distribution of seeds.
Reeves Hardware Co	Clayton, Ga	Hardware and furniture.
Commercial Vinyls, Inc	New Castle, Ind	Vinyl coated wallcoverings.
Church Point Industries, subsidiary of Garan, Inc.	Church Point, La	Manufacture of boys casual jeans.
Oklahoma-Kansas Grain Corp	Catoosa, Okla	Wheat and soybean and other grains or farm products.
Edgar H. Schuler d.b.a. MBC Co. & AAA, Inc.	Great Bend, Kans	Sales of industrial equipment and construction of low cost housing sub-divisions.
Frohwein & Sons, Inc	State Center and Colo, Iowa.	Corn and soybeans and livestock feeds.
MACSI Corp	Monroe City, Mo	Magnesium and lead diecastings.
Resources Partnership	St. George, Utah	Motel and restaurant.
Lyle Sign Co. (tenant of city of De Smet)	De Smet, S. Dak	Manufacturer of traffic, street, and interstate signs.
Rus-tique Brik West, Ltd	Fountain, Colo	Concrete brick.
Edward James, Jr. and Johanna R. Mitchell d.b.a. Wilderness House.	Sonora, Calif	Retail sales of sporting goods and equipment.
Whiting Motor Co	St. Johns, Ariz	Shopping center.
Virginia F. LaRue and William A. Bixler	Tonto Basin, Ariz	Recreational trailer park.
Gary A. Thrasher, D.V.M., d.b.a. Coronado Veterinary Clinic.	Sierra Vista, Ariz	Veterinary clinic.
United Mobile Homes, Inc	Gila Indian Reservation, Ariz.	Manufacture mobile homes.
Life Resources, Inc., and Valley Evaporating Co.	Yakima, Wash	Processing and distribution of dehydrated fruits.
Carlo Ciaramitaro and Augustus Ciulla	Gloucester, Mass	Buying and selling fish; dockage for commercial fishing vessels.
Herbert Block Co., Inc., subsidiary of W. G. Bush & Co.	Shelbyville, Tenn	Manufacturer of concrete block and retail and wholesale of brick.
Oleason Clay Products, division subsidiary of W. G. Bush & Co.	Gleason, Tenn	Manufacture of brick.
Ruger Equipment, Inc	Uhrichsville, Ohio	Manufacturing and selling of material-handling equipment.
Lee Cordova Chevrolet, Inc	Santa Rosa, N. Mex	Automotive sales and service.
Diemakers, Inc. (tenant to Monroe City)	Monroe City, Mo	Diecasting of zinc and aluminum alloys.
Kuhlman Diecasting, Inc. (tenant to Monroe Industrial Park).	do	Do.
Forley & Co. (tenant of Ordway)	Ordway, Colo	Beef packing plant.
James Karl Lothmann	Yuma County, Ariz	Motel.
Gay Pine Products, Inc. (tenant of Quitman)	Quitman, Miss	Wooden cut stock and glued-up solid wooden cores for the flush door industry.
Edison Textiles, Inc	Edison, Ga	Children's playwear.
Microecology Products Corp	Cartersville, Ga	Manufacture chemicals for the medical industry.

[FR Doc.75-34220 Filed 12-18-75;8:45 am]

MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKERS PROGRAMS

Selection of Potential Sponsors: Corrections

In FR Doc. 75-31522 appearing at page 54352 in the issue for Friday, November 21, 1975, (notice of the selection of potential sponsors for migrant and other seasonally employed farmworker programs under the Comprehensive Employment and Training Act of 1973, section 303), make the following changes:

1. On page 54353, paragraph 2(b) is corrected by changing the date from "January 15, 1975" to "January 15, 1976".

2. On page 54354, a transposition of lines obscured the due dates set forth in paragraph 4(b). For this reason, the due dates have been extended and paragraph 4 is reprinted in its entirety with the revised dates:

4. *Resolicitation.* In the following States no designation of potential sponsors has been made because no Funding Request was received.

Maine	Wyoming
West Virginia	Nevada
Utah	

Pursuant to 29 CFR 97.216(b), the Secretary has made the following determinations for these States:

(a) The Secretary intends to initiate, after January 5, 1976, negotiations for a Fiscal Year 1976, section 303 program in the State (i) with the current section 303 program sponsor, if any, provided that the sponsor's present performance is adequate and, if these negotiations fail, (ii) with the CETA title I prime sponsor whose jurisdiction contains the largest number of migrant and seasonal farmworkers.

(b) The Secretary invites organizations eligible under § 97.205 which are interested in receiving a grant for section 303 programs in the listed States to submit Funding Requests to the address given in 29 CFR 97.214(a) on or before January 19, 1976. Such organizations must also submit to the same address a notice of intent to submit a Funding Request for the State; the notice of intent must be received before close of business January 5, 1976, or the Funding Request will not be considered. A preapplication for federal assistance form is not required.

(c) In those States for which a timely notice of intent has been received, the Secretary will not begin negotiations for a section 303 program until a Funding Request has been received and the priority set forth in paragraph 4(a) above, has been re-examined in light of the new Funding Request.

(d) Funding Requests shall be prepared in accordance with the requirements of 29 CFR 97.213 and 97.214.

Inquiries regarding the content of this announcement are to be directed to the address listed below:

U.S. Department of Labor, Employment and Training Administration, Patrick Henry Building, Room 7122, 601 D Street, NW., Washington, D.C. 20213.

Attn: Charles I. Carter, Chief, Division of Farmworker Programs.

Signed at Washington, D.C., this 5th day of December 1975.

PIERCE A. QUINLAN,
Associate Manpower Administrator, Office of Manpower Development Programs.

[FR Doc.75-34174 Filed 12-18-75;8:45 am]

Office of the Secretary

[TA-W-203]

CORNING GLASS WORKS

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-203: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 2, 1975 in response to a worker petition received on October 2, 1975 which was filed by the American Flint Glass Workers Union on behalf of workers formerly producing glass bulbs for monochrome television picture tubes at the Albion, Michigan plant of Corning Glass Works, Corning, New York.

The notice of investigation was published in the FEDERAL REGISTER on October 15, 1975 (40 FR 48415). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Corning Glass, its customers, the U.S. International Trade Commission, the Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Albion plant declined 63.6 percent in the first nine months of 1975 compared to the like period in 1974. Employment of production workers of Albion ceased in the third quarter of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales at the Albion plant declined 40.6 percent in the first nine months of 1975 compared to the first nine months of 1974. Production declined 57.7 percent in the first nine months of 1975 compared to the first nine months of 1974. The plant ceased production in the third quarter of 1975.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of glass bulbs for monochrome televisions are reported with glass bulbs for color televisions, other cathode ray tube glass, and miscellaneous electronic and lighting glass. Imports of these products have represented less than one percent of domestic production and consumption from 1970 through 1974.

Customer officials and knowledgeable industry representatives report extremely limited imports of glass bulbs for monochrome televisions. International trade in glass bulbs is limited by their low unit value of manufacture relative to their high shipping cost.

No customers of the Albion plant had purchased imported glass bulbs before the plant closed. The high shipping costs of glass bulbs prevented customers from purchasing imported bulbs. Declines in purchases from the Albion plant were attributed to the decline in the domestic monochrome television industry.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with glass bulbs for monochrome television picture tubes produced at the Albion, Michigan plant of Corning Glass Works, Corning, New York did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 5th day of December 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-34286 Filed 12-18-75;8:45 am]

[TA-W-204]

FAIRFOOT SHOE COMPANY, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-204: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 2, 1975 in response to a worker petition received on October 2, 1975 which was filed by the Boot and Shoe Workers Union on behalf of workers and former workers producing women's footwear at the Bedford, Pa. plant of Fairfoot Shoe Company, Incorporated, a division of Evy Footwear Company, Inc., New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on October 30, 1975 (40 FR 50585). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Fairfoot Shoe Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, American Footwear Industries Association, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That significant number or proportion to the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 16 percent in the first three quarters of 1975 compared to the like period in 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the Bedford, Pennsylvania plant declined 17 percent in the first three quarters of 1975 compared to the first three quarters of 1974. Sales declined 27 percent in the first three quarters of 1975 compared to the first three quarters of 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of articles like or directly competitive with those produced at Fairfoot Shoe Company increased from 167 million pairs in 1970 to 189 million pairs in 1974. Imports increases from 105 percent of domestic production in the first half of 1974 to over 123 percent the first half of 1975.

The ratios of imports to domestic consumption and production increased from 40 percent and 66 percent, respectively, in 1970 to 51 percent and 104 percent, respectively, in 1974.

Customers reduced purchased of Fairfoot's Shoes in favor of lower-priced imports. Reduced sales of women's dress footwear by Fairfoot led to rapidly declining production at Fairfoot.

Thus increasing penetration of imports of women's footwear in the domestic market contributed importantly to the total or partial separations of workers at Fairfoot Shoe Company, Bedford, Pennsylvania.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's footwear produced at the Bedford, Pennsylvania plant of Fairfoot Shoe Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of women's footwear at the Bedford, Pennsylvania plant of Fairfoot Shoe Company who became totally or partially separated from employment on or after November 8, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 9th day of December 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.75-34293 Filed 12-18-75;8:45 am]

[TA-W-189]

LAKE MANUFACTURING CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-189; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 26, 1975 in response to a worker petition received on September 26, 1975 which was filed by the Amalgamated Clothing Workers Union on behalf of workers formerly producing ladies slacks at the Easton, Pennsylvania plant of Lake Manufacturing Company.

The notice of investigation was published in the FEDERAL REGISTER on October 7, 1975 (40 FR 46372). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lake Manufacturing Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

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In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard as to whether the other criteria are satisfied, the investigation reveals that the third criterion has not been met.

Lake Manufacturing Company produced ladies slacks made of woven and knit natural and man-made fibers. Imports of ladies slacks like or directly competitive with those produced at Lake Manufacturing Company are included in the category of women's, misses, and children slacks. Imports decreased from 144 million units in 1972 to 110 units in 1974. The ratios of imports to domestic consumption and production decreased from 40.7 percent and 68.7 percent, respectively in 1972 to 32.5 percent and 48.2 percent in 1974.

The evidence developed by the Department's investigation indicated that customers of Lake Manufacturing Company decreased purchases because of fashion changes, styling requirements and the company's inability to meet delivery schedules. These customers did not report shifting purchases from Lake Manufacturing to foreign sources.

Additionally, increased costs and difficulties in obtaining basic materials caused cutbacks in production. Shortly thereafter, the company laid off employees. The continuing decline in sales associated with a reduction in orders for ladies slacks is attributable to the general downturn in the economy. The plant closed in January 1975.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ladies slacks produced at the Easton, Pennsylvania plant of Lake Manufacturing Company did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 9th day of December 1975.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.75-34289 Filed 12-18-75;8:45 am]

[TA-W-196, 235]

LOUIS GOLDSMITH, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-196, 235: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 26, 1975 in response to a worker petition received on September 26, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers formerly producing men's suits and trousers at the Souderton, Pennsylvania plant of Louis Goldsmith, Inc., a division of Kayser-Roth Corp., a subsidiary of Gulf & Western Corp. The investigation was expanded on October 14, 1975 in response to a worker petition received on October 14, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers formerly producing men's suits and sportcoats at the firm's Philadelphia, Pennsylvania plant.

The notices of investigation were published in the FEDERAL REGISTER (40 FR 46373;49828) on October 7 and 24, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Louis Goldsmith, its customers, the U.S. Department of Commerce, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certificate of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision on the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations

The average number of hourly workers employed at Louis Goldsmith's Philadelphia, Souderton, Norristown and Sassamansville plants declined 34 percent, 12 percent, 4 percent and 19 percent, respectively, in the first nine months (five months in the case of Souderton which closed in May 1975) of 1975, compared to the like peirod in 1974.

Sales or Production, or Both, Have Decreased Absolutely

Production at Goldsmith's Philadelphia, Souderton and Norristown plants declined 25 percent, 30 percent and 39 percent, respectively, from 1973 to 1974, while production increased 5 percent at the Sassamansville plant. In the first nine months (five months in the case of Souderton) of 1975, production at the Philadelphia, Souderton and Sassamansville plants declined 38 percent, 22 percent and 32 percent, respectively, while production at the Norristown plant increased 42 percent, compared to the like periods in 1974.

Increased Imports Contributed Importantly

From 1973 to 1974, imports of men's tailored suits, trousers and overcoats decreased absolutely and as a ratio to domestic production and consumption. During the same period, imports of men's tailored sportcoats decreased absolutely but increased as a ratio to domestic production and consumption.

In the first seven months of 1975, imports of men's tailored suits and trousers increased absolutely while imports of men's tailored sportcoats and overcoats decreased absolutely when compared with the like period in 1974.

Declines in production and employment at Goldsmith's Philadelphia, Norristown and Sassamansville plants were caused by the company's loss of sales to domestic competitors. Major customers reduced purchases from Goldsmith in 1974 and 1975 because of frequent and significant price increases on the part of Goldsmith. Those customers shifted orders to other domestic suppliers who offered menswear of comparable quality and styling at substantially lower prices.

The Souderton plant was used exclusively as a contract sewing facility for Raewin Clothes, Inc., another division of Kayser-Roth, from June 1974 to May 1975. During that period, Raewin's sales fell substantially as some of their customers shifted orders to other domestic manufacturers because of dissatisfaction with the quality and styling of Raewin's products. Because of persistent loss of sales to domestic competitors and overcapacity at Goldsmith's remaining plants, officials of Kayser-Roth decided to close the Souderton facility in May 1975.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's tailored suits, sportcoats, trousers and overcoats produced at the Philadelphia, Souderton, Norristown and Sassamansville, Pennsylvania plants of Louis Goldsmith, Inc. did not contribute importantly to the total or partial separation of the workers at such plants.

Signed at Washington, D.C. this 5th day of December 1975.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.75-34290 Filed 12-18-75;8:45 am]

[TA-W-195]

RAEWIN CLOTHES, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-195: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 26, 1975 in response to a worker petition received on September 26, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers formerly producing men's suiting coats and trousers at the Quakertown, Pennsylvania plant of Raewin Clothes, Inc., a division of Kayser-Roth Corp., a subsidiary of Gulf & Western Corp.

The notice of investigation were published in the FEDERAL REGISTER (40 FR 46374) on October 7, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Raewin Clothes, its customers, the U.S. Department of Commerce, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations

The average number of production workers employed at the Quakertown plant declined 11 percent from 1973 to 1974 and declined 56 percent in the first half of 1975 compared to the like period in 1974.

Sales or Production, or Both, Have Decreased Absolutely

Production at the Quakertown plant declined 16 percent from 1973 to 1974 and declined 85 percent in the first half of 1975 compared to the like period in 1974.

Increased Imports Contributed Importantly

From 1973 to 1974, imports of men's tailored suits decreased absolutely and as a ratio to domestic production and consumption. During the same period, imports of men's tailored sportcoats decreased absolutely but increased as a ratio to domestic production and consumption.

In the first seven months of 1975, imports of men's tailored suits increased absolutely while imports of men's tailored sportcoats decreased absolutely when compared with the like period in 1974.

Raewin sales and production were influenced by the quality and styling of its output and the recession. Notwithstanding increased levels of imports of suits and sportcoats there is no indication that increased import competition was an important factor in the decline in sales or production of the Quakertown facility.

Kayser-Roth Corp., the parent firm of Raewin Clothes, decided to close the Quakertown facility in June 1975 after Raewin proved ineffective in competing with other domestic manufacturers of menswear. Major customers of Raewin Clothes substantially reduced orders in recent seasons because of unpopular styling and poor quality of Raewin's products and because of decreased demand associated with the recession. Those customers that were dissatisfied with Raewin's products shifted purchases to other domestic rather than foreign manufacturers.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's tailored suits and sportcoats produced by Raewin Clothes, Inc. did not contribute importantly to the total or partial separation of the workers of such firm.

Signed at Washington, D.C. this 5th day of December 1975.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.75-34291 Filed 12-18-75;8:45 am]

[TA-W-188]

WEBSTER CLOTHES, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-188; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 26, 1975 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits, sportcoats and pants at the Westminster, Maryland plant of Webster Clothes Inc., Baltimore, Maryland.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 46376) on October 7, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Webster Clothes, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations

Employment remained stable from 1972 through 1973. In 1974, the average number of production workers decreased 24 percent. The plant closed in October 1974.

Sales or Production, or Both, Have Decreased Absolutely

Production at the Westminster, Maryland plant declined 40 percent from fiscal 1973 to fiscal 1974. Sales data were not available as the company only produced on order from Webster Clothes. Sales data were equal to production data.

Increased Imports Contributed Importantly

Imports of men's and boys' suits, like or directly competitive with those produced at the Westminster, Maryland plant increased relatively from 1971 to 1973 then declined in 1974.

The ratios of imports to domestic production and consumption of men's and boys' suits increased from 6.0 and 5.7 percent, respectively in 1971 to 10.5 and 9.5 percent, respectively in 1973. The ration of imports to production declined slightly from 1973 to 1974; then increased sharply from 7.7 percent in the

V40245 DEC 19 75 XUM

first 7 months of 1974 to 22.1 percent for the same period in 1975.

Imports of men's and boys' sportcoats increased from 1971 to 1974.

The ratios of imports to domestic production and consumption of men's and boys' sportcoats increased from 12.9 and 11.4 percent, respectively in 1971 to 22.3 and 18.2 percent in 1974. The ratio of imports to production increased from 24.5 percent in the first seven months of 1974 to 36.7 percent in the first seven months of 1975.

Imports of men's and boys' trousers increased from 1971 to 1972 then declined thereafter.

The ratios of imports to domestic production and consumption of men's and boys' trousers increased from 16.3 and 14.0 percent, respectively, in 1971 to 25.7 and 20.5 percent in 1972 then declined thereafter to 19.7 and 16.4 percent, respectively in 1974.

The evidence developed by the Department's investigation indicated that the ceasing of production of Webster Clothes' manufacturing division was attributable to the impending sale of their rented plant in Westminster, Maryland to the city of Westminster and their lack of new capital to start up operations elsewhere. The sale was consummated in January, 1975. Webster Clothes' divestiture of its manufacturing operations was also based on a decision to try to compete more successfully as a retail business. Webster currently sells goods supplied by other domestic manufacturers and avoids costly piece good commitments and gains the ability to take quick advantage of retail fashion changes.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits, sportcoats and pants produced at the Westminster, Maryland plant did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 4th day of December 1975.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.75-34292 Filed 12-18-75;8:45 am]

Wage and Hour Division

INSTITUTIONS OF HIGHER EDUCATION

Certificates Authorizing Employment of Students at Subminimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended, the regulation on employment of full-time students at subminimum wages (29 CFR 519), and Administrative Order No. 621 (36 FR 12819), the institutions of higher education listed in this notice have been granted authority to employ their full-time students outside of the individual student's regularly scheduled hours of instruction at hourly rates not less than 85 percent of the applicable statutory minimum rate specified under section 6 of the Act.

The regulation provides for the authority to be effective on the date a properly completed application is forwarded to the Wage and Hour Division provided applicable conditions of the regulation are met. After review by the Division, the authority may be continued in effect for up to one year from the date the application was forwarded to the Division. The expiration date of the authority granted to a particular institution of higher education listed in this notice occurs between June 20, 1976 and November 20, 1976, inclusive.

The terms and conditions of the regulation further limit the authority to employ full-time students at subminimum wages to not more than 20 hours per week when school is in session, prohibit subminimum wage employment in unrelated trades or businesses such as apartment houses, stores, or other businesses not primarily catering to the students of the institution, and prohibit the hiring of full-time students at subminimum wages for work in a unit or units of the campus where abnormal labor conditions, such as a strike or lockout exist. The authority does not excuse noncompliance with higher standards applicable to full-time students under any other Federal law, State law, local ordinance, or union or other agreement.

Alabama Lutheran Academy & College, Selma, AL.
Alabama, University of, Birmingham, AL.
Alliance College, Cambridge Springs, PA.
American Christian College, Tulsa, OK.
Andrews University, Berrien Springs, MI.
Aquinas Junior College, Nashville, TN.
Asbury Theological Seminary, Wilmore, KY.
Ashland College, Ashland, OH.
Atlantic Christian College, Wilson, NC.
Aurora College, Aurora, IL.
Avila College, Kansas City, MO.
Baker University, Baldwin City, KS.
Baldwin-Wallace College, Berea, OH.
Baptist Bible College of Pennsylvania, Clarks Summit, PA.
Belhaven College, Jackson, MS.
Bennett College, Greensboro, NC.
Berea College, Berea, KY.
Bethel College, St. Paul, MN.
Brescia College, Owensboro, KY.
Burlington County College, Pemberton, NJ.
Carleton College, Northfield, MN.
Carroll College, Waukesha, WI.
Catawaba College, Salisbury, NC.
Central College, McPherson, KS.
Chadron State College, Chadron, NE.
Charleston, College of, Charleston, SC.
Circleville Bible College, Circleville, OH.
Cleary College, Ypsilanti, MI.
Cleveland State University, Cleveland, OH.
Cloud County Community College, Concordia, KS.
The Colorado College, Colorado Springs, CO.
Columbia Bible College, Columbia, SC.
Concordia College, Moorhead, MN.
Concordia Teachers College, River Forest, IL.
Cowley County Community College, Arkansas City, KS.
Crosier Seminary, Onamia, MN.
Cumberland College, Williamsburg, KY.
Cumberland College of Tennessee, Lebanon, TN.
Davidson College, Davidson, NC.
Dean Junior College, Franklin, MS.
Defiance College, Defiance, OH.
Denison University, Granville, OH.
Doane College, Crete, NE.
Dubuque, University of, Dubuque, IA.
Eastern Kentucky University, Richmond, KY.
Edgewood College, Madison, WI.
Emmanuel College, Franklin Springs, GA.
Emmanuel School of Religion, Johnson City, TN.
Eureka College, Eureka, IL.
Findlay College, Findlay, OH.
Flagler College, Inc., St. Augustine, FL.
Florida Institute of Technology: School of Marine and Environmental Technology, Jensen Beach, FL; Country Club Road Campus and School of Aeronautics, Melbourne, FL; Medical Research Institute, West Melbourne, FL.
Florida Southern College, Lakeland, FL.
Florida State University, Tallahassee, FL.
Francis Marion College, Florence, SC.
Franklin College of Indiana, Franklin, IN.
Freeman Junior College, Freeman, SD.
Gardner-Webb College, Inc., Boiling Springs, NC.
Gateway College of Evangelism, Florissant, MO.
Georgetown College, Georgetown, KY.
Georgia, University of, Athens, GA.
Georgia Southern College, Statesboro, GA.
Gordon College, Wenham, MA.
Greenville College, Greenville, IL.
Grinnell College, Grinnell, IA.
Gustavus Adolphus College, St. Peter, MN.
Hamline University, St. Paul, MN.
Hanover College, Hanover, IN.
Harding School of Bible and Religion, Memphis, TN.
Hartford, University of, West Hartford, CT.
High Point College, High Point, NC.
Hillsdale College, Hillsdale, MI.
Hiram College, Hiram, OH.
Hiwassee College, Madisonville, TN.
Illinois College, Jacksonville, IL.
Illinois Institute of Technology, Chicago, IL.
Illinois Wesleyan University, Bloomington, IL.
Independence Community Junior College, Independence, KS.
Indiana State University: Evansville, IN; Terre Haute, IN.
Iowa Western Community College, Clarinda, IA; Council Bluffs, IA.
Jackson Community College, Jackson, MI.
Jefferson State Junior College, Birmingham, AL.
John B. Stetson University, DeLand, FL.
John Carroll University, Cleveland, OH.
Kansas Wesleyan, Salina, KS.
Kaskaskia College, Centralia, IL.
Keene State College, Keene, NH.
Kentucky Wesleyan College, Owensboro, KY.
King College, Bristol, TN.
Lakeland College, Sheboygan, WI.
Lasell Junior College, Auburndale, MA.
Lehigh University, Bethlehem, PA.
Lincoln Christian College, Lincoln, IL.
Lincoln College, Lincoln, IL.
The Lindenwood Colleges, St. Charles, MO.
Livingstone College, Salisbury, NC.
Loras College, Dubuque, IA.
Louisville, University of, Louisville, KY.
MacMurray College, Jacksonville, IL.
Macon Junior College, Macon, GA.
Malone College, Canton, OH.
Manchester College, North Manchester, IN.
Marion College, Marion, IN.
Mars Hill College, Mars Hill, NC.
Dr. Martin Luther College, New Ulm, MN.
Marycrest College, Davenport, IA.
Maryville College, Maryville, TN.
Memphis State University, Memphis, TN.
Mercer University, Macon, GA.
Methodist College, Fayetteville, NC.
Miami University: Hamilton Campus, Hamilton, OH; Middletown Campus, Middletown, OH; Oxford, OH.

Mid-America Nazarene College, Olathe, KS.
Middlebury College: Middlebury, VT; Ripton, VT.
Midway College, Midway, KY.
Monmouth College, Monmouth, IL.
Mount Holyoke College, South Hadley, MA.
Mount Mercy College, Cedar Rapids, IA.
Mount St. Joseph on the Ohio, College of, Mount St. Joseph, OH.
Mount Union College, Alliance, OH.
Mount Vernon Academy, Mount Vernon, OH.
Mundelein College, Chicago, IL.
Nathaniel Hawthorne College, Antrim, NH.
Nebraska Wesleyan University, Lincoln, NE.
New Hampshire, University System of: Durham, NH; Merrimack Campus, Manchester, NH.
North Carolina Wesleyan College, Rocky Mount, NC.
North Central Michigan College, Petoskey, MI.
North Dakota, University of, Grand Forks, ND.
North Dakota State University, Fargo, ND.
Northeast Missouri State University, Kirksville, MO.
Northern Colorado, University of, Greeley, CO.
Northwestern College, Roseville, MN.
Norwich University, Northfield, VT.
Notre Dame College, Cleveland, OH.
Oak Hills Bible Institute, Bemidji, MN.
Oakland City College, Oakland City, IN.
Oakton Community College, Morton Grove, IL.
Oblate College of the Southwest, Inc., San Antonio, TX.
Oklahoma Christian College, Oklahoma City, OK.
Olivet Nazarene College, Kankakee, IL.
Ottumwa Heights College, Ottumwa, IA.
Pitzer College, Claremont, CA.
Principia College, Elsah, IL.
Rockford College, Rockford, IL.
Rollins College, Winter Park, FL.
Rosary College, River Forest, IL.
Rosemont College, Rosemont, PA.
St. Augustine's College, Raleigh, NC.
St. Francis, College of, Joliet, IL.
St. Johns River Junior College, Palatka, FL.
St. John's University, Collegeville, MN.
St. Mary College, Leavenworth, KS.
St. Mary-of-the-Woods College, St. Mary-of-the-Woods, IN.
St. Norbert College, Depere, WI.
St. Paul Bible College, Bible College, MN.
St. Teresa, College of, Winona, MN.
St. Thomas, College of, St. Paul, MN.
St. Xavier College, Chicago, IL.
Salem College, Winstom-Salem, NC.
San Francisco, University of, San Francisco, CA.
Scarritt College for Christian Workers, Nashville, TN.
Seward County Community College, Liberal, KS.
Shimer College, Mount Carroll, IL.
Shippensburg State College, Shippensburg, PA.
Shorter College, Rome, GA.
Silver Lake College of the Holy Family, Manitowoc, WI.
Smith College, Northampton, MA.
South Carolina, University of: Aiken Regional Campus, Aiken, SC; Salkehatchie Regional Campus, Allendale, SC; Beaufort Regional Campus, Beaufort, SC; Main Campus, Columbia, SC; Coastal Carolina Regional Campus, Conway, SC; Lancaster Regional Campus, Lancaster, SC; Spartanburg Regional Campus, Spartanburg, SC; Sumter Regional Campus, Sumter, SC; Union Regional Campus, Union, SC.
Southern Business College, Birmingham, AL.
Spencerian College, Louisville, KY.
State University of New York: Binghamton, NY; Delhi, NY.
Steubenville, College of, Steubenville, OH.
Sue Bennett College, London, KY.
Tennessee, University of: Chattanooga TN; Agricultural Experiment Station and Substations, Agricultural Extension Service, Knoxville Campus, Memorial Research Center and Hospital and Systems Administration, Knoxville, TN; Martin, TN; Memphis, TN; Nashville, TN; Tullahoma, TN.
Tennessee Wesleyan College, Athens, TN.
Texas State Technical Institute: Harlingen, TX; Sweetwater, TX.
Trinity Christian College, Palos Heights, IL.
Tri-State, College of, Angola, IN.
Tufts University, Medford, MA.
Union College: Barbourville, KY; Lincoln, NE.
Urbana College, Urbana, OH.
Valparaiso University, Valparaiso, IN.
Vermont College, Montpelier, VT.
Waldorf College, Forest City, IA.
Walsh College, Inc., Canton, OH.
Webster College, St. Louis, MO.
West Chester State College, West Chester, PA.
Wheaton College, Wheaton, IL.
Wheelock College, Boston, MA.
Williams College, Williamstown, MA.
Wilmington College, Wilmington, OH.
Wittenberg University, Springfield, OH.
Young Harris College, Young Harris, GA.

The authority has been granted to each institution of higher education upon the representations of the institution which, among other things, were that employment of full-time students at subminimum wages is necessary to prevent curtailment of opportunities for employment, the hiring of full-time students at subminimum wages will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under the authority, and such authority will not result in a reduction of the wage rate paid to a current employee. The authority may be annulled or withdrawn in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the granting of the authority to any of the institutions listed may seek a review or reconsideration thereof on or before February 2, 1976.

Signed at Washington, D.C., this 15th day of December, 1975.

DONALD T. CRUMBACK,
Authorized Representative of the Administrator.

[FR Doc.75-34294 Filed 12-18-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Notice No. 934]

ASSIGNMENT OF HEARINGS

DECEMBER 16, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 106398 Sub 731, National Trailer Convoy, Inc., application dismissed.
MC 58679 Sub 81, Brown Transport Corp., application dismissed.
MC-C8636, Greyhound Lines, Inc. v Tennessee Trailways, Inc., now being assigned February 18, 1976 (1 day), at Atlanta, Ga.; in a hearing room to be later designated.
MC-F 12321, Akers Motor Lines, Inc.,—Control—Central Motor Lines, Inc., FD 27900, Akers Motor Lines, Inc.,—Securities, and MC-F 12557, Transcon Lines-Purchase (Portion) Central Motor Lines, Inc., Northern Freight Lines Inc., and Akers Motor Lines, Incorporated now being assigned Pre-Hearing Conference December 30, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-34279 Filed 12-18-75;8:45 am]

[Ex Parte No. MC-43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

At a Session of the INTERSTATE COMMERCE COMMISSION, Motor Carrier Leasing Board, held at its office in Washington, D.C., on the 10th day of December, 1975.

It appearing, That a petition has been filed by B F Walker, Inc., (MC-74321 and numerous subs) and Noble Transport, Inc., as the operator (by virtue of temporary authority pursuant to MC-F-12573) of the rights of Ashworth Transfer, Inc. (MC-1872 and various subs), under common control, for waiver of paragraphs (a)(3) and (c) of section 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057), concerning equipment leased between petitioners;

It further appearing, That petitioners have a jointly administered program applying the same standards of inspection and maintenance to equipment in accordance with the motor carrier safety regulations of the U.S. Department of Transportation;

It further appearing, That that Department offers no objection to granting the petition, although operations will continue to be monitored by that agency;

It is ordered, That waiver of paragraphs (a)(3) and (c) of § 1057.4, be, and, it is hereby granted provided that the equipment is inspected on the day it is to be leased and found to meet the requirement of the motor carrier safety regulations of the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control.

By the Commission, Motor Carrier Leasing Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-34278 Filed 12-18-75;8:45 am]

DEC 19 75 V40 245 XUM

[Notice No. 143]

Date: December 19, 1975.

MOTOR CARRIER TRANSFER PROCEEDINGS

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76236. By application filed December 10, 1975, BEN-K TRUCKING, INC., P.O. Box 1049, Greeley, CO 80631, seeks temporary authority to lease the operating rights of GEORGE BENNETT AND WILLIAM A. WHITE, doing business as BENNETT AND WHITE, also of Greeley, CO 80631, under section 210a (b). The transfer to BEN-K TRUCKING, INC., of the operating rights for GEORGE BENNETT AND WILLIAM A. WHITE, doing business as BENNETT AND WHITE, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-34280 Filed 12-18-75;8:45 am]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

Supplemental Notice

DECEMBER 19, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) Grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under Sections 5(2) and 212(b); (4) notices of filing of Sections 5(2) and 210a(b) finance applications; and (5) notices of filing of Section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 C.F.R. 1100.250.

Protests to the granting of the requested authority must be filed with the Commission on or before January 19, 1976 (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's General Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

No. MC-F-12717. Authority sought for control and merger by GARRISON MOTOR FREIGHT, INC., P.O. Box 969, Garrison Place, Harrison, AR 72601, of the operating rights and property of REYCO MOTOR EXPRESS, INC., P.O. Box 6565—South Station, Fort Smith AR 72901, and for acquisition by F. S. GARRISON, AND BEN A. GARRISON, both of Harrison, AR 72601, of control of such rights and property through the transaction. Applicants' attorneys and representative: Louis Tarlowski, 914 Pyramid Life Bldg., Little Rock, AR 72201, R. D. Reynolds, 5412 So. 24th St., Fort Smith, AR 72901, and David A. Sutherland, 1140 Connecticut Ave., N.W., Suite 501, Washington, DC 20036. Operating rights sought to be controlled and merged: *General commodities*, with the usual exceptions, as a *common carrier*, over regular routes, between Fort Smith, and Booneville, Ark., serving no intermediate points, with restriction; and under certificates of registration, in Docket Nos. MC 97270 (Sub-No. 2), MC 97270 (Sub-No. 7), and MC 97270 (Sub-No. 8), covering the transportation of general commodities, as common carriers, in interstate commerce, within the State of Arkansas. GARRISON MOTOR FREIGHT, INC., is authorized to operate as a common carrier in Alabama, Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-34507 Filed 12-18-75;8:45 am]

[MC-28572; MC-28573; FF-451]

BURLINGTON NORTHERN, INC.

Approval To Act as Surety

At a Session of the Interstate Commerce Commission, the Insurance Board, held at its office in Washington, D.C., on the 4th day of December, 1975.

In the mater of Burlington Northern, Inc. assuming the obligation of surety on a bond in behalf of its subsidiary Burlington Northern Air Freight, Inc., under the provision of Section 215, Interstate Commerce Act, and our Rules and Regulations governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers.

It appearing, That Burlington Northern, Inc. has qualified as a self-insurer of its BI & PD and cargo liability as permitted under Section 215 of the Interstate Commerce Act;

It further appearing, That in Docket No. FF-451 Burlington Northern Air Freight, Inc., a subsidiary of Burlington Northern, Inc., has acquired freight forwarder authority;

It further appearing, That Burlington Northern, Inc. has requested authority to act as a surety for Burlington Northern Air Freight, Inc. for cargo liability under the provision of section 403(c) of the Interstate Commerce Act;

And it further appearing, That this request has been given consideration and is found to be reasonable;

It is ordered, That approval be given to Burlington Northern, Inc. to act as a surety of Burlington Northern Air Freight, Inc. eeffctive December 16, 1975. with respect to its compliance with the cargo security requirements under Section 403(c) of the Act.

By the Commission, Insurance Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-34281 Filed 12-18-75;8:45 am]

[Notice No. 144]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 19, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before January 8, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76211. By order of December 19, 1975 the Motor Carrier Board approved the transfer to C. V. Transportation, Inc., Antrim, New Hampshire, of certificate No. MC 140097, issued June 4, 1975, to Rymes Heating Oils, Inc., Antrim, New Hampshire, authorizing the

transportation of wood chips, from points in New Hampshire to points in Maine, New York, and Rhode Island. James T. Rymes, Waverly Street, Antrim, New Hampshire 03440 Representative of applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-34283 Filed 12-18-75;8:45 am]

[Notice No. 143]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 15, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 326TA), filed December 2, 1975. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the facilities of Nalco Chemical at or near Sugar Land, Tex. to all points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Nalco Chemical Company, Inc., 2901 Butterfield Road, Oak Brook, Ill. 60521. Send protests to: District Supervisor, Mensing, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 531 (Sub-No. 327TA), filed December 4, 1975. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hog mucosa*, in bulk, in tank vehicles, from points in the United States west of Interstate Highway 65 and the Great Lakes to facilities of 3M Company, at or near Cordova, Ill. Supporting shipper: Minnesota Mining & Manufacturing Company, 3M Center, St. Paul, Minn. 55101. Send protests to: John Mensing, District Supervisor, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 21866 (Sub-No. 82TA), filed December 8, 1975. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, Pa. 19512. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lenses and reflectors*, from Somerset, Ky., to Boyertown, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wagner Electric Corporation, 633 McKinley St., Hazleton, Pa. 18201. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 28088 (Sub-No. 15TA), filed December 4, 1975. Applicant: NORTH & SOUTH LINES, INCORPORATED, 2710 South Main St., P.O. Box 49, Harrisonburg, Va. 22801. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 Thirteenth St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in mixed truckload shipments with unfrozen feed and feed materials for other than human consumption (except in bulk, in tank vehicles), from Akron, Ohio, to points in Albermarle, Augusta, Culpepper, Fauquier, Greene, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenandoah, and Warren Counties, Va., for 180 days. Supporting shipper: Diamond Crystal Salt Company, 916 S. Riverside Ave., St. Clair, Mich. 48079. Send protests to: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Ave., S.W., Roanoke, Va. 24011.

No. MC 52579 (Sub-No. 146TA), filed December 5, 1975. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: Fred L. Cardascia (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, from points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee; to points in Dallas and Fort Worth, Tex., Commercial Zones and to Los Angeles, Calif., for 180 days. Supporting shipper: Montgomery Ward & Co., Inc., 393 Seventh Ave., New York, N.Y. 10001. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 61403 (Sub-No. 236TA), filed December 5, 1975. Applicant: THE MASON AND DIXON TANK LINES, INC., Highway 11-W, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the facilities of Nalco Chemical Company, at or near Sugar Land, Tex., to all points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Nalco Chemical Company, Inc., 2901 Butterfield Road, Oak Brook, Ill. 60521. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 97310 (Sub-No. 21TA), filed November 26, 1975. Applicant: SHARRON MOTOR LINES, INC., P.O. Box 5636, Meridian, Miss. 39301. Applicant's representative: John P. Carlton, 903 Frank Nelson Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives and commodities which by reason of size or weight require the use of special equipment), (1) between Centre, Ala., and Atlanta, Ga.; from Centre over Alabama Highway 9 to the Alabama-Georgia State Boundary line, thence over Georgia Highway 20 to Rome, Ga., thence over U.S. Highway 411 to junction U.S. Highway 41, thence over U.S. Highway 41 to Marietta, Ga., thence over Interstate Highway 75 to Atlanta, and return over the same route, serving all intermediate points between Centre and Rome, including Rome; (2) between Centre, Ala., and Birmingham, Ala.; from Centre over U.S. Highway 411 to Junction U.S. Highway 278 at or near Gadsden, Ala., thence over U.S. Highway 278 to junction U.S. Highway 11, at or near Attalla, Ala., thence over U.S. Highway 11 to Birmingham, and return over the same route, serving all intermediate points; (3) between the junction of U.S. Highway 278 and U.S. Highway 411 at or near Gadsden, Ala., and Montgomery, Ala.; from the junction of U.S. Highway 278 and U.S. Highway 411 over U.S. Highway 411 to junction Alabama Highway 77, thence over Alabama Highway 77 to junction Alternate U.S. Highway 231 at or near Lincoln, Ala., thence over Alternate U.S. Highway 231 to junction U.S. Highway 231 at or near Sylacauga, Ala., thence over U.S. Highway 231 to Montgomery, and return over the same route, serving all intermediate points; (4) between the junction of Interstate Highway 59 and U.S. Highway 278 at or near Gadsden, Ala., and Montgomery, Ala.; from the junction of Interstate

DEC 19 75 V40245 XUM

Highway 59 and U.S. Highway 278 over Interstate Highway 59 to junction Interstate Highway 65, thence over Interstate Highway 65 to Montgomery, and return over the same route, serving all intermediate points, and operating over U.S. Highway 31 between Birmingham, Ala., and Montgomery, Ala., for such portions of Interstate Highway 65 which have not yet been completed.

Between the junction of Alabama Highway 68 and U.S. Highway 411 at or near Leesburg, Ala., and Tuscumbia, Ala.; from the junction of Alabama Highway 68 and U.S. Highway 411 over Alabama Highway 68 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction Alabama Highway 117 at or near Hammondville, Ala., thence over Alabama Highway 117 to junction U.S. Highway 72, thence over U.S. Highway 72 to Florence, Ala., thence over U.S. Highway 72 (Bus.) to Tuscumbia, and return over the same route, serving all intermediate points; (6) between the junction of Alabama Highway 68 and U.S. Highway 11 and the junction of Alabama Highway 35 and U.S. Highway 72 at or near Scottsboro, Ala.; from the junction of Alabama Highway 68 and U.S. Highway 11 over Alabama Highway 68 to junction Interstate Highway 59, thence over Interstate Highway 59 to junction Alabama Highway 35, thence over Alabama Highway 35 to junction U.S. Highway 72, and return over the same route, serving all intermediate points; (7) between the junction of U.S. Highway 278 and U.S. Highway 11 at or near Attalla, Ala., and Tuscumbia, Ala.; from the junction of U.S. Highway 278 and U.S. Highway 11 over U.S. Highway 278 to Cullman, Ala., thence over Interstate Highway 65 to junction Alabama Highway 157, thence over Alabama Highway 157 to junction U.S. Highway 72 (Bus.), thence over U.S. Highway 72 (Bus.) to Tuscumbia, and return over the same route, serving all intermediate points; (8) between the junction of Interstate Highway 65 and Alabama Highway 157 and the junction of Alternate U.S. Highway 72 and Alabama Highway 157; from the junction of Interstate Highway 65 and Alabama Highway 157 over Interstate Highway 65 to junction Alabama Highway 67, thence over Alabama Highway 67 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Alternate U.S. Highway 72 at or near Decatur, Ala., thence over Alternate U.S. Highway 72 to junction Alabama Highway 157, and return over the same route, serving all intermediate points.

(9) Between the junction of Interstate Highway 65 and Alabama Highway 67 and Huntsville, Ala.; from the junction of Interstate Highway 65 and Alabama Highway 67 over Interstate Highway 65 to junction Alternate U.S. Highway 72, thence over Alternate U.S. Highway 72 to Huntsville, and return over the same route, serving all intermediate points; (10) between the junction of U.S. Highway 278 and U.S. Highway 231 and Huntsville, Ala.; from the junction of U.S. Highway 278 and U.S. Highway 231 to Huntsville, and return over the same route, serving all intermediate points; (11) between the junction of U.S. Highway 411 and Alabama Highway 77 and Selma, Ala.; from the junction of U.S. Highway 411 and Alabama Highway 77 over U.S. Highway 411 to junction Alabama Highway 119 at or near Leeds, Ala., thence over Alabama Highway 119 to junction Alabama Highway 25 at or near Montevallo, Ala., thence over Alabama Highway 25 to junction Alabama Highway 139, thence over Alabama Highway 139 to junction Alabama Highway 22 at or near Maplesville, Ala., thence over Alabama Highway 22 to Selma, and return over the same route, serving all intermediate points; (12) between the junction of Alabama Highway 139 and Alabama Highway 25 and Marion, Ala.; from the junction of Alabama Highway 139 and Alabama Highway 25 over Alabama Highway 25 to junction Alabama Highway 5 at or near Centerville, Ala., thence over Alabama Highway 5 to junction Alabama Highway 14, thence over Alabama Highway 14 to Marion, and return over the same route, serving all intermediate points; (13) between Atlanta, Ga., and Meridian, Miss.; from Atlanta over U.S. Highway 78 to Birmingham, Ala., thence over U.S. Highway 11 (also over Interstate Highway 59) to Meridian, and return over the same route, serving all intermediate points located in Alabama between Birmingham and the Alabama-Mississippi State line, including Birmingham; (14) between Atlanta, Ga., and Montgomery, Ala; from Atlanta over Interstate Highway 85 to Montgomery, and return over the same route, using U.S. Highway 29 and Alternate U.S. Highway 27 for such portions of Interstate Highway 85 as are not yet completed.

(15) Between Birmingham, Ala., and Huntsville, Ala.; from Birmingham over Interstate Highway 65 to junction Alternate U.S. Highway 72, thence over Alternate U.S. Highway 72 to Huntsville, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, but serving Birmingham and Huntsville for purposes of joinder only; (16) between all points in Alabama lying within the area bounded by a line beginning at the junction of the Alabama-Mississippi State line and U.S. Highway 80; thence over U.S. Highway 80 to Montgomery, thence over U.S. Highway 31 to Birmingham; thence over U.S. Highway 78 to the Alabama-Georgia State line; thence along the Alabama-Georgia State line to the conjunction of the Alabama-Georgia-Tennessee State lines; thence along the Alabama-Tennessee State line to the conjunction of the Alabama-Tennessee-Mississippi State lines; thence along the Alabama-Mississippi State line to U.S. Highway 80;

(17) In conjunction with routes (1) and (13), serving all points in the commercial zone of Atlanta, Ga.; and, in conjunction with route (1), serving the commercial zone of all intermediate points between Centre, Ala., and Rome, Ga., including Rome, Ga. Applicant seeks authority to join all of the routes named above with each other at all common points of service. Applicant also seeks authority to tack routes (2), (3), (4), (11), (12), (13), (14) and (15) with its existing regular-route authority at common service points, specifically, Birmingham, Montgomery, Marion and Selma, Ala.; and Meridian, Miss. The effect of applicant's request for authority to perform such tacking operations will be to enable it to provide through service between Atlanta, Ga., on the one hand, and, on the other, all points in Alabama lying within the area bounded by a line beginning at the junction of the Alabama-Mississippi State line and U.S. Highway 80; thence over U.S. Highway 80 to Montgomery; thence over U.S. Highway 31 to Birmingham; thence over U.S. Highway 78 to the Alabama-Georgia State line; thence along the Alabama-Georgia State line to the conjunction of the Alabama-Georgia-Tennessee State lines; thence along the Alabama-Tennessee - Mississippi State lines; thence along the Alabama-Mississippi State line to U.S. Highway 80, and all points in Alabama presently served by applicant over its existing regular routes which are shown on the appended map in blue; and points on applicant's regular route in Mississippi which authorizes service to and from all points in Mississippi on U.S. Highway 80. The proposed routes of applicant are as follows: (A) Proposed Routes (2) and (15) will be tacked with applicant's existing regular-route authority at Birminghan, Ala.; (B) Proposed Routes (3), (4) and (14) will be tacked with applicant's existing regular-route authority at Montgomery, Ala.; (C) Proposed Route (11) will be tacked with applicant's existing regular-route authority at Selma, Ala.; (D) Proposed Route (12) will be tacked with applicant's existing regular-route authority at Marion, Ala.; (E) Proposed Route (13) will be tacked with applicant's existing regular-route authority at Meridian, Miss. In addition, applicant proposes and seeks authority to interline with all other carriers serving the same points it serves and proposes to serve. Such interline would take place primarily at Atlanta, Ga.; Birmingham, Gadsen, Decatur, Florence, Montgomery, Selma, Demopolis and Tuscaloosa, Ala.; Jackson, Meridian and Vicksburg, Miss., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 183 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 10556 (Sub-No. 117TA), filed December 4, 1975. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chinaware, earthenware, and pottery*, from Lancaster, Ohio, to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah and Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Anchor Hocking Corporation, 100 North Broad St., Lancaster, Ohio 43130. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 106077 (Sub-No. 369TA), filed December 4, 1975. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, processed clay, and clay slurry*, in bulk, in tank vehicles, from Attapulgus, Ga., to Tulsa, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Engelhard Minerals & Chemicals, Menlo Park, Edison, N.J. 08817. Send protests to: John Mensing, District Supervisor, Interstate Commerce Commission, 515 Rusk, Room 8610 Federal Bldg., Houston, Tex. 77002.

No. MC 109462 (Sub-No. 27TA), filed December 3, 1975. Applicant: LUMBER TRANSPORT, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum wallboard, gypsum joint cement, and related commodities* (except commodities in bulk, in tank vehicles), from Acme, Tex., to points in Kansas, for 180 days. Supporting shipper: Joel T. Blalock, Manager, Freight Rates, Research, Audit and Service, Georgia-Pacific Corporation, 900 S.W. Fifth Ave., Portland, Oreg. 97204. Send protests to: Elbert Brown, Jr., District Supervisor, Bureau of Operations, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 110420 (Sub-No. 749TA), filed December 4, 1975. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: Joseph K. Reber (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent brewers yeast*, in bulk, in tank vehicles, from Milwaukee, Wis., to South Plainfield, N.J., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southeastern Wisconsin Products Co., Inc., 500 W. Edgerton Ave., Milwaukee, Wis. 53207. Send protests to: John E. Ryden, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 110525 (Sub-No. 1139TA), filed December 5, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the facilities of Nalco Chemical at or near Sugar Land, Tex., to all points in the United States (except Alaska and Hawaii), restricted against liquid chemicals to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont and West Virginia, for 180 days. Supporting shipper: Nalco Chemical Company, Inc., 2901 Butterfield Road, Oak Brook, Ill. 60521. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 111729 (Sub-No. 592TA), filed December 3, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum samples, and related business papers*, between Richmond, Va., on the one hand, and, on the other, Madisonville, Campbellsville and Lexington, Ky.; Huntington and Clarksburg, W. Va.; Baltimore, Md.; and Seaford, Del., for 90 days. Supporting shipper: Southern States Cooperative, Inc., P.O. Box 1656, 7th & Main St., Richmond, Va. 23213. Send protests to: Anthony D. Glaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 593TA), filed December 3, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Proofs, cuts, copy, artwork, manuscripts, and related materials*, between Jonesboro, Ark., and Memphis, Tenn., restricted to the transportation of traffic having an immediately prior or subsequent movement by air, and (2) *Drugs, toiletries, chemicals, medicine and compressed air*, restricted against the transportation of shipments weighing in excess of 150 pounds, in the aggregate, from one consignor to one consignee on any one day, between points in Arizona, restricted to the transportation of traffic having an immediately prior or subsequent movement by air, rail, or motor vehicle, and further restricted to traffic moving to or from the facilities of Avon Products, Inc., for 180 days. Supporting shippers: (1) W. A. Krueger Company, Jonesboro, Ark. (2) Avon Products, Inc., Monrovia, Calif. Send protests to: Anthony D. Glaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 594TA), filed December 3, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Business papes, records, audit and accounting media of all kinds*, and *advertising materials*; (b) Drug samples, between Alexandria, Va., on the one hand, and, on the other, Akron, Canton, East Liverpool, Salem, Tallmadge, and Youngstown, Ohio; Burnham, Carlisle, Chambersburg, Harrisburg, Hershey, Lancaster, Lebanon, Lemoyne, Philadelphia, Plymouth Meeting, Reading, Springfield, State College and York, Pa., and (2)(a) *Business papers, records, and audit and accounting media of all kinds;* (b) *Emergency small automobile parts*, restricted against the transportation of packages or articles weighing more than 50 pounds per package or 100 pounds in the aggregate from one consignor to one consignee on any one day, from Lanham, Md., to Washington, D.C., National Airport, from Logan Airport, Mass., to Auburn, Augusta, Bangor, Brunswick, Ellsworth, Portland, Presque Isle, Rockland, Rumford, Saco, and Waterville, Maine, East Providence, Johnston, Middletown, Providence, and Wakefield, R. I.; Claremont, Concord, Keene, Laconia, Manchester, Nashua, Portsmouth, and Rochester, N. H.; and points in Massachusetts, restricted to the transportation of traffic having an immediately prior movement by air, for 180 days. Supporting shippers: Peoples Service Drugs Stores, Inc., Alexandria, Va. Volkswagen of America, Inc., Lanham, Md. Send protests to: Anthonh D. Glaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112750 (Sub-No. 322 TA), filed December 8, 1975. Applicant: PUROLATOR COURIER, CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments*, from Crosset, Dermott, El Dorado, Eudora, Hamburg, Monticello, and Strong, Ark., to Moneor, La., under a continuing contract with Ouachita National Bank, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ouachita National Bank in Monroe, Monroe, La 71201. Send protests to: Anthony D. Glaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 116077 (Sub-No. 368 TA), filed December 3, 1975. Applicant: ROBERT-

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SON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the facilities of Nalco Chemical Company, at or near Sugar Land, Tex., to all points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Nalco Chemical Company, Inc., 2901 Butterfield Road, Oak Brook, Ill. 60521. Send protests to: Mensing, District Supervisor, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 117068 (Sub-No. 57 TA), filed December 2, 1975. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Washington, Oregon, Idaho and Montana, to points in Minnesota, North Dakota, South Dakota, Illinois, Iowa and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Emmer Bros., Inc., 6800 France Ave., S., Edina, Minn. 55435. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 123407 (Sub-No. 276 TA), filed December 4, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel bars*, from the plantsite of North Star Steel Co., at Newport, Minn., to Tulsa, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: North Star Steel Company, 1400 Red Rock Road, St. Paul, Minn. 55165. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 124887 (Sub-No. 20 TA), filed December 4, 1975. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products and commodities* used in connection with the distribution and installation of gypsum products when moving in the same vehicle and at the same time as gypsum products, from Savannah, Ga., to points in Florida, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Flintkote Company, 480 Central Ave., East Rutherford, N.J. 07073. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 125916 (Sub-No. 4 TA), filed December 4, 1975. Applicant: THERON E. COON, doing business as THERON E. COON TRUCKING CO., 2330 South 7200 West, Magna, Utah 84044. Applicant's representative: Macoy A. McMurray, 500 Kennecott Bldg., Salt Lake City, Utah 84133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt paving, non-metallic rock and sand*, in bulk, from points in Salt Lake County, Utah, to the R. L. Fraley Gasification Plant Construction site, located approximately 35 miles southeast of Rock Springs, Wyo., on Wyoming Highway 30, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Monroe, Inc., 1730 Beck St., P.O. Box 537, Salt Lake City, Utah 84110. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 127840 (Sub-No. 43 TA), filed December 2, 1975. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, Ill. 60438. Applicant's representative: William H. Towle, 180 N. LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hog mucosa*, in bulk, from points in the United States west of Interstate Highway 65 and the Great Lakes to the facilities of the 3M Company, at or near Cordova, Ill., for 180 days. Supporting shipper: Minnesota Mining and Manufacturing Co., M. D. Hill, Planning & Evaluation Supervisor, Transportation Department 224–12, 3M Center, St. Paul, Minn. 55101. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128527 (Sub-No. 58 TA), filed December 3, 1975. Applicant: MAY TRUCKING COMPANY, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: C. Marvin May (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and iron and steel pipe and fittings*, from points in Los Angeles and Orange Counties, Calif., to points in Ada, Canyon, Payette and Washington Counties, Idaho, for 180 days. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., of copies thereof which may be examined at the field office named below. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 W. Fort St., Box 07, Boise, Idaho 83724.

No. MC 129624 (Sub-No. 5 TA), filed December 5, 1975. Applicant: ROUTE MESSENGERS OF PENNSYLVANIA, INC., 4007 Ludlow St., Philadelphia, Pa. 19104. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copying machine parts and supplies*, no single parcel or package to exceed 100 pounds in weight, from Pennsauken, N.J., to points in New Castle and Kent Counties, Del., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Xerox Corporation, 7001 Westfield Ave., Pennsauken, N.J. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 133562 (Sub-No. 16 TA), filed December 5, 1975. Applicant: HOLIDAY EXPRESS CORPORATION, P.O. Box 115, Estherville, Iowa 51334. Applicant's representative: Merle Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh beef and pork gullets, livers and lungs*, (1) from Sioux Falls, S. Dak., to the plantsite of Richland Foods, Inc., at Etherville, Iowa; (2) from the plantsite of Richland Foods, Inc., to Estherville, Iowa to Camp Hill, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Richland Foods, Inc., Suite 415, 1st Bank & Trust Bldg., Richardson, Tex. 75080. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 134922 (Sub-No. 153 TA), filed November 28, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber products* (except commodities in bulk, and those which because of size or weight require the use of special equipment), from Akron and Columbus, Ohio, to points in Arizona, Montana, Idaho, Oregon, Washington, California, Nevada, Utah, Colorado and Wyoming, for 180 days. Supporting shipper: Triple "S" Tire Center, Inc., 412 Madison St., Petaluma, Calif. 94952. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 135384 (Sub-No. 16 TA), filed December 4, 1975. Applicant: SPECIALIZED TRUCK SERVICE, INC., Highway 81 & Interstate 75, McDonough, Ga. 30253. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Malt beverages, related advertising material and empty malt beverage containers*, between Pabst, Houston County, Ga., and points in Texas and between San Antonio, Tex., and points in Tennessee, Virginia, Illinois and Washington, D.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Pabst Brewing Company, (Georgia Div.), Georgia Highway Spur #247, Perry, Ga. 31069. Lone Star Brewing Company, 600 Lone Star Blvd., San Antonio, Tex. 78206. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 135797 (Sub-No. 45 TA), filed December 4, 1975. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene shapes and forms, and disposable plastic tableware*, from the plantsite and warehouses of the Mobil Chemical Company, located at or near Temple, Tex., to points in Arkansas, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma and Tennessee, for 180 days. Supporting shipper: Mobil Oil Corporation, 8350 North Central Expressway, #522, Dallas, Tex. 75206. Send protests to: William H. Land, Jr., 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136066 (Sub-No. 8 TA), filed December 4, 1975. Applicant: G. P. SULLIVAN COMPANY, 1808 S. Laramie Ave., Cicero, Ill. 60605. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances* of S. S. Kresge Company, K-Mart Division, Randy & Associates, Inc., and Sunray Stove Company, from Chicago, Ill., and its commercial zone to points in Kenosha, Walworth and Racine Counties, Wis., and Lake, Porter, LaPorte, Starke, Pulaski, Newton and Jasper, Counties, Ind., for 180 days. Supporting shippers: S. S. Kresge Co., J. B. Hinton, Regional Merchandise Manager, 72 Randhurst, Mt. Prospect, Ill. Randy & Associated, Inc., Dick Norris, Internal Sales Coordinator, 5853 W. Lawrence Ave., Chicago, Ill. 60630. Sunray Stove Company, Mark Montgomery, V. P. Midwest Reg., Manager, 3 N. 930 Bonnie Drive, St. Charles, Ill. 60174. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 136531 (Sub-No. 4TA), filed December 5, 1975. Applicant: LUISI TRUCK LINES, INC., P.O. Box 606, Milton-Freewater, Oreg. 97862. Applicant's representative: Philip Skofstad, 3076 E. Burnside St., Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit and vegetables, between* Milton-Freewater, Oreg., and Walla Walla, Wash., under a continuing contract with Western Farmers Association, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Western Farmers Association, 201 Elliott Ave., West Seattle, Wash. 98119. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 136669 (Sub-No. 8 TA), filed July 28, 1975, published in the FEDERAL REGISTER issue of August 11, 1975, and republished this issue. Applicant: PROCESSED BEEF EXPRESS, INC., P.O. Box 522, Dakota City, Nebr. 68731. Applicant's representative: Eugene D. Anderson, 1224 17th St. NW., Washington, D.C. 20036. By order of Division 1, acting as an Appellate Division dated December 8, 1975, applicant was granted 180-days temporary authority as a *common carrier* to transport, over irregular routes, *liquor, wines, spirits and alcoholic beverages*, from the facilities of Schenley Distillers, located at Lawrenceburg, Ind.; Frankfort, Ky.; and Schenley, Pa., to points in Chicago, Ill.; Fargo, N. Dak.; and the points within the Minneapolis-St. Paul, Minn. commercial zone. The purpose of this republication is to reflect that applicant was granted common carrier authority, in lieu of contract carrier authority.

Notice to parties: The General Rules of Practice of the Commission provide that petitions for reconsideration of the action of Division 1 may be filed within thirty days following service of notice of such action and that an original and six copies of such petition be filed. Petition should contain a statement certifying that one copy has been served on each party of record in this proceeding.

No. MC 136916 (Sub-No. 12 TA), filed December 3, 1975. Applicant: LENAPE TRANSPORTATION CO., INC., P.O. Box 227, Lafayette, N.J. 07848. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in bulk, in dump vehicles, for the account of International Salt Company, from New York, N.Y., to Bethel, Bridgeport, Darien, Greenwich, Hamden, Milford, New Canaan, New Haven, Norwalk, Stamford, Stratford, Trumbull, Weston, Westport, and Wilton, Conn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Salt Company, 30 Buxton Farm Road, Merritt Plaza, Stamford, Conn. 06902.

No. MC 138578 (Sub-No. 5 TA), filed December 5, 1975. L. C. W. TRUCKING, INC., P.O. Box 718, Edinburg, Tex. 78539. Applicant's representative: L. C. Waller (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen nutria*, in bags, from points in Jefferson, LaFourche, Iberia, Vermilion, Cameron, St. Mary and Terrebonne Parishes, La., to points in Hidalgo and Cameron Counties, Tex., under a continuing contract with Summersgill Enterprises, Inc., for 180 days. Supporting shipper: Summersgill Enterprises, Inc., 1819 South Bayou Drive, Golden Meadow, La. 70357. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room B–400 Federal Bldg., San Antonio, Tex. 78205.

No. MC 139882 (Sub-No. 3 TA), filed December 3, 1975. Applicant: GLEN M. BARNEY, doing business as GLEN BARNEY & SONS, 198 North Third East, Salina, Utah 84654. Applicant's representative: D. Michael Jorgensen, 1515 Walker Bank Bldg., P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from the mine sites of Southern Utah Fuel in Sevier County, Utah, to rail loading facilities in Juab County, Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wycon Chemicals Company, P.O. Box 1287, Cheyenne, Wyo. 82001. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 139885 (Sub-No. 3 TA), filed December 3, 1975. Applicant: ART J. ROBINSON, doing business as, ART ROBINSON & SONS, 95 North Second East, Salina, Utah 84654. Applicant's representative: D. Michael Jorgensen, 1515 Walker Bank Bldg., P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from the mine sites of Southern Utah Fuel in Sevier County, Utah, to rail loading facilities in Juab County, Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wycon Chemicals Company, P.O. Box 1287, Cheyenne, Wyo. 82001. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 140763 (Sub-No. 4 TA), filed November 25, 1975. Applicant: ONEIDA-COLUMBUS EXPRESS COMPANY, P.O. Box 356, Oneida, Tenn. 37841. Applicant's representative: Marshall Kragen, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbon black*, in flo-bins and (2) *Empty flo-bins*, (1)

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from Sunray and Borger, Tex., and Sterlington and Ville Platte, La., to Oneida, Tenn., and (2) from Oneida, Tenn., to Sunray and Borger, Tex., and Sterlington and Ville Platte, La., under a continuing contract with B. F. Goodrich Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: B. F. Goodrich Tire Company, 500 South Main St., Akron, Ohio 44318. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A–422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 141362 (Sub-No. 2TA), filed December 4, 1975. Applicant: GEORGE A. SPARKS, doing business as, ESCONDIDO TRUCK & EQUIPMENT, 630 Daisy, Escondido, Calif. 92027. Applicant's representative: William J. Monheim, P.O. Box 1756, 15942 Whittier Blvd., Whittier, Calif. 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed supplements, dry*, in bulk, from points in Maricopa, Pinal and Yuma Counties, Ariz., to points in Imperial Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wilbur-Ellis Company, 5025 E. Washington, Suite 101, Phoenix, Ariz. 85034. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 Los Angeles, Calif. 90012.

No. MC 141483 (Sub-No 1 TA), filed December 8, 1975. Applicant: VALCON PACKAGE DELIVERY, INC., 3822 West St., Landover, Md. 20785. Applicant's representative: Charles E. Judd III (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment and supplies*, sold, used or distributed by a manufacturer of cosmetics, for the account of Avon Products, Inc., from Landover, Md., to points in Loudon, Fauquier, Fairfax, Prince William, Rappahannock, Stafford, Culpepper, Spotsylvania, King George, and Westmoreland Counties, Va., restricted to residential homes and apartments only, under a contract with Avon Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Avon Products, Inc., 2100 Ogletown Road, Newark, Del. 19711. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave., NW., Room B–317, W. C Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 141554 (Sub-No. 1 TA), filed December 4, 1975. Applicant: EDWARD J. PETRILA, 4355 Hattrick Road, Rootstown, Ohio 44272. Applicant's representative: Edward J. Petrila (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty, new, produce baskets*; from Creston and Hartville, Ohio, on the one hand, and, on the other, Lake Placid, Fla., under a continuing with D. Tope & Sons, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: D. Tope & Sons, Inc., P.O. Box 127, Lake Placid, Fla. 33852. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 141562 TA, filed December 3, 1975. Applicant: CIRCLE S TRUCKING, INC., 1308 S. W. Gamma Court, Pendleton, Oreg. 97801. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, forest products, and wood products* (except wood residuals), between points in Grant, Umatila and Morrow Counties, Oreg., on the one hand, and, on the other, points in Benton, Franklin, and Walla Walla Counties, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Blue Mountain Forest Products, Inc., P.O. Box 1161, Pendleton, Oreg. 97801. Karren Lumber Products, Inc., P.O. Box 926, Walla Walla, Wash. Van Peten Lumber Co., Inc., P.O. Box 1698, Walla Walla, Wash. 99362. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–34282 Filed 12–18–75;8:45 am]

federal register

FRIDAY, DECEMBER 19, 1975

PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Human Development Office

VOCATIONAL REHABILITATION PROGRAMS AND PROJECTS

Evaluation Standards

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

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Title 45—Public Welfare

CHAPTER IV—SOCIAL AND REHABILITATION SERVICE (REHABILITATION PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 410—EVALUATION STANDARDS

Revocation of Part

CROSS REFERENCE: For a document issued by the Department of Health, Education, and Welfare, Office of Human Development (Rehabilitation Programs) revising and transferring the provisions of Part 410 to Title 45, Chapter XIII, Part 1370, see FR Doc. 75-34095, also appearing in this Part II of the issue.

CHAPTER XIII—OFFICE OF HUMAN DEVELOPMENT (REHABILITATION PROGRAMS) DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 1370—EVALUATION STANDARDS

Standards for Evaluating Vocational Rehabilitation Programs and Projects; Implementation Provisions

In the FEDERAL REGISTER of July 2, 1974 (39 FR 24366), Interim Regulations setting forth Standards for Evaluating Programs and Projects under the Rehabilitation Act of 1973 (Pub. L. 93-112) were published as a new Part 410 of Chapter IV of Title 45 of the Code of Federal Regulations.

Part 410 stated that the purposes of the Standards are to establish criteria for evaluating program effectiveness, for increasing program accountability, and for encouraging State vocational rehabilitation agencies to conduct more comprehensive evaluation of their programs. Data collected from the Standards were to be used to compare programs and projects in deciding whether to renew or supplement financial assistance pursuant to section 401(b) of the Rehabilitation Act of 1973. Part 410 defined various terms unique to the rehabilitation process and to the Statistical Reporting System described in the regulations of the Rehabilitation Services Administration. The methodology section stated that the implementation of the Standards is both a State and Federal responsibility and that four separate issues would be addressed in the application of the Standards: Impact on the target population; degree of change in reaching gainful activities goals through rehabilitation services; program performance in meeting the priority for providing services to the severely handicapped; and effectiveness of a program in utilizing available resources.

Following the statement of the principal objectives of the Rehabilitation Act of 1973, nine General Standards for Program Evaluation were set forth under three headings: persons served; program efficiency; and client outcomes. Subsumed under each of the nine Standards were various data elements which set forth statistical processes intended to measure the program under evaluation. Performance levels were not set in the original publication. Development and publication, however, were assured by the end of Fiscal Year 1975.

The publication of Interim Regulations provided for the submittal of comments within 30 days of publication, ending August 3, 1974. This period of comment was extended to September 3, 1974. All comments received by September 30, 1974 were carefully considered as a part of the revision process. During the months following the publication of the Interim Regulations, State, Regional and Central Office rehabilitation personnel engaged in extensive field study of the Standards and related data elements. Therefore, revisions to the Interim Regulations were made on the basis of comments received and the experience gained from working with the Standards.

Thirteen letters were received containing 56 specific major criticisms and numerous general observations regarding the various sections and data elements contained in the Interim Regulations. The comments were from State Vocational Rehabilitation Agency Directors, private organizations, the National Association of Councils of State Governments, Federal staff members and the Council of State Administrators of Vocational Rehabilitation.

Revisions were made to the Interim Regulations to accomplish the following purposes: (a) Clarify ambiguities surrounding various terms; (b) eliminate gross errors; (c) establish consistency with other regulations, reporting requirements and definitions; (d) remove confusion regarding the purposes and uses of the Standards in relation to forthcoming performance levels; and (e) provide for uniform data reporting and processing procedures.

The most significant comments and the Department's decisions concerning them are presented in the following paragraphs:

1. Numerous comments were received about the lack of clarity concerning the purpose and use of the Standards as expressed in § 410.1(a), particularly with regard to measuring program performance on the basis of data "in aggregate."

Experience gained while working with the Interim Regulations substantiated this lack of clarity and raised an additional and related issue in § 410.1(c), that the existence of data elements under specific Standards does not "insure" acceptable performance with regard to the various concerns expressed by the "standards" statements. Accordingly, the Department is clarifying in paragraphs (a) and (c) of § 410.1 that the Standards are not to be used primarily for comparison purposes, either between States or between disability groups, but rather are to be used for measuring overall program performance and impact and for assisting the Secretary to analyze and make necessary programmatic decisions.

Additionally, clarification is made that the performance levels which have been established reflect measures of central tendency with adequate levels of statistical significance to permit reasonable program variation, thus offering a criterion by which acceptable program performance can be both judged and "insured."

2. There were many comments that pointed out errors and deficiencies in the definitions in § 410.2, paragraphs (c)(5) and (c)(6) which cite 30 days after the obtaining of suitable employment as the minimum time before case closure can be effected. Since the Regulations require a minimum period of 60 days before closure can be effected, these paragraphs have been modified accordingly.

Comments were also raised concerning the omission of various needed definitions to provide for clarity and consistency in complying with the Standards. Specifically requested were definitions for the terms "cases accepted" and "cases served." Experience in working with the Interim Regulations indicated that additional definitions concerning statuses contained in the RSA Statistical Reporting System would be helpful in eliminating further ambiguity. In response, the Department has added definitions of "Status 06, Extended Evaluation" and of "Statuses 10 through 24" which pertain to active cases.

Finally, a thorough examination of this section revealed that paragraph (c) contained an incorrect reference to the source of the Statistical Reporting System definitions. This error has been corrected.

3. The Departmental review of the Interim Regulations indicated that § 410.3 on methodology did not adequately treat matters concerning implementation of and compliance with the Standards set forth in § 410.5. For this reason the Department has completely revised this Section in order to provide information necessary for methodological guidance to State agency personnel involved with the implementation of these regulations. Two States specifically cited the need for this Section to address levels of statistical significance. These concerns have been addressed in the revised methodology section.

One respondent raised specific criticism regarding the instruction for each State to "report on a self-evaluation." Although this reference is not now included in the Section on methodology, the Department's position in this issuance and in other agency regulations is that States are required to conduct ongoing studies and evaluation of their agency's performance. With regard to the Secretary's Standards, however, the evaluation and analyses conducted for decision-making purposes will be made by the Secretary in accordance with section 401(b) of the Rehabilitation Act of 1973.

4. Two comments were received concerning the statement of the objectives of the rehabilitation program in § 410.4: the first alleges inconsistency with the statutory objectives established in the Rehabilitation Act of 1973; the second

asserts the lack of precision in defining "quality vocational rehabilitation services" in paragraph (a). In response to the first comment, the Department notes that the respondent compared the objectives set forth in the Interim Regulations with the language of Section 2, Declaration of Purpose, of the Rehabilitation Act of 1973 (Pub. L. 93-112). It was not the intention of the Department in these regulations simply to repeat that declaration of purpose, but rather to set forth more general objectives of the rehabilitation program. No change has been made in this section, since the Department feels that the statements as presented are not inconsistent with the overall objectives of the rehabilitation program. With regard to the matter of "quality vocational rehabilitation services," the Department was not addressing problems of definition in § 410.4(a) and does not intend to interpret that term in this issuance.

5. The majority of the comments received dealt specifically with the general standards for evaluation set forth in § 410.5. Criticisms and suggestions addressed each of the nine Standards and nearly all of the data elements subsumed under each Standard. Many of the objections resulted from a misunderstanding concerning the statement of Standards and data elements without any specification of performance levels. Most of the comments received dealt with misapplication of information resulting from the RSA Statistical Reporting System; inconsistencies regarding the use of terms and units of measurement; the lack of processing or procedural guidance; and the difficulty of providing information on newly-implemented programs that lack regulations and guidelines upon which specific program performance can be measured.

In addition to the observations and criticism received from the field, the experience amassed by Central and Regional staff of the Rehabilitation Services Administration and Vocational Rehabilitation State agency personnel and University-based technicians revealed that the overall logic, consistency, style, and reporting burden were such that massive revision, particularly to the data elements, was essential to assure program information of such quality that accurate analyses could be carried out by the Secretary in his decision-making process.

For this reason, revision has been made to the data elements subsumed under each Standard statement.

More specifically, the Department has made the following general revisions:

(a) An analysis of each Standard was made and data elements logically related to that Standard were chosen so that the reporting burden of State agencies would either be maintained or decreased.

(b) Data elements were developed which are consistent with reports contained in the RSA Statistical Reporting System and with statistical procedures applicable to that system, or which require States to carry out information-gathering or follow-up studies to produce information related specifically to relevant program activities;

(c) Duplicative data elements were eliminated;

(d) Data elements relating to new State agency programs that lack adequate Federal guidance were reworked to permit some latitude in planning and preparing agency response;

(e) In order to establish consistency, either statutory or regulatory language was used, consistent measures of central tendency were applied, and a consistent style of presentation was used.

(f) Performance levels for each standard have been established.

After promulgation of these Regulations, guidelines will be issued by the Department to provide the additional information and technical assistance necessary to assure full implementation of the Secretary's Standards for program evaluation in conformance with the Rehabilitation Act of 1973, as amended, and the Regulations.

It is also noted that the regulations for vocational rehabilitation programs and activities have been removed from Chapter IV of Title 45 of the Code of Federal Regulations and relocated in Chapter XIII which will cover all programs administered by the Office of Human Development within the Department of Health, Education, and Welfare. Regulations covering the evaluation standards for vocational rehabilitation services programs, formerly published in Part 410, are now found in Part 1370. It will be necessary therefore for State vocational rehabilitation agencies and other rehabilitation agencies to revise previously published State policy materials which include citations to Federal vocational rehabilitation regulations in order to conform with the revised organization of the Code of Federal Regulations.

Accordingly, the regulations as revised are hereby adopted. Chapter IV of Title 45 of the Code of Federal Regulations is amended by revoking Part 410, and Chapter XIII of Title 45 of the Code of Federal Regulations is amended by adding Part 1370 as follows:

Sec.
1370.1 Purpose of standards.
1370.2 Definitions.
1370.3 Methodology.
1370.4 Objectives of the rehabilitation program.
1370.5 General standards for evaluation.

AUTHORITY: Sec. 400(b), 97 Stat. 386 (29 U.S.C. 780(b)).

§ 1370.1 Purpose of standards.

(a) The general standards include measures of program performance which address overall program impact, as well as the effectiveness of certain program elements. Their structure is sufficiently specific to provide guidance with respect to required data elements, yet broad enough to allow individual States to augment the requirements by including results of their own evaluations and experience. Federal personnel will work with State agencies and others to improve these Standards and the methods by which they are applied.

(b) The purposes of these standards are:

(1) To establish criteria for the evaluation of program effectiveness, i.e., the degree to which the rehabilitation system is accomplishing its stated objectives;

(2) To increase program accountability by focusing on those demonstrated processes generally agreed to increase program effectiveness;

(3) To require State agencies to carry out more comprehensive evaluation of their programs to determine if the program goals are being achieved within resource capabilities and if not, the reasons therefore.

(c) Data collected in response to these general standards will be analyzed and utilized by the Secretary "in deciding • • • whether to renew or supplement financial assistance" pursuant to section 401(b) of the Rehabilitation Act of 1973. However, before such actions are initiated, States which are found to be more than one standard deviation from the mean in established standards will be afforded ample time and opportunity to explain variances and seek consultation or technical assistance, or enter into negotiations in order to resolve problems at issue.

§ 1370.2 Definitions.

(a) *Program.* A program is any continuing activity which is funded by the Rehabilitation Services Administration (RSA).

(b) *Project.* A project is a discrete activity with a definite termination date.

(c) *Cases accepted.* A case is accepted once it is placed in or has passed through Status 10.

(d) *Cases served.* A case is served if it is or has been in one of the active caseload statuses (i.e. 10 through 24) during the reporting period.

(e) *Statistical Reporting System Caseload Statuses (as defined in section 3005.00 of the Rehabilitation Services Manual)*—(1) *Status 00. Referral.* This status represents entrance into the vocational rehabilitation process. A referral is defined as any individual who has applied to or been referred to the vocational rehabilitation agency by letter, by telephone, by direct contact, or by any other means; and for whom the following minimum information has been furnished: name and address, disability, age and sex, date of referral, and source of referral;

(2) *Status 02. Applicant.* As soon as the referred individual (Status 00) signs a document requesting vocational rehabilitation services, he is placed into Status 02 and is designated as an applicant. Generally, the document will be an agency application form, but a letter signed by an individual who provides the minimum basic referral information and requests service should also be considered as a basis for placing the individual in Status 02. This is important, since the applicant must be notified in writing if

DEC 19 75 V40245 XUM

his request for vocational rehabilitation services has been denied, and the only certain basis for determining that the individual has knowledge of having been referred is by the existence of a document signed by the individual;

(3) *Status 06. Extended Evaluation.* (i) An applicant should be placed in this status when the counselor has certified the applicant for extended evaluation. Individuals placed in this status may not remain in the status longer than eighteen consecutive months from the date of certification but may be moved from this status to either Status 10 or 08 at any time prior to the expiration of the 18-month period if it is determined that, either (A) there is a reasonable expectation that the individual can benefit in terms of employability (Status 10), or (B) there is no reasonable likelihood that he can benefit in terms of employability (Status 08). No time allowances can be made for interruptions during this period regardless of the nature of, or reason for, the interruptions.

(ii) Prior to or simultaneously with acceptance of an individual for services for purposes of determination of rehabilitation potential (extended evaluation), there will be a certification of: (A) the presence of a physical or mental disability, (B) the existence of a substantial handicap to employment, and (C) the inability to make a determination that vocational rehabilitation services may benefit the individual in terms of employability. An individualized written rehabilitation program is required concurrently with or reasonably soon after execution of the certificate of eligibility for extended evaluation services.

(4) *Status 08. Closed From Referral, Applicant, or Extended Evaluation Statuses:* This status has been provided to furnish a means for identifying all persons not accepted for vocational rehabilitation services, whether closed from referral status (00), applicant status (02), or extended evaluation (06). All persons processed through referral, applicant, and/or extended evaluation, and not accepted into the active caseload for vocational rehabilitation services, will be closed in this status. A certificate of ineligibility is required for a closure in Status 08, except when the client becomes unavailable for services. A copy of the Form RSA-300, properly completed, dated, and signed is sufficient certification of ineligibility for these cases, provided case documentation includes specific detailed reasons for the closure action;

(5) *Status 10. Individualized Written Rehabilitation Program Development.* While a client is in this status, the case study and diagnosis is completed to provide a basis for the formulation of the individualized written rehabilitation program. A comprehensive case study is basic to determining the nature and scope of services to be provided in order to accomplish the vocational rehabilitation objective of the individual. The counselor and client formulate and plan the rehabilitation services necessary to the solution of the client's problem, and those services are clearly outlined to him. The individual remains in this status until his rehabilitation program is written and approved;

(6) *Statuses 10–24. Active Caseload Statuses.* Active caseload statuses begin with the development of the individualized written rehabilitation program (Status 10). A client is placed in Status 12 when his individualized written rehabilitation program has been approved. Statuses 14, 16 and 18 are the in service statuses and are provided for case progress designations to indicate the kind or kinds of services given to the client to prepare him for employment. Status 14 indicates counseling and guidance only; Status 16 designates physical and mental restoration, and Status 18 is the training status. A client is placed in Status 20 when he has completed training and is ready for employment. Status 22 indicates the client has been placed in employment. Status 24, service interrupted, is recorded if services are interrupted while the client is in one of the Statuses, 14, 16, 18, 20 or 22;

(7) *Status 26. Closed Rehabilitated.* Cases closed as rehabilitated must as a minimum have been declared eligible, have received appropriate diagnostic and related services, have had a program for vocational rehabilitation services formulated, have completed the program insofar as possible, have been provided counseling as an essential rehabilitation service, and have been determined to be suitably employed for a minimum of 60 days;

(8) *Status 28. Closed Other Reasons After Individualized Written Rehabilitation Program Initiated.* Cases closed in this category must have been declared eligible, have received appropriate diagnostic and related services and have had a program for vocational rehabilitation services formulated, but have not completed the program and/or have not been provided counseling, and/or have not been determined to be suitably employed for a minimum of 60 days;

(9) *Status 30. Closed Other Reasons Before Individualized Written Rehabilitation Program Initiated.* Cases closed in this category are those cases which, although accepted for rehabilitation services, did not progress to the point that rehabilitation sevices were actually initiated under a rehabilitation plan.

(f) *Upper performance level.* The upper performance level for a data element is defined as the average value (of all agency averages) for the data element, plus one standard deviation. (The average and the standard deviation are computed over the population of individual agency averages.)

(g) *Lower performance level.* The lower performance level for a data element is defined as the average value (of all agency averages) for the data element, minus one standard deviation. (The Average and the standard deviation are computed over the population of the individual agency averages.)

§ 1370.3 Methodology.

(a) Implementation of the General Standards is both a State and a Federal responsibility.

(b)(1) Evaluation of vocational rehabilitation programs, (i) Each State will be asked to submit information based on the most recent information available, addressing the specific data elements described under each general standard. In addition, States may describe the results of any other evaluation activities undertaken in these areas.

(ii) A principal concern of both the State and Federal VR programs is the interpretation of the compared values for each data element associated with the General Standards. The data elements were selected as descriptors of the various VR State activities. It is intended that the collection of data elements specified under each Standard characterize the essential quantitative aspects of the concept embodied in the Standard. The performance levels for each data element were set at one standard deviation above and below national or regional averages.

(iii) Although the performance levels do represent relatively high or low limits for values of the data elements, it does not necessarily follow that, because a State VR agency falls outside of the performance range specified for each data element, the agency is doing a particularly exceptional or poor job with respect to the VR program concept represented by the Standard. It is quite possible that many agencies, even those having extreme values for certain data elements, are exhibiting quite satisfactory performance with respect to certain programmatic goals. Furthermore, it is recognized that there are many reasons why States may reasonably differ substantially with respect to the data elements: local demographic conditions, nature of the population served, agency policy and philosophy. It is in this context that it is intended that the data element performance levels provide a basis for recognizing unusual program features, leading to a better understanding of overall program performance. From the viewpoint of the individual VR agency, it is perhaps the year-to-year changes in the values of the data elements that will provide the greatest insight into program performance, rather than the agency-to-agency differences.

(2) Information on certain of the data elements may not be readily available to States. Examples of such data may include follow-up information, counselor data and caseload management information. In such instances, States are expected to conduct periodic sample surveys to obtain the required data. Further information on the allowable statistical significance of these studies, as well as on the frequency of performance, will be provided in guidelines.

(c) Evaluation of vocational rehabilitation projects. Projects are to be judged by the extent to which they would contribute to improvement in the normal vocational rehabilitation program performance, as measured by the evaluation standards. Following are specific criteria according to which projects will be evaluated:

(1) Specificity of goals (to be evaluated before project is approved);

(2) Extent to which project benefits the vocational rehabilitation program;

(3) Feasibility of transferring to the vocational rehabilitation program knowledge acquired from the project.

(d) Validation of data. In order to validate the appropriateness and accuracy of information submitted as it relates to the Standards in question, particularly 2(vi), 5, 6, 7(ii) and 9, instruments prepared for such validation may be administered.

§ 1370.4 Objectives of the rehabilitation program.

The principal objectives of the Rehabilitation Act of 1973 are:

(a) To maintain and improve State-Federal programs of quality vocational rehabilitation services and to redirect the public rehabilitation program towards the expansion of services to the severely handicapped;

(b) To provide the opportunity for active participation by the client in the development of the client's individualized written rehabilitation program;

(c) To provide special attention to target groups whose rehabilitation problems are known to be difficult;

(d) To promote the elimination of barriers in the environment which impede the handicapped in employment, housing, and transportation;

(e) To utilize to the fullest possible extent community, State and Federal resources in the rehabilitation of the client and the extent to which those funds are marshalled to increase and improve:

(1) The supply of trained rehabilitation manpower;

(2) Rehabilitation knowledge and techniques;

(3) Rehabilitation facilities;

(f) To promote and expand employment opportunities in the public and private sectors for handicapped individuals and to place individuals in gainful activities;

(g) To provide education to the general public and handicapped population about the rehabilitation of the handicapped and to disseminate information pertaining to rehabilitation;

(h) To develop a process of evaluation as to the effectiveness of present programming on different disability groups.

§ 1370.5 General standards for evaluation.

The evaluation standards address four basic issues: the degree to which the entire eligible population is reached and affected; the degree of change experienced towards the goal of gainful employment which occurs as a result of vocational rehabilitation services; the extent to which the program meets the mandated priority to provide services to the severely handicapped; and the efficiency with which the program utilizes available resources to accomplish its goals. This section sets forth the general evaluation standards. Standards are grouped under three headings: persons served, program efficiency and outcomes. Under each standard various data elements are listed. Performance levels are cited for each data element. The normal range for a data element is specified in terms of upper and lower performance levels, which are set one standard deviation above and below national or regional averages of the data element. A performance level one standard deviation above the mean is the "upper performance level". A performance level one standard deviation below the mean is the "lower performance level". In most cases the performance level range is closed only on one end; i.e., only an upper or lower performance level, whichever is appropriate, is specified. If an upper performance level is specified, the data element would normally have a value below the performance level. If a lower performance level is specified, the data element would normally have a value above the performance level. In certain instances, different performance levels are specified for several different regional groupings. It is emphasized that the performance levels cited for each data element do not represent national or regional averages. Rather, they specify a range of usual values for the data element, and a small portion of agencies would normally exhibit data element values beyond this range. Wherever possible, reports on the data elements should be provided separately for the severely handicapped and the non-severely handicapped. When this is not possible, the use of aggregate data should be indicated. For the latter case (aggregate data), separate performance levels are cited for blind and general agencies.

(a) *Persons served.* In order to assure that the rehabilitation program objectives and priorities, as identified in the Act, are being adhered to, it is necessary to identify the size and characteristics of the eligible population, the extent to which rehabilitation services are made available to the eligible population, and the respective numbers and types of clients who successfully complete the program. Special attention is to be given to an accurate and detailed evaluation of the manner in which services are expanded and improved to the severely handicapped.

(1) *Standard No. 1.* To insure that the rehabilitation program is serving the eligible disabled population and to insure that these services are provided in an equitable manner.

(i) Estimate of the total population eligible for VR services. Describe methodology. This "data element" is not conducive to specification of a quantitative performance level; States should indicate the analytical procedure used to estimate the target population, cite the estimate, and provide an indication of the precision of this estimate (e.g., the standard error of the estimate).

(ii) Number of accepted cases served (Statuses 10 through 30) for the year. No specific performance level is cited for this data element. States should compare the number of accepted cases served to the estimate of the target population (from paragraph (a)(1)(i) of this section), and to their total budget.

(iii) Percent of annual increase or decrease in number of accepted cases served (Statuses 10 through 30). The lower limit for performance on this data element is 0% increase.

(iv) Number of cases closed rehabilitated during the year (Status 26). No specific performance level is cited for this data element. States should compare number of cases closed rehabilitated to other variables, such as the estimate of the target population in paragraph (a)(1)(i) of this section, the number of accepted cases served, and the number of severely disabled cases served.

(v) Accepted cases (Statuses 10 through 24) as a percentage of the total of cases closed not accepted (Status 08) plus those cases accepted (Statuses 10 through 24), i.e.,

$$\frac{\text{Statuses } 10-24}{\text{Status } 08+\text{Statuses } 10-24}$$

The following performance levels are specified for this data element:

General agencies:	
Lower level	0.44
Upper level	.62
Blind agencies:	
Lower level	.34
Upper level	.65

(2) *Standard No. 2.* To insure that rehabilitated clients are placed in gainful employment suitable to their capabilities.

(i) Percent of those placed in competitive employment (wage and salary earners and self-employment). The following lower performance levels are specified for this data element:

	Percent
General agencies	70
Blind agencies	40

(ii) Percent of those placed in noncompetitive employment (sheltered workshops, and others). Upper performance levels for this data element are:

	Percent
General agencies	6
Blind agencies	12

(iii) Percent of those placed as homemakers. Upper performance levels for this data element are:

	Percent
General agencies	18
Blind agencies	42

(iv) Percent of those placed as unpaid family workers. Upper performance levels for this data element are:

	Percent
General agencies	4
Blind agencies	7

(v) Percent of those placed in business enterprise programs. No performance level is specified for this data element.

(vi) Those who received training related to the job family in which they were placed (as identified by the first digit of the Dictionary of Occupational Titles code) as a percentage of the total number who received training. No specific performance level is cited for this data element. If a State is unable to provide the specified information, it should identify reasons why, and out-

V40245 DEC 19 75 XUM

line a plan for setting up procedures to collect the required information.

(vii) Mean weekly earnings in the week before referral of all rehabilitated clients, including clients with zero earnings. No performance levels are specified for this data element.

(viii) Mean weekly earnings at closure of all rehabilitated clients, including clients with zero earnings. Lower performance levels for this data element are:

	Dollars
Regions 2, 3, 5, 9:	
General	75
Blind	45
Regions 1, 7, 8, 10:	
General	85
Blind	55
Regions 4, 6:	
General	65
Blind	45

(b) *Program efficiency.* Program elements are evaluated to determine whether there is an optimal usage of available resources to maximize the flow through of clients, while maintaining quality of services.

(1) *Standard No. 3.* To insure that undue delays are avoided in providing clients with VR services.

(i) Mean time from combined referral-applicant statuses (Statuses 00–02) to closed not accepted (Status 08). Upper performance levels for this data element are:

	Months
General agencies	10
Blind agencies	16

(ii) Mean time in extended evaluation (Status 06) for cases closed not accepted (Status 08). Upper performance levels for this data element are:

	Months
General agencies	12
Blind agencies	12

(iii) Mean time from combined referral-applicant statuses (Statuses 00–02) to accepted statuses for cases closed rehabilitated (Status 26) and closed not rehabilitated (Statuses 28–30) during the fiscal year. Upper performance levels for this data element are:

	Months
(A) For status 26:	
General agencies	5
Blind agencies	7
(B) For statuses 28–30:	
General agencies	6
Blind agencies	8

(iv) Mean time in extended evaluation (Status 06) for cases closed rehabilitated (Status 26) and closed not rehabilitated (Statuses 28–30) during the fiscal year. Upper performance levels for this data element are:

	Months
(A) For status 26:	
General agencies	9
Blind agencies	13
(B) For statuses 28–30:	
General agencies	9
Blind agencies	15

(v) Mean time from accepted case statuses (Statuses 10 through 24) to closed rehabilitated (Status 26). Upper performance levels for this data element are:

	Months
General agencies	22
Blind agencies	22

(vi) Mean time in accepted case statuses (Statuses 10 through 24) to closed not rehabilitated after rehabilitation program initiated, (Status 28). Upper performance levels for this data element are:

	Months
General agencies	25
Blind agencies	34

(vii) Mean time in accepted case statuses (Statuses 10 through 24) to closed not rehabilitated before rehabilitation program initiated (Status 30). Upper performance levels for this data element are:

	Months
General agencies	16
Blind agencies	28

(2) *Standard No. 4.* To insure that available resources are utilized to achieve maximum operational efficiency.

(i) Mean case service cost per accepted case closure (Statuses 26, 28 and 30) where case service cost to the State vocational rehabilitation agency was involved. Upper performance levels for this data element are:

	Dollars
(A) For status 26:	
General Agencies	1,100
Blind agencies	2,700
(B) For statuses 28–30:	
General agencies	700
Blind agencies	1,800

(ii) Percent of clients receiving rehabilitation services at no cost to the vocational rehabilitation agency. No performance level is specified for this data element.

(iii) Percent distribution of total vocational rehabilitation dollars spent for agency operations each fiscal year as reported on the RSA–2 expenditure report. Upper performance levels for this data element are:

Type of Expenditure

[In percent]

	General	Blind
Administration	12	20
Counseling and placement	45	45
Services to individuals	65	55
Small business enterprise	2	20
Establishment of rehabilitation facilities	10	10
Other	2	2

(iv) Mean case service cost per type of vocational rehabilitation case service involving cost to the State agency, and percentage of individuals receiving specific vocational rehabilitation service. The following table specifies upper performance levels (in percents) for each of the service categories:

Type of service

[In percent]

	General	Blind
Diagnostic and evaluation	25	20
Restoration (physical and mental)	45	30
Training	55	65
Maintenance	25	20
Services to family members	1	1
Other services	15	15

(3) *Standard No. 5.* To insure that manageable-sized caseloads are maintained. (To insure uniform reporting by all State agencies on this Standard, a "caseload carrying counselor" is to be defined as "one to whom cases are assigned and who issues vendor authorization under the Basic Support Program".)

(i) Number of caseload carrying counselor man years. No performance levels are specified for this data element.

(ii) Number of authorized and funded full-time caseload carrying counselor positions. No performance levels are specified for this data element.

(iii) Number and percent of rehabilitation counselor turnover, i.e., (A) hiring rate—new hirings divided by mean number of authorized and funded full-time caseload carrying counselor positions during the year (B) separation rate—caseload carrying counselors leaving job during the year divided by number of authorized and funded full-time caseload carrying counselor positions during the year. No performance levels are specified for this data element at this time.

(iv) Mean size of caseloads as of June 30th per number of authorized and funded caseload carrying counselor positions. The following performance levels are specified for this data element:

General agencies:	
Lower level	53
Upper level	143
Blind agencies:	
Lower level	21
Upper level	60

(v) Describe the process, if any, employed by the State for each of following functions: caseload management; caseload monitoring; caseload review. No quantitative performance level is specified for this data element. Process descriptions should include specification of quantitative process descriptors, whenever possible.

(c) *Client outcomes.* To determine whether the rehabilitation system is achieving its stated objective, it is necessary to ascertain whether rehabilitated clients retain, over time, benefits derived from the rehabilitation system. Therefore, an effective follow-up system should include a means to determine the degree of client's satisfaction with the client's program and services, the percentage of clients who have remained in gainful employment and the extent to which those activities are related to skills acquired while in the rehabilitation system; and the extent to which "post-employment" (section 103(a)(2) (Pub. L. 93–112) services are needed and provided. No quantitative performance levels are specified at this time for the data elements of Standard 6 and 9, or for data element 7ii. It is recognized that many States do not have established procedures for conducting the follow-up surveys required to efficiently collect the information required to compute the data elements. If a State already has follow-up data that permit computation of values for some data elements, it should submit those values. Otherwise, minimum performance under Standards 6, 7, and 9 would include a written plan for conducting the surveys and other procedures required to collect the required information and compute the data elements. This plan should include a detailed specification of what procedures will be adopted to determine estimates for each data element (e.g., survey design, instrument design, sampling procedures, estimation procedures, confidence limits).

(1) *Standard No. 6.* To insure that clients closed rehabilitated retain the benefits obtained from the rehabilitation process.

(i) Percent of rehabilitated clients still employed at time of follow-up, specifying 1 year, 2 years, or 3 years after closure;

(ii) Percent with earnings at follow-up, mean earnings at follow-up, and mean earnings for all with or without earnings at follow-up;

(iii) Percent increase or decrease of earnings at closure to earnings at follow-up;

(iv) Percent of rehabilitated clients (Status 26) unemployed at follow-up for: less than 1 month, 1–3 months, 4–6 months, 7–12 months, more than 12 months.

(2) *Standard No. 7.* To insure that the need for post-employment (post-closure, section 103(a)(2), Pub. L. 93–112) services is satisfied.

(i) Percent of rehabilitated clients in the previous fiscal year (Status 26) receiving post-employment (post-closure) services during the 12 months following closure;

(ii) Percent receiving the following types of post-employment services of the total receiving post-employment services:

(A) Diagnostic and evaluation;
(B) Restoration (physical or mental);
(C) Training;
(D) Guidance and counseling only;
(E) Maintenance;
(F) Transportation;
(G) Other.

(3) *Standard No. 8.* To insure that agencies are consistently identifying reasons why clients are not successfully rehabilitated.

(i) Percent of Status 08, 28, and 30 closures by the following reasons:

(A) Unable to locate or unable to contact or moved;
(B) Handicap too severe or unfavorable medical prognosis;
(C) Refused services or further services;
(D) Death;
(E) Client institutionalized;
(F) Transferred to another agency;
(G) Failure to cooperate;
(H) No disabling condition (08 closures only);
(I) No vocational handicap (08 closures only);
(J) Other.

The following table specifies upper performance levels (in percents) for each of the above reasons, by closure category (08, 28, 30):

Reason	Closure category 08	28	30
A	25	45	45
B	20	25	20
C	40	25	40
D	5	20	16
E	2	8	6
F	4	7	4
G	20	20	20
H	25		
I	12		
J	30	25	30

(ii) Cases closed not rehabilitated (Statuses 28+30) as a percentage of the total accepted cases closed (Statuses 26+28+30). Upper performance levels for this data element are:

	Percent
General agencies	35
Blind agencies	25

(4) *Standard No. 9.* To insure that the client is satisfied with the vocational rehabilitation services as developed with the counselor.

(i) Percent of clients rehabilitated throughout the fiscal year (Status 26) and not rehabilitated (Statuses 28+30) throughout the fiscal year who express satisfaction with the following, specifying 1 year, 2 years, or 3 years:

(A) Counselor's willingness to listen to client's ideas and suggestions in developing the individualized written rehabilitation program;
(B) Adequacy of information provided by counselor to clients for understanding their disability;
(C) Promptness in the delivery of services;
(D) Kind of training received;
(E) Benefits of training received;
(F) Assistance in seeking job and final employment;
(G) Results of physical restoration services.

(ii) Percentage of clients contacted during the followup period who stated they would recommend vocational rehabilitation to a disabled friend.

Effective date. These regulations shall be effective December 19, 1975.

(Catalog of Federal Domestic Assistance Program Nos. 13.624, Rehabilitation Services and Facilities—Basic Support; 13.625, Vocational Rehabilitation Services for Social Security Disability Beneficiaries; 13.626, Rehabilitation Services and Facilities—Special Projects)

Dated: September 24, 1975.

ANDREW S. ADAMS,
Commissioner, Rehabilitation Services Administration.

Approved: October 2, 1975.

STANLEY B. THOMAS, Jr.,
Assistant Secretary for Human Development.

Approved: December 12, 1975.

DAVID MATHEWS,
Secretary.

[FR Doc.75-34095 Filed 12-18-75;8:45 am]

V40245 DEC 19 75 XUM

V40245 DEC 19 75 XUM

federal register

FRIDAY, DECEMBER 19, 1975

PART III:

DEPARTMENT OF LABOR

Labor-Management Services Administration

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

■

EMPLOYEE BENEFIT PLANS

V40245 DEC 19 75 XUM

DEPARTMENT OF LABOR

Labor-Management Services Administration

DEPARTMENT OF THE TREASURY

Internal Revenue Service

EMPLOYEE BENEFIT PLANS

Proposed Class Exemptions From Prohibitions Respecting Certain Transactions in Which Multiemployer Plans Are Involved

DECEMBER 13, 1975.

Notice is hereby given that an application for exemption for certain classes of transactions in which multiemployer plans (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (the Act) and section 414(f) of the Internal Revenue Code of 1954 (the Code)) are involved from the restrictions of section 4975(a) and (b) of the Code, by reason of section 4975(c)(1) of the Code, has been filed by the Alaska Teamsters Employer Pension Trust (the Applicant) pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75–26, 1975–20 I.R.B. 14.

The Applicant represents that multiemployer plans at times are required to secure adequate space for the ordinary and necessary operations of the plan on an efficient and economical basis. Section 408(b)(2) of the Act and section 4975(d)(2) of the Code provide a specific exemption from the prohibited transaction provisions set forth in section 406 of the Act and section 4975(c)(1) of the Code concerning, among other things, the furnishing of office space to a plan by a party in interest or a disqualified person (as defined in section 3(14) of the Act and section 4975(e)(2) of the Code, respectively), provided that the arrangement for such office space is reasonable and no more than reasonable compensation is paid therefor. However, multiemployer plans are sometimes unable to secure adequate existing office space, whether from parties in interest, or disqualified persons, or from others.

It is further represented that, on occasion, in order to satisfy the needs of a multiemployer plan for adequate space, the plan fiduciaries, in the exercise of their fiduciary duties, may, for valid reasons, cause the plan to acquire unimproved real property for the purpose of erecting thereon a building structure, all or a portion of which will be used by the plan for the purpose of carrying on its ordinary and necessary operations on an efficient and economical basis. Section 406 of the Act and section 4975(c)(1) of the Code do not prohibit or provide for the imposition of taxes upon the acquisition of unimproved real property by a plan for the purpose of erecting a building structure thereon, all or a portion of which will be used by the plan for the purpose of carrying on its ordinary and necessary operations. However, it is noted that section 406 of the Act and section 4975(c)(1) of the Code, among other things, provide (subject to applicable statutory exemptions) that the sale or exchange of any property between a plan and a party in interest or a disqualified person, and the furnishing of goods, services, or facilities between a plan and a party in interest or disqualified person, constitute prohibited transactions.

The Applicant represents that in some circumstances suitable unimproved real property sought to be acquired by a multiemployer plan for the purposes described above may be held by an employee organization the members of which are participants or beneficiaries of the plan. Since such an employee organization is by definition a party in interest and a disqualified person with respect to the plan under section 3(14)(D) of the Act and section 4975(e)(2)(D) of the Code, the acquisition of such unimproved real property by the plan from the employee organization would constitute a prohibited transaction.

Further, on many occasions the persons appointed to serve as trustees of such a plan by an employee organization under section 302(c)(5) of the Labor Management Relations Act, 1947 (29 U.S.C. 186(c)(5)) will be the same persons who are officers of the employee organization. In such situations, there is a substantial likelihood that the acquisition of such unimproved real property by the plan may be prohibited under the provisions of section 406(b)(2) of the Act.

The application also asserts that it is not unusual for a multiemployer plan to arrange for the construction of building structures for the purpose of providing office space for the plan with building contractors and subcontractors some or all of whose employees are participants or beneficiaries of the plan. Since such building contractors and subcontractors are by definition parties in interest and disqualified persons with respect to the plan under section 3(14)(C) of the Act and section 4975(e)(2)(C) of the Code, any arrangement as described above between the plan and such building contractors and subcontractors would also constitute prohibited transactions.

Based upon the representations set forth in the application, including the fact that the Applicant proposes to engage in a land purchase and contract for construction of a building thereon in a manner encompassed by the transactions which are generally described immediately hereafter, the Applicant has requested the Department of Labor and the Internal Revenue Service to grant certain class exemptions under section 408(a) of the Act and section 4975(c)(2) of the Code, with respect to (1) the acquisition by a multiemployer plan from an employee organization which is a party in interest or a disqualified person with respect to the plan of unimproved real property for the purpose of erecting thereon a building structure, all or a substantial portion of which will be used by the plan for the purpose of carrying on its ordinary and necessary operations on an efficient and economical basis; and (2) the construction for a multiemployer plan of a building structure, all or a portion of which will be used by the plan for the principal purpose of carrying on its ordinary and necessary operations on an efficient and economical basis, by building contractors or subcontractors who are parties in interest or disqualified persons with respect to the plan solely by reason of the fact that employees of such building contractors or subcontractors are participants in the plan.

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plans participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) The exemption requested in the application with respect to the acquisition of unimproved real property does not extend to transactions prohibited under section 406(b)(1) and (3) of the Act and section 4975(c)(1)(E) and (F) of the Code.

(3) The exemption requested in the application with respect to the construction of a building structure does not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code.

(4) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department of Labor and the Internal Revenue Service must find that the exemption is administratively feasible, in the interest of the plan or plans and of their participants and beneficiaries, and protective of the rights of participants and beneficiaries of such plan or plans.

(5) The exemptions proposed herein or which may be subsequently proposed as part of this proceeding are supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is the subject of an exemption is not dispositive of whether the transaction would have been a prohibited transaction in the absence of such exemption or, though it would have been a prohibited transaction, is exempt by operation of a statutory exemption or a transitional rule.

(6) The application for exemption referred to herein is available for public

inspection at the Public Document Room, Office of Employee Benefits Security, U.S. Department of Labor, Room N4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

All interested persons are invited to submit written comments on the proposed exemptions set forth herein. In order to receive consideration, such comments should be received by the Department of Labor on or before January 19, 1976. In addition, any interested person may submit a written request that a hearing be held relating to the proposed exemption concerning the acquisition of unimproved real property. Such written request must be received by the Department of Labor on or before January 13, 1976, and should state the reasons for such person's request for a hearing and the nature of such person's interest in the proposed exemption relating to the acquisition of unimproved real property.

Written comments pertaining to the proposed exemptions, and requests for a hearing pertaining to the exemption relating to the acquisition of unimproved real property, (preferably six copies) should be submitted to "Multiemployer Plans—Real Property", Office of Employee Benefits Security, Labor-Management Services Administration, Room N–4716, U.S. Department of Labor, Washington, D.C. 20216. All such comments will be made part of the record, and will be available for public inspection at the Public Document Room, Office of Employee Benefits Security, U.S. Department of Labor, Room N4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

I. *Acquisition of unimproved real property.* The class exemption set forth below has been requested by the Alaska Teamsters Employer Pension Trust (the Applicant) in order to permit multiemployer plans to acquire unimproved real property from an employee organization for the purpose of erecting thereon a building structure, all or a substantial portion of which will be used by the plan for the purpose of carrying on its ordinary and necessary operations on an efficient and economical basis. It is represented that the proposed exemption sets forth certain conditions which must be satisfied and which are sufficient to protect the interests and rights of participants and beneficiaries of such plans.

Requested exemption. It is requested that the following class exemption be granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with ERISA Procedure 75–1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75–26, 1975–20 I.R.B. 14:

Sec. 1—*Prospective.* Effective on the date this exemption becomes effective, the restrictions of sections 406(a)(1) and 406(b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to the acquisition by a multiemployer plan of unimproved real property from an employee organization (as defined in section 3(a) below) which is a party in interest or a disqualified person with respect to the plan, for the purpose of erecting thereon a building structure all or a substantial portion of which is intended to be used for carrying on the ordinary and necessary operations of the plan, *provided* that:

(a) Before the acquisition by the plan of unimproved real property from any employee organization which is a party in interest or a disqualified person with respect to the plan:

(1) The plan shall have made a diligent but unsuccessful effort to secure adequate existing office space for carrying on its ordinary and necessary operations on an efficient and economical basis, or, if such space was unavailable, to secure unimproved real property from a person who is not a party in interest or disqualified person, for the purpose of erection of a building structure all or a substantial portion of which would be used for carrying on the ordinary and necessary operations of the plan;

(2) The plan shall have secured from three qualified and independent appraisers who are familiar with the area in which the unimproved real property proposed to be acquired is situated, final written opinions as to—

(A) the fair market value of such property,

(B) the general suitability of such property for the erection of a building structure as contemplated by the plan for carrying on its ordinary and necessary operations on an efficient and economical basis, and

(C) the approximate rental rate (on a square foot of usable space basis) which the plan may reasonably expect to receive with respect to any such space in the contemplated building structure that the plan may not intend to utilize upon original occupancy for carrying on its ordinary and necessary operations on an efficient and economical basis; and

(3) The plan shall have secured from at least three unaffiliated construction general contractors preliminary estimates as to the total construction costs (including all off-site costs, such as costs which may relate to utilities, water supply and sewage) of the building structure contemplated to be erected by the plan.

(b) The purchase price incurred by the plan to acquire the unimproved real property shall not exceed the lowest of the following:

(1) The fair market value of such property determined as of the date the binding contract to purchase the property was entered into by the plan;

(2) The mean between the two lowest appraised values of such property received by the plan in satisfaction of paragraph (a)(2) of this section;

(3) The purchase price incurred by the selling employee organization if such property was acquired by the organization within 36 months prior to the date of its sale to the plan;

(4) The purchase price incurred by any officer, director, or employee of the selling employee organization who has the power to exercise a controlling influence over the management or policies of such organization, or by any member of the family of such officer, director, or employee, if any such person sold the property to the employee organization within 36 months prior to its resale to the plan; or

(5) Three percent of the fair market value of the plan's gross assets determined on the date of the acquisition of such property by the plan.

(c) No commissions or any other special remuneration (whatever its form) shall be paid in connection with the sale of the unimproved real property to the plan.

(d) Construction of the building structure contemplated by the plan for the purpose of carrying on its ordinary and necessary operations on an efficient and economical basis shall commence within 12 months after the date of acquisition of the unimproved real property by the plan unless delayed by unforseen circumstances arising after the purchase, such as labor strikes, material shortages, natural disasters, or government action.

(e) The sale of the unimproved real property to the plan shall not benefit, nor be one of a series of transactions any of which benefits, directly or indirectly, any party having the power to exercise a controlling influence over the management or policies of the employee organization or the plan, or any affiliate of such party.

(f) At least 80 percent of the unimproved real property shall be substantially related to the building structure.

(g) A substantial portion of the building shall be used by the plan.

(h) For the period beginning at least 60 days prior to the date of acquisition of the unimproved real property up to the date of such acquisition, the plan shall continuously and prominently post at all offices of the plan, all hiring halls and dispatch halls of the employee organization and all places where membership meetings of the employee organization are customarily held, for inspection by plan participants, notice of the proposed acquisition by the plan of unimproved real property from the employee organization, which notice shall set forth the following, or state where in such offices, halls, and places the following are available:

(1) A copy of the FEDERAL REGISTER notice of the granting of this exemption;

(2) The relevant financial terms of the proposed acquisition along with a statement of the relevant financial terms with respect to the total construction costs of the building structure contemplated by the plan;

(3) A statement by the plan setting forth the basis of its compliance with each of the terms and conditions of this exemption including a complete set of records documenting the efforts made by the plan to secure existing office space and suitable unimproved property from unrelated parties;

(4) Copies of the appraisals secured from appraisers in accordance with subparagraph (a)(2) of this section;

V40245 DEC 19 75 XUM

(5) Copies of the preliminary estimates as to total construction costs of the contemplated building structure secured from the three construction general contractors in accordance with subparagraph (a)(3) of this section; and

(6) The following statement:

Any participant who believes the transaction described does not satisfy the conditions of the class exemption may send a statement setting forth the reasons for such belief and any pertinent facts to "Multiemployer Plans—Real Property", Office of Employee Benefits Security, Labor-Managing Services Administration, Room N-4716, U.S. Department of Labor, Washington, D.C. 20216 on or before [insert date 45 days after the date of posting of the notice].

(i) The plan shall file six copies of the notice required under paragraph (h) above at least 60 days prior to the date of the proposed acquisition at the following address: "Multiemployer Plans—Real Property", Office of Employee Benefits Security, Labor-Management Services Administration, Room N4716, U.S. Department of Labor, Washington, D.C. 20216.

(j) A complete set of records documenting all items required in paragraph (h) above, along with records documenting all bids received and contracts entered into, shall be kept by the plan trustees until termination of the period ending six years from the last day of the year in which the construction of the building is completed, except that a prohibited transaction will not be deemed to have occurred if due to circumstances beyond the control of the plan fiduciaries, such records are lost or destroyed prior to the end of such six-year period.

Sec. 2—*Retroactive.* Effective January 1, 1975 until the effective date of any exemption granted pursuant to section 1 above, the restrictions of section 406(a)(1) and 406(b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to the acquisition by a multiemployer plan of unimproved real property from an employee organization (as defined in section 3(a) below) which is a party in interest or a disqualified person with respect to the plan, for the purpose of erecting thereon a building structure all or a substantial portion of which would be used for carrying on the ordinary and necessary operations of the plan, *provided that:*

(a) Two qualified and independent appraisers shall have submitted written opinions as to the items set forth in section 1(a)(2),

(b) The purchase price incurred by the plan to acquire the unimproved real property shall not exceed the lowest of the following:

(1) The fair market value of such property determined as of the date the binding contract to purchase the property was entered into by the plan;

(2) The purchase price incurred by the selling employer organization if such property was acquired by the organization within 36 months prior to the date of its sale to the plan;

(3) The purchase price incurred by any officer, director, or employee of the selling employee organization who has the power to exercise a controlling influence over the management or policies of such organization, or by any member of the family of such officer, director, or employee, if any such person sold the property to the emplovee organization within 36 months prior to its resale to the plan; or

(4) Three percent of the fair market value of the plan's gross assets determined as of the date of the acquisition of such property by the plan.

(c) The plan shall have complied with the requirements of section 1 (c) through (g) above.

(d) For a period beginning within 30 days after the effective date of this exemption and lasting for at least 60 days, the plan shall continuously and prominently post at all offices of the plan, all hiring halls and dispatch halls of the employee organization and all places where membership meetings of the employee organization are customarily held, for inspection by plan participants, notice of the proposed acquisition by the plan of unimproved real property from the employee organization, which notice shall set forth the following, or state where in such offices, halls, and places the following are available:

(1) A copy of the FEDERAL REGISTER notice of the granting of this exemption;

(2) The relevant financial terms of the acquisition along with a statement of the relevant financial terms with respect to the total construction costs of the building structure contemplated by the plan;

(3) A statement by the plan setting forth the basis of its compliance with each of the terms and conditions of this exemption including a complete set of records documenting the efforts made by the plan to secure existing office space and suitable unimproved property from unrelated parties;

(4) Copies of the appraisals secured from appraisers in accordance with subparagraph (a) of this section.

(5) Copies of the preliminary estimates as to total construction costs of the contemplated building structure secured from two construction general contractors containing the information called for by subparagraph (a)(3) of section 1, and

(6) The following statement:

Any participant who believes the transaction described does not satisfy the conditions of the class exemption may send a statement setting forth the reasons for such belief and any pertinent facts to "Multiemployer Plans—Real Property", Office of Employee Benefits Security, Labor-Management Services Administration, Room N-4716, U.S. Department of Labor, Washington, D.C. 20216 on or before [insert date 45 days after the date of posting of the notice.]

(e) The plan shall file six copies of the notice required under paragraph (d) above within at least 30 days after the effective date of this exemption at the following address: "Multiemployer Plans—Real Property", Office of Employee Benefits Security, Labor-Management Services Administration, Room N-4716, U.S. Department of Labor, Washington, D.C. 20216.

(f) Within at least 30 days after the effective date of this exemption the plan trustees shall prepare and keep a complete set of records documenting all items required in paragraph (d) above, along with records documenting all bids received and contracts entered into, which records shall be kept until termination of the period ending six years from the last day of the year in which the construction of the building is completed, except that a prohibited transaction will not be deemed to have occurred if due to circumstances beyond the control of the plan fiduciaries, such records are lost or destroyed prior to the end of such six-year period.

(g) The applicant shall give notice of the proposal of this exemption to members of the employee organization members of which are covered by the applicant plan and to participants and beneficiaries of the plan, including a copy of the proposal of this exemption, in the form and manner set forth in subparagraph (d) above, except that a period beginning within five days after the publication of this proposal and ending January 19, 1976 shall be substituted for the date set forth in subparagraph (d)(6).

Sec. 3—*Definitions.* For purposes of sections 1 and 2 above—

(a) The term "employee organization" shall have the meaning ascribed to it by section 3(4) of the Act and, in addition, shall include any person (as defined in section 7701(a)(1) of the Code) which is a non-profit corporation, the shareholders or members of which constitute substantially all of the members of the employee organization.

(b) The term "unimproved real property" means land which has no building structures on it the value of which is equal to 15 percent or more of the value of the land; except that, for the purpose of section 2 above, the purchase of "unimproved real property" shall mean the purchase of land and all building structures thereon the value of which does not exceed 15 percent of the value of the land.

(c) The term "substantial portion" relating to the use by the plan of a building structure, shall mean that immediately following the construction of the building structure at least 25 percent of the usable space thereof shall be used by the plan for the purpose of carrying on its ordinary and necessary operations on an efficient and economical basis and the plan expects to use at least 25 percent of such usable space for the foreseeable future.

(d) The term "independent appraiser" means an appraiser which received at least 90 percent of its compensation during each of the three 12-month periods immediately preceding the appraisal referred to in this exemption from sources other than the plan or the employee organization.

(e) The term "unaffiliated construction general contractor" means a contractor (1) whose directors, officers, five percent shareholders, or partners are neither officers, directors, or employees who have the power to exercise a controlling influence over the management or policies of the employee organization, nor a member of the family of such officer, director, or employee, nor fiduciaries of the plan, nor members of the family of such a fiduciary, and (2) whose employees constitute no more than five percent of the participants in the plan.

(f) The term "member of the family" shall mean a relative as defined in section 3(15) of the Act, or a brother, a sister, or a spouse of a brother or sister.

(g) The term "affiliate", with respect to any person shall include:

(1) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such person;

(2) Any officer, director, partner, employee or member of the family of such person; and

(3) Any corporation or partnership of which such person is an officer, director or partner.

II. *Construction of building structure.* The class exemption set forth below has been requested by the Alaska Teamsters Employer Pension Trust (the Applicant) in order to permit a multiemployer plan to cause to be constructed on unimproved real property held by the plan certain building structures, all or a substantial portion of which will be used by the plan for the purpose of carrying on its ordinary and necessary operations on an efficient and economical basis, by a construction general contractor and subcontractors who are parties in interest or disqualified persons with respect to the plan. It is represented that the exemption as requested sets forth certain conditions which must be satisfied and which are sufficient to protect the interests and rights of participants and beneficiaries of such plans.

Requested exemption. It is requested that the following class exemption be granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-20 I.R.B. 14.

Sec. 1—*Prospective.* Effective on the date this exemption becomes effective, the restrictions of section 406(a)(1) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the construction for a multiemployer plan of a building structure all or a substantial portion of which will be used by such plan for the purpose of carrying on its ordinary and necessary activities on an efficient and economical basis, by a construction general contractor or subcontractors which are parties in interest or disqualified persons with respect to the plan solely by reason of having employees who are covered by the plan, provided that:

(a) Before the construction contract for the building structure has been awarded the plan shall have secured bids for the construction of the building structure from:

(1) At least two financially responsible and otherwise qualified unaffiliated construction general contractors and subcontractors if the total estimated construction costs of the building structure are $500,000 or less; or

(2) At least three financially responsible and otherwise qualified unaffiliated construction general contractors and subcontractors if the total estimated construction costs of the building structure are over $500,000.

(b) The contractor to whom the contract is awarded shall be one of the unaffiliated construction general contractors which submitted a bid under subsection (a) and shall provide adequate security to insure timely completion of the building structure.

(c) At least 60 days prior to the award of the contract for the construction of the building structure, and continuing until the award of the contract, notice of the proposed construction of the building structure along with copies of the bids, a copy of the FEDERAL REGISTER notice of the granting of this exemption, and a statement by the plan setting forth the basis of its compliance with each of the conditions of this exemption, shall be continuously and prominently posted at all offices of the plan, all hiring halls and dispatch halls of employee organizations whose members are participants in the plan and all places where membership meetings of the employee organization are customarily held, for inspection by plan participants.

The notice required by this subsection shall also contain the following statement:

Any participant who believes the transaction described does not satisfy the conditions of the class exemption may send a statement containing the reasons for such belief and any pertinent facts to "Multiemployer Plans—Real Property" Office of Employee Benefits Security, Labor-Management Services Administration, Room N-4716, U.S. Department of Labor, Washington, D.C. 20216 on or before [insert date 45 days after the date of posting of notice of proposed contract]."

(d) The plan shall file six copies of the notice required under subsection (c) above at least 60 days prior to the date of the award of the contract for the construction of the building structure at the following address: "Multiemployer Plans—Real Property", Office of Employee Benefits Security, Labor-Management Services Administration, Room N-4716, U.S. Department of Labor, Washington, D.C. 20216.

Sec. 2.—*Retroactive.* Effective January 1, 1975 until the effective date of this exemption, the restrictions of section 406(a)(1) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975 (c)(1)(A) through (D) of the Code, shall not apply to the construction for a multiemployer plan of a building structure all or a substantial portion of which will be used by the plan for the purpose of carrying on its ordinary and necessary activities on an efficient and economical basis, by a construction general contractor or subcontractors which are parties in interest or disqualified persons with respect to the plan solely by reason of having employees who are covered by the plan, provided that the plan shall have complied with all of the requirements set forth in section 1 above, except that:

(a) The plan need only have secured at least two estimates from otherwise qualified unaffiliated construction general contractors and subcontractors for the total construction costs of the building structure.

(b) For a period beginning within 30 days after the effective date of this exemption and lasting for at least 60 days, notice of the construction of the building structure along with copies of the estimates, copies of all contracts awarded, a copy of the FEDERAL REGISTER notice of the granting of this exemption, and a statement by the plan setting forth the basis of its compliance with each of the conditions of this exemption, shall be continuously and prominently posted at all offices of the plan, all hiring halls and dispatch halls of employee organiations whose members are participants in the plan and all places where membership meetings of the employee organization are customarily held, for inspection by plan participants.

The notice required by this subsection shall also contain the following statement:

Any participant who believes the transaction described does not satisfy the conditions of the class exemption may send a statement containing the reasons for such belief and any pertinent facts to "Multiemployer Plans—Real Property" Office of Employee Benefits Security, Labor-Management Services Administration, Room N-4716, U.S. Department of Labor, Washington, D.C. 20216 on or before [insert date 45 days after the date of posting of the notice of proposed contract].

(c) The plan shall file six copies of the notice required under subsection (b) within at least 30 days after the effective date of this exemption at the following address: "Multiemployer Plans—Real Property", Office of Employee Benefits Security, Labor-Management Services Administration, Room N-4716, U.S. Department of Labor, Washington, D.C. 20216.

(d) The applicant shall give notice of the proposal of this exemption to the members of the employee organization members of which are covered by the applicant plan and to participants and beneficiaries of the plan, including a copy of the proposal of this exemption, in the form and manner set in subparagraph (b) above, except that a period beginning within five days after the publication of this proposal and ending January 19, 1976 shall be substituted for the date set forth therein.

Sec. 3—*Definitions.* For purposes of sections 1 and 2 above—

DEC 19 75 V40245 XUM

FRIDAY, DECEMBER 19, 1975

(a) The term "total construction costs" means the sum of the costs necessary to complete the entire building structure, including, but not limited to, such off-site costs as may relate to utilities, water supply and sewage.

(b) The term "substantial portion" relating to the use by the plan of a building structure, shall mean that immediately following construction of the building structure at least 25 percent of the usable space thereof shall be used by the plan for the purpose of carrying on its ordinary and necessary operations on an efficient and economical basis and the plan expects to use at least 25 percent of such usable space for the foreseeable future.

(c) The term "unaffiliated construction general contractor" means a contractor (1) whose directors, officers, five percent shareholders, or partners are neither officers, directors, or employees who have the power to exercise a controlling influence over the management or policies of the employee organization, nor a member of the family of such officer, director or employee, nor fiduciaries of the plan, nor members of the family of such a fiduciary, and (2) whose employees constitute no more than five percent of the participants in the plan.

(d) The term "member of the family" shall mean a relative as defined in section 3(15) of the Act, or a brother, sister, or a spouse of a brother or sister.

Signed at Washington, D.C. this thirteenth day of December, 1975.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

[FR Doc.75-34202 Filed 12-16-75;11:24 am]

federal register

FRIDAY, DECEMBER 19, 1975



PART IV:

NATIONAL COMMUNICATIONS SYSTEM

TELECOMMUNICATIONS; BIT ORIENTED DATA LINK CONTROL PROCEDURES

Proposed Federal Standard

V40245 DEC 19 75 XUM

NATIONAL COMMUNICATIONS SYSTEM

TELECOMMUNICATIONS: BIT ORIENTED DATA LINK CONTROL PROCEDURES

Proposed Federal Standard 1003

NOTE: This document, FR Doc. 75-33358, was originally published at 40 FR 57721 (Thursday, December 11, 1975). At that time, the text of the proposed Standard 1003 was inadvertently filed as part of the original document. Today's republication contains the text of the standard.

The Administrator of the General Services Administration (GSA) is responsible, under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On 14 August 1972, the National Communications System (NCS) [1] was designated by the Administrator, GSA, as the responsible agent for the development of telecommunication standards for NCS interoperability and the computer-communications interface. The Federal Telecommunication Standards Committee (FTSC) was established under the administration of NCS to accomplish this mission. Additionally, the Secretary of Commerce is authorized, under the provisions of Public Law 89-306, to develop and establish uniform Federal automatic data processing standards.

This proposed Federal standard is part of a series of joint Federal telecommunication standards and Federal Information Processing Standards (FIPS) falling within the area of mutual responsibility of the NCS and the National Bureau of Standards (NBS) as defined in FIPS PUB 23 [2] and NCS Circular 175-1 [3].

The proposed Federal standard and the companion FIPS publication will adopt the content of the American National Standards Institute (ANSI) document X3S34/589, 15 August 1975, with the exceptions set forth in paragraph 2, "Applicable Documents." The ANSI document specifies the data communication control procedures, which define the means for exchanging data between business machines (e.g., computers, concentrators and terminals) over communication circuits. The advanced data communication control procedures described are synchronous, bit oriented (i.e., use bit patterns instead of ASCII characters for control), code independent (i.e., capable of handling any data code or pattern) and interactive (i.e., have relatively high efficiency in an interactive application). The proposed ANSI document was developed by an ANSI task group with Federal Government participation and has been recommended for processing as a Federal standard by the FTSC with the concurrence of the National Bureau of Standards in response to requirements specified by various Government agencies.

Prior to submission of the final endorsement of the proposed Federal standard and its companion FIPS publication to the Department of Commerce (DOC), the Office of Telecommunications Policy (OTP), Executive Office of the President, and GSA, it is essential that proper consideration is given to the needs and views of industry, the public, and state and local governments. The purpose of this notice is to solicit such views. Interested parties may submit their comments to the Office of the Manager, National Communications System, ATTN: NCS-TS, Washington, D.C. 20305. All comments should be submitted to NCS by 30 January 1976.

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DECEMBER 8, 1975.

[1] DoD Directive 5100.41, "Arrangements for Discharge of Executive Agent Responsibilities for the NCS"—filed as part of original document.

[2] Filed as part of original. Copies available from U.S. Government Printing Office, Washington, D.C. 20402 (order by SD Catalog No. C13.52:23)

[3] Filed as part of original. Copies available from Office of the Manager, NCS, Washington, D.C. 20305

PROPOSED FEDERAL STANDARD

TELECOMMUNICATIONS: BIT ORIENTED DATA LINK CONTROL PROCEDURES

This standard is issued by the General Services Administration pursuant to the Federal Property and Administrative Services Act of 1949, as amended. Its application to both data processing systems and telecommunications systems is mandatory on all Federal agencies to the extent specified herein. Do not use prior to approval.

FOREWORD

The Telecommunication series of Federal Standards are designed to facilitate interoperability between telecommunication facilities and systems of the Federal Government and compatibility of these facilities and systems at the computer-communications interface with data processing equipment (systems).

FED-STD-1003
January, 1976

PROPOSED
FEDERAL STANDARD

TELECOMMUNICATIONS: BIT ORIENTED DATA LINK CONTROL PROCEDURES

1. Scope. This standard specifies the frame structure, elements of procedures, and codes of practice (classes of procedure) for data communications systems that transmit synchronous binary data, including binary coded data, by electrical or electromagnetic means and which have automatic error detection capabilities.

1.1 Application. This standard shall be used by all Federal agencies in the design and procurement of equipment and systems. It applies to equipment and systems that are procured after the effective date of this standard. Those new systems and equipments on which substantial technical design has been completed before the effective date of which are procured as replacements in or extensions to existing systems may file for exception.

2. Applicable Documents. This Federal standard embodies the content of the American National Standards Institute document X3S34/589, "Proposed American National Standard for Advanced Data Communication Control Procedures (ADCCP) (Independent Numbering)," dated 15 August 1975, except for the aspects listed below:

a. All systems conforming to this Federal standard shall be able to implement the 16-bit frame check sequence (FCS) described in paragraph 3.5, section 12, and appendix D. In addition, if a 32-bit FCS is required for some applications, it shall use the generating polynomial

$$X^{32}+X^{26}+X^{23}+X^{22}+X^{16}+X^{12}+X^{11}+X^{10}+X^{8}+X^{7}+X^{5}+X^{4}+X^{2}+X^{1}+1$$

b. The user defined commands and responses, USER0, USER1, USER2, and USER3, appearing in the introduction to section 7, paragraph 7.4, the introduction to paragraph 7.5, and paragraph 7.5.4.2 are not a part of the Federal standard.

3. Changes. When a Federal agency considers that this standard does not provide for its essential needs, a statement citing inadequacies shall be sent in duplicate to the General Services Administration, Federal Supply Service, FMH, Washington, DC, 20406 (in accordance with provisions of Federal Property Management Regulations 4, CFR SS 101-29.3). The General Services Administration will determine the appropriate action to be taken and will notify the agency.

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

Table of Contents

Section

LIST OF ABBREVIATIONS
1.0 SCOPE
2.0 DATA LINK CONFIGURATIONS
2.1 Primary/Secondary Link
3.0 FRAME STRUCTURE
3.1 Flag Sequence (F)
3.2 Secondary Station Link Address Field (A)
3.3 Control Field (C)
3.4 Information Field (Info)
3.5 Frame Check Sequence (FCS)
3.6 Abort
3.7 Transparency
3.8 Active Link State
3.8.1 Interframe Time Fill
3.9 Idle Link State
3.10 Invalid Frame
3.11 Order of Bit Transmission
4.0 SECONDARY LINK ADDRESS FIELD
4.1 Addressing Modes
4.2 Secondary Link Address Field - Basic Address Mode
4.3 Secondary Link Address Field - Extended Address Mode
4.4 Global Address
4.5 Null Address
5.0 TRANSMISSION PARAMETERS AND FORMATS
5.1 Parameters
5.1.1 Modulus
5.1.2 Frame Variables and Sequence Numbers
5.1.3 Send State Variable, S
5.1.4 Send Sequence Number, N(S)
5.1.5 Receive State Variable, R
5.1.6 Receive Sequence Number, N(R)
5.1.7 Poll/Final, P/F, Bit
5.2 Control Field Formats
5.2.1 Basic Control Field
5.2.2 Extended Control Field
5.3 Information Transfer Format, I
5.4 Supervisory Format, S
5.5 Unnumbered Format, U
6.0 SECONDARY MODES
6.1 Operational Modes

X3S34/589
DRAFT 4
15 August 1975

6.1.1 Normal Response Mode, NRM
6.1.2 Asynchronous Response Mode, ARM
6.2 Disconnected Modes
6.2.1 Normal Disconnected Mode, NDM
6.2.2 Asynchronous Disconnected Mode, ADM
6.3 Initialization Mode, IM
7.0 COMMANDS AND RESPONSES
7.1 Information Transfer Format, I, Command and Response
7.2 Supervisory Format, S, Commands and Responses
7.2.1 Receive Ready, RR, Command/Response
7.2.2 Receive Not Ready, RNR, Command/Response
7.2.3 Reject, REJ, Command/Response
7.2.4 Selective Reject, SREJ, Command/Response
7.3 Unnumbered Format, U, Commands and Responses
7.4 Unnumbered Commands
7.4.1 Mode-Setting Commands
7.4.1.1 Set Normal Response Mode, SNRM, Command
7.4.1.2 Set Asynchronous Response Mode, SARM, Command
7.4.1.3 Set Normal Response Mode Extended, SNRME, Command
7.4.1.4 Set Asynchronous Response Mode Extended, SARME, Command
7.4.1.5 Set Initialization Mode, SIM, Command
7.4.1.6 Disconnect, DISC, Command
7.4.2 Unnumbered Information Transfer Commands
7.4.2.1 Unnumbered Information, UI, Command
7.4.2.2 Unnumbered Poll, UP, Command
7.4.3 Unnumbered Recovery Commands
7.4.3.1 Response Reject, RSPR, Command
7.4.4 Miscellaneous Commands
7.4.4.1 Exchange Identification, XID, Command
7.4.4.2 User Defined, USER0-USER3, Commands
7.5 Unnumbered Responses
7.5.1 Mode-Setting Responses
7.5.1.1 Unnumbered Acknowledgement, UA, Response
7.5.1.2 Disconnected Mode, DM, Response
7.5.1.3 Request Disconnect, RD, Response
7.5.1.4 Request Initialization Mode, RIM, Response
7.5.2 Unnumbered Information Transfer Responses
7.5.2.1 Unnumbered Information, UI, Response
7.5.3 Unnumbered Recovery Responses
7.5.3.1 Command Reject, CMDR, Response
7.5.4 Miscellaneous Responses
7.5.4.1 Exchange Identification, XID, Response
7.5.4.2 User Defined, USER0 - USER3, Responses
8.0 EXCEPTION CONDITIONS REPORTING AND RECOVERY
8.1 Busy Condition

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

8.1.1 Secondary Receipt of RNR
8.1.2 Primary Receipt of RNR
8.1.3 Clearing Busy Condition
8.2 N(S) Sequence Error
8.2.1 BASIC Recovery Capability (NB/NAB CLASSES)
8.2.1.1 REJ and Poll/Final Recovery
8.2.1.2 REJ Recovery
8.2.1.3 Poll/Final Recovery
8.2.1.4 Response/Command Time-Out
8.2.1.5 Receipt of N(R) in TWA Data Exchange
8.2.2 SREJ Recovery Capability (NS/NAS CLASSES)
8.2.2.1 SREJ/REJ Recovery
8.2.2.2 SREJ Recovery
8.2.2.3 REJ Recovery
8.2.2.4 Retransmission of SREJ and REJ
8.3 FCS Error
8.4 Command-Response Reject
9.0 RESPONSE/COMMAND TIME-OUT
9.1 Normal Response Mode
9.2 Asynchronous Response Mode
10.0 SWITCHED NETWORK CONVENTIONS
11.0 CLASSES OF PROCEDURES
11.1 NRM P-S Classes of Procedures
11.1.1 NB CLASS: NRM - BASIC ERP
11.1.2 NS CLASS: NRM - SREJ ERP
11.2 NRM and ARM P-S Cleases of Procedures
11.2.1 NAB CLASS: NRM and ARM - BASIC ERP
11.2.2 NAS CLASS: NRM and ARM - SREJ ERP
11.3 Balanced Control Classes of Procedures
11.3.1 BCB CLASS: Balanced Control - BASIC ERP Exception Recovery
11.3.2 BCS CLASS: Balanced Control - SREJ ERP
12.0 FRAME CHECK SEQUENCE (FCS) GENERATION AND CHECKING
12.1 FCS Generation
12.2 FCS Checking

Appendix A GLOSSARY
Appendix B ADDITIONAL INFORMATION
Appendix C INDEX TO APPENDIX C EXAMPLES
EXAMPLES OF THE USE OF COMMANDS & RESPONSES
Appendix D FRAME CHECK SEQUENCE (FCS)
EXPOSITORY REMARKS

X3S34/589
DRAFT 4
15 August 1975

LIST OF ABBREVIATIONS

A - Secondary station address field
ADCCP - Advanced Data Communication Control Procedures
ADM - Asynchronous Disconnect Mode
ARM - Asynchronous Response Mode
ARME - Asynchronous Response Mode Extended
BCB - Balanced Control Basic Recovery
BCS - Balanced Control SREJ Recovery
C - Control Field
CCITT - International Telegraph and Telephone Consultative Committee
CMDR - Command Reject (Response)
DISC - Disconnect (Command)
DM - Disconnect Mode (Response)
ECMA - European Computer Manufacturers Association
ERP - Exception (or Error) Recovery Procedure
F - Flag
F bit - Final Bit
FCS - Frame Check Sequence
I - Information Format (frame)
I frame - Information Format frame
IM - Initialization Mode
Info - Information Field
ISO - International Standards Organization
LSB - Least Significant Bit
M - Modifier Bit
MP - Multipoint
MSB - Most Significant Bit
N - A Number variable
NA - Not Applicable
NAB - Normal and Asynchronous Response Mode, Basic Recovery
NAS - Normal and Asynchronous Response Mode, SREJ Recovery
NB - Normal Response Mode, Basic Recovery
NDM - Normal Disconnect Mode
N(R) - Receive Sequence Number
NRM - Normal Response Mode
NRME - Normal Response Mode Extended
N(S) - Send Sequence Number
NS - Normal Response Mode, SREJ Recovery
P bit - Poll Bit
P/F bit - Poll or Final Bit
Pri - Primary
P-P - Point-to-point
P-S - Primary-to-Secondary
P/S - Primary or Secondary
Pri/Sec - Primary or Secondary

V40245 DEC 19 75 XUM

R - Receive State Variable
RD - Request Disconnect (Command)
REJ - Reject (Command, Response)
RIM - Request Initialization Mode (Response)
RNR - Receive Not Ready (Command; Response)
RR - Receive Ready (Command, Response)
RSPR - Response Reject (Command)
S - Depending upon usage : - Send State Variable
- Supervisory Bit
- Supervisory Format (frame)
S frame - Supervisory Format frame
SARM - Set Asynchronous Response Mode (Command)
SARME - Set Asynchronous Response Mode Extended (Command)
Sec - Secondary
SIM - Set Initialization Mode (Command)
SNRM - Set Normal Response Mode (Command)
SNRME - Set Normal Response Mode Extended (Command)
SREJ - Selective Reject (Command, Response)
TO - Timeout
TWA - Two-Way Alternate
TWS - Two-Way Simultaneous
U - Unnumbered Format (frame)
U frame - Unnumbered Format frame
UA - Unnumbered Acknowledge (Response)
UI - Unnumbered Information (Command, Response)
UP - Unnumbered Poll (Command)
USER - User (Command, Response)
XID - Exchange Identification (Command, Response)
w,x,y,z - bits in CMDR Status Field

NOTE: The mathematical symbols and abbreviations used in Section 12.0, Frame Check Sequence (FCS) Generation and Checking, and Appendix D, Frame Check Sequence (FCS), are not included above; they are defined as they introduced in Section 12 and Appendix D.

1.0 SCOPE

This standard is intended to cover a wide range of applications (e.g., two-way alternate and two-way simultaneous data communication between computers, concentrators and terminals which are normally buffered) and a wide range of data link configurations (e.g., full and half duplex, multi-point, point-to-point, switched or non-switched).

This standard establishes the procedures to be used on synchronous communication links using ADCCP - Independent Numbering. This standard does not define any single system and should not be regarded as a specification for a data communications system.

These procedures are defined specifically in terms of the actions that occur on receipt of commands at a Secondary.

In order to provide a high degree of standardization (and, therefore, of compatibility), any equipment intended to be operated within the constraints of this standard shall implement all features of a stipulated class of the procedures.

2.0 REFERENCES

ANSI X3.16 - Character Structure and Character Parity Sense for Serial-by-Bit Data Communication in the American National Standard Code for Information Interchange.

ANSI X3.28 - Procedures for the Use of the Communication Control Characters of American National Standard Code for Information Interchange in Specified Data Communication Links.

ANSI X3.41 - Code Extension Techniques for Use with the 7-Bit Coded Character Set of American National Standard Code for Information Interchange.

ANSI X3.66 - Advanced Data Communication Control Procedures (ADCCP).

ANSI X3.37 - Programming Language for Numerical Control.

ANSI X3.4 - American National Standard Code for Information Interchange.

ISO 2022 - Code Extension Techniques.

ISO 2111 - Basic Mode Control Procedures for Data Communication Systems.

ISO 3309 - Frame Structure.

ISO 4335 - Elements of Procedures.

ISO 6159 - Unnumbered Command and Response Frames.

ISO 6256 - Numbered Supervisory Command and Response Frames.

ISO 6429 - Control Functions for Character Sets.

ISO 6430 - Interface Connection for Terminal Equipment.

ISO 6431 - Interface Connection for Data Circuit-Terminating Equipment.

ISO 6432 - Interface Connection for Automatic Calling Equipment.

ISO 6433 - Parameter Values.

ISO 6534 - Interface Connection for Start-Stop Terminal Equipment.

3.0 DEFINITIONS

3.1 Abort: The termination of a transmission by a station before the normal ending flag is sent.

3.2 Address: A field in a frame that identifies the station that is to receive the frame.

3.3 Address Field: The field following the beginning flag sequence of a frame that contains the address of the station that is to receive the frame.

3.4 Address Recognition: The procedure by which a station examines the address field of a frame to determine if it is to receive the frame.

3.5 Address Response: The address field of a response frame.

3.6 Address Response Field: The field following the beginning flag sequence of a response frame that contains the address of the station that is sending the response frame.

3.7 Address Response Recognition: The procedure by which a station examines the address response field of a frame to determine if it is to receive the frame.

3.8 Address Response Value: The value contained in the address response field.

3.9 Address Value: The value contained in the address field.

3.10 Asynchronous Response Mode: A mode in which a secondary station may initiate transmission without receiving explicit permission from the primary station.

3.11 Asynchronous Response Mode Extended: An extension of the asynchronous response mode in which a secondary station may initiate transmission without receiving explicit permission from the primary station. Extended operation is used.

3.12 Beginning Flag Sequence: The flag sequence that precedes the address field of a frame.

3.13 Bit Stuffing: The insertion of a 0 bit after five consecutive 1 bits anywhere between the beginning and ending flag sequences of a frame to prevent simulation of a flag or abort.

3.14 Broadcast: A transmission to all stations.

3.15 Command: A frame sent by a station to cause the receiving station to perform a data link control operation.

3.16 Control Field: The field following the address field of a frame that contains the commands, responses, sequence numbers, and miscellaneous bits used to control the data link.

3.17 Data Field: The field following the control field of a frame that contains the data to be transmitted.

3.18 Ending Flag Sequence: The flag sequence that follows the frame check sequence field of a frame.

3.19 Flag Sequence: A unique sequence of bits, 01111110, used to indicate the beginning and ending of a frame.

3.20 Frame: The unit of transmission in a data link. It includes the beginning flag sequence, address field, control field, data field, frame check sequence field, and ending flag sequence.

3.21 Frame Check Sequence Field: The field preceding the ending flag sequence of a frame that contains the frame check sequence.

3.22 Frame Check Sequence: A function of the bits in the address field, control field, and data field of a frame used to check for transmission errors.

3.23 Frame Length: The number of bits between the beginning and ending flag sequences of a frame.

3.24 Group Address: An address associated by prior agreement with more than one station.

3.25 Group Address Response: An address response associated by prior agreement with more than one station.

3.26 Information Field: The data field of a frame.

3.27 Initialization: A procedure that causes a station to set its send state variable, receive state variable, and other appropriate variables to their initial values.

3.28 Invalid Frame: A frame that contains a single flag between two flag sequences, or that contains fewer than 32 bits between two flag sequences, or that contains a frame check sequence error, or that contains a frame length error.

3.29 Invalid Frame Length: A frame length that is not an integral number of octets.

3.30 Link Level: The level in a station that implements the data link control procedures.

3.31 Modulo: The number of consecutive sequence numbers that can be assigned to frames.

3.32 Nonswitched Channel: A channel that does not require any dialing operation, such as a leased telephone line.

3.33 Octet: A group of eight consecutive bits.

3.34 Poll: The act of requesting a station to send its data.

3.35 Primary: The station that controls the operation of the data link.

3.36 Primary Address: The address assigned to a secondary station for use in frames transmitted by the primary station.

3.37 Primary Address Response: The address response assigned to a secondary station for use in frames transmitted by the primary station.

3.38 Receive State Variable: The variable that contains the sequence number of the next frame expected to be received.

3.39 Response: A frame sent by a station to indicate to the receiving station the status of the data link.

3.40 Secondary: A station that operates under the control of a primary station.

3.41 Secondary Address: The address assigned to a secondary station for use in frames transmitted by that secondary station.

3.42 Secondary Address Response: The address response assigned to a secondary station for use in frames transmitted by that secondary station.

3.43 Send State Variable: The variable that contains the sequence number of the next frame to be transmitted.

3.44 Station: The logical entity that implements the data link control procedures.

3.45 Switched Channel: A channel that requires a dialing operation, such as a switched telephone line.

3.46 Test Frame: A valid frame containing a test command or response.

3.47 Test Frame Response: A valid frame containing a test response.

3.48 Transparency: The capability to send any bit pattern as data.

3.49 Unnumbered Frame: A frame used for link control functions that contains neither send nor receive state variables.

V40245 DEC 19 75 XUM

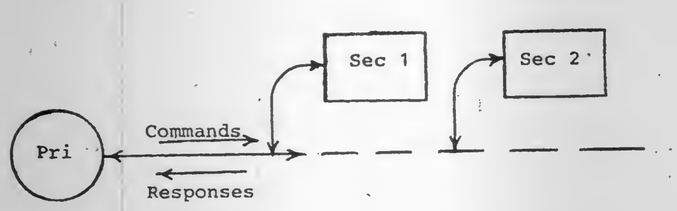
X3S34/589
DRAFT 4
15 August 1975

2.0 DATA LINK CONFIGURATIONS

ADCCP-Independent Numbering defines a Primary/Secondary link which has a primary link control function (referred to as Primary), and a secondary link control function (referred to as secondary). The primary is responsible for initialization, scheduling of data flow, and initiation of link level error recovery functions. Each secondary is responsible for executing commands received from the primary, and for responding when instructed by the primary.

2.1 Primary/Secondary Link

The Primary/Secondary link configuration includes one primary station and one or more secondary stations, as shown in Figure 1. The link may be point-to-point or multipoint, half duplex or full duplex, switched or non-switched. In this configuration all data transfer and link error recovery functions are controlled by the single primary station.



Point-to-Point or multipoint, half duplex or full duplex, switched or non-switched link

FIGURE 2-1 - PRIMARY/SECONDARY LINK

X3S34/589
DRAFT 4
15 August 1975

3.0 FRAME STRUCTURE

In ADCCP - Independent Numbering, all transmissions are in frames and each frame conforms to the following structure:

F, A, C, Info, FCS, F

Where:

F = Flag Sequence

A = Secondary Station Link Address Field

C = Control Field

Info = Information Field

FCS = Frame Check Sequence

Frames containing only data link control sequences form a special case where there is no Info field. The short frame structure is therefore:

F, A, C, FCS, F

The elements of the frame are described in the following paragraphs. See also Figure 3-1.

3.1 Flag Sequence (F)

All frames start and end with the flag sequence. This sequence is a zero bit followed by 6 one bits followed by a zero bit (01111110). All stations attached to the data link continuously hunt, on a bit-by-bit basis, for this sequence. However, a transmitter must send only complete eight-bit flags. Thus, the flag is used for frame synchronization.

In order to achieve transparency the flag sequence is prohibited from occurring in the Address, Control, Information and FCS Fields via a "zero bit insertion" procedure which is described in paragraph 3.7.

Where station constraints permit, the flag sequence which closes a frame may also be the opening flag sequence for the next frame. Any number of complete flags may be used between frames. (See also Appendix B)

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

3.2 Secondary Station Link Address Field (A)

The Secondary Station Link Address Field follows the opening flag of every frame from both primary and secondary stations. The length of this field (A) is N octets (N greater than or equal to 1). The encoding of this field is described in Section 4.

3.3 Control Field (C)

The Control Field contains commands, responses, and sequence numbers. The control field is used by the primary to instruct the addressed secondary what operation it is to perform. It is also used by the secondary to respond to the primary. The length of this field (C) is normally one octet. It is two octets in length in the case of the extended control field (see Section 5.2.2).

Sequence numbers and the formatting of the Control Field are described in Section 5. Commands and responses are functionally described in Section 7.

3.4 Information Field (Info)

The Information field may be any number and sequence of bits; the data link is completely transparent. Data contained in the information field is unrestricted with respect to code or grouping of bits. See Appendix B for examples of typical limitations on maximum length. An information field length of zero is specifically permitted.

3.5 Frame Check Sequence (FCS)

All frames include a 16-bit frame check sequence (FCS) just prior to the closing flag for error detection purposes. The contents of the Address, Control and Information fields, excluding the zeros inserted to maintain transparency per Section 3.7, are included in the calculation of the FCS sequence.

The FCS is the remainder of a modulo 2 division process utilizing a generator polynomial as a divisor. The generator polynomial is that used in CCITT Recommendation V.41 and is: $X^{16} + X^{12} + X^5 + 1$.

X3S34/589
DRAFT 4
15 August 1975

Section 12 gives a complete description of the FCS generation process and the error checking process which utilizes the FCS. Appendix D gives an example of FCS generation and error detection.

NOTE: If future applications show that a higher degree of protection is needed, the length of the FCS sequence shall be increased by multiples of eight bits. This requires a higher degree generator polynomial the implementation of which is outside of this standard.

3.6 Abort

Abort is the procedure by which a station in the process of sending a frame, ends the frame in an unusual manner such that the receiving station will ignore the frame.

Aborting a frame is performed by transmitting at least seven, but less than fifteen, contiguous one bits (with no inserted zeros). Receipt of seven contiguous one bits is interpreted as an abort. Receipt of fifteen or more contiguous one bits is interpreted as an abort and Idle Link State (see Section 3.9).

3.7 Transparency

ADCCP provides transparency for data coded in the Information field. The occurrence of the flag sequence within a frame is prevented via a "zero bit insertion" procedure as follows:

> The transmitter inserts a zero bit following five contiguous one bits anywhere between the beginning flag and the ending flag of the frame. The insertion of the zero bit thus applies to the contents of the Address, Control, Info and FCS fields (including the last 5 bits of the FCS). The receiver continuously monitors the received bit stream; upon receiving a zero bit followed by five contiguous one bits, the receiver inspects the following bit: If a zero, the 5 one bits are passed as data and the zero bit deleted. If the sixth bit is a one, the receiver inspects the seventh bit; if it is zero, a flag sequence has been received; if it is a one an abort has been received (See Section 3.6).

V40245 DEC 19 75 XUM

3.8 Active Link State

A link is in an ACTIVE state when the Primary or a Secondary is actively transmitting a frame, an abort sequence, or interframe time fill. When the link is in the active state the right of the transmitting station to continue transmission is reserved.

3.8.1 Interframe Time Fill

Interframe time fill is accomplished by transmitting continuous flags between frames. There is no provision for intraframe time fill. (See also Appendix B.)

3.9 Idle Link State

A link is defined to be in an IDLE state when a continuous ones state is detected that persists for 15 bit times.

Idle link time fill is defined to be a continuous one condition on the link.

3.10 Invalid Frame

An invalid frame is defined as one that is not properly bounded by two flags (thus an aborted frame is an invalid frame) or one which is too short (that is, shorter than 32 bits between flags). A Secondary will ignore any invalid frame.

3.11 Order of Bit Transmission

Addresses, commands and responses, and sequence numbers are to be transmitted low order bit first (e.g., the first bit of sequence number that is transmitted carries the weight 2^0).

The order of bit transmission for data contained within the information field is application-dependent and not specified.

The order of bit transmission for the FCS is most significant bit first (See Appendix D).

FRAME

First Bit Transmitted

F	A	C	(Info)	FCS	F
01111110	Note 1	Note 2	Note 3	X^{15}----------X^0	01111110
Flag Sequence	Address Field	Control Field	Information Field	Frame Check Sequence	Flag Sequence

Note 1. Address Field formats described in Sections 4.2 & 4.3

Note 2. Control Field formats described in Sections 5.2.1 & 5.2.2

Note 3. Information Field may be any number of bits ≥0.

STRUCTURAL RELATIONSHIP OF DEFINED FIELDS IN ADCCP FORMAT

Figure 3.1

3.12 Transparency

Any bit sequence may be transmitted over the link when the sending station inserts a zero bit after all sequences of five contiguous one bits (including flags) transmitted between the opening and closing flags of a frame. The receiving station will discard a zero bit that directly follows five one bits.

3.13 Abort

A frame may be aborted by transmitting at least seven and less than fifteen one bits.

3.14 Frame Check Sequence

The frame check sequence is a 16 bit sequence. It is the remainder after multiplication by x^{16} and then division by $x^{16}+x^{12}+x^5+1$ of the contents of the address, control, information fields, and the FCS, excluding any zero bits inserted for transparency. The multiplication and division are modulo 2 operations.

3.15 Station Addressing Procedures

Each station on a link must be assigned a unique address. The address field is eight bits long. The all ones address is reserved for broadcast operation. The all zeros address is reserved for a null address. Addresses 1 through 254 are available for station addresses.

3.16 Broadcast Operation

The all ones address is reserved for broadcast operation. Broadcast operation is optional for both Primary and Secondary stations. Broadcast operation is not allowed for SNRM, SNRME, SARM, SARME, SABM, SABME, DISC, UA, DM, FRMR, RD, RIM, SIM, RSET, SNRM, SNRME, SARM, SARME, SABM, SABME, XID, TEST, RR, RNR, REJ, SREJ, UI, UIC, RD, RIM, SIM, RSET

X3S34/589
DRAFT 4
15 August 1975

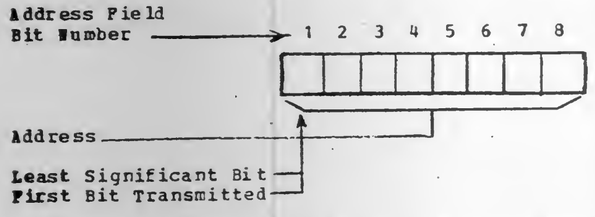
4.0 SECONDARY LINK ADDRESS FIELD

4.1 Addressing Modes

Two addressing modes are defined for the secondary station link address field. These modes are mutually exclusive for any given Secondary on a link and therefore the addressing mode must be explicitly specified.

4.2 Secondary Link Address Field - Basic Address Mode

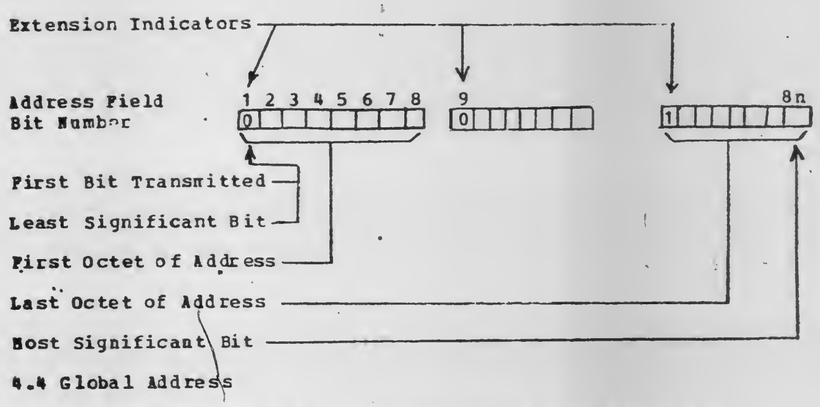
In basic mode, the secondary link address field contains one address, which may be a single, group, or global secondary address. This field consists of one octet with the following format:



4.3 Secondary Link Address Field - Extended Address Mode

In extended mode, the secondary link address field is a sequence of octets which comprises one address which may be a single, group, or global Secondary address. When the first bit of an address octet is "0", the following octet is an extension of the address field. The address field is terminated by an octet having a "1" in bit position one. Thus, the address field is recursively extendable. The format of the extended secondary link address field is:

X3S34/589
DRAFT 4
15 August 1975



4.4 Global Address

The address of eight "1" bits (11111111) is reserved as the global (universal, or broadcast) address.

The global address is used in situations where a specific Secondary address is not known (e.g., switched connection), or is not necessary to the situation (e.g., broadcast transmission).

4.5 Null Address

The address of eight "0" bits (00000000) is reserved as the null (no-station) address.

The null address is used in situations where it desired to exercise a station transmit ability without requiring remote station action or reply.

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

5.0 TRANSMISSION PARAMETERS AND FORMATS

5.1 Parameters

The various parameters associated with the transmission formats are described in the following sections.

5.1.1 Modulus

Each Information (I) frame is sequentially numbered and may have the value 0 through modulus minus 1 (where modulus is the modulus of the sequence numbers). Modulus equals 8 for the basic control field and 128 for the extended control field. The sequence numbers cycle through the entire range.

The maximum number of sequentially numbered I frames that the Primary or Secondary may have outstanding (i.e., unacknowledged) at any given time may never exceed one less than the MODULUS of the sequence numbers. This restriction is to prevent any ambiguity in the association of transmitted I frames with sequence numbers during normal operation and/or error recovery action. The number of outstanding I frames may be further restricted by either the sending or receiving station storage capability; e.g., the number of I frames that can be stored for transmission and/or retransmission in the event of a transmission error.

5.1.2 Frame Variables and Sequence Numbers

In ADCCP-Independent Numbering operation each addressed Secondary station maintains a separate (independent) Send Sequence Number, N(S), and a Receive Sequence Number, N(R), on the I frames it sends and receives. Each Secondary station then maintains an N(S) number on the frames it transmits to the Primary, and an N(R) number on the I frames it has correctly received from the Primary. In the same manner the Primary maintains separate N(S) and N(R) numbers for I frames sent to and received from each Secondary on the link.

X3S34/589
DRAFT 4
15 August 1975

5.1.3 Send State Variable, S

A Primary station and all Secondary stations capable of transmitting I frames have a state variable, S, which denotes the sequence number of the next in sequence I frame to be transmitted. S can take on the value 0 through MODULUS -1. (Where MODULUS is the modulus of the sequence numbering scheme and the numbers cycle through the entire range). The value of S is incremented by one with each successive I frame transmission, but cannot exceed N(R) of the last received frame by more than MODULUS -1.

5.1.4 Send Sequence Number, N(S)

Only I frames contain N(S), the sequence number of transmitted frame. Prior to transmission of an in sequence I frame, the value of N(S) is updated to equal the value of S.

5.1.5 Receive State Variable, R

A Primary station and all Secondary stations capable of receiving I frames have a state variable, R, which denotes the sequence number of the next in sequence I frame to be received. R can take on the values 0 through MODULUS -1 (where MODULUS is the modulus of the sequence numbering scheme and the numbers cycle through the entire range). The value of R is incremented by the receipt of an error free in sequence I frame whose send sequence number, N(S), equals R.

5.1.6 Receive Sequence Number, N(R)

All I frames and S frames contain N(R), the expected sequence number of the next received I frame. Prior to transmission or retransmission of a frame of the above types, the value of N(R) is updated to equal the current value of R. N(R) indicates that the station transmitting the N(R) has correctly received all I frames numbered up to and including N(R)-1.

5.1.7 Poll/Final, P/F, Bit

The Poll (P) bit is used by the Primary to solicit (poll) a response or sequence of responses from Secondary stations.

The Final (F) bit is used by a Secondary to:

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

1) indicate in ARM the response frame sent in reply to the receipt of a poll command.

2) in NRM to indicate the final frame transmitted as the result of a previous poll command.

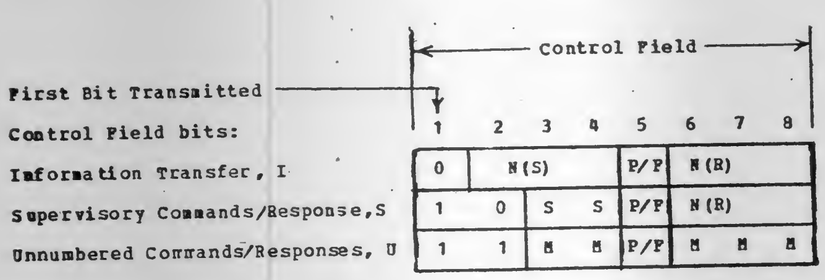
See Section 6.1 for further description of the P/F bit operation.

5.2 Control Field Formats

The three formats defined for the Control field are used to perform information transfer, basic supervisory control functions, and special or infrequent control functions.

5.2.1 Basic Control Field

The basic control field accommodates modulo 8 N(S) and N(R) sequence numbering.



Where: N(S) = Transmitting station send sequence number. (Bit 2 = Low Order Bit)
N(R) = Transmitting station receive sequence number. (Bit 6 = Low Order Bit)
S = Supervisory function bits
M = Modifier function bits
P/F = Poll bit - Primary transmissions. Final bit - Secondary transmissions.

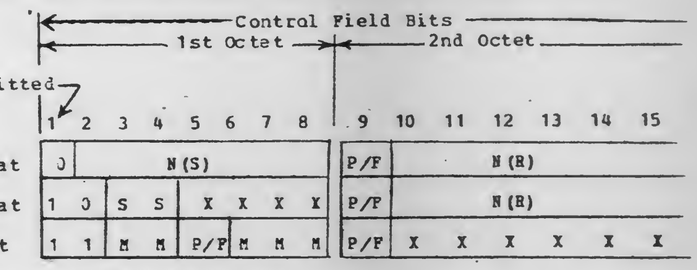
X3S34/589
DRAFT 4
15 August 1975

(1 = Poll/Final)

5.2.2 Extended Control Field

The extended control field accommodates modulo 128 N(S) and N(R) sequence numbering. (On long propogation delay links (e.g., satellite transmission) it is desirable for reasons of efficiency to extend the modulus of the sequence numbers N(S) and N(R). The method of extension is defined below.)

Control field extension for the three formats is as follows:



where X bits are reserved and set to "0"

5.3 Information Transfer Format - I

The I format is used by Primary and Secondary stations to perform an information transfer.

The functions of N(S), N(R), and P/F are independent; i.e., each I frame has an N(S) sequence number, the N(R) sequence number may or may not acknowledge additional I frames at the receiving station, and the P/F bit may or may not be set to "1".

5.4 Supervisory Format - S

The S format is used to perform link supervisory control functions such as acknowledge I frames, request retransmission of I frames, and indicate temporary interruption of capability to receive I/UI frames.

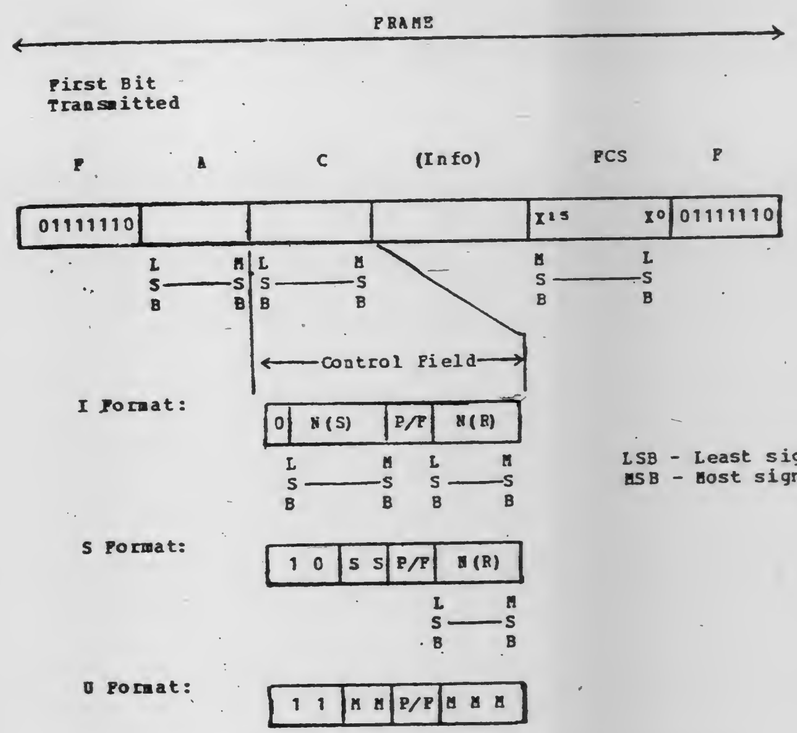
V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

5.5 Unnumbered Format - U

The U format is used to provide additional Primary and Secondary link control functions. This format contains no sequence numbers and consequently 5 "modifier" bit positions are available which allows definition of up to 32 additional command and 32 additional response functions.

X3S34/589
DRAFT 4
15 August 1975



POSITIONAL SIGNIFICANCE OF BITS IN FIELDS OF ADCCP BASIC FORMAT

Figure 5-1

5.6 Information Field

The information field contains any sequence of bits. The length of the information field is variable and is limited only by the maximum number of bits between flags that can be checked by the FCS.

5.7 Frame Check Sequence (FCS) Field

The FCS field is used to detect errors in the transmission of the address, control, and information fields. The FCS field is a 16 bit sequence. The FCS is the ones complement of the sum (modulo 2) of:

(a) The remainder of $x^k(x^{15}+x^{14}+x^{13}+x^{12}+x^{11}+x^{10}+x^9+x^8+x^7+x^6+x^5+x^4+x^3+x^2+x^1+1)$ divided (modulo 2) by the generator polynomial $x^{16}+x^{12}+x^5+1$, where k is the number of bits in the address, control, and information fields; and

(b) The remainder after multiplication by x^{16} and then division (modulo 2) by the generator polynomial $x^{16}+x^{12}+x^5+1$ of the contents of the address, control, and information fields.

As a typical implementation at the receiver, the initial remainder of the division is preset to all ones and then modified by division by the generator polynomial $x^{16}+x^{12}+x^5+1$ of the address, control, information, and FCS fields, provided that no bits are removed by bit stuffing. The result of this operation in the absence of transmission errors is the unique nonzero remainder $x^{15}+x^{14}+x^{12}+1$.

5.8 Flag Sequence

The flag sequence is the unique bit pattern 01111110 which is used to indicate the beginning and ending of a frame. Flags are continuously transmitted between frames on the link. The receiver continuously searches for the flag sequence to establish frame synchronization.

5.9 Transparency

Transparency is the capability to transmit any bit pattern in the information field. This is accomplished by the transmitting station inserting a 0 bit after every sequence of five contiguous 1 bits (including the last five bits of the FCS) to ensure that a flag sequence is not simulated. After receiving a flag sequence, the receiving station will monitor the bit sequences and remove any 0 bit that follows five contiguous 1 bits.

5.10 Abort

A station may abort a frame by transmitting at least seven contiguous 1 bits. The receiving station will discard the frame.

5.11 Idle Channel

The idle channel condition is a continuous binary 1 state. The idle channel condition may be used between frames.

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

6.0 SECONDARY MODES

6.1 Operational Modes

There are two link level operational modes: Normal Response Mode (NRM) and Asynchronous Response Mode (ARM). A Secondary in either of these modes is fully operational and capable of transmitting and receiving I, S, and U format frames.

Secondary stations do not queue sequential responses for command frames received. A Secondary station response is predicated on: 1) station status at that time the response is transmitted; 2) an exception condition previously established, or; 3) the previous receipt of a command which requires a specific response format.

6.1.1 Normal Response Mode, NRM

NRM is a Secondary station operational mode in which the Secondary station may initiate transmission only as the result of receiving a command frame with the Poll (P) bit set to "1". Upon receiving a command frame with the P bit set to "1" the Secondary station shall initiate a response transmission. The response transmission may consist of one or more frames while maintaining an Active Link State. In all cases the last frame of the response transmission will have the Final (F) bit set to "1". When the response frame with the F bit set to "1" is transmitted the Secondary station will stop transmitting and not initiate any additional transmission until a subsequent command frame is received with the P bit set to "1".

The N(R) number of a received frame which has the Poll (command) or Final (response) bit set to "1" will cause the receiving station to initiate appropriate recovery procedures if all I frames transmitted previous to and/or concurrent with the last frame which was transmitted with the Poll (Primary) or Final (Secondary) bit set to "1" have not been acknowledged. In all cases the receipt of an I or S format frame will confirm previously transmitted I frames through N(R)-1.

Normal Response Mode Extended, NRME, is operationally identical to NRM except that for the extended control field. See Section 5.2.2.

X3S34/589
DRAFT 4
15 August 1975

6.1.2 Asynchronous Response Mode, ARM

ARM is a Secondary station operational mode in which the Secondary station may initiate transmission without regard to the receipt of a command frame with the Poll bit set to "1". Asynchronous transmission may be initiated at the first respond opportunity, which for two-way alternate (TWA) transmission is detection of an Idle Link State, and for two-way simultaneous (TWS) transmission is immediately. An asynchronous transmission may contain multiple frames and is used to initiate information transfer (I/UI) and/or to report status changes in the Secondary Station, (e.g., N(R) number change, transition from a ready to a busy condition or vise versa, establishment of an exception condition.)

The Secondary station will transmit a frame with the Final bit set to "1" only in response to a received command frame with the Poll bit set to "1". Following the receipt of a command frame with the Poll bit set to "1" the Secondary station must initiate a response transmission with the Final bit set to "1". Additional response frames may be transmitted following the response frame which had the Final bit set to "1".

In the case of a TWS Secondary station which is in the process of transmitting when the command with the Poll bit set to "1" is received, the Final bit will be set to "1" in the earliest possible subsequent frame to be transmitted.

The N(R) number of a received frame which has the Poll (command) or Final (response) bit set to "1" will cause the receiving station to initiate appropriate recovery procedures if all I frames transmitted previous to and/or concurrent with the last frame which was transmitted with the Poll (Primary) or Final (Secondary) bit set to "1" have not been acknowledged.

In ARM a Secondary station has a response timer which will cause initiation of appropriate recovery procedures if previously transmitted frames have not been acknowledged by the Primary station within a system specified timeout period. Since simultaneous contention may occur in the case of TWA configurations, the interval employed by the Secondary station must be greater than that employed by the Primary station so as to permit contention situations to be resolved in favor of the Primary station.

V40245 DEC 19 75 XUM

Asynchronous Response Mode Extended, ARME, is operationally identical to ARM except for the extended control field. See Section 5.2.2.

6.2 Disconnected Modes

There are two link level disconnected modes: Normal Disconnected Mode (NDM) and Asynchronous Disconnected Mode (ADM). These disconnected modes are provided to prevent a Secondary from appearing on the link in a fully operational mode during unusual situations or exception conditions since such operation could cause 1) unintended contention in ARM, 2) sequence number mismatch between the Primary and Secondary, or 3) ambiguity in the Primary as to the Secondary status or mode.

In NDM or ADM the Secondary is logically disconnected from the data link; i.e., no information field (I/UI) or S frames are transmitted or accepted. The Secondary capability in either NDM or ADM is limited to 1) accepting one of the mode-setting commands, 2) transmitting a DM or RIM response frame at each respond opportunity, and 3) responding to an XID command.

A Secondary is system defined as to the condition(s) that cause it to assume one of the two predetermined modes (ADM or NDM).

Examples of possible conditions (in addition to receiving a DISC command) which may cause a Secondary to change to a disconnected mode are:

1. the Secondary power is turned on
2. the Secondary has a temporary loss of power
3. the Secondary link level logic is manually reset
4. the Secondary terminal is manually switched from a local (home) condition to a connected-to-the-link (on-line) condition.

A Secondary in NDM or ADM may not establish a Command Reject exception condition.

6.2.1 Normal Disconnected Mode, NDM

NDM is a Secondary disconnected mode in which the Secondary is logically disconnected from the data link (i.e., not in an operational status) and has normal mode respond opportunity protocol; i.e., it may initiate a response transmission (per Section 6.1.1) only as the result of receiving a command frame with the P bit set to "1".

In this mode a Secondary actions only mode setting and XID commands. Valid commands received with the P bit set to "1" cause a Secondary in NDM to respond with a Disconnect Mode (DM) response or, if the Secondary determines it is unable to continue functioning, a request for initialization (RIM). Valid commands received with the P bit set to "0" are ignored by the Secondary.

6.2.2 Asynchronous Disconnected Mode, ADM

ADM is a Secondary disconnected mode in which the Secondary is logically disconnected from the data link (i.e., not in an operational mode) and has asynchronous respond opportunity protocol; i.e., it may initiate a response transmission (per Section 6.1.2) in TWA exchange upon detection of an Idle Link State, and in TWS exchange at any time. Such a response transmission will only consist of a request for logical connection to the Primary (DM) or, a request for initialization (RIM) if the Secondary determines it is unable to continue functioning.

In this mode a Secondary actions only mode setting and XID commands.

6.3 Initialization Mode, IM

IM is a mode of operation in which the Secondary link control program is initialized or regenerated by Primary action. IM is invoked when a Primary concludes a Secondary is behaving abnormally and needs its link control program corrected, or to remotely upgrade the Secondary's link control program. In like manner a Secondary may determine it is unable to continue functioning due to program checks and request IM to obtain a good program from the Primary.

A Secondary enters the IM upon sending a UA response in reply to the receipt of a Set Initialization Mode (SIM)

V40245 DEC 19 75 XUM

command. The Secondary may request SIM by sending Request Initialization Mode (RIM). In IM, the Primary and Secondary may exchange information in any manner specified for that Secondary station (i.e., unformatted and unchecked bit streams, UI frames, or I frames). IM is ended when the Secondary receives, actions, and acknowledges (via a UA response) a mode setting command, i.e., SNRM, SARM, SNRME, SARME, or DISC.

7.0 COMMANDS AND RESPONSES

This standard defines the link control operation of each secondary station control in terms of command frames, response frames and internal modes. The actual link management procedure (i.e., sequence of commands and related responses) is application and link configuration dependent. Consequently, specific Primary command sequences are not defined but left to the designer of the primary link control.

Sections 7.1 through 7.3 contain the definition of the set of commands and responses (listed below) for each of the transmission formats.

Information Transfer Format Commands	Information Transfer Format Respons
I - Information	I - Information
Supervisory Format Commands	**Supervisory Format Responses**
RR - Receive Ready	RR - Receive Ready
RNR - Receive Not Ready	RNR - Receive Not Ready
REJ - Reject	REJ - Reject
SREJ - Selective Reject	SREJ - Selective Reject

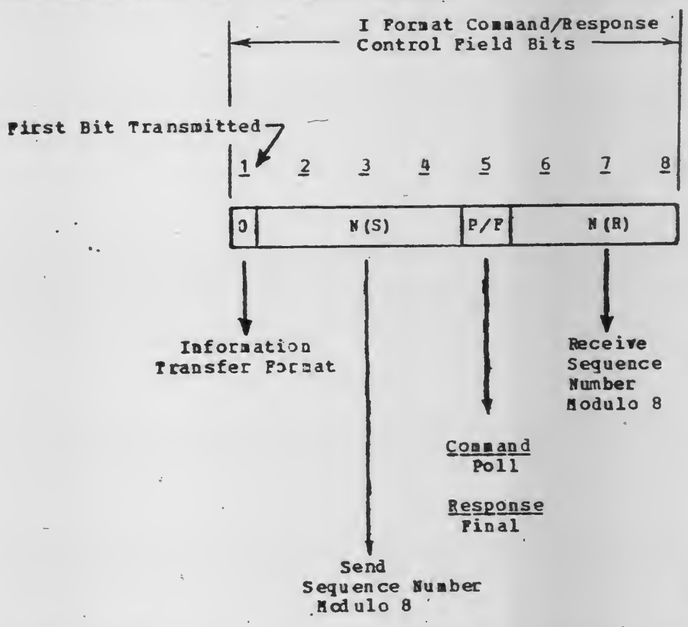
V40245 DEC 19 75 XUM

Unnumbered Format Commands	Unnumbered Format Responses
Mode Setting Commands	**Mode Setting Responses**
SNRM - Set Normal Response Mode	UA - Unnumbered Acknowledge
SARM - Set Asynchronous Response	DM - Disconnected Mode
SNRME - Set Normal Response Mode Extended	RIM - Request Initialization Mode
SARME - Set Asynchronous Response Mode Extended	RD - Request Disconnect
SIM - Set Initialization Mode	
DISC - Disconnect	
Information Transfer Commands	**Information Transfer Responses**
UI - Unnumbered Information	UI - Unnumbered Information
UP - Unnumbered Poll	
Recovery Commands	**Recovery Responses**
RSPR - Response Reject	CMDR - Command Reject
Miscellaneous Commands	**Miscellaneous Responses**
USER - User Defined (4 code positions)	USER - User Defined (4 code positions)
XID - Exchange Identification	XID - Exchange Identification

7.1 Information Transfer Format, I, Command and Response

The function of the Information, I, command and response is to efficiently transfer sequentially numbered frames containing an information field across a link.

The encoding of the I command/response control field is:



The I frame control field contains two sequence numbers: N(S), Send Sequence Number, which indicates the sequence number associated with the I frame; N(R), Receive Sequence Number which indicates the sequence number of the next expected I frame to be received (i.e., I frames numbered up to and including N(R)-1 have been correctly received).

An I frame with P bit set to "1" may be used to reset a busy condition that was initiated by the transmission of RNR. See Section 7.2.2.

See Section 6.1 for description of P/F bit operation.

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

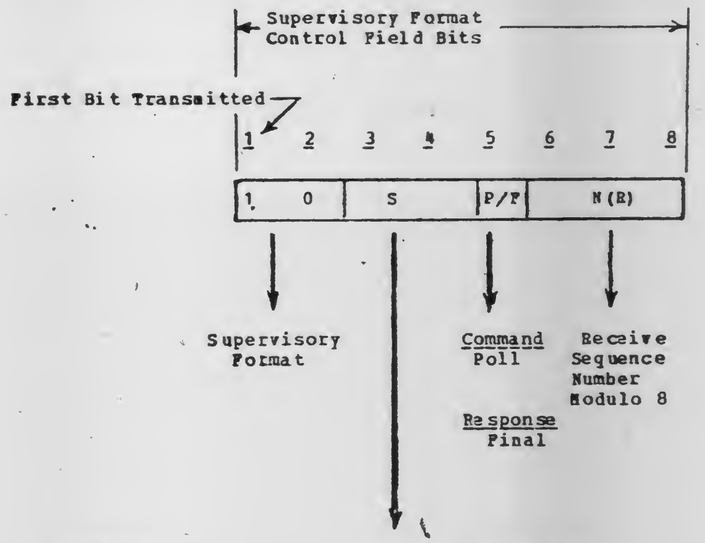
7.2 Supervisory Format, S, Commands and Responses

Supervisory, S, commands and responses are used to perform basic supervisory link control functions such as I frame acknowledgement, polling, temporary interruption of information (I/UI) transfer, and error recovery.

Frames with the S format do not contain an information field and therefore do not increment the Send Sequence Numbers N(S) at either the transmitting or receiving station.

X3S34/589
DRAFT 4
15 August 1975

The encoding of the S command/response control field is:



Commands		Responses
RR - Receive Ready	00	Receive Ready
RNR - Receive Not Ready	10	RNR - Receive Not Ready
REJ - Reject	01	REJ - Reject
SREJ - Selective Reject	11	SREJ- Selective Reject

A S frame contains an N(R), Receive Sequence Number, which indicates the sequence number of the next expected I frame to be received (i.e., all received I frames numbered up to and including N(R)-1 have been correctly received.) See Section 6.1 for description of the P/F bit operation.

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

7.2.1 Receive Ready, RR, Command and Response

The receive Ready, RR, is used by the Primary or Secondary to: 1) indicate it is ready to receive an I frame 2) acknowledge previously received I numbered up to and including N(R)-1.

The Primary may use the RR command with the Poll bit set to "1" to solicit responses from (poll) Secondary stations.

An RR frame may be used to reset a busy condition that was initiated by the transmission of RNR. See Section 7.2.2.

7.2.2 Receive Not Ready, RNR, Command and Response

The Receive Not Ready, RNR, is used by the Primary or Secondary to indicate a "busy" condition; i.e., the temporary inability to accept additional incoming information (I or UI) frames. I frames numbered up to and including N(R)-1 are acknowledged. I frame N(R) and any subsequent I frames received, if any, are not acknowledged; the acceptance status of these frames will be indicated in subsequent exchanges.

A Secondary station receiving an RNR frame when in the process of transmitting (i.e., a TWS station) is to stop transmitting at the earliest possible time by completing or aborting the frame in process.

The Primary station may use the RNR command with the Poll bit set to "1" to obtain the receive status of a Secondary station, The Secondary response will be either RR, RNR, or a U frame with the Final bit set to "1".

See Section 8.1, Busy Condition, for further details on RNR.

7.2.3 Reject, REJ, Command and Response

The Reject, REJ, is used by the Primary or Secondary to request retransmission of I frames starting with the frame numbered N(R). I frames numbered N(R)-1 and below are acknowledged. Additional I frames pending initial transmission may be transmitted following the retransmitted I frame(s).

X3S34/589
DRAFT 4
15 August 1975

Only one REJ exception condition, from a given station to another station, may be established at any given time; another REJ or SREJ may not be transmitted (i.e., actioned) until the first REJ exception condition has been cleared at the sender.

The REJ exception condition is cleared (reset) upon the receipt of an I frame with an N(S) number equal to the N(R) of the REJ command/response.

An REJ maybe used to reset a busy condition that was initiated by the transmission of RNR. See Section 7.2.2.

See Section 8.2 for sequence error recovery protocols.

7.2.4 Selective Reject, SREJ, Command and Response

The Selective Reject, SREJ, is used by the Primary or Secondary to request retransmission of the single I frame numbered N(R). I frames up to and including N(R)-1 are acknowledged.

The SREJ exception condition is cleared (reset) upon receipt of an I frame with an N(S) number equal to the N(R) of the SREJ command/response.

After a station transmits a SREJ it may not transmit SREJ or REJ for an additional sequence error until the first SREJ error condition has been cleared. (To do so would acknowledge as correctly received all I frames up to and including N(R)-1, where N(R) is the sequence number in the second SREJ or REJ.)

I frames that may have been transmitted following the I frame indicated by the SREJ command/response are not retransmitted as the result of receiving a SREJ. Additional I frames pending initial transmission may be transmitted following the retransmission of the specific I frame requested by the SREJ.

An SREJ may be used to reset a busy condition that was initiated by the transmission of RNR. See Section 7.2.2.

See Section 8.2 for sequence error recovery protocols.

V40#245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

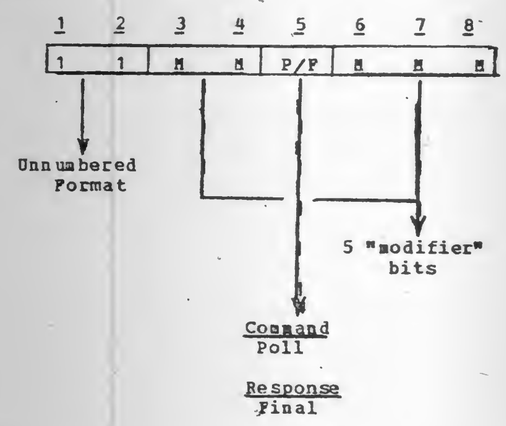
7.3 Unnumbered Format, U, Commands and Responses

Unnumbered, U, commands and responses are used by the Primary and Secondary to extend the number of link supervisory functions. U Frames do not increment the Send Sequence Numbers N(S) at either the transmitting or receiving station. Five "modifier" bits are defined which allow up to 32 additional supervisory functions.

The encoding of the U command/response control field is:

Unnumbered Format
Control Field Bits

First Bit Transmitted



See Section 6.1 for description of the P/F bit operation.

7.4 Unnumbered Format Commands

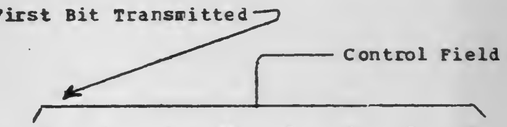
Unnumbered Format commands are grouped according to the function performed:

X3S34/589
DRAFT 4
15 August 1975

- Mode-Setting commands: SNRM, SARM, SNRME, SARME, SIM, DISC
- Information transfer commands: UI, UP
- Recovery commands: RSPR
- Miscellaneous commands: USER0, USER1, USER2, USER3, XID

The following U commands are defined; other commands may be defined in the future if required. All bit encodings not defined are reserved.

First Bit Transmitted



1	2	3	4	5	6	7	8	
1	1	0	0	P	0	0	1	SNRM Command
1	1	1	1	P	0	0	0	SARM Command
1	1	1	1	P	0	1	1	SNRME Command
1	1	1	1	P	0	1	0	SARME Command
1	1	1	0	P	0	0	0	SIM Command
1	1	0	0	P	0	1	0	DISC Command
1	1	0	0	P	0	0	0	UI Command
1	1	0	0	P	1	0	0	UP Command
1	1	1	0	P	0	0	1	RSPR Command
1	1	0	1	P	0	0	0	USER0 Command
1	1	0	1	P	0	0	1	USER1 Command
1	1	0	1	P	0	1	0	USER2 Command
1	1	0	1	P	0	1	1	USER3 Command
1	1	1	1	P	1	0	1	XID Command

See Section 6.1 for description of the P bit operation.

The SNRM, SARM, SNRME, SARME, SIM, RSPR, and DISC commands require the Secondary to acknowledge acceptance by responding with a single Unnumbered Acknowledgement, UA, frame at the first respond opportunity. The Secondary station transmission of a UA response following the receipt

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

of one of these commands takes precedence over any other responses which may be pending at the Secondary. If more than one of these U commands is received by a Secondary prior to a respond opportunity, a single UA response is transmitted that is referenced to the first such command received; i.e., any additional I, S or U commands subsequently received are monitored only to detect the next respond opportunity and then discarded.

The respond opportunity at the Secondary is determined by the mode setting command received (i.e., the mode to which the Secondary is directed dictates when the response is transmitted).

1. upon receipt of a SNRM or SNRME command with the P bit set to "1", the Secondary responds with a single UA frame with F bit set to "1"; if the SNRM or SNRME P bit is set to "0", the Secondary waits until a command frame with P bit set to "1" is received and then responds with a single UA frame with the F bit set to "1", or until a UP command (with P bit set to "0") is received and then responds with a single UA frame with the P bit set to "0".

2. upon receipt of a SARM or SARME command with or without the P bit set to "1" the Secondary will transmit a single UA frame:

   a. upon detection of an Idle Link State in TWA operation

   b. immediately in TWS operation.

   The UA frame will have the F bit set to "1" if the command has the P bit set to "1".

3. Upon receipt of a SIM or a DISC command the Secondary will respond with a single UA frame per its system defined respond opportunity; i.e., a given Secondary is system defined to always use the normal mode response opportunity or the asynchronous mode response opportunity.

NOTE: The protocol defined here requires that the Primary station restrict the transmission of U commands which require UA responses so that only one such command is

X3S34/589
DRAFT 4
15 August 1975

outstanding (not acknowledged) to any given Secondary at any given time. This eliminates the requirement for the Secondary to queue responses and prevents any ambiguity relative to the meaning of the UA response.

A TWA Secondary station, following the receipt of one of these U commands, is restricted to transmitting a single UA response frame. A TWS Secondary station which is transmitting concurrent to the receipt of one of these U commands will initiate transmission of a single UA response frame at the first respond opportunity. The Secondary may continue transmission following return of the UA response as appropriate to its respond mode.

7.4.1 Mode-Setting Commands

Mode-setting commands are used by the Primary to reset or change the mode of the addressed Secondary. Once established a mode remains in effect at a Secondary until the next mode-setting command is received and actioned.

7.4.1.1 Set Normal Response Mode, SNRM, Command

The SNRM command is used to place the addressed Secondary station in the NRM where all control fields are one octet in length. No information field is permitted with the SNRM command.

The Secondary station confirms acceptance of SNRM by transmission of a UA in the unextended control field format. Upon acceptance of this command the Secondary station send and receive counts are set to zero.

Previously transmitted I frames that are unacknowledged when this command is actioned remain unacknowledged. Transmission of SNRM indicates a reset of a Primary busy condition initiated by the transmission of RNR. See Section 7.2.2.

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

7.4.1.2 Set Asynchronous Response Mode, SARM, Command

The SARM command is used to place the addressed Secondary station in ARM where all control fields are one octet in length. No information field is permitted with the SARM command.

The Secondary confirms acceptance of SARM by the transmission of a UA response in the unextended control field format. Upon acceptance of this command the Secondary station send and receive sequence counts are set to zero.

Previously transmitted I frames that are unacknowledged when this command is actioned remain unacknowledged. Transmission of SARM indicates a reset of a Primary busy condition initiated by the transmission of RNR. See Section 7.2.2.

7.4.1.3 Set Normal Response Mode Extended, SNRME, Command

The SNRME command is used to place the addressed Secondary station in NRME where all control fields will be two octets in length as defined in Section 5.2.2. No information field is permitted with the SNRME command.

The Secondary station confirms acceptance of SNRME by transmission of a UA response in the extended control field format. Upon acceptance of this command the Secondary send and receive counts are set to zero.

Previously transmitted I frames that are unacknowledged when this command is actioned remain unacknowledged. Transmission of SNRME indicates a reset of a Primary busy condition initiated by the transmission of RNR. See Section 7.2.2.

7.4.1.4 Set Asynchronous Response Mode Extended, SARME, Command

The SARME command is used to place the addressed Secondary station in ARME where all command/response control fields will be two octets in length as defined in Section 5.2.2. No information field is permitted with the SARME command.

The Secondary station confirms acceptance of SARME by transmission of a UA response in the extended control field

X3S34/589
DRAFT 4
15 August 1975

format. Upon acceptance of this command the Secondary send and receive counts are set to zero.

Previously transmitted I frames that are unacknowledged when this command is actioned remain unacknowledged. Transmission of SARME indicates a reset of a Primary busy condition initiated by the transmission of RNR. See Section 7.2.2.

7.4.1.5 Set Initialization Mode, SIM, Command

The SIM command is used to cause the addressed Secondary to initiate a station-specified procedure(s) to initialize its link level control functions (e.g., accept a new program or update operational parameters). No information field is permitted with the SIM command.

The Secondary station confirms acceptance of SIM by transmission of a UA response. Upon acceptance of this command the Secondary station send and receive sequence numbers are set to zero.

Previously transmitted I frames that are unacknowledged when this command is actioned remain unacknowledged.

7.4.1.6 Disconnect, DISC, Command

The DISC command is used in switched networks to perform a physical disconnect; i.e., cause the addressed station to go "on-hook". It is also used in non-switched networks to perform a logical disconnect; i.e., inform stations that the Primary is suspending operation with that Secondary station. No information field is permitted with the DISC command.

Prior to actioning the command the Secondary confirms acceptance of DISC by the transmission of a UA response. The respond opportunity after receipt of DISC is dependent upon the response operation (Normal or Asynchronous) the Secondary assumes during disconnect and is system defined for any given Secondary. The respond opportunities are defined in Section 6.1 and 6.2. Upon actioning this command the Secondary station is placed in the unextended (i.e., single octet) control field mode.

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

Previously transmitted I frames that are unacknowledged when this command is actioned remain unacknowledged.

7.4.2 Unnumbered Information Transfer Commands

Unnumbered information transfer commands are used to exchange frames containing information.

7.4.2.1 Unnumbered Information, UI, Command

The UI command is used to transfer an information field across a link to a Secondary or group of Secondaries without impacting the Secondary I format sequence numbers, N(S) and N(R). Reception of the UI frame is not sequence number verified, therefore the information field may be lost if a link exception occurs during transmission of the UI, or duplicated if an exception occurs during any reply to the UI. Examples of UI frame information are status, operation interruption, temporal data (e.g., time-of-day), or link initialization parameters.

See Appendix B, 7.4.2.1 for additional explanatory information.

7.4.2.2 Unnumbered Poll, UP, Command

The UP command is used to solicit response frames from a single Secondary (Individual Poll) or from a group of Secondaries (Group Poll), by establishing a logical operational condition that exists at each addressed Secondary for one respond opportunity. (In the case of a Group Poll, the mechanism employed to control (schedule) the response transmissions (to avoid simultaneous transmissions) is considered to exist and is not defined in this standard.) Secondaries receiving UP with a group address will respond in the same manner as when addressed using an individual address. The response frame(s) will contain the sending Secondary's individual address, plus N(S) and N(R) numbers as required by the particular responses. (The continuity of each Secondary's N(S) count will be maintained.) The UP command does not acknowledge receipt of any response frames that may have been previously transmitted by the Secondary(s). No information field is permitted with the UP command.

X3S34/589
DRAFT 4
15 August 1975

A Secondary which receives a UP with the P bit set to "1" will respond (at its respond opportunity and consistent with its mode of operation) with a frame which has the F bit set to "1".

A Secondary which receives a UP with the P bit set to "0" may or may not respond depending on the status of the Secondary; Secondary responses sent in reply to this command will have the F bit is set to "0" in all frames of each Secondary's response. A Secondary will respond to a received UP which has the P bit set to "0" when: 1) it has an I/UI frame(s) to send, 2) it has received but not acknowledged an I frame(s) 3) it has experienced an exception condition or change of status that has not been reported, 4) it has a status that must be reported again (e.g., DM, CMDR).

7.4.3 Unnumbered Recovery Commands

Unnumbered recovery commands are used to facilitate the link level exception recovery protocol.

7.4.3.1 Response Reject, RSPR, Command

The RSPR command is used to report an error not recoverable by retransmission of the identical frame; i.e. one of the following conditions resulted from the receipt of an error free frame from the Secondary station:

1. The receipt of a response that is invalid or not implemented.

2. The receipt of an I/UI response with an information field which exceeded the maximum established length. (An RSPR condition will not be established upon receipt of an XID response frame with an information field that exceeds the maximum established storage capability of the Primary.)

3. The receipt of a response frame having an invalid N(R) number. (See 7.5.3.1 for definition of an invalid N(R) number.)

A Status field immediately following the control field is included with this command to provide the reason for the

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

RSPR. Refer to Section 7.5.3.1 for the size and content of the Basic Status field and Extended Status field except substitute "RSPR" for "CMDR", "response reject" for "command reject", and "Primary station" for "Secondary station".

The Secondary will, at the first respond opportunity following the receipt of RSPR, transmit 1) a UA, response to indicate it will take action to correct the RSPR condition, or 2) a CMDR, response to indicate that either no corrective action will be taken or that the RSPR command is not implemented.

RSPR with an on' all zeros information field (including w,x,y, and z all equal to zero) indicates an unspecified rejection of a response frame.

See also Section 8.4, Command-Response Reject.

7.4.4 Miscellaneous Commands

7.4.4.1 Exchange Identification, XID, Command

The XID command is used to cause the addressed Secondary station to identify itself, and optionally to provide Primary station identification to the addressed Secondary. An information field is optional with the XID command; if present the information field will be the Primary station ID. If no information field is present with the XID command the Primary station is scliciting the addressed Secondary station ID. A Secondary in any mode receiving an XID command will transmit an XID response unless 1) a set mode response (UA) is pending, or 2) a CMDR condition exists.

An RSPR condition will not establish if the received XID has an information field which exceeds the maximum extablished storage capability of the Primary.

7.4.4.2 User-Defined Commands (USER0, USER1, USER2, USER3)

Four User-Defined commands are specified to permit the implementer to define special system-dependent functions that do not have general applicability. The User-Defined commands are USER0, USER1, USER2, and USER3.

X3S34/589
DRAFT 4
15 August 1975

7.5 Unnumbered Responses

Unnumbered responses are grouped according to the function performed:

- Mode-setting responses: UA, DM, RIM
- Information transfer responses: UI
- Recovery responses: CMDR
- User-defined responses: USER0, USER1, USER2, USER3

The following Unnumbered responses are defined; other responses may be defined in the future if required. All bit encodings not defined are reserved.

Control Field Bits 1	2	3	4	5	6	7	8	
1	1	0	0	P	1	1	0	UA Response
1	1	1	1	P	0	0	0	DM Response
1	1	0	0	P	0	1	0	RD Response
1	1	1	0	P	0	0	0	RIM Response
1	1	0	0	P	0	0	0	UI Response
1	1	1	0	P	0	0	1	CMDR Response
1	1	0	1	P	0	0	0	USER0 Response
1	1	0	1	P	0	0	1	USER1 Response
1	1	0	1	P	0	1	0	USER2 Response
1	1	0	1	P	0	1	1	USER3 Response
1	1	1	1	P	1	0	1	XID Response

See Section 6.1 for description of the P bit operation

7.5.1 Mode-Setting Responses

Mode-setting responses are used by the Secondary to request transmission of, or to respond to the mode-setting commands of the Primary.

7.5.1.1 Unnumbered Acknowledge, UA, Response

The UA response is used to acknowledge the receipt and acceptance of the SNRM, SARM, SNRME, SARME, SIM, DISC, and RSPR Unnumbered commands defined in Sections 7.4.1 and 7.4.3. The UA response is transmitted in the basic or the extended control field format as directed by the received

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

Unnumbered command. No information field is permitted with the UA response. (See Section 7.4 for additional details)

7.5.1.2 Disconnected Mode, DM, Response

The DM response is used to report a non-operational status where the Secondary is logically disconnected from the link; i.e., the Secondary is, per system definition, in NDM or ADM. (See Section 6.2 for details.)

The DM response is sent by a Secondary in NDM or ADM (or equivalent state) to request the Primary to issue a set mode command, or, if sent in response to the reception of a set mode command, to inform the Primary that the Secondary is still in NDM/ADM and cannot action the set mode command. On a switched network where the call is initiated by a Secondary DM is sent to request a set mode command. On a non-switched line a Secondary in ADM may send the DM response at any respond opportunity. No information field is permitted with the DM response.

A Secondary in NDM or ADM will monitor received commands (other than those that reset the disconnected mode) only to detect a respond opportunity in order to (re)transmit DM (or RIM if initialization is required); i.e., no transmissions are accepted until the disconnected mode is reset by the receipt of SNRM, SARM, SNRME, SARME, or SIM.

See Appendix C, Example 5.5.

7.5.1.3 Request Disconnect, RD, Response

The RD response is used to indicate to the Primary that the Secondary wishes to be placed in disconnected mode (NDM or ADM). RD may be sent asynchronously if the Secondary is in ARM, or if in NRM as a response to a command with the P bit set to "1". A Secondary which has sent an RD response and receives any non DISC frame(s) must accept the command frame(s) if it is able to do so. If the Secondary accepts the non DISC command frame(s) it follows the normal ADCCP elements of procedures to respond to the Primary commands. Secondary acceptance of non DISC frames after having issued an RD response cancels the RD response. If the Secondary still wants to be placed in disconnected mode (NDM or ADM) which it must re-issue the RD response. A Secondary cannot accept non DISC commands frame(s) due to internal problems may

X3S34/589
DRAFT 4
15 August 1975

respond with RD again. No information field is permitted with the RD response.

7.5.1.4 Request Initialization Mode, RIM, Response

The RIM response is used to request the SIM command. A Secondary which has established a RIM condition will monitor any subsequently received commands (other than SIM or DISC) only to detect a respond opportunity to (re)transmit RIM; i.e., no transmissions are accepted until the RIM condition is reset by the receipt of SIM or DISC. No information field is permitted with the RIM response.

7.5.2 Unnumbered Information Transfer Responses

Unnumbered information transfer responses are used to exchange frames containing information.

7.5.2.1 Unnumbered Information, UI, Response

The UI response is used to transfer an information field across a link without impacting the Secondary I format sequence numbers, N(S) and N(R). Reception of the UI frame is not sequence number verified, therefore the information field may be lost if a link exception occurs during transmission of the UI, or duplicated if an exception occurs during any reply to the UI. Examples of UI frame information are status, operation interruption, temporal data, and link initialization parameters.

7.5.3 Unnumbered Recovery Responses

Unnumbered recovery responses are used to facilitate the link level exception recovery protocol.

7.5.3.1 Command Reject, CMDR, Response

The CMDR response is used to report an error condition not recoverable be retransmission of the identical frame; i.e., one of the following conditions resulted from the receipt of an error free frame from the Primary station:

1 the receipt of a command that is invalid or not implemented.

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

2 the receipt of an I/UI frame with an information field which exceeded the maximum established length. (A CMDR condition will not be established upon receipt of an XID command frame with an information field that exceeds the maximum established storage capability of the Secondary.)

3 the receipt of an invalid N(R) number from the Primary station.

An invalid N(R) is defined as a number which points to an I frame which has previously been transmitted and acknowledged, or to an I frame which has not been transmitted and is not the next sequential I frame pending transmission.

A Secondary in a disconnected mode (NDM or ADM) will not establish a CMDR condition.

CMDR Basic Status Field

A Basic Status Field, which immediately follows the basic control field is returned with this response to provide the reason for the Command Reject Response. The format for the Basic status field is:

← Basic Status Field Bits →

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Rejected Basic Control field								0	N(S)				0	N(R)			W	X	Y	Z

First Bit Transmitted

where:

Rejected Control Field is the control field of the received frame which caused the command reject

N(S) is the current N(S) number of the Secondary station

N(R) is the current N(R) number of the Secondary station

X3S34/589
DRAFT 4
15 August 1975

w set to "1" indicates the control field received and returned in bits 1 through 8 was invalid or not implemented

x set to "1" indicates the control field received and returned in bits 1 through 8 was considered invalid because the frame contained an information field which is not permitted with this command. Bit w must be set to "1" in conjunction with this bit.

y set to "1" indicates the information field received exceeded the maximum established capacity of the Secondary station. This bit is mutually exclusive with bit w above.

z if set to "1" indicates the control field received and returned in bits 1 through 8 contained an invalid N(R) number. This bit is mutually exclusive with bit w above.

If required, the Status field associated with the CMDR may be padded with zero bits to provide a modulo of the character width being used.

CMDR with an all zeros information field (including w,x,y and z all equal to zero) indicates an unspecified rejection of the command.

See also Section 8.4, Command-Response Reject

CMDR Extended Status Field

The format for the Extended Status field, which immediately follows the extended control field (see Section 5.2.2), returned with the CMDR response is:

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

First Bit Transmitted

Extended Status Field bits

1 — 16	17 18	24	25 26	32	33 — 36
Rejected Extended Control Field	0	N(S)	0	N(R)	WXYZ

7.5.4 Miscellaneous Responses

7.5.4.1 Exchange Identification, XID, Response

The XID response is used to reply to an XID command. An information field containing the Secondary station identification is optionally present with the XID response. A Secondary receiving an XID command will action the XID in any mode unless 1) a set mode response (UA) is pending or 2) a CMDR condition exists.

A CMDR condition will not be established if the received XID command has an information field which exceeds the maximum established storage capability of the Secondary.

On switched networks when the Secondary is the calling station it may use the XID response, which may contain an optional information field, to request an XID exchange. (See Section 10.0 Switched Network Conventions.)

7.5.4.2 User-Defined Responses (USER0, USER1, USER2, USER3)

Four User-Defined responses are specified to permit the implementer to define special system-dependent functions that do not have general applicability. The User-Defined responses are USER0, USER1, USER2, and USER3.

X3S34/589
DRAFT 4
15 August 1975

8.0 EXCEPTION CONDITION REPORTING AND RECOVERY

This section specifies the procedures to be observed to effect recovery following the detection/occurrence of an exception condition at the link level. Exception conditions described are those situations that may occur as the result of transmission errors, station malfunction or operational situations.

8.1 Busy Condition

A busy condition occurs when a station temporarily cannot receive or continue to receive I frames due to internal constraints, e.g., receive buffering limitations. The "busy" condition is reported by transmission of an RNR frame with the N(R) number of the first I frame that is expected. Traffic pending transmission at the busy station may be transmitted prior to or following the RNR. The continued existence of a busy condition must be reported by retransmission of RNR at each P/F frame exchange. See Section 8.1.3, Clearing Busy Condition.

8.1.1 Secondary Receipt of RNR

a. A Secondary transmitting in NRM will upon receipt of an RNR cease transmission at the earliest possible time. The frame in process may be completed or aborted, however transmission must be terminated in the usual manner; i.e., either ended with a frame with the P bit set to "1" (see Example 5.2.1, Appendix C) or going to the Idle Link State. The Secondary may resume transmission of I frames at the next poll command (an RR, REJ, SREJ, or I command frame with the P bit set to "1").

b. A Secondary transmitting in ARM will, upon receipt of an RNR, cease transmitting at the earliest possible time by completing or aborting the frame in process and going to the Idle Link State. If the RNR command frame had the P bit set to "1" the Secondary must transmit a frame with the F bit set to "1" before going to the Idle Link State. See Examples 5.4.1 and 5.4.3 in Appendix C. The Secondary must perform a Response/Command Time-out before resuming asynchronous transmission.

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

8.1.2 Primary Receipt of RNR

Primary receipt of an RNR indicates that the transmitting Secondary has a busy condition.

8.1.3 Clearing Busy Condition

The busy condition is cleared at the station which transmitted the RNR when the internal constraint ceases.

Clearance of the busy condition is reported to the remote station by transmission of an RR, REJ, or SREJ frame (with or without the P/F bit set to "1"), or by transmitting an I frame with the P/F bit set to "1".

8.2 N(S) Sequence Error

An N(S) sequence exception is established in the receiving station when an I frame received error free (no FCS error) contains an N(S) sequence number that does not agree with the stations N(R) sequence number. The receiving station does not acknowledge (increment its N(R) number) the frame causing the sequence error, or any I frames which may follow, until an I frame with the correct N(S) number is received.

A station which receives one or more valid I frames having sequence errors but otherwise error free will accept the control information contained in the N(R) number and the P/F bit to perform link control functions; e.g., to receive acknowledgement of previously transmitted I frames (via the N(R) number), to cause a Secondary station to respond (P bit set to "1"), and in NRM to detect that the Secondary will terminate transmission (F bit set to "1").

Following the occurrence of a sequence error one of the two following recovery protocols is implemented to achieve recovery. Which protocol is used is dependent upon whether the optional SREJ command/response is implemented by a given Secondary. Both BASIC and SREJ recovery protocols may be used on a link, but only one protocol is used at any given Secondary.

X3S34/589
DRAFT 4
15 August 1975

The two recovery protocols are:

a. BASIC Recovery (NB/NAB CLASSES) uses REJ and Poll/Final Bit frame exchange (described in Section 8.2.1); the recovery protocol causes retransmission of the missing I frame which caused the sequence error and all I frames which may have been transmitted following that frame.

b. SREJ Recovery (NS/NAS CLASSES) uses SREJ and REJ commands/responses (described in Section 8.2.2); the recovery protocol causes either retransmission of only the missing I frame which caused the sequence error (SREJ recovery), or retransmission of the missing I frame which caused the sequence error and all I frames which may have been transmitted following that frame (REJ recovery).

NOTE: In these two recovery protocols the exchange of P/F bit frames perform different functions:

1. in BASIC Recovery protocol the receipt of P/F bit frames can initiate retransmission of errored or lost I frames in the same manner as the receipt of a REJ. Retransmission of I frames begins at the N(R) sequence number in the REJ, the N(R) number in the P/F bit frame, or (in the case where the P/F bit is in a U frame) at the N(R) number that exists in the receiver at the time the P/F bit is received. See Appendix B, 8.2 for precautionary note.

2. in SREJ Recovery protocol the receipt of P/F bit frames is used to sense the failure of the first attempt at recovery; i.e., the P/F bit frame exchange detects that a transmitted SREJ or REJ was not correctly received at the remote station and must be retransmitted.

8.2.1 BASIC Recovery Capability (NB/NAB CLASSES)

8.2.1.1 REJ and Poll/Final Recovery

When a station has BASIC recovery capability (i.e. does not have the capability to receive the SREJ command/response) the recovery protocol is initiated by receipt of REJ, by the

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

exchange of N(R) numbers in Poll/Final frames, or by a system specified Response/Command Time-out; additionally, in TWA data exchange, recovery may be initiated by the receipt of an N(R) number that does not acknowledge all previously transmitted I frames.

8.2.1.2 REJ Recovery

The REJ command/response is primarily used to initiate more timely exception recovery (retransmission) following the detection of a sequence error than is possible by Poll/Final recovery; e.g., in TWS information transfer, if REJ is immediately transmitted upon detection of a sequence error, there is no requirement to wait for a Poll/Final frame exchange. See Examples 3.2.1, 3.3.1, 4.2.2, 4.3.1, 7.1.1 and 7.1.3 in Appendix C.

Only one REJ exception condition is established at any given time and the REJ command/response may be transmitted only one time when an REJ exception condition is established.

A station receiving REJ initiates retransmission of I frames starting with the I frame indicated by the N(R) number contained in the REJ frame.

The REJ exception condition is cleared (reset) upon the receipt of an I frame with a N(S) number equal to the N(R) number of the REJ command/response.

8.2.1.3 Poll/Final Recovery

If, following a sequence error, the REJ command/response is not received (i.e., either not transmitted or due to transmission errors) recovery is initiated by P/F bit exchange. (If no P/F bit exchange occurs, recovery is initiated by detection of an Idle Link State or a Response/Command Time-out.) Following the exchange of Poll/Final frames, sequential transmission of I frames (if available) is initiated starting with any previously transmitted but unacknowledged I frames or, if none, starting with additional I frames not previously transmitted. See Examples 1.2.2, 1.3.2, 2.2.2, 2.3.2, 4.3.3, 4.3.4, 7.1.2, 7.1.4 and 7.2.2 in Appendix C. A station in ARM TWS which has received and actioned a REJ

X3S34/589
DRAFT 4
15 August 1975

prior to or concurrent with the receipt of a Poll/Final frame will not additionally initiate Poll/Final recovery.

8.2.1.4 Response/Command Time-Out

Following the transmission of a frame to which a reply is expected, a no-response or lost-response condition is detected by the Response/Command Time-out. (See Section 9.0.) Upon expiration of the time-out function, one or more frames are retransmitted starting with the last N(R) sequence number received. See Examples 1.2.1, 1.2.3, 1.3.1, 1.3.3, 2.1.2, 2.2.1, 2.3.1, 2.3.3, 4.2.1, and 8.2 in Appendix C.

8.2.1.5 Receipt of N(R) in TWA Data Exchange

In TWA data exchange, when P/F bit frames are lost, in error or not exchanged, the receipt of an N(R) number which does not acknowledge all previously transmitted I frames will initiate (at the next respond opportunity) sequential retransmission of I frames not acknowledged. See Example 2.2.3 in Appendix C.

8.2.2 SREJ Recovery Capability (NS/NAS CLASSES)

8.2.2.1 SREJ/REJ Recovery

The SREJ command/response is primarily used to initiate more efficient error recovery by requesting the retransmission of a single I frame following the detection of a sequence error rather than the retransmission of the I frame requested plus all additional I frames which may have been subsequently transmitted. To improve transmission efficiency it is recommended that the SREJ command/response be transmitted as the result of the detection of a sequence error where only a single I frame is missing (as determined by receipt of the out-of-sequence N(S) number).

When SREJ/REJ error recovery protocol is used, retransmission of I frame(s) is initiated only upon recieipt of either a SREJ or REJ command/response as described below. If the SREJ or REJ is not received, or is received incorrectly by the remote station, it must be retransmitted before initiating error recovery.

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

8.2.2.2 SREJ Recovery

When an I frame sequence error is detected, the SREJ is transmitted at the earliest possible time. Although multiple SREJ (or multiple SREJ and one REJ) exception conditions may exist within a station only one exception recovery is actioned at any given time; i.e., after a station starts the SREJ recovery procedure it may not begin a second SREJ or a REJ recovery procedure until the first error condition has been cleared. For a given error condition the SREJ command/response is transmitted only one time in each Poll/Final frame exchange.

The SREJ exception condition at the sender is cleared (reset) upon the receipt of an I frame with an N(S) number equal to the N(R) of the SREJ command/response i.e., the missing I frame.

See Examples 3.2.2, 3.3.2, 4.2.3, 4.3.2, 7.2.1 and 7.2.3 in Appendix C.

8.2.2.3 REJ Recovery

In the event the sequence error is caused by two or more sequential I fames not being received, as determined by the received N(S) numbers, it is recommended that the REJ command/response be transmitted.

Only one REJ exception condition is established at any given time. (Note that there may be one or more SREJ exception conditions pending when the REJ exception condition occurs.) A station receiving REJ initiates retransmission of I frames starting with the I frame indicated by the N(R) number contained in the REJ frame.

The REJ exception condition is cleared (reset) upon the receipt of an I frame with an N(S) number equal to the N(R) of the REJ command/response.

NOTE: The following Examples in Appendix C have been specified for BASIC Recovery capability (Section 8.2.1, REJ Recovery) but also apply to the use of REJ in stations with SREJ Recovery capability: 3.2.1, 3.3.1, 4.2.2, 4.3.1, 7.1.1, and 7.1.3. in Appendix C.

X3S34/589
DRAFT 4
15 August 1975

8.2.2.4 Retransmission of SREJ or REJ

In the event the SREJ or REJ command/response is transmitted but not received by the remote station (i.e., due to a transmission error), it must be retransmitted following detection that it was not received. This detection will occur either at the exchange of P/F bit frames (as described below) or by a Response/Command Time-out. In either case the SREJ or REJ command/response is retransmitted so that the proper recovery action may be executed.

For example, in the case where a SREJ (or REJ) is transmitted by a Secondary but is not received correctly by the Primary, the Secondary senses the SREJ (or REJ) must be retransmitted when, following transmission of a response frame with the Final bit set to "1" concurrent with or after the SREJ (or REJ), the requested I frame(s) is not received by the Secondary prior to or concureent with the receipt of a command frame with the Poll bit set to "1". In other words, since the Secondary transmitted the SREJ (or REJ) concurrent with or before sending the response frame with the Final bit set to "1", then the I frame(s) requested by SREJ (or REJ) should be received prior to or concurrently with the next command frame with Poll bit set to "1". (See example 7.2.4 in Appendix C where SREJ is transmitted prior to response frame I3,1F but the requested I frame is not received prior to command frame I6,4P.)

In like manner if a Primary which has transmitted a SREJ (or REJ) does not receive the requested I frame(s) prior to or concurrent with receiving the response frame with the Final bit set to "1" which is itself in reply to the first command frame with the Poll bit set to "1" concurrent with or following the SREJ, it will retransmit the SREJ (or REJ).

In the event the remote station, due to a transmission error, does not receive (or receives and discards) a single I frame or the last I frame(s) in a sequence of I frames it will not detect an out-of-sequence exception condition and, therefore, will not transmit SREJ/REJ. The station which transmitted the unacknowledged I frame(s) will, following the completion of a system specified timeout period take appropriate recovery action to determine the point where retransmission must begin.

X3S34/5 89

X3S34/589
DRAFT 4
15 August 1975

In the event an SREJ is transmitted but not received (or is received in error and discarded) the station that transmitted the SREJ may convert the SREJ to REJ when again reporting the exception condition (e.g., if additional transmission errors have occured since the SREJ was first transmitted).

8.3 FCS Error

Any frame received with an FCS error is not accepted by the receiving station and is discarded. At the Secondary no action is taken as the result of that frame.

8.4 Command-Response Reject

A command-response reject exception condition is established upon the receipt of an error free frame which contains an invalid command/response in the control field, an invalid frame format, an invalid N(R) number or an information field which exceeded the maximum established storage capability.

At the Primary station this exception condition is subject to recovery/resolution at a higher function level.

At the Secondary station the exception condition is reported by transmitting a CMDR response to the Primary station for appropriate action. Once a Secondary station has established a CMDR exception any additional commands (other than those that reset the CMDR exception condition) subsequently received are examined only with regard to the state of the N(R) number and P bit; i.e., only to update the acknowledgement of I frames previously transmitted and to detect a respond opportunity to retransmit CMDR. No additional transmissions are accepted or actioned until the condition is reset by the receipt of a SNRM, SARM, SNRME, SARME, SIM, or DISC.

At the Secondary station the receipt of a Response Reject, RSPR is subject to recovery/resolution at a higher function level.

X3S34/589
DRAFT 4
15 August 1975

9.0 RESPONSE/COMMAND TIME-OUT

In order to detect a no-response or lost-response condition, each Primary shall provide a response time-out function. Also, in Asynchronous mode of operation in order to detect a no-response or lost-response condition, each Secondary shall provide a command time-out function.

9.1 Normal Response Mode

The transmission of any command with the P bit set to "1" requires a response and therefore starts the time-out function. (NOTE: No more than one poll may be outstanding at one time.)

The time-out function shall be restarted upon receipt of a valid frame.

The time-out function shall be stopped upon receipt of the expected response.

Expiration of the time-out function shall initiate appropriate recovery action.

The duration of the time-out function is system dependent and subject to bilateral agreement.

9.2 Asynchronous Response Mode

The transmission of any command with the P bit set to "1" requires a response and therefore starts the time-out function.

The time-out function shall be stopped upon receipt of a valid frame with the F bit set to "1".

Expiration of the time-out function shall initiate appropriate recovery action.

The duration of the time-out function is system dependent and subject to bilateral agreement.

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

10.0 SWITCHED NETWORK CONVENTIONS

Stations connected to a switched communications network may be capable of operation as primary stations only, as secondary stations only, or as either primary or secondary stations. The capabilities of the called station must be known at the calling station and the calling station must operate accordingly. If the called station is capable of operating either as a Primary or as a Secondary it

1) will implement the XID command and response, and

2) will determine which type of link control (Primary or Secondary) to invoke by recognition of either the remote station link address or identification (XID).

The calling or called station will initiate the transmission interchange first depending on the characteristics of the transmission network. When initiated by the secondary, it sends a single unsolicited Supervisory or Unnumbered response. When initiated by the primary, it sends any appropriate command with an appropriate address.

X3S34/589
DRAFT 4
15 August 1975

ASSUMED PRIMARY/SECONDARY ROLES ON SWITCHED NETWORK

CALLED \ CALLING	PRI	SEC	PRI/SEC
PRI	NA	P	P
SEC	S	NA	S
PRI/SEC	S	P	P/S

Pri = P = Primary
Sec = S = Secondary
Pri/Sec = P/S = Primary or Secondary
NA = Not Applicable

Figure 10-1

V40245 DEC 19 75 XUM

11.0 CLASSES OF PROCEDURES

All classes of procedures use the two frame formats as defined in Section 3.0 FRAME STRUCTURE. In addition, all procedures assume that the links include primary and secondary link controllers. Primary link controllers transmit commands (in frames with or without data), and secondary link controllers receive the command frames and transmit responses (in frames with or without data). The primary link controller is responsible for determining which commands to send, within the constraints of the standard.

Procedure differences, based on overall system consideration (e.g., network configuration, traffic management, etc.) are accommodated by defining two modes of operation - Asynchronous and Normal - and by defining various classes of procedures that utilize the capabilities of these modes together with the exception recovery characteristics specified within the standard. Individual classes implement a prescribed subset of the commands and responses defined in Section 7.0, COMMANDS AND RESPONSES. ("Implement" is defined at the Primary as the ability to receive all responses in the prescribed subset, and at the Secondary as the ability to receive all commands in the prescribed subset.)

APPENDIX B, ADDITIONAL INFORMATION, provides examples that illustrate how a point-to-point (P-P) Primary-to-Secondary (P-S) configuration(s) (described below in Section 11.1, and 11.2 Primary-to-Secondary Classes of Procedures) may be employed to yield balanced control or near-balanced control operation. These capabilities are in addition to the P-P Balanced Control Classes of Procedure (previously called "Primary/Primary") defined in Section 11.3.

11.1 Normal Response Mode (NRM) Primary to Secondary (P-S) Classes of Procedure

These classes of procedure are applicable to point-to-point (P-P) and multipoint (MP) link configurations. The Secondary station may transmit a frame or frames only as a result of the receipt of an appropriate command frame as described in Section 6.1.1, Normal Response Mode.

11.1.1 NB CLASS: Normal Response Mode - BASIC Exception Recovery Procedure

Stations operating in this mode may use the REJ command/response to solicit retransmission of any frame detected in error. The subsequent retransmission will consist of the frame in error plus any previously transmitted frames in accordance with Section 8.2.1.

The following commands and responses must be implemented in this class:

Commands	Responses
I	I
RR	RR
RNR	RNR
REJ	REJ
SNRM	UA
DISC	CMDR
RSPR	

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

11.1.2 NS CLASS: Normal Response Mode - SREJ Exception Recovery Procedure

Stations operating in the Normal Mode with Selective Reject capability can request retransmission of a single specified I frame without requiring retransmission of previously transmitted following frames; See section 8.2.2.

The following commands and Responses must be implemented in this class:

Commands	Responses
I	I
RR	RR
RNR	RNR
REJ	REJ
SREJ	SREJ
SNRM	UA
DISC	CMDR
RSPR	

11.2 Normal and Asynchronous Response Mode (NRM and ARM) Primary-to-Secondary (P-S) Classes of Procedure

11.2.1 NAB CLASS: Normal and Asynchronous Response Mode - BASIC Exception Recovery Procedure

In this class, in addition to the operation described in Section 11.1.1 above, the Primary station can condition a Secondary station(s) to transmit frames at any time independent of further action by the Primary; see Section 6.2, Asynchronous Response Mode.

The following commands and Responses must be implemented in this class:

Commands	Responses
I	I
RR	RR
RNR	RNR
REJ	REJ
SNRM	UA
SARM	CMDR
DISC	
RSPR	

11.2.2 NS CLASS: Normal and Asynchronous Response Mode - SREJ Exception Recovery Procedure

Stations operating in the Normal Mode with Selective Reject capability can request retransmission of a single specified I frame without requiring retransmission of previously transmitted following frames; See section 8.2.2.

The following commands and Responses must be implemented in this class:

Commands	Responses
I	I
RR	RR
RNR	RNR
REJ	REJ
SREJ	SREJ
SNRM	UA
SARM	CMDR
DISC	
RSPR	

11.3 Normal and Asynchronous Response Mode (NRM and ARM) Combined (C) Classes of Procedure

11.3.1 NAB CLASS: Normal and Asynchronous Response Mode - BASIC Exception Recovery Procedure

In this class, in addition to the operation described in Section 11.1.1 above, the Primary station can condition a Secondary station(s) to transmit frames at any time independent of further action by the Primary; see Section 6.2, Asynchronous Response Mode.

The following commands and Responses must be implemented in this class:

Commands	Responses
I	I
RR	RR
RNR	RNR
REJ	REJ
SNRM	UA
SARM	CMDR
DISC	
RSPR	

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

11.2.2 NAS CLASS: Normal and Asynchronous Response Mode - SREJ Exception Recovery Procedure

Stations operating in the Normal Mode with Asynchronous capability and with Selective Reject Operation can request retransmission of a single, specified information frame as described in Section 8.2.2.

The following commands and Responses must be implemented in this class:

Commands	Responses
I	I
RR	RR
RNR	RNR
REJ	REJ
SREJ	SREJ
SNRM	UA
SARM	CMDR
DISC	
RSPR	

11.3 Balanced Control Classes of Procedures (previously called "Primary/Primary")

These Balanced Control classes of procedures are restricted to point-to-point two-way simultaneous (P-P TWS), switched or non-switched transmission facility. See Figure 11-1. Each station is responsible for correction of errors associated with the traffic it originates. Each station can transmit frames at any time independent of action by the other station. Stations operating according to these classes of procedures use the Asynchronous Response Mode of operation. Each station maintains only one sequence number for all I frames transmitted and only one sequence number for all I frames accepted.

All Command frames specify the receiving station address. All Response frames specify transmitting station address.

The N(R) number in both Information and Supervisory formats indicates that the station transmitting the N(R) has

X3S34/589
DRAFT 4
15 August 1975

correctly received all information format frames numbered up to and including N(R)-1. See examples 8.1 and 8.2 in Appendix C.

11.3.1 BCB CLASS: Balanced Control - BASIC Exception Recovery Procedure

Stations operating in this class use the REJ command/response to solicit retransmission of any frame(s) detected in error. The subsequent retransmission will consist of the frame in error plus any previously transmitted following frames in accordance with Section 8.2.1.

The following commands and responses must be implemented in this class:

Commands	Responses
I	I
RR	RR
RNR	RNR
	REJ
RSPR	CMDR
SARM	UA
SARME	
DISC	

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

11.3.2 BCS CLASS: Balanced Control, SREJ Exception Recovery Procedure

Stations operating in this class have the option to request retransmission of a single, specified information frame without requiring retransmission of previously transmitted following frames, in accordance with Section 8.2.2.

The following commands and responses must be implemented in this class:

Commands	Responses
I	I
RR	RR
RNR	RNR
	REJ
	SREJ
RSPR	CMDR
SARM	UA
SARME	
DISC	

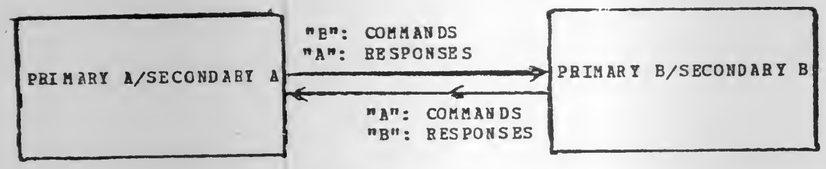


FIGURE 11-1

X3S34/589
DRAFT 4
15 August 1975

12.0 FRAME CHECK SEQUENCE (FCS) GENERATION AND CHECKING

This section specifies the FCS generation and checking requirements. These requirements are formulated to detect frame length changes due to erroneous addition or deletion of zero bits at the end of the frame as well as to detect errors introduced within the frame.

12.1 FCS Generation

The equations for FCS generation are:

$$\frac{X^{16} G(x) + X^{k} L(X)}{P(X)} = Q(X) + \frac{R(X)}{P(X)} \quad \text{and,}$$

$$FCS = L(X) + R(X) = R(X),$$

The division is modulo 2 and,

$L(X) = X^{15} + X^{14} + X^{13} + X^{12} + X^{11} + X^{10} + X^{9} + X^{8} + X^{7} X^{6} + X^{5} + X^{4} + X^{3} + X^{2} + X^{1} + 1,$

$R(X)$ = The remainder which is of degree less than 16.

k = The number of bits represented by $G(X)$,

$P(X)$ = The CCITT V.41 generator polynomial ($X^{16} + X^{12} + X^{5} + 1$), and

$G(X)$ = The message polynomial. It includes the contents of the address, control and information fields, excluding the zero bits inserted for transparency (see Section 3.7).

The generation of the remainder $R(X)$ differs from that used in conventional check sequence generation by the presence of the $X^{k} L(X)$ term in the generation equation. When the FCS generation is by the usual shift register technique, the $X^{k} L(X)$ term is added in either of two ways:

1. Preset the shift register to all ones rather than to all zeros as in conventional generation procedures. Otherwise, shift the data ($G(X)$) through the register as in conventional procedures, or,

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

2. Invert the first 16 bits of G(X) before shifting into the register and shift the remaining part of G(X) through uninverted. This requires that G(X) contain at least 16 bits.

Whether 1 or 2 is used, the shift register contents, after shifting through G(X), is R(X). These contents are inverted bit-by-bit and transmitted as the FCS sequence.

The transmitted sequence is always (in algebraic notation):

$$M(X) = X^{16} G(X) + FCS.$$

12.2 FCS Checking

The received sequence will be denoted M*(x), which differs from M(x) if transmission errors are introduced. The checking process always involves dividing the received sequence by P(x) and testing the remainder. Direct division, however, does not yield a unique remainder and it is expected that in most cases the received sequence will be modified for checking purposes by addition of terms which will cause the division to yield such a unique remainder when M*(x) = M(x), i.e., when the frame is error free.

Two classes of checking equations are given below:

1. $$\frac{X^{\gamma}[M^*(x) + X^{h}L(x)]}{P(x)} = Q(x) + \frac{R(x)}{P(x)}$$

In this case the unique remainder is the remainder of the division $X^{\gamma}\frac{L(x)}{P(x)}$

When $\gamma = 0$ the remainder is L(x) (16 ones).
When $\gamma = 16$ the remainder is $X^{12} + X^{11} + X^{10} + X^{8} + X^{3} + X^{2} + X + 1$ (0001110100001111 X^{15} through X^{0} respectively)

2. $$X^{\gamma}[M^*(x) + (X^{h}+1)L(x)] = Q(x) + \frac{R(x)}{P(x)}$$

In this case the unique remainder is always zero regardless of the value of γ.

Shift register implementation of the above equations normally use $\gamma = 16$ (pre-multiplication). When this is the

X3S34/589
DRAFT 4
15 August 1975

case, the added term X L(x) in both 1 and 2 is added by either inverting the first 16 received bits of M*(X) before shifting them through the checking register or by presetting the register to all 1's and shifting all of M*(X) through normally. Thus the receiver action on the leading portion of a frame is the same with either 1 or 2.

The + 1 of the term (X + 1)L(x) of the generation equation of 2 is added by inverting the FCS. This implies a 16 bit storage delay by the FCS function at the receiver since the location of the FCS is not known until the closing flag is received.

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

APPENDIX A - GLOSSARY

ABORT: A function invoked by a sending (PRIMARY or SECONDARY) station causing the recipient to discard (and ignore) all bit sequences transmitted by the sender since the preceding FLAG SEQUENCE.

ACCEPT: The condition assumed by a (PRIMARY or SECONDARY) station upon accepting a correctly received FRAME for processing.

ADCCP: Advanced Data Communication Control Procedures.

ADDRESS FIELD (A): The sequence of eight (or any multiple of eight if extended) bits immediately following the opening FLAG of a FRAME identifying the SECONDARY station sending (or designated to receive) the FRAME.

ADDRESS FIELD EXTENSION: Enlarging the ADDRESS FIELD to include more addressing information.

BASIC STATUS: A SECONDARY STATION's capability to send or receive a FRAME containing an INFORMATION FIELD.

COMMAND: The content of the CONTROL FIELD, of a COMMAND FRAME sent by the PRIMARY instructing the addressed SECONDARY to perform some specific LINK LEVEL function.

COMMAND FRAME: All FRAMES that may be transmitted by the PRIMARY are referred to as COMMAND FRAMES.

CONTROL FIELD (C): The sequence of eight (or sixteen if extended control field) bits immediately following the ADDRESS FIELD of a FRAME. The content the CONTROL FIELD is interpreted by the receiving:

(a) SECONDARY, designated by the ADDRESS FIELD, as a COMMAND instructing the performance of some specific function.

(b) PRIMARY, as a RESPONSE from the SECONDARY, designated by the ADDRESS FIELD, to one or more COMMANDS.

CONTROL FIELD EXTENSION: Enlarging the CONTROL FIELD to include additional control information.

X3S34/589
DRAFT 4
15 August 1975

(a) Is terminated by an ABORT Sequence, or

(b) Contains less than 32 bits before an apparent ending FLAG SEQUENCE is detected.

LINK LEVEL: The conceptual level of control or processing logic existing in the hierarchical structure of a (PRIMARY or SECONDARY) station that is responsible for maintaining control of the DATA LINK. The LINK LEVEL functions provide an interface between the station HIGH LEVEL logic and the DATA LINK; these functions include (transmit) bit injection and (receive) bit extraction, ADDRESS/CONTROL FIELD interpretation, COMMAND/RESPONSE generation, transmission and interpretation, and FRAME CHECK SEQUENCE computation and interpretation.

PRIMARY: That portion of the Primary station responsible for control of the DATA LINK. The PRIMARY generates COMMANDS and interprets RESPONSES. Specific responsibilities assigned to the PRIMARY include:

(a) Initialization of (data and control) information interchange

(b) Organization and control of data flow

(c) Retransmission control

(d) All recovery functions at the LINK LEVEL

RESPOND OPPORTUNITY: The LINK LEVEL logical control condition during which a given SECONDARY may transmit a RESPONSE FRAME(S).

RESPONSE: The content of the CONTROL FIELD of a Response Frame advising the PRIMARY with respect to the processing by the SECONDARY of one or more COMMAND FRAMES.

RESPONSE FRAME: All FRAMES that may be transmitted by a SECONDARY are referred to as RESPONSE FRAMES.

SECONDARY: That portion of a Secondary station responsible for performing LINK LEVEL operations, as instructed by the PRIMARY. A SECONDARY interprets received COMMANDS and generates RESPONSES.

V40 245 DEC 19 75 XUM

SECONDARY STATUS: The current condition of a SECONDARY with respect to processing the series of COMMANDS received from the PRIMARY.

UNNUMBERED COMMANDS: The commands that do not contain sequence numbers in the CONTROL FIELD.

UNNUMBERED RESPONSES: The responses that do not contain sequence numbers in the CONTROL FIELD.

APPENDIX B - ADDITIONAL INFORMATION

This appendix provides additional explanatory information to assist in the use of the standard. For ease of reference, the organization of this appendix is identical to that of the body of the standard.

3.4 Frame Structure, Information Field

Although the maximum length of the information field is theoretically unlimited it will be constrained by one or more of the folloying factors:

1 Error detection capability of the FCS

2 Channel error characteristics and data rates

3 Station buffer sizes and strategies

4 Logical properties of the data

3.1 Flag Sequence, and 3.8 Time Fill

Although this standard permits the closing flag of one frame to be the opening flag of the next frame, it must be recognized that in certain implementations this may result in crisis time problems. Under those conditions, it may be necessary to transmit interframe time fill. The amount of time fill must be determined by prior agreement.

3.9 IDLE Link State

Detection of an IDLE link condition may require the use of a timer or an alternate clock to determine receipt of a continuous one condition for 15 bit times if the link configuration does not provide clock signals in an IDLE condition.

7.4.2.1 Unnumbered Information, UI, Command

A Secondary must respond upon receipt of a UI command frame with the P bit set to "1"; the response shall be any appropriate frame(s), one of which will have the F bit set to "1". A UI command with the P bit set to "0" solicits no response.

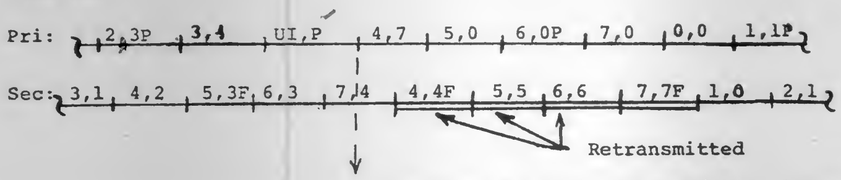
V40 245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

8.2 N(S) Sequence Error

In P/F bit recovery if the P or F bit is contained in a U frame, the N(R) number that exists at the receiver when P/F bit recovery is initiated can, under some circumstances, be incorrect. (See example below.) Therefore stations which initiate P/F bit recovery when the P/F bit is in a U frame must be prepared to receive retransmitted frames which have N(S) members that have been previously received and acknowledged. I frames are not lost or duplicated in these instances, however link efficiency is decreased due to the transmission of duplicate I frames.

ARM TWS



In previous Sec F-bit frame N(S)=5, however N(R) as received from Pri =4 (from frame 3,4), therefore begin P/F recovery

11.0 Classes of Procedures

There are two forms of point-to-point two-way simultaneous (P-P TWS) operations that are possible using Primary/Secondary configurations. They are:

A. Primary/Secondary ARM TWS
B. Primary/Secondary Back-to-Back ARM or NRM TWS

A. Primary/Secondary Asynchronous Response Mode (ARM) Operation.

Section 11.2 defines Primary-Secondary classes of operation that can be used in such a manner so as to provide a capability similar to Balanced Control (sometimes called "Primary/Primary") in which balanced information transfer in ARM is achieved with Primary function required in only one

X3S34/589
DRAFT 4
15 August 1975

station and Secondary function required in the other. See Figure B1. Balanced information transfer is achieved by virtue of symmetrical functional equivalency of the I, RR, RNR, REJ, SREJ and CMDR/RSPR commands and responses. Only the station designated as Primary, however, has the functional use of the mode setting and DISC commands for resetting or disconnecting logical link functions. The capability offered by this type of operation may indeed be satisfactory and optimal for a great many applications envisioned.

The independence of operation at each end of the link with regard to originating information transmission is illustrated in the examples in Section 9.0 of Appendix C for I frame transmission from Primary only, Secondary only, and simultaneous Primary and Secondary.

The two-station configuration in Figure B1 is extendable to a multipoint link configuration; i.e., one Secondary is placed in ARM (and operates point-to-point with the Primary) and all other Secondaries are sent a DISC command. Thus the Primary can perform balanced control type operation with one station at a time.

In case of failure of the TWS link, Primary/Secondary ARM has the ability to substitute a single dial-up line and operate in ARM TWA.

B. Back-to-Back Primary/Secondary Operation

For those cases where completely balanced and independent operation is desirable, the capability exists within the definition of Primary-Secondary operation to accomplish a "Balance Control" arrangement. This can be done in the following manner.

A Primary and Secondary link control function is required in each station with the use of two addresses (and associated sequence numbers) to direct transmissions received to either the Primary or Secondary link control function (see Figure B2). Primary A has use of the full repertoire of commands relative to Secondary B and Secondary B has use of the full repertoire of responses relative to Primary A. The same is also applicable between Primary B and Secondary A. Transmissions from Primary A to Secondary B and transmissions from Secondary A to Primary B are multiplexed

V40245 DEC 19 75 XUM

on a frame or frame basis as required in one direction of the TWS facility (i.e., in Figure B1 from right to left). Transmission from Primary B to Secondary A and transmissions from Secondary B to Primary A are similarly multiplexed in the other direction (i.e., in Figure B2 from left to right).

By this means logical interaction between Primary A and Secondary B is independent of the logical interaction between Primary B and Secondary A. There is no procedural restriction that information (data) flow be only from Primary function to Secondary function (i.e., the Secondary function may transmit I/UI frames, see Example 10.1 Appendix C), although this constraint may be accomplished if desirable in several different ways, e.g., at link level by use of BNR to Poll for non-information responses only (See Example 10.2 Appendix C) or by prior system agreement that the Secondary never transmit I/UI frames. (See Example 10.3 Appendix C)

Back-to-Back Primary-Secondary operation offers the flexibility of response in that each sublink (one Primary to one Secondary) may optionally be operated in either ARM or NRM; i.e., one Primary-Secondary pair could be operated in ARM, where the Secondary responds asynchronously, and the other Primary-Secondary pair in NRM, where the Secondary only responds when it receives a command frame with the P bit set to "1". The choice of ARM or NRM is a system option; e.g., depends upon whether it is desired to obtain the most immediate Secondary acknowledgment (by using ARM) or to limit the number of Secondary overhead responses (by setting the P bit to "1" only in every nth frame).

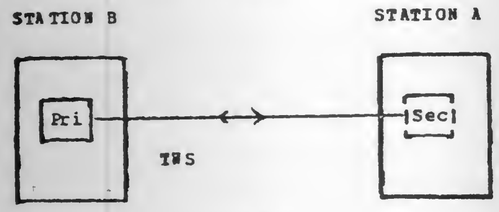


FIGURE B1

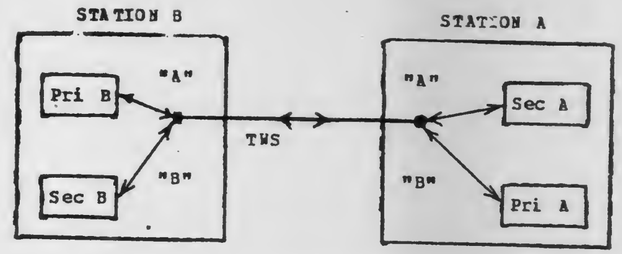


FIGURE B2

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

INDEX TO APPENDIX C EXAMPLES

		APPLICABLE CLASSES	TYPE OF RECOVERY ILLUSTRATED
1. NRM TWA EXAMPLES			
1.1 No Errors			
1.1.1	Secondary I Frames only	NB/NS	-
1.1.2	Primary I Frames only	NB/NS	-
1.1.3	Primary and Secondary Frames	NB/NS	-
1.2 Command Frame Errors			
1.2.1	Start-Up	NB/NS	TO
1.2.2	I Frame	NB	P/F
1.2.3	POLL Frame	NB	P/F
1.3 Response Frame Errors			
1.3.1	Start-Up	NB/NS	TO
1.3.2	I Frame	NB	P/F
1.3.3	FINAL Frame	NB	P/F
1.4 Command and Response Frame Errors			
1.4.1	Pri I and Sec FINAL frames	NB	P/F
2. ABM - TWA EXAMPLES			
2.1 No Errors			
2.1.1	Secondary I Frames only	NAB/NAS	-
2.1.2	Contention	NAB/NAS	-
2.2 Command Frame Errors			
2.2.1	Start-Up	NAB/NAS	TO
2.2.2	I Frame	NAB	P/F
2.2.3	POLL Frame	NAB	P/F
2.3 Response Frame Errors			
2.3.1	Start-Up	NAB/NAS	TO
2.3.2	I Frame	NAB	P/F
2.3.3	FINAL Frame	NAB	P/F

X3S34/589
DRAFT 4
15 August 1975

		APPLICABLE CLASSES	TYPE OF RECOVERY ILLUSTRATED
3. NRM - TWS EXAMPLES			
3.1 No Errors			
3.1.1	Secondary I Frames only	NB/NS	-
3.1.2	Primary I Frames only	NB/NS	-
3.1.3	Secondary and Primary I Frames	NB/NS	-
3.2 Command Frame Errors			
3.2.1	I Frame	NB	REJ
3.2.2	I Frame	NS	SREJ
3.3 Response Frame Errors			
3.3.1	I Frame	NB	REJ
3.3.2	I Frame	NS	SREJ
4. ABM - TWS EXAMPLES			
4.1 No Errors			
4.1.1	Intermittent I Frames From Pri & Sec	NAB/NAS	-
4.1.2	Continuous I Frames From Pri & Sec	NAB/NAS	-
4.2 Command Frame Errors			
4.2.1	Start-Up	NAB/NAS	TO
4.2.2	I Frame	NAB	REJ
4.2.3	I Frame	NAS	SREJ
4.2.4	I Frame	NAB	P/F
4.3 Response Frame Errors			
4.3.1	I Frame	NAB	REJ
4.3.2	I Frame	NAS	SREJ
4.3.3	I Frame	NAB	P/F

V40 245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

5. MODE CHANGING EXAMPLES

5.1 NRM to ARM - TWA Examples			
5.1.1	Orderly Change, Pri & Sec I Frames	NAB/NAS	-
5.1.2	Orderly Change, Pri Only I Frames	NAB/NAS	-
5.1.3	Orderly Change, Sec Only I Frames	NAB/NAS	-

X3S34/589
DRAFT 4
15 August 1975

		APPLICABLE CLASSES	TYPE OF RECOVERY ILLUSTRATED
5.2 NRM to ARM - TWS Examples			
5.2.1	Immediate Change, Pri & Sec I Frames	NAB/NAS	-
5.2.2	Orderly Change, Pri Only I Frames	NAB/NAS	-
5.2.3	Orderly Change, Sec Only I Frames	NAB/NAS	-
5.3 ARM to NRM - TWA Examples			
5.3.1	Orderly Change, Pri & Sec I Frames	NAB/NAS	-
5.3.2	Orderly Change, Pri Only I Frames	NAB/NAS	-
5.3.3	Orderly Change, Sec Only I Frames	NAB/NAS	-
5.4 ARM to NRM - TWS Examples			
5.4.1	Immediate Change, Pri & Sec I Frames	NAB/NAS	
5.4.2	Orderly Change, Pri Only I Frames	NAB/NAS	-
5.4.3	Immediate Change, Sec Only I Frames	NAB/NAS	-
5.5 NDM/ADM Examples			
5.5.1	NDM/ADM to APM - TWA	NAB/NAS	-
5.5.2	NDM/ADM to NRM - TWA	NAB/NAS	-
5.5.3	NDM/ADM TWA, Pri Actions Sec Request	NAB/NAS	-
5.5.4	NDM/ADM TWA, Pri Refuses Sec Request	NAB/NAS	-

6. CLOSING PROCEDURE EXAMPLES

6.1 NRM - TWA	NB/NS	-
6.2 NRM - TWS	NB/NS	-
6.3 ARM - TWA	NAB/NAS	-
6.4 ARM - TWS	NAB/NAS	-

V40245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

	APPLICABLE CLASSES	TYPE OF RECOVERY ILLUSTRATED
7. EXCEPTION RECOVERY - TWS EXAMPLES		
7.1 REJ + P/F Bit Exception Recovery		
7.1.1 NRM, SEC Receives REJ	NB	REJ
7.1.2 NRM, SEC Misses REJ	NB	P/F
7.1.3 ARM, SEC Receives REJ	NAB	REJ
7.1.4 ARM, SEC Misses REJ	NAB	P/F
7.2 SREJ & REJ Exception Recovery		
7.2.1 NRM TWS, Pri Receives	NS	SREJ
7.2.2 NRM TWS, Pri Misses SREJ	NS	Errored SREJ
7.2.3 ARM TWS, Pri Receives SREJ	NAS	SREJ
7.2.4 ARM TWS, Pri Misses SREJ	NAS	Errored SREJ
7.2 SREJ + REJ Exception Recovery		
7.2.1 NRM, Pri Receives SREJ	NS	SREJ
7.2.2 NRM TWS, Pri Misses SREJ	NS	Errored SREJ
7.2.3 ARM TWS, Pri Receives SREJ	NAS	SREJ
7.2.4 ARM TWS, Pri Misses SREJ	NAS	Errored SREJ
8. BALANCED CONTROL OPERATION EXAMPLES		
8.1 Continuous I Frames	BCB/BCS	-
8.2 Intermittent I Frames	BCB/BCS	-
9. ARM TWS POINT-TO-POINT		
9.1 Continuous Pri & Sec I Frames	NAB/NAS	-
9.2 Continuous Pri & Intermittent Sec I Frames	NAB/NAS	-
9.3 Intermittent Pri & Continuous Sed I Frames	NAB/NAS	-
10. DOUBLE PRIMARY & SECONDARY ARM TWS POINT-TO-POINT EXAMPLES (Called BACK-TO-BACK)		
10.1 Start-UP/Continuous Pri & Sec I Frames	NAB/NAS	-

X3S34/589
DRAFT 4
15 August 1975

10.2 Start-Up Continuous Pri Only I Frames (via RNR)	NAB/NAS	-
10.3 Start-UP/Continuous Pri Only I Frames (prior agreement)	NAB/NAS	-

X3S34/589
DRAFT 4
15 August 1975

	APPLICABLE CLASSES	TYPE OF RECOVERY ILLUSTRATED
11. ARM TWS MULTIPOINT EXAMPLES		
11.1 Continuous Pri & Sec I Frames	NAB/NAS	-
11.2 Continuous Pri & Intermittent Sec I Frames	NAB/NAS	-
11.3 Intermittent Pri & Continuous Sec I Frames	NAB/NAS	-
12. DOUBLE PRIMARY & SECONDARY ARM TWS MULTIPOINT EXAMPLES (Called BACK-TO-BACK)		
12.1 Start-UP/Continuous Pri & Sec I Frames	NAB/NAS	-
12.2 Start-Up Continuous Pri Only I Frames (via RNR)	NAB/NAS	-
12.3 Start-UP/Continuous Pri Only I Frames (prior agreement)	NAB/NAS	-

X3S34/589
DRAFT 4
15 August 1975

	APPLICABLE CLASSES	TYPE OF RECOVERY ILLUSTRATED
13. ARM TWS MULTIPOINT EXAMPLES		
13.1 Continuous Pri & Sec I Frames	NAB/NAS	-
13.2 Continuous Pri & Intermittent Sec I Frames	NAB/NAS	-
13.3 Intermittent Pri & Continuous Sec I Frames	NAB/NAS	-
14. DOUBLE PRIMARY & SECONDARY ARM TWS MULTIPOINT EXAMPLES (Called BACK-TO-BACK)		
14.1 Start-UP/Continuous Pri & Sec I Frames	NAB/NAS	-
14.2 Start-Up Continuous Pri Only I Frames (via RNR)	NAB/NAS	-
14.3 Start-UP/Continuous Pri Only I Frames (prior agreement)	NAB/NAS	-

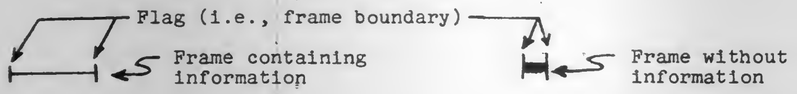
V40 #245 DEC 19 75 XUM

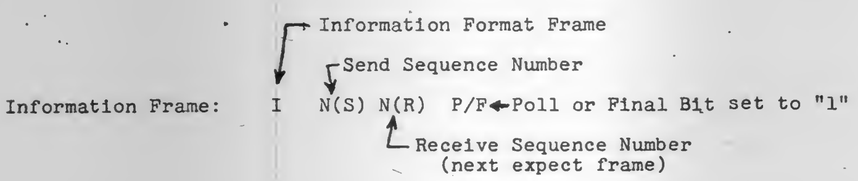
C-6

APPENDIX C: EXAMPLES OF THE USE OF COMMANDS AND RESPONSES

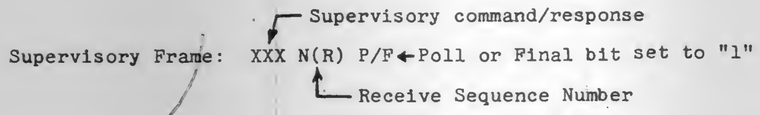
The examples in Appendix C are offered for illustrativ purposes only and should not be interpreted as establishing any protocol; the exchange of the various command and response frames is limited only by the rules specified in the standard.

The notation used in the Appendix C diagrams is illustrated below:





Example: Pri xmits: I2,6P. This denotes a Primary Information format frame with sequence number 2, the next expected frame from the Secondary is sequence number 6 (frames numbered 5 and below are therefore acknowledged) and the Poll bit is set to "1" (i.e., the Secondary is to initiate transmission with Information format frames if available).



Example: Pri xmits: RR2P. This denotes a Receive Ready (RR) command, N(R)=2 (i.e., the next expected frame from the Secondary is sequence number 2), and the Poll bit is set to "1".

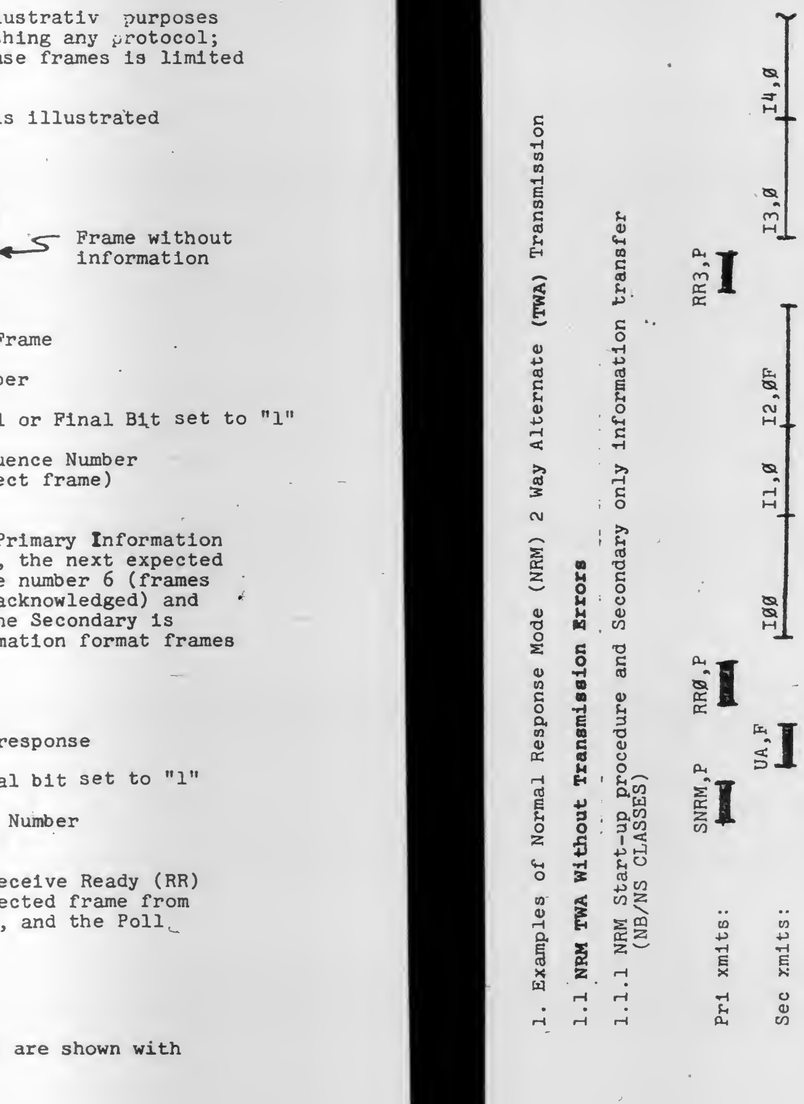
NOTE: Retransmitted Information format frames are shown with a double line; i.e., ═══ .

C-1

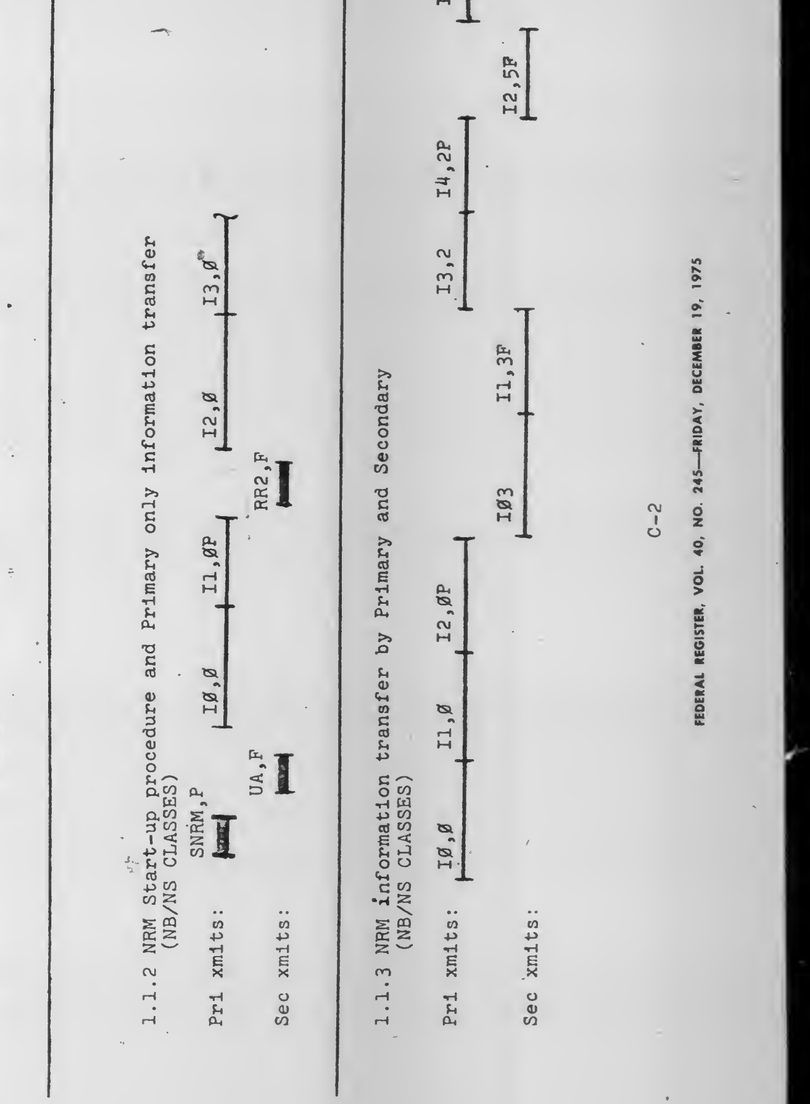
1. Examples of Normal Response Mode (NRM) 2 Way Alternate (TWA) Transmission

1.1 **NRM TWA Without Transmission Errors**

1.1.1 NRM Start-up procedure and Secondary only information transfer (NB/NS CLASSES)



1.1.2 NRM Start-up procedure and Primary only information transfer (NB/NS CLASSES)



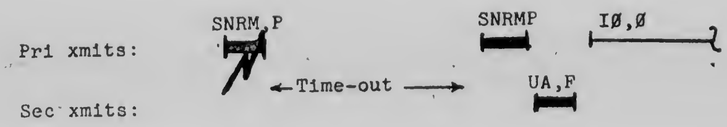
1.1.3 NRM information transfer by Primary and Secondary (NB/NS CLASSES)

C-2

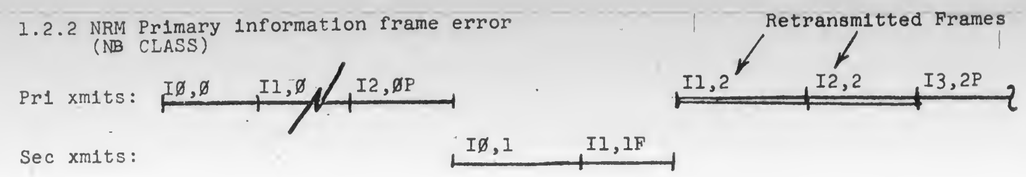
V40245 DEC 19 75 XUM

1.2 **NRM TWA with transmission errors in command frames**

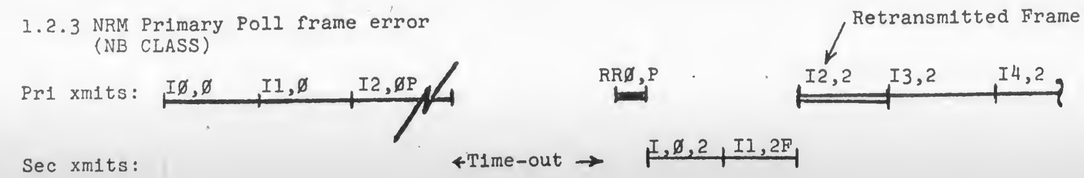
1.2.1 NRM Start-up command error
(NB/NS CLASSES)



1.2.2 NRM Primary information frame error
(NB CLASS)

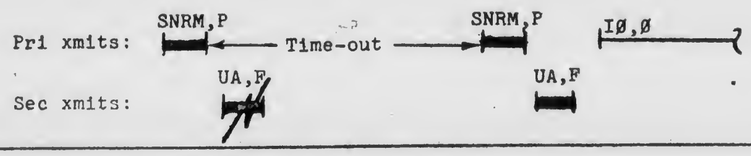


1.2.3 NRM Primary Poll frame error
(NB CLASS)

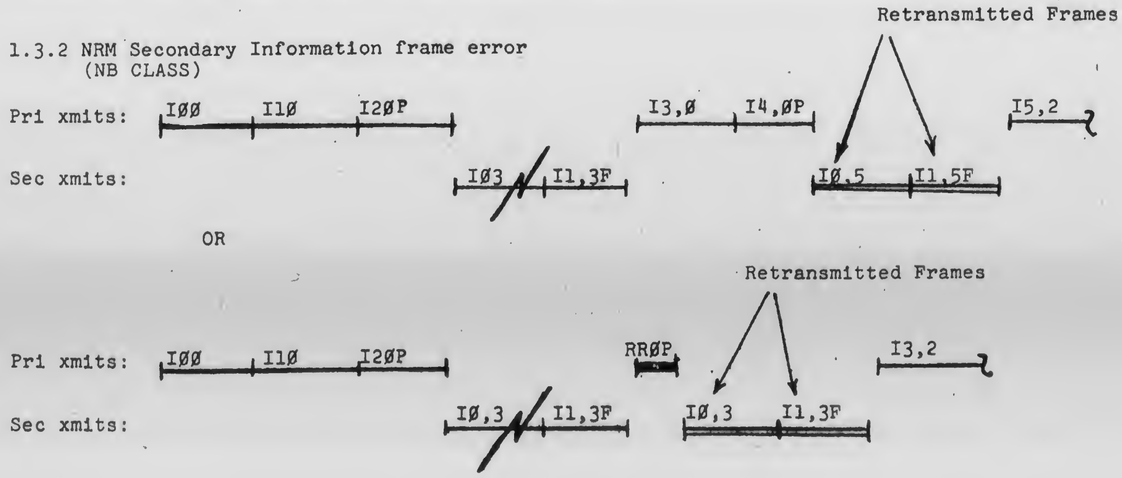


1.3 NRM TWA with transmission errors in response frames

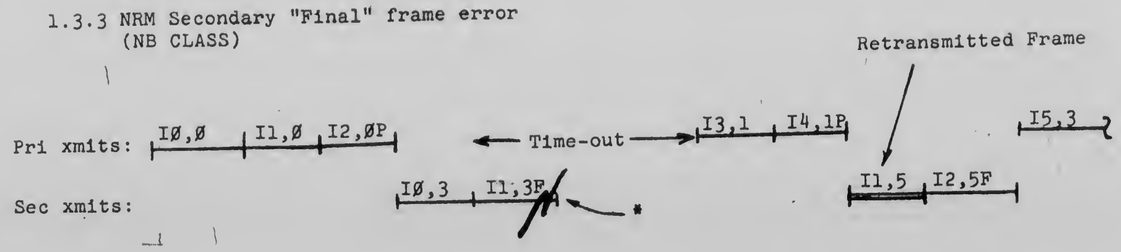
1.3.1 NRM Start-up response error
(NB/NS CLASSES)



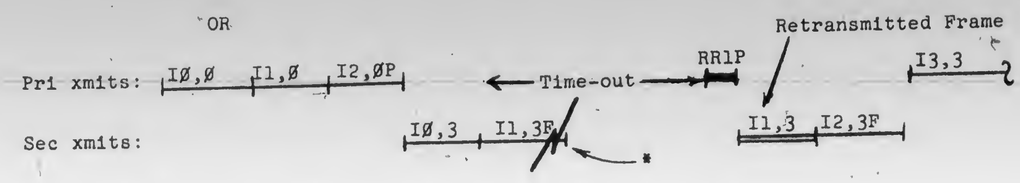
1.3.2 NRM Secondary Information frame error
(NB CLASS)



1.3.3 NRM Secondary "Final" frame error
(NB CLASS)

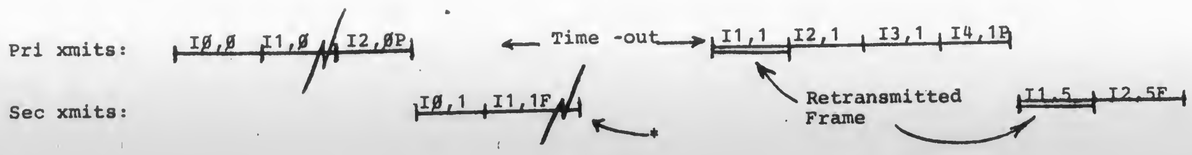


OR



1.4 NRM TWA Command and Response Frame Errors

1.4.1 NRM TWA Primary I and Secondary "Final" I Frame Errors
(NB/NAB CLASSES)

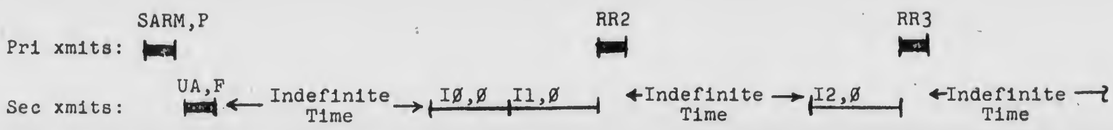


* Idle Link State detection may be used in place of Time-out to initiate Primary Transmission.

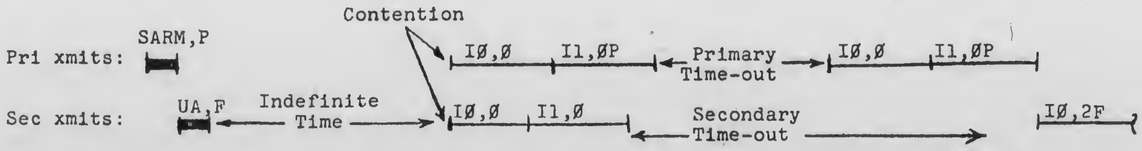
2. Examples of Asynchronous Response Mode (ARM) 2-Way Alternate (TWA) Transmission

2.1 ARM TWA Without Transmission Error

2.1.1 ARM Start-up procedure and Secondary only information transfer

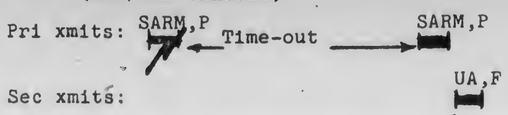


2.1.2 ARM Primary and Secondary information transfer with contention situation
(NAB/CLASS)



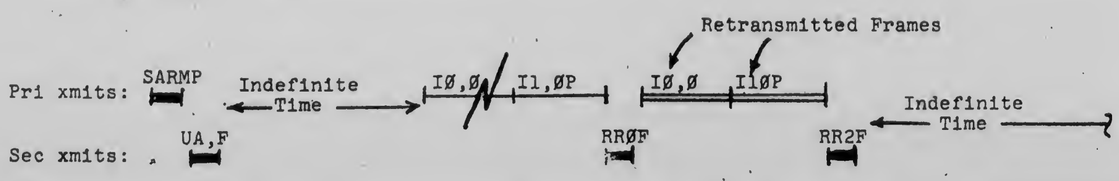
2.2 ARM TWA With Transmission Errors in Command Frames

2.2.1 ARM Start-up command error
(NAB/NAS CLASSES)

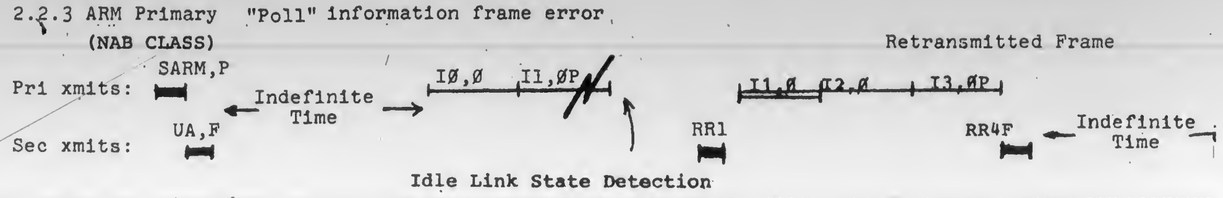


NOTE: All turnarounds in ARM TWA are by means of Idle Link State detection.

2.2.2 ARM Primary information frame error
(NAB CLASS)



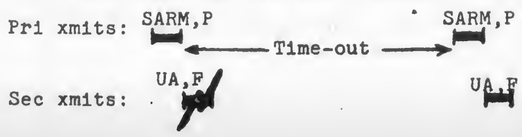
2.2.3 ARM Primary "Poll" information frame error
(NAB CLASS)



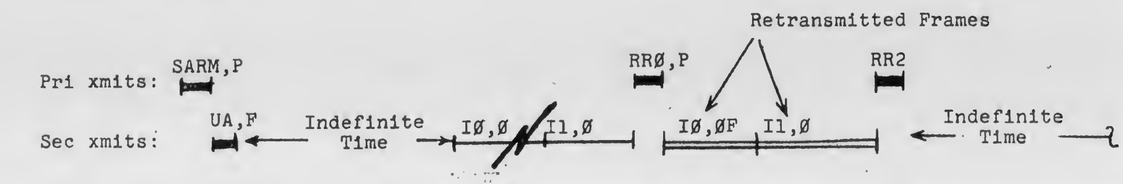
Idle Link State Detection

2.3 ARM TWA With Transmission Errors in Response Frames

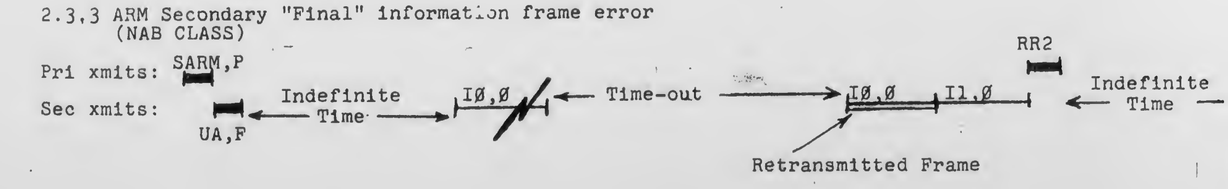
2.3.1 ARM Start-up (NAB/NAS CLASSES)



2.3.2 ARM Secondary information frame error
(NAB CLASS)



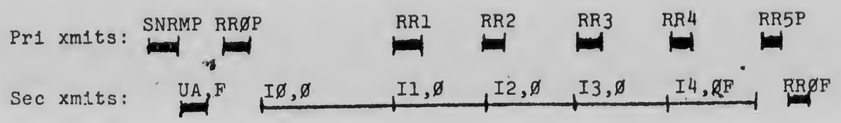
2.3.3 ARM Secondary "Final" information frame error
(NAB CLASS)



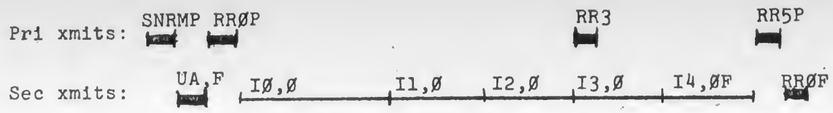
3. Examples of Normal Response Mode (NRM) 2-Way Simultaneous (TWS) Transmission

3.1 NRM TWS Without Transmission Errors

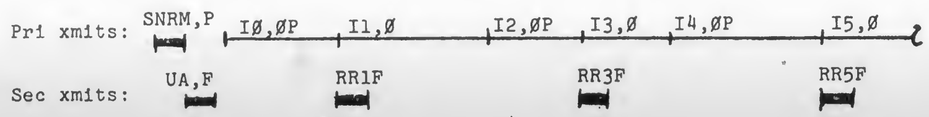
3.1.1 NRM Start-up procedure and Secondary only information transfer (NB/NS CLASSES)



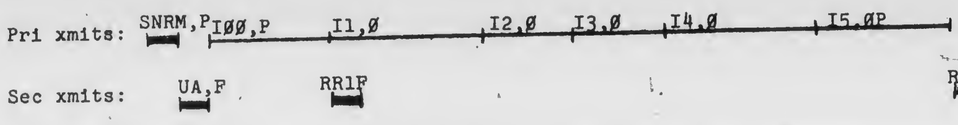
OR (where Primary acknowledgements are returned for several response frames)



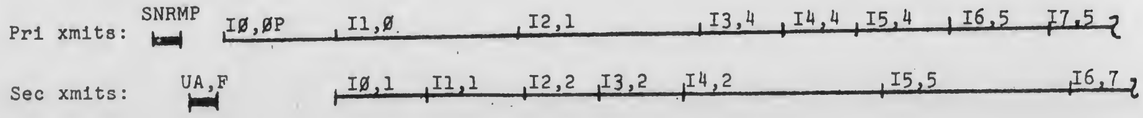
3.1.2 NRM Start-up procedure and Primary only information transfer (NB/NS CLASSES)



OR (where Primary sets Poll bit to "1" to solicit acknowledgement for several frames)

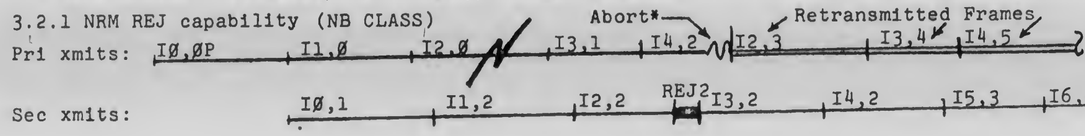


3.1.3 NRM Start-up procedure and Primary/Secondary information transfer (NB/NS CLASSES)



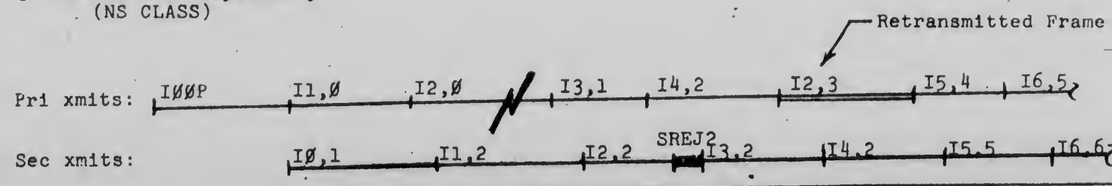
3.2 NRM TWS With Transmission Errors in Command Frames

3.2.1 NRM REJ capability (NB CLASS)



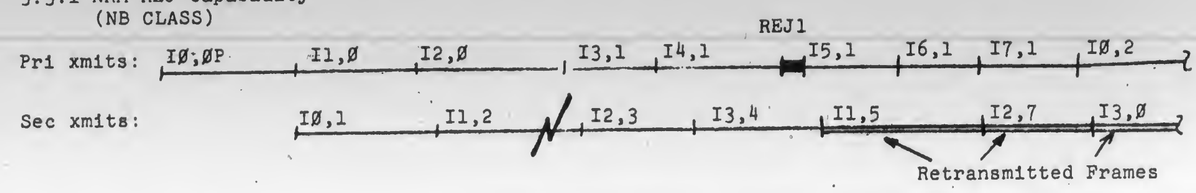
* Optional: Frame maybe completed or aborted

3.2.2 NRM SREJ capability
(NS CLASS)

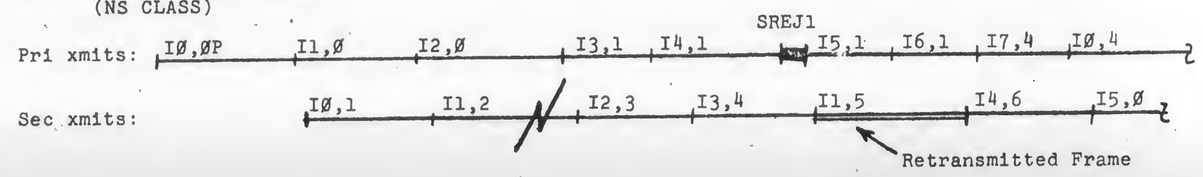


3.3 NRM TWS With Transmission Errors in Response Frames

3.3.1 NRM REJ capability
(NB CLASS)



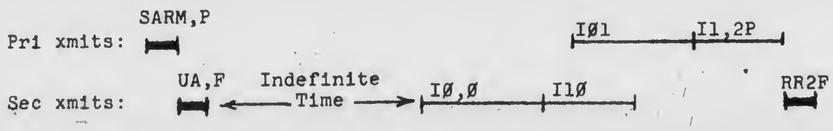
3.3.2 NRM SREJ capability
(NS CLASS)



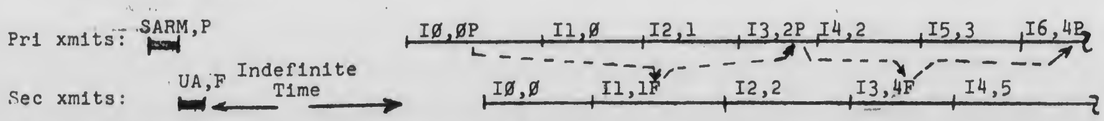
4. Examples of Asynchronous Response Mode (ARM) 2-Way Simultaneous (TWS) Transmission

4.1 ARM TWS Without Transmission Errors

4.1.1 ARM Start-up procedure and intermittent Secondary or Primary information transfer
(NAB/NAS CLASSES)

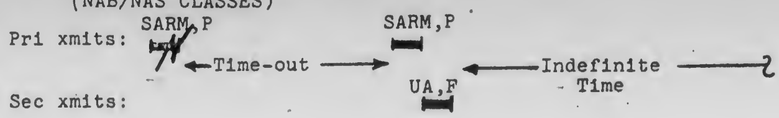


4.1.2 ARM Start-up procedure and continuous Primary Secondary information transfer
(NAB/NAS CLASSES)

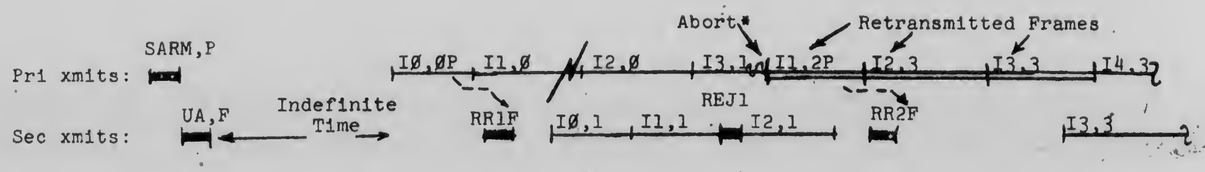


4.2 ARM TWS With Transmission Errors in Command Frames

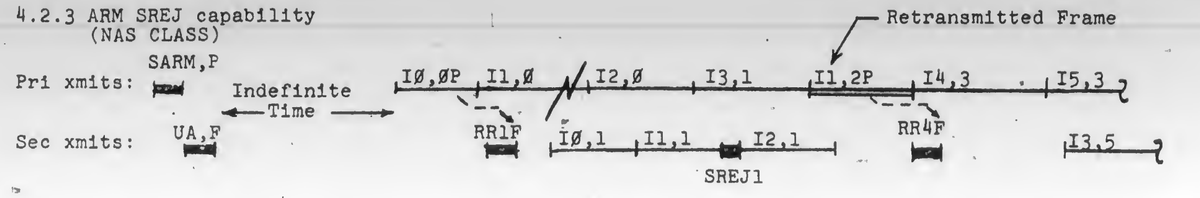
4.2.1 ARM Start-up command error
(NAB/NAS CLASSES)



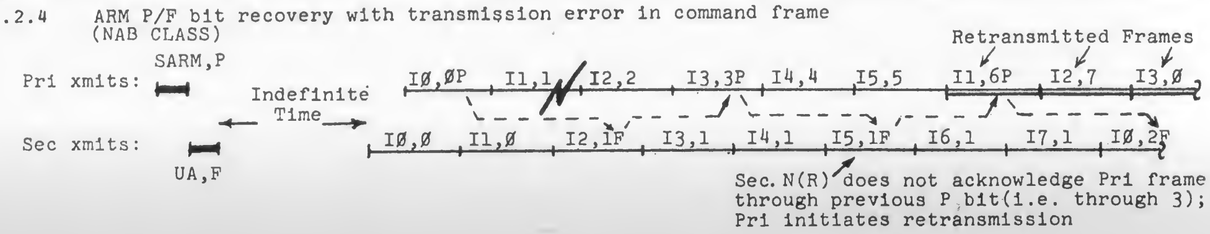
4.2.2 ARM REJ capability
(NAB CLASS)



4.2.3 ARM SREJ capability
(NAS CLASS)



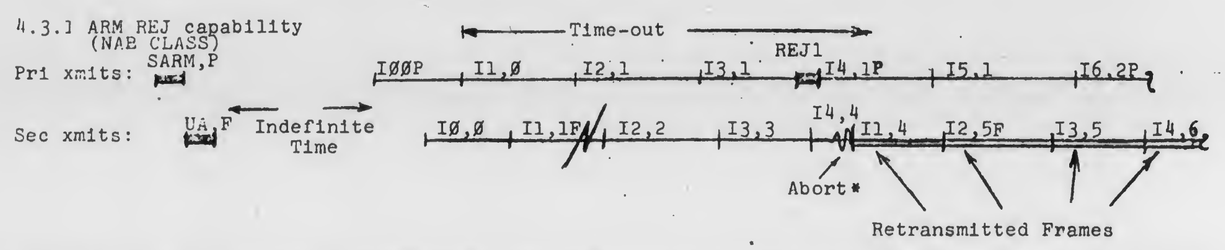
4.2.4 ARM P/F bit recovery with transmission error in command frame
(NAB CLASS)



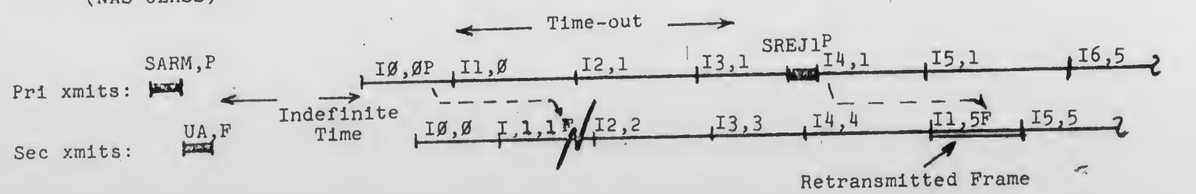
* Optional: Frame may be completed or aborted

4.3 ARM TWS With Transmission Errors In Response Frames

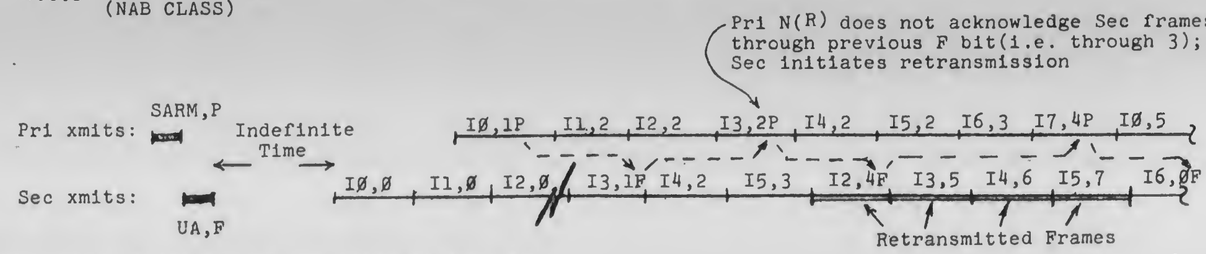
4.3.1 ARM REJ capability
(NAB CLASS)



4.3.2 ARM SREJ capability
(NAS CLASS)



4.3.3 ARM P/F bit recovery with transmission error in response frame
(NAB CLASS)

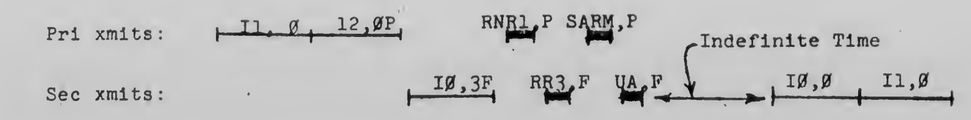


*Optional: Frame may be completed or aborted.

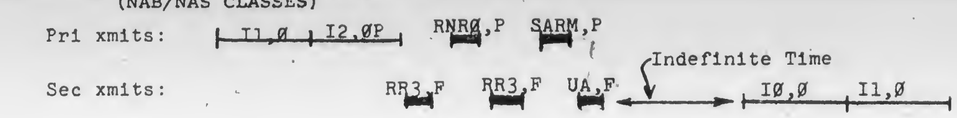
5.0 Examples of Changing Control Mode

5.1 NRM to ARM 2-Way Alternate (TWA)

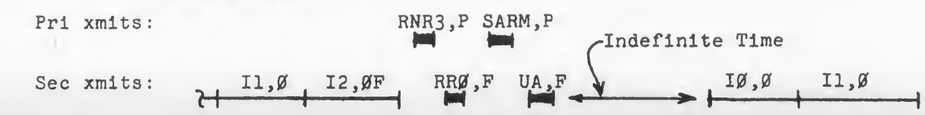
5.1.1 TWA NRM to ARM Mode Change
(NAB/NAS CLASSES)



5.1.2 NRM to ARM Mode Change TWA
(NAB/NAS CLASSES)

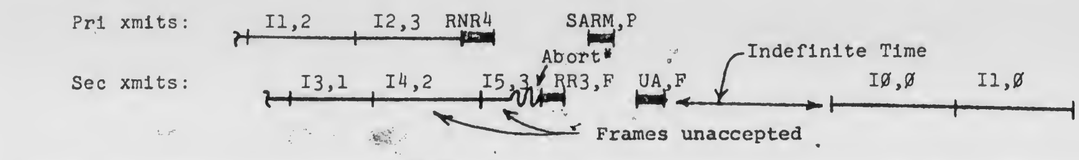


5.1.3 NRM to ARM Mode Change TWA
(NAB/NAS CLASSES)

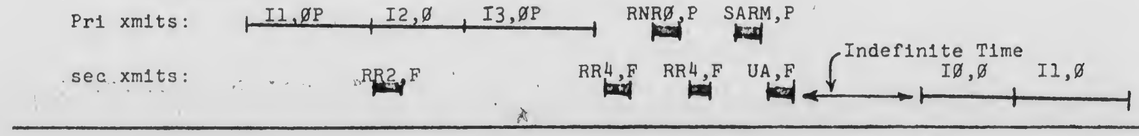


5.2 NRM to ARM 2-Way Simultaneous (TWS)

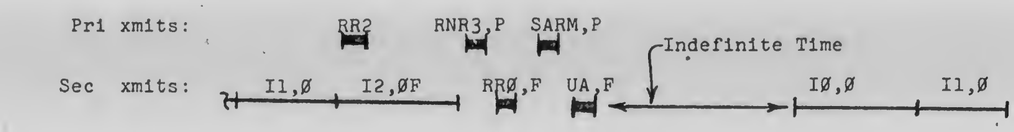
5.2.1 NRM to ARM Mode Change TWS (Immediate Change)
(NAB/NAS CLASSES)



5.2.2 NRM to ARM Mode Change TWS (Orderly Change while Pri xmits)
(NAB/NAS CLASSES)



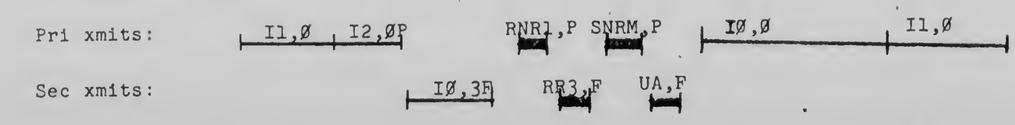
5.2.3 NRM to ARM Mode Change TWS (Orderly change while Sec xmits)
(NAB/NAS CLASSES)



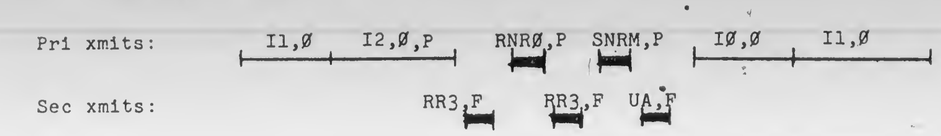
* Optional: Frame may be completed or aborted

5.3 2-Way Alternate (TWA) ARM to NRM Change

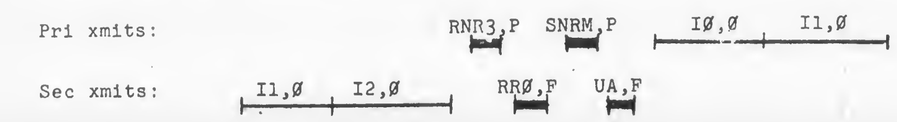
5.3.1 TWA ARM to NRM Mode Change
(NAB/NAS CLASSES)



5.3.2 TWA ARM to NRM Mode Change
(NAB/NAS CLASSES)

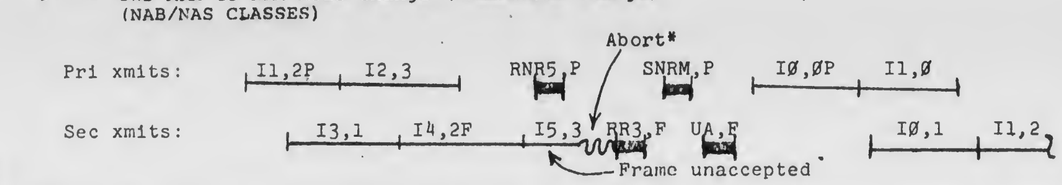


5.3.3 TWA ARM to NRM Mode Change
(NAB/NAS CLASSES)

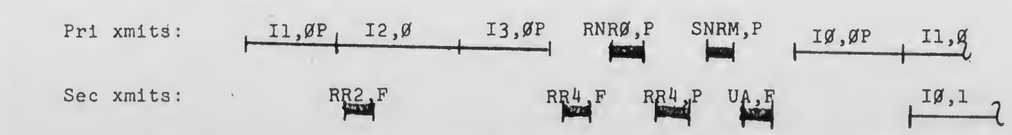


5.4 2-Way Simultaneous (TWS) ARM to NRM Change

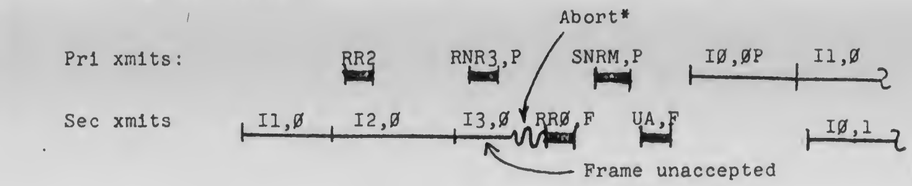
5.4.1 TWS ARM to NRM Mode Change (Immediate Change)
(NAB/NAS CLASSES)



5.4.2 TWS ARM to NRM Mode Change (Orderly Change while Pri xmits)
(NAB/NAS CLASSES)



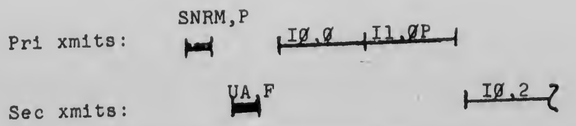
5.4.3 TWS ARM to NRM Mode Change (Orderly change while Sec xmits)
(NAB/NAS CLASSES)



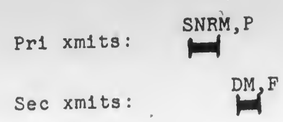
*Optional: Frame may be completed or aborted.

5.5 Normal Disconnected Mode (NDM) Examples

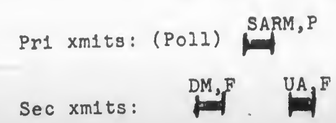
5.5.1 TWA NDM (or ADM) to ARM Change
(NAB/NAS CLASSES)



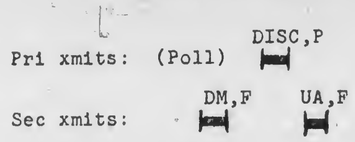
5.5.2 TWA Secondary in NDM (or ADM) to NRM Change
(Sec. indicates it is unable to change to NRM)
(NAB/NAS CLASSES)



5.5.3 TWA Secondary in ADM
(Sec. indicates it is disconnected and Primary sends set mode command)
(NAB/NAS CLASSES)

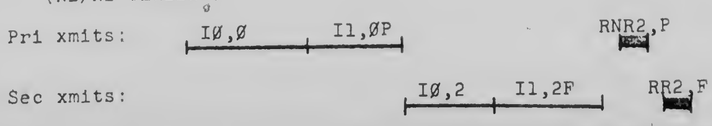


5.5.4 TWA Secondary in NDM (or ADM)
(Sec indicates it is disconnected, and Primary refuses to send set mode command)
(NAB/NAS CLASSES)

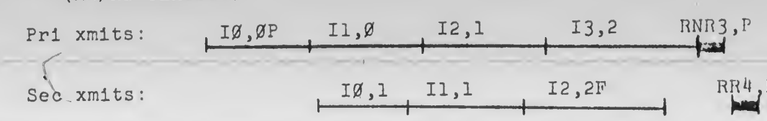


6.0 Examples of End of Operation (General Closing Procedure)

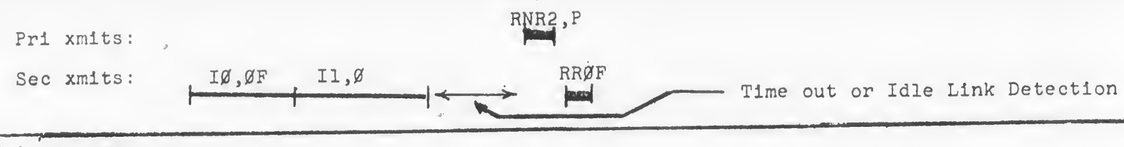
6.1 NRM TWA
(NB/NS CLASSES)



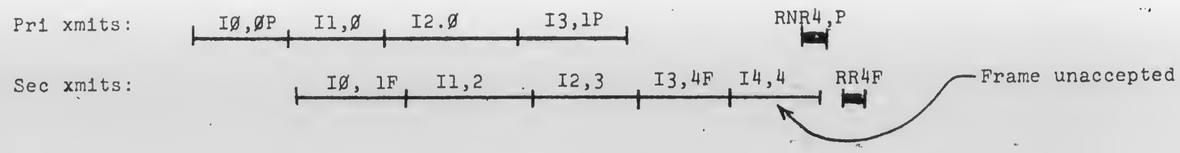
6.2 NRM TWS
(NB/NS CLASSES)



6.3 ARM TWA
NAB/NAS CLASSES)



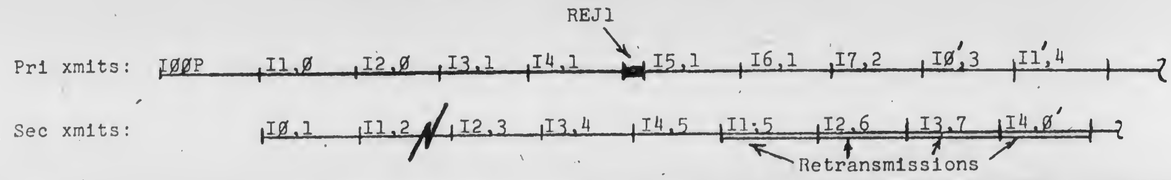
6.4 ARM TWS
(NAB/NAS CLASSES)



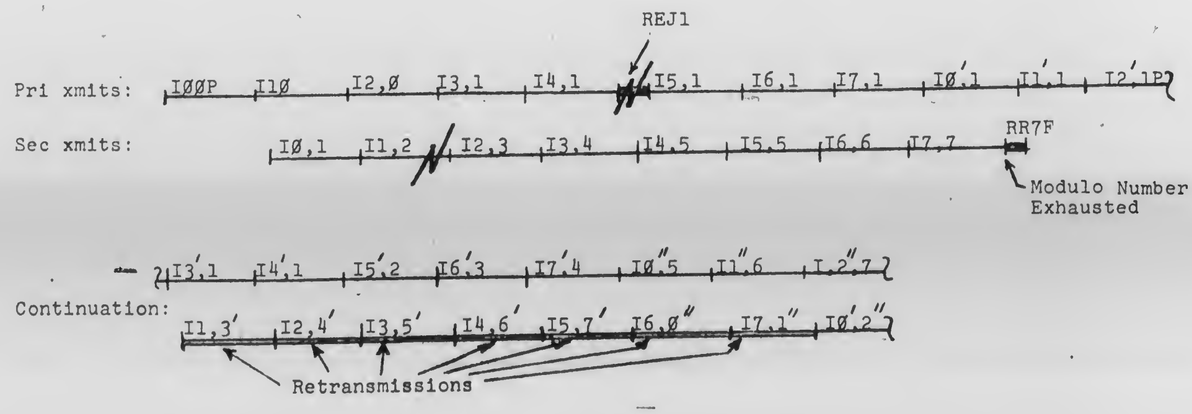
7. Examples of Exception Recovery Procedures

7.1 REJ and Poll/Final Bit Exception Recovery for FDX Operation

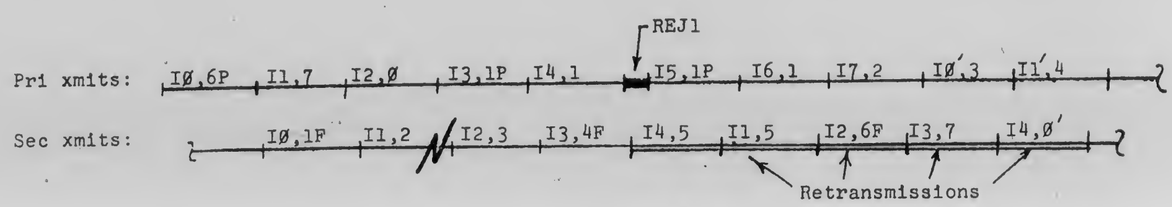
7.1.1 NRM - TWS with Information Frame Exception
(NB CLASS)



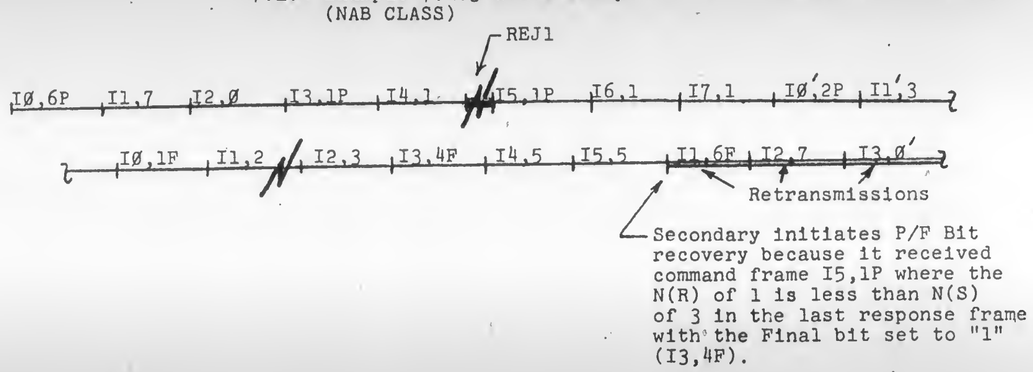
7.1.2 Example 7.1.1 above except REJ is not received correctly.
(NB CLASS)



7.1.3 ARM - TWS with Information Frame Exception
(NAB CLASS)

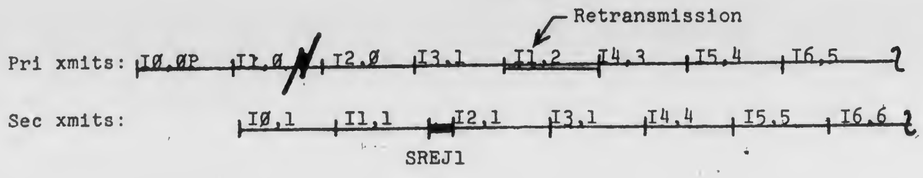


7.1.4 Example 7.1.3 above except REJ is not received correctly
(NAB CLASS)

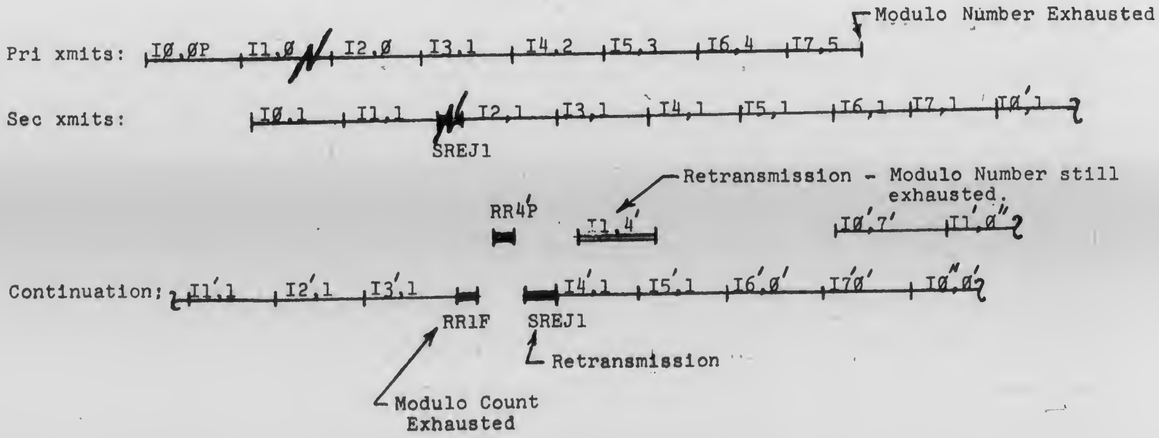


7.2 SREJ/REJ Exception Recovery for FDX Operation

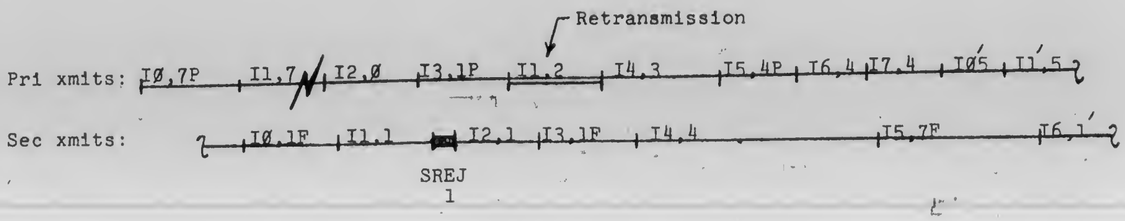
7.2.1 NRM - TWS with Information Frame Exception
(NS CLASS)



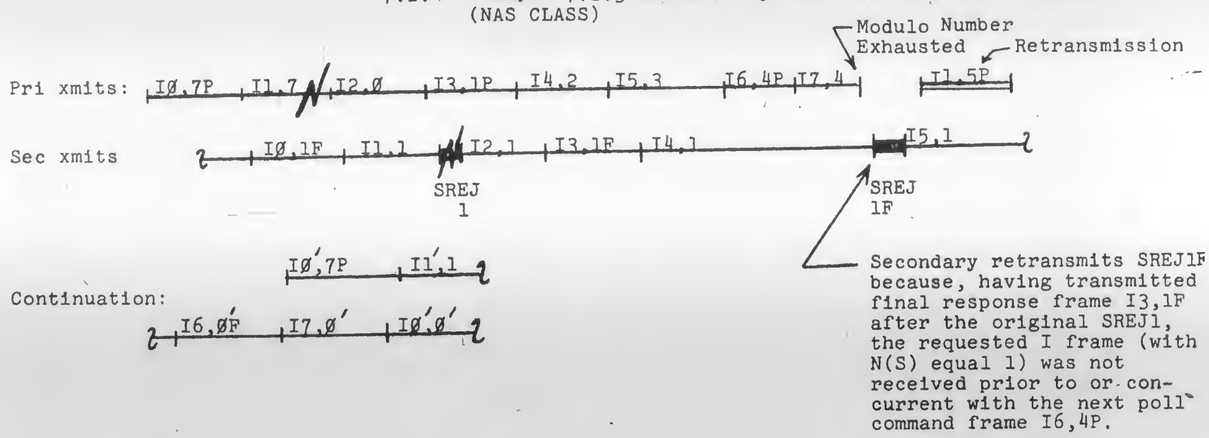
7.2.2 Example 7.2.1 above except SREJ is not received correctly
(NS CLASS)



7.2.3 ARM - TWS with I Frame Exception Condition (NAS CLASS)

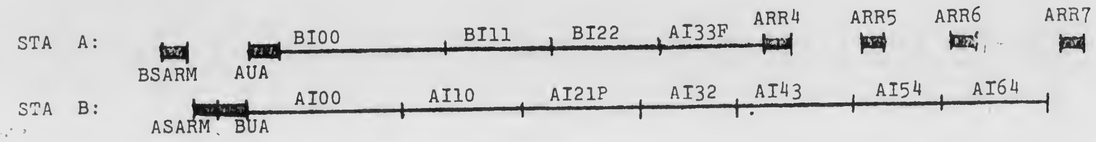


7.2.4 Example 7.2.3 above except SREJ is received in error (NAS CLASS)

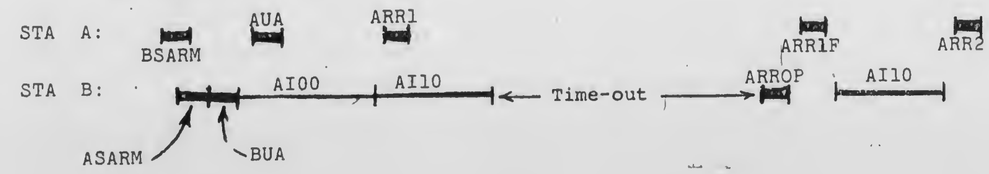


8.0 Examples of Balanced Control Operation

8.1 Continuous Information Frames (BCB/BCS CLASSES)

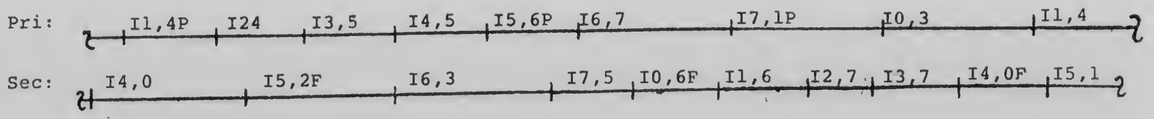


8.2 Discontinuous Information Frames (BCB/BCS CLASSES)

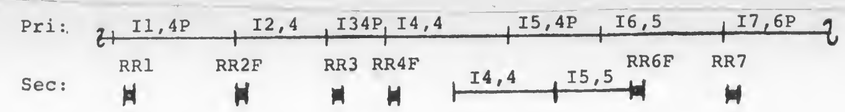


9.0 Primary-Secondary ARM Two-Way Simultaneous Point-to-Point Operation
Reference Figure B1 Configuration

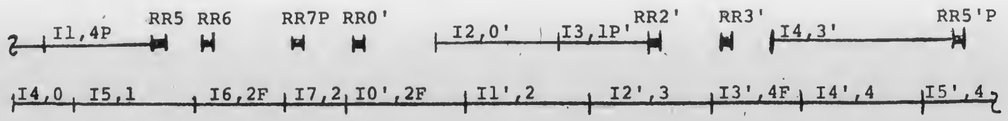
9.1 Continuous Information Frames from Primary and Secondary
(NAB/NAS CLASSES)



9.2 Continuous Primary Information Frames
(NAB/NAS CLASSES)

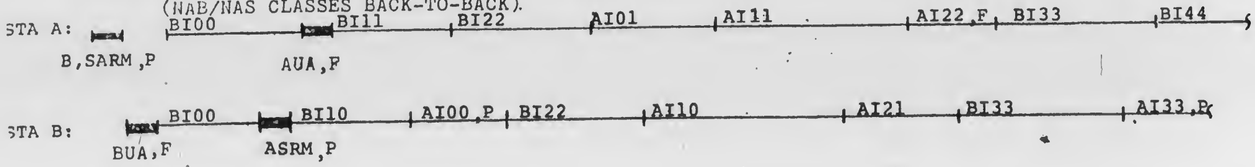


9.3 Continuous Secondary Information Frames
(NAB/NAS CLASSES)

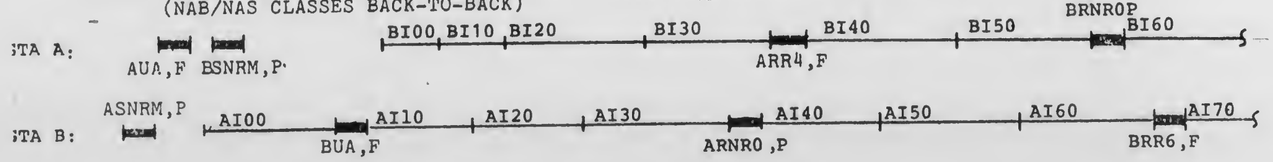


10.0 Double Primary - Secondary ARM TWS Point-to-Point Operation
Reference Figure B2 Configuration

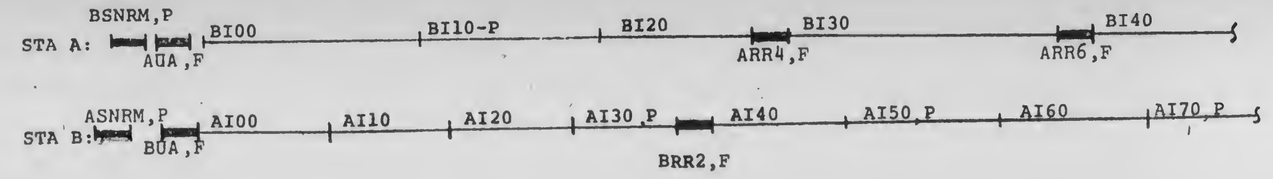
10.1 Primary A/Secondary B in ARM - Primary B/Secondary A in NRM Operation
(NAB/NAS CLASSES BACK-TO-BACK).



10.2 Use of RNR to restrict Information frames from Secondary Operation
(NAB/NAS CLASSES BACK-TO-BACK)



10.3 Secondaries do not transmit Information frames (by prior agreement) Operation
(NAB/NAS CLASSES BACK-TO-BACK)



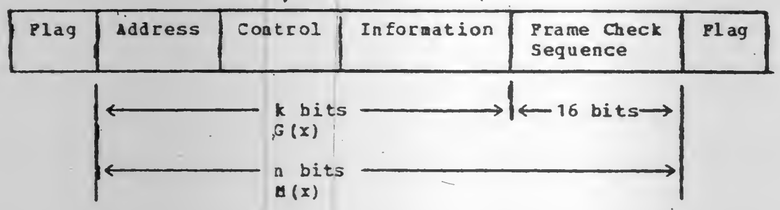
X3S34/589
DRAFT 4
15 August 1975

APPENDIX D - FRAME CHECK SEQUENCE (FCS)

D1. Description

The transmission integrity of a received message is determined by use of a Frame Check Sequence (FCS). The FCS is generated by a transmitter, inspected by the receiver and positioned within a frame in accordance with the following diagrams:

Direction of transmission



The procedure for using the FCS assumes the following:

1. The k bits of data which are being checked by the FCS can be represented by a polynomial G(x).

Examples:

a. $G(x) = 10100100 = X^7 + X^5 + X^2 = X^2(X^5+X^3+1)$

b. $G(x) = 00\text{--}010100100 = X^7+X^5+X^2 = X^2(X^5+X^3+1)$

c. $G(x) = 101001 = X^5 + X^3 + 1$

In general, leading zeros don't change G(x) and trailing zeros add a factor of X where n is the number of trailing zeros.

2. The Address, Control and Information field (if it exists in the message) are represented by the polynomial G(x).

X3S34/589
DRAFT 4
15 August 1975

3. For the purpose of generating the FCS, the first bit following the opening flag is the coefficient of the highest degree term of G(x) regardless of the actual representation of the Address, Control and Information fields.

4. There exists a generator polynomial P(x) of degree 16, having the form $P(x) = X^{16}+X^{12}+X^5+1$

D.2 Generation and use of FCS

The FCS is defined as a one's complement of a remainder, R(x), obtained from the modulo two division of

$$X^{16}\,G(x)+X^k(X^{15}+X^{14}+X^{13}+X^{12}+X^{11}+X^{10}+X^9+X^8+X^7+X^6+X^5+X^4+X^3+X^2+X^1+1)$$

by the generator polynomial P(x).

$$\frac{X^{16}\,G(x)+X^k(X^{15}+X^{14}+\cdots+X+1)}{P(x)} = Q(x) + \frac{R(x)}{P(x)} \leftarrow \overline{FCS}$$

The multiplication of G(x) by X^{16} corresponds to shifting the message G(x), 16 places and thus providing the space of 16 bits for the FCS.

The addition of $X^k(X^{15}+X^{14}+\cdots+X+1)$ to $X^{16}\,G(x)$ is equivalent to inverting the first 16 bits of G(x). It can also be accomplished in a shift register implementation by presetting the register to all "ones" initially. This term is present to detect erroneous addition or deletion of zero bits at the leading end of M(x) due to erroneous flag shifts.

The complementing of R(x), by the transmitter, at the completion of the division insures that the transmitted sequence M(x) has a property which permits the receiver to detect addition or deletion of trailing zeros which may appear as a result of errors.

At the transmitter the FCS is added to the X^{16} G(x) and results in the total message M(x) of length k+16, where M(x) = X^{16} G(x) + FCS.

The receiver can employ one of several detection processes, two of which are discussed here. In the first process, the incoming M(x) (assuming no errors; i.e. M*(x) = M(x)) is

V40245 DEC 19 75 D XUM

X3S34/589
DRAFT 4
15 August 1975

multiplied by X^{16}, added to X^{k+16} $(X^{15} + X^{14} - - - - - - + X + 1)$ and divided by P(X).

$$\frac{X^{16}\,[X^{16}\,G(X) + FCS] + X^{k+16}\,(X^{15} + X^{14} - - - + X + 1)}{P(x)} = Qr(x) + Rr(x)/P($$

Since the transmission is error free, the remainder Rr(x) will be "0001110100001111" (X^{15} through X^0).

Rr(X) is the remainder of the division: $\frac{X^{16}\,L(x)}{P(x)}$

where $L(x) = X^{15} + X^{14} - - - - + X + 1$. This can be shown by establishing that all other terms of the numerator of the receiver division are divisible by P(x). This will be done below.

Note that $FCS = \overline{R(x)} = L(x) + R(x)$. (Adding L(x) to polynomial of its same length is equivalent to a bit by bit inversion of the polynomial.)

The receiver division numerator can be rearranged to:

$$X^{16}[X^{16}\,G(x) + X^{k}\,L(x) + R(x)] + X^{16}\,L(x).$$

It can be seen that the first term is divisible by P(x) by inspecting the transmitter generation equation, thus the $X^{16}L(x)$ term is the only contributor to Rr(x).

The second process differs from the first in that another term $(X^{16}L(x))$ is added to the numerator of the generation equation. This causes a remainder of zero to be generated if M*(x) is received error free.

D.3 Implementation

A shift register FCS implementation is described in detail here. It utilizes "ones presetting" at both the sender and the receiver and the receiver does not invert the FCS. The receiver thus checks for the non-zero residual Rr(x) to indicate an error free transmission.

Figure D.1 is an illustration of the implementation. It shows a configuration of storage elements and gates. The addition of $X^k(X^{15}+X^{14}-------+X+1)$ to the X^{16} G(x) can be

X3S34/589
DRAFT 4
15 August 1975

accomplished by presetting all storage elements to a binary value "1".

The one's complement of R(x) is obtained by the logical bit by bit inversion of the transmitter's R(x).

Figure D.1 shows the implementation of the FCS generation for transmission. The same hardware can also be used for verification of data integrity upon data reception.

Before transmitting data, the storage elements, X_0-X_{15} are initialized to "ones". The accumulation of the remainder R(x) is begun by enabling the "A" and thereby enabling gates G2 and G3. The data to be transmitted goes out to the receiver via G2 and at the same time the remainder is being calculated with the use of feedback path via G3. Upon completion of transmitting the k bits of data, the "A" is disabled and the stored R(x) is transmitted via G1 and I1 while G2 and G3 are disabled. The I1 provides the necessary inversion of R(x).

At the receiver, before data reception, the storage elements, X_0 - X_{15} are initialized to "ones". The incoming message is then continuously divided by P(x) via G3 ("A" enabled). If the message contained no errors, the storage elements will contain "0001110100001111" (X^{15} through X^0) at the end of the M*(x).

Figure D.2 is an example of the receiver and transmitter states during a transmission of a 19 bit G(x) and a 16 bit FCS.

The implementation of the FCS generation and the division by P(x) as described in this Appendix is used as an example only. Other implementations are possible and may be utilized. This standard only requires that the FCS be generated in accordance with the rules of Sections 3.5 and 12.1 and that the checking process involve division by the polynomial P(x). Furthermore, the order of transmission of M(x) is the coefficient of the highest degree term first and thereafter in decreasing order of powers of x, regardless of the actual representation of fields internal to M(x).

V 40 245 DEC 19 75 XUM

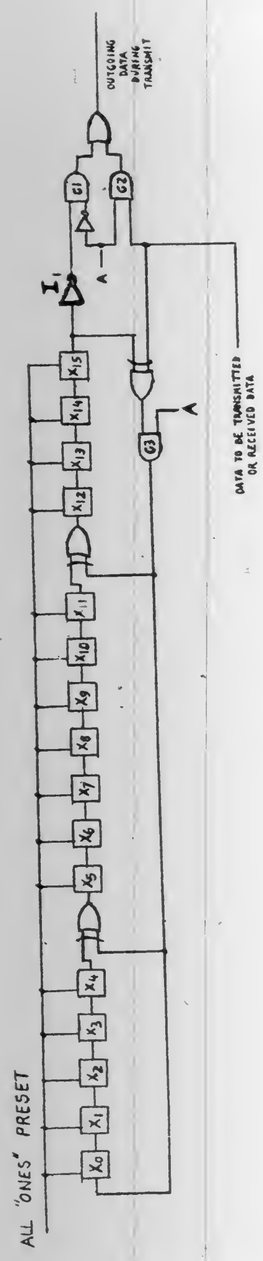


FIGURE D1. FCS IMPLEMENTATION

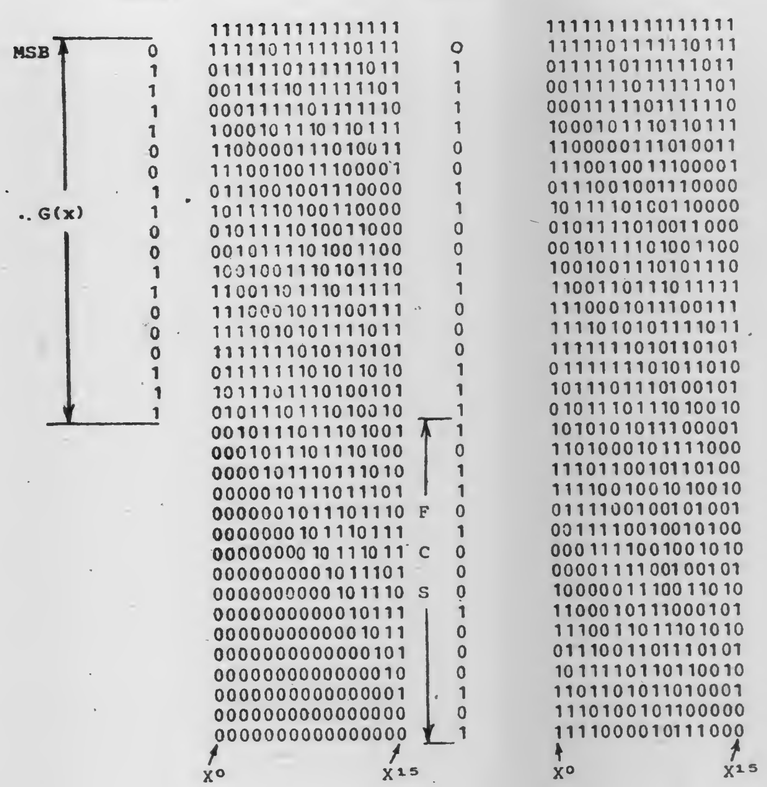


FIGURE D.2 FCS EXAMPLE

V40I245 DEC 19 75 XUM

X3S34/589
DRAFT 4
15 August 1975

EXPOSITORY REMARKS
for
American National Standard for
Advanced Data Communication
Control Procedure (ADCCP) -
Independent Numbering

A. BRIEF HISTORY

The development of advanced data communication control procedure standards began in late 1969 during final work on the American National Standard-Procedures for the Use of the Communication Control Characters of American National Standard Code for Information Interchange in Specified Data Communication Links (X3.28 - 1971). At that time, it was recognized that X3.28 lacked certain desirable capabilities that would be impractical to incorporate due to the basic philosophy of the standard. Consequently, several proposals were submitted by members of the Task Group for new and improved procedures. Similar work was proceeding at the same time in ECMA and ISO. One of the most significant proposals was a bit-oriented approach to link control that became widely accepted in a short period of time, both domestically and internationally. Domestically, the resultant control procedure have been called Advanced Data Communication Control Procedures (ADCCP). Internationally, the development going on in this area is called HDLC - High Level Data Link Control.

The original bit-oriented proposal and most of the work, both domestically and internationally, was based on a dependent/single sequence number per frame. In late 1971, a proposal was submitted for independent/dual numbering. It was the general concensus at that time, both domestically and internationally, that the net advantages over the disadvantages of the independent/dual numbering approach was not great enough to warrant working on the two procedures in parallel. Consequently, the American National Standard for ADCCP - Dependent Numbering evolved. Now that the work on dependent/single numbering is complete, the efforts of the

X3S34/589
DRAFT 4
15 August 1975

Task Group are directed toward this proposed American National Standard for ADCCP - Independent Numbering.

B. MAIN TECHNICAL ARGUMENTS AND RELATIONSHIP WITH ISO

The basic objectives of the Advanced Data Communication Control Procedures are to provide:

a) Full transparency and code independence,

b) Efficient interactive operation,

c) A High level of reliability,

d) Two-way alternate and two-way simultaneous operation

e) A high level of modularity

These objectives have been largely met.

During the four-year period of ADCCP development, there has been active liaison with both the ECMA and ISO spheres of interest. As a result each group's activity has influenced that of the other.

V40245 DEC 19 75 XUM

FED-STD-1003

PREPARING ACTIVITY:

Office of the Manager
National Communications
System (NCS-TS)
Washington, DC 20305

Records of coordination with affected Federal agencies are maintained by the preparing activity.

This document is available from the General Services Administration (GSA), acting as agent for the Superintendent of Documents. A copy for bidding and contracting purposes is available from GSA Business Service Centers. Copies are for sale at the GSA, Specification Sales, Building 197 (Washington, Navy Yard), Washington, DC 20407 for cents each.

federal register

FRIDAY, DECEMBER 19, 1975

PART V:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

V40245 DEC 19 75 XUM

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the orginal General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arizona:		
	AZ75–5076	July 3, 1975.
Florida:		
	FL75–1009	Jan. 24, 1975.
	FL75–1040	Mar. 28, 1975.
	FL75–1087	Sept. 5, 1975.
Iowa:		
	IA75–4170; IA75–4171; IA 75–4174; IA75–4175; IA 75–4176; IA75–4177; IA 75–4179; IA75–4180.	Oct. 31, 1975.
	IA75–4190	Nov. 14, 1975.
Kansas:		
	MO75–4144	Aug. 1, 1975.
Louisiana:		
	LA75–4200	Dec. 5, 1975.
Pennsylvania:		
	PA75–3059	July 3, 1975.
	PA75–3071; PA75–3079	Aug. 22, 1975.
	PA75–3112	Dec. 5, 1975.
Rhode Island:		
	RI75–2111; RI75–2112	Sept. 26, 1975.
	RI75–2116	Oct. 10, 1975.
Texas:		
	TX75–4098; TX75–4103	May 23, 1975.
	TX75–4161; TX75–4162; TX 75–4165; TX75–4166.	Oct. 24, 1975.
	TX75–4183; TX75–4185; TX 75–4186; TX75–4187; TX 75–4189.	Nov. 7, 1975.
	TX75–4195	Nov. 21, 1975.
	TX75–4201	Dec. 5, 1975.
Virginia:		
	MD75–3100	Sept. 26, 1975.
Washington, D.C.:		
	DC75–3099	Do.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Colorado:		
	CO75–5118 (CO75–5147)	Sept. 19, 1975.
	CO75–5129 (CO75–5143)	Oct. 17, 1975.
	CO75 – 5135 (CO75 – 5146); CO75–5136 (CO75–5145).	Nov. 21, 1975.
Indiana:		
	IN75–2088 (IN75–2131)	June 27,1975.
	IN75–2089 (IN75–2132)	July 3, 1975.
	IN75–2093 (IN75–2113)	July 11, 1975.
Massachusetts:		
	MA75–2054 (MA75–2134)	Apr. 4, 1975.
New Mexico:		
	NM75–4136 (NM75–4204)	Aug. 1, 1975.
North Carolina:		
	AP–161 (NC75–1115)	Mar. 2, 1973.
Pennsylvania:		
	AQ–2070 (PA75–3120)	Mar. 15, 1974.
Texas:		
	TX75–4154 (TX75–4203)	Aug. 22, 1975.

Signed at Washington, D.C., this 12th day of December 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION # FL75-1009 - Mod. #3 (40 FR 3882 - January 24, 1975) Orange County, Florida					
Change:					
Ironworkers: Structural, Ornamental and reinforcing	8.90	.55	.50	.63	.05
DECISION # FL75-1040 - Mod. # 2 (40 FR 14223 - March 28, 1975) Volusia County (except Cape Kennedy, Kennedy Space Flight Center, Patrick Air Force Base and Melbar Radar Site), Florida					
Change:					
Ironworkers	8.90	.55	.50	.63	.05
DECISION # FL75-1087 - Mod. # 1 (40 FR 41361 - September 5, 1975) Brevard and Volusia (Cape Kennedy, Kennedy Space Flight Center and Patrick Air Force Base only and including Melbar Radar Site), Florida					
Change:					
Ironworkers: Structural, finishers, burners, rodmen, welders, riggers and machinery movers	8.90	.55	.50	.63	.05

MODIFICATIONS P. 1

	Basic Hourly Rates C & S Areas	Basic Hourly Rates N Area	Fringe Benefits Payments H & W	Pensions	Vacation	Appr. Tr.
DECISION NO. AZ75-5076 - Mod. #4 (40 FR 28313 - July 3, 1975) Statewide, Arizona						.04
Add:						
Truck Drivers:						
Group 4						
Water truck drivers, 4000 gals. and over	$ 8.01	$ 9.635	.70	.75		

V40245 DEC 19 75 XUM

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IA75-4170 - Mod. #1 (40 FR 50870 - October 31, 1975) Black Hawk County (City of Waterloo & abutting municipalities), Iowa					
Change:					
Building Construction:					
Electricians:					
Electricians	$ 9.68	.30	1%		1%
Cable splicers	10.28	.30	1%		1%
Power Equipment Operators:					
Group 1	8.95	.50	.50		.05
Group 2	8.83	.50	.50		.05
Group 3	8.035	.50	.50		.05
Group 4	7.73	.50	.50		.05
DECISION #IA75-4171 - Mod. #2 (40 FR 50873 - October 31, 1975) Cerro Gordo County (City of Mason City), Iowa					
Change:					
Building Construction:					
Electricians	9.65	.30	1%		1%
Power Equipment Operators:					
Group 1	8.95	.50	.50		.05
Group 2	8.83	.50	.50		.05
Group 3	8.035	.50	.50		.05
Group 4	7.73	.50	.50		.05

MODIFICATIONS P.4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IA75-4174 - Mod. #3 (40 FR 50882 - October 31, 1975) Dubuque County (City of Dubuque & abutting municipalities), Iowa					
Change:					
Building Construction:					
Power Equipment Operators:					
Group 1	$ 8.95	.50	.50		.05
Group 2	8.83	.50	.50		.05
Group 3	8.035	.50	.50		.05
Group 4	7.73	.50	.50		.05
DECISION #IA75-4175 - Mod. #1 (40 FR 50885 - October 31, 1975) Johnson County (City of Iowa City & abutting municipalities), Iowa					
Change:					
Building Construction:					
Electricians	9.90	.50	1%		1%
Power Equipment Operators:					
Group 1	8.95	.50	.50		.05
Group 2	8.83	.50	.50		.05
Group 3	8.035	.50	.50		.05
Group 4	7.73	.50	.50		.05

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IA75-4176 - Mod. #1 (40 FR 50888 - October 31, 1975) Linn County, Iowa					
Change:					
Building Construction:					
Electricians	$ 9.90	.50	1%		1%
Power Equipment Operators:					
Group 1	8.95	.50	.50		.05
Group 2	8.83	.50	.50		.05
Group 3	8.035	.50	.50		.05
Group 4	7.73	.50	.50		.05
DECISION #IA75-4177 - Mod. #1 (40 FR 50891 - October 31, 1975) Polk County, Iowa					
Change:					
Building Construction:					
Power Equipment Operators:					
Group 1	8.95	.50	.50		.05
Group 2	8.83	.50	.50		.05
Group 3	8.035	.50	.50		.05
Group 4	7.73	.50	.50		.05
DECISION #IA75-4179 - Mod. #1 (40 FR 50897 - October 31, 1975) Story County (City of Ames & abutting municipalities), Iowa					
Change:					
Building Construction:					
Power Equipment Operators:					
Group 1	8.95	.50	.50		.05
Group 2	8.83	.50	.50		.05
Group 3	8.035	.50	.50		.05
Group 4	7.73	.50	.50		.05

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IA75-4180 - Mod. #1 (40 FR 50900 - October 31, 1975) Webster County (City of Fort Dodge), Iowa					
Change:					
Building Construction:					
Power Equipment Operators:					
Group 1	$ 8.95	.50	.50		.05
Group 2	8.83	.50	.50		.05
Group 3	8.035	.50	.50		.05
Group 4	7.73	.50	.50		.05
DECISION #IA75-4190 - Mod. #2 (40 FR 53180 - November 14, 1975) Woodbury County (City of Sioux City & abutting municipalities), Iowa					
Change:					
Power Equipment Operators:					
Group 1	8.50	.50	.50		.05
Group 2	8.38	.50	.50		.05
Group 3	7.585	.50	.50		.05
Group 4	7.28	.50	.50		.05

MODIFICATIONS P.7

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #MO75-4144 - Mod. #2 (40 FR 32611 - August 1, 1975) Cass, Clay, Jackson, Platte and Ray Counties, Missouri; and Johnson & Wyandotte Counties, Kansas.					
CHANGE:					
ASBESTOS WORKERS	$10.72	.50	.80		.02
BOILERMAKERS	9.45	.70	1.00		.02
CEMENT MASONS (Heavy & Highway Construction):					
Zone 1 - Johnson & Wyandotte Counties, Kansas	9.155	.40	.50	1.25	
ELECTRICIANS:					
Zone 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County, Missouri; Northwestern portion of Cass County, Missouri not including Pleasant Hill:					
Electricians	10.27	.29	1%+.31	.80	.06
Zone 2 - Remainder of Clay, Jackson, Platte and Cass Counties; Missouri:					
Electricians (contracts over $5,000)	10.27	.29	1%+.31	.80	.06
Electricians (contracts $5,000 and under)	9.72	.29	1%+.31	.80	.06
ZONE 3 - Ray County, Missouri:					
Electricians (contracts over $5,000)	10.27	.29	1%+.31	.80	.06
Electricians (contracts $5,000 and under)	9.11	.29	1%+.31	.80	.06
Zone 4 - Johnson and Wyandotte Counties, Kansas	10.27	.29	1%+.31	.80	.06
GLAZIERS	9.41	.55	.31	14.4%	.03
IRONWORKERS	9.25	.65	.90	1.00	.05
LATHERS	9.70	.50			

MODIFICATIONS P. 8

DECISION NO. MO73-4144 - Mod. #2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CHANGE:					
LINE CONSTRUCTION:					
Zone 1 - Cass, Clay, Jackson, Platte, and Ray Counties, Missouri; Wyandotte and Remainder of Johnson Counties, Kansas					
Linemen	$10.56	.38	1%+.15		½%
Heavy equipment operator	9.83	.38	1%+.15		½%
Groundman	6.97	.38	1%+.15		½%
Groundman (1st year)	5.99	.38	1%+.15		½%
Groundman Powderman	7.34	.38	1%+.15		½%
PAINTERS:					
Brush and tapers	8.86	.55	.70		.06
Spray	9.86	.55	.70		.06
PIPEFITTERS	10.42	.52	1.05		1%
PLUMBERS	10.69	.60	.70		.10
SPRINKLER FITTERS	10.73	.50	.80		.06
TERRAZZO WORKERS	9.93	3.65%	3.25%		

NOTICES

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #LA75-4200 - Mod. #1 (40 FR 57103 - December 5, 1975) Statewide Louisiana					
Change:					
Plumbers & pipefitters:					
Zone 6	$ 9.88	.42	.47		.08
Power Equipment Operators (Highway Construction):					
Group 1 - Zone 3	8.08	.23	.39		.05
Group 2 - Zone 3	8.33	.23	.39		.05
Group 3 - Zone 3	7.83	.23	.39		.05
Group 4 - Zone 3	6.90	.23	.39		.05
Group 5 - Zone 3	6.39	.23	.39		.05
Group 6 - Zone 3	5.75	.23	.39		.05
Group 7 - Zone 3	5.46	.23	.39		.05
Group 8 - Zone 3	6.90	.23	.39		.05
Group 9 - Zone 3	7.15	.23	.39		.05
Group 10 - Zone 3	5.71	.23	.39		.05
Sheet metal workers:					
Zone 4	7.85	3%+.40	.25		.05
Truck Drivers (Highway Construction):					
Group 1 - Zone 3	5.26				
Group 2 - Zone 3	5.35				
Group 3 - Zone 3	5.55				
Group 4 - Zone 3	5.73				
Group 5 - Zone 3	6.09				
Line Construction:					
Zone 2:					
Linemen, line equipment & line truck operators	9.50	.30	1%+.35		3/10%
Cable splicers	9.75	.30	1%+.35		3/10%

MODIFICATIONS P. 10

Decision #PA-75-3059 - Mod. # 5 (40 FR 28361 - July 3, 1975) Cambria County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change: Decision #PA-75-5059 - published in FR - 28361, dated July 3, 1975, to read Decision #PA-75-3059.					
Decision #PA-75-3071 - Mod. # 1 (40 FR - 36936 - August 22, 1975) Allegheny County, Pennsylvania					
Change: Soft floor layers	$8.83	5%	6%	6%	
Decision #PA-75-3079 - Mod # 2 (40 FR 36965 - August 22, 1975) Venango County, Pennsylvania					
Change: Carpenters & Soft Floor Layers	8.85	.35	.20		
Laborers: Mason tenders, pipelayers, bottom man (10' below grade)	7.25	.40	.50		
Decision #PA-75-3112 - Mod. #1 (40 FR - 57136 - December 5, 1975) Lancaster County, Pennsylvania					
Add: Power Equipment Operators (See Schedule Below)					

NOTICES

Decision # PA-75-3112 - Mod. # 1 P. # 1

PA-22-PEO-1-B 1 of 2

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$10.95	4.6%	9.5%	a	1.2%
GROUP 2	10.66	4.6%	9.5%	a	1.2%
GROUP 3	9.78	4.6%	9.5%	a	1.2%
GROUP 4	9.01	4.6%	9.5%	a	1.2%
GROUP 5	8.53	4.6%	9.5%	a	1.2%
GROUP 6	7.61	4.6%	9.5%	a	1.2%
GROUP 7	11.20	4.6%	9.5%	a	1.2%
GROUP 7-A	11.45	4.6%	9.5%	a	1.2%
GROUP 7-B	11.70	4.6%	9.5%	a	1.2%

Decision #PA-75-3112 - Mod. # 1 P. 2

2 of 2

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavors 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, Boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

DECISION NO. RI75-2111- Mod #2 (40 FR 44467- September 26, 1975) Newport County, Rhode Island	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers, stonemasons (Building, heavy, highway, and marine)	$9.55	.65	.55		.01
Electricians:					
Little Compton, Tiverton, No. Tiverton (Building, heavy, highway, marine	9.70	4%	12+.25	4%	4%
Painters: Building, heavy, highway, and marine:					
Little Compton, Tiverton, Adamsville, & Sakonnet:					
Brush	8.48	.72	.45		.04
Structural steel	11.38	.72	.45		.04
Spray	9.48	.72	.45		.04
Plumbers (Building, heavy, highway, and marine)	10.16	.75	.90		.07
Roofers:					
Composition, waterproofers	9.60	.45	.25		
Slate, tile, precast concrete	9.80	.45	.25		
Helpers- Class A	8.75	.45	.25		
Helpers- Class B	8.25	.45	.25		
Glaziers	8.68	.52	.85		.01
DECISION NO. RI75-2112- Mod #2 (40 FR 48001- Sept. 26, 1975) Washington County, Rhode Island					
Change:					
Bricklayers and stonemasons: Building, heavy, highway, and marine:					
Exeter, Johnson, N.Kingstown Narragansett (including the Pier of Point Judith)	$9.55	.65	.55		.01
Carpenters, soft floor layers, and piledrivermen	9.40	.60	.60		.05
Glaziers	8.68	.52	.85		.01
Plumbers (Building, heavy, highway, and marine)	10.16	.75	.90		.07
Roofers:					
Composition, waterproofers	9.60	.45	.25		
Slate, tile, precast concrete	9.80	.45	.25		
Helpers- Class A	8.75	.45	.25		
Helpers- Class B	8.25	.45	.25		

DECISION NO. RI75-2116- Mod #1 (40 FR 48066- October 10, 1975) Bristol, Kent, & Providence Counties, Rhode Island	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers & stonemasons: Building, Heavy, Highway, and Marine:					
Remainder of Providence Co.	$9.55	.65	.55		.01
Carpenters & soft floor layers:					
Bristol & Kent Counties, and					
Remainder of Providence Co.	9.40	.60	.60		.05
Piledrivermen	9.40	.60	.60		.05
Millwrights	9.65	.60	.60		.05
Glaziers	8.68	.52	.85		.01
Plumbers (Building, Heavy, Highway, and Marine)	10.16	.75	.90		.07
Roofers:					
Composition, waterproofers	9.60	.45	.25		
Slate, tile, precast concrete	9.80	.45	.25		
Helpers- Class A	8.75	.45	.25		
Helpers- Class B	8.25	.45	.25		

MODIFICATIONS P. 15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX75-4098 - Mod. #4 (40 FR 22786 - May 23, 1975) Taylor County, Texas					
Change:					
Plumbers & pipefitters	$ 7.25		.55		.03
DECISION #TX75-4103 - Mod. #4 (40 FR 22795 - May 23, 1975) Harrison County, Texas					
Change:					
Bricklayers & stonemasons	8.25		.25		
Cement masons	7.00		.25		
Plasterers	8.25		.25		
DECISION #TX75-4161 - Mod. #2 (40 FR 48880 - October 15, 1975) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheelsr Counties, Texas					
Change:					
Electricians	8.98	.40	1%		1/2%
Plumbers	8.18	.35	.55	.60	

MODIFICATIONS P. 16

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX75-4162 - Mod. #3 (40 FR 49971 - October 24, 1975) Bell, Bosque, Coryell, Falls, Hill & McLennan Counties, Texas					
Change:					
Building Construction:					
Asbestos workers:					
Zone 1	$ 9.23	.35	.45		.08
Electricians:					
Zone 1	8.90		1%		1/4%
Zone 2	9.80		1%		.8%
DECISION #TX75-4165 - Mod. #2 (40 FR 49965 - October 24, 1975) Bowie County, Texas					
Change:					
Bricklayers & stonemasons	8.25		.25		
Electricians	8.40	.40	1%		1/4%
Line construction:					
Lineman	8.80		1%		1/2%
Cable splicer	9.07		1%		1/2%
Hole digger operator; Heavy equipment operators (or pole cat equivalent); powderman	8.01		1%		1/2%
Line truck driver (winch operator)	7.22		1%		1/2%
Jackhammer man	6.60		1%		1/2%
Groundman	5.90		1%		1/2%
Groundman, 1st year	4.40		1%		1/2%
Truck driver (flat bed, ton & half & under)	6.25		1%		1/2%
DECISION #TX75-4166 - Mod. #3 (40 FR 49967 - October 24, 1975) Brazos County, Texas					
Change:					
Electricians	10.05	.40	3%		.04

MODIFICATIONS P. 17

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX75-4183 - Mod. #3 (40 FR 52271 - November 7, 1975) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Electricians:					
Zone 1:					
Electricians	$ 8.98	.40	1%		1/2%
Cable splicers	9.88	.40	1%		1/2%
Line construction:					
Zone 1:					
Lineman	8.98	.40	1%		1/2%
Cable splicers	9.88	.40	1%		1/2%
Groundman, more than 1 year experience	5.89	.40	1%		1/2%
Groundman, less than 1 year experience	5.15	.40	1%		1/2%
Operator-hole digger, line truck	6.83	.40	1%		1/2%
Flat bed truck drivar	5.15	.40	1%		1/2%
Plumbers & pipefitters:					
Zone 1 - shall extend a distance of 25 road miles beyond the police station in Amarillo & Borger	8.18	.35	.55	.60	
Zone 2 - shall extend a distance of 25 road miles beyond the outer perimeter of Zone 1	8.43	.35	.55	.60	
Zone 3 - shall apply to all areas not within Zone 1 or 2	8.68	.35	.55	.60	
DECISION #TX75-4185 - Mod. #2 (40 FR 52275 - November 7, 1975) Kleberg & Nueces Counties, Texas					
Change:					
Carpenters:					
Millwrights	8.05				1%

MODIFICATIONS P. 18

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX75-4186 - Mod. #1 (40 FR 52277 - November 7, 1975) Lubbock County, Texas					
Change:					
Electricians:					
Electricians	$ 8.35	.40	1%		1/10%
Cable splicers	8.60	.40	1%		1/10%
Line construction:					
Linemen	8.35	.40	1%		
Operators	80%JR	.40	1%		
Groundmen (more than 1 year experiance)	55%JR	.40	1%		
Groundmen (less than 1 year experiance)	50%JR	.40	1%		
Flat bed truck operator	70%JR	.40	1%		
Plumbers & steamfitters	8.30	.40			.04
DECISION #TX75-4187 - Mod. #1 (40 FR 52279 - November 7, 1975) Travis County, Texas					
Change:					
Asbestos workers	9.23	.35	.45		.08
Electricians & cable splicers	9.80		1%		.8%
Line construction:					
Linemen	9.40	.40	1%		1/2%
Groundmen	5.17	.40	1%		1/2%
Groundmen (1st year)	4.70	.40	1%		1/2%
DECISION #TX75-4189 - Mod. #1 (40 FR 52283 - November 7, 1975) Wichita County, Texas					
Change:					
Carpenters	6.00				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX75-4195 - Mod. #1 (40 FR 54413 - November 21, 1975) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties, Texas					
Change:					
Electricians:					
Zone 1:					
Electricians	$ 9.85	.40	1%		7/10%
Cable splicers	10.10	.40	1%		7/10%
Zone 2:					
Electricians	9.48	4%	5%		7/10%
Cable splicers	10.43	4%	5%		7/10%
Zone 3:					
Area A:					
Electricians	9.48	4%	5%		7/10%
Cable splicers	10.43	4%	5%		7/10%
Area B:					
Electricians	9.73	4%	5%		7/10%
Cable splicers	10.70	4%	5%		7/10%
Area C:					
Electricians	9.98	4%	5%		7/10%
Cable splicers	10.98	4%	5%		7/10%
DECISION #TX75-4201 - Mod. #1 (40 FR 57139 - December 5, 1975) Jefferson & Orange Counties, Texas					
Change:					
Bricklayers & stonemasons	10.18	.275	.30		.04
Tile setters	8.60	.275	.30		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Decision #MD-75-3100 - Mod. # 3 (40 FR 44447 - September 26, 1975) Montgomery and Prince Georges Counties, Maryland, Arlington and Fairfax Counties, the city of Alexandria and Dulles International Airport, Virginia					
Change:					
Carpet Layers	$6.70	.30			.05
Decision #DC-75-3099 - Mod. # 3 (40 FR 44449 -- September 26, 1975) Washington, D. C.					
Change:					
Carpet Layers	6.70	.30			.05
Omit: Heavy Construction Schedule Issued in Mod. # 2, 40 FR, 57077, dated, December 5, 1975					
Add: Highway Construction Schedule (See Below)					

Decision #DC-75-3099 -Mod. #3

5-D. C. 3- W

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asphalt Shoveler	$6.45	.22	.30		
Asphalt Raker	6.65	.22	.30		
Asphalt Tamper	6.55	.22	.30		
Bricklayers	9.85	.60	.60		.10
Carpenters	9.55	.50	.49		.07
Cement Masons	6.90	.22	.30		
Concrete Saw Operator	6.65	.22	.30		
Concrete Shoveler	6.55	.22	.30		
Form Setter	6.90	.22	.30		
Laborers:					
Laborers	6.40	.22	.30		
Jackhammer	6.60	.22	.30		
Hand Burner Operator	6.55	.22	.30		
Power Equipment Operators:					
Concrete Spreader Operator, Finishing Machine, Roller (rough), Compressor, Rubber-tired Loader (1-½ cu. yds., or less), Asphalt Plant Mixer	6.65	.22	.30		
Loader Operator Tracks (2-½ cu. yds. or less), Burner Planer, Bulldozer, Mechanic or Welder, Rubber Tired Loader (over 1-½ cu. yds.)	6.85	.22	.30		
Asphalt Spreader, Hydraulic Backhoe (½ cu. yd., or less), Asphalt Plant Engineer, Asphalt Roller Operator, Concrete Breaker (machine)	6.90	.22	.30		
Crane Operator, Concrete Paving Operator	7.05	.22	.30		
Shoval Operator	7.15	.22	.30		
Gradall Operator (1-½ cu. yds. or less), Motor Grader, Loader Operator Tracks (over 2-½ cu. yds)	7.80	.22	.30		
G-1000 Gradall Operator (over 1½ cu. yds.)	8.05	.22	.30		
Power Broom, Oiler	6.55	.22	.30		
Sand Setter	6.90	.22	.30		
Truck Drivers:					
Truck Drivers (standard)	6.40	.22	.30		
Tandem	6.52	.22	.30		
Tractor trailer (capable of moving heavy equipment)	6.90	.22	.30		

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld

DECISION NUMBER: C075-5143

DATE: Date of Publication

Supersedes Decision No. C075-5129 dated October 17, 1975, in 40 FR 48848

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons:					
Eagle County	9.25	.50	.60	.25	.05
Boulder and Grand Counties	8.95	.50	.60		.05
Elbert, Lake and Park Counties	8.50	.45	.50		.04
Larimer County	8.95	.45	.60		.05
Remaining Counties	9.25	.50	.60	.25	.05
CARPENTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Elbert, Grand, Gilpin, Jefferson and Park (Northern area) Counties					
Area (a) Denver Metropolitan Area including Louisville, Golden, Boulder and Longmont basing Points					
Zone I (0 to 20 miles)	8.635	.53	.70	.50	.055
Zone II (20 to 50 miles)	9.71	.53	.70	.50	.055
Zone III (50 miles and over)	10.79	.53	.70	.50	.055
Morgan and Weld Counties:					
Area (b) Denver Northeastern Area of Colorado including Greeley, Loveland and Fort Morgan basing points					
Zone I (0 to 20 miles)	8.635	.53	.70	.50	.055
Zone II (20 to 50 miles)	9.71	.53	.70	.50	.055
Zone III (50 miles and over)	10.79	.53	.70	.50	.055
Larimer County (S.E. portion within Loveland basing point, Zone I)	8.135	.48	.60	.40	.05
Larimer (Remainder of County), Eagle, Lake, Park (south 40 miles) and Summit Counties					
Zone I (0-30 miles from P.O. in Leadville or Fort Collins)	7.54	.48	.60	.40	.05

DECISION NO. C075-5143

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Zone II (30-60 miles from P. O. in Leadville or Fort Collins)	$7.79	.48	.60	.40	.05
Zone III (All work outside of the 60 mile radius from P. O. in Leadville or Fort Collins)	8.04	.48	.60	.40	.05
CEMENT MASONS:					
Cement Masons	7.74	.44	1.10	.60	.08
Working with composition materials and color working on scaffold, swing stage or temporary platform over 25'	8.24	.44	1.10	.60	.08
	7.99	.44	1.10	.60	.08
ELECTRICIANS:					
Electricians (Elbert and Park Counties)	10.07	.42	1%+.45		.015
Electricians (Remaining Counties)	10.24	.65	1%+.25		2/10%
Cable Splicers (Remaining Cos.)	10.49	.65	1%+.25		2/10%
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37			.35	
IRONWORKERS	9.20	.63	.90		.08
LATHERS	9.44				.01
MARBLE SETTERS	9.20	.55	.61		.04
MILLWRIGHTS	9.13	.53	.60	6%	.055
PAINTERS:					
Park County (Southern half)					
Brush, roller, taper, hand texture	7.20	.50	.20		.03
Steel and paperhanger	7.70	.50	.20		.03
Spray	7.80	.50	.20		.03
Steel Spray	8.30	.50	.20		.03
Remaining Counties including N½ of Park County*					
Brush and roller	9.31	.50	.60		.05
Drywall finisher; Paperhanger	9.51	.50	.60		.05
Spray; Swing Stage	9.79	.50	.60		.05
PLASTERERS	9.44				.01

DECISION NO. C075-5143

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters:					
Southern portions of Douglas, Elbert and Park Counties*	$ 9.05	.60	.75	$ 1.17	.08
Boulder County	9.45	.60	.65	.50	.10
Remaining Counties (including Northern portions of Douglas, Elbert and Park Counties)	9.50	.60	.65	.50	.05
ROOFERS:					
Eagle and Southern portions of Lake, Jefferson, Park, Douglas and Elbert Counties**	7.91	.42	.10		
Remaining Counties including Northern portions of Lake, Park, Jefferson, Douglas and Elbert Counties	8.25	.55			.08
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS	8.29	.35	.55	.30	.05
SPRINKLER FITTERS	10.55	.50	.80		.08
TILE SETTERS:					
Elbert, Lake and Park Counties	7.41	.45	.50		
Remaining Counties	9.20	.35	.61		.04
TILE, MARBLE & TERRAZZO HELPERS:					
Helpers	6.87	.61	.55	.40	
Floor Grinders	7.02	.61	.55	.40	
Base Grinder	7.57	.61	.55	.40	

*Park County dividing line: A line from the S. W. corner of Jefferson County to the S. E. corner of Lake County

**Aree South of e east-west line from west border of Lake County to a point 2 miles north of the City of Leadville to a point 1/2 mile north of the City of Limon at the west border of Lincoln County

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.

Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. C075-5143

LABORERS (Building Construction)	ZONE 1	ZONE 2	ZONE 3	Fringe Benefits Payments			
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Area A							
Group 1	$4.15	$4.60	$5.05	.44	.50		.05
Group 2	5.65	6.10	6.55	.44	.50		.05
Group 3	5.93	6.38	6.83	.44	.50		.05
Group 4	6.15	5.50	7.05	.44	.50		.05
Group 5	6.20	6.65	7.10	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05
Area B							
Group 1	4.15	4.60	5.05	.44	.50		.05
Group 2	5.50	5.95	6.40	.44	.50		.05
Group 3	5.78	6.23	6.68	.44	.50		.05
Group 4	5.98	6.43	6.88	.44	.50		.05
Group 5	5.82	6.27	6.72	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05

AREA A

Adams, Arapahoe, Boulder, Denver, Lake, Larimer and Summit Counties. Douglas and Jefferson Counties lying north of the south line of Township 7 south; Elbert County lying west of the east line of Range 65 West and North of the south line of Township 7 south. Weld County lying south and west of the following described line: Beginning at the northwest corner of Township 4 North, Range 68 West of the 6th p.m.,; thence east along the north line of said Township six (6) miles, more or less, to the east line of said Township; thence south along the east line of said Township three (3) miles, more or less, to the southeast corner of Section 13, Township 4 North, Range 68 West; thence east along the eastwest center line of Township 4 North, Range 67 West, six (6) miles, more or less, to the east line of said Township; thence south along the east line of Range 67 West, being the east lines of Township 4 North, 3 North, 2 North, and 1 North, Range 67 West, sixteen (16) miles to the southeast corner of Section 1, Township 1 North, Range 67 West; thence east and parallel to the Base Line twelve (12) miles, more or less, to the southeast corner of Section 1, Township 1 North, Range 65 West; thence south along the east line of Range 65 West, five (5) miles, more or less, to the Base Line being the south line of Weld County.

LABORERS (Cont'd)
(Building Construction)

AREA A (Cont'd)

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Boulder, Denver, Dillon, Englewood, Fort Collins, Golden, Greeley and Leadville

Zone 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities

AREA B

Douglas, Elbert, Jefferson, and Weld Counties lying outside of the area as described in Area A, and all of Clear Creek, Eagle, Gilpin, Grand, Morgan, and Park Counties.

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Eagle, Fort Morgan, Golden Grandby, Greeley and Vail.

Zone 2: That area encompassed by 30 to 70 driving miles from main Post Office of above named Cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office in above named Cities

LABORERS (Cont'd)
Building Construction

GROUP DESCRIPTION For All COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring Eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas, and electrical tools, including Self-propelled Buggies and Cement Finisher Tenders.
Laborers preparing and placing of stone or any other Aggregate in a sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sand Blasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Under-pinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	7.69	.53	.70	.50	.055
UNDERGROUND CARPENTERS	7.89	.53	.70	.50	.055
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.99	.53	.70	.50	.055
CEMENT MASONS	6.74	.44	1.10	.30	.08

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App Tr
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 6.45	.40	.30	.30	
DUMP TRUCKS, to & including 6 cu. yds.; Sweeper; Flat Rack, single Axle; Liquid & Bulk Tankers, single Axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers	6.55	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to & incl. 14 cu. yds.; Flat Rack, Tandem Axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man haul shuttle truck or Bus	6.65	.40	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid & Bulk Tankers, Tandem Axle	6.70	.40	.30	.30	
FORK LIFT DRIVER; fuel truck; Grease truck; Combination fuel & grease	6.75	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to & including 10 cu. yds.; Liquid & Bulk Tankers, semi or combination	6.80	.40	.30	.30	
MULTI-PURPOSE TRUCK; Specialty & Hoisting	6.85	.40	.30	.30	
DUMP TRUCKS over 14 cu. yds. to & including 29 cu. yds.; High Boy, Low Boy, Floats, Semi; Cab operated Distributor Truck Driver, Semi; Liquid & Bulk Tankers, Euclid, Electric, or similar; Truck Driver Dumptor type, Youngbuggy, Jumbo & similar type equipment	6.90	.40	.30	.30	
TRUCK DRIVER, Snow Plow	7.00	.40	.30	.30	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App Tr.
CEMENT MIXER, Agitator Truck over 10 cu. yds., to & incl. 15 cu. yds.	$ 7.05	.40	.30	.30	
DUMP TRUCKS over 29 cu. yds. to & incl. 39 cu. yds.	7.15	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	.40	.30	.30	
DUMP TRUCKS over 39 cu. yds. to & incl. 54 cu. yds.; Tireman	7.35	.40	.30	.30	
MECHANIC	7.45	.40	.30	.30	
DUMP TRUCKS over 54 cu. yds. to & incl. 79 cu. yds.	7.55	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	.40	.30	.30	
DUMP TRUCKS over 79 cu. yds. to & incl. 104 cu. yds.	7.75	.40	.30	.30	
DUMP TRUCKS over 104 cu. yds.	7.95	.40	.30	.30	

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cable Splicer	$11.07	.35	1%		3/4%
Lineman Cableman	10.38	.35	1%		3/4%
Lineman (Journeymen)	10.31	.35	1%		3/4%
Line Equipment Operator	8.77	.35	1%		3/4%
Line Equipment Maintenance Man	8.77	.35	1%		3/4%
Groundman, Experienced	7.24	.35	1%		3/4%
Groundmen, Inexperienced	6.57	.35	1%		3/4%

DECISION NO. C075-5143

LABORERS (Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Group 1	$5.55	.44	.50		.05
Group 2	5.65	.44	.50		.05
Group 3	5.95	.44	.50		.05
Group 4	6.10	.44	.50		.05
Group 5	6.30	.44	.50		.05
LABORERS (TUNNELS)					
Group 1	5.55	.44	.50		.05
Group 2	6.45	.44	.50		.05
Group 3	6.55	.44	.50		.05
Group 4	6.63	.44	.50		.05
Group 5	6.70	.44	.50		.05
Group 6	6.85	.44	.50		.05
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	6.55	.44	.50		.05
Group 2	6.70	.44	.50		.05
Group 3	6.80	.44	.50		.05
Group 4	6.98	.44	.50		.05
Group 5	7.08	.44	.50		.05
Group 6	7.13	.44	.50		.05

DECISION NO. C075-5143

LABORERS (Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12': Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety bolts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

DECISION NO. C075-5143

LABORERS (Cont'd)
(Heavy Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in conncection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Ballers and Stummen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Man, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

DECISION NO. C075-5143

LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Man, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzleman; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

DECISION NO. C075-5143

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)					
Group 1	$6.40	.35	.59	.30	.06
Group 2	6.75	.35	.59	.30	.06
Group 3	7.10	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.55	.35	.59	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.55	.35	.59	.30	.06
Group 2	6.90	.35	.59	.30	.06
Group 3	7.00	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.80	.35	.59	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway signalman; caisson drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Maintine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledrivar; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

DECISION NO. C075-5143

POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) Serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Nole

STATE: Colorado COUNTY: El Paso
DECISION NUMBER: CO75-5144 DATE: Date of Publication
Supersedes Decision No. CO75-5137 dated November 28, 1975, in 40 FR 55622
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons	9.00	.50	.50		.04
CARPENTERS:					
Zone 1 (0-30 miles from Post Office in Colorado Springs)	7.94	.53	.70	.50	.055
Zone 2 (30 miles and over from Post Office in Colorado Springs)	8.19	.53	.70	.50	.055
CEMENT MASONS:					
Cement Masons	7.49	.44	1.10	.60	.08
Working with composition materials and color	7.99	.44	1.10	.60	.08
Working on scaffold, swing stage or temporary platform over 25'	7.74	.44	1.10	.60	.08
ELECTRICIANS	10.07	.42	17%+.45		.015
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROE.)	50%JR				
GLAZIERS	8.37			.35	
IRONWORKERS	9.20	.63	.90		.08
LATHERS	8.69				.01
MARBLE SETTERS	9.20	.55	.61		.04
MILLWRIGHTS	9.13	.53	.60	6%	.055
PAINTERS:					
Brush and roller; Tapers, hand Texture	7.94	.50	.20		.04
Paperhangers; Steel	8.44	.50	.20		.04
Spray	8.69	.50	.20		.04
Steel Spray	9.19	.50	.20		.04
PLASTERERS	9.44				.01
PLUMBERS; Pipefitters	9.05	.60	.75	1.17	.08
ROOFERS	7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS	8.29	.35	.55	.30	.05
SPRINKLER FITTERS	10.55	.50	.80		.08
TERRAZZO WORKERS	9.20	.55	.61		.04
TILE SETTERS	7.41	.45	.50		

DECISION NO. CO75-5144

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service; 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

	ZONE 1	ZONE 2	ZONE 3	Fringe Benefits Payments			
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Building Construction)							
Group 1	$4.15	$4.60	$5.05	.44	.50		.05
Group 2	5.65	6.10	6.55	.44	.50		.05
Group 3	5.93	6.38	6.83	.44	.50		.05
Group 4	6.15	6.60	7.05	.44	.50		.05
Group 5	6.20	6.65	7.10	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in Colorado Springs

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in Colorado Springs

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in Colorado Springs

LABORERS (Cont'd)
(Building Construction)

GROUP DESCRIPTION For All COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring Eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas and electrical tools, including Self-propelled Buggies and Cement Finisher Tenders.
Laborers parparing and placing of stone or any other Aggregate in a sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sand Blasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work

Group 6: Tender, Mason and Plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$ 7.69	.53	.70	.50	.055
UNDERGROUND CARPENTERS	7.89	.53	.70	.50	.055
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains cheir; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.99	.53	.70	.50	.055
CEMENT MASONS	6.74	.44	1.10	.30	.08

LABORERS (Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$5.55	.44	.50		.05
Group 2	5.65	.44	.50		.05
Group 3	5.95	.44	.50		.05
Group 4	6.10	.44	.50		.05
Group 5	6.30	.44	.50		.05
LABORERS (Tunnels)					
Group 1	5.55	.44	.50		.05
Group 2	6.45	.44	.50		.05
Group 3	6.55	.44	.50		.05
Group 4	6.63	.44	.50		.05
Group 5	6.70	.44	.50		.05
Group 6	6.85	.44	.50		.05
(SHAFTS, RAISES, MISSLE SILOS and All UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	6.55	.44	.50		.05
Group 2	6.70	.44	.50		.05
Group 3	6.80	.44	.50		.05
Group 4	6.98	.44	.50		.05
Group 5	7.08	.44	.50		.05
Group 6	7.13	.44	.50		.05

DECISION NO. C075-5144

LABORERS
(Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 1: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' tO 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air, hydraulic); Automatic Concrete Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any Laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers and similar operated tools; Wiping of Joint Concrete Pipe, inside and oOt; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work; Relining pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

DECISION NO. C075-5144

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setter; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing materials

Group 4: Collapsible Form Movers and Setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plant Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Crete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

DECISION NO. C075-5144

POWER EQUIPMENT OPERATORS (Other then for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$6.40	.35	.59	.30	.06
Group 2	6.75	.35	.59	.30	.06
Group 3	7.10	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.55	.35	.59	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.55	.35	.59	.30	.06
Group 2	6.90	.35	.59	.30	.06
Group 3	7.00	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.80	.35	.59	.30	.06

DECISION NO. C075-5144

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams MF and similar; Helper to heavy duty Mechanics and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, Single unit Conveyor; Pumps; Vacuum Well Point System; Tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Haulage Motor Man; Pugmill; Portable Screening Plant with or without a Spray Bar; Screening Plants, with Classifier; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete Finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, Rotary, Churn, or Cable Tool; Elevating Graders, Equipment Lubricating and Service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; Single unit portable Crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on Truck

Group 4: Cable Operated Crane, Truck mounted; Cable operated Power Shovels, Draglines, Clamshells and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-Welder, heavy duty; Mixer Mobile; Motor Grader/blade, finish; Multiple unit portable Crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

Group 5: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

(For work in TUNNELS, SHAFTS and RAISES)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, under-ground; Slusher; Mine Hoist Operator

Group 6: Mole

DECISION NO. C075-5144

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$6.45	.40	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	6.55	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, Tandem Axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Han Haul Shuttle Truck or Bus	6.65	.40	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, Tandem axle	6.70	.40	.30	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination Fuel and Grease	6.75	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	6.80	.40	.30	.30	
MULTI-PURPOSE TRUCK; Speciality and Hoisting	6.85	.40	.30	.30	
DUMP TRUCKS over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Driver, Dumptor type, Youngbuggy, Jumbo and similar type equipment	6.90	.40	.30	.30	

DECISION NO. C075- 5144

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVER, Snow Plow	$7.00	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	7.05	.40	.30	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	7.15	.40	.30	30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	.40	.30	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	7.35	.40	.30	.30	
MECHANIC	7.45	.40	.30	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	7.55	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Man	7.65	.40	.30	.30	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	7.75	.40	.30	.30	
DUMP TRUCKS, over 104 cu. yds.	7.95	.40	.30	.30	
LINE CONSTRUCTION:					
Cable Splicer	11.07	.35	1%		3/4%
Lineman Cableman	10.38	.35	1%		3/4%
Lineman (Journeyman)	10.31	.35	1%		3/4%
Line Equipment Operator	8.77	.35	1%		3/4%
Line Equipment Maintenance Man	8.77	.35	1%		3/4%
Groundman, Experienced	7.24	.35	1%		3/4%
Groundman, Inexperienced	6.57	.35	1%		3/4%

SUPERSEDEAS DECISION

STATE: Colorado COUNTIES: Las Animas, Otaro and Pueblo

DECISION NUMBER: C075-5145 DATE: Date of Publication

Supersedes Decision No. C075-5136 dated November 21, 1975, in 40 FR 54398

DESCRIPTION OF WORK: Building Construction (exciuding single family homes and garden type apartments up to and including 4 stories) and heavy Construction

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$9.01	.38	.72		.02
BOILERMAKERS	8.35	.60	1.00		.04
BRICKLAYERS	9.12	.50	.60		.055
CARPENTERS	7.94	.53	.70	.50	
CEMENT MASONS:					
Cement Masons	7.39	.44	1.10	.60	.08
Working with composition material and color	7.89	.44	1.10	.60	.08
Working on scaffold, swing stage or temporary platform over 25'	7.74	.44	1.10	.60	.08
ELECTRICIANS:					
Zone I (0-12 miles from P. O.)					
Electricians	10.15	.42	1%+.45		1%
Cable Splicers	11.17	.42	1%+.45		1%
Zone II (12-20 miles from P.O.)					
Electricians	10.55	.42	1%+.45		1%
Cable Splicers	11.55	.42	1%+.45		1%
Zone III (20-40 miles from P.O.					
Electricians	10.90	.42	1%+.45		1%
Cable Splicers	11.92	.42	1%+.45		1%
Zone IV (Over 40 miles from P.O)					
Electricians	12.03	.42	1%+.45		1%
Cable Splicers	13.05	.42	1%+.45		1%
Electrical contracts under $20,000 in Zones III and IV	9.65	.42	1%+.45		1%
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37			.35	
IRONWORKERS:					
Structural; Ornamental and Reinforcing	9.20	.63	.90		.08
LATHERS	9.36				.01
MARBLE & TILE SETTERS, TERRAZZO WORKERS	9.20	.35	.61		.04
MILLWRIGHTS	9.13	.53	.60	6%	.055
PAINTERS:					
Brush,Roller, Tapers, hand Texture	8.67	.50			.04

DECISION NO. C075-5145 Page 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Steel; Paperhangers	$7.17	.50			.04
Spray, Tapers using Automatic Tools	7.67	.50			.04
Spray Steel	8.17	.50			.04
PLASTERERS	9.44				.01
PLUMBERS:					
Zone I (0-15 miles from P.O.)	10.17	.60	.75		.08
Zone II (15-20 miles from P.O.)	10.74	.60	.75		.08
Zone III (20-40 miles from P.O.)	10.92	.60	.75		.08
Zone IV (Over 40 miles from P.O.)	11.895	.60	.75		.08
ROOFERS	7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS:					
Las Animas County	8.29	.35	.55	.30	.05
Pueblo County	7.00	.35	.55	.20	.05
SPRINKLER FITTERS	10.55	.30	.80		.08

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. C075-5145

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$6.45	.40	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	6.55	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, Tandem axle; Battery Man; Mechanics' Helpers; Material Checkers; Cardex Man; Expeditors; Mac Haul Shuttle Truck or Bus	6.65	.40	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	6.70	.40	.30	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination Fuel and Grease	6.75	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	6.80	.40	.30	.30	
MILTI-PURPOSE TRUCK; Speciality and Hoisting	6.85	.40	.30	.30	
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, Semi Cab Operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, electric or similar; Truck Driver Dumptor type, Youngbuggy, Jumbo and similar type equipment	6.90	.40	.30	.30	

DECISION NO. C075-5145

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVER, Snow Plow	$7.00	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	7.05	.40	.30	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	7.15	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds	7.30	.40	.30	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	7.35	.40	.30	.30	
MECHANIC	7.45	.40	.30	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	7.55	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or combination Men	7.65	.40	.30	.30	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	7.75	.40	.30	.30	
DUMP TRUCKS, over 104 cu. yds.	7.95	.40	.30	.30	
LINE CONSTRUCTION:					
Cable Splicer	11.07	.35	1%		3/4%
Lineman Cableman	10.38	.35	1%		3/4%
Lineman (Journeyman)	10.31	.35	1%		3/4%
Line Equipment Operator	8.77	.35	1%		3/4%
Line Equipment Maintenance Man	8.77	.35	1%		3/4%
Groundman, Experienced	7.24	.35	1%		3/4%
Groundman, Inexperienced	6.57	.35	1%		3/4%

DECISION NO. C075-5145

LABORERS (Building Construction)	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2	Basic Hourly Rates ZONE 3	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Group 1	$ 4.15	$4.60	$5.05	.44	.50		.05
Group 2	5.65	6.10	6.55	.44	.50		.05
Group 3	5.93	6.38	6.83	.44	.50		.05
Group 4	6.15	6.60	7.05	.44	.50		.05
Group 5	6.20	6.65	7.10	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Pueblo and Trinidad.

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in the above named Cities

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in the above named Cities

DECISION NO. C075-5145

LABORERS (Cont'd)
Building Construction

GROUP DESCRIPTION For All COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring Eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas, and electrical tools, including Self-propelled Buggies and Cement Finisher Tenders.
Laborers preparing and placing of stone or any other Aggregate in a sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sand Blasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Under-pinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
CARPENTERS	7.69	.53	.70	.50	.055
UNDERGROUND CARPENTERS	7.89	.53	.70	.50	.055
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.99	.53	.70	.50	.055
CEMENT MASONS	6.74	.44	1.10	.30	.08

DECISION NO. C075-5145

LABORERS (Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$5.55	.44	.50		.05
Group 2	5.65	.44	.50		.05
Group 3	5.95	.44	.50		.05
Group 4	6.10	.44	.50		.05
Group 5	6.30	.44	.50		.05
LABORERS (TUNNELS)					
Group 1	5.55	.44	.50		.05
Group 2	6.45	.44	.50		.05
Group 3	6.55	.44	.50		.05
Group 4	6.63	.44	.50		.05
Group 5	6.70	.44	.50		.05
Group 6	6.85	.44	.50		.05
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	6.55	.44	.50		.05
Group 2	6.70	.44	.50		.05
Group 3	6.80	.44	.50		.05
Group 4	6.98	.44	.50		.05
Group 5	7.08	.44	.50		.05
Group 6	7.13	.44	.50		.05

DECISION NO. C075-5145

LABORERS
(Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross-Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

DECISION NO. C075-5145

LABORERS (Cont'd) (Heavy Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in conncection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

DECISION NO. C075-5145

LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

DECISION NO. C075-5145

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
Group 1	$6.40	.35	.59	.30	.06
Group 2	6.75	.35	.59	.30	.06
Group 3	7.10	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.55	.35	.59	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.55	.35	.59	.30	.06
Group 2	6.90	.35	.59	.30	.06
Group 3	7.00	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.80	.35	.59	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials, Ditch ditch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway signalman; caisson drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnita Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Machanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

DECISION NO. C075-5145

POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin

DECISION NUMBER: C075-5146

DATE: Date of Publication

Supersedes Decision No. C075-5135 dated November 21, 1975, in 40 FR 54391

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

DECISION #C075-5146

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons:					
Pitkin County	9.25	.50	.60	.25	.05
Remaining Counties	8.50	.45	.60	.25	.05
CARPENTERS:					
P. O. basing points in the Cities of Leadville, Fort Collins, Glenwood Springs; Grand Junction, Gunnison and Montrose					
Zone I (0-30 miles from nearest basing point)	7.94	.53	70	.50	.055
Zone II (30-60 miles from nearest basing point)	8.19	.53	.70	.50	.055
Zone II (60 miles and over from nearest basing point)	8.44	.53	.70	.50	.055
CEMENT MASONS:					
Cement Masons	7.74	.44	1.10	.60	.08
Working with composition materials and color	8.24	.44	1.10	.60	.08
Working on scaffold, swing stage or temporary platform over 25'	7.99	.44	1.10	.60	.08
ELECTRICIANS:					
Electricians	9.80	.42	1%		5/10%
Cable Splicers	10.05	.42	1%		5/10%
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR			.35	
GLAZIERS	8.37				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	9.20	.63	.90		.08
LATHERS	9.44				.01
MARBLE and TILE SETTERS, TERRAZZO WORKERS	9.20	.55	.61		.04
MILLWRIGHTS	9.13	.53	.60	6%	.055
PAINTERS:					
Brush and Roller	$9.31	.50	.60		.05
Drywall Finisher; Paperhangers	9.51	.50	.60		.05
Spray; Swing stage	9.79	.50	.60		.05
PLUMBERS	8.75	.60	.30	1.50	.10
ROOFERS	7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS	8.29	.35	.55	.30	.05
SPRINKLER FITTERS	10.55	.50	.80		.08

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.
6 Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION #C075-5146

LABORERS (Building Construction) Garfield and Pitkin Counties	ZONE 1* Basic Hourly Rates	ZONE 2* Basic Hourly Rates	ZONE 3* Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$4.15	$4.60	$5.05	.44	.50		.05
Group 2	5.50	5.95	6.40	.44	.50		.05
Group 3	5.78	6.23	6.68	.44	.50		.05
Group 4	5.98	6.43	6.88	.44	.50		.05
Group 5	5.82	6.27	6.72	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05

*ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Aspen, Glenwood, Springs, and Rifle.

*ZONE 2: That area encompassed by 20 to 70 driving miles from the main Post Office of above named Cities.

*ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities.

Delta, Gunnison, Mesa and Montrose Counties	ZONE 1**	ZONE 2**	ZONE 3**				
Group 1	$4.15	$4.60	$5.05	.44	.50		.05
Group 2	5.65	6.10	6.55	.44	.50		.05
Group 3	5.93	6.38	6.83	.44	.50		.05
Group 4	6.15	6.60	7.05	.44	.50		.05
Group 5	6.30	6.65	7.10	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05

**ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Grand Junction, Gunnison, Montrose, and Naturita.

**ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities.

**ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities.

DECISION NO. C075-5146

LABORERS (Cont'd)
Building Construction

GROUP DESCRIPTION For All COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring Eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas, and electrical tools, including Self-propelled Buggies and Cement Finisher Tenders.
Laborers preparing and placing of stone or any other Aggregate in a sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sand Blasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Under-pinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	7.69	.53	.70	.50	.055
UNDERGROUND CARPENTERS	7.89	.53	.70	.50	.055
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.99	.53	.70	.50	.055
CEMENT MASONS:					
Gunnison and Pitkin Counties	7.24	.44	1.10	.30	.08
Remaining Counties	6.74	.44	1.10	.30	.08

DECISION No. C075-5146

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$6.45	.40	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	6.55	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	6.65	.40	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	6.70	.40	.30	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	6.75	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	6.80	.40	.30	.30	
MULTI-PURPOSE TRUCK; Speciality and Hoisting	6.85	.40	.30	.30	
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type, Youngbuggy, Jumbo and similar type equipment	6.90	.40	.30	.30	

DECISION NO. C075-5146

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVER, Snow Plow	$7.00	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	7.05	.40	.30	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	7.15	.40	.30	30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	.40	.30	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	7.35	.40	.30	.30	
MECHANIC	7.45	.40	.30	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	7.55	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	.40	.30	.30	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu yds.	7.75	.40	.30	.30	
DUMP TRUCKS, over 104 cu. yds.	7.95	.40	.30	.30	
LINE CONSTRUCTION:					
Cable Splicer	11.07	.35	1%		3/4%
Lineman Cableman	10.38	.35	1%		3/4%
Lineman (Journeyman)	10.31	.35	1%		3/4%
Line Equipment Operator	8.77	.35	1%		3/4%
Line Equipment Maintenance Man	8.77	.35	1%		3/4%
Groundman, Experienced	6.24	.35	1%		3/4%
Groundmen, Inexperienced	6.57	.35	1%		3/4%

DECISION NO. C075- 5146

LABORERS (Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions *	Vacation	App. Tr.
Group 1	$5.53	.44	.50		.05
Group 2	5.65	.44	.50		.05
Group 3	5.95	.44	.50		.05
Group 4	6.10	.44	.50		.05
Group 5	6.30	.44	.50		.05
LABORERS (TUNNELS)					
Group 1	5.53	.44	.50		.05
Group 2	6.45	.44	.50		.05
Group 3	6.55	.44	.50		.05
Group 4	6.63	.44	.50		.05
Group 5	6.70	.44	.50		.05
Group 6	6.85	.44	.50		.05
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	6.53	.44	.50		.05
Group 2	6.70	.44	.50		.05
Group 3	6.80	.44	.50		.05
Group 4	6.98	.44	.50		.05
Group 5	7.08	.44	.50		.05
Group 6	7.13	.44	.50		.05

DECISION NO. C075-5146

LABORERS
(Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pan Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

DECISION NO. C075-5146

LABORERS (Cont'd)
(Heavy Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Colleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Housemen

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

DECISION NO. C075-5146

LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

DECISION NO C075-5146

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr.
Group 1	$6.40	.35	.59	.30	.06
Group 2	6.75	.35	.59	.30	.06
Group 3	7.10	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.55	.35	.59	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.55	.35	.59	.30	.06
Group 2	6.90	.35	.59	.30	.06
Group 3	7.00	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.80	.35	.59	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber Tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway signalman; caisson drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34F or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable cruener, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

DECISION NO. C075-5146

POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

SUPERSEDEAS DECISION

STATE: Colorado
DECISION NUMBER: C075-5147
COUNTY: Statewide
DATE: Data of Publication
Supersedes Decision No. C075-5118 dated September 19, 1975, in 40 FR 43449
DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$7.69	.53	.70	.50	.055
CEMENT MASONS:					
*Zone I	6.74	.44	1.10	.30	.08
*Zone II	7.24	.44	1.10	.30	.08
ELECTRICIANS:					
Adams, Arapahoe, Boulder Clear Creek, Denver, Douglas, Eagle, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Sedgwick, Summit, Washington, Weld and Yuma Counties					
Electricians	10.24	.65	1%+.25		
Cable Splicers	10.49	.65	1%+.25		
Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkins, Rio Blanco, Routt, San Juan and San Miguel Counties					
Electricians	9.80	.42	1%		5/10%
Cable Splicers	10.05	.42	1%		5/10%
Archuleta, Baca, Bent, Chaffee, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, and Rio Grande Counties					
Zone 1 (Within 12 miles from Pueblo Main P.O.)					
Electricians	10.15	.42	1%+.45		1/10%
Cable Splicers	11.17	.42	1%+.45		1/10%
Zone 2 (12 to 20 miles from Pueblo Main P. O.) and (0 to 12 miles from P. O. in Canon City)					
Electricians	10.55	.42	1%+.45		1/10%
Cable Splicers	11.55	.42	1%+.45		1/10%
Zone 3 (30 to 40 miles from Pueblo Main P. O.)					
Electricians	10.90	.42	1%+.45		1/10%
Cable Splicers	11.92	.42	1%+.45		1/10%

Page 2

DECISION NO. C075-5147

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Zone 4 (40 miles and over from Pueblo Main P. O.)					
Electricians	$12.03	.42	1%+.45		1/10%
Cable Splicers	13.05	.42	1%+.45		1/10%
Electricians on electrical contracts less than $20,000 in Zones 3 and 4	9.65	.42	1%+.45		1/10%
Cheyenne, Elbert, El Paso, Kit Carson, Lincoln, Park and Teller Counties					
Electricians	10.07	.42	1%+.45		.015
IRONWORKERS	9.20	.63	.90		.08
PAINTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Delta, Denver, Douglas, Eagle, Elbert, Garfield, Gilpin, Grand, Gunnison, Jackson, Jefferson, Lake, Larimer, Logan, Mesa, Moffat, Montrose, Morgan, Park (Northern half), Phillips, Pitkin, Rio Blanco, Routt, Sedgwick, Summit, Washington, and Weld Counties					
Brush	9.31	.50	.60		.05
Spray, Swing Stage	9.79	.50	.60		.05
Baca, Bent, Crowley, Custer, Huerfano, Kiowa, Las Animas, Otero, Prowers and Pueblo Cos.					
Brush	6.28	.30			.02
Structural Steel; Spray	6.78	.30			.02
Spray Steel	7.38	.30			.02
Archuleta, Chaffee, Cheyenne, Dolores, El Paso, Fremont, Hinsdale, Kit Carson, La Plata, Lincoln, Mineral, Montezuma, Ouray, Park (Northern half), Rio Grande, Saguache, San Juan, San Miguel and Teller Counties					
Brush	7.20	.50	.20		.03
Spray	7.80	.50	.20		.03
Steel	7.70	.50	.20		.03
Steel Spray	8.30	.50	.20		.03
PILEDRIVERMEN	7.29	.48	.60	.40	.05

Page 3

DECISION NO. C075-5147

CEMENT MASONS (Cont'd)

★ Zone Description

A. Counties entirely within Zone 1:

Alamosa	Custer	Huerfano	Otero
Archuleta	Delta	Jefferson	Phillips
Bent	Denver	LaPlata	Prowers
Boulder	Douglas	Larimer	Pueblo
Chaffee	El Paso	Logan	Rio Grande
Clear Creek	Fremont	Mesa	Sedgwick
Conejos	Garfield	Montezuma	Teller
Costilla	Gilpin	Morgan	Weld
Crowley			

B. Counties entirely within Zone 2:

Baca	Jackson	Moffat	Saguache
Cheyenne	Kiowa	Ouray	San Juan
Dolores	Kit Carson	Park	San Miguel
Grand	Lake	Pitkin	Summit
Gunnison	Lincoln	Rio Blanco	Yuma
Hinsdale	Mineral	Routt	

C. Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose and Washington Counties which are included within Zone 1, as follows:

All of Adams, Arapahoe, Elbert and Las Animas Counties lying west of the Township line between R59W and R60W of the 7th Guide Meridian West; and all of Eagle County lying west of the Township line between R80W and R81W of the 10th Guide Meridian West and all of Montrose County lying Northerly of the North line of Ouray County and said North line extended West to the Townsnip line between R11W and R12W, said part lying East of said Township line of the New Mexico Principal Meridian, and all of Washington County lying North of the 40°00'00" Latitude Base Line.

D. Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose and Washington Counties which are included with Zone 2, as follows:

All of Adams, Arapahoe, Elbert and Las Animas lying East of the Township line between R59W and R60W of the 7th Guide Meridian West, and all of Eagle County lying East of the Township line between R80W and R81W of the 9th Guide Meridian West and all of Montrose County except that part lying Northerly of the North line of Ouray County and said North line extended West of said Township line between R11W and R12W, said point being East of said Township line of the New Mexico Principal Meridian and all of Washington County lying South of the 40°00'00" Latitude Base Line.

Page 4

DECISION NO C075-5147

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apr. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 6.45	.40	.30	.30	
DUMP TRUCKS, to & including 6 cu. yds.; Sweeper; Flat Rack, single Axle; Liquid & Bulk Tankers, single Axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers	6.55	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to & incl. 14 cu. yds.; Flat Rack, Tandem Axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Han haul shuttle truck or Bus	6.65	.40	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid & Bulk Tankers, Tandem Axle	6.70	.40	.30	.30	
FORK LIFT DRIVER; fuel truck; Grease truck; Combination fuel & grease	6.75	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to & including 10 cu. yds.; Liquid & Bulk Tankers, semi or combination	6.80	.40	.30	.30	
MULTI-PURPOSE TRUCK; Specialty & Hoisting	6.85	.40	.30	.30	
DUMP TRUCKS over 14 cu. yds. to & including 29 cu. yds.; High Boy, Low Boy, Floats, Semi; Cab operated Distributor Truck Driver, Semi; Liquid & Bulk Tankers, Euclid, Electric, or similar; Truck Driver Dumptor type, Youngbuggy, Jumbo & similar type equipment	6.90	.40	.30	.30	
TRUCK DRIVER, Snow Plow	7.00	.40	.30	.30	

Page 5

DECISION NO C075-5147

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	$7.05	.40	.30	.30	
DUMP TRUCKS over 29 cu. yds. to and including 39 cu. yds.	7.15	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	.40	.30	.30	
DUMP TRUCKS over 39 cu. yds. to and including 54 cu. yds.; Fireman	7.35	.40	.30	.30	
MECHANIC	7.45	.40	.30	.30	
DUMP TRUCKS over 54 cu. yds. to and including 79 cu. yds.	7.55	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	.40	.30	.30	
DUMP TRUCKS over 79 cu. yds. to and including 104 cu. yds.	7.75	.40	.30	.30	
DUMP TRUCKS over 104 cu. yds.	7.95	.40	.30	.30	
LINE CONSTRUCTION:					
Cable Splicer	11.07	.35	1%		3/4%
Lineman Cableman	10.38	.35	1%		3/4%
Lineman (Journaymen)	10.31	.35	1%		3/4%
Line Equipment Operators	8.77	.35	1%		3/4%
Line Equipment Maintenance Man	8.77	.35	1%		3/4%
Groundman, Experienced	7.24	.35	1%		3/4%
Groundman, Inexperienced	6.57	.35	1%		3/4%

Page 6

DECISION NO. C075-5147

LABORERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Group 1	$3.55	.44	.50		.05
Group 2	5.65	.44	.50		.05
Group 3	5.95	.44	.50		.05
Group 4	6.10	.44	.50		.05
Group 5	6.30	.44	.50		.05
LABORERS (TUNNELS)					
Group 1	5.55	.44	.50		.05
Group 2	6.45	.44	.50		.05
Group 3	6.55	.44	.50		.05
Group 4	6.63	.44	.50		.05
Group 5	6.70	.44	.50		.05
Group 6	6.83	.44	.50		.05
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	6.53	.44	.50		.05
Group 2	6.70	.44	.50		.05
Group 3	6.80	.44	.50		.05
Group 4	6.98	.44	.50		.05
Group 5	7.08	.44	.50		.05
Group 6	7.13	.44	.50		.05

DECISION NO. CO75-5147

LABORERS

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechenical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Pine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

DECISION NO. CO75-5147

LABORERS (Cont'd)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

NOTICES

DECISION NO. CO75-5147

LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

DECISION NO CO75-5147

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
(Other than for work in Tunnels, Shafts and Raises)					
Group 1	$6.40	.35	.59	.30	.06
Group 2	6.75	.35	.59	.30	.06
Group 3	7.10	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.55	.35	.59	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.55	.35	.59	.30	.06
Group 2	6.90	.35	.59	.30	.06
Group 3	7.00	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.80	.35	.59	.30	.06

NOTICES

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams HF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a grav bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway signalman; caisson drill; Williams HF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34S or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

SUPERSEDEAS DECISION

STATE: Indiana COUNTIES: *See Below
DECISION NUMBER: IN75-2131 DATE: Date of Publication
Supersedes Decision No. IN75-2083, dated June 27, 1975 in 40 FR 27422
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

*Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, Vanderburgh & Vigo	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Allen & Grant Counties	$10.55	.35	.55		
Bartholomew, Benton, Delaware, Marion, Monroe, Tippecanoe, & Vigo Counties	10.31	.35	.35		.05
Dearborn County	9.96	.45	.85		.02
Vanderburgh County	10.09	.35	.30		
BOILERMAKERS:					
Dearborn County	8.30	.30	.70		.01
Remainder of Counties	10.85	.80	1.00		.03
BRICKLAYERS:					
Allen County:					
Bricklayers; Marble setters & Stonemasons	8.79	.30	.25		.01
Bartholomew & Monroe Counties:					
Bricklayers; Marble setters; Stonemasons; Terrazzo workers & Tile setters	8.75	.30	.30		.02
Benton & Tippecanoe Counties:					
Bricklayers; Marble Setters & Stonemasons	8.85	.48	.35		.01
Terrazzo workers & Tile setters	8.85	.48	.35		.01
Dearborn County	8.25		.30		
Delaware County:					
Bricklayers; Marble setters; & Stonemasons	8.75	.40	.25		.01
Tile setters	8.50	.40	.25		.01
Grant County:					
Bricklayers; Marble setters; Stonemasons; Terrazzo workers & Tile setters	8.40	.40	.30		
Marion County:					
Bricklayers; & Stonemasons	10.03	.30	.30		.06
Marble setters ; & Tile setters	9.66	.30	.30		.04
Terrazzo workers	9.40	.30	.30		.03
Vanderburgh County:					
Bricklayers; Stonemasons	9.33	.50	.30		
Marble setters; Terrazzo workers; & Tile setters	8.90		.30		
Vigo County:					
Bricklayers; Stonemasons	9.85	.30	.50		.01
Marble setters; Terrazzo workers & Tile setters	9.45	.30	.50		.01

CARPENTERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Allen County:					
Carpenters; & Soft floor layers	$ 8.73	[illegible]			.04
Millwrights; & Piledrivermen	9.06	[illegible]			.04
Bartholomew County (Camp Atterbury) & Marion County:					
Carpenter; Millwrights	10.20	.50	.60		.08
Bartholomew County (Remainder of County):					
Carpenters; & Soft floor layers	8.49	.35	.45		.03
Millwrights	8.99	.35	.45		.03
Piledrivermen	8.74	.35	.45		.03
Benton & Tippecanoe Counties:					
Carpenters & Soft floor layers	8.81	.40	.30		.02
Millwrights; & Piledrivermen	9.16	.40	.30		.02
Dearborn County:					
Carpenters; & Soft floor layers	8.54	.35	.45		.03
Millwrights	9.04	.35	.45		.03
Piledrivermen	8.79	.35	.45		.03
Delaware County:					
Carpenters; Soft Floor layers	8.35	.40	.25		.05
Piledrivermen	8.55	.40	.25		.05
Millwrights	8.65	.40	.25		.05
Grant County:					
Carpenters	8.58	.45	.45		.05
Piledrivermen	8.78	.45	.45		.05
Millwrights	9.08	.45	.45		.05
Monroe County:					
Carpenters; Soft floor layers	8.20	.35	.25		.01
Millwrights & Piledrivermen	8.45	.35	.25		.01
Vanderburgh County:					
Carpenters & Soft Floor layers	8.85	.40	.35		
Millwrights; & Piledrivermen	9.10	.40	.35		
Vigo County:					
Carpenters; & Soft Floor layers	8.38	.35	.40		.02
Piledrivermen	8.63	.35	.40		.02
Millwrights	9.23	.35	.40		.02
CEMENT MASONS:					
Allen County	8.70	.40			
Bartholomew County	8.30				
Benton & Tippecanoe Counties	8.10	.45	.40		

DECISION NO. IN75-2131

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASON: (Cont'd)					
Dearborn County	$ 6.50				
Delaware & Grant Counties	8.40	.40			
Marion County	8.76				.04
Monroe County	8.25				
Vanderburgh County	8.55	.45	.40		
Vigo County	8.00	.45	.25		
ELECTRICIANS:					
Allen County	9.85	.25	1%+.30		.06
Bartholomew & Marion Counties	10.15	3%	5%		.5%
Benton & Tippecanoe Counties	9.95	.40	1%		½ of 1%
Dearborn County:					
Up to & including 18-mile radius from Hamilton County, Ohio Court House	10.00	.60	1%+.30		.5%
Over 18-mile radius up to & including 21 mile-radius from Hamilton County, Ohio Court House	10.30	.60	1%+.30		.5%
Over 21-mile radius up to & including 25-mile radius from Hamilton County, Ohio Court House	10.40	.60	1%+.30		.5%
Over 25-mile radius from Hamilton County, Ohio Court House	10.55	.60	1%+.30		.5%
Delaware County	9.70	.40	1%+.30		.2%
Grant County	9.45	.40	1%+.30		.2%
Monroe County	9.15	.30	1%+.40		.02
Vanderburgh County	10.65	.40	1%		½ of 1%
Vigo County	10.20	.40	1%+.40		.01
ELEVATOR CONSTRUCTORS:					
Allen & Grant Counties:					
Elevator constructors	9.03	.445	.29	3%+b+o	.02
Helpers	6.32	.445	.29	3%+b+o	.02
Helpers (Prob.)	4.515				
Bartholomew, Benton, Delaware, Marion, Monroe, Tippecanoe, & Vigo Counties:					
Elevator Constructors	9.455	.445	.29	3%+b+o	.02
Helpers	6.62	.445	.29	3%+b+o	.02
Helpers (Prob.)	4.73				

DECISION NO. IN75-2131

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS: (cont'd)					
Dearborn County:					
Elevator constructors	9.62	.445	.29	3%+b+o	.02
Helpers	6.73	.445	.29	3%+b+o	.02
Helpers (Prob.)	4.81				
Vanderburgh County:					
Elevator Constructors	9.31	.445	.29	3%+b+o	.02
Helpers	6.52	.445	.29	3%+b+o	.02
Helpers (Prob.)	4.655				
GLAZIERS:					
Allen & Grant Counties	8.88	d		.30+e	.04
Bartholomew, Delaware, Marion, Monroe, Tippecance, & Vigo Counties	9.89				
Benton County	7.80	.25	.25	.25	
Dearborn County	10.10		.35		.005
Vanderburgh County	8.875	.41	.20	.25	
IRONWORKERS:					
Allen, Delaware (Northeastern 1/3 of Co.), & Grant (excluding s/w portion) Counties	10.20	.65	.80		.01
Bartholomew, Delaware (Southern 2/3 of Co.), Grant (s/w portion) & Monroe Counties	10.15	.65	.90		.05
Marion County	10.00	.65	.90		.05
Benton, & Tippecanoe Counties	9.49	.65	.90		.05
Dearborn County:					
Ornamental; Structural	10.545	.65	.70		.03
Reinforcing	9.145	.55	1.05		.02
Vanderburgh County	8.15	.25	.25		
Vigo County	9.75	.65	1.55		
LADORERS (Wrecking):					
Marion County:					
Wrecking laborers; Mason tenders	6.20	.35	.35		.07
Jackhammer; drill & compactor operators	6.40	.35	.35		.07
Cutting torch or burner	6.75	.35	.35		.07
LATHERS:					
Bartholomew, Marion, Monroe, & Vigo Counties	10.00	.45			.04
Benton & Tippecanoe Counties	8.54	.40	.35		.01

DECISION NO. IN75-2131

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS: (Cont'd)					
Dearborn County	$11.145		.25		.035
Delaware & Grant Counties	8.15		.25		.01
Vanderburgh County	9.07				.01
LEADBURNERS	9.25	.35		f	
MARBLE & TILE SETTERS' HELPERS:					
Bartholomew, Dearborn, Delaware, Grant, Marion, Monroe, & Tippecance Counties	7.60				
PAINTERS:					
Allen & Grant Counties:					
Brush; Paperhangers; Roller; & Tapers	7.75	.37	.35		.10
Sandblasters; Spray	8.75	.37	.35		.10
Bartholomew County:					
Brush; Drywall Taping & Finishing; & Rollers	8.05				
Sandblasting; Spray; swing stage	9.05				
Structural steel	8.05				
Benton & Tippecance Counties:					
Brush	8.05				
Structural Steel	8.30				
Sand blasting	9.05				
Spray	11.32				
Dearborn County:					
Brush; Roller; Wallwashing; Drywall taping & finishing, wallpaper & vinyl hanging; floor sanding; seamless flooring & finishing; Sandblasting; hopper tending; steamcleaning	8.10				
Spray	8.60				
Delaware County:					
Brush; Taping	7.55		.50		
Sandblasters; Spray	8.30		.50		
Steeplejack; Water towers	8.55		.50		
Marion County:					
Brush; Drywall tapers & Finishers; Rollers	8.70	.30	.20		
Sandblasters; Spray	9.70	.30	.20		

DECISION NO. IN75-2131

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Monroe County:					
Brush; Drywall; Paperhanging; Roller; & Vinyl	7.90			.30	
Structural Steel	8.65			.30	
Sandblasting; Spray	8.90			.30	
Vanderburgh County:					
Brush; Roller	7.75	.55	.30		
Sandblasting; Spray	8.50	.55	.30		
Vigo County:					
Brush, Drywall finishing; Paperhangers; & Rollers	7.90			.25	
Spray	8.90			.25	
Structural Steel to 30'	8.15			.25	
Structural Steel 30' to 100'	8.90			.25	
Structural Steel over 100'	9.90			.25	
PIPEFITTERS: Steamfitters:					
Dearborn County	10.80	.70	.975		.06
PIPEFITTERS; Plumbers; & Steamfitters:					
Bartholomew (Camp Atterbury), & Marion Counties	10.40	.40	.70		.02
PLASTERERS:					
Allen County	7.59	.40			
Bartholomew County	9.10				
Benton (Eastern 2/3 west to & incl. Boswell, Earl Park, & Raub) & Tippecance Counties	9.00	.45			
Dearborn County	6.50				
Delaware & Grant Counties	8.25	.45			.01
Marion County	10.30	.40			.01
Vanderburgh County	9.64				
Vigo County	7.20	.45	.25		
PLUMBERS:					
Dearborn County	9.92	.65	.90		.05
PLUMBERS; Steamfitters:					
Allen County	10.05	.35	.65		.07
Bartholomew (Exoluding Camp Atterbury) County	9.90	.40	.30		.05
Benton & Tippecance Counties	10.30	.40	.75		.10
Delaware County	9.78	.40	.35	g	.10
Grant County	9.65	.40	.55		.05
Monroe County	10.15	.40	.70		.10

DECISION NO IN75-2131

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters: (Cont'd)					
Vanderburgh County	$10.73	.40	.60	10%	.01
Vigo County	10.30	.40	.75		.10
ROOFERS:					
Allen County	8.75		.10		
Bartholomew, Marion, Monroe, Counties					
Composition; Waterproofers	9.76	.30	.40		
Slate, Tile, Asbestos, & Precast slab	10.01	.30	.40		
Helpers	8.26	.30	.40		
Benton & Tippecanoe Counties:					
Composition	9.30	.40	.28		
Slate, Tile, Asbestos	9.53	.40	.28		
Dearborn County	10.745		.85		.01
Delaware County	7.45	.25	.10		
Grant County	6.80		.10		
Vanderburgh County:					
Composition	8.21	.30	.15		
Concrete slab & gypsum plank	8.45	.30	.15		
Slate & Tile	8.45	.30	.15		
Helpers	5.75	.30	.15		
Vigo County:					
Roofers; Kettlemen	8.50	.40	.20		
SHEET METAL WORKERS:					
Allen & Grant Counties	9.89	.40	.35		.06
Bartholomew, Delaware, Marion & Monroe Counties	9.91	.50	.55		.06
Benton & Tippecanoe Counties	8.85	.40	.30		.04
Dearborn County	8.995	.40	.70		.02
Vanderburgh County	8.80	.35	.35		.02
Vigo County	8.90	.31	.45		.05
SPRINKLER FITTERS	10.55	.50	.80		.08
TERRAZZO WORKERS; Tile Setters:					
Allen County	8.85				
TERRAZZO WORKERS' HELPERS:					
Bartholomew, Delaware, Grant, Marion, Monroe, Tippecanoe & Vigo Counties	7.95				

DECISION NO IN75-2131

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Allen County:					
Up to & incl. 1 ton	7.13	h	i		
Sweeper attached & dist. water wagon	7.43	h	i		
1½ to & incl. 3 tons; Forklift	7.23	h	i		
Tandem; Double bottoms; Lowboys	7.33	h	i		
Semi	7.28	h	i		
Euclid; Earthmover	7.58	h	i		
Benton & Tippecanoe Counties:					
Single axle; Straight trucks; Warehousemen	6.30	j	k	l	
Helpers; Greasers; Tiremon	6.25	j	k	l	
Tandem axles; Straight trucks & Doglegs	6.40	j	k	l	
Bituminous distributors	6.45	j	k	l	
Semi-trucks & mechanics	6.60	j	k	l	
Marion County:					
Up to & incl. 3 tons & Helpers	7.325	m	n	o	
Over 3 tons; Semi-trailers; Tandem (double bottom); Winch trucks when used with winch	7.475	m	n	o	
Truck mechanics	7.40	m	n	o	

DECISION NO. IN75-2131

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. 6% for Health & Welfare includes Pension
b. 6 paid holidays: A through F
c. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, & 2% for employee who has worked in business less than 5 years.
d. When an employee has been employed by an employer for 6 continuous months, the employer will contribute $5.00 per week toward his Hospital/Medical premiums if the employer does not have a preestablished Hospital/Medical plan. If an employee has met the 6-month qualification & is off work for any reason for over 30 continuous calendar days, the employer will not make the above $5.00 weekly contribution to the employee until the employee returns to work on a regular basis.
e. 6 paid holidays: A through F provided such employees work the last scheduled day prior to & the next scheduled work day after the holiday unless permission for not working on such days is granted by the employer.
f. 9 paid holidays: A through F plus Washington's Birthday, Good Friday, & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, & the regular scheduled work days immediately preceding and following the holiday.
g. 2 paid holidays: C & D
h. $14.00 per week per employee
i. $14.00 per week per employee
j. $16.00 per week per employee
k. $13.00 per week per employee.
l. 1 week's paid vacation after 1 year's employment; 2 weeks after 3 years; 3 weeks after 10 years
m. $16.00 per week per employee
n. $19.50 per week per employee
o. Each employee who has been in the employ of the same employer for 1 year & has accumulated 1000 hours of service shall receive 1 week's vacation with pay of 40 hours at straight time; each employee who has been in the employ of the same employer for 10 years or more & has accumulated 1000 hours of service shall receive 3 weeks' vacation with pay of 120 hours at straight time hourly rate.

DECISION NO. IN75-2131 INDIANA-15-LAD AREA I

LABORERS Allen, Benton, Delaware, Grant, & Tippecanoe Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$6.25	.35	.35		.09
GROUP B	6.45	.35	.35		.09
GROUP C	6.55	.35	.35		.09
GROUP D	7.25	.35	.35		.09

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and luteron, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and shooting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of uniorete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic), motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

Bartholomew, Dearborn, Marion, Monroe, Vanderburgh, & Vigo Counties

INDIANA-16-LAB AREA 3

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	$6.40	.35	.35		.09
GROUP B	6.60	.35	.35		.09
GROUP C	6.70	.35	.35		.09
GROUP D	7.40	.35	.35		.09

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operators, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crate assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or masons, mason tenders

GROUP D: Dynamite Men

Allen, Benton, Delaware Grant, Marion, & Tippecanoe Counties

INDIANA-11-PEO-1

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 9.90	.40	.40		.05
GROUP 2	9.05	.40	.40		.05
GROUP 3	7.95	.40	.40		.05
GROUP 4	7.20	.40	.40		.05

CLASSIFICATIONS

GROUP 1: Air Compressor (pressurizing shafts, tunnels and divers), Air Tugger, Auto Patrol, Backfiller, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor (w/dozer blade) Concrete Plant, Concrete Pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over), Dredge, Elevator (when hoisting material or tool) Forklift (machinery), Formless Paver, Generator (power for welders or compressors), Gradall, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on job site, Mucking Machine, Panel Board, Concrete Plant, Piledriver, Push Cat, Scoop and Tractor, Scraper-rubber-tired, Spreader-tractor mounted, Straddle Carrier-Ross type, Sub-base Finish, Machine (C.M.I. or similar tower crane), Tractor w/backhoe (over ½ yd.) Welder

GROUP 2: A-Frame Truck, Batcher Plant (automatic dry batch), Bending Machine-power driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bullfloat, Compactor or Tamper-self-propelled, Concrete Mixer (21 cu. ft. or over), Concrete spreader-power driven, Dinkey Engine, Ditching Machine (less than 18"), Drilling Machine, Finish Machine and Bullfloat, Finishing Machine, Fireman, Piledriving and Boilers, Forklift-Masonry and Material, Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-mesh placer, P.C.C.-Concrete Belt Placer, Roller-Asphalt Stone and Sub-base, Sheepstone Roller self-propelled, Shop Mule, Spreader or Base Paver-self-propelled, Subgrader, Throttle Valve w/air compressor or boiler, Tractor w/backhoe (½ yard and under), Tractor-High lift-Farm-type, Tractor-Industrial type, Tractor w/winch, Well Points, Winch Truck

GROUP 3: Air Compressor (210 cu. ft. and over); Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope pot-power agitated, Flexplane, Form Grader, Hydrohammer, Jacks-Hydraulic-power driven, Minor Equipment Operator, Paving Joint Machine, Post Hole Digger, Roller-earth, Throttle Valve, Track Jack-power driven, Tractor-farm type, Truck Crane Driver

GROUP 4: Air Compressor (less than 210 cu. ft.) Concrete Mixer (under 21 cu. ft.), Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers

Bartholomew, Dearborn, & Vanderburgh Counties

IND - 7 - LEO

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	$9.13	.30	.30		
GROUP B	8.21	.30	.30		
GROUP C	7.57	.30	.30		

CLASSIFICATIONS

GROUP A: A-Frame winch truck, air compressor over 600 cu. ft., air tugger, auto-grade (CMI), auto patrol backhoe, ballast regulator (RR), batcher plant (electric control concrete), bending machine (pipe), bituminous plant, bituminous mixer travel plant, bituminous power roller, bulldozer, cable way, Chicago boom, clamshell, concrete mixer (21 cu. ft. or over), crane, craneman, crusher plant, derrick boat, dinkey, dope pots (pipeline), dragline, dredge operator, drill operator, elevating grader, concrete paver, elevator, Ford hoe, (or similar type equipment), forklift formless paver, gantry crane, gradeall, grademan, grout pump, Hetherington paver, highlift hoist, hopto. hough loader (or similar type), hydro crane, hydro hammer, locomotive crane, locomotive, mechanic mobile mixer, motor crane, motor crane oiler and one(1) piece of minor equipment, mucking machine, multiple tamping machine (RR), overhead crane, pile driver, pulls, push dozer, push boats, roller (sheepfoot), Ross carrier, scoop shovel, side boom, swing crane, tail boom, tar machine (pipeline), throttle valve, trench machine, welder pump, truck mounted drill 2 to 4 pieces of minor equipment, well point, whirleys

GROUP B: Air compressor (200 cu. ft. per minute capacity or more) brakeman, bull float, concrete mixer (over 10S and under 21S), concrete spreader or puddler, deck engine drill helper, electric vibrator Kompactor (earth or rock), finishing machine, fireman, greaser (on grease facilities servicing heavy equipment), material pump motor boats, motor crane oiler, oiler and one piece of minor equipment, portable loader, post hole digger, power broom, rock roller, roller-wobble wheel (earth and rock), spike machine (RR), screwn tiller, spreader rock, sub-grader, tamping machine, truck mounted drill oiler, welding machine wildcat (Apsco or similar type)

GROUP C: Air compressor (under 200 cu. ft. per minute), bituminous distributor, cement gun, conveyor, deck hand, earth roller form grader, generator, guard rail driver, heater, oiler, paving joint machine, steam Jenny, vibrator, water pump, concrete saw

Allen, Bartholomew, Benton, Dearborn, Delaware, Marion, Monroe, Tippecanoe, & Vigo Counties

IND-LC-AREA 1

LINE CONSTRUCTION EXCLUSIVE OF CALUMET AREA	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Linemen; Technicians	$9.03	.35	1%		.5%
Heavy equipment operator "A"	8.56	.35	1%		.5%
Heavy equipment operator "B"	7.08	.35	1%		.5%
Powder man & equipment mechanic	6.91	.35	1%		.5%
Senior groundman truck driver w/w	5.92	.35	1%		.5%
Groundman truck driver with winch	5.69	.35	1%		.5%
Groundman truck driver w/o winch	4.99	.35	1%		.5%
Senior groundman after 5 years	5.68	.35	1%		.5%
Senior groundman after 12 months	5.52	.35	1%		.5%
Groundman 0-12 months	4.69	.35	1%		.5%
CALUMET AREA					
Linemen; Technicians	9.33	.35	1%		.5%
Heavy equipment operator "A"	8.65	.35	1%		.5%
Heavy equipment operator "B"	7.14	.35	1%		.5%
Powder man & equipment mechanic	6.97	.35	1%		.5%
Senior groundman truck driver w/w	6.03	.35	1%		.5%
Groundman truck driver with winch	5.76	.35	1%		.5%
Groundman truck driver w/o winch	5.06	.35	1%		.5%
Senior groundman after 5 years	5.80	.35	1%		.5%
Senior groundman after 12 months	5.64	.35	1%		.5%
Groundman 0-12 months	4.79	.35	1%		.5%

IND-LC-AREA III

LINE CONSTRUCTION Vanderburgh County	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINEMEN; Line truck operator; Hole digger; Stool handling cable splicer	$10.65	.40	1%		
GROUNDMAN	9.29	.40	1%		
TRUCK DRIVER	9.60	.40	1%		

DECISION NO. IN75-2131

IND-LC AREA IV

LINE CONSTRUCTION
Grant County

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINEMEN; Heavy equipment operators "A"	$9.43	.35	1%		½ of 1%
CABLE SPLICERS	10.73	.35	1%		½ of 1%
HEAVY EQUIPMENT OPERATORS"B"	7.61	.35	1%		½ of 1%
POWDERMAN; Equipment mechanic	7.44	.35	1%		½ of 1%
SENIOR GROUNDMAN - truck driver with winch	6.25	.35	1%		½ of 1%
GROUNDMAN - truck driver with winch	5.98	.35	1%		½ of 1%
SENIOR GROUNDMAN AFTER 5 YEARS	5.96	.35	1%		½ of 1%
SENIOR GROUNDMAN AFTER 12 MONTHS	5.78	.35	1%		½ of 1%
GROUNDMAN - truck driver without winch	5.35	.35	1%		½ of 1%
GROUNDMAN 0 to 12 MONTHS	4.96	.35	1%		½ of 1%

Monroe, & Vigo Counties

Ind 9 -FTO-1 S & T 1 of 1

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	$ 9.55	.40	.50		.05
GROUP II	9.45	.40	.50		.06
GROUP III	9.25	.40	.50		.06
GROUP IV	7.00	.40	.50		.06

CLASSIFICATIONS

GROUP I Master Mechanics

GROUP II Utility Operator

GROUP III Power Cranes, Draglines, Derricks, Electric Overhead Cranes, Shovels, Cradall, Mechanics, Repair and Maintenance of all Equipment, Tractor Hi-Lift, Fork Lifts, Tournadozer, Mixer over 14S Capacity, Tournamixer, Two Drum Machine or Two Cage hoists, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Truck Crane, Tournapull, Tractor operating Scoops, Bulldozer, Push Tractor, Finishing Machine on Asphalt, Large Rollers & Rollers on Asphalt, Gravel, Macadam and Brick Surface, Rose Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer or Pug Mill, Two Air Compressors, Hetherington Paver Operator, Farm Tractor with half Yard bucket and/or Back Hoe Attachment, Trench Machines cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type Machine, Concrete Spreader, Chorry Picker, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machines, Ditch Filler, Elevating Machine, Power Blade, Asphalt Plant

POWER EQUIPMENT OPERATORS Cont d:

Engineer, Well Drilling Machines, Paint Machine, Pipe Cleaning Machines, Pipe Wrapping Machine, Pipe Bending Machine, Apaco Paver, Boring Machine, Tractor Without Winch, Road Equipment Greasers, Barber Green Loaders, Formless Paver, Well Point System Hydra Ax, Resco Concrete Saw, Marino Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Pile Driver Skad or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine Freezing Operator, Chair Cart - Self Propelled, Hydra Seeder, Straw Blower, Concrete Mixers with Skip, all one Drum Hoists with Tower or Boom, Dredge Engineer, Dredge Operator, Rock Spreader, Truck or Skid Mounted Tower Crane, Engine or Rock Crusher Plant, Boiler Operator, Concrete Plant Engineer, Loaders, Hydra Crane Caissons, Shaft or any similar type Drilling Machine, Concrete Curb Machine - Self Propelled, Winch or Hydraulic Boom Truck

GROUP IV Mixers 14S capacity or less, Trench Machine cutting 24" and under, Farm Tractor with less than half yard bucket and other Attachments except Back Hoe, Truck Crane Oiler, Power Subgrader, Bull Float, Form Grader, Finishing Machine Pavement Breaker, Rock Crushers, One Drum Machine, One Air Compressor, Concrete Pump, Gunite Machine, Air Tuggers, Truck Crane Drivers, House Elevators when used for hoisting Material, Two to Four Generators or Welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on Earth, Engine Tenders, Firemen, Wagon Drill, Flexplane, Conveyor, Two to Four Water Pumps, Siphon and Pulsometer, Switchman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Broom, Post Hole Digger, Self-propelled Concrete Saw. Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Track Jack, Mud Jack, Operator to do Winter Repair Work in Shop between November 1st and March 1st, Concrete Buggies motor driven, Oilers, Barrel Type Mixer, One Welding Machine or One Water Pump, Air Valves or Steam Valves from Plant, Concrete Mixers without Skip, Curing Machine, Concrete & Blacktop Curb Machine, Deck Hands

Cranes with booms from 149 ft. to 199 ft. including jib. receive additional $.75 per hour
Crance with boom over 199 ft. including job receive additional $1.25 per hour.

DECISION NO. IN75-2131

IND-7-TD-1

TRUCK DRIVERS
Bartholomew, Dearborn, Delaware, Grant, & Monroe Counties

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 7.45	12.50a	12.00a	b	
GROUP 2	7.50	12.50a	12.00a	b	
GROUP 3	7.55	12.50a	12.00a	b	
GROUP 4	7.60	12.50a	12.00a	b	
GROUP 5	7.65	12.50a	12.00a	b	
GROUP 6	7.70	12.50a	12.00a	b	
GROUP 7	7.80	12.50a	12.00a	b	
GROUP 8	7.85	12.50a	12.00a	b	
GROUP 9	7.90	12.50a	12.00a	b	
GROUP 10	7.95	12.50a	12.00a	b	
GROUP 11	8.10	12.50a	12.00a	b	

CLASSIFICATIONS

GROUP 1: Drivers on single axle, lowboy helper or flagman, drivers on air compressors and welding machines including those pulled by cars, pick-up trucks, tractors, fork-lifts, dumpsters

GROUP 2: Drivers on Mixer Trucks 2 yards

GROUP 3: Mechanic Helpers and Greasers

GROUP 4: Drivers on Batch Trucks wet or dry 3 batches or under

GROUP 5: Drivers on Tandem Axle Trucks (including Dog-Legs), Drivers on Oil Distributors Drivers on Mixers Trucks 3 yards, Winch Trucks

GROUP 6: Drivers on Single axle, semi-trucks, Drivers on batch trucks wet or dry or dry over 3 batches, Drivers on pavement breakers

GROUP 7: Drivers on Tandem-Axle semi-trucks, Drivers on trac-o-trucks, Euclids, Tournapull when pulling other than self-loading equipment up to and including 10 yards, Drivers on mixer trucks 4 yards, Mechanics

GROUP 8: Drivers on Tri-axle Trucks

GROUP 9: Drivers on Low-Boy, Drivers on Tandem, Tandem Axle Semi-trucks

GROUP 10: Drivers on Trac-O-Trucks, Euclids, Tournapulls when pulling other than self-loading equipment 11 yards to and including 16 yards, Drivers on mixer trucks above 4 yards

GROUP 11: Drivers on Trac-O-Trucks, Euclids, Tournapull when pulling other than self-loading equipment over 16 yards, Helicopter pilot

FOOTNOTES:
a. Per Week per employee
b. 1 week paid vacation after 1 year service, 2 weeks after 3 years, and 3 weeks after 10 years.

DECISION NO IN75-2131

IND-5-TD-1

TRUCK DRIVERS:
Vanderburgh County

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$7.345	.325	12.00a		
GROUP 2	7.455	.325	12.00a		
GROUP 3	7.565	.325	12.00a		
GROUP 4	7.635	.325	12.00a		
GROUP 5	7.675	.325	12.00a		
GROUP 6	7.405	.325	12.00a		
GROUP 7	7.515	.325	12.00a		
GROUP 8	7.175	.325	12.00a		
GROUP 9	7.245	.325	12.00a		

CLASSIFICATIONS

GROUP 1
Single axle straigh trucks, batch truck, wet or dry, over 3(3½E) batches
GROUP 2
Tandem trucks or dog-logs, trucks over 15 ton payload, single-axle semi-truck (3 axle unit) Low-boys single axle (3-axle unit) Low-boys single axle (3-axle unit), Winch trucks or A-frames when used to transport material; Batch truck wet or dry, over 3(3½E) batches, farm tractors pulling trailers
GROUP 3
Tandem axle semi-trucks (4-axle unit), drivers on equipment when not self-loaded or pushor loaded such as Koehring or similar dumpsters, track trucks Euclid bottom dump & hug bottom dump, Tournatrailers, Tournarockers or similar equipment 12 cu. yds. & under; Low-Boys, Tandem axle (4 a le unit), drivers on pavement breakers
GROUP 4
Tandem Tandem Semi-Trucks (5-axle unit Low Boys Tandem (5-axle unit)
GROUP 5
Drivers on equipment when not self-loaded or pusher loaded on such Koehring or similar dumpsters, track trucks Euclid bottom dump & hug bottom dump, Toutnatrailers, Tounarockers or similar equipment over 12. cu. yds. Truck Mechanic Drivers on mixer trucks all types
GROUP 6
Drivers on bituminous distributors two-man
GROUP 7
Drivers on bituminous distributors one-man
GROUP 8
Drivers of pickup trucks when hauling equip. supplies & materials to & from & on the job site.
GROUP 9
Helpers, Greasers, Tire Men & Members tenders batch boards

FOOTNOTES:
a. Per Week Per Employee

DECISION NO IN75-2131

INDIANA-4-TD

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS: Vigo County					
GROUP I	$ 7.085	.50	14.00a		
GROUP II	7.585	.50	14.00a		
GROUP III	7.785	.50	14.00a		
GROUP IV	7.935	.50	14.00a		

FOOTNOTE:
a. Per Week Per Employee

CLASSIFICATIONS

GROUP I
Single axle trucks seven (7) cu. yds. or less than ten and one-half (10½) tons, dumpsters, scoopmobiles five (5) cu. yds. and under or less than seven and one-half (7½) tons, mixer trucks three (3) cu. yds. and under, air compressors and welding machines, including those pulled by separate units, batch trucks -- wet or dry -- 2-3/4E" batches or less, truck drivers helpers, warehousemen, mechanic's helpers, greasers and tiremen, and all pick up trucks, Drivers on dumpsters or similar dumpsters, mounted on a four (4) wheel truck rated two (2) cu. yds. or less, and small pallet type fork lift operator and drivers on pilot vehicles

GROUP II
Drivers on tandem axle trucks eighteen (18) cu. yds. or twenty-four (24) tons gross, six (6) wheel trucks, Koehring or similar dumpsters, track trucks, euclids, bug bottom dumps, tournapulls, tournatrailers, tournarookers, or similar equipment when used for transportation purposes under nine (9) cu. yds. or less than thirteen and one-half (13½) tons, tandems and semi trailer service trucks, mixer trucks over three (3) cu. yds. and including six and one-half (6½) cu. yds., fork lift, four (4) wheel A-Frame trucks when used for transportation purposes, four (4) wheel winch trucks, pavement breakers batch trucks -- wet or dry -- over 2 up to and including 4-"3/4E" batches, two (2) men oil distributors

GROUP III
Koehring or similar dumpsters, track trucks, semi trailer water trucks, Euclids, hug bottom dumps, tournapulls, tournatrailers, tournarockers, tractor trailers, tandem, A-Frame winch trucks, hydrolift trucks or similar equipment when used for transportation purposes, mixer trucks over six and one-half (6½) cu. yds. batch trucks -- wet or dry -- over 4-"3/4E" batches, single axle low boy trailers, and contractor's mechanics when working on equipment operated by employees within this bargaining unit, six (6) wheel pole trailers and one (1) man oil distributors

GROUP IV
Drivers on heavy equipment over sixteen (16) cu. yds., or twenty-four (24) tons, such as Koehring or similar dumpsters, track trucks, Euclids, hug bottom dumps, tournapulls, tournarockers, or similar equipment when used for transportation purposes, pole trailers over six (6) wheels, water pulls, low boy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics when working on equipment operated by employees within this bargaining unit

SUPERSEDEAS DECISION

STATE: Indiana
DECISION NUMBER: IN75-2132
Supersedes Decision No. IN75-2089, dated July 3, 1975 in 40 FR 28346
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

COUNTIES: *See Below
DATE: Date of Publication

*Lake, LaPorte, Porter, & St. Joseph	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Lake & Porter Counties	$10.36	.58	.67		.05
LaPorte & St. Joseph Counties	11.32	.35	.15		
BOILERMAKERS	10.85	.80	1.00		.03
BRICKLAYERS:					
Lake, LaPorte & Porter Counties:					
Bricklayers; Marble setters & Stonemasons	10.55	.45	.55		.02
Tile setters	10.30	.45	.55		.02
St. Joseph County:					
Bricklayers; Stonemasons	10.04	.50	.35		.05
Marble setters	8.70	.40	.35	a	.01
Terrazzo workers & Tile setters	8.10	.40	.35	a	.01
CARPENTERS:					
Lake, LaPorte, & Porter Counties					
Carpenters; Millwrights; Pile-drivermen; Soft floor layers	10.63	.50	.57		.05
St. Joseph County:					
Building construction:					
Carpenters; Millwrights; Pile-drivermen; Soft floor layers	9.08	.40	.50		.05
Heavy & Highway construction:					
Carpenters	9.01	.47	.40		.05
CEMENT MASONS:					
Building construction:					
Lake County (Hammond Area)	10.32	.60	.55		.01
Lake County (Remainder of Co.); Porter County (Western ½ of Co.)	9.47	.60	.65		.01
LaPorte County; Porter County (Eastern ½ of Co.)	9.38	.60	.90		.03
St. Joseph County	8.61	.40	.50		.01
Heavy and Highway construction:					
Porter County (Eastern ½ of Co.)	8.62	.45	.70		.03
Porter County (Western ½ of Co.)	9.47	.60	.65		.01
St. Joseph County	8.86	.40	.50		.01
Highway, Bridge, & Airport Construction:					
Lake County (Hammond Area)	8.95	.60	.55		.01
Lake County (Remainder of Co.)	8.85	.60	.65		.01
LaPorte County	8.62	.45	.70		.03

DECISION NO IN75-2132

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Lake County	$10.30	5%	6.3%	4%	.7%
LaPorte & Porter Counties	10.30	3.2%	5.2%	4%	.3%
St. Joseph County	10.00	3.8%	5%		.2%
ELEVATOR CONSTRUCTORS:					
Lake & Porter Counties:					
Elevator constructors	10.35	.445	.29	3%+b+o	.02
Helpers	7.245	.445	.29	3%+b+o	.02
Helpers (Prob.)	5.175				
LaPorte & St. Joseph Counties:					
Elevator constructors	9.02	.445	.29	3%+b+o	.02
Helpers	6.31	.445	.29	3%+b+o	.02
Helpers (Prob.)	4.51				
GLAZIERS:					
Lake County (excluding Hammond); Porter County	7.80	.25	.25	.25	
LaPorte & St. Joseph Counties	7.25	.35		1%	1 of 1%
IRONWORKERS:					
Lake, LaPorte (Michigan City), & Porter Counties	10.63	.50	.75		.05
LaPorte (Remainder of Co.), & St. Joseph Counties	9.60	.65	.80		.01
LATHERS:					
Lake & Porter Counties	8.25		.35	.50	
LaPorte & St. Joseph Counties	8.87	.33	.25		.01
LEADBURNERS	9.25	.35		d	.01
PAINTERS:					
Lake County (Hammond Area):					
Commercial:					
Brush	7.90	.42	.35		.02
Sandblasting; Spray	8.65	.42	.35		.02
Paperhanging; Vinyl	8.15	.42	.35		.02
Industrial:					
Brush & Roller	8.65	.42	.35		.02
Sandblasting; Sign painters; Spray	9.40	.42	.35		.02
Lake County (Gary Area) & Porter County (North of Highway #6):					
Commercial:					
Brush	8.50	.47	.40		.05
Sandblasting; Spray; Steam-Cleaning; machine spray striping	9.25	.47	.40		.05
Paperhanger	8.75	.47	.40		.05

DECISION NO. IN75-2132

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D):					
Industrial:					
Brush	$ 9.50	.47	.40		.05
Sandblasting; Spray; Steam-cleaning; Machine spray stripping	10.25	.47	.40		.05
Laporte County (Excluding Michigan City); St. Joseph Co.: Brush; Drywall Tapers & Finish; Paperhanging; Spray & Vinyl	7.96		.20		
LaPorte County (Michigan City):					
Brush; Roller	7.60			.19	
Sandblasting; Spray	8.60			.19	
Porter County (Remainder of Co.):					
Brush; Sandblasters; Drywall tapers	8.00				
Spray	9.00				
PIPEFITTERS:					
Lake, LaPorte, & Porter Counties	10.35	.55	.70		.02
PLASTERERS					
Lake County (Hammond Area)	9.44	.60	.55		.01
Lake County (Gary Area); Porter County (Valparaiso)	8.30	.60	.25		.01
LaPorte, Porter (Eastern ½ west to, but not including Chesterton) Counties	9.58	.60	.90		.03
St. Joseph County	8.77	.40	.50		.01
PLUMBERS:					
Lake County (Hammond Area)	10.62	.80	.70		.02
Lake County (Gary Area), LaPorte County (except LaPorte City, Michigan City, Trail Creek, & Long Beach); & Porter County	10.80	.50	1.05		.02
LaPorte County (Michigan City, Trail Creek, & Long Beach)	11.17	.40	.55		.02
PLUMBERS; Steamfitters:					
LaPorte County (LaPorte City); St. Joseph County	9.95	.48	.70		.10

DECISION NO. IN75-2132

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Lake & Porter Counties:					
Composition, Damp & waterproof workers; Slate, Tile & Asbestos	$11.34	.47	.35		
LaPorte & St. Joseph Counties:					
Composition, Damp & waterproof	8.75	.40	.30		.03
Slate, Tile & Asbestos	8.90	.40	.30		.03
Helpers	5.00	.40	.30		.03
SHEET METAL WORKERS:					
Lake, LaPorte, & Porter Counties	10.67	.48	.67		.10
St. Joseph County	9.45	.48	.50		
SPRINKLER FITTERS:					
Lake County (30-mile radius from Chicago, Illinois City Hall)	10.00	.60	.70		.15
Lake County (Remainder of Co.), LaPorte, Porter, & St. Joseph Counties	10.55	.50	.80		.08
TRUCK DRIVERS:					
Lake & Porter Counties:					
2 to 3 axles	7.60	20.00e	20.00e	.35	
4 axles	7.80	20.00e	20.00e	.35	
5 axles	8.00	20.00e	20.00e	.35	
6 axles	8.20	20.00e	20.00e	.35	
St. Joseph County (Building Construction):					
Pick-up	6.54		14.00e	f	
Single axle	6.75		14.00e	f	
Tandem or fuel	6.86		14.00e	f	
Tri axle	6.91		14.00e	f	
Semi trailer	6.96		14.00e	f	

DECISION NO. IN75-2132

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. 6 paid holidays: A through F providing the employee works either the 5 days preceding or the 5 days following the holiday.
b. 6 paid holidays: A through F
c. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
d. 8 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
e. per man per week
f. 1 week's paid vacation for 3 years' service, 2 weeks for 10 years' service, & 3 weeks for 15 years' service.

IND-LC-AREA 1

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
EXCLUSIVE OF CALUMET AREA					
Linemen; Technicians	$9.03	.35	1%		.5%
Heavy equipment operator "A"	8.58	.35	1%		.5%
Heavy equipment operator "B"	7.08	.35	1%		.5%
Powder man & equipment mechanic	6.91	.35	1%		.5%
Senior groundman truck driver w/w	5.92	.35	1%		.5%
Groundman truck driver with winch	5.69	.35	1%		.5%
Groundman truck driver w/o winch	4.99	.35	1%		.5%
Senior groundman after 5 years	5.68	.35	1%		.5%
Senior groundman after 12 months	5.52	.35	1%		.5%
Groundman 0-12 months	4.69	.35	1%		.5%
CALUMET AREA					
Linemen; Technicians	9.33	.35	1%		.5%
Heavy equipment operator "A"	8.65	.35	1%		.5%
Heavy equipment operator "B"	7.14	.35	1%		.5%
Powder man & equipment mechanic	6.97	.35	1%		.5%
Senior groundman truck driver w/w	6.03	.35	1%		.5%
Groundman truck driver with winch	5.76	.35	1%		.5%
Groundman truck driver w/o winch	5.06	.35	1%		.5%
Senior groundman after 5 years	5.80	.35	1%		.5%
Senior groundman after 12 months	5.64	.35	1%		.5%
Groundman 0-12 months	4.79	.35	1%		.5%

DECISION NO. IN75-2132

Lake County

IND-3-LAB-2-3

LABORERS: HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP I	$6.90	.35	.35		.07
GROUP II	7.05	.35	.35		.07
GROUP III	7.80	.35	.35		.07

CLASSIFICATIONS

GROUP I: Unskilled Laborers
GROUP II: Asphalt lutemen, Asphalt raker men, batch truck dumpers, cement handlers (bulk or bag), concrete puddlers, hand blade operator, power tools & power equipment, side rail setters (for sidewalks, side ditches, pavements, Spreader box tenders, Tile layers, transverse & longitudinal hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)
GROUP III: Dynamite and Powdermen

LaPorte, Porter, & St. Joseph Counties

IND-1-LAB-2-3

LABORERS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
CLASS I	$6.20	.35	.35		.07
CLASS II	6.35	.35	.35		.07
CLASS III	8.45	.35	.35		.07

CLASSIFICATIONS

CLASS I: Unskilled Laborers
CLASS II: Asphalt Lutemen, Asphalt Raker Men, Batch Truck Dumpers, Cement Handlers (Bulk or Bag) Concrete Puddlers, Hand Blade Operator, Power Tools and power Equipment Side Rail Setters (for sidewalks, side ditches, radii & pavements), Spreader Box Tenders, Tile Layers, Transverse & Longitudinal Hand Bull Floatmen, Wagon Drill Operator, Chain Saws, Concrete Rubbers, Concrete Saws (Manually Operated)
CLASS III: Dynamite and Powdermen

DECISION NO IN75-2132

Lake County, & Porter County
(North of U.S. Hwy #20)

INDIANA-8-LAB AREA 1

LABORERS: BUILDING, SEWER & TUNNEL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
GROUP A	$7.15	.35	.40		.09
GROUP B	7.35	.35	.40		.09
GROUP C	7.65	.35	.40		.09
GROUP D	8.15	.35	.40		.09

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump orete assemblers conveyor assemblers,core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

DECISION NO IN75-2132

LaPorte County and Porter County
(South of U.S. Hwy #20)

INDIANA-6-LAB-1-S&T AREA 1A

LABORERS BUILDING, SEWER & TUNNEL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$6.95	.35	.40		.09
GROUP B	7.15	.35	.40		.09
GROUP C	7.25	.35	.40		.09
GROUP D	7.95	.35	.40		.09

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump orete assemblers, conveyor assemblers,core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

DECISION NO IN75-2132

St. Joseph County

INDIANA-12-LAB AREA 1A

LABORERS: BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$6.95	.35	.35		.09
GROUP B	7.15	.35	.35		.09
GROUP C	7.25	.35	.35		.09
GROUP D	7.95	.35	.35		.09

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers,core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

DECISION NO IN75-2132

IND-7-FCO-1-ST

St. Joseph County

POWER EQUIPMENT OPERATORS: Building, Sewer, & Tunnel Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 9.52	.50	.70	.20	.05
GROUP II	8.16	.50	.70	.20	.05
GROUP III	7.58	.50	.70	.20	.05
GROUP IV	7.00	.50	.70	.20	.05

CLASSIFICATIONS

GROUP I
All Power Cranes, Truck Cranes, Locomotive Cranes, LeTourneau Tournapulls, Shovels, Draglines, Derricks, Pile Drivers, HighLifts, Tractors w/Side Boom or "A" Frame, ForkLifts 18' 6" in Height or Over, Motor Patrols, Combination backhoe & Loader, Mechanic

GROUP II
All Bulldozers, Scoops, Push Cats, Concrete Mixers of more than 21 cu. ft. capacity, Locomotives, Rollers, Stone Crushers, Sand & Gravel Loaders, Fork Lifts under 18' 6", Air Compressors - 600 cu. ft. & over, Combination of Gasoline or Diesel driven Welding Machine & Compressor, Engineers operating Throttle Valve with Boiler and Compressor for PileDriving, Concrete Pumps, Trench Machines excluding Ditch Witches, Cableways & all 2 or more drums

GROUP III
Truck Winches w/A Frame & Power Winches Tractors-Farm Type, Drills & Conveyors, Small rubber tire end loaders ½ cu. yd. & under

GROUP IV
Gin Poles, Sangen Derricks & Similar Hoists, Firemen, Oilers, One Drum Hoist Single Drum Tugger Hoist, Automatic Hoist, Elevators

DECISION NO. IN75-2132

Lake, LaPorte, & Porter Counties

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Building, Sewer & Tunnel Construction					
Class I	$ 10.30	.65	.85		.05
Class II	9.80	.65	.85		.05
Class III	8.25	.65	.85		.05
Class IV	7.25	.65	.85		.05

CLASS I Mechanic; asphalt plant; autograde; batch plant; benoto (requires two engineers); boiler & throttle valve; caisson rigs; central redimix plant; combination backhoe, front end loader with backhoe bucket of 1 cu. yd. & over; combination tugger hoist & air compressor; compressor and throttle; concrete breaker (truck mounted); concrete conveyor; concrete paver over 27E cu. ft.; concrete paver 27E cu. ft. and under; concrete tower; cranes, all; cranes, tower; derricks, all; derricks, traveling; forklift-lull type; forklift - 10 ton and over; hoists, one, two, and three drum; hoists, two tugger one floor; hydraulic boom truck; locomotive, all; pile drivers and skid rig; pit machines; pre-stress machine; pump cretes and similar types; rock drill (self-propelled); rock drill (truck mounted); slipform paver; straddle buggies; tractor with boom & side boom; trenching machine; winch tractors

CLASS II Asphalt spreader; boiler; bulldozers; combination backhoe, front-end loader with backhoe bucket, less than 1 cu. yd.; engineer acting as conductor in charge of crew; grader, elevating; greaser engineer; grouting machines; highlift shovels or front endloader; hoists, automatic; cowboy drilling machines; hoists all elevators; hoists, tugger single drum; motor patrol; post hole digger; rollers, all; scoops - tractor drawn; stone crushers; tournapull; winch trucks

CLASS III Concrete mixer (2 bag & over); conveyor, portable; steam generators; tractors, farm & similar type; air compressor small 150 & under (1 to 5 not to exceed a total of 300 ft.); air compressor - large over 150 combination - small equipment operator; forklift trucks; generators; pumps (1 to 3 not to exceed a total of 300 ft.); pumps, well points; welding machines (2 through 5); winches 4 electric drill winches

CLASS IV Heaters, mechanical (1 to 5); oilers & switchman

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$9.40	.40	.50		.05
CLASS II	9.05	.40	.50		.05
CLASS III	8.60	.40	.50		.05
CLASS IV	7.60	.40	.50		.05
CLASS V	6.70	.40	.50		.05

CLASSIFICATIONS

CLASS I
Auto patrol, automatic dry batch plant, backhoe, ½ yd. & over, ballast regulator (R. R.), concrete mixer, 27 cu. ft., or over, concrete pump, core drilling machine, crane or derrick, dredge engineer, dredge operator, euclid loader, gradall, highlift, shovel - 3 yds. and over, hoist two & three drums, locomotive operator, lead mechanic, mucking machine, panelboard concrete plant (central mix type), paver hetherington, pilo driver, road paving mixer rose carrier, throttle valve & compressor or Clever Brooks type combination, throttle valve & firemen comb. on horizontal or upright boiler, tournapull or similar type equipment, tractorboom trench machine, tug boat operator, winch truck with "A"-frame

CLASS II
Backhoe-tractor mounted (less than ½ yd.) bitum. mixer, bitum, paver bitum. plant eng., bulldozer, concrete mixer (less than 27 cu. ft.) elevating, grader, elevating loader, portable greaser, highlift shovel under 3 yds., jersey spreader or base pavor, mechanic pull grader, power control, asphalt roller, waterbound macadam, bitum. macadam, brick surface heater & planer, tamper-multiple vibrating asphalt water bound macadam, bitum. macadam, brick surface, tractorpush, tractor with scoop, widener apsco or similar type

CLASS III
Assistant plant engineer, back filler, broom & belt machine, concrete finishing machine, concrete spreader - power driven, post hole digger-power driven finishing machine and bull float, form grader, form tamper-motor driven hoist-one drum, multiple tamping machine, paving breaker, roller-earth & subbase material, sheepfoot roller (self-propelled), subgrader, tamper-multiple vibrating - earth & subbase material, tractaire, tractaire with drill, tractor, with all attachments except backhoe & inc. highlift endloaders of 1 cu. yd. cap. & less, bituminous distributor

CLASS IV
Air compressors, all conveyors fireman on boiler, generator, assistant mechanic power curing spraying machine, pull broom (power propelled), seaman tiller, spike machine, striping machine, paint-motor driven, throttle, valve welding machine, well point system

CLASS V
Oiler, deck hand, mechanical heater (1 to 5), outboard or inboard motor boat, concrete power saw (powerdriven), water pump, grasscuttter, helpor on C.M.I. & similar type machine, hetherington driver, assistant greaser

St. Joseph County

IND.-21-PEO-2-3

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$9.30	.40	.50		.05
CLASS II	8.95	.40	.50		.05
CLASS III	8.50	.40	.50		.05
CLASS IV	7.50	.40	.50		.05
CLASS V	6.60	.40	.50		.05

CLASSIFICATIONS

CLASS I: Auto patrol, automatic dry batch plant, backhoe, ½ yd. & over, ballast regulator (R.R.), concrete mixer, 27 cu. ft. or over, concrete pump, core drilling machine, crane or derrick, dredge engineer, dredge operator, euclid loader, gradall, highlift shovel-4 yds. and over, hoist-two & three drums, locomotive operator, mechanic, mucking machine, panelboard concrete plant (central mix type), paver-hetherington, piledriver, road paving mixer, ross carrier, throttle valve & compressor or Clever Brooks type combination, throttle valve & firemen comb., on horizontal or upright boiler, tournapull or similar type equipment, tractor-boom, trench machine, tug boat operator, winch truck with "A"-frame

CLASS II: Backhoe-tractor mounted (less than ½ yd.) bitum. mixer, bitum. paver bitum. plant eng., bulldozer, concrete mixer (less than 27 cu. ft.) elevating grader, elevating loader, portable greasor, highlift shovel under 3 yds., jersey spreader or base paver, mechanic pull grader, power control, asphalt roller, waterbound macadam, bitum. macadam, brick surface heater & planer, tamper-multiple vibrating, asphalt waterbound macadam, bitum. macadam, brick surface, tractor-push, tractor with scoop, widener apsco or similar type

CLASS III: Assistant plant engineer, back filler, broom & belt machine, concrete finishing machine, concrete spreader-power driven, post digger - power driven, finishing machine and bull float, form grader, form tamper - motor driven, hoist - one drum, multiple tamping machine, paving breaker, roller - earth & subbase material, sheepfoot roller (self-propelled), subgrader, tamper-multiple vibrating - earth & subbase material, tractaire, tractaire with drill, tractor, with all attachments except backhoe & incl. highlift endloaders of 1 cu. yd. capacity and less bituminous distributor

CLASS IV: Air compressors, all conveyors fireman on boiler, generator, assistant mechanic, power curing spraying machine, pull broom (power propelled), seaman tiller, spike machine, stripping machine, paint-motor driven, throttle valve, welding machine, well point system.

CLASS V: Oiler, deck hand, mechanical heater (1 to 5), outboard or inboard motor boat, concrete power saw (power driven), water pump, grasscuttere, helpers on CMI & similar type machine, hetherington, assistant greaser

TRUCK DRIVERS (HEAVY & HIGHWAY CONSTRUCTION)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1	$5.115	a13.50	a14.00		
CLASS 2	6.265	a13.50	a14.00		
CLASS 3	6.315	a13.50	a14.00		
CLASS 4	6.365	a13.50	a14.00		
CLASS 5	6.415	a13.50	a14.00		
CLASS 6	6.465	a13.50	a14.00		
CLASS 7	6.515	a13.50	a14.00		
CLASS 8	6.565	a13.50	a14.00		
CLASS 9	6.565	a13.50	a14.00		

CLASSIFICATIONS

CLASS 1
Drivers of pick-up trucks, helpers, greasers, tire men, tending batch boards & warehousemen

CLASS 2
Drivers on single axle straight trucks, batch truck wet or dry 3(3½E) batches or less

CLASS 3
Drivers on single axle water trucks bituminous distributors (2-man) single axle fuel trucks

CLASS 4
Drivers on single axle "Dog Legs", tandom trucks, winch trucks or "A-Frame when used for transportation batch trucks (wet or dry) over 3(3½E) batches

CLASS 5
Drivers on liquid asphalt tankers, tandem axle fuel trucks, bituminous distributors, (1 man) tandem axle water trucks

CLASS 6
Drivers on tandem trucks over 15 tons payload, single axle semi-trucks, farm tractors, hauling material, drivers on equipment when not self-loaded or pusher loaded such as Koehring or similar dumpsters, track trucks, euclid bottom dump & hug bottom dump, tournatrailers, tournarockers or similar equip. (12 cu. yds. & under), mixor trucks (all types), pulling tilt-top trailor (single axle), low-boys (single axle), truck mounted pavement breakers

CLASS 7
Drivers on tandem "Dog Legs" trucks, truck mechanics, builders, semi-water trucks, sprinklor trucks, heavy equip., type water wagon

CLASS 8
Drivers on tri-axle trucks, tandem axle semi-trucks, drivers on equip., when not self loaded or pusher loaded, such as Koehring or similar dumpsters, track trucks, euclid bottom dump & hug bottom dump, tournatrailers, tournarockers, or similar equipment (over 12 cu. yds., drivers on truck pulling tilt-top trailer (tandem-axle) low-boys, tandem axle

CLASS 9
Drivers on tandom, tandem semi-trucks, drivers on heavy equip., type water wagon over 5,000 gallons, drivers on trucks pulling tilt-top trailor (tri-axle) low-boys, tandem-tandem axle

FOOTNOTE:
a. Per week Per Employee.

DECISION NO. IN75-2132 49-MH-IND-TD-2-3

TRUCK DRIVERS: St. Joseph County	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
GROUP A	$7.76	17.50a	19.50a		
GROUP B	7.71	17.50a	19.50a		
GROUP C	7.66	17.50a	19.50a		
GROUP D	7.61	17.50a	19.50a		
GROUP E	7.56	17.50a	19.50a		
GROUP F	7.51	17.50a	19.50a		
GROUP G	7.46	17.50a	19.50a		
GROUP H	7.41	17.50a	19.50a		
GROUP I	7.36	17.50a	19.50a		
GROUP J	7.31	17.50a	19.50a		
GROUP K	7.26	17.50a	19.50a		
GROUP L	7.16	17.50a	19.50a		

CLASSIFICATIONS

GROUP A-Acey Wagons over 3 Buckets

GROUP B-Acey Wagons to and including 3 Buckets

GROUP C-Tandem-tandem Semi-Trucks-Truck Mechanics-Heavy Equipment Type Water Wagon over 5,000 Gallons-Tri-Axle Trucks pulling Tilt-Top Trailers- Low Boys, Tandem-tandem Axle

GROUP D-Tri-Axle Trucks-Tandem Semi-Trucks-Equipment not self loaded or pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons, or similar equipment over 12 cu. yd.-Tandem Axle Trucks pulling Tilt-Top Trailers-Low Boys, Tanden Axle-Tri-Axle Batch

GROUP E-Tandem "Dog-Legs" Trucks-Semi-Water Trucks-Sprinkler Trucks-Heavy Equipment Type Water Wagons 5,000 Gallons & Under

GROUP F-Truck Mounted Pavement Breakers-Tandem Trucks over 15 Ton Payload-Single Axle Semi-Trucks-Farm Tractors hauling material-Equipment not self loaded or Pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons or similar equipment 12 cubic yds. & under-Mixer Trucks, All Types-Single Axle Trucks pulling Tilt-Top Trailer Lowboys, Single Axle

GROUP G-Tandem Axle Fuel Trucks-Tandem Axle Water Trucks-Bituminous Distributor (one man)

GROUP H-Single Axle Dog-Legs-Tandem Trucks or Dog-Legs-Winch Trucks or A Frames used for Transportation-Batch Trucks Wet or Dry over 3 (34E) Batches-Grease and Maintenance Truck Servicing Tandem Axle Trucks

GROUP I-Single Axle Fuel Trucks-Single Axle Water Trucks-Bituminous Distributors, (two man)

GROUP J-Single Axle Straight Trucks-Batch Trucks, Wet or Dry 3 (34E) Batches or less-Grease & Maintenance Trucks servicing Single Axle Trucks

GROUP K-Helpers, Greasers, Tire Men, Batch Board Tenders

GROUP L-Pick-Up Trucks

FOOTNOTE: a-PER WEEK PER EMPLOYEE

SUPERSEDEAS DECISION

STATE: Indiana COUNTIES: *See Below
DECISION NUMBER: IN75-2133 DATE: Date of Publication
Supersedeas Decision No. IN75-2093, dated July 11, 1975 in 40 FR 29491.
DESCRIPTION OF WORK: Heavy and Highway Construction

*Statewide, except Lake, LaPorte, Porter, & St. Joseph Counties	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: Jasper, Newton, & Starke Cos.	$10.51	.50	.57		.05
Adams, Allen, Bartholomew (Camp Atterbury), Benton, Blackford, Boone, Carroll, Cass, Clay, Clinton, Dekalb, Delaware, Elkhart, Fayette, Fountain, Fulton, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jay, Johnson, Kosciusko, LaGrange, Madison, Marion, Marshall, Miami, Montgomery, Morgan (North of White River), Noble, Owen (North of White River), Parke, Pulaski, Putnam, Randolph, Steuben, Tippecanoe, Tipton, Union, Vermillion, Vigo, Wabash, Warren, Wayne, Wells, White & Whitley Cos.	9.01	.47	.40		.05
Bartholomew (exluding Camp Atterbury), Brown, Clark, Crawford, Daviess, Dearborn, Decatur, Dubois, Floyd, Franklin, Gibson, Greene, Harrison, Jackson, Jefferson, Jennings, Knox, Lawrence, Martin, Monroe, Morgan (South of White River), Ohio, Orange, Owen (South of White River), Perry, Pike, Posey, Ripley, Rush, Scott, Shelby, Spencer, Sullivan, Switzerland, Vanderburgh, Warrick, & Washington Cos.	8.88	.35	.35		.05
CEMENT MASONS: Adams, Allen, Dekalb, Huntington, Noble, Steuben, & Whitley Cos.	8.70	.40			
Bartholomew, Brown, & Shelby Cos.	8.30				

DECISION NO IN75-2133

CEMENT MASONS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Benton, Carroll (Northeast section of Co., south & west to, but not incl. Flora in the eastern section, & south to, but not incl. Rockfield, & west to, but not incl. Yeoman), Cass, Clinton, Fountain, Fulton, Howard, Jasper (excluding northeastern portion of Co., but including Wheatfield), Miami, Montgomery, Newton, Pulaski (exluding northern 2/3 of Co.), Tippecanoe, Warren, & White Cos.	$ 8.10	.45	.40		
Jasper (northeastern portion of Co. west to, but not incl. Wheatfield), Pulaski (northern 2/3 of Co.), & Starke Cos.	8.62	.45	.70		.03
Marshall Co.	8.86	.40	.50		.01
Blackford, Delaware, Grant, Jay, Randolph, Wabash, & Wells Cos.	8.40	.40			
Elkhart, Kosciusko, & LaGrange Cos.	9.23		.30	a	.02
Hamilton (northern ½ of Co.), Hancock (eastern ½ of Co.), Henry, Madison, & Tipton Cos.	7.78	.40	.35		
Decatur, Fayette, Franklin, Rush, Union, & Wayne Cos.	8.00		.40		
Boone, Hamilton (southern ½ of Co., north to the new Rte. Indiana Hwy #32 incl. Noblesville), Hancock (southern & western part, north to but not incl. Wilkinson & east to, but not incl. Fortville), Hendricks, Johnson, Marion & Morgan (northern ½ of Co.) Cos.	8.76				.04
Crawford, Dubois, Perry, Posey, Spencer, Vanderburgh, & Warrick Cos.	8.55	.45	.40		
Greene Co.	7.85	.30	.20		

DECISION NO. IN75-2133

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS (Cont'd)					
Daviess, Gibson, Knox, Martin & Pike Cos.	$ 8.20	.40			
Monroe, Morgan (southern ½ of Co.), & Owen (excluding extreme western part of Co.) Cos.	8.25				
Clark, Floyd & Harrison Cos.	9.28	.40			
Dearborn, Ohio, Ripley, & Switzerland Cos.	6.50				
Jackson, Jefferson, Jennings, Lawrence, Orange, Scott, & Washington Cos.	8.10				
Clay, Owen (extreme western part of Co.), Parke, Putnam, Vermillion, & Vigo Cos.	8.00	.45	.25		
Sullivan Co.	9.25	.30	.50		.01
IRONWORKERS:					
Adams, Allen, Blackford, Dekalb, Delaware (northeastern 1/3 of Co.), Grant (excluding s/w portion), Huntington, LaGrange (eastern ½ of Co.), Noble, Steuben, Wabash, Wells, & Whitley Cos.	9.70	.55	.55		.01
Elkhart, Fulton, Kosciusko, LaGrange (western ½ of Co.), Marshall, Pulaski, & Starke Cos.	9.60	.65	.80		.01
Jasper (Northern ½ of Co.), & Newton Cos.	10.63	.50	.75		.05
Clark, Crawford, Floyd, Harrison Jackson (southern ½ of Co.), Jefferson, Jennings (southern ½ of Co.), Lawrence (southern 2/3 of Co.), Martin (eastern ½ of Co.), Orange, Scott, & Washington Coe.	9.95	.65	.70		.05
Marion Co.	10.00	.65	.90		.05
Dubois, Gisbon, Martin (western ½ of Co.), Perry, Pike, Posey, Spencer, Vanderburgh & Warrick Cos.	8.15	.25	.25		

DECISION NO. IN75-2133

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS (Cont'd):					
Bartholomew, Boone, (southeastern ½ of Co.), Brown, Clinton (eastern 1/3 of Co.), Decatur (western ½ of Co.), Delaware (southern 2/3 of Co.) Grant (S/W Portion), Hamilton, Hancock, Hendricks, Henry, Howard, Jackson (northern ½ of Co.), Jennings (northern ½ of Co.), Johnson, Lawrence (northeastern 1/6 of Co.), Madison, Monroe, Morgan, Owen, Putnam (eastern ½ of Co. excluding Greencastle), Rush, Shelby, & Tipton Cos.	$10.15	.65	.90		.05
Benton, Boone, (northwestern ½ of Co.), Carroll, Cass, Clinton (western 2/3 of Co.), Fountain Jasper (southern ½ of Co.), Miami, Montgomery, Tippecanoe, Warren, & White Cos.	9.49	.65	.90		.02
Fayette, Jay, Randolph, Union, & Wayne Cos.	9.51	.55	.65		.02
Clay, Daviess, Greene, Knox, Lawrence (northwestern 1/6 of Co.), Parke, Putnam (western ½ of Co. incl. Greencastle), Sullivan, Vermillion, & Vigo Cos.	9.75	.65	1.55		
Dearborn, Decatur (eastern ½ of Co.), Franklin, Ohio, Ripley & Switzerland Cos.	9.445	.55	1.05		.02
PAINTERS:					
Adams, Allen, Dekalb, Grant, Huntington, LaGrange, Noble, Steuben, Wabash, Whitley, & Wells (northern ½ of Co. to & incl. Bluffton):					
Brush; Paperhangers; Rollers; & Tapers	7.75	.37	.35		.10
Sandblasters; Spray	8.75	.37	.35		.10

DECISION NO. IN75-2133

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (Cont'd):					
Bartholomew, Decatur, Jackson & Jennings Cos.:					
Brush; Roller; & Steel	$ 8.05				
Spray	9.05				
Benton, Clinton, Fountain, Montgomery, Putnam (excluding Greencastle), Tippecanoe, & Warren Cos.:					
Brush	8.05				
Structural Steel	8.30				
Sandblasting	9.05				
Spray	11.32				
Blackford, Carroll, Case, Delaware, Fulton, Howard, Jay, Madison, Miami, Tipton, Wells (to the south city limits of Bluffton), & White Cos.:					
Brush	7.55		.50		
Spray	8.30		.50		
Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan (north ½ of Co.) & Shelby Cos.:					
Brush	8.10	.20	.20		
Spray	8.90	.20	.20		
Brown, Greene, Monroe, Morgan (excluding north ½ of Co.) & Owen Cos.:					
Brush	7.90			.30	
Structural Steel	8.65			.30	
Spray	8.90			.30	
Clark, Crawford, Floyd, Harrison, Jefferson, Scott, & Washington Cos.:					
Brush	7.59	.25	.10		.03
Spray	7.95	.25	.10		.03
Clay, & Putnam (Greencastle) Coe.:					
Brush	7.30				.02
Spray	8.30				.02
Structural Steel up to 30'	7.55				.02
Structural Steel 30' to 100'	8.35				.02
Structural Steel over 100'	9.35				.02

DECISION NO. IN75-2133

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (Cont'd):					
Daviess, Gibson, & Knox Cos.:					
Brush	$ 6.65				
Spray	7.65				
Dearborn, Ohio, Ripley & Switzerland Cos.:					
Brush; roller; wallwashing; Drywall taping & finish; paperhanging & vinyl; seamless floors & finishing floors; sanding	8.10				
Sandblasting & Steam clean	8.85				
Spray	8.60				
Tanks, elevators; bridges, Steeples over 40 ft.	9.20				
Dubois, Perry, Pike, Posey, Spencer, Vanderburgh, & Warrick Cos.:					
Brush	8.90	.55	.30		
Spray	9.65	.55	.30		
Elkhart, Kosciusko, Marshall, Pulaski & Starke Cos.:					
Brush; Drywall taping & finish; Paperhangers; Spray & Vinyl	7.96		.20		
Fayette, Franklin, Henry, Randolph, Rush, Union, & Wayne Cos.:					
Brush	7.60				
Sandblasting; Spray	8.60				
Structural Steel; Scaffold over 30 ft.	7.85				
Epoxy	9.60				
Jasper, & Newton Cos.:					
Brush	8.65	.42	.35		.02
Spray	9.40	.42	.35		.02
Lawrence, Martin, & Orange Cos.:					
Brush; & Structural Steel	6.00				
Parke, & Vermillion Cos.:					
Brush	8.15			.25	
Spray	9.65			.25	
Sullivan, & Vigo Cos.					
Brush	7.90			.25	
Spray	8.90			.25	

DECISION NO IN75-2133

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (Cont'd)					
Sullivan, & Vigo Cos.: (Cont'd)					
Structural steel up to 30'	8.15			.25	
Structural steel 30' to 100'	8.90			.25	
Structural steel over 100'	9.90			.25	

PAID HOLIDAYS:
A-New Year's Day; B- Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOONOTE:
a. 6 paid holidays: A through F.

IND-1-LAB-2-3

LABORERS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$6.20 a	.35	.35		.07
CLASS II	6.35	.35	.35		.07
CLASS III	8.45	.35	.35		.07

CLASSIFICATIONS

CLASS I: Unskilled Laborers
CLASS II: Asphalt Lutemen, Asphalt Raker Men, Batch Truck Dumpers, Cement Handlers (Bulk or Bag) Concrete Puddlers, Hand Blade Operator, Power Tools and power Equipment Side Rail Setters (for sidewalks, side ditches, radii & pavements), Spreader Box Tenders, Tile Layers, Transverse & Longitudinal Hand Bull Floatmen, Wagon Drill Operator, Chain Saws, Concrete Rubbers, Concrete Saws (Manually Operated)
CLASS III: Dynamite and Powdermen

DECISION NO IN75-2133

1 of 3

POWER EQUIPMENT OPERATORS (Heavy & Highway Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Adams, Allen, Benton, Blackford, Carroll, Cass, Clinton, DeKalb, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Randolph, Rush, Shelby, Steuben, Tippecanoe, Tipton, Union, Wabash, Wayne, Wells, White, & Whitley Counties:					
GROUP I	$9.10	.40	.40		.06
GROUP II	8.20	.40	.40		.06
GROUP III	7.77	.40	.40		.06
GROUP IV	6.96	.40	.40		.06
Elkhart, Fulton, Jasper, Kosciusko, LaGrange, Marshall, Newton, Noble, Pulaski, & Starke Counties:					
GROUP I	8.80	.50	.60		.06
GROUP II	7.90	.50	.60		.06
GROUP III	7.47	.50	.60		.06
GROUP IV	6.66	.50	.60		.06
Bartholomew, Brown, Clark, Crawford, Dearborn, Decatur, Dubois, Floyd, Franklin, Gibson, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Ohio, Orange, Perry, Pike, Posey, Ripley, Scott, Spencer, Switzerland, Vanderburgh, Warrick, & Washington Counties:					
GROUP I	9.20	.35	.35		.06
GROUP II	8.30	.35	.35		.06
GROUP III	7.87	.35	.35		.06
GROUP IV	7.06	.35	.35		.06
Boone, Clay, Daviess, Fountain, Greene, Hendricks, Knox, Monroe, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, & Warren Counties:					
GROUP I	9.00	.40	.50		.06
GROUP II	8.10	.40	.50		.06
GROUP III	7.67	.40	.50		.06
GROUP IV	6.86	.40	.50		.06

POWER EQUIPMENT OPERATORS 2 of 3

Group 1: Air Compressors in Manifold with throttle valve; Asphalt Plant Engineer; Auto Grade or similar type machine; Auto Patrol; Backhoe on Farm type Tractor, 45 H.P. and over; Ballast Regulator (R. R.); Bituminous Mixer; Bituminous Paver; Bituminous Plant Engineer; Bull Dozer; Caisson Drilling Machine; Cherry Picker - 15 ton or over; Chip Spreader; Concrete Mixer 21 cu. ft. or over; Core Drilling Machine; Crane or Derrick with any attachment including clamshell, dragline, shovel, backhoe, etc.; Dredge Engineer; Dredge Operator; Drilling Machine on which the drill is an integral part; Earth Mover - rubber tired (paddle wheel, 619, 631, TS-24 or similar type); Earth Mover, rubber tired - tandem (50 cents per hour additional for each bowl); Elevating Grader; Fork Lift (10 ton or over); P.C.C. Formless Paver; Gradall; Gravel Processing Plant (Portable); Operator of Guard Rail Post Driver; Highlift Shovel - 1-1/2 cu. yd. or over; Hoist (2 drums and over); Helicopter - Crew; Hydraulic Boom Truck; Keystone (Skimmer Scoop); Loader - self-propelled (Belt-chain Wheel); Locomotive Operator; Mucking Machine; Panel Board Concrete Plant (Central Mix type); Paver-Hetherington; Pile Driver - Skid or Crawler; Road Paving Mixer; Rock Breaking Plant; Rock Crushing Plant (portable); Roller - Asphalt, Waterbound Macadam; Bituminous Macadam, Brick Surface; Roller with Dozer Blade; Root Rake, Tractor Mounted; Self-propelled Widener; Stump Remover, Tractor Mounted; Surface Heater and Planer; Tandem Push Tractor (50 cents per hour additional); Tractor - Boom, Winch or Hoe Head; Tractor - Push; Tractor Mounted Spreader; Tree Mover; Trench Machine (over 24"); Tug Boat Operator; Well Drilling Machine; Winch Truck with A-Frame

Group 2: Air Compressor with throttle valve or Clever Brooks type combination; Backfiller; Back Hoe on Farm type Tractor, under 45 H.P.; Bull Float; Cherry Picker under 15 ton; Chip Spreader (self-propelled); Concrete Pump; Concrete Mesh Depressor - independently operated; Concrete Spreader - power driven; End Loader under 1-1/2 cu. yd.; Excavating Loader - portable; Finishing Machine and Bull Float; Gunite Machine; Head Dresser; Mechanic; Mesh or Steel Placer; Multiple Tamping Machine (R.R.); P.C.C. Concrete Belt Placer; Pull Grader - power control; Refrigerating Machine - freezing operation; Ross Carrier; Sheepfoot Roller (self-propelled); Tamper - Multiple Vibrating - Asphalt, Waterbound Macadam, Bituminous Macadam, Brick Surface; Trench Machine 24" and under; Tube Float; Welder

POWER EQUIPMENT OPERATORS (Cont'd) 3 of 3

Group 3: Assistant Plant Engineer; Base Paver (Jersey or similar type machine); Concrete Finishing Machine; Concrete Mixer - less than 21 cu. ft.; Curb Machine; Farm Tractor - including farm tractor with all attachments except backhoe and including high lift end loaders of 1 cu. yd. capacity or less; Fireman (oil boiler); Hoist (one drum); Operator, 5 pieces of minor equipment; Paving Breaker; Power Broom, self-propelled; Roller (Earth and Sub-base material); Slurry Seal Machine; Spike Machine (R.R.); Tamper - Multiple Vibrating - Earth and Sub-base material); Throttle Valve; Throttle Valve and Fireman combination on horizontal or upright boiler; Tractaire with Drill; Tractor - 50 H.P. or over; Well Point System; Widener (Apsco or similar type)

Group 4: Air Compressor; Assistant to Engineer - Oiler; Automatic Dry Batch Plant; Bituminous Distributor; Bituminous Patching Tamper; Belt Spreader; Broom and Belt Machine; Chair Cart (self-propelled); Coleman Type Screen; Conveyor (portable); Deck Hand; Digger Post Hole (power-driven); Fork Lift - under 10 ton; Form Grader; Form Tamper (motor driven); Generator; Greaser Helper; Hetherington Driver; Hetherington Helper; Hydra Seeder; Mechanics Helper; Mechanical Heater; Operator 1 thru 4 pcs. of minor equipment; Outboard or Inboard Motor Boat; Power Curing Spraying Machine; Power Saw - Concrete (power driven); Pug Mill; Pull Broom (power type); Seaman Tiller; Straw Blower or Brush Mulcher; Striping Machine, Paint (motor driven); Sub-grader; Tractaire; Tractor (below 50 H.P.); Truck Crane Oiler - Driver; Spreader; Water Pump; Welding Machine - 2 of 300 amps or over

DECISION NO. IN75-2133 49-HH-IND-TD-2-3

TRUCK DRIVERS:	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
GROUP A	$7.76	17.50a	19.50a		
GROUP B	7.71	17.50a	19.50a		
GROUP C	7.66	17.50a	19.50a		
GROUP D	7.61	17.50a	19.50a		
GROUP E	7.56	17.50a	19.50a		
GROUP F	7.51	17.50a	19.50a		
GROUP G	7.46	17.50a	19.50a		
GROUP H	7.41	17.50a	19.50a		
GROUP I	7.36	17.50a	19.50a		
GROUP J	7.31	17.50a	19.50a		
GROUP K	7.26	17.50a	19.50a		
GROUP L	7.16	17.50a	19.50a		

CLASSIFICATIONS

GROUP A-Acey Wagons over 3 Buckets
GROUP B-Acey Wagons to and including 3 Buckets
GROUP C-Tandem-tandem Semi-Trucks-Truck Mechanics-Heavy Equipment Type Water Wagon over 5,000 Gallons-Tri-Axle Trucks pulling Tilt-Top Trailers- Low Boys, Tandem-tandem Axle
GROUP D-Tri-Axle Trucks-Tandem Semi-Trucks-Equipment not self loaded or pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Rug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons, or similar equipment over 12 cu. yd.-Tandem Axle Trucks pulling Tilt-Top Trailers-Low Boys, Tandem Axle-Tri-Axle Batch
GROUP E-Tandem "Dog-Legs" Trucks-Semi-Water Trucks-Sprinkler Trucks-Heavy Equipment Type Water Wagons 5,000 Gallons & Under
GROUP F-Truck Mounted Pavement Breakers-Tandem Trucks over 15 Ton Payload-Single Axle Semi-Trucks-Farm Tractors hauling material-Equipment not self loaded or Pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Rug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons or similar equipment 12 cubic yds. & under-Mixer Trucks, All Types-Single Axle Trucks pulling Tilt-Top Trailer Lowboys, Single Axle
GROUP G-Tandem Axle Fuel Trucks-Tandem Axle Water Trucks-Bituminous Distributor (one man)
GROUP H-Single Axle Dog-Legs-Tandem Trucks or Dog-Legs-Winch Trucks or A Frames used for Transportation-Batch Trucks Wet or Dry over 3 (3/4E) Batches-Grease and Maintenance Truck Servicing Tandem Axle Trucks
GROUP I-Single Axle Fuel Trucks-Single Axle Water Trucks-Dituminous Distributors, (two man)
GROUP J-Single Axle Straight Trucks-Batch Trucks, Wet or Dry 3 (3/4E) Batches or less-Grease & Maintenance Trucks servicing Single Axle Trucks
GROUP K-Helpers, Greasers, Tire Men, Batch Board Tenders
GROUP L-Pick-Up Trucks

FOOTNOTE: a-PER WEEK PER EMPLOYEE

DECISION NO. IN75-2133

Marion & Shelby Counties IND-4-LAB-S&T

LABORERS: SEWER & TUNNEL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
CLASS 1	$5.45	.18	.25		.07
CLASS 2	5.65	.18	.25		.07
CLASS 3	5.85	.18	.25		.07
CLASS 4					
FREE AIR TUNNEL WORK					
A.	6.26	.18	.25		.07
B.	5.75	.18	.25		.07
C.	5.65	.18	.25		.07
D.	5.55	.18	.25		.07

CLASSIFICATIONS

CLASS 1: Common Laborers
CLASS 2: Jackhammer, Drill, Air Spades, Air Tampers & Vibrators, Operators of mechanical equipment (which replaces Wheelbarrows & Buggies), Chipping & Cutting Hammers, Laborers in Ditches deeper than 6 feet not sheeted or sloped
CLASS 3: Sewer Pipe Layers
CLASS 4:
FREE AIR TUNNEL WORK:
A. Miner or Header Man
B. Muckers & Tunnel Laborers
C. Bottom Man & Concrete Men
D. Top Men

DECISION NO. IN75-2133

Adams, Allen, DeKalb, Elkhart, Huntington, Kosciusko, LaGrange, Marshall, Noble, Steuben, Wells, & Whitley Counties IND-5-LAB-S&T

LABORERS: TUNNEL & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
GROUP I	$6.25	.35	.30		.07
GROUP II	6.40	.35	.30		.07
GROUP III	6.40	.35	.30		.07
GROUP IV	6.35	.35	.30		.07
GROUP V					
FREE AIR TUNNEL & CAISSON					
A.	7.33	.35	.30		.07
B.	6.83	.35	.30		.07
C.	6.73	.35	.30		.07
D.	6.63	.35	.30		.07

CLASSIFICATIONS

GROUP I: Top Laborers
GROUP II: Well Point Lead Man
GROUP III: Jackhammer & Air Tool Operators
GROUP IV: Pipelayer
GROUP V:
FREE AIR TUNNEL & CAISSON:
A. Miners or Header Men
B. Muckers & Tunnel Laborers
C. Bottom Men & Concrete Men
D. Topmen

DECISION NO. IN75-2133

Starke County INDIANA-6-LAB-1-S&T AREA 1A

LABORERS BUILDING, SEWER & TUNNEL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
GROUP A	$6.95	.35	.40		.09
GROUP B	7.15	.35	.40		.09
GROUP C	7.25	.35	.40		.09
GROUP D	7.95	.35	.40		.09

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmon and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

DECISION NO. IN75-2133

Adams, Allen, Blackford, DeKalb, Huntington, Jay, Steuben, Wells, & Whitley Counties

IND-6-PEO-T&S

POWER EQUIPMENT OPERATORS: TUNNEL & SHAFT CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 9.37	.40	.30		.05
GROUP 2	8.70	.40	.30		.05
GROUP 3	8.65	.40	.30		.05
GROUP 4	8.55	.40	.30		.05
GROUP 5	8.50	.40	.30		.05
GROUP 6	8.45	.40	.30		.05
GROUP 7	8.40	.40	.30		.05
GROUP 8	8.35	.40	.30		.05
GROUP 9	8.15	.40	.30		.05
GROUP 10	8.10	.40	.30		.05
GROUP 11	7.95	.40	.30		.05
GROUP 12	7.67	.40	.30		.05
GROUP 13	7.62	.40	.30		.05
GROUP 14	7.57	.40	.30		.05
GROUP 15	7.47	.40	.30		.05
GROUP 16	7.42	.40	.30		.05
GROUP 17	7.32	.40	.30		.05
GROUP 18	7.17	.40	.30		.05

CLASSIFICATIONS

GROUP 1: Helicopter
GROUP 2: Concrete Mixer (Dual Drum)
GROUP 3: Caisson Drilling Machine, Clamshell, Crane, Derrick, Dragline, Dredge, Pile-Driver, Shovel, Tower Crane, Backhoe
GROUP 4: Ditching & Trenching Machine(over 24") Hoist, Tournapull(or similar), Tractor Shovel
GROUP 5: Crane-Electric Overhead, Dinky Engine in Tunnel, Forklift, Locomotive, Tractor W/Winch
GROUP 6: Angle Dozer, Bulldozer, Pushdozer, Auto Patrol, Backfiller, Boom Cat, Concrete Pump, Ditching & Trenching Machine, Elevators(when used to hoist material) Mechanic on Job Site, Scoop Tractor(farm type) Backhoe over 3/8 yd
GROUP 7: Concrete Mixer (21 cu. ft. or over)
GROUP 8: Rollers on Stone, Blacktop or Brick
GROUP 9: Rose Carrier, Tractor(Farm w/attachments), Boatman
GROUP 10: Power Blade
GROUP 11: Well Point System, Throttle Valve
GROUP 12: Fireman
GROUP 13: Rollers on Earth
GROUP 14: Air Compressor(2 or 1 over 200'), Pumps(2,3 or 4) Tractor, Welding Mach.(2,3 or 4)
GROUP 15: Track Jack
GROUP 16: Truck Crane Driver
GROUP 17: Concrete Mixer (under 21 cu. ft.) Conveyor
GROUP 18: Air Compressor(less than 200 ft) Pump over (over 2") Welding Machine, Oilers & Greasers

DECISION NO. IN75-2133

Boone, Clay, Daviess, Fountain, Greene, Hendricks, Knox, Monroe, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, & Warren Counties

Ind 9 PEO-1 S&T 1 of 2

POWER EQUIPMENT OPERATORS (Sewer & Water Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or App. Tr.
GROUP I	$9.55	.40	.50		.06
GROUP II	9.45	.40	.50		.06
GROUP III	9.25	.40	.50		.06
GROUP IV	7.00	.40	.50		.06

CLASSIFICATIONS

GROUP I Master Mechanics

GROUP II Utility Operator

GROUP III Power Cranes, Draglines, Derricks, Electric Overhead Cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all Equipment, Tractor Highlift, Fork Lifts, Tourmadozer, Mixer over 1½S Capacity, Tourmamixer, Two Drum Machine or Two Cage Hoists, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Truck Crane, Tournapull, Tractor operating Scoops, Bulldozer, Push Tractor, Finishing Machine on Asphalt, Large Rollers & Rollers on Asphalt, Gravel, Macadam and Brick Surface, Rose Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer or Pug Mill, Two Air Compressors, Hetherington Paver Operator, Farm Tractor with half Yard bucket and/or Back Hoe Attachment, Trench Machines cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type Machine, Concrete Spreader, Cherry Picker, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machines, Back Filler, Elevating Machine, Power Blade, Asphalt Plant Engineer, Well Drilling Machines, Paint Machine, Pipe Cleaning Machines, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Tractor Without Winch, Road Equipment Greasers, Barber Green Loaders, Formless Paver, Well Point System Hydra Ax, Rosco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Pile Driver Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine Freezing Operator, Chair Cart - Self Propelled, Hydra Seeder, Straw Blower, Concrete Mixers with Skip, all one Drum Hoists with Tower or Boom, Dredge Engineer, Dredge Operator, Rock Spreader, Truck or Skid Mounted Tower Crane, Engine or Rock Crusher Plant, Boiler Operator, Concrete Plant Engineer, Loaders, Hydra Crane Caissons, Shaft or any similar type Drilling Machine, Concrete Curb Machine - Self Propelled, Winch or Hydraulic Boom Truck

DECISION NO. IN75-2133

POWER EQUIPMENT OPERATORS (Sewer & Water Construction)

Ind 9 PEO-1 S&T 2 of 2

GROUP IV Mixers 1½S capacity or less, Trench Machine cutting 24" and under, Farm Tractor with less than half yard bucket and other Attachments except Back Hoe, Truck Crane Oiler, Power Subgrader, Bull Float, Form Grader, Finishing Machine Pavement Breaker, Rock Crushers, One Drum Machine, One Air Compressor, Concrete Pump, Gunite Machine, Air Tuggers, Truck Crane Drivers, House Elevators when used for hoisting Material, Two to Four Generators or Welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on Earth, Engine Tenders, Fireman, Wagon Drill, Flexplane, Conveyor, Two to Four Water Pumps, Siphon and Pulsometer, Switchman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Broom, Post Hole Digger, Self-propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Track Jack, Mud Jack, Operator to do Wintor Repair Work in Shop between November 1st and March 1st, Concrete Buggies motor driven, Oilers, Barrel Type Mixer, One Welding Machine or One Water Pump, Air Valves or Steam Valves from Plant, Concrete Mixers without Skip, Curing Machine, Concrete & Blacktop Curb Machine, Deck Hands

Cranes with booms from 149 ft. to 199 ft. including jib. receive additional $.75 per hour
Cranes with boom over 199 ft. including job receive additional-$1.25 per hour.

DECISION NO. IN75-2133

Jasper, Newton, Pulaski, & Starke Counties

POWER EQUIPMENT OPERATORS

Building, Sewer & Tunnel Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class I	$ 10.30	.65	.85		.05
Class II	9.80	.65	.85		.05
Class III	8.25	.65	.85		.05
Class IV	7.25	.65	.85		.05

CLASS I Mechanic; asphalt plant; autograde; batch plant; benoto (requires two engineers); boiler & throttle valve; caisson rigs; central redimix plant; combination backhoe, front end loader with backhoe bucket of 1 cu. yd. & over; combination tugger hoist & air compressor; compressor and throttle; concrete breaker (truck mounted); concrete conveyor; concrete paver over 27S cu. ft.; concrete paver 27S cu. ft. and under; concrete tower; cranes, all; cranes, tower; derricks, all; derricks, traveling; forklift-lull type; forklift - 10 ton and over; hoists, one, two, and three drum; hoists, two tugger one floor; hydraulic boom truck; locomotive, all; pile drivers and skid rig; pit machines; pre-stress machine; pump cretes and similar types; rock drill (self-propelled); rock drill (truck mounted); slipform paver; straddle buggies; tractor with boom & side boom; trenching machine; winch tractors

CLASS II Asphalt spreader; boiler; bulldozers; combination backhoe, front-end loader with backhoe bucket, less than 1 cu. yd.; engineer acting as conductor in charge of crew; grader, elevating; greaser engineer; grouting machines; highlift shovels or front endloader; hoists, automatic; cowboy drilling machines; hoists all elevators; hoists, tugger single drum; motor patrol; post hole digger; rollers, all; scoops - tractor drawn; stone crushers; tournapull; winch trucks

CLASS III Concrete mixer (2 bag & over); conveyor, portable; steam generators; tractors, farm & similar type; air compressor small 150 & under (1 to 5 not to exceed a total of 300 ft.); air compressor - large over 150 combination - small equipment operator; forklift trucks; generators; pumps (1 to 3 not to exceed a total of 300 ft.); pumps, well points; welding machines (2 through 5); winches & electric drill winches

CLASS IV Heaters, mechanical (1 to 5); oilers & switchmen

Benton, Carroll, Cass, Clinton, Delaware, Fayette, Fulton, Grant, Hamilton, Hancock, Henry, Howard, Johnson, Madison, Marion, Miami, Randolph, Rush, Shelby, Tippecanoe, Tipton, Union, Wabash, Wayne, & White Counties

POWER EQUIPMENT OPERATORS: TUNNEL AND SEWER CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.70	.40	.40		.05
GROUP II	8.85	.40	.40		.05
GROUP III	7.95	.40	.40		.05
GROUP IV	7.20	.40	.40		.05

CLASSIFICATIONS

GROUP I
Air compressor (pressurizing shafts, tunnels & divers); Air tugger; Auto patrol; Back filler; Backhoe; Boom cat; Boring machine; Bull dozer; Caisson drilling machine; Cherry picker; Compactor (with dozer blade); Concrete mixer (dual drum); Concrete plant; Concrete pump; Crane with all attachments; Crane - electric overhead; Derrick; Dual purpose truck (pitman type); Ditching machine (18" and over); Dredge; Elevators (when hoisting material or tools); Fork lift; Formless paver; Generator (power for welders or compressors); Gradall; Helicoptor; Helicoptor winch operator; High lift - front end loader; Hoist; Locomotive and/or dinky engine; Mechanic on job site; Mucking machine; Panel board concrete plant; Pile driver; Push cat; Scoop & tractor; Scraper - rubber tired; Spreader - tractor mounted; Straddle carrier - ross type; Sub base finish machine (C.M.I. or similar); Tower crane; Tractor with backhoe (1/2 yard and over); Trench box - power driven; Tunnel shield; Welder (craft)

GROUP II
A frame truck; Batcher plant (automatic dry batch); Bending machine - Power driven; Bituminous mixer; Bituminous paver; Bituminous plant engineer; Boatman; Bull float; Compactor or tamper - self-propelled; Concrete mixer (21 cu. ft. or over); Concrete spreader - power driven; Ditching machine (less than 18"); Drilling machine; Finish machine & bull float; Finishing machine; Fireman - Pile driving and boilers; Gunite machine; Head greaser; Mechanic in shop; Mesh depresser - mesh placer; P.C.C. concrete belt placer; Roller - asphalt, Stone & sub base; Rotary drill; Sheepsfoot roller - self-propelled; Shop mule; Spreader or base paver-self-propelled; Sub grader; Throttle valve with air compressor or boiler; Tractor with backhoe (under 1/2 yard); Tractor - high lift - farm type; Tractor - industrial type; Tractor with winch; Well points; Winch truck

GROUP III
Air compressor (210 cu. ft. & over); Bituminous distributor; Chair cart; Concrete curing machine; Concrete saw; Dope pot - power agitated; Flex plane; Form grader; Hydrohammer; Jacks - hydraulic - power driven; Minor equipment operator 2,3,4, or 5; Paving joint machine; Post hole digger; Roller - earth; Throttle valve; Track jack - power driven; Tractor - farm type; Truck crane driver

GROUP IV
Air compressor (less than 210 cu. ft.); Concrete mixer (under 21 cu. ft.); Conveyor; Generator; Mechanical heater; Oiler; Power broom; Pump; Welding machine; Helpers

Elkhart, Kosciusko, LaGrange, Marshall, & Noble Counties

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Building, Sewer & Tunnel Construction					
GROUP I	$ 9.52	.50	.70	.20	.05
GROUP II	8.16	.50	.70	.20	.05
GROUP III	7.58	.50	.70	.20	.05
GROUP IV	7.00	.50	.70	.20	.05

CLASSIFICATIONS

GROUP I
All Power Cranes, Truck Cranes, Locomotive Cranes, LeTourneau Tournapulls, Shovels, Draglines, Derricks, Pile Drivers, HighLifts, Tractors w/Side Boom or "A" Frame, ForkLifts 18' 6" in Height or Over, Motor Patrols, Combination backhoe & Loader, Mechanic

GROUP II
All Bulldozers, Scoops, Push Cats, Concrete Mixers of more than 21 cu. ft. capacity, Locomotives, Rollers, Stone Crushers, Sand & Gravel Loaders, Fork Lifts under 18' 6", Air Compressors - 600 cu. ft. & over, Combination of Gasoline or Diesel driven Welding Machine & Compressor, Engineers operating Throttle Valve with Boiler and Compressor for PileDriving, Concrete Pumps, Trench Machines excluding Ditch Witches, Cableways & all 2 or more drums

GROUP III
Truck Winches w/A Frame & Power Winches Tractors-Farm Type, Drills & Conveyors, Small rubber tire end loaders ¾ cu. yd. & under

GROUP IV
Gin Poles, Sasgen Derricks & Similar Hoists, Firemen, Oilers, One Drum Hoist Single Drum Tugger Hoist, Automatic Hoist, Elevators

DECISION NO. IN75-2133

Statewide, except Clinton, DuBois, Fountain, Gibson, Grant, Howard, Miami, Perry, Pike, Posey, Spencer, Tipton, Vanderburgh, Vermillion, Wabash, Warran, & Warrick Counties

IND-LC-AREA I

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
EXCLUSIVE OF CALUMET AREA					
Linemen; Technicians	$9.03	.35	1%		.5%
Heavy equipment operator "A"	8.58	.35	1%		.5%
Heavy equipment operator "B"	7.08	.35	1%		.5%
Powder man & equipment mechanic	6.91	.35	1%		.5%
Senior groundman truck driver w/w	5.92	.35	1%		.5%
Groundman truck driver with winch	5.69	.35	1%		.5%
Groundman truck driver w/o windh	4.99	.35	1%		.5%
Senior groundman after 5 years	5.68	.35	1%		.5%
Senior groundman after 12 months	5.52	.35	1%		.5%
Groundman 0-12 months	4.69	.35	1%		.5%
CALUMET AREA					
Linemen; Technicians	9.33	.35	1%		.5%
Heavy equipment operator "A"	8.65	.35	1%		.5%
Heavy equipment operator "B"	7.14	.35	1%		.5%
Powder man & equipment mechanic	6.97	.35	1%		.5%
Senior groundman truck driver w/w	6.03	.35	1%		.5%
Groundman truck driver with winch	5.76	.35	1%		.5%
Groundman truck driver w/o winch	5.06	.35	1%		.5%
Senior groundman after 5 years	5.80	.35	1%		.5%
Senior groundman after 12 months	5.64	.35	1%		.5%
Groundman 0-12 months	4.79	.35	1%		.5%

Crawford, DuBois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh, & Warrick Counties

DECISION NO. _____

IND-LC-AREA III

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINEMEN; Line truck operator; Hole digger; Stool handling cable splicer	$10.63	.40	1%		
GROUNDMAN	9.29	.40	1%		
TRUCK DRIVER	9.60	.40	1%		

Clinton, Grant, Howard, Miami, Tipton, & Wabash Counties

IND-LC-AREA IV

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINEMEN; Heavy equipment operators "A"	$9.43	.35	1%		½ of 1%
CABLE SPLICERS	10.23	.35	1%		½ of 1%
HEAVY EQUIPMENT OPERATORS "B"	7.61	.35	1%		½ of 1%
POWDERMAN; Equipment mechanic	7.44	.35	1%		½ of 1%
SENIOR GROUNDMAN - truck driver with winch	6.25	.35	1%		½ of 1%
GROUNDMAN - truck driver with winch	5.98	.35	1%		½ of 1%
SENIOR GROUNDMAN AFTER 5 YEARS	5.96	.35	1%		½ of 1%
SENIOR GROUNDMAN AFTER 12 MONTHS	5.78	.35	1%		½ of 1%
GROUNDMAN - truck driver without winch	5.35	.35	1%		½ of 1%
GROUNDMAN 0 to 12 MONTHS	4.96	.35	1%		½ of 1%

Fountain, Vermillion, & Warren Counties

IND-LC-AREA V

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINEMEN; Groundman equipment operator	$9.77	.40	1%+.30		½ of 1%
GROUNDMAN TRUCK DRIVER W/WINCH	8.03	.40	1%+.30		½ of 1%
GROUNDMAN TRUCK DRIVER WO/WINCH	7.51	.40	1%+.30		½ of 1%
GROUNDMAN	7.14	.40	1%+.30		½ of 1%

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Hampden
DECISION NO.: MA75-2134 DATE: Date of Publication
Supersedes Decision No. MA75-2054 dated April 4, 1975 in 40 FR 15297
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$ 9.60	.54	.75		.01
Bricklayers	9.55	.55	.55		.03
Carpenters; Soft floor layers	9.15	.35	.50		.02
Cement masons	6.90				
Drywall applicator	7.50				
Drywall finisher	7.50				
Electricians:					
Holyoke, Chester	9.76	.45	1%+.20		.01
Remainder of County	5.32	.48	1%+.15	.43	a
Glaziers	7.41				
Ironworkers; structural, ornamental, & reinforcing	9.11	.55	1.40		.09
Laborers:					
Laborers	7.50	.50	.45		.10
Mason tenders	7.75	.50	.45		.10
Lathers	9.40	.45	.23		.01
Drywall work	8.30	.45	.23		.01
Painters, brush	8.82	.50	.35		.03
Plasterers	9.55	.55	.55		.03
Plumbers	9.68	.68	.85	c	.015
Roofers	8.945	.64	.66		
Sheet Metal Workers	9.11	.75	.97		.02
Power Equipment Operators:					
Backhoe	9.35	.60	.75	b	.05
Bulldozer	8.95	.60	.75	b	.05
Crane	9.35	.60	.75	b	.05
Gradall	9.35	.60	.75	b	.05
Grader	9.15	.60	.75	b	.05
Oiler	6.72	.60	.75	b	.05
Paver	8.95	.60	.75	b	.05
Roller	8.95	.60	.75	b	.05
Trenching machine	9.35	.60	.75	b	.05

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. $.10 per man per week
b. 8 paid holidays; A through F, Veterans' Day, & Columbus Day
c. 2 paid holiday: Independence Day & Labor Day provided the employee has been employed 7 days prior to the holiday for the same employer.

SUPERSEDEAS DECISION

STATE: New Mexico COUNTY: Statewide
DECISION NO.: NM75-4204 DATE: Date of Publication
Supersedes Decision No. NM75-4136 dated August 1, 1975 in 40 FR 32658
DESCRIPTION OF WORK: Commercial Building and Heavy Engineering Construction (including Residential in Santa Fe, McKinley, San Juan and Bernalillo Counties but not on the Navajo Indian Reservation)

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers (Statewide, except Union, Harding, Lea, Roosevelt, Curry and Quay Counties)	$9.86	.50	.97a		.03
Asbestos Workers (Union, Harding, Lea, Roosevelt, Curry, and Quay Counties)	9.00	.35	.30		.02
Boilermakers	8.25	.65	1.00		.02
Bricklayers - Stonemasons:					
Zone I-A	8.36	.48	.40		.02
Zone I-B	8.86	.48	.40		.02
Zone I-C	9.36	.48	.40		.02
Zone II	8.66	.48			
Zone III	9.16	.48			
Zone IV	7.34	.48			
Zone V	7.345	.48			
Zone VI	7.89	.48			
Zone VII	8.015	.48			

Bricklayers' Zone Definitions

Zone I - Union, Harding, Santa Fe, Valencia, Torrence, Taos, Socorro, Mora, McKinley, Colfax, Catron, San Miguel, San Juan, Sandoval, Rio Arriba, Bernalillo and Los Alamos Counties
From basing point of Albuquerque Main Post Office:
Zone I-A - 0 to 25 road miles
Zone I-B - 25 to 50 road miles
Zone I-C - Over 50 road miles
Zone II - Chaves, Curry, Roosevelt, DeBaca, Guadalupe, Quay, Lea, Eddy, and Otero Counties

Zone III - Lincoln County

Zone IV - Dona Ana County

Zone V - Luna County

Zone VI - Grant County Communities of Silver City, Bayard, Central, Hurley and New town site of Tyrone; Hidalgo and Sierra Counties.

Zone VII - Grant County, except communities listed in zone VI.

DECISION NO. NM75-4202

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
Dwelling houses and apartments not to exceed two stories in height:					
Zone I-A	$8.10	.70	.80		.20
Zone I-B	8.85	.70	.80		.20
Zone I-C	9.60	.70	.80		.20
General Building and Heavy Engineering and Residential Construction (Dwelling Houses and apartments over two stories in height):					
Zone 2-A	8.60	.70	.80		.20
Zone 2-B	9.35	.70	.80		.20
Zone 2-C	10.10	.70	.80		.20

CARPENTERS' ZONE DEFINITIONS

CARPENTERS (STATEWIDE) - From nearest basing points of the following Cities or Towns: Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos, and Tucumcari:
Zone I - Dwelling houses and apartments not to exceed two stories in height:
Zone 1-A - 0 - 15 road miles from nearest basing point
Zone 1-B - 15 to 35 road miles from nearest basing point
Zone 1-C - Over 35 road miles from nearest basing point
Zone II - General Building and Heavy Engineering and Residential Construction (Dwelling Houses and Apartments over two stories in height):
Zone 2-A - 0 to 15 road miles from nearest basing point
Zone 2-B - 15 to 35 road miles from nearest basing point
Zone 2-C - Over 35 road miles from nearest basing point

MILLWRIGHTS & PILEDRIVERMEN:					
Zone 1	$9.10	.70	.80		.20
Zone 2	9.85	.70	.80		.20
Zone 3	10.26	.70			.20

MILLWRIGHTS & PILEDRIVERMEN ZONE DEFINITIONS

MILLWRIGHTS & PILEDRIVERMEN (STATEWIDE) - From nearest basing points of the following cities or towns: Albuquerque City Limits; Santa Fe City Limits; the Main Post Office at Las Cruces and Carlsbad
Zone 1 - 0 to 15 road miles from nearest basing point
Zone 2 - 15 to 35 road miles from nearest basing point
Zone 3 - Over 35 road miles from nearest basing point

Page 3

DECISION NO. NM75-4204

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION					
CEMENT MASONS:					
Dwelling houses and apartments not to exceed two stories in height:					
Cement masons	$7.11	.48	.30		
Dwelling houses and apartments over two stories in height:					
Cement masons	7.32	.48	.30		
Composition or mastic	7.57	.48	.30		
ELECTRICIANS (ZONE I)					
AREA - 1					
1-A	9.20	.40	1%+.70		1/4%
1-B	9.85	.40	1%+.70		1/4%
1-C	10.41	.40	1%+.70		1/4%
1-D	11.06	.40	1%+.70		1/4%
AREA - 2					
2-A	8.40	.40	1%+.70		1/4%
2-B	9.00	.40	1%+.70		1/4%
2-C	9.51	.40	1%+.70		1/4%
2-C	10.10	.40	1%+.70		1/4%
ZONE II	10.41	.40	1%+.70		1/4%
ZONE III	5.80	.30	1%		1/4%
ZONE IV					
4-A	8.30	.25	1%		1/2%
4-B	8.75	.25	1%		1/2%
ZONE V					
5-A	9.20	.40	1%		1/2%
5-B	9.84	.40	1%		1/2%
5-C	10.40	.40	1%		1/2%
5-D	11.04	.40	1%		1/2%
ZONE VI					
6-A	8.70	.40	1%		.01
6-B	9.05	.40	1%		.01
6-C	9.20	.40	1%		.01
6-D	9.45	.40	1%		.01

DECISION NO. NM75-4204 Page 4

ELECTRICIANS' ZONE DEFINITIONS

ELECTRICIANS:

ZONE I - AREA 1 - Bernalillo, Santa Fe, Torrance, DeBaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Grant, Sandoval, Valencia, Socorro, Catron, Sierra and all of San Juan County excluding the Navajo Indian Reservation

ZONE I - AREA 2 - Chaves, Curry, Lincoln and Roosevelt Counties From nearest basing point cities, towns and miles to from main post office in the following towns:

Albuquerque - 15 miles from main post office
Santa Fe - 15 miles from main post office
Las Vegas - 8 miles from main post office
Farmington - 8 miles from main post office
Raton - 6 miles from main post office
Tucumari - 6 miles from main post office
Aztec - 6 miles from main post office
Roswell - 12 miles from main post office
Ruidoso - 12 miles from main post office
Portales - 12 miles from main post office
Carrizozo - 12 miles from main post office
Clovis - 12 miles from main post office

ZONE II - Los Alamos County

ZONE III - Single or multiple, family dwelling or apartments up to and including 26 units under one roof not exceeding two stories - Bernalillo, Santa Fe Counties and all of San Juan County excluding the Navajo Indian Reservation

ZONE IV - Dona Ana, Otero, Luna, Hidalgo Counties
Zone 4-A - Within 5 mile radius from the post office in Las Cruces and Alamogordo
Zone 4-B - Dona Ana, Otero, Luna and Hidalgo Counties (except that area specified in Zone 4-A)

ZONE V - McKinley County
Zone 5-A - Includes that City of Gallup and extending 10 road miles from main post office
Zone 5-B - Extending up to 20 road miles beyond Zone 5-A
Zone 5-C - Extending up to 30 road miles beyond Zone 5-A
Zone 5-D - Anything extending 30 road miles beyond Zone 5-A

ZONE VI - Eddy and Lea Counties - the following zones shall be designated from the main post office of Artesia, Carlsbad, Hobbs and Lovington:
Zone 6-A - 0 to 12 miles from main post office
Zone 6-B - 12 to 22 miles from main post office
Zone 6-C - 22 to 40 miles beyond main post office
Zone 6-D - 40 miles and beyond main post office

Page 5

DECISION NO. NM75-4204

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION					
CABLE SPLICERS:					
ZONE I					
AREA 1					
1-A	$10.13	.40	1%+.70		1/4%
1-B	10.78	.40	1%+.70		1/4%
1-C	11.34	.40	1%+.70		1/4%
1-D	11.99	.40	1%+.70		1/4%
AREA 2					
2-A	9.25	.40	1%+.70		1/4%
2-B	9.85	.40	1%+.70		1/4%
2-C	10.36	.40	1%+.70		1/4%
3-D	10.95	.40	1%+.70		1/4%
ZONE II	11.34	.40	1%+.70		1/4%
ZONE III					
3-A	8.55	.25	1%		1/2%
3-B	10.00	.25	1%		1/2%
ZONE IV					
4-A	10.12	.40	1%		1/2%
4-B	10.76	.40	1%		1/2%
4-C	11.32	.40	1%		1/2%
4-D	11.96	.40	1%		1/2%
ZONE V					
5-A	9.05	.40	1%		.01
5-B	9.40	.40	1%		.01
5-C	9.55	.40	1%		.01
5-D	9.80	.40	1%		.01

DECISION NO. NM75-4204 Page 6

CABLE SPLICERS' ZONE DEFINITIONS

CABLE SPLICERS:

ZONE I - Area 1 - Bernalillo, Santa Fe, Torrance, DeBaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Grant, Sandoval, Valencia, Socorro, Catron, Sierra, and all of San Juan County excluding the Navajo Indian Reservation

ZONE I - Area 2 - Chaves, Curry, Lincoln and Roosevelt Counties From nearest basing point cities, towns and miles to from main post office in the following towns:

Albuquerque - 15 miles from main post office
Santa Fe - 15 miles from main post office
Las Vegas - 8 miles from main post office
Farmington - 8 miles from main post office
Raton - 6 miles from main post office
Tucumari - 6 miles from main post office
Aztec - 6 miles from main post office
Roswell - 12 miles from main post office
Ruidoso - 12 miles from main post office
Portales - 12 miles from main post office
Carrizozo - 12 miles from main post office
Clovis - 12 miles from main post office

ZONE II - Los Alamos County

ZONE III - Dona Ana, Otero, Luna, Hidalgo Counties
3-A - Within 5 miles radius from the post office in Las Cruces and Alamogordo
3-B - Dona Ana, Otero, Luna, and Hidalgo Counties (except that area specified in Zone 3-A)

ZONE IV - McKinley County
4-A - Includes that city of Gallup and extending 10 road miles from main post office
4-B - Extending up to 20 road miles beyond zone 4-A
4-C - Extending up to 30 road miles beyond Zone 4-A
4-D - Anything extending 30 road miles beyond Zone 4-A

ZONE V - Eddy and Lea Counties - the following zones shall be designated from the main post office of Artesia, Carlsbad, Hobbs, and Lovington:
Zone 5-A - 0 to 12 miles from main post office
Zone 5-B - 12 to 22 miles from main post office
Zone 5-C - 22 to 40 miles beyond main post office
Zone 5-D - 40 miles and beyond main post office

DECISION NO. NM75-4204

GENERAL BUILDING CONSTRUCTION AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS:					
Bernalillo, Catron, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union and Valencia Counties:					
Elevator constructors	$8.84	.445	.29	3%+a+b	.02
Elevator constructors, helper	70%JR	.445	.29	3%+a+b	.02
Elevator constructors prob.	50%JR				
Chaves, Hidalgo, Dona Ana, Eddy, Grant, Lea, Luna, Otero and Sierra Counties:					
Elevator constructors	6.88	.445	.29	3%+a+b	.02
Elevator constructors helper	70%JR	.445	.29	3%+a+b	.02
Elevator constructors prob.	50%JR				
GLAZIERS:					
Zone I	5.99	.30	.10		.02
Zone II	7.34	.35	.20		.02

GLAZIERS' ZONE DEFINITIONS

GLAZIERS

Zone I - Dona Ana, Luna, Otero and Quay Counties

Zone II - Catron, Chaves, Colfax, Curry, DeBaca, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Los Alamos, McKinley, Mora, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union and Valencia Counties.

IRONWORKERS:					
Zone I	7.99	.50	.75		
Zone II	9.23	.55	.60		.10
Zone III	10.23	.55	.60		.10

IRONWORKERS' ZONE DEFINITIONS

IRONWORKERS

Zone I - Bernalillo, Catron, Colfax, DeBaca, Guadalupe, Lincoln, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance and Valencia Counties, New Mexico

Zone II - Dona Ana County with the exception of that portion of the county that lies within the White Sands Missile Range; Chaves County, Eddy County except the Potash Basin and defined as the area 10 road miles on Highway 62 and Highway 180, east of Carlsbad.

Zone III - Curry, Harding, Quay, Union, Hidalgo, Grant, Lea, Luna, Otero, and Sierra Counties; also Potash Basin, White Sands and McGregor Missile Ranges

DECISION NO. NM75-4204

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:					
GENERAL BUILDING, HEAVY ENGINEERING AND RESIDENTIAL CONSTRUCTION (Dwelling Houses and Apartments over two stories in height):					
Group I	$5.57	.34	.30		
Group II	5.87	.34	.30		
Group III	5.97	.34	.30		
Group IV	6.175	.34	.30		
Group V	6.325	.34	.30		

LABORERS' CLASSIFICATION DEFINITIONS

GROUP I - UNSKILLED: Building and Common Laborers, Carpenter tenders, Concrete workers, Chainmen-stakedrivers, Concrete buggy operators, hand

GROUP II - SEMI-SKILLED: Air and power tool operator, Asphalt rakers, Demolition, Gunite rebound men, Fog Machine Operator, Power Buggy Operators, Rodmen, Sand blasterers (pot men), Nozzlemen, Window washer, wagon, core, and diamond drillers tenders outside

GROUP III - Wagon Core, Diamond Drillers

GROUP IV - Concrete Burner, Cement mason tenders, Hodcarriers, Mortar mixers, Plaster spreader operators, Plaster tenders, Gunite nozzlemen, Pipe layer, Pumpcrete nozzlemen

GROUP V - Powdermen and Blasterers

NOTICES

DECISION NO. NM75-4204

	Basic Hourly	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:					
RESIDENTIAL CONSTRUCTION (Dwelling houses and apartments not to exceed two stories in height):					
Group I	$5.12	.34	.30		
Group II	5.42	.34	.30		
Group III	5.52	.34	.30		
Group IV	5.725	.34	.30		
Group V	5.875	.34	.30		

LABORERS' CLASSIFICATION DEFINITIONS

GROUP I - UNSKILLED: Building and Common Laborers, Carpenter tenders, Concrete workers, Chainmen-stakedrivers, Concrete buggy operators, hand

GROUP II - SEMI-SKILLED: Air and power tool operator, Asphalt rakers, Demolition, Gunite rebound men, Fog Machine operator, power buggy operator, Rodmen, Sand blasterers (pot men), Nozzlemen, Window washer, wagon, core, and diamond drillers tenders outside

GROUP III - Wagon Core, Diamond Drillers

GROUP IV - Concrete Burner, Cement mason tenders, Hod carriers, Mortar mixers, Plaster spreader operators, Plaster tenders, Gunite nozzlemen, Pipe layer, Pumpcrete nozzlemen

GROUP V - Powdermen and Blasterers

DECISION NO. NM75-4204

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LATHERS:					
Zone 1	$7.395	.48		.50	.02
Zone 2	7.50				.01

LATHERS' ZONE DEFINITIONS

LATHERS

Zone 1 - Catron, Grant, Bernalillo, Roosevelt, Union, Sandoval, San Juan, Socorro, Torrance and Valencia Counties

Zone 2 - Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe and Taos Counties

LINE CONSTRUCTION:					
Bernalillo County					
Cable Splicers	8.54	.40	1%		1/2%
Linemen	7.94	.40	1%		1/2%
Technicians	7.94	.40	1%		1/2%
Equipment Operators	7.55	.40	1%		1/2%
Equipment Mechanics	6.91	.40	1%		1/2%
Powderman	6.91	.40	1%		1/2%
Groundmen and Jackhammers Oprs.:					
1st 6 months	4.14	.40	1%		1/2%
2nd 6 months	4.72	.40	1%		1/2%
Experienced	5.54	.40	1%		1/2%
STATEWIDE (except Bernalillo Co.)					
Cable Splicers	9.33	.40	1%		1/2%
Linemen	8.70	.40	1%		1/2%
Technicians	8.70	.40	1%		1/2%
Equipment Operators	8.26	.40	1%		1/2%
Equipment Mechanics	7.55	.40	1%		1/2%
Powdermen	7.55	.40	1%		1/2%
Groundmen and Jackhammer Oprs.:					
1st 6 months	4.54	.40	1%		1/2%
2nd 6 months	5.17	.40	1%		1/2%
Experienced	6.06	.40	1%		1/2%

NOTICES

DECISION NO. NM75-4204

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
MARBLE, TILE & TERRAZZO WORKERS	$7.225	.30			
MARBLE, TILE & TERRAZZO HELPERS	5.05	.30			
PAINTERS: ZONE I					
Zone 1-A	6.82	.35	.20		.01
Zone 1-B	7.32	.35	.20		.01
Zone 1-C	7.07	.35	.20		.01
Zone 1-D	7.40	.35	.20		.01
Zone 1-E	7.15	.35	.20		.01
Zone 1-F	7.47	.35	.20		.01
Zone 1-G - ½ cent per foot above the 75 foot scale		.35	.20		.01
PAINTERS: ZONE II					
Zone 2-A	6.25	.35	.20		.01
Zone 2-B	6.50	.35	.20		.01
Zone 2-C	6.90	.35	.20		.01
Zone 2-D	6.75	.35	.20		.01
Zone 2-E	6.75	.35	.20		.01
Zone 2-F	6.75	.35	.20		.01
Zone 2-G	7.25	.35	.20		.01
Zone 2-H	8.23	.35	.20		.01
PAINTERS: ZONE III					
Zone 3-A	6.61	.30			.02
Zone 3-B	7.03	.30			.02
Zone 3-C	6.755	.30			.02
Zone 3-D	7.03	.30			.02
Zone 3-E	7.46	.30			.02
Zone 3-F - 12½c above scale		.30			.02
Zone 3-G - 25c above scale		.30			.02
Zone 3-H - 50c above scale		.30			.02
Zone 3-I - 75c above scale		.30			.02
Zone 3-J - $1.00 above scale		.30			.02
PAINTERS: ZONE IV					
Zone 4-A	5.95	.35			
Zone 4-B	6.45	.35			
Zone 4-C	6.20	.35			
PAINTERS: ZONE V					
Zone 5-A	6.90	.35			
Zone 5-B	7.40	.35			
Zone 5-C	7.15	.35			

DECISION NO. NM75-4204 PAINTERS' ZONE AND CLASSIFICATION DEFINITIONS PAGE 12

PAINTERS

ZONE I - San Juan, McKinley, Bernalillo, Torrance, Guadalupe, Quay, Catron, Socorro, Lincoln, DeBaca, Roosevelt, Chaves, Valencia, Sierra, Grant, Hidalgo and Curry Counties:
- Zone 1-A - Painters, roller and hand textures
- Zone 1-B - Painters, spray, sandblasting, painter on steel beidges, tanks towers, pipe and structural
- Zone 1-C - Paperhanger
- Zone 1-D - Drywall finisher; Ames tool operator
- Zone 1-E - Hand finisher machine texture
- Zone 1-F - Painting 30 to 75 feet above ground or floor
- Zone 1-G - Painting 75 feet or more above ground floor

ZONE II - Colfax, Harding, Los Alamos, Mora, Sandoval, San Miguel, Rio, Arriba, Taos, Union, and Santa Fe Counties.
- Zone 2-A - Painters and roller
- Zone 2-B - Paperhangers
- Zone 2-C - Spray, Sandblast, pressure roller and gunnite operator
- Zone 2-D - Steel painter; bridges, structural steel, machinery tank, towers, pipe boiler rooms and power plant brush and spray
- Zone 2-E - Drywall finisher tool and machine texture
- Zone 2-F - High pay - 30 to 75 feet
- Zone 2-G - High pay - 75 to 100 feet
- Zone 2-H - High pay - 100 feet and over

ZONE III- Luna, Otero and Dona Ana Counties
- Zone 3-A - Brush, tapers and rollers
- Zone 3-B - Spray, sandblasting
- Zone 3-C - Ames tool and steel brush after erection
- Zone 3-D - Stripping machine
- Zone 3-E - Radio towers, water tanks, smoke stacks
- Zone 3-F - Radio towers, water tanks, smoke stacks 50 to 75 feet
- Zone 3-G - Radio towers, water tanks, smoke stacks 75 feet to 100 feet
- Zone 3-H - Radio towers, water tanks, smoke stacks 100 feet to 200 feet
- Zone 3-I - Radio towers, water tanks, smoke stacks 200 feet to 300 feet
- Zone 3-J - Radio towers, water tanks, smoke stacks 300 feet to 400 feet

ZONE IV - Lea and Eddy Counties shall encompass Carlsbad, New Mexico and an area within a radius of 40 miles from the courthouse in Carlsbad, New Mexico
- Zone 4-A - Brush and roller
- Zone 4-B - Paperhangers and sandblaster
- Zone 4-C - Spray and dry wall finisher

ZONE V - Lea and Eddy Counties shall include the rest of the area in Eddy and Lea Counties
- Zone 5-A - Brush, roller and drywall finisher
- Zone 5-B - Spray
- Zone 5-C - Paperhanger and sandblaster

DECISION NO. NM75-4204

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
PLASTERERS	$8.00	.48	.30		.06
PLUMBERS-PIPEFITTERS - Zone I					
Zone 1-A	9.34	.42	.75		.12
Zone 1-B	9.74	.42	.75		.12
Zone 1-C	10.19	.42	.75		.12
Zone 1-D	10.64	.42	.75		.12
Zone 1-E	11.09	.42	.75		.12
PLUMBERS-PIPEFITTERS - Zone II	9.97	.42	.75		.12

PLUMBERS-PIPEFITTERS' ZONE DEFINITIONS

ZONE I - Basing point Cities or Towns: Albuquerque, Alamogordo, Anthony, Artesia, Belen, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Rudioso, Santa Fe, Silver City, Santa Rosa, Taos, Trucumcari, Truth or Consequences.
- Zone 1-A - Shall extend a distance of five road miles inclusive beyond the city or town limits of any of the basing point cities or towns as set forth above
- Zone 1-B - Shall extend a distance of eight road miles inclusive beyond the outer perimeter of Zone 1-A
- Zone 1-C - Shall extend a distance of ten miles inclusive beyond the perimeter of Zone 1-B
- Zone 1-D - Shall extend a distance of ten road miles inclusive beyond the outer perimeter of Zone 1-C
- Zone E-E - Shall apply to all areas not within Zones 1-A, 1-B, 1-C, or 1-D

ZONE II Los Alamos, White Rock, South Mesa, McGregor Range, White Sands Missile Range and/or Proving Grounds, Atlas Missile Complex Sites in Chaves and Lincoln Counties, and the Oro Grande Camp in Dona Ana and Otero Counties.

DECISION NO. NM75-4204

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION					
POWER EQUIPMENT OPERATORS: (Residential and General Building Construction)					
Group 1	$6.58	.35	.40		.10
Group 2	7.12	.35	.40		.10
Group 3	7.20	.35	.40		.10
Group 4	7.26	.35	.40		.10
Group 5	7.32	.35	.40		.10
Group 6	7.42	.35	.40		.10
Group 7	7.52	.35	.40		.10
Group 8	7.70	.35	.40		.10
Group 9	8.50	.35	.40		.10
Group 10 - $.15 per hour above regular rate		.35	.40		.10
POWER EQUIPMENT OPERATORS (Heavy Engineering Construction)					
Group 1	6.58	.35	.40		.10
Group 2	7.12	.35	.40		.10
Group 3	7.20	.35	.40		.10
Group 4	7.26	.35	.40		.10
Group 5	7.32	.35	.40		.10
Group 6	7.42	.35	.40		.10
Group 7	7.52	.35	.40		.10
Group 8	7.70	.35	.40		.10
Group 9	8.50	.35	.40		.10

RESIDENTIAL AND GENERAL BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS:

Group 1: Firemen, Oiler, Helper - Mechanics Welders, Greaser Truck Screedman Scale Operator such a (Bin-A-Batch), Rubber-tired Farm-type Tractor, Tractors under 50 HP w/o attachments, Breakman, Concrete Paving Curing Machine (bridge type)

Group 2: Rollers, Sheepsfoot or Pneumatic Self-propelled w/o Dozer, Concrete Conveyor, Service Truck Operator (head oiler), Air Compressor (300 CFM and over), Pumps (6" and over), Screening Plant, Concrete Mixers (under 1 c.y.), Concrete Saw of Grinder-span type, Hoists, 1 drum, Air Tugger, Elevating Belt Type Loaders, Forklift Lumber Stacker, Tractor-farm type (under 50 HP w/attachments) Motor Man and Industrial Locomotive Operator, Winch Trucks, Front End Loader (under 2 c.y.), Power Plants which generate over 15 KW, Welding Machines

Group 3: Bituminous Distributors Boilers, Retort and Hot Oil Heaters, Concrete Paver-single drum, Drilling Equipment, Motor Graders (Rough), Shaft and Tunnel Equipment-Refrigeration, Slusher, jumbo form, Trenching Machines (all types), Pump Crete and Gunite Machines, Slipform Paver, Mechanical Bullfloats, Concrete Slab, Spreading Machine, Concrete Slab Finishing Machine, Asphalt Plants, Bituminous Finishing Machines, Crushing Plants

Group 4: Fornt End Loader (2 thru 10 c.y.), Rollers, Steel Wheeled-all types, Bulldozers, Scrapers, (Motor or Towed), Elevating Graders, Concrete Batching Plants, Self-propelled Rollers-equiped with Dozer, Twin-bowl Scrapers and Quad 8 or 9 Pushers (35c over basic rate) Three Bowl Scrapers (60c over basic rate)

Group 5: Hydraulic Cranes - with less than 50 ft. of boom (20 tons and under), Concrete Paver-double drum, Cat Cranes, Hysters, Side and Swingboom Cats, Hoist-2 drum, Auto Fine Grader

Group 6: Mucking Machines - all types, Motor Grader-Finish, Mechanic-Welder

Group 7: Steam Engineers, Loader (Front End over 10 c.y.)

Group 8: All Shovel type Equipment:
Cranes, Draglines, Backhoes, Derricks, Guy and Stiff Leg, Pipemoble, (No.20p) Pile Driver, Hydraulic Cranes (20 tons and over), Mine Hoist (Belt Loader "CMI" type), Cranes, Draglines - with Booms and Jib over 150 ft. 25c per hour additional

Group 9: Shovel (wheel type), Boring Machine (Tunnel or Shaft Mole), Pipe Mobile

Group 10: Shaft and Tunnel Work

HEAVY ENGINEERING CONSTRUCTION
POWER EQUIPMENT OPERATORS

Group 1: Firemen, Oiler, Helper - Mechanics Welders, Greaser Truck, Screedman Scale Operator such a (Bin-A-Batch), Rubber-tired Farm-type Tractor, Tractors under 50 HP w/o attachments, Breakman, Concrete Paving Curing Machine (bridge type)

Group 2: Rollers, Sheepsfoot or Pneumatic Self-propelled w/o Dozer, Concrete Conveyor, Service Truck Operator (head oiler), Air Compressor (300 CFM and over), Pumps (6" and over), Screening Plants, Concrete Mixers (under 1 c.y.), Concrete Saw of Grinder-span type, Hoists, 1 drum, Air Tugger, Elevating Belt Type Loaders, Forklift Lumber Stacker, Tractor-farm type (under 50 Hp w/attachments) Motor Man and Industrial Locomotive Operator, Winch Trucks, Front End Loader (under 2 c.y.), Power Plants which generate over 15 KW, Welding Machines

Group 3: Bituminous Distributors Boilers, Retort and Hot Oil Heaters, Concrete Paver - single drum, Drilling Equipment, Motor Graders (Rough), Shaft and Tunnel Equipment - Refrigeration, Slusher, jumbo form, Trenching Machines (all types), Pump Crete and Gunite Machines, slipform Paver, Mechanical Bullfloats, Concrete Slab, Spreading Machine, Concrete Slab Finishing Machine, Asphalt Plants, Bituminous Finishing Machines, Crushing Plants

Group 4: Front End Loader (2 thru 10 c.y.), Rollers, Steel Wheeled-all types, Bulldozers, Scrapers, (Motor or Towed), Elevating Graders, Concrete Batching Plants, Self-propelled Rollers - equiped with Dozer, Twin-bowl Scrapers and Quad 8 or 9 Pushers (35c over basic rate) Three Bowl Scrapers (60c over basic rate)

Group 5: Hydraulic Cranes - with less than 50 ft. of Boom (20 tons and under), Concrete Paver - double drum, Cat Cranes, Hystera, Side and Swingboom Cats, Hoist - 2 drum, Auto Fine Grader

Group 6: Mucking Machines - all types, Motor Grader - Finisher, Mechanic - Welder

Group 7: Steam Engineers, Loader (Front End over 10 c.y.)

Group 8: All Shovel Type Equipment:
Cranes, Draglines, Backhoes, Derricks, Guy and Stiff Leg, Pipemoble (No. 20p) Pile Driver, Hydraulic Cranes (20 tons and over), Mine Hoist (Belt Loader "CMI" type), Cranes, Draglines - with Booms and Jib over 150 ft. 25c per hour additional

Group 9: Shovel (wheel type), Boring Machine (Tunnel or Shaft Mole), Pipe Mobile

DECISION NO. 8175-4204

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$6.75				
SHEET METAL WORKERS					
Zone 1	9.06	.48	.40		.02
Zone 2	7.90	.29	.25		.005
Zone 3	8.35	.20			.05
Zone 4	10.06	.48	.40		.02

SHEET METAL WORKERS ZONE DEFINITIONS

Zone 1 - Bernalillo, Catron, Chaves, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Miguel, Santa Fe, Socorro, Union, Taos, Torrance, Valencia, San Juan Counties, Kirtland Air Force Base,

Zone 2 - Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Sierra and Otero Counties
Zone 3 - Holloman Air Force Base, White Sands and McGregor Ranges
Zone 4 - Los Alamos County

SOFT FLOOR LAYERS					
Zone 1	6.68	.30			.02
Zone 2	6.90	.35			.02

SOFT FLOOR LAYERS' ZONE DEFINITIONS

Zone 1 - Dona Ana, Lina and Otero Counties
Zone 2 - Statewide (excluding Dona Ana, Luna and Otero Counties)

DECISION NO. 8175-4204

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SOUND INSTALLERS:					
Zone I - Bernalillo County					
Zone II - Valencia, Sandoval, Santa Fe, Torrance and Socorro, Counties					
Zone III - Guadelupe, DeBaca, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Catron, Sierra, Grant, Roosevelt, Chaves, Lincoln, Curry and Los Alamos Counties, all of San Juan County excluding the Navajo Indian Reservation.					
Soundman:					
Zone I	$8.10	.30	1%		1/4%
Zone II	8.225	.30	1%		1/4%
Zone III	8.475	.30	1%		1/4%
Technicians:					
Zone I	6.48	.30	1%		1/4%
Zone II	6.48	.30	1%		1/4%
Zone III	6.605	.30	1%		1/4%
Sound Installers:					
Zone I	5.27	.30	1%		1/4%
Zone II	5.395	.30	1%		1/4%
Zone III	5.645	.30	1%		1/4%
SPRINKLER FITTERS	10.20	.50	.80		.08
Truck Drivers (General Building and Residential Construction - Dwelling houses and apartments over two stories in height)					
Group 1	5.40	.48	.45		
Group 2	5.52	.48	.45		
Group 3	5.60	.48	.45		
Group 4	5.72	.48	.45		
Group 5	5.77	.48	.45		
Group 6	5.87	.48	.45		
Group 7	5.97	.48	.45		
Group 8	6.11	.48	.45		
Group 9	6.26	.48	.45		

DECISION NO. NM75-4204

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (Cont'd) (RESIDENTIAL CONSTRUCTION - Dwelling houses and apartments not to exceed two stories in height)					
Group 1	$5.10	.48	.45		
Group 2	5.22	.48	.45		
Group 3	5.30	.48	.45		
Group 4	5.42	.48	.45		
Group 5	5.47	.48	.45		
Group 6	5.57	.48	.45		
Group 7	5.67	.48	.45		
Group 8	5.81	.48	.45		
Group 9	5.96	.48	.45		
TRUCK DRIVERS (HEAVY ENGINEERING CONSTRUCTION)					
Group 1	5.60	.48	.40		
Group 2	5.72	.48	.40		
Group 3	5.80	.48	.40		
Group 4	5.92	.48	.40		
Group 5	5.97	.48	.40		
Group 6	6.07	.48	.40		
Group 7	6.17	.48	.40		
Group 8	6.31	.48	.40		
Group 9	6.46	.48	.40		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:

Group 1: Pickup 3/4 ton and under; Light Tire Repair or Washer; Swamper or Riding Helper; Teamster 2 or 4 up

Group 2: Bus or Taxi Driver; Dump or Batch Truck under 8 C.Y.W.L.A.; Flatbed (bobtail) 2 ton and under; Warehouse including Material Checker; Mechanic and Welder Helper; Forklift, under 5 ton MRC

Group 3: Dump Truck (including all hgihway and off-highway) 8 up to 16 C.Y.W.L.C.; Water, Fuel or Oil Trucks less than 3,000 gallons; Flatbed (bobtail) over 2 tons

Group 4: Distributors Driver; Heavy Tire Repair; Lumber Carrier Driver; Yound Buggy or similar equipment transit mix or agitator 2 or 3 axle bobtail equipment; Scissor Truck; Bulk Cement Bobtail 2 or 3 axles; Semi-trailer Driver (flatbed or van single axle); Forklift 5 ton and over M.R.C.; Field Equipment Serviceman

Group 5: Dumpsters and Dumpcrete Driver; Water, Fuel or Oil Truck, 3,000 to 6,000 gallon capacity; Lowboy, light equipment driver; Euclid type tank wagon under 6,000 gallons

Group 6: Vacuum Truck; Dump Truck (including all highway and off-highway 16 up to 22 C.Y.W.L.C.

Group 7: Transit Mix or Agitator semi or 4 axle equipment driver; Flaherty Truck type Spreader Box Driver; Slurry Trucks 4 axle Bobtail; Winch Truck and "A" Frame Dump Trucks (including all highway and off-highway) 22 C.Y. up to 35 C.Y.W.L.C, Head Field Equipment Serviceman

Group 8: Euclid Diesel powered Turnarocker; Terra Cobra; DW 10; DW 20; LeTourneau Pulls and similar diesel powered equipment when used to haul materials and assigned to a Teamster; Lowboy Heavy Equipment Driver; Water, Fuel or Oil Trucks 6,000 gal. and over (including tank wagon drivers); Semi-treiler Driver (flatbed or van tandems); Light equipment mechanic; Dump Trucks (including all highway and off-highway) 35 C.Y.W.L.C. and over; Truck and Trailer or Semi-trailer (flatbed eject all)

Group 9: Lowboy (heavy equipment, double goosenack); Heavy equipment mechanics; Welder (body and fender man)

TEAMSTERS CLASSIFICATION not listed, shall be paid a rate comparable to classification listed.

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:
a. Includes $0.07 contribution to the Occupational Health Fund.
b. 1st 6 months - none; 6 months to years, 2%; over 5 years, 4% of basic hourly rate.
c. Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

SUPERSEDEAS DECISION

STATE: North Carolina COUNTY: Mecklenburg
DECISION NUMBER: NC75-1115 DATE: Date of Publication
Supersedeas Decision No. AP-161 dated March 2, 1973 in 38 FR 5753.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$4.03				
Air conditioning & heating mechanics	4.50				
Acoustical ceiling installer	4.00				
Bricklayers	5.26				
Carpenters	4.32				
Cement masons	4.28				
Drywall hangers & finishers	4.50				
Electricians	7.08	.25	1%		½ of 1%
Elevator constructors	5.705	.195	.20	1%+a&b	.005
Elevator constructors' helpers	70% JR	.195	.20	1%+a&b	.005
Elevator constructors' helpers, (probationary)	50%JR				
Glaziers	3.58				
Ironworkers, structural	5.36				
Ironworkers, reinforcing	4.37				
Laborers:					
Laborers	2.75				
Mason tenders	3.35				
Mortar mixers	3.05				
Pipelayers	2.86				
Lathers	4.97				
Millwrights	4.90				
Painters, brush	3.50				
Plasterers	5.00				
Plumbers, pipefitters, steamfitters	5.26				
Roofers	2.78				
Sheet metal workers	4.50				
Stonemasons	4.25				
Terrazzo workers	4.00				
Tile setters	4.08				
Truck drivers	2.42				
Waterproofing mechanics	3.23				
Power Equipment Operators:					
Asphalt paving machine	2.85				
Backhoe	3.59				
Bulldozers	3.00				
Cranes, derricks, draglines, drill rig	4.84				

NC75-1115 P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (cont'd):					
Drill hole man	6.17				
Fork lift	4.25				
Front end loader	2.82				
Motor grader	3.00				
Oilers	5.17				
Pan	3.35				
Pump	4.00				
Roller	2.84				
Scraper	3.00				
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A - New Year's Day; B - Memorial Day; C - Independence Day; D - Labor Day; E - Thanksgiving Day; F- Christmas Day.

Footnotes:
a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

SUPERSEDEAS DECISION

STATE: Pennsylvania
DECISION NO.: PA-75-3120
Supersedes Decision No. AQ-2070 dated, March 15, 1974, in 39 FR 10070.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: Sullivan
DATE: Date of Publication

57-PA-1- M 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	On
Asbestos workers	$9.55	.50	.35		.01	
Boilermakers	11.95	.65	1.00		.02	
Bricklayers	8.75	.40	.50			
Carpenters:						
Renton Air Force Base	9.36	.30	.35		.03	
Remainder of County	8.78	.30	.35		.03	
Cement masons	8.95					
Electricians:						
Eastern part of County	9.76	.45	1¼+.31		1/4 of 1%	
Western part of County	9.23	.28	1¼+.50	.50	.02	
Ironworkers	10.55	a			.10	
Laborers:						
Unskilled & Window washers	7.77	.25	.50			
Mason tenders incl. scaffold builders	8.17	.25	.50			
Semi-skilled: Pneumatic, electrical & mechanical tool ops., under the jurisdiction of the laborers - 2" pumps-non-metallic pipelaying & making of joints clay. terra cotta, ironstone, vitrified concrete, handling of burning torches, asphalt or other hot materials, cement finishers & blasters helpers. power buggies, walk along hoist.	7.97	.25	.50			
Plaster tenders, blasters & wagon drill operators	8.09	.25	.50			
Line Construction:						
Linemen & cable splicer	9.50	.20	1%		3/8 of 1%	
Groundman-truck driver	6.74	.20	1%		3/8 of 1%	
Groundman	6.46	.20	1%		3/8 of 1%	
Millwrights	9.86	.30	.35		.03	
Painters:						
Eastern part of County:						
Brush	8.00	.30	.30		.05	
Tapers	8.26	.30	.30		.05	
Hazardous	9.26	.30	.30		.05	
Western part of County:						
Brush	6.95		.20			
Steel	7.25		.20			
Spray	7.65		.20			
Plasterers	8.40					
Plumbers	8.97	.59	.40	.20	.04	
Roofers	9.00	.50	.40			
Sheet metal workers	9.55	.69	.40		.02	
Soft floor layers	8.23	.30	.35		.03	
Piledrivermen	10.17	1.58	1.10	b	.12	

PA-75-3120 - P. 2 57-PA-1-M 2 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	O
Sprinkler fitters	$10.75	.50	.80		.08	
Steamfitters	8.95	.50	.40	.20	.04	
Stonemasons	8.75	.40	.50	.20		
Terrazzo Workers						
Welders - rate for craft						

FOOTNOTES:

a. Employer contributes $1.90 per hour to a combined health and welfare and pension fund.

b. Paid holidays: Washington's birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans ' Day; Thanksgiving Day and Christmas Day.

PA-75-3120 P. 3

PA-22-PEO-1-B 1 of 2

POWER EQUIPMENT OPERATORS

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP 1	$10.93	4.6%	9.5%	a	1.2%
GROUP 2	10.66	4.6%	9.5%	a	1.2%
GROUP 3	9.78	4.6%	9.5%	a	1.2%
GROUP 4	9.01	4.6%	9.5%	a	1.2%
GROUP 5	8.53	4.6%	9.5%	a	1.2%
GROUP 6	7.61	4.0%	9.5%	a	1.2%
GROUP 7	11.20	4.6%	9.5%	a	1.2%
GROUP 7-A	11.45	4.6%	9.5%	a	1.2%
GROUP 7-B	11.70	4.6%	9.5%	a	1.2%

PA-75-3120 P. 4 2 of 2

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: TX75-4203
COUNTIES: Galveston & Harris
DATE: Date of Publication
Supersedes Decision No. TX75-4154, dated August 22, 1975, in 40 FR 36996.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 8.95	.70	.70		.06
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS	9.21	.38	.40		.05
CARPENTERS:					
Carpenters	8.675	.50	.50		.05
Millwrights	9.005	.50	.50		.05
Piledrivermen	8.675	.50	.50		.05
CEMENT MASONS:					
Harris County	8.32	.49	.42		.05
Galveston County	8.32	.49	.42		
ELECTRICIANS:					
Harris County	10.05	.40	3%		.04
Galveston County	10.09	.40	1%+.40		.06
ELEVATOR CONSTRUCTORS	7.79	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.07	.50	.425		.01
IRONWORKERS	8.77	.55	.70		.075
LABORERS:					
GROUP 1 - Common	6.21	.28	.40		.02
GROUP 2 - Air tool operator (jackhammer-vibrator); Mason tenders; Pipelayers (concrete & clay); Sandblasters; Power buggy operator	6.385	.28	.40		.02
GROUP 3 - Lather tender; Morter mixers; Plaster tenders & hod carriers	6.485	.28	.40		.02
GROUP 4 - Well driller	6.76	.28	.40		.02
GROUP 5 - Well driller tender	6.335	.28	.40		.02
GROUP 6 - Blaster, powderman	6.635	.28	.40		.02
LATHERS (Harris County only)	8.87	.50	.35		.02
LINE CONSTRUCTION:					
Lineman & cable splicer	9.72	.40	1%		1/2%
Groundman	5.94	.40	1%		1/2%
Groundman (1st year)	4.30	.40	1%		1/2%

DECISION NO. TX75-4203

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE MASONS:					
Harris County	$ 8.66				
Galveston County	7.80				
MARBLE MASONS' HELPERS	6.40				
PAINTERS:					
East Harris County:					
GROUP 1 - All brush painting, hand rolling and all other work other than that below	9.51				
GROUP 2 - All pneumatic and electric tools and steam cleaning	9.865				
GROUP 3 - All tape and float, on drywall	9.635				
GROUP 4 - All paper and vinyl hanging	9.76				
GROUP 5 - All spray painting, sandblasting and waterblasting	9.905				
GROUP 6 - Steeple jack work, hot materials	10.165				
Remainder of Harris County:					
GROUP 1 - All brush painting, hand roller, steam cleaning, all pneumatic tools	8.345	.365	.35	.40	.04
GROUP 2 - All spray painting, sandblasting, waterblasting	8.72	.365	.35	.40	.04
GROUP 3 - Tape, float & drywall	8.47	.365	.35	.40	.04
GROUP 4 - Steeple jack work, hot materials	8.97	.365	.35	.40	.04
Galveston County:					
GROUP 1 - Painters on new work	8.02	.55	.45	.665	.02
GROUP 2 - Painters on swinging stage work or using materials injurious to the skin	8.27	.55	.45	.665	.02
GROUP 3 - Painters on rework & repaint	7.345	.55	.45	.665	.02
PIPEFITTERS:					
Harris County and that part of Galveston County west of the Trinity River	9.35	.40	.60		.045

DECISION NO. TX75-4203

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PIPEFITTERS (CONT'D):					
That part of Galveston County east of the Trinity River:					
Commercial work up to $50,000	$ 9.38	.375	.40		.03
Commercial work $50,000 & over	9.81	.375	.40		.03
PLASTERERS	8.72	.42	.30		.02
PLUMBERS:					
Harris County	9.61	.40	.56		.10
Galveston County:					
Commercial work up to $50,000	9.38	.375	.40		.03
Commercial work $50,000 & over	9.81	.375	.40		.03
ROOFERS:					
Roofers	7.89	.20	.25	.15	.03
Kettlemen	7.02	.20	.25	.15	.03
Helpers	5.08	.20	.25	.15	.03
SHEET METAL WORKERS:					
Harris County	8.985	.225	.475	.20	.025
Galveston County	8.75	.15	.25		.10
SOFT FLOOR LAYERS	8.42	.35	.20		.09
SPRINKLER FITTERS	10.10	.50	.80		.08
TERRAZZO WORKERS:					
Harris County	8.66				
Galveston County	7.80				
TERRAZZO WORKERS' HELPERS:					
Terrazzo workers' helpers	6.40				
Terrazzo floor machinemen	6.55				
Terrazzo base machinemen	6.70				
TILE SETTERS:					
Harris County	8.66				
Galveston County	7.80				
TILE SETTERS' HELPERS	6.40				
TRUCK DRIVERS:					
GROUP 1 - Under 1½ tons; wash, grease, fireman, furl pump operation when used on construction jobs	7.13				
GROUP 2 - 1½ thru 2½ tons; dump truck less than 7 yds.	7.48				
GROUP 3 - Over 2½ tons; farm tractors; fork lifts, floats	7.68				

DECISION NO. TX75-4203

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (CONT'D):					
GROUP 4 - Euclids (not self-loading)	$ 7.83				
GROUP 5 - Warehousemen	7.36				
GROUP 6 - Material checkers; pick-up drivers	8.31				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates
b - Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

Page 5

DECISION NO. TX75-4203

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 8.88	.35	.65		.06
GROUP 2	7.52	.35	.65		.06
GROUP 3	7.03	.35	.65		.06
GROUP 4	6.87	.35	.65		.06

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Scraper, Self-propelled; Bull Clam; Back Filler; Derrick - power operated (all types); Dragline; Push Cat Operator; Bull Dozer & all types Cat Tractors; Clam Shell; Dragline; Shovel, Power operated; Crane, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-Driven, Two Drums or more; Mix Mobile; Motor Unit Drilling Machines, Used on Construction; Building Elevator, used on Construction; Tug Boat Operator, Assigned to Construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cu. ft. or more; Paving Mixer (all types); Pile Driver; Scraper, Heavy Type, over 3 cu. yds.; Trenching Machines (all sizes); Gradall; High-Lift; Foundation Boring Machine; Gasoline or Diesel Driven Welding Machine, 7 or more; Pumcrete Machine Operator; Turnapulls; D7-10 Caterpillar, S-18 Euclid and similar Tractors; Asphalt Plant Mixer Operator on Job; Gruaher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, Self-propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

GROUP 2 - Air Compressors; Blade Grader, Towed; Flex Plane; Form Grader, Concrete Mixer, less than 14 cu. ft.; Pumps; Pulsometer; Truck Crane Driver; Gasoline or diesel Driven Welding Machines (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cu. yds. or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or Diesel-driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A light Equipment Operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

federal register

FRIDAY, DECEMBER 19, 1975

PART VI:

NATIONAL SCIENCE FOUNDATION

PRIVACY ACT OF 1974

Additional Systems of Records

V40245 DEC 19 75 XUM

National Science Foundation

Privacy Act of 1974

Additional System of Records

Pursuant to the requirements of section 3 of the Privacy Act of 1974, 5 U.S.C. 552a(c)(4), notice is hereby given of the existence and character of a new system of records to be maintained by the National Science Foundation and of the routine uses thereof. Interested persons are invited to submit written data, views or arguments to the Director, National Science Foundation, ATTN: General Counsel, Washington, D.C. 20550, not later than thirty days from the date of this published notice.

NSF-40

System name: NSF Innovation Guide Mailing List

System location: Capital Systems Group, Inc., 6110 Executive Boulevard, Suite 850, Rockville, Maryland 20852 and Word/One Computer Center, Bowne Time Sharing, 345 Hudson Street, New York, New York 10014.

Categories of individuals covered by the system: Recipients of the Innovation Guide and other individuals potentially interested in the Innovation Guide project or in improving communications of scientific and technical information.

Categories of records in the system: Name, address (institution or place of business), scientific/professional group categorization, and correspondence records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Identification of individuals for personal referrals in response to inquiries from interested readers. Other Government agencies or private organizations may be given information from this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer records on disc pack and/or archive tape file.

Retrievability: Alphabetically by last name.

Safeguards: Cannot be accessed by persons who do not have the computer sign-on passwords and the "get" or access word to the document.

Retention and disposal: Maintained indefinitely.

System manager(s) and address: Head, Office of Science Information Service.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Individual inquiries, response to press releases, referrals from other organizations, and identification through directories.

Date: December 8, 1975.

H. Guyford Stever,
Director.

[FR Doc.75-34150 Filed 12-15-75;4:19 pm]

V40245 DEC 19 75 XUM

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of October 1, 1975)

Title 45—Public Welfare (Parts 1–99) ---------- $3.25

Title 46—Shipping (Parts 140–149) ---------- 7.50

Title 46—Shipping (Part 200–End) ---------- 6.50

Title 49—Transportation (Part 1300–End) ---------- 2.95

[A Cumulative checklist of CFR issuances for 1975 appears in the first issue of the Federal Register each month under Title 1]

**Order from Superintendent of Documents,
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246

Vol.40—No.246
12–22–75

PAGES
59187–59311

federal register

MONDAY, DECEMBER 22, 1975

highlights

PART I:

OIL
FEA permits sale of import licenses to owners or operators of independent refineries or petrochemical facilities.. 59195

VISUAL GRADING AIDS
USDA/AMS announces approval of system use in official grading of certain commodities 59228

TRUCK AND TRAILER AIR BRAKE SYSTEMS
DOT/NHTSA proposes revision of performance, dynamometer and parking brake requirements, and delayed applicability for certain vehicles; comments by 2–2–76.... 59222

FEDERAL SAVINGS AND LOAN ASSOCIATIONS
FHLBB adopts amendments on satellite offices; effective 12–22–75 59196

FLOOD CONTROL
DOD/Engineers proposes procedures for distribution of emergency supplies of clean drinking water; comments by 2–5–76..... 59212

CONTINUED INSIDE

PART II:

SERIES E SAVINGS BONDS
Treasury/FS extends maturity period on certain bonds and announces redemption values and investment yields for others..... 59291

PART III:

SERIES H SAVINGS BONDS
Treasury/FS extends maturity period on certain bonds and announces investment yields for others..... 59299

PART IV:

TURKEYS
USDA/ARS proposes amendments to "U.S. Salmonella Controlled" program for breeding flocks; comments by 1–22–76 59305

PART V:

FEDERAL ELECTIONS
FEC publishes advisory opinion requests; comments by 12–29–75 59309

V40246
DEC 22 75
XUM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

EPA—Clean air implementation plans: Pennsylvania; revisions..... 54000; 11–20–75

USDA/AMS—Handling of avocados grown in South Florida; findings and determinations..... 52605; 11–11–75

Handling of limes grown in Florida; findings and determinations. 52603; 11–11–75

DOD/Army—Peacetime environmental policies 55961; 12–22–75

List of Public Laws

S. 364 .... Pub. Law 94–154
An act relating to certain Forest Service timber sale contracts involving road construction
(Dec. 16, 1975; 89 Stat. 823)

H.R. 568.... Pub. Law 94–155
An act to grant an alien child adopted by an unmarried United States citizen the same immigrant status as an alien child adopted by a United States citizen and his spouse
(Dec. 16, 1975; 89 Stat. 824)

H.R. 6669. .... Pub. Law 94–156
An act to authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resources developments
(Dec. 16, 1975; 89 Stat. 825)

H.R. 10647 ... Pub. Law 94–157
Supplemental Appropriations Act, 1976
(Dec. 18, 1975; 89 Stat. 826)

H.R. 5559, Revenue Adjustment Act of 1975. Message dated December 17, 1975; Weekly Compilation of Presidential Documents, Vol. 11, No. 51.

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BLACK POWDER
Treasury/AT&F amends proposed rule for commerce in firearms, ammunition and explosives; comments by 1–21–76 59207

ENVIRONMENTAL IMPACT STATEMENTS
USDA/FmHA proposes revision and redesignation of guidelines; comments by 1–21–76..... 59214

COMMUNITY EDUCATION PROGRAM
HEW/OE announces closing date of 3–3–76 for receipt of applications..... 59233

EDUCATIONAL OPPORTUNITY CENTERS PROGRAM
HEW/OE proposes criteria for selection of applications for FY 1976; comments by 1–21–76..... 59218
HEW/OE announces closing date of 2–11–76 for receipt of applications..... 59232

HEALTH MANPOWER
HEW/HRA announces FY 1976 funding priority and application deadline of 2–2–76 for Health Manpower Education Initiative Projects..... 59231
HEW/HRA announces applications for Public Health and Allied Health Professions Grant Programs..... 59232

SPECIAL GRANTS PROGRAM
USDA announces dollar amounts and closing dates for receipt of applications for competitive awards in certain areas 59228

PRIVACY ACT
The following agencies issue documents relating to implementation and/or systems of records:
National Aeronautics and Space Administration..... 59261
Council on Wage and Price Stability..... 59188
Veterans Administration..... 59269
President's Commission on White House Fellowships.. 59187

MEETINGS—
Arms Control and Disarmament Agency: General Advisory Committee, 2–2 and 2–3–76..... 59236
DOD/Air: USAF Scientific Advisory Board, 1–15 and 1–16–76 59227
Army: U.S. Army Medical Research and Development Advisory Panel, 1–8–76 59227
DOT/FAA: Microwave Landing System Advisory Committee, 1–20 and 1–21–76 59235
Radio Technical Commission for Aeronautics, 1–8 and 1–9–76..... 59234
NHTSA: National Motor Vehicle Safety Advisory Council, 1–27 thru 1–29–76 59236
EPA: Hazardous Materials Advisory Committee, 1–8 and 1–9–76..... 59241
ERDA: Demonstration Projects as a Commercialization Incentive Task Force, 1–6 and 1–7–76 59240
HEW: Secretary's Advisory Committee on the Rights and Responsibilities of Women, 1–15 and 1–16–76.. 59233
NRC: Advisory Committee on Reactor Safeguards, 1–6–76 59261
USDA/FS: Santa Fe National Forest Grazing Livestock Advisory Board, 1–21–76..... 59228

contents

AGRICULTURAL MARKETING SERVICE
Rules
Egg research and promotion order 59190
Oranges (navel) grown in Arizona and California..... 59189
Notices
Grain and other graded commodity standards; approval of visual grading aid system..... 59228

AGRICULTURAL RESEARCH SERVICE
Proposed Rules
National Poultry Improvement Plan and Auxiliary Provisions.. 59305

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Agricultural Research Service; Farmers Home Administration; Forest Service; Soil Conservation Service.
Notices
Special grants program; closing date for applications..... 59228

AIR FORCE DEPARTMENT
Notices
Meetings:
USAF Scientific Advisory Board 59227

ALCOHOL, TOBACCO AND FIREARMS BUREAU
Proposed Rules
Commerce in firearms, ammunition and in explosives; black powder 59207

ARMS CONTROL AND DISARMAMENT AGENCY
Notices
Meetings:
General Advisory Committee on Arms Control and Disarmament 59236

ARMY DEPARTMENT
See also Engineers Corps.
Notices
Meetings:
US Army Medical Research and Development Advisory Panel. 59227

CIVIL AERONAUTICS BOARD
Notices
Hearings:
Pan American World Airways, Inc 59237
Transatlantic, transpacific and Latin American mail rates... 59236

COAST GUARD
Proposed Rules
Cargo and miscellaneous vessels:
Vessels of not more than 5,000 gross tons, used in processing and assembling of fishery products having on board inflammable or combustible cargoes in bulk..... 59219
Drawbridge operations:
New York..... 59219
Structural fire protection; "B" class bulkheads..... 59219

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED
Notices
Procurement list, 1976; additions and deletions..... 59239

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS
Notices
Cotton textiles:
Thailand 59239

V40246 DEC 22 75 XUM

V40246 DEC 22 75 XUM

CONTENTS

COMMODITY FUTURES TRADING COMMISSION
Notices
Meetings:
Advisory Committee on Regulation of Commodity Futures Trading Professionals 59239
Advisory Committee on Regulation of Contract Markets and Self-Regulatory Associations 59240

CUSTOMS SERVICE
Proposed Rules
Field organizations; port of entry, etc.:
Region I, New York 59212
Notices
Authority delegations:
Assistant Commissioner of Customs 59227
Countervailing duty petitions:
Float glass from the United Kingdom 59227
Suspension of license:
Twigger, William J 59227

DEFENSE DEPARTMENT
See Air Force Department; Army Department; Engineers Corps.

DRUG ENFORCEMENT ADMINISTRATION
Notices
Applications, etc.: controlled substances:
2,5-Dimethoxyamphetamine 59227

EDUCATION OFFICE
Proposed Rules
Educational opportunity centers program; criteria for funding for FY 1976 59218
Notices
Applications and proposals, closing dates:
Community education program 59233
Educational opportunity centers program 59232

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Notices
Meeting:
Demonstration Projects as a Commercialization Incentive Task Force 59240

ENGINEERS CORPS
Proposed Rules
Emergency flood control work:
Emergency supplies of drinking water 59212

ENVIRONMENTAL PROTECTION AGENCY
Rules
Air pollution, standards of performance for new stationary sources:
Emission monitoring, performance testing methods; correction (2 documents) 59204
Air quality implementation plans:
Virgin Islands, revision 59204
Notices
Meetings:
Hazardous Materials Advisory Committee 59241
Pesticides, specific exemptions and experimental use permits:
Mobil Chemical Co 59241

FARMERS HOME ADMINISTRATION
Rules
Reorganization, consolidation and republication 59194
Proposed Rules
Environmental impact statements:
Program-related instructions 59214

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Enstrom 59197
Lycoming 59198
Pilatus Aircraft Ltd 59198
Piper 59199
Transition area 59199
Proposed Rules
Airworthiness directives:
Bell (2 documents) 59221
Boeing 59221
Transition area 59222
Notices
Meetings:
Microwave Landing System Advisory Committee 59235
Radio Technical Commission for Aeronautics 59234

FEDERAL ELECTION COMMISSION
Notices
Advisory opinion requests 59309

FEDERAL ENERGY ADMINISTRATION
Rules
Oil import regulations:
Sale of licenses 59195

FEDERAL HOME LOAN BANK BOARD
Rules
Federal Savings and Loan System:
Satellite offices 59196

FEDERAL INSURANCE ADMINISTRATION
Rules
National flood insurance program; flood elevation determinations, etc.:
Colorado (2 documents) 59200
Florida 59199
Illinois (2 documents) 59199, 59200
Maine 59200
Maryland 59202
Massachusetts 59201
Oklahoma 59201
Pennsylvania 59201
Tennessee 59200
Texas (2 documents) 59202
Virginia (4 documents) 59202, 59203
Wisconsin 59203
Proposed Rules
National flood insurance program; flood elevation determinations, etc.:
Florida 59226
North Carolina 59225

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Alabama Power Co 59241
Algonquin Gas Transmission Co. and Texas Eastern Transmission Corp 59241
Amerada Hess Corp., et al 59242
Appalachian Power Co 59243
Arizona Public Service Co 59243
Arkansas Louisiana Gas Co 59243
Ashland Oil, Inc 59243
Boston Edison Co. and New England Power Service Co 59244
Carolina Power and Light Co 59244
Cities Service Co 59244
Columbia Gulf Transmission Corp. and Columbia Gas Transmission Corp 59245
Commonwealth Edison Co 59245
Connecticut Light and Power Co. (5 documents) 59246–59248
Connecticut Light and Power Co., et al (2 documents) 59246, 59247
Consumers Power Co 59248
Duke Power Co 59248
East Tennessee Natural Gas Co. 59248
Eastern Shore Natural Gas Co. (2 documents) 59248, 59249
El Paso Natural Gas Co 59249
Florida Power and Light Co 59249
Gulf States Utilities Co 59250
Humble Oil and Refining Co 59250
Indianapolis Power and Light Co 59250
Kansas Power and Light Co 59251
Kentucky Utilities Co 59251
Lawrenceburg Gas Transmission Corp 59251
Lockhart Power Co 59252
Michigan Wisconsin Pipe Line Co 59252
New England Power Co. (3 documents) 59253, 59254
New England Power Pool Agreement 59254
North Penn Gas Co 59254
Northern Indiana Public Service Co 59255
Northern Natural Gas Co 59255
Northern States Power Co 59255
Pacific Power and Light Co 59255
Sea Robin Pipeline Co 59256
Smith, James F 59251
South Georgia Natural Gas Co 59257
Southern Natural Gas Co 59257
Southern Services, Inc 59257
Sun Oil Co., et al 59257
Tenneco Oil Co. and Tenneco Exploration Co., Ltd 59257
Tennessee Gas Pipeline Co 59258
Tennessee Natural Gas Lines, Inc 59258
Trunkline Gas Co 59258
United Gas Pipe Line Co. (3 documents) 59259
Western Massachusetts Electric Co 59260
Wisconsin Electric Power Co., et al 59260

FISCAL SERVICE
Rules
Savings bonds, U.S.; offering of Series E and H (2 documents) 59291, 59299

CONTENTS

FISH AND WILDLIFE SERVICE
Rules
Public access, use, and recreation:
Rachel Carson National Wildlife Refuge, Maine 59205
Wapack National Wildlife Refuge, New Hampshire 59205
Notices
National wildlife refuge system; extension of review period 59228

FOREST SERVICE
Notices
Meeting:
Santa Fe National Forest Grazing Livestock Board 59228

GENERAL ACCOUNTING OFFICE
Notices
Regulatory reports review; receipt of report proposal 59260

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Education Office; Health Resources Administration.
Notices
Meetings:
Secretary's Advisory Committee on the Rights and Responsibilities of Women 59233

HEALTH RESOURCES ADMINISTRATION
Notices
Applications, closing dates:
Public Health and Allied Health Professions Grant Programs 59232
National Priority for Health Manpower Education Initiative Projects; announcement 59231

HOUSING AND URBAN DEVELOPMENT ADMINISTRATION
See Federal Insurance Administration; Interstate Land Sales Registration Office.

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Land Management Bureau.

INTERSTATE COMMERCE COMMISSION
Notices
Fourth section applications for relief 59280
Hearing assignments 59279
Motor carriers:
Temporary authority applications 59280

INTERSTATE LAND SALES REGISTRATION OFFICE
Notices
Land developers; investigatory hearings, orders of suspension, etc.:
Captain's Cove 59233
Stone Knob 59234
Thornhurst Lake Estates 59234

JUSTICE DEPARTMENT
See Drug Enforcement Administration; Law Enforcement Assistance Administration.

LABOR DEPARTMENT
Notices
Adjustments assistance:
Alan John Manufacturing Co 59269
Albex Contractors, Inc 59270
A. Brash and Sons, Inc 59270
Batesville R & P, Inc 59270
Birwin Trousers, Inc 59271
Brown & Sharpe Manufacturing Co. 59271
Brown Shoe Co 59271
Cigar leaf wrapper tobacco 59272
De Graff of California, Inc 59272
Electro Motive Corp 59272
GTE Sylvania, Inc 59272
Herda Contracting Co 59273
Houdaille Industries, Inc 59273
Manhatten Coat Co 59273
Maryland Hampstead Co 59274
McDonnel Douglas Astronautics Co 59274
Mr. Ned, Inc 59275
M'Sieur Slacks, Inc 59275
NL Industries, Inc 59275
Nu-Car Driveaway, Inc 59275
Sabel Schapps Co 59276
Shop Contracted Corp 59276
SKF Industries, Inc 59276
Stroudsburg Engine Works, Inc 59277
Teledyne Vasco 59277
Thermatomic Carbon Co 59277
Town and Country Shoes, Inc 59277
Universal-Cyclops Specialty Steel Co. (4 documents) 59278, 59279

LAND MANAGEMENT BUREAU
Rules
Public land orders:
Alaska 59205

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
Rules
Criminal history records:
Collection, storage, and dissemination of information; correction 59204

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests 59265

MATERIALS TRANSPORTATION BUREAU
Notices
Applications for exemption:
Eagle-Picher Industries, et al 59235

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Notices
Privacy act proposed notice of system of records 59261

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Proposed Rules
Motor vehicle safety standard:
Truck and trailers air brake systems 59222
Notices
Meetings:
National Motor Vehicle Safety Advisory Council 59236

NUCLEAR REGULATORY COMMISSION
Notices
Applications, etc.:
Carolina and Power and Light Co 59262
Chem-Nuclear Systems, Inc 59262
Cincinnati Gas and Electric Co., et al 59262
Commonwealth Edison Co., et al 59262
Consolidated Edison Co. of New York 59263
Georgia Power Co 59263
Jersey Central Power and Light Co 59263
Nebraska Public Power District 59264
Northeast Nuclear Energy Co., et al 59264
Portland General Electric Co 59264
Meetings:
Reactor Safeguards Advisory Committee 59261
Regulatory guide, issuance and availability (2 documents) 59264, 59265

POSTAL RATE COMMISSION
Notices
Visit to postal facilities; dates 59266

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS
Rules
Privacy Act of 1974:
Miscellaneous amendments 59187

RENEGOTIATION BOARD
Notices
Interest rates:
Excessive profits and refunds 59266

SMALL BUSINESS ADMINISTRATION
Rules
Small business investment companies:
Overline limitation; correction 59197
Notices
Applications, etc.:
First Factors 59268
Harlingen District Advisory Council 59269
Wilmington District Advisory Council 59269
Disaster area:
Hawaii 59268

SECURITIES AND EXCHANGE COMMISSION
Notices
Hearings, etc.:
Chicago Board of Options Exchange 59266
New York Stock Exchange, Inc. 59267

SOIL CONSERVATION SERVICE
Notices
Environmental statements on watershed projects; availability, etc.:
Clarksville Fairgrounds Park Water-Based Recreation RC&D Measure, Tenn 59231

CONTENTS

TRANSPORTATION DEPARTMENT
See Coast Guard; Federal Aviation Administration; Materials Transportation Bureau; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT
See Alcohol, Tobacco and Firearms Bureau; Customs Service; Fiscal Service.

UNITED STATES RAILWAY ASSOCIATION
Notices
Loan applications:
Consolidated Rail Corp. 59266

VETERANS ADMINISTRATION
Notices
Privacy Act; systems of records 59269

WAGE AND PRICE STABILITY COUNCIL
Rules
Privacy Act of 1974:
Records maintained about an individual 59188

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

1 CFR
425 59187

3 CFR
EXECUTIVE ORDERS:
8877 (Revoked in part by PLO 5558) 59205

6 CFR
703 59188

7 CFR
907 59189
Ch. XVIII 59194
1250 59190
PROPOSED RULES:
1824 59214
1901 59214

9 CFR
PROPOSED RULES:
445 59306
447 59306

10 CFR
213 59195

12 CFR
545 59196

13 CFR
107 59197

14 CFR
39 (4 documents) 59197–59199
71 59199
PROPOSED RULES:
39 (3 documents) 59221
71 59222

19 CFR
PROPOSED RULES:
1 59212

24 CFR
1920 (18 documents) 59199–59203
PROPOSED RULES:
1917 (2 documents) 59225, 59226

27 CFR
PROPOSED RULES:
178 59207
181 59207

28 CFR
20 59204

31 CFR
316 59292
332 59300

33 CFR
PROPOSED RULES:
117 59219
214 59212

40 CFR
52 59204
60 (2 documents) 59204

43 CFR
PUBLIC LAND ORDER
5558 59205

45 CFR
PROPOSED RULES:
154 59218

46 CFR
PROPOSED RULES:
32 59219
92 59219
105 59219
190 59219

49 CFR
PROPOSED RULES:
571 59222

50 CFR
28 (2 documents) 59205

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

1 CFR
Chapter I 55633
425 56651, 59187

3 CFR
EXECUTIVE ORDERS:
2553 (Revoked in part by PLO 5564) 58857
5327 (Amended by PLO 5562) 58857
5389 (Amended by PLO 5563) 58857
6827 (Amended by PLO 5559) 58453
8278 (Revoked in part by PLO 5550) 56667
8877 (Revoked in part by PLO 5558) 59205
10422 (Amended by EO 11890) 57775
11890 57775
11891 58279

4 CFR
412 58281

5 CFR
213 56651, 57202, 57351, 57461, 57777, 58127, 58421, 58845
890 55829
736 56651

6 CFR
703 59188

7 CFR
1 58281
2 56421, 56669, 58127
16 55829
25 57205
25A 57205
52 57206
245 57206, 57777, 58281
271 55646, 57434–57438
631 58649
722 55656
725 55656
726 56421
729 55658
724 58444
905 57641, 58446
907 56670, 67641, 58127, 58649, 59189
910 57777, 58845
912 57641
913 58650
959 57209
982 55829
984 57351
1060 58846
1063 58447
1250 59190
1405 58448
1421 56423
1464 57209, 57777
Ch. XVIII 59194
1842 57643
1865 57642
1980 57643
PROPOSED RULES:
622 56457
724 57809
726 57810
916 57221
928 57221

7 CFR—Continued
PROPOSED RULES—Continued
932 56457
959 58656
993 58863
999 57368
1060 56674
1063 56674
1822 58151, 58657
1824 59214
1901 59214

8 CFR
100 58448
103 58448
238 58448
316a 58448

9 CFR
78 58281
113 57806, 58626
331 57807, 57808
351 58627
381 57807, 57808
PROPOSED RULES:
91 56675
445 59306
447 59306

10 CFR
20 58847
50 58847
212 57439
213 59195
RULINGS:
1975–18 55860

12 CFR
7 56883
217 57663
225 55634
226 55634
265 55635
303 58128
327 57209
329 57664, 57778, 58848
522 57442
526 57665
545 57665, 67781, 58848, 59196
555 57781
563 57665
571 57783
PROPOSED RULES:
225 58866
556 57690
571 57690

13 CFR
107 59197
117 57351
PROPOSED RULES:
120 57602
121 55860, 55868

14 CFR
39 55635–55637, 56652, 56883, 57352, 57353, 57444, 57665, 57666, 57783–57785, 58128–58130, 58284, 58623, 58624, 58848, 58849, 59197–59199

14 CFR—Continued
71 55638, 55829, 56423, 56424, 56652, 56884, 57203, 57204, 57353, 57354, 57444, 57666, 57785, 57786, 58131, 58284, 58624, 58849, 58850, 59199
75 55830, 56884, 58850
97 57204, 57666, 58625
103 57667, 58850
121 57444
123 57444
135 57444
240 58850
288 56652, 58449
PROPOSED RULES:
37 57222
39 57811, 59221
63 57342
71 55664, 55665, 55866, 56919, 57368, 57369, 58863, 58864, 59222
91 57342
103 57688
105 57342
121 57342
123 57342
129 57342
135 57342
137 57342
145 57342
147 57342
241 57462
253 55665
288 58864
378 57462
399 55665

15 CFR
379 56424
950 56653

16 CFR
13 56655–56658, 57195–57201, 57445–57447, 57668, 58286, 58287
302 56659
433 58131
1115 58449
1512 57449
1602 56885
PROPOSED RULES:
443 58867
1700 58865

17 CFR
200 57449, 58131
210 55830, 55835, 58851
239 55836
240 55837, 57355, 57357, 57449, 57786
241 57786
249 55837
275 57795
PROPOSED RULES:
12 55666
155 58660
239 58155
240 57463, 58154, 58155
249 58154, 58155

V40246 DEC 22 75 D XUM

18 CFR

2 56886
3 58630
35 56424
141 57450
260 ..... 58630, 58632

19 CFR

4 ..... 55837, 58852
141 57796
159 ..... 55638, 55639
201 55838

PROPOSED RULES:

1 59212
141 56674
142 ..... 56674, 58150
143 56674
152 58859
158 58150
159 56674
177 58470
201 56936

20 CFR

405 56659
410 56886
618 57766

PROPOSED RULES:

405 56458
625 56931

21 CFR

1 ..... 57451, 57453
3 57451
4 55838
7 55838
37 57454
121 ..... 56907, 57209, 58852
123 ..... 56425, 58287
200 58799
201 58799
202 58799
369 58288
430 57796
436 57797
440 58288
444 57798
529 57454
540 55849
546 ..... 57455, 58633
556 ..... 57454, 58289
558 ..... 57668, 57798, 58132, 58289
561 56425
600 57688
640 55849
1308 58132
1316 57210

PROPOSED RULES:

1 57811
10 57811
27 57811
51 57811
53 57811
102 57688
310 ..... 55869, 56675, 57811
330 ..... 56675, 57811
338 57292
339 57292
340 57292
600 57688
610 57688
640 57688
660 57688
1000 58151

22 CFR

602 56661

23 CFR

230 57358
260 58633
450 57799
630 ..... 55639, 57799
712 55643

PROPOSED RULES:

750 58312

24 CFR

200 58637
205 58133
207 58133
213 58134
220 58134
221 58134
232 58134
235 58134
236 58134
242 58134
244 58134
280 58752
1710 56907
1912 57210
1914 ..... 56670, 57803
1915 ..... 56672, 56910
1916 56426
1917 ..... 56426, 57668
1920 ..... 56427–56429, 57669, 57670, 59199–59203
2205 58450

PROPOSED RULES:

1710 56919
1917 ..... 56459, 59225, 59226

25 CFR

233 58135

PROPOSED RULES:

178 57694

26 CFR

1 ..... 55849, 58138, 58637
8 58852
24 58852
301 55849

PROPOSED RULES:

1 ..... 56448, 57364, 57462, 58471, 58656, 58860
20 58860

27 CFR

6 55856
194 56887

PROPOSED RULES:

178 59207
181 59207

28 CFR

0 ..... 58643, 58644
20 59204

PROPOSED RULES:

19 56453
42 56454

29 CFR

97 58854
204 58855
402 58856
403 58856
408 58856
602 58138
603 58138

29 CFR—Continued

608 58139
609 58140
610 58140
611 58140
612 58141
614 58141
615 58142
687 58143
1902 ..... 55857, 58143
1952 ..... 57455, 58450
1953 57804
2602 57457

PROPOSED RULES:

40 57332
60 58664
723 58867
724 58867
725 58867
1910 ..... 55866, 55867, 58457, 58458
2610 57982
2611 57980

30 CFR

PROPOSED RULES:

250 58862

31 CFR

316 59292
332 59300

32 CFR

577 58290
650 55962

33 CFR

Ch. I 58143
128 56430
207 57358

PROPOSED RULES:

117 ..... 57222, 59219
214 59212

34 CFR

PROPOSED RULES:

Ch. I 56459

35 CFR

5 ..... 58290, 58292

36 CFR

7 56888

PROPOSED RULES:

2 57694
50 58651

37 CFR

1 37358
2 37358

38 CFR

1 ..... 56433, 56644
3 ..... 56434, 57459
17 57805

PROPOSED RULES:

3 56936

39 CFR

Ch. I 57670
42 57212
43 57212
44 57212
45 57212
47 57212
111 ..... 57212, 57670

PROPOSED RULES:

111 57223

40 CFR

35 58602
52 ..... 56888–56890, 57359, 59204
55 56644
60 ..... 58416, 59204
61 58646
85 58646
86 58646
149 58292
180 ..... 55857, 57215, 58294, 58647, 58648
407 57216
408 55770
414 ..... 56435, 56436

PROPOSED RULES:

6 55868
51 58317
52 ..... 58317, 58319, 58663
85 56932
124 56932
125 56932
180 58321
407 57223

41 CFR

6–1 58452
6–2 58453
6–3 58453
14–1 ..... 57670, 57671
50–201 57805
101–26 57216
105–61 56892
114–43 55857
114–60 55858

42 CFR

57 56674

PROPOSED RULES:

2a 56692

43 CFR

2 57671
20 58295

PUBLIC LAND ORDERS:

17 (Revoked in part by PLO 5553) 58144
1245 (Revoked in part by PLO 5552) 58144
2789 (Revoked by PLO 5551) 58144
4392 (Revoked in part by PLO 5560) 58648
5169 (Amended by PLO 5556) 58146
5170 (Amended by PLO 5557) 58146
5176 (Amended by PLO 5555) 58145
5179 (Amended by PLO 5556) 58146
5184 (Amended by PLO 5550) 56667
5187 (Revoked in part by PLO 5550) 56667
5252 (See PLO 5561) 58857
5554 (Amended by PLO 5564) 58857
5561 58857
5562 58857
5563 58857
5564 58857
5353 (Revoked n part by PLO's 5551, 5552, 5553) 58144

43 CFR—Continued

5396 (Amended by PLO 5556) 58146
5550 56667
5551 58144
5552 58144
5553 58144
5554 58145
5555 58145
5556 58146
5557 58146
5558 59205
5559 58453
5560 58648

PROPOSED RULES:

2600 57364

45 CFR

102 57760
160c 57926
223 58453
233 57359
302 57672
410 58956
1013 55859
1061 58649
1222 57217
1370 58956

PROPOSED RULES:

100a 58459
100c 58459
115 57042
154 59218
155 58400
157 58405
159 58409
160d 55659
162 56678
174 58459
1223 58659

46 CFR

4 58306
5 ..... 57672, 58306
12 57673
14 58306
33 58454
42 57218
75 58454
78 58454
94 58454
97 58454
142 58454
167 58454
176 58454
192 58455
310 55643
401 57673
551 58146

PROPOSED RULES:

Ch. I 57688
10 55663
32 59219
78 58457
92 59219

46 CFR—Continued

PROPOSED RULES—Continued

105 59219
190 59219
503 58154

47 CFR

0 ..... 57359, 58306, 58858
1 55644
2 57674
73 ..... 55644, 57360, 58147, 58858
76 57361
81 57675
83 57675
87 57675
89 58147
91 ..... 57682, 57684, 58306, 58455
93 58147
95 58148
97 58148

PROPOSED RULES:

73 58467
76 ..... 55868, 58866
81 58322
83 58322
89 57369
91 57369

49 CFR

10 57361
25 58455
103 ..... 57687, 58307
107 56442
174 57433
310 55645
391 58858
571 ..... 56667, 56898, 57687
575 57806
1010 56668
1033 ..... 55860, 56443, 56444, 56898, 57433
1125 57639

PROPOSED RULES:

393 57369
557 56926
567 55665
568 55665
571 ..... 55665, 56920, 56928, 57690, 58152, 58153, 59222
579 56930
1108 57465

50 CFR

17 58307
28 ..... 56444, 56445, 56669, 57218, 57220, 57459–57461, 58148, 59205
33 ..... 55860, 56446, 57363, 58149, 58649
216 56899
280 57461

PROPOSED RULES:

17 ..... 57221, 58308
510 ..... 55679, 57812
520 57692

FEDERAL REGISTER PAGES AND DATES—DECEMBER

Pages	Date	Pages	Date	Pages	Date
55633–55828	1	57195–57349	8	58127–58278	15
55829–56420	2	57351–57432	9	58279–58420	16
56421–56649	3	57433–57639	10	58421–58621	17
56651–56882	4	57641–57773	11	58823–58844	18
56883–57193	5	57775–58126	12	58845–59185	19
				59187–59311	22

V 40 246 DEC 22 75 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title I—General Provisions

CHAPTER IV—PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

PART 425—PRIVACY ACT REGULATIONS

Miscellaneous Amendment

The Privacy Act rules as published in the FEDERAL REGISTER on November 10, 1975 (Vol. 40, No. 217, page 52416) are amended as follows and will be effective on December 22, 1975.

1. Section 425.2 is amended by adding paragraph (d).

§ 425.2 Procedures for notification of existence of records pertaining to individuals.

* * * * *

(d) No special identity verification is required for individuals who wish to know whether a specific system of records pertains to them.

2. Section 425.2(c) is revised.

§ 425.2 Procedures for notification of existence of records pertaining to individuals.

* * * * *

(c) The Commission will acknowledge requests for the existence of records within 10 working days from the time it receives the request and will normally notify the requester of the existence or non-existence of records within 30 working days from receipt of request.

3. Section 425.3(d) is added as follows:

§ 425.3 Procedure for requests for access to or disclosure of records pertaining to individuals.

* * * * *

(d) Individuals will not be denied access to records pertaining to them.

4. Section 425.4 is revised as follows:

§ 425.4 Correction of records.

(a) An individual may request that a record or records pertaining to him or her be amended or corrected. Such requests shall be submitted in writing to the Administrative Officer at the Commission's business address.

(b) The signature of the requester will be sufficient identification for requesting correction of records.

(c) A request for amendment shall contain an exact description of the item or items sought to be amended and specific reasons for the requested amendment, as well as the individual's birthdate for purposes of verification of records.

(d) Within 10 working days after receipt of a request to amend a record, the Administrative Officer shall transmit to the requester a written acknowledgement of receipt of request. No acknowledgement is required if the request can be reviewed and processed with notification to the individual of compliance or denial within the ten-day period. Requester will be notified within 30 days whether or not his or her request has been granted.

(e) If the Administrative Officer determines that the requested amendment is appropriate to insure that the record is:

(1) Relevant and necessary to accomplish the purposes for which the records were collected; and

(2) As accurate, timely, and complete as are reasonably necessary to assure fairness to the requester, the Administrative Officer shall:

(i) Change the record accordingly;

(ii) Advise the requester that the change has been made, thirty days from receipt of written request;

(iii) After an accounting of disclosures has been kept pursuant to 5 U.S.C. 552a(c), advise all previous recipients of the record, who, the Commission believes, still retain a copy thereof, of the fact that the amendment was made and the substance of the amendment.

(f) If, after review of the record, the Administrative Officer determines that the requested amendment is not in conformity with the requirements of the Act, he shall:

(1) Advise the requester in writing within thirty days of written request of such determination together with specific reasons therefor; and

(2) Inform the requester that further review of the request by the Director of the Commission is available if a written request therefor is made within 30 days after date of denial.

(g) Within 30 working days of receipt of a written request for review pursuant to § 425.4(f)(2) the Director shall make an independent review of the record, using the criteria of § 425.4(e) (1) and (2).

(i) If the Director determines that the record should be amended in accordance with the request, the Administrative Officer shall take the actions listed in § 425.4(e)(2) (i), (ii), and (iii).

(2) If the Director, after independent review, determines that the record should not be amended in accordance with the request, the Administrative Officer shall advise the requester:

(i) Of the determination and the reasons therefor;

(ii) Of his or her right to file with the Administrative Officer a concise statement of his or her reasons for disagreeing with the refusal to amend the record;

(iii) That the record will be annotated to indicate to anyone subsequently having access to it that a statement of disagreement has been filed, and that the statement will be made available to anyone to whom the record is disclosed;

(iv) That the Director and the Administrative Officer may, in their discretion, include a brief summary of their reasons for refusing to amend the record whenever such disclosure is made;

(v) That any prior recipients of this disputed record, who, the Commission believes, still retain a copy thereof, will be sent a copy of the statement of disagreement, after an accounting of disclosures has been kept pursuant to 5 U.S.C. 552a(c);

(vi) Of his or her right to seek judicial review of the refusal to amend the record, pursuant to 5 U.S.C. 552a(g)(1)(A).

5. Section 425.5 is amended by adding new paragraph (b):

§ 425.5 Disclosure of records to agencies or persons other than the individual to whom the record pertains.

* * * * *

(b) An accounting of the date, nature, and purpose of each disclosure of a record as well as the name and address of the person and agency to whom the disclosure was made will be indicated on the record. This accounting is available to the individual to whom the records pertain on written request to the Commission.

For President's Commission on White House Fellowships.

BRUCE H. HASENKAMP,
Director.

[FR Doc.75-34466 Filed 12-19-75;8:45 am]

V 40 246 DEC 22 75 XUM

Title 6—Economic Stabilization

CHAPTER VII—COUNCIL ON WAGE AND PRICE STABILITY

PART 703—RECORDS MAINTAINED ABOUT AN INDIVIDUAL

Privacy Act of 1974

On August 27, 1975, the Council issued for public comments its proposed rules to implement the Privacy Act of 1974 with respect to documents maintained by the Council about individuals. The Council has since reviewed these proposed rules and also comments submitted by the Office of Management and Budget. A few minor amendments have been made in response to these comments. Therefore, the following rules are published to become effective immediately as Part 703 of 6 CFR.

Issued in Washington, D.C., on December 17, 1975 and to become effective immediately.

MICHAEL H. MOSKOW,
Director.

Subpart A—General

Sec.
703.1 Purpose.
703.2 Definitions.
703.3 Fees.

Subpart B—Annual Notice of Systems of Records Maintained by the Council

703.4 Publication of notice.

Subpart C—An Individual's Access to Records Maintained About Him (or Her)

703.5 Request for records.
703.6 Contents of request.
703.7 Procedure for request.
703.8 Initial decision.

Subpart D—Access of Others to Records About an Individual

703.9 Limitations on disclosures.

Subpart E—Accounting of the Disclosure of Records About an Individual

703.10 Maintenance of an accounting.
703.11 Contents of accounting.
703.12 Access to accounting.

Subpart F—Amendment or Correction of Records About an Individual

703.13 Request for amendment or correction.
703.14 Initial decision.
703.15 Written statement of disagreement.
703.16 Amendment or correction of previously disclosed records.

Subpart G—Appeals

703.17 General.
703.18 Appeal.
703.19 Director's decision.

AUTHORITY: 5 U.S.C. 552a.

Subpart A—General

§ 703.1 Purpose.

This part contains the regulations of the Council implementing the Privacy Act of 1974, 5 U.S.C. 552a. The regulations apply to all records maintained by the Council that are contained in a system of records, as defined herein, and that contain information about an individual. The regulations in this part set forth procedures that (a) authorize an individual's access to records maintained about him (or her), (b) limit the access of other persons to those records, and (c) permit an individual to request the amendment or correction of records about him (or her).

§ 703.2 Definitions.

For purposes of this part:

(a) "Council" shall mean the Council on Wage and Price Stability;

(b) "Individual" shall mean a citizen of the United States or an alien lawfully admitted for permanent residence;

(c) "Record" shall mean any item, collection or grouping of information about an individual that is maintained by the Council, including but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particulars assigned to the individual, such as a finger or voice print or photograph: *Provided*, That such record is maintained in a system of records as defined herein;

(d) "System of records" shall mean a group of any records under the control of the Council from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

§ 703.3 Fees.

The fee schedule set forth in § 702.17 of Part 702 of this chapter shall apply to the reproduction of documents for any request made pursuant to this part.

Subpart B—Annual Notice of Systems of Records Maintained by the Council

§ 703.4 Publication of notice.

The Council will publish in the FEDERAL REGISTER an annual notice describing the systems of records that the Council maintains. Those notices shall include (a) the system name, (b) the system location, (c) the categories of individuals covered by the system, (d) the categories of records in the system, (e) the Council's authority to maintain the system, (f) the routine uses of the system, (g) the Council's policies and practice for maintenance of the system, (h) the system manager, (i) the procedures for notification, access to and correction of records in the system, and (j) the sources of information for the system. Notices shall also be published, as required by the Privacy Act of 1974, of significant changes in or additions to the Council's systems of records.

Subpart C—An Individual's Access to Records Maintained Abount Him (or Her)

§ 703.5 Request for records.

Any individual may request that the Council provide him (or her) access to review and/or obtain a copy of any record pertaining to him (or her) which is contained in any system of records maintained by the Council. Such a request shall be made pursuant to the procedures set forth in §§ 703.6 and 703.7.

§ 703.6 Contents of request.

(a) Any request for access to records must (1) identify the individual making the request by him (or her) full name, birth date and current address and (2) reasonably describe the systems of records from which an individual's records are requested. Descriptions of the systems of records maintained by the Council will be available pursuant to § 703.4 in a volume, listing the systems of records maintained by the various agencies of the federal government, to be published by the Office of the Federal Register.

(b) Any request for access to records may also notify the Administrative Officer of the individual's intent to be accompanied by another person of his choice, when reviewing records. Such a statement shall be deemed the individual's consent that records about him (or her) be disclosed in the presence of that other person.

§ 703.7 Procedure for request.

Any individual's request for access to records pertaining to him (or her) shall be made in writing or in person to the Administrative Office of the Council at Room 3235 of the New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. 20503. Any individual making such a request in person shall provide acceptable identification (for example, a driver's license, employee identification card or medicare card) to verify his identity and shall complete and sign any reasonable form that the Administrative Officer might provide as a record of the request. Any individual making such a request in writing shall mail or otherwise submit to the Administrative Officer a written request that is accompanied by a statement verifying the identification of the requestor.

§ 703.8 Initial decision.

(a) Within 10 working days of the receipt of a request pursuant to § 703.4, the Administrative Officer shall make an Initial Decision whether the requested records exist and whether they will be made available to the person requesting them. That initial decision shall immediately be communicated, in writing or other appropriate form, to the person who has made the request.

(b) Where the initial decision is to provide access to the requested records, the above writing or other appropriate communication shall (1) briefly describe the records to be made available, (2) state whether any records maintained, in the system of records in question, about the individual making the request are not being made available, (3) state that the requested records will be available during the Council's ordinary office hours at Room 4026, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. 20503 or alternatively state the procedure for delivery of copies of the records by mail to the individual making the request, and (4) state whether any further verification of the identity of the requesting individual is necessary.

(c) Where the initial decision is not to provide access to requested records, the Administrative Officer shall by writing or other appropriate communication explain the reason for that decision. The Administrative Officer shall

only refuse to provide an individual access to records about himself (or herself) where (1) there is inadequate verification that the requesting individual is in fact the person about whom records are maintained, (2) in fact no such records are maintained, or (3) the requested records have been compiled in reasonable anticipation of civil or criminal action or proceedings.

Subpart D—Access of Others to Records About an Individual

§ 703.9 Limitations on disclosure.

Requests for records about an individual made by persons other than that individual shall also be directed to the Administrative Officer. Such records shall only be made available to persons other than that individual in the following circumstances:

(a) To any person with the prior written consent of the individual about whom the records are maintained;

(b) To officers, employees or contractors of the Council who need the records in the performance of their duties for the Council;

(c) For a routine use compatible with the purpose for which it was collected;

(d) To any person to whom disclosure is required by the Freedom of Information Act, 5 U.S.C. 552;

(e) To the Bureau of the Census for uses pursuant to Title 13, of the United States Code;

(f) In a form not individually identifiable, to a recipient who has provided the Council with adequate assurance that the record will be used solely as a statistical research or reporting record; or

(g) To the National Archives of the United States or other appropriate entity as a record which has historical or other value warranting its preservation;

(h) In response to a written request from the head of that federal agency, to an agency for a civil or criminal law enforcement activity that is authorized by law;

(i) To a person showing compelling circumstances, affecting the health or safety of the individual about whom records are maintained, that require the disclosure of such records: *Provided*, That notification of such a disclosure is immediately mailed to the last known address of the individual;

(j) To either House of Congress or to any committee thereof with appropriate jurisdiction;

(k) To the Comptroller General in the performance of the official duties of the General Accounting Office; or

(l) Pursuant to the order of a court of competent jurisdiction.

Subpart E—Accounting of the Disclosure of Records About an Individual

§ 703.10 Maintenance of an Accounting.

The Administrative Officer of the Council shall maintain a record ("Accounting") of every instance in which records about an individual are made available, pursuant to this part, to any person other than (a) an officer, employee or contractor of the Council in the performance of his duties or (b) any person pursuant to the Freedom of Information Act, 5 U.S.C. 552.

§ 703.11 Contents of an Accounting.

The above Accounting shall contain the following information:

(a) A brief description of records disclosed;

(b) The date, nature and, where known, the purpose of the disclosure; and

(c) The name and address of the person or agency to whom the disclosure is made.

§ 703.12 Access to accounting.

Any individual may request and shall be provided access, pursuant to the procedures set forth in Subpart C of this part, to any Accounting pertaining to records maintained about that individual.

Subpart F—Amendment or Correction of Records About an Individual

§ 703.13 Request for amendment or correction.

After inspection of any records about an individual, that individual may request, in person or by mail, that the Administrative Officer correct or otherwise amend the records maintained about him (or her). Such request shall specify the particular portions of the record to be amended or corrected, the desired amendment or correction, and the reasons therefor.

§ 703.14 Initial decision.

Within 10 working days of receipt of such a request, the Administrative Officer shall give the requesting individual notice, by mail or other appropriate means, of his decision regarding the request. That notice shall include:

(a) A statement whether the request has been granted or denied, in whole or in part;

(b) A quotation or description of any amendment or correction made to any records; and

(c) Where a request is denied in whole or in part, an explanation of the reason for that denial, of the requesting individual's right to appeal the decision to the Council's Director pursuant to Subpart G of this part, and of the individual's right, pursuant to § 703.15, to file a written statement to accompany the records in question, setting forth the individual's reasons why those records should have been amended or corrected.

§ 703.15 Written statement of disagreement.

Any individual whose request for the correction or amendment of a record about him (or her) has been denied, in whole or part, may file a Written Statement of Disagreement, setting forth the reasons why the record should have been amended or corrected as requested. That Written Statement shall be made a part of the record and shall accompany that record in any use of disclosure of the record.

§ 703.16 Amendment or correction of previously disclosed records.

Whenever a record is amended or corrected pursuant to § 703.13 or a Written Statement filed pursuant to § 703.15, the Administrative Officer shall give notice of that correction, amendment or Written Statement to all persons to whom the records or copies thereof have been disclosed, as recorded in the Accounting kept pursuant to Subpart E of this part.

Subpart G—Appeals

§ 703.17 General.

Any individual whose request for access to records or request for the amendment or correction of records has been denied, in whole or in part, by the Administrative Officer may appeal that Initial Decision to the Director of the Council. Such an appeal shall be made in accordance with the procedures of this subpart.

§ 703.18 Appeal.

An individual whose request has been denied in whole or in part by an Initial Decision of the Administrative Officer may appeal that decision by filing an appeal, in writing or in person, with the Council Director, Room 4026, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. That appeal shall describe (a) the request initially made by the individual for access to or the amendment or correction of records, (b) the Administrative Officer's Initial Decision thereupen and (c) the reasons why that Initial Decision should be Modified by the Director.

§ 703.19 Director's decision.

Within 30 working days of the receipt of any appeal, the Director shall make a decision, and give notice thereof to the appealing individual, whether to modify the Administrative Officer's Initial Decision in any way. The Director shall also notify the appealing individual of (a) his right to judicial review of the Director's decision pursuant to 5 U.S.C. 552a(g)(1)(A), and (b) of his right, after the denial of any request to amend or correct records, to file a written statement to accompany those records, explaining the individual's reasons why, in his view, the records should have been amended or corrected.

[FR Doc.75-34517 Filed 12-19-75;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 357, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Decem-

V401246 DEC 22 75 XUM

ber 12–18, 1975. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 357 (40 F.R. 57641). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel orangies grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i) and (iii) of § 907.657 (Navel Orange Regulation 357) (40 FR 57641) are hereby amended to read as follows:

§ 907.657 Navel Orange Regulation 357.

* * * * * * *

(b) * * *

(1) * * *

(i) District 1: 1,567,000 cartons;

(ii) * * *

(iii) District 3: 83,000 cartons.

* * * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: December 16, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-34349 Filed 12-19-75;8:45 am]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

PART 1250—EGG RESEARCH AND PROMOTION

In FR Doc. 75–7720, 40 FR 13198–13201, Tuesday, March 25, 1975, and its correction, 40 FR 15065, Friday, April 4, 1975, the title should be changed from "Egg Research and Consumer Information Order" to "Egg Research and Promotion Order;" and

In FR Doc. 75–7690, 40 FR 13513–13517, Thursday, March 27, 1975; Docket No. ERPA–1, Correction, 40 FR 15906, Tuesday, April 8, 1975; FR Doc. 75–21121, 40 FR 33982–33995, Wednesday, August 13, 1975; and FR Doc. 75–26170, 40 FR 45176–45190, Wednesday, October 1, 1975; all references to part number "1251" should be changed to part number "1250." In addition, in FR Doc. 75–27865, 40 FR 48496–48498, Thursday, October 16, 1975, the reference on page 48497 in § 1250.202(a) reading "§ 1251.–347" should read "§ 1250.347."

The heading for Part 1250 is revised to read as set forth above, and Subpart—Egg Research and Promotion Order is added as follows:

Subpart—Egg Research and Promotion Order

DEFINITIONS

Sec.
1250.301 Secretary.
1250.302 Act.
1250.303 Fiscal period.
1250.304 Egg Board or Board.
1250.305 Egg producer or producer.
1250.306 Commercial eggs or eggs.
1250.307 Person.
1250.308 United States.
1250.309 Handler.
1250.310 Promotion.
1250.311 Research.
1250.312 Marketing.
1250.313 Eligible organization.
1250.314 Plans and projects.
1250.315 Part and subpart.
1250.316 Representative of a producer.

EGG BOARD

1250.326 Establishment and membership.
1250.327 Term of office.
1250.328 Nominations.
1250.329 Selection.
1250.330 Acceptance.
1250.331 Vacancies.
1250.332 Alternate members.
1250.333 Procedure.
1250.334 Compensation and reimbursement.
1250.335 Powers of the Board.
1250.336 Duties.

RESEARCH, EDUCATION, AND PROMOTION

1250.341 Research, education, and promotion.

EXPENSES AND ASSESSMENTS

1250.346 Expenses.
1250.347 Assessments.
1250.348 Collecting handlers and collection.
1250.349 Producer refunds.
1250.350 Influencing governmental action.

REPORTS, BOOKS, AND RECORDS

1250.351 Reports.
1250.352 Books and records.
1250.353 Confidential treatment.

CERTIFICATION OF ORGANIZATIONS

1250.356 Certification of organizations.

MISCELLANEOUS

1250.357 Suspension and termination.
1250.358 Proceedings after termination.
1250.359 Effect of termination or amendment.
1250.360 Personal liability.
1250.361 Right of the Secretary.
1250.362 Amendments.
1250.363 Separability.

AUTHORITY: Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.).

FINDINGS AND DETERMINATIONS

(a) *Findings on the basis of the hearing record.* Pursuant to the provisions of the Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.) and the applicable rules of practice and procedure governing proceedings to formulate an order (7 CFR Part 1250, 40 FR 13198–13201), a public hearing was held on a proposal to formulate an Egg Research and Promotion Order in Atlanta, Georgia, May 6 and 7; in Philadelphia, Pennsylvania, May 12; in Des Moines, Iowa, May 15; in Dallas, Texas, May 19; and in South San Francisco, California, May 22, 1975. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act; and

(2) All handling of eggs produced in the 48 contiguous States of the United States, as defined in the said order, is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in eggs, egg products, spent fowl, or products of spent fowl.

(b) *Additional findings.* It is necessary in the public interest to make this order effective upon publication in the FEDERAL REGISTER of December 22, 1975, so that the Egg Board, the administrative agency provided for in the order, may be nominated and selected, and to start to function as soon as possible. In order for the Board to be ready to start the collection of assessments, it will be necessary to issue rules and regulations to govern the collection system. These proceedings are expected to take at least 3 months, and no collections will be required prior thereto.

The provisions of this order are known to producers and handlers by reason of the public hearing and other procedures conducted with respect to this order, and by the publication of the notice of hearing on March 27, 1975, 40 FR 13198–13201; the recommended decision and order on August 13, 1975, 40 FR 33982–33995; and the final decision and order on October 1, 1975, 40 FR 45176–45190.

All known egg producers, as defined in the act and order, eligible to vote in the referendum, were each mailed a Registration, Ballot, and Certification form and a summary of major provisions of the order. Also, Registration, Ballot, and Certification forms and copies of the entire order were readily available to producers on request. Compliance with the provisions of this order will not require advance preparation by persons subject thereto which cannot be completed prior to the effective date of regulations to be issued thereunder. No useful purpose would be served by postponing the effective date of said order beyond the date of its publication in the FEDERAL REGISTER.

(c) *Determinations.* It is hereby determined that: (1) The issuance of this order is approved or favored by not less than two-thirds of the egg producers who voted in the referendum of egg producers held during the period November 3–28, 1975; and

(2) The issuance of this order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the act and order and of carrying out the provisions of the act.

It is therefore ordered:

DEFINITIONS

§ 1250.301 Secretary.

"Secretary" means the Secretary of Agriculture or any other officer or employee of the Department of Agriculture to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

§ 1250.302 Act.

"Act" means the Egg Research and Consumer Information Act and as it may be amended (Pub. L. 93–428).

§ 1250.303 Fiscal period.

"Fiscal period" means the calendar year unless the Egg Board, with the approval of the Secretary, selects some other budgetary period.

§ 1250.304 Egg Board or Board.

"Egg Board" or "Board" or other designatory term adopted by such Board, with the approval of the Secretary, means the administrative body established pursuant to § 1250.326.

§ 1250.305 Egg producer or producer.

"Egg producer" or "producer" means any person who either:

(1) Is an egg farmer who acquires and owns laying hens, chicks, and/or started pullets for the purpose of and is engaged in the production of commercial eggs; or

(2) Is a person who supplied or supplies laying hens, chicks, and/or started pullets to an egg farmer for the purpose of producing commercial eggs pursuant to an oral or written contractual agreement for the production of commercial eggs. Such person is deemed to be the owner of such laying hens unless it is established in writing, to the satisfaction of the Secretary or the Egg Board, that actual ownership of the laying hens is in some other party to the contract. In the event the party to an oral contract who supplied or supplies the laying hens cannot be readily identified by the Secretary or the Egg Board, the person who has immediate possession and control over the laying hens at the egg production facility shall be deemed to be the owner of such hens unless written notice is provided to the Secretary or the Egg Board, signed by the parties to said oral contract, clearly stating that the eggs are being produced under a contractual agreement and identifying the party (or parties) under said contract who is the owner of the hens.

§ 1250.306 Commercial eggs or eggs.

"Commercial eggs" or "eggs" means eggs from domesticated chickens which are sold for human consumption either in shell egg form or for further processing into egg products.

§ 1250.307 Person.

"Person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

§ 1250.308 United States.

"United States" means the 48 contiguous States of the United States of America and the District of Columbia.

§ 1250.309 Handler.

"Handler" means any person who receives or otherwise acquires eggs from an egg producer, and processes, prepares for marketing, or markets, such eggs, including eggs of his own production.

§ 1250.310 Promotion.

"Promotion" means any action, including paid advertising, to advance the image or desirability of eggs, egg products, spent fowl, or products of spent fowl.

§ 1250.311 Research.

"Research" means any type of research to advance the image, desirability, marketability, production, or quality of eggs, egg products, spent fowl, or products of spent fowl, or the evaluation of such research.

§ 1250.312 Marketing.

"Marketing" means the sale or other disposition of commercial eggs, egg products, spent fowl, or products of spent fowl in any channel of commerce.

§ 1250.313 Eligible organization.

"Eligible organization" means any organization, association, or cooperative which represents egg producers of any egg producing area of the United States certified by the Secretary pursuant to § 1250.356.

§ 1250.314 Plans and projects.

"Plans" and "projects" mean those research, consumer and producer education, advertising, marketing, product development, and promotion plans, studies, or projects pursuant to § 1250.341.

§ 1250.315 Part and subpart.

"Part" means the Egg Research and Promotion Order and all rules, regulations, and supplemental order issued pursuant to the act and the order. "Subpart" refers to the aforesaid order or any other portion or segment of this part.

§ 1250.316 Representative of a producer.

"Representative of a producer" means the owner, officer, or an employee of a producer who has been duly authorized to act in the place and stead of the producer.

EGG BOARD

§ 1250.326 Establishment and membership.

There is hereby established an Egg Board, hereinafter called the "Board," composed of 18 egg producers or representatives of egg producers, and 18 specific alternates, all appointed by the Secretary from nominations submitted by eligible organizations, associations, or cooperatives, or by other producers pursuant to § 1250.328.

§ 1250.327 Term of office.

The members of the Board, and their alternates, shall serve for terms of 2 years, except initial appointments shall be, proportionately, for terms of 2 and 3 years. Each member and alternate member shall continue to serve until his successor is appointed by the Secretary and has qualified. No member shall serve for more than three consecutive terms.

§ 1250.328 Nominations.

All nominations authorized under § 1250.326 shall be made in the following manner:

(a) Within 30 days of the approval of this order by referendum, nominations shall be submitted to the Secretary for each geographic area as specified in paragraph (d) of this section by eligible organizations, associations, or cooperatives certified pursuant to § 1250.356, or, if the Secretary determines that a substantial number of egg producers are not members of, or their interests are not represented by, any such eligible organization, association, or cooperative, then from nominations made by such egg producers in the manner authorized by the Secretary;

(b) After the establishment of the initial Board, the nominations for subsequent Board members and alternates shall be submitted to the Secretary not less than 60 days prior to the expiration of the terms of the members and alternates previously appointed to the Board;

(c) Where there is more than one eligible organization, association, or cooperative within each geographic area, as defined by the Secretary, they may caucus for the purpose of jointly nominating two qualified persons for each member and for each alternate member to be appointed. If joint agreement is not reached with respect to any such nominations, or if no caucus is held within a defined geographic area, each eligible organization, association, or cooperative

V 40246 DEC 22 75 5 XUM

may submit to the Secretary two nominations for each appointment to be made;

(d) For purposes of nominating members, and their alternates, to the Board, the 48 contiguous States of the United States shall be grouped into 6 geographic areas, as follows: Area 1 (North Atlantic States) consisting of Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, and the District of Columbia; Area 2 (South Atlantic States) consisting of Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida; Area 3 (East North Central States) Ohio, Indiana, Illinois, Michigan, and Wisconsin; Area 4 (West North Central States) Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas; Area 5 (South Central States) Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas; and Area 6 (Western States) Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Idaho, Washington, Oregon, and California. The number of members of the initial Board, and their alternates, who shall be appointed from each area are: Area 1–3, Area 2–4, Area 3–2, Area 4–2, Area 5–4, and Area 6–3, for a total of 18 members from all areas. Changes to the Board as provided in paragraph (e) of this section shall be accomplished by determining the percentage of United States egg production in each area times 18 (total Board membership) and rounding to the nearest whole number; and

(e) After the establishment of the initial Board, the area grouping of the 48 contiguous States of the United States provided for in paragraph (d) of this section, including the area distribution of the 18 members of the Board and their alternates, shall be reviewed at any time not to exceed 5 years by the Board, or by a person or agency designated by the Board to perform such review, and the results shall be reported to the Secretary along with any recommendations by the Board regarding whether the delineation of the areas and the area distribution of the Board should continue without any change, or whether changes should be made in either the areas or the number of Board members to be appointed from each area, providing that each area shall be represented by not less than one Board member and any action recommended shall be subject to the approval of the Secretary.

§ 1250.329 Selection.

From the nominations made pursuant to § 1250.328, the Secretary shall appoint the members of the Board, and an alternate for each such member, on the basis of representations provided for in § 1250.326, § 1250.327, and § 1250.328.

§ 1250.330 Acceptance.

Any person appointed by the Secretary as a member, or as an alternate member, of the Board shall qualify by filing a written acceptance with the Secretary within a period of time prescribed by the Secretary.

§ 1250.331 Vacancies.

To fill any vacancy occasioned by the failure to qualify of any person appointed as a member, or as an alternate member, of the Board, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the Board, a successor for the unexpired term of such member or alternate member of the Board shall be nominated, qualified, and appointed in the manner specified in § 1250.326, § 1250.328(b), § 1250.329, and § 1250.330, except that replacement of a Board member, or alternate, with an unexpired term of less than 6 months is not necessary.

§ 1250.332 Alternate members.

An alternate member of the Board, during the absence of the member for whom he is the alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is appointed and qualified.

§ 1250.333 Procedure.

(a) A majority of the members, including alternates acting for members of the Board, shall constitute a quorum, and any action of the Board shall require the concurring votes of at least a majority of those present and voting. At assembled meetings, all votes shall be cast in person.

(b) For routine and noncontroversial matters which do not require deliberation and exchange of views, and in matters of an emergency nature when there is not enough time to call an assembled meeting of the Board, the Board may also take action upon the concurring votes of a majority of its members by mail, telephone, or telegraph, but any such action by telephone shall be confirmed promptly in writing.

§ 1250.334 Compensation and reimbursement.

The members of the Board, and alternates when acting as members, shall serve without compensation but shall be reimbursed for necessary and reasonable expenses, as approved by the Board, incurred by them in the performance of their duties under this subpart.

§ 1250.335 Powers of the Board.

The Board shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 1250.336 Duties.

The Board shall have the following duties:

(a) To meet and organize and to select from among its members a chairman and such other officers as may be necessary, to select committees and subcommittees of Board members, to adopt such rules for the conduct of its business as it may deem advisable, and it may establish advisory committees of persons other than Board members;

(b) To appoint or employ such persons as it may deem necessary and to define the duties and determine the compensation of each;

(c) To prepare and submit to the Secretary for his approval budgets on a fiscal-period basis of its anticipated expenses and disbursements in the administration of this subpart, including probable cost of plans and projects as estimated in the budget or budgets submitted to it by prospective contractors, with the Board's recommendations with respect thereto;

(d) With the approval of the Secretary, to enter into contracts or agreements with persons, including, but not limited to, State, regional, or national agencies or State, regional, or national egg organizations which administer research, education, or promotion programs, advertising agencies, public relations firms, public or private research organizations, advertising and promotion media, and egg producer organizations, for the development and submission to it of plans and projects authorized by § 1250.341 and for the carrying out of such plans or projects when approved by the Secretary, and for the payment of the cost thereof with funds collected pursuant to § 1250.347. Any such contracts or agreements shall provide that such contractors shall develop and submit to the Board a plan or project together with a budget or budgets which shall show estimated costs to be incurred for such plan or project, and that any such plan or project shall become effective upon approval by the Secretary. Any such contract or agreement shall also provide that the contractor shall keep accurate records of all of its transactions and make periodic reports to the Board of activities carried out and an accounting for funds received and expended, and such other reports as the Secretary may require;

(e) To review and submit to the Secretary any plans or projects which have been developed and submitted to it by the prospective contractor, together with its recommendations with respect to the approval thereof by the Secretary;

(f) To maintain such books and records and prepare and submit such reports from time to time to the Secretary as he may prescribe, and to make appropriate accounting with respect to the receipt and disbursement of all funds entrusted to it;

(g) To prepare and make public, at least annually, a report of activities carried out and an accounting for funds received and expended;

(h) To cause its books to be audited by a certified public accountant at least once each fiscal period and at such other times as the Secretary may request, and submit a copy of each such audit to the Secretary;

(i) To give the Secretary the same notice of meetings of the Board as is given to members in order that he or his representative may attend such meetings;

(j) To act as an intermediary between the Secretary and any producer or handler; and

(k) To submit to the Secretary such information pursuant to this subpart as he may request.

RESEARCH, EDUCATION, AND PROMOTION

§ 1250.341 Research, education, and promotion.

The Board shall develop and submit to the Secretary for approval any programs or projects authorized in this section. Such programs or projects shall provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for advertising, sales promotion, and consumer education with respect to the use of eggs, egg products, spent fowl, and products of spent fowl: *Provided, however,* That any such program or project shall be directed towards increasing the general demand for eggs, egg products, spent fowl, or products of spent fowl;

(b) The establishment and carrying on of research, marketing, and development projects and studies with respect to sale, distribution, marketing, utilization, or production of eggs, egg products, spent fowl, and products of spent fowl, and the creation of new products thereof in accordance with section 7(b) of the act, to the end that the marketing and utilization of eggs, egg products, spent fowl, and products of spent fowl may be encouraged, expanded, improved, or made more acceptable, and the data collected by such activities may be disseminated;

(c) The development and expansion of foreign markets and uses for eggs, egg products, spent fowl, and products of spent fowl;

(d) Each program or project authorized under paragraph (a), (b), and (c) of this section shall be periodically reviewed or evaluated by the Board to insure that each such program or project contributes to a coordinated national program of research, education, and promotion contributing to the maintenance of markets and for the development of new markets for and of new products from eggs, eg products, spent fowl, and products of spent fowl. If it is found by the Board that any such program or project does not further the national purpose of the act, then the Board shall terminate such program or project; and

(e) No advertising or promotion programs shall use false or unwarranted claims or make any reference to private brand names of eggs, egg products, spent fowl, and products of spent fowl or use unfair or deceptive acts or practices with respect to quality, value, or use of any competing product.

EXPENSES AND ASSESSMENTS

§ 1250.346 Expenses.

The Board is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the Board for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this subpart. The funds to cover such expenses shall be paid from assessments received pursuant to § 1250.347.

§ 1250.347 Assessments.

Each handler designated in § 1250.348 and pursuant to regulations issued by the Board shall collect from each producer; except that the following shall be exempt from the provisions of this section: (a) any egg producer whose aggregate number of laying hens at any time during a 3-consecutive-month period immediately prior to the date assessments are due and payable has not exceeded 3,000 laying hens, and (b) any producer owning a flock of breeding hens whose production of eggs is primarily utilized for the hatching of baby chicks; and shall pay to the Board at such times and in such manner as prescribed by regulations issued by the Board, an assessment at the rate of 5 cents per 30-dozen case of eggs, or the equivalent thereof, or such lesser amount set by the Board and approved by the Secretary for such expenses and expenditures, including provisions for a reasonable reserve and those administrative costs incurred by the Department of Agriculture after this subpart is effective, as the Secretary finds are reasonable and likely to be incurred by the Board and the Secretary under this subpart, except that no more than one such assessment shall be made on any case of eggs.

§ 1250.348 Collecting handlers and collection.

(a) Handlers responsible for collecting the assessment specified in § 1250.347 shall be any one of the following:

(1) The first person to whom eggs are sold, consigned, or delivered by producers and who grades, cartons, breaks, or otherwise performs a function of a handler under § 1250.309, (2) a producer who grades, cartons, breaks, or otherwise performs a function of a handler under § 1250.309 for eggs of his own production, or (3) such other persons as designated by the Board under rules and regulations issued pursuant to this subpart.

(b) Handlers shall collect and remit to the Egg Board all assessments collected in the manner and in the time specified by the Board pursuant to rules and regulations issued by the Board.

(c) Handlers shall maintain such records as the Egg Board may prescribe pursuant to rules and regulations issued by the Board.

(d) The Board with the approval of the Secretary may authorize other organizations or agencies to collect assessments in its behalf.

§ 1250.349 Producer refunds.

Any egg producer against whose eggs any assessment is made under the authority of the act and collected from him and who is not in favor of supporting the programs as provided for in this subpart shall have the right to demand and receive from the Board a refund of such assessment upon submission of proof satisfactory to the Board that the producer paid the assessment for which refund is sought. Any such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the Board and approved by the Secretary. However, in no event should such period be more than 90 days after the end of the month in which the assessments are due and collectable. Any such refund shall be made within 60 days after demand is received therefor.

§ 1250.350 Influencing governmental action.

No funds collected by the Board under this subpart shall in any manner be used for the purpose of influencing governmental policy or action except to recommend to the Secretary amendments to this subpart.

REPORTS, BOOKS, AND RECORDS

§ 1250.351 Reports.

Each handler subject to this subpart and other persons subject to section 7(c) of the act may be required to report to the Board periodically such information as is required by regulations and will effectuate the purposes of the act, which information may include but not be limited to the following:

(a) Number of cases of eggs handled;

(b) Number of cases of eggs on which an assessment was collected;

(c) Name and address of person from whom any assessment was collected; and

(d) Date collection of assessment was made on each case of eggs handled.

§ 1250.352 Books and records.

Each handler subject to this subpart and persons subject to section 7(c) of the act shall maintain and make available for inspection by the Board or the Secretary such books and records as are necessary to carry out the provisions of the subpart and the regulations issued hereunder, including such records as are necessary to verify any reports required. Such records shall be retained for at least 2 years beyond the fiscal period of their applicability.

§ 1250.353 Confidential treatment.

(a) All information obtained from such books, records, or reports shall be kept confidential by all officers and employees of the Department of Agriculture and the Board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request of the Secretary, or to which the Secretary or any officer of the United States is a party and involving this subpart. Nothing in

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this subsection shall be deemed to prohibit (1) the issuance of general statements based upon the reports of the number of persons subject to this subpart or statistical data collected therefrom, which statements do not identify the information furnished by any person, (2) the publication, by direction of the Secretary, of general statements relating to refunds made by the Egg Board during any specific period of time, or (3) the publication, by direction of the Secretary, of the name of any person violating this subpart together with a statement of the particular provisions of this subpart violated by such person.

(b) All information with respect to refunds, except as provided in paragraph (a) (2) of this section, made to individual producers shall be kept confidential by all officers and employees of the Department of Agriculture and the Board.

CERTIFICATION OF ORGANIZATIONS

§ 1230.356 Certification of organizations.

Any organization may request the Secretary for certification of eligibility to participate in nominating members and alternate members on the Board to represent the geographic area in which the organization represents egg producers. Such eligibility shall be based in addition to other available information upon a factual report submitted by the organization which shall contain information deemed relevant and specified by the Secretary for the making of such determination, including, but not limited to, the following:

(a) Geographic territory covered by the organization's active membership;

(b) Nature and size of the organization's active membership, proportion of total of such active membership accounted for by producers of commercial eggs, a chart showing the egg production by State in which the organization has members, and the volume of commercial eggs produced by the organization's active membership in such State(s);

(c) The extent to which the commercial egg producer membership of such organization is represented in setting the organization's policies;

(d) Evidence of stability and permanency of the organization;

(e) Sources from which the organization's operating funds are derived;

(f) Functions of the organization; and

(g) The organization's ability and willingness to further the aims and objectives of the act.

The primary consideration in determining the eligibility of an organization shall be whether its egg producer membership consists of a substantial number of egg producers who produce a substantial volume of the applicable geographic area's commercial eggs to reasonably warrant its participation in the nomination of members for the Board or to request the issuance of an order. The Secretary shall certify any organization which he finds to be eligible under this section and his determination as to eligibility shall be final.

MISCELLANEOUS

§ 1230.357 Suspension and termination.

(a) The Secretary shall, whenever he finds that this subpart or any provision thereof obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or such provision.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of 10 percent or more of the number of egg producers voting in the referendum approving this subpart, to determine whether egg producers favor the termination or suspension of this subpart, and the Secretary shall suspend or terminate such subpart at the end of 6 months after he determines that suspension or termination of the subpart is approved or favored by a majority of the egg producers voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the production of commercial eggs, and who produced more than 50 percent of the volume of eggs produced by the egg producers voting in the referendum.

§ 1230.358 Proceedings after termination.

(a) Upon the termination of this subpart the Board shall recommend not more than six of its members to the Secretary to serve as trustees for the purpose of liquidating the affairs of the Board. Such persons, upon designation by the Secretary, shall become trustees of all the funds and property then in the possession or under control of the Board, including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall: (1) continue in such capacity until discharged by the Secretary, (2) carry out the obligations of the Board under any contracts or agreements entered into by it pursuant to § 1230.336, (3) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such person as the Secretary may direct, and (4) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Board or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this subpart shall be subject to the same obligation imposed upon the Board and upon the trustees.

(d) Any residual funds not required to defray the necessary expenses of liquidation shall be turned over to the Secretary to be disposed of, to the extent practicable, in the interest of continuing one or more of the research or promotion programs hitherto authorized.

§ 1230.359 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not:

(a) Affect or waive any right, duty, obligation, or liability which shall have risen or which may hereafter arise in connection with any provision of this subpart or any regulation issued thereunder;

(b) Release or extinguish any violation of this subpart or any regulation issued hereunder; or

(c) Affect or impair any rights or remedies of the United States, or of the Secretary, or of any person, with respect to any such violation.

§ 1230.360 Personal liability.

No member or alternate member of the Board shall be held personally responsible either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member or alternate, except for acts of dishonesty, or willful misconduct.

§ 1230.361 Right of the Secretary.

All fiscal matters, programs or projects, rules or regulations, reports, or other substantive action proposed and prepared by the Board shall be submitted to the Secretary for his approval.

§ 1230.362 Amendments.

Amendments to this subpart may be proposed, from time to time, by the Board, or by an organization certified pursuant to section 16 of the act, or by any interested person affected by the provisions of the act, including the Secretary.

§ 1230.363 Separability.

If any provision of this subpart is declared invalid or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of this subpart of the applicability thereof to other persons or circumstances shall not be affected thereby.

Signed at Washington, D.C., on December 17, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75 34350 Filed 12-19-75;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

REORGANIZATION, CONSOLIDATION AND REPUBLICATION

Notice is hereby given that the Farmers Home Administration (FmHA) in the administration of its rules and regulations as authorized by law and first published as former Chapter III (Parts 300–391) of Title 6 and transferred to Title 7, Chapter XVIII with parts redesignated respectively as Parts 1800–1891 at 31 FR14109, dated November 4, 1966, is reorganizing and consolidating related regulations under these Parts. The intent of FmHA is to transfer and redesignate those Parts and Subparts (that are not retained in Part 1800) that are revised and/or consolidated into new Parts 1900–1999 and 2000–2999 established with publication of this notice. FmHA will publish the transfers and redesignations of its programs and administrative regulations in the FEDERAL REGISTER from time to time under its new procedural reorganization and consolidation plan.

Dated: December 15, 1975.

JOSEPH R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc.75-34353 Filed 12-19-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 213—OIL IMPORT REGULATIONS

Sale of Oil Import Licenses

On August 5, 1975, the Federal Energy Administration (FEA) issued proposed technical amendments to the Oil Import Regulations (40 FR 33474, August 8, 1975). One of these proposed amendments, intended to permit prior tariff payments to be deducted from fee payments, was implemented (40 FR 40143, September 2, 1975). FEA has now determined that another of the proposed amendments, dealing with the sale of oil import licenses subject to FEA approval, should be implemented with certain modifications.

Background. When the Mandatory Oil Import Program was implemented in 1959, one of its objectives was to provide equity of feedstock cost for the inland refiner relative to the coastal refiner. Since imported oil was much cheaper than domestic oil, this equity was provided by giving the inland refiner import rights under the program. However, if the inland refiner was not in a position to import and process foreign crude, a mechanism was needed whereby the inland refiner could realize the benefits of the import rights earned under the program.

Accordingly, the regulations permitted exchange of foreign oil for domestic, but only on the condition that the domestic oil received in the exchange would be processed in the licensee's refinery. This restriction was designed, in part, to discourage participation in the program by speculators who might attempt to manipulate the value of the import rights.

However, such exchanges proved difficult because many inland refiners did not have the resources to import foreign oil, and not all coastal refiners controlled domestic crude which could be delivered in exchange for foreign feedstock. In order to facilitate the exchanges, the "ticket" exchange evolved. In this transaction, an inland refiner sold oil to a coastal refiner, and purchased imported oil from him. The inland refiner then imported the oil purchased. After importation, he swapped the imported oil back to the coastal refiner for the oil which he originally sold.

Although there is no longer any opportunity to obtain inexpensive foreign oil, the ticket exchange has benefitted the allocation holder by allowing him to obtain oil for his refinery and to realize the value of his fee-exempt allocation, without making other import arrangements which would not be economically or physically practicable. Thus, such transfers have enabled the benefits of the program to be utilized by the persons for whom they were intended, and have contributed to the viability of small, inland refiners. In all cases, the exchanges have been required to be reported in advance to the Director of Oil Imports. The regulations issued today are intended to continue such benefits, but, by permitting the direct sale of licenses, to eliminate much of the cumbersome paperwork that has heretofore charcterized transfers of this sort.

The regulations providing for sale of licenses. In accordance with the foregoing, § 213.22 is amended to provide that persons holding fee-exempt allocations under §§ 213.9, 213.10, 213.11, 213.12, 213.13, 213.29, or 213.30, or persons who own or operate independent refineries, a petrochemical plant or petrochemical capacity, to whom allocations are made under Section 5 of Proclamation No. 3279, as amended, may sell their licenses upon approval by the Director of Oil Imports of an application for that purpose. FEA is presently preparing the appropriate application forms, which shall be required to be certified by both parties. It should be noted that in accordance with the policy of the Mandatory Oil Import Program against license speculation, the licenses may only be sold to persons who own or operate a refinery, petrochemical plant, or petrochemical capacity for their use. Furthermore, each license sold shall be subject to § 213.22 (a), which requires that "each person who imports crude oil or unfinished oil under a license issued pursuant to [the affected sections] must process the oils so imported in his own refinery, petrochemical plant, or petrochemical capacity."

This amendment differs from the proposal, in that § 213.22 would have been amended by eliminating the current procedures for the exchange of imported and domestic oil, and by substituting therefor a procedure facilitating the sale of licenses. After evaluating the proposal in the light of public comments, FEA has determined to adopt the procedure for sale of licenses but also retain current exchange procedures. This has been done in order to provide maximum flexibility for the affected importers, some of whom have long-standing exchange relationships. In addition, the sale procedure itself has been modified by eliminating its application to licenses issued under § 213.15 (Allocations of residual fuel oil—District I). Upon further consideration, FEA has determined that the initial purpose of issuing fee-exempt licenses to importers of residual fuel oil, was to provide economic benefits to the actual importer. If an importer is unable to utilize his license in the full amount of his fee-exempt allocation, its sale would be incompatible with this purpose. There is no analogous group to the inland refiners in the case of residual fuel oil imports.

The inability to sell a license for residual fuel oil also does not cause the license holder significant inconvenience. This is because a District I residual fuel oil importer can sell the oil itself for use in District I, while imported crude oil must be refined in the importer's own refinery or exchanged for domestic crude that must be so refined. The holder of such a license wishing to refine the oil or exchange it, can be saved considerable inconvenience where his license is salable. Furthermore, and in accordance with this rationale, the proposal was modified by eliminating its application to allocations issued by the Office of Exceptions and Appeals, except in the case of allocations made to persons who own or operate independent refineries, a petrochemical plant or petrochemical capacity. Those sections of the regulations which are affected by the amended § 213.22, and which restrict the sale or exchange of licenses issued thereunder, have been amended to permit such transactions when carried out in accordance with the procedures of § 213.22.

The remaining proposed amendment, which would authorize exporters to receive applicable refunds irrespective of whether such exporters were also the importers of the record is still being evaluated.

(Federal Energy Administration Act of 1974, Pub. L. 93275; E.O. 11790, 39 FR 23185, Trade Expansion Act of 1962, Pub. L. 87–794, as amended; Proclamation No. 3279, 24 FR 1781, as amended by Proclamation No. 4210, 38 FR 9645, Proclamation No. 4227, 38 FR 16195, Proclamation No. 4317, 38 FR 35103, Proclamation No. 4341, 40 FR 3956, Proclamation No. 4355, 40 FR 10437, Proclamation No. 4370, 40 FR 19421, and Proclamation No. 4377, 40 FR 23491).

In consideration of the foregoing, Part 213 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below effective immediately.

Issued in Washington, D.C., December 17, 1975.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

§§ 213.9, 213.10, 213.11, 213.13, 213.29, and 213.30 [Amended]

1. Section 213.9 is amended in paragraph (d), Section 213.10 is amended in paragraph (i), Section 213.11 is amended in paragraph (j), Section 213.13 is amended in paragraph (d), Section 213.29 is amended in paragraph (f), and Section 213.30 is amended in paragraph (h), by replacing the period [.] with a comma [,], and by adding the words "except in accordance with § 213.22."

2. Section 213.12 is amended in paragraph (d) to read as follows:

§ 213.12 Allocations; Refiners; Districts I–IV and the Virgin Islands.

. . . . . .

(d) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred, except in accordance with § 213.22, and no license issued

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under such allocation shall permit the importation of Canadian imports as defined in section 11(j) of Proclamation No. 3279, as amended, except as may be authorized by this section.

. . . . . .

3. Section 213.22 is amended in paragraph (b)(2) and by adding paragraph (d) to read as follows:

§ 213.22 Use of imported crude oil and unfinished oils.

. . . . . .

(b) . . .

(2) A proposed agreement for each exchange must be reported to the Director before any action involved in the exchange is taken, and all such exchanges shall be reported in accordance with § 213.23(b).

. . . . . .

(d) Subject to paragraph (a), persons to whom allocations are made under §§ 213.9, 213.10, 213.11, 213.12, 213.13, 213.29, or 213.30, or persons who own or operate an independent refinery, a petrochemical plant or petrochemical capacity, to whom allocations are made under Section 5 of Proclamation No. 3279, as amended, may, upon approval by the Director of an application for this purpose, sell the licenses issued pursuant thereto to a person who owns or operates a refinery, petrochemical plant, or petrochemical capacity for his use. Application for sale may be made before or after issuance of a license. Where an application is made for the sale of a license which has previously been issued, such license shall be returned to the Director with the application. Applications for sale shall be signed by both parties to the transaction and shall be subject to the provisions of Section 1001 of Title 18 of the United States Code. Each party shall certify through an appropriate person that the application was duly signed for and in behalf of said party, and by a person within whose scope of authority it is to transact such a sale. The purchaser of the license shall, in accordance with § 213.35, make payment or post bond in the amount of the outstanding supplemental fee liability of the license prior to the completion of the sale. These parties to the sale shall be solely responsible for determining the sale price of the licenses in question and for settling the costs thereof.

[FR Doc.75-34534 Filed 12-18-75;10:13 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[No. 75-1145]

PART 545—OPERATIONS

Satellite Offices

DECEMBER 15, 1975.

The following summary of the amendments adopted by this Resolution is included for the reader's convenience and is subject to the full explanation in the preamble and to the specific provisions in the regulations.

I. *Proposed Regulations.* The regulations concerning satellite offices in effect prior to the effective date of this Resolution would have been changed by:

A. Deleting the limitations concerning the following:

(1) the number of applications which the same association may file in any 12-month period (the limitation was 2);

(2) the number of satellite offices which the same association may operate at any one time (the limitation was 5); and

(3) the maximum operating period which will be approved as to an initial application (the limitation was 5 years as to an initial application; a renewal application was approvable without a time limit). The Board proposed also to delete any limitation on the maximum operating period as to all applications approved by the Board prior to the date of this final regulation and to provide that such approvals shall be deemed to have been made without a time limit on the future operation of such satellite offices. However, a future approval of a particular application could specify a time limit.

B. Increasing the permissible maximum floor space per office from 500 to 1000 square feet as to any satellite office.

C. Clarifying that the "primary service area" of an applicant would be determined as of the time of the filing of the application for permission to establish the new facility.

II. *Final Regulations.* The same as the proposal, plus clarifying § 545.14–5(c)(6) and conforming this section to present practice.

III. *Reason for these Amendments.* Remove restrictions which are not needed at this time.

The Federal Home Loan Bank Board, by Resolution No. 75–738, dated August 6, 1975, proposed to amend § 545.14–5 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.14–5) relating to satellite offices for the purpose of removing certain restrictions. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on August 14, 1975 (40 FR 34162) with an invitation for interested persons to submit written comments by September 16, 1975.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby amends § 545.14–5 by (1) rescinding subdivisions (c)(5) and (g)(5) thereof and (2) revising subdivisions (a), (c)(1)(i), (c)(4), (c)(6), (g)(2), and the last three sentences of subdivision (g) of said section to read as set forth below, effective December 22, 1975.

Since these amendments relieve restrictions, clarify provisions or conform requirements to present practice, and, in the opinion of the Board, it is in the public interest that these amendments become effective without delay, the Board hereby finds that further notice and public procedure are unnecesary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 553(d) prior to the effective date of said amendments would, in the opinion of the Board, likewise be unnecessary for the same reasons, the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

The regulations adopted by this Resolution are the same as the proposed regulations published in the FEDERAL REGISTER on August 14, 1975, except that (1) the first sentence of § 545.14–5(c)(6) has been revised to make it clear that a satellite office must be both within the primary service area and 5 miles of the office of which it is a satellite and (2) the last sentence of § 541.14–5(c)(6) has been changed by substituting the word "established" for the word "located" and by deleting the phrase "unless such office is to be a satellite of a branch office located outside of such State." It is the practice of the Board not to approve establishment by a Federal association of a satellite outside the State where its home office is located.

As to this Resolution's increase from 500 to 1,000 square feet in the floor space limitation regarding satellite offices, the new 1,000 square foot limitation is retroactive, i.e., the square footage of an existing satellite office may be increased to 1,000 square feet without further Board approval, even though there was a regulatory 500-square foot limitation at the time that the Board approved the establishment of such satellite office.

Section 545.14–5 is amended as set forth below.

§ 545.14–5 Satellite office.

(a) *Nature of a satellite office.* An office of a Federal association which is not its home office or a branch office approved pursuant to § 545.14 shall be deemed to be a satellite office if it meets the requirements of a satellite office as described in this section and if it is a satellite of the association's home office or a branch office in that it is located in the primary service area of such home office or branch office, as determined by the Board or its Supervisory Agent as of the time of the filing of the application for permission to establish a satellite office. Any business of a Federal association, as authorized by the association's board of directors, may be transacted at a satellite office.

. . . . . .

(c) *Specific provisions.* Each application for permission to establish a satellite office will be considered or processed pursuant to the provisions of this section. Approval of such an application pursuant to this section will be subject to the following provisions and any other conditions, requirements, and limitations the Board may specify in a particular case:

(1) A satellite office may be, but is not required to be, located within premises principally occupied by a retail sales establishment or any other business organization. A satellite office shall be operated in conformity with the following physical requirements:

(i) The satellite office shall not occupy more than 1,000 square feet of floor space; and

. . . . . .

(4) Except as may be otherwise prescribed by the Board at the time of approval, an approved satellite office may operate without limitation as to time. Any satellite office approved prior to December 22, 1975, shall be deemed to have been approved without a time limit on its operation and may operate or continue to operate without limitation as to time.

(5) [Rescinded, eff. 12–22–75.]

(6) A satellite office must be located within (i) the primary service area and (ii) five miles of the Federal association's home or branch office of which it is a satellite. No satellite office may be established outside of the State in which the Federal association's home office is located.

. . . . . .

(g) *Approval by Supervisory Agent.* The Supervisory Agent is authorized to approve, on behalf of the Board, an application for permission to establish a satellite office if the following conditions have been met:

. . . . . .

(2) The Supervisory Agent is of the opinion that the satellite office will be located both within five miles of, and within the primary service area of, an existing branch office or the home office of the applicant association;

. . . . . .

(5) [Rescinded, eff. 12–22–75] and

. . . . . .

The Supervisory Agent shall forward to the Board for its consideration, together with his recommendation, any application which does not meet the requirements of this paragraph. In addition, the Supervisory Agent shall forward to the Board an application, which, in his opinion, should be approved with a time limit on the future operation of the satellite office, together with his recommendation as to the period for which the application should be approved. The Supervisory Agent is not required, in approving an application under this section, to obtain assurance that the applicable requirements of paragraphs (c)(1)(i) and (ii) of this section will be met, since such requirements are continuing requirements to be observed by the Federal association.

. . . . . .

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN,
Secretary.

[FR Doc.75-34364 Filed 12-19-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Overline Limitation; Correction

In the FEDERAL REGISTER published on November 7, 1975, (38 F.R. 30836) Revision 5 to Part 107, Small Business Investment Companies, appeared as Part III of that issue. Section 107.301(d) contained a typographical error; instead of "for" in the third line thereof, the word "or" appeared.

As corrected, § 107.301(d) should read:

§ 107.301 General.

. . . . . .

(d) *Overline limitation.* Without written SBA approval, the aggregate amount of funds disbursed for securities acquired (exclusive of write-down), and of commitments and guaranties issued for a Small Concern (including affiliated concerns as defined in § 121.3–2(a) of this chapter) shall not exceed twenty percent of Licensee's Private Capital: *Provided, however,* That for section 301(d) Licensees the limitation shall be thirty percent.

. . . . . .

(Catalog of Federal Domestic Assistance Program 59.011)

Dated: December 11, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-34358 Filed 12-19-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75–GL–25; Amdt. 39–2472]

PART 39—AIRWORTHINESS DIRECTIVES

Enstrom Models F–28, F–28A and 280

Pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89), an Airworthiness Directive was adopted November 28, 1975, and made effective immediately as to all known operators of Enstrom Helicopters. That directive requires a visual inspection with an 8X (eight power) or greater magnifying glass at the shaft section just below the main rotor hub prior to next flight after receipt of letter, and within every ten hours in service thereafter. That Airworthiness Directive was considered to constitute an initial action pending further investigation.

A review of the Airworthiness Directive issued November 28, 1975, indicated that a more detailed inspection of the main rotor shaft is necessary. Consequently, it was determined that this Airworthiness Directive should also require that a further detailed inspection of the shaft be made. If any part is found to be cracked or contain defects, it must be removed from service.

Since it was found that immediate action was required, notice and public procedure thereon was impractical and contrary to public interest and good cause existed for making that Airworthiness Directive effective immediately as to all known operators of the affected Enstrom Model Helicopters by individual airmail letters November 28, 1975. These conditions still exist and the Airworthiness Directive, amended as noted above, is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

ENSTROM. Applies to Models F–28, F–28A and 280 Helicopters certificated in all categories.

Compliance required as indicated:

To detect cracks which may develop into failure of the Main Rotor Shafts (Enstrom Part No. 28–13104) accomplish the following:

A. Before further flight, unless previously accomplished and within each 50 hours time in service thereafter, inspect the main rotor gearbox shaft for cracks in the area of the radius beneath the rotor hub shoulder using a 3-step dye-penetrant method.

B. Within 10 hours time in service after the initial dye-penetrant inspection and thereafter at intervals not to exceed 10 hours time in service visually check the main rotor gearbox shaft for cracks in the area of the radius beneath the rotor hub shoulder using an eight power or greater magnifying glass. Particular attention should be given to the junction between said radius and the upper tapered outside diameter of the shaft, and to the possible presence of tool marks circumferentially disposed around the shaft which may serve as stress raisers for the initiation of metal fatigue. Evidence of damage must be confirmed by the 3-step dye-penetrant method used in A.

C. Any helicopter which develops unusual once-per-rotor-revolution vibration, which cannot be ascribed to blade misadjustment or other tangible causes, must be immediately checked in accordance with Paragraph B above. Such vibrations serve as warning of imminent failure.

D. Any shaft found to contain cracks or other evidence of damage must be removed from service immediately and replaced with an airworthy shaft of the same part number or later FAA approved part number.

E. A service record (log) shall be maintained for the affected helicopters delineating Main Rotor Shafts which are inspected, removed from service, and replaced in accordance with this Airworthiness Directive.

F. Only those checks which do not require the dye-penetrant inspection constitute preventative maintenance and may be performed by persons authorized to perform preventive maintenance under FAR 43.

G. Upon request of the operator, a Federal Aviation Administration Maintenance Inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Great Lakes Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive, if the request contains satisfactory substantiating data to justify the adjustment for the operator.

Enstrom Service Note No. 0031 also pertains to this subject.

This amendment is effective December 26, 1975, and portions of it were effective November 28, 1975 for all recipients of the airmail letter dated November 28, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois on December 12, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.75-34337 Filed 12-19-75;8:45 am]

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[Docket No. 75–EA–61; Amdt. 39–2470]

PART 39—AIRWORTHINESS DIRECTIVE

Lycoming Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to revise and amend AD 75–08–09.

Since the promulgation of the airworthiness directive it has been determined that there is no justification for distinguishing between non-helicopter installed engines, which distinction had permitted higher inspection intervals. This amendment deletes such distinction and revises the airworthiness directive with minor editorial changes. The same air safety considerations exist for this amendment as for AD 75–08–09.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by revising and amending AD 75–08–09 as follows:

LYCOMING—Applies to all the following models and series Lycoming engines listed below:

Applicable models	Applicable serial Nos.	Excepted serial Nos.
O-235 series	L-11268-15 through L-12098-15 and L-12100-15.	L-12099-15, L-12101-15 and up.
O-290 series	Any engine modified in accordance with Lycoming service instruction No. 1272.	Any engine not modified in accordance with Lycoming service instruction No. 1272.
O-320 series	L-33329-27A through L-41054-27A.	L-41055-27A and up; O-321-E2D series: L-41029-27A and up; O-320-E3D series: L-41017-27A, L-41021-27A and up.
O-320-B and O-320-D	L-6909-39A through L-6971-39A.	L-6972-39A and up.
IO-320-B1A	L-4953-55A through 5270-55A.	L-5271-55A and up.
LIO-320 series	L-292-66A through L-296-66A.	L-297-66A and up.
O-360, HO-360-B1A, HO-360-B1B series.	L-17440-36A through L-19846-36A and L-17427.	L-19817-36A, L-19818-36A, L-19847-36A and up.
VO-360, IVO-360 series	Any engine modified in accordance with Lycoming service instruction 1272.	Any engine not modified in accordance with Lycoming service instruction 1272.
HIO-360-A1A, HIO-360-B1A.	L-10179-51A through L-13351-51A.	L-12557-51A, L-12727-51A, L-12853-51A, L-12890-51A, L-13513-51A and up.
HIO-360-D1A	L-10179-51A through L-13512-51A.	L-12882-51A through L-12894-51A, L-12919-51A, L-12966-51A through L-12968-51A, L-12979-51A, L-13034-51A through L-13040-51A, L-13124-51A through L-13128-51A, L-13170-51A through L-13174-51A, L-13257-51A through L-13262-51A, L-13280-51A through L-13283-51A, L-13513-51A and up.
HIO-360-C1A	L-10179-51A through L-13372-51A.	L-11578-51A, L-12193-51A, L-12445-51A, L-12763-51A, L-12845-51A, L-12847-51A through L-12849-51A, L-12895-51A, L-12897-51A, L-12898-51A, L-12911-51A, L-12913-51A, L-12914-51A through L-12916-51A, L-12918-51A, L-12969-51A through L-12972-51A, L-13041-51A, L-13042-51A, L-13119-51A through L-13123-51A, L-13142-51A through L-13148-51A, L-13271-51A through L-13275-51A, L-13373-51A and up.
HIO-360-C1B	L-10179-51A through L-13551-51A.	L-13352-51A and up.
AEIO-360 series	L-10179-51A through L-13616-51A.	L-13617-51A and up.
IO-360 series	L-10146-51A through L-13540-51A.	L-13541-51A and up.
IO-360-A1B6D	L-10115-51A through L-13529-51A	L-13530-51A and up.
AIO-360 series	L-171-63A through L-206-63A.	L-209-63A and up.
LIO-360 series	L-634-67A through L-1059-67A.	L-1060-67A and up.
TIO-360 series	L-116-64A through L-145-64A.	L-146-64A and up.
O-540 series except O-540-H1A5D, O-540-H1B5D, O-540-H2A5D, O-540-H2B5D series.	L-15327-40A through L-17105-40A.	L-17068-40A, L-17103-40A, L-17105-40A and up.
IO-540 series except IO-540-K1A5D, IO-540-K1B5D, IO-540-K1E5D, IO-540-K1F5D, IO-540-M2A5D, IO-540-T1A5, IO-540-S1A5, IO-540-T4A5D series.	L-10536-48 through L-12856-48.	L-10623-48, L-10624-48, L-10813-48, L-10814-48, L-11246-48, L-11247-48, L-11266-48, L-11267-48, L-12144-48 through L-12147-48, L-12231-48, L-12287-48 through L-12298-48, L-12371-48 through L-12378-48, L-12463-48, L-12464-48, L-12636-48, L-12637-48, L-12684-48, L-12685-48, L-12711-48 through L-12713-48, L-12725-48 through L-12729-48, L-12734-48 through L-12739-48, L-12744-48 through L-12753-48, L-12806-48, L-12821-48 through L-12823-48, L-12840-48 through L-12844-48, L-12859-48 through L-12868-48, L-12888-48, L-12897-48 and up.

Also applies to the same models and series engines overhauled/remanufactured by Lycoming between December 18, 1972 and December 10, 1974 and to any other engine in which the provisions of Lycoming Service Instruction No. 1272 have been incorporated.

Compliance required as indicated.

1. For the Lycoming O-360-C2D, HO-360, HIO-360, VO-360 and IVO-360 series engines, compliance is required within the next 10 hours in service after the effective date of this AD or before the engines have accumulated 400 hours in service, whichever occurs later, unless already accomplished.

2. For the O-235, O-290, O-320, IO-320-B1A, LIO-320, O-360, IO-360, AEIO-360, AIO-360, LIO-360, TIO-360, O-540 and IO-540 series engines compliance is required within the next 50 hours in service after the effective date of this AD or before the engines have accumulated 400 hours in service, whichever occurs later, unless already accomplished.

To prevent oil pump failures, inspect, replace and assemble the oil pump drive shaft and drive impeller in accordance with the inspection and procedure paragraphs of Lycoming Service Bulletin No. 381B or No. 385C or later revision approved by Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

The manufacturer's inspections and replacement procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Avco Lycoming Division Service Department, Williamsport, Pennsylvania 17701. These documents may also be examined at the Engineering and Manufacturing Branch, Federal Aviation Administration, Eastern Region, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Eastern Region Headquarters.

This amendment is effective December 24, 1975.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on December 11, 1975.

L. J. CARDINALI,
Acting Director,
Eastern Region.

[FR Doc.75-34338 Filed 12-19-75;8:45 am]

[Docket No. 14869; Amdt. 39-2479]

PART 39—AIRWORTHINESS DIRECTIVE

Pilatus Aircraft Ltd. and Fairchild Hiller Model PC–6 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring repetitive inspections, interim repair and replacement of the rudder bar, as necessary, in Pilatus Model PC–6 airplanes manufactured by Pilatus Aircraft Ltd. and Fairchild Hiller was published in the Federal Register on August 5, 1975, (40 FR 32838).

Interested persons have been afforded the opportunity to participate in the making of the amendment. No objections were received. However, an editorial change of a non-substantive nature has been made in paragraph (a) of the compliance section to clarify the reference to part numbers.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.80), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PILATUS AIRCRAFT LTD. AND FAIRCHILD HILLER. Applies to Pilatus Model PC–6 airplanes (all variants), serial numbers 338 through 623, manufactured by Pilatus Aircraft Ltd. and serial numbers 2001 through 2067, manufactured by Fairchild Hiller.

Compliance is required as indicated.

To prevent a fatigue failure of the pilot and copilot rudder bar junction welded seam, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, unless already accomplished, visually inspect the junction fillet welds of the pilot and copilot rudder bars (P/Ns 6232.145, 6232.241, and 116.35.06.004) and determine whether the weld covers the full 360° of the rudder bar tube circumference or only 250° of the rudder bar tube circumference. If the weld is determined to be of the improved 360° design, no further action is required by this AD.

(b) If the fillet weld is found to be of the non-continuous (250°) weld design, visually inspect the rudder bar junction weld for cracks by applying magnaflux or by the dye check method in accordance with paragraph 2.1 of Pilatus Aircraft Ltd. Service Bulletin No. 120, dated January 1973, or an FAA-approved equivalent.

(c) If no cracks are found during the inspection required by paragraph (b) of this AD, within the next 100 hours' time in service and thereafter at intervals not to exceed 100 hours' time in service, visually inspect the rudder bar junction weld for cracks using a 10 power magnifying glass in accordance with paragraph 2.2 of Pilatus Aircraft Ltd. Service Bulletin No. 120, dated January 1973, or an FAA-approved equivalent.

(d) If cracks are found during an inspection required by paragraphs (b) or (c) of this AD, either repair the rudder bar junction weld in accordance with paragraph 2.3 of Pilatus Aircraft Ltd. Service Bulletin No. 120, dated January 1973, or an FAA-approved equivalent, or replace the rudder bars with new rudder bars of the same part number but with improved 360° weld design.

(e) Within the next 100 hours' time in service after accomplishing the repair described in paragraph (d) of this AD, or, if no cracks were found during the inspections required by paragraphs (b) or (c) of this AD, within the next 300 hours' time in service after complying with the inspection requirements of paragraph (b) of this AD, replace the rudder bars, P/N 6232.145, 6232.241, or 116.35.06.004, with new rudder bars of the same part number incorporating the continuous full 360° fillet weld around the rudder bar circumference.

This amendment becomes effective on January 21, 1976.

Issued in Washington, D.C., on December 12, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-34335 Filed 12-19-75;8:45 am]

[Docket No. 75–EA–81; Amdt. 39–2471]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA–31 type airplanes.

There has been a report that the landing gear selector cable attachment pin assembly on a PA–31 type aircraft had become disengaged, resulting in a wheels-up landing. Since this deficiency can exist or develop in airplanes of similar type design, an airworthiness directive is being issued which will require the safetying of the assembly with wire.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new airworthiness directive as follows:

PIPER AIRCRAFT CORPORATION. Applies to PA–31–310 and PA–31–325 airplanes, S/Ns 31–7300950 to 31–7612017 inclusive; PA–31–350 airplanes, S/Ns 31–7305048, 31–7305049, and 31–7305052 to 31–7650005 inclusive, certificated in all categories. Compliance required within the next 50 hours' time in service after the effective date of this AD, unless already accomplished. To prevent inadvertent disengagement of the landing gear selector cable attachment pin assembly, accomplish the alteration described in Piper Aircraft Corporation Service Bulletin No. 488, dated October 24, 1975, or an equivalent alteration approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective December 24, 1975.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Jamaica, N.Y., on December 11, 1975.

L. J. CARDINALI,
Acting Director,
Eastern Region.

[FR Doc.75-34339 Filed 12-19-75;8:45 am]

[Airspace Docket No. 75–GL–62]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 47141 of the FEDERAL REGISTER dated October 8, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Olivia, Minnesota.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., February 26, 1976.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)))

Issued in Des Plaines, Illinois on December 2, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is added:

OLIVIA, MINNESOTA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Olivia Municipal Airport (latitude 44°46'44" N., longitude 95°01'58" W.); and within 2 miles each side of the 193° bearing from the airport extending from the 5-mile radius area to 6.5 miles south of the airport.

[FR Doc.75-34340 Filed 12-19-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI–352]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for City of Melbourne, Florida

On September 12, 1974, in 39 FR 32886, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Melbourne, Florida, as an eligible community and included Map Nos. H 120025 07 & 09, which indicate that Sugar Mill, Melbourne, Florida, as recorded in Deed Book 1457, Pages 362 and 363, in the office of the Clerk of the Circuit Court, Brevard County, Florida, is in its entirely within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structures on the above mentioned property are not within the Special Flood Hazard Area. Accordingly, effective August 30, 1974, Map Nos. H 120025 07 & 09 are hereby corrected to reflect that the structures on the above property are not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: December 8, 1975.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.75-34445 Filed 12-19-75;8:45 am]

[Docket No. FI–250]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Village of Arthur, Illinois

On April 25, 1974, in 39 FR 14602, the Federal Insurance Administrator pub-

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lished a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Village of Arthur, Illinois, as an eligible community and included Map No. H 170520 01 which indicates that the property known as the Willoughby Implement Company, located in Section 24, Township 15 North, Range 6 East, Moultrie County, Illinois, as recorded in Book 1 of Plats, Page 301 in the office of the Recorder of Moultrie County, Illinois is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective May 3, 1974, Map No. H 170520 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: December 8, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.75–34446 Filed 12–19–75;8:45 am]

[Docket No. FI–823]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for City of Arvada, Colorado

On July 13, 1972, in 37 FR 13715, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Arvada, Colorado, as an eligible community and included Map No. H 085072 04, which indicates that Lot 476, Alta Vista Addition, Arvada, Colorado, as recorded in Plat Book 14, Pages 18 and 19, in the office of the Clerk and Recorder of Jefferson County, Colorado, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective May 1, 1971, Map No. H 085072 04 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: December 8, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.75–34444 Filed 12–19–75;8:45 am]

[Docket No. FI–822]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for City of Arvada, Colorado

On July 13, 1972, in 37 FR 13715, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Arvada, Colorado, as an eligible community and included Map No. H 085072 05, which indicates that Lots 3 through 7, Arvada Park Subdivision, Arvada, Colorado, as recorded in Book 36, Page 51, in the office of the Clerk and Recorder of Jefferson County, Colorado, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lot 5 is within Zone C, and is not within the Special Flood Hazard Area. Lots 3, 4, 6, and 7, are within Zone B, and are not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective May 1, 1971, Map No. H 085072 05 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: December 10, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75–34443 Filed 12–19–75;8:45 am]

[Docket No. FI–201]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Sweetwater, Tennessee

On February 19, 1974, in 39 F.R. 6054, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Sweetwater, Tennessee as an eligible community and included Map No. H 470135 04 which indicates that a portion of the property at New Tennessee Highway 68 and Old Athens Road, Sweetwater, Tennessee, as recorded in Warranty Deed Book 128, Page 396 in the office of the Register of Monroe County, Tennessee, which can be described as follows:

Beginning at a point on the northerly side of New Tennessee Highway No. 68, said beginning point being 110 feet in a northeasterly direction from the center line of the new highway, and being at the southeasterly corner of what is known as the business building property, and running thence, parallel with the highway, North 57°-35' West 833.4 feet to an iron pin near the intersection of the old Athens Road; thence, running North 5°17' West 111.2 feet to a corner on the easterly side of the old Athens Road; thence running, with the old Athens Road, North 34°42' East 112.2 feet to a corner; thence running South 57°35' East 595.1 feet to a corner; thence running North 32°-25' East 20 feet to a corner; thence running South 45°3' East 337.1 feet to a corner; thence running South 40°4' West approximately 130 feet to the point of beginning.

is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective February 15, 1974, Map No. H 470135 04 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: December 10, 1975.

FRANCIS REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75–34453 Filed 12–19–75;8:45 am]

[Docket No. FI–229]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Winslow, Maine

On March 27, 1974, in 39 FR 11262, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Town of Winslow, Maine, as an eligible community and included Map No. H 230071 04 which indicates that the property located on the southerly side of Albion Road at Eames Road, Winslow, Maine, as recorded in Plan Book 38A, Page 17 in the office of the Registrar of Deeds of Kennebec County, Maine, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing house and barn on the above property are not within the Special Flood Hazard Area. Accordingly, effective March 22, 1974, Map No. H 230071 04 is hereby corrected to reflect that the existing house and barn on the above property are not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: December 8, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.75–34448 Filed 12–19–75;8:45 am]

[Docket No. FI–239]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Bensalem Township, Pennsylvania

On April 11, 1974, in 39 FR 13152, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included Bensalem Township, Pennsylvania, as an eligible community and included Map Nos. H 420181 01 and 02 which indicate that a portion of Ben Salem Village of Franklin Park Limited, Bensalem Township, Bucks County, Pennsylvania, as recorded in Deed Book 2012, Page 469 in the office of the Recorder of Deeds of Bucks County, Pennsylvania, which can be described as follows:

Beginning at the intersection of the centerlines of Byberry Road and Newportville Road, situated in Bensalem Township, Bucks County, Pennsylvania, thence S 26°39' W, 383.59 feet to a point; thence S 63°21' E, 100.00 feet to a point; thence R=1069.69 feet, A=80.90 feet to a point; thence N 25°02'50" E, 143.83 feet to a point; thence S 74°49'70" E, 1583.49 feet to a point; thence S 63° E, approximately 42 feet to a point; thence S 3° W, approximately 126 feet to a point; thence S 70° E, approximately 64 feet to a point; thence S 17°30' E, approximately 107 feet to a point; thence S 45°30' W, approximately 22 feet to a point; thence S 88°30' W, approximately 130 feet to a point; thence S 76°30' W, approximately 75 feet to a point; thence S 17° E, approximately 48 feet to a point; thence S 84° E, approximately 84.5 feet to a point; thence S 67°30' E, approximately 54.5 feet to a point; thence S 82° E, approximately 44 feet to a point; thence S 9°33' E, 503.00 feet to a point; thence S 80°27' W, 200.00 feet to a point; thence S 61° W, 53.03 feet to a point; thence S 80°27' W, 400.00 feet to a point; thence N 9°33' W, 260.00 feet to a point; thence S 80°27' W, 400.00 feet to a point; thence N 83°10' W, 287.95 feet to a point; thence S 26°39' W, 150.00 feet to a point; thence N 63°21' W, 450.00 feet to a point; thence N 26°39' E, 670.00 feet to a point; thence N 63°21' W, 580.00 feet to a point; thence N 26°39' E, 176.60 feet to a point; thence N 63°21' W, 306.05 feet to a point; thence S 18°46' W, 200.67 feet to a point; thence N 62°52' W, 407.43 feet to a point; thence N 16°46' E, 309.35 feet to a point; thence S 72°51' E, 125.00 feet to a point; thence N 16°46' E, 225.00 feet to a point; thence S 72°51' E, 275.78 feet to a point; thence S 16°46' W, 201.43 feet to a point; thence S 63°21' E, 130.45 feet to a point; thence N 17°09' E, 222.85 feet to a point; thence S 72°51' E, 250.66 feet to the point of beginning,

is partially located within the Special Floor Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Floor Hazard Area. Accordingly, effective April 5, 1974, Map Nos. H 420181 01 and 02 are hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: December 8, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.75–34452 Filed 12–19–75;8:45 am]

[Docket No. FI–340]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Lawton, Oklahoma

On August 21, 1974, in 39 FR 30122, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Lawton, Oklahoma, as an eligible community and included Map No. H 400049 01, as amended, H 400049 A 01, by 40 FR 8817, which indicates that Lots 20, 21, 27, and 43 through 45, Block 2; and Lots 1 through 3, Block 4; and Lots 4, 5, and 33 through 35, Block 5, Sherwood Addition Part Three, Lawton, Oklahoma, as recorded in Book 6, Page 33, in the office of the Clerk of Comanche County, Oklahoma, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective February 21, 1975, Map No. H 400049 A 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: December 10, 1975.

FRANCIS REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75–34451 Filed 12–19–75;8:45 am]

[Docket No. FI–356]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Gardner, Massachusetts

On September 12, 1974, in 39 FR 32894, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Gardner, Massachusetts, as an eligible community and included Map Nos. H 250305 07 and 08, which indicate that land in Gardner, Massachusetts, as recorded in Book 4266, Page 407; Parcel 1 of Book 4375, Page 55; Parcel 1 of Book 4726, Page 127; Book 4982, Page 228; Book 4998, Page 347; Parcel 1 of Book 5320, Page 127; and Book 5360, Page 176, in the Worcester District Registry of Deeds, Massachusetts, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above maps in light of additional, recently acquired flood information, that the property as recorded in Parcel 1 of Book 4726, Page 127; Book 4982, Page 228; Book 4998, Page 347; and Parcel 1 of Book 5320, Page 127 is not within the Special Flood Hazard Area. The existing structures on the property as recorded in Book 4266, Page 407; Parcel 1 of Book 4375, Page 55; and Book 5360, Page 176, are not within the Special Flood Hazard Area. Accordingly, effective September 6, 1974, Map Nos. H 250305 07 and 08 are hereby corrected to reflect that the above property and structures are not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: December 8, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.75–34450 Filed 12–19–75;8:45 am]

FEDERAL REGISTER, VOL. 40, NO. 246—MONDAY, DECEMBER 22, 1975

V40246 DEC 22 75 XUM

[Docket No. FI-410]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Anne Arundel County, Maryland

On November 29, 1974, in 39 FR 41504, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included Anne Arundel County, Maryland, as an eligible community and included Map No. H 240008 44 which indicates that Lots 34 and 35, Belvedere Beach on the Magothy, being 810 Riverview Avenue, Arnold, Anne Arundel County, Maryland, recorded as Plat No. 489 in Book No. 9, Folio 21 in the office of the Clerk of the Circuit Court of Anne Arundel County, Maryland, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above property is not within the Special Flood Hazard Area. Accordingly, effective November 15, 1974, Map No. H 240008 44 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: December 10, 1975.

FRANCIS REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-34449 Filed 12-19-75;8:45 am]

[Docket No. FI-454]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Dallas, Texas

On January 28, 1975, in 40 FR 4133, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Dallas, Texas, as an eligible community and included Map No. H 480171 24 which indicates that Lot 2, Block U/8122, White Rock North Fifth Installment, being 9473 Spring Branch Drive, Dallas, Texas, as recorded in Volume 74117, Page 0896 in the office of the Clerk of Dallas County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective January 10, 1975, Map No. H 480171 24 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: December 8, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.75-34454 Filed 12-19-75;8:45 am]

[Docket No. FI-294]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Duncanville, Texas

On February 13, 1974, in 39 FR 5500, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Duncanville, Texas, as an eligible community and included Map No. H 480173 05 which indicates that Lot 19, Block O; Lot 16, Block P; Lots 1 through 4 and 19 through 22, Block Q; and Lots 1 through 9, Block R, Silver Creek Estates First Installment, Duncanville, Texas, as recorded in Volume 71094, Pages 2229 through 2236 in the office of the Clerk of Dallas County, Texas, and Lots 5 through 18, Block Q, and Lots 10 through 22, Block R, Silver Creek Estates Second Installment, as recorded in Volume 72049, Pages 2351 through 2358, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective February 8, 1974, Map No. H 480173 05 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: December 8, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.75-34455 Filed 12-19-75;8:45 am]

[Docket No. FI-817]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Village of Palatine, Illinois

On February 20, 1973, in 38 FR 4669, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the Village of Palatine, Illinois, as an eligible community and included Map No. H 175170 02 which indicates that Lot 5, Block 2, Winston Park Northwest Unit No. 1, being 511 North Winston Drive, Palatine, Illinois, recorded as Document No. 23240662 in the office of the Recorder of Cook County, Illinois, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective February 16, 1973, Map No. H 175170 02 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: December 10, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-34447 Filed 12-19-75;8:45 am]

[Docket No. FI-818]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 39 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 18 which indicates that Lot 218, Rolling Valley West Section 2, Fairfax County, Virginia, as recorded in Deed Book 3614, Page 234 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration,

after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 18 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: December 8, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.75-34456 Filed 12-19-75;8:45 am]

[Docket No. FI-819]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 39 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 19 which indicates that Lot 596, Rolling Valley Subdivision Section 7, being 7221 Hadlow Drive, Springfield, Fairfax County, Virginia, as recorded in Deed Book 3187, Page 369 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 19 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: December 8, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.75-34457 Filed 12-19-75;8:45 am]

[Docket No. FI-820]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 39 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 07 which indicates that Lot 20, Clark's Crossing Subdivision, being 9808 Peppermill Place, Centreville District, Fairfax County, Virginia, as recorded in Map Book 4051, Page 146 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 07 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: December 8, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.75-34458 Filed 12-19-75;8:45 am]

[Docket No. FI-821]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Virginia Beach, Virginia

On October 3, 1970, in 35 FR 15442, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Virginia Beach, Virginia, as an eligible community and included Map No. H 515531A 31 which indicates that Lot W of the Subdivision of Property of David L. Levine, Virginia Beach, Virginia, as recorded in Book 89, Page 30 in the office of the Clerk of the Circuit Court of Virginia Beach, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Wings A, B, and C, and Townhouse Units 1 through 5 of the above property, as shown on the Condominium Plat of Seagate Colony Phase I, Virginia Beach, Virginia, prepared by Mayne, Oseroff, Van Besien, Inc., of Arlington, Virginia, in October, 1973, are within Zone B, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective September 8, 1970, Map No. H 515531A 31 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: December 10, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-34459 Filed 12-19-75;8:45 am]

[Docket No. FI-259]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Village of Fremont, Wisconsin

On November 29, 1973, in 38 FR 32928, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Village of Fremont, Wisconsin, as an eligible community and included Map No. H 550496 01, which indicates that land in Fremont, Wisconsin, as recorded in Volume 478, Pages 368 and 369, in the office of the Register of Deeds of Waupaca County, Wisconsin, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structures on the above mentioned property are not within the Special Flood Hazard Area. Accordingly, effective November 30, 1973, Map No. H 550496 01 is

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hereby corrected to reflect that the structures on the above property are not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: December 10, 1975.

FRANCIS REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-34460 Filed 12-19-75;8:45 am]

Title 28—Judicial Administration

CHAPTER I—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 20—CRIMINAL JUSTICE INFORMATION RECORDS

Criminal History Records; Collection, Storage, and Dissemination of Information

This amends the regulations pertaining to the collection, storage and dissemination of criminal history record information by extending the date on which the State plan must be submitted. Further changes as proposed in 40 FR 49789 dated October 24, 1975, will be forthcoming at a later date.

Pursuant to the authority vested in the Law Enforcement Assistance Administration by sections 501 and 524 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Crime Control Act of 1973, Pub. L. 93-83, 87 Stat. 197 (42 U.S.C. 3701 *et seq.*) (Aug. 6, 1973), this amends Chapter I of Title 28 of the Code of Federal Regulations.

In § 20.21 the first sentence of the introductory text is amended as follows:

§ 20.21 Preparation and submission of a Criminal History Record Information Plan.

A plan shall be submitted to LEAA by each State on March 16, 1976, to set forth all operational procedures, except those contained in paragraph (f) of this section. • • •

JAMES MEGG,
Acting Administrator.

DECEMBER 16, 1975.

[FR Doc.75-34465 Filed 12-19-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 471-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to the Virgin Islands Implementation Plan

On May 31, 1972 (37 FR 10905), pursuant to section 110 of the Clean Air Act, (42 U.S.C. 1857c-5(a)), and 40 CFR Part 51, the Administrator approved as part of the Virgin Islands implementation plan the control strategy for particulate matter. This control strategy was designed to provide for the attainment and maintenance of National Ambient Air Quality Standards for particulate matter by January 1975.

Included as part of the control strategy for particulate matter was section 204-23 of Chapter 9 of Title 12 of the Virgin Islands Code entitled, "Regulations Governing Emission of Particulate Matter." Paragraph (c)(2) of this section prohibits the use of any incinerator which is not a multiple chamber incinerator. After reviewing the adequacy of this paragraph as it pertains to the single chamber St. John Municipal Incinerator, it was determined that this unit should be exempted from compliance with this paragraph. Consequently, the Governor of the Virgin Islands, on July 9, 1975, submitted to EPA a proposed revision to the Virgin Islands Air Quality Control Implementation Plan. This proposed revision exempts the St. John Municipal Incinerator from the requirements of section 204-23, paragraph (c)(2) of the Virgin Islands Air Pollution Control Code.

The material submitted in support of the proposed plan revision includes the following:

(1) A notice of a public hearing which was held on April 23, 1975.

(2) A copy of the variance granted to the St. John Municipal Incinerator.

(3) A certification from the Assistant Director, Natural Resources Management, that a public hearing was held on the variance request on April 23, 1975.

(4) A summary of sulfur dioxide and particulate matter concentrations predicted to occur under varying atmospheric stabilities as a result of the variance granted to the St. John Municipal Incinerator.

It is the intention of the Virgin Islands to allow the operation of the incinerator until such time that land is obtained from the National Park Service for a sanitary landfill.

The control strategy analysis performed by the Virgin Islands shows that the maximum 24-hour sulfur dioxide and particulate matter concentrations are predicted to be 21 ug/m³ and 172 ug/m³, respectively. The Administrator's review of the proposed revision request determined that the control strategy analysis submitted by the Virgin Islands was erroneous in that it overpredicted the maximum 24-hour concentration for particulate matter. Analysis performed by the Administrator predicts a maximum 24-hour particulate matter concentration below the national secondary standard of 150 ug/m³. It was found that the assumptions used in the Virgin Islands calculations were unrealistically conservative and tended to overpredict ambient air concentrations.

Effective date. Due to the minor nature of this action and the insignificant effect on air quality on St. John, these revisions shall become effective December 22, 1975.

(42 U.S.C. 1857c-5 and 9)

Dated: December 15, 1975.

RUSSELL E. TRAIN,
Administrator,
Environmental Protection Agency.

Part 52 of Chapter 1, Title 40 Code of Federal Regulations is amended as follows:

1. Section 52.2720 is revised by amending paragraph (c)(3) as follows:

§ 52.2770 Identification of plans.

• • • • • •

(c) • • •

(3) February 12, 1974, April 10, 1975. July 9, 1975.

[FR Doc.75-34303 Filed 12-19-75;8:45 am]

[FRL 471-6]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Emission Monitoring Requirements and Revisions to Performance Testing Methods; Correction

In FR Doc. 75-26565 appearing at page 46250 in the FEDERAL REGISTER of October 6, 1975, the following changes should be made in Appendix B:

1. On page 46260, paragraph 4.3, line 24 is corrected to read as follows:

$\log(1-0_i) = (1_i/1_s)\log(1-0_s)$

2. On page 46263, paragraph 4.1, line 8 is corrected to read as follows:

of an air preheater in a steam generating

3. On page 46269, paragraph 7.2.1, the definition of $C.I._{\infty}$ is corrected to read as follows:

$C.I._{\infty}$=95 percent confidence interval estimates of the average mean value.

Dated: December 16, 1975.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.75-34514 Filed 12-19-75;8:45 am]

[FRL 423-7]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Emission Monitoring Requirements and Revisions to Performance Testing Methods

Correction

In FR Doc. 75-26565, appearing at page 46250 in the issue for Monday, October 6, 1975, the following changes should be made:

1. In the first paragraph on page 46250, the words "reduction, and reporting requirements" should be inserted immediately following the eighth line.

2. In the seventh from last line of the first full paragraph on page 46254, the parenthetical phrase should read, "October 6, 1975".

3. In the second line of the second full paragraph on page 46254, the next to last word, now reading "capacity", should read "opacity".

4. In paragraph (c)(2)(iii) of § 60.13 on page 46255, the parenthetical phrase "(date of promulgation" should read, "October 6, 1975".

5. In § 60.13, the paragraphs designated (g)(1) and (g)(1)(i) through (ix) on page 46256 should be designated paragraph (i) and (i) 1 through (9).

6. In the second line of the formula in paragraph (f)(4) of § 60.45 on page 46257, the figure now reading "6.34" should read "3.64".

7. The last line of the first paragraph in Appendix B on page 46259 should be changed to read "tinuous measurement of the opacity of stack emissions".

8. The paragraph now numbered "22" in Appendix B on page 46259 should be numbered "2.2".

9. In the next to last line of paragraphs 9.1.1 and 7.1.1 on pages 46261 and 46264 respectively "x" should read "x".

10. The first column in the table in paragraph 7.1.2 on page 46264, the first column should be headed by the letter "n" and figures 1 through 10 should read 2 through 11.

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[PUBLIC LAND ORDER 5558]

[A-031764]

ALASKA

Partial Revocation of Executive Order No. 8877, as Amended; Transfer of Lands From the Department of the Air Force to the U.S. Coast Guard; Withdrawal of Lands for Native Selection

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and by virtue of the authority vested in the Secretary of the Interior by section 11(b)(3) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688 (hereinafter referred to as the Act), it is ordered as follows:

1. Subject to valid existing rights, the following described lands, which were withdrawn for the War Department for military purposes by Executive Order No. 8877 of August 29, 1941, as amended by Public Land Order No. 1404 of April 3, 1957, and Public Land Order No. 5001 of January 26, 1971, are hereby transferred from the Department of the Air Force to the U.S. Coast Guard, Department of Transportation:

CHINIAK TRACKING STATION

KODIAK ISLAND

A parcel of land lying in T. 30 S., R. 18 W., Seward Meridian, section 9, encompassing the Air/Ground Building (Bldg. 130) at the former Chiniak (Kodiak) Air Force Station. Starting at a point of beginning which is 3,400 feet due South and 200 feet due East of U.S. Engineers' Monument "Curley" (1943), T. 30 S., R. 18 W., Seward Meridian, section 4; thence, 250 feet due South; thence, 200 feet due East; thence 250 feet due North; thence, 200 feet due West to the point of beginning. Containing approximately 1 acre.

2. Executive Order No. 8877 of August 29, 1941, as amended, is hereby revoked as to the following described lands (excluding the lands described in paragraph 1 of this order):

KODIAK ISLAND

Beginning at a point on line of mean high tide on the east shore of Kodiak Island in latitude 57°34'08" N., longitude 152°11'-54" W., thence north 8,000 feet; thence west 7,000 feet approximately to longitude 152°13' W., thence north 7,800 feet approximately on longitude 152°13' W., to a point on mean high tide on Kalsin Bay; thence easterly and southerly along line of mean high tide around Cape Chiniak and Cape Greville to point of beginning. Containing approximately 3,723 acres.

3. The lands described in paragraph 2 (excluding the lands described in paragraph 1) are hereby withdrawn pursuant to section 11(b)(3) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688), for selection by the Koniag Regional Corporation and appropriate village corporation within that Region.

4. Prior to any conveyance of the lands described in paragraph 2, the lands shall be subject to administration by the Secretary of the Interior under the applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this order.

Applications for leases under the Mineral Leasing Act, as amended, 30 U.S.C. 181-287 (1970), will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

JACK O. HORTON,
Assistant Secretary of the Interior.

DECEMBER 10, 1975.

[FR Doc.75-34200 Filed 12-19-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Rachel Carson National Wildlife Refuge; Maine

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

MAINE

RACHEL CARSON NATIONAL WILDLIFE REFUGE

Entry by foot is permitted only during daylight hours for the purpose of nature study, hiking, wildlife observation, photography, and clamming.

No motor vehicles of any kind are permitted on the refuge. Open fires and camping are prohibited. Pets are permitted if on a leash not over 10 feet in length.

The possession of any drugs or substances, or immediate precursors, identified in Schedules I, II, III, IV or V of the Controlled Substances Act, 21 U.S.C. 812, or any drugs or substances added to these schedules pursuant to the terms of the Act, is prohibited on the refuge, unless such drugs or substances were obtained in accordance with law. Presence in the refuge when under the influence of a controlled substance to a degree that may endanger oneself, or another person, or property, or may cause unreasonable interference with another person's enjoyment of the refuge, is prohibited.

Information about the refuge is available from the Refuge Manager, Parker River National Wildlife Refuge, Newburyport, Massachusetts 01950, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

Dated: December 15, 1975.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-34310 Filed 12-19-75;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Wapack National Wildlife Refuge; New Hampshire

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

NEW HAMPSHIRE

WAPACK NATIONAL WILDLIFE REFUGE

Entry by foot is permitted only during daylight hours for the purpose of hiking, nature and geology study, photography, and blueberry picking.

No motor vehicle of any kind is permitted on the refuge. Open fires and camping are prohibited. Pets are permitted if on a leash not over 10 feet in length.

The possession of any drugs or substances, or immediate precursors identified in Schedule I, II, III, IV or V of the Controlled Substances Act, 21 U.S.C. 812, or any drugs or substances added to these schedules pursuant to the terms of the Act, is prohibited on the refuge, unless such drugs or substances were obtained in accordance with the law. Presence in the refuge when under the influ-

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ence of a controlled substance to a degree that may endanger oneself or another person, or property, or may cause unreasonable interference with another person's enjoyment of the refuge, is prohibited.

Information about the refuge is available from the Refuge Manager, Parker River National Wildlife Refuge, Newburyport, Mass. 01950, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

Dated: December 15, 1975.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-34311 Filed 12-19-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Parts 178 and 181]

[Notice No. 287; Reference No. 277]

COMMERCE IN FIREARMS AND AMMUNITION AND IN EXPLOSIVES

Black Powder

In the May 20, 1975, issue of the FEDERAL REGISTER (40 FR 21961), the Bureau of Alcohol, Tobacco and Firearms published a notice of proposed rulemaking to amend 27 CFR Part 178 (Commerce in Firearms and Ammunition) and Part 181 (Commerce in Explosives). The proposed regulations were drafted to implement Public Law 93-639, effective January 4, 1975, by exempting from regulatory provisions commercially manufactured black powder in quantities not to exceed fifty pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices.

A 15-day-comment period was originally allowed in order that regulations be put into effect as soon as possible, since the amended legislation became effective on January 4, 1975. In view of the considerable interest in the proposals that the Bureau had not initially anticipated, notice of an extension of the comment period to July 7, 1975, was published June 12, 1975 (40 FR 25026).

The purpose of this notice is to announce that the Bureau is amending the original proposals as a result of the numerous comments and suggestions received from sporting organizations, antique firearms enthusiasts, and interested persons.

BACKGROUND

Public Law 93-639 removed the exemption in 18 U.S.C. 845 (a)(5) on all black powder in quantities not exceeding five pounds. In lieu of the five pound exemption, the amended law permits anyone to purchase and use commercially manufactured black powder in quantities of fifty pounds or less, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers, solely for sporting, recreational, or cultural purposes in antique firearms, as defined in 18 U.S.C. 921(a)(16), or in antique devices, as exempted from the term "destructive device" in 18 U.S.C. 921(a)(4). 18 U.S.C. 921(a)(4) was also amended to add language exempting antiques such as muzzle-loading cannons used for sporting, recreational, or cultural purposes, from the definition of "destructive device".

In commenting on the legislation, the House of Representatives, Committee on the Judiciary, which amended the original Senate bill, specifically addressed itself to the Treasury Department regulations that would be drafted to implement S. 1033:

"The Committee also wishes to stress that the bill will not unduly disrupt the regulatory scheme established under regulations by ATF. The regulations need only to be modified so that retailers will be required to keep records of their sales of black powder under the new exemption. Moreover, it is the expectation of the Committee that ATF will promulgate regulations and establish forms to require sporting users to identify themselves on purchase of black powder. Moreover, such ATF regulations could require that a purchaser-sportsman certify by affidavit that he intends to use the black powder for sporting, recreational, or cultural purposes. Such a regulatory scheme would identify the purchasers of black powder and would aid in the enforcement of the law and prosecution of violators." [House Report (Judiciary Committee) No. 93-1570, December 11, 1974]

Based on the foregoing, the Bureau originally proposed the following regulatory amendments in the original notice published May 20, 1975:

(1) *Definition of "destructive device".* The definition of "destructive device", found in Part 178, was proposed to be amended by the addition of language exempting antiques, such as muzzle-loading cannons used for sporting, recreational, or cultural purposes, from the term "destructive device". This proposal is not changed by this notice.

(§ 178.11 amended.)

(2) *Licenses.* Under the previous law, black powder in amounts of five pounds or less, for any purpose, was exempt from the licensing provisions of Part 181. Since Public Law 93-639 requires a determination as to whether commercially manufactured black powder in quantities of fifty pounds or less is going to be used solely for sporting, recreational, or cultural purposes, the original notice proposed that a retailer would be required to keep records certifying that the purchaser intended to use black powder in accordance with the provisions of the law. Further, the original notice also proposed a requirement that all persons selling black powder, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers, be licensed to permit ATF officers to maintain such a check on distributions of these materials. The Bureau's proposal on this issue has been changed to eliminate the requirement for licensing persons selling percussion caps, safety and pyrotechnic fuses, quills, and quick and slow matches, and friction primers. The new proposal is discussed more fully under "Amendments to the original notice".

(3) *User permits.* Under current regulations, a user permit is required in order to acquire explosive materials (except black powder in quantities of five pounds or less) in interstate or foreign commerce. As stated in the original notice, this requirement was proposed to be modified so that it would not be necessary for a person to obtain a user permit, if he intends to receive in interstate or foreign commerce, commercially manufactured black powder in quantities not to exceed fifty pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers, to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices. In this notice we are still proposing that it would not be necessary to obtain a user permit in order to receive in interstate or foreign commerce fifty pounds or less of commercially manufactured black powder, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices; however, as discussed under "Amendments to the original notice", we are eliminating reference to percussion caps and certain igniters from regulatory requirements.

(§§ 181.26 and 181.41 amended.)

(4) *Transaction record for black powder and certain igniters to be used in antique firearms and antique devices.* The original notice of proposed regulations provided that a licensee or permittee could sell to a nonlicensee or nonpermittee commercially manufactured black powder in quantities not to exceed fifty pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers, to be used in antique firearms and in antique devices. However, the seller would be required to record the transaction on new ATF Form 5400.3. Further, the original notice proposed a requirement that purchasers of black powder and igniters would certify (by executing the transaction form) that the materials purchased were intended for sporting, recreational, or cultural purposes. In addition, the original notice proposed a requirement that sellers of such materials forward a second copy of executed Form 5400.3 to the appropriate ATF office within a specified time period.

The requirements concerning the preparation and disposition of Form 5400.3, as well as the information to be shown on the form, are being changed somewhat by this notice. These changes are more fully discussed under "Amendments to the original notice".

Along with the preceding proposed regulatory amendments to implement Public Law 93-639, two additional proposals were included in the original notice. The first involved an administrative change which proposed to provide alternate methods or procedures, in lieu of methods or procedures prescribed in Part 181.

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Under the proposed amendments, subject to certain conditions, the Director could approve an alternate method or procedure if (a) good cause is shown, (b) the requested method or procedure is substantially equivalent to that prescribed, and (c) no increased cost to the Government or hindrance to the effective administration of the regulations will result. This proposal remains unchanged by this notice.

(§ 181.22 amended.)

The second, which involves Form 4710, Explosive Transaction Record, would (a) provide for the disposition of the copy of Form 4710 to be made in accordance with the instructions on the form—that is to the nearest Special Agent in Charge—rather than forwarding the copy to the regional director, and (b) inform licensees and permittees that supplies of Form 4710 may be obtained, upon request, from the Director. This proposal remains unchanged by this notice.

(§ 181.126 amended.)

OBJECTIONS TO THE ORIGINAL NOTICE

Approximately 250 comments were received on the proposals, all of which were either totally opposed to our interpretation of the law and our implementing regulations or opposed to particular portions of the proposed regulations. A large volume of the comments received mentioned three principal objections to the proposed regulations. Briefly, these objections were:

(1) The proposed regulations exempted black powder, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers, only if used for sporting, recreational, or cultural purposes in antique firearms, but not in replicas thereof. Those persons commenting pointed out that virtually all of the "antique" sporting firearms are actually replicas of expensive and fragile models. This objection apparently resulted because of a misunderstanding of the law. Public Law 93–839 provided for the use of black powder "in antique firearms as defined in section 921(a)(16) of title 18 of the United States Code". It should be noted that the definition of "antique firearms" in 18 U.S.C. 921(a)(16) encompasses replicas of antique firearms. Thus, black powder intended for sporting, recreational, or cultural purposes, may be used in replicas of antique firearms.

(2) The proposed regulations placed unnecessary controls on the sale of percussion caps and other igniters intended for lawful uses in sporting weapons. Those persons commenting on this matter asked that dealers in, and purchasers of, such igniters not be regulated and that the transaction record be eliminated for sales of such igniters. We have proposed changes as a result of this objection that are more fully discussed under "Amendments to the original notice".

(3) The proposed regulations greatly exceeded the intent of Congress in its passage of Public Law 93–639. Those persons commenting on this issue felt that the Congressional intent was to facilitate the purchase of black powder and igniters by sporting users, but that the proposed regulations had the effect of making purchases of these materails more difficult. Specifically, these persons objected to the proposed requirement that purchasers of black powder sign a form certifying that the powder was intended to be used for sporting, recreational, or cultural purposes. Also, objections were raised concerning the proposal that a second copy of the transaction form be executed and forwarded to ATF. We have further explained our essentially unchanged interpretation of Public Law 93–639, concerning a certification record to be maintained by licensees, and have discussed proposed liberalizing changes we are making regarding the preparation and disposition of the certification form under "Amendments to the original notice".

AMENDMENTS TO THE ORIGINAL NOTICE

Full and careful consideration was given to all the comments received and, as a result, several changes are being made to the original proposals. These are discussed below.

(1) *Controls on the sale of percussion caps and other igniters.* As summarized above, many individuals objected to the proposed requirements regarding certain igniters used in antique weapons. After thorough consideration of these comments and of our existing regulations, the Bureau has modified its original proposal. The Bureau has traditionally considered percussion caps and other igniters used in antique firearms as small arms ammunition and, as such, these are exempt from regulatory provisions under 18 U.S.C. 845(a)(4) and 27 CFR 181.141. The House Judiciary Committee only discussed black powder when addressing the expected Treasury regulations, and did not refer to igniters. In light of these facts, we now feel that our originally proposed restrictions on the sale, purchase, and use of percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers in antique firearms, are unnecessary and we are, therefore, eliminating these proposed requirements. Essentially, this would mean:

(a) An explosives license would not be required for those persons engaged in the business of selling these igniters.

(b) A person selling such igniters would not be required to maintain records of disposition of these items.

(c) A purchaser of these igniters would not be required to execute a transaction record on proposed Form 5400.3.

(§§ 181.26, 181.41, 181.105, 181.106, 181.108, 181.122, 181.123, 181.124, 181,125, 181.130 and 181.141 amended.)

(2) *Preparation and disposition of transaction records.* As discussed above, many persons commenting on the original proposal felt that the Bureau had exceeded the intent of Congress by requiring that purchasers of black powder provide identification and certification on a transaction form that black powder being purchased was intended for lawful purposes. We are still proposing that purchasers of black powder certify on Form 5400.3 that the black powder is intended for sporting, recreational, or cultural purposes in antique firearms or in antique devices. The report of the Judiciary Committee of the House of Representatives (Report No. 93–1570), stated that the Committee intended that "retailers will be required to keep records of their sales of black powder under the new exemption". The Committee further expected that ATF "establish forms to require sporting users to identify themselves on purchase of black powder". In addition to the above conditions, the Committee suggested that ATF could also "require that a purchaser-sportsman certify by affidavit that he intends to use the black powder for sporting, recreational or cultural purposes." We adopted this recommendation as it is a logical and simple solution to the problem of determining whether the black powder will be used for the purposes specified in the statutory exemption. The Bureau feels that because of these expectations, the intent of Congress in passing Public Law 93–639 was clearly to place certain requirements on sales of black powder so as to facilitate enforcement of the law and prosecution of violators. Thus, the Bureau cannot change its basic position concerning the requirements for licensing black power dealers, certification by purchasers of black powder, or maintenance of records of transactions in black powder, as proposed in the original notice.

The Bureau has, however, modified somewhat the information required to be shown on the transaction form and the disposition of the form. Under the modified proposal, the transaction form would reflect the following changes:

(a) A licensee would be required to prepare only one copy of the Form 5400.3 to be maintained on his business premises. The original proposal, which would have required a duplicate copy to be forwarded to ATF, on or before the close of business of the next business day, has been eliminated.

(b) A physical description of the purchaser that originally had been proposed for identification purposes has been eliminated. In lieu thereof, we are now proposing that only a positive identification, such as a driver's license, be presented as proof of identity at the time of sale.

(c) As mentioned in item (1) above, reference to percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers, is being deleted from the form.

In summation, under the current proposal, Form 5400.3 requires a licensee to obtain from a purchaser of commercially manufactured black powder under the new exemption, the purchaser's name and address and his certification that the black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices, as well as proof of identity that he is in fact the person certifying the form.

(§§ 181.105, 181.108, 181.122, 181.123, 181.124 and 18.125 amended and § 181.130 added.)

PUBLIC PARTICIPATION

Prior to final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226 (Attn: Chief, Regulations and Procedures Division), on or before January 21, 1976. Written comments or suggestions which are not exempt from disclosure by the Bureau of Alcohol, Tobacco and Firearms, may be inspected by any person upon compliance with 27 CFR 71.22(d)(7). The provisions of 27 CFR 71.31(b) shall apply with respect to designation of portions of comments or suggestions as exempt from disclosure. Any interested person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these amended proposed regulations should submit his request, in writing, to the Director, Bureau of Alcohol, Tobacco and Firearms, within the 30-day period.

The proposed regulations are to be issued under the authority contained in 18 U.S.C. 847 (84 Stat. 959) and 18 U.S.C. 926 (82 Stat. 1226).

SPECIFIC CHANGES TO THE REGULATIONS

In consideration of the foregoing, the following specific changes to the regulations are proposed. The proposals which follow include those published in the original notice that remain unchanged, as well as the modifications discussed above.

PARAGRAPH 1. Section 178.11 is changed by amending the definition of "destructive device." As changed, § 178.11 reads as follows:

§ 178.11 Meaning of terms.

* * * * *

Destructive device. (a) Any explosive, incendiary, or poison gas (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than 4 ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine, or (6) device similar to any of the devices described in the preceding subparagraphs of this definition; (b) any type of weapon (other than a shotgun or a shotgun shell which the Director finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (c) any combination of parts either designed or intended for use in converting any device into any destructive device described in paragraph (a) or (b) of this definition and from which a destructive device may be readily assembled. The term shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signalling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684 (2), 4685, or 4686 of title 10, United States Code; or any other device which the Director finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational, or cultural purposes.

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PAR. 2. Section 181.11 is amended to (1) change the definition of "Assistant Regional Commissioner", and (2) add a definition for "regional director" immediately following the definition of "Regional Commissioner". As amended § 181.11 reads as follows:

§ 181.11 Meaning of terms.

* * * * *

Assistant Regional Commissioner. Whenever used in this part shall mean a regional director as defined in this section.

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Regional director. A regional director who is responsible to, and functions under the direction and supervision of, the Director, Bureau of Alcohol, Tobacco, and Firearms.

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PAR. 3. Section 181.22 is revised to provide for alternate methods or procedures in lieu of methods or procedures prescribed in Part 181. As revised, § 181.22 reads as follows:

§ 181.22 Alternate methods or procedures; and emergency variations from requirements.

(a) *Alternate methods or procedures.* The permittee or licensee, on specific approval by the Director as provided by this paragraph, may use an alternate method or procedure in lieu of a method or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that—

(1) Good cause has been shown for the use of the alternate method or procedure;

(2) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure and that such alternate method or procedure is substantially equivalent to that specifically prescribed method or procedure; and

(3) The alternate method or procedure, he shall submit a written aplication of law and will not result in an increase in cost to the Government or hinder the effective administration of this part.

Where the permittee or licensee desires to employ an alternate method or procedure, he shall sumit a written application, in triplicate, to the regional director, for transmittal to the Director. The application shall specifically describe the proposed alternate method or procedure and shall set forth the reasons therefor. Alternate methods or procedures shall not be employed until the application has been approved by the Director. The permittee or licensee shall, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization of any alternate method or procedure may be withdrawn whenever, in the judgment of the Director, the effective administration of this part is hindered by the continuation of such authorization. As used in this paragraph, alternate methods or procedures shall include alternate construction or equipment.

(b) *Emergency variations from requirements.* The Director may approve construction, equipment, and methods of operation other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary and the proposed variations—

(1) Will afford security and protection that are substantially equivalent to those prescribed in this part;

(2) Will not hinder the effective administration of this part; and

(3) Will not be contrary to any provisions of law. Variations from requirements granted under this paragraph are conditioned on compliance with the procedures, conditions, and limitations set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the licensee or permittee thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variation may be withdrawn whenever, in the judgment of the Director, the effective administration of this part is hindered by the continuation of such variation. Where the licensee or permittee desires to employ such variation, he shall submit a written application, in triplicate, to the regional director, for transmittal to the Director. The application shall describe the proposed variation and set forth the reasons therefor. Variations shall not be employed until the application has been approved, except when the emergency requires immediate action to correct a situation that is threatening to life or property. Such corrective action may then be taken concurrent with the filing of the application and notification of the Director via telephone.

(c) *Retention of approved variations.* The licensee or permittee shall retain, as part of his records available for examination by alcohol, tobacco and firearms officers, any application approved by the Director under the provisions of this section.

PAR. 4. Section 181.26 is amended to provide that a nonlicensee or nonpermittee is not prohibited from shipping, transporting, or receiving in interstate or foreign commerce, commercially

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manufactured black powder in qualities not to exceed fifty pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices. As amended, § 181.26 reads as follows:

§ 181.26 Prohibited shipment, transportation, or receipt of explosive materials.

(a) No person, other than a licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee, shall transport, ship, cause to be transported, or receive in interstate or foreign commerce any explosive materials: *Provided*, That the provisions of this paragraph shall not apply to—

(1) The transportation, shipment, or receipt of explosive materials by a nonlicensed person or nonpermittee who lawfully purchases explosive materials from a licensee in a State contiguous to the purchaser's State of residence if, (i) the purchaser's State of residence has enacted legislation, currently in force, specifically authorizing a resident of that State to purchase explosive materials in a contiguous State, (ii) the provisions of § 181.105(c) are fully complied with, and (iii) the purchaser is not otherwise prohibited under paragraph (b) of this section from shipping or transporting explosive materials in interestate or foreign commerce or receiving explosive materials which have been shipped or transported in interstate or foreign commerce; or

(2) The lawful purchase by a nonlicensee or nonpermittee of commercially manufactured black powder in quantities not to exceed fifty pounds, if (i) the black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices, and (ii) the provisions of § 181.105(g) are fully complied with.

(b) No person may ship or transport any explosive material in interstate or foreign commerce or receive any explosive materials which have been shipped or transported in interstate or foreign commerce who (1) is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year, (2) is a fugitive from justice, (3) is an unlawful user of or addicted to marihuana (as defined in section 4761 of the Internal Revenue Code of 1954; 26 U.S.C. 4761) or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. 321 (v)), or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954; 26 U.S.C. 4731(a)), or (4) has been adjudicated as a mental defective or has been committed to a mental institution.

PAR. 5. Paragraph (a) of § 181.41 is amended to exclude users of commercially manufactured black powder in quantities not to exceed fifty pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices, from the permit requirements of Part 181. As amended, § 181.41(a) reads as follows:

§ 181.41 General.

(a) Each person intending to engage in business as an importer or manufacturer of, or a dealer in, explosive materials, including black powder, shall, before commencing such business, obtain the license required by this subpart for the business to be operated. Each person who intends to acquire for use explosive materials from a licensee in a State other than the State in which he resides, or from a foreign country, or who intends to transport explosive materials in interstate or foreign commerce, shall obtain a permit under the provisions of this subpart: *Provided*, That it is not necessary to obtain such permit if the user intends to lawfully purchase—

(1) Explosive materials from a license in a State contiguous to the user's State of residence and the user's State of residence has enacted legislation, currently in force, specifically authorizing a resident of that State to purchase explosive materials in a contiguous State, or

(2) Commercially manufactured black powder in quantities not to exceed fifty pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices.

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PAR. 6. A new paragraph (g) is added to §181.105, permitting a licensee to distribute commercially manufactured black powder in quantities not to exceed fifty pounds to a nonlicensee or nonpermittee, if (1) it is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices, and (2) a transaction records is executed. As added, new §181.105(g) reads as follows:

§ 181.105 Distributions to nonlicensees and nonpermittees.

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(g) Notwithstanding any other provision of this section, a licensed importer, licensed manufacturer, or licensed dealer, or a licensed manufacturer-limited or permittee disposing of surplus stocks, may sell or distribute commercially manufactured black powder in quantities of fifty pounds or less to a nonlicensee or nonpermittee if:

(1) The black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices, and

(2) The nonlicensee or nonpermittee furnishes to the licensee the transaction record, Form 5400.3, required by § 181.130.

PAR. 7. Paragraph (a) of § 181.106 is amended to provide that a licensee is not prohibited from distributing to an out-of-State nonlicensee or nonpermittee, commercially manufactured black powder in quantities not to exceed fifty pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices. As amended, § 181.106(a) reads as follows:

§ 181.106 Certain prohibited distributions.

(a) A licensed importer, licensed manufacturer, licensed manufacturer-limited, or licensed dealer shall not distribute explosive materials to any person not licensed or holding a permit under this part, who the licensee knows or has reason to believe does not reside in the State in which the licensee's place of business is located: *Provided*, That the foregoing provisions of this paragraph shall not apply to:

(1) The distribution of explosive material to a resident of a State contiguous to the State in which the licensee's place of business is located, if the requirements of § 181.105(c) are fully met, or

(2) The purchase of commercially manufactured black powder in quantities not to exceed fifty pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices, if the requirements of § 181.105(g) are fully met.

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PAR. 8. Section 181.108 is revised to provide procedures for the release from customs custody to a nonlicensee or nonpermittee, of imported commercially manufactured black powder in quantities not to exceed fifty pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices. As revised, § 181.108 reads as follows:

§ 181.108 Importation.

(a) Explosive materials imported or brought into the United States by a licensed importer or permittee may be released from customs custody to the licensed importer or permittee upon proof of his status as a licensed importer or permittee. Such status shall be established by the licensed imported or permittee furnishing to the customs officer a certified copy of his license or permit (see § 181.104).

(b) A nonlicensee or nonpermittee may import or bring into the United States commercially manufactured black powder in quantities not to exceed fifty pounds. Upon submitting to the customs officer completed Form 5400.3, certifying that the black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices, black powder may be released from customs custody. The disposition of the executed Form 5400.3 shall be in accordance with the instructions on the form.

(c) The provisions of this section are in addition to, and are not in lieu of, any applicable requirement under 27 CFR Part 47.

PAR. 9. Section 181.122 is amended to add a new paragraph (f) instructing licensed importers to maintain separate records of distributions of commercially manufactured black powder in quantities not to exceed fifty pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices. As amended, § 181.122 reads as follows:

§ 181.122 Records maintained by importers.

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(f) Each licensed importer shall maintain separate records of sales or other distribution made to nonlicensees or nonpermittees of commercially manufactured black powder in quantities not to exceed fifty pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices. Such records shall be maintained in the form and manner prescribed by § 181.130.

PAR. 10. Section 181.123 is amended to add a new paragraph (f) instructing licensed manufacturers to maintain separate records of distributions of commercially manufactured black powder in quantities not to exceed fifty pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices. As amended, § 181.123 reads as follows:

§ 181.123 Records maintained by licensed manufacturers.

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(f) Each licensed manufacturer shall maintain separate records of sales or other distributions made to nonlicensees or nonpermittees of commercially manufactured black powder in quantities not to exceed fifty pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices. Such records shall be maintained in the form and manner prescribed by § 181.130.

PAR. 11. Section 181.124 is amended to add a new paragraph (g) instructing licensed dealers to maintain separate records of distributions of commercially manufactured black powder in quantities not to exceed fifty pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices. As amended, § 181.124 reads as follows:

§ 181.124 Records maintained by dealers.

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(g) Each licensed dealer shall maintain separate records of the sales or other distributions made to nonlicensees or nonpermittees of commercially manufactured black powder in quantities not to exceed fifty pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices. Such records shall be maintained in the form and manner prescribed by § 181.130.

PAR. 12. Section 181.125 is amended to instruct licensed manufacturers-limited and permittees to maintain separate records of dispositions of surplus stocks of commercially manufactured black power in quantities not to exceed fifty pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices. As amended, § 181.125 (b) and (c) reads as follows:

§ 181.125 Records maintained by licensed manufacturers-limited and permittees.

* * * * *

(b) A licensed manufacturer-limited disposing of surplus stocks of explosive materials to other licensees or to permittees shall record in the permanent record not later than the close of the next business day following the date of the disposition, the information prescribed in § 181.123(c)(1). Each licensed manufacturer-limited shall maintain separate records of dispositions of surplus stocks of explosive materials to nonlicensees or nonpermittees. Such records shall be maintained in the form and manner as prescribed by § 181.126. Each licensed manufacturer-limited shall maintain separate records of dispositions of surplus stocks of commercially manufactured black powder in quantities not to exceed fifty pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices. Such records shall be maintained in the form and manner prescribed by § 181.130.

(c) Each permittee shall record in a permanent record the manufacturers' marks of identification (if any), the quantity and class of explosive materials, as prescribed in the Explosives List, he daily acquires, the date of such acquisition, and the name, address and license number of the person from whom explosive materials were obtained. The information required by this paragraph shall be recorded not later than the close of the next business day following the date of such acquisition. A permittee disposing of surplus stocks of explosive materials to other permittees or to licensees shall record in the permanent record not later than the close of the next business day following the date of the disposition, the information prescribed in § 181.124(d). Each permittee shall maintain separate records of dispositions of surplus stocks of explosive materials to nonlicensees or nonpermittees. Such records shall be maintained in the form and manner as prescribed by § 181.126. Each permittee shall maintain separate records of dispositions of surplus stocks of commercially manufactured black powder in quantities not to exceed fifty pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices. Such records shall be maintained in the form and manner as prescribed by § 181.130.

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PAR. 13. Section 181.126 is amended to (1) provide for the disposition of the copy of Form 4710 to be made in accordance with the instructions on the form, and (2) inform licensees and permittees that supplies of Form 4710 may now be obtained, upon request, from the Director. As amended, § 181.126 (c) and (f) reads as follows:

§ 181.126 Explosives transaction record.

* * * * *

(c) Form 4710 shall be completed in duplicate, the original of which shall be retained by the licensee or permittee as part of his permanent records in accordance with the requirements in paragraph (d) of this section, and the copy shall be forwarded in accordance with the instructions on the form, on or before the close of business on the business day next succeeding that on which the transaction occurs.

* * * * *

(f) A licensee or permittee may obtain, upon request, a supply of Form 4710 from the Director.

PAR. 14. A new section, § 181.130, is added immediately following § 181.129, providing instructions for the use of the new transaction record for commercially manufactured black powder in quantities not to exceed fifty pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices. As added, new § 181.130 reads as follows:

§ 181.130 Transaction record for black powder to be used in antique firearms or in antique devices.

(a) A licensee or permittee shall not sell or otherwise distribute to a nonlicensee or nonpermittee commercially manufactured black powder in quantities of fifty pounds or less, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices, unless he records the transaction on Form 5400.3.

(b) Prior to the sale or other distribution of the black powder in paragraph (a) of this section to a nonlicensee or nonpermittee who is acquiring it under the provisions contained in § 181.105(g), the licensee or permittee so distributing the black powder shall obtain an executed Form 5400.3 from the distributee. The Form 5400.3 shall contain all the information as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part.

(c) Form 5400.3 shall be retained by the licensee or permittee as part of his permanent records in accordance with the requirements of paragraph (d) of this section.

(d) Each Form 5400.3 shall be retained in numerical (by transaction serial number) order commencing with "1" and continuing in regular sequence. When the numbering of any series reaches "1,000,000," the licensee or permittee may recommence the series. The recommenced series shall be given an alphabetical prefix or suffix. Where there is a change in proprietorship, or in the individual, firm, corporate name, or trade name, the series in use at the time of such change may be continued.

(e) The requirements of this section shall be in addition to any other record-keeping requirement contained in this part.

(f) A licensee or permittee may obtain, upon request, a supply of Form 5400.3 from the Director.

V 401246 DEC 22 75 XUM

PAR. 15. Section 181.141 is revised to (1) delete the current general exemption from the regulations with respect to black powder in quantities not to exceed five pounds, and (2) insert a new paragraph (b) specifically addressing the exemption from the regulations of black powder as provided by Public Law 93–639. As revised, § 181.141 reads as follows:

§ 181.141 **Exemptions.**

(a) *General.* The provisions of this part shall not apply with respect to:

(1) Any aspect of the transportation of explosive materials via railroad, water, highway, or air which are regulated by the U.S. Department of Transportation, and agencies thereof.

(2) The use of explosive materials in medicines and medicinal agents in the forms prescribed by the official United States Pharmacopoeia, or the National Formulary.

(3) The transportation, shipment, receipt, or importation of explosive materials for delivery to any agency of the United States or to any State or political subdivision thereof.

(4) Small arms ammunition and components thereof.

(5) The manufacture under the regulation of the military department of the United States of explosive materials for, or their distribution to or storage or possession by, the military or naval services or other agencies of the United States.

(6) Arsenals, navy yards, depots, or other establishments owned by, or operated by or on behalf of, the United States.

(7) The importation and distribution of fireworks in a finished state, commonly sold at retail for personal use in compliance with State laws or local ordinances.

(8) Gasoline, fertilizers, propellant actuated devices, or propellant actuated industrial tools manufactured, imported, or distributed for their intended purposes.

(b) *Black powder.* The provisions of this part shall not apply with respect to commercially manufactured black powder in quantities not to exceed fifty pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers: *Provided,* That such black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms, as defined in 18 U.S.C. 921(a)(16), or in antique devices, as exempted from the term "destructive device" in 18 U.S.C. 921(a)(4), and the provisions of §§ 181.105(g) and 181.130 are fully complied with.

Signed: October 20, 1975.

Approved: December 11, 1975.

REX D. DAVIS,
Director.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-34344 Filed 12-19-75;8:45 am]

Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Change in Customs Region I

In order to increase administrative flexibility and improve overall management and efficiency in the Ogdensburg, New York, Customs district (Region I), it is proposed to revoke the designations of Fort Covington, New York, and Chateaugay, New York, as Customs ports of entry in the Ogdensburg, New York, Customs district (Region I), and to establish Fort Covington and Chateaugay as Customs stations under the supervision of the Trout River, New York, Customs port of entry in the same Customs district. The Customs station at Churubusco, New York, which is presently under the supervision of the Chateaugay, New York, port of entry, would also be placed under the supervision of the Trout River, New York, port of entry.

Therefore, notice is hereby given that by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 10 (40 FR 2216), it is proposed to revoke the designations of Fort Covington, New York, and Chateaugay, New York, as Customs ports of entry in the Ogdensburg, New York, Customs district (Region I), and to designate Fort Covington, New York, and Chateaugay, New York, as Customs stations under the supervision of the port of Trout River, New York, in the Ogdensburg, New York, Customs district. It is also proposed to place the Customs station of Churubusco, New York, presently under the supervision of the port of Chateaugay, New York, under the supervision of the port of Trout River, New York. §§ 1.2(c) and 1.3(d) of the Customs Regulations (19 CFR 1.2(c), 1.3(d)) would be amended accordingly.

A similar notice of proposed rulemaking was published in the FEDERAL REGISTER on March 9, 1971 (36 FR 4547). However, no action was taken on that proposal.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To ensure consideration, communications must be received on or before January 21, 1976.

Written material and suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Dated: December 10, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-34471 Filed 12-19-75;8:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers

[33 CFR Part 214]

[ER 500-2-2]

EMERGENCY SUPPLIES OF DRINKING WATER

Emergency Employment of Army and Other Resources

Notice is hereby given that the regulation set forth in tentative form below is proposed by the Secretary of the Army, acting through the Chief of Engineers, to prescribe policies and provide guidance implementing an amendment of Public Law 84–99, Emergency Flood Control Work (33 USC 701n). The proposed regulation established procedures to be taken by the Corps of Engineers to initiate furnishing emergency supplies of clean drinking water pursuant to Public Law 84–99, as amended.

Prior to issuing the final regulation, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing 45 days from the date of this FEDERAL REGISTER to: Chief of Engineers, ATTN: (DAEN–CWO–E), Department of the Army, Washington, D.C. 20314.

Until the final regulation is issued, these proposed rules will provide interim guidance to all Corps of Engineers field operating agencies.

Dated: December 12, 1975.

RUSSELL J. LAMP,
Colonel, Corps of Engineers Executive.

It proposed to amend Title 33 of the Code of Federal Regulations by adding Part 214 as follows:

Sec.

214.1 Purpose.
214.2 Applicability.
214.3 Reference.
214.4 Additional authority.
214.5 Policy.
214.6 Discussion.
214.7 Exclusions.
214.9 Requirements.
214.10 Types of assistance.
214.11 Costs.

AUTHORITY: Pub. L. 84–99, as amended, Emergency Flood Control Work 33 U.S.C. 701n; (69 Statute 186), dated June 28, 1955.

§ 214.1 Purpose.

This provides information, guidance, and policy for execution of the Chief of Engineers' authority to furnish supplies of clean drinking water pursuant to Pub. L. 84–99, as amended by Section 82(2), Pub. L. 93–251 (88 Stat. 34).

§ 214.2 Applicability.

This regulation is applicable to Corps of Engineers field operating agencies assigned Civil Works activities, including the USAED Alaska, and the Pacific Ocean Division. Its provisions are applicable within the 50 states, and the District of Columbia, Puerto Rico, Virgin Islands, American Samoa, and Guam.

§ 214.3 Reference.

(a) Pub. L. 84–99, as amended (33 U.S.C. 701n).

(b) Pub. L. 93–251, Section 82(2).

(c) ER 500–1–1.

§ 214.4 Additional authority.

Section 82(2), Pub. L. 93–251, dated 7 March 1974, revised Pub. L. 84–99, as amended, by adding the following new sentence. "The Chief of Engineers, in the exercise of his discretion, is further authorized to provide emergency supplies of clean drinking water, on such terms as he determines to be advisable, to any locality which he finds is confronted with a source of contaminated drinking water causing or likely to cause a substantial threat to the public health and welfare of the inhabitants of the locality." This authority expands the measures the Chief of Engineers may employ in providing emergency relief pursuant to Pub. L. 84–9.

§ 214.5 Policy.

Emergency work under this authority will be applied to situations in which the source of water has become contaminated. The contamination may be accidental, deliberate, or caused by natural events. However, loss of the water source or supply due to any cause is not included in the language of Section 82(2), Pub. L. 93–251, and furnishing emergency supplies by the Corps of Engineers under those situations was not intended by this legislation. Approval of measures to furnish clean drinking water will be pursuant to this regulation, and in accordance with procedures outlined in ER 500–1–1 by HQDA (DAEN–CWO–E) WASH DC 20314. DAEN–CWO–E will be notified by telephone when the emergency water situation becomes known.

§ 214.6 Discussion.

(a) The amendment provides for furnishing emergency supplies of drinking water. The method of furnishing those supplies is not provided for in the amendment, and is left to the discretion of the Chief of Engineers. Any feasible method, including restoration of service from an alternate source when the main source has been contaminated, is authorized where most feasible (however, see paragraphs (d) and (e) of this section).

(b) The scope of work is limited solely to providing emergency supplies of clean drinking water. Sewage treatment and disposal, and other sanitary requirements, are not included. In addition, the Corps of Engineers role in providing emergency supplies is a temporary measure until the locality is able to assume their responsibility. The locality is ultimately responsible for providing supplies of drinking water.

(c) The cause of the contamination may be due to any situation, not necessarily flood related. It encompasses all situations involving contaminated source of drinking water, whether caused by flooding or otherwise.

(d) To be eligible, a locality must be confronted with a source of water that is contaminated. The loss of clean drinking water must not be solely the result of a failure in the distribution system. For example, the emergency could be due to a failure of a reservoir purification system, and the locality might thus be faced with a contaminated source. Furnishing of emergency supplies of clean drinking water may not be undertaken in these cases since the distribution system is not considered to be a source.

(e) Employment of the authority under the amendment requires a finding by the Chief of Engineers, or his delegate, that there is, in fact, a contaminated source of drinking water. A loss of supply or distribution is not in itself a justification for furnishing supplies of water by the Corps of Engineers under this authority.

(f) The contamination must cause or be likely to cause a substantial threat to the public health and welfare. An identifiable and defined threat of impairment to the public health and welfare is considered necessary. There is no requirement, however, that actual sickness exist from contaminated water to invoke the authority. But a clear threat must be established. Lack of palatability, in itself, may not constitute a serious health threat (see § 214.9(d)).

(g) Inhabitants of the locality, rather than commercial enterprises, are identified as the group threatened. A business firm faced with contamination of water used in its process is not eligible. The drinking water used by the people in the area must be affected.

§ 214.7 Delegation of Authority.

The authority to approve measures for furnishing emergency supplies of clean drinking water pursuant to the Section 82(2), Pub. L. 93–251 amendment of Pub. L. 84–99, is delegated to division engineers, up to a $50,000 expenditure for the incident. Additional obligational authority of Code 400 funds will be obtained from DAEN–CWO–E prior to authorizing the proposed added work.

§ 214.8 Exclusions.

The authority does not require correcting the contamination, or repair of water systems so that clean drinking water supplies become available again. Reestablishing community water supplies remains the responsibility of local government and other Federal programs. These methods may be employed under the authority, if they are the most feasible ways to provide emergency supplies of clean drinking water, but there is no mandate to do so. To the extent state or local governments can provide water with their own resources, the locality will be excluded from the provision of emergency supplies under Pub. L. 84–99. In general, the following situations are not considered to be appropriate for Corps action under this authority:

(a) Contamination which causes a loss of palatability, but poses no material threat to public health and welfare.

(b) Contamination, such as by bacteria, which can be reduced to a safe level by the users boiling the water.

(c) Confrontation with normal levels of impurities or contaminants in a drinking water source that does not pose substantial threat to the public health.

(d) Contamination by natural intrusions over a period of time, which are known to be occurring and which may accumulate in sufficient concentrations to pose a future health threat, but which have not yet reached the level of a present hazard.

(e) Loss or diminishing of a water source, due to such things as an earthquake or drought.

(f) Contamination of a drinking water source as a regular occurrence due to recurring events such as drought or flooding, when no corrective community action has yet been initiated.

(g) Contamination which, while posing a substantial threat to health and welfare, can be corrected by local authorities, other Federal authorities, or other appropriate means before emergency supplies are deemed necessary.

§ 214.9 Requirements.

Providing emergency supplies of clean drinking water pursuant to the emergency functions of the Corps of Engineers is supplemental to the efforts of the community. Such actions must be in accordance with both Federal and municipal authorities. Corps response must be restricted to requests for assistance received from an appropriate state official. Each request must be considered on its own merits. The factors in each case may vary, but the following should be included in the evaluation.

(a) Whether the criteria required by the law and outlined in § 214.6 have been met.

(b) The extent of state and local efforts to provide clean drinking water and their capability to do so. Corps efforts to provide temporary supplies of drinking water must be limited to measures clearly beyond the resources reasonably available to the state and locality.

(c) The adequacy of the state or local community agreement to mutually participate with the Federal government, on terms determined advisable by the Chief of Engineers, or his delegate, which must include the following:

(1) To provide, without cost to the United States, all lands, easements, and rights-of-way necessary for the authorized work.

(2) To hold and save the United States free from damages in connection with the authorized work other than negligence attributable to the United States or its contractor.

(3) To maintain and operate in a manner satisfactory to the Chief of Engineers all installed work during the emergency.

V40246 DEC 22 75 XUM

(4) To remove when determined feasible by the district engineer, at no cost to the Federal government, the installed equipment at the end of the emergency and return it to the Corps of Engineers.

(5) As soon as possible to actively initiate measures required to resolve the emergency situation.

(d) The provision of water quality statements with the request, and the identification of the threat to public health and welfare as determined by recognized authorities such as the State Health Department, Environmental Protection Agency, or recognized commercial laboratory.

(e) The identification of the affected area as a legally recognized governmental body or public entity that exercises a measure of control in the common interest of the inhabitants.

§ 214.10 Types of Assistance.

The temporary emergency supplies of clean drinking water may be provided through such actions as:

(a) The use of water tank trucks to haul clean drinking water from a nearby known safe source to water points established for local distribution.

(b) Procurement and distribution of bottled water.

(c) Laying of temporary above ground water lines from a nearby safe source of water to the affected community where water points for local distribution can be established.

(d) Installation of temporary filtration.

§ 214.11 Costs.

Costs incurred by the Corps of Engineers in furnishing emergency supplies of clean drinking water are chargeable to PL 84–99 funds, 96X3125, Code 910–400 and repayment by the community generally will not be required. Costs of necessary measures for the decontamination of the water supply source are the responsibility of local governments and are not authorized under Pub. L. 84–99.

For the Chief of Engineers.

[FR Doc.75-34362 Filed 12-19-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Parts 1824, 1901]

PROGRAM-RELATED INSTRUCTIONS

Environmental Impact Statements Proposed Redesignation-Revision

Notice is hereby given that the Farmers Home Administration (FmHA) has under consideration the establishment under Chapter XVIII, Title7, a new subchapter H—"General,—Part 1901, Program-Related Instructions," in the Code of Federal Regulations, Subpart G, "Environmental Impact Statements," of this new Part 1901 is transferred and redesignated from Part 1824 of this Chapter XVIII, and has been revised including a change in title. This revision covers all Agency programs and provides for companies with the National Environmental Policy Act and related guidelines issued by the Council on Environmental Quality.

Interested persons are invited to submit written comments, suggestions, data or arguments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, United States Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before January 21, 1976. All written submissions made pursuant to this notice will be made available from public inspection at the Office of the Chief, Directives Management Branch, during regular business hours (8:15 a.m.–4:45 p.m.).

Part 1824 is redesignated as Part 1901.

As proposed, Subpart G of Part 1901 as revised and redesignated, reads as follows:

Subpart G—Environmental Impact Statement

Sec.

1901.301 Purposes.
1901.302 Policy.
1901.303 Scope.
1901.304 Identifying actions that may significantly affect the environment.
1901.305 Environmental impact assessments.
1901.306 Coordination with other agencies.
1901.307 Draft and final Environmental Impact Statements.
1901.308 State and local agency review of Environmental Impact Statements.
1901.309 Emergency circumstances.
Exhibit A—Assessing Environmental Impact.
Exhibit B—Cover page for Environmental Impact Statements.
Exhibit C—Summary to accompany Environmental Impact Statements.
Exhibit D—Content of Environmental Impact Statements.

AUTHORITY: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; Sec. 10 Pub. L 93–357, 88 Stat 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec for Rural Development, 7 CFR 2.70.

Subpart G—Environmental Impact Statements

§ 1901.301 Purpose.

This subpart provides agency policies, procedures, and guidelines for compliance with section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality (CEQ) Guidelines for Environmental Impact Statements, August 1, 1973, and the Secretary of Agriculture's Memorandum 1695, Supplement 4 (revised). Such compliance includes the preparation of environmental assessments and when needed, the preparation, circulation, and review of Environmental Impact Statements (EIS).

§ 1901.302 Policy.

(a) The Farmers Home Administration (FmHA) will consult with appropriate Federal, State, and local agencies and other organizations and individuals to assess environmental impact of any proposed FmHA actions that the State Director determines will significantly affect the environment. The agency will act to avoid or minimize adverse environmental effects, including secondary effects, and restore or enhance environmental quality.

(b) The requirements of this subpart will be complied with before any agency decision is made about legislation or agency action is completed on making, modifying or establishing regulations, procedures and policy, approving loans or grants, and before funds are made available to a borrower or grantee.

(c) FmHA will assess experience in implementing section 102(2)(C) of NEPA to assure compliance with NEPA requirements and that environmental safeguards are executed according to plan. As appropriate, the Department of Agriculture and CEQ will be informed of problems encountered, and suggestions will be made for additional criteria and guidance needed for full compliance with the NEPA process.

§ 1901.303 Scope.

This subpart covers the following types of actions: new and continuing program activities; recommendations or favorable reports on legislation including requests for appropriations; and making, modifying or establishing regulations, procedures, and policy.

(a) *Program actions requiring an environmental assessment.* Specifically, the following agency actions are presumed to possibly be significant actions under NEPA and, therefore, will require an environmental assessment. If it is determined that the action will have a significant environmental impact, an EIS will be prepared before any funds are committed to the action.

(1) Loans and grants for the development of business and industry.

(2) Loans for multiple housing projects of more than 50 units.

(3) Loans for more than 25 one- to four-family-dwelling units in a subdivision.

(4) Loans in rural areas to construct, enlarge, extend, or otherwise improve:

(i) Community water, sanitary sewage, solid waste disposal, and storm waste water disposal systems.

(ii) Other essential community facilities such as fire and rescue, health, safety, public buildings, schools, transportation, traffic, and law enforcement.

(b) *Legislation.* The CEQ and the Office of Management and Budget (OMB) will provide guidance as needed to assist in identifying the need for EIS and for recommendations or favorable reports on legislation including requests for appropriations. When needed, EIS will be prepared before submitting legislative proposals to OMB. The final EIS, along with comments received on the draft statement, will be made available to the Congress and to the public for consideration in connection with the proposed legislation or report. When the scheduling of Congressional hearings on legislation does not allow adequate time, a draft environmental statement may be provided pending transmittal of comments received and a final statement.

(c) *Program regulations, procedures, and policies.* Environmental assessments and impact statements, when needed, will be prepared when making, modifying or establishing regulations, procedures and policy and for ongoing projects and programs to avoid or minimize adverse environmental effects. Attention should be given to significant environmental considerations not fully evaluated at the time prior loans were made including those prior to enactment of NEPA. Before any additional or subsequent financial assistance is extended in such cases, appropriate action will be taken when needed to mitigate to the extent possible any adverse environmental effects.

(d) *Program actions not requiring an environmental assessment.* The following agency actions are generally presumed not to be significant actions under NEPA and will therefore not usually require an environmental assessment. However, when the unusual circumstances of a specific case indicate a possible significant environmental effect, or that the action might become a controversial issue, and an environmental assessment results in a determination of significant effect, an EIS will be made.

(1) Loans to individual farmers in rural areas for the purchase, development, and operation of family farms.

(2) Loans to individual families in rural areas for the purchase, construction, or improvement of single residences.

(3) Loans in multiple housing facilities of not more than 50 dwelling units.

(4) Loans in housing subdivisions of not more than 25 one- to four-family-dwelling units.

(5) Loans to family farmers and other rural residents to develop land, water, and other related resources for increased production of food and fiber crops, improved pastures, feed crops and water facilities for livestock, and improved habitats for fish and wildlife.

(6) Emergency loans to farmers in declared or designated areas as a result of a major or natural disaster.

§ 1901.304 Identifying actions that may significantly affect the environment.

(a) In assessing significant environmental impact of a proposed action, all aspects of environmental impact will be considered, including those listed in Exhibit A of this subpart. A Federal action significantly affecting the quality of the human environment must be viewed as to the overall, cumulative impact of the proposed action, related Federal actions in the area, and further actions contemplated. Significant impacts may include both beneficial and detrimental effects, even if on balance, the effect will be beneficial. Secondary effects such as associated investments and changed patterns of social and economic activities may, through their impact on existing community facilities and activities, be more significant than the primary action.

(b) An action which significantly affects the quality of the human environment may directly or indirectly affect human beings through effects on the natural environment. Significant environmental effects, however, may sometimes be difficult to define precisely and uniformly due to variation of social, economic, political and ecological conditions. Therefore, sound judgment must be used in determining when environmental statements are required.

(c) Controversy also is a factor to consider in determining if a proposed action is significant. For example, is the action likely to involve the public in an active controversy based upon environmental issues? Will the action have a significant effect on normal economic, social and political processes?

§ 1901.305 Environmental impact assessments.

(a) The FmHA official who receives a preapplication or application for a loan or grant that might have a significant impact on the environment will:

(1) Request the applicant to complete Form FmHA 449–10, "Applicant's Environmental Impact Evaluation."

(2) Complete Form FmHA 440–46, "Environmental Impact Assessment," based upon Form FmHA 449–10 and other information.

(3) Submit both forms and other related information, as a part or the preapplication or application to the State Director.

(b) Applicants may be requested to provide analyses and information for use in making environmental impact assessments and statements. However, in all cases, evaluation of the environmental issues, completion of an environmental assessment and, if needed, preparation of draft and final environmental impact statements will be the responsibility of agency officials.

(c) The State Director will determine the need for an EIS in connection with the loan or grant applied for based upon the material received and any additional information needed for a proper assessment. Appropriate officials of other Federal agencies from which funds also may be obtained should assist in making the assessment.

(d) If the State Director determines that an EIS is not needed, then the clearinghouse and Federal, State, and local agencies (having jurisdiction by law or special expertise or authority to develop and enforce environmental standards), and the applicant will be advised that the loan or grant requested will have no significant impact on the environment. A draft EIS will not be prepared unless additional information or subsequent action indicates the need for one. The State Office will keep a record of "determinations of no significant effect."

§ 1901.306 Coordination with other agencies.

(a) When other agencies are directly involved in an FmHA action that requires an EIS, the State Director will contact the agencies concerned to determine if a joint statement will be prepared and if a single lead agency will assume primary responsibility for preparing a statement. As necessary, the Office of the Coordinator of Environmental Quality Activities, USDA, will be consulted and, if appropriate, assistance will be obtained from CEQ. Factors relevant in determining an appropriate lead agency include the time sequence in which the agencies become involved, the magnitude of their involvement, and their expertise with respect to the proposed activity and related impacts.

(b) When a lead agency is ageed upon other than FmHA, FmHA will provide that agency with information about its respective areas of jurisdiction and expertise. The lead agency will discuss the development of statements with FmHA and other agencies and submit working drafts to them for comments and suggestions. Statements will indicate agency participation and concurrence. Such statements should contain an environmental assessment of the full range of Federal actions involved, reflect the views of all participating agencies, and be prepared before major or irreversible actions have been taken by any of the participating agencies.

§ 1901.307 Draft and final Environmental Impact Statements.

(a) *Explanation of EIS format.* A draft EIS is the first formal statement for filing with CEQ and for review and comment by other agencies and the public. It must fulfill and satisfy, to the fullest extent possible, the requirements established for a final EIS by section 102(2)(C) and other responsibilities set out in section 2 and Title I of NEPA. A final EIS reflects the results of the draft review process. It also is filed with CEQ.

(1) Exhibit B shows the format of the cover page for an EIS, Exhibit C is a guide for preparing a summary sheet that must accompany each EIS, and Exhibit D indicates the information needed in an EIS.

(2) No action that requires an EIS will be taken by FmHA before 90 days has elapsed after the date CEQ publishes the notice of public availability of such statements in the FEDERAL REGISTER or 30 days has elapsed after publishing the notice for final statement. These periods may run concurrently to the extent that they overlap.

(b) *Preparation of EIS by another agency.* If an EIS is needed for a project involving another Federal agency, the State Director will contact that agency to determine agency relationships and responsibilities in the preparation of the statement in accordance with § 1901.306. If the EIS will be prepared by a lead agency other than FmHA, the State Director will so notify the clearinghouse and the County Supervisor.

(c) *Preparation of EIS by FmHA.* If no other agency is involved or FmHA is the lead agency for the preparation of the EIS, the State Director will notify the clearinghouse that, based upon an environmental assessment of the loan or grant requested, a determination has been made that an EIS will be prepared by FmHA.

(1) The State Director will request the District Director and County Supervisor to provide information needed for the preparation of the statement.

(2) The County Supervisor will notify the applicant in writing that an EIS will be prepared, and that final action will not be taken on the application until

V 40 246 DEC 22 75 XUM

such statement has been prepared in accordance with this subpart.

(3) On receiving the needed information, the State Director will prepare and process the draft EIS. The State Director will send 25 copies to the National Office, 2 copies to the clearinghouse, and a copy to regional, State, or other field offices of the Environmental Protection Agency (EPA) as well as to other appropriate Federal agencies and interested organizations and individuals. Comments on the draft will be requested within 45 days.

(4) The State Director will prepare and process the final EIS taking into consideration comments received on the final statement and any other pertinent information. Any comments received on the final statement that warrant further consideration before loan or grant closing should be referred to the Administrator for instructions on actions to be taken.

(5) The State Director will send 5 copies of draft and final impact statements to CEQ. Two copies of the summary sheet will be sent to the Office of Management and Finance (OMF) of USDA for referal to OMB.

(6) If the proposed action to be financed with loan or grant funds is highly controversial and there is strong indication that a public hearing might be appropriate for providing the public with relevant information, the State Director will consider:

(i) The magnitude of the proposal in terms of economic costs, the geographic area, and uniqueness or size of commitment of resources;

(ii) The degree of interest in the proposal, as evidenced by requests from the public and from Federal, State, and local authorities that a hearing be held;

(iii) The complexity of the issue and the likelihood that information will be presented at the hearing that will be of assistance to the agency in fulfilling its responsibilities under the Act; and

(iv) The extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizen representatives, and written comments on the proposed action.

(7) If a determination is made that a public hearing is appropriate, then the applicant will be advised that an EIS is required and that a public hearing is requested regarding the environmental aspects of the proposed action. A draft EIS will be prepared and made available to the public at least 15 days before such hearings.

(8) Necessary attention will be given to appropriate consultation and coordination in accordance with the requirements of the Fish and Wildlife Coordination Act or the Wildlife requirement of the Watershed Protection and Flood Prevention Act, National Historic Preservation Act and section 4(f) of the Department of Transportation Act 49 U.S.C. 1653(f). To the extent possible statements or findings required by these statutes concerning environmental impact should be combined with the EIS requirements of section 102(2)(C) of NEPA to yield a single document which meets all applicable requirements.

§ 1901.308 State and local agency review of Environmental Impact Statements.

(a) The system of clearinghouses described in OMB Circular A-95 provides for obtaining the views of State and local environmental agencies on proposed FmHA projects to which the Circular applies. Under Part I of A-95, review of the proposed project in the case of Federally assisted projects generally takes place before preparing the impact statement. Therefore, comments obtained on the environmental effects of the proposed project represent inputs to the EIS.

(b) Comments made on environmental effects of proposed Federal or Federally assisted projects by clearinghouses, or by State and local environmental agencies through clearinghouses, in the course of the A-95 review, should be attached to the draft EIS when it is circulated for review.

(c) Copies of the draft statement should be sent to the agencies making such comments, so that they may comment again if they wish.

(d) The clearinghouses also may be used, by mutual agreement, for obtaining reviews of the draft EIS. However, FmHA may wish to deal directly with appropriate State or local agencies in the review of statements. In some cases, the Governor may have designated a specific agency other than the clearinghouse for such reviews. In any case, the clearinghouses should be sent both draft and final copies of the statements.

(e) To aid clearinghouses in coordinating State and local comments, draft statements should include copies of State and local agency comments made earlier under the A-95 process and should indicate on the summary sheet those other agencies from which comments have been requested.

§ 1901.309 Emergency circumstances.

(a) If any emergency makes it necessary to take an action with significant environmental impact without observing the minimum periods for agency review and advance availability of EIS, the State Director will submit to the Administrator:

(1) Complete documentation of the emergency circumstances, and

(2) Recommendations for consulting with CEQ about alternative arrangements.

(b) When there are overriding considerations of expense to the Government or impaired program effectiveness, the Administrator will consult with CEQ about appropriate modifications of minimum periods for review of draft and final EIS.

EXHIBIT A—ASSESSING ENVIRONMENTAL IMPACT

In assessing the environmental impact of a proposed action, the following environmental aspects including social and economic effects as well as physical, will be considered:

A. Air. How and to what extent will the action affect the air quality? Will it contribute to a degradation of air quality? Will it cause changes in chemical and physical composition?

B. Water. How and to what extent will the action affect the availability, supply, use and quality of water?

1. Will the action cause marine pollution or affect commercial fishery and shellfish sanitation?

2. Will it affect waterway regulation and stream modification activities?

3. Will the action divert water from one basin to another and have a significant effect on the quality or quantity of water in either basin?

4. Will the action contribute to a significant depletion or degredation of ground or surface water?

C. Fish and wildlife. How and to what extent will the action affect biological and economic considerations related to effective management of fish and wildlife.

D. Solid Waste. How will the proposed action affect activities related to the creation, management, and disposal of solid waste materials? What type of solid waste will be generated as a result of the action?

E. Noise. Will the proposed action result in kinds of noises and noise levels that will be disturbing or a nuisance in the immediate and overlying areas?

F. Radiation. Will the proposed action create heat, noise, energy waves, electrical or radioactive effects, physical vibrations, or other thermal, electrical or microwave activity that will be disturbing or a nuisance or create interference in the immediate and outlying areas?

G. Hazardous substances. Will the proposed action create or generate any substances, materials, or activities that are dangerous because of toxicity, flammability, combustible or explosive tendancies or characteristics. Will it create or generate substances that might result in contamination of food, clothing, or other materials?

H. Energy supply and natural resources development. 1. Electric energy development, generation, transmission and use.

2. Petroleum development, extraction, refining, transport and use.

3. Natural gas development, production, transmission and use.

4. Coal and minerals development, mining, conversion, processing, transport and use.

5. Renewable resource development, production, management, harvest, transport and use.

6. Energy and natural resources conservation.

7. Allocation and utilization of energy.

I. Land use and management. 1. Land use changes, planning, and regulation of land development.

2. Public land management.

J. Protection of environmentally critical areas. Floodplains, wetlands, beaches and dunes, unstable soils, steep slopes, aquifer recharge areas.

K. Land use in coastal areas.

L. Redevelopment and construction in builtup areas.

M. Density and congestion mitigation.

N. Neighborhood character and continuity.

O. Impacts on low-income populations.

P. Historic, architectural, and archeological preservation. Will the action have a significant effect on areas of recognized archelogical value or properties listed on, or being considered for nomination to, the National Register of Historical Places?

Q. Soil and plant conservation and hydrology.

R. Community recreation facilities—indoor—outdoor. Will the action have a significant effect on public parks or other areas of recognized scenic or recreational value?

S. Settlement patterns.

T. Changes in utility requirements and delivery systems.

U. Changes in social service demands.

V. Population movements—immigration—emigration.

W. Commercial and industrial complexities.

X. Educational facilities and delivery systems.

Y. Health and medical facilities and delivery systems.

Z. Transportation and communication systems and networks. Highways, roads, streets, railroads, airports, TV, radio, telephone, telegraph, microwave, signals.

EXHIBIT B—COVER PAGE FOR ENVIRONMENTAL IMPACT STATEMENTS

Each environmental impact statement will have a cover page with information similar to that shown in the box. (Headings in the left column are for guidance only and should not be listed.)

COVER PAGE

Report number	USDA-FmHA-EIS-ADM-ALA-75-1 [1]
Title of project	Beaver Creek Community, Ford, Alabama. Water and Sewer System.
Subtitle	(Draft) or (Final) Environmental Statement.
Name, title, address, and telephone number of FmHA official who prepared statement.	John A. Garrett, State Director, 474 South Court Street, Montgomery, Alabama 36104, FTS: 205-263-7302, Com: 205-265-5611 Ext. 302.
Applicant's name and address	Beaver Creek Community, Ford, Alabama 36104.
Date prepared	February 29, 1975.
Sponsoring agency (name and address).	Prepared by USDA—Farmers Home Administration, U.S. Department of Agriculture, Farmers Home Administration, 474 South Court Street, Montgomery, Alabama 36104.

[1] U.S. Department of Agriculture, Farmers Home Administration, Environmental Impact Statement (Administrative), State Fiscal Year 1975, sequential number 1 within the year. Draft (D) and final (F) statements for the same project should be designated as "D" or "F" and assigned identical report numbers even though the final statement may be prepared in a subsequent fiscal year.

EXHIBIT C—SUMMARY TO ACCOMPANY ENVIRONMENTAL IMPACT STATEMENTS

Each environmental impact statement will include a summary sheet with information in the following format:

SUMMARY SHEET

Environmental Impact Statement, prepared in Accordance With Section 102(2)(C) of P.L. 91-190. United States Department of Agriculture, Farmers Home Administration.

Prepared by name-title-address-telephone, title of Statement, (name of proposed action and applicant), draft statement □, final statement □, administrative action □, legislative action □.

Brief description of action and its purpose; location of activity; State and county, kind and amount of assistance requested from FmHa and other sources, if any; estimated total cost of activity; kind of facility or activity to be developed; estimated dates for starting and completing development. Indicate any other proposed Federal actions in the area that are related to and discussed in the statement, if any.

Summary of environmental impacts and adverse environmental effects.

Summary of major alternatives considered.

For draft statements list all Federal, State, and local agencies and other parties from which comments were requested.

For draft statements list all Federal, State, and local agencies and other parties from which comments were received.

This statement sent to CEQ on

_____
(Date)

Draft stateemnt sent to CEQ on

_____
(Date)

_____
(Enter only on final EIS)

EXHIBIT D—CONTENT OF ENVIRONMENTAL IMPACT STATEMENTS

Information should be presented in a form easily understood, giving attention to the substance of the information rather than to the particular form, length, or details of the statement. A systematic, interdisciplinary approach integrating the natural and social sciences and environmental design arts will be used. Information need not always occupy a distinct section of the statement if it is otherwise adequately covered in discussing the impact of the proposed action and its alternatives. Environmental impact statements will include the following headings in the order listed:

ENVIRONMENTAL IMPACT STATEMENT

United States Department of Agriculture, Farmers Home Administration, prepared by name-title-address-telephone, title of statement, (name of proposed action and applicant), draft statement □ final statement □ administrative action □ legislative action □.

Description. Deseribe the proposed action clearly including enough information and technical data to give readers a clear understanding of the nature of the proposed action. Highly technical and specialized analyses and data should, if needed, be attached to this statement. Where appropriate, describe the present environment, location, size, land ownership and status, physiograph, ecosystems, climate, and other special features. Where relevant, provide maps or other graphic material. Give the objectives and purposes of the proposal, along with other relevant background information.

The interrelationships of the proposed action with other projects and possible cumulative effects should be presented. Identify growth characteristics of the affected area and any population and growth assumptions used. Use OBERS Projections (compiled by the Bureau of Economic Analysis of the Department of Commerce and the Economic Research Service of the Department of Agriculture for the Water Resources Council) if available.

Describe the relationship of the proposal to land use plans, policies, and controls for the affected area. If conflicts exist, the proposed resolution of these conflicts or the reasons why they cannot be resolved must be thoroughly addressed.

Environmental impacts. Analyze and describe both the anticipated favorable and adverse impacts of the proposed action as it affects the environment. Where appropriate, assess international environmental impacts. Include the natural, social, and economic aspects of the environment in the assessment. Air, water, land use, wildlife, civil rights, minority groups, and persons with low incomes, for example, may be affected by a proposed action. (See Exhibit A for examples of other physical, social, and economic aspects of the environment to be considered in assessing environmental impact.)

Consider primary, secondary, and cumulative effects in the analysis. Measures to minimize the adverse environmental impacts of the proposal should be discussed. Include summaries of the probable adverse effects that cannot be avoided such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, and health hazards. Interests and considerations of Federal policy that might offset the adverse environmental effects should be indicated.

Relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity. Assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

Irreversible and irretrievable commitment of natural, cultural, and other resources. Identify the extent to which the action curtails the range of beneficial use of the environment.

Alternatives to the proposed action. Alternatives to accomplish an objective should be identified and effects evaluated as part of the planning process. Evaluation must be sufficient to determine benefits, costs, and risks. The "best" alternative is selected as the proposed action or several alternatives are presented, pending selection of the best alternative, and presented to others for review and criticism. The impacts and consequences of each alternative should be presented so that others may form an independent view of the worth of the proposed action and possible alternative courses of action. In reviewing the draft statement, additional viable alternatives may be identified. Alternatives may include those not within the existing authority of the agency. A "no action" alternative will generally have to be evaluated, along with other alternatives such as different designs, locations, or new approaches to accomplishing the objectives.

Available benefit/cost information for the proposed action and each alternative should be either appended to the EIS or made available to the public.

Consultation with appropriate Federal agencies and review by State and local agencies and public involvement. The draft EIS should describe consultation and involvement and a summary of the results of this action, including a list of those consulted.

Attach all substantive comments received on the draft EIS (or summaries of the draft where response has been exceptionally heavy) to the final EIS, whether or not each such comment is thought to merit individual discussion by the agency in the text of the EIS.

Cover sheet and summary sheet for environmental impact statements. Include for all EIS a cover page and a summary sheet as shown in Exhibits B and C of this subpart.

All comments should be submitted in writing to (name and address of the FmHA official who prepared the EIS) within (45 days for draft statements) and (30 days for final statements). Comments on the draft statement (will be) (were) considered in the development of the final statement.

No final action will be taken by the Farmers Home Administration before (90 days for draft statements) and (30 days for final statements) from the date CEQ pub-

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lished the notice of public availability of this statement in the FEDERAL REGISTER.

Copies of this EIS are being made available to the Council on Environmental Quality, The Environmental Protection Agency, interested Federal and State agencies, and other organizations and parties known to have a direct interest in the action.

Copies of the statement are available from the agency official who prepared it or from the Administrator, Farmers Home Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Date statement prepared----------

Copies of this EIS are being made available to the Council on Environmental Quality, The Environmental Protection Agency, interested Federal and State agencies, and other organizations and parties known to have a direct interest in the action.

Copies of the statement are available from the agency official who prepared it or from the Administrator, Farmers Home Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Date statement prepared----------

Effective date. This document shall be effective on December 22, 1975.

Dated: December 15, 1975.

JOSEPH R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc.75-34352 Filed 12-19-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 154]

EDUCATIONAL OPPORTUNITY CENTERS PROGRAM

Proposed Criteria for Funding for Fiscal Year 1976

Pursuant to the authority contained in Title IV, Part A, Subpart 4 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070d–1070d–1), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare proposes to issue the regulations set forth below which contain funding criteria which he will utilize in evaluating applications to carry out Educational Opportunity Centers.

Educational Opportunity Centers serve areas with major concentrations of low-income persons by providing, in coordination with other applicable programs and services, information with respect to financial and academic assistance available for persons in such areas desiring to pursue a program of postsecondary education; assistance to such persons in applying for admission to institutions of higher education, including the preparation of applications for use by admissions and financial aid officers; and counseling and tutorial services and other necessary assistance to such persons while attending such institutions.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed criteria to the Division of Student Support and Special Programs, Bureau of Postsecondary Education, U.S. Office of Education, Seventh and D Streets SW., Room 4010, Washington, D.C. 20202. Comments received in response to this Notice will be available for public inspection at the above office Mondays through Fridays between 8:30 a.m. and 4:30 p.m. All relevant material must be received on or before January 21, 1975, unless January 21, 1975, is a Saturday, Sunday, or Federal holiday, in which case such material must be received by the next following business day.

(Catalog of Federal Domestic Assistance Program Number: 13.543 Educational Opportunity Centers)

Dated: October 10, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: November 21, 1975.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

EDUCATIONAL OPPORTUNITY CENTERS

Section 154.6 of Part 154 of Title 45 of the Code of Federal Regulations is revised to read as follows:

§ 154.6 Funding criteria.

(a) *Continuation awards.* Priority will be given to a request for funds to continue the operation of a Center that (1) received funds in a prior fiscal year and (2) was approved for a multi-year work period that has not expired. (continuation award)

(b) *Conditions for approval.* Requests for continuation awards will be approved only if (1) the need continues to exist for the services provided by the Center;

(2) Satisfactory progress has been made in implementing the approved work plan and in achieving the Center's goals and objectives, as indicated by site visits, progress reports, and other relevant data;

(3) The Center continues to offer promise of success in providing information to residents of the target area on the variety of postsecondary options available, increasing the rate at which persons from the target area enroll in postsecondary educational institutions, and improving the rate at which enrolled students from the target area remain in and complete programs of postsecondary education;

(4) All required reports, including data collections reports and quarterly performance and fiscal reports, have been received and accepted by the Commissioner; and

(5) Funds are available to continue the Center.

(c) *New awards.* Except as provided in paragraphs (a) and (b) of this section, the Commissioner will select applicants to be funded under this part on the basis of the criteria set forth in § 100a.26(b) of this chapter, as well as the following additional criteria:

(1) The degree to which services are needed to enhance access to postsecondary education, as indicated by (i) the number of secondary and postsecondary students and other persons residing in the area; (ii) the number of low-income families in the target area; (iii) the historical rate of participation in postsecondary education by residents in the area; and (iv) the number of persons to be served by the Center;

(2) The extent to which the applicant has successfully operated a Center comparable or identical to those authorized under this part. If that Center was not funded under the Educational Opportunity Centers Program, the applicant shall provide a description of that Center, including the number of low-income persons served and the kinds of services offered, the number of persons enrolled in and graduated from postsecondary institutions as the result of services offered, and the percentage of increase in postsecondary enrollment and graduation by residents of the area served,

(3) The comprehensiveness of the applicant's plan for carrying out the activities under § 154.7 and the extent to which these activities will result in increased enrollment and retention in and graduation of low-income, educationally disadvantaged persons from postsecondary institutions;

(4) The qualifications of the proposed staff and the extent to which the staff has experience in dealing with low-income and physically handicapped persons;

(5) The extent to which representatives from the community, secondary schools, and postsecondary schools have participated in the formulation of the proposal and will participate in the operation of the Center;

(6) The extent to which all members of a consortia will make resources available and participate in the activities of the Center to reach the goals and objectives of the proposed work program;

(7) The extent of the Center's relationship to Talent Search, Upward Bound, and Special Services for Disadvantaged Students projects in the area and to such other similar programs and services, including those for the physically handicapped, in terms of (i) coordinating services to individuals who participate in more than one such program; (ii) providing services not otherwise available from Talent Search, Upward Bound, and Special Services projects and other similar programs; and (ii) avoiding duplication of services;

(8) The degree to which the Center will draw upon and coordinate the resources and staff efforts of institutions of higher education and postsecondary education in admitting low-income, educationally disadvantaged persons.

(9) The reasonableness of the allocation of resources among the Center's required activities; and

(10) The reasonableness of the cost for operating the Center.

(d) *Geographic consideration.* The Commissioner will award grants or contracts to insure that major concentrations of low-income persons, in both urban and rural areas, will be represented among the areas served by Centers.

(20 U.S.C. 1070d–1)

[FR Doc.75-34434 Filed 12-19-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 75-231]

DUTCH KILLS, N.Y.

Proposed Drawbridge Operation Regulations

At the request of the City of New York, the Coast Guard is considering revising the regulations for the Hunterspoint Avenue drawbridge across Dutch Kills, Queens, New York, to require at least 6 hours notice at all times. The draw is presently required to open on signal. This change is being considered because of limited requests for draw openings.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander (oan), Third Coast Guard District, Governors Island, New York, New York 10004. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received before February 5, 1976, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 1117.162 immediately after § 117.161 to read as follows:

§ 117.162 Dutch Kills: City of New York highway bridge at Hunterspoint Avenue, Queens.

The draw shall open on signal if at least 6 hours notice is given.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4)).

Dated: December 12, 1975.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.75-34436 Filed 12-19-75;8:45 am]

[46 CFR Parts 32, 92, 190]

[CGD 75-032]

STRUCTURAL FIRE PROTECTION

"B" Class Bulkheads

The Coast Guard is considering amending the requirements for "B" class bulkheads in Parts 32, 92, and 190 of Title 46 of the Code of Federal Regulations by deleting the provisions that the bulkheads be capable of preventing the passage of smoke when subjected to the standard fire test described in those requirements.

Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments to the Executive Secretary, Marine Safety Council (G–CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Each person submitting a comment should include his name and address, identify this notice (CGD 75–032) and the specific section of the proposal to which his comment applies, and give reasons for his comments. The proposal may be changed in light of the comments received.

All comments received before February 5, 1976, will be considered before final action is taken on the proposal. Copies of all written comments received will be available for examination by interested persons in Room 8117, Nassif Building, 400 Seventh Street, S.W., Washington, D.C.

No public hearing is planned but one may be held at a time and place to be set in a later notice in the FEDERAL REGISTER if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

Parts 32, 92, and 190 of Title 46 presently require that a "B" class bulkhead used in construction of a tank vessel, cargo or miscellaneous vessel, or oceanographic vessel be capable of preventing the passage of flame and smoke for at least one half hour when subjected to the standard fire test described in those Parts. These requirements are not consistent with Regulation 35 of Chapter II of the International Convention for the Safety of Life at Sea (1960), with the approval requirements in Subpart 164.008 of Title 46, or with the "B" class bulkhead requirements for passenger vessels in Part 72 of Title 46. "B" class bulkheads are described in Regulation 35 and § 72.05–10(c)(2) of those capable of preventing the passage of flame when subjected to the standard fire test; these regulations do not contain additional provisions concerning a capability to prevent passage of smoke. Subpart 164.008 provides in part that a bulkhead panel used in class B–15 construction on merchant vessels is approved for use in vessel construction if the panel can prevent the passage of flame for at least one half hour when subjected to the standard fire test and if the bulkhead meets certain thermal insulation requirements.

When the "B" class bulkhead requirements were originally published in Parts 32, 92, and 190, inclusion of the reference to smoke was an error. Since their publication the Coast Guard has continued to approve "B" class bulkheads for use in merchant vessel construction using the procedures described in Subpart 164.008 and, therefore, without considering whether the bulkheads can prevent the passage of smoke. The Coast Guard has continued to use the approval procedures in Subpart 164.008 in order to implement Regulation 35, which is the international standard for "B" class bulkhead construction on vessels. Accordingly, this notice proposes to delete the passage of smoke requirements in Parts 32, 92, and 190.

These amendments are proposed under the authority of 46 U.S.C. 375, 391a, and 416; 49 U.S.C. 1655(b); and 49 CFR 1.4(b) and 1.46.

In consideration of the foregoing, the Coast Guard proposes to amend Parts 32, 92, and 190 of Chapter I of Title 46 of the Code of Federal Regulations as follows:

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

§ 32.57–5 [Amended]

1. In § 32.57–5(c), delete the words "and smoke" from the second sentence.

PART 92—CONSTRUCTION AND ARRANGEMENT

§ 92.07–5(c) [Amended]

2. In § 92.07–5(c), delete the words "and smoke" from the second sentence.

PART 190—CONSTRUCTION AND ARRANGEMENT

§ 190.07–5(c) [Amended]

3. In § 190.07–5(c), delete the words "and smoke" from the second sentence.

Dated: December 17, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-34437 Filed 12-19-75;8:45 am]

[46 CFR Part 105]

[CGD 75-105]

VESSELS OF NOT MORE THAN 5000 GROSS TONS, USED IN PROCESSING AND ASSEMBLING OF FISHERY PRODUCTS HAVING ON BOARD INFLAMMABLE OR COMBUSTIBLE CARGOES IN BULK

Proposed Application

The Coast Guard is considering amending the regulations for commercial fishing vessels dispensing petroleum products, contained in 46 CFR Part 105, to include vessels of not more than 5000 gross tons, used in the processing and assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska, if they have on board inflammable or combustible cargo in bulk.

Pub. L. 93–430 permanently exempted these vessels from the requirements of

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46 U.S.C. 391a (Vessels carrying certain cargoes in bulk), but authorized the Secretary of the department in which the Coast Guard is operating to promulgate separate regulations concerning the extent to which and the conditions under which these vessels may be allowed to have on board inflammable or combustible cargoes in bulk.

Accordingly, the Coast Guard proposes to make the existing regulations in Part 105 applicable to these vessels. Part 105 was originally promulgated to regulate the transporting and handling of inflammable or combustible cargo in bulk on board cannery tenders, fishing tenders, and fishing vessels of not more than 500 gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska, when engaged exclusively in the fishing industry.

The regulations in Part 105 are appropriate for this new class of exempted vessels, since this new class is essentially similar to the class of exempted vessels already regulated under Part 105, with the exception of the increase in size from 500 to 5000 gross tons.

Interested persons or organizations may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commandant (G–CMC/82), U.S. Coast Guard, Washington, D.C. 20590. Each person or organization submitting a comment should include their name and address, identify this notice (CGD 75–10[illegible]), and give reasons for any recommendations made. Comments received before February 5, 1976, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination in room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. This proposal may be changed in light of comments received.

No hearing is contemplated, but one may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by a person or organization desiring to comment orally at a public hearing and raising a genuine issue.

In consideration of the foregoing, it is proposed to amend 46 CFR Part 105 as follows:

1. Section 105.01–1 is revised to read as follows:

§ 105.01–1 Purpose.

The purpose of the regulations in this part is to provide adequate safety in the transporting and handling of inflammable or combustible cargo in bulk on board certain commercial fishing vessels and tenders, as authorized by 46 U.S.C. 391a (Tanker Act; R.S. 4417a), as amended by section 4 of Pub. L. 90–397 (approved July 11, 1968, 82 Stat. 341) and section 6(3) of Pub. L. 93–430 (approved October 1, 1974, 88 Stat. 1183). The regulations in this part set forth minimum requirements for two categories of commercial fishing vessels and tenders which have on board inflammable or combustible cargo in bulk.

2. Section 105.01–5 is revised to read as follows:

§ 105.01–5 Intent of Pub. L. 90–397 (approved July 11, 1968, 82 Stat. 341) and Pub. L. 93–430 (approved October 1, 1974, 88 Stat. 1180).

(a) Pub. L. 90–397 allowed cannery tenders, fishing tenders, and fishing vessels of not more than 500 gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska when engaged exclusively in the fishing industry, to have on board inflammable or combustible cargo in bulk to the extent and upon conditions as might be required by regulations promulgated by the Secretary of the department in which the Coast Guard is operating.

(b) Pub. L. 93–430 allowed vessels of not more than 5000 gross tons used in the processing and assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska to have on board inflammable or combustible cargo in bulk to the extent and upon conditions as might be required by regulations promulgated by the Secretary of the department in which the Coast Guard is operating.

3. Section 105.01–10 is amended by revising paragraph (a) to read as follows:

§ 105.01–10 Effective date of regulations.

(a) Amendments, revisions, or additions to the regulations in this part will become effective 90 days after the date of publication in the FEDERAL REGISTER, unless the Commandant directs otherwise.

* * * * *

§ 105.05–1 [Amended]

4. Section 105.05–1 is amended by:

a. In paragraph (a), inserting the words "and all vessels of not more than 5000 gross tons used in the processing and assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska, the construction of which is contracted for on or after "----------" (date of final rule publication) between the numerals "1969" and the word "which."

b. In paragraph (b), inserting the words "and all vessels of not more than 5000 gross tons used in the processing and assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska, the construction of which is contracted for prior to "----------" (date of final rule publication) between the numerals "1969" and the word "which."

5. Section 105.05–3 is amended by revising it to read as follows:

§ 105.05–3 New vessels and existing vessels for the purpose of application of regulations in this part.

(a) *New vessels.* In the application of the regulations in this part, the term "new vessels" means any commercial fishing vessel of not more than 500 gross tons used in the salmon or crab fisheries of Oregon, Washington, or Alaska, the construction of which is contracted for on or after December 1, 1969, and vessels of not more than 5000 gross tons used in the processing and assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska, the construction of which is contracted for on or after "----------" (date of final rule publication).

(b) *Existing vessels.* In the application of the regulations in this part, the term "existing vessels" means any commercial fishing vessel of not more than 500 gross tons used in the salmon or crab fisheries of Oregon, Washington, or Alaska, the construction of which is contracted for prior to December 1, 1969, and vessels of not more than 5000 gross tons used in the processing and assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska, the construction of which is contracted for prior to "----------" (date of final rule publication).

6. Section 105.05–5 is revised to read as follows:

§ 105.05–5 Types of vessels.

(a) The only types of commercial fishing vessels to which the provisions of this part apply are self-propelled manned vessels with one of the following:

(1) Permanently installed dispensing tanks or containers on open decks.

(2) Permanently installed dispensing tanks or containers located below deck or in closed compartments.

(3) Temporary dispensing tanks or containers installed on open decks.

7. Section 105.10–25 is amended by revising it to read as follows:

§ 105.10–25 Commercial fishing vessel.

(a) The term "commercial fishing vessel" includes fishing vessels, cannery tenders, fishing tender vessels, and vessels processing or assembling fishery products.

8. Section 105.90–1 is amended by: revising the section heading and revising the introductory portion of paragraph (b) to read as follows:

§ 105.90–1 Existing commercial fishing vessels dispensing petroleum products.

* * * * *

(b) Existing vessels must meet the following requirements:

(1) * * *

* * * * *

(88 Stat. 1183 (46 U.S.C. 391a); 49 CFR 1.46(o)(4))

Dated: December 16, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-34376 Filed 12-19-75;8:45 am]

Federal Aviation Administration
[14 CFR Part 39]
[Airworthiness Docket No. 74–SW–26]

BELL MODEL 206B HELICOPTERS

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Model 206B helicopters, serial numbers 914 through 1414. Amendment 39–1954 (39 FR 32549), AD 74–19–03, required modification of all inboard ribs in the horizontal stabilizers of Bell Models 206A and 206B helicopters, serial numbers 1 through 913, in accordance with Bell Helicopter Company Service Bulletin No. 206–01–73–7, Revision A, to prevent possible failure of the inboard ribs. The agency has received reports of inboard ribs cracking on helicopters having serial numbers above 913. The Helicopter Association of America and Bell Helicopter Company suggested that horizontal stabilizers on Model 206B helicopters, serial numbers 914 through 1413, be modified to comply with Bell Helicopter Company Service Bulletin No. 206–01–73–7, Revision D, also. In the interest of safety, the agency proposes to issue an airworthiness directive, applicable to Model 206B helicopters, serial numbers 914 through 1413, requiring the modification of the inboard rib on the right and left stabilizers.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before January 23, 1976 will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of Regional Counsel for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Bell Model 206B helicopters, serial numbers 914 through 1413, certificated in all categories.

Compliance required within 200 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent possible failure of the inboard ribs on the horizontal stabilizers, P/N 206–020–119 and 206–020–123, replace any cracked inboard ribs and modify all inboard ribs by installing a doubler specified in and using the applicable procedures described in Items 3 through 24, Bell Helicopter Company Service Bulletin No. 206–01–73–7, Revision D, dated August 5, 1974, or later FAA approved revision.

Equivalent methods of compliance with this airworthiness directive may be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independent Avenue, S.W., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

Issued in Fort Worth, Texas, on December 10, 1975.

A. H. THURBURN,
Acting Director, Southwest Region.

NOTE: The incorporation by reference provisions in this document was approved by the Director of the FEDERAL REGISTER on June 19, 1967.

[FR Doc.75-34333 Filed 12-19-75;8:45 am]

[14 CFR Part 39]
[Docket No. 75–NW–22–AD]

BOEING 707–300/400/300B/300C SERIES AIRPLANES

Proposed Airworthiness Directives

Amendment 39–1897, AD 74–15–03, requires a one time inspection of the wing skin at the four critical fasteners under the external rib chord at WBL 59.24 on Boeing Model 707–300/400/300B/300C series airplanes. After issuing Amendment 39–1897 the agency has determined from fatigue studies that repetitive inspections are necessary. Therefore, the agency is considering amending Amendment 39–1897 to require eddy current inspections of the wing skin at the four critical fasteners, 4,000 flights after the initial inspection and/or oversizing, and each 2,000 flights thereafter.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Northwest Region, Office of Regional Counsel, Attention: Airworthiness Rules Docket, 9010 East Marginal Way South, Seattle, Washington 98108. All communications received on or before February 1, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of the Federal Aviation Regulations, Amendment 39–1897, AD 74–15–03, as follows:

1. Add the following to the end of the paragraph preceding paragraph (1): "Repetitive inspections are noted in paragraph (3) and terminating action is noted in paragraph (4)."

2. Delete the last sentence of paragraph (1)(a).

3. Add paragraphs (3) and (4) as follows:

(3) Repetitive inspections are to be accomplished at the times specified in (a) or (b) below, in accordance with the eddy current inpection procedures of Boeing Service Bulletin No. 3168, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Wing skins found cracked are to be repaired prior to further flight in accordance with Boeing Service Bulletin No. 3168 or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Thereafter reinspect at intervals not to exceed those specified in (a) below.

(a) For airplanes which have been modified in accordance with Boeing Service Bulletin No. 2626, following the inspection required by paragraph (1)(a), reinspect at intervals not to exceed 2,000 flights.

(b) For airplanes which have not been modified in accordance with Boeing Service Bulletin No. 2626, inspect within 4,000 flights after accomplishment of the eddy current inspections required by paragraph (1)(a) and at intervals thereafter not to exceed 2,000 flights.

(4) Replacement of the upper wing skin in accordance with Boeing Service Bulletin No. 2607, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region constitutes terminating action for this AD.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington December 12, 1975.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.75-34331 Filed 12-19-75;8:45 am]

[14 CFR Part 39]
[Airworthiness Docket No. 75–SW–79]

MODELS 206A, 206B, 206A–1 AND 206B–1 HELICOPTERS

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to certain Bell Models 206A, 206B, and all

V401246 DEC 22 75 XUM

Models 206A–1 and 206B–1 helicopters. There have been two cases of alleged cracks occurring in certain main rotor hub yokes installed on Models 206A and 206B helicopters.

Since this condition is likely to exist or develop in other main rotor hub yokes installed on certain Bell Models 206A and 206B helicopters and on all Models 206A–1 and 206B–1 helicopters, the proposed airworthiness directive would require a one-time inspection and possible rework of the main rotor hub yoke.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communicatons should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before January 23, 1976, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be chnaged in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of the Regional Counsel for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Section 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Bell Models 206A, 206B, 206A–1, and 206B–1 helicopters certificated in all categories, except those having installed main rotor hub yokes delivered as replacement spar parts from Bell Helicopter Company after August 11, 1974, and Models 206A and 206B bearing serial numbers 1174, 1192, 1252, 1355, 1381, 1382, 1390, 1398, 1399, 1400, 1408 through 1411, 1444, 1464, 1466, and subsequent.

Compliance required within 200 hours' time in service after the effective date of this AD unless already accomplished.

To detect and prevent possible cracks in the main rotor hub yokes, accomplish the following:

(a) Remove the main rotor hub assembly from the helicopter and remove the pillow blocks and trunnion from the hub assembly in accordance with the pertinent model maintenance manual.

(b) Inspect the yoke for cracks in each trunnion bore and in each tooling hole in the yoke web section using a 10-power or higher magnifying glass or using an equivalent inspection method.

(c) If a crack is found, remove and replace the discrepant yoke before further flight.

(d) Inspect each yoke trunnion bore edge for nicks, scratches, or tool marks using a 10-power or higher magnifying glass or using an equivalent inspection method.

(e) If nicks, scratches, or tool marks are found on these edges, they must be removed, before further flight, as prescribed in Bell Helicopter Company Service Bulletin No. 206–04–1–741, Revision A, dated August 22, 1974, or later approved revision or in accordance with an equivalent FAA approved procedure.

(f) Assemble and install the main rotor hub on the helicopter in accordance with the pertinent model maintenance manual.

Issued in Fort Worth, Texas, on December 10, 1975.

A. H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.75–34332 Filed 12–19–75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75–GL–69]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Kewanee, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before January 21, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

An instrument approach procedure has been developed for the Kewanee Municipal Airport, Kewanee, Illinois. Controlled airspace is required to protect this procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (40 FR 441), the following transition area is added:

KEWANEE, ILLINOIS

That airspace extending upward from 700 feet above the surface within a five-mile radius of the Kewanee Airport (latitude 41°13'08" N., longitude 89°57'42" W.); and within three miles each side of the 218° bearing from the airport, extending from the five-mile radius area to eight miles southwest.

This amendement is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C 1348), and of Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Des Plaines, Illinois, on December 8, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.75–34334 Filed 12–19–75;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 75–16; Notice 05]

AIR BRAKE SYSTEMS; TRUCKS AND TRAILERS

Stopping Distance Requirements

This notice proposes amendment of Standard No. 121, *Air Brake Systems*, 49 CFR 571.121, to establish stopping distance requirements that are less stringent than existing requirements, and to revise dynamometer requirements to permit more flexibility in vehicle design. The existing interim retardation force requirements for trailers would be replaced by less stringent values. In addition, the recovery, actuation timing, and parking brake requirements for towing vehicles would be modified, and full applicability of the standard to some categories of specialized air-braked trucks would be delayed.

This proposed modification of the standard is responsive to information developed at a public meeting held in Washington, D.C., on October 29, 30, and 31, 1975, as well as other information collected by the NHTSA on field experience since the standard's implementation. Additionally, the notice responds to requests from Freightliner Corporation, PACCAR Corporation, White Motor Corporation, and the American Trucking Associations (ATA). This agency has responded separately to the issues raised at the public meeting concerning air-braked buses (40 FR 52856, November 13, 1975).

Standard No. 121 specifies minimum performance requirements for air-braked trucks, buses, and trailers. The standard was issued in February 1971 and went into effect for trailers on January 1, 1975, and for trucks and buses on March 1, 1975. Many aspects of air brake performance are regulated, including limitations on vehicle stopping distances (except for trailers) and the amount of wheel slip that occurs during braking (S 5.3). These two requirements are intended to improve the stopping ability and directional control of air-braked vehicles to reduce the number and severity of crashes in which they are involved. Manufacturers modified their brake systems in two fundamental respects to meet these requirements: an increase in brake torque, particularly on the front axles of some trucks, and introduction of antilock systems that limit wheel slip as specified by the standard.

Thousands of trucks, buses, and trailers have been manufactured to comply with Standard No. 121 since its effective dates, and have been certified by their manufacturers as complying with the standard. Many of these vehicles are in service and reports on their peformance have been made to the NHTSA. The agency has undertaken testing of 121-equipped vehicles at its Safety Research laboratory to evaluate performance of vehicles manufactured to comply with the standard. The agency has also contracted for a large-scale statistical evaluation of in-use vehicles to measure the effect of the standard on accident rates and severity, as well as factors such as maintenance, reliability, and operating costs. To evaluate the first-hand experience with 121 implementation, the NHTSA held discussions during September 1975 with all manufacturers of antilock systems, several large manufacturers of air-braked vehicles, and the major manufacturer of air-braked axles for buses, heavy trucks, and specialized air-braked vehicles. As noted, a public meeting to hear views of interested persons on the standard was held in October 1975.

The public meeting was held, in large measure, because of strong expressions of dissatisfaction by numerous representatives of the air-braked vehicle industry with the performance of vehicles that meet the standard. The American Trucking Associations, Consolidated Freightways Corporation (and its truck-building subsidiary), and PACCAR Corporation have most sharply disagreed with the continued implementation of the standard in its present form. Their major objections appear to be that the new systems are overly expensive (both in purchase and maintenance costs) for the safety benefit achieved, and that malfunctions in the antilock systems can increase the chance of loss of vehicle control under panic stop conditions. Manufacturers and users of trucks, buses, and trailers, as well as component suppliers, a test equipment manufacturer, and the California Department of Highway Patrol (CHP) addressed the public meeting.

Although some of the truck operators that addressed the meeting had little or no 121 equipment in their own fleets from which to gain first-hand experience, most commenters felt that improvements already underway would lead to reductions in the cost of acquiring and servicing the new brake systems. Kelsey-Hayes Corporation stated that the price of its antilock componentry would be reduced substantially in the future. General Motors agreed that some cost reduction might result from increased familiarity with the new braking systems. Other antilock manufacturers expressed confidence that "start-up" problems were under control and that improved procedures would make their systems less expensive to maintain in the future. These views were expressed in early September meetings with antilock and vehicle manufacturers, as well as at the public meeting. The NHTSA concludes that additional time is needed for equipment "debugging," personnel training, and the development of competitive market pressures before equilibrium costs of the standard may be firmly established and, therefore that a broad-scale modification of the standard for cost reasons at this time would be inappropriate.

Manufacturer and user concern over the safety aspects of trucks manufactured to comply with Standard No. 121 centers on the presence of strong brakes and antilock systems on the front axle. Until the advent of Standard No. 121, trucks manufactured for use in the United States were often equipped with weak front axle brakes, or no front axle brakes at all. This arrangement was intended to preserve steering control in a panic stop by precluding the possibility of wheel lockup. European braking practices differ completely, providing strong front axle brakes to ensure front wheel lockup before other axles to preserve stability of the vehicle as a whole.

The present stopping distance requirement of 277 feet from 60 mph for the loaded vehicle on dry pavement, among other safety improvements is intended to result in more effective front axle brakes. Under equivalent conditions, average passenger car performance is 200 feet, and the truck stopping distances are calculated to ensure better compatibility with passenger cars on the highway. The standard also requires "no lockup" performance, in order to preserve both steering control and stability during a panic stop with the more effective brakes. Some manufacturers and users object to this combination of requirements, fearing steering axle lockup of the stronger brakes in the event of malfunction of an antilock system installed by the manufacturer.

The NHTSA has evaluated numerous performance data developed in the opening months of Standard No. 121 implementation. The largest sources of data are the public meeting on the standard and individual reports of vehicle manufacturers and users. The durability of early production antilock systems has been reduced somewhat by mass-production start-up problems and by certain design deficiencies in protection of electrical circuitry from the effects of moisture and vibration. Instances of these problems were raised by numerous speakers at the October meeting. Additionally, an electromagnetic interference problem has been identified and corrected in an antilock design that was developed and produced prior to the advent of Standard No. 121. Finally, a design deficiency in the Rockwell International antilock system for bus applications has developed that can cause the antilock system to momentarily release the brakes at low speeds when they should remain applied. All of the design or start-up deficiencies with safety consequences have been reported to the NHTSA as safety-related defects and are subject to recall campaigns. In the case of buses, the NHTSA has proposed a suspension of the performance requirements that result in antilock installation while the manufacturers of transit and intercity buses develop improved designs.

Analysis of the reports made to this agency on truck and trailer installation of antilock systems indicates that the durability problems stem from design deficiencies of certain systems that are being isolated and changed with introduction of the systems into service. This improvement bears out the December 1973 prediction of Wagner Electric Corporation, a major supplier of air brake equipment including antilock systems, that "continued development will eventually improve their [antilock systems] overall performance—but most of these changes for refinement in electronics, improved pneumatic/electronic response, durability, sensor standardization, and design standards require the normal evolution of field experience under real life conditions, using mass produced parts for a genuine field history".

It is noteworthy that no safety related defect attributable to antilock system design or production has been reported to the NHTSA since early July, after the standard was implemented for all air-braked vehicles on March 1, 1975. At the public meeting, it was the conclusion of General Motors, a manufacturer of both antilock systems and air-braked vehicles, that "it is in the best interest of all parties to continue their efforts to make FMVSS 121, Air Brake Systems, a viable standard." A representative of United Parcel Service (UPS), a large user of air-braked vehicles, stated that its judicious selection of antilock componentry for UPS trailers had resulted in good performance of the systems. Early September meetings with Ford, International Harvester, Mack, Fruehauf, and General Motors confirmed that these manufacturers do not consider improved antilock durability to be technologically unfeasible. There are, of course, manufacturers that believe the antilock systems are too complex to be installed and maintained in air-braked vehicles (e.g., Freightliner, Wesco Truck and Trailer Sales). Based on its evaluation of all of these reports, the NHTSA concludes that antilock systems are sufficiently reliable and will become more so, justifying their continued installation on air-braked vehicles in satisfaction of the standard's requirements for directional stability.

The standard's requirement that fully-loaded vehicles stop from 60 mph within 277 feet on a dry surface is not an unreasonable demand. For example, a 121-equipped International Harvester three-axle Transtar in combination with a control trailer has demonstrated that it is capable of meeting all stopping requirements of the standard easily without adverse handling consequences.

Some other vehicles produced to comply with the standard, however, exhibit unsatisfactory handling characteristics during braking. A major reason for these problems appears to be that manufacturers have oversized some front brakes in order to achieve 100-percent compliance that exists in any braking system number of brake packages requiring certification testing. The brake imbalance that exists in any braking system (due to production variations in lining

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material, clearances, etc.) is of course magnified as the brakes become more effective. Design considerations in the steering axle geometry (such as scrub radius) can magnify the effects of imbalance.

With a view to the economic problems being experienced by heavy truck manufacturers, the NHTSA has decided that it may be desirable to reduce the performance levels of the standard somewhat to permit the "depowering" of the steering axle brakes sufficiently to improve handling characteristics, while these design problems are being resolved by the manufacturers.

This course of action meets the objections of the ATA, Consolidated Freightways, Wagner, and others, that the effective front brakes could conceivably be a safety hazard if the antilock on the front axle fails. With reduced performance levels, the front axle retardation force can be reduced substantially. In fact, the NHTSA calculates that braking forces will be reduced sufficiently to obviate the need for antilock systems on the front axle of many vehicles to meet the standard's stopping distance requirements. This calculation takes into account that, in stopping distance testing, the driver may modulate the braking effort as necessary to stop the vehicle within the prescribed distance without uncontrolled lockup of wheels. At the same time, this course of action maintains the goals of Standard No. 121 for meaningful minimum performance levels for directional stability and stopping distance on air-braked vehicles.

A further advantage of the proposed course of action would be to minimize the concerns of operators for the compatibility of 121 equipment with pre-121 equipment. At the public meeting, operators of 121-equipped trailers with non-121 tractors reported that the new trailers were doing more than their share of braking, and that this inbalance of beaking effort caused high wear and brake temperatures that decrease lining life and increase the hazards associated with overheated brakes. The NHTSA proposes, along with reduced performance levels for trucks, that trailers meet comparable retardation force levels under S5.4.1. The decreased performance levels essentially will permit all 121 equipment to be more compatible with the non-121 equipment with which it must be operated for the next few years. In this way, trailers produced today can utilize lower friction linings for compatibility with the majority of today's non-121 tractors, and higher friction linings in the future as more 121-equipped trucks are introduced.

Other requirements of the standard affect the levels of brake performance supplied on the front axle and the overall compatibility of 121 vehicles with non-121 vehicles. The NHTSA has recently granted requests of Freightliner Corporation and PACCAR Corporation to increase flexibility of design in meeting the dynamometer requirements of the standard. Mack Trucks, Inc., also noted in its November 7, 1975, comments for the public meeting record, that dynamometer performance levels should be carefully tailored in conjunction with any stopping distance changes to assure that the manufacturers can take full advantage of reduced performance levels. Freightliner, PACCAR, and White Truck also requested revision of the parking brake grade-holding requirement (S5.6.1) that was granted in part by the NHTSA. The NHTSA also granted an ATA petition to limit the minimum as well as maximum brake actuation time of towing vehicles, to improve compatibility between towed and towing vehicles.

With these considerations in mind, the NHTSA hereby proposes several modifications of Standard No. 121's requirements. It is proposed that the required stopping distance from 60 mph on a dry surface in the loaded condition be modified from 277 feet to 293 feet. In the case of the 20-mph stop on a wet surface, the maximum permissible distance would be modified from 54 feet to 60 feet as requested by Freightliner. The proposed loaded-vehicle dry-pavement stopping distances are also those requested by Freightliner, except that a 60-mph stopping distance is added because Freightliner only proposed stopping distance requirements up to 55 mph. These values closely approximate Wagner's request.

The dynamometer requirements would be modified to be consistent with the new stopping distance performance levels. In the case of trailers, the retardation force levels comparable to the 60-mph stopping distance of 293 feet would be modified from a 0.47 value to a 0.43 value. For all vehicles, the dynamometer brake power and recovery requirements would be modified by increasing the upper pressure limit. The "hot stop" dynamometer requirement (S5.4.2.2) would be deleted, since the 14 fpsps deceleration rate is not comparable to the new stopping distance requirements. In addition, dynamometer recovery requirements would be deleted for the front axle of truck-tractors.

The brake actuation timing requirements (S5.3.3) for towing vehicles would be modified by the addition of a 0.20-second limit on the minimum speed of brake actuation on towing vehicles. Taking into account manufacturer tolerances of 0.05 second in timing, this level is calculated to provide the 0.25-second limit requested by the ATA. This proposal would not become effective until 1 year following the issuance of an amendment to S5.3.3.

Although PACCAR and Freightliner petitioned for reduction of grade-holding levels in the parking brake requirements for all vehicles (S5.6.1), the NHTSA considers that the 20-percent grade is a reasonable performance level. In the case of most combination vehicles, each vehicle must hold in the fully-loaded condition, although in service, the vehicles share the braking effort necessary to hold the full load in all but the extremely rare case of a loaded trailer parked separately on a steep grade. To provide more realistic requirements for these vehicles, the NHTSA proposes modification of the static retardation force requirements of S5.6.1 to provide an equivalent grade-holding requirement of 17 percent of GVWR for truck-tractors and 23 percent for trailers (of the portion of GVWR supported by the trailer axles). These values average to an ability to hold the loaded combination vehicle on approximately a 20-percent grade. The change is calculated to reduce the cost of parking brakes on tandem axle vehicles by reducing the necessity for parking brakes on both axles of the tandem.

In the future, the NHTSA intends to reduce the disparity between heavy and light vehicle braking performance levels, but the new performance levels established on the basis of this proposal will not be modified without further notice and opportunity to comment by interested persons (This statement does not apply to other aspects of Standard No. 121, such as the recent proposal in response to the California Highway Patrol (40 FR 56920, December 5, 1975)). The results of NHTSA's statistical evaluation of the standard will be available as the basis for further change. A public meeting may also be desirable in advance of further changes.

The September 1, 1976, date for compliance with the requirements of the standard for some specialized vehicles is imminent. Because this proposal makes the level of performance uncertain, the NHTSA considers it unreasonable to maintain the present effectiveness dates for these vehicles. For this reason, the effective date for these vehicles and for full compliance of vehicles listed in S5.3.1.2 with a September 1, 1976, effective date is proposed to be delayed until September 1, 1977.

With regard to the category of specialized powered vehicles permanently excluded from the standard in a recent amendment (40 FR 38160, August 27, 1975), the Grove Manufacturing Company has suggested reevaluation of that action in one respect. Grove submitted data indicating that the mobile-crane type of vehicle can comply with the standard in every respect other than stopping distance requirements conducted at unloaded vehicle weight. The NHTSA, noting that these vehicles' loaded and unloaded weights are nearly the same, tentatively concludes that the loaded stopping requirements alone are a sufficient test of this vehicle type. Accordingly, it is proposed that these vehicles be excepted from the service brake stopping distance requirements at unloaded vehicle weight.

§ 571.121 [Amended]

In consideration of the foregoing, it is proposed that Standard No. 121, *Air Brake Systems*, be amended as follows:

1. In S3., *Application*, and in S5.3.1.2, the "March 1, 1976" and "September 1, 1976" date would be modified to read "September 1, 1977" wherever it appears.

2. Section S5.3.1.3 would be amended to read:

S5.3.1.3 A truck with an unloaded vehicle weight that is not less than 95 percent of GVWR need not meet the requirements of S5.3.1 at unloaded vehicle weight plus 500 pounds.

3. Section S5.3.3 would be amended by the addition of a new sentence at the end of the text to read:

"On and after September 1, 1977, with initial service reservoir system air pressure of 100 psi, the air pressure in each brake chamber of a truck designed to tow an air-braked vehicle shall, when measured from the first movement of the service brake control, research 60 psi in a time that is not less than 0.20 seconds."

4. The first sentence of S5.4.1 would be amended by the deletion of that part of the sentence that begins ", except that • • •."

5. The service air line pressure of "90 psi" in S5.4.2.1 would be revised to "100 psi", and the service air line pressure of "75 psi" in S5.4.3 would be revised to "85 psi".

6. Section S5.4.2.2 would be amended by deletion of the last sentence of the text.

7. In the first sentence of S5.4.3, the phrase "the brakes" would be replaced with the phrase "the brakes of a vehicle other than a truck-tractor".

8. Section S5.6.1 would be amended to read:

S5.6.1 *Static retardation force.* With all other brakes rendered inoperative, during a static drawbar pull in a forward or rearward direction, the static retardation force produced by the application of the parking brakes shall be:

(a) In the case of a vehicle other than a truck-tractor or trailer, such that the quotient

$$\frac{\text{static retardation force}}{\text{GAWR}}$$

is less than 0.28 for an axle other than a steerable front axle;

(b) In the case of a truck-tractor, such that the quotient

$$\frac{\text{static retardation force}}{\text{GVWR}}$$

is not less than 0.17; and

(c) In the case of a trailer, such that the quotient

$$\frac{\text{static retardation force}}{\text{sum of non-steerable GAWR's}}$$

is not less than 0.23.

9. In the first sentence of S6.1.10.6, the phrase "service brake stopping distances specified in Table II" would be replaced by the phrase "the value 68, 90, 115, 143, 174, 208, or 245 (corresponding to a speed of 30, 40, 45, 50, 55, or 60 mph as appropriate for the truck-tractor tested)".

10. Table IIa would be deleted and Table II would be amended to read:

TABLE II.—*Stopping distance in feet*

Vehicle speed in miles per hour	Service brake			Emergency brake	
	Skid No. 75		Skid No. 30	Skid No. 75	
	At GVWR (1)	Unloaded (1a)	(2)	(3)	(4)
20	35	35	60	83	85
25	54	52	----------	123	131
30	76	73	----------	170	186
35	101	98	----------	225	249
40	131	127	----------	288	325
45	166	150	----------	358	409
50	203	183	----------	435	504
55	246	219	----------	520	608
60	293	258	----------	613	730

11. Table III would be amended by the deletion of Column 2, the redesignation of Column 3 as Column 2, and the replacement of the present values of Column 1 with the values 0.05, 0.12, 0.18, 0.25, 0.31, 0.38, and 0.43, corresponding to the brake chamber pressures of 20, 30, 40, 50, 60, 70, and 80.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: February 2, 1976.

Proposed effective date: Date of publication of final rule in the FEDERAL REGISTER.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407) delegation of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on December 17, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-34366 Filed 12-17-75;2:31 pm]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-814]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Town of Washington Park, North Carolina

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Washington Park, North Carolina.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town of Washington Park must adopt flood plain management measures that are consistent with the flood elevations determnied by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Washington Park Municipal Building, 419 Fairview Street, Washington Park, North Carolina 27889.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Thomas Richter. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before March 22, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

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Source of flooding and location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
		Right	Left
Pamlico River:			
Pine St.	10	Street section south of north shoulder of Isabella Ave.	
College Ave.	10	Street section southeast from point 400 ft southeast of Pine St.	
Pine St.	10	Street section north from point 70 ft north of Isabella Ave.	
River Rd.	10	Street section west from point 600 ft west of Hickory St.	
College Ave.	10	Street section west from point 340 ft west of Pine St.	
Hickory St.	10	Street section south from point 80 ft south of Small St.	
Spruce St.	10	Street section south from point 170 ft south of Small St.	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: December 3, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-34442 Filed 12-19-75;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-815]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Tallahassee, Florida

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Tallahassee, Florida.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Tallahassee must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Tallahassee, Florida, 32304.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Daniel A. Kleman, City Manager, City Hall, Tallahassee, Florida, 32304. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before March 22, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding and location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
		Right	Left
West ditch:			
Roberts Ave.	50	750	200
Yulee St.	54	1,000	100
Pensacola St.	57	140	40
Middle ditch:			
Orange Ave.	45	490	290
Springhill Rd.	48	1,320	800
Kissimmee St.	55	80	840
Seaboard Coast Line RR.	62	120	2,450
Wahnish Way	75	290	90
Boulevard St.	80	320	330
Monroe St.	85	290	1,800
Seaboard Coast Line RR.	89	660	140
Appalache Parkway	98	30	90
Park Ave.	102	110	140
Tennessee St.	107	80	90
South ditch:			
Seaboard Coast Line RR.	45	690	560
Orange Ave.	50	200	240
Monroe St.	56	100	(1)
Brighton Rd.	63	1,150	(2)

[1] 130 ft plus a section 530 ft wide beginning 60 ft south of Orange Ave.
[2] 80 ft to junction with Orange Ave.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: December 1, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.75-34441 Filed 12-19-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 75-317; Customs Delegation Order No. 1 (Rev. 1) Amended]

ASSISTANT COMMISSIONER OF CUSTOMS

Performance of Functions

1. By virtue of the authority vested in me by Treasury Department Order No. 165, Revised (T.D. 53654, 19 FR 7241), as amended, Customs Delegation Order No. 1 (Revision 1) (T.D. 69-126, 34 FR 8208) is hereby amended as follows:

Paragraph A. (c)(2) is amended to read as follows:

A. Assistant Commissioner of Customs, Office of Regulations and Rulings:

• • • • •

(c) *Director, Carriers, Drawback and Bonds Division.* (1) • • •

(2) Decisions with respect to the designation of instruments of international traffic and to the legal aspects of control over such instruments.

2. This order shall take effect on December 22, 1975.

LEONARD LEHMAN,
Acting Commissioner of Customs.

FR Doc.75-34472 Filed 12-19-75;8:45 am]

FLOAT GLASS FROM THE UNITED KINGDOM

Final Countervailing Duty Determination

On June 30, 1975, a "Notice of Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (40 FR 27499) with respect to float glass from the United Kingdom.

The notice stated that, on the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), a preliminary determination had been made that no bounty or grant is being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), upon the manufacture, production, or exportation of float glass from the United Kingdom.

The notice further stated that, before a final determination would be made, consideration would be given to any relevant data, views or arguments submitted in writing within 30 days from the date of the notice of preliminary determination. The 30-day period was extended to September 3, 1975, by notice published in the FEDERAL REGISTER August 15, 1975 (40 FR 34423).

After consideration of all information received, a final determination is hereby made, that, for the reasons stated in the preliminary determination, no bounty or grant is being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), upon the manufacture, production or exportation of float glass from the United Kingdom.

This notice is published pursuant to section 303(a), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

VERNON D. ACREE,
Commissioner of Customs.

Approved: December 16, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-34345 Filed 12-19-75;8:45 am]

[T.D. 75-314]

WILLIAM J. TWIGGER, d/b/a R. L. SWEARER CO.

Suspension of Customhouse Broker's License No. 2386

DECEMBER 11, 1975.

Notice is hereby given that the Secretary of the Treasury, pursuant to section 641, Tariff Act of 1930, as amended, has suspended for a period of 2 years customhouse broker's license No. 2386 issued to William J. Twigger, d/b/a R. L. Swearer Company, on or about June 6, 1949, for Customs district No. 12, Pittsburgh (now included in the Customs district of Philadelphia, Pennsylvania). The Secretary's decision is effective as of the close of business on December 31, 1975.

This notice is published pursuant to § 111.74, Customs Regulations (19 CFR 111.74).

VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.75-34473 Filed 12-19-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

DECEMBER 12, 1975.

The USAF Scientific Advisory Board Science and Technology Advisory Group, Air Force Systems Command, will hold a meeting on January 15, 1976 from 8:30 a.m. to 4:00 p.m. and January 16, 1976 from 8:30 a.m. to 2:00 p.m. at Wright Patterson AFB, Ohio in Building 620, Area B, Room 2.8.

The Group will receive classified briefings and participate in classified discussions relating to the review of selected Air Force Wright Aeronautical Laboratories Programs.

The meetings concern matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

JAMES L. ELMER,
Major, USAF Executive, Directorate of Administration.

[FR Doc.75-34361 Filed 12-19-75;8:45 am]

Department of the Army

US ARMY MEDICAL RESEARCH AND DEVELOPMENT ADVISORY PANEL

Amended Notice of Meeting[1]

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the US Army Medical Research and Development Advisory Panel will meet from 0800 hours to 1630 hours on 8 January 1976 at Fort Detrick, Frederick, Maryland 21701.

The agenda consists of a briefing and tour of the US Army Medical Bioengineering Research and Development Laboratory, Building 568, Fort Detrick, from 0800 hours to 1130 hours, and a briefing and tour of the US Army Medical Research Institute of Infectious Diseases, Building 1425, Fort Detrick, from 1300 hours to 1630 hours.

The meeting is open to the public; however, space accommodations are limited. Persons wishing to attend should advise the Executive Secretary, in writing prior to the meeting, at the following address: U.S. Army Medical Research and Development Command, Forrestal Building, Room 8G091, Washington, D.C. 20314.

Dated: December 16, 1975.

By authority of the Secretary of the Army.

ROBERT G. FLOWERS, Jr.,
Lt. Colonel, U.S. Army, Chief, Plans Office, TAGO.

[FR Doc.75-34305 Filed 12-19-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CONTROLLED SUBSTANCES

Proposed Aggregate Production Quota for 1976—2,5-Dimethoxyamphetamine

Section 306 of the Controlled Substances Act (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances listed in Schedules I and II. This responsibility has been delegated to the Administrator of the Drug

[1] Amends notice published at 40 FR 57224.

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Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations and has been further delegated to the Acting Administrator by virtue of his designation as such by Order Number 607–75 of the Attorney General, dated May 30, 1975 and pursuant to the authority delegated to him by § 0.132(d) of Title 28 of the Code of Federal Regulations.

The quotas are to provide adequate supplies of each such substance for (1) the estimated medical, scientific, research, and industrial needs of the United States, (2) lawful export requirements, and (3) the establishment and maintenance of reserve stocks.

2,5-Dimethoxyamphetamine is a Schedule I controlled substance which has an industrial use in the photographic industry. No quota has been established to date for 1976 for this substance. In order to provide for industrial needs during 1976, the Acting Administrator of the Drug Enforcement Administration hereby proposes a quota for this substance for 1976, expressed as grams of anhydrous base.

Basic Class:	*Proposed 1976*
2,5-Dimehtoxyamphetamine	30,000,000

All interested persons are invited to submit their comments and objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative, and must be received by January 26, 1976. If a person believes that one or more issues raised by him warrant a full adversary-type hearing, he should state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Acting Administrator finds, in his sole discretion, warrants a full adversary-hearing, the Acting Administrator shall order a public hearing in the FEDERAL REGISTER summarizing the issues to be heard and setting the time for the hearing (which shall not be less than 30 days after the date of publication).

Dated: December 15, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75-34511 Filed 12-19-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

OPERATION OF THE NATIONAL WILDLIFE REFUGE SYSTEM (INT DES 75–57)

Extension of Review Period

The FEDERAL REGISTER of Monday, November 24, 1975, Volume 40, No. 227, carried notice of availability of subject draft environmental statement and requested comments within 45 days.

To allow sufficient time for thorough analysis of the document by the general public, interested groups and organizations and official reviewers, the review period is extended for an additional 30 days. Comments will be received until February 7, 1976.

LYNN A. GREENWALT,
Director.

DECEMBER 17, 1975.

[FR Doc.75-34522 Filed 12-19-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN AND OTHER GRADED COMMODITY STANDARDS

Approval of a Visual Grading Aid System for Grain, Rice, Dry Peas, Dry Beans, Dry Lentils, and Other Graded Commodities

The Department of Agriculture hereby announces the approval of a visual grading aid system for use in the official grading of grain, rice, dry peas, dry beans, dry lentils, and other graded commodities.

This Notice is issued under authority of section 4 of the United States Grain Standards Act, as amended (82 Stat. 762, 7 U.S.C. 76), and section 203 of the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087, 7 U.S.C. 1622).

The visual grading aid system consists of a portable table-top transparency viewer and photographic color transparencies. The viewer uses a precisely controlled light source of desired intensity and quality. The transparencies, depicting quality levels, are prepared under closely controlled conditions and are officially approved by the Grain Division, Agricultural Marketing Service, before being released for use. Up to five transparencies can be placed simultaneously in the viewer at the inspection table to aid the inspector in making the more difficult subjective grading decisions.

The new visual aid system has advantages over the present official grading aids which consist of natural specimens displayed in sealed plastic containers. The natural specimen grading aids deteriorate rapidly and are costly to produce. Color chips, which also are used as visual grading aids, will remain in effect and continue to be used in making grading decisions.

The color transparencies system was developed by nongovernment interests who will offer it for sale to interested parties.

The Department invites any person who has developed or may develop a system to help official inspection personnel grade grain more quickly or more accurately to submit the system for evaluation.

Requests for information concerning the new visual grading aid system, approved devices and procedures, criteria for approved devices, or requests for approval of devices should be directed to the Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue, S.W., Washington, D.C. 20250.

Approval of the Visual Grading Aid System shall become effective December 22, 1975.

Done at Washington, D.C., on December 16, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-34505 Filed 12-19-75;8:45 am]

Forest Service

SANTA FE NATIONAL FOREST GRAZING LIVESTOCK ADVISORY BOARD

Meeting

A meeting of the Santa Fe National Forest Grazing Livestock Advisory Board will be held at 1:00 p.m. on January 21, 1976, at the First National Bank of Santa Fe, Cordova Office, 701 Caminos De Los Marquez, Santa Fe, New Mexico. Items on the agenda will include, wild horse management on the Santa Fe National Forest, prevention and control of unauthorized and trespass livestock, San Pedro Parks range management and El Pueblo grazing permits. The meeting is open to the public.

CHRISTOBAL B. ZAMORA,
Forest Supervisor.

[FR Doc.75-34348 Filed 12-19-75;8:45 am]

Office of the Secretary

SPECIAL GRANTS PROGRAM

Closing Date for Applications

Notice is hereby given that pursuant to the authority contained in section 2 of Pub. L. 89–106 (7 U.S.C. 4501) the Cooperative State Research Service (CSRS) will award competitive grants in the following areas:

	Dollars
1. Environmental Quality	625,000
2. Food and Nutrition	893,750
3. Beef and Pork Production	1,781,250
4. Soybeans	625,000
5. Pest Management	625,000
6. Transportation	625,000
7. Forage, Pasture, and Range	1,000,000
8. Genetic Vulnerability	625,000

The dollar amounts shown above include funds to be awarded to grants during the transition quarter between fiscal years 1976 and 1977. Using the same identification numbers as above, funds in each Subject-Matter category will be available as shown below.

Subject-matter category:	Fiscal year 1976	Transition quarter
1	$492,000	$133,000
2	715,000	178,750
3	1,425,000	356,250
4	500,000	125,000
5	500,000	125,000
6	500,000	125,000
7	800,000	200,000
8	500,000	125,000

Research proposals submitted in response to this notice will be evaluated by peer pannels in competition with proposals from other institutions, organizations, or individuals. Research proposals selected by the peer panels will be awarded funds from those available for Fiscal Year 1976 (ending June 30, 1976) or for the Transition Quarter (July 1 to September 30, 1976).

APPLICATION PROCEDURES

1. *Advance notice.* A. Institutions that intend to submit research proposals must notify Cooperative State Research Service of the Subject-Matter categories in which the proposals will compete for funds. Notification should be in the form of tentative proposal titles that are clearly referenced to the Subject-Matter categories shown above. To prevent duplication, advance notice from any institution should originate from one authorized individual.

B. No more than 5 proposal titles, with no more than 2 in any one Subject-Matter category, will be accepted from an institution. These will be regarded as your primary choices for later submission in the form of detailed proposals.

C. In addition, a secondary listing can be included that shows proposal titles which the institution could submit, if needed, in the form of detailed proposals.

D. Advance notice of titles must be received prior to February 1, 1976, and should be addressed to: Administrator, Cooperative State Research Service, U.S. Department of Agriculture, Washington, D.C. 20250.

E. Advance notice will be used by Cooperative State Research Service to compile primary titles by Subject-Matter categories. If Cooperative State Research Service determines an insufficient number of titles in any category, institutions will be solicited to submit proposals by category as determined from secondary titles.

2. *Research proposal submission.* A. Research proposals, corresponding to those in the primary listing of the advance notice and as solicited by Cooperative State Research Service, must be received prior to March 1, 1976.

B. Only those proposals that have been included in an advance notice as described above will be considered for funding. Others will be returned to the originating institution.

C. All proposals from one institution or organization must be signed by the same authorized individual. This signature will be regarded by Cooperative State Research Service as an indication of the institution's commitment to pursue the research activities described in the proposal if funded.

D. Proposals will be considered for funding only if they conform to the Subject-Matter guidelines as detailed in Appendix I. Statements of review criteria (Appendix III and IIIA) and the required proposal format (Appendix II) will assist scientists in the preparation of proposals.

E. Submit five (5) copies of each proposal to: Administrator, Cooperative State Research Service, U.S. Department of Agriculture, Washington, D.C. 20250.

F. After grants are awarded, all copies of proposals not funded will be returned to the originating organization.

3. *Regulations.* A. The regulations applicable to this grant program include Subpart 4–3.51 of the USDA Procurement Regulations (41 CFR 4–3.51), "Negotiated Research Agreements with Educational Institutions", and Title 4 of the USDA Administrative Regulations, "Agriculture Grant and Agreement Regulations".

B. Funded projects will be subject to the provisions for Protection of Human Subjects (Secretary's Memorandum No. 1755).

C. Maximum research project duration is five (5) years from the time of the award.

4. *Eligibility.* Grants may be made to State Agricultural Experiment Stations, colleges, universities, and other research institutions and organizations, and to federal and private organizations, and individuals for research to further the programs of the Department of Agriculture.

J. PAUL BOLDUC,
Acting Assistant Secretary for Administration.

APPENDIX I

GUIDELINES FOR SUBJECT MATTER CATEGORIES FOR FISCAL YEAR 1976 GRANTS UNDER PUBLIC LAW 89–106

The various specific areas of inquiry are not necessarily listed in order of priority

1.0 Environmental Quality ($492,000 will be available in FY 1976; $133,000 will be available in the Transition Quarter).

Not included in the total in FY 1976 is $75,000 that has already been committed for environmental quality research and $50,000 ($33,000 from FY 1976 and $17,000 in the Transition Quarter) for cooperation with the Fish and Wildlife Service in the Department of Interior.

A proposal should not exceed $90,000 in CSRS grant support. Approximately equal amounts will be allocated to the two specific areas listed below.

Specific Areas of Inquiry

1.1 Development of processes by which wastes from animal production units can be made into useful byproducts including, but not limited to, animal feed and methane.

1.2 Development of methods and practices to minimize pollution hazards from land applications of municipal sludge and effluent.

2.0 Food and Nutrition ($715,000 will be available in FY 1976; $178,750 will be available in the Transition Quarter)

Not included in the totals are $225,000 FY 1976 and $56,250 transition quarter that have been committed for support of research on food and agricultural policies, and taro.

A proposal should not exceed $150,000 in CSRS grant support.

Specific Areas of Inquiry

2.1 Human Nutrition

2.1.1 Determine appropriate criteria and methodology (such as quick or large-scale screening of population groups) for establishing human nutrient requirements.

2.1.2 Investigate factors affecting biological availability of nutrients (such as chemical form of nutrient, interrelationships to other nutrients, presence of inhibitors, analytical values vs. biological availability).

2.1.3 Determine appropriate and effective methods for altering food patterns to improve nutritional status.

2.2 Foods

2.2.1 Determine the effects of processing and fabrication of foods from traditional and non-traditional sources on nutrient quality, compatability, interrelationships of constituents and accceptability.

2.2.2 Develop acceptable processes, procedures, and technology, including fortification, which will result in improved nutritive value, better handling and storage characteristics and acceptability of foods.

2.2.3 Search for new techniques to reduce the costs of sanitation and preservation of foods and to lower expenditures of chemicals, water, energy, and raw materials during processing.

3.0 Beef and Pork Production ($1,425,000 will be available in FY 1976; $356,250 will be available in the Transition Quarter).

Not included in the totals are $75,000 in FY 1976 and $18,750 in the transition quarter for lone star tick research.

Specific Areas of Inquiry

3.1 Beef Production ($997,500 will be available in FY 1976; $249,375 will be available in the Transition Quarter).

A proposal should not exceed $150,000 in CSRS grant support.

3.1.1 Increase reproductive efficiency and capacity of beef animals by natural or induced methods. (Suggested areas of emphasis include: conception rates, increased embryo survival rates, increased multiple births, decreased age of puberty, decreased time between calving and breeding for next calving, decreased postnatal death, increased resistance to agents responsible for pre- and postnatal deaths).

3.1.2 Develop improved systems or subsystems for beef production utilizing maximum amounts of forage with the aim to decrease the dependence on feed grains and minimize costs of production of acceptable quality beef. (Processing procedures all the way to consumption are included. Forages include range, pasture, harvested forage, silage, and crop residues).

3.1.3 Determine the cause and develop methods of diagnosis, prevention, and control of the bovine respiratory disease complex.

3.2 Swine production ($427,500 will be available in FY 1976; $106,875 will be available in the Transition Quarter).

A proposal should not exceed $125,000 in CSRS grant support.

3.2.1 Develop means of increasing the efficiency of production of quality pork. (Including but not limited to reproduction, disease of young pigs, stress(es), and metabolic efficiency).

4.0 Soybean Research ($500,000 will be available in FY 1976; $125,000 will be available in the Transition Quarter).

A proposal should not exceed $90,000 in CSRS grant support.

Specific Areas of Inquiry

4.1 Production Management Systems. Research to systematize the integration of existing information into soybean production decisions by evaluating contributions from, and interactions between, input and output factors and yielding recommendations for production management.

4.2 Determination, Description and Modelling of Growth. Research should identify components and functions which account for growth, productivity and quality and seek methods to achieve control of growth processes.

4.3 Pest Management. Expand knowledge of soybean resistance or tolerance to diseases,

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weeds and insects, including genetics of host and pests.

Research to develop information about the biology and life cycles of insects, nematodes, diseases and weeds.

Develop control mechanisms involving pesticides, biological control and other approaches.

4.4 Broadening Germ-Plasm Base. Research to increase the utilization or the creation of plant materials to exploit genetic diversity including screening and characterization of germ-plasm collections.

4.5 Plant Nutrition and Root Development. Research on soil factors, root and nodule development and related nitrogen fixation and photosynthetic activity.

5.0 PEST MANAGEMENT ($500,000 will be available in FY 1976; $125,000 will be available in the Transition Quarter)

A proposal should not exceed $100,000 in SCRS grant support.

Specific Areas of Inquiry

5.1 The refinement of multiple methods of pest suppression and the establishment of dynamic loss levels of pests including precedures for predicting the effect of the pest damage and suppression techniques on yield. (Includes all pests and multiple methods of pest suppression on plant and animal hosts as well as ecological, erop density and spatial heterogeneity factors).

5.2 Development and integration of computer simulation models of plant growth and pest population dynamics for predictive and forecasting purposes.

6.0 Transportation and related Marketing and storage Problems of Agricultural and Forestry Products ($500,000 will be available in FY 1976; $125,000 will be available in the Transition Quarter)

A proposal should not exceed $90,000 in CSRS grant support.

Specific Areas of Inquiry

6.1 Examine logistical problems associated with the seasonal nature of agricultural production, mobility and capacity of transportation equipment and changing demands of domestic and foreign markets.

6.2 Investigate methods for improving intermodal transportation systems to increase efficiency in transloading, handling, marketing and storage of agricultural and forestry products and to maintain product quality in domestic and export markets.

6.3 Determine ways to more effectively utilize transportation and related equipment and facilities and develop equipment and facilities better adapted to the specialized needs of agricultural and forestry industries.

6.4 Examine the adequacy and appropriateness of policies affecting available and needed transport services for agricultural and forestry products.

7.0 Forage, Pasture and Range ($800,000 will be available in FY 1976; $200,000 will be available in the Transition Quarter)

Not included in the totals are $200,000 FY 1976 and $50,000 transition quarter that have been committed for soil erosion in the Pacific Northwest.

*A proposal should not exceed $100,000 in CSRS grant support except in Area *7.3, where the limit will be $125,000*

Specific Areas of Inquiry

7.1 Increased Productivity

7.1.1 Devise practices that promote establishment, raise productivity, improve botanical composition in established stands or increase longevity.

7.1.2 Incorporate heritable characteristics that confer high yield on important forage species.

7.1.3 Develop strains of forage plants that reliably produce heavy crops of seed, and/or devise procedures that recover an increased share of the seed produced.

7.2 Breeding for Improved Quality

7.2.1 Incorporate heritable characteristics that confer high digestibility or palatability on important forage species.

7.2.2 Incorporate heritable characteristics that protect nutritive value from loss before feeding.

7.3 More Efficient Utilization

7.3.1 Develop systems of harvest (grazing and mechanical) that facilitate recovery of an optimum proportion of the forage produced.

7.3.2 Develop or devise unconventional on-farm procedures that facilitate or speed up the harvest, movement, processing, preservation or storage of the nutrients produced.

7.3.3 Develop for ruminants other than beef cattle, forage systems or subsystems that support specified levels of gain or maintenance with minimum expense for concentrate feeds, energy or other purchased supplies.

7.4 Basic Genetic Studies on Forage Plants

7.4.1 Develop more efficacious breeding and selection techniques for polyploid and/or cross-pollinated species.

7.4.2 Investigate the inheritance of traits with great economic value such as digestibility, palatability and longevity.

8.0 Genetic Vulnerability Strategies ($500,000 will be available in FY 1976; $125,000 will be available in the Transition Quarter).

A proposal should not exceed $100,000 in CSRS grant support and be directed to the improvement of cultivated plant species.

Specific Areas of Inquiry

8.1 Gene Management. Contribute to the development of more efficient management systems for diverse germ-plasm through investigation of population structures, chromosome and cytoplasm manipulation, wide crosses, genetics of physiological traits, and microbiological techniques.

8.2 Evaluations. Develop methodology for collaborative multiple screening techniques applicable to large groups of accessions.

8.3 Epidemiology. Clarify the relationship between the genetic makeup of the host and the course and rate of development of outbreaks of major economic pests.

APPENDIX II

FORMAT FOR RESEARCH PROPOSAL

1. Title Page

A. *Title:* A brief, clear, specific designation of the subject of the research. Do not include such terms as, "A Study of—" or "A Detailed Analysis of—." Names of geographical regions or political subdivisions should not be included unless they are important to the subject of the research.

B. *Principal Investigator(s):*

C. *Name of performing organization and address:*

D. *Category of research program in which proposal will compete for funds:* Include the number of the specific area of inquiry as given in the Guidelines.

E. *Date of Submission:*

F. *Approval Signatures of appropriate officials:* All proposals from a University, College or Institution must be signed by the same authorized official(s).

G. Submitted to:

Dr. R. L. Lovvorn, Administrator, Cooperative State Research Service, United States Department of Agriculture, Washington, D.C. 20250.

2. *Objectives:* A clear, complete, and logically-arranged statement of the specific aims of the research.

3. *Procedures:* A statement of the essential working plans and methods to be used in attaining each of the stated objectives. Procedures should correspond to the obejctives and follow the same order. Procedures should include items such as: the sampling plan, experimental design, and analyses anticipated.

4. *Justification:* This should describe: (1) the importance of the problem to the state or region, being sure to include estimates of the magnitude of the problem; (2) the importance of starting the work now; and (3) reasons for the work being performed in your particular institution.

5. *Literature Review:* A summary of pertinent publications with emphasis on the relationship to the proposed research. Cite important and recent publications from other institutions as well as your own institution. Citations should be accurate and complete.

6. *Current Research:* Describe the relevancy of the proposed research to on-going research and as yet unpublished research at your own and at other institutions. This section may be convenient to combine with LITERATURE REVIEW.

7. *Facilities and Equipment:* The location of the work and the facilities and equipment needed and available should be clearly indicated. This section may be combined with Section 3, PROCEDURES, but the combination must clearly show needed and available facilities and equipment.

8. *Research Timetable:* Show all important research phases as a function of time.

9. *Personnel Support:* Identify clearly all personnel who will be involved in the research. For each scientist involved include: (1) An estimate of the time commitments necessary; (2) Statement of training and research experience; and (3) List of other research projects on which currently engaged.

10. *Financial Support:* Total of funds requested from CSRS for proposal must not exceed maximum in specific area. Show estimated annual costs by source of funds (grant and other sources) in conventional budget categories. Include indirect costs where appropriate.

11. *Institutional Units Involved:* List each unit of the institution contributing essential services or facilities. The responsibilities of each should be clearly shown. If there is an advisory, or coordinating committee for the project, list members by name, title, and affiliation.

12. *Impacts:* Estimate the magnitude of the scientific and/or socioeconomic benefits expected from the new knowledge or technology generated. Describe the users of the research results; how the results could be used; their potential impact on the problem defined in the project justification statement; the beneficiaries of the research results and the nature of the benefits received.

APPENDIX III

INSTRUCTIONS FOR PEER PANELS ON USE OF SCORING FORM

The following items are numbered to correspond to those on the scoring form:

A. *Relevancy of Proposal to Guidelines:* Conformance of each proposal to the guidelines will be evaluated first in CSRS and if *item (1)* is checked, the proposal will go routinely to peer review. Peers may not agree with CSRS and can so indicate on the scoring form. Where *Item (2)* is checked, CSRS will send the proposal for peer review to get additional insights. Where *item (3)* is checked, the proposal will be returned to the originating institution as inappropriate for further consideration.

B. *Scientific Criteria:* These criteria will provide the primary rationale for making awards. For all items, positive scoring will range from 1 (poor) through 10 (outstanding). A score of "0" will be reserved for those cases in which the proposal does not cover the item. In such cases, the Peers will recommend (or not) for negotiation with the originating institution largely as a function of the quality of other items.

Item 4: Score from 1 to 10 points based on your assessment. (Refer in particular to Elements 2, 3 and 4 in Format.)

Item 5: Consider educational background and experience of the principal investigator, and the nature and composition of research team and support personnel. (Refer to element 9 in Format.)

Item 6: Distribute 10 points based on the adequacy of all facilities, equipment and program support. Reduce points to reflect excessive purchases of equipment with grant funds. (Refer to Elements 7 and 10 in Format.)

Item 7: Score from 1 to 10 points based on justification of grant support requested. (Refer in particular to Element 10 in Format.)

Item 8: Assess the probability that the research can be completed and written for publication during the period of the grant. Consider the amount of time and attention that investigators, research team, and support personnel will devote to project. (Refer in particular to Elements 8 and 9 in Format.)

Item 9: Distribute points in increasing amount based on investigator's knowledge of relevant literature and on-going research. (Refer to Elements 5 and 6 in Format.)

C. *Impacts Criteria: Items 10 and 11:* Score from 1 to 10 points in each item based on your assessment of the magnitude of the scientific and/or socioeconomic benefits expected from the new knowledge and technology generated from the research project. (Refer in particular to Element 12 in the Format.)

APPENDIX IIIA

PEER PANEL SCORING FORM

State and identification number: .....
Project title: .....

A. Relevance of Proposal to Guidelines (check one item)
(1) ☐ Within Guidelines (forward for Peer Evaluation)
(2) ☐ Some minor deviation(s) from Guidelines (forward for Peer Evaluation with notation)
(3) ☐ Does not conform to guidelines (return proposal to originating institution)

B. Scientific Criteria

	Score [1] 1–10 (low to high)	Comments
(4) Overall scientific and technological quality of proposal		
(5) Research competence of the principal investigator(s), research team and support personnel.		
(6) Adequacy of facilities, equipment, and related program support.		
(7) Justification of support requested in relation to objectives and procedures.		
(8) Feasibility of attaining objectives during life of proposed research.		
(9) Awareness of published literature & current research related to proposed research.		
Subtotal		
C. Impacts Criteria		
(10) Relevance and importance of proposed research to solution of specific areas of inquiry (identified in guidelines).		
(11) Estimate of expected benefits		
Total		

D. Extended Comments: Use back of page

[1] A score of 0 indicates that proposal does not contain information on which to base judgment and negotiation with Institution may be indicated.

[FR Doc.75-34506 Filed 12-19-75;8:45 am]

Soil Conservation Service

CLARKSVILLE FAIRGROUNDS PARK WATER-BASED RECREATION RC&D MEASURE, TENNESSEE

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8 (b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Clarksville Fairgrounds Park—a Water-Based Recreation RC&D Measure, Montgomery County, Tennessee.

The environmental assessment of this federal action indicates that the measure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the measure. As a result of these findings, Mr. Donald C. Bivens, State Conservationist, Soil Conservation Service, USDA, 561 U.S. Courthouse, 801 Broadway, Nashville, Tennessee 37203, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure concerns a plan for development of a recreation park on a 52-acre tract of land adjacent to the Cumberland River, Barkley Lake. Water use facilities to be built include a river fishing access, fishing pier, parking lots, grills, benches, and walking path. Other facilities such as shelters, picnic tables, and restrooms are to be provided along with lighting facilities, landscaping, fencing, an entrance gate, and appurtenances. Development of the 52 acres will provide recreational facilities for the 119,000 people living in the Clarksville-Hopkinsville-Montgomery and Christian County Standard Metropolitan Statistical Area (SMSA).

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 561 United States Courthouse, Nashville, Tennessee 37203

The negative declaration is available for single-copy requests at the above location.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

Dated: December 12, 1975.

VICTOR H. BARRY, JR.,
Deputy Administrator for Field Services, Soil Conservation Service.

[FR Doc.75-34360 Filed 12-19-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

HEALTH MANPOWER EDUCATION INITIATIVE PROJECTS

Announcement of National Priority

Section 774(a) of the Public Health Service Act (42 U.S.C. 295f-4(a)) authorizes the Secretary of Health, Education, and Welfare to make grants to public and nonprofit private health or educational entities for the purpose of improving the distribution, supply, quality, utilization, and efficiency of health personnel and the health services delivery system. Under section 774(a) of the Act, grants may be awarded for projects:

1. To encourage the establishment or maintenance of programs to alleviate shortages or health personnel in areas designated by the Secretary through training or retraining such personnel in facilities located in those areas or to otherwise improve the distribution of health personnel by geographic area or by specialty group;

2. To provide training programs leading to more efficient utilization of health personnel;

3. To initiate new types and patterns or improve existing patterns of training, retraining, continuing education, and advanced training of health personnel, including teachers, administrators, specialists, and paraprofessionals (particularly physicians' assistants, dental therapists, and pediatric nurse practitioners);

4. To encourage new or more effective approaches to the organization and delivery of health services (including emergency medical services) through

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training individuals in the use of the team approach to delivery of health services (including emergency medical services) and otherwise;

5. To assist State, local, or other regional arrangements among schools and related organizations and institutions to carry out any of the above purposes; or

6. To provide for (1) the discovery, collection, development or confirmation of information for, (2) the planning, development, demonstration, establishment, or maintenance of, or (3) the alteration or renovation of existing facilities for, any of the purposes described above.

Proposed regulations implementing section 774(a) of the Act were published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18790). Section 57.2606(a) of the proposed regulations provides that the Secretary in awarding grants will take into consideration, among other pertinent factors, the national need which the particular project proposes to serve.

Notice is hereby given that the Secretary has determined there is a priority national need for projects to train health professions, nursing, and public health students and students in auxiliary health fields in the use of the interdisciplinary team approach to the delivery of primary health care. Therefore, in fiscal year 1976 funding preference will be given to projects which address such national need. For purposes of these projects, training in the interdisciplinary team approach to the delivery of primary health care is considered to be an educational program that teaches individuals to function as an integral part of an interprofessional team of health personnel, organized under the leadership of the professional who is accountable for the care of the patient, working toward a more efficient and more effective delivery of such health care. Central to the objectives of such training is the ability of the group to interact in such a way as to achieve a higher level of effectiveness or efficiency than would occur if each worked independently. Therefore, the purpose of the training is the acquisition of knowledge and skills necessary to work in an interactive group with a delineation and understanding of the roles of each and the relationship of the roles to one another in achieving the objectives.

Although funding preference will be given to the projects which address the priority national need described above, applications for projects to carry out the other purposes authorized by section 774 (a) of the Act will also be accepted and considered for funding. All applications must meet the requirements of final regulations which will be promulgated shortly pursuant to section 774(a) of the Act.

This program is administered by and application materials may be obtained from the Special Programs Staff, Office of Interdisciplinary Programs, Bureau of Health Manpower, Health Resources Administration, 9000 Rockville Pike, Bethesda, Maryland 20014 (Telephone 301–496–6821). The deadline for receipt of applications for grants for fiscal year 1976 funding is February 2, 1976.

Dated: December 12, 1975.

KENNETH M. ENDICOTT,
Administrator,
Health Resources Administration.

[FR Doc.75-34308 Filed 12-19-75;8:45 am]

PUBLIC HEALTH AND ALLIED HEALTH PROFESSIONS GRANT PROGRAMS

Application Announcement

Notice is hereby given that the Division of Associated Health Professions, Bureau of Health Manpower, Health Resources Administration, is now accepting applications for grants in fiscal year 1976 for the programs listed below. Although, the President did not request funds in support of these programs in the 1976 budget, consideration of the continuation of these programs is currently underway in the Congress. On the contingency that funds may be made available by the Congress, all potential applicants are being advised that they may apply. However, there can be no assurance that funds will ultimately be available for making grant awards.

Eligible applicants may request application materials by contacting immediately the Education Development Branch, Division of Associated Health Professions, Bureau of Health Manpower, Health Resources Administration, Building 31, Room 3B19, 9000 Rockville Pike, Bethesda, Maryland 20014 (301, 496–5697).

Program	Public Health Service Act	Application receipt deadline
Traineeship for professional public health personnel	Sec. 312 (formerly sec. 306)[6]	Feb. 27
Special purpose [1]		
Short term [1] [3]		(5)
General purpose [2]		Apr. 1
Project grants for graduate training in public health [1]	Sec. 313(a) (formerly sec. 309(a)) [4]	Mar. 15
Grants to schools of public health for public health training (formula grants).[3]	Sec. 313(c) (formerly sec. 309(c))[4]	Mar. 1
Grants to improve the quality of training for allied health professions special improvement grants.[3]	Sec. 792(b)	Mar. 22
Special projects for experimentation, demonstration, and institutional improvement.[4]	Sec. 792(c)	Mar. 15

ELIGIBLE APPLICANTS

[1] Schools of public health and other public and nonprofit private institutions offering graduate or specialized training in public health for professional health personnel.
[2] Public and nonprofit private schools of public health accredited to award the master of public health degree.
[3] Public and nonprofit private training centers for allied health professions, as defined in sec. 795(1) of the act, and implementing regulations.
[4] Public and nonprofit private agencies, organizations, and institutions.
[5] To obtain application materials and deadlines for grants for public health traineeships (short term), applicants should contact the Regional Health Administrator DHEW regional offices.
[6] Redesignated by Public Law 93-353.

KENNETH M. ENDICOTT,
Administrator,
Health Resources Administration.

[FR Doc.75-34309 Filed 12-19-75;8:45 am]

Office of Education

EDUCATIONAL OPPORTUNITY CENTERS PROGRAM

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Title IV, part A, Subpart 4 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070d–1070d–1), applications are being accepted for awards under the Educational Opportunity Centers Program.

Applications must be received by the Office of Education Application Control Center on or before February 11, 1976. For Fiscal Year 1976 no continuation awards will be funded.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.543. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than February 6, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays.

Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Division of Student Support and Special Programs, Room 4010, 7th and D Streets, SW., Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to these programs include the Office of Education General Provisions Regulations (45 CFR Part 100a), the regulations set forth at 45 CFR Part 154 (Educational Opportunity Centers), and the proposed funding criteria for Educational Opportunity Centers, published in this issue of the FEDERAL REGISTER.

(20 U.S.C. 1070d–1070d–1)

(Catalog of Federal Domestic Assistance Programs, Number 13.453 Educational Opportunity Centers)

Dated: December 15, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-34435 Filed 12-19-75;8:45 am]

COMMUNITY EDUCATION PROGRAM

Notice on Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 405 of the Education Amendments of 1974, Pub. L. 93-380 (20 U.S.C. 1864), applications are being accepted for the Community Education Program. This program is authorized to make grants to State education agencies (SEA) and to local education agencies (LEA) to pay the Federal share of the cost of establishing, expanding, and maintaining community education programs. The program is also authorized to make grants to institutions of higher education (IHE) to develop and establish or expand programs which will train persons to plan and operate community education programs.

Applications must be received by the U.S. Office of Education Application Control Center on or before March 3, 1976.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention 13.563. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than February 27, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or,

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date, March 3, 1976.

C. *Pre-Application.* No pre-application will be required for Fiscal Year 1976.

D. *State comment.* A local educational agency *must* provide a copy of its application to the appropriate State educational agency. For verification of submission to the SEA, the LEA applicant must enclose in its application to the Commissioner, a copy of the dated cover letter used to forward a copy of its application to the SEA. State educational agencies wishing to submit advice and comment on any application originating within their State may do so by forwarding such advice and comment to the Community Education Program, U.S. Office of Education. (See address below.) Advice and comments received from SEAs no later than March 31, 1976 will be considered in reviewing applications.

E. *Program information and forms.* Information and application forms may be obtained from the U.S. Office of Education, Community Education Program, Regional Office Building Three, Room 5622, 7th and D Streets, SW., Washington, D.C. 20202. (202) 245–0691.

F. *Applicable regulations.* The regulations applicable to this program are the Office of Education General Provisions Regulations (45 CFR Part 100a), which are included in the Community Education Program application package, and the Community Education Program Regulation (45 CFR Part 160c) published on December 12, 1975 in the FEDERAL REGISTER.

(20 U.S.C. 1864)

(Catalog of Federal Domestic Assistance Number 13.563; Community Education Program)

Dated December 17, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-34524 Filed 12-19-75;8:45 am]

Office of the Secretary

RIGHTS AND RESPONSIBILITIES OF WOMEN ADVISORY COMMITTEE

Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which was established to review the policies, programs, and activities of the Department of Health, Education, and Welfare relative to women and to make recommendations to the Secretary on how to better the services of HEW's programs to meet these special needs of women, will meet on Thursday and Friday, January 15–16, 1976, from 9:00 a.m. to 5:00 p.m. each day in Room 5169, HEW—North Building, 330 Independence Avenue, SW., Washington, D.C. The agenda includes the consideration of new priorities for 1976 and a report on the status of the Committee and its 1975 projects.

Interested persons wishing to address the Committee, should contact the Executive Secretary by COB Friday, January 9. Phone: 202–245–8454. Written statements received by January 9 will be duplicated and distributed to the members. Members of the public are invited to attend the meeting.

Dated: December 15, 1975.

SANDRA S. KRAMER,
Acting Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc.75-34433 Filed 12-19-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-75-469]

CAPTAIN'S COVE

Hearing

In the matter of Captain's Cove, OILSR No. 0-0829-54-27 Doc. No. 75-266-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. First Charter Land Corporation, Wesley T. Butler, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued November 13, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Captain's Cove, located in Greenbackville, Virginia, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received November 25, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d): *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, De-

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partment of HUD, 451 7th Street, SW., Washington, D.C., on February 4, 1976, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before January 21, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: December 11, 1975.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-34438 Filed 12-19-75;8:45 am]

[Docket No. N-75-468]

STONE KNOB

Hearing

In the matter of Stone Knob, OILSR No. 0-4278-57-39, Doc. No. 75-238-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d).

Notice is hereby given that:

1. Coldstream Wildpark, Inc., Henry C. Barksdale, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued October 22, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Stone Knob, located in Hampshire County, West Virginia, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received November 7, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d): *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on February 9, 1976, at 10:00 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before January 26, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: December 11, 1975.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc. 75-34439 Filed 12-19-75;8:45 am]

[Docket No. N-75-470]

THORNHURST LAKE ESTATES

Hearing

In the matter of Thornhurst Lake Estates, OILSR No. 0-1724-44-81 Docket No. 75-249-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d).

Notice is hereby given that:

1. Pocono Resorts Enterprises, William D. Morgan, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued October 22, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Thornhurst Lake Estates, located in the state of Pennsylvania, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received November 17, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d): *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on February 5, 1976, at 10:00 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before January 23, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: December 11, 1975.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-34440 Filed 12-19-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Meeting

Notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics (RTCA) Special Committee 129—Future Civil Aviation Frequency Spectrum Requirements, which is being utilized as an advisory committee within the meaning of the Federal Advisory Committee Act, 5 U.S.C. Appendix I. It is to be held January 8-9, 1976, in Conference Room 8201, Federal Communication Commission, 2025 M Street, NW., Washington, D.C. 20554, commencing at 9:30 am. Agenda items include:

1. Review and approval of Minutes of Sixth Meeting held on December 5, 1975.
2. Reports on FCC Steering Committee meeting and of Informal Groups.
3. Review of ITU Radio Regulations pertaining to the Aeronautical Services.
4. Review of footnotes to the Table of Frequency Allocations.

Meetings of Special Committee 129 are open to the public, subject to limitations of space available. Subject to time being available, any member of the public may present oral statements at the meeting, or may submit written statements to the RTCA Secretariat. Requests to receive additional information or to be heard should be made by contacting the RTCA Secretariat, Suite 655, 1717 H Street, NW., Washington, D.C. 20006, or telephone Area Code (202) 296-0484.

Issued in Washington, D.C., on December 10, 1975.

EDGAR A. POST,
Designated Officer.

[FR Doc.75-34307 Filed 12-19-75;8:45 am]

MICROWAVE LANDING SYSTEM ADVISORY COMMITTEE

Meeting

Pursuant to Section 10(a)(2) of Pub. L. 92-463, notice is hereby given that the Microwave Landing System (MLS) Advisory Committee will hold a meeting on January 20 and 21, 1976, beginning at 9:30 AM in Conference Room 3201, Trans Point Building, 2100 2nd Street, S.W., Washington, D.C.

Topics to be considered include: discussion of user views on the MLS program; the review of Phase III procurement and test plans, and results of recently conducted tests; discussion of the U.S. Microwave Landing System proposal to the International Civil Aviation Organization (ICAO); system transition and implementation considerations and policy status; and discussion of MLS operational benefits.

Anyone desiring further information on the meeting should contact Mr. G. Jensen, Executive Director, Microwave Landing System Advisory Committee, Federal Aviation Administration, 2100 2nd Street, S.W. Washington, D.C., 20590, telephone 202-426-3633. The meeting will be open to the public.

Issued in Washington, D.C. on November 28, 1975.

JACK W. EDWARDS,
Acting Executive Director, Microwave Landing System Advisory Committee.

[FR Doc.75-34336 Filed 12-19-75;8:45 am]

Materials Transportation Bureau

HAZARDOUS MATERIALS OPERATIONS

Notice of Application for Exemptions or Renewals

In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations has received applications for exemptions and renewals of exemptions, that are described below. The modes of transportation requested are identified by a number in the "Nature of Application" portion of the table below as follows: 1—Motor Vehicle, 2—Rail Freight, 3—Cargo Vessel, 4—Cargo-only Aircraft, 5—Passenger-carrying Aircraft.

Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6213, Trans Point Building, 2100 Second Street SW., Washington, D.C.

Interested persons are invited to submit views or comments with respect to any one or more of the applications. Comments should refer to the application number and be submitted in duplicate to the Docket Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. All comments received before the close of business on the specified comment closing date will be considered and will be available in the docket for inspection and copying, both before and after the closing date.

This notice of receipt of applications for exemptions and renewals of exemptions is published in accordance with section 107 (a) of the Hazardous Materials Transportation Act (49 U.S.C. 1806(a)) and the Materials Transportation Bureau's regulations on this subject (49 CFR 107.109(a)), and does not represent any agency decision or other exercise of judgment concerning the merits of the petitions.

New exemptions

Application No.	Applicant	Regulation(s) affected	Nature of application
75-108	Eagle-Picher Industries, Inc., Joplin, Mo.	49 CFR 173.206	To allow the shipment of lithium batteries not presently provided for in the regulations. (Mode 1.)
75-109	Pennwalt Corp., Philadelphia, Pa.	49 CFR 173.314	To allow the shipment of chlorine in "ton containers" patterned after DOT specification 110A500W. (Modes 1 and 2.)
75-110	Kerr-McGee Chemical Corp., Oklahoma City, Okla.	49 CFR 173.251	To allow the use of DOT specification 37A steel drums, with certain inside containers for boron tribromide. (Modes 1, 2, 3, 4, and 5.)
75-111	Hercules, Inc., Wilmington, Del.	49 CFR 173.268 and 179.201-1.	To allow the use of safety relief devices with higher pressure settings than presently authorized on DOT 111A60ALW2 tank cars in nitric acid service. (Mode 2.)
75-112	Olin Corp., Winchester-Western Division, East Alton, Ill.	49 CFR 173.65	To allow the use of DOT specification 10B wooden barrels, formerly authorized, for shipments of a class A explosive. (Mode 1.)
75-113	Boeing Commercial Airplane Co., Seattle, Wash.	49 CFR 173.302	To allow the use of non-DOT specification FRP aluminum cylinders in compressed gas service. (Modes 4 and 5.)
75-114	Williams, Dimond & Co., San Francisco, Calif.	46 CFR 146.22-100 and 49 CFR 173.119.	To allow the shipment of a flammable liquid in non-DOT specification portable tanks built to ISO specifications. (Modes 1, 2, and 3.)

NOTE.—The closing date for filing comments on the above applications, is Jan. 23, 1976.

Renewals

Application No.	Applicant	Regulation(s) affected	Nature of application
75-115	Airco Cryplants Corp., New Providence, N.J.	49 CFR 173.315	To amend special permit 7025, to determine the "One way travel time" by a modified procedure. (Mode 1.)
75-116	Virginia Chemicals, Inc., Portsmouth, Va.	46 CFR 146.21-100, 146.25-100, 49 CFR 173.119, 173.249.	To amend special permit 6720, to allow the shipment of additional organic amines. (Modes 1, 2, and 3.)
75-117	Diamond Shamrock Chemical Co., Cleveland, Ohio.	46 CFR 146.23-100, 146.27-100.	To renew U.S. Coast Guard permit 28-73, allowing shipments of corrosive materials with deviation from the stowage requirements. (Mode 3.)
75-118	3M Co., Saint Paul, Minn.	49 CFR 173.124, 14 CFR 103.9.	To renew special permit 4662, allowing shipments of ethylene oxide, 12 cartridges to a box and 10 boxes in a carton. (Modes 1, 2, and 4.)
75-119	Military Traffic Management Command (MTMC), Department of the Army, Washington, D.C.	49 CFR 173.62 and 177.835.	To renew special permit 2709, allowing the transportation of desensitized liquid nitroglycerin in specially designed containers. (Mode 1.)
75-120	MCB Manufacturing Chemists, Norwood, Ohio.	49 CFR pt. 173	To renew special permit 6700, allowing the use of polyethylene drums without overpack for certain corrosive liquids. (Modes 1, 2, and 3.)
75-121	Mason and Hanger-Silas, Mason Co., Inc., Amarillo, Tex.	49 CFR 173.65	To renew special permit 6043, allowing the shipment of a certain class A explosive shipped as a reagent. (Modes 1 and 2.)
75-122	Norris Industries, Los Angeles, Calif.	49 CFR 173.302	To renew special permit 6088, allowing the use of non-DOT specification aluminum alloy cylinders for shipment of compressed gases. (Modes 1 and 2.)
75-123	MTMC, Washington, D.C.	49 CFR 173.214	To renew special permit 5279, allowing the transportation of zirconium metal powder in a container not presently authorized for this commodity by the regulations. (Modes 1 and 2.)
75-124	do	49 CFR 173.60 and 173.87.	To renew special permit 6250, allowing the transportation of aircraft components containing class C explosives. (Modes 1 and 3.)
75-125	Chilton Metal Products, Chilton, Wis.	49 CFR 173.304 and 175.85.	To renew special permit 6036, allowing shipments of a certain flammable compressed gas in cylinders not presently authorized for than commodity. (Modes 1 and 2.)
75-126	Allied Chemical, Morristown, N.J.	49 CFR 173.315	To renew special permit 6173, allowing tht transportation of liquefied ethylene in specially designed cargo tanks. (Mode 1.)
75-127	RMI Co., Niles Ohio.	49 CFR 173.206	To renew special permit 3648, allowing the shipment of a certain flammable solid in packaging not presently authorized by the regulations. (Mode 1.)
75-128	Dow Chemical Co., Freeport, Tex.	49 CFR 173.263 and 173.249.	To renew special permit 6790, allowing the use of a fiberglass reinforced plastic cargo tank for certain corrosive liquids. (Mode 1.)
75-129	MTMC, Washington, D.C.	49 CFR 173.34 and 173.302.	To renew special permit 6068, allowing the shipment of Nitrogen in non-DOT specification cylinders. (Modes 1, 2, and 4.)
75-130	do	49 CFR 173.306	To renew special permit 5789, allowing the shipment of hydraulic accumulators overpacked in a strong wooden box. (Modes 1, 2, 3, and 4.)

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Renewals

Application No.	Applicant	Regulation(s) affected	Nature of application
75-131	Uniroyal Chemical, Naugatuck, Conn.	49 CFR 173.346	To renew special permit 6397, allowing the use of the DOT 34 polyethylene container for certain class B poisons. (Modes 1 and 2.)
75-132	Dow Chemical Co., Midland, Mich. and Great Lakes Chemical Corp., El Dorado, Ark.	49 CFR 173.252 and 46 CFR 146.23-100.	To renew special permit 6958, allowing the shipment of elemental bromine in a lead lined portable tank. (Modes 1 and 2.)
75-133	MTMC, Washington, D.C.	49 CFR 173.315	To renew special permit 1479, allowing the use of a specially designed cargo tank for transportation of liquified fluorine and mixtures thereof. (Mode 1.)
75-134	Austin Powder Co., Cleveland, Ohio.	49 CFR 173.62, 177.834, and 177.835.	To renew special permit 5112, allowing the use of a specially designed container for transportation of liquid high explosives. (Mode 1.)
75-135	Hercules, Inc., Wilmington, Delaware, and MTMC, Washington, D.C.	49 CFR 173.336 and 177.811.	To renew special permit 312, allowing the transportation of nitrogen tetroxide in specially designed cargo tanks. (Mode 1.)
75-136	Buckeye Fire Equipment Co., Cleveland, Ohio, and Fenwal, Inc., Ashland, Mass.	49 CFR 173.305	To renew special permit 6629, allowing the use of non-DOT specification spherical pressure vessels for shipments of compressed gas. (Mode 1.)
75-137	United Technologies, Sunnyvale, Calif., and MTMC, Washington, D.C.	49 CFR 173.65	To renew special permit 4041, allowing the use of DOT specification 37A drums for small particle size ammonium perchlorate classed as high explosives. (Modes 1 and 2.)
75-138	MTMC, Washington, D.C.	49 CFR 173.145	To renew special permit 6954, allowing the transportation of methylhydrazine in modified DOT specification MC 312 cargo tanks. (Mode 1.)
75-139	Rohm and Haas Co., Philadelphia, Pa.	46 CFR 146.22-100	To renew U.S. Coast Guard permit 27-73, allowing a certain flammable solid in DOT 37A specification drums. (Mode 3.)
75-140	Phillips Petroleum Co., Bartlesville, Okla.	49 CFR 173.249	To renew special permit 6943, allowing the transportation of alkaline caustic liquid in DOT-51 stainless steel portable tanks. (Mode 1.)
75-141	MTMC, Washington, D.C.	49 CFR 174.526 and 175.835.	To renew special permit 5022, allowing shipments of class A and B explosives and accompanying devices in or on transport vehicles equipped with heating or refrigerating apparatus. (Modes 1 and 2.)
75-142	Virginia Chemicals, Inc., Portsmouth, Va.	49 CFR 173.302, 173.304, and 173.305.	To renew special permit 6151, allowing the use of DOT-39 aluminum cylinders without safety relief devices, for shipments of certain compressed gases. (Modes 1 and 2.)

The closing date for filing comments on the above applications for renewal is: January 9, 1976.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc.75-34215 Filed 12-19-75;8:45 am]

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Public Meeting

On January 27, 28 and 29, 1976, the National Motor Vehicle Safety Advisory Council will hold open meetings in the DOT Headquarters Building, 400 Seventh Street, SW., Washington, D.C. The Advisory Council is composed of 25 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Advisory Council makes recommendations to the Secretary of Transportation on motor vehicle safety and property loss reduction programs carried out by the National Highway Traffic Administration.

The following meetings are subject to the approval of the National Highway Traffic Safety Administrator.

On January 27 in room 2232 the committees of the Advisory Council will meet. On January 28 in room 2232 the Safety Defects Hearing will be held. On January 29 in room 2232 the full Council will meet with the Executive Committee meeting immediately following the Council meeting.

Agendas and times for the above meetings will be published prior to the meeting dates.

For further information contact the NHTSA Executive Secretary, room 5215, 400 Seventh Street, SW., Washington, D.C., telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: December 16, 1975.

WM. H. MARSH,
Executive Secretary.

[FR Doc.75-34312 Filed 12-19-75;8:45 am]

ARMS CONTROL AND DISARMAMENT AGENCY

GENERAL ADVISORY COMMITTEE ON ARMS CONTROL AND DISARMAMENT

Meeting

Notice is hereby given in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770, 5 U.S.C. App. I) and paragraph 8b of Office of Management and Budget Circular No. A-63 (Revised) dated March 27, 1974, that a meeting of the General Advisory Committee on Arms Control and Disarmament is scheduled to be held on Monday, February 2, 1976, from 8:30 a.m. to 6:00 p.m. and on Tuesday, February 3, 1976, from 8:30 a.m. to 5:00 p.m., at 2201 C Street, N.W., Washington, D.C. in room 7516. The purpose of the meeting is for the Committee to receive classified briefings and hold classified discussions concerning continuing international negotiations and other arms control issues.

The meeting will be closed to the public. A determination has been made by the Director of the Arms Control and Disarmament Agency in accordance with section 10(d) of the Federal Advisory Committee Act and paragraph 8d(2) of Office of Management and Budget Circular No. A-63 (Revised) that the meeting will be concerned with matters of the type described in 5 U.S.C. 552(b)(1). This determination was made pursuant to a delegation of authority from the Office of Management and Budget dated June 25, 1973, issued under the authority of Executive Order 11769 dated February 21, 1974.

Dated: December 15, 1975.

SIDNEY D. ANDERSON,
Advisory Committee Management Officer.

[FR Doc.75-34363 Filed 12-19-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26487; Order 75-12-64]

NORTHWEST AIRLINES, INC.

Transatlantic, Transpacific and Latin American Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of December 1975.

By petition dated December 11, 1975, Northwest Airlines, Inc. (Northwest), requests that the Board issue an order authorizing negotiations among the parties to this proceeding for the purpose of developing a proposed settlement of some or all of the issues under investigation. Northwest further requests that the authority extend until January 5, 1976.

In support of its request, Northwest states that on the first day of the hearing,[1] the Administrative Law Judge (ALJ) temporarily recessed the proceedings in order to permit the parties to explore the feasibility of settlement negotiations among the parties; that after nearly one and a half days of preliminary exploratory discussions, the parties reported to the ALJ that they believed negotiations could possibly lead to a proposed settlement of most, if not all, of the issues in this case; and that the ALJ, based on this report, recessed the hearing until January 6, 1976, in order to facilitate the negotiations.

[1] The hearing was commenced on December 8, 1975, in Washington, D.C.

Northwest indicates that an order approving the negotiations may not be necessary even though the negotiations will require discussion of mail rates not only between each carrier and the Postal Service but also among the carriers collectively and the Postal Service. It points out that under section 406 of the Federal Aviation Act, only the Board can fix rates for mail transportation. Moreover, because the purpose of the negotiations is to arrive at a settlement of a formal investigation instituted by the Board, any prohibition there might be against such discussions may not apply.[2]

However, Northwest believes that it would be highly desirable to have a Board authorization for the negotiations since it has been unable to find a specific Board or judicial precedent which would permit the discussions absent a Board order.

Because of the short hearing recess permitted by the ALJ for discussions, the Board has decided to act upon the petition without awaiting answers to be filed.[3] It is argued that Board authorization is not necessary for settlement discussions among the parties to this proceeding, since both the carriers and the sole users of the service will be present and only the Board has the final authority to set mail rates. In the present circumstances, we do not believe it is necessary to reach that issue. Northwest has indicated a reluctance to enter the discussions absent such authorization. We believe that there is a strong public interest in attempting to resolve the issues in this proceeding through settlement discussions rather than prolonged and costly litigation.[4] We will therefore grant the requested authority.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, 406, 412, and 414 thereof, and the regulations promulgated in 14 CFR Part 302,

It is ordered, That: 1. The parties to this investigation may engage in discussions until January 5, 1976, in order to develop a proposed settlement of some or all of the issues to this investigation;

2. Any proposal reached as a result of such discussions shall be filed in Docket 26487 forthwith upon conclusion of the discussions; and

3. This order shall be served upon all parties to Docket 26487.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-34469 Filed 12-19-75;8:45 am]

[Docket No. 28610; Order 75-12-77]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Granting Temporary Emergency Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of December 1975.

By telegraphic application dated December 11, 1975, Pan American World Airways requested an exemption pursuant to section 416(b) of the Act and Rule 410 of the Board's rules of practice to enable Pan American, inter alia to carry traffic between New York and San Francisco on existing Pan American flights over that sector for the duration of the work stoppage at United Air Lines, Inc. We have decided to grant Pan American's exemption request for the period December 18, 1975 through December 23, 1975 to the extent necessary to enable the carrier to engage in passenger interstate air transportation between New York and San Francisco on its daily Flight #1, departing New York at 9 a.m. and arriving in San Francisco at 12:10 p.m. and its Flight #2, departing San Francisco at 9:45 a.m. and arriving in New York at 5:50 p.m.

In support of its request for an exemption from sections 401 and 403 of the Act, Pan American states: that in light of the overwhelming demand for transportation which, due to United's work stoppage, cannot be met by air carriers certificated in this market, grant of Pan American's exemption request is required in the public interest; that enforcement of sections 401 and 403 of the Act would unduly burden Pan American because of the unusual circumstances affecting its operations, the unusual circumstances being the United work stoppage and the fact that Pan American conducts operations over this route without local traffic rights; and that there is ample capacity on Pan American's New York-San Francisco-Tokyo flights to accommodate traffic which would otherwise be stranded beacuse of the United work stoppage. In a later telegraphic communication also dated December 11, 1975, Pan American has stated that it would charge the fares and rates currently provided in United's tariffs.

Answers[1] in opposition to Pan American's request for temporary fill-up rights between New York and San Francisco were filed between December 12 and 16 by American Airlines, the Air Line Pilots Association, International (ALPA), the United Airlines Pilots Master Executive Council (United Pilots), The Flying Tiger Line, Trans World Airlines, and United Air Lines. American states, inter alia, that there is no public need for another carrier in the New York-San Francisco market since American and TWA offer a number of frequencies in that market and American clearly has the capability of adding extra sections on days when demand may peak; that Pan American's request is contrary to Board policy; that Pan American's request is a complex and controversial one which the Board has repeatedly held to be inappropriate for an exemption; and that where the underlying situation involves a labor dispute affecting markets where the remaining carriers are supplying ample service to meet the public demand, Board policy expressly requires denial of an exemption to a carrier in Pan American's position. ALPA states that the Board's policy has been against temporary authorizations for air carriers to operate over the route of struck carriers; that it is impossible to visualize any burden upon Pan American which would result from the denial of its requested exemption; that the requested exemption is clearly contrary to the public interest since it may cause the current strike against United to be extended indefinitely and expanded to other carriers; and that granting the exemption would destroy the delicate balance which the Railway Labor Act established for collective bargaining negotiations, contrary to the Board's responsibilities under section 401(k) of the Act. The United Pilots take the position that the grant of Pan American's exemption request would be an unconscionable interference in the collective bargaining process and would undoubtedly prolong the United strike. Flying Tiger opposes an exemption for the carriage of freight in the New York-San Francisco market on the ground that the certificated carriers in this market have made available sufficient additional freighter capacity to service all available traffic. TWA states that it is only during the period December 17-23 that it may have difficulty accommodating all of the traffic in the New York-San Francisco market, and that it objects, therefore, to Pan American's request except for that period and provided that, even on those dates, Pan American's authority be restricted so as to prevent the carrier from advertising or holding out such services.[2] Finally, United states, inter alia, that the facts indicate that there clearly is no need for additional service by Pan American in the New York-San Francisco market; and that contrary to Pan American's alleged desire to provide needed service, the carrier is really attempting

[2] Northwest also believes that two Supreme Court decisions may be sufficient authority for the negotiations. These cases held that no cause of action under the Sherman Act was alleged insofar as it was predicated upon mere attempts to influence the Legislative Branch for the passage of laws or the Executive Branch for their enforcement "Eastern Railroad Presidents Conference v. NOERR Motor Freight, Inc." 365 U.S. 127 (1961) and "United Mine Workers v. Pennington" 381 U.S. 657 (1965).

[3] Northwest has indicated that all of the parties who attended the first day of the hearing have no objection to the request.

[4] Indeed, Section 4 of the International Fair Competitive Practices Act of 1974 (P.L. 93-623) requires that the Board act expeditiously in setting mail rates for foreign mail transportation.

[1] Telegraphic communications received from the United Pilots, Flying Tiger, and TWA are hereby treated as answers. While Rule 410 of the Board's Rules of Practice which provides for emergency exemptions does not specifically authorize telegraphic answers to applications for emergency exemptions, in view of the emergency nature of the application involved herein, we will accept the telegraphic answers received.

[2] In this regard, TWA requests that Pan American merely be permitted to honor tickets sold to passengers by one of the carriers authorized to serve the route and endorsed over by such carriers to Pan American.

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to obtain the fill-up rights it has sought since 1950 by way of the "back door."

Answers in support of Pan American's request were filed by Emery Air Freight, Corp.[3] and the American Society of Travel Agents, Inc. (ASTA). Emery states that it has a substantial volume of cargo which it will be unable to move unless Pan American's requested authority is granted since the authorized carriers now operating are having extreme difficulty in accommodating Emery's freight. ASTA states that there is an overwhelming demand for transportation which cannot and will not be met by those air carriers presently certificated to carry passengers in the New York-San Francisco market and that the impact resulting from the United strike will increase greatly as the holiday season approaches; and that because of the excess capacity on Pan American flights, that carrier could easily and conveniently accommodate many of the persons who will be affected by the United work stoppage.

Upon consideration of the foregoing, the Board has determined to grant an exemption to Pan American pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended, from the provisions of sections 401 and 403 that would otherwise prevent the carrier from engaging in interstate passenger air transportation between New York and San Francisco. As indicated above, this temporary emergency authority will permit Pan American to carry domestic passenger traffic on presently operating flights at the fares currently provided in the tariffs of United Air Lines for the very limited period between December 18–23, 1975, inclusive.[4] The Board finds that the combination of (1) the peaking of holiday traffic in the period immediately prior to Christmas; (2) the abrupt cessation of United's service by reason of a strike; and (3) the ready availability of seats on one presently operating Pan American B–747 daily round-trip service, justifies the grant of temporary exemption authority on an emergency basis.

TWA has stated that it "may have difficulty in accommodating all of the traffic, Dec. 17 through Dec. 23 inclusive." Moreover, while American Airlines and other parties note that thus far there has been no general shortage of seating accommodations based on average load-factor data, the Board is aware that the domestic air transportation system suffers pronounced peaking problems in the days preceding Christmas, as TWA acknowledges in the case of the market at issue. We recognize, of course, that carriers generally provide extra sections in holiday periods, and that both TWA and American intend to offer additional capacity between New York and San Francisco. Furthermore, the fact that passengers cannot be accommodated in a peak period on short notice, and are therefore waitlisted, is not by itself a basis for authorizing additional capacity by a carrier not holding certificate rights, by use of the Board's extraordinary exemption powers. Here, however, United is not offering any service, and consequently has been unable to honor reservations made well in advance. In these circumstances, and based on the representations made by TWA and American, the Board cannot find that the market will receive the same capacity that it would have received if United were operating.

Specifically, the Board cannot conclude that American's and TWA's extra sections will be equivalent to the services (including extra sections) that would have been offered by United had it been operating.[5] Thus, it appears likely to us that some travelers who would have used United's services (or the services of TWA and American that have been prematurely closed out by reason of United's cessation of service) will be unable to travel. In these circumstances, it would not be consistent with the public interest to prevent Pan American from accommodating the traveling public in seats that would otherwise be unused and which are available on one international round-trip flight operating between New York and San Francisco daily. On the contrary, public interest considerations clearly dictate that Pan American's capacity be made available to the traveling public immediately in view of the travel peak and United's cessation of service.[6] In these circumstances, it would be an undue burden on Pan American, because of the limited extent of its operations, to require a certificate proceeding which in any event could not be effected in time to meet traffic requirements. Moreover, the cost of processing such an application would be disproportionate to the limited revenues which would accrue to Pan American. In addition, it is to be noted that the only injury that can be claimed by the incumbent carriers is de minimis revenue diversion.

It is important to emphasize that it is not our intention to intervene in a labor controversy nor to favor one side against the other; we do not believe that the strictly limited temporary authority conferred herein will have that effect. Our sole goal is to alleviate, to the extent possible, a temporary public hardship. We believe that our action can have only an extremely negligible effect, if any at all, upon the normal economic forces in play between management and labor.[7]

United, the incumbent carriers, and various labor groups, including the IAM, have objected to the grant of Pan American's request. Our action is therefore solely motivated by the conditions previously recited. For the same reason, the grant of this exemption does not constitute a precedent for any other request (except in connection with the factually similar circumstances set forth in the companion order involving the San Francisco-Seattle market), nor shall operations conducted pursuant to this order be recognized as having any significance in support of the selection of Pan American in any subsequent certificate proceeding or for the grant of any subsequent exemption request.

To avoid any potential for misleading the public by conveying an intimation of permanence or greatly increased services in what is, in fact, authority of extremely short duration, involving limited additional capacity, the Board has determined that it would not serve the public interest to allow Pan American publicly to advertise the services authorized in this order. However, the Board will expect American and TWA—and United, to the extent its reservations service is still operating—to notify travelers making inquiries (including those already on their own waitlists) whom these carriers are unable to accommodate, of the availability of Pan American's service during this limited time. As an alternative, these carriers may make available their waitlists to Pan American so that the latter may contact the travelers.

Finally, we have determined that our action herein does not result in a major Federal Action significantly affecting the quality of the Environment within the meaning of the National Environmental Policy Act of 1969 since Pan American is at present operating the flights.

In sum, we find that enforcement of sections 401 and 403 of the Act, insofar as they would otherwise prevent the services authorized herein, would be an undue burden upon Pan American by reason of the limited extent of its operations and is not in the public interest.

Accordingly, it is ordered, That: 1. Pan American World Airways, Inc. be and it hereby is exempted from section 401 of the Act and the terms, limitations and conditions of its certificate for Route 130 to the extent necessary to enable it to engage in, during the period December 18, 1975 through and including December 23, 1975, interstate air transportation of passengers between New York, New York and San Francisco, California on its daily Flight #1 and Flight #2: *provided*, That extra sections shall not be operated and that Pan American shall not advertise the services;

2. Pan American World Airways, Inc. be and it hereby is exempted from the tariff filing requirements of section 403 of the Act and the Board's regulations thereunder for the services authorized herein: *provided* That it shall charge the fares currently provided in the tariffs of United Air Lines, Inc.; and

[3] Emery's answer was also filed in telegraphic form. See footnote 1.

[4] Extra sections are not authorized under the authority granted herein.

[5] United ordinarily operates 3 daily nonstop round trips and numerous other direct services between New York and San Francisco, a substantial portion of the capacity offered in this large market.

[6] We do not find that the peaking considerations above-recited apply to cargo in this market so as to warrant a grant of the requested exemption insofar as cargo is concerned.

[7] See, in this connection, Order E–23928, July 9, 1966, at page 2.

3. The Board reserves the right to revoke or modify the authority conferred by this order as circumstances may warrant.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,[8] *Secretary.*

[FR Doc.75–34468 Filed 12–19–75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Proposed Addition

Notice is hereby given pursuant to section 2(a) (2) of Pub. L. 92–28; 85 Stat. 79, of the proposed addition of the following commodity to Procurement List 1976, November 25, 1975 (40 F.R. 54742).

CLASS 7530

Pad, Writing Paper, Canary Yellow 7530–00–286–6173 GSA Regions 2 and 3 only.

Comments and views regarding this proposed addition may be filed with the Committee not later than 30 days after the date of this Federal Register. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice supersedes that portion of the notice dated September 19, 1975 (40 F.R. 43269) pertaining to the proposed addition of this item.

This notice is automatically cancelled on or before June 22, 1976.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75–34464 Filed 12–19–75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS FROM THAILAND; IMPORT LEVEL AMENDMENT

Entry or Withdrawal for Warehouse for Consumption

DECEMBER 17, 1975.

On March 24, 1975, there was published in the FEDERAL REGISTER (40 F.R. 13025) a letter dated March 19, 1975 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Thailand and exported to the United States during the twelve-month period beginning April 1, 1975. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 5 of the Bilateral Cotton Textile Agreement of March 16, 1972, as amended, between the Governments of the United States and Thailand, which provides that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent.

Accordingly, there is published below a letter of December 17, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the level of restraint applicable to cotton textile products in Category 22/23, produced or manufactured in Thailand and exported to the United States during the twelve-month period which began on April 1, 1975.

Effective Date: December 17, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229

DECEMBER 17, 1975.

DEAR MR. COMMISSIONER: On March 19, 1975, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning April 1, 1975 of cotton textiles and cotton textile products in certain specified categories produced or manufactured in Thailand in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Pursuant to paragraph 5 of the Bilateral Cotton Textile Agreement of March 16, 1972, as amended, between the Governments of the United States and Thailand, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on December 17, 1975, to increase the level of restraint established for cotton textile products in Categories 22/23 to 1,367,444 square yards[2] for the twelve-month period which began on April 1, 1975.

The actions taken with respect to the Government of Thailand and with respect to imports of cotton textiles and cotton textile products from Thailand have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

[FR Doc.75–34373 Filed 12–19–75;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON REGULATION OF COMMODITY FUTURES TRADING PROFESSIONALS

Meeting

Notice is hereby given, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, § 10(a), that the Commodity Futures Trading Commission Advisory Committee on Regulation of Commodity Futures Trading Professionals ("Advisory Committee on Commodity Futures Trading Professionals") will conduct a public meeting on January 6, 1975, at the Downtown Athletic Club of N.Y.C., 19 West Street, New York, N.Y., in the Gotham Room, 17th floor, beginning at 10:00 a.m. The objectives and scope of activities of the Advisory Committee on Commodity Futures Trading Professionals will be to consider and submit reports and recommendations to the Commission on the following subjects:

(1) Appropriate financial requirements to be utilized by the Commission to insure the integrity of any transaction effected on behalf of a client, customer, or participant by a commodity futures trading professional.

(2) Responsibilities of the Commission and the concerned Exchanges over the training and fitness standards of commodity futures trading professionals.

The summarized agenda for the meeting is as follows:

Discussion: What should be the financial requirements for commodity futures trading professionals? In connection with this discussion, the following questions will be considered:

1. Is there a need to establish financial requirements for commodity futures trading professionals?

2. If so, who should establish the requirements?

3. To what extent should the requirements go?

4. What should be the capital structure of commodity futures trading professionals in order to insure the integrity of any transaction they effect on behalf of a client, customer or participant?

Discussion: What should be the training requirements and minimum fitness standards for commodity futures trading professionals? In connection with this discussion, the following questions will be considered:

[8] Robson, Chairman, and O'Melia, Vice Chairman, Filed Concurring Statement, which is filed as part of the original document.

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of March 16, 1972, as amended, between the Governments of the United States and Thailand which provide, in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

[2] This level has not been adjusted to reflect any entries made after March 31, 1975.

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1. Aside from an absence of conviction for any felony or misdemeanor involving the purchase or sale of any community or security for ten years prior to applying for registration, what other fitness standards should commodity futures trading professionals have to meet?

2. Should the Commission specify requirements with respect to the training, experience, education or other qualifications that must be met in order for an individual to register, and continue to be registered, as a floor broker, commodity pool operator, trading advisor, or an associated person?

3. Are the written proficiency tests that are currently administered worthwhile?

4. If not, how should these tests be changed? Who should administer them? Or should there be a substitute requirement?

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the Committee should mail a copy of the statement to Mrs. Harrison, The Advisory Committee on Commodity Futures Trading Professionals, Commodity Futures Trading Commission, 1120 Connecticut Avenue NW., Washington, D.C. 20036, at least five days before the meeting. Members of the public that wish to make oral statements should inform Margaret Harrison, telephone (202) 254–8955, at least five days before the meeting, and reasonable provision will be made for their appearance on the agenda.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings of this committee to those persons. Interested persons may have their names placed on this list by writing DeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

Dated: December 17, 1975.

[FR Doc.75-34539 Filed 12-19-75;8:45 am]

ADVISORY COMMITTEE ON REGULATION OF CONTRACT MARKETS AND SELF-REGULATORY ASSOCIATIONS

Meeting

Notice is hereby given, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 1 § 10(a), that the Commodity Futures Trading Commission Advisory Committee on Regulation of Contract Markets and Self-Regulatory Associations ("Advisory Committee on Market Regulation") will conduct a public meeting on January 21, 1976, at the Sheraton Carlton Hotel, 16th and K Streets, N.W., Washington, D.C. beginning at 9:00 a.m.

The summarized agenda for the meeting, at which the Advisory Committee will consider the following, is

(1) Announcements on dual trading;

(2) Regulations regarding temporary Emergency Rules of Commodity Exchanges;

(3) Scope of the Commission's authority with respect to approval of contract market rules and exemptions therefrom; and

(4) Criteria to be used in determining what self-regulatory role the Commission should require of the industry.

The meeting is open to the public. The Chairman of the Commitee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the Committee should mail a copy of the statement to The Advisory Committee on Market Regulation, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036, at least five days before the meeting. Members of the public that wish to make oral statements should inform Margaret Harrison, telephone (202) 254–8955, at least five days before the meeting, and reasonable provision will be made for their appearance on the agenda.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meeting of the committee to those persons. Interested persons may have their names placed on this list by writing DeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

Dated: December 17, 1975.

[FR Doc.75-34540 Filed 12-19-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

TASK FORCE ON DEMONSTRATION PROJECTS AS A COMMERCIALIZATION INCENTIVE

Meeting

DECEMBER 18, 1975.

In accordance with provisions of Pub. L. 92–463 (Federal Advisory Committee Act), the Task Force on Demonstration Projects as a Commercialization Incentive will meet on Tuesday and Wednesday, January 6–7, 1976, in Room 2010 (second floor), New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. The meeting will be open to the public. The purpose of the meeting is to review ERDA's demonstration project programs. The tentative agenda for the meeting is as follows:

TUESDAY, JANUARY 6, 1976

9:00 Task Force Discussion of Project Initiation Issues.
10:00 Demonstration Project Program—Nuclear Energy.
12:00 Lunch.
1:00 Demonstration Project Program—Energy Conservation.
4:00 Task Force Discussion of Project Management Issues.
5:00 Adjournment.

WEDNESDAY, JANUARY 7, 1976

9:00 Demonstration Project Program—Solar & Geothermal Energy.
11:30 Lunch.
12:30 Demonstration Project Program—Fossil Energy.
3:00 Task Force Discussion of Project Management Issues (continued from Tuesday).
4:00 Adjournment.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof, postmarked no later than January 3, 1976, to the Director, Office of Industry, State and Local Relations, U.S. Energy Research and Development Administration, Washington, D.C. 20545. Comments shall be directly relevant to the above agenda items. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on January 5, 1976, to the Office of Industry, State and Local Relations on (202) 376–4119 between 8:30 a.m. and 5:00 p.m., e.s.t.

(c) Questions at the meeting may be propounded only by members of the Task Force and ERDA officials assigned to participate with the Task Force in its deliberations.

(d) Seating to the public will be made available on a first-come, first-served basis.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Copies of minutes will be made available for copying, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, NW., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.75-34593 Filed 12-19-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-50052; FRL 471-5]

MOBIL CHEMICAL CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the Mobil Chemical Company, Richmond, Virginia 23261. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 2224-EUP-9) allows the use of 1760 pounds of the insecticide ethoprop against cutworms and armyworms on corns, soybeans, peanuts, tobacco, and cabbage. A total of 745 acres is involved; the program is authorized only in the States of Alabama, Arkansas, California, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, North Dakota, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, and Wisconsin. The experimental use permit is effective from January 1, 1976, to January 1, 1977. Permanent tolerances for residues of the active ingredient have been established in or on corn, peanuts, soybeans, and cabbage.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: December 17, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.75-34515 Filed 12-19-75;8:45 am]

[FRL 471-3]

SCIENCE ADVISORY BOARD; HAZARDOUS MATERIALS ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Hazardous Materials Advisory Committee of the Science Advisory Board will be held beginning at 9 a.m., January 8 and 9, 1976, in Room 1112, Building 2, Crystal Mall, 1901 Jefferson Davis Highway, Arlington, Virginia.

This is a regularly scheduled meeting of the Committee. The agenda includes a report on the activities of the Science Advisory Board; discussion on the ad hoc activities associated with the evaluations of the documents, "Review of the Environmental Effects of Asbestos" and the "Technical Bulletin on Acceptable Methods for the Utilization and Disposal of (Municipal) Sludges"; presentations and discussion on possible environmental hazards associated with the increasing use of nitrogen fertilizers; report on the National Conference on Polychlorinated Biphenyls (PCB's); discussion of the prioritization scheme for scheduling review of certain chemicals under section 3 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); status of EPA's review of the nitrosamine issue and plans, and member items of interest.

The meeting is open to the public. Any member of the public wishing to attend, participate, or obtain additional information should contact Dr. J. Frances Allen, Executive Secretary, Hazardous Materials Advisory Committee, (703) 557-7720.

THOMAS D. BATH,
Staff Director, Science Advisory Board.

DECEMBER 16, 1975.

[FR Doc.75-34302 Filed 12-19-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-294]

ALABAMA POWER CO.

Filing of Initial Rate Schedule

DECEMBER 12, 1975.

Take notice that Alabama Power Company on November 25, 1975, tendered for filing an Agreement with The City of Dothan, intended as an initial rate schedule. The filing is for the proposed Flynn Road delivery point. The delivery point will be served under the Company's Revision No. 1—Rate Schedule MUN-1 incorporated in FPC Electric Tariff, Original Volume No. 1 of Alabama Power Company, as allowed to become effective, subject to refund, by Commission Order dated September 12, 1974, in FPC Docket No. E-8851.

Copies of the filing were served upon The City of Dothan and its attorneys of record in FPC Docket No. E-8851.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34423 Filed 12-19-75;8:45 am]

[Docket No. CP76-85]

ALGONQUIN GAS TRANSMISSION CO. AND TEXAS EASTERN TRANSMISSION CORP.

Order Granting Interventions, Scheduling Formal Hearing, and Granting Temporary Certificates

DECEMBER 12, 1975.

On September 12, 1975, Algonquin Gas Transmission Company (Algonquin), and Texas Eastern Transmission Corporation (Texas Eastern), jointly filed in Docket No. CP76-85 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas by displacement for The Brooklyn Union Gas Company (Brooklyn Union).

Applicants request limited term authorization to exchange and transport natural gas from November 1, 1975, through April 30, 1976. Under the proposed service, Boston Gas Company (Boston Gas) will release volumes of gas to Algonquin at Boston, Massachusetts; Algonquin will be displacement, transport and deliver equivalent volumes of gas to Texas Eastern at its Hanover, New Jersey, delivery point; and Texas Eastern would by displacement transport and deliver equivalent volumes of gas to Brooklyn Union. The proposed service will be for the accommodation of deliveries of vaporized liquefied natural gas (LNG) to Brooklyn Union purchased from Distrigas of Massachusetts Corporation. The stated cost of the proposed service to Brooklyn Union is 15.0 cents per million Btu of gas delivered by Algonquin. Deliveries are anticipated not to exceed 35 billion Btu per day in November and December and 15 billion Btu per day thereafter, with total deliveries estimated at 2.4 trillion Btu.

By letter order of November 10, 1975, Algonquin and Texas Eastern were issued temporary certification to perform the proposed service, pursuant to the emergency provisions of section 7 of the Natural Gas Act. The temporary certificate was issued without prejudice to such final disposition as the record may require, and on condition that the proposed transportation charge be subject to refund pending further action by the Commission.

Petitions to intervene in this proceeding were filed on September 19, 1975, jointly by Boston Gas and Brooklyn Union, and on October 10, 1975, by Distrigas of Massachusetts Corporation (DOMAC). DOMAC is the supplier of the gas which is the subject of the instant proceeding. On November 10, 1975, the People of the State of California and the Public Utilities Commission of the State of California jointly filed a Notice of Intervention. Having reviewed the petitions to intervene, the Commission is convinced that all the petitioners have shown sufficient interest in this proceeding to warrant intervention. Accordingly, we shall grant intervention to all those who have requested it.

On September 30, 1975, Boston Gas and Brooklyn Union filed a joint petition for an order waiving or disclaiming ju-

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risdiction for a limited term. Petitioners therein state that they are both engaged in the local distribution of gas at retail, are subject to regulation by the Massachusetts Department of Public Utilities and the Public Service Commission for the State of New York, and that they are both presently exempt from the Natural Gas Act and the Commission's rules and regulations pursuant to section 1(c) of the Act.

Petitioners further state that they believe that neither of them will be engaged in the ransporation or sale for resale of natural gas in interstate commerce as a result of the strvice proposed in the present proceeding. In support, petitioners contend that title to and possession of the gas will pass to Brooklyn Union at points within the City of New York. Furthermore, it is alleged that compensation paid to Boston Gas is designed only to reimburse Boston Gas for loss of revenue due to distribution of vaporized LNG with a higher Btu content than the gas which would otherwise be delivered to Boston Gas by Algonquin, and that Boston Gas will therefore neither sell nor transport gas in interstate commerce. Petitioners conclude that their activities herein are thus exempt from Commission jurisdiction pursuant to section 1(b) of the Natural Gas Act, and request an order disclaiming or waiving Commission jurisdiction over the present actions, and granting "all necessary and full general and equitable relief * * *" (petition, p. 3).

The Commission lacks authority in any instance to "waive" jurisdiction which has been conferred upon it by Congress. Furthermore, it may "disclaim" jurisdiction only with respect to operations over which it is not charged with regulatory authority. From the information presently on file, and without a full airing of the issues, neither of the above two situations can unequivocally be ascertained as applying here. Without more, therefore, the Commission cannot at this time "disclaim" its jurisdiction over the acts and operations of Boston Gas and Brooklyn Union. Several factors dictate this. As petitioners themselves acknowledge, our recent decision in the Marathon Oil-Phillips Petroleum case[1] signifies our intention to closely scrutinize the jurisdictional status of distribution companies, otherwise exempt, which purchase interstate gas. Secondly, the record at this time is insufficient to determine whether or not a sale by Boston Gas to Brooklyn Union is here involved. Such a determination can only be arrived at after a full exploration of the facts and legal issues in a formal hearing, which we shall schedule below.

In consideration of the intention, demonstrated in the joint petition, to comply with the Commission's rules and regulations as well as the request for "all necessary relief," and in view of the emergency alleged, the Commission hereby will construe Brooklyn Union's and Boston Gas' petition to constitute, in the alternative, an application pursuant to section 7(c) for temporary and permanent certification for the transportation and sale of gas in interstate commerce. In order to permit the immediate exchange and transportation of the gas, as was contemplated by and intended in our above-described letter order of November 10, 1975, we shall herein grant Brooklyn Union and Boston Gas temporary authorization to perform the acts necessary. Such temporary certification will be conditioned upon final resolution of the permanent application, and the temporary authorization shall not, pending final Commission determination in the hearings hereinafter scheduled, affect the otherwise exempt status of Brooklyn Union and Boston Gas.

The Commission believes that the significant and novel questions presented by these applications require a public hearing, at which time all issues bearing upon the public interest can be fully developed on the evidentiary record. Among the issues for resolution at such hearing are the transportation rate proposed by Algonquin and the rate charged Brooklyn Union by Boston Gas for the subject gas, including whether refunds are required. In addition, the jurisdictional status of Brooklyn Union and Boston Gas with respect to the operations proposed here, in light of the unique detailed facts of this case, is a proper issue to be decided. In this regard, Brooklyn Union and Boston Gas shall, as part of their direct case, submit all additional exhibits and information required by Part 157 of the Commission's regulations under the Natural Gas Act.

The Commission finds. (1) It is desirable and in the public interest to allow the above-named petitioners to intervene in these proceedings in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(2) On the basis of the representations made by Brooklyn Union Gas Company and Boston Gas Company in their petition to intervene and petition for order disclaiming jurisdiction, an emergency exists pursuant to section 7 of the Natural Gas Act.

(3) The unique issues of fact and law presented in the subject applications require resolution in a consolidated hearing, for the purpose of determining the proper rate to be charged for the services proposed, including whether refunds should be ordered, and the jurisdictional status of the acts and operations contemplated by Brooklyn Union Gas Company and Boston Gas Company.

The Commission orders. (A) Brooklyn Union Gas Company and Boston Gas Company are granted a temporary certificate of public convenience and necessity to exchange natural gas in the manner set forth in the applications on file, without prejudice to their status as nonjurisdictional companies exempt from Commission regulation.

(B) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) The direct case of the Applicants and all intervenors in support thereof shall be filed and served on all parties on or before January 19, 1975.

(D) A formal hearing shall be convened in these proceedings in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., on January 27, 1976, at 10:00 a.m., (e.s.t.). The Chief Administrative Law Judge will designate an appropriate officer of the Commission to preside at the formal hearing of these matters, pursuant to the Commission's Rules of Practice and Procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34424 Filed 12-19-75;8:45 am]

[1] Opinion No. 735, issued June 23, 1975 in Docket Nos. CI74-537 and CI74-538.

[Rate Schedule Nos. 3, etc.]

AMERADA HESS CORP., ET AL.

Rate Change Filings

DECEMBER 12, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix below.

Any person desiring to be heard or to make any protest with reference to said filings should on or before December 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer.	Area
Dec. 3, 1975	Amerada Hess Corp., 1200 Milam, 6th floor, Houston, Tex. 77002.	3	El Paso Natural Gas Co.	Permian Basin.
Do	do	34	do	Do.
Do	do	37	do	Do.
Do	do	38	do	Do.
Do	do	39	do	Do.
Do	do	40	do	Do.
Do	do	47	do	Do.
Do	do	68	do	Do.
Do	do	135	do	Do.
Do	do	136	do	Do.
Do	do	137	do	Do.
Dec. 8, 1975	CRA, Inc., P.O. Box 2329, Tulsa, Okla. 74101.	1	Tennessee Gas Pipeline Co.[1]	Texas Gulf Coast.

[1] Rate increase filed by pending successor in interest Terra Resources, Inc.

[FR Doc.75-34367 Filed 12-19-75;8:45 am]

[Docket No. E-7775]

APPALACHIAN POWER CO.

Further Extension of Procedural Dates

DECEMBER 12, 1975.

On November 26, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 15, 1975, as most recently modified by notice issued November 14, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff and Intervenor Testimony, February 9, 1976.
Hearing, March 1, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34425 Filed 12-19-75;8:45 am]

[Docket No. E-8621, etc.]

ARIZONA PUBLIC SERVICE CO.

Revision to Compliance Filing

DECEMBER 16, 1975.

Take notice that on December 8, 1975, Arizona Public Service Company (Arizona) tendered for filing a proposed revision to its filing of December 4, 1975, which was made in compliance with the Commission's orders of September 16, 1975, and November 4, 1975. The revised filing is intended to correct certain errors in Navajo Tribal Utility Authority, Rate Schedule FPC No. 6.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34390 Filed 12-19-75;8:45 am]

[Docket No. RP76-10]

ARKANSAS LOUISIANA GAS CO.

Order Granting Motion for Reconsideration and Amending Prior Order

DECEMBER 12, 1975.

On November 5, 1975, Arkansas Louisiana Gas Company (Arkla) filed a Motion for Reconsideration of our order, issued October 31, 1975, in the above-referenced proceeding, in which we accepted for filing and suspended Arkla's revised tariff sheets[1] for five months until April 1, 1976. Arkla states in its Motion that "the cost of purchased gas alone exceeds the existing rate of 24.27¢ per Mcf." Arkla requests that the Commission "reconsider its order suspending Arkla's rate increase filing for five months and upon reconsideration suspend such filing for one day subject to refund."

Our review of the data filed by Arkla to support its proposed rate increases verifies the statement that Arkla's purchased gas costs for service under X-26 service are higher than the existing 24.27¢ rate. In order to prevent irreparable harm to Arkla which might be caused by continuing suspension of its proposed increases under these circumstances, we will grant the Motion for Reconsideration and amending our order of October 31, 1975, to provide that the tariff sheets filed herein be suspended for one day instead of five months.

In addition to those areas which we directed the parties "to give careful consideration" in the order of October 31, 1975, we direct the parties to consider the sources of supply assigned to the service under present X-26 rate to determine the extent to which purchased gas cost exceeds this rate.

[1] Third Revised Sheet No. 185 and First Revised Sheet No. 186 to Arkla's FPC Rate Schedule X-26.

The Commission finds. Good cause exists to grant Arkla's Motion for Reconsideration and to amend our order of October 31, 1975, to provide that the tariff sheets filed herein be suspended for one day instead of five months.

The Commission orders. (A) Arkla's Motion for Reconsideration is hereby granted.

(B) Ordering Paragraph (A) of our order of October 31, 1975, in the instant docket is hereby amended to provide that the tariff sheets filed herein are suspended for one day, or until November 2, 1975, when they are permitted to become effective, subject to refund, pending hearing and decision as to the lawfulness of the increased rates proposed therein.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34426 Filed 12-19-75;8:45 am]

[Docket No. RI75-121]

ASHLAND OIL, INC.

Order Setting Proceeding for Hearing

DECEMBER 11, 1975.

On March 26, 1975, Ashland Oil, Inc. (Ashland) filed a petition for special relief from the applicable area rate[1] pursuant to § 1.7(b)[2] of the Commission's rules of practice and procedure and § 2.76[3] of the Commission's General Policy and Interpretations with respect to sales of natural gas to Arkansas Louisiana Gas Company (Arkla) from ten wells in the Erick Field, Beckham County, Oklahoma.

More specifically, Ashland seeks a rate of 46 cents per Mcf at 14.65 psia plus a one cent per year escalation. On November 21, 1974, Ashland and Arkla amended their base July 24, 1943 contract on file as Ashland's FPC Gas Rate Schedule No. 160 to provide for the increased rate. Ashland states that it also sells gas from the subject wells to Oklahoma Natural Gas Storage Company (Oklahoma Natural) an intrastate purchaser, pursuant to an "equal dignity" contract dated July 24, 1943. In its petition filed herein, Ashland has indicated that Oklahoma Natural agreed to furnish it with a contract amendment to duplicate the price term of Ashland's November 21, 1974 amendment to its contract with Arkla.

Ashland avers that without obtaining the relief requested it will be unable to continue to operate its gathering system and compressor facility in the Erick Field and that, as a result, six of the ten sub-

[3] Opinion No. 586, Area Rate Proceeding, *et al.* (Hugoton-Anadarko Area), Docket No. AR64-1, *et al.*, 44 F.P.C. 761 (1970). Ashland currently is collecting 13 cents per Mcf for the sales of natural gas that are subject to this proceeding.
[1] 18 1.7(b).
[2] 18 2.76.

V 40246 DEC 22 75 XUM

ject wells would be immediately abandoned and an estimated 586 MMcf of natural gas lost to interstate commerce.

Notice of Ashland's petition was issued on April 10, 1975, and appeared in the Federal Register on April 17, 1975, at 40 FR 17159. The period for filing petitions to intervene expired on April 29, 1975, without response.

Upon review of Ashland's petition for special relief, its June 26, 1975 response to an April 15, 1975 Staff deficiency letter, and the results of a Staff audit of Ashland's books, there is a question as to what relief, if any, is warranted in this case. We therefore deem it in the public interest to set this matter for hearing in order that appropriate cost and reserve evidence may be adduced on the issue of the rate that Ashland should be permitted to charge for the subject sales of natural gas to Arkla.

The Commission finds. It is in the public interest that the proceeding in Docket No. RI75-121, be set for hearing.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), Docket No. RI75-121 is set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on January 29, 1976, 10:00 a.m., (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegations of Final Authority, 18 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Ashland shall file its direct testimony and evidence on or before December 30, 1975. All testimony and evidence shall be served upon the Presiding Administrative Law Judge and the Commission Staff.

(E) The Commission Staff shall file its direct testimony and evidence on or before January 20, 1976. All testimony and evidence shall be served upon the Presiding Administrative Law Judge and Ashland.

(F) All rebuttal testimony and evidence shall be served on or before January 26, 1976. Such rebuttal testimony and evidence shall be served upon the Presiding Administrative Law Judge and the Commission Staff.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34405 Filed 12-19-75;8:45 am]

[Docket Nos. E-8137, E-8217]

BOSTON EDISON CO. AND NEW ENGLAND POWER SERVICE CO.

Settlement Conference

DECEMBER 12, 1975.

Take notice that on January 20, 1976, a conference of all parties to intervene in these consolidated proceedings, Boston Edison Company and Commission Staff will be held in the Commission's Conference Room No. 8402, at 825 North Capitol Street, Washington, D.C., at 10:00 a.m.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Letters concerning this conference are being mailed this date to all parties to the proceeding, all of the jurisdictional customers, and all affected state commissions.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34427 Filed 12-19-75;8:45 am]

[Docket No. ER76-338]

CAROLINA POWER AND LIGHT CO.

Request for Waiver of Regulations

DECEMBER 11, 1975.

Take notice that on December 2, 1975, Carolina Power and Light Company filed a request for waiver of the Commission's regulations to permit it to delay the filing of a fuel cost adjustment clause conforming to the requirements of § 35.14 of the regulations, as amended by Order No. 517, stating that it may be impossible for it to file a conforming clause before January 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34406 Filed 12-19-75;8:45 am]

[Docket No. RP72-142, (PGA76-2)]

CITIES SERVICE GAS CO.

Filing of Purchased Gas Cost Adjustment

DECEMBER 15, 1975.

Take notice that Cities Service Gas Company (Cities Service) on December 9, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. Cities Service states that pursuant to the Purchased Gas Cost Rate Adjustment provision in Article 21 of its FPC Gas Tariff it proposes to increase its rates effective January 23, 1976, to reflect increased purchase gas costs. Cities Service states that such increased rates are reflected on the two Twelfth Revised Sheets PGA-1, as hereinafter described.

One of the two tariff sheets is Second Alternate Twelfth Revised Sheet PGA-1 which reflects a current adjustment of 2.61¢ per Mcf. Such adjustment reflects small producer purchases at rates in excess of the rate levels established pursuant to the Commission's Order No. 742, as well as other purchased gas costs. Should the Commission suspend the effectiveness of Second Alternate Twelfth Revised Sheet PGA-1 for one day to January 24, 1976, subject to refund, Cities Service has filed First Alternate Twelfth Revised Sheet PGA-1 to be effective on January 23, 1976. Such First Alternate Sheet reflects elimination of the small producer purchases at rates in excess of the rate levels established pursuant to the Commission's Order No. 742 and reflects a 2.44¢ per Mcf current adjustment.

Cities Service states that copies of its filing were served on all jurisdictional customers, interested state commissions and all parties to the proceedings in Docket Nos. RP72-142 and RP76-13.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34380 Filed 12-19-75;8:45 am]

[Docket Nos. RP75-105, RP75-106]

COLUMBIA GULF TRANSMISSION CORP. AND COLUMBIA GAS TRANSMISSION CORP.

Order Accepting for Filing and Permitting Revised Tariff Sheets To Become Effective

DECEMBER 11, 1975.

By order dated July 14, 1975 in these dockets we accepted for filing and suspended until December 15, 1975 certain revised tariff sheets filed by the Columbia Gulf Transmission Corporation and the Columbia Gas Transmission Corporation (Columbia) which would collectively result in jurisdictional rate increases of $87.9 million, and consolidated the dockets for further consideration and hearing. Our order additionally required Columbia to file revised tariff sheets, prior to the effective date of the suspended tariff sheets, reflecting the elimination of costs associated with certain uncertificated facilities if such facilities were not certified and in service on or before the date the proposed rates are to go into effect. In our order we further noted that Columbia's rate filing reflected rates designed under the Atlantic Seaboard method [1] and that to the extent the rate design ultimately found to be just and reasonable for Columbia departed from Seaboard, Columbia could be subject to undercollections.

On November 14, 1975 Columbia filed its revised tariff sheets [2] in this proceeding, and requested that they be accepted to become effective December 15, 1975. In addition to reflecting the changes required by our July 14, 1975 order, the revised tariff sheets filed on November 14, 1975 also reflect the following:

(1) A redesigning of Columbia's rates from an unmodified Seaboard basis to the United.[3] 75 percent/25 percent rate design formula.

(2) A redesigning of Columbia Gas' rate under Rate Schedule SGES to reflect the same basic approach to the design of the SGES rate as exists in the Settlement Agreement reached in Docket No. RP74-82.

Notice of Columbia's filing was issued on with all comments due on or before December 5, 1975. To date, no response has been filed.

Our review indicates that Columbia's latest filings properly reflect the elimination of costs associated with facilities which will not be certified and placed into service by December 15, 1975, resulting in a reduction of $4,523,384 in the filed rates on an annual basis.

With respect to the subject of rate design, we note that Columbia Gulf and Columbia Gas currently have a settlement agreement pending in Docket Nos. RP74-81 and RP74-82, respectively, which provides, *inter alia*, that Columbia will revise its rates to reflect fixed costs classified on the basis of 25 percent to Demand and 75 percent to Commodity,[4] subject to the outcome of the reserved hearing on the issues of cost classification and rate design. The effective date of such change is to be (1) the date of the first billing month after the Commission's approval of the agreement, or (2) December 15, 1975, the date the rates in this proceeding are to become effective, whichever occurs first. As stated in Article III-A of the settlement, the rates were redesigned, "In recognition of the problem of undercollections on Columbia's system which might arise from a retroactive application of a Commission decision prescribing revised cost classification and rate design procedures."

We further note that although Columbia Gas' redesign of Rate Schedule SGES results in a rate which is in excess of the rate which would occur under the "United, supra", method of cost classification, it does not result in higher overall revenues than those originally requested by Columbia Gas, as modified to reflect the exclusion of certain costs as required by our July 14, 1975 order. It appears proper, therefore, to permit Columbia Gas to redesign its SGES rate to become effective December 15, 1975, subject to refund.

In light of the above, we find good cause exists to grant waiver of § 154.66 (b) of our rules and regulations to permit the proposed revised tariff sheets to become effective, subject to refund, pending final disposition of this proceeding.

The Commission finds. It is necessary and proper to aid in the enforcement of the Natural Gas Act that we accept for filing the revised tariff sheets submitted by Columbia in these dockets on November 14, 1975, and permit them to become effective on December 15, 1975, subject to refund.

The Commission orders. (A) The revised tariff sheets submitted by Columbia Gulf and Columbia Gas in these dockets on November 14, 1975 are hereby accepted for filing and permitted to become effective December 15, 1975, subject to refund in substitution for the tariff sheets originally filed in these dockets and suspended by our order of July 14, 1975.

(B) Waiver of § 154.66(b) of our rules and regulations is hereby granted.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34407 Filed 12-19-75;8:45 am]

[1] 11 FPC 43 (1952).

[2] Substitute Twenty-Second Revised Sheet No. 7 to Columbia Gulf's Original Volume No. 1; Twenty-Fifth Revised Sheet No. 16 to Columbia Gas' Original Volume No. 1.

[3] 50 FPC 1348 (1973).

[4] United, supra.

[Docket Nos. ER76-122, E-9002]

COMMONWEALTH EDISON CO.

Order Denying Application for Rehearing and Establishing Revised Procedural Dates

DECEMBER 12, 1975.

On September 12, 1975, Commonwealth Edison (Com Ed) tendered for filing in Docket No. ER76-122 a proposed revised fuel adjustment clause, Rider 20, 2nd Revised Sheet No. 12 and Original Sheet No. 12, 10, and a proposed increase in its energy charge, Seventh Revised Sheet No. 1, applicable to Rate 78 of its FPC Electric Tariff. By Order issued October 10, 1975 the Commission accepted for filing and suspended Com Ed's proposed filing terminated the section 206 investigation of Com Ed's fuel clause [1] and consolidated Docket No. ER76-122 with Docket No. E-9002. The intervenors, Cities,[2] petitioned for rehearing of our October 10, 1975 order on the grounds, *inter alia*, that the Commission erred in failing to reject Com Ed's fuel clause and energy charge filing, in suspending the operation of the fuel clause for only one day, and in terminating the section 206 investigation of Com Ed's fuel clause.

Specifically, Cities argue that Com Ed has filed a section 205 rate increase of .352¢ per kwh in its energy charge to compensate for the revenue loss which results from implementation of the revised Order No. 517—fuel clause. They also allege that the energy increase filing should be rejected for failure to conform to the filing requirements § 35.13 of the regulations, which requires, *inter alia*, that the data for Period I be "the most recently available". Cities note that Com Ed is relying on the Period I and Period II data in Docket No. E-9002, which is, respectively, for calendar year 1973 and 1974. Com Ed, however, argues that since the filing is a change in rate design and reflects no change in the overall level of rates being collected, subject to refund in Docket No. E-9002, no further cost support data is needed.

Our review of Com Ed's filing indicates that it is, in fact, a filing reflecting no change in the overall revenues but merely a change in rate design and thus subject to § 35.13(b)(4)(ii) of the regulations which provides that such filings need not contain cost of service data.

As noted above, Cities also protest the termination of the Section 206 investigation into the old fuel clause, as well as the approval of the revised fuel clause, subject to a one day suspension to provide for any adjustment in the base fuel costs and related energy charges as may be appropriate following Commission determination of the just and reasonable Rate 78 in Docket No. E-9002. Specifically, Cities repeat the argument that the Commission should have summarily acted upon Com Ed's old fuel clause when we suspended the rates in Docket

[1] The 206 investigation was originally instituted by order issued October 29, 1974, in Docket No. E-9002.

[2] Batavia, Geneva, Naperville, Rochelle, Rock Falls and St. Charles, Illinois.

V 40246 DEC 22 75 XUM

No. E-9002, in lieu of setting an investigation of the fuel clause under section 206 of the Federal Power Act for prospective relief only. These arguments have been considered and rejected by the Commission in our previous orders issued in Docket No. E-9002 and need not be repeated here.[2]

For the aforestated reasons, we shall deny Cities' application for rehearing of our October 10, 1975, order.

Cities also protest the "summary disposition" of the issue of whether or not the new fuel clause conforms to § 35.14 of the Regulations, as promulgated by Order No. 517, and request that Cities be given a service date four weeks from the date of an order establishing such date to serve any evidence they deem relevant on this issue. Cities state that although they filed evidence on their service date of October 28, 1975, as to all other issues related to this case, the short time between the date of the Commission order of October 10, 1975, suspending the fuel clause and their October 28, 1975, filing date was insufficient time for Cities to analyze the proposed new fuel clause to determine whether, in their judgment, it conformed to Order No. 517 and § 35.14 of the Regulations. Based on the foregoing, we believe it reasonable and appropriate to establish a service date for Cities to serve any evidence they may deem relevant as to the justness and reasonableness of the new fuel clause and further to revise the remaining procedural dates in these consolidated proceedings as hereinafter provided.

The Commission finds. (1) Good cause exists to deny Cities' October 28, 1975, application for rehearing as hereinafter ordered and conditioned.

(2) Good cause exists to change the previously established procedural dates in these consolidated proceedings as hereinafter provided.

The Commission orders. (A) Cities' October 28, 1975, application for rehearing of our October 10, 1975, order is denied.

(B) The procedural dates previously established in Docket Nos. E-9002 and ER76-122 are hereby modified as follows:

Cities' Service Date on Fuel Clause Issue, January 16, 1976.
Date For Service Of Rebuttal Evidence by Com Ed and Commission Staff, January 30, 1976.
Hearing, February 17, 1976 (10 a.m., e.s.t.).

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34428 Filed 12-19-75;8:45 am]

[2] Commonwealth Edison Company, ---- FPC ---- issued October 29, 1974, in Docket No. E-9002, rehearing denied ---- FPC ---- issued December 18, 1974.

[Docket No. ER76-314]

CONNECTICUT LIGHT AND POWER CO.

Termination

DECEMBER 12, 1975.

Take notice that on December 1, 1975 Connecticut Light and Power Company tendered for filing notice of termination of its Rate Schedule FPC No. 91, dated November 1, 1973. The termination was effective as of April 30, 1974 in accordance with the terms of the Rate Schedule.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 23, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34429 Filed 12-19-75;8:45 am]

[Docket No. ER76-333]

CONNECTICUT LIGHT AND POWER CO.

Transmission Agreement

DECEMBER 15, 1975.

Take notice that on December 5, 1975, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to Transmission Agreement dated October 1, 1975 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) Long Island Lighting Company (LILCO).

CL&P states that LILCO has executed a contract with the Vermont Electric Power Company (VELCO) of Rutland, Vermont for the purchase of power from VELCO's entitlement in the Vermont Yankee nuclear generating facility (the LILCO purchase) in the amount of 30,000 kilowatts. CL&P states further that the Transmission Agreement provides for a transmission service to LILCO during the period from November 1, 1975 to October 31, 1976.

CL&P states that final contractual arrangements between VELCO and LILCO, regarding the LILCO purchase, were not completed until a date which prevented the filing of this rate schedule more than thirty days prior to the proposed effective date. CL&P therefore requests that, in order to permit LILCO to receive transmission service to wheel the LILCO purchase, the Commission, pursuant to § 35.11 of its regulations, waive the thirty-day notice period and permit the rate schedule failed to become effective on November 1, 1975.

CL&P states that the monthly transmission charge is equal to one-twelfth of the estimated annual average unit cost of transmission service on the Northeast Utilities system determined in accordance with § 13.9 (Determination of Amount of PTF Costs) to the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee multiplied by the number of kilowatts of winter capability which LILCO is entitled to receive. CL&P also states that the Northeast Utilities companies and LILCO recognize that during the Term of the Transmission Agreement, the 115-kV transmission facilities supplying the southwest area of Connecticut will normally be fully loaded on a single contingency basis. Accordingly, the Northeast Utilities companies and LILCO have agreed that for transmission purposes, the LILCO purchase shall be treated as a five-minute interruptible load.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut, WMECO, West Springfield, Massachusetts and LILCO, Hicksville, New York. CL&P states that the services to be provided under this Transmission Agreement are similar to services provided by CL&P, HELCO and WMECO pursuant to an agreement between CL&P, HELCO and WMECO and City of Holyoke Gas and Electric Department dated as of April 1, 1975 and filed with the Commission by letter dated May 22, 1975. (Rate Schedule—CL&P, FPC No. 113, HELCO FPC No. 91, WMECO FPC No. 105).

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 23, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34385 Filed 12-19-75;8:45 am]

[Docket No. ER76-326]

CONNECTICUT LIGHT AND POWER CO. ET AL.

Termination

DECEMBER 16, 1975.

Take notice that on December 3, 1975, The Connecticut Light and Power Company (CL&P), The Hartford Electric Light Company (HELCO), and Western Massachusetts Electric Company, (WMECO) tendered for filing a notice that the following rate schedules, effective October 1, 1973, were terminated in accordance with their terms on October 31, 1973:

Rate Schedule FPC No. CL&P 89; Rate Schedule FPC No. HELCO 73; and Rate Schedule FPC No. WMECO 89.

CL&P, HELCO and WMECO state that notice of the proposed termination has been served upon the Public Service Company of New Hampshire.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34392 Filed 12-19-75;8:45 am]

[Docket No. ER76-327]

CONNECTICUT LIGHT AND POWER CO. ET AL.

Termination

DECEMBER 16, 1975.

Take notice that on December 3, 1975, The Connecticut Light and Power Company (CL&P), The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) filed with the Commission a notice that the following rate schedules, effective September 1, 1974, were terminated in accordance with their terms on October 31, 1974:

Rate Schedule FPC No. CL&P 97; Rate Schedule FPC No. HELCO 79; and Rate Schedule FPC No. WMECO 94.

CL&P, HELCO and WMECO state that notice of the proposed termination have been served upon the Public Service Company of New Hampshire.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before December 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34393 Filed 12-19-75;8:45 am]

[Docket No. ER76-334]

CONNECTICUT LIGHT AND POWER CO.

Amendment to Transmission Agreement

DECEMBER 15, 1975.

Take notice that on December 5, 1975, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed Amendment to Transmission Agreement (Amendment), dated October 1, 1975 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) City of Holyoke Gas and Electric Department (HG&E).

CL&P states that HG&E has executed a contract with the Vermont Electric Power Company (VELCO) of Rutland, Vermont for the purchase of power from VELCO's entitlement in the Vermont Yankee nuclear generating facility (the HG&E purchase) in the amount of 5,000 kilowatts.

CL&P states that the Amendment provides for an extension of the termination date of the Transmission Agreement from October 31, 1975 to April 30, 1978. CL&P states that there was not sufficient time to prepare, execute and file the Amendment with the Commission more than thirty days prior to the proposed effective date.

CL&P therefore requests that, in order to permit HG&E to receive transmission service to wheel the HG&E purchase, the Commission, pursuant to § 35.11 of its regulations, waive the thirty-day notice period and permit the Amendment filed to become effective on November 1, 1975.

CL&P states that the monthly transmission charge is equal to one-twelfth of the estimated annual average unit cost of transmission service on the Northeast Utilities system determined in accordance with § 13.9 (Determination of Amount of PTF Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee multiplied by the number of kilowatts of winter capability which HG&E is entitled to receive, reduced to give due recognition of the payments made by HG&E for transmission services on Public Service Company of New Hampshire system.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut, WMECO, West Springfield, Massachusetts and HG&E, Holyoke, Massachusetts.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 23, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34386 Filed 12-19-75;8:45 am]

[Docket No. ER76-335]

CONNECTICUT POWER AND LIGHT CO.

Amendment to Purchase Agreement

DECEMBER 15, 1975.

Take notice that on December 5, 1975, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed Amendment to Purchase Agreement with respect to Various Gas Turbine Units (Amendment), dated September 15, 1975 between (1) CL&P and The Hartford Electric Light Company (HELCO), and (2) Vermont Electric Cooperative, Inc. (VEC).

CL&P states that the Amendment provides for an extension of the termination date of the Purchase Agreement from October 31, 1975 to April 30, 1976 (the Extension Period) and for changing the Purchase Percentages during the Extension Period.

CL&P states that there was not sufficient time to prepare, execute and file the Amendment with the Commission more than thirty days prior to the proposed effective date. CL&P therefore requests that, in order to permit VEC to receive the capacity and energy pursuant to the terms of the Amendment and to allow CL&P and HELCO to receive payment for such capacity and energy, the Commission, pursuant to § 35.11 of its regulations, waive the thirty-day notice period and permit the Amendment filed to become effective on November 1, 1975.

CL&P states that the transmission rate for the Extension Period is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utilities System determined in accordance with § 13.9 (Determination of Amount of PTF Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee multiplied by the number of kilowatts of winter capability which VEC is entitled to receive reduced by up to one-half to give due recognition of the payments made by VEC for transmission services on intervening systems.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut, VEC, Johnson, Vermont.

CL&P also states that no facilities are to be installed or modified in order to supply the service to be furnished under the Amendment.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the

V40246 DEC 22 75 XUM

Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 23, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34387 Filed 12-19-75;8:45 am]

[Docket No. ER76-343]

CONNECTICUT LIGHT AND POWER CO.

Termination

DECEMBER 15, 1975.

Take notice that on December 8, 1975, The Connecticut Light and Power Company ("the Company") tendered for filing a notice that effective April 30, 1973, The Connecticut Light and Power Company Rate Schedule FPC No. 58, effective May 1, 1972, and filed with the Federal Power Commission by the Company, was terminated in accordance with its terms.

The Company states that notice of the proposed termination has been served upon Bangor-Hydro-Electric Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34381 Filed 12-19-75;8:45 am]

[Docket No. E-9380]

CONSUMERS POWER CO.

Filing of Letter Agreement

DECEMBER 12, 1975.

Take notice that Consumers Power Company (Consumers Power) on December 8, 1975 tendered for filing a letter dated November 25, 1975 from Consumers Power to the Edison Sault Electric Company (Edison Sault). The letter informs Edison Sault that certain 138 kV submarine cables across the Straits of Mackinac by means of which Consumers Power is to provide wholesale electric service to Edison Sault, were first placed into service on November 6, 1975. Under the terms of the Contract for Electric Service between the two parties, dated November 21, 1974 and filed with the Commission on April 14, 1975, November 6, 1975 is established as the effective date of the contract.

Consumers Power states that copies of the letter were served on Edison Sault and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34430 Filed 12-19-75;8:54 am]

[Docket No. ER76-313]

DUKE POWER CO.

Increase in Contract Demand

DECEMBER 12, 1975.

Take notice that on December 1, 1975, Duke Power Company (Company) tendered for filing a supplement to the Company's Electric Power contract with the Town of Westminster, designated FPC No. 256, which provides for an increase in contract demand for 3600 Kw to 4600 Kw made at the request of the customer.

The document is proposed to become effective on January 21, 1976.

The Company states that a copy of the filing has been mailed to the Chairman of the Commission of Public Works of the Town of Westminster, South Carolina.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 23, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34431 Filed 12-19-75;8:45 am]

[Docket No. RP75-114]

EAST TENNESSEE NATURAL GAS CO.

Further Extension of Procedural Dates

DECEMBER 12, 1975.

On December 4, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 14, 1975, as most recently modified by notice issued December 1, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Services of Staff Testimony, January 27, 1976.
Service of Intervenor Testimony, February 10, 1976.
Service of Company Rebuttal, March 9, 1976.
Hearing, March 23, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34432 Filed 12-19-75;8:45 am]

[Docket No. RP72-134, (PGA-4B)]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

DECEMBER 12, 1975.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on December 8, 1975, tendered for filing Revised Substitute Thirteenth Revised Sheet No. 3A and Revised Substitute Thirteenth PGA-1 to its FPC Gas Tariff, Original Volume No. 1, to become effective October 1, 1975. This filing supplements the filing in this docket on November 17, 1975.

The above revised tariff sheets reflect accumulative changes to the original rates filed by Transcontinental Gas Pipe Line Corporation in Docket No. RP75-75 on March 14, 1975, to be effective May 1, 1975. The Commission suspended the effectiveness of such rates until October 1, 1975.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 31, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34394 Filed 12-19-75;8:45 am]

[Docket No. RP72-134, (PGA 76-5A)]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates

DECEMBER 11, 1975.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on December 2, 1975, tendered for filing Revised Fourteenth Revised Sheet No. 3A, Revised Fourteenth Revised PGA-1, Second Revised Fourteenth Revised Sheet No. 3A and Second Revised Fourteenth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1, to become effective November 1 and 2, 1975, respectively. These rate filings will increase Eastern Shore's sales rates and reduce its storage rates to reflect equivalent filings of Transcontinental Gas Pipe Line Corporation which were made on November 14, 1975, in Docket Nos. RP73-3, et al.

Pursuant to § 154.51 of the regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of Section 154.22 of those Regulations and of § 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted herewith to become effective as of November 1 and 2, 1975, respectively, to coincide with the proposed effective date of Transco's rate changes. In support hereof, Eastern Shore states that Transco's November 14 filing prevented it from meeting the appropriate notice requirements.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34408 Filed 12-19-75;8:45 am]

[Docket No. RP76-19]

EL PASO NATURAL GAS CO.

Withdrawal of Tariff Filing

DECEMBER 12, 1975.

Take notice that on December 4, 1975, El Paso Natural Gas Company ("El Paso"), filed a notice of withdrawal of its tariff filing which is now pending Commission disposition at Docket No. RP76-19.

El Paso states that by order issued July 9, 1975, at Docket Nos. CP73-334, CP74-289 and CP75-360, the Commission granted El Paso temporary authorization to initiate "further special operating arrangements" made between El Paso, Pacific Gas and Electric Company ("PG and E") and Southern California Gas Company ("SoCal"), which arrangements were made to assist El Paso in protecting Priority 1 and 2 service requirements of its east-of-California customers during the 1975-76 and 1976-77 heating seasons and thereafter. Said order also accepted for filing and made effective on July 9, 1975, certain tariff sheets providing, *inter alia*, for the collection of a 8.37¢ per Mcf surcharge during the months of November, 1975, through April, 1976, to compensate El Paso for its costs in implementing the further special operating arrangements.

Subsequently, on September 29, 1975, El Paso states it tendered for filing and acceptance certain tariff sheets to its FPC Gas Tariff which proposed to increase the initial surcharge rate from 8.37¢ per Mcf to 10.09¢ per Mcf. Such revised surcharge, proposed to be made effective November 1, 1975, was designed to permit El Paso to recover the additional cost to be incurred under the said further special operating arrangements, based upon the anticipated delivery by El Paso to PG and E of up to the full 17,000,000 Mcf of additional advance sale gas provided by the further special operating arrangements, rather than the originally forecasted 9,000,000 Mcf of additional advance sale gas deliveries.[1]

El Paso states that, by letter dated October 16, 1975, at Docket No. CP75-360, the Commission informed El Paso that the subject September 29, 1975, revised surcharge filing constituted a rate increase application and should be supplemented to include Statements L, M and N as required by § 154.63 of the Commission's Regulations. The Commission further advised El Paso that no filing date would be assigned pending receipt of such data. Subsequently, Commission notice of said filing was issued October 22, 1975, at Docket No. RP76-19.

At the time of filing of the September 29, 1975 submittal, El Paso states it anticipated that essentially all of the 17,000,000 Mcf advance sale gas authorized would be delivered to PG and E by October 31, 1975; however, actual deliveries of advance sale gas to PG and E through October 31, 1975, aggregated 15,145,431 Mcf, which is substantially more than the 9,000,000 Mcf originally expected but less than the anticipated 17,000,000 Mcf upon which the revised surcharge rate was based. PG and E in late October advised El Paso that PG and E would not be able to accept additional advance sale gas deliveries during the month of November, 1975. These changed circumstances necessarily would require a further redetermination of the initial surcharge rate to be collected by El Paso which, at the earliest date, could be placed into effect no sooner than January, 1976. Such a change in the surcharge rate in January, 1976, would also necessitate that El Paso's customers concurrently change their rates to their customers.

In view of the administrative inconveniences which would now result from such a change in the surcharge rate proposal, and inasmuch as El Paso's presently effective tariff provides a mechanism whereby either the disposition of any excess revenues collected by El Paso or the recovery of any deficient revenues will be accomplished by a plan which El Paso states will be submitted to the Commission within 60 days of April 30, 1976, El Paso has given notice of the withdrawal of its September 29, 1975, tariff tender filing pending at Docket No. RP 76-19.

Any person desiring to be heard or to make any protest with reference to said notice of withdrawal of application should, on or before December 26, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34395 Filed 12-19-75;8:45 am]

[Docket No. E-9543]

FLORIDA POWER & LIGHT CO.

Application

DECEMBER 11, 1975.

Take notice that on November 26, 1975, Florida Power & Light Company (Applicant) filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing it to acquire certain electric transmission facilities from Jacksonville Electric Authority (JEA).

Applicant is incorporated under the laws of the State of Florida with its principal business office at Miami, Florida and is engaged in the electric utility business in parts of 35 of the 67 counties in the State.

JEA is a municipal electric authority, a body politic and corporate of the State of Florida and owns and operates other facilities for the distribution and sale of electric energy in 3 counties in Florida.

The Applicant will pay the sum of $2,290,438 in exchange for said property.

Any person desiring to be heard or to make any protest with reference to said

[1] See El Paso's application for a certificate of public convenience and necessity and request for temporary authorization and related tariff tender filed June 10, 1975, at Docket No. CP75-360.

V40246 DEC 22 75 XUM

application should, on or before January 2, 1976, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34409 Filed 12-19-75;8:45 am]

[Docket No. ER76-325]

GULF STATES UTILITIES CO.

Letter Agreement

DECEMBER 15, 1975.

Take notice that on December 3, 1975 Oklahoma Gas and Electric Company tendered for filing on behalf of Gulf States Utilities Company (Gulf States) a Letter Agreement, dated October 13, 1975, between Gulf States and Central Louisiana Electric Co., Inc. and Louisiana Power and Light Company amending Schedule RE, Replacement Energy, a supplement to their Interconnection Agreement, designated as Supplement No. 28 to Gulf States' Rate Schedule FPC No. 82.

Gulf States indicates that the change made by this proposal is the add-on portion of the rate when energy being supplied by the seller is purchased from another supplier and passes through the seller's system to the Buyer. Gulf States requests an effective date of January 1, 1976 for this letter Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 23, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34382 Filed 12-19-75;8:45 am]

[Docket No. G-9287, etc.]

HUMBLE OIL AND REFINING CO.

Filing of Petition by Columbia Gas Transmission Corporation for an Order Releasing Refunds Held in Escrow

DECEMBER 10, 1975.

Take notice that on November 21, 1975, Columbia Gas Transmission Corporation (Columbia), legal successor to United Fuel Gas Company, filed in the above-entitled proceeding a petition requesting the Commission to order the release of refunds held by Humble Oil and Refining Company. The refunds in question amount to $145,900.08 plus accrued earnings. In its petition, Columbia states as follows:

By Order releasing refunds in part issued April 21, 1965, the Commission, after analysis of the Refund Report filed by United Fuel (Appendix A), directed Humble to retain those amounts which United Fuel claimed it had no obligation to flow-through. The money so retained amounted to $145,900.08 covering the period April 1, 1962 through June 30, 1964. Columbia's claim to retain these refunds is based upon the Stipulation and Agreement in Docket No. 20270 which was in force during the period refunds were collected. The Stipulation and Agreement approved by the Commission stated that Columbia's predecessor, United Fuel, had no obligation under Article IV, Paragraph 2, to "* * * pass on any refunds it may receive from suppliers as a result of final determination of gas purchase increases which became effective after June 1, 1961 and which are not reflected in United's rates in this docket, No. 20270." These representations were also embodied in United Fuel's Application for Rehearing and Reconsideration dated May 21, 1965 (Appendix B).

In its Order releasing refunds held by Pan American Petroleum Corporation to Columbia in Docket No. G-9279, issued July 29, 1975, the Commission determined that refunds may be appropriately retained by Columbia pursuant to the Commission-approved Stipulation and Agreement in United Fuel Gas Company, Docket No. G-20270. Since the factual situation with regard to Humble in the above-docketed proceeding is identical to the situation in Pan American Petroleum Corporation, Docket No. G-9279 and since the Commission has already approved Columbia's right to retain refunds arising from rates in effect subsequent to June 1, 1961, pursuant to the Stipulation and Agreement in Docket No. G-20270, the refunds held in escrow by Humble should be released to Columbia without obligation to flow-through these refunds to its customers.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before January 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Columbia's petition is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34403 Filed 12-19-75;8:45 am]

[Docket No. ER76-309]

INDIANAPOLIS POWER & LIGHT CO.

Changes in Rates and Charges

DECEMBER 16, 1975.

Take notice that on December 1, 1975, Indianapolis Power & Light Company (Indianapolis) tendered for filing Modification No. 2 dated October 1, 1975, to the Interconnection Agreement dated December 2, 1968, between Indianapolis and Southern Indiana Gas and Electric Company (Southern Indiana), designated Indianapolis Rate Schedule FPC No. 6.

Indianapolis states that section 1 of Modification No. 2 provides for an increase in the demand charge for short term power from $0.40 to $0.45 per kilowatt per week and from ⅛ of the $0.40 weekly charge to $0.975 per kilowatt per day for short term power sold (purchased) for periods less than one week. Section 1 provides further that if the supplying party requests a reduction in the amount of short term energy to be delivered, the weekly rate will be reduced $0.075 per day other than Sunday. Included in the filing is a Certificate of Concurrence executed on behalf of Southern Indiana.

Indianapolis requests waiver of any requirements of § 35.13 of the Commission's regulations, 18 CFR 35.13, not already complied with.

It has been requested by Indianapolis that Modification No. 2 become effective as soon as practicable.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 23, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34372 Filed 12-19-75;8:45 am]

[Docket No. ID-1599]

JAMES F. SMITH

Application

DECEMBER 11, 1975.

Take notice that on December 1, 1975, James F. Smith (Applicant) filed an application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Director and Executive Vice President, Financial, Orange and Rockland Utilities, Inc., Public Utility.
Director and Executive Vice President, Financial, Rockland Electric Company, Public Utility.
Director and Executive Vice President, Financial, Pike County Light & Power Company, Public Utility.

Orange and Rockland Utilities, Inc. (formerly Rockland Light and Power Company) has its principal place of business at Spring Valley, New York. The Company is engaged in the generation, distribution and sale of electric current in Rockland County and portions of Orange County and the easterly portion of Sullivan County, all in the state of New York, and owns and operates facilities for the transmission of electric energy across the New Jersey and Pennsylvania state lines to its wholly-owned subsidiary companies, Pike County Light & Power Company, Milford, Pennsylvania; and Rockland Electric Company, Ramsey, New Jersey. The Company also distributes natural gas in parts of the territory.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 5, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34410 Filed 12-19-75;8:45 am]

[Docket No. ER76-340]

KANSAS POWER AND LIGHT CO.

Filing of Cancellation

DECEMBER 16, 1975.

Take notice that on December 8, 1975, The Kansas Power and Light Compnay (Kansas) tendered for filing a proposed cancellation of FPC Rate Schedule No. 56. Said rate schedule was dated January 23, 1956, between the City of Herington and Kansas.

Kansas states that the termination of the contract is to be effective January 23, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34391 Filed 12-19-75;8:45 am]

[Docket No. ER76-310]

KENTUCKY UTILITIES CO.

Filing of Revised Fuel Clauses

DECEMBER 12, 1975.

Take notice that on December 1, 1975, Kentucky Utilities Company (Kentucky) tendered for filing two revised fuel clauses applicable to service rendered Old Dominion Power Company. Kentucky states that one of the fuel clauses is applicable to transmission voltage delivery, while the other clause is applicable to distribution voltage delivery. Kentucky requests that the fuel clauses be permitted to become effective as of January 1, 1976.

Kentucky states that the instant filing is made in order to comply with § 35.14 of the Commission's regulations as same have been amended by Order No. 517.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34396 Filed 12-19-75;8:45 am]

[Docket No. ER76-312]

KENTUCKY UTILITIES CO.

Filing of Revised Fuel Clause

DECEMBER 12, 1975.

Take notice that on December 1, 1975, Kentucky Utilities Company (Kentucky) tendered for filing a revised fuel clause applicable to service rendered the City of Paris, Kentucky. Kentucky requests that the fuel clause be permitted to become effective as of January 1, 1976.

Kentucky states that the instant filing is made in order to comply with § 35.14 of the Commission's regulations as same have been amended by Order No. 517.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34397 Filed 12-19-75;8:45 am]

[Docket No. RP75-104]

LAWRENCEBURG GAS TRANSMISSION CORP.

Filing of Revised Tariff

DECEMBER 11, 1975.

Take notice that on November 17, 1975, Lawrenceburg Gas Transmission Corporation tendered for filing FPC Gas Tariff, First Revised Volume No. 1, superseding Original Volume No. 1, and revised service agreements between Lawrenceburg Gas Transmission Corporation and Lawrenceburg Gas Company and The Cincinati Gas & Electric Company. The Revised Tariff and service agreements are proposed to become effective on November 1, 1975.

Lawrenceburg Transmission states that it considers the filings to be in compliance with the Commission's Order issued October 31, 1975 in Docket No. CP 75-370, and requests waiver of the 30 day notice requirement under Section 154.51 of the Commission's Regulations.

Lawrenceburg Transmission states that copies of the filing have been served on its two wholesale customers and on interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in

V40246 DEC 22 75 XUM

accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34411 Filed 12-19-75;8:45 am]

[Docket No. E-9469]

LOCKHART POWER CO.

Order Accepting for Filing and Permitting To Become Effective, Subject to Refund, Proposed Rate Increase and Establishing Procedures

DECEMBER 12, 1975.

On June 2, 1975, Lockhart Power Company (Lockhart) filed with this Commission an amended service agreement and rate schedule for wholesale electric service to the City of Union, South Carolina (Union). The effect of such filing, Lockhart asserted, was to increase its rates to Union by $54,479 annually. Lockhart admitted, however, that it had been collecting such increased rate from Union since September 1, 1974. In this regard, Lockhart stated that the rate increase had been accepted by Union and approved by the Public Service Commission of South Carolina. Finally, Lockhart asserted that "the company has never been held to be subject to the Commission's jurisdiction under Part II of the Federal Power Act", and stated that its June 2, 1975, filing was made solely for the Commission's information.

Public notice of Lockhart's filing was issued on June 11, 1975, with comments, protests or petitions to intervene due on or before June 24, 1975. No responses were received.

Preliminary review of Lockhart's filing found it to be deficient with respect to certain requirements of the Commission's Regulations. Accordingly, by letter dated June 25, 1975, the Commission Secretary informed Lockhart of such deficiency and stated that a filing date would not be assigned its submittal until the deficiency was cured.

Lockhart responded to the Secretary's deficiency letter in a letter filed on July 17, 1975. In such response, the Company stated:

> We do not have the information requested by your letter of June 25 and, in the circumstances, believe that it should be unnecessary to undertake to prepare this information. As you can see, our operations are relatively small and we do not have the data availability of those companies with which you are more familiar. I am sure, however, that the South Carolina Public Service Commission would be glad to answer any questions you may have about the recent revised agreement.

In our order issued August 15, 1975 we found that Lockhart's wholesale sale of electric energy to Union does constitute a "* * * sale of electric energy at wholesale in interstate commerce * * *" within the meaning of section 201(b) of the Federal Power Act. We also noted that Lockhart has been on notice for three years that its sale to Union and the rate charged therefor are subject to our jurisdiction. Concluding from these facts that "our ability to protect the public against potentially unlawful rates has, in this case, been seriously jeopardized * * *", we rejected the rate increase and ordered refunds of all amounts collected pursuant thereto. In the alternative, we provided that the filing would not be rejected if Lockhart filed, within 30 days, (1) the material necessary to cure the filing deficiencies in its June 2, 1975, submittal,[1] and (2) a statement agreeing that all increased rates collected since September 1, 1974, until the resolution of this proceeding are subject to refund of any amount found by this Commission to be in excess of a just and reasonable rate level. Finally, we stated that if Lockhart agreed to these two conditions, then we would "* * * by further order take such action as we may deem appropriate in light of our analysis of the cost data supplied by Lockhart."[2]

In a letter filed with the Commission on September 8, 1975, Lockhart agreed "* * * that increased rates collected since September 1, 1974, until the resolution of this proceeding are collected subject to refund of any amounts found by the Federal Power Commission to be in excess of a just and reasonable level."

On Novemer 14, 1975, Lockhart filed cost of service data, testimony and exhibits which are intended to cure the deficiencies set forth in the aforementioned June 25, 1975, letter of the Commission Secretary. In his prepared testimony, Lockhart's General Manager states that the rate increase to Union is necessitated by large expense increases recently experienced by the Company. In addition, he contends that the Company should be permitted to earn an overall rate of return of 8.78 percent.

Our review of the cost of service data, testimony and exhibits submitted by Lockhart on November 14, 1975, indicates that the rate increase to Union has not been shown to be just and reasonable and may be unjust, unreasonable, or otherwise unlawful.

As discussed above, our order of August 15, 1975, stated that Lockhart's filing would not be rejected if Lockhart complied with two conditions. Lockhart has now complied with those conditions. Accordingly, we shall accept Lockhart's proposed increased rates for filing and permit them to become effective, subject to refund, as of September 1, 1974, and establish a hearing to determine the just and reasonable rate level to be charged to Union.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of Lockhart's rate increase filed in Docket No. E-9469, and that such increase be accepted for filing and permitted to become effective as of September 1, 1974.

The Commission orders: (A) Pending a hearing and decision thereon, Lockhart's June 2, 1975, filing, as cured on November 14, 1975, is accepted for filing and permitted to become effective as of September 1, 1974, subject to refund.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding on January 15, 1976. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates for this proceeding and to rule upon all motions (except petitions to intervene), subject to review by the Commission.

(C) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's Rules of Practice and Procedure.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34398 Filed 12-19-75;8:45 am]

[Docket No. RP75-96]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Denying Application for Rehearing and Making Effective Revised Tariff Sheets

DECEMBER 11, 1975.

On April 30, 1975, Michigan Wisconsin Pipe Line Company (Mich-Wis) tendered for filing in this docket proposed changes in its FPC Gas Tariff designed to effect a $66 million jurisdictional rate increase. The proposed increase was based on a test period of 12 months ended January 31, 1975, as adjusted for known and measurable changes through October 31, 1975. Mich-Wis requested an effective date of June 1, 1975, for the proposed rate increase.

By order issued May 19, 1975, we accepted the proposed changes for filing, subject to certain conditions, and suspended the use thereof for five months until November 1, 1975. One of the aforementioned conditions was that Mich-Wis file revised tariff sheets reflecting the elimination from its proposed rates of

[1] By notice issued September 16, 1975, the time within which Lockhart was required to submit this material was extended to November 14, 1975.

[2] *Lockhart Power Company*, Docket No. E-9469, order issued August 15, 1975, *mimeo* at 4.

$11,265,490 in interest reimbursement payments to producers.[1]

On September 15, 1975, Mich-Wis filed tariff sheets intended to replace those sheets which the Company had originally filed on April 30, 1975. Such replacement tariff sheets reflected the rate level included in the April 30, 1975, filing as revised upward to reflect the net effect of: (1) purchased gas adjustment (PGA) increases as a result of the increased cost of imported Canadian gas as well as an increase in the cost of gas purchased from Texas Gas Transmission Corporation; (2) an increase in the balance of advance payments outstanding as of November 1, 1975; and (3) the elimination of the $11,265,490 in interest reimbursement payments to producers. Mich-Wis requested that these replacement tariff sheets be permitted to become effective November 1, 1975, in substitution for the tariff sheets which had previously been accepted for filing and suspended until that date.

By order issued October 31, 1975, we rejected Mich-Wis' September 15, 1975, submittal and required Mich-Wis to file revised tariff sheets reflecting only the elimination of the interest reimbursement to producers. Such rejection was based upon our findings that: (1) the portion of the filing reflecting purchased gas cost increases was based on a "Determination Period" different from that period required by Mich-Wis' tariff; and (2) the portion of the filing reflecting increased advance payments was not timely filed in accordance with the advance payments tracking authority which Mich-Wis received in the settlement of Docket No. RP73-102. We did note, however, that our rejection of the increased purchased gas costs portion of the filing was "* * * without prejudice to Mich-Wis' right to file for increases in such costs in accordance with the applicable provisions of its FPC Gas Tariff and our Regulations under the Natural Gas Act, together with a request for necessary waiver to permit such increases to become effective as of November 1, 1975 * * *" (ordering paragraph (D), *mimeo* at 4).

On November 14, 1975, Mich-Wis filed an application for rehearing of our October 31, 1975, order in this docket. In the alternative, Mich-Wis tendered with such application certain alternate revised tariff sheets which eliminate the aforementioned interest reimbursement payments and include increased purchased gas costs in the manner prescribed in its tariff. Mich-Wis requests that in the event rehearing is denied, the alternate revised tariff sheets be made effective as of November 1, 1975.

In its application for rehearing, Mich-Wis asserts that we misunderstood its September 15, 1975, filing. In this regard, Mich-Wis states that had it intended such filing to be a PGA filing, it would have filed in its PGA docket. Likewise, the Company states, had it meant to "track" the increase in advance payments, it would have filed in Docket No. RP73-102, wherein it obtained such tracking authority. Thus, rather than making a PGA and a tracking filing, Mich-Wis simply intended to "replace" the previously suspended tariff sheets with those sheets submitted on September 15, 1975.

Mich-Wis further states that "of significant importance" is the fact that a PGA filing in accordance with its tariff would result in underrecovery of its purchased gas cost increases to the extent of $5 million, due to a decline in its annual sales volume. Mich-Wis apparently believes that this fact is sufficient reason for us to accept its substitute tariff sheets in lieu of a PGA filing conforming to its tariff.

We are not persuaded by Mich-Wis' application for rehearing that we should amend our October 31, 1975, order in this docket. The subject filing, which proposed to increase the previously suspended rate level, is specifically prohibited by Section 154.66(b) of our Regulations except for good cause shown. We found that such good cause showing had not been made.[2] We further found that the filing, proposing to recover increased purchased gas and advance payment costs, failed to comply with both the PGA provisions of Mich-Wis' tariff and Mich-Wis' advance payment tracking authority. In view of this total failure by Mich-Wis to comply with our Regulations, its tariff, and its tracking authority, we concluded that the filing must be rejected. Mich-Wis has presented no arguments or additional evidence in its application for rehearing which changes that conclusion.

As noted above, Mich-Wis contends that a PGA filing pursuant to its tariff results in recovery of $5 million less than the actual increase in its cost of purchased gas. Mich-Wis is aware, no doubt, that this $5 million "loss" is recorded in its unrecovered purchased gas cost account (Account 191) and is subsequently recovered by imposition of a rate surcharge. Thus, the deferred account/surcharge mechanism keeps Mich-Wis whole and prevents the "underrecovery" of which Mich-Wis complains.

In light of our denial of Mich-Wis' application for rehearing, we shall accept the revised tariff sheets tendered with such application insofar as such sheets reflect elimination of the interest reimbursement payments and increased purchased gas costs in compliance with the PGA provision of Mich-Wis' tariff. Such revised tariff sheets shall be permitted to become effective as of November 1, 1975.

The Commission finds: (1) Mich-Wis' November 14, 1975, application for rehearing of our October 31, 1975, order in this docket presents no new facts or principles of law which warrant modification or amendment of said order.

(2) Good cause exists to accept for filing and make effective as of November 1, 1975, the revised tariff sheets tendered with Mich-Wis' November 14, 1975, application for rehearing.

The Commission orders: (A) Mich-Wis' November 14, 1975, application for rehearing of our October 31, 1975, order in this docket is hereby denied.

(B) The revised tariff sheets tendered with Mich-Wis' application for rehearing are accepted for filing and made effective as of November 1, 1975.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34412 Filed 12-19-75;8:45 am]

[Docket No. ER76-158]

NEW ENGLAND POWER CO.

Further Extension of Procedural Dates

DECEMBER 11, 1975.

On December 8, 1975, New England Power Company filed a motion to extend the procedural dates fixed by order issued October 30, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Company Testimony, February 10, 1976.
Service of Staff Testimony, April 12, 1976.
Service of Intervenor Testimony, April 26, 1976.
Service of Company Rebuttal, May 10, 1976.
Hearing, May 24, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34413 Filed 12-19-75;8:45 am]

[Docket No. ER76-304]

NEW ENGLAND POWER CO.

Rate Filing

DECEMBER 15, 1975.

Take notice that on November 28, 1975, New England Power Company (NEPCO) tendered for filing copies of the following amendments to its FPC Electric Tariff, Original Volume No. 1 constituting a new Rate R-10:

1. Schedule II-A, Seventh Revised Page No. 1.
2. Schedule II-A, Seventh Revised Page No. 2.
3. Schedule II-B, First Revised Page No. 1.
4. Schedule II-B, Original Page No. 2.
5. Schedule III-C, Second Revised Page No. 9.

NEPCO requests an effective date of January 1, 1976 for its Rate R-10.

NEPCO states that the changes in the Company's present R-9 rate (Schedule II-A) to be effective by the amendments filed herewith will in each case increase the Demand Charge from $5.72 per kilowatt of demand to $6.43 per kilowatt and increase the Energy Charge from 17.5 mills per kilowatt-hour to 17.6 mills per kilowatt-hour. In addition, the charge for sub-transmission service is increased from $0.05 to $0.46 per KW of demand.

[1] By order issued July 11, 1975, Mich-Wis' application for reconsideration of our May 19, 1975, order was denied.

[2] *Michigan Wisconsin Pipe Line Company*, Docket No. RP75-96, order issued October 31, 1975, finding paragraph (2), *mimeo* at 3.

V 40 246 DEC 22 75 XUM

According to NEPCO, based on the calendar year 1976 as a test period, the effect of the R–10 rate changes will be to increase the Company's annual revenues by approximately $28,600,000. This represents a 6% increase over the presently effective rate. NEPCO has no other rate for similar wholesale for resale service.

According to NEPCO, the rate increase submitted in this filing is necessary to provide the increased revenues needed to meet continually increasing operating expenses and to enable the Company to raise capital on reasonable terms to provide future service to the consumer. NEPCO has been simply unable to earn anything approaching a fair return for the past two years (its earned return on common equity for 1974 was 10.15%) and as a result, its financial integrity has been continually called into question to the detriment of both shareholders and consumers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before December 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–34383 Filed 12–19–75;8:45 am]

[Docket No. ER76–317]

NEW ENGLAND POWER CO.

Proposed Changes in Rates and Charges

DECEMBER 12, 1975.

Take notice that on December 1, 1975, New England Power Company (NEPCO) filed revised tariff sheets constituting a new Rate R–10/CD for certain of its Primary Service for Resale Customers that have opted for Contract Demand Service. NEPCO requests an effective date of January 1, 1976. NEPCO states that its revised tariff sheets will result in an increase in revenues from these Customers on the basis of a 1976 test year of approximately $764,300. NEPCO asserts that the filing is based on agreement with its Customers that any changes in its basic rate for Primary Service for Resale will be cause for a collateral filing of its Rate for Contract Demand Service.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before December 23, 1975, file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing and supporting documents are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–34379 Filed 12–19–75;8:45 am]

[Docket No. ER76–291; Low Voltage PTF Cost Rules]

NEW ENGLAND POWER POOL AGREEMENT (NEPOOL)

Filing of Supplement to the New England Power Pool Agreement

DECEMBER 12, 1975.

Take notice that on November 24, 1975, the NEPOOL Executive Committee tendered for filing lower voltage transmission facilities charges and associated cost rules entitled: Recommended Rules for Calculating Costs of LV PTF Under the NEPOOL Agreement, dated January 31, 1974, which supplement the rate schedule designated FPC NEPOOL Rate Schedule No. 2.

The filed rate schedule provides for uniform cost rules and individual NEPOOL Participant charges for use of their lower voltage transmission facilities to transfer to other Pool Participants' entitlements in generating units which are pool-planned and other uses specified in the NEPOOL Agreement. The NEPOOL Executive Committee has proposed that the rate schedule become effective as of June 14, 1975 and has requested waiver of the customary notice period to permit the proposed charges to become effective on that date.

Copies of the filing were served upon each of the parties to the NEPOOL Agreement and to each of the parties to the Commission's proceeding: NEPOOL Agreement, Docket No. E–7690 (PTF Cost Rules).

Any person desiring to be heard or to protest said supplement should on or before December 23, 1975 file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or protest in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure.

Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's rules of practice and procedure. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Copies of the rate schedule and related transmittal materials are on file wiith the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–34378 Filed 12–19–75;8:45 am]

[Docket No. RP73–8; PGA No. 76–3a]

NORTH PENN GAS CO.

Adjustment in PGA Filing

DECEMBER 11, 1975.

Take notice that on December 5, 1975, the North Penn Gas Company (North Penn) tendered for filing proposed changes in its FPC Gas Tariff, First Substitute Twenty-Fifth Revised Sheet CPGA No. 76–3a), to amend its Twenty-Fifth Revised Sheet (PGA No. 76–3) filed on October 16, 1975, which reflected a surcharge credit of 0.014¢ per Mcf. The filing tracks reduced supplier rate changes made effective October 1, and November 2, 1975. North Penn had previously filed to track the unmodified rate filings by these suppliers. The Commission accepted North Penn's PGA's to be effective October 1, and November 2, 1975, but subject to modification to reflect the reduction in the supplier rates tracked therein. The reduced supplier rates were made subsequent to North Penn's original filings.

North Penn now proposes to defer tracking the reduced supplier rates until December 1, 1975.

North Penn also requested that it be permitted to accumulate over collections in its deferred account in the amount of $1844 for the months of October and November, 1975, which North Penn states were created because of the multiplicity of filings by Transcontinental Gas Pipeline Company, one of North Penn's suppliers, and because approved changes in supplier rates were not received in sufficient time so that the proper rates could be timely filed.

North Penn requests that the Commission waive its regulations so as to permit this filing to become effective on December 1, 1975.

North Penn states that copies of this filing were mailed to each of its jurisdictional customers as well as several state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–34414 Filed 12–19–75;8:45 am]

[Docket No. ER76–50]

NORTHERN INDIANA PUBLIC SERVICE CO.

Filing

DECEMBER 11, 1975.

Take notice that on December 8, 1975, Northern Indiana Public Service Company (Northern Indiana) tendered for filing its FPC Electric Service Tariff, Second Revised Volume No. 1, superseding First Revised Volume No. 1, containing Rate Schedules VA1 and VA11. Northern Indiana states that electric service furnished under Rate Schedule VA1 to electric energy at wholesale to municipality while Rate Schedule VA11 applies to electric energy sold at wholesale to Rural Electric Membership Corporations, for resale.

The company states that the purpose of this filing is to serve as a convenience to its wholesale customers and to update and consolidate the rates contained in its settlement agreements with its wholesale customers, the municipalities and Rural Electric Membership Corporations, which were approved by order of the Commission dated November 24, 1975.

The company states that copies of this filing have been sent to the aforementioned customers as well as several regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–34415 Filed 12–19–75;8:45 am]

[Docket No. CP76–155]

NORTHERN NATURAL GAS CO.

Application

DECEMBER 10, 1975.

Take notice that on November 7, 1975, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76–155 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the modification of certain gas sales measuring facilities located in Crow Wing County, Minnesota, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that pursuant to budget-type authorization granted by order of the Commission of November 20, 1959 (22 FPC 869), Applicant installed a sales metering station in Crow Wing County, Minnesota (Crosby TBS #2), to sell and deliver natural gas to Inter-City Gas Limited, Incorporated (Inter-City), formerly Iron Ranges Natural Gas Company, for resale to the Manganese Chemical Plant (Manganese). Applicant states that Manganese has terminated operations; however, a plastic company is presently being served by the aforestated meter station. Applicant alleges that the load for which the Crosby TBS #2 was designed will never develop; and, therefore, Applicant requests authorization to replace the existing regulating and measuring equipment with regulator and meter facilities more suited to the present requirements.

Applicant estimates the cost of the proposed facilities would be approximately $1,660, and states that Inter-City would reimburse Applicant for the actual cost less the salvage value of the facilities recovered.

The application states that the modification of facilities will not result in change of service to Inter-City.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–34404 Filed 12–19–75;8:45 am]

[Docket No. E–9148]

NORTHERN STATES POWER CO. (MINNESOTA)

Extension of Time

DECEMBER 11, 1975.

The order issued October 14, 1975, in the above-designated matter, required, among other things, that Northern States Power Company (Northern States) shall comply with ordering paragraph (B) of that order within sixty (60) days of October 14, 1975, or not later than December 13, 1975.

On December 10, 1975, Northern States filed a motion for a stay of the Commission order in Docket No. E–9148, in the Court of Appeals for the Eighth Circuit to which the Commission must respond by December 22, 1975. In order to allow time for the Commission to respond to the Northern States motion, it is appropriate to extend the time to and including December 31, 1975, within which Northern States shall comply with ordering paragraph (B) of the order issued October 14, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–34416 Filed 12–19–75;8:45 am]

[Docket No. ER76–342]

PACIFIC POWER & LIGHT CO.

Filing of Modified Agreements

DECEMBER 15, 1975.

Take notice that Pacific Power & Light Company (Pacific) on December 8, 1975, tendered for filing three agreements modifying Pacific's Rate Schedule FPC No. 45, which provides for interconnections with the United States Bureau of Reclamation (Bureau).

Pacific states that:

1. Agreement (1) formalizes the practice of net billing as a convenience to both parties.

2. Agreement (2) establishes the arrangement for the provisional delivery of surplus energy scheduled by Pacific to the Bureau and the return thereof upon request by Pacific.

3. Agreement (3) provides for a new temporary point of delivery to the Bureau.

There is no change in rates contemplated by this filing, and no estimate of quantities of energy to be delivered or revenues to be derived therefrom can be made.

Pacific requests waiver of the Commission's notice requirements to permit these modifications to the rate schedule to become effective March 19, 1974 and October 1, 1975, and October 17, 1975 for Agreements (1), (2) and (3) respectively, which it claims are the dates of commencement of service.

Any person desiring to be heard or to protest sad application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10).

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All such petitions or protests should be filed on or before December 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this applicaton are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34384 Filed 12-19-75;8:45 am]

[Docket No. RP76-39]

SEA ROBIN PIPELINE CO.

Order Accepting for Filing, Subject to Conditions, Proposed Tariff Sheets, Suspending Use Thereof, Providing for Hearing and Establishing Procedures

DECEMBER 11, 1975.

On November 14, 1975, Sea Robin Pipeline Company (Sea Robin) tendered for filing proposed changes in its FPC Gas Tariff [1] designed to effect a jurisdictional rate increase of $43,036,531 annually. The proposed changes are based on the 12-month period ended July 31, 1975, as adjusted for known and measurable changes through April 30, 1976. Sea Robin requests that its filings be permitted to become effective as of December 15, 1975.

Public notice of Sea Robin's filing was issued on December 5, 1975 with comments, protests and petitions to intervene due on or before December 22, 1975. Responses to such notice will be reported by separate order.

As support for its proposed rate increase, Sea Robin cites increases in its system-wide cost of service during the test period mentioned above. Among other things, the proposed increase reflects: an overall rate of return of 11.12 percent, including an allowance for common equity of 15.0 percent; calculation of depreciation expense on the basis of the unit of production method at 11 cents/Mcf; an increased rate base as a result of Sea Robin's restatement of its depreciation reserve; and an anticipated decline in sales volumes.

As noted above, Sea Robin has, for purposes of the instant filing, restated its depreciation reserve to reflect the application of a four percent straight line rate since inception of the Company. Although the four percent rate was approved in Sea Robin's initial certificate proceeding in Docket No. CP69-48, Sea Robin presently books the cost of depreciation at a rate of 8.33 percent. Thus, the effect of Sea Robin's restatement of its depreciation reserve at four percent is to permit it to earn return and associated taxes on a rate base which fails to reflect the book depreciation rate claimed in prior periods. Accordingly, as hereinafter ordered, Sea Robin shall be required to file revised tariff sheets reflecting the cost of depreciation which Sea Robin has actually booked since inception of the Company.

Review of Sea Robin's filing indicates that the proposed increase is based, among other things, on interest payments by Sea Robin under existing agreements with banks which have provided capital to certain producers for the exploration and development of reserves which will be dedicated to Sea Robin. Arrangements similar to this have recently been before us in other cases.[2] As noted in those cases, interest payments of the type proposed herein by Sea Robin are not within the purview of our advance payment regulations.[3] The purpose of our advance payment programs has been to assist producers in capital formation in order to stimulate exploration, development, and production for the interstate market. (Order No. 441, 46 FPC 1178 at 1180). These programs are not intended to provide that jurisdictional rate payers pay interest through pipeline rates on capital which the producer is demonstrably able to acquire. Accordingly, Sea Robin's proposed rate treatment of the subject interest payments must be rejected as inconsistent with the requirements and intent of our outstanding advance payment rulemaking orders.

Review of Sea Robin's filing also indicates that a portion of the proposed increase is based on inclusion in rate base of facilities which are not yet certificated and/or in service. If such facilities are not certificated and in service as of the end of the suspension period ordered herein, Sea Robin shall be required to file revised tariff sheets reflecting the elimination from its proposed rates of all costs associated with such facilities.

Our overall review of Sea Robin's filing indicates that it raises several issues which may require development in an evidentiary hearing. Moreover, the proposed increase in rates and charges has not been shown to be just and reasonable and may be unjust, unreasonable or otherwise unlawful. We shall, therefore, suspend the proposed rate increase for the full statutory period and direct that a hearing be held on the justness and reasonableness of the rates proposed therein.

Evidence relevant to the issues raised by the instant filing should be submitted by all parties including the Commission Staff. Without limiting the rights of the parties, including Staff, in presenting such further evidence as they deem relevant and material, we hereby direct that the parties and our Staff present evidence which considers the following: (1) the propriety of Sea Robin's calculation of the depreciation expense on the basis of the unit of production method at 11 cents per Mcf; (2) the reasonableness of Sea Robin's proposed overall rate of return of 11.12 percent, including an allowance on common equity of 15 percent; (3) the propriety of Sea Robin's adjustment to base period operation expenses for anticipated inflation; (4) the reasonableness of Sea Robin's estimated decline in sales volumes in light of the fact that its depreciation study indicates that gas reserves will increase until 1979; and (5) the propriety of Sea Robin's classification of unit of production depreciation as a fixed cost and assignment of 25 percent of same to the demand component of its two-part rates.

The Commission finds: (1) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges proposed in this docket by Sea Robin, and that Sea Robin's proposed tariff sheets should be accepted for filing as hereinafter conditioned, suspended, and the use thereof deferred as hereinafter ordered.

(2) For reasons given in the body of this order, certain portions of Sea Robin's filing must be rejected, namely those portions which reflect (a) interest payments to banks for producer loans for exploration and development, (b) Sea Robin's restatement of its depreciation reserve to reflect application of a four percent straight line depreciation rate since inception of the Company, and (c) inclusion in rate base of facilities which are not certificated and in service as of the end of the suspension period ordered herein.

The Commission orders: (A) Pending hearing and a decision thereon, Sea Robin's proposed tariff sheets to Original Volume Nos. 1 and 2 of its FPC Gas Tariff are accepted for filing, subject to conditions as hereinafter ordered, and suspended for the full statutory period of five months until May 15, 1976, or until such time as they are made effective in the manner provided by the Natural Gas Act, subject to refund.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding on February 3, 1976, at 10:00 A.M., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates for this proceeding and to rule upon all motions (except petitions to intervene), subject to review by the Commission.

(C) Prior to May 15, 1976, Sea Robin shall file substitute tariff sheets to be effective May 15, 1976, reflecting elimination from its proposed rates of (1) interest payments to banks for loans to producers for exploration and development, (2) Sea Robin's restatement of its depreciation reserve to reflect application of a four percent straight line depreciation rate since the Company's inception, and (3) costs associated with facilities which are not certificated and in service as of the end of the suspension period ordered herein.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34417 Filed 12-19-75;8:45 am]

[Docket No. RP76-22]

SOUTH GEORGIA NATURAL GAS CO.

Order Granting Intervention

DECEMBER 11, 1975.

On October 10, 1975, the South Georgia Natural Gas Company (South Georgia) tendered for filing revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1. Notice of South Georgia's filing was issued by the Commission on October 20, 1975, with protests and petitions to intervene due on or before October 31, 1975.

An untimely protest and petition to intervene was filed by Atlanta Gas Light Company. Having reviewed the above petition to intervene, we believe that the petitioner has sufficient interest in the proceedings to warrant intervention.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioner to intervene.

The Commission orders: (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34418 Filed 12-19-75;8:45 am]

[Docket No. RP75-84, et al.]

SOUTHERN NATURAL GAS CO.

Further Extension of Procedural Dates

DECEMBER 12, 1975.

On December 4, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 15, 1975, as most recently modified by notice issued November 26, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, February 23, 1976.
Service of Intervenor Testimony, March 8, 1976.
Service of Company Rebuttal, March 22, 1976.
Hearing, April 6, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34399 Filed 12-19-75;8:45 am]

[Docket No. E-8514]

SOUTHERN SERVICES, INC.

Further Extension of Procedural Dates

DECEMBER 12, 1975.

On December 2, 1975, Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company jointly filed a motion to extend the procedural dates fixed by order issued May 8, 1974, as most recently modified by notice issued October 22, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Company Rebuttal, February 6, 1976.
Hearing, February 24, 1976 (10:00 a.m. e.s.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34400 Filed 12-19-75;8:45 am]

[Docket No. 8288, et al]

SUN OIL CO., ET AL.

Filing of Petition by Columbia Gas Transmission Corporation for an Order Releasing Refunds Held in Escrow

DECEMBER 11, 1975.

In the matter of Sun Oil Company, G-8288, *et al*, Sunray DX Oil Company, G-8822, *et al*, Gulf Oil Corporation, G-10615, *et al*, United Fuel Gas Company, G-20270.

Take notice that on November 21, 1975, Columbia Gas Transmission Corporation (Columbia), legal successor to United Fuel Gas Company, filed in the above dockets a petition requesting the Commission to order the release of refunds held by the above producers, respectively, in the amount of $113,772.93 (Sun Oil), $7,640.66 (Sunray DX), and $22,198.76 (Gulf Oil). In its petition, Columbia states as follows:

The Commission's Order of December 13, 1967, in the above-docketed proceeding required the producers to retain refunds in escrow due to United Fuel's position that it was not obligated to flow-through certain supplier refunds pursuant to its settlement in Docket No. G-20270 attributable to gas purchases made under producer rate schedules which became effective subsequent to June 1, 1961.

In its Order releasing refunds held by Pan American Petroleum Corporation in Docket No. G-9279, issued July 29, 1975, the Commission has determined that refunds may be appropriately retained by Columbia pursuant to the Commission approved Stipulation and Agreement in Docket No. G-20270. The refunds held by the producers named above are refundable subject to the Stipulation and Agreement in Docket No. G-20270, as were refunds in Docket No. G-9279. Since the factual situation with regard to the producers in the above-docketed proceeding is identical and since the Commission has already approved Columbia's right to retain refunds arising from rates in effect subsequent to June 1, 1961, pursuant to the Stipulation and Agreement in Docket No. G-20270, the refunds held in escrow by Sunray DX Oil Company, Gulf Oil Corporation and Sun Oil Company should be released to Columbia without obligation to flow-through these refunds to its customers.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before January 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Columbia's petition is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34419 Filed 12-19-75;8:45 am]

[Docket No. CI75-717, etc.]

TENNECO OIL CO. AND TENNECO EXPLORATION CO., LTD.

Order Granting Rehearing for Limited Purpose of Reconsideration, Clarifying Prior Order and Referring Motions for Stay to Rulemaking Proceeding

DECEMBER 12, 1975.

On November 13, 1975, Tenneco Oil Company (TOC) and Tenneco Exploration, Ltd. (TEL) filed separate petitions for clarification, rehearing and recon-

[1] Sea Robin's proposed tariff sheets are designated Third Revised Sheet No. 1, Second Revised Sheet No. 3 and Seventh Revised Sheet No. 4 to Original Volume No. 1; and Third Revised Sheet Nos. 1, 6, 21, 39, and 64, Fourth Revised Sheet No. 96, and Third Revised Sheet No. 97 to Original Volume No. 2.

[2] *United Gas Pipe Line Company*, Docket No. RP75-109, rejection order issued July 7, 1975, rehearing denied September 3, 1975; *Michigan Wisconsin Pipe Line Company*, Docket No. RP75-96, rejection order issued May 19, 1975, rehearing denied July 11, 1975; *Northern Natural Gas Company*, Docket No. RP75-87, order issued May 16, 1975, rehearing denied July 11, 1975; *Natural Gas Pipeline Company of America*, Docket No. RP75-90, order issued May 16, 1975, rehearing denied July 11, 1975; and *Southern Natural Gas Company*, Docket No. RP75-84, rejection order issued May 15, 1975, rehearing denied July 11, 1975.

[3] See Order Nos. 410, 410-A, 441, 485 and 499; Accounts 165 and 166 in Part 201 of the Commission's Regulations Under the Natural Gas Act.

V40246 DEC 22 75 XUM

sideration of certificate orders issued October 14, 1975, in Docket Nos. CI75–717 and CI75–719 for the sale of gas from Block 208 Field, Eugene Island Area, in the Federal Domain, said gas to be sold to Tennessee Gas Pipeline Co., a Division of Tenneco Inc.

On November 19, 1975, Tenneco Oil Company and Tenneco Exploration, Ltd., filed in Docket Nos. CI75–746, CI75–747 and CI75–748, petitions for stay of Order No. 539, Docket No. RM76–8, issued October 14, 1975, promulgating a Statement of Policy with Respect to Enforcement of Deliverability and Rendition of Natural Gas Service Under Certificated Arrangements, as such policy statement affects TOC–TEL in these dockets. TOC–TEL were issued temporary certificates by order issued July 24, 1975, in these three dockets. TOC–TEL are concerned that Order No. 539 imposes a warranty condition on these five sales of gas recently certificated. TOC–TEL wish to reserve their rights under Section 19 of the Natural Gas Act to contest the validity and legality of such delivery conditions and wish to avoid waiver of such rights by commencing delivery under the certificates. TOC–TEL desire to commence deliveries under the certificates immediately, but are reluctant to do so because of the uncertainties surrounding the delivery obligation.

Order No. 539 stated the Commission's policy with respect to enforcement of deliverability and rendition of natural gas service, and promulgated a new § 2.83 of the Commission's General Policy and Interpretations (18 CFR 2.83). On November 28, 1975, the Commission issued an order in Docket No. RM76–8 granting reconsideration for the purpose of further consideration of all these matters and reserved for future judgment all motions for stay of Order No. 539. This was done to properly evaluate all petitions for reconsideration and motions for stay.

Nothing in Order No. 539 creates a warranty delivery obligation where none existed before, and whether a sale was initiated before the issuance of Order No. 539 or after its issuance, as in the case with the sales involved in TOC–TEL's five dockets for which certificates were recently issued, is not controlling. Whatever policy with respect to enforcement of deliverability exists at any given time by the Commission as to natural gas producers subject to Commission jurisdiction will equally affect past, present and future sales. Thus, TOC–TEL will in no way be prejudiced by initiating sales which were recently certificated, as compared to a sale which was commenced in the more distant past and those sales which will be commenced in the future, nor is Order No. 539, as presently constituted, in any way intended to discriminate against natural gas producers which have accepted certificates and commence sales thereunder, as compared to other sales which were certificated and in which deliveries commenced in the past.

The Commission further notes that TOC–TEL will have full rights under Section 19 of the Natural Gas Act of any order or orders which subsequently issue and that commencement of service will not prejudice TOC–TEL's legal rights to espouse whatever position it desires before the Commission or Courts.

The Commission orders: (A) The petitions for rehearing of TOC–TEL filed in these dockets on November 13, 1975, are granted for the limited purpose of further reconsideration.

(B) The motions for stay of the Commission's Order No. 539 in Docket No. RM76–8, as it may affect the above five certificate dockets, are hereby referred for consideration with other matters pending on rehearing of Order No. 539.

(C) The orders issued in Docket Nos. CI75–717 and CI75–719 on October 14, 1975, and in Docket Nos. CI75–746, CI75–747 and CI75–748 on July 24, 1975, except as set forth above, remain in full force and effect.

(D) TOC–TEL's motion for clarification is granted to the extent set out above.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–34401 Filed 12–19–75;8:45 am]

[Docket Nos. RP75–113, RP75–13]

TENNESSEE GAS PIPELINE CO.

Further Extension of Procedural Dates

DECEMBER 11, 1975.

On December 5, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 15, 1974, as most recently modified by notice issued November 26, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, March 2, 1976.
Service of Intervenor Testimony, March 30, 1976.
Service of Company Rebuttal, April 27, 1976.
Hearing, May 11, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–34420 Filed 12–19–75;8:45 am]

[Docket No. RP71–11; PGA76–1]

TENNESSEE NATURAL GAS LINES, INC.

Proposed Rate Change Under Tariff Rate Adjustment Provisions

DECEMBER 11, 1975.

Take notice that on December 1, 1975, Tennessee Natural Gas Lines, Inc. ("Tennessee Natural"), tendered for filing proposed changes to First Revised Volume No. 1 of its FPC Gas Tariff to be effective on January 1, 1976, consisting of the following revised tariff sheets:

Thirteenth Revised Sheet No. PGA–1;
Eighth Revised Sheet No. PGA–2; and,
Substitute Thirteenth Revised Sheet No. PGA–1;
Substitute Eighth Revised Sheet No. PGA–2.

Tennessee Natural states that the purpose of Substitute Thirteenth Revised Sheet No. PGA–1 and Substitute Eighth Revised Sheet No. PGA–2 is to make a PGA rate adjustment pursuant to the purchased gas adjustment provisions of Rate Schedules G–1 and SWS–1 of its FPC Gas Tariff to reflect a PGA rate change of its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. ("Tennessee Gas"), proposed to become effective on January 1, 1976, which is based in part upon small producer purchases at prices in excess of those established in Opinion No. 742.

Tennessee Natural further states that, in recognition of the fact that its supplier's rates reflected in the above-described sheets might be suspended, its supplier has filed alternate tariff sheets eliminating the small producer purchases at prices in excess of Opinion No. 742 rates and requested that such alternate sheets become effective only if, and for the same period that, its concurrently filed sheets are suspended. Tennessee Natural states that, accordingly, Thirteenth Revised Sheet No. PGA–1 and Eighth Revised Sheet No. PGA–2 reflects the alternate sheets filed by its supplier and requests that the same become effective if, and for the same period, that its supplier's rates are suspended.

Tennessee Natural states that copies of the filing have been mailed to its jurisdictional customer and the effected state regulatory commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 31, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–34421 Filed 12–19–75;8:45 am]

[Docket No. CP75–273]

TRUNKLINE GAS CO.

Further Extension of Time

DECEMBER 15, 1975.

On December 9, 1975, Trunkline Gas Company (Trunkline) filed a request to extend the time within which to accept its certificate fixed by order issued September 10, 1975, as most recently modified by notice issued October 17, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the time within which Trunkline must accept the certificate in the above matter is extended to and including December 21, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–34369 Filed 12–18–75;8:45 am]

[Docket No. RP75–109]

UNITED GAS PIPE LINE CO.

Further Extension of Procedural Dates

DECEMBER 12, 1975.

On December 8, 1975, United Gas Pipe Line Company filed a motion to extend the procedural dates fixed by order issued July 7, 1975, as most recently modified by notice issued November 4, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, February 16, 1976.
Service of Intervenor Testimony, March 1, 1976.
Service of Company Rebuttal, March 15, 1976.
Hearing, March 29, 1976 (10:00 a.m., e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–34402 Filed 12–19–75;8:45 am]

[Docket No. RP75–109]

UNITED GAS PIPE LINE CO.

Order Accepting for Filing and Making Effective, Subject to Condition, Revised Tariff Sheets

DECEMBER 11, 1975.

On November 14, 1975, United Gas Pipe Line Company (United) tendered for filing tariff sheets reflecting (1) revisions to its FPC Gas Tariff which were previously accepted for filing, subject to conditions, and suspended until December 15, 1975,[1] and (2) a PGA reduction which became effective on July 2, 1975.[2] United requests that the revised sheets be permitted to become effective as of December 15, 1975.

Public notice of the instant filing was issued on November 28, 1975, with comments, protests and petitions to intervene due on or before December 4, 1975. No responses have been received.

In the above-cited July 7, 1975, order in this docket, we required United to file revised tariff sheets reflecting the elimination from its proposed rates of costs associated with (1) reimbursement to producers for interest costs incurred on exploration and development borrowings, and (2) a new entity which United intends to create to make advance payments to producers. That order, as well as our order denying rehearing on these issues,[3] is now pending review before the United States Court of Appeals for the District of Columbia Circuit in *United Gas Pipe Line Company* v. *Federal Power Commission*, D.C. Cir. Case No. 75–1943. On November 12, 1975, that court granted stay of the subject orders pending completion of appellate review thereof. However, the stay was granted "* * * on the condition that [United] segregate and hold in escrow, pending further order of [the court], any and all moneys directed by the Commission to be refunded, and any and all moneys which it may collect under its presently filed tariff exceeding the rates approved by the Commission."

In view of the foregoing, we find it appropriate to accept United's filing to become effective on December 15, 1975, subject to the above quoted condition set forth in the D.C. Circuit's November 12, 1975, order in this matter. We shall so order.

The Commission finds: (1) Good cause exists to accept for filing and make effective as of December 15, 1975, United's November 14, 1975, filing in this docket, subject to the condition set forth by the D.C. Circuit and quoted hereinabove.

The Commission orders: (A) United's November 14, 1975, filing in this docket is accepted for filing and permitted to become effective as of December 15, 1975, subject to the condition set forth in the D.C. Circuit's November 12, 1975, order in D.C. Cir. Case Nos. 75–1943, *et al.*

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–34422 Filed 12–19–75;8:45 am]

[Docket No. CP76–193]

UNITED GAS PIPE LINE CO.

Application

DECEMBER 15, 1975.

Take notice that on December 8, 1975, United Gas Pipe Line Company (United) filed in Docket No. CP76–193 an application pursuant to section 7 of the Natural Gas Act, as amended, the Rules and Regulations of the Federal Power Commission (Commission) issued thereunder and § 2.79 of the Commission's General Policy and Interpretations for a certificate of public convenience and necessity authorizing United to transport up to 1,500 Mcf of natural gas per day for Lithium Corporation of America (Lithium), an existing industrial customer of Public Service Company of North Carolina, Inc. (Public Service) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United states that the gas will be purchased by Lithium from production in the Monroe Field, Morehouse, Ouachita and Union Parishes, Louisiana and delivered by United to Transcontinental Gas Pipe Line Corporation (Transco) for the account of Lithium at existing authorized points of interconnections. Transco will deliver the gas so transported to Public Service for the account of Lithium for ultimate high priority end use at its Bessemer City, North Carolina Chemical Plant. Applicant states that the proposed transportation service is consistent with the policy of the Commission promulgated by Order 533 in Docket No. RM75–25 issued August 28, 1975.

It is reasonable and consistent with the public interest that the period for filing petitions to intervene and protests be shortened. Therefore, any person desiring to be heard or to make any protest with reference to said application should, on or before December 23, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be un-

[1] See *United Gas Pipe Line Company*, Docket No. RP75–109, order issued July 7, 1975.
[2] Docket No. RP72–133, PGA No. 76–3.
[3] *United Gas Pipe Line Company*, Docket No. RP75–109, order issued September 3, 1975.

V 40246 DEC 22 75 XUM

necessary for Applicant to appear or be represented at hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34388 Filed 12-19-75;8:45 am]

[Docket No. ER76-307]

WESTERN MASSACHUSETTS ELECTRIC CO.

Termination

DECEMBER 15, 1975.

Take notice that on November 28, 1975 Western Massachusetts Electric Company tendered for filing notice of termination of its FPC Rate Schedule No. 95 and Supplement No. 1 thereto as of April 30, 1974 in accordance with the terms of the Rate Schedule.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 23, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-34389 Filed 12-19-75;8:45 am]

[Docket No. ER76-308]

WISCONSIN ELECTRIC POWER COMPANY AND WISCONSIN MICHIGAN POWER COMPANY

Tariff Changes

DECEMBER 12, 1975.

Take notice that Wisconsin Electric Power Company (Wisconsin Electric) and Wisconsin Michigan Power Company (Wisconsin Michigan) jointly comprising the electric system (Wisconsin Electric System) of Wisconsin Electric Power Company on November 28, 1975, tendered for filing proposed changes in its FPC Electric Service Tariffs Schedule A of "Rate for Wholesale Service to Electric Public Utilities", Schedule B of Wisconsin Electric "Electric Service Rules and Regulations" and Wisconsin Michigan "Electric Service Rules and Regulations" related to the aforesaid rate schedule applicable respectively to ten wholesale customers of Wisconsin Electric and ten wholesale customers of Wisconsin Michigan as follows:

	FPC Rate
Ten wholesale customers of Wisconsin Electric	
City of Cedarburg	15
Deerfield Water & Electric Utility	16
Elkhorn Light & Water Commission	17
City of Hartford	18
Jefferson Water & Electric Dept.	19
Kiel Utilities	24
Lake Mills Light and Water Dept.	20
City of Oconomowoc	21
Slinger Utilities	22
Waterloo Water & Light Commission	23
Ten wholesale customers of Wisconsin Michigan	
Clintonville Water & Electric Utility	24
City of Crystal Falls	36
Florence Water and Light Commission	38
New London Electric and Water Utility	41
Oconto Falls Water & Light Commission	39
City of Shawano	33
Upper Peninsula Power Company	25
Oconto Electric Cooperative	32
Alger Delta Cooperative Electric Assn. (6 pts. of Del.)	51
Ontonagon County Rural Electrification Assn. (2 pts. of Del.)	52

The companies request that the proposed rates be made effective on January 1, 1976. The proposed changes would increase revenues from jurisdictional sales and service by $3,053,000 based on projected sales for the 12-month period ending July 1976. Changes in blocking are proposed in the demand and energy rate schedules; customer and minimum charges are proposed to replace the minimum demand charge in the presently suspended rate schedule; and the fuel cost adjustment factor has been revised to conform with Commission requirements.

Wisconsin Electric System contends that the increase in rates of approximately 22.6 per cent is necessary to bring the rate of return on wholesale business into line with the required rate of return on overall electric business to yield a rate of return of 10.431 per cent. The filing also proposed to unify the rate schedules for wholesale service furnished by Wisconsin Electric and Wisconsin Michigan to all wholesale for resale customers. The broadening of the fuel cost adjustment to include nuclear fuel will serve to keep revenue in line with all fuel expense without the necessity of a rate proceeding.

Copies of the filing were served upon the public utilities' jurisdictional customers and the public service commission of Wisconsin and Michigan.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 23, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34377 Filed 12-19-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on December 12, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before January 9, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

INTERSTATE COMMERCE COMMISSION

Request for clearance of a new schedule, Schedule 10000, Competitive Bidding—Clayton Antitrust Act, to be added to the annual reports of the following common carriers: railroads, electric railways, refrigerator car lines, holding companies subject to Section 5(3), pipe lines, express companies, motor carriers of passengers (class I only), motor carriers of property (classes I and II), inland and coastal waterways carriers (classes A and B), freight forwarders (class A), and maritime carriers. Schedule 10000 will be added to the annual report forms to enable the Commission to readily identify those carriers complying with the provisions of section 10 of the Clayton Antitrust Act and Commission regulations thereunder. Pertinent information relative to competitive bidding is retained in carrier files and statements relating thereto on file with the Commission. Therefore, any additional reporting burden for the 4,643 carriers subject to the requirement will be insignificant. Although the schedule will appear in the annual report forms of the carriers listed, only those carriers engaging in reportable competitive bidding practices within the reporting year will be required to list the data. This may involve no more than 100 carriers with an estimated burden of one hour per report. Reports are mandatory and are available for use by the public.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-34516 Filed 12-19-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-102]

PRIVACY ACT

Proposed Notice of System of Records

Pursuant to the requirements of the Privacy Act of 1974 (5 U.S.C. 552a, Pub. L. 93-579) the National Aeronautics and Space Administration hereby gives notice of the maintenance of the following system of records.

This system of records was in existence on September 27, 1975, but due to administrative oversight the notice was not previously published. Accordingly, public comment on the system is invited.

Written comments should be addressed to the NASA Privacy Officer, Mail Code AE, National Aeronautics and Space Administration, Washington, D.C. 20546. All comments received by January 23, 1976, will be considered by NASA before taking final action on the system notice. Any comments received will be available for public inspection at the National Aeronautics and Space Administration, Room 7137, 400 Maryland Avenue SW., Washington, D.C. 20546, between the hours of 9 a.m. and 4 p.m. Monday through Friday (except holidays), until 4 p.m. January 23, 1976.

It is proposed that this system notice shall be finally effective on January 30, 1976.

DUWARD L. CROW,
Associate Deputy Administrator.

PRIVACY ACT

NASA 10 HERD

System name: Human Experimental and Research Data Records—NASA.

System Location: Locations 2, 3, and 5 of Appendix A. (See FEDERAL REGISTER of September 22, 1975, 40 FR 184, 43687.)

Categories of individuals covered by the system: Individuals who have been involved in space flight, aeronautical research flight, and/or participated in NASA tests or experimental or research program; Civil Service employees, military, employees of other Government agencies, contractor employees, students, human subjects (volunteer or paid), and other volunteers on whom information is collected as part of an experiment or study.

Categories of records in the system: Data obtained in the course of an experiment, test, or research medical data from inflight records; other information collected in connection with an experiment, test, or research.

Authority for maintenance of the system: 42 USC 2473, 44 USC 3101.

Routine uses of records maintained by the system, including categories of users and the purposes of such uses: The information contained in this system of records is used by NASA for the purposes of evaluating new analytical techniques, equipment, and re-examining flight data for alternative interpretations, developing applications of experimental techniques or equipment, reviewing and improving operational procedures with respect to experimental protocols (both inflight and ground), life support systems operating procedures, determining human engineering requirements, and carrying out other research.

In addition to the internal use of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to other individuals or organizations, including Federal, State, or local agencies, and nonprofit, educational, or private entities, who are participating in NASA programs or are otherwise furthering the understanding or application of biological, physiological, and behavioral phenomena as reflected in the data contained in this system of records; and (2) the standard routine uses 1 through 4 inclusive as set forth in Appendix B. (See FEDERAL REGISTER of September 22, 1975, 40 FR 184, 43688.)

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage: Records are in file folders; on punch cards, magnetic tapes, or disks; on microfilm, microfiche, still photographs, or motion picture film; and on various medical recordings such as electrocardiographic tapes, stripcharts, and x-rays.

Retrievability: By name, experiment or test; arbitrary experimental subject number; flight designation; or crew member designation on a particular space or aeronautical flight.

Safeguards: Access is limited to Government personnel requiring access in the discharge of their duties, and to appropriate support contractor employees on a need-to-know basis. Computerized records are identified by code number and records are maintained in locked rooms or files. Records are protected in accordance with the requirements and procedures which appear in the NASA rules section of the FEDERAL REGISTER. (40 FR 184, 43668)

Retention and Disposal: Astronaut records are retained indefinitely. Ground test and research data are retained for varying periods of time depending on the need for use of the files, and are destroyed or otherwise disposed of when no longer needed, except that significant medical data will be handled in accordance with CSC regulations and NASA Control Schedule 11.

System manager and address: Director, Office of Occupational Medicine, Location 1.

Subsystem managers: Research Assistant to the Director, Location 2; Director of Man/Systems Integration Division, Location 3; Deputy Director, Life Sciences Directorate, Location 5.

Notification procedure: Information may be obtained from the system or subsystem manager named above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA rules for access to records and for contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER (40 FR 184, 43668).

Record source categories: Experimental test subjects, physicians, principal investigators and other researchers, and previous experimental test or research records.

[FR Doc.75-34168 Filed 12-19-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEES ON SAFEGUARDS FOR SPECIAL NUCLEAR MATERIAL AND SECURITY OF NUCLEAR FACILITIES

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittees on Safeguards for Special Nuclear Material and Security of Nuclear Facilities will hold a joint meeting on January 6, 1976 in Room 1062, 1717 H St., N.W., Washington, D.C. 20555. This meeting will be closed to the public.

The Subcommittees will meet in closed session with various licensees and the NRC Staff to discuss the following topics as they relate to the processing of plutonium and enriched uranium:

1. Control of personnel access to plant working areas and to special nuclear materials.
2. Detection of the diversion or theft of special nuclear materials.
3. Methods of knowing the amounts of special nuclear material in various locations and in various steps in the nuclear fuel cycle.
4. Methods of screening and choosing personnel for positions of trust.
5. Methods to prevent sabotage or to mitigate the consequences of sabotage and plans to cope with various contingencies.

Persons wishing to submit written statements regarding the above agenda topics may do so by sending a readily reproducible copy in time for consideration at this meeting. Comments should be addressed to Mr. J. C. McKinley, ACRS, NRC, Washington, D.C. 20555.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that it is necessary to conduct this meeting in closed session to protect plant security information (5 U.S.C. 552(b)(4)) and to protect the free interchange of internal views in the final stages of the Subcommittees' deliberative process (5 U.S.C. 552(b)(5)). Separation of factual material from individuals' advice, opinions

V 40 246 DEC 22 75 XUM

and recommendations while this meeting is in progress is considered impractical.

Dated: December 17, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-24582 Filed 12-19-75;8:45 am]

[Docket No. 50-324]

CAROLINA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. DPR-62 issued to Carolina Power & Light Company for operation of the Brunswick Steam Electric Plant, Unit 2, located in Brunswick County, North Carolina. The amendment is effective as of its date of issuance.

The amendment raises the torus water level setpoint at which the high pressure coolant injection pump suction values switch suction from the condensate storage tank to the torus from −2'3" to −2'0".

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not invlove a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated October 22, 1975, (2) Amendment No. 8 to License No. DPR-62, with Change No. 7, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Southport-Brunswick County Library, 109 W. Moore Street, Southport, North Corolina 28461.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 15th day of December 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-34318 Filed 12-19-75;8:45 am]

[Docket No. 27-47]

CHEM-NUCLEAR SYSTEMS, INC.

Proposed Amendment of Byproduct, Source, and Special Nuclear Material License

Please take notice that Chem-Nuclear Systems, Inc., with principal office at Bellevue, Washington, holder of License No. 46-13536-01 which authorizes the receipt and possession of packaged waste byproduct, source, and special nuclear material in any state of the United States except in Agreement States has applied for a license amendment which would authorize the possession and subsequent burial of up to 1,000 grams of uranium 235 at its burial ground located near Barnwell, South Carolina.

Chem-Nuclear Systems, Inc., has been licensed by the State of South Carolina to dispose of waste byproduct, source, and special nuclear material by burial in the ground. The maximum amount of uranium 235 which an Agreement State may license for possession and subsequent burial is 350 grams. Since the quantity would exceed that which may be licensed in South Carolina, an Agreement State, Chem-Nuclear Systems, Inc., has applied for an amendment to Nuclear Regulatory Commission License No. 46-13536-01.

Under the amendment proposed by the applicant, the maximum quantity which would be contained in any single package would be 50 grams and minimum volume of a package would be 7.35 cubic feet. The packaged waste uranium 235 will be buried in trenches approximately 400 feet long, 15 feet deep, and 50 feet wide.

The geological and hydrological characteristics of the site have been reviewed by the State of South Carolina with the assistance of the U.S. Geological Survey. The site was found to be satisfactory for the burial of radioactive wastes.

The Commission has determined that Chem-Nuclear Systems, Inc., has adequate facilities, equipment, and procedures for receipt, possession, storage, and burial of radioactive wastes at its facility in South Carolina.

The Nuclear Regulatory Commission has the Chem-Nuclear Systems, Inc., application for license amendment and has found that the issuance of the proposed amendment will not be inimical to the common defense and security or the health and safety of the public and that the application complies with the requirements of the Atomic Energy Act of 1954, as amended, and Commission regulations.

The Nuclear Regulatory Commission proposes to issue the requested amendment unless within fifteen (15) days after publication of this notice in the FEDERAL REGISTER, the applicant files a request for a hearing or a petition for leave to intervene is filed with the Commission by any person whose interest may be affected by the proceeding in the manner prescribed in the Commission's "Rules of Practice," 10 CFR Part 2 or unless the Commission, upon further consideration on its own motion, directs such a hearing be held.

Dated at Bethesda, Maryland, December 12, 1975.

For the Nuclear Regulatory Commission.

BERNARD SINGER,
Chief, Radioisotopes Licensing Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.75-34319 Filed 12-19-75;8:45 am]

[Docket No. 50-358]

CINCINNATI GAS AND ELECTRIC CO., ET AL. (WILLIAM H. ZIMMER NUCLEAR POWER STATION, UNIT 1)

Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this operating license proceeding:

Richard S. Salzman, Chairman, Dr. Lawrence R. Quarles, Michael C. Farrar

Dated: December 15, 1975.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-34320 Filed 12-19-75;8:45 am]

[Docket No. 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. DPR-30, issued to the Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company), which revised Technical Specifications for operation of the Quad Cities Station Unit 2 (the facility) located in Rock Island County, Illinois. The amendment was effective as of November 14, 1975.

This amendment extended the allowable period of reactor operation with the Reactor Core Isolation Cooling System inoperable for 72 hours beyond 12:00 noon on November 14, 1975 provided that the operability of the High Pressure Coolant Injection System is demonstrated every 12 hours during the additional outage period.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated November 13, 1975, (2) Amendment No. 18 to License No. DPR-30, with Change No. 32, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Moline Public Library, 504 17th Street, Moline, Illinois 60625. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 8th day of December, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-34321 Filed 12-19-75;8:45 am]

[Docket No. 50-286]

CONSOLIDATED EDISON CO. OF NEW YORK, INC. INDIAN POINT NUCLEAR GENERATING UNIT NO. 3

Issuance of Facility Operating License

Notice is hereby given that pursuant to the Order of the Atomic Safety and Licensing Board, dated April 8, 1975, and the Commission's Memorandum and Order dated December 2, 1975, the Nuclear Regulatory Commission (the Commission) has issued Facility Operating License No. DPR-64 to Consolidated Edison Company of New York, Inc. permitting fuel loading and subcritical testing of the Indian Point Nuclear Generating Unit No. 3 (facility). The Indian Point Nuclear Generating Unit No. 3 is a pressurized water nuclear reactor located at the licensee's site in Westchester County, New York, on the east bank of the Hudson River in the Village of Buchanan. The facility is designed for operation at approximately 3025 megawatts thermal, but in accordance with the provisions of Facility Operating License No. DPR-64 and the Technical Specifications appended thereto, activities under the license are restricted to fuel loading and subcritical testing and it is provided that at no time shall the reactor be made critical following fuel loading.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The license is effective as of its date of issuance and shall expire six (6) months from said date, unless extended for good cause shown, or upon eralier issuance of a subsequent licensing action.

A copy of (1) the Order, dated April 8, 1975; (2) Facility Operating License No. DPR-64, complete with Technical Specifications (Appendices "A" and "B"); (3) the report of the Advisory Committee on Reactor Safeguards, dated November 14, 1973; (4) the Division of Reactor Licensing's (formerly the Directorate of Licensing) Safety Evaluation Report, dated September 21, 1973, and Supplements No. 1 and 2 to the Safety Evaluation Report, dated January 16, 1975 and December 12, 1975 respectively; (5) the Final Facility Description and Safety Analysis Report and amendments thereto; (6) the applicant's Enivronmental Report dated June 14, 1971 and supplements thereto; (7) the Draft Environmental Statement dated October 1973; and (8) the Final Environmental Statement dated February 1975, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York. A copy of the license and the Safety Evaluation Report may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 12th day of December, 1975.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1-1, Division of Reactor Licensing.

[FR Doc.75-34322 Filed 12-19-75;8:45 am]

[Docket Nos. 50-424, 50-425]

GEORGIA POWER CO. (ALVIN W. VOGTLE NUCLEAR PLANT, UNITS 1 AND 2)

Prehearing Conference

DECEMBER 15, 1975.

Please take notice that pursuant to § 2.752 of the Commission's Rules of Practice (10 CFR Part 2) and the Atomic Energy Act of 1954, as amended, the Atomic Safety and Licensing Board (the Board) will conduct a special prehearing conference for this limited, remanded proceeding, concerning proposed amendments to the Applicant's construction permits, on January 6, 1976, starting at 9:00 A.M., e.s.t., at the following location:

U.S. District Courthouse, 2nd Floor Courtroom, 8th and Telfair Sts., Augusta, Georgia 30902

This prehearing conference is preliminary to a public evidentiary hearing[1] that is now scheduled to be held on January 27, 1976. The matters to be considered at the prehearing conference are as follows:

(1) Simplification, clarification, and specification of the issues;

(2) The necessity or desirability of amending the pleadings;

(3) The obtaining of stipulations and admissions of fact and of the contents and authenticity of documents to avoid unnecessary proof;

(4) Identification of witnesses and the limitation of the number of expert witnesses, and other steps to expedite the presentation of evidence;

(5) The setting of a hearing schedule; and

(6) Such other matters as may aid in the orderly disposition of the proceeding.

Interested members of the public are invited to attend this prehearing conference.

It is so ordered.

Issued at Bethesda, Maryland, this 15th day of December, 1975.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY,
Chairman.

[FR Doc.75-34323 Filed 12-19-75;8:45 am]

[Docket No. 50-219]

JERSEY CENTRAL POWER AND LIGHT CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. DPR-16 issued to Jersey Central Power & Light Company which revised Technical Specifications for operation of the Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

The amendment modifies the provisions in the Technical Specifications relating to temperature limits for the pressure suppression pool water.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Provisional Operating License in connection with this action was published in the FEDERAL REG-

[1] See this Board's "Notice of Supplemental Hearing on Proposed Amendment to Construction Permits" dated September 3, 1975, which was published in the FEDERAL REGISTER on September 8, 1975 (40 F.R. 41569).

V40246 DEC 22 75 XUM

ISTER on October 15, 1975 (40 FR 48407). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the letter from K. Goller to I. R. Finfrock, Jr. dated July 16, 1975 and the letter from I. R. Finfrock, Jr. dated August 8, 1975, (2) Amendment No. 11 to License No. DPR–16, with Change No. 27 and (3) the Commission's related Safety Evaluation dated October 6, 1975. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey 08753.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 11th day of December, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-34324 Filed 12-19-75;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. DPR–46, issued to the Nebraska Public Power District (the licensee), which revised the license and Technical Specifications for operation of the Cooper Nuclear Station (the facility) located in Nemaha County, Nebraska. The amendment is effective as of its date if issuance.

This amendment revises those portions of the license and the appended Technical Specifications for the facility relating to the receipt, possession and use of byproduct, source and special nuclear materials to delete reference to these materials by quantitative limits to reduce the number of licensing actions required as a result of changes in possession limits of these materials.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated June 20, 1975, and supplement thereto dated September 22, 1975, (2) the applications filed beginning April 8, 1971, for a Byproduct Material License and amendments thereto (which are concurrently being placed in the 50–298 docket records maintained at the locations indicated below), (3) Amendment No. 18 to License No. DPR–46, with Change No. 21, (4) the Commission's concurrently issued Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Auburn Public Library, 1888—15th Street, Auburn, Nebraska 68305. A copy of items (3) and (4) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 11th day of December, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-34325 Filed 12-19-75;8:45 am]

[Docket No. 50-423]

NORTHEAST NUCLEAR ENERGY CO., ET AL.[1]

Issuance of Amendment to Construction Permit

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Construction Permit No. CPPR–113 issued to the Northeast Nuclear Energy Company, et al. The amendment reflects a change in ownership of Millstone Nuclear Power Station, Unit No. 3 (the facility), located in New London County, Connecticut. The amendment is effective as of its date of issuance.

The amendment permits the Green Mountain Power Corporation to transfer its 1.450% ownership interest to the New England Power Company.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the amendment.

For further details with respect to this action, see (1) the application for amendment contained in the letter dated October 17, 1975, (2) Amendment No. 3 to Construction Permit No. CPPR–113, and (3) the Commission's related Safety Evaluation contained in the Commission's letter to Northeast Nuclear Energy Company. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington D.C. 20555, Attention: Director of the Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 10th day of December, 1975.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1–1, Division of Reactor Licensing.

[FR Doc.75-34326 Filed 12-19-75;8:45 am]

[Docket Nos. 50-514, 50-515]

PORTLAND GENERAL ELECTRIC CO. (PEBBLE SPRINGS NUCLEAR PLANT, UNITS 1 AND 2)

Schedule for Evidentiary Hearing

The evidentiary hearing for the above proceeding will resume at 10:00 a.m., local time, on Tuesday, January 13, 1976, at the following location:

U.S. Court of Appeals Courtroom, Second Floor, The Pioneer Courthouse, 555 S.W. Yamhill, Portland, Oregon 97204

It is so ordered.

Dated at Bethesda, Maryland this 15th day of December 1975.

For the Atomic Safety and Licensing Board.

JAMES R. YORE,
Chairman.

[FR Doc.75-34327 Filed 12-19-75;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.88, Revision 1, "Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Records," describes a method acceptable to the NRC staff for complying with the Commission's regulations with regard to collection, storage, and maintenance of quality assurance records for all types of nuclear power plants. This guide endorses ANSI Standard N45.2.9–1974, "Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Power Plants."

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.88, Revision 1, will, however, be particularly useful in evaluating the need for an early revision if received by February 20, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

Dated at Rockville, Maryland this 15th day of December 1975.

(5 U.S.C. 552(a))

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.75-34328 Filed 12-19-75;8:45 am]

[1] The following are the holders of Construction Permit No. CPPR–113: Ashburnham Municipal Light Plant, Boylston Municipal Lighting Plant, Central Vermont Public Service Corporation, Chicopee Municipal Lighting Plant, City of Burlington, Vermont, City of Holyoke, Massachusetts Gas and Electric Department, The Connecticut Light and Power Company, Fitchburg Gas and Electric Light Company, Green Mountain Power Corporation, The Hartford Electric Light Company, Marblehead Municipal Light Department, Middleton Municipal Light Department, Montaup Electric Company, New England Power Company, North Attleborough Electric Department, Northeast Nuclear Energy Company, Paxton Municipal Light Department, Peabody Municipal Light Plant, Public Service Company of New Hampshire, Shrewsbury Light Plant, Templeton Municipal Lighting Plant, Town of South Hadley Electric Light Department, The United Illuminating Company, Vermont Electric Power Company, Inc., Wakefield Municipal Light Department, West Boylston Municipal Lighting Plant, Western Massachusetts Electric Company, Westfield Gas and Electric Light Department.

REGULATORY GUIDE

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.13, Revision 1, "Spent Fuel Storage Facility Design Basis," describes a method acceptable to the NRC staff for satisfying regulations with regard to the design of fuel storage and handling systems to ensure adequate safety under normal and postulated accident conditions. The original guide was revised in order to add an alternative solution that was proposed by a number of applicants. Following review by the NRC staff, the alternative solution was found to be acceptable.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.13, Revision 1, will, however, be particularly useful in evaluating the need for an early revision if received by February 16, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

Dated at Rockville, Maryland this 11th day of December 1975.

(5 U.S.C. 552(a))

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.75-34329 Filed 12-19-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on December 18, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

FEDERAL RESERVE SYSTEM

Survey of Outstanding Savings Deposits Owned by Partnerships and Corporations (Other Than COMM. BKS) Operated for Profit as of Jan. 7, 1976, FR 1000, single-time, members of FR system, Hulett, D. T., 395–4730.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Child Nutrition Programs Staff Study, single-time, agencies administering on programs, Human Resources Division, Lowry, R. L., 395–3532.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Center for Disease Control: Development and Validation of Career Development Guidelines by Task/Activity Analysis of Occupational Safety and Health Professions, CDC/NIOSH, 1119, single-time, safety engineer industrial hygienist, Strasser, A., Ellett, C. A., 395–5867.

Social Security Administration: Summary of Deficiencies not Corrected, SSA–2567E, annually, hospitals, Caywood, D. P., 395–3443.

REVISIONS

ENVIRONMENTAL PROTECTION AGENCY

Rocky Flats Plutonium Study Form Letter and Telephone Interview, on occasion, individuals in or near Denver, Lowry, R. L. 395–3772.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, prices Paid by Farmers for Food, Tobacco and Household Articles, quarterly, grocery stores, Hulett, D. T., 395–4730.

DEPARTMENT OF COMMERCE

Bureau of Census, Manufacturers' Shipments, Inventories, and Orders, M3, M3–1, M3–2, monthly, manufacturing companies, Hulett, D. T., 395–4730.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration: Statement of Deficiencies and Plan of Correction and Continuation Sheet, SSA–2567, SSA–2567A, annually, hospitals, Caywood, D. P., 395–3443.

Post-Certification Revisit Report and Continuation Sheet, SSA–2567B, annually, hospitals, Caywood, D. P., 395–3443.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of Census:

Census Current Business Report (Sales and Accounts Receivable), CBR–2, monthly, retail businesses, Marsha Traynham, 395–4529.

Census Current Business Report Listing and Enumeration Book (For Business Establishments), CBR–1, monthly, retail businesses, Marsha Traynham, 395–4529.

V40246 DEC 22 75 XUM

DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries and Wildlife:
Fish Application (For Stocking Purposes), 3–1688, on occasion, individuals with farm ponds, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–34541 Filed 12–19–75;8:45 am]

POSTAL RATE COMMISSION

Visit to Postal Facilities

DECEMBER 16, 1975.

Notice is hereby given that the Chairman of the Postal Rate Commission will be visiting Postal Service facilities on the dates indicated for the purpose of acquiring general background knowledge of postal operations.

No particular matter at issue in contested proceedings before the Commission nor the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission will be discussed.

A report of the visit will be on file in the Commission's Docket room.

Place of Visit:	*Date of Visit*
Washington, D.C.	Dec. 16, 1975
Greensboro, N.C.	Dec. 18, 1975
Atlanta, Ga.	Dec. 19, 1975
Dallas, TX	Dec. 27, 1975
Denver, Col.	Do.
St. Louis, Mo.	Dec. 29, 1975

By direction of the Commission.

JAMES R. LINDSAY,
Secretary of the Commission.

[FR Doc.75–34354 Filed 12–19–75;8:45 am]

RENEGOTIATION BOARD

EXCESSIVE PROFITS AND REFUNDS

Interest Rate

Notice is hereby given that, pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended, the Secretary of the Treasury has determined that the rate of interest applicable, for the purposes of said section 105(b)(2) and section 108 of such act, to the period beginning on January 1, 1976, and ending on June 30, 1976, is 8¾ per centum per annum.

Dated December 16, 1975.

R. C. HOLMQUIST,
Chairman.

[FR Doc.75–34306 Filed 12–19–75;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[Docket No. 211–6]

CONSOLIDATED RAIL CORP.

Notice of Application for a Loan

Section 211 of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 721) (the Act), authorizes the United States Railway Association (Association) to make loans to the Consolidated Rail Corporation (ConRail) for purposes of achieving the goals of the Act. Section 211(b) requires that the Association publish notice of the receipt of any application thereunder in the FEDERAL REGISTER and afford interested parties an opportunity to comment thereon.

Regulations implementing Section 211 were published by the Association in the FEDERAL REGISTER on July 24, 1974 and on May 28, 1975. (49 CFR Part 921) Notice is hereby given that, on December 19, 1975, ConRail filed an application pursuant to those regulations for a loan of $79,200,000 to enable ConRail to enter into contractual arrangements for preconveyance delivery of equipment, materials and repair parts and to place orders for post-conveyance delivery of necessary items with a long order lead time. The application estimates that $45,800,000 will be expended prior to conveyance with the remaining $33,400,000 being allocated for estimated cancellation charges that would be incurred if for any reason conveyance were not to occur. The application states that the loan will be repaid from the initial proceeds of long-term financing recommended in the Final System Plan or from working capital. The Association has previously approved loans to ConRail aggregating $11,000,000 for funding administrative and operating expenses to be incurred prior to the conveyance of assets under Section 303 of the Act.

Interested parties are invited to submit written comments relevant to this application. Any such submissions must identify, by its Docket No., the application to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2222, Transpoint Building, 2100 Second Street SW., Washington, D.C. 20595, within 15 days after publication of this notice, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address, Monday through Friday (holidays excepted) between 8:30 a.m. and 5:00 p.m.

Dated at Washington, D.C., this 19th day of December, 1975.

JAMES A. HAGEN,
President, U.S. Railway Association.

[FR Doc.75–34648 Filed 12–19–75;10:42 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–11913; File No. SR–CBOE–75–6]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Act of June 4, 1975, Pub. L. No. 94–29, section 16, 84 Stat. 147, notice is hereby given that on November 12, 1975 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The above-mentioned filing with the Securities and Exchange Commission on November 12, 1975 constitutes (1) a proposed amendment to Rule 7.5 of the Chicago Board Options Exchange, Inc. ("the Exchange") to broaden the obligation of supplemental market makers, and (2) proposed amendments to Rule 12.3 of the Exchange to strengthen the Exchange's initial and maintenance margin requirements. The text of the proposed amendments follows.

Rule 7.5. At the request of a Floor Broker who holds an order for a particular option contract, or before any crossing transaction is effected in accordance with Rule 6.74, or whenever in the Board Broker's opinion the interests of a fair, orderly and competitive market are best served by such action, a Board Broker shall call upon those Market-Makers with Principal Appointments and, whenever it is requested or in his opinion it is needed, Supplemental Appointments (appointed to act as such) in that class of option contracts to make bids and/or offers that contribute to meeting the standards set forth in Rule 8.7. To the extent practicable, and in a form prescribed by the Exchange, the Board Broker shall keep a record of the responses of Market-Makers that provide or improve upon a market commensurate with these standards. If satisfactory responses are not forthcoming promptly, the Board Broker shall make a record of this fact. Copies of all records kept in accordance with this Rule shall be forwarded to the Department of Compliance.

PROPOSED AMENDMENT TO RULE 12.3

* * * * * * *

(b) * * *
(1) * * *

(C) When a call option contract dealt in on an exchange is carried in a short position, and there is carried for the same customer a long position in a security (including options to the extent set forth in subparagraph (E) hereof) exchangeable or convertible (in accordance with paragraph (A) above) into the underlying security in the number of units subject to the option contract, and minimum margin required on such positions shall be the amount by which any amount of money payable upon such exchange or conversion exceeds the exercise price of the short option contract; provided that (i) in the event money is payable upon the exchange or conversion of the long security such security shall not be deemed to have market value for margin purposes; (ii) in the event no money is payable upon the exchange or conversion of the long security, such security shall be valued for margin purposes at not more than the exercise price of the option contract carried in the short position; (iii) the exception set forth in this paragraph (C) shall not be applicable if the right to exchange or convert the security carried in the long position expires by its terms prior to the expiration date of the option contract carried in the short position; and (iv) if the expiration of the right to exchange or convert the security held in the wrong position is accelerated (whether by reason of redemption or acceleration of such long security, or otherwise), then the exception provided by this paragraph (C) shall not be applicable from and after such date as may be fixed in respect thereof by the President of the Exchange (but in no event after the later of the fifth business day prior to the date on which such right to exchange or convert expires or the business day immediately following the day on which the Member Organization receives notice of such expiration.)

* * *

(E) For the purposes of paragraphs (A) and (C) above, call option contracts dealt in on an exchange shall be deemed to be a security exchangeable for the underlying security within ninety days. Call option contracts which are not dealt in on an exchange shall not be deemed an exchangeable security for such purposes without the express approval of the Exchange.

PROPOSED AMENDMENT TO RULE 12.3

* * * * * * *

(d) For the purpose of effecting new securities transactions and commitments in an account, the margin required in the account shall be an amount equivalent to the requirements of parts (a), (b), and (c) hereof, with a minimum equity in the account of at least $2,000 except that cash need not be deposited in excess of the cost of any security purchased. The foregoing minimum equity and cost of purchase provisions shall not apply to "when distributed" securities in cash accounts and the exercise of rights to subscribe. Withdrawals of cash or securities may be made from any account which has a debit balance, short position, or commitments, provided that after such withdrawal the equity in the account is at least the greater of $2,000 or the amount required by parts (a), (b), and (c) hereof.

STATEMENT OF BASIS AND PURPOSES

The basis and purpose of the foregoing proposed rule changes are as follows:

The purpose of the proposed changes to CBOE Rule 7.5 is to broaden the obligation of Supplemental Market-Makers. The purpose of the proposed amendments to CBOE Rule 12.3(b)(1)(C) and new CBOE Rule 12.3(d) is to strengthen CBOE's initial and maintenance margin requirements.

Consistent with its obligations to protect investors and the public interest and to remove impediments to and perfect the mechanism of a free and open market and national market system, the CBOE has undertaken a review of the obligations of its Market-Makers as contained in its Rules. In that connection it seeks, by the proposed change to CBOE Rule 7.5, to broaden the obligations of Supplemental Market-Makers so as to subject them to a request from a Floor Broker, in addition to a request from a Board Broker, for bids and/or offers in that class of options to which the Supplemental Market-Maker is appointed. It is believed that this revision will contribute to the further maintenance of a fair and orderly market on the floor of the CBOE, for greater numbers of Market-Makers may be assembled whenever Floor Brokers, and not just Board Brokers, determine the need therefor.

Consistent with its obligations to protect investors and the public interest, to remove impediments to and perfect the mechanism of a free and open market and national market system, and to promote just and equitable principles of trade, the CBOE has undertaken to strengthen its initial and maintenance margin requirements and to bring about substantial uniformity among the major exchanges in such exchanges' general margin treatment of option positions and in certain option spread positions.

In that connection, the CBOE proposed that new clauses (i) and (ii) of the proviso to paragraph (C) of Rule 12.3(b)(1) be inserted. Clause (i) provides that where money is required to be paid upon exchange or conversion of the long security, the long security shall not have market value for margin purposes. Clause (ii) provides that where no money is required to be paid upon exchange or conversion of the long security, the long security shall be valued no higher than the exercise value of the short option.

In order to provide further margin safety, the CBOE proposes that new clauses (iii) and (iv) of the proviso to paragraph (C) of Rule 12.3(b)(1) also be added. These proposed changes will, respectively, provide that (1) a long position in an exchangeable or convertible security be disallowed in determining the margin requirement on the short option position if the right to exchange or convert the long security expires prior to the expiration of the short option position; and (2) if the expiration of the right to exchange or convert a security in a long position is accelerated then such long position should be disallowed in determining margin requirements on the short option position for a certain period of time prior to the expiration of the right to exchange or convert. In addition, as a result of the requirement of clause (iii) to the proviso of paragraph (C), it is felt that the proviso presently contained in paragraph (E) may be deleted.

In order to strengthen financial responsibility and to achieve greater uniformity with New York Stock Exchange margin requirements, the CBOE proposes New Rule 12.3(d). The $2,000 initial margin and minimum equity requirement of proposed new part (d) would be applicable to all accounts. Therefore, each account which proposes to engage in margin transactions must contain at least $2000 at the initiation of trading and must maintain such $2000 minimum amount as long as the account contains a debit balance.

Comments were not solicited with respect to the proposed rule change.

CBOE believes that no burden on competition will be imposed by the proposed amendments to CBOE Rule 7.5 and to CBOE Rule 12.3(b)(1)(C), and the proposed addition of CBOE Rule 12.3(d).

On or before January 28, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 21, 1976.

For the Commission by the Division of Market Regulation, pursuant to the delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 10, 1975.

[FR Doc.75–34374 Filed 12–19–75;8:45 am]

[Release No. 34–11910; File No. SR–NYSE–75–18]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Act of June 4, 1975, Pub. L. No. 94–29, section 16, 84 Stat. 147, notice is hereby given that on November 21, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The above-mentioned filing with the Securities and Exchange Commission on November 21, 1975, constitutes a proposed deletion of Rule 421.50 from the rules of the New York Stock Exchange, Inc. ("the Exchange"). The text of Rule 421.50 is as follows:

Each member organization carrying accounts or doing a principal business in securities is required to submit monthly, using Form MF–6, data as to listed or unlisted securities, and age of its open fail to receive and fail to deliver "contracts" as indicated on the form. These reports will show the responding organization's open fail positions

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as of its normal month-end closing date. The reports are to be submitted by the 10th of each month following the month of the report.

It will be necessary for member organizations and individual direct clearing members to file with the Exchange complete reports covering all open fail contracts, whether or not in listed securities. The Exchange understands that any member organization filing with the Exchange will be excused from also reporting open fail contracts with either the NASD or the American Stock Exchange.

Reports should be sent to the Chief Examiner, New York Stock Exchange, Inc., Department of Member Firms, 4 New York Plaza, New York, New York 10004. If a member organization has no open fail contracts as of any given month-end period, a report should be filed noted to that effect. Fail "contracts" originate when the selling broker or dealer in a transaction fails to deliver the securities on the normal settlement date of the trade to the buying broker or dealer. On the books of the selling broker or dealer a Fail to Deliver is thus created and, conversely on the books of the buying broker or dealer a Fail to Receive is created.

Acting under Article III, Section I, of the Constitution, the Board of Governors may impose charges on member organizations and individual direct clearing members based on the "contract" values of their Fail to Deliver items outstanding beyond certain periods of time, as specified from time to time by the Board. Inquiries should be directed to the Department of Member Firms, telephone 623-6922.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

PURPOSE OF PROPOSED RULE CHANGE

A particular function of the Exchange is to oversee securities transactions of its member organizations involving fail to deliver and fail to receive contracts. Presently, it is the practice of the Exchange to perform this function by reviewing certain data set forth in a multi-purpose reporting form known as the Joint Regulatory Report. Previously, however, the Exchanage performed the surveillance function in question by examining similar data which is received from member organizations on Form MF-6 pursuant to existing Exchange Rule 421.50.

Despite the fact that (1) the Joint Regulatory Report, as a practical matter, replaced Form MF-6 and (2) the information reported on Form MF-6 does not relate to any other self-regulatory function, the reporting requirement embodied in Rule 421.50 has never been rescinded. Consequently, a duplicative reporting system, which, unequivocally, is both unnecessary and burdensome, currently exists with respect to fail contracts. Thus, the sole purpose of the instant proposed rule change is to eliminate this duplicative practice by abrogating the reporting rule (i.e., Rule 421.-50) which is no longer consistent with self-regulatory surveillance practices.

An additional noteworthy consideration in this context is that Form MF-6 sets forth more detailed information regarding fail contracts than that which is routinely reported in the Joint Regulatory Report. However, the mechanisms of the Report can generate a more detailed schedule of fails on an exception basis.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The intrinsic purpose of the proposed deletion of Rule 412.50 is to eliminate a duplicative reporting practice in connection with the surveillance of securities transactions involving fail contracts. Accordingly, the Exchange believes that the instant proposed rule change will foster cooperation and coordination with persons engaged in regulating such transactions.

COMMENTS RECEIVED FROM OTHERS ON PROPOSED RULE CHANGE

In a letter to the Staff of the Securities and Exchange Commission dated July 21, 1975, the Exchange solicited the comments of the Commission concerning the basic elements relating to the proposed rule change in question. A written response thereto, dated September 5, 1975, was subsequently received from the Commission's Division of Market Regulation. The Commission Staff concurred with the proposed elimination of Form MF-6 on the condition that a detailed schedule of fails can be collected by the Exchange in a timely manner when it appears necessary from the standpoint of surveillance.

BURDEN ON COMPETITION

The Exchange submits that the proposed elimination of Rule 421.50 does not impose any burden on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 21, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

DECEMBER 9, 1975.

[FR Doc.75-34375 Filed 12-19-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[SBLC No. 0001]

FIRST FACTORS

Determination of Eligibility To Continue Participation With SBA Under Revised Business Loan Policy Regulations

Notice is given that First Factors, a copartnership comprising Herman Goldwyn and Ralph N. Goldwyn, located at 1060 Crenshaw Boulevard, Los Angeles, California 90019, has been determined eligible to continue its participation with the Small Business Administration in loans to small businesses under SBA's revised business loan policy regulations adopted February 21, 1975. First Factors was approved as eligible for SBA-loan participation on August 22, 1973, under the regulations then applicable to non-bank lenders; has actively participated in that capacity; and has SBA loans in its portfolio dating back to June 1974.

The operations of First Factors have been reviewed under the new regulatory provisions contained in 13 CFR sec. 120.4 (40 FR 7622). The supervision and examination requirements of subparagraph 120.4(a)(4) have been met by the applicant's agreement to accept and be subject to SBA regulation and supervision and to accept and bear the expense of SBA's annual examination of its books of account and related records. This arrangement is provided for in subparagraph 120.4(b)(3) of the revised regulations. Subparagraph 120.4(b)(1) provides that a participating lender under subsection 120.4(b) shall be a corporation and shall engage solely in making of loans in participation with SBA. In view of the preexisting relationship between First Factors and SBA, and the conformance pledged by the copartnership to all other relevant regulatory requirements, SBA will refrain from enforcing the provisions of subparagraph 120.4(b)(1) of the regulations against First Factors.

This notice of the determination of eligibility of First Factors to continue its participation with SBA as a Subsection (b) Lender (Small Business Lending Company) is issued under authority vested by the Small Business Act and the regulations promulgated thereunder.

Dated: December 15, 1975.

LOUIS F. LAUN, *Acting Administrator.*

[FR Doc.75-34355 Filed 12-19-75;8:45 am]

[Declaration of Disaster Loan Area #1197]

HAWAII

Declaration of Disaster Area

As a result of the President's declaration I find that Hawaii County, within the State of Hawaii constitutes a disaster area because of damage resulting from earthquakes, seismic sea waves, and volcanic action beginning about November 29, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on February 6, 1976, and for economic injury until the close of business on September 8, 1976, at:

Small Business Administration, District Office, 1149 Bethel Street, Room 402, Honolulu, Hawaii 96813

or other locally announced locations.

Dated: December 11, 1975.

LOUIS F. LAUN, *Acting Administrator.*

[FR Doc.75-34356 Filed 12-19-75;8:45 am]

HARLINGEN DISTRICT ADVISORY COUNCIL

Notice of Name Change

The Small Business Administration Harlingen District Advisory Council, a federally chartered advisory committee, will henceforth be known as the Lower Rio Grande Valley Advisory Council. For further information, write Mary Lou Grier, Deputy Advocate for Advisory Councils, Room 1008, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, or call (202) 382-6125.

Dated: December 12, 1975.

MARY LOU GRIER, *Deputy Advocate for Advisory Councils, Small Business Administration.*

[FR Doc.75-34357 Filed 12-19-75;8:45 am]

WILMINGTON DISTRICT ADVISORY COUNCIL

Notice of Merger

The Small Business Administration Wilmington District Advisory Council, a federally chartered advisory committee, is hereby merged with the Philadelphia District Advisory Council. For further information, write Mary Lou Grier, Deputy Advocate for Advisory Councils, Room 1008, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, or call (202) 382-6125.

Dated: December 12, 1975.

MARY LOU GRIER, *Deputy Advocate for Advisory Councils, Small Business Administration.*

[FR Doc.75-34359 Filed 12-19-75;8:45 am]

VETERANS ADMINISTRATION

PRIVACY ACT OF 1974

Systems of Records

On page 48670 of the FEDERAL REGISTER of October 16, 1975, there was published a notice of proposed addition by the Veterans Administration of the following statement to each of the systems of records described and adopted in the notice published in the FEDERAL REGISTER October 10, 1975 (40 FR 47930): "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual." The proposed amendment was recommended by the Office of Management and Budget in a memorandum of October 3, 1975 directed to the heads of Executive Departments and Establishments. The recognition of this routine use would obviate the need for the written consent of a constituent in every case where the constituent requests assistance of the Member which would entail a disclosure of information pertaining to the constituent.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed statement.

One written comment on the proposed statement was received from a Congressman. This comment was directed to the interpretation to be placed on its language. The Congressman commented as follows: "As I understand this amendment, no written request need ever be filed by a Congressional office, and constituent requests by telephone may be accepted as adequate from Members of Congress. Also, many of my constituents contact my office in behalf of their friends and relatives, who are unavailable or unable to contact me directly. As I understand the VA's proposed amendment, requests from these individuals which are not in writing, will also be answered uncategorically."

We do not agree that written requests would never need to be filed by a Congressional office. Supplemental guidelines on implementing the Privacy Act of 1974 were sent to the heads of agencies on November 21, 1975 by the Director of the Office of Management and Budget. They supplement OMB guidelines published in the FEDERAL REGISTER July 9, 1975 (40 FR 28949-28978), and add the following instruction: "In those cases where the congressional inquiry indicates that the request is being made on behalf of a person other than the individual whose record is to be disclosed, the agency should advise the congressional office that the written consent of the subject of the record is required." However, pursuant to 5 U.S.C. 552a(b)(9), we have been advised by and agree with both Veterans' Affairs Committee Chairmen of Congress that individual "case work" or "claims work" done by each member of the Committee and/or by any member of the staff of either the full Committee or any Subcommittee thereof, with respect to any matter pertaining to any program or benefit under Title 38, United States Code, constitutes a part of the Committee's oversight responsibility and assists the Committee in carrying out that responsibility. In view of this the Privacy Act limitation on the disclosure of personal information contained in any Veterans Administration system of records shall not apply to any member of the Veterans' Affairs Committees of the House of Representatives or the United States Senate or to any staff member of either such full Committee or any Subcommittee of such Committees, with respect to any matter pertaining to a program or benefit under Title 38, United States Code.

For the above reasons the proposed statement is hereby adopted without change.

Effective date. This routine use statement is effective September 27, 1975.

Approved: December 15, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN, *Deputy Administrator.*

[FR Doc.75-34304 Filed 12-19-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-377]

ALAN JOHN MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Alan John Manufacturing Company, San Diego, California (TA-W-377). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits, sportcoats, and leisure suits produced by Alan John Manufacturing Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

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Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34479 Filed 12-19-75;8:45 am]

[TA-W-375]

ALBEX CONTRACTORS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Albex Contractors, Incorporated, Brooklyn, New York (TA-W-375). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sport jackets and suits produced by Albex Contractors, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34480 Filed 12-19-75;8:45 am]

[TA-W-376]

A. BRASH AND SONS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of A. Brash and Sons, Incorporated, Baltimore, Maryland (TA-W-376). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's and boys' sport jackets produced by A. Brash and Sons, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washingtno, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34481 Filed 12-19-75;8:45 am]

[TA-W-202]

BATESVILLE R & P, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-202: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 2, 1975 in response to a worker petition received on that date which was filed by the United Rubber, Cork, Linoleum, and Plastic Workers of America on behalf of workers formerly producing rubber heels, soles, and crepe soling slabs at the Batesville, Arkansas plant of Batesville R & P, Inc.

The notice of investigation was published in the Federal Register on October 15, 1975 (40 FR 48411-48412). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Batesville R & P, Inc. its customers, industry analysts, the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers at Batesville R & P declined 64 percent in the first half of 1975 compared to the first half of 1974. All production-related employment at Batesville R & P was terminated by the end of June 1975.

Sales or production, or both, have decreased absolutely. Sales of rubber heels, soles and crepe soling slabs for Batesville R & P declined 19 percent in 1974 from 1973 and declined 66 percent in the first half of 1975 compared to the first half of 1974.

Increased imports contributed importantly. Imports of rubber heels and soles have comprised less than 1 percent and 2 percent, respectively, of domestic consumption of such products in each year since 1971. Imports of rubber and plastic soling slabs comprised seven percent of domestic consumption of such soling slabs in 1974. The evidence developed in the Department's investigation of Batesville R & P, Inc. indicates that declines in sales of heels, soles, and soling slabs in 1974 and the first half of 1975 were due to a general decline in domestic demand for such products by domestic footwear manufacturers.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with heels, soles, and soling slabs produced by the Batesville, Arkansas plant of Batesville R & P, Inc. did not contribute importantly to the total or partial separations of the workers of that plant.

Signed at Washington D.C. this 11th day of December 1975.

JAMES F. TAYLOR,
Director Planning and Evaluation Staff.

[FR Doc.75-34475 Filed 12-19-75;8:45 am]

[TA-W-368]

BIRWIN TROUSERS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Birwin Trousers, Incorporated, New York, New York (TA-W-368). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's trousers produced by Birwin Trousers, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34482 Filed 12-19-75;8:45 am]

[TA-W-368]

BROWN & SHARPE MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Molders and Allied Workers Union, on behalf of the workers and former workers of Brown & Sharpe Manufacturing Company, North Kingstown, Rhode Island (TA-W-368). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with precision tools and machine tools produced by Brown & Sharpe Manufacturing Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34483 Filed 12-19-75;8:45 am]

[TA-W-378]

BROWN SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of Bernie, Missouri division of Brown Shoe Company, St. Louis, Missouri (TA-W-378). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Brown Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34484 Filed 12-19-75;8:45 am]

V 401246 DEC 22 75 XUM

CIGAR LEAF WRAPPER TOBACCO

Adjustment Assistance; Import Relief Investigation

On November 5, 1975, the International Trade Commission (ITC) unanimously determined that increased import of cigar leaf wrapper tobacco are not a substantial cause of serious injury to the domestic industry for purposes of the import relief provisions of the Trade Act of 1974 (40 FR 52668).

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry study whenever the ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for import relief who have been or are likely to be certified as eligible for adjustment assistance and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public (with the exception of information which the Secretary determines to be confidential).

The Department of Labor has concluded its report on cigar wrapper tobacco. The findings of this report are as follows:

1. No petitions have been filed with the Secretary of Labor for worker adjustment assistance under the Act as of October 31, 1975.

2. Of approximately 1,050 workers who may be dislocated over the next 12 months, about 300 could petition and possibly be certified as eligible to apply for adjustment assistance.

3. There will be difficulty in placing dislocated workers in the Florida-Georgia area because of the lack of demand for unskilled agricultural workers in other farms in that area. Reemployment, if sought, will involve considerable retraining and relocation.

4. The Comprehensive Employment and Training Act (CETA) programs appear to be insufficient to meet the needs of those who are likely to seek Employment Training services. The Employment Training Administration through its State Employment Service has the authority to purchase training when CETA funds are not available.

Copies of the Department report containing the nonconfidential information developed in the course of the 6-month investigation may be obtained, upon request, from the Office of Trade Adjustment Assistance, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (phone 202-523-7665).

Signed at Washington, D.C. this 11th day of December 1975.

JOEL SEGALL,
Deputy Under Secretary International Affairs.

[FR Doc.75-34474 Filed 12-19-75;8:45 am]

[TA-W-391]

DE GRAFF OF CALIFORNIA, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of De Graff of California, Incorporated, Los Angeles, California (TA-W-391). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's coats and suits produced by De Graff of California or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constituiton Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34485 Filed 12-19-75;8:45 am]

[TA-W-79]

ELECTRO MOTIVE CORP.

Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, on September 8, 1975 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to certain workers and former workers of the Willimantic, Connecticut plant of Electro Motive Corporation (TA-W-79). The notice of certification was published in the FEDERAL REGISTER (40 FR 42617) on September 15, 1975.

At the request of the petitioners, a further investigation was instituted by the Acting Director of the Office of Trade Adjustment Assistance. The evidence developed in the further investigation indicated that a significant number of workers engaged in employment related to the production of variable capacitors at the Willimantic plant became totally or partially separated after November 25, 1974. Since the intent of the certification is to cover all such adversely affected workers, the certification issued by the Department on September 8, 1975 is hereby revised to include such additional workers not previously covered.

The revised certification is hereby made as follows:

All hourly, piecework, and salaried workers engaged in employment related to the production of variable capacitors at the Willimantic, Connecticut plant of Electro Motive Corporation who became totally or partially separated from employment on of after November 26, 1974 are ligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of December 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-34478 Filed 12-19-75;8:45 am]

[TA-W-392]

GTE SYLVANIA, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Electrical Radio and Machine Workers of America, on behalf of the workers and former workers of the Receiving Tube plant, Emporium, Pennsylvania of GTE Sylvania, Inc., Stanford, Connecticut (TA-W-392). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with electron tubes (receiving tubes) produced by GTE Sylvania, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or

subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34486 Filed 12-19-75;8:45 am]

HERDA CONTRACTING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Herda Contracting Company, Long Island City, New York (TA-W-369). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suit coats and sportcoats produced by Herda Contracting Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34487 Filed 12-19-75;8:45 am]

[TA-W-286]

HOUDAILLE INDUSTRIES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Automobile, Aerospace and Agricultural Implement Workers of America on behalf of the workers and former workers of Detroit, Michigan plant of Houdaille Industries, Incorporated, Buffalo, New York (TA-W-386). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with bumper support systems and finder shields produced by Houdaille Industries, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34488 Filed 12-19-75;8:45 am]

[TA-W-373]

MANHATTAN COAT CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Manhattan Coat Company, New York, New York (TA-W-373). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suit jackets and sportcoats produced by Manhattan Coat Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34488 Filed 12-19-75;8:45 am]

V40246 DEC 22 75 XUM

ment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34489 Filed 12-19-75;8:45 am]

[TA-W-222]

MARYLAND HAMPSTEAD CO. AND PARAMOUNT CLOTHING CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-222; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 3, 1975 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits and sportcoats at the Hampstead and Baltimore, Maryland plants.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 48559) on October 16, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Maryland Hampstead Company and the Paramount Clothing Company and their customer, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers at the Maryland Hampstead Company and the Paramount Clothing Company decreased 18 percent and 28 percent, respectively in the first nine months of 1975 compared to the like period in 1974.

Sales or production, or both, have decreased absolutely. Sales of men's suit coats and sportcoats decreased 24 percent in quantity and 20 percent in value for both plants in the first nine months of 1975 compared to the same period in 1974. Sales of men's suit pants decreased 33 percent in quantity and 25 percent in value for both plants in the first nine months of 1975 compared to the same period in 1974.

Increased imports contributed importantly. Imports of men's and boys' suits increased both absolutely and relatively in the first seven months of 1975 compared to the same period in 1974. Imports of men's and boys' suits increased from 875,000 to 2,018,000 in the first seven months of 1975 compared to the same period in 1974. The ratio of imports to production increased from 7.7 in the first seven months of 1974 to 22.1 for the same period in 1975.

Imports of men's and boys' sportcoats increased relatively in the first seven months of 1975 compared to the same period in 1974. Imports of men's and boys' sportcoats declined from 2,980,000 in the first seven months of 1974 to 2,660,000 in the same period in 1975. The ratio of imports to production increased from 24.5 in the first seven months of 1974 to 36.7 for the same period in 1975.

The evidence developed by the Department's investigation indicated that the Maryland Hampstead and the Paramount Clothing Companies had only one customer. Contrary to the trends in aggregate industry data, the customer's purchases of imports of men's suits and sportcoats declined 86 percent in the first half of 1975 compared to the same period in 1974 while the customer's domestic purchases of men's and boys' suits and sportcoats declined 13 percent in the first half of 1975 compared to the same period in 1974. Reduced purchases of these products are attributable to the general economic recession.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits and sportcoats produced at the Maryland Hampstead Company, Hampstead, Maryland and the Paramount Clothing Company, Baltimore, Maryland did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 10th day of December 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-34476 Filed 12-19-75;8:45 am]

[TA-W-387]

McDONNELL DOUGLAS ASTRONAUTICS CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Association of Machinists and Aerospace Workers on behalf of the workers and former workers of Vandenberg Air Force Base, California, Delta Vehicle Launch Operations of McDonnell Douglas Astronautics Company, Huntington Beach, California, a division of McDonnell Douglas Corporation, St. Louis, Missouri (TA-W-387). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with missiles produced by McDonnell Douglas Astronautics Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34490 Filed 12-19-75;8:45 am]

[TA-W-370]

MR. NED, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Mr. Ned, Incorporated, New York, New York (TA-W-370). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's and women's suits, sportcoats, pants and overcoats produced by Mr. Ned, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34491 Filed 12-19-75;8:45 am]

[TA-W-374]

M'SIEUR SLACKS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of M'Sieur Slacks, Incorporated, Brooklyn, New York (TA-W-374). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's slacks produced by M'Sieur Slacks, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34492 Filed 12-19-75;8:45 am]

[TA-W-389]

NL INDUSTRIES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Oil, Chemical and Atomic Workers, on behalf of the workers and former workers of Process Control and R&D Technicians, Titanium Pigment Division of NL Industries, Inc., Sayreville, New Jersey (TA-W-389). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with titanium dioxide produced by NL Industries, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34493 Filed 12-19-75;8:45 am]

[TA-W-393]

NU-CAR DRIVEAWAY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 8, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Brotherhood of Teamsters on behalf of the workers and former workers of Nu-Car Driveaway, Inc., Detroit, Michigan (TA-W-393). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with transportation services provided by Nu-Car Driveaway or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or

V40246 DEC 22 75 XUM

both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C, this 8th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34494 Filed 12-19-75;8:45 am]

[TA-W-372]

SABEL SCHAPS CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Sabel Schaps Company, Long Island City, New York (TA-W-372). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suit coats and sportcoats produced by Sabel Schaps Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34495 Filed 12-19-75;8:45 am]

[TA-W-371]

SHOP CONTRACTING CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Shop Contracting Corporation, Long Island City, New York (TA-W-371). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suit pants and vests produced by Shop Contracting Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St., and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34486 Filed 12-19-75;8:45 am]

[TA-W-390]

SKF INDUSTRIES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Auto Workers on behalf of the workers and former workers of the Shippensburg, Pennsylvania plant of SKF Industries, Inc., Philadelphia, Pennsylvania (TA-W-390).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with component parts of ball and roller bearings (cage or retainer) produced by SKF Industries, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34497 Filed 12-19-75;8:45 am]

[TA-W-385]

STROUDSBURG ENGINE WORKS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Association of Machinists and Aerospace Workers on behalf of the workers and former workers of Stroudsburg Engine Works, Incorporated, Stroudsburg, Pennsylvania (TA-W-385). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with hoists used for fishing vessels and replacement parts produced by Stroudsburg Engine Works, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34499 Filed 12-19-75;8:45 am]

[TA-W-383]

TELEDYNE VASCO

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Teledyne Vasco, East Latrobe, Pennsylvania, a division of Teledyne Incorporated, Los Angeles, California (TA-W-383). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with specialty steels, high speed steels, tool steel bars, coils, and special shapes produced by Teledyne Vasco or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34498 Filed 12-19-75;8:45 am]

[TA-W-384]

THERMATOMIC CARBON CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Oil, Chemical and Atomic Workers on behalf of the workers and former workers of Thermatomic Carbon Company, Sterlington, Louisiana (TA-W-384). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with thermal black produced by Thermatomic Carbon Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34500 Filed 12-19-75;8:45 am]

[TA-W-224]

TOWN AND COUNTRY SHOES, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-224; investigation regarding certifi-

V40246 DEC 22 75 XUM

cation of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 10, 1975 in response to a worker petition received on October 10, 1975 which was filed by the Teamsters Union on behalf of workers and former workers producing women's non-rubber footwear at the Sedalia, Missouri plant.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 49162) on October 21, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Town and Country Shoes, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Footwear Association, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers declined 7 percent in the fourth quarter of 1974 compared to the like quarter in 1973 than declined 8 percent in the first 8 months of 1975 compared to the like period in 1974. Average weekly hours declined 15 percent in the first 8 months of 1975 compared to the like period in 1974.

Sales or production, or both, have decreased absolutely. Sales at the Sedalia plant declined 11 percent in the fourth quarter of 1974 compared to the like period in 1973, sales further declined 35 percent in value in the first 8 months of 1975 compared to the first 8 months of 1974. Production declined 20 percent in the fourth quarter of 1974 compared to the like period in 1973, production further declined 40 percent in quantity in the first 8 months of 1975 compared to the first 8 months of 1974.

Increased imports contributed importantly. In 1974, imports of women's and misses' non-rubber footwear constituted 103 percent and 51 percent respectively, of domestic production, and consumption compared with 66 percent and 40 percent respectively, in 1970.

Imports of articles like or directly competitive with those produced at the Sedalia plant increased relative to domestic production and consumption in the first 6 months of 1975 compared to the first 6 months of 1974.

The ratios of imports to domestic consumption and production increased from 51 percent and 105 percent, respectively in the first 6 months of 1974 to 55 percent and 123 percent in the first 6 months of 1975.

The evidence developed by the Department's investigation indicate that customers reduced or discontinued purchases of Town and Country's shoes in favor of imports that were priced lower and styled better. Customers indicated that imports have been the fashion setters and trend setters for women's footwear. The increase in imports caused sales and production to decline at Town and Country. The company responded to reduced sales and production both by reducing the workforce in the latter half of 1974, then reducing employment and hours worked in the first 8 months of 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's non-rubber footwear produced at the Town and Country plant contributed importantly to the total or partial separation of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers at the Sedalia plant of Town and Country Shoes, Incorporated who became totally or partially separated from employment on or after October 10, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 10th day of December 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-34477 Filed 12-19-75;8:45 am]

[TA-W-379]

UNIVERSAL-CYCLOPS SPECIALTY STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Universal-Cyclops Specialty Steel Company, Pittsburgh, Pennsylvania, a division of Cyclops Corporation, Mount Lebanon, Pennsylvania (TA-W-379). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless sheet & plate, high speed steel, & tool steel produced by Universal-Cyclops Specialty Steel Company or an appropriate subdivision thereof have contributed importantly to an absolue decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34501 Filed 12-19-75;8:45 am]

[TA-W-380]

UNIVERSAL-CYCLOPS SPECIALTY STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Universal-Cyclops Specialty Steel Company, West Aliquippa, Pennsylvania, a division of Cyclops Corporation, Mount Lebanon, Pennsylvania (TA-W-380). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless wire rod, stainless sheet and plate, high speed steel, and tool steel produced by Universal-Cyclops Specialty Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 92 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34502 Filed 12-19-75;8:45 am]

[TA-W-381]

UNIVERSAL-CYCLOPS SPECIALTY STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Universal-Cyclops Specialty Steel Company, Bridgeville, Pennsylvania, a division of Cyclops Corporation, Mount Lebanon, Pennsylvania (TA-W-381). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless bar, stainless wire, stainless wire rod, stainless sheet & plate, high speed steel & tool steel produced by Universal-Cyclops Specialty Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 92 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34503 Filed 12-19-75;8:45 am]

[TA-W-382]

UNIVERSAL-CYCLOPS SPECIALTY STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 5, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Universal-Cyclops Specialty Steel Company, Titusville, Pennsylvania, a division of Cyclops Corporation, Mount Lebanon, Pennsylvania (TA-W-382). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless bar, high speed steel, and tool steel produced by Universal-Cyclops Specialty Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34504 Filed 12-19-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 935]

ASSIGNMENT OF HEARINGS

DECEMBER 17, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 51146 Sub 413, Schneider Transport, Inc., MC 115331 Sub 387, Truck Transport, Incorporated, MC 116763 Sub 305, Carl Subler Trucking, Inc., MC 121060 Sub 33, Arrow Truck Lines, Inc.

MC 126276 Sub 165, Midwestern Distribution, Inc. and MC 126273 Sub 170, Midwestern Distribution, Inc., now being assigned for continued hearing on January 29, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 140716 Sub 1, Great Northern Transportation Company, now being assigned for continued hearing on January 27, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 19227 (Sub-No. 212), Leonard Bros. Trucking Co., Inc., now being assigned February 10, 1976, at the Office of the Interstate Commerce Commission, Washington, D.C.

MC 129455 (Sub-No. 11), Carretta Trucking, Inc., now being assigned February 18, 1976, at the Office of the Interstate Commerce Commission, Washington, D.C.

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MC 119302 (Sub-No. 22), Miller Transfer and Rigging Co., now being assigned February 18, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 135732 (Sub-No. 12), Aubrey Freight Lines, Inc., now being assigned February 19, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC-F 12461, FD 27883, MC 109847 Sub-21, MC 24136 Sub-Nos. 8, 9, 11, 12, 13, and 15G, Boss-Linco Lines, Inc.–Pur. (Portion)—Harrison-Shields Transportation Lines, Inc., now being assigned January 12, 1976, (5 days) for Continued hearing at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-34508 Filed 12-19-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 17, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43090—*Lumber Articles, from, to, and between Southwestern Territory.* Filed by Southwestern Freight Bureau, Agent, No. B-579), for interested rail carriers. Rates on lumber and related articles, in carloads, as described in the application, from points in southwestern territory, to Long Lake, Roseville, and Wayzata, Minnesota.

Grounds for relief—Market competition, rate relationship, modified short-line distance formula and grouping.

Tariff—Supplement 123 to Southwestern Freight Bureau, Agent, tariff SW/W-2006-J, ICC 5056. Rates are published to become effective on January 16, 1976.

FSA No. 43091—*Joint Water-Rail Container Rates—Kawasaki Kisen Kaisha, Ltd.* Filed by Kawasaki Kisen Kaisha, Ltd., (No. 15), for and on behalf of itself and interested rail carriers. Rates on general commodities, from rail carrier's terminal at Freeport, Texas, to ports in the Far East.

Grounds for relief—Water competition.

FSA No. 43092—*Joint Rail-Water Container Rates—United States Lines, Inc.* Filed by United States Lines, Inc., (No. 101), for and on behalf of itself and interested rail carriers. Rates on general commodities, from ports in the Far East, to rail carriers' terminals at Lake Charles, La., North Bergen, N.J., and Beaumont and Port Arthur, Tex.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-34509 Filed 12-19-75;8:45 am]

[Notice No. 144]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 18, 1975.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub-No. 526TA), filed December 8, 1975. Applicant: DEALERS TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Leonard L. Bennett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers and trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service and (2) *Tractors*, in secondaray movements in driveaway service only when drawing trailers, semi-trailers and trailer chassis in initial movements in driveaway service; (1) from Oregon, Ill., to points in the United States (except Alaska and Hawaii); (2) from Oregon, Ill., to points in Arizona, Nevada, Oregon and Vermont, for 180 days. Supporting shipper: E. D. Etnyre and Company, Roger L. Etnyre, Secretary-Treasurer, 200 Jefferson St., Oregon, Ill. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 51146 (Sub-No. 453TA), filed December 8, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway St., Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerated coolers and freezers*, from the facilities of Hercules, Inc./Lincoln Sales Division, at Manitowoc and Hudson, Wis., to points in North Dakota, South Dakota, Minnesota, and the Upper Peninsula of Michigan, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hercules, Inc./Lincoln Sales Division, P.O. Box 2477, Green Bay, Wis. 54306. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 90760 (Sub-No. 14TA), filed December 1, 1975. Applicant: CLIFTON A. SCHULTZ, doing business as, ILLINOIS MIDWEST EXPRESS, 1012 E. William St., Danville, Ill. 61832. Applicant's representative: Steven A. Schultz (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, vinyl siding, vinyl regrind, plastic pipe fittings, plastic pipe accessories, vinyl siding accessories*, (1) from Danville, Ill., to Grinnell, Iowa and Kansas City, Mo., and (2) from Grinnell, Iowa and Kansas City, Mo., to Danville, Ill., under a continuing contract with Robintech, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robintech, Inc., Matthew Singleton, Traffic Manager, P.O. Box 753, Danville, Ill. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 107295 (Sub-No. 792TA), filed December 10, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and construction materials*, from the plantsite and storage facilities of Donn Products, Inc., located in Medina County, Ohio, to points in Arkansas, Colorado, Illinois, Iowa, Kansas,

Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Mexico, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, Virginia, West Virginia and Wisconsin, for 180 days. Supporting shipper: Carl J. Walkush, President, Traffic & Distribution Services, Inc., 1643 Lee Road, P.O. Box 18310, Cleve Heights, Ohio 44118. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 107544 (Sub-No. 123TA), filed December 10, 1975. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. 24354. Applicant's representative: Daryl J. Henry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicles, from Bluefield and Hugheston, W. Va., to points in Buchanan, Russell, Tazewell and Wise Counties, Va. (except points in Tazewell County, Va., from Hugheston, W. Va.), for 180 days. Supporting shipper: Texaco, Inc., 1111 Rusk Ave., Houston, Tex. 77052. Send protests to: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, Va. 24011.

No. MC 108207 (Sub-No. 429TA), filed December 3, 1975. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz St., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and salad dressings*, from Indianapolis, Ind., to Memphis, Tenn., and points in Arizona, Arkansas, California, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma and Texas, for 180 days. Supporting shipper: Royal Food Products Co., Division Mutual Milk Co., 2234 Bethel Ave., Indianapolis, Ind. 46203. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 110525 (Sub-No. 1140TA), filed December 9, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chicken fat*, in bulk, in tank vehicles, from Accomac, Va., to Maspeth, N.Y. for 180 days. Supporting shipper: Pet Food, Inc., 57-18 48th St., Maspeth, N.Y. 11387. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 115331 (Sub-No. 399TA), filed December 1, 1975. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: Paul R. Craddock, 230 St. Clair Ave., East St. Louis, Mo. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foundry sand and foundry molding sand treating compound*, in bulk, in tank and (2) *Foundry molding sand treating compounds and bentonite clay*, in bulk, in tank vehicles, (1) from Granite City, Ill., to Camden, Tenn., and (2) from Aberdeen, Miss., to Danville, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Colloid Co., P.O. Box 228, Skokie, Ill. 60076. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 116710 (Sub-No. 21-TA), filed November 24, 1975. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., P.O. Box 6167, Bossier City, La. 71010. Applicant's representative: John M. Goff, 2001 East Texas, Bossier City, La. 71010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molten polypropylene*, in bulk, in tank vehicles capable of maintaining the product at 390° F., from the plantsite of Texas Eastman Co., at or near Longview, Tex., to Tracy, Calif.; Stamford, Conn.; Auburn, N.Y.; and Karns City, Pa., and points within 3 miles, under a continuing contract with Texas Eastman Co., for 180 days. Supporting shipper: Texas Eastman Co., P.O. Box 7444, Longview, Tex. 75601. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 9038 Federal Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 118806 (Sub-No. 43TA), filed December 8, 1975. Applicant: ARNOLD BROS. TRANSPORT, LTD., 739 Lagimodiere Blvd., Winnipeg, Manitoba, Canada R2J 0T8. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rolling mill rolls*, from Lima, Ohio, to ports of entry on the International Boundary Line between the United States and Canada, at or near Pembina, N. Dak., and Noyes, Minn., for 180 days. Supporting shipper: Teledyne Ohio Steel, West 4th St., Lima, Ohio 45802. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 119798 (Sub-No. 273TA), filed December 5, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Medicines and chemicals*, from Elkhart, Ind., to points in Missouri, Texas and Colorado, for 180 days. Supporting shipper: Miles Laboratories, Inc., 1127 Myrtle St., Elkhart, Ind. 46514. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 124078 (Sub-No. 670TA), filed December 4, 1975. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 St., Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal fats and blends of vegetable oils and animal fats*, from Chattanooga, Tenn., to points in Louisiana, for 180 days. Supporting shipper: Swift Edible Oil Company, 115 West Jackson Blvd., Chicago, Ill. 60604. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 127337 (Sub-No. 13TA), filed December 10, 1975. Applicant: CHET'S TRANSPORT, INC., Charlotte, Maine 04666. Applicant's representative: Lawrence E. Lindeman, Suite 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., to ports of entry on the United States-Canada Boundary line, restricted to the transportation of shipments destined to points in New Brunswick, Nova Scotia, Newfoundland, and Prince Edward Island, Canada. Applicant intends to tack with complimentary Canadian authority at the border, for 180 days. Supporting shipper: Chiquita Brands, Inc., Prudential Center, Boston, Mass. 02199. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl St., Portland, Maine 04111.

No. MC 128273 (Sub-No. 213TA), filed December 9, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 South Horton, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising materials*, when moving with malt beverages; and *empty malt beverage containers*, upon return, from the plantsite and storage facilities of Miller Brewing Company, at Fort Worth, Tex., to points in Louisiana, for 180 days. Supporting shipper: Miller Brewing Company, 4000 West State St., Milwaukee, Wis. 53208. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 128383 (Sub-No. 65TA), filed December 4, 1975. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 North Frederick Ave.,

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Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, and motor vehicles requiring the use of special equipment); (1) between Little Rock Municipal Airport, Little Rock, Ark.; Tulsa International Airport, at Tulsa, Okla.; Wiley Post Airport, at Oklahoma City, Okla.; Will Rogers World Airport, at Oklahoma City, Okla.; Austin Municipal Airport, Austin, Tex.; Waco Municipal Airport, Waco, Tex.; San Antonio International Airport, San Antonio, Tex.; El Paso International Airport, El Paso, Tex.; Dallas-Fort Worth International Airport, Dallas-Fort Worth, Tex.; and Houston Intercontinental Airport, Houston, Tex., restricted to the transportation of traffic in aircraft containers and pallets with trailers equipped with roller bed floors and having a prior or subsequent movement by air; (2) between Miami International Airport, Miami, Fla., on the one hand, and, on the other Houston Intercontinental Airport Houston, Tex.; Dallas-Fort Worth International Airport near Fort Worth, Tex.; Dallas Love Field, Dallas, Tex.; San Antonio International Airport, San Antonio, Tex.; Wiley Post Airport, at Oklahoma City, Okla.; Will Rogers World Airport, at Oklahoma City, Okla., and Tulsa International Airport, at Tulsa, Okla., restricted to the transportation of traffic in aircraft containers and pallets with trailers equipped with roller bed floors and having a prior or subsequent movement by air, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Five Star Air Freight Corporation, 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia Pa. 19106.

No. MC 134922 (Sub-No. 154TA), filed December 2, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, plastics, compounds, and animal feed supplements* (except in bulk), in vehicles equipped with mechanical refrigeration, from Brazoria and Freeport, Tex., and Lima, Ohio, to points North Dakota, South Dakota, Minnesota (except points in the Minneapolis and St. Paul Commercial Zones), Nebraska (except Lincoln and Omaha), Colorado, Wyoming, Montana, California, Nevada, Arizona, Oregon, Washington, New Mexico, Idaho, Utah and points in Iowa on and west of the U.S. Highway 169 (except Council Bluffs), for 180 days. Supporting shipper: Organic Compounds, Inc., 1265 W. 16th, Long Beach, Calif. Send protests to: William H. Land, Jr., District Superivsor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 134922 (Sub-No. 155TA), filed December 9, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is sold and used by wholesale, retail and discount stores and chemicals (except food stuffs, and alcoholic and malt beverages), from Racine, Wis.; Ft. Madison, Iowa; Kankakee, Ill.; Memphis, Tenn.; Jackson, Miss.; Brazoria County, Tex.; Rochester, Syracuse and Brooklyn, N.Y.; West Springfield, Mass.; Clifton and Washington, N.J.; Groton and Wallingford, Conn.; Lancaster and Pittsburgh, Pa.; Bath Township and Cincinnati, Ohio and Greenville, S.C., to Salt Lake City and Ogden, Utah; Windsor, Colo.; Carson City, Reno and Sparks, Nev.; points in California; Phoenix, Ariz.; Klamath Falls and Portland, Oreg., Yakima and Seattle, Wash., and (2) *Food stuffs* (except meats, candy, frozen foods, and alcoholic beverages), from Dover, Del., and Lafayette, Ind., to points in California, and (3) *Clean rice and coffee*, from Houston, Tex., to points in California, and Portland, Oreg. Commodities in 1, 2 and 3 are restricted to traffic moving in vehicles equipped with mechanical refrigeration and the commodities in 1, 2 and 3 further restricted against the transportation of commodities in bulk and those which because of size or weight require the use of special equipment, for 180 days. Supporting shipper: Ranbow Dell Ray Wholesale, 340 S. San Pedro St., Los Angeles, Calif. 90013. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136532 (Sub-No. 3TA), filed December 9, 1975. Applicant: LOYD SIMPSON, doing business as LOYD SIMPSON TRUCKING, 125 Houston St., Durant, Okla. 74701. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nursery pots, nursery sleeves and nursery paint*, and (2) *Flowers* partially exempt from economic regulation under the provisions of Section 203(b)(6) of the Interstate Commerce Act in mixed loads with regulated commodities (otherwise authorized), from points in Texas to San Francisco and Half Moon Bay, Calif., for 180 days. Supporting shipper: Nurserymen's Exchange, Inc., Carl Pearlstein, President, 475 Sixth St., San Francisco, Calif. 94103. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 136831 (Sub-No. 3TA), filed December 9, 1975. Applicant: GEORGE HUSACK, 167 Locust Drive, Schnecksville, Pa. 18078. Applicant's representative: George Husack (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from Tamaqua, Schuylkill County, Pa., to Lakeville, Conn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lehigh Navigation-Dodson Co. (Subsidiary of Bethlehem Steel Corp.), Martin Tower, Bethlehem, Pa. 18016. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 139084 (Sub-No. 8TA), filed November 13, 1975. Applicant: BIG VALLEY SUPPLY & ENTERPRISES, LTD., P.O. Box 8100, Station F, Calgary, Alberta, Canada T2J 2V2, Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to ports of entry on the International Boundary line, between the United States and Canada, located in Washington, Idaho, Montana, North Dakota and Minnesota. Restrictions: (1) Restricted to traffic originating at the steel mill facilities of the Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., and destined to the named destinations; (2) All traffic herein is destined to points in Alberta, British Columbia, Manitoba, Northwest Territories, Ontario, Saskatchewan, or Yukon Territory, for 180 days. Supporting shipper: Eugene F. Tyson, Division Controller, Nucor Steel Division, Nucor Corporation, P.O. Box 59, Norfolk, Nebr. 68701. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 139468 (Sub-No. 10TA), filed December 19, 1975. Applicant: INTERNATIONAL CONTRACT CARRIERS, INC., 6534 Gessner Road, Houston, Tex. 77040. Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Idaho, Montana, Oregon and Washington, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, and Wisconsin, under a continuing contract or contracts with Metropolitan Lumber Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Metropolitan Lumber Co., 900 Jorie Blvd., Oak Brook, Ill. 60521. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 139495 (Sub-No. 115TA), filed December 9, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth St., Liberal, Kans. 67901. Applicant's representative: James E. McCarty (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cedar shakes and shingles*, from points in Oregon and Washington, to points in Colorado, for 180 days. Supporting shipper: Dier Lumber Company, 291 Roymar, Oceanside, Calif. 92054. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 140277 (Sub-No. 5TA), filed December 1, 1975. Applicant: BILL BALL, doing business as BILL BALL TRUCKING, 131 West 18th St., Sioux, Falls, S. Dak. 57104. Applicant's representative: Bill Ball (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodity bags, envelopes, and wrappers*, for the account of American Western Corporation, from the plantsite or storage facilities of American Western Corporation, Sioux Falls, S. Dak., to Little Rock, Ark.; Dallas, Houston and Tyler, Tex.; and New Orleans and Shereveport, La., under a continuing contract with American Western Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Western Corporation, 1500 M Ave., Sioux Falls, S. Dak. 57104. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Bldg., Pierre, S. Dak. 58501.

No. MC 140977 (Sub-No. 1 TA), filed December 8, 1975. Applicant: RAYMOND SPEARS AND EDWARD SPEARS, doing business as VALLEY EXPRESS, 103 Walnut St., Elmwood, Ohio 45216. Applicant's representative: James R. Stiverson, 1396 West Fifth St., Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hospital and laboratory instrumentation, apparatus, materials and supplies* (except commodities in bulk), between Cincinnati, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky and West Virginia, under a continuing contract with Curtin-Matheson Scientific, Inc., for 180 days. Supporting shipper: D. J. Wistrolik, Operations Manager, Curtin-Matheson Scientific, Inc., 12101 Centron, Cincinnati, Ohio 45246. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514 B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 141530 (Sub-No. 1 TA), filed December 5, 1975. Applicant: BROCK'S AUTO PARTS, INC., 2150 East First St., Tempe, Ariz. 85281. Applicant's representative: Patten, Montague & Arnett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated, used automobile and truck parts*, on call from various used auto and truck parts dealers, between points in Arizona, New Mexico, Fontana and Los Angeles, Calif.; Las Vegas, Nev.; and El Paso, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 5 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 141561 TA, filed November 25, 1975. Applicant: T. A. CRENSHAW, doing business as DIXIE TRANSPORT COMPANY, P.O. Box 688, Toccoa, Ga. 30577. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Bldg., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Construction equipment and related articles*, which because of size or weight require the use of special handling or equipment; (b) *self propelled articles*, each weighing 15,000 pounds or more; and (c) *related parts, materials and supplies*, from the facilities of Wabco Construction and Mining Equipment Group (a corporation) located at or near Toccoa, Stephens County, Ga., to Savannah, Ga.; New Orleans, La.; Norfolk, Newport News, Portsmouth and Hampton, Va.; Charleston, S.C.; Linden, and New Jersey ports at Newark, Hoboken, Jersey City, Bayonne, Elizabeth and Perth Amboy, N.J.; Fort Lauderdale and Miami, Fla.; (2) *Commodities* as described in (1) (a), (b) and (c) above between the facilities of Wabco Construction and Mining Equipment Group (a corporation) located at Taccoa, Ga.; Linden, N.J.; Peoria, Ill.; and Indianapolis, Ind., restricted to shipments originating and destined to the facilities of Wabco Construction and Mining Equipment Group (a corporation) at these points; (3) *Parts and materials* used in the manufacturing of commodities described in (1) (a), (b) and (c) above, from Louisville and Somerset, Ky.; Akron and Ashtabula, Ohio; Indianapolis, Paoli, and South Bend, Ind.; Detroit, Jackson and Buchanan, Mich.; Chicago and Mount Vernon, Ill.; St. Louis, Mo.; and Morristown, Tenn., to the facilities of Wabco Construction and Mining Equipment Group (a corporation) located at or near Toccoa, Stephens County, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wabco Construction and Mining Equipment Group (a corporation), Toccoa, Ga. 30577. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 141578 TA, filed December 3, 1975. Applicant: KEE TRANSPORTATION COMPANY, 5540 W. Broadway Ave., P.O. Box 37437, Jacksonville, Fla. 32205. Applicant's representative: Ronald D. Peterson, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers, and *empty containers*, between points in the Jacksonville, Fla., Commercial Zone, including Jacksonville, Fla. (except Yulee and Fernandina Beach, Fla.), restricted to shipments having a prior or subsequent movement by water, for 180 days. Supporting shippers: Trailer Marine Transport Corp., 1045 Bond Ave., P.O. Box 2110, Jacksonville, Fla. 32203. Sea-Land Service, Inc., P.O. Box 3281, Jacksonville, Fla. 32206. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 141579 TA, filed December 10, 1975. Applicant: SECURITY DELIVERY SERVICE, INC., 20–28 27th St., Astoria, N.Y. 11105. Applicant's representative: Larsh B. Mewhinney, 235 Mamaroneck Ave., White Plains, N.Y. 10605. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed securities quotation reports, and bond-offering reports*, from points in New York, N.Y., in the New York, N.Y., Commercial Zone as defined by the Commission, to Wilmington, Del.; Baltimore, Md.; Washington, D.C.; Philadelphia, Ephrata, and Harrisburg, Pa., and all points in New Jersey, under a continuing contract with Blue List Publishing Co., for 180 days. Supporting shipper: Blue List Publishing Co., 345 Hudson St., New York, N.Y. 10014. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 141581 TA, filed December 8, 1975. Applicant: JAMES P. DOYLE, doing business as DOYLE TRUCKING, P.O. Box 76, Wisconsin Dells, Wis. 53965. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave. P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese, cheese products and cheese by-products*, from Marathon County, Wis., to points in Maryland, Pennsylvania, Virginia, West Virginia, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, and the District of Columbia, and (2) *Cheese and Materials, equipment and supplies* used in the manufacture of cheese, from points in New York and New Jersey to points in Marathon County, Wis., under a continuing contract with InoFood Corp., for 180 days. Supporting shipper: InoFood Corp., Route 5, Merrill, Wis. 54452. Send protests to: Richard Shullaw, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

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No. MC 141582 TA, filed December 4, 1975. Applicant: T. J. BRETT, FR., doing business as T. J. BRETT, JR., TRUCKING COMPANY, P.O. Box 795, Sandersville, Ga. 31082. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural lime*, in bulk, in dump vehicles, from points in Jefferson County, Tenn., to points in Washington County, Ga., for 180 days. Supporting shipper: Farmers Mutual Exchange, 730 Argo Drive, Sandersville, Ga. 31082. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-34510 Filed 12-19-75;8:45 am]

federal register

MONDAY, DECEMBER 22, 1975



PART II:

DEPARTMENT OF THE TREASURY

Fiscal Service,
Bureau of the Public Debt

■

U.S. SAVINGS BONDS, SERIES E

Dept. Circular No. 653,
9th Rev.
1st Amendment

V40I246 DEC 22 75 XUM

Title 31—Money and Finance

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

Extended Terms and Improved Yields for Bonds

Department of the Treasury Circular No. 653, Ninth Revision, dated April 23, 1974, and the tables incorporated therein, as supplemented (31 CFR, Part 316), are hereby amended for the purpose of granting a second 10-year extended maturity period to United States savings bonds, Series E, bearing issue dates of February 1, 1957, through November 1, 1965, and providing tables of redemption values and investment yields for the next extended maturity period for bonds bearing issue dates of December 1, 1945, through November 1, 1946; December 1, 1955, through November 1, 1956; February 1, 1957, through November 1, 1957; December 1, 1968, through May 1, 1969; and December 1, 1969, through November 1, 1970.

Section 316.8(a) (3) and (4) is accordingly revised, and Tables 13–A, 14–A, 41–A, 42–A, 43–A, 44–A, 46–A, 47–A, 48–A, 87–A, 89–A and 90–A are added, as follows:

§ 316.8 Extended terms and improved yields for outstanding bonds.

(a) *Extended maturity periods.* • • •

(3) *Bonds with issue dates May 1, 1952, through November 1, 1965.* Owners of Series E bonds with issue dates of May 1, 1952, through November 1, 1965, may retain their bonds for a second extended maturity period of 10 years.

(4) *Bonds with issue dates of December 1, 1965, or thereafter.* Owners of Series E bonds with issue dates of December 1, 1965, or thereafter, may retain their bonds for an extended maturity period of 10 years.

• • • • •

The foregoing revisions and amendments were effected under authority of Section 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 757c), and 5 U.S.C. 301. Notice and public procedures thereof are unnecessary as the fiscal policy of the United States is involved.

Dated: December 9, 1975.

DAVID MOSSO,
Fiscal Assistant Secretary.

TABLE 13-A

BONDS BEARING ISSUE DATES FROM DEC. 1, 1945, THROUGH MAY 1, 1946

Issue price / Denomination	$7.50 / 10.00	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00

Period (years and months after second extended maturity at 30 years 0 months)	(1) Redemption values during each half-year period (values increase on first day of period)* THIRD EXTENDED MATURITY PERIOD**						(2) From beginning of current maturity period to beginning of each ½-yr. pd.	(3) From beginning of each ½-yr. period to beginning of next ½-yr. pd.	(4) From beginning of each ½-yr. period to 3rd extended maturity
							Approximate investment yield (annual percentage rate)		
0-0 to 0-6 . . . 1/(12/1/75)	$22.96	$57.41	$114.82	$229.64	$459.28	$1148.20	$2296.40	Percent ——	Percent 5.99	Percent 6.00
0-6 to 1-0 . . . . (6/1/76)	23.65	59.13	118.26	236.52	473.04	1182.60	2365.20	5.99	6.02	6.00
1-0 to 1-6 . . . . (12/1/76)	24.36	60.91	121.82	243.64	487.28	1218.20	2436.40	6.01	5.98	6.00
1-6 to 2-0 . . . . (6/1/77)	25.09	62.73	125.46	250.92	501.84	1254.60	2509.20	6.00	6.03	6.00
2-0 to 2-6 . . . . (12/1/77)	25.85	64.62	129.24	258.48	516.96	1292.40	2584.80	6.00	5.97	6.00
2-6 to 3-0 . . . . (6/1/78)	26.62	66.55	133.10	266.20	532.40	1331.00	2662.00	6.00	6.01	6.00
3-0 to 3-6 . . . . (12/1/78)	27.42	68.55	137.10	274.20	548.40	1371.00	2742.00	6.00	6.01	6.00
3-6 to 4-0 . . . . (6/1/79)	28.24	70.61	141.22	282.44	564.88	1412.20	2824.40	6.00	6.00	6.00
4-0 to 4-6 . . . . (12/1/79)	29.09	72.73	145.46	290.92	581.84	1454.60	2909.20	6.00	5.99	6.00
4-6 to 5-0 . . . . (6/1/80)	29.96	74.91	149.82	299.64	599.28	1498.20	2996.40	6.00	5.98	6.00
5-0 to 5-6 . . . . (12/1/80)	30.86	77.15	154.30	308.60	617.20	1543.00	3086.00	6.00	6.01	6.00
5-6 to 6-0 . . . . (6/1/81)	31.79	79.47	158.94	317.88	635.76	1589.40	3178.80	6.00	5.99	6.00
6-0 to 6-6 . . . . (12/1/81)	32.74	81.85	163.70	327.40	654.80	1637.00	3274.00	6.00	6.01	6.00
6-6 to 7-0 . . . . (6/1/82)	33.72	84.31	168.62	337.24	674.48	1686.20	3372.40	6.00	6.00	6.00
7-0 to 7-6 . . . . (12/1/82)	34.74	86.84	173.68	347.36	694.72	1736.80	3473.60	6.00	5.99	6.00
7-6 to 8-0 . . . . (6/1/83)	35.78	89.44	178.88	357.76	715.52	1788.80	3577.60	6.00	6.02	6.00
8-0 to 8-6 . . . . (12/1/83)	36.85	92.13	184.26	368.52	737.04	1842.60	3685.20	6.00	5.99	6.00
8-6 to 9-0 . . . . (6/1/84)	37.96	94.89	189.78	379.56	759.12	1897.80	3795.60	6.00	6.01	6.00
9-0 to 9-6 . . . . (12/1/84)	39.10	97.74	195.48	390.96	781.92	1954.80	3909.60	6.00	6.00	6.00
9-6 to10-0 . . . . (6/1/85)	40.27	100.67	201.34	402.68	805.36	2013.40	4026.80	6.00	6.00	6.00
10-0 2/ . . . . . (12/1/85)	41.48	103.69	207.38	414.76	829.52	2073.80	4147.60	6.00 3/	——	——

1/ Month, day, and year on which issues of Dec. 1, 1945, enter each period. For subsequent issue months add the appropriate number of months.
2/ Third extended maturity reached at 40 years 0 months after issue.
3/ Yield on purchase price from issue date to 3rd extended maturity date is 4.32 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

TABLE 14-A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1946

Issue price / Denomination	$7.50 / 10.00	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00

Period (years and months after second extended maturity at 30 years 0 months)	(1) Redemption values during each half-year period (values increase on first day of period)* THIRD EXTENDED MATURITY PERIOD**						(2) From beginning of current maturity period to beginning of each ½-yr. pd.	(3) From beginning of each ½-yr. period to beginning of next ½-yr. pd.	(4) From beginning of each ½-yr. period to 3rd extended maturity
							Approximate investment yield (annual percentage rate)		
0-0 to 0-6 . . . 1/(6/1/76)	$23.26	$58.16	$116.32	$232.64	$465.28	$1163.20	$2326.40	Percent ——	Percent 5.98	Percent 6.00
0-6 to 1-0 . . . . (12/1/76)	23.96	59.90	119.80	239.60	479.20	1198.00	2396.00	5.98	6.01	6.00
1-0 to 1-6 . . . . (6/1/77)	24.69	61.70	123.40	246.80	493.60	1234.00	2468.00	6.00	6.00	6.00
1-6 to 2-0 . . . . (12/1/77)	25.42	63.55	127.10	254.20	508.40	1271.00	2542.00	6.00	6.01	6.00
2-0 to 2-6 . . . . (6/1/78)	26.18	65.46	130.92	261.84	523.68	1309.20	2618.40	6.00	5.99	6.00
2-6 to 3-0 . . . . (12/1/78)	26.97	67.42	134.84	269.68	539.36	1348.40	2696.80	6.00	6.02	6.00
3-0 to 3-6 . . . . (6/1/79)	27.78	69.45	138.90	277.80	555.60	1389.00	2778.00	6.00	5.99	6.00
3-6 to 4-0 . . . . (12/1/79)	28.61	71.53	143.06	286.12	572.24	1430.60	2861.20	6.00	6.01	6.00
4-0 to 4-6 . . . . (6/1/80)	29.47	73.68	147.36	294.72	589.44	1473.60	2947.20	6.00	6.00	6.00
4-6 to 5-0 . . . . (12/1/80)	30.36	75.89	151.78	303.56	607.12	1517.80	3035.60	6.00	5.98	6.00
5-0 to 5-6 . . . . (6/1/81)	31.26	78.16	156.32	312.64	625.28	1563.20	3126.40	6.00	6.01	6.00
5-6 to 6-0 . . . . (12/1/81)	32.20	80.51	161.02	322.04	644.08	1610.20	3220.40	6.00	5.99	6.00
6-0 to 6-6 . . . . (6/1/82)	33.17	82.92	165.84	331.68	663.36	1658.40	3316.80	6.00	6.01	6.00
6-6 to 7-0 . . . . (12/1/82)	34.16	85.41	170.82	341.64	683.28	1708.20	3416.40	6.00	5.99	6.00
7-0 to 7-6 . . . . (6/1/83)	35.19	87.97	175.94	351.88	703.76	1759.40	3518.80	6.00	6.00	6.00
7-6 to 8-0 . . . . (12/1/83)	36.24	90.61	181.22	362.44	724.88	1812.20	3624.40	6.00	6.00	6.00
8-0 to 8-6 . . . . (6/1/84)	37.33	93.33	186.66	373.32	746.64	1866.60	3733.20	6.00	6.00	6.00
8-6 to 9-0 . . . . (12/1/84)	38.45	96.13	192.26	384.52	769.04	1922.60	3845.20	6.00	5.99	6.00
9-0 to 9-6 . . . . (6/1/85)	39.60	99.01	198.02	396.04	792.08	1980.20	3960.40	6.00	6.00	6.00
9-6 to10-0 . . . . (12/1/85)	40.79	101.96	203.96	407.92	815.84	2039.60	4079.20	6.00	6.00	6.00
10-0 2/ . . . . . (6/1/86)	42.02	105.04	210.08	420.16	840.32	2100.80	4201.60	6.00 3/	——	——

1/ Month, day, and year on which issues of June 1, 1946, enter each period. For subsequent issue months add the appropriate number of months.
2/ Third extended maturity reached at 40 years 0 months after issue.
3/ Yield on purchase price from issue date to 3rd extended maturity date is 4.35 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

TABLE 41-A

BONDS BEARING ISSUE DATES FROM DEC. 1, 1955, THROUGH MARCH 1, 1956

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500 / 10000

Period (years and months after first extended maturity at 19 years 8 months)	(1) Redemption values during each half-year period (values increase on first day of period)* SECOND EXTENDED MATURITY PERIOD**							(2) From beginning of current maturity period to beginning of each ½-yr. pd.	(3) From beginning of each ½-yr. period to beginning of next ½-yr. pd.	(4) From beginning of each ½-yr. period to 2nd extended maturity
								Approximate investment yield (annual percentage rate)		
0-0 to 0-6 . . . 1/(8/1/75)	$41.48	$82.96	$165.92	$331.84	$829.60	$1659.20	$16592	Percent ——	Percent 5.98	Percent 6.00
0-6 to 2-0 . . . . (2/1/76)	42.72	85.44	170.88	341.76	854.40	1708.80	17088	5.98	6.04	6.00
1-0 to 1-6 . . . . (8/1/76)	44.01	88.02	176.04	352.08	880.20	1760.40	17604	6.01	6.00	6.00
1-6 to 2-0 . . . . (2/1/77)	45.33	90.66	181.32	362.64	906.60	1813.20	18132	6.01	6.00	6.00
2-0 to 2-6 . . . . (8/1/77)	46.69	93.38	186.76	373.52	933.80	1867.60	18676	6.00	6.00	6.00
2-6 to 3-0 . . . . (2/1/78)	48.09	96.18	192.36	384.72	961.80	1923.60	19236	6.00	5.99	6.00
3-0 to 3-6 . . . . (8/1/78)	49.53	99.06	198.12	396.24	990.60	1981.20	19812	6.00	6.02	6.00
3-6 to 4-0 . . . . (2/1/79)	51.02	102.04	204.08	408.16	1020.40	2040.80	20408	6.00	6.00	6.00
4-0 to 4-6 . . . . (8/1/79)	52.55	105.10	210.20	420.40	1051.00	2102.00	21020	6.00	5.98	6.00
4-6 to 5-0 . . . . (2/1/80)	54.12	108.24	216.48	432.96	1082.40	2164.80	21648	6.00	6.02	6.00
5-0 to 5-6 . . . . (8/1/80)	55.73	111.50	223.00	446.00	1115.00	2230.00	22300	6.00	5.99	6.00
5-6 to 6-0 . . . . (2/1/81)	57.42	114.84	229.68	459.36	1148.40	2296.80	22968	6.00	5.99	6.00
6-0 to 6-6 . . . . (8/1/81)	59.14	118.28	236.56	473.12	1182.80	2365.60	23656	6.00	6.01	6.00
6-6 to 7-0 . . . . (2/1/82)	60.91	121.82	243.64	487.28	1218.20	2436.40	24364	6.00	5.99	6.00
7-0 to 7-6 . . . . (8/1/82)	62.74	125.48	250.96	501.92	1254.80	2509.60	25096	6.00	6.00	6.00
7-6 to 8-0 . . . . (2/1/83)	64.62	129.24	258.48	516.96	1292.40	2584.80	25848	6.00	6.01	6.00
8-0 to 8-6 . . . . (8/1/83)	66.56	133.12	266.24	532.48	1331.20	2662.40	26624	6.00	6.01	6.00
8-6 to 9-0 . . . . (2/1/84)	68.56	137.12	274.24	548.48	1371.20	2742.40	27424	6.00	6.00	6.00
9-0 to 9-6 . . . . (8/1/84)	70.62	141.24	282.48	564.96	1412.40	2824.80	28248	6.00	5.99	6.00
9-6 to10-0 . . . . (2/1/85)	72.74	145.48	290.96	581.92	1454.80	2909.60	29096	6.00	5.99	6.00
10-0 2/ . . . . . (8/1/85)	74.92	149.84	299.68	599.36	1498.40	2996.80	29968	6.00 3/	——	——

1/ Month, day, and year on which issues of Dec. 1, 1955, enter each period. For subsequent issue months add the appropriate number of months.
2/ Second extended maturity reached at 29 years 8 months after issue.
3/ Yield on purchase price from issue date to 2nd extended maturity date is 4.72 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

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TABLE 42-A

BONDS BEARING ISSUE DATE APRIL 1 OR MAY 1, 1956

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500 / 10000	Approximate investment yield (annual percentage rate)

Period (years and months after first extended maturity at 19 years 8 months)	(1) Redemption values during each half-year period (values increase on first day of period)* SECOND EXTENDED MATURITY PERIOD**							(2) From beginning of current maturity period to beginning of each ½-yr. pd.	(3) From beginning of each ½-yr. period to beginning of next ½-yr. pd.	(4) From beginning of each ½-yr. period to 2nd extended maturity
								Percent	Percent	Percent
0-0 to 0-6 . . . 1/	(12/1/75)	$42.54	$85.08	$170.16	$340.32	$850.80	$1701.60	$17016	——	6.02	6.00
0-6 to 1-0	(6/1/76)	43.82	87.64	175.28	350.56	876.40	1752.80	17528	6.02	5.98	6.00
1-0 to 1-6	(12/1/76)	45.13	90.26	180.52	361.04	902.60	1805.20	18052	6.00	5.98	6.00
1-6 to 2-0	(6/1/77)	46.48	92.96	185.92	371.84	929.60	1859.20	18592	5.99	6.02	6.00
2-0 to 2-6	(12/1/77)	47.88	95.76	191.52	383.04	957.60	1915.20	19152	6.00	6.02	6.00
2-6 to 3-0	(6/1/78)	49.32	98.64	197.28	394.56	986.40	1972.80	19728	6.00	5.96	6.00
3-0 to 3-6	(12/1/78)	50.79	101.58	203.16	406.32	1015.80	2031.60	20316	6.00	6.02	6.00
3-6 to 4-0	(6/1/79)	52.32	104.64	209.28	418.56	1046.40	2092.80	20928	6.00	6.00	6.00
4-0 to 4-6	(12/1/79)	53.89	107.78	215.56	431.12	1077.80	2155.60	21556	6.00	6.01	6.00
4-6 to 5-0	(6/1/80)	55.51	111.02	222.04	444.08	1110.20	2220.40	22204	6.00	5.98	6.00
5-0 to 5-6	(12/1/80)	57.17	114.34	228.68	457.36	1143.40	2286.80	22868	6.00	6.02	6.00
5-6 to 6-0	(6/1/81)	58.89	117.78	235.56	471.12	1177.80	2355.60	23556	6.00	5.98	6.00
6-0 to 6-6	(12/1/81)	60.65	121.30	242.60	485.20	1213.00	2426.00	24260	6.00	6.00	6.00
6-6 to 7-0	(6/1/82)	62.47	124.94	249.88	499.76	1249.40	2498.80	24988	6.00	6.02	6.00
7-0 to 7-6	(12/1/82)	64.35	128.70	257.40	514.80	1287.00	2574.00	25740	6.00	6.00	6.00
7-6 to 8-0	(6/1/83)	66.28	132.56	265.12	530.24	1325.60	2651.20	26512	6.00	5.97	6.00
8-0 to 8-6	(12/1/83)	68.26	136.52	273.04	546.08	1365.20	2730.40	27304	6.00	6.01	6.00
8-6 to 9-0	(6/1/84)	70.31	140.62	281.24	562.48	1406.20	2812.40	28124	6.00	6.00	6.00
9-0 to 9-6	(12/1/84)	72.42	144.84	289.68	579.36	1448.40	2896.80	28968	6.00	5.99	6.00
9-6 to10-0	(6/1/85)	74.59	149.18	298.36	596.72	1491.80	2983.60	29836	6.00	6.01	6.01
10-0 2/	(12/1/85)	76.83	153.66	307.32	614.64	1536.60	3073.20	30732	6.00 3/	——	——

1/ Month, day, and year on which issues of April 1, 1956, enter each period. For issues of May 1, 1956, add 1 month.
2/ Second extended maturity reached at 29 years 8 months after issue.
3/ Yield on purchase price from issue date to 2nd extended maturity date is 4.01 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

TABLE 43-A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH SEPT. 1, 1956

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500 / 10000	Approximate investment yield (annual percentage rate)

Period (years and months after first extended maturity at 19 years 8 months)	(1) Redemption values during each half-year period (values increase on first day of period)* SECOND EXTENDED MATURITY PERIOD**							(2) From beginning of current maturity period to beginning of each ½-yr. pd.	(3) From beginning of each ½-yr. period to beginning of next ½-yr. pd.	(4) From beginning of each ½-yr. period to 2nd extended maturity
								Percent	Percent	Percent
0-0 to 0-6 . . . 1/	(2/1/76)	$42.64	$85.28	$170.56	$341.12	$852.80	$1705.60	$17056	——	6.00	6.00
0-6 to 1-0	(8/1/76)	43.92	87.84	175.68	351.36	878.40	1756.80	17568	6.00	6.01	6.00
1-0 to 1-6	(2/1/77)	45.24	90.48	180.96	361.92	904.80	1809.60	18096	6.01	5.97	6.00
1-6 to 2-0	(8/1/77)	46.59	93.18	186.36	372.72	931.80	1863.60	18636	5.99	6.01	6.00
2-0 to 2-6	(2/1/78)	47.99	95.98	191.96	383.92	959.80	1919.60	19196	6.00	6.00	6.00
2-6 to 3-0	(8/1/78)	49.43	98.86	197.72	395.44	988.60	1977.20	19772	6.00	5.99	6.00
3-0 to 3-6	(2/1/79)	50.91	101.82	203.64	407.28	1018.20	2036.40	20364	6.00	6.01	6.00
3-6 to 4-0	(8/1/79)	52.44	104.88	209.76	419.52	1048.80	2097.60	20976	6.00	6.00	6.00
4-0 to 4-6	(2/1/80)	54.02	108.04	216.08	432.16	1080.40	2160.80	21603	6.00	5.97	6.00
4-6 to 5-0	(8/1/80)	55.64	111.28	222.56	445.12	1112.80	2225.60	22256	6.00	6.00	6.00
5-0 to 5-6	(2/1/81)	57.30	114.60	229.20	458.40	1146.00	2292.00	22920	6.00	6.00	6.00
5-6 to 6-0	(8/1/81)	59.02	118.04	236.08	472.16	1180.40	2360.80	23608	6.00	6.02	6.00
6-0 to 6-6	(2/1/82)	60.79	121.58	243.16	486.32	1215.80	2431.60	24316	6.00	6.00	6.00
6-6 to 7-0	(8/1/82)	62.62	125.24	250.48	500.96	1252.40	2504.80	25048	6.00	5.98	6.00
7-0 to 7-6	(2/1/83)	64.50	129.00	258.00	516.00	1290.00	2580.00	25800	6.00	5.99	6.00
7-6 to 8-0	(8/1/83)	66.43	132.86	265.72	531.44	1328.60	2657.20	26572	6.00	6.02	6.00
8-0 to 8-6	(2/1/84)	68.42	136.84	273.68	547.36	1368.40	2736.80	27368	6.00	5.99	6.00
8-6 to 9-0	(8/1/84)	70.48	140.96	281.92	563.84	1409.60	2819.20	28192	6.00	6.01	6.00
9-0 to 9-6	(2/1/85)	72.59	145.18	290.36	580.72	1451.80	2903.60	29036	6.00	6.01	5.99
9-6 to10-0	(8/1/85)	74.77	149.54	299.08	598.16	1495.40	2990.80	29908	6.00	5.99	——
10-0 2/	(2/1/86)	77.01	154.02	308.04	616.08	1540.20	3080.40	30804	6.00 3/	——	——

1/ Month, day, and year on which issues of June 1, 1956, enter each period. For subsequent issue months add the appropriate number of months.
2/ Second extended maturity reached at 29 years 8 months after issue.
3/ Yield on purchase price from issue date to 2nd extended maturity date is 4.02 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

TABLE 44-A

BONDS BEARING ISSUE DATE OCT. 1 OR NOV. 1, 1956

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500 / 10000	Approximate investment yield (annual percentage rate)

Period (years and months after first extended maturity at 19 years 8 months)	(1) Redemption values during each half-year period (values increase on first day of period)* SECOND EXTENDED MATURITY PERIOD**							(2) From beginning of current maturity period to beginning of each ½-yr. pd.	(3) From beginning of each ½-yr. period to beginning of next ½-yr. pd.	(4) From beginning of each ½-yr. period to 2nd extended maturity
								Percent	Percent	Percent
0-0 to 0-6 . . . 1/	(6/1/76)	$43.03	$86.06	$172.12	$344.24	$860.60	$1721.20	$17212	——	6.00	6.00
0-6 to 1-0	(12/1/76)	44.32	88.64	177.28	354.56	886.40	1772.80	17728	6.00	6.00	6.00
1-0 to 1-6	(6/1/77)	45.65	91.30	182.60	365.20	913.00	1826.00	18260	6.00	6.00	6.00
1-6 to 2-0	(12/1/77)	47.02	94.04	188.08	376.16	940.40	1880.80	18808	6.00	6.00	6.00
2-0 to 2-6	(6/1/78)	48.43	96.86	193.72	387.44	968.60	1937.20	19372	6.00	5.99	6.00
2-6 to 3-0	(12/1/78)	49.88	99.76	199.52	399.04	997.60	1995.20	19952	6.00	6.01	6.00
3-0 to 3-6	(6/1/79)	51.38	102.76	205.52	411.04	1027.60	2055.20	20552	6.00	5.99	6.00
3-6 to 4-0	(12/1/79)	52.92	105.84	211.68	423.36	1059.40	2116.80	21168	6.00	6.01	6.00
4-0 to 4-6	(6/1/80)	54.51	109.02	218.04	436.08	1090.20	2180.40	21804	6.00	5.98	6.00
4-6 to 5-0	(12/1/80)	56.14	112.28	224.56	449.12	1122.80	2245.60	22456	6.00	6.02	6.00
5-0 to 5-6	(6/1/81)	57.83	115.66	231.32	462.64	1156.60	2313.20	23132	6.00	5.98	6.00
5-6 to 6-0	(12/1/81)	59.56	119.12	238.24	476.48	1191.20	2382.40	23824	6.00	6.00	6.00
6-0 to 6-6	(6/1/82)	61.35	122.70	245.40	490.80	1227.00	2454.00	24540	6.00	6.01	6.00
6-6 to 7-0	(12/1/82)	63.19	126.38	252.76	505.52	1263.80	2527.60	25276	6.00	5.99	6.00
7-0 to 7-6	(6/1/83)	65.09	130.18	260.36	520.72	1301.80	2603.60	26036	6.00	6.00	6.00
7-6 to 8-0	(12/1/83)	67.04	134.08	268.16	536.32	1340.80	2681.60	26816	6.00	6.00	6.00
8-0 to 8-6	(6/1/84)	69.05	138.10	276.20	552.40	1381.00	2762.00	27620	6.00	6.02	6.00
8-6 to 9-0	(12/1/84)	71.12	142.24	284.48	568.96	1422.40	2844.80	28448	6.00	5.98	6.00
9-0 to 9-6	(6/1/85)	73.26	146.52	293.04	586.08	1465.20	2930.40	29304	6.00	6.02	6.00
9-6 to10-0	(12/1/85)	75.45	150.90	301.80	603.60	1509.00	3018.00	30180	6.00	——	——
10-0 2/	(6/1/86)	77.72	155.44	310.88	621.76	1554.40	3108.80	31088	6.00 3/	——	——

1/ Month, day, and year on which issues of Oct. 1, 1956, enter each period. For issues of Nov. 1, 1956, add 1 month.
2/ Second extended maturity reached at 29 years 8 months after issue.
3/ Yield on purchase price from issue date to 2nd extended maturity date is 4.85 percent.

TABLE 46-A

BONDS BEARING ISSUE DATES FROM FEB. 1 THROUGH MAY 1, 1957

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500 / 10000	Approximate investment yield (annual percentage rate)

Period (years and months after first extended maturity at 18 years 11 months)	(1) Redemption values during each half-year period (values increase on first day of period)* SECOND EXTENDED MATURITY PERIOD**							(2) From beginning of current maturity period to beginning of each ½-yr. pd.	(3) From beginning of each ½-yr. period to beginning of next ½-yr. pd.	(4) From beginning of each ½-yr. period to 2nd extended maturity
								Percent	Percent	Percent
0-0 to 0-6 . . . 1/	(1/1/76)	$42.59	$85.18	$170.36	$340.72	$851.80	$1703.60	$17036	——	6.01	6.00
0-6 to 1-0	(7/1/76)	43.87	87.74	175.48	350.96	877.40	1754.80	17548	6.01	5.97	6.00
1-0 to 1-6	(1/1/77)	45.18	90.36	180.72	361.44	903.60	1807.20	18072	5.99	6.02	6.00
1-6 to 2-0	(7/1/77)	46.54	93.08	186.16	372.32	930.80	1861.60	18616	6.00	6.02	6.00
2-0 to 2-6	(1/1/78)	47.94	95.88	191.76	383.52	958.80	1917.60	19176	6.00	5.97	6.00
2-6 to 3-0	(7/1/78)	49.37	98.74	197.48	394.96	987.40	1974.80	19748	6.00	6.00	6.00
3-0 to 3-6	(1/1/79)	50.85	101.70	203.40	406.80	1017.00	2034.00	20340	6.00	6.02	6.00
3-6 to 4-0	(7/1/79)	52.38	104.76	209.52	419.04	1047.60	2095.20	20952	6.00	5.99	6.00
4-0 to 4-6	(1/1/80)	53.95	107.90	215.80	431.60	1079.00	2158.00	21580	6.00	6.01	6.00
4-6 to 5-0	(7/1/80)	55.57	111.14	222.28	444.56	1111.40	2222.80	22228	6.00	6.01	6.00
5-0 to 5-6	(1/1/01)	57.24	114.48	228.96	457.92	1144.80	2289.60	22896	6.00	5.97	6.00
5-6 to 6-0	(7/1/81)	58.95	117.90	235.80	471.60	1179.00	2358.00	23580	6.00	6.01	6.00
6-0 to 6-6	(1/1/82)	60.72	121.44	242.88	485.76	1214.40	2428.80	24288	6.00	5.99	6.00
6-6 to 7-0	(7/1/82)	62.54	125.08	250.16	500.32	1250.80	2501.60	25016	6.00	6.01	6.00
7-0 to 7-6	(1/1/83)	64.42	128.84	257.68	515.36	1288.40	2576.80	25768	6.00	5.99	6.00
7-6 to 8-0	(7/1/83)	66.35	132.70	265.40	530.80	1327.00	2654.00	26540	6.00	6.00	6.00
8-0 to 8-6	(1/1/84)	68.34	136.68	273.36	546.72	1366.80	2733.60	27336	6.00	6.00	6.00
8-6 to 9-0	(7/1/84)	70.39	140.78	281.56	563.12	1407.80	2815.60	28156	6.00	6.02	6.00
9-0 to 9-6	(1/1/85)	72.51	145.02	290.04	580.08	1450.20	2900.40	29004	6.00	5.99	5.99
9-6 to10-0	(7/1/85)	74.68	149.36	298.72	597.44	1493.60	2987.20	29872	6.00	6.00	6.00
10-0 2/	(1/1/86)	76.92	153.84	307.68	615.36	1538.40	3076.80	30768	6.00 3/	——	——

1/ Month, day, and year on which issues of Feb. 1, 1957, enter each period. For subsequent issue months add the appropriate number of months.
2/ Second extended maturity reached at 28 years 11 months after issue.
3/ Yield on purchase price from issue date to 2nd extended maturity date is 4.94 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

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TABLE 47-A

BONDS BEARING ISSUE DATE JUNE 1, 1957

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500 / 10000	Approximate investment yield (annual percentage rate)		
Period (years and months after first extended maturity at 18 years 11 months)	(1) Redemption values during each half-year period (values increase on first day of period)* SECOND EXTENDED MATURITY PERIOD**							(2) From beginning of current maturity period to beginning of each ½-yr. pd.	(3) From beginning of each ½-yr. period to beginning of next ½-yr. pd.	(4) From beginning of each ½-yr. period to 2nd extended maturity
								Percent	Percent	Percent
0-0 to 0-6 . . . 1/ (5/1/76)	$42.78	$85.56	$171.12	$342.24	$855.60	$1711.20	$17112	----	5.98	6.00
0-6 to 1-0 . . . . (11/1/76)	44.06	88.12	176.24	352.48	881.20	1762.40	17624	5.98	6.04	6.00
1-0 to 1-6 . . . . (5/1/77)	45.39	90.78	181.56	363.12	907.80	1815.60	18156	6.01	5.99	6.00
1-6 to 2-0 . . . . (11/1/77)	46.75	93.50	187.00	374.00	935.00	1870.00	18700	6.00	5.99	6.00
2-0 to 2-6 . . . . (5/1/78)	48.15	96.30	192.60	385.20	963.00	1926.00	19260	6.00	5.98	6.00
2-6 to 3-0 . . . . (11/1/78)	49.59	99.18	198.36	396.72	991.80	1983.60	19836	6.00	6.01	6.00
3-0 to 3-6 . . . . (5/1/79)	51.08	102.16	204.32	408.64	1021.60	2043.20	20432	6.00	5.99	6.00
3-6 to 4-0 . . . . (11/1/79)	52.61	105.22	210.44	420.88	1052.20	2104.40	21044	6.00	6.01	6.00
4-0 to 4-6 . . . . (5/1/80)	54.19	108.38	216.76	433.52	1083.80	2167.60	21676	6.00	6.02	6.00
4-6 to 5-0 . . . . (11/1/80)	55.82	111.64	223.28	446.56	1116.40	2232.80	22328	6.00	5.98	6.00
5-0 to 5-6 . . . . (5/1/81)	57.49	114.98	229.96	459.92	1149.80	2299.60	22996	6.00	6.02	6.00
5-6 to 6-0 . . . . (11/1/81)	59.22	118.44	236.88	473.76	1184.40	2368.80	23688	6.00	5.98	6.00
6-0 to 6-6 . . . . (5/1/82)	60.99	121.98	243.96	487.92	1219.80	2439.60	24396	6.00	6.00	6.00
6-6 to 7-0 . . . . (11/1/82)	62.82	125.64	251.28	502.56	1256.40	2512.80	25128	6.00	6.02	6.00
7-0 to 7-6 . . . . (5/1/83)	64.71	129.42	258.84	517.68	1294.20	2588.40	25884	6.00	6.00	6.00
7-6 to 8-0 . . . . (11/1/83)	66.65	133.30	266.60	533.20	1333.00	2666.00	26660	6.00	6.00	6.00
8-0 to 8-6 . . . . (5/1/84)	68.65	137.30	274.60	549.20	1373.00	2746.00	27460	6.00	6.00	6.00
8-6 to 9-0 . . . . (11/1/84)	70.71	141.42	282.84	565.68	1414.20	2828.40	28284	6.00	5.99	6.01
9-0 to 9-6 . . . . (5/1/85)	72.83	145.66	291.32	582.64	1456.60	2913.20	29132	6.00	6.03	6.03
9-6 to10-0 . . . . (11/1/85)	75.01	150.02	300.04	600.08	1500.20	3000.40	30004	6.00	----	----
10-0 2/ . . . . . (5/1/86)	77.27	154.54	309.08	618.16	1545.40	3090.80	30908	6.00 3/	----	----

1/ Month, day, and year on which issues of June 1, 1957, enter each period.
2/ Second extended maturity reached at 28 years 11 months after issue.
3/ Yield on purchase price from issue date to 2nd extended maturity date is 4.96 percent.

TABLE 48-A

BONDS BEARING ISSUE DATES FROM JULY 1 THROUGH NOV. 1, 1957

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500 / 10000	Approximate investment yield (annual percentage rate)		
Period (years and months after first extended maturity at 18 years 11 months)	(1) Redemption values during each half-year period (values increase on first day of period)* SECOND EXTENDED MATURITY PERIOD**							(2) From beginning of current maturity period to beginning of each ½-yr. pd.	(3) From beginning of each ½-yr. period to beginning of next ½-yr. pd.	(4) From beginning of each ½-yr. period to 2nd extended maturity
								Percent	Percent	Percent
0-0 to 0-6 . . . 1/ (6/1/76)	$43.16	$86.32	$172.64	$345.28	$863.20	$1726.40	$17264	----	5.98	6.00
0-6 to 1-0 . . . . (12/1/76)	44.45	88.90	177.80	355.60	889.00	1778.00	17780	5.98	6.03	6.00
1-0 to 1-6 . . . . (6/1/77)	45.79	91.58	183.16	366.32	915.80	1831.60	18316	6.00	5.98	6.00
1-6 to 2-0 . . . . (12/1/77)	47.16	94.32	188.64	377.28	943.20	1886.40	18864	6.00	6.02	6.00
2-0 to 2-6 . . . . (6/1/78)	48.58	97.16	194.32	388.64	971.60	1943.20	19432	6.00	5.97	6.00
2-6 to 3-0 . . . . (12/1/78)	50.03	100.06	200.12	400.24	1000.60	2001.20	20012	6.00	6.04	6.00
3-0 to 3-6 . . . . (6/1/79)	51.54	103.08	206.16	412.32	1030.80	2061.60	20616	6.00	5.98	6.00
3-6 to 4-0 . . . . (12/1/79)	53.08	106.16	212.32	424.64	1061.60	2123.20	21232	6.00	5.99	6.00
4-0 to 4-6 . . . . (6/1/80)	54.67	109.34	218.68	437.36	1093.40	2186.80	21868	6.00	6.00	6.00
4-6 to 5-0 . . . . (12/1/80)	56.31	112.62	225.24	450.48	1126.20	2252.40	22524	6.00	6.00	6.00
5-0 to 5-6 . . . . (6/1/81)	58.00	116.00	232.00	464.00	1160.00	2320.00	23200	6.00	6.00	6.00
5-6 to 6-0 . . . . (12/1/81)	59.74	119.48	238.96	477.92	1194.80	2389.60	23896	6.00	6.03	6.00
6-0 to 6-6 . . . . (6/1/82)	61.54	123.08	246.16	492.32	1230.80	2461.60	24616	6.00	5.98	6.00
6-6 to 7-0 . . . . (12/1/82)	63.38	126.76	253.52	507.04	1267.60	2535.20	25352	6.00	6.00	6.00
7-0 to 7-6 . . . . (6/1/83)	65.28	130.56	261.12	522.24	1305.60	2611.20	26112	6.00	6.00	6.00
7-6 to 8-0 . . . . (12/1/83)	67.24	134.48	269.96	537.92	1344.80	2689.60	26896	6.00	6.01	6.00
8-0 to 8-6 . . . . (6/1/84)	69.26	138.52	277.04	554.08	1385.20	2770.40	27704	6.00	6.00	6.00
8-6 to 9-0 . . . . (12/1/84)	71.34	142.68	285.36	570.72	1426.80	2853.60	28536	6.00	5.99	5.99
9-0 to 9-6 . . . . (6/1/85)	73.48	146.96	293.92	587.84	1469.60	2939.20	29392	6.00	6.00	5.99
9-6 to10-0 . . . . (12/1/85)	75.68	151.36	302.72	605.44	1513.60	3027.20	30272	6.00	----	----
10-0 2/ . . . . . (6/1/86)	77.95	155.90	311.80	623.60	1559.00	3118.00	31180	6.00 3/	----	----

1/ Month, day, and year on which issues of July 1, 1957, enter each period. For subsequent issue months add the appropriate number of months.
2/ Second extended maturity reached at 28 years 11 months after issue.
3/ Yield on purchase price from issue date to 2nd extended maturity date is 4.99 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

TABLE 87-A

BONDS BEARING ISSUE DATES FROM DEC. 1, 1968, THROUGH MAY 1, 1969

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$56.25 / 75.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500 / 10000	Approximate investment yield (annual percentage rate)		
Period (years and months after original maturity at 7 years 0 months)	(1) Redemption values during each half-year period (values increase on first day of period)* EXTENDED MATURITY PERIOD**								(2) From beginning of current maturity period to beginning of each ½-yr. pd.	(3) From beginning of each ½-yr. period to beginning of next ½-yr. pd.	(4) From beginning of each ½-yr. period to extended maturity
									Percent	Percent	Percent
0-0 to 0-6 . . . 1/(12/1/75)	$27.11	$54.22	$81.33	$108.44	$216.88	$542.20	$1084.40	$10844	----	5.98	6.00
0-6 to 1-0 . . . . (6/1/76)	27.92	55.84	83.76	111.68	223.36	558.40	1116.80	11168	5.98	6.02	6.00
1-0 to 1-6 . . . . (12/1/76)	28.76	57.52	86.28	115.04	230.08	575.20	1150.40	11504	6.00	5.98	6.00
1-6 to 2-0 . . . . (6/1/77)	29.62	59.24	88.86	118.48	236.96	592.40	1184.80	11848	5.99	6.01	6.00
2-0 to 2-6 . . . . (12/1/77)	30.51	61.02	91.53	122.04	244.08	610.20	1220.40	12204	6.00	6.03	6.00
2-6 to 3-0 . . . . (6/1/78)	31.43	62.86	94.29	125.72	251.44	628.60	1257.20	12572	6.00	5.98	6.00
3-0 to 3-6 . . . . (12/1/78)	32.37	64.74	97.11	129.48	258.96	647.40	1294.80	12948	6.00	5.99	6.00
3-6 to 4-0 . . . . (6/1/79)	33.34	66.68	100.02	133.36	266.72	666.80	1333.60	13336	6.00	6.00	6.00
4-0 to 4-6 . . . . (12/1/79)	34.34	68.68	103.02	137.36	274.72	686.80	1373.60	13736	6.00	6.00	6.00
4-6 to 5-0 . . . . (6/1/80)	35.37	70.74	106.11	141.48	282.96	707.40	1414.80	14148	6.00	5.99	6.00
5-0 to 5-6 . . . . (12/1/80)	36.43	72.86	109.29	145.72	291.44	728.60	1457.20	14572	6.00	6.04	6.00
5-6 to 6-0 . . . . (6/1/81)	37.53	75.06	112.59	150.12	300.24	750.60	1501.20	15012	6.00	5.97	6.00
6-0 to 6-6 . . . . (12/1/81)	38.65	77.30	115.95	154.60	309.20	773.00	1546.00	15460	6.00	6.00	6.00
6-6 to 7-0 . . . . (6/1/82)	39.81	79.62	119.43	159.24	318.48	796.20	1592.40	15924	6.00	6.03	6.00
7-0 to 7-6 . . . . (12/1/82)	41.01	82.02	123.03	164.04	328.08	820.20	1640.40	16404	6.00	6.00	5.99
7-6 to 8-0 . . . . (6/1/83)	42.24	84.48	126.72	168.96	337.92	844.80	1689.60	16896	6.00	5.97	5.99
8-0 to 8-6 . . . . (12/1/83)	43.50	87.00	130.50	174.00	348.00	870.00	1740.00	17400	6.00	6.02	6.00
8-6 to 9-0 . . . . (6/1/84)	44.81	89.62	134.43	179.24	358.48	896.20	1792.40	17924	6.00	5.98	5.99
9-0 to 9-6 . . . . (12/1/84)	46.15	92.30	138.45	184.60	369.20	923.00	1846.00	18460	6.00	6.02	6.00
9-6 to10-0 . . . . (6/1/85)	47.54	95.08	142.62	190.16	380.32	950.80	1901.60	19016	6.00	5.97	5.97
10-0 2/ . . . . . (12/1/85)	48.96	97.92	146.88	195.84	391.68	979.20	1958.40	19584	6.00 3/	----	----

1/ Month, day, and year on which issues of Dec. 1, 1968, enter each period. For subsequent issue months add the appropriate number of months.
2/ Extended maturity reached at 17 years 0 months after issue.
3/ Yield on purchase price from issue date to extended maturity date is 5.73 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

TABLE 89-A

BONDS BEARING ISSUE DATES FROM DEC. 1, 1969, THROUGH MAY 1, 1970.

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$56.25 / 75.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500 / 10000	Approximate investment yield (annual percentage rate)		
Period (years and months after original maturity at 5 years 10 months)	(1) Redemption values during each half-year period (values increase on first day of period)* EXTENDED MATURITY PERIOD**								(2) From beginning of current maturity period to beginning of each ½-yr. pd.	(3) From beginning of each ½-yr. period to beginning of next ½-yr. pd.	(4) From beginning of each ½-yr. period to extended maturity
									Percent	Percent	Percent
0-0 to 0-6 . . . 1/(10/1/75)	$25.90	$51.80	$77.70	$103.60	$207.20	$518.00	$1036.00	$10360	----	6.02	6.00
0-6 to 1-0 . . . . (4/1/76)	26.68	53.36	80.04	106.72	213.44	533.60	1067.20	10672	6.02	6.00	6.00
1-0 to 1-6 . . . . (10/1/76)	27.48	54.96	82.44	109.92	219.84	549.60	1099.20	10992	6.01	5.97	6.00
1-6 to 2-0 . . . . (4/1/77)	28.30	56.60	84.90	113.20	226.40	566.00	1132.00	11320	6.00	6.01	6.00
2-0 to 2-6 . . . . (10/1/77)	29.15	58.30	87.45	116.60	233.20	583.00	1166.00	11660	6.00	6.04	6.00
2-6 to 3-0 . . . . (4/1/78)	30.03	60.06	90.09	120.12	240.24	600.60	1201.20	12012	6.01	5.99	6.00
3-0 to 3-6 . . . . (10/1/78)	30.93	61.86	92.79	123.72	247.44	618.60	1237.20	12372	6.00	5.95	6.00
3-6 to 4-0 . . . . (4/1/79)	31.85	63.70	95.55	127.40	254.80	637.00	1274.00	12740	6.00	6.03	6.00
4-0 to 4-6 . . . . (10/1/79)	32.81	65.62	98.43	131.24	262.48	656.20	1312.40	13124	6.00	5.97	6.00
4-6 to 5-0 . . . . (4/1/80)	33.79	67.58	101.37	135.16	270.32	675.80	1351.60	13516	6.00	6.04	6.00
5-0 to 5-6 . . . . (10/1/80)	34.81	69.62	104.43	139.24	278.48	696.20	1392.40	13924	6.00	5.98	6.00
5-6 to 6-0 . . . . (4/1/81)	35.85	71.70	107.55	143.40	286.80	717.00	1434.00	14340	6.00	6.03	6.00
6-0 to 6-6 . . . . (10/1/81)	36.93	73.86	110.79	147.72	295.44	738.60	1477.20	14772	6.00	6.01	6.00
6-6 to 7-0 . . . . (4/1/82)	38.04	76.08	114.12	152.16	304.32	760.80	1521.60	15216	6.00	5.99	6.00
7-0 to 7-6 . . . . (10/1/82)	39.18	78.36	117.54	156.72	313.44	783.60	1567.20	15672	6.00	5.97	6.00
7-6 to 8-0 . . . . (4/1/83)	40.35	80.70	121.05	161.40	322.80	807.00	1614.00	16140	6.00	6.00	6.00
8-0 to 8-6 . . . . (10/1/83)	41.56	83.12	124.68	166.24	332.48	831.20	1662.40	16624	6.00	6.02	6.00
8-6 to 9-0 . . . . (4/1/84)	42.81	85.62	128.43	171.24	342.48	856.20	1712.40	17124	6.00	5.98	6.00
9-0 to 9-6 . . . . (10/1/84)	44.09	88.18	132.27	176.36	352.72	881.80	1763.60	17636	6.00	6.03	6.01
9-6 to10-0 . . . . (4/1/85)	45.42	90.84	136.26	181.68	363.36	908.40	1816.80	18168	6.00	5.99	5.99
10-0 2/ . . . . . (10/1/85)	46.78	93.56	140.34	187.12	374.24	935.60	1871.20	18712	6.00 3/	----	----

1/ Month, day, and year on which issues of Dec. 1, 1969, enter each period. For subsequent issue months add the appropriate number of months.
2/ Extended maturity reached at 15 years 10 months after issue.
3/ Yield on purchase price from issue date to extended maturity date is 5.86 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

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TABLE 90-A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1970

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$56.25 / 75.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1000.00	$7500 / 10000	Approximate investment yield (annual percentage rate)
Period (years and months after original maturity at 5 years 10 months)	(1) Redemption values during each half-year period (values increase on first day of period)* EXTENDED MATURITY PERIOD**								(2) From beginning of current maturity period to beginning of each ½-yr. pd.
0-0 to 0-6	1/(4/1/76)	$26.02	$52.04	$78.06	$104.08	$208.16	$520.40	$1040.80	$10403	Percent ——
0-6 to 1-0	(10/1/76)	26.80	53.60	80.40	107.20	214.40	536.00	1072.00	10720	6.00
1-0 to 1-6	(4/1/77)	27.60	55.20	82.80	110.40	220.80	552.00	1104.00	11040	5.98
1-6 to 2-0	(10/1/77)	28.43	56.86	85.29	113.72	227.44	568.60	1137.20	11372	5.99
2-0 to 2-6	(4/1/78)	29.29	58.58	87.87	117.16	234.32	585.80	1171.60	11716	6.01
2-6 to 3-0	(10/1/78)	30.16	60.32	90.48	120.64	241.28	603.20	1206.40	12064	5.99
3-0 to 3-6	(4/1/79)	31.07	62.14	93.21	124.28	248.56	621.40	1242.80	12428	6.00
3-6 to 4-0	(10/1/79)	32.00	64.00	96.00	128.00	256.00	640.00	1280.00	12800	6.00
4-0 to 4-6	(4/1/80)	32.96	65.92	98.88	131.84	263.68	659.20	1318.40	13184	6.00
4-6 to 5-0	(10/1/80)	33.95	67.90	101.85	135.80	271.60	679.00	1358.00	13580	6.00
5-0 to 5-6	(4/1/81)	34.97	69.94	104.91	139.88	279.76	699.40	1398.80	13988	6.00
5-6 to 6-0	(10/1/81)	36.02	72.04	108.06	144.08	288.16	720.40	1440.80	14408	6.00
6-0 to 6-6	(4/1/82)	37.10	74.20	111.30	148.40	296.80	742.00	1484.00	14840	6.00
6-6 to 7-0	(10/1/82)	38.21	76.42	114.63	152.84	305.68	764.20	1528.40	15284	6.00
7-0 to 7-6	(4/1/83)	39.36	78.72	118.08	157.44	314.88	787.20	1574.40	15744	6.00
7-6 to 8-0	(10/1/83)	40.54	81.08	121.62	162.16	324.32	810.80	1621.60	16216	6.00
8-0 to 8-6	(4/1/84)	41.75	83.50	125.25	167.00	334.00	835.00	1670.00	16700	6.00
8-6 to 9-0	(10/1/84)	43.01	86.02	129.03	172.04	344.08	860.20	1720.40	17204	6.00
9-0 to 9-6	(4/1/85)	44.30	88.60	132.90	177.20	354.40	886.00	1772.00	17720	6.00
9-6 to10-0	(10/1/85)	45.63	91.26	136.89	182.52	365.04	912.60	1825.20	18252	6.00
10-0 2/	(4/1/86)	47.00	94.00	141.00	188.00	376.00	940.00	1880.00	18800	6.00 3/

(3) From beginning of each ½-yr. period to beginning of next ½-yr. pd.	(4) From beginning of each ½-yr. period to extended maturity
Percent ——	Percent ——
5.97	6.00
6.01	6.00
6.05	6.00
5.94	6.00
6.03	6.00
5.99	6.00
6.00	6.00
6.01	6.00
6.01	6.00
6.01	6.00
6.00	6.00
5.98	6.00
6.02	6.00
6.00	6.00
5.97	6.00
6.04	6.01
6.00	6.00
6.00	6.00
6.00	6.00
6.00	6.00

1/ Month, day, and year on which issues of June 1, 1970, enter each period. For subsequent issue months add the appropriate number of months.
2/ Extended maturity reached at 15 years 10 months after issue.
3/ Yield on purchase price from issue date to extended maturity date is 5.89 percent.

* For earlier redemption values and yields see appropriate table in Department Circular 653, 9th Revision, as amended and supplemented.
** This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 6.00 percent.

[FR Doc.75-34313 Filed 12-19-75;8:45 am]

federal register

MONDAY, DECEMBER 22, 1975



PART III:

DEPARTMENT OF THE TREASURY

Fiscal Service,
Bureau of the Public Debt

■

U.S. SAVINGS BONDS, SERIES H

Dept. Circular No. 905,
6th Rev.
1st Amendment

V40I246 DEC 22 75 XUM

Title 31—Money and Finance

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 332—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES H

Extended Terms and Improved Yields for Bonds

Department of the Treasury Circular No. 905, Sixth Revision, dated March 18, 1974, and the tables incorporated therein (31 CFR Part 332), are hereby amended for the purpose of granting a second 10-year extended maturity period to United States saving bonds, Series H, bearing issue dates of February 1, 1957, through May 1, 1959, and providing tables showing the schedule of interest payments and investment yields for the next extended maturity period for bonds bearing issue dates of October 1, 1955, through January 1, 1957; June 1, 1965, through November 1, 1966.

Section 332.8(a) (2) and (3) is accordingly revised, and Tables 9–A, 10–A, 11–A, 29–A, 30–A and 31–A are added, as follows:

§ 332.8 **Extended terms and improved yields for outstanding bonds.**

(a) *Extended maturity periods.* • • •

(2) *Bonds with issue dates June 1, 1952, through May 1, 1959.* Owners of Series H bonds with issue dates of June 1, 1952, through May 1, 1959, may retain their bonds for a second extended maturity period of 10 years.

(3) *Bonds with issue dates of June 1, 1959, or thereafter.* Owners of Series H bonds with issue dates of June 1, 1959, or thereafter, may retain their bonds for an extended maturity period of 10 years.

• • • • • •

The foregoing revisions and amendment were effected under authority of section 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 757c), and 5 U.S.C. 301. Notice and public procedures thereon are unnecessary as the fiscal policy of the United States is involved.

Dated: December 9, 1975.

DAVID MOSSO,
Fiscal Assistant Secretary.

TABLE 9-A

BONDS BEARING ISSUE DATES FROM OCT. 1, 1955 THROUGH MAR. 1, 1956

ISSUE PRICE • • • • • • • • • REDEMPTION AND MATURITY VALUE	$500 500	$1,000 1,000	$5,000 5,000	$10,000 10,000	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
PERIOD OF TIME BOND IS HELD AFTER EXTENDED MATURITY AT 19 YEARS, 8 MONTHS	(1) AMOUNTS OF INTEREST CHECKS FOR EACH DENOMINATION • SECOND EXTENDED MATURITY PERIOD••				(2) FROM BEGINNING OF CURRENT MATURITY PD. TO EA. INTEREST PMT. DATE
.5 YEARS • • •1/ (12/1/75)	$15.00	$30.00	$150.00	$300.00	6.00
1.0 YEARS • • • • (6/1/76)	15.00	30.00	150.00	300.00	6.00
1.5 YEARS • • • •(12/1/76)	15.00	30.00	150.00	300.00	6.00
2.0 YEARS • • • • (6/1/77)	15.00	30.00	150.00	300.00	6.00
2.5 YEARS • • • • (12/1/77)	15.00	30.00	150.00	300.00	6.00
3.0 YEARS • • • • (6/1/78)	15.00	30.00	150.00	300.00	6.00
3.5 YEARS • • • • (12/1/78)	15.00	30.00	150.00	300.00	6.00
4.0 YEARS • • • • (6/1/79)	15.00	30.00	150.00	300.00	6.00
4.5 YEARS • • • • (12/1/79)	15.00	30.00	150.00	300.00	6.00
5.0 YEARS • • • • (6/1/80)	15.00	30.00	150.00	300.00	6.00
5.5 YEARS • • • • (12/1/80)	15.00	30.00	150.00	300.00	6.00
6.0 YEARS • • • • (6/1/81)	15.00	30.00	150.00	300.00	6.00
6.5 YEARS • • • • (12/1/81)	15.00	30.00	150.00	300.00	6.00
7.0 YEARS • • • • (6/1/82)	15.00	30.00	150.00	300.00	6.00
7.5 YEARS • • • • (12/1/82)	15.00	30.00	150.00	300.00	6.00
8.0 YEARS • • • • (6/1/83)	15.00	30.00	150.00	300.00	6.00
8.5 YEARS • • • • (12/1/83)	15.00	30.00	150.00	300.00	6.00
9.0 YEARS • • • • (6/1/84)	15.00	30.00	150.00	300.00	6.00
9.5 YEARS • • • • (12/1/84)	15.00	30.00	150.00	300.00	6.00
10.0 YEARS 2/• • • (6/1/85)	15.00	30.00	150.00	300.00	3/ 6.00

PERIOD OF TIME BOND IS HELD AFTER EXTENDED MATURITY AT 19 YEARS, 8 MONTHS	(3) FOR HALF-YEAR PD. PRECEDING INTEREST PAYMENT DATE	(4) FROM EACH INTEREST PMT. DATE TO 2ND EXTENDED MATURITY
	PERCENT	PERCENT
.5 YEARS • • •1/ (12/1/75)	6.00	6.00
1.0 YEARS • • • • (6/1/76)	6.00	6.00
1.5 YEARS • • • •(12/1/76)	6.00	6.00
2.0 YEARS • • • • (6/1/77)	6.00	6.00
2.5 YEARS • • • • (12/1/77)	6.00	6.00
3.0 YEARS • • • • (6/1/78)	6.00	6.00
3.5 YEARS • • • • (12/1/78)	6.00	6.00
4.0 YEARS • • • • (6/1/79)	6.00	6.00
4.5 YEARS • • • • (12/1/79)	6.00	6.00
5.0 YEARS • • • • (6/1/80)	6.00	6.00
5.5 YEARS • • • • (12/1/80)	6.00	6.00
6.0 YEARS • • • • (6/1/81)	6.00	6.00
6.5 YEARS • • • • (12/1/81)	6.00	6.00
7.0 YEARS • • • • (6/1/82)	6.00	6.00
7.5 YEARS • • • • (12/1/82)	6.00	6.00
8.0 YEARS • • • • (6/1/83)	6.00	6.00
8.5 YEARS • • • • (12/1/83)	6.00	6.00
9.0 YEARS • • • • (6/1/84)	6.00	6.00
9.5 YEARS • • • • (12/1/84)	6.00	6.00
10.0 YEARS 2/• • • (6/1/85)	3/ 6.00	----

1/ MONTH, DAY AND YEAR ON WHICH INTEREST CHECK IS PAYABLE ON ISSUES OF OCT. 1, 1955. FOR SUBSEQUENT ISSUE MONTHS ADD APPROPRIATE NUMBER OF MONTHS.

2/ SECOND EXTENDED MATURITY REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE DATE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO SECOND EXTENDED MATURITY DATE ON BONDS DATED: OCT. 1 AND NOV. 1, 1955 IS 4.31%; DEC. 1, 1955 THROUGH MAR. 1, 1956 IS 4.32%.

• FOR EARLIER INTEREST CHECKS AND YIELDS SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 905, 6TH REVISION, AS AMENDED AND SUPPLEMENTED.

•• THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES H BONDS BEING ISSUED AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.00 PERCENT.

TABLE 10-A

BONDS BEARING ISSUE DATES FROM APR. 1 THROUGH SEP. 1, 1956

ISSUE PRICE • • • • • • • • • REDEMPTION AND MATURITY VALUE	$500 500	$1,000 1,000	$5,000 5,000	$10,000 10,000	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
PERIOD OF TIME BOND IS HELD AFTER EXTENDED MATURITY AT 19 YEARS, 8 MONTHS	(1) AMOUNTS OF INTEREST CHECKS FOR EACH DENOMINATION • SECOND EXTENDED MATURITY PERIOD••				(2) FROM BEGINNING OF CURRENT MATURITY PD. TO EA. INTEREST PMT. DATE
.5 YEARS • • •1/ (6/1/76)	$15.00	$30.00	$150.00	$300.00	6.00
1.0 YEARS • • • • (12/1/76)	15.00	30.00	150.00	300.00	6.00
1.5 YEARS • • • • (6/1/77)	15.00	30.00	150.00	300.00	6.00
2.0 YEARS • • • • (12/1/77)	15.00	30.00	150.00	300.00	6.00
2.5 YEARS • • • • (6/1/78)	15.00	30.00	150.00	300.00	6.00
3.0 YEARS • • • • (12/1/78)	15.00	30.00	150.00	300.00	6.00
3.5 YEARS • • • • (6/1/79)	15.00	30.00	150.00	300.00	6.00
4.0 YEARS • • • • (12/1/79)	15.00	30.00	150.00	300.00	6.00
4.5 YEARS • • • • (6/1/80)	15.00	30.00	150.00	300.00	6.00
5.0 YEARS • • • • (12/1/80)	15.00	30.00	150.00	300.00	6.00
5.5 YEARS • • • • (6/1/81)	15.00	30.00	150.00	300.00	6.00
6.0 YEARS • • • • (12/1/81)	15.00	30.00	150.00	300.00	6.00
6.5 YEARS • • • • (6/1/82)	15.00	30.00	150.00	300.00	6.00
7.0 YEARS • • • • (12/1/82)	15.00	30.00	150.00	300.00	6.00
7.5 YEARS • • • • (6/1/83)	15.00	30.00	150.00	300.00	6.00
8.0 YEARS • • • • (12/1/83)	15.00	30.00	150.00	300.00	6.00
8.5 YEARS • • • • (6/1/84)	15.00	30.00	150.00	300.00	6.00
9.0 YEARS • • • • (12/1/84)	15.00	30.00	150.00	300.00	6.00
9.5 YEARS • • • • (6/1/85)	15.00	30.00	150.00	300.00	6.00
10.0 YEARS 2/• • • (12/1/85)	15.00	30.00	150.00	300.00	3/ 6.00

PERIOD OF TIME BOND IS HELD AFTER EXTENDED MATURITY AT 19 YEARS, 8 MONTHS	(3) FOR HALF-YEAR PD. PRECEDING INTEREST PAYMENT DATE	(4) FROM EACH INTEREST PMT. DATE TO 2ND EXTENDED MATURITY
	PERCENT	PERCENT
.5 YEARS • • •1/ (6/1/76)	6.00	6.00
1.0 YEARS • • • • (12/1/76)	6.00	6.00
1.5 YEARS • • • • (6/1/77)	6.00	6.00
2.0 YEARS • • • • (12/1/77)	6.00	6.00
2.5 YEARS • • • • (6/1/78)	6.00	6.00
3.0 YEARS • • • • (12/1/78)	6.00	6.00
3.5 YEARS • • • • (6/1/79)	6.00	6.00
4.0 YEARS • • • • (12/1/79)	6.00	6.00
4.5 YEARS • • • • (6/1/80)	6.00	6.00
5.0 YEARS • • • • (12/1/80)	6.00	6.00
5.5 YEARS • • • • (6/1/81)	6.00	6.00
6.0 YEARS • • • • (12/1/81)	6.00	6.00
6.5 YEARS • • • • (6/1/82)	6.00	6.00
7.0 YEARS • • • • (12/1/82)	6.00	6.00
7.5 YEARS • • • • (6/1/83)	6.00	6.00
8.0 YEARS • • • • (12/1/83)	6.00	6.00
8.5 YEARS • • • • (6/1/84)	6.00	6.00
9.0 YEARS • • • • (12/1/84)	6.00	6.00
9.5 YEARS • • • • (6/1/85)	6.00	6.00
10.0 YEARS 2/• • • (12/1/85)	3/ 6.00	----

1/ MONTH, DAY AND YEAR ON WHICH INTEREST CHECK IS PAYABLE ON ISSUES OF APR. 1, 1956. FOR SUBSEQUENT ISSUE MONTHS ADD APPROPRIATE NUMBER OF MONTHS.

2/ SECOND EXTENDED MATURITY REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE DATE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO SECOND EXTENDED MATURITY DATE ON BONDS DATED: APR. 1 AND MAY 1, 1956 IS 4.38%; JUNE 1 THROUGH SEP. 1, 1956 IS 4.40%.

• FOR EARLIER INTEREST CHECKS AND YIELDS SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 905, 6TH REVISION, AS AMENDED AND SUPPLEMENTED.

•• THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES H BONDS BEING ISSUED AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.00 PERCENT.

TABLE 11-A

BONDS BEARING ISSUE DATES FROM OCT. 1, 1956 THROUGH JAN. 1, 1957

ISSUE PRICE • • • • • • • • • REDEMPTION AND MATURITY VALUE	$500 500	$1,000 1,000	$5,000 5,000	$10,000 10,000	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
PERIOD OF TIME BOND IS HELD AFTER EXTENDED MATURITY AT 19 YEARS, 8 MONTHS	(1) AMOUNTS OF INTEREST CHECKS FOR EACH DENOMINATION • SECOND EXTENDED MATURITY PERIOD••				(2) FROM BEGINNING OF CURRENT MATURITY PD. TO EA. INTEREST PMT. DATE
.5 YEARS • • •1/ (12/1/76)	$15.00	$30.00	$150.00	$300.00	6.00
1.0 YEARS • • • • (6/1/77)	15.00	30.00	150.00	300.00	6.00
1.5 YEARS • • • •(12/1/77)	15.00	30.00	150.00	300.00	6.00
2.0 YEARS • • • • (6/1/78)	15.00	30.00	150.00	300.00	6.00
2.5 YEARS • • • • (12/1/78)	15.00	30.00	150.00	300.00	6.00
3.0 YEARS • • • • (6/1/79)	15.00	30.00	150.00	300.00	6.00
3.5 YEARS • • • • (12/1/79)	15.00	30.00	150.00	300.00	6.00
4.0 YEARS • • • • (6/1/80)	15.00	30.00	150.00	300.00	6.00
4.5 YEARS • • • • (12/1/80)	15.00	30.00	150.00	300.00	6.00
5.0 YEARS • • • • (6/1/81)	15.00	30.00	150.00	300.00	6.00
5.5 YEARS • • • • (12/1/81)	15.00	30.00	150.00	300.00	6.00
6.0 YEARS • • • • (6/1/82)	15.00	30.00	150.00	300.00	6.00
6.5 YEARS • • • • (12/1/82)	15.00	30.00	150.00	300.00	6.00
7.0 YEARS • • • • (6/1/83)	15.00	30.00	150.00	300.00	6.00
7.5 YEARS • • • • (12/1/83)	15.00	30.00	150.00	300.00	6.00
8.0 YEARS • • • • (6/1/84)	15.00	30.00	150.00	300.00	6.00
8.5 YEARS • • • • (12/1/84)	15.00	30.00	150.00	300.00	6.00
9.0 YEARS • • • • (6/1/85)	15.00	30.00	150.00	300.00	6.00
9.5 YEARS • • • • (12/1/85)	15.00	30.00	150.00	300.00	6.00
10.0 YEARS 2/• • • (6/1/86)	15.00	30.00	150.00	300.00	3/ 6.00

PERIOD OF TIME BOND IS HELD AFTER EXTENDED MATURITY AT 19 YEARS, 8 MONTHS	(3) FOR HALF-YEAR PD. PRECEDING INTEREST PAYMENT DATE	(4) FROM EACH INTEREST PMT. DATE TO 2ND EXTENDED MATURITY
	PERCENT	PERCENT
.5 YEARS • • •1/ (12/1/76)	6.00	6.00
1.0 YEARS • • • • (6/1/77)	6.00	6.00
1.5 YEARS • • • •(12/1/77)	6.00	6.00
2.0 YEARS • • • • (6/1/78)	6.00	6.00
2.5 YEARS • • • • (12/1/78)	6.00	6.00
3.0 YEARS • • • • (6/1/79)	6.00	6.00
3.5 YEARS • • • • (12/1/79)	6.00	6.00
4.0 YEARS • • • • (6/1/80)	6.00	6.00
4.5 YEARS • • • • (12/1/80)	6.00	6.00
5.0 YEARS • • • • (6/1/81)	6.00	6.00
5.5 YEARS • • • • (12/1/81)	6.00	6.00
6.0 YEARS • • • • (6/1/82)	6.00	6.00
6.5 YEARS • • • • (12/1/82)	6.00	6.00
7.0 YEARS • • • • (6/1/83)	6.00	6.00
7.5 YEARS • • • • (12/1/83)	6.00	6.00
8.0 YEARS • • • • (6/1/84)	6.00	6.00
8.5 YEARS • • • • (12/1/84)	6.00	6.00
9.0 YEARS • • • • (6/1/85)	6.00	6.00
9.5 YEARS • • • • (12/1/85)	6.00	6.00
10.0 YEARS 2/• • • (6/1/86)	3/ 6.00	----

1/ MONTH, DAY AND YEAR ON WHICH INTEREST CHECK IS PAYABLE ON ISSUES OF OCT. 1, 1956. FOR SUBSEQUENT ISSUE MONTHS ADD APPROPRIATE NUMBER OF MONTHS.

2/ SECOND EXTENDED MATURITY REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE DATE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO SECOND EXTENDED MATURITY DATE ON BONDS DATED: OCT. 1 AND NOV. 1, 1956 IS 4.43%; DEC. 1, 1956 THROUGH JAN. 1, 1957 IS 4.45%.

• FOR EARLIER INTEREST CHECKS AND YIELDS SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 905, 6TH REVISION, AS AMENDED AND SUPPLEMENTED.

•• THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES H BONDS BEING ISSUED AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.00 PERCENT.

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TABLE 29-A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1965

ISSUE PRICE / REDEMPTION AND MATURITY VALUE	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD OF TIME BOND IS HELD AFTER FIRST MATURITY AT 10 YEARS, 0 MONTHS	(1) AMOUNTS OF INTEREST CHECKS FOR EACH DENOMINATION *, EXTENDED MATURITY PERIOD**				(2) FROM BEGINNING OF CURRENT MATURITY PD. TO E.A. INTEREST PMT. DATE	(3) FOR HALF-YEAR PD. PRECEDING INTEREST PAYMENT DATE	(4) FROM EACH INTEREST PMT. DATE TO FIRST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
.5 YEARS . . .1/	12/1/75	$15.00	$30.00	$150.00	$300.00	6.00	6.00	6.00
1.0 YEARS	6/1/76	15.00	30.00	150.00	300.00	6.00	6.00	6.00
1.5 YEARS	12/1/76	15.00	30.00	150.00	300.00	6.00	6.00	6.00
2.0 YEARS	6/1/77	15.00	30.00	150.00	300.00	6.00	6.00	6.00
2.5 YEARS	12/1/77	15.00	30.00	150.00	300.00	6.00	6.00	6.00
3.0 YEARS	6/1/78	15.00	30.00	150.00	300.00	6.00	6.00	6.00
3.5 YEARS	12/1/78	15.00	30.00	150.00	300.00	6.00	6.00	6.00
4.0 YEARS	6/1/79	15.00	30.00	150.00	300.00	6.00	6.00	6.00
4.5 YEARS	12/1/79	15.00	30.00	150.00	300.00	6.00	6.00	6.00
5.0 YEARS	6/1/80	15.00	30.00	150.00	300.00	6.00	6.00	6.00
5.5 YEARS	12/1/80	15.00	30.00	150.00	300.00	6.00	6.00	6.00
6.0 YEARS	6/1/81	15.00	30.00	150.00	300.00	6.00	6.00	6.00
6.5 YEARS	12/1/81	15.00	30.00	150.00	300.00	6.00	6.00	6.00
7.0 YEARS	6/1/82	15.00	30.00	150.00	300.00	6.00	6.00	6.00
7.5 YEARS	12/1/82	15.00	30.00	150.00	300.00	6.00	6.00	6.00
8.0 YEARS	6/1/83	15.00	30.00	150.00	300.00	6.00	6.00	6.00
8.5 YEARS	12/1/83	15.00	30.00	150.00	300.00	6.00	6.00	6.00
9.0 YEARS	6/1/84	15.00	30.00	150.00	300.00	6.00	6.00	6.00
9.5 YEARS	12/1/84	15.00	30.00	150.00	300.00	6.00	6.00	6.00
10.0 YEARS 2/. . .	6/1/85	15.00	30.00	150.00	300.00	3/ 6.00	6.00	----

1/ MONTH, DAY AND YEAR ON WHICH INTEREST CHECK IS PAYABLE ON ISSUES OF JUNE 1, 1965, FOR SUBSEQUENT ISSUE MONTHS ADD APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY REACHED AT 20 YEARS AND 0 MONTHS AFTER ISSUE DATE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO EXTENDED MATURITY IS 5.13%.

* FOR EARLIER INTEREST CHECKS AND YIELDS SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 905, 6TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES H BONDS BEING ISSUED AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.00 PERCENT.

TABLE 30-A

BONDS BEARING ISSUE DATES FROM DEC. 1, 1965 THROUGH MAY 1, 1966

ISSUE PRICE / REDEMPTION AND MATURITY VALUE	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD OF TIME BOND IS HELD AFTER FIRST MATURITY AT 10 YEARS, 0 MONTHS	(1) AMOUNTS OF INTEREST CHECKS FOR EACH DENOMINATION *, EXTENDED MATURITY PERIOD**				(2) FROM BEGINNING OF CURRENT MATURITY PD. TO E.A. INTEREST PMT. DATE	(3) FOR HALF-YEAR PD. PRECEDING INTEREST PAYMENT DATE	(4) FROM EACH INTEREST PMT. DATE TO FIRST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
.5 YEARS . . .1/	6/1/76	$15.00	$30.00	$150.00	$300.00	6.00	6.00	6.00
1.0 YEARS	12/1/76	15.00	30.00	150.00	300.00	6.00	6.00	6.00
1.5 YEARS	6/1/77	15.00	30.00	150.00	300.00	6.00	6.00	6.00
2.0 YEARS	12/1/77	15.00	30.00	150.00	300.00	6.00	6.00	6.00
2.5 YEARS	6/1/78	15.00	30.00	150.00	300.00	6.00	6.00	6.00
3.0 YEARS	12/1/78	15.00	30.00	150.00	300.00	6.00	6.00	6.00
3.5 YEARS	6/1/79	15.00	30.00	150.00	300.00	6.00	6.00	6.00
4.0 YEARS	12/1/79	15.00	30.00	150.00	300.00	6.00	6.00	6.00
4.5 YEARS	6/1/80	15.00	30.00	150.00	300.00	6.00	6.00	6.00
5.0 YEARS	12/1/80	15.00	30.00	150.00	300.00	6.00	6.00	6.00
5.5 YEARS	6/1/81	15.00	30.00	150.00	300.00	6.00	6.00	6.00
6.0 YEARS	12/1/81	15.00	30.00	150.00	300.00	6.00	6.00	6.00
6.5 YEARS	6/1/82	15.00	30.00	150.00	300.00	6.00	6.00	6.00
7.0 YEARS	12/1/82	15.00	30.00	150.00	300.00	6.00	6.00	6.00
7.5 YEARS	6/1/83	15.00	30.00	150.00	300.00	6.00	6.00	6.00
8.0 YEARS	12/1/83	15.00	30.00	150.00	300.00	6.00	6.00	6.00
8.5 YEARS	6/1/84	15.00	30.00	150.00	300.00	6.00	6.00	6.00
9.0 YEARS	12/1/84	15.00	30.00	150.00	300.00	6.00	6.00	6.00
9.5 YEARS	6/1/85	15.00	30.00	150.00	300.00	6.00	6.00	6.00
10.0 YEARS 2/. . .	12/1/85	15.00	30.00	150.00	300.00	3/ 6.00	6.00	----

1/ MONTH, DAY AND YEAR ON WHICH INTEREST CHECK IS PAYABLE ON ISSUES OF DEC. 1, 1965, FOR SUBSEQUENT ISSUE MONTHS ADD APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY REACHED AT 20 YEARS AND 0 MONTHS AFTER ISSUE DATE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO EXTENDED MATURITY IS 5.29%.

* FOR EARLIER INTEREST CHECKS AND YIELDS SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 905, 6TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES H BONDS BEING ISSUED AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.00 PERCENT.

TABLE 31-A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1966

ISSUE PRICE / REDEMPTION AND MATURITY VALUE	$500 / 500	$1,000 / 1,000	$5,000 / 5,000	$10,000 / 10,000	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD OF TIME BOND IS HELD AFTER FIRST MATURITY AT 10 YEARS, 0 MONTHS	(1) AMOUNTS OF INTEREST CHECKS FOR EACH DENOMINATION *, EXTENDED MATURITY PERIOD**				(2) FROM BEGINNING OF CURRENT MATURITY PD. TO E.A. INTEREST PMT. DATE	(3) FOR HALF-YEAR PD. PRECEDING INTEREST PAYMENT DATE	(4) FROM EACH INTEREST PMT. DATE TO FIRST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
.5 YEARS . . .1/	12/1/76	$15.00	$30.00	$150.00	$300.00	6.00	6.00	6.00
1.0 YEARS	6/1/77	15.00	30.00	150.00	300.00	6.00	6.00	6.00
1.5 YEARS	12/1/77	15.00	30.00	150.00	300.00	6.00	6.00	6.00
2.0 YEARS	6/1/78	15.00	30.00	150.00	300.00	6.00	6.00	6.00
2.5 YEARS	12/1/78	15.00	30.00	150.00	300.00	6.00	6.00	6.00
3.0 YEARS	6/1/79	15.00	30.00	150.00	300.00	6.00	6.00	6.00
3.5 YEARS	12/1/79	15.00	30.00	150.00	300.00	6.00	6.00	6.00
4.0 YEARS	6/1/80	15.00	30.00	150.00	300.00	6.00	6.00	6.00
4.5 YEARS	12/1/80	15.00	30.00	150.00	300.00	6.00	6.00	6.00
5.0 YEARS	6/1/81	15.00	30.00	150.00	300.00	6.00	6.00	6.00
5.5 YEARS	12/1/81	15.00	30.00	150.00	300.00	6.00	6.00	6.00
6.0 YEARS	6/1/82	15.00	30.00	150.00	300.00	6.00	6.00	6.00
6.5 YEARS	12/1/82	15.00	30.00	150.00	300.00	6.00	6.00	6.00
7.0 YEARS	6/1/83	15.00	30.00	150.00	300.00	6.00	6.00	6.00
7.5 YEARS	12/1/83	15.00	30.00	150.00	300.00	6.00	6.00	6.00
8.0 YEARS	6/1/84	15.00	30.00	150.00	300.00	6.00	6.00	6.00
8.5 YEARS	12/1/84	15.00	30.00	150.00	300.00	6.00	6.00	6.00
9.0 YEARS	6/1/85	15.00	30.00	150.00	300.00	6.00	6.00	6.00
9.5 YEARS	12/1/85	15.00	30.00	150.00	300.00	6.00	6.00	6.00
10.0 YEARS 2/. . .	6/1/86	15.00	30.00	150.00	300.00	3/ 6.00	6.00	----

1/ MONTH, DAY AND YEAR ON WHICH INTEREST CHECK IS PAYABLE ON ISSUES OF JUNE 1, 1966, FOR SUBSEQUENT ISSUE MONTHS ADD APPROPRIATE NUMBER OF MONTHS.
2/ EXTENDED MATURITY REACHED AT 20 YEARS AND 0 MONTHS AFTER ISSUE DATE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO EXTENDED MATURITY IS 5.35%.

* FOR EARLIER INTEREST CHECKS AND YIELDS SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 905, 6TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES H BONDS BEING ISSUED AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 6.00 PERCENT.

[FR Doc.75-34314 Filed 12-19-75;8:45 am]

V40246 DEC 22 75 XUM

federal register

MONDAY, DECEMBER 22, 1975



PART IV:

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

■

TURKEYS

National Poultry Improvement Plan and Auxiliary Provisions

V40246 DEC 22 75 XUM

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 445, 447]

NATIONAL POULTRY IMPROVEMENT PLAN AND AUXILIARY PROVISIONS

Proposed Miscellaneous Changes

Notice is hereby given, under the administrative procedure provisions of 5 U.S.C. 553, that the Department of Agriculture has under consideration proposed amendments of the National Poultry Improvement Plan and Auxiliary Provisions recommended by the General Conference Committee, National Poultry Improvement Plan at their September 9–10, 1975 meeting, and that pursuant to section 101(b) of the Department of Agriculture Organic Act of 1944, as amended (7 U.S.C. 429), it is proposed to revise Parts 445 and 447 of Title 9, Chapter IV, Subchapter A, Code of Federal Regulations, to incorporate such recommended amendments and to make incidental changes for clarity and consistency.

These proposed amendments are concerned with the voluntary "U.S. Salmonella Controlled" program for turkey breeding flocks. They would amend the criteria for the program to provide monitoring techniques to measure the effectiveness of the sanitation practices carried out by the turkey breeder and hatcheryman.

Parts 445 and 447 would be amended in the following respects:

1. Section 445.1 would be amended by adding new paragraphs (cc) and (dd) to read as follows:

§ 445.1 Definitions.

• • • • • •

(cc) *Salmonella.* Any of the species of the bacteria belonging to the Salmonella genus.

(dd) ***Colon bacilli.*** For the purpose of this chapter, those organisms which are gram negative, non spore-forming bacilli, which ferment lactose with gas formation, and serve as an index of fecal contamination.

2. Section 445.10(f) would be revised to read as follows:

§ 445.10 Terminology and classification; flocks, products, and States.

• • • • • •

(f) *U.S. Salmonella Monitored*—(see § 445.43(f).)



Figure 7

• • • • •

3. Section 445.43(f) would be revised to read as follows:

§ 445.43 Terminology and classification.

• • • • • •

(f) *U.S. Salmonella Monitored.* (1) A flock meeting the following management, premises, and egg sanitation requirements as determined by the Official State Agency and the Service.

(i) (*a*) The flock is maintained in compliance with the appropriate paragraphs found in § 447.21 of this chapter as determined by the Official State Agency.

(*b*) Hatching eggs will be handled as described in § 447.22 of this chapter and fumigated on the farm, as described in § 447.25 (a) of this chapter: *Provided,* That alternative sanitizing procedures may be used with the approval of the Official State Agency in each specific instance and with the general concurrence of the Service in the policy adopted by the Official State Agency. Approval of alternative sanitizing procedures will not be considered an indication of their relative effectiveness.

(ii) Cloacal swabs or environmental samples will be collected by a State Inspector or Authorized Agent from each tom and hen flock between 16 and 32 weeks of age, as described in § 447.12 of this chapter. These samples will be cultured for Salmonella organisms by an authorized laboratory. If Salmonella is isolated, the State Inspector will conduct, at the onset of egg production, an inspection of the breeding flock premises, egg handling and sanitation facilities, and management practices in order to determine if adequate sanitation practices exist, and will review his findings with the participant or his designated representative.

(iii) The flock, flock premises, and egg handling and sanitation facilities and procedures will be inspected by a State Inspector twice during the egg production season for compliance with sanitation requirements. At each visit, the shells of 120 sanitized, cased, hatching eggs will be swabbed, and the swabs bacteriologically examined for the presence of colon bacilli as described in § 447.13 of this chapter and none found: *Provided,* That if the tests indicate the presence of a colon bacilli, the Official State Agency shall immediately contact the participant to report the findings and to inform him that corrective measures are required within 48 hours. Effectiveness of corrective measures will be evaluated by a series of tests of sanitized eggs conducted by a State Inspector as described above. The first test of the series should be made within 5 days of finding the positive sample, and may be made from eggs in the breeding flock's egg room or at the hatchery. Subsequent tests will be at 5 day intervals and will continue until two consecutive negative tests are obtained.

(2) This classification may be revoked by the Official State Agency, if the participant fails to follow recommended corrective measures.

4. Subpart B would be amended by adding a new § 447.13 to read as follows:

Sec.
447.13 Procedure for bacteriological culturing of eggshells for colon bacilli organisms.

5. Part 447, Subpart B, would be amended by adding a new § 447.13 to read as follows:

§ 447.13 Procedure for bacteriological culturing of eggshells for colon bacilli organisms.

Proper precautions to avoid environmental contamination of the samples during the collection and laboratory process, and proper handling of the samples following collection are essential. Each State Inspector involved in eggshell culture activities must receive instruction in the necessary sanitation procedures, sampling procedures, and sample handling by the authorized laboratory involved. The Official State Agency will maintain a record showing that the required instruction was given to each State Inspector.

(a) *Sample selection.* Forty (40) eggs in the top flats of each of three randomly selected cases of sanitized eggs from each flock will be utilized for each sampling.

(b) *Swab procedure.* A 2.5 centimeter diameter circular area of the large end of each of the eggs will be rubbed with a sterile swab previously moistened with sterile lactose broth, or other suitable liquid media provided by the authorized laboratory. One swab will be used for five eggs, and four swabs will be pooled to each sterile, capped tube provided by the authorized laboratory.

(1) From the tube containing four swabs and lactose broth or other suitable media, 1 ml. will be transferred to 10 ml. lactose in a fermentation tube.

(2) Incubate at 37°C for 48 hours. The presence of acid, and gas in the amount of 10 percent or more after 24 and 48 hours of incubation, provides a presumptive conclusion of the presence of colon bacilli organisms.

6. Section 447.21 would be amended by adding a new paragraph (i) to read as follows:

§ 447.21 Flock sanitation.

• • • • • •

(i) Feed, pelleted by heat process, should be fed to all age groups. Proper feed pelleting procedures can destroy many disease producing organisms contaminating feedstuffs.

7. Section 447.22 would be amended by revising paragraphs (d) and (e) and adding paragraphs (f) and (g) as follows:

§ 447.22 Hatching egg sanitation.

• • • • • •

(d) Egg handlers should thoroughly wash their hands with soap and water and change to clean outer garments prior to handling the sanitized eggs. Sanitized eggs should be immediately removed from the cleaning and grading area and preferably removed to a separate clean and sanitized room. A wall-installed fumigation cabinet (or authorized sanitizing equipment) through which eggs can be passed from the receiving and cleaning area to the sanitary packing and storage areas is a good practice.

(e) The sanitized eggs should be placed in new flats or sanitized reuseable flats or racks. New or clean, fumigated, used cases should be utilized for packing. Proper temperature and humidity in the egg cleaning, packing, and storage areas should be maintained. Eggs should be stored no longer than necessary before setting.

(f) The entire egg processing area should be cleaned and sanitized daily on a routine basis; dust, insects, feathers, and other airborne debris should be effectively controlled to prevent recontamination of sanitized eggs. Ink stamps and pads shall be maintained in a sterile condition.

(g) The egg processing building or area should be designed, located, and constructed of such materials as to assure that proper egg sanitation procedures can be carried out, and that the building itself can be easily, effectively, and routinely sanitized. The egg processing building or area should be considered part of a hatchery and the same construction details and physical and personnel sanitation requirements implemented.

9. Section 447.25(a)(1) would be revised to read as follows:

§ 447.25 Fumigation.

• • • • • •

(a) • • •

(1) Provide a room or cabinet proportionate to the number of eggs to be handled. The room or cabinet should be airtight and must be equipped with a fan to circulate the gas during fumigation and to expel it after fumigation.

• • • • • •

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments to the National Poultry Improvement Plan and Auxiliary Provisions may do so by filing them with the Chairman, Animal Physiology and Genetics Institute, Bldg. 161, BARC-East, Beltsville, Maryland 20705 by January 22, 1976.

All written submissions made pursuant to this notice will be made available for public inspection at said Institute at times and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 15th day of December 1975.

T. W. EDMINSTER,
Administrator,
Agricultural Research Service.

[FR Doc.75-34351 Filed 12-19-75;8:45 am]

V 401246 DEC 22 75 D XUM

federal register

MONDAY, DECEMBER 22, 1975



PART V:

FEDERAL ELECTION COMMISSION

ADVISORY OPINIONS

Requests 1975–119 Through 1975–121

V40246 DEC 22 75 XUM

FEDERAL ELECTION COMMISSION

[Notice 1975-96, AOR 1975-119—AOR 1975-120—AOR 1975-121]

ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975-4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Requests 1975-119 through 1975-121 are published today.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests on or before January 2, 1976. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street, NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Pub. L. Citations.

AOR 1975-119: PAYMENT OF HONORARIUM BY CORPORATION TO FEDERAL CANDIDATE APPEARING OUTSIDE ELECTORATE (REQUEST EDITED BY COMMISSION)

SIRS: We would appreciate an advisory opinion on the following situation regarding (18 U.S.C. 616) • • • concerning honorariums.

A Senator, who is a candidate in 1976, has been invited to address a private luncheon meeting of approximately 100 executives who work at the corporate headquarters of an international business organization. While the headquarters is not located in the Senator's home state, it is anticipated that approximately 20 executives attending reside in the Senator's home state.

The corporation extended the invitation to the Senator in order to get his views on a number of issues before the Senate that will impact the economy generally, and the business community specifically.

Can the Senator accept an honorarium? Will such honorarium be considered a campaign contribution and charged against his limitations under the provisions of section 608(c), 1(C)?

/S/ J. BENNETT JOHNSTON.
TED STEVENS.

Source: Democratic Senatorial Campaign Committee, J. Bennett Johnston, Chairman, Senate Office Building, Washington, D.C. 20510 (November 21, 1975).

National Republican Senatorial Committee, Ted Stevens, Chairman, Senate Office Building, Washington, D.C. 20510 (November 21, 1975).

AOR 1975-120: REFUND OF CONTRIBUTION BY A STATE PARTY SUBCOMMITTEE (REQUEST EDITED BY THE COMMISSION)

(COMMISSIONERS): (This is a request for an advisory opinion on the following matter). • • • The Clifford Allen for Congress Committee received a check in the amount of Two Thousand Five Hundred Dollars ($2,500) from the Tennessee Democratic Party Telethon Committee. • • •

The Chairman of the Tennessee Democratic Party and the Treasurer of the Tennessee Democratic Party had stated to the Clifford Allen Committee that the check was from the Tennessee Democratic Party. Members of our staff failed to recognize that the check was drawn on a account labeled Tennessee Democratic Party Telethon Committee • • • (a committee) • • • registered with the United States House of Representatives in July 1975.

In order to avoid even the appearance of impropriety we have refunded One Thousand Five Hundred ($1,500) Dollars to the Tennessee Democratic Party Telethon Committee while we await your advisory opinion • • • concerning this matter. Our questions are (1) does a subcommittee of a State Committee of a political party come within the exception in section 608(f)(1); (2) is our committee required by law to refund any portion of this check to the Tennessee Democratic Party Telethon Committee; (3) if a refund is required, what amount must be refunded; (4) may a portion of the check be allocated for the primary election and another portion allocated for the general election? • • •

• • • • •

/S/ JOE HAMNER.

Source: Clifford Allen For Congress, Joe Hamner, Chairman, 212 25th Avenue, North, Parkview Towers, Nashville, Tennessee 37203 (November 24, 1975).

AOR 1975-121: STATE POLITICAL COMMITTEE'S FINANCIAL ORGANIZATION (REQUEST EDITED BY THE COMMISSION)

SIRS: • • • [T]he Indiana Democratic State Central Committee respectfully requests an Advisory Opinion from the Federal Election Commission with respect to • • • its financing plans. • • • [T]he Indiana Democratic State Central Committee is in the process of restructuring its financial affairs. • • • This restructing will result in the State Committee operating three accounts: • • •

I. *State Committee General Account.* • • • This is the account of record for the State Committee. The elected chairman of the State Committee and the elected Treasurer of the State Committee will serve as officers of the Account. The Account will not register with the Federal Election Commission nor will it file reports with the Commission. • • • The Account will be the depository for all general receipts of the State Committee • • •. Neither corporate nor union contributions will be solicited for this fund but, since corporate and union contributions to state and local candidates and committees are permitted under Indiana law, • • • funds transferred to the Account from local committees or candidates may include some corporate or union donations. • • • The Account will be used to meet the ordinary and necessary operating expenses of the State Committee and used to support Democratic candidates. However, no money from the account will be contributed to, transferred to or spent on behalf of any candidate for Federal office or [to] the Congressional Victory Fund.

II. *State Committee Development Fund.* • • • The 1974 Indiana General Assembly • • • removed Indiana's ban on corporate and union political contributions. • • • The Development Fund is designed to be the depository for such contributions. • • • The Development Fund will not register with the Federal Election Commission nor will it file reports with the Commission. • • •

[The Development Fund will make expenditures similar in purpose to disbursements from the General Account] • • • [N]o money from the Development Fund will be contributed to, transferred to or spent on behalf of any candidate for Federal office or to the Congressional Victory Fund.

• • • The Development Fund will publish a periodic newsletter designed to inform contributors to the Development Fund and others with a close affinity to the Democratic Party. • • • Mention may be made in the newsletter of candidates for Federal office. • • • In addition, the newsletter may be used to solicit contributions but no contributions will be solicited in the newsletter for any candidate for Federal office or for the Congressional Victory Fund.

III. *Indiana Democratic State Central Committee Congressional Victory Fund.* • • • The Indiana Democratic State Central Committee will establish a separate Federal campaign committee which will designate a segregated Federal campaign account in either a state or national bank. The account will not receive contributions other than contributions earmarked for the Fund and any contribution or expenditure from the Fund will be made exclusively to or for a candidate or candidates for Federal office. This Fund will not receive transfers from any account established by the State Committee or any subordinate committee of the State Committee unless they are Federal campaign committees. • • • The Fund will have a chairman and treasurer. • • • The Fund will file a Statement of Organization with the Commission and will file reports and statements of contributions received and expenditures made. • • •

• • • It is anticipated that Democratic candidates for Congress in Indiana will play an active role in soliciting contributions for the Congressional Victory Fund. Such solicitations shall clearly identify the purpose of such contributions so that earmarking of contributions to specific candidates does not occur. • • •

• • • The Fund will advise:

(1) All individual contributors that contributions to the Fund are included in the $25,000 aggregate [calendar year] limit (18 U.S.C. 608(b)(3));

(2) All contributors that the Fund will not accept earmarked contributions for specific candidates for Federal office. • • •

• • • • • •

The Fund will make every effort to expand $10,000 on behalf of each Indiana Democratic Congressional candidate in the general election, • • • adjusted by any increase in the "cost-of-living". • • •

The State Committee may delegate responsibility for expenditure of some or all of these sums on candidate's behalf to subordinate committees of the state committee. • • • Should the Fund receive insufficient contributions to permit expenditures on behalf of candidates at the maximum level permitted by law (18 U.S.C. 608(f)(3)(B)), or should, for any reason, the Fund not expend the maximum amount on behalf of any candidate (resulting in a surplus of funds), the Indiana Democratic State Central Committee will determine the allocation and distribution of such funds. • • • The Fund may, in certain circumstances, make direct contributions to a candidate. • • •

Signed BILL K. TRISLER.

Source: Indiana Democratic State Central Committee, Bill K. Trisler, Chairman, 311 West Washington Street, Indianapolis, Indiana 46204 (November 24, 1975).

Dated: December 12, 1975.

VERNON W. THOMSON,
Commissioner for the Federal Election Commission.

[FR Doc.75-34467 Filed 12-19-75;8:45 am]

V40246 DEC 22 75 XUM

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247

Vol. 40—No. 247
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federal register

TUESDAY, DECEMBER 23, 1975

highlights

PART I:

VETERANS BENEFITS
VA rules on awards to remarried widows and widowers whose subsequent marriages have terminated; effective 12-16-75 59346

MOTOR VEHICLE LIGHTS
DOT/NHTSA clarifies specifications for certain types of headlamps; effective 12-23-75 59349

FREEDOM OF INFORMATION
Privacy Protection Study Commission implements regulations; effective 11-4-75 59316

PRIVACY ACT
The following agencies issue documents relating to the implementation:
Defense Manpower Commission 59313
Privacy Protection Study Commission 59314

EXPORTS
Commerce/DIBA amends documentation requirements; effective 12-17-75 59325

INFLATION
Council on Wage and Price Stability adopts rules on investigations 59334

HEALTH SERVICES
HEW/PHS establishes factors for consideration in project continuations; effective 12-23-75 59346

PUBLIC ASSISTANCE
HEW/SRS proposes amendments on need standards; comments by 1-22-76 59353

CONTINUED INSIDE

PART II:

BLIND REHABILITATION PROGRAMS
HEW/OHD proposes regulations on vending facilities; comments by 2-6-76 59407

PART III:

ENERGY
FEA publishes notice of list of applications for relief filed between 12-5 and 12-12-75 59417

V 40 247 DEC 23 75 XUM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/FAA—Sikorsky S–61L, S–61N, S–61NM, and S–61R Helicopters; airworthiness directive.. 54424; 11–24–75

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HIGHLIGHTS—Continued

INDIAN EDUCATION
HEW/OE gives notice of closing date for receipt of applications for elementary and secondary school assistance.. 59366

INVESTMENT SECURITIES
Treasury/Comptroller rules on eligibility for underwriting and unlimited holdings 59318

MERGERS
FHLBB issues regulations (2 documents); effective 1–26–76 59322, 59323

NEW ANIMAL DRUGS
HEW/FDA approves certain combination drug as anesthetic in cats; effective 12–23–75 59342

MEETINGS—
OMB: American Statistical Association Advisory Committee on Statistical Policy, 2–13–76 59382
DOT/FAA: Radio Technical Commission for Aeronautics, Special Committee 125–MLS Implementation, 1–14 and 1–15–75 59368
CRC/Advisory Committees:
California, 2–6–76 59373
Florida, 1–22–76 59374
Hawaii, 1–30–76 59374
Colorado, 1–10–76 59373
Idaho, 1–23–76 59374
Maine, 1–14–76 59374
North Dakota, 1–19–76 59374
Nevada, 2–13–76 59374
Oregon, 2–9–76 59374
Washington, 1–17–76 59375
State: Shipping Coordinating Committee, Subcommittee on Safety of Life At Sea; 1–15–76 59356
International Radio Consultative Committee, Study Groups 5, 10, and 11 (2 documents), 1–15 and 1–16–76 59356
DOD: Science Board Task Force on Surface Naval Warfare, 1–21 and 1–22–76 59357
Science Board Task Force on Verification, 1–21–76 59357
HEW/National Advisory Council on the Education of Disadvantaged Children, 1–19–76 59367
Health Insurance Benefits Advisory Council, 1–22 and 1–23–76 59367
President's Commission on Olympic Sports, 1–8 thru 1–10–76 59367
NIH: Pulmonary Young Investigator Grant Committee; 1–8–76 59367
NRC: Advisory Committee on Reactor Safeguards, Working Group on Anticipated Transients Without Scram, 1–7–76 59379
USDA/AMS: Hop Marketing Advisory Board, 1–4–76 59364
Justice/LEAA: Law Enforcement/Private Security Relationship Study Committee, 1–8–76 59360

POSTPONED HEARING
HEW/Administration on Aging: Nevada; Fiscal Year 1976 State Plan 59366

contents

ADMINISTRATION ON AGING
Notices
Nevada; Fiscal Year 1976 State plan; change of hearing date 59366

AGRICULTURAL MARKETING SERVICE
Rules
Olives grown in Calif 59318
Proposed Rules
Milk marketing orders:
Minneapolis-St. Paul and certain other areas 59353
Notices
Meetings:
Hop Marketing Advisory Board 59364

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Forest Service; Soil Conservation Service.
Notices
Meetings:
Citizens Advisory Committee on Civil Rights 59365

ALCOHOL, TOBACCO, AND FIREARMS BUREAU
Notices
Administrative action guidelines; publication 59356

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Inspection and handling of livestock for exportation:
Addition of Cincinnati, Ohio to list of airports 59318

ANTITRUST DIVISION, JUSTICE DEPARTMENT
Notices
Competitive impact statements and proposed consent judgements; U.S. versus listed companies:
Foote Mineral Co. and Metallgesellschaft A.G 59357

CIVIL AERONAUTICS BOARD
Notices
Emergency air transportation requirements 59368
Hearings, etc.:
Flying Tiger Transpacific, et al 59369
International Air Transport Association 59370
National Air Carrier Association and Lufthansa German Airlines 59371
Pan American World Airways, Inc 59371
Seattle Gateway-Japan Service investigation, et al 59372

CIVIL RIGHTS COMMISSION
Notices
Meetings, State advisory committees:
California 59373
Colorado 59373
Florida 59374
Hawaii 59374
Idaho 59374
Maine 59374
Nevada 59374
North Dakota and South Dakota 59374
Oregon 59374
Washington 59375

COMMERCE DEPARTMENT
See Domestic and International Business Administration; Maritime Administration; Patent and Trademark Office.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS
Notices
Man-made textiles, import restrictions:
El Salvador 59375

COMMUNITY PLANNING AND DEVELOPMENT, OFFICE OF ASSISTANT SECRETARY
Notices
Authority delegation:
Regional Administrators, et al 59368

V40247 DEC 23 75 XUM

CONTENTS

COMPTROLLER OF THE CURRENCY
Rules
Investment securities; eligibility for underwriting and unlimited holdings ---------- 59318

DEFENSE DEPARTMENT
Notices
Meetings:
Science Board Task Force on Surface Warfare---------- 59357
Science Board Task Force on Verification ---------- 59357

DEFENSE MANPOWER COMMISSION
Rules
Privacy Act of 1974; implementation ---------- 59313

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Rules
Export licensing:
Documentation requirements--- 59325
Notices
Josef Cremer; termination of indefinite denial order---------- 59366

EDUCATION OFFICE
Notices
Indian elementary and secondary school assistance; closing date for receipt of applications----- 59366

ENVIRONMENTAL PROTECTION AGENCY
Notices
Pesticide applicator certification; State plans:
West Virginia---------- 59375

FEDERAL AVIATION ADMINISTRATION
Proposed Rules
Transport category airplanes; type A passenger emergency exit capacity---------- 59354
Notices
Meetings:
Radio Technical Commission for Aeronautics, Special Committee 125–MLS Implementation- 59368

FEDERAL DEPOSIT INSURANCE CORPORATION
Rules
Delegation of authority to act on certain applications; correction- 59322

FEDERAL ENERGY ADMINISTRATION
Notices
Cases filed with the Office of Exceptions and Appeals; week of December 5 to 12, 1975-------- 59417

FEDERAL HOME LOAN BANK BOARD
Rules
Federal savings and loan system:
Mergers (2 documents)-- 59322, 59323

FEDERAL INSURANCE ADMINISTRATION
Rules
National Flood Insurance Program:
Areas eligible for sale of insurance (2 documents)--- 59342, 59344

FEDERAL RESERVE SYSTEM
Rules
Treatment of Put and Call Options and combinations thereof as securities; correction---------- 59322
Notices
Applications, etc.:
Banks of Iowa, Inc---------- 59376
Morrill and Janes Bancshares, Inc ---------- 59376
Southern Bancorporation, Inc- 59377

FISH AND WILDLIFE SERVICE
Rules
Fishing:
Mark Twain National Refuge-- 59349
Public access, use and recreation:
Mackay Island National Wildlife Refuge, N.C. and Va---- 59348

FOOD AND DRUG ADMINISTRATION
Rules
Animal drugs, feeds and related products:
Ketamine, hydrochloride, promazine hydrochloride and aminopentamide hydrogen sulfate ---------- 59342

FOREST SERVICE
Notices
Environmental impact statements; availability, etc.:
East River and Upper Crystal River Land Use Plan-------- 59364
Mt. Welba Land Use Plan----- 59365

HAZARDOUS MATERIALS OPERATIONS OFFICE
Notices
Special permits issued---------- 59368

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Administration on Aging; Education Office; Food and Drug Administration; Human Development Office; National Institute of Health; Public Health Service; Social and Rehabilitation Service.
Notices
Meetings:
Health Insurance Benefits Advisory Council---------- 59367
National Advisory Council on the Education of Disadvantaged Children---------- 59367
President's Commission on Olympic Sports---------- 59367

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Community Planning and Development, Office of Assistant Secretary; Federal Insurance Administration.

HUMAN DEVELOPMENT OFFICE
Proposed Rules
Vending facility program for the blind on Federal and other property ---------- 59407

INDIAN AFFAIRS BUREAU
Notices
Judgment funds; plan for use and distribution:
Creek Nation of Okla--------- 59360
Navajo Tribe---------- 59361
Name and location change:
Western Navajo Agency, Eastern Nevada Agency and Pierre Indian Learning Center ---------- 59361

INTERIOR DEPARTMENT
See also Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau.
Notices
Allocation of peaking power; Colorado River Storage Project--- 59362
Environmental impact statements; availability, etc.:
West Burley Service---------- 59361

INTERNATIONAL TRADE COMMISSION
Notices
Import investigations:
Conditions and competition between domestic and imported shrimp ---------- 59377
Dry wall screws---------- 59377
Shrimp ---------- 59377

INTERSTATE COMMERCE COMMISSION
Notices
Hearing assignments (2 documents) ---------- 59388
Motor carriers:
Alternate route deviation notices ---------- 59403
Applications and certain other proceedings ---------- 59400
Intrastate applications-------- 59404
Irregular route property carriers; gateway elimination--- 59388
Transfer proceedings--------- 59403

JUSTICE DEPARTMENT
See Antitrust Division, Justice Department; Law Enforcement Assistance Administration.

LABOR DEPARTMENT
See also Occupational Safety and Health Administration.
Notices
Adjustment assistance:
Al-Berto, Inc---------- 59384
Carroll Manufacturing Co. and English American Tailoring Co ---------- 59385
H. Freeman and Son, Inc----- 59385
Haas Tailoring Company, Inc.- 59386
Lousons Knitting Mills, Inc. and Marder Knitting Mills, Inc-- 59386
Scott and Williams, Inc------- 59387

LAND MANAGEMENT BUREAU
Rules
Public land orders:
Alaska (3 documents) --- 59347, 59348
Notices
Applications, etc.:
New Mexico---------- 59361

CONTENTS

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
Notices
Meetings:
Law Enforcement/Private Security Relationship Study Committee ---------- 59360

LEGAL SERVICES CORPORATION
Rules
State advisory councils; appointment of---------- 59351

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests ---------- 59382
Meetings:
American Statistical Association Advisory Committee on Statistical Policy---------- 59382

MARITIME ADMINISTRATION
Rules
Merchant Marine Academy; admission and training of midshipmen ---------- 59348

NATIONAL CAPITAL PLANNING COMMISSION
Notices
Authority delegations:
Definitions ---------- 59378

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Rules
Motor vehicle safety standards:
Lighting ---------- 59349

NATIONAL INSTITUTES OF HEALTH
Notices
Meetings:
Pulmonary Young Investigation Grant Committee---------- 59367

NUCLEAR REGULATORY COMMISSION
Notices
Meetings:
Reactor Safeguards Advisory Committee ---------- 59379
Regulatory guides; issuance and availability ---------- 59381
Applications, etc.:
Carolina Power & Light Co---- 59379
Duane Arnold Energy Center-- 59381
General Electric Co., et al----- 59380
Iowa Electric Light & Power Co ---------- 59381

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Rules
State plans for enforcement of standards:
Washington ---------- 59345
Proposed Rules
State plan changes for development and enforcement of standards:
Hawaii ---------- 59355
Notices
Application, etc.:
Smith Industries, Inc---------- 59384

PATENT AND TRADEMARK OFFICE
Notices
Government emblems and seals; international protection------- 59366

PRIVACY PROTECTION STUDY COMMISSION
Rules
Freedom of Information Act; implementation ---------- 59316
Privacy Act of 1974; implementation ---------- 59314

PUBLIC HEALTH SERVICE
Rules
Grants:
Health services development; continuation ---------- 59346

SECURITIES AND EXCHANGE COMMISSION
Rules
Interpretative releases:
Accounting series---------- 59339
Notices
Self-regulatory organizations; proposed rule change:
New York Stock Exchange, Inc- 59382

SOCIAL AND REHABILITATION SERVICE
Proposed Rules
Public assistance programs:
Need standards; factors specific to AFDC---------- 59353

SOIL CONSERVATION SERVICE
Notices
Environmental impact statements; availability, etc.:
Goose Creek Watershed Project, Wash ---------- 59365

STATE DEPARTMENT
Notices
Meetings:
International Radio Consultative Committee, Study Groups 5, 10, and 11 (2 documents)-- 59356
Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea---------- 59356

TRANSPORTATION DEPARTMENT
See Federal Aviation Administration; Hazardous Materials Operations Office; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT
See also Alcohol, Tobacco, and Firearms Bureau; Comptroller of the Currency.
Notices
Notes, Treasury:
Series P–1977---------- 59356

VETERANS ADMINISTRATION
Rules
Adjudication; pensions, compensation, dependency, etc.:
Awards to remarried widows and widowers ---------- 59346

WAGE AND PRICE STABILITY COUNCIL
Rules
Inflation; investigation procedures ---------- 59334

V 40 247 DEC 23 75 XUM

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

1 CFR

420 59313
430 59314
431 59316

6 CFR

704 59334

7 CFR

932 59318

PROPOSED RULES:

1060 59353
1061 59353
1068 59353
1069 59353
1076 59353

9 CFR

91 59318

12 CFR

1 59318
220 59322
221 59322
303 59322
546 59322
563 59323

14 CFR

PROPOSED RULES:

25 59354

15 CFR

375 59325

17 CFR

210 59339
211 59339

21 CFR

522 59342

24 CFR

1914 (2 documents) 59342, 59344
1603 59355

29 CFR

1952 59345

PROPOSED RULES:

1952 59355

38 CFR

3 59346

42 CFR

51c 59346

43 CFR

715 (Revoked in part by PLO 5565) 59347
2214 (Revoked in part by PLO 5565) 59347
5550 (Revoked in part by PLO 5566) 59347
5565 59347
5566 59347
5567 59348

45 CFR

1603 59351

PROPOSED RULES:

233 59353
1369 59408

46 CFR

310 59348

49 CFR

571 59349

50 CFR

28 59348
33 59349

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

1 CFR

Chapter I 55633
420 59313
425 ..... 56651, 59187
430 59314
431 59316

3 CFR

EXECUTIVE ORDERS:

2553 (Revoked by PLO 5564) 58857
5327 (Amended by PLO 5562) 58857
5389 (Amended by PLO 5563) 58857
6827 (Amended by PLO 5559) 58453
8278 (Revoked in part by PLO 5550) 56667
8877 (Revoked in part by PLO 5558) 59205
10422 (Amended by EO 11890) 57775
11890 57775
11891 58279

4 CFR

412 58281

5 CFR

213 ..... 56651, 57202, 57351, 57461, 57777, 58127, 58421, 58845
890 55829
736 56651

6 CFR

703 59188
704 59334

7 CFR

1 58281
2 ..... 56421, 56669, 58127
16 55829
25 57205
25A 57205
52 57206
245 ..... 57206, 57777, 58281
271 ..... 55646, 57434–57438
631 58649
722 55656
725 55656
726 56421
729 55658
724 58444
905 ..... 57641, 58446
907 ..... 56670, 57641, 58127, 58649, 59189
910 ..... 57777, 58845
912 57641
913 58650
932 59318
959 57209
982 55829
984 57351
1060 58846
1063 58447
1250 59190
1405 58448
1421 56423
1464 ..... 57209, 57777
Ch. XVIII 59194
1842 57643
1865 57642
1980 57643

PROPOSED RULES:

622 56457
724 57809

7 CFR—Continued

PROPOSED RULES—Continued

726 57810
916 57221
928 57221
932 56457
959 58656
993 58883
999 57368
1060 ..... 56674, 59353
1061 59353
1063 56674
1068 59353
1069 59353
1076 59353
1822 ..... 58151, 58657
1824 59214
1901 59214

8 CFR

100 58448
103 58448
238 58448
316a 58448

9 CFR

78 58281
91 59318
113 ..... 57806, 58626
331 ..... 57807, 57808
351 58627
381 ..... 57807, 57808

PROPOSED RULES:

91 56675
445 59306
447 59306

10 CFR

20 58847
50 58847
212 57439
213 59195

RULINGS:

1975–18 55860

12 CFR

1 59318
7 56883
217 57663
220 59322
221 59322
225 55634
226 55634
265 55635
303 ..... 58128, 59322
327 57209
329 ..... 57664, 57778, 58848
522 57442
526 57665
545 ..... 57665, 57781, 58848, 59196
546 59322
555 57781
563 ..... 57665, 59323
571 57783

PROPOSED RULES:

225 58866
556 57690
571 57690

13 CFR

107 59197
117 57351

PROPOSED RULES:

120 57602
121 ..... 55860, 55868

14 CFR

39 ..... 55635–55637, 56652, 56883, 57352, 57353, 57444, 57665, 57666, 57783–57785, 58128–58130, 58284, 58623, 58624, 58848, 58849, 59197–59199
71 ..... 55638, 55829, 56423, 56424, 56652, 56884, 57203, 57204, 57353, 57354, 57444, 57666, 57785, 57786, 58131, 58284, 58624, 58849, 58850, 59199
75 ..... 55830, 56884, 58850
97 ..... 57204, 57666, 58625
103 ..... 57667, 58850
121 57444
123 57444
135 57444
240 58850
288 ..... 56652, 58449

PROPOSED RULES:

25 59354
37 57222
39 ..... 57811, 59221
63 57342
71 ..... 55664, 55665, 55866, 56919, 57368, 57369, 58863, 58864, 59222
91 57342
103 57688
105 57342
121 57342
123 57342
129 57342
135 57342
137 57342
145 57342
147 57342
241 57462
253 55665
288 58864
378 57462
399 55665

15 CFR

375 59325
379 56424
950 56653

16 CFR

13 ..... 56655–56658, 57195–57201, 57445–57447, 57668, 58286, 58287
302 56659
433 58131
1115 58449
1512 57449
1602 56885

PROPOSED RULES:

443 58867
1700 58865

V40247 DEC 23 75 XUM

17 CFR
200 ... 57449, 58131
210 ... 55830, 55835, 58851, 59339
211 ... 59339
239 ... 55836
240 ... 55837, 57355, 57357, 57449, 57786
241 ... 57786
249 ... 55837
275 ... 57795
PROPOSED RULES:
12 ... 55666
155 ... 58660
239 ... 58155
240 ... 57463, 58154, 58155
249 ... 58154, 58155

18 CFR
2 ... 56886
3 ... 58630
35 ... 56424
141 ... 57450
260 ... 58630, 58632

19 CFR
4 ... 55837, 58852
141 ... 57796
159 ... 55638, 55639
201 ... 55838
PROPOSED RULES:
1 ... 59212
141 ... 56674
142 ... 56674, 58150
143 ... 56674
152 ... 58859
158 ... 58150
159 ... 56674
177 ... 58470
201 ... 56936

20 CFR
405 ... 56659
410 ... 56886
618 ... 57766
PROPOSED RULES:
405 ... 56458
625 ... 56931

21 CFR
1 ... 57451, 57453
3 ... 57451
4 ... 55838
7 ... 55838
37 ... 57454
121 ... 56907, 57209, 58852
123 ... 56425, 58287
200 ... 58799
201 ... 58799
202 ... 58799
369 ... 58288
430 ... 57796
436 ... 57797
440 ... 58288
444 ... 57798
522 ... 59342
529 ... 57454
540 ... 55849
546 ... 57455, 58633
556 ... 57454, 58289
558 ... 57668, 57798, 58132, 58289
561 ... 56425
600 ... 57688
640 ... 55849
1308 ... 58132
1316 ... 57210

21 CFR—Continued
PROPOSED RULES:
1 ... 57811
10 ... 57811
27 ... 57811
51 ... 57811
53 ... 57811
102 ... 57688
310 ... 55869, 56675, 57811
330 ... 56675, 57811
338 ... 57292
339 ... 57292
340 ... 57292
600 ... 57688
610 ... 57688
640 ... 57688
660 ... 57688
1000 ... 58151

22 CFR
602 ... 56661

23 CFR
230 ... 57358
260 ... 58633
450 ... 57799
630 ... 55639, 57799
712 ... 55643
PROPOSED RULES:
750 ... 58312

24 CFR
200 ... 58637
205 ... 58133
207 ... 58133
213 ... 58134
220 ... 58134
221 ... 58134
232 ... 58134
235 ... 58134
236 ... 58134
242 ... 58134
244 ... 58134
280 ... 58752
1710 ... 56907
1912 ... 57210
1914 ... 56670, 57803, 59342, 59344
1915 ... 56672, 56910
1916 ... 56426
1917 ... 56426, 57668
1920 ... 56427–56429, 57669, 57670, 59199–59203
2205 ... 58450
PROPOSED RULES:
1710 ... 56919
1917 ... 56459, 59225, 59226

25 CFR
233 ... 58135
PROPOSED RULES:
178 ... 57694

26 CFR
1 ... 55849, 58138, 58637
8 ... 58852
24 ... 58852
301 ... 55849
PROPOSED RULES:
1 ... 56448, 57364, 57462, 58471, 58656, 58860
20 ... 58860

27 CFR
6 ... 55856
194 ... 56887
PROPOSED RULES:
178 ... 59207
181 ... 59207

28 CFR
0 ... 58643, 58644
20 ... 59204
PROPOSED RULES:
19 ... 56453
42 ... 56454

29 CFR
97 ... 58854
204 ... 58855
402 ... 58856
403 ... 58856
408 ... 58856
602 ... 58138
603 ... 58138
608 ... 58139
609 ... 58140
610 ... 58140
611 ... 58140
612 ... 58141
614 ... 58141
615 ... 58142
687 ... 58143
1902 ... 55857, 58143
1952 ... 57455, 58450, 59345
1953 ... 57804
2602 ... 57457
PROPOSED RULES:
40 ... 57332
60 ... 58664
723 ... 58867
724 ... 58867
725 ... 58867
1910 ... 55866, 55867, 58457, 58458
1952 ... 59355
2610 ... 57982
2611 ... 57980

30 CFR
PROPOSED RULES:
250 ... 58862

31 CFR
316 ... 59292
332 ... 59300

32 CFR
577 ... 58290
650 ... 55962

33 CFR
Ch. I ... 58143
128 ... 56430
207 ... 57358
PROPOSED RULES:
117 ... 57222, 59219
214 ... 59212

34 CFR
PROPOSED RULES:
Ch. I ... 56459

35 CFR
5 ... 58290, 58292

36 CFR
7 ... 56888
PROPOSED RULES:
2 ... 57694
50 ... 58651

37 CFR
1 ... 37358
2 ... 37358

38 CFR
1 ... 56433, 58644
3 ... 56434, 57459, 59346
17 ... 57805
PROPOSED RULES:
3 ... 56936

39 CFR
Ch. I ... 57670
42 ... 57212
43 ... 57212
44 ... 57212
45 ... 57212
47 ... 57212
111 ... 57212, 57670
PROPOSED RULES:
111 ... 57223

40 CFR
35 ... 58602
52 ... 56888–56890, 57359, 59204
55 ... 56644
60 ... 58416, 59204
61 ... 58646
85 ... 58646
86 ... 58646
149 ... 58292
180 ... 55857, 57215, 58294, 58647, 58648
407 ... 57216
408 ... 55770
414 ... 56435, 56436
PROPOSED RULES:
6 ... 55868
51 ... 58317
52 ... 58317, 58319, 58663
85 ... 56932
124 ... 56932
125 ... 56932
180 ... 58321
407 ... 57223

41 CFR
6–1 ... 58452
6–2 ... 58453
6–3 ... 58453
14–1 ... 57670, 57671
50–201 ... 57805
101–26 ... 57216
105–61 ... 56892
114–43 ... 55857
114–60 ... 55858

42 CFR
51c ... 59346
57 ... 56674
PROPOSED RULES:
2a ... 56692

43 CFR
2 ... 57671
20 ... 58295

43 CFR—Continued
PUBLIC LAND ORDERS:
17 (Revoked in part by PLO 5553) ... 58144
715 (Revoked in part by PLO 5565) ... 59347
1245 (Revoked in part by PLO 5552) ... 58144
2214 (Revoked in part by PLO 5565) ... 59347
2789 (Revoked by PLO 5551) ... 58144
4392 (Revoked in part by PLO 5560) ... 58648
5169 (Amended by PLO 5556) ... 58146
5170 (Amended by PLO 5557) ... 58146
5176 (Amended by PLO 5555) ... 58145
5179 (Amended by PLO 5556) ... 58146
5184 (Amended by PLO 5550) ... 56667
5187 (Revoked in part by PLO 5550) ... 56667
5252 (See PLO 5561) ... 58857
5554 (Amended by PLO 5564) ... 58857
5561 ... 58857
5562 ... 58857
5563 ... 58857
5564 ... 58857
5353 (Revoked n part by PLO's 5551, 5552, 5553) ... 58144
5396 (Amended by PLO 5556) ... 58146
5550 ... 56667
5550 (Revoked in part by PLO 5566) ... 59347
5551 ... 58144
5552 ... 58144
5553 ... 58144
5554 ... 58145
5555 ... 58145
5556 ... 58146
5557 ... 58146
5558 ... 59205
5559 ... 58453
5560 ... 58648
5565 ... 59347
5566 ... 59347
5567 ... 59347
PROPOSED RULES:
2600 ... 57364

45 CFR
102 ... 57760
160c ... 57926
223 ... 58453
233 ... 57359
302 ... 57672
410 ... 58956
1013 ... 55859
1061 ... 58649
1222 ... 57217
1370 ... 58956
1603 ... 59351
PROPOSED RULES:
100a ... 58459
100c ... 58459
115 ... 57042
154 ... 59218
155 ... 58400
157 ... 58405
159 ... 58409
160d ... 55659
162 ... 56678
174 ... 58459
233 ... 59353
1223 ... 58659
1369 ... 59408

46 CFR
4 ... 58306
5 ... 57672, 58306
12 ... 57673
14 ... 58306
33 ... 58454
42 ... 57218
75 ... 58454
78 ... 58454
94 ... 58454
97 ... 58454
142 ... 58454
167 ... 58454
176 ... 58454
192 ... 58455
310 ... 55643, 59348
401 ... 57673
551 ... 58146
PROPOSED RULES:
Ch. I ... 57688
10 ... 55663
32 ... 59219
78 ... 58457
92 ... 59219
105 ... 59219
190 ... 59219
503 ... 58154

47 CFR
0 ... 57359, 58306, 58858
1 ... 55644
2 ... 57674
73 ... 55644, 57360, 58147, 58858
76 ... 57361
81 ... 57675
83 ... 57675
87 ... 57675
89 ... 58147
91 ... 57682, 57684, 58306, 58455
93 ... 58147
95 ... 58148
97 ... 58148
PROPOSED RULES:
73 ... 58467
76 ... 55868, 58866
81 ... 58322
83 ... 58322
89 ... 57369
91 ... 57369

49 CFR
10 ... 57361
25 ... 58455
103 ... 57687, 58307
107 ... 56442
174 ... 57433
310 ... 55645
391 ... 58858
571 ... 56667, 56898, 57687, 59349
575 ... 57806
1010 ... 56668
1033 ... 55860, 56443, 56444, 56898, 57433
1125 ... 57639
PROPOSED RULES:
393 ... 57369
557 ... 56926
567 ... 55665
568 ... 55665
571 ... 55665, 56920, 56928, 57690, 58152, 58153, 59222
579 ... 56930
1108 ... 57466

V40247 DEC 23 75 XUM

50 CFR	
17	58307
28	56444, 56445, 56669, 57218, 57220, 57459–57461, 58148, 59205, 59348
33	55860, 56446, 57363, 58149, 58649, 59349

50 CFR—Continued	
216	56899
280	57481
PROPOSED RULES:	
17	57221, 58308
510	55679, 57812
520	57692

FEDERAL REGISTER PAGES AND DATES—DECEMBER

Pages	Date	Pages	Date	Pages	Date
55633–55828	1	57195–57349	8	58279–58420	16
55829–56420	2	57351–57432	9	58421–58621	17
56421–56649	3	57433–57639	10	56823–58844	18
56651–56882	4	57641–57773	11	58845–59185	19
56883–57193	5	57775–58126	12	59187–59311	22
		58127–58278	15	59313–59419	23

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER IV—MISCELLANEOUS AGENCIES (PRIVACY REGULATIONS)

PART 420—DEFENSE MANPOWER COMMISSION

Implementation

On August 27, 1975, there was published in the FEDERAL REGISTER (40 FR 39197), a notice of proposed rule making, setting forth the procedures by which an individual can determine if the Defense Manpower Commission maintains a systems of records which includes a record pertaining to the individual, and by which an individual can gain access to a record pertaining to him for the purpose of review, amendment and/or correction. Interested parties were given the opportunity to submit, not later than September 27, 1975 comments regarding the proposed rules.

As a result of comments received, the following changes in the proposed rules are made:

1. A sentence which reads "within ten (10) days, the Executive Director will acknowledge in writing whether or not access can be granted and, if so when" is added to § 420.3 at the suggestion of the Office of Management and Budget (OMB).

2. The requirement for identification and access to their records by an individual is § 420.4 is changed to allow access either in person or by mail, as recommended by the OMB.

3. The procedures for Disclosure of request information in § 420.5 is changed to allow the individual to be accompanied for the purpose by a person of his or her choosing, and to make available all information to the individual in the record of accounting of disclosures, as suggested by the OMB.

4. The procedures for review of a request for correction or amendment of the record in § 420.7 is changed to insure a copy of the disputed portions, clearly noted, is sent to prior recipients of the record, and that in subsequent disclosures from the record, the disputed portion will be noted and disagreements attached, as recommended by the OMB.

Accordingly, 1 CFR Part 420, proposed rules are adopted as changed and are set forth below.

Effective date December 17, 1975.

Signed at Washington, D.C. on December 17, 1975.

BRUCE PALMER, Jr.,
General, USA (Ret.)
Executive Director.

Part 420 is added to Title I of the Code of Federal Regulations as follows:

Sec.
420.1 Purpose and scope.
420.2 Definitions.
420.3 Procedures for requests pertaining to individual records in a record system.
420.4 Times, places and requirements for the identification of the individual making a request.
420.5 Disclosure of request information to the individual.
420.6 Request for correction or amendment to the record.
420.7 Agency review of request for correction or amendment of the record.
420.8 Appeal of an initial adverse agency determination on correction or amendment of the record.
420.9 Disclosure of record to a person other than the individual to whom the record pertains.
420.10 Fees.

AUTHORITY: 5 U.S.C. 552a, Pub. L. 73–579.

§ 420.1 Purpose and scope.

The purposes of these regulations are to: (a) Establish a procedure by which an individual can determine if the Defense Manpower Commission (hereafter known as the Commission) maintains a system of records which includes a record pertaining to the individual; and (b) Establish a procedure by which an individual can gain access to a record pertaining to him for the purpose of review; amendment and/or correction.

§ 420.2 Definitions.

For the purpose of these regulations: (a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence; (b) The term "maintain" includes maintain, collect, use or disseminate; (c) The term "record" means any item, collection or grouping of information about an individual that is maintained by the Commission including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph; (d) The term "system of records" means a group of any records under the control of the Commission from which information is retrieved by the named of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and (e) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 420.3 Procedures for requests pertaining to individual records in a record system.

An individual must submit a request to the Executive Director of the Commission to determine if a system of records named by the individual contains a record pertaining to the individual. The individual must submit a request to the Executive Director of the Commission which states the individual's desire to review his record. Within ten (10) days, the Executive Director will acknowledge in writing whether or not access can be granted and, if so, when.

§ 420.4 Times, places and requirements for the identification of the individual making a request.

Individuals may be granted access to their records either in person or by having copies mailed to them. An individual making a request to the Executive Director pursuant to § 420.3 may present the request at the Commission's offices, 1111 18th St., N.W., Room 301–F, Washington, D.C. 20036, on any ousiness day between the hours of 8:30 a.m. and 5:00 p.m. The individual submitting the request is required to present himself at the Commission's offices with a form of identification which will permit the Commission to verify that the individual is the same individual as contained in the record requested. Mail requests will be submitted to the same address above.

§ 420.5 Disclosure of request information to the individual.

Upon verification of identity the Commission shall disclose to the individual the information contained in the record which pertains to that individual.

(a) The individual may be accompanied for the purpose by a person of his choosing.

(b) Upon request of the individual to whom the record pertains, all information in the accounting of disclosures will be made available.

§ 420.6 Request for correction or amendment to the record.

The individual must submit a request to the Executive Director of the Commission which states the individual's desire to correct or to amend his record. This request is to be made in accord with the provisions of § 420.4.

V 40 247 DEC 23 75 XUM

§ 420.7 Agency review of request for correction or amendment of the record.

Within ten (10) days (excluding Saturdays, Sundays and legal public holidays) of the receipt of the request to correct or to amend the record, the Executive Director must acknowledge, in writing, such receipt and promptly, either—

(a) Make any correction or amendment of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual of his refusal to correct or to amend the record in accordance with the request, the reason for the refusal, and the procedures established by the Commission for the individual to request a review of that refusal.

(c) A copy of the individual's record with the disputed portions clearly noted, will be sent to prior recipients of the record and that, in subsequent disclosures from the record, the disputed portion will be clearly noted and any statements of disagreement attached.

§ 420.8 Appeal of an initial adverse agency determination on correction or amendment of the record.

An individual who disagrees with the refusal of the Executive Director of the Commission to correct or to amend his record may submit a request for a review of such refusal to the Chairman of the Commission, Dr. Curtis W. Tarr, 1111 18th Street, N.W. Washington, D.C. 20036. The Chairman shall, not later than thirty (30) days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the Chairman extends such thirty (30) day period. If, after his review, the Chairman also refuses to correct or to amend the record in accordance with the request, the individual may file with the Commission a concise statement setting forth the reasons for his disagreements with the refusal of the Commission and may seek judicial review of the Chairman's determination under 5 U.S.C. section 552a(g)(1)(A).

§ 420.9 Disclosure of record to a person other than the individual to whom the record pertains.

The Commission shall not disclose a record to any individual other than to the individual to whom the record pertains without receiving the written consent of the individual to whom the record pertains.

§ 420.10 Fees.

If an individual requests copies of his record he shall be charged ten cents per page, excluding the cost of any search for and review of the record.

[FR Doc.75-34525 Filed 12-22-75;8:45 am]

PART 430—PRIVACY PROTECTION STUDY COMMISSION

Implementation

On November 7, 1975, there was published in the FEDERAL REGISTER (40 FR 52058) a notice of proposed regulations for the implementation of the Privacy Act of 1974. Interested parties were given until December 4, 1975, to submit comments regarding the proposed regulations.

Having received no comments, the Commission duly adopted the regulations without change at the December 12, 1975, Commission meeting, as set forth below.

Effective date. These regulations became effective as of November 4, 1975.

Signed the 18th day of December, 1975.

CAROLE W. PARSONS,
Executive Director, Privacy Protection Study Commission.

Part 430 is added to read as follows:

Sec.

430.1 Purpose and scope.
430.2 Definitions.
430.3 Disclosure of records.
430.4 Accounting of disclosures.
430.5 Procedures for requests to gain access to individual records.
430.6 Requests for correction or amendment of record.
430.7 Appeal of refusal to correct or amend an individual's record.
430.8 Judicial review.
430.9 Fee schedule.

§ 430.1 Purpose and scope.

The purpose of these regulations are to:

(a) Establish procedures by which an individual can ascertain if the Privacy Protection Study Commission (hereafter referred to as the Commission) maintains a system of records in which there is a record pertaining to the individual.

(b) Establish procedures by which an individual may gain access to a record or information maintained on that individual and have such record or information disclosed for the purpose of review, copying, correction and/or amendment.

§ 430.2 Definitions.

(a) For the purpose of these regulations:

(1) the term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(2) the term "maintain" includes maintain, collect, use, or disseminate;

(3) the term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(4) the term "system of records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(5) the term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by Section 8 of Title 13; and

(6) the term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 430.3 Disclosure of records.

No official or employee of the Commission shall disclose any record contained in a system of records to any person or to another agency without the express written consent of the subject individual unless the disclosure is:

(a) To officers or employees who have a need for the information in the official performance of their duties;

(b) Pursuant to the provisions of the Freedom of Information Act;

(c) For a routine use as published in the annual notice in the FEDERAL REGISTER;

(d) To the Bureau of the Census for uses pursuant to Title 13, United States Code;

(e) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record. The record shall be transferred in a form that is not individually identifiable. The written statement should include at a minimum:

(1) A statement of the purpose for requesting the records; and

(2) Certification that the records will be used only for statistical purposes.

These written statements should be maintained by the Commission. In addition to deleting personal identifying information from records released for statistical purposes, the system manager shall ensure that the identity of the individual cannot reasonably be deduced by combining various statistical records.

(f) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government;

(g) To another agency or instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal enforcement activity, if the activity is authorized by law, and if the head of the agency or instrumentality or his designated representative has made a written request to the Commission specifying the particular portion desired and the law enforcement activity for which the record is sought;

(h) To a person showing compelling circumstances affecting the health and safety of an individual, not necessarily the individual to whom the record pertains (Upon such disclosure, a notification must be sent to the last known address of the subject individual.);

(i) To either House of Congress or to a subcommittee or committee (joint or of either House, to the extent that the subject matter falls within their jurisdiction);

(j) To the Comptroller General or any of his authorized representatives in the course of the performance of the duties of the General Accounting Office; or

(k) Pursuant to the order of a court of competent jurisdiction. Except for paragraphs (a), (b) and (c) of this section on the disclosure of records, such disclosure will be made only if:

(1) The request is made in writing to the Executive Director of the Commission describing what records are being requested to be disclosed and explaining the basis of the request including the anticipated uses of the information.

§ 430.4 Accounting of disclosures.

(a) An accurate accounting of each disclosure except those for intra-agency use and those under the Freedom of Information Act shall be made and retained for 5 years after the disclosure or for the life of the record, whichever is longer. The accounting shall include the date, nature, and purpose of each disclosure, and the name and address of the person or agency to whom the disclosure is made.

(b) The System manager also shall maintain in conjunction with the accounting of disclosures:

(1) A full statement of the justification for the disclosure;

(2) All documentation surrounding disclosure of a record for statistical or law enforcement purposes; and

(3) Evidence of written consent to a disclosure given by the subject individual.

(c) Except for the accounting of disclosures made to agencies or instrumentalities in law enforcement activities or of disclosures made from exempt systems, the accounting of disclosures shall be made available to the individual upon request. Procedures for requesting access to the accounting are the same as access to individual records.

§ 430.5 Procedures for requests to gain access to individual records.

An individual seeking to ascertain the existence of a record in any system of records of the Commission or to gain access to such record should either: (a) Submit a request in writing to the Commission; or (b) present himself in person to the Commission offices. If the request is made in writing, it should be addressed to the Public Affairs Officer, Privacy Protection Study Commission, 2120 L Street, Suite 424, Washington, D.C. 20506. The envelope carrying the request, as well as the request letter itself, should bear the legend, "Privacy Act Request." For purposes of identifying the individual in the system of records, the request letter should contain the name and address of the subject individual, the identity of the system to be searched, and a brief description of the nature of the contact with the Commission so that proper identification of the individual can be made. Under no circumstances will the requester need to justify his request. To assure that the subject individual is the person making the request when seeking access to personnel records, the letter must be notarized. If the nature of the record contained in a system of records is such that its disclosure is required under the Freedom of Information Act, the identifying procedures will not be applied. If the request is made in person at the Commission offices, the requesting individual should present himself to the Public Affairs Officer or his designated staff on any working day between the hours of 9 a.m. and 5 p.m. The individual may be asked to fill out a form identifying the system to be searched and a brief description of the nature of the contact with the Commission so that proper identification of the individual in the system can be made. If a requested record exists in the system of records maintained by the Commission, the subject individual will be notified within 10 working days of the receipt of the request. If the individual had requested a copy of the record, a copy would accompany the notification. Copying of material on the request of the individual will be subject to a fee as stated in a subsequent relevant section. If the individual does not request a copy of the record at the time of making the original request for access, either in writing or in person, the individual may either (1) request in writing a copy of the record upon notification of its existence or (2) present himself in person at the Commission offices for personal inspection of the record upon notification of its existence. If the individual requests to inspect the record in person, he may be required to identify himself by a standard method, *e.g.*, driver's license. He may also be accompanied by a person of his choice to inspect the records. If accompanied, the requester may be required to sign a written statement granting the other person access. If the requested record does not exist in the system of records maintained by the Commission, the subject individual will be so notified within 10 working days of the receipt of the request.

§ 430.6 Requests for correction or amendment of record.

Upon disclosure of information to the individual about whom the record had been maintained by the Commission, if the subject individual desires to correct or amend the record, the subject individual shall make a separate written request to the Public Affairs Officer of the Commission explaining why the individual believes a portion(s) of the record to be either inaccurate, irrelevant, untimely or incomplete. Upon the receipt of a request to correct or amend information maintained on the subject individual, the Public Affairs Officer shall submit it to the Executive Director who shall respond to the requester within 10 working days of the receipt of the request indicating either:

(a) The requested correction or amendment is being made to that portion(s) of the record the subject individual believed to be inaccurate, irrelevant, untimely or incomplete; or

(b) The requested correction or amendment to the individual's record is being refused, the reason for the refusal and the procedures established by the Commission for the individual to appeal that decision. If the nature of the request or the system of records precludes completing the review within 10 working days, the required acknowledgement must be provided within 10 working days and the review should be completed as soon as reasonably possible, normally within 30 working days of the receipt of the request unless unusual circumstances preclude completing action within that time.

§ 430.7 Appeal of refusal to correct or amend an individual's record.

An individual has 30 calendar days from the receipt of the Executive Director's decision in which to appeal that decision or refusal to make the requested correction or amendment to the subject individual's record. The individual should submit a written appeal addressed to the Secretary of the Commission, Privacy Protection Study Commission, 2120 L Street, Suite 424, Washington, D.C. 20506. The Secretary of the Commission shall transmit the appeal to the full Commission for the final administrative determination. The individual shall be advised of the final administrative determination by the Chairman of the Commission within 30 working days of the receipt of the appeal, unless the Commission has shown good cause for extending the response time for another 30 working days. If after review by the full Commission the final administrative determination is a continued refusal to correct or amend the individual's record as requested by the subject individual, the individual shall be so notified by letter from the Chairman of the Commission and advised of his rights to judicial review of the Commission's administrative action.

§ 430.8 Judicial review.

Within 2 years of the receipt of a final adverse administrative determination an individual may seek judicial review of that adverse determination as provided in 5 U.S.C. § 552a(g)(1)(A).

§ 430.9 Fee schedule.

If a request for information is answered by the return of copies of an individual's record upon the individual's request to the requesting individual, he will be charged $0.10 per page, excluding the cost of any search for and review of the material.

[FR Doc.75-34551 Filed 12-22-75;8:45 am]

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PART 431—PRIVACY PROTECTION STUDY COMMISSION

Implementation

On November 7, 1975, there was published in the FEDERAL REGISTER (40 FR 52054) a notice of proposed regulations for the implementation of the Freedom of Information Act. Interested parties were given until December 4, 1975, to submit comments regarding the proposed regulations.

Having received no comments, the Commission duly adopted the regulations without change at the December 12, 1975, Commission meeting, as set forth below.

Effective date. These regulations became effective as of November 4, 1975.

Signed the 18th day of December, 1975.

CAROLE W. PARSONS,
Executive Director, Privacy Protection Study Commission.

Part 431 is added to read as follows:

Sec.

431.1 Scope.
431.2 Purpose.
431.3 Application.
431.4 Definitions.
431.5 Availability of records.
431.6 Exemptions.
431.7 Categories of records exempt from disclosure under 5 U.S.C. 552.
431.8 Submission of requests for described records.
431.9 Denial of request.
431.10 Appeal.
431.11 Judicial relief available to the public.
431.12 Extension of time limits.
431.13 Exhaustion of administrative remedies.
431.14 Service of process.
431.15 Fee schedule.
431.16 Form of payment.
431.17 Prepayment of fees over $25.
431.18 Exemptions from fee.
431.19 Annual report.

§ 431.1 Scope.

These regulations set forth policies and procedures concerning the disclosure and availability to the public of records and information held by the Privacy Protection Study Commission with respect to: (a) Agency organization, functions, decisionmaking channels, and rules and regulations of general applicability, (b) Agency final opinions and orders, including policy statements and staff manuals, (c) Operational and other appropriate agency records, and (d) Agency proceedings. The part also covers exemptions from disclosure of such materials, procedures for guidance of the public in obtaining information and inspecting records, service or subpoena or other legal demand with respect to records.

§ 431.2 Purpose.

The purpose of these regulations is to prescribe procedures under which the public may obtain information and inspect records of the Privacy Protection Study Commission under the Freedom of Information Act.

§ 431.3 Application.

These procedures apply to all records and informational materials generated, developed, or held by the Privacy Protection Study Commission which come within the purview of 5 U.S.C. 552, as amended.

§ 431.4 Definitions.

For purposes of these procedures, the following terms have the meanings ascribed to them in this section.

(a) Records. The term "records" means all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics made or received by the Privacy Protection Study Commission in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Privacy Protection Study Commission or because of the informational value of data contained therein. The term does not include:

(1) Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents; or

(2) Objects or articles, such as structures, furniture, paintings, sculpture, models, vehicles, or equipment.

(b) Availability. The term "availability" signifies the right of the public to obtain information, purchase materials, and inspect and copy records and other pertinent information.

(c) Reasonably described. The term "reasonably described," when applied to a requested record, means identifying it to the extent that it will permit the location of the particular document with a reasonable effort.

(d) Requester. The term "requester" means any party who submits a written request for records pursuant to this part.

(e) Agency. The term "agency," as defined in section 552(e) of title 5, United States Code, includes any executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

§ 431.5 Availability of records.

Privacy Protection Study Commission records are available, to the greatest extent possible, in keeping with the spirit and intent of the Freedom of Information Act and will be furnished promptly to any member of the public upon request addressed to the office designated in the relevant subsequent section at such fees as are specified in the relevant subsequent section. The person making the request need not have a particular interest in the subject matter, nor must he provide justification for the request. The requirement of 5 U.S.C. 552 that records be available to the public refers only to records in being at the time the request for them is made.

§ 431.6 Exemptions.

The exemptions enumerated in 5 U.S.C. 552(b), under which the provisions for availability of records and informational materials will not apply, are general in nature. The Privacy Protection Study Commission will decide each case on its merits. Except when a record is classified or when disclosure would violate any other Federal statute, the authority to withhold a record from disclosure will not be invoked unless there is a compelling reason to do so. In the absence of such compelling reason, records and other information will be disclosed although otherwise subject to exemption.

§ 431.7 Categories of records exempt from disclosure under 5 U.S.C. 552.

5 U.S.C. 552(b) provides that the requirements of the statute do not apply to matters that are:

(a) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are, in fact, properly classified pursuant to such Executive Order.

(b) Related solely to the internal personnel rules and practices of an agency.

(c) Specifically exempted from disclosure by statute.

(d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential.

(e) Inter-agency or intra-agency memoranda or letter which would not be available by law to a party other than an agency in litigation with the agency.

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(g) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would:

(1) Interfere with enforcement proceedings;

(2) Deprive a person of a right to a fair trial or an impartial adjudication;

(3) Constitute an unwarranted invasion of personal privacy;

(4) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source.

(5) Disclose investigative techniques and procedures; or

(6) Endanger the life or physical safety of law enforcement personnel.

(h) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

(i) Geological and geophysical information and data, including maps.

Any reasonably segregable portion of a record shall be provided to any person requesting the record after deletion of the portions which are exempt under this section.

§ 431.8 Submission of requests for described records.

For Privacy Protection Study Commission records, requests shall be submitted in writing to the Public Affairs Officer, Privacy Protection Study Commission, 2120 L Street, Suite 424, Washington, D.C. 20506. Requests should bear the legend, FREEDOM OF INFORMATION REQUEST, prominently marked on both the face of the request letter and the envelope. Requests shall be answered within 10 working days of the receipt of the request. When a request is approved, records will be made available promptly in accordance with the terms of the request. Copies may be furnished or the records may be inspected at the office of the Privacy Protection Study Commission. Upon receipt of a request which does not reasonably describe the records requested, the Privacy Protection Study Commission shall contact the requester to seek a more specific description. The 10 working day time limit established for the answering of requests shall be tolled while the Privacy Protection Study Commission expeditiously seeks from the requester a more specific description of the records requested to assist the Commission in establishing the existence or nonexistence of the records.

§ 431.9 Denial of request.

If a request is denied, the requester shall be advised within ten working days of the receipt of the request and furnished written reasons for the denial. The denial will (a) describe briefly the records or records requested, (b) state the legal basis for nondisclosure, (c) state the name and titles or positions of the official responsible for the denial of such requests, and (d) state the requester's appeal rights.

§ 431.10 Appeal.

A requester denied access, in whole or in part, to the Privacy Protection Study Commission records may appeal that decision with the Privacy Protection Study Commission. All appeals should be addressed to the Executive Director, Privacy Protection Study Commission, 2120 L Street, Suite 424, Washington, D.C. 20506. An appeal must be received in the Privacy Protection Study Commission office no later than thirty calendar days after receipt by the requester of the initial denial of access in the case of a total denial, or thirty calendar days after receipt by the requester of records made available in the case of a partial denial. An appeal must be in writing and may contain a brief statement of the reasons why the records should be released, and enclose copies of the initial request and denial. The appeal letter should bear the legend, FREEDOM OF INFORMATION APPEAL, conspicuously marked on both the face of the appeal letter and on the envelope. The Privacy Protection Study Commission has twenty working days after the receipt of an appeal to make a determination with respect to such appeal. Upon receipt of an appeal, the Executive Director will consult with the General Counsel and the official who made the initial denial. If the Executive Director determines that the appeal should be granted, he shall so notify the requester and make the records available to him. If the Executive Director decides that the appeal should be denied the requester shall be so notified that this is the final administrative determination. The Executive Director, shall, however, following such determination, inform the Commission as a whole of each final denial at its next scheduled meeting and the Commission shall retain the authority to order documents released, notwithstanding the decision of the Executive Director. The notification letter shall contain: (1) A brief description of the record or records requested; (2) a statement of the legal basis for nondisclosure; (3) a statement of the name and title or position of the official or officials responsible for the denial of the initial request and the denial of the appeal; and (4) a statement of the requester's rights of judicial review.

§ 431.11 Judicial relief available to the public.

(a) Upon denial of a requester's appeal by the Executive Director, the requester may file a complaint in a district court of the United States in the district in which the complainant resides, or has his principal place of business, or in the District of Columbia, pursuant to 5 U.S.C. 552(a)(4)(B).

(b) The Executive Director of the Privacy Protection Study Commission will be the named defendant in any action filed.

§ 431.12 Extension of time limits.

In unusual circumstances as specified in this section, the time limits prescribed in these procedures may be extended by the Executive Director upon the request of the Public Affairs Officer. The Privacy Protection Study Commission will provide written notice to the requester setting forth the reasons for such extension and the date on which a determination is expected. Such notice will specify no date that would result in an extension of more than ten work days. In unusual circumstances, the Executive Director may authorize more than one extension, divided between the initial request stage and the appeal stage, but in no event will the combined periods of extension exceed ten working days. As used in this subsection, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request:

(a) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(b) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request.

§ 431.13 Exhaustion of administrative remedies.

Any person making a request to the Privacy Protection Study Commission for records shall be deemed to have exhausted his administrative remedies with respect to the request if the agency fails to comply within the applicable time limit provisions set forth in these procedures.

§ 431.14 Service of process.

A subpoena duces tecum or other legal demand for the production of records held by the Privacy Protection Study Commission should be addressed to the Executive Director, Privacy Protection Study Commission, 2120 L Street, Suite 424, Washington, D.C. 20506. When such a subpoena or demand is served on any person other than the Executive Director, he shall decline respectively to produce such records on the ground that he is without authority to accept such subpoena or demand.

§ 431.15 Fee schedule.

In computing applicable fees, the Privacy Protection Study Commission will consider only the following costs in providing the requested records.

(a) Reproduction fees. (1) The fee for reproducing copies of the Privacy Protection Study Commission records (by routine electrostatic copying) up to and including material 8½ x 14 inches shall be $0.10 per page. (2) The fee for reproducing copies of the Privacy Protection Study Commission records over 8½ x 14 inches or whose physical characteristics do not permit reproduction by routine electrostatic copying shall be the direct cost of reproducing the records through Government or commercial sources.

(b) Search fees. (1) The standard search fee shall be $4 per hour or fraction thereof beyond the initial half hour used to locate the requested records. (2) When professional staff must be used to search for the requested records because clerical staff would be unable to locate them, the search fee shall be $8 per hour or fraction thereof beyond the initial half hour used to locate the requested records. (3) When the search includes nonpersonnel expenditures to locate and extract requested records, such as computer time or transportation expenses, the applicable fee shall be the direct cost to the Privacy Protection Study Commission.

§ 431.16 Form of payment.

Payment shall be by check or money order payable to the Privacy Protection Study Commission and shall be addressed to the Public Affairs Officer.

§ 431.17 Prepayment of fees over $25.

(a) When the Public Affairs Officer determines that the anticipated total fee (search and reproduction) is likely to exceed $25, he shall notify the requester that he must repay the anticipated fee prior to the Privacy Protection Study Commission making the records available. The Privacy Protection Study Commission will remit the excess

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paid by the requester or bill the requester for an additional amount according to variations between the final fee charged and the amount prepaid.

§ 431.18 Exemptions from fee.

When the Public Affairs Officer determines that at least one of the following conditions exists, he shall waive the fee requirement and provide one copy of the Commission records without charge to the requester.

(a) When the incremental cost of collecting the fee would be an unduly large part of or an amount greater than the fee;

(b) When the reproduction is for a foreign, State, or local government of international agency and furnishing it without charge is an appropriate courtesy;

(c) When it is determined that it would be in the public interest or primarily benefiting the general public to waive the fee.

§ 431.19 Annual Report.

On or before March 1 of each calendar year, the Privacy Protection Study Commission shall submit to the Speaker of the House of Representatives and President of the Senate, for referral to the appropriate committees of the Congress, a report on the Privacy Protection Study Commission's implementation of 5 U.S.C. 552 which covers the preceding calendar year.

[FR Doc.75-34550 Filed 12-22-75;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 932—OLIVES GROWN IN CALIFORNIA

Increase in Expenses for the 1975–76 Fiscal Year

This document authorizes an increase in expenses of $6,100 from $870,450 to $876,550 to support the activities of the Olive Administrative Committee for the 1975–76 fiscal year under Marketing Order No. 932. All of the increase is to be applied to the committee's production and marketing research program expenditures.

On December 3, 1975, notice of rulemaking was published in the FEDERAL REGISTER (40 FR 56457) regarding a proposed increase in expenses previously approved for the fiscal year ending August 31, 1976, pursuant to the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932) regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded interested persons an opportunity to submit written data, views, or arguments in connection with the proposal. None were submitted.

After consideration of all revelant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Olive Administrative Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that the provisions of paragraph (a) of § 932.210 Expenses, rate of assessment, and carryover of unexpended funds (40 FR 54236) be amended to read as follows:

§ 932.210 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Olive Administrative Committee, during the period September 1, 1975, through August 31, 1976, will amount to $876,550.

* * * * *

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the increase in the expenses set forth does not involve an increase in the rate of assessment heretofore established by the Secretary (40 FR 56457); (2) the said committee has research expenses planned in excess of those previously thought likely to be incurred; and (3) it is essential that the specification of expenses herein provided be issued immediately so that the committee can meet its obligations and perform its duties and funtions within the fiscal period in accordance with the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 18, 1975.

CHARLES R. BRADER,
Deputy Director Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-34614 Filed 12-22-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

Ports of Export With Limited Facilities Available for Certain Species of Animals; Cincinnati, Ohio, Added as an Airport

This amendment adds Cincinnati, Ohio, to the list of airports designated as ports of export with limited facilities available for certain species of animals.

Statement of considerations. The purpose of this amendment is to add Cincinnati, Ohio, to the list of designated airports in § 91.3(a)(1)(ii) with limited facilities available for certain species of animals. The limited airport export inspection facilities at Cincinnati, Ohio, have been inspected by the Animal and Plant Health Inspection Service and were found to comply with the standards for approved export inspection facilities contained in § 91.3(c) of Part 91, 9 CFR.

Accordingly, in § 91.3, paragraph (a)(1)(ii) is revised to read:

§ 91.3 Ports of export.

(a) * * *

(1) (i) * * *

(ii) New York, New York, Cincinnati, Ohio, and San Juan, Puerto Rico: Limited facilities are available for certain species of animals.[1]

(Secs. 4, 5, 23 Stat. 32, as amended; sec. 1, 32 Stat. 791, as amended; sec. 10, 26 Stat. 417; secs. 12, 13, 14, 18, 34 Stat. 1263, as amended; 81 Stat. 584, 588, 592; secs. 3 and 11, 76 Stat. 130, 132; sec. 1109, 72 Stat. 799, as amended (21 U.S.C. 105, 112, 113, 120, 121, 134b, 134f, 612, 613, 614, 618; 49 U.S.C. 1509(d)); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective December 23, 1975.

The amendment relieves certain restrictions by permitting the exportation of livestock through an additional port of export with limited facilities available for certain species of animals, and should be made effective promptly to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of December, 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-34547 Filed 12-22-75;8:45 am]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 1—INVESTMENT SECURITIES REGULATION

Securities Eligible for Underwriting and Unlimited Holding

The following new sections are added to 12 CFR Part 1:

Sec.
1.397 New York State Medical Care Facilities Finance Agency, Bond Anticipation Notes.
1.398 El Cajon—San Diego County Civic Center Authority, City Hall Revenue Bonds.
1.399 New York State Medical Care Facilities Finance Agency Bonds.
1.400 City-Housing Authority Building Authority (Napa, California).
1.401 Alabama Public School and College Authority.
1.402 City of Inglewood—Los Angeles County Civic Center Authority.
1.403 Industry Urban-Development Agency (California).
1.404 Municipal Assistance Corporation for the City of New York.
1.405 Parking Authority of the City of Oakland (California).
1.406 Hospitals Authority of Philadelphia (University of Pennsylvania).
1.407 Tredyffrin Township Guaranteed Sewer Revenue Bonds.
1.408 Mt. Diablo Hospital Authority (California).
1.409 Washington Public Power Supply System.
1.410 Hospitals Authority of Philadelphia (Thomas Jefferson University).

AUTHORITY: (§§ 1.397–1.410 issued under R.S. 324 *et seq.*, as amended, paragraph Seventh of R.S. 5136, as amended; 12 U.S.C. 1 *et seq.*, 24(7), unless otherwise noted.

§ 1.397 New York State Medical Care Facilities Finance Agency, Bond Anticipation Notes.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $43,000,000 New York Medical Care Facilities Finance Agency Hospital and Nursing Home Project Bond Anticipation Notes dated 12/23/74 maturing 4/25/75 for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The New York State Medical Care Facilities Finance Agency is a corporate governmental agency of the State and a public benefit corporation created in 1973 by the New York State Medical Care Facilities Finance Agency Act to encourage the investment of private capital in various projects including hospitals and nursing homes. The Agency is authorized to make mortgage loans to nursing home companies and to hospital corporations and to borrow money and to issue negotiable bonds and notes to fund these programs and to pay the notes and refund the bonds of the Agency issued for such purpose. These notes are being sold for that purpose.

(2) The Agency is issuing these notes in anticipation of bonds which will later be issued to provide funds to pay the cost of the project relating to the note issue and has promised to pay the principal and interest on the notes from the proceeds of such bonds.

(3) The State of New York has required with respect to Hospital and Nursing Home Project Bonds (but not the notes) of the New York State Medical Care Facilities Finance Agency, the maintenance of a reserve fund sufficient to meet the maximum of any succeeding year's annual requirements for bond principal and interest payments and has provided for the annual apportionment and payment from State funds for deposit to the reserve fund of such sum as is certified to be necessary to restore the fund to the required level. The State, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds and notes issued in anticipation thereof and payable therefrom.

(c) *Ruling.* It is our conclusion that the $43,000,000 New York State Medical Care Facilities Finance Agency Hospital and Nursing Home Project Bond Anticipation Notes dated 12/23/74 maturing 4/25/75 are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks.

(Comptroller's letter dated Dec. 12, 1974.)

§ 1.398 El Cajon—San Diego County Civic Center Authority, City Hall Revenue Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $6,400,000 El Cajon—San Diego County Civic Center Authority 1975 City Hall Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The El Cajon—San Diego County Civic Center Authority is a public entity created under the laws of California by an agreement between the City of El Cajon and the County of San Diego. Under this agreement, the Authority is authorized to construct, maintain and lease public buildings and related facilities necessary for the development of a civic center and to issue bonds to finance such projects. The Authority is issuing these bonds to finance the construction of a city hall which will be leased to the City.

(2) The City has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds, as well as other necessary expenses. The City, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $6,400,000 El Cajon-San Diego County Civic Center Authority 1975 City Hall Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and are eligible for purchase, dealing in, underwriting and unlimited holding by national banks.

(Comptroller's letter dated Feb. 4, 1975.)

§ 1.399 New York State Medical Care Facilities Finance Agency Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $82,000,000 New York State Medical Care Facilities Finance Agency Hospital and Nursing Home Project Bonds, 1975 Series A for purchase, dealing in underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The New York Medical Care Facilities Finance Agency is a corporate governmental agency of the State and a public benefit corporation created in 1973 by the New York State Medical Care Facilities Finance Act to encourage the investment of private capital in various projects including hospitals and nursing homes. The Agency is authorized to make mortgage loans to nursing home companies and to hospital corporations and to borrow money and to issue negotiable bonds and notes to fund these programs and to pay the notes and refund the bonds of the Agency issued for such purpose. These bonds are being sold for that purpose.

(2) The State of New York has required, with respect to Hospital and Nursing Home Project Bonds of the New York State Medical Care Facilities Finance Agency, the maintenance of a reserve fund sufficient to meet the maximum of any succeeding year's annual requirements for bond principal and interest payments and has provided for the annual apportionment and payment from State funds for deposit to the reserve fund of such sum as is certified to be necessary to restore the fund to the required level. The State, which possesses general powers of taxation, has thus committed its faith and credit in support of these bonds.

(c) *Ruling.* It is our conclusion that the $82,000,000 New York State Medical Care Facilities Finance Agency Hospital and Nursing Home Project Bonds 1975 Series A are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks.

(Comptroller's letter dated Apr. 9, 1975.)

§ 1.400 City-Housing Authority Building Authority (Napa, California).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $1,150,000 City-Housing Authority Building Authority 1975 Building Facility Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The City-Housing Authority Building Authority is a public entity created under the laws of California by an agreement between the City of Napa and the Housing Authority of the City of Napa. Under this agreement the Building Authority is authorized to acquire, construct, maintain, operate and lease to the City a building for municipal purposes and to issue bonds to finance the project. The Authority is issuing these bonds to finance the acquisition, remodeling and improvement of a building which will be leased to the City. The completed project will provide office space for the City, the Housing Authority and the Redevelopment Agency of the City.

(2) The City, as required by its agreement with the Housing Authority, has unconditionally promised in the lease rental agreement to pay annual rentals to the Building Authority in an amount sufficient to meet annual interest and principal payments on these bonds, as well as other necessary expenses. The City, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $1,150,000 City-Housing Authority Building Authority 1975 Building Facility Revenue Bonds are general obligations of a State or a political Subdivision

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thereof under paragraph Seventh of 12 U.S.C. 24 and are eligible for purchase, dealing in, underwriting and unlimited holding by national banks.

(Comptroller's letter dated Apr. 11, 1975.)

§ 1.401 Alabama Public School and College Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of bonds of the Alabama Public School and College Authority for purchase, dealing in, and holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* Alabama Public School and College Authority, a public corporation and instrumentality of the State of Alabama, is authorized to issue bonds to finance the construction of capital improvements for public educational purposes in the State. The proceeds from such bonds are to be allocated among colleges and universities, junior colleges and vocational-technical institutes, elementary and secondary schools and other educational projects.

(c) *Ruling.* It is our conclusion that bonds of the Alabama Public School and College Authority issued for capital improvements to colleges, universities, junior colleges and vocational-technical institutes are issued by an agency of the State of Alabama for university purposes and are eligible under paragraph Seventh of 12 U.S.C. 24 for purchase, dealing in, underwriting and holding by national banks within the 10 percent limitation with respect to aggregate holdings of obligations issued by the Alabama Public School and Colleges Authority.

(Comptroller's letter dated May 19, 1975.)

§ 1.402 City of Inglewood-Los Angeles County Civic Center Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $22,150,000 City of Inglewood-Los Angeles County Civic Center Authority, Municipal Court Building and Parking Structure Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The City of Inglewood-Los Angeles County Civic Center Authority is a public entity created under the laws of California by an agreement between the City of Inglewood and the County of Los Angeles. Under this agreement, the Authority is authorized to acquire, construct and lease public buildings, and to issue bonds to finance such projects. The Authority is issuing these bonds to finance the construction of a municipal court building and parking structure for the Inglewood area to be leased to and operated by the County.

(2) The County has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds, as well as other necessary expenses. The County, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $22,150,000 City of Inglewood-Los Angeles County Civic Center Authority, Municipal Court Building and Parking Structure Revenue Bonds, are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and are eligible for purchase, dealing in, underwriting and unlimited holding by national banks.

(Comptroller's letter dated May 20, 1975.)

§ 1.403 Industry Urban-Development Agency (California).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $52,010,000 Industry Urban-Development Agency Special Revenue Refunding Bonds, 1975 for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion* (1) Industry Urban-Development Agency is a public body corporate and politic created by the Community Redevelopment Law of California but authorized to function only upon a finding of need. The City of Industry has made the appropriate finding. The Agency is authorized to issue bonds for any of its corporate purposes.

(2) The Agency is issuing these bonds and $25,000,000 in Tax Allocation Refunding Bonds to provide for the establishment of an escrow account which will provide for the payment of interest on outstanding tax allocation bonds in the total amount of $30,000,000 issued by the Agency in 1971, 1972 and 1973 and redemption of the principal amount thereof on their first par call dates, in 1996 and 1997.

(3) The refunding program is being undertaken to restructure the Agency's indebtedness, reduce the amount of tax allocation revenues required to be accumulated in reserves, generate additional working capital for the Agency, and facilitate the issuance of additional parity Tax Allocation Bonds to finance future project improvements.

(4) Principal and interest on these bonds (Special Revenue Refunding Bonds) will be payable principally from interest earnings received from the investments in the escrow account which will consist of obligations issued by, or otherwise supported by the full faith and credit of, the United States, and from other funds including proceeds from the sale of the bonds. The interest earnings together with the other funds are required to be sufficient to provide for the timely payment of all principal and interest on the bonds. These bonds will thus be supported by obligations of the United States.

(c) *Ruling.* It is our conclusion that the $52,010,000 Industry Urban-Development Agency Special Revenue Refunding Bonds, 1975 are eligible for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(Comptroller's letter dated June 13, 1975.)

§ 1.404 Municipal Assistance Corporation for the City of New York.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of $1,000,000,000 Municipal Assistance Corporation for the City of New York 1975 Series A Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Municipal Assistance Corporation for the City of New York is a corporate governmental agency and instrumentality of the State of New York and a public benefit croporation created in June, 1975, by an act of the legislature of the State of New York, to assist the City in providing essential services to its inhabitants without interruption and in creating investor confidence in the soundness of the obligations of the City. To carry out such purposes, the Corporation is empowered, among other things, to issue and sell bonds and notes and to pay or lend funds received from such sale to the City and to exchange the Corporation's obligations for obligations of the City.

(2) Other laws of the State enacted or amended in June, 1975, provide for the suspension of the existing New York City Sales tax until all the notes and bonds of the Corporation shall have been fully paid; for the imposition of a new State sales tax within the City of New York and for the appropriation of the new tax to the Corporation to enable it to fulfill the terms of any agreement made with the holders of its notes and bonds and to carry out its corporate purposes including the maintenance of a capital reserve fund. The balance of the tax, if any, is to be appropriated to the City. It is expected that the taxes to be appropriated will be more than sufficient to pay the annual debt service of the $3,000,000,000 bonds authorized to be issued.

(3) Provision is also made for the gradual establishment (by 25% annual steps beginning in 1977 reaching the full requirement in 1980) and maintenance of a capital reserve fund and for the annual appropriation by the State and payment to the Corporation of the amount required to restore any deficiency in such fund. The reserve fund when fully established is to be in an amount not less than the amount of principal and interest maturing in the succeeding calendar year on bonds then to be issued and on all other outstanding bonds of the Corporation.

(4) The State, which possesses general powers of taxation, has thus committed its faith and credit in support of these bonds.

(c) *Ruling.* It is our conclusion that the $1,000,000,000 Municipal Assistance Corporation for the City of New York 1975 Series A Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and are eligible for purchase, dealing in, underwriting and unlimited holding by national banks.

(Comptroller's letter dated June 26, 1975.)

§ 1.405 Parking Authority of the City of Oakland (California).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $3,000,000 1975 Parking Lease Revenue Bonds, Series of 1974, of the Parking Authority of the City of Oakland for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Parking Authority of the City of Oakland is a public body corporate and politic created by the laws of California but authorized to function only upon a finding of need. The City has made the appropriate finding and, in accordance with the law, has appointed a five member board as the governing board of the Authority. Under the law, a parking authority is authorized to issue revenue bonds to finance public parking facilities and may issue such bonds without obtaining the approval of the electors of the city where the bonds are issued to finance a project which is to be leased to the City and where the principal of and interest on the bonds are to be payable from rentals paid by the city under such lease.

(2) The Authority is issuing these bonds to finance the construction and equipment of a five-level, 450 space, concrete parking facility at 19th and Franklin Street in the downtown area of the City. The completed facility will be leased by the Authority to the City.

(3) Under the lease rental agreement the City unconditionally promises to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expense. The City, which possesses general powers of taxation will thus commit its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the $3,000,000 1975 Parking Lease Revenue Bonds of the Parking Authority of the City of Oakland are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and are eligible for purchase, dealing in, underwriting and unlimited holding by national banks.

(Comptroller's letter dated July 21, 1975.)

§ 1.406 Hospitals Authority of Philadelphia (University of Pennsylvania).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of approximately $34,000,000, The Hospitals Authority of Philadelphia, Hospital Revenue Bonds (The Hospital of the University of Pennsylvania) Series of 1975 for purchase, dealing in, underwriting and holding by national banks under paragraph Seventh of 12 U.S.C. 24 subject to the ten percent limitation thereof.

(b) *Opinion.* (1) The Hospitals Authority of Philadelphia is a body politic and corporate organized by the City of Philadelphia under the Pennsylvania Municipal Authorities Act of 1945. The Authority is authorized by law to issue bonds to finance the construction of buildings to be devoted wholly or partially to public uses including hospitals.

(2) The Authority is issuing these bonds to finance the cost of constructing a 14-level ambulatory and in-patient care facility to be known as the Silverstein Pavilion which will be an integral part of the Hospital of the University of Pennsylvania. The Hospital is a division of the University which is a private nonprofit educational corporation organized under the laws of Pennsylvania.

(3) The project will provide a new emergency service area, a cancer research center, ambulatory care physicians' office space, and 210 hospital beds. The construction of the facility constitutes a major element of the plan of the University to modernize the Hospital's facilities which are used by the University in the traditional manner of a teaching hospital.

(4) The Authority will have a leasehold interest in the existing hospital facilities and will lease the completed facilities to the University for annual rentals sufficient to meet annual interest and principal payments on the bonds as well as other necessary expenses.

(c) *Ruling.* It is our conclusion that the approximately $34,000,000 The Hospitals Authority of Philadelphia, Hospital Revenue Bonds (The Hospital of the University of Pennsylvania) Series of 1975 are issued by an agency of a State or a political subdivision for University purposes and are eligible under paragraph Seventh of 12 U.S.C. 24 for purchase, dealing in, underwriting and holding by national banks within the ten percent limitation with respect to aggregate holdings of obligations issued by The Hospitals Authority of Philadelphia.

(Comptroller's letter dated Aug. 4, 1975.)

§ 1.407 Tredyffrin Township Guaranteed Sewer Revenue Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $4,350,000 Tredyffrin Township Guaranteed Sewer Revenue Bonds Series of 1975 for purchase, dealing in, underwriting and unlimited holding under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Tredyffrin Township Municipal Authority is a body politic and corporate organized by the Township of Tredyffrin under the Pennsylvania Municipal Authorities Act of 1945. The Authority is authorized by law to issue bonds to finance the construction of sewers, sewer systems or parts thereof and sewage treatment works.

(2) The Authority has, at the request of the Township, constructed a sewage collection system to serve areas in the eastern section of the Township. It is issuing these bonds to finance, together with federal grants, the construction of a sewage project consisting of three parts. The first part is a sewage collection facility to serve the developed and unsewered western section of the Township, known as the Paoli area, and most of the other developed and developing areas in the western section of the Township. The other two parts are shared with other authorities and the Authority is financing only its own share of the costs of construction. These parts include a trunk sewer to be constructed by the Authority to also serve others and a regional sewage treatment plant to be constructed by another authority.

(3) The bonds are to be issued under a supplemental indenture, equally and ratably secured with prior series of bonds, by the revenues of the Atuhority from a sewer system owned by the Authority and leased to the Township of Tredyffrin. The lease requires the Township to pay semi-annual rentals equal to 120% of the average annual debt service on the Authority's bonds. Under the lease the Township operates the system and imposes annual sewer rentals on the users of the system, which provides the funds for payment of the fixed lease rentals.

(4) The Township is authorized by law and will unconditionally guarantee the full and prompt payment when due of each of the payments of the principal and interest on these bonds.

(c) *Ruling.* It is our conclusion that the $4,350,000 Guaranteed Sewer Revenue Bonds, Series of 1975, are general obligations of a State or political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and are eligible for purchase, dealing in, underwriting and unlimited holding by national banks.

(Comptroller's letter dated Aug. 8, 1975.)

§ 1.408 Mt. Diablo Hospital Authority (California).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $1,650,000 Mt. Diablo Hospital Authority Hospital Facilities Revenue Bonds, Second Issue, for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Mt. Diablo Hospital Authority is a public entity created pursuant to the laws of California by an agreement between the County of Contra Costa and the Mt. Diablo Hospital District to construct and finance additional hospital facilities to be leased to and operated by the District. The Authority has issued $8,900,000 of its 1972 revenue bonds to finance an expansion and remodeling program which added a new six story wing. The new wing has been completed and is occupied. The Authority is issuing these bonds to finance alterations to the old building to provide for the expansion of radiology, nuclear medicine and medical records.

(2) The Mt. Diablo Hospital District is a municipal corporation created pursuant to the laws of California to provide hospital services within a district encompassing approxmately 60 square miles in central Contra Costa County and having a population in excess of 120,000. Under the law, the District is managed by elected directors and may be financed by assessment on real personal property within the district.

(3) The District has unconditionally promised in the amended lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual principal and interest payments on the original and the second issue of bonds. The District, which pos-

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sesses powers of general property taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion, in accordance with our ruling of November 10, 1972, (12 CFR 1.359) relating to the 1972 bonds, that the $1,650,000 Mt. Diablo Hospital Authority Hospital Facalities Revenue Bonds, Second Issue, are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and are eligible for purchase, dealing in, underwriting and unlimited holding by national banks.

(Comptroller's letter dated Aug. 19, 1975.)

§ 1.409 Washington Public Power Supply System.

(a) Request. The Comptroller of the Currency has been requested to rule on the eligibility of $175,000,000 Washington Public Power Supply System, Nuclear Project No. 1, 1975 Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Washington Public Power Supply System, a municipal corporation and joint operating agency of the State of Washington is authorized to acquire, construct and operate plants and facilities for the generation and transmission of electric power and energy and to issue revenue bonds to finance such activities.

(2) The System is issuing these bonds to finance a portion of the cost of acquiring and constructing Nuclear Project No. 1, a 1,250 mw pressurized water reactor electric generating station located on the Hanford Reservation in the State of Washington.

(3) The Project is part of a long term hydrothermal power program for the Pacific Northwest. Bonneville Power Administration, which was established in 1937, operates transmission facilities and markets power from federal hydroelectric plants to publicly owned electric utilities referred to as preference customers.

(4) The Project's entire electric capability has been sold by the System to one hundred and four of these preference customers and assigned by them to Bonneville under agreements that provide that each customer is obligated to pay the System its share of the Project's annual costs and Bonneville is obligated to credit the amounts so paid against amounts owed to Bonneville by such customer for the power and services it provides. Bonneville will use its revenues to pay any costs billed to such customers which are not so offset.

(5) Bonneville has been authorized by federal law to acquire from preference customers the generating capability of thermal plants constructed under the hydrothermal power program and to pay for such acquisition by net billing and also by the expenditure of funds.

(6) Through these arrangements the United States acting through Bonneville has undertaken an obligation to make available to the System amounts sufficient to meet annual interest and principal payments on these bonds as well as all other costs of operating the Project.

(c) *Ruling.* It is our conclusion that the $175,000,000 Washington Public Power Supply System, Nuclear Project No. 1, 1975 Revenue Bonds are obligations of the United States under paragraph Seventh of 12 U.S.C. 24 and are eligible for purchase, dealing in, underwriting and unlimited holding by national banks.

(Comptroller's letter dated Aug. 27, 1975.)

§ 1.410 Hospitals Authority of Philadelphia (Thomas Jefferson University).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of approximately $81,650,000, The Hospital Authority of Philadelphia, Hospital Gross Revenue Bonds, Series of 1975 (Thomas Jefferson University) for purchase, dealing in, underwriting and holding by national banks under paragraph Seventh of 12 U.S.C. 24 subject to the ten percent limitation thereof.

(b) *Opinion.* (1) The Hospitals Authority of Philadelphia is a body politic and corporate organized by the City of Philadelphia under the Pennsylvania Municipal Authority Act of 1945. The Authority is authorized by the law to issue bonds to finance the construction of buildings to be devoted wholly or partially to public uses including hospitals.

(2) The Authority is issuing these bonds to finance the cost of constructing a ten level multi-use hospital building and an enclosed over-street bridge connecting to one of the existing buildings of the Thomas Jefferson University Hospital. The Hospital is a division of the University which is a private nonprofit educational corporation organized under the laws of Pennsylvania.

(3) The new building will contain 411 acute care beds, 110 physicians' offices, and most of the Hospital's diagnostic, therapeutic and support services and will substantially replace inpatient functions of two buildings now in use. The Hospital serves as the principal teaching hospital of the University and provides a complete range of inpatient and outpatient services.

(4) The Authority will have a leasehold interest in the existing hospital facilities and will lease the completed facilities to the University for annual rentals sufficient to meet annual interest and principal payments on the bonds as well as other necessary expenses.

(c) *Ruling.* It is our conclusion that the approximately $81,650,000 The Hospitals Authority of Philadelphia, Hospital Gross Revenue Bonds, Series of 1975 (Thomas Jefferson University Hospital) are issued by an agency of a State or a political subdivision for university purposes and are eligible under paragraph Seventh of 12 U.S.C. 24 for purchase, dealing in, underwriting and holding by national banks within the ten percent limitation with respect to aggregate holdings of obligations issued by The Hospitals Authority of Philadelphia.

(Comptroller's letter dated Sept. 19, 1975.)

Dated: December 18, 1975.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.75-34568 Filed 12-22-75;8:45 am]

CHAPTER II—FEDERAL RESERVE SYSTEM

[Reg. T and U]

PART 220—CREDIT BY BROKERS AND DEALERS

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

Treatment of Put and Call Options and Combinations Thereof as Securities; Correction

In FR document 73-3623 appearing at page 5237 of the issue for Tuesday, February 27, 1973, the number of the interpretation of Regulation U should read 221.123.

Board of Governors of the Federal Reserve System, December 11, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-34606 Filed 12-22-75;8:45 am]

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER A—PROCEDURE AND RULES OF PRACTICE

[25011]

PART 303—APPLICATIONS, REQUESTS, AND SUBMITTALS

Delegation of Authority To Act on Certain Applications

Correction

In FR Doc. 75-33692 appearing at page 58128 in the issue for Monday, December 15, 1975, in the middle column, the second line reading "matters pursuant to Sections 17 and 17A" is in the wrong place. It should have appeared below the 7th line.

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[No. 75-1114]

PART 546—MERGER, DISSOLUTION, REORGANIZATION, AND CONVERSION

Mergers

DECEMBER 10, 1975.

The following summary of the amendment adopted by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulations.

I. *Present Regulation*—Federal mutual associations are not required to notify their members when they file a merger application.

II. *Amended Regulation*—Requires merger applicants, within 15 days after submitting a completed application for a merger in which one or more of the applicants is a Federal mutual association, either to publish a notice of the filing of such completed application in a general circulation newspaper in the community or communities being served by the merging associations and the resulting association or mail such notice to members of each Federal mutual association.

III. *Reason for Amendment*—To better inform the members of Federal mutual associations of merger plans.

The Federal Home Loan Bank Board, by Resolution No. 75-567, dated June 25, 1975, proposed an amendment to § 546.2 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 546.2) in order to require merger applicants, after submitting a completed application for a merger in which one or more of the applicants was a Federal association, to publish a notice of the filing of such application in a newspaper having general circulation in the community or communities being served by the merging associations and the resulting association. By a companion Resolution (Resolution No. 75-568, dated June 25, 1975), the Board proposed a similar amendment to Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 563). Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on July 2, 1975 (40 F.R. 27953-54) with an invitation for interested persons to submit written comments by August 8, 1975.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby amends § 546.2, with several minor changes from the proposal, by redesignating as paragraphs (f), (g), and (h) respectively, paragraphs (d), (e), and (f) thereof and adding thereto new paragraphs (d) and (e), to read as set forth below, effective January 26, 1976. By a companion Resolution (Resolution No. 75-1115) the Board today adopts a similar amendment to § 563.22 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.22).

This amendment differs from the proposal in five ways. First, merger applicants will be given 15 days, rather than 10, in which to make proper notification of the merger application. Second, the proposed requirement that a translation of the notice be published where a significant number of the members of either applicant speak a language other than English is deleted. Third, reference is made in the final amendment to the fact that the applications, related information, and communications (including those from notified members) are available for public inspection unless excepted from disclosure under the Freedom of Information Act. Fourth, the amendment applies only to Federal mutual associations. Fifth, the merging associations are authorized to mail the notices to members as an alternative to publication.

Previously, the only relevant regulatory provision that concerned membership notice was § 546.2(d), dealing with mergers in which one of the associations is a Federal. That section, now redesignated as § 546.2(f), provides that "the Board may, where it deems appropriate, require that the plan of merger be submitted to the voting members of either or both associations at a duly called meeting or meetings and that the plan, to become effective, be approved by them." The Board believes that, whether or not member approval is required in a given case, the members of Federal mutual associations are entitled to notification of the filing of a merger application.

The amendment requires the merger applicants, after being informed by the Supervisory Agent that an application for approval of a merger in which one or more of the associations is a Federal mutual association is complete, either to publish, within 15 days from the date of such advice, in a newspaper or newspapers printed in the English language and having general circulation in the community or communities being served by the merging associations and the resulting association, or to mail to the members of each merging Federal mutual association, within such 15-day period, a notice, in the form prescribed by the Board, of the filing of such application. The notice must contain the names of the associations involved, identify the proposed home office location, state specifically whether all branch offices are being continued or list those branch offices that are being discontinued, and indicate where interested persons may file communications concerning such application. Subdivision 546.2(d)(2) provides for an explicit exception to the notice requirement for mergers instituted for supervisory reasons.

§ 546.2 (d) (1) and (2) and (e), are revised as follows:

§ 546.2 Procedure; effective date.

* * * * *

(d) (1) Upon determination by the Supervisory Agent that an application for approval of a merger in which one or more of the associations is a Federal mutual association is complete, the Supervisory Agent shall advise the applicants, in writing, either to publish, within 15 days from the date of such advice, in a newspaper or newspapers printed in the English language and having general circulation in the community or communities being served by the merging associations and the resulting association, or to mail to the members of each such Federal mutual association, within such 15-day period, a notice of the filing of the application in the following form:

NOTICE OF FILING OF MERGER APPLICATION

Notice is hereby given that, pursuant to the provisions of § 546.2 of the Rules and Regulations for the Federal Savings and Loan System, the ---------- Savings and Loan Association, ----------, ---------, (city) (state) and the ---------- Savings and Loan Association, ----------, ---------- have filed (city) (state) an application with the Federal Home Loan Bank Board for permission to merge, ---------- Savings and Loan Association to be the resulting association, operating under the (same name) (name of ---------- Savings and Loan Association). (The previous sentence should be appropriately modified if an acquisition of assets and assumption of liabilities is involved.) The resulting association intends to have its home office at ----------, (street address) ----------, --------- (and to maintain all (city) (state) (or the) present branch offices (or office) or to discontinue a branch office (or offices) at the following location (or locations): ----------, ----------, ---------) (street address) (city) (state) The application has been delivered to the Office of the Supervisory Agent of the said Board, located at the Federal Home Loan Bank of ----------, ----------, (city) (street address) ----------, --------- Any person may file (city) (state) communications concerning said application at the aforesaid office of the Supervisory Agent within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of this publication. Four copies of any communication should be filed. The application, information submitted therewith, and all communications are available for inspection, unless excepted from disclosure pursuant to the Freedom of Information Act, by any person at the aforesaid office of the Supervisory Agent in accordance with the rules and regulations of the Federal Home Loan Bank Board.

---------- Savings and Loan Association ----------

(2) The requirements of this paragraph (d) do not apply to any merger authorized by the Board to be instituted for supervisory reasons.

(e) Promptly after publication or mailing of the notice or notices required under paragraph (d) of this section, the merger applicants shall transmit two copies thereof to the Supervisory Agent, accompanied by two copies of either a publisher's affidavit of publication or the applicant's affidavit of mailing, depending upon the method of notification chosen.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. §1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.; Sec. 406, 48 Stat. 1259, as amended; 12 U.S.C. § 1729)

By the Federal Home Loan Bank Board,

[SEAL] J. J. FINN,
Secretary.

[FR Doc.75-34588 Filed 12-22-75;8:45 am]

[No. 75-1115]

PART 563—OPERATIONS

Mergers

DECEMBER 10, 1975.

The following summary of the amendment adopted by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulation.

I. *Present Situation*—State-chartered insured institutions do not have to notify their members when they file a merger application with the Board unless required by State law.

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II. *Amended Regulation*—Requires a State-chartered mutual insured institution, within 15 days after submitting its completed merger application, either to publish a notice of the merger application in a general circulation newspaper in the community or communities being served by the merging associations and the resulting association or to mail such notice to members of the State-chartered mutual insured institution.

III. *Reason for Amendment*—To better inform the members of State-chartered mutual insured institutions of merger plans.

The Federal Home Loan Bank Board, acting in its capacity as head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 75–568, dated June 25, 1975, proposed an amendment to § 563.22 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.22) in order to require a merger applicant, after submitting its completed application, to publish in a newspaper having general circulation in the community or communities being served by the merging associations and the resulting association a notice of the filing of such application. By a companion Resolution (Resolution No. 75–567, dated June 25, 1975), the Board proposed a similar amendment to Part 546 of the Rules and Regulations for the Federal Savings and Loan System. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on July 2, 1975 (40 F.R. 27954–55) with an invitation for interested persons to submit written comments by August 8, 1975.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby amends § 563.22, with several minor changes from the proposal, by redesignating as paragraph (a) the present undesignated paragraph thereof and adding thereto new paragraphs (b), (c), and (d), to read as set forth below, effective January 26, 1976. By a companion Resolution (Resolution No. 75–1114) the Board today adopts a similar amendment to § 546.2 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 546.2).

This amendment differs from the proposal in five ways. First, merger applicants will be given 15 days, rather than 10, in which to make proper notification of the merger application. Second, the proposed requirement that a translation of the notice be published where a significant number of the members of either applicant speak a language other than English is deleted. Third, reference is made in the final amendment to the fact that the applications, related information, and communications (including those from notified members) are available for public inspection unless excepted from disclosure under the Freedom of Information Act. Fourth, the amendment applies only to institutions whose accountholders or borrowers have voting rights, *e.g.*, mutual institutions. Fifth, merging associations are authorized to mail the notices to members as an alternative to publication.

Section 563.22 prohibits an insured institution from increasing its accounts of an insurable type as a part of any merger or consolidation with another institution or through the purchase of bulk assets, without application to and approval by the Federal Savings and Loan Insurance Corporation. With regard to mergers involving State-chartered insured institutions subject to the Board's jurisdiction, the Board has not required approval by members unless State law or a State-chartered association's charter or bylaws require it. However, the Board believes that, whether or not member approval is required in a given case, the members of a mutual insured institution are entitled to notification of the filing of a merger application.

The amendment requires a merger applicant whose accountholders have voting rights, after being informed by the Supervisory Agent that an application for approval of a merger is complete, either to publish, within 15 days from the date of such advice, in a newspaper or newspapers printed in the English language and having general circulation in the community or communities being served by the merging associations and the resulting association, or to mail to the members of each such insured institution, a notice, in the form prescribed by the Board, of the filing of such application. The notice must contain the names of the institutions involved, identify the proposed home office location, state specifically whether all branch offices are being continued or list those branch offices that are being discontinued, and indicate where interested persons may file communications concerning such application. Subdivision 563.22(d)(2) provides for an explicit exception to the notice requirement for mergers instituted for supervisory reasons. Subdivision 563.22(d)(1) defers to State law or the charter or bylaws of the State-chartered institution where they require notice no less timely, informative and widely circulated than the notice the Board would require.

Section 563.22 is revised as follows:

§ 563.22 Merger, consolidation, or purchase of bulk assets.

(a) No insured institution may at any time increase its accounts of an insurable type as a part of any merger or consolidation with another institution or through the purchase of bulk assets, without application to and approval by the Corporation. Application for such approval shall be upon forms prescribed by the Corporation and such information shall be furnished therewith as the Corporation may require.

(b) Except as provided in paragraph (d) of this section, upon determination by the Supervisory Agent that an application for approval of a merger is complete, the Supervisory Agent shall advise the applicants, in writing, either to publish, within 15 days from the date of such advice, in a newspaper or newspapers printed in the English language and having general circulation in the community or communities being served by the merging associations and the resulting association, or to mail to the members of each such insured institution, a notice, in the form prescribed by the Board, of the filing of such application. The notice must contain the names of the institutions involved, identify the proposed home office location, state specifically whether all branch offices are being continued or list those branch offices that are being discontinued, and indicate where interested persons may file communications concerning such application. Subdivision 563.22(d)(2) provides for an explicit exception to the notice requirement for mergers instituted for supervisory reasons. Subdivision 563.22(d)(1) defers to State law or the charter or bylaws of the State-chartered institution where they require notice no less timely, informative and widely circulated than the notice the Board would require.

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(b) Except as provided in paragraph (d) of this section, upon determination by the Supervisory Agent that an application for approval of a merger is complete, the Supervisory Agent shall advise the applicants, in writing, either to publish, within 15 days from the date of such advice, in a newspaper or newspapers printed in the English language and having general circulation in the community or communities being served by the merging associations and the resulting association, or to mail to the members of each such insured institution, within such 15-day period, a notice of the filing of the application in the following form:

NOTICE OF FILING OF MERGER APPLICATION

Notice is hereby given that, pursuant to the provisions of § 563.22 of the Rules and Regulations for Insurance of Accounts, the _____ Savings and Loan Association, _____, _____, and the _____ (city) (state) _____ Savings and Loan Association, _____, _____ have filed an application with the Federal Savings and Loan Insurance Corporation for permission to merge, _____ Savings and Loan Association to be the resulting association, operating under the (same name) (name of _____ Savings and Loan Association). (The previous sentence should be appropriately modified if an acquisition of assets and assumption of liabilities is involved.) The resulting association intends to have its home office at _____, _____, _____ (street address) (city), (state) (and to maintain all (or the) present branch offices (or office) or to discontinue a branch office (or offices) at the following location (or locations); _____, _____, _____.) The (street address) (city) (state) application has been delivered to the office of the Supervisory Agent of the said Board, located at the Federal Home Loan Bank of _____, _____, _____, _____ (city) (street address) (city) (state) .) Any person may file communications concerning said application at the aforesaid office of the Supervisory Agent within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of this publication. Four copies of any communication should be filed. The application, information submitted therewith, and all communications are available for inspection, unless excepted from public disclosure pursuant to the Freedom of Information Act, by any person at the aforesaid office of the Supervisory Agent in accordance with the rules and regulations of the Federal Home Loan Bank Board.

_____ Savings and Loan Association _____

(c) Promptly after publication of the notice or notices required under paragraph (b) of this section, the applicants shall transmit two copies thereof to the Supervisory Agent, accompanied by two copies of either a publisher's affidavit of publication or the applicants' affidavit of mailing, depending upon the method of notification chosen.

(d)(1) In the case of an insured institution which is not a Federal association, the requirements of paragraph (b) of this section shall not apply if, under applicable State law or such institution's charter or bylaws, a notice to members is required which is no less timely, informative and widely distributed than the notice required under said paragraph (b). (2) The requirements of paragraph (b) do not apply to any merger authorized by the Corporation to be instituted for supervisory reasons or to any merger which does not involve an insured institution whose accountholders or borrowers have voting rights as such therein.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. §§ 1725, 1726, 1730. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN, *Secretary.*

[FR Doc.75-34589 Filed 12-22-75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

EXPORT REGULATIONS

Revisions and Amendments

Part 375 of the *Export Administration Regulations* has been revised editorially to eliminate unnecessary duplication, provide for better organization of material, eliminate inconsistencies, and simplify the instructions for preparing and forwarding export control supporting documents relating to exports and reexports. Some of the more important features of this revision are:

(a) An introduction has been added containing a chart that identifies the documents required in support of certain applications and the specific sections of the *Regulations* where instructions on the use of these documents may be found;

(b) The statements required from the ultimate consignee and purchaser (Single Transaction Statement by Consignee and Purchaser, Form DIB–626P and Multiple Transactions Statement by Consignee and Purchaser, Form DIB–627P) have been combined into a single form (Form DIB–629P, Statement by Ultimate Consignee and Purchaser), which should result in savings to both the exporter and the Office of Export Administration; and

(c) The instructions for preparing and forwarding various supporting documents to the Office of Export Administration have been consolidated and included in one section since the instructions for each document are similar. This has resulted in elimination of repetitive and duplicate instructions throughout Part 375.

Effective date of action: December 17, 1975.

Accordingly, Part 375 of the *Export Administration Regulations* (15 CFR Part 375) is revised to read as follows:

PART 375—DOCUMENTATION REQUIREMENTS

Sec.

375.1 Introduction.
375.2 Form DIB–629P, Statement by Ultimate Consignee and Purchaser.
375.3 International Import Certificate and Delivery Verification Certificate.
375.4 Swiss Blue Import Certificate.
375.5 Yugoslav End-Use Certificate.
375.6 Documents accompanying applications.
375.7 Special provisions.

SUPPLEMENT No. 1—AUTHORITIES ADMINISTERING IMPORT CERTIFICATE/DELIVERY VERIFICATION SYSTEM IN FOREIGN COUNTRIES

AUTHORITY: (Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945 and E.O. 11038.)

§ 375.1 Introduction.

Most individual export license applications and certain reexport authorization requests must be accompanied by supporting documents designed to elicit information concerning the disposition abroad of the goods intended for export or reexport. The following chart describes in brief the documents that are required in support of various types of proposed export transactions. Specific regulations governing the submission of these documents follow as indicated on the chart. See also § 375.7 for provisions common to two or more of the required documents.

If the commodity is—	And the country of destination is—	Required document is—	For specific regulations see—
1. Identified by the code letter A following the Export Control Commodity Number.	Austria, Belgium, Denmark, Federal Republic of Germany, France, Greece, Hong Kong, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Turkey, or United Kingdom.	International Import Certificate issued by the government of the country of destination.	§ 375.3
2. Identified by the code letter B, C, or M.	do	Statement by Ultimate Consignee and Purchaser (form DIB–629P).	§ 375.2
3. Identified by the code letter A, B, C, or M.	Switzerland	Swiss Blue Import Certificate issued by Swiss Government.	§ 375.4
4. Identified by the code letter A, B, C, or M.	Yugoslavia	Yugoslav End-Use Certificate issued by Yugoslav Chamber of Economy.	§ 375.5
5. Identified by the code letter A, B, C, D, F, J, or M.	All other destinations except those included in Country Group T.	Statement by Ultimate Consignee and Purchaser (form DIB–629P).	§ 375.2

In addition, the exporter may also be required to obtain from the ultimate consignee and/or purchaser a document issued by the consignee and/or purchaser's government after shipment has been made. Detailed regulations governing submission of this document are contained in § 375.3(i).

§ 375.2 Form DIB–629P, Statement by ultimate consignee and purchaser.

(a) *Scope.* A Form DIB–629P, Statement by Ultimate Consignee and Purchaser, is required, unless one or more of the exemptions set forth in (b) below apply, in support of each individual export license application where the country of ultimate destination is in Country Group Q, S, V, W, Y, or Z. In addition, a Form DIB–629P is required in support of (a) Time Limit (TL) license applications and (b) reexport authorization requests involving shipments to certain countries as specified in Part 374. This document may be completed, at the ultimate consignee's option, to cover a single transaction or multiple transactions. Detailed instructions for completion and use of the form are set forth in § 375.2 (c) through (j) below. The Form DIB–629P is required by the Office of Export Administration to assure that foreign consignees and purchasers are fully aware of their responsibilities for the representations made to the Office of Export Administration and for the disposition of the licensed commodities only in those foreign countries where the Office of Export Administration has specifically authorized disposition.

(b) *Exemptions.* The provisions of this § 375.2 do not apply if the license application covering the proposed shipment shows that any of the following conditions is present:

(1) An International Import Certificate (§ 375.3), a Swiss Blue Import Certificate (§ 375.4), or a Yugoslav End-Use Certificate (§ 375.5) is required in support of the application;

(2) The total value of commodities classified under a single entry on the Commodity Control List (as shown on the export order covering the application) is less than $2,200. However, these total value exemptions do not apply to an application supported by a Form DIB–629P covering multiple transactions; or

(3) Both the ultimate consignee and purchaser are a foreign government(s) or foreign government agency(ies). However, if either is not a foreign government or government agency, then a statement from that nongovernmental party is required. For the purpose of this regulation, the term "government agency" is defined as follows:

(i) National governmental departments operated by government-paid personnel performing governmental administrative functions; e.g., Finance Ministry, Ministry of Defense, Ministry of Health, etc., Municipal or other local government entities must submit consignee statements.

(ii) National government-owned public service entities; e.g., nationally owned railway, postal telephone, telegraph, broadcasting, and power systems, etc. The term "government agency" does not include government corporations, quasi-government agencies, and state enterprises engaged in commercial, industrial and manufacturing activities, such as petroleum refineries, mines, steel mills, retail stores, automobile manufacturing plants, airlines, or steamship lines that operate between two or more countries, etc.;

(4) Shipment will be made by a relief agency registered with the Advisory Committee on Voluntary Foreign Aid, U.S. Agency for International Development, to a member agency in the foreign country;

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(5) The applicant is the same person as the ultimate consignee, provided he furnishes on the license application all the applicable information that would be required in a consignee/purchaser statement. This exemption does not apply where the applicant and the consignee are separate entities, such as parent and subsidiary, or affiliated or associated firms;

(6) The export will be made for display at a trade fair or exhibition, or for demonstration or testing purposes (see § 372.8(c));

(7) The ultimate consignee is an institution of higher learning (e.g., university, academy, college, etc.), located in Country Group T (under the Time Limit License Procedure), or Country Group V. The institution must have actually placed the order with the applicant and will take delivery when the shipment is received in the importing country. This exemption does not apply if the commodities to be exported are listed in Supplement No. 1 to Part 373, "Commodities Excluded From Certain Special License Procedures";

(8) Shipment is to be made to Country Group Y of a commodity(ies) classified under an entry on the Commodity Control List (§ 399.1) that requires a validated license for Country Groups S, Y, and Z only;

(9) Shipment will be made under the short supply provisions of Part 377; or

(10) The license application is for a Project License (373.2), Distribution License (373.3), Service Supply License (373.7); or is supported by a Statement by Foreign Importer of Aircraft or Vessel Repair Parts, Form DIB–686P or FC–43 (373.8), or a Request for Authorization To Distribute United States-Origin Commodities Stocked Abroad to Approved Customers, Form DIB–624P or FC–143 (373.4).

NOTE: Pursuant to § 372.5, the Office of Export Administration may require an applicant to furnish a Form DIB–629P, Statement by Ultimate Consignee and Purchaser, in support of a pending application even though the document is exempted by this § 375.2(b).

(c) *Applications Filed Without Statements.* Where an application requiring a consignee/purchaser statement is not accompanied by such statement, the application will be returned without action to the applicant. However, if an applicant can show that he has made diligent efforts to obtain such statement and has been unable to do so, he may advise the Office of Export Administration in a letter attached to his application, giving the reasons stated by the ultimate consignee or purchaser for failing or refusing to supply the statement. If satisfied by the evidence presented, the Office of Export Administration will consider the application for approval.

(d) *Single/Multiple Transactions.* (1) Completion of Form DIB–629P, Statement by Ultimate Consignee and Purchaser.[1] Form DIB–629P, Statement by Ultimate Consignee and Purchaser, is designed for use in support of (i) an application covering a single purchase order placed with one exporter by one ultimate consignee (and only one purchaser if different from the ultimate consignee) for one or more commodities or (ii) a series of applications involving recurring orders from the same consignee and/or purchaser for the same commodity(ies) to the same destinations and for the same end uses. Use of Form DIB–629P as a multiple consignee/purchaser statement is suggested when the exporter has a continuing and regular business relationship with the ultimate consignee.

(2) Single Purchase Order. When Form DIB–629P is to be used as a single transaction statement, Item 2 should be completed by checking box "a"; and item 3 should be completed by specifying quantity and value as well as commodity description. See § 375.2(e) for detailed instructions related to information required on the Form.

(3) Multiple Purchase Orders. When Form DIB–629P is to be used as a multiple transactions statement or in support of a Time Limit (TL) license application, Item 2 should be completed by checking box "b" and specifying the expiration of the statement only if earlier than June 30 of the second year after signing. Item 3 should be completed by entering a description of the commodity (ies) in terms sufficiently definite to identify them clearly, but broad enough to include all commodities to which the statement applies. DO NOT ENTER QUANTITY OR VALUE. If either quantity or value is included, the statement will be considered a single transaction statement and will be limited to such quantity or value. See § 375.2(e) below for detailed instructions related to information required on the Form.

(4) Number of copies to be submitted. Only the original Form 629P need be submitted for a single transaction. The original *and* one copy must be submitted for multiple transactions.

(e) *Information Required on Form DIB–629P.* All of the information required by this § 375.2(e), or by Form DIB–629P, shall be furnished if applicable to the transaction. If such information is unknown, the fact should also be disclosed. The printed name, address, or nature of business of the ultimate consignee or purchaser appearing on his letterhead or order form shall not constitute evidence of either his identity, the country of ultimate destination, or end use of the commodities described in the application. Any additional facts that the consignee or purchaser believes will be of value to the Office of Export Administration in the consideration of license applications submitted in his behalf by the U.S. exporter should be entered in the space entitled "Additional Information," or on an attachment.

(1) Assistance in preparing form. The applicant or his agent may assist in completing the form prior to its being signed by the consignee and purchaser, if necessary and appropriate. If so, the name of the person assisting shall be shown in the space entitled "Assistance in Preparing Statement."

(2) Commodity description. The commodities to which the Statement applies shall be described in terms that will enable the Office of Export Administration to determine readily that the commodities on a license application are adequately covered by the commodity description on the related Form DIB–629P. If not, the applicant should add an explanatory note on the application in the space entitled "Commodity Description" or on an attachment, to make the relationship clear. When Form DIB–629P is completed as a single transaction statement, the commodities should be described in detail, giving such particulars as the name, model or type number, basic ingredients, composition, size, gauge, grade, or horsepower. If possible, describe in accordance with the Commodity Control List (§ 399.1). Where Form DIB–629P is completed as a multiple transaction statement, the commodity description shall be stated in terms sufficiently definite to identify the commodities clearly but broad enough to include all commodities to which the statement applies; e.g., a commodity description set forth in a bold-faced capitalized subsection title, if any, under a Section title of the Commodity Control List, such as, "Crude Rubber, including Synthetic and Reclaimed Rubber" (see Commodity Control List, page CCL–1), or "Metalliferous Ores and Metal Scrap" (see Commodity Control List, page CCL–), usually would be a satisfactory description modity Control List, page CCL–2), usually would be a satisfactory description for any or all of the commodities included under that subsection title.

(3) Commodities to be reexported. Acceptance of a Form DIB–629P as a supporting document shall not be construed as an authorization by the Office of Export Administration to reexport the commodities in the form in which received even though the intention to reexport is indicated thereon. Such authorization to reexport is not granted on the basis of information on this form but as a result of a specific request by the U.S. exporter on the license application, or upon request of the consignee (either directly or through the U.S. exporter) after the license is issued (see Part 374 on reexports).

(4) Commodities to be used as components in foreign manufacture. Form DIB–629P requires information as to the

[1] Present stocks of the Single Transaction Statement by Consignee and Purchaser, Form DIB–626P or FC–842; and Multiple Transactions Statement by Consignee and Purchaser, Forms DIB–627P or FC–843, may continue to be used until exhausted.

specific end use of the commodities. If the ultimate consignee will use the commodity(ies) to produce other end products, he should show in the space entitled "The specific end use by my customer will be," the names of the end products to be manufactured, the country(ies) where the production or manufacture will take place, and the country(ies) in which the end product will be distributed, if these facts are known.

(5) Quantity and value on Form DIB–629P. When Form DIB–629P is prepared as a single transaction statement, the quantity and (if known) the value of commodities ordered should be shown in the appropriate items of the Form. If actual value is not known, an estimated value should be shown and labeled "estimate." If it is impossible to determine an estimated value, the word "Unknown" should be shown, together with an explanation of the reason why an actual or estimated value cannot be provided. If the commodity is licensed in terms of dollar value and the statement indicates that the value is "unknown," the Office of Export Administration will consider the approval of one application against the Form DIB–629P provided the applicant states on the license application that the transaction described on the application is the same as that described on the Form DIB–629P. An application for an export license will not be approved for a quantity or value significantly in excess of the actual or estimated quantity or value shown on the Form DIB–629P. When Form DIB–629P is prepared as a Multiple Transactions Statement, quantity and value should be omitted, since the form will cover all transactions between the named parties for a period of as much as 18 to 30 months. Forms indicating quantity or value will be treated as Single Transaction Statements.

(6) Validity period. The original of a Form DIB–629P prepared as a single transaction statement should be submitted to the Office of Export Administration with the first applicable license application. The period within which the statement may be submitted to the Office of Export Administration is limited to 180 days after it is signed by the consignee or purchaser, whichever date is later. There is no specific time limit for submitting a DIB–629P prepared as a multiple transactions statement to the Office of Export Administration, but such statement may not be used to support license applications filed after the termination date shown in Item 2. The form will expire June 30 of the *second* year following the year in which it is signed, unless the consignee or purchaser enters an earlier date in Item 2. For example, a Form DIB–629P signed any time between January 1, 1976 and December 31, 1976, could be used to support license applications filed on or before June 30, 1978 if no earlier date is entered in Item 2. If, in this example, an earlier termination date than June 30, 1978 is entered in Item 2 of the form, the DIB–629P could be used to support only applications filed before that date. During its validity period, a Form DIB–629P prepared as a multiple transactions statement will be deemed as supporting all exports of the specified commodities from the U.S. exporter to the same consignee and purchaser for which license applications are submitted to the Office of Export Administration, *including* those that are based on export orders of less than $2,200, and would therefore not be subject to this same requirement under the procedure for a single transaction statement.

(7) Signatures. The Form DIB–629P must be manually signed either by

(i) the ultimate consignee (the person abroad who is actually to receive the material for the designated end use), and by the purchaser (the person abroad who has entered into the export transaction with the applicant to purchase the commodities for delivery to the ultimate consignee) if the purchaser is not the same party as the ultimate consignee, or

(ii) responsible officials representing the ultimate consignee and purchaser, respectively, who have personal knowledge of the information included in the statement, who have authority to bind the ultimate consignee and purchaser for whom they sign, and who have the power and authority to control the use and disposition of the licensed commodities in the country of ultimate destination. The authority to sign this statement may not be delegated to any person (agent, employee, or other) whose authority to sign is not inherent in his official position with the ultimate consignee or purchaser for whom he signs. The signing official may be located in the United States or in a foreign country; his official title must be included with his signature. Where the purchaser is not the ultimate consignee, the purchaser may execute a separate statement if more convenient. The purchaser's statement must meet the same requirements of content, signatures, etc., as required for the ultimate consignee's statement.

(f) *Responsibility of Parties to Transaction.* (1) Order party must sign in some cases. If the applicant for license is not named on the consignee/purchaser statement, the order party provisions of § 372.6(c) must be observed.

(2) Ultimate consignee and purchaser. In accordance with the certification on the Form DIB–629P, the consignee and/or purchaser must submit information that is true and correct to the best of their knowledge and belief and must promptly send a supplemental statement to the U.S. exporter if changes in the facts or intentions as set forth in their statement(s) occur after such statement has been forwarded. Further, no commodities covered by the statement may be disposed of contrary to: (i) the representations made in the statement, or (ii) the limitations on countries of distribution indicated on the bill of lading, commercial invoice, or other comparable documents, without obtaining approval of the Office of Export Administration, through the U.S. exporter, prior to such disposition. Misrepresentations, either through failure to disclose facts, concealing a material fact, or furnishing false information, will subject the ultimate consignee and/or purchaser to administrative action by the Office of Export Administration, which may include suspension, revocation, or denial of licensing privileges and denial of other participation in exports from the United States.

(g) *Corrections, Additions, or Alterations.* After a Statement by Ultimate Consignee and Purchaser, Form DIB–629P, has been signed by the consignee or purchaser, no corrections, additions, or alterations may be made by any person other than the consignee or purchaser. (The signing of the exporter's certification on the form is not construed to be a correction, addition, or alteration of the form within the meaning of this § 375.2(g). If the signed statement is incomplete or incorrect in any respect, the applicant shall obtain a corrected statement from the consignee and/or purchaser. Where the statement contains corrections, additions, or alterations that appeared on the statement at the time of receipt from the ultimate consignee or purchaser, the applicant shall sign the certification in the "Certification for Use of U.S. Exporter" space on the form or attach the following certification to the statement:

I (We) certify that no corrections, additions, or alterations were made on the attached Form DIB–629P by me (us) after the form was signed by the (ultimate consignee) (purchaser).

If the applicant or agent makes any corrections, additions, or alterations on the form when assisting in its preparation (as explained in § 375(2)(e)(1) above) the applicant shall advise the Office of Export Administration in writing of the change(s) made and reason(s) for making them. The letter shall also include the certification shown above.

(h) *Amendment of Statement by Ultimate Consignee and Purchaser, Form DIB–629P.* Where a Form DIB–629P is on file in the Office of Export Administration, an amendment to the statement may be submitted in the form of an additional Form DIB–629P or the original or copy of a wire or cable from the ultimate consignee. Sufficient information must be submitted with the amendment to permit the Office of Export Administration to identify if with the statement already on file, such as name of consignee or purchaser, date of signing; case number of the license application with which the statement was submitted to the Office of Export Administration; applicant's reference number; etc.

(i) *Extension of Validity Period of Statement by Ultimate Consignee and Purchaser.* The validity period of a Form DIB–629P prepared as a multiple transactions statement may be extended only by the submission of a new Form DIB–629P prior to the expiration of a current form.

(j) *License Applications Supported by Form DIB–629P, Statement by Ultimate*

V401247 DEC 23 75 XUM

Consignee and Purchaser. (1) Relationship of information on Statement by Ultimate Consignee and Purchaser to license application and export license. Information supplied by a consignee or purchaser on a Form DIB–629P cannot be construed as extending or expanding the specific information on a license application or an export license resulting therefrom. With regard to disclosure of facts pertaining to an individual export transaction, the license application covering the transaction must be self-contained. The authorizations contained in the resulting export license are not extended by the general information contained in the Statement by Ultimate Consignee and Purchaser with regard to reexport from the country of destination or with regard to any other facts relative to the transaction as reported on the application.

(2) Multiple Transactions. A license application supported by a Form DIB–629P, with Item 2b completed, shall contain the following statement in the item entitled "Additional Information" or on an attachment:

This application is supported by the Multiple Transactions Statement by Ultimate Consignee and Purchaser dated ---------- from the named consignee to this applicant.

(3) Single Transaction. Where a Form DIB–629P has Item 2a completed and the statement (Form DIB–629P) covers a purchase order for commodities that require more than one license application, each application supported by a Statement by Ultimate Consignee and Purchaser must contain the following certification by the applicant in the space entitled "Additional Information" or on an attachment:

I (We) certify that the quantities of commodities shown on all export licenses based on the Single Transaction Statement by Ultimate Consignee and Purchaser dated ----------, when added to the quantities shown on all additional applications pending in the Office of Export Administration based on the same Statement by Ultimate Consignee and Purchaser, including the present application, do not total more than the quantities shown on that statement. This Statement by Ultimate Consignee and Purchaser was submitted in support of application number (*insert case number, or if case number is unknown, the applicant's reference number, date of submission of the application to which the Statement by Ultimate Consignee and Purchaser was attached, and Export Control Commodity Numbers and Processing Number shown on that application*).

§ 375.3 International Import Certificate and Delivery Verification Certificate.

(a) *Scope.* The International Import Certificate is a document issued by the government of a country listed in § 375.3 (b) below and represents an undertaking by the issuing government to exercise legal control over the disposition of the commodities covered. It is obtained by the importer (ultimate consignee or purchaser) and transmitted to the exporter (applicant). The document is required by the Office of Export Administration in support of an individual export license application, unless one or more of the exemptions set forth in 375.3(d) below apply, to export a commodity(ies) identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List to one of the country destinations listed in § 375.3 (b) below. It may also be required for transactions not involving an export from the United States (See 368.2(a)(8).) The Delivery Verification Certificate is a document issued by the governments of the countries listed in § 475.3(b) below, after the export has taken place and the commodities have either entered the export control jurisdiction of the recipient country or are otherwise accounted for by the importer to the issuing government. The Delivery Verification Certificate is required by the Office of Export Administration on a selective basis as set forth in § 375.3(i) below.

The control exercised by the government issuing an International Import Certificate or Delivery Verification Certificate is in addition to conditions and restrictions placed on the export by the Office of Export Administration. The laws and regulations of the United States are in no way modified, changed, or superseded by the issuance of an International Import Certificate or a Delivery Verification Certificate.

(b) *Destinations.* The following country destinations are subject to the International Import Certificate/Delivery Verification Certificate System requirements.[1]

Austria	Hong Kong (see § 375.3(c)(3) below)
Belgium	Italy
Denmark	Japan
France	Luxembourg
Germany, Federal Republic of (including West Berlin)	Netherlands
Greece	Norway
	Portugal
	Turkey
	United Kingdom

(See Supplement No. 1 to this Part 375 for list of addresses in the above country destinations where foreign importers may obtain International Import Certificates.) Facsimiles of International Import Certificates issued by each of the above destinations may be inspected at any U.S. Department of Commerce District Office (see list on page 1 under District Office Addresses), or at the Office of Export Administration, Exporters' Service Section, U.S. Department of Commerce, 14th and "E" Streets, NW., Washington, D.C. The provisions of this § 375.3 do not apply to any overseas territories of the above destinations unless specially listed.

(c) *Documentation Provisions.* (1) Terms used. As used in this § 375.3, the terms "International Import Certificate," "Delivery Verification Certificate," "Hong Kong Import License," and "Landing Certificate" refer to the documents issued by governments of the countries listed in § 375.3(b) above to importers in such countries and are equivalent documents to the International Import Certificate, DIB–645P or FC–826 and U.S. Delivery Verification Certificate, Form DIB–647P or FC–908, issued to U.S. importers (see §§ 368.2 and 368.3).

(2) Triangular symbol. In accordance with international practice, the government issuing office may stamp a triangular symbol on the International Import Certificate. This symbol is notification that the importer does not intend to import or retain the commodities in the country issuing the import certificate, but that, in any case, the commodities will not be delivered to any destination except in accordance with the export regulations of the issuing country.

(3) Special provisions for Hong Kong. With regard to exports to Hong Kong, the term "Import Certificate" means the DUPLICATE copy of Form 3, Hong Kong Import License, containing one of the following stamped endorsements signed by a Hong Kong Government Official:

For use in Hong Kong. Diversion en route prohibited. Reexport not permitted except under special license.

or

For reexport to (destination). Diversion en route prohibited. To be delivered by shipping or airline company concerned to Govt-designated godown. Overside delivery not permitted. Release from godown subject to approval of export license.

The term "Delivery Verification Certificate" means the C&I Form 229, Hong Kong Delivery Verification, or the C&I Form 42, Hong Kong Landing Certificate. C&I Form 42 is acceptable only where the Hong Kong Government does not issue C&I Form 229. (See § 375.3(i) for delivery verification certificate requirements.)

(d) *Exemptions.* Import Certificate requirements shall not apply to:

(1) A license application to export commodities classified in a single entry on the Commodity Control List, the total value of which, as shown on the export order, is less than $2,200, except where a multiple transactions Import Certificate is filed in accordance with § 375.3 (g)(2) below;

(2) A license application to export commodities to a foreign government or government agency that actually placed the order with the applicant and will take delivery of the commodities when received in the importing country (see § 375.2(b)(3) for definition of "government agency");

(3) A license application filed by a relief agency registered with the Advisory Committee on Voluntary Foreign Aid, Agency for International Development, for export of commodities to a member agency in the foreign country;

(4) A license application to export commodities for exhibition, demonstration, or testing purposes (see § 372.8(c));

(5) A license application to export commodities to an institution of higher learning (e.g., university, academy, college, etc.). The institution must have actually placed the order with the applicant and will take delivery when received in the importing country. This exemption does not apply if the commodities to be exported are listed in Supplement No. 1 to Part 373, "Commodities Excluded From Certain Special License Procedures;

(6) A license application filed under the short supply provisions Part 377; or

(7) A license application for a Project License (373.2), Distribution License (373.3), Service Supply License (373.7); or supported by a Statement by Foreign Importer of Aircraft or Vessel Repair Parts, Form DIB–686P or FC–43 (373.8); or a Request for Authorization To Distribute United States-Origin Commodities Stocked Abroad to Approved customers, Form DIB–624P or FC–143 (373.4).

(e) *Exceptions.* (1) Grounds for exception. Favorable consideration of a request for exception generally, will be given where the International Import Certificate requirement:

(i) Imposes an undue hardship on the applicant and/or ultimate consignee (e.g., refusal by the foreign government to issue an Import Certificate and such refusal constitutes discrimination against the U.S. exporter); or

(ii) Cannot be complied with (e.g., the commodities will be held in a foreign trade zone or bonded warehouse for subsequent distribution in one or more countries); or

(iii) Is not applicable to the transaction (e.g., the commodities will not be imported for consumption into the named country of destination).

An exception will not be granted contrary to the objective of the U.S. export control program. The procedure to follow in requesting an exception is set forth in § 375.7(g).

(f) *Relationship to Form DIB–629P, Statement by Ultimate Consignee and Purchaser.* (1) The requirement of a Form DIB–629P, Statement by Ultimate Consignee and Purchaser (§ 375.2) is not applicable where an International Import Certificate is required by this § 375.3.

(2) Where an International Import Certificate is not specifically required by this § 375.3, an export to a country destination listed in § 375.3(b) above is subject to the requirement of a Statement by Ultimate Consignee and Purchaser, Form DIB–629P, and an Import Certificate may not be substituted for that statement.

(3) When the code letter "A" following the Export Control Commodity Number is replaced by another code letter, the commodities covered by that entry are removed from the International Import Certificate requirements of this § 375.3. Neither a new International Import Certificate nor an International Import Certificate previously submitted to the Office of Export Administration will be accepted in lieu of the required Statement of Ultimate Consignee and Purchaser in support of a license application that is submitted to the Office of Export Administration after the change in the code letter (See § 375.7(b) for Grace Period.)

(g) *Submission of International Import Certificate.* (1) Single Transaction Certificate: (i) The applicant shall attach to his license application covering a proposed export the original International Import Certificate, bearing the official authentication of the government authorities in the importing country, issued to the named importer or his agent and covering the commodity(ies) described in the application. A reproduced copy (photocopy or other type) of the International Import Certificate will not be accepted by the Office of Export Administration.

(ii) Where the single transaction International Import Certificate covers commodities for which more than one license application is submitted, the original Import Certificate should be attached to the first such application, and each subsequent application should show the following certification in the "Additional Information" space or on an attachment:

I (We) certify that the quantities of commodities shown on all export licenses based on the (name of country) International Import Certificate (or Hong Kong Import License) Number ------, when added to the quantities shown on all additional applications pending in the Office of Export Administration based on the same Import Certificate, including the present application, do not total more than the quantities shown on that Import Certificate. This Import Certificate was submitted in support of application number (*insert case number or, if case number is unknown, the applicant's reference number; date of submission of the application to which the Import Certificate or Hong Kong Import License was attached; and Export Control Commodity Numbers and processing Number shown on that application*).

Failure to supply the case number or other identifying information may result in delay in processing the application.

(2) Multiple Transactions Certificate. A multiple transactions International Import Certificate is an officially authenticated original of an Import Certificate that covers more than one proposed transaction. If a multiple transactions Import Certificate specifies the amount of the commodities (in terms of either quantity or value), all export licenses, including those covering a commodity valued at less than $2,200, will be charged against the amount specified. The applicant should attach the original multiple transactions Import Certificate, bearing the official authentication of governmental authorities in the importing country, to his first application the Certificate is intended to support. A reproduced copy (photocopy or other type) of the Import Certificate is not acceptable. On each subsequent application submitted against that Certificate, one of the following certifications, as appropriate, signed by the applicant, shall be inserted in the space entitled "Additional Information" or on an attachment:

(i) If quantity or value is shown on the Certificate:

I (We) certify that the quantities (values) of commodities shown on all export licenses based on the (*name of country*) International Import Certificate (or Hong Kong Import License) Number ------, when added to the quantities (values) shown on all additional applications pending in the Office of Export Administration based on the same Import Certificate, including the present application, do not total more than the quantities (values) shown on that Import Certificate. This Import Certificate was submitted in support of application number (*insert case number or, if case number is unknown, the applicant's reference number, date of submission of the application to which the Import Certificate or Hong Kong Import License was attached, and Export Control Commodity Numbers and Processing Number shown on that application*).

or

(ii) If quantity or value is not shown on the Certificate:

I (We) certify that this application is supported by the (*name of country*) multiple transactions International Import Certificate (or Hong Kong Import License) Number ------, which was submitted in support of application number (*insert case number or, if case number is unknown, the applicant's reference number, date of submission of the application to which the Import Certificate or Hong Kong Import License was attached, and Export Control Commodity Numbers and Processing Number shown on that application*).

(h) *Requirements Applicable to Both Single and Multiple Transactions Import Certificates.* (1) Parties named on Import Certificate. The International Import Certificate may be accepted if made out to either the ultimate consignee or the purchaser if they are different parties located in the same country. If they are not located in the same country, an Import Certificate, a consignee/purchaser statement, or other applicable equivalent document is required from the party located in the country of ultimate destination. The U.S. exporter named in the Import Certificate must appear as applicant, supplier, or order party on license applications submitted to the Office of Export Administration.

(2) Commodity description. The exporter should furnish his consignee the commodity description shown on the Commodity Control List and advise him to use this description when applying for the International Import Certificate from his government. In addition, where the commodity is a new or highly technical product, it is advisable also to furnish a manufacturer's catalog or bulletin, or printed pages describing the commodity. This will assist the foreign government in determining whether the commodity meets the criteria for the issuance of an International Import Certificate.

(3) Validity period. The International Import Certificate must be submitted to the Office of Export Administration within the period shown thereon, which in no case will exceed six months from the date it is issued by the foreign government. In addition, any license application supported by such Certificate must be submitted within 12 months from the date the Certificate was initially submitted to the Office of Export Administration. The expiration of an Import Certificate will in no way affect the validity period of the resultant export license(s).

[1] See § 375.4 for Swiss Blue Import Certificate requirements and 375.5 for Yugoslav End Use Certificate Requirements.

V40247 DEC 23 75 XUM

(4) Triangular transactions. Whenever an International Import Certificate bearing a triangular symbol is submitted to the Office of Export Administration, the U.S. exporter shall advise the Office of Export Administration of all parties to the transaction, including parties located outside the country that issued the Import Certificate. If the importer objects to giving this information to the U.S. exporter, he may submit it directly to the Office of Export Administration through a U.S. Foreign Service post or in a sealed envelope to the exporter, marked "To be opened by the Office of Export Administration only."

(5) Reexports. Submission of an International Import Certificate does not relieve the parties to the transaction from compliance with the reexport provisions of Part 374.

(6) Alterations. After an International Import Certificate is issued by the foreign government, no corrections, additions, or alterations may be made on such Certificate by any person. (See § 387.8 on unauthorized use and alterations of export control documents.) If the exporter desires to explain any information on the Certificate, he may attach thereto a signed statement to that effect.

(i) *Delivery Verification Certificate.* (1) Notification of requirement. (i) Delivery Verification Certificates are required by the Office of Export Administration on a selective basis. They may be required for exports of commodities exported under a validated license to any of the country destinations listed in § 375.3(b) above, including commodities not identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1) and commodities for which an exemption or exception to the Import Certificate requirement has been established in accordance with §§ 375.3 (d) or (e) above. Where verification of delivery is required, the words "Delivery Verification required, see attached Form DIB–648P" will be stamped on the face of the export license. In addition, Notification of Delivery Verification Requirement, Form DIB–684P or IA–863; will be attached to the license.[1] Where the license is sent directly to an agent or freight forwarder of the licensee, such agent or freight forwarder is responsible for notifying the licensee immediately in writing that a Delivery Verification Certificate is required. (See Supplement No. 1 to Part 375 for list of addresses where importers may obtain Delivery Verification Certificates.) Facsimilies of Delivery Verification Certificates issued by each of these destinations may be inspected at any U.S. Department of Commerce District Office (see list on page i under District Office Addresses), or at the Office of Export Administration, Exporters' Service Station, U.S. Department of Commerce, 14th and "E" Streets, N.W., Washington, D.C.

[1] In certain instances, the licensee may be requested to submit a Delivery Verification Certificate under alternative procedures.

(ii) The Delivery Verification Certificate requirement for a particular export transaction is cancelled automatically if, subsequent to the issuance of a license, (a) the code letter "A" is replaced by another code letter for the commodity involved, and (b) the exporter returns the original copy of Form DIB–684P or IA–863 to the Office of Export Administration with a statement that the code letter "A" has been replaced by another code letter.

(2) Submission to the Office of Export Administration. When notified to do so by the Office of Export Administration, any person issued a license covering a shipment within the scope of § 375.3 shall:

(i) Transmit to the foreign importer a written request for a Delivery Verification Certificate at the time of making each shipment under the license (whenever possible, this request should be submitted together with the related bill of lading or air waybill). The request must include the number of the International Import Certificate for the transaction referred to in Form DIB–648P or IA–863, and notify the foreign importer that this same International Import Certificate number should be shown on the Delivery Verification Certificate;

(ii) Obtain from the named importer a Delivery Verification Certificate that has been issued to the importer by his government covering the commodities described on the export license, or as much thereof (when complete shipment against the license will not be made) as the licensee has shipped; and

(iii) Send the original copy of the Delivery Verification Certificate to the Office of Export Administration within a reasonable time after the last shipment has been made against the license. If verification of delivery is required for commodities covered by a license against which partial shipments have been made, the licensee shall obtain the required verification of delivery for each partial shipment. When all the Delivery Verification Certificates have been received, they shall be forwarded in one package to the Office of Export Administration.

(3) Inability to obtain Delivery Verification Certificates. If an exporter is unable to obtain the required Delivery Verification Certificate from his importer, he shall promptly notify the Office of Export Administration and, upon request, make available to that office all information and records, including correspondence, regarding his attempt to obtain the required document.

§ 375.4 Swiss Blue Import Certificate.

(a) *Requirement.* (1) Submission of Certificate. A license application for export of commodities to Switzerland or Liechtenstein, regardless of value, must be accompanied by the original Swiss Blue Import Certificate. This certificate is issued to the importer by the Swiss Federal Department of Public Economy, Division of Commerce, Import and Export Control, covering the proposed export from the United States. The certificate may cover more than one purchase order and more than one commodity. Where the Certificate includes commodities for which more than one license application will be submitted, the original Certificate shall be attached to the first such application. Each subsequent application shall include the following certification in the space entitled "Additional Information" or on an attachment:

I (We) certify that the quantities of commodities shown on all export licenses based on the Swiss Blue Import Certificate No. ------, when added to the quantities shown on all additional applications pending in the Office of Export Administration based on the same Certificate, including the present application, do not total more than the quantities shown on that Certificate. This Certificate was submitted in support of application number (*insert case number or, if case number is unknown, the applicant's reference number, date of submission of application to which the Swiss Blue Import Certificate was attached, and Export Control Commodity Numbers and Processing Number shown on that application*).

(b) *Exemptions.* (1) Shipments to government agencies. A license application to export commodities to a Swiss or Liechtenstein Government agency, as defined in § 375.2(b)(3), is exempted from the Swiss Blue Import Certificate requirement if the Government agency actually placed the order with the applicant and will accept delivery of the export.

(2) Approved Form DIB–686P or FC–43 and DIB–624P or FC–143. A license application to export commodities to Switzerland or Liechtenstein is exempted from the Import Certificate requirement if such license application is supported by Statement by Foreign Importer of Aircraft or Vessel Repair Parts, Form DIB–686P or FC–43, or Form DIB–624P or FC–143, Request for Authorization To Distribute United States Origin Commodities Stocked Abroad to Approved Customers; or the current Station Number or validation number of either of these forms. However, this exemption does not relieve an exporter or his distributor from the requirement under the Foreign-Based Warehouse Procedure that a Swiss Blue Import Certificate be obtained and held available for inspection. (See § 373.4).

(3) Temporary exports. A license application to export commodities for temporary exhibition, demonstration, or testing purposes in Switzerland or Liechtenstein (see § 372.8(c)) does not require a Swiss Blue Import Certificate.

(c) *Exceptions.* An applicant for an export license subject to the requirement for a Swiss Blue Import Certificate in accordance with the provisions of § 375.4(a) above may request an exception to this requirement. Favorable consideration of a request for exception generally will be given where the Swiss Blue Import Certificate requirement:

(1) Imposes an undue hardship on the applicant and/or ultimate consignee (e.g., the Swiss Government refuses to issue an Import Certificate and such refusal constitutes discrimination against the U.S. exporter);

(2) Cannot be complied with (e.g., the commodities will be held in a foreign trade zone or bonded warehouse in Switzerland or Liechtenstein for subsequent distribution in one or more countries); or

(3) Is not actually applicable to the transaction (e.g., the commodities will not be imported for consumption into Switzerland or Liechtenstein).

An exception will not be granted contrary to the objectives of the U.S. export control program. The procedure to follow in requesting an exception is set forth in § 375.7(g).

§ 375.5 Yugoslav End-Use Certificate.

(a) *Requirements.* A license application to export commodities to Yugoslavia, regardless of value, must be accompanied by the original End-Use Certificate issued to the Yugoslav importer by the Yugoslav Chamber of Economy in Belgrade covering the proposed export.[1] The certificate may cover more than one purchase order and more than one commodity. Where the Certificate includes commodities for which more than one license application will be submitted, the original of the Certificate shall be attached to the first such application. Each subsequent application shall include the following certification in the space entitled "Additional Information" or on an Attachment:

I (We) certify that the quantities of commodities shown on all export licenses based on the Yugoslav End-Use Certificate No. ------, when added to the quantities shown on all additional applications pending in the Office of Export Administration based on the same End-Use Certificate, including the present application, do not total more than the quantities shown on that certificate. This End-Use Certificate was submitted in support of application number (*insert case number or, if case number is unknown, the applicant's reference number, date of submission of the application to which the End-Use Certificate was attached, and Export Control Commodity Numbers and Processing Number on that application*).

(b) *Exemptions.* (1) Shipments to government agencies. A license application to export commodities to a Yugoslav Government agency, as defined in § 375.2(b)(3), is exempted from the Yugoslav End-Use Certificate requirement if the government agency actually placed the order with the applicant and will accept delivery of the export.

(2) Approved Form DIB–686P or FC–43 and DIB–624P or FC–143. A license application to export commodities to Yugoslavia is exempted from the requirement for a Yugoslav End-Use Certificate if such application is supported by Statement by Foreign Importer of Aircraft or Vessel Repair Parts, Form DIB–686P or FC–43; or Request for Authorization to Distribute United States Origin Commodities Stocked Abroad to Approved Customers, Form DIB–624P or FC–143; or the current Station Number or validation number of either of these forms. However, this exemption does not relieve an exporter or his distributor from the requirement under the Foreign-Based Warehouse Procedure that a Yugoslav End Use Certificate be obtained and forwarded to the Office of Export Administration, as required by § 373.4.

(3) Temporary exports. A license application to export commodities for temporary exhibition, demonstration, or testing purposes in Yugoslavia (see § 372.8(c)) does not require an End-Use Certificate.

(c) *Exceptions.* The Office of Export Administration will consider the granting of an exception to the Yugoslav End-Use Certificate requirement where the ultimate consignee has been unable to obtain the Certificate and the granting of an exception will not be contrary to the objectives of the U.S. export control program. The Office of Export Administration may also waive the End-Use Certificate requirement where refusal by the Yugoslav Government to issue the Certificate discriminates against the U.S. exporter, or for any other valid reason of similar importance. The procedure to follow in requesting an exception is set forth in § 375.7(g)

§ 375.6 Documents accompanying applications.

(a) *Copies in Lieu of Originals.* A document submitted in support of an application for an individual or other validated license will not be returned to the applicant or his agent, except when the application is returned without action or this Part 375 provides for the return of an unused or partially used International Import Certificate, Swiss Blue Import Certificate, or Yugoslav End-Use Certificate. An original document, other than one required by this Part 375, which an exporter may subsequently have need for, does not have to be submitted unless it is specifically required by the provisions of another section of the Export Administration Regulations. In lieu thereof, a photocopy or other copy of an original document is acceptable. An individual certification of a copy of an original document is not required by the Office of Export Administration. By signing the application, the applicant certifies and represents that any copy of a document submitted with the application, or at any time before or after it is filed, is a true copy of the original document. His signature also certifies and represents that the information contained in such document is true, correct, and complete to the best of his knowledge and belief.

(b) *Availability of Original.* The Office of Export Administration may demand the original of any copy of a document submitted in support of a license application. Such original must be kept and made available for inspection in accordance with the provisions of § 387.11. However, after a year from the beginning of the prescribed detention period, a reproduction of the original document may be substituted.

(c) *Identification of Document.* Any document that is submitted separately from the application must be identified clearly as part of that application by the following statement:

This document is submitted in support of application number (*insert case number or, if case number is unknown, the applicant's reference number; date of submission of the application to which the document is related and Export Control Commodity Numbers and Processing Number shown on the application*).

Unless a document filed separately from the license application is so identified, it will not be accepted by the Office of Export Administration.

(d) *Number of Copies Required.* A document submitted with an application that will ultimately become a part of the license, such as a list of consignees, must be submitted in duplicate. A copy of such document will become a part of the license, if issued, and must remain affixed thereto. Only one copy is required of a document that will not become a part of the license; for example, evidence of an order.

§ 375.7 Special provisions.

The following special provisions apply as indicated to Consignee/Purchaser Statements, International Import Certificates, Delivery Verification Certificates, Swiss Blue Import Certificates, Yugoslav End-Use Certificates, and other documents submitted in support of export license applications.

(a) *Coded Terms and Translation Requirements.* All abbreviations, coded terms, or other expressions on consignee/purchaser statements, International Import Certificates, Delivery Verification Certificates, Swiss Blue Import Certificates, Yugoslav End-Use Certificates and other documents having special significance in the trade or to the parties to the transaction must be explained on an attachment to the document. Documents in a foreign language must be accompanied by an attachment giving an accurate translaction, either made by a translating service or certified by the applicant to be correct. Exporters may provide foreign customers with Form DIB–629P translated into the customers' language but the Office of Export Administration will not provide foreign language copies. Explanations or translations should not be entered on the documents themselves, as such action constitutes an alteration of the document (see § 375.2(g) above on alteration of a consignee/purchaser statement).

(b) *Grace Period.* (1) Consignee/Purchaser Statement. Whenever the requirement for a consignee/purchaser statement for any commodity is extended by reason of the addition of a country group(s) in the column on the Commodity Control List titled "Validated License Required for Country Groups shown Below," or by replacement of the code letter "A" following the Export Control Commodity Number with another code letter, an application for license need not conform to the requirements of § 375.2 for a period of 30 days after the date that the commodity becomes subject to the new requirement. In lieu thereof, applications filed during the 30-day grace period shall be accompanied by any evidence available to the applicant that will support his rep-

[1] Foreign consignees may obtain End-Use Certificates from the Yugoslav Chamber of Economy, Knez Mihailova 10, Belgrade.

V 401247 DEC 23 75 D XUM

resentations concerning the ultimate consignee, ultimate destination, and end-use, such as copies of the order, letters of credit, correspondence between the exporter and ultimate consignee, or other documents received from the ultimate consignee.

(2) International Import Certificate. Whenever the requirement for an International Import Certificate is extended by the addition of a commodity or country, the change shall become effective 45 days from the date of such addition.

(3) Swiss Blue Import Certificates and Yugoslav End-Use Certificates. Whenever the requirement for a Swiss Blue Import Certificate or a Yugoslav End-Use Certificate is extended to any commodity by the addition of Country Group V to the column on the Commodity Control List entitled "Validated License Required for Country Groups Shown Below," a license application for such commodity need not conform to this requirement for 45 days from the date such commodity becomes subject to the requirement.

(c) *Applicant's Responsibility for Full Disclosure.* In submitting a Consignee/Purchaser Statement, International Import Certificate, Swiss Blue Import Certificate or Yugoslav End-Use Statement, the applicant is not relieved of his responsibility for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief, even if inconsistent with the representations set forth in the above-mentioned documents. In accordance with the provisions of §§ 372.6(g) and 387.5(c), the applicant shall promptly notify the Office of Export Administration of any change in the facts set forth in the document that comes to his attention subsequent to the issuance date of the document.

(d) *Supporting Document as a Licensing Factor.* The Office of Export Administration reserves the right in all respects to determine to what extent any license will be issued covering commodities for which a foreign government has issued a document required by this Part 375. Generally, commodities licensed by the Office of Export Administration on the basis of dollar value will not be licensed in excess of the dollar value shown on the relevant document issued by the foreign government, and commodities licensed on the basis of units of measure will not be licensed in excess of the units shown on such document. The Office of Export Administration will not seek or undertake to give consideration to recommendations from the foreign government as to the U.S. exporter whose license application should be approved. A supporting document issued by a foreign government will be only one of the considerations upon which the Office of Export Administration will base its licensing action, since quotas, end uses, and other considerations are important factors in export licensing.

(e) *Request for Return of Certificates.* A U.S. exporter may be requested by his foreign importer to return an unused or partially used International Import Certificate, Swiss Blue Import Certificate, or Yugoslav End-Use Certificate (hereinafter referred to as Certificate). In such instances, the U.S. exporter should forward the Certificate to his importer as soon as he determines that the Certificate will not be used with a new or resubmitted license application or an appeal. To meet such requests, Certificates on file in the Office of Export Administration will be returned to exporters in accordance with the following procedures:

(1) Quantity on Certificate more than quantity on application. When a Certificate covers a quantity in excess of the license application(s) submitted against it, the Office of Export Administration will retain the Certificate unless the exporter requests its return. To request the return of the Certificate the exporter should write to the Office of Export Administration (Room 1617M), U.S. Department of Commerce, Washington, D.C. 20230, giving the name and address of the importer, the case numbers to which the Certificate applies, the Certificate number, and a statement that the Certificate will not be used in connection with another license application. Appropriate notation will be placed on the Certificate by the Office of Export Administration before it is returned.

(2) Certificate and license application in same quantities but not licensed in full. The Office of Export Administration will usually return a Certificate to the U.S. exporter whenever a license application covers the same type and amount of the commodity as that shown on the Certificate but such application is rejected or approved in a reduced quantity. Appropriate notation will be placed on the Certificate by the Office of Export Administration.

(3) Quantities licensed but not shipped. Where the U.S. exporter does not intend to ship all of the commodities for which a license has been issued and desires the return of the Certificate, he shall submit his request in writing as follows:

(i) *Unexpired export license.* If the license has not expired but no further shipment will be made, the written request for return of the Certificate shall be accompanied by the license. If a further shipment(s) is contemplated, the request for return of the Certificate should be accompanied by a request to amend the license to show the total quantity to be shipped against it. The amendment request must be submitted on Request for and Notice of Amendment Action, Form DIB–685P or IA–763. (See § 372.11 for regular amendment procedure.)

(ii) *Expired export license.* If the license has expired, the written request shall be accompanied by the license, or should indicate that the license has already been returned. Form DIB–685P or IA–763 need not be submitted. Appropriate notation will be placed on the Certificate by the Office of Export Administration before it is returned to the applicant.

(f) *Request for Amendment of Export License.*[1] (1) Change in consignee or purchaser. A new Statement by Ultimate Consignee and Purchaser, or an appropriately amended International Import Certificate, Swiss Blue Import Certificate or Yugoslav End-Use Certificate, shall accompany a request for an amendment of an export license that proposes a change in the consignee or purchaser in the transaction named in the export license if the proposed amendment is not in accordance with the statement or certificate previously submitted to the Office of Export Administration.

(2) Increase in quantity. A new Statement by Ultimate Consignee and Purchaser, or a letter, wire, or cable from the ultimate consignee and purchaser (if applicable) confirming the change, or an appropriately amended International Import Certificate, Swiss Blue Import Certificate or Yugoslav End-Use Certificate, shall accompany a request for an amendment of an export license that proposes any increase in the quantity set forth in the export license if the proposed amendment is not in accordance with a single transaction Statement by Ultimate Consignee and Purchaser, or Certificate previously submitted to the Office of Export Administration. If a proposed quantitative amendment is in accordance with the previously submitted single transaction Statement by Ultimate Consignee and Purchaser or Certificate, the amendment request shall include the following certification as appropriate:

I (We) certify that this request for amendment of export license number ------, if granted, will not exceed the total quantity covered by the Statement by Consignee and Purchaser against which this export license was issued.

or

I (We) certify that this request for amendment of export license number ------, if granted, will not exceed the total quantity authorized under the (*name of country*) International Import Certificate (or Hong Kong Import License, Swiss Blue Import Certificate, or Yugoslav End-Use Certificate) Number -------.

Where the export license is based on a multiple transactions Statement by Ultimate Consignee and Purchaser, an additional Statement is not required from the consignee or purchaser to support a proposed license amendment for increase in quantity. In lieu thereof, the following certification shall be placed on the amendment request:

I (We) certify that the license listed above is supported by a Statement by Ultimate Consignee and Purchaser.

(g) *Request for Exception.* A request for exception to a requirement for submission of an International Import Certificate, Swiss Blue Import Certificate, or Yugoslav End-Use Certificate[2] may

[1] Paragraph 372.11(l) contains other provisions applicable to amendments of licenses covered by a consignee/purchaser statement.

[2] See 375.2(c) for exceptions to a consignee/purchaser statement.

involve either a single transaction or, where the reason necessitating the request is continuing in nature, multiple transactions.

(i) The single transaction exception relates to a single export order and, if granted, will cover the application(s) that the exporter submits to ship the single export order; or

(ii) The multiple transactions exception relates to multiple export orders and, if granted, will cover all applications submitted by the exporter during all or any part of the period ending no later than June 30 of the year following the year during which the request is submitted, unless an earlier termination date is requested.

(1) How to submit request. (i) The request for exception should be submitted with the application to which it relates. Where the request relates to more than one application, it should be submitted with the first application and referred to in the "Additional Information" space on any subsequent application.

(ii) Each request for exception shall be by letter, in duplicate, addressed to the Office of Export Administration (Room 1617M), U.S. Department of Commerce, Washington, D.C. 20230. It shall be accompanied by a Statement by Ultimate Consignee and Purchaser in accordance with § 375.2, unless such statement is already on file in the Office of Export Administration.

(iii) As a minimum, the letter request shall include:

(*a*) Name and address of ultimate consignee;

(*b*) Name and address of purchaser, if different from ultimate consignee;

(*c*) Location of foreign trade zone or bonded warehouse if the commodities will be exported to a foreign trade zone or bonded warehouse;

(*d*) Type of request, i.e., whether for a single transaction or multiple transactions;

(*e*) Full explanation of the reason(s) for requesting the exception;

(*f*) Nature and duration of the business relationship between the applicant and importer shown on the license application;

(*g*) Whether the exporter has previously submitted to the Office of Export Administration a Certificate issued in the name of the importer and a listing of the case number(s) to which the certificate(s) applied;

(*h*) Whether a Statement by Ultimate Consignee and Purchaser, in accordance with § 375.2, is on file with the Office of Export Administration;

(*i*) Requested date of expiration if a multiple transactions exception is requested and the exporter wishes the exception period to expire before June 30 of the next year; and

(*j*) Any other facts to justify granting an exception.

(2) Action by Office of Export Administration.

(i) *Single transaction request.* Where a single transaction is involved, the Office of Export Administration will act on the request for exception at the same time as the license application with which the request is submitted. In those instances where the related application is approved, the issuance of the export license will serve as an automatic notice to the exporter that the exception is also approved. However, if any restrictions are placed on the approval or if the request is disapproved, the Office of Export Administration will advise the exporter by letter.

(ii) *Multiple transactions request.* Where multiple transactions are involved, the Office of Export Administration will advise the exporter by letter of the action taken on the exception request. The letter will contain any conditions or restrictions that the Office of Export Administration finds necessary to impose. In addition, a written acceptance of these conditions or restrictions will be required from the parties to the transaction.

SUPPLEMENT No. 1

AUTHORITIES ADMINISTERING IMPORT CERTIFICATE/DELIVERY VERIFICATION SYSTEM IN FOREIGN COUNTRIES[1]

Country	IC/DV Authorities	System administered[2]
Austria	Bundesministerium für Handel Gewerbe und Industrie, Stubenring 1, Vienna 1010.	IC
	Bundesministerium für Handel Gewerbe und Industrie, Landstr. Hauptstr. 55–57, Vienna 1031.	DV
Belgium	Ministère des Affaires Economiques, Office Central des Contingents et Licences, 24–26 Rue De Mot, Bruxelles-1040.	IC/DV
Denmark	Handelsministeriets Licenskontor, Montergade 21, Copenhagen K, also issued by Danmarks Nationalbank, Holmens Kanal 17, Copenhagen K.	IC/DV
	Custom-houses	DV
France	Ministère de l'Economie et des Finances, Direction Général des Douanes et droits indirects, Division des Exchanges, Bureau E/4, 8, Rue de la Tour des Dames, Paris 9e.	IC/DV
Germany, Federal Republic of, West Berlin	Bundesamt für gewerbliche Wirtschaft, 6000 Frankfurt/Main 1, Bockenheimer Landstr. 38, Postfach 3931.	IC/DV
	Der Senator für Wirtschaft, Referat I b B (ZGSt), 1000 Berlin 62 (Schöneberg), Martin-Luther-Strasse 105.	IC/DV
Greece	Banque de Grece, Direction des Transactions Commerciales avec l'Etranger, Athens.	IC/DV
Hong Kong	Import Control Branch, Department of Commerce and Industry, Fire Brigade Building, Hong Kong.	IC
	Department of Commerce and Industry, Connaught Road, Central, Hong Kong.	DV
Italy	Ministero del Commercio con l'Estero, Direzione Generale delle Importazioni delle Esportazioni, Div. III, Rome.	IC
	Dogana Italiana (of the town where the import takes place)	DV
Japan	Ministry of International Trade and Industry in Fukuoka, Hiroshima, Kanmon (Kitakyusyu-shi), Kobe, Nagoya, Osaka, Sapporo, Sendai, Shikoku (Takamatsu-shi), Shimizu, Tokyo, and Yokohama.	IC
	Japanese Customs Offices	DV
Luxembourg	Office des Licences, Avenue de la Liberte, 10	IC/DV
Netherlands	Centrale Dienst voor In- en Uitvoer, Engelse Kamp 2, Groningen	IC/DV
Norway	Handelsdepartementet, Direktoratet for Eksport-og-Importregulering Fr. Nansens plass 5, Oslo.	IC/DV
Portugal	Repartição do Comércio Externo, Direcção Geral do Comércio, Secretaria de Estado do Comércio, Ministério da Economia, Lisbon.	IC/DV
Turkey	Ministry of Commerce, Department of Foreign Commerce, Ankara	IC
	Head Customs Office at the point of entry	DV
United Kingdom	Department of Trade and Industry, Export Licensing Branch, Sanctuary Building, 20 Great Smith St., London, SW1P 3DS.	IC
	H.M. Customs and Excise, Section 22, King's Beam House, Mark Lane, London, E.C. 3.	DV

[1] Facsimiles of Import Certificates and Delivery Verifications issued by each of these countries may be inspected at any U.S. Department of Commerce District Office (see list on page 1 under District Addresses) or at the Office of Export Administration, Room 1613, U.S. Department of Commerce, 14th and "E" Streets, N.W., Washington, D.C.

[2] IC—Import Certificate and/or DV—Delivery Verification

The Export Administration Regulations concerning restrictive trade practices or boycotts were revised in several important respects effective December 1, 1975. These regulations were published in the Federal Register on November 26, 1975 (15 CFR 54769). This edition of the Federal Register provides a Table of Contents for those regulations to read as follows:

PART 369—RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

Sec.
369.1 General policy.
369.2 Discrimination on the basis of race, color, religion, or national origin.
369.3 Other restrictive trade practices or boycotts.
369.4 Reporting requirements.
369.5 Effect of other provisions.

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

The Export Administration Regulations are revised to provide the correct cross references to CFR Part 375 which was revised in its entirety by this issuance. Also, instructions are provided for submitting Form DIB–629P, Statement by Ultimate Consignee and Purchaser when a request for amendment of an export license proposes a change in the consignee or purchaser or when an application is submitted for a license to replace an expiring or an expired license.

Paragraph (k) of § 372.11 is revised as follows:

§ 372.11 Amending Export Licenses.

• • • • • •

(k) *License Covered by an International Import Certificate, a Swiss Blue Import Certificate, or a Yugoslav End-Use Certificate.* A request to amend an export license covering a commodity subject to an International Import Certificate (§ 375.3), Swiss Blue Import Certificate (§ 375.4), or Yugoslav End-Use Certificate (§ 375.5) that changes any party to the transaction named on the license or increases the net quantity set

V401247 DEC 23 75 XUM

forth on the license, shall be accompanied by a new or appropriately amended document if the proposal is not in accordance with the document previously submitted. If a proposed quantitative amendment is in accordance with the previously submitted document, the request shall include the following certification:

I (We) certify that this request for amendment of export license number ------, if granted, will not exceed the total quantity authorized under the (*Name of country*) (Import Certificate) (End-Use Certificate) (Import License) number -------.

(l) *Licensees Covered by Consignee Purchaser Statement.* A new consignee/purchaser statement shall accompany a request for an amendment of an export license that proposes a change in the consignee or purchaser in the transaction named in the export license, if the proposed amendment is not in accordance with the consignee/purchaser statement previously submitted. For a single transaction, a new Form DIB–629P, Statement by Ultimate Consignee and Purchaser with Item 2a completed (or Form DIB–626P or FC–842), or a letter, wire, or cable from the ultimate consignee and purchaser, if applicable, confirming the change, shall accompany a request for an amendment of an export license that proposes any increase in the quantity set forth in the export license if the proposed amendment is not in accordance with the consignee/purchaser statement previously submitted. If a proposed quantitative amendment is in accordance with the previously submitted consignee/purchaser statement, the amendment request shall include the following certification"

I (We) certify that this request for amendment of export license number ----------, if granted, will not exceed the total covered by the consignee/purchaser statement against which the export license was issued.

Where the export license is based on a Form DIB–629P with Item 2b completed (or a Form DIB–627P or IC–843), a new consignee/purchaser statement is not required from the consignee or purchaser to support a proposed license amendment for an increase in quantity. In lieu thereof, the following certification shall be entered on the Form 685P:

I (We) certify that the license(s) described in Item 3 (is) (are) supported by a statement by consignee and purchaser covering multiple transactions.

Paragraphs (d) and (e) of § 372.12 are revised as follows:

§ 372.12 Special Provisions for an Amendment to Extend the Validity of a License.

* * * * *

(d) *New License Application to Replace Expiring or Expired License.* Where an application is submitted for a new license to replace an expiring or expired license, the applicant shall (1) indicate on the new application that it is being submitted to replace (expiring) (expired) export license bearing license number (*insert number*), and (2) submit new documentation in the following circumstances:

(i) if current Export Administration Regulations require the application to be supported by a consignee/purchaser statement, a new consignee/purchaser statement must be furnished unless a current Form DIB–629P, Statement by Ultimate Consignee and Purchaser, with Item 2b completed (or a Form DIB–627P or FC–843), is already on file in the Office of Export Administration;

(ii) if current Export Administration Regulations require the application to be supported by any document that was not submitted with the application upon which the license was based, this document must be furnished; and

(iii) if the Office of Export Administration requests the applicant to furnish a specific document, this document must be furnished.

(e) *Action on Extension Request.* Action on an extension request will be made in the same manner as other amendments. (See § 372.11(i).)

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

PART 378—SPECIAL NUCLEAR CONTROLS

PART 379—TECHNICAL DATA

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

The Export Administration Regulations are being amended editorially to change the names of "East Germany" and "West Germany" to "German Democratic Republic" and "Federal Republic of Germany", respectively. Various references referring to these two countries are hereby changed in the above mentioned Parts effective on publication in the Federal Register.

PART 373—SPECIAL LICENSING PROCEDURES

Change in Title and Form No. of Consignee Purchaser Statement: The cross references that refer to Part 375 regarding the use of the consignee purchaser statement have been revised to show the new title and form No. as published in CFR Part 375 of this issuance. Accordingly, Part 373 of the Export Administration Regulations (CFR Part 373) is amended to read by revising § 373.5(d)(2) as follows:

§ 373.5 Periodic Requirements (PRL) License.

* * * * *

(d) Application Procedure.

* * * * *

(2) Supporting documentation. An application for a PRL License shall be supported by the following for each consignee where the destination is in Country Group V: A Form DIB–629P, Statement by Ultimate Consignee and Purchaser, with Item 2b completed (or a Form DIB–627P or FC–843), an Import Certificate, or other documentation, whichever is required by the provisions of Part 375 for the commodity and destination on the application.

* * * * *

Section 373.6 (b)(2) and (d)(2) are revised as follows:

§ 373.6 Time Limit (TL) License.

* * * * *

(b) Preparation of a TL License Application.

* * * * *

(2) Consignee/purchaser statement for multiple transactions. Each TL License application shall be supported by a Form DIB–629P, Statement by Ultimate Consignee and Purchaser with Item 2b filled in (or a Form DIB–627P or FC–843). A form must be completed in accordance with § 375.2 by each ultimate consignee named on the application.

* * * * *

(d) Amendments.

* * * * *

(2) Addition of new ultimate consignee. A request to amend an outstanding TL License to add a new ultimate consignee shall be submitted on a Request for and Notice of Amendment Action, Form DIB–685P or IA–763 (see § 372.11). The amendment request must be supported by a Form DIB–629P, with Item 2b completed, or a Form DIB–627P or FC–843 (see § 373.6(b)).

* * * * *

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945 and E.O. 11038.)

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.75-34526 Filed 12-22-75;8:45 am]

Title 6—Economic Stabilization

CHAPTER VII—COUNCIL ON WAGE AND PRICE STABILITY

PART 704—INVESTIGATIONS

Inflationary and Potential Inflationary Activities

On October 10, 1975, the Council on Wage and Price Stability ("Council") published in the FEDERAL REGISTER a proposed rulemaking establishing procedures for the Council's investigations into inflationary and potential inflationary activities in the public and private sectors of the economy (40 FR 47801). The regulations would establish a new Part 704 of Chapter 7, in Title 6 of the Code of Federal Regulations, consisting of four subparts: Subpart A—General; Subpart B—Subpoenas; Subpart C—Periodic Reports; and Subpart D—Data From Other Agencies.

The notice of the proposed rulemaking allowed thirty (30) days for comments from interested persons. Comments were received from the American Bar Association, the Whirlpool Corporation, Financial Executive Institute, Allegheny Ludlum Industries, Inc., and Weil, Gotshal & Manges. Each comment has been carefully considered in arriving at the final regulations published below.

Our discussion of the final regulations below highlights the major comments made, and the reasons that we have either accepted or rejected them.

Two principal comments were submitted about the proposed rules. First, it was suggested that the Council on Wage and Price Stability Act authorized the subpoena or periodic reporting of information only that related to certain listed categories of information ("wages, costs, products, prices, sales, profits, imports and exports") and therefore that § 704.7 of the proposed rules could not validly in addition authorize the subpoena of "other information." As explained below, the legislative history of the Act shows that the above listed categories were intended to be illustrative of the types of data subject to subpoena rather than strict limitations. Therefore we have rejected the suggestion to remove the "other information" language from § 704.7, but have clarified it to apply only to documents relating to "other aspects of business operations."

The report of the House Committee on Banking, Currency and Housing on H.R. 8731, the House bill that amended the Council on Wage and Price Stability Act to authorize the issuance of subpoenas, refers to the above statutory categories of data as "cost, price, and *other* data for specific products involved" in a Council investigation. See House Report No. 94–389 at 6. (Emphasis added). More to the point, the discussion at the markup session of the Subcommittee on Economic Stabilization of the House Committee on Banking, Currency, and Housing on H.R. 4594 indicates that the enumeration of specific categories in Section 2(g) was intended to cover the *entire range* of the Council's responsibility to monitor the economy. In fact, this language reflects an expansion from a smaller list of categories in the original bill:

Mr. LaFalce. Let me make a suggestion. In your bill, you say documents relating to wages, prices, costs, and profits. In the act itself when they charged the Council with responsibility, they say monitor the economy as a whole by requiring its appropriate reports on wages, costs, productivity, prices, sales, profits, imports, and exports. And I was going to offer an amendment deleting wages, prices, costs, and profits, and including wages, costs, productivity, prices, sales, profits, imports and exports, as subject to the subpoena power which conforms with that exact language that we have in the act right now.

Mr. McKinney. I don't see any problem with that.

Mr. Ashley. * * * All right. So the amendment is adopted. (Transcript, Wednesday, July 16, 1975, at 35–36.)

Restricting the Council's subpoena power to categories specifically mentioned in the Act would prevent the Council from obtaining data regarding such matters as inventories, shipments, and shortages. This would hinder the Council from performing several of the tasks prescribed by Congress such as working with industrial groups to encourage price restraint and promoting public scrutiny of inflationary problems in various sectors of the economy.

The second principal comment submitted to the Council was that § 704.6 of the proposed rules, which now provides for the Chairman or Director of the Council to request that the Attorney General commence any appropriate enforcement proceeding in the event of noncompliance with a subpoena or periodic report order, should be limited to noncompliance with subpoenas. This comment is based on the fact that the language in Section 2(g) of the Council on Wage and Price Stability Act authorizing such District Court enforcement proceedings refers expressly only to subpoenas.

In our view, the language of Section 2(a) which authorizes the Council to *require* periodic reports and the legislative history of that provision clarifies that Congress intended the above enforcement remedy to apply also to periodic report orders. When enacting the periodic report authority in Public Law 94–78, Congress was expressly aware that reports had previously been voluntarily submitted to the Council. As was expressly noted in the report of the House Committee on Banking, Currency and Housing and in the floor debate of the House, the periodic report and the subpoena authorities were intended to employer the Council to act on the occasions that firms or unions refused voluntarily to submit reports and data. (See, for example, House Report No. 94–389 at 5–6). Thus, Public Law 94–78 was enacted to authorize the Council to "*require* periodic reports." (Section 3 of Public Law 94–78, amending Section 2 of the Council on Wage and Price Stability Act.) In the Council's view, this language and legislative history clarify that any periodic report order issued by the Council was also intended to be enforceable by the Attorney General.

The legislative history shows that there was no Congressional intent to distinguish periodic reports and subpoenas, for purposes of enforcement. The statutory language quoted above that does expressly refer only to noncompliance with subpoenas, was quickly referred to in a House Banking, Currency and Housing Committee mark-up of H.R. 8731 as "normal boilerplate." (Transcript, Thursday, July 17, 1975 at 54.) In the Council's view, the unfortunate failure to conform this boilerplate to the specific provisions of H.R. 8731 does not invalidate the clear Congressional intent that the Council have the enforceable, mandatory authority to require periodic reports.

Finally, we note that § 704.6 of the regulations authorizes the Chairman or Director only to request whatever enforcement relief the Attorney General would subsequently determine to be appropriate.

In addition to the above comments, several others were made about the Council's proposed rules. These are briefly discussed below, on a section-by-section basis.

Section 704.2 *Investigational Policy.* We have rejected the suggestion to amplify the regulations with regard to the Council's policy to "encourage parties voluntarily to provide data requested by the Council." Likewise, we have rejected the suggestion that the regulations be amended to include

[P]rocedures to assure that the authority to subpoena information and require periodic reports will be employed only when absolutely necessary to carry out the purposes for which the Council has been established.

These changes are unneeded in light of the policy clearly announced in § 704.2 of the rules and in the third paragraph of the notice of the proposed rulemaking and is set forth below:

It is our intention to continue our practice of seeking voluntary cooperation in data collection. The rules set forth herein specify the Councils procedures for issuing subpoenas or requiring periodic reports in the event such cooperation is not forthcoming. The Council anticipates that individuals and firms will continue their practice of voluntary cooperation with Council investigations and that the compulsory processes discussed in these regulations would be infrequently needed.

The specific recommendation set forth in one comment illustrates the potentially harmful effect which such "procedures" would likely have on the Council:

One such procedure would be to include in the regulations a provision whereby the Council's authority to issue subpoenas and require the submission of periodic reports could be employed only in cases where specified government economic indicators, such as the Wholesale or Consumer Price Indices, signal that the rate of inflation in a particular industry is such that the Council's monitoring authority should be brought to bear.

The suggested procedure would severely inhibit the Council from examining cost and other data of companies which announce future price increases prior to implementing them. This technique has been successfully applied by the Council with regard to price increases in the Aluminum, Steel, and Industrial Chemical industries.

Section 704.4 *Confidentiality of Information.* Several constructive suggestions were made for clarifying the protections afforded to persons submitting confidential information and the procedures established in this section. We have therefore substantially revised each of the following subsections.

Subsection (a) as revised provides that all information obtained by subpoena or by order requiring periodic reports shall be considered as confidential and shall not be disclosed by the Council.

Subsection (b) provides that a person submitting information pursuant to subpoena or order requiring periodic reports shall designate the information which he (or she) believes to be confidential. In the absence of a designation, the General Counsel shall make a determination.

Subsection (c) provides that information voluntarily submitted to the Council for which confidential treatment is requested and granted shall be considered as confidential and not disclosed by the Council. That is, voluntary submissions

V 40247 DEC 23 75 D XUM

determined to be confidential will be given the treatment provided in § 704.4(a).

Subsection (d) provides that upon receipt of a request for disclosure of confidential information under the Freedom of Information Act or other provision of law, the Council shall notify the party that submitted that information. This section follows Section 702 of 6 CFR.

Subsection (e) provides that all data obtained by the Council may be published when aggregated in a manner that does not separately disclose any data obtained from individual firms or persons. The legislative history of Public Law 94–78 makes it clear that such disclosure was contemplated by Congress: The House Report on H.R. 4594 states:

> This provision [Section 4(f)(1)] would allow the public disclosure of data aggregated in a way so as to not disclose any single firm's data, and thus would protect the confidentiality of the single firm data. (House Report No. 94–389, page 7).

The House Report goes on to cite approvingly the Council's "practice" of including "aggregated data in its published staff reports and quarterly reports," but not including "single firm data." (Page 7). We specifically reject the notion that the authority granted the Council in this section "will foster dissemination by the Council of inaccurate, misleading information." The Council has taken great care in the past to publish fair and accurate information. We intend to follow this policy in the future.

Section 704.7 *Authority to Issue Subpoenas.* We have amended subsection (b), as suggested, to make certain that it includes all of the forms of organization the Council may wish to investigate. The new language tracks the definition of firm which was used by the Cost of Living Council (6 CFR 150.31). We have also amended this subsection to make clear that the period in which annual gross revenues of an entity should be measured is the most recently completed fiscal year.

Section 704.8 *Service of Subpoenas.* We have modified this section slightly to require a written receipt if a subpoena is sent by registered or certified mail. This section also provides that service is complete if the subpoena is left at the principal office or place of business of the entity to be served.

Section 704.9 *Proof of Service of Subpoenas.* We have adopted the suggestion that if service of subpoena is by mail, it is complete upon receipt. In such a case, the written receipt constitutes proof of service.

Section 704.10 *Satisfactory Compliance and Extension of Time.* We adopt the suggestion to establish a fixed period of time within which a subpoena is returnable. Unless otherwise specified by the issuing officer, subpoenas are returnable within twenty (20) days. If a return date other than twenty days is chosen, the subpoena or an accompanying letter shall explain the reasons therefor.

We have not adopted the suggestion that the return date be set at thirty days after service. First of all, the regulations now provide that service by mail is complete only upon receipt (§ 704.9). Second, since the Council will seek voluntary cooperation before resorting to a subpoena, the entity will have ample notice. Finally, the ten day time period for objections is used by other agencies. See, *e.g.*, 16 CFR 2.7(b).

Section 704.11 *Procedure for Objections and Requests.* We have clarified this section by stating that if the return data on a subpoena is less than ten (10) days after service of a subpoena, objections or requests may be filed at any time prior to the subpoena's return date.

Section 704.12 *Contents of Objections and Requests.* We have modified Subsection (b) to conform with the gross revenue test specified in § 704.7. For all purposes under the Act an entity's annual gross revenues shall refer to the entity's most recently completed fiscal year.

Section 704.13 *Director's Decision.* We have adopted the suggestion that the regulations provide that the Director's decision is the final agency action, and that the Director's decision and the reasons therefore be transmitted to the objecting party.

Section 704.14 *Investigational Hearing.* We have modified the language of this section to clarify the nature of investigational hearings pursuant to this section. Investigational hearings held pursuant to section 2(g) of the Act, are strictly for the purpose of hearing testimony of subpoenaed witnesses and receiving subpoenaed documents and other data relevant to any subject under investigation. Investigational hearings should not be confused with public hearings held under section 3(a)(4) of the Act.

Section 704.15 *Rights of Witnesses in Investigational Hearings.* We have modified this section to make clear that any person who testifies or appears in an investigational hearing shall have the rights described herein.

Subsection (b) has been clarified to indicate that objections raised at an investigational hearing are limited to those that could not reasonably have been raised pursuant to § 704.12.

Subsection (c) provides for the discretionary review by the Director of objections made at investigational hearings. If the Director overrules an objection he shall notify the party of his decision, and if within five working days the party has not fully complied, the Director may request the assistance of the Attorney General pursuant to § 704.6.

Section 704.16 *Authority to Require Periodic Reports.* We have amended Subsection (a) to clarify that periodic reports may be required for "other aspects of business operations" in addition to those categories specifically stated in the Act. The reasons for this change were stated above (§ 704.7).

Subsection (c) has been amended to provide that orders requiring periodic reports shall be in compliance with the Federal Reports Act.

A new Subsection (d) provides that orders requiring periodic reports shall state the date(s) when the periodic reports shall be submitted.

Section 704.17 *Definition of Periodic Reports.* We have amended the definition of periodic reports to better track the language in House Report 94–389 at page 7. Periodic reports shall mean reports of specific information prepared especially for the Council relating to any matter under investigation by the Council.

Section 704.18[1] *Service of Orders Requiring Periodic Reports.* This new section mirrors the procedures for service of subpoenas described above in § 704.8.

Section 704.19[2] *Proof of Service of Orders Requiring Periodic Reports.* This new section mirrors the procedures described above in § 704.9.

Section 704.24 *Director's Decision.* We have amended this section to provide that the Director's decision is a final agency action and that the Director shall transmit the decision and the reasons therefore to the objecting party.

Section 704.25 *Authorization to Request Data From Other Agencies.* We have rejected the suggestion that the Council is precluded from requesting from other government agencies data which is confidential under the Freedom of Information Act. Section 4(c) of the Act provides:

> Disclosure by the Council of information obtained from a Federal, State, or local agency or department must be in accord with section 552 of title 5, United States Code, and all the applicable rules of practice and procedure of the agency or department from which the information was obtained.

This section implies that the Council would obtain from other agencies data which would be confidential and that this information would be protected.

Accordingly, a new Part 704 of 6 CFR is issued in Washington D.C. on December 18, 1975 to become effective immediately.

MICHAEL H. MOSKOW,
Director.

Subpart A—General

Sec.
704.1 Purpose.
704.2 Investigational policy.
704.3 Notification of purpose.
704.4 Confidentiality of information.
704.5 Immunity of periodic reports from legal process.
704.6 Noncompliance.

Subpart B—Subpoenas

704.7 Authority to issue subpoenas.
704.8 Service of subpoenas.
704.9 Proof of service of subpoenas.
704.10 Satisfactory compliance and extension of time.
704.11 Procedure for objections and requests.
704.12 Contents of objections and requests.
704.13 Director's decision.
704.14 Investigational hearings.
704.15 Rights of witnesses in investigational hearings.

[1] The addition of §§ 704.18 and 704.19 has required us to renumber the later sections.
[2] The addition of §§ 704.18 and 704.19 has required us to renumber the later sections.

Subpart C—Periodic Reports

704.16 Authority to require periodic reports.
704.17 Definition of periodic reports.
704.18 Service of orders requiring periodic reports.
704.19 Proof of service of orders requiring periodic reports.
704.20 Statement accompanying periodic report.
704.21 Procedure for objections and requests.
704.22 Contents of objections and requests.
704.23 Satisfactory compliance and extensions of time.
704.24 Director's decision.

Subpart D—Data From Other Agencies

704.25 Authorization to request data from other agencies.
704.26 Procedure for requests by the council.
704.27 Responses by agencies.
704.28 Confidentiality of data obtained from other agencies.
704.29 Compliance with Privacy Act.

AUTHORITY: Council on Wage and Price Stability Act, Pub. L. 93–387, as amended Pub. L. 94–78 (12 U.S.C. 1904, note).

Subpart A—General

§ 704.1 Purpose.

This part establishes the Council's procedures (a) for issuing subpoenas for for testimony and documentary evidence, and (b) for requiring the submission of periodic reports, pursuant to the Council on Wage and Price Stability Act, Public Law 93–387, as amended by Public Law 94–78, 12 U.S.C. Section 1904 note, and procedures for filing objections and requests related thereto. This Part also establishes the Council's procedures for requesting data or information from other agencies pertaining to the economy or any sector of the economy.

§ 704.2 Investigational policy.

From time to time, the Council shall conduct investigations related to its responsibilities under the Council on Wage and Price Stability Act, as amended, to monitor inflationary activities and potentially inflationary activities in the public and private sectors of the economy. In these investigations, the Council will encourage parties voluntarily to provide data requested by the Council. Where the public interest requires, however, the Council may, in any matter under investigation, invoke any or all of the compulsory processes authorized by the Council on Wage and Price Stability Act.

§ 704.3 Notification of purpose.

Subpoenas and orders requiring periodic reports issued subject to this Part shall notify the respondent of the purpose and scope of the Council's investigation.

§ 704.4 Confidentiality of information.

(a) Product line or other such category information relating to an individual firm or person obtained by subpoena, or obtained by order requiring periodic reports, shall be considered as confidential and exempt from public disclosure under section 552(b)(4) of Title 5 of the United States Code, the Freedom of Information Act, and shall not be disclosed by the Council.

(b) A firm or person submitting information pursuant to a subpoena or an order requiring periodic reports which he (or she) believes to be protected under Section (a) shall designate such information as confidential. In the absence of such designation, the General Council shall determine whether the information is confidential pursuant to Section (f)(1) of the Council on Wage and Price Stability Act.

(c) A firm or person voluntarily submitting information to the Council who believes that, although not within the provision of § 704.4(a), such information warrants treatment as confidential information under the Freedom of Information Act should specifically identify the records for which confidential treatment is requested, stating the basis for the request pursuant to Part 702. Information submitted voluntarily to the Council and determined to be confidential under the criteria and procedures in Part 702 shall be considered as confidential and exempt from public disclosure under section 552(b)(4) of Title 5 of the United States Code, the Freedom of Information Act, and shall not be disclosed by the Council.

(d) Whenever the Council receives a request under the Freedom of Information Act, Section 552 of Title 5 of the United States Code or other provision of law for the disclosure of confidential information submitted voluntarily, or information obtained by subpoena or by order requiring periodic reports, notice shall be given to the party who has submitted that information.

(e) Nothing stated herein shall prohibit the Council from publishing data submitted voluntarily or obtained by subpoena or by order requiring periodic reports, when aggregated in a manner that does not separately disclose any data obtained from an individual firm or person.

§ 704.5 Immunity of periodic reports from legal process.

Periodic reports obtained by the Council pursuant to an order and determined to be in compliance with that order, all pursuant to Subpart C of this Part, and copies thereof which are retained by the reporting firm or person, shall be immune from legal process as provided by the Council on Wage and Price Stability Act.

§ 704.6 Noncompliance.

In cases of failure to comply with any subpoena, order requiring periodic reports, or part thereof, the Chairman or Director of the Council or a duly authorized representative may request the Attorney General to initiate any appropriate enforcement proceeding in a United States District Court.

Subpart B—Subpoenas

§ 704.7 Authority to issue subpoenas.

(a) The Chairman or the Director of the Council or in the absence of both of the above a duly authorized representative may sign subpoenas issued by the Council for the attendance and testimony of witnesses and the production of relevant books, papers and other documents, relating to wages, costs, productivity, prices, sales, profits, imports and exports and other aspects of business operations, all by product line or by such other category as the Council may prescribe for any purpose related to the Council on Wage and Price Stability Act.

(b) Subpoenas may be issued to any entity whose gross annual revenues are in excess of $5,000,000. For purposes of this Subsection, "entity whose annual gross revenues are in excess of $5,000,000" shall include without limitation (1) any association, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity however organized, including charitable, educational or eleemosynary institutions, or subsidiary or affiliated thereof, whose consolidated gross receipts from whatever source derived during the most recently completed fiscal year are in excess of $5,000,000, and (2) any labor union, or any local or other unit thereof, whose consolidated gross receipts for the most recently completed fiscal year from membership dues, return on investments or other sources are in excess of $5,000,000.

§ 704.8 Service of subpoenas.

Service of subpoenas may be effected as follows:

(a) By registered or certified mail. A copy of the subpoena shall be addressed to the entity to be served at its principal office or place of business, registered or certified, and mailed. A return receipt shall be requested; or

(b) By delivery. A copy thereof may be (1) delivered to an individual authorized, to accept service for the entity to be served, or (2) left at the principal office or place of business of the entity to be served.

§ 704.9 Proof of service of subpoenas.

When service is by registered or certified mail, it is complete upon receipt. A return receipt constitutes proof of service by mail. When service is by delivery, it is complete upon delivery to an individual authorized to accept service or upon being left at the principal office or place of business of the entity to be served. The verified return or certificate of the person serving the document by delivery shall be proof of the service of the document.

§ 704.10 Satisfactory compliance and extension of time.

(a) Subpoenas are returnable within twenty (20) days or such other period the Chairman, Director, or a duly authorized representative, determines to be warranted under the circumstances of a particular case. If a return date of other than twenty (20) days is chosen, the reasons therefor shall be explained in the subpoena or accompanying letter.

(b) The Director or his authorized representative are each authorized to

V40247 DEC 23 75 XUM

negotiate and approve the terms of satisfactory compliance with the subpoena and, for good cause shown, may extend the time prescribed for compliance with the subpoena.

§ 704.11 Procedure for objections and requests.

Any objections or requests related to a subpoena shall be filed in triplicate with the Director of the Council at Room 3235, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20506, within ten (10) days after service of the subpoena, or, if the return date is less than ten (10) days after service of the subpoena, at any time prior to the subpoena's return date. A timely filing under this section shall stay the requirement of a return on the portion of the subpoena challenged if the Director has not ruled by the return date.

§ 704.12 Contents of objections and requests.

(a) Any filing that objects to a subpoena shall identify those portions of the subpoena which are challenged and also those portions not challenged. With regard to the portions challenged, the filing shall indicate the relief requested and the reasons why the relief should be granted.

(b) Any filing that objects to a subpoena on the ground that the subpoenaed entity is not an entity whose annual gross revenues are in excess of $5,000,000, as defined by § 704.7(b), shall submit documentary proof of its annual sales, dues, or other appropriate data from whatever source derived during its most recently completed fiscal year.

§ 704.13 Director's decision.

Within twenty (20) working days of the receipt of any objections or requests filed pursuant to § 704.11, the Director shall make a decision and shall transmit the decision and the reasons therefor to the objecting party. The Director's decision is a "final agency action" within the meaning of 5 U.S.C., section 704. The Director shall specify a new return date, if appropriate.

§ 704.14 Investigational hearings.

(a) Investigational hearings for the purpose of hearing the testimony of subpoenaed witnesses and receiving subpoenaed documents and other data relative to any subject under investigation, shall be presided over by the Council, one or more of its members, or the Director, or a duly designated representative. The presiding officer at such a hearing is authorized to administer oaths to witnesses.

(b) Witnesses subpoenaed shall be paid the same fees and mileage as are paid to witnesses in the Courts of the United States.

§ 704.15 Rights of witnesses in investigational hearings.

(a) Any person who testifies or appears in an investigational hearing shall be entitled, on payment of lawfully prescribed costs, to procure a copy of his own testimony as transcribed stenographically or electronically.

(b) Any person who appears in person in an investigational hearing may be represented by counsel. Counsel shall be permitted to make objections on the record that could not reasonably been raised pursuant to Section 704.12, above, and to state briefly the basis for such objections.

(c) The Director may review any objections made at investigational hearings. If he finds that the objections are without merit and that the witness has failed to comply fully with the subpoena, he shall notify the party of his finding. If within five (5) working days the party has not fully complied, the Director may request the assistance of the Attorney General pursuant to Section 704.6.

Subpart C—Periodic Reports

§ 704.16 Authority to require periodic reports.

(a) The Chairman, the Director, or in the absence of both of the above a duly authorized representative, may sign orders issued by the Council to require periodic reports derived from information maintained in the ordinary course of business relating to wages, costs, productivity, prices, sales, profits, imports, and exports, and other aspects of business operations, all by product line or by such other category the Council may prescribe for any purpose related to the Council on Wage and Price Stability Act.

(b) A single report from a single entity, separate single reports from two or more entities, and multiple reports from one or more entities are all authorized under this Part.

(c) Orders requiring periodic reports shall be in compliance with the Federal Reports Act, 44 U.S.C. Section 3501 *et seq.*

(d) Orders requiring periodic reports shall state the date(s) when the periodic reports shall be submitted.

§ 704.17 Definition of periodic reports.

For the purpose of this Part, "periodic report" shall mean a report of specific information requested by the Council and for the Council relating to any matter under investigation by the Council.

§ 704.18 Service of orders requiring periodic reports.

Service of orders requiring periodic reports may be effected as follows:

(a) *By registered or certified mail.* A copy of the order shall be addressed to the entity to be served at its principal office or place of business, registered or certified, and mailed. A return receipt shall be requested; or

(b) *By delivery.* A copy thereof may be (1) delivered to an individual authorized to accept service for the entity to be served, or (2) left at the principal office or place of business of the entity to be served.

§ 704.19 Proof of service of orders requiring periodic reports.

When service is by registered or certified mail, it is complete upon receipt. A return receipt constitutes proof of service by mail. When service is by delivery, it is complete upon delivery to an individual authorized to accept service or upon being left at the principal office or place of business of the entity to be served. The verified return or certificate of the person serving the document by delivery shall be proof of the service of the document.

§ 704.20 Statement accompanying periodic report.

All responses to an order requiring periodic reports shall be signed by a representative authorized to file the document, indicating that he (or she) has examined the statements contained in the submittal or response, and that all such statements are true and correct to the best of his (or her) knowledge, information, and belief.

§ 704.21 Procedure for objections and requests.

Any objections or requests related to an order requiring periodic reports shall be filed in triplicate with the Director of the Council at Room 3235, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20506, within ten (10) days after service of the order requiring periodic reports. A timely filing under this section shall stay the requirement of a return on the portion of the order challenged if the Director has not ruled by the return date.

§ 704.22 Contents of objections and requests.

(a) Any filing that objects to an order requiring periodic reports shall identify those portions which are challenged and also those portions not challenged. With regard to the portions challenged, the filing shall indicate the relief requested and the reasons why the relief should be granted.

(b) Any filing that objects to an order requiring periodic reports on the ground that the order requires information in categories not maintained in the ordinary course of business shall identify any alternative categories or types of information maintained in the ordinary course of business which bear on the Council's inquiry or shall demonstrate that such an identification would be unreasonably burdensome.

§ 704.23 Satisfactory compliance and extensions of time.

(a) The Director or his authorized representative may negotiate and approve the terms of satisfactory compliance with the order requiring periodic reports. For good cause shown, they may extend the time prescribed for compliance.

(b) The Director may determine that any portion or all of a periodic report which contains substantially less or substantially more information that was ordered is not in compliance with that order.

§ 704.24 Director's decision.

Within twenty (20) working days of the receipt of any objections or requests filed pursuant to § 704.19, the Director shall make a decision and shall transmit the decision and the reasons therefore to the objecting party. The Director's decision is a "final agency action" within the meaning of 5 U.S.C. Section 704. The Director shall specify a new return date, if appropriate.

Subpart D—Data From Other Agencies

§ 704.25 Authorization to request data from other agencies.

The Chairman of the Council has authorized the Director to exercise all of the authority vested in him by section 4(a) of the Act and to delegate any or all of these authorities (39 FR 44068). The Director, the Assistant Director for Wage and Price Monitoring, the Assistant Director for Government Operations and Research, and their representatives are each authorized to request data and information pertaining to the economy or any sector of the economy from any department or agency of the United States and any state or local agency or department, which collects, generates, or otherwise prepares or maintains data or information.

§ 704.26 Procedure for requests by the Council.

(a) Any Council request for data from another governmental department or agency shall be addressed to the head of the agency or to any other appropriate official of the agency.

(b) The time and manner of an agency's response to a Council request for data shall be determined by consultation with the appropriate official from that agency.

§ 704.27 Responses by agencies.

When supplying data and information to the Council, the Federal, state or local agency shall (i) indicate whether the data and information are confidential, and (ii) specify all the applicable rules of practice and procedure governing the disclosure of the material supplied.

§ 704.28 Confidentiality of data obtained from other agencies.

(a) Upon request for disclosure for information obtained from a Federal, state, or local agency, the Council will be guided by section 552 of Title 5, United States Code, and all the applicable rules of practice and procedure of the agency or department from which the information was obtained.

(b) If the agency or department from which the information was obtained has no rules of practice and procedure governing disclosure, the Council shall apply its own rules set forth at 6 CFR, Part 702.

§ 704.29 Compliance with Privacy Act.

Submissions made by any agency in response to a Council request shall be made in compliance with the Privacy Act, 5 U.S.C. Section 552a.

[FR Doc.75-34607 Filed 12-22-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5648, 34-11878, 35-19267, IC-9057, AS-184]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS

Accounting Series Releases Regulation S-X

I. Introduction

Since the issuance of Accounting Series Release (ASR) No. 147 (October 5, 1973) [38 FR 29215] requiring additional disclosure about leases, ASR No. 148 (November 13, 1973) [38 FR 32439] regarding disclosure of compensating balances and short-term borrowing arrangements, and ASR No. 149 (November 28, 1973) [38 FR 33282] setting forth improved disclosure requirements for income tax expense items, registrants have pointed out certain editorial inconsistencies or ambiguities in the associated Regulation S-X [17 CFR Part 210] rule changes and guidelines. Registrants also noted that a materiality test in ASR No. 149 results in disclosure of de minimum amounts and that ASR No. 148 disclosures are not required for several types of companies covered by separate rule sections in Regulation S-X.

On May 27, 1975, rule changes were proposed to correct such items as well as making an editorial change in one of the ASR No. 148 guidelines (Securities Act Rel. No. 5587, Securiites Exchange Act Rel. No. 11442, Public Utility Holding Company Act Rel. No. 19005, Investment Company Act Rel. No. 8801) [40 FR 25605]. Based on letters of comment some modifications of the proposals have been made as noted below. None of the modifications constitute substantive changes from those originally proposed.

II. Discussion of the Amendments

Most of the amendments constitute minor editorial changes of existing requirements. However, the following amendments constitute changes in the substance of such requirements.

A. Rule 3-16(o)(1) [§ 210.3-16(o)(1)] has been amended to avoid disclosure of immaterial components of deferred tax expense. Changes made to the proposal based on the letters of comment will now meet this objective. Also, Rule 3-16(o)(3) [§ 210.3-16(o)(3)] has been amended to call specifically for reconciliations in loss situations. Most registrants have been providing such reconciliations but the amendment now resolves any ambiguity about this issue.

B. Proposed changes in Rule 3-16(q)(2) [§ 210.3-16(q)(2)] have been modified to eliminate the requirement to disclose minimum rental commitments for more than the date of latest balance sheet required.

C. The last sentence of Rule 5-02-1 [§ 210.5-02-1] has been amended to eliminate the unintended requirement for separate disclosure of a compensating balance related to an unused portion of a regular line of credit when a total compensating balance amount, covering both used and unused lines of credit, is presented.

D. Rule 5-02-25 [§ 210.5-02-25] has been amended to require separate disclosure of borrowings from factors and other financial institutions in addition to banks and commercial paper holders as presently required. Combined information about short-term borrowing rates from banks, factors or other financial institutions, and commercial paper holdings will now be required.

E. Article 6 (Management Investment Companies) [§§ 210.6-01 to 210.6-10], Article 6B (Face Amount Certificate Investment Companies) [§§ 210.6-20 to 210.6-24], and Article 7A (Life Insurance Companies) [§§ 210.7A-01 to 210.7A-06] of Regulation S-X have been amended to include many of the disclosures now required by ASR No. 148 for other types of companies. Rules 6-03-1 and 6-22-1 [§§ 210.6-03-1 and 210.6-22-1] have been modified to include specific reference to time deposits as part of cash on hand and demand deposits. Although the Commission is concerned about the classification of such items for purposes of meeting the requirements of a "diversified company" under Section 5(b)(1) of the Investment Company Act of 1940, it has determined not to conclude on this matter at this time.

F. The guidelines and interpretations section of ASR No. 148 contains a paragraph dealing with criteria for classifying short-term debt which is intended to be rolled over at maturity. Since the issuance of ASR No. 148, the Financial Accounting Standards Board issued Statement of Financial Accounting Standards No. 6 ("Classification of Short-term Obligations Expected to Be Refinanced," May 1975) which established standards in this area. Accordingly, this paragraph is now rescinded. (ASR No. 172, June 13, 1975) [40 F.R. 27441]

G. As noted above, Article 6, Article 6B and Article 7A have been amended to include for other types of companies many of the disclosure now required by ASR No. 148 for Article 5 companies. The Guidelines and Interpretations set forth in Section C of ASR No. 148 are now applicable to companies covered by Articles 6, 6B and 7A of Regulation S-X to the extent that equivalent rules have been amended in such Articles.

III. Commission Action

The Commission hereby amends §§ 210.3-16(o), 210.3-16(q), 210.5-02-1, 210.5-02-18, 210.5-02-25, 210.6-03-11, 210.6-03-12, 210.6-03-16, 210.6-22-1, 210.6-22-15, 210.6-22-17, 210.6-22-19, 210.6-22-21, 210.7A-03-2, 210.7A-03-8,

V40247 DEC 23 75 XUM

210.7A–03–17, and guideline under caption, Unused Lines of Credit or Commitments, in § 211.148 (ASR No. 148) all of 17 CFR Chapter II, to read as given below.

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1. In § 210.3–16, paragraph (o) is revised, and paragraph (q) is amended as follows:

§ 210.3–16 General notes to financial statements. (See Release No. AS–4.)

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(o) *Income tax expense.* (1) Disclosure shall be made, in the income statement or a note thereto, of the components of income tax expense, including (i) taxes currently payable; (ii) the net tax effects, as applicable, of (a) timing differences (Indicate separately the amount of the estimated tax effect of each of the various types of timing differences, such as depreciation, warranty costs, etc., where the amount of each such tax effect exceeds five percent of the amount computed by multiplying the income before tax by the applicable statutory Federal income tax rate; other differences may be combined.) and (b) operating losses; and (iii) the net deferred investment tax credits. Amounts applicable to United States Federal income taxes, to foreign income taxes and to other income taxes shall be stated separately for each major component. Amounts applicable to foreign or other income taxes each of which are less than five percent of the total of the major component need not be separately disclosed.

(2) If it is expected that the cash outlay for income taxes with respect to any of the succeeding three years will substantially exceed income tax expense for such year, that fact should be disclosed together with the approximate amount of the excess, the year (or years) of occurrence and the reasons therefor.

(3) Provide a reconciliation between the amount of reported total income tax expense (benefit) and the amount computed by multiplying the income (loss) before tax by the applicable statutory Federal income tax rate, showing the estimated dollar amount of each of the underlying causes for the difference. If no individual reconciling item amounts to more than five percent of the amount computed by multiplying the income before tax by the applicable statutory Federal income tax rate, and the total difference to be reconciled is less than five percent of such computed amount, no reconciliation need be provided unless it would be significant in appraising the trend of earnings. Reconciling items that are individually less than five percent of the computed amount may be aggregated in the reconciliation. The reconciliation may be presented in percentages rather than in dollar amounts. Where the reporting person is a foreign entity, the income tax rate in that person's country of domicile should normally be used in making the above computation, but different rates should not be used for subsidiaries or other segments of a reporting entity. When the rate used by a reporting person is other than the United States Federal corporate income tax rate, the rate used and the basis for using such rate shall be disclosed.

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(q) *Leased assets and lease commitments.* Any contractual arrangement which has the economic characteristics of a lease, such as a "heat supply contract" for nuclear fuel, shall be considered a lease for purposes of this rule. Leases covering oil and gas production rights and mineral and timber rights are not to be considered leases for purposes of this rule. For purposes of this rule, a financing lease is defined as a lease which, during the noncancelable lease period, either (i) covers 75 percent or more of the economic life of the property or (ii) has terms which assure the lessor a full recovery of the fair market value (which would normally be represented by his investment) of the property at the inception of the lease plus a reasonable return on the use of the assets invested subject only to limited risk in the realization of the residual interest in the property and the credit risks generally associated with secured loans. The disclosures set forth under sections (1) and (2) below are only required if gross rental expense in the most recent fiscal year exceeds one percent of consolidated revenues.

(1) Total rental expense (reduced by rentals from subleases, with disclosure of such amounts) entering into the determination of results of operations for each period for which an income statement is required shall be disclosed. Rental payments under short-term leases for a month or less which are not expected to be renewed need not be included. Contingent rentals, such as those based upon usage or sales, shall be reported separately from the basic or minimum rentals. Rentals on noncapitalized financing leases shall be shown separately for both categories of rentals reported.

(2) The minimum rental commitments under all noncancelable leases shall be disclosed, as of the date of the latest balance sheet required, in the aggregate (with disclosure of the amounts applicable to noncapitalized financing leases) for (i) each of the five succeeding fiscal years; (ii) each of the next three five-year periods; and (iii) the remainder as a single amount. The amounts so determined should be reduced by rentals to be received from existing noncancelable subleases (with disclosure of the amounts of such rentals). For purposes of this rule, a noncancelable lease is defined as one that has an initial or remaining term of more than one year and is noncancelable, or is cancelable only upon the occurrence of some remote contingency or upon the payment of a substantial penalty.

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(4) For all noncapitalized financing leases there shall be disclosed:

(i) The present values of the minimum lease commitments in the aggregate and by major categories of properties, such as real estate, aircraft, truck fleets and other equipment. Present values shall be computed by discounting net lease payments (after subtracting, if practicable, estimated, or actual amounts, if any, applicable to taxes, insurance, maintenance and other operating expenses) at the interest rate implicit in the terms of each lease at the time of entering into the lease. Such disclosure shall be made as of the date of any balance sheet required. If the present value of the minimum lease commitments is less than five percent of the sum of long-term debt, stockholders' equity and the present value of the minimum lease commitments, and if the impact on net income required to be disclosed under (iv) below is less than three percent of the average net income for the most recent three years, this disclosure is not required;

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(iv) The impact upon net income for each period for which an income statement is required if all noncapitalized financing leases were capitalized, related assets were amortized on a straight-line basis and interest cost was accrued on the basis of the outstanding lease liability. The amount of amortization and interest cost included in the computation shall be separately identified. If the impact on net income is less than three percent of the average net income for the most recent three years, that fact may be stated in lieu of this disclosure. In calculating average net income, loss years should be excluded. If losses were incurred in each of the most recent three years, the average loss shall be used for purposes of this test.

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2. In § 210.5–02, items 1, 18 and 25 are revised as follows:

§ 210.5–02 Balance sheets.

1. *Cash and cash items.* State separately (a) cash on hand and unrestricted demand deposits; (b) legally restricted deposits held as compensating balances against short-term borrowing arrangements; (c) time deposits and certificates of deposit (excluding amounts included in (b) above or § 210.5–02–18 (c) below); (d) funds subject to repayment on call or immediately after the date of the balance sheet required to be filed; and (e) other funds, the amounts of which are known to be subject to withdrawal or usage restrictions, e.g., special purpose funds. The general terms and nature of such repayment provisions in (d) and withdrawal or usage restrictions in (b) or (e) shall be described in a note referred to herein. In cases where compensating balance arrangements exist but are not agreements which legally restrict the use of cash amounts shown on the balance sheet, describe in the notes to the financial statements these arrangements and the amounts involved,

if determinable, for the most recent audited balance sheet required and for any subsequent unaudited balance sheet required in the notes to the financial statements. Compensating balances that are maintained under an agreement to assure future credit availability shall be disclosed in the notes to the financial statements along with the amount and terms of such agreement.

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18. *Other assets.* State separately (a) noncurrent receivables from persons specified in captions 3(a) (1) and (4) above; (b) each pension or other special fund; (c) legally restricted deposits held as compensating balances against long-term borrowing arrangements; and (d) any other item not properly classed in one of the preceding asset captions which is in excess of five percent of total assets.

• • • • • •

25. *Accounts and notes payable.* (a) State separately amounts payable to (1) banks for borrowings; (2) factors or other financial institutions for borrowings; (3) holders of commercial paper; (4) trade creditors; (5) parents and subsidiaries; (6) other affiliates and other persons the investments in which are accounted for by the equity method; (7) underwriters, promoters, directors, officers, employees and principal holders (other than affiliates) of equity securities of the person and its affiliates; and (8) others. Exclude from (7) amounts for purchases from such person subject to usual trade terms, for ordinary travel expenses and for other such items arising in the ordinary course of business. With respect to (5) and (6), state separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (i) eliminated and (ii) not eliminated.

(b) The weighted average interest rate and general terms (as well as formal provisions for the extension of the maturity) of each category of aggregate short-term borrowings (the sum of items (a)(1), (a)(2) and (a)(3) above) reflected on each balance sheet required shall be disclosed along with the maximum amount of aggregate short-term borrowings outstanding at any month end (or similar time period) during each period for which an end-of-period balance sheet is required. In addition, the approximate average aggregate short-term borrowings outstanding during the period and the approximate weighted average interest rate (and a brief description of the means used to compute such averages) for such aggregate short-term borrowings shall be disclosed in the notes to the financial statements.

• • • • • •

3. In § 210.6–03, items 1, 11, and 12 are revised, and 16(d) is added as follows:

§ 210.6–03 Balance sheets; statements of assets and liabilities.

• • • • • •

1. *Cash and cash items.* State separately (a) cash on hand, unrestricted demand deposits, and time deposits; (b) call loans; (c) legally restricted deposits held as compensating balances against short-term borrowing arrangements; (d) funds subject to repayment on call or immediately after the date of the balance sheet required to be filed; and (e) other funds, the amounts of which are known to be subject to withdrawal or usage restrictions, e.g., special purpose funds. The general terms an nature of such repayment provisions in (d) and withdrawal or usage restrictions in (c) or (e) shall be described in a note referred to herein (see § 210.5–02–1).

• • • • • •

11. Other assets. State separately (a) total of amounts due from directors and officers, not included under caption 6 above; (b) each pension or other special fund; (c) real estate and improvements not included under caption 8 above; (d) furniture and fixtures; (e) legally restricted deposits held as compensating balances against long-term borrowing arrangements; and (f) any other item not properly classed in one of the preceding asset captions which is in excess of five percent of total assets.

12. *Notes payable.* (a) State separately amounts payable within one year (1) to banks and (2) to others, and (b) provide here or in a note to the financial statements the information required under § 210.5–02–25(b) and (c). See also caption 16(a).

• • • • • •

16. *Long-term debt.* • • •

(d) The amount and terms (including commitment fees and the conditions under which commitments may be withdrawn) of significant unused commitments for long-term debt that would be disclosed under this rule if used shall be disclosed in the notes to the financial statements.

• • • • • •

4. In § 210.6–22, items 1, 15 and 17(a) are revised as follows:

§ 210.6–22 Balance sheets.

1. *Cash and cash items.* State separately (a) cash on hand, unrestricted demand deposits, and time deposits; (b) call loans; (c) legally restricted deposits held as compensating balances against short-term borrowing arrangements; (d) funds subject to repayment on call or immediately after the date of the balance sheet required to be filed; and (e) other funds, the amounts of which are known to be subject to withdrawal or usage restrictions, e.g., special purpose funds. The general terms and nature of such repayment provisions in (d) and withdrawal or usage restriction in (c) or (e) shall be described in a note referred to herein (see § 210.5–02–1).

• • • • • •

15. *Other assets.* State separately (a) amounts due from directors and officers, (b) legally restricted deposits held as compensating balances against long-term borrowing arrangements, and (c) any other items in excess of five percent of the amount of all assets other than qualified assets.

• • • • • •

17. *Current liabilities, exclusive of certificate liabilities.*

(a) *Notes payable.* (i) State separately amounts payable within one year (1) to banks and (2) to others, and (ii) provide in a note to the financial statements the information required under § 210.5–02–25 (b) and (c).

• • • • • •

19. Funded debt. (a) If any amount included herein will fall due within one year, indicate such amount and explain in a note the reason for not including such amount as a current liability.

(b) The amount and terms (including commitment fees and the conditions under which commitments may be withdrawn) of significant unused commitments for long-term debt that would be disclosed under this rule if used shall be disclosed in the notes to the financial statements.

21. *Other long-term debt.* Indicate whether secured. State separately (a) total of amounts due directors and officers; and (b) other long-term debt specifying any material item. State separately by years, in the balance sheet or in a note therein referred to, total amounts of respective maturities for the 5 years following the date of the balance sheet. The amount and terms (including commitment fees and the conditions under which commitments may be withdrawn) of significant unused commitments for long-term debt that would be disclosed under this rule if used shall be disclosed in the notes to the financial statements.

• • • • • •

5. In § 210.7A–03, items (2), (8), and (17) are revised as follows:

§ 210.7A–03 Balance sheets.

• • • • • •

2. *Cash and cash items.* State separately (a) cash on hand and unrestricted demand deposits; (b) legally restricted deposits held as compensating balances against short-term borrowing arrangements; (c) funds subject to repayment on call or immediately after the date of the balance sheet required to be filed; and (d) other funds, the amounts of which are known to be subject to withdrawal or usage restrictions, e.g., special purpose funds. The general terms and nature of such repayments provisions in (c) and withdrawal or usage restrictions in (b) or (d) shall be described in a note referred to herein (see § 210.5–02–1).

• • • • • •

8. *Other assets.* State separately any other item not properly classed in one of the preceding asset captions which is in excess of five percent of total assets. Include legally restricted deposits held as compensating balances against long-term borrowing arrangements.

• • • • • •

17. *Other liabilities.* State separately any other item not properly classed in one of the preceding liability captions which is in excess of five percent of total liabilities. The amount and terms (including commitment fees and the conditions under which commitments may be withdrawn) of unused commitments for

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long-term financing arrangements not provided for under § 210.7A–03–14 shall be disclosed in the notes to the financial statements if significant.

• • • • •

§ 211.148 [Amended]

In § 211.148 (ASR No. 148) the second sentence of the third full paragraph of the guidelines set forth under the caption "Unused Lines of Credit or Commitments" is revised to read as follows:

For this purpose usable lines are construed to be total lines used to support commercial paper and other debt arrangements less lines needed to meet "clean-up" provisions of a borrowing arrangement.

• • • • •

(Secs. 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j, 77s] of the Securities Act of 1933; Sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78l, 78m, 78o(d), 78w] of the Securities Exchange Act of 1934; secs. 5(b), 14 and 20(a) [15 U.S.C. 79e, 79n, 79t] of the Public Utility Holding Company Act of 1935; and secs. 8, 30, 31(c) and 38(a) [15 U.S.C. 80a–8, 80a–29, 80a–30(c), 80a–37(a)] of the Investment Company Act of 1940)

IV. EFFECTIVE DATE

These amendments shall be applicable to all financial statements filed with the Commission for all fiscal periods ending subsequent to December 25, 1975. Earlier application is encouraged.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–34566 Filed 12–22–75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 75N–0027]

PART 522—IMPLANTATION OR INJECTABLE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Ketamine Hydrochloride Injection

The Commissioner of Food and Drugs has evaluated a new animal drug application (92–116V) filed by Bristol Laboratories, Division of Bristol-Myers Co., P.O. Box 657, Syracuse, NY 13201, proposing safe and effective use of a combination drug containing ketamine hydrochloride, promazine hydrochloride, and aminopentamide hydrogen sulfate as an anesthetic agent in cats. The application is approved, effective December 23, 1975.

The Commissioner is amending Part 522 to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), § 522.1222 is redesignated as § 522.1222a, and new §§ 522.1222 and 522.1222b are added, to read as follows:

§ 522.1222 Ketamine hydrochloride injectable dosage forms.

§ 522.1222a Ketamine hydrochloride injection.

(a) *Chemical name.* 2-(o-Chlorophenyl) - 2 - (methylamino) cyclohexanone hydrochloride.

(b) *Specifications.* The drug is a sterile aqueous solution and each milliliter contains: Ketamine hydrochloride equivalent to 100 milligrams ketamine base activity and 1:10,000 benzethonium chloride.

(c) *Sponsors.* (1) See No. 000015 in § 510.600(c) of this chapter.

(2) See No. 000071 in § 510.600(c) of this chapter.

(d) *Special considerations.* Store in a cool place. Protect from light. Do not use if precipitate appears.

(e) *Conditions of use.* (1) In cats: (i) It is used for restraint or as the sole anesthetic agent in diagnostic or minor, brief surgical procedures that do not require skeletal muscle relaxation.

(ii) It is administered intramuscularly at a recommended dose that ranges from 5 to 15 milligrams per pound of body weight depending on the effect desired.

(ii) It is administered intramuscularly

(2) In subhuman primates: (i) It is used for restraint.

(ii) It is administered intramuscularly at a recommended dose that ranges from 3 to 15 milligrams per kilogram of body weight depending upon the species, general condition, and age of the subject.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

§ 522.1222b Ketamine hydrochloride with promazine hydrochloride and aminopentamide hydrogen sulfate injection.

(a) *Chemical name.* Ketamine hydrochloride, (±),-2-(o-chlorophenyl)-2-(methylamino) cyclohexanone hydrochloride, with promazine hydrochloride, 10-[3-(dimethylamino) propyl] phenothiazine monohydrochloride, and aminopentamide hydrogen sulfate.

(b) *Specifications.* The drug is a sterile aqueous solution and each milliliter contains: Ketamine hydrochloride equivalent to 100 milligrams ketamine base activity, 7.5 milligrams of promazine hydrochloride, and 0.0625 milligram of aminopentamide hydrogen sulfate, with 1:10,000 benzethonium chloride.

(c) *Sponsor.* See Code No. 000015 in § 510.600(c) of this chapter.

(d) *Special considerations.* Store in a cool place. Protect from light. Do not use if precipitate appears.

(e) *Conditions of use.* (1) It is used in cats as the sole anesthetic agent in diagnostic or surgical procedures.

(2) It is administered intramuscularly at a recommended dose from 15 to 20 milligrams ketamine base per pound of body weight, depending on the effect desired.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective December 23, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: December 16, 1975.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.75–34558 Filed 12–22–75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FI–816]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 F.R. 26186–93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of

the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
California	Tulare	Exeter, city of	Dec. 8, 1975, Emergency	Mar. 8, 1974		
Indiana	Jasper	Remington, town of	do	May 31, 1974		
Michigan	Livingston	Howell, city of	do	July 11, 1975		
New Jersey	Sussex	Fredon, township of	do	Feb. 28, 1975		
New York	Columbia	Gallatin, town of	do	Oct. 25, 1974		
Pennsylvania	Schuylkill	Cass, township of	do	Nov. 29, 1974		
Do.	York	Dover, borough of	do	Jan. 31, 1975		
Do.	Sullivan	Hillsgrove, township of	do	Dec. 13, 1974		
Do.	Chester	Kennett, township of	do	Dec. 6, 1974		
Do.	Wayne	Manchester, township of	do	Nov. 29 1974		
Do.	Centre	Worth, township of	do	Dec. 27, 1974		
Wyoming	Campbell	Unincorporated areas	do			

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Iowa	Linn	Mount Vernon, city of	Dec. 10, 1975, Emergency			
Maine	Kennebec	Albion, town of	do	Feb. 21, 1975		
Do.	do	Belgrade, town of	do	Jan. 31, 1975		
Do.	Franklin	Chesterville, town of	do	Feb. 21, 1975		
Do.	Aroostook	Masardis, town of	do	Jan. 31, 1975		
Nebraska	Gage	Clatonia, village of	do	Nov. 29, 1974		
New York	Chautauqua	Klantone, town of	do	Oct. 18, 1974		
Do.	Chenango	New Berlin, town of	do			
Oregon	Baker	Haines, city of	do	Dec. 6, 1974		
Pennsylvania	Crawford	Cambridge, township of	do	Sept. 6, 1974		
Do.	Chester	South Coatesville, borough of	do	May 31, 1974		
Vermont	Orange	Bradford, town of	do	Jan. 31, 1975		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Lowndes	Unincorporated areas	Dec. 11, 1975, Emergency	Nov. 29, 1974		
Arkansas	Madison	St. Paul, town of	do	Dec. 20, 1974		
California	Nevada	Grass Valley, city of	do	May 17, 1974		
Idaho	Power	Rockland, city of	do	Dec. 27, 1974		
Mississippi	Benton	Hickory Flat, town of	do	Oct. 25, 1974		
New Jersey	Gloucester	Elk, township of	do	June 28, 1974		
New York	Madison	Cazenovia, town of	do	Nov. 22, 1974		
Do.	Dutchess	Washington, town of	do	Nov. 1, 1974		
Oregon	Grant	Long Creek, city of	do	Dec. 27, 1974		
Pennsylvania	Cambria	Conemaugh, township of	do	Nov. 22, 1974		
Do.	Adams	Menallen, township of	do	Dec. 27, 1974		
Do.	Beaver	South Beaver, township of	do	Jan. 10, 1975		
Do.	Fulton	Todd, township of	do	Jan. 17, 1975		
Texas	Upshur	Ore City, city of	do			

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arkansas	Clay	Success, town of	Dec. 12, 1975, Emergency	July 25 1975		
Colorado	Ouray	Ridgway, town of	do	Nov. 8, 1974		
Idaho	Custer	Challis, city of	do	Jun 28, 1974		
Do.	Lincoln	Shoshone, city of	do			
Illinois	Ogle	Leaf River, village of	do	Nov. 23, 1973		
Do.	Mason	Mason City, city of	do	Nov. 15, 1974		
Iowa	Cerro Gordo	Thornton, city of	do			
Kentucky	Boyd	Unincorporated areas	do	Dec. 12, 1974		
Maine	Oxford	Waterford, town of	do	Feb. 14, 1975		
Maryland	Dorchester	Vienna, town of	do	Nov. 8, 1974		
New York	Hamilton	Hope, town of	do	Nov. 22, 1974		
Do.	Cayuga	Meridian, village of	do	Dec. 6, 1974		
Do.	St. Lawrence	Morristown, village of	do	May 31, 1974		
Do.	Wyoming	Silver Spring, village of	do	Jan. 31, 1975		
Do.	Steuben	Wheeler, town of	do	Jan. 17, 1975		
Ohio	Ross	Clarksburg, village of	do	Nov. 15, 1974		
South Carolina	Spartanburg	Woodruff, town of	do	Nov. 8, 1974		
Tennessee	Trousdale	Unincorporated areas	do			
Vermont	Essex	Bloomfield, town of	do	Sep. 6, 1974		
Wisconsin	Walworth	East Troy, village of	do	May 24, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969) as amended 39 F.R. 2787, Jan. 24, 1974.

Issued: December 3, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.75–34461 Filed 12–22–75;8:45 am]

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[Docket No. FI-824]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 93 F.R. 26186–93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street SW., Washington D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Crenshaw	Unincorporated areas	Dec. 15, 1975. Emergency	Dec. 6, 1974		
California	San Joaquin	Ripon, city of	do	Jan. 3, 1975		
Iowa	Hardin	Union, city of	do	Jan. 10, 1975		
Do	Cedar	West Branch, city of	do	Mar. 1, 1974		
Kentucky	Greenup	Greenup, city of	do	Jan. 23, 1974		
Missouri	Boone	Hartsburg, town of	do	Dec. 27, 1974		
New Mexico	San Juan	Unincorporated areas	do	Sept. 13 1974		
New York	Oswego	Albion, town of	do			
Do	Green	Coxsackie, town of	do	Dec. 6, 1974		
Do	St. Lawrence	Waddington, town of	do	Dec. 13, 1974		
Ohio	Hancock	McComb, village of	do	May 10, 1974		
Pennsylvania	Potter	Summit, township of	do			
West Virginia	Ohio	Bethlehem, village of	do			
Do	Jefferson	Unincorporated areas	do	Dec. 20, 1974		
Alabama	Autauga	Unincorporated areas. (Including town of Batesville and town of Autaugaville.).	Dec. 16, 1975. Emergency	June 7, 1974		
Florida	Columbia	Unincorporated areas	do			
Georgia	McIntosh	do	do			
Massachusetts	Franklin	Conway, town of	do	Aug. 2, 1974		
Michigan	Calhoun	Eckford, township of	do			
Do	Ottawa	Georgetown, Charter, township of.	do	Sept. 26, 1975		
Missouri	Monitem	California, city of	do	Apr. 5, 1974		
Do	Howard	New Franklin, town of	do	Nov. 22, 1974		
New Jersey	Burlington	Wrightstown, borough of	do	June 28, 1974		
New York	Erie	Blasdell, village of	do	Nov. 22, 1974		
Do	Schoharie	Broome, town of	do	Jan. 3, 1975		
Do	Allegany	Clarksville, town of	do	Nov. 15, 1974		
Do	Washington	Fort Ann, village of	do	Apr. 12, 1974		
Do	Rensselaer	Hoosick, town of	do	Nov. 1, 1974		
Do	Washington	Jackson, town of	do	Jan. 17, 1975		
Pennsylvania	Greene	Rices Landing, borough of	do	Nov. 8, 1974		
Do	Potter	Shinglehouse, borough of	do	June 28, 1974		
South Carolina	Charleston	McClellanville, town of	do	Oct. 25, 1974		
South Dakota	McCook	Montrose, city of	do	Dec. 13, 1974		
Vermont	Chittenden	Shelburne, town of	do	do		
Wyoming	Carbon	Baggs, town of	do	Nov. 22, 1974		
Alabama	Tallapoosa	Alexander City, city of	Dec. 17, 1975. Emergency	Nov. 8, 1974		
Georgia	Gwinnett	Duluth, city of	do	May 24, 1974		
Indiana	Starke	Hamlet, town of	do	June 21, 1974		
Kentucky	Taylor	Campbellsville, city of	do	May 24, 1974		
Missouri	Lafayette	Concordia, city of	do	Feb. 7, 1975		
New York	Delaware	Fleischmanns, village of	do	Dec. 6, 1974		
Do	Schuyler	Odessa, village of	do	Dec. 20, 1974		
Do	do	Orange, town of	do	July 26, 1974		
Do	Cortland	Scott, town of	do	Nov. 1, 1974		
Do	Steuben	Tuscarora, town of	do	Oct. 25, 1974		
Oregon	Marion	Scott Mills, city of	do	Sept. 26, 1975		
Pennsylvania	Forest	Hickory, township of	do	Dec. 20, 1974		
Do	Luzerne	Newport, township of	do	Dec. 20, 1974		
Do	Blair	Tyrone, township of	do	Dec. 27, 1974		
Do	Potter	Wharton, township of	do	Dec. 13, 1974		
				Jan. 31, 1975		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Connecticut	Windham	Chaplin, town of	Dec. 18, 1975. Emergency	Dec. 13, 1974		
Michigan	St. Clair	Columbus, township of	do	Aug. 8, 1975		
New Hampshire	Grafton	Bethlehem, town of	do	June 28, 1974		
North Carolina	Martin	Unincorporated areas	do	Nov. 29, 1974		
Pennsylvania	Monroe	Polk, township of	do	Nov. 22, 1974		
Do	Cambria	Summerhill, township of	do	Nov. 29, 1974		
California	Inyo	Unincorporated areas	Dec. 19, 1975. Emergency	Jan. 10, 1975		
Michigan	Calhoun	Tekonsha, village of	do	Oct. 24, 1975		
New York	Saratoga	Ballston, town of	do	Aug. 2, 1974		
Do	Rensselaer	Valley Falls, village of	do	Nov. 22, 1974		
Ohio	Wayne	Apple Creek, village of	do	Mar. 29, 1974		
Pennsylvania	Elk	Fox, township of	do	Nov. 15, 1974		
Do	Dauphin	Penbrook, borough of	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969) as amended 39 F.R. 2787, Jan. 24, 1974.

Issued: December 12, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-34462 Filed 12-22-75;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Washington State Poster

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On January 26, 1973, a notice was published in the FEDERAL REGISTER (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision. On October 8, 1974, the State of Washington submitted a supplement to the plan involving a developmental change (see Subpart B of 29 CFR Part 1953). Final approval of this supplement was delayed pending the adoption of appropriate regulations on requirements for approval of State posters (see Subpart A of 29 CFR Part 1952 as amended November 5, 1974, (39 FR 39036)). As initially submitted, the State of Washington's poster did not include the required reference to employee protection against discharge or discrimination under section 11(c) of the Act. The State has since printed a new poster meeting all requirements and began distribution on October 6, 1975.

On April 29, 1974, the enabling legislation for the Washington State Plan (Senate Bill No. 2386, Chapter 80, Laws of 1973) was submitted for public comment (39 FR 14978) and notice of approval was published in the FEDERAL REGISTER on July 10, 1974 (39 FR 25325).

2. *Description of the supplement.* The supplement contains the Washington Poster which is to be posted at all covered workplaces in the State. Among other things, the poster contains provisions notifying employees of their obligations and protections under the Washington Industrial Safety and Health Act (hereinafter called WISHA), their right to request workplace inspections and their right to participate in inspections, their protection against discharge or discrimination under both Federal and State law for the exercise of their rights under Federal and State law and their right to file complaints with the Occupational Safety and Health Administration concerning the administration of the State program.

3. *Location of the plan and its supplement for inspection and copying.* A copy of the poster, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Technical Data Center, Room N–3620, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 6048, 909 First Avenue, Federal Office Building, Seattle, Washington 98174; and the Department of Labor and Industries, General Administration Building, Olympia, Washington 98504.

4. *Public participation.* Under § 1953.2 of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Washington State Poster incorporates all of the provisions required under 29 CFR 1952.10(a) (5) and 29 CFR 1903.2 (a) (3) (39 FR 39306, November 5, 1974). Accordingly, it is found that further opportunity for public comment and notice is unnecessary.

The legislation, submitted for public comment on April 29, 1974, was approved by the Assistant Secretary on July 3, 1974.

5. *Decision.* After careful consideration, the Washington plan sunpplemet outlined above is approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, Subpart F of 29 CFR Part 1952 is amended to reflect the completion of a developmental step upon the approval of the State Poster, and to codify the approval of the Washington legislation. Accordingly, § 1952.124 of Subpart F of Part 1952 for the reason stated in 4 above is hereby amended as follows:

§ 1952.124 Completed developmental steps.

(a) In accordance with the requirements of § 1952.123(a) the Washington Industrial Safety and Health Act of 1973, hereinafter referred to as WISHA (S.B. 2386, RCW Chapter 49.17), signed by the Governor on March 9, 1973, effective on June 7, 1973, was approved July 3, 1974 (39 FR 25326).

(b) In accordance with the requirements of § 1952.10, the Washington State Poster submitted on October 6, 1975, was approved by the Assistant Secretary on December 17, 1975.

Signed at Washington, D.C. this 17th day of December 1975.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.75-34634 Filed 12-22-75;8:45 am]

V40247 DEC 23 75 XUM

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Pension, Compensation, and Dependency and Indemnity Compensation; Awards to Remarried Widows and Widowers

On page 49580 of the FEDERAL REGISTER of October 23, 1975, there was published a notice of proposed regulatory development relating to awards to remarried widows and widowers whose subsequent marriages have terminated. Section 3.700(b)(1) requires that, when there is entitlement to benefits based on the death of more than one veteran spouse, the widow or widower must elect which benefit she or he will receive. The amendment to § 3.700(b)(1) provides that where benefits are elected in the case of one spouse the award will be made subject to any prior payments in the case of the other spouse. The purpose of this amendment is to permit payment of the greater benefit from the earliest applicable effective date when a widow or widower has been awarded benefits based on the death of one spouse and is subsequently determined eligible for benefits at a higher rate based on the death of another spouse. This constitutes an exception to the provision in § 3.400(j) that the effective date of an award based on an election will be the date of receipt of the election. Additional editorial changes are made in § 3.700 to delete obsolete material related to periods for which compensation may or may not be paid to veterans who received readjustment pay and to update a citation to the United States Code. Editorial changes are made in both sections to reflect the provisions apply equally to male and female beneficiaries.

Interested persons were given 30 days in which to submit comments, suggestions, or objections, regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These VA Regulations are effective December 16, 1975.

Approved: December 16, 1975.

By direction of the Administrator:

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

1. In § 3.700, the introductory portion preceding paragraph (a) and paragraphs (a)(1)(i)(a)(2) and (b) are revised to read as follows:

§ 3.700 General.

Not more than one award of pension, compensation, or emergency officers', regular or reserve retirement pay will be made concurrently to any person based on his or her own service except as provided in § 3.803 relating to naval pension and § 3.750(c) relating to waiver of retirement pay. Not more than one award of pension, compensation, or dependency and indemnity compensation may be made concurrently to a dependent on account of more than one period of service of a veteran. (38 U.S.C. 3104(a))

(a) *Veterans*—(1) *Active service pay.* (i) Pension, compensation, or retirement pay on account of his or her own service will not be paid to any person for any period for which he or she receives active service pay. (38 U.S.C. 3104(c)) This includes "sick pay" or "incapacitation pay" received by a member of a reserve component who suffers injury on a training tour and continues to receive such "pay" after expiration of scheduled training pay and not in an active duty status. The "sick pay" or "incapacitation pay" is "active service pay."

* * * * *

(2) *Lump-sum readjustment pay.* (i) A veteran who has received a lump-sum readjustment payment may receive disability compensation for disability incurred in or aggravated by service prior to the date of receipt of lump-sum readjustment payment subject to deduction of an amount equal to 75 percent of the amount received as readjustment payment.

(ii) The receipt of readjustment pay does not affect the payment of disability compensation based on a subsequent period of service. Compensation payable for service-connected disability incurred or aggravated in a subsequent period of service will not be reduced for the purpose of offsetting readjustment pay based on a prior period of service. (10 U.S.C. 687(b))

* * * * *

(b) *Dependents*—(1) *Widows and widowers.* The receipt of pension, compensation or dependency and indemnity compensation by a widow or widower on account of the death of any veteran, or receipt of pension or compensation on account of his or her own service, shall not bar the payment to him or her of pension, compensation, or dependency and indemnity compensation on account of the death or disability of any other veteran; however, other than insurance, concurrent benefits under laws administered by the Veterans Administration may not be authorized to a widow or widower by reason of the death of more than one veteran to whom he or she has been married. Effective January 1, 1971, the widow or widower may elect to receive benefits based on the death of one such spouse and the election places the right to benefits based on the deaths of other spouses in suspense. The suspension may be lifted at any time by another election based on the death of another spouse. Benefits payable in the elected case will be subject to prior payments for the same period based on the death of the other spouse where, under the provisions of § 3.400(c), there is entitlement in the elected case prior to date of receipt of the election.

(2) *Children.* Except as provided in § 3.703, the receipt of pension, compensation, or dependency and indemnity compensation by a child on account of the death of a veteran or the receipt by the child of pension or compensation on account of his or her own service will not bar the payment of pension, compensation, or dependency and indemnity compensation on account of the death or disability of any other veteran.

(3) *Parents.* The receipt of compensation or dependency and indemnity compensation by a parent on account of the death of a veteran or receipt by him or her of pension or compensation on account of his or her own service, will not bar the payment of pension, compensation, or dependency and indemnity compensation on account of the death or disability of any other person. (38 U.S.C. 3104(b))

2. In § 3.701, paragraph (a) is revised to read as follows:

§ 3.701 Elections of pension or compensation.

(a) *General.* Except as otherwise provided, a person entitled to receive pension or compensation under more than one law or sections of a law administered by the Veterans Administration may elect which benefit to receive regardless of whether it is the greater or lesser benefit and even though the election results in reducing the benefits of his or her dependents. This person may at any time elect or reelect the other benefit. An election by a veteran controls the rights of all dependents in that case and an election by a widow or widower controls the claims of the children as well, including children over age 18 and children not in the widow's or widower's custody. Termination of a marriage or marital relationship which had been the reason for terminating an award of pension based on a veteran's service in World War I or later war periods does not restore to the widow or widower the right to receive protected pension. The claimant's entitlement, if otherwise established, is under the current provisions of 38 U.S.C. 541.

* * * * *

[FR Doc.75-34608 Filed 12-22-75;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 51c—PROJECT GRANTS FOR HEALTH SERVICES DEVELOPMENT

Continuation Projects

Section 501(b) of Public Law 94–63 (84 Stat. 304), enacted on July 29, 1975, repealed section 314(e) of the Public Health Service Act, the statutory authority under which a number of grant programs for health services (including the neighborhood health center, family health center, and community health network programs) were conducted. Section 501(a) of Public Law 94–63 replaced section 314(e) with section 330, the principal purpose of which is to provide authority to make grants for the planning, development and operation of "community health centers" as defined in section 330(a). In enacting section 330, however, Congress clearly indicated that

it intended, inter alia, that the neighborhood health center, family health center and community health network programs be continued even where grantees under those programs are not "community health centers" as newly defined, and provided, in section 330(d)(1)(B), statutory authority under which such programs could continue to be carried out until the grantees brought themselves into conformity with the provisions of of section 330.

Section 330(d)(1)(B) authorizes the Secretary to make grants for the costs of operation of public and private nonprofit entities which provide health services to medically underserved populations but which do not meet each of the requirements applicable to community health centers. In light of the clear Congressional intent that this provision be used to continue programs and activities previously conducted under section 314(e), the Secretary has determined that funds under the continuing resolution (Public Law 94–41) may be used to fund grants under section 330(d)(1)(B). Projects previously funded under section 314(e) which are hereafter funded under section 330(d)(1)(B) will of course be governed by the requirements of the latter section. The regulations set forth below establish factors to be considered by the Secretary in the designation of "medically underserved populations" for purposes of awarding such continuation grants under section 330(d)(1)(B).

The Secretary intends to issue in the near future regulations governing the grant programs authorized by section 330. No new projects will be funded under section 330 until those regulations become effective. In the interim, however, grants made under section 314(e) to a number of projects which are eligible for funding under section 330(d)(1)(B) will be expiring. In view of the necessity to continue to fund such projects in order to carry out the clear Congressional intent that the program be continued, the Secretary has determined that, pending the issuance of complete regulations to govern sec. 330 grants, continuation awards may be made to projects heretofore supported under section 314(e) which meet the requirements of section 330(d)(1)(B). Also in view of such necessity, the Secretary has further determined that public participation in rulemaking and postponement of effective date with respect to the regulations set forth below would be impracticable and contrary to the public interest. Accordingly, the regulations set forth below are effective December 22, 1975.

Title 42, CFR, is amended by the addition of a new Part 51c, as set forth below.

Dated: October 9, 1975.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: December 12, 1975.

DAVID MATHEWS,
Secretary.

Sec.
51c.101 *Designation of medically underserved populations.*

AUTHORITY: Sec. 215, 58 Stat. 690 (42 U.S.C. 216).

§ 51c.101 Designation of medically underserved populations.

In designating medically underserved populations for the purposes of making continuation grants under section 330(d)(1)(B) of the Public Health Service Act to projects previously funded under section 314(e) of such Act, the Secretary of Health, Education, and Welfare will take into account factors including the following:

(a) The shortage of health personnel and health care facilities in the area served by the project;

(b) Health status indicators, such as infant and maternal mortality rates, and other indicators of the existence of special health problems affecting the need for health care services in the area; and

(c) The accessibility and availability of health care services in the area and the ability to obtain these services when required on a timely and effective basis.

[FR Doc.75-34249 Filed 12-22-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5565; F-031025]

ALASKA

Partial Revocation of Public Land Order No. 715; Lands Available for Native Selection

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 715 of April 20, 1951, withdrawing lands for use of the Department of the Air Force for military purposes, is hereby revoked so far as it affects the following described land:

A tract of land at Kaktovik Island, Barter Island Group, Alaska, more particularly described as:

Beginning at U.S.C. & G.S. triangulation station "Barter Astro;" thence along an approximate bearing of South 71°20'00" East, a distance of 2,600.00 feet, more or less, to a point on the mean high water line of the Arctic Ocean and the True Point of Beginning; thence West, a distance of 6,060.00 feet, more or less; thence North, a distance of 6,440.00 feet, more or less, to a point on the mean high water line of the Arctic Ocean; thence in a generally westerly direction to the left along said mean high water line for a distance of 12.7 miles, more or less, to the point of beginning.

Containing approximately 3,577.30 acres.

2. The lands described in paragraph 1 are withdrawn under Public Land Order No. 2214 of December 8, 1960, as part of the Arctic National Wildlife Range, and under section 11(a)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, for selection by the village of Kaktovik.

3. Prior to any conveyance of the lands described in paragraph 1, the lands shall be subject to administration by the Secretary of the Interior under the applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this order. Applications for leases under the Mineral Leasing Act, as amended, 30 U.S.C. 181–287 (1970), will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

DECEMBER 17, 1975.

[FR Doc.75-34542 Filed 12-22-75;8:45 am]

[Public Land Order 5566; AA-8253]

ALASKA

Partial Revocation of Public Land Order No. 5550; Withdrawal of Lands for Native Selection

By virtue of the authority vested in the President and pursuant to section 11(b)(3) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 700 (hereinafter referred to as the Act), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 5550 of December 1, 1975, which reserved lands for the U.S. Coast Guard for defense purposes, is hereby revoked as to the following described lands:

KODIAK ISLAND

PARCEL 1

Beginning at a point which is due west, 10,668.12 feet from Corner No. 1 of U.S. Survey No. 2539:

Thence due west 8,400 ft. to point 1B; thence N. 34°41' W., 7,907.16 ft. to point 1C; thence S. 85°45'15" W., 4,157.22 ft. to point 1D; thence N. 89°25'45" W., 5,957.22 ft. to point 1E; thence S. 52°28'30" W., 10,567.29 ft. to point 1F; thence S. 13°10'30" W., 9,085.74 ft. to point 1G; thence S. 6°34' E., 4,371.48 ft. to point 1H; thence S. 87°18'35" E., 12,715.45 ft. to point 2A, which is the true point of beginning; thence N. 75°25' E. 9,281 ft. to a point on the summit of Barometer Mountain; thence S. 64°41' E., 2,900 ft. to a point; thence S. 44°02' E., 5,210 ft. to a point; thence S. 51°30' W., 3,500 ft. to a point; thence S. 38°30' E., to a point which lies 300 ft. N. 38°30' W., from the centerline of the Chiniak Road as shown on CG Dwg. F-81;

Thence meandering southerly and westerly along a meander line which is offset 300 feet northerly and westerly from the centerline of the Chiniak Road to a point at the intersection of said meander line with a line which bears S. 25°40'30" E., and is tangent to the south mean high water line of the spit leading to Frye Point; thence S. 85°10'30" W., 3,960 feet to a point; thence N. 40°49'30" W., 6,400 feet to a point; thence N. 28°10'30" E., 4,500 feet to a point; thence north 1,251.45 feet to the point of beginning.

PARCEL 2

Beginning at a point which is due west 10,668.12 feet from Corner No. 1 of U.S. Survey No. 2539:

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Thence due south 3,750 feet; thence S. 39°57' W., 2,130 feet; thence S. 18°24' W., 1,300 feet; thence due south 510 feet; thence S. 77°26' E., 1,520 feet; thence N. 77°00' E., 990 feet; thence S. 45° E., 2,980 feet more or less to a point on the mean lower water line; thence S. 27° E., approximately 13,250 feet to the most northerly point of Cliff Point at the mean high water line; thence southerly and easterly on a meander line along the mean high water line to the most southeasterly point of Cliff Point; thence due east to a point which is 5,060.4 ft. due south of Corner No. 11, U.S. Survey No. 2539; thence due north 5,060.4 ft. to Corner No. 11, U.S. Survey No. 2539; thence N. 5°05'30" W., 9,856.04 feet to a point; thence N. 45°00' W., 11,954.64 feet to a point; thence due west 2,968.12 feet to the point of beginning.

2. The lands described in paragraph 1 are hereby withdrawn pursuant to section 11(b)(3) of the Act for selection by the Koniag Regional Corporation and appropriate village corporations within that region.

3. The lands described in paragraph 1 shall continue to be withdrawn by Public Land Order No. 5187 and shall remain subject to all of the terms and conditions contained therein.

4. Prior to any conveyance of the lands described in paragraph 1, the lands shall be subject to administration by the Secretary of the Interior under the applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way or easements shall not be impaired by this order. Applications for leases under the Mineral Leasing Act, as amended, 30 U.S.C. 181–287 (1970), will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

5. This action is taken in part in consideration of the waiver of tort liability and in order to allow Native village corporations and the regional corporation of Koniag to select from the lands in paragraph 1.

THOMAS S. KLEPPE,
Secretary of the Interior.

DECEMBER 17, 1975.

[FR Doc.75-34543 Filed 12-22-75;8:45 am]

[Public Land Order 5567; AA-8909]

ALASKA

Withdrawal of Lands for Selection by the Kenai Native Association, Inc.

By virtue of the authority vested in the Secretary of the Interior by section 14(h) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 704 (hereinafter referred to as the Act) it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. 181–287 (1970), and are hereby reserved so that the Kenai Native Association, Inc., may select from these lands under section 14(h)(3) of the Alaska Native Claims Settlement Act:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 4 N., R. 8 W.,
secs. 1 and 2.
T. 6 N., R. 7 W.,
sec. 19, SW¼, W½SE¼, SE¼SE¼;
secs. 29 thru 32.
T. 6 N., R. 8 W.,
secs. 19 thru 36.
T. 6 N., R. 9 W.,
secs. 1 thru 3;
Sec. 4, E½E½;
secs. 7 thru 36.
T. 6 N., R. 11 W.,
sec. 11;
sec. 12, W½, SE¼;
secs. 13 and 14.

The areas described aggregate approximately 37,550 acres, of which the Kenai Native Association, Inc., may select no more than 18,775 acres.

2. By virtue of the authority vested in the Secretary of the Interior by section 22(h)(4) of the Act, the Secretary has determined that none of the lands described in paragraph 1 which are within 2 miles of the city of Kenai are subject to selection by any Native village or regional corporation under any provisions of said Act because of their location within 2 miles of the boundary of the city limits of Kenia, as set forth in section 22(l) of the Act, and any withdrawals of the lands for such selection are hereby terminated.

3. Prior to the conveyance of any of the lands withdrawn by this order, the lands remain subject to administration by the Secretary of the Interior under applicable laws and regulations, as part of the Kenai National Moose Range, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal. Applications for leases under the Mineral Leasing Act, as amended, 30 U.S.C. 181–287 (1970), shall be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing. Any conveyances of the lands withdrawn by this order shall be subject to section 22(g) of the Alaska Native Claims Settlement Act.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

DECEMBER 17, 1975.

[FR Doc.75-34544 Filed 12-22-75;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 310—MERCHANT MARINE TRAINING

Admission and Training of Midshipmen at the United States Merchant Marine Academy

Part 310 of Title 46 of the Code of Federal Regulations is hereby amended. This amendment increases the pay that midshipmen of the United States Merchant Marine Academy receive while assigned to merchant vessels for sea year training.

The purpose of this amendment is to implement the Maritime Administration policy that midshipmen shall receive the same rate of pay from their steamship company employers for the sea year training as cadets receive at the Federal academies.

Since the rate of pay received by midshipmen while assigned to subsidized merchant vessels is a matter of public contract with the owners of such vessels, this amendment to the Merchant Marine Training regulations is adopted without notice of proposed rule making.

Part 310 of Title 46 of the Code of Federal Regulations is amended by revising the first sentence of paragraph (c) of § 310.58 to read as follows:

§ 310.58 Training on subsidized vessels.

* * * * * *

(c) *Pay*—Midshipmen shall receive pay, while attached to merchant vessels, at the rate of $333.00 per month from their steamship company employers.

* * * * * *

Effective date: This amendment shall become effective January 20, 1976.

(Section 204(b), Merchant Marine Act, 1936, as amended (49 Stat. 1987, 46 U.S.C. 1114), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 842) as amended by P.L. 91-469 (84 Stat. 1036), Department of Commerce Order 10-8 (38 F.R. 19707, July 23, 1973).)

Catalog of Federal Domestic Assistance Program No. 11-507 U.S. Merchant Marine Academy (Kings Point).

Dated: December 16, 1975.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-34618 Filed 12-22-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE AND RECREATION

MacKay Island National Wildlife Refuge, N.C., Va.

The following special regulations are issued and are effective during the period January 1, 1976 through December 31, 1976.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

NORTH CAROLINA AND VIRGINIA

MACKAY ISLAND NATIONAL WILDLIFE REFUGE

Entry on foot, horseback, bicycle or motor vehicle from the Knotts Island Causeway is permitted during daylight hours on designated travel routes for the purpose of nature study, photography, and hiking. Boat access on navigable water and land access to other designated portions of the refuge for the above purposes is permitted only from March 15, 1976 through October 15, 1976. Pets on a leash not exceeding 10 feet in length are permitted. Boats may be launched from the Knotts Island Causeway throughout the year at the Corey's ditch bridge. Boat launching at other points on the causeway is permitted only from March 15 through October 15, 1976. Airboats are not permitted.

Organized groups of more than ten persons requesting use of the refuge for nature study are required to contact the Refuge Manager for a permit.

The refuge, comprising 7,024 acres, is delineated on a map available from the Refuge Manager, Back Bay National Wildlife Refuge, Pembroke #2 Bldg., Suite 218, 287 Pembroke Office Park, Virginia Beach, Virginia 23462, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1976.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

DECEMBER 16, 1975.

[FR Doc.75-34564 Filed 12-22-75;8:45 am]

PART 33—SPORT FISHING

Mark Twain National Wildlife Refuge; Illinois, Iowa, Missouri

The following special regulation is issued and is effective December 23, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS-IOWA-MISSOURI

MARK TWAIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Mark Twain National Wildlife Refuge, Illinois, Iowa, and Missouri, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10,257 acres, are delineated on maps available at the refuge headquarters and from the office of the Regional Director, United States Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

ILLINOIS

(1) The open season for sport fishing on the Batchtown and Calhoun Divisions of the Mark Twain National Wildlife Refuge extends from January 1, 1976, through October 15, 1976, with the exception of certain designated areas which are open until December 31, 1976.

(2) The open season for sport fishing on the Keithsburg Division of the Mark Twain National Wildlife Refuge extends from January 1, 1976, through October 15, 1976.

(3) The open season for sport fishing on the Gardner Division of the Mark Twain National Wildlife Refuge extends from January 1, 1976, through October 15, 1976.

(4) (a) The open season for sport fishing on the Chautauqua National Wildlife Refuge extends from December 15, 1975 through October 15, 1976, with the exception of certain designated areas in Chautauqua Lake, Goofy Ridge Ditch, and all water areas of the public hunting area which are open until December 14, 1976.

(b) The use of boats, powered by motors of ten (10) horsepower or less, is permitted in the waters of Lake Chautauqua.

(c) No person shall enter upon or fish from any dike, water control structure or shoreline within the refuge except at the Recreation Area, Boatyard No. 3, or along the cross dike.

IOWA

(1) The open season for sport fishing on the Louisa Division of the Mark Twain National Wildlife Refuge extends from January 1, 1976, through September 30, 1976, with the exception of certain areas adjacent to the Port Louisa Road which are open until December 31, 1976.

(2) The open season for sport fishing on the Big Timber Division of the Mark Twain National Wildlife Refuge extends from January 1, 1976, through December 31, 1976.

MISSOURI

(1) The open season for sport fishing on the Clarence Cannon National Wildlife Refuge is limited to Bryants Creek which is open from January 1, 1976, through December 31, 1976.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1976.

HOWARD A. LUPER,
Refuge Manager, Mark Twain National Wildlife Refuge.

DECEMBER 15, 1975.

[FR Doc.75-34528 Filed 12-22-75;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 69-19; Notice 10]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

This notice amends 49 CFR 571.108, Motor Vehicle Safety Standard No 108, *Lamps, Reflective Devices, and Associated Equipment*, to clarify the electrical terminal specifications for Type 1A rectangular headlamps.

Standard No. 108 was amended on November 30, 1973, (38 FR 33084) to specify requirements for rectangular headlamps that may be used as an option in a four-headlamp system. Figure 2 of the amended standard specifies certain interchangeability features of Type 1A and 2A rectangular headlamps, including location and arrangement of the electrical terminals. The three terminals shown in Figure 2 are designated as "ground," "lower beam," and "Type 2A upper beam." The terminal designated as "lower beam" is used as the terminal for the upper beam on Type 1A headlamps. This is implied by the notation, "no connection or terminal for Type 1A headlamp," under the phrase "Type 2A upper beam," since the ground is not a connection, but the figure may not be sufficiently clear on that point. In order to make it clear, this notice amends Figure 2 so that the "lower beam" terminal is redesignated as the "Type 2A lower beam or Type 1A upper beam" terminal.

It has also come to the attention of this agency that certain dimensional tolerances of Figure 2 are unnecessarily restrictive and that other methods of dimensioning are more applicable in certain cases. In addition, an optional terminal configuration permitted for other headlamps is not currently included for the Type 1A and 2A headlamps.

Accordingly, Figure 2 is being revised to provide a tolerance change to the overall lamp width (6.58 inches) and height (4.20 inches). The lamp corner radius of 0.56 inch is changed to 0.54 inch, a terminal spacing of 0.333 inch is changed to 0.335 inch, and an optional terminal configuration is specified. A dimension is included for the seating lugs, and a different method of dimensioning the locating lug is specified.

These changes do not affect interchangeability or performance of the lamps and are specified only to relieve unnecessary restrictions.

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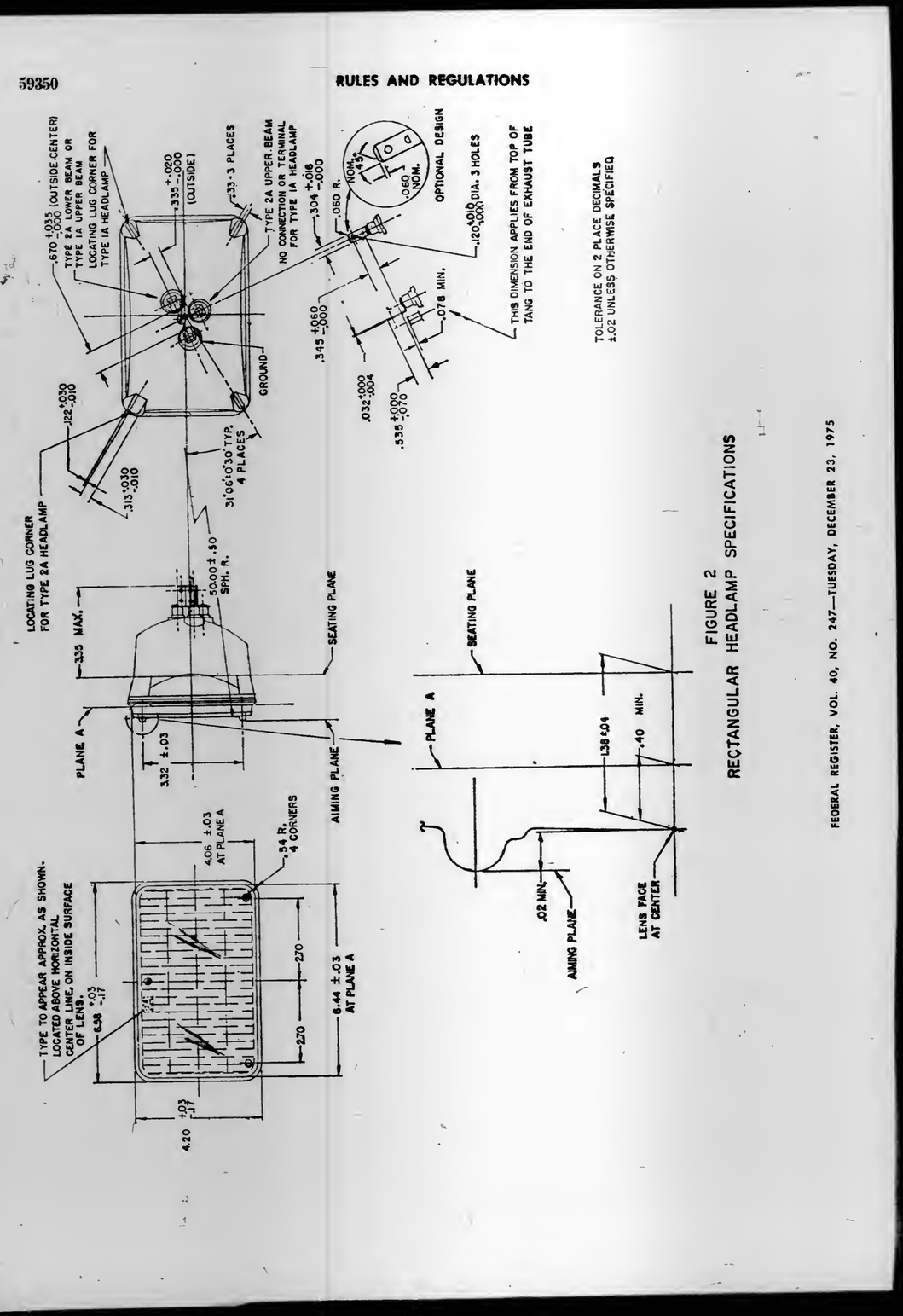


FIGURE 2
RECTANGULAR HEADLAMP SPECIFICATIONS

Effective date: Because the amendment creates no additional burden upon any person it is found for good cause shown that an immediate effective date is in the public interest.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.50)

Issued on December 3, 1975.

JAMES B. GREGORY,
Administrator.

Title 45—Public Welfare

CHAPTER XVI—LEGAL SERVICES CORPORATION

PART 1603—STATE ADVISORY COUNCILS

Adoption of Regulations

Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996l ("the Act"). Section 1004(f) of the Act, 42 U.S.C. 2996c(f), provides that within six months after the first meeting of the Board of Directors of the Corporation, the Board shall request the Governor of each state to appoint a state advisory council for legal services programs.

On page 53272 of the FEDERAL REGISTER of November 17, 1975, the Corporation published proposed regulations for the establishment of state advisory councils. Interested persons were given until December 18, 1975 to submit comments, suggestions or objections to those proposed regulations. All comments received were given consideration by the Corporation. The following regulations were duly adopted by the Corporation. They represent changes from the proposed regulations in the following ways:

1. A definition of the term "apparent violation" was added to § 1603.2.

2. Section 1603.4 was re-drafted to clarify the recommended appointment procedure for naming council members. A sentence setting forth the power of the Board of Directors to appoint a council if the Governor does not was struck as redundant of the Act. A new provision was added to treat procedures for dealing with vacancies on the council after the original members' terms expire.

3. Section 1603.5(b) was substantially shortened to clarify the duties of state advisory councils when they receive a complaint about legal services programs.

4. Former § 1603.5(c) was struck as redundant because of the redrafted § 1603.5(b).

5. Former § 1603.5(d) is now § 1603.5(c). The present § 1603.5(c) now obligates the Corporation to inform a state advisory council of any action which the Corporation takes on a complaint which comes to the Corporation directly.

6. Section 1603.7(c) was revised by striking the limitation of four meetings annually for a council.

7. Section 1603.7(e) was struck as redundant of Section 1004(g) of the Act, which provides that meetings of state advisory councils shall be open to the public.

8. Section 1603.8(a) was entirely rewritten to state that the Corporation will provide specified amounts of money for the conduct of council business and reasonable travel expenses for members.

9. The second sentence of § 1603.8(b) was struck as redundant.

10. Section 1603.8(c) was redrafted to place the burden of posting notices in local offices on the recipient, rather than on the person in charge of the local office.

11. Section 1603.9 was amended to give state advisory councils more latitude regarding the subject matter of their annual reports.

12. Section 1603.10 was amended to state that a council must forward notifications of apparent violations to the local and administrative offices of a recipient, where a recipient operates in more than one state.

13. Several additional minor changes of a perfecting or stylistic nature, not having substantive implications, were made throughout the text.

Accordingly, the state advisory council regulations are adopted as set forth below, to become effective 30 days hereafter, pursuant to Section 1008(e) of the Act.

PART 1603—STATE ADVISORY COUNCILS

Sec.
1603.1 Purpose.
1603.2 Definitions.
1603.3 Composition and term of office of council membership.
1603.4 Procedure for appointment of council.
1603.5 Council purpose and duties.
1603.6 Duties of corporation on receipt of notification of violation.
1603.7 Organization and procedural functioning of council.
1603.8 Corporation support of council.
1603.9 Annual report of council.
1603.10 Multi-state recipients.

AUTHORITY: Sec. 1004(f), 88 Stat. 379-380 (42 U.S.C. 2996c(f)).

§ 1603.1 Purpose.

The purpose of this part is to implement section 1004(f) of the Legal Services Corporation Act of 1974, 42 U.S.C. 2996c(f), which provides authority for the appointment of state advisory councils.

§ 1603.2 Definitions.

As used in this part, the term—

(a) "Act" means the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-29961;

(b) "apparent violation" means a complaint or other written communication alleging facts which, if established, constitute a violation of the Act, or any applicable rules, regulations or guidelines promulgated pursuant to the Act;

(c) "Board" means the Board of Directors of the Legal Services Corporation;

(d) "Corporation" means the Legal Services Corporation established under the Act;

(e) "council" means a state advisory council established pursuant to Section 1004(f) of the Act;

(f) "eligible client" means any person financially unable to afford legal assistance;

(g) "Governor" means the chief executive officer of a State;

(h) "recipient" means any grantee, contractee, or recipient of financial assistance described in clause (A) of Section 1006(a)(1) of the Act;

(i) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

§ 1603.3 Composition and term of office of council membership.

A council shall be composed of nine members. A majority of the members of a council shall be attorneys admitted to practice in the State. It is recommended that the remainder of the council, to the maximum extent possible, be broadly representative of persons concerned with the effective functioning of legal services programs. Membership of a council shall be subject to annual reappointment, but it is recommended that no member of a council be appointed to serve for more than three consecutive years.

§ 1603.4 Procedure for appointment of council.

At the formal request of the Board, to be made before January 14, 1976, the Governor may appoint a council for the State. Those council members who are attorneys admitted to practice in the State shall be appointed by the Governor after recommendations have been received from the State bar association. In making such appointments, it is recommended the the Governor consult with other bar associations in the State, representatives of groups concerned with the interests of recipients, eligible clients and other interested groups. It is recommended that the Governor appoint attorneys who have interest in and knowledge of the delivery of quality legal services to the poor, and that the remaining members of the council, who are not attorneys, be selected after the Governor has consulted with representatives of groups concerned with the interests of eligible clients. It is recommended that the Governor seek recommendations from recipients in the State before appointing any members to the council. Sixty days prior to the expiration of a member's term, the Governor shall notify those groups mentioned in this Section so that their recommendations may be solicited for purposes of appointment of a new member or reappointment of an incumbent member of the council.

§ 1603.5 Council purpose and ruties

(a) The purpose of the council shall be to notify the Corporation of any apparent violation as defined in § 1603.2 (b) of this chapter.

(b) In fulfilling the purpose set forth in paragraph (a) of this Section, the

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council shall forward any apparent violation to the Corporation. The Chairperson of the council shall inform the complainant, the Corporation and the recipient of any action taken on the complaint. Notification of an apparent violation forwarded by the council to the Corporation shall not necessarily constitute a position of the council concerning the apparent violation.

(c) These procedures are not exclusive. Complaints may be submitted to the Corporation, and complaints submitted to a council may be submitted to the Corporation without regard to council action. The Corporation shall inform the complainant, the council and the recipient of all action taken on the complaint.

§ 1603.6 Duties of Corporation upon receipt of notification of violation.

(a) Upon receipt of a notification of an apparent violation, the matters contained therein shall be investigated and resolved by the Corporation in accordance with the Act and rules and regulations issued thereunder.

(b) Upon receipt from a council of a notification of an apparent violation, the Corporation shall allow any recipient affected thereby a reasonable time (but in no case less than thirty days) to reply to any allegation contained in the notication.

(c) The Corporation shall inform the Chairperson of a council of the action, if any, the Corporation has taken with regard to any notification received from such council.

§ 1603.7 Organization and procedural functioning of council.

(a) Within 30 days after the appointment of the council, and annually thereafter, the Governor shall send to the Secretary of the Corporation in Washington, D.C., a list of the members of the council for the State that shall include the name, address and telephone number of each council member, and indicate which members are attorneys.

(b) It is recommended that the Governor appoint from among those named to the council a Chairperson of the council.

(c) It is recommended that each council establish at its first meeting such fair and reasonable procedures for its operation as it may deem necessary to carry out the purpose set forth in § 1603.5(a) of this Chapter. The procedures for operation of the council shall include provisions for notifying the appropriate regional director of the Corporation of the time and place of any meeting of the council.

(d) It is recommended that a council meet at the call of the Chairperson thereof, or at the request to the Chairperson of at least four members thereof, at such times as may be necessary to carry out its duties, but at least annually.

§ 1603.8 Corporation support of council.

(a) The Corporation shall inform the Chairperson of each council of the funds available to the council from the Corporation for actual and reasonable expenses incurred by members of the council to pursue council business.

(b) It shall be the duty of the President of the Corporation to keep the Chairperson of each council informed of the work of the Corporation.

(c) The Secretary of the Corporation shall mail annually to each recipient the name and address of the Chairperson of the appropriate council and a form of notice indicating where complaints may be sent. The recipient shall post said name and address of the Chairperson and said notice in plain public view in each office of the recipient.

§ 1603.9 Annual report of council.

On or before March 31, 1977, and on or before March 31 of each succeeding year, a council shall submit to the Corporation a report of the activities of the council during the previous calender year. The report may contain comments or suggestions regarding how best to provide high quality legal assistance to the poor, and regarding such other matters having to do with provision of legal services to eligible clients in the State as the council may deem advisable.

§ 1603.10 Multi-state recipients.

Where a recipient has offices in more than one State, the council of the State in which the apparent violation occurred has the responsibility for notifying the Corporation and the recipient at its local and administrative offices.

Effective date: January 23, 1976.

DAVID S. TATEL,
Acting General Counsel.

[FR Doc.75-34720 Filed 12-22-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1060, 1061, 1068, 1069, 1076]

[Docket Nos. AO–178–A33, etc.]

MILK IN THE MINNEAPOLIS-ST. PAUL AND CERTAIN OTHER MARKETING AREAS

Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Marketing area	Docket No.
1060	Minnesota-North Dakota	AO–360–A10.
1061	Southeastern Minnesota-Northern Iowa.	AO–367–A9.
1068	Minneapolis-St. Paul, Minn.	AO–178–A33.
1069	Duluth-Superior	AO–153–A22.
1076	Eastern South Dakota	AO–260–A21.

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas which was issued on October 22, 1975 (40 FR 50392) is hereby extended to January 15, 1976.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C. on: December 17, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-34548 Filed 12-22-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 233]

NEED STANDARDS; FACTORS SPECIFIC TO AFDC

Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations would amend 45 CFR 233.20 and 233.90 to clarify Federal policy on determining need and amount of assistance as a result of the decision of the U.S. Supreme Court in *Van Lare et. al.* v. *Hurley et. al.*, May 19, 1975. The Court rendered invalid a New York State regulation which required a pro rata reduction in the shelter allowance of a family receiving AFDC solely because a parent allowed a non-legally responsible individual to reside in the home. It found that Federal law bars States from assuming that non-legally responsible individuals will apply their resources to aid a child receiving AFDC, and that prorating the shelter allowance in such circumstances constitutes an impermissible assumption of income.

The proposed regulations amend 45 CFR Part 233 by (1) deleting the requirement under § 233.20(a)(2)(iv) relating to methods for determining needs, as this requirement has become obsolete through statutory and regulatory changes in the administration of the public assistance programs; and (2) by adding a new requirement under §§ 233.20(a)(2)(iv) and 233.90(a) to specifically provide that a State may not prorate or otherwise reduce the money amount of any item in its need standard on the assumption that a non-legally responsible individual residing in the household contributed to the support of the assistance unit.

Prior to the adoption of the proposed regulations, consideration will be given to written comments, suggestions, or objections thereto addressed to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, and received on or before January 22, 1975.

Such comments will be available for public inspection in Room 5225 of the Department's offices at 330 C Street, S.W., Washington, D.C., beginning approximately two weeks after publication of this Notice in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 a.m., to 5 p.m. (area code 202–245–0950).

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance—Maintenance Assistance (State Aid))

Dated: August 22, 1975.

JOHN A. SVAHN,
Acting Administrator,
Social and Rehabilitation Service.

Approved: December 17, 1975.

MARJORIE LYNCH,
Acting Secretary.

Part 233, Chapter II, Title 45 of the Code of Federal Regulations is amended by revising § 233.20(a)(2)(iv) and 233.90(a), as set forth below:

§ 233.20 Need and amount of assistance.

(a) • • •

(2) • • •

• • • • • •

(iv) Provide that the money amount of any need item included in the standard will not be prorated or otherwise reduced merely because of the presence in the household of a non-legally responsible individual; and the agency will not assume any contribution by such individual for the support of the assistance unit.

• • • • • •

§ 233.90 Factors specific to AFDC.

(a) *State plan requirement.* A State plan under title IV–A of the Social Security Act must provide that the determination whether a child has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, or (if the State plan includes such cases) the unemployment of his father, will be made only in relation to the child's natural or adoptive parent, or in relation to the child's stepparent who is ceremonially married to the child's natural or adoptive parent and is legally obligated to support the child under State law of general applicability which requires stepparents to support stepchildren to the same extent that natural or adoptive parents are required to support their children. Under this requirement, the inclusion in the family, or the presence in the home, of a "substitute parent" or "man-in-the-house" or any individual other than one described in this paragraph is not an acceptable basis for a finding of ineligibility or for assuming the availability of income by the State; nor may the State agency prorate or otherwise reduce the money amount for any need item included in the standard on the basis of assumed contributions from nonlegally responsible members of the household. In establishing financial eligibility and the amount of the assistance payment, only such net income as is actually available for current use on a regular basis will be considered, and the income only of the parent described in the first sentence of this paragraph will be considered available for children in the household in the absence of proof of actual contributions.

• • • • • •

[FR Doc.75-34601 Filed 12-22-75;8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 25]

[Docket No. 13696; Notice No. 75–40]

TRANSPORT CATEGORY AIRPLANES TYPE A PASSENGER EMERGENCY EXIT CAPACITY

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending §§ 25.807(c)(2) and (c)(3) of the Federal Aviation Regulations (FARs) to revise the maximum passenger seating configuration permitted for each pair of Type A exits from 100 to 110 for the type certification of transport category airplanes. An advance notice of proposed rule making (ANP RM) was published on May 10, 1974, (Notice 74–19; 39 FR 16900) soliciting the views of all interested persons on six questions which the FAA believed would elicit information upon which to base a notice of proposed rule making. All comments received have been considered in the formulation of the amendments proposed herein.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before February 23, 1976, will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket, both before and after the closing date for comments, for examination by interested persons.

The regulatory provisions relating to Type A exits in § 25.807 of the FARs were adopted by Amendment 25–15, effective October 24, 1967. That amendment also established the provision in § 25.803(c) that manufacturers show by demonstration that the maximum seating capacity of an airplane having a capacity of more than 44 passengers can be evacuated to the ground within 90 seconds, under conditions prescribed in the regulation. As discussed in the preamble to Amendment 25–15, the allowable passenger seating limit of 100 that was established for each pair of Type A exits was less than the evacuation capacity that had been demonstrated by test.

As also indicated in Notice 74–19, data and information received by the FAA indicated that the passenger seating limit of 100 for Type A exits may be overly conservative and that the factors whose consideration originally led to the establishment of that limit may have changed to an extent that they now warrant its revision. However, to obtain all relevant data on the safety and cost considerations attendant to a change in the passenger seating limit, Notice 74–19 was issued. In order to facilitate consideration and comment on this notice, the six questions asked in Notice 74–19 are listed, and the comments received in response to that notice are discussed, below:

1. Do the data available on evacuation tests and in-service incidents that relate to the evacuation capacity of Type A exits under emergency conditions indicate that the 100 passenger limitation may safely be increased?

2. What reliability has been demonstrated for Type A exit systems by service experience and tests?

3. What relationships may be established between reliability and passenger emergency evacuation capability of Type A exits?

4. How would the emergency evacuation capability of Type A exits be affected by specific increases in passenger seating capacity and by specific passenger seating configuration considerations?

5. If there are other factors that should be considered, how should the relevant data be related to the emergency evacuation capability of Type A exits?

6. If the commentator recommends specific passenger capacities for consideration, what economic and safety benefits or penalties would be associated with them?

Six comments were received in response to Notice 74–19. Three of those comments favored an increase in the passenger seating limit applicable to Type A exits. Two commentators objected to such an increase. The final commentator presented a number of factors for consideration with respect to the questions listed in the notice.

In general, the commentators that favored an increase, in answering the listed questions, referred to emergency evacuation demonstration test data to indicate that the passenger seating limit for Type A exits can be safely increased. Those commentators also stated that Type A exit systems have demonstrated good reliability in service and tests and that the reliability problems that have arisen have been resolved by taking necessary corrective actions. Furthermore, these commentators also contended that reliability is not an important factor with respect to establishing passenger seating limits for exits since, as one commentator pointed out, demonstrations are conducted with only half the exits usable and more than half the exits have been available during the occasions that Type A emergency exits have been used in service. It was also pointed out by certain of these commentators that with any increase in the passenger seating limit adequate access would be assured by the current FAR requirements and that with adequate access and exit distribution a change in the passenger seating limit for an exit would not have an effect on the evacuation system capability.

The two commentators opposed to an increase in the passenger seating limit for Type A exits questioned the reliability of those exit systems and claimed that on a number of occasions in service Type A exit systems have failed to operate properly. Both commentators argued that current emergency evacuation demonstration requirements are not sufficiently realistic. The commentators also questioned the capability of presently installed Type A exit slide/rafts to accommodate increased numbers of occupants. One of the commentators also argued that seat-to-exit distance is a critical factor with respect to successful emergency evacuations.

The FAA has considered the comments submitted in response to Notice 74–19 and has reviewed the available data that is relevant to the passenger seating limit applicable to Type A exits. Based on the comments and review, the FAA believes that the passenger seating limit applicable to Type A exits can be safely increased. This belief is based on a more complete understanding of Type A exit systems, and the improvements in the design and maintenance of Type A exit systems which have occurred since the original establishment of a passenger seating limit for those exits. With this increased understanding and these improvements, the passenger seating limit of 100 has become overly conservative.

With respect to the comments received in opposition to an incerase in the passenger seating limit, the FAA believes—1) with respect to system reliability, Type A exist systems now exhibit a degree of reliability that warrants an increase in the passenger seating limit for the exit; 2) with respect to evacuation demonstration realism, the purpose of emergency evacuation demonstrations is not to duplicate an emergency condition in all details, but to provide a standardized method of evaluation of a total evacuation system whose components comply with detailed individual quantitative requirements in the FARs; and 3) with respect to the comment relating to seat-to-exit distance, that distance is an important emergency evacuation factor, and with respect to current aircraft incorporating Type A exists, seat-to-exit distances will not significantly change if the passenger seating limit applicable to those exits is increased. In regard to the comment relating to slide/rafts, if the passenger capacity of an aircraft is increased, the requirements relating to sufficient raft capacity must be met at the increased capacity.

With respect to a recommended passenger seating limit, one commentator suggested the establishment of a passenger seating limit based entirely on realistic evacuation tests. Another commentator felt that the passenger seating limit for a particular type of exit should, when established, be associated with a particular aircraft. The FAA does not agree. Service experience indicates that a combination made up of the quantitative evacuation system standards and demonstration provisions of the FARs results in a highly satisfactory overall evacuation requirement. The FAA believes, at this time, that any deviation from this approach would not be in the interest of safety.

Two specific passenger seating limits were recommended by commentators. One commentator expressed the belief that a 130-passenger seating limit could be established with no safety penalty. The FAA does not agree since this value is based for the most part solely on the results of evacuation demonstrations.

Another commentator suggested the passenger seating limit for Type A exits be increased to 110, but the commentator requested that the evacuation test be waived. Based on the data available, the FAA believes that conservatively increasing the passenger seating limit for Type A exits from 100 to 110, as suggested, will provide for more economic airplane utilization with no adverse effect on safety. Accordingly, it is proposed herein to amend §§ 25.807(c)(2) and (c)(3) to provide for such a change. However, the FAA does not agree with the commentator's suggestion that the evacuation demonstra be waived. The evacuation demonstration requirements of § 25.803 are necessary to properly evaluate the entire emergency evacuation system.

These amendments are proposed under the authority of Sections 313(a), 601, and 603, of the Federal Aviation Act of 1958 (48 U.S.C. 1354(a), 1421, and 1423), and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Part 25 of the Federal Aviation Regulations as follows:

§ 25.807 [Amended]

1. By revising the table in § 25.807(c)(2), to read as follows:

• • • • •

(c) • • •

(2) • • •

Additional emergency exits (each side of fuselage):

	Increase in passenger seating configuration allowed
Type A	110
Type I	45
Type II	40
Type III	35

• • • • •

2. By amending the last sentence in § 25.807(c)(3), to read "A passenger seating configuration of 110 seats is allowed for each pair of Type A exits and a passenger seating configuration of 45 seats is allowed for each pair of Type I exits."

Issued in Washington, D.C. on December 16, 1975.

J. A. FERRARESE,
Acting Director
Flight Standards Service.

[FR Doc.75–34533 Filed 12–22–75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

HAWAII

Proposed Supplements to Approved Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) under which the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) will review changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On January 4, 1974, a notice was published in the Federal Register of the approval of the Hawaii plan and of the adoption of Subpart Y of Part 1952 describing the plan and containing the approval decision (39 FR 1010). On April 21, 1975, and May 29, 1975, the State of Hawaii submitted supplements to its plan involving State-initiated changes and evaluation changes. (see Subparts D and E of 29 CFR Part 1953).

2. *Description of the supplements.* One State-initiated change concerns a revision of the State's compliance manual. The compliance manual has been updated and more accurately reflects procedures prescribed for the Hawaii program.

A second supplement concerns amendments to the Hawaii enabling legislation, chapter 396, Hawaii Revised Statutes. The amendments, Act 50, were passed by the Hawaii legislature in its 1975 session and were signed by the Governor and became effective on May 6, 1975.

Two of the amendments were initiated by the State. One concerns a revision of the definition of a place of employment under section 396–3 of the Hawaii Revised Statutes to exclude "a place the exclusive safety jurisdiction over which is vested by law in any federal agency." A second amendment extends criminal sanction to persons who violate the certification or permit requirements for users of explosives under section 396–9 (f) of the Hawaii Revised Statutes. Other amendments were in response to recommendations of the Occupational Safety and Health Administration following evaluation of the plan in actual operation. The amendments provide for the following:

(a) The designated agency, the Department of Labor and Industrial Relations, is provided the right to appeal adverse administrative decisions to the courts (sections 396–4(d)(7), 396–11, H.R.S., as amended);

(b) Citations are required to be posted at or near the place where a violation occurs rather than merely in a "prominent place" (Section 396–10(1), H.R.S., and amended);

(c) A proposed penalty is final and unreviewable unless an employer contests the proposed penalty within 20 days of its receipt (Section 396–11, H.R.S., as amended);

(d) Employees or their representatives may file an appeal alleging that the time prescribed for abatement of a violation is unreasonable (Section 396–11, H.R.S., as amended);

(e) The provision of Section 396–11 providing that the filing of a petition for review before the appeals board shall not stay or suspend the operation of an order and prohibiting the appeals board from granting such a stay has been deleted;

(f) The appeals board is authorized to issue orders as may be appropriate to protect the confidentiality of trade secrets (Section 396–13, H.R.S., as amended).

3. *Location of the plan and its supplements for inspection and copying.* A copy of the proposed supplements along with the approved plan may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N–3608, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 9470, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94210; and the Department of Labor and Industrial Relations, Room 308, 825 Milani Street, Honolulu, Hawaii 96813.

4. *Public participation.* Interested persons are hereby given until January 22, 1976, to submit written data, views and arguments concerning whether the supplements should be approved. Such submissions are to be addressed to the Associate Assistant Secretary at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements by filing particularized written objections with respect thereto within the time allowed for comments specified above. If, in the opinion of the Assistant Secretary, substantial objections are filed, which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart Y of Part 1952 and initiate further appropriate proceedings if necessary.

Signed at Washington, D.C., this 17th day of December 1975.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.75–34535 Filed 12–22–75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-5/137]

INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR); STUDY GROUP 5 OF THE U.S. NATIONAL COMMITTEE

Notice of Meeting

The Department of State announces that Study Group 5 of the U.S. National Committee of the International Radio Consultative Committee (CCIR) will meet on January 16, 1976, at 9:00 a.m. in Room 4071, ComSat Corporation, 950 L'Enfant Plaza, S.W., Washington, D.C.

Study Group 5 deals with propagation of radio waves (including radio noise) at the surface of the earth, through the non-ionized regions of the earth's atmosphere, and in space where the effect of ionization is negligible. The purpose of the meeting on January 16 will be:

1. Final preparations for the International meeting of Study Group 5 in 1976.

2. Review of objectives and priorities for U.S. Study Group 5.

3. Scheduling of work for the next cycle of activity.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

DECEMBER 16, 1975.

[FR Doc.75-34571 Filed 12-22-75;8:45 am]

[Public Notice CM-5/135]

INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR); STUDY GROUPS 10 AND 11 OF THE U.S. NATIONAL COMMITTEE

Notice of Meeting

The Department of State announces that Study Groups 10 and 11 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet jointly on January 15, 1976, under the chairmanship of Mr. Harold L. Kassens. The meeting will convene at 9:30 a.m. in Room A-110, Federal Communications Commission Annex, 1229 20th Street, N.W., Washington, D.C.

Study Group 10 deals with questions relating to sound broadcasting; Study Group 11 deals with questions relating to television broadcasting. The main purpose of the meeting on January 15 will be a final review of documents on broadcasting satellites for submission to the special meeting of international Study Groups in 1976.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Dated: December 15, 1975.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc.75-34569 Filed 12-22-75;8:45 am]

[Public Notice CM-5/136]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Notice of Meeting

The working group on radiocommunications of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Thursday, January 15, 1976, in Room 752 of the Federal Communications Commission Building, 1919 M Street, N.W., Washington, D.C.

The purpose of the meeting is to prepare position documents for the Sixteenth Session of the Subcommittee on Radiocommunications of the Intergovernmental Maritime Consultative Organization (IMCO). In particular, the working group will discuss the following topics:

Promulgation of navigational warnings to shipping.

Training and qualification of radio officers, radio operators and radiotelephone operators.

Operational standards for shipboard radio equipment.

Operational requirements for emergency position-indicating radio beacons and portable radio apparatus for survival craft.

Matters resulting from the World Maritime Administrative Radio Conference, 1974, and the work of the International Radio Consultative Committee.

Requests for further information on the meeting should be directed to LCDR B. M. Chiswell, United States Coast Guard. He may be reached by telephone on (area code 202) 426-1345.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman
Shipping Coordinating Committee.

DECEMBER 15, 1975.

[FR Doc.75-34570 Filed 12-22-75;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 75-7; Ref. Nos. ATF O 1200.7 & IC 75-21]

ADMINISTRATIVE ACTION GUIDELINES

Publication of Administrative Actions Taken by ATF

As a result of consumer and industry interest in administrative actions taken by ATF on behalf of the consumer, we have reviewed our policy with respect to public release of information relating to offers-in-compromise, suspensions and revocations. At the same time, we have also been reviewing our procedures relating to products withdrawn from the market for reasons of consumer concern, and have concluded that such information should be made available to consumers on a regular basis.

We, therefore, announce the following policy changes, which will become effective January 1, 1976. These changes will not generally apply to offers or other actions in process on or before that date. They will, however, apply to actions taken after that date.

1. Information concerning Bureau administrative actions will be handled as follows:

a. Regional directors, with prior Headquarters approval, will be authorized to issue press releases on offers-in-compromise, suspensions and revocations, where the violation involved consumer deception, or where the Bureau determines that public release will serve as a deterrent against violations in a particular market area.

Such releases will include the name of the proponent of an offer in compromise or the violator in the case of suspension or revocation, administrative action taken, circumstances which caused ATF to take action, and corrective action. Information relating to trade secrets, operations, style of work or apparatus, or confidential data, will not be released. No releases will be made until ATF has completed action in the case.

b. Publication of administrative actions in the ATF Bulletin will be expanded to include suspensions and revocations, as well as offers-in-compromise. Bulletin publications will include information as outlined in (a) above.

2. Information concerning deficient alcoholic products withdrawn from the market (i.e., recalls of products which have reached the retail or consumer level) will be handled as follows:

a. Instances involving mislabeling, gross underproofing or underfilling, or other similar violations will be announced in the ATF Bulletin on a monthly basis. The Bulletin announcement will contain enough specific information to enable consumers to identify the deficient product.

b. In cases involving significant consumer deception, large quantities of a deficient product, or a health hazard, ATF Headquarters will issue an immediate press release outlining the particulars of the matter. The release will include the name and address of the producer, and the measures employed by ATF and the producer to remove the product from the market or ensure minimal adverse impact on the consumer. It should be noted that any determination as to whether a product deficiency constitutes a health hazard will be made by ATF in conjunction with the Food and Drug Administration.

Signed: December 16, 1975.

REX D. DAVIS,
Director.

[FR Doc.75-34545 Filed 12-22-75;8:45 am]

Office of the Secretary

[Public Debt Series No. 34-75]

TREASURY NOTES OF SERIES P-1977

Interest Rates

The Secretary of the Treasury announced on December 16, 1975, that the interest rate on the notes described in Department Circular—Public Debt Series—No 34-75, dated December 10, 1975, will be 7¼ percent per annum. Accordingly, the notes are hereby redesignated 7¼ percent Treasury Notes of Series P-1977. Interest on the notes will be payable at the rate of 7¼ percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.75-34592 Filed 12-22-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON VERIFICATION

Notice of Advisory Committee Meeting

The Defense Science Board Task Force on Verification will meet in closed session on January 21, 1976, at The Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will provide an analysis of U.S. capabilities for verifying compliance with potential provisions of future strategic arms limitation agreements.

In acordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Correspondence and Directives OASD (Comptroller).

DECEMBER 18, 1975.

[FR Doc.75-34556 Filed 12-22-75;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON SURFACE NAVAL WARFARE

Notice of Advisory Committee Meeting

The Defense Science Board Task Force on Surface Naval Warfare will meet in closed session on 21-22 January 1976. The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering to provide long range guidance in these areas to the Department of Defense.

The Task Force will undertake a review of the adequacy and direction of U.S. Navy programs in surface offensive operations in the face of continuing increases in Soviet capabilities in naval weapons, command and control, and out-of-area operations. The Task Force will concentrate first on U.S. programs in tactical surface engagements to help assure that our R&D investments yield the greatest improvement in our total force capabilities, when deployed in quantities we can afford. Classified details of U.S. and Soviet systems will be reviewed.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

DECEMBER 17, 1975.

[FR Doc.75-34557 Filed 12-22-75;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES V. FOOTE MINERAL COMPANY AND METALLGESELLSCHAFT, A.G.

Proposed Consent Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b) through (h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Eastern District of Pennsylvania in Civil Action No. 74-1652, *United States v. Foote Mineral Company and Metallgesellschaft, A.G.* The complaint in this case alleges that Foote Mineral Company and Metallgesellschaft, A.G. engaged in an unlawful combination and conspiracy to restrain foreign and interstate trade and commerce in lithium and lithium products by dividing the world market for lithium sales into exclusive territories and allocating the exclusive territories between themselves. The proposed consent judgment prohibits the consenting defendants from dividing or allocating territories, customers or markets for the manufacture, sale or use of lithium, prohibits any payment from one defendant to the other, including a commission payment, which may tend to allocate or divide markets or customers between the defendants, requires defendants to cancel certain provisions of existing contracts between them, including provisions obligating one defendant to pay the other defendant a "commission" if it sells into the other defendant's service area, and enjoins the defendants for a period of three years from acting as agents for each other with respect to lithium. Public comment is invited on or before. February 23, 1976. Such comments and responses thereto will be published in the Federal Register and filed with the Court. Comments should be directed to Joel Davidow, Chief, Foreign Commerce Section, Antitrust Division, Department of Justice, Washington, D.C. 20530.

THOMAS E. KAUPER,
Assistant Attorney General
Antitrust Division.

Dated: December 16, 1975.

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA

Civil No. 74-1652 Filed: December 16, 1975

United States of America, Plaintiff, v. Foote Mineral Company and Metallgesellschaft, A.G., Defendants.

STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A final judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to either party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed final judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendant in this and any other proceeding.

Dated: December 16, 1975

For the Plaintiff: Thomas E. Kauper, Assistant Attorney General; Baddia J. Rashid, Joel Davidow, Charles F. B. McAleer, C. Forrest Banhan, William J. Kananack, Stephen F. Sonnett, Attorneys, Antitrust Division, U.S. Department of Justice.

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For the Defendants: Ballard, Spahr, Andrews & Ingersoll; Oliver C. Biddle, Attorneys for Foote Mineral Company; Arnold and Porter, Jack Lipson, Werner Kronstein, Attorneys for Metallgesellschaft, A.G.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

Civil No. 74-1652, Filed: December 16, 1975

United States of America, Plaintiff, v. Foote Mineral Company and Metallgesellschaft, A.G., Defendants.

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on June 28, 1974, and the defendants having filed their answers thereto denying the material allegations of the complaint and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence or admission by any party hereto with respect to any such issue:

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence or admission by any party hereto with respect to any such issue, and upon consent of the parties hereto it is hereby

Ordered, Adjudged and Decreed as follows:

I. This Court has jurisdiction of the subject matter hereof and of the parties consenting hereto. The complaint states a claim upon which relief may be granted against the defendants under Section 1 of the Act of Congress of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," commonly known as the Sherman Act, as amended (15 U.S.C. § 1).

II. Entry of this Judgment is in the public interest.

III. As used in this Final Judgment: (A) "Foote" shall mean the defendant Foote Mineral Company, a corporation organized and existing under the laws of the State of Pennsylvania;

(B) "Metall" shall mean the defendant Metallgesellschaft, A.G., a limited liability corporation presently headquartered in Frankfurt am Main, Federal Republic of Germany (West Germany);

(C) "Person" shall mean any individual, partnership, firm, corporation, association or other business or legal entity;

(D) "Lithium" shall mean (1) lithium ores and concentrates, (2) lithium metal, (3) lithium chemicals and compounds;

(E) "United States trade in lithium" shall mean activities which directly or indirectly affect sales within, exports from or imports to the United States of lithium;

(F) "Manufacture" shall mean the recovery of lithium by extraction, evaporation or otherwise; and/or the refining and/or processing of lithium;

(G) "Agency" shall mean any relationship in which one defendant directly or indirectly acts to purchase or sell lithium products for the other.

IV. The provisions of this Final Judgment shall apply to defendants and to each of their respective directors, officers, agents, employees, subsidiaries, successors and assigns, and to all persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise. This Final Judgment shall apply only to acts which affect United States trade in lithium.

V. The defendants are each enjoined and restrained from directly or indirectly in any manner entering into, adhering to, enforcing, claiming any rights under or in any other way maintaining, any contract, agreement or understanding with each other or with any other person to allocate, divide, or restrict customers, territories, or markets for the manufacture, sale or use of lithium.

VI. The defendants are each enjoined and restrained from directly or indirectly paying to or receiving from the other defendant any payment in any form the purpose or effect of which is or may tend to allocate, divide, or restrict territories, customers or markets for any sale of lithium. Nothing contained herein shall prohibit Foote, without more, pursuant to formulae contained in the Supply Agreements dated June 19, 1964, and December 13, 1966, from reducing the contract price of the lithium covered by those contracts to Metall if Foote makes direct sales of such lithium to Europe.

VII. Defendants are ordered, within ninety (90) days from the date of entry of this Final Judgment, to cancel the following provisions of the existing contracts between them:

(A) The entire Agency Agreement dated June 19, 1964, between Metall and Foote;

(B) The entire Agency Agreement executed December 13, 1966, between Foote and Metall;

(C) Paragraphs 7(b) and 7(d) and the phrase "or is in fact shipped to Europe" contained in paragraph 7(c) of the Supply Agreement dated June 19, 1964, between Foote and Metall; and

(D) Paragraphs 6(c) and 6(e) and the phrase "or is in fact shipped to Europe" contained in paragraph 6(d) of the Supply Agreement dated December 13, 1966, between Foote and Metall.

VIII. For a period of three (3) years from the date of entry of this Final Judgment, defendants are enjoined and restrained from directly or indirectly acting in an agency relationship for each other. Defendants may enter into new agency agreements with each other upon the expiration of this period with the consent of the plaintiff, or upon a showing to the satisfaction of this Court that such agency will not lessen competition or tend to create a monopoly.

IX. (A) For the purpose of securing or determining compliance with this Final Judgment with regard to Defendant Foote and for no other purpose, upon written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, or his agent, and on reasonable notice to the defendant at its principal place of business and subject to any legally recognized privilege: (i) duly authorized representatives of the Department of Justice shall be permitted access at defendant's place of business in the United States during the regular business hours of the defendant, who may have counsel present, to those books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of the defendant which delate to any matters contained in this Final Judgment; (ii) duly authorized representatives of the Department of Justice shall be permitted, subject to the reasonable convenience of the defendant and without restraint or interference from it, to interview officers or employees of such defendant, who may have counsel present, regarding such matters; and (iii) defendant Foote shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may, from time to time, be requested.

(B) For the purpose of securing or determining compliance with this Final Judgment with regard to Defendant Metall and for no other purpose, upon written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, or his agent, and on reasonable notice to defendant at either its principal business office in Frankfurt Am Main, West Germany or any successor location, and subject to any legally recognized privilege: (i) within 60 days of receipt of a request for books, ledgers, accounts, correspondence, memoranda, and other records in the possession or under the control of defendant, defendant shall provide duly authenticated copies of such documents at the Department of Justice in Washington, D.C.; and (ii) defendant Metall shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may, from time to time, be requested; provided, however, as to both (i) and (ii) of this subparagraph that defendant shall not be required to bring to the United States or to disclose the content of any books or other records or copies thereof, or other information, when such action is prohibited by the laws of West Germany or of any country or treaty organization with jurisdiction over defendant and defendant has exercised good faith efforts to obtain permission of the appropriate authorities but such permission has not been secured. Defendant shall promptly notify Plaintiff of any change of address of its principal business office.

No information obtained by the means provided in this section shall be divulged by any representatives of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the plaintiff, except in the course of legal proceedings in which the United States is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

X. Jurisdiction is retained by this Court for the purpose of enabling any of the parties consenting to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions thereof, for the enforcement of compliance therewith, and for the punishment of any violations hereof.

Dated: Philadelphia, Pennsylvania, , 1976.

United States District Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

Civil No. 74-1652, Filed: December 16, 1975.

United States of America, Plaintiff, v. Foote Mineral Company and Metallgesellschaft, A.G., Defendants.

COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the *Antitrust Procedures and Penalties Act* (15 U.S.C. § 18 (b)-(h), P.L. 93-528 (December 21, 1974), the United States of America hereby files this Competitive Impact Statement relating to the proposed consent judgment in this civil antitrust proceeding.

NATURE AND PURPOSE OF THE PROCEEDING

This is a civil antitrust action by the United States Department of Justice against Foote Mineral Company ("Foote"), Exton, Pennsylvania, and Metallgesellschaft A.G. ("Metall"), Frankfurt am Main, Federal Republic of Germany (West Germany). The complaint, which was filed on June 28, 1974, alleges that defendants, Foote and Metall, have engaged in an unlawful combination and conspiracy to restrain foreign and interstate trade and commerce in lithium and lithium products in violation of Section 1 of the Sherman Act (15 U.S.C. §1).

PRACTICES AND EVENTS GIVING RISE TO THE ALLEGED VIOLATION OF THE ANTITRUST LAWS

Lithium, as used in the complaint and defined in the proposed consent judgment, refers to ores and concentrates, lithium metal, and lithium chemicals and chemical compounds. This definition includes lithium in any and all forms. Foote is one of five enterprises worldwide which recovers lithium in its natural state. The natural state lithium which Foote recovers in various forms is processed and converted by Foote into primarily spodumens ore concentrates and lithium carbonate. It is estimated that Foote's recovery by all methods accounts for 45 percent of all natural state lithium produced in the United States. Metall does not recover lithium in its natural state; rather it purchases (primarily from Foote) lithium chemicals and concentrates for further sale or for further processing and sale. It is estimated that Metall is responsible for over half of total European lithium sales.

On June 19, 1964, after engaging for some time in what appears to have been strictly a purchase and sale arrangement, Foote and Metall entered into a series of contracts, the net effect of which was to divide the world market for lithium sales into exclusive territories and to allocate the exclusive territories between themselves (Foote's being the Western Hemisphere and Metall's being Europe and Great Britain). These contracts included two sales agency agreements, a long-term supply contract and a reciprocal know-how license agreement, all of which were executed by the defendants on June 19, 1964. In addition, on December 13, 1966, the defendants entered into a second long-term supply contract and a sales agency agreement which superseded its earlier counterpart dated June 19, 1964.

Under the 1964 and 1966 sales agency agreements each defendant appoints the other as the exclusive agent for lithium sales in the agent's territory, reserving the right to sell for shipment into such territory conditioned upon a payment to the other defendant of five percent of the invoice value of such sales. This requirement of payment for sales in the other's territory, also contained in the two long-term supply contracts, is key to the market allocation arrangement of the defendants. Since there is no obligation that the defendant receiving such a payment perform any service, the automatic payment provision appears to be a penalty for sales in the other's territory and it would seem virtually to insure that the lithium products of one defendant cannot be price competitive in the other's territory.

The long-term supply contracts, each dealing with lithium produced at a separate Foote facility (spodumene from King's Mountain, North Carolina and lithium carbonate from Silver Peak, Nevada), provide essentially that over the life of the contracts (the contracts terminate when Foote has delivered a specified quantity of lithium to Metall, a period which may continue until the year 2025), Foote will supply lithium to Metall at a price determined by formulae in the contracts. Although most of Metall's lithium requirements are presently supplied by Foote, the contracts do not prohibit Metall from purchasing lithium from a source other than Foote. Additionally, these contracts require Foote to reduce the price charged Metall if it (Foote) sells lithium from these facilities at a price less than the contract price to third parties in Europe or to third parties which in fact ship the lithium to Europe (hereinafter referred to as the "price adjustment provision"). So long as these below-contract-price sales by Foote to customers in Europe continue, Metall will receive an appropriate reduction. The price adjustment provision, however, has never been invoked. Finally, the supply agreements require Metall to ship and further process outside of the Western Hemisphere all lithium purchased by Metall under the contracts.

In addition to these provisions, each defendant has continuously refused to offer lithium for sale either directly into the other's territory or indirectly, i.e., where it was believed that a purchaser would reship its order into such territory. Rather, Foote and Metall would each refer inquiries from potential customers to the other defendant if the potential customer or end-user was located in the other's territory.

The complaint alleges that these contracts, agreements and understandings between Foote and Metall, as well as actions undertaken by the defendants pursuant to them, unreasonably restrain trade in violation of Section 1 of the Sherman Act. The agreements and actions of the defendants restrain trade because competition between Foote and Metall in the United States and foreign markets for the sale of lithium is foreclosed and because consumers have been deprived of free and open competition in the purchase of lithium.

EXPLANATION OF THE PROPOSED CONSENT JUDGMENT

The proposed consent judgment applies to the defendants and to each of their respective directors, officers, agents, employees, subsidiaries, successors and assign, and to all persons in active concert or participation with the defendants who receive actual notice that the proposed consent judgment has been entered. It applies to all actions which directly or indirectly affect imports of lithium to the United States, exports of lithium from the United States and sales of lithium within the United States. As such, the power of this Court to enforce the decree extends to the fullest limits of the United States Court's jurisdiction.

Under the proposed consent judgment, defendants, Foote and Metall, are prohibited from entering into any contract, agreement or understanding with each other or with any other person or business entity to allocate, divide or restrict territories, customers or markets for the manufacture, sale of use of lithium. This general injunctive provision of the decree prohibits any and all such actions by the defendants, including systematic referral of potential customers.

Defendants are further enjoined from paying to or receiving from the other defendant any payments the effect or purpose of which is or may tend to be to allocate, divide or restrict territories, customers or markets for any sale of lithium. The proposed judgment also orders defendants to cancel, within ninety (90) days from the date the proposed judgment is entered, the sales agency agreements of June 19, 1964, and December 13, 1966, and the following provisions of the long-term supply contracts: (1) those paragraphs which require payments by one defendant for sales made by that defendant in the other defendant's territory, (2) those clauses requiring Metall to ship and further process lithium (spodumene and lithium carbonate) outside the Western Hemisphere, and (3) that part of the "price adjustment provision" granting a reduction in the sales price to Metall if lithium (spodumene and lithium carbonate from the respective Foote facilities) sold by Foote to a third party is in fact shipped to Europe.

Section VIII of the proposed judgment prohibits Foote and Metall from entering into or continuing an agency relationship with each other with respect to the purchase or sale of lithium. This prohibition is applicable for a three year period after which defendants, with consent of the plaintiff or upon a showing to the satisfaction of the Court that such agency will not lessen competition or tend to create a monopoly, may enter into new agency agreements with each other. An injunction of longer duration is deemed unnecsary in that the Department of Justice anticipates that during this three year period each defendant will integrate forward by establishing its own sales network and/or enter into arrangements with third parties for the distribution of lithium within the other's territory. Moreover, by requiring defendants to obtain approval of the plaintiff or this Court before resuming an agency relationship, the decree insures that the defendants will have to make a bona fide attempt to establish an independent distribution network in the other's territory. An automatic renewal of the relationship attacked by the complaint will not be allowed.

It is recognized that the proposed final decree allows the price adjustment provision, as amended by the proposed final decree, to remain in the long-term supply contracts dated June 19, 1964, and December 13, 1966. Thus, any direct sales to Europe by Foote of the lithium products covered by the two contracts at a price below Metall's contract price will cause a reduction in the price charged Metall. While such a provision could limit Foote's incentive to sell certain products to Europe in competition with Metall, its retention is, on balance, beneficial from a competitive standpoint. Metall is presently dependent on Foote for its supply of the basic lithium which it further refines and markets. Its costs under the long-term supply contracts are established by formulae and the price adjustment provision protects Metall from a Foote imposed price squeeze. For example, if Metall began competing in the United States, and there was no price adjustment provision, Foote could retaliate by selling in Europe below Metall's cost.

The proposed consent judgment affords the plaintiff a method of detecting any new violations or continuing past violations of the decree by inspection of documents and records in the control of the defendants. Metall, however, is not required to bring any books or other records to the United States when such action is prohibited by the laws of West Germany or of any country or treaty organization with jurisdiction over Metall. In such event, Metall must make a good faith effort to obtain permission of the appropriate authorities to produce the documents requested.

COMPETITIVE EFFECTS OF THE FINAL JUDGMENT

The provisions of the proposed consent judgment should serve to increase competition by removing and prohibiting, under penalty of contempt of court, unreasonable restraints on lithium trade artificially imposed by Foote and Metall. Lithium distributors and consumers in the United States and Europe will have the opportunity, denied until now, of purchasing lithium directly from Metall and Foote, respectively, at competitive prices. Furthermore, since defendants are prohibited from selling lithium through each other for a minimum period of three years, and since an automatic payment for sales in the other's territory is prohibited, it is anticipated that each defendant will establish new distributive arrangements for lithium sales in the other's former territory. Lithium products should, thus, be available to consumers from more sources and at more competitive prices.

ALTERNATE RELIEF CONSIDERED

Alternative relief considered by the Department of Justice included a provision which would have abrogated the reciprocal know-how agreement executed by the parties in June 1964, and amended in March of 1973. Under the original know-how contract, each

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defendant granted the other the rights to make, use and sell lithium products manufactured with its patents and know-how in a specified territory (Foote's territory being the Western Hemisphere and Metall's being Europe and Great Britain), and non-exclusive rights to sell such products throughout the rest of the world, including the grantor's territory. In 1973, this contract was amended by the defendants to revoke the reciprocal grant of non-exclusive rights to use the other's know-how in Asia and part of Africa. Initially, it was thought that the know-how contract, as amended, was a further instrument for the defendants' division and allocation of world markets since it established a territory outside the United States and Europe in which the defendants cannot make, use and sell lithium products manufactured under the other's know-how and patents unless the other party agreed in writing to such use. However, we have subsequently learned that the defendants agreed to amend the contract so that Foote would be able to grant both exclusive and non-exclusive rights in this territory to a third party to induce its entrance into the lithium business. (The Department of Jusice has not at this time considered any collateral issues presented by the third party license agreement.) Therefore, the contract is neither symptomatic of an agreement to allocate world markets between the defendants, nor does it have that effect. Moreover, to the extent that the know-how contract has any restrictive impact on United States interstate and foreign commerce, its operations is enjoined by paragraph V of the Final Judgment. Finally, since it appears that a new competitive force for downstream lithium products may be the ultimate result of amending the contract, and since effective relief will be provided without cancellation of the know-how agreement, it was determined that such relief was unnecessary.

Another relief provision which was contemplated by the Department of Justice would have prohibited defendants from entering into or maintaining any contract, agreement or understanding to condition the price of lithium sold by one defendant to the other on the terms, conditions, or prices extended by the vendor defendant to third parties. This injunction was directed at abrogating in their entirety the "price adjustment provisions" of the two long-term supply contracts. However, cancellation of this provision in the two contracts was subsequently deemed to be inappropriate. As noted above, it is arguable that these provisions will dull Foote's incentive to compete with Metall in Europe with respect to the two semi-raw lithium products covered by the supply contracts because Metal will receive the same price as any other distributor in Europe. On the other hand, these provisions do prevent Foote from choosing to undercut Metall's position in Europe because of the latter company's sales elsewhere, e.g., the United States. Morever, Metall is afforded protection by the "price adjustment provisions" for only two lithium products, spodumene and lithium carbonate. On balance, then, it is the view of the Department that the interests of competition are best served in this case by assuring Metall of a continued supply of lithium products at competitive prices.

EFFECTS ON PRIVATE PLAINTIFFS

Section 4 of the Clayton Act (15 U.S.C. § 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney's fees. The entry of the proposed consent judgment will not have any effect on the right of any potential private plaintiffs who claim they have been damaged by the alleged violation to sue for monetary damages or any other legal or equitable remedies. However, this consent judgment may not be used as prima facie evidence in private litigation pursuant to Section 5(a) of the Clayton Act, as amended, 15 U.S.C. § 16(a).

PROCEDURES AVAILABLE FOR MODIFICATION OF THE PROPOSED CONSENT JUDGMENT

The proposed consent judgment is subject to a stipulation between the United States and the consenting defendants which provides that the United States may withdraw its consent to the proposed consent judgment until such time as the court has found that entry of the proposed judgment is in the public interest. The proposed judgment provides for retention of jurisdiction of this action by the Court to permit, among other things, the parties thereto to apply to the court for such orders as may be necessary or appropriate for its modification.

As provided by the *Antitrust Procedures and Penalties Act*, any persons believing that the proposed judgment should be modified may, for a 60-day period prior to the effective date of the proposed judgment, submit written comments to the United States Department of Justice, Joel Davidow, Chief, Foreign Commerce Section, Antitrust Division, Washington, D.C. 20530. The comments and the response to them will be filed with the court and published in the Federal Register. The Department of Justice will thereafter evaluate any and all such comments and determine whether there is any reason for withdrawal of its consent to the proposed consent judgment.

DETERMINATIVE DOCUMENTS

There are no materials or documents which the Government considered determinative in formulating this proposed consent judgment. Therefore, none is being filed along with this competitive impact statement.

Dated: December 16, 1975.

Respectfully submitted,

DOUGLAS E. ROSENTHAL
C. FORREST BANNAN
WILLIAM J. KANANACK

[FR Doc.75-3456 Filed 12-22-75;8:45 am]

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Private Security Relationship Study Committee; Meeting

Notice is hereby given that the Law Enforcement/Private Security Relationship Study Committee of LEAA's Private Security Advisory Council (PSAC) will meet Wednesday and Thursday, January 7–8, 1976. The meeting will convene at 12:00 Noon, Wednesday, January 8, at the Maison DuPuy Hotel, 1001 Toulous Street, in New Orleans, Louisiana. The meeting is scheduled to adjourn by Noon, Thursday, January 8.

The Committee will continue development of its study of the relationships between public law enforcement and private security; review a draft working paper on this subject; finalize a survey instrument to obtain data on these relationships; and consider recommendations for improving these relationships. The meeting will be open to the public.

For further information, please contact: Mr. John Marshall, Office of National Priority Programs, LEAA, U.S. Department of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20531. 202/376-3830.

GERALD H. YAMADA,
Attorney-Advisor
Office of General Counsel.

[FR Doc.75-34749 Filed 12-22-75;10:15 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

CREEK NATION OF OKLAHOMA

Plan for the Use and Distribution

DECEMBER 15, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Acts of December 15, 1971, 85 Stat. 627 and July 1, 1973, 87 Stat. 99, in satisfaction of the awards granted to Creek Nation of Oklahoma in Indian Claims Commission Dockets 167 and 273. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated August 22, 1975, and was received (as recorded in the Congressional Record) by the House of Representatives on September 3, 1975, and as reported by the Senate on September 3, 1975. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on November 16, 1975, as provided by Section 5 of the 1973 Act, *supra*.

The plan reads as follows:

The funds appropriated by the Acts of December 15, 1971, 85 Stat. 627, and July 1, 1973, 87 Stat. 99, in satisfaction of awards granted to the Creek Tribe of Oklahoma in Dockets 167 and 273, respectively, before the Indian Claims Commission, including all interest and investment income accrued, less attorney fees and litigation expenses, shall be utilized by the tribe for the purposes and in the manner set out in the plan:

(a) Such funds as needed to liquidate all indebtedness owed to the American Indian National Bank in the construction of the Creek Nation Office Complex, Okmulgee, Oklahoma, are approved for disbursement, subject to the approval of the Secretary of the Interior.

(b) Any balance remaining shall be available for additional development of facilities of the Creek Nation Capital Complex as recommended by the Principal Chief and approved by the Secretary of the Interior. Such use of these funds shall be in accordance with an approved plan of operation as set forth in annual tribal budgets approved by the Secretary of the Interior.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-34563 Filed 12-22-75;8:45 am]

NAVAJO TRIBE

Plan for the Use and Distribution

DECEMBER 15, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of May 29, 1967, 81 Stat. 30, in satisfaction of the award granted to the Navajo Tribe in United States Court of Claims Case 49692. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated August 5, 1975, and was received (as recorded in the Congressional Record) by the House of Representatives on September 3, 1975, and by the Senate on September 4, 1975. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on November 17, 1975, as provided by Section 5 of the 1973 Act, *supra*.

The plan reads as follows:

The funds appropriated by the Act of May 29, 1967, 81 Stat. 30, in satisfaction of the award granted to the Navajo Tribe in United States Court of Claims Case 49692, plus the funds awarded to the tribe in case 49692 which were placed to the credit of the tribe pursuant to 31 U.S.C. 724a, including all interest accrued, less attorney fees and litigation expenses, shall be utilized for scholarship and other educational purposes designated by the Navajo Tribal Council pursuant to Section 7 of the Act of April 19, 1950, 64 Stat. 44, 46; 25 U.S.C. § 637.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-34562 Filed 12-22-75;8:45 am]

WESTERN NAVAJO AGENCY, EASTERN NEVADA AGENCY AND PIERRE INDIAN LEARNING CENTER

Notice of Name and Location Changes

DECEMBER 15, 1975.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that: 1. The name of the Tuba City Agency in Arizona is changed to Western Navajo Agency.

2. The headquarters of the Eastern Nevada Agency is changed from Owyhee, Nevada to Elko, Nevada 89801.

3. The name of the Pierre Boarding School in South Dakota is changed to Pierre Indian Learning Center.

These changes were requested by the majority of the Indian groups serviced by the Western Navajo Agency, Eastern Nevada Agency and Pierre Indian Learning Center.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-34561 Filed 12-22-75;8:45 am]

Bureau of Land Management

[NM 27135]

NEW MEXICO

Notice of Application

DECEMBER 11, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½ inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico
T. 26 N., R. 12 W.,
Sec. 33, N½SE¼.

This pipeline will convey natural gas across .124 of a mile of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief Branch of Lands and Minerals Operations.

[FR Doc.75-34527 Filed 12-22-75;8:45 am]

Office of the Secretary

[INT DES 75-63]

WEST BURLEY SERVICE

Notice of Availability of Draft Supplement to Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a draft facility location supplement to its Fiscal Year 1977 Environmental Statement. This supplement covers the proposal for West Burley Service.

The West Burley Service proposal involves the construction of approximately 7 miles of 138-kV transmission line between the planned, customer-constructed West Burley Substation and the BPA Unity Substation. Additional facilities will be installed to integrate the higher voltages at BPA's Substation.

Copies of the draft supplement are available for inspection in the library of the headquarters office of Bonneville Power Administration, 1002 NE Holladay Street, Portland, Oregon 97232; the Washington, D.C. Office in the Interior Building, Room 5600; and at the Idaho Falls District Office, 531 Lomax Street, Idaho Falls, Idaho 83401. Copies are also available at the following Government Depository Libraries:

GOVERNMENT DEPOSITORY LIBRARIES

IDAHO

Boise Public Library, Reference Department, 715 Capitol Blvd., Boise, Idaho 83706.
University of Idaho, Library—U.S. Documents, Moscow, Idaho 83843.
Documents Division, Idaho State University Library, Pocatello, Idaho 83209.

MONTANA

Documents Librarian, Montana State University Library, Bozeman, Montana 59715.
University of Montana Library, Documents Division, Missoula, Montana 59801.

OREGON

Southern Oregon State College Library, Documents Section, Ashland, Oregon 97520.
Documents Division Library, Oregon State University, Corvallis, Oregon 97331.
University of Oregon Library, Documents Section, Eugene, Oregon 97403.
Harvey W. Scott Memorial Library, Pacific University, Forest Grove, Oregon 97116.
Eastern Oregon State College Library, Eighth at K, La Grande, Oregon 97850.
Northup Library, Linfield College, McMinnville, Oregon 97128.
Oregon College of Education Library, Monmouth, Oregon 97361.
Aubrey R. Watzek Library, Lewis and Clark College, Attention: Reference Department, 0615 S. W. Palatine Hill Road, Portland, Oregon 97219.
Library Association of Portland, 801 S. W. Tenth Avenue, Portland, Oregon 97205.
Documents Librarian, Portland State University Library, P.O. Box 1151, Portland, Oregon 97207.
Eric V. Hauser Memorial Library, Reed College, 3203 S. E. Woodstock, Portland, Oregon 97202.
Oregon State Library, State Library Building, Salem, Oregon 97301.
Willamette University Library, 900 State Street, Salem, Oregon 97301.

GOVERNMENT DEPOSITORY LIBRARIES

WASHINGTON

Documents Division, Mabel Zoe Wilson Library, Western Washington State College, 516 High Street, Bellingham, Washington 98225.
Documents Department, Library, Central Washington State College, Ellensburg, Washington 98926.
Everett Community College Library, 801 Wetmore Avenue, Everett, Washington 98201.
Documents Center, Washington State Library, Olympia, Washington 98504.
Port Angeles Public Library, 207 S. Lincoln Street, Port Angeles, Washington 98362.
Washington State University Library, Serial-Record Section, Pullman, Washington 99163.
Henry Suzzallo Memorial Library, University of Washington, Seattle, Washington 98195.
Fort Vancouver Regional Library, Attention: Reference Librarian, 1007 E. Mill Plain Blvd., Vancouver, Washington 98663.
Northwest Collection, Penrose Memorial Library, Whitman College, Walla Walla, Washington 99362.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208 or to the Idaho Falls District Manager at the above address. Comments on the supplement should be sent to the Environmental Office by February 20, 1976.

Dated: December 15, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-34560 Filed 12-22-75;8:45 am]

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COLORADO RIVER STORAGE PROJECT

Notcie of Proposed Allocation of Peaking Power

Pursuant to Public Law 84–485, April 11, 1956 (70 Stat. 105), and by virtue of authority under the Reclamation Project Act of 1939, August 4, 1939 (53 Stat. 1187, 1194, 1198), the Secretary of the Interior proposes to allocate additional power from the Colorado River Storage Project (CRSP).

There will be 108 megawatts of peaking power available without energy for each summer season (April through September) and 277 megawatts without energy for each winter season (October through March) beginning with the 1977–78 winter season and extending through the end of the 1989 summer season.

Public comments on the proposed allocation should be submitted in writing by March 1, 1976, to the following office:

Regional Director,
Upper Colorado Region,
Attention: Code 600,
Bureau of Reclamation,
Department of the Interior,
Salt Lake City, Utah 84147,
Telephone (801) 524–5493.

The detailed analysis of the proposal and the principles involved are reproduced below and also are available at the Bureau's office in Washington, D.C., and at Bureau regional offices in Denver, Colorado; Salt Lake City, Utah; Boulder City, Nevada; and Amarillo, Texas.

Dated: December 17, 1975.

ROLAND G. ROBISON, JR.,
Deputy Assistant Secretary of the Interior.

PROPOSED ALLOCATION OF POWER FROM COLORADO RIVER STORAGE PROJECT (CRSP)

I. *Power Marketing Area*

The area in which power is marketed consists of two divisions:

A. *Northern Division*—The States of Colorado, New Mexico, Utah, and Wyoming.

B. *Southern Division*—The State of Arizona, that part of the State of Neveda in Clark, Lincoln, and Nye Counties which forms the southern portion of the State, and that part of the State of California east of the 115th degree of longitude or, generally, the area contiguous to the Colorado River.

II. *Background*

In April 1963, preference customers in both divisions were allocated all of the power assured to be available. For various reasons, certain allottees did not contract for the power available to them, and this power was redistributed among the remaining existing customers and additional preference customers who were not original allottees. The Southern Division was permanently allocated a total of 240 megawatts in the summer season and 84 megawatts in the winter season (20 percent and 7 percent, respectively, of the net project capability). Since Northern Division customers did not initially require all of their contractual amounts, the unneeded portion was contracted for by Southern Division customers on a recapturable basis, subject to recapture April 1, 1976. This action was in accordance with the CRSP "General Power Marketing Criteria," approved March 1, 1962. Certain allottees in the Southern Division did not place any of their nonrecapturable power under contract, and these quantities were reallocated in September 1975. The reallocation was published in the FEDERAL REGISTER on October 1, 1975, 40 F.R. 45209.

III. *Proposed Allocation of Peaking Power*

The proposed allocation of peaking power is based on the principles set forth below.

A. *Power Available to Serve Load*—After reexamining project capability resulting from the addition of the Crystal Dam and Powerplant and from present and future water flow and storage conditions, and after reevaluating requirements for reserves, plant use, losses and load diversity, it has been determined that a total of 1,324 MW are available to serve CRSP loads.

B. *Priority Uses*—Through 1984, an estimated 55 MW will be required during the summer seasons to firm up the Rio Grande Project generation and to supply project pumping loads. This load consists of the following:

Purpose:	*Summer Load (MW)*
Central Utah Project—Jensen	1
Dallas Creek	3
Navajo Indian Irrigation Project	39
Colorado River Salinity Control	2
Rio Grande Project (firming)	10
Total	55

After 1984, any future pumping loads are expected to be picked up by the Central Utah Project generating plants.

C. *Net Available for Load*—The following is a breakdown of the loads which will be supplied from the Storage Project generation:

Purpose	Load (megawatts)	
	Summer	Winter
Priority uses	55	6
Long-term firm	1,161	1,041
Peaking allocation	108	277
Total available	1,324	1,324

It is proposed that the amounts available be allocated for peaking power sales, without energy, among the existing CRSP preference customers in both the Northern and Southern Divisions.

The CRSP seasonal peaking power obligation will be only during the hours of the season when, and in the amounts by which, the customer's total system load (L) in that hour, minus the CRSP firm power obligation (F) in that same hour, exceeds an amount equal to his seasonal peakload (M), less his firm contract rate of delivery (H), less his contract rate of delivery for peaking power (C). Thus, the CRSP peaking obligation in any hour may be expressed in the following equation:

$P=(-F)-(M-H-C)$, in which P must be a positive number and M must be greater than $(H+C)$.

The value of F is determined by the ratio:

$$\frac{F}{L}=\frac{H}{M}$$

The CRSP seasonal peaking power obligation will be determined under the following three conditions:

1. At the time of the customer's seasonal peak, CRSP will be obligated to furnish the sum of the customer's ultimate seasonal contract rate of delivery (CRD) for firm power and his seasonal CRD for peaking power. (The difference between the customer's seasonal peakload and the sum of the CRSP seasonal CRD's is the customer's seasonal obligation.)

2. At any other time, CRSP will be obligated to furnish the kilowatt difference between the customer's load in that hour and the customer's seasonal obligation as established in 1. above. (CRSP firm capacity obligation in that hour plus peaking as required up to the maximum CRD of peaking power.)

3. Unless otherwise agreed, the customer must schedule his CRSP energy at approximately his hourly load pattern so that in any month of the season the customer's total energy taken from CRSP will approximate the estimated energy obligation[b] of CRSP for that month, and the energy obligation for the season will not be exceeded.

The amounts which CRSP will furnish customers who use an auxiliary supply and purchase CRSP peaking power will be determined through the following process:

1. Receive from each customer the previous year's system peakload in kilowatts for each month of each season.

a. Apply a mutually agreeable increase or decrease for the ensuing season estimate of peak kilowatts and establish monthly total system peakloads in kilowatts.

b. Determine the ratio of the firm kilowatt obligation of CRSP to the system peak for season. Utilize this ratio to determine the CRSP firm obligation for all the other months of the season.

c. The difference between the monthly system peak kilowatts under (a) above and the CRSP firm monthly obligation under (b) above gives the balance of the monthly kilowatts needed to be supplied from the auxiliary supply and/or by CRSP peaking power.

2. Receive from each customer the previous year's system monthly kilowatthour load for each season.

a. Apply a mutually agreeable increase or decrease for the current season's estimate to establish the expected monthly total system loads in killowatthours.

b. Subtract the CRSP firm contract obligation in kilowatthours from the seasonal kilowatthours for the system load; establish the difference as the kilowatthours needed from the auxiliary supply for the season.

c. Calculate the percentage of energy for each month of the previous corresponding season to the total system energy for that season, and use this percentage of energy to determine the CRSP energy for each month of the current season. The difference between these two figures will be the monthly amount needed from the auxiliary supply. The monthly amount of CRSP energy will then be supplied at approximately the customer's hourly load pattern.

The Bureau's seasonal energy obligation will be limited to 2,550 kilowatthours per kilowatt of the existing ultimate contract rate of delivery for long-term firm power or the amount determined by applying the customer's system seasonal load factor to the CRD, whichever is less. Deliveries of energy will be scheduled to follow approximately the customer's normal load pattern over the season in accordance with contractual provisions. Sixty days before the beginning of each season a mutually agreeable estimate of the customer's peakload for that season will be made.

3. Any power and/or energy used above the CRSP obligation determined before the start of the season will be deemed to have come from the auxiliary supply.

IV. *Allocation*

According to the "General Power Marketing Criteria" approved in March 1962, the Southern Division is entitled to 20 percent of the net power capability in summer seasons and 7 percent in winter seasons. These amounts are 264,000 kW and 92,700 kW, respectively. Subtracting the long-term firm CRD's (existing ultimate CRD's) from these amounts establishes 24,800 kW in the summer and 8,700 kW in the winter available as peaking power for the Southern Division customers. The remaining amounts of peaking power (83,200 kW summer and 368,300 winter) are available for the Northern Division customers.

Because of a mutual misunderstanding during the 1963–1970 period, the Energy Resources and Development Administration (ERDA) should be offered an allocation of 15 MW of peaking power from CRSP. This leaves 68,200 kW to be allocated among the remaining Northern Division customers. Deducting the 14,600 kW currently under contract to ERDA leaves a total under contract to the remaining Northern Division customers of 907,335 kW.

On the basis of these considerations, individual allocations of peaking power have been made in proportion to the amount of long-term firm power under contract. Allocations for the summer season are as follows:

Northern Division (ND):

$$Y=\frac{68{,}200}{907{,}335}$$

X=Present ND customer long-term firm CRD.

Y=Proposed ND customer peaking power allocation.

Southern Division (SD):

$$Y=\frac{24{,}800}{240{,}000}$$

X=Present SD customer long-term firm CRD.

Y=Proposed SD customer peaking power allocation.

The winter allocations were calculated in a similar manner. All proposed allocations are tabulated in Table I below.

V. *Contractual Arrangements*

A. *Term of Contracts*—For existing customers having long-term firm power under contract, the sale of long-term peaking power will be for the term of the existing contracts but not later than September 30, 1989.

B. *Deadline*—Each allottee must place its allocation under contract by December 1, 1976, or the allocation will be automatically rescinded.

VI. *Action Required by Allottees*

A. *Acceptance of Allotments*—Each allottee should state by letter no later than March 1, 1976, whether or not it wishes to contract for either or both of the summer and winter season allocations. The absence of any such statement will constitute automatic rescission.

Colorado River storage project

[Peaking power allocation in kilowatts]

Customer	Summer season		Winter season	
	Present	Proposed allocation	Present	Proposed allocation
NORTHERN DIVISION				
Arizona:				
Navajo Tribal Utility Authority	18,000	1,350	18,000	4,840
Page	6,300	470	6,400	1,720
Subtotal	24,300	1,820	24,400	6,560
Colorado:				
Center	1,000	80	1,500	400
Colorado Springs	15,000	1,120	50,000	13,440
Delta	1,000	80	1,000	270
Fleming	80	10	50	10
Fort Morgan	7,900	590	6,900	1,900
Frederick	40	10	40	10
Gunnison	4,560	340	6,000	1,610
Haxtun	520	40	400	110
Holyoke	1,470	110	1,500	400
Intermountain REA	17,350	1,300	20,900	5,620
Lamar	2,000	150	2,000	540
Oak Creek	300	20	360	100
Platte River Power Authority	116,600	8,770	134,900	36,270
Pueblo Army Depot	9,000	680	9,000	2,420
Silt Water Conservancy District	700	50		
Wray	470	40	840	230
Yuma	1,125	80	1,070	290
Subtotal	179,305	13,480	236,460	63,580
Wyoming:				
Cody	2,750	200	2,650	710
Consumers L. & P. Association	20	10	60	20
Fort Laramie	40	10	70	20
Guernsey	360	30	400	110
Lingle	80	10	100	30
Lusk	320	20	1,000	270
Pine Bluffs	85	10	180	50
Torrington	1,700	120	925	250
Wheatland	960	70	900	240
Willwood L. & P. Co.	50	10	20	10
Subtotal	6,435	500	6,325	1,710
New Mexico:				
Energy Research and Development Administration	14,600	15,000	14,600	15,000
Aztec	1,980	140	2,225	600
Farmington	15,000	1,120	15,000	4,040
Plains G. & T. Cooperative	112,400	6,520	122,000	26,780
Truth or Consequences	3,000	270	6,500	1,460
Subtotal	146,980	23,050	170,325	54,880

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Customer	Summer season Present	Summer season Proposed allocation	Winter season Present	Winter season Proposed allocation
Colorado and Wyoming:				
Tri-State G. & T. Association	252,000	18,930	179,000	48,120
Utah:				
Beaver	1,290	100	2,140	570
Bountiful	24,910	1,870	84,150	9,130
Bridge Valley Electric Association	8,000	600	8,400	2,260
Brigham City	7,700	580	11,000	2,960
Defense Depot—Oregon	3,900	290	3,700	1,000
Dixie REA	8,100	610	10,800	2,900
Ephraim	1,660	120	2,800	750
Escalante Valley Electric Association	9,150	690	7,270	1,950
Fairview	480	40	750	200
Fillmore	1,700	130	1,900	510
Flowell Electric Association	4,110	310	290	80
Garkane Power Association	12,330	1,000	14,820	3,980
Heber City	3,000	230	4,750	1,290
Holden	220	20	280	80
Hyrum	1,950	150	2,880	770
Kanosh	240	20	300	80
Kaysville	1,640	120	2,100	560
Lehi	2,700	200	4,050	1,080
Levan	405	30	405	110
Logan	15,000	1,130	18,500	4,970
Manti	1,320	100	1,620	430
Meadow	280	20	220	60
Monroe	700	50	1,140	310
Moon Lake Electric Association	46,000	3,460	47,500	12,770
Morgan	1,640	120	1,980	530
Mount Pleasant	1,080	80	1,498	400
Mount Wheeler Power, Inc	22,000	1,650	12,800	3,440
Murray	25,500	1,920	29,100	7,830
Nephi	3,400	260	2,708	730
Oak City	300	20	260	70
Parowan	1,050	80	1,530	410
Payson	3,100	230	4,100	1,100
Provo	65,600	4,920	65,600	17,640
Salem	690	40	770	210
Spanish Fork	4,200	320	5,650	1,520
Spring City	210	20	290	60
Springville	5,150	390	6,500	1,750
St. George	18,000	1,360	24,000	6,450
Strawberry Water Users Association	1,500	110	1,750	470
Weber Basin Water Conservancy District	360	30		
Subtotal	311,385	23,416	340,215	91,490
Total northern division	921,935	83,200	956,725	268,300
SOUTHERN DIVISION				
Arizona:				
Ak-Chin Indian Community	4,500	460	3,300	340
Arizona Electric Power Co-op	13,400	1,380	1,400	140
Chandler Heights Citrus I.D	450	50	200	20
Colorado River Indian Agency	750	80	400	40
Electrical District No. 2	11,350	1,170	4,500	470
Electrical District No. 3	9,450	980	1,650	170
Electrical District No. 4	5,750	590	2,450	250
Electrical District No. 5 (Pinal)	3,550	370	1,750	180
Electrical District No. 5 (Maricopa)	1,850	190	800	80
Electrical District No. 6	6,850	710		
Electrical District No. 7	5,450	560	800	80
Littlefield Electric Co-op	250	30	150	20
Maricopa County M.W.C.D	6,350	650	1,500	160
Mesa	5,250	540	2,300	240
Mohave Electric Co-op	450	50	250	30
Navajo Tribal Utility Authority	2,700	280	1,150	120
Ocotillo Water Conservation District	1,300	180	600	60
Queen Creek Irrigation District	2,000	210		
Roosevelt Irrigation District	5,850	580	1,150	120
Roosevelt Water Conservation District	2,700	280	1,100	110
Safford	1,300	130	400	40
Salt River Project	111,250	11,500	38,250	3,960
San Carlos Irrigation Project	1,900	200	1,000	100
San Tan Irrigation District	950	100		
Thatcher	600	60	250	30
Wellton-Mohawk I.D.D	300	30	150	20
Williams AFB	2,400	250	650	70
Yuma Proving Ground	450	50	250	30
Subtotal	209,100	21,610	66,400	6,880
Nevada:				
Division of Colorado River Resources	30,900	3,190	17,600	1,820
Total southern division	240,000	24,800	84,000	8,700
Total customer allocation	1,161,935	108,000	1,040,725	277,000
Priority uses	55,000		6,000	
Total	1,216,935	108,000	1,046,725	277,000

B. *Request for Additional Peaking Power*—Each allottee should also state the amount of additional peaking power it could use each season if it became available.

C. *Reallocation of Rescinded Amounts*—All rescinded allocations will be offered first to existing customers which so requested additional amounts of peaking power, then to preference customers without CRSP contracts, and finally to private utilities.

D. *Peaking Power Rate*—The tentative peaking power rate of $8.04/kW season is currently under review in accordance with the notice published in the FEDERAL REGISTER on September 4, 1975, 40 F.R. 40667. When the final rate is adopted, it will be implemented by modification of Rate Schedule UC–FP1.

E. *Customer Comments*—The Bureau will accept comments until March 1, 1976, and reallocate, if necessary, on the basis of these comments. An additional period will be established to again receive comments prior to announcing the final allocation. Contracts will be executed by December 1, 1976. Comments should be directed to any one of the following Reclamation offices:

Regional Director, Lower Colorado Region, Attention: Code 600, Bureau of Reclamation, Department of the Interior, P.O. Box 427, Boulder City, Nevada 89005, Telephone (702) 293–2161.

Regional Director, Upper Colorado Region, Attention: Code 600, Bureau of Reclamation, Department of the Interior, Salt Lake City, Utah 84147, Telephone (801) 524–5493.

Regional Director, Lower Missouri Region, Attention: Code 600, Bureau of Reclamation, Department of the Interior, Denver Federal Center, Building 20, Denver Colorado 80225, Telephone (303) 234–3131.

[FR Doc.75–34612 Filed 12–22–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

HOP MARKETING ADVISORY BOARD

Notice of Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat. 770), notice is given of a meeting of the Hop Marketing Advisory Board at 8:30 a.m. m.s.t., January 14, 1976, at the Rodeway Inn, Boise, Idaho

The purpose of the meeting is to discuss reserve pool matters, marketing research and development projects, and marketing policy and related matters. The meeting will be open to the public.

The Hop Marketing Advisory Board is established under Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production. The marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The names of Board members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Robert H. Eaton, Manager, Hop Administrative Committee, Room 1002, Corbett Building, 430 S.W. Morrison Street, Portland, Oregon 97204, telephone 503–224–1823.

Dated: December 18, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75–34615 Filed 12–22–75;8:45 am]

Forest Service

GUNNISON AND WHITE RIVER NATIONAL FORESTS

Notice of Availability of Draft Environmental Statement on East River and Upper Crystal River Land Use Plan

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the East River and Upper Crystal River Land Use Plan on the Gunnison and White River National Forests. The Forest Service report is USDA–FS–R2–DES(Adm) FY–76–02.

The environmental statement is a proposal to update existing Multiple Use Management Direction on National Forest land in the East River Unit of the Gunnison National Forest and the Upper Crystal River Unit of the White River National Forest in Gunnison County, Colorado.

This draft environmental statement was transmitted to CEQ on December 16, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, P.O. Box 138, Delta, Colorado 81416.
USDA, Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Deaver, Colorado 80225.
USDA, Forest Service, P.O. Box 948, Glenwood Springs Colorado 81601.

A limited number of single copies are available upon request to J. R. Wilkins, Forest Supervisor, USDA Forest Service, Gunnison National Forest, P.O. Box 138, Delta, Colorado 81416 and Thomas C. Evans Forest Supervisor, USDA Forest Service, White River National Forest, P.O. Box 948, Glenwood Springs, Colorado 81601.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to either J. W. Wilkins, Forest Supervisor, USDA Forest Service, Gunnison National Forest, P.O. Box 138, Delta, Colorado 81416, or Thomas C. Evans, Forest Supervisor, USDA Forest Service, White River National Forest, P.O. Box 948, Glenwood Springs, Colorado 81601. Comments must be received by February 16, 1975, in order to be considered in the preparation of the final environmental statement.

CLAYTON B. PIERCE,
Director, Multiple Use and Environmental Quality Coordination.

DECEMBER 16, 1975.

[FR Doc.75–34552 Filed 12–22–75;8:45 am]

MT. WELBA LAND USE PLAN

Notice of Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for management of the Mt. Welba Unit. The Forest Service Report Number is USDA–FS–R2–DES(Adm) FY–76–03.

This environmental statement concerns a management proposal which emphasizes both non-consumptive values and production of tangible products, with management activities restricted on an area of highly unstable soils. It would permit a mixture of needed land uses and activities in the future that are environmentally acceptable and compatible with the area's economic and social potential. The initial activity would consist of constructing about four miles of road and harvesting four million board feet of timber. The proposed Plan does not retain any of the 8,650 acres of Roadless Area DF (Mt. Welba) in designated roadless status.

This draft environmental statement was transmitted to CEQ on December 16, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agricultural Bldg., Room 3230, 12th St. & Independence Ave. SW., Washington, D.C. 20250.
USDA Forest Service, 137–10th Street, Steamboat Springs, Colorado 80477.
USDA Forest Service, 11177 West Eight Avenue, Lakewood, Colorado 80225.
USDA Forest Service, 580 Pershing, Craig, Colorado 81625.

A limited number of single copies are available upon request to: J. Merle Prince, Forest Supervisor, Routt National Forest, P.O. Box 1198, Steamboat Springs, Colorado 80477.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact included for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to J. Merle Prince, Forest Supervisor, Routt National Forest, P.O. Box 1198, Steamboat Springs, Colorado 80477. Comments must be received by February 16, 1976, in order to be considered in the preparation of the final environmental statement.

December 16, 1975.

J. MERLE PRINCE,
Forest Supervisor.

DECEMBER 16, 1975.

[FR Doc.75–34554 Filed 12–22–75;8:45 am]

Soil Conservation Service

GOOSE CREEK WATERSHED PROJECT, WASHINGTON

Notice of Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Goose Creek Watershed Project, Lincoln County, Washington, USDA–SCS–EIS–WS–(ADM)–76–1–(D)–WA.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment, supplemented by a multipurpose flood control and recreation structure and recreation facilities, channel work, and minor flood control structures and diversion channels. The multipurpose structure will create a maximum recreational reservoir of 235 acres and recreation facilities on a 114 acre area. The reservoir and facilities will account for an estimated 14,520 angler days and 39,980 general recreation visits annually. Channel work will be limited to removing a rock ledge from approximately 0.1 mile of previously modified, perennial stream. The diversion channels will consist of approximately 7,100 feet of new channels. Associated with the diversion channels is a small diversion dam and a debris basin.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 360 U.S. Courthouse, Spokane, Washington 99201.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Galen S. Bridge, State Conservationist, Soil Conservation Service, 360 U.S. Courthouse, Spokane, Washington 99201.

Comments must be received on or before February 10, 1976, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: December 16, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75–34553 Filed 12–22–75;8:45 am]

Office of the Secretary

CITIZENS ADVISORY COMMITTEE ON CIVIL RIGHTS

Notice of Renewal

Notice is hereby given that the Secretary of Agriculture will renew the Citi-

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zens Advisory Committee on Civil Rights for the purpose of reviewing the Department's policies, practices and procedures which promote equality of opportunity. The Secretary has determined that renewal of this Committee is in the public interest in connection with the duties imposed on the Department by law.

The Committee members are from varied backgrounds and interests. The Committee, which will report to the Secretary, will terminate two years from the date of renewal.

This notice is given in compliance with Pub. L. 92–463.

Dated: December 18, 1975.

JOSEPH R. WRIGHT, JR.,
Assistant Secretary for Administration.

[FR Doc.75–34616 Filed 12–22–75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[File No. 23–930; Case No. 486]

JOSEF CREMER AND GRABNER G.M.B.H.

Order Terminating Indefinite Denial Order

In the matter of Josef Cremer, dba J. Cremer Export-Import, Prinz Eugen Strasse 44/9, 1040 Vienna, Austria, and Grabner G.m.b.H. (related party), respondents.

An order was entered on March 10, 1964, 29 FR 3207, against Josef Cremer, trading as J. Cremer Export-Import denying him for an indefinite period all privileges involving commodities or technical data exported or to be exported from the United States. The order was issued in accordance with the Export Regulations, 15 CFR 388.15 (previously § 382.15) because respondent Cremer failed to answer interrogatories without showing adequate reason for such failure. Inasmuch as respondent Cremer was engaged as the managing director of Grabner, G.m.b.H., a related party determination was entered against respondent Grabner on April 25, 1975, 40 FR 19857.

Respondent Cremer recently answered the interrogatories and explained his reason for failing to do so at an earlier time. The record data indicates that Josef Cremer and Grabner G.m.b.H., have abided by the denial order of March 10, 1964, and are not shown suspect in connection with any United States exports.

Accordingly, the indefinite denial order against Josef Cremer and the related party determination covering respondent Grabner G.m.b.H., is hereby terminated.

Dated: December 17, 1975.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.75–34585 Filed 12–22–75;8:45 am]

Patent and Trademark Office

INTERNATIONAL PROTECTION OF GOVERNMENT EMBLEMS AND SEALS

Invitation for Comments

The Patent and Trademark Office, Department of Commerce, intends to forward the publication "Seals and Other Devices in Use at the Government Printing Office" to the World Intellectual Property Organization (WIPO) in order to obtain protection under Article 6*ter* of the Paris Convention for the Protection of Industrial Property for the Federal and State government seals and emblems contained therein.

Under Article 6*ter*, the member countries of the Paris Convention have agreed to prevent the registration as trademarks and to prohibit by appropriate means the unauthorized use of government emblems submitted through the intermediary of WIPO and accepted by the countries for such protection.

Federal agencies and State governments are requested to notify the Patent and Trademark Office by February 2, 1976, of any emblem in the above publication which they do not want submitted for protection under Article 6*ter*.

Federal agencies and State governments are also requested to notify the Patent and Trademark Office, at any time, of emblems not contained in the above publication which they believe should be submitted under the Article. If the notified emblem is appropriate for international protection, the Patent and Trademark Office will so advise and request 350 copies of the emblem for submission to WIPO.

Address all correspondence to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Dated: December 17, 1975.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

[FR Doc.75–34591 Filed 12–22–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Administration on Aging

NEVADA; FISCAL YEAR 1976 STATE PLAN

Notice of Hearing; Change of Date

Notice was given in the Federal Register for November 19, 1975 (40 FR 53608) that the Commissioner on Aging would hold a hearing on December 19, 1975 in Carson City, Nevada, to decide whether the Fiscal Year 1976 State Plan submitted by the State of Nevada conform to requirements under the Older Americans Act.

The State of Nevada has moved that a hearing officer, rather than the Commissioner on Aging, conduct the hearing, and that motion has been granted.

As a result, the hearing has been postponed to a time to be set later, and certain changes have been made in the Rules of Practice and Procedure for these proceedings.

Following is the notice of the granting of this motion and of the procedural changes.

December 17, 1975.

DEAR MR. LIST: I have received your motion, filed on December 9, 1975, that I disqualify myself and appoint an administrative hearing officer for the hearing to decide whether the State's Fiscal Year 1976 State Plan submitted by the State of Nevada under Section 304 of the Older Americans Act conforms to Federal requirements.

I grant that motion. The following modifications are made in the announced arrangements and procedures for that hearing that were originally stated in my letter to Governor O'Callaghan:

1. The hearing will not be held on December 19, 1975 because it is not possible to obtain the services of a hearing officer before that date. The hearing will be set for a date as soon as feasible, and I anticipate that this will be sometime around the last week in January 1976.

2. I will make the decision on the approval of the plan after the hearing officer has prepared a recommended decision, and after all parties have had an opportunity to file their views on the recommended decision and to appear before me to present their views.

3. I am enclosing amendments to the Rules of Practice and Procedure for these proceedings. The amendments make the necessary changes because the hearing will be conducted by a hearing officer.

Please get in touch with me if you have any further questions.

Very sincerely and cordially yours,

ARTHUR S. FLEMMING,
Commissioner on Aging.

Further information on the hearing may be obtained from the Office of the Commissioner, Administration on Aging, Room 4030, Donohoe Building, 400 Sixth Street SW., Washington, D.C. 20201, telephone 202–245–2205.

Dated: December 17, 1975.

ARTHUR S. FLEMMING,
Commissioner on Aging.

[FR Doc.75–34630 Filed 12–22–75;8:45 am]

Office of Education

INDIAN ELEMENTARY AND SECONDARY SCHOOL ASSISTANCE

Notice of Closing Date for Receipt of Applications

Notice is hereby given that, pursuant to the authority contained in Section 305 of the Indian Elementary and Secondary School Assistance Act, as enacted in Title IV, Part A of Pub. L. 92–318 and amended in Title VI, Part C of Pub. L. 93–380 (20 U.S.C. 241aa–241ff), applications are being accepted from eligible local educational agencies for grants which will provide financial assistance for programs designed to meet the special educational needs of Indian students. Eligibility is, in general, determined on the basis of a local educational agency's Indian student enrollment.

Assistance under the Act may be used by local educational agencies for the purpose of developing and carrying out elementary and secondary school programs specially designed to meet the special educational needs of Indian students, with the involvement of the Indian community and parents of the Indian children to be served.

Applications must be received by the U.S. Office of Education Application Control Center on or before February 27, 1976.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.534. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than February 23, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. Hand delivered applications. An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m., Washington, D.C. time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. Program information and forms. Requests for additional information and application forms should be addressed to: Director, Division of Local Educational Agency Assistance (Part A), Office of Indian Education, U.S. Office of Education, Regional Office Building Three, Room 3662, 7th and D Streets, S.W., Washington, D.C. 20202.

D. Applicable regulations. Awards made pursuant to this notice will be subject to: (1) the Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a) and (2) regulations for the Indian Elementary and Secondary School Assistance Act, 45 CFR Part 186.

(20 U.S.C. 241aa-241ff)

(Catalog of Federal Domestic Assistance No. 13.534, Indian Education—Grants to Local Educational Agencies (Part A))

Dated: December 17, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75–34602 Filed 12–22–75;8:45 am]

PRESIDENT'S COMMISSION ON OLYMPIC SPORTS

Meeting

Notice is hereby given, pursuant to P.L. 92–463, that the President's Commission on Olympic Sports, established by the President in Executive Order No. 11868 dated June 19, 1975, amended by Executive Order No. 11873 dated July 21, 1975, will meet on Thursday, January 8, 1976, at 1 p.m., Friday, January 9, 1976, at 8:45 a.m. in the Champagne Room, and Saturday, January 10, 1976 at 10 a.m. in the Burgundy Room at the Beverly Wilshire Hotel, 9500 Wilshire Boulevard, Beverly Hills, California. The Commission will consider matters pertaining to its study of Olympic sports problems and will hear testimony from several individuals who are familiar with these problems.

The meeting is open to the public on Thursday, January 8, 1976, from 1 p.m. to 6 p.m. and Friday, January 9, 1976, from 8:45 a.m. to 6 p.m. The meeting will be closed to the public on Saturday, January 10, 1976 from 10 a.m. to 12 p.m. A determination to close this portion of the meeting was made by the Assistant Secretary for Administration and Management for the Department of Health, Education and Welfare on December 15, 1975. This portion will consist of a discussion of individuals which if open to the public would constitute a clearly unwarranted invasion of personal privacy of the individuals concerned within the meaning of Exemption (b)(6) of the Freedom of Information Act, 5 U.S.C. 552(b)(6).

Further information on the Commission, including summary minutes of the closed portion of the meeting, may be obtained from Mr. Michael T. Harrigan, Executive Director, President's Commission on Olympic Sports, Room 3002, 2025 M Street, N.W., Washington, D.C. 20506, telephone (202) 254–8410.

Date: December 16, 1975.

MICHAEL T. HARRIGAN,
Executive Director.

[FR Doc.75–34600 Filed 12–22–75;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Notice of Meeting

Notice is hereby given, pursuant to Pub. L. 92–463, that the Ad Hoc Committee on Parent Involvement of the National Advisory Council on the Education of Disadvantaged Children will meet on January 19, 1976, from 10:00 a.m.–2:00 p.m. The meeting will be held at 425 Thirteenth Street, N.W., Suite 1012, Washington, D.C.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

Because of limited space, all persons wishing to attend should call for reservations by December 31, 1975, Area Code 202/382–6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street, N.W., Suite 1012, Washington, D.C.

Signed at Washington, D.C., on December 17, 1975.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.75–34518 Filed 12–22–75;8:45 am]

Office of the Secretary

HEALTH INSURANCE BENEFITS ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given, pursuant to Pub. L. 92–463, that the Health Insurance Benefits Advisory Council (HIBAC), established pursuant to Section 1867 of the Social Security Act, as amended, which advises the Secretary of Health, Education, and Welfare on Medicare and Medicaid matters will meet on Thursday, January 22 at 9:00 a.m. and Friday, January 23, 1976 at 8:00 a.m. in Room 5051 of the Department of Health, Education, and Welfare's North Building, Third and C Streets SW., Washington, D.C. Principal consideration and discussion will pertain to matters of general policy related to Medicare and Medicaid programs. These meetings are open for public observation.

Further information on the Council may be obtained by contacting Ronald M. Klar, M.D., M.P.H., Executive Secretary, Health Insurance Benefits Advisory Council, Room 17A–31, 5600 Fishers Lane, Rockville, Maryland 20852, telephone (301) 443–3274 or 443–4728.

Dated: December 12, 1975.

RONALD M. KLAR,
Executive Secretary Health Insurance Benefits Advisory Council.

[FR Doc.75–34559 Filed 12–22–75;8:45 am]

National Institutes of Health

PULMONARY YOUNG INVESTIGATOR GRANT COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Pulmonary Young Investigator Grant Committee, National Heart and Lung Institute, January 8 and 9, 1976, National Institutes of Health, Building 31, Conference Room 4. This meeting will be open to the public from 8:00 a.m. to 9:00 a.m. on January 8, 1976 for an introduction to the program and discussion of review procedures. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting

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of the Pulmonary Young Investigator Grant Committee will be closed to the public on January 8 from 9:00 a.m. to adjournment on January 9, 1976, for the review, discussion and evaluation of individual initial pending grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLI, NIH, Building 31, Room 5AO3, Bethesda, Maryland 20014, telephone 301/496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. Robert C. Stroud, Review Branch, Division of Extramural Affairs, National Heart and Lung Institute, Westwood Building, Room 552A, telephone 301/496–7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program N o. 13.838, National Institutes of Health).

Dated: December 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75–34559 Filed 12–22–75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D–75–396]

REGIONAL ADMINISTRATORS, ET AL.

Amendment to Redelegation of Authority

Section B.3 of the Redelegation of Authority from the Assistant Secretary to Regional Administrators published February 5, 1975 (40 FR 5386) is changed to read as follows:

3. Approve applications under section 107, except section 107(a)(3), and section 107(a)(6) (42 USC 5307) where the provisions of 24 CFR § 570.408(c)(3) apply.

(Sec. 7(d), Department of HUD Act, 42 USC 3535(d)).

Effective date. This amendment is effective December 18, 1975.

DAVID O. MEEKER, JR.,
Assistant Secretary for Community Planning and Development.

[FR Doc.75–34613 Filed 12–22–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS; SPECIAL COMMITTEE 125—MLS IMPLEMENTATION

Notice of Meeting

Notice is hereby given that the Radio Technical Commission for Aeronautics (RTCA) Special Committee 125—MLS Implementation, which is being utilized as an advisory committee within the meaning of the Federal Advisory Committee Act, 5 U.S.C. Appendix I, will meet January 14–15, 1976, in Conference Room 3201, FAA Trans Point Building, 2100 Second Street, SW., Washington, D.C. 20591, commencing at 9:30 a.m. Agenda items include:

1. Approval of November 14–15, 1975, meeting minutes, RTCA Paper 238–75/SC–125–39.

2. Reports on: (a) Informal Coordination Group Meeting; (b) FAA Transition Plan; (c) DOD–FAA MLS R&D Status; and (d) Status of December 6–10, 1975, Benefits Informal Group Activities and future work program.

3. Report by Implementation Strategy Informal Group on interface with Benefits Informal Group.

4. Discussion of "Strawman" Final Report.

5. Review of Pert Chart action items as a result of discussions.

Meetings of Special Committee 125 are open to the public, subject to limitations of space available. Subject to time being available, any member of the public may present oral statements at the meeting, or may submit written statements to the RTCA Secretariat. Requests to receive additional information or to be heard should be made by contacting 1717 H Street, NW., Washington, D.C. 20006, or telephone Area Code (202) 296–0484.

Issued in Washington, D.C., on December 10, 1975.

EDGAR A. POST,
Designated Officer.

[FR Doc.75–34532 Filed 12–22–75;8:45 am]

Hazardous Materials Operations Office

SPECIAL PERMITS ISSUED

Pursuant to 49 CFR § 170.15, of the Department's Hazardous Materials Regulations, issued May 22, 1968 (33 FR 8277), as it was in effect on October 15, 1975, the following is a list of new Special Permits upon which action was completed during November 1975.

Special permit No.	Issued to—subject	Mode or modes of transportation
SP 7063	Hooker Chemicals & Plastics Corp., Niagara Falls, N.Y., to ship phosphorus pentachloride in single-trip, molded, removable-head, polyethylene container not exceeding 5-gal capacity.	Motor vehicle, rail freight.
SP 7064	Hercules Inc., Wilmington, Del., to ship slurry-type high explosives in non-DOT specification fiberboard box having inside packaging in compliance with Sec. 173.61(d).	Motor vehicle.
SP 7067	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del., to ship dichlorodifinoromethane in British-made portable tanks comparable to DOT specification 51.	Cargo vessel, motor vehicle.
SP 7068	Thiokol Corp., Brigham City, Utah, to ship high explosives, liquid in certain DOT specification metal drums, each having inside DOT–2S container, packed inside DOT–6J drums.	Motor vehicle.
SP 7070	Lea-Ronal, Inc.; Engelhardt Industries; American Chemical & Refining Co.; Technic, Inc.; Auric Corp.; and Oxy Metal Industries Corp.; to ship a poisonous solid, n.o.s., packaged in compliance with Sec. 173.364, via air and exempt from the requirements of 14 CFR 103.35.	Passenger-carrying aircraft, cargo-only aircraft.
SP 7071	U.S. Department of Defense, Washington, D.C., to ship certain corrosive liquids in inside polyethylene bottles packed with nonhazardous materials in same outside fiberboard box.	Cargo vessel, motor vehicle, rail freight.
SP 7072	Registered shippers to ship certain corrosive liquids in a non-DOT specification molded polyethylene container (Delex 55), of 55-gal marked (rated) capacity, manufactured by Container Corp. of America.	Do.
SP 7075	Great Lakes Chemical Corp., West Lafayette, Ind., to ship chlorine in an insulated, non-DOT specification portable tank having a design pressure of 225 lb/in² and built-in compliance with the ASME Code.	Motor vehicle.
SP 7076	The LaMotte Chemical Products Co., Chestertown, Md., to ship chemical kits containing corrosive liquids packed with nonhazardous articles.	Motor vehicle, rail freight.
SP 7077	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del., to ship certain compressed gases in non-DOT specification 180-type portable tank having a design working pressure of 200 lb/in².	Cargo vessel, motor vehicle.
SP 7078	Carroll Air Service, Inc., Kingston, N.Y., to transport radioactive materials in excess of 14 CFR 103.19(b) limitations under specified conditions.	Cargo-only aircraft.
SP 7080	Phillips Petroleum Co., Borger, Tex., to ship isobutane in 5 non-DOT specification portable tanks comparable to DOT specification 51 tank.	Cargo vessel, motor vehicle.
SP 7082	Registered shippers, to ship certain corrosive liquids in a non-DOT specification molded polyethylene container, of 55 gal marked (rated) capacity, manufactured by Igloo Corp.	Cargo vessel, motor vehicle, rail freight.
SP 7083	Turner Co., and Bernz-O-Matic Corp., to ship propane in non-DOT specification steel cylinders, not exceeding 100 in³ volumetric capacity, patterned after DOT specification 4B.	Cargo vessel, motor vehicle, cargo-only aircraft, rail freight.

This constitutes the last publication of Special Permits issued due to implementation of procedures under 49 CFR, Part 107.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.75–34546 Filed 12–22–75;8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 28657]

EMERGENCY AIR TRANSPORTATION REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of December, 1975.

On September 1, 1975, National Airlines discontinued all service because of a strike which has not yet been settled. On December 6, 1975, United Air Lines also suspended operations due to a labor dispute. Consequently, there is currently no service by two carriers who account for approximately 25 percent of the revenue passenger miles of all scheduled domestic interstate traffic. Therefore, a particularly acute emergency has been created for many individuals because the year-end holiday season is a period of maximum air travel.

Under these circumstances, it is expected that other scheduled and supplemental carriers will petition the Board for, respectively, exemption authority under section 416(b) or special operating authorizations under section 417 of the Federal Aviation Act to serve markets temporarily which have been left unserved, or insufficiently served, by the grounding of United and National.[1] To fail to deal with such requests expeditiously would in many cases vitiate any relief which might be brought to the traveler. Therefore, we have decided to delegate authority to the Director, Bureau of Operating Rights, for a period beginning on December 17, 1975, and terminating on December 23, 1975 (unless sooner terminated), to act upon the applications of scheduled certificated air carriers and intrastate air carriers[2] under section 416(b) of the Act, and of supplemental carriers under section 417 of the Act, to provide service temporarily in markets in which United or National, individually or collectively, provided 25 percent or more of the scheduled flights as of September 1, 1975.[3]

Applications may be submitted in writing or orally. Rule 410 of the Rules of Practice will govern written applications. In the case of oral applications, the applicant will be required to follow its request with a telegraphic communication within 24 hours and a written application within 5 days.[4] In all cases, applicants will conform to the service requirements of the Board's rules. The Director, Bureau of Operating Rights, will be given the right to act before the filing of answers, and petitions for review of any of the actions of the Director under the terms of this order shall not stay the effective date of those actions. Any carrier seeking authority of the nature contemplated herein, shall certify, as part of its application, that the service proposed will not interfere with the provision of regular scheduled or charter service nor inconvenience passengers holding reservations. Memoranda listing applications received and action thereon will be posted in the Board's Docket Section for public inspection.

We emphasize that it is not our intention to intervene in a labor controversy nor to favor one side against the other; we do not believe that the strictly limited procedural steps taken herein will have that effect. Our sole purpose is to alleviate, to the extent possible, the public hardships which inevitably result from such strikes. We believe that actions by the Director pursuant to the authority granted herein can have only an extremely negligible effect, if any at all, upon the economic forces normally in play between management and labor.

Accordingly, it is ordered that:

1. Authority is hereby delegated to the Director, Bureau of Operating Rights, to act for the Board on requests by any scheduled certificated air carrier or any intrastate air carrier under section 416(b) of the Act, or any supplemental air carrier under section 417 of the Act, for temporary authority to provide service during the work stoppage and resultant cessation of service by United Air Lines or National Airlines, in markets in which United or National, individually or collectively, provided 25 percent or more of the scheduled flights as of September 1, 1975;

2. In the absence of a further order of the Board, all operating authority granted pursuant to this order of delegation shall expire not later than December 23, 1975;

3. In the exercise of the delegated authority, the Director, Bureau of Operating Rights, is authorized, in his discretion, to act before the receipt of answers, and petitions for review of decisions of the Director shall not stay the effective date thereof;

4. Applications subject to the procedures established herein may be made orally, but such applications shall be put into telegraphic or written form within 24 hours and, if in telegraphic form, shall be followed within five days with a written application served in accordance with the Board's Rules of Practice;

5. Any scheduled certificated air carrier, intrastate air carrier or supplemental air carrier seeking authority under the procedures established herein shall certify, as part of its application, that the proposed service will neither interfere with the provision of its regular scheduled or charter service nor inconvenience passengers holding reserved accommodations;

6. Any interested person objecting to any provisions of this order shall file such objections with the Board within five (5) days from the date of service of this order but the filing of objections shall not stay the effectiveness of this order;

7. The delegated authority granted herein shall be effective on December 17, 1975, and shall expire on December 23, 1975 unless sooner terminated by order of the Board;

8. This order may be amended or revoked at any time in the discretion of the Board; and

9. This order shall be served on all scheduled certificated air carriers, intrastate air carriers and supplemental air carriers, the United States Postal Service, and the Federal Aviation Administration.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–34599 Filed 12–22–75;8:45 am]

[1] Although not of the same magnitude as the 1966 work stoppage affecting five trunk carriers, the existing reductions of service warrant action similar to that taken by the Board in Order E–23928, July 9, 1966.

[2] The term "intrastate air carriers" includes only those defined as such in section 101(22) of the Act, as amended by Pub. L. No. 93–366, Sec. 205, 88 Stat. 418 (1974).

[3] Since the authority granted herein is directed toward the broad transportation needs of the country, we have decided to rely upon the same 25 percent standard that was specified in Order E–23928 during the 1966 disruption. In markets where it appears that the bulk of the traffic moves on connecting flights, "scheduled flights" shall be construed to include on-line connecting services published in the Official Airline Guide. To the extent that special circumstances not within this guideline or within existing delegations arise, the Director of the Bureau of Operating Rights will refer requests for relief to the Board.

[4] Of course, if a written application is filed within 24 hours, telegraphic confirmation need not be submitted.

[Dockets 24760, 24986, 25172, 28656]

FLYING TIGER TRANSPACIFIC

Order for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of December, 1975.

Flying Tiger Transpacific, Renewal Case; application of the Flying Tiger Line Inc. for renewal and amendment of its certificate of public convenience and necessity for route 163.

By Order 68–12–105, the Board awarded The Flying Tiger Line Inc. (FTL) a certificate for route 163 for a temporary five-year period, after which the Board would "determine whether that award should be expanded, curtailed, terminated or otherwise reshaped."[1] In Docket 24760, FTL requests renewal of its authority to engage in overseas and foreign air transportation with respect to property and mail on route 163.[2] In addition, FTL requests in Docket 24986 authority to serve Singapore, Malaysia and Indonesia on route 163. Finally, in Docket 25172, FTL requests the inclusion of Anchorage as an additional U.S. coterminal on route 163, as well as authority to transport property and mail between Anchorage and all other domestic points on route 163 to the extent that space is not utilized to transport property and mail to overseas and foreign points on route 163.[3][4]

[1] Order 68–12–105, p. 30.

[2] Route 163 authorizes service between the coterminal points Boston, New York-Newark, Philadelphia, Cleveland, Detroit, Chicago, Seattle-Tacoma, Portland, San Francisco-Oakland-San Jose, Los Angeles-Ontario-Long Beach, and intermediate points within Japan, Korea, Okinawa, Taiwan, Hong Kong, the Philippines and VietNam, and beyond VietNam, intermediate points and a terminal point in Thailand.

[3] By Order 73–3–140, March 30, 1973, the Board denied FTL's motions for an immediate hearing on and consolidation of its applications in Dockets 24760, 24986, and 21860 (the predecessor to Docket 25172).

[4] On September 29, 1975, FTL filed a motion to consolidate Dockets 24760 and 25172. On October 1, 1975, FTL filed a motion for expedited consideration of its applications in Docket 24760 and Docket 25172. Alaska Airlines, Northwest Airlines, and Western Air Lines filed answers principally opposing FTL's request for Anchorage-U.S. traffic rights. The Department of Justice answered in support of the Anchorage-U.S. fill-up request. In addition, Northwest opposes expedited treatment of FTL's renewal request.

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Upon consideration of the foregoing and all other pertinent matters, the Board has decided to set for hearing, in a proceeding designated as the *Flying Tiger Transpacific Renewal Case*, FTL's renewal application, as well as the carrier's requests to add Malaysia, Singapore, Indonesia and Anchorage to route 163.

We will not include as an issue in this case the question of fill-up rights on flights between Anchorage and other U.S. coterminals. Expansion of the issues to include fill-up rights is undesirable because it would divert the focus of the case away from the primary issues of renewal and improved all-cargo transpacific authority, and into the arena of domestic all-cargo operations.

ACCORDINGLY, IT IS ORDERED THAT:

1. A proceeding to be known as the *Flying Tiger Transpacific Renewal Case*, Docket 28656, be and it hereby is instituted and shall be set down for hearing before an Administrative Law Judge of the Board at a time and place hereafter designated, as the orderly administration of the Board's docket permits;

2. The proceeding instituted in paragraph 1, above, shall include consideration of the following issues:

(a) Do the public convenience and necessity require the renewal, modification, or amendment of the temporary certificate authority held by Flying Tiger for route 163?

(b) Do the public convenience and necessity require the amendment of the certificate for route 163 held by Flying Tiger to include Indonesia, Singapore, Malaysia as additional foreign points and Anchorage, Alaska, as an additional domestic coterminal?

(c) If any authority is awarded in this case, what terms, conditions, and limitations, if any, should be attached thereto?

3. Insofar as thy conform to the scope of this proceeding, the applications in Dockets 24760, 24986 and 25172 of Flying Tiger be and they hereby are consolidated with the proceeding instituted in paragraph 1, above, and to the extent not consolidated, the foregoing applications be and they hereby are dismissed without prejudice;

4. Applications, motions to consolidate and petitions for reconsideration of this order shall be filed 20 days from the service date of this order and answers thereto shall be filed 10 days thereafter;

5. Flying Tiger and all other carriers filing applications in this proceeding shall file an environmental evaluation pursuant to section 312.12 of the Board's Procedural Regulations within 45 days of this order; and

6. A copy of this order shall be served upon persons filing in the captioned dockets and the following: The Departments of State, Interior, Transportation, Commerce, and Housing and Urban Development; the National Aeronautics and Space Administration; the Federal Aviation Administration; the General Services Administration and the Environmental Protection Agency.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-34598 Filed 12-22-75;8:45 am]

[Docket 27813; Agreement C.A.B. 25550 R-1 through R-16; Agreement C.A.B. 25564]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fares

DECEMBER 15, 1975.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted at the Composite Passenger Traffic Conferences held in Nice/Cannes, France during October and November 1975.

Agreement C.A.B. 25550, proposed for effect January 1, 1976, which only affects air transportation indirectly, would revalidate the present South Atlantic fare structure due to expire March 31, 1976, through March 31, 1977.[1] In general, specified fares would be increased by three percent across the board and applicable currency adjustment resolutions would be amended to reflect the current monetary relationships within the South Atlantic market area. Agreement C.A.B. 25564 would establish Mid Atlantic 14-28 Day Group Inclusive Tour Fares from Cuba to Eastern European Countries. We will approve those portions of the agreements governing fares which are combinable with fares to/from United States points and thus have indirect application in air transportation as defined by the Act, but will disclaim jurisdiction with respect to fares which are not similarly combinable.

Pursuant to authority duly delegated by the Board in the Board's Regulations 14 CFR 385.14:

1. It is not found that the following resolutions, incorporated in agreements indicated, and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25550: R-1	001b	South Atlantic Special Effectiveness Resolution (Tie-in)	1/2. 1/2/3 (via Atlantic except TC2 and TC3 via TC1).
R-2	001dd	South Atlantic Escape for Normal and Special Fares	1/2. 1/2/3.
R-3	001u	Special Escape for South Atlantic Agreement	1/2. 1/2/3.
R-4	002	Standard Revalidation Resolution (South Atlantic)	1/2. 1/2/3.
R-5	003	Special Recession Resolution (South Atlantic)	1/2. 1/2/3.
R-6	022h	JT12/JT123 (South Atlantic) Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending).	1/2. 1/2/3.
R-7	022w	JT12 (South Atlantic) Special Rules for Sales of Passenger Air Transportation Between TC2 and TC1 (Revalidating and Amending).	1/2.
R-8	050	First Class Conditions of Service (Revalidating and Amending)	1/2. 1/2/3.
R-9	054c	South Atlantic Normal First Class Fares	1/2.
R-10	054d	South Atlantic Supersonic Fares (New)	1/2.
R-11	060	Economy Class Conditions of Service (Revalidating and Amending)	1/2/3.
R-12	064c	South Atlantic Economy Class Fares	1/2.

2. It is not found that the following resolutions, incorporated in agreements indicated, affect air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
25550: R-13	070y	South Atlantic 60-Day Economy Class Excursion Fares (Revalidating and Amending).	1/2.
R-14	071y	South Atlantic 45-Day Economy Class Excursion Fares (Revalidating and Amending).	1/2.
R-15	081k	South Atlantic 28-Day Group Inclusive Tour Fares (Revalidating and Amending).	1/2. 1/2/3.
R-16	094c	Emigrant Fares—Portugal to Brazil (Revalidating and Amending).	1/2.
25564	084gg	Mid-Atlantic 14- to 28-Day Group Inclusive Tour Fares Cuba to Eastern European Countries (New) (Expedited).	1/2.

Accordingly, IT IS ORDERED THAT:

1. Those portions of Agreement C.A.B. 25550, described in finding paragraph 1 above, which have indirect application in air transportation as defined by the Act, be and hereby are approved; and

2. Jurisdiction be and hereby is disclaimed with respect to those portions of

[1] Certain special fare categories normally applicable through April will expire a month later on April 30, 1977.

Agreements C.A.B. 25550 and C.A.B. 25564 described in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN,
Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-34595 Filed 12-22-75;8:45 am]

[Docket 27682]

NATIONAL AIR CARRIER ASSOCIATION v. LUFTHANSA GERMAN AIRLINES ENENFORCEMENT PROCEEDING

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on February 3, 1976, at 10:00 a.m. (local time), in Room 1003-B, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Richard V. Backley.

Dated at Washington, D.C., December 17, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-34594 Filed 12-22-75;8:45 am]

[Docket 28610]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Granting Temporary Emergency Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of December, 1975.

Application of Pan American World Airways, Inc. for a temporary emergency exemption to engage in domestic air transportation in the San Francisco-Seattle Market.

By telegraphic application dated December 11, 1975, Pan American World Airways requested an exemption pursuant to section 416(b) of the Act and Rule 410 of the Board's Rules of Practice to enable Pan American, inter alia, to carry traffic between San Francisco and Seattle on currently scheduled Pan American flights over that sector for the duration of the work stoppage resulting in a cessation of service by United Air Lines, Inc. We have decided to grant Pan American's exemption request for the period December 18, 1975 through December 23, 1975, to enable the carrier to engage in daily interstate air transportation between San Francisco and Seattle on its Flight #124 departing San Francisco at 11:00 a.m. and arriving in Seattle at 12:50 p.m., and its Flight #125 departing Seattle at 4:10 p.m. and arriving in San Francisco at 5:55 p.m.

By Order 75-12-77, issued December 17, 1975, we have granted Pan American similar authority with respect to the New York-San Francisco market. The same factors alleged by Pan American in support of its exemption request with respect to that market are also cited concerning its request in the San Francisco-Seattle market.

Emery Air Freight Corp. and the American Society of Travel Agents, Inc. answered in support of Pan American's request, while the Airline Pilots Association International, the United Airlines Master Executive Council, and United Air Lines answer in opposition. The allegations made in those answers with respect to the San Francisco-Seattle market are substantially the same as those cited in Order 75-12-77 with respect to the New York-San Francisco market. In addition, Western Air Lines has filed an answer opposing Pan American's exemption request for authority in the San Francisco-Seattle market stating: that contrary to Pan American's allegations, Western's flights between San Francisco and Seattle have been running less than full since commencement of the United work stoppage; that there is no stranded traffic in that market; that the carriers serving San Francisco-Seattle are providing adequate capacity to meet the market's demands; that under all of the circumstances Pan American has not made a case for the grant of the requested exemption; and that to grant the exemption under the circumstances of a lawful work stoppage would constitute an unlawful and unwarranted interference with the collective bargaining process.[1]

The Board has decided to grant an exemption to Pan American pursuant to section 416(b) of the Act from the provisions of sections 401 and 403 that would otherwise prevent the carrier from engaging in interstate passenger air transportation between San Francisco and Seattle. As indicated above, this temporary emergency authority will permit Pan American to carry domestic passenger traffic on presently scheduled flights at the fares currently provided in the tariffs of United Air Lines for the very limited period from December 18 through 23, 1975, inclusive.

The factual situation involved here is substantially similar to that of the New York-San Francisco market in which the Board, by companion order, granted Pan American a temporary emergency exemption.[2] Here, however, there is only one carrier offering nonstop service in the San Francisco-Seattle market rather than two. The incumbent carrier in this market, Western, has supplied data indicating that a number of passengers are waitlisted on its San Francisco-Seattle flights between December 17 and 23 and has also stated that, with the exception of one extra section scheduled to operate December 20, no crews or aircraft are available for extra section flights during this period. Since United had been offering eight nonstop round trips in this market before the cessation of service,[3] the Board finds that the market will not receive the same capacity it would have received if United were operating, and thus it is likely that some travelers who would have used United's services (or Western's services which have been prematurely closed out because of the work stoppage at United) will be unable to travel. In these circumstances, the public interest clearly requires that the unused capacity on Pan American's existing San Francisco-Seattle-London flights be made available to accommodate San Francisco-Seattle pre-Christmas peak period travelers. A more extended discussion of the reasons underlying the grant of this type of exemption authority to Pan American is contained in Order 75-12-77, and we fully incorporate that discussion and the related findings and conclusions herein.[4] It would be an undue burden on Pan American, because of the limited extent of its operations, to require a certificate proceeding which in any event could not be effected in time to meet traffic requirements. Moreover, the cost of processing such an application would be disproportionate to the limited revenues which would accrue to Pan American. In addition, it is to be noted that the only injury that can be claimed by the incumbent carrier is de minimis revenue diversion.

Additionally, we have determined that our action herein does not result in a major Federal Action significantly affecting the quality of the Environment within the meaning of the National En-

[1] We will accept Western's answer which was filed by telegraphic communication for the reasons stated in Footnote 1 to Order 75-12-77.

[2] Order 75-12-77, December 17, 1975.

[3] Western offers 7-1/2 nonstop round trips.

[4] For the same reasons expressed in Order 75-12-77, we also deny Pan American cargo authority over the San Francisco-Seattle segment and prohibit Pan American from publicly advertising its services or operating extra sections. To avoid any potential for misleading the public by conveying an intimation of permanence or greatly increased services in what is, in fact, authority of extremely short duration, involving limited additional capacity, the Board has determined that it would not serve the public interest to allow Pan American publicly to advertise the services authorized in this order. However, the Board will expect Western—and United, to the extent its reservations service is still operating—to notify travelers making inquiries (including those already on their own waitlists) whom these carriers are unable to accommodate, of the availability of Pan American's service during this limited time. As an alternative, these carriers may make available their waitlists to Pan American so that the latter may contact the travelers.

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vironmental Policy Act of 1969 since Pan American is at present operating the flights.

In sum, we find that enforcement of sections 401 and 403 of the Act, insofar as they would otherwise prevent the services authorized herein, would be an undue burden upon Pan American by reason of the limited extent of its operations and is not in the public interest.

Accordingly, it is ordered that:

1. Pan American World Airways, Inc. be and it hereby is exempted from section 401 of the Act and the terms, limitations and conditions of its certificate for Route 132 to the extent necessary to enable it to engage in, during the period December 18, 1975 through and including December 23, 1975, interstate air transportation of passengers between San Francisco, California and Seattle, Washington on its daily Flight #124 and Flight #125: *Provided*, That, extra sections shall not be operated and that Pan American shall not advertise the services;

2. Pan American World Airways, Inc. be and it hereby is exempted from the tariff filing requirements of section 403 of the Act and the Board's regulations thereunder for the services authorized herein, *Provided*, That, it shall charge the fares currently provided in the tariffs of United Air Lines, Inc.; and

3. The Board reserves the right to revoke or modify the authority conferred by this order as circumstances may warrant.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-34596 Filed 12-22-75;8:45 am]

[Dockets 21779, 24391, 26213, 26250, 27196, 27217, 27293, 27605, 28655]

SEATTLE GATEWAY-JAPAN SERVICE INVESTIGATION

Institution

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of December, 1975.

Seattle Gateway-Japan Service Investigation; application of Braniff, Continental, Pan American, United, Western for amendments to certificates of public convenience and necessity; petition of Dallas/Fort Worth, Las Vegas, New Orleans, St. Louis, and the Washington Parties for institution of an investigation; petition of Portland, Oregon for institution of an investigation.

A number of applications seeking the institution of a new transpacific combination passenger and cargo investigation are presently pending before the Board.[1]

We have considered these applications and have decided to institute an investigation, to be referred to as the Seattle Gateway-Japan Service Investigation, to determine whether additional U.S.-flag service should be authorized between the coterminal point Seattle, Washington, and points in Japan.

In determining the scope of this investigation, we have been persuaded by the fact that the petitions requesting an immediate transpacific proceeding focus primarily upon Seattle, on the one hand, as the U.S. gateway point for transpacific service, and upon Japan, on the other hand. Because of its traffic flow potential and geographic location, Seattle is a logical city for consideration of additional Japan authority. It is ideally situated to garner the traffic necessary to support such service and it can easily serve as a focal point for flowing transpacific traffic generated from interior points. Indeed, in the Transpacific Route Investigation, the Board specifically found that competitive authority on an Orient route from the Pacific Northwest is "clearly required and sustainable."[2]

By instituting this investigation we do not intend to predetermine the question of whether the new authority to be considered in the scope of this proceeding is in fact presently required. In the past, it has sometimes been assumed that the initiation of a service investigation by the Board was tantamount to a decision that the authority in issue was to be awarded and that the principal question to be decided by the hearing process was that of carrier selection. No such conclusion should be drawn from the Board's action today.

Although the institution of this investigation is not intended to imply any prejudgment of the need for additional service between the United States and Japan, or any predetermination that such service as may be found to be required would be provided by a U.S. carrier not presently designated by the United States Government to serve Japan, this case does nonetheless raise issues similar to those that concerned the President in the Service to Saipan Case, Docket 24421.

As a result of the President's communication to the Board in that case, we reopened the record for a consideration of information to be provided by the Departments of Transportation and State on economic issues and foreign policy concerns.[3] We propose to solicit the views of those Departments on these issues in the instant case as well.

As the Board has previously noted, it is of vital importance that federal agencies and Department of the Executive Branch participate in Board cases where their views and expertise are relevant to the issues. The Board discussed this question in the Pacific Islands Local Service Case:

> "If the Board is to make the best possible decision—and, from the President's viewpoint, decisions he can sustain—it must have the best possible record on which to decide. In many cases such a record can only be assured by the participation of Federal Agencies which have information and viewpoints not available to or expressed by the private parties appearing before the Board. Agency participation is also a matter of fairness to the parties whose economic interests are at stake, since it would provide the only practical and proper forum for testing those agency allegations which might be of decisional significance by presentation of further information, opposing views, and arguments, and by appropriate cross-examintaion . . . Order 71-7-170, pp. 5-6.

Accordingly we will accord the Departments of Transportation and State full party status in this proceeding and urge them to participate.

We will not consider additional U.S. points for coterminal status since the traffic-generating capability and geographic location of those other cities seeking coterminal status render it unlikely that new nonstop service to Japan would be viable from these points.[4]

In fact, the pleadings in Dockets 27217 and 26250 indicate that any new service from interior U.S. points will likely flow over Seattle or other existing transpacific gateways. If a new carrier is authorized to provide Seattle-Japan service, it will be free to tack such authority onto its existing system and provide single-plane service opportunities to interrior U.S. points. Thus, even though coterminal stauts for interior U.S. points will not be considered, the issues in this case will allow all interested carrier and civic parties ample opportunity to present evidence demonstrating the need for single-plane service to the Orient from interior U.S. cities by means of tacking a Seattle-Japan route onto the route system of any applicant carrier.

In view of the small amounts of traffic between the United States and points beyond Japan we do not believe that the case should be expanded to include any points beyond Japan.[5]

We have determined that the proceeding instituted herein is by its very nature not one which could lead to a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA). In a case such as the instant one all prospective environmental effects, direct and secondary, proceed in the first instance from changes in aircraft schedules and levels of service.

Our conclusion in regard to the environment is largely based, therefore, upon our finding that no environmentally significant changes in such schedules and service levels are likely should new service be authorized. In view of the size of the markets[6] and the present level of existing service,[7] it is doubtful that there will be a significant increase in total frequencies by any candidate for the instant authority. This fact also must be placed in the context of the large overall level of traffic at the Seattle/Tacoma Airport. Seattle ranked twenty-first among U.S. airports in air carrier passenger enplanements for fiscal year 1972. In 1973 there were 153,000 aircraft operations at Seattle-Tacoma International Airport, with 171,000 projected for 1975 and 181,000 for 1976.[8]

Accordingly, we are not directing our staff to undertake the preparation of an environmental assessment. Our conclusion herein is not intended to foreclose any party from presenting evidence (subject to the usual evidentiary rules in force in C.A.B. proceedings) or from making arguments with respect to relevant environmental issues. Nor is our conclusion intended to foreclose our consideration of environmental impacts resulting from the contemplated licensing action which, although of a lesser magnitude than those required to trigger the NEPA procedures, might nonetheless be relevant to our decision.[9]

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[1] Appendix A sets forth a list of all pending applications and petitions. Requests for expedition under sec. 399.60 of the Board's Policy Statements were requested by Portland in Docket 27196; the Washington Parties in Docket 27217, United in Docket 21779, and Las Vegas in Docket 27217. Northwest attached a motion to its answer to Portland's motion requesting the Board to withhold certain international O&D data from public disclosure. We will deny Northwest's motion. We find that the data with respect to the U.S.-Japan market are material and relevant to this proceeding. Accordingly, pursuant to section 399.100 of the Board's Policy Statements such data shall be disclosed.

[2] Order 68-12-105 (December 18, 1968) at page 18. The Board authorization of additional competitive authority in this market on economic grounds was disallowed by the Executive for foreign policy reasons (Orders 69-4-90 and 69-5-121).

[3] Order 75-11-59 (November 17, 1975).

[4] While Portland is similar to Seattle in terms of geographic location as a gateway, its traffic-generating potential vis-a-vis Seattle is not as great. In 1974 Seattle generated 2.9 million enplaned passengers, while Portland generated 1.5 million enplaned passengers. Seattle's metropolitan area population was 1,394.5 million in 1974 compared to Portland's population of 1,080.5 million. In addition there are substantially more air services at Seattle than at Portland (49,587 scheduled departures at Seattle compared to 37,234 departures at Portland). Moreover, because of Portland's close proximity to the existing Seattle gateway, new gateway status for Portland is no more desirable—and, due to the lower level of service, may be less desirable—for interior U.S. pasengers than Seattle.

[5] We note that several appplications seek authority to serve the People's Republic of China. In view of the unique circumstances involved, we do not believe it appropriate to expand the issues in this case to include consideration of service to the People's Republic of China.

[6] The number of O&D passengers on U.S. carriers between Seattle and Tokyo was 14,570 in calendar 1974. In addition, 41,490 passengers from interior U.S. points to Japan flowed over Seattle.

[7] Northwest provides one daily round trip between Seattle and Japan.

[8] *Terminal Area Forecast*, 1975-1985, Department of Transportation FAA, Office of Aviation Economics, Aviation Forecast Division, July 1973, page NW 16. (The forecasts in this study were prepared before the energy crisis in the fall of 1973 and therefore do not reflect its impact on future activity levels).

[9] By its terms, the provisions of the newly enacted Procedural Regulation regarding environmental matters do not apply to "proceedings . . . in which an application has been docketed." Section 312.4(e). Accordingly, this proceeding shall be governed, unless the Board orders otherwise, by the procedures set forth in the former section 399.110 of the Board's Policy Statements.

Accordingly, it is ordered that:

1. A proceeding, to be known as the Seattle Gateway-Japan Service Investigation, Docket 28655, be and it hereby is instituted and shall be set down for hearing before an Administrative Law Judge of the Board at a time and place hereafter designated, as the orderly administration of the Board's docket permits;

2. The proceeding instituted in paragraph 1, above, shall include consideration of whether the public convenience and necessity require, and should the Board authorize, the certification of an air carrier or air carriers to engage in competitive foreign air transportation between the coterminal point Seattle, Washington, and points in Japan and if so, which air carrier(s) should be authorized to engage in such service and what terms, conditions, and limitations, if any, should be placed on the authorizations of such carrier(s);

3. The Departments of Transportation and State are hereby accorded status as parties to this proceeding;

4. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed within 30 days of this order and answers thereto shall be filed within 15 days thereafter;

5. To the extent not granted herein the petitions for an investigation in Dockets 27217, and 27196 and all motions in Dockets 27217, and 21779 (other than petitions to intervene) be and they hereby are denied;

6. The motion of Northwest to withhold from public disclosure be and it hereby is denied; and

7. A copy of this order shall be served upon persons filing in the captioned dockets and the following: the Departments of State, Interior, Transportation, Commerce, Housing and Urban Development; the National Aeronautics and Space Administration; the Federal Aviation Administration; the General Services Administration; and the Environmental Protection Agency.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A.—*Pending transpacific applications for combination passenger/cargo authority*

Docket	Applicant	Authority
21896	American Airlines	Between the United States and the People's Republic of China.
26570	Braniff Airways	Between the U.S. coterminals Houston, Dallas/Fort Worth, Seattle/Tacoma, Portland, on the one hand, and Japan, on the other hand.
27293	Continental Air Lines	Between the coterminals Seattle/Tacoma, Portland, Denver, Houston, Dallas/Fort Worth, and New Orleans, on the one hand, and Tokyo and Osaka, Japan, on the other hand.
27217	Dallas/Fort Worth, Las Vegas, New Orleans, St. Louis, and Washington parties.	Petition for new or improved air service between points in the United States and Japan.
5168	Northwest	Renewal of authority to serve the People's Republic of China.
24391	Pan American	Between the People's Republic of China, on the one hand, and Fairbanks, New York, San Francisco, and Los Angeles, on the other hand.
26212	do	Inclusion of Portland and Seattle/Tacoma as coterminals on route 130 and elimination of condition 8 on route 130.
5710	do	Renewal of authority to serve the People's Republic of China.
27196	Portland, Oreg	Petition for new U.S.-flag air service between Portland, on the one hand, and Japan, Korea, and the People's Republic of China, on the other hand.
5065	TWA	Renewal of authority to serve the People's Republic of China.
21779	United Air Lines	Between the terminal Seattle/Tacoma, on the one hand, and Tokyo, Japan, and the People's Republic of China, on the other hand.
27605	Western Air Lines	Between the coterminals Los Angeles, San Francisco, Seattle/Tacoma, Anchorage, and Fairbanks, on the one hand, and Japan, Hong Kong, the People's Republic of China, Manila, Bangkok, and Singapore, on the other hand.

[FR Doc.75-34597 Filed 12-22-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

CALIFORNIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the California Advisory Committee (SAC) to this Commission will convene at 6:30 p.m. and end at 9:30 p.m. on February 6, 1976, at the Airport Hilton, Vintage Room 6 and 7, San Francisco, California.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this meeting will be a business and planning meeting of the California Advisory Committee.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 16, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-34572 Filed 12-22-75;8:45 am]

COLORADO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado Advisory Committee (CAC) to this Commission will convene at 9:00 a.m. and end at 12:00 noon on January 10, 1976, at the Quality Inn Motel, 1840 Sherman Street, Denver, Colorado 80203.

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Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting is to discuss plans for Committee involvement in the Commissions investigation of desegregation in public schools.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 16, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-34575 Filed 12-22-75;8:45 am]

FLORIDA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Florida Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. on January 22, 1976, at the South Islander Room, Hawaiian Village, 2522 N. Dale Mabry Highway, Tampa, Florida 33607.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.

The purpose of this meeting is for a discussion on desegregation survey, decision on Districts involved, make-up of SAC Team, plans for possible Commissioner Hearing, discussion of draft of Miami Report.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 16, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-34573 Filed 12-22-75;8:45 am]

HAWAII ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Hawaii Advisory Committee (SAC) to this Commission will convene at 7:00 p.m. and end at 10:00 p.m. on January 30, 1976, at the Ala Moana Hotel, 410 Atkinson Drive, Pakalana Room, Honolulu, Hawaii 96814.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this meeting will be a business and planning meeting of the Hawai Advisory Committee.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 16, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-34574 Filed 12-22-75;8:45 am]

IDAHO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Idaho Advisory Committee (SAC) to this Commission will convene at 7:00 p.m. and end at 10:00 p.m. on January 23, 1976, at the Roadway Inn, 29th and Chinden Streets, Owyhee Room, Boise, Idaho.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this meeting will be a business and planning meeting of the Idaho Advisory Committee.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 16, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-34576 Filed 12-22-75;8:45 am]

MAINE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maine Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 11:00 p.m. on January 14, 1976, at the University of Maine at Augusta, Augusta, Maine.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is a follow-up on Franco American project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 15, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-34577 Filed 12-22-75;8:45 am]

NEVADA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Nevada Advisory Committee (SAC) to this Commission will convene at 7:00 p.m. and end at 10:00 p.m. on February 13, 1976, at the Marina Hotel and Casino, 3805 Las Vegas Boulevard South, Pier I Room, Las Vegas, Nevada 89101.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this meeting will be a business and planning meeting of the Nevada Advisory Committee.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 16, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-34579 Filed 12-22-75;8:45 am]

NORTH DAKOTA AND SOUTH DAKOTA ADVISORY COMMITTEES

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the North Dakota and South Dakota Advisory Committees (SAC) to this Commission will convene at 9:30 a.m. and end at 4:00 p.m. on January 19, 1976, at the Ramada Inn, Viking Room, 2400 North Louise Avenue, Sioux Falls, South Dakota 57107.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting is to discuss plans for a project on the administration of Justice to Native Americans.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, December 16, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-34578 Filed 12-22-75;8:45 am]

OREGON ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Oregon Advisory Committee (SAC) to this Commission will convene at 7:00 p.m. and end at 10:00 p.m. on February 9, 1976, at the Sheraton-Lloyd Center, 1000 N.E. Multnomah Street, Douglas Room, Portland, Oregon.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Western Regional Offices of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this meeting will be a business and planning meeting of the Oregon Advisory Committee.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 16, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-34580 Filed 12-22-75;8:45 am]

WASHINGTON ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Washington Advisory Committee (SAC) to this Commission will convene at 1:00 p.m. and end at 4:00 p.m. on January 17, 1976, at the Olympic Hotel, Fourth and Seneca Streets, Board Room, Seattle, Washington 98111.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this meeting will be a business and planning meeting of the Washington Advisory Committee.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 16, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-34581 Filed 12-22-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS FROM EL SALVADOR

Withdrawing Proposed Restraint

DECEMBER 19, 1975.

On July 31, 1975, the United States Government, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, requested the Government of El Salvador to enter into consultations concerning exports to the United States of man-made fiber textile products in Categories 224 (only women's, girls', and infants' knit coats) and 229 (woven coats), produced or manufactured in El Salvador. Public notice of this request was published in the FEDERAL REGISTER on August 11, 1975 (40 F.R. 33702) and public comment and/or submission of additional information was invited by September 10, 1975.

Because of the levels of trade in the foregoing categories have declined in recent months, the United States Government has notified the Government of El Salvador that it will not implement the proposed restraints at this time. However, the United States Government reserves the right to keep this trade under constant surveillance and to take appropriate action under the pertinent articles of the Arrangement should exports of textile products in Categories 224 (pt) and 229, or other categories, produced or manufactured in El Salvador, increase in volume so as to cause, or threaten to cause, disruption of the U.S. market.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

[FR Doc.75-34721 Filed 12-22-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 472-4; OPP-42006]

STATE OF WEST VIRGINIA

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of Section 4(a)(2), of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171 [39 FR 36446 (October 9, 1974) and 40 FR 11698 (March 12, 1975)], the Honorable Arch A. Moore, Jr., Governor of the State of West Virginia, has submitted a State Plan for certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis, pending promulgation of implementing regulations. A copy of the proposed regulations is attached to the plan.

Notice is hereby given of the intention of the Regional Administrator, EPA Region III, to approve this plan on a contingency basis.

A summary of this plan follows: The plan, together with all attached appendices, except for examination questions, may be examined during normal business hours at the following locations:

West Virginia Department of Agriculture, Room E-121, Capitol Building, Charleston, West Virginia 25305, Phone: 304/348-2203.
U.S. Environmental Protection Agency, Region III, Air & Hazardous Materials Division—Pesticides Branch, 6th & Walnut Streets, Room 3323, Philadelphia, Pennsylvania 19106, Phone: 215/597-9869.
Room 401, East Tower, Waterside Mall, 401 "M" Street SW., Washington, D.C. 20460. [Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Phone: 202/755-4854].

SUMMARY OF WEST VIRGINIA STATE PLAN

The West Virginia Department of Agriculture has been designated as the State Lead Agency solely responsible for the administration and enforcement of the pesticide applicator certification program. The Plant Pest Control Division, West Virginia Department of Agriculture, is responsible for the program's implementation and enforcement, with the exception of dealer licensing, dealer certification and pesticide registrations. The Consumer Protection Division of the West Virginia Department of Agriculture is responsible for dealer licensing, certification, and pesticides registrations.

Cooperating agencies are the West Virginia Cooperative Extension Service and the West Virginia Presticide Advisory Board. The Cooperative Extension Service is responsible for conducting certification training courses, and selection of distribution of Core training materials. The Pesticide Advisory Board will advise the Commissioner of Agriculture on problems relating to the use and application of pesticides.

Legal authority for the program is contained in the following sections of Chapter 19, Article 16B, of the Code of West Virginia of 1931, as amended, the West Virginia Pesticide Use and Application Act fo 1975, Sections 2, 4(a), 6(b), 7, 14, 17, 21, 22, 24, and the Regulations soon to be promulgated under the Act.

The plan indicates that the State Lead Agency and cooperating agencies have sufficient qualified personnel and funds necessary to carry out the proposed programs. The funding in support of this program for the fiscal year 1976 is $63,000.

The States estimates that 2,048 commercial applicators and 28,984 private applicators will need to be certified. Wallet size identification certificates containing all necessary information will be furnished to all applicators, to present to the dealer at the time of restricted use pesticide purchase.

The State Lead Agency will submit an annual report to EPA on or before March 1 of each year, and special reports as required.

The commercial applicator categories proposed are those which are listed in 40 CFR 171.3. No new categories are proposed. New subcategories proposed are as follows:

(1) Agricultural Plant Pest Control: (a-1) Agricultural Plant Pest Control Aerial Applicator.
(2) Forest Pest Control: (a) Aerial Forest Pest Control.
(3) Ornamental and Turf Pest Control: (a) Aerial Ornamental and Turf Pest Control.
(5) Aquatic Pest Control: (a) Aerial Aquatic Pest Control.
(6) Right of Way Pest Control: (a) Aerial Right of West Pest Control.
(7) Industrial, Institutional, Structural and Health Related Pest Control:
(a) General Pest Control.
(b) Structural Pest Control.
(c) Fumigation Pest Control.
(8) Demonstration and Research Pest Control.
(a) Demonstration Pest Control.
(b) Research Pest Control.

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The State of West Virginia identifies three classes of commercial applicators, which are defined in section 19–16B–3 of their Act. They are: Commercial Applicator, Licensed Applicator (one who owns or manages a pesticide application business), and Licensed Public Operator (a government employee).

All three classes of Commercial Applicators will be certified by means of written examinations, one covering the general or "core" material and the other(s) covering specific requirement of the category(s) or subcategory(s). The primary method of training for certification in West Virginia will be that of home study, with the West Virginia Cooperative Extension Service supplying all Applicators with the Northeast Regional Pesticide Applicators Training Manual (core material) plus supplementary educational material. For those applicators desiring face-to-face training, Extension Agents and Specialists will be available to schedule training meetings. All training materials and courses will comply with the competency standards outlined in 40 CFR 171.4 and 40 CFR 171.6.

Private Applicators will become certified after demonstrating competency by means of a voluntary written examination or an oral examination. The Northeast Regional Pesticide Applicators Training Manual will be used as the core material, utilizing home study as the primary training mechanism. Supplements to the Core Manual will be made available as considered necessary by the Extension Service and Department of Agriculture. Face-to-face training meetings will also be conducted by Extension Agents for those who require this method of training. Private applicator certification requirements comply with competency standards outlined in 40 CFR 171.5 and 40 CFR 171.6.

In any case, where a person at the time of testing for certification as a private applicator is unable to read a label, the Commissioner may employ a testing procedure, previously approved by the Administrator of EPA, which can adequately assess the competence of such person. Certification must be related and limited to the use and handling of each individual pesticide for which he desires certification at anytime. Therefore, the applicator will be authorized to use only the pesticide(s) for which he has demonstrated competence.

Sample examination questions are attached to the plan as provided for by 40 CFR 171.7(e)(1)(i)(D).

When an employee of any agency of the Federal Government has been qualified in any category as competent to apply restricted use pesticides under the Government Agency Plan (GAP) or under other plans judged by the Commissioner to be at least equal to the West Virginia Plan, such employees will be certified by the Commissioner in the same category or categories without the need for a written examination nor for the payment of any fee.

A commercial applicator who is certified in another state, and who desires Commercial or Licensed Commercial Applicator certification in West Virginia, can apply to the Commissioner for West Virginia credentials by submitting a true copy of his credentials from the other state, along with the proper fee and other details required by the Act. If the Commissioner approves the credentials, West Virginia certification will be issued in the category(s) for which he is certified in another state without a written examination, provided that the state having certified the applicator will similarly certify holders of West Virginia certificates.

When a private applicator is certified in another state and owns, leases, or manages land in West Virginia on which restricted use pesticides are needed, the Commissioner will issue a West Virginia private applicator certification on receipt of a properly completed application, proper fee and a true copy of the applicant's out-of-state certification.

After reciprocity agreements between West Virginia and other states have been negotiated, copies will be made available to the Administrator of the Environmental Protection Agency for inclusion in the State Plan.

Other regulatory activities listed in the State Plan which will supplement the West Virginia certification program are State registration, inspection, sampling of pesticide products, and a permit system to allow applicators to apply restricted use pesticides in an emergency situation. Under the proposed regulations, all dealers handling restricted use pesticides will be licensed and records will be subject to inspection by the West Virginia Department of Agriculture.

Certification of all applicators will be renewed on January 1 of each year, and re-examination will not be repeated before a three year period has elapsed unless an applicator does not file to renew his certification by March 1 (as provided for in Code 19–16B–12). Furthermore, Code 19–16B–8(d) and Code 19–16B–10(c) provide for a certificate indicating attendance of a workshop or training session approved by the Commissioner to be acceptable for re-certification after the initial three year period.

Enforcement of the West Virginia certification program will be carried out by inspectors who will spot check commercial and private applicators to insure that they comply with State and Federal laws and regulations. They will perform regular inspections and follow-up reports of suspected violations.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State Plan for the State of West Virginia to the Chief, Pesticides Branch, Region III, Environmental Protection Agency, 6th & Walnut Streets, Room 3323, Philadelphia, Pennsylvania 19106. The comments must be received on or before January 22, 1976, and should bear the identifying notation OPP–42006. All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations from 8:30 a.m. to 3:30 p.m. Monday through Friday.

Dated: November 14, 1975.

A. R. MORRIS,
Deputy Regional Administrator, Region III.

[FR Doc.75–34617 Filed 12–22–75;8:45 am]

FEDERAL RESERVE SYSTEM

BANKS OF IOWA, INC.

Acquisition of Bank

Banks of Iowa, Inc., Cedar Rapids, Iowa, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 94.8 percent or more of the voting shares of the First National Bank in Sioux City, Sioux City, Iowa. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Banks of Iowa, Inc. is also engaged in the nonbank activity of performing data processing services. In addition to the factors considered under Section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activity and the provisions and prohibitions in Section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 13, 1976.

Board of Governors of the Federal Reserve System, December 12, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75–34603 Filed 12–22–75;8:45 am]

MORRILL & JANES BANCSHARES, INC.

Formation of Bank Holding Company

Morrill & Janes Bancshares, Inc., Hiawatha, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The Morrill and Janes Bank and Trust Company, Hiawatha, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 8, 1976.

Board of Governors of the Federal Reserve System, December 12, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75–34604 Filed 12–22–75;8:45 am]

SOUTHERN BANCORP., INC.

Order Approving Acquisition of Nonbank Assets

Southern Bancorporation, Inc. (Applicant), Greenville, South Carolina, a bank holding company within the meaning of the Bank Holding Company Act (Act), has applied for the approval of the Board of Governors of the Federal Reserve System under Section 4(c)(8) of the Act and Section 225.4(b)(2) of the Board's Regulation Y, of its proposed acquisition of all of the assets of F. & I. Finance Company, Inc. (Company), Tyler, Texas, indirectly through World Finance Corporation of Texas, a wholly owned subsidiary of Applicant's direct subsidiary, World Acceptance Corporation (World), Greenville, South Carolina.

Company is engaged in the activity of making installment loans to individuals pursuant to a "B" Consumer Finance License issued under the laws of Texas. A "B" Consumer Finance License restricts Company's operations to direct cash loans of $100 or less. Such activity has been determined by the Board of Governors to be closely related to banking (12 CFR 225.4(a)(1)).

Applicant has caused appropriate notice of its proposal to be published in a newspaper of general circulation in the area to be served and the Board of Governors has duly published in the FEDERAL REGISTER a notice of the application affording opportunity for interested persons to submit comments and views on the public interests factors. The time for filing comments and views has expired and the Reserve Bank has considered the application and all comments received in light of the public interests factors set forth in Section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant is the fifth largest banking organization in South Carolina through its control of Southern Bank and Trust Company, Greenville, South Carolina. As of June 30, 1975, Applicant's banking subsidiary had deposits of approximately $265.2 million, which represented 6.7 percent of the total bank deposits in the state as of that date.

Company is a consumer finance company operating out of an office in Tyler, Texas, and has total assets of approximately $57,000 (as of April 30, 1975). Company's relevant geographic market is approximated by an area within a 10-mile radius of Tyler, within which 93 percent of Company's active accounts are derived. Applicant's nonbanking subsidiary, World, makes direct installment loans to individuals through 51 branch offices located in South Carolina, Georgia, and Texas. Of the 16 branch offices of World that operate in Texas, the branch office nearest to Tyler is located in Longview, approximately 30 miles away. None of World's loans originate in Company's market area. Therefore, consummation of the proposed acquisition would not result in the elimination of any existing competition between Applicant and Company. In addition, potential competition would not be significantly affected by approval of the proposed acquisition since it appears unlikely that Applicant would enter the relevant market on a de novo basis.

Applicant's greater financial resources should provide Company with a more ready access to funds and thereby permit it to offer explanded services to its customers. Furthermore, Company's competitive strength in its market would be increased so that it may be a more effective competitor. There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Reserve Bank has determined, in accordance with the provisions of section 4(c)(8) of the Act, that consummation of the proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved by the Reserve Bank under § 265.2(f)(31) of the Board's Rules Regarding Delegation of Authority. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y (12 CFR 225.4(c)) and to the authority of the Board of Governors to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board may find necessary to assure compliance with the provisions and purpose of the Act and the Board's regulations or orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order under such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond.

By order of the Federal Reserve Bank of Richmond acting pursuant to authority delegated by the Board of Governors of the Federal Reserve System, effective December 15, 1975.

ROBERT P. BLACK,
President.

[FR Doc.75–34605 Filed 12–22–75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[332–77]

CONDITIONS OF COMPETITION BETWEEN DOMESTIC AND IMPORTED SHRIMP

Notice of Termination of Investigation

Notice is hereby given that the United States International Trade Commission, on December 11, 1975, terminated investigation No. 332–77 relating to conditions of competition between domestic and imported shrimp instituted by the Commission on its own motion on August 8, 1975, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)). The termination is made by reason of the Commission's institution of an investigation under section 201(b)(1) of the Trade Act of 1974 (88 Stat. 1978) with respect to the same articles, viz., shrimp, fresh, chilled, frozen, prepared, or preserved (including pastes and sauces) provided for in item 114.45 of the Tariff Schedules of the United States, following receipt by the Commission of a petition of the National Shrimp Congress for import relief. The report to be issued in connection with the section 201 investigation (Investigation No. TA–201–12, Shrimp) will contain at least as much data as would be included in a section 332 investigation report, and the information collected during the course of the section 332 investigation (Investigation No. 332–77) will be used in the section 201 report.

Notice of institution of the section 332 investigation and of hearings held in connection therewith was published in the FEDERAL REGISTER on September 9, 1975 (40 FR 41857).

By order of the Commission.

Issued: December 18, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.34610 Filed 12–22–75;8:45 am]

[337–TA–21]

DRY WALL SCREWS

Notice of Postponement

It is hereby ordered that with regard to the above-captioned investigation the date for response to the complaint is postponed from December 12, 1975, to January 2, 1976.

Issued: December 10, 1975.

MYRON R. RENICK,
Administrative Law Judge, U.S. International Trade Commission.

[FR Doc.75–34611 Filed 12–22–75;8:45 am]

[TA–201–12]

SHRIMP

Notice of Investigation and Hearing

Investigation instituted. Following receipt of a petition on November 17, 1975, filed by the National Shrimp Congress, the United States International Trade Commission, on December 11, 1975, instituted an investigation under section 201(b) of the Trade Act of 1974 to determine whether shrimp, fresh, chilled, frozen, prepared, or preserved (including pastes and sauces), provided for in item 114.45 of the Tariff Schedules of the United States, is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Public hearings ordered. Public hearings in connection with this investigation will be held in Brownsville, Texas, beginning on January 27, 1976, at a time and place to be announced; and in Savannah, Georgia, beginning on February 3, 1976, at a time and place to be an-

V 40247 DEC 23 75 XUM

nounced. Requests for appearances at any of the hearings should be received in writing by the Secretary of the Commission at his offices in Washington not later than noon of the fifth calendar day preceding the hearing for which appearance is requested

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, United States International Trade Commission, and at the New York City office of the United States International Trade Commission located at 6 World Trade Center.

By order of the Commission:

Issued: December 18, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-34609 Filed 12-22-75;8:45 am]

NATIONAL CAPITAL PLANNING COMMISSION

CHAIRMAN OF THE COMMISSION, ET AL.

Delegations of Authority

The National Capital Planning Commission, at its December 4, 1975 meeting, adopted the following delegations of authority:

I. DEFINITIONS

The following terms, which are *italicized* wherever they appear herein, shall have the following meanings, unless a different meaning clearly appears from the context:

"Agency" means the District of Columbia Redevelopment Land Agency established by the *Redevelopment Act*.

"Commission" means the National Capital Planning Commission created by the *Planning Act*.

"Comprehensive Plan" means the Comprehensive Plan for the National Capital prepared and adopted pursuant to the *Planning Act*.

"Council" means the Council of the District of Columbia as defined in Section 103 of the *Home Rule Act*.

"environs" means the territory surrounding the District of Columbia within the National Capital Region as defined in Section 1(b) of the *Planning Act*.

"Executive Director" means the Director employed by the *Commission* pursuant to Section 2(c) of the *Planning Act*.

"Home Rule Act" means the District of Columbia Self-Government and Governmental Reorganization Act (December 24, 1973, 87 Stat. 774).

"Mayor" means the Mayor of the District of Columbia as defined in Section 103 of the *Home Rule Act*.

"Planning Act" means the National Capital Planning Act of 1952, as amended (40 U.S.C. 71–71i, 72, 73, 74; D.C. Code, secs. 1–1001 to 1–1013).

"Redevelopment Act" means the District of Columbia Redevelopment Act of 1945, as amended (D.C. Code, secs. 5–701 to 5–719).

"Zoning Act" means the Act of June 20, 1938, 52 Stat. 797, as amended (D.C. Code, secs. 5–413 to 5–428).

"Zoning Commission" means the Zoning Commission created by Section 1 of the Act of March 1, 1920, 41 Stat. 500, as amended (D.C. Code, sec. 5–412).

"Zoning Regulations" means the regulations, including the maps, and amendments thereto, promulgated by the *Zoning Commission*, pursuant to the Zoning Act.

II. DELEGATIONS TO CHAIRMAN

The *Commission* delegates to the Chairman of the *Commission* the functions of:

1. Requesting the *Council* to grant, pursuant to Section 2.(a)(4)(E) of the *Planning Act*, an extension of any time limitation contained in Section 2. of the *Planning Act;*

2. Employing an *Executive Director* and a *Secretary* to the *Commission* pursuant to Section 2.(c) of the *Planning Act;*

3. Requesting the *Zoning Commission* to recess a public hearing on a proposed amendment to the *Zoning Regulations* to provide an opportunity for the *Commission* to present a further report to the *Zoning Commission*, pursuant to Section 8.(b) of the *Planning Act;*

4. Executing agreements with state officials as to the arrangements for acquisition by the *Commission* of lands in Maryland and Virginia for the National Capital park, parkway, and playground system pursuant to Section 11. of the *Planning Act;*

5. Executing agreements with state officials as to the control lands acquired in Maryland and Virginia, pursuant to Section 12. of the *Planning Act;*

6. Reporting annually to Congress the lands acquired during the preceding fiscal year, pursuant to Section 13. of the *Planning Act;*

7. Submitting to the Office of Management and Budget on or before September 15 of each year an estimate of the appropriations for land acquisition for the succeeding fiscal year, pursuant to Section 13. of the *Planning Act;*

8. Making favorable recommendations to the *Council* on proposed closings of streets, roads, highways, and alleys, or parts thereof, pursuant to Section 1 of the Street Readjustment Act of the District of Columbia (December 15, 1932, 47 Stat. 747, as amended; D.C. Code, sec. 7–401), where such proposed closings conform to master plans or site and building plans approved by the *Commission* pursuant to Section 5.(a) of the *Planning Act* or to urban renewal plans, and modifications thereof, adopted by the *Commission* and approved by the *Council* pursuant to Sections 6 and 12 of the *Redevelopment Act;*

9. Approving transfers of jurisdiction over properties within the District of Columbia owned by the United States or the District among or between Federal and District authorities, pursuant to Section 1 of the Act of May 20, 1932, 47 Stat. 161, as amended (40 U.S.C. 122; D.C. Code, sec. 8–115), where such transfers of jurisdiction conform to master plans or site and building plans approved by the *Commission* pursuant to Section 5.(a) of the *Planning Act* or to urban renewal plans, and modifications thereof, adopted by the *Commission* and approved by the *Council* pursuant to Sections 6 and 12 of the Redevelopment Act; and

10. Approving leasing, for terms not exceeding five years, by the Administrator of General Services of land acquired for park, parkway, or playground purposes pending their need for public uses, pursuant to Section 2 of the Act of December 22, 1928, 45 Stat. 1070 (40 U.S.C. 72b; D.C. Code, sec. 8–105).

III. DELEGATIONS TO EXECUTIVE DIRECTOR

The *Commission* delegates to the *Executive Director* the functions of:

1. Establishing, jointly with the *Mayor*, procedures for appropriate meaningful continuing consultation throughout the planning process for the National Capital pursuant to Section 2.(a)(4)(F) of the *Planning Act;*

2. Employing technical and administrative personnel, except a Secretary to the *Commission*, and, by contract or otherwise, the temporary or intermittent services of experts and fixing the rate of compensation therefor pursuant to Section 2.(c) of the *Planning Act;*

3. Establishing the representation of agencies of the Federal and District of Columbia Governments on, and invite representatives of the planning and developmental agencies of the environs to participate in the work of, the Coordinating Committee established by resolution of the *Commission* adopted August 8, 1952, pursuant to Section 2.(d) of the *Planning Act;*

4. Determining appropriate Federal and District of Columbia authorities to whom Federal elements of the *Comprehensive Plan*, or amendments thereto, shall be presented for comment and recommendations prior to adoption thereof, pursuant to Section 4.(e) of the *Planning Act;*

5. With respect to plans and programs submitted to the *Commission* pursuant to Section 5.(a) of the *Planning Act* for projects in the *environs* on reservations or sites for which the *Commission* has submitted to the agency its report and recommendations on the master plan therefor, making environmental impact findings on and approving:

(1) Preliminary and final site and building plans for proposed temporary or permanent additions of less than 10,000 square feet of floor area to existing structures and for proposed new temporary or permanent structures of less than 10,000 square feet of floor area, if the *Executive Director* determines that (a) the proposed development (I) is consistent with the recommendations of the *Commission* on the land use and circulation plan elements of the master plan, (ii) will have no significant adverse impact on the environment, access and egress facilities, and utilities, and (iii) is compatible with existing and proposed developments in its immediate vicinity, and (b) the addition or relocation of employees to the proposed development would not cause a significant impact on low- and/or moderate-income housing needs in the vicinity of the development; and

(2) Final site and building plans where such plans conform to applicable recommendations made by the *Commission* in its review of the preliminary site and building plans for the project and of any environmental statement or description of the environmental impact submitted pursuant to the *Commission's* Policies and Procedures for the Protection and Enhancement of Environmental Quality in the National Capital Region.

6. Advising and consulting with appropriate planning agencies having jurisdiction over the affected part of the *environs* with respect to general plans for proposed Federal and District developments and projects within the *environs* and with respect to plans for proposed developments or projects submitted pursuant to Section 5.(a) of the *Planning Act* involving a major change in the character or intensity of an existing use in the *environs*, pursuant to Section 5.(d) of the *Planning Act;*

7. Requesting Federal and District governmental agencies to furnish plans, data, and records necessary to the *Commission* and furnish related plans, data, and records to Federal and District of Columbia governmental agencies upon request, pursuant to Section 5.(e) of the *Planning Act;*

8. Conferring with Federal and District authorities and the *Agency* in the *preparation* of the general plan under Section 6.(a) of the *Redevelopment Act* and with respect to urban renewal planning under Section 6.(b) of the *Redevelopment Act*, pursuant to Section 6.(c) of the *Redevelopment Act;* and

9. Aiding the *Mayor* in making a survey of the "Old Georgetown" area pursuant to Section 4 of the Act of September 22, 1950, 64 Stat. 904 (D.C. Code, sec. 5–804).

IV. DELEGATIONS TO SECRETARY

The *Commission* delegates to the Secretary to the *Commission* the functions of:

1. Publishing, jointly with the *Mayor*, from time to time as appropriate, the Comprehensive Plan pursuant to Section 2.(a)(4)(D) of the *Planning Act;* and

2. Certifying to the *Agency* urban renewal plans adopted by the *Commission* and approved by the *Council* under Section 6.(b)(2) of the *Redevelopment Act*, pursuant to Section 6.(d) of the *Redevelopment Act.*

V. REPORTS TO COMMISSION

The Chairman of the *Commission*, the *Executive Director*, or the Secretary to the *Commission* shall report the exercise of any delegation of authority pursuant to Parts II, III, or IV, respectively, to the *Commission* at its meeting next following the exercise of such delegation.

VI. RESERVATIONS OF FUNCTIONS

The *Commission*, by majority vote at any meeting of the *Commission* and prior to the exercise of any delegation of authority pursuant to Parts II, III, or IV, may reserve to the *Commission* the performance, in general or with respect to a particular matter, of the function as to which such delegation is granted.

DANIEL H. SHEAR,
Secretary.

DECEMBER 11, 1975.

[FR Doc.75-34590 Filed 12-22-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-324]

CAROLINA POWER & LIGHT CO.

Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-62 issued to Carolina Power & Light Company (the licensee) for operation of the Brunswick Steam Electric Plant, Unit No. 2 (the facility) located in Brunswick County, North Carolina.

This amendment would revise the Technical Specifications to add requirements that would limit the period of time operation can be continued with immovable control rods that could have control rod mechanism collet housing failures.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By January 22, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of this amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Richard E. Jones, Esq., Carolina Power & Light Company, 336 Fayetteville Street, Raleigh, North Carolina 27602, attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposion of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the Commission's letter to the licensee dated September 23, 1975, and the attached proposed Technical Specifications and Safety Evaluation by the Commission's staff and the licensee's letter dated October 13, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Southport-Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461. The license amendment and Safety Evaluation may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 15th day of December 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-34317 Filed 12-23-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; WORKING GROUP ON ANTICIPATED TRANSIENTS WITHOUT SCRAM

Meeting

In accordance with the purposes of Section 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2233b.), the ACRS Working Group on Anticipated Transients Without Scram (ATWS) will hold a meeting on January 7, 1976, in Washington, D.C. The purpose of this meeting is to continue the review of certain proposed reactor design changes

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for Class B plants. A Class B plant, as categorized in WASH-1270, "Technical Report on Anticipated Transients Without Scram for Water-Cooled Power Reactors," is a plant for which the application for a construction permit was docketed from early 1968 to October 1, 1976. The design changes are those which are required to make the consequence of an ATWS acceptable and to correct those portions of the reactor shutdown system found to be particularly vulnerable to common mode failure in the event of an ATWS.

The agenda for subject meeting shall be as follows:

Wednesday, January 7, 1976, 8:00 a.m. The Working Group will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent review of safety reports, regarding matters which should be considered during the open session in order to formulate a Working Group report and recommendations to the full Committee.

8:30 a.m. until conclusion of business, the Working Group will meet in open session to hear presentations and hold discussions with representatives of the NRC Staff and vendors concerning design changes to their reactors.

At the conclusion of the open session, the Working Group will caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During the session Working Group members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of this caucus, the Working Group may meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring with the NRC Staff and reactor vendors matters involving proprietary information, particularly with regard to specific features of the plant design and plans related to plant security.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Working Group's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary or plant security information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than December 30, 1975 to Mr. T. G. McCreless, ACRS, NRC, Wash., D.C., 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room 1717 H St. NW., Washington, D.C. 20555.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Working Group.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on January 5, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5:00 p.m. e.s.t.

(d) Questions may be propounded only by members of the Working Group and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information, other than plant security information, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. T. G. McCreless of the ACRS Office prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after January 13, 1976 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

Copies of the minutes of the Meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after April 6, 1975. Copies may be obtained upon payment of appropriate charges.

Date December 17, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-34583 Filed 12-22-75;8:45 am]

[Docket No. 50-552]

GENERAL ELECTRIC CO. AND GENERAL ELECTRIC TECHNICAL SERVICES CO., INC.

Application for and Consideration of Issuance of Facility Export License

Please take notice that General Electric Company and General Electric Technical Services Company, Inc., San Jose, California, has submitted to the Nuclear Regulatory Commission an application for a license to authorize the export of two boiling water reactors each with a thermal power level of 2894 megawatts to Italy and that the issuance of such licence is under consideration by the Nuclear Regulatory Commission.

No license authorizing the proposed reactors export will be issued until the Nuclear Regulatory Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to Section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Nuclear Regulatory Commission has found that:

(a) The application compiles with the requirements of the Act, and the Commission's regulations set forth in 10 CFR, Chapter 1, and

(b) The reactors proposed to be exported are utilization facilities as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Nuclear Regulatory Commission does not evaluate the health and safety characteristics of the facilities to be exported. Consequently, there are no safety analysis reports or Advisory Committee on Reactor Safeguards reports.

Unless on or before January 7, 1976, a request for a hearing is filed with the Nuclear Regulatory Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of the Office of Nuclear

Material Safety and Safeguards may, upon the determinations and findings noted above, cause to be issued to General Electric Company and General Electric Technical Services Company, Inc., a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Nuclear Regulatory Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Maryland, this 15th day of December, 1975.

For the Nuclear Regulatory Commission.

G. WAYNE KERR,
Chief, Agreements and Exports Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.75-34585 Filed 12-22-75;8:45 am]

REGULATORY GUIDE

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techiques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 4.8, "Environmental Technical Specifications for Nuclear Power Plants," provides guidance to applicants on the preparation of proposed environmental technical specifications and includes a standard format and an identification of their principal content. Standard format and content for reporting nonradiological operational data are currently being developed; the information will be incided in the first revision of this guide.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 4.8 will, however, be particularly useful in evaluating the need for an early revision if received by February 23, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 16th day of December 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.75-34584 Filed 12-22-75;8:45 am]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO., ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, Corn Belt Power Cooperative which revised Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment modifies provisions in the Technical Specifications to permit operation of facility (1) using operating limits based on General Electric Thermal Analysis Basis (GETAB), and (2) using modified operating limits based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirement of the Commission's regulations in 10 CFR Part 50, Section 50.46.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. (Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on August 25, 1975 (40 FR 37274). No reuqest for a hearing or petition for leave to intervene was filed following notice of the proposed action).

For further details with respect to this action, see (1) the application for amendment dated July 8, 1975, (2) Amendment No. 15 to License No. DPR-49, with Change No. 16, (3) the Commission's related Safety Evaluation, and (4) the Commission's Negative Declaration dated (which is also being published in the FEDERAL REGISTER) and associated Environmental Impact Appraisal, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue SE., Cedar Rapids, Iowa 52401.

A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 16th day of December 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-34586 Filed 12-22-75;8:45 am]

[Docket No. 50-331]

DUANE ARNOLD ENERGY CENTER

Negative Declaration Regarding Proposed Changes to Technical Specifications

The Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to the Technical Specifications of Facility Operating License No. DPR-49. These changes would authorize the Iowa Electric Light and Power Company (the licensee) to operate the Duane Arnold Energy Center (located in Linn County, Iowa) with changes to limiting conditions for operation associated with fuel assembly specific power resulting from application of the Acceptance Criteria for Emergency Core Cooling System (ECCS). This change would result in a limited power reduction to an estimated 85 percent full power for a period of less than one year.

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing has prepared an environmental impact appraisal for the proposed changes to the Technical Specifications of License No. DPR-49, Duane Arnold Energy Center, described above. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for the particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for Duane Arnold Energy Center issued in March 1973. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue SE., Cedar Rapids, Iowa.

Dated at Rockville, Maryland, this 3rd day of October 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75-34587 Filed 12-22-75;8:45 am]

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OFFICE OF MANAGEMENT AND BUDGET

AMERICAN STATISTICAL ASSOCIATION ADVISORY COMMITTEE ON STATISTICAL POLICY

Notice of Public Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the American Statistical Association Advisory Committee on Statistical Policy to be held in Room 10104, New Executive Office Building, 726 Jackson Place NW., Washington, D.C., on February 13, 1976 at 10 a.m.

The purpose of the meeting is to hear remarks from the Deputy Associate Director for Statistical Policy on recent actions which affect the Federal statistical system. The Committee will hear reports on the statistical planning process and the 1977 Budget's Special Analysis of Principal Federal Statistical Programs and give counsel on statistical policy issues in relation to the Commission on Federal Paperwork. The meeting will be open to public observation and participation.

Anyone wishing to participate should contact the Deputy Associate Director for Statistical Policy, Room 10202, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395–3836.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR. Doc. 75–34529 Filed 12–22–75; 8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on December 17, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

Portfolio Loan Service Report, 26–6808A, on occasion, obligor, Caywood, D. P., 395–3443.

ENVIRONMENTAL PROTECTION AGENCY

Cost or Price Summary Format for Subagreements under U.S. EPA Grants, on occasion, contractors under EPA grants, Lowry, R. L., 395–3772.

DEPARTMENT OF THE INTERIOR

Bureau of Mines: Sulfur and Sulfuric Acid, 6–1569–A, annually, producers and consumers, Lowry, R. L., 395–3772.

DEPARTMENT OF DEFENSE

Department of the Air Force: Reclamation save list (for Contractor Annotation), AFLC 285, quarterly, private business firms, Sheftel, H. B., 395–5870.

REVISIONS

VETERANS ADMINISTRATION

Financial Statement (of ability to handle a loan), 26–6807, on occasion, borrower, Caywood, D. P., 395–3443.
Counseling Record Personal Information, 21E–1902, on occasion, veterans, Caywood, D. P., 395–3443.

GENERAL SERVICES ADMINISTRATION

Report of Medical History, SF 93, on occasion, Federal employees, Harry B. Sheftel, 395–5870.

DEPARTMENT OF COMMERCE

Bureau of Census:
Current Population Survey Control Card, CPS–260, monthly, household respondents, George Hall, 395–6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics, College and University Libraries, Fall 1976, 2300–5, other (see SF–83), colleges and universities, Joan Turek.

EXTENSIONS

GENERAL SERVICES ADMINISTRATION

Integrated Grant Administration Program, IGA A,B,C, IGA D, D–1, E,F,G,H, on occasion, Federal agencies, Harry B. Sheftel, 395–5870.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–34715 Filed 12–22–75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–11925; File No. SR–NYSE–75–24]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on December 11, 1975, the above-mentioned self-regulatory organizations filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The following rule amendments are for the purpose of eliminating the 80/20 business mix test adopted pursuant to Rule 19b–2 under the Securities Exchange Act of 1934.

1. Text of Amendment to Article IX, Section 7(k); deleted language in brackets [ ].

MEMBER CORPORATIONS

[(k) Not less than 80% of the total value of all purchases and sales of securities effected on all United States securities exchanges by or through a member firm or member corporation (including any subsidiary thereof) or by or through a member who is not a general partner in a member firm or a holder of voting stock in a member corporation, shall be for the accounts of other than affiliated persons. With respect to members, member firms and member corporations of the Exchange on the effective date of this subsection, the Board of Directors shall provide such period of time as it deems appropriate within which such members, member firms and member corporations shall come into compliance with the provisions of this subsection.]

Text of Amendment to Rule 318

Rule 318. (a) The primary purpose of every member organization shall be the transaction of business as a broker or dealer in securities. With the prior approval of the Exchange, member organizations may engage in any activities kindred to the securities business.

[In determining compliance at any time with subsection (k) of Article IX, Section 7 of the Constitution all purchases and sales of securities during the immediately preceding six calendar months effected on all United States securities exchanges by or through the member organization or member shall be used as the basis.

Every member organization or member not in compliance with the requirements of subsection (k) of Article IX, Section 7 on January 16, 1973 shall nevertheless be presumed for a period of three years following such date to be in compliance with such subsection (k) if

(1) within 30 days after the date on which such subsection (k) becomes effective such member organization or member shall furnish a written commitment to the Exchange to make good faith efforts to comply with the requirements of such subsection (k) accomplished by a written plan setting forth in detail the steps such member organization or member intends to take to comply with such requirements and

(2) prior to the expiration of each of the first two one-year periods immediately following January 17, 1973, such member organization shall file with the Exchange a statement, setting forth the steps which have been taken leading toward compliance with the requirements of such subsection (k), together with an updated plan specifying all further action such member organization or member intends to take to achieve such compliance.

No plan filed pursuant to this rule shall be deemed to satisfy the requirements hereof unless the plan has been declared effective by the Exchange after the Exchange has first reviewed the plan and determined that it is reasonably calculated to enable such member organization or member to comply with the requirements of such subsection (k) within three years from January 16, 1973.

No member or member organization shall utilize any scheme, device, arrangement, agreement or understanding designed to circumvent or avoid by reciprocal means or in any other manner, the provisions of subsection (k) of Article IX, Section 7 of the Constitution or the rule thereunder.

(b) Unless otherwise permitted by the Exchange every individual member must be actively engaged in the securities business and

devote the major portion of his time thereto, and every member and allied member in a member organization must be actively engaged in the business of his organization and devote the major portion of his time thereto.

Without prior approval of the Exchange, no individual member and no member or allied member in a member organization shall become:

(1) A partner in any non-member business organization;

(2) An officer or employee of any non-member business corporation, firm or association;

(3) An employee of any firm or individual engaged in business; or

(4) Associated with any outside securities, financial or kindred business.

* * * * *

.12 Definitions.—For the purposes of this rule, a member organization's activities shall be considered to be the "transaction of business as a broker or dealer in securities" when such member organization including its approved corporate affiliates and subsidiaries acts as a Floor trader, specialist, so-called "two dollar broker", odd lot broker, arbitrageur, or holds itself out to, and transacts business generally with, the public as a broker or dealer in securities, including servicing customers' accounts and introducing them to another member organization. A member organization's "primary purpose" shall be presumed to be the transaction of business as a broker or dealer in securities, if its gross income (including the gross income of its corporate affiliates and subsidiaries controlled by the member organization) from activities of the type described in the preceding sentence and from interest charges imposed with respect to debt balances in customers' accounts is at least 50% of its total gross income (including the gross income of its corporate affiliates and subsidiaries controlled by the member organization). Any member organization whose gross income fails to satisfy the above requirement shall be presumed not to have as its primary purpose the transaction of business as a broker or dealer in securities. Any such presumption may be rebutted by evidence but shall continue until a determination to the contrary has been made by the Board of Directors.

[The following terms shall have the following meanings for the purposes of subsection (k) of Article IX, Section 7 of the Constitution and this Rule:

The term "affiliated person" shall include:

(1) Any person directly or indirectly controlling, controlled by or under common control with the member or member organization, whether by contractual arrangement or otherwise, provided that the right to exercise investment discretion with respect to an account, without more, shall not constitute control.

(2) Any principal officer, stockholder or partner of such member or member organization, or any person in whose account such person has a direct or material indirect beneficial interest;

(3) Any investment company of which the member or member organization, or any person controlling, controlled by or under common control with the member or member organization, is an investment advisor within the meaning of the Investment Company Act of 1940; and

(4) The member or member organization to the extent he or it trades for his or its own account, excluding from such trades, however, such transactions effected by such member or member organization as are enumerated under (1) through (b) below.

(a) Any transaction by a registered specialist in a security in which he is so registered;

(b) Any transaction for the account of an odd-lot dealer in a security in which he is so registered;

(c) Any transaction by a block positioner acting as such, except where an affiliated person is a party to the transaction. For the purpose hereof, a block positioner shall mean a member organization which engages, either regularly or on an intermittent basis, in a course of business of acquiring positions to facilitate the handling of customers' orders;

(d) Any transaction effected in conformity with a plan designed to eliminate floor trading activities which are not beneficial to the market, which plan has been adopted by the Exchange and declared effective by the Securities and Exchange Commission;

(e) Any stabilizing transaction effected in compliance with Rule 10b–7 under the Securities Exchange Act of 1934 to facilitate a distribution of such security in which the member organization effecting such transaction is participating;

(f) Any bona fide arbitrage transaction, including hedging between an equity security and a security entitling the holder to acquire such equity security, or any risk arbitrage transaction in connection with a merger, acquisition, tender offer or similar transaction involving a recapitalization;

(g) Any transaction made with the prior approval of a Floor Official to permit the member effecting such transaction to contribute to the maintenance of a fair and orderly market, or any purchase or sale to reverse any such transaction; or

(h) Any transaction to offset a transaction made in error.

A person shall be presumed to control another person, for purposes of this Rule, if such person has a right to participate to the extent of more than 25% in the profits of such other person or owns beneficially, directly or indirectly, more than 25% of the outstanding voting securities of such person.

The principal officers of a member organization include the president, executive vice president, treasurer, secretary or any other person performing a similar function for an incorporated or unincorporated organization. A principal stockholder or partner of a member organization is any natural person actively engaged in the business of the member organization and beneficially owning, directly or indirectly, more than 5% of the outstanding voting securities of the member organization or having the right to participate to the extent of more than 5% in the profits of the member organization.

The term "investment company" shall have the meaning given that term by Section 3 of the Investment Company Act of 1940.

NEW YORK STOCK EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

2. *Purpose of Proposed Rule Changes.*

The recent amendments to the Securities Exchange Act of 1934 contained in Sec. 11(a) have the effect of rescinding SEC Rule 19b–2. The Commission adoption of Rule 19b–2 required national securities exchanges to adopt rules identical thereto, permitting differences in language to conform with existing Exchange rules. The New York Stock Exchange adopted Article IX, Sec. 7(k) of the Constitution and Rule 318 to comply with the mandate of 19b–2. This proposed action has been undertaken to comply with Section 11(a). The Congressional Conference Committee Report is clear in underscoring its intention toward abolition of the so-called 80/20 test. Speaking with regard to the SEC's authority to regulate or prohibit transactions not made unlawful under the statute they state,

Most particularly, the conferees caution that any Commission action which has the effect of limiting Exchange membership to firms with an 80/20 business mix such as is contained in SEC Rule 19b–2, would violate both the letter and spirit of the Exchange Act.

The purpose of the proposed rule changes contained herein is to conform with the spirit and letter of the Exchange Act by eliminating such a business mix.

3. *Basis Under the Act for the Proposed Rule Changes.*

A. The proposed rule changes are based on Section 11(a) of the Securities Exchange Act of 1934:

The proposed rule changes relate to the Exchange's capacity to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members with the act and rules and regulations thereunder by clarifying the Exchange's regulatory responsibility to enforce a public business test under the 1934 Act as amended.

The proposed rule changes relate to the ability of any registered broker or dealer or natural person associated with a registered broker or dealer to become a member of or associated with a member by eliminating the 80/20 business mix test as a factor in determining who may qualify for membership on the Exchange.

The proposed rule changes remove an impediment to and promote the perfection of the mechanism of a free and open market and a national market system by eliminating restrictions not included in the Act with respect to the type of business mix required for membership on the New York Stock Exchange.

4. *Comments Received from Members, Participants or Others on Proposed Rule Changes.*

No comments were solicited or received respecting these proposed changes.

5. *Burden on Competition.*

In applicable. On or before January 27, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file num-

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ber referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 15, 1975.

[FR Doc.75-34567 Filed 12-22-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-75-13]

SMITH INDUSTRIES, INC.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of Application.* Notice is hereby given that Smith Industries, Inc., 8300 Hempstead Highway, Houston, Texas 77008 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 far a variance and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.22 (c) Covers and Guardrails and 1910.23 (c) (3) Protection of Open-sided Floors, Platforms and Runways.

The address of the place of employment that will be affected by the application is as follows

Smith Industries, Inc., 8300 Hempstead Highway, Houston, Texas 77008

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.22(c) and 29 CFR 1910.23(c)(3). Section 1910.22(c) requires that "Covers and or guardrails shall be provided to protect personnel from the hazards of open pits, tanks, vats, ditches, etc." Section 1910.23 (c)(3) requires that galvanizing tanks and similar hazards be guarded with a standard railing and toe board.

The applicant states that it has a galvanizing tank in its Fastener Division which has a wall around it 24¾ inches in height and 33½ inches in width. A six-inch guardrail will be installed on top of the existing wall, bringing the dimensions to a 30¾ inch height and 33½ inch width.

The applicant asserts that the erection of a guardrail of standard height would seriously interfere with the moving of items in and out of the galvanizing tank and with the skimming of the zinc. In addition, it states that use of a standard guardrail would create an additional hazard by increasing the possibility of splashing zinc. However, the applicant contends that the combination of the 30¾ inch height and the 33½ width will provide protection equivalent to that which would be provided by use of a standard guardrail. A visit was made to the worksite to evaluate the situation. Based on this first hand observation it would appear that a 30 inch height and at least 24 inch width would provide a safe place of employment.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N3603, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor,
Occupational Safety and Health Administration,
555 Griffin Square Building, Room 602,
Dallas, Texas 75202

U.S. Department of Labor,
Occupational Safety and Health Administration,
2320 Le Branch Street, Room 2118,
Houston, Texas 77004

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than January 22, 1976. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than January 22, 1976, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim Order.* It appears from the application for a variance and interim order, and from a visit which was made to the worksite, that a wall around a galvanizing tank which is 30 inches in height and at least 24 inches in width will provide a place of employment as safe as that required by the standard. Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Smith Industries be, and it is hereby, authorized to use its galvanizing tank with a wall of 30¾ inches in height and 33½ inches in width in lieu of a standard guardrail.

Smith Industries, Inc., shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective Date. This interim order shall be effective as of December 23, 1975, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 17th day of December, 1975.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.75-34633 Filed 12-22-75;8:45 am]

[TA-W-183]

AL-BERTO, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-183: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 26, 1975 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers formerly producing men's suit coats and sportscoats at the W. Baltimore Street plant, Baltimore, Maryland.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 46368) on October 7, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Al-Berto, Inc., its customers, the U.S. Department of Commerce, and the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATION

The average number of production workers declined 6.9 percent in the first half of 1975 compared to the like period in 1974. Average weekly hours declined 8.6 percent in the first half of 1975 compared to the like period in 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales at the W. Baltimore Street plant declined 2.9 percent in the first half of 1975 compared to the first half of 1974. Production declined 16.1 percent in the first half of 1975 compared to the first half of 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of men's custom tailored apparel are not separately identified in the Tariff Schedules of the United States but are included with the aggregate data on imports of men's tailored apparel. This data show that import of men's suits increased both absolutely and relatively in the first seven months of 1975 compared to the first seven months of 1974 and that imports of men's sportcoats increased relatively during this same period.

The evidence developed by the Department's investigation indicated that Al-Berto's sales and production have declined at a time when major customers have indicated that they have reduced purchases from Al-Berto because of a decline in demand for men's customized suit coats and sportcoats associated with the United States.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suit coats and sportcoats produced at the W. Baltimore Street plant did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 15th day of December 1975.

GLORIA G. PRATT,
Director,
Office of Foreign Economic Policy.

[FR Doc.75-34627 Filed 12-22-75;8:45 am]

[TA-W-187]

CARROLL MANUFACTURING CO. AND ENGLISH AMERICAN TAILORING CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-187: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 26, 1975 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's made-to-measure suits and sportcoats at the Carroll Manufacturing Company plant in Westminster, Maryland and the English American Tailoring Company in Baltimore, Maryland. These firms are manufacturing divisions of Tom James of America, Inc., Nashville, Tennessee.

The notice of investigation was published in the FEDERAL REGISTER on October 7, 1975 (40 FR 46375). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Carroll Manufacturing Company and the English American Tailoring Company, their customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers on men's made-to-measure suits and sportcoats declined 27 and 25 percent, respectively at the Carroll Manufacturing Company and the English American Tailoring Company in the first nine months of 1975 compared to the like period in 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales were the same for both plants since they worked together to produce made-to-measure men's suits and sportcoats. Sales in quantity declined 10.3 percent in the first nine months of 1975 compared to the same period in 1974. Production equalled sales.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of made-to-measure tailored men's suits, and sportcoats are not separately identified in the Tariff Schedules of the United States, they are included with the aggregate data on imports of tailored suits and sport coats. This data show that imports of men's suits increased both absolutely and relatively in the first seven months of 1975 compared to the first seven months of 1974 and that imports of men's sportcoats increased relatively during this same period.

The evidence developed by the Department's investigation indicated that Carroll Manufacturing Company and English American Tailoring Company sales and production have declined at a time when their customers reported that they have reduced purchases because of a decline in demand for men's customized suits and sportcoats associated with the general economic downturn in the United States.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's made-to-measure suits and sportcoats produced at the Westminster, Maryland and Baltimore, Maryland plants of Tom James of America did not contribute importantly to the total or partial separation of the workers of those plants.

Signed at Washington, D.C. this 10th day of December 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.75-34628 Filed 12-22-75;8:45 am]

[TA-W-197]

H. FREEMAN & SON, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-197: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 26, 1975 in response to a worker petition received on September 26, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers formerly producing men's suiting trousers at the Norristown, Pennsylvania plant of H. Freeman & Son, Inc. The investigation was subsequently expanded to include workers producing men's suits, sportcoats and overcoats at the firm's Philadelphia, Pennsylvania plant.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 46372) on October 7, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of H. Freeman & Son, its customers, the U.S. Department of Commerce, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed

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importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of hourly workers employed at H. Freeman's Philadelphia and Norristown plants declined 3 percent and 12 percent, respectively, from 1973 to 1974 and declined 18 percent and 13 percent, respectively, in the first nine months of 1975 compared to the like period in 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at H. Freeman's Philadelphia and Norristown plants declined 11 percent and 15 percent, respectively, from 1973 to 1974 and declined 35 percent and 24 percent, respectively, in the first nine months of 1975 compared to the like period in 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

From 1973 to 1974, imports of men's tailored suits, trousers and overcoats decreased absolutely and as a ratio to domestic production and consumption. During the same period, imports of men's tailored sportcoats decreased absolutely but increased as a ratio to domestic production and consumption.

In the first seven months of 1975, imports of men's tailored suits and trousers increased absolutely while imports of men's tailored sportcoats and overcoats decreased absolutely when compared with the like period in 1974.

Major customers of H. Freeman, which are primarily men's stores that sell only top quality merchandise, indicated that they do not buy any imported menswear. Those customers who reduced purchases from Freeman did so because of decreased demand associated with the recession and because of Freeman's high pricing structure relative to other domestic manufacturers in the same class.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's tailored suits, sportcoats, trousers and overcoats produced at the Philadelphia and Norristown, Pennsylvania plants of H. Freeman & Son, Inc. did not contribute importantly to the total or partial separation of the workers at such plants.

Signed at Washington, D.C. this 5th day of December 1975.

JAMES F. TAYLOR,
Director
Planning and Evaluation Staff.

[FR Doc.75-34629 Filed 12-22-75;8:45 am]

[TA-W-175]

HAAS TAILORING COMPANY, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-175; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 26, 1975 in response to a worker petition received on September 26, 1975 which was filed by the Amalgamated Clothing Workers' of America on behalf of workers and former workers producing men's suits, sportcoats and tailored trousers at the Baltimore, Maryland plant of The Haas Tailoring Company, Inc.

The notice of investigation was published in the FEDERAL REGISTER on October 7, 1975 (40 FR 46371). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of The Hass Tailoring Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 9 percent in the first half of 1975 compared to the like period in 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the Baltimore plant declined 17.5 percent in the first three quarters of 1975 compared to the first three quarters of 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of men's custom tailored apparel are not separately identified in the Tariff Schedules of the United States, they are included with the aggregate data of imports of men's tailored apparel. This data show that imports of men's suits increased both absolutely and relatively in the first seven months of 1975 compared to the first seven months of 1974 and that imports of men's sportcoats increased relatively during this same period.

In recent years the men's clothing industry has been subject to the adverse impact of changes in fashions; the economic recession; and competition from lower priced imported apparel.

Customers of Haas responding to a survey reported that the decline in orders for apparel of the type produced by Haas was caused by the switch of consumer preferences to lower priced imported apparel. Customers of Haas usually displayed imports of men's suits and sportcoats within the same department The readily available price comparison by consumers caused a decline in orders for Haas' type apparel.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits, sportcoats and tailored trousers produced at The Haas Tailoring Company, Inc. contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of men's suits, sportcoats and tailored trouser's at the Baltimore, Maryland plant of The Haas Tailoring Company, Inc. who became totally or partially separated from employment on or after December 28, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of December 1975.

GLORIA G. PRATT,
Director,
Office of Foreign Economic Policy.

[FR Doc.75-34630 Filed 12-22-75;8:45 am]

[TA-W-206]

LOUSONS KNITTING MILLS, INC. AND MARDER KNITTING MILLS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-206; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 2, 1975 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers Union (AFL-CIO) on behalf of workers and former workers producing men's, boys', and ladies' sweaters at Lousons Knitting Mills, Inc. and Marder Knitting Mills, Inc., Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 48558-48559) on October 16, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lousons Knitting Mills, its customers, industry analysts, and Department files, the U.S. Department of Commerce, and the U.S. International Trade Commission.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Production at Lousons and Marder is integrated and data for the two firms is combined.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at Lousons and Marder declined 43 percent in the first nine months of 1975 compared to the like period in 1974. Average weekly hours for production workers declined 33 percent in the first nine months of 1975 compared to the like period in 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Men's sweaters have comprised approximately 90 percent of Louson's sales in recent years. Production at Louson's and Marder declined 44 percent in value in the first nine months of 1975 compared to the first nine months 1974. Production operations were sharply curtailed in June and July 1975.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Domestic production of knit sweaters has been adversely affected by both the economic recession and increased import competition. With the exception of one year during the 1970-1974 period, imports of men's and boys' sweaters increased in both absolute and relative terms. Imports in the first seven months of 1975 were 60 percent greater than during the same period in 1974.

Major U.S. retailers have significantly increased their purchases of imported sweaters relative to purchases of domestic sweaters in the first half of 1975. Lousons sole customer sharply reduced purchases from Lousons in early 1975 as a result of its own reduced sales at the retail level.

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's and ladies' sweaters produced by Lousons Knitting Mills, Inc., and Marder Knitting Mills, Inc. contributed importantly to the total or partial separation of the workers of those firms. Separations of workers related to increased imports began in January 1975. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All hourly, piecework, and salaried employees of Lousons Knitting Mills, Inc., Philadelphia, Pennsylvania and Marder Knitting Mills, Inc., Philadelphia, Pennsylvania, who became totally or partially separated from employment on or after January 11, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of December 1975.

GLORIA G. PRATT,
Director,
Office of Foreign Economic Policy.

[FR Doc.75-34631 Filed 12-22-75;8:45 am]

[TA-W-134]

SCOTT AND WILLIAMS, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-134; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 4, 1975 in response to a worker petition received on September 4, 1975 which was filed by the United Steel Workers of America, Locals 4524 and 7077, on behalf of workers and former workers producing circular knitting machines for fabric and hosiery, and their replacement parts at the Lakeport, New Hampshire plant of Scott and Williams, Inc.

The notice of investigation was published in the FEDERAL REGISTER on September 16, 1975 (40 FR 42808). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Scott and Williams, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

During the course of the Department's investigation, industry analysts conducted a special survey of the circular knitting machine industry.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers fell 35 percent from 1973 to 1974 and 85 percent in the first half of 1975 compared to the like period in 1974. Average weekly hours declined six percent in the first half of 1975 compared to the like period in 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of fabric circular knitting machines at the Lakeport, New Hampshire plant declined 49 percent both from 1972 to 1973 and from 1973 to 1974. In the first half of 1975 sales fell 84 percent compared to the first half of 1974. The company ceased production of hosiery circular knitting machines in late 1973. Sales of hosiery machines terminated in May 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of fabric circular knitting machines like or directly competitive with those produced at the Lakeport, New Hampshire plant decreased from 5,747 units in 1972 to 1,603 units valued at 30.3 million dollars in 1974.

The ratios of imports to domestic consumption and production for fabric machines decreased from 73.3 percent and 151.6 percent, respectively in 1972 to 66.3 percent and 72.4 percent, respectively in 1974. In the first nine months of 1975, the ratios of imports to domestic consumption and production decreased to 49.7 and 58.5 percent, respectively from 51.0 and 71.4 in the first nine months of 1974.

A decline in demand for knitted fabrics, coupled with an increase in demand for woven fabrics, after 1973 caused the

V401247 DEC 23 75 XUM

U.S. market for fabric circular knitting machines to fall sharply.

The majority of customers surveyed did not switch from purchases of Scott and Williams machines to imported machines. Several customers preferred domestically manufactured machines to imports because of ease of obtaining replacement parts and speed of delivery.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with fabric circular knitting machines produced at the Lakeport, New Hampshire plant of Scott and Williams Inc. did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 12th day of December 1975.

GLORIA G. PRATT,
Director,
Office of Foreign Economic Policy.

[FR Doc.75-34632 Filed 12-22-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 936]

ASSIGNMENT OF HEARINGS

DECEMBER 18, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 136897 Sub 13, Swift Transportation Company, Inc., Now being assigned January 27, 1976 (1 day), at Phoenix, Ariz.; in a hearing room to be later designated.

MC 114274 Sub 33, Vitalis Truck Lines, Inc., now being assigned Februray 9, 1976 (1 day), at Chicago, Ill.; in a hearing room to be later designated.

MC 113651 Sub 184, Indiana Refrigerated Lines, Inc., now being assigned February 10, 1976, (2 days), at Chicago, Ill.; in a hearing room to be later designated.

MC-C-8834 Schwerman Trucking Company and Continental Oil Company—Investigation of Operations and Practices of Revocation of Certificates now being assigned February 12, 1976 (2 days), at Chicago, Ill; in a hearing room to be later designated.

MC 111422 Sub-7, O. D. Anderson, Inc, now being assigned February 3, 1976, for continued hearing at the Office of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-34624 Filed 12-22-75;8:45 am]

[Notice No. 937]

ASSIGNMENT OF HEARINGS

DECEMBER 18, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction

WC-23 KGW Towing Company, Inc.—Investigation and Revocation of Certificates, W-C-25, Waxler Towing Company, Incorporated—Investigation and Revocation of Certificate, W-C-26, A. & O. Barge Line, Inc.—Investigation and Revocation of Certificates and W-C-27, IGERT—Investigation and Revocation of Certificate, now being assigned January 22, 1976 (2 days), at Memphis, Tenn.; in a hearing room to be later designated.

This notice is to correct the hearing date in Federal Register dated November 17, 1975, Notice No. 917.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-34625 Filed 12-22-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

DECEMBER 19, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before January 2, 1976. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 45736 (Sub-No. E2), (Correction), filed May 17, 1974, published in the FEDERAL REGISTER October 15, 1975. Applicant: GUIGNARD FREIGHT LINES, INC., Highway 21N, P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13 Pennsylvania Ave, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment; (a) between points in North Carolina on and bounded by a line beginning at Concord, N.C., and extending along North Carolina Highway 73 to junction, * * * to point of beginning, on the one hand, and, on the other, points in South Carolina on and west of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 521 to junction South Carolina Highway 200, thence along South Carolina Highway 200 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 301, thence along U.S. Highway 301 to the South Carolina-Georgia State line, and on and east of Interstate Highway 85; (c) * * * and on and east of U.S. Highway 1, which points are within 225 miles of Concord, N.C., on the one hand, and, on the other, points in South Carolina on and west of a line beginning at the South Carolina-North Carolina State line, and extending along U.S. Highway 521 to junction South Carolina Highway 200, thence along South Carolina Highway 200 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 301, thence along U.S. Highway 301 to the South Carolina-Georgia State line, and on and east of Interstate Highway 85; (d) between points in North Carolina bounded on and west of U.S. Highway 1 and on and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220, * * *; (e) between points in North Carolina within 225 miles of Concord, N.C., which are on and east of U.S. Highway 1, on the one hand, and, on the other, points in South Carolina on and west of U.S. Highway 29; (f) between points in North Carolina on and bounded by a line beginning at Concord, N.C., and extending along U.S. Highway 29 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 311, thence along U.S. Highway 311 to junction North Carolina Highway 89, thence along North Carolina Highway 89 to junction North Carolina Highway 8, thence along North Carolina Highway 8 to the North Carolina-Virginia State line extending along U.S. Highway 21 to junction North Carolina Highway 152, thence along North Carolina Highway 152 to junction North Carolina Highway 153, * * * The purpose of this partial correction is to correct the territorial descriptions above. The remainder of this letter-notice and the gateway remains as previously published.

No. MC 52917 (Sub-No. E1), filed June 4, 1974. Applicant: CHESAPEAKE MOTOR LINES, INC., 6748 Dorsey Road, Rt. 176, Baltimore, Md. 21227. Applicant's representative: Lynwood M. Robinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh meats and processed foods*, in vehicles equipped with mechanical refrigeration, from New York, N.Y., and Jersey City, Kearny, and Newark, N.J., to points in Alleghany, Washington, Frederick, Howard, Montgomery, Anne Arundel, Prince George's, Charles, Calvert and St. Mary's Counties, Md., and points in that part of Carroll County, Md., on and south of a line beginning at the Frederick-Carroll County line extending along Maryland Highway 77 to Keymar, thence on and along the Mt. Union Road to junction Maryland Highway 31, thence along Maryland Highway 31 to junction Maryland Highway 482, thence along Maryland Highway 482 to junction Maryland Highway 30, thence along Maryland Highway 30 to the Carroll County-Baltimore County line; points in Morgan, Berkeley and Jefferson Counties, W. Va., and Frederick, Clarke, Loudoun, Fauquier, Fairfax, Prince William, Stafford, King George, Westmoreland, Culpeper, Rappahannock and Warren Counties, Va.;

(2) *Fresh meats and processed foods*, in vehicles equipped with mechanical refrigeration, from Philadelphia, Pa., to points in that part of Alleghany, Washington, Frederick, Montgomery, Anne Arundel, Prince George's, Charles, Calvert and St. Mary's Counties, Md., on, south and west of a line beginning at the Potomac River at the Millstone Maryland Interchange of Interstate Highway 70 thence along the Potomac River to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Maryland Highway 68, thence along Maryland Highway 68 to junction Maryland Highway 65, thence along Maryland Highway 65 to junction Interstate Highway 70 to junction U.S. Highway 40, thence along U.S. Highway 40 to Frederick, thence along Interstate Highway 70 to junction Maryland Highway 75, thence along Maryland Highway 75 to junction Maryland Highway 122, thence along Maryland Highway 122 to junction Maryland Highway 27, thence along Maryland Highway 27 to junction Maryland Highway 108, thence along Maryland Highway 108 to junction Maryland Highway 650, thence along Maryland Highway 650 to junction Maryland Highway 198, thence along Maryland Highway 198 to the Montgomery-Prince George's County line, thence along the County line to junction Maryland Highway 212, thence along Maryland Highway 212 to junction Powder Mill Road, thence along Powder Mill Road to junction Maryland Highway 197, thence along Maryland Highway 197 to junction Maryland Highway 564, thence along Maryland Highway 564 to junction Maryland Highway 193, thence along Maryland Highway 193 to junction Maryland Highway 556, thence along Maryland Highway 556 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Maryland Highway 424, thence along Maryland Highway 424 to junction Maryland Highway 2, thence along Maryland Highway 2 to junction Maryland Highway 255, thence along Maryland Highway 255 to Galesville, thence along West River to Idlewilde, Md., and points in Morgan, Berkeley and Jefferson Counties, W. Va., and Frederick, Clarke, Loudoun, Fauquier, Fairfax, Prince William, Stafford, King George, Westmoreland, Culpeper, Rappahannock and Warren Counties, Va. The purpose of this filing is to eliminate the gateway of Washington, D.C.

No. MC 72243 (Sub-No. E5), filed May 30, 1974. Applicant: AETNA FREIGHT LINE, INC., P.O. Box 350, Warren, Ohio 44482. Applicant's representative: Edward G. Villalon, 1032 Penn. Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel* and *iron or steel articles*, which because of size or weight require the use of special equipment, (1) from points in Illinois on and north of U.S. Highway 36, to points in New York and Pennsylvania (except Greene, Fayette and Washington Counties) (Jackson, Mich.*); (2) from points in New York and Pennsylvania (except Greene, Fayette and Washington Counties), to points in Illinois on and north of U.S. Highway 36 (Ohio, and points in Michigan within 300 miles of Chicago, Ill.*); (3) from points in Illinois on and north of U.S. Highway 36, to points in Connecticut and Massachusetts (Jackson, Mich., and New York, N.Y.*); (4) from points in Connecticut and Massachusetts, to points in Illinois on and north of U.S. Highway 36 (New York, N.Y., Pennsylvania or Ohio, and points in Michigan within 300 miles of Chicago, Ill.*); (5) from points in Illinois on and north of U.S. Highway 36, to points in New Jersey, Delaware, the District of Columbia, and Maryland (except south and west of U.S. Highway 40) (Jackson, Mich., and points in Pennsylvania within 150 miles of Philadelphia, Pa.*); (6) from points in New Jersey, Delaware, the District of Columbia, and Maryland (except south and west of U.S. Highway 40), to points in Illinois on and north of U.S. Highway 36 (points in Pennsylvania within 150 miles of Philadelphia, Pa., Ohio, and points in Michigan within 300 miles of Chicago*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 72243 (Sub-No. E10), filed February 3, 1975. Applicant: THE AETNA FREIGHT LINES, INC., 2507 Youngstown Road, SE., P.O. Box 350, Warren, Ohio 44482. Applicant's representative: Mr. Edward G. Villalon, Suite 1032 Penn. Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel and iron or steel articles*, which because of size or weight, require the use of special equipment, (A) (1) between points in Alabama, Louisiana, Mississippi, points in Tennessee on and east of U.S. Highway 11, and points in Kentucky on and east of U.S. Highway 23, on the one hand, and, on the other, points in Ohio; (2) from points in Alabama, Louisiana, Mississippi, points in Tennessee on and east of U.S. Highway 11, and points in Kentucky on and east of U.S. Highway 23, to points in Michigan on and east of a line beginning at the Michigan-Ohio State line extending along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to Lake Huron (Boyd County, Ky., and Lawrence County, Ohio*); (B) from points in Michigan on and east of a line beginning at the Michigan-Ohio State line extending along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to Lake Huron, to points in Alabama, Louisiana, Mississippi, points in Tennessee on and east of U.S. Highway 11, and points in Kentucky on and east of U.S. Highway 23 (Jackson, Mich., Lawrence County, Ohio and Boyd County, Ky.*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 72243 (Sub-No. E24), filed May 30, 1974. Applicant: AETNA FREIGHT LINES, INC., P.O. Box 350, Warren, Ohio 44482. Applicant's representative: Edward G. Villalon, 1032 Penn. Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel* and *iron or steel articles*, which because of size or weight require the use of special equipment, between points in Colorado, Nebraska, South Dakota, Wyoming, Minnesota, points in Illinois on and north of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 30 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Iowa-Illinois State line, points in Iowa on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 61 to junction U.S. Highway 92, thence along U.S. Highway 92 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 5, thence along U.S. Highway 5 to the Iowa-Missouri State line, points in Kansas on, north and west of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 75 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 56, thence along U.S. Highway 56 to the Kansas-

V 401247 DEC 23 75 XUM

Oklahoma State line, points in Missouri on and north of U.S. Highway 136 and on and west of Missouri Highway 5, on the one hand, and, on the other, (1) points in Ohio (points in the Chicago, Ill., commercial zone which are in Illinois*); (2) points in New York and Pennsylvania (points in the Chicago, Ill., commercial zone which are in Illinois; and Ohio*); (3) points in Massachusetts and Connecticut (points in the Chicago, Ill., commercial zone which are in Illinois; Ohio; and points in New York, N.Y., commercial zone*); (4) points in New Jersey, Maryland, Delaware, and the District of Columbia (points in the Chicago, Ill., commercial zone which are in Illinois; Ohio; and points in Pennsylvania within 150 miles of Philadelphia, Pa.*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 72243 (Sub-No. E25), filed May 30, 1974. Applicant: AETNA FREIGHT LINE, INC., P.O. Box 350, Warren, Ohio 44482. Applicant's representative: Edward G. Villalon, 1032 Penn. Bldg. Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel* and *iron or steel articles*, which because of size or weight require the use of special equipment, (1) between points in New Jersey, Delaware, and points in Maryland on and east of U.S. Highway 15, on the one hand, and, on the other, points in the Lower Peninsula of Michigan on and north of Interstate Highway 94 and on and west of Interstate Highway 69, points in the Upper Peninsula of Michigan on and south of a line beginning at the Michigan-Wisconsin State line extending along U.S. Highway 41 to junction U.S. Highway 28, thence along U.S. Highway 28 to Lake Superior, and points in Indiana on, west and north of a line beginning at the Indiana-Ohio State line extending along Interstate Highway 69 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 74, thence along U.S. Highway 74 to the Indiana-Illinois State line (Lock Haven, Pa.*); (2) between points in New Jersey, Delaware, and points in Maryland on and east of U.S. Highway 15, on the one hand, and, on the other, points in Wisconsin on and south of a line beginning at the Michigan-Wisconsin State line extending along U.S. Highway 77 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Wisconsin-Minnesota State line, points in Illinois on and north of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 24 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line, points in Iowa and Minnesota (Lock Haven, Pa., and Chicago, Ill.*); the purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 72243 (Sub-No. E26), filed May 30, 1974. Applicant: AETNA FREIGHT LINE, INC., P.O. Box 350, Warren, Ohio 44482. Applicant's representative: Edward G. Villalon, 1032 Penn. Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel* and *iron or steel articles*, which because of size or weight require the use of special equipment, and *heavy machinery*, between points in Connecticut and Massachusetts on the one hand, and, on the other, points in Ohio, West Virginia, Maryland, Delaware, and points in Pennsylvania on, south and west of a line beginning at Lake Erie extending along U.S. Highway 8 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 144, thence along U.S. Highway 144 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Maryland-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of the New York, N.Y., commercial zone.

No. MC 72243 (Sub-No. E27), filed May 30, 1974. Applicant: AETNA FREIGHT LINE, INC., P.O. Box 350, Warren, Ohio 44482. Applicant's representative: Edward G. Villalon, 1032 Penn Bldg., Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel* and *iron or steel articles*, between points in West Virginia, on the one hand, and, on the other, points in Illinois on and north of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 30 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of Ohio, and points in the Chicago, Ill., commercial zone.

No. MC 92983 (Sub-No. E21), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Acids and Chemicals*, in bulk, in tank vehicles, (1) from Lake Charles, La., to points in Idaho, Montana, North Dakota, South Dakota, and Wyoming; (2) from Lake Charles, La., to points in Oregon, and to points in California located in and north of Mono, Tuolomine, Calaveras, San Joaquin, Contra Costa and San Francisco Counties, to points in Nevada located in and north of White Pine County and that portion of Nye, Esmeralda and Mineral Counties located on and north and west of U.S. Highway 6 and to points in Utah located in and north and west of Uintah, Carbon, San Pete, Sevier and Millard Counties;

(3) From Lake Charles, La., to points in Colorado located in and north of Mesa, Delta, Pitkin, Lake, Park, Teller, Lincoln and Cheyenne Counties and points in El Paso County located on and north of a line extending from the western border along Colorado Highway 122 to the junction of U.S. Highway 85, thence along U.S. Highway 85 to the junction of Colorado Highway 94, thence along Colorado Highway 94 to the eastern border of El Paso County, to points in Kansas located in and north of Greeley, Wichita, Scott, Lane, Ness, Rush, Barton, Rice, McPherson, Marion, Chase, Lyon, Osage, Franklin and Miami Counties, to points in Missouri located in and north of Bates, Henry and Morgan Counties and points in Benton County located north of the Lake of the Ozarks, and points located on and north of a line, extending from Osage River along U.S. Highway 54 to the Missouri-Illinois State line, including the Jefferson City and Louisiana Commercial Zones, to points in Illinois located on and north of a line extending from Lake Michigan along Illinois Highway 120 to the junction of Illinois Highway 83, thence along Illinois Highway 83 to the junction of Illinois Highway 176, thence along Illinois Highway 176 to the junction of Illinois Highway 59, thence along Illinois Highway 59 to the junction of Interstate Highway 90, thence along Interstate Highway 90 to the junction of Illinois Highway 31, thence along Illinois Highway 31 to the junction of Illinois Highway 64, to the junction of Illinois Highway 53, thence along Illinois Highway 53 to the junction of U.S. Highway 6, thence along U.S. Highway 6 to the junction of Illinois Highway 89, thence along Illinois Highway 89 to the northern border of Tazewell County, thence along the northern, eastern and southern border of Tazewell County to the Illinois River, thence along the Illinois River to the junction of U.S. Highway 36, thence along U.S. Highway 36 to the junction of U.S. Highway 54, thence along U.S. Highway 54 to the Illinois-Missouri State line, and to points in Iowa and Nebraska.

(4) from Lake Charles, La., to points in Michigan located in and north of Mason, Lake, Osceola, Clare, Gladwin and Arenac Counties; (5) from Lake Charles, La., to points in Wisconsin; (6) from Lake Charles, La., to points in Minnesota located in and north of Traverse, Stevens, Swift, Kandiyohi, Renville, Nicollet, Blue Earth, Waseca and Freedom Counties; (7) from Lake Charles, La., to points in Washington; (8) from Lake Charles, La., to points in Indiana located on and north of a line extending from

the Illinois-Indiana State line, along Interstate Highway 94 to the junction of Indiana Highway 149, thence along Indiana Highway 149 to the junction of U.S. Highway 12, thence along U.S. Highway 12 to the Indiana-Michigan State line, including the Gary and Michigan City Commercial Zones, (B) *Sulfuric Acid*, in bulk, in tank vehicles, (1) from points in Louisiana to Neodesha, Kans., (2) from points in Louisiana to Perry, Iowa; (3) from points in Louisiana (except Morehouse, West Carroll, East Carroll, Washington, St. Tammany and Calcasieu Parishes) to Joplin, Mo., (4) from points in Calcasieu Parish, La., to points in Missouri located in and north of McDonald, Barry, Lawrence, Greene, Dallas, Laclede, Camden, Miller, Osage, Montgomery and Pike Counties; (5) from points in Louisiana located in Morehouse, West Carroll and East Carroll Parishes to points in Kansas (except those located in Cherokee, Crawford and Bourbon Counties and Neodesha, Kans.); (6) from points in Louisiana (except those located in Morehouse, West Carroll and East Carroll Parishes) to points in Kansas (except Neodesha); (C) *Acids and Chemicals* (except Petroleum chemicals from within 150 miles of Henderson, Texas and except liquid petroleum gases and except oakite compound from Baton Rouge), in bulk, in tank vehicles, from points in Louisiana located in and south and west of Clairborne, Lincoln, Jackson, Winn, La Salle, Avoyelles, Point Coupee, West Baton Rouge, Iberville, Assumption and Terre Bonne Parishes, including Baton Rouge to Iowa City, Ia.

(D) *Caustic Soda*, in bulk, in tank vehicles, from points in Louisiana to Wichita, Kansas; (E) *Acids and Chemicals* (except petroleum chemicals from within 150 miles of Henderson, Texas and Except liquid Petroleum gases and except Oakite Compound from Baton Rouge and except anhydrous ammonia, nitrogen solutions and nitric acids from Luling, La.), in bulk, in tank vehicles; (1) from points in Louisiana located in and east of Union, Lincoln, Jackson, Caldwell, La Salle, Avoyelles, St. Landry, St. Martin and Iberia Parishes to points in located in and west of Burralo, Chippewa, Rusk, Sawyer and Ashland, Counties, to points in Eau Claire County, Wis., located on and west of a line extending from the southern border of Eau Claire County along Wisconsin Highway D to the junction of Wisconsin Highway K, thence along Wisconsin Highway K to the northern border of Eau Claire County; (2) from points in Louisiana located in and west of Clairborne, Bienville, Winn, Grant, Rapides, Evangeline, Acadia, Lafayette and Vermilion Parishes to points in Illinois located on and west the Galena River, to points in the upper Peninsula of Michigan located on and west of a line extending from Ft. Patterson on Lake Michigan along Unnumbered Highway to the junction of U.S. Highway 2 at Gould City, thence along U.S. Highway 2 to the junction of Michigan Highway 117, thence along Michigan Highway 117 to the junction of Michigan Highway 28, thence along Michigan Highway 28 to the junction of Michigan Highway 221, thence along Michigan Highway 221 to the junction Interstate Highway 75, thence along Interstate Highway 75 to the United States-Canada Border and to points in Wisconsin (except those located in and east of Green, Rock, Jefferson, Waukesha, Washington and Sheboygan Counties.

(3) From points in Louisiana to Turner, Kans; (F) *Acids and Chemicals*, (except petrochemicals from within 150 miles of Henderson, Tex., and except liquid petroleum gases), in bulk, in tank vehicles; (1) from points in Louisiana located in Cameron, Calcasieu, Beauregard, , Vernon, Sabine and De Soto Parishes to points in Massachusetts, points in Connecticut, (except Fairfield County), points in New York (except points south of U.S. Highway 202), and points in Pennsylvania located in Erie, Crawford, Warren, McKean, Potter, Tioga, Bradford, Susquehanna, Wyoming, Lackawanna, Wayne and Pike Counties; (2) from points in Louisiana located in Caddo Parish to points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, points in Indiana located on and north of a line extending from the Indiana Illinois State line along U.S. Highway 24 to junction Indiana Highway 124, thence along Indiana Highway 124 to the Indiana-Ohio State line, points in Ohio located on and north of U.S. Highway 30, points in West Virginia located in Ohio, Brooke and Hancock Counties and points in Delware located in New Castle County; (G) *Acids and Chemicals*, (except petroleum chemicals, synthetic resins and varnishes and except liquid petroleum gases and except oakite compounds from Baton Rouge and except anhydrous ammonia, nitrogen solutions and nitric acide from Luling, Louisiana), in bulk, in tank vehicles, from points in Louisiana (except Lake Charles) to points in Minnesota; (H) *Acids and chemical* (except petroleum chemicals from within 150 miles of Henderson, Texas and except liquid petroleum gases and except oakite compound from Baton Rouge and Except anhydrous, ammonia, nitrogen solutions and nitric acid from Luling, Louisiana), in bulk, in tank vehicles.

(1) From points in Louisiana to points in Idaho, Montana, North Dakota, South Dakota and Wyoming; (2) from points in Louisiana located in and west of Union, Lincoln, Jackson, Caldwell, La Salle, Avoyelles, Pointe Coupee, Iberville, Assumption and Terrebonne Parishes to points in California located in and north of Marin, Mapa, Solano, Sacramento, Amador and Alpine Counties, to points in Nevada located in and north of Douglas, Lyon, Churchill, Lander, Eureka and White Pine Counties, to points in Oregon and points in Utah, located in and north of Juab, Utah, Carbon and Unitah Counties; (3) from points in Louisiana located in and east of Morehouse, Ouachita, Richland, Franklin, Catahoula, Concordia, West Feliciana, East Baton Rouge, West Baton Rouge, Ascension, St. James and La Fourche Parishes to points in California located in and north of Santa Cruz, Santa Clara, Merced, Madera and Mono Counties, to points in Nevada located on and north of a line extending from the Nevada-California State line along Nevada Highway 3 to the junction of U.S. Highway 95, thence along U.S. Highway 95 to the junction of U.S. Highway 6, thence along U.S. Highway 6 to the junction of Nevada Highway 25, thence along Nevada Highway 25 to the Nevada-Utah State line, to points in Oregon and to points in Utah located in and north of Iron, Beaver, Piute, Wayne and Grand Counties; (4) from points in Louisiana located in and east of Bossier, Bienville, Winn, Grant, Rapides, Avoyelles, St. Landry, St. Martin and Iberia Parishes to points in Iowa located in and west of Ringgold, Clarke, Warren, Jasper, Tama, Black Hawk, Fayette, and Allamakee Counties and to points in Missouri located in and west of Harrison, Gentry, De Kalb, Clinton and Platte Counties, points in Clay county located on and west of Interstate Highway 35 and the Kansas City Commercial Zone.

(5) From points in Louisiana located in and west of Caddo, Red River, Natchitoches, Vernon, Allen, Evangeline, Acadia, Lafayette and Vermilion Parishes to points in Iowa and to points in Missouri located in and west of Cass, Johnson, Saline, Chariton, Macon, Knox and Clark Counties; (5) from points in Louisiana located in and west of Union, Lincoln, Jackson, Winn, Grant, Rapides, Evangeline, Acadia and Vermilion Parishes to points in Colorado located in and north of Garfield, Eagel, Summit, Clear Creek, Jefferson, Douglas and Kit Carson Counties and points in Elbert and Lincoln Counties located on and north of U.S. Highway 24, to points in Kansas located in and north of Sherman, Thomas, Sheridan, Graham, Rooks, Osborne, Mitchell, Ottawa, Clay, Geary, Wabuansee, Shawnee, Douglas and Johnson Counties and to points in Nebraska; (6) from points in Louisiana located in and east of Morehouse, Ouachita, Caldwell, La Salle, Avoyelles, St. Landry, Lafayette, and Iberia Parishes to points in Colorado located in and north of Mesa, Delta, Gunnison, Chaffee, Park, Teller, El Paso, Lincoln, and Kiowa Counties, to points in Kansas located in and north of Greeley, Wichita, Scott, Lane, Ness, Rush, Barton, Rice, McPherson, Marion, Chase, Lyon, Osage, Franklin and Miami Counties to points in Nebraska; (7) from points in Louisiana to points in Washington; (I) *Liquid Sugar*, in bulk in tank vehicles, (1) from points in Louisiana on and west of a line beginning at the Louisiana-Arkansas State line and extending south along U.S. Highway 71 to junction with Louisiana Highway 1, thence along Louisiana Highway 1 to junction with Louisiana Highway 175, thence along Louisiana Highway 175 to junction with U.S. Highway 171, thence along U.S. Highway 171 to junction with U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line, to Roby, Indiana;

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(2) from points in Louisiana to Cedar Rapids, Iowa.

(3) From points in Louisiana located on and west of a line beginning at the Mississippi-Louisiana State line extending south along Louisiana Highway 67 to junction with U.S. Highway 61, thence along U.S. Highway 61 to junction with the eastern boundary of St. James Parish, thence along the Eastern and southern border of St. James Parish to junction with Louisiana Highway 20, thence along Louisiana Highway 20 to junction with the eastern border of Terrebonne Parish, thence along the eastern border of Terrebonne Parish to the Gulf of Mexico, to Clinton and Keokuk, Ia.; (J) *Vegetable Oil and Vegetable Oil Products*, in bulk, in tank vehicles: (1) from points in Louisiana located in and east of St. Helena, Livingston, Ascension, Assumption, and Terrebonne Parishes to points in Delaware, Indiana, Kentucky, Maryland, New Jersey, Ohio, Virginia and West Virginia; (2) from points in Louisiana located in and west of east Feliciana, East Baton Rouge, Iberville, Iberia, St. Martin and St. Mary Parishes (except Caddo Parish) to points in Delaware, Indiana, Kentucky, Maryland and New Jersey, to points in North Carolina (except those located in Cherokee, Graham, Swain, Clay, Macon, Jackson, Haywood, Transylvania, Henderson, Polk, Rutheford, Cleveland, Gaston, Mecklenburg, Union, Anson, Richmond and Scotland Counties), to points in Ohio, Virginia and West Virginia; (3) from points in Louisiana located in and west of Union, Ouachita, Caldwell, La Salle, Rapides, Evangeline, Acadia and Vermillion Parishes (except those points in Louisiana described in (2) above) to points in Delaware, Indiana, Kentucky, Maryland, North Carolina, and Ohio, to points in South Carolina (except Jasper County) and to points in Virginia, and West Virginia; (4) from Caddo Parish in Louisiana to points in Delaware, to points in Florida located in and south of Nassau, Duval, Clay, Putnam, Volusia, Lake, Polk, Hillsboro and Pinellas Counties and to points in Indiana, Kentucky, Maryland, New Jersey, North Carolina, Ohio, South Carolina, Virginia, and West Virginia,

(5) From points in Louisiana (except those located in and east of St. Helena, East Baton Rouge, Ascension, Assumption and Terrebonne Parishes) to points in Arkansas located in Clay, Greene, Craighead, Poinsett, Mississippi and Crittenden Counties, (6) from points in Louisiana located in and east of St. Helena, East Baton Rouge, Ascension, Assumption, and Terrebonne Parishes (except Orleans, Plaquemines and St. Bernard Parishes) to points in Arkansas located in and east of Carroll, Boone, Searcy, Stone, Cleburne, White, Woodruff, St. Francis and Lee Counties; (7) from points in Louisiana located in Orleans, Plaquemines and St. Bernard Parishes to points in Arkansas located in and north of Crawford, Franklin, Johnson, Pope, Conway, Faulkner and Lee Counties and points in that part of Lonoke, Prairie and Monroe Counties located on and north of U.S. Highway 70 and the Ft. Smith Commercial Zone; (8) from points in Louisiana located in and east of East Feliciana, East Baton Rouge, West Baton Rouge, Ascension, Assumption, and Terrebonne Parishes to points in Iowa, Illinois, Minnesota, Missouri, and Wisconsin; (9) from points in Louisiana located in and east of Morehouse, Ouachita, Caldwell, La Salle, Evangeline, Acadia and Vermillion Parishes and points in Rapides Parish located on and east of U.S. Highway 165, (except those points in Louisiana described in (8) above), to points in Iowa, Illinois, Minnesota, and Wisconsin and points in Missouri located in, north and east of Jackson, Johnson, Pettis, Benton, Hickory, Dallas, Laclede, Wright, Texas and Howell Counties;

(10) From points in Louisiana located on and east of a line extending from Calcasieu Pass along Louisiana Highway 27 to the junction of Interstate Highway 90, thence along Interstate Highway 90 to the junction of U.S. Highway 171, thence along U.S. Highway 171 to the junction of Louisiana Highway 8, thence along Louisiana Highway 8 to the junction of Louisiana Highway 117, thence along Louisiana Highway 117 to the junction of Louisiana Highway 6, thence along Louisiana Highway 6 to the junction of U.S. Highway 84, thence along U.S. Highway 84 to the junction of U.S. Highway 167 to the Louisiana-Arkansas State line, (except those points in Louisiana described in (8) and (9) above) to points in Iowa (except those located in Mills, Fremont, and Page Counties), to points in Illinois, Minnesota, and Wisconsin and to points in Missouri located in and east of Worth, Harrison, Grundy, Livingston, Chariton, Howard, Cooper, Moniteau, Miller and Pulaski Counties and points on and east of a line extending from the Missouri-Arkansas State line along Missouri Highway H to the junction of Missouri Highway 142, thence along Missouri Highway 142 to the junction of Missouri Highway E, thence along Missouri Highway E to the junction of Missouri Highway 19, thence along Missouri Highway 19 to the junction of Missouri Highway 106, thence along Missouri Highway 106 to the junction of Missouri Highway 17, thence along Missouri Highway 17 to the Southern border of Pulaski County; (11) from points in Louisiana (except those points in Louisiana described in (8), (9), (10) above) to points in Iowa located in and east of Winnebago, Hancock, Franklin, Hardin, Marshall, Jasper, Marion, Monroe and Appanoose Counties, to points in Illinois, to points in Minnesota (except those located in and south of Lac Qui Parle, Yellow Medicine, Redwood, Cottonwood and Martin Counties), to points in Missouri located in and east of Schuyler, Adair, Macon, Randolph, Boone, Cole, Osage, Maries, Phelps, Dent, Reynolds, Carter and Ripley Counties and to points in Wisconsin.

(12) From points in Louisiana located in Morehouse, Ouachita, Caldwell, La Salle, Evangeline, Acadia, Vermilion, St. Landry, Avoyelles, Catahoula, Franklin, Richland and West Carroll Parishes and points in Rapides Parish located on and east of U.S. Highway 165 to points in Kansas located in Wyandotte, Leavenworth, Atchison, Doniphan, Brown, Nemaha, Marshall and Washington Counties and to points in Nebraska (except those located in Chase, Dundy, Hayes, Hitchcock, Frontier, Red Willow, Gosper, Furnas, Phelps, Harlan, Franklin, and Webster Counties); (13) from points in Louisiana located on and east of a line extending from Calcasieu Pass along Louisiana Highway 27 to the junction of Interstate Highway 90, thence along Interstate Highway 90 to the junction of U.S. Highway 171, thence along U.S. Highway 171 to the junction of Louisiana Highway 8, thence along Louisiana Highway 8 to the junction of Louisiana Highway 117, thence along Louisiana Highway 117 to the junction of Louisiana Highway 6, thence along Louisiana Highway 6 to the junction of U.S. Highway 84, thence along U.S. Highway 84 to the junction of U.S. Highway 167, thence along U.S. Highway 167 to the Louisiana-Arkansas State line (except points located in and east of Morehouse, Ouachita, Caldwell, La Salle, Evangeline, Acadia, Vermilion, St. Landry, Avoyelles, Catahoula, Franklin, Richland, and West Carroll Parishes and points in and east of Rapides Parish located on and east of U.S. Highway 65), to points in Nebraska located on and north of a line extending from the Nebraska-Wyoming State line along the North Platte River to the junction of Nebraska Highway 61, thence along Nebraska Highway 61 to the junction of Nebraska Highway 92, thence along Nebraska Highway 92 to the Nebraska-Iowa State line.

(14) From points in Louisiana located in Orleans, Plaquemines and St. Bernard Parishes to points in Kansas and Nebraska, to points in Oklahoma located in and north of Sequoyah, Muskogee, Wagoner, Tulsa, Creek, Payne, Dewey and Ellis Counties and points in Blaine, Kingfisher and Logan Counties located on and north of Oklahoma Highway 33, to points in Texas located in Lipscomb, Ochiltree, Hansford, Sherman and Dallam Counties; (15) from points in Louisiana located in and east of East Feliciana, East Baton Rouge, West Baton Rouge, Ascension, Assumption, and Terrebonne Parishes (except Orleans, Plaquemines and St. Bernard Parishes) to points in Kansas located in and north of Cherokee, Labette, Montgomery, Chautauqua, Elk, Butler, Sedgwick, Kingman, Pratt, Kiowa, Finney, Kearny and Hamilton Counties and points in Ford and Gray Counties located on and north of a line extending from the eastern border of Ford County along U.S. Highway 154 to the junction of U.S. Highway 56 thence along U.S. Highway 56 to the western border of Gray County and to points in Nebraska; (16) from points in Louisiana located in East Carroll, Madison, Tensas, Concordia, Pointe Coupee, West Feliciana, Iberville, St. Martin, Lafayette Iberia and St. Mary Parishes to points in Kansas located in

and north of Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Jewell, Mitchell, Cloud, Clay, Geary Wabaunsee, Osage, Franklin and Anderson Counties and points in Bourbon County located on and north of U.S. Highway 54 and to points in Nebraska; (17) from points in Louisiana located in and east of East Feliciana, East Baton Rouge, West Baton Rouge, Ascension, Assumption and Terrebonne Parishes to points in Colorado (except those located in Baca, Las Animas, Huerfano, Constilla, Alamosa, Conejos and Archuleta Counties).

(18) From points in Louisiana located on and east of a line extending from the Louisiana-Arkansas State line along U.S. Highway 167 to the Junction of the Vermillion River at Abbeville, thence along the Vermillion River to the Gulf of Mexico (except those points located in and east of East Feliciana, East Baton Rouge, West Baton Rouge, Ascension, Assumption and Terrebonne Parishes), to points in Colorado located in Moffat, Routt, Jackson, Larimer, Logan, Sedgwick and Phillips Counties and points in Weld County located on and north of U.S. Highway 34; (K) *Soybean Oil, Corn Oil and Salad Oil*, in bulk, in tank vehicles: (1) from points in Louisiana located in and west of Union, Lincoln, Jackson, Winn, Grant, Rapides, Evangeline, Acadia and Vermillion Parishes to points in North Dakota located in and north of Cass, Barner, Stutsman, Kidder, Burleigh, Morton, Stark, Billings and Golden Valley Counties; (2) from points in Louisiana located in Morehouse, Quachita, Caldwell, La Salle, Avoyelles, St. Landry, Lafayette, Iberia, St. Mary, St. Martin, Iberville, Pointe Coupee, West Feliciana, Concordia, Catahoula, Tensas, Franklin, Madison, Richland, West Carroll and East Carroll Parishes to points in North Dakota to points in South Dakota located in and north of Brookings, Kingsbury, Beadle, Hand, Hyde, Hughes, Stanley and Kaakon Counties and points in Pennington County located on, west and north of a line extending from the southern border along the Cheyenne River to the junction of U.S. Highway 16, thence along U.S. Highway 16 to the eastern border; (3) from points in Louisiana located in and east of East Feliciana, East Baton Rouge, West Baton Rouge, Ascension, Assumption and Terrebonne Parishes to points in North Dakota and South Dakota; (L) *Soybean Oil*, in bulk, in tank vehicles, from points in Louisiana to points in Michigan located in and north of Ottawa, Kent, Montcalm, Isabella, Midland and Bay Counties; (M) *Vegetable Oils*, in bulk, in tank vehicles.

(1) From points in Louisiana to points in New York and points in Pennsylvania (except Somerset, Bedford, Fulton, Franklin, Adams, Cumberland, Perry, Dauphin, York, Lancaster, Lebanon, Berks, Chester, Delaware, Philadelphia, Montgomery and Bucks Counties); (2) from points in Louisiana located in and west and north of East Feliciana, East Baton Rouge, Iberville, Assumption and St. Mary Parishes to points in Pennsylvania located in Somerset, Bedford, Fulton, Franklin, Adams, Cumberland, Perry Dauphin, York, Lancaster, Lebanon, Berks, Chester, Delaware, Philadelphia, Montgomery and Bucks Counties; (N) *Refined Vegetable Oils, Shortenings and Fatty Acids*, in bulk, in tank vehicles; from points in Louisiana to points in Michigan; (O) *Vegetable Oil*, in bulk, in tank vehicles; (1) from points in Louisiana located west of a line extending from the Gulf of Mexico along the Vermillion River to the junction of Louisiana Highway 14, thence along Louisiana Highway 14 to the junction of Louisiana Highway 13, thence along Louisiana Highway 13 to the junction of U.S. Highway 167, thence along U.S. Highway 167 to the Louisiana-Arkansas State line to points in Nevada located in Humboldt County and points in Washoe County located on and north of a line extending from the eastern border along Nevada Highway 34 to junction of Nevada Highway 8A, thence along Nevada 8A to the western border; (2) from points in Louisiana located on and east of a line extending from the Gulf of Mexico along the Vermillion River to the junction of Louisiana Highway 14, thence along Louisiana Highway 14 to the junction of Louisiana Highway 13, thence along Louisiana Highway 13 to the junction of U.S. Highway 167, thence along U.S. Highway 167 to the Louisiana-Arkansas State line, including the Alexandria Commercial Zone, (except Orleans, Plaquemines and St. Bernard Parishes) to points in Nevada located on and north of U.S. Highway 50, including the Carson City Commercial Zone.

(3) from points in Louisiana located in Orleans, Plaquemines and St. Bernard Parishes to points in Nevada located on and north of a line extending from the Nevada-Utah State line along Nevada Highway 25 to the junction of U.S. Highway 6, thence along U.S. Highway 6 to the junction of U.S. Highway 95, thence along U.S. Highway 95 to the junction of Nevada Highway 3, thence along Nevada Highway 3 to the Nevada-California State line; (P) *Vegetable Oil*, in bulk, in tank vehicles: (1) from points in Louisiana located on and east of a line extending from the Gulf of Mexico along the Vermillion River to the junction of Louisiana Highway 14, thence along Louisiana Highway 14 to the junction of Louisiana Highway 13, thence along Louisiana Highway 13 to the junction of U.S. Highway 167, thence along U.S. Highway 167 to the Louisiana-Arkansas State line, including the Alexandria Commercial Zone to points in Idaho, Oregon, Washington and Wyoming; (2) from points in Louisiana located west of a line extending from the Gulf of Mexico along the Vermillion River to the junction of Louisiana Highway 14, thence along Louisiana Highway 14 to the junction of Louisiana Highway 13, thence along Louisiana Highway 13 to the junction of U.S. Highway 167, thence along U.S. Highway 167 to the Louisiana-Arkansas State line (excluding the Alexandria Commercial Zone) to points in Idaho located on, west and north of a line extending from the Idaho-Utah State line along unnumbered Highways through Stone, Holbrook, Buist and Crystal to the junction of U.S. Highway 191, thence along U.S. Highway 191 to the juntion of U.S. Highway 26, thence along U.S. Highway 26 to the junction of Idaho Highway 31, thence along Idaho Highway 31 to the Idaho-Wyoming State line, to points in Oregon and Washington and to points in Wyoming located on and north of a line extending from the Wyoming-South Dakota State line along Interstate Highway 90 to the junction of U.S. Highway 16, thence along U.S. Highway 16 to the junction of U.S. Highway 89, thence along U.S. Highway 89 to the junction of Wyoming Highway 22, thence along Wyoming Highway 22 to the Wyoming-Idaho State line.

(3) from points in Louisiana located west of a line extending from the Louisiana-Arkansas State line along the Ouachita River to the northern border of Catahoula Parish, thence along the northern and western borders of Catahoula Parish to the Red River, thence along the Red River to the Atchafalaya River, thence along the Atchafalava River to the western border of Iberville Parish, thence along the Western and southern borders of Iberville Assumption and Terrebonne Parishes to points in California located in Modoc, Siskiyou, Del Norte, Humboldt and Trinity Counties and points in Shasta County located on, north and west of a line extending from the eastern border along California Highway 299 to the junction of California Highway A16, thence along California Highway A16 to the southern border; (4) from points in Louisiana located on and eas tof a line extending from the Louisiana-Arkansas State line along the Ouachita River to the northern border of Catahoula Parish, thence along the northern and western borders of Catahoula Parish to the Red River, thence along the Red River to the Atchafalaya River, thence along the Atchafalava River to the western border of Iberville Parish, thence along the western and southern borders of Iberville, Assumption, and Terrebonne Parishes (except Orleans, Plaquemines and St. Bernard Parishes) to points in California located in and north of San Francisco, Contra Costa, Calaveras and Alpine Counties and points in San Joaquin County located on and north of California Highway 4; (5) from points in Louisiana located in Orleans, Plaquemines and St. Bernard Counties to points in California located in and north of Inyo and Kern Counties and points in Santa Barbara County located on and north of California Highway 166, including the Santa Maria Commercial Zone; (Q) *Acetic Acid*, in bulk, in tank vehicles.

(1) from points in Louisiana (except Cotton Valley) located in and north and west of Morehouse, Ouachita, Jackson, Winn, Natchitoches and Sabine Parishes to points in Georgia located in and north of Chatham, Effingham, Jenkins, Burke, Jefferson, Washington, Hancock, Putnam, Jasper, Newton, Rockdale, De Kalb, Douglas, Paulding and Polk Counties and points in Alabama located in Cherokee, Etowah, De Kalb, Jackson, Marshall, Madison, Morgan, Limestone, Lawrence,

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Lauderdale, and Colbert Counties; (2) from points in Louisiana (except Cotton Valley) to Louisville, Ky; (3) from points in Louisiana (except Cotton Valley) in and west of East Feliciana, East Baton Rouge, Iberville and Iberia Parishes to Asheville, N.C.; (4) from points in Louisiana (except Cotton Valley) in and west of Concordia, Avoyelles, St. Landry, Lafayette and Vermillion Parishes to Greenville, Ware Shoals and Spartanburg, S. Carolina; (5) from points in Louisiana (except Cotton Valley) to points in Wisconsin, points in Iowa located in and north and east of Worth, Cerro Gordo, Butler, Grundy, Tama, Iowa, Washington, Louisa and Des Moines Counties and points in Illinois located in and north of Henderson, Warren, Knox, Peoria, Marshall, La Salle, Grundy and Will Counties; (6) from points in Louisiana located in and east of Morehouse, Ouachita, Caldwell, La Salle, Grant, Rapides, Allen, Calcasieu and Cameron Parishes to points in Iowa located in and north and east of Lyon, Obrien, Cherokee, Sac, Calhoun, Greene, Boone, Polk, Jasper, Mahaska, Keokuk, Jefferson, Henry and Des Moines Counties (except those points in Iowa described in (5) above); (7) from points in Louisiana to points in Michigan located in and north of Ottawa, Kent, Montcalm, Isabella, Midland and Bay Counties.

(8) from points in Louisiana located in and south and east of Morehouse, Ouachita, Caldwell, La Salle, Grant, Rapides and Vernon Parishes to points in Minnesota located in and north and east of Freeborn, Waseca, Blue Earth, Nicollet, Renville, Kandiyohi, Pope, Douglas, Otter Tail and Clay Counties: (R) *Liquid Petroleum Wax*, in bulk, in tank vehicles: (1) from Baton Rouge, La. to points in Minnesota and to points in Wisconsin on and north of a line beginning at the Wisconsin-Illinois State line and extending north along Wisconsin Highway 69 to junction with Wisconsin Highway 11, thence along Wisconsin Highway 11 to junction with U.S. Highway 14, thence along U.S. Highway 14 to junction with Wisconsin Highway 89, thence along Wisconsin Highway 89 to junction with Highway A, thence along Highway A through Tibbet to junction with Wisconsin Highway 67, thence along Wisconsin Highway 67 to junction with Wisconsin Highway 59, thence along Wisconsin Highway 59 to junction with Wisconsin Highway 164, thence along Wisconsin Highway 164 to junction with Wisconsin Highway 175, thence along Wisconsin Highway 175 to junction with U.S. Highway 45, thence along U.S. Highway 45 to junction with Wisconsin Highway 33 to Port Washington on Lake Michigan; (2) from Baton Rouge, La., to the Upper Peninsula of Michigan; (3) from Baton Rouge, La., to points in Illinois and Kansas; (4) from Baton Rouge, La., to points in South Dakota located on and north of a line extending from the Minnesota-South Dakota State line along U.S. Highway 212 to the South Dakota-Wyoming State line and points in North Dakota; (5) from Baton Rouge, La., to points in Indiana on and north of a line beginning at the Illinois-Indiana State line and extending east along Indiana Highway 54 to junction with the western border of Monroe County, thence along the western, southern and eastern borders of Monroe County to intersection with the northern border of Jackson County, thence along the northern and western border of Jackson, Jennings, Ripley and Dearborn Counties to the Ohio-Indiana State line.

(6) from Baton Rouge, La., to points in California on and north of a line beginning at the California-Arkansas State line extending west along the northern and western border of Imperial County to junction with California Highway 78, thence along California Highway 78 to junction with California Highway 79, thence along California Highway 79 to junction with U.S. Highway 80, thence along U.S. Highway 80 to junction with California Highway 52, thence along California Highway 52 to junction with California Highway 94, thence along California Highway 94 to junction with unnumbered Highway, thence along Unnumbered Highway through Tecate to the United States–Mexican Border; (7) from Baton Rouge, La., to points in Iowa; (S) *Acids and Chemicals* (except petroleum chemicals and except synthetic resins and varnishes), in bulk, in tank vehicles; from points in Louisiana (except Lake Charles or Plaquemines, La., and points within 10 miles of Either City and except the Plant of Monsanto Chemical Co., near Luling, La.) to points in Minnesota; (T) *Acids and Chemicals*, in bulk, (1) from points in Louisiana to points in Idaho, Montana, North Dakota, South Dakota, and Wyoming; (2) from points in Louisiana (except Lake Charles and Plaquemines and within 10 miles of Either City and except from the plant of Monsanto Chemical Co., near Luling, La) to points in Oregon and to points in Utah located in and north and west of Uintah, Carbon, San Pete, Sevier and Millard Counties and to points in Nevada located in and north of White Pine County and that portion of Nye, Esmeralda and Mineral Counties located on and north and west of U.S. Highway 6 including Tonopah.

(3) From points in Louisiana located in and east of Union, Ouachita, Caldwell, La Salle, Catahoula, Concordia, Point Coupee, West Baton Rouge, East Baton Rouge, Ascension, St. James and La Fourche Parishes (except Plaquemines and 10 miles thereof, and except from the plant of Monsanto Chemical Co., near Luling, La.) to points in Utah located in and south of Beaver, Piute, Wayne, Emery, and Grand counties and to points in Nevada located in Lincoln County and that portion of Nye County located south and east of a line extending from the eastern boundary of the county, along U.S. Highway 6 to junction with Nevada Highway 25, thence along Nevada Highway 25 to the eastern boundary of the county and to that portion of Esmeralda and Mineral Counties located south and east of U.S. Highway 6; (4) from points in Louisiana (except Lake Charles and Plaquemines and within 10 miles of Either City and except from the plant of Monsanto Chemical Co., near Luling, La.) to points in California located in and north of Mono, Tuolomine, Calaveras, San Joaquin, Contra Costa and San Francisco Counties; (5) from points in Louisiana located in and east of Webster, Bienville, Red River, Natchitoches, Rapides, Evangeline, Acadia and Vermillion Parishes (except Plaquemines and 10 miles in California located in San Mateo, Alameda, Stanislaus Merced, Mariposa, Madera, Santa Clara and Santa Cruz Counties; (6) from points in Louisiana located in and east of Union, Ouachita, Caldwell, La Salle, Catahoula, Concordia, Point Coupee, West Baton Rouge, East Baton Rouge, Ascension, St. James and La Fourche Parishes (except Plaquemines and 10 miles thereof and except the plant of Monsanto Chemical Co., near Luling, La.) to points in California located in Inyo, Fresno, San Benito, Monterey, San Luis Obispo County and that portion of Kern County located on and north of California Highway 178 extending to and including Bakersfield, thence along California Highway 58 to the western boundary of the county.

(U) *Acids and Chemicals*, in bulk, in tank or hopper vehicles: (1) from points in Louisiana located in and east of Bossier, Bienville, Winn, Grant, Rapides, Avoyelles, St. Landry, St. Martin and Iberia Parishes to points in Iowa (except those located in Lee, Des Moines, Scott, Clinton and Jackson Counties) and to points in Missouri located in and west of Cass, Jackson, Lafayette, Carroll, Chariton, Macon, Knox and Scotland Counties; (2) from points in Louisiana located in and west of Caddo, Red River, Natchitoches, Vernon, Allen, Evangeline, Acadia, Lafayette and Vermillion Parishes to points in Iowa, to points in Illinois located in and west of Adams, Hancock, McDonough, Warren, Knox, Henry, Whiteside, Ogle and Winnebago counties and to points in Missouri located in and north of Cass, Johnson, Pettis, Cooper, Howard, Randolph, Monroe and Marion Counties; (3) from points in Louisiana located in and west of Union, Lincoln, Jackson, Caldwell, La Salle, Avoyelles, Pointe Coupee, Iberville, Iberia, St. Martin and St. Mary Parishes to points in Colorado located in and north of Mesa, Delta, Park, Teller, El Paso, Lincoln, and Cheyenne Counties and points in Gunnison and Chaffee Counties located on and north of a line extending from the western border of Gunnison County along Colorado Highway 133 to the junction of Colorado Highway 135, thence along Colorado Highway 135 to the junction of unnumbered Highway at Almont, thence along Unnumbered Highway to the junction of Colorado Highway 306, thence along Colorado Highway 306 to the junction of U.S. Boundary of the county and U.S. Highway 24, thence along U.S. Highway 24 to the junction of U.S. Highway 285, thence along U.S. Highway 285 to the eastern border of Chaffee County to

points in Kansas located in and north of Wallace, Logan, Gove, Trego, Rush, Barton, Rice, McPherson, Marion, Chase, Lyon, Osage, Franklin and Miami Counties and to points in Nebraska.

(4) From points in Louisiana located in and east of Morehouse, Ouchita, Richland, Franklin, Catahoula, Concordia, West Feliciana, East Baton Rouge, West Baton Rouge, Ascension, Assumption and Terrebonne Parishes to points in Colorado (except those located in Archuleta, Conejos, Costilla, Las Animas and Baca Counties), to points in Kansas located in and north of Hamilton, Kearny, Finney, Hodgeman, Pawnee, Stafford, Reno, Harvey, Butler, Greenwood, Coffey, Anderson and Linn Counties and to points in Nebraska; restricted in (U)(1)–(4) against the transportation of acids and chemicals from Lake Charles and Plaquemines, La., and points within 10 miles thereof, and from the plant of Monsanto Chemical Co., near Luling, La.; (V) *Acids and Chemicals*, in bulk, in tank or hopper vehicles, (1) from points in Louisiana located in Bossier, Caddo, De Soto, Sabine, Beauregard, Calcasieu and Cameron Parishes and points in Vernon Parish located on and west of a line extending from the northern border along Louisiana Highway 117 to the junction of Louisiana Highway 8, thence along Louisiana Highway 8 to the junction of U.S. Highway 171, thence along U.S. Highway 171 to the southern border, (except from Lake Charles), to points in Michigan located in and north of Mason, Lake, Osceola, Clare, Gladwin and Arenac Counties; (2) from points in Louisiana located in and east of Morehouse, Richland, Franklin, Catahoula, Concordia, Pointe Coupee, Iberville, St. Martin and Iberia Parishes to points in Wisconsin located in St. Croix, Polk, Barren, Burnett, Washburn and Douglas Counties and points in Sawyer and Bayfield Counties located on and west of a line extending from the western border of Sawyer County along Wisconsin Highway F to the junction of U.S. Highway 27, thence along U.S. Highway 27 to the western border of Bayfield County.

(3) From points in Louisiana located in and west of Union, Ouachita, Caldwell, La Salle, Avoyelles, St. Landry, Lafayette and Vermillion Parishes (except the Shreveport Commercial Zone) to points in Wisconsin located in and west of Crawford, Vernon, Monroe, Jackson, Wood, Marathon, Langlade, Forest and Florence Counties; (4) from Shreveport, La., and its commercial Zone to points in Wisconsin; (5) from points in Louisiana (except those located in Orleans, Plaquemines and St. Bernard Parishes) to points in Minnesota located in, north and east of Mower, Steele, Rice, Le Seuer, Sibley, McLeod, Meeker, Kandiyohi, Pope, Grant and Wilkin Counties; (6) from points in Louisiana located in Orleans, Plaquemines and St. Bernard Parishes to points in Minnesota located in, north and east of Mower, Steele, Waseca, Blue Earth, Brown and Yellow Medicine Counties and points in Lyon and Redwood Counties located on, north and east of a line extending from the southern borders of Redwood County along Unnumbered Highway, through Lamberton to the junction of Minnesota Highway 68, thence along Minnesota Highway 68 to the western border of Lyon County; restricted in (V)(2)–(6) against transportation from Lake Charles and Plaquemines, La., and points within ten miles thereof and the plant of Monsanto Chemical Co., near Luling, La; (W) *Acids and Chemicals*, in bulk: (1) from points in Louisiana (except Lake Charles or Plaquemines, La., and points within 10 miles of either city and except from the plant of Monsanto Chemical Co., near Luling, La.) to points in Washington; and (2) from Caddo Parish, La., to points in Lake, Porter and La Porte Counties, Ind. The purpose of this filing is to eliminate the following gateways.

(A)(1) Kansas City, Kans.; (2) Kansas City, Mo.; (3) Olathe, Kans., a point in the Kansas City, Mo.-Kansas City, Kans. Commercial Zone; (4) Olathe, Kansas (Kansas City, Kansas Commercial Zone) and Blockson Chemical Co., at or near Joliet, Illinois; (5) Olathe, Kans. (Kansas City, Kans., Kansas City, Mo., Commercial Zone) and Burlington, Iowa; (6) Olathe, Kansas (Kansas City, Kans. Commercial Zone) and Iowa-Guttenberg Terminal, Inc., approximately two miles south of Guttenberg, Iowa; (7)–(8) Kansas City, Mo.; (B)(1)–(6), (C) (D), (E), (F), Tulsa, Okla.; (G)–(H) (1)–(3) Tulsa, Okla., and Kansas City, Kans.-Kansas City, Mo., Commercial Zone (formerly a point known as Turner, Kans.); (H)(4)–(6) Tulsa, Okla., and points that are in both the Okla., and Kansas City, Kans.,-Kansas Commercial Zone (formerly a point known as Turner, Kans.); (H)(7) Tulsa, Okla., and Kansas City, Kans.,-Kanssas City, Mo., Commercial Zone (formerly a point known as Turner, Kans.); (I) Kansas City, Mo.; (J) Memphis, Tenn; (K) Memphis, Tenn., and Clinton, Iowa; (L) Memphis, Tenn., and Muscatine, Iowa; (M) Memphis, Tenn., and St. Louis, Mo.; (N) Memphis, Tenn., and Champaign, Ill.; (O) Memphis, Tenn., and Nebraska; (P)(1)–(2) Memphis, Tenn., and Kansas; (P)(3)–(5) Memphis, Tenn., and Colorado; (Q) (1)–(4) Memphis, Tenn.; (Q)(5)–(6) Memphis, Tenn., and Burlington, Iowa; (Q)(7) Memphis, Tenn., Burlington, Iowa and Muscatine, Iowa; (Q)(8) Memphis, Tenn., Burlington, Iowa and Plantsite of the Hawkeye Chemical Co., at or near Clinton, Iowa; (R)(1) Canton, Mo., and Guttenberg, Iowa; (2) Canton, Mo., Guttenberg, Iowa, and Eau Claire, Wisconsin; (3) Missouri; (4) & (5) Missouri and Berwyn, Ill.; (6) Missouri and Kansas; (7) Trenton, Mo.; (S) points in the Kansas City, Mo. Kansas City, Kans., Commercial zone (a points formerly known as Turner, Kans.); (T)(1) Kansas City, Kans. (a point formerly known as Turner, Kans.); (2)–(6) Kansas City, Kans.-Kansas City, Mo., Commercial Zone (a point formerly known as Turner, Kans.); (U) points that are in both the Olathe, Kans., and the Kansas City, Kans., Commercial Zones (a point formerly known as Turner, Kans.); (V)(1) points that are in both the Olathe, Kans., and Kansas City, Kans., Commercial Zone (a point formerly known as Turner, Kans.), and the plantsite of Blockson Chemical Co., at or near Joliet, Ill.; (2)–(4) points that are in both the Olathe, Kans., and Kansas City, Kans., Commercial Zone (a point formerly known as Turner, Kans.), and Burlington, Iowa; (5) & (6) points that are in both the Olathe, Kans., and Kansas City, Kans., Commercial Zone (a point formerly known as Turner, Kans.) and the plantsite of Iowa-Guttenberg Terminal Inc., located approximately two miles south of Guttenberg, Iowa; (W) Kansas City, Mo.-Knasas City, Kans., Commercial Zone (a point formerly known as Turner, Kans.).

No. MC 92983 (Sub-No. E23), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Contractors' materials and supplies*, in bulk, from points in Kansas, located within 300 miles of Ames, Iowa, to Indianapolis, Ind.; (B) *Such petroleum products*, as are embraced within contractors' materials and supplies, in bulk, in tank vehicles, from points in Kansas located within 300 miles of Ames, Iowa, to points in Illinois located in and north of Adams, Brown, Cass, Menard, Logan, DeWitt, and Piatt Counties and located on and west of U.S. Highway 45 from the southern border of Champaign County to the Illinois-Wisconsin State line; (C) *Such petroleum* and *petroleum products*, as are embraced within contractors' materials and supplies, in bulk, in tank vehicles, from points in Kansas, located within 300 miles of Ames, Iowa, to points in the Upper Peninsula of Michigan; (D) *Such paint* and *paint materials*, as are embraced within contractors' materials and supplies, in bulk, in tank vehicles, (1) from points in Kansas, located within 300 miles of Ames, Iowa, to points in Wisconsin, and (2) from points in Kansas, located within 300 miles of Ames, Iowa, to points in Minnesota located in and east of Lake of the Woods, Beltrami, Hubbard, Wadena, Todd, Stearns, Meeker, McLeod, Sibley, Nicollet, Blue Earth, and Faribault Counties; (E) *Such liquid petroleum gas* as is embraced within contractors' materials and supplies, in bulk, in tank vehicles, from points in Kansas located within 300 miles of Ames, Iowa, to points in Illinois located in and north of Rock Island, Henry, Bureau, Putnam, LaSalle, Grundy, and Kankakee Counties; (F) *Alcoholic beverages*, in bulk, in tank vehicles, from Atchison, Kans., to points in Maryland and New Jersey.

(G) *Sulphuric acid* (except sulphuric acid derived from petroleum or petroleum products), in bulk, in tank vehicles, from the Sunflower Ordnance Works near DeSoto, Kans., to points to Minnesota; (H) *Sulphuric acid*, in bulk, in tank vehicles, (1) from the Sunflower Ordnance Works near DeSoto, Kans., to points in Georgia,

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Idaho, Indiana, Montana, North Dakota, South Dakota, Washington, and Wyoming, (2) from the Sunflower Ordnance Works near DeSoto, Kans., to points in Kentucky, North Carolina, South Carolina, Delaware, District of Columbia, Maryland, Virginia, and West Virginia, (3) from the Sunflower Ordnance Works near DeSoto, Kans., to points in Arkansas, Colorado, Illinois, and Kansas (except Atchison, Jackson, Pottawatomie, Riley, Geary Wabaunsee, Shawnee, Osage, Jefferson, Douglas, Franklin, Leavenworth, Wyandotte, and Johnson Counties), and to points in Oklahoma, (4) from the Sunflower Ordnance Works near DeSoto, Kans., to points in Arizona, California, Nevada, New Mexico, Oregon, Utah, and Dallas, Tex., (5) from the Sunflower Ordnance Works near DeSoto, Kans., to points in Texas (except Harris, Jefferson, and Orange Counties), and (6) from the Sunflower Ordnance Works near DeSoto, Kans., to points in Missouri and Tennessee: (I) *Soybean oil*, in bulk, in tank vehicles, from points in Kansas to points in New York, restricted against the transportation of crude soybean oil to Port Ivory, and New York City; (J) *Corn oil*, in bulk, in tank vehicles, from points in Kansas to points in New York; (K) *Corn syrup*, in bulk, in tank vehicles, from points in Kansas to points in New York; (L) *Unprocessed vegetable oils*, in bulk, in tank vehicles, from points in Kansas to Champaign, Ill.; (M) *Vegetable oils*, in bulk, in tank vehicles, (1) from points in Kansas to points in Ohio, (2) from points in Illinois located on, south, and east of a line extending from the Illinois-Missouri State line along Illinois Highway 140 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 48, thence along Illinois Highway 48 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 66, thence along U.S. Highway 66 to Chicago (except Champaign), and (3) from points in Kansas on and south of U.S. Highway 24 to points in Illinois located on, south, and east of a line extending from the Illinois-Missouri State line along U.S. Highway 67 to junction Illinois Highway 111, thence along Illinois Highway 111 to junction Illinois Highway 104, thence along Illinois Highway 104 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Illinois-Wisconsin State line (except those points in Illinois described in (2) above; and (N) *Liquid chemicals*, in bulk, in tank vehicles, from Lawrence, Kans., to points in Rhode Island.

The purpose of this filing is to eliminate the gateways of: (A) above, Iowa; in (B) above, Alexandria, Mo.; in (C) above, Guttenberg, Iowa, and Eau Claire, Wis.; in (D) above, Iowa (except Bettendorf, Clear Lake, Coralville, and Dubuque); in (E) above, the site of the terminal outlet of the Mid-American Pipeline Co., at or near Iowa City, Iowa; in (F) above, Kentucky; in (G) above, Kansas City, Mo.; in (H)(1) above, Kansas City, Mo. (Kansas City, Kans., commercial zone); in (H)(2) & (4) above, Kansas City, Mo.; in (H)(3) above, Olathe, Kans. (Kansas City, Mo., commercial zone); in (H)(5) above, Olathe, Kans. (Kansas City Mo., commercial zone), and Lawrence, Kans.; in (H)(6) above, Saginaw, Mo., and points within 15 miles thereof; in (I), (J), & (K) above, Clinton, Iowa; in (L) above, St Louis, Mo.; in (M) above, St. Louis, Mo. (Dupo, Ill., commercial zone); and in (N) above, Muscatine, Iowa.

No. MC 92983 (Sub-No. E24), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *such polyvinyl acetate, linseed oil, linseed oil blends and products*, and *paint materials*, in bulk, in tank vehicles, as are embraced within acids and chemicals, from Lawrence, Kans., to Houston, Tex.; (B) *Liquid chemicals*, in bulk, in tank vehicles, from Lawrence, Kans., to points in Michigan; (C) *Acids* and *chemicals*, in bulk, in tank vehicles, from Lawrence, Kans., to points in Kentucky, North Carolina, Ohio, and South Carolina; (D) *Trichloromonofluoromethane, dichlorodifluoromethane, monochlorodifluoremethane, trichlorotrifluoroethane, dichlorothetrafluoroethane*, and *mixtures* thereof, in bulk, in tank vehicles, from Lawrence, Kans., to points in Alabama (except Fox); (E) *Chemicals*, in bulk, in tank vehicles, from Lawrence, Kans., to points in Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia; (F) *Chemicals* (except those derived from petroleum and petroleum products, synthetic resins and varnishes), in bulk, in tank vehicles, from Lawrence, Kans., to points in Minnesota; (G) *Acids* and *chemicals*, in bulk, in tank vehicles, (1) from Lawrence, Kans., to points in Wisconsin located on and east of a line beginning at the Mississippi River at LaCrosse, Wis., along U.S. Highway 53 to junction with the southern boundary of Eau Claire County, thence along the southern and western boundaries of Eau Claire County and the western boundaries of Chippewa and Rusk Counties, thence along the western boundary of Sawyer County to junction with Namekagon River, thence along the Namekagon River to the southern boundary of Bayfield County, thence along the southern and western boundaries of Bayfield County to Lake Superior, (2) from Lawrence, Kans., to points in Idaho, Montana, North Dakota, South Dakota, and Wyoming.

(3) from Lawrence, Kans., to points in Arizona, California, Nevada, New Mexico, Oregon, and Utah, and (4) from Lawrence, Kans., to points in Arkansas, Colorado, Illinois, Oklahoma, and points in that part of Kansas located in; south, and east of Norton, Graham, Ellis, Barton, Stafford, Reno, Kingman, and Sumn Counties: (H) *Such fats and oils and blends and products thereof* (except those derived from petroleum, soap products, and paints), in bulk, in tank vehicles, as are embraced within chemicals, from Lawrence, Kans., to points in Florida; (I) *Agricultural insecticides*, in bulk, in hopper vehicles and *arsenic acid*, in bulk, in tank vehicles, from Lawrence, Kans., to points in Alabama (except Bay Minette); (J) *Acids* and *chemicals*, in bulk, in tank vehicles, from Lawrence, Kans., to points in Mississippi and Tennessee; (K) *Anhydrous ammonia*, in bulk, in tank vehicles, from Lawrence, Kans., to points in Alabama within 400 miles of Woodstock, Tenn.; (L) *Phosphoric acid*, in bulk, in tank vehicles, from Lawrence, Kans., to points in Alabama (except those located in Mobile and Baldwin Counties); (M) *Acids* and *chemicals*, in bulk, in tank vehicles, from Lawrence, Kans., to points in Louisiana and Washington; (N) *Chemicals* (except cryogenic liquids), in bulk, in tank vehicles, from Lawrence, Kans., to points in Minnesota (except points east of Minnesota Highway 43); (O) *Chemicals* (except liquid hydrogen, liquid nitrogen, and liquid oxygen to Georgia), in bulk, in tank vehicles, from Lawrence, Kans., to points in Connecticut, Georgia, and Indiana; (P) *Liquid chemicals*, in bulk, in tank vehicles, from Lawrence, Kans., to points in Texas located in, south, and east of Bowie, Morris, Marion, Harrison, Gregg, Rusk, Cherokee, Anderson, Freestone, Limestone, McLennan, Coryell, Hamilton, Mills, Brown, McCulloch, Menard, Scheicher, Crockett, Pecos, and Jeff Davis Counties and points in Reeves County located on and south of U.S. Highway 80; (Q) *Fats*, in bulk, in tank vehicles, from Kansas City, to points in Illinois located in, south, and west of Madison, Macoupin, Sangamon, Menard, Mason, Tazewell, Peoria, Stark, Bureau, Lee, Ogle, and Winnebago Counties (except Champaign); (R) *Unprocessed fats* and *grease*, in bulk, in tank vehicles, from Kansas City, Kans., to Champaign, Ill.; (S) *Fats, grease*, and *tallows*, in bulk, in tank vehicles, from Kansas City, Kans., to Chicago, Illinois, Cincinnati, Ohio, and Memphis, Tenn.

(T) *Fats* (except those used as ingredients in feed), from Kansas City, Kans., to points in Ohio); (U) *Petroleum products* (except cryogenic liquids), requiring temperature control in transit to maintain liquid form, in bulk, in tank vehicles, (1) from points in Kansas to points in Iowa located in and east of Lee, Henry, Louisa, Johnson, Cedar, Jones, Delaware, Clayton, and Allamakee Counties, (2) from points in Kansas to points in Wisconsin located in and east of Ozaukee, Washington, Dodge, Columbia, Sauk, Richland, Vernon, LaCrosse, Jackson, Clark, Marathon, Lincoln, Oneida, and Forest Counties, (3) from points in Kansas located in and south of Hamilton, Kearny, Finney, Hodgeman, Pawnee, Barton, Rice, McPherson, Marion, Chase, Lyon, Greenwood, Woodson, Neosho, and Labette Counties to points in Minnesota located on and east of Minnesota Highway 43 and to points in Wisconsin located in Milkwaukee, Racine, Kenosha, Waukesha, Walworth, Jefferson, Rock, Dane, Green, Iowa, Lafayette, Grant,

Crawford, Trempealeau, Eau Claire, Chippewa, Taylor, Price, Ashland, Iron, and Vilas Counties, (4) from points in Kansas to points in Ohio, Pennsylvania, New York, and West Virginia, (5) from points in Kansas located in and south of Miani, Anderson, Woodson, Greenwood, Elk, Cowley, and Sumner Counties to points in Indiana and points in Kentucky located in and east of Henderson, Daviess, Ohio, Butler, Warren, and Allen Counties, to points in Tennessee located in and east of Macon, Trousdale, Smith, DeKalb, Warren, Grundy, and Marion Counties, and to points in Michigan, and (6) from points in Kansas located in, north, and west of Johnson, Franklin, Coffey, Lyon, Chase, Butler, Sedgwick, Kingman, and Harper Counties to points in Indiana, Kentucky, Tennessee, and Michigan; (V) *Such acids and chemicals* as are embraced within contractor's materials and supplies, in bulk, from points in Kansas located in and west of Sumner, Sedgwick, Harvey, McPherson, Dickinson, Clay, and Washington Counties (except Military and Lawrence), to Indianapolis, Ind.; (W) *Such petroleum products* as are embraced within chemicals, in bulk, in tank vehicles, from points in Kansas (except Military and Lawrence) to points in Wisconsin within the territory bounded by a line beginning at the Mississippi River and extending along U.S. Highway 63 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction U.S. Highway 16, thence along U.S. Highway 16 to LaCrosse, Wis., thence along the Mississippi River to the point of beginning.

(X) *Liquid chemicals* except petroleum products), in bulk, in tank vehicles, (1) from points in Kansas (except Military and Lawrence), to points in Wisconsin (except Polk, Burnett, Washburn, Douglas, and Bayfield Counties), and (2) from points in Kansas located in and south of Atchison, Jackson, Shawnee, Wabaunsee, Geary, Dickinson, Saline, McPherson, Rice, Stafford, Pawnee, Edwards, Ford, Gray, Haskell, Stevens, and Morton Counties (except Military and Lawrence), to points in Wisconsin located in Polk, Burnett, Washburn, Douglas, and Bayfield Counties; and (Y) *Chemicals* (except petroleum chemicals), in bulk, in tank vehicles, (1) from points in Kansas (except Military and Lawrence), located in and east of Smith, Mitchell, Lincoln, Saline, McPherson, Harvey, Butler, and Cowley Counties to points in Iowa located in and east of Winneshiek, Fayette, Buchanan, Linn, Johnson, and Louisa Counties, and (2) from points in Kansas located in and west of Phillips, Osborne, Russell, Ellsworth, Rice, Reno, Sedgwick, and Sumner Counties to points in Iowa located on and east of U.S. Highway 218.

The purpose of this filing is to eliminate the gateways of: in (A), (C), (E), (F), (G)(3), (M), (O), and (U)(4)–(6) above, Kansas City, Mo.; in (B) above, Muscatine, Iowa; in (D) above, Kansas City, Mo., and Marshall County, Ky.; in (G)(1) above, Burlington, Iowa; in (G)(2) above, Kansas City, Kans.; Kansas City, Mo., commercial zone; in (G)(4) above, Kansas City, Kans.-Kansas City, Mo., commercial zone (Olathe, Kans.); in (H),(I) above, Kansas City, Kans.-Kansas City, Mo., commercial zone (Olathe, Kans.), and those points in Arkansas which are in the Memphis, Tenn., commercial zone; in (J) above, Saginaw, Mo., and points within 15 miles thereof; in (K) above, Saginaw, Mo., and points within 15 miles thereof and Woodstock, Tenn.; in (L) above, Saginaw, Mo., and points within 15 miles thereof and Columbia, Tenn.; in (N) above, Fremont, Nebr.; in (P) above, Verona, Mo.; in (Q) above, those points that are in both the St. Louis, Mo.-Dupo, Ill., comercial zones; in (R)&(S) above, St. Louis, Mo.; in (T) above, those points that are both the St. Louis, Mo., and Dupo, Ill., commercial zones; in (U) (1) above, Alexandria, Mo.; in (U)(2)&(3) above, Alexandria, Mo., and Guttenberg, Iowa; in (V) above, Iowa City, Iowa; in (W) above, Coralville, Iowa, a point within five miles of Iowa City, Iowa; and in (X) & (Y) above, Iowa City, Iowa, a point within 15 miles of Windham.

No. MC 92983 (Sub-No. E25), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *such chemicals*, as are embraced within contractors materials and supplies, in bulk, and *chemicals* (except petroleum and petroleum products), in bulk, (1) from points in Kansas (except Military and Lawrence), to points in Minnesota located in Goodhue, Wabasha, Olmstead, Winona, Fillmore, and Houston Counties, (2) from points in Kansas located in Phillips, Norton, Decatur, Rawlins, and Cheyenne Counties to points in Illinois located in and north of Hancock, Schuyler, Cass, Sangamon, Christian, Shelby, Effingham, Jasper, Richland, and Wabash Counties, (3) from points in Kansas located in and west of Republic, Cloud, Mitchell, Lincoln, Russell, Barton, Pawnee, Ford, and Meade Counties (except Phillips, Norton, Decatur, Rawlins, and Cheyenne Counties), to points in Illinois located in and north of Henderson, Warren, Knox, Peoria, Tazewell, McLean, DeWitt, Piatt, Douglas, and Edgar, and (4) from points in Kansas (except Military and Lawrence), located east of Republic, Cloyd, Mitchell, Lincoln, Russell, Barton, Pawnee, Ford, and Meade Counties to points in Illinois located in and north of Mercer, Knox, Stark, Marshall, LaSalle, Grundy, and Kankakee Counties; (B) *Liquid chemicals* (except petroleum products), in bulk, in tank vehicles, (1) from points in Kansas located on and north of U.S. Highway 36 and on and west of U.S. Highway 183 to points in Tennessee located on and east of a line extending from the Tennessee-Kentucky State line along U.S. Highway 27 to the northern boundary of Roane County, thence along the Roane County line to Meigs County, thence along the boundary of Meigs County line to Bradley County, thence along the west boundary of Bradley County to the Tennessee-Georgia State line, (2) from points in Kansas (except Military and Lawrence) to points in Connecticut, New Jersey, and Pennsylvania (except Washington and Greene Counties) and points in Rhode Island, (3) from points in Kansas (except Crawford, Labette, and Cherokee Counties and except Lawrence) to points in Pennsylvania located in Washington and Greene Counties.

(4) From points in Kansas located in and north of Brown, Nemaha, Marshall, Washington, Cloud, Mitchell, Osborne, Rooks, Graham, Sheridan, Thomas, Logan, and Wallace Counties to points in North Carolina located in and west of Surry, Yadkin, Davie, Davidson, Montgomery, Richmond, and Scotland Counties and points in Robeson County located west of Interstate Highway 95, (5) from points in Kansas located in, north, and west of Wyandotte, Leavenworth, Douglas, Osage, Lyon, Chase, Marion, Harvey, Sedgwick, Kingman, and Harper Counties (except Lawrence), to points in North Carolina located in and east of Stockes, Forsyth, Guilford, Randolph, Moore, and Hoke Counties and points in Robeson County located on and east of Interstate Highway 95 (except Pasquotank, Camden, and Currituck Counties), (6) from points in Kansas (except Lawrence and Military) to points in North Carolina located in Pasquotank, Camden, and Currituck Counties, (7) from points in Kansas (except Lawrence and Military) to points in Michigan, (8) from points in Kansas located in, west, and north of Atchison, Jefferson, Shawnee, Wabunsee, Lyon, Chase, Butler, and Sumner Counties to points in Ohio located in and south of Van Wert, Allen, Hardin, Marion, Morrow, Knox, Coshocton, Guernsey, Harrison, and Belmont Counties, (9) from points in Kansas (except Military and Lawrence), to points in Ohio located in and north of Paulding, Putnam, Hancock, Wyandote, Crawford, Richland, Ashland, Holmes, Tuscarawas, and Carroll Counties and points in Jefferson County located on and north of U.S. Highway 22, including the Steubenville commercial zone, (10) from points in Kansas located in Cheyenne and Rawlins Counties to points in Indiana, (11) from points in Kansas located in and west of Republic, Cloud, Ottawa, Lincoln, Ellsworth, Rice, Stafford, Pratt, Kiowa, and Comanche Counties (except Cheyenne and Rawlins Counties (to points in Indiana located in and north of Warren, Fountain, Montgomery, Hendricks, Marion, Hancock, Rush, Fayette, and Union Counties, (12) from points in Kansas (except Lawrence and Military) to points in Indiana located in and north of Newton, Jasper, Pulaski, Fulton, Kosciusko, Whitley, and Allen Counties, and (13) from points in Kansas located in and north of Washington, Republic, Jewell, Smith, Phillips, Norton, Sheridan, Thomas, Logan, and Wallack Counties to points in Kentucky located in and east of Gallatin, Owen, Scott, Fayette, Madison, Jackson, Clay, Knox, and Bell Counties.

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(C) *Chemicals* (except petroleum chemicals) in bulk, in tank vehicles, (1) from points in Kansas located in and surrounded by Johnson, Franklin, Coffey, Greenwood, Butler, Cowley, Sumner, Harper, Barber, Kingman, Reno, McPherson, Saline, Ottawa, Clay, Washington, Marshall, Nemaha, Brown, Doniphan, Atchison, Leavenworth, and Wyandotte Counties (except Lawrence) to points in New York located on and north of a line extending from Lake Ontario along New York Highway 13 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line, thence along the New York Pennsylvania State line to junction New York Highway 17B, thence along New York Highway 17B to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line, and (2) from points in Kansas located in and west of Republic, Cloud, Mitchell, Lincoln, Ellsworth, Rice, Stafford, Pratt, Kiowa, and Comanche Counties to points in New York; (D) *Caustic soda*, in bulk, in tank vehicles, from points in Kansas to Houston, Tex.; (E) *Chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen, to missile storage, or missile launching sites, missile test facilities, or manufacturing plants producing liquid oxygen, liquid hydrogen, and liquid nitrogen, and except sulphuric acid from Galena, Kans., and anhydrous ammonia, nitrogen fertilizer solution, aqua ammonia, methanol and antifreeze preparations from Military, Kans.), in bulk, in tank vehicles, from points in Kansas to Memphis, Tenn.; (F) *Chemicals*, in bulk, in tank vehicles, (1) from points in Kansas located in and south of Cheyenne, Rawlins, Decatur, Sheridan, Graham, Rooks, Osborne, Lincoln, Saline, Dickinson, Morris, Lyon, Coffey, Anderson, and Linn Counties to points in New York, (2) from points in Kansas located in, south, and west of Jewell, Cloud, Clay, Riley, Wabaunsee, Osage, Franklin, and Miami Counties to points in Connecticut, Delaware, Massachusetts, New Jersey and to points in New York located in and east of Oswego, Cayuga, Tompkins, and Chemung Counties, (3) from points in Kansas located in and west of Decatur, Sheridan, Graham, Ellis, Barton, Rice, Reno, Sedgwick, and Cowley Counties to points in Kentucky, (4) from points in Kansas located in, west, and south of Phillips, Osborne, Lincoln, Saline, Marion, Chase, Greenwood, Woodson, Neosho, and Crawford Counties to points in Kentucky located in and south of Simpson, Allen, Barren, Metcalfe, Adair, Russell, Pulaski, Clay, Owsley, Breathitt, Knott, Floyd, and Pike Counties.

(5) From points in Kansas located in and south of Cheyenne, Rawlins, Thomas, Sheridan, Graham, Rooks, Russell, Lincoln, Saline, Marion, Chase, Lyon, Coffey, Anderson, and Bourbon Counties to points in Pennsylvania, (6) from points in Kansas located in, south, and west of Jewell, Cloud, Clay, Riley, Wabaunsee, Shawnee, Douglas, and Miami Counties to points in Pennsylvania located in and east of Bradford, Sullivan, Columbia, Schuylkill, Lebanon, and Lancaster Counties, (7) from points in Kansas located in, west, and south of Norton, Graham, Rooks, Russell, Lincoln, Saline, Marion, Chase, Greenwood, Woodson, Neosho, and Crawford Counties to points in West Virginia, (8) from points in Kansas located in and south of Wallace, Logan, Gove, Ness, Rush, Barton, Rice, Reno, Harvey, Butler, Greenwood, Wilson, Neosho, Labette, and Cherokee Counties to points in Ohio, (9) from points in Kansas located in and south of Sherman, Thomas, Gove, Trego, Ellis, Russell, Ellsworth, Saline, Marion, Chase, Lyon, Coffee, Anderson, and Linn Counties to points in Ohio located in and east of Cuyahoga, Summit, Stark, Tuscarawas, Guernsey, Noble, and Washington Counties, (10) from points in Kansas located in and south of Greeley, Wichita, Finney, Hodgeman, Edwards, Pratt, Kingman, Sedgwick, Cowley, Chautauqua, and Montgomery Counties to points in the Lower Peninsula of Michigan, (11) from points in Kansas located in and south of Wallace, Logan, Scott, Lane, Ness, Rush, Barton, Rice, Reno, Harvey, Butler, Greenwood, Wilson, Neosho and Crawford Counties to points in Michigan located in and east of Bay, Saginaw, Shiawassee, Ingham, Jackson, and Hillsdale Counties, (12) from points in Kansas located in and south of Hamilton, Kearny, Finney, Gary, Ford, Kiowa, Pratt, Kingman, Sumner, Cowley, Chautauqua, Montgomery, Labette, and Cherokee Counties to points in Indiana, (13) from points in Kansas located in and south of Greeley, Wichita, Finney, Hodgeman, Pawnee, Stafford, Reno, Sedgwick, Butler, Elk, Wilson, Neosho, and Crawford Counties to points in Indiana located in and east of Elkhart, Kosciusko, Fulton, Cass, Howard, Clinton, Boone, Hendricks, Putnam, Owen, Greene, Daviess, Pike, and Warrick Counties, (14) from points in Kansas located in and south of Hamilton, Kearney, Finney, Gray, Ford, Kiowa, Barber, and Harper Counties to points in Illinois located in, south, and east of Madison, Macoupin, Sangamon, Logan, McLean, Livingston, Grundy, Kendall, Kane, Cook, and Lake Counties, and points in Wisconsin located in Milwaukee, Racine, and Kenosha Counties.

(15) From points in Kansas located in and south of Greeley, Wichita, Finney, Hodgeman, Edwards, Pratt, Kingman, and Sumner Counties to points in Illinois located in and south of Randolph, Perry, Jefferson, Wayne, Richland, and Lawrence Counties, restricted in (F) against the transportation of sulphuric acid from Galena, Kans., and of anhydrous ammonia, nitrogen fertilizer solution, aqua ammonia, methanol and anti-freeze preparations, from Military, Kans.; (G) *Cottonseed oil, soybean oil, blends* and *products* thereof (except those derived from soap products and paint), in bulk, in tank vehicles, from points in Kansas to Macon, Ga., and Jackson, Miss.; (H) *Vegetable oil* and *vegetable oil products* (except those derived from soap products and paint), in bulk, in tank vehicles, (1) from points in Kansas to points in Alabama, Georgia (except Macon), points in Louisiana located in Washington, St. Tammany, Jefferson, Orleans, St. Bernard and Plaquemines Parishes and to points in Mississippi (except Claiborne, Jefferson, Adams, Franklin, Wilkinson, and Amite Counties and except Jackson), (2) from points in Kansas (except those located in and south of Stanton, Grant, Haskell, Gray, Ford, Kiowa, Barber, Harper, Sumner, Cowley, and Chautauqua Counties to points in Louisiana located in West Feliciana, East Feliciana, East Baton Rouge, West Baton Rouge, Ascension, St. James, Assumption, Terrebonne, LaFourche, St. Charles, St. John The Baptist, Livingston, Tangipahoe and St. Helena Parishes and to points in Mississippi located in Claiborne, Jefferson, Adams, Franklin, Wilkinson, and Amite Counties, (3) from points in Kansas located in and north of Decatur, Norton, Phillips, Rooks, Osborne, Mitchell, Ottawa, Clay, Geary, Wabaunsee, Shawnee, Douglas, and Johnson Counties to points in Louisiana located in and surrounded by Morehouse, Quachita, Caldwell, LaSalle, Avoyelles, St. Landry, Lafayette, Iberia, St. Mary, St. Martin, Iberville, Pointe Coupee, Concordia, Tensas, Madison, East Carroll, and West Carroll Parishes, (4) from points in Kansas located in and south of Cheyenne, Rawlins, Decatur, Sheridan, Graham, Rooks, Osborne, Lincoln, Saline, Dickinson, Morris, Lyon, Coffey, Anderson, and Linn Counties to points in New York located in Bronx, New York, Kings, Queens, Nassau, and Suffolk Counties and to points in Pennsylvania located in Philadelphia and Delaware Counties.

(5) From points in Kansas located in and south of Sherman, Logan, Scott, Lane, Ness, Rush, Barton, Rice, McPherson, Marion, Chase, Greenwood, Woodson, Allen, and Bourbon Counties to points in New York located on and east of a line beginning at the United States-Canada International Boundary line along Interstate Highway 81 to junction New York Highway 38, thence along New York Highway 38 to junction New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line (except Bronx, New York, Queens, Nassau, and Suffolk Counties) and to points in Pennsylvania located on and east of a line beginning at the New York-Pennsylvania State line along U.S. Highway 220 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Pennsylvania Highway 72, thence along Pennsylvania Highway 72 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction B.R. U.S. Highway 15, thence along B.R. U.S. Highway 15 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-Maryland State line (except Delaware and Philadelphia Counties), and (6) from points in Kansas located in and south of Hamilton, Kearny, Finney, Gray, Ford, Kiowa, Pratt, Kingman, Sumner, Cowley, and Chautauqua Counties to points in New York located in and west of Cayuga, Tompkins, and Chemung Counties and to points in Pennsylvania (except as described in (4) and (5) above); (I) *Vegetable* and *animal fats* and *oils*, in bulk, in tank vehicles, (1) from Kansas City, Kans., to points in Arkansas located in and east of Mississippi, Poinsett, Cross, Woodruff, Monroe, Arkansas, Lincoln, Drew, and Ashley Counties, and (2) from Kansas City, Kans., to points in North Carolina, South Carolina, Florida, and points in West Virginia located in McDowell, Mercer, and Monroe Counties and points in Virginia located in and south and west of Alleghany, Rockbridge, Augusta, Albemarle, Greene, Madison, Culpepper, and Stafford Counties and points in Maryland located in and south of Charles, Calvert, and Dorchester Counties and points in Delaware located in Kent and Sussex Counties.

(J) *Crude soybean oil* and *inedible fats* (except inedible animal fats from Wichita), in bulk, in tank vehicles, (1) from points in Kansas to Chicago, Chicago Heights, and Rockford, Ill., (2) from points in Kansas (except Crawford, Cherokee, and Labette Counties), to Decatur, Ill., (3) from points in Kansas located in, north, and west of a line extending from the Kansas-Oklahoma State line along U.S. Highway 83 to to Decatur, Ill., (3) from points in Kanjunction U.S. Highway 56, thence along U.S. Highway 56 to junction Kansas Highway 23, thence along Kansas Highway 23 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction US. Highway 183, thence along U.S. Highway 183 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction US. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line to East St. Louis, Ill., (4) from points in Kansas to New York City and Port Ivory, N.Y., (5) from points in Kansas located in, north, and west of a line extending from the Missouri-Kansas State line along Kansas Highway 96 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Kansas-Oklahoma State line to Cincinnati and Ivorydale, Ohio, and (6) from points in Kansas to Faribault, Minneapolis, and St. Paul, Minn.; (K) *Animal fats* and *oils* (except animal fats from Wichita, Kans.), in bulk, in tank vehicles, (1) from points in Kansas to points in Michigan, (2) from points in Kansas located in and west of Nemaha, Marshall, Riley, Geary, Dickinson, McPherson, Reno, Pratt, and Barber Counties to points in North Carolina located in and east of Granville, Durham, Wake, Harnett, Cumberland, Bladen, Columbus, and Brunswick Counties, (3) from points in Kansas located in and west of Nemaha, Marshall, Washington, Cloud, Mitchell, Osborne, Rooks, Trego, Gove, Logan, Wallace, and Greeley Counties to points in North Carolina located in and west of Person, Orange, Chatham, Lee, Moore, Hoke, and Robeson Counties, and in and east of U.S. Highway 25 and points in South Carolina located in and east of Greenville, Laurens, Newberry, Saluda, Lexington, Orangeburg, Dorchester, and Charleston Counties, (4) from points in Kansas located in and west of Phillips, Graham, Sheridan, Thomas, Logan, and Wallace Counties to points in Kentucky located in and east of Kenton, Pendleton, Harrison, Bourbon, Clark, Estill, Jackson, and Clay Counties and that part of Knox and Bell Counties on and east of a line beginning at the Kentucky-Tennessee State line along U.S. Highway 25E to junction Kentucky Highway 11, thence along Kentucky Highway 11 to the Knox-Clay County line and to points in Tennessee located in and east of Hamblen and Cocke Counties and that part of Clairborne and Grainger Counties on and east of U.S. Highway 25E.

(5) From points in Kansas located in and west and north of Johnson, Franklin, Coffey, Greenwood, Butler, and Cowley Counties to points in Virginia located on and east of a line beginning at the Virginia-North Carolina State line along Virginia Highway 35, to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Virginia-West Virginia State line, (6) from points in Kansas located in and west of Marshall, Riley, Geary, Dickinson, Marion, Harvey, Sedgwick, Kingman, and Harper Counties to points in Virginia located in and west of Craig, Roanoke, Bedford, Pittsylvania, and in and west of Greensville, Dinwiddie, Amelia, Cumberland, Buckingham, and Nelson Counties, (7) from points in Kansas located in and west of Phillips, Graham, Sheridan, Thomas, Logan, and Wallace Counties to points in Virginia located in and west of Giles, Montgomery, Floyd, Franklin, and Henry Counties, (8) from points in Kansas located in and west of Republic, Cloud, Mitchell, Lincoln, Russell, Barton, Pawnee, Hodgeman, Ford, and Meade Counties to points in West Virginia, (9) from points in Kansas located in and west of Marshall, Riley, Geary, Dickinson, Marion, Harvey, Sedgwick, Kingman, and Harper Counties (except as described in (8) above), to points in West Virginia located in and north and east of Wood, Wirt, Calhoun, Braxton, Nicholas, and Greenbriar Counties, (10) from points in Kansas to points in Connecticut, Delaware, District of Columbia, Maine, points in Maryland located in and east of Carroll, Howard, Montgomery, Prince Georges, Charles and St. Marys Counties, points in Massachusetts, New Hampshire, New Jersey, and New York (except New York City and Port Ivory), points in Pennsylvania located on and east of a line beginning at the Pennsylvania-Ohio State line along U.S. Highway 422 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641, thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 233, to junction U.S. Highway 30, thence along U.S. Highway 30 to junction B.R. U.S. Highway 15, thence along B.R. U.S. Highway 15 and U.S. Highway 15 to the Pennsylvania-Maryland State line, points in Rhode Island and Vermont.

(11) from points in Kansas located in, north, and west of Wyandotte, Johnson, Franklin, Coffey, Greenwood, Butler, and Cowley Counties to points in Maryland and Pennsylvania (except as described in (10) above), (12) from points in Kansas (except as described in (13) below) to points in Ohio located in and north of Williams, Fulton, Lucas, Wood, Sandusky, Erie, Lorain, Guyahoga, Summit, and Portage Counties and that part of Mahoning County north of U.S. Highway 224, (13) from points in Kansas located in and west of Republic, Cloud, Lincoln, Ellsworth, Barton, Pawnee, Edwards, Kiowa, and Clark Counties to points in Ohio located on and north of a line beginning at the Ohio-Indiana State line at Union City, Ohio, extending along Ohio Highway 47 to junction Ohio Highway 185, thence along Ohio Highway 185 to junction Ohio Highway 48, thence along Ohio Highway 48 to junction Ohio Highway 41, thence along Ohio Highway 41 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction with the western boundary of Gallia County, thence along the western boundary of Gallia County to the Ohio River, (14) from points in Kansas to points in Indiana located in Lake, Porter, LaPorte, St. Joseph, Elkhart, LaGrange, and Steuben Counties, (15) from points in Kansas located in and west of Republic, Cloud, Mitchell, Lincoln, Russell, Barton, Pawnee, Hodgeman, Ford, and Meade Counties to points in Idiana located on and north of a line beginning at the Indiana-Illinois State line along U.S. Highway 24 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 29, thence along Indiana Highway 29 to junction Indiana Highway 26, thence along Indiana Highway 26 to junction Indiana Highway 13, thence along Indiana Highway 13 to junction Indiana Highway 28, thence along Indiana Highway 28 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 32, thence along Indiana Highway 32 to the Indiana-Ohio State line (except as described in (14) above).

(16) From points in Kansas (except as described in (17) below) to points in Illinois located in and north of Whiteside, Lee, DeKalb, Kane, DuPage, and Cook Counties (except to Chicago, Chicago Heights, and Rockford), and (17) from points in Kansas located in and west of Phillips, Rooks, Ellis, Ness,

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Hodgeman, Ford, and Meade Counties to points in Illinois located in and north of Mercer, that portion of Knox on and north of U.S. Highway 150, Stark, Marshall, that portion of Livingston, Ford, and Iroquois on and north of a line beginning at the Livingston-Woodford County line along Illinois Highway 116 to junction U.S. Highway 45. The purpose of this filing is to eliminate the gateways of: (A) Iowa, or Iowa City, Iowa, a point within 15 miles of Windham, Iowa; (B)(1) points in (A) above, and Selma, Mo., and points within 5 miles thereof; (B)(2)–(12) Iowa City, Iowa, a point within 15 miles of Windham, Iowa, and Muscatine, Iowa; (B)(13) Iowa City, Iowa, a point within 15 miles of Windham, Iowa, and the plant site of Hawkeye Chemicals Co., at or near Clinton, Iowa; (C) Iowa City, Iowa, a point within 15 miles of Windham, Iowa, and Des Moines, Iowa; (D)(E)(F) Tulsa, Okla.; (G)(H)(I) Memphis, Tenn.; (J) Iowa; and (K) Dubuque, Iowa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-34623 Filed 12-22-75;8:45 am]

[Notice No. 101]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 19, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under Sections 5(2) and 212(b); (4) notices of filing of Sections 5(2) and 210a(b) finance applications; and (5) notices of filing of Section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirement of 49 C.F.R. § 1100.250.

Protests to the granting of the requested authority must be filed with the Commission on or before January 22, 1976 (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's General Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

No. MC 3700 (Sub-No. 25) (Notice of filing of petition to amend restriction), filed November 19, 1975. Petitioner: MANHATTEN TRANSIT COMPANY, a Corporation, Rte. 46, Elmwood Park, N.J. 07407. Petitioner's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Petitioner holds a motor *common carrier* certificate in No. MC 3700 (Sub-No. 25), issued June 24, 1949, authorizing transportation, over regular routes, of *Passengers and their baggage, and express, mail, and newspapers* in the same vehicle with passengers, Between Little Ferry, N.J., and Union City, N.J.: From the intersection of Sylvan Avenue (New Jersey Highway 6) and Main Street in Little Ferry, over Main Street to the junction of Main and Liberty Streets, thence over Liberty Street to Moonachie, N.J., thence over Moonachie Road to Carlstadt, N.J., thence over Washington Avenue to East Rutherford, N.J., thence over Paterson Plank Road to the junction of Paterson Plank Road and New Jersey Highway 3, thence over New Jersey Highway 3 to Secaucus, N.J., also from the junction of New Jersey Highway 3 and renumbered New Jersey Highway 3 (east of the Hackensack River in Secaucus), over renumbered New Jersey Highway 3 (north of the Secaucus business center), to its junction with New Jersey Highway 3 at or near Union Avenue in Secaucus, thence over New Jersey Highway 3 to North Berger, N.J., thence over New Jersey Highway 3 and Depressed Highway to Union City, N.J., and return over the same routes except over Paterson Plank Road. Service is authorized to and from all intermediate points in Little Ferry, Moonachie, and Carlstadt only.

By the instant petition, petitioner seeks to amend the restriction in the above authority so as to authorize service to and from all intermediate points in Little Ferry, Moonachie, Carlstadt, and the New Jersey Sports and Exposition Complex at East Rutherford, N.J. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

Nos. MC 71221 and (Sub-No. 1) (Notice of filing of petition for interpretation or modification of certificates), filed November 19, 1975. Petitioner: THEODORE R. FULLER doing business as TED FULLER'S EXPRESS, 789 Page Blvd., Springfield, Mass. 01104. Petitioner's representative: David M. Marshall, 135 State Street—Suite 200, Springfield, Mass. 01103. Petitioner holds motor *common carrier* certificates in Nos. MC 71221 and (Sub-No. 1), issued June 12, 1941 and May 18, 1950, respectively, authorizing transportation, over irregular routes, in MC 71221, of *Household goods*, between Springfield, Mass., and points in Massachusetts within ten miles of Springfield, on the one hand, and, on the other, points in New Hampshire, Maine, Vermont, Rhode Island, Connecticut, and New York; in MC 71221 (Sub-No. 1), of *New Furniture*, uncrated, between Springfield, Mass., and points within ten miles thereof, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and New York.

Petitioner states that the Commission has advised (A) that the commodity description in MC 71221 household goods does not authorize the transportation of gas and electrical appliances from manufacturers to stores and warehouses, and (B) the commodity description in MC 71221 (Sub-No. 1) new furniture covered by cardboard wrappings is not authorized.

By the instant petition, petitioner (1) seeks interpretation of Certificate No. MC 71221 as authorizing by its commodity description, the transportation of "electric and gas appliances"; (2) in the alternative, modify Certificate No. MC 71221 by adding to the commodity description the words "and electric and gas appliances"; (3) interpret Certificate No. MC 71221 (Sub-No. 1) as authorizing the transportation of new furniture whether or not wrapped in paper or cardboard protective coverings (except in crates); (4) in the alternative, modify Certificates No. MC 71221 (Sub-No. 1) by deleting from the commodity description the phrase "uncrated" and substituting therefor the phrase (except in crates); and (5) Grant such other and further relief as is fair and equitable in the circumstances. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 114552 (Sub-No. 31) (Notice of filing of petition to modify certificate), filed November 19, 1975. Petitioner: SENN TRUCKING COMPANY, a Corporation, P.O. Drawer 220, Newberry, S.C. 29108. Petitioner's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Arlington, Va. 22201. Petitioner holds a motor *common carrier* certificate in No. MC 114552 (Sub-No. 31), issued June 12, 1968, authorizing transportation, over irregular routes, of *Plywood, and molding and stain* when moving at the same time, and in the same vehicle with plywood, from the plant site and warehouse facilities of Vancouver Plywood Company at Charlotte, N.C., to points in Alabama, Delaware, Georgia, Indiana, Kentucky, Maryland, Mississippi, New Jersey, New York, Pennsylvania, Tennessee, and West Virginia.

By the instant petition, petitioner seeks to delete the plant site and warehouse facilities of Vancouver Plywood Company as an origin point in the above authority, and to substitute in lieu thereof, Charlotte, N.C. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124813 (Sub-No. 61) (Notice of filing of petition to modify certificate), filed November 20, 1975. Petitioner: UMTHUN TRUCKING CO., a Corporation, 910 S. Jackson Street, P.O. Box 166, Eagle Grove, Iowa 50533. Petitioner's representative: James M. Hadge, 1980 Eagle Grove, Iowa 50533. Petitioner's representative: James M. Hadge, 1980 Financial Center, Des Moines, Iowa 50309. Petitioner holds a motor *common carrier* certificate in No. MC 124813 (Sub-No. 61), issued February 2, 1970, authorizing transportation, over irregular routes, of *Dry phosphatic feed ingredients*, from the facilities of Borden, Inc. Chemical Division Smith-Douglass, located in the Port Neal Industrial Complex in Woodbury County, Iowa, to points in Minnesota, Missouri, Kansas, and Colorado, restricted to the transportation of traffic originating at the named origin and destined to points in the states specified.

By the instant petition, petitioner seeks to delete Port Neal Industrial Complex as the location of the shipper in the above authority, and to substitute in lieu thereof "Big Soo Terminal, located in Woodbury County, Iowa. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 134734 (Sub-No. 5) (Correction of notice of filing petition to modify permit), filed October 31, 1975, and published in the FEDERAL REGISTER issue of November 19, 1975, and republished as corrected this issue. Petitioner: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 14031 L. Street, Omaha, Nebr. 68137. Petitioner's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Petitioner holds a motor *contract carrier* permit in No. MC 134734 (Sub-No. 5), issued June 14, 1973, authorizing transportation, over irregular routes, of *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Norfolk, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, restricted to a transportation service to be performed, under a continuing contract, or contracts, with National Foods, Inc., of Norfolk, Nebr.

By the instant petition, petitioner seeks to modify the contract shipper to read, restricted to a transportation service to be performed under a continuing contract, or contracts, with National Foods, Inc., of Norfolk, Nebr., and Midwestern Beef, Inc., of Lexington, Nebr.

NOTE.—The purpose of this corrected republication is to indicate that petitioner seeks to include Midwestern Beef, Inc., of Lexington, Nebr., in the above described authority, which was omitted from the original publication. Pleadings may be filed with respect to MC 134734 (Sub-No. 5) pursuant to this corrected republication. Any interested person or persons desiring to participate may file an original and six copies of his written representatives, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 111398 (Sub-No. 16), filed November 14, 1975. Applicant: FISCHBACH TRUCKING CO., a Corporation, 921 Sherman Street, Akron, Ohio 44309. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Akron, Ohio, on the one hand, and, on the other, points in Ohio.

NOTE.—The purpose of this application is to convert a Certificate of Registration applicant is seeking to acquire to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) proceeding in MC-F-12656 published in the FEDERAL REGISTER issue of October 30, 1975. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 141490 (Correction) filed October 28, 1975, published in the FEDERAL REGISTER issue of December 4, 1975, and republished, as corrected, this issue. Applicant: QUINCIE W. GIBSON, doing business as, GIBSON TRANSFER CO., 408 East 21st Street, Wichita, Kans. 67214. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat by-products, and articles* distributed by meat packing houses as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in containers (except hides, skins and pieces thereof), from the plant site of Dold Packing Company, Inc., at or near Wichita, Kans., to points in Colorado, Nebraska, Missouri, Oklahoma, Iowa, Arkansas, Louisiana, and Texas and (2) *materials and supplies* used in the processing and packaging of the above-described commodities (except in bulk), from the above-described destination points, to the plant site of Dold Packing Company, Inc., at or near Wichita, Kans.

NOTE.—The purpose of this republication is to state the correct publication. The purpost of this application is to convert a Certificate of Registration applicant is seeking to acquire to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) proceeding in MC-F-12544 published in the FEDERAL REGISTER issue of June 18, 1975. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC-F-12711. Authority sought for purchase by MARTIN TRUCKING, INC., East Poland Ave., Bessemer, PA 16112, of the operating rights and property of MORGAN FREEZE WAY, INC., 165 Brugh Ave., Butler, PA 16001, and for acquisition by W. THAYER MARTIN, also of Bessemer, PA 16112, of control of such rights and property through the purchase. Applicants' attorneys: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219, and Samuel P. Delisi, 604 Law & Finance Bldg., Pittsburgh, PA 15219. Operating rights sought to be transferred: *Fresh meats*, as a *common carrier* over irregular routes, (1) from Denison, Cedar Rapids, Ottumwa, and Estherville, Iowa, and points in Kentucky, to the facilities of Kress-Dobkin Co., Inc., at Pittsburgh, Pa., (2) from points in that part of the New York, N.Y., Commercial Zones as defined by the Commission within which dual operations may be conducted pursuant to the exemption provided in section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), to the facilities described in part (1) above, with restrictions; *meat and meat products*, etc., from Pittsburgh, Pa., to points in New York, New Jersey, Maryland, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Ohio, West Virginia, Maryland, New York, New Jersey, Delaware, Indiana, Illinois, Virginia, Michigan, Kentucky, Tennessee, Missouri, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

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No. MC-F-12712. Authority sought for purchase by COLONIAL FAST FREIGHT LINES, INC., P.O. Box 10327, Birmingham, AL 35202, of a portion of the operating rights of COLONIAL REFRIGERATED TRANSPORTATION, INC., and for acquisition by C. E. McBRIDE, all of the above-mentioned address, of control of such rights through the purchase. Applicants' attorney: Terry P. Wilson, P.O. Box 10327, Birmingham, AL 35201. Operating rights sought to be transferred: *Aluminum sheets, plates, coils, and tubing*, as a *common carrier* over irregular routes, from the plant site of Revere Copper and Brass, Incorporated, at or near Scottsboro, Ala., to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and return with *Aluminum ingots* and *scrap aluminum*, with restriction. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia. Application has not been filed for tempor ry authority under section 210a(b).

No. MC-F-12713. Authority sought for purchase by CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801, of a portion of the operating rights of TRANAMERICAN FREIGHT LINES, INC. (Harold O. Love, Receiver), 5650 Foremost Drive SE., Grand Rapids, MI 49506, and for acquisition by F. G. CAMPBELL, also of Springfield, MO 65801, of control of such rights through the purchase. Applicants' attorneys: Phineas Stevens, P.O. Box 22567, Jackson, MS 39205, and Charles F. Rodgers, 744 Broad St., Newark, NJ 07102. Operating rights sought to be transferred: *General commodities*, with the usual exceptions, as a *common carrier* over regular routes, between Cincinnati, Ohio and St. Louis, Mo., between Cincinnati, Ohio and Pittsburgh, Pa., between St. Louis, Mo., and Indianapolis, Ind., between St. Louis, Mo., and Louisville, Ky., between Cleveland, Ohio and Pittsburgh, Pa., between Cleveland, Ohio and Pittsburgh, Pa., between Indianapolis, Ind., and Cleveland, Ohio, between Springfield and Eaton, Ohio, between Columbus and Cincinnati, Ohio, between Cleveland, Ohio and Buffalo, N.Y., between points in New York, serving the plant sites of the Indiana-Michigan Electric Company and Ayrshire Collieries Corporation located in Sullivan County, Ind., near Fairbanks, Ind., between Rockport, Mo., and St. Joseph, Mo., serving the intermediate points of Fairfax, Craig, and Mound City, Mo., between Shenandoah, Iowa, and the junction of U.S. Highways 59 and 275, two miles south of Tarkio, Mo., serving the intermediate point of Tarkio, Mo., and the off-route point of Westboro, Mo., with restriction, between Sidney, Iowa, and Omaha, Nebr., serving the intermediate and off-route points of Council Bluffs, Knox, and Anderson, Iowa, between Bedford, Iowa, and Omaha, Nebr., serving all intermediate points, and the off-route points of Gravity, Yorktown, Braddyville, Essex, Farragut, Randolph, Malvern, and Coin, Iowa, between Seneca, Kans., and St. Joseph, Mo., serving all intermediate points, and the off-route points of Robinson, Kans., and those in Kansas within 25 miles of Seneca, between Seneca, Kans., and Kansas City, Mo., serving the intermediate and off-route points of Kansas City, Kans., and points in Kansas within 12 miles of Seneca, between St. Joseph, Mo., and Marysville, Kans., serving the intermediate and off-route points of Seneca, Horton, Everset, Denton, Baker, Willis, Severance, Waterville, Blue Rapids, Irving, Bendena, Reserve, White Cloud, and Iowa Point, Kans., between Smithville, Mo., and Kansas City, Kans., serving the intermediate and off-route points of Nashau, Gashland, Linden, Trimble, Platte City, Parkville, Grayson, and Gower, Mo., and those in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, serving the site of the General Electric Company Parts Warehouse located near New Concord, Ohio, as an off-route point in connection with carrier's presently authorized regular-route operations, serving Ingomar, Ohio (located approximately 2.4 miles south of U.S. Highway 35 in Preble County, Ohio), as an off-route point in connection with carrier's regular route operations between Springfield and Eaton, Ohio.

General commodities, with the usual exceptions over irregular routes, between points in that part of Atchison County, Mo., south of Missouri Highway 4 (not including Tarkio and Rockport, Mo.), and that part of Holt County, Mo., north of U.S. Highway 59 (not including Mound City and Craig, Mo.), on the one hand, and, on the other, Omaha, Nebr., and points in Iowa south of U.S. Highway 6 and west of U.S. Highway 65, between points in Atchison County, Mo., and that part of Holt County, Mo., within 20 miles of Fairfax, Mo., on the one hand, and, on the other, points in Iowa, with restriction, between Kansas City, North Kansas City, and Independence, Mo., Kansas City, Kans., and points within ten miles of the points named; over one alternate route for operating convenience only. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Wisconsin and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC-F-12714. Authority sought for control by LOWELL L. TREFFERT, INC., 3323 Rodney Lane, Racine, WI 53406, of H. IMME & SONS, INC., W145 S6550 Tess Corners Drive, Muskego, WI 53150. Applicants' attorney: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203. Operating rights sought to be controlled: Prepared foods, as a *contract carrier* over irregular routes, from Milwaukee, Wis., to points in the Upper Peninsula of Michigan. LOWELL L. TREFFERT, INC., is authorized to operate as a *common carrier* in Ohio and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

NOTICE

POTT INDUSTRIES, INC., 611 East Marceau Street, St. Louis, Missouri 63111, represented by Mr. Charles W. Chapman, 425 Thirteenth Street NW., Suite 1212, Washington, D.C. 20004, hereby gives notice that, on the 25th day of November, 1975, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act seeking retroactive approval of its 1969 and 1973 acquisitions, through stock ownership, of Gulf Mississippi Marine Corporation and DeFelice Marine Contractors, Inc., which application is assigned Finance Docket No. 28068. The latter two companies are not subject to Interstate Commerce Commission jurisdiction except that they both engage in Gulf-Coast marshland chartering operations exempted from regulation under Section 302(e) of the Act pursuant to the Commission's decision in Ex Parte No. 146.

Until recently, it had been held that approval of such acquisitions under Section 5(2) of the Act was not needed. *The Valley Line Co. v. United States*, 390 F. Supp. 435 (W.D. Pa. 1975) set aside this rule and, thereafter, the Commission issued a Notice in the FEDERAL REGISTER on July 28, 1975, directing that parties having consummated transactions of this kind, cure any technical deficiencies by filing appropriate applications with the Commission. This application's being filed in accordance with the said Notice. Applicant performs no common carrier operations itself, although it does control Federal Barge Lines, Inc., and Gulf Canal Lines, Inc., two common carriers which together operate throughout the inland waterways system of the United States.

No application for temporary authority has been filed under Section 311(b) of the Act.

In the opinion of the applicant, the application shows that its approval will not constitute a major Federal action which will have a significant effect on the quality of the human environment. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-National Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of an effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b)(1)-(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than thirty days from the first publication in the FEDERAL REGISTER.

POTT INDUSTRIES, INC.

NOTICE

ROBERT W. BLANCHETTE, RICHARD C. BOND AND JOHN H. McARTHUR, TRUSTEES OF THE PROPERTY OF PENN CENTRAL TRANSPORTATION COMPANY, 6 Penn Center Plaza, Philadelphia, County of Philadelphia, Pennsylvania, 19104, and DELAWARE AND HUDSON RAILWAY COMPANY, 40 Beaver Street, Albany, New York 12207, represented by Mr. John A. Daily, Commerce Counsel, Penn Central Transportation Company, Room 1138, Six Penn Center Plaza, Philadelphia, Pennsylvania 19104, and Mr. William P. Quinn, Strong, Barnett, Hayes & Quinn, Room 1700, Two Girard Plaza, Broad & South Penn Square, Philadelphia, Pennsylvania 19102, hereby give notice that, on the 1st day of December, 1975, they filed with the Interstate Commerce Commission at Washington, D.C., a joint application under Section 5(2) of the Interstate Commerce Act for an order seeking approval of their joint control over the Albany Port Railroad Corporation, which application is assigned Finance Docket No. 28072.

It is proposed that the Albany Port Railroad Corporation will ease the existing railroad properties of the Albany Port District Commission lying in the County of Albany, State of New York, which application was filed with the Interstate Commerce Commission under Section 1(18) and assigned Finance Docket No. 28069, and will thereafter conduct the railroad operations presently being conducted by the Albany Port District Commission.

In the opinion of the applicants, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Natl. Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b)(1)-(5), 340 ICC 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees of the property of Penn Central Transportation Company and the Delaware and Hudson Railway Company.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-34622 Filed 12-22-75;8:45 am]

[Notice No. 145]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 23, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before January 12, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75986. By order of December 18, 1975 the Motor Carrier Board approved the transfer to Pernsteiner Trucking, Inc., Medford, Wisconsin, of that portion of Permit No. MC 133967 (Sub-No. 8), issued June 5, 1962, to John R. McCormick, doing business as McCormick Trucking, (Ronald E. Priebe, Trustee in Bankruptcy), Catawba, Wisconsin, authorizing the transportation of doors, sashes, window units, screens, frames and window blinds, from Ladysmith, Wis., to points in South Dakota, North Dakota, Montana, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Kentucky, Michigan, Nebraska, Pennsylvania, West Virginia, and Iowa for the account of Weather Shield Mfg., Inc. of Medford, Wis. Frank L. Nikolay, Box 455, Colby, Wis. 54421, attorney for applicants.

No. MC-FC-76103. By order entered December 15, 1975 the Motor Carrier Board approved the transfer to Southern Germent Distributing Corp., Miami, Fla., of the operating rights set forth in Certificate No. MC-121120 (Sub-No. 2), issued November 18, 1971, to Miji Corporation, doing business as Jerry Lang and Sons Delivery Service, Inc., N. Miami, Fla., authorizing the transportation of general commodities, with exceptions, between specified counties in Florida. Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048, practitioner for applicants.

No. MC-FC-76199. By order entered December 18, 1975, the Motor Carrier Board approved the transfer to Carravelle Airways Inc., Niagara Falls, N.Y., of the operating rights set forth in Certificate No. MC-116658, issued August 5, 1959, to Philip Dury, Sr., Niagara Falls, N.Y., authorizing the transportation of passengers and their baggage, in special operations, in round-trip sightseeing or pleasure tours, limited to the transportation of not more than seven passengers in any one vehicle, but not including the driver thereof and not including children under ten years of age who do not occupy a seat or seats, in seasonal operations, between April 15 and October 15, inclusive, of each year, beginning and ending at Niagara Falls, N.Y., and points in Niagara County, N.Y., within six miles thereof, and extending to ports of entry on the United States-Canada Boundary line at Niagara Falls and Lewiston, N.Y. Howard C. Heaney, 2634 Welch Ave., Niagara Falls, N.Y. 14303 for transferee and Philip Dury, Sr., 631 35th St., Niagara Falls, N.Y., 14301, transferor.

No. MC-FC-76243. By order entered December 18, 1975, the Motor Carrier Board approved the transfer to Interstate Van & Storage Co., Inc., Brooklyn, N.Y., of the operating rights set forth in Certificate No. MC-70691, issued November 14, 1962, to Archie Rowe Moving & Storage, Inc., Brooklyn, N.Y., authorizing the transportation of household goods, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. Morris Honig, 150 Broadway, New York, N.Y. 10038, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-34626 Filed 12-22-75;8:45 am]

[Notice No. 44]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 19, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice

V 401247 DEC 23 75 XUM

thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969,, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 11220 (Deviation No. 27), GORDONS TRANSPORTS, INC., 185 W. McLemore Ave., Memphis, Tenn. 38101, filed December 5, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn., over U.S. Highway 78 to Tupelo, Miss., thence over U.S. Highway 45 to Shannon, Miss., thence over Alternate U.S. Highway 45 to junction U.S. Highway near Brooksville, Miss., thence over U.S. Highway 45 to Mobile, Ala., thence over Interstate Highway 10 to the Alabama-Mississippi State line, thence over U.S. Highway 90 to Orange Grove, Miss., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Memphis, Tenn., over U.S. Highway 51 to Jackson, Miss., thence over U.S. Highway 49 to Hattiesburg, Miss., thence over U.S. Highway 98 to Lucedale, Miss., thence over Mississippi Highway 63 to Pascagoula, Miss., thence over U.S. Highway 90 to Orange Grove, Miss., and return over the same route.

No. MC 41432 (Deviation No. 27) (Correction), EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207, filed November 21, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn., over Interstate Highway 40 to Nashville, Tenn., thence over Interstate Highway 65 to Louisville, Ky., thence over Interstate Highway 71 to junction Interstate Highway 75, thence over Interstate Highway 75 to Detroit, Mich., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Memphis, Tenn., over U.S. Highway 61 to junction U.S. Highway 67, thence over U.S. Highway 67 to St. Louis, Mo., thence over U.S. Highway 66 to Chicago, Ill., thence over U.S. Highway 20 to Elkhart, Ind., thence over Indiana Highway 15 to the Michigan-Indiana State line, thence over Michigan Highway 103 to Mottville, Mich., thence over U.S. Highway 12 to Detroit, Mich., and return over the same route. (The purpose of this republication is to show the correct destination point as Toledo, Ohio in lieu of Detroit, Mich., on applicant's deviation route and service route.)

No. MC 59856 (Deviation No. 5), SALT CREEK FREIGHTWAYS, 3333 West Yellowstone, Casper, Wyo. 82601, filed December 9, 1975. Carrier's representative: John Davidson, Suite 805, Midland Bank Bldg., Billings, Mont. 59101. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Atlantic City, Wyo., over Wyoming Highway 28 to Farson, Wyo., thence over U.S. Highway 187 to Jackson, Wyo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Atlantic City, Wyo., over Wyoming Highway 28 to junction U.S. Highway 287, thence over U.S. Highway 287 to Lander, Wyo., thence over Wyoming Highway 789 to Riverton, Wyo., thence over U.S. Highway 26 to Jackson, Wyo., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-34620 Filed 12-22-75;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 19, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Colorado Docket No. 28609—Extension filed August 20, 1975. Applicant: CITY STORAGE AND TRANSFER, INC., 3625 Walnut Street, Boulder, Colo. 80301. Applicant's representative: Stockton and Lewis, The 1650 Grant St. Bldg., Denver, Colo. 80203. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of (1) *General commodities*, (except household goods), between points in the Counties of Boulder, Larimer and Weld, State of Colorado, and for occasional service throughout the State of Colorado and each of the counties thereof. Restriction: The holder or operator herein when transporting commodities other than those exempt by the Commission from the 20 percent penalty clause shall charge a rate which is at least 20 percent greater than the rate charged on scheduled line-haul service by competing carriers; and (2) *household goods*, between points in the State of Colorado. Household goods as used in part (2) means personal effects and property used or to be used in a dwelling when part of the equipment or supply of such dwelling; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments when part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments; and articles which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, including objects of art, displays and exhibits. Restriction: Applicant shall not be permitted to establish a branch office or employ an agent in any other town or city except in the County of Boulder. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place scheduled for February 25, 1976 at 10 a.m., in the Hearing Room of the Commission, 500 Columbine Bldg., 1845 Sherman Street, Denver, Colo. Requests for procedural information should be addressed to the Department of Regulatory Agencies, The Public Utilities Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203 and should *not* be directed to the Interstate Commerce Commission.

Florida Docket No. 750721-CCT filed December 2, 1975. Applicant: CROWN COURIER SYSTEMS, INC., 9999 N.E. 2nd Avenue, Miami, Fla. 33138. Applicant's representative: Richard B. Austin, 214 Palm Coast II Bldg., 5255 N.W. 87th Avenue, Miami, Fla. 33178. Certificate of Public Convenience and Necessity sought to operate a freight service as a common carrier as follows: Transportation of *Advertising material; accounting data and papers; legal documents and papers; manufacturers' samples; medical equipment, supplies, materials and medical treatment items; machine tools, parts and replacement parts; data processing equipment, supplies, parts and data processing products; business machines; replacement parts and business machines supplies; business papers and records; engineering and architectural documents and papers; and printed material*, between all points and places in Dade, Broward, Palm Beach, and Monroe Counties, Florida on irregular routes and schedules the transportation

of the above commodities under the following conditions: Restricted to shippers having exclusive use of the vehicle in which their shipment moves and with all deliveries to be performed within four hours or pick up.

Service to be performed on an on-call basis, 24 hours a day, seven days a week, with exclusive use of vehicle being from point of origin to point of destination. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Florida Public Service Commission, 700 South Adams Street, Tallahassee, Fla. 32304 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-34621 Filed 12-22-75;8:45 am]

V 401247 DEC 23 75 XUM

federal register

TUESDAY, DECEMBER 23, 1975



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development

REHABILITATION PROGRAMS AND ACTIVITIES

Vending Facilities for Blind Licensees

V40247 DEC 23 75 XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development

[45 CFR Part 1369]

REHABILITATION PROGRAMS AND ACTIVITIES

Vending Facilities for Blind Licensees

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Commissioner of the Rehabilitation Services Administration with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations revoke Part 409 of Chapter IV of Title 45 of the Code of Federal Regulations and amend Chapter XIII of Title 45 of the Code of Federal Regulations by adding Part 1369 in order to implement the Randolph-Sheppard Act Amendments of 1974 (Pub. L. 93–516).

Part 1369 provides for the designation of the State vocational rehabilitation agency administering the State's vocational rehabilitation program for blind individuals as the State licensing agency for purposes of administering the State's vending facility program for blind licensees. Part 1369 also specifies the role of the State licensing agency in the location and operation of vending facilities on Federal property and provides for the distribution of vending machine income from certain vending machines on Federal property to blind licensees operating vending facilities on such Federal property, or, as appropriate, to the State licensing agency in accordance with an established distribution formula.

In addition, Part 1369 provides for arbitration by an ad hoc arbitration panel established by the Secretary of Health, Education, and Welfare in a dispute arising between a blind licensee and a State licensing agency or between a State licensing agency and a property managing department, agency or instrumentality of the United States.

Additional requirements relating to the provision to blind licensees of vocational and other training services, as vocational rehabilitation services, and the role and function of an elected State Committee of Blind Licensees have also been added.

Part 1369 also incorporates new comprehensive rules covering the maintenance and operation of Federal property by any property managing department, agency, or instrumentality of the United States, insofar as vending facilities are affected. These comprehensive rules cover such matters as the assigning of priority to blind licensees of State licensing agencies in the operation of vending facilities on Federal property except where the interests of the United States would be adversely affected; the designation of satisfactory sites for the location and operation of vending facilities in Federal property to be acquired or otherwise occupied; the operation of cafeterias by blind licensees; and the terms of permits issued by property managing departments, agencies, or instrumentalities of the United States for the operation of vending facilities by blind licensees.

Special attention is directed to § 1369.31 concerning the acquisition and occupation of property by any department, agency, or instrumentality of the United States. Since Section 2(d) of the Act provides that any determination affecting the inclusion of a satisfactory site on property to be acquired or otherwise occupied by the Federal Government is the joint responsibility of the Secretary of Health, Education, and Welfare and the appropriate State licensing agency, the absence of written objections from State licensing agencies concerning this proposed policy during the comment period will be considered to constitute concurrence with the Secretary's determination that, as indicated in § 1369.31(c), a building which (a) does not contain a minimum of 15,000 square feet of interior space when the building provides services to the public, or (b) houses fewer than 100 Federal Government employees, is not capable of supporting a vending facility operated by a blind person.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are received in writing by the Commissioner, Rehabilitation Services Administration, Department of Health, Education, and Welfare, Washington, D.C. 20201, on or before February 6, 1976. Such comments will be open for inspection in Room 3323 of the Department's offices at 330 C Street, SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m., (Area Code 202, 245–0079).

Dated: August 11, 1975.

ANDREW S. ADAMS,
Commissioner, Rehabilitation Services Administration.

Approved: August 11, 1975.

STANLEY B. THOMAS, Jr.,
Assistant Secretary for Human Development.

Approved: December 12, 1975.

DAVID MATHEWS,
Secretary.

Chapter IV of Title 45 of the Code of Federal Regulations is revised by revoking Part 409 and Chapter XIII of Title 45 of the Code of Federal Regulations is amended by adding Part 1369 as follows:

PART 1369—VENDING FACILITY PROGRAM FOR THE BLIND ON FEDERAL AND OTHER PROPERTY

Sec.

Subpart A—Definitions

1369.1 Terms.

Subpart B—The State Licensing Agency

1369.2 Application for designation as a State licensing agency; general.
1369.3 Application for designation as State licensing agency; content.
1369.4 State rules and regulations.
1369.5 Approval of application for designation as State licensing agency.
1369.6 Operator ownership of vending facilities.
1369.7 The issuance and conditions of licenses.
1369.8 Distribution and use of income from vending machines on Federal property.
1369.9 The setting aside of funds by the State licensing agency.
1369.10 The maintenance and repair of vending facilities.
1369.11 Training programs for blind licensees.
1369.12 Access to program information.
1369.13 Evidentiary hearings and arbitration of operator complaints.
1369.14 The State Committee of Blind Vendors.
1369.15 Use of serving arrangements.
1369.16 Permit for the establishment of vending facilities.
1369.17 Suspension of designation as State licensing agency.

Subpart C—Federal Property Management

1369.30 The location and operation of vending facilities for blind licensees on Federal property.
1369.31 Acquisition and occupation of Federal property.
1369.32 Collection and distribution of vending machine income from vending machines on Federal property.
1369.33 Operation of cafeterias by blind licensees.
1369.34 Application for permits.
1369.35 Terms of permit.
1369.36 Enforcement procedures.
1369.37 Arbitration of State licensing agency complaints.
1369.38 Reports.

AUTHORITY: Sec. 2, 49 Stat. 1559, as amended; 20 U.S.C. 107a.

Subpart A—Definitions

§ 1369.1 Terms.

Unless otherwise indicated in this part, the terms below are defined as follows:

(a) "Act" means the Randolph-Sheppard Vending Stand Act (Pub. L. 74–732), as amended by Pub. L. 83–565 and Pub. L. 93–516, 20 U.S.C., ch. 6A, Sec. 107.

(b) "Blind licensee" means a blind person licensed to operate a vending facility on Federal or other property.

(c) "Blind person" means a person who, after examination by a physician skilled in diseases of the eye or by an optometrist, whichever such person shall select, has been determined to have

(1) Not more than 20/200 central visual acuity in the better eye with correcting lenses, or

(2) An equally disabling loss of the visual field as evidenced by a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20°.

(d) "Commissioner" means the Commissioner of the Rehabilitation Services Administration.

(e) "Direct competition," when referring to a vending machine or a vending facility other than a vending facility operated by a blind licensee, means the presence and operation of such vending machine or such vending facility on the same premises as a vending facility operated by a blind licensee, which vends articles or services of a type authorized by a permit and is so located that it attracts customers who would otherwise patronize the vending facility operated by a blind licensee, except that vending machines or vending facilities operated in areas serving employees the majority of whom normally do not have direct access to the vending facility operated by a blind licensee shall not be considered to be in direct competition with the vending facility operated by a blind licensee.

(f) "Federal property" means any building, land, or other real property owned, leased, or occupied by any department, agency or instrumentality of the United States (including the Department of Defense and the United States Postal Service), or any other instrumentality wholly owned by the United States, or by any department or agency of the District of Columbia or any territory or possession of the United States.

(g) "Individual location, installation, or facility" means a building configuration which houses Federal employees.

(h) "License" means a written instrument issued by the State licensing agency to a blind person under this part, authorizing such person to operate a vending facility on Federal or other property.

(i) "Net proceeds" means the amount remaining from the sale of articles or services of vending facilities, and any vending machine income accruing to blind licensees after the cost of such sale and other expenses (excluding set-aside charges required to be paid by such blind licensees) have been deducted.

(j) "Nominee" means a nonprofit agency or organization designated by the State licensing agency through a written agreement to act as its agent in the provision of services to blind licensees under the State's vending facility program.

(k) "Operator" means a blind person licensed to operate a vending facility on Federal or other property.

(l) "Other property" means property which is not Federal property and on which vending facilities are established or operated by the use of any funds derived in whole or in part, directly or indirectly, from the operation of vending facilities on any Federal property.

(m) "Permit" means the official authorization given a State licensing agency by a department, agency or instrumentality in control of the maintenance, operation, and protection of Federal property, or person in control of other property, whereby the State licensing agency is authorized to establish a vending facility.

(n) "Program" means all the activities of the licensing agency under this part related to vending facilities on Federal and other property.

(o) "Satisfactory site" means an area determined by the Secretary

(1) to have a minimum of 150 square feet available for vending facility purposes; and

(2) to have sufficient electrical, plumbing, heating, and ventilation outlets for the location and operation of a vending facility by a blind licensee.

(p) "Secretary" means the Secretary of Health, Education, and Welfare.

(q) "State" means a State, territory, possession, Puerto Rico, or the District of Columbia.

(r) "State vocational rehabilitation agency" means that agency in the State providing vocational rehabilitation services to the blind as the sole State agency under a State plan for vocational rehabilitation services approved pursuant to the provisions of the Rehabilitation Act of 1973 (29 U.S.C., ch. 16).

(s) "State licensing agency" means the State agency designated by the Commissioner under this part to issue licenses to blind persons for the operation of vending facilities on Federal and other property, and may also refer to the State vocational rehabilitation agency.

(t) "United States" includes the several States, territories, and possessions of the United States, Puerto Rico, and the District of Columbia.

(u) "Vending facility" means automatic vending machines, (other than those operated by the United States Postal Service for the sale of postage stamps or other postal products and services), cafeterias, snack bars, cart service, shelters, counters, and such other appropriate auxiliary equipment which may be operated by blind licensees and which is necessary for the sale of newspapers, periodicals, confections, tobacco products, foods, beverages, and other articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws, and including the vending or exchange of chances for any lottery authorized by State law and conducted by an agency of a State within such State.

(v) "Vending machine", for the purpose of assigning vending machine income under this part, means an unattended coin or currency operated machine which dispenses any articles automatically or manually or which dispenses services when such services are authorized under a permit to be sold by a blind licensee, except that those machines operated by the United States Postal Service for the sale of postage stamps or other postal products and services shall not be considered to be vending machines.

(w) "Vending machine income" means receipts (other than those of a blind licensee) from vending machine operations on Federal property, after cost of goods sold (including reasonable service and maintenance costs such as payroll and related expenses, depreciation, insurance, repairs, waste removal, taxes and licenses, warehousing, delivery and similar expenses including reserves for replacement), where the machines are operated, serviced, or maintained by, or with the approval of, a department, agency, or instrumentality of the United States, or commissions paid (other than to a blind licensee) by a commercial vending concern which operates, services, and maintains vending machines on Federal property for, or with the approval of, a department, agency, or instrumentality of the United States.

(x) "Vocational rehabilitation services" means those services as defined in § 1361.1(ee) (1) and (2) of this chapter.

Subpart B—The State Licensing Agency

§ 1369.2 Application for designation as a State licensing agency; general.

(a) An application for designation as a State licensing agency may be submitted only by the State vocational rehabilitation agency providing vocational rehabilitation services to the blind under an approved State plan for vocational rehabilitation services under Part 1361 of this chapter.

(b) Such application shall be:

(1) Submitted in writing to the Commissioner;

(2) Approved by the chief executive of the State; and

(3) Transmitted over the signature of the executive officer of the State agency making application.

§ 1369.3 Application for designation as State licensing agency; content.

(a) An application for designation as a State licensing agency under § 1369.2 shall indicate:

(1) The State licensing agency's legal authority to administer the program, including its authority to promulgate rules and regulations to govern the program;

(2) The State licensing agency's organization for carrying out the program, including a description of the methods for coordinating the State's vending facility program and the State's vocational rehabilitation program, with special reference to the provision of such post-employment services necessary to assure that the maximum vocational potential of each operator is achieved;

(3) The broad policies and standards to be employed in the selection of suitable locations for vending facilities;

(4) The policies to be followed in making suitable vending facility equipment and adequate initial stocks of merchandise available to an operator, and the sources of funds to be used therefor;

(5) The sources of funds for the management of the program and the amounts of funds, if any, to be set aside from the proceeds of the operation of vending facilities;

(6) The policies and standards governing the relationship of the State licensing agency to the operators, including their selection, duties, supervision, transfer, promotion, financial participation, rights to a full evidentiary hearing concerning a State licensing agency action, and, where necessary, rights for the submittal of complaints to an arbitration panel;

(7) The methods to be followed in providing suitable training, including on-the-job training and, where appropriate, upward mobility training, to blind persons selected for licensing under the program;

(8) The arrangements made or contemplated, if any, for the utilization of the services of any nominee agency or organizations other than the State li-

V 401247 DEC 23 75 XUM

censing agency under § 1369.15; the agreements therefor and the services to be provided; the procedures for the supervision and control of the services provided by such agency or organization and the methods used in evaluating services received, the basis for remuneration, and the fiscal controls and accounting procedures;

(9) The arrangements made or contemplated, if any, for the vesting in accordance with the laws of the State, of the right, title to, and interest in vending facility equipment or stock (including vending machines), used in the program, in a nominee of the State licensing agency to hold such right, title to, and interest for program purposes; and

(10) The assurances of the designated State licensing agency that it will:

(i) Cooperate with the Commissioner in carrying out the purposes of the Act;

(ii) Take effective action, including the termination of licenses, to carry out full responsibility for the management and operating of each vending facility in its program in accordance with its established rules and regulations, this part, and the terms and conditions governing the permit;

(iii) Submit promptly to the Commissioner for approval a description of any changes in the legal authority of the State licensing agency, its rules and regulations, operator agreements, schedules for the setting aside of funds, contractual arrangements for the furnishing of services by a nominee of the State licensing agency, and any other matters which form a part of the application.

(iv) If it intends to set aside, or cause to be set aside, funds from the net proceeds of the operation of vending facilities, obtain a prior determination by the Commissioner that the amount of such funds to be set aside is reasonable;

(v) Furnish each operator a copy of its rules and regulations and a description of the arrangements for providing services, and take adequate steps to assure that each operator understands the provisions of the permit and any agreement under which he operates, as evidenced by his signed statements;

(vi) Submit to an arbitration panel those grievances of any blind licensee unresolved after a full evidentiary hearing;

(vii) Adopt accounting procedures and maintain financial records in a manner necessary to provide for each vending facility and for the State's vending facility program a classification of financial transactions in such detail as is sufficient to enable evaluation of performance; and

(viii) Maintain records and make reports in such form and containing such information as the Commissioner may require, make such records available for audit purposes, and comply with such provisions as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) An application submitted by a State licensing agency under § 1369.2 shall be accompanied by a copy of State rules and regulations (or proposed rules and regulations) affecting the administration and operation of the State's vending facility program.

§ 1369.4 State rules and regulations.

(a) The State licensing agency shall promulgate rules and regulations which have been approved by the Commissioner and which shall be adequate to enable the State licensing agency to carry out its full responsibilities under this part. Such rules and regulations shall be adequate to assure the effective conduct of the State's vending facility program and the operation of each vending facility in accordance with this part and with the regulations and conditions of each department, agency, and instrumentality in control of the maintenance, operation, and protection of Federal property, including the conditions contained in permits, as well as in all applicable Federal and State laws, local ordinances and regulations.

(b) Such rules and regulations and amendments thereto shall be filed or published in accordance with State law.

(c) Such rules and regulations shall include provisions adequate to insure that the right, title to, and interest in each vending facility used in the program and the stock will be vested in accordance with the laws of the State in only the following:

(1) The State licensing agency; or

(2) Its nominee, subject to the conditions specified in § 1369.15(b); or

(3) The operator, in accordance with State determination.

(d) Notwithstanding the provisions of paragraph (c) of this section, any right, title to, or interest which existed on June 30, 1955, in stock may continue so long as:

(1) The interest is in the stock of a facility established under the program prior to July 1, 1955, and

(2) The operator was licensed in the program (whether or not for the operation of the vending facility in question) prior to July 1, 1955.

§ 1369.5 Approval of application for designation as State licensing agency.

When the Commissioner determines that an application submitted by a State vocational rehabilitation agency under § 1369.2, and the accompanying rules and regulations (or proposed rules and regulations) indicate a plan of program operations which will stimulate and enlarge the economic opportunities for the blind, and which will meet all other requirements of this part, he shall approve the application and shall designate the applying State vocational rehabilitation agency as the State licensing agency.

§ 1369.6 Operator ownership of vending facilities.

(a) If a State licensing agency determines under § 1369.4(c) that the right, title to, and interest in a vending facility may be vested in the operator, the State licensing agency shall enter into a written agreement with each operator who is to have such ownership. Such agreement shall contain in full the terms and conditions governing such ownership in accordance with criteria in the State licensing agency's regulations, any applicable Federal regulations, and the terms and conditions of the permit. The criteria established to govern the determination that the title may be so vested shall contain reasonable provisions to enable an operator to purchase vending facility equipment and to ensure that no individual will be denied the opportunity to become an operator because of his inability to purchase the vending facility equipment or the initial stock;

(b) The State licensing agency shall establish in writing and maintain policies determining whether the operator-owner or the State licensing agency shall be required to maintain the vending facility in good repair and in an attractive condition and replace worn-out or obsolete equipment; and if the former, such policies shall provide that upon such operator-owner's failure to do so, the State licensing agency may make or cause to be made, the necessary maintenance, replacement, or repairs and make equitable arrangements for reimbursement;

(c) Where the operator owns such equipment and is required to maintain the vending facility in good repair and in an attractive condition and replace worn-out or obsolete equipment, or agrees to purchase additional new equipment, service charges for determining such amount shall be established by the State licensing agency in writing;

(d) Where the operator owns such equipment, the State licensing agency shall retain a first option to repurchase such equipment, and in the event the operator-owner dies, or for any other reason ceases to be a licensee, or transfers to another vending facility, ownership of such equipment shall become vested in the State licensing agency subject to an obligation on its part to pay to such operator-owner or his estate, the fair value therein as determined in accordance with methods defined in its regulations;

(e) The owner-operator, his personal representative or next of kin shall be entitled to an opportunity for a full evidentiary hearing with respect to the determination of the amount to be paid by the State licensing agency for an operator's ownership in the equipment.

§ 1369.7 The issuance and conditions of licenses.

(a) The State licensing agency shall establish in writing and maintain objective criteria for licensing qualified applicants, including a provision for giving preference to blind persons who are in need of employment. Such criteria shall also include provisions to assure that licenses will be issued only to persons who are determined by the State licensing agency to be:

(1) Blind;

(2) Citizens of the United States; and

(3) Certified by the State vocational rehabilitation agency as qualified to operate a vending facility.

(b) The State licensing agency shall further provide for the issuance of licenses for an indefinite period but subject to suspension or termination if, after affording the operator an opportunity for a full evidentiary hearing, the State licensing agency finds that the vending facility is not being operated in accordance with its rules and regulations, the terms and conditions of the permit, or the terms and conditions of the agreement with the operator.

(c) The State licensing agency shall further establish in writing and maintain policies governing the duties, supervision, transfer and financial participation of the operators.

§ 1369.8 Distribution and use of income from vending machines on Federal property.

(a) Vending machine income from vending machines on Federal property which has been disbursed to the State licensing agency by a property managing department, agency, or instrumentality of the United States under § 1369.32 shall accrue to each blind licensee operating a vending facility on Federal property in each State in an amount not to exceed the average net income of the total number of blind licensees within such State, as determined each fiscal year on the basis of each prior year's operation, except that vending machine income shall not accrue to any blind licensee in any amount exceeding either the average net income of the total number of blind licensees in the United States, or the amount that such licensee was receiving on January 1, 1974, whichever is higher. No limitation shall be imposed on income from vending machines, combined to create a vending facility, when such facility is maintained, serviced, or operated by a blind licensee. Vending machine income disbursed by a property managing department, agency or instrumentality of the United States to a State licensing agency in excess of the amounts eligible to accrue to blind licensees in accordance with this paragraph shall be retained by the appropriate State licensing agency.

(b) Vending machine income which is retained under paragraph (a) of this section by a State licensing agency shall be used by such agency for the esablishment of retirement or pension plans, for health insurance contributions, and for the provision of paid sick leave and vacation time for blind licensees in such State, if it is so determined by a majority vote of blind licensees licensed by the State licensing agency, after such agency has provided to each such licensee information on all matters relevant to such purposes. Any vending machine income not necessary for such purposes shall be used by the State licensing agency for the maintenance and replacement of equipment, the purchase of new equipment, management services, and assuring a fair minimum return to operators of vending facilities. Any assessment charged to blind licensees by a State licensing agency shall be reduced pro rata in an amount equal to the total of such remaining vending machine income.

§ 1369.9 The setting aside of funds by the State licensing agency.

(a) The State licensing agency shall establish in writing the extent to which funds are to be set aside or caused to be set aside from the net proceeds of the operation of the vending facilities and, to the extent applicable, from vending machine income under § 1369.8(b) in an amount determined by the Commissioner to be reasonable.

(b) Funds may be set aside under paragraph (a) of this section only for the purposes of:

(1) Maintenance and replacement of equipment;

(2) The purchase of new equipment;

(3) Management services;

(4) Assuring a fair minimum of return to operators of vending facilities; or

(5) The establishment and maintenance of retirement or pension funds, health insurance contributions, and provision for paid sick leave and vacation time, if it is so determined by a majority vote of blind licensees licensed by the State licensing agency, after such agency provides to each such licensee information on all matters relevant to such proposed purposes.

(c) The State licensing agency shall further set out the method of determining the charge for each of the above purposes listed in paragraph (b) of this section, which will be designed to prevent, so far as is practicable, a greater charge for any purpose than is reasonably required for that purpose. The State licensing agency shall maintain adequate records to support the reasonableness of the charges for each of the purposes listed in this section.

§ 1369.10 The maintenance and repair of vending facilities.

The State licensing agency shall maintain (or cause to be maintained) all vending facilities in good repair and in an attractive condition and shall replace or cause to be replaced worn-out and obsolete equipment as required to ensure the continued successful operation of the facility.

§ 1369.11 Training program for blind licensees.

The State licensing agency shall ensure that effective programs of vocational and other training services, including personal and vocational adjustment, books, tools, and other training materials, shall be provided to blind individuals as vocational rehabilitation services under the Rehabilitation Act of 1973 (Pub. L. 93–112), as amended by the Rehabilitation Act Amendments of 1974 (Pub. L. 93–516). Such programs shall include on-the-job training in all aspects of vending facility operation for blind persons with the capacity to operate a vending facility, and upward mobility training (including further education and additional training or retraining for improved work opportunities) for all blind persons to whom licenses have been issued. The State licensing agency shall further ensure that post-employment services shall be provided to blind licensees as vocational rehabilitation services as necessary to assure that the maximum vocational potential of such licensees is achieved and suitable employment of such licensees is maintained.

§ 1369.12 Access to program information.

Each blind licensee under this part shall be provided access to all financial data of the State licensing agency relevant to the operation of the State vending facility program, including quarterly and annual financial reports, provided that such disclosure does not violate applicable Federal or State laws pertaining to the disclosure of confidential information. State licensing agency staff shall be available at the request of a blind licensee to assist in the interpretation of such financial data.

§ 1369.13 Evidentiary hearings and arbitration of operator complaints.

(a) The State licensing agency shall specify in writing and maintain procedures whereby such agency affords an opportunity for a full evidentiary hearing to each blind licensee (which procedures shall also apply to cases under § 1369.6(e)) dissatisfied with any State licensing agency action arising from the operation or administration of the vending facility program. When such blind licensee is dissatisfied with any action taken or decision rendered as a result of such hearing, he may file a complaint with the Secretary.

(b) The filing of a complaint under paragraph (a) of this section with either the State licensing agency or the Secretary shall indicate consent by the blind licensee for the release of such information as is necessary for the conduct of a full evidentiary hearing or the hearing of an ad hoc arbitration panel.

(c) Upon receipt of a complaint filed by a blind licensee under this section, the Secretary shall convene an ad hoc arbitration panel which shall, in accordance with the provisions of 5 U.S.C. ch. 5, subchapter II, give notice, conduct a hearing, and render its decision which shall be final and binding on the parties except that such decision shall be subject to appeal and review as a final agency action for purposes of the provisions of 5 U.S.C. ch. 7.

(d) The arbitration panel convened by the Secretary to hear the grievances of blind licensees shall be composed of three members appointed as follows:

(1) One individual designated by the State licensing agency;

(2) One individual designated by the blind licensee; and

(3) One individual not employed by the State licensing agency or, where appropriate, its parent agency, who shall be jointly designated by the other members of the panel and who shall serve as chairman of the panel.

(e) If either the State licensing agency or the blind licensee fails to designate a member of an arbitration panel, the Secretary shall designate such member on behalf of such party.

V 40247 DEC 23 75 XUM

(f) The decisions of an arbitration panel convened by the Secretary under this section shall be matters of public record and shall be published in the FEDERAL REGISTER.

(g) The Secretary shall pay all reasonable costs of arbitration under this section in accordance with a schedule of fees and expenses which shall be published in the FEDERAL REGISTER.

(h) The provisions of this section shall not require the participation of grantors of permits for the operation of vending facilities on property other than Federal property.

§ 1369.14 The State Committee of Blind Vendors.

(a) The State licensing agency shall provide for the biennial election of a State Committee of Blind Vendors which shall be fully representative of all blind licensees in the State program.

(b) The State Committee of Blind Vendors shall:

(1) Participate with the State licensing agency in major administrative decisions and policy and program development decisions affecting the overall administration of the State's vending facility program;

(2) Receive and transmit to the State licensing agency grievances at the request of blind licensees and serve as advocates for such licensees in connection with such grievances;

(3) Participate with the State licensing agency in the development and administration of a State system for the transfer and promotion of blind licensees;

(4) Participate with the State licensing agency in the development of training and retraining programs for blind licensees; and

(5) Sponsor, with the assistance of the State licensing agency, meetings and instructional conferences for blind licensees within the State.

§ 1369.15 Use of servicing arrangements.

(a) The State licensing agency may enter into an agreement whereby another agency or organization undertakes to furnish services to licensed operators. Such agreement shall be in writing and shall contain provisions which:

(1) Clearly insure the retention by the State licensing agency of full responsibility for the management and operation of all phases of the program;

(2) Specify the type and extent of the services to be provided under such agreement;

(3) Provide that no charges will be collected from operators except as specified in such agreement;

(4) Specify that such other agency or organization may not be allowed to exercise any function with respect to funds for the purchase of new equipment or for assuring a fair minimum of return to operators, except to collect and hold solely for disposition in accordance with the order of the State licensing agency any charges authorized for those purposes by the licensing agency; and

(5) Specify that only the State licensing agency shall have control with respect to selection, placement, financial participation and termination of the operators, and the preservation, utilization, and disposition of program assets.

(b) If the State licensing agency permits any agency or organization other than an operator to hold any right, title to, or interest in vending facilities or stock, the arrangement shall be one permitted by State law and shall specify in writing that all such right, title to, or interest is held by such agency or organization as the nominee of the State licensing agency for program purposes and subject to the paramount right of the State licensing agency to direct and control the use, transfer, and disposition of such vending facilities or stock.

§ 1369.16 Permit for the establishment of vending facilities.

Prior to the establishment of each vending facility, the State licensing agency shall submit and have approved, in accordance with the requirements of this part (or in accordance with procedures of the person in control of other property), an application for a permit setting forth the location, the amount of space to be occupied, the type of facility or equipment, the types of articles and services to be offered for sale at each vending facility, including the number, location and type of vending machines and other terms and conditions desired to be included in the permit.

§ 1369.17 Suspension of designation as State licensing agency.

(a) If the Commissioner has reason to believe that, in the administration of the program, there is a failure on the part of any State licensing agency to comply substantially with the Act and this part, he shall so inform such agency in writing, setting forth, in detail, the areas in which there is such failure and giving it a reasonable opportunity to comply.

(b) If, after the lapse of a reasonable time, the Commissioner is of the opinion that such failure to comply still continues and that the State licensing agency is not taking the necessary steps to comply, he shall offer to such agency, by reasonable notice in writing thereto and to the chief executive of the State, an opportunity for a hearing before the Secretary (or person designated by the Secretary) to determine whether there is a failure on the part of such agency to comply substantially with the provisions of the Act and of this part.

(c) If it is thereupon determined that there is a failure on the part of such agency to comply substantially with the Act and this part, appropriate written notice shall be given to such agency and to the chief executive of the State suspending such agency's designation as licensing agency effective 90 days from the date of such notice. Upon the suspension of such designation, vending machine income from vending machines on Federal property due for accrual to the State licensing agency under § 1369.32 shall be retained in escrow by the department, agency, or instrumentality of the United States responsible for the maintenance, operation and protection of the Federal property on which such vending machines are located, pending redesignation of the State licensing agency.

(d) If, before the expiration of such 90 days, the Secretary (or person designated by him) determines that the State licensing agency is taking the necessary steps to comply, he may postpone the effective date of such suspension for such time as he deems necessary in the best interest of the program.

(e) If, prior to the effective date of such suspension, the Secretary (or person designated by him) finds that there is no longer a failure on the part of the State licensing agency to comply substantially with the provisions of the Act and this part, he shall so notify the agency and the chief executive of the State, in which event the suspension of the designation shall not become effective.

Subpart C—Federal Property Management

§ 1369.30 The location and operation of vending facilities for blind licensees on Federal property.

(a) Each department, agency, or instrumentality of the United States in control of the maintenance, operation, and protection of Federal property shall assure that, whenever feasible, one or more vending facilities for operation by blind licensees shall be located on all Federal property *Provided* that the location or operation of such facility or facilities would not adversely affect the interests of the United States.

(b) Blind persons licensed by State licensing agencies shall be given priority in the operation of vending facilities on any Federal property except where the interests of the United States would be adversely affected.

(c) Any limitation on the location or operation of a vending facility for blind licensees by a department, agency or instrumentality of the United States based on a finding that such location or operation or type of location or operation would adversely affect the interests of the United States shall be fully justified in writing to the Secretary who shall determine whether such limitation is warranted. A determination made by the Secretary concerning such limitation shall be binding on any department, agency, or instrumentality of the United States affected by such determination. The Secretary shall publish such determination in the FEDERAL REGISTER along with supporting documents directly relating to the determination.

(d) A vending facility for a blind licensee shall not be located or operated in any area which directly interferes with employee work stations.

(e) Priority in the awarding of contracts for the operation of concessions in areas administered by the National Park Service shall be given in accordance with the provisions of Pub. L. 89-249 (October 9, 1965).

§ 1369.31 Acquisition and occupation of Federal property.

(a) Effective January 2, 1975, no department, agency, or instrumentality of the United States shall undertake to acquire by ownership, rent, or lease, or to otherwise occupy, in whole or in part, any building unless, after consultation with the head of such department, agency, or instrumentality and with the State licensing agency, it is determined by the Secretary that such building includes a satisfactory site or sites for the location and operation of a vending facility by a blind licensee. In those cases where a purchase contract, an agreement to lease, or other similar commitment was entered into prior to January 2, 1975, the provisions of this paragraph shall not apply.

(b) Effective January 2, 1975, no department, agency, or instrumentality of the United States shall undertake to occupy, in whole or in part, any building which is to be constructed, substantially altered, or renovated, or in the case of a building which is occupied on January 2, 1975 by a department, agency, or instrumentality of the United States, no such department, agency, or instrumentality shall undertake to substantially alter or renovate such building, unless it is determined by the Secretary that the design for such construction, substantial alteration, or renovation includes a satisfactory site or sites for the location and operation of a vending facility by a blind licensee. In those cases where a design contract or other similar commitment was entered into prior to January 2, 1975, the provisions of this paragraph shall not apply.

(c) The provisions of paragraphs (a) and (b) of this section shall not apply when the Secretary and State licensing agency concur in determining that the number of people using the property is or will be insufficient to support a vending facility. The Secretary has determined that buildings in which fewer than 100 Federal Government employees are or will be located each normal working day or which contain less than 15,000 square feet of interior space to be utilized for Federal Government purposes when such buildings will be utilized to provide services to the public, constitute buildings which meet the foregoing requirement.

(d) Pursuant to paragraphs (a) and (b) of this section, each such department, agency, or instrumentality planning to undertake the occupation, acquisition, renovation, or relocation of a building shall provide to the appropriate State licensing agency and to the Secretary written notice of its intention to occupy, acquire, renovate, or relocate such building at least 60 days prior to such intended occupation, acquisition, renovation or relocation. Such written notice shall be by certified or registered mail with return receipt and shall provide assurances that a satisfactory site or sites for the location or operation of a vending facility by a blind person is included in such plans and that the State licensing agency shall be afforded the opportunity to determine the suitability of the proposed site or sites for the location and operation of a vending facility by a blind person prior to the completion of the final space layout for the building. The receipt of such written notice shall be acknowledged in writing promptly by the State licensing agency but no later than within 30 days.

(e) When the State licensing agency determines under this section that the Federal property does not contain a satisfactory site because the number of persons frequenting the Federal property is or will be insufficient to support a vending facility, and the Secretary concurs with such determination, the provisions of paragraphs (a), (b), and (d) of this section shall not apply.

(f) Each department, agency, and instrumentality of the United States, when leasing property in privately owned buildings, shall make every effort to lease property capable of accommodating a vending facility. When, however, such department, agency, or instrumentality is leasing part of a privately owned building in which prior to the execution of the lease, the lessor or any of his tenants had entered into a contract for the operation of a restaurant or other food facility in a part of the building not included in such lease and the operation of a vending facility by a blind person would be in proximate and substantial direct competition with such restaurant or other food facility, the provisions of paragraphs (a), (b), and (d) of this section shall not apply.

§ 1369.32 Collection and distribution of vending machine income from vending machines on Federal property.

(a) The on-site official responsible for the Federal property of each property managing department, agency, or instrumentality of the United States, in accordance with established procedures of such department, agency, or instrumentality, shall be responsible for the collection of, and accounting for, vending machine income from vending machines on Federal property under his control and shall otherwise ensure compliance with the provisions of this section.

(b) Effective January 2, 1975, 100 per centum of all vending machine income from vending machines on Federal property which are in direct competition with a vending facility operated by a blind licensee shall accrue to the State licensing agency which shall disburse such income to such blind licensee operating such vending facility on such property provided that the total amount of such income accruing to such blind licensee does not exceed the maximum amount determined under § 1369.8(a). In the event that there is income from such vending machines in excess of the maximum amount which may be disbursed to the blind licensee under § 1369.8(a), such additional income shall accrue to the State licensing agency for purposes determined in accordance with § 1369.8(b).

(c) Effective January 2, 1975, 50 per centum of all vending machine income from vending machines on Federal property which are not in direct competition with a vending facility operated by a blind licensee shall accrue to the State licensing agency which shall disburse such income to the blind licensee operating such vending facility on such property. In the event that there is no blind licensee, such income shall accrue to the State licensing agency, except as indicated under paragraph (d) of this section. The total amount of such income disbursed to such blind licensee shall not exceed the maximum amount determined under § 1369.8(a). In the event that there is income from such vending machines in excess of the maximum amount which may accrue to the blind licensee under § 1369.8(a), such additional income shall accrue to the State licensing agency for purposes determined in accordance with § 1369.8(b).

(d) Effective January 2, 1975, 30 per centum of all vending machine income from vending machines, which are not in direct competition with a vending facility operated by a licensee and which are on Federal property at which at least 50 per centum of the total hours worked on the premises occurs during a period other than normal working hours, shall accrue to the State licensing agency which shall disburse such income to the blind licensee operating a vending facility on such property. In the event that there is no blind licensee on such property, such income shall accrue to the State licensing agency. The total amount of such income disbursed to such blind licensee shall not exceed the maximum amount determined under § 1369.8(a). In the event that there is income from such vending machines in excess of the maximum amount which may be disbursed to the blind licensee under § 1369.8(a), such additional income shall accrue to the State licensing agency for purposes determined in accordance with § 1369.8(b).

(e) The determination that a vending machine on Federal property is in direct competition with a vending facility operated by a blind licensee shall be the responsibility of the on-site official responsible for the Federal property of each property managing department, agency or instrumentality of the United States, in consultation with the State licensing agency.

(f) In the case of vending machine income which, prior to the effective date of this part, has been disbursed to a blind licensee by a property managing department, agency, or instrumentality from proceeds which accrued from operations subsequent to January 2, 1975, pursuant to agreements in effect prior to such time, such income may be deducted, at the discretion of such property managing department, agency or instrumentality, from vending machine income due to the State licensing agency under paragraphs (b), (c), or (d) of this section.

(g) All arrangements pertaining to the operation of vending machines on Federal property not covered by contract with, or by permits issued to, State

V 40247 DEC 23 75 D XUM

licensing agencies, shall be renegotiated on the scheduled date of renewal subsequent to January 1, 1975 for consistency with the provisions of this section.

(h) The provisions of this section shall not apply to income from vending machines within retail sales outlets under the control of post exchange or ships' stores systems authorized under Title 10 of the United States Code; to income received from the Veterans Canteen Services; or to income from vending machines not in direct competition with a blind vending facility at individual locations, installations, or facilities on Federal property the total of which at such individual locations, installations, or facilities does not exceed $3,000 annually.

(i) The provisions of this section shall not operate to preclude pre-existing or future arrangements, or regulations of departments, agencies or instrumentalities of the United States, under which blind licensees or State licensing agencies may:

(1) Receive a greater percentage or amount of vending machine income than that specified in paragraphs (b), (c), and (d) of this section, or

(2) Receive vending machine income from individual locations, installations, or facilities on Federal property the total of which at such individual locations, installations, or facilities does not exceed $3,000 annually.

§ 1369.33 Operation of cafeterias by blind licensees.

(a) Priority in the operation of cafeterias on Federal property shall be afforded to blind licensees when the Secretary determines, on an individual basis, and after consultation with the appropriate property managing department, agency, or instrumentality, that such operation can be provided at a reasonable cost, with food of a high quality comparable to that currently provided employees, whether by contract or otherwise.

(b) In order to establish the ability of blind licensees to operate a cafeteria in such a manner as to provide food service at comparable cost and of comparable high quality as that available from other providers of cafeteria services, the appropriate State licensing agency shall be invited to respond to solicitations for offers when a cafeteria contract is contemplated by the appropriate property managing department, agency, or instrumentality. Such solicitatons for offers shall establish criteria under which all responses will be judged. Such criteria may include sanitation practices, personnel, staffing, menu pricing and portion sizes, menu variety, budget and accounting practices. If the proposal received from the State licensing agency is judged to be within a competitive range, the property managing department, agency, or instrumentality shall consult with the Secretary as required under paragraph (a) of this section.

(c) All arrangements pertaining to the operation of cafeterias on Federal property not covered by contract with, or by permits issued to, State licensing agencies shall be renegotiated on the scheduled date of renewal pursuant to the provisions of this section.

§ 1369.34 Application for permits.

Applications for permits for the operation of vending facilities other than cafeterias shall be made in writing on the appropriate form, submitted to the on-site official responsible for the Federal property of the property managing department, agency, or instrumentality and approved by the delegated representative of the head of such department, agency, or instrumentality.

§ 1369.35 Terms of permit.

Every permit shall describe the location of the vending facility and vending machines located other than on the facility premises and shall be subject to the following provisions:

(a) The permit shall be issued in the name of the applicant State licensing agency which shall:

(1) Prescribe such procedures as are necessary to assure that in the selection of operators and employees for vending facilities there shall be no discrimination because of sex, race, age, creed, color, national origin, or political affiliation; and

(2) Take the necessary action;

(i) To assure that operators of vending facilities do not discriminate against any person or persons because of sex, race, creed, color, or national origin in furnishing, or by refusing to furnish, to such person or persons the use of any vending facility, including any and all services, privileges, accommodations, and activities provided thereby, and

(ii) To assure compliance by such operators with Title VI of the Civil Rights Act of 1964 and regulations of the appropriate department, agency or instrumentality of the United States, issued pursuant thereto.

(b) The permit shall be issued for an indefinite period of time.

(c) The permit shall provide that:

(1) No charge shall be made to the State licensing agency for the use of Government furnished space and for normal cleaning, maintenance, and repair of the building structure in and adjacent to the vending facility areas;

(2) Cleaning necessary for sanitation, and the maintenance of vending facilities and vending machines in an orderly condition at all times, and the installation, maintenance, repair, replacement, servicing, and removal of vending facility equipment shall be without cost to the department, agency, or instrumentality responsible for the maintenance of the Federal property; and

(3) Articles sold at vending facilities operated by blind licensees may consist of newspapers, periodicals, publications, confections, tobacco products, foods, beverages, and other articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws, chances for any lottery authorized by State law and conducted by an agency of a State within such State, and such other articles as may be determined by the State licensing agency, in consultation with the on-site official responsible for the Federal property of the property managing department, agency or instrumentality, to be suitable for a particular location.

(d) The permit shall further provide that vending facilities shall be operated in compliance with applicable health, sanitation, and building codes or ordinances.

(e) The permit shall further provide that installation, modification, relocation, removal, and renovation of vending facilities shall be subject to the prior approval and supervision of the on-site official responsible for the Federal property of the property managing department, agency, or instrumentality, and the State licensing agency; that costs of relocations initiated by the State licensing agency shall be paid by the State licensing agency; and that costs of relocations initiated by the department, agency, or instrumentality shall be borne by such department, agency, or instrumentality.

§ 1369.36 Enforcement procedures.

(a) Day-to-day matters pertaining to the operation of the vending facility shall be resolved by the on-site official responsible for the property of the property managing department, agency, or instrumentality, with the participation of the blind operator of the vending facility and, when appropriate, with the State licensing agency.

(b) Unresolved violations of the terms of the permit, the Act, or the regulations in this part and any other unresolved matters shall be reported in writing to the State licensing agency by the on-site official responsible for the property of the property managing department, agency, or instrumentality.

(c) Upon failure to reach agreement on any unresolved matter, the question shall be referred to the on-site official responsible for the property of the property managing department, agency, or instrumentality, who will consult with the Secretary and the designated State licensing agency in an attempt to resolve the issue.

§ 1369.37 Arbitration of State licensing agency complaints.

(a) Whenever any State licensing agency determines that any department, agency, or instrumentality of the United States which has control of the maintenance, operation, and protection of Federal property is failing to comply with the provisions of the Act or of this part, such licensing agency may file a complaint with the Secretary.

(b) Upon receipt of a complaint filed under paragraph (a) of this section, the Secretary shall convene an ad hoc arbitration panel which shall, in accordance with the provisions of 5 U.S.C. ch. 5, subchapter II, give notice, conduct a hearing and render its decision which shall be final and binding on the parties except that such decision shall be subject to appeal and review as a final agency action for purposes of the provisions of 5 U.S.C. ch. 7. The arbitration panel convened by the Secretary to hear complaints filed by a State licensing agency shall be composed of three members appointed as follows:

(1) One individual designated by the State licensing agency;

(2) One individual designated by the head of the Federal department, agency, or instrumentality controlling the Federal property over which the dispute arose; and

(3) One individual, not employed by the Federal department, agency, or instrumentality controlling the Federal property over which the dispute arose, who shall be jointly designated by the other members of the panel and who shall serve as chairman of the panel.

(c) If either the State licensing agency or the head of the Federal department, agency, or instrumentality fails to designate a member of an arbitration panel, the Secretary shall designate such member on behalf of such party.

(d) If the panel finds that the acts or practices of any department, agency, or instrumentality are in violation of the Act or of this part, the head of any such department, agency, or instrumentality (subject to any appeal under paragraph (b) of this section) shall cause such acts or practices to be terminated promptly and shall take such other action as may be necessary to carry out the decision of the panel.

(e) The decisions of an arbitration panel convened by the Secretary under this section shall be matters of public record and shall be published in the FEDERAL REGISTER.

(f) The Secretary shall pay all reasonable costs of arbitration under this section in accordance with a schedule of fees and expenses which shall be published in the FEDERAL REGISTER.

§ 1369.38 Reports.

At the end of each fiscal year, each property managing department, agency, or instrumentality of the United States shall report to the Secretary the total number of applications for vending facility locations received from State licensing agencies, the number accepted, the number denied, the number still pending, the total amount of vending machine income collected and the amount of such vending machine income disbursed to the State licensing agency in each State.

[FR Doc.75-34346 Filed 12-22-75;8:45 am]

V 40 247 DEC 23 75 XUM

federal register

TUESDAY, DECEMBER 23, 1975



PART III:

FEDERAL ENERGY ADMINISTRATION

Cases Filed With the Office of Exceptions and Appeals

■

Week of December 5 to December 12, 1975

V40247 DEC 23 75 XUM

FEDERAL ENERGY ADMINISTRATION

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of December 5 to December 12, 1975

Notice is hereby given that during the week of December 5 to December 12, 1975, the appeals and applications for exception or other relief listed in the Appendix to this notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be December 23, 1975 or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,
General Counsel.

DECEMBER 17, 1975.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, Dec. 5–12, 1975*

Date	Name of applicant	Case No.	Location	Type of submission
Dec. 5	Great Southern Oil & Gas Co., Inc. (If granted: Great Southern Oil & Gas Co., Inc., would be permitted to sell crude oil produced from the Breaux No. 1 well at exempt prices.)	FEE-2106	Lafayette, La.	Price exception: (212.72).
Do.	Placid Oil Co. (If granted: Placid would be allowed to retain for utilization in its own refinery 15,725 bbl/d of crude oil which it is presently required to sell to 3d parties under the provisions of 10 CFR 211.63(a). Placid would also be relieved of the obligation to pay $0.30 per barrel handling fee for purchases of crude oil under the FEA crude oil buy/sell program.)	FEE-2112	Port Allen, La.	Application for exception from the provisions of 10 CFR 211.63(a) and 10 CFR 212.94(b).
Do.	Ranchers Exploration & Development Corp. (If granted: Ranchers Exploration & Development Corp. would be assigned a new supplier of diesel fuel to replace its base period supplier, Mobil Oil Corp.)	FEE-2107	Miami, Ariz.	Exception to change supplier based on a poor supplier/purchaser relationship.
Dec. 8	Duval Corp. (If granted: Duval Corp. would be permitted to use No. 6 fuel oil on an emergency basis in case of curtailment of its supplies of natural gas.)	FEE-2110	Houston, Tex.	Exception to pt. 215.
Do.	Farmers Union Central Exchange Refinery. (If granted: Farmers Union Central exchange Refinery would not be required to purchase entitlements for its receipts of old oil in excess of the adjusted national old oil supply ratio.)	FEE-2108	St. Paul, Minn.	Exception to the old oil entitlements program.
Do.	Good Hope Industries, Inc. (If granted: Good Hope Industries, Inc., would receive an extension of the entitlement exception relief granted in FEA's Nov. 11, 1975, decision and order.)	FEE-2109	Springfield, Mass.	Extension of FEA's entitlement exception relief: Good Hope Refineries, Inc., 2 FEA, par. —— (Nov. 11, 1975)
Do.	Newhall Refining Co., Inc. (If granted: FEA's Nov. 6, 1975, decision and order would be rescinded and Newhall Refining Co. would not be required to purchase entitlements for its receipts of old oil in excess of the adjusted national old oil supply ratio.)	FEA-0682	Newhall, Calif.	Appeal of FEA's entitlement exception decision and order: Newhall Refining Co., Inc., 2 FEA, par. —— (Nov. 6, 1975).
Do.	Seminole Asphalt Refining, Inc. (If granted: Seminole Asphalt Refining, Inc., would receive a refund for license fees paid on 60,000 bbl of crude oil imported by the petitioner on Nov. 1, 1975.)	FPI-0079	St. Marks, Fla.	Exception to the base fee requirements.
Do.	Texaco, Inc. (If granted: FEA's Nov. 6, 1975, decision and order would be rescinded and Texaco, Inc., would be permitted to earn entitlements for petroleum products refined by its affiliates in Trinidad and Panama and imported into the United States.)	FEA-0683	Washington, D.C.	Appeal of FEA's entitlement exception decision and order: Texaco, Inc., 2 FEA, par. —— (Nov. 6, 1975).
Dec. 9	Chaisson, Joel T. (La-Tex Barge, Inc.) (If granted: Would result in the issuance of an order determining that brokers of covered petroleum products are not subject to mandatory petroleum price regulations and would prohibit any remedial action against petitioners with respect to brokerage activities.)	FSG-0015	Luling, La.	Request for special redress.
Do.	Continental Oil Co. (If granted: Continental Oil Co. would be permitted to charge rent payments in excess of the base rent to Vickers Conoco based on additional improvement to the station.)	FEE-2111	Houston, Tex.	Rent exception.

Date	Name of applicant	Case No.	Location	Type of submission
Do.	Exxon Co., U.S.A. (If granted: FEA's Oct. 31, 1975, assignment order would be rescinded and Exxon Co., U.S.A., would not be required to supply Tri-par Combustion Corp. with No. 2 heating oil for its 8(a) contracts.	FEA-0684	Houston, Tex.	Appeal of FEA's Oct. 31, 1975, assignment order.
Dec. 10	West Coast Oil Co. (If granted: West Coast Oil Co. would receive an extension of the entitlement relief granted in FEA's Nov. 3, 1975, decision and order.)	FEE-2113	Newport Beach, Calif.	Extension of FEA's entitlement relief: West Coast Oil Co., 2 FEA, par. —— (Nov. 3, 1975).
Dec. 11	Edmiston Oil Co. (If granted: Edmiston Oil Co. would receive a refund and would not be required to roll back prices based on its acceptance of stripper well prices for condensate prior to Jan. 1, 1975.)	FEE-2115	Wichita, Kans.	Price exception (ruling 1974–28).
Do.	Mobil Oil Corp. (If granted: Mobil Oil Corp. would be permitted to retroactively treat its refined products other than covered products as general refinery products.)	FEE-2116	New York, N.Y.	Price exception (sec. 212.83).
Do.	Newhall Refining Co. (If granted: Newhall Refining Co., Inc., would not be required to purchase entitlements for its receipts of old oil in excess of the adjusted national old oil supply ratio.)	FEE-2117	Newhall, Calif.	Exception to the old oil entitlement program.
Do.	Pioneer Natural Gas Co. (If granted: Pioneer Natural Gas Co. would not be required to file form FEA G318-M-O indicating its underground gas storage as required by the Sept. 15, 1975, FEA letter.)	FEE-2119	Amarillo, Tex.	Exception to the underground gas storage report.
Do.	T. W. Phillips Gas & Oil Co. (If granted: T. W. Phillips Gas & Oil Co. would not be required to file form FEA G318-M-O indicating its underground gas storage as required by the Sept. 15, 1975, FEA letter.)	FEE-2118	Butler, Pa.	Exception to the underground g s storage report.
Do.	Roy I. Thompson (If granted: FEA's Nov. 14, 1975, decision and order would be rescinded and crude oil produced from the Samuel Coleman lease would be sold at exempt prices.)	FEA-0685	Evansville, Ind.	Appeal of FEA's exception decision and order: Roy I. Thompson, 2 FEA, par. —— (Nov. 14, 1975).
Do.	Union Oil Co. (If granted: Union Oil Co. would be permitted to file amended forms FEA P-102-M-O for the months of November 1974 through October 1975 to receive an adjustment in its entitlement purchase obligations.)	FEE-2114	Palatine, Ill.	Exceptions to the reporting requirements of the old oil entitlements program.
Do.	Victor Gas Co. (If granted: Victor Gas Co. would not be required to file form FEA G318-M-O indicating its underground gas storage as required by the Sept. 15, 1975, FEA letter.)	FEE-2120	Ashland, Ky.	Exception to the underground gas storage report.

[FR Doc.75-34470 Filed 12-17-75;3:34 pm]

V 40 247 DEC 23 75 XUM

V40247 DEC 23 75 XUM

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of October 1, 1975)

Title 45—Public Welfare (Parts 200–499)---------- $3.55

Title 47—Telecommunication (Parts 70–79)---------- 4.60

Title 49—Transportation (Parts 1000–1199)---------- 3.55

Title 50—Wildlife and Fisheries---------- 4.15

[A Cumulative checklist of CFR issuances for 1975 appears in the first issue of the Federal Register each month under Title 1]

Order from Superintendent of Documents,
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V40247
DEC 23 75
XUM

248

Vol.40—No.248
12–24–75
PAGES
59421–59698

federal register

WEDNESDAY, DECEMBER 24, 1975

highlights

PART I:

FOSTER GRANDPARENTS AND SENIOR COMPANIONS
ACTION revises income eligibility level requirements; effective 1–23–76 59473

MEDICARE HOSPITAL INSURANCE
HEW announces monthly premium rate for the uninsured aged for period beginning 7–1–76 59472

RADIOLOGICAL EMERGENCIES
GSA outlines responsibilities of various Federal agencies for planning for incidents involving radioactive materials 59494

BANKS
Treasury/Comptroller proposes revised assessment schedule for national and D.C. banks; comments by 1–10–76 59446

CONTINUED INSIDE

PART II:

VINYL CHLORIDE
EPA proposes national emission standard; comments by 2–23–76 59531

PART III:

JOINTLY FUNDED ASSISTANCE
GSA proposes requirements for Federal agencies providing jointly funded assistance to State and local governments and private, nonprofit organizations; comments by 1–26–76 59553

PART IV:

DRINKING WATER
EPA establishes national interim standards; effective 6–24–77 59568
EPA issues special monitoring regulations for organic chemicals 59587

V40 248 DEC 24 75 XUM

HIGHLIGHTS—Continued

HIGHLIGHTS—Continued

SAVINGS AND LOAN ASSOCIATIONS
FHLBB clarifies classification of investments for purposes of insurance of accounts; effective 12–24–75 59424

COTTON AND MAN MADE FIBER TEXTILES
CITA establishes import levels for products from the Republic of China; effective 1–1–76 59475

BRUCELLOSIS
USDA/APHIS quarantines State of Texas; effective 1–1–76 59421

AMATEUR RADIO LICENSES
FCC simplifies renewal procedures; effective 12–24–75 59441
FCC proposes changes in renewal procedures and in licenses; comments by 1–22–76 59453

FOOD ADDITIVES
EPA receives petition for use of O-ethyl O-[4-(methylthio) phenyl] S-propyl phosphorodithioate and xylene mixture 59478

TAKING OF MARINE MAMMALS
Interior/FWS issues regulations for waivers of moratorium; effective 1–23–75 59442
Interior/FWS announces conditional waiver of moratorium for Pacific walrus 59459

CONTROL OF MEADOW VOLES
EPA grants emergency exemption to Vermont for use of diphacinone formulation 59478

FEDERAL INFORMATION PROCESSING
Commerce/NBS proposes standard for computer output microform formats and reduction ratios; comments by 3–23–76 59463

FARM CREDIT
Farm Credit Administration proposes to modify restrictions on thrift plans and on collateral for intermediate credit bank discounts and loans; comments by 1–23–75 .. 59450

RURAL HOUSING
USDA/FmHA proposes to amend definitions involving loans and grants and State mortgage insurance programs; comments by 1–23–76 59447

MOTOR CARRIERS CERTIFICATES
ICC proposes changes in standards for registration with States; comments by 2–9–75 59453

APPEARANCES BEFORE SBA
SBA interprets advertising by representatives using the name "SBA" as good cause for suspension or revocation of privilege; effective 12–24–75 59425

SOLAR ENERGY RESEARCH INSTITUTE
ERDA issues policy statement on site selection 59513

MEETINGS—
HEW/ADAMHA: Clinical Psychopharmacology Research Review Committee, 1–12 and 1–13–76; Preclinical Psychopharmacology Research Review Committee, 1–12 and 1–13–76 59470
FDA: Advisory Committees, 1–12, 1–13, 1–19, 1–29, and 1–30–76 59470
OE: National Advisory Council on Adult Education, 1–22 through 1–24–75 59471
Labor/OSHA: Advisory Committee on Construction Safety and Health, 1–21 and 1–22–76 59502
EPA: National Air Quality Criteria Advisory Committee of the Science Advisory Board, 1–22–76 59478
Interior/BLM: Wyoming State Multiple Use Advisory Board, 1–15 and 1–16–76 59459
Federal Prevailing Rate Advisory Committee, 1–8, 1–15, 1–22, and 1–29–76 59493
DOD: Defense Advisory Committee on Women in the Services, 2–6–76 59455
ARBA: American Revolution Bicentennial Committee on Racial, Ethnic and Native American Participation in the Bicentennial, 1–8 and 1–9–76 59473
Commerce/DIBA: Semiconductor Technical Advisory Committee, 1–28–76 59461

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Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee, 1–27–76 59462
President's Commission on White House Fellowships, 1–23–76 59498
State: Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, 1–28–76 59455
FCC: Common Carrier Radio Relay Advisory Committee, 1–15–76 59480
Joint Industry/Government Committee working groups, 1977 World Administrative Radio Conference, 1–13, 1–14, 1–16, and 1–21–76 59481
Broadcast Service working groups, 1979 World Administrative Radio Conference, 1–13, 1–14, 1–19, 1–27–76 59480
Broadcast Bureau Service working groups, 1979 World Administrative Radio Conference, 1–12–76 59480
World Administrative Radio Conference Advisory Committee for Citizens Radio Service, 1–13 and 1–14–76 59481
Office of Special Representative for Trade Negotiations: Advisory Committee for Trade Negotiations, 1–8–76 59498
Justice/LEAA: National Advisory Committee on Criminal Justice Standards and Goals, 1–20 and 1–21–76 59458
NRC: Advisory Committee on Reactor Safeguards, 1–8 through 1–10–76 59496

POSTPONED MEETING—
Interior/BLM: Boise District Advisory Board 59458

contents

ACTION
Notices
Foster grandparent and senior companion programs; income eligibility levels; schedules 59473

AGRICULTURAL MARKETING SERVICE
Rules
Oranges (Navel) grown in Arizona and California 59444

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Federal Crop Insurance Corporation.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION
Notices
Meetings:
Advisory Committees 59470

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION
Notices
Meetings:
Racial, Ethnic and Native American Participation in Bicentennial Advisory Committee 59473

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Quarantined areas; plant pest regulations; etc.:
Brucellosis 59421

ANTITRUST DIVISION, JUSTICE DEPARTMENT
Notices
Competitive impact statements and consent judgments, U.S. versus listed companies:
DeBeers Industrial Diamond Division Limited, et al 59455

CIVIL AERONAUTICS BOARD
Rules
Environmental impact statements:
Filing of environmental evaluations by applicants 59425
Notices
Hearings, etc.:
Flying Tiger Line Inc 59473
United Air Lines, Inc 59474
Western Air Lines, Inc 59474

COMMERCE DEPARTMENT
See Domestic and International Business Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration.

COMPTROLLER OF THE CURRENCY
Proposed Rules
Fees for National Banks and District of Columbia Banks; assessment 59446

CONSUMER PRODUCT SAFETY COMMISSION
Notices
Flammable fabrics; enforcement proceeding and prehearing conference 59476

DEFENSE DEPARTMENT
Notices
Meetings:
Women in the Services Advisory Committee 59455

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Meetings:
Semiconductor Technical Advisory Committee 59461
Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee 59462

DRUG ENFORCEMENT ADMINISTRATION
Notices
Registration, actions affecting:
Jacobson, Max, M.D 59457

EDUCATION OFFICE
Proposed Rules
Upward bound program; correction 59447
Special services for disadvantaged students; correction 59447
Notices
Meetings:
National Advisory Council on Adult Education 59471

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Notices
Solar Energy Research Institute; policy relating to establishment 59513

ENVIRONMENTAL PROTECTION AGENCY
Rules
Air quality; implementation plans:
North Dakota 59438
National interim drinking water regulations and special monitoring regulations for organic chemicals (2 documents) 59566, 59587
Effluent guidelines and standards:
Ore mining and dressing point source; extension of comment period 59438
Proposed Rules
Air quality:
National emission standards for hazardous pollutants 59531
Effluent guidelines and standards:
Ore mining and dressing point source; extension of comment period 59450
Notices
Air quality standards:
Addition of hazardous air pollutants to list 59477

V 40 248 DEC 24 75 XUM

CONTENTS

Food additive tolerance petitions:
Chemagro Agricultural Division 59478
Pesticides, specific exemptions and experimental use permits:
Vermont Department of Agriculture; diphacinone 59478
Meetings:
National Air Quality Criteria Advisory Committee 59478

FARM CREDIT ADMINISTRATION
Proposed Rules
Personnel administration and loan policy and operations 59450

FARMERS HOME ADMINISTRATION
Proposed Rules
State mortgage insurance programs; rural housing loans and grants 59447

FEDERAL AVIATION ADMINISTRATION
Proposed Rules
Aircraft noise; reduction stages and accoustical change requirements for subsonic transport category large airplanes and turbojet powered planes; extension of comment period 59447
Control zone (2 documents) 59448
Restricted areas 59448

FEDERAL COMMUNICATIONS COMMISSION
Rules
Amateur Radio Service; renewal of licenses 59441
Freedom of information; editorial amendments 59439
Radio broadcast services; table of assignments:
Arizona 59440
California 59440
Proposed Rules
FM broadcast stations; table of assignments:
Maryland 59451
Michigan 59452
Amateur Radio Service; renewal and modification of licenses 59453
Notices
Meetings:
Broadcast Bureau Service Groups for the 1979 World Administrative Radio Conference (2 documents) 59480
Common Carrier Radio Relay Advisory Committee 59480
Joint Industry/Government Committee 59481
World Administrative Radio Conference Advisory for the Citizens Radio Service 59481
Cable television annual reporting form; extension of due date 59480
Radio Technical Commission for Aeronautics; assumption of sponsorship by FAA 59481
Communications common carriers:
Domestic public radio services applications accepted for filing 59479

FEDERAL CROP INSURANCE CORPORATION
Notices
Crop applications; extension of closing dates:
Cotton 59461
Rice 59461

FEDERAL DISASTER ASSISTANCE ADMINISTRATION
Notices
Disaster areas:
Alaska 59472

FEDERAL HOME LOAN BANK BOARD
Rules
Federal home loan bank system:
Classification of investments; clarifying amendments 59424
Organization; channeling of functions 59422
Notices
Applications, etc.:
First Federal Savings and Loan Association of Fresno, California 59481
Prudential Federal Savings and Loan 59481
Standard Federal Savings and Loan 59482

FEDERAL INSURANCE ADMINISTRATION
Rules
Special hazard areas 59427

FEDERAL MARITIME COMMISSION
Notices
Agreements filed:
North Atlantic Discussion Agreement 59482
Freight forwarder licenses:
Seaport Shipping Co., Inc 59482

FEDERAL POWER COMMISSION
Notices
Algonquin Gas Transmission Co. 59482
Ashland Oil, Inc 59482
Bangor Hydro-Electric Co 59483
Boston Edison Co 59484
City of Tacoma, Washington 59484
Duke Power Co. (5 documents) 59484, 59485, 59491
Granite States Gas Transmission Inc 59486
Hartford Electric Light Co 59486
Illinois Power Co 59486
Independent Oil and Gas Assoc. of West Virginia 59486
Iowa Power and Light Co 59491
Kansas City Power & Light Co. (2 documents) 59492
McCulloch Interstate Gas Corp 59487
Mississippi River Transmission Corp 59487
Natural Gas Pipeline Co. of America 59487
North Penn Gas Co 59487
Southern Services, Inc 59492
Transcontinental Gas Pipe Line Corp 59488
United Gas Pipe Line Co 59489
Utah Power & Light Co 59492
Wisconsin Power and Light Co 59493
Wisconsin Electric Power Co 59489

FEDERAL PREVAILING RATE ADVISORY COMMITTEE
Notices
Meetings 59493

FEDERAL TRADE COMMISSION
Rules
Prohibited trade practices:
Lustine Chevrolet, Inc. et al 59426

FISH AND WILDLIFE SERVICE
Rules
Marine mammals;
Waiver of moratorium; State laws and regulations 59442
Public access, use and recreation:
Petit Manan National Wildlife Refuge; Maine 59444
Notices
Marine mammals: waiver of moratorium; walrus 59459

FOOD AND DRUG ADMINISTRATION
Notices
Meetings:
Advisory committees, panels, etc 59470

GENERAL ACCOUNTING OFFICE
Notices
Regulatory reports review; proposals, approvals, etc 59493

GENERAL SERVICES ADMINISTRATION
Rules
Property management; mistakes in bids; dollar limitation increase 59439
Proposed Rules
Jointly funded assistance to State and local governments and private, nonprofit organizations; uniform administrative requirements 59553
Notices
Radiological incident; emergency response planning; interagency responsibilities 59494

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Alcohol, Drug Abuse, and Mental Health Administration; Food and Drug Administration; Education Office.
Notices
Hospital insurance; premium rate for the uninsured aged 59472

HOUSING AND URBAN DEVELOPMENT ADMINISTRATION
See Federal Disaster Assistance Administration; Federal Insurance Administration.

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Land Management Bureau.

INTERSTATE COMMERCE COMMISSION
Rules
Car service orders:
Union Pacific Railroad Co. 59441

CONTENTS

Proposed Rules
State registration 59453
Notices
Fourth section application for relief 59503
Hearing assignments 59503
Motor carrier, broker, water carrier and freight forwarder applications 59504
Motor carriers:
Transfer proceedings 59504

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)
Notices
Applications, etc.:
Hobbs Bros. Coal Co., Inc. and Mary E Coal Co., Inc 59495

JUSTICE DEPARTMENT
See Antitrust Division; Justice Department; Drug Enforcement Administration; Law Enforcement Assistance Administration.

LABOR DEPARTMENT
See Occupational Safety and Health Administration.

LAND MANAGEMENT BUREAU
Notices
Meetings:
Boise District Advisory Board 59458
Withdrawal and reservation of lands, proposed, etc.:
Arizona 59458
Meetings:
Wyoming State Multiple Use Advisory Board 59459

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
Notices
Meetings:
National Advisory Committee on Criminal Justice Standards and Goals 59458

NATIONAL BUREAU OF STANDARDS
Notices
Federal information processing standard; computer output microform formats and reduction ratios 59463

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Notices
Marine mammal permit applications, etc.:
The United Fishermen of Alaska 59470
Van Donwen's Seals 59470

NATIONAL SCIENCE FOUNDATION
Notices
Ad Hoc Advisory Committee on the Sacramento Peak Observatory; establishment 59495

NUCLEAR REGULATORY COMMISSION
Notices
Applications, etc.:
Arizona Public Service Co., et al. 59496
Meetings:
Advisory Committe on Reactor Safeguards 59497
Mixed oxide fuel; scope, procedures and schedule for generic environmental impact statement and criteria for interim licensing actions 59495
Applications, etc.:
Natural Resources Defense Council, Inc 59498

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Notices
Meetings:
Advisory Committee on Construction Safety and Health 59502

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS
Notices
Meeting 59498

SECURITIES AND EXCHANGE COMMISSION
Notices
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc. 59499
Chicago Board Options Exchange, Inc 59499
Options Clearing Corp 59500
Hearings, etc.:
Generics Corp. of America 59499
Saber Corp 59499

SMALL BUSINESS ADMINISTRATION
Rules
Appearances and compensation of persons appearing before SBA 59425
Notices
Applications, etc.:
S. C. Opportunities, Inc 59502
Disaster areas:
Massachusetts 59501
North Carolina 59501
Oklahoma 59502

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS OFFICE
Notices
Meetings:
Advisory Committee for Trade Negotiations 59498

STATE DEPARTMENT
Notices
Meetings:
Shipping Coordinating Committee 59455

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE
Notices
Cotton textiles:
Republic of China 59475

TRANSPORTATION DEPARTMENT
See Federal Aviation Administration.

TREASURY DEPARTMENT
See Comptroller of the Treasury.

V 40 248 DEC 24 75 XUM

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR
907 59444
PROPOSED RULES:
1822 59447

9 CFR
78 59421

12 CFR
500 59422
523 59424
561 59424
PROPOSED RULES:
8 59446
612 59450
614 59450

13 CFR
103 59425

14 CFR
312 59425
PROPOSED RULES:
36 59447
71 (3 documents) 59448
73 59448

16 CFR
13 59426

24 CFR
1915 59427

34 CFR
PROPOSED RULES:
259 59554

40 CFR
40 59438
52 59438
141 (2 documents) 59566, 59567
PROPOSED RULES:
40 59450
61 59532

41 CFR
101–45 59439

45 CFR
PROPOSED RULES:
155 59447
157 59447

47 CFR
0 59439
73 (2 documents) 59440
97 59441
PROPOSED RULES:
73 (2 documents) 59451, 59452
97 59453

49 CFR
1033 59441
PROPOSED RULES:
1023 59453

50 CFR
18 59442
28 59444

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

1 CFR
Chapter I 55633
420 59313
425 ..... 56651, 59187
430 59314
431 59316

3 CFR
EXECUTIVE ORDERS:
2553 (Revoked by PLO 5564) 58857
5327 (Amended by PLO 5562) 58857
5389 (Amended by PLO 5563) 58857
6827 (Amended by PLO 5559) 58453
8278 (Revoked in part by PLO 5550) 56667
8877 (Revoked in part by PLO 5558) 59205
10422 (Amended by EO 11890) 57775
11890 57775
11891 58279

4 CFR
412 58281

5 CFR
213 ..... 56651, 57202, 57351, 57461, 57777, 58127, 58421, 58845
890 55829
736 56651

6 CFR
703 59188
704 59334

7 CFR
1 58281
2 ..... 56421, 56669, 58127
16 55829
25 57205
25A 57205
52 57206
245 ..... 57206, 57777, 58281
271 ..... 55646, 57434–57438
631 58649
722 55656
725 55656
726 56421
729 55658
724 58444
905 ..... 57641, 58446
907 ..... 56670, 57641, 58127, 58649, 59189, 59444
910 ..... 57777, 58845
912 57641
913 58650
932 59318
959 57209
982 55829
984 57351
1060 58846
1063 58447
1250 59190
1405 58448
1421 56423
1464 ..... 57209, 57777
Ch. XVIII 59194
1842 57643
1865 57642
1980 57643

7 CFR—Continued
PROPOSED RULES:
622 56457
724 57809
726 57810
916 57221
928 57221
932 56457
959 58656
993 58863
999 57368
1060 ..... 56674, 59353
1061 59353
1063 56674
1068 59353
1069 59353
1076 59353
1822 ..... 58151, 58657, 59447
1824 59214
1901 59214

8 CFR
100 58448
103 58448
238 58448
316a 58448

9 CFR
78 ..... 58281, 59421
91 59318
113 ..... 57806, 58628
331 ..... 57807, 57808
351 58627
381 ..... 57807, 57808
PROPOSED RULES:
91 56675
445 59306
447 59306

10 CFR
20 58847
50 58847
212 57439
213 59195
RULINGS:
1975–18 55860

12 CFR
1 59318
7 56883
217 57663
220 59322
221 59322
225 55634
226 55634
265 55635
303 ..... 58128, 59322
327 57209
329 ..... 57664, 57778, 58848
500 59422
522 57442
523 59424
526 57665
545 ..... 57665, 67781, 58848, 59196
546 59322
555 57781
561 59424
563 ..... 57665, 59323
571 57763

12 CFR—Continued
PROPOSED RULES:
8 59446
225 58866
556 57690
571 57690
612 59450
614 59450

13 CFR
103 59425
107 59197
117 57351
PROPOSED RULES:
120 57602
121 ..... 55860, 55868

14 CFR
39 ..... 55635–55637, 56652, 56883, 57352, 57353, 57444, 57665, 57666, 57783–57785, 58128–58130, 58284, 58623, 58624, 58848, 58849, 59197–59199
71 ..... 55638, 55829, 56423, 56424, 56652, 56884, 57203, 57204, 57353, 57354, 57444, 57666, 57785, 57786, 58131, 58284, 58624, 58849, 58850, 59199
75 ..... 55830, 56884, 58850
97 ..... 57204, 57666, 58625
103 ..... 57667, 58850
121 57444
123 57444
135 57444
240 58850
288 ..... 56652, 58449
312 59425
PROPOSED RULES:
25 59354
36 59447
37 57222
39 ..... 57811, 59221
63 57342
71 ..... 55664, 55665, 55866, 56919, 57368, 57369, 58863, 58864, 59222, 59448
73 59448
91 57342
103 57688
105 57342
121 57342
123 57342
129 57342
135 57342
137 57342
145 57342
147 57342
241 57462
253 55665
288 58864
378 57462
399 55665

15 CFR
369 59339
370 59334
372 ..... 59333, 59334
375 59335
378 59334

V 40 248 DEC 24 75 XUM

15 CFR—Continued
379 ..... 56424, 59334
385 59334
950 56653

16 CFR
13 ..... 56655–56658, 57195–57201, 57445–57447, 57668, 58286, 58287, 59426
302 56659
433 58131
1115 58449
1512 57449
1602 56885
PROPOSED RULES:
443 58867
1700 58865

17 CFR
200 ..... 57449, 58131
210 ..... 55830, 55835, 58851, 59339
211 59339
239 55836
240 ..... 55837, 57355, 57357, 57449, 57786
241 57786
249 55837
275 57795
PROPOSED RULES:
12 55666
155 58660
239 58155
240 ..... 57463, 58154, 58155
249 ..... 58154, 58155

18 CFR
2 56886
3 58630
35 56424
141 57450
260 ..... 58630, 58632

19 CFR
4 ..... 55837, 58852
141 57796
159 ..... 55638, 55639
201 55838
PROPOSED RULES:
1 59212
141 56674
142 ..... 56674, 58150
143 56674
152 58859
158 58150
159 56674
177 58470
201 56936

20 CFR
405 56659
410 56886
618 57766
PROPOSED RULES:
405 56458
625 56931

21 CFR
1 ..... 57451, 57453
3 57451
4 55838
7 55838
37 57454
121 ..... 56907, 57209, 58852
123 ..... 56425, 58287

21 CFR—Continued
200 58799
201 58799
202 58799
369 58288
430 57796
436 57797
440 58288
444 57798
522 59342
529 57454
540 55849
546 ..... 57455, 58633
556 ..... 57454, 58289
558 ..... 57668, 57798, 58132, 58289
561 56425
600 57688
640 55849
1308 58132
1316 57210
PROPOSED RULES:
1 57811
10 57811
27 57811
51 57811
53 57811
102 57688
310 ..... 55869, 56675, 57811
330 ..... 56675, 57811
338 57292
339 57292
340 57292
600 57688
610 57688
640 57688
660 57688
1000 58151

22 CFR
602 56661

23 CFR
230 57358
260 58633
450 57799
630 ..... 55639, 57799
712 55643
PROPOSED RULES:
750 58312

24 CFR
200 58637
205 58133
207 58133
213 58134
220 58134
221 58134
232 58134
235 58134
236 58134
242 58134
244 58134
280 58752
1710 56907
1912 57210
1914 ..... 56670, 57803, 59342, 59344
1915 ..... 56672, 56910, 59427
1916 56426
1917 ..... 56426, 57668
1920 ..... 56427–56429, 57669, 57670, 59199–59203
2205 58450

24 CFR—Continued
PROPOSED RULES:
1710 56919
1917 ..... 56459, 59225, 59226

25 CFR
233 58135
PROPOSED RULES:
178 57694

26 CFR
1 ..... 55849, 58138, 58637
8 58852
24 58852
301 55849
PROPOSED RULES:
1 ..... 56448, 57364, 57462, 58471, 58656, 58860
20 58860

27 CFR
6 55856
194 56887
PROPOSED RULES:
178 59207
181 59207

28 CFR
0 ..... 58643, 58644
20 59204
PROPOSED RULES:
19 56453
42 56454

29 CFR
97 58854
204 58855
402 58856
403 58856
408 58856
602 58138
603 58138
608 58139
609 58140
610 58140
611 58140
612 58141
614 58141
615 58142
687 58143
1902 ..... 55857, 58143
1952 ..... 57455, 58450, 59345
1953 57804
2602 57457
PROPOSED RULES:
40 57332
60 58664
723 58867
724 58867
725 58867
1910 ..... 55866, 55867, 58457, 58458
1952 59355
2610 57982
2611 57980

30 CFR
PROPOSED RULES:
250 58862

31 CFR
316 59292

31 CFR—Continued
332 59300

32 CFR
577 58290
650 55962

33 CFR
Ch. I 58143
128 56430
207 57358
PROPOSED RULES:
117 ..... 57222, 59219
214 59212

34 CFR
PROPOSED RULES:
Ch. I 58459
259 59554

35 CFR
5 ..... 58290, 58292

36 CFR
7 56888
PROPOSED RULES:
2 57694
50 58651

37 CFR
1 37358
2 37358

38 CFR
1 ..... 56433, 56644
3 ..... 56434, 57459, 59346
17 57805
PROPOSED RULES:
3 56936

39 CFR
Ch. I 57670
42 57212
43 57212
44 57212
45 57212
47 57212
111 ..... 57212, 57670
PROPOSED RULES:
111 57223

40 CFR
35 58602
40 59438
52 ..... 56888–56890, 57359, 59204, 59438
55 56644
60 ..... 58416, 59204
61 58646
85 58646
86 58646
141 ..... 59566, 59587
149 58292
180 ..... 55857, 57215, 58294, 58647, 58648
407 57216
408 55770
414 ..... 56435, 56436
PROPOSED RULES:
6 55868
40 59450
51 58317
52 ..... 58317, 58319, 58663
61 59532
85 56932

40 CFR—Continued
PROPOSED RULES—Continued
124 56932
125 56932
180 58321
407 57223

41 CFR
6–1 58452
6–2 58453
6–3 58453
14–1 ..... 57670, 57671
50–201 57805
101–26 57216
101–45 59439
105–61 56892
114–43 55857
114–60 55858

42 CFR
51c 59346
57 56674
PROPOSED RULES:
2a 56692

43 CFR
2 57671
20 58295
PUBLIC LAND ORDERS:
17 (Revoked in part by PLO 5553) 58144
715 (Revoked in part by PLO 5565) 59347
1245 (Revoked in part by PLO 5552) 58144
2214 (Revoked in part by PLO 5565) 59347
2789 (Revoked by PLO 5551) 58144
4392 (Revoked in part by PLO 5560) 58648
5169 (Amended by PLO 5558) 58146
5170 (Amended by PLO 5557) 58146
5176 (Amended by PLO 5555) 58145
5179 (Amended by PLO 5556) 58146
5184 (Amended by PLO 5550) 56667
5187 (Revoked in part by PLO 5550) 56667
5252 (See PLO 5561) 58857
5554 (Amended by PLO 5564) 58857
5561 58857
5562 58857
5563 58857
5564 58857
5353 (Revoked n part by PLO's 5551, 5552, 5553) 58144
5396 (Amended by PLO 5556) 58146
5550 56667
5550 (Revoked in part by PLO 5566) 59347
5551 58144
5552 58144
5553 58144
5554 58145
5555 58145
5556 58146
5557 58146
5558 59205
5559 58453
5560 58648
5565 59347
5566 59347
5567 59347
PROPOSED RULES:
2600 57364

45 CFR
102 57760
160c 57926
223 58453
233 57359
302 57672
410 58956
1013 55859
1061 58649
1222 57217
1370 58956
1603 59351
PROPOSED RULES:
100a 58459
100c 58459
115 57042
154 59218
155 ..... 58400, 59447
157 ..... 58405, 59447
159 58409
160d 55659
162 56678
174 58459
233 59353
1223 58659
1369 59408

46 CFR
4 58306
5 ..... 57672, 58306
12 57673
14 58306
33 58454
42 57218
75 58454
78 58454
94 58454
97 58454
142 58454
167 58454
176 58454
192 58455
310 ..... 55643, 59348
401 57673
551 58146
PROPOSED RULES:
Ch. I 57688
10 55663
32 59219
78 58457
92 59219
105 59219
190 59219
503 58154

47 CFR
0 ..... 57359, 58306, 58858, 59439
1 55644
2 57674
73 ..... 55644, 57360, 58147, 58853, 59440
76 57361
81 57675
83 57675
87 57675
89 58147
91 ..... 57682, 57684, 58306, 58455
93 58147
95 58148
97 ..... 58148, 59441
PROPOSED RULES:
73 ..... 58467, 59451, 59452
76 ..... 58868, 58906

V40248 DEC 24 75 XUM

47 CFR—Continued

PROPOSED RULES—Continued

81 58322
83 58322
89 57369
91 57369
97 59453

49 CFR

10 57361
25 58455
103 ..... 57687, 58307
107 56442
174 57433
310 55645
391 58858
571 ..... 56667, 56898, 57687, 59349
575 57806
1010 56668
1033 ..... 55860, 56443, 56444, 56898, 57433, 59441
1125 57639

PROPOSED RULES:

393 57369
557 56926

49 CFR—Continued

PROPOSED RULES—Continued

567 55665
568 55665
571 ..... 55665, 56920, 56928, 57690, 58152, 58153, 59222
579 56930
1023 59453
1108 57465

50 CFR

17 58307
18 59442
28 ..... 58444, 56445, 56669, 57218, 57220, 57459–57461, 58148, 59205, 59348, 59444
33 ..... 55860, 56446, 57363, 58149, 58649, 59349
216 56899
280 57461

PROPOSED RULES:

17 ..... 57221, 58308
510 ..... 55679, 57812
520 57692

FEDERAL REGISTER PAGES AND DATES—DECEMBER

Pages	Date
55633–55828	1
55829–56420	2
56421–56649	3
56651–56882	4
56883–57193	5
57195–57349	8
57351–57432	9
57433–57639	10
57641–57773	11
57775–58126	12
58127–58278	15
58279–58420	16
58421–58621	17
58623–58844	18
58845–59185	19
59187–59311	22
59313–59419	23
59421–59588	24

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

NOTE: There were no items that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—
Canned sweetpotatoes; standards for grades; comments by 12–31–75. 48949; 10–20–75
Imported inshell walnuts; quality requirements; comments by 12–31–75 ..... 57368; 12–9–75

Animal and Plant Health Inspection Service—
Horses; importation restrictions; comments by 12–30–75 ..... 54802; 11–26–75

Soil Conservation Service—
Review of watershed plans and environmental impact statements; comments by 1–2–76 ..... 56457; 12–3–75

FEDERAL COMMUNICATIONS COMMISSION

AM, FM and TV stations; program logs; comments by 12–15–75; reply comments by 12–31–75 ..... 51482; 11–5–75

Radiation patterns; design and measurement of radiation; comments by 12–29–75 ..... 54826; 11–26–75

TV broadcast stations, Calif., table of assignments; comments by 12–31–75 ..... 53596; 11–19–75

GENERAL SERVICES ADMINISTRATION

Use of Federal real property by non-Federal activities; comments by 12–31–75 ..... 54013; 11–20–75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—
Peanut spreads; common or usual name; comments by 1–2–76. 51052; 11–3–75

Office of Education—
Career education program; comments by 12–31–75 ..... 55659; 12–1–75

Social Security Administration—
Federal health insurance for the aged and disabled; comments by 1–2–76 ..... 56458; 12–3–75

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of Interstate Land Sales Registration—
Land registration; State filings; comments by 1–6–76 ..... 56919; 12–5–75

INTERIOR DEPARTMENT

Land Management Bureau—
Special Land Use Permits; administration; comments by 12–31–75. 54802; 11–26–75

JUSTICE DEPARTMENT

Law Enforcement Assistance Administration—
Implementation of the National Environmental policy act; comments by 1–2–76 ..... 56454; 12–3–75

SMALL BUSINESS ADMINISTRATION

Number of employees; definition of term; comments by 1–2–76 ..... 55868; 12–2–75

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—
Establishment of VOR Federal airway from Menominee to Rhinelander, Wis.; comments by 12–2–76. 55866; 12–2–75

Celina, Ohio; alteration of transition area; comments by 12–31–75. 55664; 12–1–75

Coshocton, Ohio; alteration of transition area; comments by 12–31–75 ..... 55664; 12–1–75

Southport, N.C.; designation of transition area; comments by 12–31–75. 55664; 12–1–75

Sylacauga, Alabama; designation of transition area; comments by 12–31–75 ..... 55665; 12–1–75

Ripley, Mississippi; designation of transition area; comments by 12–31–75 ..... 55665; 12–1–75

Motor vehicle safety standards; anthropomorphic test dummies; comments by 12–30–75 ..... 51059; 11–3–75

TREASURY DEPARTMENT

Internal Revenue Service—
Arbitrage bonds; comments by 1–2–76 ..... 56448; 12–3–75

Employees of organizations under common control; comments by 1–4–76 ..... 51467; 11–5–75

Next Week's Meetings

Department of Defense Wage Committee; to be held at Washington, D.C. (closed) 12–30–75. 52421; 11–10–75

TREASURY DEPARTMENT

Advisory Committee on Reform of the International Monetary System, to be held in Washington, D.C.; 12–30–75 (rescheduled) 58158; 12–15–75

List of Public Laws

S. 1800 ..... Pub. Law 94–158
Arts and Artifacts Indemnity Act (Dec. 20, 1975; 89 Stat. 844)

H.R. 8069 Department of Labor and Health, Education, and Welfare Appropriation Act, 1976. Message dated Dec. 19, 1975; Weekly Compilation of Presidential Documents, Vol. 11, No. 51.

H.R. 2724 ..... Pub. Law 94–160
An act to provide for establishment of the Father Marquette National Memorial near Saint Ignace, Michigan, and for other purposes (Dec. 20, 1975; 89 Stat. 848)

H.R. 9005 ..... Pub. Law 94–161
International Development and Food Assistance Act of 1975 (Dec. 20, 1975; 89 Stat. 849)

H.R. 9883 ..... Pub. Law 94–162
An act to amend the Joint Resolution approved December 28, 1973, providing for the establishment of the Lyndon Baines Johnson Memorial Grove on the Potomac, and for other purposes (Dec. 20, 1975; 89 Stat. 870)

H.J. Res. 733 ..... Pub. Law 94–159
Joint resolution making further continuing appropriations for the fiscal year 1976, and for other purposes (Dec. 20, 1975; 89 Stat. 847)

S. 622 ..... Pub. Law 94–163
Energy Policy and Conservation Act (Dec. 22, 1975; 89 Stat. 871)

V401248 DEC 24 75 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 78—BRUCELLOSIS

Quarantine Areas

● Purpose. The purposes of these amendments to Part 78 are: (1) to add a new section for Quarantined Areas, and (2) to add a new section and amend certain definitions in order to provide for the movement of cattle from Quarantined Areas. ●

Statement of considerations. Great progress has been made in the Cooperative State-Federal Brucellosis Eradication Program in recent years. Because of the failure on part of the State of Texas to comply with the Uniform Methods and Rules for the eradication of brucellosis and because of the high incidence of brucellosis infection that exists in that State, and because measures in effect in that State to eradicate brucellosis are not deemed adequate to prevent the interstate spread of that disease it has been determined that the interstate movement of cattle from Texas without further restrictions constitutes a threat to the livestock of the United States. Therefore, the entire State of Texas is quarantined to prevent the interstate spread of brucellosis from that State. A new § 78.22a is added to the regulations quarantining the State of Texas and a new § 78.12a is added prohibiting the movement of cattle from quarantined areas other than in accordance with restrictions deemed necessary to prevent the interstate spread of the disease.

Definitions of "Qualified Herds" and "Herds of Unknown Status" are amended, and a new definition of "Quarantined Areas" is added, to reflect the changes and to clarify the regulations. Further, in order to conform the existing regulations to the amendments, all references to Texas in §§ 78.20, 78.21, and 78.22 are deleted.

Accordingly, Part 78, Title 9, Code of Federal Regulations, is amended in the following respects:

1. In § 78.1, paragraphs (o) and (aa) are revised and a new paragraph (ee) is added to read:

§ 78.1 Definitions.

• • • • • •

(o) *Qualified herd.* Any herd as defined in paragraphs (a) (1) or (2) of this section.

(1) *Qualified herd in a noncertified area.* Any herd of cattle in a noncertified area which is not known to be affected with brucellosis and for which the State has records showing that the herd has been tested for brucellosis in accordance with the procedures for herd tests for initial Modified Certified Brucellosis Area status specified in the Uniform Methods and Rules, chapter I, part V–A, within 12 months prior to interstate movement of any cattle from such herd.

(2) *Qualified herd in a quarantined area.* Any herd of cattle in a quarantined area which is not known to be affected with brucellosis and which has been subjected to two consecutive official tests for brucellosis and found negative. The first of these two official tests of the herd shall be conducted not more than 240 days nor less than 120 days prior to the date of classification as a qualified herd and the second official test not more than 120 days prior to the date of such classification and such tests shall be performed not less than 90 days nor more than 150 days apart. In order to remain a qualified herd a herd shall be subjected to successive requalifying official tests and found negative. Each such requalifying test shall be conducted not more than 120 days from the date of the immediately preceding official test. All cattle added to a qualified herd must have been included in the preceding two official tests to qualify as cattle from the qualified herd.

• • • • • •

(aa) *Herd of unknown status.* Any herd as defined in paragraphs (aa) (1) or (2) of this section.

(1) *Herd of unknown status in a noncertified area.* A herd of cattle in a noncertified area which has not been tested for brucellosis in accordance with the procedure for herd tests for initial modified certified area certification specified in chapter 1, part V–A of the Uniform Methods and Rules within 12 months prior to the interstate movement of any cattle from such herd.

(2) *Herd of unknown status in a quarantined area.* Any herd of cattle in a quarantined area except a qualified herd or a herd known to be affected.

• • • • • •

(ee) *Quarantined area.* Any area listed in § 78.22a.

2. A new section 78.12a is added to read:

§ 78.12a Cattle from quarantined areas.

Notwithstanding any provisions in the regulations to the contrary, cattle may be moved interstate from a quarantined area only in accordance with the provisions of this section.

(a) *Steers and spayed heifers.* Steers and spayed heifers over 6 months of age may be moved without restrictions.

(b) *Brucellosis reactor cattle.* Brucellosis reactor cattle may be moved in accordance with the provisions of § 78.7.

(c) *Brucellosis exposed cattle.* Brucellosis exposed cattle may be moved in accordance with the provisions of § 78.8 (a) or (b).

(d) *Movement from qualified herds.* Cattle from qualified herds in any quarantined area may be moved interstate in accordance with the conditions specified in any one of the following paragraphs:

(1) *Movement for immediate slaughter.* (i) Such cattle may be so moved for immediate slaughter either directly from a farm of origin or through a specifically approved stockyard if they are accompanied by a certificate, are subjected to an official test for brucellosis and found negative within 30 days prior to such interstate movement and the certificate shows, in addition to items required under § 78.1(u), the test dates and results of the official test; or (ii) such cattle may move in accordance with the provisions of § 78.8(b); or

(2) *Movement to quarantined feedlots.* (i) Such cattle may be so moved to a quarantined feedlot either directly from a farm of origin or through a specifically approved stockyard if they are accompanied by a certificate, are subjected to an official test for brucellosis and found negative within 30 days prior to such interstate movement and the certificate shows, in addition to items required under § 78.1(u), the test dates and results of the official test; or (ii) such cattle may move in accordance with the provisions of § 78.8(a); or

(3) *Movement for purposes other than in paragraphs (d) (1) and (2) of this section.* Cattle in qualified herds may be so moved either directly from a farm of origin or through a specifically approved stockyard for purposes other than those specified in paragraphs (d) (1) and (2) of this section if they are accompanied by a certificate and such cattle, except official vaccinates less than 12 months of age and calves less than 6 months of age, are subjected to an official test for brucellosis and found negative within 30 days prior to such interstate movement, and the certificate shows, in addition to items required under § 78.1(u), the test dates and results of the official test.

(e) *Movement from herds of unknown status.* Cattle which originate in herds of unknown status in a quarantined area may be moved interstate only for immediate slaughter or directly to a quarantined feedlot in accordance with § 78.8 (a) or (b).*

§§ 78.20, 78.21, 78.22 [Amended]

3. In §§ 78.20, 78.21, and 78.22 all references to Texas are deleted.

4. A new § 78.22a is added to read:

*A herd of unknown status in a quarantined area may become a qualified herd upon compliance with the provisions of § 78.1(o).

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§ 78.22a Quarantined areas.

Notice is hereby given that because of the existence of the contagion of brucellosis and the nature and extent of such contagion in certain areas which do not have control and eradication procedures adequate to prevent the interstate dissemination of the disease, the following areas are quarantined:

The entire State of Texas.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–114a–1, 115, 117, 120, 121, 123–125, 134b, 134f); 37 FR 28464, 28477; 38 FR 19111.)

Effective date. The foregoing amendments shall become effective January 5, 1976.

The amendments impose restrictions necessary in order to prevent the interstate spread of brucellosis and they must be made effective immediately to accomplish their purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of December, 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-34723 Filed 12-23-75;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER A—GENERAL

[No. 75-1138]

PART 500—ORGANIZATION AND CHANNELING OF FUNCTIONS

Amendments Relating To Board Organization

DECEMBER 15, 1975.

The following summary of the amendments adopted by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulations.

I. *Present Regulations.*

Part 500 of the General Regulations describes the organization and channeling of functions of the Board.

II. *Final Regulations.*

Part 500 is updated to reflect current Board organization and channeling of functions. "Subpart D—Delegations of Authority" has been added.

The Federal Home Loan Bank Board considers it advisable to amend §§ 500.11, 500.13, 500.14, 500.18, 500.19, 500.20, 500.21, 500.22, 500.31 and 500.32 of Part 500 (12 CFR Part 500) of the General Regulations, and to add thereto "Subpart D—Delegations of Authority" including a new § 500.40 to reflect present Board organization and channeling of functions.

New "Subpart D—Delegations of Authority" was created to integrate into the Part 500 structure the Board's delegations to its Offices. The first delegations under the newly created Subpart are to the Director or Acting Director of the Federal Savings and Loan Insurance Corporation in § 500.40.

Section 500.11 is amended by deleting the last sentence.

Section 500.13, which describes the Office of Management Systems and Administration, and § 500.14, which describes the Office of Economic Research, are amended to more clearly define the present functions of those Offices.

Section 500.18, which describes the Office of Examinations and Supervision, is amended to include the following Acts under which the Office has supervisory responsibilities: the Equal Credit Opportunity Act, the Real Estate Settlement Procedures Act, and the Flood Disaster Protection Act.

Section 500.19, which describes the Office of Industry Development, is amended to reflect that Office's additional responsibilities to review for approval marketable certificates of deposit and to coordinate inter-office programs relating to electronic fund transfer systems.

Section 500.20, which describes the Office of the Federal Savings and Loan Insurance Corporation, is amended to describe the present responsibilities of the four divisions of that Office.

Section 500.21, which describes the Office of the Federal Home Loan Banks, is amended to include the Office's responsibility for conducting the election of directors of the Federal Home Loan Banks.

Section 500.22, which describes the Office of Housing and Urban Affairs, is amended to clarify its responsibilities and delete reference to administrative oversight of the Urban Reinvestment Task Force.

Section 500.31, which lists current forms, is amended by (1) deleting Forms 241, 631, 999, 4–T, and 400; (2) adding Form No. 1013; and (3) re-designating Form PA as Form AC.

Section 500.32, which lists the Board's Offices and describes the manner in which submittals should be made to the Board, is amended to delete a Los Angeles branch office, which has been closed.

Accordingly, the Federal Home Loan Bank Board hereby amends §§ 500.11, 500.13, 500.14, 500.18, 500.19, 500.20, 500.21, 500.22, 500.31 and 500.32 of Part 500 (12 CFR Part 500) of the General Regulations, and adds thereto "Subpart D—Delegations of Authority" including new § 500.40 to read as set forth below, effective December 29, 1975.

Since the above-described amendments relate to rules of Board organization, procedure, or practice, the Board hereby finds that notice and public procedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board be unnecessary for the same reason, the Board hereby provides that said amendments shall become effective as hereinabove set forth.

1. Revise § 500.11 to read as follows:

§ 500.11 Secretary to the Board.

The Secretary to the Board is responsible for the secretarial functions of the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation and has custody of the records of the Board and of the Corporation. The Secretary to the Board is responsible for the preparation and maintenance of the Minute Record of all official actions of the Board, for the authentication of documents and for certifications. The Office of the Secretary provides general record services for the Board through the Files and Docket Section, which is under the direction and supervision of the Secretary to the Board. The Secretary to the Board is Liaison Officer to the Federal Register.

2. Revise paragraphs (a), (b), (c), and (e) of § 500.13 as follows:

§ 500.13 Director of the Office of Management Systems and Administration.

• • • • •

(a) The Financial Management Division is responsible for the administration and management of the internal financial operations of the Board, the headquarters of the Office of Examinations and Supervision, and the Federal Savings and Loan Insurance Corporation, including budgeting, accounting, receipt, and disbursement of funds; control, processing, and payment of expenses; and maintenance of pay and leave records. This Division is also responsible for preparation of the Board's annual budget submissions to the Office of Management and Budget and to the Congress, and for supervision of field accounting operations for the Federal Savings and Loan Insurance Corporation.

(b) The Administration and Methods Division is responsible for conducting purchase and supply operations; sorting, receiving, and distributing mail; maintenance; transportation; acquiring and allocating space; contract administration; and other housekeeping functions for the Board. A printing and reproduction plant is operated by this Division, as authorized by the Congressional Joint Committee on Printing. The Board's emergency planning program for continuity of operations and relocation of the agency in the event of an emergency is also a function of this Division.

(c) The Personnel Management Division is responsible for development and execution of the personnel management program of the Board. The program includes recruitment, placement and staffing; position classification and wage administration; employee development and training; employee-management relations; health insurance, life insurance, and retirement benefits; and incentive awards. The Director of the Personnel Management Division is also responsible for carrying out the purposes of Executive Order No. 10450, as amended, as Personnel Security Officer of the Board, and for acting as agency liaison to the Civil Service Commission on all personnel matters of interest to the Commission.

• • • • •

(e) The Management Systems Division assits management in achieving effective, efficient, and economical operation of the Board, Federal Home Loan Banks, Federal Savings and Loan Insurance Corporation, and the Office of Finance. To accomplish these results, the Division conducts financial, operational, and management audits; performs special studies of management, systems, and procedural problems, and provides management training and organizational development programs. The Division is also responsible for operating the paperwork management programs required by the National Archives Record Service, General Services Administration.

3. Section 500.14 is revised as follows:

§ 500.14 Director of the Office of Economic Research.

The Director of the Office of Economic Research, as principal economic adviser to the Board, is responsible for design and supervision of economic analysis in the areas of general economic developments, capital and mortgage markets, housing, and the savings and loan industry and competing financial intermediaries, as well as matters relating to legislation, regulation, and policies of the Board. The Director's responsibilities also include: developing and maintaining various research, statistical, and econometric programs to gather and keep current information relating to the savings and loan industry; working with other agencies through interagency committees; participating in research and policy projects with the Federal Home Loan Banks; providing liaison with public and private organizations; preparing articles and statistical tables for publication; overseeing the Board's contract with the Agency for International Development and the Federal Home Loan Banks' participation in the AID Housing Guarantee Program; providing research support and advice to Board Offices; and acting as official economic spokesman for the Board.

• • • • •

4. Section 500.18 is revised as follows:

§ 500.18 Director of the Office of Examinations and Supervision.

The Director of the Office of Examination and Supervision is responsible for the performance of the responsibilities of the Board and the Federal Savings and Loan Insurance Corporation with respect to examination and supervision of Federal savings and loan associations under the Home Owners' Loan Act of 1933 and of State-chartered insured institutions, savings and loan holding companies, and subsidiaries of savings and loan holding companies under Title IV of the National Housing Act. The Director is also responsible for advising the Board with respect to matters of policy decision, legislation, and regulation to which his functions of supervision and examination are related. The Director is responsible for management of the examination process and development and improvement of examination techniques and for the direction of supervisory and enforcement activities of the staff and agents of the Board and the Federal Savings and Loan Insurance Corporation. This Office supervises the security programs of insured institutions required by the Bank Protection Act of 1968 and enforcement of the Truth in Lending Act, the Fair Credit Reporting Act, the Currency and Foreign Transactions Reporting Act, the Equal Credit Opportunity Act, the Real Estate Settlement Procedures Act, and the Flood Disaster Protection Act.

5. Section 500.19 is revised as follows:

§ 500.19 Director of the Office of Industry Development.

The Director of the Office of Industry Development is responsible for processing, review, and evaluation of certain applications to the Board and the Federal Savings and Loan Insurance Corporation, except for applications which are approved by another agent or officer of the Board pursuant to delegated authority. Applications for which the Director is responsible concern the following matters: permission to organize a Federal savings and loan association; facility offices (including regular branch offices, limited facility branch offices, satellite offices, and mobile facilities) of existing Federal savings and loan associations; insurance of accounts; conversion from Federal to State or from State to Federal charter; membership in the Federal Home Loan Bank System; mergers involving a Federal savings and loan association; voluntary dissolution of a Federal savings and loan association; increase in accounts of an insurable type through merger, consolidation, or purchase of bulk assets; investment in a service corporation by a Federal savings and loan association; change in office location; investment in an office building; waiver or modification of a condition for insurance of accounts or issuance of a Federal charter; release of pledged savings acounts or escrowed stock; extension of a lending area; approval of amendments to charter, bylaws, or security forms; approval or disapproval of marketable certificates of deposits with the concurrence of the Office of the General Counsel; permission to issue subordinated debt securities; and other applications for which the Director of this Office may be assigned responsibility. The Director is also responsible for planning and coordinating new programs to stimulate development of the savings and loan industry by encouraging financially sound restructuring. Further, it is the responsibility of the Director to coordinate inter-office programs in regard to development, extension, and reporting of electronic fund transfer systems.

6. Section 500.20 is revised as follows:

§ 500.20 Director of the Office of the Federal Savings and Loan Insurance Corporation.

The Director of the Office of the Federal Savings and Loan Insurance Corporation is responsible for advising the Board with respect to policies and operations of the Corporation. He is responsible for preservation of the integrity and fiscal soundness of the insurance fund in order to effect prompt settlement of all insurance obligations. Administration of this responsibility is accomplished through the Office's four divisions:

(a) The Insurance Division is responsible for payment in cash of all insured savings as promptly as possible in the event of a default of an insured savings and loan association. The Division identifies, develops, and employs effective alternative measures for prompt settlement of insurance obligations.

(b) The Problem and Rehabilitation Division is responsible for maintaining a high level of confidence on the part of the savings public in the industry's integrity and fiscal soundness. In coordination with the Office of General Counsel and the Office of Examinations and Supervision, the Division develops and implements plans of financial assistance to prevent default of insured institutions.

(c) The Financial Assistance Division is responsible for effective administration of the FSLIC's financial assistance agreements and prudent management of the liquidation of its contingent liabilities under these agreements at the earliest opportunity. The Division is also responsible for operational and financial audits of all insurance settlement actions by the FSLIC.

(d) The Asset Management Division is responsible for directing liquidation of the assets of FSLIC administered receiverships and for liquidation of Corporation-owned assets through marketing techniques designed to facilitate maximum recoveries of FSLIC funds.

7. Sections 500.21 and 500.22 are revised as follows:

§ 500.21 Director of the Office of the Federal Home Loan Banks.

The Director of the Office of the Federal Home Loan Banks is responsible for reviewing the activities of the Banks and for directing and co-ordinating their operating procedures to ensure conformity with the goals and objectives of the Board. The Director is responsible for establishing standards of accounting, reporting, and financial analysis for the Banks and for providing advice and assistance to the Banks in their operations, including but not limited to, data processing, planning, and community activity. He is also responsible for advising the Board on policy decisions respecting the Banks and for making recommendations concerning such matters as budgets, salaries, dividends, bylaw amendments, and elections of officers and counsel. The Director is also respon-

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sible for annual examinations and for conducting elections of directors of each Federal Home Loan Bank.

§ 500.22 Director of the Office of Housing and Urban Affairs.

The Director of the Office of Housing and Urban Affairs is responsible for advising the Board on housing, urban problems, and minority affairs and for recommending policies pertaining thereto. This Office develops, implements, and evaluates programs to encourage housing investment and rehabilitation in older urban neighborhoods, prevent discrimination in lending and employment by the savings and loan industry, and assist minority owned or operated savings and loan associations which have Federal charters or insurance of accounts by the Federal Savings and Loan Insurance Corporation.

§ 500.31 [Amended]

8. In § 500.31, delete from paragraph (a)(1) Forms 244, 631, and 999, redesignate Form PA as Form AC, and add after Form 921 the following new form:

1013----- Federal Home Loan Bank Board membership change of status report.

Also in § 500.31, delete from paragraph (a)(3) Forum 4–T and from paragraph (b) delete Form 400.

§ 500.32 [Amended]

9. In § 500.32, delete from paragraph (b)(11) the following:

Los Angeles Branch Office
615 South Flower Street
Los Angeles, California 90017

10. Add new Subpart D, including new § 500.40, to read as follows:

Subpart D—Delegations of Authority

§ 500.40 Director or Acting Director of the Office of the Federal Savings and Loan Insurance Corporation.

(a) The Director or Acting Director of the Office of the Federal Savings and Loan Insurance Corporation is authorized:

(1) to manage assets acquired by the Corporation pursuant to or in connection with action taken under the third sentence of section 406(c)(1), section 406(c)(3), or section 406(f) of the National Housing Act, as amended, or section 5(d)(6)(D) of the Home Owners' Loan Act of 1933, as amended;

(2) to satisfy, settle, or compromise any liability of, or claim or judgment against, the Corporation arising out of the management of any asset referred to in paragraph (a)(1) of this section, subject to any limitations placed upon such authority by any regulation, resolution, or other action of the Board;

(3) to authorize the sale or other disposition of any asset acquired by the Corporation pursuant to or in connection with action taken under the third sentence of section 406(c)(1), section 406(c)(3), or section 406(f) of the National Housing Act, as amended, or section 5(d)(6)(D) of the Home Owners' Loan Act of 1933, as amended, *Provided*, That the loss calculated according to the book value of such asset does not exceed $100,000; and

(4) to redelegate in writing the authority set forth in paragraph (a)(3) of this section to the Deputy Director of the Office of the Federal Savings and Loan Insurance Corporation or to such other officer of such Office as the Director or Acting Director may designate, *Provided*, That such other Officer may not exercise such authority with respect to the sale or other disposition of an asset for which the loss calculated according to the book value of such asset exceeds $80,000.

(b) The Director or Acting Director of the Office of the Federal Savings and Loan Insurance Corporation shall report monthly to the Board any action taken pursuant to the authorizations contained in paragraphs (a)(3) and (4) of this section that involves a book loss in excess of $50,000.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. § 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN,
Secretary.

[FR Doc.75-34708 Filed 12-23-16;8:45 am]

[No. 75-1166]

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 523—MEMBERS OF BANKS

SUBCHAPTER D—INSURANCE OF ACCOUNTS

PART 561—DEFINITIONS

Clarifying Amendments Regarding Classification of Investments

DECEMBER 19, 1975.

The Federal Home Loan Bank Board considers it desirable to amend § 523.10(g) of the Regulations for the Federal Home Loan Bank System (12 CFR 523.10(g)) and § 561.15(e) of the Rules and Regulations for Insurance of Accounts (12 CFR 561.15(e)) for the purpose of clarifying the classification thereunder of certain investments, in connection with a letter issued today by the Acting Chairman of the Board to all insured institutions concerning the recent offer (Exchange Offer) of the Municipal Assistance Corporation to exchange four series of its bonds for Notes of the City of New York (City Notes).

Prior to the instant amendment, § 523.10(g)(6) provided that general obligations of State, Federal or local governments with terms to maturity of not more than 2 years qualified as liquid assets if "rated at the time acquired by a member in one of the four highest [investment rating] grades • • •" Some doubt appears to have existed as to whether continued qualification as a liquid asset of obligations such as the City Notes is affected where either the qualifying rating is lost or the obligation is in default. It is clear to the Board, on the basis of the statutory purposes of liquidity, that either event would warrant removing an obligation from eligibility as a liquid asset, and that clarifying changes in the regulations are therefore required.

The statutory purposes of liquidity are stated in paragraph (a) of section 5A of the Federal Home Loan Bank Act, as follows:

• • • • •

Sec. 5A. (a) The purpose of this section is to provide a means for creating meaningful and flexible liquidity in savings and loan associations and other members which can be increased when mortgage money is plentiful, maintained in easily liquidated instruments, and reduced to add to the flow of funds to the mortgage market in periods of credit stringency. More flexible liquidity will help support two main purposes of the Federal Home Loan Bank Act—sound mortgage credit and a more stable supply of such credit.

It is clear that neither mortgage credit nor the ability of an association to meet demand for withdrawals is enhanced by a security which has lost its rating, or one which is in default. To remove any implication that qualification for liquidity at the time of acquisition also suggests continued qualification despite rating removal or default, § 523.10(g) is amended to require that principal and interest of "liquid assets" be free from default and that the general governmental obligations held as liquidity continue to qualify with regard to their investment ratings.

On a related matter, the Board amends paragraph (e) of § 561.15 to provide that a security, whether held for purposes of liquidity or investment, becomes a scheduled item if either principal or interest payments are in default.

Failure to meet liquidity requirements may subject an association to penalty under § 523.11. However, the Board, under the authority granted it by paragraph (e) of section 5A of the Federal Home Loan Bank Act, has recommended forebearance with respect to penalties as to any institution that fails to meet Board liquidity requirements as a result of continued investment by the institution in City Notes or acceptance of the Exchange Offer. Such forebearance is subject, however, to a satisfactory arrangement with the appropriate Supervisory Agent, on an individual case basis, for meeting liquidity requirements by the end of any period or periods of forebearance, which in no event shall aggregate more than one year. Supervisory Agents have also been directed, again on an individual case basis, to waive any lending restriction caused by an excessive volume of scheduled items stemming from present ownership of City Notes.

Accordingly, the Board hereby amends said §§ 523.10(g) and 561.15(e), to read as set forth below, effective December 24, 1975.

Since these amendments are clarifications and it is in the public interest that such amendments become effective without delay, the Board hereby finds that notice and public procedure with respect to such amendments are contrary to the public interest and unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of such amendments for the period of time specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of such amendments would in the opinion of the Board likewise be unnecessary for the same reasons, the Board hereby provides that such amendments shall become effective as hereinbefore set forth.

1. Section 523.10(g) is amended to read as follows:

LIQUIDITY

§ 523.10 Definitions.

For the purposes of this section, § 523.11, and § 523.12:

• • • • •

(g) The term "liquid assets" means the total of cash, accrued interest on unpledged assets which qualify as liquid assets under this paragraph, or would so qualify except for their maturities, and the book value of the following unpledged assets (including such assets held subject to a repurchase agreement), as long as principal and interest on such assets are not in default:

• • • • •

(6) general obligations (other than gold-related obligations) of any State, territory, or possession of the United States, or political subdivision of any of the foregoing, if:

(i) such obligations are and continue to be either (*a*) rated in one of the four highest grades as shown by the most recently published rating made of such obligations by a nationally recognized investment rating service or (*b*) issued by a public housing agency and have the full faith and credit of the United States pledged pursuant to section 1421a(c) or section 1437i(a) of Title 42 of the United States Code, as amended; and

(ii) the remaining periods to maturity of such obligations are not more than 2 years.

• • • • •

(Sec. 5A, 47 Stat. 727, as added by Sec. 1, 64 Stat. 256, as amended, Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

2. Section 561.15(e) is amended to read as follows:

§ 561.15 Scheduled items.

The term "scheduled items" means:

• • • • •

(e) Any securities upon which one or more interest or principal payments due have not been paid (other than guaranteed obligations).

• • • • •

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.75-34736 Filed 12-23-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

PART 103—APPEARANCES AND COMPENSATION OF PERSONS APPEARING BEFORE SBA

Revision 1, Amendment 1

On November 3, 1975, there was published in the FEDERAL REGISTER (40 FR 51069) a notice that the SMALL BUSINESS ADMINISTRATION proposed to amend the subpart of 13 CFR Part 103 entitled "Interpretation of 'good cause'" by revising Section 103.13–5(b) to specifically interpret advertising by applicants' representatives using the name "SBA" as "good cause" for suspension or revocation of the privilege to appear before the SBA.

Interested parties were given 30 days to submit comments. No comments were received. According Part 103, § 103.13–5 is hereby amended by revising paragraph (b) to read as follows:

§ 103.13–5 Interpretation of "good cause."

• • • • •

(b) *Solicitation.* Requesting or suggesting directly or through any agency or medium the employment of the person making or initiating the request or suggestion, or some other person to perform work in connection with an application. "Solicitation" shall include, but shall not be limited to, requests or suggestions which violate the ethics, customs, or regulations of the profession or business of the person or persons making or initiating the suggestions; requests or suggestions which imply or infer that the work to be performed or any portion thereof, will be of a political, influential, or similar nature; and any advertisement or representation that contains or uses the words "Small Business Administration" or "SBA", or any symbol thereof.

• • • • •

Effective Date: In view of the fact that the foregoing is an interpretative rule and statement of policy, it shall be made effective December 24, 1975.

LOUIS F. LAUN,
Acting Administrator

[FR Doc.75-34697 Filed 12-23-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR–149, Amdt. 1]

PART 312—IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT, INCLUDING THE PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Filing of Environmental Evaluations by Applicants

Section 312.12(a) of the Board's Procedural Regulations (14 CFR 312.12(a)) implementing the National Environmental Policy Act of 1969 (NEPA) requires that all applications seeking Board action pursuant to sections 401 and 402 of the Federal Aviation Act of 1958 (Act) be accompanied at the time of filing by an "environmental evaluation," which is a report containing certain basic information bearing upon the possible environmental impact of the proposed action (see § 312.12(c)). The evaluation is designed to assist the Board in determining whether the application may result in a major Federal action having a significant impact upon the quality of the human environment and whether therefore an "environmental impact statement" under section 102(2)(C) of NEPA may be required. On September 23, 1975, certain air carriers [1] filed a petition requesting a modification of the timing of the environmental evaluation filing requirement, and a stay of the effective date thereof.[2] The carriers suggest that a more appropriate time for filing an environmental evaluation would be: (1) When requested by order of the Board or notice from the responsible official of the Board; or (2) at the time of filing of a motion for expedited hearing; or (3) at the time direct exhibits are exchanged, if not previously required.

In support of their petition, the carriers assert that the present rule will require much unnecessary work for the carriers since only a limited number of section 401 applications which are filed are actually set for hearing. Further, they assert that the time lag between the filing of an application and a Board order setting a case for hearing may well render the information supplied in the evaluation outdated and useless for purposes of a decision on potential environmental impact. Four civic parties have jointly filed an answer to the petition, supporting the modification sought.

A joint answer in support has also been filed by two Alaskan certificated carriers and eight local service carriers.[4]

Upon consideration of the pleadings and all relevant facts, the Board finds that amendment of section 312.12(a) of the rule is warranted and in the public interest. As amended, the rule will provide that, except for certain expedited proceedings, an environmental evaluation must be filed within 30 days—unless otherwise specified in the Board order—

[1] American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

[2] The Board's environmental rule was adopted August 13, 1975 and became effective on September 24, 1975 (Regulation PR–146, 40 FEDERAL REGISTER 37184). The request for a stay is hereby mooted.

[3] Boston Parties, Cincinnati Parties, Las Vegas Parties, and St. Louis Parties.

[4] Alaska Airlines, Allegheny Airlines, Frontier Airlines, Hughes Airwest, North Central Airlines, Ozark Air Lines, Piedmont Aviation, Southern Airways, Texas International Airlines and Wien Air Alaska.

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of the date of any Board order setting an application for hearing or other proceedings, or granting a motion to consolidate or contemporaneously consider the application in a proceeding.

In adopting the present requirement for concurrent filing of the application and the environmental evaluation, we rejected an earlier suggestion by the petitioners that environmental data should be submitted in a hearing case only at the time of direct exhibits.[5] We were concerned then, as we are now, that the submission of the information necessary to determine whether further environmental analysis is required be made early enough in the decisional process to avoid unconscionable delay in the event that an environmental impact statement—or a detailed environmental negative declaration—is believed necessary. We found the carriers' earlier proposal deficient in this regard since submission of the data at the direct exhibit stage would not assure the responsible official of sufficient time before the hearing to prepare an adequate analysis, thus forcing a delay of the proceedings.

On the other hand, we believe that the carriers' current position points the way toward a reasonable compromise between the interests of avoiding needless regulatory burdens, minimizing delay in proceedings, and assuring that the environmental information supplied will not be outdated. Clearly, the burden on applicants is alleviated by postponement of the filing date until after an application is set for hearing, and the information garnered is more likely to be realistic, up to date and useful to the responsible official. Further, we do not believe that the amended procedure established hereby will unduly delay most Board proceedings (albeit it must be recognized that some delay is inherent in any case subject to the full panoply of NEPA procedures), particularly since, as discussed below, applications receiving expedited treatment must continue to be accompanied by environmental evaluations.

Certain applications subject to § 312.12 (a) of the Board's environmental regulations are customarily accorded expedited treatment, such as, for example, applications for which motions for expedited hearing, show cause procedures, or other expedited consideration are filed and most section 402 foreign air carrier permit applications. In such instances, the motion or application is usually accompanied by a detailed evidentiary justification, which facilitates expeditious treatment. The petitioners recognize the appropriateness of requiring the filing of an environmental evaluation along with a motion for expedited hearing, and a section 402 application (Petition at 4). Thus, we will retain the present contemporaneous filing requirement for motions seeking expedited consideration (including show cause procedures) and section 402 foreign air carrier applications.[6]

Since the amendment pertains to rules of agency practice and procedure and in addition lightens or removes a burden already imposed by existing regulations, the Board finds that notice and public procedure hereon are not necessary, and that the amendment may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 312 of the Procedural Regulations (14 CFR 312), effective December 19, 1975, as follows:

Revise paragraph (a) of § 312.12 to read as follows:

§ 312.12 Filing of environmental evaluations by applicants.

(a) Except where a waiver or exemption has been granted under § 312.6, every person filing an application falling within the scope of § 312.9(a)(1) shall file an environmental evaluation, as provided in subsection (c), as specified below:

(1) A motion by an air carrier applicant for expedited hearing, for other expedited consideration, or for the institution of show cause procedures with respect to an application, and applications pursuant to Subpart M and Subpart N of Part 302 of the Board's Procedural Regulations shall be accompanied by an environmental evaluation;

(2) An application by a foreign air carrier for a permit pursuant to section 402 of the Federal Aviation Act, 49 U.S.C. 1372, shall be accompanied by an environmental evaluation;

(3) In all other instances, the environmental evaluation shall be filed within 30 days after the date of any Board order setting the application for hearing or other proceedings, or granting a motion to consolidate or contemporaneously consider the application in a proceeding, unless the Board has provided otherwise; or

(4) Upon order of the Board or a request by the responsible official.

. . . . . .

(Sections 204 and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 788, 49 U.S.C. 1324 and 1481; the National Environmental Policy Act of 1969, 83 Stat. 352 *et seq.*, 42 U.S.C. 4321 *et seq.*; and Executive Order 11514)

By the Civil Aeronautics Board:

Effective: December 19, 1975.

Adopted: December 19, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-34709 Filed 12-23-75;8:45 am]

[5] Regulation PR-146 at 11.

[6] Certain other applications also often receive expedited treatment, such as those filed pursuant to Subpart M and Subpart N of Part 302 of the Board's Procedural Regulations. We will include such applications in the requirement for contemporaneous filing of environmental evaluations.

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 8974]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Lustine Chevrolet, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15–270 Size and extent; 13.15–280 Unique or special status or advantage; § 13.135 Nature of product or service; § 13.140 Old, reclaimed or reused product being new; § 13.155 Prices; 13.155–5 Additional charges unmentioned; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–25 Displays, in-house. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1555 Size, extent, or equipment; § 13.1570 Unique status or advantages.—Goods: § 13.1685 Nature; § 13.1695 Old, secondhand, reclaimed or reconstructed as new; § 13.1740 Scientific or other relevant facts.—Prices: § 13.1778 Additional costs unmentioned. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 Nature; § 13.1880 Old, used, or reclaimed as unused or new; § 13.1882 Prices; 13.1882–10 Additional prices unmentioned; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Lustine Chevrolet, Inc., a corporation, and Phillip Lustine and Burton Lustine, individually and as officers of said corporation

Consent order requiring a Hyattsville, Md., new and used car dealer, among other things to cease misrepresenting that any vehicle is new when it has been used in any manner other than the limited use necessary in moving or road testing prior to delivery and to disclose, orally and in writing, specific information with respect to used motor vehicles.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

ORDER

It is ordered, That respondents Lustine Chevrolet, Inc., a corporation, its successors and assigns and its officers, and Phillip Lustine and Burton Lustine, individually and as officers of said corporation, and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, sale or distribution, service and repair of new and used motor vehicles, or any other products or services, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Representing, orally or in writing, directly, or by implication, that any vehicle is new when it has been used in any manner other than the limited use necessary in moving or road testing a new vehicle prior to delivery of such vehicle to the customer.

2. Offering for sale or selling any vehicles of the current or previous model year, which has been used in any manner, other than the limited use referred to in paragraph 1., above, without orally disclosing, prior to any sales presentation the nature and extent of such previous use of said vehicle.

3. Advertising any vehicle of the current or the previous model year which has been used in any manner, other than the limited use referred to in paragraph 1., above, without clearly and conspicuously disclosing in any and all advertising thereof the nature of such previous use of said vehicle.

4. Displaying, offering for sale or selling any vehicle of the current or the previous model year which has been used in any manner, other than the limited use referred to in paragraph 1., above, without clearly and conspicuously disclosing by decal or sticker affixed to the inside of the side window containing the manufacturer's suggested retail price or "Monroney sticker", or if space is not available thereon, in close proximity thereto, so as to be clearly visible, the nature of such previous use of said vehicle. Said decal or sticker shall also contain the following statement: "FOR EXACT MILEAGE, SEE ODOMETER".

5. Offering for sale or selling any motor vehicle of the current or the previous model year which has been used and which respondents have reason to believe has been damaged to the extent that it may adversely affect said motor vehicle's performance and life expectancy and the repair and repainting of said motor vehicle may hide said damage, without:

(a) Disclosing, both orally and in writing, the manner in which the motor vehicle has been damaged and the nature of the damage sustained by the vehicle; and

(b) Clearly and conspicuously disclosing by decal or sticker attached thereto, as required by paragraph 4., above, that the motor vehicle has been damaged.

6. Misrepresenting, orally or in writing, directly or by implication, the nature or extent of previous use or condition of any vehicle displayed, offered for sale or sold.

7. Failing to disclose, both orally and in writing, prior to the signing of the completed retail order for a used motor vehicle, and in any and all advertising of such vehicles, the precise amount of handling and service charges which will be added to the cost of respondents' used motor vehicles.

8. Representing, orally or in writing, directly or by implication, that respondent Lustine Chevrolet, Inc. is America's Largest Special Purchase Dealer, or using words of similar import, unless it does occupy such purchasing position, at the time aforesaid representation is made; misrepresenting, in any manner, the size, status, sales or purchasing position of respondents' dealership.

It is further ordered:

(a) That respondents shall forthwith distribute a copy of this order to each of their operating divisions;

(b) That respondents deliver a copy of this order to cease and desist to all present and future personnel engaged in the offering for sale, or sale, of any motor vehicle, and in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person;

(c) That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order;

(d) That respondents post in a prominent place in each salesroom or other area wherein respondents sell motor vehicles or other products or services, a copy of this cease and desist order, with the notice that any customer or prospective customer may receive a copy on demand; and

(e) That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities; and

(f) That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission Nov. 25, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-34687 Filed 12-23-75;8:45 am]

[1] Copies of the Complaint, Decision and Order, filed with the original document.

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 813]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be 30 days after the date of publication in the FEDERAL REGISTER, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a com-

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munity has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Arizona	Greenlee	Duncan, town of	H 040036A 01 through H 040036A 05	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, 1601 West Jefferson, Phoenix, Ariz. 85007.	Town Clerk, Town Hall, Duncan, Ariz. 85534.	Sept. 13, 1974. Dec. 5, 1975.
Do	Maricopa	Surprise, town of	H 040053A 01	do	Mayor, Town Hall, 12804 Santa Fe Dr., Surprise, Ariz. 85345.	June 28, 1974. Dec. 5, 1975.
Do	do	Youngtown, town of.	H 040057A 01	do	Mayor, Town Hall, 12024 Clubhouse Square, Youngtown, Ariz. 85363.	Dec. 28, 1973. Dec. 5, 1975.
Do	Pima	Tucson, city of	H 040076A 01 through H 040076A 31	do	City Engineer, City Hall, P.O. Box 5547, Tucson, Ariz. 85703.	Aug. 2, 1974. Dec. 5, 1975.
Arkansas	Jackson	Diaz, town of	H 050100A 01	Division of Soil and Water Resources, State Department of Commerce, 1020 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, Town Hall, Diaz, Ark. 72043	Mar. 8, 1974. Dec. 5, 1975.
Do	Mississippi	Keiser, city of	H 050146A 01	do	Mayor, City Hall, Keiser, Ark. 72351	May 17, 1974. Dec. 5, 1975.
Do	Sebastian	Hackett, city of	H 050199A 01	do	Mayor, City Hall, Hackett, Ark. 72937	Oct. 18, 1974. Dec. 5, 1975.
California	Humboldt	Arcata, city of	H 060061A 01 through H 060061A 05	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 1407 Market St., San Francisco, Calif. 94103. California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	Finance Director/City Clerk, City Hall, 736 F St., Arcata, Calif. 95521.	June 28, 1974. Dec. 5, 1975.
Do	Imperial	Holtville, city of	H 060070A 01	do	City Engineer, City Hall, Holtville, Calif. 92250.	Apr. 15, 1974.
Do	Los Angeles	Gardena, city of	H 060119A 01 through H 060119A 03	do	Mayor, City Hall, 1700 West 162d St., Gardena, Calif. 90247.	July 19, 1974. Dec. 5, 1975.
Do	do	Pico Rivera, city of.	H 060148A 01 through H 060148A 03	do	Mayor, City Hall, 6615 Passons Blvd., Pico Rivera, Calif. 90660.	June 28, 1974. Dec. 5, 1975.
Do	do	Rosemead, city of	H 060153A 01 through H 060153A 03	do	City Manager, 8838 East Valley Blvd., Rosemead, Calif. 91770.	June 28, 1974. Dec. 5, 1975.
Do	do	Torrance, city of	H 060165A 01 through H 060165A 07	do	City Engineer, City Hall, 2031 Torrance Blvd., Torrance, Calif. 90503.	Aug. 2, 1974. Dec. 5, 1975.
Do	Riverside	Indian Wells, city of.	H 060254A 01 through H 060254A 03	do	City Manager, 45-300 Club Dr., Indian Wells, Calif. 92260.	June 28, 1974. Dec. 5, 1975.
Do	San Luis Obispo	Morro Bay, city of.	H 060307A 01 through H 060307A 04	do	Mayor, City Hall, 595 Habor St., Morro Bay, Calif. 93442.	May 31, 1974. Dec. 5, 1975.
Do	San Mateo	Pacifica, city of	H 060323A 01 through H 060323A 05	do	Mayor, City Hall, 170 Santa Maria, Pacifica, Calif. 94044.	June 28, 1974. Dec. 5, 1975.
Do	Santa Clara	Sunnyvale, city of.	H 060352A 01 through H 060352A 02	do	Mayor, City Hall, 456 West Olive Ave., Sunnyvale, Calif. 94086.	Dec. 5, 1975.
Do	Tulare	Porterville, city of.	H 060407A 01 through H 060407A 05	do	Mayor, City Hall, 291 North Main St., Porterville, Calif. 93257.	Apr. 12, 1974. Dec. 5, 1975.
Do	Contra Costa	El Cerrito, city of.	H 065027A 01 through H 065027A 02	do	Mayor, City Hall, 10890 San Pablo Ave., El Cerrito, Calif. 94530.	June 28, 1974. Dec. 5, 1975.
Do	do	Lafayette, city of	H 065037A 01 through H 065037A 03	do	Mayor, City Hall, 975 Oakland St., Lafayette, Calif. 94549.	July 26, 1974. Dec. 5, 1975.
Do	San Mateo	Millbrae, city of	H 065045A 01 through H 065045A 04	do	Mayor, City Hall, 621 Magnolia Ave., Millbrae, Calif. 94030.	July 19, 1974. Dec. 5, 1975.
Florida	Orange	Unincorporated areas.	H 120179 01 through H 120179 62	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Director of Planning, Orange County Planning Board, P.O. Box 1393, Orlando, Fla. 32801.	Jan. 30, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Idaho	Bonner	Priest River, city of.	H 160026A 01	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 208, Statehouse, Boise, Idaho 83707.	Mayor, City Hall, 15 High St., Priest River, Idaho 83856.	June 28, 1974. Dec. 5, 1975.
Do	Custer	Challis, city of	H 160053A 01	do	Mayor, City Hall, P.O. Box 587, Challis, Idaho 83226.	June 28, 1974.
Do	Kootenai	Worley, city of	H 160085A 01	do	Mayor, City Hall, P.O. Box 7, Worley, Idaho 83876.	Sept. 6, 1974. Do.
Do	Teton	Victor, city of	H 160119A 01	do	Mayor, City Hall, Victor, Idaho 83455	Dec. 5, 1975.
Illinois	Cook	Calumet, city of	H 170072A 01 through H 170072A 03	Governor's Task Force on Flood Control, 309 North State St., P.O. Box 475, Room 1010, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, 204 Pulaski Rd., Calumet City, Ill. 60409.	Apr. 5, 1974. Dec. 5, 1975.
Do	Iroquois	Ashkum, village of.	H 170287A 01	do	Village President, Ashkum, Ill. 60911	June 7, 1974. Dec. 5, 1975.
Do	Stephenson	Pearl City, village of.	H 170642A 01	do	Village President, Pearl City, Ill. 61063.	May 3, 1974. Dec. 5, 1975.
Do	Tazewell	Delavan, city of	H 170648A 01	do	Mayor, 712 Chestnut St., Delavan, Ill. 61734.	May 24, 1974.
Do	Williamson	Herrin, city of	H 170717A 01 through H 170717A 02	do	Mayor, City Hall, Herrin, Ill. 62948	Feb. 15, 1974. Dec. 5, 1975.
Indiana	St. Joseph	Osceola, town of	H 180229A 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	President, Box 195, Osceola, Ind. 46561.	Dec. 17, 1973. Dec. 5, 1975.
Do	Wayne	Richmond, city of	H 180287A 01 through H 180287A 07	do	Mayor, City Hall, Richmond, Ind. 47374.	May 10, 1974. Dec. 5, 1975.
Iowa	Fremont	Hamburg, city of	H 190133A 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	City Clerk and Zoning Administrator, Hamburg, Iowa 51640.	June 14, 1974. Dec. 5, 1975.
Do	Guthrie	Guthrie Center, city of.	H 190135A 01	do	Clerk, City Hall, Guthrie Center, Iowa 50115.	May 17, 1974. Dec. 5, 1975.
Do	Linn	Fairfax, city of	H 190190A 01	do	Mayor, City Hall, Fairfax, Iowa 52228.	May 3, 1974. Dec. 5, 1975.
Do	Mills	Glenwood, city of	H 190208A 01	do	Mayor, City Hall, Glenwood, Iowa 51534.	June 28, 1974 Dec. 5, 1975.
Do	Webster	Harcourt, city of	H 190290A 01	do	Mayor, City Hall, Harcourt, Iowa 50544.	Dec. 6, 1974.
Kansas	Harvey	Newton, city of	H 200133A 01 through H 200133A 04	Division of Water Resources, Kansas Department of Agriculture, 1720 South Topeka Ave., Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, 120 East 7th St., Newton, Kans. 67114.	Feb. 1, 1974. Dec. 5, 1975.
Do	Morton	Elkhart, city of	H 200236A 01	do	Mayor, City Hall, 433 Morton, Elkhart, Kans. 67950.	May 24, 1974. Dec. 5, 1975.
Do	Reno	Hutchinson, city of.	H 200268A 01 through H 200268A 05	do	Mayor, City Hall, 125 East Ave., P.O. Box 1567, Hutchinson, Kans. 67501.	June 28, 1974. Dec. 5, 1975.
Do	Republic	Scandia, city of	H 200289A 01	do	Mayor, City Office Bldg., Main St., Scandia, Kans. 66966.	May 10, 1974. Dec. 5, 1975.
Kentucky	Barren	Glasgow, city of	H 210067A 01 through H 210067A 05	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, Glasgow, Ky. 42141	May 24, 1974. Dec. 5, 1975.
Louisiana	Concordia	Ridgecrest, town of.	H 220056A 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Commission, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, Town Hall, Ridgecrest, La. 71334.	May 24, 1974. Dec. 5, 1975.
Do	St. Landry	Grand Coteau, town of.	H 220169A 01 through H 220169A 02	do	Mayor, Town Hall, Grand Coteau, La. 70541.	Dec. 7, 1973. Dec. 5, 1975.
Do	St. Martin	Parks, village of	H 220190A 01	do	Mayor, Village Hall, Parks Rural Station, St. Martinville, La. 70582.	Jan. 23, 1974. Dec. 5, 1975.
Do	Tangipahoa	Kentwood, town of.	H 220210A 01 through H 220210A 02	do	Mayor, Town Hall, Kentwood, La. 70444.	Nov. 2, 1973. Dec. 5, 1975.
Do	West Baton Rouge.	Port Allen, city of.	H 220342A 01	do	Mayor, City Hall, Port Allen, La. 70767.	June 28, 1974.
Maryland	Caroline and Dorchester.	Federalsburg, town of.	H 240013 01	Department of Natural Resources, Water Resources Division, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 201 West Preston St., Baltimore, Md. 21201.	Mayor, 103 South Main St., Federalsburg, Md. 21632.	Jan. 30, 1976.
Do	Somerset	Princess Anne, town of.	H 240063A 01	do	President Town Commissioner, Town Office, Princess Anne, Md. 21853.	June 28, 1974. Dec. 5, 1975.
Michigan	Berrien	Lincoln, township of.	H 260057A 01 through H 260057A 05	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	Township Supervisors, Township of Lincoln, P.O. Drawer L, Stevensville, Mich. 49127.	July 26, 1974. Dec. 5, 1975.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Huron	Harbor Beach, city of.	H 260570 01	do.	Mayor, 149 North First St., Harbor Beach, Mich. 48441.	Jan. 30, 1976.
Do.	Mason	Pere Marquette, township of.	H 260582 01 through H 260582 06	do.	Township Supervisor, Township of Pere Marquette, Route 1, Lindington, Mich. 49431.	Do.
Do.	Huron	Port Austin, village of.	H 260618 01	do.	Village President, 17 West State St., Port Austin, Mich. 48467.	Do.
Minnesota	Cass	Pillager, city of.	H 270063A 01	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, E-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, Village Hall, Box 84, Pillager, Minn. 56473.	July 19, 1974.
Do.	Crow Wing	Nisswa, city of.	H 270069A 01 through H 270069A 05	do.	Mayor, City Hall, Nisswa, Minn. 56468.	Aug. 2, 1974. Dec. 5, 1975.
Do.	Pipestone	Holland, city of.	H 270356A 01	do.	Mayor, Holland, Minn. 56139.	Aug. 30, 1974. Dec. 5, 1975.
Missouri	Clay	Mosby, city of.	H 290098A 01	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, Village Hall, Main St., Mosby, Mo. 64073.	Oct. 18, 1974. Dec. 5, 1975.
Do.	Crawford	Bourbon, city of.	H 290113A 01 through H 290113A 02	do.	Mayor, City Hall, Bourbon, Mo. 65441.	May 24, 1974. Dec. 5, 1975.
Do.	Dunklin	Senath, city of.	H 290131A 01 through H 290131A 02	do.	Mayor, City Hall, Senath, Mo. 63876.	June 28, 1974. Dec. 5, 1975.
Do.	Franklin	St. Clair, town of.	H 290135A 01 through H 290135A 02	do.	Mayor, City Hall, 570 South Main St., St. Clair, Mo. 63077.	Apr. 12, 1974. Dec. 5, 1975.
Do.	Howell	Willow Springs, city of.	H 290167A 01 through H 290167A 03	do.	Mayor, City Hall, Willow Springs, Mo. 65793.	May 24, 1974. Dec. 5, 1975.
Do.	Jackson	Lee's Summit, city of.	H 290174A 01 through H 290174A 15	do.	Mayor, City Hall, 220 South Main St., Lee's Summit, Mo. 64063.	June 21, 1974. Dec. 5, 1975.
Do.	Lincoln	Silex, village of.	H 290212A 01	do.	Executive Director, Village Hall, Silex, Mo. 63377.	Nov. 22, 1974. Dec. 5, 1975.
Do.	Moniteau	California, city of.	H 290238A 01 through H 290238A 02	do.	Mayor, City Hall, 101 North High St., California, Mo. 65018.	Apr. 5, 1974. Dec. 5, 1975.
Do.	Newton	Seneca, city of.	H 290269A 01 through H 290269A 02	do.	Mayor, City Hall, P.O. Box 485, Seneca, Mo. 64865.	Mar. 22, 1974. Dec. 5, 1975.
Do.	St. Charles	Wentzville, city of.	H 290320A 01 through H 290320A 03	do.	Mayor, City Hall, P.O. Box 308, 9 West Koenig, Wentzville, Mo. 63385.	Apr. 12, 1974.
Do.	St. Louis	Hazelwood, city of.	H 290357A 01 through H 290357A 03	do.	Mayor, City Hall, 9150 Pershall Rd., Hazelwood, Mo. 63042.	Jan. 9, 1974. Dec. 5, 1975.
Do.	Scott	Illmo, city of.	H 290411A 01 through H 290411A 02	do.	Mayor, City Hall, Illmo, Mo. 63754.	May 3, 1974. Dec. 5, 1975.
Do.	Stoddard	Bloomfield, city of.	H 290423A 01 through H 290423A 03	do.	Mayor, City Hall, Bloomfield, Mo. 63825.	Dec. 21, 1973. Dec. 5, 1975.
Montana	Liberty	Chester, town of.	H 300041A 01	Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Mayor, City Hall, Chester, Mont. 59522.	May 10, 1974. Dec. 5, 1975.
Do.	Madison	Twin Bridges, town of.	H 300045A 01	do.	Mayor, Town Hall, Twin Bridges, Mont. 59754.	Mar. 29, 1974. Dec. 5, 1975.
Do.	Phillips	Malta, city of.	H 300054A 01	do.	Mayor, City Hall, Malta Bend, Mont. 59538.	May 3, 1974. Dec. 5, 1975.
Do.	Pondera	Conrad, city of.	H 300057A 01	do.	Mayor, City Hall, Conrad, Mont. 59425.	June 7, 1974. Dec. 5, 1975.
Do.	Richland	Sidney, city of.	H 300065A 01	do.	Mayor, City Hall, Sidney, Mont. 59270.	May 24, 1974. Dec. 5, 1975.
Do.	Wilbaux	Wilbaux, town of.	H 300084A 01 through H 300084A 02	do.	Mayor, Town Hall, Wilbaux, Mont. 59853.	July 26, 1974.
Do.	Cascade	Cascade, town of.	H 300107A 01	do.	Attorney for the towns of Cascade, Cure, Borer and Lynch, 320 First National Bank Bldg., P.O. Box 2103, Great Falls, Mont. 59403.	Feb. 14, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Nebraska	Cass	Louisville, village of.	H 310031A 01	Nebraska Natural Resources Commission, Terminal Bldg., 7th Floor, Lincoln, Nebr. 68508. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Chairman, Village Hall, Louisville, Nebr. 68037.	May 10, 1974. Dec. 5, 1975.
Do.	do.	Union, village of.	H 310035A 01	do.	Chairman, Village Hall, Union, Nebr. 68455.	Oct. 18, 1974. Dec. 5, 1975.
Do.	Dawson	Farnam, village of.	H 310061A 01	do.	Chairman, Village Hall, Farnam, Nebr. 69029.	Nov. 8, 1974. Dec. 5, 1975.
Do.	do.	Overton, village of.	H 310064A 01	do.	Chairman, Village Hall, Overton, Nebr. 68863.	June 14, 1974. Dec. 5, 1975.
Do.	Dodge	Nickerson, village of.	H 310070A 01	do.	Chairman, Village Hall, Nickerson, Nebr. 68044.	Jan. 23, 1974.
Do.	Gage	Blue Springs, village of.	H 310092A 01 through H 310092A 02	do.	Mayor, Village Hall, Blue Springs, Nebr. 68318.	Jan. 9, 1974. Dec. 5, 1975.
Do.	Johnson	Tecumseh, city of.	H 310127A 01 through H 310127A 02	do.	Mayor, City Hall, Tecumseh, Nebr. 68450.	Jan. 23, 1974. Dec. 5, 1975.
Do.	Keith	Brule, village of.	H 310128A 01	do.	Mayor, Village Hall, Brule, Nebr. 69127.	May 24, 1974.
Do.	Knox	Verdigre, village of.	H 310133A 01	do.	Chairman, Village Hall, Verdigre, Nebr. 68783.	June 28, 1974. Dec. 5, 1975.
Do.	Phelps	Holdrege, city of.	H 310173A 01 through H 310173A 06	do.	Mayor, City Hall, Holdrege, Nebr. 68949.	June 7, 1974. Dec. 5, 1975.
Do.	Pierce	Pierce, city of.	H 310174A 01	do.	Mayor, City Hall, Pierce, Nebr. 68767.	Apr. 5, 1974. Dec. 5, 1975.
Do.	Platte	Lindsay, village of.	H 310177A 01	do.	Mayor, Village Hall, Lindsay, Nebr. 68644.	Nov. 8, 1974. Dec. 5, 1975.
New Mexico	Grant	Bayard, village of.	H 350019A 01	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Mayor, Box 43, Village Hall, Bayard, N. Mex. 88023.	Aug. 30, 1974. Dec. 5, 1975.
New York	Jefferson	Champion, town of.	H 360328B 01 through H 360328B 13	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 2 World Trade Center, New York, N.Y. 10047.	Town Supervisor, Town of Champion, 6174 Broad St., Carthage, N.Y. 13619.	May 31, 1974. Feb. 7, 1975.
Do.	do.	Hounsfield, town of.	H 360340 01 through H 360340 08	do.	Town Supervisor, Town of Hounsfield, Rural Delivery, Sackets Harbor, N.Y. 13605.	Jan. 30, 1976.
Do.	do.	Alexandria, town of.	H 360826A 01 through H 360826A 06	do.	Town Supervisor, Town of Alexandria, Town Hall, Alexandria Bay, N.Y. 13607.	May 31, 1974. Dec. 5, 1975.
Do.	do.	Philadelphia, village of.	H 360348A 01	do.	Mayor, 26 Sand St., Philadelphia, N.Y. 13673.	May 17, 1974. Dec. 5, 1975.
Do.	do.	Theresa, village of.	H 360352A 01	do.	Mayor, 307 Mill St., Theresa, N.Y. 13691.	May 10, 1974. Dec. 5, 1975.
Do.	Monroe	Scottsville, village of.	H 360434A 01	do.	Mayor, Village Bldg., Main St., Scottsville, N.Y. 14546.	Mar. 8, 1974. Dec. 5, 1975.
Do.	Orange	Chester, town of.	H 360870A 01 through H 360870A 07	do.	Town Supervisor, Town Hall, 23 Main St., Chester, N.Y. 10918.	Apr. 12, 1974. Dec. 5, 1975.
Do.	Wayne	Palmyra, town of.	H 360974A 01 through H 360974A 04	do.	Town Supervisor, Bear Hill Dr., Palmyra, N.Y. 14522.	Apr. 5, 1974. Dec. 5, 1975.
Do.	Orleans	Barre, town of.	H 361253A 01 through H 361253A 07	do.	Town Supervisor, Town of Barre, 5306 Oak Orchard Rd., Elba, N.Y. 14058.	Oct. 25, 1974. Dec. 5, 1975.
Do.	Ulster	New Paltz, village of.	H 361544A 01	do.	Mayor, Village of New Paltz, 25 Cattekill Rd., New Falls, N.Y. 12561.	Jan. 24, 1975.
Do.	Schoharie	Cobleskill, town of.	H 361573A 01 through H 361573A 04	do.	Town Supervisor, P.O. Box 457, Cobleskill, N.Y. 12043.	Dec. 20, 1974.
Ohio	Belmont	St. Clairsville, village of.	H 390082A 01	Ohio Department of Natural Resources, Flood Insurance Coor. Bldg., Fountain Square, Columbus, Ohio 43224. Ohio Department of Insurance, 447 East Broad St., Columbus, Ohio 43215.	Mayor, Mun. Bldg., St. Clairsville, Ohio 43950.	June 7, 1974.
Do.	Cuyahoga	Highland Heights, city of.	H 390110A 01 through H 390110A 02	do.	Mayor, 5827 Highland Rd., Highland Heights, Ohio 44143.	July 25, 1975. Dec. 5, 1975.
Do.	Hamilton	Arlington Heights, village of.	H 390207A 01	do.	Mayor, Box 15116, Arlington Heights, Ohio 45814.	Feb. 1, 1974. Dec. 5, 1975.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Oklahoma	Adair	Westville, town of	H 400003A 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Police Department, Town Hall, Westville, Okla. 74965.	Oct. 18, 1974.
Do	Blaine	Okeene, town of	H 400015A 01 through H 400015A 02	do	President of the Board, P.O. Drawer F, Town Hall, Okeene, Okla. 73763.	June 28, 1974. Dec. 5, 1975.
Do	Blaine and Caddo.	Hydro, town of	H 400024A 01	do	Mayor, Town Hall, Hydro, Okla. 73048.	July 26, 1974. Dec. 5, 1975.
Do	Custer	Weatherford, city of.	H 400056A 01 through H 400056A 04	do	Mayor, City Hall, P.O. 569, Weatherford, Okla. 73096.	Mar. 29, 1974. Dec. 5, 1975.
Do	Ottawa	Miami, city of	H 400157A 01 through H 400157A 04	do	City Administrator, P.O. Box 309, 129 5th NW., Miami, Okla. 74354.	Feb. 1, 1974. Dec. 5, 1975.
Do	Pawnee	Cleveland, city of	H 400162A 01	do	Mayor, City Hall, 100 South Broadway, Cleveland, Okla. 74020.	May 3, 1974. Dec. 5, 1975.
Do	Pittsburg	Quinton, town of	H 400172A 01 through H 400172A 02	do	President, Town Hall, Quinton, Okla. 74561.	Aug. 16, 1974. Dec. 5, 1975.
Do	Pontotoc	Byng, town of	H 400175A 01 through H 400175A 02	do	Mayor, Town Hall, Byng, Okla.	Aug. 30, 1974. Dec. 5, 1975.
Do	Washington	Ramona, town of	H 400222A 01	do	Mayor, Town Hall, Ramona, Okla. 74061.	July 19, 1974. Dec. 5, 1975.
Oregon	Baker	Huntington, city of.	H 410005A 01	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem, Oreg. 97310.	Mayor, City Hall, Huntington, Oreg. 97907.	Nov. 30, 1973.
Do	Coos	Myrtle Point, city of.	H 410047A 01	do	Mayor, City Hall, Myrtle Point, Oreg. 97458.	Nov. 23, 1973. Dec. 5, 1975.
Do	Douglas	Elkton, city of	H 410062A 01	do	Mayor, City Hall, Elkton, Oreg. 97436.	Sept. 13, 1974.
Do	do	Riddle, city of	H 410066A 01	do	City Recorder, City Hall, Riddle, Oreg. 97469.	June 7, 1974. Dec. 5, 1975.
Do	Umatilla	Pilot Rock, city of	H 410212A 01	do	Mayor, City Hall, Pilot Rock, Oreg. 97868.	Nov. 16, 1973. Dec. 5, 1975.
Do	do	Weston, city of	H 410215A 01	do	Mayor, City Hall, Weston, Oreg. 97886.	May 17, 1974. Dec. 5, 1975.
Do	Union	Island City, city of.	H 410220A 01	do	Mayor, City Hall, Island City, Oreg. 97851.	Aug. 30, 1974. Dec. 5, 1975.
Do	Wallowa	Joseph, city of	H 410226A 01	do	Mayor, City Hall, Joseph, Oreg. 97846.	May 24, 19 74. Dec. 5, 1975.
Pennsylvania	Erie	Erie, city of	H 420449A 01 through H 420449A 06	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, Municipal Bldg., Erie, Pa. 16501.	June 21, 1974. Dec. 5, 1975.
Do	Crawford	East Mead, township of.	H 421566A 01 through H 421566A 08	do	Township Supervisor of East Mead, Rural Delivery No. 2, Guys Mills, Pa. 16327.	Oct. 18, 1974. Dec. 5, 1975.
Texas	San Patricio	Gregory, city of	H 480555A 01	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Consulting Engineer for City of Gregory, Tex., No. 2 Parkdale Plaza, Suite 211, Corpus Christi, Tex. 78411.	June 7, 1974. Dec. 5, 1975.
Utah	Emery	Green River, city of.	H 490062A 01 through H 490062A 02	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, City Hall, Green River, Utah 84525.	June 21, 1974. Dec. 5, 1975.
Do	Sanpete	Moroni, city of	H 490118A 01	do	Mayor, City Hall, Moroni, Utah 84646.	Sept. 6, 1974. Dec. 5, 1975.
Do	Sevier	Richfield, city of	H 490131A 01 through H 490131A 02	do	Mayor, City Hall, Richfield, Utah 84701.	May 24, 1974. Dec. 5, 1975.
Do	Utah	Payson, city of	H 490157A 01	do	Mayor, City Hall, Payson, Utah 84651.	June 28, 1974. Dec. 5, 1974.
Virginia	Independent city	Danville, city of	H 510644A 01 through H 510644A 06	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	City Manager, P.O. Box 3300, Danville, Va. 24541.	May 31, 1974. Dec. 5, 1975.
Washington	San Juan	Friday Harbor, town of.	H 530150A 01	Department of Ecology, Olympia, Wash. 98501.	Town Attorney c/o Schmidt & Linde, P.O. Box 668, Friday Harbor, Wash. 98250.	Nov. 29, 1974.
Wisconsin	Dane	McFarland, village of.	H 550066A 01 through H 550066A 02	Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501. Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Insurance Commissioner, Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703.	Village President, Box 22, McFarland, Wis. 53558.	Dec. 17, 1973.
Do	Sawyer	Radisson, village of.	H 550411A 01	do	Village President, Village Hall, Radisson, Wis. 54867.	Sept. 6, 1974. Dec. 5, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Alaska	Unorganized borough.	Dillingham, city of.	H 020041A 01 through H 020041A 10	Department of Community and Regional Affairs, Division of Community Planning, Pouch B, Juneau, Alaska 99811. Alaska Division of Insurance, Room 410, Goldstein Bldg., Pouch D, Juneau, Alaska 99801.	Assistant City Manager, City Hall, P.O. Box 191, Dillingham, Alaska 99576.	May 31, 1974. Dec. 12, 1975.
Arizona	Coconino	Williams, city of	H 040027A 01 through H 040027A 03	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, 1601 West Jefferson, Phoenix, Ariz. 85007.	Mayor, 113 South First St., City Hall, Williams, Ariz. 86046.	Apr. 5, 1974. Dec. 12, 1975.
Arkansas	Cross	Cherry Valley, city of.	H 050057A 01	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, Cherry Valley, Ark. 72324.	Mar. 15, 1974. Dec. 12, 1975.
Do	Desha	McGehee, city of	H 050068A 01 through H 050068A 02	do	Mayor, City Hall, McGehee, Ark. 71654.	Mar. 29, 1974. Dec. 12, 1975.
Do	Phillips	Helena, city of	H 050166A 01 through H 050166A 03	do	Mayor, City Hall, Helena, Ark. 72342.	June 28, 1974. Dec. 12, 1975.
Do	Randolph	Pocahontas, city of.	H 050183A 01 through H 050183A 04	do	Mayor, City Hall, Pocahontas, Ark. 72455.	Nov. 16, 1973. Dec. 12, 1975.
Do	White	Judsonia, city of	H 050226A 01	do	Mayor, City Hall, Judsonia, Ark. 72081.	Feb. 1, 1974. Dec. 12, 1975.
California	Los Angeles	Whittier, city of	H 060169A 01 through H 060169A 05	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	City Engineer, Whittier Civic Center, 13230 East Penn St., Whittier, Calif. 90602.	June 28, 1974. Dec. 12, 1975.
Do	Sacramento	Galt, city of	H 060264A 01	do	Mayor, City Hall, 807 C St., Galt, Calif. 95632.	May 17, 1974. Dec. 12, 1975.
Do	San Mateo	Foster City, city of.	H 060318A 01 through H 060318A 09	do	Mayor, City Hall, 600 Foster City Blvd., Foster City, Calif. 94404.	June 14, 1974.
Do	Santa Clara	Morgan Hill, city of.	H 060346A 01 through H 060346A 06	do	Mayor, City Hall, Morgan Hill, Calif. 95037.	May 31, 1974. Dec. 12, 1975.
Do	do	Palo Alto, city of.	H 060348A 01 through H 060348A 13	do	Director, Public Works, City Hall, Palo Alto, Calif. 94301.	June 28, 1974. Dec. 5, 1975.
Do	Solano	Vallejo, city of	H 060374A 01 through H 060374A 11	do	Director, Public Works Engineer, City Hall, Vallejo, Calif. 94590.	July 19, 1974. Dec. 12, 1975.
Do	Stanislaus	Oakdale, city of	H 060389A 01	do	Mayor, City Hall, 260 North 3d Ave., Oakdale, Calif. 95361.	June 7, 1974. Dec. 12, 1975.
Colorado	El Paso and Teller.	Green Mountain Falls, town of.	H 080062A 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Mayor, P.O. Box 524, Town Hall, Green Mountain Falls, Colo. 80819.	Aug. 30, 1974. Dec. 12, 1975.
Do	Weld	Nunn, town of	H 080188A 01	do	Mayor, Town Hall, P.O. Box 171, Nunn, Colo. 80648.	Aug. 30, 1974. Dec. 12, 1975.
Delaware	Kent	Camden, town of	H 100003A 01	Delaware Coordinating Agency, Delaware State Planning Office, Thomas Collins Bldg., 530 South Dupont Highway, Dover, Del. 19901. Delaware Insurance Department, 21 The Green, Dover, Del. 19901.	President, 27 South Main St., Camden, Del. 19934.	May 24, 1974. Dec. 12, 1975.
Do	do	Felton, town of	H 100006A 01	do	President of Town Council, Felton, Del. 19943.	Aug. 9, 1974. Dec. 12, 1975.
Do	do	Little Creek, town of.	H 100015A 01	do	Mayor, Little Creek, Del. 19961	Aug. 9, 1974. Dec. 12, 1975.
Do	New Castle	Middletown, town of.	H 100024A 01 through H 1000024A 03	do	Mayor, 216 North Broad St., Middletown, Del. 19709.	Aug. 2, 1974. Dec. 12, 1975.
Do	Sussex	Bridgeville, town of.	H 100032A 01 through H 100032A 03	do	Mayor, 101 North Main St., Bridgeville, Del. 19933.	June 7, 1974.
Do	do	Frankford, town of.	H 100037A 01	do	Mayor, Rural Delivery No. 3, Box 273, Frankford, Del. 19945.	Sept. 13, 1974.
Do	do	Lewes, city of	H 100041A 01 through H 100041A 02	do	Mayor, Box 227, Lewes, Del. 19958	June 7, 1974. Dec. 12, 1975.
Do	do	Millville, town of	H 100044A 01 through H 100044A 02	do	Mayor, Millville, Del. 19967	Oct. 18, 1974. Dec. 12, 1975.
Do	do	Milton, town of	H 100045A 01	do	Mayor, 106 Union St., Milton, Del. 19968.	Sept. 13, 1974. Dec. 12, 1975.
Do	do	Ocean View, town of.	H 100046A 01	do	Mayor, Route 1, Box 190, Ocean View, Del. 19970.	Aug. 2, 1974. Dec. 12, 1975.
Do	New Castle	Newport, town of	H 100054A 01	do	Mayor, P.O. Box 3053, Newport, Del. 19804.	Dec. 20, 1974. Dec. 12, 1975.
Florida	Okaloosa	Niceville, town of	H 120038A 01 through H 120038A 08	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Manager, 101 Armstrong Ave., Niceville, Fla. 32578.	Sept. 5, 1975. Dec. 12, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Florida	Okaloosa	Valparaiso, city of	H 120039A 01 through H 120039A 08	do	Mayor, City Hall, Valparaiso, Fla. 32580.	Sept. 5, 1975. Dec. 12, 1975.
Do	Walton	Freeport, town of	H 120040A 01 through H 120040A 08	do	Mayor, Town Hall, Freeport, Fla. 32439.	Sept. 5, 1975. Dec. 12, 1975.
Do	do	Paxton, town of	H 120041A 01 through H 120041A 08	do	Mayor, Town Hall, Paxton, Fla. 32538.	Sept. 5, 1975. Dec. 12, 1975.
Georgia	Bibb	Macon, city of	H 130077A 01 through H 130077A 04	Department of Natural Resources, 270 Washington St. SW., Atlanta, Ga. 30334. Georgia Insurance Department, 716 State Office Bldg., Atlanta, Ga. 30334.	Mayor, City Hall, Macon, Ga. 31201.	Aug. 30, 1974. Dec. 12, 1975.
Do	Chatham	Savannah, city of	H 130119A 01 through H 130119A 04	do	Mayor, City Hall, Savannah, Ga. 31401.	Aug. 30, 1974. Dec. 12, 1975.
Do	Clarke	Athens, city of	H 130124A 01 through H 130124A 04	do	Mayor, City Hall, Athens, Ga. 30601.	Aug. 30, 1974. Dec. 12, 1975.
Do	Dougherty	Albany, city of	H 130126A 01 through H 130126A 04	do	Mayor, City Hall, Albany, Ga. 31702.	Aug. 30, 1974. Dec. 12, 1975.
Do	Floyd	Rome, city of	H 130135A 01 through H 130135A 04	do	Mayor, City Hall, Rome, Ga. 30161.	Aug. 30, 1974. Dec. 12, 1975.
Do	Glynn	Brunswick, city of	H 130143A 01 through H 130143A 04	do	Mayor, City Hall, Brunswick, Ga. 31520.	Aug. 30, 1974. Dec. 12, 1975.
Do	Muscogee	Columbus, city of	H 130158A 01 through H 130158A 04	do	Mayor, City Hall, Columbus, Ga. 31902.	Aug. 30, 1974. Dec. 12, 1975.
Do	Richmond	Augusta, city of	H 130162A 01 through H 130162A 04	do	Mayor, City Hall, Augusta, Ga. 30902.	Aug. 30, 1974. Dec. 12, 1975.
Do	Whitfield	Dalton, city of	H 130183A 01 through H 130183A 04	do	Mayor, City Hall, Dalton, Ga. 30720.	Aug. 30, 1974. Dec. 12, 1975.
Illinois	Cook	Glenview, village of	H 170054A 01 through H 170054A 04	Department of Transportation, 300 Centennial Bldg., Springfield, Ill. 62706. Illinois Insurance Department, 320 West Washington St., Springfield, Ill. 62767.	Village President, Village Hall, Glenview, Ill. 60025.	Aug. 30, 1974. Dec. 12, 1975.
Do	Lake	Lake Bluff, village of	H 170102A 01 through H 170102A 04	do	Village President, Village Hall, Lake Bluff, Ill. 60044.	Aug. 30, 1974. Dec. 12, 1975.
Do	Lake	Lake Forest, city of	H 170103A 01 through H 170103A 04	do	Mayor, City Hall, Lake Forest, Ill. 60045.	Aug. 30, 1974. Dec. 12, 1975.
Do	Lake	Lake Zurich, village of	H 170104A 01 through H 170104A 04	do	Village President, Village Hall, Lake Zurich, Ill. 60047.	Aug. 30, 1974. Dec. 12, 1975.
Do	Lake	Libertyville, village of	H 170105A 01 through H 170105A 04	do	Village President, Village Hall, Libertyville, Ill. 60048.	Aug. 30, 1974. Dec. 12, 1975.
Do	Lake	Mundelein, village of	H 170106A 01 through H 170106A 04	do	Village President, Village Hall, Mundelein, Ill. 60060.	Aug. 30, 1974. Dec. 12, 1975.
Do	Lake	North Chicago, city of	H 170107A 01 through H 170107A 04	do	Mayor, City Hall, North Chicago, Ill. 60064.	Aug. 30, 1974. Dec. 12, 1975.
Do	Lake	Vernon Hills, village of	H 170108A 01 through H 170108A 04	do	Village President, Village Hall, Vernon Hills, Ill. 60061.	Aug. 30, 1974. Dec. 12, 1975.
Do	Lake	Waukegan, city of	H 170109A 01 through H 170109A 04	do	Mayor, City Hall, Waukegan, Ill. 60085.	Aug. 30, 1974. Dec. 12, 1975.
Do	Lake	Wauconda, village of	H 170110A 01 through H 170110A 04	do	Village President, Village Hall, Wauconda, Ill. 60084.	Aug. 30, 1974. Dec. 12, 1975.
Do	Lake	Winthrop Harbor, village of	H 170111A 01 through H 170111A 04	do	Village President, Village Hall, Winthrop Harbor, Ill. 60096.	Aug. 30, 1974. Dec. 12, 1975.
Do	Lake	Zion, city of	H 170112A 01 through H 170112A 04	do	Mayor, City Hall, Zion, Ill. 60099.	Aug. 30, 1974. Dec. 12, 1975.
Do	McHenry	Algonquin, village of	H 170113A 01 through H 170113A 04	do	Village President, Village Hall, Algonquin, Ill. 60102.	Aug. 30, 1974. Dec. 12, 1975.
Do	McHenry	Cary, village of	H 170114A 01 through H 170114A 04	do	Village President, Village Hall, Cary, Ill. 60013.	Aug. 30, 1974. Dec. 12, 1975.
Do	McHenry	Crystal Lake, city of	H 170115A 01 through H 170115A 04	do	Mayor, City Hall, Crystal Lake, Ill. 60014.	Aug. 30, 1974. Dec. 12, 1975.
Do	McHenry	Fox River Grove, village of	H 170116A 01 through H 170116A 04	do	Village President, Village Hall, Fox River Grove, Ill. 60021.	Aug. 30, 1974. Dec. 12, 1975.
Do	McHenry	Harvard, city of	H 170117A 01 through H 170117A 04	do	Mayor, City Hall, Harvard, Ill. 60033.	Aug. 30, 1974. Dec. 12, 1975.
Do	McHenry	Hebron, town of	H 170118A 01 through H 170118A 04	do	Chairman, Town Hall, Hebron, Ill. 60034.	Aug. 30, 1974. Dec. 12, 1975.
Do	McHenry	Huntley, village of	H 170119A 01 through H 170119A 04	do	Village President, Village Hall, Huntley, Ill. 60142.	Aug. 30, 1974. Dec. 12, 1975.
Do	McHenry	Johnsburg, village of	H 170120A 01 through H 170120A 04	do	Village President, Village Hall, Johnsburg, Ill. 60050.	Aug. 30, 1974. Dec. 12, 1975.
Do	McHenry	Lake in the Hills, village of	H 170121A 01 through H 170121A 04	do	Village President, Village Hall, Lake in the Hills, Ill. 60102.	Aug. 30, 1974. Dec. 12, 1975.
Do	McHenry	Marengo, city of	H 170122A 01 through H 170122A 04	do	Mayor, City Hall, Marengo, Ill. 60152.	Aug. 30, 1974. Dec. 12, 1975.
Do	McHenry	McHenry, city of	H 170123A 01 through H 170123A 04	do	Mayor, City Hall, McHenry, Ill. 60050.	Aug. 30, 1974. Dec. 12, 1975.
Do	McHenry	Richmond, village of	H 170124A 01 through H 170124A 04	do	Village President, Village Hall, Richmond, Ill. 60071.	Aug. 30, 1974. Dec. 12, 1975.
Do	McHenry	Ringwood, village of	H 170125A 01 through H 170125A 04	do	Village President, Village Hall, Ringwood, Ill. 60072.	Aug. 30, 1974. Dec. 12, 1975.
Do	McHenry	Spring Grove, village of	H 170126A 01 through H 170126A 04	do	Village President, Village Hall, Spring Grove, Ill. 60081.	Aug. 30, 1974. Dec. 12, 1975.
Do	McHenry	Union, village of	H 170127A 01 through H 170127A 04	do	Village President, Village Hall, Union, Ill. 60180.	Aug. 30, 1974. Dec. 12, 1975.
Do	McHenry	Woodstock, city of	H 170128A 01 through H 170128A 04	do	Mayor, City Hall, Woodstock, Ill. 60098.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Bolingbrook, village of	H 170129A 01 through H 170129A 04	do	Village President, Village Hall, Bolingbrook, Ill. 60439.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Crest Hill, city of	H 170130A 01 through H 170130A 04	do	Mayor, City Hall, Crest Hill, Ill. 60435.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Joliet, city of	H 170131A 01 through H 170131A 04	do	Mayor, City Hall, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Lockport, city of	H 170132A 01 through H 170132A 04	do	Mayor, City Hall, Lockport, Ill. 60441.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Romeoville, village of	H 170133A 01 through H 170133A 04	do	Village President, Village Hall, Romeoville, Ill. 60441.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Shorewood, village of	H 170134A 01 through H 170134A 04	do	Village President, Village Hall, Shorewood, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170135A 01 through H 170135A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170136A 01 through H 170136A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170137A 01 through H 170137A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170138A 01 through H 170138A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170139A 01 through H 170139A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170140A 01 through H 170140A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170141A 01 through H 170141A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170142A 01 through H 170142A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170143A 01 through H 170143A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170144A 01 through H 170144A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170145A 01 through H 170145A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170146A 01 through H 170146A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170147A 01 through H 170147A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170148A 01 through H 170148A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170149A 01 through H 170149A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170150A 01 through H 170150A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170151A 01 through H 170151A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170152A 01 through H 170152A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170153A 01 through H 170153A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170154A 01 through H 170154A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170155A 01 through H 170155A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170156A 01 through H 170156A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170157A 01 through H 170157A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170158A 01 through H 170158A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170159A 01 through H 170159A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170160A 01 through H 170160A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170161A 01 through H 170161A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170162A 01 through H 170162A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170163A 01 through H 170163A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170164A 01 through H 170164A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170165A 01 through H 170165A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170166A 01 through H 170166A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170167A 01 through H 170167A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170168A 01 through H 170168A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170169A 01 through H 170169A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170170A 01 through H 170170A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170171A 01 through H 170171A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170172A 01 through H 170172A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170173A 01 through H 170173A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170174A 01 through H 170174A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170175A 01 through H 170175A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170176A 01 through H 170176A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170177A 01 through H 170177A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170178A 01 through H 170178A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170179A 01 through H 170179A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170180A 01 through H 170180A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170181A 01 through H 170181A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170182A 01 through H 170182A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170183A 01 through H 170183A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170184A 01 through H 170184A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170185A 01 through H 170185A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170186A 01 through H 170186A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170187A 01 through H 170187A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170188A 01 through H 170188A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170189A 01 through H 170189A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170190A 01 through H 170190A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170191A 01 through H 170191A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170192A 01 through H 170192A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170193A 01 through H 170193A 04	do	Chairman, County Board, Will County Courthouse, Joliet, Ill. 60431.	Aug. 30, 1974. Dec. 12, 1975.
Do	Will	Will County, unincorporated areas	H 170194A 01 through H 170194A 04	do	Ch

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Georgia	Putnam	Eatonton, city of	H 130218A 01 through H 130218A 06	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Mayor, Box 191, Eatonton, Ga. 41125.	Feb. 21, 1975. Dec. 12, 1975.
Idaho	Adams	Council, city of	H 160005A 01	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor, City Hall, P.O. Box 606, Council, Idaho 83612.	May 3, 1974. Dec. 12, 1975.
Do	Benewah	St. Maries, city of	H 160016A 01	do	Mayor, City Hall, 602 College Ave., St. Maries, Idaho 83861.	Feb. 15, 1974. Dec. 12, 1975.
Do	Bonneville	Idaho Falls, city of.	H 160029A 01 through H 160029A 06	do	Mayor, City Hall, P.O. Box 220, Idaho Falls, Idaho 83401.	Feb. 8, 1974. Dec. 12, 1975.
Do	Boundary	Bonners Ferry, city of.	H 160031A 01	do	Mayor, City Hall, P.O. Box 149, Bonners Ferry, Idaho 83805.	June 28, 1974.
Do	Butte	Arco, city of	H 160034A 01	do	Mayor, City Hall, 122 Grand Ave., Arco, Idaho 83213.	June 28, 1974. Dec. 12, 1975.
Do	Nez Perce	Culdesac, city of	H 160102A 01	do	Mayor, City Hall, P.O. Box 128, Culdesac, Idaho 83524.	Oct. 18, 1975. Dec. 12, 1975.
Do	Valley	Donnelly, city of	H 160121A 01	do	Mayor, City Hall, Donnelly, Idaho 83615.	Sept. 6, 1974.
Do	Washington	Weiser, city of	H 160124A 01 through H 160124A 03	do	Mayor, City Hall, 55 West Idaho St., Weiser, Idaho 83672.	June 21, 1974. Dec. 12, 1975.
Illinois	Cook	Hazel Crest, village of.	H 170102B 01 through H 170102B 02	Governor's Task Force on Flood Control, 300 North State St., Room 1910, Box 475, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Village President, 1818 West 170th St., Hazel Crest, Ill. 60429.	June 28, 1974. July 11, 1975.
Do	Sangamon	Loami, village of	H 170795A 01	do	Village President, Village Hall, Loami, Ill. 62661.	Mar. 29, 1974.
Indiana	Dearborn	Greendale, town of.	H 180040A 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	President, Town of Greendale, 510 Ridge, Lawrenceberg, Ind. 47025.	Jan. 16, 1974. Dec. 12, 1975.
Do	Steuben	Clear Lake, town of.	H 180247A 01	do	Town Board, Town of Clear Lake, Rural Route No. 3, Fremont, Ind. 46737.	Dec. 6, 1974. Dec. 12, 1975.
Iowa	Butler	Dumont, city of	H 190036A 01 through H 190036A 02	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Dumont, Iowa 50625.	May 24, 1974. Dec. 12, 1975.
Kansas	Atchinson	Atchinson, city of.	H 200010A 01 through H 200010A 02	Division of Water Resources, Kansas Department of Agriculture, 1720 South Topeka Ave., Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, 515 Kansas Ave., Atchinson, Kans. 66002.	Feb. 8, 1974. Dec. 12, 1975.
Do	Bourbon	Fort Scott, city of.	H 200023A 01 through H 200023A 02	do	Mayor, City Hall, Fort Scott, Kans. 66703.	Jan. 9, 1974. Dec. 12, 1975.
Do	Decatur	Oberlin, city of	H 200073A 01	do	Mayor, City Hall, 107 West Commercial, Oberlin, Kans. 67749.	Jan. 9, 1974. Dec. 12, 1975.
Do	Dickenson	Abilene, city of	H 200074A 01	do	Mayor, City Hall, Abilene, Kans. 67410.	Jan. 9, 1974. Dec. 12, 1975.
Do	do	Solomon, city of	H 200077A 01	do	Mayor, City Hall, 116 West Main, Solomon, Kans. 67480.	Jan. 9, 1974. Dec. 12, 1975.
Do	Rice	Lyons, city of	H 200295A 01	do	Mayor, City Hall, 217 East Ave., South, Lyons, Kans. 67554.	Feb. 15, 1974. Dec. 12, 1975.
Louisiana	Allen Parish	Oakdale, city of	H 220011A 01 through H 220011A 02	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, City Hall, Oakdale, La. 71463.	Nov. 28, 1973. Dec. 12, 1975.
Do	Bossier Parish	Bossier City, city of.	H 220033A 01 through H 220033A 21	do	Mayor, City Hall, Bossier City, La. 71010.	June 28, 1974. Dec. 12, 1975.
Do	Catahoula Parish	Harrisonburg, village of.	H 220048A 01	do	Mayor, Village Hall, Harrisonburg, La. 71340.	Dec. 28, 1973. Dec. 12, 1975.
Do	Franklin Parish	Baskin, village of.	H 220072A 01 through H 220072A 02	do	Mayor, Village Hall, Baskin, La. 70515.	May 24, 1974. Dec. 12, 1975.
Do	Rapides Parish	Boyce, town of	H 220147A 01	do	Mayor, Town Hall, Boyce, La. 71409.	Apr. 5, 1974.
Do	St. Tammany Parish.	Covington, city of	H 220200A 01 through H 220200A 04	do	Mayor, City Hall, Covington, La. 70433.	Dec. 28, 1973. Dec. 13, 1976.
Do	Tangipahoa Parish.	Tangipahoa, village of.	H 220213A 01	do	Mayor, Village Hall, Tangipahoa, La. 70466.	Aug. 28, 1974. Dec. 12, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Maryland	Queen Anne's and Kent.	Millington, town of.	H 240058A 01	Department of Natural Resources, Water Resources Division, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 201 West Preston St., Baltimore, Md. 21201.	Mayor, Town Office, Millington, Md. 21651.	Aug. 9, 1974. Dec. 12, 1975.
Michigan	Mason	Hamlin, township of.	H 260134A 01 through H 260134A 10	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	Township Supervisor, Township of Hamlin, Box 100, Ludington, Mich. 49431.	Aug. 23, 1974. Dec. 12, 1975.
Minnesota	Martin	Fairmont, city of	H 270276A 01 through H 270276A 05	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, 114 East First St., Fairmont, Minn. 56031.	June 7, 1974. Dec. 12, 1975.
Mississippi	Madison	Madison, town of	H 280229A 01 through H 280229A 04	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woodrik Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, 100 Main St., Madison, Miss. 39110.	Dec. 12, 1974. Dec. 12, 1975.
Missouri	Adair	Novinger, city of	H 290008A 01	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City Hall, Novinger, Mo. 63559.	June 7, 1974. Dec. 12, 1975.
Do	Cass	Archie, city of	H 290061A 01 through H 290061A 02	do	Mayor, City Hall, Archie, Mo. 64725.	June 7, 1974. Dec. 12, 1975.
Do	Dunklin	Hornersville, city of.	H 290128A 01	do	Mayor, City Hall, Hornersville, Mo. 63855.	Mar. 29, 1974. Dec. 12, 1975.
Do	Jackson	Levasy, city of	H 290175A 01 through H 290175A 05	do	Mayor, City Hall, Levasy, Mo. 64066.	Dec. 20, 1974. Dec. 12, 1975.
Do	Lewis	Canton, city of	H 290204A 01 through H 290204A 04	do	Mayor, City Hall, 124 North 5th St., Canton, Mo. 63435.	Jan. 16, 1974. Dec. 12, 1975.
Do	Macon	Macon, city of	H 290220A 01 through H 290220A 03	do	Mayor, City Hall, Macon, Mo. 63552.	June 7, 1974. Dec. 12, 1975.
Do	New Madrid	Matthews, city of	H 290254A 01 through H 290254A 02	do	Mayor, City Hall, Matthews, Mo. 63867.	May 17, 1974. Dec. 12, 1975.
Do	do	Portageville, city of.	H 290259A 01 through H 290259A 03	do	Mayor, City Hall, 201 East Main, Portageville, Mo. 63873.	Jan. 9, 1974. Dec. 12, 1975.
Do	Oregon	Koshkonong, city of.	H 290266A 01	do	Mayor, City Hall, Box 368, Koshkonong, Mo. 65692.	Sept. 6, 1974. Dec. 12, 1975.
Do	Shannon	Eminence, city of	H 290418A 01	do	Mayor, City Hall, Eminence, Mo. 65466.	May 31, 1974. Dec. 12, 1975.
Montana	Big Horn	Lodge Grass, town of	H 300002A 01	Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Mayor, Town Hall, Lodge Grass, Mont. 59050.	May 31, 1974.
Nebraska	Antelope	Elgin, village of	H 310002A 01 through H 310002A 02	Nebraska Natural Resources Commission, 7th Floor, Terminal Bldg., Lincoln, Nebr. 68508. Nebraska Insurance Department, 1526 L St., Lincoln, Nebr. 68508.	Chairman, Village Hall, Elgin, Nebr. 68636.	Mar. 22, 1974. Dec. 12, 1975.
Do	Boone	St. Edward, city of.	H 310046A 01 through H 310046A 03	do	Chairman, City Hall, St. Edward, Nebr. 68660.	Jan. 16, 1974. Dec. 12, 1975.
Do	Burt	Tekamah, city of	H 310024A 01	do	Mayor, City Hall, Tekamah, Nebr. 68450.	Mar. 15, 1974. Dec. 12, 1975.
Do	Butler	Linwood, village of.	H 310028A 01	do	Chairman, Village Hall, Linwood, Nebr. 68036.	Oct. 25, 1974.
Do	Custer	Sargent, city of	H 310052A 01	do	Mayor, City Hall, Sargent, Nebr. 68874.	May 24, 1974. Dec. 12, 1975.
Do	Dawes	Crawford, city of	H 310056A 01 through H 310056A 02	do	Mayor, City Hall, Crawford, Nebr. 69339.	June 28, 1974. Dec. 12, 1975.
Do	Hall	Cairo, village of	H 310101A 01	do	Chairman, Village Hall, Cairo, Nebr. 68824.	May 24, 1974. Dec. 12, 1975.
Do	do	Wood River, city of.	H 310104A 01	do	Mayor, City Hall, Wood River, Nebr. 68883.	May 31, 1974. Dec. 12, 1975.
Do	Lancaster	Raymond, village of.	H 310138A 01	do	Councilman, Village Hall, Raymond, Nebr. 68428.	Oct. 18, 1974. Dec. 12, 1975.
Do	Nemaha	Brock, village of	H 310155A 01	do	Chairman, Village Hall, Brock, Nebr. 68320.	Aug. 16, 1974. Dec. 12, 1975.
Do	Seward	Milford, city of	H 310209A 01 through H 310209A 02	do	Mayor, City Hall, Milford, Nebr. 68405.	Jan. 16, 1974. Dec. 12, 1975.
Do	Sherman	Loup City, city of.	H 310215A 01 through H 310215A 02	do	Mayor, City Hall, Loup City, Nebr. 68853.	Apr. 5, 1974. Dec. 12, 1975.
Do	Thayer	Hebron, city of	H 310219A 01 through H 310219A 02	do	Mayor, City Hall, Hebron, Nebr. 68370.	Jan. 23, 1974. Dec. 12, 1975.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
New Jersey	Middlesex	South Amboy, city of.	H 340277A 01 through H 340277A 03	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Councilman, City Hall, South Amboy, N.J. 08879.	Feb. 1, 1974. Dec. 12, 1975.
New Mexico	Hidalgo	Lordsburg, city of.	H 350026A 01 through H 350026A 04	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Mayor, 206 South Main, Lordsburg, N. Mex. 88045.	Aug. 30, 1974. Dec. 12, 1975.
Do	Lea	Eunice, city of.	H 350028A 01	do	Mayor, 1016 Avenue J, Box 147, City Hall, Eunice, N. Mex. 88231.	Aug. 30, 1974. Dec. 12, 1975.
Do	Rio Arriba	Chama, village of.	H 350050A 01	do	Mayor, P.O. Box 425, Village Hall, Chama, N. Mex. 87520.	Aug. 16, 1974. Dec. 12, 1975.
Do	Roosevelt	Portales, city of.	H 350054A 01 through H 350054A 02.	do	Mayor, 100 West 1st St., City Hall, Portales, N. Mex. 88130.	Mar. 29, 1974. Dec. 12, 1975.
Do	Torrance	Estancia, town of.	H 350082A 01	do	Mayor, Box 166, Town Hall; Estancia, N. Mex. 87016.	June 14, 1974. Dec. 12, 1975.
New York	Allegany	Fillmore, village of.	H 360030A 01	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 2 World Trade Center, New York, N.Y. 10047.	Mayor, 15 Torpey St., Fillmore, N.Y. 14735.	Feb. 1, 1974. Dec. 12, 1975.
Do	Broome	Union, town of.	H 360056 01 through H 360056 09	do	Town Supervisor, Town of Union, 3111 East Main St., Endwell, N.Y. 13760.	Feb. 6, 1976.
Do	Delaware	Hobart, village of.	H 360204A 01	do	Mayor, P.O. Box 281, Hobart, N.Y. 13788.	May 24, 1974. Dec. 12, 1975.
Do	Herkimer	Little Falls, city of.	H 360310A 01 through H 360310A 02	do	Mayor, City Hall, Little Falls, N.Y. 13365.	Mar. 8, 1974. Dec. 12, 1975.
Do	Jefferson	Clayton, town of.	H 360330A 01 through H 360330A 07	do	Town Supervisor, Town Hall, Clayton, N.Y. 13624.	June 14, 1974. Dec. 12, 1975.
Do	do	Herrings, village of.	H 360339A 01	do	Mayor, Village Hall, Herrings, N.Y. 13653.	Aug. 9, 1974. Dec. 12, 1975.
Do	do	Leray, town of.	H 360341A 01 through H 360341A 10	do	Town Supervisor, Town of Leray, 171 Maple, Black River, N.Y. 13612.	June 28, 1974. Dec. 12, 1975.
Do	do	Pamelia, town of.	H 360346A 01 through H 360346A 03	do	Town Supervisor, Town of Pamelia, Rt., Watertown, N.Y. 13601.	Oct. 18, 1974.
Do	Onondaga	Marcellus, village of.	H 360586A 01	do	Mayor, 6 Slocombe Ave., Marcellus, N.Y. 13108.	Apr. 12, 1974.
Do	Warren	Chester, town of.	H 360609 01 through H 360609 13	do	Town Supervisor, Town of Chester, Town Hall, Chestertown, N.Y. 12817.	Feb. 6, 1976.
Do	Orange	Cornwall, village of.	H 360610A 01 through H 360610A 05	do	Mayor, Village of Cornwall, 3 River Dr., Cornwall on Hudson, N.Y. 12520.	Mar. 8, 1974. Dec. 12, 1975.
Do	do	Montgomery, village of.	H 360624A 01 through H 360624A 03	do	Mayor, 133 Clinton St., P.O. Box 116, Montgomery, N.Y. 12549.	Mar. 15, 1974. Dec. 12, 1975.
Do	Orleans	Albion, town of.	H 361252A 01 through H 361252A 08	do	Town Supervisor, Rural Delivery, Albion, N.Y. 14411.	Oct. 25, 1974. Dec. 12, 1975.
Do	do	Shelby, town of.	H 361258A 01 through H 361258A 11	do	Town Supervisor, Town of Shelby, Maple Ridge Rd., Medina, N.Y. 14103.	Nov. 8, 1974. Dec. 12, 1975.
North Dakota	Burke	Columbus, city of.	H 380015A 01	State Water Commission, State Office Bldg., 900 East Boulevard, Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor, City Hall, Columbus, N. Dak. 58727.	Mar. 8, 1974. Dec. 12, 1975.
Do	Walsh	Park River, city of.	H 380139A 01	do	Mayor, P.O. Box 32, City Hall, Park River, N. Dak. 58270.	May 24, 1974. Dec. 12, 1975.
Do	Williams	Tioga, city of.	H 380147A 01	do	President, P.O. Box 218, Tioga, N. Dak. 58852.	June 28, 1974. Dec. 12, 1975.
Ohio	Erie	Huron, city of.	H 390154A 01 through H 390154A 03	Ohio Department of Natural Resources, Fountain Square, Flood Insurance Coord. Bldg., Columbus, Ohio 43224. Ohio Insurance Department, 447 East Broad St., Columbus, Ohio 43215.	City Manager, Box 327, Huron, Ohio 44839.	Feb. 1, 1974. Dec. 12, 1975.
Do	Lake	Willowick, city of.	H 390324A 01 through H 390324A 02	do	Mayor, 31230 Vine St., Willowick, Ohio 44094.	Aug. 15, 1975.
Do	Williams	Bryan, city of.	H 390580A 01 through H 390580A 03	do	Mayor, P.O. Box 190, Bryan, Ohio 43506.	June 7, 1974.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Oklahoma	Caddo	Lookeba, town of.	H 400025A 01	Oklahoma Water Resources Board, 5th Floor, Jim Thorpe Bldg., Oklahoma City, Okla. 73105. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, Town Hall, Lookeba, Okla. 73053.	Oct. 25, 1974. Dec. 12, 1975.
Do	Muskogee	Taft, town of.	H 400128A 01	do	Mayor, Town Hall, Taft, Okla. 74463.	June 28, 1974. Dec. 12, 1975.
Do	Osage	Fairfax, town of.	H 400150A 01 through H 400150A 02	do	President, Town Hall, 150 East Elm, P.O. Box 309, Fairfax, Okla. 74637.	Dec. 28, 1973. Dec. 12, 1975.
Do	Ottawa	Wyandotte, town of.	H 400161A 01	do	Clerk-Treasurer, Town Hall, Wyandotte, Okla. 74370.	June 28, 1974. Dec. 12, 1975.
Do	Rogers	Chelsea, city of.	H 400187A 01	do	President, City Hall, 600 Walnut St., P.O. Box 43, Chelsea, Okla. 74016.	Dec. 28, 1973. Dec. 12, 1975.
Do	Sequoyah	Vian, town of.	H 400200A 01	do	President of the Board, P.O. Box 248, Town Hall, Vian, Okla. 74962.	May 3, 1974.
Do	Woods	Dacoma, town of.	H 400226A 01	do	Mayor, Town Hall, Dacoma, Okla. 73731.	Nov. 8, 1974. Dec. 12, 1975.
Do	Grant	Canyon City, city of.	H 410075A 01	do	Mayor, City Hall, Canyon City, Okla. 97820.	Dec. 17, 1973. Dec. 12, 1975.
Do	Malheur	Vale, city of.	H 410153A 01	do	Mayor, City Hall, Vale, Okla. 97918.	Nov. 30, 1973.
Do	Marion	Gervais, city of.	H 410160A 01	do	Mayor, City Hall, Gervais, Okla. 97026.	June 28, 1974. Dec. 12, 1975.
Do	Polk	Falls City, city of.	H 410188A 01	do	City Recorder, City Hall, Falls City, Okla. 97344.	May 10, 1974.
Pennsylvania	Centre	Harris, township of.	H 420262A 01 through H 420262A 03	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Chairman, Township Board of Supervisors, Township of Harris, P.O. Box 20, Boalsburg, Pa. 16827.	June 28, 1974. Dec. 12, 1975.
Do	Bradford	Granville, township of.	H 421066A 01 through H 421066A 02	do	Chairman, Township Supervisors, Township of Granville, Rural Delivery No. 1, Granville Summit, Pa. 16926.	July 26, 1974.
Texas	Nueces	Bishop, city of.	H 480505A 01 through H 480505A 03	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Programer Planner, P.O. Box 356, City Hall, Bishop, Tex. 78343.	Feb. 1, 1974. Dec. 12, 1975.
Utah	Emery	Orangeville, city of.	H 490064A 01	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, City Hall, Orangeville, Utah 84537.	June 7, 1974. Dec. 12, 1975.
West Virginia	Kanawha	Unincorporated areas.	H 540070A 01 through H 540070A 59	Office of Federal-State Relations, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305. Mr. Donald W. Brown, Insurance Commissioner, 1900 Washington St., Bldg. No. 2, Room 643, Charleston, W. Va. 25305.	County Commissioners President, Kanawha County, Courthouse, Charleston, W. Va. 25301.	Apr. 25, 1975. Dec. 12, 1975.
Wisconsin	Barron	Cumberland, city of.	H 550013A 01 through H 550013A 02	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53702.	Mayor, City Hall, Cumberland, Wis. 54829.	May 31, 1974. Dec. 12, 1975.
Do	Vernon	Chaseburg, village of.	H 550451A 01	do	Village President, Chaseburg, Wis. 54621.	Dec. 28, 1973.
Do	Waukesha	New Berlin, city of.	H 550627B 01 through H 550627B 12	do	Mayor, City Hall, New Berlin, Wis. 53151.	June 21, 1974; Sept. 26, 1975. Dec. 12, 1975.
Wyoming	Sweetwater	Rock Springs, city of.	H 560051A 01 through H 560051A 05	Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001. Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	Director, Department of Engineering, Planning, and Community Development, P.O. Box 668, Rock Springs, Wyo. 82901.	May 31, 1974. Dec. 12, 1975.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 26, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969).

Issued: December 8, 1975.

FRANCIS REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-34463 Filed 12-23-75;8:45 am]

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Title 40—Protection of Environment

[FRL 472–8]

PART 40—ORE MINING AND DRESSING POINT SOURCE CATEGORY

Extension of Comment Period

On November 6, 1975, (40 FR 51722) the Environmental Protection promulgated interim effluent limitations and guidelines for existing sources in the Ore Mining and Dressing Point Source Category, pursuant to §§ 301 and 304 of the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq., 86 Stat. 816). The notice of promulgation of these interim regulations solicited comments from interested persons and specified that such comments would be due not later than December 8, 1975.

Several requests for extensions of time for submission of comments have been received. In support of such requests, it has been pointed out that many members of the affected industry operate in isolated areas, and additional time is needed for them to provide meaningful comments. Accordingly, the Environmental Protection Agency has decided to grant a thirty day extension of the deadline. The date for submission of comments is hereby extended to and including January 7, 1976.

December 8, 1975.

ANDREW W. BREIDENBACH,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75–34737 Filed 12–23–75;8:45 am]

CHAPTER 1—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 471–1]

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

North Dakota Plan Revisions

On May 31, 1972 (37 FR 10885), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved and promulgated the North Dakota State Implementation Plan (SIP).

On June 14, 1973, the Governor of North Dakota submitted compliance schedules for 24 sources of air contaminants. No action was taken to approve these schedules because some of the schedules extended beyond the February 1, 1975, attainment date for the National Secondary Ambient Air Quality Standards for Particulates. The State of North Dakota Department of Health agreed to submit a clarification through the Governor's office that the Secondary Particulate Attainment Date was also being revised for the North Dakota Intrastate Air Quality Control Region, and supplemental information explaining why it is not reasonable for the affected sources to be in compliance by February 1, 1975.

On February 19, 1974, the Governor of North Dakota submitted revisions to the compliance schedule of one of the 24 sources included in his June 24, 1973, submittal. The Governor also submitted a revision to the North Dakota SIP providing for public notice and comment on new source review approval/disapproval actions as required by 40 CFR 51.18.

The clarification concerning the revision of the Secondary Particulate Standard Attainment Date was submitted by the Governor of North Dakota on November 21, 1974. This submittal changes the attainment date for the National Secondary Ambient Air Quality Standard for Particulates from February 1, 1975, to December 30, 1976, for the North Dakota Intrastate Air Quality Control Region.

The supplemental information explaining why it is not reasonable for the sources whose compliance schedules extend beyond February 1, 1975, to be in compliance by that date was submitted on April 23, 1975, by the North Dakota State Department of Health. This supplemental information also contained 1974 air quality data showing that the North Dakota Intrastate Air Quality Control Region was in compliance with the National Primary Ambient Air Quality Standard for Particulates and that only the National Secondary Ambient Air Quality Standard for Particulates was being violated.

On October 9, 1975 (40 FR 47519), the Administrator proposed to approve the North Dakota SIP revisions and requested the public to comment on the approvability of the revisions. No comments regarding the revisions were received.

The requirements for public hearings, plan revisions, and compliance schedules (40 CFR 51.4, 51.6, and 51.15) have been met by the State's proposed revisions. The compliance schedules have been reviewed and found to be consistent with the approved control strategy and the proposed attainment date for the Secondary Particulate Standard. The supplemental information submitted by the State Department of Health has been reviewed, and a determination has been made that the proposed attainment date of December 30, 1976, for the North Dakota Intrastate AQCR is reasonable in view of the compliance problems of certain sources.

In § 52.1830 below, the final compliance date is listed for each source for which a compliance schedule has been proposed. In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While these incremental dates are not listed in the table, they are set forth in the schedules and are Federally enforceable.

The Administrator finds that the North Dakota SIP revisions meet the substantive and procedural requirements of Section 110 of the Clean Air Act and 40 CFR Part 51. Therefore, the Administrator approves the North Dakota SIP revisions as set forth in this rulemaking.

This rulemaking will be effective immediately upon publication. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the control strategy and compliance schedules are already in effect under State law and Federal approval imposes no new burdens.

(Section 110 of the Clean Air Act, as amended, 42 U.S.C. 1857 c–5)

Dated: December 17, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart JJ—North Dakota

1. In § 52.1820; paragraph (c) is added as follows:

§ 52.1820 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) June 14, 1973; February 19 and November 21, 1974, by the Governor of North Dakota, concerning compliance schedules and attainment date revision;

(2) April 23, 1975, by the State Department of Health, stating why sources could not comply by the original attainment date.

§ 52.1823 [Amended]

2. In 52.1823, the table setting forth attainment dates for national standards is revised by replacing the date "Feb. 1975" for the attainment date of the secondary standard for particulate matter in the North Dakota Intrastate Region with the date "Decembr 30, 1976".

3. Section 52.1830 is added as set forth below.

§ 52.1830 Compliance schedules.

(a) The compliance schedules for the sources listed below are approved as meeting the requirements of § 51.6 and § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

North Dakota

Source	Location	Regulations involved	Date of adoption	Effective date	Final compliance date
Montana-Dakota Utility	Mandan	23 to 25	June 1, 1973	Immediately	June 1, 1975
Do	Beulah	do	do	do	Sept. 30, 1975
United Power	Stanton	do	do	do	Jan. 1, 1975
Basin Electric	do	do	do	do	Dec. 1, 1974
Do	Velva	do	do	do	Nov. 1, 1975
Municipal Utility	Valley City	do	do	do	July 1, 1975
Northern States Power	Minot	do	do	do	Dec. 31, 1975
Otter Tail Power	Jamestown	do	do	do	July 31, 1975
Do	Whapeton	do	do	do	Do.
Minnkota Power	Center	do	do	do	Nov. 15, 1974
Do	Grand Forks	do	do	do	Jan. 31, 1974
Consolidated Coal	Velva	do	Dec. 21, 1973	do	Apr. 1, 1975
Husky Ind.	Dickinson	do	June 1, 1973	do	Feb. 1, 1975
American Colloid	Gascoyne	do	do	do	July 1, 1973
American Crystal, units 1 and 2	Drayton	do	do	do	Feb. 1, 1975
State Hospital	Jamestown	do	do	do	Jan. 15, 1974
Minot State College	Minot	do	do	do	Jan. 31, 1974
University of North Dakota	Grand Forks	do	do	do	Dec. 30, 1975
North Dakota State University	Fargo	do	do	do	Feb. 28, 1974
Valley City, State College	Valley City	do	do	do	Aug. 31, 1974
North Dakota State University	Bottineau	do	do	do	June 30, 1976
North Dakota State School of Science	Whapeton	do	do	do	Sept. 30, 1974
San Haven Hospital:					
Units 1 and 2	San Haven	do	do	do	Oct. 1, 1974
Incinerators	do	do	do	do	Sept. 15, 1975
North Dakota School for Deaf	Devils Lake	do	do	do	Apr. 1, 1976

[FR Doc.75–34738 Filed 12–23–75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER H—UTILIZATION AND DISPOSAL

[FPMR Amendment H–94]

PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Subpart 101–45.8—Mistakes in Bids

Dollar Limitation Increase

This amendment provides for an increase in the dollar limitation applicable to the correction of mistakes in bids alleged or disclosed after contract award in sales of surplus property.

Section 101–45.804 is amended to read as follows:

§ 101–45.804 Mistakes disclosed after award.

* * * * *

(b) * * *

(1) A contract may be rescinded in its entirety where the original total contract amount does not exceed $10,000.

(2) A contract, irrespective of amount, may be reformed (i) by deleting the item or items involved in the mistake where the deletion does not reduce the contract amount by more than $10,000; or (ii) by decreasing the price where the resultant decrease in price does not exceed $10,000 and the reformed contract price is not less than that of the otherwise next high bid under the original invitation for bids.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c)).

Effective date. This regulation is effective December 24, 1975.

Dated: December 5, 1975.

JACK ECKERD,
Administrator of General Service.

[FR Doc.75–34639 Filed 12–23–75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Editorial Amendment of Freedom of Information Rdles; Order

1. Section 0.461 (h) and (i) should be amended to make it clear that applications for review of original actions on freedom of information requests should be delivered or mailed to the General Counsel (rather than to the Executive Director or the Secretary).

2. Section 0.461(h)(2) should be amended to make it clear that all applications for review and envelopes containing them (if any) should be captioned "REVIEW OF FREEDOM OF INFORMATION ACTION."

3. Authority for these amendments is contained in Sections 4 (i) and (j), 5(d) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j), 155(d), and 303(r); in 5 U.S.C. 552; and in § 0.231(d) of the Commission's Rules, 47 CFR 0.231(d). Because the amendments are editorial and procedural in nature, compliance with notice and effective date requirements of 5 U.S.C. 553 is not required.

4. Accordingly, it is ordered, effective December 29, 1975, that the amendments to Part of the Rules set out below are adopted.

Adopted: December 10, 1975.
Released: December 16, 1975.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

[SEAL] RICHARD D. LICHTWARDT,
Executive Director.

Section 0.461(h) (1) and (2), and paragraph (i) are revised to read as follows:

§ 0.461 Requests for inspection of materials not routinely available for public inspection.

* * * * *

(h) (1) If a request for inspection of records submitted to the Commission in confidence under § 0.457(d) or 0.459 is granted, an application for review of the action may be filed only by the person who submitted the records to the Commission. The application for review and the envelope containing it (if any) shall be captioned "REVIEW OF FREEDOM OF INFORMATION ACTION." The application for review shall be filed within 10 working days after the date of the written ruling, shall be delivered or mailed to the General Counsel, and shall be served on the person who filed the request for inspection of records. The person who filed the request for inspection of records may respond to the application for review within 10 working days after it is filed. If an application for review is not filed within this period, the records will be produced for inspection.

(2) If the request for inspection of records submitted to the Commission in confidence under § 0.457(d) or § 0.459 is partially granted and partially denied, the person who submitted the records to the Commission and the person who filed the request for inspection of those records may file an application for review within 10 working days after the date of the written ruling. The application for review and the envelope containing it (if any) shall be captioned "REVIEW OF FREEDOM OF INFORMATION ACTION." The application for review shall be delivered or mailed to the General Counsel. If either person files an application for review, he shall serve it on the other. Responses may be filed within 10 working days after the application(s) for review is filed. If both persons file, or if an application for review is filed only by the person who filed the request for inspection of records, the application(s) will be acted on within 20 working days after the application filed by the person who requested the records is filed. If an application for review is filed only by the person who submitted the records to the Commission, it will be acted on within 20 days after it is filed. The time for filing applications for review and responses may be reduced on notice, if necessary to act on the request within the 20 day period. If an application for review is not filed within this period by the person who submitted the records to the Commission, the partial grant will be implemented.

* * * * *

(i) Except as provided in paragraph (h) of this section, an application for review of an initial action on a request for inspection may be filed only by the person who made the request. The application shall be filed within 30 days after the date of the written ruling by the custodian of the records, and shall be captioned, "REVIEW OF FREEDOM OF INFORMATION ACTION." The envelope

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(if any) shall also be so captioned. The application shall be delivered or mailed to the General Counsel and shall be served on the person (if any) who originally submitted the materials to the Commission. That person may file a response within 10 working days after the application for review is filed. If the records are made available on review, the person who submitted them to the Commission (if any) will be afforded 10 working days after the date of the written ruling to seek a judicial stay. See paragraph (h) of this section. (For general procedures relating to applications for review, see § 1.115 of this chapter.)

* * * * *

[FR Doc. 75-34653 Filed 12-23-75; 8:45 am]

[Docket No. 20361; RM-2408]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations (Salinas-Monterey, California); Report and Order

Adopted: December 16, 1975; Released: December 18, 1975

1. The Commission, by the Chief, Broadcast Bureau, has under consideration its *Notice of Proposed Rule Making*, adopted February 14, 1975, 49 Fed. Reg. 8231, inviting comments on a proposal to assign TV Channel 35 to Salinas-Monterey, California. Such an assignment may be made without affecting existing channel assignments. The proceeding was initiated in response to a petition filed by Associates for Creative Enterprise in Media (ACE Media). Comments were filed only by the petitioner. No reply comments were filed.

2. The Salinas-Monterey SMSA (pop. 139,163) [1] is composed of Salinas (pop. 58,896), Monterey (pop. 26,302) and neighboring communities of Seaside (pop. 35,935), Pacific Grove (pop. 13,505) and Carmel-by-the-Sea (pop. 4,525). Present assignments to Salinas-Monterey are Channels 8, 46, *56, and 67. Current locally originated service is provided by Stations KSBW (Channel 8) and KMST (Channel 46). An application for use of Channel 67 is pending (BPET-464). Station K56AA, a translator, operates on Channel *56, rebroadcasting signals originated by Station KTEH, Channel *54, San Jose; and Station K29AB, a translator operating on Channel 29, rebroadcasts the programming of Station KGSC-TV, Channel 36, San Jose, California.

3. The *Notice* pointed out that ACE Media, after monitoring local stations for a thirty-day period, alleged that a deficiency of minority-oriented programming exists. Petitioner expressed an intent to serve the needs of minority groups if Channel 35 was assigned and if it received an authorization for its use.

4. The *Notice* took cognizance of comments in opposition to the petition for rule making which had been filed by Continental Urban Television Corporation (Continental) and which were responded to by the petitioner. Continental is licensee of commercial television broadcast station KGSC-TV, Channel 36, San Jose, California, and of UHF television translator station K29AB, Salinas-Monterey, which, as mentioned above, carries the programming of KGSC-TV. Continental's opposition was premised upon the claim that its translator would be unable to continue operating effectively due to interference from the proposed station to the reception of the signal of its primary station by the translator station. In addressing the problem of possible interference, the *Notice* pointed out that according to § 74.702(c)(3) of the Commission's Rules and Regulations "* * * changes in the Television Table of Assignments (§ 73.606(b) of this chapter) may be made without regard to existing or proposed television broadcast translator stations. * * *" Thus, new assignments of TV channels may be made even though they may create interference to existing translator operations. If interference does occur, the translator has the burden of making necessary adjustments. Moreover, as compared to the translator, the proposed Channel 35 facility will potentially serve a much larger area (15,000 square miles) and provide for local origination of public service programming, directly serving the Salinas-Monterey area. Additionally, as mentioned in the *Notice*, the extent of interference to the translator, if it occurs, cannot be determined until such time as a transmitter site for use of Channel 35 is known; and various methods exist for correcting interference in many cases.[2]

5. In its comments, ACE Media reaffirms its intentions to apply for a construction permit and, if granted, to promptly begin construction of a station. Thus, the petitioner has demonstrated its continuing interest in providing increased local public service and minority-oriented programming.[3] The Commission is persuaded that residents of the Salinas-Monterey area will benefit from the assignment of Channel 35 and that the public interest is best served by adopting the proposal put forth in the *Notice*.

6. In view of the foregoing and pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, *it is ordered*, That effective February 2, 1976, the Television Table of Assignments contained in § 73.606(b) of the Commission's Rules and Regulations is amended with respect to the city listed below to read as follows:

City:	*Channel No.*
Salinas-Monterey, California.	8+, 35—, 46—, *56, 67—

7. *It is further ordered*, That this proceeding IS TERMINATED.

Released: December 18, 1975.

Adopted: December 16, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-34654 Filed 12-23-75;8:45 am]

[Docket No. 20325; RM-2335, et al.]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Second Report and Order

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (*Payson, Ariz.*; Pauls Valley, Okla.; Pine City, Minn.; Prattville, Ala.; Center, Tex.; *Lake Arrowhead, Calif.*; Bloomfield, Ind.; Providence, Ky.; Bethany, Mo.; Pulaski, N.Y.; Soldotna-Kenai, Alaska; Clear Lake, La.; and Silverton, Colorado) (Docket No. 20325; *RM-2335;* RM-2435; RM-2387; RM-2437; RM-2392; RM-2441; RM-2400; RM-2453; RM-2402; RM-2458; *RM-2414;* RM-2459; RM-2433.

1. In a *First Report and Order* released May 1, 1975, 40 FR 19199, the Commission disposed of all the matters before it except RM-2335 and RM-2414. In each of these cases, petitioner seeks the assignment of a first FM channel (Class A) to a community without requiring any other changes in the FM Table of Assignments. Each assignment can be made in conformance with the Commission's minimum mileage separation rule. Both petitioners state their intention to apply for the channel, if assigned, and to build a station, if authorized. There were no oppositions to the proposals. Supporting comments were filed by the respective petitioners.

2. *RM-2335, Payson, Arizona.* Charles W. Carpenter (petitioner) filed a petition on February 26, 1974, proposing the assignment of Channel 280A to Payson, Arizona. Payson (population 1,490) [1] is located in Gila County (population 29,255), some 65 miles northeast of Phoenix, Arizona. Payson has no local broadcast facilities. Petitioner states that radio stations in Phoenix, Flagstaff and Show Low can be received in Payson but, because of the mountainous area, reception is poor during the daylight hours and almost nonexistent after the sun sets, and thus there is a need for a local broadcast facility.

3. *RM-2414, Lake Arrowhead, California.* Arrowhead Broadcasting Co. (petitioner) filed a petition on May 22, 1974, proposing the assignment of Channel 280A to Lake Arrowhead, California. Lake Arrowhead (population 2,682) is located in San Bernardino County (population 684,072) some 10 miles southeast of San Bernardino, California. Petitioner points out that, although AM and FM signals are received from San Bernardino and other cities in the general vicinity, Lake Arrowhead has no local AM or FM transmission service, and that the mountainous terrain tends to block FM signals and give higher than normal attenuation of AM signals.

4. In the *Notice* we set out economic and other information pertaining to the need for a first FM assignment in each of the two communities. That information is accepted as being substantially correct and will not be repeated here. We believe that each of the communities appears to warrant the proposed assignment since they have no local broadcast facilities and that adoption of the proposals would serve the public interest.

5. Under the terms of the United States-Mexico FM Broadcasting Agreement, the appropriate representatives of the United Mexican States have indicated that there are no technical objections to the proposed channel assignments.

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules.

7. Accordingly, *it is ordered*, That effective January 30, 1976, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, is amended to include the cities listed below:

City:	*Channel No.*
Arizona: Payson	280A
California: Lake Arrowhead	280A

8. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307)

Released: December 12, 1975.

Adopted: December 16, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 75-34655 Filed 12-23-75;8:45 am]

[FCC 75-1337]

PART 97—AMATEUR RADIO SERVICE

Procedures for Renewal of Amateur Radio Service Licenses; Order

1. The Commission intends by this Order to simplify procedures involved in the renewal of Amateur Radio Service licenses. We are deleting that part of § 97.13(a) of the Commission's Rules requiring an applicant renewing his Amateur license to state he has met certain code speed and operating time requirements.

2. Under § 97.13(a) of the Rules an Amateur applicant seeking to renew his operator's license must meet two requirements. He must state he has lawfully accumulated either two hours operating time during the last three months or five hours operating time during the last twelve months of his license term at an Amateur station licensed by the Commission. He must also state he is able to send and receive International Morse Code at a speed not less than that at which he qualified for the license being renewed.

3. We believe § 97.13(a) to be unduly restrictive. Under the Commission's continuing program of deregulation of the Amateur Radio Service we are attempting to eliminate useless and unnecessary regulations, and the requirments of § 97.13(a) are both. Occasionally, otherwise well qualified licenses have been unable to meet the strict requirements of § 97.13(a) because of circumstances beyond their control.

4. The Commission believes the imposition of operating time and code speed requirements for renewal of an Amateur license constitutes an unjustifiable burden on a class of people already shown by Commission examination to be qualified to operate an Amateur radio station. We perceive no purpose to be served in depriving a person of his license because of a Rule never shown to have any beneficial effect whatsoever. No one has ever demonstrated that any identifiable relationship exists between the requirements of § 97.13(a) and an individual's competence as a radio Amateur.

5. Therefore, for the reasons cited in the preceding paragraphs we are deleting all of § 97.13(a) except that part stating an Amateur license may be renewed upon proper application.

6. Authority for this amendment appears in §§ 4(i) and 303 of the Communications Act of 1934, as amended. The prior notice and procedure provisions of the Administrative Procedure Act 5 U.S.C. § 553, are unnecessary because the Commission believes the minor amendment adopted herein will have an insignificant impact on Amateur licensees and the public at large, and that no objection to such an amendment will be received. Since the amendment relieves a rule restriction, the effective date may be immediate, pursuant to the Administrative Procedure Act.

7. In view of the foregoing, *it is ordered* that the Rule amendment as set forth below shall be adopted, effective December 24, 1975.

Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: December 9, 1975.

Released: December 16, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 97 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 97.13(a) is amended and note deleted to read as follows:

§ 97.13 Renewal or modification of operator license.

(a) An Amateur operator license, except the Novice Class, may be renewed upon proper application.

* * * * *

[FR Doc.75-34656 Filed 12-23-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amendment No. 2 to service order No. 1212]

PART 1033—CAR SERVICE

Union Pacific Railroad Company Authorized To Operate Over Tracks of Great Plains Railway Company

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 18th day of December, 1975.

Upon further consideration of Service Order No. 1212 (40 FR 19827, 27941), and good cause appearing therefor:

It is ordered, that:

§ 1033.1212 Union Pacific Railroad Company authorized to operate over tracks of Great Plains Railway Company.

Service Order No. 1212 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 49 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroad subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-34733 Filed 12-23-75;8:45 am]

[1] All population figures are from the 1970 U.S. Census.

[2] It appears that Channel 35 is the only TV channel that can be assigned to Salinas-Monterey in conformity with spacing separation requirements and without affecting existing assignments in the Table of Assignments.

[3] Other parties, of course, may apply for use of the channel.

[1] Population figures are from the 1970 U.S. Census.

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Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 18—MARINE MAMMALS

Subpart F—Approval of State Laws and Regulations

On February 13, 1975, a document was published in the FEDERAL REGISTER (40 FR 6664) proposing to amend Part 18, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, by (1) the addition of a new subpart F to the table of sections, (2) the addition of a new § 18.32 entitled "Waiver of the Moratorium", (3) the addition of a new subpart F entitled "Waiver of the Moratorium; State Laws and Regulations," and (4) the amendment of § 18.23 entitled "Native exceptions."

The proposal contained a detailed description of each of the four elements of the proposal, gave notice of the availability of the State of Alaska's regulations concerning Pacific walrus and the statements required by section 103(d)(1)–(4) of the Marine Mammal Protection Act of 1973 ("the Act"), set forth a concise summary of procedures and a reference to the procedural regulations which would be applicable to a hearing concerning the proposal, and gave notice of the times and places where a prehearing conference and subsquent hearing would be held if requested as well as the name and address of the Presiding Officer and the means by which participation in a hearing could be secured.

At the request of interested parties, a hearing was held in two stages. The first stage was held in Anchorage, Alaska, on March 18–22, 1975, at which the proponents presented their case in support of the proposed cooperative State/Federal conservation program. At the second stage held in Arlington, Virginia, on April 8 and 9, 1975, the opponents and the Marine Mammal Commission were afforded an opportunity to voice their objections and to make their suggestions for changes, additions, and modifications to the proposal. Forty-five documentary exhibits and the testimony of fourteen witnesses were received in evidence; a total of 1,152 pages of transcript were amassed. Six parties proponent, three parties opponent supported by a number of affiliated groups, and one non-aligned party, the Marine Mammal Commission, actually participated in the proceeding.

Presiding Officer Joseph B. Kennedy, in a recommended decision issued on July 10, 1975, found that waiver of the moratorium on the taking of Pacific walrus was appropriate and that, subject to suggested changes in the proposed regulations and the State's management program, the cooperative State/Federal management program for Pacific walrus should be promulgated. [In Re: Waiver of the Moratorium on Walrus Under Regulations for a cooperative State/Federal Conservation Program, Docket No. Wash. 75–1, July 10, 1975.] The United States Fish and Wildlife Service excepted to certain recommendations made by the Presiding Officer concerning the Federal regulations, the State management program, and the contents of a new subpart which was suggested by the decision. [Exceptions to Recommended Decision on Behalf of United States Fish and Wildlife Service, Docket No. Wash. 75–1, July 31, 1975]. Exceptions to the recommended decision were also filed by the Environmental Defense Fund, Project Monitor, Inc., and affiliated groups; Friends of Animals, Inc., Committee for Humane Legislation; The Alaska Professional Hunters Association; the Marine Mammal Commission; and the State of Alaska. Copies of the Presiding Officer's decision and of the exceptions filed thereto are available for public inspection at the Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Virginia 22203, or may be obtained by writing to the Director, U. S. Fish and Wildlife Service, Washington, D.C. 20240.

On December 2, 1975, the Director of the U.S. Fish and Wildlife Service issued a final decision in the proceeding concerning waiver of the moratorium on the taking of Pacific walrus. That decision is published simultaneously with these regulations. As part of the Director's decision, the proposed regulations are modified in accordance with the recommended decision of the Presiding Officer, *supra*, and the exceptions thereto filed by the U.S. Fish and Wildlife Service, *supra*, both of which are hereby incorporated by reference.

Accordingly, Part 18 of Subchapter B, Chapter I of Title 50, CFR, is amended as follows:

1. In the table of sections, a new Subpart F is added, reading:

Subpart F—Waiver of the Moratorium; State Laws and Regulations

Sec.
18.51 Purpose of regulations
18.52 Scope of regulations
18.53 Effective waiver of the moratorium
18.54 Approval of State laws and regulations—procedures
18.55 Approval of State laws and regulations—criteria
18.56 Review of approved State laws and regulations
18.57 Enforcement
18.58 List of waivers and States approved

2. Section 18.32 is added to read as follows:

§ 18.32 Waiver of the moratorium.

See subpart F (Waiver of the moratorium; State laws and regulations) and subpart G (Notice and Hearing on Section 103 Regulations) for procedures regarding waivers of the moratorium in those circumstances where a state provides an acceptable management program for a species or population stock within its jurisdiction.

3. A new subpart F is added, reading as follows:

[1] See FR Doc. 75-34636 in the Notices section.

Subpart F—Waiver of the Moratorium; State Laws and Regulations

§ 18.51 Purpose of regulations.

The regulations contained in this subpart fulfill the requirements of sections 101, 103, and 109 of the Act for regulations to implement a waiver of the moratorium in those circumstances where a State provides an acceptable management program for a species or population stock within its jurisdiction.

§ 18.52 Scope of regulations.

(a) The provisions in this subpart apply only when the Director has made a decision to waive the moratorium, and when a State has requested a determination from the Director, pursuant to section 109(a)(2) of the Act, that the State's laws and regulations relating to the protection and taking, within its jurisdiction, of any species or population stock of marine mammals, are consistent with the waiver of the moratorium, the Act and the regulations in this subchapter which apply to such species or population stocks. The provisions set forth standards and criteria for such determination by the Director and for subsequently waiving the moratorium.

(b) The provisions in this subpart apply to all takings of marine mammals subject to a waiver of the moratorium and approved State laws and regulations implementing the waiver and to importation subsequent to such takings except takings for scientific research, for public display, and incidental to commercial fishing operations.

§ 18.53 Effective waiver of the moratorium.

(a) The Director shall, in response to a request by a State under § 18.54 for approval of its laws and regulations implementing a waiver of the moratorium, make such waiver as is consistent with the goals, policies, and provisions, and pursuant to the procedures of the Act. Such waivers shall be published as notices in the FEDERAL REGISTER.

(b) Any waiver granted in response to a request by a State under this subpart shall not be effective until the Director has approved the relevant State laws and regulations pursuant to § 18.54.

(c) Upon waiver of the moratorium and approval of State laws and regulations implementing the waiver under this subpart, subpart B of Part 18 shall not apply to any activities subject to such laws and regulations.

§ 18.54 Approval of State laws and regulations—procedures.

(a) Any state may request a determination that its laws and regulations are consistent with the Act and the regulations in this part, and may request a waiver of appropriate portions of section 101 of the Act in order to allow such laws and regulations to take effect.

(b) The request must be submitted in accordance with section 18.4(c) of this part.

(c) Upon receipt of a request in accordance with § 18.4(c) of this part, the Director shall publish in the FEDERAL

REGISTER a notice of consideration of the laws and regulations submitted and a summary of the substantive ecological and biological statements required by section 103(d) of the Act. Such notice shall also set forth relevant information concerning the right afforded interested persons to request a public hearing in accordance with subpart G.

(d) The Director may approve such State laws and regulations if they implement a waiver of the moratorium and he determines them to be consistent with any regulations promulgated under section 103 with respect to such marine mammals, provisions of the Act, any other rule or regulation promulgated pursuant to the Act with respect to such marine mammals, and the provisions of § 18.55 and other provisions of this subpart.

(e) Upon approval, the Director shall publish a notice in the FEDERAL REGISTER stating such approval, briefly summarizing the management program established by the State laws and regulations, stating which provisions of section 101 of the Act are waived in order to allow such State laws and regulations to take effect, and the date of submission of the State's annual report.

(f) Any modifications, amendments, deletions or additions to laws or regulations previously approved shall require review and approval by the Director pursuant to paragraphs (c) through (f) of § 18.56 of these regulations before their adoption.

(g) All determinations by the Director shall be final.

(h) If the Director has approved State laws and regulations pursuant to this subpart, all activities conducted pursuant to a waiver of the moratorium, including those carried out on the high seas adjacent to the coast of the State, must be in accordance with the approved State laws and regulations. Any violation of State laws and regulations occurring beyond the jurisdiction of the State shall be punishable in accordance with section 105 of the Act.

§ 18.55 Approval of State laws and regulations—criteria.

Any State which applies to the Director for approval of its laws and regulations pursuant to § 18.54 must demonstrate, to the Director's satisfaction, that such laws and regulations:

(a) Provide for a modern scientific resource management program, including, but not limited to, research, census, law enforcement, habitat acquisition and improvement and, when and where appropriate, the periodic or total protection of the marine mammals in question;

(b) Establish a program which is based upon the best scientific evidence available on the relevant marine ecosystem and the role of the marine mammals in question in that ecosystem;

(c) Establish a program which is consistent with the primary goal of the Act, to maintain the health and stability of the marine ecosystem;

(d) Establish a program which insures that the species or population stock of marine mammals in question will be maintained at its optimum sustainable population, unless the State can show that some other population level more properly maintains the health and stability of the marine ecosystem;

(e) Provide appropriate maximum quotas and seasons, whenever a taking or importation is proposed, unless the State can show that it is consistent with these criteria to have no quota or season;

(f) Require the automatic imposition of a moratorium on all taking and/or importing of the marine mammals in question whenever their number drops below the range of optimum sustainable population levels unless such diminution in the population is consistent with the health and stability of the relevant marine ecosystem.

(g) Establish quotas, seasons, and other allowances and restrictions as necessary in accordance with the following factors:

(1) The seasonal distribution of populations;

(2) Segregation within populations by sex and age;

(3) Discreteness of populations;

(4) Population density;

(5) Critical periods in the species life cycle;

(6) Critical habitat areas;

(7) Productivity of the population;

(8) Species interactions;

(9) Percentage of retrieval by hunters;

(10) Maximization of the utilization of the species;

(11) Other uses of the species, such as recreational use or incidental catch; and

(12) Enforceability of the limitations.

(h) Contain suitable limitations on the means and methods of taking which assure that taking will be by humane means and will maximize the utilization of each animal taken.

(i) Contain provisions for significant public participation within the State in the process of making the rules in question.

(j) Meet the criteria specified in § 18.4(d) of this part, to the extent such criteria may differ from those prescribed in this section.

§ 18.56 Review of approved State laws and regulations.

(a) All State laws and regulations which have been approved shall be reviewed annually, unless a major modification indicates that an earlier review is appropriate.

(b) In order to facilitate such a review, each State having approved laws and regulations must submit an annual report containing the following information current for each reporting period:

(1) Any changes in the State laws or regulations;

(2) Any new data on the marine mammal stocks or the marine ecosystems in question;

(3) All available harvest data;

(4) A summary of all research activity on the stocks or ecosystem in question;

(5) Any changes in the information provided with the original request for approval;

(6) A summary of all enforcement activity, including permits issued, skins sealed, reports under permits, investigations undertaken and their dispositions;

(7) Present budget and staffing level for the marine mammal activities;

(8) Any other information which the Director may request, or which the State deems necessary or advisable.

(c) Each State having approved laws and regulations shall file a special report within 30 days whenever any of the following information is available:

(1) A proposed change in a relevant State law or regulation (amendments, repealers, or new legislation or regulations); or

(2) A significant natural or man-made occurrence affecting the marine ecosystem or the stock in question; or

(3) An apparent over-harvest or other significant violation of the State management program.

(d) Upon receipt of any other report described in § 18.56(b) or 18.56(c) the Director shall, in consultation with the Marine Mammal Commission determine whether or not the State laws and regulations continue to comply with the requirements of this subpart.

(e) Whenever the Director preliminarily determines, in consultation with the Marine Mammal Commission, that the State laws and regulations are not in compliance with the requirements of this subpart, he shall publish notice of such determination in the FEDERAL REGISTER, inviting submission from interested persons, within 30 days of the date of the notice, of written data, views or comments, and requests for hearing, with respect to such preliminary determination.

(f) As soon as practicable after the 30-day comment period described in § 18.56(e), the Director, in consultation with the Marine Mammal Commission, shall determine whether or not to finally disapprove the State laws and regulations. The Director's determination shall be made within 90 days after publication of the notice described in § 18.56(e), unless a hearing is held, in which case the determination shall be made in accordance with the provisions of the Administrative Procedure Act and the procedural regulations of subpart G of this part.

(g) If the Director makes a final determination to disapprove proposed changes in State laws and regulations, the State shall, at the Director's discretion, have the option of retaining its initially approved laws and regulations in which case the waiver shall remain in effect. All final determinations of disapproval shall be published in the FEDERAL REGISTER; upon such publication unless a State elects within 30 days to retain its originally approved laws and regulations, any waiver conditioned upon approval of State laws and regulations as provided in § 18.53(b) shall terminate, and the moratorium of section 101 of the Act shall be reinstated and supersede such State laws and regulations.

§ 18.57 Enforcement.

(a) The appropriate official in each State shall utilize such methods as he deems appropriate to assure to the max-

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imum extent practicable that the quotas, seasons, and other limitations in approved State laws and regulations are not exceeded.

These methods may include, but are not limited to, patrols, surveillance, investigation, permit record-keepings and reporting requirements, and tagging and marking requirements.

(b) The hides or skins of marine mammals taken pursuant to approved State laws and regulations, and tanned commercially, must be tanned at a tannery registered pursuant to this part. Lists of such tanneries may be obtained from agents of the Service.

(c) Any seals attached by State officials under approved State laws and regulations must remain affixed until removed for tanning.

§ 18.58 List of waivers and States approved. [Reserved]

4. Section 18.23 is amended by redesignating the existing subsections (c) and (d) as subsections (d) and (e), respectively, and a new subsection (c) is added, reading as follows:

§ 18.23 Native exception.

(c) The restriction in subsection (b) shall not apply to parts or products of the Pacific walrus (*Odobenis rosmarus*) to the extent that the waiver of the moratorium and the approved State/Federal regulations relating to the taking and importation of walrus permits the delivery, sale, transportation or shipment of parts or products of the Pacific walrus in interstate or foreign commerce.

Dated: December 17, 1975.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

[FR Doc.75-34637 Filed 12-23-75;6:45 am]

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Petit Manan National Wildlife Refuge

The following special regulations are issued and are effective during the period April 15, 1976 through November 15, 1976.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

MAINE

PETIT MANAN NATIONAL WILDLIFE REFUGE

Entry by motor vehicle is permitted via Petit Manan Point Road to the designated parking area for the purpose of nature study, photography, hiking, and sight-seeing during daylight hours only from April 15 through November 15, 1976. Foot access only is permitted beyond the parking area on designated trails. Clamming is permitted in accordance with State and Town regulations; access to clamming areas is by water routes only. Pets are permitted if on a leash not over 10 feet in length. The picking of blueberries for off-site use is prohibited. No access or use of the island portion of the refuge is permitted.

The refuge area, comprising approximately 1,715 acres, is delineated on maps available from the Refuge Manager, Moosehorn National Wildlife Refuge, Box X, Calais, Maine 04619, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective during the period April 15 through November 15, 1976.

WM. C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

DECEMBER 17, 1975.

[FR Doc.75-34640 Filed 12-23-75;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Naval Orange Regulation 359]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Dec. 26–Jan. 1, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Naval oranges so fixed was arrived at after consideration of the total available supply of Naval oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.659 Navel orange regulation 359.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Naval oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Naval Orange Administrative Committee established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Naval oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Naval oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Naval oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges remained strong during the early part of last week, but it fell sharply toward the end of the week as holiday buying virtually stopped, and activity is very slow at present.

Prices f.o.b. averaged $4.27 a carton on a reported sales volume of 1,349 carlots last week, compared with an average f.o.b. price of $4.25 per carton and sales of 995 carlots a week earlier.

Track and rolling supplies at 339 cars were down 133 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Naval oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concern-

ing such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 22, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period December 26, 1975, through January 1, 1976, are hereby fixed as follows:

(i) District 1: 807,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 43,000 cartons."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 22, 1975.

CHARLES R. BRADER,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-34968 Filed 12-23-75;11:16 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 8.2]

ASSESSMENT OF FEES: NATIONAL BANKS, DISTRICT OF COLUMBIA BANKS

Notice of Proposed Rulemaking

The Comptroller of the Currency is considering amending the regulation governing the assessments on national banks and District of Columbia banks which is contained in 12 CFR 8.2. The authority for the Comptroller of the Currency to assess such fees may be found in R.S. 5240, as amended, 12 U.S.C. 482, and in section 3, 47 Stat. 1566, 26 D.C. Code 102.

For the past several years, the expenses of the Office of the Comptroller of the Currency have been rising faster than its revenues. Under the present assessment schedule, this office expects to suffer a $9 million deficit in 1975. This deficit will increase to $22 million in 1976 if the assessment schedule is not changed.

The largest proportion of the increase in expenses has been caused by general federal Government pay increases. The salary expense for the Office of the Comptroller of the Currency increased 109 percent between 1969 and 1975. During this same period the total number of employees increased 24 percent.

In 1973, the Office was informed that after July 1, 1974, the Washington office and certain regional offices would no longer be allowed to occupy rent-free space in Government buildings. This caused a large increase in rental expenses.

Until 1973, the growth of national bank assets was sufficient to offset, under the existing assessment schedule, the increasing expenses. Since then, the growth of assets has slowed while the Office expenses have continued to increase at a growing rate.

Under the present assessment schedule, the current figure on which assessments on national banks is calculated is the total asset figure reported on the "Report of Condition (Consolidating Domestic Subsidiaries)", with a minimum assessment of $200. Assets on the books of foreign branches and foreign subsidiaries of national banks are not now included in this figure. In addition, an assessment of $50 is currently collected for each branch office.

Large and small banks pay disproportionately for the costs of maintaining the Comptroller's Office. The following table (Table 1) illustrates the extent to which the present assessment schedule apportions the burden of assessment in relation to the costs of examining banks of various sizes. The term "Relative Cost Coverage" used in this tabe is defined as the relationship between the income this Office receives from a bank and the costs of this Office attributable to that bank. Accordingly, if a bank has a relative cost coverage of 100 percent, it is paying its proportional share of the operations of this Office; if less than 100 percent, it is paying less than its share; if more than 100 percent, it is paying more than its share.

TABLE 1

Asset group (in millions)	Current relative cost coverage (percent)	Number of banks
0 to $5	27.1	320
$5 to $10	29.7	684
$10 to $25	37.5	1,615
$25 to $50	47.5	970
$50 to $75	59.5	387
$75 to $100	68.4	167
$100 to $200	77.6	262
$200 to $300	90.9	74
$300 to $400	97.3	59
$400 to $500	102.7	32
$500 to $750	112.8	40
$750 to $1,000	109.4	26
$1,000 to $1,500	157.1	21
$1,500 to $2,000	176.2	19
$2,000 to $3,000	161.2	14
$3,000 to $4,000	140.3	5
$4,000 to $5,000	126.3	4
$5,000 to $10,000	239.2	4
$10,000 to $25,000	325.1	5
$25,000 and over	286.3	3

Thus, large banks have been paying a disproportionate part of the cost of regulation, some paying as much as three times the cost associated with their own examination. Smaller banks have been paying considerably less than the cost associated with their examination. The "break even" point has been at banks of approximately $400 million in assets.

A simple proportional increase in the present assessment percentage would yield increased revenue, but it would also perpetuate the inequities which are inherent in the present system.

In order to obtain a more equitable distribution of assessments, the Comptroller of the Currency is considering the adoption of an assessment schedule which applies a declining percentage rate to the total assets reported on the "Consolidated Report of Condition (Including Domestic and Foreign Subsidiaries)." It is proposed that both the basic flat fee and the separate branch fee be eliminated, although the basic flat fee is to some extent replaced by the relatively high percentage rate applied to the first $1 million of total assets.

The proposed assessment schedule is set forth in table 2 below:

TABLE 2

If the amount of total assets (consolidating domestic and foreign subsidiaries) is—		Assessment will be—		
Over—	But not over—	This amount	Plus—	Of excess over—
Millions	*Millions*		*Percent*	*Millions*
0	$1	0	0.1000	0
$1	10	$1,000	.0125	$1
10	50	2,125	.0095	10
50	100	5,925	.0060	50
100	500	8,925	.0050	100
500	1,000	28,925	.0045	500
1,000	3,000	51,425	.0040	1,000
3,000	10,000	131,425	.0034	3,000
10,000	20,000	369,425	.0032	10,000
20,000	----------	689,425	.0021	20,000

If the proposed declining assessment schedule is adopted "the relative cost coverage" (i.e., the relationship between the income this Office receives from a bank and the cost of this Office attributable to that bank) will be as set forth in Table 3 below:

TABLE 3

Asset group (in millions)	Current relative cost coverage (percent)	Proposal relative cost coverage (percent)	Number of banks
0 to $5	27.1	66.8	320
$5 to $10	29.7	69.7	684
$10 to $25	37.5	74.6	1,615
$25 to $50	47.5	81.7	970
$50 to $75	59.5	90.0	387
$75 to $100	68.4	91.4	167
$100 to $200	77.6	89.2	262
$200 to $300	90.9	88.0	74
$300 to $400	97.3	88.6	59
$400 to $500	102.7	90.0	32
$500 to $750	112.8	93.4	40
$750 to $1,000	109.4	86.2	26
$1,000 to $1,500	157.1	120.4	21
$1,500 to $2,000	176.2	128.7	19
$2,000 to $3,000	161.2	116.4	14
$3,000 to $4,000	140.3	99.9	5
$4,000 to $5,000	126.3	97.2	4
$5,000 to $10,000	239.2	176.6	4
$10,000 to $25,000	325.1	221.0	5
$25,000 and over	286.3	193.6	3

All assessments made after the date of this proposal will be made at those rates finally adopted as a result of this proposal. The Comptroller expects to notify each national bank in January 1976 of the rates adopted and to assess each national bank at those rates based on assets reported as of December 31, 1975. The assessment notices so distributed in January 1976 will be for the assessment due as of December 31, 1975.

The Comptroller of the Currency requests the comments of all interested parties on this proposal. Comments on the proposed amendment should be in writing, addressed to C. Westbrook Murphy, Deputy Comptroller for Law and Chief Counsel, Comptroller of the Currency, Washington, D.C. 20219, to be received prior to January 10, 1976.

Dated: December 18, 1975.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.75-34619 Filed 12-23-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Part 1822]

[FMHA Instruction 444.1]

RURAL HOUSING LOANS AND GRANTS

State Mortgage Insurance Programs

Notice is hereby given that the Farmers Home Administration (FmHA) has under consideration the amendment of §§ 1822.3 (e) and (g) and 1822.10(c) of Subpart A of Part 1822, Title 7, Code of Federal Regulations (3g FR 44993). It is proposed that § 1822.3(e) be amended to add a new subparagraph (5) to include within the definition of "owner" the holder of possessory rights on Indian Reservations or State-owned lands. Section 1822.3(g) is amended, and a new paragraph (c) under § 1822.10 is added to provide for use of State Mortgage Insurance Programs as Rural Housing loan security when the applicant is the holder of possessory rights on Indian Reservations or State-owned lands. The present §§ 1822.3(e)(5) and 1822.10(c) are redesignated as subparagraphs (6) and paragraph (d) respectively, without change. Editorial changes have been made in paragraph (a) (1) and (3) of §§ 1822.10 to reflect the crops-referencing therein.

Interested persons are invited to submit written comments, suggestions, data or arguments regarding the proposed amendments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before January 23, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch, during regular business hours (8:15 A.M.-4:45 P.M.)

1. Section 1822.3(e) is amended by adding a new paragraph (5), and redesignating the existing paragraph (5) as paragraph (6).

§ 1822.3 Definitions.

• • • • • •

(e) *Owner.* • • •

(5) The holder of possessory rights on an Indian Reservation or State-owned land when the loan is secured in accordance with § 1822.10(c).

• • • • • •

(g) *Security.* "Security" includes any rights as interest in property of any kind subject to a mortgage. It also includes State-provided mortgage insurance guaranteeing a loan in case of default.

• • • • • •

2. Section 1822.10(a) (1) and (3) are amended as follows; a new paragraph (c) is added, and the existing paragraph (c) is redesignated as paragraph (d).

§ 1822.10 Security.

(a) *General.* Loans other than those excepted under paragraph (d) of this section • • •.

(1) Any loan of more than $5,000 and any loan scheduled for repayment in more than 15 years from the date of the note will be secured by a real estate mortgage as provided in paragraph (b) of this section, unless security is provided in accordance with paragraph (c) of this section.

• • • • • •

(3) • • • in accordance with paragraph (d) of this section.

• • • • • •

(c) *State-provided Mortgage Insurance.* When the applicant is the holder of possessory rights on an Indian Reservation or State-owned land, adequate security in the form of mortgage insurance from a State agency will be acceptable. Separate State regulations covering loan approval and title clearance and closing, appropriate loan documents and a Memorandum of Understanding with the State insuring agency should be developed and used with the approval of the State Director and the concurrence of the Office of General Counsel. Approval of such regulations by the National Office is required prior to participation in any such program.

(42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

Dated: December 17, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-34650 Filed 12-23-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 155]

UPWARD BOUND

Notice of Proposed Rulemaking

Correction

In FR doc. 75-33700, appearing on page 58400 in the issue of Tuesday, December 16, 1975, in the second column, the last paragraph, the date reading "December 29, 1975" should read "January 15, 1976."

[45 CFR Part 157]

SPECIAL SERVICES FOR DISADVANTAGED STUDENTS

Notice of Proposed Rulemaking

Correction

In FR doc. 75-33701, appearing on page 58405 in the issue of Tuesday, December 16, 1975, in the second column, the last paragraph, the date reading "December 29, 1975" should read "January 15, 1976."

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 36]

[Docket No. 15131; Notice No. 75-37A]

PROPOSED NOISE REDUCTION STAGES AND ACOUSTICAL CHANGE REQUIREMENTS FOR SUBSONIC TRANSPORT CATEGORY LARGE AIRPLANES AND SUBSONIC TURBOJET POWERED AIRPLANES

Extension of Comment Period

The Federal Aviation Administration proposed in Notice No. 75-37, published in the FEDERAL REGISTER on November 5, 1975 (40 FR 51476), to amend Part 36 to

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provide for three stages of noise reduction, to require new applications for type certificates to comply with noise limits more restrictive than those in current Appendix C, and to increase the severity of the acoustical change requirements for airplanes that comply with current Appendix C, as applied to subsonic transport category large airplanes and to subsonic turbojet powered airplanes.

The Aerospace Industries Association of America, Inc., has requested a 60-day extension of time for submission of comments. The extension is stated to be needed because the proposed rule involves matters that require more analysis than can be accomplished during the current comment period.

Recognizing the complex nature of the proposed amendment and the potentially far-reaching issues involved, I find that petitioner has shown a substantive interest in the proposed rule, that good cause exists for the extension, and that the extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR Part 11.45), the time within which comments on Notice No. 75–37 will be received is extended to March 8, 1976.

Issued in Washington, D.C. December 17, 1975.

JOAN B. BARRIAGE,
Acting Director,
Environmental Quality.

[FR Doc.75–34642 Filed 12–23–75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75–WE–32]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Oxnard, California (Ventura County Airport) control zone.

The airspace requirements for the Ventura County Airport, Oxnard, California have been reviewed in accordance with criteria contained in the United States Standards for Terminal Instrument Procedures. The review revealed that the description of the control zone requires amending to provide sufficient controlled airspace protection for aircraft executing the present VOR RWY 25 and the proposed ILS and LOC RWY 25 instrument approach procedures while operating below 1,000 feet above the surface.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before January 23, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261.

In consideration of the foregoing, the FAA proposes the following airsapce action.

In § 71.171 (40 FR 354) the description of the Oxnard, California (Ventura County Airport) control zone is amended as follows:

OXNARD, CALIFORNIA (VENTURA COUNTY AIRPORT)

Within a 5 mile radius of Ventura County Airport (latitude 34°12'02" N., longitude 119°12'10" W.) and within 2 miles each side of the Ventura County Runway 25 localizer east course extending from the 5 mile radius zone to two miles east of the outer marker. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

This amendment is proposed under authority of Sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California, on December 12, 1975.

W. R. FREHSE,
Acting Director, Western Region.

[FR Doc.75–34644 Filed 12–23–75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75–WE–33]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Palomar, California, control zone.

An instrument landing system (ILS) will be installed in the near future at the Palomar Airport, Carlsbad, California. Two new approach procedures are being developed for this airport (ILS RWY 24 and LOC RWY 24). The control zone extension would provide controlled airspace for these appropriate procedures while aircraft are operating below 1,000 feet above the surface.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before January 23, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (40 FR 354) the description of the Palomar, California, control zone is amended as follows:

PALOMAR, CALIFORNIA

Within a 3-mile radius of Palomar Airport (latitude 33°07'40" N., longitude 117°16'45" W.); within 1.5 miles each side of the Oceanside VORTAC 134° radia, extending from the 3-mile radius zone to 4.5 miles southeast of the VORTAC, and within 1.5 miles each side of the Palomar Runway 24 localizer east course extending from the 3-mile radius zone to 7.5 miles east of the airport. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

This amendment is proposed under authority of Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California, on December 12, 1975.

W. R. FREHSE,
Acting Director, Western Region.

[FR Doc.75–34645 Filed 12–23–75;8:45 am]

[14 CFR Parts 71 and 73]

[Airspace Docket No. 75–SO–129]

TEMPORARY RESTRICTED AREAS

Proposed Designation

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate several temporary restricted areas over portions of Ga., and N.C., to contain a joint military training exercise SOLID SHIELD 76. The designations would extend from May 12, 1976, through May 25, 1976. Those areas encompassing airspace at or above 14,500 fee MSL would also be included in the continental control area for the duration of their time of designation.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before January 23, 1976, will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket will also be available for examination at the office of the regional Air Traffic Division Chief. Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Information Services, Attention: Public Information Center, AIS–230, 800 Independence Avenue SW., Washington, D.C. 20591.

The proposed amendments would designate the following temporary restricted areas:

R–5309A SOLID SHIELD 76

Boundaries. Beginning at Lat. 35°05'00" N., Long. 79°25'00" W.; to Lat. 35°07'05" N., Long. 79°22'50" W.; thence south and east along R–5311A to Lat. 35°02'45" N., Long. 79°17'00" W.; to Lat. 35°00'00" N., Long. 79°17'00" W.; to Lat. 34°57'00" N., Long. 79°38'00" W.; to point of beginning.

Designated altitudes. Surface to 12,000 feet MSL.

Time of designation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

R–5309B SOLID SHIELD 76

Boundaries. Beginning at Lat. 35°16'00" N., Long. 79°14'00" W.; to Lat. 35°16'00" N., Long. 79°02'30" W.; to Lat. 35°11'00" N., Long. 79°02'29" W.; thence west along R–5311A to Lat. 35°12'00" N., Long. 79°14'00" W.; to point of beginning.

Designated altitudes. 1,200 feet MSL to but not including FL 180.

Time of designation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

R–5309C SOLID SHIELD 76

Boundaries. Beginning at Lat. 35°16'00" N., Long. 78°33'00" W.; to Lat. 35°16'00" N., Long. 78°08'00" W.; to Lat. 35°10'00" N., Long. 77°59'00" W.; to Lat. 34°58'00" N., Long. 78°03'00" W.; to Lat. 35°00'00" N., Long. 78°24'00" W.; to point of beginning.

Designated altitudes. 1,200 feet MSL to 10,000 feet MSL.

Time of designation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

R–5309D SOLID SHIELD 76

Boundaries. Beginning at Lat. 35°00'00" N., Long. 78°24'00" W.; to Lat. 34°58'00" N., Long. 78°05'00" W.; to Lat. 34°49'20" N. Long. 78°07'30" W.; to Lat. 34°32'30" N., Long. 78°27'30" W.; to point of beginning.

Designated altitudes. 7,000 feet MSL to 10,000 feet MSL.

Time of designation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

R–5309E SOLID SHIELD 76

Boundaries. Beginning at Lat. 34°53'45" N., Long. 78°43'00" W.; to Lat. 34°49'20" N., Long. 78°07'30" W.; to Lat. 34°17'00" N., Long. 78°30'00" W.; to Lat. 34°25'00" N., Long. 78°43'00" W.; to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL north of latitude 34°30'00" N., and 1,200 feet MSL to 10,000 feet MSL south of 34°30" N.

Time of designation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

R–5309F SOLID SHIELD 76

Boundaries. Beginning at Lat. 35°15'00" N., Long. 77°30'00" W.; to Lat. 34°57'30" N., Long. 77°03'00" W.; thence south and east along Restricted Areas R–5306B, C, D, and E to Lat. 34°30'20" N., Long. 77°15'50" W.; thence 3-nautical miles from and parallel to the shoreline to Lat. 34°18'00" N., Long. 77°37'30" W.; to Lat. 34°28'00" N., Long. 77°38'00" W.; to Lat. 34°33'30" N., Long. 77°49'00" W.; to Lat. 34°51'30" N., Long. 77°52'00" W.; to Lat. 35°03'00" N., Long. 77°43'00" W.; to Lat. 35°11'00" N., Long. 77°36'00" W.; to point of beginning, excluding that airspace from the surface to 3,000 feet MSL within a 5-statute mile radius circle centered on the Albert Ellis Airport (Lat. 34°49'49" N., Long. 77°36'42" W.) and extending 4 nautical miles each side of the final approach courses for the Albert Ellis ILS RWY–5 (051° R) and NDB–5 (051° M) approaches.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

R–5309G SOLID SHIELD 76

Boundaries. Beginning at Lat. 34°57'30" N., Long. 77°02'00" W.; to Lat. 34°43'15" N., Long. 76°47'30" W.; to Lat. 34°43'00" N., Long. 76°54'45" W.; to Lat. 34°30'30" N., Long. 77°05'00" W.; to Lat. 34°49'30" N., Long. 77°16'00" W.; to point of beginning.

Designated altitudes. Surface to 3,000 feet MSL.

Time of designation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

R–5309H SOLID SHIELD 76

Boundaries. Beginning at Lat. 34°43'15" N., Long. 76°47'30" W.; to Lat. 34°38'30" N., Long. 76°43'00" W.; thence west along a line 3 nautical miles from and parallel to the shoreline to Lat. 34°37'30" N., Long. 76°58'-20" W.; thence north and east along Restricted Areas R–5306C and R–5306B to point of beginning.

Designated altitudes. 1,200 feet MSL to FL 180.

Time of designation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

R–5309I SOLID SHIELD 76

Boundaries. Beginning at Lat. 35°16'00" N., Long. 79°02'30" W.; to Lat. 35°16'00" N., Long. 78°08'00" W.; to Lat. 35°10'00" N., Long. 77°59'00" W.; to Lat. 34°58'00" N., Long. 78°03'00" W.; to Lat. 34°49'20" N., Long. 78°07'30" W.; to Lat. 34°17'00" N., Long. 78°30'00" W.; to Lat. 34°25'00" N., Long. 78°43'00" W.; to Lat. 34°50'00" N., Long. 78°46'00" W.; to Lat. 34°52'00" N., Long. 78°17'45" W., to Lat. 35°02'55" N., Long. 79°05'40" W.; thence north along the boundary of Restricted Area R–5311A to Lat. 35°11'00" N., Long. 79°02'30" W.; to point of beginning.

Designated altitudes. 10,000 feet MSL to FL 180.

Time of designation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

R–5309J SOLID SHIELD 76

Boundaries. Beginning at Lat. 35°10'00" N., Long. 77°59'00" W.; to Lat. 35°11'00" N., Long. 77°38'00" W.; to Lat. 35°51'30" N., Long. 77°52'00" W.; to Lat. 34°17'20" N., Long. 77°46'15" W.; to Lat. 34°17'00" N., Long. 78°30'00" W.; to Lat. 34°58'00" N., Long. 78°03'00" W.; to point of beginning.

Designated altitudes. 10,000 feet MSL to FL 180.

Time of designation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

R–5309K SOLID SHIELD 76

Boundaries. Beginning at Lat. 35°26'00" N., Long. 77°07'00" W.; to Lat. 35°23'00" N., Long. 76°34'30" W.; thence south and east along Restricted Areas R–5306A, B, C, D and E to Lat. 34°30'20" N., Long. 77°15'50" W.; thence 3 nautical miles from and parallel to the shoreline to Lat. 34°18'00" N., Long. 77°37'30" W.; to Lat. 34°17'20" N., Long. 77°46'15" W.; to Lat. 34°51'30" N., Long. 77°52'00" W.; to Lat. 35°11'00" N., Long. 77°36'00" W.; to Lat. 35°24'00" N., Long. 77°17'00" W.; to point of beginning.

Designated altitudes. 10,000 feet MSL to FL 180.

Time of designation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

R–5309L SOLID SHIELD 76

Boundaries. Beginning at Lat. 32°05'00" N., Long. 81°58'00" W.; to Lat. 32°05'00" N., Long. 81°49'00" W.; thence south and east along Restricted Areas R–3005A and B to Lat. 31°56'18" N., Long. 81°32'00" W.; to Lat. 31°54'39" N., Long. 81°17'00" W.; to Lat. 31°35'00" N., Long. 81°23'00" W.; to Lat. 31°35'00" N., Long. 82°04'30" W.; to Lat. 31°49'00" N., Long. 82°11'00" W.; to points of beginning.

Designated altitudes. 5,000 feet MSL to 17,000 feet MSL.

Time of designation. Continuous—May 12, 1976, through May 25, 1976.

Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

Temporary Restricted Areas R–5309B, H, I, J, K, and L defined above would be included in the continental control area for the duration of their time of designation.

The proposed restricted areas would be used to contain a joint military training

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exercise, "SOLID SHIELD 76", involving coordinated amphibious/airborne assault operations. Several military units would participate; however, no ordnance would be expended (within the areas herein proposed) and also supersonic flight would be prohibited. Similar exercises have been conducted annually in the same general area for several years. As with previous exercises, "SOLID SHIELD 76" would provide the military services with an opportunity to test and evaluate the coordination procedures used during complex joint military operations. The proposed restricted areas would be required for safety to separate nonparticipating aircraft from the extensive air activity of the participating military forces. The users of the temporary restricted areas understand that they are obligated to observe the minimum safe altitudes prescribed in § 91.79 of the Federal Aviation Regulations that are applicable to all nonparticipating persons and property on the surface.

Throughout the exercise the using agency would allow scheduled air carrier flights and other nonparticipating aircraft into or through the temporary restricted areas when exercise operations permit. The using agency would provide all necessary communication lines required by the Federal Aviation Administration and it would also provide a wide area telecommunications service number so that nonparticipating pilots can obtain clearances on an individual basis without charge to themselves. This number would be published in Part 3 of the Airman's Information Manual (AIM) effective during the exercise period. The Federal Aviation Administration would establish temporary routing to reroute air carrier and other nonparticipating aircraft around the restricted areas when clearance through the areas cannot be approved.

These amendments are proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 18, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-34643 Filed 12-23-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 40]

[FRL 472-7]

ORE MINING AND DRESSING POINT SOURCE CATEGORY

Extension of Comment Period

On November 6, 1975, (40 FR 51738) the Environmental Protection Agency proposed effluent guidelines and standards for the Ore Mining and Dressing Point Source Category, pursuant to sections 301 and 304 of the Federal Water Pollution Control Act (33 U.S.C. section 1251 et seq., 86 Stat. 816). The notice of these proposed regulations solicited comments from interested persons and specified that such comments would be due not later than December 8, 1975.

Several requests for extensions of time for submission of comments have been received. In support of such requests, it has been pointed out that many members of the affected industry operate in isolated areas, and additional time is needed for them to provide meaningful comments. Accordingly, the Environmental Protection Agency has decided to grant a thirty day extension of the deadline. The date for submission of comments is hereby extended to and including January 7, 1976.

Dated: December 17, 1975.

ANDREW W. BREIDENBACH,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-34736 Filed 12-23-75;8:45 am]

FARM CREDIT ADMINISTRATION

[12 CFR Parts 612 and 614]

PERSONNEL ADMINISTRATION AND LOANS

Policy and Operations

Notice of Proposed Rule Making

Notice is hereby given that the Farm Credit Administration, by its Federal Farm Credit Board, has under consideration proposed amendments of its regulations as set forth below in tentative form. These amendments would (1) revise the upper limit on voluntary employee contributions to System thrift plans, (2) eliminate certain restrictions on employee withdrawals of prior contributions to pension plans which are transferred to System thrift plans, (3) remove certain restrictions on the types of securities which may be used as collateral by other financing institutions in borrowing from or discounting with the Federal intermediate credit banks, and (4) clarify the applicability of paragraph (b) of § 614.4590 of the regulations.

Prior to final adoption of such amendments, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (10 copies) no later than January 23, 1976, to Director of Technical Services, Office of Credit and Operations, Farm Credit Administration, Washington, DC 20578. Copies of all communications received will be available for examination by interested persons in the office of Director, Information Division, Office of Administration, Farm Credit Administration.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising paragraphs (c) and (d) of § 612.2291, paragraphs (a) and (b) of § 614.4590, and § 614.4600. These amendments are as follows:

§ 612.2291 Thrift plan requirements.

* * * * *

(c) Voluntary employee contributions in excess of six percent but not beyond the Internal Revenue limit may be permitted, but in no event will such excess employee contributions be credited with a matching employer contribution.

(d) In the event prior employee contributions to a pension plan are transferred to the thrift plan, the value of such contributions may, at the option of each district board, be subject to the same withdrawal restrictions as defined in the thrift plan as are the voluntary contributions described in (a), or a district board may place additional restrictions on withdrawal.

§ 614.4590 Direct loans to other financing institutions.

* * * * *

(a) Classes of obligations approved as collateral. The following classes of obligations are approved as collateral for direct loans and advances to other financing institutions, subject to approval of the bank to which such securities are to be pledged:

(1) Obligations of bona fide farmers and ranchers arising from direct credit extension by the financing institution.

(2) Obligations set forth in § 615.5140 (a) which have been approved by the Farm Credit Administration for investment by institutions of the System.

(b) Purpose of direct loans or advances. In making loans or advances to any other financing institution on the security of collateral other than that described in (a) (1) of this section, the bank will assure itself that the proceeds of such loans or advances will be used to enable the financing institution to make or carry loans to farmers and ranchers for agricultural purposes.

§ 614.4600 General collateral.

Other financing institutions (except commercial banks), as a condition percedent to borrowing from or discounting with a Federal intermediate credit bank, shall pledge as collateral for any and all obligations to the bank, cash, securities set forth in § 615.5140(a) which have been approved by the Farm Credit Administration for investment by institutions of the System, or other readily marketable securities of high rating in an amount equal to such portion of its capital as shall be determined by the bank. At the discretion of the bank, commercial banking institutions may also be required (unless prohibited by law or by supervisoy authority) to deposit acceptable collateral. Securities and obligations pledged with the bank shall be deposited under a collateral pledge agreement pursuant to which all securities and obligations so pledged, including all substitutions and additions and the proceeds of any such collateral including all income derived, shall be available to secure any and all obligations to the bank whether direct or contingent, present or future.

(Secs. 5.9, 5.12, 5.18, 85 Stat. 619, 620, 621)

W. M. HARDING,
Governor, Farm Credit Administration.

[FR Doc.75-34649 Filed 12-23-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20655; RM-2563]

TABLE OF ASSIGNMENTS

Television Broadcast Stations; Cumberland and Oakland, Maryland

1. The Commission, by the Chief, Broadcast Bureau, has under consideration a petition for rule making filed by the Maryland Center for Public Broadcasting (MCPB) seeking amendment of § 73.606(b) of the Commission's rules, the Television Table of Assignments. Specifically, MCPB seeks the deletion without replacement of reserved Channel 36 at Cumberland, Maryland, and its reassignment as a reserved channel to Oakland, Maryland.

2. Cumberland (pop. 29,723) is the seat of Allegany County (pop. 84,044) and is located 105 miles northwest of Washington, D.C., on the Maryland-West Virginia border. Oakland (pop. 1,786) is the seat of Garrett County (pop. 21,476) and is located 39 miles southwest of Cumberland. Because of the distance between the two communities, Channel *36 may not be used at Oakland under § 73.607(b), which permits the use of an assigment at unlisted communities within 15 miles of the listed community. In addition to Channel *36, Cumberland is assigned unoccupied and unapplied for Channels 52 and 65.

3. There are seven educationally reserved channels presently assigned to the State of Maryland under § 73.606(b). MCPB is licensed to operate stations on four of these assignments and, according to petitioner, plans exist for the utilization of the three remaining unoccupied assignments.[1]

4. MCPB has determined, however, that establishment of an educational television broadcast facility at Cumberland does not represent as efficient a use of resources as would the establishment of an educational facility at Oakland. We are told by the petitioner that approximately 90% of the population of Allegany County, in which Cumberland is located, have the capability to receive a public television broadcasting service (either by cable or direct off-the-air reception).[2] The corresponding figure for Garrett County, where Oakland is located, is approximately 32%. This service, petitioner indicates, is furnished by the three cable systems in the county which carry the public television programming of the West Virginia or Pennsylvania stations. No Maryland public television service is available to Garrett County residents.

5. Petitioner uses these figures to argue that establishing a facility at Cumberland represents an expensive means of extending a public television service to the small percentage of the Allegany County population unable to receive one. For most of the persons in the county, such a station would merely duplicate an existing service. Petitioner acknowledges that a high-powered station operating at Cumberland would serve much of Garrett County. However, over three-fourths of the Garrett County residents not subscribing to cable television service live near Oakland. A high-powered Cumberland station, therefore, would not be as effective as a lower powered facility operating at Oakland in terms of serving these Garrett County residents. For these reasons, petitioner desires to establish an educational facility at Oakland rather than at Cumberland.

6. At the time the educational grid was developed within the Table of Assignments, communities were selected for such assignments on the basis of their ability to contribute to overall statewide coverage (assuming the absence of specific individual state plans). From the information provided by the petitioner, at appears that the need for a reserved assignment at Cumberland has lessened since the adoption of that table.

7. In view of this the Commission is persuaded that a sufficient public interest showing has been made to warrant further consideration of petitioner's proposal in a rule making proceeding. We propose to consider the following revisions in the Television Table of Assignments (Section 73.606(b) of our Rules) with respect to the Maryland cities listed below:

City	Channel No. Present	Channel No. Proposed
Cumberland	*36+, 52+, 65	52+, 65
Oakland		*36+

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

9. Interested parties may file comments on or before February 9, 1976, and reply comments on or before March 1, 1976.

Adopted: December 11, 1975.

Released: December 17, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in sections 4(I), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, It is proposed to amend the TV Table of Assignments, Section 73.606(b) of the Commission's Rules and Regulations, as set forth above.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rule making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.75-34697 Filed 12-23-75;8:45 am]

[1] The four stations presently licensed to MCPB are WMPB (Channel *67) at Baltimore, WCPB (Channel *28) at Salisbury, WWPB-TC (Channel *31) at Hagerstown, and WAPB (Channel *22) at Annapolis. The three unoccupied assignments are Channel *36 at Cumberland, Channel *68 at Frederick, and Channel *26 at Waldorf.

[2] Direct reception is provided by Station WWPB-TV in Hagerstown which also serves neighboring Washington County. Hagerstown is located approximately 55 miles east of Cumberland.

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[47 CFR Part 73]

[Docket No. 20364 RM-2836]

TABLE OF ASSIGNMENTS

FM Broadcast Stations; Tawas City and Oscoda, Michigan

1. The Commission has under consideration pleadings filed in response to a notice of proposed rule making (40 Fed. Reg. 8964), adopted March 4, 1975, proposing the assignment of Channel 280A to Tawas City, Michigan (pop. 1,666), as its second FM assignment. Petitioner, Carroll Enterprises, Inc., licensee of WIOS, the only AM station in Tawas City, filed comments in support of the proposal. Lawrence Norman DeBeau, licensee of WDBI-FM (Channel 269A), the only FM station in Tawas City, filed comments in opposition, proposing assignment of Channel 223 to Oscoda, Michigan (pop. 2,170), and modification of his license to operate on that channel at Oscoda. This, he states, would then make Channel 269A available for petitioner, when relinquished by DeBeau, so that Channel 280A need not be assigned.

2. Concerning the assignment of Channel 280A to Tawas City, our notice indicated that five communities nearby would be precluded from obtaining that channel were the proposal to be adopted. Petitioner submitted that alternate channels were available: 237A for East Tawas, Oscoda-Au-Sable or Wurtsmith; 280A for East Tawas (if assigned to Tawas City); 276A for Gladwin or West Branch. Channel 276A is no longer available to Gladwin or West Branch (because of our recent permit grant to Station WGER-FM (Channel 273), Bay City, Michigan, to move its transmitter site) but Channel 249A could be assigned to Gladwin, and Channel 265A to West Branch.

3. Lawrence Norman DeBeau objects to the original proposal on the grounds that Tawas City is too small to support three aural services, and that it would enable petitioner to obtain an AM-FM combination in Tawas City which would ultimately force DeBeau out of business. Thus, DeBeau proposes the assignment of Channel 223 to Oscoda, Michigan, 13 miles northeast of Tawas City, and modification of his license to operate on that channel, so that Channel 269A would be available for petitioner at Tawas City. DeBeau claims his proposal would allow him to compete with an AM-FM combination at Tawas City by virtue of a financially viable Class C FM station at Oscoda thereby providing two independent radio voices to Tawas City. Channel 280A would not have to be assigned and would remain available to all of the previously named communities. Oscoda presently has no local aural service.

4. The competition and economic issues are usually irrelevant to rule making proceedings, and are deferred to the application stage. It would not be logical, though, to assign a second Class A FM channel to a rather small community when there realistically appears to be interest in only one. So we are compelled to examine closely in this proceeding all the issues raised by the pleadings.

5. Petitioner argues that the DeBeau counter-proposal is not in fact a counterproposal but a new proposal and that it therefore should be stricken. The motion to strike is denied. DeBeau's proposal is an integral part of this proceeding because it is germane to the issues to be resolved here. The public interest can best be served by consideration in one proceeding of all timely proposals that affect FM assignments and broadcast service in Tawas City. While it is technically possible to grant both proposals, we prefer to treat them as mutually exclusive, because petitioner's proposal would assign Channel 280A to Tawas City and DeBeau's proposal would not. Petitioner also asserts that modification of DeBeau's license to Channel 223 in Oscoda is improper. With this we agree.

6. DeBeau's proposal alleges that Channel 223 can be assigned to Oscoda consistent with the Commission's technical requirements. DeBeau presents a map indicating an antenna site, 20 miles northwest of Oscoda, to meet the spacing requirements. He states that such a station could serve both Oscoda and Tawas City with a 70 dBu signal and that, if authorized, he will keep a studio in each town. For assignment of a Class C channel to a community of this size, we require *Roanoke Rapids* and *Anamosa* showings,[1] and available line of sight paths, since the antenna site would have to be located some distance from Oscoda. Were this a petition for a first Class A assignment to a small community, no preclusion study would be needed. We do require a preclusion study though in cases like this for a first Class C assignment.[2] If there is preclusion on any of the affected channels, DeBeau should show whether there are any other channels available for assignment to communities located within such areas. DeBeau has demonstrated a need in Oscoda for a local broadcast service. We remind him, petitioner, and other interested parties that assignment will not be made to a community without a clear and affirmative commitment to operate a station on the assigned channel, if authorized.

7. We would not modify the DeBeau license from 269A as Tawas City to 223 at Oscoda. The cases cited by DeBeau in support of his request are inapposite here because they involve a channel change within the same community. For an assignment to a new community, our rules require notice and opportunity to comment. If Channel 223 is assigned to Oscoda, DeBeau must file an application for its use. We cannot assume that there would be no other applicants for the channel. If there were, DeBeau would be given comparative consideration with any other applicants.[3]

8. In view of the foregoing, the Commission invites comments on the following amendments to the FM Table of Assignments, Section 73.202(b) of its Rules, with respect to the communities listed below, to be considered in conjunction with our original proposal and responses thereto in the notice of proposed rule making (40 Fed. Reg. 8964):

City	Channel No.	
	Present	Proposed
Tawas City, Mich.	296A	269A
Oscoda, Mich.		223

Interested parties may also comment on availability of a Class A FM channel at Oscoda and intent to apply if such a channel is assigned.

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, filing requirements are contained in the attached Appendix and are incorporated herein.

10. Interested parties may file comments on or before February 9, 1976, and replies to such comments on or before March 1, 1976.

Adopted: December 11, 1975.

Released: December 17, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, It is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the notice of proposed rule making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rule making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (Sec. § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.75-34658 Filed 12-23-75;8:45 am]

[1] 9 F.C.C. 2d 672 (1967) and 46 F.C.C. 2d 520 (1974), respectively.

[2] *Policy to Govern Requests for Additional FM Assignments*, 8 F.C.C. 2d 79 (1967).

[3] To the extent that *Forest City, N.C.*, 26 F.C.C. 2d 700 (1970), is inconsistent, it will no longer be considered as precedent.

[47 CFR Part 971]

[FCC 75-1339; Docket No. 20672]

AMATEUR RADIO SERVICE

Modifying Procedures for Renewal and Modification of Licenses

By the Commission:

1. In this Notice of Proposed Rulemaking it is proposed to modify slightly the procedures involved in the renewal and modification of licenses in the Amateur Radio Service by amending §§ 97.13, 97.47 and 97.83 of the Commission's Rules.

2. Under current procedures, a licensee submitting his license for renewal or modification is afforded the option of enclosing with his application either the license being renewed or modified or a photocopy thereof.

3. Permitting the applicant to submit a photocopy of his original license when renewing or modifying that license has proven to be unsatisfactory. Some applicants in the past have fraudulently altered their original licenses, photocopied them, and submitted the photocopies, upon which the alterations cannot be detected, to the Commission for renewal or modification. Such alterations are invariably made in order to obtain operating privileges for which the licensee has not qualified.

4. The Commision desires to ensure a reliable and fair procedure for license renewal and modification, and to this end, the amendments proposed herein would, if adopted, require an application for a renewed or modified Amateur license to include the original license being renewed or modified. Photocopies would no longer be acceptable, except when an applicant applies for a *new* additional station license. In such a case a photocopy of the applicant's original primary license would be permissible. The amendments would also modify the requirement that the original operator license be in the possession of the licensee at all times by adding an exception to cover those situations in which the original license has been submitted for renewal or modification.

5. Accordingly, we propose to amend §§ 97.13 (d), (e) and 97.47 (a), (b) to make clear that the applicant's original license, and not a photocopy thereof, is required when submitting an application for renewal or modification of an Amateur station or operator license. Further, we propose to amend § 97.83, which requires the original operator license to be in the possession of a licensee when operating an Amateur station, by adding an exception covering those periods when the original license has been submitted for renewal or modification.

6. The proposed amendments to the Rules, as set forth below, are issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons are invited to file comments on or before January 22, 1976, and reply comments on or before February 2, 1976. All relevant and timely comments and reply comments will be considered by the Commission before the final action is taken in this proceeding. In reaching its decision in this proceeding the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

8. In accordance with the provisions of § 1.419 of the Commission's Rules, an original and eleven copies of all statements, briefs, or comments shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C. 20554.

Adopted: December 9, 1975.

Released: December 16, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 97 of Chapter 1 of Volume 47 of the Code of Federal Regulations is amended as follows:

1. § 97.13(d), first sentence, and the last sentence of Part (e) are amended to read as follows:

§ 97.13 Renewal or modification of operators license.

• • • • • •

(d) Application for renewed and/or modification of an Amateur operator license shall be submitted on FCC Form 610 and shall be accompanied by the applicant's current original license.• • •

(e) • • •

Application for renewal shall be submitted on FCC Form 610 and shall be accompanied by the applicant's original expired license.

§ 97.47(a) [Amended].

1. § 97.47(a) second sentence, and paragraph (b) last sentence are amended to read as follows:

§ 97.47 Renewal and/or modification of Amateur station license.

(a) • • •

In every case the application shall be accompanied by the applicant's current original license.• • •

(b) • • •

In every case the application shall be accompanied by the applicant's original license.

• • • • • •

1. § 97.83 first sentence, is amended to read as follows:

§ 97.83 Availability of operator license.

Except when submitted for renewal or modification, the original operator license of each operator shall be kept in the personal possession of the operator while operating an Amateur station. • • •

[FR Doc.75-34659 Filed 12-23-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1023]

[Ex Parte No. MC-100]

STATE REGISTRATION REQUIREMENTS

Notice of Proposed Rulemaking

• **Purpose.** The purpose of this document is to notify the public that the National Association of Regulatory Utility Commissioners have petitioned the Commission to modify 49 CFR 1023 in regard to registration of motor vehicles and operations and to reuse of cab cards. •

By petition filed December 11, 1975, the National Association of Regulatory Utility Commissioners seek amendment of 49 CFR 1023 as set forth below. NARUC has filed this petition pursuant to its statutory responsibility in section 202(b) of the Interstate Commerce Act (49 U.S.C. 302(b)(2)). NARUC states that a State Commission should be permitted to cancel a motor carrier's registration of ICC operating authority if the carrier fails to register and identify its vehicles and driveaway operations with such State Commission for 3 consecutive years and that a cab card should be permitted to be reused if pre-

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pared for a vehicle operated under successive leases of 29 days duration or less.

Oral hearings do not appear necessary at this time and none is contemplated. Anyone wishing to present views and evidence concerning the matters involved in this notice may do so by the submission of written data, views, or arguments.

Parties will be expected to present economic data and clear maps supporting their contentions to the extent feasible. An original (and 15 copies whenever possible) of such data, views, or arguments shall be filed with this Commission on or before 45 days after publication in the Federal Register. All written submissions will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

Accordingly, it is proposed to modify 49 CFR 1023, in the following manner:

§ 1023.14 [Amended]

(1) Striking the period at the end of the title of 49 CFR, 1023.14, and inserting in lieu thereof the following: "; cancellation.";

(2) Striking the period at the end of 49 CFR, 1023.14, and inserting in lieu thereof the following: "; provided, however, that if a motor carrier fails to register and identify its vehicles and driveaway operations with such State Commission pursuant to Subpart D of this Part for three consecutive years, such Commission may cancel the motor carrier's registration of ICC operating authority under this Subpart upon thirty days notice to the carrier at its last known address, and the carrier shall not thereafter exercise its ICC authority within the borders of such State unless and until it shall have again registered such authority as prescribed by the provisions of this Subpart and shall have complied with all other requirements of this Part.";

§1023.32 [Amended].

Adding at the end of 49 CFR, Section 1023.32(f), the following: "However, in the case of a vehicle leased by the motor carrier for twenty-nine consecutive days' duration or less, the carrier may reuse the cab card for the same vehicle when subsequently leased for twenty-nine consecutive days' duration or less, if it enters in the upper left-hand corner of the front of the cab card the figure and words '29 day lease or less' and if it enters an expiration date in the space provided below the certificate which shall be within a period of fifteen months from the date the cab card is executed and shall not be later in time than the expiration date of any identification stamp or number placed on the back thereof.";

[FR Doc.75-34732 Filed 12-23-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Office of the Secretary

[CM-5/138]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Notice of Meeting

The working group on subdivision and stability of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Wednesday, January 28, 1976, in Room 8236 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C.

Items to be discussed at the meeting include:

Review of the Report of the Eighteenth Session of the Subcommittee on Subdivision, Load Lines and Stability of the Intergovernmental Maritime Consultative Organization (IMCO);

Improvement of the 1966 Load Line Convention;

Ships handling cargo at sea;

Subdivision, stability and load lines of novel types of craft;

Harmonization of subdivision and stability requirements in various conventions and codes.

Requests for further information on the meeting should be directed to Mr. Edward H. Middleton, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2170.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

DECEMBER 16, 1975.

[FR Doc.75-34698 Filed 12-23-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEFENSE ADVISORY COMMITTEE ON WOMEN IN THE SERVICES

Notification of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS) will be held February 6, 1976 at the Pentagon. The session will be conducted from 9:00 a.m. to 4:00 p.m. and will be open to the public.

The purpose of this meeting is to plan the program for the semi-annual meeting of the full Committee, tentatively scheduled for April 25-29, 1976. Composed of 25 civilian women, DACOWITS provides the Department of Defense with assistance and advice on matters relating to women in the Armed Forces.

Persons desiring to make oral presentations or submit written statements for consideration at the Executive Committee meeting must contact Major Barbara P. King, DACOWITS Executive Secretary, OASD (Manpower and Reserve Affairs), Room 2B257, The Pentagon, Washington, D.C. 20301, telephone (202) Oxford 5-5153 no later than January 30, 1976.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

DECEMBER 19, 1975.

[FR Doc.75-34734 Filed 12-23-75;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES V. DEBEERS INDUSTRIAL DIAMOND DIVISION LIMITED, ET AL.

Proposed Consent Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b) through (h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Southern District of New York in Civil Action No. 74 Civ. 5389, *United States of America* v. *DeBeers Industrial Diamond Division Limited, et al.* The proposed judgment pertains only to Defendants Anco Diamond Abrasives Corporation and Diamond Abrasives Corporation. The complaint in this case alleges that defendants conspired among themselves to fix prices and allocate territories and customers for the sale of diamond grit. Diamond grit is used as an abrasive primarily in grinding wheels, concrete and masonry saws and certain impregnated drill bits. The proposed judgment enjoins defendants from all illegal conduct alleged in the complaint and, in addition, for a period of five years prohibits them from attending any DeBeers seminars that deals with anything but technical matters relating to diamond materials and requires them to deal with any purchaser of diamond grit who meets reasonable commercial standards. Public comment is invited on or before February 23, 1976. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Joel Davidow, Chief, Foreign Commerce Section, Antitrust Division, Department of Justice, Washington, D.C. 20530.

Dated: December 17, 1975.

THOMAS E. KAUPER,
Assistant Attorney General
Antitrust Division.

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

United States of America, Plaintiff, v. DeBeers Industrial Diamond Division Limited, ANCO Diamond Abrasives Corporation, and Diamond Abrasives Corporation, Defendants. Civil Action No. 74 Civ. 5389 (LPG) *Stipulation*, filed: Dec. 17, 1975.

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendants in this and any other proceeding.

Dated: December 17, 1975.

For the plaintiff: Thomas E. Kauper, Assistant Attorney General; Baddia J. Rashid, Charles F. B. McAleer, Joel Davidow, Richard L. Daerr, Jr., Stephen P. Kilgriff, Roger A. Morrison, James A. Gilbert, Attorneys, Antitrust Division; U.S. Department of Justice.

For the Defendants: Townley, Updike, Carter and Rodgers, Ronald S. Daniels, Attorneys for Defendant, Diamond Abrasives Corporation, Paskus, Gordon and Hyman, Philip H. Schaeffer, Attorneys for Defendant, Anco Diamond Abrasives Corporation.

Stipulation approved for filing.

Dated: December 17, 1975.

LEE P. GAGLIARDI,
United States District Judge.

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

United States of America, Plaintiff, v. Debeers Industrial Diamond Division Limited, Anco Diamond Abrasives Corporation, and Diamond Abrasives Corporation, Defendants. Civil Action No. 74 Civ. 5389 LPG, filed: December 17, 1975.

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on December 10, 1974, and plaintiff and the consenting defendants Anco Diamond Abrasives Corporation and Diamond Abrasives Corporation, by

V401248 DEC 24 75 XUM

their attorneys, having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting evidence or an admission by any party consenting hereto with respect to any such issue, and this Court having determined pursuant to Rule 54(b) of the Federal Rules of Civil Procedure that there is no just reason for delay in entering a Final Judgment as to all of the plaintiff's claims asserted in said complaint against said consenting defendants and having directed the entry of such a Final Judgment:

NOW, THEREFORE, without the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon the consent of plaintiff and of said consenting defendants, it is hereby ORDERED, ADJUDGED and DECREED as FOLLOWS:

I. This Court has jurisdiction of the subject matter hereof and of the parties consenting hereto. The complaint states claims upon which relief may be granted against the consenting defendants under Section I of the Act of Congress of July 2, 1890, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," commonly known as the Sherman Act, as amended. The making and entering of this Final Judgment shall not prejudice or estop plaintiff from obtaining other, further and different relief against the defendants not consenting hereto.

II. As used in the Final Judgment: (A) "Person" means any individual, partnership, firm, corporation, association or other business or legal entity;

(B) "Diamond Grit" means synthetic and natural diamond crushing bort, grit or powder used primarily, though not exclusively, as abrasive in metal bonded grinding wheels for grinding of stone, glass and ceramics; in resin bonded wheels for the grinding of tungsten carbide and certain steels; in metal bonded saws for cutting of concrete and masonry and in certain impregnated drills.

(C) "Subsidiary" or "Affiliate" shall mean any person controlled by a consenting defendant or one in which 50 percent or more of the voting rights is owned or controlled by a consenting defendant or by its majority shareholders.

(D) "DeBeers" means defendant DeBeers Industrial Diamond Division Limited and its parent companies, subsidiaries and affiliates.

(E) "United States" means the United States, any territory thereof, the District of Columbia and any insular possession or other place under the jurisdiction of the United States.

III. The provisions of this Final Judgment applicable to the consenting defendants shall also apply to each of their officers, directors, agents and employees, their subsidiaries, successors and assigns, and to all other persons in active concert or participation with such consenting defendants who shall have received actual notice of this Final Judgment by personal service or otherwise. This Final Judgment shall not apply to (i) transactions or activity solely between a consenting defendant and its subsidiaries, affiliates, officers, directors, agents, parent companies, employees or any of them when acting in such capacity or (ii) transactions or activity outside the United States which do not affect the foreign or domestic commerce of the United States, except sales by a consenting defendant to the plaintiff or any agency or instrumentality thereof or (iii) transactions or activity required by the laws or regulations of the jurisdictions in which the transaction or activity takes place.

IV. Each consenting defendant is enjoined and restrained from directly or indirectly:

(A) Entering into, adhering to, maintaining, furthering, enforcing or claiming any rights under any contract, agreement, arrangement or understanding, with any other person to:

(1) Fix, maintain or stabilize the price for the sale of diamond grit to any third person;

(2) Allocate, limit or divide territories, markets or customers for the sale, production, processing or purchase of diamond grit;

(3) Submit noncompetitive, collusive or rigged bids or quotations for any purchase or sale of diamond grit;

(B) For a period of five years, permitting attendance by any representative of consenting defendant at any conference, meeting or seminar sponsored by DeBeers for its diamond grit distributors, unless such conference, meeting or seminar deals exclusively with technical matters concerning the development and application of diamond grit or other diamond materials.

V. For a period of five years from the date of entry of this Final Judgment, consenting defendants are each ordered to file with plaintiff, every six months for the first two years and annually for the remaining three years, an affidavit in writing listing and describing all subjects relating to the sale or purchase of diamond grit discussed by or communicated to the participants at any meeting, conference or seminar sponsored by DeBeers for its diamond grit distributors.

VI. For a period of five years from the date of entry of this Final Judgment, so long as such consenting defendant is selling or offering for sale diamond grit in the United States, such consenting defendant is prohibited from refusing to sell to any person falling within any class to which such consenting defendant is then selling, who meets the credit and reasonable commercial standards applied to its other customers, upon the written request of such person, if a supply of such diamond grit is available in the form desired; except that, in the event of short supply of any type of diamond grit, such consenting defendant shall allocate supplies upon a reasonable and nondiscriminatory basis, taking into account such factors as historical purchases from consenting defendant.

VII. For the purpose of determining or securing compliance with this Final Judgment and for no other purpose, and subject to any legally recognized privilege, upon written request for the Attorney General or the Assistant Attorney General in charge of the Antitrust Division and on reasonable notice to such consenting defendant made to its principal office, duly authorized representatives of the Department of Justice shall be permitted:

(A) Access to such consenting defendant's principal office during its office hours to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such consenting defendant, who may have counsel present relating to any of the subject matter contained in this Final Judgment; and

(b) Subject to the reasonable convenience of such consenting defendant, and without restraint or interference from it, to interview at such consenting defendant's principal office, officers or employees who may have counsel present, regarding any such matters.

Upon such written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, such consenting defendant shall submit such reports in writing to the Department of Justice with respect to any of the matters contained in this Final Judgment as may from time to time be requested.

No information obtained by the means permitted in this Section VII shall be divulged by any representative of the Department of Justice to any other person other than a duly authorized representative of the Executive Branch of the plaintiff, except in the course of legal proceedings in which the United States is a party for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

VIII. Jurisdiction is retained for the purpose of enabling any of the parties consenting to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions thereof, and for the enforcement of compliance with and the punishment of any violations thereof.

IX. Entry of this Final Judgment is in the public interest.

Dated: New York, New York

----------, 1975.

United States District Judge.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

United States of America, Plaintiff, v. DeBeers Industrial Diamond Division, Limited; ANCO Diamond Abrasives Corporation; and Diamond Abrasives Corporation, Defendants, Civil Action File No. 74 CIV 5390 (LPG), filed: December 17, 1975.

COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16 (b)–(h) P.L. 93–528 (December 21, 1974)], the United States of America hereby files this Competitive Impact Statement relating to a proposed consent judgment in the above entitled action to be entered against defendants Anco Diamond Abrasives Corporation and Diamond Abrasives Corporation.

(1) *Nature and purpose of the proceeding.*

This action was filed on December 10, 1974 against DeBeers Industrial Diamond Division Limited ("DeBeers"), a South African corporation, and Diamond Abrasives Corporation ("DAC") and Anco Diamond Abrasives Corporation ("Anco"), United States distributors for DeBeers, charging that defendants and other co-conspirators engaged in an unlawful combination and conspiracy to restrain foreign and interstate trade and commerce in diamond bort, grit and powder ("diamond grit") in violation of Section 1 of the Sherman Act (15 U.S.C. § 1). Diamond grit is synthetic and natural diamond crushing bort, grit and powder used primarily, though not exclusively, as an abrasive in metal bonded grinding wheels for grinding of stone, glass and ceramics; in resin bonded wheels for the grinding of tungsten carbide and certain steels; in metal bonded saws for cutting of concrete and masonry; and in certain impregnated drills. The United States sought relief against the named defendants enjoining the alleged violations, prohibiting defendants from engaging in any other future conspiracies or programs having a similar purpose or effect, and such other relief as the nature of the case might require.

(2) *Practices and events giving rise to the alleged violation of the antitrust laws.*

The complaint alleges that from 1967 to the time of filing the complaint a combination and conspiracy existed among defendants and co-conspirators to fix prices, and to allocate territories and customers, in the sale of diamond grit. The parties to the conspiracy were the named defendants and various co-conspirators including principal officers of the defendants and certain European companies.

The Government would have contended at trial that the charges alleged in the complaint were substantiated by evidence of illegal conduct by defendants and co-conspirators as follows:

(a) participation in meetings at which agreements were made to fix prices and allocate territories and customers in the sale of diamond grit;

(b) agreement by defendants and co-conspirators in a scheme of resale price maintenance for the sale of diamond grit.

The practices giving rise to this action were also investigated by a federal grand jury. The grand jury indicted the same three companies which are defendants in this action for violations similar to those alleged in the complaint. On April 8, 1975, defendants DAC and Anco moved the Court in the criminal action to change their pleas from not guilty to nolo contendere. The pleas were accepted by the Court and DAC was fined $30,000 and Anco $20,000.

In both the civil and criminal actions DeBeers has thus far failed to enter an appearance. Proper service was made on DeBeers through service on DAC as agent for DeBeers. DAC has denied its agency and this issue remains unresolved in both the civil and criminal cases. Direct service on DeBeers in South Africa and the United Kingdom has also been initiated in this case pursuant to Rule 4 of the Federal Rules of Civil Procedure.

The Government and DAC entered into a stipulation that the Government would not attempt to force DAC to stand trial for DeBeers in the criminal or civil case, nor would it attempt to collect from DAC any criminal fine or civil judgment imposed on DeBeers. The Government reserves all rights to assert jurisdiction over DeBeers through DAC. DAC remains liable for its own participation in the conspiracy.

(3) *The proposed consent judgment and its anticipated effects on competition.*

The proposed consent judgment enjoins defendants from all the activities alleged to have constituted the conspiracy. It is anticipated that the conduct prohibited by the judgment and the affirmative duties imposed on the consent defendants will enhance price competition in the diamond grit industry and will insure competitive sources of supply for American users of diamond grit material.

If the proposed consent judgment is approved by the Court, the consenting defendants will each be enjoined from agreeing with any other person to fix prices, to allocate territories or customers, or to submit collusive bids for any purchase or sale of diamond grit. For a period of five years defendants will be enjoined from attending any conference or seminar sponsored by DeBeers for its diamond grit distributors, unless the conference or seminar deals exclusively with technical matters concerning the development and application of diamond materials. Defendants are therefore prohibited from attending any DeBeers seminar dealing with sales information or policies.

For a period of five years Anco and DAC are each ordered to file with the Government, every six months for the first two years and annually for the remaining three years, an affidavit in writing listing and describing all subjects relating to the sale or purchase of diamond grit discussed at any such conference or similar sponsored by DeBeers for its diamond grit distributors.

For a period of five years Anco and DAC are prohibited from refusing to sell diamond grit to any person who meets the credit and reasonable commercial standards applied to their other customers. In the event of short supply, Anco and DAC must allocate available supplies upon a reasonable and nondiscriminatory basis.

The consent judgment affords the Government methods of detecting any new violations by interviewing employees or by inspection of documents and records in control of defendant distributors. Such documents and records shall be made available upon the Government's request.

Any information obtained by the United States pursuant to the consent judgment shall not be divulged except as part of enforcement proceedings or as otherwise required by law.

The District Court retains jurisdiction of the case and may modify the provisions of the consent judgment or add thereto upon application of any of the parties to the consent judgment. Also, the District Court retains jurisdiction for the purpose of enforcing compliance with the consent judgment or punishing violations of it.

(4) *Remedies available to potential private plaintiffs.*

Any potential private plaintiffs who might have been damaged by the alleged violations will retain the same right to sue for monetary damages and any other legal and equitable relief which they would have had, were the proposed consent judgment not entered. However, this judgment may not be used as *prima facie* evidence in private litigation pursuant to Section 5(a) of the Clayton Act, as amended, 15 U.S.C. 16(a).

(5) *Procedures available for modification of the proposed consent judgment.*

The proposed consent judgment is subject to a stipulation between the United States and the consenting defendants which provides that the United States may withdraw its consent to the proposed consent judgment at any time before the Court has found that entry of the proposed judgment is in the public interest. By its terms, the proposed judgment provides for retention of jurisdiction of this action in order, among other things, to permit either of the parties thereto to apply to the Court for such orders as may be necessary or appropriate for its modification.

As provided by the *Antitrust Procedures and Penalties Act*, any person believing that the proposed judgment should be modified may, for a 60 day period prior to the effective date of the proposed judgment, submit written comments to the United States Department of Justice, Joel Davidow, Chief, Foreign Commerce Section, Antitrust Division, Washington, D.C. 20530, which will file with the Court and publish in the FEDERAL REGISTER such comments and its response to them. The Department of Justice will thereafter evaluate any and all such comments and determine whether there is any reason for withdrawal of its consent to the proposed judgment.

(6) *Alternatives to the proposed judgment considered by the United States.*

In view of the fact that the consent judgment provides for relief which does not differ from that sought in the complaint, neither a substantially different judgment not full trial on the merits was considered an appropriate alternative to settlement. In addition to considering provisions substantially similar to those contained in the proposed judgment, proposals considered by the Government and then rejected included a prohibition against providing DeBeers with any list of customers, a prohibition against participating in any sale of diamond grit where DeBeers determined the price, and a requirement that Anco and DAC seek supplies of diamond grit from sources other than DeBeers.

The prohibition against providing the names of any customers was considered unnecessary because any such arrangement with an anticompetitive effect is already prohibited by Paragraph IV(A) of the judgment. Moreover, there are legitimate reasons for giving the names of some customers to a supplier, such as a list of good customers to be invited to a technical seminar concerning new developments in the industry. The injunction against consenting defendants' participation in a sale of diamond grit where DeBeers set the price was dropped because, if the sale was one where title passed to DAC or Anco, it would already violate the terms of Paragraph IV(A); if title did not pass, DAC or Anco would be acting as DeBeers' agent, and such conduct would not, standing alone, violate the antitrust laws. The requirement to seek alternative sources of supply was considered unnecessary because of the nature of the industry and the lack of any strong connection to the violations alleged. There appears to be no great barrier to the entry of other distributors into the industry if another supplier should appear, and thus it is doubtful that any serious new entrant would wish to share a distributor with another major supplier. Moreover, DAC and Anco are free to seek other sources of supply if they so desire.

(7) *Determinative documents.*

There are no materials or documents, which the Government considered determinative, in formulating this proposed consent judgment. Therefore, none is being filed along with this competitive impact statement.

Dated: December 17, 1975.

Joel Davidow, Richard L. Daerr, Jr., Stephen P. Kilgriff, Attorneys, Department of Justice.

[FR Doc.75-34691 Filed 12-23-75;8:45 am]

Drug Enforcement Administration

[Docket No. 75-25]

MAX JACOBSON

Revocation of Registration

On June 4, 1975, the Acting Administrator of the Drug Enforcement Administration (DEA) issued to Max Jacobson, M.D., of New York, New York, an order to show cause as to why the DEA registration previously issued to him pursuant to Section 303 of the Controlled Substances Act (21 U.S.C. 823), should not be revoked pursuant to Section 304 of that Act (21 U.S.C. 824) for reason that on April 29, 1975, the Board of Regents and the Education Department of the State of New York revoked Dr. Jacobson's license and registrations to practice as a physician in the State of New York, including his authorization to handle controlled substances under New York law.

On June 27, 1975, Dr. Jacobson (hereinafter, "Respondent") through his attorney requested that the DEA defer

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further action on the order to show cause. Respondent was subsequently advised to direct his request to the Administrative Law Judge. On September 25, 1975, counsel for the Government requested that the Honorable Francis L. Young, Administrative Law Judge, rule upon Respondent's request of June 27 and, on September 26, 1975, Judge Young advised counsel for the Respondent and the Government that he would consider Respondent's letter of June 27, 1975, as a timely request for a hearing on the order to show cause and a motion for postponement of such hearing. Judge Young requested that the Government provide him with a statement of its position on the motion. By letter of October 15, 1975, counsel for the Government advised Judge Young of its opposition to postponement for reason that on June 26, 1975, the Third Department, Appellate Division of the Supreme Court of the State of New York, had denied Respondent's motion for a stay of the State Education Commissioner's Order revoking Respondent's license to practice pending appellate review of said order and the underlying proceedings.

On October 21, 1975, Judge Young denied Respondent's motion for postponement and ordered the parties to submit prehearing statements on or before November 4, 1975.

On November 10, 1975, Judge Young ordered that a hearing in this matter be held at the Drug Enforcement Administration, Washington, D.C., on December 2, 1975. On that date, at 10 a.m., said hearing commenced, Judge Young presiding.

The Government offered into evidence in this matter documents from the State of New York detailing the proceedings before the Committee on Professional Conduct and the Board of Regents and including the Commissioner of Education's Order revoking Respondent's license to practice. These documents showed that the Committee on Professional Conduct had based its recommendation for revocation upon findings that the Respondent was guilty of numerous specifications of unprofessional conduct and fraud and deceit in the practice of medicine. The documentary evidence was admitted without objection.

Counsel for the Respondent stated that the Respondent conceded that his license to practice had been revoked and that Respondent would not contest revocation of his DEA registration upon condition that the Government would accept a stipulation to the effect that the DEA would expedite a new application for registration should Respondent's license to practice be reinstated and provided that no independent grounds for denial or revocation then existed. Counsel for the Government accepted this stipulation on behalf of this agency.

On December 16, 1975, Judge Young ruled that the Respondent had effectively withdrawn his request for a hearing and ordered that all proceedings in this matter before the Administrative Law Judge be terminated.

The Acting Administrator has reviewed the facts and applicable law and regulations in this matter and concludes that, although a prima facie case for revocation has been presented, the Respondent's consent to revocation should be accepted. The aforementioned stipulation is hereby affirmed.

Accordingly, under the authority vested in the Attorney General by Sections 303 and 304 of the Controlled Substances Act of 1970, 21 U.S.C. 823 and 824, and redelegated to the Administrator of the Drug Enforcement Administration by § 0.100, as amended, Title 28, Code of Federal Regulations, and further having been duly designated as Acting Administrator by Order No. 607–75 of the Attorney General, dated May 30, 1975, in accordance with the authority stated therein and pursuant to the authority delegated to the Acting Administrator by § 0.132(d) of Title 28 of the Code of Federal Regulations, the Acting Administrator hereby orders that the certificate of registration of Max Jacobson, M.D. (DEA Registration #AJ4502856) be revoked.

In view of the consensual nature of this revocation proceeding, this order shall be effective immediately upon publication.

Dated: December 22, 1975.

HENRY S. DOGIN,
Acting Administrator.

[FR Doc.75–34917 Filed 12–23–75;8:45 am]

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Notice of Meeting

This is to provide notice of meeting of the Organized Crime Task Force of the National Advisory Committee on Criminal Justice Standards and Goals.

The Organized Crime Task Force will be meeting at the Ramada Inn/Rosslyn, Dogwood Room, 1900 N. Ft. Myer Drive, Arlington, Virginia on January 20 and 21, 1975. The meeting will be from 9 a.m. to 5 p.m. both days and will be open to the public.

Discussion will focus on the review, comments, and vote on the following chapters in the report:

1. Corruption
2. Private Sector and Organized Crime
3. Business Industry and the Professions
4. Education and Training

For further information, contact William T. Archey, Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue, N.W., Washington, D.C.

GERALD H. YAMADA,
Attorney Advisor,
Office of General Counsel.

[FR Doc.75–34824 Filed 12–23–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

BOISE DISTRICT ADVISORY BOARD MEETING

Notice of Postponement

Notice is hereby given that the Multiple Use Advisory Board meeting of the Boise District of the Bureau of Land Management scheduled for January 8, 1976 has been postponed.

Notice of this meeting was published December 11, 1975 in the FEDERAL REGISTER (40 FR 57699).

The meeting will be rescheduled and the appropriate notice published in the FEDERAL REGISTER.

D. DEAN BIBLES,
District Manager.

DECEMBER 12, 1975.

[FR Doc. 75–34689 Filed 12–23–75;8:45 am]

[Serial Number A 9281]

ARIZONA

Proposed Withdrawal and Reservation of Lands

The Forest Service, United States Department of Agriculture, has filed application A 9281 for inclusion of the lands described below within the National Forest System and, subject to valid existing rights, withdrawal of the lands from all forms of appropriation except under those laws and regulations applicable to National Forest lands.

The subject lands, which lie within the boundaries of the Sitgreaves National Forest, were reconveyed to the United States pursuant to an exchange under section 8 of the Taylor Grazing Act of June 28, 1934, as amended, 43 U.S.C. 315g (1970), and are currently under the jurisdiction of the Bureau of Land Management. Lands acquired under section 315g which are within the exterior boundaries of a national forest and which are determined by the Secretary of Agriculture to be suitable for administration as a part of the National Forest may be set apart and reserved by the Secretary of the Interior by public land order as a part of such National Forest pursuant to the Act of July 9, 1962, 43 U.S.C. 315 g–1.

Until January 23, 1976, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Department of Interior regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources, and will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record. If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

SITGREAVES NATIONAL FOREST

T. 13 N., R. 13 E.,
Sec. 7, S½S½S½NE¼, SE¼.

The areas described aggregate 180 acres in Coconino County, Arizona.

Dated: December 15, 1975.

ROBERT O. BUFFINGTON,
State Director.

[FR Doc.75–34690 Filed 12–23–75;8:45 am]

WYOMING STATE MULTIPLE USE ADVISORY BOARD

Notice of Meeting

DECEMBER 16, 1975.

Notice is hereby given that the Wyoming State Multiple Use Advisory Board will meet at 8:15 a.m. January 15, 16, 1976 at the Little America Motel, Cheyenne, Wyoming.

The agenda will incude a discussion of the Bureau's forestry progam in Wyoming; the identification of issues and recommendations from the Board for action; forage allocation for yearlings; data collection and exchange systems; and a report on the National Advisory Board Steering Committee meeting.

The meeting will be open to the public. Oral or written statements may be submitted for the Board's consideration during the second day of the meeting. Such statements should be limited to matters set forth in the agenda. Those wishing to make an oral statement must inform the State Director (912), Bureau of Land Management, Box 1828, Cheyenne, Wyoming 82001, in writing by close of business January 8, 1976. Time limits for oral presentations may be established by the chairman to ensure that all may be heard within the time available for such statements. Any interested person or organization may file a writen statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the State Director (912), Bureau of Land Management, Box 1828, Cheyenne, Wyoming 82001.

Further information concerning the meeting may be obtained from Mr. John Burnett, Chief, Office of Public Affairs, Bureau of Land Management, Box 1828, Cheyenne, Wyoming 82001. His telephone number is (307) 778–2220, ext. 2384.

DANIEL P. BAKER,
State Director.

[FR Doc. 75–34691 Filed 12–23–75;8:45 am]

Fish and Wildlife Service

TAKING OF WALRUS

Decision on Waiver of Moratorium

Pursuant to 50 CFR 18.75(c), 40 F.R. 6663 (February 13, 1975), the decision of the Director on the proceeding to waive the moratorium imposed by the Marine Mammal Protection Act of 1972 on the taking and subsequent importation of Pacific walrus is herewith published. There is also published below, a draft of Subpart H which will be used by the Service as a guideline in the development of regulations to implement the Administrative Law Judge's recommendation for a new subpart to set forth specific limitations concerning the taking and/or importation of each species of marine mammal for which the moratorium is waived. Simultaneously published[1] are subpart F regulations as revised in accordance with the Director's decision and those portions of the Administrative Law Judge's recommendations accepted by the Director. Those regulations provide for the implementation of a waiver of the moratorium and establish standards by which a state's management program for the protection and taking of a species of marine mammal within the state's jurisdiction will be evaluated.

The Director's decision to waive the moratorium imposed by section 101(a) of the Act, 16 U.S.C. 1371(a), on the taking of Pacific Walrus is final. However, the waiver of the moratorium will not be implemented, and Pacific Walrus may not be taken, unless the conditions set forth in the decision are satisfied and the State of Alaska's management program, as revised in accordance with the Director's decision and those portions of the Administrative Law Judge's decision adopted by the Director, is approved by the Director. Upon approval by the Director of the revised management program to be submittted by the State of Alaska, final regulations in subpart H will be promulgated to implement the waiver.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

DECEMBER 17, 1975.

DECISION CONCERNING WAIVER OF MORATORIUM ON WALRUS UNDER REGULATIONS FOR A COOPERATIVE STATE/FEDERAL CONSERVATION PROGRAM (DOCKET NO. WASH 75–1)

Following review of the record and exhibits in the proceeding In Re: Waiver of Moratorium on Walrus, Docket No. Wash 75–1, I hereby adopt and incorporate by reference those portions of the Administrative Law Judge's decision that are not inconsistent with my discussion of the proceeding hereinbelow.

[1] See FR Doc. 75–34637, Title 50, Chapter I, Part 18, in the Rules and Regulations section.

The history of this proceeding is found in the Administrative Law Judge's recommended decision (pages 4–8) on file at the Office of the Director, U.S. Fish and Wildlife Service, Washington, D.C.

Following the Administrative Law Judge's recommended decision opportunity was provided to all parties for the filing of exceptions.

Exceptions were filed by the following parties:

The Environmental Defense Fund, Project Monitor, Inc., and affiliated groups; Friends of Animals, Inc., and Committee for Humane Legislation; The Alaska Professional Hunters Association: the Marine Mammal Commission; the State of Alaska; and the United States Fish and Wildlife Service.

As all parties are aware, since enactment of the Marine Mammal Protection Act, actually no total moratorium on the taking of walrus has existed as native Alaskans were allowed to take walrus for subsistence and cottage industry purposes, without bag limits or restrictions, as long as the taking was not in a wasteful manner and there was no finding of depletion of the resource.

As I interpret my duty under the Act, to waive the moratorium or to allow importation of marine mammals or marine mammal products, I must, in making such determination, be assured that the taking of such marine mammals is in accord with sound principles of resource protection and conservation as provided in the purposes and policies of the Act.

This determination is to be made on the best scientific evidence available and in consultation with the Marine Mammal Commission. The record indicates that all parties agree the testimony offered in evidence was the best scientific evidence available. I am satisfied that the testimony offered was the best scientific evidence available.

The Act provides that the resource shall not be permitted to diminish below optium sustainable population. The term optium sustainable population is defined in the Act as:

> • • • with respect to any population stock, the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the optimum carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element.

The evidence from experts in the field showed that the resource exceeded the population level at which the maximum productivity rate was achieved and was above the minimum range of the optimum sustainable population.

Although the condition of habitat for walrus has not evidenced any obvious problems related to carrying capacity, it is inconsistent with the principles of sound wildlife conservation to base management actions on a clear indication of habitat deterioration alone. Rather, it is important to consider that proper re-

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source conservation must be predicated on avoiding a situation that will lead to habitat deterioration. Evidence presented suggests that the herds of walrus are becoming crowded and that population estimates suggest that in the very near future the habitat will be adversely affected.

The vast majority of witnesses testifying stated that the walrus population had substantially increased under State regulations and indeed there was more regulation and control of the taking of the resource than under the Federal Act.

The judge found that the scientific evidence available supported my preliminary determination that a waiver of the moratorium was appropriate from the standpoint of population and habitat dynamics. However, in his recommended decision he also found that several amendments and additions to the proposed State regulations would be required to insure the population level and to prevent commercial exploitation of the resource.

It is my decision to proceed in that manner and waive the moratorium upon satisfactory amendments to the State regulations to guarantee the health and welfare of the species and the well-being and stability of the marine ecosystem.

My decision is to let the procedural issues brought to the attention of the Administrative Law Judge stand per the judge's decision, as that was the forum for those matters and arguments of counsel were put forth on the record.

THE FEDERAL REGULATIONS

With respect to the proposed Federal regulations, I reject the Administrative Law Judge's recommendation that subpart F apply generally to all species. This proceeding is limited to walrus. We intend to publish in the future regulations of general applicability which will pertain to all species.

Additionally, I reject the Administrative Law Judge's recommendations as to the following sections:

Section 18.3 (R.D. at 20). Placing the definition of population stock in section 18.3 would be redundant and serve no useful purpose since the expression is defined in section 3(11) of the Marine Mammal Protection Act of 1972.

Section 18.54(e) (R.D. at 25). In the fifth line of this section, the "if any" is superfluous. Because this Subpart F deals exclusively with approval of state laws and regulations pursuant to a waiver of the moratorium, at the least the moratorium provision of section 101 will be waived. Thus there will always be at least one provision of section 101 waived and the "if any" is inappropriate.

Section 18.54(h) (R.D. at 28). The Administrative Law Judge recommends that the State laws and regulations be adopted as Federal regulations. I believe that the language below provides for a more workable regulatory framework, and I adopt that language:

> If the Director has approved State laws and regulations pursuant to this subpart, all activities conducted pursuant to a waiver of the moratorium, including those carried out on the high seas adjacent to the coast of the State must be in accordance with the approved State laws and regulations. Any violation of State laws and regulations occurring beyond the jurisdiction of the State shall be punishable in accordance with section 105 of the Act.

Thus, the Federal regulation would require all activities conducted pursuant to a waiver of the moratorium, including those carried out on the high seas, to be in accordance with the approved State laws and regulations.

I am in agreement with the recommendation for a new subpart H to more specifically delineate the scope and nature of the waiver as it applies to walrus and the conditions precedent to approval and adoption of the State law and regulations; however it is my decision to modify those recommendations relating to subpart H as attached.

Reconsideration of waiver on walrus. I have determined that continuance of the waiver of the moratorium on walrus should be reconsidered in connection with the application of the State of Alaska for return of management of the 8 other species; such reconsideration, however, to be to the extent that any new evidence has been developed between the closing of the record in this proceeding and the opening of the record in the proceeding on the other 8 species. Recommendation number 4 (R.D. at 69) is hereby modified and adopted as follows:

4. Continuance of the waiver of the moratorium and approval of the cooperative State/Federal management program for Pacific Walrus be reconsidered in connection with the application of the State of Alaska for return of management responsibility for marine mammal species within its jurisdiction; such reconsideration to be limited to (1) new evidence developed subsequent to the close of the record in the walrus proceeding, and (2) the interrelationships between walrus and the other species under consideration.

THE STATE PROGRAM

The areas in which it is my decision to vary from the Administrative Law Judge's recommended decision with respect to the State management program are based on the extensive record.

1. *Use of High Caliber Rifle* (R.D. at 49). It is my decision to restrict the taking of walrus by non-subsistence hunters to a hand held rifle using a center fire cartridge of not less than 2,500 foot pounds of muzzle energy. As the record reflects, other than for hunting walrus, such a weapon would be of very little use to the Native and other subsistence hunters, and would be very expensive for them to acquire. I therefore reject the Administrative Law Judge's recommendation of a 30.06 rifle for all hunters.

2. *Shooting Walrus in Water* (R.D. at 50). The recommendation that walrus be taken only on ice would impose undue hardship on those Native hunters who might find walrus only in water. Many walrus shot on ice will tumble into the water whence they must be retrieved. If a harpoon is available, and its availability is required by this decision, the problem of retrieval from water will be minimized. Thus, the hunter is properly equipped and able to retrieve walrus from water. I reject the Administrative Law Judge's recommendation that there be a prohibition against shooting walrus in water.

3. *Prohibition on killing a pregnant or nursing cow, nursing calves or calves less than eight months* (R.D. at 51). The ALJ based this recommendation upon section 102(b) of the Act which prohibits, inter alia, importation of pregnant, nursing or less than eight months old marine mammals. However, upon approval of state laws and regulations, section 109 of the Act provides that the "Provisions of this Act * * * shall not apply * * *." Thus, section 102 is not applicable upon approval of state laws and regulations.

Moreover, calf hides and other parts are utilized by Natives for various purposes. Again, the State has recognized such use and its bag limits accommodate those uses. Additionally, to distinguish a 3,000 pound pregnant female from a non-pregnant one, particularly in the early stages of pregnancy, is a task of no easy accomplishment. I reject the ALJ's recommendation that there be a prohibition on killing a pregnant or nursing cow, nursing calves or calves less than eight months.

4. *Marking of Raw Ivory* (R.D. at 48). While the recommendation that raw ivory be marked is laudable and was suggested by the Fish and Wildlife Service, the Service testified that at the present there is no existing satisfactory method for marking and accounting for ivory. This recommendation of the ALJ will be held in abeyance pending a study which will be undertaken by the Fish and Wildlife Service to devise a satisfactory method of marking raw ivory.

5. *Prohibition on Taking of Females for Ivory Alone* (R.D. at 50). The record indicates that for certain purposes ivory from females is more desirable than that from males. The State has recognized this fact and allows the taking of a limited number of walrus for ivory alone. The State's bag limit of 5 female walrus has resulted in a great increase in the walrus population over the 15-year period during which the State had jurisdiction over walrus. Thus, I believe that a prohibition on the taking of female walrus for ivory alone is unnecessary and I reject that recommendation of the ALJ.

U.S. Fish and Wildlife Service enforcement personnel will enforce the State regulations and State officials will enforce Federal regulations. This is presently accomplished by the deputization of State officials as Federal officers and Federal officers as State officers.

CONCLUSION

I am required by section 109(a)(3) of the Act, to continuously monitor and review the laws and regulations of the State to insure that such laws and regulations are in substantial compliance with the provisions of the Marine Mammal Protection Act and to resume responsibilities under the Act upon a finding of non-compliance.

It is my decision to waive the moratorium, and implement the Federal/State management program in accordance with the Federal regulations developed by the Fish and Wildlife Service.

This determination is contingent upon my approval of Alaska State laws and regulations revised in accordance with the foregoing discussion and those portions of the Administrative Law Judge's decision pertaining to the State's management program (Administrative Law Judge decision at 44–51) which I have adopted. A final notice of waiver will be published in the FEDERAL REGISTER upon my approval of the revised State laws and regulations.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

DECEMBER 17, 1975.

NOTE: The regulations in draft form as set forth below are issued for guidance only.

Subpart H—Waiver of Moratorium on Taking and Importation of Individual Marine Mammal Species

§ 18.90 *Purpose of regulations.* The regulations contained in this subpart fulfill the requirements of section 103 of the Act for regulations to govern the taking and importation of each species of marine mammal for which the moratorium imposed by section 101 has been waived.

§ 18.91 *Scope of regulations.* (a) The provisions in this subpart apply only after (1) the Director has made a decision to waive a moratorium pursuant to section 101(a)(3)(A) of the Act, (2) the opportunity for a hearing required by section 103(d) of the Act has been provided, and (3) the Director has made a determination, in the case of State laws and regulations, to approve such State laws and regulations pursuant to section 109(a)(2) of the Act and subpart F of this part.

(b) The provisions of this subpart, unless specifically stated, apply to all taking and/or importation of each species of marine mammal for which the moratorium has been waived other than takings for scientific research or public display, which are governed by section 18.31, of this part, or takings incidental to commercial fishing operations which are governed by section 18.24 of this part.

§ 18.92 *Pacific walrus (Alaska).*

(a) Pursuant to sections 101(a)(3)(A), 103, and 109 of the Marine Mammal Protection Act of 1972, the moratorium on the hunting and killing of Pacific walrus (*Odobenus rosmarus*) in waters or on lands subject to the jurisdiction of the State of Alaska, the United States, or on the high seas by any person, vessel, or conveyance subject to the jurisdiction of the State of Alaska or the United States, is waived, effective with publication of a notice of approval of the laws and regulations of the State of Alaska, subject to the following terms and conditions:

(1) The exemption for hunting and killing of Pacific walrus by Alaskan natives under section 101(b) of the Act is rescinded and superseded by the regulations relating to the hunting and killing of Pacific walrus as set forth in this section.

(2) Hunting and killing of Pacific walrus by Alaskan natives will be accomplished in the manner and in accordance with the limitations set forth in this section.

(3) Sport hunting of Pacific walrus by licensed sport hunters will be accomplished in the manner and in accordance with the limitations set forth in this section.

(4) Officers, employees or agents of the State of Alaska may take Pacific walrus in accordance with a State research or conservation program approved by the Director in connection with the approval of the State's laws and regulations pursuant to subpart F of these regulations.

(5) Importation of Pacific walrus taken on the high seas will be permitted only when imported into the State of Alaska, and when taken in accordance with the limitations of this section.

(6) No part or product of a Pacific walrus taken under the provisions of this section may be shipped on interstate or foreign commerce unless it is marked, tagged, or otherwise identified as required by State law or regulation and such mark, tag, or other identification remains on the part or product until the final stages of processing.

(7) The taking or importation of Pacific walrus by all other persons, vessels, or other conveyances remains subject to the moratorium and the prohibitions set forth in the Marine Mammal Protection Act and subpart B of these regulations.

(8) Whenver retrieved takings exceed 3,000 walrus in any regulatory year, or the walrus herds diminish below the range of optimum sustainable population, the moratorium on the taking of walrus provided for in section 101(a) of the Marine Mammal Protection Act, 16 U.S.C. section 1371(a) will automatically be reimposed.

(b) All activities conducted pursuant to a waiver of the moratorium, including those carried out on the high seas adjacent to the coast of the State of Alaska must be in accordance with title 16 of the Alaska Statutes and the approved regulations promulgated thereunder.

(c) A violation of the provisions of the preceding subsection which occurs beyond the jurisdiction of the State of Alaska shall be punishable in accordance with section 105 of the Act.

[FR Doc.75-34636 Filed 12-23-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice No. 104]

COTTON

Hinds and Madison Counties, Mississippi, and All Counties in Alabama and Louisiana

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for cotton crop insurance in Hinds and Madison Counties, Mississippi, and all counties in Alabama and Louisiana, where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 20, 1976. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-34724 Filed 12-23-75;8:45 am]

[Notice No. 105]

RICE

Arkansas, Louisiana, and Mississippi

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for rice crop insurance in Arkansas, Louisiana, and Mississippi, where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 20, 1976. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-34725 Filed 12-23-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Semiconductor Technical Advisory Committee will be held on Wednesday, January 28, 1976, at 9:30 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration, approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor products, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has four parts:

General Session: (1) Opening remarks by the Chairman. (2) Presentation of papers or comments by the public. (3) Discussion of integrated circuits.

Executive Session: (4) Discussion of matters properly classified under Executive Order 11652 dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be

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submitted at any time before or after the meeting.

With respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittese thereof is hereby published.

Dated: December 22, 1975.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade.

NOTICE OF DETERMINATION

In response to written requests of representatives of a substantial segment of the semiconductor industry, the Semiconductor Technical Advisory Committee was established by the Secretary of Commerce pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Section 2404(c)(1), to advise the Department of Commerce with respect to questions involving technical matters, worldwide availability, and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductors, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee, which currently has seven members representing industry and seven members representing government agencies, will terminate no later than January 3, 1977, unless extended by the Secretary of Commerce. All members of the Committee have the appropriate security clearance.

The Committee's activities are conducted in accordance with the provisions of Section 5(c)(1) of the Export Administration Act of 1969, as amended, the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 1 (Supp. IV, 1974), and the Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the head of the agency (or his delegates) to which the committee reports determines in writing that all, or some portion, of the agenda of the meeting of the committee is concerned with matters listed in Section 552(b) of Title 5 of the United States Code.

Section 552(b)(1) of Title 5, United States Code, provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy, and are in fact properly classified pursuant to such Executive Order.

In order to provide advice to the Department under the terms of its charter, the Committee and formal subcommittees thereof will continue to hold a series of meetings dealing with the matters set forth in the first paragraph of this Determination. These COCOM control list as it relates to the commeetings will include discussions of the modities and technical data under its purview, and with the foreign availability of these commodities and technical data. In addition, the Committee and its formal subcommittees will be preparing recommendations for the Department's consideration relating to the U.S. Government's negotiating position on COCOM-related matters. Much of the information relating to the COCOM control list, as well as intelligence relating to foreign availability, is now or will be security classified for national security or foreign policy reasons, pursuant to Executive Order No. 11652, 3 C.F.R. 339 (1974). In order for the Committee and its formal subcommittees to provide required advice to the U.S. Government, it will be necessary to provide the Committee and its formal subcommittees with such classified material. Therefore, the portions of the series of meetings of the Committee and of subcommittees thereof that will involve discussions of matters specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such executive order, must be closed to the public. The remaining portions of the series of meetings will be open to the public.

Accordingly, I hereby determine, pursuant to Section 10(d) of the Federal Advisory Committee Act that those portions of the series of meetings of the Committee and of any subcommittees thereof, dealing with the aforementioned classified materials shall be exempt, for the period January 4, 1976, to January 3, 1977, from the provisions of Section 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the Committee and subcommittee discussions will be concerned with matters listed in Section 552(b)(1) of Title 5, United States Code. The remaining portions of the meetings will be open to the public.

GUY CHAMBERLAIN, JR.,
Acting Assistant Secretary for Administration.
ALFRED MEISNER,
Acting General Counsel.

NOVEMBER 21, 1975.

[FR Doc.75-34768 Filed 12-23-75;8:45 am]

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee will be held on Tuesday, January 27, 1976, at 9:00 a.m., in Room 4833, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components and related test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has five parts:

General Session: (1) Review of meeting minutes of October 29, 1975. (2) Remarks by Rauer H. Meyer, Director, Office of Export Administration. (3) Presentation of papers or comments by the public. (4) Classification methods for foreign availability and technology classification. (5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee and of any subcommittees thereof, is hereby published.

Dated: December 22, 1975.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade Department of Commerce.

NOTICE OF DETERMINATION

In response to written requests of representatives of a substantial segment of the computer industry, the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was established by the Secretary of Commerce pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Section 2404(c)(1), to advise the Department of Commerce with respect to questions involving technical matters, worldwide availability, and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components, and related test equipment including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee which currently has fifteen members representing industry and ten members representing government agencies, will terminate no later than January 3, 1977, unless extended by the Secretary of Commerce. All members of the Committee have the appropriate security clearance.

The Committee's activities are conducted in accordance with the provisions of Section 5(c)(1) of the Export Administration Act of 1969, as amended, the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), and the Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the head of the agency (or his delegate) to which the committee reports determines in writing that all, or some portion, of the agenda of the meeting of the committee is concerned with matters listed in Section 552(b) of Title 5 of the United States Code.

Section 552(b)(1) of Title 5, United States Code, provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy, and are in fact properly classified pursuant to such Executive Order.

In order to provide advice to the Department under the terms of its charter, the Committee and formal subcommittees thereof will continue to hold a series of meetings dealing with the matters set forth in the first paragraph of this Determination. These meetings will include discussions of the COCOM control list as it relates to the commodities and technical data under its purview, and with the foreign availability of these commodities and technical data. In addition, the Committee and its formal subcommittees will be preparing recommendations for the Department's consideration relating to the U.S. Government's negotiating position on COCOM-related matters. Much of the information relating to the COCOM control list, as well as intelligence relating to foreign availability, is now or will be security classified for national security or foreign policy reasons, pursuant to Executive Order No. 11652, 3 C.F.R. 339 (1974). In order for the Committee and its formal subcommittees to provide required advice to the U.S. Government, it will be necessary to provide the Committee and its formal subcommittees with such classified material. Therefore, the portions of the series of meetings of the Committee and of subcommittees thereof that will involve discussions of matters specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such executive order, must be closed to the public. The remaining portions of the series of meetings will be open to the public.

Accordingly, I hereby determine, pursuant to Section 10(d) of the Federal Advisory Committee Act that those portions of the series of meetings of the Committee and of any subcommittees thereof, dealing with the aforementioned classified materials shall be exempt, for the period January 4, 1976, to January 3, 1977, from the provisions of Section 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the Committee and subcommittee discussions will be concerned with matters listed in Section 552(b)(1) of Title 5, United States Code. The remaining portions of the meetings will be open to the public.

GUY CHAMBERLAIN, JR.,
Acting Assistant Secretary for Administration.

NOVEMBER 25, 1975.

ALFRED MEISNER,
Acting General Counsel.

NOVEMBER 21, 1975.

[FR Doc.75-34769 Filed 12-23-75;8:45 am]

National Bureau of Standards

COMPUTER OUTPUT MICROFORM FORMATS AND REDUCTION RATIOS

Proposed Federal Information Processing Standard

Under the provisions of Public Law 89-306 and Executive Order 11717, the Secretary of Commerce is authorized to establish uniform Federal ADP Standards. A proposed standard for Computer Output Microform Formats and Reduction Ratios is being recommended for Federal use. This proposed standard specifies the image arrangement, size and reduction ratios to be generated by Computer Output Microfilmers (COM).

In order to insure that all parties have a full opportunity to present their views, NBS is soliciting comments on the following Computer Output Microform Formats and Reduction Ratios Standard. This standard will be applicable to all COM systems generating information for conversion to microforms using business-oriented fonts. The microform formats and associated reduction ratios specified by this proposal will be the only formats and reduction ratios authorized for use within the Federal government and will be required for all new COM systems and applications.

The proposed Federal Information Processing Standard contains two basic sections: (1) an announcements section which provides information concerning the applicability, implementation and maintenance of the standard; and (2) a specification section which deals with the technical requirements of the standard. Both sections are provided in their entirety in this notice.

Interested parties may submit comments to the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, on or before March 23, 1976.

Dated: December 17, 1975.

ERNEST AMBLER,
Acting Director.

Foreword. The use of microforms in the recording and dissemination of data and information is widespread in the Federal Government and the volume is steadily increasing, particularly for that information generated by computer. Therefore, the uniformity of Computer Output

V 401248 DEC 24 75 XUM

Microforms is essential in order to enhance the exchange and utilization of recorded information, and to provide compatibility of processing and user equipment. It is also essential that the number of different Computer Output Microform formats and reduction ratios be kept to a minimum in order to reduce the variety of equipment required. The Computer Output Microform Standards Group (TG–18) was formed by the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) to standardize certain aspects of Computer Output Microforms to meet Federal agency needs. This standard has been developed and issued for this purpose.

FEDERAL INFORMATION PROCESSING STANDARDS PUBLICATION—1975

Announcing the Standard for Computer Output Microform Formats and Reduction Ratios

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to the Federal Property and Administrative Services Act of 1949 as amended, Public Law 89–306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 CFR (Code of Federal Regulations).

Name of Standard. Computer Output Microform Formats and Reduction Ratios.

Category of Standard. Hardware Standard, Media.

Explanation. This standard specifies the image arrangement, size and reduction ratios to be generated by Computer Output Microfilmers (COM).

Approving Authority. Secretary of Commerce.

Maintenance Agency. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

Applicability. This standard is applicable to all computer output microfilm systems generating information for conversion to microforms using business-oriented fonts.

New COM Systems and Applications. The microform formats and associated reduction ratios specified herein are the only formats and reduction ratios authorized for use within the Federal Government and are mandatory for all new COM systems and applications.

Existing COM Systems and Applications. Users of existing COM systems and applications are encouraged to comply with this standard. Systems and applications not in accordance with this standard shall be evaluated periodically by heads of departments or agencies and the merits of converting to the standard weighed.

Specification. Federal Information Processing Standard ----, Computer Output Microform Formats and Reduction Ratios (affixed).

Implementation Schedule. All microforms produced by or for Federal agencies and equipment or services acquired after the date of this FIPS PUB must be in conformance with the specifications contained herein. Exceptions to this standard are made in the following cases:

a. For microforms, equipment, or services produced, procured, or on order, prior to the date of this FIPS PUB.

b. Where procurement actions are into the solicitation phase (i.e., Requests for proposals or Invitations for Bids have been issued) on the date of this FIPS PUB.

Waiver Procedure. Heads of agencies may waive the provisions of the implementation schedule. Proposed waivers relating to the production or procurement of non-conforming microforms will be coordinated in advance with the National Bureau of Standards, Washington, D.C. 20234. They should describe the nature of the waiver and set forth the reasons therefor.

Sixty days should be allowed for review and response by the National Bureau of Standards. The waiver is not to be effective until a reply is received from the National Bureau of Standards; however, the final decision for the granting of a waiver is a responsibility of the agency head.

Where to Obtain Copies of the Standard.

a. Copies of this publication are available from the Superintendent of Documents, U.S Government Printing Office, Washington, D.C. 20420 (SD Catalog Number C13.52:----).

b. Microfiche of this publication is available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Refer to Report Number NBS–FIPS–PUB–---- and title

FEDERAL INFORMATION PROCESSING STANDARDS ---- 1975

Specifications for Computer Output Microform Formats and Reduction Rates

1. *Name of Standard.* Computer Output Microform Formats and Reduction Ratios.

2. *Category of Standard.* Hardware Standard, Media.

3. *Explanation.* This standard specifies the image arrangement, size and reduction ratios to be generated by Computer Output Microfilmers (COM).

4. *Specifications.* This standard covers microform formats and reduction ratios for Computer Output Microforms (COM) using business-oriented fonts.

4.1 The choice of microform formats and associated reduction ratio(s), from among those specified herein, for use in a particular system or application is not prescribed by this standard. These choices will be based on user needs and developed from other criteria.

4.2. *Authorized Formats and Effective Reduction Ratios.*

a. 16mm roll film (24:1).
(1) Cine mode (IA).
(2) Comic mode (IB).
b. 105mm X 148mm microfiche.
(1) 63 frame (7 rows X 9 columns) 24:1.
(2) 98 frame (7 rows X 14 columns) 24:1.
(3) 270 frame (15 rows X 18 columns) 48:1.
(4) 420 frame (15 rows X 28 columns) 48:1.

4.3. *Requirements.*

a. *Legibility.* All characters must be recorded so they are readable by the user. This means that the quality of the master recordings must be sufficiently high to allow for the normal image degradation that results when making subsequent generation copies for the end user. Typically, there is about a 10% loss in the ability to duplicate very closely spaced points for each subsequent generation. The images of the smallest characters should measure at least 0.05 mm in height on the original microform. This represents a character height at an effective magnification of 24X of approximately 1.2 mm and at 48X of approximately 2.40 mm.

b. *Roll film.* See Formats 1 and 2.

c. *Microfiche.* See Formats 3 through 6.

(1) *Pagination.* Either vertical or horizontal pagination will be used in the creation of microfiche. When the microfiche is oriented so that the designated header area is upright and right reading, the first data frame will be placed in the left most position of the row immediately below the header.

(a) *Vertical pagination.* Frames following the first data frame will appear in sequence from top to bottom through the rows and from left to right through the columns.

(b) *Horizontal pagination.* Frames following the first data frame will appear in sequence from left to right through the row and from top to bottom through the columns.

(c) *Identification.* When used, identification of the method of pagination will be through use of an arrow placed in the header area. Vertical pagination will be designated by an arrow pointed downwards (↓). Horizontal pagination will be designated by an arrow pointing to the right (→).

(2) *Identification of sensitized film side.*

(a) *Silver original.* When the microfiche is held so that the header is upright and right reading, the sensitized (emulsion) side will be away from the observer.

(b) *Pre-cut stock or duplicates.* The sensitized side shall be identified by one of the following methods.

1 Method A—When a sheet of raw film or a duplicate microfiche is held with the long sides in a vertical position and either the notch or the corner cut is in the upper right hand corner, the sensitized side will be towards the observer as specified in American National Standard, PH1.10–1969, *Designation of Emulsion Side of Photographic Sheet Film.*

2 Method B—When a sheet of raw film or a duplicate microfiche is held with the long sides in a horizonal position and the notch is in the lower right corner or the corner cut is in the upper left corner, the sensitized side is towards the observer.

(c) *Identification techniques.*

1 Corner Cutting—To identify the sensitized side of a microfiche, a corner cut may be placed in the upper left corner of the header area when the sensitized side is facing the observer and the header is at the top. The cut shall extend a nominal 6mm along the long dimension (top) and a nominal 9mm along the short dimension (left side) of the microfiche.

2 Notching—in lieu of a corner cut, a notch may be placed along the right short dimension (side) near the bottom, when the sensitized side is facing the observer and the header area is at the top. The notch may be of any shape but shall not penetrate more than 1.6mm inward from the edge.

(3) *Header area.* The header area constitutes the top of the microfiche. The minimum area reserved for the header shall be used only for header and identification purposes on all microfiche and shall not be used for microimages. If additional header space is required, the area dedicated to the next entire row or rows of images shall be used. When this option is utilized, row identification shall remain unchanged. All header characters shall be upright and right reading, and at least 2mm in height. All characters shall be readable without magnification. The minimum areas reserved for the header are indicated in the figures for the microfiche formats by shading.

(4) *Frame identification.* When coordinates are used to identify the location of images, alphabetic characters shall be used to identify rows. Starting at the top left corner, under the minimum header area, the first row of microimages shall be A, the next B, the next C, and so on. Columns shall be identified numerically. Starting at the left, the first column shall be 1, the second 2, and so on.

(5) *Index.* If an index to the microfiche is to be provided, the placement of the last microimage of the index shall be in the bottom right corner frame of the grid area.

(6) *Trailer identification.* When trailer microfiche are used, each mirficofiche in the set, including the first one, should be sequentially identified. This information shall appear in the right-most portion of the header area.

(7) *Cut mark.* A cut mark will be proided for automatic cutting of 105mm roll film into microfiche. This cut mark shall be 3.0mm × 3.0mm square and the center of the square shall be located 32mm± 0.2mm along the bottom edge from the reference corner of each microfiche area.

(8) *Squareness.* Each side of the microfiche shall be perpendicular to the bottom (reference) edge within ±0.13mm for each 25mm of height of the microfiche. The total deviation of the side edges from the perpendicular to the bottom (reference edge) shall not cause the length of the tow edge of the microfiche to exceed 148mm plus 0.0mm, minus 1.0mm.

(9) *Edge straightness.* Each of the four edges of a microfiche shall be capable of falling between two straight parallel lines 0.25mm apart.

(10) *Curl and bow.* The curl or bow of a sheet of microfiche, when placed convex side down on a flat surface for at least six hours in a 70°F., 50% relative humidity atmosphere, shall have no part of the microfiche more than 6.35mm above the surface. (See ANSI Standard PH1.29–1971, *Methods for Determining Curl of Photographic Film*).

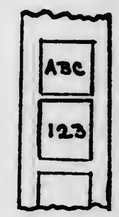
(11) *Corner rounding.* Where corner rounding is employed, the process shall not remove at any corner more than 3mm of either of the two sides which form the corner.

5. *Definitions.* Definitions needed for clarification of this standard are given in this section.

Application

Any use of COM that satisfies particular information requirements.

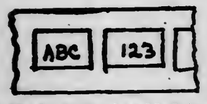
Cine (motion picture) oriented images (IA orientation) Jargon used with intent to reference images oriented on microfilm as follows, otherwise known as IA orientation.



Column. A vertical series of microimages on a microfiche.

COM. Computer Output Microform: Any microform containing images generated by a recorder, and duplicates thereof.

Comic strip oriented images (IB orientation) Jargon used with intent to reference images oriented on microfilm as follows, otherwise known as IB orientation.



Cut Mark. A mark added to film to permit automatic cutting of microfiche from a roll of film.

Format. A dimensioned layout containing requirements for size, arrangement and orientation of microimages upon a microform.

Frame. The total area allocated for exposure, regardless of whether or not this area is filled by the document or data image.

Header. Information, which is readable without magnification, placed at the top of a microfiche.

Microfiche. A sheet of film containing multiple microimages in a grid pattern.

Microfilm. (1) A high resolution film containing an image or images greatly reduced in size from the original. (2) To record microimages on film.

Microform. A generic term for any form containing microimages.

Microimage. A unit of information, such as a page of text or a drawing, too small to be read without magnification.

Micrographics. The science, art and technology of document and information miniaturization and associated microform systems.

Notch. Used to identify the sensitized side of a peace of photographic film.

Reduction, effective. A measure of the number of times a given linear dimension of a similar conventional document would be reduced to equal the size of the COM generated microimage.

Row. A horizontal series of microimages on microfiche.

Sensitized Side. The side of the microform coated with a photosensitive material.

Specification. A document which describes the essential and technical requirements for items, materials and services including procedures by which it will be determined that the requirements have been met.

Standard. A document that establishes engineering and technical limitations and applications for items, materials, processes, methods, designs and engineering practices.

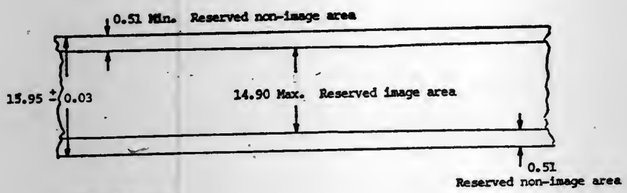
System. (1) All the harware, software, microforms, etc. employed from production through utilization. (2) An assembly of elements used to fulfill an application requirement.

5. *Dimensioning.* The dimensions used in this standard are expressed in the metric system (SI), all dimensions shown being in millimeters. See FIPS Pub 34, *ANSI Metric Practice Guide* Z210.1 (ASTM E380–72).

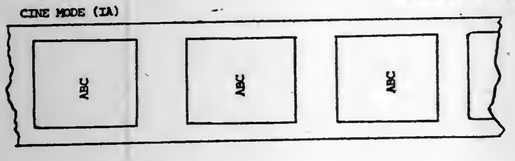
V 401248 DEC 24 75 XUM

NOTICES

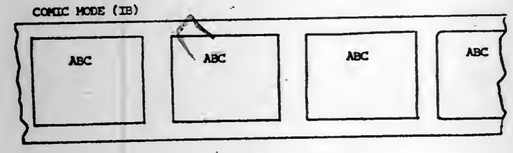
FORMAT 1. 16mm Roll Microfilm 24:1



CINE MODE (IA)

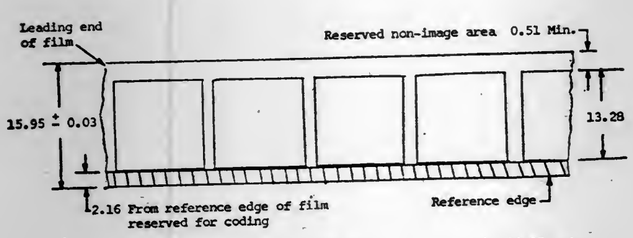


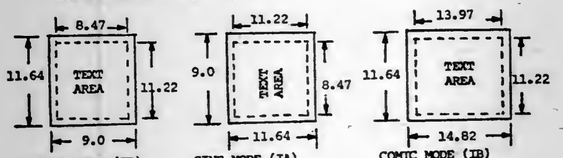
COMIC MODE (IB)



1. Effective reduction 24:1.
2. Dimensions in millimeters.

FORMAT 2. 16mm Roll Microfilm, Document Mark (Blip), 24:1

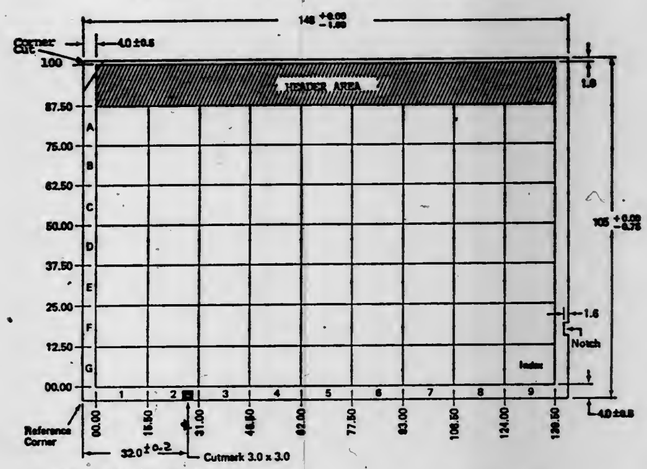




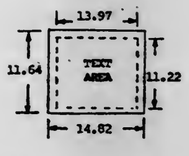
1. Effective reduction 24:1.
2. Dimensions in millimeters.
3. The text area shown in figure 1 and 2 represents the data placed on a 216.0mm x 279.4mm (8.5 x 11 in) page (typically 64 lines of 80 characters).
4. The text area shown in figure 3 represents the data placed on a 355.6mm x 279.4mm (14 x 11 in) page (typically 64 lines of 132 characters).

NOTICES

FORMAT 3. Microfiche 63 Frame (7 Rows X 9 Columns) 24:1



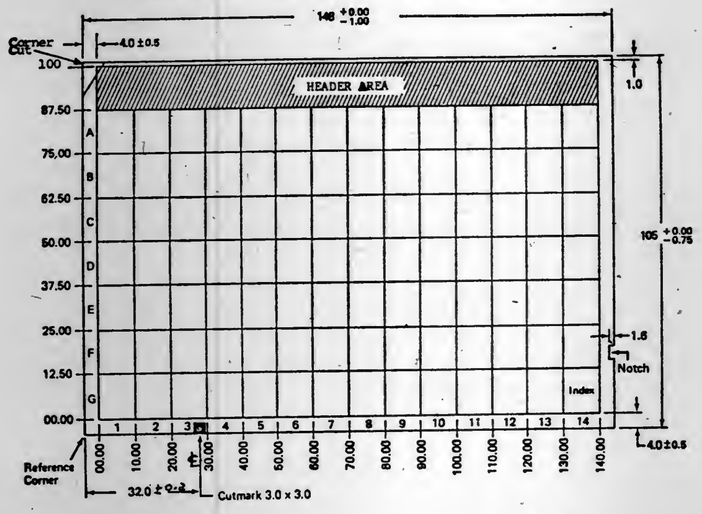
1. Effective Reduction 24X.
2. Dimensions in millimeters.
3. Grid lines shown do not appear on microfiche.
4. With the notch and corner cut in the positions shown on this drawing the sensitized side is facing the observer.



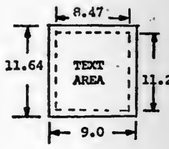
The text area shown represents the data placed on a 355.6mm x 279.4mm (14 x 11 in) page (typically 64 lines of 132 characters).

V 40 248 DEC 24 75 XUM

FORMAT 4. Microfiche 98 Frame (7 Rows X 14 Columns) 24:1

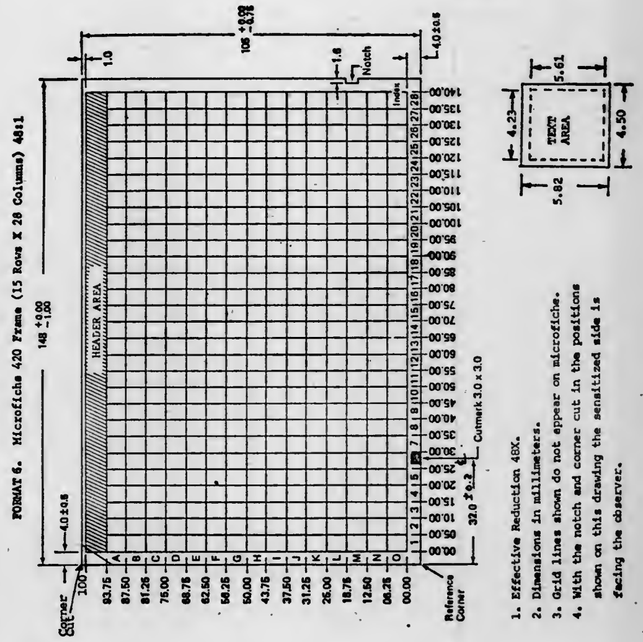


1. Effective Reduction 24X.
2. Dimensions in millimeters.
3. Grid lines shown do not appear on microfiche.
4. With the notch and corner cut in the positions shown on this drawing the sensitized side is facing the observer.



The text area shown represents the data placed on a 216.0mm x 279.4mm (8.5 x 11 in) page (typically 64 lines of 80 characters).

FORMAT 6. Microfiche 420 Frame (15 Rows X 28 Columns) 48:1

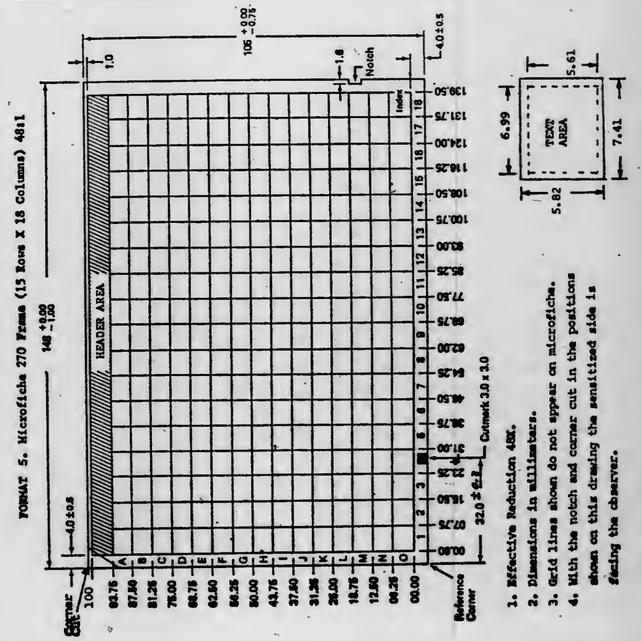


1. Effective Reduction 48X.
2. Dimensions in millimeters.
3. Grid lines shown do not appear on microfiche.
4. With the notch and corner cut in the positions shown on this drawing the sensitized side is facing the observer.

The text area shown represents the data placed on a 216.0mm x 279.4mm (8.5 x 11 in) page (typically 64 lines of 80 characters).

[FR Doc.75-34631 Filed 12-23-75;8:45 am]

FORMAT 5. Microfiche 270 Frame (15 Rows X 18 Columns) 48:1



1. Effective Reduction 48X.
2. Dimensions in millimeters.
3. Grid lines shown do not appear on microfiche.
4. With the notch and corner cut in the positions shown on this drawing the sensitized side is facing the observer.

The text area shown represents the data placed on a 355.6mm x 279.4mm (14 x 11 in) page (typically 64 lines of 132 characters).

V40248 DEC 24 75 XUM

National Oceanic and Atmospheric Administration

MARINE MAMMALS

Receipt of Application for a General Permit

Notice is hereby given that the following applications for general permits to allow the taking of marine mammals incidental to the course of commercial fishing operations as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the regulations thereunder have been received: The United Fishermen of Alaska, Box 1352, Juneau, Alaska 99801, has applied for a general permit, Category 3, "Encircling Gear, Seining other than Yellowfin Tuna."

The United Fishermen of Alaska, Box 1352, Juneau, Alaska 99801, has applied for a general permit, Category 4, "Stationary Gear."

The United Fishermen of Alaska, Box 1352, Juneau, Alaska 99801, has applied for a general permit, Category 5, "Other Gear."

Applicants are holders of general permits issued in 1975 which expire on December 31, 1975.

Copies of the applications are available for review as follows: Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 (telephone 202/634–7283); Office of the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801 (telephone 907/586–7221). Interested parties may submit written views on this application within 30 days of the publication of this notice to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Dated: December 17, 1975.

HARVEY M. HUTCHINGS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.75–34718 Filed 12–23–75;8:45 am]

National Marine Fisheries Service

VAN DONWEN'S SEALS

Issuance of a Permit for a Marine Mammal

On September 11, 1975, notice was published in the FEDERAL REGISTER (40 F.R. 42231) that an application had been filed with the National Marine Fisheries Service by Van Donwen's Seals to take one (1) California sea lion (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on December 1, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit to Van Donwen's Seals, for the above mentioned taking, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235; the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and in the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33902.

Dated: December 1, 1975.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.75–34717 Filed 12–23–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Notice of Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of January 1976:

Clinical Psychopharmacology Research Review Committee—January 12–13; 9:00 a.m., Holiday Inn, Golden Gateway, 1500 Van Ness Avenue, San Francisco, California. Open, January 12, 9:00–10:00 a.m. Closed, Otherwise. Contact Antoinette C. Simms, Parklawn Building, Room 9–105, 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3524.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 10:00 a.m., January 12, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Preclinical Psychopharmacology Research Review Committee—January 12–13; 9:00 a.m. Oregon Room, Holiday Inn, Golden Gateway, 1500 Van Ness Avenue, San Francisco, California. Open, January 12, 9:00–9:30 a.m. Closed, Otherwise. Contact Marion Miller, Parklawn Building, Room 9–97, 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3454.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to preclinical psychopharmacology research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 9:30 a.m., January 12, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact persons listed above.

The NIMH Information Officer who will furnish summaries of the meetings and rosters of the committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Technical Information, National Institute of Mental Health, Room 15–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 29852, telephone number 301–443–3600.

Dated: December 19, 1975.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75–34817 Filed 12–23–75;8:45 am]

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

This notice announces forthcoming meetings of the public advisory committees of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meetings and the methods by which interested persons may participate in the open public hearings conducted by the committees. The notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)). The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Panel on Review of Baeterial Vaccines and Toxoids.	Jan. 12 and 13, 9 a.m., Room 121, Building 29, NIH, 8800 Rockville Pike, Bethesda, Md.	Open public hearing Jan. 12, 9 to 10 a.m.; open committee discussion Jan. 12, 10 a.m. to 2 p.m.; closed committee deliberations Jan. 12, 2 to 4 p.m.; Jan. 13, 9 a.m. to 4 p.m.; Jack Gertzog (HFB–5), 8800 Rockville Pike, Bethesda, Md. 20014, 301–496–4545.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of biological products.

Agenda—Open public hearing. During this portion any interested person may preset data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of minutes of previous meeting; discussion and prsentation of communications received; discussion of tetanus immune globulin.

Closed committee deliberations. Review of the following specific products: tetanus immune globulin; tetanus antitoxin, diphtheria antitoxin, pertussis immune globulin, H. influenza typing serum. Data submissions possibly including trade secret information will be reviewed. This portion of the meeting will be closed to protect the free exchange of internal views and to avoid undue interference with committee operations (5 U.S.C. 552(b)(4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
2. Panel on Reye's Syndrom of the Neurologic Drugs Advisory Committee.	Jan. 19, 9:30 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9:30 to 10:30 a.m.; open committee discussion 10:30 a.m. to 3:30 p.m.; closed committee deliberations 3:30 to 4:30 p.m.; Stephen C. Groft (HFD–120), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3800.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in neurologic diseases.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of the relationship of the administration of anti-emetics and/or aspirin to the clinical outcome of Reye's Syndrome and encephalopathy.

Closed committee deliberations. This portion of the meeting will be closed to protect the free exchange of internal views, formulation of recommendations, and to vote on recommendations to be sent to the FDA's Neurologic Drugs Advisory Committee (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
3. Panel on Review of Bacterial Vaccines and Bacterial Antigens.	Jan. 29 and 30, 9 a.m., Room 121, Building 29, NIH, 8800 Rockville Pike, Bethesda, Md.	Open public hearing Jan. 29, 9 to 10 a.m.; closed committee deliberations Jan. 29, 10 a.m. to 4 p.m., Jan. 30, 9 a.m. to 4 p.m.; Jack Gertzog (HFB–5), 8800 Rockville Pike, Bethesda, Md. 20014, 301–496–4545.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of biological products.

Agenda—Open public hearing. During this portion of the meeting any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Discussion of previous minutes and communications received.

Closed committee deliberations. Review of the draf report with FDA officials. This portion of the meeting will be closed to protect the free exchange of internal views and to avoid undue interference with committee operations (5 U.S.C. 552(b)(5)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1-hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact personf the approximate time of discussion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.C. 552(b)(4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves inter-agency or intra-agency memoranda or discussion and deliberations of matters that, if in writing would constitute such memoranda, and which would, therefore, be exempt from public disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussions portion of the meeting); review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have previously been made public, and presentation of any other data or information that is not exempt from public disclosure.

Dated: December 18, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75–34816 Filed 12–23;75;8:45 am]

Office of Education

Notice of Public Meeting of the National Advisory Council on Adult Education.

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the

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next meeting of the National Advisory Council on Adult Education will be held on January 22–23, 1976, from 8:00 a.m. to 8:00 p.m., and on January 24, 1976, from 8:30 a.m. to 2:00 p.m., at The Monteleone, 214 Rue Royale, New Orleans, Louisiana.

The National Advisory Council on Adult Education is established under Section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general rules and regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council shall be open to the public.

The proposed agenda includes: Panel presentations on adult education futures by state directors and state advisory councils. Standing and ad hoc committee reports and recommendations. General Council business for 1976.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Adult Education located in Room 323, Pennsylvania Bldg., 425 13th Street, N.W., Washington, D.C. 20004).

Signed at Washington, D.C. on December 18, 1975.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc.75-34688 Filed 12-23-75;8:45 am]

Office of the Secretary

HOSPITAL INSURANCE MONTHLY PREMIUM

Premium Rate for the Uninsured Aged

Pursuant to authority contained in section 1818(d)(2) of the Social Security Act (42 U.S.C. 1395i-2(d)(2)), I hereby determine and promulgate that the monthly hospital insurance premium, applicable for the 12-month period commencing July 1, 1976, is $45.

Section 1818 of the Social Security Act, added by section 202 of the Social Security Amendments of 1972 (Pub. L. 92-603), provides for voluntary enrollment in the hospital insurance program (Part A of Medicare) by certain uninsured persons 65 and older who are otherwise ineligible. Section 1818(d)(2) of the Act requires the Secretary to determine and promulgate, during the final quarter of 1975, the dollar amount which will be the monthly Part A premium for voluntary enrollment, for months occurring in the 12-month period beginning July 1, 1976. As required by statute, this amount must be $33 times the ratio of (1) the 1976 inpatient hospital deductible to (2) the 1973 inpatient hospital deductible, rounded to the nearest multiple of $1, or if midway between multiples of $1, to the next higher multiple of $1.

Under section 1813(b)(2) of the Act, the 1976 inpatient hospital deductible was determined to be $104. The 1973 deductible was actuarially determined to be $76. However, the 1973 deductible was actually promulgated to be only $72 to comply with a ruling of the Cost of Living Council. This has created some ambiguity in the use of the statutory formula for calculating the premium. The premiums for fiscal years 1975 and 1976 were both calculated using the actuarially determined deductible of $76 since this appeared to most closely satisfy the intent of the law. Similarly, the premium for the twelve month period ending June 30, 1977 has been calculated using the $76 deductible for 1973. Thus the monthly hospital insurance premium is $33×(104/76)=$45.16 which is rounded to $45.

The purpose of the premium formula is to adjust the original $33 premium for changes in the cost of providing hospital care. The ratio of the inpatient hospital deductibles does this approximately, since the deductible as calculated under section 1813(b)(2), is based on the average daily cost of providing hospital care under the hospital insurance program. However, the deductible is calculated (by law) from data reflecting program experience in an earlier year. The increase in the 1976 deductible (and thus the increase in the premium now being promulgated) results from the increase in hospital per diem costs in calendar year 1974 over 1973. In addition, the premium calculation fails to adjust for changes in the hospital utilization rate and in changes in non-hospital costs under the program. For these reasons, the premium can only be a rough approximation to actual per capita program costs.

In particular, the $45 premium rate is not expected to be adequate to pay for the estimated cost of enrollees in the year ending June 30, 1977. The table below compares the premium rates charged with the estimated cost per enrollee (assuming that the average cost per premium paying enrollee is the same as the average cost for insured aged enrollees). The table also shows, year-by-year, the difference between premium charged and cost per enrollee and the accumulated value of the excess or deficit. Finally, the table shows the actuarially adjusted rate that would be necessary to pay the current year's cost and the accumulated surplus or deficit from prior years. For the year ending June 30, 1977, it is estimated that the cost per enrollee will be $51.50 and that a deficit of $4.10 per enrollee will be carried forward from previous years. Therefore, a rate of $55.60 would be required to place the premium paying enrollee group on a fully self-supporting basis by June 30, 1977.

Comparison of promulated premium rates with the actuarially adjusted rate

Year ending June 30 (1)	Promulgated premium rate (2)	Estimated cost per enrollee in the year (3)	Premium less cost (4)	Accumulated value of col. (4) for prior years[1] (5)	Actuarially adjusted rate, col. (3) minus col. (5) (6)
1974	$33	$30.50	+$2.50		$30.50
1975	36	37.40	−1.40	+$2.10	35.30
1976	40	44.60	−4.60	+.60	44.00
1977	45	51.50	−6.50	−4.10	55.60

[1] For a given year, this value is the sum of the differences shown in col. (4) for all preceding years, accumulated with interest and changes in size of enrollment.

The deficit in the premium rate must be temporarily, at least, made up from other sources of income to the Part A trust fund. If the voluntary enrollment program is to be self-supporting in the long run, some future premium rates will have to be greater than actual per capita costs in order to pay off the deficit projected for June 30, 1977. This could occur, for example, if the rate of increase in hospital costs were to decline sufficiently between the year used in calculating the premium and the year that the premium was to be effective.

Dated: December 18, 1975.

MARJORIE LYNCH,
Acting Secretary.

[FR Doc.75-34714 Filed 12-23-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-493-DR; NFD-316]

ALASKA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on December 18, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Alaska resulting from fire and freezing beginning about December 2, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Alaska.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. William H. Mayer, HUD Region X, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Alaska to have been adversely affected by this declared major disaster:

The City of: Bethel.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: December 18, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-34713 Filed 12-23-75;8:45 am]

ACTION

FOSTER GRANDPARENT AND SENIOR COMPANION PROGRAMS

Income Eligibility Level

This notice revises the schedule of income eligibility levels for individuals and families for the Foster Grandparent Program and the Senior Companion Program published in the FEDERAL REGISTER of August 26, 1975 (40 FR 37248). Based on figures effective August 8, 1975, obtained from the Community Services Administration Income Poverty Guidelines dated June 30, 1975, these amounts include State supplements to the Federal Supplemental Security Income (SSI) Program.

These ACTION programs are authorized pursuant to section 211 of the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, 87 Stat. 402. Pursuant to section 421(4) of Pub. L. 93-113, 87 Stat. 414, the income eligibility levels are determined by the currently applicable guideline published by the Community Services Administration, pursuant to section 625 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2971(a)), and increased by the amounts individual States supplement the Federal Supplemental Security Income (SSI) program. The State supplemental payments reflect the higher cost of living in the geographic area to be served by the project. Section 625 permits the CSA guideline to be adjusted for cost-of-living changes.

The income eligibility levels will be reviewed at least once a year, and similar schedules will be prepared to reflect any changes required as a result of that review.

Pursuant to section 420 of Pub. L. 93-113, this policy will become effective January 23, 1976.

ACTION schedule of income eligibility levels for foster grandparents or senior companions

State	Individuals	Family of 2[1]	Family of 3[1]
Alabama	$2,640	$3,586	$4,420
Alaska	5,015	6,545	7,585
Arizona	2,640	3,475	4,310
Arkansas	2,640	3,475	4,310
California	3,850	6,485	7,320
Colorado	3,080	5,070	5,905
Connecticut	3,745	4,580	5,115
Delaware	2,640	3,475	4,310
District of Columbia	2,640	3,475	4,310
Florida	2,640	3,475	4,310
Georgia	2,640	3,475	4,310
Hawaii	3,315	4,420	5,390
Idaho	3,305	4,065	4,900
Illinois	2,980	3,475	4,310
Indiana	2,640	3,475	4,310
Iowa	2,640	3,475	4,310
Kansas	2,640	3,475	4,310
Kentucky	2,640	3,475	4,310
Louisiana	2,640	3,475	4,310
Maine	2,760	3,455	4,490
Maryland	2,640	3,475	4,310
Massachusetts	4,065	5,700	6,520
Michigan	2,880	3,940	4,700
Minnesota	3,010	3,980	4,785
Mississippi	2,640	3,475	4,310
Missouri	2,640	3,475	4,310
Montana	2,640	3,475	4,310
Nebraska	3,445	4,360	5,115
Nevada	3,300	4,745	5,580
New Hampshire	2,880	3,900	4,420
New Jersey	3,720	3,780	4,600
New Mexico	2,640	3,475	4,310
New York	3,370	4,360	5,220
North Carolina	2,640	3,475	4,310
North Dakota	2,640	3,475	4,310
Ohio	2,640	3,475	4,310
Oklahoma	2,985	4,125	4,960
Oregon	2,985	3,720	4,540
Pennsylvania	2,880	3,525	4,670
Rhode Island	3,080	4,295	5,045
South Carolina	2,640	3,475	4,310
South Dakota	2,640	3,475	4,310
Tennessee	2,640	3,475	4,310
Texas	2,640	3,475	4,310
Utah	2,640	3,475	4,310
Vermont:			
Area 1	2,880	3,985	4,309
Area 2	2,880	4,295	5,040
Virginia	2,640	3,475	4,310
Washington:			
Area 1	3,070	3,955	4,790
Area 2	2,890	3,805	4,440
West Virginia	2,640	3,475	4,310
Wisconsin	3,480	4,735	5,570
Wyoming	2,640	3,475	4,310
Puerto Rico	2,640	3,475	4,310
Virgin Islands	2,880	3,475	4,310

[1] "Family" refers to a group of 2 or more persons related by blood, marriage, or adoption and residing together.

JOHN L. GAMLEY,
Deputy Director.

[FR Doc.75-34652 Filed 12-23-75;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

AMERICAN REVOLUTION BICENTENNIAL ADVISORY COMMITTEE ON RACIAL, ETHNIC AND NATIVE AMERICAN PARTICIPATION IN THE BICENTENNIAL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the American Revolution Bicentennial Committee on Racial, Ethnic and Native American Participation in the Bicentennial will be held on January 8 & 9, 1976, in Room 2010 of the New Executive Office Building in Washington, D.C. The meeting will begin at 8:30 a.m.

The tentative agenda includes the discussion of a pilot Forum meeting, a proposed media series highlighting the ethnic and racial cultural diversity in this country, the July 4, 1976 celebration and the Ethnic Racial filmagraph.

The meeting will be open to the public on a space available meeting. Further information can be obtained from Verna E. Clayborne, Director of Ethnic Racial Programs, American Revolution Bicentennial Administration, 2401 E Street, NW., Washington, D.C. 20276, Telephone (202) 634-1767.

JOHN W. WARNER,
Administrator.

[FR Doc.75-34747 Filed 12-23-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 75-12-103, Docket Nos. 28570, 22859]

THE FLYING TIGER LINE INC.

Domestic Air Freight Rate Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of December, 1975.

By tariff revision[1] issued November 21 and marked to become effective December 21, 1975, The Flying Tiger Line Inc. (Tiger) proposes to cancel existing rates on vegetables[2] in the Los Angeles to New York market at the 5,000 and 10,000 pound weightbreaks and to introduce a sharply reduced rate for bulk movements of 3,000 pounds and over. The proposed rate of $8.70 per hundredweight is 39 percent below the present 10,000 pound rate of $14.35, and 45 percent below the current 5,000 pound rate of $15.80. Shipments are accepted on a space available basis and are to be exempt from Rule 20.[3]

A complaint was filed by Trans World Airlines, Inc. (TWA) requesting suspension and investigation of the proposal. The complaint alleges, *inter alia*, that (1) the proposed rate does not cover noncapacity cost; (2) Tiger incorrectly used 1972 cost data in justifying its rate; (3) the proposal results in undue preference to a single shipper and unjustly discriminates against all other shippers; and (4) exemption of the rate from Rule 20 will permit container loads of vegetables to be shipped at less than the minimum container charge.

[1] Revision to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 169.

[2] Item No. 0139006 (Vegetables, N.E.S., processed through sorting, cutting and/or trimming, packed in bags or cartons).

[3] Rule 20 states that "Except as otherwise provided, rates and charges named in the tariff are subject to Official Air Freight Unit Load Device Tariff No. ULD-1, C.A.B. No. 256, Official Air Freight Container Tariff No. CT-7 C.T.C.(A) No. 116, C.A.B. No. 227, issued by Airline Tariff Publishing Company, Agent for commodities in containers and unit load devices as specified therein." This means this traffic will be accepted at bulk rates even if tendered in containers.

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In support of its proposal, and in answer to the complaint, Tiger contends that the proposed rate (1) covers noncapacity cost and contributes to capacity cost when calculated in accordance with the formula used in the *Domestic Air Freight Rate Investigation* (DAFRI); (2) covers its own noncapacity cost for 1975; (3) is designed to match TWA's LD-3 container rate on vegetables on a per hundredweight basis[1]; (4) will retain for Tiger an account which shipped 306,300 pounds of traffic in the first nine months of 1975; and (5) should develop $35,532 in revenue based on the traffic volume experienced in the first nine months of 1975.

The proposal comes within the scope of the *Domestic Air Freight Rate Investigation* (DAFRI), Docket 22859, and its lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposal or to permit it to become effective pending final decision in DAFRI.

The Board has reviewed the proposed rate in the light of industry-average costs of carrying air freight (including return on investment),[2] finds that it does not cover either terminal or noncapacity cost and, therefore, believes it should be suspended.

Tiger's cost justification was originally grounded on the noncapacity cost figures used by the Administrative Law Judge in the Initial Decision in DAFRI. These figures reflect costs prevailing for 1972, and must be updated to remain meaningful. In answer to the complaint, Tiger further contends that the rate covers its own noncapacity cost for 1975. We have no basis on which to judge the validity of this claim, and reiterate our intention to assess the reasonableness of the proposed rate changes by comparison with industry-average cost. Comparison reveals the rate to be noncompensatory when applied to bulk traffic.

Suspension of the proposed rate does not preclude attempts to match the TWA container rate with a Tiger container rate. We understand Tiger's desire to retain large shippers. A reduced bulk rate, however, may not be considered a matching rate because there are inherent cost differences between bulk and container service that Tiger does not fully recognize.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204a, 403, 404, and 1002 thereof,

It is ordered that:

1. Pending hearing and decision by the Board, the new rate, subject to a minimum weight of 3,000 pounds, and the cancellation of the rates, subject to minimum weights of 5,000 and 10,000 pounds, on SCR 0139905 from Los Angeles to New York/Newark on 40th Revised Page 626-A of Tariff C.A.B. No. 169, issued by Airline Tariff Publishing Company, Agent, is suspended and its use deferred to and including March 19, 1976, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension except by order or special permission of the Board; and

2. Except to the extent granted herein, the complaint of Trans World Airlines, Inc., in Docket 28570 is dismissed; and

3. Copies of this order shall be filed with the tariff.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-34711 Filed 12-23-75;8:45 am]

[1] The LD-3 container flat rate of $232 is divided by 2800 pounds to produce an effective rate per hundredweight of $8.29. A loading charge estimated by Tiger to be $6.00 is added to TWA's Unloading Service Charge of $6.00 for the LD-3, resulting in an additional charge of $0.43 per hundredweight.

[2] For present purposes the costs utilized are the same as those presented in the Bureau of Economics' brief to the Board which are essentially consistent in methodology with the Initial Decision in DAFRI. Further, these calendar year 1974 costs have been updated to reflect the levels prevailing during the nine-month period ended September 30, 1975.

[Docket No. 28666; Order 75-12-104]

UNITED AIR LINES, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of December, 1975.

By tariff revisions[1] posted November 21, 1975, and scheduled to become effective January 5, 1976, United Air Lines, Inc. (United) proposes, *inter alia*, to increase the minimum charge for C.O.D. service from $1.00 to $4.00 per shipment. The basic charge of 50¢ per $100 collected remains unchanged.

In support of the proposal, United asserts that C.O.D. minimum charges have not been increased since 1951; that labor costs have increased 344 percent since that time; and that the proposed increase, amounting to 300 percent, merely recovers increased labor costs.

Upon consideration of all relevant factors, the Board concludes that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

While United has submitted data showing the increase in average *monthly* wage rates of its air freight agents since 1951, the carrier has not related the actual cost of C.O.D. service to the proposed charge. United has not submitted any data on man-minutes or other cost-causative factors indicating that the proposed increase is warranted. Therefore, consistent with its findings in previous orders,[2] the Board will suspend United's proposal pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered that:

1. An investigation is instituted to determine whether the provision reading "(Not applicable to UA)" in Rule No. 66 (G)(1)(a) and the provisions in Rule No. 66(G)(1)(b) on 26th Revised Page 36-A of Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 96, and rules, regulations, and practices affecting such provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions reading "(Not applicable to UA)" in Rule 66(G)(1)(a) and the provisions in Rule No. 66(G)(1)(b) on 26th Revised Page 36-A of Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 96, are suspended and their use deferred to and including April 3, 1976, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein designated Docket 28666, be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon United Air Lines, Inc., which is hereby made a party to Docket 28666.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-34712 Filed 12-23-75;8:45 am]

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 96.

[2] See, e.g., Orders 75-11-43 and 72-4-53.

[Order 75-12-98; Docket Nos. 22859, 26838]

WESTERN AIR LINES, INC.

Domestic Air Freight and Priority Reserved Air Freight Rates Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of December, 1975.

By tariff revisions[1] issued November 19, and scheduled to become effective December 23, 1975, Western Air Lines, Inc. (Western) proposes, *inter alia*, to increase various bulk general and specific commodity rates and charges in selected markets by as much as 10 percent. Corresponding priority reserved general commodity rates are to be increased by an equal percentage.

In support of the proposal, Western asserts that, due to competition, the markets involved were exempted from Western's July 1, 1975, increase, and thus have already been cost-justified, and that the proposed rates do not exceed competitive rates filed by other carriers. The carrier anticipates a net revenue gain of $262,000 annually.

The proposed rates and charges come within the scope of either the *Domestic Air Freight Rate Investigation* (DAFRI), Docket 22859, or the *Priority Reserved Air Freight Rates Investigation* (PRAFRI), Docket 26838, and their lawfulness will be determined in those proceedings. The issue now before the Board is whether to suspend the proposed increases or to permit them to become effective pending investigation.

The Board has reviewed the proposed increases in the light of recent industry-average costs (including return on investment) of carrying air freight,[2] and finds several 100-pound general commodity rates between Hawaii and the Mainland that exceed costs, as well as a limited number of specific commodity rates that exceed the general commodity rates.

Upon consideration of all relevant factors, the Board finds that the above rates should be suspended pending final decision in DAFRI. The Board further concludes that the proposed 100-pound priority rates in the same markets should be suspended, pending investigation, inasmuch as they would exceed 130 percent of the regular general commodity rates.

The Board will also suspend a number of increased priority rates that exceed 130 percent of the otherwise applicable regular service specific commodity rates or charges. Although the Board permitted Western (as well as Continental Air Lines, Inc.) to establish such priority general commodity rates including minimum charges reflecting the 100-pound weightbreak priority rate, the Board subsequently found that a 30 percent premium over the applicable rates (whether general or specific commodity rates) was the highest that should be permitted, pending decision in PRAFRI.[3]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered that: 1. Pending hearing and decision by the Board, the increased rates and charges described in Appendix A hereto are suspended and their use deferred to and including March 21, 1976, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension, except by order or special permission of the Board; and

2. Copies of this order shall be filed with the tariff.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 169.

[2] For present purposes the costs utilized are the same as those presented in the Bureau of Economics' brief to the Board which are essentially consistent in methodology with the Initial Decision in the *Domestic Air Freight Rate Investigation*, Docket 22859. Further, these calendar year 1974 costs have been updated to reflect the levels prevailing during the nine-month period ended September 30, 1975.

[3] Due to the technicalities of tariff publication, in the cases of increases in priority minimum charges resulting in premiums in excess of 30 percent over regular minimum charges, the Board will also suspend the proposed 100-pound weightbreak rate. The Board believes that Western should publish an under 100-pound rate applicable to its priority freight service to help eliminate inequities in the current minimum-charge structure.

Further, the Board believes that the existing premium over general commodity rates for priority service is too great when applied to traffic that would otherwise move on discounted specific commodity rates, inasmuch as such premiums will be significantly greater than 30 percent. In short, where Western maintains a specific commodity rate on a particular commodity, when moving in priority service the commodity takes 130 percent of the general commodity rate rather than the specific commodity rate.

TARIFF C.A.B. No. 169, ISSUED BY AIRLINE TARIFF PUBLISHING COMPANY, AGENT

1. The increased general commodity (GEN) rates *from* the point in Column A *to* the point in Column B subject to a minimum weight of 100 pounds on the pages listed in Paragraph 5.

Col. A	Col. B
Denver	Honolulu/Hilo.
Honolulu/Hilo	Denver, Los Angeles, Phoenix, Portland, Ore., San Diego, San Francisco / Oakland / San Jose.
Los Angeles, Phoenix, Portland, Ore., San Diego, San Francisco/ Oakland / San Jose Ontario/ San Bernardino.	Honolulu/Hilo.

2. The increased priority reserved (PRF) general commodity rates *from* the point in Column A *to* the point in Column B subject to the minimum weight(s) in pounds shown in Column C on the pages listed in Paragraph 5.

Col. A	Col. B	Col. C
Denver	Honolulu/Hilo	100, 220, 1,000, 2,000, 3,000, 5,000.
Honolulu/Hilo	Denver	100, 220, 1,000, 2,000, 3,000.
Denver	Los Angeles	220, 1,000, 2,000, 3,000.
Los Angeles	Denver	100, 220, 1,000, 3,000.
Ontario/San Bernardino	do	220, 1,000, 2,000.
Honolulu/Hilo	Los Angeles	100, 220.
Los Angeles	Honolulu/Hilo	100, 220, 440.
Ontario/San Bernardino	do	100.
Honolulu/Hilo	Phoenix	100, 220, 440, 1,000, 2,000, 3,000, 10,000.
Phoenix	Honolulu/Hilo	100, 220, 440.
Honolulu/Hilo	Portland, Oreg	100, 220, 440.
Portland, Oreg	Honolulu/Hilo	100, 220, 440.
Honolulu/Hilo	San Diego	100, 220, 440, 1,000, 2,000.
San Diego	Honolulu/Hilo	100, 220, 440, 1,000, 2,000, 3,000.
Honolulu/Hilo	San Francisco/Oakland/San Jose	100, 220.
San Francisco/Oakland/San Jose	Honolulu/Hilo	100, 220, 440.
Honolulu/Hilo	Seattle	100, 440.
Seattle	Honolulu/Hilo	100, 440.
Los Angeles	Phoenix	220.
Phoenix	Los Angeles	220.

3. The increased priority reserved (PRF) general commodity minimum charges *from* the point in Column A *to* the point in Column B on the pages listed in Paragraph 5.

Col. A	Col. B
Denver	Honolulu/Hilo.
Honolulu/Hilo	Denver.
Denver	Los Angeles.
Honolulu/Hilo	Do.
Phoenix	Honolulu/Hilo.

4. The increased specific commodity (SCR) rates *from* the point in Column A *to* the point in Column B stated to apply on item numbers shown in Column C subject to minimum weight(s) shown in Column D on the pages listed in Paragraph 5.

Col. A	Col. B	Col. C	Col. D
Los Angeles	Denver	9899	3,000
Ontario/San Bernardino	do	9899	3,000
Honolulu/Hilo	Los Angeles	0072	440
Do	San Diego	0633, 0630	1,000
Los Angeles	Phoenix	0800	220, 2,000, 3,000, 5,000

5. Pages which contain rates suspended in Paragraphs 1, 2, 3 and 4 above:

24th Revised Page 1394
30th Revised Page 1395
28th Revised Page 1403
28th Revised Page 1404
23rd Revised Page 1405
23rd Revised Page 1406
25th Revised Page 1412

[FR Doc.75-34710 Filed 12-23-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON AND MAN-MADE FIBER TEXTILE PRODUCTS FROM THE REPUBLIC OF CHINA

Import Control Levels

DECEMBER 19, 1975.

On May 21, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and the Republic of China concluded a comprehensive bila-

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teral cotton, wool and man-made fiber textile agreement concerning exports of cotton, wool and man-made fiber textile products from the Republic of China to the United States over a period of three years beginning on January 1, 1975. Among the provisions of the agreement are those establishing an aggregate limit for Categories 1–64, 101–132, and 200–243; group limits within the aggregate for Categories 1–38, 64, 200–213 and 241–243; Categories 39–63 and 214–240; and Categories 101–132; and within the applicable aggregate and group limits, specific limits for Categories 9/10, 18/19, 22/23, 43 and part of 62 (shirts and blouses), 45/46/47, 48, 49, 50/51, 60, 213, 219, 221, 222, 224, and 234/235 for the agreement year beginning on January 1, 1976.

Accordingly, there is published below a letter of December 19, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that entry into the United States for consumption and withdrawal from warehouse for consumption in Categories 9/10, 18/19, 22/23, 43 and part of 62 (shirts and blouses), 45/46/47, 48, 49, 50/51, 60, 213, 219, 221, 222, 224, and 234/235 be limited to the designated levels. The levels of restraint set forth below for man-made fiber textile products in Categories 219, 221, and 224 have been reduced by the amount of carryforward applied to these categories in the previous agreement year. A further reduction has been made in the level for Category 219 to account for previous overshipments, as provided in paragraph 10 of the bilateral agreement.

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the new bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DECEMBER 19, 1975.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975 between the Governments of the United States and the Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on January 1, 1976 and for the twelve-month period extending through December 31, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the indicated categories in excess of the following levels of restraint:

Category:		12-mo level of restraint
9/10	square yards	36,532,153
18/19	do	1,976,466
22/23	do	3,920,061
43 and part of 62 (only T.S.U.S.A. Nos. 382.0002, 382.0605 and 382.0610)	square yards equivalent	871,822
45/46/47	do.[1]	3,191,486
48	dozen	23,375
49	do	37,188
50/51	do.[2]	670,415
60	do	42,500
213	pounds	8,129,147
219*	do	8,129,147
221*	dozen	4,925,555
222	do	3,576,597
224*	pounds	9,126,603
234/235	square yards equivalent	65,943,646

* These levels have been reduced to account for carryforward used in the previous agreement year.

[1] (Of which not more than 33,523 doz shall be in Category 45.)

[2] (Of which not more than 321,506 doz shall be in Category 50 and not more than 516,514 doz shall be in Category 51.)

[3] (Of which not more than 197,500 lb shall be in T.S.U.S.A. Nos. 380.0420 and 380.8143 and not more than 637,500 lb shall be in T.S.U.S.A. Nos. 380.0402 and 380.8103.)

In carrying out this directive, entries of cotton textile products in Categories 9/10, 18/19, 22/23, 43 and part of 62, 45/46/47, 48, 49, 50–51 and 60, produced or manufactured in the Republic of China and exported to the United States prior to January 1, 1976, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1975 through December 31, 1975. Entries of man-made fiber textile products in Categories 213, 219, 221, 222, 224, and 234/235, produced or manufactured in the Republic of China and exported to the United States prior to January 1, 1976, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1974 through December 31, 1975. In the event the levels of restraint established for these periods have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of May 21, 1975 between the Governments of the United States and the Republic of China which provide, in part, that: (1) within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 F.R. 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75-34722 Filed 12-23-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 75-20]

O. N. JONAS COMPANY, INC., AND GEORGE A. TITLOW

Flammable Fabrics Act Enforcement Proceeding

On November 18, 1975, by direction of the Commission, the Acting Secretary issued a Notice of Enforcement prepared by the Bureau of Compliance and directed to O. N. Jonas Company, Inc., a corporation, and George A. Titlow, individually, and as an officer of the company (Respondents) declaring in substance that the Commission's staff believes that the Respondents have violated the provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.), the Flammable Fabrics Act (15 U.S.C. 1191 et seq.), the rules and regulations promulgated under the Flammable Fabrics Act (16 CFR § 302), and the Standard for the Surface Flammability of Carpets and Rugs (FF 1-70, 35 FR 6211, April 16, 1970). Commission jurisdiction over this matter is based on the transfer of functions under the foregoing Acts to the Commission by Section 30 of the Consumer Product Safety Act (15 U.S.C. 2051, 2079).

The Staff states its charges as follows:

1. Respondent O. N. Jonas Company, Inc., is a corporation organized and doing business under the laws of the State of Georgia. Respondent George A. Titlow is an officer of the corporation. He formulates, directs, and controls the

acts, practices and policies of the corporation.

Respondents are engaged in the manufacture and sale of carpets and rugs with their office and principal place of business located at Fleming Street, Dalton, Georgia 30720.

2. Respondents are now and have been engaged in the manufacturing for sale, sale and offering for sale, in commerce, and have introduced, delivered for introduction, transported and caused to be transported in commerce, and have sold or delivered after sale or shipment in commerce, products, as the terms "commerce" and "product," are defined in the Flammable Fabrics Act (FFA). These products fail to conform to the requirements of an applicable standard as required by Section 3(a) of the FFA (15 U.S.C. 1192).

Among such products mentioned above was carpeting designated as style "Shag West" subject to the Standard for the Surface Flammability of Carpets and Rugs (FF 1-70), but which were not manufactured in conformance with all of the requirements of that standard.

3. Respondents furnished false guaranties in respect to certain carpeting designated as style "Shag West" with reason to believe that such carpeting might be introduced, sold or transported in commerce, in violation of Section 8(b) of the FFA.

4. Attached hereto are copies of the principal items of written evidence, marked Commission Exhibits 1–11 which the staff considers to constitute a prima facie case. Briefly described, the exhibits are test reports and inspection reports relating to samples of carpet manufactured by respondents which failed the aforementioned flammability tests under the Carpet Standard.

5. The aforesaid acts and practices of respondents were and are in violation of the FFA, as amended, and the rules and regulations promulgated thereunder; and as such constitute unfair methods of competition and unfair and deceptive acts and practices in commerce, within the intent and meaning of the Federal Trade Commission Act.

A proposed agreement containing a Consent Order to Cease and Desist the alleged violations was also furnished to Respondents. The identification of the exhibits which Enforcement Counsel considers as constituting a prima facie case will not preclude the introduction of further evidence relevant and material to the subject matter.

Counsel for Respondents has filed an answer constituting, in effect, a general denial of the substantive allegations in the Notice of Enforcement, and in addition, has included several affirmative defenses alleging as follows:

1. That the procedures utilized by the Commission in concluding that carpet samples failed to meet the requirements of the FFA as not being in accord with permissable procedures promulgated by the Federal Trade Commission or the Commission, were improper.

2. That said procedures are neither accurate nor reliable and that the failure of isolated carpet samples to meet the acceptance criteria of the Flammable Fabrics Standard does not constitute violation of the FFA.

3. That the Commission improperly rejected the results of intervening flammability tests which show compliance with said Standard.

4. That the Commission has misapplied the provisions of Section 3(a) of the FFA and the Standards thereunder.

5. That the samples of the carpet tested were not "in commerce" as that term is used in the FFA.

6. That the Respondents have already recalled from commerce unsold rolls of the carpet in question and, therefore, no additional benefits will inure to the public as a result of this proceeding.

7. That this proceeding is unnecessary and sohuld have been terminated by execution of voluntary assurances under Federal Trade Commission rules.

8. That Respondent corporation has previously executed a consent order agreement conforming with the Commission's decision in *Congoleum Industries, Inc.* (CPSC Docket No. 75-3), a case involving essentially identical facts and law, with the result that the imposition of a markedly different form of order, would violate Respondents' constitutional rights.

9. That no substantial hazard exists, and that the remedies contained in the proposed Order are unnecessary to adequately protect the public.

10. That the extent of Respondents' failure to comply with the FFA or the Standard, if any, was de minimus.

11. That the Respondent company exercised good faith in the production of the carpet in question by utilizing the latest flame retardant materials and by conducting extensive testing to insure continued compliance with the law.

12. That the proposed Order seeks to impose remedies based upon Section 15 (c) and (d) of the Consumer Product Safety Act, when in fact, Section 30(d) of said Act requires Respondents' conduct to be judged pursuant to the Federal Trade Commission Act and the FFA.

13. That the proposed Order is too broad in that it extends to all products subject to the FFA, although the issue herein concerns only carpet rolls.

14. That George A. Titlow is improperly joined as an individual although he engaged in no acts whatsoever that gave rise to this complaint.

15. That the proposed Order is ambiguous and extends the jurisdiction of the Commission beyond its statutory authority.

16. That the Notice of Enforcement is ambiguous in that it applies to all "Shag West" carpet production while the proposed Order extends to "Shag West" (foam backed) only.

17. That the Commission's regulations pertaining to guaranties and false guaranties are ambiguous, invalid, and unenforceable.

18. That the proposed Order is invalid insofar as it attempts to preclude the export of noncomplying product in contravention of Respondents' rights under 15 U.S.C. Section 1202(a).

19. That the proposed Order is invalid as to Respondent George A. Titlow, in that it would expose him to public ignominy and could seriously interfere with his ability to earn a livelihood—all in excess of the Commission's authority.

On the basis of the foregoing, Respondents' request dismissal of the Notice of Enforcement.

Issue having been joined, it is deemed necessary in order to organize the preparation for, and conduct of, the hearing, that a prehearing conference be held at 9:30 a.m., e.s.t., Tuesday, January 6, 1976, in the Commission's 7th Floor Conference Room, 1750 K St. NW., Washington, D.C. 20207.

Counsel are requested to exchange and file with this office memoranda setting forth (1) a definition of the issues to be heard, (2) requests for discovery, if any, (3) disclosure of the number of witnesses and the approximate length of time each presentation will entail, and (4) a proposal for the time, date and place of the hearing.

Dated: December 16, 1975.

PAUL N. PFEIFFER,
Administrative Law Judge.

[FR Doc.75-34646 Filed 12-23-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 454-2]

AIR POLLUTION PREVENTION AND CONTROL

Hazardous Air Pollutants, Addition to List

Section 112 of the Clean Air Act (42 U.S.C. 1857c-7) directs the Administrator of the Environmental Protection Agency to publish and from time to time revise a list of air pollutants, which in his judgment may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness and to which no national ambient air quality standard is applicable. Within 180 days after the inclusion of any air pollutant in the list, the Administrator is required to publish proposed regulations establishing emission standards for such pollutants together with a notice of a public hearing to be held within 30 days after publication of the notice.

The Administrator, after evaluating available information, has concluded that vinyl chloride is an air pollutant which meets the above requirements. Evaluation of other air pollutants is being conducted and the list will be revised from time to time as the Administrator deems appropriate. Accordingly, notice is given that the Administrator, pursuant to section 112(b)(1)(A) of the Act and after consultation with appropriate advisory committees, independent experts, and Federal departments and

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agencies in accordance with section 117 (f) of the Act, effective on December 24, 1975 amends the list of hazardous air pollutants to read as follows:

LIST OF HAZARDOUS AIR POLLUTANTS

* * * * *

4. Vinyl chloride

Dated: December 16, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-34512 Filed 12-23-75;8:45 am]

[PFTS; FRL 472-6]

FOOD ADDITIVE PETITION

Notice of Filing

Chemagro Agricultural Div., Mobay Chemical Co., PO Box 4913, Kansas City MO 64120, has submitted a food additive petition (FAP 6H5111) to the Environmental Protection Agency (EPA) which proposes to amend 21 CFR 123 and 561 by establishing food and feed additive regulations permitting the use of the insecticide which is a mixture of *O*-ethyl *O* - [4 - (methylthio) phenyl] *S* - propyl phosphorodithioate and xylene in a proposed experimental program involving application of the insecticide to growing cotton with a tolerance of 1.0 part per million for residues of the insecticide in cottonseed hulls and cottonseed oil.

Notice of this submission is given pursuant to Section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the petition number "FAP 6H5111." Comments may be made at any time while a petition is pending before the Agency. All written comments will be available for public inspection in the Office of the FEDERAL REGISTER from 8:30 a.m. to 4:00 p.m., Monday through Friday.

Dated: December 17, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75-34740 Filed 12-23-75;8:45 am]

[OPP-180067; FRL 473-1]

VERMONT DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Control the Meadow Vole in Vermont

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Vermont Department of Agriculture (hereafter referred to as the "Applicant") to use a diphacinone formulation to control populations of the meadow vole, which are threatening commercial apple orchards located in three counties in Vermont. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information set forth in the application. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, the meadow vole (*Microtus pennsylvanicus*) is a perennial problem in Vermont orchards, and is the principal rodent responsible for girdling of apple trees in the State. Populations of the meadow vole commonly cause economic damage to commercial apple orchards by girdling the tree trunks below snow cover during the winter months over much of the Northeast. Therefore, satisfactory control of this rodent must be accomplished before snow falls; the desired application time would be after the apple harvest is complete and before the first snows, which generally occur in late November.

Zinc phosphide and Endrin in formulations are registered for controlling meadow voles. However, the Applicant claimed that zinc phosphide is ineffective because it is very unstable in the presence of moisture and, unless packaged under ideal conditions, it deteriorates very rapidly. The use of Endrin poses definite risks to non-target species, especially birds. The Applicant proposed to use a 0.005 percent diphacinone pelletized bait formulation at the rate of 10 pounds of product (0.05 pounds A.I.) per acre.

The diphacinone formulation will be applied aerially by fixed-wing aircraft. Personnel involved in the application are experienced in all aspects of apple pest control, and include personnel from the University of Vermont Agricultural Experiment Station, University of Vermont Extension Service, Velsicol Chemical Corporation, and the Vermont Department of Agriculture. The economic benefits anticipated from the program will be adequate protection of certain orchards from meadow voles; some of these orchards experienced severe damage during the past several years. The controls proposed appear to be adequate to prevent misuse of the pesticide and prevent any serious short-term or long-term adverse environmental effects. The Fish and Wildlife Service of the U.S. Department of the Interior has reported that no endangered or threatened species occur within the proposed treatment area.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of meadow voles has occurred; (b) there is no pesticide presently registered likely to be efficacious and environmentally acceptable; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the meadow voles are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until December 31, 1975, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following additional provisions:

1. The dosage rate shall not exceed ten (10) pounds of the pelletized diphacinone bait (Ramik Brown, EPA Reg. No. 876-184AA) per acre (0.05 pounds A.I.);

2. The treated acreage shall not exceed 2,000 acres of apple orchards located in Addison, Bennington, and Windham counties;

3. The total actual diphacinone used shall not exceed one hundred (100) pounds;

4. Duration of the application will be from the end of apple harvest until the first snow in November;

5. Efficacy data will be obtained pursuant to registration of this use pattern of Ramik Brown under section 3 of the amended FIFRA;

6. The Applicant will establish liaison with the Vermont Department of Fish and Game pursuant to monitoring effects of the rodenticide on non-target species, especially secondary poisoning of scavenging mammals and raptors; and

7. The Applicant is reminded of the reporting requirement pursuant to § 166.5 of the amended FIFRA.

It should be noted that if the Administrator determines that the Applicant is not complying with the requirements set forth or if such action is necessary to protect man or the environment, the exemption shall be immediately withdrawn.

Dated: December 19, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-34739 Filed 12-23-75;8:45 am]

[FRL 472-5]

NATIONAL AIR QUALITY CRITERIA ADVISORY COMMITTEE OF THE SCIENCE ADVISORY BOARD

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the National Air Quality Criteria Advisory Committee of the Science Advisory Board will be held at 9:00 a.m. on January 22, 1976 in Conference Room A (Room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

The purpose of the meeting will be (1) to consult the committee on arsenic as an air pollutant; (2) to hear and discuss progress reports from committee review

groups which are reviewing the criteria documents for sulfur oxides, particulate matter, carbon monoxide, photochemical oxidants, hydrocarbons, and nitrogen oxides; (3) to brief the committee on and to discuss developments regarding a reference method for determination of nitrogen oxides; and (4) to brief the committee on and to discuss developments regarding calibration of oxidant measurement instruments. The Agenda will also include (5) brief reports and informational items of current interest to the members.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Executive Secretary, Mr. Ernst Linde, Scientist Administrator, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460.

The telephone number is (703) 557-7720.

THOMAS D. BATH,
Staff Director,
Science Advisory Board.

DECEMBER 18, 1975.

[FR Doc.75-34741 Filed 12-23-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 763]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted For Filing

DECEMBER 8, 1975.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act of 1934,) or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning any of these applications within 30 days of the date of this notice.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Applications accepted for filing:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20875-CD-P-76, Radiofone of Southeast Texas, Inc., (New), C.P. for a new 1-way station to operate on 43.58 MHz located at Church House Rd., 6 mi. S. of Vidor, Texas.

20876-CD-P-76, General Communications Service, Inc., (KSV965), C.P. to relocate facilities and change antenna system operating on 35.22 MHz at Loc. #4: Dixie & Conley Roads, Mountain View, Georgia.

20877-CD-AL-(9)-76, Curtin Call Communications, Inc. Consent to Assignment of Radio Station License from Curtin Call Communications, Inc., Assignor, to William J. Curtin, Sr., Assignee. Stations: KLF478, KQZ785, KSD318, Madison, Wisconsin; KRS630, La Crosse, Wisconsin; KSV988, KTS232, Eau Claire, Wisconsin; KSV989, KUC868, Fond du Lac, Wisconsin, KSV995, Janesville, Wisconsin.

20878-CD-AL-(9)-76, William J. Curtin, Sr. Consent to Assignment of Radio Station License from William J. Curtin, Sr., assignor, to William J. Curton, III d.b.a. Curtin Call Communications, Assignee. Stations: KLF478, KQZ785, KSD318, Madison Wisconsin; KRS630, La Crosse, Wisconsin; KSV988, KTS232, Eau Claire, Wisconsin; KSV989, KUC868, Fond du Lac, Wisconsin; KSV995, Janesville, Wisconsin.

20879-CD-P-76, Omni Communications, Inc. (KSV954) C.P. to relocate facilities operating on 158.70 MHz to be located at Prudential Building, Prudential Center, Boston, Massachusetts.

20880-CD-P-(2)-76, Mt. Shasta Radiotelephone, Inc. (KUS379) C.P. for additional test facilities to operate on 158.52 & 159.05 MHz located at KC Road, 0.25 mi. East of Mt. Shasta Blvd., Mt. Shasta, California.

20881-CD-P-76, Portable Communications, Inc. (KEK289) C.P. for additional facilities to operate on 454.325 MHz at Loc. #3: #1 Marine Midland Center, Buffalo, New York.

20882-CD-P-(2)-76, James, Floyd, Lee, d.b.a. Mobile Dispatch Service (KIP558) C.P. for additional facilities to operate on 454.100 and 454.175 MHz located at 942 Shelton Beach Road Ext., Mobile, Alabama.

20883-CD-P-76, Martin E. Willson d.b.a. Victor Valley Radio-Telephone Company (KLF557) C.P. for additional facilities to operate on 152.06 MHz at a new Loc. #2: 5 miles north of Victorville, California.

20884-CD-P-76, Contact, Inc. (KGA807) C.P. for additional facilities to operate on 35.22 MHz at Loc. #2: 4338 Park Heights Avenue, Baltimore, Maryland.

20885-CD-P-(2)-76. The Chesapeake and Potomac Telephone Company of Maryland (KGA587) C.P. to change antenna system and replace transmitter operating on 152.51 MHz, Base and 152.51, 152.63, 152.75 & 152.81 MHz, Standby located at 3913 Cold Spring Lane, Baltimore, Maryland.

20886-CD-P-(2)-76, Tel-Car, Inc., (KLP594), C.P. to change antenna system operating on 454.300 MHz at Loc. #3: 0.5 mi. E. of Meridian, Idaho and for additional facilities to operate on 158.70 MHz at Loc. #4: Bennett Mountain 15¾ miles N.E. of Mountain Home, Idaho.

20887-CD-P-76, Robert H Larson d.b.a. Oregon Mobile Radio, (New), C.P. for a new 1-way station to operate on 158.70 MHz to be located at 1200 Mira Mar, Medford, Oregon.

20888-CD-P-76, Schuylkill Mobile Fone, Inc., (New), C.P. for a new 1-way station to operate on 152.24 MHz to be located at Sharp Mountain, N. Manheim TWP, Pottsville, Pennsylvania.

20889-CD-P-76, Protectowire Pacific Company, Inc., (New), C.P. for a new 1-way station to operate on 43.22 MHz to be located at Rainer Hill, 4.4 miles South of Longview, Washington.

20890-CD-P-76, Vernon H. Johnson, (New), C.P. for a new 1-way station to operate on 152.24 MHz to be located at 800 Airport Road, Milan, New Mexico.

20891-CD-P-76, Laile Hampton d.b.a. Radio Call Company, (KFJ903), C.P. to change frequency from 35.58 MHz to 152.24 MHz and for additional control facilities operating on 454.300 MHz located at Tannery Knob, Johnson City, Tennessee.

20892-CD-P-76, Tel-Page Corporation, (KUO590), C.P. for additional facilities to operate on 454.100 MHz at a new Loc. #2: 222 Midtown Towers, Rochester, New York.

20893-CD-P-76, The Pacific Telephone and Telegraph Company (KMA829), C.P. to change antenna system operating on 35.58 MHz located at 5252 Balboa Avenue, San Diego, California.

20894-CD-P-76, Western Communications Service, (KKG416), C.P. for additional facilities to operate on 152.12 MHz at Loc. #1: 320 West 26th Street, San Angelo, Texas.

20895-CD-P-76, DPBS, Inc., t.a. Zipcall, (KCB890), C.P. for additional facilities to operate on 35.22 MHz located at John Hancock Tower Building, Boston, Massachusetts.

20896-CD-P-76, Mobile Phone of Texas, Inc., (KLF477), C.P. for additional facilities to operate on 152.18 MHz located 1.7 miles North of Young County Court House, Graham, Texas.

20897-CD-P-76, Laile Hampton d.b.a. Radio Call Company, (KUO568), C.P. to change frequency from 158.70 MHz to 152.24 MHz located at 124 Dahlia Street, Kingsport, Tennessee.

RURAL RADIO

60227-CR-P-76, Umpqua Telephone Co., Inc., (New), C.P. for a new Rural Subscriber-Fixed station to operate on 158.07 MHz located in Rural area 7 miles SSW of Elkton, Oregon.

60228-CR-P-76, Umpqua Telephone Co., Inc., (New), C.P. for a new Central Office station to operate on 152.81 MHz located 2.5 miles SSE of Elkton, Oregon.

CORRECTION

60226-CR-TC-76, Mobilfone of Northeastern Pennsylvania, Inc. Consent to transfer of control from Margaret Swartz Ehrhardt, Executrix of the Estate of Ted Ehrhardt, Transferor, to Margaret Swartz Ehrhardt, Transferee, Station: KGN24—Temp-Fixed.

POINT TO POINT MICROWAVE RADIO SERVICE

1301-CF-P-76, Indiana Bell Telephone Company, Inc., (KSL95), 119 East 7th Street, Bloomington, Indiana. Lat. 39°10'07", N., Long. 86°31'58" W. C.P. to add frequencies 10635V 11155V MHz toward New Unionville, Indiana on azimuth 55.5°.

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1302–CF–P–76, Same, (KTG61), 1 mile SW of New Unionville, Indiana. Lat. 39°12'04" N., Long. 86°28'19" W. C.P. to add frequencies 11285V 11605V MHz toward Bloomington, Indiana on azimuth 235.6°, and 4150H MHz toward a new point of communication at Clear Springs, Indiana on azimuth 144.4°.

1303–CF–P–76, Same, (New), 0.5 mile WNW of Clear Springs, Indiana. Lat. 38°55'40" N., Long. 86°13'18" W. C.P. for a new station on frequencies 4110H MHz toward New Unionville, Indiana on azimuth 324.6°, and 4110H MHz toward a new station at Salem, Indiana on azimuth 170.8°.

1304–CF–P–76 Same (New) 2.2 miles West of Salem, Indiana. Lat. 38°36'29' N., Long. 86° 09'21" W. C.P. for a new station on frequencies 4150H MHz toward a new station at Clear Springs, Indiana on azimuth 350.9°, and 4150H toward a new station at Floyds Knobs, Indiana on azimuth 316.2°.

1305–CF–P–76, Same, (New) 2.8 miles, NE of Floyds Knobs, Indiana. Lat. 38°21'16" N., Long 85°50'49" W. C.P. for a new station on frequencies 4110H MHz toward a new station at Salem, Indiana on azimuth 316.3°, and 10835V 11155V MHz toward a new station at New Albany, Indiana on azimuth 161.2°.

1306–CF–P–76 Same (New) 510 East Spring Street, New Albany, Indiana. Lat. 38°17'15" N. -Long. 85°49'05" W. C.P. for a new station on frequencies 11285V 11605V MHz toward a new station at Floyds Knobs, Indiana on azimuth 341.2°.

1298–CF–P–76, Tower Communication Systems, Corporation. (WBA744), 1.5 miles NE of Lancaster, Ohio. Lat. 39°43'53" N., Long. 82°35'42" W. C.P. to add 11095.OH MHz toward Newark, Ohio.

1299–CF–P–76, Pacific Telatronics, Inc., (KTG39), Horse Mountain, 7.0 miles SW of Willow Creek, California. Lat. 40°52'20" N., Long. 123°44'08" W. C.P. to add 6056.4H MHz and 6212.OH MHz toward Crescent City, California; and change frequency to 6212.OV MHz toward Eureka, California.

1311–CF–P–76, Eastern Microwave, Inc., (WDD72), Blue Mountain, 2.2 miles SSE of Summit Sta., Pennsylvania. Lat. 40°31'55" N., Long. 76°11'49" W. C.P. to add 6152.8H MHz, via power split, toward Hershey N.O.C., Pennsylvania; and add 6152.8V MHz, via power split, toward Hershey-2, Pennsylvania.

1212–CF–P–76, Same. (WDD76) Hershey N.O.C., Pennsylvania. Lat. 40°17'07" N., Long. 76°39'15" W. C.P. to add 6360.3H MHz toward Little Mountain, Pennsylvania.

1313–CF–P–76, Same. (WDD77) Little Mountain, 0.7 mile NW of Summerdale, Pennsylvania. C.P. to power split frequency 6063.8H MHz toward Carlisle, Columbia & Marietta, Pennsylvania; and power split 6063.8V MHz toward Mechanicsburg and Red Lion, Pennsylvania.

[FR Doc.75–34666 Filed 12–23–75;8:45 am]

BROADCAST SERVICE WORKING GROUPS 1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

Schedule of Meetings

DECEMBER 19, 1975.

Pursuant to Public Law 92–463, notice is hereby given that five of the Broadcast Service Working Groups for the 1979 World Administrative Radio Conference will be held during the month of January 1976 as follows:

AM BROADCASTING SERVICE GROUP

Monday, January 19, 1976—10:30 a.m.–12:30 p.m., Room 752, 1919 "M" St., N.W., Washington, D.C.

Chairman: D. C. Everist, FCC Liaison: Dennis Williams.

FM BROADCASTING SERVICE GROUP

Tuesday, January 13, 1976—1:30 p.m.–4:30 p.m., Room 752, 1919 "M" St., N.W., Washington, D.C.

Chairman: Gary Hess, FCC Liaison: Hideyuki Noguchi.

TV BROADCASTING SERVICE GROUP

Wednesday, January 14, 1976—9:30 a.m.–12 Noon, Room 752, 1919 "M" St., N.W., Washington, D.C.

Chairman: James D. Parker, FCC Liaison: Charles H. Breig.

BROADCAST AUXILIARY SERVICE GROUP

Wednesday, January 14, 1976—1:30 p.m.–4:30 p.m., Room 752, 1919 "M" St., N.W., Washington, D.C.

Chairman: John Serafin, FCC Liaison: Al Jarratt.

BROADCAST SATELLITE SERVICE GROUP

Tuesday, January 27, 1976—9:30 a.m.–12 Noon, Room 752, 1919 "M" St., N.W., Washington, D.C.

Chairman: E. E. Reinhart, FCC Liaison: Charles H. Breig.

The Agenda for each Service Group will be the same as follows:

1. Call to order and approval of Minutes of last meeting.
2. Approval of Agenda.
3. Reports from Task Groups.
4. Review of Spectrum Requirements.
5. New Matters for Consideration.
6. Next Meeting Date and Adjournment.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–34661 Filed 12–23–75;8:45 am]

BROADCAST BUREAU SERVICE GROUPS

Schedule of Meetings

DECEMBER 17, 1975.

Pursuant to Public Law 92–463, notice is hereby given of a meeting of a Broadcast Bureau Service Working Group for the 1979 World Administrative Radio Conference.

The meeting is as follows: *January 12, 1976.*

The International Broadcasting Service Group, Stanley Leinwoll, Chairman and Roger Legge, Vice-Chairman, will hold its second meeting at 1:00 p.m. on January 12, 1976, in Room A205, Federal Communications Commission, 1229 20th Street, N.W., Washington, D.C. The meeting will be open to broadcast industry representatives and interested members of the public. The agenda for the meeting is as follows:

1. Call to order by the Chairman.
2. Approval of the minutes of the October 21, 1975 meeting.
3. Election of a secretary.
4. Reports of the members, Technical subcommittee and election of a chairman.
5. Reports of the members, Present Usage subcommitee and election of a chairman.
6. Discussion of possible regional methods of communication between members, between plenary sessions of working group.
7. New Business.
8. Setting next meeting date and adjournment.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–34665 Filed 12–23–75;8:45 am]

CABLE TELEVISION ANNUAL REPORTING FORM

DECEMBER 9, 1975.

Because of unavoidable delays the Cable Television Annual Reporting Forms (FCC Form 325) were mailed later than had been anticipated. In order to permit sufficient time for the forms to be completed their due date has been extended until January 23, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–34663 Filed 12–23–75;8:45 am]

COMMON CARRIER RELAY ADVISORY COMMITTEE

Meeting

DECEMBER 18, 1975.

The next meeting of the Common Carrier Radio Relay Advisory Committee, organized to prepare the 1979 World Administrative Radio Conference, will be held in Room 752, Federal Communicaheld on January 15, 1976 in Washington, D.C. The meeting will be tions Commission, 1919 M Street, NW. at 9:00 a.m. The agenda of the meeting is to: (1) review the progress of the five fact finding task forces, (2) discuss problems and approaches, (3) establish a schedule for completion of the various tasks, and (4) make recommendations for tentative changes in the Table of Frequency Allocations at this time for submission to the Steering Committee for its review by February 1, 1976.

All participants in the task forces are urged to attend. The meeting is open to the public.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–34660 Filed 12–23–75;8:45 am]

JOINT INDUSTRY/GOVERNMENT COMMITTEE

1977 World Administrative Radio Conference For The Planning of The Broadcasting-Satellite Service in Frequency Bands 11.7–12.2 GHz (In Regions 2 and 3) and 11.7–12.5 GHz (In Region 1); Meetings

DECEMBER 19, 1975.

WORKING GROUP A (TERMINOLOGY AND DEFINITION

Tuesday, January 13, 1976—9:30 a.m.–12:30 p.m., Room 8009, 2025 "M" St., N.W., Washington, D.C.

Chairman: Mr. Richard O. Pullen, Common Carrier Bureau, FCC.

WORKING GROUP B (SHARING PRINCIPLES)

Wednesday, January 14, 1976—9:30 a.m.–12:30 p.m., Room 712A, 1800 "G" Street, N.W., Washington, D.C.

Chairman: Mr. Donald Jansky, Office of Telecommunications Policy.

WORKING GROUP C (SHARING CRITERIA)

Wednesday, January 14, 1976—1:30 p.m.–4:30 p.m., Room 712A, 1800 "G" Street, N.W., Washington, D.C.

Chairman: Mr. Edward E. Reinhart, Jet Propulsion Labs.

WORKING GROUP D (EVOLUTION OF REQUIREMENTS)

Tuesday, January 13, 1976—1:30 p.m.–4:30 p.m., Room 8009, 2025 "M" St., N.W. Washington, D.C.

Chairman: Mr. George W. Bartlett, National Association of Broadcasters.

WORKING GROUP E (INTERNATIONAL NON-TECHNICAL IMPLICATIONS)

Friday, January 16, 1976—1:00 p.m.–2:30 p.m., Room 752, 1919 "M" St., N.W., Washington, D.C.

Chairman: Mr. Harry R. Olsson, Jr., Columbia Broadcasting System, Inc.

WORKING GROUP F (PROCEDURES)

Wednesday, January 21, 1976—9:30 a.m.–12:30 p.m., Room 8009, 2025 "M" St., N.W., Washington, D.C.

Chairman: Mr. Donald Weiland, Office of Chief Engineer, FCC.

The Agenda for each Working Group meeting is essentially the same:

1. Approval of Minutes of previous meeting.
2. Review of Task Group Reports.
3. Establish date for final report from each Working Group which should be no later than the end of February.
4. Other business—need for further meetings and setting of those meeting dates.
5. Adjournment.

There will be a joint meeting of CCIR Study Groups 10/11 and 10/11 B on Thursday, January 15, 1976—Room A–110—1229 20th Street, N.W. (Annex to 1919 "M" St., N.W.), Washington, D.C.—9:30 a.m.–4:30 p.m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–34662 Filed 12–23–75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Assumption of Sponsorship by the Federal Aviation Administration

Since the effective date of the Federal Advisory Committee Act (P.L. 92–463) in January, 1973, the Federal Communications Commission has served as the chartering agency of the Radio Technical Commission for Aeronautics (RTCA).

Effective January 2, 1976, the Federal Aviation Administration will assume sponsorship of the RTCA. Accordingly FEDERAL REGISTER notices for all RTCA Executive Committee and Special Committee meetings scheduled after this date will be included under the heading of the Federal Aviation Administration in the FEDERAL REGISTER's table of contents.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–34664 Filed 12–23–75;8:45 am]

WORLD ADMINISTRATIVE RADIO CONFERENCE (WARC) ADVISORY COMMITTEE FOR THE CITIZENS RADIO SERVICE

Notice of Establishment and Initial Meeting

In May 1975, the Federal Communications Commission established several advisory committees to assist in preparations for the 1979 General World Administrative Radio Conference (WARC) of the International Telecommunication Union. This agency has determined that establishment of an additional WARC preparatory committee, the WARC Advisory Committee for Citizens Radio Service, is necessary and in the public interest. Pursuant to the Federal Advisory Committee Act (P.L. 92–463), notice of establishment is hereby provided.

The WARC Advisory Committee for Citizens Radio Service will be responsible for the following tasks:

(1) Analyzing the present usage of frequencies available to the Citizens Radio Service;

(2) Examining possible future developments in the service and the impact of such developments on spectrum utilization;

(3) Preparing recommendations for future spectrum needs of the service to the year 2,000;

(4) Preparing detailed justifications for any recommendations developed.

The Federal Communications Commission has scheduled the first meeting of the WARC Advisory Committee for Citizens Radio Service for January 13–14, 1976. The meeting will take place in conference room 8210 of the Commission's offices at 2025 M Street, N.W., Washington, D.C. and will commence each day at 10:00 a.m. All individuals interested in participating in the work of this WARC preparatory committee are invited to attend.

The agenda for the January 13–14 meeting will be as follows:

Call of the Agenda
Opening Remarks by the Chairman
Task Force Responsibilities:
I. International CB Implications
II. CB Frequency Allocations
III. Future of CB
Formulation of Tentative Frequency Allocation Table
Planning and Discussion of Future Working Group Tasks and Meetings
Adjournment

Individuals interested in presenting either oral or written statements at the meeting are requested to contact Joseph Johnson, Chairman, Room 5114, 2025 M Street, N.W., Washington, D.C., telephone 202 632–7275.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–34828 Filed 12–23–75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[No. AC–6]

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF FRESNO, FRESNO, CALIFORNIA

Notice of Approval of Conversion

DECEMBER 19, 1975.

Notice is hereby given that on December 19, 1975, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 75–1165, approved the application of First Federal Savings and Loan Association of Fresno, Fresno, California, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 320 First Street, N.W., Washington, D.C. 20552 and the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of San Francisco, 600 California Street, San Francisco, California 94120.

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN,
Secretary.

[FR Doc.75–34705 Filed 12–23–75;8:45 am]

[No. AC–5]

PRUDENTIAL FEDERAL SAVINGS AND LOAN ASSOCIATION, SALT LAKE CITY, UTAH

Notice of Approval of Conversion

(Notice of Final Action)

DECEMBER 19, 1975.

Notice is hereby given that on December 19, 1975, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corportion, by Resolution No. 75–1164, approved the application of Prudential Federal Savings and Loan Association, Salt Lake City, Utah, for permission to convert to the stock form of organization. Copies of the application are available at the Office of the Secretary of said Corporation, 320 First Street NW., Wash-

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ington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Seattle, 600 Stewart Street, Seattle, Washington 98101.

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN, *Secretary.*

[FR Doc.75-34706 Filed 12-23-75;8:45 am]

[No. AC-4]

STANDARD FEDERAL SAVINGS AND LOAN ASSOCIATION, GAITHERSBURG, MARYLAND

Notice of Approval of Conversion

DECEMBER 19, 1975.

Notice is hereby given that on December 19, 1975, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 75-1163, approved the application of Standard Federal Savings and Loan Association, Gaithersburg, Maryland, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 320 First Street NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, 260 Peachtree Street NW., Atlanta, Georgia 30303.

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN, *Secretary.*

[FR Doc.75-34707 Filed 12-23-75;8:45 am]

FEDERAL MARITIME COMMISSION

NORTH ATLANTIC DISCUSSION AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 13, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 9989-5 among the members of the above mentioned discussion agreement, is an agreement to (1) expand the scope to include the United Kingdom and the Republic of Ireland and (2) to extend the expiration date for eighteen months until August 8, 1977.

By order of the Federal Maritime Commission.

Dated: December 19, 1975.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-34726 Filed 12-23-75;8:45 am]

SEAPORT SHIPPING CO., INC. (CALIFORNIA)

Order of Revocation

On December 10, 1975, Seaport Shipping Co., Inc. (California), One Embarcadero Center, San Francisco, California 94111 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1332-R for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(b) (dated 6/30/75);

It is ordered, that Independent Ocean Freight Forwarder License No. 1332-R issued to Seaport Shipping Co., Inc. (California) be and is hereby revoked effective December 10, 1975, without prejudice to reapply for a license in the future.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon Seaport Shipping Co., Inc. (California).

LEROY F. FULLER, *Director, Bureau of Certification & Licensing.*

[FR Doc.75-34727 Filed 12-23-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP75-88, CP69-41]

ALGONQUIN GAS TRANSMISSION CO.

Reduction in Demand Charge of Rate Schedule SNG-1

DECEMBER 16, 1975.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas), on December 9, 1975, tendered for filing the following tariff sheets of its FPC Gas Tariff, First Revised Volume No. 1:

Twelfth Revised Sheet No. 10
Original Sheet No. 10-A
Second Revised Sheet No. 19
First Revised Sheet No. 20-C
First Revised Sheet No. 25

Algonquin Gas states that these sheets are being filed to reduce the Demand Charge per Day under Rate Schedule SNG-1 from the currently effective $1.489 to $1.402 and to request authorization to make related refunds for the period November 1, 1975 to January 9, 1976, the proposed effective date of the above-mentioned tariff sheets. The additional changes in tariff sheets relate primarily to format changes. Algonquin Gas states that the reduction is being filed to reflect the Commission authorization granted by letter order in Docket No. CP69-41, issued November 13, 1975 which, *inter alia*, permitted Algonquin Gas to sell the remaining unsold capacity produced by the SNG plant of Algonquin Gas' wholly owned subsidiary, Algonquin SNG, Inc., to Philadelphia Electric Company, Pottsville Gas Company, *et al.* and South Jersey Gas Company in the manner specified by such letter order.

Algonquin Gas requests that the Commission accept for filing the above-mentioned tariff sheets to be effective January 9, 1976 (30 days after filing).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34676 Filed 12-23-75;8:45 am]

[Docket No. CI64-686]

ASHLAND OIL, INC.

Notice of Application

DECEMBER 16, 1975.

Take notice that on November 19, 1975, Ashland Oil, Inc. (Applicant), P.O. Box 1503, Houston, Texas 77001, filed in Docket No. CI64-686 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain sales of natural gas for resale in interstate commerce to Arkansas Louisiana Gas Company (Arkla) because such sales are alleged to be uneconomical; all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests permission and approval to abandon the sales from the Erick Field, Becham County, Oklahoma, authorized in the instant docket to be made to Arkla pursuant to Applicant's FPC Gas Rate Schedule No. 160, because such sales are authorized to be made at 13.0 cents per Mcf at 14.65 psia at which rate, Applicant alleges, it is incurring a net loss. Applicant alleges that it will incur a net loss of $31,790 for the calendar year 1975.

Applicant further states that it filed for special relief in Docket No. RI75-121[1]; however, the Commission has not acted upon Applicant's request. Applicant states that it has been recommended by its regional office that operations should commence to plug and abandon 6 of the 10 producing wells connected to Applicant's Erick Field gathering system if no affirmative action by the Commission on the request for special relief is forthcoming within 30 days of the instant application.

It is indicated that in the period from August 1, 1974, through July 31, 1975, Applicant sold 183,766 Mcf of natural gas from the subject wells.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 9, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc. 75-34678 Filed 12-23-75;8:45 am]

[1] Notice of application published in the FEDERAL REGISTER (40 FR 17159), April 7, 1975.

[Docket No. E-8302]

BANGOR HYDRO-ELECTRIC CO.

Order Approving Settlement and Terminating Proceeding

DECEMBER 16, 1975.

On July 1, 1973, Bangor Hydro-Electric Company (Bangor) tendered for filing a proposed initial rate schedule for a wheeling service whereby Bangor would wheel power from Maine Electric Company, Inc. and Maine Yankee Atomic Power Company across the Bangor system to Eastern Maine Electric Cooperative, Inc. (Eastern Maine). Bangor proposed to charge Eastern Maine a rate of $14 per kW per year and requested an effective date of January 1, 1973.

By letter dated August 2, 1973, Bangor was informed that its submittal was deficient. Bangor did not respond to the deficiency letter, nor did it respond to two subsequent letters of October 29, 1973 and August 16, 1974. On June 4, 1974, the Commission ordered a Section 206 investigation in the matter.

Consistent with the June 4, 1974, order, on June 19, 1975, Bangor submitted the additional material required to complete its filing. Also in accordance with the order, Bangor agreed to refund any revenues collected after January 1, 1973, which the Commission might find to be excessive under Bangor's wheeling rate. Bangor's June 19, 1975, supplemental filing was noticed on July 30, 1975.

On August 1, 1975, Eastern Maine Electric Cooperative, Inc. (Eastern Maine) filed a protest and petition to intervene. Permission to intervene was granted on September 3, 1975. By letter dated October 8, 1975, the Commission waived prior notice requirements and permitted the proposed $14/kW per year rate to become effective January 1, 1973, subject to refund.

On October 16, 1975, a hearing was convened. At the hearing Bangor and Eastern Maine stated that a settlement had been reached according to which the rate for the wheeling service was reduced from $14/kW per year to $11/kW per year, effective January 1, 1973.[1] By letter dated October 17, 1975, Bangor and Eastern Maine agreed that there would be a refund of the difference between the $14 rate and the $11 rate. The refund would apply to billings after January 1, 1973, and would be computed without interest.

The proposed settlement was certified to the Commission on October 21, 1975, and was noticed on November 10, 1975. On November 25, 1975, staff filed comments urging that the settlement be approved. No other comments were filed.

Our review of the proposed settlement, Staff's comments and the related record indicates that the settlement is a reasonable and appropriate resolution of the issues raised in this proceeding and that the public interest would be served by our acceptance and approval of the settlement. Bangor's cost of service[2] and capitalization[3] studies provide adequate support for the proposed wheeling rate.[4]

The Commission finds: The proposed settlement of the issues in this proceeding as certified to this Commission on October 21, 1975, is reasonable and proper and in the public interest in carrying out the provisions of the Federal Power Act. It accordingly should be approved as hereinafter ordered.

The Commission orders: (A) The proposed settlement certified to the Commission on October 21, 1975, is hereby approved and adopted as a settlement of the issues involved in this proceeding.

(B) The proposed settlement rate schedule is accepted for filing, and is designated as Supplement No. 3 to Rate Schedule FPC No. 26. Waiver of prior notice requirements is hereby granted and an effective date of January 1, 1973, is hereby assigned.

(C) Within thirty (30) days after the issuance of this order Bangor shall refund to Eastern Maine the revenues collected in excess of the amount which would have been billed at the settlement rate level for service subsequent to January 1, 1973, computed without interest.

(D) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order in any proceeding now pending or hereafter instituted by or against Bangor or any person or party.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] The proposed settlement rate schedule as designated "Revised Original Sheet No. 2".

[2] See Bangor's Statement M, Sheet 1-Revised, attached hereto as Appendix A.

[3] See Bangor's Statement G, attached hereto as Appendix B.

[4] Wheeling revenues in 1974 at the $14/kW per year rate amounted to $7,170, while total electric revenues were $20,545,994 for Bangor and $1,988,695 for Eastern Maine. At the $11/kW per year settlement rate, it is anticipated that wheeling revenues will remain less than $7,100 per year through September, 1976.

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APPENDIX A.—*Bangor Hydroelectric Co. cost of service and rate base for 12 mo ending June 30, 1972*

Item	Adjusted firm totals	Total WR schedules	Municipal (Lubec)	Private (Deer Isle)	Cooperatives	Wheeling	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1 Operating revenues	16,177,642	225,860	28,863	64,625	132,372	3,322	15,948,460
2 Operating revenue deductions:							
3 Operation and maintenance	9,884,173	210,234	31,141	59,122	119,971	1,309	9,672,540
4 Depreciation expense	1,645,144	30,839	4,682	8,790	17,067	607	1,643,608
5 General taxes and deferred losses	1,285,009	23,878	3,763	6,785	13,330	511	1,260,616
6 Subtotal	12,814,322	264,951	39,886	74,697	150,368	2,607	12,546,764
7 State income taxes	93,705	(2,225)	(559)	(619)	(1,147)	10	96,020
8 Federal income taxes	1,073,406	(26,648)	(6,410)	(7,094)	(13,144)	121	1,099,983
9 Total deductions	13,981,423	235,978	32,917	66,984	136,077	2,738	13,742,717
10 Return	2,196,209	(10,118)	(4,054)	(2,359)	(3,705)	584	2,205,743
11 Rate base:							
12 Net plant in service	34,812,683	657,956	101,343	188,002	368,611	14,934	34,139,793
13 Investment in MEPCO	236,929	6,867	1,293	1,744	3,840		230,062
14 Working capital	1,858,856	34,207	4,577	10,176	19,454	712	1,823,937
15 Contributions in aid of construction	(148,313)						(148,313)
16 Deferred tax reserves	(70,650)	(677)	(98)	(209)	(370)	(16)	(69,957)
17 Total rate base	36,689,505	698,353	107,105	199,713	391,535	15,630	35,975,522
18 Rate of return (percent)	5.99	(1.45)	(3.79)	(1.18)	(.95)	3.76	6.13

APPENDIX B.—*Bangor Hyroelectric Co. capitalization for 12 mo ending June 30, 1972*

Line	(1)	Capitalization (2)	Percent (3)	Cost, percent (4)	Cost of money, percent (5)
1	Debt	$25,000,000	54.83	4.39	2.41
2	Preferred stock	4,734,000	10.38	5.65	.59
3	Common equity (12 mo average)	15,857,935	34.79	9.97	3.47
4	Total	45,591,935	100.00		6.47

[FR Doc. 75-34686 Filed 12-23-75;8:45am]

[Docket Nos. ER76-96, E-9364 and E-9366]

BOSTON EDISON CO.

Order Granting Untimely Petition To Intervene

DECEMBER 15, 1975.

On September 2, 1975, Boston Edison Company (Edison) tendered for filing as an initial rate schedule a Unit Power Agreement with New England Power Company (NEPCO) for sale of capacity and energy to NEPCO from Edison's Mystic Unit No. 7. Public notice of said filing was issued on September 10, 1975, with protests or petitions to intervene due on or before September 22, 1975.

By order issued October 20, 1975, the Commission accepted the proposed rate schedule for filing, instituted a Section 206 investigation and consolidated the investigation therein ordered with the proceedings in Docket Nos. E-9364 and E-9366 for purposes of hearing and decision.

On November 12, 1975, NEPCO filed an untimely petition to intervene. Our review indicates that NEPCO has a sufficient interest in this proceeding so as to warrant intervention.

The Commission finds: NEPCO's participation in this proceeding may be in the public interest.

The Commission orders: (A) NEPCO is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The late intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34670 Filed 12-23-75;8:45 am]

[Project No. 1862]

CITY OF TACOMA, WASHINGTON

Notice of Petition

DECEMBER 16, 1975.

Public notice is hereby given that a pleading entitled "Petition for Rehearing, Reopening, Review or Such Other Relief as the Commission May Deem Proper" was filed December 24, 1974, under the Federal Power Act (16 U.S.C. 791a–825r) on behalf of the Nisqually Indian Tribe (Petitioner) (Correspondence to: Arthur Knodel, Esq., 5505 20th Street East, Tacoma, Washington 98424) concerning the Second Nisqually Project No. 1862 licensed to the City of Tacoma, Washington. It is alleged in the petition that the project which was licensed on November 27, 1944, is located on lands of the Nisqually Indian Reservation.

The Petitioner alleges that there was no notification to Petitioner or the Commission at the time of licensing of the project that lands of the reservation were involved and that the project would appropriate the treaty rights to hunt and fish at all usual and accustomed grounds and stations. It is also claimed that Petitioner was not notified of Tacoma's application for license. Petitioner alleges that it has suffered extensive damage by the construction and operation of the project. The Petitioner requests that certain conditions be imposed which might include initial fees for use of lands and other property rights, an annual damage award, and the construction of fish facilities. Petitioner further requests that there be an increase in power rates to the customers of Tacoma in order to pay for and compensate Petitioner for rent, damages, and preservation of fish runs.

Tacoma was given the opportunity to respond to the petition and did so on March 3, 1975. Tacoma denies that Petitioner has any rights or interests in any lands within the project that were not taken legally. Tacoma states that its land acquisition program was made in good faith and that Petitioner's claimed interests in the land was not disclosed in a title search. Tacoma further denies that there has been any misappropriation, interference, or damages.

Any person desiring to be heard or to make any protest with reference to said petition should on or before February 7, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commissions' Rules of Practice and Procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34677 Filed 12-23-75;8:45 am]

[Docket No. ER76-346]

DUKE POWER CO.

Notice of Filing

DECEMBER 16, 1975.

Take notice that on December 9, 1975, Duke Power Company ("the Company") tendered for filing a supplement to the Company's Electric Power Contract with York Electric Cooperative, Inc. This contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FPC No. 146.

The Company tendered for filing the following documents:

Doc. No. 1	Exhibit A–5, Delivery Point No. 1, dated September 10, 1975.
Doc. No. 2	Exhibit A–5, Delivery Point No. 4, dated September 10, 1975.
Doc. No. 3	Exhibit A–4, Delivery Point No. 6, dated September 10, 1975.
Doc. No. 4	Exhibit A–2, Delivery Point No. 11, dated September 10, 1975.

The Company requests that these documents become effective on January 21, 1976.

The Company states that copies of the documents tendered for filing have been served on York Electric Cooperative, Inc., York, South Carolina.

The Company states that the four exhibit sheets submitted with this filing provide for the following increases in designated demand:

Delivery point	Exhibit	Kilowatt demand From	Kilowatt demand To
1	A–5	2,400	3,100
4	A–5	5,500	7,000
6	A–4	4,200	5,700
11	A–2	3,500	4,200

Metering capacity will be increased to provide service for Delivery Point No. 1. The Company states that its facilities are adequate to provide the service described herein to Delivery Points No. 4, 6, and 11.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34679 Filed 12-23-75;8:45 am]

[Docket No. ER76-348]

DUKE POWER CO.

Notice of Filing

DECEMBER 16, 1975.

Take notice that on December 9, 1975, Duke Power Company ("the Company") tenedered for filing a supplement to the Company's Electric Power Contract with the City of Shelby, North Carolina. This contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FPC No. 235.

Three documents are submitted with this filing. They are as follows:

Doc. No. 1	Exhibit A–1, Delivery Point No. 4 dated August 11, 1975.
Doc. No. 2	Exhibit A–1, Delivery Point No. 5 dated August 11, 1975.
Doc. No. 3	Exhibit A–1, Delivery Point No. 6 dated August 11, 1975.

The Company requests that these documents become effective on January 21, 1976.

The Company states that copies of the Exhibits have been served on the City of Shelby, North Carolina.

The Company states that the three exhibits provide for the following increases in capacity:

Delivery point	Exhibit	Kilowatt demand From	Kilowatt demand To
4	A–1	3,000	4,000
5	A–1	2,000	3,500
6	A–1	2,000	3,000

The Company further states that its facilities are adequate to provide the service described to Delivery Point No. 6. Larger transformers will be installed to serve Delivery Point No. 4 and the metering capacity will be increased to service Delivery Point No. 5.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34680 Filed 12-23-75;8:45 am]

[Docket No. ER76-349]

DUKE POWER CO.

Notice of Filing

DECEMBER 16, 1975.

Take notice that on December 9, 1975, Duke Power Company ("the Company") tendered for filing a supplement to the Company's Electric Power Contract with Union Electric Membership Corporation. This contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FPC No. 141.

The only document submitted with this filing is Exhibit A–2, Delivery Point No. 6 dated November 10, 1975. The Company requests that this document become effective on January 21, 1976.

The Company states that a copy of Exhibit A–2 has been served on Union Electric Membership Corporation, Monroe, North Carolina.

The Company states that Exhibit A–2 provides for an increase in demand from 2,000 KW to 4,000 KW made at the request of the customer. To provide service under this agreement, the Company states that it will install a step down substation to serve the customer.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Proceedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34681 Filed 12-23-75;8:45 am]

[Docket No. ER76-350]

DUKE POWER CO.

Notice of Filing

DECEMBER 16, 1975.

Take notice that on December 9, 1975, Duke Power Company ("the Company") tendered for filing a supplement to the Company's Electric Power Contract with Davidson Electric Membership Corporation. This contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FPC No. 134.

The only document submitted with this filing is Exhibit A, Delivery Point No. 11 dated November 24, 1974. The Company requests that this document become effective on January 21, 1976.

The Company states that Exhibit A is a new point of delivery made at the request of the customer. To provide service under this agreement, the Company states that it will install a 100/12.47 KV substation to serve the customer.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make pro-

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testants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34682 Filed 12-23-75;8:45 am]

[Docket No. RP75-107]

GRANITE STATES GAS TRANSMISSION, INC.

Order Rejecting Substitute Tariff Sheets Without Prejudice

DECEMBER 15, 1975.

On May 30, 1975, Granite State Gas Transmission, Inc. (Granite State) tendered for filing a revised tariff sheet[1] to its FPC Gas Tariff, Original Volume 1, seeking to increase its rates to its parent and sole jurisdictional customer[2] by $217,750 annually. By order issued June 18, 1975, we *inter alia*, accepted this revised sheet for filing and suspended its effectiveness for five months, or until December 1, 1975.

On November 18, 1975, Granite State filed a substitute revised tariff sheet[3] and a motion to place that sheet into effect on December 1, 1975, the end of the suspension period. Granite State's tariff sheet filed on November 18, 1975, is based on the cost classification, allocation, and rate design methodology adopted in *United Gas Pipe Line Company*, Opinion No. 671[4] instead of the *Atlantic Seaboard* method[5], upon which its original filing was based. Granite State requests waiver of Section 154.66 of the Commission's Regulations in order to modify its rates and requests waiver of the 30 day notice requirement in order to permit these rates to become effective December 1, 1975. We believe that the change requested is consistent with our policies with regard to cost classification, allocation, and rate design and that waiver of Section 154.66 of the Regulations should be granted. However, the effect of the revision to the cost classification and allocation method results in an increase in the claimed jurisdictional cost of service, which increase in suspended rates we can not permit. Accordingly, we shall reject the tendered tariff sheet without prejudice to Granite State's right to refile, within ten days of the issuance of this order, a revised tariff sheet based on its claimed cost of service in its filing of May 30, 1975, and the revised method of cost classification and rate design reflected in its November 18, filing which tariff sheet may be made effective December 1, 1975 provided an appropriate motion is filed seeking waiver of our regulations as necessary.

The Commission finds: Good cause exists to reject Granite State's November 18, 1975, filing or hereinafter ordered and conditioned.

The Commission orders: (A) Granite State's November 18, 1975, filing is rejected without prejudice to Granite State's right to refile, within ten days of the date of issuance of this order, a revised tariff sheet based on its claimed cost of service in its filing of May 30, 1975, and the revised method of cost classification and rate design reflected in its November 18, 1975, filing, which tariff sheet may be made effective December 1, 1975, subject to refund, and provided further than an appropriate motion is filed seeking waiver of our regulations as necessary.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34671 Filed 12-23-75;8:45 am]

[Docket No. ER76-344]

HARTFORD ELECTRIC LIGHT CO.

Notice of Termination

DECEMBER 15, 1975.

Take notice that on December 8, 1975, The Hartford Electric Light Company ("the Company") tendered for filing a notice that effective May 31, 1974, Rate Schedule FPC No. HELCO 69, effective June 30, 1973, and filed with the Federal Power Commission by the Company, was terminated in accordance with its terms.

The Company states that notice of the proposed termination has been served upon Vermont Electric Power Company, Inc.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34672 Filed 12-23-75;8:45 am]

[Docket No. ER76-109]

ILLINOIS POWER CO.

Supplemental Data To Interconnection Agreement Filing

DECEMBER 16, 1975.

Take notice that on December 4, 1975 Illinois Power Company (Company), tendered for filing additional data to supplement its September 8, 1975 filing of an Interconnection Agreement dated July 25, 1975 between Illinois Power Company and Western Illinois Power Cooperative, Inc.

Company states that the additional data is filed pursuant to the Commission Secretary's letter of October 3, 1975 informing Company that its filing of the Interconnection Agreement was deficient with respect to certain requirements of the Commission's regulations under the Federal Power Act and requesting Company to submit the required data.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34683 Filed 12-23-75;8:45 am]

[Docket No. R174-188]

INDEPENDENT OIL & GAS ASSOCIATION OF WEST VIRGINIA

Certification of Proposed Settlement Agreement

DECEMBER 12, 1975.

Take notice that on December 3, 1975, the Presiding Administrative Law Judge certified to the Commission a proposed settlement agreement in the above referenced docket. The record of the proceeding was also certified for the Commission's use in reviewing the proposed settlement. The proposed settlement would resolve all outstanding issues. Attached to the settlement proposal is a motion requesting that the settlement proposal be certified to the Commission.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before December 31, 1975. Replies to comments are due on or before January 7, 1976. Comments and replies to comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34667 Filed 12-23-75;8:45 am]

[1] Ninth Revised Sheet No. 3A.
[2] Northern Utilities, Inc.
[3] Substitute Ninth Revised Sheet No. 3A.

[Docket Nos. RP75-98 and RP73-91]

McCULLOCH INTERSTATE GAS CORP.

Proposed Substitute Changes in Rates

DECEMBER 12, 1975.

Take notice that on December 8, 1975, McCulloch Interstate Gas Corporation ("McCulloch"), 10880 Wilshire Boulevard, Los Angeles, California 90024, tendered for filing Substitute Sixth Revised Sheet No. 32 in its FPC Gas Tariff, Original Volume No. 1, containing proposed changes in rates for effectiveness on November 1, 1975, in substitution for the rates initially filed in this Docket No. RP75-98 on April 30, 1975 and suspended by order issued herein on May 30, 1975 and in substitution for the rates filed in Docket No. RP73-91 on August 14, 1975 to reflect a purchased gas cost adjustment.

According to McCulloch, Substitute Sixth Revised Sheet No. 32 is submitted to adjust the rates originally filed in Docket No. RP75-98 to reflect a current cost of gas adjustment which became effective October 1, 1975, during the time the rates originally filed for were in suspension. The cost of purchased gas adjustment in the proposed filing herein amounts to a reduction in rates of approximately $168,785 annually.

According to McCulloch, copies of this filing were served upon all the parties to this proceeding and the regulatory Commission of the State of Wyoming.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commision's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34668 Filed 12-23-75;8:45 am]

[Docket No. RP75-20]

MISSISSIPPI RIVER TRANSMISSION CORP.

Filing of Stipulation and Agreement

DECEMBER 15, 1975.

Take notice that on December 8, 1975, Mississippi River Transmission Corporation (MRT) submitted for filing a proposed Stipulation and Agreement and a motion for Commission approval thereof. This Stipulation and Agreement was filed with the Commission following a hearing held on December 4, 1975, at which the previously filed direct evidence of both the Commission Staff and MRT, and the direct evidence of an intervenor, Laclede Gas Company (Laclede), was introduced into the record. At the hearing, it was agreed that since the evidence of Laclede had not previously been filed, such evidence would be promptly mailed to all parties; and it was announced that upon the filing of the Stipulation and Agreement with the Commission, the Presiding Administrative Law Judge would certify the record in these proceedings to the Commission as support for the proposed agreement. The proposed Stipulation and Agreement, if approved, will effectively resolve all issues arising in these proceedings.

Any person wishing to do so may submit written comments concerning the proposed Stipulation and Agreement. All such comments should be delivered or mailed to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before December 31, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34673 Filed 12-23-75;8:45 am]

[Docket No. RP71-127 (PGA 76-4)]

NATURAL GAS PIPELINE CO. OF AMERICA

PGA Filing To Track a Pipeline Supplier Rate Increase

DECEMBER 12, 1975.

Take notice that on December 1, 1975, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the below listed tariff sheets, to be effective January 1, 1976:

Twenty-sixth Revised Sheet No. 5
First Revised Sheet No. 5A

Natural states that as explained below, alternate tariff sheets were also filed.

Natural states the filing was made pursuant to the provisions of Section 18, Purchased Gas Cost Adjustment, of the General Terms and Conditions of its FPC Gas Tariff, to track an increase in the cost of gas purchased, effective January 1, 1976, from United Gas Pipe Line Company, a pipeline supplier to Natural. Natural states that United's filing was made November 14, 1975 to be effective January 1, 1976 in accordance with the terms of its PGA Clause.

Natural states that it filed concurrently under separate cover a Motion to Make Substitute Tariff Sheets Effective in the Event of Stay in the proceedings at Docket No. RP75-108.

Natural states that for the reasons set out in that motion, alternate Base Rates reflecting the use of the unmodified *Seaboard* basis of cost allocation were filed to be effective December 1, 1975 in the event tariff sheets previously filed therein and utilizing the "United formula" method of cost allocation are stayed. Natural states that therefore, alternate tariff sheets reflecting Base Rate levels under the unmodified *Seaboard* basis were also submitted as part of the PGA unit adjustment filing. Natural states that both sets of tariff sheets submitted reflect the same PGA unit adjustment levels.

Natural states that as notice of the supplier filing was not received by Natural in time to permit it to meet the 45 day filing requirements of its PGA tariff provision, it requests that that provision be waived to permit Natural's PGA unit adjustment to become effective January 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34669 Filed 12-23-75;8:45 am]

[Docket No. RP75-81]

NORTH PENN GAS CO.

Order Granting Interventions, Establishing Procedures, Scheduling Pre-Hearing Conference Before An Administrative Law Judge and Providing For Hearing

DECEMBER 15, 1975.

On April 23, 1975, the Commission suspended the tariff sheets tendered by North Penn Gas Company (North Penn) and deferred their use until April 25, 1975, and until such time as they are made effective in the manner prescribed by the Natural Gas Act. Upon a motion by North Penn the tariff sheets were placed into effect on June 20, 1975, subject to refund.

The suspended tariff sheets were tendered by North Penn on March 24, 1975.[1] These sheets contain North Penn's proposed permanent curtailment plan which provides for curtailment of deliveries in the event of a force majeure situation, which is therein defined as including an inability of North Penn to obtain sufficient gas supplies to meet its customers' requirements. No curtailment procedure exists in the old tariff.

Public notice of the proposed plan was issued on April 15, 1975 with protests and petitions to intervene due on or before May 8, 1975. Timely petitions to intervene with requests for pre-hearing conference in the above mentioned docket were received from New York State Electric Gas Corporation and from Corning Natural Gas Corporation. A timely Notice of Intervention with request for pre-hearing conference was received from the Public Service Commission of the State of New York. The

[1] The tendered sheets are designated as First Revised Sheet No. 12 and Original Sheets No. 12A-12F.

V40I248 DEC 24 75 XUM

Pennsylvania Public Utilities Commission filed a timely Notice of Intervention.

In our order of April 23, 1975, we found that North Penn's tendered tariff sheets may be unlawful and consequently, we suspended the use of those sheets. We will now convene a hearing to resolve the issues involved in North Penn's tender. Additionally, we will convene a prehearing conference, as suggested by some of the above petitioners, for the purpose of expediting the resolution of the issues.

The Commission finds: (1) Participation in this proceeding by New York State Electric and Gas Corporation and Corning Natural Gas Corporation may be in the public interest.

(2) Good cause exists for convening a pre-hearing conference for the purpose stated heretofore, and setting the issues involved for hearing and establishing the procedures for such hearing all as hereinafter ordered.

The Commission orders: (A) The above-mentioned intervenors are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene, and *Provided, further*, that the admission of intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on January 22, 1976, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) The direct case of the Applicant herein and any supporting interveners shall be filed and served on all parties of record, including the Commission Staff on or before December 30, 1975.

(D) Pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure a pre-hearing conference shall be held on January 8, 1975 at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose, shall preside at both the pre-hearing conference and the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34674 Filed 12-23-75;8:45 am]

[Docket No. RP73-69]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Denying Motion To Reopen Record

DECEMBER 15, 1975.

Transcontinental Gas Pipe Line Corporation (Transco) filed on November 4, 1975 a Motion to Reopen Record in the above-referenced proceeding. Transco's Motion is premised on its interpretation of Article IX of the Settlement Agreement in this docket, certified to the Commission on January 4, 1974, and its interpretation of *Transcontinental Gas Pipe Line Corporation* v. *F.P.C.*, No. 73-1626 (D.C. Cir. Sept. 2, 1975). Transco states that Article IX included in the settlement cost of service $4,447,964 for the unamortized portion of certain unrecoverable advance payments made by it, and provided that the inclusion was subject to final court review of "the merits of the propriety of rate base treatment thereof" or, should the determination not be on the merits, for reopening the record. Transco submits that the decision in *Transcontinental, supra*, "did not reach the *merits* of the propriety of rate base treatment of Transco's unrecoverable advance payments." Accordingly, Transco seeks to have the record reopened to determine the propriety of inclusion of these payments in rate base.

Based upon our review of Transco's Motion and the arguments raised therein, we have determined that Transco's Motion should be denied. Section IX of the Settlement Agreement certified in this proceeding provides that the advance payments amount included therein would be subject to "final court review on the merits of the propriety of rate base treatment thereof." We believe that the Court in *Transcontinental, supra*, did address the merits of including nonrecoverable advance payments, such as those provisionally included in the settlement cost of service, in rate base and, therefore, there is no necessity for reopening the record. As the Court stated the issue of this case, it did reach the merits of rate base treatment of unrecoverable advance payments.

The substantive issue raised by that application [Transco's filing for rehearing of *Order of Clarification and Denial of Rehearing on Modification*, issued February 27, 1973] and this appeal is whether the Commission's exclusion from rate base of nonrecoverable advances which are being amortized to cost of service as an expense is in violation of the Constitution and the Natural Gas Act. (Slip Op. at 1679)

Transco argued to the Court in *Transcontinental, supra*, that the "half a loaf" treatmet, which allows gradual recoupment of these nonrecoverable advance payments but requires the stockholders to absorb the carrying charges, was confiscatory. (Slip Op. at 1681) Thus it is clear that both the parties and the Court focused on the question of whether it is proper to allow nonrecoverable advance payments to excluded from rate base. The Court of Appeals indicated that the proper test for unconstitutional confiscation includes reviewing the situation before it in its entirety. Quoting from *F.P.C. v. Natural Gas Pipeline*, 315 U.S. 575, 586 (1942), The Court of Appeals set out the standards under which it reviewed our orders.

Once a fair hearing has been given, proper findings made and other statutory requirements satisfied, the courts cannot intervene in the absence of a *clear showing* that the limits of due process have been overstepped. If the Commissions' order, as applied to the facts before it and *viewed in its entirety*, produces no arbitrary result, our inquiry is at an end. (Slip, 1682, emphasis by the Court of Appeals.)

It would be contradictory for the Court to establish the "entirety" test as proper in this case and then bisect the accounting treatment from the rate treatment, as Transco in its Motion asserts the Court did. The Court looked not only at what accounting treatment we had given to nonrecoverable advance payments, but also at the rate making effect of that treatment.

In the instant case, Transco concedes that it will be compensated for the full amount of nonrecoverable advance payments since they may be amortized in cost-of-service and thus recovered through gross revenue. Nevertheless, Transco argues that the challenged accounting rule deprives it of compensation for the capital cost which it bears for working capital dedicated to advance payments which, though prudently made, have become unrecoverable.

We are satisfied that the Commission's treatment of the pipelines' interest-free loans cannot fairly be assailed as unreasonable to the pipelines. (Slip, 1683)

The Court is discussing the entire treatment, both accounting and rate, afforded these payments under our orders. Its decision that our treatment was not unreasonable, therefore, appears to us to have addressed the merits of the appropriateness of excluding unrecoverable advance payments from rate base.

Transco's final point on its Motion suggests that a general accounting rule as applied to specific proceedings can be reviewed only "on the basis of *findings made after a hearing.*" (Emphasis in Transco's Motion.) This is not in accordance with proper administrative procedure and law. What Transco suggests would lead to a situation in which a hearing would be required for every pipeline on every nonrecoverable advance payment made. This would defeat the entire purpose of the rulemaking procedure from which Order No. 465 and the Order of Clarification, issued February 27, 1973, resulted as well as unnecessarily clog our already overburdened administrative hearing system. It is well established that we may act by rulemaking or other means, such as area rate proceedings, to promulgate policy without being required

to hold an evidentiary hearing subsequently for each pipeline to test the applicability of the rule promulgated in their situations. E.g., *Permian Basin Area Rate Cases*, 390 U.S. 747 (1968); see generally, *Davis, Administrative Law.* (3rd Ed. 1972), Chapter 6.

We believe that Transco's Motion to Reopen Record must be denied. Article IX of the Settlement Agreement conditions the inclusion of $4,447,964 of nonrecoverable advance payments on "final court review on the merits of the propriety of rate base treatment" of that amount. We believe that the Court of Appeals did address the merits of including such nonrecoverable advance payments in rate base and that its affirmation of our Orders on this issue indicates that the exclusion of these amounts from rate base is just and reasonable. Accordingly, the conditions of Article IX have been met and no reason exists for reopening the record as requested by Transco. Pursuant to the provisions of Article IX, Transco shall refund the amount included in the settlement cost of service for the unamortized portion of certain unrecoverable advance payments made by it.

The Commission finds: Good cause exists to deny Transco's Motion to Reopen the Record.

The Commission orders: (A) Transco's Motion to Reopen Record is hereby denied.

(B) Transco is hereby ordered to make refunds in accordance with the provisions of Article IX of $4,447,964, the amount included in the Settlement Agreement in this docket for the unamortized portion of certain unrecoverable advance payments, within 60 days of the issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34675 Filed 12-23-75;8:45 am]

[Docket No. CP76-157]

UNITED GAS PIPE LINE CO.

Notice of Application

DECEMBER 16, 1975.

Take notice that on November 10, 1975, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP76-157 an application pursuant to Section 7(b) and (c) of the Natural Gas Act for permission and approval to abandon by sale to Arkansas Louisiana Gas Company (Arkla) certain pipeline, metering and regulating facilities in and around Shreveport and Bossier City, Louisiana, to abandon deliveries of natural gas directly to Atlas Processing Company (Atlas), and to abandon sales and deliveries of natural gas to Louisiana Gas Service Company (LGSC) for resale and for a certificate of public convenience and necessity authorizing the construction and operation of metering and regulating facilities for the dlivery of natural gas to Arkla for resale in and around Shreveport and Bossier City, for delivery of natural gas to Arkla for redelivery to Atlas and for the sale and delivery of natural gas to Arkla in lieu of LGSC, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests permission and approval to abandon by sale to Arkla approximately 57,222 feet of 16-inch pipeline, 110,378 feet of 12-inch pipeline, 14,956 feet of 10-inch pipeline, 76,623 feet of 8-inch pipeline, 1,122 feet of 4-inch pipeline, 173 feet of 2-inch pipeline, and related separating, measuring and regulating facilities, located in Bossier and Caddo Parishes, Louisiana. Applicant states that Shreveport and Bossier City have expanded since the time said facilities were constructed and that some portion of the facilities are now located within the cities. The expansion is said to have changed the function of the pipeline from transmission to distribution; and, therefore, Applicant proposes to sell the facilities to Arkla to be used as part of its distribution system. Applicant proposes to sell the system to Arkla for $1,000,000, and states that the depreciated original cost of the facilities will be $591,848 on June 30, 1976.

In order to continue the sale for resale and delivery of natural gas to Arkla, Applicant requests authorization to construct and operate a dual 10-inch orifice meter station near Blanchard in Caddo Parish and a dual 16-inch orifice meter station and appurtenant facilities on Barksdale Air Force Base in Bossier Parish. Applicant estimates that the cost of the proposed facilities would be approximately $144,705. It is stated that the construction of the two proposed meter stations would not change Applicant's present sales volumes or service to Arkla.

Applicant further states that it serves one direct industrial customer, Atlas, from the facilities proposed to be abandoned. Applicant alleges that it has presently before the Commission in Docket No. CP75-196 an application[1] for permission and approval to abandon service to Atlas because the sales agreement between Atlas and Applicant has expired and because Atlas uses such gas for a low priority end use (boiler fuel). Applicant states that Arkla has agreed to deliver up to 10,000 Mcf of natural gas per day to Atlas for Applicant without charge pending Commission action on the proposed abandonment.

Applicant states that it sells up to 400 Mcf of gas per day to LGSC from 401 farm taps along the pipeline and appurtenant facilities to be sold to Arkla in the Shreveport and Bossier City areas and along certain of Applicant's other transmission, field, and gathering lines in Bossier, Caddo, Claiborne, and Webster Parishes. Applicant states further that LGSC intends to sell the retail distribution facilities to Arkla connected to said farm taps and that Arkla intends to continue sales and distribution of natural gas from said facilities. Accordingly, Applicant proposes to transfer to Arkla 400 Mcf per day of LGSC's maximum daily quantity of gas by reducing by 73 Mcf per day the amount of gas available to LGSC at the town of Hall Summit, Louisiana, and by reducing by 327 Mcf per day the amount of gas available to LGSC at the town of Lisbon, Louisiana. Concurrently, Applicant proposes to amend its service agreement with Arkla covering Arkla's requirements in the communities of Cotton Valley, Farmerville, Sarepta, and Springhill, Louisiana, to increase the maximum daily quantity thereunder from 4,290 Mcf to 5,320 Mcf at the Sarepta-Springhill delivery point.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-34684 Filed 12-23-75;8:45 am]

[Docket No. E-8619]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Order Approving Settlement Agreement

DECEMBER 16, 1975.

On February 4, 1974, Wisconsin Electric Power Company (WE) and its

[1] Notice published in the FEDERAL REGISTER January 20, 1975 (40 FR 3262).

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wholly-owned subsidiary Wisconsin Michigan Power Company (WM) (Applicants) tendered for filing a proposed revised rate schedule supplement covering service to twenty wholesale customers.[1] The filing proposed to effect a $3,018,000 increase in revenues from jurisdictional sales, based on a test period ending December 31, 1974. Applicants stated that this proposed revenue increase of 34.9 percent was necessary to yield their required rate of return of 8.46 percent.

By order issued April 19, 1974 the Commission accepted for filing and suspended for five months Applicants' rate filing, to become effective September 20, 1974, and set the matter for hearing. Three petitions to intervene were filed by the aforementioned cities[2] (Cities), the Upper Peninsula Power Company, and the Oconto Electric Cooperative and Alger Delta Cooperative on June 10, 1974. A third rural electric cooperative, Ontonagon County Rural Electrification Association, filed a protest on February 19, 1974.

A hearing was convened on July 8, 1975, following which negotiations were held leading to a proposed settlement agreement. On October 16, 1975, the presiding Administrative Law Judge William L. Ellis certified a proposed settlement agreement to the Commission. Notice of the certification was issued on October 24, 1975.

On October 31, 1975, the Staff filed comments pursuant to the notice of certification of the settlement proposal stating that as a result of its analysis of the agreement it concluded that the proposed settlement rates were justified. No other comments were received.

The settlement agreement[3] resolves all the contested issues among all the parties to the proceeding. Specifically, this agreement would reduce the revenue increase sought by the Applicants from $3,015,016 to $2,637,499, resulting in an overall return of 7.73% according to the settlement, based on a 1974 test period, and would eliminate a restriction on sale for further resale of energy furnished under the applicants' rate for wholesale service to large electric utilities. Under the Settlement Agreement, Applicants agree to file rate schedule revisions and to refund to their customers any amounts collected for service from September 20, 1974 in excess of amounts that would have been collected under the settlement rates, with seven (7) percent interest. Included in the agreement is a provision for a moratorium against any further rate increases to become effective prior to January 1, 1976.

Based on our consideration of the data and petitions submitted in this case[4] and Staff's comments thereon, we conclude that the Settlement rates proposed herein are justified.

The Commission finds: (1) The Settlement Proposal certified to the Commission by the presiding Administrative Law Judge William L. Ellis on October 16, 1975, in Docket No. E-8619 should be approved in its entirety.

The Commission orders: (A) The Settlement Proposal certified to the Commission by the Presiding Administrative Law Judge William L. Ellis on October 16, 1975, in Docket No. E-8619 is hereby approved in its entirety.

(B) Applicants shall be required within 30 days of the issuance of this order to file revised rates reflecting those rates contained in the settlement agreement and shall refund to its Customers any amounts collected for service from September 20, 1974, in excess of amounts that would have been collected under the settlement rates, with interest at seven (7) percent, pursuant to Article I of the attached Settlement Agreement. Upon the Commission's receipt of Applicant's statement of compliance with this order, Docket No. E-8619 shall terminate.

(C) This order is without prejudice to any findings of orders which have been made or will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Applicants, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Applicants or any other person or party.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

City of Cedarburg, Wis.
Village of Deerfield, Wis.
City of Elkhorn, Wis.
City of Hartford, Wis.
City of Jefferson, Wis.
City of Lake Mills, Wis.
City of Oconomowoc, Wis.
Village of Slinger, Wis.
City of Waterloo, Wis.
City of Clintonville, Wis.
City of Kiel, Wis.
City of Crystal Falls, Mich.
Town of Florence, Wis.
City of New London, Wis.
Oconto Electric Cooperative
City of Oconto Falls, Wis.
City of Shawano, Wis.
Upper Peninsula Power Co.
Alger-Delta Cooperative Electric Asso.
Ontonagon County Rural Electrification Asso.

APPENDIX B

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL POWER COMMISSION

[Docket No. E-8619]

Wisconsin Electric Power Co., Wisconsin Michigan Power Co.

Settlement Agreement

Introduction

This Settlement Agreement is made and entered into between Wisconsin Electric Power Company and its subsidiary Wisconsin Michigan Power Company ("Applicants") and their wholesale customers intervening in this proceeding ("Customers"), consisting of: (1) 16 municipals, the Cities and Villages of Clintonville, New London, Oconto Falls, Florence, Shawano, Cedarburg, Deerfield, Elkhorn, Hartford, Jefferson, Kiel, Lake Mills, Oconomowoc, Slinger, and Waterloo, Wisconsin, and Crystal Falls, Michigan; (2) two rural electric cooperatives, Oconto Electric Cooperative and Alger Delta Cooperative Electric Association; and (3) one investor-owned utility, Upper Peninsula Power Company. A third rural electric cooperative, Ontonagon County Rural Electrification Association, is not an intervenor in this proceeding.

This Settlement Agreement involves Applicants' joint filing of rates for service to Customers tendered on February 4, 1974, and effective subject to refund since September 20, 1974. Specifically:

1. Article I hereof provides for filing of the rate schedule revisions attached hereto as Appendix A. As shown on Appendix B hereto, the settlement rates would, based on the 1974 test period, reduce the revenue increase sought by Applicants from $3,015,016 to $2,637,499. The rate schedule revisions in Appendix A would also eliminate a restriction on resale for further resale of energy furnished under Applicants' rate for wholesale service to large electric utilities.

APPENDIX B

2. Article II provides for a moratorium against any further rate increase to become effective prior to January 1, 1976.

3. Article III provides that the Settlement Agreement resolves all issues between the Applicants and Customers arising from Applicants' filing.

This Settlement Agreement resulted from discussions between Applicants, Customers, and the Commission's staff held at various times in 1975. As a result of those discussions, but subject in every particular to the conditions set forth in this Settlement Agreement, including acceptance of this Settlement Agreement in its entirety and without change or condition by the Commission, and with the understanding that each term of the Settlement Agreement is in consideration and support of every other term, Applicants and Customers have agreed as follows:

Article I

Article 1.1: Upon the Commission's approval of this Settlement Agreement, Applicants will file the rate schedule revisions attached hereto as Appendix A.

Article 1.2: Applicants agree to refund to Customers any amounts collected for service from September 20, 1974 in excess of amounts that would have been collected under the settlement rates in Appendix A, with interest at seven percent.

Article II

Moratorium

Applicants agree that they will not increase their settlement rates prior to January 1, 1976. It is understood and agreed that Applicant may submit for filing a proposed rate increase and may request a proposed effective date prior to January 1, 1976, provided that Applicants request suspension of the proposed rates until January 1, 1976.

Article III

Full Settlement

Applicants and Customers agree that this Settlement Agreement is in full settlement of all issues arising from Applicants' filing in this docket.

Article IV

Settlement Cost of Service

It is agreed, for settlement purposes only, that the settlement rates are supported by the 1974 test year cost of service analysis presented in Appendix C hereto.

Article V

Conditions

Article 5.1: The making of this Settlement Agreement shall not be deemed in any respect to constitute an admission by Applicants or Customers that any allegation or contention in these proceedings, or as to any of the foregoing matters, is true and valid.

Article 5.2: The making of this Settlement Agreement establishes no principles and shall not be deemed to foreclose Applicants or Customers from making any contention in any proceeding or investigation, except for Applicants' commitments in Articles I and II.

Article 5.3: The acceptance of this Settlement Agreement by the Commission shall not in any respect constitute a determination by the Commission as to the merits of any allegations or contentions made in this rate proceeding.

Article 5.4: This Settlement Agreement is expressly conditioned upon the Commission's acceptance of all the provisions thereof, without change or condition, and upon the following further Commission actions:

(a) waiver of the requirements of Section 35.3 of its regulations under the Federal Power Act with respect to the filings provided for in Article I of this Settlement Agreement, to the extent necessary to effectuate all of the provisions hereof; and

(b) waiver by the Commission of the requirements of Section 35.13 of its regulations under the Federal Power Act with reapect to said filings; and

(c) acceptance of said filings without suspension under Section 205 of the Federal Power Act, effective as of the dates specified in said filings.

Article 5.5: The discussions which have produced this Settlement Agreement have been conducted on the explicit understanding, pursuant to Section 1.18(e) of the Commission's Rules of Practice and Procedure, that all offers of settlement and discussions relating thereto are and shall be privileged, shall be without prejudice to the position of any party or participant presenting any such offer or participating in any such discussion, and are not to be used in any manner in connection with this proceeding or otherwise. This Settlement Agreement is submitted on the condition that, in the event the Commission does not by order accept it in its entirety, this Settlement Agreement shall be deemed withdrawn and shall not constitute any part of the record in this proceeding or be used for any other purposes.

This Settlement Agreement is entered into in Madison, Wisconsin, this ____ day of _____, 1975 by and between Customers and Applicants, by their respective attorneys who represent that they are fully authorized to do so on behalf of their principals.

Wisconsin Electric Power Company,
Wisconsin Michigan Power Company.

By_____
Its Attorney

Clintonville, New London, Oconto Falls, Florence, Shawano, Cedarburg, Deerfield, Elkhorn, Hartford, Jefferson, Kiel, Lake Mills, Oconomowoc, Slinger and Waterloo, Wisconsin, and Crystal Falls, Michigan.

By_____
Their Attorney

Oconto Electric Cooperative, Alger Delta Cooperative Electric Association.

By_____
Their Attorney

Upper Peninsula Power Company.

By_____
Its Attorney

APPENDIX C

WISCONSIN ELECTRIC POWER COMPANY SYSTEM

Calculation of Revenue Requirements—Wholesale Customers[5]

Year 1974

	Wholesale
Rate base	$27,446,000
Return requirement at 7.73 percent	2,121,653
Return-actual	443,306
Return deficiency	1,678,347
Income tax:	
Return deficiency	----------
Revenue requirement (51.52 percent tax rate)	----------
Income tax deficiency	----------
Rate base allocation (percent)	2.8787
Allocation of income tax:	
Actual income taxes	----------
Deficiency	----------
Total income tax requirement	$761,653
Revenue requirement:	
Total income tax requirement	761,653
Less actual income taxes	(197,500)
Income tax deficiency	959,153
Return deficiency	1,678,347
Total revenue increase required	2,637,500

[FR Doc.75-34685 Filed 12-23-75;8:45 am]

[Docket No. ER76-347]

DUKE POWER COMPANY

Notice of Filing

DECEMBER 16, 1975.

Take notice that on December 9, 1975, Duke Power Company ("the Company") tendered for filing a supplement to the Company's Electric Power Contract with the City of Seneca, South Carolina. This contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FPC No. 263.

The only document submitted with this filing is Exhibit A-1, Delivery Point No. 1, dated September 10, 1975. The Company requests that this document become effective on January 21, 1976.

The Company states that a copy of this document has been served on Seneca Light and Water Plant, Seneca, South Carolina.

The Company states that Exhibit A-1 provides for an increase in contract demand from 12,000 KW to 16,000 KW made at the request of the customer. No new facilities have been installed to provide the service described in the Exhibit A-1.

[5] Aug. 13, 1975, data revised for new WMP loss data and corrected demand data.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34856 Filed 12-23-75;8:45 am]

[Docket No. ER76-351]

IOWA POWER AND LIGHT COMPANY

Notice of Proposed Rate Changes

DECEMBER 16, 1975.

Take notice that Iowa Power and Light Company (Iowa Power) on December 9, 1975, tendered for filing the following rate schedules:

Service Schedule B to the Electric Interchange Agreement between Iowa Power and Light Company and the City of Ames, Iowa, filed to supersede Supplement No. 2 to Iowa Power Rate Schedule FPC No. 39;

Service Schedule D to the Electric Interchange Agreement between Iowa Power and Light Company and the City of Ames, Iowa, filed to supersede the original Service Schedule D in effect under Iowa Power Rate Schedule FPC No. 39; and

Third Amendment to the Electric Interchange Agreement between Iowa Power and Light Company and the City of Ames, Iowa, filed to supersede Supplement No. 1 to Iowa Power Rate Schedule FPC No. 39.

Iowa Power states that since no transactions under Service Schedules B and D have occurred within the last twelve months, and more are contemplated within the next twelve months, the proposed change will have no effect upon revenues from jurisdictional sales and service based on the twelve month period ending November 18, 1976.

Iowa Power further states that the proposed changes in rates charged under Service Schedules B and D were made for the purpose of bringing these rates into conformity with the rates being charged Iowa Power for similar services under the Mid Continent Area Power Pool (MAPP) Agreement to which Iowa Power is a party. The change in reserve requirements of the parties proposed by the Third Amendment was made for the purpose of bringing the City's reserve requirement up to the level which the MAPP Agreement requires Iowa Power to maintain.

Iowa Power requests the Commission waive the prior notice requirements of Section 35.13(a) of the Regulations and

[1] See Appendix A.

[2] Cities and Villages of Clintonville, New London, Oconto Falls, Florence, Shawano, Cedarburg, Deerfield, Elkhorn, Hartford, Jefferson, Kiel, Lake Mills, Oconomowoc, Slinger, and Waterloo, Wisconsin and Crystal Falls, Michigan.

[3] See Appendix B.

[4] See Settlement Calculation of Revenue Requirement contained in Appendix C.

V401248 DEC 24 75 XUM

accept the filing with a retroactive effective date of November 18, 1975. Iowa Power states that copies of the filing have been served upon the City of Ames, Iowa, and the Iowa State Commerce Commission.

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 30, 1975.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34857 Filed 12-23-75;8:45 am]

[Docket No. ER76-891]

KANSAS CITY POWER & LIGHT COMPANY

Notice of Filing of Supplemental Data

DECEMBER 17, 1975.

Take notice that on December 8, 1975, Kansas City Power & Light Company tendered supplemental data intended to make complete its original filing of August 25, 1975. This action is in response to a deficiency letter issued by the Secretary of the Federal Power Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34858 Filed 12-23-75;8:45 am]

[Docket No. ER76-332]

KANSAS POWER AND LIGHT COMPANY

Notice of Filing

DECEMBER 17, 1975.

Take notice that on December 5, 1975, the Kansas Power and Light Company (Kansas Power) tendered for filing an amendment to its Power Service Agreement with Ninnescah Rural Electric Coop Association, Inc. (Coop) dated September 21, 1973, designated Rate Schedule FPC No. 160. Kansas Power states that this proposed change will provide for increased capacity two present delivery points, the decreased capacity at one present delivery point, a new delivery point for the Coop at "New Belpre" with a maximum demand of 1500 KW at Phase 34.5 KV, and the deletion of the current Belpre delivery point.

Kansas Power states that the proposed changes are necessary to provide for more efficient service to customers of the Coop in order to meet the coming summer peak load.

Kansas Power states that copies of this filing have been mailed to the Coop and the Kansas State Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34859 Filed 12-23-75;8:45 am]

[Docket No. ER76-302]

SOUTHERN SERVICES, INC.

Notice of Filing of Amendment To Interchange Agreement

DECEMBER 17, 1975.

Take notice that on November 28, 1975, Southern Services, Inc. on its own behalf and on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company, filed an amendment to the interchange agreement among them dated October 16, 1950, as amended. The proposed amendment is requested to be made effective as of January 1, 1976.

In its letter of transmittal, Southern Services states that anual changes are required in the existing interchange agreement so as to reflect the best and most currently available information with regard to the following items:

1. Amount and location of additional generating capacity being provided.
2. Estimates of company and system loads.
3. Basic costs of deficit plants.
4. Revisions in demonstrated capabilities and economies of existing generating units.
5. Variations associated with differences in generating availability.
6. Routine additions and changes in equalization charges for transmission.

The present filing is being made in accordance with above-described policy of updating the interchange agreement on an annual basis. The transmittal letter states that no changes are proposed in the fixed charge rates currently in effect under the existing interchange agreement.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before December 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Southern Services' filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,

[FR Doc.75-34860 Filed 12-23-75;8:45 am]

[Docket No. E-9145]

UTAH POWER & LIGHT COMPANY

Notice of Filing of Settlement Agreement

DECEMBER 17, 1975.

Take notice that on December 8, 1975, the Utah Power & Light Company (Utah) tendered for filing a stttlement agreement in the above-referenced docket which is intended to resolve all issues in this proceeding, with the exception of a rate design question raised by Lincoln Service Corporation, a jurisdictional customer, which question is currently pending negotiations.

Utah states that copies of the agreement have been sent to all intervenors and other jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34861 Filed 12-23-75;8:45 am]

[Docket No. ER76-331]

WISCONSIN POWER AND LIGHT COMPANY

Notice of Tariff Change

DECEMBER 17, 1975.

Take notice that Wisconsin Power and Light Company, on December 4, 1975, tendered for filing proposed changes in its W-2 and W-3 Electric Service Tariffs, Wholesale For Resale. The proposed changes would increase revenues from W-2 Customers by $524,537 and from W-3 Customers by $2,598,510 based on the 12-month period ending December 31, 1976.

Wisconsin Power and Light Company states that the proposed rate increase is necessary to meet rising financial and operating costs. The proposed effective date of the rates contained in the filing is January 1, 1976.

Copies of the filing were served upon the public utility's jurisdictional customers, and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34862 Filed 12-23-75;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

NOTICE OF COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, January 8, 1976.
Thursday, January 15, 1976.
Thursday, January 22, 1976.
Thursday, January 29, 1976.

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street, NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Public Law 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C., section 552(b)(2), that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C. 20415.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

DECEMBER 11, 1975.

[FR Doc.75-34760 Filed 12-23-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on December 16, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB and FMC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before January 12, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

CIVIL AERONAUTICS BOARD

Request has been submitted for extension no change of the record-retention requirements in Part 373—Study Group Charters by Direct Air Carriers and Study Group Charterers, and Part 378—inclusive Tour Charters. The objectives of these requirements are to (1) ensure that study group charterers and tour operators conduct their programs in accordance with the regulations in Parts 373 and 378 and (2) provide the Board with information concerning the revenue and passenger traffic generated by tour and study group operations. These retention requirements are mandatory under the Federal Aviation Act.

FEDERAL MARITIME COMMISSION

Request for extension without change of the Commission's General Order 18 (46 CFR 537), "Conference Agreement Provisions Relating to Concerted Activities." This rule requires that parties to agreements approved under Section 15 of the Shipping Act, 1916, file with the Commission reports of all meetings of the conference or parties to the agreement. Respondent burden is estimated to be 2 hours per response with total annual responses estimated at 2,000 reports.

NORMAN F. HEYL,
Regulatory Reports, Review Officer.

[FR Doc.75-34651 Filed 12-23-75;8:45 am]

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GENERAL SERVICES ADMINISTRATION

Federal Preparedness Agency

RADIOLOGICAL INCIDENT EMERGENCY RESPONSE PLANNING; FIXED FACILITIES AND TRANSPORTATION

Interagency Responsibilities

This notice is issued by the Federal Preparedness Agency, General Services Administration (GSA), to provide full public information concerning the general course and method by which certain radiological incident emergency response planning responsibilities are channeled and determined (5 USC 552(a)(1)(B)). It supersedes the FEDERAL REGISTER notice of January 24, 1973 (38 FR 2356), published by the Office of Emergency Preparedness.

Purpose. To state the responsibilities as agreed between certain Federal agencies for radiological emergency response planning covering fixed nuclear facilities and transportation incidents involving radioactive materials and for providing coordinated Federal assistance to State and local governments in their emergency response planning related to such incidents. Policy and planning guidance to Federal agencies for assistance to States will be directed toward those incidents whose effects extend beyond the boundaries of the facility or site or the immediate area of an incident involving the transportation of radioactive material. It is intended that the plans and arrangements developed by Federal agencies and by the States for responding to the contingencies set forth in this notice will be encompassed subsequently in Federal and State planning documents which provide for the full spectrum of peacetime nuclear emergencies. It is also intended that this Statement of Responsibilities will provide a continuing stimulus to State and local government emergency planning for responding to radiological incidents.

Background—Formal statement of the roles of the Federal departments and agencies, as set forth in this notice, is made pursuant to Executive Orders 11051 and 11490 and in connection with the responsibility of the Federal Preparedness Agency to stimulate vigorous State and local participation in emergency preparedness measures and in achieving a coordinated working relationship between the various elements of State governments and the Federal agencies to which specific emergency preparedness functions have been assigned. While there is substantial assurance of an exceedingly low probability of incidents involving radioactive materials in fixed nuclear facilities and in the transportation of those materials, the anticipated proliferation of nuclear power plants and materials in the near future requires early consideration of this problem and adequate emergency planning for such contingencies. At the Federal level, several agencies are cooperating to lend assistance to State and local governments in developing emergency plans for fixed nuclear facilities and the transportation of nuclear materials. Current planning activities are taking place at all levels of government, as well as in private industry.

Responsibilities. The Nuclear Regulatory Commission (NRC) is the lead agency in radiological incident emergency response planning, training and other assistance activities covered in this notice. The Federal Preparedness Agency, GSA, exercises general monitorship of these activities. Responsibilities of NRC, the Federal Preparedness Agency, GSA, and other Federal agencies are detailed below.

The Nuclear Regulatory Commission (NRC) is responsible for:

1. Issuance of guidance to other Federal agencies concerning their responsibilities and authorities in radiological incident emergency response planning and in providing planning assistance to State and local governments.

2. Development and promulgation of guidance to State and local governments in coordination with other Federal agencies for the preparation of radiological emergency response plans.

3. Review and concurrence in such plans. (Proper correlation among State, local government, licensee, and national plans is an element of this review.)

4. Determination of the accident potential at each licensed fixed nuclear facility.

5. Issuance of guidance for establishment of effective systems of emergency radiation detection and measurement.

The Environmental Protection Agency (EPA) is responsible for:

1. Establishment of Protection Action Guides (PAG) in coordination with appropriate Federal agencies. These guides will be in terms of projected radiation doses which might result from radiological incidents at fixed nuclear facilities or in the transportation of radioactive materials.

2. Recommendations as to appropriate protective actions which can be taken by governmental authorities to ameliorate the consequences of a radiological incident at a fixed nuclear facility or from an incident involving transportation of radioactive materials.

3. Providing assistance, following the guidance issued by NRC, to State agencies with radiological emergency response responsibilities in the development of their emergency plans relative to nuclear facilities and transportation incidents involving radioactive materials.

4. The establishment of emergency radiation detection and measurement systems guidelines in cooperation with NRC.

The Energy Research and Development Administration (ERDA) is responsible for:

1. Providing guidance, consistent with NRC guidance, to State and local governments on the development of that portion of their radiological incident emergency response planning which is related to ERDA-managed and operated facilities and ERDA-controlled radioactive materials in transit to assure that: (a) State and local planning are coordinated with ERDA and ERDA contractor radiological incident response planning; and (b) State and local response capabilities and resources are fully coordinated with ERDA to mitigate the offsite consequences of radiological incidents.

2. Cooperation with the involved Federal agencies in the development and implementation of radiological emergency response planning assistance for State and local governments, consistent with NRC guidance.

3. Determination of the accident potential at each non-licensed ERDA fixed nuclear facility.

4. Assisting other agencies in the development and establishment of guidelines on effective systems of emergency radiation detection and measurement, including instrumentation, for State and local governments, in cooperation with NRC.

The Department of Health, Education, and Welfare (DHEW) is responsible for:

1. Assisting State health departments, State hospital associations, and other professional organizations and ambulance services in the development of plans for the prevention of adverse effects from exposure to radiation, including the use of prophylactic drugs to reduce radiation dose to specific organs. This includes health and medical care responses to radiological incidents, consistent with guidelines issued by NRC.

2. Issuance of guidance on appropriate planning actions necessary for evaluating and preventing radioactive contamination of foods and animal feeds, and the control and use of such products should they become contaminated.

3. Issuance of guidance on emergency radiation doses related to the health and safety of ambulance services, hospital, and other health care personnel, in cooperation with EPA.

4. Establishing and issuing guidelines for radiation detection and measurement systems for use by ambulance services and hospital emergency departments, in cooperation with NRC.

The Department of Transportation (DOT) is responsible for:

1. Providing guidelines, in cooperation with NRC and other Federal agencies, and consistent with NRC guidance, for the development of that portion of State and local emergency plans pertaining to transportation incidents involving radioactive materials as described in the Purpose portion of this statement.

2. Assistance to State and local governments in emergency planning for such transportation incidents.

The Defense Civil Preparedness Agency (DCPA) is responsible for:

1. Assistance to State and local authorities in planning the emergency preparedness actions required to provide the mechanism for coordinating emergency operations in response to radiological incidents, consistent with NRC guidance.

2. Issuance of guidance on the use of civil defense resources including warning, communications, training, and radiological defense emergency response systems.

Federal Disaster Assistance Administration (FDAA) of the Department of Housing and Urban Development is responsible for:

1. Providing guidance to State and local authorities on the disaster preparedness aspects of State emergency planning for fixed nuclear facilities and transportation incidents involving radioactive materials, consistent with NRC guidance, for the preparation of radiological emergency response plans.

2. Recommendations to NRC as to appropriate planning actions necessary for evaluation and review of State and local planning activities developed under this notice.

The Federal Preparedness Agency (FPA), GSA, will exercise general monitorship of Federal radiological emergency response planning and training activities related to this notice. Specifically, FPA responsibilities include:

1. Review and endorsement of NRC guidance to other Federal agencies and NRC guidance and planning assistance to State and local governments.

2. Assistance in resolving Federal interagency or Federal-State problems when necessary to the fulfillment of the responsibilities to Federal agencies in this notice.

3. Encouragement of States to produce plans related to this notice as part of their general State emergency planning.

4. Assistance to NRC, ERDA and DOT in developing priorities, when required, for providing this planning assistance to State and local governments.

5. Facilitating State and local contracts for NRC, ERDA and DOT.

6. Maintaining an overview of planning activities and providing policy and planning guidance when required.

Participating Federal agencies will support the development and conduct of emergency response preparedness programs, to include training, consistent with their respective responsibilities.

Other Federal agencies will be involved in specific instances of radiological incident emergency response planning participation and assistance in accordance with their basic responsibilities and functions. Details of such participation as part of the coordinated Federal effort will be a development of each localized planning activity.

Dated: December 10, 1975.

LESLIE W. BRAY, JR.,
Director, Federal Preparedness Agency, General Services Administration.

[FR Doc.75-34638 Filed 12-23-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

APPLICATIONS FOR RENEWAL PERMITS, ELECTRIC FACE EQUIPMENT STANDARD

Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4197-000, HOBBS BROS. COAL COMPANY, INC., Mine No. 7, Mine ID No. 44 02705 0, Whitewood, Virginia 24657. ICP Permit No. 4197-005—R-3 (Stacy Spinner Loading Machine, I.D. No. S-SB-EH-HB-1), ICP Permit No. 4197-009—R-3 (Goodman 212 Cutting Machine, I.D. No. G-212-HB-2-7).

(2) ICP Docket No. 4225-000, MARY E COAL COMPANY, INC., Mine No. 2, Mine ID No. 44 00526 0, Whitewood, Virginia, ICP Permit No. 4225-012—R-3 (Stacy's Spinner Loading Machine, I.D. No. S-SWB-ME-3), ICP Permit No. 4225-013—R-3 (Stacy's Spinner Loading Machine, I.D. No. S-SB-EH-ME-2), ICP Permit No. 4225-016—R-3 (Royal Cutting Machine, I.D. No. R-ME-1), ICP Permit No. 4225-017—R-3 (Goodman 212 Cutting Machine, I.D. No. G-212-ME-3).

In accordance with the provisions of Section 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

C. DONALD NAGLE,
Acting Chairman, Interim Compliance Panel.

DECEMBER 19, 1975.

[FR Doc.75-34647 Filed 12-23-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

AD HOC ADVISORY COMMITTEE ON THE SACRAMENTO PEAK OBSERVATORY

Notice of Establishment

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), it is hereby determined that the establishment of the Ad Hoc Advisory Committee on the Sacramento Peak Observatory (SPO) is necessary, appropriate, and in the public interest in connection with the performance of the duties imposed upon the Director, National Science Foundation (NSF) by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to Section 9(a)(2) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

1. *Name of Group.* Ad Hoc Advisory Committee on the Sacramento Peak Observatory.

2. *Purpose.* The purpose of the Ad Hoc Advisory Committee on the Sacramento Peak Observatory is to review the research activities at SPO. The committee is to examine and assess the scientific priority of SPO research in relation to other Federal support for astronomical research. The results of the assessment will be presented to the Director of the National Science Foundation through the Assistant Director for Atronomical, Atmospheric, Earth, and Ocean Sciences.

3. *Effective Date of Establishment and Duration.* The establishment of the Ad Hoc Advisory Committee on the Sacramento Peak Observatory is effective upon filing of the charter with the Director, NSF, and with the standing committees of Congress having legislative jurisdiction of the National Science Foundation. The Ad Hoc Advisory Committee on the Sacramento Peak Observatory will continue for two months from the effective date.

4. *Membership.* The membership of the Ad Hoc Advisory Committee on the Sacramento Peak Observatory shall be fairly balanced in the terms of the points of view represented and the group's function. Membership of the Ad Hoc Advisory Committee on the Sacramento Peak Observatory will consist of several individuals selected from the scientific and academic communities. The membership will be from the astronomical community and will represent all major geographical areas in the United States.

5. *Advisory Group Operation.* The Ad Hoc Advisory Committee on the Sacramento Peak Observatory will operate in accordance with provisions of the Federal Advisory Committee Act (P.L. 92-463), Foundation policy and procedures, OMB Circular No. A-63, Revised, and other directives and instructions issued in implementation of the Act.

H. GUYFORD STEVER,
Director.

[FR Doc.75-34650 Filed 12-23-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-528, STN 50-529 and STN 50-530]

ARIZONA PUBLIC SERVICE COMPANY, ET AL.

Hearing on Application for Construction Permits

A Notice of Hearing on Application for Construction Permits was published in the FEDERAL REGISTER on October 22, 1974 concerning the application of Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, Tucson Gas and Electric Company, El Paso Electric Company, Public Service Company of New Mexico, and Arizona Electric Power Cooperative, Inc. to construct the Palo Verde Nuclear Generating Station, Units 1, 2, and 3 (the facilities) at a site in Maricopa County, Arizona, about 15 miles west of Buckeye and 36 miles west of Phoenix (39 F.R. 37528). The Tucson Gas and Electric Company has since withdrawn as a joint applicant and has been replaced by the Southern California Edison Company.

As a result of Southern California Edison Company's replacement of Tucson Gas and Electric Company as a joint applicant, the Atomic Safety and Licensing

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Board (Board) on behalf of the Nuclear Regulatory Commission (Commission) is hereby issuing an Amended Notice of Hearing on Application for Construction Permits for the facilities. This amended notice does not alter or expand the issues set forth in the initial Notice of Hearing for consideration. By this Amended Notice the Commission is, however, affording any person whose interest may be affected by Southern California Edison Company's entrance as a joint applicant the opportunity to participate in this proceeding.

Any person whose interest may be affected by Southern California Edison Company's entrance as a joint applicant and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicants to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by January 24, 1976. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR § 2.714(a) (1)–(4) and § 2.714(d).

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like answered to the extent that the questions are within the scope of the issues set forth in the original Notice of Hearing. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board.

Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission and others by January 24, 1976.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Arthur C. Gehr, Snell & Wilmer, 3100 Valley Center, Phoenix, Arizona 85073, attorney for the applicant.

For further details, see Supplement 6 to the applicant's environmental report (covering issues raised by Southern California Edison Company's entrance as a joint applicant), dated October 10, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. A copy of this document is also available at the Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004, for inspection by members of the public between the hours of 10 a.m. and 9 p.m. Monday through Thursday, 9 a.m. and 6 p.m. on Friday and Saturday, and 2 p.m. and 6 p.m. on Sunday.

Dated at Bethesda, Maryland this 18th day of December, 1975.

For the Atomic Safety and Licensing Board.

HUGH K. CLARK,
Chairman.

[FR Doc.75-34763 Filed 12-23-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on January 8–10, 1976, in Room 1046, 1717 H Street, NW, Washington, DC.

The agenda for the subject meeting will be as follows:

Thursday, January 8, 1976

8:30 am–9:45 am: Executive Session (Closed)—The Committee will meet in closed executive session to discuss opinions and exchange recommendations of individual members related to the nomination of candidates for appointment to the Committee. The Committee will also discuss the evaluation of the ACRS Subcommittee and the comments and recommendations of individual members and consultants who may be present regarding matters to be considered during the following open meeting to consider proposed design changes for light water reactors to accommodate Anticipated Transients Without Scram (ATWS).

9:45 am–12:45 pm and 1:45 pm–2:45 pm: Anticipated Transients Without Scram—Proposed LWR Plant Changes (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC Staff and the Westinghouse Electric Corp., the General Electric Co., the Babcock & Wilcox Co., and Combustion Engineering, Inc. Portions of this session will be closed as required to discuss proprietary information related to the proposed design changes.

2:45 p.m.–6:30 p.m.: Executive Session (Closed)—The Committee will meet in closed executive session to exchange the opinions and recommendations of individual members regarding preparation of final advice to the Nuclear Regulatory Commission with respect to the Koshkonong Nuclear Power Plant, Safeguarding of Special Nuclear Material, the Safety Design Basis for Fast Reactors and Long-Term Storage/Disposal of Radioactive Wastes. The members will also exchange views, opinions and recommendations regarding activities of ACRS Subcommittees on generic matters.

Friday, January 9, 1976

8:30 a.m.–9:30 a.m.: Executive Session (Closed)—The Committee will meet with the Executive Director for Operations to discuss proposed staff policy regarding the design of nuclear plants to preclude sabotage. The Committee will meet with the Director, Nuclear Material Safety and Safeguards, to discuss preliminary results and tentative conclusions of studies to establish NRC policy regarding safeguards for special nuclear material.

9:30 am–1:30 pm: Meeting with NRC Staff (Open)—The Committee will hear presentations by and hold discussions with members of the NRC Staff regarding the anticipated schedule for future ACRS meetings, and recent operating experience and licensing actions. The Staff will also present specific reports regarding several generic matters including:

Use of additives in containment spray systems.

Evaluation of core peaking factors.

Main steam line isolation valve leakage control systems and seismic design of main steam lines.

Status of the high temperature gas cooled reactor program.

Status of the Clinch River breeder reactor review.

2:30 p.m.–6:30 p.m. Executive Session (Closed)—The Committee will meet in closed executive session to exchange the views, opinions and recommendations of individual members regarding proposed ACRS reports, providing final advice to the Commission, on the status of generic items related to light water reactors, the scope of the ACRS review process and its relationship to the membership needs of the Committee, ACRS comments on proposed plant changes to accommodate ATWS.

Saturday, January 10, 1976

8:30 a.m.–12:30 p.m.: Executive Session (Closed)—The Committee will meet in closed Executive Session to exchange the advice, opinions and recommendations of individual members regarding proposed ACRS review of BWR pipe cracking, candidates for appointment to the Committee, proposed Regulatory Guide 1.96, "Design of Main Steam Line Isolation Valve Leakages Control Systems for Boiling Water Reactor Nuclear Power Plants," and to complete preparation of ACRS reports noted earlier.

I have determined in accordance with Subsection 10(d) of Public Law 92-463 that it is necessary to close portions of the meeting as noted above to protect proprietary data (5 U.S.C. 552(b)(4)), to protect the free exchange of opinion during the Committee's deliberative process (5 U.S.C. 552(b)(5)), and to preclude unwarranted invasion of privacy (5 U.S.C. 552(b)(6)). These closed sessions will consist primarily of deliberative discussion among the Committee members leading to the formulation of advice and recommendations to the Nuclear Regulatory Commission. Separation of factual information from the individual advice, opinion or recommendations of ACRS members and consultants during this discussion is not considered practical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Committee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview. Persons desiring to mail written comments may do so by mailing a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than December 31, 1975, to the Executive Director, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555 will normally be received in time to be considered at this meeting. Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the following Public Document Rooms:

Koshkonong Nuclear Power Plant

1. Dwight-Foster Public Library, P.O. Box 88, Fort Atkinson, WI 53538
2. Municipal Reference Service, Room 103–B, Madison Public Library, Madison, WI 53709

(b) Those persons wishing to make oral statements regarding agenda items at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements in safety related areas within the Committee's purview at an appropriate time chosen by the Chairman of the Committee.

(c) Further information regarding topics to be discussed, whether the meeting or portions of the meeting have been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor, can be obtained by a prepaid telephone call on January 7, 1976, to the Office of the Executive Director of the Committee (Telephone: 202–634–1371) between 8:15 AM and 5:00 PM, Eastern Time. It should be noted that the schedule noted above is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items to accommodate required changes. The ACRS Executive Director will be prepared to describe these changes on January 7, 1976.

(d) Questions may be propounded only by members of the Committee and its consultants.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information other than plant security information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least 3 days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of this agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be required to identify the specific agreement involved. A copy of the executed agreement should be provided to the Executive Director at the beginning of the meeting.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., on or after April 9, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: December 22, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-34921 Filed 12-23-75;10:25 am]

MIXED OXIDE FUEL

Scope, Procedures and Schedule for Generic Environmental Impact Statement and Criteria for Interim Licensing Actions

In FR Doc. 75-30771, appearing at pages 53056-53063 in the issue for Friday, November 14, 1975, corrections are made as follows:

Page 53057, 1st column, line 17: Insert the word "programs" for the sentence to read "* * * as to safeguards programs associated with * * *"

Page 53057, 3rd column, 2nd paragraph: The paragraph should read as follows: "The Appendix to this Notice sets forth, in sequential manner, the projected times for completion of the draft and final environmental impact statements; for publication of safeguards rules relating to interim licensing and rules regarding wide-scale use of mixed oxide fuel; for issuance of notice of hearing; and for the final Commission decision on wide-scale use."

Page 53059, 1st column, 2nd full paragraph, line 5: Delete the comma between "spent" and "fuel".

Page 53059, 1st column, 2nd full paragraph, next to last line: For factual accuracy, insert the phrase "at reduced cost" between "plutonium" and "for" so as to read, ". . . AEC supplied plutonium at reduced cost for demonstration . . ."

Page 53059, 3rd column, 2nd full paragraph, line 16: To assist in clarifying the status of applications for plutonium conversion facilities, the following sentence should be inserted between the sentence ending with the parenthetical expression "* * * Docket No. 70-1729)" and the next sentence beginning "In addition * * *": "Allied-General Nuclear Services also has filed an application for authority to construct and operate at its Barnwell site a facility for conversion of plutonium nitrate to plutonium oxide."

Page 53060, 1st column, last paragraph, line 6: Correct misspelling of the word "Identify."

Page 53060, 2nd column, 2nd full paragraph: For clarification purposes, the first sentence should be revised to read as follows: "The Commission expects to publish proposed safeguards

V 401248 DEC 24 75 XUM

rules governing interim licensing of plutonium conversion and mixed oxide fuel fabrication activities when the supplement to the draft statement is issued."

Page 53060, 2nd column, paragraph under INTERIM REVIEWS, line 18: Delete the period after the word "fuel."

Page 53060, 2nd column, paragraph under INTERIM REVIEWS, lines 19 through 32: To clarify the status of applications for plutonium conversion facilities, the fourth, fifth and sixth sentences of the paragraph (lines 19 through 32 beginning with "No application has . . ." and ending with ". . . operation before about 1982.") should be revised to read as follows: "Allied-General Nuclear Services has filed an application containing preliminary design information for a plant at Barnwell in which plutonium nitrate would be converted to plutonium oxide. If authorization were granted by the Commission for construction and operation of the plant, it is unlikely that such conversion operations could commence any earlier than mid-1979." The proposed modified and expanded NFS reprocessing plant, including plutonium and uranium conversion facilities (with estimated reprocessing capacity of about 750 metric tons of spent fuel per year) is still under design and, if authorized, is not expected to be in operation before about 1982."

Page 53060, 2nd column, footnote 3, line 3: For factual accuracy, the parenthetical expression in footnote 3 should be revised to read "(e.g., plutonium oxide rather than nitrate solution)."

Page 53062, 3rd column, line 5: Add the word "value" following the words "high strategic" to read "* * * high strategic value (39 FR 40036) * * *"

Dated this 19th day of December 1975 at Washington, D.C.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-34920 Filed 12-23-75;10:24 am]

[Docket No. PRM-20-6]

NATURAL RESOURCES DEFENSE COUNCIL, INC.

Extension of Comment Period

On October 29, 1975 the Nuclear Regulatory Commission published in the FEDERAL REGISTER (40 FR 50327) a notice that a petition for rule making had been filed with the Commission by the Natural Resources Defense Council, Inc.

The petitioners requested that the Commission amend its radiation protection standards as they apply to the maximum permissible whole body dose equivalent for occupational exposure. The limits on exposure of individuals to radiation in restricted areas are set out in § 20.101 of 10 CFR Part 20. Limits regarding exposure of minors to radiation in restricted areas are set out in § 20.104 of 10 CFR Part 20.

The petitioners also requested that the Commission institute hearings to determine the "as low as practicable" extent to which the exposures can be maintained below the new regulations proposed by the petitioners. The petitioners stated that the objective of their proposal is to reduce the genetic risk associated with radiation exposure at the occupational exposure level permitted by 10 CFR Part 20 by a factor of 10 and to reduce the somatic risk by a factor of 6.

Interested persons were invited to submit comments on the petition by December 29, 1975. In view of the interest which has been shown on the subject matter of the petition, the Commission is hereby extending the time for filing comments.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send them to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 on or before February 12, 1976.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the petition may be obtained by writing the Division of Rules and Records at the above address.

Dated at Washington, D.C. this 22nd day of December, 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-34922 Filed 12-23-75;10:24 am]

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

NOTICE OF MEETING

Pursuant to Section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the President's Commission on White House Fellowships will be held on January 23, 1976, in the Civil Service Commission Building, 1900 E Street, NW., Room 5H09, Washington, D.C.

This meeting is scheduled to give the Commissioners opportunity to evaluate and review the Fellowship program. The issues to be discussed will include the educational program, general program evaluation, publicity, Fellowship selection processes, job performance by current Fellows, endowment fund raising, and other Commission matters.

It has been determined by the Chairman of the Civil Service Commission that those portions of the meeting, at which personnel files, confidential character references, selection materials, and lawyer-client papers must be used, fall within the provisions of section 552 (b) (6) of Title 5 and section 552(b) (5) of Title 5, respectively, of the United States Code and will, therefore, be closed to the public. The balance of the meeting will be open to the public.

Questions about the agenda can be directed to (202) 382-4661.

BRUCE H. HASENKAMP,
Director.

DETERMINATION TO CLOSE A MEETING OF THE PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS TO THE PUBLIC UNDER SECTION 10(d) OF THE FEDERAL ADVISORY COMMITTEE ACT, PUBLIC LAW 92-463

Subsection (a) (1) and (a) (3) of section 10 of the Federal Advisory Committee Act, Public Law 92-463, require that each advisory committee meeting be open to the public and that minutes and other papers which are made available to or prepared for or by an advisory committee are to be available for public inspection and copying. However, subsection (d) of section 10 provides that these requirements shall not apply to any advisory committee meeting that is determined to be concerned with matters listed in section 552(b) of title 5, United States Code.

The meetings have been closed in previous years because of the use of confidential files and character references which we believe are personnel files exempt from disclosurse under 5 USC 552 (b) (6).

Also, it has been noted by the Office of Legal Counsel, Department of Justice, that due to the nature of the Commission, its meetings may ordinarily fall within 5 USC 552 (b) (6).

Therefore, it is hereby determined that the meetings of the President's Commission on White House Fellowships consist of exchanges of opinions which, if written, would fall within exemption (6) of section 552 (b) of title 5, United States Code, and would constitute a clearly unwarranted invasion of personal privacy. Accordingly, those portions of the meeting dealing with confidential files and character references, to be held on January 23, 1976, shall be closed to the public and the minutes and other papers of the President's Commission on White House Fellowships pertaining to those portions shall not be available for public inspection or copying.

ROBERT E. HAMPTON,
Chairman,
Civil Service Commission.

[FR Doc.75-34761 Filed 12-23-75;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

ADVISORY COMMITTEE FOR TRADE NEGOTIATIONS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (the Act), notice is hereby given that a meeting of the Advisory Committee for Trade Negotiations will be held Thursday, January 8, 1976, from 1:30 to 4:45 p.m., in room 450 of the Old Executive Office Building, Washington, D.C.

The purpose of this meeting will be to review and discuss the status of, and the United States strategy and objectives for, the multilateral trade negotiations currently underway in Geneva.

In accordance with section 10(d) of the Act, the meeting will not be open to the public because information falling within the purview of 5 U.S.C. 552(b) (the exceptions to the Freedom of Information Act) will be reviewed and discussed.

More detailed information can be obtained by contacting Paul T. O'Day, Assistant Special Representative for Trade Negotiations, 1800 G Street, room 725, Washington, D.C., 20506.

PAUL T. O'DAY,
Assistant Special Representative for Trade Negotiations.

DECEMBER 22, 1975.

[FR Doc.75-34816 Filed 12-23-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[SR-Amex-75-3]

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

DECEMBER 17, 1975.

On September 16, 1975, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, NY 10006, filed with the Commission, pursuant to Section 19(b) (1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s) (b) (1), as amended by Pub. L. No. 94-29, section 16 (June 4, 1975) (the "Act"), and Rule 19b-4 thereunder, copies of a proposed rule change. Amex amended such filing by Amendment No. 1 submitted on November 17, 1975.

The proposed rule change is to add twenty (20) new option classes to be traded on the Amex, thereby expanding the Amex options program from forty (40) option classes to sixty (60) option classes.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 11679, September 25, 1975) and by publication in the FEDERAL REGISTER (40 FR 45879, October 3, 1975).

As a pre-condition to the Commission's approval of the proposed rule change, Amex has adopted certain corrective measures relating to options trading practices and the reporting of options transactions by registered traders. Specifically, Amex has adopted a new regulatory report for the reporting of option transactions by registered traders, instituted a system to spot-check compliance by registered traders with reporting requirements, amended its Rule 958 to require that at least one registered trader be present in the trading crowd when a customer's order is presented by a floor broker for execution, and prepared a circular for distribution to all floor members concerning these new procedures.

Accordingly, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and, in particular, the requirements of Section 6 of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b) (2) of the Act, that the proposed rule change filed with the Commission on September 16, 1975, as thereafter amended, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34692 Filed 12-23-75;8:45 am]

[SR-CBOE-75-3]

THE CHICAGO BOARD OPTIONS EXCHANGE, INC.

Order Approving Proposed Rule Change

DECEMBER 17, 1975.

On September 12, 1975, the Chicago Board Options Exchange, Inc., La Salle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to alter the composition of its Board of Directors and to adopt various related procedural amendments.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-11675, September 24, 1975) and by publication in the FEDERAL REGISTER (40 FR 14903, September 30, 1975).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b) (2) of the Act, that the proposed rule change filed with the Commission on September 12, 1975, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34702 Filed 12-23-75;8:45 am]

[File No. 500-1]

GENERICS CORPORATION OF AMERICA

Suspension of Trading

DECEMBER 17, 1975.

The common stock of Generics Corporation of America being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934, the 6 percent convertible subordinated debentures due July 1983 and all other securities of Generics Corporation of America being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from December 18, 1975 through December 27, 1975.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34700 Filed 12-23-75;8:45 am]

[Administrative Proceeding File No. 3-4740; File No. 24C-3585]

SABER CORP.

Order Permanently Suspending Exemption and Statement of Reasons Therefor

I

DECEMBER 17, 1975.

Saber Corporation ("Saber"), 7324—36th Avenue, North Minneapolis, Minnesota 55427, a Minnesota Corporation, filed with the Commisison on April 11, 1973, a notification, offering circular and supporting exhibits relating to a proposed offering of 500,000 shares of common stock, 10-cents par value, at 50-cents per share, for an aggregate offering of $250,000. The purpose of the filing was to obtain an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to Section 3(b) thereof and Regulation A promulgated thereunder. The officers of the Issuer acted as underwriters without commission. The offering commenced on July 5, 1973, and was completed on October 31, 1973.

II

On October 7, 1975 (notice having been given on October 20, 1975), the Commission temporarily suspended the Regulation A exemption of Saber Corporation, stating it had reasonable cause to believe that:

A. The offering circular filed by Saber contained untrue statements of materfal facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading in the following respects:

1. The failure to disclose that Saber was in default under its contract of purchase for the Breeze Campground;

2. The failure to disclose that no title other than a 10-year lease could be obtained from the State of Minnesota for 1200 feet of shoreline property;

3. The failure to disclose the existence of a $20,000 loan from the American National Bank of St. Paul, Minnesota, to Saber; and

4. The filing of an application with the Minnesota Department of Health for a permit to operate one of its campgrounds.

B. The terms and conditions of Regulation A have not been met in the following respects: The offering circular was not amended to disclose the default on

V 401248 DEC 24 75 XUM

the Breeze Campground contract of purchase; and to disclose the $20,000 loan to the Issuer.

C. The offer was made in violation of Section 17 of the Securities Act of 1933, as amended.

III

No hearing having been requested by Saber Corporation within thirty days after the entry of an order temporarily suspending its exemption under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of Saber Corporation under Regulation A be permanently suspended;

It is ordered, pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of Saber Corporation be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34701 Filed 12-23-75;8:45 am]

[Release No. 34-11938; File No. SR-OCC-1975-6]

OPTIONS CLEARING CORPORATION

Self-Regulatory Organizations

In the Matter of Proposed Rule Change By The Options Clearing Corporation.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 3, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed Rule 916 and the proposed amendments to Rules 602(c) and 610(j) make it clear that if settlement in respect of an exercised option contract is to be made through a correspondent clearing corporation, margin and other deposits held by OCC in respect of the exercised contract may not be withdrawn by the depositing Clearing Member until the Clearing Member has satisfied its obligations to the correspondent clearing corporation on the exercise settlement date. If the Clearing Member fails to meet those obligations and its Exercise Settlement Account with the correspondent clearing corporation is closed out, proposed Rule 916 would expressly permit OCC to apply such margin and other deposits against any loss incurred by the correspondent clearing corporation by reason of the close-out.

The proposed amendment to Rule 1106(d) expressly sets forth the procedure which OCC will follow with respect to open short positions covered by specific or escrow deposits in accounts of suspended Clearing Members.

The proposed amendments to Rules 610(k), 610(l) and 804 clarify ambiguities in the current text of those Rules. In addition, the proposed amendment to Rule 610(l) would provide a procedure for allocating assignments to particular short positions covered by specific and escrow deposits in cases in which a Clearing Member is suspended and OCC is unable to determine the particular customer or non-customer to whom the assignment was allocated by the Clearing Member under Rule 804.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes are as follows:

The proposed rule changes filed herewith are intended to clarify the provisions of the Rules of OCC with respect to specific and escrow deposits and the withdrawal of margin deposited in respect of exercised option contracts.

Specifically, proposed Rule 916 and the proposed amendments to Rule 602 (c) and 610(j) make it clear that if settlement in respect of an exercised option contract is to be made through a correspondent clearing corporation, margin and other deposits held by OCC in respect of the exercised contract may not be withdrawn by the depositing Clearing Member until the Clearing Member has satisfied its obligations to the correspondent clearing corporation on the exercise settlement date. If the Clearing Member fails to meet those obligations and its Exercise Settlement Account with the correspondent clearing corporation is closed out, proposed Rule 916 would expressly permit OCC to apply such margin and other deposits against any loss incurred by the correspondent clearing corporation by reason of the close-out.

The proposed amendment to Rule 1106(d) expressly sets forth the procedure which OCC will follow with respect to open short positions covered by specific or escrow deposits in accounts of suspended Clearing Members.

The proposed amendments to Rules 610(k), 610(l) and 804 clarify ambiguities in the current text of those Rules. In addition, the proposed amendment to Rule 610(l) would provide a procedure for allocating assignments to particular short positions covered by specific and escrow deposits in cases in which a Clearing Member is suspended and OCC is unable to determine the particular customer or non-customer to whom the assignment was allocated by the Clearing Member under Rule 804.

The proposed rule changes filed herewith would enhance the ability of OCC to facilitate the prompt and accurate clearance and settlement of securities transactions and to carry out the purposes of Section 17A of the Securities Exchange Act of 1934, as amended, and would serve the public interest generally, by clarifying the Rules of OCC with respect to specific and escrow deposits and by providing additional margin protection for OCC in the circumstances covered by proposed Rule 916 and by the proposed amendment to Rule 610(l).

Comments were neither solicited nor received with respect to the proposed amendments to Rules 602(c), 610(j), 610(k), 610(l), 804, 916 and 1106(d).

OCC does not believe that the proposed amendments to Rules 602(c), 610(j), 610(k), 610(l), 804, 916 and 1106(d) would impose any burden on competition.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and agreements concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 18, 1975.

EXHIBIT 1a

TEXT OF PROPOSED RULE CHANGES

Margins on Exercised Contracts

RULE 602. (a) [No Change]

(b) [No Change]

(c) A Clearing Member shall be entitled to reimbursement of margin deposited in respect of exercised option contracts under Rule 601 or this Rule 602 upon presentation to the Corporation of satisfactory evidence, in such form as the Corporation may prescribe, of the delivery of the underlying security and payment in full therefor; provided, however, that if settlement in respect of an exercised contract is made through the facilities of a correspondent clearing corporation pursuant to Rule 913, a Clearing Member shall be entitled to reimbursement of margin deposited in respect thereof (*subject to the provisions of Rule 916*) from and after the opening of business of the Corporation on the business day following the date on which settlement is so made.

(d) [No Change]

The amendment is of Rule 602(c) as proposed to be amended in File No. SR-OCC-1975-4.

Deposit of Underlying Security

RULE 610. (a) through (i) [No change]

(j) *Subject to the provisions of Rule 916,* a depository receipt or escrow receipt may be withdrawn by a Clearing Member between 10:00 A.M. and 1:00 P.M. Central Time (11:00 A.M. and 2:00 P.M. Eastern Time) each business day with authorization by the Corporation so long as the conditions of this *Chapter* [Article] VI are met; provided, however, that the Corporation may continue to hold a depository receipt or escrow receipt for a reasonable period following the expiration date of the option contracts involved in order to assure that all obligations arising from the assignment of exercise notices have been performed. A Clearing Member requesting such withdrawal shall submit a withdrawal request in such form as the Corporation shall prescribe.

(k) In the event any short position in a call option contract for which a specific deposit or an escrow deposit has been made is closed out by a closing purchase transaction *or transferred to an account of another Clearing Member, or in the event that settlement is made in respect of an exercise notice assigned to such position, and the depository receipt or escrow receipt evidencing such deposit has not previously been withdrawn in accordance with subparagraph (1) hereof,* the Clearing Member making such deposit shall promptly request the withdrawal of the depository receipt or escrow receipt evidencing such deposit, but *unless and until such depository receipt or escrow receipt is withdrawn,* [the failure of such Clearing Member to request a withdrawal shall not affect the right of] the Corporation *shall be entitled* to demand the delivery of the underlying securities upon the assignment of an exercise notice *in respect of any option contract of the same series and included in a short position in the same account as the one for which the deposit was made* [in respect of such option contract so at any time while it holds the depository receipt or escrow receipt].

(l) If *the assignment of* an exercise notice [is assigned] to a [call option contract included in a] short position of a Clearing Member *is allocated to an option contract included in such short position for which no specific deposit or escrow deposit has been made,* no [escrow] such deposit may thereafter be made in respect of such contract. If *the assignment is allocated to an option contract for which a specific deposit or escrow* deposit has previously been made, [an escrow deposit shall previously have been made in respect of such contract and the deposited securities are to be delivered pursuant to such assignment,] the Clearing Member shall [be obliged to] deposit with the Corporation, no later than 9:00 A.M. Central Time (10:00 A.M. Eastern Time) on the [second] business day following the *date of the assignment,* [day when the exercise notice was assigned], margin in *an amount sufficient to permit the withdrawal of the depository receipt or escrow receipt filed in respect of such contract, and shall promptly thereafter effect such withdrawal. In the event the Clearing Member fails to deposit margin in accordance with the preceding sentence, and is thereafter suspended by the Corporation, the Corporation shall be entitled to presume that the assignment was allocated to an option contract for which no specific deposit or escrow deposit had been made, unless the Corporation has notice to the contrary and has been advised of the type of deposit (specific or escrow) made in respect of the option contract to which the assignment was allocated, and, in the case of escrow deposits, the serial number of the escrow receipt or the identity of the customer. If the assignment was for a number of contracts exceeding the number of contracts included in the short position to which the exercise notice was assigned for which no specific or escrow deposit had been made, the Corporation shall be entitled (unless the Corporation has notice that the assignment has been allocated to particular option contracts, identified as to type of deposit, and, in the case of escrow deposits, by the serial number of the escrow receipt or the identity of the customer) to allocate such assignment, to the extent of such excess, to particular option contracts for which specific deposits and escrow deposits have been made. Such allocation shall be made by random selection or another allocation method which the Corporation deems fair and equitable in the circumstances.* [respect of such contract computed in accordance with Rule 602. When such margin is deposited, the Corporation will release and return the escrow receipt previously filed in respect of such contract.]

Assignment of Exercise Notices to Customers

RULE 804. Each Clearing Member shall establish fixed procedures for the allocation of exercise notices assigned in respect of [a] short positions in the Clearing Member's [customers'] accounts to *specific option contracts included in such short positions.* The allocation shall be on a "first in, first out" basis, on a basis of random selection, or another allocation method that is fair and equitable to the *persons for whom such accounts are maintained* [Clearing Member's customers] and consistent with Exchange Rules.

Default by Clearing Member

RULE 916. *Anything else in these Rules to the contrary notwithstanding, if a correspondent clearing corporation shall notify the Corporation that a Clearing Member has defaulted in the performance of its obligations to the correspondent clearing corporation, the Clearing Member shall not, until the Corporation is notified by the correspondent clearing corporation that the default has been cured, be entitled to withdraw from the Corporation any margin or any depository or escrow receipts held by the Corporation in respect of exercised call option contracts for which settlement was made through the correspondent clearing corporation on the date of the default. If, following any such default, the correspondent clearing corporation shall close out the positions in the Clearing Member's Exercise Settlement Account, the Corporation shall be entitled to obtain delivery of any securities held pursuant to any such depository or escrow receipts, to sell the securities so obtained, and to apply the net proceeds of such sale, together with any margin held in respect of such exercised call option contracts, against the Clearing Member's obligations to the correspondent clearing corporation. If the sum of such proceeds and such margin shall exceed the amount of the Clearing Member's obligations to the correspondent clearing corporation, the excess shall be credited to the account of the Clearing Member with the Corporation; provided, however, that if the Clearing Member shall have been suspended by the Corporation, the excess shall be credited to the Liquidating Settlement Account established for the Clearing Member pursuant to Rule 1104.*

Open Positions

RULE 1106. (a) through (c) [No change]

(d) *Short Positions.* [Add at end of Rule] Notwithstanding the foregoing, open short positions in respect of which specific or escrow deposits have been made shall be maintained by the Corporation. The Corporation shall promptly use its best efforts to identify each person having such a short position, to transfer each such short position and the interest of the suspended Clearing Member in the specific or escrow deposit made in respect thereof to another Clearing Member, and to notify each such person of such transfer. If, prior to such transfer, any such short position shall expire, the Corporation shall, subject to the provisions of Rule 610(j), release any depository receipt or escrow receipt held by the Corporation in respect thereof to the suspended Clearing Member or its representative. If, prior to such transfer, an exercise notice shall be assigned to any such short position, the Corporation shall obtain delivery of the underlying securities required to be delivered pursuant thereto from the custodian of such securities, and shall make delivery thereof to the exercising Clearing Member for the account of the suspended Clearing Member. If the assignment is for a number of contracts included in such short position, the Corporation shall allocate the assignment to particular contracts by random selection or another allocation method which the Corporation deems fair and equitable in the circumstances.

If, prior to such transfer, the suspended Clearing Member or its representative shall instruct the Corporation to close any such short position and shall furnish such security as the Corporation may require to secure payment of the premium for the closing purchase transaction, the Corporation shall cause such short position to be closed, and any depository receipt or escrow receipt held by the Corporation in respect thereof shall be released by the Corporation to the suspended Clearing Member or its representative. The Corporation may, in its discretion, postpone acceptance of any close-out instruction tendered for the account of a suspended Clearing Member pending receipt of satisfactory evidence of the authority of the person tendering such instruction.

[FR Doc.75-34654 Filed 12-23-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #1201]

MASSACHUSETTS

Declaration of Disaster Area

The City of Marlborough in Middlesex County, Massachusetts, constitute a disaster area because of damage resulting from a fire on December 7, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on February 13, 1976, and for economic injury until the close of business on September 15, 1976, at:

Small Business Administration, District Office, 150 Causeway Street, Boston, Massachusetts 02114.

or other locally announced locations.

Dated: December 15, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-34693 Filed 12-23-75;8:45 am]

[Declaration of Disaster Loan Area #1198]

NORTH CAROLINA

Declaration of Disaster Area

Buncombe, and adjacent counties within the State of North Carolina constitute a disaster area because of damage resulting from flash flooding and heavy rains which occurred September 23, 1975. Eligible persons, firms and organizations

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may file applications for loans for physical damage until the close of business on February 13, 1976, and for economic injury until the close of business on September 15, 1976, at:

Small Business Administration, District Office, 230 South Tryon Street, Suite 700, Charlotte, North Carolina 28202.

or other locally announced locations.

Dated: December 15, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-34694 Filed 12-23-75;8:45 am]

[Declaration of Disaster Loan Area #1199]

OKLAHOMA

Declaration of Disaster Area

As a result of the President's declaration I find that Latimer, Tulsa, and adjacent counties within the State of Oklahoma constitute a disaster area because of damage resulting from severe storms and tornadoes occurring on December 5, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on February 9, 1976, and for economic injury until the close of business on September 13, 1974, at:

Small Business Administration, District Office, 50 Penn Place, Suite 840, Oklahoma City, Oklahoma 73118.

or other locally announced locations.

Dated: December 15, 1975.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.75-34695 Filed 12-23-75;8:45 am]

[Application No. 05/05-5109]

S. C. OPPORTUNITIES, INC.

Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) has been filed by S. C. Opportunities, Inc. (Applicant), with the Small Business Administration pursuant to 13 CFR 107.102 (1975).

The officers and directors of the applicant are as follows:

Raymond R. Kubly, Jr., 621 14th Avenue, Monroe, Wisconsin 53566, President, Treasurer, Director.

Robert J. Soderholm, 2035 26th Street, Monroe, Wisconsin 53566, Vice President, Director.

Robert L. Ableman, 1916 25th Street, Monroe, Wisconsin 53566, Vice President, Secretary, General Manager, Director.

Michael C. Kubly, 2727 Hackett Avenue, Milwaukee, Wisconsin 53211, Director.

The applicant will maintain its principal place of business at 1112 Seventh Street, Monroe, Wisconsin 53566.

It will begin operations with $300,000 of private capital derived from the sale of 300 share sof common stock of which 40 percent has been purchased by Raymond R. Kubly, Jr., another 40 percent acquired by Michael C. Kubly, and the remaining shares purchased by Messrs. Robert J. Soderholm and Robert L. Ableman, each acquiring 10 percent of applicant's stock.

Messrs. Raymond R. and Michael C. Kubly are principal beneficial owners of Swiss Colony Stores, Inc., franchisor of Swiss Colony retail stores engaged in merchandising cheeses, sausages, pastries and gifts.

Although the applicant is primarily interested in financing small business concerns that have obtained or will obtain Swiss Colony franchises, any small business with or without such a franchise, is eligible for assistance from the applicant.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered by social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Any person may, not later than January 6, 1975, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Monroe, Wisconsin.

(Catalog of Federal Domestic Assistance Program Number 59,011, Small Business Investment Companies)

Dated: December 16, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-34696 Filed 12-23-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

ADVISORY COMMITTEE ON CONSTRUCTION SAFETY & HEALTH

Meeting

Notice is hereby given that the Advisory Committee on Construction Safety & Health, established under section 107 (e)(1) of the Contract Work Hours & Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Williams-Steiger Occupational Safety & Health Act of 1970 (29 U.S.C. 655), will meet on Wednesday, January 21 and Thursday, January 22, 1976, starting at 9:00 a.m., in Room N-3437 A-D, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. The meeting is open to the public.

The Committee will discuss revisions to the asbestos rules with OSHA health standards and construction standards personnel with reference to alternative administrative and engineering controls, medical surveillance, and medical and monitoring record procedures, as well as other problems of application and responsibility.

On October 9, 1975, the Occupational Safety and Health Administration (OSHA) published a proposal in the FEDERAL REGISTER (40 FR 47652) which would amend the existing rules on occupational exposure to asbestos.

Following is the statement with reference to construction which was published with the proposed asbestos revisions:

A. Scope and Application. The standard, as revised, would continue to apply to all workplaces where occupational exposure to asbestos is present, but would exclude the construction industry.

"It is OSHA's intention to develop and propose a separate revision to the existing asbestos standard for the construction industry. Approximately three-fourths of all asbestos products in 1972 were used in the construction industry. In addition, the uniqueness of the construction industry itself (viz., the multiplicity of non-fixed workplaces, and the utilization of highly transient workforces) strongly suggests separate treatment. These structural differences were reflected in the 17-18 September 1975 deliberations of the OSHA Advisory Committee on Construction Safety and Health.

"Although OSHA believes that health hazards faced by employees in the construction industry with regard to occupational exposure to asbestos are similar to those faced by their counterparts in other covered employments, OSHA recognizes that alternative administrative and engineering controls may be more appropriate and feasible for the construction industry. Therefore, OSHA intends to consult with the Construction Advisory Committee in order to further explore such alternatives. Upon publication of the proposal to revise the existing asbestos standard for the construction industry, OSHA will consider the possibility of consolidated hearings on that proposal and the proposal contained herein for all other covered employments.

"OSHA is aware that certain provisions of this proposal, such as medical surveillance and the extended retention period for medical and monitoring records, may pose special problems to some employers, especially those who have small numbers of employees, operate with non-fixed places of employment or use workforces which are highly transient in nature. This awareness has been expressed by the Department of Labor in a statement submitted to the House Subcommittee on Environmental Problems Affecting Small Business of 26 June 1975, as follows:

It has become increasingly evident that the combined body of Federal regulations imposes a substantial, and to some extent, unnecessary burden upon employers, particularly those who run small businesses. While most of these requirements serve a necessary and useful purpose a definite potential exists for duplication, conflicting standards, and inappropriate recordkeeping requirements. In an effort to eliminate problems where any exist in the Department of Labor, I have requested my agency heads to assess the small business impact of the laws they administer and determine what can be done to ease the burden on the small employer, while still assuring compliance with the law.

"Although it is clear that OSHA's first and prime responsibility is to assure employees safe and healthful places of employment, the Act and its legislative history recognize that economic and technological feasibility are legitimate factors to be considered in the setting of occupational safety and health standards.

"In addition, the Act explicitly takes cognizance of its impact upon affected small business, specifically with respect to any recordkeeping requirements which are imposed. Pursuant to section 8(d) of the Act, OSHA is exploring methods of reducing, to the maximum extent possible, the administrative and economic burdens of the proposal's various information gathering requirements.

"While the proposal does not address itself to specific alternatives, OSHA invites comments concerning options which would both provide full protection to affected employees and at the same time would minimize the administrative and economic burden on affected employers-especially those with small numbers of employees, non-fixed workplaces, or highly transient workforces."

In addition the Roll Over Protective Structures Subgroup will submit a progress report on their meeting.

Persons wishing to orally address the group at the meeting should submit a written request to be heard to the Committee Management Officer no later than January 13, 1976. The request must contain a short summary of the intended presentation and an estimate of the amount of time that will be needed. Such participation will be at the discretion of the chairman, time permitting.

Written data, views, or arguments concerning the subjects to be considered may be filed, together with 20 copies thereof, with the Commitee Management Officer by January 13, 1976. Such submissions may also be filed with the Committee Management Officer at the meeting. Any such submissions will be provided to the members of the group and will be included in the record of the meeting.

Communications may be mailed to:
Jay Arnoldus, Committee Management Office, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Rm N-3633, Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of December, 1975.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.75-34719 Filed 12-23-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

Office of Hearings

[Notice No. 938]

ASSIGNMENT OF HEARINGS

DECEMBER 22, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

AB 2—Sub-5, Louisville And Nashville Railroad Co. Abandonment Between Colesburg and Hohenwald, in Dickson, Hichman and Lewis Counties, Tennessee, now assigned January 14, 1976, at Nashville, Tennessee, will be held in Room A-761, Federal Courthouse Bldg. Annex, 8th and Broad Street.

MC 127834 Sub-107, Cherokee Hauling & Rigging, Inc., now assigned January 19, 1976, at Memphis, Tennessee, will be held in Room 978 Federal Bldg., 167 North Main Street.

MC 113495 Sub-70, Gregory Heavy Haulers, Inc., now assigned January 20, 1976, at Memphis, Tennessee, will be held in Room 978 Federal Building, 167 North Main Street.

MC 100666 Sub-280, Melton Truck Lines, Inc., now assigned January 21, 1976, at Memphis, Tennessee, will be held in Room 978 Federal Building, 167 North Main Street.

MC 2900 Sub 267, Ryder Truck Lines, Inc., and MC 115841 Sub 495, Colonial Refrigerated Transportation, Inc., now being assigned February 19, 1976 (2 days), at Buffalo, N.Y.; in a hearing room to be later designated.

MC 134401 Sub 11, Sherwood W. Hume, DBA Hume Equipment Company, now being assigned February 23, 1976 (2 days), at Buffalo, N.Y.; in a hearing room to be later designated.

MC 138744 Sub 20, Butler Trucking Company, now being assigned February 25, 1976 (2 days), at Buffalo, N.Y.; in a hearing room to be later designated.

W-C-25, Wexler Towing Company, Incorporated—Investigation and Revocation of Certificate, now assigned January 23, 1976, at Memphis, Tennessee, will be held in Room 978, Federal Building, 167 North Main Street.

W-C-26, A. & O. Barge Line, Inc.—Investigation And Revocation of Certificates, now assigned January 23, 1976, at Memphis, Tennessee, will be held in Room 978, Federal Building, 167 North Main Street.

W-C-33, KeW Towing Company, Inc.—Investigation And Revocation of Certificates, now assigned January 22, 1976, at Memphis, Tennessee, will be held in Room 978, Federal Building, 167 North Main Street.

W-C-27, Igert—Investigation And Revocation of Certificate, now assigned January 22, 1976, at Memphis, Tennessee, will be held in Room 978, Federal Building, 167 North Main Street.

MC 141009, MC Clenton Transportation Corp., now assigned January 19, 1976, Kansas City, Mo., will be held in Room 609, Federal Office Building, 911 Walnut Streeet.

MC 141112, Burwell Ray Gallop, d.b.a. Gallop Bus Lines, now assigned January 26, 1976, at Norfolk, Va., will be held on Third Floor, Post Office and Court House, 600 Cranby Street.

MC 134143 Sub 9, Brown Refrigerated Express, Inc., now assigned January 16, 1976, at Kansas City, Mo., will be held in Room 609 Federal Office Building, 911 Walnut Street.

MC 118202 Sub 50, Schultz Transit, Inc., now assigned January 15, 1976, at St. Paul, Minn., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-34729 Filed 12-23-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 19, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before January 8, 1976.

FSA No. 43093—*Beet or Cane Sugar from points in Arizona and California.* Filed by Trans-Continental Freight Bureau Agent (No. 497), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk, in carloads, as described in the application, from points in Arizona and California, to points in Illinois, Iowa, Minnesota, Missouri, Oklahoma, Texas, and Wisconsin.

Grounds for relief—Returned shipments and rate relationship.

Tariff—Supplement 21 to Trans-Continental Freight Bureau, Agent, tariff 2-M, ICC 1914. Rates are published to become effective on January 15, 1976.

FSA No. 43094—*Insulating Material from Fruita, Colorado.* Filed by Western Trunk Line Committee, Agent, (No. A-2721), for interested rail carriers. Rates on insulating material, viz.: calcium silicate and fibre combined, in carloads, as described in the application, from Fruita, Colorado, to points in southern territory.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 56 to Western Trunk Line Committee, Agent, tariff 134-R, ICC A-4949. Rates are published to become effective on January 25, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-34730 Filed 12-23-75;8:45 am]

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[Notice No. #146]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 24, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before January 13, 1976. Pursuant to Section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76231. By order of December 18, 1975 the Motor Carrier Board approved the transfer to New Trucking, Inc., Stearns, Kentucky, of Certificate No. MC-138614 Sub-1, issued April 26, 1974, to Frank New, D/B/A New Trucking, Stearns, Kentucky, authorizing the transportation of tents and other commodities from and to specified points. William P. Whitney, Jr. 703 McClure Building, Frankfort, Kentucky, Attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-34731 Filed 12-23-75;8:45 am]

[Notice No. 102]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 19, 1975.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 2368 (Sub-No. 52), filed November 21, 1975. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: William T. Marshburn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils and animal and vegetable oil products, by-products and blends thereof*, in bulk, in tank vehicles, from points in Illinois, Indiana, New York, New Jersey, North Carolina, Ohio and Tennessee, to points in North Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 2780 (Sub-No. 7), filed November 20, 1975. Applicant: HORN'S MOTOR EXPRESS, INC., 2020 Lincoln Way East, Chambersburg, Pa. 17201. Applicant's representative: John M. Musselman, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment), serving the facility of Hadco Products, Inc., located at Hanover, Pa., as an off-route point in connection with carrier's presently authorized regular route operations, between Harrisburg, Pa., and Baltimore, Md.: From Harrisburg over U.S. Highway 11 to Chambersburg, Pa., thence over U.S. Highway 30 to Gettysburg, Pa., and thence over U.S. Highway 140 to Baltimore, Md., and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 4405 (Sub-No. 524), filed November 21, 1975. Applicant: DEALERS TRANSIT, INC., 2200 E. 170th St., P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Leonard L. Bennett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cranes, parts, attachments and accessories*, from the plantsite of FMC Corporation, Crane and Excavator Division, located at or near Bowling Green, Ky., to points in the United States (except Alabama, Alaska, Arizona, Arkansas, California, Florida, Georgia, Hawaii, Indiana, Kentucky, Michigan, Mississippi, New Mexico, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia and West Virginia); and (2) *materials, equipment and supplies*, used or useful in the manufacture of the above named commodities (except commodities in bulk), from points in the United States (except those states named in (1) above), to the plantsite of FMC Corporation, Crane and Excavator Division, located at or near Bowling Green, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Chicago, Ill.

No. MC-4819 (Sub-No. 3), filed October 28, 1975. Applicant: ROCKY MOUNTAIN TRUCKING COMPANY, a Corporation, P.O. Box 2131, Casper, Wyo. 82601. Applicant's representative: Marlon F. Jones, 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacturer, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and *machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main or trunk pipe lines, between points in North Dakota, Nebraska, and those in that part of South Dakota west of the Missouri River and on and north of U.S. Highway 14, on the one hand, and, on the other, points in Montana, Wyoming, and Colorado.

NOTE.—This application is for the purpose of eliminating gateways and permitting a continuation of service performed by Applicant via gateways prior to the restriction against such service contained in Ex Parte 55 (Sub-No. 8). Applicant inadvertently neglected to file the required letter notices. If a hearing is deemed necessary, the applicant requests it be held at Casper, Wyo., or Denver, Colo.

No. MC 19945 (Sub-No. 54), filed November 20, 1975. Applicant: BEHNKEN TRUCK SERVICE, INC., Route #13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas or liquids; *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying and moving of air, gas, or liquids; and (2) *parts, materials, equipment and supplies* used in the manufacture, distribution, installation, or operation of those items named in (1) above, (except in bulk), between points in Monroe, Randolph, Perry Counties, Ill. and St. Clair County, Ill. on and south of State Highways 177 and 158, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii) restricted to shipments originating at or destined to the plantsite and warehouse facilities of the Singer Company at Monroe, Randolph, Perry and St. Clair Counties, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Washington, D.C.

No. MC 31389 (Sub-No. 208), filed November 24, 1975. Applicant: McLEAN TRUCKING COMPANY, a Corporation, 617 Waughtown Street, Winston-Salem, N.C. 27107. Applicant's representative: David P. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); Serving Mansfield, Ga., as an off-route point in conjunction with applicant's regular route operation to and from Atlanta, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 42011 (Sub-No. 19), filed November 12, 1975. Applicant: D. Q. WISE & CO., INC., P.O. Box 15125, Tulsa, Okla. 74115. Applicant's representative: J. G. Dail, Jr., 1111 E St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling towers and fluid coolers*, and *parts and accessories*, for cooling towers and fluid coolers; and (2) *materials, equipment and supplies*, used in the manufacture, sale and distribution of the commodities described in (1) above (except commodities in bulk), between Houston, Tex., and Tulsa, Okla., on the one hand, and, on the other points in Alabama, Arkansas Colorado Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Montana, Nebraska, New Mexico North Dakota, Oklahoma, Tennessee, Texas, Utah, Wisconsin and Wyoming, restricted to shipments originating at or destined to the facilities of Ecodyne Cooling Products Division, at Houston, Tex., and Tulsa, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 52858 (Sub-No. 114), filed November 20, 1975. Applicant: CONVOY COMPANY, a Corporation, 3900 Northwest Yeon Avenue, P.O. Box 10185, Portland, Oreg. 97210. Applicant's representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and trucks* weighing less than 15,000 pounds in truckaway service in secondary movements, between points in Colorado, on the one hand, and, on the other, points in Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo. or Portland, Oreg.

No. MC 56244 (Sub-No. 42), filed Nov. 24, 1975. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R. D. #2, Gardners, Pa. 17324. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail, wholesale, chain grocery and food business houses* (except commodities in bulk and frozen foods), from the facilities of Knouse Foods, Inc., located in Adams and Franklin Counties, Pa., to New York, N.Y.; Baltimore, Md.; points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and points in that part of West Virginia on and north of U.S. Highway 50, restricted to the transportation of shipments originating at the above-named facilities and destined to the above-described destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 58549 (Sub-No. 21) (Correction), filed November 5, 1975, published in the FEDERAL REGISTER issue of December 4, 1975, and republished as corrected this issue. Applicant: CLINE MUNDY, doing business as GENERAL MOTOR LINES, 1534 Granby Street, N.E., P.O. Box 5157, Roanoke, Va. 24012. Applicant's representative: Jerry D. Beard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) over regular routes, *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Warm Springs, Va. and Monterey, Va.: From Warm Springs, Va. over U.S. Highway 220 to Monterey, Va. and return over the same route, serving all intermediate points; (2) Between Warm Springs, Va. and Monterey, Va.: From Warm Springs, Va. over Virginia Highway 39 to junction Secondary Route 600 at or near Mountain Grove, Va., thence over Secondary Route 600 to junction Virginia Highway 84, thence over Virginia Highway 84 to junction U.S. Highway 220 at or near Vanderpool, Va., thence over U.S. Highway 220 to Monterey, Va. and return over the same routes, serving all intermediate points; (3) Between the junction of Virginia Highway 8 and 57 and Bassett, Va.: From junction Virginia Highways 8 and 57 over Virginia Highway 57 to Bassett, Va. and return over the same route, serving no intermediate points; (4) Between the junction of Virginia Highways 8 and 40 and Bassett, Va.: From junction Virginia Highways 8 and 40 over Virginia Highway 40 to junction Secondary Route 704, thence over Secondary Route 704 to junction Virginia Highway 57, thence over Virginia Highway 57 to Bassett, Va., and return over the same routes, serving no intermediate points; (5) Between the junction of Virginia Highway 8 and Secondary Highway 618 and Bassett, Va.: From junction Virginia Highway 8 and Secondary Highway 618 over Secondary Highway 618 to junction Virginia Highway 57, thence over Virginia Highway 57 to Bassett, Va. and return over the same routes, serving no intermediate points.

NOTE.—Applicant indicates that the authority specified in paragraphs (3), (4) and (5) above will be used in connection with its

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existing authority in Sub-No. 11 at Bassett, Va. and Sub-No. 20 at points on Virginia Highway 8.

(B) over *irregular routes, general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Roanoke, Va., on the one hand, and, on the other, points in Botetourt County, Va.; and (2) Between Roanoke, Va., on the one hand, and, on the other, points in Rockbridge County, Va. on and west of a line extending from the Amherst-Rockbridge County line along U.S. Highway 60 to its intersection with Virginia Highway 39 at or near Lexington, Va., thence along Virginia Highway 39 to its intersection with Secondary Route 780, thence along Secondary Route 780 to its intersection with U.S. Highway 60, thence along U.S. Highway 60 to the Rockbridge-Allegany County line, restricted in (2)above against service at Goshen, Va.

NOTE.—Applicant states that the irregular routh authority sought herein will be tacked at Roanoke, Va. with its regular route authority in MC 58549 Sub-No. 11 to provide service on general commodities between points in Botetourt County, Va. and the designated area of Rockbridge County, Va. as described in (B) (2) above, on the one hand, and, on the other, points along applicant's regular routes between Roanoke, Va. and (a) Martinsville, Va., (b) Lexington, Va., (c) Warm Springs, Va., (d) Paint Bank, Va., (e) Independence, Va., and several connecting routes. A copy of applicant's existing authority in MC 58549 (Sub-No. 11) may be viewed in this public docket at the Offices of the Secretary, Interstate Commerce Commission, Washington, D.C. If a hearing is deemed necessary, the applicant requests it be held at either Roanoke, Va., or Washington, D.C. The purpose of this republication is to clarify the tacking portion of applicant's request for authority.

No. MC 72069 (Sub-No. 7), filed October 28, 1975, published in the FEDERAL REGISTER of December 11, 1975, and republished this issue. Applicant: BLUE HEN LINES, INC., Box 565, Milford, Del. 19963. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, in dump vehicles, from Hopewell and Norfolk, Va., to Laurel, Del., points in Dorchester County, Md., and points in Kent County, Del.

Note.—The purpose of this republication is to indicate the correct docket number assigned to this proceeding. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 75320 (Sub-No. 184), filed Nov. 24, 1975. Applicant: CAMPBELL SIXTI-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Applicant's representative: John A. Crawford, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite and facilities of Amoco Chemicals Corporation, located at or near Chocolate Bayou (Alvin), Tex., as an off-route point in connection with carriers authorized regular-route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 103066 (Sub-No. 30), filed November 20, 1975. Applicant: STONE TRUCKING CO., P.O. Box 2014, Tulsa, Okla. 74101. Applicant's representative: Eugene D. Anderson, 910 17th St. NW., Suite 428, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 except hides, and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by Swift Fresh Meats Company, at or near Cactus (Moore County), Tex., to points in California, Mississippi, Alabama, Georgia, Florida, Tennessee, North Carolina, South Carolina, Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, restricted to traffic originating at, and destined to, the named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105045 (Sub-No. 60), filed November 20, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cranes, parts, attachments and accessories*, from the plant site and other facilities of FMC Corp., Crane and Excavator Division, located at or near Bowling Green, Ky., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Massachusetts, Minnesota, North Carolina, New Hampshire, New Jersey, New York, Rhode Island, South Carolina, and Vermont and (2) *materials, equipment, and supplies* used or useful in the manufacture of the above-named commodities (except commodities in bulk), from points in the United States (except Alaska, Arkansas, California, Colorado, Hawaii, Idaho, Montana, New Mexico, Oregon, Utah, Washington, and Wyoming), to the plant site of FMC Corp., Crane and Excavator Division, located at or near Bowling Green, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky. or Washington, D.C.

No. MC 107515 (Sub-No. 997), filed No. vember 20, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by wholesale and retail food chains and grocery houses* (except in bulk), from points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, to Norfolk, Va.; Atlanta and Thomasville, Ga.; Columbia, S.C.; and Raleigh, N.C., and points in their Commercial Zones, restricted to the transportation of traffic originating at the named origins and destined to the warehouse or other facilities utilized by Colonial Stores, Inc., at the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 108119 (Sub-No. 46), filed November 20, 1975. Applicant: E. L. MURPHY TRUCKING CO., a Corporation, 3303 Sibley Memorial Highway, P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers*, for air, gas or liquids; *machinery and equipment*, for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids; and (2) *parts, materials, equipment, and supplies*, used in the manufacture, distribution, installation, or operation of those items named in (1) above (except in bulk), between points in Monroe, Randolph, Perry Counties, Ill., and St. Clair County, Ill., on and south of State Highways 177 and 158, on the one hand, and, on the other, points in the United States except Alaska and Hawaii), restricted to shipments originating at or destined to the plantsite and warehouse facilities of the Singer Company, at Monroe, Randolph, Perry and St. Clair Counties, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 108341 (Sub-No. 40), filed November 26, 1975. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 5409, Charlotte, N.C. 28206. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment and *commodities*, which because of size or weight do not require the use of special equipment, when transported as part of the same shipment with commodities which because of size or weight require the use of special equipment, (1) from the facilities of Koppers Company, Inc., at or near Baltimore, Glen Arm and Harmans, Md., Cranford, N.J., Mausry, Ohio, and Muncy and York, Pa. and (2) from the facilities of van Huffel Tube Corp. at

or near Warren, Ohio, to points in Florida, Georgia, North Carolina, South Carolina, Virginia, Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Missouri, Tennessee, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111045 (Sub-No. 126), filed November 17, 1975. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. 33601. Applicant's representative: J. Douglas Harris, 1406 Union Bank Building, Montgomery, Ala. 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds*, in bulk, in tank vehicles, between points in Dade County, Fla., on the one hand, and, on the other, points in New Jersey, New York and Connecticut.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla., or Montgomery, Ala.

No. MC 111274 (Sub-No. 7), filed November 12, 1975. Applicant: ELMER C. SCHMIDGALL AND BENJAMIN G. SCHMIDGALL, doing business as SCHMIDGALL TRANSFER, Box 249, Tremont, Ill. 61568. Applicant's representative: Frederick C. Schmidgall, 318 Lilac Lane, East Peoria, Ill. 61611. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fencing and farm buildings, and equipment, materials and supplies*, used or useful in the installation or erection thereof, (1) from Winfield, Kans., to points in Illinois, Indiana, Ohio, Wisconsin, Iowa, Missouri, Kentucky and Michigan; and (2) from Kenton, Ohio, to points in Illinois, Indiana, Wisconsin, Iowa, Missouri, Kentucky, Michigan and Kansas, under a continuing contract with Morton Buildings, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or St. Louis, Mo.

No. MC 113855 (Sub-No. 334), filed Nov. 17, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Street sweeping machines, and attachments, accessories, and parts*, for street sweeping machines, from Wake Forest, N.C., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 114045 (Sub-No. 427), filed Nov. 21, 1975. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives, tape, cellulose film products and dispensers and display racks therefor*, from Gloucester, Mass., to points in Texas and California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 114486 (Sub-No. 33), filed November 24, 1975. Applicant: AUTREY F. JAMES, doing business as, A. F. JAMES TRUCK LINE, 107 Lelia St., Texarkana, Tex. 75501. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay, clay products, and fittings* therefor, from Texarkana, Tex., to points in Alabama, Florida, Georgia, Illinois, Iowa, Kentucky, Minnesota, North Carolina, South Carolina, and Virginia, (2) *compounds*, that are manufactured and distributed by clay manufacturers, from Texarkana, Tex., to points in Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, New Mexico, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Virginia, (3) *clay and materials and supplies*, used in the manufacture of compounds produced and distributed by clay manufacturers, from Moundsville and New Martinsville, W. Va., to Texarkana, Tex., and (4) *silcia sand*, from Elco, Ill., to Texarkana, Tex., under a continuing contract with W. S. Dickey Clay Manufacturing Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex. or Kansas City, Mo.

No. MC 114608 (Sub-No. 30), filed November 20, 1975. Applicant: CAPITAL EXPRESS, INC., 5635 Clay, Grand Rapids, Mich. 49508. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances and parts therefor*, when moving in the same vehicle, from Columbus and Mansfield, Ohio, to Greenville, Muskegon, Grand Rapids and Holland, Mich., under contract with Gibson Products Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lansing or Detroit, Mich., or Chicago, Ill.

No. MC 115496 (Sub-No. 37), (Amendment), filed September 22, 1975, published in the FEDERAL REGISTER issue of October 16, 1975, and republished as amended this issue. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of Union Camp Corporation, located at Folkston, Higgston and Meldrim, Ga., to points in Alabama, Mississippi, North Carolina, South Carolina, Virginia, West Virginia, and Shelby County, Tenn.

NOTE.—The purpose of this republication is to indicate the additional request for service to points in West Virginia.

No. MC 115496 (Sub-No. 39), filed November 14, 1975. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of Wood Products Division of Georgia Kraft Company, at or near Greenville (Meriwether County), Ga., to points in Alabama, Delaware, Indiana, Maryland, Mississippi, Ohio, Pennsylvania, New Jersey, North Carolina, South Carolina, Virginia, West Virginia, and points in Shelby County, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Atlanta or Columbus, Ga.

No. MC 116915 (Sub-No. 18) (Clarification), filed August 6, 1975, published in the FEDERAL REGISTER issue of August 28, 1975, and republished as clarified this issue. Applicant: ECK MILLER TRANSPORTATION CORPORATION, 2015 Alsop Lane, P.O. Box 1279, Owensboro, Ky. 42301. Applicant's representative: John P. Kane (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, and articles of unusual value), between points in Illinois, Indiana, Kentucky and Tennessee, restricted to the transportation of traffic having a prior or subsequent movement by rail or water carrier.

NOTE.—The purpose of this republication is to clarify the request for authority by more appropriately wording the proposed restriction. If a hearing is deemed necessary, the applicant requests it be held at either Lexington or Louisville, Ky., or Washington, D.C.

No. MC 119726 (Sub-No. 65), filed November 7, 1975. Applicant: N. A. B. TRUCKING CO., INC., 3220 Bluff Road, P.O. Box 21006, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 East Washington Street—Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cartons*, other than corrugated, from the facilities of the Weyerhaeuser Company located at or near Seymour, Ind., to points in Ohio, New York, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 119726 (Sub-No. 66), filed November 7, 1975. Applicant: N. A. B. TRUCKING CO., INC., 3220 Bluff Road, P.O. Box 21006, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 East Washington Street—Suite 1000, Indianapolis, Ind. 46202. Au-

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thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated cartons*, from the facilities of the Weyerhaeuser Company located at or near Omaha, Nebr., to Logansport, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 119774 (Sub-No. 86), filed November 21, 1975. Applicant: EAGLE TRUCKING COMPANY, a Corporation, 301 East Maine Street, P.O. Box 471, Dilgore, Tex. 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit*, plastic and iron fittings and connections, valves, hydrants, and gaskets and related commodities used in the installation of plastic pipe and plastic conduit, (except commodities as described in *Mercer Extension-Oilfield Commodities, 74 M. C.C. 459*, from Columbia, Mo., to points in the United States in and east of Colorado, Montana, New Mexico, and Wyoming, restricted to traffic originating at the plant site and storage facilities of the Clow Corporation at or near Columbia, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Chicago, Ill.

No. MC 121449 (Sub-No. 2), filed November 17, 1975. Applicant: CARGO CARRIERS, INC., 2903 Lynwood Road, Lynwood, Calif. 90262. Applicant's representative: Joan L. Sickles (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine, malt beverages and brandy*, between points in California and points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming and the District of Columbia, under a continuing contract or contracts with Parrott & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 124070 (Sub-No. 33), filed November 21, 1975. Applicant: CHEMICAL HAULERS, INC., 7300 College Drive, Palos Heights, Ill. 60463. Applicant's representative: Chester A. Zyhlut, 366 Executive Building, 1030 Fifteenth St., N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite and warehouse facilities of Economics Laboratory, Inc., located at Joliet, Ill., to points in the United States, (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 124887 (Sub-No. 16), filed September 15, 1975. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper*, from points in Alabama, Georgia, Florida, Mississippi, North Carolina, South Carolina, Tennessee and Virginia, to Montgomery, Ala., and Cedar Springs and Savannah, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville or Tallahassee, Fla.

No. MC 124887 (Sub-No. 19), filed November 12, 1975. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products and commodities* used in connection with the distribution and installation of gypsum products, when moving in the same vehicle, and at the same time as gypsum products, from Savannah, Ga., to points in Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla., Atlanta, Ga., or Washington, D.C.

No. MC 124964 (Sub-No. 25), filed November 20, 1975. Applicant: JOSEPH M. BOOTH, doing business as, J. M. BOOTH TRUCKING, P.O. Box 907, Eustis, Fla. 32726. Applicant's representative: 69 Tonnele Avenue, Jersey, City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods and potato chips*, from Bridgeport, Conn., to Hialeah, Fla.

NOTE.—Applicant holds common carrier authority in MC 117934 Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 125023 (Sub-No. 33), filed November 20, 1975. Applicant: SIGMA-4 EXPRESS, INC., P.O. Box 9117, Erie, Pa. 16504. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and *related advertising material*, moving therewith, (a) from Monroe, Wis., to points in Massachusetts, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia; (b) from Chicago, Ill., to points in Maryland; and (c) from Utica, N.Y., to points in Kentucky, Illinois, Indiana, Michigan, Ohio, and Wisconsin; and (2) *empty used malt beverage containers* in the reverse direction.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 125681 (Sub-No. 4), filed November 25, 1975. Applicant: MATERIALS TRANSPORT, INC., 6th & Franklin Streets, Tell City, Ind. 47586. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, sand, gravel and agricultural limestone*, from Perry, Crawford, Dubois, Spencer, Warrick, Vanderburgh, Posey and Gibson Counties, Ind., to Lawrence, Richland, Clay, Wabash, Edwards, Wayne, Jefferson, Hamilton, White, Crawford, and Jasper Counties, Ill., under contract with Mulzer Crushed Stone Co. and Evansville Materials, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Indianapolis, Ind., or St. Louis, Mo.

No. MC 127100 (Sub-No. 15), filed November 11, 1975. Applicant: B & B MOTOR LINES, INC., 911 Summit Street, Toledo, Ohio 43604. Applicant's representative: Charles K. Boxell, 9th Floor Toledo Trust Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport: *Malt* (beer and ale) *beverages* in containers, from St. Paul, Minn., to Sandusky, Ohio, (2) from Sandusky, Ohio to St. Paul, Minn., under a continuing contract with The Thornburgh Sales Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio; Lansing, Mich. or Indianapolis, Ind.

No. MC 133741 (Sub-No. 17), filed November 7, 1975. Applicant; OSBORNE TRUCKING CO., INC., 1008 Sierra Drive, Riverton, Wyo. 82501. Applicant's representative: Truman A. Stockton, The 1650 Grant St. Bldg., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from the facilities of Champion International Corp., located at or near Silver City, Bonner and Browning, Mont., to points in Arkansas, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Utah and Wisconsin, under a continuing contract or contracts with Champion International Corp.; and (2) *Lumber and lumber products*, from points in Montana, to points in Colorado, under a continuing contract or contracts with Denver Reserve Supply Company of Denver, Colo., or Champion International Corp., Hamilton, Ohio.

NOTE.—Applicant holds common carrier authority in MC 134370 and subs thereunder, therefore dual operations may be involved. Duplicating authority may also be involved. If the instant application is granted, applicant requests that its Sub-Nos. 9 and 11 be cancelled. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 133796 (Sub-No. 27), filed November 5, 1975. Applicant: George Appel, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Kenneth R. Davis, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic pipe fittings, and materials and supplies* used in the installation of plastic pipe (A) between the facilities of Certain-Teed Products Corporation, located at or near McPherson, Kans., Eads, Tenn., Social Circle, Ga., and Hagerstown, Md.; (B) from Eads, Tenn., to points in Illinois, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky and Indiana; and (2) *materials and supplies* used in the manufacture and distribution of plastic pipe and plastic pipe fittings, from points in the destination states mentioned in (B) above, to the facilities of Certain-Teed Products Corporation, located at Eads, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133796 (Sub-No. 28), filed November 5, 1975. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Kenneth R. Davis, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asbestos and cement pipe*, between the facilities of Certain-Teed Products Corporation at Riverside and Santa Clara, Calif.; (2) *asbestos and cement pipe*, from Santa Clara, and Riverside, Calif., to points in Washington, Oregon, California, Arizona, Utah, Idaho, Nevada, Montana, Wyoming, and Colorado: (3) *materials and supplies*, used in the manufacture and distribution of the above commodities, from the destination points in (2) above, to Santa Clara, and Riverside, Calif.; (4) *plastic pipe, plastic pipe fittings, and materials and supplies*, used in the installation of plastic pipe, from the plantsite of Certain-Teed Products Corporation located at or near Shingles Springs, Calif., to points in Washington, Oregon, California, Arizona, Utah, Idaho, Nevada, Montana, Wyoming, and Colorado; and (5) *materials and supplies*, used in the manufacture and distribution of plastic pipe and plastic pipe fittings, from the destination points in (4) above, to the plantsite of Certain-Teed Products Corporation located at or near Shingles Springs, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 134094 (Sub-No. 4), filed November 20, 1975. Applicant: HEIGHT'S SERVICE, INC., 521 E. Nevada Avenue, St. Paul, Minn. 55101. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine and alcoholic liquors*, from Cincinnati, Ohio; Lawrenceburg, Ind.; Lynchburg, Tenn.; St. Louis and Springfield, Mo., and points in Kentucky and Illinois (except Chicago), to St. Paul, Minn., under contract with McKesson Wine & Spirits Division of Foremost McKesson Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 134323 (Sub-No. 79), filed November 24, 1975. Applicant: JAY LINES, INC., 720 North Grand, P.O. Box 4146, Amarillo, Tex. 79105. Applicant's representative: Gailyn L. Larsen, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Welding equipment, materials and supplies;* and (2) *equipment, materials and supplies*, used in the manufacture and distribution thereof, between the plantsite and storage facilities of Union Carbide Corporation located at or near Niagara Falls, N.Y. and Ashtabula, on the one hand, and, on the other, points in Alabama, Mississippi, Louisiana, Arkansas, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Nevada, Arizona, California, Oregon, and Washington, under a continuing contract, or contracts with Union Carbide Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Lincoln, Nebr.

No. MC 134642 (Sub-No. 4), filed November 24, 1975. Applicant: ELWOOD HORTON, Star Route Box 116, Ripplemead, Va. 24150. Applicant's representative: Elwood Horton, 1417 Peters Creek Road, Roanoke, Va. 24017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed stone and asphalt*, in dump vehicles, from Ripplemead, Va., to points in Boone, Cabell, Clay, Fayette, Greenbrier Kanawha, Lincoln, Logan, Mingo, McDowell, Nicholas, Putnam, Raleigh Wayne and Wyoming Counties, W. Va., (2) *bituminous asphalt*, in dump vehicles, from Lowmoor, Va., to points in Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Mingo, McDowell, Monroe, Nicholas, Putnam, Raleigh, Wayne, and Wyoming Counties, W. Va., (3) *bituminous asphalt*, in dump vehicles, from Bluefield, Va., to points in Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mercer, Mingo, McDowell, Monroe, Nicholas Putnam, Raleigh, Summers, Wayne and Wyoming Counties, W. Va., (4) *stone and asphalt* in dump vehicles, from Rocky Gap, Va., to points in Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mercer, Mingo, McDowell, Monroe, Nicholas, Putnam, Raleigh, Summers, Wayne and Wyoming Counties W. Va., and (5) *stone, asphalt, and silica sand*, in dump vehicles, from Wytheville, Va., to points in Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mercer, Mingo, McDowell, Monroe, Nicholas, Putnam, Raleigh, Summers, Wayne and Wyoming Counties, W. Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va. or Washington, D.C.

No. MC 135425 (Sub-No. 12), filed November 26, 1975. Applicant: CYCLES LIMITED, P.O. Box 5715, Jackson, Miss. 39208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer whose products are sold in drug, variety and food stores, and *materials, supplies, and equipment* (except commodities in bulk) used in the conduct of such business, between St. Paul, Minn., and Andover, Mass., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with The Gillette Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 136343 (Sub-No. 63), filed November 24, 1975. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from the facilities of St. Regis Paper Co., Coschocton, Ohio, to points in New York, New Jersey, Pennsylvania and Maryland, restricted to shipments originating at the above origin and destined to the above destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 136375 (Sub-No. 10), filed November 24, 1975. Applicant: DONCO CARRIERS, INC., 641 N. Meridian, Oklahoma City, Okla. 73107. Applicant's representative: Wm. L. Peterson, Jr., 401 N. Hudson, Suite 200, Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Doors, frames, mirrors, automobile parts, metal vehicle accessories, plastic articles, moulding, spray paint, metal hangers, and items used in the installation thereof*, from the plantsite and facilities of Evans Products Company, at or near Dothan, Ala., to points in the United States (except Alabama, Alaska and Hawaii), under contract with Evans Products Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla., or Detroit, Mich.

No. MC 136399 (Sub-No. 4), filed November 19, 1975. Applicant: MARK III TRUCKING, INC., 335 18th Street, Dunbar, W. Va. 25064. Applicant's representative: Jackie H. Browning, 445 17th Street, Dunbar, W. Va. 25064. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes,

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transporting: (1) *Major appliances*, from Dunbar Storage Warehouse located at or near Dunbar, W. Va. and Grand Central Mall located at or near Parkersburg, W. Va., to points in Monroe, Morgan, Noble, Washington, Athens, and Meigs Counties, Ohio; and (2) *damaged or rejected merchandise*, from destination points in (1) above, to Grand Central Mall located at or near Parkersburg, W. Va., and Dunbar Storage Warehouse located at or near Dunbar, W. Va., under a continuing contract or contracts with Kelly & Cohen, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 136786 (Sub-No. 88), filed November 24, 1975. Applicant: ROBCO TRANSPORTATION, INC., 309 Fifth Avenue Northwest, P.O. Box 12729, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, 7525 Mitchell Road, Eden Prairie, Minn. 55343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning or washing compounds; buffing or polishing compounds; textile softeners; grease or oil, lubricating; and deodorants and disinfectants* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Economic Laboratories, located at or near Joliet, Ill., to points in Georgia, restricted to traffic originating at the plantsite and warehouse facilities of Economic Laboratories located at or near Joliet, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 138578 (Sub-No. 4), filed November 14, 1975. Applicant: L.C.W. TRUCKING, INC., P.O. Box 718, Edinburg, Tex. 78539. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, and supplies* (except commodities in bulk), used in the manufacture of paper and paper products, from points in Arkansas, Colorado, Louisiana, Missouri, New Mexico, Oklahoma, and Mississippi, to McAllen, Tex., under a continuing contract or contracts with Valley Corrugated Box, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Antonio or Dallas, Tex.

No. MC 138635 (Sub-No. 16), filed Nov. 21, 1975. Applicant: CAROLINA-WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woven fiber glass and mechanically bonded fiber glass mat*, from Graham, Tex., to San Francisco and Los Angeles, Calif.; Kirkland, Wash.; Detroit, Mich.; Mount Vernon, Ind.; Defiance, Ohio; and St. Petersburg and Miami, Fla.

NOTE.—Applicant holds contract carrier authority in MC 138464 and subs thereunder, therefore dual operation; may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 138882 (Sub-No. 9), filed November 17, 1975. Applicant: WILEY SANDERS, INC., 212 Oak St., Box 621, Henderson Rd., Troy, Ala. 36081. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies*, used and consumed in the processing of lead scrap, from points in the United States in and west of Montana, Wyoming, Colorado, and New Mexico, to the plantsite of Sanders Lead Company, Inc., at or near Troy, Ala.; and (2) *processed lead scrap, lead and lead alloys in pigs, hogs, and ingots*, from the plantsite of Sanders Lead Company, Inc., at or near Troy, Ala., to points in the United States in and west of Montana, Wyoming, Colorado, and New Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, or Montgomery, Ala.

No. MC 140092 (Sub-No. 4), filed November 20, 1975. Applicant: KEYSTONE TRUCKING CORP., 811 South Washington Avenue, Scranton, Pa. 18505. Applicant's representative: A. David Millner, 744 Broad Street, Suite 2005, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail chain grocery and food business houses, and in connection therewith, *equipment, material, and supplies* used in the conduct of such business, between points in New Jersey, New York, N.Y., Baltimore, Md., points in Broome, Chemung, Delaware, Nassau, Orange, Rockland, Steuben, Suffolk, Sullivan, Tioga, Tompkins, Ulster, and Westchester Counties, N.Y., and those points in Berks, Bradford, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, and Wyoming Counties, Pa., under contract with The Great Atlantic & Pacific Tea Company, Inc., Montvale, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Newark, N.J.

No. MC 140763 (Sub-No. 3), filed November 20, 1975. Applicant: ONEIDA-COLUMBUS EXPRESS COMPANY, a Corporation, P.O. Box 356, Oneida, Tenn. 37841. Applicant's representative: Marshall Kragen, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are manufactured, processed, or dealt in by manufacturers of rubber or rubber products (except in bulk) and (2) *materials, equipment, and supplies* used in the conduct of such business (except in bulk), between Oneida, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with B. F. Goodrich Tire Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn.

No. MC 140883 (Sub-No. 4), filed November 25, 1975. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle NE., Atlanta, Ga. 30345. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Uncrated store fixtures*, from the plant site of Warren/Sherer Division of Kysor Industrial Corporation in Marshall, Mich., to points in the United States (except Alaska and Hawaii) and (2) *materials and supplies* (except commodities in bulk and lumber) used in the manufacture, sale, and distribution of store fixtures, from points in the United States (except Alaska and Hawaii), to the plant site of Warren/Sherer Division of Kysor Industrial Corporation in Marshall, Mich., under contract with Warren/Sherer Division of Kysor Industrial Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich. or Atlanta, Ga.

No. MC 140925 (Sub-No. 2), filed November 12, 1975. Applicant: FAYETTE TRUCKING CORPORATION, W234 S5502 Big Bend Road, Waukesha, Wis. 53186. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in dump vehicles, from the facilities of Michigan Gypsum Co., at or near Whittemore, Mich., to points in Wisconsin, under a continuing contract or contracts with Farmers Feed & Fertilizer of Wisconsin.

NOTE.—Common control may be involved. Applicant holds common carrier authority in MC 126159 and subs thereunder, therefore dual operations may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 141101 (Sub-No. 2) (Amendment), filed November 3, 1975, published in the FEDERAL REGISTER issue of November 26, 1975, and republished, as amended, this issue. Applicant: ROBERT E. WARNE, doing business as WARNE TRUCKING COMPANY, a Corporation, 121 Rosewood Drive, Zanesville, Ohio 43701 Applicant's representative: Thomas J. Burke, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Earthenware pots and racks* for earthenware pots, (1) from Marshall and Houston, Tex., El Monte, Van Nuys, Fullerton, La Verne, and Long Beach, Calif., to Denver, Colo., under contract with Denver Pottery Co., Inc., (2) from Marshall, Tex., to points in California, under contract with GMMC Pottery Sales Corp., and (3) from Marshall, Tex., to points in Michigan, under contract with D&J Distributing Co., Inc.

NOTE.—The purpose of this republication is to state the correct contracting shippers. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 141188 (Amendment), filed July 25, 1975, published in the FEDERAL REGISTER issue of August 14, 1975, and republished as amended this issue. Applicant: MAURICE BLOCKER, doing business as, BLOCKER MILLING SERVICE, Old Highway 9 West, Waukon, Iowa 52172. Applicant's representative: James U. Mellick, P.O. Box 328, 24 West Main Street, Waukon, Iowa 52172. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, fertilizer and grain*, in bags or in bulk, between points in Minnesota and those points in Iowa within a territory beginning at the intersection of the Mississippi River and the Minnesota-Iowa State Boundary line and extending southerly along the western bank of the Mississippi River to intersection Interstate Highway 80, thence westerly along Interstate Highway 80 to intersection U.S. Highway 71, thence northerly along U.S. Highway 71 to intersection Minnesota-Iowa State Boundary line, and thence along said boundary line to the point of beginning.

NOTE.—The purpose of this republication is to indicate applicant's broadened territorial request for authority. If a hearing is deemed necessary, the applicant requests it be held at Waukon, Iowa or as close thereto as possible.

No. MC 141200 (Amendment), filed July 25, 1975, published in the FEDERAL REGISTER issue of August 21, 1975, and republished as amended this issue. Applicant: CLANCY BROS. TRANSPORTATION CO., INC., 84 Bengal, Terrace, Rochester, N.Y. 14610. Applicant's representative: S. Michael Richards, 44 North Ave., Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk), in vehicles equipped with mechanical refrigeration between points in Massachusetts, New Jersey, New York and Pennsylvania, on the one hand, and, on the other, Rochester, N.Y., restricted to the transportation of traffic originating at or destined to the plantsites of those contracting shippers enumerated below, under continuing contracts with (1) Conti Packing Co., Inc., at Rochester, N.Y., (2) Allen Beef Company, Inc. at Rochester, N.Y., (3) Katz Bros., Inc. at Rochester, N.Y., (4) Leon Kastner Wholesale Meats Corp. at Rochester, N.Y., (5) Tobin Packing Co., Inc. at Rochester, N.Y., and (6) Levitt Bros., Inc. at Rochester, N.Y.

NOTE.—Applicant holds contract carrier authority in MC 116497, and should a grant of authority issue as a result of this request it will be assigned under applicant's existing docket number. If a hearing is deemed necessary, applicant requests it be held at either Rochester or Buffalo, N.Y.

No. MC 141209 (Sub-No. 1), filed November 14, 1975. Applicant: JOSEPH LURATE, 2130 Rockdale Avenue, Simi Valley, Calif. 93063. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in secondary movements, in truckaway service, between Garden Grove, Calif., and Lubbock, Tex., under a continuing contract or contracts with Jack Warye Automobile Brokerage.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 141255 (Sub-No. 1), filed November 19, 1975. Applicant: TANDY TRANSPORTATION, INC., 3600-3602 Conway, P.O. Box 7135, Fort Worth, Tex. 76111. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: 1(a) *Commodities dealt in by electronic equipment and supply stores, uncrated store fixtures and furnishings, office supplies, and advertising materials*, from Fort Worth, Tex., to points in the United States (except Texas), restricted in the destination states in pick up or delivery of the described commodities at Radio Shack stores and warehouses; *returned and rejected shipments of such commodities*, from points in the United States (except Texas), to Fort Worth, Tex.; (b) *television antennas*, from Burlington, Iowa, to Groveport, Ohio, Braintree and Avon, Mass.; (c) *electronic equipment, materials and supplies*, from Tarrant City, Ala.; Ansonia, Conn.; Aurora, Mundelein, Chicago, Lemont, Downers Grove and Elk Grove, Ill.; Huntington and Frankfort, Ind.; Burlington and Guttenburg, Iowa; Princeton, Ky.; Winona and St. Paul, Minn.; Kennebunk and Biddleford, Maine, Detroit, Mich.; Hagerstown and Baltimore Md.; Shrewsbury, South Hadley, Holyoke, Worcester, Ludlow and Boston, Mass.; Aberdeen, Miss.; St. Louis, Mo.; Camden, Amsterdam, Congers, Blauvelt, Farmingdale L.I., Brooklyn, Huntington, L.I., Hauppauge and New York City, N.Y.; Somerville, Parsippany and Burlington, N.J.; Statesville and Smithfield, N.C.; Newcomerstown and Toledo, Ohio; Central Falls, R.I., to Fort Worth, Tex. and Garden Grove, Calif., restricted against the transportation of traffic from Winona, Minn., to Garden Grove, Calif.; (d) *electronic equipment, materials and supplies*, from Long Beach, Calif.; Phoenix, Ariz. and Grand Junction, Colo., to Fort Worth, Tex.; (e) *toys* from Hawthorne, Calif., to Fort Worth, Tex.

2(a) *Tile*, including ceramic, clay, earthenware, terrazzo, mastic, composition and vinyl asbestos, from Fort Worth and Houston, Tex., to points in Arkansas, California, Colorado, Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Utah, Wisconsin; and *returned and rejected shipments*, from the named destination states to Fort Worth and Houston, Tex.; (b) *tile*, from Long Beach, Calif., to Phoenix, Tucson and Mesa, Ariz.; Albuquerque, N. Mex.; and Fort Worth, Tex.; (3) *leather and leather products*, from Buford, Ga., to Fort Worth, Tex.; (4) *commodities dealt in by arts and crafts stores, office supplies and advertising materials for arts and crafts stores*, from Fort Worth, Tex., to points in the United States; *returned and rejected shipments* of such commodities, from points in the United States (except Texas) to Fort Worth, Tex., paragraphs 1, 2, 3 and 4 are limited to a transportation service to be performed under a continuing contract or contracts with Tandy Corporation, Tandycrafts, Inc., and Tandy Brands, Inc. of Fort Worth, Tex., and their subsidiary corporations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Dallas, Tex.

No. MC 141326 (Sub-No. 4), filed November 24, 1975. Applicant: C. C. SALTER AND C. W. SALTER, a partnership, doing business as S & S TRUCKING COMPANY, P.O. Box 67, State Docks Road, Eufaula, Ala. 36027. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precut plywood*, from the plantsite, warehouses and storage facilities of Associated Forest Products, Inc., at or near Eufaula, Ala., to Fergus Falls, Minn.; Auburn, Nebr.; Atlanta, Ga.; Union City, Ind.; and Ft. Smith, Ark.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham or Montgomery, Ala.

No. MC 141368 (Correction), filed September 26, 1975, published in the FEDERAL REGISTER issue of October 31, 1975, republished as corrected this issue. Applicant: BASE TRANSPORTATION, INC., 1573 West Second Street, Pomona, Calif. 91766. Applicant's representative: Jerry Solomon Berger, 433 Camden Drive, 6th Floor, Beverly Hills, Calif. 90210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint, paint thinners and solvents* (except in bulk), from the plantsite of Pervo Paint Company, located in Los Angeles, Calif., to points in Arizona, Idaho, Nevada, New Mexico and Utah, under a continuing contract or contracts with Pervo Paint Company.

NOTE.—The purpose of this republication is to correct the "zip code" of the applicant's

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representative. If a hearing is deemed necessary, the applicant requests it be held at Pomona or Los Angeles, Calif.

No. MC 141476 (Correction), filed October 23, 1975, published in the FEDERAL REGISTER issue of November 28, 1975, and republished as corrected this issue. Applicant: C. T. TRANSPORTATION COMPANY, 2301 Bridgeport Drive, P.O. Box 1410, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach, 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Towers, antennas, and equipment, materials and supplies* used in the manufacture, sale, distribution and erection of towers and antennas, and (2) *reflectors, redomes, pylons, buildings, building panels, building parts, and accessories, materials and supplies* used in the installation, construction, and erection of buildings, building panels and building parts, from the plant site and storage facilities of Advance Industries at Sioux City, Iowa, to points in the United States (except Hawaii); (3) *towers, antennas and equipment, materials and supplies* used in the manufacture, sale, distribution, and erection of the commodities described in (1) and (2) above, from points in the United States (except Alaska and Hawaii), to the plant site and storge facilities of Advance Industries located at Sioux City, Iowa, the commodities in (1), (2) and (3) above are restricted against transportation in bulk and further restricted to traffic transported under a continuing contract or contracts with Advance Industries; (4) *trenching machines*, from the plant site and storage facilities of Digz-All, Inc., located at Merrill, Iowa, to points in the United Staes (except Hawaii); and (5) *equipment, materials and supplies* used in the manufacture, sale and distribution of trenching machines, from points in the United States (except Alaska and Hawaii), to the plant site and storage facilities of Digz-All, Inc., located at Merrill, Iowa, the commodities in (4) and (5) above are restricted against transportation in bulk and further restricted to traffic transported under a continuing contract or contracts with Digz-All, Inc.

NOTE.—The purpose of this republication is to clarify the commodities in (1) and (2) above. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Sioux City, Iowa, or Omaha, Nebr., or Chicago, Ill.

No. MC 141484, filed October 29, 1975. Applicant: HARRY L. ROTHSTEIN, 40 Poplar Street, P.O. Box 1386, Scranton, Pa. 18501. Applicant's representative: Richard M. Goldberg, 700 United Penn Bank Building, Wilkes-Barre, Pa. 18701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, from the facilities of Distribution East located at or near Scranton (Lackawanna) County, Pa., to points in Pennsylvania and New York; and (2) *rejected or refused merchandise and empty containers*, from points in Pennsylvania and New York, to the facilities of Distribution East located at or near Scranton, Pa., under a continuing contract or contracts in (1) and (2) above with E. H. Trethaway Co., and James A. Weaver Company.

NOTE.—Applicant holds common carrier authority in MC 54698 sub No. 2, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Scranton or Wilkes-Barre, Pa.

No. MC 141492, filed November 10, 1975. Applicant: WHITETOP SAFEWAY & YELLOW CHECKER CABS, INC., doing business as MISSISSIPPI COURIER SERVICE, 670 South West Street, Jackson, Miss. 39201. Applicant's representative: Douglas R. Duke, Suite 552, First National Bank Building, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Data processing materials, bank paper, securities and financial instruments* (except coin and currency), between Memphis, Tenn., New Orleans, La., and points in Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Jackson, Miss., Memphis, Tenn. or New Orleans, La.

No. MC 141526, field November 14, 1975, Applicant: TERRELL TRUCKING, INC., P.O. Box 11, Converse, La. 71419. Applicant's representative: Thomas Joe Cassell, 1115 E. San Antonio Avenue, Many, La. 71449. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, rock, riprap, crushed rock and lignite coal*, in bulk, between points in Louisiana and Arkansas and that part of Texas on and east of Interstate Highway 35 at the Oklahoma-Texas State Boundary line, thence along U.S. Highway 35 to Fort Worth, Tex., thence along Interstate Highway 20 to Dallas, Tex., thence along Interstate Highway 45 to Galveston, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Shreveport, New Orleans, La. or Dallas, Tex.

No. MC 141528, filed November 19, 1975. Applicant: EXPRESS DELIVERIES, INC., 3040 Greenmount Avenue, Baltimore, Md. 21218. Applicant's representative: Alan J. Bloom, Suite 406, 401 Washington Avenue, Towson, Md. 21204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Photograph and photofinishing materials and supplies*, between points in Maryland, Virginia, Delaware, Pennsylvania, and the District of Columbia, under a continuing contract or contracts with Paramount Photo Service and Supply, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Baltimore, Md., or Washington, D.C.

No. MC 141539, filed November 20, 1975. Applicant: GORDON HART, doing business as HART TRANSPORT, P.O. Box 109, Harris Road, Dexter, Mo. 63841. Applicant's representative: Joseph E. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mufflers, exhaust pipe, tail pipe, steel, machinery, machinery parts, motors, transformers, converters, filters, flanges, tubing, asbestos, strapping, cartons, boxes, drums, pallets, steel racks, scrap metal, oil, solvents and cleaning products*, used in manufacturing (except commodities in bulk), between Dexter, Mo., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Michigan, Missouri, Tennessee and Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Indianapolis, Ind.

FREIGHT FORWARDER APPLICATIONS

No. FF-350 (Sub-No. 1), filed November 21, 1975. Applicant: GLOBAL FORWARDING, INC., Number One Global Way, Anaheim, Calif. 94803. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006, Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express, in the transportation of (a) *Used household goods and unaccompanied baggage*, and (b) *used automobiles*, between points in the United States, including Hawaii and Alaska, restricted in (b) above to the transportation of export and import traffic.

NOTE.—The purpose of this application is to add Alaska to applicant's present authority. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. FF-477, filed November 21, 1975. Applicant: CROWN OVERSEAS FORWARDERS, 180 Quint Street, San Francisco, Calif. 94124. Applicant's representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water, and express, in the transportation of (a) *Used household goods and unaccompanied baggage*, and (b) *used automobiles*, between points in the United States, including Alaska and Hawaii, restricted in (b) to the transportation of export and import traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-34726 Filed 12-23-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

SOLAR ENERGY RESEARCH INSTITUTE

Policy Relating To Establishment

The Solar Energy Research, Development, and Demonstration Act of 1974 (P.L. 93-473) establishes a Solar Energy Research Institute (SERI) to conduct research, development and other related tasks in furtherance of the use of solar energy. The Act states that SERI may be located at a new or an existing Federal Laboratory and authorizes ERDA to determine its location. Over the past months, the Energy Research and Development Administration (ERDA) has been developing criteria for evaluating SERI's site as well as formulating the role and mission, and the type of management organization for SERI.

ERDA expects to announce criteria for evaluating the SERI site in January, 1975, and plans to solicit propcsals for the site at that time. In this regard, it is ERDA's policy that no organization should be given unfair advantage over others interested in submitting proposals. This policy was expressed in a memorandum dated November 25, 1975, from Michael I. Yarymovych, Assistant Administrator for Laboratory and Field Coordination to all ERDA offices. For the benefit of the interested public, the memorandum is quoted in its entirety below.

Dated: December 22, 1975.

ROBERT A. SUMMERS,
Acting Assistant Administrator for Laboratory and Field Coordination.

HEADS OF DIVISIONS AND OFFICES, HQ
HEADS OF FIELD ORGANIZATIONS

POLICY FOR NATIONAL LABORATORIES AND OTHER ERDA INSTALLATIONS IN RELATION TO ERDA'S QUEST FOR A SOLAR ENERGY RESEARCH INSTITUTE (SERI) SITE AND MANAGEMENT ORGANIZATION

NOVEMBER 25, 1975.

It is the policy of this Agency that all parties be treated equally and fairly in their dealings with the Federal Government. This policy is very important in the management team and site selection quest for SERI. No citizen or organization should be allowed to have a preferred position, or even appear to have knowledge which would give an unfair advantage over any other organization or person. Assuring fair treatment has been the overriding consideration in the adoption of procedures regarding the establishment of SERI and this fairness must continue to guide our future conduct.

It is anticipated that parties interested in making proposals relative to SERI may seek information from ERDA Laboratories and installations. If ERDA Laboratories or installations are approached for information relating to SERI, they shall notify the Solar Energy Research Institute Project Office (SIPO) of such requests in detail and shall obtain instructions or advice from the SIPO before proceeding further.

It is also anticipated that parties interested in making proposals concerning SERI may seek the participation of ERDA Laboratories or installations. If so approached, the Laboratory or installation must promptly advise the cognizant Operations Office, the SIPO, and this office in detail and obtain instructions or advice before proceeding further. This office shall have the final responsibility for determining the nature and extent of participation by ERDA Laboratories and installations with other parties relative to the SERI search. In any event, the ERDA Operations Offices shall not assume, nor appear to assume, any form of partisan role and must maintain the strictest objectivity and impartiality with respect to the SERI search and selection process.

ERDA Operations Offices are expected to advise all ERDA field installations of these policy guidelines and assure appropriate implementation.

ERDA Headquarters offices will assure that no information concerning ERDA's own planning or decisions relating to SERI is communicated in any form to any parties relative to SERI in advance of full public announcement. Furthermore, such public announcements shall set forth the above policy relating to ERDA Laboratories and other installations.

[FR Doc.75-34923 Filed 12-23-75;10:24 am]

V40248 DEC 24 75 XUM

federal register

WEDNESDAY, DECEMBER 24, 1975

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

PART II:

ENVIRONMENTAL PROTECTION AGENCY

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Proposed Standard for Vinyl Chloride

V40248 DEC 24 75 XUM

ENVIRONMENTAL PROTECTION AGENCY

[FRL 454–1]

[40 CFR Part 61]

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Proposed Standard for Vinyl Chloride

Notice is hereby given that under the authority of section 112(b)(1)(B) of the Clean Air Act, as amended, the Administrator is proposing a national emission standard for vinyl chloride emissions from ethylene dichloride-vinyl chloride and polyvinyl chloride plants. As prescribed by section 112(b)(1)(A) of the Act, this proposal of the standard was preceded by the Administrator's determination that vinyl chloride is a hazardous air pollutant as defined in section 112(a)(1) of the Act. Accordingly, the Administrator is revising the list of hazardous air pollutants by adding vinyl chloride; notice of this revision is published in the notice section of this issue of the FEDERAL REGISTER. [FRL 454–2] FR Doc. 75–34512.

In accordance with section 117 of the Act, publication of this proposed standard was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

Interested persons may participate in this rulemaking by submitting written comments (in triplicate) to the Emission Standards and Engineering Division. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin. All relevant comments postmarked not later than February 23, 1976, will be considered. Comments received will be available for inspection and copying at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460.

A public hearing will be held as required by section 112(b)(1)(B) of the Act. A notice of the time, date and place for the public hearing will be published in the FEDERAL REGISTER within 30 days of the publication date of this proposed standard.

The Environmental Protection Agency (EPA) has prepared a "Standard Support and Environmental Impact Statement" which contains background information on the manufacture and processing of vinyl chloride, the health effects of vinyl chloride, the available control technologies for vinyl chloride emissions, the rationale for the proposed standard, and an analysis of the environmental, economic, and inflationary impacts of the proposed standard. More detailed information on the health effects of vinyl chloride is contained in a second document prepared by EPA, which is entitled the "Scientific Technical Assessment Report on Vinyl Chloride and Polyvinyl Chloride." Requests for these documents should be addressed to the Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin, MD–13. The information contained in these documents with regard to health effects, the rationale for the proposed standard, and the potential environmental and economic impacts is summarized in the following paragraphs. All references in the summary are to be found in the two EPA documents.

RATIONALE FOR REGULATING VINYL CHLORIDE UNDER THE AUTHORITY OF SECTION 112 OF THE CLEAN AIR ACT

In January 1974, the B. F. Goodrich Chemical Company reported to the National Institute of Occupational Safety and Health that several of its employees had died from angiosarcoma of the liver (a rare form of cancer) and that these deaths may have been related to occupational exposure to vinyl chloride gas. This report resulted in growing concern over the potential health effects of vinyl chloride and spurred efforts by various government agencies to take steps to obtain data needed to assess in more detail the impact of vinyl chloride on human health and to reduce vinyl chloride exposure both to the worker and to the general population. EPA established a Task Force on vinyl chloride in February 1974, to identify the environmental problems resulting from the manufacture and use of vinyl chloride and polyvinyl chloride. While air, water, and solid waste disposal are all possible routes for entry of vinyl chloride into the environment in the vicinity of manufacturing facilities, the Task Force concluded that, based upon current information, the air route poses the most significant environmental problem to the population located there. Potential sources of exposure to the general population due to the use (as opposed to the manufacture) of vinyl chloride include aerosol containers, plastics used for containing or wrapping food products, and drinking water.

On April 26, 1974, EPA published in the FEDERAL REGISTER an emergency suspension order for specific indoor aerosol pesticides containing vinyl chloride. In May 1974, EPA initiated a study to determine whether Federal regulation of atmospheric emissions of vinyl chloride from manufacturing facilities is needed, and if so, which of the regulatory alternatives under the Clean Air Act would be most appropriate. For the purpose of the study, data were gathered on health effects, air quality concentrations, control techniques, and costs. Based on this analysis, EPA concluded that vinyl chloride meets the specifications of the definition of "hazardous air pollutant" in section 112 of the Clean Air Act and should be regulated as such. "Hazardous air pollutant" is defined in section 112 of the Clean Air Act as "an air pollutant . . . which in the judgment of the Administrator may cause or contribute to, an increase in serious irreversible, or incapacitating reversible illness." The reasons for concluding that vinyl chloride is a hazardous pollutant are discussed in the following paragraphs.

Vinyl chloride has been shown to cause cancer in both sexes of three species of rodents by the inhalation route, the primary route by which humans, in the vicinity of plants manufacturing or processing vinyl chloride, are exposed. Angiosarcoma of the liver has been observed in rats, hamsters, and mice exposed to vinyl chloride. In two of these species, rats and mice, liver angiosarcoma has been produced at exposure levels as low as 50 parts per million (ppm), which is the lowest level for which studies have been completed thus far. In one experiment, exposures at this level for four hours per day, five days per week for a 12 month period produced nephroblastomas and liver angiosarcomas after 135 weeks. In a second experiment angiosarcoma in mice has been produced by exposures as low as 50 ppm for 7 hours for a 26 week duration. Furthermore, these animal studies showed a multiple cancer risk from vinyl chloride, i.e., tumors in organs other than the liver such as the brain, lungs, kidneys, and mammary glands.

As of June 1975, the National Cancer Institute had confirmed 27 cases of liver angiosarcoma among workers with a history of exposure to vinyl chloride, 15 in the United States and 12 in Europe and Canada. Additionally 11 cases had been reported and not yet confirmed. Most, but not all, of these confirmed cases have been among workers involved directly in polyvinyl chloride production. Cases of liver angiosarcoma have been reported in one U.S. and three European workers exposed to vinyl chloride, but not directly involved in polyvinyl chloride production. These cases suggest that exposure to vinyl chloride at lower levels than usually encountered in polyvinyl chloride production plants is capable of causing liver angiosarcoma. To date, angiosarcoma of the liver has been considered an extremely rare disease among the general population. In a survey by the American Cancer Society, only one case of liver angiosarcoma was recorded per 78,000 deaths. Compared with this record, the data indicating the frequency of liver angiosarcoma among workers exposed to vinyl chloride show that the relative risk to these workers of developing this disease is approximately 3,000 times greater than that to the general population. Such a relative risk represents a statistically significant difference ($p<0.001$) in the frequency of liver angiosarcoma among those exposed to high levels of vinyl chloride compared with those in the general population.

Occupational exposure studies have strongly implicated vinyl chloride as a human chemical carcinogen which causes tumors in many different sites, only one of which is the liver. Other manifestations in humans include acroosteolysis and liver dysfunction. Similar toxicology studies have verified the occurrence of tumors in other body organs such as the brain and lungs. Bioassay studies have shown the potential of vinyl chloride to be a chemical mutagen and terotogen. (More details on these animal and occupational studies may be found in the "Scientific Technical Assessment Report on Vinyl Chloride and Polyvinyl Chloride.")

These data strongly indicate that vinyl chloride causes or contributes to the development of angiosarcoma, other cancers, and noncarcinogenic disorders in people with occupational exposure and in animals with experimental exposure to vinyl chloride. Reasonable extrapolations from these findings cause concern that present ambient levels of vinyl chloride may cause or contribute to the same or similar disorders. Data obtained in the spring of 1974 from U.S. plants that produce or process vinyl chloride indicate that approximately 100 million kg of vinyl chloride are emitted to the atmosphere annually. The majority of these emissions are from ethylene dichloride-vinyl chloride and polyvinyl chloride plants. Results from a preliminary ambient monitoring program conducted by EPA in the spring of 1974 indicate that persons living in the immediate vicinity of these plants are generally exposed to average daily concentrations of less than 1 ppm with some 24 hour average excursions to 1 and 3 ppm and some occasional peak concentrations as high as 33 ppm. Results from a more extensive ambient monitoring program conducted by EPA from November 1974 to June 1975 are not discussed in detail here because they are still being analyzed. The results are generally in the same range as reported here for the preliminary ambient monitoring program except there are no concentrations as high as 33 ppm. Approximately 4.6 million people live within a five-mile radius of ethylene dichloride vinyl and polyvinyl plants. There are no dose-response data, and thus there is no absolute proof of adverse effects, at the concentrations of vinyl chloride found in the ambient air. However, for carcinogens there may be no atmospheric concentration which poses absolutely no public health risk. Also, data from studies of occupational exposure indicate that there is a latency period as long as 20 years between initial exposure to vinyl chloride and occurrence of disease. The latency period could possibly be longer for lower levels of exposure. Production of polyvinyl chloride did not begin to operate on a large scale until relatively recently. Only about 10 of the approximately 40 polyvinyl chloride plants are 20 years old or older, and the oldest one is 40 years old. These considerations led to the conclusion that EPA should take action now to reduce exposure levels to vinyl chloride before retrospective evidence of risk is allowed to show itself. By taking steps now to reduce emissions, EPA will be able to reduce substantially the risk that severe illness and death will occur in the future as a result of present and prolonged community exposure to vinyl chloride.

EPA's conclusions are supported by "The Evaluation of Environmental Carcinogens" which was completed on April 22, 1970, by the Ad Hoc Committee on the Evaluation of Low Levels of Environmental Chemical Carcinogens. The Ad Hoc Committee was formed in response to a request by the Deputy Assistant Secretary for Health and Scientific Affairs of the Department of Health, Education, and Welfare (HEW). The Committee was to review the problems relating to the evaluation of low levels of environmental chemical carcinogens, to consider the scientific bases on which such evaluations can be made, and to advise the Department of HEW on the implications of such evaluations. The report to HEW includes the following conclusions and recommendations:

(1) "Any substance which is shown conclusively to cause tumors in animals should be considered carcinogenic and therefore a potential cancer hazard for man."

(2) "Because the latent period in human carcinogenesis is so long, epidemiologic evidence develops only over periods of 15 to 20 years. Timely decisions to exclude materials from uses involving exposure to man, therefore, must be based solely on adequately conducted animal bioassays. Retrospective human evidence of risk must not be allowed to show itself before controlling action is taken. Chemicals should be subjected to scientific scrutiny rather than given individual rights; they must be considered potentially guilty unless and until proven innocent."

(3) "No chemical substance should be assumed safe for human consumption without proper negative lifetime biological assays of adequate size. The minimum requirements for carcinogenesis bioassays should provide for adequate numbers of animals of at least two species and both sexes with adequate controls, subjected for their lifetime to the administration of a suitable dose range, including the highest tolerated dose, of the test material by routes of administration that include those by which man is exposed."

(4) "No level of exposure to a chemical carcinogen should be considered toxicologically insignificant for man. For carcinogenic agents a safe level for man cannot be established by application of our present knowledge. The concept of 'socially acceptable risk' represents a more realistic notion."

Several court decisions also support EPA's decision. In *Environmental Defense Fund, Inc.* v. *Environmental Protection Agency*, 510 F.2d 1292 (D.C. Cir., 1975), which questioned the protection of the manufacture and sale of aldrin and dieldrin, Judge Levanthal recognized (1) consideration of the long latency period in cancer, (2) the finding that the concept of threshold level has no practical significance for carcinogens, and (3) the extrapolation to humans from animal test data, as valid grounds for EPA's decision making. See also *Environmental Defense Fund, Inc.*, v. *Ruckelshaus*, 142 U.S. App. D.C. 74, 439 F.2d 584 (1971) on animal test data. Furthermore, in the preamble to the October 4, 1974, Occupational Safety and Health Administration (OSHA) regulation for vinyl chloride, *The Evaluation of Environmental Carcinogens* was cited as partial support for the level of the standard. This regulation was upheld by the U.S. Court of Appeals for the Second Circuit in the case of *Society of the Plastics Industry, Inc.* v. *Occupational Safety and Health Administration*, 509 F.2d 1301 (1975); cert. den. *sub. nom. Firestone Plastics* Co. v. *U.S. Department of Labor*, 43 U.S. L. W. 3623 (1975). In its decision, the Court of Appeals stated that much of OSHA's evidence for the regulation was based on animal exposure to vinyl chloride, with only indirect human evidence, but that

> . . . nevertheless, it remains the duty of OSHA to protect the working man, and to act even in circumstances where existing methodology or research is deficient.

The panel also stated that the evidence on vinyl chloride's dangers was "quite sufficient" to merit OSHA's regulations.

EPA considered several approaches to dealing with air emissions of vinyl chloride other than regulating under section 112. The main alternatives were taking no action, delaying action until more health effects data are available at lower concentrations of vinyl chloride, regulating under section 109 and regulating under section 111.

The alternative of taking no action was rejected because vinyl chloride is a carcinogen and poses a risk to public health. Vinyl chloride emissions are expected to be reduced to some degree as a result of the OSHA standard which was promulgated on October 4, 1974, (39 FR 35890) and which became effective on April 1, 1975 (40 FR 13211), some State regulations for new construction of ethylene dichloride-vinyl chloride and polyvinyl chloride plants and for ethylene emissions, and voluntary installation of controls by some companies. The degree to which these other efforts will reduce emissions is uncertain at this time, but it is not expected that it will be uniform or that ambient concentrations will be reduced to the same degree as they would as a result of the proposed standard. In fact, increased ventilation to the atmosphere as well as emission control equipment is being used to meet the OSHA standard.

The alternative of delaying the standard setting would allow acquisition of additional information but it is likely that gaps in the relevant information would still remain. Due to the expected long latency period between initial exposure to vinyl chloride and occurrence of disease, it will be many years before useful epidemiological data will be available on the effects of lowered occupational exposure resulting from the OSHA regulation. EPA has concluded that the available evidence indicates that ambient concentrations of vinyl chloride pose a public health risk and should not be allowed to persist until all information gaps are filled. If EPA were to wait until all needed data were available to establish precise dose-response relationships, a standard could be long delayed and the public might be exposed to substantial and irreversible harm in the interim. Moreover, the risks to the public could increase as the industries expand.

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The alternative of regulating under section 109 (National Ambient Air Quality Standards) was rejected by EPA because vinyl chloride is a localized problem and section 109 is usually more appropriate for regulating pollutants whose presence in the ambient air is ubiquitous. Also, the National Ambient Air Quality Standards/State Implementation Plan process does not provide the expedited means of control which Congress meant to be used for a hazardous air pollutant.

The remaining alternative of section 111 (Standards of Performance for New Stationary Sources) was examined very closely. Section 111(d), which would provide for control of existing facilities if new source performance standards were promulgated for vinyl chloride, has the following features: (1) regulation development under section 111(d) takes longer than under section 112; (2) the level of control may differ from State to State; (3) States may grant variances based on cost considerations only; and (4) the standard development mechanism is a State rather than a Federal process. EPA concluded that these features are not appropriate in the case of a pollutant which fits the definition of hazardous air pollutant under section 112. Section 112 was designed in part to avoid these features for certain types of pollutants, and EPA has determined that vinyl chloride is such a pollutant.

A concurrent issue before EPA was what level of emission control could or should be required under section 112. Section 112 provides that the Administrator shall set an emission standard "at the level which in his judgment provides an ample margin of safety to protect the public health from such hazardous air pollutants." The problem presented was how this provision should be interpreted when dealing with an apparent non-threshold pollutant that is hazardous at some level. The term "non-threshold pollutant" refers to a substance which creates a risk of adverse health effects at all ambient levels (other than zero). An "apparent non-threshold pollutant" is, quite simply, a substance which, on the basis of available information, appears to be a non-threshold pollutant. An apparent non-threshold pollutant may be known to be "hazardous" within the definition of section 112 at some levels, and create a risk to public health at all levels. Vinyl chloride is such a pollutant. It clearly causes angiosarcoma, other cancers, and noncarcinogenic disorders in animals, which have been experimentally exposed to vinyl chloride, and in people with occupational exposure. However, an emission standard for vinyl chloride cannot be established below a threshold level of effects because no dose-response data are available for the concentrations of vinyl chloride found in the ambient air. Further, it is EPA's position that for a carcinogen it should be assumed, in the absence of strong evidence to the contrary, that there is no atmospheric concentration that poses absolutely no public health risk. The issue was how far the level of such pollutants should be reduced to provide "an ample margin of safety."

EPA considered that section 112 might be interpreted to require a complete prohibition of emissions of any apparent non-threshold pollutant. This zero emission limitation would be the only emission standard which would offer absolute safety from ambient exposure. This interpretation was rejected, however, and EPA has determined that, in some cases, prohibition of all emissions of apparent non-threshold pollutants is not required under section 112. This determination is based on the following considerations.

Complete prohibition of all emissions could require closure of an entire industry. This would occur in a case such as vinyl chloride where there is no technology to achieve a zero emission limitation and development of such technology is not foreseen. Closure would result in extensive economic costs in some cases, such as when the affected industry is of large size or there are no available substitutes for the products produced. The costs of a prohibition in some cases would be extremely high for elimination of a risk to health that is of unknown dimensions. Banning production of vinyl chloride and polyvinyl chloride would have a negative impact on the producing companies, especially on the three or four companies which, according to EPA's evaluation, are highly dependent on sales of vinyl chloride and polyvinyl chloride and might therefore be expected to fail if vinyl chloride and polyvinyl chloride production were banned. There would be an even greater impact on unemployment at the approximately 8,000 fabrication plants which depend at least partially on polyvinyl chloride as a raw material. This impact would persist unless and until these plants could adapt their equipment to manufacturing substitutes. With regard to the consumer, there are substitutes for about 85 percent by weight of the uses of polyvinyl chloride, but these substitutes would generally not be available for at least two years, would generally be more expensive than polyvinyl chloride products, and would not necessarily have some of the desirable characteristics, such as nonflammability, of polyvinyl chloride. In view of the beneficial uses of vinyl chloride products for which desirable substitutes are not readily available, the potentially adverse health and environmental impacts from substitutes which have not been thoroughly studied, the number of employees, particularly in fabrication industries, who would become at least temporarily unemployed, and the availability of control technology which is capable of substantially reducing emissions of vinyl chloride into the atmosphere, EPA concluded that setting zero emission limits would be neither desirable nor necessary.

An alternative interpretation of section 112 is that it authorizes setting emission standards that require emission reduction to the lowest level achievable by use of the best available control technology in cases involving apparent non-threshold pollutants, where complete emission prohibition would result in widespread industry closure and EPA has determined that the cost of such closure would be grossly disproportionate to the benefits of removing the risk that would remain after imposition of the best available control technology. EPA recognizes that consideration of technology in standard setting is not explicitly provided for under section 112. Congress never discussed the particular problem associated with apparent non-threshold pollutants. EPA, however, believes that Congress did not intend to impose the costs associated with complete emission prohibition in every case involving such a pollutant. The best available control technology approach will produce the most stringent regulation of hazardous air pollutants short of requiring a complete prohibition in all cases. This interpretation of section 112 is the one which has been adopted for vinyl chloride. This approach was used in the case of asbestos, but has never been judicially tested. The purpose of the proposed standard is thus to minimize risk to public health by establishing an emission standard which will reduce emissions to the level attainable with best available control systems. An emission standard based on best available control technology will result in different total emission levels and different ambient air concentrations at different plants due to variations in plant sizes and configurations. However, it will further the protection of public health by minimizing the health risks to the people living in the vicinity of these plants and to any additional people who are exposed as a result of new construction.

Selection of Source Categories

There are two major source categories of vinyl chloride emissions: polyvinyl chloride plants (41 existing plants) which are responsible for approximately 85 percent of the total nationwide emissions and ethylene dichloride-vinyl chloride plants (17 existing plants) which are responsible for about 11 percent of the total emissions. Both of these source categories are covered by the proposed standard. (For the purpose of clarification, ethylene dichloride and vinyl chloride are typically produced at one plant, but this is not necessarily the case. The proposed standard would apply to plants which produce either ethylene dichloride or vinyl chloride as well as to plants which produce both.)

The remaining emissions are from about 8,000 polyvinyl chloride fabricating plants and several other miscellaneous sources. A monitoring program conducted by EPA at five fabricating plants indicated that ambient concentrations around the perimeter of these plants are almost negligible. At three of the plants, no vinyl chloride was detected, and where it was found, the highest concentration was 6 parts per billion (ppb). As far as can be determined, all vinyl chloride emissions from the fabricating plants are due to residual vinyl chloride

in the raw materials coming from the polyvinyl chloride plants. Consequently, vinyl chloride emissions from fabricating plants will be minimized indirectly as polyvinyl chloride plants, in response to the proposed standard and the OSHA standard, reduce vinyl chloride in these raw materials from as high as 1000 ppm to less than 10 ppm. For the foregoing reasons, EPA has concluded that no standard for fabricating plants is necessary at the present time.

Studies under contract to EPA have been conducted to identify miscellaneous sources, their emissions and possible control technology. For purposes of EPA action, sources of vinyl chloride emissions other than ethylene dichloride-vinyl chloride plants, polyvinyl chloride plants, and fabricating plants are classified as miscellaneous sources. In general, these sources either use vinyl chloride for purposes other than polyvinyl chloride production or processing, or produce vinyl chloride as a by-product. Preliminary reports indicate that there are 8 such plants and that they accounted for about 3 percent of the total estimated 1974 emissions from all sources. EPA is continuing its research on vinyl chloride emissions from miscellaneous sources. Although the proposed standard does not cover these sources, there is a possibility that EPA will conclude that regulations for them should be proposed at a later date. For the present, therefore, the proposed standard is applicable only to ethylene dichloride-vinyl chloride and polyvinyl chloride plants, which are the largest sources.

The proposed standard for polyvinyl chloride plants covers any plant where vinyl chloride alone or in combination with other materials is polymerized. Thus, the proposed standard includes plants which produce homopolymers in which vinyl chloride is the only polymerized constituent and/or copolymers, terpolymers, or any other polymers in which other raw materials in addition to vinyl chloride are polymerized. EPA considered exempting from the proposed standard plants (six of the approximately 41 existing plants) which produce a polymer in which vinyl chloride is less than 50 percent of the raw material polymerized. EPA decided not to exempt these plants from the proposed standard, because the total vinyl chloride emissions from a plant are more a function of the total quantity of vinyl chloride processed in the plant than the percent vinyl chloride contained in the resin. Furthermore, available data indicate that the processing equipment in these six plants is the same as in the plants producing resins with higher percentages of vinyl chloride, so that the same control technology can be applied and separate standards are not required. Since the available data on production of polyvinyl chloride resins containing less than 50 percent vinyl chloride are more limited than the data on the production of resins containing higher percentages of vinyl chloride, EPA urges all interested persons to submit factual data on the production of these resins during the comment period.

The proposed standard covers the production of ethylene dichloride only by oxychlorination of ethylene. Available data indicate that there are no vinyl chloride emissions from direct chlorination of ethylene.

As proposed the standard would apply to any ethylene dichloride-vinyl chloride or polyvinyl chloride facility, regardless of size. EPA recognizes that some small research and development facilities may exist where the emissions of vinyl chloride are insignificant and covering these facilities under the standard would be unnecessary and inappropriate; however, EPA does not have sufficient information available to clearly define which facilities should be excluded from the standard. EPA urges all interested persons to submit factual information during the comment period describing the size and operation of research and development facilities for ethylene dichloride-vinyl chloride and polyvinyl chloride, the emissions of vinyl chloride from these facilities, the amount of product produced and the disposition of the products.

Selection of Emission Points for Regulation

The sources of vinyl chloride emissions within typical ethylene dichloride-vinyl chloride and polyvinyl chloride plants and their relative contributions to total uncontrolled emissions are shown in Table 1.

Table I

Emission source:	Percent of total uncontrolled emissions at the average plant
(A) Ethylene dichloride-vinyl chloride plants:	
(1) Fugitive emission sources	27
(2) Ethylene dichloride purification	11
(3) Vinyl chloride formation and purification	54
(4) Oxychlorination reactor	8
	100
(B) Polyvinyl chloride plants:	
(1) Fugitive emission sources	39
(2) Reactor opening	3
(3) Relief valve discharge	5
(4) Stripper	8
(5) Monomer recovery system	13
(6) Sources following the stripper (slurry blend tanks, centrifuges, dryers, bulk storage, etc.)	32
	100

The proposed standard applies to all of the sources in ethylene dichloride-vinyl chloride and polyvinyl chloride plants. There are control technologies which have been used for each of the emission sources, and regulation of only some of the sources was determined to be less than best available control technology. Emissions from both normal operation and from relief discharges are to be regulated. Relief discharges are included because they cause short-term high level emissions which can be prevented in almost all cases.

Two sources of vinyl chloride need explanation. First, the reactor may, in some polyvinyl chloride plants, serve also as the stripper. When this is the case, the regulation controlling reactors is applicable. Second, the definition of stripper for all resins except bulk resins includes "in the slurry form" so that other vessels, e.g. silos, following this stage of the process will not be considered strippers. Likewise, the definition of stripper for bulk resins does not include silos.

The proposed standard also applies to all known fugitive emission sources, including equipment used for loading (or unloading) vinyl chloride monomer into transfer equipment from storage vessels, slip gauges, leakage from seals on pumps, compressors, and agitators, leakage from relief valves, manual venting of gases, opening of equipment such as for maintenance and inspection, flasks used in obtaining samples of vinyl chloride monomer, leakage from equipment, and in-process wastewater. Although the emissions from each of these sources when considered individually may appear relatively small, they are included in the proposed standard because when combined they represent a significant portion of the total plant emissions. Based on data reported to EPA by individual companies in the spring of 1974, fugitive emissions represented approximately 40 percent of the total emissions from polyvinyl chloride plants and approximately 25 percent of the total emissions from ethylene dichloride-vinyl chloride plants. In-process wastewater is included in the list of fugitive emission sources subject to the proposed standard because available data indicate that vinyl chloride contained in water exposed to the atmosphere is lost rather rapidly. Precise measurements have not been made to prove that this vinyl chloride is emitted to the air. However, data on the solubility of vinyl chloride in water indicate that this is likely to be the case.

For several of the fugitive emission sources, the proposed standard applies only to those pieces of equipment "in vinyl chloride service." This term is defined to exclude pieces of equipment such as pumps and storage containers which are used to handle materials other than vinyl chloride and which contain essentially no vinyl chloride.

Two fugitive emission sources which were considered for specific regulation but which are not included in the proposed standard as such are vacuum pumps and steam jets. It was concluded that a separate regulation is unnecessary because more general regulations are included which already cover vacuum pumps and steam jets. For example, steam jets used to displace vinyl chloride or other contaminants from equipment are covered by general regulations controlling the removal of vinyl chloride from equipment by any means.

Rationale for the Emission Limits

The purpose of the proposed standard is to minimize the risk to the public health by setting emission limits which will reduce emissions to the level attainable with the best available control technolcgy for each emission source in

V 4012475 DEC 24 75 XUM

ethylene dichloride-vinyl chloride and polyvinyl chloride plants. There are many technical decisions involved in developing a standard on the basis of "best available control technology." Therefore, EPA established two criteria for making these technical decisions as follows:

(a) First, the control technology must be in use in one or more plants in the chemical industry and be generally adaptable for use at the plants subject to the standard within the time allowed for compliance under section 112, and

(b) Second, costs were considered only when they were grossly disproportionate to the emission reduction achieved.

In this interpretation of best available control technology the degree of consideration of costs was limited. The proposed standard was adjusted for cost reasons only to avoid the large economic impact of industry closure and control costs that are grossly disproportionate to the emission reduction achieved. For example, the types of conceivable control measures which were rejected because they did not meet the established criteria for best available control technology included installing control technologies for which research is currently being conducted or is planned, but which have not been used commercially; placing a bubble around an industrial complex and venting all the air from the complex through an enormous control device; and installing double control measures, such as two incinerators in series, which could achieve a small increment in emission reduction at a disproportionately high cost. A fine balancing of costs against benefits was not undertaken.

A further comment on this interpretation is in order to reveal one other consideration that went into the decision on this matter. EPA recognizes that some sources may still have economic difficulties in meeting a standard based on best available control technology. EPA does not intend to guarantee that no facility will have to close in order to meet such a standard. It is intended only that EPA have an alternative to setting an emission prohibition standard which would force widespread closures.

In order to develop an emission standard for each of the sources in ethylene dichloride-vinyl chloride and polyvinyl chloride plants based on the guidelines which had been established for "best available control technology," data on control systems were obtained through requests for information under the authority of section 114 of the Clean Air Act, on-site observation of plant processes, consultation with industry representatives and control equipment vendors, one emission test, and two studies completed under contract to EPA.

Stack Emissions

The proposed standard limits emissions from all equipment used in the ethylene dichloride purification process and the vinyl chloride formation and purification processes in ethylene dichloride-vinyl chloride plants and from all reactors; strippers; containers for mixing, weighing and holding which precede the stripper; and monomer recovery systems in polyvinyl chloride plants to a concentration of 10 ppm vinyl chloride. The proposed standard also requires venting of captured fugitive emissions through a control system from which the concentration of vinyl chloride does not exceed 10ppm. In EPA's judgment, an outlet concentration of 10 ppm represents best available control technology for these sources and can be achieved by incineration, carbon adsorption, or solvent absorption. None of these control systems has been used by ethylene dichloride-vinyl chloride or polyvinyl chloride plants until recently, and then by only a few plants. Therefore, even though EPA has made a concentrated effort to obtain data on application of these control systems for reduction in vinyl chloride emissions, there are few data available demonstrating the effectiveness of these control systems when installed at ethylene dichloride-vinyl chloride or polyvinyl chloride plants. EPA did conduct a source test on one incinerator installed at an ethylene dichloride-vinyl chloride plant. The test demonstrated control to a level below the proposed limit of 10 ppm. One polyvinyl chloride producer has recently installed a carbon adsorption unit to control vinyl chloride emissions from the monomer recovery system and the blend tanks. During the time in which the unit has been operated, it has gone through more than 700 regenerating cycles, and the vinyl chloride content in the exit gas stream has been reported to be below 10 ppm. In addition, one vendor of activated carbon has submitted data from laboratory studies on the control of vinyl chloride by carbon adsorption. The vendor's conclusions from the studies, based on 15 cycles of operation, were that activated carbon readily adsorbs vinyl chloride in concentrations ranging from 50 ppm to over 300,000 ppm; 100 percent removal of vinyl chloride is technically feasible using dual beds of activated carbon; activated carbon saturated with vinyl chloride can be regenerated in-place using either steam or hot nitrogen to desorb the vinylchloride; and no polymerization of vinyl chloride occurs on the bed. Data are available for a solvent absorption unit which controls emissions from the monomer recovery system in a polyvinyl chloride plant to a concentration of 15 ppm; in EPA's judgment, however, this particular system, which is relatively old and was not designed specifically for vinyl chloride control, does not represent the full capability of solvent absorption in reducing vinyl chloride emissions. EPA believes, however, that an updated solvent adsorption unit, as well as an incinerator or a carbon adsorption unit, will be capable of meeting the proposed standard.

The proposed standard limits vinyl chloride emissions from the oxychlorination reactor in ethylene dichloride-vinyl chloride plants ot 0.02 kg/100 kg ethylene dichloride product. Based on individual plants' measurements of vinyl chloride reported to EPA under section 114 of the Clean Air Act, this emission level represents the best available control technology through control of process variables and can be met at most plants by maintaining operations so that the emission rate (kg/100 kg) does not increase. Incinerators or equivalent add-on control technology may have to be used to attain the proposed standard at a maximum of one existing plant which has relatively large emissions (in addition to a few companies which have already installed, or are already planning to install, incinerators).

EPA considered proposing an emission limit for the oxychlorination reactor representing best available control technology by incineration or equivalent control at all plants. This, in conjunction with the proposed emission limits for the other sources in ethylene dichloride-vinyl chloride plants, would reduce the total emissions from the average plant by 97 percent. Incineration has been demonstrated as a method of control for the three major emission sources in ethylene dichloride-vinyl chloride plants. The oxychlorination reactor, however, has a large volume, low hydrocarbon concentration effluent gas stream, and large quantities of supplemental fuel would be required for combustion of its emissions (296,000 million cu. ft. of gas/yr at an average plant). In comparison, combustion of emissions from the other two major emission points would require negligible supplemental fuel. One company has reduced the gas volume from the oxychlorination reactor and the associated energy costs by recycling the process gas stream using oxygen instead of air to feed into the process. A second company is also planning to install this technology. Although the recycling and oxygen feed methodology can be used for two types of oxychlorination reactors, further research would be needed to determine whether this technology can be used for each of the types of processes at all of the plants. A third company is conducting a pilot study on controlling the oxychlorination reactor emissions with catalytic oxidation, another method for reducing the high energy costs. This system has not been used commercially for the oxychlorination reactor, and it is not known at this time whether it will be technically feasible for the plants to use. The oxychlorination reactor represents a relatively small emission source (8 percent of the uncontrolled emissions) at an average plant. EPA concluded that the energy costs of incinerating the large volume, low concentration effluent gas stream from the oxychlorination reactor at the average plant would be grossly disproportionate to the emission reduction achieved, and the measures which are being used or studied for reducing the energy costs are not available for all of the types of oxychlorination processes. Thus, the alternative requiring incineration or equivalent control at all plants was rejected.

Since the oxychlorination reactor does contribute only a small percentage of the total emissions at an average plant, EPA also considered proposing no standard

for it at all. The proposed emission limits for the other two emission points and the fugitive emission sources would still reduce emissions by 90 percent at an average plant. Due to process variables, however, there is a wide range in the reported emissions from the oxychlorination reactor at the various plants from 0.0024 kg/100 kg to 0.106 kg/100 kg ethylene dichloride product (0.0024 lb/100 lb to 0.06 lb/100 lb). In terms of mass emissions per unit time, the emission rates vary between 0.5 to 46.3 kg/hr (1.2 to 103 lb/hr). In EPA's judgment, the energy costs associated with incineration of the emissions from the oxychlorination reactor would not be grossly disproportionate to the emission reduction achieved at those plants with the emission rates at the upper end of this range.

Thus, the proposed emission limit is essentially a cut-off point which requires the plants at the upper end of the range to reduce emissions preferably by instituting process changes, and if this is not possible, by installing incinerators or equivalent add-on control. Based on available data, emissions from the oxychlorination reactor at the majority of the existing plants meeting the proposed standard would be below 4.5 kg/hr (10 lb/hr) and the emissions from no plant would exceed 9.0 kg/hr (20 lb/hr). Although establishing the standard in this way does not result in as great an emission reduction as installation of incinerators or equivalent control for the oxychlorination reactor at all of the plants, the proposed standard is based on a consideration of costs only where the energy costs would be grossly disproportionate to the emission reduction achieved. Furthermore, as technologies using less energy for controlling the oxychlorination reactor are developed, EPA will evaluate the desirability of proposing standards which would require a higher degree of control at all plants.

The proposed standard limits, for polyvinyl chloride plants, the emissions from process equipment following the stripping operation in the manufacture of dispersion resins (except latex resins) to 0.2 kg/100 kg product and in the manufacture of all other resins (including latex resins) to 0.04 kg/100 kg product. One way in which these emission levels can be attained is by reducing the residual vinyl chloride monomer in dispersion resins to 2000 ppm or less and in all other resins to 400 ppm or less during the stripping operation. This reduction must be completed before the resins continue through the processing equipment following the stripper. This type of control is referred to as improved stripping technology. The proposed standard permits averaging of emissions to the extent that the vinyl chloride content in all grades of any one resin type completing the stripping operation at a plant site in one calendar day can be averaged over the 24 hour period. ["Resin type" refers to the broad classification of a resin according to the process by which it is manufactured (e.g. dispersion, suspension, bulk, latex, and solution). "Resin grade" is the subcategory of "resin type" which describes a resin as a unique resin, i.e. the most exact description of a resin with no further subdivision.] These emission levels can also be met by add-on control devices, such as incinerators. EPA discourages use of the add-on control devices, however, because unlike improved stripping they do not result in a lower vinyl chloride content in the polyvinyl chloride resin going to fabricating plants. Furthermore, these devices are far more energy consuming for these particular emission sources than improved stripping technology and achieve no more emission control. In fact, these devices have not been used commercially to control the emissions from most of this particular process equipment, because they are much more expensive for the plants to use than improved stripping technology. In EPA's judgment, however, there is no technical reason why they could not be applied.

In developing the proposed standard for process equipment following the stripper, it was necessary for EPA to make decisions concerning the levels of control which should be required for the various resin types and the desirability of allowing averaging among resin grades. Stripping technology has been used commercially at polyvinyl chloride plants in the past, but the technology has been designed to perform only to the extent necessary to recover raw materials for economic purposes rather than for emission reduction. More recently, as a result of the October 4, 1974, OSHA standard polyvinyl chloride resin producers have been motivated to develop stripping technology to reduce further the vinyl chloride content in resins during the stripping operation. By improving stripping technology producers will not only reduce in-plant exposure levels as required but will also satisfy fabricator demand for resins which have low concentrations of vinyl chloride and thus do not cause the fabricators to be in violation of the OSHA standard. Some companies have devoted more time and resources to improve the effectiveness of stripping as an emission control measure than have other companies. Optimum stripping consists of a set of operating conditions which must be developed experimentally on an individual basis for the many resins. Based on information supplied to EPA by individual companies which have devoted time and resources to develop improved stripping, EPA concluded that technology is currently available to strip the majority of resins, except dispersion resins, to 400 ppm or lower. This same degree of control is achievable through add-on devices.

Some resins are more difficult to strip than other resins due to differences in characteristics such as porosity and heat sensitivity. Whereas current stripping technology can reduce the residual vinyl chloride content in the majority of the resins other than dispersion resins to below 400 ppm (and in some cases far below 400 ppm), it can reduce the vinyl chloride content in a few resins only to levels as high as 4000 ppm. EPA considered proposing a separate standard based on best available control technology for each of the different grades of resin. This could have conceivably been done based on theoretical factors. However, EPA concluded that it would be difficult, if not impossible, to do this, because the reductions that can be achieved depend on a given system and must be determined by actual measurements on a particular resin for a particular set of conditions. The large number of resin grades makes it impractical for EPA to conduct individual testing for each one. Available data indicate that most of the companies produce several grades of resin simultaneously and that when the grades are averaged on a daily basis, the number of resins which can be stripped to lower than 400 ppm is sufficient to offset the few resins which cannot be. The proposed standard allows an averaging time of 24 hours because, if a plant were processing several grades simultaneously and one grade could not be stripped to 400 ppm, the total emissions from stripping all grades to an average of 400 ppm would be no greater than stripping each grade to 400 ppm. The alternative of increasing the averaging time to a week or month was rejected because this would permit higher peak emission levels than averaging on a 24-hour basis.

Since stripping technology is currently in the development stage, it is possible that lower levels of emissions will be achievable before promulgation of the proposed standard. Interested parties are invited to submit, during the comment period, factual data on the status of stripping technology. If data become available which warrant a substantial change in the level of the emission limitation, EPA will announce a revision to the proposed standard in the FEDERAL REGISTER and invite the public to comment on it. Interested persons are also invited to comment on the averaging concept included in the proposal, because EPA recognizes that permitting averaging across resin grades on a daily basis may give an advantage to the larger companies producing a number of resin grades each day.

A separate standard is being proposed for dispersion resins. EPA considered the alternative of proposing the standard so that dispersion resins would have to be stripped to the same level as other resins. For several reasons, however, technology to strip residual vinyl chloride monomer from dispersion resins has not been developed to the same degree as it has for other resins. First, information submitted to EPA under section 114 of the Act indicates that dispersion resins are more difficult to strip with conventional techniques than are other resins, because the higher temperatures which can be applied to other resins destroy the stability of dispersion resins and thus the quality of the product. Second, polyvinyl chloride producers have devoted more research and development time to improving conventional stripping for other resins than to developing new technology for dispersion resins, because dispersion resins represent only about 13 percent of the total production. Furthermore, the incentive to improve stripping to satisfy fabricator demands for low-monomer content product does not exist for dis-

V 401248 DEC 24 75 XUM

persion resins, because the product has always been low in monomer content as a result of loss of almost all of the residual monomer to the atmosphere during the drying operation which occurs after stripping. In general, the loss in drying dispersion resins is proportionately higher than in drying other resins. For these reasons, technology has not been demonstrated for stripping dispersion resins to the degree that the proposed standard requires other resins to be stripped to (400 ppm). Based on information received under section 114 of the Clean Air Act from individual companies on research and development of stripping technology for dispersion resins, it appears that the most optimistic company will not be able to achieve stripping to levels of 400 ppm for at least four years. Thus, EPA concluded that the time required for research and development of such technology far exceeds the maximum time allowed by section 112 for compliance (two years from the date of promulgation or two and a half years from the date of proposal). Furthermore, this level of control cannot be achieved in the manufacture of dispersion resins by add-on controls, and therefore no options to undeveloped stripping technology would be available for use by the plants. Therefore, this alternative could necessitate closure of dispersion resin plants until the controls could be developed. As already stated, EPA concluded that best available control technology rather than closure of plants would be the approach adopted for the proposed standard.

EPA also considered the alternative of proposing the standard to require a level of stripping which has been demonstrated for all dispersion resin grades at all plants; i.e., essentially no control of emissions from sources following the stripper. This alternative was rejected because, as has already been explained, the polyvinyl chloride companies have just recently begun to improve stripping technology for dispersion resins, and EPA determined that currently used techniques do not represent best control technology. Based on available data, it is judged that by the time the proposed standard must be implemented, improved stripping technology could be available for plants to use. If this alternative were selected as the basis for the proposed standard, it would provide no incentive to further develop existing stripping techniques to control emissions. Furthermore, although they are more costly in terms of energy, environmental, and economic impacts, add-on controls (e.g. incinerators) are available which could be used to reduce emissions to a much lower level than that represented by this alternative.

EPA, therefore, attempted to determine the degree of stripping which could be accomplished for dispersion resins by best control technology. Section 112 requires existing plants to comply with a standard within 90 days of promulgation, but it provides for waivers up to two years (two and a half years from proposal) for control if "steps will be taken during the period of waiver to assure that the health of persons will be protected from imminent endangerment." EPA therefore endeavored to determine the degree of control technology development that is likely over the next two and a half years. Under the authority of section 114 of the Act, EPA contacted the ten companies that manufacture dispersion resins and requested information regarding the degree to which these resins can be stripped with technology developed in the next two and a half years. Two of the companies do not plan to make dispersion resins in the future. Two of the companies responded that they could not reach levels below 6,000 ppm. However, some companies have devoted more time and resources to improve the effectiveness of stripping as an emission control measure than other companies. Three of the companies, which appeared to have devoted more time to research and development of stripping technology for dispersion resins, reported they would be able to strip all resin grades to levels of 2,000 ppm or lower. One of these companies is already stripping each of its resin grades to this level and another of the companies is stripping some of its resin grades to this level. A fourth company, which did not make any predictions, is also stripping some of its resin grades to a level of 2,000 ppm. The predictions of the other two companies ranged between 4,000 and 6,000 ppm depending on the resin grade. Based on information received from all companies that are known to make dispersion resins, it is EPA's judgment that, for dispersion resins, best available control technology through stripping can achieve levels of 2,000 ppm averaged, as for the other resins, on a 24-hour basis. Add-on control devices are capable of reducing emissions to a level equivalent to stripping to 2,000 ppm. Add-on control devices cannot reduce total mass emissions from the equipment following the stripper in dispersion plants as low as they can in the manufacture of other resins, due to the type of dryer which is used at these plants.

EPA considered proposing the standard to allow averaging of residual vinyl chloride concentrations in dispersion resins with those in other resins, so that a plant could compensate for higher levels in dispersion resins by stripping other resins to a lower level. This concept is judged to be inequitable because for some plants dispersion resins compose less than 5 percent of the total resin production and at other plants they compose 60 or more percent. EPA concluded that it would be more reasonable to recognize the significant differences between dispersion resins and other resins and require application of best available control technology to the processing of each.

EPA considered proposing a standard which would require the emissions from slurry blend tanks and inprocess wastewater from equipment following the stripping operation to be controlled by add-on devices as well as by improved stripping technology. One relatively new plant decreased the gas volume of the exit stream from slurry blend tanks by replacing air with nitrogen and enclosing the tanks. A carbon adsorption unit was then installed to control emissions in the reduced gas volume. Although it has not been done by any plant in the industry, there is no technical reason why the inprocess wastewater from centrifuges which follow the stripper cannot be controlled by a water stripper. Such control systems were included in the economic analysis conducted by EPA. The analysis showed that, if plants used improved resin stripping (as opposed to add-on controls) to meet the proposed standard, the costs of these additional systems for slurry blend tanks and inprocess wastewater would be grossly disproportionate to the emission reduction achieved. Based on available information on the emissions from slurry blend tanks after stripping has been used to reduce to 400 ppm the residual vinyl chloride content in the resin produced by an average plant, the addition of an add-on control device would further reduce emissions by approximately 0.5 kg/hr (1 lb/hr), i.e. the device would remove an additional 0.1 percent of the original uncontrolled emissions. Collecting the 0.5 kg/hr would increase the capital costs of control to an average plant by about 19 percent and the annual costs by about 13 percent. Similarly, the installation of an add-on control device in addition to improved stripping for the vinyl chloride in centrifuge water would reduce emissions by no more than the add-on control device for slurry blend tanks, and would increase the capital costs of control to an average plant by about 13 percent and the annual costs by 46 percent. The large increase in annual costs would be due to the large quantity of steam which would be required to remove the vinyl chloride from a large volume, low concentration water stream. Furthermore, if these additional controls were required, plants using add-on control technology would not be able to attain the same level of control as plants using improved stripping technology. The reason for this is that these plants would already be using add-on controls and installing additional add-on controls would have little, if any, effect.

The proposed standard limits the emissions of vinyl chloride from opening of reactors, reactor entry purge, venting inert gases from the reactor, and any other contact of the reactor contents with the abient air, to 0.001 kg/100 kg product. One way the standard may be attained is by a combination of (1) reducing the number of reactor openings by using high pressure water jets, solvent cleaning, or other means to prevent the need to hand-clean reactors and (2) displacing the vinyl chloride with water to a gasholder or recovery system before a reactor is opened. The level of the proposed standard is based on best available control technology as demonstrated by one plant, and there is no apparent reason why the same technology cannot be employed at other plants, except plants which produce bulk resins. This technology cannot be used for postpolymerization reactors in plants producing bulk resins for two reasons. First, the production of bulk resin is a dry process and water used to displace the vinyl chloride from the reactor before opening it would cause a contamination problem. Second, since the resin product is air conveyed from the postpolymerization reactor, the reactor is opened to the atmosphere after each batch. Manufacturers of bulk resins can achieve the level of the proposed standard by evacuating the reactor several times and breaking the vacuum with nitrogen. The number of evacuations would depend on the volume of gas in the reactor and the vacuum involved.

A zero emission limit is being proposed for relief discharges which can be prevented. In most cases, such discharges from reactors can be prevented by measures including, but not limited to, properly instrumenting the reactors to detect upset conditions, injecting chemicals to stop the polymerization reaction during upset conditions, venting the reactor contents to a gasholder during upset conditions and ultimately to a recovery system, providing employees with improved training on preventing and handling upset conditions, and utilizing a stand-by source of power. For other pieces of equipment, increasing pressure due to inert gases in the system can be relieved by manual venting to a gasholder or recovery system. The conditions which lead to discharges can also be prevented in most cases by proper handling and transfer of vinyl chloride or materials containing vinyl chloride. Discharges which cannot be avoided by taking such preventive measures, such as those caused by natural disasters, will not be in violation of the proposed standard if the owner or operator notifies EPA within 10 days concerning the nature and cause of the discharge. This notification provision is necessary to permit EPA to investigate the surrounding conditions and determine whether the discharge could have been prevented. For the purposes of the proposed standard, operator error is considered to be preventable.

Fugitive Emissions

The proposed standard includes emission limits for all known sources of fugitive emissions and is intended to minimize these emissions to the maximum extent possible with available control technology. Some of the emission limits are numerically defined. Where it is infeasible to state numerical limits, the standard specifies equipment and procedural requirements.

All of the equipment and procedures specified for reducing fugitive emissions, such as removal of vinyl chloride from loading and unloading lines and process equipment before exposure to the atmosphere, displacement of the contents of a sampling flask back to the process during sampling, and capture and control of the emissions, have been used by one or more ethylene dichloride-vinyl chloride or polyvinyl chloride plants and are described in plant responses to inquiries from EPA under the authority of section 114 of the Act.

For fugitive emissions, the proposed standard requires that the vinyl chloride concentration in process equipment greater than or equal to 5500 1 (1250 gal) in volume (other than reactors) be reduced to 2 percent by volume at standard pressure and temperature before the equipment is opened to the atmosphere. This can be accomplished by vacuum pump or by displacement with water or inert gases. For process equipment that is smaller than 5500 1 (1250 gal) in volume, the proposed standard requires that the amount of vinyl chloride in the equipment be reduced to 110 1 (25 gal) at standard pressure and temperature before opening the equipment to the atmosphere. Any vinyl chloride removed from the equipment would have to be ducted through a control system.

A cut-off point which requires that the vinyl chloride be reduced by a greater percentage in the larger pieces of equipment than in the smaller ones was established because: (1) the emissions from opening large equipment are much greater than from opening small equipment, even with the standard in effect, (2) the smaller equipment is not designed to use a vacuum or purge system to remove the vinyl chloride, and in some cases it is not designed to withstand pressure, and (3) at some point the vinyl chloride emissions from disconnecting the extensive equipment needed to remove vinyl chloride from every section of pipe or other piece of small equipment and transfer it to a control system would be greater than the emissions from opening the section of pipe or other small equipment.

The proposed standard includes a more stringent limitation for emissions from opening of reactors than it does for opening of other equipment. The emission limit for opening of reactors (0.001 kg/100 kg product) has already been discussed. The reason for the more stringent limitation for reactors is that, unlike other equipment, the reactors are typically opened on a frequent and routine basis.

The same reasoning explains why the proposed standard includes a separate emission limit for emissions to the atmosphere from disconnecting equipment (hoses, couplings, valves, etc.) used in the transfer of vinyl chloride from storage to transport vessels at ethylene dichloride-vinyl plants and from transport to storage vessels at polyvinyl chloride plants. Although the loading and unloading lines are relatively small in volume compared with some of the other equipment which can be opened to the atmosphere, they are used and disconnected on a frequent and routine basis; i.e., several times per day. The proposed emission limit for each loading and unloading line requires that after each loading or unloading operation before opening any part of the line to the atmosphere, the quantity of vinyl chloride in all parts of the line that are to be opened is to be reduced to 4.4 1 (1 gal), at standard temperature and pressure. Four and four tenths liters of vinyl chloride at standard temperature and pressure is equal to about 0.0098 kg (0.022 lb) of vinyl chloride.

The method for attaining the standard would depend on the volume of the equipment to be opened to the atmosphere. If an entire hose is to be disconnected and opened to the atmosphere, the hose could be evacuated. However, more commonly there would be a couple of valves between the hose and the storage (or transport) vessel with a coupling between the valves. In this case, if only the coupling were to be disconnected and opened to the atmosphere, the percent reduction in vinyl chloride required would depend on the volume of the coupling. If it were 4.4 1 (1 gal) in volume, it would have to be reduced to 760 mm Hg and if it were 8.8 1 (2 gal) in volume, it would have to be reduced to 380 mm Hg.

Also, during loading and unloading operations, the proposed standard would require that the emissions from the discharge end of slip gauges used to measure the vinyl chloride liquid level in transport and storage vessels be captured and ducted to a control system. Essentially, there would be no emissions from slip gauges.

Leaks from seals on rotary pumps can essentially be eliminated by using double mechanical seals or pumps with no seals, such as the type with magnet to magnet drive or a canned pump in which the eddy current passes through the pump fluid. Leaks from seals on reciprocating pumps can be minimized by double outboard seals. Double mechanical seals can be used on agitators and compressors to minimize leaks. The proposed standard includes equipment specifications requiring that these methods, or equivalent, be used to minimize leaks from seals on pumps, compressors, and agitators.

The proposed standard also includes equipment specifications requiring that leaks from relief valves be minimized by installing a rupture disk between each relief valve and the equipment served by the relief valve, or equivalent. An equivalent method of control would be to connect the discharge line from a relief valve to process equipment or to a recovery system. If a rupture disk were used as the method of control, there would be a potential problem if a leak should occur from the rupture disk and cause a build-up of pressure between the rupture disk and the relief valve. This is expected to occur infrequently because the reason for requiring the rupture disk is that it is less likely to leak than a relief valve. Although the proposed standard does not require any specific equipment or procedures to prevent the potential pressure build-up, there are several methods available for the plants to use to avoid this potential problem. These include (1) installing a pressure gauge between the disk and valve and routinely checking the pressure, and (2) installing a ball check excess flow value between the disk and the relief valve and routinely checking for any flow from the ball check excess flow valve.

The proposed standard would require capture and control of emissions of vinyl chloride bearing gases during manual venting from processing equipment. For

V401248 DEC 24 75 XUM

example, it would permit no manual venting of vinyl chloride to the atmosphere to reduce the pressure in reactors during upset conditions or to remove inert gases from vessels used to store vinyl chloride. The gases would instead have to be transferred to a gasholder, a recovery system, another piece of equipment (such as another empty reactor), or to a control system. With regard to reducing pressure in reactors during upset conditions, the issue has been raised as to whether permitting manual venting to the atmosphere could result in overall lower emissions than not permitting manual venting to the atmosphere. EPA urges all interested persons to submit factual data bearing on this issue during the comment period.

The proposed standard minimizes vinyl chloride losses from sample flasks during sample acquisition by requiring that the sample be collected in a closed system. Vinyl chloride which could be lost to the atmosphere is instead flushed back to the process using this system.

The proposed standard requires development of and adherence to a formalized program for detection of leaks from equipment in vinyl chloride service and elimination of these leaks. The formalized program must include a multipoint vinyl chloride detector and a portable hydrocarbon detector. Rather than specifying the number of points to be monitored, the sensitivities of the multipoint detector, the vinyl chloride concentration that indicates a leak, and the actions to be taken to repair leaks, the proposed standard requires each plant owner or operator to prepare a program plan containing these specifications and to submit the plan to the Administrator for approval. The plant owner or operator is at the same time required to submit data on background concentrations of vinyl chloride in different areas of the plant to use in determining the vinyl chloride concentration that should be designated as indicating a leak. Since the background concentrations vary among different areas of the plant, the definition of leak may also vary among different areas of the plant. EPA's decision on whether a program is adequate will be based on (1) the date the program will be implemented, (2) the characteristics of the multipoint detor and portable hydrocarbon detector (including the sensitivities of the instruments), (3) the number and location of points to be monitored in comparison with the number of pieces of equipment in vinyl chloride service and the size and physical lay-out of the plant, (4) the proposed frequency of monitoring, (5) the vinyl chloride concentration(s) designated as indicating a leak compared with the background concentrations of vinyl chloride in the plant, and (6) any other information contained in the program plan. This approach has been taken because the number of points which need to be monitored and the background concentrations of vinyl chloride vary depending on the size, configuration and age of a plant and, in the case of a polyvinyl chloride plant, on the number of reactors. Plans, therefore, must be tailored to the design of each individual plant. This approach gives each source the flexibility to develop a plan that it believes to be the most efficient.

The proposed standard includes an emission limit for inprocess wastewater which contains at least 10 ppm by weight vinyl chloride, measured directly as the wastewater stream leaves the process equipment and before it is mixed with wastewater from any other source. This cut-off point was selected because, based on data which are available from polyvinyl chloride plants, it distinguishes between the low volume wastewater streams with high concentrations of vinyl chloride and the large volume wastewater streams with low concentrations of vinyl chloride. In effect, the proposed standard would require control of wastewater streams from pumps used in the monomer recovery system and from monomer recycle tanks where wastewater, which has been entrained with recovered monomer is separated and removed. It would also require control of wastewater which had been used, in accordance with other requirements of the proposed standard, to displace vinyl chloride in equipment before the equipment is opened. It would not require control of wastewater which had been used in the polymerization of vinyl chloride, if improved stripping technology were used to attain the proposed emission limit for the process equipment following the stripper. This wastewater stream was excluded because improved stripping technology indirectly reduces the vinyl chloride content of the wastewater as well as the resin before the wastewater is separated from the resin. However, if an add-on control device is used instead of improved stripping, the combination of all sources of vinyl chloride emissions following the stripping operation in the polyvinyl chloride plant, including inprocess wastewater, is required to meet the total mass emission limit. Thus, in this case, the concentration of vinyl chloride in the inprocess wastewater would not have to be equal to or greater than the 10 ppm cut-off point to be required to be controlled.

The proposed standard for 10 ppm vinyl chloride in the wastewater can be attained by a stripper, which uses heat and/or vacuum to remove vinyl chloride from the water. The proposed standard in effect would require the vinyl chloride which is removed to be recovered by condensing it into a liquid or to be ducted through a control device. Theoretically, by using this method, the vinyl chloride concentration could be reduced to essentially zero. However, as the applied vacuum and heat are increased, the ratio of water to vinyl chloride that vaporizes increases. During the vinyl chloride recovery process, the water as well as the vinyl chloride condenses. Since the water still contains some dissolved vinyl chloride, it would have to be recirculated through the stripper. At some point, as the amount of water which is vaporized is increased, the separation of vinyl chloride from water would be less efficient. For these reasons, the proposed standard is 10 ppm. Although the standard permits some vinyl chloride to remain in the water, it is estimated that the vinyl chloride emissions from the low volume, high concentration water streams at the average plant would not exceed 0.5 kg/hr (1 lb/hr). At ethylene dichloridevinyl chloride plants, strippers are already used as an inherent part of the process to recover ethylene dichloride from wastewater. Vinyl chloride is also removed from the wastewater. The purpose of the proposed standard is to ensure that the practice continues and that any vinyl chloride removed from the wastewater is recovered or controlled.

Format of the Standard

With the exception of emissions following the stripper in dispersion resin manufactures, separate standards have not been established for individual processes or companies. The applicability of carbon adsorption, incineration, or solvent absorption is not dependent on plant age, configuration or type of process.

The proposed standard specifies emission limitations for individual emission points. An alternative would have been to specify a total plant mass emission limit in terms of kg/hr. This is not possible, however, when using the best available control technology approach due to the different sizes and configurations of plants. Implementing best available control technology at different sizes of plants obviously results in different emissions per unit time. EPA also considered specifying the limits in terms of total plant emissions in kg vinyl chloride per kg product to be measured by material balance. This approach was rejected for several reasons. Due to the variations in configurations among plants, an emission factor, which would necessarily result in the application of best available control technology at each plant at all times, could not be developed. Furthermore, either long-term or short-term material balances would have to be used to measure compliance with such a standard. Long-term material balances have the disadvantage of a long averaging time so that short-term peak emissions are not detected. Short-term material balances, on the other hand, are impractical and imprecise due to the large volumes of material which are handled and must be measured, the multiple pieces of equipment in which residual materials would have to be measured, and the large number of points where loss to the atmosphere, inprocess wastewater, and solid waste would have to be measured.

Numerical emission limits are used for each emission point where possible; however, equipment and operating procedures are specified for some of the fugitive emission sources from which emissions cannot be measured or calculated or for which it would be grossly impractical to do so. Generally, the reason that these emissions cannot be measured is that they are released into an unconfined area and often from many small sources, and there is no practical testing procedure for obtaining a reliable reading of emission levels. Where equipment or operating procedures are specified, plant owners or operators are generally permitted to use other equipment or procedures, demonstrated to be of equivalent effectiveness. Primarily because fugitive emissions compose such a large proportion of the total emissions at ethylene dichloride-vinyl chloride and polyvinyl chloride plants, EPA has determined that control of such emissions by specification of equipment and operating procedures is preferable to the alternative of leaving such emissions unregulated.

For example, there are procedural requirements for the reduction of vinyl chloride to a specified concentration in equipment equal to or greater than 5500 1 (1250 gal) in volume before opening it to the atmosphere. Conceptually, EPA could have proposed the standard in terms of a mass emission rate. This could be done by converting the concentration of vinyl chloride to its mass emission equivalents for all sizes of equipment. Mass emissions, however, could not be measured once the pieces of equipment were opened to the atmosphere because the emissions would not be confined. Consequently, if EPA had stated the standard in terms of a mass emission rate, it would have been necessary, in order to be meaningful, to state the method for determining compliance in terms of concentration of vinyl chloride, i.e., in the same terms as the procedural requirement is now stated. Stating the standard itself in terms of concentration is a much more direct approach and the only practical one. For equipment that is less than 5,500 1 (1250 gal) in volume and for loading and unloading equipment, a mass emission limit in terms of liters is proposed. However, this cannot be measured, but must be calculated based on the volume of the equipment and the pressure in the equipment.

The proposed standard includes equipment specifications for leaks from seals on pumps, compressors, and agitators and from relief valves. A numerical standard for emissions from these sources would be impractical to enforce since there is no way to test emissions released into an unconfined area. Even if a testing procedure were available, frequent routine testing of all pump, compressor, and agitator seals and relief valves to determine compliance would be burdensome.

The proposed standard requires that samples of vinyl chloride be collected in a closed system so that any vinyl chloride remaining in the sample flask from previous sampling flows back into the process. Any vinyl chloride flushed through the apparatus in an attempt to collect a representative sample also flows back into the process. Again, numerical emission limits cannot be specified because emissions are released into an unconfined space and cannot be measured. For slip gauges and manual venting, the proposed standard requires that the emissions be captured and ducted through a control system. There is a numerical emission limit specified for the control system.

Another problem requiring special treatment is valve leakage. It would be impossible to avoid all valve leakage. However, valve leakage can be held close to zero if a system of regular valve monitoring is used to detect and repair leaks. If EPA were to specify a numerical limitation of zero, it would be impossible to meet at all times. If EPA were to specify a higher numerical limitation, it would permit more leakage than is necessary. This would be inconsistent with requiring control of vinyl chloride emissions to the level attainable by use of the best available control technology. Therefore, EPA is requiring use of a regular program for leak detection and repair.

In order to reduce the total emissions from reactors by limiting the frequency of openings, the proposed standard for reactor opening loss is specified in terms of a mass emission rate, i.e. kilograms of vinyl chloride per 100 kilograms of polyvinyl chloride produced. If a concentration standard were used, it would provide no incentive for reducing the frequency of reactor openings. Furthermore, the amount of dilution air which could be used to weaken the effect of a concentration standard is difficult to regulate. For these two reasons, EPA concluded that a mass emission rate would be the only effective way to specify the standard.

Due to the intermittent nature of the sources of the emissions, the proposed standard for control systems to which the captured emissions are required to be ducted is in terms of concentration. A major part of the polyvinyl chloride plant is a batch operation which causes intermittent emissions of vinyl chloride. In addition, the fugitive emissions which are required to be captured and ducted to a control system in both ethylene dichloride-vinyl chloride and polyvinyl chloride plants occur only on an intermittent basis. Because of the fluctuating air volumes and mass emission rates, it would be difficult, if not impossible, on the basis of available information, to determine the allowable mass emission rates from these control systems.

The emission limit for the sources following the stripper in polyvinyl chloride plants is stated in two ways which are essentially equivalent in terms of the quanity of emissions they allow. The reason the emission limit is stated in two different ways is that there are two distinctively different ways to control these sources. Different methods of measurement and enforcement are applicable to the two different control methods. If add-on control devices are selected as the method of control, stack testing must be used to measure the emissions from all the multiple sources simultaneously for a minimum of an hour. If improved stripping is selected, the emissions could be measured in the same way. It is difficult, however, to use conventional source testing procedures to establish compliance bcause of the large number of sources that have to be tested. A typical polyvinyl chloride plant has several slurry blend tanks, centrifuges, dryers, and storage silos. Even if the emissions from each of these sources were determined, the resultant value would not necessarily establish the total emissions since monomer would still be escaping from the resin in bagging operations, warehouses, and railroad tank cars.

Where improved stripping is used, there is a much more practical way for determining compliance. Improved stripping technology controls emissions by removing vinyl chloride from polyvinyl chloride resin before the resin moves through the remaining equipment in the process where the vinyl chloride would otherwise be emitted to the atmosphere. Therefore, the simplest way to determine total emissions is to measure the vinyl chloride in the resin as it leaves the stripper and before it is released to the atmosphere. Thus, if add-on control devices are used, the proposed standard is stated in terms of mass emissions to the atmosphere; if improved stripping is used, the proposed standard is stated in terms of the quantity of vinyl chloride in the polyvinyl chloride resin leaving the stripper. In both cases, the standard is stated in terms of a cumulative emission limit for all sources following the stripper to be consistent with the primary technology on which the standard is based (i.e. stripping).

Another reason the emission limit for sources following the stripper is stated in two ways is the necessity for two different averaging times. For reasons already explained, a 24-hour averaging time is desirable if improved stripping technology is selected as the means of control. Determination of emissions by measuring the vinyl chloride in stripped resin is amenable to this averaging time. If add-on controls are used, however, the 24-hour averaging time does not have the same value. If only one emission limit were given, and it were stated in terms of allowable mass emissions with a 24-hour averaging time, any plants using add-on control devices to meet the proposed standard would have to test emissions from each stack for 24 hours instead of a minimum of one hour, as is required under the proposed standard. This would be unduly burdensome for these plants.

Stating the emission limits in two different ways potentially allows plants using add-on control devices to emit slightly more emissions than plants using improved stripping technology. The two emission limits are equivalent if it is assumed that all residual vinyl chloride in the resin leaving a stripper is emitted into the atmosphere at the polyvinyl chloride plant. In fact, however, a small proportion of the vinyl chloride might be left in the resin when it leaves the plant. The discrepancy between emissions allowed by the two emission limits could be avoided by proposing one standard based on emissions into the atmosphere. For plants using improved stripping, the method for determining compliance would be to measure the vinyl chloride in the resin leaving the stripping operation and in the same resin as it leaves the plant; the difference between these

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measurements would be emissions to the atmosphere between these two points. This method, however, creates enforcement problems, because the resin which is stripped in one batch is typically blended with stripped resin from other batches, and it would be difficult, if not impossible, to trace a batch all the way through the process. Complicating this problem would be the fact that the resin may be stored at the plant for some time before it is shipped. For these two reasons, it would be difficult, if not impossible, to correlate measurements of resin leaving the stripper with those from resin leaving the plant, and EPA would therefore not be able to determine the emissions from any one batch. In addition to that, the concentrations of vinyl chloride in the resin, both in the stripper and in the product leaving the plant, would have to be averaged over a long time (more than the proposed 24 hours). The long averaging time would not be desirable because it would permit more emission peaks and it would be more cumbersome to enforce. EPA concluded, therefore, that the most practical and direct approach is to limit the concentration of vinyl chloride in the resin from the stripping operation. It should be pointed out that EPA has determined that this is an emission limitation; since residual vinyl chloride monomer left in the resin after stripping would be emitted into the atmosphere at some point, the limitation on residual vinyl chloride monomer in the resin limits emissions and is, therefore, an emission limitation; it is simply specified in a form which is compatible with the only practical method for determining compliance.

To simplify enforcement, the proposed standard for the inprocess wastewater is specified in terms of concentration of vinyl chloride rather than in mass emission limits. If it were specified in terms of mass emission limits, not only the vinyl chloride concentration but also the water flowrates from each of the pieces of process equipment would have to be measured. Due to the large number of pieces of equipment involved, this would not be practical.

Testing, Reporting, Recordkeeping

Provisions which specify the requirements for testing, reporting, and recordkeeping are included in the proposed standard. The purpose of these requirements is to determine compliance with the proposed standard.

Emission Tests

Test Method 106 is proposed as a reference method primarily for measuring vinyl chloride emissions from stacks. Portable hydrocarbon detectors or Method 106 can be used, except for postpolymerization reactors in the manufacture of bulk resins, to determine the degree to which vinyl chloride has been removed from equipment prior to opening the equipment to the atmosphere. For postpolymerization reactors in the manufacture of bulk resins, these test methods are not appropriate because the reactor would be partially filled with polyvinyl chloride resin at the time the vinyl chloride concentration within it would have to be tested. Therefore, the proposed standard includes provisions for calculating emissions due to opening of the postpolymerization reactors. Test Method 107 is proposed as a reference method for measuring the vinyl chloride content of polyvinyl chloride resin and inprocess wastewater. Multipoint vinyl chloride detectors and portable hydrocarbon detectors are proposed as methods for detecting leaks from process equipment. The proposed standard also includes a requirement that stack emissions be measured on a continuing basis with a vinyl chloride detector. This vinyl chloride detector may be the multipoint vinyl chloride detector required for leak detection, but does not have to be. Vinyl chloride in the samples collected by the detector can be measured by gas chromatography, or if it is assumed that all hydrocarbons measured are vinyl chloride, by infrared spectrophotometry or flame ion detection. The proposed standard allows, upon approval by EPA, the use of equivalent or alternative test methods.

Reporting

There are reporting requirements in the general provisions of Part 61 of the Code of Federal Regulations which would apply to the sources subject to the vinyl chloride standard. In addition, there are several different kinds of reports required by the proposed standard.

First, an owner or operator must submit to EPA an initial written report containing a record of emissions from the sources from which emissions can be measured using Test Method 106. These sources include ethylene dichloride purification, vinyl chloride formation and purification, and the oxychlorination reactor in ethylene dichloride-vinyl chloride plants and reactors; strippers; monomer recovery systems; and mixing, weighing, and holding containers in polyvinyl chloride plants. Compliance with the emission limitations for reactor opening loss and the sources following the stripper in polyvinyl chloride plants must be demonstrated using appropriate test methods. Measurements of the vinyl chloride concentrations in the inprocess wastewater at both ethylene dichloride-vinyl chloride and polyvinyl chloride plants are also required as part of the initial emission testing.

For those sources which have emissions which cannot be measured (fugitive emission sources), an initial report is required containing a written statement to the effect that certain pieces of equipment have been installed and are operating. These include equipment for minimizing leaks from seals on pumps, compressors, and agitators and from relief valves and equipment used for monitoring leaks. Also required is a written statement to the effect that certain procedures have been incorporated into a standard operating procedure and are being implemented. These include such procedures as removing vinyl chloride from equipment and from loading and unloading lines before opening them to the atmosphere and venting the vinyl chloride removed from the equipment or lines to a control system, venting vinyl chloride from slip gauges during loading or unloaoding operations to a control system, ducting vinyl chloride emissions from manual venting to a control system, purging the vinyl chloride in each sample flask back to the process during vinyl chloride sampling, and detecting and repairing leaks.

A semi-annual report is required which is to contain a record of any emissions in excess of the proposed standard for the formation and purification processes in ethylene dichloride-vinyl chloride plants and the reactor; stripper; monomer recovery system; and containers used for mixing, weighing or holding preceding the stripper in polyvinyl chloride plants. These emissions must be measured by a vinyl chloride detector. The vinyl chloride detector reports measurements of vinyl chloride in terms of concentration. Except for the emission limit for the oxychlorination reactor, the emission limits for all the sources for which continuing measurements of vinyl chloride with a detector are required are stated in terms of concentration. The emission limit for the oxychlorination reactor is stated in terms of mass per unit product. For the oxychlorination reactor, the vinyl chloride detector can be used to measure emissions at the same time that the initial stack test is being conducted using Test Method 106. The results of that test can then be used as a guideline in the future to determine whether the emissions measured on a continuing basis with the vinyl chloride detector are in excess of the standard.

For polyvinyl chloride plants, the semi-annual report is also required to contain measurements of emissions from reactor opening and, if improved stripping is selected as the control technology to attain the standard, from the sources following the stripper. Measurements of emissions from these two sources are required on a continuing basis because the control technologies required for these two sources are primarily procedures rather than control devices. Attainment of the standard for reactor opening would require a reduction in the number of reactor openings in addition to displacing the vinyl chloride from the reactor before opening. One emission test, made within 90 days of promulgation of the standard, would give no assurance that the standard was being met on a continuing basis. With regard to stripping, the primary limitations on the degree of stripping being carried out are product degradation and processing time as its affects production rate. The degree of stripping is more a function of operating parameters than of the specific equipment being used. For this reason, even if all the equipment for stripping is installed and operated, routine measurements must be made to ensure that the degree of stripping required by the emission limitation

is being carried out on a continuing basis.

For both reactor opening and improved stripping, it is possible that the relationship between the emissions measured and the corresponding operating procedures used to attain the emissions measured can be established. For improved stripping, for example, it may be established that for a given resin grade, a given set of operating conditions (temperature, residence time, and pressure) will result in a certain concentration of vinyl chloride in the resin which is far below the standard. Likewise, for reactor opening, it may be established that a given procedure such as water displacement coupled with a given frequency of reactor opening will result in an emission level below the standard. The general provisions and the proposed standard provide for waiver of emission tests and use of alternative or equivalent test methods. Under the authority of these provisions, EPA could, on an individual basis, permit a plant to record certain parameters (such as temperature, residence time, and pressure for improved stripping) rather than emission measurements.

Any relief discharge must be reported within ten days of its occurrence. These reports will be used to determine compliance and will permit EPA to study the circumstances surrounding the discharge to determine whether the discharge could have been prevented.

Recordkeeping

Each owner or operator is also required to keep records of certain information. It is EPA's intention to require little recordkeeping in addition to that which would normally be kept by the plants.

For example, the proposed standard would require keeping records of the concentrations of vinyl chloride measured by the vinyl chloride detector(s). Printouts from the vinyl chloride detector(s) are adequate to meet this requirement. Information on detection and repair of leaks is required to be kept in log books. The purpose of this recordkeeping is to document that the procedures detailed in the program for leak detection and elimination are being carried out. There is also a requirement for keeping records of the temperatures and pressures during reactor operation. Printouts from sensor instruments are adequate to meet this requirement. These records can be used by EPA to determine occurrence of a discharge from relief valves.

Other Methods for Determining Compliance

In addition to the requirements for tests, reports and recordkeeping, EPA has at anytime the authority under section 114 of the Clean Air Act to require emission tests; inspect equipment, operation procedures, or records; or obtain other information as necessary to determine compliance with the standard. For example, an authorized representative of the Administrator of EPA may inspect the seals on pumps, inspect or observe the implementation of a Standard Operating Procedure for removing vinyl chloride from a piece of equipment before opening it, etc.

Polyvinyl Chloride Particulate

EPA considered establishing an emission limit for polyvinyl chloride particulate. Polyvinyl particulate is essentially the product resin which is lost from process equipment, such as dryers, storage bins and silos, bulk loading operations and baggers, and from resin transfer equipment at polyvinyl chloride plants. There are two potential health problems related to exposure to polyvinyl chloride particulate. First, polyvinyl chloride particulate can be a source of vinyl chloride emissions. Second, studies of people occupationally exposed to polyvinyl chloride particulate and animals exposed experimentally to polyvinyl chloride particulate have indicated that the particulate may possibly cause pneumoconiosis.

Vinyl chloride emissions due to polyvinyl chloride particulate would be due to the fact that it contains residual vinyl chloride monomer. The amount of residual vinyl chloride in the particulate is dependent on the physical properties (size and porosity) of the product being manufactured and the degree to which residual vinyl chloride has been stripped from the product before it reaches the dryer and as it goes through the dryer. The amount of residual vinyl chloride released from the particulate once it is in the environment has not been quantified.

The proposed standard would indirectly reduce the potential problem which may be associated with emissions of residual vinyl chloride from the particulate through the control techniques (improved stripping or add-on controls) which would be used to attain the proposed emission limit for the sources following the stripper. EPA evaluated the degree to which existing control equipment and the proposed standard would reduce this particulate problem. This was done by calculating the maximum quantity of vinyl chloride which could be emitted by the particulate. For the purposes of this calculation, it was assumed that an atypically large plant, equipped with the lowest efficiency particulate control reported by the plants to EPA, emitted particulate containing the maximum quantity of vinyl chloride possible if improved stripping were used to meet the proposed standard. Based on this calculation, it was estimated that the maximum vinyl chloride emissions from the polyvinyl chloride particulate would be less than a tenth of a kilogram per hour or a fraction of a percent of the estimated total vinyl chloride emission rate from the same plant in compliance with the proposed standard. (If the plant used add-on controls instead of improved stripping to comply with this standard, the vinyl chloride emission rate from the particulate would be even lower, because the add-on control equipment would indirectly result in better particulate control). Therefore, with regard to the potential problem of polyvinyl chloride particulate as a source of vinyl chloride emissions, EPA has determined that the indirect impact of the proposed standard on vinyl chloride emissions from the particulate makes direct regulation of the particulate unnecessary.

With regard to the potential problem of polyvinyl chloride particulate as a possible cause of pneumoconiosis, NIOSH is currently involved in experimental studies on the effects of the particulate on animals. The extent of public exposure (as opposed to occupational exposure) to ambient concentrations of the particulate is unknown at this time. Ambient measurements of polyvinyl chloride particulate have not been made by EPA in the vicinity of industrial sources because no technology is currently available for separating polyvinyl chloride particulate from total suspended particulate. Most polyvinyl chloride plants are already equipped with relatively high efficiency particulate control devices. As data become available from NIOSH and other sources on the health effects of polyvinyl chloride particulate, however, EPA may find that it is necessary to reevaluate the need to propose regulations for polyvinyl chloride particulate.

Impacts

The Energy Supply and Environmental Coordination Act of 1974 exempted proposed actions under the Clean Air Act from the requirements of the National Environmental Policy Act (NEPA) of 1969 that Federal agencies prepare environmental impact statements on major Federal actions significantly affecting the quality of the human environment. EPA has concluded, however, that voluntary preparation of environmental impact statements would be beneficial for some regulatory actions and has, therefore, prepared such a statement for the proposed vinyl chloride standard. However, this voluntary preparation of environmental impact statements in no way legally subjects EPA to NEPA requirements

The beneficial, or primary, environmental impacts of the proposed standard would be reductions in vinyl chloride emissions from ethylene dichloride-vinyl chloride and polyvinyl chloride plants, and consequently, corresponding reductions in ambient air concentrations of vinyl chloride and risks to health in the vicinity of these sources. Although the proposed standard would not eliminate all vinyl chloride emissions, it would further the protection of public health by minimizing emissions. For a typical average-sized ethylene dichloride-vinyl chloride plant, the proposed standard would reduce hourly vinyl chloride emissions from 176 kg to 10kg. This is approximately a 94 percent reduction. For a typical average-sized polyvinyl chloride plant, the hourly vinyl chloride emissions would be reduced from 330 kg to 16 kg, or by approximately 95 percent. Percentage numbers for both source categories are based on an estimated 90 percent reduction in fugitive emissions.

There are several potential adverse, or secondary, environmental impacts of the proposed standard. These include in-

V 401248 DEC 24 75 XUM

creased atmospheric emissions of hydrogen chloride, lowered pH of inprocess wastewater due to hydrogen chloride, increased water consumption, small increases in the quantity of vinyl chloride released into inprocess wastewater, increased solid waste disposal due to carbon used for adsorption and increased energy consumption. The types and degree of the secondary impacts resulting from the proposed standard would vary from plant to plant depending on the type of control selected to meet the standard.

The potential secondary or adverse environmental impacts of the proposed standard are either insignificant or will be minimized without additional action, except for two. First, EPA is currently investigating the impact of the proposed standard and its effects of increasing water consumption and lowering the pH of plant effluent on the current effluent regulations, and will make adjustments to the effluent regulations as deemed necessary by the study. Second, hydrogen chloride is already emitted by process equipment at ethylene dichloride-vinyl chloride plants and by other petrochemical plants in the complexes where ethylene dichloride-vinyl chloride plants are typically located. An incinerator used to attain the proposed standard at an ethylene dichloride-vinyl chloride plant could increase its hydrogen chloride emission by several fold. Typically, however, due to the corrosion problems which would otherwise occur both on plant property and in the community, plants use scrubbers to control already existing hydrogen chloride emissions. Hydrogen chloride emissions resulting from control of vinyl chloride emissions are expected to also be controlled for the same reason. If even a moderately efficient scrubber (98 percent control) were used to control the hydrogen chloride emissions resulting from incineration of vinyl chloride emissions, the increase in hydrogen chloride emissions from a typical ethylene dichloride-vinyl chloride plant due to the proposed standard would be reduced to 35 percent. However, since diffusion model results indicate that under "worst-case" meteorological conditions, the hydrogen chloride emissions from the process equipment and the incinerator combined would cause maximum ambient concentrations of hydrogen chloride in the vicinity of ethylene dichloride-vinyl chloride plants to be in the same range or somewhat higher than existing foreign standards and National Academy of Sciences (NAS) guidelines for public exposure. EPA plans to further evaluate the need to control hydrogen chloride emissions. NAS is currently preparing a report on the health effects of hydrogen chloride for EPA. A final draft of that report is scheduled for completion by the end of 1975. At that time, EPA will assess the hydrogen chloride problem.

In accordance with Executive Order 11821 and OMB Circular A-107, EPA has carefully evaluated the economic and inflationary impacts of the proposed standard. The economic analysis is contained in the "Standard Support and Environmental Impact Statement" and includes the costs of control systems which can be used to attain the proposed standard and alternative control levels and the impact of these costs on the vinyl chloride industries and the public consumer. The total capital cost for existing plants to meet the proposed standard is $198 million and the total annualized cost is $70 million.

Also, included in the economic analysis were the costs of the EPA water effluent guideline limitations which the plants will be subject to in 1983 and the OSHA standard for vinyl chloride. The total capital cost for existing plants to meet the EPA water effluent guideline limitations is $83 million and the total annualized cost is $17 million. The costs to the industry of meeting the OSHA standard cannot be quantified at this time, but they are expected to overlap to some degree with the costs to meet the fugitive emission regulations. The capital cost of meeting the fugitive emission regulations is $37 million and the annualized cost is $25 million.

The proposed standard would not deter construction of new ethylene dichloride-vinyl chloride plants or most types of new polyvinyl chloride plants. For one type of polyvinyl chloride plant (dispersion process) that represents 13 percent of the industry production, the proposed standard would significantly deter the construction of new plants that have capacities of less than 45 million kg/yr (100 million lb/yr) but would not deter construction of plants larger than 45 million kg/yr. Total costs for attainment of the proposed standard and the effluent limitations are estimated to result in the closing of no ethylene dichloride-vinyl chloride plants and four small polyvinyl chloride plants. These four plants are estimated to employ 30 people and account for approximately 0.5 percent of existing industry capacity. It is estimated that the four plant closures resulting from imposition of the proposed standard would have occurred if only the costs of fugitive emission controls were imposed.

It is estimated that the price of polyvinyl chloride resins would rise by approximately 7.3 percent in order to maintain precontrol profitability and also to recover the total annualized control costs necessitated by the proposed standard at ethylene dichloride-vinyl chloride plants and polyvinyl chloride plants. This increase is estimated to translate into a maximum consumer price increase in goods fabricated from polyvinyl chloride resins of approximately 3.5 percent. Recovery of effluent annualized costs plus maintenance of precontrol profitability is estimated to add approximately 2 percent to polyvinyl chloride resin prices and result in an additional maximum consumer price increase of 1 percent.

The notice of proposed rulemaking is issued under the authority of sections 112 and 114 of the Clean Air Act, as amended Pub. L. 91-604 (42 U.S.C. 1857c-7, 1857c-9).

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

Dated: December 16, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart F—National Emission Standard for Vinyl Chloride

§ 61.60 Applicability.

This subpart applies to plants which produce:

(a) ethylene dichloride by reaction of oxygen and hydrogen chloride with ethylene.

(b) vinyl chloride by any process, and/or

(c) one or more polymers containing any fraction of polymerized vinyl chloride.

§ 61.61 Definitions.

Terms used in this subpart are defined in the Act, in subpart A of this part, or in this section as follows:

(a) "Ethylene dichloride plant" includes any plant which produces ethylene dichloride by reaction of oxygen and hydrogen chloride with ethylene.

(b) "Vinyl chloride plant" includes any plant which produces vinyl chloride by any process.

(c) "Polyvinyl chloride plant" includes any plant where vinyl chloride alone or in combination with other materials is polymerized.

(d) "Slip gauge" means a gauge which has a probe that moves through the gas/liquid interface in a storage or transfer vessel and indicates the level of vinyl chloride in the vessel by the physical state of the material the gauge discharges.

(e) "Type of resin" means the broad classification of resin referring to the basic manufacturing process for producing that resin, including, but not limited to, the suspension, dispersion, latex, bulk, and solution processes.

(f) "Grade of resin" means the subdivision of resin classification which describes it as a unique resin, i.e., the most exact description of a resin with no further subdivision.

(g) "Dispersion resin" means a resin manufactured in such a way as to form fluid dispersions when dispersed in a plasticizer or plasticizer/diluent mixtures.

(h) "Latex resin" means a resin which is produced by a polymerization process which initiates from free radical catalyst sites and is sold undried.

(i) "Bulk resin" means a resin which is produced by a polymerization process in which no water is used.

(j) "Inprocess wastewater" means any water which, during manufacturing or processing, comes into direct contact with vinyl chloride or polyvinyl chloride or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product containing vinyl chloride or polyvinyl chloride but which has not been discharged to a wastewater treatment process or discharged untreated as wastewater.

(k) "Wastewater treatment process" includes any process which modifies characteristics such as BOD, COD, TSS, and pH, usually for the purpose of meeting effluent guidelines and standards; it does not include any process the purpose of which is to remove vinyl chloride from water to meet requirements of this subpart.

(l) "In vinyl chloride service" means that a piece of equipment contains either a liquid that is at least 10 percent by weight vinyl chloride or a gas that is at least 10 percent by volume vinyl chloride.

(m) "Vinyl chloride detector" means a device which obtains air samples from one or more points on a continuous sequential basis and analyzes the samples with gas chromatography or, if the owner or operator assumes that all hydrocarbons measured are vinyl chloride, with infrared spectrophotometry, flame ion detection, or an equivalent or alternative method.

(n) "Portable hydrocarbon detector" means a device which measures hydrocarbons with a sensitivity of at least 5 ppm and is of such design and size that it can be used to measure emissions from localized points.

(o) "Standard operating procedure" means a formal written procedure officially adopted by the plant owner or operator and available on a routine basis to those persons responsible for carrying out the procedure.

(p) "Run" means the net period of time during which an emission sample is collected.

(q) "Ethylene dichloride purification" includes any part of the process of ethylene dichloride production which follows ethylene dichloride formation and in which finished ethylene dichloride is produced.

(r) "Vinyl chloride purification" includes any part of the process of vinyl chloride production which follows vinyl chloride formation and in which finished vinyl chloride is produced.

(s) "Reactor" includes any vessel in which vinyl chloride is partially or totally polymerized into polyvinyl chloride.

(t) "Reactor opening loss" means the emissions of vinyl chloride occurring when a reactor is vented to the atmosphere for any purpose other than an emergency relief discharge as defined in § 61.65(a).

(u) "Stripper" includes any vessel in which residual vinyl chloride is removed from polyvinyl chloride resin, except bulk resin, in the slurry form by the use of heat and/or vacuum. In the case of bulk resin, stripper includes any vessel which is used to remove residual vinyl chloride from polyvinyl chloride resin immediately following the polymerization step in the plant process flow.

§ 61.62 Emission standard for ethylene dichloride plants.

An owner or operator of an ethylene dichloride plant shall comply with the requirements of this section and § 61.65.

(a) Ethylene dichloride purification: The concentration of vinyl chloride in all exhaust gases discharged to the atmosphere from any equipment used in ethylene dichloride purification is not to exceed 10 ppm, except as provided in § 61.65(a). This requirement does not apply to equipment that is open and meets the requirement in § 61.65(b)(6)(i).

(b) Oxychlorination reactor: Except as provided in § 61.65(a), emissions of vinyl chloride to the atmosphere from each oxychlorination reactor are not to exceed 0.02 kg/100 kg (0.02 lb/100 lb) of the 100 percent ethylene dichloride product from the oxychlorination process.

§ 61.63 Emission standard for vinyl chloride plants.

An owner or operator of a vinyl chloride plant shall comply with the requirements of this section and § 61.65.

(a) Vinyl chloride formation and purification: The concentration of vinyl chloride in all exhaust gases discharged to the atmosphere from any equipment used in vinyl chloride formation and/or purification is not to exceed 10 ppm, except as provided in § 61.65(a). This requirement does not apply to equipment that is open and meets the requirement in § 61.65(b)(6)(i).

(c) Mixing, weighing, and holding containers: The concentration of vinyl chloride in all exhaust gases discharged to the atmosphere from each mixing, weighing, or holding container in vinyl chloride service which precedes the stripper (or the reactor if the plant has no stripper) in the plant process flow is not to exceed 10 ppm, except as provided in § 61.65(a). This requirement does not apply to equipment that is open and meets the requirement in § 61.65(b)(6)(i).

(d) Monomer recovery system. The concentration of vinyl chloride in all exhaust gases discharged to the atmosphere from each monomer recovery system is not to exceed 10 ppm, except as provided in § 61.65(a). This requirement does not apply to equipment that is open and meets the requirement in § 61.65(b)(6)(i).

(e) Sources following the stripper(s): The following requirements apply to emissions of vinyl chloride to the atmosphere from the combination of all sources following the stripper(s) [or the reactor(s) if the plant has no stripper(s)] in the plant process flow, including but not limited to, centrifuges, concentrators, blend tanks, filters, dryers, conveyor air discharges, baggers, storage containers, and inprocess wastewater:

(1) In polyvinyl chloride plants using stripping technology to control vinyl chloride emissions, the weighted average residual vinyl chloride concentration in all grades of polyvinyl chloride resin processed through the stripping operation on each calendar day, measured as the resin leaves the stripper, may not exceed:

(i) 2000 ppm for polyvinyl dispersion resins, excluding latex resins;

(ii) 400 ppm for all other polyvinyl chloride resins, including latex resins, averaged separately for each type of resin; or

(2) In polyvinyl chloride plants controlling vinyl chloride emissions with technology other than stripping or in addition to stripping, emissions of vinyl chloride to the atmosphere may not exceed:

(i) 0.20 kg/100 kg (0.20 lb/100 lb) product from the stripper(s) [or reactor(s) if the plant has no stripper(s)] for dispersion polyvinyl chloride resins, excluding latex resins, with the product determined on a dry solids basis;

(ii) 0.04 kg/100 kg (0.04 lb/100 lb) product from the strippers [or reactor(s) if the plant has no stripper(s)] for all other polyvinyl chloride resins, including latex resins, with the product determined on a dry solids basis.

§ 61.65 Emission standard for ethylene dichloride, vinyl chloride and polyvinyl chloride plants.

An owner or operator of an ethylene dichloride, vinyl chloride, and/or polyvinyl chloride plant shall comply with the requirements of this section.

(a) Relief valve discharge: Except for an emergency relief discharge, there is to be no discharge to the atmosphere from any relief valve on any equipment in vinyl chloride service. An emergency relief discharge means a discharge which could not have been avoided by taking all available measures to prevent the discharge. Within 10 days of any relief valve discharge, the owner or operator of the source from which the relief valve discharge occurs shall submit to the Administrator a report in writing containing information on the source, nature and cause of the discharge, the date and time of the discharge, the approximate total vinyl chloride loss during the discharge, the method used for determining the vinyl chloride loss, the action that

XUM V40248 DEC 24 75 XUM

was taken to prevent the discharge, and measures adopted to prevent future discharges.

(b) Fugitive emission sources:

(1) Loading and unloading lines: Vinyl chloride emissions from loading and unloading lines are to be minimized as follows:

(i) After each loading or unloading operation and before opening a loading or unloading line to the atmosphere, the quantity of vinyl chloride in all parts of each loading or unloading line that are to be opened to the atmosphere is to be reduced so that the parts combined contain no greater than 4.1 l (1 gal) of vinyl chloride, as standard temperature and pressure; and

(ii) Any vinyl chloride removed from a loading or unloading line in accordance with paragraph (b)(1)(i) of this section is to be ducted through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm, or equivalent as provided in § 61.66.

(2) Slip gauges: During loading or unloading operations, the vinyl chloride emissions from each slip gauge in vinyl chloride service are to be minimized by ducting any vinyl chloride discharged from the slip gauge through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm, or equivalent as provided in § 61.66.

(3) Leakage from pump, compressor, and agitator seals:

(i) Rotating pumps: Vinyl chloride emissions from seals on all rotating pumps in vinyl chloride service are to be minimized by installing sealless pumps, pumps with double mechanical seals, or equivalent as provided in § 61.66. If double mechanical seals are used, vinyl chloride emissions from the seals are to be minimized by maintaining the pressure between the two seals so that any leak that occurs is into the pump; by ducting any vinyl chloride between the two seals through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm; or equivalent as provided in § 61.66.

(ii) Reciprocating pumps: Vinyl chloride emissions from seals on all reciprocating pumps in vinyl chloride service are to be minimized by installing double outboard seals, or equivalent as provided in § 61.66. If double outboard seals are used, vinyl chloride emissions from the seals are to be minimized by maintaining the pressure between the two seals so that any leak that occurs is into the pump; by ducting any vinyl chloride between the two seals through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm; or equivalent as provided in § 61.66.

(iii) Compressor: Vinyl chloride emissions from seals on all compressors in vinyl chloride service are to be minimized by installing compressors with double mechanical seals, or equivalent as provided in § 61.66. If double mechanical seals are used, vinyl chloride emissions from the seals are to be minimized by maintaining the pressure between the two seals so that any leak that occurs is into the pump; by ducting any vinyl chloride between the two seals through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm; or equivalent as provided in § 61.66. If a waiver of compliance is granted, the program is to be submitted on a date scheduled by the Administrator. Approval of a program will be granted by the Administrator provided he finds:

(i) It includes a reliable and accurate vinyl chloride detector for detection of major leaks and identification of the general area of the plant where a leak is located,

(ii) It includes a reliable and accurate portable hydrocarbon detector to be used routinely to find small leaks and to pinpoint the major leaks indicated by the vinyl chloride detector,

(iii) It provides for an acceptable calibration and maintenance schedule for the vinyl chloride detector and portable hydrocarbon detector,

(iv) The location and number of points to be monitored and the frequency of monitoring provided for in the program are acceptable when they are compared with the number of pieces of equipment in vinyl chloride service and the size and physical layout of the plant,

(v) It contains an acceptable plan of action to be taken when a leak is detected, and

(vi) It contains a definition of leak which is acceptable when compared with the background concentrations of vinyl chloride in the areas of the plant to be monitored by the vinyl chloride detector. Measurements of background concentrations of vinyl chloride in the areas of the plant to be monitored by the vinyl chloride detector are to be included with the description of the program. The definition of leak for a given plant may vary among the different areas within the plant and is also to change over time as background concentrations in the plant are reduced.

(4) Leakage from relief valves: Vinyl chloride emissions due to leakage from each relief valve on equipment in vinyl chloride service are to be minimized by installing a rupture disk between the equipment and the relief valve, or equivalent as provided in § 61.66.

(5) Manual venting of gases: All gases which are manually vented from equipment in vinyl chloride service are to be ducted through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm, or equivalent as provided in § 61.66.

(6) Opening of equipment: Vinyl chloride emissions from opening of equipment are to be minimized as follows:

(i) Before opening any equipment for any reason, the quantity of vinyl chloride is to be reduced so that the equipment contains no more than 2.0 percent by volume vinyl chloride or 110 l (25 gal) of vinyl chloride, whichever is larger, at standard temperature and pressure; and

(ii) Any vinyl chloride removed from the equipment in accordance with paragraph (b)(6)(i) of this section is to be ducted through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm, or equivalent as provided in § 61.66.

(7) Sample flask: There are to be no vinyl chloride emissions to the atmosphere due to the vinyl chloride left in any sample flask after an analysis is made or due to the vinyl chloride passed through any flask during sampling in order to obtain a representative sample.

(8) Leak detection and elimination: Vinyl chloride emissions due to leaks from equipment in vinyl chloride service are to be minimized by instituting and implementing a formal leak detection and elimination program. The owner or operator shall submit a description of the program to the Administrator for approval. The program is to be submitted within 45 days of the effective date of these regulations, unless a waiver of compliance is granted under § 61.11.

(9) Inprocess wastewater: Vinyl chloride emissions to the atmosphere from inprocess wastewater are to be reduced as follows:

(i) The concentration of vinyl chloride in each inprocess wastewater stream immediately as it leaves a piece of equipment and before being mixed with any other inprocess wastewater stream is to be reduced by 10 ppm by weight before being exposed to the atmosphere, or before being discharged to a wastewater treatment process or discharged untreated as a wastewater. This paragraph does apply to water which is used to displace vinyl chloride from equipment before it is opened to the atmosphere in accordance with § 61.64(a)(2) or paragraph (b)(6) of this section, but does not apply to water which is used to wash out equipment after the equipment has already been opened to the atmosphere in accordance with § 61.64(a)(2) or paragraph (b)(6) of this section.

(ii) Any vinyl chloride removed from the inprocess wastewater in accordance with paragraph (b)(9)(i) of this section is to be ducted through a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 ppm, or equivalent as provided in § 61.66.

(c) The requirements in paragraphs (b)(1), (b)(2), (b)(5), (b)(6), (b)(7) and (b)(8) of this section are to be incorporated into a standard operating procedure, and made available upon request for inspection by the Administrator. The standard operating procedure is to include provisions for measuring the vinyl chloride in equipment ≥ 550 l (1250 gal) in volume for which an emission limit is prescribed in § 61.65(b)(6)(i) prior to opening the equipment and using Test Method 106, a portable hydrocarbon detector, or an equivalent or alternative method. The method of measurement is to meet the requirements in § 61.67(g)(5)(i)(A) or (g)(5)(i)(B).

§ 61.66 Equivalent equipment and procedures.

Upon written application from an owner or operator, the Administrator may approve use of equipment or procedures which have been demonstrated to his satisfaction to be equivalent in terms of reducing vinyl chloride emissions to the atmosphere to those prescribed for compliance with a specific paragraph of this subpart.

§ 61.67 Emission tests.

(a) Unless a waiver of emission testing is obtained under § 61.13, the owner or operator of a source to which this subpart applies shall test emissions from the source,

(1) Within 90 days of the effective date in the case of an existing source or a new source which has an initial startup date preceding the effective date, or

(2) Within 90 days of startup in the case of a new source, initial startup of which occurs after the effective date.

(b) The owner or operator shall provide the Administrator at least 30 days prior notice of an emission test to afford the Administrator the opportunity to have an observer present during the test.

(c) Any emission test is to be conducted while the equipment being tested is operating at the maximum production rate at which the equipment will be operated and under other relevant conditions as may be specified by the Administrator based on representative performance of the source.

(d) Each emission test is to consist of three runs. For the purpose of determining emissions, the average of results of all runs is to apply.

(e) All samples are to be analyzed, and vinyl chloride emissions are to be determined within 30 days after the emission test. The owner or operator shall report the determinations to the Administrator by a registered letter dispatched before the close of the next business day following the determination.

(f) The owner or operator shall retain at the plant and make available, upon request, for inspection by the Administrator, for a minimum of 2 years records of emission test results and other data needed to determine emissions.

(g) Unless otherwise specified, the owner or operator shall use test Test Methods in Appendix B to this part for each test as required by paragraphs (g)(1), (g)(2), (g)(3), (g)(4), and (g)(5) of this section, unless an equivalent method or an alternative method has been approved by the Administrator. If the Administrator finds reasonable grounds to dispute the results obtained by an equivalent or alternative method, he may require the use of a reference method. If the results of the reference and equivalent or alternative methods do not agree, the results obtained by the reference method prevail, and the Administrator may notify the owner or operator that approval of the method previously considered to be equivalent or alternative is withdrawn.

(1) Test Method 106 is to be used to determine the vinyl chloride emissions from any source for which an emission limit is prescribed in §§ 61.62(a) or (b) § 61.63(a), or §§ 61.64(a)(1), (b), (c), or (d), or from any control system to which reactor emissions are required to be ducted in § 61.64(a)(2) or to which fugitive emissions are required to be ducted in §§ 61.65(b)(1)(ii), (b)(2), (b)(5), (b)(6)(ii), or (b)(9)(ii).

(i) For each run, one sample is to be collected. The sampling site is to be at least two stack or duct diameters downstream and one half diameter upstream from any flow disturbance such as a bend, expansion, contraction, or visible flame. For a rectangular cross section an equivalent diameter is to be determined from the following equation:

$$\text{equivalent diameter} = 2\,\frac{(\text{length})\,(\text{width})}{\text{length}+\text{width}}$$

The sampling point in the duct is to be at the centroid of the cross section. The sample is to be extracted at a rate proportional to the gas velocity at the sampling point. The sample is to be taken over a minimum of one hour, and is to contain a minimum volume of 50 liters corrected to standard conditions.

(ii) For those emission sources where combustion is used to reduce vinyl chloride emissions, the concentration of vinyl chloride as determined by Test Method 106 is to be corrected to 10 percent oxygen (wet basis) for determination of emissions by using the following equation:

$$C_{b\,(\text{corrected})} = C_b\,\frac{10.9}{20.9-\text{percent O}_2}$$

where:

$C_{b\,(\text{corrected})}$ = The concentration of vinyl chloride in the exhaust gases, corrected to 10 percent oxygen.

C_b = The concentration of vinyl chloride as measured by Test Method 106.

20.9 = Percent oxygen in the ambient air at standard conditions.

10.9 = Percent oxygen in the ambient air at standard conditions, minus the 10 percent oxygen to which the correction is being made.

Percent O_2 = Percent oxygen in the exhaust gas as measured by Reference Method 3 in Appendix A of Part 60 of this chapter.

(iii) For those emission sources where the emission limit is prescribed in terms of mass rather than concentration, mass emissions in kg/100 kg product are to be determined by using the following equation:

$$C_{BX} = \frac{[C_b\,(2.60)\;Q\;10^{-6}]\;[100]}{Z}$$

where:

C_{BX} = kg vinyl chloride/100 kg product.

C_b = The concentration of vinyl chloride as measured by Test Method 106.

2.60 = Density of vinyl chloride at one atmosphere and 20°C in kg/m³.

Q = Volumetric flow rate in m³/hr as determined by Reference Method 2 of Appendix A to Part 60 of this chapter.

10^{-6} = Conversion factor for ppm.

Z = Production rate (kg/hr).

(2) Test Method 107 is to be used to determine the concentration of vinyl chloride in each inprocess wastewater stream for which an emission limit is prescribed in § 61.65(b)(9)(i).

(3) Where a stripping operation is used to attain the emission limit in § 61.64(e), emissions are to be determined using Test Method 107 as follows:

(i) The number of strippers and samples and the types and grades of resin to be sampled are to be determined by the Administrator for each individual plant at the time of the test based on the plant's operation.

(ii) Each sample is to be taken immediately following the stripping operation as the resin is transferred out of the stripper.

(iii) The corresponding quantity of material processed by each stripper is to be determined on a dry solids basis and by a method submitted to and approved by the Administrator.

(iv) At the prior request of the Administrator, the owner or operator shall provide duplicates of the samples required in paragraph (g)(3)(i) of this section.

(4) Where control technology other than or in addition to a stripping operation is used to attain the emission limit in § 61.64(e), emissions are to be determined as follows:

(i) Test Method 106 is to be used to determine atmospheric emissions from all of the process equipment simultaneously. The requirements of paragraph (g)(1) of this section are to be met.

(ii) Test Method 107 is to be used to determine the concentration of vinyl chloride in each inprocess wastewater stream subject to the emission limit prescribed in § 61.64(e). The mass of vinyl chloride in kg/100 kg product in each in process wastewater stream is to be determined by using the following equation:

$$C_{BX} = \frac{[C_d\;R\;10^{-6}]\;[100]}{Z}$$

where:

C_{BX} = kg vinyl chloride/100 kg product.

C_d = the concentration of vinyl chloride as measured by Test Method 107.

R = water flow rate in l/hr, determined in accordance with a method which has been submitted to and approved by the Administrator.

10^{-6} = Conversion factor for ppm.

Z = Production rate (kg/hr), determined in accordance with a method which has been submitted and approved by the Administrator.

(5) The reactor opening loss for which an emission limit is prescribed in § 61.64(a)(2) is to be determined. The number of reactors for which the determination is to be made is to be specified by the

V 40 248 DEC 24 75 XUM

Administrator for each individual plant at the time of the determination based on the plant's operation.

(i) Except as provided in paragraph (g)(5)(ii) of this section, the reactor opening loss is to be determined using the following equation:

$$C = \frac{W\ (2.60)\ (10^{-6})\ (Cb)}{YZ}$$

where:

C = kg vinyl chloride emissions/kg product.
W = Capacity of the reactor in m³.
2.60 = Density of vinyl chloride at one atmosphere and 20° C in kg/m³.
10^{-6} = Conversion factor for ppm.
Cb = ppm by volume vinyl chloride as determined by Test Method 106 or a portable hydrocarbon detector.
Y = Number of batches since the reactor was last opened to the atmosphere.
Z = Average kg of polyvinyl chloride produced per batch in the number of batches since the reactor was last opened to the atmosphere.

(A) If Method 106 is used to determine the concentration of vinyl chloride (Cb), the sample is to be withdrawn at a constant rate with a probe of sufficient length to reach the vessel bottom from the manhole. Samples are to be taken for 5 minutes within 6 inches of the vessel bottom, 5 minutes near the vessel center, and 5 minutes near the vessel top.

(B) If a portable hydrocarbon detector is used to determine the concentration of vinyl chloride (Cb), a probe of sufficient length to reach the vessel bottom from the manhole is to be used to make the measurements. One measurement will be made within 6 inches of the vessel bottom, one near the vessel center and one near the vessel top. Measurements are to be made at each location until the reading is stabilized. All hydrocarbons measured are to be assumed to be vinyl chloride.

(C) The production rate of polyvinyl chloride (Z) is to be determined by a method submitted to and approved by the Administrator.

(ii) A calculation based on the number of evacuations, the vacuum involved, and the volume of gas in the reactor is hereby approved by the Administrator as an alternative method for determining reactor opening loss for postpolymerization reactors in the manufacture of bulk resins.

§ 61.68 Initial report.

(a) An owner or operator of any source to which this subpart applies shall submit a statement in writing notifying the Administrator that the equipment and procedural specifications in §§ 61.65 (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7), and (b)(8) are being implemented.

(b)(1) In the case of an existing source or a new source which has an initial startup date preceding the effective date, the statement is to be submitted within 90 days of the effective date, unless a waiver of compliance is granted under § 61.11, along with the information required under § 61.10. If a waiver of compliance is granted, the statement is to be submitted on a date scheduled by the Administrator.

(2) In the case of a new source which did not have an initial startup date preceding the effective date, the statement is to be submitted within 90 days of the initial startup date.

(c) The statement is to contain the following information:

(1) A list of the equipment installed for compliance.

(2) A detailed engineering description of the physical and functional characteristics of each piece of equipment.

(3) A description of the methods which have been incorporated into the standard operating procedures for measuring or calculating the emissions for which emission limits are prescribed in §§ 61.65 (b)(1)(i) and (b)(6)(i).

(4) A statement that each piece of equipment is installed and that each piece of equipment and each procedure is being used.

§ 61.69 Semiannual report.

(a) The owner or operator of any source to which this subpart applies shall submit to the Administrator on a continuing basis each 180 days a report in writing containing the information required by this section.

(b)(1) In the case of an existing source or a new source which has an initial startup date preceding the effective date, the first report is to be submitted within 180 days of the effective date, unless a waiver of compliance is granted under § 61.11. If a waiver of compliance is granted, the first report is to be submitted on a date scheduled by the Administrator.

(2) In the case of a new source which did not have an initial startup date preceding the effective date, the first report is to be submitted within 180 days of the initial startup date.

(c) Unless otherwise specified, the owner or operator shall use the Test Methods in Appendix B to this part to conduct emission tests as required by paragraphs (c)(2) and (c)(3) of this section, unless an equivalent or an alternative method has been approved by the Administrator. If the Administrator finds reasonable grounds to dispute the results obtained by an equivalent or alternative method, he may require the use of a reference method. If the results of the reference and equivalent or alternative methods do not agree, the results obtained by the reference method prevail, and the Administrator may notify the owner or operator that approval of the method previously considered to be equivalent or alternative is withdrawn.

(1) The owner or operator shall include in the report a record of any emissions in excess of the emission limits prescribed in §§ 61.62(a) or (b), § 61.63(a), or §§ 61.64(a)(1), (b), (c), or (d), or for any control system to which reactor emissions are required to be ducted in § 61.64(a)(2) or to which fugitive emissions are required to be ducted in § 61.65 (b)(1)(ii), (b)(2), (b)(5), (b)(6)(ii), or (b)(9)(ii). The emissions are to be measured with a vinyl chloride detector.

(2) The owner or operator shall include in the report a record of the quantity of emissions of vinyl chloride from the sources following the stripper(s) [or the reactor(s) if the plant has no stripper(s)] in polyvinyl chloride plants for which a stripping operation is used to attain the emission limit prescribed in § 61.64(e). Test Method 107 is to be used to determine emissions as follows:

(i) If batch stripping is used, one representative sample of polyvinyl chloride resin is to be taken from each batch of each grade of resin immediately following the completion of the stripping operation as the resin is transferred out of the stripper, and identified by resin type and grade and the date and time the batch is completed. The corresponding quantity of material processed in each stripper batch is to be recorded and identified by resin type and grade and the date and time the batch is completed.

(ii) If continuous stripping is used, one representative sample of polyvinyl chloride resin is to be taken for each grade of resin processed or at intervals of 8 hours for each grade of resin which is being processed, whichever is more frequent. The sample is to be taken as the resin flows out of the stripper and identified by resin type and grade and the date and time the sample was taken. The corresponding quantity of material processed by each stripper over the time period represented by the sample during the eight hour period, is to be recorded and identified by resin type and grade and the date and time it represents.

(iii) The quantity of material processed by the stripper is to be determined on a dry solids basis and by a method submitted to and approved by the Administrator.

(iv) At the prior request of the Administrator, the owner or operator shall provide duplicates of the samples required in paragraphs (c)(2)(i) and (c)(2)(ii) of this section.

(v) The report to the Administrator by the owner or operator is to include the vinyl chloride content found in all the samples required in paragraphs (c)(2)(i) and (c)(2)(ii) of this section, averaged separately for each type of resin, over each calendar day and weighted according to the quantity of each grade of resin processed by the stripper(s) that calendar day, according to the following equation:

$$A_{T_j} = \frac{\sum_{i=1}^{n} P_{G_i} M_{G_i}}{Q_{T_j}} = \frac{P_{G_1} M_{G_1} + P_{G_2} M_{G_2} + \ldots + P_{G_n} M_{G_n}}{Q_{T_j}}$$

A = 24-hour average concentration of type T_j resin in ppm.
Q = Total production of type T_j resin over the 24-hour period, in kg.
T_j = Type of resin; $j = 1, 2, \ldots m$ where m is total number of resin types produced during the 24-hour period.
M = Concentration of vinyl chloride in one sample of grade G_i resin, in ppm.
P = Production of grade G_i resin represented by the sample, in kg.
G_i = Grade of resin, e.g., G_1, G_2, and G_n.
n = Total number of grades of resin produced during the 24-hour period.

(vi) The owner or operator shall retain at the source and make available for inspection by the Administrator for a minimum of 2 years records of all data needed to furnish the information required by paragraph (c)(2)(v) of this section: The records are to contain the following information:

(A) The vinyl chloride content found in all the samples required in paragraphs (c)(2)(i) and (c)(2)(ii) of this section, identified by the resin type and grade and the time and date of the sample, and

(B) The corresponding quantity of polyvinyl chloride resin processed by the stripper(s), identified by the resin type and grade and the time and date it represents.

(3) The owner or operator shall include in the report a record of the emissions from each reactor opening for which an emission limit is prescribed in § 61.64(a)(2). Emissions are to be determined in accordance with § 61.67(g)(5), except that emissions for each reactor are to be determined.

§ 61.70 Recordkeeping.

(a) The owner or operator of any source to which this subpart applies shall retain the following information at the source and make it available for inspection by the Administrator for a minimum of two years;

(1) A record of the leaks detected by the vinyl chloride detector and the action taken to repair the leaks, as required by § 61.65(b)(8), including the following information:

(i) The concentrations of vinyl chloride as measured, analyzed, and recorded by the vinyl chloride detector, including the location of each measurement and the date and approximate time of each measurement.

(ii) Where the information required by paragraph (a)(1)(i) of this section indicates that the vinyl chloride concentration at any point exceeds the concentration of vinyl chloride designated as a leak, a statement explaining the cause of the leak and any action taken to eliminate that leak and the amount of time used to take this action.

(2) A record of the leaks detected during routine monitoring with the portable hydrocarbon detector and the action taken to repair the leaks, as required by § 61.65(b)(8), including a brief statement explaining the location and cause of each leak detected with the portable hydrocarbon detector, the date and time of the leak and any action taken to eliminate that leak.

(3) A record of emissions from any source for which an emission limit is prescribed in §§ 61.62(a) or (b), 61.63(a), or §§ 61.64(a)(1), (b), (c), or (d), or from any control system to which reactor emissions are required to be ducted in § 61.64(a)(2) or to which fugitive emissions are required to be ducted in §§ 61.65(b)(1)(ii), (b)(2), (b)(5), (b)(6)(ii), or (b)(9)(ii).

(4) For the relief discharges from reactors subject to the provisions of § 61.65(b), a daily operating record for each reactor, including pressures and temperatures.

METHOD 106—DETERMINATION OF VINYL CHLORIDE FROM STATIONARY SOURCES

INTRODUCTION

Performance of this method should not be attempted by persons unfamiliar with the operation of a gas chromatograph, nor by those who are unfamiliar with source sampling, as there are many details that are beyond the scope of this presentation. Care must be exercised to prevent exposure of sampling personnel to vinyl chloride, a carcinogen.

1. Principle and Applicability.

1.1 An integrated bag sample of stack gas containing vinyl chloride (chloroethylene) is subjected to chromatographic analysis, using a flame ionization detector.

1.2 The method is applicable to the measurement of vinyl chloride in stack gases from both vinyl chloride and polyvinyl chloride manufacturing processes, except where the vinyl chloride is contained in particulate matter.

2. Range and Sensitivity.

The lower limit of detection will vary according to the chromatograph used. Values reported include 1×10^{-7} mg and 4×10^{-7} mg.

3. Interferences.

In the course of a study to identify the interference potential of several hydrocarbons associated with vinyl chloride, none were found to prevent resolution of the vinyl chloride peak with the Chromosorb 102[1] column. However, if resolution of the vinyl chloride peak is not satisfactory for a particular sample, then chromatograph parameters may be altered with prior approval of the Administrator. If there is reason to believe that some other hydrocarbon with an identical retention time is present in the sample, then supplemental confirmation of the vinyl chloride peak through an absolute analytical technique, such as mass spectroscopy, should be performed.

4. Apparatus.

4.1 Sampling (Figure 1).

4.1.1 Probe—Stainless steel, Pyrex glass, or Teflon tubing according to stack temperature, each equipped with a glass wool plug to remove particulate matter.

4.1.2 Sample line—Teflon, 6.4 mm outside diameter, of sufficient length to connect probe to bag. A new unused piece is employed for each series of bag samples that constitutes an emission test.

4.1.3 Male (2) and female (2) stainless steel quick-connects, with ball checks (one pair without) located as shown in Figure 1.

4.1.4 Tedlar bags, 100 liter capacity—To contain sample.

4.1.5 Rigid leakproof containers for 4.1.4, with covering to protect contents from sunlight.

4.1.6 Needle valve—To adjust sample flow rate.

4.1.7 Pump—Leak-free. Minimum capacity 2 liters per minute.

4.1.8 Charcoal tube—To prevent admission of vinyl chloride to atmosphere in vicinity of samplers.

4.1.9 Flow meter—For observing sample flow rate; capable of measuring a flow range from 0.10 to 1.00 liter per minute.

4.1.10 Connecting tubing—Teflon, 6.4 mm outside diameter, to assemble sample train (Figure 1).

4.1.11 Pitot tube—Type E (or equivalent), attached to the probe so that the sampling flow rate can be regulated proportional to the stack gas velocity.

4.2 Sample recovery.

4.2.1 Tubing—Teflon, 6.4 mm outside diameter, to connect bag to gas chromatograph sample loop. A new unused piece is employed for each series of bag samples that constitutes an emission test, and is to be discarded upon conclusion of analysis of those bags.

4.3 Analysis.

4.3.1 Gas chromatograph—With flame ionization detector, potentiometric strip chart recorder and 1.0 to 5.0 ml heated sampling loop in automatic sample valve.

4.3.2 Chromatographic column—Stainless steel, 2.5 m × 3.2 mm, containing 80/100 mesh Chromosorb 102.

4.3.3 Flow meters (2)—Rotameter type, 0 to 100 ml/min capacity, with flow control valves.

4.3.4 Gas regulators—For required gas cylinders.

4.3.5 Thermometer—Accurate to one degree centigrade, to measure temperature of heated sample loop at time of sample injection.

4.3.6 Barometer—Accurate to 5 mm Hg, to measure atmospheric pressure around gas chromatograph during sample analysis.

4.3.7 Pump—Leak-free. Minimum capacity 100 ml/min.

4.4 Calibration.

4.4.1 Tubing—Teflon, 6.4 mm outside diameter, separate pieces marked for each calibration concentration.

4.4.2 Tedlar bags—Sixteen-inch square size, separate bag marked for each calibration concentration.

4.4.3 Syringe—0.5 ml, gas tight.

4.4.4 Syringe—50 ml, gas tight.

4.4.5 Flow meter—Rotameter type, 0 to 1000 ml/min range accurate to ±1%, to meter nitrogen in preparation of standard gas mixtures.

4.4.6 Stop watch—Of known accuracy, to time gas flow in preparation of standard gas mixtures.

5. Reagents. It is necessary that all reagents be of chromatographic grade.

5.1 Analysis.

5.1.1 Helium gas or nitrogen gas—Zero grade, for chromatographic carrier gas.

5.1.2 Hydrogen gas—Zero grade.

5.1.3 Oxygen gas—Zero grade.

5.2 Calibration.

5.2.1 Vinyl chloride, 99.9+%—For preparation of standard gas mixtures.

5.2.2 Calibration cylinders (3), optional—One each of 50, 10 and 5 ppm vinyl chloride in nitrogen with certified analysis.

5.2.3 Nitrogen gas—Zero grade, for preparation of standard gas mixtures.

6. Procedure.

6.1 Sampling. Assemble the sample train as in Figure 106–1. Perform a bag leak check according to Section 7.4. Observe that all connections between the bag and the probe are tight. Place the end of the probe at the centroid of the stack and start the pump with the needle valve adjusted to yield a flow of 0.5 lpm. After a period of time sufficient to purge the line several times has elapsed, connect the vacuum line to the bag and evacuate the bag until the rotameter indicates no flow. Then reposition the sample and vacuum lines and begin the actual sampling, keeping the rate proportional to the stack velocity. Direct the gas existing the rotameter away from sampling personnel. At the end of the sample period, shut off the pump, disconnect the sample line from the bag, and disconnect the vacuum line from the bag container. Protect the bag container from sunlight.

[1] Mention of trade names on specific products does not constitute endorsement by the Environmental Protection Agency.

V 40 248 DEC 24 75 XUM

6.2 Sample storage. Sample bags must be kept out of direct sunlight. When at all possible, analysis is to be performed within 24 hours of sample collection.

6.3 Sample recovery. With a piece of Teflon tubing identified for that bag, connect a bag inlet valve to the gas chromatograph sample valve. Switch the valve to withdraw gas from the bag through the sample loop. Plumb the equipment so the sample gas passes from the sample valve to the leak-free pump, and then to a charcoal tube, followed by a 0–100 ml/min rotameter with flow control valve.

6.4 Analysis. Set the column temperature to 155° C, the detector temperature to 225° C, and the sample loop temperature to 70° C. When optimum hydrogen and oxygen flow rates have been determine, verify and maintain these flow rates during all chromatograph operations. Using zero helium or nitrogen as the carrier gas, establish a flow rate in the range consistent with the manufacturer's requirements for satisfactory detector operation. A flow rate of approximately 15 ml/min should produce adequate separations. Observe the base line periodically and determine that the noise level has stabilized and that base line drift has ceased. Purge the sample loop for thirty seconds at the rate of 100 ml/min, then activate the sample valve. Record the injection time (the position of the pen on the chart at the time of sample injection), the sample number, the sample loop temperature, the column temperature, carrier gas flow rate, chart speed and the attenuator setting. Record the laboratory pressure. From the chart, select the peak having the retention time corresponding to vinyl chloride, as determined in Section 7.2. Measure the peak area, A_m, by use of the automatic integrator. Record A_m and the retention time. Repeat the injection at least two times or until two consecutive vinyl chloride peaks do not vary in area more than 5%. The average value for these two areas will be used to compute the bag concentration.

7. Calibration and Standards.

7.1 Preparation of vinyl chloride standard gas mixtures. Evacuate a sixteen-inch square Tedlar bag that has passed a leak check (described in Section 7.4) and meter in 5.0 liters of nitrogen. While the bag is filling, use the 0.5 ml syringe to inject 250μl of 99.9+ % vinyl chloride through the wall of the bag. Upon withdrawing the syringe needle, immediately cover the resulting hole with a piece of adhesive tape. This gives a concentration of 50 ppm of vinyl chloride. In a like manner use the other syringe to prepare dilutions having 10 and 5 ppm vinyl chloride concentrations. Place each bag on a smooth surface and alternately depress opposite sides of the bag 50 times to further mix the gases.

7.2 Determination of vinyl chloride retention time. This section can be performed simultaneously with Section 7.3. Establish chromatograph conditions identical with those in Section 6.3, above. Set attenuator to X 1 position. Flush the sampling loop with zero helium or nitrogen and activate the sample valve. Record the injection time, the sample loop temperature, the column temperature, the carrier gas flow rate, the chart speed and the attenuator setting. Record peaks and detector responses that occur in the absence of vinyl chloride. Maintain conditions. With the equipment plumbing arranged identically to Section 6.3, flush the sample loop for 30 seconds at the rate of 100 ml/min with one of the vinyl chloride calibration mixtures and activate the sample valve. Record the injection time. Select the peak that corresponds to vinyl chloride. Measure the distance on the chart from the injection time to the time at which the peak maximum occurs. This quantity, divided by the chart speed, is defined as the retention time. Record.

7.3 Preparation of chromatograph calibration curve. Make a gas chromatographic measurement of each standard gas mixture (described in Section 7.1) using conditions identical with those listed in Section 6.3 above. Flush the sampling loop for 30 seconds at the rate of 100 ml/min with each standard gas mixture and activate the sample valve. Record C_c, the concentrations of vinyl chloride injected, the attenuator setting, chart speed, peak area, sample loop temperature, column temperature, carrier gas flow rate, and retention time. Record the laboratory pressure. Calculate A_s, the peak area multiplied by the attenuator setting. Repeat until two injection areas are within 5%, then plot those points vs C_c. When the other concentrations have been plotted, draw a smooth curve through the points. Perform calibration daily, or before and after each set of bag samples, whichever is more frequent.

7.4 Tedlar bag leak checks. Before each use, make sure a bag is leak-free by checking it for leaks. To leak check, connect a water manometer and pressurize the bag to 5–10 cm H_2O (2–4 in. H_2O). Allow to stand for 10 minutes. Any displacement in the water manometer indicates a leak.

(NOTE: An alternative leak check method is to pressurize the bag to 5–10 cm H_2O or 2–4 in. H_2O and allow to stand overnight. A deflated bag indicates a leak.)

8. Calculations.

8.1 Determine the sample peak area as follows:

$$A_s = A_m A_f$$

Equation 106–1

where:
A_s = The sample peak area.
A_m = The measured peak area.
A_f = The attenuation factor.

8.2 Vinyl chloride concentrations. From the calibration curve described in Section 7.3, above, select the value of C_c that corresponds to A_s, the sample peak area. Calculate C_b as follows:

$$C_b = \frac{C_c P_r T_i}{P_i T_r}$$

Equation 106–2

where:
C_b = The concentration of vinyl chloride in the bag sample in ppm.
C_c = The concentration of vinyl chloride indicated by the gas chromatograph, in ppm.
P_r = The reference pressure, the laboratory pressure recorded during calibration, mm Hg.
T_i = The sample loop temperature on the absolute scale at the time of analysis, °K.
P_i = The laboratory pressure at time of analysis, mm Hg.
T_r = The reference temperature, the sample loop temperature recorded during calibration, °K.

9. References.

1. Brown, D. W., Loy, E. W. and Stephenson, M. H. "Vinyl Chloride Monitoring Near the B. F. Goodrich Chemical Company in Louisville, Kentucky." Region IV, U.S. Environmental Protection Agency, Surveillance and Analysis Division, Athens, Georgia, June 24, 1974.

2. "Evaluation of A Collection and Analytical Procedure for Vinyl Chloride in Air," by G. D. Clayton and Associates, December 13, 1974. EPA Contract No. 68–02–1408, Task Order No. 2, EPA Report oN. 75–VCL–1.

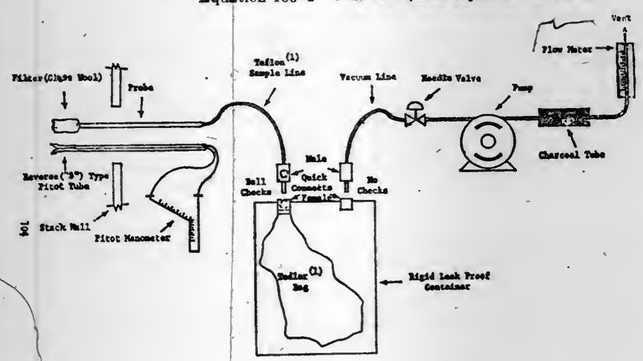


Figure 106–1, Integrated bag sampling train.

(1) Mention of trade names on specific products does not constitute endorsement by the Environmental Protection Agency.

METHOD 107—DETERMINATION OF VINYL CHLORIDE CONTENT OF INPROCESS WASTEWATER SAMPLES, AND VINYL CHLORIDE CONTENT OF POLYVINYL CHLORIDE RESIN, SLURRY, WET CAKE, AND LATEX SAMPLES

INTRODUCTION

Performance of this method should not be attempted by persons unfamiliar with the operation of a gas chromatograph, nor by those who are unfamiliar with sampling, as there are many details that are beyond the scope of this presentation. Care must be exercised to prevent exposure of sampling personnel to vinyl chloride, a carcinogen.

1. Principle and Applicability.

1.1 The basis for this method relates to the vapor equilibrium which is established between RVCM, PVC, resin, water, and air in a closed system. It has been demonstrated that the RVCM in a PVC resin will equilibrate in a closed vessel quite rapidly, provided that the temperature of the PVC resin is maintained above the glass transition temperature of that specific resin.

1.2 This procedure is suitable for determining the vinyl chloride monomer (VCM) content of inprocess wastewater samples, and the residual vinyl chloride monomer (RVCM) content of polyvinyl chloride (PVC) resins, wet cake, slurry, and latex samples. It cannot be used for polymer in fused form, such as sheet or cubes. If a resolution of the vinyl chloride peak is not satisfactory for a particular sample, then chromatograph parameters may be altered with prior approval of the Administrator. If there is reason to believe that some other hydrocarbon with an identical retention time is present in the sample, then supplemental confirmation of the vinyl chloride peak through an absolute analytical technique, such as mass spectroscopy, should be performed.

2. Range and Sensitivity.

The lower limit of detection of vinyl chloride will vary according to the chromatograph used. Values reported include 1×10^{-7} mg and 4×10^{-7} mg. With proper calibration, the upper limit may be extended as needed.

3. Precision and Reproducibility.

An interlaboratory comparison between seven laboratories of three resin samples, each split into three parts, yield a standard deviation of 2.63% for a sample with a mean of 2.09 ppm, 4.16% for a sample with a mean of 1.66 ppm, and 5.29% for a sample with a mean of 62.66 ppm.

4. Safety.

Do not release vinyl chloride to the laboratory atmosphere during preparation of standards. Venting or purging with VCM/air mixtures must be held to a minimum. When they are required, the vapor must be routed to outside air. Vinyl chloride, even at low ppm levels, must never be vented inside the laboratory. After vials have been analyzed, the pressure within the vial must be vented prior to removal from the instrument turntable. Vials must be vented into an activated charcoal tube using a hypodermic needle to prevent release of vinyl chloride into the laboratory atmosphere. The charcoal must be replaced prior to vinyl chloride breakthrough.

6. Apparatus.

5.1 Sampling.

5.1.1 Bottles—60 ml (2 oz), with waxed lined screw on tops, for PVC samples.

5.1.2 Vials—50 ml Hypo-vials,[1] sealed with Teflon faced Tuf-Bond discs for water samples.

5.1.3 Electrical tape—or equivalent, to prevent loosening of bottle tops.

5.2 Sample recovery.

5.2.1 Vials—With seals and caps, Perkin-Elmer Corporation No. 105–0118, or equivalent.

5.2.2 Analytical balance—Capable of weighing to ±0.001 gram.

5.2.3. Syringe, 100 μl—Precision Series "A" No. 010025, or equivalent.

5.2.4 Vial Sealer, Perkin-Elmer No. 105–0106 or equivalent.

5.3 Analysis.

5.3.1 Gas chromatograph—Perkin-Elmer Corporation Model F-40 head-space analyzer, No. 104–0001, or equivalent.

5.3.2 Chromatographic column—Stainless steel, 2 m×3.2 mm, containing 0.4% Carbowax 1500 on Carbopak A, Perkin-Elmer Corporation No. 105–0133, or equivalent.

5.3.3 Thermometer—0 to 100° C, accurate to ±0.1° C, Perkin-Elmer No. 105–0109 or equivalent.

5.3.4. Sample tray thermostat system—Perkin-Elmer No. 105–0103, or equivalent.

5.3.5 Septa—Sandwich type, for automatic dosing, 13 mm, Perkin-Elmer No. 105–1008, or equivalent.

5.3.6 Integrator - recorder — Hewlett - Packard Model 3380A, or equivalent.

5.3.7 Filter drier assembly (3)—Perkin-Elmer No. 2230117, or equivalent.

5.3.8 Soap film flowmeter—Hewlett Packard No. 0101–0113, or equivalent.

[1] Mention of trade names on specific products does not constitute endorsement by the Environmental Protection Agency.

5.4 Calibration.

5.4.1 Regulators—for required gas cylinders.

6. Reagents.

6.1 Analysis.

6.1.1 Hydrogen gas—zero grade.

6.1.2 Nitrogen gas—zero grade.

6.1.3 Air—zero grade.

6.2 Calibration.

6.2.1 Standard cylinders (4)—one each of 50, 500, 2000, and 4000 ppm viuyl chloride in nitrogen, with certified analysis.

7. Procedure.

7.1 Sampling.

7.1.1 PVC sampling—Allow the resin or slurry to flow from a tap on the tank or silo until the tap line has been well purged. Extend a 60 ml sample bottle under the tap, fill, and immediately tightly cap the bottle. Wrap electrical tape around the cap and bottle to prevent the top from loosening. Place an identifying label on each bottle, and record the date, time, and sample location both on the bottles and in a log book.

7.1.2 Water sampling—Prior to use, the 50 ml vials (without the discs) must be capped with aluminum foil and muffled at 400°C for at least one hour to destroy or remove any organic matter that could interfere with analysis. At the sampling location fill the vials bubble-free, to overflowing so that a convex meniscus forms at the top. The excess water is displaced as the sealing disc is carefully placed, Teflon side down, on the opening of the vial. Place the aluminum seal over the disc and the neck of the vial and crimp into place. Affix an identifying label on the bottle, and record the date, time, and sample location both on the vials and in a log book. All samples must be kept refrigerated until analyzed.

7.2 Sample recovery. Samples must be run within 24 hours.

7.2.1 Resin samples—The weight of the resin used must be between 0.1 and 4.5 grams. An exact weight must be obtained (±0.001 gram) for each sample. In the case of suspension resins a volumetric cup can be prepared which will hold the required amount of sample. The sample bottle is opened, and the cup volume of resin is added to the tared sample vial (including septum and aluminum cap). The vial is immediately sealed and the exact sample weight is then obtained. Report this value on the data sheet as it is required for calculation of RVCM. In the case of relatively dry resin samples (water content <0.3 weight %), 100 μl of distilled water must be injected into the vial, after sealing and weighing, using a 100 μl syringe. In the case of dispersion resins, the cup cannot be used. The sample is instead weighed approximately in an aluminum dish, transferred to the tared vial and weighed accurately in the vial. The sample is then placed in the Perkin-Elmer head space analyzer (or equivalent) and conditioned for one hour at 90°C.

NOTE: Some aluminum vial caps have a center section which must be removed prior to placing into sample tray. If not removed, serious damage to the injection needle will occur.

7.2.2 Suspension resin slurry and wet cake samples—Slurry must be filtered using a small Buchner funnel with vacuum to yield wet cake. The filtering process must be continued only as long as a steady stream of water is exiting from the funnel. Excessive filtration time could result in some loss of VCM. The wet cake sample (0.10 to 4.5 grams) is added to a tared vial (including septum and aluminum cap) and immediately sealed. Sample weight is then determined to 3 decimal places. The sample is then placed in the Perkin-Elmer head space analyzer (or equivalent) and conditioned for one hour at 90°C. A sample of wet cake is used to determine TS (total solids). This is required for calculating the RVCM.

7.2.3 Dispersion resin slurry samples.—This material should not be filtered. Sample must be thoroughly mixed. Using a tared vial (including septum and aluminum cap) add approximately 8 drops (0.25 to 0.35 grams) of slurry or latex using a medicine dropper. This should be done immediately after mixing. Seal the vial as soon as possible. Determine sample weight accurate to 0.001 grams. Total sample weight must not exceed 0.50 grams. Condition the vial for one hour at 90°C in the analyzer. Determine the TS on the slurry sample (Section 7.3.5).

7.2.4 Inprocess wastewater samples—Using a tared vial (including septum and aluminum cap) quickly add approximately 1 cc of water using a medicine dropper. Seal the vial as soon as possible. Determine sample weight accurate to 0.001 gram. Condition the vial for two hours at 90°C in the analyzer.

7.3 Analysis.

7.3.1 Preparation of gas chromatograph—Install the chromatographic column and condition overnight at 150°C. Do not connect the exit end of the column to the detector while conditioning.

7.3.1.1 Flow rate adjustments—Adjust flow rates as follows:

a. Nitrogen carrier gas—Set regulator on cylinder to read 50 psig. Set regulator on chromatograph to 1.3 kg/cm². Normal flows at this pressure should be 25 to 40 cc/minute. Check with bubble flow meter.

b. Burner air supply—Set regulator on cylinder to read 50 psig. Set regulator on chromatograph to supply air to burner at a rate between 250 and 300 cc/minute. Check with bubble flowmeter.

3. Hydrogen supply—Set regulator on cylinder to read 30 psig. Set regulator on chromatograph to supply approximately 35±5 cc/minute. Optimize hydrogen flow to yield the most sensitive detector response without extinguishing the flame. Check flow with bubble meter and record this flow

7.3.1.2 Temperature adjustments—Set temperatures as follows:

a. Oven (chromatographic column), 50° C.

b. Dosing line, 140° C.

c. Injection block, 140° C.

d. Sample chamber, water temperature, 90° C±1.0° C.

7.3.1.3 Ignition of flame ionization detector—Ignite the detector according to the manufacturer's instructions.

7.3.1.4 Amplifier balance—Balance the amplifier according to the manufacturer's instructions.

7.3.2 Programming the chromatograph—Program the chromatograph as follows:

a. I—Dosing time—The normal setting is 2 seconds.

b. A—Analysis time—The normal setting is 6 minutes. Certain types of samples contain high boiling materials which can cause interference with the vinyl chloride peak on subsequent analyses. In these cases the analysis time must be adjusted to eliminate the interference. An automated backflush system can also be used to solve this problem.

c. B—Flushing—The normal setting is 0.2 minutes.

d. W—Stabilization time—The nomal setting is 0.2 minutes.

e. X—Number of analyses per sample—The normal setting is 1.

7.3.3 Preparation of sample turntable—Before placing any sample into turntable, be certain that the center section of the aluminum cap has been removed. The numbered sample bottles should be placed in the corresponding numbered positions in the turntable. Insert samples in the following order:

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Positions 1 & 2—Old 2000 ppm standards for conditioning. These are necessary only after the analyzer has not been used for 24 hours or longer.

Position 3—50 ppm standard, freshly prepared.

Position 4—500 ppm standard, freshly prepared.

Position 5—2000 ppm standard, freshly prepared.

Position 6—4000 ppm standard, freshly prepared.

Position 7—Sample No. 7 (This is the first sample of the day, but is given as 7 to be consistent with the turntable and the integrator printout.)

After all samples have been positioned, insert the second set of 50, 500, 2000, and 4000 ppm standards. Samples, including standards must be conditioned in the bath of 90° C for 1 hour (not to exceed 5 hours).

7.3.4 Start chromatograph program—When all samples, including standards, have been conditioned at 90° C for 1 hour, start the analysis program according to the manufacturers' instructions. These instructions must be carefully followed when starting and stopping program to prevent damage to the dosing assembly.

7.3.5 Determination of total solids (TS). For wet cake, slurry, resin solution, and PVC latex samples, determine TS for each sample by accurately weighing approximately 3 to 4 grams of sample in an aluminum pan before and after placing in a draft oven (105 to 110° C). Samples must be dried to constant weight. After first weighing return the pan to the oven for a short period of time and then reweigh to verify complete dryness. TS is then calculated as the final sample weight divided by initial sample weight.

8. Calibration.

Calibration is to be performed each eight-hour period when the instrument is used. Each day, prior to running samples, the column should be conditioned by running two of the previous days 2000 ppm standards.

8.1 Preparation of Standards.

Calibration standards are prepared by filling the vials with the vinyl chloride/nitrogen standards, rapidly seating the septum and sealing with the aluminum cap. Use a stainless steel line from the cylinder to the vial. Do not use rubber or tygon tubing. The sample line from the cylinder must be purged (into hood) for several minutes prior to filling vials. After purging, reduce the flow rate to approximately 500–1000 cc/min. Place end of tubing into vial (near bottom) and after one minute slowly remove tubing. Place septum in vial as soon as possible to minimize mixing air with sample. After the standard vials are sealed, inject 100 µl of distilled water.

8.2 Preparation of chromatograph calibration curve.

Prepare two 50 ppm, two 500 ppm, two 2000 ppm, and two 4000 ppm standard samples. Run the calibration samples in exactly the same manner as regular samples. Plot A_s, the integrator area counts for each standard sample vs C_s, the concentration of vinyl chloride in each standard sample. Draw a line of best fit through the points.

9. Calculations.

9.1 Response factor.

From the calibration curve described in Section 8.2, above, select the value of C_s that corresponds to A_s for each sample. Compute the response factor, R_f, for each sample, as follows:

$$R_f=\frac{A_s}{C_s} \quad \text{Equation 107-1}$$

9.2 Residual vinyl chloride monomer concentration, or vinyl chloride monomer concentration.

Calculate C_{rvc} as follows:

$$C_{rvc}=\frac{A_s P_a}{R_f T_1}\left(\frac{M_v V_v}{m_i R}+K T_2\right) \quad \text{Equation 107-2}$$

where:

C_{rvc} = Concentration of vinyl chloride in the sample, in ppm.
P_a = Laboratory atmosphere pressure, mm Hg.
T_1 = Room temperature, °K.
M_v = Molecular weight of VCM (62.5).
V_v = Volume of vapor phase (vial volume less sample volume).
m_i = Weight of sample, grams.
R = Gas constant (62,360).
K = Henry's Law constant for VCM in PVC at 90°C, $K=6.52\times10^{-4}=K_p$, for VCM in 1 cc (approximate) wastewater sample at 90°C, $K=5.0\times10^{-6}=K_w$.
T_2 = Equilibration temperature, °K.

If the following conditions are met, Equation 107-2 can be simplified as follows:

1. $T_1=22°$ C (295° K).
2. $T_2=90°$ C (363° K).
3. $P_a=750$ mm. Hg.
4. $V_v=V_s-\frac{m_i}{1.4}=23.5-\frac{m_i}{1.4}$

where

V_s = Vial volume, cc (23.5).

5. Sample contains less than 0.5% water.

$$C_{rvc}=\frac{A_s}{R_f}\left(4.197\times10^{-3}+\frac{5.988\times10^{-3}}{m_i}\right)$$

Equation 107-3

The following general equation can be used for any sample which contains VCM, PVC and/or water.

$$C_{rvc}=\frac{A_s P_a}{R_f T_1}\times\left[\frac{M_v V_v}{R m_i}+K_p(TS)\,T_2+K_w(1-TS)\,T_2\right]$$

Equation 107-4

where:

T_s = Total solids.

Note: K_w must be determined.

For a 1 cc (approximate) wastewater sample, Equation 107-4 can be simplified to the following:

$$C_{rvc}=\frac{A_s}{R_f}\frac{5.988\times10^{-3}}{m_i}+(2.066\times10^{-3})$$

Equation 107-5

Results calculated using Equation 107-4 or 107-5 represent concentration based on the total sample. To obtain results based on dry PVC content, divide by TS.

10. References.

1. Residual Vinyl Chloride Monomer Content of Polyvinyl Chloride Resins and Wet Cake Samples, B. F. Goodrich Chemical Co. Standard Test Procedure No. 1005-T. B. F. Goodrich Technical Center, Avon Lake, Ohio. January 30, 1975.

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4. Berens, A. R., L. B. Crider, C. J. Tomanek and J. M. Whitney, Analysis for Vinyl Chloride in PVC Powders by Head-Space Gas Chromatography," to be published.

[FR Doc.75-34513 Filed 12-23-75;8:45 am]

federal register

WEDNESDAY, DECEMBER 24, 1975



PART III:

GENERAL SERVICES ADMINISTRATION

JOINTLY FUNDED ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AND PRIVATE NONPROFIT ORGANIZATIONS

Proposed Rulemaking

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GENERAL SERVICES ADMINISTRATION

Office of Federal Management Policy

[34 CFR Part 259]

JOINTLY FUNDED ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AND PRIVATE, NONPROFIT ORGANIZATIONS

Notice of Proposed Rulemaking

This notice offers interested parties an opportunity to comment on a proposed regulation establishing uniform administrative requirements for jointly funded assistance to State and local governments and private, nonprofit organizations. It is issued in accordance with the provisions of the Joint Funding Simplification Act of 1974 and Executive Order 11867.

The proposed regulation was developed in cooperation with an interagency group representing the major Federal grantmaking agencies. Its purpose is to establish one set of administrative requirements to be followed by all Federal agencies in supporting jointly funded projects, and to encourage the simplification and standardization of various agency administrative requirements for such projects.

Generally, the proposed regulation discourages Federal agencies from imposing requirements on an applicant for jointly funded Federal assistance or a recipient of jointly funded assistance in addition to those prescribed by this regulation. To the extent that such a restriction may limit or preclude the participation of any Federal agency in jointly funded projects, we invite such agencies to provide comments concerning any additional requirements needed to faciliate such participation.

Interested parties should submit their comments in duplicate to the General Services Administration (AMM), Washington, D.C. 20405. All relevant material should be received within 45 calendar days from the date of this issuance.

NOTE: The forms and applicable instructions for joint funding to be provided as appendix H are on file with the original documents.

Dated: December 11, 1975.

WILLIAM W. THYBONY,
Acting Associate Administrator.

As proposed, the regulations would read as follows:

This is a Federal Management Circular requiring all Federal agencies to adopt and follow uniform administrative requirements in the provision of jointly funded assistance to State and local governments and private, nonprofit organizations. Authority for issuance of such standards is provided under the provisions of the Joint Funding Simplification Act of 1974, and Executive Orders 11717 and 11867.

PART 259—JOINTLY FUNDED ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AND PRIVATE, NONPROFIT ORGANIZATIONS

Sec.
259.1 Purpose.
259.2 Effective Date.
259.3 Supersession.
359.4 Background.
259.5 Policy intent.
259.6 Applicability and scope.
259.7 Definitions.
259.8 Responsibilities.
259.9 Reporting requirements.
259.10 Inquiries.

AUTHORITIES: Joint Funding Simplification Act of 1974; Executive Order 11717; and Executive Order 11867.

§ 259.1 Purpose.

This part establishes policies and procedures to be followed in the joint funding of related programs of Federal assistance to State and local governments and private, nonprofit organizations.

§ 259.2 Effective date.

This part shall take effect in 60 calendar days from the date of issuance, except that existing jointly funded projects developed and administered under the Integrated Grant Administration (IGA) guidelines issued by the Office of Management and Budget on January 14, 1972, may be exempt from conformance to the provisions of this circular until September 30, 1976, or until the project is completed, whichever occurs first. In the interim, such projects will continue to conform to the 972 IGA guidelines and subsequent attachments and amendments.

§ 259.3 Supersession.

This part supersedes Office of Management and Budget memorandum for heads of departments and certain agencies dated January 14, 1972, subject: Integrated Grant Administration Program, and all susequent attachments and amendments.

§ 259.4 Background.

This part is issued pursuant to the Joint Funding Simplification Act of 1974 (Pub. L. 93–510), and Executive Order 11867, dated June 19, 1975, which delegates to the Administrator of General Services authority to issue regulations governing jointly funded assistance to State and local governments and private, nonprofit organizations, and to perform other functions specified in Pub. L. 93–510.

§ 259.5 Policy intent.

The intent of this part, in accordance with section 2, Pub. L. 93–510, is to establish procedures whereby State and local governments and private, nonprofit organizations may use Federal assistance more effectively and efficiently, and may adapt that assistance more readily to their particular needs through the wider use of projects drawing upon resources available from more than one Federal agency, program, or appropriation. It further is the intent of this part to encourage, and to provide guidance related to, the establishment of Federal-State arrangements under which local governments and private, nonprofit organizations may more effectively and efficiently combine State and Federal resources in support of projects of common interest to the governments and organizations concerned.

§ 259.6 Applicability and scope.

The provisions of this part shall apply as follows:

a. *Federal assistance programs.* This part shall apply to all Federal assistance programs, as defined in subparagraph 7d below, that provide support to State and local governments and private, nonprofit organizations, unless excluded under the provisions of section 3(b), Pub. L. 93–510. Where the enabling legislation for a specific Federal assistance program prescribes policies and procedures that exceed any or all of the provisions of this part, or that prohibit the application of any or all of the provisions of this part, the enabling legislation shall govern.

b. *Technical assistance and training.* In accordance with section 9, Pub. L. 93–510, appropriations available to any Federal assistance program for technical assistance or the training of personnel may be made available for the provision of technical assistance and training in connection with projects proposed or approved for joint funding involving that program and any other Federal assistance program.

§ 259.7 Definitions.

For the purpose of this part:

a. The term "Federal agency" means any agency, department, corporation, independent establishment, or other entity of the executive branch of the Government of the United States.

b. The term "participating agency" means any Federal, State, or other agency which provides, or will provide, financial assistance to a jointly funded project at some time during the projected funding period for the project.

c. The term "lead agency" means a Federal or State participating agency designated to coordinate the participation of all grantor agencies involved in a jointly funded project, and to act as the applicant's primary contact for all administrative matters related to the specific project concerned. Generally, the lead agency is a funding agency unless considerable technical assistance or special expertise is being provided in lieu of financial support.

d. The term "management fund agency" means a participating Federal agency responsible for the administration of the management fund as prescribed in appendix D.

e. The term "Federal assistance programs" means programs that provide assistance through grant or contractual arrangements, to include programs commonly referred to as block grants, but does not include assistance in the form of general revenue sharing, loans, loan guarantees, or insurance.

f. The term "applicant" means any State or local government or private, nonprofit organization acting separately or together in seeking assistance with respect to a single project.

g. The term "project" means any undertaking, whether of a temporary or continuing nature, that includes components proposed or approved for assistance under more than one Federal program, or one or more Federal programs and one or more State programs, provided each of those components contributes materially to the accomplishment of a single purpose or closely related purposes, as described in appendix A, subparagraph 2b(1).

h. The term "State" means any of the several States of the United States, District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, and any tribe as defined in Section 3(c) of the Indian Financing Act (88 Stat. 77).

i. The term "local government" means a local unit of government including a city, county, parish, town, township, village, school district, or any agency or instrumentality of a local unit of government, and regional governmental entities such as councils of government, intrastate districts, and interstate bodies.

j. The term "private, nonprofit organizations" means private institutions of higher education, private hospitals, and other private, nonprofit organizations such as, but not limited to, community action agencies, Headstart agencies, research institutes, educational associations, and health centers. The term does not include foreign or international organizations (such as agencies of the United Nations and Government-owned facilities) or research centers providing continuing support for mission-oriented, large scale programs which are (usually) Government-owned or controlled, or are designed as federally funded research and development centers.

§ 259.8 Responsibilities.

a. *Federal agencies.* The head of each Federal agency administering programs of assistance to State and local governments and private, nonprofit organizations shall be responsible for:

(1) Assuring implementation of this part through internal directive, order, or regulations by all affected agency personnel within 60 calendar days from the effective date of this part.

(2) Identifying, by "Catalog of Federal Domestic Assistance" reference number, related programs likely to be particularly suitable or appropriate for providing joint support for specific kinds of projects thereunder, in accordance with section 3(b)(1), Pub. L. 93–510. It is further the responsibility of heads of agencies to assure this information is communicated on a timely basis to all concerned agency personnel, other Federal agencies, and Federal Regional Councils, in order to respond more efficiently to applicant inquiries concerning the suitability of various Federal assistance programs for joint funding.

(3) Designating by organizational title and location an office or official:

(a) Within the agency headquarters, to coordinate intra-agency implementation of this part and serve as the primary point of contact for other Federal agencies and prospective applicants with respect to agency joint funding activities and policies; and

(b) Within each regional office, to coordinate agency joint funding activities within the region, and to serve as the primary contact for the Federal Regional Councils, other Federal agencies, and prospective applicants with respect to agency joint funding activities, to include serving on permanent or ad hoc joint funding committees as may be established by any Federal Regional Council, in consultation with member agencies.

b. *Federal Regional Councils.* The Federal Regional Council chairpersons shall:

(1) Make such FRC organizational and staff assignments they consider necessary and appropriate to carry out joint funding functions assigned to the FRC's by this part, to include establishment of ad hoc or permanent interagency committees for purposes of overseeing the processing of requests for, or the administration of, jointly funded assistance;

(2) Take actions, as described in this part, to promote Federal-State provision of joint assistance to local governments and private, nonprofit organizations;

(3) Assure issues of an interagency nature which arise during the processing of requests for, or the administration of, jointly funded assistance are brought to the attention of the FRC and resolved in a timely manner, as appropriate; and

(4) Maintain continuous oversight of jointly funded projects in order to assure such projects are developed and administered in conformance with the policies and procedures established by this part, and to evaluate from time to time the overall effectiveness of joint funding practices within the region.

c. *General Services Administration (GSA).* The Administrator of General Services shall:

(1) Oversee the implementation and application of policies and procedures established by this part;

(2) Assure administrative assistance, to include interpretation of policies and procedures, is provided to Federal agencies, Federal Regional Councils, applicants, and others affected by this part, as appropriate; and

(3) Prepare, in accordance with section 11, Pub. L. 93–510, a comprehensive report for transmission by the President to the Congress at least one year prior to the expiration of Pub. L. 93–510, on actions taken under the Act, and make recommendations for its continuation, modification, or termination. The report shall provide a detailed evaluation of the functioning of the Act, including information regarding the benefits and costs of jointly funded projects accruing to the participating State and local governments and private, nonprofit organizations, and to the Federal Government. The report shall be prepared in cooperation with the aforementioned groups.

§ 259.9 Reporting requirements.

a. *Federal agencies.* The heads of Federal agencies shall provide to the Administrator of General Services, Attention: Office of Federal Management Policy (AMM):

(1) A copy of agency regulations or directives, if any, issued to implement this part, within 30 calendar days of such issuance.

(2) A list of all agency programs identified as suitable for joint funding, and a list of all agency personnel designated to coordinate joint funding activities, as required in subparagraph 9a above. It further shall be the responsibility of agency heads to inform GSA, other Federal agencies, and Federal Regional Councils of any change in program identifications or personnel designations as they occur.

(3) Other reports and information as may from time to time be requested by the Administrator of General Services for the express purpose of meeting assigned responsibilities enumerated in E.O. 11867, dated June 19, 1975, to include information necessary to prepare the comprehensive report to the Congress described in subparagraph 9c(3) above.

b. *Federal Regional Councils.* The chairpersons of the Federal Regional Councils shall assure the submission to GSA of such reports as shall from time to time be requested by the Administrator of General Services for the express purpose of meeting assigned responsibilities enumerated in E.O. 11867, to include information necessary to prepare the comprehensive report to the Congress described in subparagraph 9c (3) above.

§ 259.10 Inquiries.

Additional information concerning this part may be obtained by contacting: General Services Administration (AMM), Washington, D.C. 20405 Telephone (IDS) 183–7461, (FTS) 202–343–7461.

TABLE OF CONTENTS FOR APPENDIXES

Preapplication policies and procedures	A
Application policies and procedures	B
Project management policies and procedures	C
Project funding policies and procedures	D
Federal-State assistance and agreements	E
Audit requirements	F
Reviewing impeding requirements and establishing uniform requirements	G
Standard forms and provisions	H

PREAPPLICATION POLICIES AND PROCEDURES

1. *Purpose.* This appendix sets forth policies and procedures to be followed in the submission and review of preapplications for projects which are appropriate for jointly funded assistance from more than one Fed-

V 40248 DEC 24 75 XUM

eral agency, program, or appropriation, or from one or more Federal agencies and one or more State agencies.

2. *Preparation of preapplication.*

a. *Preapplication forms.* Applicants who wish to propose projects appropriate for jointly funded assistance shall complete the required forms as follows:

(1) State and local units of government shall complete Parts I through III of the standard "Preapplication for Federal Assistance," exhibit M–1, FMC 74–7, "Uniform administrative requirements for grants-in-aid to State and local governments." The General Services Administration has agreed to requests from a limited number of Federal agencies to modify the information required in Parts I through III of the standard preapplication form. It shall be the applicant's responsibility to consult with any agencies whose requirements are not known prior to the completion and submission of a preapplication form. In addition to Parts I through III of the standard form, applicants shall complete Part IV "Program Narrative Statement" required by each agency or program from which assistance is requested. Applicants are required to identify all programs from which assistance is requested in the preapplication for a jointly funded project, to include those programs which normally do not require submission of a preapplication form. Copies of standard forms to be used for jointly funded projects and instructions for their use are contained in appendix H.

(2) Private, nonprofit organizations, and other applicants who wish to propose jointly funded projects to be supported by Federal programs which do not require the use of standard forms promulgated through FMC 74–7, are encouraged to consult with the appropriate Federal Regional Council prior to the completion of any preapplication documents. In those instances where the proposed project will be carried out within a given Federal region, and will draw primarily upon Federal programs administered at a headquarters level only, the Federal Regional Council may refer the applicant to headquarters officials for the agency from which the greatest single share of assistance is desired.

b. *Supplemental information.* In addition to the basic preapplication form(s), all applicants shall provide the following:

(1) A narrative justification of the need for jointly funded assistance to complete the proposed project, to include the manner in which each separate program from which assistance is requested will contribute materially to the accomplishment of a single purpose or closely related purposes. In so doing, the applicant must demonstrate that a relationship exists among the programs cited through a commonality of purpose or ability to support related goals. The applicant further must demonstrate the specific activities to be supported by each program are part of an overall strategy to achieve a common stated objective consistent with the functional purposes of the applicant organization, and the general intent of the specific assistance programs requested.

(2) Notice of special timing considerations which may affect the feasibility of the proposed project, in accordance with section 4, Joint Funding Simplification Act of 1974 (P.L. 93–510).

(3) Requests, if any, for waiver of single or specific public agency eligibility requirements applicable to any of the programs from which assistance is requested. In accordance with section 6(c), P.L. 93–510:

". . . Federal agency heads may waive requirements that a single or specific public agency be utilized or designated to receive, supervise, or otherwise administer a part of the Federal assistance drawn upon by any jointly funded project to the extent that administration by another public agency is determined to be fully consistent with applicable State or local law and with the objectives of the Federal assistance program involved. This authority may be exercised only (1) upon request of the head of a unit of general government, with respect to agencies that he certifies to be under his jurisdiction, or (2) with the agreement of the several State or local public agencies concerned."

(4) Identification and request for agency review of any administratively established program requirements, as described in Appendix G, the applicant considers to be a serious impediment to the joint support of the proposed project, in accordance with section 3(b)(3), P.L. 93–510.

(5) Verification by a certified public accountant or authorized Federal agency that private, nonprofit applicant organizations maintain or can develop an accounting system whereby records will be kept by separate Federal programs and appropriations from which assistance is received. Such certification shall be required as a condition for the award of jointly funded assistance, and shall be borne at the applicant's own expense.

3. *Submission of preapplication.*

a. *Submission to A–95 clearinghouses.* A copy of the preapplication for jointly funded assistance shall be submitted by the applicant to the clearinghouse(s) designated in accordance with Office of Management and Budget (OMB) Circular No. A–95, "Evaluation, review, and coordination of Federal and federally assisted programs and projects." This requirement shall apply to all jointly funded projects which may have an impact on State, areawide, or local development, including development of natural, economic, and human resources. Certification by the applicant that a copy of the preapplication has been sent to the appropriate clearinghouse(s) shall be included with the preapplication submitted to Federal officials.

b. *Submission to Federal Regional Councils.* Applicants for jointly funded assistance should submit all required preapplication documents, hereinafter referred to as the preapplication, to the Federal Regional Councils established for the geographic area within which the applicant organization is located. Specific locations and geographic boundaries of the Federal Regional Councils are contained in exhibit A–1. The only exception to this procedure will be in the case of private, nonprofit organizations referred to headquarters officials of a specific Federal agency, as noted in subparagraph 2a(2) above. In such instances, the Federal agency receiving the preapplication will assume all functions normally assigned to the Federal Regional Council throughout the balance of this appendix and subsequent appendixes.

c. *Submission to State agencies.* If the proposed project includes assistance from State sources (including Federal/State funds), the applicant shall submit a copy of the preapplication to appropriate State agencies in conformance with notification procedures established by the individual State(s) concerned. The governor of each State is encouraged to designate a single State agency or function to receive and coordinate all requests for State participation in jointly funded projects. In the absence of direct State financial participation in the proposed project, the applicant is encouraged to submit copies of the preapplication to appropriate State agencies for information purposes only, provided copies have not been submitted previously through the A–95 process.

4. *Responsibilities for preapplication review.*

a. *General responsibilities.* In accordance with section 4, P.L. 93–510, actions taken by Federal officials related to the processing of applications or requests for assistance under two or more Federal programs in support of any project shall be designed to assure, so far as reasonably possible, that:

(1) All required reviews and approvals are handled expeditiously;

(2) Full account is taken of any special considerations of timing that are made known by the applicant that would affect the feasibility of a jointly funded project;

(3) The applicant is required to deal with a minimum number of Federal representatives, acting separately or as a common board or panel;

(4) The applicant is promptly informed of decisions with respect to an application and of any special problems or impediments that may affect the feasibility of Federal provision of assistance on a joint basis; and

(5) The applicant is not required by representatives of any one Federal agency or program to obtain information or assurances concerning the requirements or actions of another Federal agency that could more appropriately be secured through direct communication among the Federal agencies involved.

b. *Federal Regional Councils (FRC).* The Federal Regional Councils shall:

(1) Receive all preapplications for jointly funded assistance, except when an applicant has been advised by the FRC to submit the preapplication directly to the headquarters office of a specific Federal agency.

(2) Coordinate review of the preapplication by Federal and, if appropriate, State agencies from which an applicant requests assistance. The FRC may request the coordination of preapplication review by an individual Federal agency when:

(a) All Federal programs from which an applicant requests assistance are administered by one agency; or

(b) FRC workload or staff limitations are such that coordination by an individual agency acting under the auspices of the FRC can be carried out more efficiently than by FRC staffpersons.

(3) Upon favorable preapplication review, establish a project task force of representatives from each agency participating in the project, and designate a lead agency to chair the task force and assume overall administrative responsibility for the project.

c. *Federal agencies.* Federal agencies shall:

(1) Coordinate review of the preapplication by Federal and, if appropriate, State agencies from which an applicant requests assistance, when so designated by the FRC;

(2) Cooperate with the FRC or designated agency coordinating preapplication review to carry out internal review with respect to agency programs from which an applicant requests assistance; and

(3) Serve as lead agency, if so requested by the FRC, and appoint agency representatives to the project task force established by the FRC.

d. *Appointment of coordinating officer.* Upon receipt of preapplication for jointly funded assistance, the Federal Regional Council or a Federal agency designated by the FRC will appoint a coordinating officer to oversee preapplication review. The coordinating officer shall:

(1) Serve as the applicant's primary Federal contact during the preapplication review period;

(2) Determine whether the preapplication conforms to the standard form described in appendix H, and FMC 74–7, or other prearranged format for programs not covered by FMC 74–7, and that the preapplication is complete with respect to all required information;

(3) Assure copies of the preapplication are provided to all Federal and, if appropriate, State agencies from which an applicant requests assistance;

(4) Establish an official project file, to include at least the following information:

(a) Appropriate FRC and agency file control number;

(b) Date preapplication received;

(c) Date review initiated, if other than date of receipt;

(d) Copy of preapplication and supporting documents submitted by applicant;

(e) Special considerations requested by applicant;

(f) Disposition of proposal, by program and amount;

(g) State programs involved, if any, and disposition of reqeusts for State participation; and

(h) Date review completed;

(5) Assist applicant, in conjunction with other participating agencies, to identify supplemental or alternative sources of Federal support for the proposed project; and

(6) Receive separate agency reviews of the preapplication and, in consultation with the agencies concerned, prepare a consolidated report to the FRC for transmission to the applicant.

5. *Preapplication review procedures.*

a. *Review criteria.* Each Federal and participating State agency shall review the preapplication with respect to the program(s) administered by that agency from which an applicant requests assistance. Each reviewing official should assess:

(1) Applicant eligibility for the program(s) requested;

(2) Feasibility of the proposed project, to include consistency with Federal and agency policies concerning the acope and purpose of joint funding;

(3) The degree to which the applicant has properly demonstrated a relationship between the program(s) administered by the reviewing agency and those of other agencies from which assistance is requested, as required by subparagraph 2b(1) above;

(4) Competitiveness of the proposed project with similar requests for program funds, to include those applications for categorical assistance submitted under normal agency procedures;

(5) Special timing and special eligibility considerations requested by the applicant, if any;

(6) Applicant requests for agency review of administratively established program requirements considered to be a serious impediment to joint funding of the proposed project; and

(7) Administratively established program requirements, in addition to or in the absence of any identified by the applicant, which the reviewing official considers to be a serious impediment to joint funding of the proposed project.

b. *Requests for additional information.* Reviewing officials may request additional information from applicants if necessary to meet preapplication review requirements for the particular program(s) involved, provided such information is required in the approved preapplication forms for the program in question, and is not contained in the preapplication form or supporting documents already submitted by the applicant. Such requests may be made directly to the applicant, provided the coordinating officer is notified in writing of the action taken.

6. *Notice of preapplication review.*

a. *Agency review actions.* Within 30 calendar days of receipt, each Federal and, if appropriate, State agency reviewing the preapplication shall transmit to the coordinating officer a standard "Notice of Preapplication Review," exhibit M–2, FMC74–7, for each program administered by that agency from which an applicant requests assistance. In addition to information contained in the standard form, each agency or program shall indicate:

(1) Whether an applicant's request to waive single or specific public agency eligibility requirements is approved. Eligibility questions of this type must be resolved prior to the submission of a formal application for the proposed project.

(2) The extent to which special timing considerations requested by the applicant can be accommodated, and the impact such actions may have on the feasibility of providing joint assistance to the project.

(3) Action taken, in accordance with appendix G, with respect to administratively established program requirements identified by the applicant or the agency reviewing official as serious impediments to joint funding of the project.

(4) Any special requirements necessary to process a formal application for the proposed project.

(5) If agency review is favorable:

(a) Estimated level of funding for the project;

(b) Name of official to represent agency or program on project task force; and

(c) Whether agency is willing to serve as lead agency for the project.

(6) If agency review is not faboravle:

(a) The reasons why the agency or program has determined it will not participate in the proposed project, with specific references to the review criteria noted in subparagraph 4a above; and

(b) Whether the agency or program will accept for consideration a request for categorical assistance from the applicant in lieu of participation in a jointly funded project.

b. *Notification to applicant.* Within 15 calendar days of receipt of all notices of preapplication review, the coordinating officer, in consultation with all participating agencies, shall consolidate all reviews into a single "Notice of Preapplication Review." The single notice shall be submitted to the FRC chairperson for transmission to the applicant. In addition to information contained in the standard "Notice of Preapplication Review," the notification to the applicant shall comply with (1) or (2) below:

(1) If two or more Federal programs, or one or more Federal and one or more State programs indicate a favorable review of the project, and a relationship exists, among such programs through a commonality of purpose or ability to support related goals, the notification to the applicant shall indicate:

(a) Submission of a formal project application for jointly funded assistance is appropriate;

(b) Special requirements identified by reviewing programs necessary to process a project application;

(c) Lead agency designated by the FRC to which application for jointly funded assistance should be submitted, to include name of project manager appointed by the lead agency;

(d) Disposition of any requests by applicant for special timing and special eligibility considerations;

(e) Disposition of and action taken on any administratively established program requirements identified by the applicant or agency reviewing officials as serious impediments to joint funding of the project, as described in appendix G; and

(f) List of all project task force members.

(2) If the proposed project is not considered favorably for joint funding, the notification shall indicate:

(a) The reasons why the proposal was not favorably reviewed;

(b) Which Federal agencies, if any, will provide technical assistance to the applicant to refine the proposal; and

(c) Which Federal agencies, based upon their review of the preapplication, will accept for consideration applications for categorical assistance from the applicant.

7. *Establishment of task force and preapplication conference.*

a. *Establishment of task force.* When a preapplication for jointly funded assistance has been reviewed favorably, the Federal Regional Council shall:

(1) Establish a project task force consisting of representatives from each participating Federal and State agency; and

(2) Designate a lead agency for the project. The lead agency shall appoint a project manager, who will convene and chair task force meetings.

b. *Preapplication conference.* As soon as possible following the notification of preapplication review to the applicant, the lead agency shall hold a preapplication conference to be attended by the applicant and members of the project task force. The date and place of the preapplication conference shall be noted in the appropriate section of the standard "Notice of Preapplication Review" sent to the applicant. The purpose of the preapplication conference is to:

(1) Provide the applicant an opportunity to meet with all potential funding agencies and to discuss collective and individual requirements necessary to process a formal project application. At a minimum, the scope and format of any information required by participating agencies or programs in addition to the basic application forms should be established. Such requirements should be specified in writing and, to the extent practicable, shall constitute the total information required by participating agencies to review and approve the project.

(2) Discuss among potential funding agencies and the applicant the probable disposition of unresolved or disputed matters relating to any administratively established program requirements considered to be serious impediments to joint funding of the proposed project.

(3) Determine whether an environmental impact statement must accompany the application. If required, arrangements should be made for preparation of a joint or single environmental impact statement for the project, in accordance with Title 40, Code of Federal Regulations (CFR), section 1500: "Preparation of Environmental Impact Statements: Guidelines." Section 1500.7(b) states:

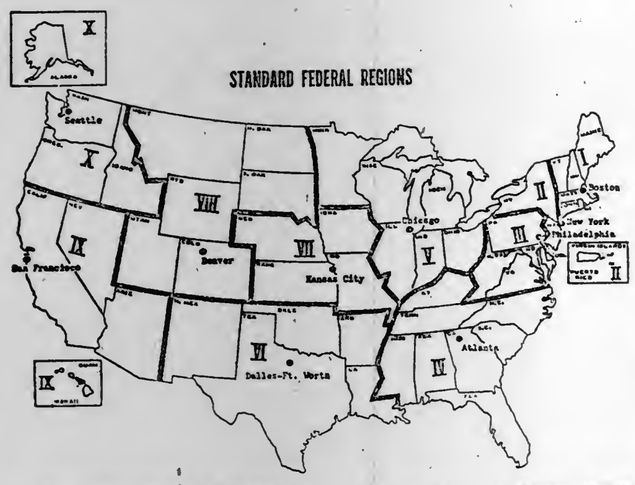
"Where more than one agency (1) directly sponsors an action, or is directly involved in an action through funding, licenses, or permits, or (2) is involved in a group of actions directly related to each other because of their functional interdependence and geographical proximity, consideration should be given to preparing one statement for all the Federal actions involved (see § 1500.6(d)(1)). Agencies in such cases should consider the possibility of joint preparation of a statement by all agencies concerned, or designation of a single 'lead agency' to assume supervisory responsibility for preparation of the statement. Where a lead agency prepares the statement, the other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. In either case, the statement should contain an environmental assessment of the full range of Federal actions involved, should reflect the views of all participating agencies, and should be prepared before major or irreversible actions have been taken by any of the participating agencies. Factors relevant in determining an appropriate lead agency include the time sequence in which the agencies become involved, the magnitude of their respective involvement, and their relative expertise with respect to the project's environmental effects. As necessary, the Council [on Environmental Quality] will assist in resolving questions of responsibility for statement preparation in the case of multi-agency actions. . . ."

(4) Arrange for such assistance to the applicant as may be appropriate to prepare the project application.

V401248 DEC 24 75 XUM

Federal regional councils

Region	Headquarters city	Address and telephone
I	Boston	Federal Regional Council of New England, Room E-431, JFK Federal Bldg., Boston, Mass. 02203, 617-223-5421.
II	New York	Federal Regional Council, Suite 3541, 26 Federal Plaza, New York, N.Y. 10007, 212-264-8068.
III	Philadelphia	Mid-Atlantic Federal Regional Council, 4450 William J. Green Federal Bldg., 600 Arch St., Philadelphia, Pa. 19106, 215-597-3653.
IV	Atlanta	Southeastern Federal Regional Council, Suite 515, 1371 Peachtree Street NE., Atlanta, Ga. 30309, 404-526-2287.
V	Chicago	Federal Regional Council, 18th Floor, 300 South Wacker Dr., Chicago, Ill. 60606, 312-353-8184.
VI	Dallas	Southwest Federal Regional Council, Room 9C2B, 1100 Commerce, Dallas, Tex. 75202, 214-749-1431.
VII	Kansas City	Federal Regional Council, Room 634, 601 East 12th St., Kansas City, Mo. 64106, 816-374-2031.
VIII	Denver	Mountain Plains Federal Regional Council, Room 14041, Federal Bldg., 1961 Stout St., Denver, Colo. 80202, 303-837-2741.
IX	San Francisco	Western Federal Regional Council, P.O. Box 36008, 450 Golden Gate Ave., San Francisco, Calif. 94102, 415-556-1970.
X	Seattle	Northwest Federal Regional Council, 1321 2d Ave., Seattle, Wash. 98101, 206-442-1503.



APPLICATION POLICIES AND PROCEDURES

1. *Purpose.* This appendix sets forth policies and procedures to be followed in the submission, review, and approval of applications for projects which are appropriate for jointly funded assistance from more than one Federal agency, program, or appropriation, or from one or more Federal agencies and one or more State agencies.

2. *Preparation of application.*

a. *Application forms.* Applicants for jointly funded projects shall complete the required forms as follows:

(1) State and local units of government shall complete Parts I through III of the standard "Application for Federal Assistance" described in (a) or (b) below. The General Services Administration has agreed to requests from a limited number of Federal agencies to midify the information required in Parts I through III of the standard application form. It shall be the applicant's responsibility to consult with any agencies whose requirements are not known prior to completion and submission of an application. In addition to Part I through III of the standard form, applicants shall complete the Part IV "Program Narrative" required by each agency or program from which assistance is requested. Copies of the standard forms and instructions for their use are contained in appendix H. The basic forms are:

(a) "Application for Federal Assistance (Nonconstruction Programs)," exhibit M-3, FMC 74-7, to be used to apply for joint funding of projects which do not include requests to support construction or real property acquisition; and

(b) "Application for Federal Assistance (for Construction Programs)," exhibit M-4, FMC 74-7, to be used to apply for joint funding of projects which include one or more requests to support construction or real property acquisition.

(2) Private, nonprofit organizations, and other applicants who apply for jointly funded projects to be supported by Federal programs which do not require the use of standard forms promulgated through FMC 74-7, shall consult with the project task force prior to completion of any application documents. It shall be the responsibility of the task force to develop, to the extent practicable, a single application format acceptable to all agencies and programs participating in the project.

b. *Supplemental information.* In addition to the basic application forms, applicants shall provide the following:

(1) Any special requirements or information identified by participating agencies in the "Notice of Preapplication Review:"

(2) Notice of special timing considerations which may affect the feasibility of the project, in accordance with section 4, Joint Funding Simplification Act of 1974 (P. L. 93-510), provided such notice, if any, was not made or resolved during the preapplication review period; and

(3) Requests for review and modification of specific administratively established program requirements, as described in appendix G, which the applicant believes would impede joint funding of the project under consideration, provided such requests were not made or resolved during the preapplication review period.

3. *Submission of Application.*

a. *Submission to A-95 clearinghouses.* A copy of the application shall be submitted to designated clearinghouse(s) in accordance with the procedures outlined in Office of Management and Budget (OMB) Circular No. A-95. Evidence of clearinghouse review must be included with the application submitted to Federal and, if appropriate, State officials, to include:

(1) Comments and recommendations made by or through clearinghouses, along with a statement that such comments have been considered prior to submission of the application; or

(2) A statement that the procedures outlined in OMB Circular No. A-95 have been followed and no comments or recommendations have been received.

b. *Submission to lead agency.* Applicants shall submit all required application documents, hereinafter referred to as the application, to the lead agency designated by the Federal Regional Council and identified in the "Notice of Preapplication Review" sent to the applicant under the provisions of appendix A, subparagraph 6b.

c. *Submission to State agencies.* If the project is to include assistance from State sources (including Federal/State passthrough funds), the applicant shall submit copies of the application to a State agency or function designated to receive and coordinate requests for State participation in jointly funded projects or, where a single State coordinator has not been designated, to each State agency from which assistance is requested. In the absence of direct State financial participation in the project, the applicant is encouraged to send copies of the application to appropriate State agencies for information purposes only.

4. *Responsibilities for application processing and approval.*

a. *General responsibilities.* In accordance with section 4, Pub. L. 93-510, actions taken by Federal officials related to the processing of applications or requests for assistance under two or more Federal programs in support of any project shall be designed to assure, so far as reasonably possible, that:

(1) All required reviews and approvals are handled expeditiously:

(2) Full account is taken of any special considerations of timing that are made known by the applicant that would affect the feasibility of a jointly funded project;

(3) The applicant is required to deal with a minimum number of Federal representatives, acting separately or as a common board or panel;

(4) The applicant is promptly informed of decisions with respect to an application and of any special problems or impediments that may affect the feasibility of Federal provisions of assistance on a joint basis; and

(5) The applicant is not required by representatives of any one Federal agency or program to obtain information or assurances concerning the requirements or actions of another Federal agency that could more appropriately be secured through direct communication among the Federal agencies involved.

b. *Lead agency.* The lead agency shall:

(1) Advise the A-95 clearinghouse(s) of action taken on the application. For elements of the application approved contrary to clearinghouse(s) recommendations, the participating agency supporting such element(s) shall be responsible for supplying the appropriate clearinghouse(s) with required explanation(s).

(2) Conduct or arrange for the conduct of a preaward survey of the applicant's financial management system. In accordance with appendix F, preaward surveys shall be completed and accepted by the lead agency prior to the joint funding grant award.

(3) Assure an approved cost allocation plan exists or is developed for the applicant organization, in accordance with the following Federal Management Circulars, as appropriate: FMC 74-4, "Cost principles applicable to grants and contracts with State and local governments;" FMC 73-3, "Cost sharing on Federal research;" FMC 73-6, "Coordinating indirect cost rates and audit at educational institutions;" and FMC 73-8, "Cost principles for educational institutions." However, if all participating agencies are supporting a single function or activity, and are able to finance all phases of the work, then the lead agency shall arrange for an agreed upon percentage of support by each participating program for the purpose of distributing charges to the appropriate Federal and non-Federal participants.

(4) Perform the following functions under the direction of the project manager:

(a) Call and chair task force meetings:

(b) Serve as the applicant's primary point of communication with agencies participating in the project during the application processing period;

(c) Coordinate review and approval of the application by participating agencies;

(d) If so requested, arrange for assistance to the applicant to develop the project application, either individually or in cooperation with one or more task force members;

(e) Receive separate agency reviews of the application and, in consultation with the task force, prepare a consolidated notice of approval and grant award, or notice of disapproval, to be forwarded to the applicant by the lead agency;

(f) Maintain an official project file, to include at least the following:

i. agency file control number and, if requested, FRC control number;

ii. original or copy of complete preapplication file;

iii. copy of application and supporting documents submitted by the applicant;

iv. date application received;

v. special considerations requested by applicant;

vi. disposition of application, by program and amount;

vii. list of task force members; and

viii. copy of official notice of approval or disapproval to applicant, and related notification documents.

c. *Participating Federal and State agencies.* Participating Federal and State agencies shall assure the agency is represented on the project task force established by the FRC. The task force representative shall:

(1) Coordinate agency or program review and approval of the application;

(2) Carry out all required actions within deadlines established by the task force, or inform the project manager in writing of the reasons why any such deadlines cannot be met and when the required actions can be taken; and

(3) If so requested, assist the applicant to develop the project application with respect to programs administered by the individual participating agency.

d. *Federal Regional Councils.* The Federal Regional Councils shall:

(1) Maintain a continuing liaison with the lead agency and project task force for purposes of monitoring overall processing of the application; and

(2) Provide a forum for the resolution of specific interagency issues which may arise during the application processing period, and which cannot be resolved by the project task force.

5. *Application review procedures.*

a. *Lead agency functions.* Upon receipt of the application, the project manager shall:

(1) Establish, in consultation with the task force, a deadline for review and approval of the application by participating agencies. The time required for review by participating agencies should be limited to a maximum of 45 calendar days.

(2) Assure copies of the application are provided to all task force members and, if requested, to the FRC.

(3) Arrange for internal review and approval of requests for assistance from lead agency programs.

b. *Participating agency functions.* Upon receipt of the application, task force representatives of participating agencies or programs shall:

(1) Review or arrange for review and approval of the application with respect to programs administered by the task force member's agency.

(2) Notify the project manager in writing at the earliest possible date if the agency or program cannot meet the deadline established for review and approval, to include a statement and justification of the reasons why such deadline cannot be met.

(3) Determine the extent to which the agency or program can accommodate any special timing considerations requested by the applicant, if not previously resolved.

(4) Identify any administratively established program requirements, in addition to or in the absence of any identified by the applicant, which are considered to be impediments to joint funding of the project.

(5) Arrange for review and modification of any administratively established program requirements identified as impediments to joint funding, in accordance with procedures described in appendix G, and discuss the disposition of or actions taken on such requests with the applicant and other task force members, as appropriate.

(6) Discuss with the applicant and other task force members any special conditions upon which agency approval of the application might be subject, and which would be attached to the grant award.

6. *Application approval.*

a. *Agency notification.* Upon completion of its review of the application, each agency shall notify the project manager of the results, in accordance with (1) or (2) below:

(1) *Project approved.* If the agency or program approves the applicant's request for assistance, it shall complete and forward to the lead agency the standard "Participating Agency Grant Award Notice" described in appendix H. In addition to the standard grant award notice, which constitutes an obligation of funds by the agency, the agency or program shall indicate:

(a) Special conditions, if any, to which approval of funds may be subject, based upon prior discussion with the applicant and other participating agencies.

(b) Final disposition or action taken on any administratively established program requirements identified by the applicant or reviewing agency as impediments to joint support of the project.

(c) Any delegation of powers to another Federal agency, if necessary. In accordance with section 7, P.L. 93-510, agency heads may delegate to other Federal agencies powers and functions relating to the supervision or administration of Federal assistance, or otherwise arrange for other agencies to perform such activities, with respect to projects or classes of projects funded under the terms of P.L. 93-510. Delegations may be made only on such conditions as may be appropriate to assure that the powers and functions delegated are exercised in ful conformity with applicable statutory provisions and policies, and shall not relieve agency heads of responsibility for the proper and efficient management of projects funded by their agencies.

(2) *Project disapproved.* If the agency or program disapproves the applicant's request for assistance, it shall indicate the reason(s) for such disapproval.

b. *Task force consolidation of agency actions.* If one or more of the following conditions exist at the end of the review period previously established by the task force, the project manager shall convene the task force to resolve such conditions:

(1) All agencies from which assistance is requested have not completed their review or approved the application. In such instances, the task force shall evaluate the project on the basis of approved funds to ensure it conforms to the scope of a jointly funded project as described in appendix A, subparagraph 2b(1). If the project remains consistent with the purpose and scope of joint funding, the grant may be awarded.

(2) The project is subject to varying or conflicting technical or administrative rules and procedures not required by law. In such instances, the participating agencies shall work in concert to establish uniform, nonconflicting requirements to govern the project, in accordance with procedures described in appendix G.

c. *Notification procedures.* When all contingencies associated with the project have been resolved, the following notification procedures shall be executed:

(1) *Notification to applicant.* The project manager shall comply with (a) or (b) below:

(a) If approved, prepare a single notice of grant award to be forwarded by the lead agency to the applicant, in accordance with procedures described in appendix C; or

(b) If disapproved, prepare an explanation of the reasons for disapproval to be forwarded by the lead agency to the applicant.

(2) *Participating agency notification requirements.* Participating agencies shall comply with notification requirements established by Department of the Treasury Circular (TC) 1082 and Office of Management and Budget (OMB) Circular No. A-95, as appropriate.

f. Continuation applications. The project task force will assist the applicant to develop continuation applications for subsequent project years. Such applications will be processed in accordance with the procedures outlined in this appendix, to include submission to the existing lead agency, and coordination for review and approval purposes by members of the project task force. Use of preapplication forms will not be required except in the case of new programs from which assistance previously has not been received for the specific jointly funded project concerned, and continuing programs which may require the submission of a preapplication for each project year as a general agency requirement. Specific task force functions with respect to establishing deadlines for submission and assisting applicants to develop continuation applications are described in appendix C.

PROJECT MANAGEMENT POLICIES AND PROCEDURES

1. *Purpose.* This appendix sets forth policies and procedures to be followed in the management of jointly funded projects.

2. *Lead agency functions.* The lead agency will coordinate grantor agency participation in the project, and will serve as the grantee's

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primary contact for all administrative matters related to the project. The lead agency shall be responsible for the necessary costs of services in administering the jointly funded project unless other arrangements are negotiated with the participating agencies for the provision of funds, services, or materials to aid in the administration of the jointly funded project.

a. *Notification and award of project funds.*

D.

Following approval of the project application, the lead agency shall:

(1) Arrange for establishment of a joint management fund for the project, in accordance with procedures described in appendix

(2) Issue a single notice of grant award to the applicant in letter form. A description of the grant award notice as an obligational document is contained in appendix D, subparagraph 5a. In general, notification to the applicant shall specify:

(a) Programs and amounts approved, and shall be limited to those programs which have submitted a "Participating Agency Grant Award Notice" to the lead agency, in accordance with B, subparagraph 6a(1);

(b) Date funds will be available;

(c) Special conditions of the grant (contract) award imposed by participating grantor agencies, provided such conditions previously were discussed with the applicant and other participating agencies, as noted in appendix B, subparagraph 5b(6);

(d) Disposition of or action taken on requests for review and modification of administratively established program requirements identified by the applicant or participating agencies as impediments to joint support of the project, in accordance with procedures described in appendix G;

(e) Any common technical or administrative rules and procedures established for the project, in accordance with appendix G; and

(f) Standard financial and program reporting requirements applicable to the particular project, in accordance with the provision of FMC 74-7, attachments H and I, or the proposed circular entitled, "Uniform administrative standards for agreements with public and private institutions of higher education, public and private hospitals, and other public and private, nonprofit organizations," attachments G and H.

b. *Administration of project funds.* Specific procedures governing administration of project funds are described in appendix D. In general, the lead agency shall:

(1) Assure approved funds are made available to the grantee on a timely basis;

(2) Receive and process grantee financial reports, and assure such reports are distributed to participating grantor agencies on a timely basis;

(3) Assure accountability by program appropriation for all Federal funds placed in a joint management fund to ensure such funds are spent for the purposes for which each account was established, in accordance with section 8(b) of the Joint Funding Simplification Act of 1974 (P.L. 93-510);

(4) Determine, from time to time, whether amounts in the joint management fund are in excess of the amounts required, and assure such excess amounts are returned to participating Federal agencies according to applicable appropriations and subject to fiscal year limitations, in accordance with section 8(b), P.L. 93-510;

(5) Oversee the establishment, where appropriate, of a single non-Federal share for any project covered in a joint management fund, based on the Federal share ratios applicable to the Federal assistance programs involved and the proportion of funds transferred to the project account from each of those programs, in accordance with section 8(e), P.L. 93-510; and

(6) Take any actions necessary to revise or terminate project funding, such as revisions to project budgets and amendments to the grant award, in cooperation with the participating grantor agencies involved.

c. *Audit of project funds.* Specific audit procedures are described in appendix F. In general, the lead agency shall:

(1) Assure necessary project audits are scheduled and conducted on a timely basis; and

(2) Assure appropriate actions are taken to implement recommendations noted in audit reports.

d. *Project administration and coordination.* The lead agency shall administer and coordinate the project on behalf of participating grantor agencies. However, neither the lead agency nor the Federal Regional Council which designated the lead agency shall make any decisions concerning the participation or amount of assistance provided by any grantor agency. Further, the lead agency shall not evaluate or suggest corrective actions related to grantee performance of project components supported by any program other than those of the lead agency. Authority to make and execute decisions of the types noted above is vested only in the specific agencies concerned, and cannot be delegated to the lead agency. In carrying out administrative and coordinative functions, the lead agency project manager shall:

(1) Establish and maintain an official project file, to include at least the following:

(a) Appropriate agency file control number;

(b) Original or copy of complete preapplication and application files for the project;

(c) Copy of notice of grant (contract) award;

(d) Copies of all grantee reports;

(e) A record and summary of all project task force meetings;

(f) A record and summary of all project site visits;

(g) Pertinent project correspondence; and

(h) Copies of continuation applications submitted by the grantee.

(2) Continue to chair and convene task force meetings for purposes of:

(a) Monitoring and evaluating overall progress of the project as a jointly funded effort, and of the effectiveness of joint funding policies and procedures in general, in order to assist development of a comprehensive report to the Congress on actions taken under P.L. 93-510, at least one year prior to its expiration, and to make recommendations for its continuation, modification, or termination. Specific requirements for information necessary to develop the aforementioned report, which is to be coordinated by the General Services Administration, will be communicated to Federal Regional Councils, project task forces, and participating agencies as appropriate. The lead agency, however, shall not assume responsibility for normal program monitoring of project components supported by other participating agencies.

(b) Providing a forum for the resolution of specific interagency issues related to the project, as appropriate.

(c) Assisting the grantee to develop continuation applications for subsequent project years, to include:

i. establishment of submission deadlines, and review and approval schedules;

ii. provision of assistance by one or more task force members to help the grantee develop continuation application documents, and to identify supplemental or alternative sources of support for specific project components, as appropriate; and

iii. determination of specific processing procedures described in appendixes A and B which are applicable, based on the scope and content of the continuation application proposed by the grantee.

(d) Establishing a schedule of project site visits by the task force, and coordinating such visits with the grantee and participating grantor agencies.

(3) Help arrange for the provision of any appropriate assistance requested by the grantee, relative to the management of the project as a whole, or of specific components thereof.

(4) Inform participating agencies of any problems that may occur relative to project components they are funding, and help arrange for the most expeditious resolution of such problems between the grantee and representatives of the specific agency(s) concerned.

(5) Receive program reports required of the grantee, and assure such reports are distributed on a timely basis to participating grantor agencies.

3. *Participating grantor agency functions.* Participating grantor agencies shall be responsible for:

a. *Statutory accountability.* Participating grantor agencies *are not relieved* of the responsibility to ensure that funds they provide through a jointly funded arrangement are disbursed and expended properly, in a manner consistent with applicable laws and regulations.

b. *Program monitoring.* Participating grantor agencies shall be responsible for normal program monitoring of those specific project components funded by a particular agency or program. Site visits and other requirements related to the execution of such monitoring responsibilities shall be coordinated with the project manager in order to promote efficient scheduling and eliminate duplicative efforts.

c. *Review of grantee reports.* Participating grantor agencies shall review all financial and program reports submitted by the grantee, either directly or through the lead agency, and shall notify the project manager within 15 working days of the receipt of such reports in accordance with (1) or (2) below:

(1) Acceptance of the reports as submitted with respect to project components funded by the particular agency or program; or

(2) A statement of any problems or discrepancies noted in the reports with respect to project components funded by the particular agency or program, and any actions necessary to resolve such problems.

d. *Administrative support to the lead agency.* Participating grantor agencies shall provide administrative support to the lead agency through:

(1) Appointment of task force members, to include affording such appointees the time and resources necessary to participate fully and effectively in task force activities;

(2) Timely compliance with project review, processing, and funding procedures promulgated by this part, to include the review and modification of administratively established program requirements and development of common technical and administrative rules for particular projects, as needed; and

(3) Acceptance of preapplication, application, and reporting prescribed by this part in lieu of any other forms normally used, except in instances where information of a specific nature is required as a prerequisite to necessary agency action, and which meets requirements stated elsewhere in this part.

e. *Provision of technical assistance and training.* Participating agencies shall provide technical assistance and training to grantees to aid them in meeting planned objectives of the jointly funded project, as appropriate, in accordance with section 9, Pub. L. 93-510.

4. *Federal Regional Council functions.* The Federal Regional Councils (FRC) shall:

a. *Maintain continuing oversight of joint funding activities.* The FRC's shall maintain continuing oversight of jointly funded activities within their geographic area of responsibility, to include designating an individual or standing committee at the FRC staff level to serve as a liaison to individual project managers and task forces established within the region.

b. *Provide a forum for the resolution of interagency issues.* Issues which arise in the operation of any jointly funded project of an interagency nature, and which cannot be solved at the project task force level, shall be brought before the Federal Regional Council by the project manager for appropriate action and resolution.

5. *Project evaluation and change of lead agency.* Upon a significant change in the project such as changes in the project core activity or the nature and scope of the project, the project task force shall:

a. *Evaluate the project.* The project shall be evaluated to determine its continued need for jointly funded assistance, with particular emphasis on meeting the criteria for a jointly funded project described in appendix A, subparagraph 2b(1).

b. *Recommend a new lead agency.* If changes in the project warrant designation of a new lead agency, the task force shall recommend the same to the Federal Regional Council. In designating a new lead agency, the FRC shall assure any change:

(1) Meets with the approval of participating grantor agencies, and is acceptable to the grantee; and

(2) Is concurrent with the start of a new project funding period.

c. *Management and audit functions.* When a change in lead agency takes place, appropriate arrangements shall be made between the new lead agency and its predecessor with respect to continuing administration of unexpended amounts in the joint management fund and conduct of previously arranged or scheduled audits by the former lead agency.

5. *Federal-State coordination.* Where Federal and State agencies are providing concurrent assistance to a grantee for the same project, Federal Regional Councils and participating Federal agencies, in accordance with section 10, P.L. 93-510, shall make every effort to coordinate the delivery of Federal and State funds through the development of Federal-State agreements and joint assistance. Specific recommendations for coordinating Federal and State participation in jointly funded projects are described in appendix E.

PROJECT FUNDING POLICIES AND PROCEDURES

1. *Purpose.* This appendix presents policies and procedures to be followed in the transfer of funds awarded from grantor agencies to grantees administering jointly funded projects.

2. *Policy intent.* The use of a management fund as authorized in setcion 8(a), Joint Funding Simplification Act of 1974 (P.L. 93-510), along with the Federal letter of credit shall be the preferred method of funding jointly funded projects. Supplemental or parallel funding procedures that complement the management fund may be used if so requested by the grantee, and if their use promotes efficiency and economy in the administration of jointly funded projects. Under joint funding procedures, non-Federal participants' contributions to projects also may be processed through the management fund. Where the use of the management fund and letter of credit procedures by participating grantor agencies are prohibited by statute, appropriate citations should be presented to the lead agency prior to approval of the project in order that alternative funding procedures may be developed in a timely manner. Subparagraph 4c describes procedures to be followed by non-Federal participants.

(3) *Applicability and scope.* These guidelines are provided to augment the procedures established by the U.S. Department of the Treasury in the use of the management fund process and letter of credit procedures for joint funding purposes.

4. *Management fund policies.*

a. *Management fund use.* A management fund is an account authorized by law to record the transactions of intragovernmental activities necessary to carry out a common purpose or project, other than a continuing cycle of operations, which are financed by more than one Federal program or appropriation. Section 6, P.L. 93-510, authorizes the use of a management fund to support jointly funded projects. The management fund is used as a financial devise to record the receipt and expenditure of funds awarded to jointly funded grantees (States, local governments, and private, nonprofit organizations), to enable the grantee to utilize the Federal letter of credit procedure, and to facilitate management by a single agency (management fund agency as described under subparagraph 5d below). A management fund shall be established for all new jointly funded projects, and for those where previous funding has terminated and continuation funding is approved after the effective date of this Part.

b. *Assignment of management fund symbol.* For the purpose of establishing and maintaining the integrity and control of each account, a joint management fund symbol shall be assigned by the U.S. Department of the Treasury to each Federal department or agency that is serving as a lead or management fund agency for one or more jointly funded projects.

c. *Funding projects through the management fund.* The participating grantor agencies shall transfer to the management fund the proportionate share of amounts needed for payment to the grantee. In accordance with section 8(b), P.L. 93-510, the management fund agency shall account by program and appropriation for the amounts provided in support of the purposes of each account established in the management fund as stated in subparagraph 5d below. Any unexpended amounts shall be returned to the management fund by the grantee at the completion of the project. Further, any amounts in excess of the amounts required shall be returned to the participating Federal and non-Federal agencies by the management fund agency according to the applicable appropriations, subject to fiscal year limitations. Excess amounts of Federal funds applicable to expired appropriations will be lapsed from the management fund.

d. *Participating Federal agencies.* Participating agencies shall:

(1) Not use the management fund to report joint funding transactions to the U.S. Department of the Treasury unless they also are designated as the management fund agency.

(2) Verify to the U.S. Department of the Treasury amounts charged to appropriation or fund accounts by the management fund agency. This shall be verified on Treasury Form 6653, "Undisbursed Appropriation Account," which will be forwarded to participating grantor agencies six weeks after the close of each accounting period.

(3) Use information reported to them by the management fund agency to maintain their administrative accounts and to provide information or other financial reports required by the U.S. Department of the Treasury and the Office of Management and Budget.

(4) Contact management fund agency for any reconciliation of differences in reports on funds transferred through management fund in accordance with subparagraph 5f of this appendix.

e. *Non-Federal participants.* The non-Federal participant is a State agency which provides financial assistance for the project through grants or contractual arrangements as authorized by section 10, P.L. 93-510. In addition to State agencies, non-Federal participants may include organizations designated by Federal statutes to receive certain entitlement funds, such as prime sponsors under the Comprehensive Employment and Training Act, and designated Community Development Block Grant recipients. Such assistance may be provided through the management fund, and may be in the form of Federal grant passthrough funds, programs financed entirely by a State or a combination of both with respective proportions identified. Applicable State matching funds for Federal programs also may be processed through the management fund. The non-Federal participants share of the project shall be advanced by check to the project management fund on a quarterly basis. The amounts of such quarterly advance shall be established in the approved project application and subject to approval by the management fund agency.

f. *Non-Federal funding.* The deposit by a participating State grantor agency of Federal block grant funds, formula grants, and the like which can be further granted by a State to a jointly funded grantee via the management fund *does not* represent a return of State funds for use by the Federal Government. All funds deposited in the management fund retain their identity and are specifically reserved for the particular jointly funded grantee involved.

5. *Management fund procedures.*

a. *Notification of joint funding award.* The lead agency issues the joint funding award to the grantee in letter form, in accordance with the provisions of appendix C, subparagraph 2a(2). The grant award is for a single amount representing a total of all assistance authorized for the project. The approved grant award funds represent budgetary and obligation authority to the grantee for the funding period. The award letter sent to the grantee will serve as the lead agency's obligating document for the budgetary funds in the jointly funded project. A copy of the grant award notice shall be provided to participating grantor agencies and the Federal Regional Council.

b. *Lead agency.* Upon issuance of the joint funding award letter, the Federal lead agency assumes responsibility for establishing the management fund, the letter of credit, and other funding arrangements to which the grantee has agreed in order to expedite the delivery of project funds. For a more complete description of the lead agency's functions, see appendix C, "Project Management Policies and Procedures."

c. *Delegation by lead agency of management fund administration.* In accordance with the provisions of section 7, P.L. 93-510, the lead agency may delegate to the participating Federal grantor agency the powers and functions necessary to administer the joint management fund. Delegation under this section shall be made only on such conditions as may be appropriate for the proper and efficient management of project funds. Such delegation by the lead agency shall not relieve the heads of any participating agencies of the responsibility to account for disbursement of agency funds in a manner consistent with applicable laws and regulations.

d. *Management fund agency.* The management fund agency is responsible for reporting joint funding transactions to the

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U.S. Department of the Treasury and providing financial data to participating grantor agencies necessary for coordinating administrative and budgetary systems of control. Consolidated financial and audit reports for the entire jointly funded grant are submitted to the management fund agency for review and further reporting to Federal and non-Federal participating agencies. Because accessibility to the Federal Treasury central accounting reporting system is required, the management fund agency must be a Federal agency. However, the management fund agency acts merely as a broker of the Federal and non-Federal funds in the grant. All funds, whatever their origin, do not lose their identity and are available only for use by the grantee in accordance with the terms and conditions of the jointly funded grant. Normally, the management fund agency is the lead agency and shall perform as follows:

(1) Receive the "Participating Agency Grant Award Notice" from each agency providing financial support to the project. The appropriations or fund account to be charged and the amount available for the funding period are noted in the aforementioned form.

(2) Request U.S. Department of the Treasury to establish a joint management fund account and assign the appropriate account symbol. If there is a previously established management fund account assigned to the management fund agency for jointly funded projects, the same shall be utilized. Existing management fund accounts used for purposes other than joint funding will not be used for joint funding transactions.

(3) Utilize the simultaneous charge/credit concept of reporting transactions. No advance payments from Federal participating agencies are required to establish the project management fund. See the U.S. Department of the Treasury Fiscal Requirement Manual for further guidance.

(4) Issue a letter of credit (Standard Form 1193) to the grantee in accordance with the provisions of Treasury Fiscal Requirements Manual, Part VI, as amended. The letter of credit shall be issued to the grantee in an amount equal to the total amount of all grant award notices received from participating agencies. If the management fund agency must administer a holdback provision imposed by a participating agency, the amount shall not be included in the letter of credit.

(5) Report to the U.S. Department of the Treasury charges and credits to the management fund, and off-setting charges and credits to participating agencies' appropriations and to non-Federal participants' payments (advances) to the management fund.

(6) Notify participating agencies, within 15 calendar days after the close of the accounting month, of amounts they have charged to participating agencies' appropriation or fund accounts. This requirement includes the management fund agency's responsibility to report at the same time to non-Federal participants all receipts of advance payments made to the management fund during the accounting month, the distribution of charges to each of their grants and the respective cash balances in the management fund.

(7) Continuously monitor the amount of obligational authority granted by participants for the purpose of identifying unnecessary amounts. This is accomplished by review of the grantee letter of credit drawdown vouchers against the terms of the authorized grant, by review of the grantee financial reports, and by review of the audit reports. Unobligated amounts identified in audit reports will be returned to the original participating Federal and non-Federal agencies in accordance with instructions furnished by those agencies.

Audit requirements for jointly funded projects are described in appendix F.

e. *Use of letters of credit.* Use of letters of credit shall be covered by a clause in the grant, contract, or other financing agreement whereby the grantee organization commits itself to: (1) the practice of initiating cash drawdowns only when actually needed for its disbursements; (2) the timely reporting of cash disbursements and balances as required by the lead or management fund agency; and (3) the imposition of the same standards of timing and amounts upon any secondary recipients, including furnishing of reports of cash disbursements and balances, with the understanding that failure to adhere to these provisions may cause the unobligated portion of the letter of credit to be revoked by the lead or management fund agency or by the U.S. Department of the Treasury. The financial management system of the recipient organization shall provide for effective control over the accountability for all funds, in accordance with provisions set forth in FMC 74–7, or proposed circular on "Uniform administrative standards for agreements with public and private institutions of higher education, public and private hospitals, and other public and private, nonprofit organizations," as appropriate.

f. *Reconciliation of joint funding transactions.*

(1) U.S. Department of the Treasury will report related joint funding transactions (charges and credits reported to the U.S. Department of the Treasury on "Statements of Transactions" by the management fund agency) back to the management fund agency and participating agencies on Treasury Fiscal Service (TFS) Form 6653, "Undisbursed Appropriation Account."

(2) Participating agencies should contact management fund agencies for purposes of reconciliation if the amounts reported to them by the management fund agency and the U.S. Department of the Treasury (TFS Form 6653) vary. Non-Federal participants shall rely on management fund agencies to reconcile disbursements charged to them by the management fund agency.

g. *Treasury reporting requirements for joint funding transactions.* All U.S. Department of the Treasury reporting requirements for joint funding transactions involving the use of the joint management fund are contained in the U.S. Department of the Treasury Fiscal Requirements Manual (FRM). In addition, letter of credit policy and procedures are covered in U.S. Treasury Department Circular 1075, Third Revision, and Part VI, Treasury FRM 2000, respectively. For an example of internal financial operating procedures for jointly funded projects, please refer to Appalachian Regional Commission's (ARC) Instructions 302A–3(1), as amended.

FEDERAL-STATE ASSISTANCE AND AGREEMENTS

1. *Purpose.* It is the purpose of this appendix, in accordance with section 2, Joint Funding Simplification Act of 1974 (P.L. 93–510), to encourage Federal-State arrangements under which local governments and private, nonprofit organizations may more effectively and efficiently combine Federal and State resources in support of projects of common interest to the governments and organizations concerned.

2. *Applicability.* In accordance with section 10, P.L. 93–510, Federal agencies or Federal Regional Councils acting on behalf of member agencies are authorized, and are hereby encouraged, to enter into agreements with States to extend joint funding procedures to projects involving assistance from one or more Federal agencies and one or more State agencies. It also shall be the responsibility of the Federal Regional Councils (FRC) to encourage the governors of States within their geographic areas of responsibility to designate a single State agency or function to receive and coordinate all requests for State participation in jointly funded projects. The FRC's further shall maintain a list of designated State joint funding coordinators within their regions, and shall assure such information is made known to prospective applicants.

3. *Policy intent.* The intent of section 10, P.L. 93–510, is to encourage greater Federal-State cooperation in the provision of joint assistance to eligible applicants. A number of specific suggestions to improve such cooperation are noted in this appendix. It is emphasized, however, that the suggestions given are only a summary list of probable opportunities for shared Federal-State responsibility. Federal and State agencies participating in jointly funded projects are encouraged to examine all possible means to facilitate the provision of joint assistance and, within the general guidelines promulgated through this part, to establish working agreements related to the specific needs of the individual projects and grantees involved.

4. *Types of agreements.* Subject to applicable Federal and State laws, Federal-State arrangements may include agreements for the processing of requests for, or the administration of, assistance to projects on a joint basis. Specific agreements may include, but are not limited to, the following:

a. *Preapplication and application processing.* Agreements to jointly process project preapplications and applications shall conform generally to the procedures described in appendixes A and B, and might include:

(1) Establishment of coordinated Federal-State review and approval schedules and requirements, whereby:

(a) A single Federal or State activity agrees to oversee preapplication or application processing by all participating grantor agencies; or

(b) A single Federal and a single State activity agree to jointly oversee all preapplication or application processing by participating grantor agencies at their respective governmental levels, and to coordinate all responses to the applicant.

(2) Establishment of a single project task force:

(a) Chaired by a lead Federal or a lead State agency, under the general auspices of the FRC; or

(b) Co-chaired by a lead Federal and a lead State agency, again under FRC auspices, each of which shall be responsible for coordinating the participation of grantor agencies at their respective levels of government.

(3) Acceptance by participating State agencies of Federal preapplication and application forms, in order to establish a single format for the project.

(4) Joint agreement to waive single or specific public agency eligibility requirements for programs from which an applicant requests assistance and which are subject to both Federal and State approval, in accordance with the provisions described in appendix A, subparagraph 2b(3).

b. *Project funding.* The delivery of Federal and State funds to the grantee may be coordinated through:

(1) Establishment of parallel Federal and State funding mechanisms, whereby the timing of Federal and State payments to the grantee are synchronized on the basis of a project funding cycle acceptable to all participating grantor agencies; or

(2) Establishment of a single joint management fund for approved Federal revenues which, at their option, participating State grantor agencies may elect to utilize as a

delivery medium for approved State funds, in accordance with procedures described in appendix D.

c. *Project management and monitoring.* Project management and monitoring may be enhanced through:

(1) Establishment of a single Federal-State project task force, chaired by a single Federal or State lead agency, or chaired jointly by a Federal and a State lead agency, as described in subparagraph 4a(2) above;

(2) Coordinated Federal-State program monitoring requirements, to include conduct of joint Federal-State site visits, as needed;

(3) State acceptance of Federal financial and program reporting forms and procedures, in order to establish a single reporting requirement for grantees;

(4) Conduct of single project audits acceptable to all participating agencies; and

(5) Coordinated provision of joint Federal-State technical assistance or training to applicants and grantees, as appropriate.

JOINT FUNDING AUDITS

1. *Purpose.* This appendix sets forth policies to be followed in the audit of jointly funded projects. It supplements policies prescribed by Federal Management Circular (FMC) 73–2, "Audit of Federal Operations and Programs by Executive Branch Agencies," and "Standards for Audit of Governmental Organizations, Programs, Activities and Functions," published by the U.S. General Accounting Office.

2. *Policy and procedures.*

a. *Preaward survey.* Prior to the original award for a jointly funded project, the lead agency shall conduct or arrange for the conduct of a preaward survey to assess the applicant's financial management system, including the accounting methods and internal controls employed by the applicant. Particular emphasis should be placed on the applicant's ability to allocate and account for funds on the basis of the specific programs and activities they benefit. This is necessary since section 8(b) of the Joint Funding Simplification Act of 1974 (P. L. 93–510) states the grantor agency administering a joint management fund "shall be responsible and accountable by program and appropriation for the amounts provided for the purposes of each account established in the fund." The preaward survey may be waived in those cases where participating agencies are satisfied the applicant's financial management system is adequate for joint funding. If a preaward survey is conducted, the audit agency performing the survey shall be given at least 30 calendar days prior to the joint funding grant award to complete the survey and submit its findings to the lead agency.

b. *Interim audit of new projects.* An interim audit of all new jointly funded projects shall be conducted six months after the grant award is made. Such audits shall be arranged by the lead agency in consultation with other participating grantor agencies. The purpose of the interim audit is to ensure that the grantee's financial management system is operating effectively.

c. *Periodic audits.* During each of the first two years of a jointly funded project, the lead agency shall conduct or arrange for the conduct of an annual audit after consultation with the other participating grantor agencies concerning their audit requirements. Thereafter, audits shall be conducted with reasonable frequency, usually annually, but not less frequently than once every two years. The nature, size, and complexity of the project shall be taken into consideration when determining the frequency of audits. More frequent audits should be conducted, however, where there is cause to believe an audit is necessary. Every effort should be made to schedule and announce all audits planned for the forthcoming funding period at the time of the grant award in accordance with subparagraph 5b, FMC 73–2. In those cases where State grantor agencies are involved in joint funding projects, the Federal lead agency shall coordinate with the State agencies involved regarding arrangements for and conduct of audits.

d. *Use of non-Federal audits.* With regard to preaward surveys and audits, the lead agency will utilize to the maximum extent possible survey and audit work conducted through arrangements made by the grantee or by other components of governmental bodies or organizations of which the grantee is a part.

e. *Distribution of audit reports.* The lead agency will furnish copies of audit reports to the grantee, each grantor agency, the Federal Regional Council, and the General Services Administration (AMM), Washington, DC 20405, as quickly as possible after audits are completed.

f. *Access to records.* In accordance with section 8(d), P.L. 93–510, the head of the Federal agency responsible for administering the joint management fund and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination of any books, documents, papers, and records of joint funding recipients that are pertinent to the moners received from such fund.

3. *Grantee responsibilities.*

a. *Financial management.* The grantee financial management system for joint funding projects shall be established in accordance with the provisions set forth in FMC 74–7, attachment G or the proposed circular entitled, "Uniform administrative standards for agreements with public and private institutions of higher education, public and private hospitals, and other public and private, nonprofit organizations," attachment F, whichever is applicable.

b. *Audit.* Grantees are to conduct or arrange for audits with reasonable frequency to assure satisfactory operation of the grantee's financial management system, in accordance with subparagraph 2b, attachment G, FMC 74–7, or subparagraph 2h, attachment F, of the proposed circular on "Uniform administrative standards for agreements with public and private institutions of higher education, public and private hospitals, and other public and private, nonprofit organizations," whichever is applicable.

c. *Response to audit findings and recommendations.* The grantee shall be responsible for timely and appropriate resolution of audit findings and recommendations, in cooperation with the lead agency and participating grantor agencies. Failure by the grantee to correct noted deficiencies within an agreed upon time period may be cause for suspension or termination of all or portions of the joint funding award.

4. *Followup procedure on audit findings.* Compliance with any remedial actions taken in response to audit findings and recommendations shall be in conformance with the following procedures:

a. *Lead agency.* Consistent with lead agency responsibilities set forth in appendix C of this part, the lead agency shall assume oversight responsibility for assuring compliance with audit findings and recommendations, while the resolution of any specific deficiency or discrepancy noted by the audit shall be the responsibility of the grantor agency whose prorgam funds are at issue. The lead agency shall:

(1) Arrange for meetings with the appropriate grantor agency(s), audit agency, and applicant to determine remedial actions to be taken in response to audit findings and recommendations.

(2) Require grantor and grantee agencies subject to audit findings to report on the status of corrective actions taken.

(3) Arrange, at the request of the audit agency or a grantor agency, any meetings necessary to resolve outstanding deficiencies noted in the audit report.

REVIEWING IMPEDING REQUIREMENTS AND ESTABLISHING UNIFORM REQUIREMENTS

1. *Purpose.* This appendix establishes criteria and outlines procedures for review and modification, under the authority of section 3(b)(3) of the Joint Funding Simplification Act of 1974 (P.L. 93–510), of administratively established program requirements which may impede the joint support of projects pursued thereunder. It furthermore provides guidelines for establishment, under section 6(a) of P.L. 93–510, of uniform technical or administrative requirements.

2. *Policy intent.* Review and modification of impeding administratively established program requirements may be necessary to permit joint support of proposed projects, to allow expeditious processing of applications, or to promote effective and efficient management of jointly supported projects. Agencies participating in jointly funded projects should establish uniform provisions in order to provide for projects that would otherwise be subject to varying or conflicting technical or administrative rules and procedures not required by law.

3. *Definition.* As used in this appendix, the term "administratively established program requirement" means a rule or procedure, imposed by administrative regulation or order, which is not *expressly* stated in the enabling legislation under which such administrative regulation or order was formulated.

4. *Policy and procedures.*

a. *Review and modification of administratively established program requirements.*

(1) *Preapplication.* (a) *Applicant request.* As noted in appendix A, subparagraph 2b(4), the applicant shall include as supplemental information to the standard preapplication form an identification and request for agency review of administratively established program requirement(s), if any, which the applicant considers to be serious impediments to the proposed project. An administratively established program requirement, as described in paragraph 3 above, shall be termed a serious impediment if conformance to such requirement would prevent or seriously hamper the joint support of a project pursued thereunder.

(b) *Agency review.* As noted in appendix A, subparagraph 5a(5), each Federal agency reviewing official shall, with respect to the program(s) administered by that agency from which an applicant requests assistance, assess the applicant's identification and request for review of administratively established program requirement(s) considered to be serious impediments to the proposed project. Each agency reviewing official also shall identify administratively established program requirement(s), in addition to or in the absence of any such requirements identified by the applicant, which the agency considers to be serious impediments to the proposed project.

(c) *Agency action.* During the preapplication review, as described in appendix A, paragraph 5, each agency reviewing official shall obtain from the agency head or person designated by the agency head a review and modification, to the greatest practicable extent, of the administratively established program requirement(s) identified by the applicant or agency reviewing official as serious impediments to the proposed project.

V 401248 DEC 24 75 XUM

(d) *Notification.* As described in appendix A, subparagraph 6a(3), each agency shall notify the coordinating officer concerning disposition of or action taken on requests for review and modification of administratively established program requirement(s) identified by the applicant or the agency as serious impediments to the proposed project. In the event of favorable review of the preapplication, the coordinating office shall include such information in the single "Notice of Preapplication Review" transmitted to the applicant, in accordance with appendix A, subparagraph 6b(1)(e).

(e) *Preapplication conference.* The preapplication conference, as described in appendix A, subparagraph 7b(2), provides an opportunity to potential funding agencies and the applicant to discuss the probable disposition of unresolved or disputed matters related to any administratively established program requirements considered to be serious impediments to joint funding of the proposed project, and initially to review administrative questions of an interagency nature.

(2) *Application.* (a) *Applicant request.* As noted in appendix A, subparagraph 2b(3), the applicant shall include as supplemental information to the basic application form an identification and request for agency review and modification of administratively established program requirement(s) the applicant considers to be impediments to joint support of the proposed project, provided such requests were not made and resolved during the preapplication review period. An administratively established program requirement, as described in paragraph 3 above, shall be termed a serious impediment if conformance to such requirement would interfere with the expeditious processing of an application or with effective and efficient management of a jointly supported project pursued thereunder.

(b) *Agency review.* As noted in appendix A, subparagraph 5b(4), each agency task force representative shall, with respect to the program(s) administered by that agency from which an applicant requests assistance, identify administratively established program requirement(s), in addition to or in the absence of any such requirements identified by the applicant, which the task force representative considers to be an impediment to joint funding of the project.

(c) *Agency action.* Upon receipt of the application as described in appendix B, subparagraph 5b(5), each task force representative shall request the agency head or person designated by the agency head to review and modify any administratively established program requirements identified by the applicant or the task force representative as impediments to joint support of the project. Each agency head or person designated by the agency head shall determine the extent to which such requirements can be modified and shall make such modification.

(d) *Notification.* i. As described in appendix B, subparagraph 5b(7), the task force representative shall discuss with the applicant and other task force members the disposition of or action taken on any administratively established program requirements identified by the applicant or the task force representative as an impediment to joint funding of the project. The purpose of such discussion shall be to determine that the disposition of or action taken on requests for review and modification of impeding administratively established program requirements is compatible with any such disposition or action taken by other participating agencies.

ii. As described in appendix B, subparagraph 6a(1)(b), if an agency approves the applicant's request for assistance, the agency shall notify the project manager of the final disposition of or action taken on any requests for review and modification of administratively established program requirement(s) identified by the applicant or task force representative as impediments to joint support of the project.

iii. As described in appendix C, subparagraph 2a(2)(d), the lead agency shall specify in the notice of grant award to the grantee the disposition of or action taken on requests for review and modification of administratively established program requirements identified by the applicant or participating agencies as impediments to joint support of the project.

b. *Establishment of common administrative or technical rules.*

(1) *Scope.* Agencies participating in a jointly funded project shall act in concert during the task force consolidation of agency actions [appendix B, subparagraph 6b(2)] to establish, as necessary, a group of nonconflicting requirements to govern the project. In accordance with section 6(a), Pub. L. 93-510, Federal agency heads or persons specified by them shall adopt common administrative or technical requirements when there are among participating agencies in a jointly supported project inconsistent or conflicting requirements relating to:

(a) Financial administration of such projects, including accounting, reporting, auditing, and maintaining separate bank accounts;

(b) Timing of Federal payments for such projects where a single or combined schedule is to be established for the project as a whole;

(c) Whether assistance be extended in the form of a grant rather than a contract, or a contract rather than a grant; and

(d) Accountability for or the disposition of records, property, or structures acquired or constructed with Federal assistance.

(2) *Limitations.* Authority of heads of Federal agencies to establish common administrative or technical requirements for subjects specified in section 6(a), Pub. L. 93-510, shall:

(a) Be limited to problems that cannot be adequately dealt with through other actions pursuant to the Joint Funding Simplification Act or other applicable law.

(b) Be applied only as necessary to promote expeditious processing of applications or effective and efficient administration of projects.

(c) Be applied in a manner consistent with statutory requirements, program purposes, and the protection of the Federal interest.

(3) *Notification.* As described in appendix C, subparagraph 2a(2)(c), the lead agency shall specify, in the notice of grant award to the grantee, any common technical or administrative rules and procedures established for the project.

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PART IV:

ENVIRONMENTAL PROTECTION AGENCY

WATER PROGRAMS

National Interim Primary Drinking Water Regulations

V 40 248 DEC 24 75 XUM

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D—WATER PROGRAMS

[FRL 464-7]

PART 141—NATIONAL INTERIM PRIMARY DRINKING WATER REGULATIONS

On March 14, 1975, the Environmental Protection Agency (EPA) proposed National Interim Primary Drinking Water Regulations pursuant to sections 1412, 1414, 1415, and 1450 of the Public Health Service Act ("the Act"), as amended by the Safe Drinking Water Act ("SDWA," Pub. L. 93-523), 40 FR 11990. EPA held public hearings on the proposed regulations in Boston, Chicago, San Francisco, and Washington during the month of April. Several thousand pages of comments on the proposed regulations were received and evaluated. In addition, the Agency has received comments and information on the proposed regulations from the National Drinking Water Advisory Council, the Secretary of Health, Education, and Welfare, and from numerous others during meetings with representatives of State agencies, public interest groups and others.

The regulations deal only with the basic legal requirements. Descriptive material will be provided in a guidance manual for use by public water systems and the States.

The purpose of this preamble to the final regulations is to summarize the most significant changes made in the proposed regulations as a result of comments received and the further consideration of available information. A more detailed discussion of the comments and of changes in the proposed regulations is attached as Appendix A.

Water Systems Covered

The Safe Drinking Water Act applies to each "public water system," which is defined in Section 1401(4) of the Act as "a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals." Privately owned as well as publicly owned systems are covered. Service "to the public" is interpreted by EPA to include factories and private housing developments. (See generally, House Report, pp. 16-17.)

The definition of "public water system" proposed in the Interim Primary Drinking Water Regulations sought to explain the meaning of the statutory reference to "regular" service. It was proposed to interpret this term as including service for as much as three months during the year. Because the proposed definition would have excluded many large campgrounds, lodges, and other public accommodations which serve large numbers of tourists but which are open for slightly less than three months each year, the definition in the final version covers systems serving an average of at least twenty-five individuals at least 60 days out of the year. The use of a minimum number of days rather than months also makes clear that a system may qualify as a public water system even if it is not open every day during a given month.

Once "public water system" has been defined, it is necessary to define the two major types of public water systems—those serving residents and those serving transients or intermittent users. The possible health effects of a contaminant in drinking water in many cases are quite different for a person drinking the water for a long period of time than for a person drinking the water only briefly or intermittently. Different regulatory considerations may in some cases apply to systems which serve residents as opposed to systems which serve transients or intermittent users. Accordingly, § 141.2(e) makes clear that all "public water systems" fall within either the category of "community water systems" or the category of "non-community water systems." To make clear which regulatory requirements apply to which type of system, the category covered is specifically indicated throughout the regulations.

The proposed regulations defined a "community water system" as "a public water system which serves a population of which 70 percent or greater are residents." Reliance in the proposed definition on the percentage of water system users who are residents would result in treating some fairly large resort communities with many year-round residents as non-community systems. Therefore, the definition of "community water system" has been changed to cover any system which serves at least 15 service connections used by year-round residents or serves at least 25 year-round residents.

Small Community Water Systems

Many community water systems in the country are quite small. Since it is the intention of the Act to provide basically the same level of health protection to residents of small communities as to residents of large cities, and since a number of advanced water treatment techniques are made feasible only by economies of scale, the cost of compliance with the requirements of the Act may pose a serious problem for many small communities. The regulations seek to recognize the financial problems of small communities by requiring more realistic monitoring for systems serving fewer than 1,000 persons. Variances and exemptions authorized by the Act can also assist in dealing with economic problems of small community systems in appropriate cases, at least temporarily. EPA will provide technical assistance on effective treatment techniques which can be used by small systems.

These methods of dealing with the financial problems of some small community systems may not be sufficient in specific instances to make compliance with all applicable regulatory requirements feasible. EPA is commencing a study of potential problems faced by small community systems in meeting applicable requirements under the Act and these regulations, and, if necessary, will make additional adjustments in the Interim Primary Drinking Water Regulations prior to their effective date.

Non-Community Systems

"Non-community systems" are basically those systems which serve transients. They include hotels, motels, restaurants, campgrounds, service stations, and other public accommodations which have their own water system and which have at least 15 service connections or serve water to a daily average of at least 25 persons. Some schools, factories and churches are also included in this category. It is conservatively estimated that there are over 200,000 non-community water systems in the country. However, it should be recognized that while their number is large, they normally are not the principal source of water for the people they serve.

The regulations as proposed would have applied all maximum contaminant levels to non-community systems as well as to community systems. This approach failed to take into account the fact that the proposed maximum contaminant levels for organic chemicals and most inorganic chemicals were based on the potential health effects of long-term exposure. Those levels are not necessary to protect transients or intermittent users. Therefore, the final regulations provide that maximum contaminant levels for organic chemicals, and for inorganic chemicals other than nitrates, are not applicable to non-community systems. An exception was made for nitrates because they can have an adverse health effect on susceptible infants in a short period of time.

Even without monitoring for organic chemicals or most inorganic chemicals, in the initial stages of implementation of the drinking water regulations, monitoring results from tens of thousands of non-community systems could overwhelm laboratory capabilities and other resources. This could delay effective implementation of the regulations with respect to the community systems which provide the water which Americans drink every day. To avoid this result, non-community systems will be given two years after the effective date of the regulations to commence monitoring. In the meantime, non-community systems which already monitor their water are encouraged to continue to do so, and the States are encouraged to take appropriate measures to test or require monitoring for non-community systems that serve large numbers of people.

Of course, non-community systems which pose a threat to health should be dealt with as quickly as possible. The maximum contaminant levels applicable to non-community water systems therefore will take effect 18 months after promulgation, at the same time as levels applicable to community systems. Inspection and enforcement authority will apply to non-community systems at the same time as to community systems.

Sanitary Surveys

EPA encourages the States to conduct sanitary surveys on a systematic basis.

These on-site inspections of water systems are more effective in assuring safe water to the public than individual tests taken in the absence of sanitary surveys. The regulations provide that monitoring frequencies for coliform bacteria can be changed by the entity with primary enforcement responsibility for an individual non-community system, and in certain circumstances for an individual community system, based on the results of a sanitary survey.

Maximum Contaminant Levels

Numerous comments were received by EPA on the substances selected for the establishment of maximum contaminant levels and on the levels chosen. Congress anticipated that the initial Interim Primary Drinking Water Regulations would be based on the Public Health Service Standards of 1962, and this Congressional intent has been followed. Comments received on the various levels did not contain new data sufficient to require the establishment of levels different from those contained in the Public Health Service Standards.

Water Consumption

The maximum contaminant levels are based, directly or indirectly, on an assumed consumption of two liters of water per day. The same assumption was used in the 1962 Standards. This assumption has been challenged because of instances where much higher water consumption rates occur. EPA's justification for using the two-liter figure is that it already represents an above average water or water-based fluid intake. Moreover, while the factor of safety may be somewhat reduced when greater quantities of water are ingested, the maximum contaminant levels based on the two-liter figure provide substantial protection to virtually all consumers. If, as has been suggested, a water consumption rate of eight liters per day is used as the basis for maximum contaminant level, all of the proposed MCL's would have to be divided by four, greatly increasing the monitoring difficulties, and in some cases challenging the sensitivity of accepted analytical procedures. It could be expected, in such a case, that the maximum contaminant levels would be exceeded to a significant degree, and that specialized treatment techniques would be required to order that the contaminant levels would be reduced. The economic impact of a move in this direction would be enormous. It is not technically or economically feasible to base maximum contaminant levels on unusually high consumption rates.

Safety Factors

A question was raised about the fact that different safety factors are contained in various maximum contaminant levels. The levels are not intended to have a uniform safety factor, at least partly because the knowledge of and the nature of the health risks of the various contaminants vary widely. The levels set are the result of experience, evaluation of the available data, and professional judgment. They have withstood the test of time and of professional review. They are being subjected to further review by the National Academy of Sciences in connection with development of data for the Revised Primary Drinking Water Regulations.

MCL's Based on Temperature

A question was also raised as to whether ranges of maximum contaminant levels should be established on the basis of the climate in the area served by the public water system, as was done with fluoride. EPA believes that the use of a temperature scale for fluoride is more appropriate than for other chemicals because of the studies available on the fluoride-temperature relationship and because there is a small margin with fluoride between beneficial levels and levels that cause adverse health effects.

MCL's Deleted

Three proposed maximum contaminant levels have been eliminated in the final regulations because they are not justified by the available data. One of these is carbon chloroform extract (CCE), which is discussed separately below. The others are the proposed levels for the standard bacterial plate count and cyanide. In the case of the plate count, it is believed that the coliform limits contained in the regulations, combined with the turbidity maximum contaminant level, adequately deal with bacterial contamination. However, EPA continues to believe that the standard plate count is a valid indicator of bacteriological quality of drinking water, and recommends that it be used in appropriate cases in conjunction with the coliform tests as an operational tool.

The proposed maximum contaminant level for cyanide was eliminated because the possibility of cyanide contamination can be effectively addressed only by the use of emergency action, such as under Section 1431 of the Act. EPA's 1969 Community Water Supply Study did not reveal a single instance in which cyanide was present in a water system at a level greater than one-thousandth of the level at which cyanide is toxic to humans. Available data indicate that cyanide will be present in water systems at toxic levels only in the event of an accident, such as a spill from a barge collision. Maximum contaminant levels are not the appropriate vehicle for dealing with such rare, accidental contamination.

Heptachor, heptachlor epoxide and chlordane have also been removed from the list of maximum contaminant levels at least temporarily in view of the pending cancellation and suspension proceedings under the Federal Insecticide, Fungicide and Rodenticide Act involving those pesticides. When the results of these proceedings are available, EPA will again consider whether maximum contaminant levels should be established for those three pesticides.

Sodium and Sulfates

A number of comments were received on the potential health effects of sodium and sulfates. The National Drinking Water Advisory Council has recommended that consideration be given to the monitoring of these constituents, but has not recommended the adoption of maximum contaminant levels because available data do not support the adoption of any specific levels. EPA has requested the National Academy of Sciences to include sodium and sulfates among the contaminants to be studied by NAS, and to include information on the health effects of sodium and sulfates in the report to be made by NAS in December 1976.

Since a number of persons suffer from diseases which are influenced by dietary sodium intake and since there are others who wish to restrict their sodium intake, it is desirable that the sodium content of drinking water be known. Those affected can, by knowing the sodium concentration in their drinking water, make adjustments to their diets or, in extreme cases, seek alternative sources of water to be used for drinking and food preparation. It is recommended that the States institute programs for regular monitoring of the sodium content of drinking water served to the public, and for informing physicians and consumers of the sodium concentration in drinking water.

A relatively high concentration of sulfate in drinking water has little or no known laxative effect on regular users of the water, but transients using such water sometimes experience a laxative effect. It is recommended that the States institute monitoring programs for sulfates, and that transients be notified if the sulfate content of the water is high. Such notification should include an assessment of the possible physiological effects of consumption of the water.

PCB's and Asbestos

An interagency comment expressed concern for asbestos and PCB's in the environment and noted the need for at least a monitoring requirement, if not for MCL's, for these contaminants. EPA is also concerned, but for the moment lacks sufficient evidence regarding analytical methods, health effects, or occurrence in the environment to establish MCL's. The Agency is conducting research and cooperating in research projects to develop criteria for establishing needed limits as quickly as possible. A monitoring study on a number of organic chemical contaminants, including PCB's, for which MCL's are not being established at this time, will be contained in an organic chemical monitoring regulation that is being promulgated with these regulations. Regarding asbestos, HEW and EPA are sponsoring a number of studies this year at an approximate cost of $16 million to establish health effects, anayltical methods and occurrence.

Point of Measurement

Other comments on maximum contaminant levels focused on the proposed requirement that such levels be tested at the consumer's tap. Concern was expressed over the inability of the public water system to control potential sources

V401248 DEC 24 75 XUM

of contaminants which are under the control of the consumer.

The promulgated definition of "maximum contaminant level," § 141.2(d), retains the requirement that the maximum contaminant level be measured at the tap except in the case of turbidity, which should be measured at the point of entry to the distribution system. However, the definition has been expanded to make clear that contaminants added to the water by circumstances under the control of the consumer are not the responsibility of the supplier of water, unless the contaminants result from corrosion of piping and plumbing resulting from the quality of the water supplied. It should be noted, however, that this requirement should not be interpreted as to discourage local, aggressive cross connection control measures.

Coliform Bacteria MCL's

The promulgated MCL's for coliform bacteria are basically the 1962 Public Health Service Standards, with minor refinements and clarifications. However, further changes may be desirable. For example, the MCL's for the membrane filter analytical method do not resolve the question of how many coliform bacteria are assumed to be present in a single highly contaminated sample. Some laboratories assume an upper limit of 50, while others seek to continue to count individual bacteria to a level of 100 or even higher in a single sample. The upper limit assumed will affect the monthly average which is calculated to determine compliance with the MCL's.

Another question relating to the coliform bacteria MCL's is the matter of possible spurious positive samples. As the regulations are written, all routine samples taken to determine compliance with the MCL's must be counted, regardless of the results of analysis of any check samples that may be taken. The reason for this is that bacterial contamination is often intermittent or transient, and as a result negative check samples taken a day or more after a positive sample cannot demonstrate that the positive result was in error. It may be possible, however, to prescribe a means of dealing with spurious positive results without compromising the integrity of the MCL's.

A third question concerning the MCL's for coliform bacteria is the relationship of monthly averages of coliform bacteria levels to monthly percentages of positive samples. For example, the monthly average MCL for the membrane filter method is violated if the monthly average exceeds one coliform bacterium per sample. However, for purposes of determining whether the monthly-percentage-of-positive-samples MCL is violated, a sample is counted as positive only if it contains more than four coliform bacteria. Thus, it is possible, particularly when a relatively small number of samples is taken, for a system to fail the monthly average MCL even when no single sample taken during the month is out of compliance with the limit.

These and other questions concerning the coliform bacteria MCL's will be reviewed further by EPA. If review indicates that changes in the MCL's are desirable, those changes will be made as soon as possible but within 6 months, in time to take effect at the same time as the initial Interim Primary Drinking Water Regulations.

Organic Chemicals

The proposed maximum contaminant levels for organic pesticides, other than the three which are the subject of cancellation and suspension proceedings, have been retained. It is anticipated that additional organic pesticides will be added to the regulations if surveys of pesticides in drinking water being conducted by EPA indicate that this is needed.

The proposed regulations also contained a maximum contaminant level for organic chemicals obtained by the carbon chloroform extract (CCE) method. It was anticipated by Congress that organic chemicals would be dealt with primarily in the Revised Primary Drinking Water Regulations because of the paucity of accurate data on the health effects of various organic chemicals, the large number of such chemicals, uncertainities over appropriate treatment techniques, and the need for additional information on the incidence of specific organic chemicals in drinking water supplies. EPA thought that the CCE standard might provide an appropriate means of dealing with organic chemicals as a class pending action on the Revised Primary Regulations.

The CCE standard was originally developed as a test for undesirable tastes and odors in drinking water. As concern developed over the health effects of organic chemicals, the possibility of using CCE as a health standard rather than an esthetic standard was considered.

As pointed out by numerous comments, CCE has many failings as an indicator of health effects of organic chemicals. To begin with, the test obtains information on only a fraction of the total amount of organic chemicals in the water sampled. Furthermore, there is serious question as to the reliability of CCE in identifying those organic chemicals which are most suspected of adverse health effects. In addition, there are no existing data on which a specific level for CCE can be established on a rational basis. To establish a maximum contaminant level under these circumstances would almost certainly do more harm than good. It could give a false sense of security to persons served by systems which are within the established level and a false sense of alarm to persons served by systems which exceed the level. It also would divert resources from efforts to find more effective ways of dealing with the organic chemicals problem.

EPA believes that the intelligent approach to the organic chemicals question is to move ahead as rapidly as possible along two fronts. First, EPA is adopting simultaneously with these regulations a Subpart E of Part 141, containing requirements for organic chemical monitoring pursuant to Sections 1445 and 1450 of the Act.

The regulations require that designated public water systems collect samples of raw and treated water for submission to EPA for organics analysis. EPA will analyze the samples for a number of broad organic parameters, including carbon chloroform extract (CCE), volatile and non-volatile total organic carbon (VTOC and NVTOC), total organic chlorine (TOCl), ultraviolet absorbancy, and fluorescence. In addition, monitoring will be required for probably 21 specific organic compounds. Selection of the specific compounds has been based on the occurrence or likelihood of occurrence in treated water, toxicity data and availability of practical analytical methods. Laboratory analyses will be used to evaluate the extent and nature of organic chemical contamination of drinking water, to evaluate the validity of the general organic parameters as surrogates for measures of harmful organic chemicals, and to determine whether there is an adequate basis for establishing maximum contaminant levels for specific organics or groups of organics.

Second, EPA is embarking on an intensive research program to find answers to the following four questions:

1. What are the effects of commonly occurring organic compounds on human health?

2. What analytical procedures should be used to monitor finished drinking water to assure that any Primary Drinking Water Regulations dealing with organics are met?

3. Because some of these organic compounds are formed during water treatment, what changes in treatment practices are required to minimize the formation of these compounds in treated water?

4. What treatment technology must be applied to reduce contaminant levels to concentrations that may be specified in the Primary Drinking Water Regulations?

This research will involve health-effects and epidemiological studies, investigations of analytical methodology, and pilot plant and field studies of organic removal unit processes. Some phases of the research are to be completed by the end of this year, while much of the remainder are to be completed within the next calendar year.

As soon as sufficient information is derived from the monitoring program and related research, the Interim Primary Drinking Water Regulations will be amended so that the organic chemicals problem can be dealt with without delay. The monitoring process will be completed within 1 year.

During the interim period, while satisfactory MCL's for organic contamination in drinking water are being developed, EPA will act in specific cases where appropriate to deal with organic contamination. If the EPA monitoring program reveals serious specific cases of contamination, EPA will work with State and local authorities to identify the source and nature of the problem and to take remedial action. EPA will also aid the States in identifying additional community water supplies that require analysis.

Public Notice

The public notice requirements proposed in § 141.32 did not distinguish between community and non-community public water systems. They would have required that public notice of non-compliance with applicable regulations be made by newspaper, in water bills, and by other media for all public water systems. These requirements are inappropriate and ineffective in the case of most non-community water systems. Those systems principally serve transients who do not receive water bills from the system and who probably are not exposed significantly to the local media. A more effective approach would be to require notice that can inform the transient before he drinks the system's water, and thereby both warn the transient and provide an incentive to the supplier of water to remedy the violation. Accordingly, Section 141.32 as adopted provides that in the case of non-community systems, the entity with primary enforcement responsibility shall require that notice be given in a form and manner that will insure that the public using the public water system is adequately informed.

The proposed public notice requirements also failed to distinguish between different types of violations of the Interim Primary Drinking Water Regulations. Since the urgency and importance of a notice varies according to the nature of the violation involved, § 141.32 as promulgated seeks to match the type of notice required with the type of violation involved. Written notice accompanying a water bill or other direct notice by mail is required for all violations of the regulations, including violations of monitoring requirements, and for the grant of a variance or exemption. In addition, notice by newspaper and notification to radio and television stations is required whenever a maximum contaminant level is exceeded, or when the entity with primary enforcement responsibility requires such broader notice.

Quality Control and Testing Procedures

Section 1401(1) of the Act defines "primary drinking water regulation" to include "quality control and testing procedures." The promulgated regulations include testing requirements for each maximum contaminant level, including check samples and special samples in appropriate cases. The regulations also specify the procedures to be followed in analyzing samples for each of the maximum contaminant levels. These procedures will be updated from time to time as advances are made in analytical methods. For example, references to "Standard Methods for the Examination of Water and Wastewater" are to the current, 13th, edition, but these references will be changed to cite the 14th edition when it is available in the near future.

A key element of quality control for public water systems is accurate laboratory analysis. Section 141.28 of the regulations provides that analyses conducted for the purpose of determining compliance with maximum contaminant levels must be conducted by a laboratory approved by the entity with primary enforcement responsibility. EPA will develop as soon as possible, in cooperation with the States and other interested parties, criteria and procedures for laboratory certification. A State with primary enforcement responsibility will have a laboratory certified by EPA pursuant to the prescribed criteria and procedures, and in turn will certify laboratories within the State.

Record-keeping requirements and reports to the State also will assist in quality control efforts.

Record-Keeping

Adequate record-keeping is necessary for the proper operation and administration of a public water system. It is also important for providing information to the public, providing appropriate data for inspection and enforcement activities and providing information on which future regulations can be based. Accordingly, a new § 141.33 has been added to the regulations to require that each public water system maintain records of sample analyses and of actions to correct violations of the Primary Drinking Water Regulations.

Economic and Cost Analysis

A comprehensive economics study has been made of the Interim Primary Drinking Water Regulations. This study estimates the costs of the regulations, evaluates the potential economic impact, and considers possible material and labor shortages. The results of this analysis are summarized here.

Total investment costs to community water systems to achieve compliance with these regulations are estimated to be between $1,050 and $1,765 million. It is estimated that non-community systems will invest an additional $24 million. The range of the estimate is due to uncertainty as to the design flow that will be used in installing treatment facilities. Systems not in compliance will have to consider sizing their new components to reflect average daily flow conditions, or maximum daily flow conditions in cases where system storage is not adequate.

This investment will be spread over several years. Investor-owned systems will bear about one-fourth of these costs, and publicly-owned systems the remainder. It is not anticipated that systems will have difficulty financing these capital requirements.

In annual terms, national costs are expected to be within the following ranges:

	In millions
Capital costs	$146–247
Operations and maintenance	262–263
Monitoring (routine only)	17– 35
Total	$426–545

Although these aggregate figures are large, most water consumers will not be significantly affected. For those users in systems serving 10,000 persons or more, the average annual treatment cost per capita may increase from less than $1.00 for systems requiring disinfection and lead control, to between $15 to $35 for control of turbidity and heavy metal removal. For systems serving less than 100 persons, the average annual per capita costs of disinfection, lead control and fluoride/arsenic removal are estimated to be between $2.10 and $11.80. However, if turbidity control or heavy metal removal were required in a system of this size then costs are expected to range from $52 to $237 per year per capita. EPA is aware of the serious potential economic impact on users in these small systems. However, the legislative history specifies that the regulations should be based on costs that can be reasonably afforded by large metropolitan or regional systems. Further economic evaluation of these systems is being conducted, and realistic options for these small systems are being reviewed. Options that will be under consideration include less costly treatment technologies; formation of regional systems; and use of alternative water sources. Industrial and commercial users, whether providing their own water or using public systems, are not expected to be significantly affected by these regulations.

Possible constraints to the implementation of the interim primary regulations were examined. Although there will be an increase in demand for chemicals, manpower, laboratories, and construction of treatment facilities, it is not anticipated that any of these factors will be a serious obstacle to implementation of these regulations over a reasonable time frame.

For the reasons given above, Chapter 40 of the Code of Federal Regulations is hereby amended by the addition of the following new Part 141. These regulations will take effect 18 months after promulgation.

(It is hereby certified that the economic and inflationary impacts of these regulations have been carefully evaluated in accordance with Executive Order 11821)

Dated: December 10, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart A—General

Sec.
141.1 Applicability.
141.2 Definitions.
141.3 Coverage.
141.4 Variances and exemptions.
141.5 Siting requirements.
141.6 Effective date.

Subpart B—Maximum Contaminant Levels

141.11 Maximum contaminant levels for inorganic chemicals.
141.12 Maximum contaminant levels for organic chemicals.
141.13 Maximum contaminant levels for turbidity.
141.14 Maximum microbiological contaminant levels.

Subpart C—Monitoring and Analytical Requirements

141.21 Microbiological contaminant sampling and analytical requirements.

XUM
V 40248
DEC 24 75
XUM

Sec.
141.22 Turbidity sampling and analytical requirements.
141.23 Inorganic chemical sampling and analytical requirements.
141.24 Organic chemical sampling and analytical requirements.
141.27 Alternative analytical techniques.
141.28 Approved laboratories.
141.29 Monitoring of consecutive public water systems.

Subpart D—Reporting, Public Notification, and Record-keeping

141.31 Reporting requirements.
141.32 Public notification of variances, exemptions, and non-compliance with regulations.
141.33 Record maintenance.

AUTHORITY: Secs. 1412, 1414, 1445, and 1450 of the Public Health Service Act, 88 Stat. 1660 (42 U.S.C. 300g-1, 300g-3, 300j-4, and 300j-9).

Subpart A—General

§ 141.1 Applicability.

This part establishes primary drinking water regulations pursuant to section 1412 of the Public Health Service Act, as amended by the Safe Drinking Water Act (Pub. L. 93-523); and related regulations applicable to public water systems.

§ 141.2 Definitions.

As used in this part, the term:

(a) "Act" means the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523.

(b) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(c) "Maximum contaminant level" means the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of a public water system, except in the case of turbidity where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition.

(d) "Person" means an individual, corporation, company, association, partnership, State, municipality, or Federal agency.

(e) "Public water system" means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year. Such term includes (1) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public water system is either a "community water system" or a "non-community water system."

(i) "Community water system" means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

(ii) "Non-community water system" means a public water system that is not a community water system.

(f) "Sanitary survey" means an on-site review of the water source, facilities, equipment, operation and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

(g) "Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.

(h) "State" means the agency of the State government which has jurisdiction over public water systems. During any period when a State does not have primary enforcement responsibility pursuant to Section 1413 of the Act, the term "State" means the Regional Administrator, U.S. Environmental Protection Agency.

(i) "Supplier of water" means any person who owns or operates a public water system.

§ 141.3 Coverage.

This part shall apply to each public water system, unless the public water system meets all of the following conditions:

(a) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);

(b) Obtains all of its water from, but is not owned or operated by, a public water system to which such regulations apply;

(c) Does not sell water to any person; and

(d) Is not a carrier which conveys passengers in interstate commerce.

§ 141.4 Variances and exemptions.

Variances or exemptions from certain provisions of these regulations may be granted pursuant to Sections 1415 and 1416 of the Act by the entity with primary enforcement responsibility. Provisions under Part 142, *National Interim Primary Drinking Water Regulations Implementation*—subpart E (Variances) and subpart F (Exemptions)—apply where EPA has primary enforcement responsibility.

§ 141.5 Siting requirements.

Before a person may enter into a financial commitment for or initiate construction of a new public water system or increase the capacity of an existing public water system, he shall notify the State and, to the extent practicable, avoid locating part or all of the new or expanded facility at a site which:

(a) Is subject to a significant risk from earthquakes, floods, fires or other disasters which could cause a breakdown of the public water system or a portion thereof; or

(b) Except for intake structures, is within the floodplain of a 100-year flood or is lower than any recorded high tide where appropriate records exist.

The U.S. Environmental Protection Agency will not seek to override land use decisions affecting public water systems siting which are made at the State or local government levels.

§ 141.6 Effective date.

The regulations set forth in this part shall take effect 18 months after the date of promulgation.

Subpart B—Maximum Contaminant Levels

§ 141.11 Maximum contaminant levels for inorganic chemicals.

(a) The maximum contaminant level for nitrate is applicable to both community water systems and non-community water systems. The levels for the other inorganic chemicals apply only to community water systems. Compliance with maximum contaminant levels for inorganic chemicals is calculated pursuant to § 141.23.

(b) The following are the maximum contaminant levels for inorganic chemicals other than fluoride:

Contaminant	*Level, milligrams per liter*
Arsenic	0.05
Barium	1.
Cadmium	0.010
Chromium	0.05
Lead	0.05
Mercury	0.002
Nitrate (as N)	10.
Selenium	0.01
Silver	0.05

(c) When the annual average of the maximum daily air temperatures for the location in which the community water system is situated is the following, the maximum contaminant levels for fluoride are:

Temperature Degrees Fahrenheit	Degrees Celsius	Level, milligrams per liter
53.7 and below	12.0 and below	2.4
53.8 to 58.3	12.1 to 14.6	2.2
58.4 to 63.8	14.7 to 17.6	2.0
63.9 to 70.6	17.7 to 21.4	1.8
70.7 to 79.2	21.5 to 26.2	1.6
79.3 to 90.5	26.3 to 32.5	1.4

§ 141.12 Maximum contaminant levels for organic chemicals.

The following are the maximum contaminant levels for organic chemicals. They apply only to community water systems. Compliance with maximum contaminant levels for organic chemicals is calculated pursuant to § 141.24.

	Level, milligrams per liter
(a) Chlorinated hydrocarbons:	
Endrin (1,2,3,4,10, 10-hexachloro-6,7-epoxy-1,4, 4a,5,6,7,8,8a-octahydro-1,4-endo, endo-5,8 - dimethano naphthalene).	0.0002
Lindane (1,2,3,4,5,6-hexachlorocyclohexane, gamma isomer).	0.004
Methoxychlor (1,1,1-Trichloro-2, 2 - bis [p-methoxyphenyl] ethane).	0.1
Toxaphene ($C_{10}H_{10}Cl_8$-Technical chlorinated camphene, 67-69 percent chlorine).	0.005
(b) Chlorophenoxys:	
2,4-D, (2,4-Dichlorophenoxyacetic acid).	0.1
2,4,5-TP Silvex (2,4,5-Trichlorophenoxypropionic acid).	0.01

§ 141.13 Maximum contaminant levels for turbidity.

The maximum contaminant levels for turbidity are applicable to both community water systems and non-community water systems using surface water sources in whole or in part. The maximum contaminant levels for turbidity in drinking water, measured at a representative entry point(s) to the distribution system, are:

(a) One turbidity unit (TU), as determined by a monthly average pursuant to § 141.22, except that five or fewer turbidity units may be allowed if the supplier of water can demonstrate to the State that the higher turbidity does not do any of the following:

(1) Interfere with disinfection;

(2) Prevent maintenance of an effective disinfectant agent throughout the distribution system; or

(3) Interfere with microbiological determinations.

(b) Five turbidity units based on an average for two consecutive days pursuant to § 141.22.

§ 141.14 Maximum microbiological contaminant levels.

The maximum contaminant levels for coliform bacteria, applicable to community water systems and non-community water systems, are as follows:

(a) When the membrane filter technique pursuant to § 141.21(a) is used, the number of coliform bacteria shall not exceed any of the following:

(1) One per 100 milliliters as the arithmetic mean of all samples examined per month pursuant to § 141.21 (b) or (c);

(2) Four per 100 milliliters in more than one sample when less than 20 are examined per month; or

(3) Four per 100 milliliters in more than five percent of the samples when 20 or more are examined per month.

(b) (1) When the fermentation tube method and 10 milliliter standard portions pursuant to § 141.21(a) are used, coliform bacteria shall not be present in any of the following:

(i) more than 10 percent of the portions in any month pursuant to § 141.21 (b) or (c);

(ii) three or more portions in more than one sample when less than 20 samples are examined per month; or

(iii) three or more portions in more than five percent of the samples when 20 or more samples are examined per month.

(2) When the fermentation tube method and 100 milliliter standard portions pursuant to § 141.21(a) are used, coliform bacteria shall not be present in any of the following:

(i) more than 60 percent of the portions in any month pursuant to § 141.21 (b) or (c);

(ii) five portions in more than one sample when less than five samples are examined per month; or

(iii) five portions in more than 20 percent of the samples when five or more samples are examined per month.

(c) For community or non-community systems that are required to sample at a rate of less than 4 per month, compliance with paragraphs (a), (b)(1), or (b)(2) of this section shall be based upon sampling during a 3 month period, except that, at the discretion of the State, compliance may be based upon sampling during a one-month period.

Subpart C—Monitoring and Analytical Requirements

§ 141.21 Microbiological contaminant sampling and analytical requirements.

(a) Suppliers of water for community water systems and non-community water systems shall analyze for coliform bacteria for the purpose of determining compliance with § 141.14. Analyses shall be conducted in accordance with the analytical recommendations set forth in "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, 13th Edition, pp. 662-688, except that a standard sample size shall be employed. The standard sample used in the membrane filter procedure shall be 100 milliliters. The standard sample used in the 5 tube most probable number (MPN) procedure (fermentation tube method) shall be 5 times the standard portion. The standard portion is either 10 milliliters or 100 milliliters as described in § 141.14 (b) and (c). The samples shall be taken at points which are representative of the conditions within the distribution system.

(b) The supplier of water for a community water system shall take coliform density samples at regular time intervals, and in number proportionate to the population served by the system. In no event shall the frequency be less than as set forth below:

Population served:	*Minimum number of samples per month*
25 to 1,000	1
1,001 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 9,400	10
9,401 to 10,300	11
10,301 to 11,100	12
11,101 to 12,000	13
12,001 to 12,900	14
12,901 to 13,700	15
13,701 to 14,600	16
14,601 to 15,500	17
15,501 to 16,300	18
16,301 to 17,200	19
17,201 to 18,100	20
18,101 to 18,900	21
18,901 to 19,800	22
19,801 to 20,700	23
20,701 to 21,500	24
21,501 to 22,380	25
22,301 to 23,200	26
23,201 to 24,000	27
24,001 to 24,900	28
24,901 to 25,000	29
25,001 to 28,000	30
28,001 to 33,000	35
33,001 to 37,000	40
37,001 to 41,000	45
41,001 to 46,000	50
46,001 to 50,000	55
50,001 to 54,000	60
54,001 to 59,000	65
59,001 to 64,000	70
64,001 to 70,000	75
70,001 to 76,000	80
76,001 to 83,000	85
83,001 to 90,000	90
90,001 to 96,000	95
96,001 to 111,000	100
111,001 to 130,000	110
130,001 to 160,000	120
160,001 to 190,000	130
190,001 to 220,000	140
220,001 to 250,000	150
250,001 to 290,000	160
290,001 to 320,000	170
320,001 to 360,000	180
360,001 to 410,000	190
410,001 to 450,000	200
450,001 to 500,000	210
500,001 to 550,000	220
550,001 to 600,000	230
600,001 to 660,000	240
660,001 to 720,000	250
720,001 to 780,000	260
780,001 to 840,000	270
840,001 to 910,000	280
910,001 to 970,000	290
970,001 to 1,050,000	300
1,050,001 to 1,140,000	310
1,140,001 to 1,230,000	320
1,230,001 to 1,320,000	330
1,320,001 to 1,420,000	340
1,420,001 to 1,520,000	350
1,520,001 to 1,630,000	360
1,630,001 to 1,730,000	370
1,730,001 to 1,850,000	380
1,850,001, to 1,970,000	390
1,970,001 to 2,060,000	400
2,060,001 to 2,270,000	410
2,270,001 to 2,510,000	420
2,510,001 to 2,750,000	430
2,750,001 to 3,020,000	440
3,020,001 to 3,320,000	450
3,320,001 to 3,620,000	460
3,620,001 to 3,960,000	470
3,960,001 to 4,310,000	480
4,310,001 to 4,690,000	490
4,690,001 or more	500

Based on a history of no coliform bacterial contamination and on a sanitary survey by the State showing the water system to be supplied solely by a protected ground water source and free of sanitary defects, a community water system serving 25 to 1,000 persons, with written permission from the State, may reduce this sampling frequency except that in no case shall it be reduced to less than one per quarter.

(c) The supplier of water for a non-community water system shall sample for coliform bacteria in each calendar quarter during which the system provides water to the public. Such sampling shall begin within two years after the effective date of this part. If the State, on the basis of a sanitary survey, determines that some other frequency is more appropriate, that frequency shall be the frequency required under these regulations. Such frequency shall be confirmed or changed on the basis of subsequent surveys.

(d) (1) When the coliform bacteria in a single sample exceed four per 100 milliliters (§ 141.14(a)), at least two consecutive daily check samples shall be collected and examined from the same sampling point. Additional check samples shall be collected daily, or at a frequency estab-

V401248 DEC 24 75 XUM

lished by the State, until the results obtained from at least two consecutive check samples show less than one coliform bacterium per 100 milliliters.

(2) When coliform bacteria occur in three or more 10 ml portions of a single sample (§ 141.14(b)(1)), at least two consecutive daily check samples shall be collected and examined from the same sampling point. Additional check samples shall be collected daily, or at a frequency established by the State, until the results obtained from at least two consecutive check samples show no positive tubes.

(3) When coliform bacteria occur in all five of the 100 ml portions of a single sample (§ 141.14(b)(2)), at least two daily check samples shall be collected and examined from the same sampling point. Additional check samples shall be collected daily, or at a frequency established by the State, until the results obtained from at least two consecutive check samples show no positive tubes.

(4) The location at which the check samples were taken pursuant to paragraphs (d) (1), (2), or (3) of this section shall not be eliminated from future sampling without approval of the State. The results from all coliform bacterial analyses performed pursuant to this subpart, except those obtained from check samples and special purpose samples, shall be used to determine compliance with the maximum contaminant level for coliform bacteria as established in § 141.14. Check samples shall not be included in calculating the total number of samples taken each month to determine compliance with § 141.21 (b) or (c).

(e) When the presence of coliform bacteria in water taken from a particular sampling point has been confirmed by any check samples examined as directed in paragraphs (d) (1), (2), or (3) of this section, the supplier of water shall report to the State within 48 hours.

(f) When a maximum contaminant level set forth in paragraphs (a), (b) or (c) of § 141.14 is exceeded, the supplier of water shall report to the State and notify the public as prescribed in § 141.31 and § 141.32.

(g) Special purpose samples, such as those taken to determine whether disinfection practices following pipe placement, replacement, or repair have been sufficient, shall not be used to determine compliance with § 141.14 or § 141.21 (b) or (c).

(h) A supplier of water of a community water system or a non-community water system may, with the approval of the State and based upon a sanitary survey, substitute the use of chlorine residual monitoring for not more than 75 percent of the samples required to be taken by paragraph (b) of this section, *Provided*, That the supplier of water takes chlorine residual samples at points which are representative of the conditions within the distribution system at the frequency of at least four for each substituted microbiological sample. There shall be at least daily determinations of chlorine residual. When the supplier of water exercises the option provided in this paragraph (h) of this section, he shall maintain no less than 0.2 mg/1 free chlorine throughout the public water distribution system. When a particular sampling point has been shown to have a free chlorine residual less than 0.2 mg/1, the water at that location shall be retested as soon as practicable and in any event within one hour. If the original analysis is confirmed, this fact shall be reported to the State within 48 hours. Also, if the analysis is confirmed, a sample for coliform bacterial analysis must be collected from that sampling point as soon as practicable and preferably within one hour, and the results of such analysis reported to the State within 48 hours after the results are known to the supplier of water. Analyses for residual chlorine shall be made in accordance with "Standard Methods for the Examination of Water and Wastewater," 13th Ed., pp. 129–132. Compliance with the maximum contaminant levels for coliform bacteria shall be determined on the monthly mean or quarterly mean basis specified in § 141.14, including those samples taken as a result of failure to maintain the required chlorine residual level. The State may withdraw its approval of the use of chlorine residual substitution at any time.

§ 141.22 Turbidity sampling and analytical requirements.

(a) Samples shall be taken by suppliers of water for both community water systems and non-community water systems at a representative entry point(s) to the water distribution system at least once per day, for the purpose of making turbidity measurements to determine compliance with § 141.13. The measurement shall be made by the Nephelometric Method in accordance with the recommendations set forth in "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, 13th Edition, pp. 350–353, or "Methods for Chemical Analysis of Water and Wastes," pp. 295–298, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

(b) If the result of a turbidity analysis indicates that the maximum allowable limit has been exceeded, the sampling and measurement shall be confirmed by resampling as soon as practicable and preferably within one hour. If the repeat sample confirms that the maximum allowable limit has been exceeded, the supplier of water shall report to the State within 48 hours. The repeat sample shall be the sample used for the purpose of calculating the monthly average. If the monthly average of the daily samples exceeds the maximum allowable limit, or if the average of two samples taken on consecutive days exceeds 5 TU, the supplier of water shall report to the State and notify the public as directed in § 141.31 and § 141.32.

(c) Sampling for non-community water systems shall begin within two years after the effective date of this part.

(d) The requirements of this § 141.22 shall apply only to public water systems which use water obtained in whole or in part from surface sources.

§ 141.23 Inorganic chemical sampling and analytical requirements.

(a) Analyses for the purpose of determining compliance with § 141.11 are required as follows:

(1) Analyses for all community water systems utilizing surface water sources shall be completed within one year following the effective date of this part. These analyses shall be repeated at yearly intervals.

(2) Analyses for all community water systems utilizing only ground water sources shall be completed within two years following the effective date of this part. These analyses shall be repeated at three-year intervals.

(3) For non-community water systems, whether supplied by surface or ground water sources, analyses for nitrate shall be completed within two years following the effective date of this part. These analyses shall be repeated at intervals determined by the State.

(b) If the result of an analysis made pursuant to paragraph (a) indicates that the level of any contaminant listed in § 141.11 exceeds the maximum contaminant level, the supplier of water shall report to the State within 7 days and initiate three additional analyses at the same sampling point within one month.

(c) When the average of four analyses made pursuant to paragraph (b) of this section, rounded to the same number of significant figures as the maximum contaminant level for the substance in question, exceeds the maximum contaminant level, the supplier of water shall notify the State pursuant to § 141.31 and give notice to the public pursuant to § 141.32. Monitoring after public notification shall be at a frequency designated by the State and shall continue until the maximum contaminant level has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

(d) The provisions of paragraphs (b) and (c) of this section notwithstanding, compliance with the maximum contaminant level for nitrate shall be determined on the basis of the mean of two analyses. When a level exceeding the maximum contaminant level for nitrate is found, a second analysis shall be initiated within 24 hours, and if the mean of the two analyses exceeds the maximum contaminant level, the supplier of water shall report his findings to the State pursuant to § 141.31 and shall notify the public pursuant to § 141.32.

(e) For the initial analyses required by paragraph (a) (1), (2) or (3) of this section, data for surface waters acquired within one year prior to the effective date and data for ground waters acquired within 3 years prior to the effective date of this part may be substituted at the discretion of the State.

(f) Analyses conducted to determine compliance with § 141.11 shall be made in accordance with the following methods:

(1) Arsenic—Atomic Absorption Method, "Methods for Chemical Analysis of Water and Wastes," pp. 95–96, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

(2) Barium—Atomic Absorption Method, "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210–215, or "Methods for Chemical Analysis of Water and Wastes," pp. 97–98, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

(3) Cadmium—Atomic Absorption Method, "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210–215, or "Methods for Chemical Analysis of Water and Wastes," pp. 101–103, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

(4) Chromium—Atomic Absorption Method, "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210–215, or "Methods for Chemical Analysis of Water and Wastes," pp. 105–106, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

(5) Lead—Atomic Absorption Method, "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 210–215, or "Methods for Chemical Analysis of Water and Wastes," pp. 112–113, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

(6) Mercury—Flameless Atomic Absorption Method, "Methods for Chemical Analysis of Water and Wastes," pp. 118–126, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

(7) Nitrate—Brucine Colorimetric Method, "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 461–464, or Cadmium Reduction Method, "Methods for Chemical Analysis of Water and Wastes," pp. 201–206, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

(8) Selenium—Atomic Absorption Method, "Methods for Chemical Analysis of Water and Wastes," p. 145, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

(9) Silver—Atomic Absorption Method, "Standard Methods for the Examination of Water and Wastewater", 13th Edition, pp. 210–215, or "Methods for Chemical Analysis of Water and Wastes", p. 146, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

(10) Fluoride—Electrode Method, "Standard Methods for the Examination of Water and Wastewater", 13th Edition, pp. 172–174, or "Methods for Chemical Analysis of Water and Wastes," pp. 65–67, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974, or Colorimetric Method with Preliminary Distillation, "Standard Methods for the Examination of Water and Wastewater," 13th Edition, pp. 171–172 and 174–176, or "Methods for Chemical Analysis of Water and Wastes," pp. 59–60, Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, 1974.

§ 141.24 Organic chemical sampling and analytical requirements.

(a) An analysis of substances for the purpose of determining compliance with § 141.12 shall be made as follows:

(1) For all community water systems utilizing surface water sources, analyses shall be completed within one year following the effective date of this part. Samples analyzed shall be collected during the period of the year designated by the State as the period when contamination by pesticides is most likely to occur. These analyses shall be repeated at intervals specified by the State but in no event less frequently than at three year intervals.

(2) For community water systems utilizing only ground water sources, analyses shall be completed by those systems specified by the State.

(b) If the result of an analysis made pursuant to paragraph (a) of this section indicates that the level of any contaminant listed in § 141.12 exceeds the maximum contaminant level, the supplier of water shall report to the State within 7 days and initiate three additional analyses within one month.

(c) When the average of four analyses made pursuant to paragraph (b) of this section, rounded to the same number of significant figures as the maximum contaminant level for the substance in question, exceeds the maximum contaminant level, the supplier of water shall report to the State pursuant to § 141.31 and give notice to the public pursuant to § 141.32. Monitoring after public notification shall be at a frequency designated by the State and shall continue until the maximum contaminant level has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

(d) For the initial analysis required by paragraph (a) (1) and (2) of this section, data for surface water acquired within one year prior to the effective date of this part and data for ground water acquired within three years prior to the effective date of this part may be substituted at the discretion of the State.

(e) Analyses made to determine compliance with § 141.12(a) shall be made in accordance with "Method for Organochlorine Pesticides in Industrial Effluents," MDQARL, Environmental Protection Agency, Cincinnati, Ohio, November 28, 1973.

(f) Analyses made to determine compliance with § 141.12(b) shall be conducted in accordance with "Methods for Chlorinated Phenoxy Acid Herbicides in Industrial Effluents," MDQARL, Environmental Protection Agency, Cincinnati, Ohio, November 28, 1973.

§ 141.27 Alternative analytical techniques.

With the written permission of the State, concurred in by the Administrator of the U.S. Environmental Protection Agency, an alternative analytical technique may be employed. An alternative technique shall be acceptable only if it is substantially equivalent to the prescribed test in both precision and accuracy as it relates to the determination of compliance with any maximum contaminant level. The use of the alternative analytical technique shall not decrease the frequency of monitoring required by this part.

§ 141.28 Approved laboratories.

For the purpose of determining compliance with § 141.21 through § 141.27, samples may be considered only if they have been analyzed by a laboratory approved by the State except that measurements for turbidity and free chlorine residual may be performed by any person acceptable to the State.

§ 141.29 Monitoring of consecutive public water systems.

When a public water system supplies water to one or more other public water systems, the State may modify the monitoring requirements imposed by this part to the extent that the interconnection of the systems justifies treating them as a single system for monitoring purposes. Any modified monitoring shall be conducted pursuant to a schedule specified by the State and concurred in by the Administrator of the U.S. Environmental Protection Agency.

Subpart D—Reporting, Public Notification and Record Keeping

§ 141.31 Reporting requirements.

(a) Except where a shorter reporting period is specified in this part, the supplier of water shall report to the State within 40 days following a test, measurement or analysis required to be made by this part, the results of that test, measurement or analysis.

(b) The supplier of water shall report to the State within 48 hours the failure to comply with any primary drinking water regulation (including failure to comply with monitoring requirements) set forth in this part.

(c) The supplier of water is not required to report analytical results to the State in cases where a State laboratory performs the analysis and reports the results to the State office which would normally receive such notification from the supplier.

§ 141.32 Public notification.

(a) If a community water system fails to comply with an applicable maximum contaminant level established in Subpart B, fails to comply with an applicable testing procedure established in Subpart C of this part, is granted a variance or an exemption from an applicable maximum contaminant level, fails to comply with the requirements of any schedule prescribed pursuant to a variance or exemption, or fails to perform any monitoring required pursuant to Section 1445 (a) of the Act, the supplier of water shall notify persons served by the system of the failure or grant by inclusion of a notice in the first set of water bills of the system issued after the failure or grant

V 40248 DEC 24 75 XUM

and in any event by written notice within three months. Such notice shall be repeated at least once every three months so long as the system's failure continues or the variance or exemption remains in effect. If the system issues water bills less frequently than quarterly, or does not issue water bills, the notice shall be made by or supplemented by another form of direct mail.

(b) If a community water system has failed to comply with an applicable maximum contaminant level, the supplier of water shall notify the public of such failure, in addition to the notification required by paragraph (a) of this section, as follows:

(1) By publication on not less than three consecutive days in a newspaper or newspapers of general circulation in the area served by the system. Such notice shall be completed within fourteen days after the supplier of water learns of the failure.

(2) By furnishing a copy of the notice to the radio and television stations serving the area served by the system. Such notice shall be furnished within seven days after the supplier of water learns of the failure.

(c) If the area served by a community water system is not served by a daily newspaper of general circulation, notification by newspaper required by paragraph (b) of this section shall instead be given by publication on three consecutive weeks in a weekly newspaper of general circulation serving the area. If no weekly or daily newspaper of general circulation serves the area, notice shall be given by posting the notice in post offices within the area served by the system.

(d) If a non-community water system fails to comply with an applicable maximum contaminant level established in Subpart B of this part, fails to comply with an applicable testing procedure established in Subpart C of this part, is granted a variance or an exemption from an applicable maximum contaminant level, fails to comply with the requirement of any schedule prescribed pursuant to a variance or exemption or fails to perform any monitoring required pursuant to Section 1445(a) of the Act, the supplier of water shall given notice of such failure or grant to the persons served by the system. The form and manner of such notice shall be prescribed by the State, and shall insure that the public using the system is adequately informed of the failure or grant.

(e) Notices given pursuant to this section shall be written in a manner reasonably designed to inform fully the users of the system. The notice shall be conspicuous and shall not use unduly technical language, unduly small print or other methods which would frustrate the purpose of the notice. The notice shall disclose all material facts regarding the subject including the nature of the problem and, when appropriate, a clear statement that a primary drinking water regulation has been violated and any preventive measures that should be taken by the public. Where appropriate, or where designated by the State, bilingual notice shall be given. Notices may include a balanced explanation of the significance or seriousness to the public health of the subject of the notice, a fair explanation of steps taken by the system to correct any problem and the results of any additional sampling.

(f) Notice to the public required by this section may be given by the State on behalf of the supplier of water.

(g) In any instance in which notification by mail is required by paragraph (a) of this section but notification by newspaper or to radio or television stations is not required by paragraph (b) of this section, the State may order the supplier of water to provide notification by newspaper and to radio and television stations when circumstances make more immediate or broader notice appropriate to protect the public health.

§ 141.33 Record maintenance.

Any owner or operator of a public water system subject to the provisions of this part shall retain on its premises or at a convenient location near its premises the following records:

(a) Records of bacteriological analyses made pursuant to this part shall be kept for not less than 5 years. Records of chemical analyses made pursuant to this part shall be kept for not less than 10 years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:

(1) The date, place, and time of sampling, and the name of the person who collected the sample;

(2) Identification of the sample as to whether it was a routine distribution system sample, check sample, raw or process water sample or other special purpose sample;

(3) Date of analysis;

(4) Laboratory and person responsible for performing analysis;

(5) The analytical technique/method used; and

(6) The results of the analysis.

(b) Records of action taken by the system to correct violations of primary drinking water regulations shall be kept for a period not less than 3 years after the last action taken with respect to the particular violation involved.

(c) Copies of any written reports, summaries or communications relating to sanitary surveys of the system conducted by the system itself, by a private consultant, or by any local, State or Federal agency, shall be kept for a period not less than 10 years after completion of the sanitary survey involved.

(d) Records concerning a variance or exemption granted to the system shall be kept for a period ending not less than 5 years following the expiration of such variance or exemption.

APPENDIX A—RESPONSE TO PUBLIC COMMENTS

Proposed National Interim Primary Drinking Water Regulations[1] were published for comment on March 14, 1975, 40 FR 11990. Written comments on the proposed regulations were invited, and public hearings were held in Boston, Chicago, San Francisco and Washington, D.C. Almost five hundred written submissions were received, totaling several thousand pages. Seventy-seven witnesses testified at the public hearings. In all, an aggregate of over 3,500 discrete comments were contained in the written submissions and in oral testimony.

As a result of these comments and further consideration of available data by EPA, a number of changes were made in the proposed regulations. The principal changes are summarized in the preamble to the final regulations. The purpose of Appendix A is to discuss the comments received on various aspects of the proposed regulations, and to explain EPA's response to those comments.

I. DEFINITIONS

1. *"Public Water System."* More than fifty comments were directed to the definition of "public water system" contained in § 141.1. Concern was expressed over the fact that the definition does not track the statutory definition word for word. Questions were also raised concerning the coverage of specific types of facilities with their own water systems, such as parks, schools, trailer camps and factories.

The reason for expanding the statutory definition was to express more specifically the Congressional intent. The statutory definition, contained in Section 1401(4) of the Public Health Service Act ("the Act"),[2] covers all systems with at least fifteen service connections or "regularly" serving at least 25 individuals. The term "regularly" is not explained in the statute, but the legislative history of the statute makes clear that Congress intended to cover virtually all public accommodations which have their own water supply and serve at least 25 individuals. The proposed regulations therefore explained "regularly" as meaning "daily at least three months out of the year." This three-month period has been shortened to 60 days in the final regulations because campgrounds and other public accommodations serving water for as much as 60 days during the year appear to fall within the classes of facilities Congress intended to cover. If a public water system serves the requisite number of service connections or persons for a total of 60 days during a calendar year, even if the service is intermittent, it is a public water system.

It is clear from the breadth of the definition of "public water system" in the Act and from the legislative history that the coverage of the Primary Drinking Water Regulations is not limited to traditional water utilities. Campgrounds, trailer camps, factories, parks, schools, restaurants, gasoline stations, motels and other facilities which have their own water systems must comply with the regulations if they serve the requisite number of service connections or the requisite number of persons.

Proposed § 141.3, entitled "Coverage," apparently contributed to confusion over the meaning of "public water system." That section, which was taken from section 1411 of the Act, exempts from the Primary Drinking Water Regulations, public water systems which meet four specified conditions. Over

[1] The proposed regulations actually were designated "Interim Primary Drinking Water Standards." Because the Safe Drinking Water Act refers to "Regulations" rather than "Standards," the final version of the regulations does not use the term "Standards" in the title.

[2] Statutory authority for the adoption of Primary Drinking Water Regulations is derived from the Safe Drinking Water Act, Public Law 93-523, which added a new Title XIV to the Public Health Service Act. References to pertinent sections in the United States Code accordingly are to the Public Health Service Act rather than to the Safe Drinking Water Act.

50 comments were received on this section. In response to comments asking for clarification of the section, it has been revised to make clear that a public water system must meet each of the four listed conditions in order to be exempted from the regulations. Thus, a public water system is exempted only if it consists only of distribution and storage facilities and it obtains all of its water from, but is not owned or operated by, a public water system to which the regulations apply, and it does not sell water and it is not a carrier which conveys passengers in interstate commerce. Interstate carriers, therefore, are not exempted, even if they have only storage and distribution facilities, obtain all their water from a public water system, and do not sell water to the public. However, a public facility such as a hotel or restaurant is exempted if it has only storage and distribution facilities, obtains all its water from a public water system and does not sell water to the public.

Of course, many facilities serving transients obtain water by direct connection to a conventional water utility system and either do not constitute a separate system or are excluded from coverage because they meet all four of the conditions listed in § 141.3. And in some cases, such as gasoline stations, even when the facility has its own water system it often will not qualify as a public water system because it does not serve water to the requisite number of service connections or persons.

2. *"Community Water System."* Two comments requested clarification of the definition of a "community water system," § 141.2. The purpose of defining this term is to allow appropriate regulatory distinctions between public water systems which serve residents on a year-round basis and public water systems which principally serve transients or intermittent users. Different monitoring requirements are appropriate for the two types of systems, and, as discussed below, some maximum contaminant levels are not applicable to non-community systems.

The proposed regulations defined "community water system" as "a public water system which serves a population of which 70 percent or greater are residents." This definition distinguished community systems on the basis of service to residents, but it excluded a number of systems which serve a large number of residents throughout the year. For example, some large resort communities may have several hundred or even several thousand year-round residents who nevertheless make up less than 70 percent of the population of the community at any given time. Water systems in such communities should be treated as "community systems" in order to provide appropriate protection for the year-round residents in the community. Thus, the definition of a "community water system" has been revised to cover any system which serves at least 15 service connections used by year-round residents or serves at least 25 year-round residents.

A definition for "non-community system" has been added to make it clear that a public water system is categorized as being either a community or a non-community system.

3. *"Maximum contaminant level" and "contaminant."* Over 150 comments were directed to the definition of "maximum contaminant level" or the definition of "contaminant."

The definition of "contaminant" contained in § 141.2 was criticized for its breath. The term as defined includes virtually any constituent in water, including constituents considered to be harmless or even beneficial. The definition was taken directly from Section 1401(6) of the Act. It is not intended to suggest that all constituents in water are undesirable, but rather is intended to permit the regulation of any constituent which may be found to be harmful. The definition has been retained as proposed.

The definition of "maximum contaminant level" was criticized for requiring measurement of the level at the "free flowing outlet of the ultimate user of a public water system." This definition carries out the intent of Congress that "drinking water regulations are intended to be met at the consumer's tap." (H. Rep. No. 93-1185, 93rd Cong., 2nd Sess. 13 (1974)). The purpose of the Primary Drinking Water Regulations is to assure that water used by the public is safe. This can be assured only if maximum contaminant levels are met at the tap.

The final regulations retain the requirement that maximum contaminant levels be met at the consumer's tap, but have been amended to meet the point made in many comments that a public water system cannot be held responsible for contamination of water which is the fault of the consumer. It would be unreasonable to hold a public water system in violation of a maximum contaminant level if the level is exceeded at the consumer's tap as a result of the user's attachment of a faulty home treatment device, because of cross-connections in the user's plumbing system or because the plumbing is used to ground electrical systems. The definition of "maximum contaminent level" in § 141.2(d) therefore provides that "Contaminants added to the water under circumstances under the control of the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition." This wording is not meant to deter or to detract from the maintenance of a cross-connection control program by the supplier.

The proposed definition provides for measurement of turbidity at the point of entry to the distribution system, rather than at the consumer's tap, since measurement of turbidity at this point is a more meaningful indicator of the sanitary quality of the water.

4. *"Sanitary survey."* A definition of the term "sanitary survey" has been added as § 141.2(f), because sanitary surveys are referred to at several points in the final regulations. Comments from many sources, including the National Drinking Water Advisory Council, urged EPA to emphasize the importance of sanitary surveys of public water systems as a means of assuring that Primary Drinking Water Regulations will be met. The definition contained in the regulations reflects the broad extent of adequate sanitary surveys, including on-site review of the water source, facilities, equipment, operation and maintenance of a public water system.

5. *Other definitions.* Other comments were received on the definitions of "person" and "supplier of water". These definitions were taken directly from section 1401 of the Act, and have been retained in the final regulations. As in the case of some comments on the definition of "public water system," a number of these comments were based on an erroneously restricted view of the coverage of the Act. As noted above, Congress intended that Primary Drinking Water Regulations apply to a broad range of facilities with their own water systems, not just to conventional water utilities. The owner or operator of a restaurant or motel, for example, is a "supplier of water" if the facility has its own water system and serves the requisite number of service connections or persons.

II. INORGANIC CHEMICALS

1. *General Comments.* Comments on maximum contaminant levels ("MCL's") for inorganic chemicals (§ 141.11) included questions on the analytical aspects of the MCL's—whether these were total or dissolved levels, whether the analytical methodology was adequate for the cited levels, whether an allowance had been made for analytical variations, and whether the public water system's laboratory or some other laboratory would be performing the analyses. The Administrator has verified that all of the substances for which MCL's have been specified can be measured readily by available methodology at the applicable levels. The analytical methods cited in these regulations provide information on analytical variability; and the check-sample and averaging techniques cited in § 141.23 provide additional allowances for human or mechanical errors. Two comments urged that MCL's for inorganic chemicals be deferred until issuance of the report of the National Academy of Sciences pursuant to Section 1412(e) of the Act. However, it was the intent of Congress that the Interim Primary Drinking Water Regulations be promulgated as soon as possible, so that at least minimal protection to water consumers would be available during the period that the Academy is preparing that report.

2. *Water consumption.* The MCL's for inorganic chemicals and other contaminants are based on an individual consumption rate of two liters of water per day. Fourteen comments agreed with the two-liter figure or contended that a lower figure should be used. Four comments urged the adoption of a higher consumption figure. An environmental organization submitted data indicating that some segments of the population, such as foundry workers and heavy drinkers, consume an average of susbtantially more than two liters per day.

EPA's assumption of a two liter per day water intake rate was based on evidence that the average consumption of adult males is at a rate of 1.25–1.5 liters per day and that the average consumption rate of women and children is even lower. Because Congress intended that susceptible groups in the population should be protected to the extent feasible, the use of a two-liter figure provides protection for the great majority of the population which consumes an average amount of water, or less than an average amount, or even as much as one-third more than the average amount. To base all maximum contaminant levels on the water consumption rate of the small percentage of the population which drinks much more water each day would be unrealistic and enormously expensive.

This is not to say that the maximum contaminant levels do not protect persons who drink water at a substantially higher rate than normal. As indicated below, critical maximum contaminant levels have substantial safety factors. The safety factors for persons drinking unusually large quantities of water are not as high as those for the majority of the population, but they do provide a reasonable degree of protection under the circumstances.

3. *Safety factors.* One set of comments questioned the fact that different safety factors are contained in various proposed maximum contaminant levels. The group commenting agreed that a uniform safety factor should not be used, but requested a more systematic discussion of safety factors at least with respect to inorganic chemicals.

The regulations are, as anticipated by Congress, based on the 1962 Public Health Service Standards, as reviewed in 1973 by the EPA Advisory Committee. The standards were not developed by a systematic approach to safety factors, at least partly because of amount of knowledge about, and the nature of the health risk of, the various contaminants covered a very broad range. The regulations are the result of experience, evaluation of the available data, and professional review.

In the Statement of Basis and Purpose for these regulations, the safety factor represented by a number of the maximum contaminant levels for inorganic chemicals was estimated. The purpose of this was to deter-

V 401248 DEC 24 75 XUM

mine whether the estimated safety factor was roughly consistent with the type of information available and the nature of the health risk presented. It was not intended to rewrite the regulations on the basis of estimated safety factors.

The National Academy of Sciences has been asked to review each of the substances for which maximum contaminant levels are being set, as part of the NAS study for the adoption of Revised Primary Drinking Water Regulations. Any new information obtained by NAS on the safety factors involved will be carefully analysed by EPA.

4. *Arsenic.* Thirteen comments addressed the proposed MCL for arsenic (§ 141.11(a)). Most comments regarding arsenic recommended an MCL of 0.1 mg/l on the basis that no adverse health effects have been demonstrated from the consumption of water containing this amount.

The Administrator has considered raising the arsenic limit to 0.1 mg/l for the same reason cited in many comments—no adverse health effects have been demonstrated from consumption of water containing this amount or more, at least not in this country. However, arsenic has been shown to be a potential carcinogen in some of its forms in industrial exposures, and there appears to be a correlation between arsenic levels in drinking water and the occurrence of skin cancer in other countries. While the role of arsenic as a carcinogen or co-carcinogen has not been firmly established, it does not seem to be prudent at this time to raise the arsenic limit.

5. *Barium.* Two comments concerned the MCL for barium, and both expressed concern over required compliance when the MCL is exceeded as the result of naturally occurring barium in ground water.

Maximum contaminant levels apply equally to naturally occurring substances and those occurring as the result of man-made pollution. When barium is found to exist in a ground water source, the course of action is to attempt its removal, such as by conventional water treatment processes or ion exchange, or to obtain a different water source. If such action is not feasible, the system can seek a variance or exemption under the provisions of these and subsequent regulations.

6. *Cadmium.* Three comments suggested that the cadmium limit should be revised to allow more protection for cigarette smokers, while 49 comments emphatically denounced the concept of having non-smokers bear the financial burden of lowering the cadmium limit for the benefit of smokers. The Administrator is aware of the fact that smokers will be provided a smaller factor of safety on the basis of the cadmium limit, but he agrees with the majority that a reduction of the limit cannot be justified.

7. *Chromium.* The seven comments on the MCL for chromium included suggestions that the limit be raised, that it be eliminated, or that it be specified as only for hexavalent chromium.

The limit for chromium is based on the known toxicity of the hexavalent form. Since this form is the one most likely to be found in drinking water, and since the specified analytical detection method (atomic absorption spectrophotometry) does not distinguish between the valence states, the MCL is for total chromium. If part of the chromium present is in a lower valence state, the MCL provides an additional margin of safety.

8. *Cyanide.* There were only two comments on the MCL for cyanide—one stating that the MCL was too low and one stating that the limit was based on insufficient data. Since small amounts of cyanide do not constitute a health hazard, and since chlorination further reduces the toxicity of cyanide, this substance is rarely a problem in drinking water, and there appears to be no justification for including cyanide in the list of inorganic chemicals for which MCL's are established in these Regulations. Cyanide has not been identified during routine sampling of drinking water in concentrations greater than 1/10 of the proposed MCL, which itself is 1/100 of the level at which cyanide has adverse health effects on humans. It does not appear that there is justification for requiring tens of thousands of communities to monitor for this substance. Further, cyanide occurs, however rarely, in drinking water primarily as a result of spills or other accidents, which can be more appropriately controlled by other laws or regulations, such as Section 1431 of the Act. The Administrator, therefore, has decided to withdraw cyanide from the Interim Primary Drinking Water Regulations. The States may require monitoring for cyanide in appropriate circumstances.

9. *Lead.* The one comment on the MCL for lead stated that the limit is too low and that it is below or near the detection limit. The Administrator has verified that the atomic absorption spectrophotometric method specified has the necessary sensitivity for detection of the metal at the specified concentration.

10. *Fluoride.* The 94 comments on the fluoride MCL's covered an extremely broad area. Among the comments were suggestions that a single MCL of 0.05 mg/l, of 1.5mg/l, of 1.8 mg/l, of 2.0 mg/l, of 2.4 mg/l, of 2.5 mg/l, or of 5.0 mg/l be used in place of those in the regulations. There also were suggestions that different ranges be used, and that the reason for temperature-dependent MCL's be given. Some comments requested that fluoride be deleted from the regulations, or at least placed in Secondary Drinking Water Regulations. Quite a number of comments were directed toward controlled fluoridation rather than MCL's for fluoride. Some persons registered their objections to controlled fluoridation, while others requested that limits for controlled fluoridation be included in the regulations. There were comments that all fluoride should be removed from drinking water, and comments that there should be no limit on fluoride. There were comments that water supplies serving transients be excluded from the fluoride limits, and comments that educational institutions should not be excluded.

The fluoride question has been complicated by the fluoridation controversy. It was clearly the intent of Congress that Primary Drinking Water Regulations not be used as the vehicle for a national fluoridation program (House Report, p. 15). At the same time, Congress made it clear that there was no intent to prohibit or discourage fluoridation. As for changing the MCL's, either raising or lowering them, very little data were submitted to support the recommendations.

Suggestions that the MCL's be lowered were for the most part based on presumed toxicity of fluoride or on presumed increased exposure to fluoride from sources other than water. The evidence available to the Administrator indicates that the toxic effect of fluoride in drinking water is limited to mottling of dental enamel and minor changes in bone density, and that these effects occur primarily at fluoride concentrations above the proposed MCL's. It has been postulated that, with the advent of controlled fluoridation, the overall exposure of individuals to fluoride has increased to the point where the addition of more fluoride to drinking water is no longer necessary, or perhaps even to the point where lower MCL's in water ought to be established. While it is true that foods prepared in fluoridated water contribute fluoride to the diet in addition to that obtained from drinking water, it should be noted that the fluoride MCL's are based almost entirely on epidemiological evidence obtained from areas where fluoride is a natural constituent of the water. It can be assumed that in such areas most food was prepared in the local water, so the contribution of fluoride from this source was automatically taken into account;

This same epidemiological evidence showed that there is a temperature-dependent physiological effect of fluoride, both beneficial and detrimental depending on concentration. To ignore this evidence would seem to be most unwise. The use of a temperature scale for fluoride is more appropriate than for other chemicals because of the studies available on the fluoride-temperature relationship and because there is a small margin with fluoride between beneficial levels and levels with adverse health effects.

Suggestions that the MCL's be raised or eliminated were based on the interpretation of dental fluorosis as an esthetic condition rather than as a health problem or on the economic aspects of fluoride removal. The Administrator has available to him a wealth of information on the subject of fluorides, plus the advice and counsel of the dental experts at the National Institutes of Health, DHEW. On the basis of this information and counsel, the Administrator believes that the MCL's in these regulations are adequate for the protection of the health of consumers, and that there is insufficient evidence to justify altering the proposed MCL's. While the Administrator believes that the exemption of educational institutions from the fluoride limits was justified, revision of the regulations to exclude non-community public water systems from most inorganic chemical MCL's will make the exemption provision unnecessary.

11. *Mercury.* Six comments contained suggestions that the mercury limit be left as proposed except that it be applied only to methyl mercury; seven comments suggested that a limit be set for organic mercury only; and 29 comments expressed agreement with the proposed limit—a limit based on the health hazard of methyl mercury but measured as total mercury. One comment expressed dissatisfaction with mercury limits in general, on the basis that the mercury problem has been grossly exaggerated.

A specific limit for organic mercury, or designating the proposed limit as applicable only to organic mercury, both present problems in analysis, and do not provide for potential conversion of inorganic mercury to the organic form. Since the proposed limit for total mercury is based on the "worst case" concept, that is, presumes that all mercury present is in the more toxic, organic form, it provides maximum health protection. Because of the low levels of mercury found in drinking water, the economic impact of the proposed limit is expected to be minimal. The Administrator therefore is satisfied that the proposed limit for mercury is generally acceptable.

12. *Nitrate.* Most of the 21 comments on the nitrate MCL were directed toward naturally occurring nitrate and the difficulty in meeting the limit. As explained in the Statement of Basis and Purpose, nitrate can be toxic to infants. Because of the known adverse health effects of nitrate, the Administrator believes that an MCL for nitrate should be set. While it is acknowledged that removal of nitrate from drinking water is difficult, in many cases the sources of nitrate can be identified and steps taken to prevent its entry into drinking water sources. An example is the nitrate contamination of ground water as the result of surface run-off. Such contamination can often be eliminated by proper well construction.

13. *Sodium.* Several comments suggested the possibility of an MCL for sodium and the National Drinking Water Advisory Council recommended that consideration be given to monitoring for sodium so that the public can be informed of the sodium content of available water. These concerns result from the fact that many persons in the United States suffer from diseases which are influenced by dietary sodium intake. In addition, persons may wish to limit their sodium intake for other reasons. However, EPA has not proposed an MCL for sodium, and the Advisory Council did not recommend an MCL, because the data available do not support any particular level for sodium in drinking water, and because regulation of sodium by an MCL is a relatively inflexible, very expensive means of dealing with a problem which varies greatly from person to person.

EPA has requested the National Academy of Sciences to include sodium in its study of the health effects of inorganic chemicals. In the meantime, the Agency recommends that the States institute monitoring programs for sodium, and that physicians and consumers be informed of the sodium concentration in public water systems so that they can take action they may consider appropriate.

14. *Sulfate.* Comments also were submitted urging the adoption of an MCL for sulfate. As in the case of sodium, the National Drinking Water Advisory Council recommended monitoring for sulfate levels, but did not recommend the adoption of a maximum contaminant level.

The sulfate question is similar to the sodium question in that available data do not support the establishment of any given level: A relatively high concentration of sulfate in drinking water has little or no known effect on regular users of the water, but transients using high sulfate water sometimes experience a laxative effect. Whether this effect will occur, and its severity, varies greatly with such factors as the level of sulfate in the water being consumed and the level of sulfate to which the transient is accustomed. EPA recommends that States institute monitoring programs for sulfates, and that transients be notified if the sulfate content of the water is high. Such notification should include an assessment of the possible physiological effects of consumption of the water.

The National Academy of Sciences has been asked to consider sulfate in its study. An MCL for sulfate will be proposed if it is supported by the available data.

15. *Inorganic chemical MCL's for non-community systems.* As proposed, the regulations would have made all MCL's for inorganic chemicals applicable to non-community water systems. This approach failed to take into account the fact that the proposed MCL's for inorganic chemicals, except nitrates and cyanide, were based on the potential health effects of full-time, long-term exposure. MCL's based on full-time long-term exposure are not necessary to protect transients or intermittent users served by non-community systems. Therefore, the final regulations provide that MCL's for inorganic chemicals other than nitrates are not applicable to non-community systems. Nitrates are applicable to all public water systems because they can have an adverse health effect on susceptible infants in a short period of time after exposure. (As discussed above, the other proposed inorganic chemical MCL based on short-term effects—cyanide—has been deleted.)

16. *Monitoring requirements.* Section 141.23, dealing with inorganic chemical monitoring requirements, received more comments than any other section of the proposed regulations. Altogether, there were over 300 discrete comments on inorganic chemical monitoring, with the largest segment of the comments being directed toward § 141.23 (b), the provision for increased monitoring when 75% of the maximum contaminant level is attained.

The comments on § 141.23(a) dealt mostly with the time interval allowed for compiling a historical record of water quality. Most comments contained the opinion that more time should be allowed for the "phasing in" of, particularly, the non-community water systems. On the other hand, there were comments to the effect that too much time had been allowed. There were a number of requests that non-community systems be exempted from the inorganic chemical monitoring requirements, on the basis that maximum contaminant levels are based on lifetime chronic health effects, and that users of non-community water systems are not exposed for a lifetime. There also were comments requesting that no distinction be made between different types of water systems, such as surface and ground. As noted above, because MCL's for inorganic chemicals have, in most cases, been based on chronic health effects for lifetime exposures, they will not be applied to non-community systems. Therefore, § 141.23 has been rewritten to indicate that, except for nitrates, inorganic chemicals monitoring will be required only for community water systems.

Virtually every comment on § 141.23(b) expressed criticism of the concept of increased monitoring when a contaminant level reaches 75% of the maximum allowed. Reasons given were that such monitoring imposes "a safety factor on top of a safety factor," that the State should determine when increased monitoring frequency is desirable, that analysis for some constituents would be impossible because of the limits of detection, that analytical costs would be prohibitive, that ground water contaminant levels are not variable, and that the proposed monitoring frequency was too demanding. Some commentors suggested that less frequent monitoring be allowed when a contaminant level was below 50% of the MCL.

Section 141.23(b) was written with the intent that, when a contaminant level reached 75% of the MCL, monitoring frequency would be increased so that the supplier of water would have an adequate warning of possible or impending violation of the MCL. By thus being forewarned, the supplier of water could take corrective measures before violation occurred. In light of the comments received, it has been concluded that although such sampling may be a matter of good operating practice, it is not appropriate for inclusion in a primary drinking water regulation for the reasons stated in the comments. Therefore, the Administrator has decided to withdraw § 141.23(b). However, the Administrator believes it would be prudent for the operator of a community water system to increase monitoring frequency for a contaminant which appears to be approaching the MCL, and for the States to direct such increased monitoring when appropriate.

Comments on § 141.23(c) were largely directed toward the requirement that sampling and analysis be repeated within 24 hours after determination that an MCL has been exceeded. It was felt that this did not allow enough time, and in fact there was some misunderstanding as to whether it was intended that only the resampling be completed within 24 hours or that both resampling and reanalysis be completed in this time frame. Section 141.23(c) has been rewritten to indicate that when a sample result does not comply with the MCL, the supplier of water shall initiate three additional samples within one month. Since compliance will be judged on the average of these four samples initiated over a one-month period, the requirement that the first check sample be either completed or initiated within 24 hours is not justified.

Section 141.23(d) elicited a number of comments in regard to the definition of a "moving average," and there were general objections to the public notification provision. The opinions expressed were that the public should be notified only if the violation of an MCL involved an imminent hazard to health, or that emphasis should be placed on correcting a problem rather than increasing the monitoring frequency and notifying the public. The rewording of section 141.23(c) to provide for a one-month average has eliminated the need for paragraph (d). The one-month average provides a less complicated, more efficient means of determining compliance.

In regard to public notification of noncompliance with an MCL, Section 1414(c) of the Act requires that notice of such noncompliance be conveyed to the public. The nature of the corrective measures to be taken are determined by the supplier of water and the State. The comments on § 141.23(e), the special provisions for nitrate, were directed toward the 24-hour re-analysis requirement and the concept of the special provision itself. Most comments contained the opinion that no re-analysis could be performed in the time allotted, and others questioned the basis for singling out nitrate for special consideration. Nitrate was singled out for special consideration among the inorganic chemicals because of the acute toxicity of nitrate to infants. The resampling requirement has been rewritten for improved clarity.

The comments on § 141.23(f) dealt entirely with the suggestion that alternative analytical methods be allowed. As noted above, alternative analytical techiques may be permitted by the State if the substitute method is substantially equivalent to the techniques prescribed in this regulation, in both precision and accuracy, as it relates to the determination of compliance with any maximum contaminant level.

III. ORGANIC CHEMICALS

1. *CCE.* Section 141.12, maximum contaminant levels for organic chemicals, received over 80 comments. Most of these comments criticized the carbon chloroform extract (CCE) method for estimation of organic chemical contamination. Criticisms of the CCE requirement were based on cost, lack of correlation with health effects, inadequacy as a measure of total organic chemical content, inapplicability to ground water, and lack of supporting data. Some comments suggested an alternative surrogate for organic chemical contamination, including total organic carbon and chemical oxygen demand. Other comments concerning CCE were that it be considered for inclusion in the Secondary Drinking Water Regulations, that there be provision for raising the MCL when the organics content of water is shown to be harmless, and that a treatment technique be substituted for the MCL. Over twenty comments requested that the CCE procedure be dropped altogether. Three comments requested that the limit be lowered.

The general problem of organic chemicals in drinking water is accorded top priority by EPA. Concern over organic chemicals was one of the principal reasons for passage of the Safe Drinking Water Act. Surveys conducted by EPA in recent months indicate that man-made organic chemicals are present in small amounts in water supplies in many parts of the country. The Agency is committed to using the regulatory tools provided by the Act to deal with the potential adverse health effects of organic chemicals in drinking water.

The proposed use of a CCE maximum contaminant level was an attempt to deal with gross organic pollution as soon as possible pending the results of further research, sur-

V 401248 DEC 24 75 XUM

veys and the NAS study. CCE was initially used as a means of taste and odor control. As concern over adverse health effects of organic chemicals grew, CCE was turned to as a rough surrogate for organics to be used as a health-based standard rather than as an esthetic standard. Unfortunately, as more is learned about organic chemical pollution of drinking water, CCE looks less and less effective as a surrogate for harmful organics.

The principal difficulty with CCE is that it includes only about one-tenth of the total organic content of the volume of water sampled and it does not measure organic compounds of greatest concern, such as the volatile halomethanes. Thus, a high CCE test result does not necessarily mean that the water tested may pose a hazard to health, and a low CCE test result may be obtained from water with a high level of potentially harmful organic compounds. In short, there is no sound basis of correlation between CCE test results and the level of harmful organic chemicals in the water tested.

To establish a maximum contaminant level under these circumstances would almost certainly do more harm than good. It could give a false sense of security to persons served by systems which are within the established level and a false sense of alarm to persons served by systems which exceed the level. It also would divert resources and attention from efforts to find more effective ways of dealing with the organic chemical problem.

Total organic carbon (TOC) and chemical oxygen demand (COD) are surrogates that have been considered, but they have limitations also. TOC has the advantage of being quicker and cheaper (on a per sample basis) than CCE, but the availability of sensitive instruments for this measurement is questionable. More investigation of the significance of any TOC number as a health effects limit is also needed. COD is easily determined with readily available laboratory equipment, but COD is not limited to organic compounds, and besides a COD number also cannot be adequately related to health significance at this time.

EPA is diverting substantial resources to research into the health effects of specific organic chemicals and groups of organic chemicals. Also, it is expected that the study of the National Academy of Sciences will produce further data on health effects. However, in view of the significance of the potential health problem, it is not enough to wait for this additional health effects data. EPA therefore will undertake to identify one or more surrogate tests for organic chemicals or organic chemical groups, and will also study in depth the presence of specific organic chemicals in drinking water supplies. It is anticipated that this effort will result in the development of an additional MCL or MCL's for organic chemicals by amendment of the Interim Primary Drinking Water Regulations without having to wait for a more complete resolution of the organic chemicals question in the Revised Regulations.

Accordingly, EPA is adopting regulations on organic chemical monitoring, using the authority of Sections 1445 and 1450 of the Act. The regulations require that over 100 selected public water systems serving substantial populations collect samples of raw and treated water for submission to EPA for organics analysis. EPA will analyze the samples for a number of general organic parameters, including CCE, TOC (volatile and nonvolatile), NVOC, Total Organic Chlorine (TOCl), ultraviolet absorbancy, and fluorescence. In addition, the water will be analyzed for 21 specific organic compounds. These laboratory analyses will be used to evaluate the extent and nature of organic chemical contamination of drinking water, to evaluate the validity of the general organic parameters as surrogates for measures of harmful organic chemicals, and to determine whether there is an adequate basis for establishing maximum contamiant levels for specific organics or groups of organics.

In addition, EPA is embarking on an intensive research program to find more definitive answers to the following four questions:

1. What are the effects of commonly occurring organic compounds on human health?

2. What analytical procedures should be used to monitor finished drinking water to assure that any primary drinking water regulations dealing with organics are met?

3. Because some of these organic compounds are formed during water treatment, what changes in treatment practices are required to minimize the formation of the compounds in treated water?

4. What treatment technology must be applied to reduce contaminant levels to the concentrations that may be specified in the regulations?

This research will involve health-effects and epidemiological studies, investigations of analytical methodology, and pilot plant and field studies of organic removal unit processes. Some phases of the research are to be completed by this fall, while much of the remainder is to be completed within the next calendar year.

As soon as sufficient information is derived from the monitoring program and related research, primary drinking water regulations will be amended so that the organic chemicals problem can be dealt with without delay. The monitoring program will be completed within one year.

During the interim period while satisfactory MCL's for organic contamination in drinking water are being developed, EPA will act in specific cases where appropriate to deal with organic contamination. If the EPA monitoring program reveals serious specific cases of contamination, EPA will work with State and local authorities to identify the source and nature of the problem and to take remedial action. EPA will also aid the States in identifying additional community water supplies that require analysis.

2. *Pesticides.* Proposed § 141.13 contained MCL's for several organic pesticides. Most of the comments on § 141.13 (out of a total of 130) requested that the MCL's for pesticides either be raised or deleted entirely. There were two requests for inclusion of limits for 2,4,5-T, one request for an organophosphate insecticide limit, one for a limit on dioxin, and requests for limits for aldrin, dieldrin, DDT and chlorine (sic.) Other comments suggested that pesticide limits be restricted to emergencies or spills, or at least only to surface water during periods of pesticide use. There were also requests for research on carcinogenic risk and bioamplification.

These proposed pesticides levels were carefully considered by the Advisory Committee and have been reviewed in light of available data on the health effects of these pesticides and their incidence in drinking water supplies. The levels established are adequately supported by the authorities cited in the Statement of Basis and Purpose.

A limit for 2,4,5-T was tentatively proposed by the Advisory Committee but was deleted from the Committee's final report in 1973 on the grounds that EPA's ban on the use of 2,4,5-T for aquatic uses made a drinking water limit unnecessary. That ban has now been in effect for about five years, and it is highly unlikely that this herbicide exists in drinking water except perhaps in extremely rare cases in trace amounts. EPA is now investigating reports of 2,4,5-T in some waterways in Northern Louisiana, and will reconsider the desirability of an MCL for 2,4,5-T if new data indicate that the pesticide is appearing in drinking water supplies at a significant rate. Dioxin is a minor contaminant of 2,4,5-T, and the same basic considerations apply to it.

The desirability of an MCL for organophosphorus insecticides, which was recommended in 1973 by the Advisory Committee, was carefully considered by EPA. It was decided not to adopt such a level, because although these pesticides would pose a serious health risk if they were present at the consumer's tap, the fact is that there is no evidence that such pesticides reach the consumer's tap. This was discussed in the preamble to the proposed primary drinking water standards, at 40 FR 11992. As noted there, these pesticides reach water sources usually only by accident or indirectly, and their tendency to degrade rapidly apparently has prevented problems which might occur when they do reach drinking water sources. The principal threat from these pesticides is from accidental spills in water sources. The appropriate way to deal with such spills is by emergency action when they occur, not by periodic monitoring which would not catch the problem in time.

With respect to aldrin, dieldrin and DDT, EPA's national survey of the presence of these pesticides in drinking water supplies has not been completed. If the results of that survey indicate that those pesticides are present in a significant number of water supplies, an appropriate amendment of the Interim Primary Drinking Water Regulations will be proposed.

The proposed MCL's for chlordane, heptachlor, and heptachlor epoxide have been deleted because EPA is currently involved in suspension and cancellation hearings for these pesticides. MCL's will be reconsidered at a later date.

Current research on pesticides, including both surveys of their incidence in water supplies and their health effects, will be continued and expanded.

3. *Monitoring Requirements.* There were over 250 comments on § 141.24, dealing with monitoring for compliance with the MCL's for CCE and pesticides. However, most of these comments were more related to the merits of the MCL's than to the monitoring requirements. The CCE limit has been discussed above, and that discussion will not be repeated here.

A number of comments on § 141.24 suggested that monitoring requirements for pesticides be eliminated, or at least that the responsibility for such monitoring be assumed by EPA or the States rather than by public water system. Concern was expressed over the cost of monitoring for pesticides, and the absence of pesticides in public water systems in some areas.

EPA agrees that regular monitoring for pesticides is not needed for all public water systems using only ground water sources. Pesticides are rarely found in significant levels in ground water. Accordingly, the proposed §141.24 has been amended to provide that for a system using only ground water, monitoring shall be required only when specified by the entity with primary enforcement responsibility. This will more reasonably limit monitoring for pesticides in systems using only ground water to those instances when the State or EPA has reason to suspect the possibility of contamination.

In the case of surface waters, the greater incidence of these pesticides requires monitoring across-the-board. For all community water systems using surface water sources for all or part of their water, monitoring for pesticides will be required within one year of the effective date of the regulations. This monitoring shall be repeated at intervals specified by the State and in no event less frequently than at three year intervals.

Section 1424 has also been amended to require that samples to be analyzed for pesticides must be collected during a period of the year designated by the entity with primary enforcement responsibility as the period when contamination by pesticides is most likely to occur. This takes into account the fact that the level of pesticides in surface waters varies on a seasonal basis in relation to agricultural uses of the pesticides. This amendment will make monitoring for pesticides in drinking water more effective.

Several comments criticized proposed § 141.24(b), which would have required increased monitoring when the contaminant level reaches 75% of the MCL. This is basically the same question addressed above with respect to monitoring requirements for inorganic chemicals. For the same reasons, the 75% increased monitoring requirement for pesticides has been eliminated.

Other comments requested that EPA allow alternative analytical procedures. A new § 141.27 has been added to provide that a supplier of water may, with State approval, employ an alternative analytical technique.

There appears to have been some misunderstanding regarding the role of the public water system laboratory versus State or other laboratories in performing analyses for the purpose of determining compliance with these regulations, and in particular the MCL's for pesticides. Although it is intended that the individual suppliers of water be responsible for the analyses, it was not intended that each supplier of water necessarily possess the analytical capability to perform the analyses himself. It is reasonable to expect each supplier of water without its own laboratory facilities will collect and transmit water samples to approved laboratories.

It should be noted that with respect to organic chemicals and other contaminants, all MCL's and monitoring requirements in these regulations are minimum requirements, and it is incumbent on the entity having primary enforcement authority to require additional monitoring and other requirements where appropriate.

IV. Turbidity

1. *Turbidity MCL's.* About half of the more than 100 comments on the MCL for turbidity (§ 141.14) contained a request that turbidity be deleted from the Primary Drinking Water Regulations or be relegated to the Secondary Drinking Water Regulations. There were also requests that the MCL be raised, that there be a limit of 5 turbidity units ("TU") and a "goal" of 1 TU, and that the MCL be lowered. Other comments referred to turbidity in sub-arctic waters, the use of a two-level MCL for turbidity, and the apparent encouragement of chlorination.

The Administrator has determined that turbidity is indeed appropriately classified as a health limit, in that turbidity has a marked effect on the bacteriological quality of water, whether or not disinfection is practiced.

As noted above, many comments questioned the need for a turbidity limit applicable to systems using only a grcund water source. In this regard the Administrator believes that in most cases, turbidity is not a problem in properly developed wells. In some cases, excess sand is included in the water pumped but this is not a health related problem. In other cases dissolved iron present precipitates upon oxidation. This also is not a health related problem. In some fractured geologic formations and particularly in limestone formations, turbidity could be a periodic problem because of a short retention times in the aquifer. In these cases the State is encouraged to take appropriate action in establishing a limit or treatment requirement.

Some comments questioned the proposal to allow an MCL of 5 TU rather than 1 TU in cases where the entity with primary enforcement responsibility specifically authorized the higher MCL. The Administrator believes this is justified on the basis that not all turbidity is related to bacteriological quality. Examples of instances where the higher turbidity may be allowed are when iron or other minerals, or minute ice crystals in otherwise satisfactory water, are the cause of the turbidity. Proving that a particular type of turbidity does not interfere with disinfection or does not interfere with microbiological determinations is not always easy. One of the best methods for proving the former is an accumulation of data showing good bacteriological quality in the distribution system over an extended period of time, even with turbidity over 1 TU. A microbiologist can, by various manipulative techniques, tell whether or not turbidity is interfering with the coliform test. No doubt a State may employ other means for determining when a public water system has qualified for the higher turbidity limit.

The proposed regulations measured the turbidity MCL only on the basis of a monthly average. The National Drinking Water Advisory Council recommended that a supplementary MCL be established to protect against the appearance of a particularly high turbidity level over a short period of time. In accordance with the Council's recommendation, § 141.13 has been amended to establish an MCL of 5 TU as an average of two consecutive daily samples. EPA agrees with the Council that turbidity levels above 5 TU cannot be justified in surface waters for more than a one-day period.

That there is an implied endorsement of chlorination in these regulations cannot be denied. The Administrator, recognizing chlorination as being the only generally available disinfectant in water treatment, has on several occasions specifically endorsed chlorination as a valuable public health measure. Pending further research, the possible long-term adverse effects of chlorination are in most cases offset by the effectiveness of chlorination for preventing bacteriological contamination.

2. *Turbidity Monitoring.* There were over 120 comments on the turbidity monitoring requirements (§ 141.22). Most of the comments were directed toward the requirements as they applied to water supplies using water from underground sources. It was agreed that turbidity in ground water need not be monitored, and in fact there were a number of comments suggesting that turbidity monitoring be deleted altogether. There were comments that the sampling was too frequent, and comments that in some circumstances the sampling was too infrequent. The question of cost was brought up in connection with sampling frequency. There also were requests for clarification of the entire section, with particular emphasis on defining an "entry point" to a distribution system.

It was the intent of the Administrator that public non-community water systems using ground water be exempted from the turbidity monitoring provisions. Unfortunately, however, the omission of commas in § 141.22(c) made it appear that only community systems using ground water were required to monitor for turbidity. The section has been written so that the turbidity monitoring requirements apply only to water systems using surface water sources. Also, for non-community systems using surface water, the regulations have been modified to require that the turbidity monitoring must be initiated within 2 years of the effective date.

The measurement of turbidity at the entry point to the distribution system, rather than at the consumer's tap, can be justified on at least two bases. First, since turbidity can be controlled only by water treatment processes, it is most appropriately measured immediately after the water has been treated, and before the measurement is affected by scale, sediment or other materials present in pipelines. Second, since one of the principal purposes for limiting turbidity is the fact that turbidity interferes with disinfection, and since disinfection is effected at the treatment plant, turbidity at the consumer's tap is not an adequate reflection of conditions where disinfection is taking place.

Comments suggesting an increased sampling frequency for turbidity in effect were suggesting operational monitoring desirable in specific cases rather than a frequency which is practical when generally applied to thousands of public water systems. It should be reiterated that these regulations contain only minimum requirements, and that more frequent monitoring can be required by EPA or the States in apppropriate cases. Furthermore, there is nothing in these regulations to deter a supplier of water from more frequent turbidity monitoring as an operational guide.

Other comments on turbidity monitoring stated that the proposed requirements were too expensive. However, the cost and effort involved in measuring turbidity are not excessive. This is one parameter which can be, and in fact must be, measured by the individual suppliers of water. Almost anyone can learn to take turbidity measurements, and only a few seconds are required for each measurement. The only cost is in the purchase of a turbidimeter, which lasts for many years.

In order to take into account the fact that turbidity measurements in most cases will not be taken by trained laboratory technicians and that erroneous high readings can be obtained by careless handling of the test, § 141.22(b) has been amended to provide that if the initial daily sample appears to exceed the maximum allowable limit but a repeat sample shows a lower turbidity, the results of the repeat sample shall be used rather than the results of the initial sample.

Because turbidity is closely interrelated with filtration and disinfection, sampling is to be done at "a representative entry point(s) to the water distribution system." This means at a point between the filters and the mains. A clear well would be appropriate, as would be a point between a pump discharge and the mains if there are no filters. In the event that there are several "entry points," such as would be the case when there are several well pumps, a sampling point common to all pump discharges would obviate the necessity to sample at each pump discharge. If there is a question as to whether or not a particular sampling point were "representative" of the water being delivered to the distribution system, the State would make the decision. Alternative analytical procedures, such as continuous turbidity monitors, may be used at the discretion of the State.

V. Microbiological Limits

1. *Coliform Limits and Standard Plate Count.* There were almost 140 comments on § 141.15, Maximum Microbiological Contaminant Levels, of which about half were directed toward § 141.15(b), the standard plant count ("SPC"). Most of the comments on § 141.15(a), coliform limits, were general in nature, covering such points as clarification of the language, use of alternative indicator organisms, raising or lowering the limits, averaging of results, and the assignment of responsibility for performing the tests. Nearly all the comments on the SPC expressed opposition to the imposition of a maximum contaminant level. Opposition was based on the lack of health significance of the SPC and the unfavorable cost-benefit ratio.

cent of laboratory certification, although tained suggestions for modification, such as, at least three months after the supplier learns

V 401248 DEC 24 75 XUM

Section 141.15(a) has been rewritten for clarification. The Administrator believes the coliform group of organisms are the best indicators of bacteriological quality of drinking water, although of course research into possible alternative indicators is ongoing. The Administrator also believes the maximum contaminant levels for coliform organisms are adequate to protect the health of consumers. Other limits for bacteriological quality, such as those in the World Health Organization Drinking Water Standards, may appear to be more stringent and thus more protective of health, but it must be remembered that WHO Standards are merely guidelines, not enforceable regulations. It should also be remembered that the currently proposed regulations contain minimum standards of quality, and that lower levels of contaminants should be attained when feasible. Because of the effect a single sample may have on a monthly average, particularly when only a few samples are examined per month, quarterly averaging will be allowed for those public water systems serving populations of 3300 or less.

Although the Administrator has evidence that the Standard Plate Count does have health significance, and in addition is a valid indicator of bacteriological quality of drinking water, the Administrator has deleted § 141.15(b). Because the coliform limit provides adequate protection against microbiological contamination, the cost of an SPC requirement cannot be justified. However the Administrator recommends that the SPC measurement be applied judiciously wherever indicated, if only as an operational tool, in conjunction with the coliform test.

2. *Chlorine Residual Substitution.* There were over 170 comments on § 141.16, the chlorine residual substitution provision. The comments represented overwhelming opposition to total substitution with concomitant suspension of the coliform test. There were also comments on the analytical procedure, free chlorine residual versus combined residual, and particular opposition to the concept of allowing substitution in the smaller communities. In the latter case, it was stated that a small community would not have a water system operator of sufficient skill or dedication to monitor chlorine residuals accurately or faithfully. There were several questions regarding the different chlorine residuals specified in §§ 141.16(a) and 141.16 (b). Some believed the residual should be raised, while others believed the lower residuals should be permitted.

The chlorine residual substitution provision was inserted so that in those communities where chlorination is practiced, some economic benefits might be realized by the deletion of part of the coliform testing requirements without affecting the health protection provided. In the smallest communities, total substitution of chlorine residual testing would result in a significant economic benefit, since it is in these communities that the maintenance of adequate water quality has the highest per capita cost. The Administrator believed that the maintenance of an adequate chlorine residual in a distribution system throughout a month was at least equivalent, in health safety terms, to isolated coliform tests. In the event that total substitution had been allowed by the State, the slightly higher chlorine residual provided a greater factor of safety.

It is true that a chlorine residual alone does not guarantee the absence of pathogenic bacteria. It is also true that a negative coliform test does not always guarantee the absence of pathogenic bacteria. However, the Administrator concedes that, because of questionable reliance on unskilled operators in the smallest communities, it would not be prudent to permit 100% substitution of chlorine residual testing for coliform tests in those cases. For this reason, proposed § 141.16(b) has been deleted. However, 75% substitution will be permitted where specifically authorized by the entity with primary enforcement authority.

The analytical method specified for chlorine residual testing led to some misunderstanding. The DPD method, as described in "Standard Methods of Examination of Water and Wastewater," appears to be an involved and sophisticated procedure. It was specified primarily on the basis of accuracy and sensitivity, particularly when compared with the o-tolidine procedure in common use. The latter has been shown to be inaccurate and unreliable, but remains popular because of its simplicity and the ready availability of field test kits. What is not known, apparently, is that the DPD test is almost as simple and is also available in reasonably priced field test kits.

Chlorine substitution has been specified, rather than "disinfection substitution," simply because there is no other disinfection procedure of comparable safety and reliability. Iodination has been suggested, but iodine presents a health risk to some persons.

3. *Microbiological Monitoring.* There were over 250 comments on § 141.21, microbiological contaminant monitoring requirements, of which over 70 comments were directed toward § 141.21(g), the standard plate count monitoring requirement. Although both increased and decreased sampling frequencies for coliforms were requested, by far the greater number of comments expressed the opinion that the requirements of this section were unreasonably burdensome, particularly for the smaller communities and non-community public water systems. There were also numerous requests for clarification or modification of the coliform monitoring requirements, such as requests to modify the time for resampling, requests to permit exclusion of sampling points which have been shown to be contaminated, and requests to permit discarding positive bacteriological sampling results for which the check sample results are negative. In regard to § 141.21(g), the standard plate count monitoring requirement, most comments reflected the objections to the parameter itself rather than objections to the frequency of monitoring.

Considerable attention has been given to the sanitary surveys and monitoring frequency for coliforms, particularly in the case of small community systems or non-community systems. The concept of a sanitary survey, expressed in a number of comments, can be considered as a factor in determining the sampling frequency for a particular system. The practicality of sanitary surveys, at annual or even less frequent intervals, versus the collection and analysis of two water samples per month, must be carefully considered on both economic and manpower requirements. It has been estimated that there are 200,00 non-community water systems in this country, but from the information supplied in the comments received it is evident that this number may be too conservative. An adequate sanitary survey of each of these systems in one year would create a severe strain on the skilled manpower necessary.

The consensus of opinion from the States is that, in the event a sanitary survey becomea acceptable for establishing coliform sampling frequency for any segment of public water systems, a priority scheduling of surveys will be established, with populations at risk and known trouble spots being factors to consider. With such priorities, it is evident that the non-community systems, serving small population groups and delivering water on which there is no past record, will be last to receive attention. For this reason, among others, the paragraph on coliform monitoring, § 141.21(a), has been re-written to establish a minimum sampling frequency of one per calendar quarter for non-community systems. A sanitary survey can be used as a basis for modifying the sampling frequency. For the smaller community public water systems, a new population range has been delineated, with an accompanying reduction in coliform sampling frequency. In this range (25–1,000 persons served) one sample per month is the minimum, although the State may, based on a sanitary survey verifying certain conditions, reduce the sampling frequency, except that in no case shall it be reduced to less than one per quarter. In addition, the paragraph has been re-written to clarify the intent and to spell out more precisely the means by which compliance or non-compliance is determined.

An effort has also been made to clarify the samples that should be included and excluded among those used to calculate compliance. In this regard, a paragraph has been added on "special purpose samples", to define those used to check such operations as pipe disinfection procedures.

For non-community systems, in order to ease the laboratory work load, and provide a phased approach, the bacteriological monitoring requirement must be implemented within 2 years after the effective date of the regulations. This provides a 2 year period for the suppliers, State agencies, and laboratories to prepare for the greatly increased number of samples to be analyzed.

In response to the request to permit the elimination from future sampling of those points that have a history of questionable water quality, the wording has been modified to state that any sampling point at which check samples have been required may not be eliminated from future sampling without approval of the State.

Concern has been expressed that in some cases, because of either a sampling or a laboratory error, a microbiological analysis could result in an erroneously large count. The regulations require that this result be included among those samples used in calculating the average monthly coliform bacteria density, even though the subsequent check samples may have been all negative. This high count could cause the supplier to fail the monthly average and thus require that he notify the public.

The Administrator understands this problem, but cannot agree that the one "bad" sample should not be included in calculating the average. The reason is that there is no way to confirm that the bacteriological result of a sample collected in the past was due to sampling or analytical error. It cannot be accomplished, for example, by collecting a check sample, which by the length of the standard test, would have to be collected at least one day after the original sample. The check sample would not necessarily reflect the bacterial situation of the previous day. The only way to confirm bacterial sampling results are to collect and analyze samples in duplicate or triplicate.

Since there is no provision for discarding or adjusting for occasional spurious results from sampling or analytical error, EPA recommends that for positive bacterial analyses standard analytical verification methods be used to verify analytically that coliform bacteria are present.

As stated earlier, the standard plate count requirement has been deleted, although it is recommended that the parameter be employed as conditions warrant.

VI. Laboratory Certification

There were over 100 comments on § 141.27 dealing with laboratory certification. In general, there was agreement with the concept of laboratory certification, although there were a few requests for clarification of the role of the certifying authority. Most of the comments contained objections to the concept of requiring turbidity and chlorine residual tests to be performed by certified laboratories. The remaining comments addressed the cost of certification, the need for time to get labs certified, and the scarcity of qualified laboratories.

It was the intent of the Administrator that EPA would certify at least one laboratory in each State with other laboratories to be certified by the State laboratory or laboratories qualified to perform this function. Because of the transient nature of turbidity and chlorine residual values, it is not possible for a public water system to collect samples and transmit them to a central laboratory for determination of these parameters. It was the intent of the Administrator that the individual operators of public water systems perform their own turbidity and chlorine residual analyses. It would seem advisable, however, that such operators be certified, approved, or at least minimally trained to perform the analytical tasks before a State could accept their analytical determinations as having enough validity for decisions regarding compliance or noncompliance to be made.

VII. Reporting and Public Notification

1. *Reporting.* There were over 200 comments on § 141.31, dealing with reporting requirements, but only three basic criticisms; the reporting requirement should be limited to those situations which are essential to enforcement of the regulations; the section needs clarification; and the institution of reporting requirements makes compliance with the regulations either difficult or impossible. Minor comments included requests for changes in the 36-hour and 40-day reporting requirements, requests for a corrective action requirement rather than a reporting requirement, and requests that Federal agencies report to the States rather than to EPA.

Section 1413 of the Public Health Service Act deals with the role of the States in implementing and enforcing drinking water regulations. Section 1414 of the Act spells out actions to be taken if a State fails to assure enforcement of drinking water regulations. A State could not effectively comply with the provisions of these sections without receiving regular reports from every public water system within its jurisdiction. Monitoring frequencies have been established, and if only violations of maximum contaminant levels were reported the State would not know whether or not monitoring frequencies had been adhered to. Thus all activities of a supplier of water in connection with these regulations are essential to enforcement of the regulations and must be reported to the State.

It is apparent from Section 1447 of the Public Health Service Act and the legislative history of the Safe Drinking Water Act that Federal agencies are to be treated exactly like any other owner or operator of a public water system, except in cases involving national security. Therefore, the Administrator believes that it would be contrary to the intent of the Act to require Federal agencies to report only to EPA and not to States with primary enforcement responsibility. In the revision of § 141.31 of these regulations, no exemption for Federal agencies from the provisions of the regulations will be specified.

2. *Public Notification.* Section 141.32, the public notification provision, received a large number of comments. Of the more than 300 comments, only two approved of this section as written. Two additional comments contained suggestions for modification, such as, for example, to require a second notice to tell the public that the condition previously reported had now been corrected. Every other comment expressed opposition to public notification, either on the basis of disagreement with the concept, on the basis of inappropriateness for some types of water systems, or on the basis of some type of inequity. Most frequently heard comments were: the State should have the authority to notify consumers only if there is an immediate and significant threat to public health; scare tactics will lead to public disregard; notification by radio and TV within 36 hours is an unreasonable requirement; notification of the entire public is unreasonable when only a portion of the public is involved; and notification by means of water bills is unacceptable. One of the more constructive comments was that, while the concept of public notification was opposed, the supplier of water should be given the opportunity to explain the deficiency.

To explain the intent of Congress in requiring public notification, the following is quoted from House Report No. 93–1185:

"The purpose of this notice requirement is to educate the public as to the extent to which public water systems serving them are performing inadequately in light of the objectives and requirements of this bill. Such public education is deemed essential by the Committee in order to develop public awareness of the problems facing public water systems, to encourage a willingness to support greater expenditure at all levels of government to assist in solving these problems, and to advise the public of potential or actual health hazards."

The Administrator agrees that the supplier should be given the opportunity to explain the deficiency. It was not the intent of Congress, that such notices would be merely a flat statement that the water system had failed to meet the requirements of the Regulations. To quote the House Report further:

"the Committee expects that the Administrator's regulations would permit public water systems to give fair explanation of the significance or seriousness for the public health of any violation, failure, exemption or variance. These regulations should also permit fair explanation of steps taken by the system to correct any problem."

The wording has therefore been modified to permit that the supplier may use the notice to explain the significance or seriousness of the violation, to include the results of additional (subsequent) sampling, and to indicate preventative measures that should be taken by the public.

As to the unreasonableness of allowing only 36 hours prior to radio and TV notification, this wording has been modified to read 48 hours and the Administrator believes that this is adequate time to prepare such notification when an MCL is violated.

Time requirements for notification in newspapers has been established. The regulations require that the failure of any MCL shall be published in a daily newspaper or newspapers of general circulation in the area served by the system, on not less than three consecutive days, and that such notification is to be completed within seven days after the supplier learns of the failure. The notice shall be provided to radio and television stations within 48 hours after he learns of the failure.

Public notice for other failures of the regulations, such as failure to comply with testing procedures, failure to comply with monitoring requirements, and failure to comply with a schedule prescribed pursuant to a variance or exemption, is to be made by including a notice with the water bills, within at least three months after the supplier learns of the failure. In the event water bills are not issued, there is a provision for using another form of direct mail.

The provision for mailing notices responds at least in part to the comment that the notice should not be made to the entire public but only to the portion of the public using the water. Otherwise, it is true that a notice given in a newspaper of general distribution, or a radio or television broadcast, will reach more people than those affected by a particular public water system.

There is no way that this can be avoided, but there is nothing in the regulations which would prevent the notice from specifying which person or which area need be concerned about the notice.

The Administrator agrees that the proposed public notice provisions are inappropriate for non-community water systems. Notices in the local media and in water bills will not have the intended effect with these systems serving transients or intermittent users. Therefore, § 141.32 has been revised to include a provision for other types of notification, subject to approval by the State, for non-community water systems. Envisioned here are such types of notification as a poster or sign near the drinking fountain of a facility serving the travelling public, or a handbill distributed to factory workers.

VIII. Economic Considerations

There were over 100 comments on the economic aspects of the regulations. The two most frequent comments were that the estimates in the preamble were much too low, and that the economic impact on the smaller water utilities would be severe. The corrective measure suggested in most cases was that EPA should give grants to the public water systems or should provide funds to the States to pay for monitoring. In general, the comments contained criticisms of the regulations in that they were termed "not cost effective."

It was the intent of Congress that the bulk of the costs associated with the Safe Drinking Water Act would be borne by the individual public water systems and thus the consumers. Of all the comments on the cost of a program to improve the quality of drinking water, it is noteworthy that only one comment stressed the benefits to those consumers.

There is no doubt that money will be spent for increased monitoring. This is particularly true for the smaller water systems, where in the past practically no monitoring has been performed. These very small water systems are the ones which most need improvement, so it can be expected that the costs will be proportionately higher for the small systems when compared with larger systems. On a per capita basis, since so few customers are involved, the costs will be disproportionately higher for the smaller systems. Congress did not intend that the monitoring costs for these systems would be subsidized. Rather, Congress hoped that many small systems would be consolidated into larger systems, so that the costs would be shared by a larger number of consumers, and so that improved drinking water quality would more easily be attained.

A cost and economic analysis of the monitoring requirements are attached as Appendix B.

IX. Other Comments

1. *Siting.* Of the more than 70 comments on § 141.41, siting requirements, most either wanted the section deleted or else clarified in some way. The criticisms were that the requirements for siting were not realistic, that the terms used needed definitions, that State

V 40248 DEC 24 75 XUM

approval be granted before a change in a water system be made, or that State approval is already required in the circumstances. The limitation regarding the "100-year flood" was criticized on the basis that water intakes (for surface water sources) must be in the floodplain. Suggestions included: use the words "geological hazards and man-made disasters;" add the phrase "avoid causing adverse environmental impacts;" and limit the provisions to "ground level or underground storage facilities, vertical wells of a system which has no filtration or any other treatment facilities."

It should be pointed out that the section on siting requirements in these regulations is flexible, in that the phrase "to the extent practicable" allows considerable leeway. These minimum siting requirements were included on the basis of section 1401 (1)(D) of the Public Health Service Act, which states: "The term 'primary drinking water regulation' means a regulation which contains • • • requirements as to (ii) siting for new facilities for public water systems." Obviously, some clarification of even these minimal requirements is called for, so the section has been revised. In accordance with Congressional intent, the revised version makes clear that all final siting decisions are to be made at the State and local government level.

2. *Effective date.* There were only three comments on § 141.51, the effective date of these regulations. All of these comments contained the request that more time be allowed for water systems, particularly those of small communities, to come into compliance.

The effective date of these regulations was established by section 141.12(a)(3) of the Public Health Service Act, which provides that, "The interim primary regulations first promulgated under paragraph (1) shall take effect eighteen months after the date of their promulgation." The Administrator believes that, by scheduling the monitoring requirements in several phases, ample consideration has been given to small systems. Variances and exemptions will be available in appropriate cases.

3. *Radionuclides.* There were approximately 50 comments relating to maximum contaminant levels for radionuclides. However, EPA only proposed MCL's for radionuclides on August 14, 1975, 40 FR 34324. Comments on radionuclides will be taken into account in that rulemaking proceeding.

4. *Water treatment chemicals.* Ten comments addressed chemical requirements in connection with the proposed regulations. The comments stated that certain chemicals, particularly activated carbon and filter grade alum, are in short supply.

It is acknowledged that an increase in the extent of water treatment will cause an increased demand for water treatment chemicals. If a particular treatment technique were to be specified, the demand for any chemical involved in that treatment technique could increase dramatically. Since no treatment in lieu of a monitoring requirement was specified in these regulations, the problem has not surfaced as yet. Before specifying any treatment technique, the Administrator will investigate both the availability of the necessary chemicals and the costs associated with that treatment technique. Naturally, the effect of an increased demand for a particular chemical on the cost of that chemical will also be investigated. Because of the phasing of the provisions of the Safe Drinking Water Act, and because there is currently no shortage of raw materials for the production of water treatment chemicals, it can be expected that ample quantities of these chemicals will be available for conventional water treatment when they are needed.

5. *Treatment techniques.* On the subject of treatment techniques or treatment technology, 30 comments contained criticisms or suggestions. It was noted that no treatment techniques were specified in lieu of MCL's, and almost unanimous support for this approach was expressed. On the other hand, it was suggested that information on treatment technology to remove certain contaminants be supplied.

While no treatment technique requirement was included in these regulations, the Administrator may specify such techniques in revised regulations if warranted. The Administrator believes, however, that it is always preferable to specify monitoring requirements if at all possible, because of the uncertainties involved in a treatment technique. Although a treatment technique may appear to be capable of removing a particular contaminant, based on laboratory or pilot plant studies, in actual water plant operation such removal may not always occur. Without monitoring, the adequacy of the treatment technique cannot be ascertained. As for technology for the operation of a conventional water treatment plant, operation and maintenance regulations are to be published separately. Techniques to be used for the removal of specific contaminants are the subject of ongoing research.

8. *Miscellaneous.* Comments not classified elsewhere addressed a number of miscellaneous topics, including the following: typographical errors, regulations for the quality of intake water, control of pollutants at the source rather than in drinking water, training of water plant operators and the encouragement of young people to enter the water treatment field, control of watersheds as a means for improving the drinking water quality, amending the regulations to eliminate systems serving less than 200 people, setting of priorities according to size and type of system when applying the regulations, regulations for interconnections of supplies, provision of technical support by the Environmental Protection Agency Regional Offices, and the development of a policy on carcinogens as an aid to standard setting.

APPENDIX B—COST AND ECONOMIC ANALYSIS EXECUTIVE SUMMARY[1]

1.0 *Safe Drinking Water Act of 1974.* The objective of the Safe Dranking Water Act (Pub. L. 93-523) is to establish standards which will provide for safe drinking water supplies throughout the United States. To achieve this objective the Congress authorized the Environmental Protection Agency to establish national drinking water regulations. In addition, the Act provides a mechanism for the individual States to assume the primary responsibility for enforcing the regulations, providing general supervisory aid to the public water systems, and inspecting public water supplies.

The purpose of the legislation is to assure that water supply systems serving the public meet minimum national standards for the protection of public health. Prior to passage of the Act, the Environmental Protection Agency was authorized to prescribe Federal drinking water standards applicable only to water supplies used by interstate carriers. Furthermore, these standards could only be enforced with respect to contaminants capable of causing communicable diseases. In contrast, the Safe Drinking Water Act authorized the Environmental Protection Agency to establish regulations to (1) protect public water systems from all harmful contaminants; (2) protect underground sources of drinking water; and (3) promote a joint Federal-State system for assuring compliance with these regulations.

1.1 *National interim primary drinking water regulations.* The EPA published its Proposed National Interim Primary Drinking Water Regulations in the FEDERAL REGISTER, March 14, 1975. The EPA held four public hearings and received several thousand pages of public comments on the proposed regulations. Based upon its review of the comments, the EPA revised the proposed regulations for final publication. The major provisions of the Interim Primary Drinking Water Regulations are:

1. Maximum contaminant levels for certain chemical, biological, and physical contaminants are established;

2. Monitoring frequencies to determine that contaminant levels assure compliance are established; and

3. A methodology to notify consumers of variances, exemptions, and non-compliance with standards is set forth.

1.2 *The Water Supply Industry.*

1.2.1 *Public Water Systems.* The Safe Drinking Water Act of 1974 covers public water systems that regularly serve an average of 25 people or have at a minimum 15 service connections. Systems that serve the travelling public are considered public water systems under the Act. EPA currently estimates there are 240,000 public water systems that will be subject to the regulatory requirements developed under the Act.

The Interim Primary Drinking Water Regulations categorize public systems as community and non-community systems. A community system is defined as a public system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. The non-community system category includes those systems which serve a transient population. At the present time the distribution between the two classes of public systems is estimated as follows:

Community systems	40,000
Non-community systems	200,000
Total	240,000

Based on the data contained in the ongoing EPA public water supply inventory, there are approximately 177 million persons served by community water systems. Table 1-1 shows the distribution of community systems by population served. Most of the community water systems are small in size. Over 90 percent of the nation's supplies are in the under 10,000 persons served category but they provide water to less than 25 percent of the total population served by community systems.

While all public systems do not treat all of the water they supply to their customers, they do employ a variety of treatment processes. The current EPA Inventory of Public Water Supplies indicates that the most prevalent treatment processes are used to control bacteriological contamination and turbidity. The percentage of systems employing the various treatment processes is presented in Table 1-2.

[1] This summary is based on a detailed and comprehensive study prepared for EPA by Energy Resources Company of Cambridge, Massachusetts, titled, "Economic Evaluation of the Interim Primary Drinking Water Regulations" (October 1975).

TABLE 1-1.—*Distribution of community water systems*

System size (persons served)	Number of water systems	Total population served (in thousands)	Percent of total population served
25 to 99	7,008	420	0.2
100 to 9,999	30,150	36,816	20.8
10,000 to 99,999	2,599	61,423	34.6
100,000 and over	243	78,800	44.4
Total	40,000	177,459	100.0

Source: EPA Inventory of Public Water Supplies (July 1975).

TABLE 1-2.—TREATMENT PROCESSES EMPLOYED BY COMMUNITY WATER SYSTEMS

Treatment:	Percent [1]
Aeration	6.6
Prechlorination	7.8
Coagulation	11.3
Sedimentation	8.9
Filtration	12.8
Softening	4.9
Taste and odor control	3.4
Iron removal	5.7
Ammoniation	0.9
Fluoride adjustment	8.5
Disinfection	35.2

[1] Percentages do not total 100 percent since many systems have multiple treatments, or no treatment.

Source: EPA Inventory of Public Water Supplies (July 1975).

Community water systems may be publicly or privately owned. The majority, 58 percent, of the 40,000 community water supplies are publicly owned and these systems supply 88 percent of the total drinking water production.

As indicated earlier, it is estimated that there are approximately 200,000 public non-community water systems. Most of these systems are privately owned. Non-community systems are found at service stations, motels, restaurants, rest areas, camp grounds, State parks, beaches, national parks, national forests, dams, reservoirs, and other locations frequented by the travelling public. Some schools and industries are also included in this category. Data on these systems are very sparse, and only rough cost estimates can be made.

The portion of the water supply industry considered here includes only those systems which primarily supply water for residential, commercial, industrial and municipal use. An approximate allocation of water use by various categories of users is shown in Table 1-3. As might be expected most of the water delivered, 63 percent, is for residential purposes. The second largest use, industrial, consumes 21 percent.

TABLE 1-3.—COMMUNITY WATER SUPPLY USE BY CATEGORY

Type of use:	Percentage of total
Residential	63
Commercial	11
Industrial	21
Municipal	5
Total	100

Source: U.S. Geological Survey Data (1972)

1.3 *Costs to meet the interim primary drinking water regulations.*

1.3.1 *Monitoring costs.* The implementation of the Interim Primary Drinking Water Regulations will require all public water systems to initiate a monitoring program to determine that the maximum contaminant level requirements of the regulations are not exceeded in finished drinking water. The costs associated with this monitoring activity are a function of system size, water source, and classification (community vs. non-community).

There are two classes of monitoring costs, routine monitoring costs and non-compliance monitoring costs, imposed by the interim regulations. Routine monitoring costs are those incurred in meeting the sampling requirements of the Interim Primary Drinking Water Regulations, to determine compliance with the regulations. Non-compliance monitoring costs are those which are incurred when additional sampling must be made if routine monitoring results indicate that a system is not in compliance with one or more maximum contaminant limit.

The Interim Primary Drinking Water Regulations call for the monitoring of four classes of contamination: inorganic, organic, microbiological, and turbidity. The routine monitoring frequencies for community and non-community systems are shown in Tables 1-4 and 1-5.

TABLE 1-4.—*Monitoring requirements: Community supplies; interim primary drinking water regulations*

Component	System type	Deadline for initial sampling after effective date	Testing frequency
Coliform	Ground and surface	1 mo	Monthly.[1]
Inorganic chemicals	Surface	1 yr	Annually.
	Ground	2 yr	Every 3 yr.
Organic chemicals	Surface	1 yr	(2).
	Ground	As specified by the State	As specified by the State.
Turbidity	Surface	1 d	Daily.

[1] Supplies must collect minimum required samples during each month after effective date. The number of samples varies with the system size from 1 to 500 samples per month.
The State may reduce the sampling frequency based on a sanitary survey of a system that serves less than 1,000 persons from a groundwater source, except that in no case shall it be reduced to less than one per quarter.
[2] The analyses shall be repeated at intervals specified by the State but in no event less frequentlythan at 3-yr intervals.

V 4 0 2 4 8 DEC 24 75 XUM

TABLE 1-5.—*Monitoring requirements: Noncommunity supplies; interim primary drinking water regulations*

Component	System type	Deadline for initial sampling after effective date	Testing frequency
Coliform	Surface and ground	2 yr	Quarterly.[1]
Inorganic chemicals—nitrates only.	Surface and ground	do	Determined by the State.
Turbidity	Surface	do	Daily.

[1] May be modified by the State based on sanitary survey.

In developing routine monitoring costs, the number of systems requiring routine monitoring is fixed by the number of ground and surface water supply systems in each discrete size range and the monitoring frequency prescribed by the regulations. Therefore, the only variable in the cost equation is the price per analysis. This price will depend on the institutional arrangements made by each system for analytical services. At the present time some water supplies perform their own analyses, while others depend on State health agencies or private commercial laboratories. The unit analytical costs developed for the monitoring costs estimates are as follows:

Analysis:	Cost range
Coliform	$5–10
Complete inorganic	70–170
Complete organic	150–260

The lower costs are based on costs incurred in EPA laboratories while the higher costs are based on commercial laboratory estimates.

In developing non-compliance monitoring costs, the critical variable is the number of additional samples required when a system exceeds a maximum contaminant level (MCL). The interim regulations require a minimum of two check samples when the coliform MCL is exceeded and at least three repeat samples when an inorganic or organic MCL is exceeded. In each instance the supplier must continue the sampling procedure until two consecutive samples show that the MCL is not exceeded. For coliform violations it is expected that from 2 to 5 special analyses may be needed. For organic and inorganic violations it is expected that from 3 to 6 special analyses may be necessary.

The estimated costs for routine and special monitoring for public water systems are summarized in Table 1–6. In the first year of implementation the annual costs are expected to fall in a range of $14 million to $30 million. By the end of the third year when the non-community systems begin to monitor, the annual monitoring costs will rise to a range of $17 million to $36 million. These monitoring cost estimates do not reflect the costs of existing monitoring programs. Current routine monitoring is estimated at approximately $10 million to $17 million annually.

TABLE 1–6.—*Total monitoring costs mandated by the interim primary drinking water regulations*

[In millions of dollars]

	1st year	2d year	3d year
Cost of routine monitoring for the 40,000 community systems[1]	13.30–27.3	12.70–26.3	12.3–25.5
Monitoring due to violations of MCL for 40,000 community systems:			
(i) Coliform violation monitoring	.50– 2.0		
(ii) Inorganic violation monitoring	.01– .3	.01– 0.3	
Routine monitoring costs for 200,000 public systems[2]			4.5– 9.4
Monitoring due to violations of MCL for 200,000 public systems[3]			.3– .8
Total	14.00–30.0	13.00–27.0	17.0–36.0

[1] Annual costs beginning the 1st year after implementation of the regulations.
[2] Annual costs beginning the 3d year after implementation of the regulations.
[3] Total monitoring costs due to violations spread over a 5-yr period.

NOTE.—Totals may not add due to rounding.

1.3.2 Treatment costs. Once the monitoring program is initiated, some systems will find that they exceed one or more maximum contaminant levels (MCL). These systems will then be faced with an additional cost in order to meet the required MCL. There are several alternative routes which a system can pursue in order to comply with the Regulations. Some of the alternatives include:

1. Installing treatment facilities capable of reducing the MCL to an acceptable level;
2. Developing a new source of supply of better quality;
3. Purchasing better quality water from another water utility; or
4. Merging the system with one or more adjoining systems which have a higher quality supply.

If none of the above are feasible, a system can apply for a variance or exemption to the MCL under the provisions of the Interim Primary Regulations. Therefore, the costs incurred by a water supply in reducing the concentration of a contaminant to an acceptable level are site specific and will depend on such factors as, treatment facilities available, age of system, proximity of other suppliers, source of water, and many other inter-related problems.

However, in projecting national costs for treatment the option of installing treatment facilities was assumed to be the method systems would select to provide safe drinking water.

The following basic assumptions are implicit in developing costs for the treatment options:

1. Surface water systems not presently clarifying will install some form of filtration;
2. Approximately 30 percent of the community water systems not presently disinfecting will install chlorination units;
3. Advanced treatment is necessary to remove inorganics;

4. Estimates of the number of MCL violations were based on 1969 Community Water Supply Study, except for mercury. Mercury violations were based on recent EPA studies.

The national treatment costs for public water systems are summarized in Table 1–7. The majority of costs, if all systems elect to treat for contaminant violations, will be incurred in order to meet the turbidity and inorganic requirements of the interim regulations. Ranges were developed for capital costs only. This range is based on making two assumptions for daily flow. If a system were required to install treatment, it would have to consider sizing their new components to reflect average daily flow conditions or maximum daily flow conditions in cases where system storage is not adequate. Whatever sizing option a system selected it is unlikely that significant additional operation and maintenance expenses would result.

TABLE 1–7.—*National costs of treating contaminants in drinking water*

[In millions of dollars]

Treatment technology	Contaminant	Capital costs	Annual operation and maintenance
Community systems:			
Clarification	Turbidity	379– 653	180
Chlorination	Coliform	17– 27	7
Ion Exchange	Ba, Cr, Cd, NO_3, Hg, Se	619– 997	53
Activated alumina	As, fluoride	31– 53	11
pH Control	Pb	3– 4	.1
Subtotal		1049–1764	250
Non-community systems:			
Clarification	Turbidity	10	1
Chlorination	Coliform	14	3
Subtotal		24	4
Total		1073–1788	263

NOTE.—Totals may not add due to rounding.

1.4 Economic impact of the interim primary drinking water regulations

The expenditures required to comply with the Interim Primary Regulations will have an impact on all water users served by public water supplies covered by the Safe Drinking Water Act. All persons served by these systems will feel the impact of monitoring costs to some extent. However, the most noticeable impact of the regulations will be on users of public water systems that do not meet the MCL requirements of the regulations.

An estimate of the total annual costs of capital, operation and maintenance, and monitoring necessary to comply with the Regulations is shown in Table 1–8.

TABLE 1–8.—ESTIMATED TOTAL ANNUAL COSTS OF IMPLEMENTING THE INTERIM PRIMARY DRINKING WATER REGULATIONS FOR PUBLIC WATER SUPPLY SYSTEMS IN MILLIONS OF DOLLARS[1]

Annual capital[2]	146–247
Annual operation and maintenance	263
Annual monitoring (routine only)	17–35
Total annual	426–545

[1] 1975 dollars.
[2] Assumes capital costs amortized over 15 years at 7-percent interest.

1.4.1 Water supply economics. The price consumers pay for water is determined, in general, by costs the utility incurs to operate and maintain the system. However, some publicly-owned water systems may have their costs and revenues conglomerated with the cost of other municipal services, and the water bill paid by the consumer may not completely reflect the status of the water system alone.

Water system rate structures vary from system to system, and may also differ for various user classes within the same system. There are four basic types of rate structures which are used around the country. Some systems use a "normal block" structure which results in lower unit costs to customers that use high volumes of water. In the "inverted block" structure, higher units costs are imposed upon customers who use higher volumes of water. Under a "flat" rate structure, there is one single charge per unit for all customers regardless of use. Generally, the flat rate structure applies to residential customers only. Finally, in the "non-incremental" rate structure, the unit cost of water is based on the number of water consumption units owned by the user.

Prices charged for water are usually regulated by a State or local commission appointed to evaluate the need for rate hikes. In most States, investor-owned utilities are under the jurisdiction of State regulatory commissions. Publicly-owned utilities are either regulated by local boards or are unregulated. Any lengthy lag time between rate increase requests and rate increase approvals may pose problems in the implementation of the interim regulations.

Most water utilities, both public and private, finance large capital investments by retaining profits or acquiring debt. Publicly-owned systems may have access to municipal funds or can sell either general obligation or revenue bonds to be repaid from general revenues or water revenues. Private, investor-owned systems may issue stocks and bonds, and unlike publicly-owned systems, their credit ratings are dependent on the profitability of their own operations. Since interest rates are generally proportional to risk, water utilities in more secure financial positions can borrow money at lower interest rates. At the present time the interest rates on municipal bonds is 4–6 percent while the rate for debt issues of private-owned utilities is 6–8 percent.

In the water industry there does not seem to be a correlation between present debt levels and long-term financial soundness. Although a majority of water systems today have debt ratios ranging upward from 40 percent, almost one-fourth of the water systems are presently debt-free. Approximately 85 percent of these debt free systems serve communities of less than 5,000 people. However, many of these small systems do not have a positive net income, while larger water systems with high debt to book value ratios do have positive net income.

Records indicate that per capita consumption of water tends to decrease following significant increases in water rates. Among individual users the decrease would occur where there is a high elasticity of demand; e.g., lawn sprinkling. Industrial and commercial users have shown no elasticity to price increases. If demand declines sharply after initial rate hikes and total revenues do not increase enough to cover increased cost, a second rate increase may be necessary.

1.4.2 Per capita costs. Monitoring costs vary with the size of the water system involved. The number of samples for routine bacteriological monitoring is a function of the number of persons served. For community supplies the number of samples can range from a minimum of 1 sample per quarter for systems serving 1000 people or less to a maximum of 500 samples per month for systems serving more than 4,690,000 people. For non-community supplies only one sample per quarter is required.

In general, the annual impact of routine chemical monitoring will vary depending on the frequency of sampling rather than the number of samples. The frequency of sampling will depend on the system type: ground water vs. surface water; community system vs. non-community. The annual monitoring costs on a per capita basis are shown in Table 1–9. The per capita costs for the smallest community system (25 persons served) are high in comparison to other system sizes. However, there are very few systems in this category and the States may desire to enter into institutional arrangements to lessen their annual monitoring burden.

TABLE 1–9.—*Annual monitoring costs per person served versus system size and type for community water system*

System size	System type	
	Surface	Ground
25	$7.20–$15.05	$3.35–$7.05
100	1.80– 3.75	.85– 1.75
500	.35– .75	.15– .35
1,000	.20– .40	.10– .20
2,500	.15– .30	.06– .10
5,000	.10– .25	.05– .15
10,000	.10– .20	.05– .15
100,000	.05– .15	.05– .15
1,000,000	(1)– .05	(1)– .05
10,000,000	(1)	(1)

[1] Less than $0.05.

However, treatment costs may be responsible for much higher per capita cost increases than monitoring costs. As indicated earlier, public water systems not meeting the MCL requirements of the interim regulations will incur the major cost burden. The impact of the treatment costs will also vary with the size of the water system involved. Table 1–10 summarizes the treatment costs as they affect systems of different sizes.

It should be pointed out that the per capita costs displayed in Table 1–10 are weighted averages. Treatment costs have been weighted by the projected frequency of the various treatment techniques within each size subcategory. By its nature, the weighted average does not give a true representation of the costs to a particular consumer. In all categories, there are five treatments possible with a wide variation in costs. In Table 1–11, the range of annual per capita monitoring and treatment costs are presented. From this table it can be seen that the annual per capita treatment costs for disinfection are expected to range from $3.85 to $2.10 in the Smallest system category, from $2.75 to $0.90 in the Small system category and so on.

V 4 0 2 4 8 DEC 24 75 XUM

	Smallest systems (25 to 99 people served)	Small systems (100 to 9,999 people served)	Medium systems (10,000 to 99,999 people served)	Large systems (over 100,000 people served)
Annual capital costs (in millions)	$3.80–$6.40	$60.20–$101.40	$52.30–$88.10	$80.50–$51.20
Annual operation and maintenance costs (in millions)	2.10	48.60	74.10	134.10
Annual monitoring costs (in millions)	.30–.60	.60–1.30	1.20–2.50	1.80–2.90
Total annual costs (in millions)	6.20–9.10	109.40–151.30	127.60–164.70	165.90–188.20
Weighted average cost per capita per year	37.00–54.00	11.00–15.00	9.00–12.00	10.00–11.00
Increase in household monthly water bill [1]	9.60–14.05	2.85–3.95	2.35–3.05	2.55–2.90

[1] Assumes 3.11 persons per household and that all increases in costs are passed on to the consumer.

TABLE 1–11.—*Annual per capita treatment and monitoring cost ranges for 4 size categories*

	Smallest systems (25 to 99 people served)	Small systems (100 to 9,999 people served)	Medium systems (10,000 to 99,999 people served)	Largest systems (over 100,000 people served)
Treatment: [1]				
Disinfection	$3.85–$2.10	$2.75–$0.30	$0.45–$0.15	<$0.25
Turbidity control	152.00–52.00	78.00–16.00	20.00–12.50	15.00
Heavy metal removal	237.00–101.00	142.00–25.50	35.00–12.00	18.00
Lead control	2.60–1.20	1.80–.30	.40–.20	.20
Fluoride/arsenic removal	11.80–7.85	11.30–3.15	5.60–3.15	3.55
Monitoring	15.80–.85	2.75–.05	.20–.05	.15

[1] Lower cost limit based on assumption that treatment plant built to treat average daily demand and upper cost limit based on maximum daily demand, except for the smallest systems category where costs are based on average daily demand only.

1.4.3 *Impact analysis.* As Table 1–10 and Table 1–11 demonstrate, the potentially most severe impact could occur for users of the smallest or small systems. Assuming that treatment and monitoring costs are directly passed on to the consumer, the monthly water bill for a household in the smallest systems, may increase on the average between $10 and $14.

However, as noted earlier, these systems may choose not to install treatment facilities in order to comply with the regulations. Several options are available to them:

1. Developing a new, less contaminated source;
2. Joining a regional system;
3. Purchasing treated water; or
4. Blending water from existing source with water of higher quality.

The exemption and variance provisions of the Act provide for temporary immunity from the regualtions on the basis of economic hardship or technical difficulties. Federal loan programs may also ease the impact on users of small systems. The Farmers Home Administration sponsors a loan and grant program to aid the financing of water and sewer system construction in small communities. The loans are offered at low interest rates and with long repayment schedules. The Safe Drinking Water Act also authorizes a loan guarantee program for small systems. These programs will reduce community costs, but they will not completely mitigate the possibility of high cost impacts on households in small systems.

It is not certain how systems will finance the costs associated with these regulations—either through higher taxes or higher water rates—but it is certain that the Interim Drinking Water Regulations will have the gratest impact on those served by smaller water systems. Further study is underway to determine if financing will be a serious problem for large or small systems.

At the present time EPA believes that the economic impact of the construction requirements will be spread over at least a four-year period from the promulgation of the regulations because the regulations will not result in immediate compliance. The effective date of the regulations will be 18 months after promulgation. Non-compliance may not be discovered until initial sampling has been completed. For community water supplies the deadlines for initial sampling range from 1 day for turbidity to 2 years for inorganic samples of ground water systems after the effective date. Therefore, in some cases, more than 3 years from promulgation could elapse before inorganic violations would be detected and corrective actions initiated. In addition the use of the exemption or variance provisions of the regulations could further prolong compliance for public water systems unable to comply for economic or technical reasons.

It is estimated that the investor-owned water systems will pay approximately one-fourth of the total treatment costs, while the publicly-owned companies would pay the remainder. However, since many of the investor-owned systems serve very small populations, the capital demands on these systems could be great.

In 1974, the water supply industry spent approximately $1.5 billion for capital improvements. The average yearly total annual capital costs mandated by the Interim Primary Regulations are estimated to be about 13 to 24 percent of this figure. It is anticipated that the industry as a whole would be able to raise the additional necessary capital. Small systems could encounter difficulty in financing new treatment facilities, particularly when clarification, a relatively expensive treatment process, is required. The implementation of these Regulations may force many communities to allocate funds, which may be needed to provide other services to the community, for the treatment of their drinking water.

Data on non-community systems is sparse. However, it is not anticipated that these regulations will have a serious economic impact on them.

The macroeconomic effects of the Interim Primary Drinking Water Regulations are expected to be minimal. On the average, the regulations will cause an increase in water rates of 9.5 percent spread over several years. If this increase occurred in one year, the resulting increase in the Consumer Price Index (CPI) would be less than 0.001 percent. Since the costs of these regulations will be incurred over several years, the average annual increase in the CPI will be even less. The Chase Econometric model was used to examine the impact of all existing pollution abatement regulations.[1] The analysis showed that there will be an average annual increase in the CPI for 1974 to 1980 of less than 0.1 percent due to these pollution abatement regulations.

1.5 *Constraints to implementation of the interim primary drinking water regulations.* The implementation of the National Interim Primary Drinking Water Regulations within a reasonable time frame would greatly depend on the availability of key chemicals and supplies needed in the treatment of drinking water; availability of manpower to operate treatment facilities; adequate laboratory capability to conduct sample analyses; and sufficient supply of engineering and construction services to build or improve treatment facilities.

In particular, the Interim Regulations will increase demand for coagulants and disinfecting agents as the needed treatment facilities are completed. An increased demand could cause some temporary dislocations in chemical markets, but in the long-run, increased demand will result in an expansion of supplies. It is projected that the 1980 demand for ferric chloride may reach 115 to 120 percent of the present production, while alum demand will be approximately 115 percent of current production. There is a general consensus of opinion that organic polyelectrolytes will become the dominant flocculating agents in the future. However, there are no reliable estimates of which polyelectrolyte(s) will be dominant and when the shift in chemical usage will occur.

At the present time there are approximately 180,000 people employed in the water supply industry. With the implementation of the Interim Primary Drinking Water Regulations between 13,000 and 27,000 additional personnel would be needed nationwide. These personnel would be required to perform such tasks as monitoring and enforcing the Regulations, operating the required treatment facilities, performing laboratory analysis of water samples, program assistance and program administration. It is anticipated that water systems may have difficulty hiring qualified personnel.

The third potential constraint is in the availability of adequate laboratories to perform the required chemical and biological analyses. Coliform monitoring is now being performed at State, local and private laboratories. In meeting the coliform monitoring requirements, water suppliers should not have difficulty finding laboratory facilities. At the present time there is little routine monitoring being done for heavy metals and organic compounds of concern in the Regulations. However, there are adequate numbers of public and private laboratories capable of performing these analyses although State certification of laboratories, required by the regulations, could constrain available laboratory facilities.

The final area where constraints could occur is in the design and construction of the required treatment facilities. Although the annual cost of required new construction represents less than 0.4 percent of the present total annual new construction in the United States, design and construction of new water treatment plants is highly specialized. Some communities, especially those in rural areas, may have difficulty obtaining these services due to their expense or unavailability.

[1] Chase Econometric Associates, Inc. "The Macroeconomic Impacts of Federal Pollution Control Programs," prepared for the Council of Environmental Quality and the Environmental Protection Agency, January 1975.

1.6 *Limits of the analysis.* In developing the cost estimates used in this study, it was necessary to use several simplifying assumptions. This section explores these assumptions and what their overall impact might be.

The first assumption is that there are 40,000 community water supply systems in the nation and that they are represented accurately by the current EPA inventory of community water supply systems. There is some evidence that when the inventory is completed there will be a total of 50,000 community systems rather than the estimated 40,000. This increase in systems would cause an increase in monitoring costs of about 12 percent and a similar increase in treatment costs.

All costs for public non-community systems were based on the assumption that there are 200,000 of these systems nationwide. At the present time there is no accurate inventory of these systems, thus, this number is solely an estimate. It is anticipated that the EPA will be performing an inventory of these systems in the next few years so that these estimates can be updated.

A major consideration not used in developing treatment costs is that many systems may use alternative water management practices rather than install more costly treatment processes when they exceed an MCL requirement. For example, ground water systems might blend water from a "clean" well with that from a "dirty" well so that the resultant water will not exceed the MCL. Similarly, no estimate is possible to determine the possible benefits which might result from cascading treatment processes. An example of this is that clarification units might remove enough heavy metals so that the MCL might not be exceeded. These treatment alternatives would vary from site to site so that it is impossible to quantify the benefits which would be derived.

1.7 *Energy use.* It is estimated that approximately 21,200 billion BTU's per year will be required to operate plants and produce chemicals for the various treatment systems necessary for the 40,000 community systems to meet the regulations. This is about 0.028 percent of the 1973 national energy consumption, based on the 1974 Statistical Abstract. The increase in energy use will depend on a number of factors, including whether pollution in surface sources of waters is successfully controlled. There will be no direct energy savings from the recommended action.

[FR Doc.75-33836 Filed 12-23-75;8:45 am]

PART 141—NATIONAL INTERIM PRIMARY DRINKING WATER REGULATIONS

Subpart E—Special Monitoring Regulations for Organic Chemicals

Pursuant to Sections 1445(a) and 1450(a)(1) of the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93–523, the Administrator of the Environmental Protection Agency hereby issues a new 40 CFR 141, Subpart E, to become effective immediately. This subpart establishes sampling, monitoring, testing and other requirements applicable to designated public water systems for the purpose of providing data for the establishment of maximum contaminant levels of organic contaminants in drinking water.

Concurrently with this publication, EPA is promulgating National Interim Primary Drinking Water Regulations under the authority of the Safe Drinking Water Act ("SDWA"). Those regulations contain maximum contaminant levels, monitoring frequencies and analytical procedures for microbiological contaminants, turbidity, and selected inorganic and organic chemicals. The Interim Primary Drinking Water Regulations are to become effective 18 months after promulgation.

EPA is embarking on an intensive research program to find answers to the following questions:

1. What are the effects of commonly occurring organic compounds on human health?

2. What analytical procedures should be used to monitor finished drinking water to assure that any Primary Drinking Water Regulations dealing with organics are met?

3. Because some of these organic compounds are formed during water treatment, what changes in treatment practices are required to minimize the formation of these compounds in treated water?

4. What treatment technology must be applied to reduce contaminant levels to concentrations that may be specified in the Primary Drinking Water Regulations?

This research will involve health-effects and epidemiological studies, investigations of analytical methodology, and pilot plant and field studies of organic removal unit processes. Some phases of the research are to be completed by the end of this year, while much of the remainder are to be completed within the next calendar year.

Subpart E is intended to provide a rapid means of obtaining data in support of the possible establishment of additional maximum contaminant levels for organic chemical contaminants of drinking water, either as individual compounds or groups of compounds. These regulations will form the basis of a wide-ranging monitoring and analytical study to be performed by EPA in conjunction with the States and designated participating public water systems. These regulations will also generate information on the occurrence of potentially hazardous organic chemicals in a cross-section of public water systems covering a substantial portion of the population of the United States and representing various types of drinking water sources and treatment processes. They will provide information which is currently lacking on the actual distribution of a number of organic chemicals and will make it possible for EPA to attempt to correlate the presence of these chemicals with the results of several general and chemical group analytical procedures. This information will aid in the development of future primary drinking water regulations.

The recently completed National Organics Reconnaissance Survey (NORS) reported detection of six volatile organic compounds in a sampling of 80 cities. Extensive additional gas chromatographic/mass spectrometric analyses were performed on 10 of these 80 water systems. However, these were one-time samples and therefore do not indicate seasonal effects on drinking water quality nor any other temporary factors such as intermittent discharge or the long term effects of treatment applications in controlling finished water quality. The special study covered by these regulations was derived, in part, from the preliminary results obtained in the NORS Survey and is intended to respond to many of the questions which it raised so that the appropriate regulatory actions may be determined. Many of the systems from the previous survey will be resampled several times during this period to provide an indication of longer-term and seasonal variations in the quality of drinking water.

This study will include analyses for approximately 20 specific organic compounds deemed to be candidates for particular concern, and analyses of 6 surrogate group chemical parameters which are indicators of the total amount of organic contamination. Several of these surrogate procedures show promise as indicators of specific families of compounds such as chlorinated (halogenated) organics or aromatic compounds. They also show promise as practical methods which could be developed and widely applied for surveillance and quality control of drinking water in many water systems, particularly those public water systems which are not large enough to be financially capable of providing highly sophisticated computerized gas chromatographic/mass spectrometric analyses.

In order to assure a rapid and efficient method of providing data of uniform and assured quality, EPA will assume the principal responsibility for analysis and evaluation of the water samples taken by the designated public water systems. The water systems involved may be required to provide background information and follow-up investigation as necessary.

EPA feels that this monitoring study, in conjunction with its other substantial research efforts, will provide the basis for a coherent and rational approach to the control of organic chemical contamination of public water systems.

Good cause exists for promulgation of these regulations without first asking for comment on them, in view of the widespread public concern, the need to move as quickly as possible to carry out the Congressional mandate to deal with organic chemicals, and in view of the fact that the burden imposed on designated public water systems is limited.

ORGANIC CHEMICALS TO BE SURVEYED

The basic monitoring study will be completed within one year and will involve multiple samplings from each designated system. Water samples and concentrates will be collected on site and shipped to EPA laboratories for analysis.

The study will consist of analyses for a number of organic compounds and 6 surrogates in approximately 100 public water systems in the United States. Many of the compounds to be selected for inclusion in this study will be halogenated and aromatic organic compounds. Virtually no chlorinated organic

V 40 248 DEC 24 75 XUM

compounds are known to occur naturally in fresh water. Many are considered to be liver toxins and/or potential carcinogens in some concentration. It would be expected that any chlorinated organic compounds found in drinking water would have been generated either from industrial manufacturing operations, agricultural operations, or during chlorination of water for the purpose of disinfection. Many aromatic compounds are also considered to be chronic toxicants and some have been shown to be carcinogens in test systems such as animal feeding. Aromatic compounds might also reach drinking water systems from industrial sources, urban surface runoff, or from atmospheric fallout of materials generated during combustion processes. Other possible candidates include aromatic amines and nitrosamines.

The compounds to be studied are being selected on the basis of available toxicity data, information on possible occurrence in public water systems with significant frequency, and the availability of practical analytical methods for identification and quantification. They may include: benzene; carbon tetrachloride; p-dichlorobenzene; vinyl chloride; 1, 2, 4-trichlorobenzene; bis-(2-chloroethyl) ether; 1, 1, 2-trichloroethylene; 2, 4-dichlorophenol; fluoranthene; 11, 12-benzofluoranthene; 3, 4-benzofluoranthene; 1, 12-benzoperylene; 3, 4-benzopyrene; indeno (1, 2, 3-cd) pyrene; chloroform; bromodichloromethane; bromoform; 1, 2-dichloroethane; polychlorinated biphenyls; and pentachlorophenol. Additional studies will be performed on aromatic amines (e.g. benzidine) and nitrosamines.

In addition to the analyses of specific compounds, a number of analyses of general organic indicators will be performed in order to determine possible relationships between the presence of the specific chemicals and certain general surrogate analytic procedures which should be more applicable for routine monitoring in public water systems. The following general indicators will be used:

(1) Total Organic Carbon analysis offers promise as a general organic measurement parameter for drinking water and is already widely accepted in the area of waste treatment organics monitoring. The procedure indicates the total amount of organically bound carbon present in the sample and is not selective among types of compounds. The technique essentially consists of oxidation of the organic chemicals in a water sample to carbon dioxide which is either quantified directly or converted to methane which is then quantified. Sample collection is simple, analysis is rapid (10 minutes) and may be automated, cost per sample is low, and interference from inorganic carbon can be avoided. Reliable and accurate instrumentation is now becoming available for application of this procedure to drinking water.

(2) The Ultraviolet and Fluorescence Spectroscopic methods, which primarily indicate the presence of aromatic compounds. The advantages of these methods are sampling simplicity, the small sample size required, and the speed and low cost per sample.

(3) Color analyses, which are relatively simple and rapid methods which may indicate the presence of certain organic compound types, particularly humic substances. Some recent data indicate that a relatively quantitative relationship may exist between color intensity and the quantity of humic substances which represent the largest portion of dissolved organic chemicals in some waters.

(4) Total Organic Chlorine analyses, which offer promise for rapid, accurate indication of the presence of all chlorine-containing organic compounds. This procedure involves oxidation of the haloorganics in a water sample followed by microcoulometric quantification. The analysis is rapid after sample concentration. The present apparatus has not generally been applied to drinking water, but EPA is conducting a concurrent program to develop the application so that this potentially important method may be utilized in this monitoring study.

(5) The Carbon-Chloroform Extract procedure (CCE), which consists of passage of 60 liters of water through a carbon column at a constant rate for 48 hours. The carbon adsorbant is then extracted with refluxing chloroform followed by removal of most of the chloroform and evaporation of the residue to constant weight. The entire analytical process requires about 6 days for completion and the concentrates represent something less than 10% of the total organics content of the sampled water. Therefore, CCE is not amenable to on-line process control monitoring. However, in this study, this CCE data and historical CCE data will be interrelated with specific compound analyses and the other surrogate analyses, to designate the optimum monitoring methodologies for field use which are most indicative of the presence of those organic compounds which potentially pose risks to human health.

Other methods of sample collection and concentration which are being evaluated for this and concurrent studies include the use of macroreticular resins which have shown promise for application to drinking water analytical technology.

Within two weeks from the publication of this subpart, in consultation with the States, EPA will designate approximately 100 public water systems for inclusion in the special monitoring program for organic chemicals. The systems will be selected to represent each major type of water supply (rivers, impoundments and ground water), quality of water, treatment, region and population size. Most of the systems should serve large metropolitan areas, but some may be small enough to be representative of the water types and problems associated with smaller systems. The number of systems to be selected will be sufficient to permit an evaluation of the relationship of specific contaminant concentrations to several general organic parameters.

EPA in consultation with the State will work closely with each system to assure that proper sampling techniques are used. In addition, when preliminary results indicate that a potentially harmful organic chemical is present in significant amounts in a particular water system, EPA and the State will consult with the system and provide technical advice and assistance where appropriate. In some cases, it may be possible to identify a particular point source which is causing serious contamination of a public water system, or to determine that additional treatment should be installed by a system without waiting for the nationwide survey results.

For the reasons given above, Chapter 40 of the Code of Federal Regulations is hereby amended by adding Subpart E to Part 141, as follows. The new regulations take effect December 24, 1975.

Dated: December 10, 1975.

RUSSELL E. TRAIN,
Administrator.

§ 141.40 Special monitoring for organic chemicals.

(a) The Administrator may designate, by publication in the FEDERAL REGISTER, public water systems which are required to take water samples, provide information, and in appropriate cases analyze water samples for the purpose of providing information on contamination of drinking water sources and of treated water by organic chemicals.

(b) The Administrator shall provide to each public system designated pursuant to paragraph (a) of this section a written schedule for the sampling of source water or treated water by the system, with written instructions for the sampling methods and for handling of samples. The schedule may designate the locations or types of locations to be sampled.

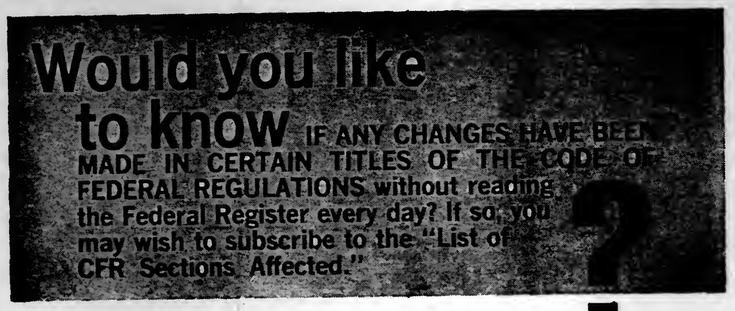
(c) In cases where the public water system has a laboratory capable of analyzing samples for constituents specified by the Administrator, the Administrator may require analyses to be made by the public water system for submission to EPA. If the Administrator requires the analyses to be made by the public water system, he shall provide the system with written instructions as to the analytical procedures to be followed, or with references to technical documents describing the analytical procedures.

(d) Public water systems designated by the Administrator pursuant to paragraph (a) of this section shall provide to the Administrator, upon request, information to be used in the evaluation of analytical results, including records of previous monitoring and analyses, information on possible sources of contamination and treatment techniques used by the system.

(Secs. 1445 and 1450 of the Public Health Service Act, 88 Stat. 1660 (42 U.S.C. 300j–4 and 300j–9))

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V 40 248 DEC 24 75 XUM



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V40248 DEC 24 75 XUM V

Vol.40—No.249
12-29-75

MONDAY, DECEMBER 29, 1975

249

Vol.40—No.249
12-29-75
PAGES
59589-59704

federal register

MONDAY, DECEMBER 29, 1975

highlights

PART I:

PETROLEUM
FEA proposes monthly reporting system; comments by 1-9-76 59602

FEDERAL TAX DEPOSIT FORMS
Treasury/FS revises regulations to reflect format and design changes 59595

HAZARDOUS MATERIALS
DOT/HMTB permits certain asphalt formulations to be shipped in cargo tanks currently in service; effective 1-1-76 59598

FEDERAL FINANCIAL ASSISTANCE
SBA prohibits discrimination on basis of marital status; effective 12-29-75 59591

FEDERAL SAVINGS AND LOAN SYSTEM
FHLBB broadens conditions allowing waiver of penalty for premature withdrawal from certificate accounts; effective 12-29-75 59590

FEDERAL INFORMATION PROCESSING
Commerce/NBS proposed revised instructions for implementing standard character codes and collating sequence; comments by 2-29-76 59607

SURETY COMPANIES
Treasury/FS proposed revised schedule of fees to recover certain costs from companies doing business with the United States; comments by 1-28-76 59600

NATIONAL SCHOOL LUNCH PROGRAM
USDA/FNS proposed clarification of relationship of Federal assistance to State and local revenue; comments by 1-28-76 59600

AMATEUR RADIO EXAMINERS
FCC proposes to require submission of photocopies of operator licenses with request for examination papers; comments by 2-2-76 and 2-12-76 59602

CONTINUED INSIDE

PART II:

MINIMUM WAGES
Labor/ESA issues determinations for Federal and Federally assisted construction 59649

XUM

V40 249 DEC 29 75

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/FAA—Airworthiness directives; Scheibe-Flugzeugbau 58128; 12–15–75

Morane Saulnier (Socata) MS892. A–150, MS893–A, and MS894–A Airplanes 57785; 12–12–75

Daily List of Public Laws

Note: The following bills inadvertently appeared in the Federal Register without the notation that they had been vetoed by the President:

H.R. 5559, Revenue Adjustment Act of 1975. Veto message dated December 17, 1975; Weekly Compilation of Presidential Documents, Vol. 11, No. 51.

H.R. 8069, Department of Labor and Health, Education, and Welfare Appropriation Act, 1976. Veto message dated December 19, 1975; Weekly Compilation of Presidential Documents, Vol. 11, No. 51.

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MEETINGS—

Commodity Futures Trading Commission: Advisory Committee on Definition and Regulation of Market Investments, 1–14–76 59616
Justice/LEAA: Confidentiality of Identifiable Research and Statistical Information, 1–8–76 59606
Interior/NPS: Rocky Mountain Regional Advisory Committee, 2–4 and 2–5–76 59606
HEW/NIH: General Research Support Program Advisory Committee, 2–19 and 2–20–76 59609
Maternal and Child Health Research Committee, 2–12–76 59610
Mental Retardation Research Committee, 2–13 and 2–14–76 59610
National Advisory Council on Aging, 3–29 through 3–31–76 59610
National Commission on Arthritis and Related Musculaskelatel Diseases, 1–14–76 59610
Pharmacology-Toxicology Research Program Committee, 1–29 and 1–30–76 59611
HRA: Nursing Research and Education Advisory Committee, 1–14 through 1–16–76 59609
President's Cancer Panel, 2–18–76 59611
Primate Research Centers Advisory Committee, 2–13–76 59611
FCC: Telephone Company Interconnection, 1–7 through 1–28–76 59619
OMB: Business Advisory Council on Federal Reports, 1–15–76 59625
National Foundation on the Arts and the Humanities: Advisory Committee:
Education Panel (2 documents), 1–15, 1–16 and 1–23–76 59624
Planning Office Panel, 1–15 and 1–16–76 59624
Fellowships Panel, 1–9–76 59624
USDA/AMS: Shippers Advisory Committee, 1–13–76 59607
Commerce/NBS: Visiting Committee, 2–26 and 2–27–76 59607

RESCHEDULED MEETINGS—

HEW/NIH: Pharmacology Study Section, 1–20 through 1–22–76 59611
Experimental Therapeutics Study Section, 1–14 through 1–77–76 59609
Genetics Study Section, 1–15 through 1–17–76 59609
Pathology A and B Study Sections, 1–6 through 1–9 and 1–7 through 1–10–76, respectively 59609
Toxicology Study Section, 1–14 through 1–17–76 59611

contents

AGRICULTURAL MARKETING SERVICE
Rules
Lemons grown in Calif. and Ariz 59589
Lettuce grown in Texas 59589
Notices
Meetings:
Shippers Advisory Committee .. 59607

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Farmers Home Administration; Food and Nutrition Service.

ANTITRUST DIVISION, JUSTICE DEPARTMENT
Notices
Competitive impact statements and proposed consent judgments; U.S. versus listed companies:
Slide-Rite Mfg. Corp., et al 59605

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Federal Express Corp., et al 59611
International Air Transport Association, commodity rates 59612

CIVIL SERVICE COMMISSION
Notices
Noncareer executive assignments:
Agriculture Department (2 documents) 59612
Commerce Department (2 documents) 59612
Equal Employment Opportunity Commission 59613
Federal Power Commission 59613
Health, Education, and Welfare Department (3 documents) .. 59612, 59613
Housing and Urban Development Department 59613
Justice Department (2 documents) 59613
Transportation Department 59613

COMMERCE DEPARTMENT
See National Bureau of Standards.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS
Notices
Cotton textiles:
Yugoslavia 59615

COMMODITY FUTURES TRADING COMMISSION
Notices
Meeting:
Advisory Committee on Definition and Regulation of Market Instruments 59616

COUNCIL ON ENVIRONMENTAL QUALITY
Notices
Environmental statements; availability (2 documents) 59616, 59618

EMPLOYMENT STANDARDS ADMINISTRATION
Notices
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions 59649

FARMERS HOME ADMINISTRATION
Rules
Real estate loans and grants:
Farm labor housing; procedures and authorizations (2 documents) 59590

FEDERAL COMMUNICATIONS COMMISSION
Rules
FM broadcast stations; table of assignments:
Florida 59597
Georgia 59596
Proposed Rules
Amateur Radio Service; examinations by mail 59602
Television broadcast stations; table of assignments; Nebraska 59601
Notices
Meeting:
RCC-Telephone Company Interconnection 59619

FEDERAL ENERGY ADMINISTRATION
Proposed Rules
Petroleum reporting; monthly system 59602

FEDERAL HOME LOAN BANK BOARD
Rules
Federal Home Loan Bank System:
Early withdrawal penalty; waiver 59590

V 40 249 DEC 29 75 XUM

CONTENTS

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Alabama - Tennessee Natural Gas Co. 59619
Central Maine Power Co. 59619
Columbia Gas Transmission Corp. 59620
McCulloch Interstate Gas Corp. 59620
Nantahala Power and Light Co. 59620
Natural Gas Pipeline Company of America 59621
North Penn Gas Co. 59621
Transcontinental Gas Pipe Line Corp. 59621
Transwestern Pipe Line Co. 59621

FEDERAL TRADE COMMISSION
Rules
Prohibited trade practices:
National Talent Associates, Inc., et al. 59591

FISCAL SERVICE
Rules
Depositaries for Federal taxes; technical amendments 59595
Proposed Rules
Surety companies doing business with the U.S.; schedule of fees 59600

FOOD AND NUTRITION SERVICE
Proposed Rules
National School Lunch Program; reimbursement payments 59600

GENERAL SERVICES ADMINISTRATION
Rules
Property management 59595

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Health Resources Administration; National Institutes of Health.

HEALTH RESOURCES ADMINISTRATION
Notices
Meetings:
Nursing Research and Education Advisory Committee 59609

INTERIOR DEPARTMENT
See National Park Service.

INTERNATIONAL TRADE COMMISSION
Notices
Import investigations:
Certain Bismuth Molybdate Catalysts 59621
Portland hydraulic cement 59622

INTERSTATE COMMERCE COMMISSION
Rules
Car service orders:
Chicago, Milwaukee, St. Paul and Pacific Railroad Co. 59598
Chicago and North Western Transportation Co. and Soo Line Railroad Co. 59599
Proposed Rules
Passenger carriers; adequacy of service; extension of time 59604
Notices
Abandonment of railroad services:
Live Oak, Perry and South Railway Co. 59631
Hearing assignments 59626
Motor carriers:
Temporary authority applications 59630
Temporary authority termination 59627
Transfer proceedings 59626
Rerouting of traffic:
Lehigh Valley Railroad Co. 59630

JUSTICE DEPARTMENT
See Antitrust Division, Justice Department; Law Enforcement Assistance Administration.

LABOR DEPARTMENT
See Employment Standards Administration; Occupational Safety and Health Administration.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
Notices
Meetings:
Confidentiality of Identifiable Research and Statistical Information ad hoc Group of Researchers 59606

MANAGEMENT AND BUDGET OFFICE
Notices
Meeting:
Business Advisory Council on Federal Reports 59625

MATERIALS TRANSPORTATION BUREAU
Rules
Asphalts in cargo tanks; use with flammable liquids 59598

NATIONAL BUREAU OF STANDARDS
Notices
Federal information processing standard; character codes and collating sequence 59607
Meetings:
Visiting Committee 59607

NATIONAL ENDOWMENT FOR THE ARTS AND THE HUMANITIES
Notices
Meetings:
Advisory Committee Education Panel (2 documents) 59624
Advisory Committee Fellowships Panel 59624
Advisory Committee Planning Panel 59624

NATIONAL INSTITUTES OF HEALTH
Notices
Annual reports of advisory committee; filing 59609
Meetings:
Aging Advisory Council 59610
Arthritis and Related Musculoskeletal Diseases, National Commission on 59610
General Research Support Program Advisory Committee 59609
Maternal and Child Health Research Committee 59610
Mental Retardation Research Committee 59610
Pharmacology-Taxicology Research Program Committee 59611
President's Cancer Panel 59611
Primate Research Centers Advisory Committee 59611
6 Study sections (3 documents) 59609–59611

NATIONAL PARK SERVICE
Proposed Rules
Snowmobile routes; withdrawal of proposal 59600
Notices
Meetings:
Rocky Mountain Regional Advisory Committee 59606

NUCLEAR REGULATORY COMMISSION
Notices
Applications, etc.:
Pacific Gas and Electric Co. 59625
Power Authority of the State of New York 59625
San Diego Gas and Electric Co. 59624

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Notices
District of Columbia Developmental Plan; resubmission and availability for comment 59626

SECURITIES AND EXCHANGE COMMISSION
Proposed Rules
ANCSA Corporations; extension of time 59603

SMALL BUSINESS ADMINISTRATION
Rules
Federal financial assistance; discrimination based on marital status 59591

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE
Notices
Cotton textiles:
Pakistan 59613
Romania 59614
Man-made textiles:
Macau 59615

TRANSPORTATION DEPARTMENT
See Materials Transportation Bureau.

TREASURY DEPARTMENT
See Fiscal Service.

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR
910 59589
971 59589
1822 (2 documents) 59590
PROPOSED RULES:
210 59600

10 CFR
PROPOSED RULES:
211 59602

12 CFR
526 59590
545 59591
563 59591

13 CFR
113 59591

16 CFR
13 59591

17 CFR
PROPOSED RULES:
270 59603

31 CFR
214 59595
PROPOSED RULES:
223 59600

36 CFR
PROPOSED RULES:
7 59600

41 CFR
101–27 59595

47 CFR
73 (2 documents) 59596, 59597
PROPOSED RULES:
73 59601
97 59602

49 CFR
173 59598
1033 (2 documents) 59598, 59599
PROPOSED RULES:
1063 59604

V 40 249 DEC 29 75 XUM

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

1 CFR
Chapter I 55633
420 59313
425 ..... 56651, 59187
430 59314
431 59316

3 CFR
EXECUTIVE ORDERS:
2553 (Revoked by PLO 5564) 58857
5327 (Amended by PLO 5562) 58857
5389 (Amended by PLO 5563) 58857
6827 (Amended by PLO 5559) 58453
8278 (Revoked in part by PLO 5550) 56667
8877 (Revoked in part by PLO 5558) 59205
10422 (Amended by EO 11890) 57775
11890 57775
11891 58279

4 CFR
412 58281

5 CFR
213 ..... 56651, 57202, 57351, 57461, 57777, 58127, 58421, 58845
890 55829
736 56651

6 CFR
703 59188
704 59334

7 CFR
1 58281
2 ..... 56421, 56669, 58127
16 55829
25 57205
25A 57205
52 57206
245 ..... 57206, 57777, 58281
271 ..... 55646, 57434–57438
631 58649
722 55656
725 55656
726 56421
729 55658
724 58444
905 ..... 57641, 58446
907 ..... 56670, 57641, 58127, 58649, 59189, 59444
910 ..... 57777, 58845, 59589
912 57641
913 58650
932 59318
959 57209
971 59589
982 55829
984 57351
1060 58846
1063 58447
1250 59190
1405 58448
1421 56423
1464 ..... 57209, 57777
Ch. XVIII 59194
1822 59590
1842 57643

7 CFR—Continued
1865 57642
1980 57643
PROPOSED RULES:
210 59600
622 56457
724 57809
726 57810
916 57221
928 57221
932 56457
959 58656
993 58863
999 57368
1060 ..... 56674, 59353
1061 59353
1063 56674
1068 59353
1069 59353
1076 59353
1822 ..... 58151, 58657, 59447
1824 59214
1901 59214

8 CFR
100 58448
103 58448
238 58448
316a 58448

9 CFR
78 ..... 58281, 59421
91 59318
113 ..... 57806, 58626
331 ..... 57807, 57808
351 58627
381 ..... 57807, 57808
PROPOSED RULES:
91 56675
445 59306
447 59306

10 CFR
20 58847
50 58847
212 57439
213 59195
PROPOSED RULES:
211 59602
RULINGS:
1975–18 55860

12 CFR
1 59318
7 56883
217 57663
220 59322
221 59322
225 55634
226 55634
265 55635
303 ..... 58128, 59322
327 57209
329 ..... 57664, 57778, 58848
500 59422
522 57442
523 59424
526 ..... 57665, 59590

12 CFR—Continued
545 ..... 57665, 57781, 58848, 59196, 59591
546 59322
555 57781
561 59424
563 ..... 57665, 59323, 59591
571 57783
PROPOSED RULES:
8 59446
225 58866
556 57690
571 57690
612 59450
614 59450

13 CFR
103 59425
107 59197
113 59591
117 57351
PROPOSED RULES:
120 57602
121 ..... 55860, 55868

14 CFR
39 ..... 55635–55637, 56652, 56883, 57352, 57353, 57444, 57665, 57666, 57783–57785, 58128–58130, 58284, 58623, 58624, 58848, 58849, 59197–59199
71 ..... 55638, 55829, 56423, 56424, 56652, 56884, 57203, 57204, 57353, 57354, 57444, 57666, 57785, 57786, 58131, 58284, 58624, 58849, 58850, 59199
75 ..... 55830, 56884, 58850
97 ..... 57204, 57666, 58625
103 ..... 57667, 58850
121 57444
123 57444
135 57444
240 58850
288 ..... 56652, 58449
312 59425
PROPOSED RULES:
25 59354
36 59447
37 57222
39 ..... 57811, 59221
63 57342
71 ..... 55664, 55665, 55866, 56919, 57368, 57369, 58863, 58864, 59222, 59448
73 59448
91 57342
103 57688
105 57342
121 57342
123 57342
129 57342
135 57342
137 57342
145 57342
147 57342
241 57462
253 55665
288 58864
378 57462
399 55665

15 CFR
369 59333
370 59334
372 ..... 59333, 59334
375 59325
378 59334
379 ..... 56424, 59334
385 59334
950 56653

16 CFR
13 ..... 56655–56658, 57195–57201, 57445–57447, 57668, 58286, 58287, 59426, 59591
302 56659
433 58131
1115 58449
1512 57449
1602 56685
PROPOSED RULES:
443 58867
1700 58865

17 CFR
200 ..... 57449, 58131
210 ..... 55830, 55835, 58851, 59339
211 59339
239 55836
240 ..... 55837, 57355, 57357, 57449, 57786
241 57786
249 55837
275 57795
PROPOSED RULES:
12 55666
155 58660
239 58155
240 ..... 57463, 58154, 58155
249 ..... 58154, 58155
270 59603

18 CFR
2 56886
3 58630
35 56424
141 57450
260 ..... 58630, 58632

19 CFR
4 ..... 55837, 58852
141 57796
159 ..... 55638, 55639
201 55838
PROPOSED RULES:
1 59212
141 56674
142 ..... 56674, 58150
143 56674
152 58859
158 58150
159 56674
177 58470
201 56936

20 CFR
405 56659
410 56886
618 57766
PROPOSED RULES:
405 56458
625 56931

21 CFR
1 ..... 57451, 57453
3 57451
4 55838

21 CFR—Continued
7 55838
37 57454
121 ..... 56907, 57209, 58852
123 ..... 56425, 58287
200 58799
201 58799
202 58799
369 58288
430 57796
436 57797
440 58288
444 57796
522 59342
529 57454
540 55849
546 ..... 57455, 58633
556 ..... 57454, 58289
558 ..... 57668, 57798, 58132, 58289
561 56425
600 57688
640 55849
1308 58132
1316 57210
PROPOSED RULES:
1 57811
10 57811
27 57811
51 57811
53 57811
102 57688
310 ..... 55869, 56675, 57811
330 ..... 56675, 57811
338 57292
339 57292
340 57292
600 57688
610 57688
640 57688
660 57688
1000 58151

22 CFR
602 56661

23 CFR
230 57358
260 58633
450 57799
630 ..... 55639, 57799
712 55643
PROPOSED RULES:
750 58312

24 CFR
200 58637
205 58133
207 58133
213 58134
220 58134
221 58134
232 58134
235 58134
236 58134
242 58134
244 58134
280 58752
1710 56907
1912 57210
1914 ..... 56670, 57803, 59342, 59344
1915 ..... 56672, 56910, 59427
1916 56426
1917 ..... 56426, 57668
1920 ..... 56427–56429, 57669, 57670, 59199–59203
2205 58450

24 CFR—Continued
PROPOSED RULES:
1710 56919
1917 ..... 56459, 59225, 59226

25 CFR
233 58135
PROPOSED RULES:
178 57694

26 CFR
1 ..... 55849, 58138, 58637
8 58852
24 58852
301 55849
PROPOSED RULES:
1 ..... 56448, 57364, 57462, 58471, 58656, 58860
20 58860

27 CFR
6 55856
194 56887
PROPOSED RULES:
178 59207
181 59207

28 CFR
0 ..... 58643, 58644
20 59204
PROPOSED RULES:
19 56453
42 56454

29 CFR
97 58854
204 58855
402 58856
403 58856
408 58856
602 58138
603 58138
608 58139
609 58140
610 58140
611 58140
612 58141
614 58141
615 58142
687 58143
1902 ..... 55857, 58143
1962 ..... 57455, 58450, 59345
1963 57804
2602 57457
PROPOSED RULES:
40 57332
60 58664
723 58867
724 58867
725 58867
1910 ..... 55866, 55867, 58457, 58458
1952 59355
2610 57982
2611 57980

30 CFR
PROPOSED RULES:
250 58862

31 CFR
214 59595
316 59292
332 59300

V 40 249 DEC 29 75 XUM

CONTENTS

32 CFR
577 ... 58290
650 ... 55962

33 CFR
Ch. I ... 58143
128 ... 56430
207 ... 57358
PROPOSED RULES:
117 ... 57222, 59219
214 ... 59212

34 CFR
PROPOSED RULES:
Ch. I ... 56459
259 ... 59554

35 CFR
5 ... 58290, 58292

36 CFR
7 ... 56888
PROPOSED RULES:
2 ... 57694
7 ... 59600
50 ... 58651

37 CFR
1 ... 37358
2 ... 37358

38 CFR
1 ... 56433, 56644
3 ... 56434, 57459, 59346
17 ... 57805
PROPOSED RULES:
3 ... 56936

39 CFR
Ch. I ... 57670
42 ... 57212
43 ... 57212
44 ... 57212
45 ... 57212
47 ... 57212
111 ... 57212, 57670
PROPOSED RULES:
111 ... 57223

40 CFR
35 ... 58602
40 ... 59438
52 ... 56888–56890, 57359, 59204, 59438
55 ... 56644
60 ... 58416, 59204
61 ... 58646
85 ... 58646
86 ... 58646
141 ... 59566, 59587
149 ... 58292
180 ... 55857, 57215, 58294, 58647, 58648
407 ... 57216
408 ... 55770
414 ... 56435, 56436
PROPOSED RULES:
6 ... 55868
40 ... 59450
51 ... 58317
52 ... 58317, 58319, 58663
61 ... 59532

40 CFR—Continued
PROPOSED RULES—Continued
85 ... 56932
124 ... 56932
125 ... 56932
180 ... 58321
407 ... 57223

41 CFR
6–1 ... 58452
6–2 ... 58453
6–3 ... 58453
14–1 ... 57670, 57671
50–201 ... 57805
101–26 ... 57216
101–27 ... 59595
101–45 ... 59439
105–61 ... 56892
114–43 ... 55857
114–60 ... 55858

42 CFR
51c ... 59346
57 ... 56674
PROPOSED RULES:
2a ... 56692

43 CFR
2 ... 57671
20 ... 58295
PUBLIC LAND ORDERS:
17 (Revoked in part by PLO 5553) ... 58144
715 (Revoked in part by PLO 5565) ... 59347
1245 (Revoked in part by PLO 5552) ... 58144
2214 (Revoked in part by PLO 5565) ... 59347
2789 (Revoked by PLO 5551) ... 58144
4392 (Revoked in part by PLO 5560) ... 58648
5169 (Amended by PLO 5556) ... 58146
5170 (Amended by PLO 5557) ... 58146
5176 (Amended by PLO 5555) ... 58145
5179 (Amended by PLO 5556) ... 58146
5184 (Amended by PLO 5550) ... 56667
5187 (Revoked in part by PLO 5550) ... 56667
5252 (See PLO 5561) ... 58857
5554 (Amended by PLO 5564) ... 58857
5561 ... 58857
5562 ... 58857
5563 ... 58857
5564 ... 58857
5353 (Revoked n part by PLO's 5551, 5552, 5553) ... 58144
5396 (Amended by PLO 5556) ... 58146
5550 ... 56667
5550 (Revoked in part by PLO 5566) ... 59347
5551 ... 58144
5552 ... 58144
5553 ... 58144
5554 ... 58145
5555 ... 58145
5556 ... 58146
5557 ... 58146
5558 ... 59205
5559 ... 58453
5560 ... 58648
5565 ... 59347
5566 ... 59347
5567 ... 59347
PROPOSED RULES:
2600 ... 57364

45 CFR
102 ... 57760
160c ... 57926
223 ... 58453
233 ... 57359
302 ... 57672
410 ... 58956
1013 ... 55859
1061 ... 58649
1222 ... 57217
1370 ... 58956
1603 ... 59351
PROPOSED RULES:
100a ... 58459
100c ... 58459
115 ... 57042
154 ... 59218
155 ... 58400, 59447
157 ... 58405, 59447
159 ... 58409
160d ... 55659
162 ... 56678
174 ... 58459
233 ... 59353
1223 ... 58659
1369 ... 59408

46 CFR
4 ... 58306
5 ... 57672, 58306
12 ... 57673
14 ... 58306
33 ... 58454
42 ... 57218
75 ... 58454
78 ... 58454
94 ... 58454
97 ... 58454
142 ... 58454
167 ... 58454
176 ... 58454
192 ... 58455
310 ... 55643, 59348
401 ... 57673
551 ... 58146
PROPOSED RULES:
Ch. I ... 57688
10 ... 55663
32 ... 59219
78 ... 58457
92 ... 59219
105 ... 59219
190 ... 59219
503 ... 58154

47 CFR
0 ... 57359, 58306, 58858, 59439
1 ... 55644
2 ... 57674
73 ... 55644, 57360, 58147, 58853, 59440, 59596, 59597
76 ... 57361
81 ... 57675
83 ... 57675
87 ... 57675
89 ... 58147
91 ... 57682, 57684, 58306, 58455
93 ... 58147
95 ... 58148
97 ... 58148, 59441
PROPOSED RULES:
73 ... 58467, 59451, 59452, 59601
76 ... 55868, 58866
81 ... 58322
83 ... 58322

47 CFR—Continued
PROPOSED RULES—Continued
89 ... 57369
91 ... 57369
97 ... 59453, 59602

49 CFR
10 ... 57361
25 ... 58455
103 ... 57687, 58307
107 ... 56442
173 ... 59598
174 ... 57433
310 ... 55645
391 ... 58858
571 ... 56667, 56898, 57687, 59349
575 ... 57806
1010 ... 56668
1033 ... 55860, 56443, 56444, 56898, 57433, 59441, 59598, 59599
1125 ... 57639
PROPOSED RULES:
393 ... 57369
557 ... 56926

49 CFR—Continued
PROPOSED RULES—Continued
567 ... 55665
568 ... 55665
571 ... 55665, 56920, 56928, 57690, 58152, 58153, 59222
579 ... 56930
1023 ... 59453
1063 ... 59604
1108 ... 57465

50 CFR
17 ... 58307
18 ... 59442
28 ... 56444, 56445, 56669, 57218, 57220, 57459–57461, 58148, 59205, 59348, 59444
33 ... 55860, 56446, 57363, 58149, 58649, 59349
216 ... 56899
280 ... 57461
PROPOSED RULES:
17 ... 57221, 58308
510 ... 55679, 57812
520 ... 57692

FEDERAL REGISTER PAGES AND DATES—DECEMBER

Pages	Date
55633–55828	1
55829–56420	2
56421–56649	3
56651–56882	4
56883–57193	5
57195–57349	8
57351–57432	9
57433–57639	10
57641–57773	11
57775–58126	12
58127–58278	15
58279–58420	16
58421–58621	17
58623–58844	18
58845–59185	19
59187–59311	22
59313–59419	23
59421–59588	24
59589–59704	29

V 40 249 DEC 29 75 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 19]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Dec. 28, 1975–Jan. 3, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.319 Lemon Regulation 19.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues easy this week.

Average f.o.b. price was $5.41 per carton the week ended December 20, 1975, compared to $6.31 per carton the previous week. Track and rolling supplies at 180 cars were down 50 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 22, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period December 28, 1975, through January 3, 1976, is hereby fixed at 150,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 22, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-34960 Filed 12-23-75;11:20 am]

[Amdt. 1]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Handling Regulation

This amendment relieves the Sunday packaging prohibition on December 21 and 28, 1975. Recent rainy weather has reduced harvest and packing. This amendment is necessary so that the industry can have sufficient operating time to satisfy existing and prospective orders for lettuce.

Findings. (a) Pursuant to Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971) regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas it is hereby found that the amendment to the handling regulation, hereinafter set forth, will tend to effectuate the declared policy of the act. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The amendment is based upon recommendations and information submitted by the South Texas Lettuce Committee, established pursuant to said marketing agreement and order and upon other available information.

(b) It is hereby found that it is impractical and contrary to the public interest to give preliminary notice, or to engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) this amendment must become effective immediately if producers are to derive any benefits therefrom, (2) compliance with this amendment will not require any special preparation on the part of handlers, (3) information regarding the proposed amendment has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of lettuce grown in the production area.

Regulation, as amended. In § 971.316 (40 FR 53225) the introductory paragraph is hereby amended by adding the following thereto:

§ 971.316 Handling regulation.

* * *, except that the prohibition against the packing of lettuce on Sundays shall not apply on December 21 and 28, 1975.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674)).

V 40 P 59589 DEC 29 75 XUM

Effective date. Dated December 19, 1975 to become effective December 21, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-34790 Filed 12-24-75;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 444.4]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Farm Labor Housing Loan Policies, Procedures and Authorizations

Section 1822.63(a) of Subpart C of Part 1822, Chapter XVIII, Title 7, Code of Federal Regulations (31 FR 14148; 39 FR 36110) is amended. The references to "fish farms" and "oyster farms" are changed to aquaculture operations to conform to the revision of Part 1832 of this Chapter.

This amendment is being published without notice of proposed rulemaking inasmuch as it is a technical change made to conform the section to published regulations now in effect and, therefore, the public participation requirements prescribed by 5 U.S.C. 553 are unnecessary.

Section 1822.63(a) is revised to read as follows:

§ 1822.63 Definitions.

As used in this subpart—

(a) "Domestic farm labor" means persons who receive a substantial portion of their income as laborers on farms in the United States and either (1) are citizens of the United States, or (2) reside in the United States after being legally admitted for permanent residence, and may include the families of such persons. Laborers on farms may include laborers engaged in handling agricultural commodities while they are in the unprocessed stage, provided title to the commodity is held by the producer and the place of employment, such as a packing shed, is on or near the farm where the commodity is produced. Domestic farm laborers also include persons working in aquaculture operations as defined in § 1832.3(d) of this Chapter.

• • • • • •

(42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: December 16, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-34793 Filed 12-24-75;8:45 am]

[FmHA Instruction 444.6]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Farm Labor Housing Grant Policies, Procedures and Authorizations

Section 1822.203(a) of Subpart E of Part 1822 Chapter XVIII, Title 7, Code of Federal Regulations (35 FR 14437; FR 36111) is amended. The references to "fish farms" and "oyster farms" are changed to Aquaculture Operations to conform to the revision of Part 1832 of this Chapter. This amendment is being published without notice of proposed rulemaking inasmuch as it is a technical change made to conform the section to published regulations now in effect and, therefore, the public participation requirements prescribed by 5 U.S.C. 553 are unnecessary. As amended, § 1822.203 (a) reads as follows:

§ 1822.203 Definitions.

As used in this subpart—

(a) "Domestic farm labor" means persons who receive a substantial portion of their income as laborers on farms in the United States and either (1) are citizens of the United States, or (2) reside in the United States after being legally admitted for permanent residence, and may include the families of such persons. Laborers on farms may include laborers engaged in handling agricultural commodities while they are in the unprocessed stage, provided title to the commodity is held by the producer and the place of employment, such as a packing shed, is on or near the farm where the commodity is produced.

Domestic farm laborers also includes persons working in aquaculture operations as defined in § 1832.3(d) of this Chapter.

• • • • • •

(Delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: December 16, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-34794 Filed 12-24-75;8:45 am]

Title 12—Banks and Banking

[75-1167]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

LIMITATIONS ON RATE OF RETURN

Amendments Regarding Waiver of Early Withdrawal Penalty

DECEMBER 19, 1975.

The Federal Home Loan Bank Board considers it desirable to amend Part 526 of the Regulations for the Federal Home Loan Bank System, Part 545 of the Rules and Regulations for the Federal Savings and Loan System, and Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Parts 526, 545, and 563), in order to broaden the conditions under which a penalty for premature withdrawal from a certificate account may be waived.

The present regulations authorize such waiver only as to single-ownership accounts and single-ownership testamentary accounts upon the death of the owner thereof and as to accounts which qualify under section 408(a) of the Internal Revenue Code of 1954 as Individual Retirement Accounts (IRA accounts) upon the Account beneficiary's death, disability, or retirement at not less than 59½ years of age.

Upon consideration, the Board had determined that such waiver authority should be extended to include any case of death of a beneficial owner of any account. The Board also deems it advisable to amend its waiver-of-penalty provisions relating to IRA accounts to clarify that it is death, disability, or attainment of not less than 59½ years of age by the IRA participant which triggers the waiver authority and that actual retirement in addition to attainment of the specified age is not necessary for waiver to be authorized under the regulations. It is the Board's understanding and intention that the amendments hereby adopted will bring its regulations on waiver of early withdrawal penalty into substantial accord with regulations of the Federal Reserve and the Federal Deposit Insurance Corporation in this matter.

Accordingly, the Board hereby amends Part 526, Part 545, and Part 563, respectively, by revising § 526.7(b), § 545.1-4 (f)(4), § 545.3-1(c)(6), § 563.3-1(d)(4), and § 563.3-2(d)(3) thereof to read as set forth below, effective December 29, 1975.

Since these amendments relieve restriction, the Board hereby finds that notice and public procedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b), and a 30-day delay of effective date is similarly unnecessary under the provisions of 12 CFR 508.14 and 5 U.S.C. 553(d).

PART 526—LIMITATIONS ON RATE OF RETURN

1. In § 526.7, paragraph (b) is revised to read as follows:

§ 526.7 Penalty for early withdrawal.

• • • • • •

(b) Such member institution need not penalize a withdrawal of all or any portion of a certificate account prior to expiration of its term if (1) such withdrawal is made subsequent to the death of any owner of such account; for purposes hereof an "owner" is an individual who at death had full legal and beneficial title to all or a portion of such account, or beneficial title to all or a portion of such account and full power of disposition and alienation with respect thereto, including but not limited to power of revocation with respect to any trust, regardless of whether such owner was a trustee, of which such account comprises all or part of the trust assets; or (ii) such account qualifies as an Individual Retirement Account under section 408(a) of the Internal Revenue Code of 1954, and withdrawal is made to effect distribution of the funds in the Account following the participant's death or disability, or upon attaining not less than 59½ years of age.

PART 545—OPERATIONS

2. In § 545.1-4, paragraph (f)(4) is revised to read as follows:

§ 545.1-4 Other savings deposits.

• • • • • •

(f) • • •

• • • • • •

(4) A Federal association need not penalize a withdrawal of all or any portion of a fixed term savings deposit prior to expiration of its term if (1) such withdrawal is made subsequent to the death of any owner of such deposit; for purposes hereof an "owner" is an individual who at death had full legal and beneficial title to all or a portion of such deposit, or beneficial title to all or a portion of such deposit and full power of disposition and alienation with respect thereto, including but not limited to power of revocation with respect to any trust, regardless of whether such owner was a trustee, of which such deposit comprises all or part of the trust assets; or (ii) such deposit qualifies as an Individual Retirement Account under section 408 (a) of the Internal Revenue Code of 1954, and withdrawal is made to effect distribution of the funds in the Account following the participant's death or disability, or upon attaining not less than 59½ years of age.

3. In § 545.3-1, paragraph (c)(6) is revised to read as follows:

§ 545.3-1 Distribution of earnings at variable rates.

• • • • • •

(c) • • •

• • • • • •

(6) A Federal association need not penalize a withdrawal of all or any portion of a certificate account issued pursuant to paragraph (b)(3) of this section prior to completion of its time eligibility period if (i) such withdrawal is made subsequent to the death of any owner of such account; for purposes hereof an "owner" is an individual who at death had full legal and beneficial title to all or a portion of such account, or beneficial title to all or a portion of such account and full power of disposition and alienation with respect thereto, including but not limited to power of revocation with respect to any trust, regardless of whether such owner was a trustee, of which such account comprises all or part of the trust assets; or (ii) such account qualifies as an Individual Retirement Account under section 408(a) of the Internal Revenue Code of 1954, and withdrawal is made to effect distribution of the funds in the Account following the participant's death or disability, or upon attaining not less than 59½ years of age.

PART 563—OPERATIONS

4. In § 563.3-1, paragraph (d)(4) is revised to read as follows:

§ 563.3-1 Fixed-rate, fixed-term accounts.

• • • • • •

(d) • • •

• • • • • •

(4) An insured institution need not penalize a withdrawal of all or any portion of a fixed-rate, fixed-term account prior to expiration of its term if (i) such withdrawal is made subsequent to the death of any owner of such account; for purposes hereof an "owner" is an individual who at death had full legal and beneficial title to all or a portion of such account, or beneficial title to all or a portion of such account and full power of disposition and alienation with respect thereto, including but not limited to power of revocation with respect to any trust, regardless of whether such owner was a trustee, of which such account comprises all or part of the trust assets; or (ii) such account qualifies as an Individual Retirement Account under section 408(a) of the Internal Revenue Code of 1954, and withdrawal is made to effect distribution of the funds in the Account following the participant's death or disability, or upon attaining not less than 59½ years of age.

5. In § 563.3-2, paragraph (d)(3) is revised to read as follows:

§ 563.3-2 Certificates evidencing other accounts.

• • • • • •

(d) • • •

• • • • • •

(3) An insured institution need not penalize a withdrawal of all or any portion of a certificate account prior to completion of its time eligibility period if (i) such withdrawal is made subsequent to the death of any owner of such account; for purposes hereof an "owner" is an individual who at death had full legal and beneficial title to all or a portion of such account, or beneficial title to all or a portion of such account and full power of disposition and alienation with respect thereto, including but not limited to power of revocation with respect to any trust, regardless of whether such owner was a trustee, of which such account comprises all or part of the trust assets; or (ii) such account qualifies as an Individual Retirement Account under section 408(a) of the Internal Revenue Code of 1954, and withdrawal is made to effect distribution of the funds in the Account following the participant's death or disability, or upon attaining not less than 59½ years of age.

(Sec. 4, 80 Stat. 823, 12 U.S.C. 1425b; Sec. 5, 48 Stat. 132, as amended, 12 U.S.C. 1464; Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended, 12 U.S.C. 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981; 3 CFR, 1943-48 Comp., p. 1071, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.75-34879 Filed 12-24-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Amdt. 5]

PART 113—NONDISCRIMINATION IN FINANCIAL ASSISTANCE PROGRAMS OF SBA—EFFECTUATION OF PUBLIC LAW 93-495

Miscellaneous Amendment

On November 6, 1975, there was published in the FEDERAL REGISTER a notice that the Small Business Administration proposed to change its procedures involving nondiscrimination in Financial Assistance Programs by amending 13 CFR Part 113. Interested parties were given 30 days to submit comments, suggestions, or objections regarding the proposed amendment. No response was received; therefore, it has been determined to amend this part as published.

Accordingly, Part 113 of Chapter I of Title 13 CFR is hereby amended by:

§ 113.1 [Amended]

1. Amending § 113.1(a) by inserting on line 16 after the word "sex" the words "marital status."

2. Aiding § 113.3(d)

§ 113.3 Discrimination prohibited.

• • • • • •

(d) With regard to all recipients offering credit, such as Small Business Investment Companies and Community Development Companies, discriminate against debtors on the basis of race, color, religion, sex, marital status or national origin.

§ 113.3-1 [Amended]

3. Amending § 113.3-1(a) by inserting on lines 3, 10, and 13 after the word "sex" the words "marital status."

§ 113.5 [Amended]

4. Amending § 113.5(d)(2) by inserting on line 8 after the word "sex" the words "marital status."

Effective date: December 29, 1975.

Dated: December 19, 1975.

LOUIS LAUN,
Acting Administrator.

[FR Doc.75-34876 Filed 12-24-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 8960]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

National Talent Associates, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15-30 Connections or arrangements with others; 13.15-225 Personnel or staff; 13.15-250 Qualifications and abilities; 13.15-265 Service; 13.15-280 Unique or special status or advantage; § 13.55 Demand, business or other opportunities; § 13.105 Individual's special selection or situation; § 13.135 Nature of product or service; § 13.143 Opportunities; § 13.-205 Scientific or other relevant facts; § 13.260 Terms and conditions. Subpart—Contracting for sale in any form binding on buyer prior to specified time period: § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-45 (k) Records, in general. Subpart—De-

laying or withholding corrections, adjustments or action owed; § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1365 Authorities and personages connected with; § 13.1370 Business methods, policies, and practices; § 13.1395 Connections and arrangements with others; § 13.1415 Financial condition; § 13.1490 Nature; § 13.1520 Personnel or staff; § 13.1535 Qualifications; § 13.1553 Services; § 13.1570 Unique status or advantages.—Goods: § 13.1610 Demand for or business opportunities; § 13.1615 Earnings and profits; § 13.1663 Individual's special selection or situation; § 13.1685 Nature; § 13.1697 Opportunities in product or service; § 13.1740 Scientific or other relevant facts; § 13.1770 Unique nature or advantages.—Services: § 13.1843 Terms and conditions. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1855 Identity; § 13.1870 Nature; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1935 Earnings and Opportunities in product or service; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of National Talent Associates, Inc., a New Jersey corporation, National Talent Associates, Inc., an Illinois corporation, National Talent Associates, Inc., a California corporation, Sanford Storm and Jerome P. Ashfield, individually and as officers of said corporations, William Schuller Agency, Inc., and Monica Stuart, individually and as an officer of said corporation.

Consent order requiring a New York City talent and modeling agency and three closely held corporations in New Jersey, Illinois and California, among other things to cease misrepresenting their ability to place customers into modeling and entertainment positions; using unethical and exploitive high pressure sales tactics and failing to disclose relevant facts. Further, respondents are required to give consumers a three-day cooling-off period within which they may cancel their contracts and receive full refund of all monies paid.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I

It is ordered, That National Talent Associates, Inc., New Jersey, Illinois, and California corporations, their successors and assigns, and Sanford Storm and Jerome P. Ashfield, individually and as officers of said corporations, and said respondents' officers, agents, representatives and employees directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale and distribution of products or services in connection with the placement and employment of persons as models, actors, actresses or entertainers in the commercial advertising, talent, modeling or entertainment industries, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly, orally or in writing, that:

1. Respondents have received information that a person may possess the necessary personal or physical characteristics or other qualifications suitable for success in the commercial advertising, talent, modeling or entertainment industries.

2. Referrals from past purchasers of their products or services are a significant source from which the names of potential purchasers have been obtained.

3. Respondents have obtained the names of potential purchasers from a source which cannot be divulged.

4. Respondents, when requested, will provide persons with the source from which the information referred to in their solicitation letters, solicitation phone calls, or in any other means of solicitation was obtained and the nature of such information, unless respondents provide such information when requested.

5. National Talent Associates, Inc. has the expertise essential for the judging and selection of the most qualified persons to be used as models, actors, actresses or entertainers in the commercial advertising, talent, modeling or entertainment industries.

6. National Talent Associates' salesmen, agents or representatives have the expertise essential to select and judge the suitability of persons as models, actors, actresses or entertainers in the commercial advertising, talent, modeling or entertainment industries.

7. Persons who prior to an in-person interview have been solicited by National Talent Associates, Inc. have been selected on the basis that they may have the necessary personal or physical characteristics or other qualifiactions suitable for success in the commercial advertising, talent, modeling or entertainment industries.

8. The majority of National Talent Associates' income is derived from its personal management contracts and its ability to place persons under contract with the leading advertising, modeling, talent or entertainment agencies.

9. Persons are selected and offered contracts by National Talent Associates, Inc. only on the basis that they may possess the personal or physical characteristics or other qualifications suitable for success in the commercial advertising, talent, modeling or entertainment industries.

10. A person's chances for selection by Monica Stuart, the William Schuller Agency, Inc. or by any person or agency, will be aided, increased or enhanced, by entering into a contract with National Talent Associates, Inc.

11. Access to Monica Stuart or to the William Schuller Agency, Inc. is available only to persons who contract with National Talent Associates, Inc.

12. Monica Stuart or the William Schuller Agency, Inc. review photographs of only those persons who have contracted with National Talent Associates, Inc.

13. National Talent Associates, Inc., a New Jersey corporation, arranges for professional photographs to be taken of each person placed under its contract by an independent photographic studio.

14. Persons who contract with National Talent Associates, Inc., will receive annually one black and white, 8 x 10 inch, photograph of children in the family not under contract, for a five year period, or for any period in excess of the period in which said photograph is received without any obligation to purchase additional protographs at an added cost.

15. Natural color photographs of persons who contract with National Talent Associates, Inc. are submitted annually, for a five year period, or for any period in excess of the period in which said photographs are submitted to Monica Stuart or to the William Schuller Agency, Inc, for her or their consideration and review, without disclosing that, unless the person comes back for rephotographing annually for a five year period, such person's photographs will not be resubmitted to Monica Stuart or to the William Schuller Agency, Inc.

16. National Talent Associates, Inc. photographs other persons in a family in addition to the person whose name appears on its contract, solely for the purpose of submitting said photographs to Monica Stuart of the William Schuller Agency, Inc. for her evaluation of their potential for the commercial advertising, modeling, talent or entertainment industries.

17. The remuneration received by Monica Stuart of the William Schuller Agency, Inc., in connection with her consideration and review of photographs submitted to her by National Talent Associates, Inc., is derived solely from a percentage of the earnings of persons selected by her and placed under contract by the William Schuller Agency, Inc.

18. Persons placed under contract by National Talent Associates, Inc. can reasonably anticipate significant or substantial earnings from paid employment in the commercial advertising, talent, modeling or entertainment industries as models, actors, actresses or entertainers.

19. Persons who contract with National Talent Associates, Inc. may reasonably anticipate earning sums of money sufficient to provide for a college education or for any other such formal education.

20. A persons' chances for selection as a model, actor, actress or entertainer by the commercial advertising, modeling, talent or entertainment industries is, in any way, enhanced solely because he or she is Black, Oriental, has red hair, freckles or because of his or her size, age or any other specific racial or personal characteristics.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

It is further ordered, That respondents shall disclose the following information, in writing, in a clear and conspicuous manner to each person who is a prospective purchaser of any of their products or services, prior to entering into any agreement for the furnishing of such products or services, including the photographing of, or assistance to, any such persons in seeking or obtaining employment opportunities as models, actors, actresses or entertainers in the commercial advertising, talent, modeling or entertainment industries.

a. The number of persons who contracted with respondents for the purchase of photographs or services to be used in connection with the selection, placement or employment of persons in the commercial advertising, talent, modeling or entertainment industries, as models, actors, actresses or entertainers, within the two calendar years immediately preceding the year in which the prospective purchaser was contacted, the number and percentage of such persons who obtained paid employment through the auspices of respondents, as well as the number of paid jobs and agency contracts obtained by such persons.

b. The total number of persons placed under contract by respondents in each of the following categories of gross annual earnings, derived from paid employment in the commercial advertising, talent, modeling or entertainment industries, as models, actors, actresses or entertainers, during the two calendar years immediately preceding the year in which the prospective purchaser was contacted by respondents:

Under $100, $100–$250, $250–$500, $500–$1,000, $1,000–$2,000, $2,000–$4,000, $4,000–$6,000, $6,000–$8,000, $8,000–$10,000, $10,000 and above.

c. Whether any financial agreement, arrangement or connection, exists between respondents and any photographic studio to which they may refer prospective purchasers of their photographs or services.

d. Whether any financial agreement, arrangement or connection, exists between respondents and any person, firm or agency to whom photographs, or any other information, concerning the prospective purchaser of their products or services may be sent by respondents.

e. The source or sources from which the names, addresses, or any other information about prospective purchasers, or about any other members of their immediate family, was obtained by respondents.

At the time when the foregoing disclosures are made, respondents shall furnish the prospective purchaser of any of their products or services with a retainable duplicate copy of the disclosure document, and secure from such prospective purchaser a signed acknowledgment of the receipt thereof on the properly dated original copy. The document containing the disclosures shall be headed *"Important Information,"* and shall not contain information or representations other than those set forth above.

It is further ordered, That respondents maintain, for a five year period following the execution thereof, the originals of the signed acknowledgments of receipt of the disclosures described in the preceding paragraphs and make them available for examination and copying, if necessary, by a duly authorized representative of the Federal Trade Commission, upon reasonable notice, during normal business hours.

It is further ordered, That, if any representations are made by the respondents, their salesmen, representatives or agents, either expressly or impliedly, orally or in writing, pertaining to any standards, qualifications or characteristics which a person must meet or possess before respondents will agree to place such a person under contract, photograph them or otherwise assist or render services to said person, respondents shall maintain complete and detailed records as to such persons who have failed to meet or possess such standards, qualifications or characteristics, including their names, addresses, date of rejection, and the reason or reasons for their rejection by respondents. Such records shall be made available for examination and copying if necessary, by a duly authorized representative of the Federal Trade Commission, upon reasonable notice, during normal business hours.

It is further ordered, That the respondents named in Part I of this order shall submit to respondents Monica Stuart and the William Schuller Agency, Inc., for their inspection and evaluation, copies of all written promotional or sales materials, including but not limited to sales solicitation letters, contract forms, brochures, flyers, and sales presentation scripts. Said respondents will submit said materials to Monica Stuart and the William Schuller Agency, Inc., on a continuing basis whenever there is a change, revision or modification of any of the materials.

It is further ordered, That respondents shall cease and desist from:

a. Failing to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language, e. g., Spanish, as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used and in bold face type of a minimum size of 10 points, a statement in substantially the following form: "YOU, THE BUYER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION. SEE THE ATTACHED NOTICE OF CANCELLATION FORM FOR AN EXPLANATION OF THIS RIGHT."

b. Failing to furnish each buyer, at the time he signs the door-to-door sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form in duplicate, captioned "NOTICE OF CANCELLATION", which shall be attached to the contract or receipt and easily detachable, and which shall contain in ten point bold face type the following information and statements in the same language, e.g., Spanish, as that used in the contract:

NOTICE OF CANCELLATION

(enter date of transaction)

(Date)

YOU MAY CANCEL THIS TRANSACTION, WITHOUT ANY PENALTY OR OBLIGATION, WITHIN THREE BUSINESS DAYS FROM THE ABOVE DATE. IF YOU CANCEL, ANY PROPERTY TRADED IN, ANY PAYMENTS MADE BY YOU UNDER THE CONTRACT OR SALE, AND ANY NEGOTIABLE INSTRUMENT EXECUTED BY YOU WILL BE RETURNED WITHIN 10 BUSINESS DAYS FOLLOWING RECEIPT BY THE SELLER OF YOUR CANCELLATION NOTICE AND ANY SECURITY INTEREST ARISING OUT OF THE TRANSACTION WILL BE CANCELLED. IF YOU CANCEL, YOU MUST MAKE AVAILABLE TO THE SELLER AT YOUR RESIDENCE, IN SUBSTANTIALLY AS GOOD CONDITION AS WHEN RECEIVED, ANY GOODS DELIVERED TO YOU UNDER THIS CONTRACT OR SALE; OR YOU MAY IF YOU WISH, COMPLY WITH THE INSTRUCTIONS OF THE SELLER REGARDING THE RETURN SHIPMENT OF THE GOODS AT THE SELLER'S EXPENSE AND RISK.

IF YOU DO MAKE THE GOODS AVAILABLE TO THE SELLER AND THE SELLER DOES NOT PICK THEM UP WITHIN 20 DAYS OF THE DATE OF YOUR NOTICE OF CANCELLATION, YOU MAY RETAIN OR DISPOSE OF THE GOODS WITHOUT ANY FURTHER OBLIGATION. IF YOU FAIL TO MAKE THE GOODS AVAILABLE TO THE SELLER, OR IF YOU AGREE TO RETURN THE GOODS TO THE SELLER AND FAIL TO DO SO, THEN YOU REMAIN LIABLE FOR PERFORMANCE OF ALL OBLIGATIONS UNDER THE CONTRACT. (Amended November 1, 1973). TO CANCEL THIS TRANSACTION, MAIL OR DELIVER A SIGNED AND DATED COPY OF THIS CANCELLATION NOTICE OR ANY OTHER WRITTEN NOTICE, OR SEND A TELEGRAM, TO (Name of seller), AT (address of seller's place of business) NOT LATER THAN MIDNIGHT OF _____

(Date)

I HEREBY CANCEL THIS TRANSACTION.

_____

(Date)

_____

(Buyer's Signature)

c. Failing, before furnishing copies of the "Notice of Cancellation" to the buyer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the buyer may give notice of cancellation.

d. Including in any door-to-door contract or receipt any confession of judgment or any waiver of any of the rights to which the buyer is entitled under this rule including specifically his right to cancel the sale in accordance with the provisions of this rule.

e. Failing to inform each buyer orally, at the time he signs the contract or purchases the goods or services, of his right to cancel.

f. Misrepresenting in any manner the buyer's right to cancel.

g. Failing or refusing to honor any valid notice of cancellation by a buyer

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and within 10 business days after the receipt of such notice, to (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by the seller; (iii) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

h. Negotiating, transferring, selling or assigning any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.

i. Failing, within 10 business days of receipt of the buyer's notice of cancellation, to notify him whether the seller intends to repossess or to abandon any shipped or delivered goods.

Provided, however, That nothing contained in this order shall relieve respondents of any additional obligations respecting contracts required by federal law or the law of the state in which the contract is made. When such obligations are inconsistent, respondents can apply to the Commission for relief from this provision with respect to contracts executed in the state in which such different obligations are required. The Commission, upon a showing of inconsistency, shall make such modifications as may be warranted in the premises.

II

It is ordered, That William Schuller Agency, Inc., a corporation, its successors and assigns, and Monica Stuart, individually and as an officer of said corporation, and respondents' officers, agents, representatives and employees directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale and distribution of products or services in connection with the placement and employment of persons as models, actors, actresses or entertainers in the commercial advertising, talent, modeling or entertainment industries, in or affecting commerce as "commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing to consumers, directly or indirectly, orally or in writing, that:

1. A person's chances for selection by Monica Stuart, the William Schuller Agency, Inc. or by any person or agency, will be aided, increased or enhanced by entering into a contract with National Talent Associates, Inc.

2. Access to Monica Stuart or to the William Schuller Agency, Inc. is available only to persons who contract with National Talent Associates, Inc.

3. Monica Stuart or the William Schuller Agency, Inc., review photographs of only those persons who have contracted with National Talent Associates, Inc.

4. National Talent Associates, Inc. photographs other persons in a family in addition to the person whose name appears on its contract, solely for the purpose of submitting said photographs to Monica Stuart of the William Schuller Agency, Inc. for her evaluation of their potential for the commercial advertising, modeling, talent or entertainment industries.

5. The remuneration received by Monica Stuart of the William Schuller Agency, Inc., in connection with her consideration and review of photographs submitted to her by National Talent Associates, Inc., is derived solely from a percentage of the earnings of persons selected by her and placed under contract by the William Schuller Agency, Inc.

6. Natural color photographs of persons who contract with National Talent Associates, Inc. are submitted annually, for a five year period, or for any period in excess of the period in which said photographs are submitted to Monica Stuart or to the William Schuller Agency, Inc. for her or their consideration and review without disclosing that, unless the person comes back for rephotographing annually for a five year period, such person's photographs will not be resubmitted to Monica Stuart, or to the William Schuller Agency, Inc.

It is further ordered, That respondents Monica Stuart and William Schuller Agency, Inc. shall maintain complete and detailed records as to the number of persons whose photographs were submitted to them by any of the respondents set forth under Part I of the Order herein, and the number of such persons who have failed to meet or possess the standards, qualifications or characteristics which a person must meet or possess before respondents herein will agree to place such a person under contract, or otherwise assist or render services to said person, including their names, place of residence, and month and year of rejection. Such records shall be made available for examination and copying if necessary by a duly authorized representative of the Federal Trade Commission, upon reasonable notice, during normal business hours.

It is further ordered, That respondents Monica Stuart and William Schuller Agency, Inc, shall inspect and evaluate the written promotional and sales material submitted to them by respondents named in Part I of this order. Within 30 days of their receipt of said materials, respondents Monica Stuart and William Schuller Agency, Inc. shall notify said other respondents, in writing as to any comments, complaints they might have, or any corrections they might require, concerning any representations relating to them contained in the materials submitted. Monica Stuart and William Schuller Agency, Inc. shall simultaneously submit to the New York Regional Office a copy of such notification to the respondents named in Part I of this order.

It is further ordered, That respondents Monica Stuart and William Schuller Agency, Inc. shall notify the Federal Trade Commission, in writing, of any consumer complaints received by them concerning any of the respondents named in Part I of this order. Such notification shall be made to the New York Regional Office within 30 days after receipt of the consumer complaint. This provision shall apply only to those complaints about representations by or practices of the respondents named in Part I which relate to respondents Monica Stuart and William Schuller Agency, Inc.

III

For the purposes of the following provisions of this order, unless otherwise specified, the term "respondents" shall include each of the respondents named heretofore in this order.

It is further ordered, That respondents William Schuller Agency, Inc. and Monica Stuart shall forthwith deliver a copy of this order or a memorandum incorporating its provisions to all present and future employees engaged in the sale of said respondents' products or services and shall secure from each such person a signed statement acknowledging receipt of a copy of this order or the memorandum.

It is further ordered, That corporate respondents National Talent Associates, Inc. and individual respondents Sanford Storm and Jerome P. Ashfield shall forthwith deliver a copy of this order or a memorandum incorporating its provisions to all present and future salesmen or other employees engaged in the sale of said respondents' products or services and shall secure from each such salesman or employee a signed statement acknowledging receipt of a copy of this order or the memorandum.

It is further ordered, That respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That each individual respondent shall promptly notify the Commission of any discontinuance of his or her present business or employment and of his or her affiliation with any new business or employment. Such notice shall include such respondent's current business address and a statement as to the nature of the business or employment in which he or she is engaged as well as a description of his or her duties and responsibilities.

It is further ordered, That corporate respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other changes in the corporations which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents shall within sixty days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The decision and order was issued by the Commission Nov. 26, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-34801 Filed 12-24-75;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

PART 214—DEPOSITARIES FOR FEDERAL TAXES

Miscellaneous Technical Amendments

The Department of the Treasury finds it necessary to amend its regulations at 31 CFR Part 214—Depositaries for Federal Taxes (also appearing as Treasury Department Circular 1079), to reflect technical changes in the format and design of the Federal tax deposit form referred to in § 214.6 (a)(2), (a)(4) and (b)(2). This change in design eliminates the portion of the deposit form now referred to as the "stub portion".

The Department also finds in accordance with 5 U.S.C. 553(b) that notice and public procedure are unnecessary because the amendments reflect rules of agency procedure or practice.

Therefore, 31 CFR Part 214 is hereby amended effective January 1, 1976, in the following three ways:

1. Section 214.6(a)(2) is amended by deleting the clause "• • • which may be accomplished by completing and returning to the taxpayer the stub portion of the Federal tax deposit form • • •"

2. Section 214.6(a)(4) is amended by deleting the phrase "• • • with stubs detached • • •"

3. Section 214.6(b)(2) is amended by deleting the clause "• • • which may be accomplished by completing and returning to the taxpayer the stub portion of the Federal tax deposit form • • •"

As amended the pertinent subsections read as follows:

§ 214.6 Handling of deposits of Federal taxes.

(a) *Deposits with depositaries.* • • •

(2) When requested to do so by a taxpayer who makes a deposit of Federal taxes in cash over the counter, issue a counter receipt.

• • • • •

(4) Forward each day to the Federal Reserve Bank of its district the Federal tax deposit forms for all tax deposits received that day, together with payment in funds • • •

• • • • •

(b) *Deposits with Federal Reserve Banks.* • • •

(2) When requested to do so by a taxpayer who makes a deposit of Federal taxes in cash over the counter, issue a counter receipt.

• • • • •

(12 U.S.C. 265; 31 U.S.C. 771; 26 U.S.C. 6302 (c)).

Dated: December 18, 1975.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.75-34743 Filed 12-24-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

[FPMR Amdt. E-176]

PART 101-27—INVENTORY MANAGEMENT

Shelf-Life Materials

This regulation provides new shelf-life codes and other changes involving the management of shelf-life items.

The table of contents for Part 101–27 is amended to delete §§ 101–27.204–1, 101–27.204–2, 101–27.205–1, 101–27.205–2, and 101–27.205–3, and to include the following new and revised entries:

101–27.204	Types of shelf-life items.
101–27.205	Shelf-life codes.
101–27.206	Procurement of shelf-life materials.
101–27.206–1	General considerations.
101–27.206–2	Identification and shipping requirements.
101–27.206–3	Packaging.
101–27.207	Control and inspection.
101–27.207–1	Agency controls.
101–27.207–2	Inspection.
101–27.207–3	Marking material to show extended shelf life.

Subpart 101–27.2—Management of Shelf-Life Materials

1. Section 101–27.204 is revised to read as follows:

§ 101–27.204 Types of shelf-life items.

Shelf-life items are classified as nonextendable (type I) and extendable (type II). Type I items have a definite storage life after which the item or material is considered to be no longer usable for its primary function and should be discarded. Type II items are those for which successive reinspection dates can be established when the items have a continued usability as determined by examination based upon criteria that have been agreed upon. Examples of type I items are drugs and medicines with certain characteristics. Examples of type II items are paint and ink.

§§ 101–27.204–1, 101–27.204–2 [Removed]

2. Sections 101–27.204–1 and 101–27.204–2 are deleted.

3. Section 101–27.205 is revised to read as follows:

§ 101–27.205 Shelf-life codes.

Shelf-life items shall be identified by use of a one-digit code to provide for uniform coding of shelf-life materials by all agencies.

(a) The code designators for shelf-life periods of up to 60 months are as follows:

Shelf-life period (months)	Type I item code	Type II item code
1	A	
2	B	
3	C	I
4	D	
5	E	
6	F	J
9	G	S
12	H	4
15	J	
18	K	5
21	L	
24	M	6
27	N	
30	P	7
36	Q	8
48	R	9
60	S	

(b) Code designator 0 is used to identify items not included in a shelf-life program.

(c) Code designator X shall be used to identify critical end-use items, military essential items, and medical items with a shelf life greater than 60 months. Agencies shall establish controls for such materials to prevent issuance of any unserviceable items.

(d) Agencies may also establish controls for materials with a shelf life greater than 60 months that are not identified in paragraph (c) of this section. Such controls should be established only when they are necessary for effective management of the items.

§§ 101–27.205–1, 101–27.205–2, 101–27.205–3 [Removed]

4. Sections 101–27.205–1, 101–27.205–2, and 101–27.205–3 are deleted.

5. Sections 101–27.206, 101–27.206–1, 101–27.206–2, and 101–27.206–3 are revised to read as follows:

§ 101–27.206 Procurement of shelf-life materials.

§ 101–27.206–1 General considerations.

In determining requirements for shelf-life items, the following elements should be taken into consideration:

(a) Assigned storage time periods; and

(b) Appropriate contracting techniques for the particular item involved, including specification requirements, industry practices, and storage and delivery procedures.

§ 101–27.206–2 Identification and shipping requirements.

Manufacturers shall, whenever practicable, be required to mark the unit or container with the month and year of manufacture or production and the batch number on all shelf-life items (60 months or less) procured from other than GSA sources. Whenever practical, the supplier shall be required to ship or deliver material within a given number of months from the date of manufacture or production. These "age on delivery" requirements should not be imposed in such a manner as to unduly restrict competition at any trade level. The following guidelines are suggested as appropriate for most shelf-life items:

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Shelf-life period	*Age on delivery*
25 mos. or more	6 mos.
19 to 24 mos	4 mos.
13 to 18 mos	3 mos.
7 to 12 mos	2 mos.
6 mos. or less	1 mo. or less.

§ 101–27.206–3 Packaging.

To the extent feasible and economical, shelf-life material shall be packaged in such a way as to provide for minimum deterioration.

6. Section 101–27.07 is revised to read as follows:

§ 101–27.207 Control and inspection.

7. Sections 101–27.207–1, and 101–27.207–2, and 101–27.207–3 are added as follows:

§ 101–27.207–1 Agency controls.

Agencies shall establish the necessary controls to identify shelf-life items on their stock records (and in other appropriate elements of their supply system), and shall determine the appropriate shelf life for other than GSA managed items. Shelf-life items shall be stored in such a way as to ensure that the oldest stock on hand is issued first. Agencies shall issue the oldest stock of shelf-life items first except when it is not feasible as in shipments to overseas activities.

§ 101–27.207–2 Inspection.

Type II items remaining in stock immediately before the end of the designated shelf-life period shall be inspected to determine whether the shelf life can be extended, except items having a line item inventory value of $300 or less, or if the cost of inspection or testing is significant in relation to the value of the item. If the material is found suitable for issue on the date of inspection, the shelf life should be extended for a period equal to 50 percent of the original shelf-life period and the next reinspection date established accordingly. Material should be reinspected before the end of each extended shelf-life period and the shelf life extended again up to 50 percent of the original shelf life as long as the material conforms to the established criteria. Material on which the shelf life has been extended shall not be shipped to overseas activities if the time remaining in the extended shelf-life period is relatively short.

§ 101–27.207–3 Marking material to show extended shelf-life.

When the shelf-life period of type II material (except for critical end-use items as described below) is extended, only the shipping and intermediate containers of bulk stocks need be annotated or labeled to indicate the date of inspection and date material is to be reinspected. Individual units of issue not classified as having a critical end-use application are not required to be annotated or labeled as long as controls are established to preclude issuance of unserviceable material to a user. (A critical end-use item is any item which is essential to the preservation of life in emergencies; e.g., parachutes, marine life preservers, and certain drug products, or any item which is essential to the performance of a major system; e.g., aircraft, the failure of which would cause damage to the system or endanger personnel.) At the time of shipment, the date of inspection and date for reinspection shall be affixed by label or marked by other means on each unit of issue of type II items having a critical end-use application.

8. Section 101–27.208 is revised to read as follows:

§ 101–27.208 Inventory analyses.

(a) An inventory analysis shall be conducted periodically for each type I item to determine whether the quantity on hand will be used within the established shelf-life period. If the analysis indicates there are quantities which will not be used within the shelf-life period, arrangements shall be made to ensure use of the item(s) within the holding agency or for redistribution to other agencies.

(b) An inventory analysis shall be conducted periodically for each type II item with a shelf life of 60 months or less to determine whether issue of the quantity on hand is anticipated prior to the expiration of the designated shelf life. This analysis shall be made as follows:

Shelf-life period	*Date of analysis*
48 to 60 mos	12 to 16 mo. prior to expiration.
36 to 48 mos	8 to 12 mo. prior to expiration.
18 to 36 mos	6 to 8 mo. prior to expiration.
12 to 18 mos	4 to 6 mo. prior to expiration.
6 to 12 mos	3 to 4 mo. prior to expiration.
Up to 6 mos	No analysis required, but special emphasis should be placed on good requirements determination and proper order quantity.

(1) If the analysis indicates that the quantity on hand will not be issued within the shelf-life period and the cost of inspection or testing is not significant in relation to the line item value, the items shall be inspected to determine if the shelf-life period can be extended.

(2) If the analysis indicates that the quantity on hand will be issued within the shelf-life period, inspection is not required. However, such items shall be viewed again during the last month of the shelf-life period to determine whether quantities are sufficient to warrant inspection. The guidelines in § 101–27.207–2 shall be used to determine whether quantities are sufficient to warrant inspection and for extending the shelf-life period.

(3) If an agency does not have an inspection capability and the quantity and value of an indicated overage is sufficiently large to warrant special consideration, arrangements shall be made for qualified inspection or laboratory testing to determine whether the material is suitable for issue.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective January 1, 1976.

Dated: December 9, 1975.

JACK ECKERD,
Administrator of General Services.

[FR Doc.75-34819 Filed 12-24-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20492; RM-2351, RM-2426, RM-2521]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Garden City, Hinesville, and Springfield, Georgia).

1. The Commission has before it the notice of proposed rule making, adopted May 22, 1975, 40 FR 24751, inviting comments on a proposal to assign Channel 288A to Garden City, Georgia, Channel 221A to Hinesville, Georgia, and Channel 280A to Springfield, Georgia, as first FM channel assignments. This plan was proposed by the Commission to accommodate three parties who filed mutually exclusive petitions for assignment of Channel 221A to the above-mentioned communities. West Chatham Broadcasting (West Chatham), licensee of Garden City's only local aural service, daytime AM Station WNMT, and Liberty Broadcasting (Liberty), licensee of Hinesville's only local aural service, daytime AM Station WGML, petitioned the Commission for assignment of Channel 221A to Garden City and Hinesville respectively. Effingham Enterprises (Effingham) also filed a petition requesting assignment of either Channel 280A or Channel 221A to Springfield, which has no local aural service. All three of these parties filed comments.

2. West Chatham responded to the proposal of the notice by stating that it would not apply for a construction permit if Channel 288A were assigned to Garden City (pop. 5,741)[1] because the area in which the transmitter facilities would have to be located to comply with the required minimum mileage separation is mostly inaccessible swampland, unserved by necessary public utilities.[2] West Chatham argues that such a transmitter location would present formidable

[1] All population data are from the 1970 U.S. Census, unless otherwise indicated.

[2] In order to assign Channel 288A to Garden City, the transmitting antenna must be located 7 miles northeast of the community to meet the 65 mile co-channel separation requirement with Station WIFO-FM (Channel 288A) located in Jessup, Georgia. Section 73.207(a) of the Commission's rules.

construction problems. However, West Chatham would apply for a construction permit if Channel 221A were assigned to Garden City. West Chatham points out that Garden City is located in the western part of Chatham County (pop. 187,767) which is in need of nighttime local service because the nearby Savannah stations report very little news about western Chatham County. In addition, West Chatham claims that Garden City is the largest port terminal in Georgia and the fourteenth largest port in the nation in the dollar value of its international trade.

3. Liberty favors the Commission's proposal to assign Channel 221A to Hinesville (pop. 4,115), the seat of Liberty County (pop. 17,569). It points out that Hinesville and Liberty County need full-time aural service because this area is experiencing tremendous growth due to the expansion of nearby Fort Stewart, which petitioner alleges is the largest military installation east of the Mississippi River. Liberty also argues that a full-time FM station is needed because daytime AM Station WGML, of which it is the licensee, cannot reach the eastern portion of the county, which lies on the Atlantic coast, and thus cannot provide adequate warning of hurricanes, tornadoes, and flash floods. Finally, Liberty adds that if the Commission assigned Channel 280A to Hinesville instead of Channel 221A, Liberty could not use Channel 280A because the transmitter site would have to be located six miles northeast of Hinesville, which would be on the Fort Stewart reservation.

4. Effingham, petitioner for the assignment of Channel 280A or Channel 221A to Springfield (pop. 1,001), filed a brief comment supporting the Commission's proposal to assign Channel 280A to Springfield and expressed its intention to apply for a construction permit if the Commission grants the assignment. In its reply comments, Effingham requested the Commission to sever the Springfield rule making (RM–2521) from the Hinesville and Garden City proceeding since there is no opposition to the proposal to assign Channel 280A to Springfield. Effingham argued that the severance of the Springfield rule making would provide Springfield, as well as Effingham County (pop. 13,632), with its first local aural service at an early date.

5. We believe that the public interest would be served by assigning Channel 280A to Springfield, the seat of Effingham County. This assignment would bring a first local aural service to the 13,632 residents of Effingham County, which is a growing rural area. We are not presently assigning Channel 288A to Garden City because West Chatham has not expressed in its comments an intention to apply for its use of Channel 288A as is required by Commission policy. Princeton, Illinois, 48 F.C.C. 2d 1036, 1037 (1974). West Chatham's decision is based on the unavailability of a suitable transmitter site. It states, however, that it would apply for Channel 221A if it were assigned to Garden City. Since Liberty wants Channel 221A assigned to Hinesville, a determination on whether Channel 221A should be assigned to Garden City or to Hinesville must be made.

6. The Commission's priorities for FM assignments state that insofar as possible, an FM broadcast station should be assigned "to provide each community with at least one FM broadcast station, especially where the community has only a daytime-only or local (Class IV) AM station, and especially where the community is outside of an urbanized area." Further notice of proposed rule making, Docket No. 14185, adopted July 25, 1962 (FCC 62–867). Incorporated by reference in paragraph 25 of the Third Report, Memorandum Opinion and Order, 40 F.C.C. 747, 758 (1968). The only local aural service at both Garden City and at Hinesville consists of a daytime-only AM station. However, Hinesville is outside of an urbanized area while Garden City is not. In fact, Garden City is located only 3 miles from Savannah, Georgia, and receives service from the 6 AM and 6 commercial FM station assigned to Savannah. Consequently, we believe that Channel 221A should be assigned to Hinesville rather than to Garden City.

7. Since the assignment of Channel 280A to Springfield and Channel 221A to Hinesville are first FM assignments to communities not near large population centers, no preclusion studies are required. Policy to Govern Requests for Additional FM Assignments, 8 F.C.C. 2d 79 (1967).

8. Accordingly, *it is ordered*, That effective February 2, 1976, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended, insofar as the cities below are concerned, to read:

City	*Channel No.*
Hinesville, Ga	221A
Springfield, Ga	280A

9. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303, and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's rules.

10. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307)

Adopted: December 16, 1975.

Released: December 19, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-34829 Filed 12-24-75;8:45 am]

[Docket No. 19964]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations; Table of Assignments

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Boca Raton, Florida; Ardmore, Hugo, and Lawton, Oklahoma; and Longview, Texas).

1. The Commission here considers its notice of proposed rule making in Docket No. 19964, adopted on March 7, 1974 (39 FR 11111), which proposed a freeze on the present television channel assignments and the assignment of replacement channels at Boca Raton, Florida, Longview, Texas, and Ardmore, Hugo, and Lawton, Oklahoma. The commenting parties in this proceeding are The Electronic Industries Association, The Land Mobile Communications Council, The Special Industrial Radio Service Association, Inc., The American Petroleum Institute, and The Utilities Telecommunications Council.

2. On May 20, 1970, the Commission adopted a plan in the First report and order in Docket No. 18261 in which licensees of the land mobile radio services in the ten largest urban areas of the country are allowed to share a maximum of two of the lower seven UHF television channels (Channels 14 through 20) (23 F.C.C. 2d 235). In the fourth further notice of proposed rule making adopted March 7, 1974, in Docket No. 18261 (39 FR 11109), the Commission proposed to extend the frequency sharing plan to three other urban areas: Miami, Florida, and Houston and Dallas-Fort Worth, Texas. The proposed extension, however, allowed for only one channel to be shared in each of these areas, rather than two. Channel 14 would be shared at Miami, Channel 17 at Houston, and Channel 16 at Dallas-Fort Worth. This sharing proposal was finalized by the Commission in the Fifth report and order in Docket 18261 adopted July 17, 1974, 48 F.C.C. 2d 360.

3. As a result of the adoption of the proposed plan, the land mobile users in the Miami area cannot afford appropriate protection against interference to an occupant of Channel °14 at Boca Raton, Florida (presently unoccupied and unapplied for). Similarly, there are UHF channels, presently unoccupied and unapplied for, at Longview, Texas (Channel 16), and the Oklahoma communities of Ardmore (Channel °17), Hugo (Channel °15), and Lawton (Channel 16), to which land mobile users at Dallas-Fort Worth could not afford adequate protection if the channels were to become occupied. The use of Channel 17 at Houston would not create an interference problem since the UHF channels currently assigned in the vicinity of Houston are afforded adequate protection. In order to avoid interference problems, the notice in the present proceeding proposed to freeze the aforementioned channel assignments at the communities mentioned in the event that the proposed sharing plan was adopted. In view of the fact that there had been some interest shown in activating certain of these assignments, the notice also proposed to provide replacement channels for them.

4. By freezing the channels, we stated that we meant we would not accept applications for construction permits for new television facilities on them, and that we would not accept requests for changes in the table of assignments that would involve moving an assignment of an affected channel to another geographic location within 212 miles, co-channel, and 140 miles, adjacent channel, of the geographic centers of the three aforementioned urbanised areas as set

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forth in the proposed amendment of Table G, § 89.123 of the rules, appearing in Appendix A to the Fourth further notice of proposed rule making in Docket No. 18261.

5. All of the parties filing comments in this proceeding were in favor of freezing the present television channel assignments at Boca Raton, Florida, Longview, Texas, and Hugo, Ardmore, and Lawton, Oklahoma, and providing replacement channels for those which would be frozen.

6. Since the sharing proposal was found to be in the public interest and was adopted, we now find it appropriate to adopt our proposal to freeze the channels at the five communities as proposed in the notice and to assign replacement channels for them.

7. In view of the foregoing and pursuant to the authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307 (b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, *it is ordered*, That effective February 2, 1976, the Television Table of Assignments contained in § 73.606(b) of the Commission's rules and regulations is amended, insofar as the cities listed below are concerned, to read as follows:

City:	Channel No.
Boca Raton, Fla	°14[1], °62+
Ardmore, Okla	12−, °17[1], °28−
Hugo, Okla	42+, °15+[1], °48+
Lawton, Okla	7+, °36−, 16+[1], 45
Longview, Tex	16+[1], 51−

[1] Following the decision in Docket No. 18261, channels so indicated will not be available for television use until further action by the Commission.

8. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307)

Adopted: December 16, 1975.

Released: December 19, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-34830 Filed 12-24-75;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-132; Amdt. No. 173-92]

PART 173—SHIPPERS

Asphalts in Cargo Tanks

● The purpose of this amendment to 49 CFR Part 173 of the Hazardous Materials Regulations is to permit certain asphalt formulations, newly defined as flammable liquids by regulations adopted under Docket HM-102 (See 39 FR 2768, 40 FR 22263, 40 FR 25024), to be shipped in cargo tanks currently in service. ●

A petition has been received requesting reclassification of these materials as combustible liquids, however, no justification for this request based on safety was submitted. The Bureau believes that the materials should be identified as flammable liquids not only because of their flash points but also due to the fact that they are usually shipped and maintained at temperatures at or above their flash points during transportation.

The Bureau has received a number of requests for exemptions for continued shipment of these materials in a type of cargo tank similar to a MC 306 cargo tank. Of the several tanks authorized for the carriage of flammable liquids, a specification MC 303 provides the minimum safety features believed necessary to accommodate such cargo. The cargo tanks, apparently in widespread use, which are covered by these exemption requests, are manufactured by several firms and meet the basic structural requirements for a MC 306 cargo tank except for manhole design, venting, and emergency flow control.

Tanks used for the transport of hot asphalt are well-insulated double-shell tanks. This construction increases their resistance to impact and puncture over that of standard MC 306 tanks. The vapor pressures of asphalt materials are quite low. One asphalt, RC-70, which has a flash point in the 80° F. range, has a boiling range of approximately 350 to 600° F. Since asphalt materials do not reach these temperatures during transportation, the need for venting is minimized. Also, the high viscosity of these materials makes the valving requirements specified for a MC 306 cargo tank impractical.

In consideration of the foregoing, 49 CFR Part 173 is amended by adding paragraph (a)(2) in § 173.131 to read as follows:

§ 173.131 Road asphalt, or tar, liquid.

(a) * * *

(2) If the material has a flash point of 73° F. or higher, it may be transported in a nonspecification cargo tank that is at least equivalent in design and construction to specification MC 306 (§§ 178.340, 178.341 of this subchapter) except for the requirements of §§ 178.340-10, 178.341-3, 178.341-4, and 178.341-5.

Because this amendment will provide for the continued use of cargo tanks that in the past have proved safe with respect to the carriage of asphalt materials with flash points of 73° F. or higher, I find that notice and public procedure thereon are unnecessary.

In addition, since this amendment provides for the continued use of cargo tanks that would otherwise be prohibited on and after January 1, 1976, and does not impose any new duties or obligations, it is being made effective in less than 30 days after publication in the FEDERAL REGISTER.

(18 U.S.C. 834, 49 CFR 1.53(g)).

Effective: January 1, 1976.

Issued in Washington, D.C. on December 22, 1975.

JAMES T. CURTIS, Jr.,
Director,
Materials Transportation Bureau.

[FR Doc.75-34848 Filed 12-24-75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Service Order No. 1226]

PART 1033—CAR SERVICE

Chicago, Milwaukee, St. Paul and Pacific Railroad Company Authorized To Operate Over Tracks of Chicago and North Western Transportation Company

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 18th day of December, 1975.

It appearing, That the existing line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) terminating in Fond du Lac, Wisconsin, traverses nineteen grade crossings with streets and highways and two grade crossings with other railroads within a distance of less than three miles; that the excessive number of such grade crossings results in substantial hazard to the public and excessive expense to the railroad and to local governmental bodies for the maintenance of adequate crossing safety devices; that the Chicago and North Western Transportation Company (CNW) has consented to the use by the MILW of approximately 2.77 miles of its parallel line in Fond du Lac; that use of these CNW tracks by the MILW will enable that line to eliminate nineteen such grade crossings with streets and highways and two with other railroads; that operation by the MILW over the aforementioned tracks of the CNW is necessary in the interest of the public and the commerce of the people pending disposition of an application of the MILW seeking permanent authority to operate over such tracks; and that the Commission finds that notice and public procedure herein are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1226 Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over tracks of Chicago and North Western Transportation Company.

(a) The Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) be, and it is hereby, authorized to operate over tracks of the Chicago and North Western Transportation Company (CNW) between CNW milepost 175.44 and CNW milepost 177.85, thence over 1,898 ft. of a track identified as CNW ICC track No. 30 to a connection with joint CNW-MILW track ICC No. 37 all at Fond du Lac, Wisconsin, a total distance of approximately 2.77 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) Nothing herein shall be considered as pre-judgment of the application of the MILW seeking permanent authority to operate over these tracks of the CNW.

(d) *Effective date.* This order shall become effective at 12:01 a.m., December 22, 1975.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-34909 Filed 12-24-75;8:45 am]

[Service Order No. 1227]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Company and SOO Line Railroad Company Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Company, William M. Gibbons, Trustee

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 19th day of December, 1975.

It appearing, That the city of South St. Paul, Minnesota, has completed plans for highway relocation and redevelopment of an area in the center of that city; that consummation of such plans require removal of tracks of the Chicago and North Western Transportation Company (CNW) passing through that portion of the city; that the Chicago, Rock Island and Pacific Railroad Company, William M. Gibbons, Trustee (RI) has consented to use of its parallel line through the city of South St. Paul by both the CNW and its tennant the SOO Line Railroad Company (SOO); that no shippers will be deprived of railroad service by removal of these tracks of the CNW; that removal of these CNW tracks will result in the elimination of six crossings at grade level with city streets, thereby greatly increasing public safety and reducing interference with both railroad and vehicular movements in the area; that operation by the CNW and the SOO over these tracks of the RI is necessary in the interest of the public and the commerce of the people pending disposition of the applications of the CNW and the SOO seeking permanent authority to discontinue operations over these CNW tracks and to conduct substitute operations over tracks of the RI; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1227 Chicago and North Western Transportation Company and SOO Line Railroad Company authorized to operate over tracks of Chicago, Rock Island and Pacific Railroad Company, William M. Gibbons, Trustee.

(a) The Chicago and North Western Transportation Company (CNW) and the SOO Line Railroad Company (SOO) be, and they are hereby authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company, William M. Gibbons, Trustee, (RI) between a point of connection of the CNW and RI in the vicinity of RI milepost 1.53 and another connection of these companies in the vicinity of RI milepost 5.19, a distance of approximately 3.66 miles, all within the city of South St. Paul, Minnesota.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the CNW and by the SOO over tracks of the RI is deemed to be due to carriers' disability, the rates applicable to traffic moved by the CNW and by the SOO over the tracks of the RI shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) Nothing herein shall be considered as a pre-judgment of the applications of the CNW and the SOO seeking authority to abandon operations over tracks of the CNW and authority to operate over tracks of the RI.

(e) *Effective date.* This order shall become effective at 11:59 p.m., December 22, 1975.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-34910 Filed 12-24-75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Part 223]

SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

Proposed Fee Schedule Revision

The Department of the Treasury proposes to amend its regulations at 31 CFR Part 223 (also appearing as Treasury Circular No. 297) governing surety companies doing business with the United States. The proposed amendment's purpose is to revise the schedule of fees in order to recover costs related to services performed for, and special benefits conferred upon, surety companies by the Department. Any services performed and benefits conferred are in connection with the Fiscal Service's maintenance and publication of an annual listing (Treasury Department Circular No. 570) of surety companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties or reinsurers on Federal bonds. The revised fees are proposed for adoption pursuant to 31 U.S.C. 483a, the user charge statute, and Office of Management and Budget Circular No. A–25, as amended, entitled "User Charges."

Accordingly, notice is hereby given pursuant to 5 U.S.C. 553, that the Secretary of the Treasury is considering the adoption, effective January 31, 1976, under authority of 5 U.S.C. 301 and 31 U.S.C. 483a, of the following revision to Part 223 of Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations.

Section 223.22 is amended by revising the first sentence of the introductory text and paragraphs (a) and (c) to read as follows:

§ 223.22 Schedule of fees.

The fees specified below shall be imposed and collected for services performed by the Treasury Department, whether the action requested is granted or denied, effective January 31, 1976.

• • •

(a) For examining a company's application for a certificate of authority as an acceptable surety on Federal bonds, or for examining a company's application for a certificate of authority as an acceptable reinsuring company on such bonds: $800 (see § 223.2).

• • • • •

(c) For determining the continuing qualifications for annual renewal of a company's certificate of authority: $550 (see § 223.3).

• • • • •

Prior to adoption of the proposed amendment, consideration will be given to written views or arguments submitted to the Commissioner, Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226, and received on or before January 28, 1975. Copies of comments received will be available for inspection and copying upon request in accordance with the Treasury's rules entitled "Access to Records" (31 CFR Part 1, Subpart A).

(5 U.S.C. 301, 31 U.S.C. 483a (6 U.S.C. 6–13))

Dated: December 18, 1975.

DAVID MOSS,
Fiscal Assistant Secretary.

[FR Doc.75–34742 Filed 12–24–75;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

LASSEN VOLCANIC NATIONAL PARK, CALIFORNIA

Designation of Snowmobile Routes; Withdrawal of Notice of Proposed Rulemaking

The purpose of this notice is to withdraw the notice published at 39 FR 41260 in which the National Park Service solicited comments on a proposed amendment to § 7.11 of Title 36 of the Code of Federal Regulations which would have designated certain routes for snowmobile use in Lassen Volcanic National Park.

A number of comments were received in response to the notice, all but two of which were opposed to the establishment of snowmobile routes in Lassen Volcanic.

The principal objections made by the commentators were that snowmobile use would interfere with other, more popular, winter uses of the park such as cross-country skiing and snowshoeing and that the sounds produced by snowmobiles would detract from the quiet, natural atmosphere of the park's winter scene.

In consideration of the foregoing, the notice of proposed rulemaking published in the FEDERAL REGISTER (39 FR 41260) on November 26, 1974 and entitled "Lassen Volcanic National Park, Designation of Snowmobile Routes," is hereby withdrawn.

Dated: October 17, 1975.

HOWARD H. CHAPMAN,
Regional Director,
Western Regional Office.

[FR Doc.75–34771 Filed 12–24–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[7 CFR Part 210]

NATIONAL SCHOOL LUNCH PROGRAM

Reimbursement Payments

Notice is hereby given that the Food and Nutrition Service, U.S. Department of Agriculture, intends to amend the National School Lunch Program regulations pertaining to reimbursement payments to require allocation of income to all types of lunch (full price, free and reduced price) only where another allocation is not specifically authorized under State or local law.

Federal reimbursement is based on national average payments: A general cash-for-food assistance factor for all lunches served and special cash assistance factors for free and reduced price lunches. These factors are adjusted semi-annually to reflect changes in the cost of operating a school lunch program. In assigning per lunch reimbursement rates for a school, the State agency, or FNSRO where applicable, must consider the need of the School Food Authority to serve free and reduced price lunches to eligible children, and all resources available to it to meet this need.

Current regulations require consideration of income from all sources, but do not specify the manner in which such income is applied to types of meals. The Conference Report which accompanied Pub. L. 94–105 (H.R. 4222) indicated that Congressional intent was for State agencies to have maximum flexibility in utilizing section 4 funds, State funds, and local resources in order to maintain the lowest possible lunch prices to participating children. This intent is reflected in the proposed amendment in that State and local officials will be permitted to target their resources to specific categories of meals where State and local laws allow. In general, all income which is available to cover costs that are common to the total food service operation must be allocated equally to full price, free and reduced price lunches. In those instances where it is specifically required by applicable legislation, ordinance, or similar authority, income may be allocated as specified, to full price, or free or reduced price lunches.

Additionally, provisions requiring section 4 rate assignments to be at the national average level, when combined rates exceed the national average factors or equal the cost of providing the lunch, have been deleted.

Comments, suggestions, or objections are invited. In order to be assured of consideration, such comments, suggestions, or objections should be delivered to William G. Boling, Manager, Child Nutrition Programs, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked no later than January 28, 1976. Communications should identify the regulation section and paragraph on which comments, etc., are offered. All comments, suggestions, or objections will be considered before the final amendments are published. All written submissions received pursuant to this notice will be made available for public inspection at the Office of the Manager, Child Nutrition Programs, during the regular business hours (8:30 a.m. to 5 p.m.) (7 CFR 1.27(b)).

The following changes are proposed:

1. Section 210.2 is amended by adding a new paragraph (c–2) to read as follows:

§ 210.2 Definitions.

• • • • •

(c–2) "Income" means the value of all resources available to operate the lunch service, including cash funds, goods and services.

• • • • •

2. Section 210.11 is amended by revising paragraphs (b) and (c) as follows:

§ 210.11 Reimbursement payments.

• • • • •

(b) For the six-month period July–December, 1973, the maximum rate of reimbursement from general cash-for-food assistance funds shall be 16 cents for a Type A lunch. For each succeeding six-month period, such maximum rate shall be adjusted by an amount equal to the amount that the national average general cash-for-food assistance factor is adjusted pursuant to § 210.4(c). In assigning rates of reimbursement, the State agency, or FNSRO where applicable, shall assign the same rate of reimbursement from general cash-for-food assistance funds for the lunches provided by a School Food Authority to children at the full price and for lunches provided to children free or at a reduced price. However, based upon determination of need, State agencies, and FNSROs where applicable, shall have maximum flexibility in assigning rates of reimbursement from general cash-for-food assistance funds between School Food Authorities.

(c) In addition to the assigned rate of reimbursement from general cash-for-food assistance funds, rates of reimbursement for free and reduced price lunches shall be assigned from special cash assistance funds, as applicable. The rate assigned for each type of lunch, together with income available from other sources for that type of lunch (including an amount equal to the highest reduced price charge to the child per lunch), shall not exceed the cost of that type of lunch during the fiscal year. The combined rates of reimbursement from general cash-for-food assistance and special cash assistance funds for each free or reduced price lunch are hereinafter referred to as the "per lunch reimbursement". For the six-month period July–December, 1973, the maximum per lunch reimbursement shall be 70 cents for a free lunch and 60 cents for a reduced price lunch. For each succeeding six-month period, (1) the maximum per lunch reimbursement for a free lunch shall be adjusted by an amount equal to the sum of the amounts by which the national average general cash-for-food assistance factor for all lunches and the national average special cash assistance factor for free lunches are adjusted pursuant to § 210.4(c); and (2) the maximum per lunch reimbursement for a reduced price lunch shall be adjusted to 10 cents less than the maximum per lunch reimbursement for a free lunch. In assigning per lunch reimbursement, the State agency, or FNSRO where applicable, shall consider the need of the School Food Authority to serve free and reduced price lunches to eligible children, and the income available for such lunches from all sources. The School Food Authority shall allocate all available income at the same rate for all lunches (full price, free or reduced price), except where such income is specifically required by applicable legislation, ordinance, or similar authority to be applied to a particular type (full price, free or reduced price) of lunch. Acceptable accounting principles must be utilized in all allocations of income.

• • • • •

Effective Date: January 28, 1976

Dated: December 22, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75–34873 Filed 12–24–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20660; RM–2559]

TELEVISION BROADCAST STATIONS

Proposed Table of Assignments

1. The Commission, by the Chief, Broadcast Bureau, has before it for consideration a petition for rule making filed by the Nebraska Educational Television Commission (NETC). The petition seeks amendment of § 73.606(b) of the Commission's rules, the Television Table of Assignments, by assigning channels reserved for noncommercial educational use at Beatrice (Channel *23), Falls City (Channel *24), and Pawnee City (Channel *33).

2. NETC is the Nebraska state agency responsible for providing noncommercial educational television service to state residents. The educational television network for the state of Nebraska is composed of Station KUCN–TV (Channel *12), licensed to the University of Nebraska, and eight other educational TV stations, licensed to NETC. These nine stations, together with four television broadcast translator stations, provide service to most of the state. There exists, however, an area in the southeastern part of the state which remains unserved. Hence NETC requests the assignments mentioned in paragraph 1 to permit it to complete service coverage of the state. This will be accomplished initially by the operation of high-powered translators on the requested assignment with future upgrading of the facilities to full broadcast station capability possible.[1]

3. Beatrice (pop. 12,389; Gage County, pop. 25,731), Falls City (pop. 5,444; Richardson County, pop. 12,277), and Pawnee City (pop. 1,267; Pawnee County, pop. 4,473) are located in southeastern Nebraska near the Nebraska-Kansas and Nebraska-Missouri boundary. NETC states that a first educational television service will be provided to 26,621 persons if its proposals are adopted. This first service figure, it indicates, does not include cable television system subscribers.

4. The proposed assignments meet the Commission's separation requirements and other technical criteria. Each may also be assigned without requiring changes at other communities listed in the Table of Assignments. It appears that a minimum of seventeen channels are available for assignment at the selected communities and the petitioner has selected channels with the lowest numbers available for assignment to these communities.

5. The Commission is persuaded that a rule making proceeding should be instituted to request comments on the NETC proposal. Therefore, we propose to consider the following revisions in the Television Table of Assignments (§ 73.606(b) of the rules) with respect to the cities listed below:

City	Channel No.	
	Present	Proposed
Beatrice, Nebr.		*23+
Falls City, Nebr.		*24
Pawnee City, Nebr.		*33+

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained below and are incorporatel by reference herein.

7. Interested parties may file comments on or before February 13, 1976, and reply comments on or before March 4, 1976.

Adopted: December 16, 1975.

Released: December 19, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[1] Pursuant to paragraph 4 of the report and order in Docket No. 18661, 23 R.R. 2d 1504 (1971), high-powered UHF translators may be operated only on channels which are listed in the Television Table of Assignments. See also § 74.702(g) and 74.735(e) of the rules.

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1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the notice of proposed rule making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rule making. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.75-34831 Filed 12-24-75;8:45 am]

[47 CFR Part 97]

[Docket No. 20679; FCC 75-1408]

AMATEUR RADIO SERVICE; VOLUNTEER EXAMINERS

Submission of Copies of Operator Licenses With Examination Papers

1. In this notice of proposed rulemaking the Commission proposes to amend § 97.29 of the rules concerning the manner of conducting examinations by mail for licenses in the Amateur Radio Service.

2. Under current procedure, a volunteer examiner may, under certain limited circumstances, administer a written Amateur examination to a prospetcive Amateur. After administering the required examination in International Morse Code, the volunteer examiner, assuming the applicant has passed, requests the Commission to forward to him the written portion of the examination. The request includes, inter alia, a description of the examiner's qualifications to administer the examination and the examiner's signature. This procedure has proven to be unsatisfactory, however, because the Commission has neither the resources nor the time to verify the putative qualifications or even the existence of the volunteer examiner, and, as a result, substantial abuse of the examination by mail system has occurred.

3. The rule proposed herein is a step towards a more efficient and fair system of examinations by mail. It amends § 97.29 by adding a requirement that the volunteer examiner enclose with his request for the written portion of the examination a photocopy of his current Amateur license. All other aspects of the examination by mail system remain unchanged.

4. The proposed amendments to the Rules, as set forth below, are issued pursuant to the authority contained in sections (1) and 303 of the Communications Act of 1934, as amended.

5. Pursuant to the procedures set forth in § 1.415 of the Commission's rules, interested persons are invited to file comments on or before February 2, 1976, and reply comments on or before February 12, 1976. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

6. In accordance with the provisions of § 1.419 of the Commission's rules, an original and eleven copies of all statements, briefs, or comments shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C. 20554.

Adopted: December 19, 1975.

Released: December 22, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS, *Secretary.*

Part 97 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 97.29(b)(1), third sentence, is amended to read as follows:

§ 97.29 Manner of conducting examinations.

* * * * *

(b) * * *

(1) * * * The examiner's written request shall include (i) the names and permanent addresses of the examiner and the applicant, (ii) a description of the examiner's qualifications to administer the examination, (iii) a photocopy of the volunteer examiner's operator license, (iv) the examiner's statement that the applicant has passed the code test for the class of license involved under his supervision within the 10 days prior to submission of the request, and (v) the examiner's written signature. * * *

* * * * *

[FR Doc.75-34832 Filed 12-24-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 211]

MONTHLY PETROLEUM REPORTING SYSTEM

Proposed Rulemaking

The Federal Energy Administration hereby gives notice of a proposal to amend Title 10, Chapter II, Part 211 of the Code of Federal Regulations, the Mandatory Petroleum Allocation Regulations, to provide for a monthly petroleum reporting system. The FEA will receive written comments with respect to this proposal.

FEA regulations, § 211.224, require weekly petroleum reports from each refiner or other firm which operates or controls a refinery, bulk terminal, crude oil pipeline or petroleum products pipeline. Weekly reports are also required of firms which import petroleum products by tanker, barge or pipeline. These reports are currently submitted in accordance with Forms FEO-1002 to FEO-1006.

FEA has determined that its data requirements would be adequately served by a monthly, rather than a weekly reporting system. FEA in conjunction with the Bureau of Mines, Department of the Interior, has also determined that by modifying the reporting system in several respects, the reporting system would serve the data needs of the Bureau of Mines, as well as FEA.

FEA has entered into an agreement with the Bureau of Mines to consolidate in a single reporting system FEA's present mandatory system under § 211.224 and the Bureau of Mines' voluntary reporting system. The purpose of the agreement is to serve the data collection requirements of the two agencies through one common set of data collection forms, thus reducing the reporting burden imposed upon the industry. Under the agreement, the Bureau of Mines will act as the collecting agent for FEA and may make statistical use of the data. FEA may make general use of the data provided.

A new series of forms to be used in the new monthly system was designed by FEA and submitted to the General Accounting Office (GAO) in accordance with the Federal Reports Act. On October 6, 1975, GAO approved the new forms FEA-P320 through FEA-P323.

The proposed amendments set forth below include a new § 211.223, which establishes the Monthly Petroleum Reporting System. Its provisions are similar to those of the present § 211.224, except that the reports are to be submitted on a monthly rather than weekly basis. In addition, the definitions of "Crude oil pipeline" and "Petroleum products pipeline" are changed to eliminate the references to "trunk function." Thus, both gathering lines and trunk lines would be covered for purposes of this reporting system. The definition of "Bulk terminal" is also expanded to clarify that reports are to be submitted for facilities used for storage as well as marketing of refined petroleum products. The phrase "gasoline, kerosene, and distillate and residual fuel oils" is modified to read "gasoline, middle distillate, aviation fuels, naphthas, residual fuel oil, other products or asphalt". These are the products for which information would be submitted in the bulk terminal report. Finally, importers would not be required to submit monthly reports under proposed § 211.224. Importers are excluded from this system to avoid duplicating the information they are required to file under § 213.23 of FEA's Oil Import Regulations.

It is also proposed that § 211.224 be amended to require monthly rather than weekly reports. This change would be effective concurrently with § 211.223, and would provide for dual reporting for a trial period for the new forms FEA-P320 through FEA-P323. Thereafter, § 211.224 would be deleted, leaving only the monthly reports under § 211.223.

Interested persons are invited to submit data, views, or arguments with respect to the proposed regulations to Executive Communications, Federal Energy Administration, Box EV, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Monthly Petroleum Reporting System." Fifteen copies should be submitted. All comments received by January 9, 1976, and all relevant information, will be considered by FEA.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

The amendments proposed below have been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and have been determined not to require evaluation of their inflationary impact.

Since the proposed regulations will not affect the quality of the environment, FEA has not submitted the proposed regulations to the Administrator of the Environmental Protection Agency for comment, as provided in section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275 (FEAA). Also, since the proposed regulations are not likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses, no public hearing will be conducted with respect to this proposed rulemaking, as provided in section 7(i)(1)(c) of the FEAA.

(Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Chapter II, Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., December 23, 1975.

MICHAEL F. BUTLER, *General Counsel.*

1. Part 211 is amended by adding § 211.223 to read as follows:

§ 211.223 Monthly petroleum reporting system.

(a) This section establishes a monthly petroleum reporting system for each refiner or other firm which operates or controls a (1) refinery, (2) bulk terminal, (3) crude oil pipeline or (4) petroleum products pipeline.

(b) *Definitions.* For purposes of this section—

"Bulk terminal" means a facility which is used for the marketing or storage of gasoline, middle distillate, aviation fuels, naphthas, residual fuel oil, other products or asphalt and which (1) has total bulk storage capacity of 2,100,000 gallons or more, or (2) receives its petroleum products by tanker, barge, or pipeline.

"Crude oil pipeline" means a pipeline which carries crude oil, including interstate, intrastate and intracompany pipelines.

"Petroleum products pipeline" means a pipeline which carries petroleum products, including interstate, intrastate and intracompany pipelines.

(c) *Monthly report.* Every refiner or other firm which operates or controls a refinery, bulk terminal, crude oil pipeline or petroleum products pipeline shall prepare and file with FEA a monthly report in accordance with forms and instructions issued by FEA. The monthly petroleum reporting system shall become effective December, 1975. The first report will apply to information for November, 1975, and must be received by FEA by 5:00 p.m., not later than ten days following the effective date of this section.

(d) Each firm required to file monthly reports under paragraph (c) of this section shall retain a copy of each monthly report, signed by the officer responsible for submitting the reports, on file at its principal place of business.

2. Section 211.224 is amended by deleting the word "weekly" wherever it appears and by substituting therefor the word "monthly", and is amended by adding a new paragraph (e) to read as follows:

§ 211.224 Monthly petroleum reporting system.

* * * * *

(e) This section shall expire January 31, 1976.

[FR Doc.75-35019 Filed 12-24-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release No. IC 9084, File No. S7-514]

ANCSA CORPORATIONS

Extension of Comment Period

On August 22, 1975, the Commission published for comment a revised version of proposed Rule 6c-2, which, if adopted, would exempt corporations organized pursuant to the Alaska Native Claims Settlement Act of 1971 from many provisions of the Investment Company Act of 1940 (Investment Company Act Release No. 8902, 40 FR 41818, September 9, 1975). On October 1, 1975, pursuant to request, the Commission extended from October 1, 1975, until December 1, 1975, the time for public comment on this proposal (Investment Company Act Release No. 8966, 40 FR 47152, October 8, 1975). Since the date of this extension, the Commission has received three requests for an additional extension of the comment period. The latest requests are based on the assertion that, to avoid incurring unnecessary expense in the preparation of comments, the ANCSA Corporations should be allowed to ascertain the outcome of Congressional consideration of pending legislation which would, if enacted, moot the issues involved in proposed Rule 6c-2 by totally exempting the ANCSA Corporations from the Federal securities laws. While the Commission opposes such exemption, it is sympathetic to the needs of the ANCSA Corporations to avoid unnecessary expense and has extended from December 1, 1975, to January 15, 1976, the period within which written views and comments may be submitted.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

DECEMBER 15, 1975.

[FR Doc.75-34745 Filed 12-24-75;8:45 am]

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PROPOSED RULES

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1063]

[Ex Parte No. MC 95]

PRACTICES OF MOTOR COMMON CARRIERS OF PASSENGERS

Adequacy of Service, Equipment, and Facilities

Proposed Rulemaking

DECEMBER 17, 1975.

At the request of John S. Fessenden, representative for National Association of Motor Bus Owners and National Bus Traffic Association, Inc., the time for filing comments in the above-entitled proceeding has been extended from January 6, 1976, to March 8, 1976, and replies thereto extended from February 20, 1976, to April 7, 1976. This matter was initially noticed in the FEDERAL REGISTER issue of July 17, 1975 (40 FR 30134).

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-34908 Filed 12-24-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES v. SLIDE-RITE MFG. CORP., ET AL.

Proposed Consent Judgment In and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16 (b) through (h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Southern District of New York in *United States of America* v. *Slide-Rite Mfg. Corp., et al.*, Civil Action No. 74-3927. The complaint in this case alleges that the three defendants conspired to fix the prices of zipper sliders. The proposed judgment enjoins the defendants from continuing or renewing the alleged conspiracy or from entering into any other conspiracy having a like purpose or effect. Public comment is invited on or before Feb. 24, 1976. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be addressed to Bernard Wehrmann, Chief, New York Office, Antitrust Division, Department of Justice, 26 Federal Plaza, New York, New York 10007.

Dated: December 18, 1975.

THOMAS E. KAUPER,
Assistant Attorney General
Antitrust Division.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

United States of America, Plaintiff, v. Slide-Rite Mfg. Corp.; Pilling Chain Company, Inc.; and Acme Associates Incorporated, defendants. Civ. Action No. 74 Civ. 3927; Filed: Decembr 18, 1975.

STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A final judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Courts' own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to either party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed final judgment by serving notice thereof upon the defendants herein and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed final judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendants in this or any other proceeding.

Dated: Dec. 18, 1975.

For the Plaintiff: Thomas E. Kauper, *Assistant Attorney General*, Baddia J. Rashid, Charles F. B. McAleer, Bernard Wehrmann, Mary K. Smith, Samuel London, Erwin L. Atkins, *Attorneys, Department of Justice.*

For the Defendants: Slide-Rite Mfg. Corp., Guggenheimer & Untermeyer, *New York, New York.* Pilling Chain Company, Inc., Abedon Stanzler & Biener, *Providence, Rhode Island.* Acme Associates Incorporated, Fried, Frank, Harris, Shriver & Jacobson, *New York, New York.*

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

United States of America, Plaintiff, v. Slide-Rite Mfg. Corp.; Pilling Chain Company, Inc.; and Acme Associates Incorporated, defendants. Civ. Action No. 74 Civ. 3927 Filed: December 18, 1975.

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on September 10, 1974, and defendants having appeared by their attorneys and the plaintiff and the defendants Slide-Rite Mfg. Corp., Pilling Chain Company, Inc. and Acme Associates Incorporated, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting evidence or an admission by any party with respect to any issue of fact or law herein;

NOW, THEREFORE, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon the consent of the parties hereto, it is hereby,

ORDERED, ADJUDICATED AND DECREED AS FOLLOWS:

I. This Court has jurisdiction of the subject matter herein and of the parties hereto. The complaint states claims upon which relief may be granted against the defendants under Section 1 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. § 1), commonly known as the Sherman Act.

II. As used in this Final Judgment:

(A) "Slider" means the component of a zipper which is attached to and slides on a zipper chain;

(B) "Person" means any individual, partnership, corporation, or other business or legal entity.

III. The provisions of this Final Judgment shall apply to each defendant, its officers, directors, agents and employees and to each defendant's subsidiaries, affiliates, successors and assigns, and to each of their respective officers, directors, agents and employees, and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV. Each defendant is enjoined and restrained directly or indirectly from entering into, adhering to, maintaining or engaging in any agreement, understanding, arrangement, plan or program with any other seller or manufacturer of sliders to fix, determine, establish, maintain or stabilize the prices for the sale of sliders to any third person.

V. Each of the defendants is enjoined and restrained directly or indirectly from communicating to or exchanging with any other seller or manufacturer of sliders, any actual or proposed price, price change or discount at which any slider item is to be, or has been, sold to any third person prior to the communication of such information to the public or to customers generally.

VI. Each defendant is ordered and directed to:

(A) Serve within sixty (60) days after the date of entry of this Final Judgment a conformed copy of this Final Judgment upon each of its officers and directors, and each of its employees who have any responsibility for the sale of sliders by said defendant;

(B) Serve a conformed copy of this Final Judgment upon each successor officer and director, and each successor employee having any responsibility for the sale of sliders by said defendant; and

(C) Within ninety (90) days after the date of entry of this Final Judgment, to file with this Court and to mail to the plaintiff, an affidavit setting forth the fact and manner of compliance with subsection (A) of this Section VI.

VII. (A) For the purpose of securing or determining compliance with this Final Judgment and for no other purpose, each of the defendants shall permit any authorized representative or representatives of the Department of Justice upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice, subject to any legally recognized privilege:

(1) Access, during the regular business hours of each of the defendants, to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of each of the defendants which relate to any matters contained in this Final Judgment;

(2) Subject to the reasonable convenience of each of the defendants, and without restraint or interference from them, to interview each of their officers and employees, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, each of the defendants shall submit such reports in writing to the Department of Justice with respect to any matters contained in this Final Judgment as from time to time may be requested.

No information obtained by the means provided in this Section VII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

VIII. Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further

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orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, and for the enforcement of compliance therewith and punishment of violations thereof.

IX. Entry of this Judgment is in the public interest.

United States District Judge.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

United States of America, Plaintiff, v. Slide-Rite Mfg. Corp.; Pilling Chain Company, Inc.; and Acme Associates Incorporated, defendants. Civil No. 74–3927. Filed: December 18, 1975. Proposed Consent Decree: Competitive Impact Statement.

Pursuant to Section 2(b) of the *Antitrust Procedures and Penalties Act* (15 U.S.C. 16(b)–(h)), The United States of America hereby files this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

NATURE AND PURPOSE OF THE ACTION

On September 10, 1974, the Department of Justice filed a civil antitrust action alleging that the three above-named defendants had combined and conspired to fix, raise and maintain the prices of sliders in violation of Section 1 of the Sherman Act. It was alleged that as a result of the conspiracy:

(a) price competition among the defendants in the sale of sliders has been restrained;

(b) prices of sliders have been fixed, raised and maintained at artificial, noncompetitive levels; and

(c) customers of the defendants have been deprived of the opportunity to obtain sliders at competitive prices.

In its prayer for relief, the Department of Justice requested that the Court enjoin the defendants from continuing the alleged conspiracy or from engaging in any other conspiracy having a similar purpose or effect.

PRACTICES AND EVENTS GIVING RISE TO THE ALLEGED VIOLATION

Each of the defendants is engaged in the business of manufacturing and selling sliders. A slider is the component of a zipper which is attached to and slides on a zipper chain. Movement of the slider from one end of the chain to the other opens and closes the zipper. The defendant corporations are the principal producers of sliders sold to semi-integrated manufacturers of zippers and zipper assemblers. As a group, the corporate defendants account for approximately 90 percent of all sliders sold to these zipper producers. Their aggregate gross sales of sliders in 1973 were approximately $6 million. Beginning in or about the middle of 1966 and continuing thereafter up to the date of the filing of the complaint, officers of the defendant coporations attended meetings and engaged in telephone conversations during which they discussed and fixed the prices of sliders sold to semi-integrated zipper manufacturers and zipper assemblers.

EXPLANATION OF THE PROPOSED CONSENT JUDGMENT

The proposed consent judgment provides specific measures to dispel the anticompetitive effects alleged by the complaint. Each defendant will be enjoined and restrained from entering into any agreement or arrangement with any other seller or manufacturer of sliders to fix the prices for the sale of sliders to any third person. Each of the defendants will also be enjoined and restrained from communicating to or exchanging with any other seller or manufacturer of sliders, any actual or proposed price, price change or discount at which any slider item is to be, or has been, sold to any third person prior to the communication of such information to the public or customers generally. Further, each defendant will be required to provide each of its officers and directors, and each of its employees having any responsibility for the sale of sliders with a conformed copy of the consent judgment.

COMPETITIVE EFFECTS OF THE PROPOSED PLAINTIFFS

It is anticipated that the proposed consent judgment will have the effect of eliminating the conspiracy which restrained price competition and restoring price competition among the defendants.

ALTERNATIVE REMEDIES CONSIDERED BY THE GOVERNMENT

The alternative to the proposed consent judgment considered by the Antitrust Division was a full trial on the merits. The Antitrust Division determined that the judgment provided substantially all of the relief which might reasonably be expected following a trial and a decision favorable to the Government, without the commitment of manpower and delay involved in a trial.

REMEDIES AVAILABLE TO POTENTIAL PRIVATE JUDGMENT

Any potential private plaintiffs who might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal and equitable remedies which they would have had, were the proposed consent judgment not entered. However, this judgment may not be used as *prima facie* evidence in private litigation pursuant to Section 5(a) of the Clayton Act, as amended, 15 U.S.C. 16(a).

PROCEDURES AVAILABLE FOR MODIFICATION OF THE PROPOSED CONSENT JUDGMENT

The proposed consent judgment is subject to a stipulation by and between the United States and the defendants, which provides that the United States may withdraw its consent to the proposed judgment until the Court has found that entry of the proposed judgment is in the public interest. By its terms, the proposed judgment provides for retention of jurisdiction of this action in order, among other things, to permit any of the parties thereto to apply to the Court for such orders as may be necessary or appriate for its modification.

As provided by the *Antitrust Procedures and Penalties Act*, any persons believing that the proposed judgment should be modified may, for a 60-day period, submit written comments to the United States Department of Justice, Antitrust Division, 26 Federal Plaza, New York, New York 10007, which will file with the Court and publish in the Federal Register such comments and its response to such comments. The Department of Justice will thereafter evaluate any and all such comments and determine whether there is any reason for withdrawal of its consent to the proposed consent judgment.

DETERMINATIVE DOCUMENTS

There are no materials or documents which the Government considered determinative in formulating this proposed consent judgment. Therefore, none is being filed with this Competitive Impact Statement.

Dated: December 18, 1975.

SAMUEL LONDON,
ERWIN L. ATKINS,
Attorneys,
Department of Justice.

[FR Doc.75-34811 Filed 12-24-75;8:45 am]

Law Enforcement Assistance Administration

CONFIDENTIALITY OF IDENTIFIABLE RESEARCH AND STATISTICAL INFORMATION

Meeting

In the September 24, 1975, issue of the FEDERAL REGISTER (40 F.R. 44034), the Law Enforcement Assistance Administration published a notice of proposed rule making concerning the Confidentiality of Identifiable Research and Statistical Information. A hearing was held on October 16, 1975. In addition, interested parties were given an opportunity to provide written comments.

This notice is to announce that on January 8, 1976, a meeting will be held with an ad hoc group of researchers to discuss revisions to the proposed regulations. This meeting will be held in the 13th Floor Conference Room, Law Enforcement Assistance Administration, 633 Indiana Avenue, N.W., Washington, D.C. beginning at 10:00 a.m. The meeting will be open to the public.

Dated: December 18, 1975.

RICHARD W. VELDE,
Administrator.

[FR Doc.75-34812 Filed 12-24-75;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

ROCKY MOUNTAIN REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Rocky Mountain Regional Advisory Committee will be held beginning at 8:30 a.m. on February 4–5, 1976, at the Rocky Mountain Regional Office and Denver Service Center, 655 Parfet Street, Lakewood, Colorado.

The purpose of the Rocky Mountain Regional Advisory Committee is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the Rocky Mountain Region of the National Park Service.

The members of the Advisory Committee are as follows:

Dr. John D. Hunt, Logan, Utah (Chairman)
Mr. Samuel J. Taylor, Moab, Utah
Mr. Ralph M. Clark, Denver, Colorado
Mr. William W. Robinson, Denver, Colorado
Mr. Hoadley Dean, Rapid City, South Dakota
Mrs. Harold (Alice) Fryslie, Bozeman, Montana
Mr. D. C. "Del" Shipman, Watford City, North Dakota
Mr. Jack Rosenthal, Casper, Wyoming.
Mr. Vince R. Lee, Wilson, Wyoming

The matters to be discussed at this meeting include:

1. Denver Service Center functions and the planning process.
2. National Park Service Contracts and Permits.
3. Air quality, air space and land use controls in, over, and around Service areas.
4. Election of officers.

The meeting will be open to the public. Any member of the public may file with the committee a written statement concerning the matters to be formally discussed by the committee.

Persons wishing further information concerning this meeting or who wish to submit written statements, may contact Committee Manager, Forrest Benson, Rocky Mountain Regional Office, National Park Service, Denver, Colorado 80225. Telephone (303) 234–4943.

Minutes of the meeting will be available for public inspection approximately 4 weeks after the meeting at the Rocky Mountain Regional Office, 655 Parfet Street, Denver, Colorado.

LYNN H. THOMPSON,
Regional Director,
Rocky Mountain Region.

[FR Doc.75-34770 Filed 12-24-75;8:45 am]

UNITED STATES DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Public Meeting

SHIPPERS ADVISORY COMMITTEE MEETING MARKETING ORDER NO. 905—7 CFR PART 905 REGULATING THE HANDLING OF ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA.

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The committee will meet in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., on January 13, 1976.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Frank D. Tropvillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813–682–3103.

Dated: December 22, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-34884 Filed 12-24-75;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

NATIONAL BUREAU OF STANDARDS VISITING COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the National Bureau of Standards Statutory Visiting Committee will meet in Boulder, Colorado, at 7 p.m. February 26, 1976, at the Boulder Country Club and at 8:30 a.m. February 27, 1976, at the National Bureau of Standards, Room 1107, Radio Building, 325 Broadway.

The NBS Visiting Committee is composed of five members prominent in the fields of science and technology and appointed by the Secretary of Commerce.

The purpose of the meeting is to review the efficiency of the Bureau's scientific work and the condition of its equipment, to assist the Committee in reporting to the Secretary of Commerce as required by law.

The public will be permitted to attend and the Chairman will entertain comments or questions at an appropriate time during the meeting. Persons wishing to attend the meeting should notify Ms. Elaine D. Bunten, Office of Programs, National Bureau of Standards, Washington, D.C. 20234, telephone (301) 921–3591.

Dated: December 12, 1975.

ERNEST AMBLER,
Acting Director.

[FR Doc.75-34132 Filed 12-24-75;8:45 am]

National Bureau of Standards

PROPOSED FEDERAL INFORMATION PROCESSING STANDARD

Revised Instructions for Implementing Standard Character Codes and Collating Sequence

Under the provisions of Public Law 89–306 and Executive Order 11717, the Secretary of Commerce is authorized to establish Federal automatic data processing standards for use by Federal agencies in the design, operation and maintenance of computer systems and in the acquisition of computer systems and services. A proposed revision to Federal Information Processing Standard Publication (FIPS PUB) 1—Code for Information Interchange, and FIPS PUB 7—Implementation of the Code for Information Interchange and Related Media Standards, is being recommended for Federal use. This revision, identified as FIPS PUB 1–1—Character Codes and Collating Sequence, will supersede FIPS PUB 1 and FIPS PUB 7.

The current standards are based upon the Federal adoption of the voluntary standard that has been developed and approved by the American National Standards Institute in its standard X3.4–1968, Standard Code for Information Interchange (commonly referred to as "ASCII"). The proposed revision is based upon recommendations resulting from a study conducted by the National Bureau of Standards on the significance and impact of ASCII as a Federal standard which was accomplished with the cooperative efforts of Federal departments and agencies, the computer industry and non-government users. This revision is intended to strengthen and clarify the implementation instructions provided for ASCII in the earlier publications cited above.

Prior to the submission of a final endorsement of this proposal to the Secretary of Commerce for approval, it is essential to assure that proper consideration is given to the needs and views of manufacturers, the public, and state and local governments. The purpose of this notice is to solicit such views.

The proposed Federal Information Processing Standard contains two basic sections: (1) an announcement section which provides information concerning the applicability, implementation, and maintenance of the standard; and (2) a specification section which deals with the technical requirements of the standard. The announcement section is provided in its entirety in this notice.

Interested parties may obtain a copy of the specification section from and may submit comments to the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, on or before February 29, 1976.

ERNEST AMBLER,
Acting Director.

DECEMBER 19, 1975.

FEDERAL INFORMATION PROCESSING STANDARDS PUBLICATION 1–1

(DATE)

ANNOUNCING THE STANDARD FOR

CHARACTER CODES AND COLLATING SEQUENCE (FIPS 1–1)

Federal Information Processing Standards are issued by the National Bureau of Standards to provide for the more economic and efficient purchase, lease, maintenance, operation and utilization of automatic data processing equipment and services by Federal departments and agencies. These standards are issued pursuant to the Federal Property and Administrative Services Act of 1949, as amended, Public Law 89–306 (79 Stat. 1127), as implemented by Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 Code of Federal Regulations.

Name of Standard. Character Codes and Collating Sequence (FIPS 1–1).

Category of Standard. Hardware Standard, Interchange Codes and Media.

Explanation. This standard provides a coded character set and collating sequence to be used in Federal information processing systems, telecommunications systems and associated equipment and software. This standard was developed to achieve greater compatibility among computer and telecommunications systems applications thereby affording users the capability of making more effective utilization of their data, soft-

V 40249 DEC 29 75 XUM

ware and equipment resources. It is intended to serve as the basic standard for representing, in a binary coded form, the graphic characters and controls that are commonly used in the collection, processing, interchange and storage of information. In this sense, this standard is as basic for computer and telecommunications applications as an alphabet is to effective human written communications. This standard is the Federal adoption of the voluntary industry standards that have been developed nationally by the American National Standards Institute and internationally by the International Organization for Standardization. The codes involved have been adopted as standards for international data transmission and have been widely implemented by many electronic computing and communications equipment manufacturers in the design of their hardware and software products.

This FIPS PUB reaffirms the continued use of the Standard Code for Information Interchange (ASCII) as a Federal standard and provides further implementation instructions for its effective use by Federal departments and agencies. The implementing instructions provided herein supersede those contained in FIPS PUB 7 dated March 7, 1969. This FIPS PUB also supersedes FIPS PUB 1, dated November 1, 1968. These revised instructions for implementation are based upon recommendations resulting from a study conducted by the National Bureau of Standards on the significance and impact of ASCII as a Federal standard which was accomplished with the cooperative efforts of Federal departments and agencies, the computer industry and non-government users.

Approving Authority. On March 11, 1968, the President of the United States approved ASCII as a Federal standard. On March 7, 1969, the Secretary of Commerce provided implementing instructions for the use of ASCII as a Federal standard. The earlier approval and implementing instructions were promulgated by NBS through FIPS PUBs 1 and 7. Executive Order 11717 of May 9, 1973, transferred to the Secretary of Commerce the function of approving standards on behalf of the President. This revised standard and implementing instructions are approved by the Secretary of Commerce pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended.

Maintenance Agency. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

Cross Index. a. American National Standard X3.4–1968, Standard Code for Information Interchange.

b. ISO Standard 646–1973, 7–Bit Coded Character Set for Information Processing Interchange.

c. CCITT Recommendation V3, Vol. VIII, Green Book, 1972, International Alphabet #5.

d. American National Standard X3.41–1974, Code Extension Techniques for Use with the 7–Bit Coded Character Set of American National Standard Code for Information Interchange (FIPS PUB 35).

e. ISO Standard 2022–1973, Code Extension Techniques for Use with the ISO 7–Bit Coded Character Set.

Applicability. This standard is applicable to the representation of character coded information used in information processing and telecommunications applications and among related equipment and software.

Implementation. a. *Effective Date:* Effective upon the publication date of this FIPS PUB, all Federal departments and agencies will implement this standard as specified herein.

b. *Agency Monitoring Official:* Each department and agency head will designate an official who is responsible for monitoring the implementation of this standard within the computer and telecommunications systems of their department or agency. The name and address of this official will be reported to the National Bureau of Standards within thirty days of he publication date of this FIPS PUB.

c. *Agency Implementing Directives:* Each department and agency will issue implementing directives for the use of this standard within their organization. Two copies of these implementing directives will be provided to the National Bureau of Standards within 120 days of the publication date of this FIPS PUB.

d. *Acquisition of New Systems:* All computer and telecommunications systems hardware, software and services acquired for Federal use on or after the publication date of this FIPS PUB must have the capability to accept, generate and process character coded data and programs recorded in accordance with the code and collating sequence provided by this standard unless a waiver has been obtained in accordance with the waiver procedures provided herein.

e. *Procurement Regulations:* The General Services Administration will provide regulations concerning the use of this standard in Federal acquisitions of applicable equipment, software and services.

f. *Compliance Testing:* All computer and telecommunications systems and applicable components acquired after the publication date of this FIPS PUB will be tested before acceptance to assure that these are capable of accepting, processing and generating data and programs that are represented in accordance with this standard.

g. *Benchmarking:* When computer or telecommunications systems and/or appropriate components are tested (benchmarked) as a basis for evaluating vendors' proposals, these tests (benchmarks) will be performed using the character codes and collating sequence prescribed by this standard. This provision applies only to character coded data. Binary, packed decimal and floating point numeric data need not be converted to character codes for such tests.

h. *Interchange of Data:* Within eighteen months of the publication date of this FIPS PUB, all departments and agencies which are authorized to provide or collect character coded data from other Federal agencies or the public will provide the capability of generating or accepting their character coded data recorded in accordance with the provisions of this standard. Where there is a charge for such services, the charge for data recorded in accordance with this standard will be made available at a cost no greater than data recorded in a non-standard form.

i. *Interchange of Programs and Software:* Within eighteen months of the publication date of this FIPS PUB, all computer programs and associated software that are subject to interchange will be designed to function and will be recorded in accordance with the provisions of this standard. (It is essential that all comparisons are performed based that all comparisons are preformed based upon the collating sequence provided by this standard. Otherwise, incorrect results can be obtained or invalid operations can occur.)

j. *Use in Telecommunications Systems Networks:* This standard has been adopted as a standard character code for use in Federal telecommunications systems networks. In these network applications, unless otherwise specified and arranged for, all character data submitted to or received from these networks will be represented in accordance with the provisions of this standard. This implementation does not preclude the transmission of numeric data in a binary, packed decimal or floating point form when these forms of numeric representation of data are more effective; nor does it preclude the use of bit-oriented control procedures and formats for transmission control purposes.

k. *Use of Non-standard Codes and Collating Sequences:* Where interchange of data and/or programs is not involved, existing equipment and files need not be converted to conform to this standard until such time as replacement systems are specified. However, the continued use of non-standard character codes and collating sequences will not be cited as a requirement when replacement systems are acquired. After new or replacement systems are installed that comply with this standard, the standard character code and collating sequence for representing operational data files, programs and software will be used in order to avoid unwarranted conversions and reduced operational performance and to facilitate the authorized exchange of data, programs and software.

l. *Other Applicable Standards:* This standard is equally applicable to other standards that cite its use in recording data on media or in other data processing or communications applications. Appendix A provides a list of those standards that have also been approved and are applicable to the use of this standard. Additional standards and revisions, as these are developed and approved, will be provided by NBS in the FIPS publications series.

Specifications. This standard adopts, in whole, American National Standard X3.4–1968, Standard Code for Information Interchange, current on the publication date of this FIPS PUB.

Qualifications. The collating sequence of characters as provided by this standard is defined by their binary values and is the standard sequence. However, this does not preclude the ordering of files in other sequences to meet special requirements (e.g. files that are sequenced based on proper names or in other instances where the case distinction of the alphabetic characters is to be ignored).

Representation of this standard code in eight-bit environments shall be in accordance with FIPS PUB 35, Code Extension Techniques in 7 or 8 Bits. The standard collating sequence applies only to the 128 characters defined by the seven-bit code as defined by American National Standard X3.4–1968.

Waiver Procedures. a. Heads of Federal departments and agencies or their duly authorized designees may waive the implementation of this standard when it has been determined that its use would seriously affect the capability of the department or agency to effectively perform its mission responsibilities. Requests for waivers will contain complete justification based upon economic, operational and technical reasons therefor. Life cycle cost and performance will be addressed in addition to the initial acquisition considerations. Approved waivers and justifications not involving procurements will be submitted to the Office of the Federal Register, National Archives and Records Service, within seven days after approval for subsequent publication as a notice in the FEDERAL REGISTER. Where the approved waiver pertains to a procurement action, the submission for notice in the FEDERAL REGISTER will be within seven days after the formal release of the solicitation document.

b. Waivers are not required in the following instances:

1. For equipment installed or on order prior to the publication date of this FIPS PUB.

2. Where procurement actions are into the solicitation phase (i.e. Request for Proposals or Invitation for Bids have been issued) on the publication date of this FIPS PUB.

3. When augmenting existing computer installations with additional peripheral or related equipment that must continue to process files recorded in non-standard codes.

c. The National Bureau of Standards will provide technical assistance to agencies relative to their waiver requirements when requested.

Special Information. The National Bureau of Standards is developing techniques to assist Federal departments and agencies in making conversions from non-standard codes. Also, NBS has under development tests for determining the extent that products are in compliance with this standard. When available, these will be announced by NBS for general use.

Where to Obtain Copies of the Specifications of the Standard. a. Federal Government activities should obtain copies from established sources within each agency. When there is no established source, purchase orders should be submitted to the Office of ADP Standards Management, National Bureau of Standards, Washington, D.C. 20234. A catalog of standards with current prices is available from this NBS office.

b. Others may obtain copies from the American National Standards Institute, (ANSI), 1430 Broadway, New York, New York 10018. Refer to X3.4–1968, Standard Code for Information Interchange. A catalog with price information is available from ANSI.

[FR Doc.75–34823 Filed 12–24–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

NURSING RESEARCH AND EDUCATION ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to assemble during the month of January 1976:

Name: NURSING RESEARCH AND EDUCATION ADVISORY COMMITTEE.

Date and Time: January 14–16, 1976, 9:00 a.m.

Place: Conference Room 6C–01, Federal Building, 7750 Wisconsin Avenue, Bethesda, Maryland 20014.

Closed on January 14.

Open on January 15, 9:00 a.m.–10:00 a.m.

Closed remainder of meeting.

Purpose: The Committee is charged with the initial review of research grant applications in all areas of nursing education and practice, including studies of extended professional roles, model curricula, clinical investigations, historical research, and institutional research development and with surveying the status of research in nursing education and practice.

Agenda: The open portion of the meeting will be devoted to covering administrative and staff reports. During the closed sessions, the committee will be reviewing grant applications for Federal assistance, and will not be open to the public in accordance with the provisions set forth in section 552(b)(5) and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Resources Administration, pursuant to Public Law 92–463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Dr. Doris Bloch, Room 6A–14, Federal Building, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, Telephone (301) 496–6955.

Agenda items are subject to change as priorities dictate.

Dated: December 23, 1975.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc. 75–34985 Filed 12–24–75;8:45 am]

National Institutes of Health

PUBLIC ADVISORY COMMITTEES

Filing of Annual Reports

Pursuant to Public Law 92–463, notice is hereby given that the Annual Reports for the public advisory committees of the National Institutes of Health have been filed with the Library of Congress.

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or on weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare Department Library, North Building, Room 1436, 300 Independence Avenue, SW., Washington, D.C. 20201, telephone (202) 245–6791.

Dated: December 18, 1975.

DONALD S. FREDRICKSON,
Director, NIH.

[FR Doc.75–34785 Filed 12–24–75;8:45 am]

DIVISION OF RESEARCH GRANTS

Amended Notice of Meetings

Notice is hereby given of a change in the meeting date and/or place of the following National Institutes of Health Study Sections which were published in the FEDERAL REGISTER on November 25, 1975 (40 FR 54602).

The Experimental Therapeutics Study Section was to have convened at 8:30 a.m. on January 15–17, 1976, but has been changed to 8:30 a.m. on January 14–17, 1976 at the Kenwood Country Club, Bethesda, Maryland.

The Genetics Study Section was to have convened at 9:00 a.m. on January 14–17, 1976, but has been changed to 9:00 a.m. on January 15–17, 1976, at Building 31, Conference Room 6, Bethesda, Maryland, the same location for which it was originally scheduled.

The Pathology A Study Section was to have convened at 9:00 a.m. on January 7–9, 1976, but has been changed to 9:00 a.m. on January 6–9, 1976, at the Sheraton Inn, Silver Spring, Maryland, the same location for which it was originally scheduled.

The Pathology B Study Section was to have convened at 9:00 a.m. on January 8–10, 1976, but has been changed to 9:00 a.m. on January 7–10, 1976, at the Kenwood Country Club, Bethesda, Maryland, the same location for which it was originally scheduled.

These meetings will be open to the public for approximately one hour at the beginning of the first session of the first day of the meeting.

Dated: December 15, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75–34788 Filed 12–24–75;8:45 am]

GENERAL RESEARCH SUPPORT PROGRAM ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the General Research Support Program Advisory Committee of the Division of Research Resources, February 19–20, 1976, from 9:00 a.m. to 5:00 p.m. in Building 31, Conference Room 9, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to 1:30 p.m. on February 19, 1976, to discuss administrative matters relating to programs. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting of the General Research Support Program Advisory Committee will be closed to the public on February 19 from 1:30 p.m. to 5:00 p.m. and on February 20, from 9:00 a.m. to adjournment for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. James Augustine, Chief, Office of Science and Health Reports, Division of Research Resources, National Institutes of Health, Building 31, Room 5B39, Bethesda, Maryland 20014, telephone (301) 496–5545 will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Programs Nos. 13.337 and 13.375, National Institutes of Health)

Dated: December 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75–34778 Filed 12–24–75;8:45 am]

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MATERNAL AND CHILD HEALTH RESEARCH COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Maternal and Child Health Research Committee, National Institute of Child Health and Human Development, on February 12, 1976, in the Landow Building, Room C–418, 7910 Woodmont Avenue, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. to 10:00 a.m. to discuss general business of the Committee and for reports from the Acting Deputy Director, Center for Research for Mothers and Children, Program Director for Perinatal Biology and Infant Mortality Branch, Acting Program Director for Growth and Development Branch, and the Acting Executive Secretary of the Committee. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public from 10:30 a.m. to adjournment for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting will involve solely the internal expression of views and judgments of the committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A–04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1848, will provide a summary of the meeting and a roster of committee members. Dr. James F. Kavanagh, Acting Executive Secretary of the Maternal and Child Health Research Committee, NICHD, Room C–718, Landow Building, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–5575, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health.)

Dated: December 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75–34779 Filed 12–24–75;8:45 am]

MENTAL RETARDATION RESEARCH COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Mental Retardation Research Committee, National Institute of Child Health and Human Development, on February 13–14, 1976, in the Landow Building, Room C–418, 7910 Woodmont Avenue, Bethesda, Maryland.

The meeting will be open to the public on February 13 from 8:30 a.m. to 10:30 a.m. to discuss items relative to the committee's activities including announcements by the Chief of the Mental Retardation Branch and the Executive Secretary of the Committee. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public on February 13 from 10:30 a.m. to adjournment on February 14 for the review, discussion and evaluation of individual renewal grant applications. The closed portion of the meeting will involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A–04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1848, will provide a summary of the meeting and a roster of committee members. Dr. Lyle Lloyd, Executive Secretary, Mental Retardation Research Committee, NICHD, Landow Building, Room C–704, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1383, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health.)

Dated: December 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75–34780 Filed 12–24–75;8:45 am]

NATIONAL ADVISORY COUNCIL ON AGING

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Council on Aging, March 29–31, 1976, at the National Institutes of Health, Bethesda, Maryland. The meeting will be held in Building 31, Conference Room 7. The meeting will be open to the public on March 29 from 9:00 a.m. to adjournment, on March 30 from 2:00 p.m. to adjournment, and again on March 31 from 9:00 to adjournment, to discuss current status reports and the Secretary's research plan on aging.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on March 30 from 9:00 a.m. to lunch for the review, discussion, and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portion of the meeting will involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; personal information concerning individuals associated with the applications.

Mrs. Suzanna Porter, Council Secretary, National Institute on Aging, Building 31, Room 4B–63, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–5345, will provide summaries of the meeting and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, National Institutes of Health.)

Dated: December 16, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75–34787 Filed 12–24–75;8:45 am]

NATIONAL COMMISSION ON ARTHRITIS AND RELATED MUSCULOSKELETAL DISEASES

Meeting

Pursuant to P.L. 92–463, notice is hereby given of a meeting of the National Commission on Arthritis and Related Musculoskeletal Diseases on January 14, 1976. The meeting will be open to the public.

The Commission will have a business meeting at the Washington Hilton Hotel, Monroe West Room, 1919 Connecticut Avenue, Northwest, Washington, D.C. from 8:30 a.m. to 5:30 p.m.

Messr. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496–3588, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.846, National Institutes of Health)

Dated: December 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75–34783 Filed 12–24–75;8:45 am]

PHARMACOLOGY STUDY SECTION

Amended Notice of Meeting

Notice is hereby given of a change in the meeting date and place of the Pharmacology Study Section, Division of Research Grants, which was published in the Federal Register on November 25, 1975 (40 FR 54602).

This meeting was to have convened at 9:00 a.m. on January 20–23, 1976, but has been changed to 9:00 a.m., January 20–22, 1976, at the Holiday Inn, Bethesda, Maryland.

This meeting will be open to the public for approximately one hour at the beginning of the first session of the first day of the meeting.

Dated: December 16, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75–34784 Filed 12–24–75;8:45 am]

PHARMACOLOGY-TOXICOLOGY RESEARCH COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Pharmacology - Toxicology Research Program Committee, National Institute of General Medical Sciences, January 29–30, 1976, National Institutes of Health, Building 31C, Conference Room 6, Bethesda, Maryland.

This meeting will be open to the public on January 29 from 9:00 a.m. to 10:30 a.m. for opening remarks and general administrative business.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public on January 29 from 10:30 a.m. to 5:00 p.m. and on January 30 from 9:00 a.m. to 5:00 p.m. for the review, discussion and evaluation of initial pending, supplemental, and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data such as salaries; and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, Room 909, Bethesda, Maryland 20014, Telephone: 301, 496–7301, will provide a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. Raymond E. Bahor, Executive Secretary, Westwood Building, Room 9A03, Bethesda, Maryland 20014, Telephone: 301, 496–7707.

(Catalog of Federal Domestic Assistance Program 13–859, Pharmacology-Toxicology Program, National Institute of General Medical Sciences, National Institutes of Health)

Dated: December 16, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75–34786 Filed 12–24–75;8:45 am]

PRESIDENT'S CANCER PANEL

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, February 18, 1976, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public from 9:30 a.m. to 12 noon for a report from the Director, National Cancer Institute, report from the Chairman, President's Cancer Panel, and a presentation of the NCI Immunology Program. Attendance by the public will be limited to space available. The meeting will be closed to the public from 1:30 p.m. to adjournment for review and discussion of the proposed fiscal year 1978 budget in accordance with the provisions set forth in Section 552(b)(5) of Title 5 U.S. Code and 10(d) of Public Law 92–463.

Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Md. 20014 (301/496–5854) will provide substantive program information, transcripts of the open meeting and roster of committee members.

Dated: December 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75–34777 Filed 12–24–75;8:45 am]

PRIMATE RESEARCH CENTERS ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Primate Research Centers Advisory Committee, Division of Research Resources, February 13, 1976, National Institutes of Health, Building 31, C Wing, Conference Room 8, Bethesda, Maryland 20014. This meeting will be open to the public from 9:00 a.m. to 10:00 a.m. for a presentation concerning activities of the NLM Laboratory Animal Data Bank and a program status report by staff. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public from 10:00 a.m. until adjournment for the review, discussion and evaluation of initial pending grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. James Augustine, Chief, Office of Science and Health Reports, Division of Research Resources, Building 31, Room 5B39, Bethesda, Maryland 20014, 301/496–5545, will provide summaries of the meeting and rosters of Committee members. Dr. Leo Whitehair, Executive Secretary, Primate Research Centers Advisory Committee, Building 31, Room 5B30, Bethesda, Maryland 20014, 301/496–5451, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.306, National Institutes of Health)

Dated: December 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75–34781 Filed 12–24–75;8:45 am]

TOXICOLOGY STUDY SECTION

Amended Notice of Meeting

Notice is hereby given of a change in the meeting date of the Toxicology Study Section, Division of Research Grants, which was published in the Federal Register on November 25, 1975 (40 FR 54602).

The Toxicology Study Section will meet as scheduled January 15–17, 1976 at the Holiday Inn, Bethesda, Maryland. However, they will hold an additional session on January 14, 1976 at 7:00 p.m. until adjournment at the Holiday Inn, Bethesda, Maryland. This session will be closed to the public. The open portion of this meeting will be held on January 15, 1976 at 8:00 a.m. for approximately one hour.

Dated: December 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75–34782 Filed 12–24–75;8:45 am]

CIVIL AERONAUTICS BOARD

FEDERAL EXPRESS CORP. ET AL.

[Order 75–12–111; Docket 25863 and 22322]

ORDER AMENDING ORDER

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of December, 1975.

By Order 75–12–5, served December 2, 1975, the Board granted and denied certain petitions for reconsideration in Dockets 22322 and 25953. Inadvertently, however, the order did not reflect the answer which had been filed by Executive Jet Aviation (EJA) in response to the petition of the Federal Express Corporation. While this unintentional omission does not effect our ultimate findings and conclusions, we nevertheless intend to amend Order 75–12–5 in order to acknowledge the answer of EJA and clarify the basis of our decision.

EJA originally entered this case in opposition to an application requesting a disclaimer of jurisdiction or approval of the acquisition by the General Dynamics Corporation and other investors of varying amounts of equity securities of the Federal Express Corporation. By Order 75–3–42, March 13, 1975, we set the application for hearing, and granted EJA's petition for leave to intervene. On April 23, 1975, Federal Express filed a

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petition for reconsideration of Order 75–3–42. In its answer to that petition, EJA stated that it would withdraw both its opposition to Federal Express' application and its request for a hearing thereon if a condition suggested by Federal Express in its petition were imposed. The condition would limit Federal Express to cargo-only operations.

While the Board based its original determination to hold a hearing, in part, upon the understanding that EJA opposed the application, the order on reconsideration clearly states that even in the absence of EJA's opposition, the public interest independently requires a a hearing. Specifically, we said:

"In any event, while our decision to set this matter for hearing took into consideration the answer of Executive Jet Aviation opposing the application, it has always been our basic view that a hearing in this instance is needed in the *public* interest, regardless of lack of formal opposition." (Order 75–12–5, page 5)

Thus, even in light of EJA's answer (which is only one of many considerations to be taken into account) the Board remains convinced that a hearing is necessary in this matter.

Accordingly, *It is ordered that:*

Order 75–12–5 be and it hereby is amended by striking the first sentence on page 5 thereof and inserting the following in its place:

"We note that on May 5, 1975, Executive Jet Aviation filed an answer to the petition stating that it would withdraw its opposition and request for hearing upon the imposition of such a restriction."

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–34886 Filed 12–24–75;8:45 am]

[Order 75–12–100; Docket 27573; Agreement C.A.B. 25567]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Issued under delegated authority December 19, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 3 of the International Air Transport Assication (IATA). The agreement was adopted at the 14th Meeting of the TC3 Specific Commodity Rates Board held in Hollywood Beach, Florida on October 6, 1975.

With respect to air transportation as defined by the Act the agreement proposes revisions to the specific commodity rate structure between Guam and other Pacific points; establishes several new community descriptions; alters the wording on several existing descriptions; and amends certain other descriptions to preclude or permit their application in the intra-Pacific area. We will approve the new and changed descriptions which have general application within air transportation as defined by the Act but will disapprove the rates that reflect rate increases disapproved by Order 75–11–78.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the new specific commodity descriptions, listed in attached Appendix A [1] and incorporated in Agreement C.A.B. 25567, which have general application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act; and

2. It is found that the specific commodity rates, incorporated in Agreement C.A.B. 25567 and listed in attached Appendix B, are adverse to the public interest and in violation of the Act.

Accordingly, *It is ordered that:*

1. Those portions of Agreement C.A.B. 25567 set forth in Appendix A which have general application in air transportation as defined by the Act, be and hereby are approved; and

2. Those portions of Agreement C.A.B. 25567, set forth in Appendix B, be and hereby are disapproved.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–34885 Filed 12–24–75;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Supervisory General Attorney, Deputy General Counsel, International Affairs and Commodity Programs, Office of the General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–34835 Filed 12–24–75;8:45 am]

[1] Appendices A and B filed as part of the original.

DEPARTMENT OF AGRICULTURE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Deputy General Counsel, Immediate Office, Office of the General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–34840 Filed 12–24–75;8:45 am]

DEPARTMENT OF COMMERCE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Bureau of Domestic Commerce, Domestic and International Business Administration.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–34841 Filed 12–24–75;8:45 am]

DEPARTMENT OF COMMERCE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Communications, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–34842 Filed 12–24–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of

Assistant to the Secretary for External Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–34843 Filed 12–24–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Legislation (Health), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–34844 Filed 12–24–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Manpower Shortage; Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found effective November 14, 1975, that there is a manpower shortage for the single position of Assistant to the Secretary for Education Policy, Office of the Secretary, Department of Health, Education, and Welfare. The appointee may be paid for the expense of travel and transportation to his first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–34847 Filed 12–24–75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Equal Opportunity, Office of the Assistant Secretary for Equal Opportunity.

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–34845 Filed 12–24–75;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Administrator, Law Enforcement Assistance Administration, Office of the Administration.

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–34838 Filed 12–24–75;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Director, Office of Policy and Planning.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–34839 Filed 12–24–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Deputy General Counsel, Office of the General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–34846 Filed 12–24–76;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Equal Employment Opportunity Commission to fill by noncareer executive assignment in the excepted service the position of Director, Program Planning and Evaluation, Office of the Chairman.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–34836 Filed 12–24–75;8:45 am]

FEDERAL POWER COMMISSION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Federal Power Commission to fill by noncareer executive assignment in the excepted service the position of Assistant Executive Director (Regulatory Information System and Administration), Office of the Executive Director, Office of Commissioners and Offices.

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–34837 Filed 12–24–75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS FROM PAKISTAN

Establishing Levels of Restraint, Effective on January 1, 1976

DECEMBER 19, 1975.

On May 6, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and Pakistan concluded a comprehensive bilateral cotton textile agreement concerning exports of cotton textiles and cotton textile products from Pakistan to the United States. Among the provisions of the agreement are those establishing an aggregate limit for the 64 categories; group limits for Categories 1–27 and 28–64; and within the aggregate and group limits, specific export limitations on Categories 9/10, 18/19 and part of 26 (printcloth), 22/23, parts of 26 (barkcloth and duck), 31 (other than shop towels), and 41/42 for the agreement year beginning on January 1, 1976.

Accordingly, there is published below a letter of December 19, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that for the twelve-month period beginning on January 1, 1976 and extending through December 31, 1976 entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 9/10, 18/19 and part of 26 (printcloth), 22/23, parts of 26 (barkcloth and duck), 31 (other than shop towels), and 41/42 be limited to the designated levels. The levels set forth below for Categories 9/10, 18/19 and part of 26 (printcloth), 26 (duck), and 31 (other than shop towels) have been adjusted to account for previous overshipments in these categories, as agreed between the Governments of the United States and Pakistan.

The letter published below and the actions taken pursuant thereto are not designed to implement all of the provisions

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of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DECEMBER 19, 1975.

DEAR MR. COMMISSIONER: According to the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton Textile Agreement of May 6, 1975 between the Governments of the United States and Pakistan, and in accordance with provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on January 1, 1976 and for the twelve-month period extending through December 31, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 9/10, 18/19 and part of 26 (printcloth), 22/23, parts of 26 (barkcloth and duck), 31 (other than shop towels), and 41/42, in excess of the following levels of restraint:

Category:		*12-month level of restraint*
9/10	square yard	47,932,142
18/19/26 (printcloth)[1]	do	20,641,476
22/23	do	5,688,000
26 (barkcloth)[2]	do	8,532,000
26 (duck)[2]	do	12,027,524
31 (other than shop towels)[4]	pieces	13,289,400
41/42	dozen	966,476

[1] In Category 26 the T.S.U.S.A. Numbers for printcloth are:

320.—34	326.—34
321.—34	327.—34
322.—34	328.—34

[2] In Category 26 the T.S.U.S.A. Numbers for barkcloth are:

320.—88	320.—92
321.—88	321.—92
322.—88	322.—92
323.—88	323.—92
324.—88	324.—92
325.—88	325.—92
326.—88	326.—92
327.—88	327.—92
328.—88	328.—92
329.—88	329.—92
330.—88	330.—92
331.—88	331.—92

[3] In Category 26 the T.S.U.S.A. Numbers for duck fabric are: 320.—01 through 04, 06, 08, 321.—01 through 04, 06, 08, 322.—01 through 04, 06, 08, 326.—01 through 04, 06, 08, 327.—01 through 04, 06, 08, 328.—01 through 04, 06, 08.

[4] All T.S.U.S.A. Numbers in Category 31 except T.S.U.S.A. Number 366.2740.

In carrying out this directive, entries of cotton textile products in the above categories, produced or manufactured in Pakistan, which have been exported to the United States from Pakistan, prior to January 1, 1976 shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods for the eighteen-month period beginning on July 1, 1974 and extending through December 31, 1975. In the event the levels of restraint established for that eighteen-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment according to the provisions of the bilateral agreement of May 6, 1975 between the Governments of the United States and Pakistan which provide, in part, that: (1) within the aggregate and group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. Numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 F.R. 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

[FR Doc.75-34765 Filed 12-24-75;8:45 am]

CERTAIN COTTON TEXTILE PRODUCTS FROM THE SOCIALIST REPUBLIC OF ROMANIA

Establishing Control Levels, Effective on January 1, 1976

DECEMBER 19, 1975.

On June 2, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and the Socialist Republic of Romania concluded a comprehensive bilateral cotton textile agreement concerning exports of cotton textiles and cotton textile products from Romania to the United States over a period of three years beginning on January 1, 1975. Among the provisions of the agreement are these establishing designated annual consultation levels for Categories 26 (other than duck), 41, 42, 43, 47, 48, 49, and 50 for the agreement year beginning on January 1, 1976.

Accordingly, there is published below a letter of December, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that for the twelve-month period beginning on January 1, 1976 and extending through December 31, 1976 entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 26 (other than duck), 41, 42, 43, 47, 48, 49, and 50 be limited to the designated levels.

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

DECEMBER 19, 1975.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton Textile Agreement of June 2, 1975 between the Governments of the United States and the Socialist Republic of Romania, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on January 1, 1976 and extending through December 31, 1976 entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 26 (other than duck), 41, 42, 43, 47, 48, 49, and 50, in excess of the following levels of restraint:

Category:		*12-mo. level of restraint*
26 (other than duck)[1]	square yards	3,000,000
41	dozen	414,708
42	do	414,708
43	do	414,708
47	do	67,610
48	do	80,000
49	do	92,308
50	do	168,568

In carrying out this directive, entries of cotton textile products in the foregoing categories, produced or manufactured in Romania and exported to the United States prior to January 1, 1976 shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1975 through December 31, 1975. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

[1] In Category 26 the T.S.U.S.A. Numbers for duck fabric are: 320.—01 through 04,06,08, 321.—01 through 04,06,08, 322.—01 through 04,06,08, 326.—01 through 04,06,08, 327.—01 through 04,06,08, 328.—01 through 04,06,08.

The levels set forth above are subject to adjustment in the future, pursuant to the provisions of the bilateral agreement of June 2, 1975 between the Governments of the United States and the Socialist Republic of Romania which provide, in part, that: (1) consultation levels may be increased within the aggregate ceiling upon agreement between the two governments; (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Appropriate adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textiles and cotton textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-34766 Filed 12-24-75;8:45 am]

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS FROM THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

Terminating Export Visa Requirements

DECEMBER 19, 1975.

On March 11, 1965, there was published in the FEDERAL REGISTER (30 F.R. 3336) a letter of March 8, 1965 from the Chairman of the Interagency Textile Administrative Committee to the Commissioner of Customs, prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products, produced or manufactured in Yugoslavia and exported to the United States, for which the Government of the Socialist Federal Republic of Yugoslavia had not issued a visa. The purpose of this notice is to advise that the export visa requirement is being terminated, effective January 1, 1976.

Accordingly, there is published below a letter of December 19, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs cancelling the directive of March 8, 1965, as amended.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DECEMBER 19, 1975.

DEAR MR. COMMISSIONER: This directive cancels and supersedes the directive of March 8, 1965, as amended, from the Chairman, Interagency Textile Administrative Committee, which directed you to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products, produced or manufactured in Yugoslavia, for which the Government of the Socialist Federal Republic of Yugoslavia had not issued an appropriate export visa.

The actions taken with respect to the Government of the Socialist Federal Republic of Yugoslavia and with respect to imports of cotton textiles and cotton products from Yugoslavia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions of the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

[FR Doc.75-34764 Filed 12-24-75;8:45 am]

CERTAIN COTTON AND MAN-MADE FIBER TEXTILE PRODUCTS FROM MACAU

Establishing Control Levels, Effective January 1, 1976

DECEMBER 19, 1975.

On March 3, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and Portugal concluded a comprehensive bilateral cotton, wool and man-made fiber textile agreement concerning exports of cotton, wool and man-made fiber textile products from Macau to the United States over a period of three years beginning on January 1, 1975. Among the provisions of the agreement are those establishing specific export limitations for Categories 49, 50/51, 219, 221, 222, 223, 224, and 229 for the agreement year beginning on January 1, 1976.

Accordingly, there is published below a letter of December 19, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that the amounts of cotton and man-made fiber textile products in Categories 49, 50/51, 219, 221, 222, 223, 224, and 229, produced or manufactured in Macau, which may be entered or withdrawn from warehouse for consumption in the United States during the twelve-month period beginning on January 1, 1976 and extending through December 31, 1976, be limited to the designated levels.

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the new bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

DECEMBER 19, 1975.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 3, 1975, between the Governments of the United States and Portugal, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on January 1, 1976 and for the twelve-month period extending through December 31, 1976, entry into the United States for consumption and with drawal from warehouse for consumption of cotton textile products in Categories 49 and 50/51 and man-made fiber textile products in Categories 219, 221, 222, 223, 224, and 229, produced or manufactured in Macau, in excess of the following levels of restraint:

Category		*12-month level of restraint*
49	dozen	32,439
50/51	do	62,531
219	do	422,613
221	do	77,852
222	do	293,871
223	do	132,503
224	pounds	306,082
229	dozen	168,076

In carrying out this directive, entries of cotton and man-made fiber textile products in the foregoing categories, produced or manufactured in Macau, which have been exported to the United States before January 1, 1976, shall, to the extent of any unfilled balances, be charged against the levels of

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restraint established for such goods during the period January 1, 1975 through December 31, 1975. In the event the levels of restraint for that period has been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment according to the provisions of the bilateral agreement of March 3, 1975 between the Governments of the United States and Portugal which provide, in part, that: (1) within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton, wool and man-made fiber textile products from Macau have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-34767 Filed 12-24-75;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON DEFINITION AND REGULATION OF MARKET INSTRUMENTS

Advisory Committee Meeting

Notice is hereby given, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, § 10(a), that the Commodity Futures Trading Commission Advisory Committee on Definition and Regulation of Market Instruments ("Advisory Committee on Market Instruments") will conduct a public hearing on January 14, 1976, at the Los Angeles Hilton, 930 Wilshire Boulevard, Los Angeles, California in the Garden East Room, beginning at 9:30 a.m. The Advisory Committee on Market Instruments was chartered to consider and submit reports and recommendations to the Commission on the following subjects:

(1) Appropriate standards to be utilized by the Commission in regulating forms of transactions that are subject to the Commodity Exchange Act, as amended, including consideration of such matters as:

(i) Appropriate standards to be utilized by the Commodity Futures Trading Commission regarding the definition of commodity futures contracts; and

(ii) Appropriate restrictions or prohibitions for options relating to commodity transactions and margin or leverage transactions subject to Section 217 of the CFTC Act.

(2) Responsibilities of the Commission over cash commodity markets. This will include consideration of such matters as:

(i) Contracts for forward delivery;

(ii) Cash market manipulations; and

(iii) Data and reporting needs for cash markets.

The Committee is seeking testimony on the following questions:

(1) To what extent and in what manner may and should the Commodity Futures Trading Commission exercise regulatory authority over cash commodity markets?

(2) Under what terms and conditions, if any, should the Commodity Futures Trading Commission allow the public offering and sale of "leverage contracts" or "margin contracts" involving gold or silver bullion or gold or silver bulk coins?

(3) Under what terms and conditions, if any, should the Commodity Futures Trading Commission allow the public offering and sale of commodity option contracts?

In addition to a public hearing to be conducted by the full Committee, the three subcommittees will conduct separate meetings open to the public.

The Subcommittee on Cash Commodity Markets will meet at the conclusion of the public hearing on January 14 in the Garden East Room of the Los Angeles Hilton. The Subcommittee will address the sufficiency of available price and supply data with regard to those commodities which are presently traded on a future delivery contract basis.

The Subcommittee on Futures, Forward and Leverage Contracts will meet at 9:00 a.m., January 15 in the Garden East Room of the Los Angeles Hilton. The Subcommittee will continue discussion and consideration of the legal and economic distinctons among futures, forward and leverage contracts.

The Subcommittee on Commodity Options will meet at 1:00 p.m., January 15 in the Garden East Room of the Los Angeles Hilton. The Subcommittee will address the terms and conditions which should apply to the public offering and sale of options, should the CFTC decide to approve such transactions. The Subcommittee will also consider what additional considerations, if any, should apply to the public offering and sale within the United States of foreign commodity options.

All meetings are open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public that wishes to testify at the public hearing should write or call Mr. Edward J. Nowicki, Jr., Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036, telephone (202) 254-6575 by January 9, 1976. Any member of the public that wishes to file a written statement with the Committee should mail a copy of the statement to Mrs. Harrison, The Advisory Committee on Market Instruments, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036, by January 9, 1976.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings to those persons. Interested persons may have their names placed on this list by writing LeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036.

Dated: December 19, 1975.

WILLIAM T. BAGLEY,
Chairman,
Commodity Futures Trading Commission.

[FR Doc.75-34750 Filed 12-24-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from December 15 through December 19, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (February 9, 1976). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fowden G. Maxwell, Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

East R. & Upper Crystal R. Land Use Plan Gunnison County Colo., December 19: Proposed is the updating of existing Multiple Use Management Direction on National Forest land in the East River Unit of the Gunnison National Forest and the Upper Crystal River Unit of the White River National Forest in Gunnison County, Colorado. Possible adverse effects include the reduction of property values of some private land, and the eventual loss of attributes exclusive to wilderness in Non-selected Roadless Areas GOI, GPI and GR. (ELR Order No. 51839.)

Mt. Welba Unit Land Use Plan, Routt N.F. Moffat County Colo., December 19: Proposed is the implementation of a land use plan (multiple use plan) for the Mt. Welba Unit, Bears Ears Ranger District, Routt National Forest, Moffat County, Colorado. The Unit contains 13,440 acres of National Forest lands. Adverse effects include modification of scenic values, periodic and temporary changes in water and air quality and increased soil erosion. (ELR Order No. 51840.)

Basket Bay No. 2 Timber Sale, Tongass N.F. Alaska, December 17: The statement deals with the proposal to salvage approximately 5.5 million board feet of blowdown timber from the 1968 Thanksgiving Day storm within the Kook Lake watershed on Chichagof Island. No roads would be constructed or reconstructed and the timber would be clearcut utilizing a helicopter yarding system. The project would remove 186 acres from an undeveloped category, and would result in noise that could have an impact on recreation use of Kook Lake cabins. Comments made by: DOC, HUD, DOI, EPA, and State agencies and one individual. (ELR Order No. 51826.)

SOIL CONSERVATION SERVICE

Final

Okatoma Creek Watershed, Mississippi, several counties, December 18: The statement refers to a watershed protection project on the Okatoma Watershed. Project measures include levee systems, floodwater retarding structures, recreational facilities, and 53.7 miles of channel work. Construction will result in the clearing of some forest land, and reduction in fishery and wildlife resources. Comments made by: USA, HEW, DOI, DOT, EPA, AHP, and State agencies. (ELR Order No. 51836.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, 202-693-6795.

Draft

Redwood Shores Shopping Center, Permit, San Mateo County, Calif., December 17: Mobil Oil Estates (Redwood) Ltd., Redwood City, California has applied for a Department of Army permit to fill and do storm drainage improvements on the 210-acre area and to improve the existing dike along Steinberger Slough in preparation for the eventual construction of a regional shopping center. Adverse effects include change in land use from open space to urban area, loss of levee-impounded marshland, and water runoff alteration. (ELR Order No. 51832.)

Atlantic IC Waterway Side Channels, Maintenance, several counties in N.C., December 15: The action involves the maintenance of nine authorized side channels to the Atlantic Intracoastal Waterway from Morehead City to Southport, North Carolina. Adverse effects on aquatic organisms will result from turbidity and the removal of benthic organisms. Terrestrial organisms will be buried in the upland diked disposal areas and benthic organisms covered in overhead disposal. (Wilmington District). (ELR Order No. 51819.)

Shallotte & Lockwoods Folly Rivers, Maintenance, Brunswick County, N.C., December 19: The action involves maintenance activities in existing navigation projects in Shallotte and Lockwoods Folly Rivers, North Carolina. Maintenance consists of the removal of shoals in the two navigable water systems. Shoal removal will adversely affect aquatic life and terrestrial organisms will be buried in the upland diked disposal areas. (Wilmington District), (ELR Order No. 51841.)

Offshore Terminal & Submarine Pipeline, Permit, Virgin Islands, December 17: Proposed is the issuance of a dredge and permit application to Hess Oil Virgin Islands Corporation (HOVIC) for the purpose of constructing an offshore oil tanker unloading terminal and submarine pipeline approximately 2 miles south of the HOVIC refinery at Limetree Bay, St. Croix. Adverse effects include destruction of 4½ acres of reef coral habitat and killing of some fish by blasting. Suffocation of adjacent corals, benthic algaes, and seagrasses would also occur due to suspended solids. (Jacksonville District). (ELR Order No. 51827.)

Final

Coos Bay (Supplement), Coos County Oreg., December 18: Proposed is the construction of a channel across the outer bar of Coos Bay 45 feet deep and 700 feet wide; reducing gradually to 35 feet deep and 300 feet wide, and a 15-mile long inner channel. The project also includes the enlarging of existing turning basins. Construction will involve blasting, dredging, and disposal of an estimated 8,550,000 cubic yards of material at sea, in-Bay, and on land. Construction disruption and disturbance of 125 acres of ocean and estuarine bottom area and 437 acres of land disposal area, would result. When the project is completed, the area will require about 1 to 2 months additional dredging time each dredging interval. (Portland), Comments made by: DOI, EPA, HUD, USDA, FPC, DOC, and State and local agencies and inviduals. (ELR Order No. 51837.)

Freeport Hurricane Flood Protection, Tex., December 18: The statement refers to the completion of the hurricane flood protection project for Freeport and vicinity to provide protection to the cities and towns of Freeport, Lake Jackson, Clute, Lake Barbara and adjacent areas. Construction of a tidal control and navigation structure in Old River will cause temporary turbidity during construction and destruction of some benthic organisms. Comments made by: USDA, DOC, DOT, HEW, HUD, EPA, AHP, and State and local agencies. (ELR Order No. 51834.)

Squalicum Small Boat Basin, Wash., December 17: Proposed is the enlarging of Squalicum Small Boat Basin an additional 46 acres to provide moorage space for about 725 recreational boats. The project involves the removal of 600 feet of existing breakwater, the construction of 1,500 feet of a new breakwater and the dredging of 1,000,000 cubic yards of material. Adverse impacts include the disturbance of migrating salmon and the dreding of wetlands. (Seattle District). Comments made by: EPA, HUD, DOC, USDA, DOT, DOI, AHP, and State and local agencies. (ELR Order No. 51829.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Waterside Mall, Washington, D.C. 20460, 202-755-0940.

Draft

Arlington-East District Wastewater Facilities, Duval County, Fla., December 17: Proposed is the awarding of grant funds to the City of Jacksonville, Florida for the preparation of plans and specifications for regional wastewater treatment facilities to service the Arlington-East District. Adverse impacts include the loss of 46.98 acres of wildlife habitat. The operation of the facility will cause the discharge of initially 10 mgd and ultimately 25 mgd of secondary treated wastewater to the St. James River. (ELR Order No. 51825.)

FEDERAL POWER COMMISSION

Contact: Dr. Jack M. Heinermann, Acting Asst. Director, for Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 202-275-4791.

Final

Southern Natural Pipeline System Curtailment, December 18: The action consists of FPC's analysis of two permanent curtailment plans for the Southern Natural Pipeline System. The plan will result in increased use of coal and oil to replace the curtailed natural gas and the associated cost increases, and increased pollution in the form of sulfur dioxide and particulates. Alternatives considered in the statement are unregulated curtailment and new sources of gas supplies. Reference is made to the fact that rate structure and deregulation are not included as alternatives to curtailment. Comments made by: DOI, DOC, and State and local agencies. (ELR Order No. 51833.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Final

Hutchinson's Green Mt. Village Development, Jefferson County, Colo., December 18: The statement concerns approval of FHA mortgage insurance for Hutchinson's Green Mountain Village—A Planned Development. The 1006-acre, 5098-unit development will provide housing for middle-income families. Adverse impacts include: the alteration of existing plant and animal communities; the increased load on the Lakewood and Denver metropolitan region infrastructure, particularly the solid waste disposal and transportation components; and increased automobile generated pollutants. Comments made by: EPA, DOI, USDA, HEW, COE, FEA, VA, and AHP. (ELR Order No. 51835.)

Eagle Valley Farms, Mortgage Insurance, Marion County, Ind., December 19: The statement concerns the application for Mortgage Insurance for a single family subdivision on 470 acres of land in Indianapolis, Illinois. The proposed development is adjacent to Interstate I-74 and 1465 and U.S. 136. The project will result in a slight decline in farmland. Comments made by: DOC, HEW, DOI, DOT, GSA, USDA, EPA, AHP, and State and regional agencies. (ELR Order No. 51842.)

Section 104(h). The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

Draft

Downtown-West Redevelopment Project, Norfolk, several counties, Va., December 17: The proposed project consists of eliminating blight and negative environmental factors on 67 acres of downtown waterfront property, the provision of as much as 3,300 units of housing and 120,000 square feet of compatible waterfront-related commercial activity, and the provision of public access and amenities along the Elizabeth River in Norfolk, Virginia. Adverse effects include impacts on air quality, noise, public services and the adjacent historic district. (ELR Order No. 51831.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

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BUREAU OF LAND MANAGEMENT

Draft

Colony Development, Oil Shale Resources, Utah, Colo., December 15: The proposed action is the consideration of a right-of-way permit for an oil shale products pipeline from a plant site in Colorado to Lisbon Valley, Utah. Related to this Federal action would be a 337-acre exchange between BLM and Colony Development Corporation. Adverse impacts include emission of odors characteristic of refining and shale processing, decrease in water quality, destruction of a section of the Middle Fork Creek stream bed, and increased sedimentation. (ELR Order No. 51820.)

BUREAU OF OUTDOOR RECREATION

Draft

Dolores National Wild and Scenic River, several counties, Colo., December 16: Proposed is legislative action to include a 105-mile segment of the Dolores River and 56,400 acres of adjacent land located in the State of Colorado in the National Wild and Scenic Rivers Systems classified as 33 miles wild, 41 miles scenic, and 31 miles recreational. Adverse effects include increased litter, pollution of water and air, and other impacts associated with increased visitation to the proposal area. (ELR Order No. 51823.)

BONNEVILLE POWER ADMINISTRATION

Draft

W. Burley Service Station, Location (Supplement), Cassia county, Idaho, December 17: This statement is the supplement to the BPA FY 1977 draft EIS filed with CEQ July 17, 1975. Proposed is the construction of approximately 7 miles of 138-kV transmission lines between the newly planned West Burley Substation and BPA's Unity Substation, both near Burley, Idaho. Adverse impacts include disturbance to natural vegetation, cropland, and associated wildlife habitat. Noise and other disturbances to residents will occur. (ELR Order No. 51826.)

BUREAU OF RECLAMATION

Neuces River Project, Tex., Live Oak, and McMullen County, Tex., December 16: Proposed is the construction of an earthfill dam and reservoir on the Choke Canyon site of the Frio River. The project is intended to provide municipal and industrial water supply for the Corpus Christi Coastal Bend area, improve downstream freshwater sport fishing, and provide reservoir-based recreation and fishing. Adverse impact would include the taking of 33,860 acres, 80 residences, and related utilities; the inundation of 26,000 acres of wildlife habitat and 34 miles of fish habitat; and the salvage or loss of archeological resources. The effects of the project's water inflow to Corpus Christi Bay would be to increase salinity, modify the Bay's productive capacity, and reduce estuarine fishing. Comments made by: AHP, DOI, USA, DOC, HEW, HUD, DLAB, DOT, EPA, FPC, and State and local agencies and individuals. (ELR Order No. 51822.)

Central Utah Project, Jensen Unit, Uintah County, Utah, December 16: The statement concerns the construction and operation of the Jensen Unit to develop water to irrigate and to augment existing municipal supplies. About 520 acres of land would be inundated by Tyzack Reservoir. The major permanent impact would be scars along the aqueduct alignment which would resist restoration measures. Salinity of the lower Colorado River is estimated to be increased 1.6mg/1 at Imperial Dam as a result of the project. Comments made by: AHP, USDA, USA, EPA, HEW, HUD, DOI, and State and local agencies. (ELR Order No. 51824.)

NATIONAL PARK SERVICE

Draft

St. Croix National Scenic Riverway, Minnesota, and Wisc., December 15: Proposed is the provision of a master plan for the use, preservation, development, and interpretation of the St. Croix National Scenic Riverway and adjacent state lands. Plan implementation would require 77.35 acres of clean-cleared space, 17.35 of which would be removed from available wildlife habitat. Wildlife use of the remaining 60 acres will be reduced. (ELR Order No. 51817.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Final

Manistee County—Blacker Airport, Manistee County, Mich., December 17: The statement refers to the improvement of the Manistee County-Blacker Airport in the city of Manistee. The project involves land acquisition, construction of a combination firecrash maintenance and electrical vault building, installation of lights and markings on one runway, the abandonment of another runway, extension of an apron, and the construction of a taxiway. Adverse impact are the removal of vegetation and topping of trees on part of the 21 acres of aviation easement, and increased levels in the and noise pollution. Comments made by: EPA, DOI, DOT, COE, AHP, USDA, and State and local agencies. (ELR Order No. 51830.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

M-21 Relocation, From M-24 to Near Wadhams, Lapeer, and St. Clair County, Mich., December 15: This project consists of approximately 40 miles of a limited access arterial freeway from M-24 in Lapeer County, easterly to existing M-21 near Wadhams in St. Clair County, Michigan. The new facility would cause the removel of agricultural lands from production, the displacement of residences and other structures, and the alteration of local highway access routes by closure of several county roads. (ELR Order No. 51818.)

SR-90, Junction SR-5 to Vicinity Junction SR-405, King County, Wash., December 18: Proposed is the construction of a 10-lane Interstate Freeway, (SR-90), extending from Junction SR-5 to Vicinity Junction SR-405. Project length is 6.70 miles. Adverse effects include displacement of residences and businesses, the elimination of native vegetation, and the destruction of a small amount of wildlife. A 4(f) statement is included in reference to Sturgas Park, Judkins Playground and Luther Burbank Park. (ELR Order No. 51838.)

U.S. COAST GUARD

Final

Vessel Traffic System, Houston-Galveston Area, Tex., December 15: The statement refers to the establishing of a Vessel Traffic System for the Houston-Galveston area consisting of a combination of VHF-FM Communications, radar surveillance, and a Vessel Movement System in part, or total. There will be a slight noise increase during construction. Comments made by: DOC, USN, USA, DOI, DOT, EPA, and State and local agencies. (ELR Order No. 51821.)

ARMY, NAVY AND AIR FORCE

List of Actions Requiring Environmental Impact Statements

The following list, filed with the Council by the Department of Defense, Army, Navy, and Air Force, indicates those administrative actions that USA, USN, and USAF have determined will require the preparation of environmental impact statements under NEPA.

U.S. Army actions requiring preparation of envirohmental impact statements:

Statements under Preparation:

Subject and Date Scheduled

1. Land acquisition, Ft Carson, CO, 1st qtr 76 (FEIS).
2. Family housing project, Ft Belvoir, VA, 2d qtr 76 (FEIS).
3. South approach, Golden Gate Bridge, Presidio of San Francisco, CA, 2d qtr 77 (FEIS).
4. Family housing, Ft Bragg, NC, Unscheduled (DEIS).
5. Real estate acquisition, Ft Hood, TX, 1st qtr 76 (DEIS).
6. Military operations and activities, 4th Infantry Div. (mech) and Ft Carson, CO, 1st Qtr 76 (DEIS).
7. White Sands Missile Range Interaction with White Sands National Monument, NM, 1st Qtr 76 (FEIS).
8. Military Operations and Mission Change, Ft Polk, LA, 4th Qtr 75 (DEIS).
9. Project EAGLE—Expanded: Supplement C, WETEYE Bombs, Rocky Mt Ars, CO, 4th Qtr 75; Supplement D, HONEST JOHN Warhead, Rocky Mt Ars, CO, 4th Qtr 75 (FEIS).
10. Demilitarization of Toxic-Filled Munitions at US Army Installations, 1st Qtr 76 (DEIS).
11. Project EAGLE, Phase III, Disposal of Obsolete Phosgene (carbonyl chloride), Unschedule (DEIS).
12. Division Stationing Plan and Consolidation of Activities, Ft Ord, CA, 4th Qtr 75 (DEIS).
13. Real Estate Acquisition, Ft Benning, GA, 4th Qtr 75 (DEIS).
14. Off-Post Low Level Helicopter Training, Ft Campbell, KY, 4th Qtr 75 (DEIS).
15. Chemical Agent/Munition Disposal System (CAMDS), 2d Qtr 76 (DEIS).
16. Disposal of Toxic Residue, West Granite Area, Dugway Proving Ground, UT, 2d Qtr 76 (FEIS).
17. Maintenance Dredging at Military Ocean Terminal, Kings Bay, GA, 2d Qtr 76 (FEIS).
18. Mississippi Army Ammunition Plant, Picayunne, MS, 1st Qtr 76 (FEIS).
19. Land Acquisition White Sands Missile Range, (WSMR), TX, 4th Qtr 75 (DEIS).
20. High Explosive Field Test Program (DICETHROW) WSMR, TX, 1st Qtr 76 (DEIS).
21. Activities and Training Mission, Ft Sill, OK, Unscheduled (DEIS).
22. Division Stationing, Ft Stewart/Hunter Army Airfield, GA, 1st Qtr 76 (DEIS).
23. Installation Operations, Ft Lewis, WA, 1st Qtr 76 (DEIS).
24. Vancouver Barracks, WA, 3rd Qtr 76 (DEIS).
25. Recreation Center, Ft Bragg, NC, 1st Qtr 76 (DEIS).
26. Carolina Telephone and Telegraph Lease for Underbuilt Service, Ft Bragg, NC, 4th Qtr 75 (DEIS).
27. Family Housing Project, Ft Campbell, KY, 1st Qtr 76 (DEIS).
28. Installation Operations, Camp Bonneville, WA, 3rd Qtr 76 (DEIS).
29. Installation Operations, Yakima Firing Center, WA, 3rd Qtr 76 (DEIS).
30. LITHIUM—Organic Electrolyte Batteries, 3rd Qtr 76 (DEIS).
31. Harry Diamond Development Center Realignment, WASH, DC, 1st Qtr 76 (DEIS).

32. RDX-HMX Facilities, 2d Qtr 76 (DEIS).
33. Installation Operations and Maintenance, Ft Dix, NJ, 1st Qtr 76 (DEIS).
34. Training Mission, Ft Dix, NJ, 1st Qtr 76 (DEIS).
35. Partial Closure, Ft Dix, NJ, 1st Qtr 76 (DEIS).
36. Mission Change, Ft McClellan, AL, 1st Qtr 76 (DEIS).
37. Outlease of Army Real Property, Ft Lee, VA, Unscheduled (DEIS).
38. Disposal of M139 Bomblets, Tower Grid Area, Dugway Proving Ground, UT, 1st Qtr 77 (DEIS).
39. Mechanized-Armored Div Stationing, Ft Lewis, WA, 3rd Qtr 76 (DEIS).

U.S. Navy actions requiring preparation of environmental impact statements:

Statements Under Preparation.

Subject: Final EIS for "Naval Submarine Base; New London, Groton, Connecticut".
Projected Date: October 1975.
Subject: Final EIS for "Continued Exploration and Evaluation of NPR-4, Alaska".
Projected Date: October 1975.
Subject; Final EIS for "Regulations on Off-Road Vehicle Recreation at the Naval Weapons Center, China Lake, California".
Projected Date: October 1975.
Subject: Final EIS for "Abrasive Blasting of Ships Hulls".
Projected Date: October 1975.
Subject: Draft EIS for "Indian Island Conventional Ordnance Facility; Jefferson County, Washington."
Projected Date: October 1975.
Subject: Draft EIS for "Easement and Land Acquisition/Air Compatible Use Zone; Naval Air Station, Oceana and Outlying Landing Field Fentress, Tidewater Area, Virginia."
Projected Date: November 1975.
Subject: Draft EIS for "Easement and Land Acquisition Air Compatible Use Zone; Naval Air Station, Cecil Field and Outlying Landing Field, Whitehouse, Jacksonville, Florida."
Projected Date: November 1975.

U.S. Air Force actions requiring preparation of environmental impact statements:

Statements Under Preparation.

Subject and Projected Date

1. Airborne Warning and Control System (AWACS) Beddown at Tinker AFB, OK, 2nd Quarter FY 76.
2. A-10 Beddown at Davis-Monthan AFB, Arizona, 2nd Quarter FY 76.
3. F-15 Beddown at Holloman AFB, NM, 3rd Quarter FY 76.
4. Mobile Home Court, Wright-Patterson AFB, OH, 2nd Quarter FY 76.
5. Easement Northwest Field, Guam, 3rd Quarter FY 76.
6. Drone Runway, Tyndall AFB, FL, 3rd Quarter FY 76.
7. Proposed Relocation of AFCS and Related Mission, 3rd Quarter FY 76.
8. Consolidated Medical Facility, Altus AFB, OK, 3rd Quarter FY 76.
9. Advanced Airborne Command Post Offutt AFB, Nebraska, 3rd Quarter FY 76.
10. Consolidated Medical Facility, Offutt AFB, Nebraska, 3rd Quarter FY 76.
11. Alteration of Heating Plant, Pease AFB, NM, 4th Quarter FY 76.
12. Air Pollution Control, Heating Plant, Wright-Patterson AFB, OH, 2nd Quarter FY 76.
13. East Coast Weapons Range, NC, 3rd Quarter FY 76.
14. Aeropropulsion System Test Facility, Arnold AFS, TN, 3rd Quarter FY 76.
15. Establishment of Falcon Military Operating Area, NY, 3rd Quarter FY 76.

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-34862 Filed 12-24-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

RCC-TELEPHONE COMPANY INTERCONNECTION

Additional Meetings

DECEMBER 17, 1975.

The Commission's Common Carrier Bureau has scheduled additional meetings concerning interconnection between the wireline telephone companies and the Radio Common Carriers (RCCs), which furnish two-way radiotelephone and one-way signaling service to the public. The meetings will be held on January 7, 8, 14, 15, 16, 26, 27 and 28, 1976. These meetings are in addition to the December 18 and 19 meetings announced in the FCC's November 14, 1975 Public Notice. Accordingly, the schedule of meetings is now as follows:

Wednesday, January 7, (2000 L St.).
Thursday, January 8, (2000 L St.).
Wednesday, January 14, (Room A-110).
Thursday, January 15, (Room 8210).
Friday, January 16, (Room 8210).
Monday, January 26, (Room 8210).
Tuesday, January 27, (Room A-110).
Wednesday, January 28, (Room 8210).

As indicated above, the meetings on January 15, 16, 26 and 28, will be held in Room 8210 of the Commission's offices at 2025 M Street, NW., Washington, D.C. The January 14 and January 27 meetings will be held in Room A-110 of the Commission's Annex at 1229 20th Street, NW., Washington, DC. The meetings on January 7 and 8 will be held at the offices of American Telephone and Telegraph Company, Room 711, 2000 L Street, NW., Washington, D.C. The December 18 meeting will begin at 9:30 a.m. The starting time for each of the other meetings will be determined at the close of the preceding meeting.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-34833 Filed 12-24-75;8:45 am]

FEDERAL POWER COMMISSION

ALABAMA-TENNESSEE NATURAL GAS CO.

[Docket No. RP76-40]

Notice of Proposed PGA Rate Adjustment

DECEMBER 18, 1975.

Take notice that on November 14, 1975, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Thirteenth Revised Sheet No. 3-A. Alabama-Tennessee requests that this revised tariff sheet become effective as of January 1, 1976.

Alabama-Tennessee states that the sole purpose of such revised tariff sheet is to adjust Alabama-Tennessees' rates pursuant to the PGA provisions of Section 20 of the General Terms and Conditions of its tariff to reflect increased rates to become effective on January 1, 1976, to be charged by its sole supplier, Tennessee Gas Pipeline Company.

Alabama-Tennessee states that the revised tariff sheet provides for the following rates:

Rate Schedule	*Thirteenth Revised Sheet No. 3-A*
G-1:	
Demand, (dollars)	3.38
Commodity, (cents)	63.44
SG-1:	
Commodity, (cents)	88.13
I-1:	
Commodity, (cents)	65.44

Alabama-Tennessee also tender for filing Revised Sheet No. 36-H to reduce the minimum notice period in Section 22(d) of the General Terms and Conditions of its tariff from 45 days to 30 days.

Alabama-Tennessee states that copies of the filings have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34863 Filed 12-24-75;8:45 am]

[Docket No. ER76-356]

CENTRAL MAINE POWER CO.

Filing of Service Contract

DECEMBER 18, 1975.

Take notice that on December 11, 1975, the Central Main Power Company (Central Maine) tendered for filing a new service contract with the Town of Madison Department of Electric Works (Madison). Central Maine states that the instant contract succeeds its original contract with Madison which expired October 1, 1975.

Central Maine requests a waiver of the notice requirements of the Commission's Regulations so as to allow an effective date of October 1, 1975. Central Maine

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states that it has sent a copy of this filing to Madison.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34864 Filed 12-24-75;8:45 am]

[Docket No. CP76-154]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

DECEMBER 18, 1975.

Take notice that on November 6, 1975, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25325, filed in Docket No. CP76-154 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Royal China Company (Royal), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Royal has entered into a gas purchase agreement with Petroc Company (Petroc) dated September 30, 1975, by which Royal has agreed to purchase all of the production of natural gas from four of Petroc's gas wells located in Muskingum County, Ohio. It is indicated that Royal has agreed to pay Petroc for three years not less than $1.25 per Mcf of gas initially and not more than $1.50 per Mcf of gas in the event that Applicant pays a field price for gas from new wells in Ohio greater than $1.25 per Mcf.

Applicant would accept delivery of natural gas for the account of Royal in Adams Township, Muskingum County, Ohio, and would deliver such gas to Columbia Gas of Ohio, Inc. (Columbia of Ohio), at an existing point of interconnection. Applicant would transport up to 740 Mcf of gas per day, would transport no gas on a peak day and would transport up to 270,100 Mcf of gas per year for Royal. Applicant states that the proposed transportation service would have no adverse impact on Applicant's ability to provide system-wide deliveries of priority 1 requirements inasmuch as the transportation agreement is said to be expressly subject to the limits of Applicant's pipeline capacity and its service obligations to its existing customers.

The end-use of the gas proposed to be transported is indicated by Applicant to be firing of kilns in which ceramic products are produced, which is alleged by Applicant to be "high priority", or priority 2 or those priority 3 uses that would have been in priority 2 had the gas been purchased on a firm basis.

Applicant would charge Royal a transportation charge for the service said to be equal to Applicant's average systemwide unit storage and transmission costs exclusive of company use and unaccounted for gas. It is indicated that this rate will be 14 cents per Mcf through December 14, 1975. Applicant would retain for company use and as unaccounted for gas 3.6 percent of the volumes of natural gas received from Petroc.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34865 Filed 12-24-75;8:45 am]

[Docket No. RP76-47]

McCULLOCH INTERSTATE GAS CORP.

Proposed Substitute Changes in Rates

DECEMBER 18, 1975.

Take notice that on December 10, 1975, McCulloch Interstate Gas Corporation (McCulloch), tendered for filing First Revised Sheet No. 38 in its FPC Gas Tariff, Original Volume No. 1, containing proposed changes in rates for effectiveness on December 1, 1975.

According to McCulloch, First Revised Sheet No. 38, concerning volumes of gas delivered to McCulloch by Mountain Fuel Supply Company for the account of Colorado Interstate Gas Company from the Spearhead Ranch Area, Converse County, Wyoming, is submitted to adjust the rates originally filed in Docket No. RP75-98 to reflect a reclassification and allocation of the test period cost of service to conform to an inch-mile method of cost allocation to an agreed cost of service; the revised rates, reclassified and allocated accordingly to this method result in a jurisdictional increase of approximately $199,000 annually.

According to McCulloch, copies of the filing were served upon each of the parties in the Docket No. RP75-98 proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34866 Filed 12-24-75;8:45 am]

[Docket No. RP76-355]

NANTAHALA POWER AND LIGHT CO.

Filing of Request for Waiver of Fuel Adjustment Clause Conformity Requirements

DECEMBER 18, 1975.

Take notice that on December 11, 1975, Nantahala Power and Light Company filed a request that the Commission grant an extension of time within which to comply with the provisions of Order No. 517 if those provisions should be held applicable to Nantahala by determination of the Commission in Docket No. E-9181.

Nantahala states in support of its request for waiver the fact that the justness and reasonableness of its purchased power clause is the subject of a pending Commission proceeding (Docket No. E-9181), and that it would serve no useful purpose for Nantahala to file a revised fuel adjustment clause conforming to Order No. 517 while this proceeding is pending.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal

Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34867 Filed 12-24-75;8:45 am]

[Docket No. RB76-46]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Tariff Change

DECEMBER 18, 1975.

Take notice that on December 8, 1975, Natural Gas Pipeline Company of America (Natural) tendered for filing First Revised Sheets No. 426, No. 434 to its FPC Gas Tariff, Second Revised Volume No. 2. Natural states that the purpose of this filing is to revise paragraph 4, Article III of Rate Schedule X-49, a transportation agreement between Natural and Trunkline Gas Company, to reflect an amendment dated November 26, 1975. Natural states that it included in its submittal copies of the amendment. Natural requests an effective date of January 15, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34868 Filed 12-24-75;8:45 am]

[Docket No. RP73-8 (PGA No. 76-4)]

NORTH PENN GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

DECEMBER 18, 1975.

Take notice that North Penn Gas Company (North Penn) on December 8, 1975, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA Clause for rates to be effective January 1, 1976. The proposed rate change will increase jurisdictional revenues based on the twelve-month period ending October 31, 1975, by $416.9 Thousand annually.

North Penn states that the PGA filing was triggered by PGA increases filed by Consolidated Gas Supply Corporation on November 26, 1975, and by Tennessee Gas Pipeline Company on November 14, 1975, both to become effective January 1, 1976.

North Penn is requesting a waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on January 1, 1976.

North Penn states that copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34869 Filed 12-24-75;8:45 am]

[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Petition for Declaratory Order

DECEMBER 18, 1975.

Take notice that on December 16, 1975, Transcontinental Gas Pipe Line Corporation (Transco) filed a petition under Section 1.7(c) of the Commission's Rules of Practice and Procedure for a declaratory order interpreting the "1975-1976 Interim Settlement Agreement", which was approved by Commission order of November 28, 1975, in the above-entitled proceeding. Specifically, Transco seeks a determination of the following question:

"Whether it would be a violation of the purpose and intent of the '1975-1976 Interim Settlement Agreement' herein for Transco to transport emergency natural gas to be purchased by a specific distributor-customer under Section 2.68 of the Commission's General Policy and Interpretations under circumstances where Transco would be physically and legally eligible to purchase or transport such gas under Section 2.68 for the benefit of all of its CD and firm direct customers in accordance with the aforesaid Settlement Agreement."

In its petition, Transco states that one of its customers has tentatively arranged for the emergency purchase of natural gas for 60-days under Section 2.68 of the Commission's General Policy and Interpretations. Under the tentative agreement, the gas would be delivered into Transco's system in Texas for redelivery into the customer's system. However, the arrangement is specifically subject to execution of a transportation agreement, which has not been executed pending the outcome of this petition. Transco also states that it has discussed with the producer the direct purchase of the subject gas supply; but, because of the price justification problem, Transco has not determined the manner in which it would obtain the gas. Transco further states that it is not aware of any other active competitor for the gas. Under those circumstances, Transco questions whether it would violate the approved Settlement Agreement, if it agreed to transport the gas for its customer under Section 2.68.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of answers to the petition. Therefore, any person desiring to be heard with reference to this petition should file an answer thereto on or before December 29, 1975, with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.9). All answers filed with the Commission will be considered by it in determining the appropriate action to be taken on the petition.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34870 Filed 12-24-75;8:45 am]

[Docket No. RP75-74]

TRANSWESTERN PIPE LINE CO.

Further Extension of Procedural Dates

DECEMBER 18, 1975.

On December 15, 1975, Southern California Gas Company and Pacific Lighting Company jointly filed a motion to extend the procedural dates fixed by order issued April 30, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Intervenor Testimony, December 30, 1975.
Service of Company, Rebuttal, January 12, 1976.
Hearing, February 3, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34871 Filed 12-24-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-TA-20]

CERTAIN BISMUTH MOLYBDATE CATALYSTS

Notice of Continued Prehearing Conference and of Hearing

Notice is hereby given that, in order to permit the parties additional time to obtain discovery in connection with United

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States International Trade Commission investigation No. 337-TA-20, Certain Bismuth Molybdate Catalysts, the prehearing conference held on December 16, 1975 will be continued on Monday, February 2, 1976, at 10:00 a.m., EST, in the United States International Trade Commission Building, 701 E. Street Northwest, Washington, D.C.

On or before January 22, 1976, each participant should serve any of the following documents on the Administrative Law Judge and all known parties:

1. Motions pertaining to the scope of the proceeding.
2. A statement of the issues and sub-issues in this proceeding.
3. A statement of the participant's position on each of the proposed.
4. Proposed stipulations.
5. Requests for information.
6. A statement describing the evidence each participant proposes to present at the hearing, relating such evidence to each of the issues and sub-issues.
7. Proposed procedural dates.
8. A proposed agenda for the prehearing conference.

Replies to the items listed above should be served on or before January 29, 1976.

Notice is also given that a public hearing will be held pursuant to Section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), at 10:00 a.m., EST, on February 9, 1976, in the United States International Trade Commission Building, 701 E Street Northwest, Washington, D.C., for the purpose of determining whether there is reason to believe that a violation of section 337 exists and, if so, whether or not a temporary order of exclusion or a cease and desist order should be issued.

Issued: December 18, 1975.

MYRON R. RENICK,
Administrative Law Judge.

[FR Doc.75-34875 Filed 12-24-75;8:45 am]

[AA1921-Inq.-3]

PORTLAND HYDRAULIC CEMENT, OTHER THAN WHITE NONSTAINING CEMENT, FROM MEXICO

Commission Does Not Determine "No Reasonable Indication of Injury"

DECEMBER 18, 1975.

On November 18, 1975, the United States International Trade Commission received advice from the Department of the Treasury that, in accordance with section 201(a) of the Antidumping Act, 1921, as amended, an antidumping investigation was being initiated with respect to portland hydraulic cement, other than white nonstaining cement, from Mexico, and that, pursuant to section 201(c) of the act, information developed during the preliminary investigation led to the conclusion that there is substantial doubt whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such cement from Mexico into the United States. Accordingly, on November 20, 1975, the Commission instituted inquiry No. AA1921-Inq.-3 under section 201(c)(2) of the act to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on December 5, 1975, in El Paso, Texas. Notice of the institution of the inquiry and hearing was duly given by posting copies of the notice at the Secretary's office in the Commission in Washington, D.C., and at the Commission's office in New York, and by publishing the original notice in the FEDERAL REGISTER of November 26, 1975 (40 F.R. 54883).

The Treasury Department instituted its investigation after receiving a complaint on October 16, 1975, from Southwestern Portland Cement Co. of El Paso, Texas. Treasury's notice of its antidumping proceeding was published in the FEDERAL REGISTER of November 21, 1975 (40 F.R. 54287).

On the basis of its inquiry with respect to imports of portland hydraulic cement, other than white nonstaining cement, from Mexico—the subject of the antidumping investigation initiated by the Department of the Treasury—the Commission (Commissioners Leonard, Moore, Bedell, and Parker)[1] does not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

STATEMENT OF REASONS OF CHAIRMAN WILL E. LEONARD AND COMMISSIONERS CATHERINE BEDELL AND JOSEPH O. PARKER

The United States International Trade Commission instituted inquiry No. AA1921-Inq.-3 under section 201(c)(2) of the Antidumping Act, 1921(on November 20, 1975; this is the third such investigation under this new section, which was added to the Antidumping Act by the Trade Act of 1974. The purpose of this inquiry was to determine whether "there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation" into the United States of portland hydraulic cement, other than white nonstaining cement, from Mexico, possibly sold at less than fair value. Such cement from Mexico is the subject of a pending Department of the Treasury investigation under section 201(a) of the Antidumping Act, 1921.

[1] Commissioner Abiondi does not determine that "there is no reasonable indication that an industry in the United States . . . is likely to be injured. . . ." Commissioner Minchew determines that "there is no reasonable indication that an industry in the United States is being or its likely to be injured, or is prevented from being established. . . ."

DETERMINATION [1]

On the basis of the information developed with respect to this inquiry, we do not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of portland hydraulic cement, other than white nonstaining cement, from Mexico. As a result of this determination by the Commission, the Treasury may proceed with its pending investigation.

DISCUSSION

U.S. production and shipments of portland cement decreased in 1974 and 1975 after reaching a peak in 1973—a pattern generally parallel to the trend of U.S. building construction over the period. U.S. imports of portland cement from all countries also reached a peak in 1973 and declined thereafter. Imports of portland cement from Mexico reached a high point in 1972 and declined in subsequent periods. However, imports of portland cement from Mexico which entered the United States through the port of El Paso, Texas—the imports which appear to be the focus of the complaint before Treasury—did not follow this pattern; in fact they increased from about 5,000 short tons in January-September 1974 to about 9,000 short tons in the corresponding period of 1975. These imports were sold in the marketing area of southeastern Arizona, New Mexico, and southwestern Texas.

During January-May 1975, imports of portland cement from Mexico through the port of El Paso, virtually all of which were shipped in sacks, were sold at prices which were about 15 percent less than the prices of U.S. producers. According to the preliminary data reported by Treasury, this margin of underselling could be accounted for by the alleged dumping margins. In May 1975, the U.S. cement producer which supplied the great bulk of total sales in the marketing region in question reduced its price in order to compete with the imports from Mexico. This action may have resulted in a loss in revenue of approximately $75,000 for this U.S. cement producer on its sales of cement in sacks during May-November 1975. The Commission also verified that certain customers of U.S. cement producers purchased cement imported from Mexico during January-November 1975.

[1] Commissioner Leonard considers that before making a determination of "no reasonable indication," an affirmative determination under sec. 201(c)(2), the allegations made by the complainant before the Treasury and the information available as a result of the Commission's inquiry must reveal the issues of injury and causation to be so clearly lacking in substance that the resources of the Government should not be used to any further extent in considering the matter, and that trade should not be disrupted further by such consideration.

As stated above, virtually all of the U.S. imports of cement from Mexico through the port of El Paso were shipped in sacks. However, testimony given at the Commission's hearing in connection with this inquiry indicated that a Mexican producer of the cement which is allegedly being sold at less than fair value intends and is making a concerted effort to sell bulk cement in the market area considered here. Sales of bulk cement constitute approximately 90 percent of the total sales of cement in this market. The Mexican producer operates a plant of 115,000 tons annual capacity directly across the U.S. border from El Paso and a larger plant of 261,000 tons annual capacity, both in the State of Chihuahua.[1]

CONCLUSION

In our judgment, the evidence developed in this inquiry is sufficient to preclude a determination that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of imports of portland hydraulic cement from Mexico possibly sold at less than fair value.

STATEMENT OF REASONS OF VICE CHAIRMAN DANIEL MINCHEW

In accordance with new provisions of the Antidumping Act, 1921,[1] the United States Department of the Treasury (Treasury) notified the United States International Trade Commission (Commission) on November 18, 1975, that it had "substantial doubt whether" a U.S. industry "is being, or is likely to be, injured or prevented from being established by reason of importation" of portland hydraulic cement, other than white nonstaining cement, from Mexico (portland cement). On November 20, 1975, pursuant to its responsibilities under section 201(c) of the Antidumping Act, 1921, as amended, the Commission instituted a preliminary investigation to determine whether "there is no reasonable indication" that a U.S. industry "is being or is likely to be injured, or is prevented from being established, by reason of the importation" of portland cement from Mexico.

Under the statute, the Commission is required to complete its investigation within 30 days from receipt of notification by Treasury and, for purposes of preliminary investigations, to consider only the question of injury or likelihood of injury caused by less than fair value (LTFV) sales. On the basis of the information available from the Treasury, the Commission hearing record, the materials submitted by the parties, and other data obtained during the Commission's investigation, I have concluded that there is no reasonable indication that "an industry in the United States is being or is likely to be injured . . . by the importation" of portland cement from Mexico.

In determining whether "there is no reasonable indication" of injury or likelihood of injury caused by LTFV imports, it is necessary to determine that none of the usual indexes of injury are being met. In making this determination, I will look at the various aspects of injury, including but not limited to such things as idling of productive facilities in the industry, inability of domestic industry firms to operate at a reasonable level of profit, unemployment or underemployment within the industry, decline in sales, a higher and growing inventory, and a downward trend in production, profits, wages, or employment in the domestic industry concerned. However, very little guidance is obtained from the statute as to how high or how low the threshold of "reasonable indication" should be. For me, the threshold will have to be higher than one so low that even the weakest cases are returned to Treasury. The legislative intent of the enactment stated at page 171 of Senate Report 93-1298 is as follows:

> The amendment is designed to eliminate unnecessary and costly investigations which are an administrative burden and an impediment to trade.

For the purpose of the present investigation, I have looked at the U.S. industry as a whole. However, since the El Paso, Texas, marketing area is very close to the foreign source, and since the imported portland cement cannot be economically transported great distances, I am asuming that if a reasonable indication of injury were to be found anywhere, it would be evident in the El Paso, Texas, marketing area. If this area does not meet the threshold requirements, I have little reason to believe that injury is being sustained elsewhere. Southwestern's El Paso plant has traditionally supplied 90 to 95 percent of the cement consumed in the marketing area and has provided evidence that in order to meet the market threat of Cementos de Chihuahua (CDC) it has been forced to reduce prices, with a resultant net loss of revenue in the months of May-November 1975 in the amount of $76,916. From the data available to me in the present case, the strongest indication of injury or likelihood of injury is this loss of revenue resulting from meeting the competition's price. Despite this loss of potential revenue, that alone does not establish a "reasonable indication" of injury or likelihood of injury except in instances of an almost meaninglessly low threshold (without indications that profits were seriously reduced).

While Southwestern has been forced to reduce prices, it has succeeded in regaining lost sales at the lower prices without the idling of productive facilities or loss of employment. The petitioner, the dominant producer in the area, enjoys a near-captive market for portland cement in the El Paso, Texas, marketing area, and for me the standard for injury or a likelihood of injury must be more than having to lower the price on a very small portion of the business[1] when a new competitor enters the marketing area.

The petitioner has produced some evidence that CDC has attempted to penetrate the bulk sales market by actions which might be considered unfair trade practices. Thus far, we have evidence only of attempts which have failed. Without establishing a reasonable indication that CDC can succeed in penetrating the domestic market, I do not feel that we should continue the investigation.

This determination, if it had represented a majority of the vote in the present case, would have resulted in the termination of this investigation. However, there is no statutory prohibition nor any regulation or proposed regulation of Treasury that would prevent the domestic industry from filing a new petition at any time in the future should evidence of injury or its likelihood be developed. Nor would termination of this investigation prejudice the petitioner from-filing an unfair trade practice petition under section 337(a) of the Tariff Act of 1930, as amended, should evidence be found that CDC is acting improperly in attempting to enter the market.

The petitioner has produced some evidence that CDC has attempted to penetrate the bulk sales market by actions which might be considered unfair trade practices. Thus far, we have evidence only of attempts which have failed. Without establishing a reasonable indication that CDC can succeed in penetrating the domestic market, I do not feel that we should continue the investigation.

This determination, if it had represented a majority of the vote in the

[1] Commissioner Abiondi concurs with the Commission opinion as set forth here inasmuch as the U.S. industry in this region may be threatened with injury if the Mexican producer gains entry into the market for bulk cement by means of sales at less than fair value.

[1] 19 U.S.C. 160. The relevant amendment to the Antidumping Act was made in sec. 321 of the Trade Act of 1974 (88 Stat. 2044 (1974)), amending sec. 201 of the Antidumping Act. The relevant language reads as follows:

> (2) If in the course of making a determination under paragraph (1) the Secretary concludes, from the information available to him, that there is substantial doubt whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, he shall forward to the Commission the reasons for such substantial doubt and a preliminary indication, based upon whatever price information is available, concerning possible sales at less than fair value, including possible margins of dumping and the volume of trade. If within thirty days after receipt of such information from the Secretary, the Commission, after conducting such inquiry as it deems appropriate, determines there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States, it shall advise the Secretary of its determination and any investigation under subsection (b) then in progress shall be terminated.

[1] Southwestern was required to lower prices by approximately 10 percent on sack portland cement. This sack portland cement constitutes approximately 10 percent of the production of cement by Southwestern.

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vironmental Report, pursuant to Section purpose of an antitrust review of the Report (PSAR) pursuant to § 2.101 of

present case, would have resulted in the termination of this investigation. However, there is no statutory prohibition nor any regulation or proposed regulation of Treasury that would prevent the domestic industry from filing a new petition at any time in the future should evidence of injury or its likelihood be developed. Nor would termination of this investigation prejudice the petitioner from filing an unfair trade practice petition under section 337(a) of the Tariff Act of 1930, as amended, should evidence be found that CDC is acting improperly in attempting to enter the market.

By order of the Commission.

Issued: December 22, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-34874 Filed 12-24-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

ADVISORY COMMITTEE EDUCATION PANEL

Meeting

DECEMBER 15, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Education Panel will convene at 9:00 a.m. both days at Washington, D.C., on January 15 and 16, 1976.

The purpose of the meeting is to review Planning applications submitted to the National Endowment for the Humanities for grants to educational institutions and non-profit organizations.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.75-34875 Filed 12-24-75;8:45 am]

ADVISORY COMMITTEE EDUCATION PANEL

Meeting

DECEMBER 16, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Education Panuel will meet at 9 a.m. to 1 p.m., Washington, D.C., on January 23, 1976.

The purpose of the meeting is to review Development Grant Program applications submitted to the National Endowment for the Humanities for grants to educational institutions and non-profit organizations.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation on the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.75-34773 Filed 12-24-75;8:45 am]

ADVISORY COMMITTEE FELLOWSHIPS PANEL

Meeting

DECEMBER 18, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Fellowships Panel originally scheduled for December 20, 1975, and announced in the FEDERAL REGISTER on November 18, 1975, has been rescheduled for January 9, 1975, from 9:00 a.m. to 5:30 p.m.

The purpose of the meeting is to review Fellowships in Residence for College Teachers applications submitted to the National Endowment for the Humanities for 1976-1977 fellowship grants.

Because the proposed meeting will consinder financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall wtihin exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information get in touch with the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.75-34772 Filed 12-24-75;8:45 am]

ADVISORY COMMITTEE PLANNING OFFICE PANEL

Meeting

DECEMBER 11, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Planning Office Panel will meet at Washington, D.C., on January 15 and 16, 1976 from 9:00 AM to 9:30 PM.

The purpose of the meeting is to review Youthgrants in the Humanities applications submitted to the National Endowment for the Humanities for project grant awards.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Panel.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call area code (202) 382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.75-34771 Filed 12-24-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. P-558-A]

SAN DIEGO GAS AND ELECTRIC CO.

Notice of Receipt of Partial Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

The San Diego Gas and Electric Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated October 29, 1975, in connection with their plans to construct and operate two generating units utilizing two pressurized water reactors. Each reactor will be designed for initial operation at approximately 2800 megawatts thermal, with a net electrical output of approximately 900 megawatts. The facility, designated as the Sundesert Nuclear Plant, Units 1 and 2, will be located in Riverside County, California, about 16 miles southwest of Blythe, California, and 50 miles north-northwest of Yuma, Arizona. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to Section 2.101 of Part 2, is expected to be filed in July, 1976. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

The San Diego Gas and Electric Company has invited other Southern California utilities to participate in the ownership and capacity of these units. As utilities indicate their interest, additional antitrust information will be submitted for them.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555; the Palo Verde Valley District Library, 125 West Chanslorway, Blythe, California 92255; the Federal Archives and Records Center, 24000 Avila Road, Laguna, California 92677; and the U.S. Nuclear Regulatory Commission, Region V, Inspection and Enforcement, 1990 North California Boulevard, Walnut Creek, California 94596. Docket No. P-558-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation on or before February 3, 1976.

Dated at Bethesda, Maryland, this 1st day of December, 1975.

For the Nuclear Regulatory Commission.

ROBERT A. CLARK,
Chief Gas Cooled Reactors Branch Division of Reactor Licensing.

[FR Doc.75-32815 Filed 12-24-75;8:45 am]

[Docket No. 50-549]

POWER AUTHORITY OF THE STATE OF NEW YORK

Receipt of Partial Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters

Power Authority of the State of New York (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed a part of an application dated July 25, 1975, in connection with their plans to construct and operate a reactor in Greene County, New York, Greene County Nuclear Power Plant (the facility), will be a pressurized water reactor designed for operation at 3600 thermal megawatts with a net electrical output of approximately 1273 megawatts, This portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

In addition, the general information portion of the application and the Environmental Report were docketed on September 15, 1975, but without the full Preliminary Safety Analysis Report in accordance with 10 CFR 2.101. The Preliminary Safety Analysis Report was tendered but initially rejected and is expected to be re-submitted for docketing in the near future. A separate notice of receipt for this remaining portion will be published at that time. A notice of hearing is also being published separately dealing with radiological health and safety and environmental matters.

Copies of the individual portions of the application, as noted above, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Catskill Public Library, Franklin Street, Catskill, New York 12414.

Docket No. 50-549-A has been assigned to this antitrust portion of the application and it should be referenced in any correspondence relating to it. Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before February 6, 1976.

Dated at Bethesda, Maryland, this 19th day of November 1975.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Light Water Reactors Branch 2-3, Division of Reactor Licensing.

[FR Doc.75-32702 Filed 12-3-75;8:45 am]

[Docket No. P-564-A]

PACIFIC GAS AND ELECTRIC CO.

Receipt of Partial Application for Construction Permits and Facility License: Time For Submission of Views on Antitrust Matters

Pacific Gas and Electric Company (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated August 14, 1975, in connection with their plans to construct and operate two reactors in Stanislaus County, California. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portions of the application consisting of an Environmental Report and the Preliminary Safety Analysis Report (PSAR) pursuant to § 2.101 of Part 2, are expected to be filed in September 1976 and April 1977, respectively. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application will be available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Local Public Document Room, Stanislaus County Free Library, 1500 I Street, Modesto, California 95345. Docket No. P-564-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before January 30, 1976.

Dated at Bethesda, Maryland, this 21st day of November 1975.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Light Water Reactors Branch 2-3 Division of Reactor Licensing.

[FR Doc.75-32093 Filed 12-3-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Public Meeting

Pursuant to Public Law 92-463, notice is hereby given of a panel of the Business Advisory Council on Federal Reports to be held in Room 4203, New Executive Office Building, 17th Street between Pennsylvania Avenue and H Street, NW., Washington, D.C., on Thursday, January 15, 1976, starting at 2:00 p.m.

The purpose of the meeting is to advise the Statistical Policy Division of the Office of Management and Budget concerning reporting problems associated with a survey on causal factors in selected worker accidents proposed by the National Institute for Occupational Safety and Health (NIOSH). The meeting will be open to public observation and participation.

Further information regarding the meeting may be obtained from the Statistical Policy Division, Office of Management and Budget, Room 10208, New Executive Office Building, Washington, D.C., telephone (202) 395-5867.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.75-34759 Filed 12-24-75;8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DISTRICT OF COLUMBIA DEVELOPMENTAL PLAN

Resubmission of Plan and Availability for Public Comment

1. *Submission and description of plan.* On March 2, 1973, a notice was published in the FEDERAL REGISTER (38 FR 5702) concerning the submission of an occupational safety and health plan for the District of Columbia and inviting public comment on the plan. On April 17, 1973, a notice was published in the FEDERAL REGISTER (38 FR 9540) announcing that on May 9, 1973, an informal hearing would be held on the plan. At that time, serious questions were raised involving certain aspects of the plan which put in issue not only the approval, but possible rejection of the plan. Since that time, the plan and the proposed enabling legislation has been substantially modified to provide for civil rather than criminal enforcement sanctions. As a result of this modification, the District of Columbia resubmitted the plan on August 6, 1975. The Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) has preliminarily reviewed the plan and hereby gives notice that the question of its approval is now in issue before him.

The plan designates the Minimum Wage and Industrial Safety Board, Industrial Safety Division (hereinafter referred to as the Designee) as the agency responsible for administering the Plan throughout the District. It proposes to define issues covered by it as defined by the Assistant Secretary in 29 CFR 1902.2 (c) (1) excluding the following: § 1910.13 Ship repairing, § 1910.14 Shipbuilding, § 1910.15 Shipbreaking, § 1910.16 Longshoring, § 1910.19 Asbestos dust, § 1910.-214 Cooperage machinery, § 1910.216 Mills and calendars in the rubber and plastics industries, § 1910.218 Forging machines, § 1910.261 Pulp paper and paperboard mills, § 1910.262 Textiles, § 1910.265 Sawmills, § 1910.266 Pulpwood logging and § 1910.267 Agricultural operations. The Plan provides for the development and promulgation of occupational safety and health standards which are at least as effective as the Federal standards or changes thereto.

Set forth in the proposed plan is a timetable providing for enactment of enabling legislation and the future drafting of various rules, regulations, and procedures. Included in the plan is a statement of the Mayor's support for the proposed legislation and a statement of legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the laws of the District of Columbia. All personnel under the plan are covered by an existing merit system. Also included are assurances for the potection of trade secrets and a provision to protect employees against unwarranted discharge and discrimination.

2. *Location of plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3112, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Regional Administrator, Occupational Safety and Health Administration, Room 15220, Gateway Center, 3535 Market Street, Philadelphia, Pennsylvania 19104; Minimum Wage and Industrial Safety Board, Industrial Safety Division, 2900 Newton Street, N.E., Washington, D.C. 20018.

3. *Public participation.* Interested persons are hereby given until January 28, 1976 in which to submit to the Assistant Secretary written data, views, and arguments concerning the Plan. The submissions are to be addressed to the Associate Assistant Secretary for Regional Programs, Room N-3112, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210. The written comments will be available for public inspection and copying at the above address.

Any interested person(s) may request an informal hearing concerning the proposed Plan or any part thereof whenever particularized written objections thereto are filed by January 28, 1976. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the Plan.

Signed at Washington, D.C., this 19th day of December, 1975.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.75-34896 Filed 12-24-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 939]

Assignment of Hearings

DECEMBER 22, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. 36188, Idaho Rail Freight Rates And Charges, 1975, now assigned January 6, 1976, at Boise, Idaho, will be held in Room 214, Federal Bankruptcy Courtroom, 8th & Bannock Street.

MC 141062, Door-To-Door Limousine, Inc., now assigned January 7, 1976, at Hartford, Connecticut, will be held in Room 201, U.S. Post Office Bldg., 135 High Street.

MC 128932 Sub-9, Robert L. Torrans, DBA, Commercial Storage & Distribution Co., now assigned January 13, 1976, at Baton Rouge, Louisiana, will be held in the Auditorium One American Place, 4th & North Street.

MC 1450 Sub-7, Royal Motor Express, Inc., now assigned January 13, 1976, at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 140621 Sub-1, K S I Farm Lines Co-Op, Inc., now assigned January 14, 1976, at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

FF-84 Sub-1, C. S. Greene And Company, Inc., and FF-434 Sub-1, Transconex, Inc., now assigned January 19, 1976, at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 127900 Sub-2, Groome Transportation, Inc., now assigned January 28, 1976, at Richmond, Virginia, will be held in Room 1035, Federal Bldg.

MC 136313 Sub-9, Builders Transport, Inc., now assigned January 20, 1976, at Portland, Oregon, is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-34912 Filed 12-24-75;8:45 am]

[Notice No. 147]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before January 19, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76127. By order of December 19, 1975 the Motor Carrier Board approved the transfer to MC & N Transport, Inc., Arnold, Nebraska, of Certificate No. MC 136870 issued February 3, 1975, to George D. Best, Eva Best Executrix, Eva Best and Margaret Wilcox, A partnership, D/B/A Best and Wilcox, Arnold, Nebraska, authorizing the transportation of petroleum and petroleum products, in bulk, in tank vehicles, from Phillipsburg, Kans., to Dunning, Callaway, Arnold and Oconto, Nebr. Tedd C. Huston, 426 South 10th, Broken Bow, Nebraska 68822, Attorney for Applicants.

No. MC-FC-76265. By order entered December 19, 1975 the Motor Carrier Board approved the transfer to Athens Transportation System, Inc., Concord, Calif., of Certificate of Registration No. MC 121321 (Sub-No. 1), issued March 10, 1964, to Bonded Draying Service, a corporation (Internal Revenue Service, Successor-in-Interest), San Francisco, Calif., evidencing a rights to engage in transportation, in interstate or foreign commerce, of general commodities, between specified points in California. Daniel W. Baker, 100 Pine St., Suite 2550, San Francisco, Calif. 94111, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-34914 Filed 12-24-75;8:45 am]

[Notice No. 145]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

No. MC 1924 (Sub-No. 10TA), filed December 11, 1975. Applicant: WALLACE-COLVILLE MOTOR FREIGHT, INC., 400 North Sycamore, Spokane, Wash. 99220. Applicant's representative: Michael B. Crutcher, 2000 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (with normal exceptions), but including Classes A and B explosives, between Spokane, Wash., and Lewiston, Idaho, and their commercial zones, including the intermediate and off-route points of Colfax, Pullman and Clarkston, Wash., and Moscow, Idaho. Applicant intends to tack and interline with other carriers at Spokane, Wash., for 180 days. Supporting shipper: This application is supported by more than 150 supporting shippers. The letters may be inspected at the Interstate Commerce Commission office in Washington, D.C., or the Seattle office. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 51146 (Sub-No. 454TA), filed December 12, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway St. Green Bay, Wis. 54304. Applicant's representative Neil A. DuJardin, Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *Rolls of paper* (a) from West Point, Va., to Toledo, Ohio and (b) from Crossett, Ark., to Sibley, Iowa; and *Paper bags*, from Hudson Falls, N.Y., to Mechanicsburg, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Chase Bag Company, 314 Commerce Drive, Oak Brook, Ill. 60521. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53023.

No. MC 107403 (Sub-No. 958TA), filed December 9, 1975. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed clay* for catalyzing, in bulk, in tank vehicles, from Houston, Tex., to Goodhope, Merauz and Chalmete, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Filtrol Corporation, 3250 E. Washington Blvd., Los Angeles, Calif. 90023. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 107496 (Sub-No. 1013TA), filed December 12, 1975. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid foundry facings*, in bulk, in tank vehicles, from Highland, Ind., to Kansas City, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Thermium, Inc., 2550 Industrial Highway, Highland, Ind., 46322. Send protests: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 110563 (Sub-No. 162TA) (Correction), filed December 3, 1975, published in the FEDERAL REGISTER issue of December 16, 1975, and republished as corrected this issue. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Bldg., Sidney, Ohio 54365. Applicant's representative: John L. Maurer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Booker, Tex., to points in California, namely, San LeAndro, Richmond and Los Angeles, for 180 days. Masters Dressed Beef, d/b/a Booker Custom Packing Co., Box 290, Booker, Tex. 79005. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604. The purpose of this republication is to correct the territorial description.

No. MC 113908 (Sub-No. 360TA), filed December 12, 1975. Applicant. ERICKSON TRANSPORT CORPORATION, 2105 East Dale St., P.O. Box 3108 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brandy, neutral spirits, distilled spirits and alcohol*, in bulk, from Roberta, Ga., to Dayton, Scobeyville, N.J., and Peoria, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Monarch Wine Company of Georgia, P.O. Box 6847. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 117165 (Sub-No. 38TA), filed December 12, 1975. Applicant: ST. LOUIS FREIGHT LINES, INC., 1000 Michigan Ave., P.O. Box 128, St. Louis, Mich. 48880. Applicant's representative: Martin J. Leavitt, P.O. Box 400, 22375 Haggerty Road, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, ply-*

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wood, accessories and materials used in the installation and sale thereof, from the plant and warehouse sites of Abitibi Corporation, in Lucas County, Ohio, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Abitibi Corporation, 3250 West Big Beaver Road, Troy, Mich. 48084. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 117427 (Sub-No. 69TA), filed December 15, 1975. Applicant: G. G. PARSONS TRUCKING CO., P.O. Box 1085, North Wilkesboro, N.C. 28659. Applicant's representative: Francis J. Ortman,, 1100 17th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, accessories and materials* used in the installation and sale thereof, from the plant and warehouse sites of Abitibi Corporation, in Lucas County, Ohio, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Abitibi Corporation, 3250 W. Big Beaver Road, Troy, Mich. 48084. Send protests to: Terrell Price, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 124078 (Sub-No. 671TA), filed December 8, 1975. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 St., Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone*, from the plantsite of Cowan Stone Co., Franklin County, Tenn., to points in Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cowan Stone Co., P.O. Box 337, Cowan, Tenn. 37318. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 124887 (Sub-No. 21TA), filed December 11, 1975. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, accessories and materials* used in the installation and sale thereof, from points in Lucas County, Ohio, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and Texas, for 180 days. Supporting shipper: Abitibi Corporation, 3250 W. Big Beaver Road, Troy, Mich. 48084. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 128866 (Sub-No. 57TA), filed December 15, 1975. Applicant: B & B TRUCKING, INC., P.O. Box 2830, 9 Brade Lane, Cherry Hill, N.J. 08034. Applicant's representative: J. Michael Farrell, 1725 K St. NW., No. 814, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum food containers*, from the plantsites of Penny Plate, Inc., (1) at Atkins and Searcy, Ark., to Fresno, Calif.; Elk Grove, Glenview, and Oak Park, Ill.; Fort Wayne, Ind.; Livonia and Mount Clemons, Mich.; and Darien, Wis.; (2) at Cherry Hill, N.J., and Deerfield, Ill., to Fort Wayne, Ind., and Mount Clemens, Mich.; (3) at Cherry Hill, N.J., to Atkins, Ark.; Wilmington, Del.; Elk Grove Village, Ill.; and Greensboro, N.C.; (4) at Deerfield, Ill., to Atkins, Ark., under a continuing contract with Penny Plate, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Penny Plate, Inc., P.O. Box 2830, Haddonfield, N.J. 08033. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 128988 (Sub-No. 75TA), filed December 9, 1975. Applicant: JO/KEL, INC., 159 South Seventh Ave., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives and household goods as defined by the Commission, from the facilities of Westinghouse Electric Corporation, at or near Sidney, Ohio, to points in Arizona, California, Nevada, Oregon, and Washington. Restrictions: Restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment. Further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation, of Pittsburgh, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Westinghouse Electric Corporation, RD No. 5 Leger Road, North Huntingdon, Pa. 15642. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 128988 (Sub-No. 76TA), filed December 10, 1975. Applicant: JO/KEL, INC., 159 South Seventh Ave., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Outdoor lighting fixtures*, from the facilities of Westinghouse Electric Corporation, at or near Cleveland, Ohio, to points in Arizona, California, Nevada, Oregon, and Washington. Restrictions: Restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment. Further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa., for 180 days. Supporting shipper: Westinghouse Electric Corporation, Rd No. 5 Leger Road, North Huntingdon, Pa. 15642. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 129897 (Sub-No. 4TA), filed December 9, 1975. Applicant: M.S.B.P., INC., P.O. Box 904, Council Bluffs, Iowa 51501. Applicant's representative: Gailyn L. Larsen, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hide trimmings and tails*, from Meridian, Miss., and Tupelo, Miss., and the facilities of A. C. Lawrence Leather Company, at or near Hazelwood, N.C., to Chicago, Ill., and Oak Creek, Wis., under a continuing contract with Mid-States By-Products Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Clyde A. Huddle, Mid-States By-Products Company, 504 North Jackson, Papillion, Nebr. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 134551 (Sub-No. 8TA), filed December 11, 1975. Applicant: LANTER REFRIGERATED DISTRIBUTING CO., No. 3 Caine Drive, Madison, Ill. 62060. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products* and articles distributed by meat packinghouses as described in Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Memphis, Tenn., Madison and East St. Louis, Ill., on the one hand, and, on the other points in Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dwight L. Helm, Distribution Coordinator, John Morrell & Co., 208 S. LaSalle St., Chicago, Ill. 60604. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 135384 (Sub-No. 17TA), filed December 11, 1975. Applicant: SPECIALIZED TRUCK SERVICE, INC.,

Highway 81 & Interstate 75, McDonough, Ga. 30253. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, related advertising material, and empty malt beverage containers*, between Pabst, Houston County, Ga., and points in Maryland, Ohio, Wisconsin, Illinois, Indiana, Iowa, Michigan and Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pabst Brewing Company, Ga. Highway Spur No. 247, Perry, Ga. 31069. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 135828 (Sub-No. 1TA), filed December 15, 1975. Applicant: PEACE BRIDGE BROKERAGE LIMITED, 33 Walnut St., Fort Erie, Ontario, Canada. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court St., Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) in express service, between the port of entry on the International Boundary near Wellesley Island, N.Y., on the one hand, and, on the other, Wellesley Island, N.Y., restricted to the transportation of shipments originating at or destined to points in Canada and further restricted to the transportation of express shipments weighing 50 pounds or less in same day service, from any one consignor to any one consignee on any one day. Applicant intends to tack its existing authority with United Parcel Service MC 116200, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: There are approximately 10 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 910 Federal Bldg., 111 West Huron St., Buffalo, N.Y. 14202.

No. MC 135881 (Sub-No. 8TA), filed December 9, 1975. Applicant: GARDNER TRUCKING CO., INC., 320 Woodlawn, Walterboro, S.C. 29488. Applicant's representative: Theodore Polydroff, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chains and related attachments; electric welders; and materials and supplies*, used in connection with electric welders, from the plantsites and shipping facilities of Teledyne McKay, at or near Waukesha, Wis., and York, Pa., to Tulsa and Oklahoma City, Okla.; Jackson, Hattiesburg and Tupelo, Miss.; Jonesboro, Ark.; Shreveport, Baton Rouge and New Orleans, La.; Phoenix, and Tucson, Ariz.; Santa Fe and Albuquerque, N. Mex.; Spokane and Seattle, Wash.; Billings, Mont.; Boise and Pocatello, Idaho; Astoria, Oreg.; and to points in Texas and California, under a continuing contract or contracts with Teledyne McKay, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Teledyne McKay, P.O. Box 1509, York, Pa. 17405. Send protests to: E. E. Strothcld, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 136228 (Sub-No. 13TA), filed December 12, 1975. Applicant: LUISI TRUCK LINES, INC., P.O. Box 606, Milton-Frewater, Oreg. 97214. Applicant's representative: Philip Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meat*, from Wallula, Wash., to Eureka, Yuba City, San Jose, San Leandro, Oakland, San Francisco and Los Angeles, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Columbia Foods, Inc., P.O. Bx 926, Pasco, Wash. 99301. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 136371 Sub-No. 18TA, filed December 10, 1975. Applicant: CONCORD TRICKING CO., INC., 1 Scout Avenue, South Kearny, N.J. 07032. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are dealt in or used by discount department stores, between the facilities of Gaylords National Corp., at points in the New York, N.Y. Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Chickasaw, Dothan, Mobile, Montgomery, Tuscaloosa, Ala.; Dover, Newark, Wilmington, New Castle, Del.; Ft. Walton Beach, Panama City, Fla.; Columbus, Ga.; Aurora, Joliet, Ill.; Arabi, Hovma, Metairie, La.; Fayetteville, N.C.; Barberton, Canton, Cleveland, Euclid, Lorain, Ohio; Butler, Beaver Falls, Baden, Hazelton, New Castle, New Kensington, Washington, Pa.; Gulfport, Meridian, Miss., under continuing contract or contracts with Gaylords National Corp., for 180 days. Supporting shipper: Gaylords National Corporation, 10 Enterprise Ave., Secaucus, N.J. 08094. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 136464 (Sub-No. 18TA), filed December 8, 1975. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, P.O. Box 3961, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, 303 N. Frederick Ave., Gathersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hosiery and apparel, and materials, equipment and supplies*, used in the manufacture and sale of hosiery and apparels, (a) from Hartsville and Marion, S.C., and from points in North Carolina, to Las Cruces, N. Mex., and (b) from Las Cruces, N. Mex., to Winston-Salem, N.C., restricted to transportation service to be performed under a continuing contract or contracts with L'eggs Products, Inc., for 180 days. Supporting shipper: L'eggs Products, Inc., Box 2495, Winston-Salem, N.C. 27102. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC-516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 136899 (Sub-No. 15TA), filed December 12, 1975. Applicant: HIGGINS TRANSPORTATION LTD., 1165 E. Haseltine St., Richland Center, Wis. 53581. Applicant's representative: Wayne W. Wilson, 329 W. Wilson St., Madison, Wis. 53701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and machinery and parts and accessories thereof*, from Muscoda, Wis., and Harvard, Ill., to points in the United States (except Alaska and Hawaii); (2) *Materials, equipment and supplies*, used or useful in the manufacture, sale or distribution of agricultural implements and machinery and parts and accessories thereof, from points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Howard Rotavator Co., Inc., Howard Ave., Muscoda, Wis. Send protests to: District Supervisor, Dorothy T. Ramminger, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 139686 (Sub-No. 1TA), filed December 9, 1975. Applicant: ABC TRANSIT CO., INC., 11440 West Center Road, Omaha, Nebr. 68144. Applicant's representative: Richard A. Peterson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated shipping containers*, from the plantsite of the Weyerhaeuser Company, at Omaha, Nebr., to Valmeyer, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: E. A. Coxhead, Manager, Transportation, Weyerhaeuser Company, 100 S. Wacker Drive, Chicago, Ill. 60606. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 141195 (Sub-No. 1TA), filed December 4, 1975. Applicant: CAL-ARK, INCORPORATED, Rural Route Two, Prairie Grove, Ark. 72753. Applicant's representative: Thomas W. Bartholomew (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene disposable*

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meat trays, from Malvern, Ark., to Mobile and Huntsville, Ala.; Denver, Colo.; Georgetown, Del.; Pensacola and West Palm Beach, Fla.; Atlanta, Ga.; Laurens and W. Liberty, Iowa; Elwood, Hutcheson, Kansas City, Manhattan, Wichita and Salina, Kans.; Alexandria, Baton Rouge, Broussard, Lafayette, Marion, Monroe, New Orleans, Shreveport and Sulfur, La.; Collins, Cuffville, Jackson, Tupelo and Morton, Miss.; Joplin, Monett, N. Kansas City, St. Louis, Springfield, Thager and Mexico, Mo.; Omaha, Nebr.; Charlotte, N.C.; Ada, Durant, Idabel, Oklahoma City, Stroud, Tulsa and Wetumba, Okla.; Chattanooga, Memphis and Nashville, Tenn.; Amarillo, Arlington, Center, Dallas, Fort Worth, Grand Prairie, Houston, Lufkin, Farmers Branch, Mt. Pleasant, San Antonio, Saudy, Lubbock, Sequin, Waco, Sulfur Springs and Tyler, Tex.; Bridgewater, Glenallen, Dayton and Laurel, Va., under a continuing contract with Western Foam Pak, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Western Foam Pak, Inc., 854 Moline St., Malvern, Ark. 72104. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 141580 TA, filed December 8, 1975. Applicant: ERNEST BENNETT AND SYLVIA BENNETT, doing business as BENNETT AND BENNETT TRUCKING, R.D. #2, Sayre, Pa. 18840. Applicant's representative: Sylvia Bennett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles and automobile parts*, in truckaway service, in secondary movements, from Sayre, Pa., to points in New York, N.Y., Newark, N.J., Wilmington, Del., and Philadelphia, Pa., for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Accurate Industries, Inc., 701–711 S. Elmer Ave., Sayre, Pa. 18840. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operation, 314 U.S. Post Office Bldg., Scranton, Pa. 18530.

No. MC 142586 TA, filed December 8, 1975. Applicant: PRICE TRUCK LINE, INC., 619 East Tenth, Wichita, Kans. 67214. Applicant's representative: Paul V. Dugan, 2707 West Douglas, Wichita, Kans. 67213. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *School, art, and hobby supplies, and commodities*, used in the manufacturing packing, and transporting of same, between the plantsites of Binney & Smith, Inc., at Easton, Pa., Cincinnati, Ohio, and Winfield, Kans., under a continuing contract with Binney & Smith, Inc., for 180 days. Supporting shipper: Binney & Smith, Inc., 2035 Edgewood Ave., Easton, Pa. 18042. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

PASSENGER APPLICATION

No. MC 138146 (Sub-No. 3TA), filed December 10, 1975. Applicant: OLYMPIC TRAILS BUS COMPANY, INC., 403 Scott Court, Union, N.J. 07304. Applicant's representative: John T. Hildemann, P.O. Box 4327, Jersey City, N.J. 07304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, in 49 or 51 passenger buses equipped with air conditioning and lavatory facilities, from Newark, N.J., to Washington, D.C., Orlando, Fla., New York, N.Y., Niagara Falls, N.Y., Greenville, N.C., Cleveland, Ohio, Lancaster County and Philadelphia, Pa., and Rutland, Vt., for 180 days. Supporting shipper: There are approximately 10 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-34915 Filed 12-24-75;8:45 am]

[Notice #95]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Shupe & Yost, Inc., MC-123075 Sub-26	MC-123075 Sub-2	Nov. 18, 1975
Boyle Bros., Inc., MC-123383 Sub-70	MC-123383 Sub-69	Dec. 1, 1975
Jack B. Kelley, Inc., MC-123392 Sub-62	MC-123392 Sub-59	Dec. 4, 1975
Jack B. Kelley, Inc., MC-123392 Sub-60, Sub-64	MC-123392 Sub-61	Do.
Howard Baar, MC-124221 Sub-44	MC-124221 Sub-45	Nov. 24, 1975
Star Line Trucking Corp., MC-124383 Sub-13	MC-124383 Sub-12	Nov. 12, 1975
Joseph Eletto Transfer, Inc., MC-125506 Sub-19, Sub-20	MC-125506 Sub-21	Dec. 4, 1975
Ehrsam Transport, Inc., MC-126600 Sub-9, Sub-10	MC-126600 Sub-12	Dec. 2, 1975
Floyd Duenow, MC-127187 Sub-11	MC-127187 Sub-12	Nov. 13, 1975
Hofer, Inc., MC-128007 Sub-53, Sub-57	MC-128007 Sub-59	Nov. 17, 1975
Al Johnson Trucking, Inc., MC-128235 Sub-12	MC-128235 Sub-13	Nov. 18, 1975
Crete Carrier Corp., MC-128375 Sub-109, Sub-126	MC-128375 Sub-110	Dec. 1, 1975
Texas Continental Express, Inc., MC-133095 Sub-63	MC-133095 Sub-62	Nov. 13, 1975
Heyle Truck Lines, Inc., MC-133119 Sub-29	MC-133119 Sub-30	Nov. 14, 1975
William Pfohl Trucking Corp., MC-133419 Sub-8	MC-133419 Sub-9	Do.
Yellowstone Molasses Service, Inc., MC-133646 Sub-14, Sub-17	MC-133646 Sub-15	Nov. 18, 1975
North Star Transport, Inc., MC-134145 Sub-43	MC-134145 Sub-46	Nov. 17, 1975
American Trans-Freight, Inc., MC-134404 Sub-11	MC-134404 Sub-14, Sub-16	Nov. 21, 1975
American Trans-Freight, Inc., MC-134404 Sub-18	MC-134404 Sub-19	Dec. 1, 1975
D.b.a., Kustermann Truck Service, MC-134472 Sub-2	MC-134472 Sub-3	Dec. 2, 1975
Schanno Transportation, Inc., MC-134477 Sub-58	MC-134477 Sub-60	Nov. 13, 1975
Zenith Transport, Ltd., MC-134548 Sub-2	MC-134548 Sub-3	Nov. 19, 1975
Direct Service, Inc., MC-134783 Sub-17	MC-134783 Sub-16	Nov. 18, 1975
B-D-R Transport, Inc., MC-134806 Sub-19	MC-134806 Sub-24	Nov. 11, 1975
B. J. McAdams, Inc., MC-134922 Sub-111	MC-134922 Sub-112	Nov. 13, 1975
D.b.a., Belue's Trucking, MC-134978 Sub-9	MC-134978 Sub-10	Dec. 1, 1975
Mex-Am Cargo Carriers, Inc., MC-136649 Sub-1	MC-136649 Sub-2	Nov. 17, 1975
Robert F. Kazimour, MC-138003	MC-138003 Sub-4	Nov. 18, 1975
Betaways Cargo Carriers, Inc., MC-138217 Sub-1	MC-138217 Sub-2	Nov. 21, 1975
Joseph Kraus, MC-138452 Sub-2	MC-138452 Sub-3	Nov. 17, 1975
FBM Trucking, Inc., MC-138736 Sub-1	MC-138736 Sub-5	Dec. 3, 1975
Leon Jones Feed & Grain, Inc., MC-139246	MC-139246 Sub-1	Dec. 4, 1975
D.b.a. Forest Transportation, Co., MC-139461	MC-139461 Sub-1	Nov. 24, 1975
New Ulm Freight Lines, Inc., MC-139482 Sub-3	MC-139482 Sub-5	Dec. 4, 1975
Alcrag Corp., MC-139666 Sub-1	MC-139666 Sub-2	Nov. 28, 1975
Food Carrier, Inc., MC-139822 Sub-1	MC-139822	Nov. 21, 1975
D.b.a. West Michigan Trucking Service, MC-140023	MC-140023 Sub-2	Do.
D.b.a. Bob Dittrich Trucking, MC-140042 Sub-1	MC-140042 Sub-2	Nov. 14, 1975
D.b.a. Dewey's Trucking, MC-140255 Sub-1	MC-140255 Sub-2	Dec. 4, 1975
D.b.a. Hannah Trucking, MC-140284 Sub-1, Sub-2	MC-140284 Sub-3	Nov. 24, 1975
D.b.a. Jim Jimison Trucking, MC-140579 Sub-1	MC-140579 Sub-2	Nov. 28, 1975
Selective Fill Trucking, Inc., MC-140809 Sub-1	MC-140809 Sub-2	Dec. 2, 1975
Kerri Trucking, Inc., MC-140869	MC-140869 Sub-1	Nov. 28, 1975
Ralph Owens, MC-140879	MC-140879 Sub-1	Nov. 20, 1975

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-34916 Filed 12-24-75;8:45 am]

[I.C.C. Order No. 152 Under Revised Service Order No. 994]

LEHIGH VALLEY RAILROAD CO.

Rerouting Traffic

To all Railroads: In the opinion of R. D. Pfahler, Agent, the Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee) (LV) is unable to transport traffic over its line between Elmira, New York and Horseheads, New York, because of track conditions.

It is ordered, That: (a) *Rerouting traffic.* The LV being unable to transport traffic over its line between Elmira, New York and Horseheads, New York because of track conditions, that line is hereby authorized to reroute or divert such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 3:30 p.m., December 16, 1975.

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 29, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 16, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-34911 Filed 12-24-75;8:45 am]

[AB 26 (Sub-No. 8)]

LIVE OAK, PERRY AND SOUTH GEORGIA RAILWAY CO.

Abandonment of Operations Between Foley Junction and Live Oak, in Taylor, Lafayette, and Suwannee Counties, Florida

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*, and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Taylor, Lafayette, and Suwannee Counties, Fla. on or before December 30, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 8th day of December, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD, *Secretary.*

The Interstate Commerce Commission hereby gives notice that by order dated December 8, 1975, it has been determined that the proposed abandonment of the Live Oak, Perry and South Georgia Railway Company of operations over its branch extending 39.54 miles between Foley Junction and Live Oak in Taylor, Lafayette, and Suwannee Counties, Fla., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmetal Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that traffic volume on the line is low consequently the environmental impacts attendant to the diversion of traffic from rail to motor carrier should be minimal. Moreover, most of the traffic is generated at the endpoints of the branch which will continue to have rail service upon abandonment. Applicant proposes to abandon operations only in case future economic development should necessitate a reopening of the line for rail service.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–343–7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before January 14, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-34913 Filed 12-24-75;8:45 am]

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federal register

MONDAY, DECEMBER 29, 1975



PART II:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

V40249 DEC 29 75 XUM

writing to the U.S. Department of Labor,

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the orginal General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:		
AL75–1086		Sept. 26, 1975.
California:		
CA75–5148		Dec. 26, 1975.
Florida:		
FL75–1087		Sept. 5, 1975.
Iowa:		
IA75–4177;	IA75–4179	Oct. 31, 1975.
Louisiana:		
LA75–4200		Dec. 5, 1975.
Michigan:		
AR–3054		July 12, 1974.
Mississippi:		
MS75–1114		Dec. 12, 1975.
New Jersey:		
NJ75–3049		June 20, 1975.
NJ75–3050		July 11, 1975.
NJ75–3098		Sept. 26, 1975.
Puerto Rico:		
PR75–3090;	PR75–3091	Aug. 8, 1975.
Rhode Island:		
RI75–2111;	RI75–2112	Sept. 26, 1975.
RI75–2116		Oct. 10, 1975.
South Dakota:		
SD75–5013		Jan. 31, 1975.
SD75–5119		Sept. 26, 1975.
Tennessee:		
TN75–1108		Nov. 14, 1975.
TN75–1110		Nov. 28, 1975.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

New York:		
NY75–3031 (NY75–3124);		Apr. 11, 1975.
NY75–3033(NY75–3123);		
NY75–3036(NY75–3122);		
NY75–3039(NY75–3121).		
North Carolina:		
AR–4048(NC75–1116)		Oct. 25, 1974.
Washington:		
WA75–5132(WA75–5150)		Oct. 31, 1975.

Signed at Washington, D.C., this 19th day of December 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IA75-4177 - Mod. #2 (40 FR 50691 - October 31, 1975) Polk County, Iowa					
Change: Building Construction: Cement masons	$9.355				
DECISION #IA75-4179 - Mod. #2 (40 FR 50697 - October 31, 1975) Story County (City of Ames & abutting municipalities), Iowa					
Change: Building Construction: Cement masons	9.355				

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AL75-1086 - Mod. #3 (40 FR 4447-September 26, 1975) Jefferson and Shelby Counties, Alabama					
CHANGE: Plumbers: Pipefitters	$ 9.75	.40	.65		.07
Roofers	7.15		.20		.10
DECISION NO. CA75-5148 - Mod. #1 (40 FR 56016 - December 12, 1975) Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura, California					
Add: Laborers: Pipelayers (non-metallic including Sewer, Drain and Underground Tile); Prefabricated Manhole Installers	$ 7.71	.85	$ 1.65	.50	.05
DECISION # FL75-1087 - Mod. # 2 (40 FR 41364 - September 5, 1975) Brevard and Volusia (Cape Kennedy, Kennedy Space Flight Center and Patrick Air Force Base and including Malabar Radar Site) Florida					
Change: Plumbers	9.90	.49	.51		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IA75-4200 - Mod. #2 (40 FR 57193 - December 5, 1975) Statewide Louisiana					
Change:					
Cement masons (Highway Construction):					
Zone 1	$ 7.30				
Zone 4	6.95				
Electricians:					
Electricians:					
Zone 2:					
Electrical work $30,000 & under	8.75		1%		
Electrical work over $30,000	9.75		1%		
Cable splicers:					
Zone 2:					
Electrical work $30,000 & under	9.25		1%		
Electrical work over $30,000	10.25		1%		
Laborers (Highway Construction):					
Group 1:					
Zone 1	5.10	.15	.10		.05
Zone 2	4.80	.15	.10		.05
Zone 4	5.10	.15	.10		.05
Zone 6	4.10	.15	.10		.05
Zone 7	4.00	.15	.10		.05
Group 2:					
Zone 1	5.20	.15	.10		.05
Zone 2	4.90	.15	.10		.05
Zone 4	5.20	.15	.10		.05
Zone 6	4.20	.15	.10		.05
Zone 7	4.10	.15	.10		.05
Group 3:					
Zone 1	5.65	.15	.10		.05
Zone 2	5.35	.15	.10		.05
Zone 4	5.65	.15	.10		.05
Zone 6	4.65	.15	.10		.05
Zone 7	4.55	.15	.10		.05
Group 4:					
Zone 1	5.90	.15	.10		.05
Zone 2	5.60	.15	.10		.05
Zone 4	5.90	.15	.10		.05
Zone 6	4.85	.15	.10		.05
Zone 7	4.75	.15	.10		.05

DECISION #IA75-4200 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Highway Construction):					
Group 1:					
Zone 1	$ 8.45	.25	.39		.05
Zone 2	8.31	.25	.39		.05
Zone 4	8.25	.25	.39		.05
Zone 6	6.35	.25	.39		.05
Zone 7	5.71	.25	.39		.05
Group 2:					
Zone 1	8.70	.25	.39		.05
Zone 2	8.56	.25	.39		.05
Zone 4	8.50	.25	.39		.05
Zone 6	6.60	.25	.39		.05
Zone 7	5.96	.25	.39		.05
Group 3:					
Zone 1	8.20	.25	.39		.05
Zone 2	8.06	.25	.39		.05
Zone 4	8.00	.25	.39		.05
Zone 6	6.10	.25	.39		.05
Zone 7	5.46	.25	.39		.05
Group 4:					
Zone 1	7.20	.25	.39		.05
Zone 2	7.13	.25	.39		.05
Zone 4	6.91	.25	.39		.05
Zone 6	5.18	.25	.39		.05
Zone 7	4.60	.25	.39		.05
Group 5:					
Zone 1	6.88	.25	.39		.05
Zone 2	6.39	.25	.39		.05
Zone 4	6.38	.25	.39		.05
Zone 6	4.62	.25	.39		.05
Zone 7	4.09	.25	.39		.05
Group 6:					
Zone 1	6.27	.25	.39		.05
Zone 2	5.75	.25	.39		.05
Zone 4	5.75	.25	.39		.05
Zone 6	4.44	.25	.39		.05
Zone 7	3.92	.25	.39		.05

DECISION #LA75-4200 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 7:					
Zone 1	$ 5.99	.25	.39		.05
Zone 2	5.46	.25	.39		.05
Zone 4	5.46	.25	.39		.05
Zone 6	4.44	.25	.39		.05
Zone 7	3.92	.25	.39		.05
Group 8:					
Zone 1	7.20	.25	.39		.05
Zone 2	7.13	.25	.39		.05
Zone 4	6.91	.25	.39		.05
Zone 6	5.18	.25	.39		.05
Zone 7	4.60	.25	.39		.05
Group 9:					
Zone 1	7.45	.25	.39		.05
Zone 2	7.38	.25	.39		.05
Zone 4	7.16	.25	.39		.05
Zone 6	5.43	.25	.39		.05
Zone 7	4.85	.25	.39		.05
Group 10:					
Zone 1	6.24	.25	.39		.05
Zone 2	5.71	.25	.39		.05
Zone 4	5.71	.25	.39		.05
Zone 6	4.69	.25	.39		.05
Zone 7	4.17	.25	.39		.05
Truck drivers (Highway Construction):					
Group 1:					
Zone 1	5.49				
Zone 2	5.49				
Zone 4	5.63				
Group 2:					
Zone 1	5.61				
Zone 2	5.61				
Zone 4	5.75				
Group 3:					
Zone 1	5.66				
Zone 2	5.66				
Zone 4	5.80				
Group 4:					
Zone 1	5.73				
Zone 2	5.73				
Zone 4	5.86				
Group 5:					
Zone 1	5.89				
Zone 2	5.89				
Zone 4	6.03				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AR-3054 - Mod. #4 (39 FR 25858 - July 12, 1974) Kent County, Michigan					
CHANGE:					
Electricians	$9.22	.40	1%+.25		.01
DECISION #MS75-1114 - Mod. #1 (40 FR 58046 - December 12, 1975) Statewide, Mississippi					
Change:					
Zone VI					
Truck Drivers	$3.00				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #NJ75-3049 - Mod. #3 (40 FR 26219 - June 20, 1975) Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean & Salem Counties, New Jersey					
Change:					
Laborers, Building Construction:					
ZONE 1					
Laborers, mason tenders and plasterer tenders	$ 7.00	.55	.40		.02
Air, gas, electric tool operators	7.25	.55	.40		.02
Gunnite men	7.40	.55	.40		.02
ZONE 2					
Construction laborers	7.15	.40	.65		.02
Brick tenders, motor tenders, scaffold builders (brick), hod carriers (brick), & power tool operators	7.25	.40	.65		.02
Motorized buggy operators, burners, nozzlemen (gunnite work)	7.375	.40	.65		.02
Jackhammer operators, barko tamper operators & concrete vibrator operators (over 27 lbs.)	7.50	.40	.65		.02
Plaster & lather tenders	7.65	.40	.65		.02
ZONE 3					
Laborers	7.55	.40	.40		.02
Hod carriers, mason tenders, jackhammer operators, tampers and electric hammers	7.80	.40	.40		.02
ZONE 4	8.00	.45			.02
ZONE 5					
Laborers	7.35	.65	.45		.02
Jackhammers	7.60	.65	.45		.02
ZONE 6					
Laborers	7.40	.40	.55		.02
Hod carriers and plasterer tenders	7.50	.40	.55		.02

DECISION #NJ75-3049 (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$13.52	7%	15%	f	3%
GROUP 2	11.92	7%	15%	f	3%
GROUP 3	11.14	7%	15%	f	3%
GROUP 4	11.04	7%	15%	f	3%
GROUP 5	10.84	7%	15%	f	3%
GROUP 6	10.40	7%	15%	f	3%
GROUP 7	10.15	7%	15%	f	3%
GROUP 8	10.00	7%	15%	f	3%
GROUP 9	9.95	7%	15%	f	3%
GROUP 10	9.85	7%	15%	f	3%
GROUP 11	9.80	7%	15%	f	3%
GROUP 12	9.60	7%	15%	f	3%
GROUP 13	9.24	7%	15%	f	3%
GROUP 14	9.09	7%	15%	f	3%
GROUP 15	8.79	7%	15%	f	3%

10¢ per hour on machines where "Cat Head" or "Sheave Point" is at least 100 feet above ground level and less than 140 feet; 75¢ per hour on machines where "Cat Head" or Sheave Point" is 140 feet, or over above groued level.

DECISION #NJ75-3049 (cont'd)

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Autograde-combination subgrader, base MTL spreader & base trimmer (CMI & similar type); autograde placer-trimmer-spreader-combination (CMI & similar types); autograde slip form paver (CMI & similar types); back hoes (all types, including all combination hoe loaders); central power plants (all types); concrete paving machines; cranes (all types, including overhead & straddle travelling type); cranes, gantry; derricks - land or floating (building & heavy construction rate only), drillmaster, quarry master (down the hole drill); draglines; elevator graders; engines, large diesel (1625 HP) and staging pump; front end loaders (3 yds & over); gradalls; grader, rago; helicopters co-pilot and communication engineer; jacks, screw air hydraulic power operated unit or console type (not hand jack or pile load test type); locomotive (large); mucking machines; pavers (21E and over); paver, resinous, Broyhill; pavement and concrete breaker (i.e. superhammer); pavement breaker truck mounted; piledriver; scooper (loader and shovel) Koehring; shovels; treechopper with boom; trench machines.

GROUP 3 - Pump, staging.

GROUP 4 - A-frame, boom attachment on loaders; boring & drilling machines; brush chopper, chipper & shredder; cableways; carryalls; cherry pickers - 6 tons & under (over 6 tons - crane rate applies); concrete pump; concrete pump system, pumpcrete, squeezecrete & similar types; conveyors, 125' & over; economobiles (hilo, lull, hyster similar type equipment); forklifts; front end loaders (2yds but less than 3yds); groove cutting machines (ride or type); heater planer; hoist (Chicago Boom); Pans, LeTourneau, DW's, Ukes, pumpcrete-unit type; pumperete machines, squeezecrete & concrete pumping; scrapers-LeTourneau, DW's Ukes; side booms; squeezecrete; "straddle" carrier, Ross and similar types; winch trucks (hoisting).

DECISION #NJ75-3049 (cont'd)

CLASSIFICATION DEFINITIONS (cont'd)
POWER EQUIPMENT OPERATORS

GROUP 5 - Aerial platform (used as hoist); hoists all types except Chicago Boom type (building & heavy construction rate only); elevator or house cars (building and heavy construction rate only); roof hoists.

GROUP 6 - Asphalt spreaders; bridge deck finisher; grader, finish only; rollers-blacktop.

GROUP 7 - Asphalt curbing machines; asphalt plant engineer; autograde tube finisher & texturing machine (CMI & similar types); autograde curecrete machine (CMI & similar types); autograde curb trimmer & sidewalk shoulder, slipform (CMI & similar types); barbending machines (power); batchers, batching plant & crusher on site; bat convey or systems; boilers and steam jennies (building & heavy construction rate only); boom type skimmer machines (building & heavy construction rate only); car dumpers (railroad); compressor and blower type units; concrete breaking machines; concrete finishing machines; concrete saws & cutters (ride on type); concrete spreaders-hetzel, roscmatic & similar types; concrete vibrators (highway, road, street & sewer construction rate only); conveyors, under 125 ft.; crushing machines; ditching machine, small (ditch witch or similar); drill doctor (duties include dust collector); dope pots (mechanical with or without pump); dumpsters; fine grade machine (large type); front end loaders (1 yd & over but less than 2 yds) - highway, road, street & sewer construction rate only; front end loaders (under 2 yds) - building and heavy construction rates only; generators; giraffe grinders; graders and motor patrols; gunnite machines (excluding nozzle); hammer vibratory (in conjunction with generator); hoppers; hopper doors (power operated); ladders (motorized) - building & heavy construction rate only; leddervator; lights, portable generating light plants; locomotive (dinky type); mechanic; mixers (excepting paving mixers); motor patrols & graders; pavers (under 21E); pavement breakers - small, self-propelled ride on type (also maintains compressor or hydraulic unit); pipe bending machine (power); pitch pump; plaster pump (regardless of size) - building & heavy construction rate only; post hole digger; rod bending machines (power); scales, power; seemen pulverizing mixer; silos; skimmer machines (boom type) - highway, road, street & sewer construction rate only; steam jennies and boilers; steel cutting machines, services & maintains; vibrating plants (used in conjunction with unloading); welder and repair mechanic

NOTICES
59654
59655
59657

DECISION #NJ75-3049 (cont'd)

CLASSIFICATION DEFINITIONS (cont'd)
POWER EQUIPMENT OPERATORS

GROUP 8 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - building & heavy construction rate only; welding machines, gas or electric converters of any type - (2 or 3 in battery) - building and heavy construction rates only; welding system, multiple (rectifier transformer type) - building & heavy construction rate only.

GROUP 9 - Brooms & sweepers; bulldozer, D5 and over; fireman; sprinkler and water pump trucks (used on job site or in conjunction with jobsite); stone spreaders; sweepers & brooms; tractors, D8 & over; water and sprinkler trucks (used on job site or in conjunction with job site).

GROUP 10 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - highway, road, street and sewer construction rate only.

GROUP 11 - Front end loaders (under 1 yd.) - highway, road, street & sewer construction rate only.

GROUP 12 - Bulldozer under D5; rollers - grade fill or stone base; tractors, under D8.

GROUP 13 - Compressor (single); heaters (Nelson or other type including propane, natural gas or flow type units); pumps (4 inch suction & over including submersible pumps); pumps (2 of less than 4 inch suction including submersible pumps); pumps, diesel engine & hydraulic (immaterial of power) - highway, road, street & sewer construction rate only; temporary heating plant (Nelson or other type, including propane, natural gas or flow type units); welding machines, gas or electric converters of any type - single (building & heavy construction rate only); welding machines, gas or electric converters of any type (2 or 3 in battery) - highway, road, street & sewer construction rate only; wellpoint systems (including installation and maintenance).

DECISION #NJ75-3049 (cont'd)

CLASSIFICATION DEFINITIONS (cont'd)
POWER EQUIPMENT OPERATORS

GROUP 14 - Concrete spreaders, (small type) convey or loaders (not including elevator graders) - highway, road, street & sewer construction rate only; farm tractors (highway, road, street & sewer construction rate only); fertilizing equipment; fine grade machine (small type) - highway, road, street and sewer construction rate only; form line graders (small type) - highway, road, street & sewer construction rate only; grease, gas, fuel and oil supply trucks; mixers, concrete small (highway, road, street and sewer construction rate only); mulching equipment; road finishing machines (small type) - highway, road, street and sewer construction only; seeding equipment; tamping machines, vibrating self-propelled; welding machines, gas or electric converters of any type-single (highway, road, street and sewer construction rate only).

GROUP 15 - Assistant engineer/oiler; mechanics helper; tire repair and maintenance.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: STEEL ERECTION:					
GROUP 1	$15.12	7%	15%	f	3%
GROUP 2	13.52	7%	15%	f	3%
GROUP 3	12.72	7%	15%	f	3%
GROUP 4	12.07	7%	15%	f	3%
GROUP 5	10.50	7%	15%	f	3%
GROUP 6	10.15	7%	15%	f	3%
GROUP 7	10.02	7%	15%	f	3%
GROUP 8	9.69	7%	15%	f	3%
GROUP 9	9.19	7%	15%	f	3%

NOTICES

DECISION #NJ75-3049 (cont'd)

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS
STEEL ERECTION

GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Cranes (all cranes - land or floating with booms - including jib, 140 feet and over above the ground); derricks (land or floating with booms including jib, 140 feet and over above the ground); helicopters co-pilot & communications engineer.

GROUP 3 - Cranes (all cranes - land or floating with booms - including jib, less than 140 feet above the ground); derricks (land or floating, with booms including jib, less than 140 feet above the ground).

GROUP 4 - Aerial platform used as hoist; A-frame; cherry pickers - 6 tons and under (over 6 tons - crane rate applies); fork lifts; hoists (all types except Chicago Boom type); jacks (screw air hydraulic power operated unit or console type, not hand jack or pile load test type); side booms.

GROUP 5 - Compressors (2 or 3 in battery); generators; welding machines (gas or electric convertors of any type 2 or 3 in battery multiple welders); welding system multiple (rectifier transformer type).

GROUP 6 - Maintenance engineer.

GROUP 7 - Fireman

GROUP 8 - Compressor (single); rod bending machines (power); welding machines (gas or electric converters of any type-single).

GROUP 9 - Assistant engineer/oiler; straddle carrier.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #NJ75-3050 - Mod. #6 (40 FR 29301 - July 11, 1975) Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren Counties, New Jersey					
Change:					
Carpenters, Insulators & Millwrights:					
ZONE 2					
Carpenters & Insulators	$10.22	7%	7%		1/5 of 1%
Millwrights	10.47	7%	7%		1/5 of 1%
ZONE 4					
Carpenters & Insulators	10.13	6%	6%		1/5 of 1%
Millwrights	10.38	6%	6%		1/5 of 1%
Laborers, Building Construction					
ZONE 1	7.10	.65	.70		.02
ZONE 2	6.95	.90	.60		.02
ZONE 3					
Regular laborers Mortar mixers, scaffoldmen, & pneumatic hammer operators	7.60	.70	.30		.02
	7.85	.70	.30		.02
ZONE 4	7.75	.40	.30		.02
ZONE 5	7.15	.70	.60		.02
ZONE 6	7.35	.50	.60		.02
ZONE 7	6.80	.60	.60	.50	.02
ZONE 8	7.55	.40	.50		.02
ZONE 9	7.65	.40	.40		.02
ZONE 10	7.55	.45	.45		.02
ZONE 11	7.30	.65	.50		.02
ZONE 12	7.45	.50	.50		.02
ZONE 13	7.15	.70	.60		.02
ZONE 14	7.30	.50	.50		.02
ZONE 15	7.35	.55	.55		.02
ZONE 16	7.15	.70	.60		.02
ZONE 17	7.25	.50	.35		.02

NOTICES

DECISION #NJ75-3050 (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$13.52	7%	15%	h	3%
GROUP 2	11.92	7%	15%	h	3%
GROUP 3	11.14	7%	15%	h	3%
GROUP 4	11.04	7%	15%	h	3%
GROUP 5	10.84	7%	15%	h	3%
GROUP 6	10.40	7%	15%	h	3%
GROUP 7	10.15	7%	15%	h	3%
GROUP 8	10.00	7%	15%	h	3%
GROUP 9	9.95	7%	15%	h	3%
GROUP 10	9.85	7%	15%	h	3%
GROUP 11	9.80	7%	15%	h	3%
GROUP 12	9.60	7%	15%	h	3%
GROUP 13	9.24	7%	15%	h	3%
GROUP 14	9.09	7%	15%	h	3%
GROUP 15	8.79	7%	15%	h	3%

50¢ per hour on machines where "Cat Head" or "Sheave Point" is at least 100 feet above ground level and less than 140 feet; 75¢ per hour on machines where "Cat Head" or Sheave Point" is 140 feet, or over above ground level.

DECISION #NJ75-3050 (cont'd)

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Autograde-combination subgrader. base MTL spreader & base trimmer (CMI & similar type); autograde placer-trimmer-spreader-combination (CMI & similar types); autograde slip form paver (CMI & similar types); back hoes (all types, including all combination hoe loaders); central power plants (all types); concrete paving machines; cranes (all types, including overhead & straddle travelling type); cranes, gantry; derricks - land or floating (building & heavy construction rate only), drillmaster. quarry master (down the hole drill); draglines; elevator graders; engines, large diesel (1625 HP) and staging pump; front end loaders (5 yds & over); gradalls; grader, rago; helicopters co-pilot and communication engineer; jacks, screw air hydraulic power operated unit or console type (not hand jack or pile load test type); locomotive (large); mucking machines; pavers (21E and over); paver, resinous. Broyhill; pavement and concrete breaker (i.e. superhammer); pavement breaker truck mounted; piledriver; scooper (loader and shovel) Koehring; shovels; treechopper with boom; trench machines.

GROUP 3 - Pump, staging.

GROUP 4 - A-frame, boom attachment on loaders; boring & drilling machines; brush chopper, chipper & shredder; cableways; carryalls; cherry pickers - 6 tons & under (over 6 tons - crane rate applies); concrete pump; concrete pump system, pumpcrete, squeezecrete & similar types; conveyors, 125' & over; economobiles (hilo, lull, hyster similar type equipment); forklifts; front end loaders (2yds but less than 5yds); groove cutting machines (ride or type); heater planer; hoist (Chicago Boom); Pans, LeTourneau. DW's, Ukes, pumpcrete-unit type; pumpcrete machines. squeezecrete & concrete pumping; scrapers-LeTourneau. DW's Ukes; side booms; squeezecrete; "straddle" carrier, Ross and similar types; winch trucks (hoisting).

DECISION #NJ75-3050 (cont'd)

CLASSIFICATION DEFINITIONS (cont'd)
POWER EQUIPMENT OPERATORS

GROUP 5 - Aerial platform (used as hoist); hoists all types except Chicago Boom type (building & heavy construction rate only); elevator or house cars (building and heavy construction rate only); roof hoists.

GROUP 6 - Asphalt spreaders; bridge deck finisher; grader, finish only; rollers-blacktop.

GROUP 7 - Asphalt curbing machines; asphalt plant engineer; autograde tube finisher & texturing machine (CMI & similar types); autograde curecrete machine (CMI & similar types); autograde curb trimmer & sidewalk shoulder, slipform (CMI & similar types); barbanding machines (power); batchers, batching plant & crusher on site; bet convey or systems; boilers and steam jennies (building & heavy construction rate only); boom type skimmer machines (building & heavy construction rate only); car dumpers (railroad); compressor and blower type units; concrete breaking machines; concrete finishing machines; concrete saws & cutters (ride on type); concrete spreaders-hetsel, recomatic & similar types; concrete vibrators (highway, road, street & sewer construction rate only); conveyors, under 125 ft.; crushing machines; ditching machine, small (ditch witch or similar); drill doctor (duties include dust collector); dope pots (mechanical with or without pump); dumpsters; fine grade machine (large type); front end loaders (1 yd & over but less than 2 yds) - highway, road, street & sewer construction rate only; front end loaders (under 2 yds) - building and heavy construction rates only; generators; gireffe grinders; graders and motor patrols; gunnite machines (excluding nozzle); hammer vibratory (in conjunction with generator); hoppers; hopper doors (power operated); ladders (motorized) - building & heavy construction rate only; laddervator; lights, portable generating light plants; locomotive (dinky type); mechanic; mixers (excepting paving mixers); motor patrols & graders; pavers (under 21E); pavement breakers - small, self-propelled ride on type (also maintains compressor or hydraulic unit); pipe bending machine (power); pitch pump; plaster pump (regardless of size) - building & heavy construction rate only; post hole digger; rod bending machines (power); scales, power; seaman pulverizing mixer; silos; skimmer machines (boom type) - highway, road, street & sewer construction rate only; steam jennies and boilers; steel cutting machines, services & maintains; vibrating plants (used in conjunction with unloading); welder and repair mechanic

DECISION #NJ75-3050 (cont'd)

CLASSIFICATION DEFINITIONS (cont'd)
POWER EQUIPMENT OPERATORS

GROUP 8 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - building & heavy construction rate only; welding machines, gas or electric converters of any type - (2 or 3 in battery) - building and heavy construction rates only; welding system, multiple (rectifier transformer type) - building & heavy construction rate only.

GROUP 9 - Brooms & sweepers; bulldozer, D5 and over; firemen; sprinkler and water pump trucks (used on job site or in conjunction with jobsite); stone spreaders; sweepers & brooms; tractors, D8 & over; water and sprinkler trucks (used on job site or in conjunction with job site).

GROUP 10 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - highway, road, street and sewer construction rate only.

GROUP 11 - Front end loaders (under 1 yd.) - highway, road, street & sewer construction rate only.

GROUP 12 - Bulldozer under D5; rollers - grade fill or stone base; tractors, under D8.

GROUP 13 - Compressor (single); heaters (Nelson or other type including propane, natural gas or flow type units); pumps (4 inch suction & over including submersible pumps); pumps (2 of less than 4 inch suction including submersible pumps); pumps, diesel engine & hydraulic (immaterial of power) - highway, road, street & sewer construction rate only; temporary heating plant (Nelson or other type, including propane, natural gas or flow type units); welding machines, gas or electric converters of any type - single (building & heavy construction rate only); welding machines, gas or electric converters of any type (2 or 3 in battery) - highway, road, street & sewer construction rate only; wellpoint systems (including installation and maintenance).

DECISION #NJ75-3050 (cont'd)

CLASSIFICATION DEFINITIONS (cont'd)
POWER EQUIPMENT OPERATORS

GROUP 14 - Concrete spreaders, (small type) convey or loaders (not including elevator graders) - highway, road, street & sewer construction rate only; farm tractors (highway, road, street & sewer construction rate only); fertilizing equipment; fine grade machine (small type) - highway, road, street and sewer construction rate only; form line graders (small type) - highway, road, street & sewer construction rate only; grease, gas, fuel and oil supply trucks; mixers, concrete small (highway, road, street and sewer construction rate only); mulching equipment; road finishing machines (small type) - highway, road, street and sewer construction only; seeding equipment; tamping machines, vibrating self-propelled; welding machines, gas or electric converters of any type-single (highway, road, street and sewer construction rate only).

GROUP 15 - Assistant engineer/oiler; mechanics helper; tire repair and maintenance.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: STEEL ERECTION:					
GROUP 1	$15.13	7%	15%	h	3%
GROUP 2	13.52	7%	15%	h	3%
GROUP 3	12.72	7%	15%	h	3%
GROUP 4	12.07	7%	15%	h	3%
GROUP 5	10.50	7%	15%	h	3%
GROUP 6	10.15	7%	15%	h	3%
GROUP 7	10.02	7%	15%	h	3%
GROUP 8	9.69	7%	15%	h	3%
GROUP 9	9.19	7%	15%	h	3%

DECISION #NJ75-3050 (cont'd)

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS
STEEL ERECTION

GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Cranes (all cranes - land or floating with booms - including jib, 140 feet and over above the ground); derricks (land or floating with booms including jib, 140 feet and over above the ground); helicopters co-pilot & communications engineer.

GROUP 3 - Cranes (all cranes - land or floating with booms - including jib, less than 140 feet above the ground); derricks (land or floating, with booms including jib, less than 140 feet above the ground).

GROUP 4 - Aerial platform used as hoist; A-frame; cherry pickers - 6 tons and under (over 6 tons - crane rate applies); fork lifts; hoists (all types except Chicago Boom type); jacks (screw air hydraulic power operated unit or console type, not hand jack or pile load test type); side booms.

GROUP 5 - Compressors (2 or 3 in battery); generators; welding machines (gas or electric convertors of any type 2 or 3 in battery multiple welders)) welding system multiple (rectifier transformer type).

GROUP 6 - Maintenance engineer.

GROUP 7 - Fireman

GROUP 8 - Compressor (single); rod bending machines (power); welding machines (gas or electric converters of any type-single).

GROUP 9 - Assistant engineer/oiler; straddle carrier.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #NJ75-3098 - Mod. #3 (40 FR 44433 - September 26, 1975) Bergen, Essex, Hudson & Passaic Counties, New Jersey					
Change:					
Carpenters, Insulators & Millwrights:					
Essex (except Millburn Twp.) & Hudson (remainder of county) Counties:					
Carpenters & insulators	$10.22	7%	7%		1/5 of 1%
Millwrights	10.47	7%	7%		1/5 of 1%
Bergen (remainder of county), Essex (Millburn Twp.) & Passaic Counties:					
Carpenters & insulators	10.13	6%	6%		1/5 of 1%
Millwrights	10.38	6%	6%		1/5 of 1%
Laborers:					
Bergen (Garfield, Passaic & Wallington Twps., Lodi, Lodi Boro & East Patterson) & Passaic Counties:					
Laborers, air tool operators (jackhammers, vibrators), mason tenders, mortar mixers, pipelayers (concrete & clay) & plasterer tenders	7.10	.65	.70		.02
Bergen (remainder of county) County:					
Laborers, air tool operators (jackhammer, vibrators), mason tenders, mortar mixer pipelayers (concrete & clay), plasterer tenders, wrecking & excavation	6.95	.90	.60		.02
Essex (city of East Orange, Twps. of South Orange & Maplewood) County:					
Regular laborers	7.60	.70	.30		.02

DECISION #NJ75-3098 (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Mortar mixers, scaffold men & pneumatic hammer operators	$ 7.85	.70	.30		.02
Essex (Orange & Montclair) County:					
Common laborers	7.75	.40	.80		.02
Essex (Millburn Twp.) County:					
Common laborers	7.15	.70	.60		.02
Essex (remainder of county) & Hudson (Kearny, East Newark, & Harrison) Counties:					
Common laborers, air tool operators, mason tenders, morter mixers & pipelayers (concrete & clay)	7.35	.50	.60		.02
Hudson (remainder of county) County:					
Common laborers	6.80	.60	.40	.50	.02

59662 NOTICES 59660 NOTICES 59663 59661

DECISION #NJ75-3098 (cont'd)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$13.52	7%	15%	$	3%
GROUP 2	11.92	7%	15%	$	3%
GROUP 3	11.14	7%	15%	$	3%
GROUP 4	11.04	7%	15%	$	3%
GROUP 5	10.84	7%	15%	$	3%
GROUP 6	10.40	7%	15%	$	3%
GROUP 7	10.15	7%	15%	$	3%
GROUP 8	10.00	7%	15%	$	3%
GROUP 9	9.95	7%	15%	$	3%
GROUP 10	9.85	7%	15%	$	3%
GROUP 11	9.80	7%	15%	$	3%
GROUP 12	9.60	7%	15%	$	3%
GROUP 13	9.24	7%	15%	$	3%
GROUP 14	9.09	7%	15%	$	3%
GROUP 15	8.79	7%	15%	$	3%

50¢ per hour on machines where "Cat Head" or "Sheave Point" is at least 100 feet above ground level and less than 140 feet; 75¢ per hour on machines where "Cat Head" or Sheave Point" is 140 feet, or over above ground level.

DECISION #NJ75-3098 (cont'd)

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Autograde-combination subgrader. base MTL spreader & base trimmer (CMI & similar type); autograde placer-trimmer-spreader-combination (CMI & similar types); autograde slip form paver (CMI & similar types); back hoes (all types, including all combination hoe loaders); central power plants (all types); concrete paving machines; cranes (all types. including overhead & straddle travelling type); cranes, gantry; derricks - land or floating (building & heavy construction rate only). drillmaster, quarry master (down the hole drill); draglines; elevator graders; engines. large diesel (1625 HP) and staging pump; front end loaders (5 yds & over); gradalls; grader, rago; helicopters co-pilot and communication engineer; jacks, screw air hydraulic power operated unit or console type (not hand jack or pile load test type); locomotive (large); mucking machines; pavers (21E and over); paver, resinous. Broyhill; pavement and concrete breaker (i.e. superhammer); pavement breaker truck mounted; piledriver; scooper (loader and shovel) Koehring; shovels; treechopper with boom; trench machines.

GROUP 3 - Pump. staging.

GROUP 4 - A-frame. boom attachment on loaders; boring & drilling machines; brush chopper, chipper & shredder; cableways; carryalls; cherry pickers - 6 tons & under (over 6 tons - crane rate applies); concrete pump; concrete pump system, pumpcrete, squeezecrete & similar types; conveyors. 125' & over; economobiles (hilo, lull. hyster similar type equipment); forklifts; front end loaders (2yds but less than 5yds); groove cutting machines (ride or type); hester planer; hoist (Chicago Boom); Pans. LeTourneau. DW's. Ukes, pumpcrete-unit type; pumpcrete machines. squeezecrete & concrete pumping; scrapers-LeTourneau. DW'e Ukes; side booms; squeezecrete; "straddle" carrier, Rose and similar types; winch trucks (hoisting).

DECISION #NJ75-3098 (cont'd)

CLASSIFICATION DEFINITIONS (cont'd)
POWER EQUIPMENT OPERATORS

GROUP 5 - Aerial platform (used as hoist); hoists all types except Chicago Boom type (building & heavy construction rate only); elevator or house cars (building and heavy construction rate only); roof hoists.

GROUP 6 - Asphalt spreaders; bridge deck finisher; grader, finish only; rollers-blacktop.

GROUP 7 - Asphalt curbing machines; asphalt plant engineer; autograde tube finisher & texturing machine (CMI & similar types); autograde curecrete machine (CMI & similar types); autograde curb trimmer & sidewalk shoulder, slipform (CMI & similar types); barbending machines (power); batchers, batching plant & crusher on site; bet convey or systems; boilers and steam jennies (building & heavy construction rate only); boom type skimmer machines (building & heavy construction rate only); car dumpers (railroad); compressor and blower type units; concrete breaking machines; concrete finishing machines; concrete saws & cutters (ride on type); concrete spreaders-hetzel, recomatic & similar types; concrete vibrators (highway, road, street & sewer construction rate only); conveyors, under 125 ft.; crushing machines; ditching machine, small (ditch witch or similar); drill doctor (duties include dust collector); dope pots (mechanical with or without pump); dumpsters; fine grade machine (large type); front end loaders (1 yd & over but less than 2 yds) - highway, road, street & sewer construction rate only; front end loaders (under 2 yds) - building and heavy construction rates only; generators; giraffe grinders; graders and motor patrols; gunnite machines (excluding nozzle); hammer vibratory (in conjunction with generator); hoppers; hopper doors (power operated); ladders (motorized) - building & heavy construction rate only; laddervetor; lights, portable generating light plants; locomotive (dinky type); mechanic; mixers (excepting paving mixers); motor patrols & graders; pavers (under 21E); pavement breakers - small, self-propelled ride on type (also maintains compressor or hydraulic unit); pipe bending machine (power); pitch pump; plaster pump (regardless of size) - building & heavy construction rate only; post hole digger; rod bending machines (power); scales, power; seaman pulverizing mixer; silos; skimmer machines (boom type) - highway, road, street & sewer construction rate only; steam jennies and boilers; steel cutting machines, services & maintains; vibrating plants (used in conjunction with unloading); welder and repair mechanic

DECISION #NJ75-3098 (cont'd)

CLASSIFICATION DEFINITIONS (cont'd)
POWER EQUIPMENT OPERATORS

GROUP 8 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - building & heavy construction rate only; welding machines, gas or electric converters of any type - (2 or 3 in battery) - building and heavy construction rates only; welding system, multiple (rectifier transformer type) - building & heavy construction rate only.

GROUP 9 - Brooms & sweepers; bulldozer, D5 and over; fireman; sprinkler and water pump trucks (used on job site or in conjunction with jobsite); stone spreaders; sweepers & brooms; tractors, D8 & over; water and sprinkler trucks (used on job site or in conjunction with job site).

GROUP 10 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - highway, road, street and sewer construction rate only.

GROUP 11 - Front end loaders (under 1 yd.) - highway, road, street & sewer construction rate only.

GROUP 12 - Bulldozer under D5; rollers - grade fill or stone base; tractors, under D8.

GROUP 13 - Compressor (single); heaters (Nelson or other type including propane, natural gas or flow type units); pumps (4 inch suction & over including submersible pumps); pumps (2 of less than 4 inch suction including submersible pumps); pumps, diesel engine & hydraulic (immaterial of power) - highway, road, street & sewer construction rate only; temporary heating plant (Nelson or other type, including propane, natural gas or flow type units); welding machines, gas or electric converters of any type - single (building & heavy construction rate only); welding machines, gas or electric converters of any type (2 or 3 in battery) - highway, road, street & sewer construction rate only; wellpoint systems (including installation and maintenance).

59662 NOTICES
59663 NOTICES

DECISION #NJ75-3098 (cont'd)

CLASSIFICATION DEFINITIONS (cont'd)
POWER EQUIPMENT OPERATORS

GROUP 14 - Concrete spreaders, (small type) convey or loaders (not including elevator graders) - highway, road, street & sewer construction rate only; farm tractors (highway, road, street & sewer construction rate only); fertilizing equipment; fine grade machine (small type) - highway, road, street and sewer construction rate only; form line graders (small type) - highway, road, street & sewer construction rate only; grease, gas, fuel and oil supply trucks; mixers, concrete small (highway, road, street and sewer construction rate only); mucking equipment; road finishing machines (small type) - highway, road, street and sewer construction only; seeding equipment; tamping machines, vibrating self-propelled; welding machines, gas or electric converters of any type-single (highway, road, street and sewer construction rate only).

GROUP 15 - Assistant engineer/oiler; mechanics helper; tire repair and maintenance.

DECISION NO. PR-75-3090 Mod.#1
(40FR33643 August 8, 1975)
Puerto Rico, Island Wide

Add:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Roofers	$2.17				

DECISION NO. PR-75-3091-MOD.#1
(40FR33644 August 8, 1975)
Puerto Rico, Island Wide

Add:

Roofers	$2.17				

DECISION #SD75-5013 - Mod. #1
(40 FR 4858 - January 31, 1975)
Statewide, South Dakota

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Line Construction:					
Group 1: Cable Splicer; Lineman; Tractor dozer operator (D-4 and larger) all rigs erecting steel tower and "H" fixtures, also tension-pulling machines	$9.05	.35	1%		1/2%
Group 2: Groundman - operating special equipment hole digging machines; Aerial baskets on energized circuits; Tractors (D-4) and larger; Transmission line pole hauling; All Fifth wheel trucks and other setting and assembly equipment excluding steel tower and "H" fixtures erection	7.29	.35	1%		1/2%
Group 3: Groundman - truck or tractor driver (with winch); Operators of trucks up to and including 2½ tons; Tractor including D-2 and smaller; Including wheel tractors and crawler tractors	6.08	.35	1%		1/2%
Group 4: Groundman - truck or tractor driver (without winch); Operators of trucks up to and including 2½ tons; D-2 and smaller; Including wheel tractors and crawler tractors; Groundmen	5.59	.35	1%		1/2%

DECISION #SD75-5119 - Mod. #2
(40 FR 44475-September 26, 1975)
Meade and Pennington Counties, South Dakota

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers; Stonemasons	$8.30				
Carpenters:					
Carpenters, Acoustical and Drywall Applicators	8.51		.30		.05
Piledrivermen	8.76		.30		.05
Millwrights	9.01		.30		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. RI75-2116- Mod #2 (40 FR 48066- October 10, 1975) Bristol, Kent, & Providence Counties, Rhode Island					
Change:					
Bricklayers, cement masons, and stonemasons: Building: Ashton, Berkley, Central Falls, Cumberland, Lincoln, Lonsdale, Pawtucket, and Valley Falls	$9.75	.50	.50		.01
Steamfitters	10.20	.70	.91		.07
DECISION NO. RI75-2111- Mod #3 (40 FR 44467- September 26, 1975) Newport County, Rhode Island					
Change:					
Carpenters and soft floor layers:					
Remainder of County	8.48	.60	.60		.025
	9.08	.60	.60		.025
Millwrights and piledrivermen	10.20	.70	.91		.07
Steamfitters					
DECISION NO. RI75-2112- Mod #3 (40 FR 48001- Sept. 26, 1975) Washington County, Rhode Island					
Change:					
Steamfitters	10.20	.70	.91		.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TN75-1108 - Mod. #2 (40 FR 53219-November 14, 1975) Shelby County, Tennessee					
CHANGE:					
Truck Drivers:					
5 tons & over incl. special equipment	$ 6.50		d		
Footnote:					
d. Employer contribution of $5.00 per week.					
DECISION #TN75-1110 - Mod. #1 (40 FR 55630-November 28,1975) Hamilton County, Tennessee					
CHANGE:					
Lathers	$ 8.05				.01

STATE: NEW YORK
DECISION NO. NY75-3121
Supersedeas Decision No. NY75-3039 dated April 11, 1975 in 40 FR 16586
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

COUNTY: NIAGARA
DATE: Date of Publication

32-New York-1-2-3-Z 1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.81	.82	.55		.04
Boilermakers	9.85	.50	.95		.02
Bricklayers:					
North Tonawanda:					
Bricklayers & stone masons	10.64	.55	1.10		
Terrazzo workers & tile setters	10.26	.55	1.10		
Marble setters	10.355	.55	1.10		
Remainder of County:					
Bricklayers & stone masons	10.09	.42	.52		
Marble masons, terrazzo works & tile setters	9.84	.42	.52		
Carpenters: Building					
North Tonawanda:					
Carpenters and millwrights	8.78	1.25	1.10		
Soft floor layers	8.20	1.25	1.10		
Remainder of County:					
Carpenters & soft floor layers	9.14	.60	1.05		.02
Millwrights	9.85	.60	1.05		.02
Carpenters, Heavy & Highway					
North Tonawanda:					
Carpenters, piledrivermen	8.78	1.25	1.10		
Remainder of County:					
Carpenters & Piledrivermen	8.08	.60	1.20		.025
Cement masons	10.10		.40+.56		
Electricians:					
Electricians	11.18	.45	1%+.80		½ of 1%
Cable splicers	11.68	.45	1%+.80		½ of 1%
Elevator constructors	10.89	.49	.32	½ $+a+b	.02
Elevator constructors' helpers	7.69	.49	.32	½ $+a+b	.02
Elevator constructors' helpers (prob.)	5.455				
Glaziers	9.03	.60	1.10		.06
Ironworkers:					
Structural, ornamental & reinforcing	9.77	.51	.82		.01
Lathers	10.715		.80		
Lead burners	9.25	.35		e	.01

32-NY-1-2-3-A 2 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Linemen:					
Linemen	$10.40	.65	1%+.60	d	½%
Groundman digging machine operator	9.36	.65	1%+.60	d	½%
Groundman mobile equipment op operator	8.32	.65	1%+.60	d	½%
Groundman truck driver	7.90	.65	1%+.60	d	½%
Mechanics and Groundman dynamite man	8.32	.65	1%+.60	d	½%
Cable splicer	11.44	.65	1%+.60	d	½%
Marble, tile and terrazzo workers' helpers	8.36	.50	1.40		
Painters:					
Typs., of Somerset, Hartland, Royalton, New fane, Lockport, Pendleton and the eastern half of Cambria and Wilson:					
Brush	8.655	.525+.45	.30		.10
Steel, tanks, towers, stacks, flag poles, radio TV towers	9.155	.525+.45	.30		.10
Sandblasting, swing stage spray, bosun chair	8.905	.525+.40	.30		.10
Bridges 35' high or in depth of 35' from road level	10.32	.525+.40	.30		
Remainder of County:					
Brush	8.235	.525+.45	.30		.01
Spray, steel steeple jack, swing scaffold	8.985	.525+.45	.30		.01
Bridge-crossing the Niagara River	11.00	.525+.45	.30		.01
Piledrivermen:					
Piledrivermen, dock carpenters and drivers' tenders	8.78	1.25	1.10		
Drivers	16.07	1.25	1.10		
Plasterers	10.96				
Plumbers and Steamfitters	10.30	.575	.60		.025
Roofers:					
Composition, damp, waterproofers sprayers, asphalt mastic, wood block floor workers, steen roofers & siders	8.92	1.09	1.10		.02

32-New York-1-2-3-A 3 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Slate, tile, asbestos & pre-cast	$ 9.07	1.09	1.10		.02
Sheet metal workers, commercial	9.98	.40	.95		.08
Sprinkler fitters	10.84	.50	.80		.06
Truck Drivers:					
Building, heavy & highway:					
Contractor drivers	9.345	.60	.55	e + f	
Ready mix	8.59	.60	.55	e + f	
Dump	8.00	.60	.55	e + f	
Welders-Craft Rate					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate after 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular schedule work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York State (provided employee works the day before and after the holiday.

e. After one year, one weeks vacation; 2 years, 6 days vacation; 3 years, 7 days vacation; up to 2 weeks maximum vacation after completion of the 5th year, full vacations are earned by a driver who works 1040 hours or more in the calendar year, vacation will be prorated for either 1 or 2 weeks of vaction on the basis of using the number of hours worked as the numerator and 1040 as the denominator.

f. Paid Holidays, A through F, Friday after Thanksgiving Day except where the employee is laid off 2 or more weeks prior to the holiday, however employees laid off less than 2 weeks prior to election Day will automatically be eligible for the subsequent Friday after Thanksgiving as a paid holiday even though laid off.

32-NY-1 2 3 B 4 of 3

LABORERS: HEAVY, HIGHWAY AND AIRPORT CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 7.76	.60	1.75		
GROUP II	8.26	.60	1.75		
GROUP III	7.96	.60	1.75		

LABORERS: HEAVY, HIGHWAY AND AIRPORT CONSTRUCTION:

GROUP I
Laborers

GROUP II
Form setter, wagon drill op., road finishers, blasters, gunnite nozzlemen, sandblasters, burning torch, concrete saw op.

GROUP III
Potman, pipelayers, pavement breakers or busters, jackhammer op., barco rammers, chain saw, powder monkey, black top rakers, scalers, drill helpers, mortar mixers, man working from swinging scaffold bosum chair, suspended cage or bucket, work in caissons below 8 feet, concrete motor buggy, all other operators of mechanical tools, including vibrators regardless of type of power.

59668

NOTICES

NY-14-PED-1-2-3-A 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Road rollers (over 7 tons) when used on blacktop, crane work, shovels, derricks, steel erection, overhead or bridge cranes end clam buckets, all excavating machines, trenchers, backfillers, cableways, draglines, backhoes, piledriving rigs, post drivers (except truck mounted), concrete mixer one yard and over, tunnel mucking machines, all tractors used in connection with scoper wagons, snowloader, all repair work or maintenance work under the supervision of a master mechanics, lubriation engineers, winch tractors, bulldozers, graders, blacktop spreaders, air-hoist commonly known as air tuggers when hoisting materials provided an engineer operates both machines and also provided the compressor and tugger are not separated by more than one hundred feet, front and back loaders (except small types), power driver stone spreaders, portable stone crushers, crawler or rubber tire tractor with blade or bucket and crane boom or hoe boom or shovel boom attached (except farm typed crawler or rubber tire tractor unless used with hydraulic backhoe), compressor with paving breaker attached, graders with bulldozer blades, multiple drum hoist with air compressor when used simultaneously and for any make portable concrete batching machine, automatic batch plant op., concrete spreader op., finishing machine op., form puller, self propelled rollers if on blacktop, scraper, either double or single bowl, CMI grading machine, truck mounted concrete pump, self-propelled riding vibrators, hydraulic concrete joint jammer, Rolman loaders, concrete planers, mechanic, wilder, euclid type belt loaders, mechanical and hydraulic pipe pushing machine, scoop-mobiles, forklifts and hoist which lift higher than 25 feet.

GROUP II: Elevators, material hoist, road rollers except as prescribed in group I, tractors, pavement busters, jeep trenches, pumps over 4 inches, concrete blowers, air compressors over 165 cubic ft., compressors when used in banks of (2) and not over (3) within a 50 foot radius if such is possible, but atleast within a 100 foot radius, and if fuel is stored it will be stored within the same radius, gunite machines, locomotives, scoop-mobiles (when usdd as a stationary hoist or one which does not lift over twenty-five feet, concrete pumps, conveyors, gas or diesel driven temporary lighting and power systems of 25 kilowatt capacity or over, stone crushers and winch hoist mounted on trucks, all earth drills, le tourneau turnatrailers, highlift hoist which does not lift over 25 feet, gasoline heaters used in banks of (2) and not over (3) within an area of 100 foot radius, and for (2) but not over (3) gasoline or diesel driven welding machines, trenchers on the back of a jeep, small trenchers which excavate to a depth of not more than 4 feet, truck mounted post drivers, snow-go, small front and back loaders, small type crawler or rubber tire tractor with blade or bucket not to exceed ½ yd. capacity, single drum hoist for hoisting materials other than steel, pug machine, pin puller, self propelled rollers not on blacktop and under 7 tons, bobcat loader or forklift which does not lift over twenty five feet.

32 New York 1 2 3 5 of 3

LABORERS: ROCK TUNNEL FREE AIR CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 8.11	.60	1.75		
GROUP II	8.01	.60	1.75		
GROUP III	7.96	.60	1.75		
GROUP IV	8.26	.60	1.75		
GROUP V	8.36	.60	1.75		
GROUP VI	7.76	.60	1.75		

LABORERS: ROCK TUNNEL FREE AIR CONSTRUCTION

GROUP I
Driller, shaft driller

GROUP II
Chucker, mucking machine tender, shaft muckers

GROUP III
Nipper, car pusher (trawer), track gang, bull gang, cage man, concrete gang, powder monkey

GROUP IV
Blasters, burning torch on demolition work

GROUP V
Rodman

GROUP VI
Laborer & top man

59669

NOTICES

59671

NOTICES

BUILDING, HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP III: Oilers on (shovels, cranes, draglines, backhoes (over 3/4 cu. yds.) dredges, derrick boats, pavers (excluding stationary set-ups), trenching machines, pile drivers, quarry master (or its equivalent), hydrcranes, automated batch plants (wet or dry mix plants), compressors (165 cu. ft. per minute or under), pumps up to and including 4 inches.

GROUP IV: A truck crane oiler will be provided on rubberized equipment, when there is a separate cab to the house

GROUP V: Steam Boiler Operator

Building, Heavy & Highway Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators					
GROUP I	$9.47	.40	.40+.40	a	.10
GROUP II	8.90	.40	.40+.40	a	.10
GROUP III	7.96	.40	.40+.40	a	.10
GROUP IV	8.15	.40	.40+.40	a	.10
GROUP V	8.60	.40	.40+.40	a	.10

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; (providing employee works the day before and the day after the holiday.

STATE: NEW YORK COUNTY: JEFFERSON
DECISION NO.: NY75-3122 DATE: DATE OF PUBLICATION
Supersedeas Decision No. NY75-3036 dated April 11, 1975 in 40 FR16571
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

23-N.Y.-1-2-3 W 1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$10.98	.60	.21		.02
Boilermakers	10.00	.60	10%		.01
Bricklayers, cement masons, marble masons, plasterers, stone masons, terrazzo workers and tile setters	9.71	.55	.60	a	.02
Carpenters:					
Building:					
Carpenters & soft floor layers	8.85	.50	.50	d	.005
Millwrights	9.10	.50	.50	d	.005
Piledrivermen	9.00	.50	.50	d	.005
Heavy & Highway:					
Carpenters & Piledrivermen	8.82	.50	.50		.025
Cement masons, heavy & highway	8.90	.40	.40		
Electricians:					
Project $10,000 or over:					
Electricians	9.95	.45	1%+.45		.8 of 1%
Cable splicers	10.20	.45	1%+.45		.8 of 1%
Projects under $10,000					
Electricians	9.65	.45	1%+.45		.8 of 1%
Cable splicers	9.90	.45	1%+.45		.8 of 1%
Glaziers	7.61	.50	.50		.01
Ironworkers:					
Antwerp, Philadelphia, Leray, Wilna, Champion:					
Structural, ornamental, reinforcing	9.78	.45	.82		.05
Remainder of County:					
Structural, ornamental, reinforcing	9.91	.50	.82		.10
Laborers: (Building)					
Laborers	7.00	.50	.70	e	
Chain saw op., jackhammer op., scaffold builders, mortar mixers, pipe layers, gas buggy op., wagon drill & wagon jack ops., vibrator ops., and all air or electric tools (electric tools used in place of air tools)					
used by laborers, hod carriers (for plasterers only)	7.20	.50	.70	e	

23-N.Y.-1-2-3- W 2 of 3

Laborers (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Sandblasterers on construction clean up where laborers are ordinarily employed, pot liners and acetylene torch op., on demolition work only	$ 7.20	.50	.70	e	
Blasters	7.60	.50	.70	e	
Lead burners	9.25	.35		b	.01
Line Construction:					
Linemen	10.40	.65	1%+.60	c	1%
Cable splicer	11.44	.65	1%+.60	c	1%
Groundman digging machine operator	9.36	.65	1%+.60	c	1%
Groundman mobile equipment operator	8.32	.65	1%+.60	c	1%
Groundman truck driver	7.90	.65	1%+.60	c	1%
Groundman dynamite man & Mechanic	8.32	.65	1%+.60	c	1%
Painters:					
Brush & Roller	7.60	.25	.45		
Swing staging & bosun chair	7.95	.25	.45		
Steel	7.95	.25	.45		
Plumbers and steamfitters	9.20	.52	.50		.025
Roofers:					
Roofers	9.15	.60	.75		
Sheet metal workers	10.655	.60	.80		.07
Sprinkler fitters	10.75	.50	.80		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: B,C,&D; (provided employee has been on the payroll five days prior to the holiday and he reports to work the day following the holiday).

b. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

59670 NOTICES 59671 NOTICES 59673

FOOTNOTES (CONT'D):

c. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

d. Holiday: D; providing the employee was on the payroll the week before the holiday or on the payroll the week after the holiday.

e. Holidays: B,D and E provided employee works the working day before and the working day after the holiday.

POWER EQUIPMENT OPERATORS Building Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Class 1	$10.03	.50	.90	a	.05
Class 2	9.53	.50	.90	a	.05
Class 3	8.51	.50	.90	a	.05

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day, providing employee has worked 5 consecutive working days before and the working day after the holiday.

POWER EQUIPMENT OPERATORS: Building Construction

Class 1: Asphalt and blacktop roller; Automated concrete spreader (CMI or equivalent); Automated fine grade machine (CMI); Backhoe; Belt placer; Blacktop spreader (such as Barber Greene and Bay Knox) Blacktop plant (automated); Blast or rotary drill (truck or cat mounted); Boom truck; Cableway; Calsson auger; Carry-all-scraper-self loading; Central Mix plant (automated); Cherry picker over five (5) ton capacity; Compressors; Pump; Generator or welding machine (when used in a battery of not more than four (4); Crane; Crusher-cock; Derrick; Diesel power unit; Dragline; Dredge; Dual drum paver; Elevating grader (self-propelled to towed); Elevator hoist - two cage; Excavator - all purpose - hydraulically operated; Fork lift (factory rating 15 ft. or more); Front end loader (4 c.y. and over); Gradall; Grader (power); Head tower (Saur man or equal); Hoist (2 or 3 drums); Locomotive; Maintenance engineer; Maintenance welder; Mine hoist; Mucking machine or mole; Overhead crane fixed permanent; Pile driver; Quarry Master or equivalent; Refrigeration equipment - for soil stabilization; Shovel; Side boom; Slip form paver; Straddle buggy (Ross carrier, Lumber carrier) Tractor drawn belt type loader (Euclid loader); Trenching machine (digging capacity of over 4 ft. depth); Truck crane operator; Tunnel shovel; Vibro or sonic hammer controls (when not mounted in proximity to the rig operator)

POWER EQUIPMENT OPERATORS (Cont'd)
Building Construction

Class 2: "A" Frame truck; Blacktop plant (non-automatic); Boring machine; Bulldozer; Cage hoist; Carry-all scraper; Central mix plant (non-automated); Cherry picker five (5) tons and under; Compressor (315 c.f. and over); Concrete paver (single drum over 16S); Concrete pump; Core boring machine; Drill rigs-tractor mounted; Elevator - as a material hoist; Fork lift (factory rating less than 15 ft.); Front end loader (under 4 cu. yds.); Gunnite machine; High pressure boiler (15 lbs. and over); Hoist (one drum); Hydraulic breaking hammer; (Drop hammer); Kolman plant loader (screening gravel); Maintenance grease man; Mixer for stabilized base - self-propelled (seaman mixer); Monorail machine; Parapet concrete or pavement grinder post hole digger (truck or tractor mounted); Post driver (truck or tractor mounted); Power sweeper (Wayne or similar); Pump 4" and over; Pump-crete or squeeze-crete; Road widner (front end of grader or self-propelled); Shell winder (motorized); Snorkel (ovarhead arms); Roller; Trenching machine (digging capacity of 4 ft. or less); Tugger hoist vibro tamp; Well drill; Well point system (submersible pumps when used in lieu of well-point system); Winch (motor driven); Winch cat; Winch truck

Class 3: Compressor (under 315 cu. ft.); Concrete paver or mixer (undar 16S); Concrete pavement spreaders and finishers (not automated); Conveyor (over 12 ft.); Electric submersible pump (4" and over); Farm tractor with or without accessories; Fine grade machine (not automated); Fireman; Form tamper; Generator (2,500 watts and over); Hydraulic pump; Mechanical heaters - more than two (2) mechanical heaters or any mechanical heater or heaters whose combined output exceeds 640,000 BTU per hour (manufacturer's rating); Mulching machine; Oiler; Power driven welding machine - 300 amp. and over (other than all electric); One welding machine under 300 amp. will not require an engineer unless in a battery); Power heaterman (hay drier) Pump (under 4"); Revinius widner (road widener); Steam cleaner or Jenny; Tractor with or without towed accessories

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
CLASS A	$ 7.14	.55	.65	a	
CLASS B	7.34	.55	.65	a	
CLASS C	7.54	.55	.65	a	
CLASS D	7.74	.55	.65	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; E-Christmas Day.

FOOTNOTE:

a. Paid Holidays A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helper, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tendsr, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setters, stone or granite curb setters.

59674 NOTICES 59672 NOTICES 59675 59673

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.20	.50	.50+a	b	.10
GROUP II	8.90	.50	.50+a	b	.10
GROUP III	8.25	.50	.50+a	b	.10
GROUP IV	7.50	.50	.50+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.40 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the employee works the working day before and after the holiday

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power hesterman, revinius widener, shell winder, steam cleaner, tractor.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1	$7.39	.55	.50	a	
CLASS 2	7.44	.55	.50	a	
CLASS 3	7.49	.55	.50	a	
CLASS 4	7.64	.55	.50	a	
CLASS 5	7.79	.55	.50	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Paid Holidays A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checkers and receivers, greasers, truck firemen, mechanic helpers and parts chaser.

CLASS 2
Tandems, batch trucks, mechanics and dispatcher.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded.

SUPERSEDEAS DECISION

STATE: NEW YORK

COUNTY: CHAUTAUQUA

DECISION NO.: NY75-3123

DATE: DATE OF PUBLICATION

Supersedeas Decision No. NY75-3033 dated April 11, 1975 in 40 FR 16554
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

7-N.Y.-1-2-3 E — 1 of 3

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$9.81	.82	.55		.04
Boilermakers	9.85	.50	.95		.02
Bricklayers, cement masons, plasterers, stone masons, marble, terrazzo workers & tile setters	9.35	.50	.80		
Cement masons, heavy & highway	8.50	.50	.70		
Carpenters & soft floor layers, bldg.	8.52	.50	.90		.05
Carpenters heavy & highway	8.42	.50	.90		.025
Electricians:					
Twps. of Mina, French Creek, Clymer, Sherman, Chautauqua, Ellery, Harmony, North Harmony, Busti, Cerry, Ellicott, Kiantone, Ellington, Poland & Carroll	10.85	.37	1%+.40		1%
Remainder of County	10.55	.45	1%+.40		.15
Glaziers	9.03	.50	.95		.06
Ironworkers, structural, ornamental & reinforcing:					
Twps. of Cherry Creek, Ellington, Sheridan, Pomfret, Charlotte, Arkwright, Hanover, Villanova & Stockton	10.27	.91	.91		.04
Remainder of County	9.50	.78	.69		.13
Laborers, building:					
Laborers & flagmen	7.00	.50	.60	a	
Blasterers, curb, form setters & pipelayers	7.25	.50	.60	a	
Work 40' & up	7.15	.50	.60	a	
Lathers	7.56	.40	.20		.01
Lead burners	9.25	.35		b	.01
Line Construction:					
Linemen	10.40	.65	1%+.60	o	1%
Cable splicer	11.44	.65	1%+.60	c	1%
Groundman digging machine operator	9.36	.65	1%+.60	c	1%
Groundman mobile equipment operator	8.32	.65	1%+.60	c	1%
Groundman truck driver	7.90	.65	1%+.60	c	1%
Groundman dynamite man & Mechanic	8.32	.65	1%+.60	o	1%
Marble, tile & terrazzo workers' helpers	7.76	1.50	.40		.05
Millwrights	8.77	.50	.90		

NY75-3123 p. 2

7-N.Y.-1-2-3 E — 2 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Painters:					
Twps. of Dunkirk, Portland, Pomfret, Sheridan, Arkwright, Hanover & Villanova:					
Brush	$8.655	.525+.45	.30		.10
Steel tanks, towers, stacks, flag poles, radio TV towers	9.155	.525+.45	.30		.10
Sandblasting, swing stafe, spray, bosun chair	8.905	.525+.45	.30		.10
Bridges 35' high or above	10.32	.525+.45	.30		.10
Remainder of County:					
Painters	6.16	.52	.30		.01
Structural steel, bridge & stacks	6.46	.52	.30		.01
spray & sandblasting	6.81	.52	.30		.01
Roller	6.36	.52	.30		.01
Piledriversmen	8.67	.50	.90		.05
Plumbers:					
Twps. of Hanover, Sheridon, Dunkirk, Pomfret, Arkwright, Villanova, Portland, Stockton, Charlotte, Ripley, Westfield, Cherry creek and Fredonia					
Plumbers	11.00	1.59	.65		.04
Steamfitters	11.02	.45	1.50		.08
Remainder of County					
Plumbers & steamfitters	9.72	.50	.45	2%	.01
Roofers	8.50	.50	.45	.15+g	
Sheet metal workers	8.02	.40	.40	.20+d	.02
Sprinkler fitters	10.75	.50	.80		.08
Truck drivers, building	5.75	.44	.40	e+f	
Welders - craft rate					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Two hours paid time off on Election Day

NY75-3123 p. 3

7-N.Y.-1-2-3 E — 3 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.

FOOTNOTES (cont'd):

b. Holidays: A through F, Washington's Birthday, Good Friday, Christmas Eve, providing employee has worked 65 full days during the 120 calendar days prior to the holiday and the regularly scheduled work days immediately preceding and following the holidays:

o. Holidays: A through F, Washington's Birthday, Good Friday, Election Day for President of the United States and Election or Governor of New York State (providing employee works the day before and the day after the holiday).

d. Two weeks vacation

e. Holidays: A through F.

f. One week vacation after one year's work; two weeks vacation after 2 years work.

g. One to three months service, 10 hours paid vacation, three to six months service, 20 hours paid vacation, six to nine months service 30 hours paid vacation, nine to twelve months service, 40 hours paid vacation.

NY75-3123 p.4

NY-21-LAB-2-3

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
CLASS A	$ 7.49	.50	.60	a	
CLASS B	7.69	.50	.60	a	
CLASS C	7.89	.50	.60	a	
CLASS D	8.09	.50	.60	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Paid Holidays A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helper, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diophragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setters, stone or granite curb setters.

NY15-3123 p.5

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Crane with a main boom over 100 feet

GROUP II: All boom type equipment, all pan and carryall operators, Ambrer hoist, back and pull hoe operator, blast or rotary drill, track or cat mounted, boiler (when used for power), boom trucks, cableway operator, concrete paver machine, crane operator, derrick operator, dragline operator, elevating grader (self-propelled), head tower operator, mat roller (finish course), hydraulic booms, hydro crane, maintenance engineer, mucking machine operator, multiple drum hoist, (more than 1 drum in use), Peine crane, pile driving machine operator, power grader machine operator, scoopmobile, shovel operator, skimmer operator, test core drill machine, tractor shovel operator, vertical caisson auger drill, well drilling machine

GROUP III: Back filling machine operator, Kolman loader, roller machine operator, snatch and pusher cats, stone crusher, towed or self-propelled rollers, trenching machine operator

GROUP IV: Air hoist operator, cage hoist operator, conveyor operator, conveyor systems, (belt-crete or similar), hoisting engine op., house elevator, (when used for hoisting), industrial tractor, locomotive op., (irrespective of power), push button hoist op., Strato tower, tractors (when using winch power),

GROUP V: Concrete mixer op., (½ c.y. or over), gasoline driven boring machine, hydraulic system pumps, hydro hammer, finishing machine op., (asphalt spreader), finishing machine op., pump op., (4" or over), pump op., (2 or 3 in a battery)

GROUP VI: Air compressor operator, (under 160 cu. ft.), air compressor op., (over 160 cu. ft.), generator, grount machine operator, heating boiler operator, used for temporary heat), lubrication unit or truck, mechanical heaters, (when 3 are in a battery), mechanic or repairman, pneumatic mixer op., power plant (in excess of 10KW), welding machine operator, (to and including 3 machines)

GROUP VII: Bulldozer (over 50 h.p.), Monorail

GROUP VIII: Bulldozer & tractor, (50 h.p. drawbar or under), jeep trencher, mulchers, power brooms and rakes, seeders

GROUP IX: Fireman

GROUP X: Truck crane driver

GROUP XI: Aggregate bin op., apprentice engineer or oiler, cement bin op., concrete mixer op., (under ½ c.y.), mechanical heaters, (when one or two are used), pump operators (one inch), pump op., (two inches), pump operators, (three inches), tractor machines

NYT5 3123 P. 6

N.Y.-15-FEO-1-A 2 of 2

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
GROUP I	$10.485	.40	.90		.10
GROUP II	9.735	.40	.90		.10
GROUP III	9.58	.40	.90		.10
GROUP IV	9.54	.40	.90		.10
GROUP V	9.455	.40	.90		.10
GROUP VI	9.30	.40	.90		.10
GROUP VII	9.54	.40	.90		.10
GROUP VIII	9.145	.40	.90		.10
GROUP IX	8.985	.40	.90		.10
GROUP X	8.83	.40	.90		.10
GROUP XI	8.685	.40	.90		.10

59678

NOTICES

NOTICES

NYT5 3123 p.7

NY-24-FEO-2-3

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
CLASS I	$10.07	.50	1.00	a	.15
CLASS II	9.84	.50	1.00	a	.15
CLASS III	9.46	.50	1.00	a	.15
CLASS IV	8.73	.50	1.00	a	.15

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays, A through F, provided employee works the working day before and the working day after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

CLASS I: Asphalt roller (except rubber tire), Automatic fine grade machine, backhoe (except tractor mounted, rubber tired), belt placer, black top plant (automated) blast or rotary drill, (truck or cat mounted), cableway, caisson auger, central mix plant (automated), cherry picker - over 5 tons capacity, crane, derrick, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), excavator (all purpose - hydraulically operated), front end loader (4 c.y. and over), gradall, grader, head tower, hoist, 2 or 3 drum, locomotive (irrespective of size or power), maintenance engineer, mine hoist, mucking machine, overhead crane, peine crane or similar type, pile driver, quarry master or equivalent, shovel, skimmer, slip form paver, tractor drawn belt-type loader, truck crane, tunnel shovel

CLASS II: Asphalt roller (rubber tired), asphalt spreader, automatic fine grade machine, backhoe (tractor mounted, rubber tired), back filling machine, bending machine (pipe), bituminous spreader and mixer, blacktop plant (non-automated), boom truck, boring machine, cage hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker 5 tons and under, compressors (4 or less) exceeding 2,000 c.f.m. combined capacity, concrete paver over 16S, concrete pump, crusher, dozer or push cat, drill rigs, tractor mounted, elevator, front end loader (under 4 c.y.) hi-pressure boiler, (15 lbs. and over), hoist, one drum, hydraulic pipe jack machine or similar type machine, jersey spreader, kolman plant loader and similar type loaders (if employer requires another man to clean the screen or to maintain the equipment, he shall be an oiler), maintenance grease man, mixer for stabilized base self-propelled, monorail machine, plant engineer, pump crete, ready mix concrete plant, road widener, rock bit sharpener (all types), roller (all above subgrade, scraper, side boom, slip form paver, snorkel, stump chipping machine, trencher, tube finisher, winch, winch truck with A-frame

NYT5 3123 p. 8

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

CLASS III: Asphalt curb and gutter machines, blower for burning brush, chipping machine and chip spreader, compressors: 4 not exceed 2,000 c.f.m. combined capacity, 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressor, (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination) concrete pavement spreaders and finishers, concrete curb and gutter machine, concrete curing machines, conveyor drill core, drill well, electric pump used in conjunction with well point systems, farm tractor with accessories, fine grade machine, hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point

CLASS IV: Aggregate plant, boiler, (used in conjunction with production), C.M.I. and similar type concrete spreaders, cement bin operator, compressors: 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors: (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16S and under), concrete saw self-propelled, fireman, form tamper, mulching machine, oiler, power broom, power heaterman, revinius widener, steam cleaner, tractor

NOTICES

NOTICES

59681

59679

NY-1-TD-2-3

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1	$7.39	.55	.50	a	
CLASS 2	7.44	.55	.50	a	
CLASS 3	7.49	.55	.50	a	
CLASS 4	7.64	.55	.50	a	
CLASS 5	7.79	.55	.50	a	
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checkers and receivers, gressers, truck firemen, mechanic helpers and parts chaser.

CLASS 2
Tandems, batch trucks, mechanics and dispatcher.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded.

SUPERSEDEAS DECISION

STATE: New York
DECISION NUMBER: NY75-3124
Supersedes Decision No. NY75-3031 dated April 11, 1975, in 40 FR 16545
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

COUNTY: Albany
DATE: Date of Publication

BUILDING, HEAVY and HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or App. Tr.
ASBESTOS WORKERS	$10.43	.32	.28		.02
BOILERMAKERS	10.00	.60	10%		.01
BRICKLAYERS, Cement Masons, Plasterers and Stonemasons	10.04	.45	.30		.01
CARPENTERS and Soft Floor Layers: Building	9.20	.60	.60		.02
CARPENTERS: Heavy and Highway	8.82	.50	.50		.025
MILLWRIGHTS: Building	9.70	.60	.60		.02
CEMENT MASONS: Heavy and Highway	8.95	.45	.30		
ELECTRICIANS:					
Cohoes and Watervliet	10.35	.50	1%+.55	g	h
Remainder of County	10.85	.30	1%+.50	a	
ELEVATOR CONSTRUCTORS	9.48	.445	.29	3%+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	6.64	.445	.29	3%+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	4.74				
IRONWORKERS:					
Structural, Ornamental and Reinforcing	9.49	.60	.85		.04
LABORERS, Building:					
West side of Hudson River, extending westerly along the north side of 1st St., Watervliet, to half-mile of Rt., 9 to Shaker Road to Rt., 9 northerly to the N. of the Line of Albany County:					
Laborers	8.20	.60	.75		.02
Pipelayers (2 man team), Hod Carriers Morter Mixers (hand or machine), Jackhammer Op., Well pointing, all air or gas driven tools, Vibratore, power driven buggies	8.35	.60	.75		.02
Demolition	8.45	.60	.75		.02
Form Setters (curb)	8.375	.60	.75		.02
Wagon Drill Operator	8.425	.60	.75		.02
Acetylene Burners	8.475	.60	.75		.02
Blasters	8.675	.60	.75		.02
Remainder of County:					
Laborers	8.20	.60	.75		.02
Blasters	8.675	.60	.75		.02
Acetylene Burners	8.475	.60	.75		.02
Wagon Drills	8.425	.60	.75		.02
Form Setters (curb)	8.375	.60	.75		.02
Asphalt Rakers	8.20	.60	.75		.02

NY75-3124 p. 2

1-New York-1-2-3 2 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Remainder of County Cont'd:					
Pipelayers, hod carriers, mortar mixers (hand or machine), jackhammer op., well pointing, air or gas driven tools, power driven buggies, air and gas hammers and drills, electric hammers, 50 lbs. or over and vibrators	8.35	.60	.75		.02
Demolition	8.45	.60	.75		.02
Lead burners	9.25	.35		o	.01
Line Construction:					
Linemen, cable splicer helper and material man	10.40	.65	1%+.60	d	1%
Cable splicer	11.44	.65	1%+.60	d	1%
Groundman digging machine operator	9.36	.65	1%+.60	d	1%
Groundman mobile equipment oper.	8.32	.65	1%+.60	d	1%
Groundman truck driver	7.90	.65	1%+.60	d	1%
Groundman dynamite man & Mechanic	8.32	.65	1%+.60	d	1%
Painters:					
Brush	7.97		.12		
Structural steel and bridge	8.72		.12		
Spray	9.07		.12		
Piledrivermen	9.86	.95	1.53	.55	.02
Plumbers, Steamfitters, Air conditioning and refrigeration:					
Albany area	10.00	.35	.87		.05
Plumbers and Pipefitters:					
Cohoes area	9.85	.50	.85		.04
Roofers	9.70	.63	.30		.02
Sheet metal workers	9.34	.60	.40		.05
Sprinkler fitters	10.75	.50	.80		.08
Truck drivers - Building:					
Straight, winch transit on site, road oilers, dump, pick-up, panel water and fuel trucks on site	7.09	.37	.37	f	.02
Low or lowboy trailers	7.24	.37	.37	f	.02
Euclids	7.34	.37	.37	f	.02
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

1-New York-1-2-3 3 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.

FOOTNOTES:

a. Holidays: E

b. Holidays: A through F. Employer contributes 1% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

e. One week vacation after one year's work; two weeks vacation after five year's work.

f. Holiday - Thanksgiving Day provided employee reports for work the day following the holiday.

g. Employer contributes $15.00 per year to an apprentice training program.

N.Y. 3-PEO-1-J 1 of 1

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$9.36	.45	.80	a	.10
GROUP 2	9.43	.45	.80	a	.10
GROUP 3	9.54	.45	.80	a	.10
GROUP 4	9.73	.45	.80	a	.10
GROUP 5	10.06	.45	.80	a	.10
GROUP 6	10.21	.45	.80	a	.10
GROUP 7	10.39	.45	.80	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

NY-1-LAB-2-3-J

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$7.24	.60	.75	a	
CLASS B	7.44	.60	.75	a	
CLASS C	7.64	.60	.75	a	
CLASS D	7.84	.60	.75	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helper, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, morter mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphragm), nozzle (asphalt, gunnite, seading and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setters, stone or granite curb setters.

NY 23 PEO 2 3 B

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.30	.50	.50+a	b	.10
GROUP II	9.00	.50	.50+a	b	.10
GROUP III	8.35	.50	.50+a	b	.10
GROUP IV	7.60	.50	.50+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.30 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the employee works the working day before and after the holiday

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

NOTICES 59682 NOTICES 59683 59685

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power hesterman, revinius widener, shell winder, steam cleaner, tractor.

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TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Appr. Tr.
CLASS 1	$7.39	.55	.50	a	
CLASS 2	7.44	.55	.50	a	
CLASS 3	7.49	.55	.50	a	
CLASS 4	7.64	.55	.50	a	
CLASS 5	7.79	.55	.50	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser.

CLASS 2
Tandems, batch trucks, mechanics and dispatcher.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded.

SUPERSEDEAS DECISION

STATE: North Carolina COUNTY: Onslow
DECISION NUMBER: NC75-1116 DATE: Date of Publication
Supersedeas Decision No. AR-4048 dated October 25, 1974 in 39 FR 38078.
Description of Work: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$5.65				
Bricklayers	6.00				
Carpenters	3.00				
Cement masons	4.33				
Electricians	4.37				
Ironworkers:					
Structural, ornamental & reinforcing	3.00				
Laborers:					
Laborers	2.75				
Lathers	5.00				
Painters, brush	4.25				
Plasterers	5.65				
Plumbers & steamfitters	5.51				
Roofers	3.00				
Sheet metal workers	3.44				
Truck drivers	2.75				
Welders - rate for craft.					
Power Equipment Operators:					
Backhoes	3.38				
Cranes	5.25				
Front end loaders	4.00				
Motor graders	4.18				
Piledriver	6.25				
Tractors	4.10				

SUPERSEDEAS DECISION

STATE: Washington
DECISION NUMBER: WA75-5150
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. WA75-5132 dated October 31, 1975, in 40 FR 50921
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments, up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	$11.06	.51	.80		.02
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	10.86	.50	.90		.11
Remaining Counties	10.80	.51	.90		
BOILERMAKERS	9.80	.65	1.00	.50	.02
BRICKLAYERS:					
Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties and Grand Coulee Dam area in Okanogan County	9.69	.55	.50		.04
Benton, Franklin, and Walla Walla Counties	9.20	.40	.50		
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	8.97	.55	.50		
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (South of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	10.12	.55	.35		.02
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum Counties and ten mile strip bordering the Columbia River in Klickitat County	10.13	.55	.75		.08
Grant County and that portion of Adams County including the City of Othello	8.50	.45			
Kittitas, Yakima and Klickitat (except a ten-mile strip bordering the Columbia River) Counties	9.75	.50	.50		

DECISION NO. WA75-5150

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS: (Cont'd)					
Grays Harbor, Lewis, Mason, Thurston and Northern portion of Pacific County	$9.20	.55	.30		
Pierce County	9.79	.55	.65		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and North thereof), and Whatcom Counties	9.85	.55	.45		
CARPENTERS:					
All Counties and parts of Counties east of the 120th Meridian (except those parts of Kittitas, Klickitat and Yakima)					
Carpenters	9.04	.55	.55		.045
Piledriver; Floor Sanders; Saw Filers; Stationary Power Woodworking Tool Operator	9.19	.55	.55		.045
Shingler (wood or composition)	9.24	.55	.55		.045
Boom Man; Carpenters (Creosoted material)	9.29	.55	.55		.045
Piledriver (creosoted material)	9.44	.55	.55		.045
Millwright and Machine Erector	9.54	.55	.55		.045
All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Carpenters & drywall applicators	9.10	.50	.65		.02
Carpenters on Creosoted material	9.20	.50	.65		.02
Sawfilers; Stationary power saw; Floor Finisher; Floor Layer; Shingles; Floor Sander and other stationary power woodworking tools	9.23	.50	.65		.02
Millwrights and Machine Erectors	9.60	.50	.65		.02
Piledrivers; Bridge, dock and wharf builders	9.25	.50	.65		.02
Acoustical Workers	9.26	.50	.65		.02
Boomman	9.30	.50	.65		.02

DECISION NO. WA75-5150

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS: (Cont'd)					
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Carpenters; Form stripper; Manhole Builders; Acoustical Applicators, Drywall Applicators	$9.29	.55	.65	.35	.03
Piledrivermen, bridge, dock and wharf builders	9.39	.55	.65	.35	.03
Floor layers; Floor finishers; Stationary power saw operator	9.44	.55	.65	.35	.03
Boomman	9.49	.55	.65	.35	.03
Millwrights; Machine Erectors	9.54	.55	.65	.35	.03
CEMENT MASONS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas (except for western portion lying one mile west of City of Easton), Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	8.93	.50	.65		.04
Clallam, Grays Harbor, Island, Jefferson, King (except City of Auburn), Kitsap, Kittitas, (western portion lying one mile west of the City of Easton), Mason, Pacific (northern portion), San Juan, Skagit, Snohomish and Whatcom Counties	9.02	.55	.90		.01
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Cement Masons	8.97	.55	.60	.60	.10
Composition materials and power machinery	9.12	.55	.60	.60	.10
Lewis, Pierce, Thurston and the City of Auburn in King County	9.25	.50	.65		.02

DECISION NO. WA75-5150

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS:					
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties					
Electricians	$9.90	.35	1%+.40		.02
Cable Splicers	10.30	.35	1%+.40		.02
Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla and Yakima Counties					
Electricians	9.85	.35	1%+.40		.02
Cable Splicers	10.835	.35	1%+.40		.02
Chelan, Douglas, Grant and Okanogan Counties					
Electricians	9.90	.35	1%+.40		.02
Cable Splicers	10.89	.35	1%+.40		.02
Clallam, Jeffarson, King and Kitsap Counties					
Electricians	11.20	.35	1%+.40		.03
Cable Splicers	12.32	.35	1%+.40		.03
Clark, Klickitat and Skamania Counties					
Electricians	10.10	.45	1%+.40		.02
Cable Splicers	10.85	.45	1%+.40		.02
Cowlitz and Wahkiakum Counties					
Electricians	10.61	.45	1%	5%	.02
Cable Splicers	11.67	.45	1%	5%	.02
Grays Harbor Lewis, Mason, Pierce, Pacific and Thurston Counties					
Electricians	9.43	.45	1%+.45	.75	.04
Cable Splicers	10.37	.45	1%+.45	.75	.04
Island, San Juan, Skagit, Snohomish and Whatcom Counties					
Electricians	10.90	.45	1%+.40		.01
Cable Splicers	11.99	.45	1%+.40		.01
ELEVATOR CONSTRUCTORS:					
Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties					
Elevator Constructors	10.51	.495	.32	3%+a	.02

DECISION NO WA75-5150

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS: (Cont'd)					
Elevator Constructors' Helpers	70%JR	.495	.32	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific, (northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties					
Elevator Constructors	$11.215	.495	.32	3%+a	.02
Elevator Constructors' Helpers	70%JR	.495	.32	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Clark, Cowlitz, Klickitat, Pacific, (southern portion), Skamania and Wahkiakum Counties					
Elevator Constructors	9.54	.495	.32	3%+a	.02
Elevator Constructors' Helpers	70%JR	.495	.32	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS::					
Adams, (northeastern portion), Lincoln (eastern half); Pend Oreille, Spokane and Stevens Counties	7.455	.31	.10	.545	
Adams (southeastern portion), Benton, Columbia, Franklin and Walla Walla Counties	8.15	.40	.45	.53	
Adams (Southwestern corner), Chelan, Douglas, Grant, Lincoln, (western half) and Okanogan Counties	7.22	.40	.70	.52	
Asotin, Grafield and Whitman Counties	7.28	.31	.25	.28+b	
Clallam, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, (northern portion), Pierce, San Juan, Snohomish and Thurston Counties	8.05	.22	.40	b	.02

DECISION NO. WA75-5150

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS: (Cont'd)					
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	$7.20	.26	.30	6.5%	.01
Kittitas and Yakima Counties	6.41	.25	.25		
IRONWORKERS:					
Statewide except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers and Signalmen	10.15	.58	1.00		.05
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers; Signalmen	9.90	.58	1.00	.25	.05
LATHERS:					
Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties	8.88	.45			
Clallam, Island, Jefferson, King, Kitsap, Pacific (Northern portion), San Juan, Skagit, Snohomish and Whatcom Counties	7.50	.40			
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania, and Wahkiakum Counties	9.05	.50	.80		.01
Pierce County	7.25	.40	.50		.02
MARBLE SETTERS:					
Adams (except that portion including the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties, and Grand Coulee Dam Area in Okanogan County	9.69	.55	.50		

DECISION NO. WA75-5150

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS: (Cont'd)					
Benton, Franklin and Walla Walla Counties	$9.20	.40	.50		
Chelan, Douglas, and Okanogan Counties (except area of Grand Coulee Dam)	8.77	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (South of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	10.12	.55	.35		.02
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum Counties and a ten mile strip bordering the Columbia River in Klickitat County	10.13	.55	.75		.08
Grant County and that portion of Adams County including the City of Othello	8.25	.45			
Grays Harbor, Lewis, Mason, Thurston and Northern half of Pacific Counties	9.20	.55	.30		
Pierce County	9.66	.55	.65		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	9.85	.55	.45		
MARBLE, TILE & TERRAZZO WORKERS HELPERS:					
All Counties west of the Cascade Mountain Range (except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	8.12	.55			
MASON TENDERS:					
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties (including tenders to plasterers, bricklayers, tile setters, marble setters and terrazzo workers; topping for cement finishers and mortar mixers)	8.12	.65	.95		.10

DECISION NO. WA75-5150

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties					
Brush	$9.02	.40	.70		.02
Steel; Spray; Steam Cleaning; Roller over 9" or 10' handle; Drywall Taper	9.27	.40	.70		.02
Swing Stage work or high rate (over 30')	9.37	.40	.70		.02
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	9.42	.40	.70		.02
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Brush	8.59	.35	.45	.30	.03
Spray; High Towers, ground to 100'	8.84	.35	.45	.30	.03
High work over 100'; High Towers, ground to 300'	9.09	.35	.45	.30	.03
High Towers, ground to over 300'	9.59	.35	.45	.30	.03
Drywall Finishers	7.81	.40	.40	.50	.06
Grays Harbor, Island, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Pacific (Northern portion) and Whatcom Counties					
Brush; Drywall Tapers	8.91	.44	.49		.02
Spray; Structural Steel; Bridge; Sandblasting; Stacks; Steam Cleaning; Steeples; Swing Stage; Tanks on legs; Tower; Toxic Material	9.16	.44	.49		.02
Clallam and Jefferson Counties					
Brush	7.50				
Spray, steel, sandblasting, and bitumastic	7.75				

DECISION NO. WA75-5150

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Kittitas (including the City of Ellensburg and south thereof); Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	$8.88	.45			
Chelan, Douglas, Kittitas (north of the City of Ellensburg), and Okanogan Counties	8.28	.45	.60		
Clallam, Island, Jefferson, King (except the City of Kent), Kitsap, Pacific (Northern portion), San Juan, Skagit and Snohomish Counties	9.35	.55	.80		.04
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	9.05	.50	.80		.01
Grays Harbor, King (City of Kent), Lewis, Mason, Pierce and Thurston Counties	9.50	.50	.70		.04
PLASTERERS' TENDERS:					
All Counties and portions of Counties East of the 120th Meridian	8.00	.50	.70		.02
PLUMBERS:					
Chelan, Clallam, King, Kittitas (North of 47°15' N. Lat.), Douglas (west of the 119°30' W. Long.), Jefferson and Okanogan (except the area lying between 119°30' N. Lat.) Counties	11.26	.65	1.12	1.00	.07

DECISION NO. WA75-5150

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS: (Cont'd)					
Adams (except area between a line drawn south from the western boundary of Ferry County to Highway #10 eastward to Whitman County), Asotin, Benton, Columbia, Franklin, Garfield, Grant, Klickitat, Walla Walla, Yakima, Douglas (east of 119° 30' W. Long.), Ferry (west of a line drawn from Creston in Lincoln County northward to the Canadian Border), Kittitas (south of 47° 15' N. Lat.), Lincoln (west of a line drawn from Schrag in Adams County northward to the Ferry County Line), and Okanogan (east of 119°30" N. Lat.) Counties	$10.66	.65	1.10	1.00	.10
Adams (Area between a line drawn south from the western boundary of Ferry County of Highway #10 and eastward to Whitman County), Asotin, Cowlitz, Ferry (east of a line drawn from Creston in Lincoln County northward to the Canadian Border), Grays Harbor, Kitsap, Lewis, Lincoln (east of a line drawn from Schrag in Adams County northward to the Ferry County Line), Mason, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, Whitman and Clark and Skamania (those portions lying north of an east-west line drawn through Woodland eastward to the Klickitat County Line) Counties	10.72	.65	1.10	1.00	.10
Clark and Skamania Counties south of an east-west line drawn through Woodland eastward to the Klickitat County Line	10.97	.85	1.55		.08

DECISION NO. WA75-5150

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens and Whitman Counties	$8.29	.55	.40		.01
Benton, Franklin, Kittitas, Klickitat and Yakima Counties					
Roofers; Kettlemen; Waterproofers; Shinglers; Spraying	8.86	.30	.44		
Clallam, Cowlitz, Grays Harbor, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, Snohomish, Thurston and Wahkiakum Counties					
Roofers; Waterproofers	8.95	.55	.30		
Slate and Tile Roofers	9.20	.55	.30		
Island, San Juan, Skagit and Whatcom Counties					
Roofers and Waterproofers	7.95	.45	.30		
Slate and Tile Roofers	8.45	.45	.30		
Clark and Skamania Counties					
Roofers	9.05	.45	.75		
Handling of irritating material (coal, tar or epoxy) in unconfined area	9.55	.45	.75		
Handling of irritating material (coal, tar or epoxy) in confined area	9.80	.45	.75		
Roofers Helpers:					
Under 800 hours experience	70%JR				
800 - 1600 hours experience	75%JR				
Over 1600 hours experience	80%JR				
SHEET METAL WORKERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	10.91	.52	.50		
Clallam, Jefferson, Kitsap and Mason Counties	9.28	.37	.50	.50	.03
Clark and Skamania Counties	8.71	.55	.51	1.00	.04
Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston and Wahkiakum Counties	9.45	.37	.77	.47	.02

DECISION NO. WA75-5150

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS: (Cont'd)					
King County	$11.11	.52	.84		.03
Island and Snohomish Counties	11.40	.47	.60		.02
Whatcom, Skagit and San Juan Cos.	10.17	.57	.60		.04
SOFT FLOOR LAYERS:					
Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties	7.89	.25	.40	.31	
Benton, Franklin and Walla Walla Counties	7.29	.40	.40	1.21	
Clallam, Island, Jefferson, Lewis, San Juan, Skagit, Whatcom, King, Kitsap and Snohomish Counties	9.26	.46	.70		.05
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	8.335	.45	.85	c	.06
Grays Harbor, Mason, Pacific (Northern portion), Pierce and Thurston Counties	9.07	.46	.70		.05
Yakima and Kittitas Counties	7.43	.25	.25	.23	
SPRINKLER FITTERS:					
Skagit, Snohomish, King, Island, Kitsap, Pierce and Thurston Cos.	12.76	.50	.80		.09
Remaining Counties	10.55	.50	.80		.08
TERRAZZO WORKERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan Co.	9.50	.55	.40		
Benton, Franklin and Walla Walla Counties	8.53	.40	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	8.77	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Skagit, (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	9.63	.55	.65		
Grant County and that portion of Adams County indluding the City of Othello	8.50	.45			

DECISION NO. WA75-5150

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS: (Cont'd)					
Grays Harbor, Lewis, Mason and Thurston Counties	$9.20	.55	.30		
Pierce County	9.66	.55	.65		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	9.85	.55	.45		
TILE SETTERS:					
Adams (except that portion including the City of Othello), Asotin, Columbia, Perry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan County	9.50	.55	.40		
Benton, Franklin and Walla Walla Counties	8.53	.40	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	8.27	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington Sedro-Woolley and Concrete) and Snohomish Counties	9.63	.55	.65		.04
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum and a ten-mile strip bordering the Columbia River in Klickitat County	8.04	.35	.35	.25	
Grant County and that portion of Adams County including the City of Othello	8.50	.45			
Grays Harbor, Lewis, Mason and Thurston Counties	9.20	.55	.30		
Pierce County	9.66	.55	.65		.02
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. WA75-5150

* Where Pacific County is stated as "Northern portion" or "Southern portion" such areas are defined as follows:

Pacific (Northern portion) - North of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

Pacific (Southern portion) - South of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independance Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.
b. Two weeks' vacation with pay after 1 year of employment. Also seven Paid Holidays: A through F plus Washington's Birthday.
c. 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION					
Cable Splicers; Leadman Pole Sprayer	$ 11.12	.35	1%	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	10.04	.35	1%	.10	1/2%
Tree Trimmer	9.06	.35	1%	.10	1/2%
Line Equipment Man	8.65	.35	1%	.10	1/2%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer man	7.56	.35	1%	.10	1/2%
Groundman; Tree Trimmer Helper	7.12	.35	1%	.10	1/2%

DECISION NO. WA75-5150

LABORERS (Area 1) (All Counties and portions of Counties East of the 120th Meridian)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Group 1	$7.30	.50	.70		.02
Group 2	7.65	.50	.70		.02
Group 3	7.75	.50	.70		.02
Group 4	7.80	.50	.70		.02
Group 5	7.85	.50	.70		.02
Group 6	7.90	.50	.70		.02
Group 7	7.95	.50	.70		.02
Group 8	8.15	.50	.70		.02
Group 9:					
Class A	7.55	.50	.70		.02
Class B	7.60	.50	.70		.02
Class C	8.00	.50	.70		.02
Class D	8.05	.50	.70		.02
LABORERS (Area 2) (All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and the Northern portion of Pacific County)					
Group 1	7.66	.65	.95		.06
Group 2	7.76	.65	.95		.06
Group 3	7.81	.65	.95		.06
Group 4	7.86	.65	.95		.06
Group 5	7.91	.65	.95		.06
Group 6	7.96	.65	.95		.06
Group 7	8.01	.65	.95		.06
Group 8	7.71	.65	.95		.06
Group 9	7.76	.65	.95		.06
Group 10	7.86	.65	.95		.06
Group 11	7.96	.65	.95		.06
Group 12	8.01	.65	.95		.06
Group 13	8.11	.65	.95		.06

LABORERS (Area 3)
(Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific Cos.)

	Zone A	Zone B	Zone C	Zone D	Zone E	Zone F
Group 1	$7.22	$7.62	$7.97	$8.22	$8.47	$8.72
Group 2	7.57	7.97	8.32	8.57	8.82	9.07
Group 3	7.87	8.27	8.62	8.87	9.12	9.37
Group 4	8.12	8.52	8.87	9.12	9.37	9.62

FRINGE BENEFITS:
Health and Welfare $.65
Pension .95
Vacation $.50
Apprenticeship Training .10

DECISION NO. WA75-5150

LABORERS (Area 4) (Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Group 1	$7.41	.65	.95		.06
Group 2	7.51	.65	.95		.06
Group 3	7.56	.65	.95		.06
Group 4	7.61	.65	.95		.06
Group 5	7.66	.65	.95		.06
Group 6	7.71	.65	.95		.06
Group 7	7.76	.65	.95		.06
Group 8:					
Class A	7.46	.65	.95		.06
Class B	7.51	.65	.95		.06
Class C	7.61	.65	.95		.06
Class D	7.71	.65	.95		.06
Class E	7.76	.65	.95		.06
Class F	7.86	.65	.95		.06

POWER EQUIPMENT OPERATORS (AREA 1) (All Counties and portions of Counties East of the 120th Meridian)	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2	Basic Hourly Rates ZONE 3	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Group 1	$8.05	$8.55	$9.00	.75	.85		.03
Group 2	8.35	8.85	9.30	.75	.85		.03
Group 3	8.90	9.40	9.85	.75	.85		.03
Group 4	9.05	9.55	10.00	.75	.85		.03
Group 5	9.20	9.70	10.15	.75	.85		.03
Group 6	9.45	9.95	10.40	.75	.85		.03
Group 7	9.70	10.20	10.65	.75	.85		.03

*ZONE 1: Within a 15 mile radius from the Center of the following Cities: Moses Lake, Pasco, Spokane and Walla Walla in Washington - and Coeur d' Alene and Lewiston in Idaho.
*ZONE 2: From a 15 to 45 mile radius from the center of the above named Cities.
*ZONE 3: Over a 45 mile radius from the center of the above named Cities.

DECISION NO. WA75-5150

POWER EQUIPMENT OPERATORS (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$9.32	.60	.90		.11
Group 2	9.42	.60	.90		.11
Group 3	9.53	.60	.90		.11
Group 4	9.58	.60	.90		.11
Group 5	9.60	.60	.90		.11
Group 6	9.65	.60	.90		.11
Group 7	9.66	.60	.90		.11
Group 8	9.70	.60	.90		.11
Group 9	9.72	.60	.90		.11
Group 10	9.85	.60	.90		.11
Group 11	9.88	.60	.90		.11
Group 12	9.91	.60	.90		.11
Group 13	9.96	.60	.90		.11
Group 14	9.98	.60	.90		.11
Group 15	10.00	.60	.90		.11
Group 16	10.03	.60	.90		.11
Group 17	10.06	.60	.90		.11
Group 18	10.10	.60	.90		.11
Group 19	10.17	.60	.90		.11
Group 20	10.18	.60	.90		.11
Group 21	10.23	.60	.90		.11
Group 22	10.28	.60	.90		.11
Group 23	10.50	.60	.90		.11
Group 24	10.54	.60	.90		.11
Group 25	10.59	.60	.90		.11
Group 26	10.67	.60	.90		.11
Group 27	10.89	.60	.90		.11
Group 28	11.09	.60	.90		.11
Group 29	11.20	.60	.90		.11
Group 30	11.22	.60	.90		.11
Group 31	11.50	.60	.90		.11

DECISION NUMBER WA75-5150

POWER EQUIPMENT OPERATORS (Area 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

WAGE RATES: Group No.	Zone A	Zone B	Zone C	Zone D	Zone E	Zone F
1	$8.30	$8.70	$9.05	$9.30	$9.55	$9.80
2	8.44	8.84	9.19	9.44	9.69	9.94
3	8.54	8.94	9.29	9.54	9.79	10.04
4	8.70	9.10	9.45	9.70	9.95	10.20
5	8.72	9.12	9.47	9.72	9.97	10.22
6	8.80	9.20	9.55	9.80	10.05	10.30
7	8.86	9.26	9.61	9.86	10.11	10.36
8	8.96	9.36	9.71	9.96	10.21	10.46
9	9.02	9.42	9.77	10.02	10.27	10.52
10	9.08	9.48	9.82	10.08	10.33	10.58
11	9.10	9.50	9.85	10.10	10.35	10.60
12	9.16	9.56	9.91	10.16	10.41	10.66
13	9.24	9.64	9.99	10.24	10.49	10.74
14	9.40	9.80	10.15	10.40	10.65	10.90
15	9.56	9.96	10.31	10.56	10.81	11.06
16	9.74	10.14	10.49	10.74	10.99	11.24
17	9.88	10.28	10.63	10.88	11.13	11.38
18	10.06	10.46	10.81	11.06	11.31	11.56
19	10.20	10.60	10.95	11.20	11.45	11.70

FRINGE BENEFITS:

Health and Welfare	$ .75
Pension	1.00
Vacation	.50
Apprenticeship Tr.	.05

DECISION NO. WA75-5150

POWER EQUIPMENT OPERATORS (AREA 1) (DREDGING) (All Counties and portions of Counties East of the 120th Meridian)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$9.24	.60	.90		.11
Group 2	9.34	.60	.90		.11
Group 3	9.68	.60	.90		.11
Group 4	9.73	.60	.90		.11
Group 5	9.78	.60	.90		.11
Group 6	10.10	.60	.90		.11
Group 7:					
(a)	9.49	.60	.90		.11
(b)	10.04	.60	.90		.11
DREDGING (AREA 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County)					
Group 1	9.24	.60	.90		.11
Group 2	9.34	.60	.90		.11
Group 3	9.68	.60	.90		.11
Group 4	9.73	.60	.90		.11
Group 5	9.78	.60	.90		.11
Group 6	10.10	.60	.90		.11
Group 7:					
(a)	9.49	.60	.90		.11
(b)	10.04	.60	.90		.11
DREDGING (AREA 3) (Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties)					
Group 1	9.40	.75	1.00	.50	.05
Group 1A	10.06	.75	1.00	.50	.05
Group 2	9.04	.75	1.00	.50	.05
Group 3	8.80	.75	1.00	.50	.05
Group 4	8.54	.75	1.00	.50	.05

DECISION NO. WA75-5150

TRUCK DRIVERS (Area 1) (All Counties and portions of Counties East of the 120th Meridian)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$8.48	.92	.75		
Group 2	8.53	.92	.75		
Group 3	8.58	.92	.75		
Group 4	8.68	.92	.75		
Group 5	8.88	.92	.75		
Group 6	8.93	.92	.75		
Group 7	8.98	.92	.75		
Group 8	9.03	.92	.75		
Group 9	9.13	.92	.75		
Group 10	9.18	.92	.75		
Group 11	9.48	.92	.75		
Group 12	9.63	.92	.75		
Group 13	9.78	.92	.75		
Group 14	9.93	.92	.75		
TRUCK DRIVERS (Area 2) (All Counties and portions of Cos. West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and all of Kittitas and Yakima Counties)					
Group 1	9.39	.80	.65		.09
Group 2	9.44	.80	.65		.09
Group 3	9.49	.80	.65		.09
Group 4	9.60	.80	.65		.09
Group 5	9.66	.80	.65		.09
Group 6	9.70	.80	.65		.09
Group 7	9.71	.80	.65		.09
Group 8	9.77	.80	.65		.09
Group 9	9.82	.80	.65		.09
Group 10	9.84	.80	.65		.09
Group 11	9.87	.80	.65		.09
Group 12	9.97	.80	.65		.09
Group 13	9.99	.80	.65		.09
Group 14	10.03	.80	.65		.09
Group 15	10.15	.80	.65		.09
Group 16	10.19	.80	.65		.09
Group 17	10.31	.80	.65		.09
Group 18	10.36	.80	.65		.09
Group 19	10.52	.80	.65		.09
Group 20	10.68	.80	.65		.09
Group 21	10.84	.80	.65		.09

DECISION NO. WA75-5150

TRUCK DRIVERS (Area 3)
(Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific Counties)

	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
	$8.48	$8.88	$9.23	$9.48	$9.73	$9.98
Group 1	8.53	8.93	9.28	9.53	9.78	10.03
Group 2	8.58	8.98	9.33	9.58	9.83	10.08
Group 3	8.63	9.03	9.38	9.63	9.88	10.13
Group 4	8.68	9.08	9.43	9.68	9.93	10.18
Group 5	8.78	9.18	9.53	9.78	10.03	10.28
Group 6	8.88	9.28	9.63	9.88	10.13	10.38
Group 7	8.98	9.38	9.73	9.98	10.23	10.48
Group 8	9.08	9.48	9.83	10.08	10.33	10.58
Group 9	9.25	9.65	10.00	10.25	10.50	10.75
Group 10	9.35	9.75	10.10	10.35	10.60	10.85
Group 11	9.45	9.85	10.20	10.45	10.70	10.95
Group 12	9.55	9.95	10.30	10.55	10.80	11.05
Group 13	9.65	10.05	10.40	10.65	10.90	11.15

FRINGE BENEFITS:
Health and Welfare $.53
Pension .65
Vacation $.45
Apprenticeship Training .05

ZONE WAGE SCALE (Area 3)

LABORERS: Goldendale, Longview and Vancouver

POWER EQUIPMENT OPERATORS: Astoria, Goldendale, Hood River, Longview, the Dalles and Vancouver

TRUCK DRIVERS: Astoria, Goldendale, Longview, the Dalles and Vancouver

Zone A - All jobs or projects located within 10 miles of the respective City Hall
Zone B - More than 10 miles but less than 25 miles from the City Hall
Zone C - More than 25 miles but less than 35 miles from the respective City Hall
Zone D - More than 35 miles but less than 45 miles from the City Hall
Zone E - More than 45 miles but less than 75 miles from the respective City Hall
Zone F - More than 75 miles from the respective City Hall

DECISION NO. WA75-5150

LABORERS (Area 1)
All Counties and portions of Counties East of the 120th Meridian

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of squeezecrete or similar machine - 6" and smaller); Concrete Signalman; Crusher Feeder; Demolition (to include clean-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumpman; Fence Erector (to include guard rails, guide and reference posts, sign posts, posts and right-of-way markers); General Laborer; Grout Machine Header Tender; Nipper; Riprap Man; Scaleman; Stake Jumper; Structural Mover (to include spearating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailhoseman (water nozzle); Track Laborer (RR); Truck Loader; Timber, Bucker and Faller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine - Feeder, Stacker; Form setter, paving; Driller Helper (when required to move position machine); Nozzleman, water and air or steam; Pipe Layer, corrugated metal culvert; Pipewrapper; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sandblast Tailhoseman; Scaffold Erector, wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or puller; Rodder and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Raker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw Walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzleman (to include squeeze and flocrete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher, Shawnee; Water Pipe Liner; Wagon Drills

Group 4: Chain Saw (faller); Laser Beam Operator; Pipe Layer (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer and Lagger but not including laying corrugated metal culvert pipe)

Group 5: Concrete Stack; Mortar Mixer

Group 6: Caisson Worker, free air; High Scaler

DECISION NO. WA75-5150

LABORERS (Area 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 7: Brush Machine (to include horizontal construction joint clean-up brush machine, power propelled); Drills (to include down-the-hole drills with 3 inch piston or larger and out-of-the-hole drills with 4 inch piston or larger); Gunnite (to include operation of machine and nozzle); Hod Carrier; Monitor Operator, air track or similar mounting; Nozzleman (to include jet blasting nozzleman over 1200 pounds, jet blast machine power propelled, sand blast nozzle); Vibrator, 4 inches and over

Group 8: Air Track Drills with Dual Masts and Drills; Powderman

Group 9: Tunnel and Shaft, Free Air
Class A: Bull Gang, Pump Crete Crewman including distributing pipe, Assembling and dismantle and nipper
Class B: Brakeman, Dumpman
Class C: Miner and Nozzleman for concrete and laser beam operator on tunnels
Class D: Raise and Shaft Miner and Laser Beam Operator on raises and shafts

LABORERS (Area 2)
All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4)

Group 1: General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choke Setter; Concrete and Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Driverman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Wellpoint; Header Laborer and Guardrail Erector

Group 2: Dumpman; Faller and Bucker; Hand; Powderman's Helper; Sloper (over 20'); Wagon Driller and Air Trac Helper

Group 3: Groutman (pressure) including post tension beam; Power Tools (light duty) Chippers, Grinders, Tampers, and similar electric and air operated tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height; Topman

Group 4: Concrete Saw Operator; Pipe Pot Tender; Power Wheel Barrow or Buggy; Power Tools (heavy duty); Jackhammer, Pavement Breaker, Vibrator Tampers (multiple and self-propelled); Railroad spike puller; Rakers-asphalt

DECISION NO. WA75-5150

LABORERS (Area 2) (Cont'd)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4)

Group 5: Form Setter (steel forms); Grademan and Stake Hopper; Rodder; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete and rock, sand blast, gunnite, shotcrete); Spreader (carrier grade with Rodder)

Group 6: Faller and Bucker; Chain Saw; High Scaler; Mortarman and Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - Sewer; Wagon Driller and Air Track; Manhole Builder; Laser Beam Operator

Group 7: Cement Dumper - paving; Powderman

TUNNEL WORK

Group 8: Topman and Bull Gang

Group 9: Chuck Tender; Mucker and Laborer; Nipper; Brakeman

Group 10: Powderman's Helper

Group 11: Miner (including monolithis work); Spader; Re-timberman; Maintenance Man; Laser Beam Operator

Group 12: Miner, Shaft and Raise

Group 13: Powderman

LABORERS (Area 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Changehouse Man or Dry Shak Man; Choke Setter; Clean Up Laborers; Concrete Laborers; Culvert, Hand labor; Curing, concrete; Demolition, wrecking, and moving Laborers; Driller Helpers; Dumpers, road oiling crew; Dumpmen (for grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Flagmen, traffic; Form Strippers (not swinging stages); Landscaping or Planting Laborers; Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Powderman Helper; Pittsburgh Chipper Operator or similar types Railroad Track Laborers; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipmen; Slopers Spraymen; Stake Chaser; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weight Man - Crusher (aggregate when used)

DECISION NO. WA75-5150

LABORERS (Area 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 2: Applicator (including pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicer; Clary Power Spreader and similar types; Clean-up Nozzleman-Greencutter (concrete, Rock, etc.); Concrete Power Buggyman; Crusher Feeder; Demolition and Wrecking charred materials; Grade Checker; Gunite Nozzleman Tender; Gunite or Sand Blasting Pot Tender; Handlers or Mixers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter); Post Hole Digger, air gas or electric; Vibrating Screed; Tampers, Ribbon Setter, head, Rip Rap Man (head), hand placed, Sand Blasting (wet), Stake Setter, Tunnel-Muckers, Brakemen, Concrete Crew, Bull Gang (underground)

Group 3: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills, and other similar typed; Concrete Saw Operator; Gunite Nozzleman; High Scalers, Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down, or sloping and stripping); Laser Beam (pipe laying) - Applicable when employee assigned to move, set up, align Laser Beam; Manhole Builder; Powderman; Power Saw Operators (bucking and falling); Pumpcrete Nozzleman; Sand Blasting (dry); Sewer Pipe Layers; Sewer Timberman; Track Liners, Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tugger Operator; Tunnel - Chuck Tenders, Nippers, and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 4: Laser Beam (Tunnel) - Tunnel Miners; Tunnel Powderman

LABORERS (Area 4)

Thos portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 1: General Laborer; Carpenter Tender; Form Stripper; Track Laborer; Choker Setter; Fence Laborer

Group 2: Air Track and Wagon Drill Helper; Crusher Feeder; Dumpman; Powderman Helper; Sloper, over 20 feet, faller and bucker, hand

Group 3: Drill Chipper; Grinder, Tampers and similar light power tools; Grout Man (power); Top Man, Swinging Scaffold or Boatswain Chain over water or over 25' in height

Group 4: Asphalt Raker and Spreader; Cement Handler, Cask or bulk; Dope Pot Tender; House Wreckers; Jackhammer; Pavement Breaker; Vibrator; Track Spike Puller; Concrete Saw and similar Heavy Power Tools; Power Buggy Tampers (multiple and self-propelled)

DECISION NO. WA75-5150

LABORERS (Area 4) (Cont'd)

Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 5: Form Setter, Steel Forms; Grademan, Stake Hopper; Spreader, Rodder, Nozzleman: Concrete Pumps, Gunnite, Sand Blast, Shot-crete, Green Cutter when using combination of high pressure air and water on concrete and rock

Group 6: Air Track and Wagon Drill Operator; High Scaler; Pipe Layer and Caulker; Pipe Wrapper; Timber Man; Mortar Man and Hod Carrier; Faller and Bucker; Chain Saw

Group 7: Cement Dumpers - Paving

Group 8: Tunnel Work:
Class A: Topman and Bull Gang
Class B: Chuck Tender; Mucker and Laborer; Nipper; Brakemen
Class C: Powderman Helper
Class D: Miner (including Monolithic Worker); Re-Timberman; Maintenance Man; Spader, Laser Beam Operator
Class E: Miner; Shaft and Raise
Class F: Powderman

POWER EQUIPMENT OPERATORS (Area 1)

All Counties and portions of Counties East of the 120th Meridian

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Drillers' Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hogh; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple Cut); Distributor Leverman; Elevator Hoisting Materials; Dope Pots (power agitated); Fork Lift of Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drums; Loader (bucker elevator and conveyors); Longitudinal Float; Mixer (portable-concrete); Pavement Breaker (hydra-hammer and similar); Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator (self-propelled); Railroad Power Tamper Jack Operator (self-propelled); Spray Curing Machine (concrete); Spreader Jack Operator (self-propelled); Straddle Buggy (Rosa and similar on construction job site); Tractor (farm type R.T with attachments except backhoe); Tugger Operator; Ditch Witch or similar

DECISION NO. WA75-5150

POWER EQUIPMENT OPERATORS (Area 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Blade Operator (motor patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump cutter (Wayne, Saginaw or similar); Canal Linning Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Elevating Belt-type Loader (Euclid, Barber Greene or similar); Elevating Grader-type Loader (Dumor, Adams, or similar); Equipment Serviceman, Greaser and Oiler; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist (2 or more drums or tower hoist); Loader (overhead and front-end under 4 yards, R/T); Locomotive Engineer; Mixermobile; Mucking Machines; Paver or Curb Extruder (asphalt and concrete); Pump (grout or jet); Rollerman (finishing pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (crawler, including dozer, scraper, drills, booms, rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8")

Group 4: Asphalt Plant Operator; Crusher, Grizzle and Screening Plant Operator; H.D. Mechine; H.D. Welder; Refrigeration Plant Engineer (under 1,000 ton); Rubber-tired Scraper, Multi-engine Power, with one scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Heater and Planer Machine; Turnhead (with re-screening)

Group 5: Automatic Subgrader (ditches and trimmers) (Autograde, ABC, R. A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 3 yards); Drilling Equipment (8" bit and over) (Robbins' reverse circulation and similar); Loader Operator (front end and overhead 4 yards to 8 yards); Piledriving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar), Push Pull or Help Mate in use; Rubber-tired Scrapers, multiple engines with tow scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade

DECISION NO. WA75-5150

POWER EQUIPMENT OPERATORS (Area 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yards and over); Cranes, all - 65 tons and over; Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front-end over 8 to 12 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (overhead and front-end - over 12 yards)

POWER EQUIPMENT OPERATORS (Area 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 1: Mechanics' Helpers (heavy duty)

Group 2: Oilers, Grade Checkers and Stakemen and/or Brakemen

Group 3: Firemen; Firemen (drier and hot plant)

Group 4: Rollers, Tampers and Vibrators (other than plant, road mix or multi-lift materials); Tractor (farmall type, 60 h.p. and under); Compressor (excavating and general purposes)

Group 5: Oiler Driver on Truck Cranes (over 45 tons up to 100)

Group 6: Blower Distributors and Mulch Seeding Operator; Oil Distributors

Group 7: Locomotives (Dinkey-air, diesel, electric, gas, steam)

Group 8: Equipment Service Oiler; Oiler Driver on Trucks Cranes (100 tons and over)

Group 9: Pump (water); Tractors (Farmall type, over 60 h.p.)

Group 10: Post Hole Diggers (mechanical)

Group 11: Brooms (power, Wayne, Saginaw and similar types); Bulldozers (under D9 or similar); Loaders (Fork Lifts or Lumber Stacker - on construction job site - Drot Travel Lift); Rollers, Tampers and Vibrators (twin engine); Saw (concrete); Scrapers (carry-all type, single)

DECISION NO. WA75-5150

POWER EQUIPMENT OPERATORS (Area 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 12: Batch Plant (batch and mixer, 200 yards per hour and under); Cranes ("A" Frame Trucks, single power drum); Conveyors; Crusher (rock); Washing and Screening Plants; Finishing Machine Operator, Concrete Paving; Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Loaders (Elevating-Athey, Barber Greene and similar types, and overhead and front-end, under 2½ yards); Mixers (asphalt up to 4 tons per batch, and concrete mixer and batch - 200 yards per hour and under); Power Plant Operators; Pumps (Fuller Kenyon and Concrete and Pumpcrete); Rollers, Tampers and Vibrators (on plant, road mix or multi-lifts materials); Screed man; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similar types); Trenching Machine (under 16 inches)

Group 13: Mechanics or Welder (heavy duty)

Group 14: Motor Patrol Graders (including Model 14 and similar); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (25 yards and under)

Group 15: Compressor (steel erection including sandblasting, painting of the same); Hoists on steel erection, Air Tuggers and Towermobiles; Loaders (fork lifts with tower)

Group 16: Cement Hogs; Loaders (Elevating Grader type, Dumor and similar); Locomotive (greared or rod engine); Mixers (paving); Scraper (carryall type, double)

Group 17: Tractors (farmall type, used as Backhoes, Rubber-tired, Ford, Ferguson, Case and similar type 60 h.p. and under)

Group 18: Bull Dozer (D-9 or similar)

Group 19: Trenching Machines (16 inches and over)

Group 20: Bump Cutter (Concut, Christianson or similar types)

Group 21: Batch Plant (batch and mixer, over 200 yards per hour through 400 yards per hour); Conveyors (Beltcrete with power pack and similar types); Loaders (elevating belt type - Euclid and similar types); Mixer (asphalt, 4 tons and over, per batch, and concrete mixers and batch - Over 200 yards per hour through 400 yards per hour, and paving dual)

DECISION NO. WA75-5150

POWER EQUIPMENT OPERATORS (Area 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 22: Bulldozer engaged in Yo Yo Operation (while clearing and scaling); Cableways (3 yards and under); Cranes ("A" Frame trucks, double power drum: and Crawler, truck type, floating, Locomotive, Whirley, either 3 yards and under, or 150' of boom including jibs and under, or 45 tons and under: and Hydralifts, Hyster Cat Cranes and attachments and Chipper, wood with boom attachment); Derricks, all; Drilling Machine (core, cable rotary and exploration); Loader (fork lift with power boom and swing attachment, and overhead and front end, 2½ yards and up to 4 yards); Mixers (mobile type with hoist combination); Motor Patrol Gradera (over Model 14 and similar); Mucking Machines (mole, tunnel drill, and/or shield); Paydozer and Linker Pusher (Quad-9 and similar); Piledriver Engineer, (L.B. Foster Puller or similar, Paving Breaker); Shovels (Crawler and truck typea, all attachments, 3 yards and under); Sub Grader (Gurries, CMI and similar types); Tractors (Farmall type, used as backhoes, rubber tired - Ford, Ferguson, Case and similar types - over 60 h.p.); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment - over 25 yards through 40 yards

Group 23: Loaders (overhead and front end, 4 yards up to 8 yards)

Group 24: Mixer (concrete mixers and batch over 400 yards per hour through 600 yards per hour)

Group 25: Tournapulls, Caterpillar, Euclid, Scrapers and similar type (over 40 yards through 55 yards)

Group 26: Cableways (over 3 yards); Crane (Crawler, truck type, floating, Locomotive, Whirley, either over 3 yards, or over 150' of boom including jibs or over 45 tons up to 100 tons: and, Tower Cranes, Pecco, Lorraine, Bucyrus and similar types); Helicopter Winch Operator; Remote Control Operator on Rubber-tired Earth Moving Equipment; Shovels (Crawler and truck type, all attachments, over 3 yards up to 6 yards); Slip Form Paver (Zimmerman, CMI and similar types)

Group 27: Tournapulls, Caterpillar, Euclid, Scrapers, and similar type equipment (over 55 yards through 70 yards)

Group 28: Loaders (overhead and front end 8 yards and over)

Group 29: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 70 yards through 85 yards)

Group 30: Cranes (Crawler, Truck type, Floating, Lucomotive, Whirley, either 5 yards and over 200' of boom including jibs and over, or 100 tons and over); Shovel (Crawler and Truck type, all attachments, 6 yards and over)

Group 31: Tournapulls, Caterpillar, Euclid, Scrapers and similar types equipment (over 85 yards through 100 yards)

DECISION NO. WA75-5150

POWER EQUIPMENT OPERATORS (Area 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Oiler, including plant, crane, cursher, guardrail equipment, and trenching machine; Assistant Conveyor Operator; Crusher Feederman; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler-driver, 25 ton capacity or over; Crane Fireman, (all equipment except floating); A-Frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Drill Helper; Auger Oiler; Boatman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, Combination Guardrail Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Helper; Welder's Helper; Helicoptar Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with screed; Compressor Operator (any power), under 1,250 cu. ft. total capacity; Convayor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber-Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy phones, etc.; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Service Oiler (greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5(any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Factor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Setting Slip Forms, etc. in tunnels; Slip Form Pumps, Power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Fulva-mixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayn type) Self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

DECISION NO. WA75-5150

POWER EQUIPMENT OPERATORS (Area 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2-1/2 cu. yds. and under; Rock Spreaders, self-propelled

Group 7: Roller (any asphalt mix); Beltcrete; Pumpcrete Operator (any type); Cement Pump, Fuller-Kenyon and similar; Concrete Pump; Grouting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2-1/2 cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring operator or grader; Pot Rammer; Ballast Regulator; Ballast Tamper, Multiple-purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over

Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loaders, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type Lifting Device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yd.; Loader, front end and overhead, 2-1/2 cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H.D. Mechanic and Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

Group 10: Bulldozer, twin engine (TC12 and similar); Cable plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Combination H.D. Mechanic-Welder, when dispatched and/or when required to do both; Rubber-tired dozers and Pushers (Michigan, Cat, Hough type); Driller-Percussion, Diamond, Core, Cable, Rotary and similar type

DECISION NO. WA75-5150

POWER EQUIPMENT OPERATORS (Area 3) - (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and Southern portion of Pacific, Counties

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Dragline; Clamshell, Hoe, etc., under 1 cu. yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledrver (not crane type); Rubber-tired Scraper, single and twin engine, Single Scraper, with push-pull attachments, self-loading, Paddle Wheel, Auger type; Blade mounted Spreaders, Uirich and similar types; Shielf Operator

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, multi-engines; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons a and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 50 tons; Piledriver Operator; Floating Clamshell, etc. under 3 cu. yds.; Floating Crane (derrick barge), less than 30 ton; Elevating Grader, Operated by tractor operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc., 1 cu. yd. snd less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator, Locomotive Crane, Gantry sod Overhead

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, Auger type, Finish and/or 2 or more units

Group 15: Rock Hound Operator; Losder, 4 cu. yds., but less than 6 cu. yds.

Group 16: Auto-grader or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (derrick barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel, etc., 3 cu. yds. but less then 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and including 150 ton; Floating Crane (derrick barge) 80 ton less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in conjunction with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane 250 ton and over; Remote Controlled Earth Moving Equipment; Underwater Equipment, remote or otherwise

DECISION NO. WA75-5150

POWER EQUIPMENT OPERATORS (Areas 1 and 2)
(DREDGING)

Group Description for Areas 1 and 2

Group 1: Assistant Mate (deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (Electric Generator Operator for primary pump, power barge or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper:
(a) 5 yards and under
(b) Over 5 yards

Group Deacription for Area 3

Group 1: Leverman, Hydraulic

Group 1A: Leverman, Dipper

Group 2: Assistant Engineer (including Watch Engineer, Welder, Mechanic, and Machinist) and Mate

Group 3: Tenderman (Boatmsn, Attending Dredge Plant); Fireman

Group 4: Assistant Mate (Deckhand); Oiler

DECISION NO. WA75-5150

TRUCK DRIVERS (Area 1)

All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat and Yakima Counties)

Group 1: Flat Bed Truck single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (Steam Cleaner and Washer); Helper and Swamper; Leverperson loading Trucks at Bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons.

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-trailer, Low Bed, Truck and Trailer; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yds.); Water Tank Truck (1,801 - 4,000 gallons)

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumptor (6 yards and under); Flaherty Spreader, Box Driver; Flat Bed Truck (using power take off); Fork Lift (over 3,000 pounds); Oil Distributor Drivar (road, bottperson, leverperson helper); Rubber-tired tunnel jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks hauling concrete (over 3 yds. to 6 yds.); Water Tank Truck (4,001 - 6,000 gallons); Wrecker and Tow Trucks

Group 5: Low Boy (under 50 tons); Service Greaser; Tireperson No. 2; Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water Tank Truck (over 6,001 - 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards)

Group 8: Low Boy (over 50 tons); Water Tank Truck (8,001 - 10,000 gallons); Tractor with Steer Trailer

Group 9: Transit Mixers and Trucks hauling concrete, (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water Tank Truck (10,001 - 12,000 gallons)

Group 10: Mechanic, Field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, g llonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water Tank Truck (12,001 - 14,000 gallons)

DECISION NO. WA75-5150

TRUCK DRIVERS (Area 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat and Yakima Counties)

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dumps (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material ; Trucks, side, end and bottom dump (over 100 yards)

TRUCK DRIVERS (Area 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at bunkers and batch plants; Pickup Truck, Escort or Pilot Car; Swampers; Warehouseman and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in losding and unloading trucks, transporting materials on job site, warehousing; Dumpsters, and similar equipment (including Tournarockers, Tournewagon, Turnatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump Trucks - side, end and botton dump, including Semi-trucks and Trains or combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel Truck; Grease Truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor Truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum Truck; Water Wagon and Tank Truck (up to 1,600 gallons); Winch Truck, single rear axle; Wrecker, tow truck and similar equipment

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and Tank Truck, 1,600 gallons to 3,000 gallons)

Group 6: Transit-mix, 0 to and including 4½ yds.

Group 7: Dumpsters, and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive Truck (field mix) and similar equipment; Lowbed and Heavy Duty Trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Sno-go and similar equipment; Winch Truck, dual rear axle

NOTICES
59702
59703

DECISION NO. WA75-5150

TRUCK DRIVERS (Area 2) (Cont'd)

All Counties and portion of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and inciuding all of Kittitas and Yakima Counties

Group 8: Dumpster and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

Group 9: Bulk Cement Tanker; Dumpsters and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water Wagon and Tank Truck, over 3,000 gallons

Group 10: Bull Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4½ yards to and including 6 yards

Group 12: "A" Frame or Hydralift Trucks or similar equipment

Group 13: Dumpsters and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and Heavy Duty Trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yards, to and including 8 yards

Group 15: Dumpsters and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Lowbed and Heavy Duty Trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yards to and including 10 yards

Group 17: Dumpsters and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix, over 20 yards

DECISION NO. WA75-5150

TRUCK DRIVERS (Area 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: 6 cu. yds. and under Lift Jitneys, Fork Lifts (all sizes used in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot Car; Solo Flat Bed and misc. Body Trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water Wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame or Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit Mix, and wet or dry mix trucks: 5 cu. yds. and under; Tireman (full-time basis); Water Wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Lowbed Equipment, Flat Bed Semi-trailer, Truck and Trailers of doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Straddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit Mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

[FR Doc.75-34699 Filed 12-24-75;8:45 am]

Vol. 40—No. 250

V 40 N 249 DEC 29 75 XUM

Vol. 40—No. 250
12-30-75
PAGES
59705-60017

federal register

TUESDAY, DECEMBER 30, 1975

highlights

PART I:

CREDIT CARDS
Privacy Protection Study Commission announces public hearings on issuer recordkeeping practices with regard to individual users, 2–11 and 2–12–76 59790

PRIVACY ACT
Board for International Broadcasting proposes regulations for implementation 59705

OUTER CONTINENTAL SHELF OIL AND GAS
Interior/GS announces procedures for development of safety and pollution prevention standards 59753

BUSINESS AND INDUSTRIAL LOANS
FmHA announces the current interest rate on insured loans; effective 12–30–75 59757

BROADCAST STATIONS
FCC requires retention of audio recordings by noncommercial educational broadcast stations; effective 1–26–76 59736
FCC amends rules on agreements between licensees and the public; effective 1–22–76 59730

JOB OPPORTUNITIES PROGRAM
Commerce/EDA publishes terms and conditions for assistance 59765

CONTINUED INSIDE

PART II:

EMERGENCY HOMEOWNERS' RELIEF
HUD establishes standby program to prevent widespread foreclosures and distress sales due to economic conditions; effective 12–30–75 59865

PART III:

FLAMMABLE FABRICS ACT
CPSC assumes functions under act, transfers rules, and codifies new standards (2 documents) 59883

PART IV:

HAZARDOUS SUBSTANCES
EPA proposes rules for designation and determinations of removability, harmful quantities, units of measurement, and penalty rates; comments by 3–1–76 (4 documents) 59960, 59977, 59982, 59999

250

federal register

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/Materials Transportation Bureau—
Matter incorporated by reference.
52037; 11–7–75

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CANCELED MEETING:

CRC: North Dakota and South Dakota Advisory Committees, 1–19–76 59773

MEETINGS:

Defense: DDR&E High Energy Laser Review Group, Laser Beam Control Subpanel, 1–19–76 59751
Defense Science Board Task Force on Net Technical Assessment, 1–28 and 1–29–76 59751
Defense Science Board Task Force on Department of Defense Space Shuttle Utilization, 1–16–76 59751
Air Force: USAF Scientific Advisory Board Ad Hoc Committee on Advanced Composites Technology, 1–29 and 1–30–76 59750
Air Force ROTC Advisory Panel, 1–29–76 59750
USAF Scientific Advisory, Board, TOA/DME Steering Group, 1–19 and 1–20–76 59750
Interior: Outer Continental Shelf Advisory Board, South Atlantic Region, 1–14–76 59757
BLM: Salt Lake District Multiple Use Advisory Board, 1–22 and 1–23–76 59752
Land and Water Resources, Office of Asst. Secretary: Oil Shale Environmental Advisory Panel, 1–21 and 1–22–76 59756
USDA: National Advisory Committee on Safety in Agriculture, 1–27 and 1–28–76 59759
FS: Boise National Forest Grazing Advisory Board, 2–10–76 59759
HEW: President's Biomedical Research Panel, 1–26 and 1–27–76 59771
National Advisory Council on the Education of Disadvantaged Children, 1–30 and 1–31–76 59771
Labor/Employee Benefits Security Office: Advisory Council on Employee Welfare and Pension Benefit Plans, 1–14 and 1–15–76 59799
OSHA: National Advisory Committee on Occupational Safety and Healthy, subgroups, 1–16, 1–22, 1–23, 1–28–76 59799
DOT/CG: National Boating Safety Advisory Council, 2–4–76 59771
FAA: FAA Air Traffic Procedures Advisory Committee, 1–27 through 1–30–76 59772
CRC: Connecticut Advisory Committee, 1–22–76 59773
Missouri Advisory Committee, 1–20–76 59773
New Jersey Advisory Committee, 1–29–76 59773
Vermont Advisory Committee, 1–19–76 59773
CSC: Federal Employees Pay Council, 1–14–76 59773
Commission on Federal Paperwork, 1–8 and 1–9–76 59774
Defense Manpower Commission, 1–15–76 59774
FCC: Domestic Land Mobile Radio Advisory Committee, 1979 World Administrative Radio Conference, 1–21–76 59778
Consumer Affairs/Special Impact Advisory Committee, 1–15–76 59779
FEA: State Regulatory Advisory Committee, 1–16–76 59779
FEC: Clearinghouse Advisoyr Panel, 1–6 and 1–7–76 59779
NLRB: Chairman's Task Force on the National Labor Relations Board, 1–6–76 59786
National Foundation on the Arts and the Humanities: Artists-in-Schools Advisory Panel, 1–21–76 59786
NSF: Advisory Group on Anticipated Advances in Science and Technology, 1–14–76 59787
VA: Station Committee on Educational Allowances, 1–31 through 1–15–76, and 2–23–76 59798

contents

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Forest Service; Soil Conservation Service.
Notices
Meetings:
National Advisory Committee on Safety in Agriculture 59759

AGRICULTURAL MARKETING SERVICE
Rules
Avocados in South Florida 59719
Dates (domestic) produced or packed in California 59720
Filberts grown in Oregon and Washington 59720
Papayas grown in Hawaii 59719

AIR FORCE DEPARTMENT
Notices
Meetings:
Scientific Advisory Board (2 documents) 59750
ROTC Advisory Panel 59750

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Livestock and poultry quarantine:
Brucellosis 59721
Notices
Regulatory investigations; memorandum of understanding 59757

CIVIL AERONAUTICS BOARD
Proposed Rules
Accounts and reports for certificated air carriers; uniform system:
Accounting provisions; updating of 59746
Notices
Hearings, etc.:
International Air Transport Assoc. (2 documents) 59772
Shreveport-Dallas Nonstop proceeding 59772
Western Air Lines, Inc 59773

CIVIL RIGHTS COMMISSION
Meetings, State advisory committees:
Connecticut 59773
Missouri 59773
New Jersey 59773
North Dakota 59773
Vermont 59773

CIVIL SERVICE COMMISSION
Rules
Excepted service:
ACTION 59718
Civil Service Commission, et al 59719
General Services Administration 59719
Health, Education, and Welfare Department 59719
Notices
Meetings:
Federal Employees Pay Council 59773

COAST GUARD
Notices
Meetings:
National Boating Safety Advisory Council 59771

COMMERCE DEPARTMENT
See also Domestic and International Business Administration; Economic Development Administration; National Oceanic and Atmospheric Administration.
Notices
Advisory Committee on Fire Training and Education for the National Academy for Fire Prevention and Control; establishment 59766
Watches and watch movements; allocation of quotas, 1976, for producers in Virgin Islands, Guam, American Samoa 59757, 59767

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED
Notices
Procurement list, 1976; additions and deletions (3 documents) 59773, 59774

CONSUMER PRODUCT SAFETY COMMISSION
Rules
Flammable fabrics; children's sleepwear; sizes 0 through 6X 59720

ENVIRONMENTAL PROTECTION AGENCY
Educational broadcast stations:

Notices
LABOR DEPARTMENT

V40250 DEC 30 75 DD
XUM

CONSUMER PRODUCT SAFETY COMMISSION
Rules
Flammable fabrics; codification and transfer of regulations--- 59883

CUSTOMS SERVICE
Rules
Letter mail importations; examination ---------- 59725
Proposed Rules
Field organizations; port of entry, etc.:
Region IX; Michigan, Detroit-- 59745
Motor vehicles and motor vehicle equipment, importation of---- 59745
Notices
Trade name recordation, application; Eurotime---------- 59750

DEFENSE DEPARTMENT
See Air Force Department
Notices
Meetings:
High Energy Lasar Review Group ---------- 59751
Defense Science Board Task Force on Net Technical Assessment Advisory Committee ---------- 59751
Science Board, task forces, etc-- 59751

DEFENSE MANPOWER COMMISSION
Notices
Meeting ---------- 59774

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Organization and functions:
East-West Trade Bureau (2 docs.) ---------- 59761, 59764

ECONOMIC DEVELOPMENT ADMINISTRATION
Notices
Job opportunities program; terms and conditions for Title X projects ---------- 59765

EDUCATION OFFICE
Notices
Emergency school aid; closing date for receipt of applications------ 59768

EMPLOYEE BENEFITS SECURITY OFFICE
Rules
Employee benefit plans; independence of accountant retained--- 59728
Notices
Meetings:
Advisory Council on Employee Welfare and Pension Benefit Plans ---------- 59799

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Notices
Spent fuels, chemcial processing and conversion; price change-- 59774

ENVIRONMENTAL PROTECTION AGENCY
Rules
Air pollutants, hazardous, National emissions standards:
Maine; authority delegation--- 59729
Air pollution, standards of pollution for new stationary sources:
Maine; authority delegation--- 59729
Air quality implementation plans:
Ambient air quality standards, National; correction------- 59728
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions: 3,5-Dimethyl - 4 - (methylthio) phenyl methylcarbamate---- 59729
Proposed Rules
Hazardous substances (4 documents) ----- 59960, 59977, 59982, 59999
Notices
Authority delegations:
Maine, State of---------- 59776
Pesticide applicator certifications; State plans:
New Jersey---------- 59777
Pesticide chemicals, etc.; petitions: American Cyanamid Co-- 59776
Pesticide registration:
Applications (2 documents) --- 59775, 59776
Pesticides, specific exemptions and experimental use permits:
American Cyanamid Co.. (2 documents) ---------- 59775
Pesticides; tolerances---------- 59775

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Proposed Rules
"706 Agencies" proposed designations ---------- 59746

FARMERS HOME ADMINISTRATION
Notices
Business and industrial loans; insured rates---------- 59757
Disaster areas:
New York---------- 59757
South Dakota---------- 59758
Texas ---------- 59758

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Piper (2 documents) ---- 59721, 59722
Control areas (2 documents) ---- 59722, 59723
Standard instrument approach procedures ---------- 59724
Transiiton areas (6 documents) -- 59722, 59723
VOR Federal airway and controlled airspace---------- 59722
Proposed Rules
Land minimums; withdrawal of proposed rule making--------- 59745
Notices
Meetings:
FAA Air Traffic Procedures Advisory Committee---------- 59772

FEDERAL COMMUNICATIONS COMMISSION
Rules
Broadcast licensees; agreements with public---------- 59730
Educational broadcast stations; retention of audio recordings-- 59736
Petroleum radio service; expanded use of time and impulse signalling ---------- 59742
Notices
World Administrative Radio Conference 1979---------- 59778

FEDERAL CONTRACT COMPLIANCE PROGRAMS OFFICE
Rules
St. Louis Plan; extension-------- 59730

FEDERAL ELECTION COMMISSION
Notices
Meetings:
Clearinghouse Advisory Committee ---------- 59779

FEDERAL ENERGY ADMINISTRATION
Notices
Meetings:
Consumer Affairs/Special Impact Advisory Committee---- 59779
State Regulatory Advisory Committee ---------- 59779

FEDERAL MARITIME COMMISSION
Notices
Freight forwarder licenses:
Aeromar, et al---------- 59781
Agreements field, etc.:
Calcutta, East Coast of India and Bengladesh/U.S.A. Conference ---------- 59779
Mediterranean U.S.A. Great Lakes Westbound Freight Conference ---------- 59782
North Atlantic United Kingdom Freight Conference----- 59782
United States Lines, Inc. and Palau Shipping Co., Inc----- 59783
United States Lines, Inc. and Saipan Shipping Co., Inc---- 59783
Investigation and suspension; Rico Lines, Inc---------- 59782

FEDERAL PAPERWORK COMMISSION
Notices
Meetings ---------- 59774

FEDERAL POWER COMMISSION
Notices
Environmental impact statements:
Eascogas LNG, Inc. et al------ 59784

FEDERAL RESERVE SYSTEM
Notices
Federal recurring payments; delivery to financial institutions-- 59786
Applications, etc.:
Catoctin Trust Co---------- 59784
First Atlanta Life Insurance Co. 59784
Mellon National Corp--------- 59785
Roxton Bancshares, Inc------- 59785
Suburban Bancorporation----- 59785

FEDERAL TRADE COMMISSION
Rules
Flammable fabrics; codification and transfer of regulations---- 59883
Procedures and rules of practice; miscellaneous amendments---- 59724

Prohibited trade practices:
Illinois Central Industries, Inc., and Midas-International Corp ---------- 59725
Proposed Rules
Hearing aid industry---------- 59746

FISH AND WILDLIFE SERVICE
Rules
Hunting:
Nunivak National Wildlife Refuge, Alaska---------- 59744

FOOD AND DRUG ADMINISTRATION
Rules
Animal drugs, feeds, and related products:
Bambermycins ---------- 59726
Tylosin and sulfamethazine---- 59726
Food and food products:
Frozen desserts, mellorine; stay of standard of identity------- 59725
Table sirups; standards of identity; confirmation of effective date; correction---------- 59725
Notices
Animal feeds, meat, and poultry; investigations of residues; memorandum of understanding with Animal and Plant Health Inspection Service and State agencies ---------- 59769
Medical devices:
Panel on Review of Obstetrical-Gynecological Devices; availability of report---------- 59769

FOREST SERVICE
Notices
Meetings:
Boise National Forest Grazing Advisory Board---------- 59759
Environmental statements; availability, etc.:
Bogus Basin Proposed Ski Area Expansion ---------- 59758
Blacktail Land Use Plan------- 59758
Ryan Park Winter Sports Site, Medicine Bow National Forest ---------- 59759
Snake River Basin---------- 59759

GEOLOGICAL SURVEY
Notices
Geothermal resource areas, operations, etc.:
California ---------- 59753
Oregon ---------- 59753
Outer Continental Shelf:
Procedures for development of standards ---------- 59753
Proposed OCS orders; extension of time for comments-------- 59753

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Education Office; Food and Drug Administration; National Advisory Council on the Education to Disadvantaged Children.
Notices
Meetings:
President's Biomedical Research Panel ---------- 59771

HEARINGS AND APPEALS OFFICE, INTERIOR DEPARTMENT
Notices
Applications, etc.:
Alabama By-Products Corp---- 59753
Betty B. Coal Co---------- 59754
Jewell Smokeless Coal Corp---- 59754
Penn Alleigh Coal Co., Inc----- 59755
South-East Coal Co---------- 59756
Tenn-Tex Coal Corp---------- 59756

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Rules
Emergency homeowners' relief; standby program---------- 59865

INDIAN AFFAIRS BUREAU
Proposed Rules
Irrigation projects, operation and maintenance charges:
Wind River, Wyo---------- 59745

INTERIOR DEPARTMENT
See also Fish and Wildlife Service; Geological Survey; Hearings and Appeals Office; Indian Affairs Bureau; Land Management Bureau; National Park Service.
Notices
Meetings:
Outer Continental Shelf Advisory Board; South Atlantic Region ---------- 59757
Advisory committees; renewal---- 59757
Oil Shale Environmental Advisory Panel---------- 59756
Environmental statements; availability, etc.:
Cordero Mine, Campbell County, Wyoming ---------- 59756

INTERNAL REVENUE SERVICE
Notices
Authority delegations:
District Director of Internal Revenue ---------- 59750

INTERNATIONAL BROADCASTING BOARD
Rules
Privacy Act; implementation---- 59705

INTERSTATE COMMERCE COMMISSION
Rules
Car service orders:
Appointment of agents-------- 59744
Appointment of embargo agents. 59744
Rerouting of traffic; appointment of agents---------- 59744
Notices
Abandonment of railroad services:
Burlington Northern---------- 59803
Chicago, Milwaukee, St. Paul and Pacific Railroad-------- 59804
Hearing assignments---------- 59804
Motor carriers:
Transfer proceedings---------- 59804

LABOR DEPARTMENT
See also Employee Benefits Security Office; Federal Contract Compliance Programs Offices; National Labor Relations Board; Occupational Safety and Health Administration.
Rules
Preference in Federal procurement under Defense Manpower Policy No. 4 and Executive Order 10582. 59726
Notices
Adjustment Assistance:
Baganoff Associates, Inc------ 59799
Joseph H. Cohen and Sons, Inc.. 59800
Maryland Clothing Manufacturing Co., Inc---------- 59800
Oakloom Clothes, Inc---------- 59801
Queen Casuals, Inc---------- 59801
Rockwell International-------- 59802
Zohn Manufacturing Co., Inc-- 59803

LAND MANAGEMENT BUREAU
Notices
Applications, etc.:
Alaska ---------- 59751
New Mexico (3 documents) ---- 59751, 59752
Nevada (2 documents)-------- 59751
Wyoming (2 documents)------ 59752
Meetings:
Salt Lake District Multiple Use Advisory Board, Utah------- 59752

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN
Notices
Meeting ---------- 59771

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES
Notices
Meetings:
Artists-In-Schools Advisory Panel ---------- 59786

NATIONAL LABOR RELATIONS BOARD
Rules
Advisory committees; establishment and utilization----- 59726, 59728
Notices
Meetings:
Chairman's Task Force-------- 59786

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Notices
Marine mammal permits:
American Tunaboat Association ---------- 59766

NATIONAL PARK SERVICE
Rules
Sequoia and Kings Canyon National Parks, California; camper food storage---------- 59728

NATIONAL SCIENCE FOUNDATION
Notices
Meetings:
Anticipated Advances in Science and Technology Advisory Group ---------- 59787

V40I250 DEC 30 75 XUM

CONTENTS

NUCLEAR REGULATORY COMMISSION
Notices
Applications, etc.:
Consolidated Edison Company of New York ... 59787
Georgia Power Co., et al ... 59788
Indian Point Nuclear Generating Plant (unit 2) and Consolidated Edison Company of New York ... 59787
Portland General Electric Co. (2 documents) ... 59788, 59789
Union Electric Co ... 59789
Virginia Electric and Power Co ... 59789

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Notices
Meetings:
National Advisory Committee on Occupational Safety and Health, Subgroups ... 59799

PRIVACY PROTECTION STUDY COMMISSION
Notices
Credit-card users; record-keeping practices; hearings ... 59790

SECURITIES AND EXCHANGE COMMISSION
Rules
Broker-dealer reports; adoption of FOCUS Report program ... 59706
Notices
Self-regulatory organizations; proposed rule changes:
Midwest Securities Trust Co ... 59790
New York Stock Exchange Inc. (2 documents) ... 59792, 59794
Hearings:
Boston Stock Exchange ... 59797
Cincinnati Stock Exchange ... 59797
Midwest Stock Exchange, Inc ... 59797
National Fuel Gas Co. and National Fuel Gas Distribution Corp ... 59796
Pacific Stock Exchange (2 documents) ... 59796, 59797

SMALL BUSINESS ADMINISTRATION
Notices
Applications, etc.:
Lloyd Capital Corp ... 59798
Disaster areas:
Alabama ... 59798
Washington ... 59798

SOIL CONSERVATION SERVICE
Notices
Environmental statements on watershed projects; availability, etc.:
Lower Bayou Watershed, Oklahoma ... 59761
Chamberlain Branch Watershed Project, Ky ... 59760
Crabtree Creek Watershed Project, N.C ... 59760
East Branch Sturgeon River Watershed, Mich ... 59760
Neshaminy Creek Watershed Project, Pa ... 59760

TRANSPORTATION DEPARTMENT
See Coast Guard; Federal Aviation Administration.

TREASURY DEPARTMENT
See Customs Service; Internal Revenue Service.

VETERANS ADMINISTRATION
Notices
Meetings:
Station Committee on Educational Allowances (4 documents) ... 59798, 59799

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

1 CFR
415 ... 59705

5 CFR
213 (4 documents) ... 59718, 59719

7 CFR
915 ... 59719
928 ... 59719
982 ... 59720
987 ... 59720

9 CFR
78 ... 59721

14 CFR
39 (2 documents) ... 59721, 59722
71 (9 documents) ... 59722, 59723
97 ... 59724
PROPOSED RULES:
91 ... 59745
121 ... 59745
123 ... 59745
135 ... 59745
241 ... 59746

16 CFR
4 ... 59724
13 ... 59725
302 ... 59884
1602 ... 59884
1607 ... 59886
1608 ... 59887
1609 ... 59889
1610 ... 59891
1611 ... 59898
1615 ... 59903
1616 ... 59917
1630 ... 59931
1631 ... 59935
1632 ... 59940
PROPOSED RULES:
440 ... 59746

17 CFR
200 ... 59712
240 ... 59712
249 ... 59718

19 CFR
145 ... 59725
PROPOSED RULES:
1 ... 59745
12 ... 59745

21 CFR
20 ... 59725
30 ... 59725
556 ... 59726
558 ... 59726

24 CFR
2700 ... 59866

25 CFR
PROPOSED RULES:
221 ... 59745

29 CFR
8 ... 59726
102 ... 59728
2556 ... 59728
PROPOSED RULES:
1601 ... 59746

36 CFR
7 ... 59728

40 CFR
52 ... 59728
60 ... 59729
61 ... 59729
180 ... 59729
PROPOSED RULES:
116 ... 59960
117 ... 59977
118 ... 59982
119 ... 59999

41 CFR
60-7 ... 59730

47 CFR
1 ... 59730
73 ... 59736
91 ... 59742

49 CFR
1033 (2 documents) ... 59744
1034 ... 59744

50 CFR
32 ... 59744

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

1 CFR
Chapter I ... 55633
415 ... 59705
420 ... 59313
425 ... 56651, 59187
430 ... 59314
431 ... 59316

3 CFR
EXECUTIVE ORDERS:
2553 (Revoked by PLO 5564) ... 58857
5327 (Amended by PLO 5562) ... 58857
5389 (Amended by PLO 5563) ... 58857
6827 (Amended by PLO 5559) ... 58453
8278 (Revoked in part by PLO 5550) ... 56667
8877 (Revoked in part by PLO 5558) ... 59205
10422 (Amended by EO 11890) ... 57775
11890 ... 57775
11891 ... 58279

4 CFR
412 ... 58281

5 CFR
213 ... 56651, 57202, 57351, 57461, 57777, 58127, 58421, 58845, 59718, 59719
890 ... 55829
736 ... 56651

6 CFR
703 ... 59188
704 ... 59334

7 CFR
1 ... 58281
2 ... 56421, 56669, 58127
16 ... 55829
25 ... 57205
25A ... 57205
52 ... 57206
245 ... 57206, 57777, 58281
271 ... 55646, 57434–57438
631 ... 58649
722 ... 55656
725 ... 55656
726 ... 56421
729 ... 55656
724 ... 58444
905 ... 57641, 58446
907 ... 56670, 57641, 58127, 58649, 59189, 59444
910 ... 57777, 58845, 59589
912 ... 57641
913 ... 58650
915 ... 59719
928 ... 59719
932 ... 59318
959 ... 57209
971 ... 59589
982 ... 55829, 59720
984 ... 57351
987 ... 59720
1060 ... 58846
1063 ... 58447
1250 ... 59190
1405 ... 58448
1421 ... 56423
1464 ... 57209, 57777
Ch. XVIII ... 59194

7 CFR—Continued
1822 ... 59590
1842 ... 57643
1865 ... 57642
1980 ... 57643
PROPOSED RULES:
210 ... 59600
622 ... 56457
724 ... 57809
726 ... 57810
916 ... 57221
928 ... 57221
932 ... 56457
959 ... 58656
993 ... 58863
999 ... 57368
1060 ... 56674, 59353
1061 ... 59353
1063 ... 56674
1068 ... 59353
1069 ... 59353
1076 ... 59353
1822 ... 58151, 58657, 59447
1824 ... 59214
1901 ... 59214

8 CFR
100 ... 58448
103 ... 58448
238 ... 58448
316a ... 58448

9 CFR
78 ... 58281, 59421, 59721
91 ... 59318
113 ... 57806, 58626
331 ... 57807, 57808
351 ... 58627
381 ... 57807, 57808
PROPOSED RULES:
91 ... 56675
445 ... 58396
447 ... 59306

10 CFR
20 ... 58847
50 ... 58847
212 ... 57439
213 ... 59195
PROPOSED RULES:
211 ... 59602
RULINGS:
1975-18 ... 55860

12 CFR
1 ... 59318
7 ... 56883
217 ... 57662
220 ... 59322
221 ... 59322
225 ... 55634
226 ... 55634
265 ... 55635
303 ... 58128, 59322
327 ... 57209
329 ... 57664, 57778, 58848
500 ... 59422
522 ... 57442
523 ... 59424
526 ... 57665, 59590

12 CFR—Continued
545 ... 57665, 57781, 58848, 59196, 59591
546 ... 59322
555 ... 57781
561 ... 59424
563 ... 57665, 59323, 59591
571 ... 57783
PROPOSED RULES:
8 ... 59446
225 ... 58866
556 ... 57690
571 ... 57690
612 ... 59450
614 ... 59450

13 CFR
103 ... 59425
107 ... 59197
113 ... 59591
117 ... 57351
PROPOSED RULES:
120 ... 57602
121 ... 55860, 55868

14 CFR
39 ... 55635–55637, 56652, 56883, 57352, 57353, 57444, 57665, 57666, 57783–57785, 58128–58130, 58284, 58623, 58624, 58848, 58849, 59197–59199, 59721, 59722
71 ... 55638, 55829, 56423, 56424, 56652, 56884, 57203, 57204, 57353, 57354, 57444, 57666, 57785, 57786, 58131, 58284, 58624, 58849, 58850, 59199, 59722, 59723
75 ... 55830, 56884, 58850
97 ... 57204, 57666, 58625, 59724
103 ... 57667, 58850
121 ... 57444
123 ... 57444
135 ... 57444
240 ... 58850
288 ... 56652, 58440
312 ... 59425
PROPOSED RULES:
25 ... 59354
36 ... 59447
37 ... 57222
39 ... 57811, 59221
63 ... 57342
71 ... 55664, 55665, 55866, 56919, 57368, 57369, 58863, 58864, 59222, 59448
73 ... 59448
91 ... 57342, 59745
103 ... 57688
105 ... 57342
121 ... 57342, 59745
123 ... 57342, 59745
129 ... 57342
135 ... 57342, 59745
137 ... 57342
145 ... 57342
147 ... 57342
241 ... 57462, 59746
253 ... 55665
288 ... 58864
378 ... 57462
399 ... 55665

V40I250 DEC 30 75 XUM

15 CFR

369 ... 59333
370 ... 59334
372 ... 59333, 59334
375 ... 59325
378 ... 59334
379 ... 56424, 59334
385 ... 59334
950 ... 56653

16 CFR

4 ... 59724
13 ... 56655–56658, 57195–57201, 57445–57447, 57668, 58286, 58287, 59426, 59591, 59725
302 ... 56659, 59884
433 ... 58131
1115 ... 58449
1512 ... 57449
1602 ... 56885, 59884
1607 ... 59886
1608 ... 59887
1609 ... 59889
1610 ... 59891
1611 ... 59898
1615 ... 59903
1616 ... 59917
1630 ... 59931
1631 ... 59935
1632 ... 59940

PROPOSED RULES:

440 ... 59746
443 ... 58867
1700 ... 58865

17 CFR

200 ... 57449, 58131, 59712
210 ... 55830, 55835, 58851, 59339
211 ... 59339
239 ... 55836
240 ... 55837, 57355, 57357, 57449, 57786, 59712
241 ... 57786
249 ... 55837, 59718
275 ... 57795

PROPOSED RULES:

12 ... 55666
155 ... 58660
239 ... 58155
240 ... 57463, 58154, 58155
249 ... 58154, 58155
270 ... 59603

18 CFR

2 ... 56886
3 ... 58630
35 ... 56424
141 ... 57450
260 ... 58630, 58632

19 CFR

4 ... 55837, 58852
141 ... 57796
145 ... 59725
159 ... 55638, 55639
201 ... 55838

PROPOSED RULES:

1 ... 59212, 59745
12 ... 59745
141 ... 56674
142 ... 56674, 58150
143 ... 56674
152 ... 58859
158 ... 58150
159 ... 56674
177 ... 58470
201 ... 56936

20 CFR

405 ... 56659
410 ... 56886
618 ... 57766

PROPOSED RULES:

405 ... 56458
625 ... 56931

21 CFR

1 ... 57451, 57453
3 ... 57451
4 ... 55838
7 ... 55838
20 ... 59725
30 ... 59725
37 ... 57454
121 ... 56907, 57209, 58852
123 ... 56425, 58287
200 ... 58799
201 ... 58799
202 ... 58799
369 ... 58288
430 ... 57796
436 ... 57797
440 ... 58288
444 ... 57798
522 ... 59342
529 ... 57454
540 ... 55849
546 ... 57455, 58633
556 ... 57454, 58289, 59726
558 ... 57668, 57798, 58132, 58289, 59726
561 ... 56425
600 ... 57688
640 ... 55849
1308 ... 58132
1316 ... 57210

PROPOSED RULES:

1 ... 57811
10 ... 57811
27 ... 57811
51 ... 57811
53 ... 57811
102 ... 57688
310 ... 55869, 56675, 57811
330 ... 56675, 57811
338 ... 57292
339 ... 57292
340 ... 57292
600 ... 57688
610 ... 57688
640 ... 57688
660 ... 57688
1000 ... 58151

22 CFR

602 ... 56661

23 CFR

230 ... 57358
260 ... 58633
450 ... 57799
630 ... 55639, 57799
712 ... 55643

PROPOSED RULES:

750 ... 58312

24 CFR

200 ... 58637
205 ... 58133
207 ... 58133
213 ... 58134
220 ... 58134
221 ... 58134
232 ... 58134

24 CFR—Continued

235 ... 58134
236 ... 58134
242 ... 58134
244 ... 58134
280 ... 58752
1710 ... 56907
1912 ... 57210
1914 ... 56670, 57803, 59342, 59344
1915 ... 56672, 56910, 59427
1916 ... 56426
1917 ... 56426, 57668
1920 ... 56427–56429, 57669, 57670, 59199–59203
2205 ... 58450
2700 ... 59866

PROPOSED RULES:

1710 ... 56919
1917 ... 56459, 59225, 59226

25 CFR

233 ... 58135

PROPOSED RULES:

178 ... 57694
221 ... 59745

26 CFR

1 ... 55849, 58138, 58637
8 ... 58852
24 ... 58852
301 ... 55849

PROPOSED RULES:

1 ... 56448, 57364, 57462, 58471, 58656, 58860
20 ... 58860

27 CFR

6 ... 55856
194 ... 56887

PROPOSED RULES:

178 ... 59207
181 ... 59207

28 CFR

0 ... 56643, 58644
20 ... 59204

PROPOSED RULES:

19 ... 56453
42 ... 56454

29 CFR

8 ... 59726
97 ... 58854
102 ... 59726
204 ... 58855
402 ... 58856
403 ... 58856
408 ... 58856
602 ... 58138
603 ... 58138
608 ... 58139
609 ... 58140
610 ... 58140
611 ... 58140
612 ... 58141
614 ... 58141
615 ... 58142
687 ... 58143
1902 ... 55857, 58143
1952 ... 57455, 58450, 59345
1953 ... 57804
2556 ... 59728
2602 ... 57457

PROPOSED RULES:

40 ... 57332
60 ... 58664
723 ... 58867

29 CFR—Continued

PROPOSED RULES—Continued

724 ... 58867
725 ... 58867
1601 ... 59746
1910 ... 55866, 55867, 58457, 58458
1952 ... 59355
2610 ... 57982
2611 ... 57980

30 CFR

PROPOSED RULES:

250 ... 58862

31 CFR

214 ... 59595
316 ... 59292
332 ... 59300

32 CFR

577 ... 58290
650 ... 55962

33 CFR

Ch. I ... 58143
128 ... 56430
207 ... 57358

PROPOSED RULES:

117 ... 57222, 59219
214 ... 59212

34 CFR

PROPOSED RULES:

Ch. I ... 56459
259 ... 59554

35 CFR

5 ... 58290, 58292

36 CFR

7 ... 56888, 59728

PROPOSED RULES:

2 ... 57694
7 ... 59600
50 ... 58651

37 CFR

1 ... 37358
2 ... 37358

38 CFR

1 ... 56433, 56644
3 ... 56434, 57459, 59346
17 ... 57805

PROPOSED RULES:

3 ... 56036

39 CFR

Ch. I ... 57670
42 ... 57212
43 ... 57212
44 ... 57212
45 ... 57212
47 ... 57212
111 ... 57212, 57670

PROPOSED RULES:

111 ... 57223

40 CFR

35 ... 58602
40 ... 59438
52 ... 56888–56890, 57359, 59204, 59438, 59728
55 ... 56644
60 ... 58416, 59204, 59729

40 CFR—Continued

61 ... 58646, 59729
85 ... 58646
86 ... 58646
141 ... 59566, 59587
149 ... 58292
180 ... 55857, 57215, 58294, 58647, 58648, 59729
407 ... 57216
408 ... 55770
414 ... 56435, 56436

PROPOSED RULES:

6 ... 55868
40 ... 59450
51 ... 58317
52 ... 58317, 58319, 58663
61 ... 59532
85 ... 56932
116 ... 59960
117 ... 59977
118 ... 59982
119 ... 59999
124 ... 56932
125 ... 56932
180 ... 58321
407 ... 57223

41 CFR

6–1 ... 58452
6–2 ... 58453
6–3 ... 58453
14–1 ... 57670, 57671
50–201 ... 57805
60–7 ... 59730
101–26 ... 57216
101–27 ... 59595
101–45 ... 59439
105–61 ... 56892
114–43 ... 55857
114–60 ... 55858

42 CFR

51c ... 59346
57 ... 56674

PROPOSED RULES:

2a ... 56692

43 CFR

2 ... 57671
20 ... 58295

PUBLIC LAND ORDERS:

17 (Revoked in part by PLO 5553) ... 58144
715 (Revoked in part by PLO 5565) ... 59347
1245 (Revoked in part by PLO 5552) ... 58144
2214 (Revoked in part by PLO 5565) ... 59347
2789 (Revoked by PLO 5551) ... 58144
4392 (Revoked in part by PLO 5560) ... 58648
5169 (Amended by PLO 5556) ... 58146
5170 (Amended by PLO 5557) ... 58146
5176 (Amended by PLO 5555) ... 58145
5179 (Amended by PLO 5556) ... 58146
5184 (Amended by PLO 5550) ... 56667
5187 (Revoked in part by PLO 5550) ... 56667
5252 (See PLO 5561) ... 58857
5554 (Amended by PLO 5564) ... 58857
5561 ... 58857
5562 ... 58857
5563 ... 58857
5564 ... 58857
5353 (Revoked n part by PLO's 5551, 5552, 5553) ... 58144

43 CFR—Continued

5396 (Amended by PLO 5556) ... 58146
5550 ... 56667
5550 (Revoked in part by PLO 5566) ... 59347
5551 ... 58144
5552 ... 58144
5553 ... 58144
5554 ... 58145
5555 ... 58145
5556 ... 58146
5557 ... 58146
5558 ... 59205
5559 ... 58453
5560 ... 58648
5565 ... 59347
5566 ... 59347
5567 ... 59347

PROPOSED RULES:

2600 ... 57364

45 CFR

102 ... 57760
160c ... 57926
233 ... 58453
233 ... 57359
302 ... 57672
410 ... 58956
1013 ... 55859
1061 ... 58649
1222 ... 57217
1370 ... 58956
1603 ... 59351

PROPOSED RULES:

100a ... 58459
100c ... 58459
115 ... 57042
154 ... 59218
155 ... 58400, 59447
157 ... 58405, 59447
159 ... 58409
160d ... 55659
162 ... 56678
174 ... 58459
233 ... 59353
1223 ... 58659
1369 ... 59408

46 CFR

4 ... 58306
5 ... 57672, 58306
12 ... 57676
14 ... 58306
33 ... 58454
42 ... 57218
75 ... 58454
78 ... 58454
94 ... 58454
97 ... 58454
142 ... 58454
167 ... 58454
176 ... 58454
192 ... 58455
310 ... 55643, 59348
401 ... 57673
551 ... 58146

PROPOSED RULES:

Ch. I ... 57688
10 ... 55663
32 ... 59219
78 ... 58457
92 ... 59219
105 ... 59219
190 ... 59219
503 ... 58154

V40250 DEC 30 75 XUM

47 CFR

0 ..... 57359, 58306, 58858, 59439
1 ..... 55644, 59730
2 57674
73 ..... 55644, 57360, 58147, 58853, 59440, 59596, 59597, 59736
76 57361
81 57675
83 57675
87 57675
89 58147
91 ..... 57682, 57684, 58306, 58455, 59742
93 58147
95 58148
97 ..... 58148, 59441

PROPOSED RULES:

73 ..... 58467, 59451, 59452, 59601
76 ..... 55868, 58866
81 58322
83 58322
89 57369
91 57369
97 ..... 59453, 59602

49 CFR

10 57361
25 58455
103 ..... 57687, 58307
107 56442
173 59598
174 57433
310 55645
391 58858
571 ..... 56667, 56898, 57687, 59349
575 57806
1010 56668
1033 ..... 55860, 56443, 56444, 56898, 57433, 59441, 59598, 59599, 59744
1034 59744
1125 57639

PROPOSED RULES:

393 57369
557 56926
567 55665
568 55665
571 ..... 55665, 56920, 56928, 57690, 58152, 58153, 59222

49 CFR—Continued

PROPOSED RULES—Continued

579 56930
1023 59453
1063 59604
1108 57485

50 CFR

17 58307
18 59442
28 ..... 56444, 56445, 56669, 57218, 57220, 57459–57461, 58148, 59205, 59348, 59444
32 59744
33 ..... 55860, 56446, 57363, 58149, 58649, 59349
216 56899
280 57461

PROPOSED RULES:

17 ..... 57221, 58308
510 ..... 55679, 57812
520 57692

FEDERAL REGISTER PAGES AND DATES—DECEMBER

Pages	Date	Pages	Date
55633–55828	1	58127–58278	15
55829–56420	2	58279–58420	16
56421–56649	3	58421–58621	17
56651–56882	4	56823–58844	18
56883–57193	5	58845–59185	19
57195–57349	8	59187–59311	22
57351–57432	9	59313–59419	23
57433–57639	10	59421–59588	24
57641–57773	11	59589–59704	29
57775–58126	12	59705–60017	30

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER IV—MISCELLANEOUS AGENCIES (PRIVACY REGULATIONS)

PART 415—BOARD FOR INTERNATIONAL BROADCASTING

Implementation

DECEMBER 23, 1975.

On page 40047 of the FEDERAL REGISTER dated August 29, 1975, there were published notices of proposed regulations for implementation by the Board for International Broadcasting of the Privacy Act of 1974 [1 CFR Part 415], and a listing of the Board's notices of record systems. Public comment was invited.

No public comment was received by the Board. The regulations are hereby adopted without change, as set forth below.

WALTER R. ROBERTS,
Executive Director.

PART 415—PRIVACY ACT IMPLEMENTATION

Sec.
415.1 Purpose and scope.
415.2 Definitions.
415.3 Procedures for requests pertaining to individual records in a record system.
415.4 Times, places, and requirements for the identification of the individual making a request.
415.5 Disclosure of requested information to the individual.
415.6 Request for correction or amendment to the record.
415.7 Agency review of request for correction or amendment of the record.
415.8 Appeal of an initial adverse agency determination on correction or amendment of the record.
415.9 Disclosure of record to a person other than the individual to whom the record pertains.
415.10 Fees.

AUTHORITY: 5 U.S.C. 552a; Pub. L. 93–579.

§ 415.1 Purpose and scope.

The purposes of these regulations are to:

(a) Establish a procedure by which an individual can determine if the Board for International Broadcasting (hereafter known as the Board) maintains a system of records which includes a record pertaining to the individual; and

(b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

§ 415.2 Definitions.

For the purpose of these regulations—

(a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) The term "maintain" includes maintain, collect, use or disseminate;

(c) The term "record" means any item; collection or grouping of information about an individual that is maintained by the Board, including, but not limited to, his or her employment history, payroll information, and financial transactions and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as social security number;

(d) The term "system of records" means a group of any records under the control of the Board from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and

(e) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 415.3 Procedures for requests pertaining to individual records in a record system.

An individual shall submit a request to the Special Assistant to the Executive Director of the Board to determine if a system of records named by the individual contains a record pertaining to the individual. The individual shall submit a request to the Special Assistant to the Executive Director of the Board which states the individual's desire to review his or her record.

§ 415.4 Times, places, and requirements for the identification of the individual making a request.

An individual making a request to the Special Assistant to the Executive Director of the Board pursuant to § 415.3 shall present the request at the Board offices, Suite 430, 1030 Fifteenth Street, NW., Washington, D.C. 20006, on any business day between the hours of 9 a.m. and 5:30 p.m. The individual submitting the request should present himself or herself at the Board's offices with a form of identification which will permit the Board to verify that the individual is the same individual as contained in the record requested.

§ 415.5 Disclosure of requested information to the individual.

Upon verification of identity the Board shall disclose to the individual the information contained in the record which pertains to that individual.

§ 415.6 Request for correction or amendment to the record.

The individual should submit a request to the Special Assistant to the Executive Director of the Board which states the individual's desire to correct or to amend his or her record. This request is to be made in accord with the provisions of § 415.4.

§ 415.7 Agency review of request for correction or amendment of the record.

Within ten working days of the receipt of the request to correct or to amend the record, the Special Assistant to the Executive Director of the Board will acknowledge in writing such receipt and promptly either—

(a) Make any correction or amendment of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual of his or her refusal to correct or to amend the record in accordance with the request, the reason for the refusal, and the procedures established by the Board for the individual to request a review of that refusal.

§ 415.8 Appeal of an initial adverse agency determination on correction or amendment of the record.

An individual who disagrees with the refusal of the Special Assistant to the Executive Director of the Board to correct or to amend his or her record may submit a request for a review of such refusal to the Executive Director of the Board for International Broadcasting, Suite 430, 1030 Fifteenth Street, NW., Washington, D.C. 20005. The Executive Director will, not later than thirty working days from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the Executive Director extends such thirty day period. If, after his or her review, the Executive Director also refuses to correct or to amend the record in accordance with the request, the individual may file with the Board a concise statement setting forth the reasons for his or her disagreement with the refusal of the Board and may seek judicial review of the Executive Director's determination under 5 U.S.C. 552a(g)(1)(A).

§ 415.9 Disclosure of record to a person other than the individual to whom the record pertains.

The Board will not disclose a record to any individual other than to the individual to whom the record pertains without receiving the prior written consent of

V 40 250 DEC 30 75 XUM

the individual to whom the record pertains, unless the disclosure has been listed as a "routine use" in the Board's notices of its systems of records.

§ 415.10 Fees.

If an individual requests copies of his or her record, he or she shall be charged ten cents per page, excluding the cost of any search for review of the record, in advance of receipt of the pages.

[FR Doc.75-35082 Filed 12-29-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11935]

FOCUS

Broker-Dealer Reports

The Securities and Exchange Commission today announced the adoption of the FOCUS Report, a financial and operational combined uniform single report under the Securities Exchange Act of 1934. The FOCUS Report replaces the information presently required by Form X-17A-5 [17 CFR 249.617], Form X-17A-10 [17 CFR 249.618][1], and Form X-17A-11 [17 CFR 249.621], which are the Commission's forms, the Joint Regulatory Report, Forms "M" and "Q," the income and expense reports, and various other financial and operational forms and reports required by self-regulatory organizations.

The Commission also announced the amendment of Rule 17a-4 [17 CFR 240.17a-4], Rule 17a-5 [17 CFR 240.17a-5], Rule 17a-10 [17 CFR 240.17a-10], Rule 17a-11 [17 CFR 240.17a-11], and Rule 17a-20 [17 CFR 240.17a-20], in order to further implement the adoption of the FOCUS Report and a streamlined system of financial and operational reporting for brokers and dealers. Rule 17a-4 [17 CFR 240.17a-4] is amended to require that brokers and dealers maintain, for a minimum period of 3 years, certain books and records required for the preparation of the FOCUS Report. Rule 17a-5 [17 CFR 240.17a-5] is amended to specify the preparation and filing requirements of the FOCUS Report including Parts I, II, and IIA of Form X-17A-5 [17 CFR 249.617] and the annual audit report. Rule 17a-10 is amended to shorten the time period within which Form X-17A-10 [17 CFR 249.618] must be filed. Form X-17A-10 [17 CFR 249.618] is substantially amended to conform to the format of the FOCUS Report and to reduce the amount of income and expense information required. This reduced information is effective for calendar year 1975. Rule 17a-11 [17 CFR 240.17a-11] is amended to require a broker or dealer subject to it to file Part II of Form X-17A-5 [17 CFR 249.617] plus supplementary schedules as required, in place of Form X-17A-11 [17 CFR 249.621]. In addition, those events which require reporting of material inadequacies have been revised, and the filing by the broker or dealer of corrective plans to remedy such inadequacies is required. Rule 17a-20 [17 CFR 240.17a-20] is amended to substantially reduce the information required by Form X-17A-20 [17 CFR 249.636], and to eliminate from the reporting requirements those brokers and dealers with less than 20 percent of gross revenue derived from brokerage commission transactions.

Each of said rules is also amended to conform to Section 15(a)(1) of the Securities Exchange Act of 1934, as amended. That Section now requires all brokers and dealers, whether or not they are members of a national securities exchange, to register with the Commission. Consequently the term "member of an exchange" has been deleted from the phrase "member of an exchange, broker or dealer," as such term is no longer necessary.

The Commission also announced the approval of certain plans submitted by various self-regulatory organizations pursuant to Rule 17a-5 [17 CFR 240.17a-5], Rule 17a-10 [17 CFR 240.17a-10] and Rule 17a-20 [17 CFR 240.17a-20]:

American Stock Exchange ("ASE")
Boston Stock Exchange ("BSE")
Chicago Board Options Exchange ("CBOE")
Midwest Stock Exchange ("MSE")
National Association of Securities Dealers ("NASD")
New York Stock Exchange ("NYSE")
Pacific Stock Exchange ("PSE")
PBW Stock Exchange ("PBW")

Due to the implementation of amended Rule 15c3-1 [17 CFR 240.15c3-1] on January 1, 1976, the financial and operational reports, and the surveillance systems of the Commission and the self-regulatory organizations will become obsolete as of that date. For this reason, the Commission has expedited the adoption of the FOCUS Report and related rule changes in order that the revised reporting system may be implemented concurrently with amended Rule 15c3-1 [17 CFR 240.15c3-1].

I. *Introduction.* Section 17(a)(1) of the Securities Exchange Act of 1934, as amended, provides that the Commission shall prescribe by rule the records to be kept and the reports to be made and disseminated by brokers and dealers. Section 17(e) of the Securities Exchange Act of 1934, as amended, requires every broker or dealer to file annually with the Commission a certified balance sheet and income statement, and such other information concerning its financial condition as the Commission may prescribe by rule, and authorizes the Commission to prescribe the form and content of such financial statements and the accounting standards to be followed in their preparation.

The creation of the SEC Advisory Committee on Broker-Dealer Reports and Registration Requirements was announced by the Commission in September 1972, marking the beginning of a program to review the reporting requirements imposed on brokers and dealers by rules of the Commission and the self-regulators. In December 1972 the Committee submitted its recommendations to the Commission in the "Advisory Committee's Study on Broker-Dealer Reports and Registration Requirements" (Stepanek Report"). The Stepanek Report concluded that there then existed unnecessary and duplicative reporting requirements resulting from lack of coordination by the various regulating entities.

The Commission subsequently established a Staff Task Force to determine whether the recommendations of the Committee could be implemented and if so, in what manner. The Staff Task Force delivered its report to the Commission substantially supporting the conclusions and recommendations of the Stepanek Report. The Commission thereafter formulated a program of implementation based upon the recommendations of the Stepanek Report as supported by the Staff Task Force. In its "Announcement of a Program of Implementation Regarding the 'SEC Advisory Committee Study on Broker-Dealer Reports and Registration Requirements' . . ." the Commission:

1. stated its intention to develop a key regulatory report[2] and sought public comments thereon; and

2. stated its intention to establish a Report Coordinating Group under the Federal Advisory Committee Act to advise the Commission on the consolidation and reduction of reporting requirements and to assist the Commission in the development of a key regulatory report.[3]

In May 1974 the Commission announced the membership of the Report Coordinating Group ("Group"), a federal advisory committee.[4] At its first meeting on June 3, 1974, the Group reviewed the Stepanek Report and decided to give the highest priority to developing recommendations regarding a uniform financial and operational report.[5]

[1] Form X-17A-10 [17 CFR 249.618] is substantially in FOCUS Report format, with some modifications.

[2] The key regulatory report is denominated the FOCUS Report symbolizing a Financial and Operational Combined Uniform Single report.

[3] These two items are only part of a complete program described in Securities Exchange Act Release No. 10612, January 24, 1974, 39 FR 5204, February 11, 1974.

[4] The Report Coordinating Group was established in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. Appendix 1, 86 Stat. 770 (1972).

[5] The Group also concentrated its efforts on the development of uniform registration and record retention forms. Uniform registration forms for brokers and dealers were adopted by the Commission on May 16, 1975 (Securities Exchange Act Release No. 11424, 40 FR 30634, July 22, 1975). Subsequent to the submission of the Report Coordinating Group's First Annual Report, a Trading Forms Task Force has deliberated for several months and has recommended the elimination or consolidation of the 104 trading forms described in the First Annual Report. The Task Force now proposes 44 simplified and consolidated forms in their place.

An Assessment Forms Task Force working during the same period has made additional proposals for the further simplification of assessment procedures. For background and prior status of these two projects, see *First Annual Report of the Report Coordinating Group, June 16, 1975.*

On August 9, 1974 the Commission issued guidelines for a uniform financial and operational report. In accordance with these guidelines the Group reviewed the reports, forms and similar material required of brokers and dealers by the Commission, the self-regulatory organizations and others. The Group, with the dedicated assistance of staff persons from all sectors of the industry, developed a FOCUS Report Discussion Paper which was distributed on October 15, 1974.

Comments suggesting further simplification and changes in the items of the FOCUS Report were considered in the drafting of the FOCUS Report Revised Discussion Paper released on December 16, 1974.[6] The FOCUS Report Revised Discussion Paper set forth a three part reporting format of financial and operational data to be completed by certain firms at specified intervals.

Since the release of the FOCUS Report Revised Discussion Paper, the Group has held additional public meetings to further simplify the FOCUS Report and at the same time improve its effectiveness as a surveillance tool for the Commission and the self-regulators. The Group released its final recommendation for a FOCUS Report in its First Annual Report on June 16, 1975.[7] The FOCUS Report is the product of the efforts of the Group assisted in large part by the comments and suggestions of members of the industry, the self-regulatory organizations, the accounting profession and interested members of the public. The Commission, after considering the recommendations of the Report Coordinating Group and the comments thereon, believed that the adoption of a reporting system based upon and including the FOCUS Report, with some modifications to the program recommended, would provide an opportunity for uniform industry-wide regulation and would substantially reduce the reporting burdens on the securities industry without compromising the interest of the public and the regulators. In an effort to achieve that goal, on November 1, 1975 there was published in the FEDERAL REGISTER (40 FR 51060) a notice of proposed rulemaking with proposed amended Rule 17a-4 [17 CFR 240.17a-4], Rule 17a-5 [17 CFR 240.17a-5] and related Form X-17A-5 [17 CFR 249.617], Rule 17a-10 [17 CFR 240.17a-10] and related Form X-17A-10 [17 CFR 249.618], Rule 17a-11 [17 CFR 240.17a-11] and related Form X-17A-11 [17 CFR 249.621], and Rule 17a-20 [17 CFR 240.17a-20].

After careful consideration of the public comments submitted and further refinement to the reporting structure, the Commission adopts the FOCUS Report and related rules and forms as set forth herein recognizing that while the reporting system is efficient in theory, and the form satisfactory in substance, certain modifications may subsequently be necessary in order to achieve a smoother practical application. It is the Commission's view that the areas requiring additional refinement will become apparent after the self-regulators and the brokers and dealers have had several months experience with the FOCUS reporting structure; therefore, comments are requested on or before March 31, 1976, suggesting amendments to the FOCUS Report on June 30, 1976. The Commission also requests that the Report Coordinating Group included in its final report to the Commission those amendments it considers necessary. The Commission thereafter intends to review the FOCUS Report at the beginning of each calendar year, in cooperation with the self-regulators and with the advice of the Report Coordinating Group, in order to continue modifying and updating the financial and operational reporting systems to keep pace with the changing securities industry.

II. *Amendment of Rule 17a-4 [17 CFR 240.17a-4].* Rule 17a-4 [17 CFR 240.17a-4] is amended by adding subparagraph (b)(8) to require every broker or dealer who is required to file Part II or Part IIA of Form X17A-5 [17 CFR 249.617] to make and keep certain additional books and records. Such a requirement should not constitute a significant additional burden, inasmuch as said records are now prepared during the course of operation of the broker's or dealer's business. These new schedules replace a number of schedules in current Form X-17A-5 [17 CFR 249.617] and will provide detailed information required for a proper analysis and review of the annual audit report.

III. *Amendment of Rule 17a-5 [17 CFR 240.17a-5] and Related Form X-17A-5 [17 CFR 249.617][8]—A. Reports to be Filed by Brokers and Dealers.* Rule 17a-5(a)(2) [17 CFR 240.17a-5(a)(2)] is amended to prescribe which firms must file the different parts of Form X-17A-5 [17 CFR 249.61.7]. Clearing or carrying firms which have not received notice that they exceed certain safe parameters of financial and operational condition must file Part I monthly and Part II on calendar quarters.[9] Firms which do not carry or clear customer accounts must file Part IIA on calendar quarters. Firms which receive notice of exceeding certain parameters of financial and operational condition must file Part II monthly. Part IIA will be filed quarterly in lieu of Part II by small brokers and dealers, firms not clearing and not carrying customer accounts, and firms conducting a limited type of business. Such of these firms which exceed parameters set by the self-regulators must file Part IIA monthly. In addition, every broker or dealer required to file an annual audit report under paragraph (d) must file Part II or IIA, as applicable, as of the date selected for the annual audit report if such date does not coincide with a calendar quarter.

Rule 17a-5 [17 CFR 240.17a-5]

Current paragraph	Proposed paragraph	Adopted paragraph
	17a-5(a)	17a-5(a).
(a)	17a-5(b)	17a-5(d).
(b)	17a-5(c)	17a-5(e).
(c)	17a-5(d)	17a-5(k).
(d)	17a-5(e)	17a-5(l).
(e)	17a-5(f)	17a-5(i).
(f)	17a-5(g)	17a-5(f).
	17a-5(h)	17a-5(g).
	17a-5(i)	17a-5(h).
(g), (h), and (i)	17a-5(j)	17a-5(i).
	17a-5(k)	17a-5(j).
(j)	17a-5(l)	17a-5(b).
(k)		
(l)	17a-5	
(m), (n), and (o)	17a-5(m)	17a-5(c). 17a-5(m). 17a-5(n).

As proposed for comment, Rule 17a-5(a) [17 CFR 240.17a-5(a)] did not specify the number of days with in which the monthly and quarterly reports must be filed. The Commission requested comment upon this issue, and after consideration of those comments submitted has determined that Part I will be filed within 10 business days of the end of each month, and Parts II and IIA will be filed within 17 business days of the end of each month.

Subparagraph (a)(4) permits the broker or dealer to satisfy the filing requirements under subparagraph (a)(2) by complying with filing requirements established by a plan submitted to the Commission by the appropriate national securities association. Pursuant to the plan, the exchange or association is required to transmit to the Commission a copy of the applicable parts of Form X-17A-5 [17 CFR 249.617] as to each member participating in the plan. The plan must also set forth the time limitations within which the various parts of Form X-17A-5 [17 CFR 249.617] must be filed.

Requests for extension of time or exemption from any of the requirements of paragraph (a) will be considered pursuant to paragraph (1).

Report to be Filed Upon Termination of Membership. Paragraph (j) is renumbered (b) and requires that any broker or dealer who ceases to be a member in good standing of a national securities exchange file with the Commission, no later than two days after the termination, Part II of Form X-17A-5 [17 CFR 249.617] as of the termination. In addition, a national securities exchange which acts to terminate the membership of a broker or dealer or learns of any such action is required to notify the Commission of such action and notify the broker or dealer of its reporting under this paragraph.

[6] The following is a comparison of the current, proposed, and adopted paragraphs:

[7] This reporting sequnce enables the Commission to fulfill its Congressional mandate to collect and report on economic data concerning the securities industry, while simultaneously streamlining the financial and operational reporting required by brokers and dealers. It allows almost the complete integration of the current economic data reporting requirements of Rule 17a-10 [17 CFR 240.17a-10] and Rule 17a-20 [17 CFR 240.17a-20].

Under Section 23 of the Securities Exchange Act of 1934, as amended by the Securities Act Amendments of 1975, the Commission has a duty to make such reports to Congress. The information necessary to prepare such reports would be derived from the calendar quarter filings of Form X-18A-5 [17 CFR 249.617] and the annual filing of Form X-17A-10 [17 CFR 249.618].

[8] Securities Exchange Act Release No. 11140.

[9] Securities Exchange Act Release No. 11499.

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Financial Statements to be Furnished to Customers. Paragraph (c) combines former paragraphs (m), (n) and (o) and prescribes the form and content of statements to be furnished to customers by all brokers and dealers required to file an annual audit report, with the exception of certain brokers or dealers with limited activities as enumerated in subparagraph (c)(1). The statements, as set forth in subparagraph (c)(2), include a balance sheet, a footnote indicating the broker's or dealer's actual net capital and its required net capital, a notice that a copy of any material inadequacies commented upon by the independent public accountant in connection with the annual audit report is currently available for the customer's inspection at the Commission's principal office in Washington, D.C. and the Commission's regional office for the region in which the broker or dealer has its principal place of business, and a notice indicating that the Statement of Financial Condition of the most recent annual audit report of the broker or dealer is similarly available for inspection. After a re-evaluation of the length and complexity of the statements which must be furnished to customers, the Commission has determined that the period of time within which these statements must be furnished shall be 45 days.

B. *Accountants' Reports—Annual Audit Report.* The Commission also requires that brokers and dealers file an annual audit report on a fiscal or calendar year basis.[14] Rule 17a–5(d)(1) [17 CFR 240.17a–5(d)(1)] requires the following financial data to be included in the annual audit report:

Financial Statements:

Statement of Financial Condition;
Statement of Income (Loss);
Statement of Changes in Financial Position;
Statement of Changes in Stockholders' Equity or Partners' or Sole Proprietor's Capital;
Statement of Changes in Liabilities Subordinated to Claims of General Creditors;

Schedules:

Computation of Net Capital Pursuant to Rule 15c3–1 [17 CFR 240.15c3–11];
Computation for Determination of Reserve Requirements Pursuant to Rule 15c3–3 [17 CFR 240.15c3–3];
Information Relating to the Possession or Control Requirements Under Rule 15c3–3 [17 CFR 240.15c3–3]; and
A Reconciliation Pursuant to Rule 17a–5(d)(4) [17 CFR 240.17a–5(d)(4)].

All of the financial statements and schedules are to be filed on a public basis except those which are bound separately as provided in paragraph (e)(3).

The audited financial statements will be filed at the principal office of the Commission in Washington, D.C., the regional office of the Commission for the region in which the broker or dealer has its principal place of business, and at the principal office of the designated examining authority for said broker or dealer no later than sixty days after the date selected for the annual audited financial statements. The computations contained in the corresponding filing of Part II or Part IIA pursuant to Rules 15c3–1 [17 CFR 240.15c3–1] and 15c3–3 [17 CFR 240.15c3–3], must be reconciled in a report filed pursuant to amended Rule 17a–5(d)(4) [17 CFR 240.17a–5(d)(4)], if such reports differ materially from the computations contained in the audit report.

The term "fiscal year" is defined as the broker's or dealer's fiscal year for reporting purposes. For purposes of defining a time period such as fiscal or calendar quarter, the last business day of such period would be acceptable. The date of the audit may be at any point within the calendar year; however, if such date does not coincide with the close of a calendar quarter, the broker or dealer must file an additional Form X–17A–5 [17 CFR 249.617], Part II or IIA as prescribed in paragraph (a), as of the date of the annual audit. This fifth filing allows the integration of the annual audit report into the surveillance programs of the Commission and the self-regulators.

Section 17(e) of the Securities Exchange Act of 1934 requires all brokers and dealers, including introducing firms, to file an annual audited report, including an income statement. The Commission requested comments on the feasibility of requiring floor members to file an annual audited report, and after consideration of those comments submitted has determined that the adequacy of the self-regulators' surveillance programs is such that the annual audited report will not be necessary.

Audit Objectives & Procedures. Rule 17a–5 ([17 CFR 240.17a–5] also prescribes the audit objectives to be used in the preparation of the broker's or dealer's audited financial statements.[15] Paragraph (g) requires the annual audit to be made in accordance with generally accepted auditing standards. The audit is to be conducted in such a manner as to provide the accountant with the financial statements of the broker or dealer as of the date of the examination. The audit should be designed in such a manner as to provide the accountant with reasonable assurance of the discovery of any material inadequacies in the accounting system, the internal accounting control, procedures for safeguarding securities or the procedures followed in complying with Rule 17a–13 [17 CFR 240.17a–13], which are existing at the date of the audit. If during the course of the audit, inadequacies which have occurred during the period since the date of the last audit are determined to have existed either through preliminary work or through any other procedure conducted in connection with the annual audit such inadequacies must be reported as part of the annual audit report.

Paragraph (h) prescribes the extent and timing of procedures to be followed in the annual audit and permits the accountant to exercise discretion in the area of the extent and timing of such procedures.[16] In addition, the accountant has a responsibility to notify the chief financial officer of the broker or dealer of any material inadequacies discovered in the course of the audit or interim work. If the broker or dealer fails to notify the Commission, the accountant himself must do so.

A determination of a material inadequacy may, in many instances, require completed audit procedures in a particular area, appropriate review at the decision making level by management and the independent accountant, and possible consultation with counsel. While it is expected that a determination in this context involves a contemplative process, the length and complexity of the deliberations should depend on the circumstances and be completed in the shortest time possible.

Accountant's Report on Material Inadequacies. Paragraph (j) requires that the broker or dealer file concurrently with the annual audit report a supplemental report by the accountant describing any material inadequacies found to exist at the audit date and any corrective action taken or proposed by the broker or dealer in regard thereto.

Nature and Form of Audit Reports. Paragraph (b), which prescribes the nature and form of reports which must be filed by the broker or dealer, is renumbered (e). Subparagraph (4)(iii)(b) thereof requires that amounts reported in the Annual General Assessment Reconciliation (Form SIPC–7) be compared with amounts reflected in Form X–17A–5 [17 CFR 249.617] for the fiscal year beginning with fiscal year 1976, rather than the present comparison with the amounts reflected in Form X–17A–10 [17 CFR 249.618]. As proposed for comment, this paragraph did not allow for a transition period between the Form SIPC–7/Form X–17A–10 comparison and the Form SIPC–7/Form X–17A–5 comparison. The Commission has determined that a smoother adjustment will result if Form SIPC–7 is compared with Form X–17A–10 [17 CFR 249.618] for calendar year 1975 and with Form X–17A–5 [17 CFR 249.617] for fiscal year 1976 and thereafter.

Qualification of Accountant. Subparagraph (2) has been added to paragraph (f) which requires every broker or dealer to file with the Commission as of December tenth of each year a statement indicating the existence of an agreement with an independent public accountant covering a contractual commitment to conduct the broker's or dealer's annual audit pursuant to Rule 17a–15 [17 CFR 240.17a–5] for that year.

[14] This is in accordance with Section 14 of the Securities Acts Amendments of 1975 which amended Section 17(e)(1)(A) of the Securities Exchange Act of 1934 to require that the audited financial statements be submitted on a fiscal or calendar year basis.

[15] This is in accordance with Section 17(e)(2) of the Securities Exchange Act of 1934, as amended by the Securities Acts Amendments of 1975.

[16] It is expected that the American Institute of Certified Public Accountants will promulgate guidelines and educational materials concerning audit procedures in this area.

In light of the fact that the date of filing this statement for calendar year 1976 (December 10, 1975) has already passed, the statements which would have been filed on that date shall be filed no later than February 10, 1976. Such letter may be of a permanent nature, i.e., effective until withdrawn, or a new letter may be filed each year.

As proposed for comment, paragraph (f) did not offer the option of filing a permanent letter. After considering public comment, the Commission has determined that this option will further reduce the reporting requirements of brokers and dealers. In addition, new subparagraph (f)(3) requires that the accountant be independent in accordance with Rules 2–01(b) and (c) of Regulation S–X [17 CFR 210.2–01(b) and (c)].

Technical Requirements of Accountant's Report. Paragraph (i) combines former paragraphs (g), (h) and (i) in setting forth the technical requirements of the accountant's report, the representations and opinions to be expressed by the accountant with respect to the annual audit, and the manner in which exceptions noted by the accountant are to be stated. Paragraph (i) also notes that the accountant would be required to perform additional audit procedures if such procedures are necessary to accomplish the audit objectives.

Exemptions and Extensions of Time. Paragraph (d) of the rule has been redesignated paragraph (1) and requires the broker or dealer to include certain representations in its application for an extension of time for filing the annual audit report. The application must be received by the Commission's principal office in Washington, D.C., and the appropriate regional office of the Commission prior to the time that the report is normally due pursuant to paragraph (d). The application is not deemed granted by inaction on the part of the Commission, as is now provided for by the last sentence of the paragraph; accordingly, that sentence has been deleted from paragraph (1).

As proposed for comment, Rule 17a–5 [17 CFR 240.17a–5] did not set forth procedures for granting extensions of time for filing the annual audit report. After reviewing the comments suggesting such procedures, the Commission has determined that the extensions shall be granted or denied by the appropriate regional office within 10 days after receipt of the request, unless the regional office indicates that more time is required to properly analyze the request.

As proposed for comment, Rule 17a–5 [17 CFR 240.17a–5] did not provide an exemption for life insurance companies registered as brokers or dealers for the purpose of selling variable contracts and exempt from Rule 15c3–1 [17 CFR 240.15c3–1] by virtue of a previous application setting forth already existing higher permanent capital standards. The Commission requested comments on whether such life insurance companies should be subject to the requirements of the FOCUS Report, and after consideration of the comments submitted has determined that those life insurance companies which are registered as brokers and dealers engaging exclusively in the sale of variable contracts, and which are exempt from Rule 15c3–1 [17 CFR 240.15c3–1], shall be exempt from the requirements of Rule 17a–5 [17 CFR 240.17a–5]. Such companies will file an annual report on Part III of Form X–17A–10 [17 CFR 249.618].

Notification of Change of Fiscal Year. Proposed Rule 17a–5 [17 CFR 240.17a–5] did not set forth notification procedures pursuant to a broker's or dealer's change of fiscal year. The Commission has determined that such notice is necessary and has defined the procedures in paragraph (m). The notice will be filed with the Commission and the designated examining authority and will explain the reasons for the change and state whether or not the change will result in a delayed filing of the annual audit report. If the audit report will be delayed, the broker or dealer must include the representations required by subparagraph (a)(1) of paragraph (1).

C. Structure of the FOCUS Report (Form X–17A–5 [17 CFR 240.617]). The statements and schedules contained in the FOCUS Report replace present Form X–17A–5 [17 CFR 249.617], but the designation "Form X–17A–5" is retained. Form X–17A–5 [17 CFR 249.617] is divided into two parts with additional supplementary schedules. Part I is a summary report containing key financial and operational information consisting of core line items for all brokers and dealers and supplementary items for small brokers and dealers. These line items will provide regulators with timely information needed for the continued viability of the present day early warning system. This part is designed so that the trend for a full year in any of the line items is shown on a horizontal line on the report.

Nearly all of the information in Part I is presently required to be generated and maintained by rules of the Commission, national securities associations and national securities exchanges. Accordingly, Part I will replace a number of forms currently used by members of the securities industry. Based upon plans of the various self-regulators filed with the Commission and approved today, Part I will replace the monthly reports that the various self-regulators currently require of firms which do not exceed certain safe parameters of financial and operational condition.

Part II of the Form X–17A–5 [17 CFR 249.617] is a general purpose financial and operational report. It is designed to accomplish several objectives: attain simplicity and uniformity, obtain essential regulatory information, and develop financial statements in a format consistent with generally accepted accounting principles. The instructions to Part II set forth detailed definitions. Such definitions are intended as a guide for the correct completion of Parts II and IIA and apply only to those Parts. Part II contains the following financial statements and schedules:

Financial Statements:

Statement of Financial Condition;
Statement of Income (Loss);
Statement of Changes in Stockholders' Equity or Partners' or Sole Proprietor's Capital; and
Statement of Changes in Liabilities Subordinated to Claims of General Creditors.

Schedules:

Information for Possession or Control Requirements Under Rule 15c3–1 [17 CFR 240.15c3–1];
Computation of Net CCapital Under Rule 15c3–1 [17 CFR 240.15c3–1];
Computation for Determination of Reserve Requirements Exhibit A of Rule 15c3–3 [17 CFR 240.15c3–3];
Total Capital and Subordinated Capital Maturing or Proposed to be Withdrawn Within the Next Six Months and Details Thereof; and
Financial and Operational Data.

Part IIA is an abbreviated version of Part II. It includes a Statement of Financial Condition, a Computation of Net Capital Under Rule 15c3–1 [17 CFR 240.15c3–1]; a Statement of Income (Loss), and a Schedule of Details of Total Capital and Subordinated Capital Maturing or Proposed to be Withdrawn Within the Next Six Months.

As proposed for comment, Parts II and IIA did not include a Schedule of Information for Possession or Control Requirements Under Rule 15c3–3 [17 CFR 240.15c3–3]. After consideration of the public comments and a re-evaluation of the importance of this information, the Commission has determined that such information shall be required quarterly.

Based upon plans of the various self-regulators filed with the Commission and approved today, Part II and Part IIA will replace reports currently required on a monthly and quarterly basis by various self-regulators.

Copies of amended Form X–17A–5 [17 CFR 249.617] have been filed with the Office of the Federal Register and copies thereof may be obtained on request from the Securities and Exchange Commission, Washington, D.C. 20549.

IV. *Amendment of Rule 17a–10 [17 CFR 240.17a–10] and Related Form X–17A–10 [17 CFR 249.618].* In response to comments received from members of the public and regulatory authorities a number of changes have been made in Rule 17a–10 [17 CFR 240.17a–10] and related Form X–17A–10 [17 CFR 249.618.] In the original proposal, brokers and dealers with certain exceptions were required to file such reports 45 days after the end of the calendar year. In Rule 17a–10 [17 CFR 240.17a–10], as adopted, brokers and dealers will be given 60 days after the end of the calendar year in which to file Form X–17A–10 [17 CFR 249.618] for calendar year 1975, in order to allow brokers and dealers to become familiar with the revised form.

Proposed Form X–17A–10 [17 CFR 249.618] consisted of two parts. In place of a separate introduction to each part of the form, one uniform introduction for all parts of the form has been developed

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in order to simplify the form and to enhance computerization of the data. The number of parts to the form have been expanded from two to three. Part III of Form X–17A–10 [17 CFR 249.618] is to be filed by insurance companies which are registered as brokers and dealers for the purpose of selling variable annuities and are exempted from Rule 15c3–1 [17 CFR 240.15c3–1]. Several items were added to the revenue and expense statements of Part I and Part II of Form X–17A–10 [17 CFR 249.618] in order to be consistent with generally accepted accounting principals and a number of technical changes were made in order to improve the quality of the information collected.

Rule 17a–10 [17 CFR 240.17a–10] and related Gorm X–17A–10 [17 CFR 249.-618] will be amended, beginning with calendar year 1975, so as to eliminate certain information no longer considered essential, to confrom to the format of the FOCUS Report and to reduce the reporting burden on brokers and dealers. For the first time, the financial and operational data required for surveillance purposes and the information required for economic analysis will be integrated into a single reporting system. Rule 17a–10 [17 CFR 240.17a–10] will be amended to shorten the time period from 120 days to 45 days within which revised Form X–17A–10 [17 CFR 249.618] must be filed. The extension of time after the close of the calendar year will be reduced from 150 days to 105 days. The Commission proposes these changes in view of the reduced amount of information required by revised Form X–17A–10 [17 CFR 249.-618]. In addition, shortening the filing period would result in more timely information being provided to the Commission.

Adopted Form X–17A–10 [17 CFR 249.-618] consists of an Introduction and three parts with additional schedules, the schedules to be filed only by certain large brokers and dealers. The Introduction will be filed by all brokers and dealers. Part I of Form X–17A–10 [17 CFR 249.-618] will be filed by those brokers and dealers with annual gross revenue related to the securities business of less than $500,000, approximately 83 percent of all brokers and dealers. Part II of Form X–17A–10 [17 CFR 249.618] will be filed by all brokers and dealers with annual gross revenue related to the securities business of $500,000 or more. Subsidiary schedules requesting additional information will be filed only by those brokers and dealers with annual gross revenue related to the securities business of ten million dollars or more during the calendar year. Part III of Form X–17A–10 [17 CFR 249.618] will be filed by insurance companies which are registered as brokers and dealers solely for the purpose of selling variable annuities and which are exempted from Rule 15c3–1 [17 CFR 240.15c3–1].

This is the first major revision in Form X–17A–10 [17 CFR 249.618] since the form became mandatory for calendar year 1969. The purpose Rule 17a–10 [17 CFR 240.17a–10] and the related form is to provide the Commission with comprehensive financial data on a comparable basis for all segments of the broker-dealer industry. The Commission is required to carry out broad and comprehensive regulatory responsibilities as mandated by the Securities Acts Amendments of 1975. As a result of the introduction of competitive commission rates and the development of a national market system, and because of significant developments impacting the economics of the securities industry, the need for timely and comparable data regarding various segments of the industry continues to be essential.

Copies of amended Form X–17A–10 [17 CFR 249.618] have been filed with the Office of the Federal Register and copies thereof may be obtained on request from the Securities and Exchange Commission, Washington, D.C. 20549.

V. *Amendment of Rule 17a–11 [17 CFR 240.17a–11] and Revocation of Form X–17A–11 [17 CFR 249.621].* Rule 17a–11 [17 CFR 240.17a–11] is revised to conform to the new net capital rule by the addition of subparagraph (b)(2) which applies to the alternative method of capital computation. Subparagraph (b)(2) is revised to clarify that a broker or dealer must file a report at the end of the month if a capital computation made at any time during the month indicates that his total net capital is below the minimum requirement. The report to be filed is Part II of Form X–17A–5 [17 CFR 249–617] plus any additional statements which may be required, thus eliminating the need for Form X–17A–11 [17 CFR 249.621].

New paragraph (b) requires any broker or dealer who discovers or who receives notice of a material inadequacy pursuant to paragraph ((h)(2) of Rule 17a–5 [17 CFR 240.17a–5] to give telegraphic notice to the Commission and file a corrective plan within forty-eight hours thereafter.

As proposed for comment, paragraph (d) of Rule 17a–11 [17 CFR 240.17a–11] required the broker or dealer to give telegraphic notice only when the independent public accountant has notified the broker or dealer of a material inadequacy. The Commission has determined that a broker or dealer who himself discovers a material inadequacy should also give telegraphic notice pursuant to paragraph (f), and paragraph (d) is amended accordingly.

In addition, Rule 17a–11 [17 CFR 240.17a–11] is amended to require that notice and reports given thereunder shall also be given to the Commodity Futures Trading Commission if such broker or dealer is a member of that Commission.

VI. *Amendment of Rule 17a–20 [17 CFR 240.17a–20] and Related Form X–17A–20 [17 CFR 249.636].* Rule 17a–20 [17 CFR 240.17a–20], which was adopted as part of the Commission's program to monitor the impact of competitive commission rates, is amended to reduce the frequency of filing. The Commission has determined that the program's effectiveness will not be decreased by requiring quarterly rather than monthly filing by all brokers and dealers subject to Rule 17a–20 [17 CFR 240.17a–20].

Paragraph (a) is amended to eliminate from the reporting system certain brokers and dealers who do not derive at least 20 percent of their revenues from securities commissions. Certain technical changes have also been made in order to coordinate the filing requirements with revised Rule 17a–10 [17 CFR 240.17a–10].

As proposed for comment, Rule 17a–20 [17 CFR 240.17a–20] required quarterly filing of current Form X–17A–20 [17 CFR 249.636]. In an effort to further reduce the reporting requirements of brokers and dealers, the Commission has determined that the information required to be reported by Form X–17A–20 [17 CFR 249.636] may be substantially reduced with no detriment to its utility as a monitoring mechanism.

Copies of amended Form X–17A–20 [17 CFR 249.636] have been filed with the Office of the Federal Register and copies thereof may be obtained on request from the Securities and Exchange Commission, Washington, D.C. 20549.

VII. *Approval of Plans Filed Pursuant to Paragraph (a)(4) of Rule 17a–5 [17 CFR 240.17a–5], Paragraph (b) of Rule 17a–10 [17 CFR 240.17a–10], and Paragraph (a)(3) of Rule 17a–20 [17 CFR 240.17a–20].*—A. *Rule 17a–5 [17 CFR 240.17a–5].* Eight self-regulatory organization have filed plans pursuant to paragraph (a)(4) of Rule 17a–5 [17 CFR 240.17a–5], which would allow brokers or dealers who are members of an exchange or association filing an appropriate plan declared effective by the Commission to dispense with a separate filing of the FOCUS Report to the Commission. The ASE, BSE, CBOE, MSE, NASD, NYSE, PSE, and PBW have agreed to collect directly from their members the information required by the rule thereby eliminating for their member firms a direct filing requirement with the Commission.

The plans contain the following general elements. Part I of the FOCUS Report is to be filed monthly with the designated examinating authority by all clearing or carrying firms no later than the tenth business day after the end of the month.[13]

Part II is to be filed each calendar quarter, by clearing or carrying firms, with the designated examining authority no later than the seventeenth business day after the end of the instant

[13] Introducing firms which are designated members of the NASD would file the Part I monthly for an indefinite period pursuant to the accelerated reporting provisions of paragraph (a)(2)(iv) of Rule 17a–5 [17 CFR 240.17a–5]. NYSE designated members would not file the Part I in months in which the Part II is being filed. Pursuant to paragraph (a)(2)(iv) of Rule 17a–5 [17 CFR 240.17a–5], PSE designated firms which clear or carry the accounts of other broker-dealers will file Part I monthly for a phase-in period of 3 months with further evaluation of a continuing need to be made at the conclusion of that period.

quarter.[14] A fifth Part II filing would be submitted by the broker or dealer in connection with the annual audit no later than the seventeenth business day after the end of the fiscal or calendar year audit date when such date is other than on a calendar quarter. The plans for the Part IIA are identical to those for the Part II except that the Part IIA will be filed by firms which do not clear nor carry customer accounts.[15]

All plans state that accelerated reporting will only be required sparingly when circumstances so dictate in light of the goal of reduced reporting.[16] In addition all such plans (except for the NASD) have, pursuant to paragraph (1)(3) of Rule 17a–5 [17 CFR 240.17a–5], requested conditional exemptions from the FOCUS Report for certain individual members, floor traders, floor brokers and specialists.

The Commission has reviewed the procedures and provisions of the plans including the requests for conditional exemption for certain member firms and, pursuant to paragraph (a)(4) of Rule 17a–5 [17 CFR 240.17a–5], having due regard for the public interest and the protection of investors and the fulfillment of the Commission's functions under the provisions of the Securities Exchange Act of 1934, declares the plans to be effective as of January 1, 1976, the proposed effective date of Rule 17a–5 [17 CFR 240.17a–5] as amended.

B. *Rule 17a–10 [17 CFR 240.17a–10].* Eight self-regulatory organizations have filed modifications to existing plans or have for the first time filed plans pursuant to paragraph (b) of Rule 17a–10 [17 CFR 240.17a–10].[17] Paragraph (b) of Rule 17a–10 [17 CFR 240.17a–10] allows brokers or dealers which are members of an exchange or association which files an appropriate plan declared effective by the Commission to dispense with a separate filing of Form X–17A–10 [17 CFR 249.618] to the Commission. The modification of existing Rule 17a–10 [17 CFR 240.17a–10] plans is due to the amendments in Rule 17a–10 [17 CFR 240.17a–10] and related Form X–17A–10 [17 CFR 249.618] adopted hereinabove, which will require the plans to conform with those amendments.

Under the plans, member firms will be required to file the Form X–17A–10 [17 CFR 249.618] by the new date of 60 days after the close of the calendar year 1975 and 45 days after the close of the calendar year for each calendar year thereafter.[18] All NYSE member firms will file directly with the NYSE; all NASD member firms (other than NYSE member firms) with the NASD; and all sole member firms of regional exchanges with their respective exchanges.

The Commission has reviewed the procedures and provisions of the plans and modifications to existing plans and pursuant to paragraph (b) of Rule 17a–10 [17 CFR 240.17a–10], having due regard for the fulfillment of the Commission's functions under the provisions of the Securities Exchange Act of 1934, declares the plans and modifications to existing plans to be effective as of January 1, 1976, the proposed effective date of the amendments to Rule 17a–10] and related Form X–17A–10 [17 CFR 249.618].

C. *Rule 17a–20 [17 CFR 240.17a–20].* The proposed modifications to Rule 17a–20 [17 CFR 240.17a–20] and related Form X–17A–20 [17 CFR 249.636] would reduce the frequency of filing as well as the line item detail of the form. All firms subject to the rule would now report quarterly rather than monthly and reporting would be eliminated for brokers or dealers who do not derive at least 20 percent of their revenues from securities commissions.

The Commission has declared effective plans submitted by the NASD and NYSE pursuant to paragraph (a)(3) of Rule 17a–20 [17 CFR 240.17a–20].[19] Due to the amendments to the rule and form described hereinabove, the NASD and NYSE have submitted modifications to their Rule 17a–20 [17 CFR 240.17a–20] plans which incorporate those amendments. NASD member firms subject to the rule would continue to file a separate Form X–17A–20 [17 CFR 249.636]. NYSE member firms will not complete a separate Form X–17A–20 [17 CFR 249.636], but will file a modified Statement of Income (Loss) as part of their quarterly Part II or Part IIA FOCUS Report submission.[20]

The Commission has reviewed the procedures and provisions of the proposed modifications to the plans and, pursuant to paragraph (a)(3) of Rule 17a–20 [17 CFR 240.17a–20], having due regard for the fulfillment of the Commission's functions under the provisions of the Securities Exchange Act of 1934, declares the modifications to the plans to be effective as of the effective date of the amendments to Rule 17a–20 [17 CFR [240.17a–20] and related Form X–17A–20 [17 CFR 249.636].

VIII. *Delegation of Authority.* Pursuant to subparagraph (1)(3) of Rule 17a–5 [17 CFR 240.17a–5], the Commission has the power to exempt a broker or dealer, unconditionally or on specified terms and conditions, from all or part of the requirements of that rule. The Commission has amended Rule 30–3(a)(5) of its Rules of General Organization [17 CFR 200.30–3(a)(5)] to delegate to the Director of the Division of Market Regulation and to the Associate Director and Assistant Director of the Office of Broker-Dealer Compliance and Financial Responsibility, the authority to grant exemptions pursuant to Rule 17a–5(1)(3) [17 CFR 240.17a–5(1)(3)].

The FOCUS Report and Amendments to Rule 17a–4, [17 CFR 240.17a–4], Rule 17a–5 [17 CFR 240.17a–5] and related Form X–17A–5 [17 CFR 249.617], Rule 17a–10 [17 CFR 240.17a–10] and related Form X17A–10 [17 CFR 249.618], Rule 17a–11 [17 CFR 240.17a–11] and related Form X17A–11 [17 CFR 249.621], and Rule 17a–20 [17 CFR 240.17a–20] and related Form X–17A–20 [17 CFR 249.6361] are effective January 1, 1976. The existing reporting systems of the Commission and of the self-regulatory organizations become obsolete as of January 1, 1976, by virtue of the implementation of amended Rule 15c3–1 [17 CFR 240.15c3–1]; therefore it is essential that the FOCUS Report and the accompanying rule and form amendments be adopted as of that date. As the modifications set forth herein do not substantially alter the rules and forms as proposed, or involve rules of agency organization, procedure or practice, and in light of the fact that the public interest and protection of investors require that effective surveillance and reporting systems be in place as of January 1, 1976, the Commission finds for good cause in accordance with the Administrative Procedure Act (5 U.S.C. 553(b)(3)(A) and (B)), that notice and public procedure are unnecessary as a prerequisite to the adoption of any previously unpublished portions of the FOCUS Report and related rule and form amendments. Further, in order to assure that adequate surveillance and financial reporting systems will continually be in effect, the Commission, pursuant to Section 553(d)(3) of the Administrative Procedure Act (5 U.S.C. 553(d)(3)), finds that there is good cause to declare, and does declare, the adopted amendments to Rule 17a–4 [17 CFR 240.17a–4], Rule 17a–5 [17 CFR 240.17a–5] and related Form X–17A–5 [17 CFR 249.617], Rule 17a–10 [17 CFR 240.17a–10] and related Form X–17A–10 [17 CFR 249.618], Rule 17a–11 [17 CFR 240.17a–11] and related Form X–17A–11 [17 CFR 249.621], and Rule 17a–20 [17 CFR 240.17a–20] and related Form X–17A–20 [17 CFR 249.636] to be effective on January 1, 1976.

IX. *Competitive Considerations.* The Commission has determined that the FOCUS Report and accompanying rule and form amendments impose no burden on competition not necessary or appropriate in furtherance of the purposes of the Act and are not inconsistent with the public interest or the protection of investors. This determination is based on the reason that the adopted amendments

[14] PSE members which file the quarterly Part will accompany that filing with their workpapers on proprietary position data for the phase-in period with a review of the continuing need to be made at the conclusion of that period. ASE designated firms will file Part II of January, 1976 as a phase-in period before moving to the general reporting pattern.

[15] Pursuant to paragraph (a)(2)(iv) of Rule 17a–5 [17 CFR 240.17a–5], NYSE designated firms which introduce accounts but have subsidiaries required to consolidated in accordance with Rule 15c3–1 [17 CFR 240.15c3–1] will indefinitely file the quarterly Part II and PSE designated firms which clear or carry accounts for other broker-dealers will file Part II for a first quarter phase-in period with a review of the continuing need to be made at that time.

[16] *See* notes 14 and 15 *supra* for certain instances where the acceleration power is being invoked.

[17] The ASE, BSE, CBOE, MSE, NASD, NYSE, PSE and PBW.

[18] The NASD plan covers the calendar year 1975 only.

[19] Securities Exchange Act Release No. 11395, May 2, 1975, 40 FR 20073, May 8, 1975.

[20] All other firms subject to the rule would file directly with the Commission. These would constitute less than 9 firms.

V 40 N 250 DEC 30 75 XUM

to the rules and forms lessen any existing burden on competition by reducing the reporting required and resultant costs of brokers and dealers.

X. *Request for Comments.* Due to the implementation of amended Rule 15c3–1 [17 CFR 240.15c3–1] on January 1, 1976, the financial reporting and surveillance systems of the Commission and the self-regulators will become obsolete. Public interest and the protection of investors therefore appear to require that the FOCUS Report and accompanying rule and form amendments be adopted as efficient in theory, and the form satisfactory in substance, certain modifications may subsequently be necessary in order to achieve a smoother practical application. It is the Commission's view that the areas requiring additional refinement will become apparent after the self-regulators and the brokers and dealers have had several months experience with the FOCUS reporting structure. Therefore, comments are requested on or before March 31, 1976, suggesting the adoption on or before June 30, 1976, of proposed amendments to the FOCUS Report and the accompanying implementation program.

Commentators are requested to consider, in addition to other issues, the following subjects:

(1) the viability of the format of Part I, Part II and Part IIA of Form X–17A–5 [17 CFR 249.617], and suggested additions or deletions thereto;

(2) the appropriateness of filing frequencies of Part I, Part II and Part IIA of Form X–17A–5 [17 CFR 249.617];

(3) the feasibility of further combining Form X–17A–5 [17 CFR 249.617], Form X–17A–10 [17 CFR 249.618] and Form X–17A–20 [17 CFR 249.636] in order to effect a greater reduction in reporting requirements;

(4) possible alternative means by which the annual audit requirements, the collection of surveillance material and the collection of economic data on a comparable time basis for all brokers and dealers may be achieved;

(5) the effectiveness of the revised annual audit report format and accompanying changes to Rule 17a–5 [17 CFR 240.17a–5] and Rule 17a–11 [17 CFR 240.17a–11]; and

(6) the appropriateness of requiring municipal securities brokers and dealers to be subject to the FOCUS reporting structure.

Interested persons should submit their comments in writing on or before March 31, 1976. All such communications should be directed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7–594 and will be available for public inspection.

(Secs. 2, 6, 10, 15, 17, 23, 48 Stat. 881, 885, 891, 895, 897, 901 (15 U.S.C. 78b, 78f, 78j, 78o, 78q, 78w) as amended by Secs. 2, 4, 11, 14, 18, Pub. L. 94–29).

By the Commission

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

DECEMBER 17, 1975.

PART 200—ORGANIZATION, CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

1. Commission action: Pursuant to section 23 of the Securities Exchange Act of 1934, the Securities and Exchange Commission amends § 200.30–3 in Chapter II of Title 17 of the Code of Federal Regulations by revising the introductory paragraph and (a) (5) to read as follows:

§ 200–30–3 Delegation of authority to Director of Division of Market Regulation.

Pursuant to the provisions of Public Law No. 87–592, 76 Stat. 394, (15 U.S.C. 78d–1, 78d–2), the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, the following functions to the Director of the Division of Market Regulation to be performed by him or under his direction by such person or persons as may be designated from time to time by the Chairman of the Commission:

(a) * * *

(5) Pursuant to Rule 17a–5(1)(3) (§ 240.17a–5(1)(3) of this chapter), to consider applications, by brokers and dealers for exemptions from, and extension of time within which to file, reports required by Rule 17a–5 (§ 240.17a–5 of this chapter), and to grant, and to authorize the issuance of orders denying, such applications provided such applicant is advised of his right to have such denial reviewed by the Commission.

* * * * *

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. Commission action: Pursuant to sections 2, 10, 15, 17(a), 17(e) and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission amends § 240.17a–4 in Chapter II of Title 17 of the Code of Federal Regulations by revising paragraph (b) (8) to read as follows:

§ 240.17a–4 Records to be preserved by certain brokers and dealers.

(b) * * *

(8) Records which contain the following information in support of amounts included in reports on Form X–17A–5 (§ 249.617 of this chapter) Part II or Part IIA and in annual audited financial statements required by § 240.17a–5:

(i) money balance position, long or short, including description, quantity, price and valuation of each security including contractual commitments in customers' accounts, in cash and fully secured accounts, partly secured accounts, unsecured accounts, and in securities accounts payable to customers;

(ii) money balance and position, long or short, including description, quantity, price and valuation of each security including contractual commitments in non-customers' accounts, in cash and fully secured accounts, partly secured and unsecured accounts, and in securities accounts payable to non-customers;

(iii) position, long or short, including description, quantity, price and valuation of each security including contractual commitments included in the Computation of Net Capital as commitments, securities owned, securities owned not readily marketable, and other investments owned not readily marketable;

(iv) amount of secured demand note, description, of collateral securing such secured demand note including quantity, price and valuation of each security and cash balance securing such secured demand note;

(v) description of futures commoditiy contracts, contract value on trade date, market value, gain or loss, and liquidating equity or deficit in customers' and non-customers' accounts;

(vi) description of futures commodity contracts, contract value on trade date, market value, grain or loss and liquidating equity or deficit in trading and investment accounts;

(vii) description, money balance, quantity, price and valuation of each spot commodity position or commitments in customers' and non-customers' accounts;

(viii) description, money balance, quantity, price and valuation of each spot commodity position or commitments in trading and investment accounts;

(ix) number of shares, description of security, exercise price, cost and market value of put and call options including short out of the money options having no market or exercise value, showing listed and unlisted put and call options separately;

(x) quantity, price, and valuation of each security underlying the haircut for undue concentration made in the Computation for Net Capital;

(xi) description, quantity, price and valuation of each security and commodity position or contractual commitment, long or short, in each joint account in which the broker or dealer has an interest, including each participant's interest and margin deposit;

(xii) description, settlement date, contract amount, quantity, market price, and valuation for each aged failed to deliver requiring a charge in the Computation of Net Capital pursuant to § 240.15c3–1;

(xiii) detail relating to information for possession or control requirements under § 240.15c2–3 and reported on the schedule in Part II or IIA of Form X–17A–5 (§ 249.617 of this chapter);

(xiv) detail of all items, not otherwise substantiated, which are charged or credited in the Computation of Net Capital pursuant to § 240.15c3–1, such as cash margin deficiencies, deductions related to securities values and undue concentration, aged securities differences and insurance claims receivable; and

(xv) other schedules which are specifically prescribed by the Commission as necessary to support information reported as required by § 240.17a–5.

* * * * *

2. Commission action: Pursuant to sections 2, 10, 15, 17(a), 17(e) and 23 of the Securities Exchange Act of 1934, the Securities and Exchange Commission revises § 240.17a–5 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.17a–5 Reports to be made by certain brokers and dealers.

(a) *Filing of Monthly and Quarterly Reports.* (1) This paragraph (a) shall apply to every broker or dealer registered pursuant to Section 15 of the Act.

(2) (i) Every broker or dealer subject to this paragraph (a) who clears or carries customer accounts shall file Part I of Form X–17A–5 (§ 249.617 of this chapter) within 10 busines days after the end of each month.

(ii) Every broker or dealer subject to this paragraph (a) who clears or carries customer accounts shall file Part II of Form X–17A–5 (§ 249.617 of this chapter) within 17 business days after the end of the calendar quarter and within 17 business days after the date selected for the annual audit of financial statements where said date is other than a calendar quarter. Certain of such brokers or dealers shall file Part IIA in lieu thereof if the nature of their business is limited as described in the instructions to Part II of Form X–17A–5 (§ 249.617 of this chapter).

(iii) Every broker or dealer who does not carry nor clear customer accounts shall file Part IIA of Form X–17A–5 (§ 249.617 of this chapter) within 17 business days after the end of each calendar quarter and within 17 business days after the date selected for the annual audit of financial statements where said date is other than the end of the calendar quarter.

(iv) Upon receiving written notice from the Commission or the examining authority designated pursuant to Section 17(d) of the Act, a broker or dealer who receives such notice shall file monthly, or at such times as shall be specified, Part II or Part IIA of Form X–17A–5 (§ 249.617 of this chapter) and such other financial or operational information as shall be required by the Commission or the designated examining authority.

(3) The reports provided for in this paragraph (a) shall be considered filed when received at the Commission's principal office in Washington, D.C. and the regional office of the Commission for the region in which the broker or dealer has its principal place of business. Except as provided for in paragraph (e) (3), such reports shall be available for examination at the principal office of the broker or dealer.

(4) The provisions of subparagraphs (2) and (3) of paragraph (a) shall not apply to a member of a national securities exchange or a registered national securities association if said exchange or association maintains records containing the information required by Part I, Part II or Part IIA of Form X–17A–5 (§ 249.617 of this chapter), as to such member, and transmits to the Commission a copy of the applicable parts of Form X–17A–5 (§ 249.617 of this chapter) as to such member, pursuant to a plan, the procedures and provisions of which have been submitted to and declared effective by the Commission. Any such plan filed by a national securities exchange or a registered national securities association may provide that when a member is also a member of one or more national securities exchanges, or of one or more national securities associations, the information required to be submitted with respect to any such member may be submitted by only one specified national securities exchange or registered national securities association. For the purposes of this section, a plan filed with the Commission by a national securities exchange or a registered national securities association shall not become effective unless the Commission, having due regard for the fulfillment of the Commission's duties and responsibilities under the provisions of the Act, declares the plan to be effective. Further, the Commission, in declaring any such plan effective, may impose such terms and conditions relating to the provisions of the plan and the period of its effectiveness as may be deemed necessary or appropriate in the public interest, for the protection of investors, or to carry out the Commission's duties and responsibilities under the Act.

(b) *Report Filed Upon Termination of Membership Interest.* (1) If a broker or dealer holding any membership interest in a national securities exchange ceases to be a member in good standing of such exchange, such broker or dealer shall, within two business days after such event, file with the Commission Part II of Form X–17A–5 (§ 249.617 of this chapter) as of the date of such event.

The report shall be filed at the Commission's principal office in Washington, D.C., and with the regional office of the Commission for the region in which the broker or dealer has its principal place of business: *Provided, however,* That such report need not be made or filed if the Commission, upon written request or upon its own motion, exempts such broker or dealer, either unconditionally or on specified terms and conditions, from such requirement: *Provided, further,* That the Commission may, upon request of the broker or dealer, grant extensions of time for filing the report specified herein for good cause shown.

(2) Attached to the report required by subparagraph (1) of this paragraph shall be an oath or affirmation that to the best knowledge and belief of the individual making such oath or affirmation the information contained in the report is true and correct. The oath or affirmation shall be made before a person duly authorized to administer such oath or affirmation. If the broker or dealer is a sole proprietorship, the oath or affirmation shall be made by the proprietor; if a partnership, by a general partner; or if a corporation, by the chief executive officer, or, in his absence, by the person authorized to act in his place.

(3) For the purposes of this paragraph (b) "membership interest" shall include the following: full membership, allied membership, associated membership, floor privileges, and any other interest that entitles a broker or dealer to the exercise of any privilege on an exchange.

(4) For the purposes of this paragraph (b), any broker or dealer shall be deemed to have ceased to be a member in good standing of such exchange when he has resigned, withdrawn, or been suspended or expelled from a membership interest in such exchange or has directly or through any associated person sold or entered into an agreement for the sale of a membership interest which would on consummation thereof result in the termination of the broker's or dealer's membership interest in such exchange.

(5) Whenever any national securities exchange takes any action which causes any broker or dealer which is a member of such exchange to cease to be a member in good standing of such exchange or when such exchange learns of any action by such member or any other person which causes such broker or dealer to cease to be a member in good standing of such exchange, such exchange shall report such action promptly to the Commission, furnishing information as to the circumstances surrounding the event, and shall send a copy of such notification to the broker or dealer and notify such broker or dealer of his responsibilities under this paragraph (b).

(c) *Customer Statements*—(1) *Who must furnish the statements.* Every broker or dealer shall file with the Commission at its principal office in Washington, D.C., with the regional office of the Commission for the region in which the broker or dealer has its principal place of business, and with each national securities exchange and registered national securities association of which it is a member, and shall send to its customers the statements prescribed by subparagraphs (2) and (3) of this paragraph (c), except if the activities of such broker or dealer are limited to any one or combination of the following and are conducted in the manner prescribed herein:

(i) As introducing broker or dealer, the forwarding of all the transactions of his customers to a clearing broker or dealer on a fully disclosed basis: *Provided,* That such clearing broker or dealer reflects such transactions on its books and records in accounts it carries in the names of such customers and that the introducing broker or dealer does not hold funds or securities for, or owe funds or securities to, customers other than funds and securities promptly forwarded to the clearing broker or dealer or to customers;

(ii) The prompt forwarding of subscriptions for securities to the issuer, underwriter or other distributor of such securities and of receiving checks, drafts, notes, or other evidences of indebtedness payable solely to the issuer, underwriter or other distributor who delivers the security directly to the subscriber or to a custodian bank, if the broker or dealer does not otherwise hold funds or securities for, or owe money or securities to, customers;

(iii) The sale and redemption of redeemable shares of registered investment companies or the solicitation of share accounts of savings and loan associations in the manner contemplated by the $2,500 minimum net capital requirement

V 40 N 250 DEC 30 75 XUM

of § 240.15c3–1 or the offering to extend any credit to or participate in arranging a loan for a customer to purchase insurance in connection with the sale of redeemable shares of registered investment companies; or

(iv) Conduct which would exempt the broker or dealer from the provisions of § 240.17a–13 by reason of the provisions of paragraph (a) of that section.

(2) *Audited statements to be furnished.* The following statements shall be sent to customers within 45 days after the broker or dealer files with the Commission the information required by paragraph (d):

(i) A balance sheet with appropriate notes prepared in accordance with generally accepted accounting principles which shall be audited if the financial statements furnished in accordance with paragraph (d) of this section are required to be certified;

(ii) A footnote containing a statement of the amount of the broker's or dealer's net capital and its required net capital, computed in accordance with § 240.-15c3–1. Such statement shall include summary financial statements of subsidiaries consolidated pursuant to Appendix C of § 240.15c3–1, where material, and the effect thereof on the net capital and required net capital of the broker or dealer;

(iii) If, in connection with the most recent annual audit report pursuant to § 240.17a–5, the independent accountant commented on any material inadequacies in accordance with paragraphs (g) and (h) and § 240.17a–11(d), there shall be a statement by the broker or dealer that a copy of such report and comments is currently available for the customer's inspection at the principal office of the Commission in Washington, D.C., and the regional office of the Commission for the region in which the broker or dealer has its principal place of business; and

(iv) A statment indicating that the Statement of Financial Condition of the most recent annual audit report of the broker or dealer pursuant to § 240.17a–5 is available for examination at the principal office of the broker or dealer and at the regional office of the Commission for the region in which the broker or dealer has its principal place of business.

(3) *Unaudited statements to be furnished.* The statements shall contain the information specified in subparagraphs (c)(2)(i) and (ii). Said unaudited statements shall be as of the date 6 months from the date of the audited statements required to be furnished pursuant to subparagraphs (c)(1) and (2) and shall be furnished not later than six months after the date that the audited statements required by subparagraph (c)(2) were furnished.

(4) *Definition of "customer."* For purposes of this paragraph (c), the term "customer" includes any person other than: (i) another broker or dealer who is exempted by subparagraph (c)(1); (ii) a general, special or limited partner or director or officer of a broker or dealer; or (iii) any person to the extent that such person has a claim for property or funds which by contract, agreement or understanding, or by operation of law, is part of the capital of the broker or dealer or is subordinated to the claims of creditors of the broker or dealer, for or with whom a broker or dealer has effected a securities transaction in a particular month, which month shall be either the month preceding the balance sheet date or the month following the balance sheet date in which the statement is sent. The term "customer" also includes any person for whom the broker or dealer holds securities for safekeeping or as collateral or for whom the broker or dealer carries a free credit balance in the month in which customers are determined for purposes of this paragraph (c).

(d) *Annual Filing of Audited Financial Statements.* (1) (i) Every broker or dealer registered pursuant to Section 15 of the Act shall file annually, on a calendar or fiscal year basis, a report which shall be audited by an independent public accountant. Reports pursuant to this paragraph (d) shall be as of the same fixed or determinable date each year unless a change is approved by the Commission.

(ii) A broker or dealer succeeding to and continuing the business of another broker or dealer need not file a report under this paragraph as of a date in the fiscal or calendar year in which the succession occurs if the predecessor broker or dealer has filed a report in compliance with this paragraph as of a date in such fiscal or calendar year.

(iii) A broker or dealer who has not transacted a business in securities directly with or for other than members of a national securities exchange, and has not carried any margin account, credit balance or security for any person who is defined as a "customer" in paragraph (c)(4) of this section, shall not be required to file a report under this paragraph.

(2) The annual audited report shall contain a Statement of Financial Condition (in a format and on a basis which is consistent with the totals reported on the Statement of Financial Condition contained in Form X–17A–5 (§ 249.617 of this chapter), Part II or Part IIA), a Statement of Changes in Stockholders' or Partners' or Sole Proprietor's Equity, and a Statement of Changes in Liabilities Subordinated to Claims of General Creditors. Such statements shall be in a format which is consistent with such statements as contained in Form X–17A–5 (§ 249.617 of this chapter) Part II or Part IIA.

(3) Supporting schedules shall include, from Part II or Part IIA of Form X–17A–5 (§ 249.617 of this chapter) a Computation of Net Capital Under § 240.15c3–1, a Computation for Determination of the Reserve Requirements under Exhibit A of § 240.15c3–3 and Information Relating to the Possession or Control Requirements Under § 240.15c3–3 and shall be filed with said report.

(4) A reconciliation, including appropriate explanations, of the Computation of Net Capital under § 240.15c3–1 and the Computation for Determination of the Reserve Requirements Under Exhibit A of § 240.15c3–3 in the audit report with the broker's or dealer's corresponding unaudited most recent Part II or Part IIA filing shall be filed with said report when material differences exist. If no material differences exist, a statement so indicating shall be filed.

(5) The annual audit report shall be filed not more than sixty (60) days after the date of the financial statements.

(6) The annual audit report shall be filed at the regional office of the Commission for the region in which the broker or dealer has its principal place of business, the Commission's principal office in Washington, D.C., and the principal office of the designated examining authority for said broker or dealer. Copies thereof shall be provided to all self-regulatory organizations of which said broker or dealer is a member.

(e) *Nature and form of reports.* The financial statements filed pursuant to paragraph (d) of this section shall be prepared and filed in accordance with the following requirements:

(1) (i) An audit shall be conducted by a certified public accountant who shall be in fact independent as defined in paragraph (f)(3) herein, and he shall give an opinion covering the statements filed pursuant to paragraph (d): *Provided, however,* That the financial statements filed pursuant to paragraph (d) need not be audited if, since the date of the previous financial statements of the report filed pursuant to § 240.15b1–2 or this section: (a) the securities business of such broker or dealer has been limited to acting as broker (agent) for the issuer in soliciting subscriptions for securities of such issuer, said broker has promptly transmitted to such issuer all funds and promptly delivered to the subscriber all securities received in connection therewith, and said broker has not otherwise held funds or securities for or owed money or securities to customers; or (b) its securities business has been limited to buying and selling evidences of indebtedness secured by mortgage, deed or trust, or other lien upon real estate or leasehold interests, and said broker or dealer has not carried any margin account, credit balance or security for any securities customer.

(ii) A broker or dealer who files a report which is not covered by an accountant's opinion shall include in the oath or affirmation required by paragraph (e)(2) of this section a statement of the facts and circumstances relied upon as a basis for exemption from the requirement that financial statements and schedules filed pursuant to paragraph (d) be covered by the opinion of an accountant.

(2) Attached to the report shall be an oath or affirmation that, to the best knowledge and belief of the person making such oath or affirmation, the financial statements and schedules are true and correct. The oath or affirmation shall be made before a person duly authorized to administer such oaths or affirmations. If the broker or dealer is a sole proprietorship, the oath or affirmation shall be made by the proprietor; if a partnership, by a general partner; or if a corporation, by a duly authorized officer.

(3) All of the statements filed pursuant to paragraph (d) shall be public, except that, if the Statement of Financial Condition in a format which is consistent with Form X–17A–5 (§ 249.617 of this chapter), Part II or Part IIA, is bound separately from the balance of the annual audited financial statements filed pursuant to subparagraph (d)(1), the balance of the annual audited financial settlements shall be deemed confidential, except that they shall be available for official use by any official or employee of the United States or any State, by national securities exchanges and registered national securities associations of which the person filing such report is a member, and by any other person to whom the Commission authorizes disclosure of such information as being in the public interest. Nothing contained in this subparagraph (3) shall be deemed to be in derogation of the rules of any registered national securities association or national securities exchange which give to customers of a member broker or dealer the right, upon request to such member broker or dealer, to obtain information relative to its financial condition.

(4) The broker or dealer shall file with the report a supplemental report which shall be covered by an opinion of the independent public accountant on the status of the membership of the broker or dealer in the Securities Investor Protection Corporation ("SIPC") if, pursuant to subparagraph (c)(1), a report of the broker or dealer is required to be covered by an opinion of a certified public accountant or a public accountant who is in fact independent. The supplemental report shall cover the SIPC annual general assessment reconciliation or exclusion from membership forms not previously reported on under this subparagraph (4) which were required to be filed on or prior to the date of the report required by paragraph (b) of this section. The supplemental report, which shall be submitted in triplicate original to the regional office of the Commission for the region in which the broker or dealer has its principal place of business, be bound separately, be dated and be signed manually, shall include the following:

(i) A schedule of assessment payments also showing any overpayments applied and overpayments carried forward including: payment dates, amounts, and name of SIPC collection agent to whom mailed, or

(ii) If exclusion from membership was claimed, a statement that the broker or dealer qualified for exclusion from membership under the Securities Investor Protection Act of 1970, and the date and name of the SIPC collection agent with whom a Certification of Exclusion from Membership (Form SIPC–3) was filed, and

(iii) An accountant's report which shall state that in the accountant's opinion either the assessments were determined fairly in accordance with applicable instructions and forms, or that a claim for exclusion from membership was consistent with income reported. If exceptions are noted, the accountant shall state any corrective action taken or proposed. The accountant's review on which his report is based shall include as a minimum the following procedures:

(A) Comparison of listed assessment payments with respective cash disbursements record entries;

(B) For calendar year 1975 or preceding years, comparison of amounts reflected in Form X–17A–10 (§ 249.618 of this chapter) with amounts reported in the Annual General Assessment Reconciliation (Form SIPC–7);

(C) For all or any portion of a fiscal year ending in 1976 and each fiscal year thereafter, comparison of amounts reflected in Form X–17A–5 (§ 249.617 of this chapter) as required by paragraph (b) of this section, with amounts reported in the Annual General Assessment Reconciliation (Form SIPC–7);

(D) Comparison of adjustments reported in Form SIPC–7 with supporting schedules and working papers supporting adjustments;

(E) Proof of arithmetical accuracy of the calculations reflected in Form SIPC–7 and in the schedules and working papers supporting adjustments; and

(F) Comparison of the amount of any overpayment applied with the Form SIPC–7 on which it was computed; or

(G) If exclusion from membership is claimed, the accountant shall review Form X–17A–10 (§ 249.618 of this chapter) for calendar year 1975 or preceding years, Form X–17A–5 (§ 249.617 of this chapter) for all or any portion of a fiscal year ending in 1976 and each fiscal year ending in 1976 and each fiscal year thereafter to ascertain that the Certification of Exclusion from Membership (Form SIPC–3) was consistent with the income reported.

(f)(1) *Qualification of accountants.* The Commission will not recognize any person as a certified public accountant who is not duly registered and in good standing as such under the laws of his place of residence or principal office.

(2) *Designation of accountant.* Every broker or dealer subject to this section shall file no later than December 10 of each year a statement with the Commission's principal office in Washington, D.C., the regional office of the Commission for the region in which its principal place of business is located, and the principal office of the designated examining authority for such broker or dealer. Such statement shall indicate the existence of an agreement dated no later than December first, with an independent public accountant covering a contractual commitment to conduct the broker's or dealer's annual audit during the following calendar year.

The agreement may be of a continuing nature, providing for successive yearly audits, in which case no further filing is required. If the agreement is for a single audit, or if the continuing agreement previously filed has been terminated or amended, a new statement must be filed by the required date.

The statement shall be headed "Notice pursuant to Rule 17a–5(f)(2)" and shall contain the following information: (i) name, address, telephone number and registration number of the broker or dealer; (ii) name, address and telephone number of the accounting firm; and (iii) the audit date of the broker or dealer for the year covered by the agreement.

(3) *Independence of accountant.* An accountant shall be independent in accordance with the provisions of § 210.2–01(b) and (c) of this chapter.

(4) *Replacement of accountant.* A broker or dealer shall file a notice which must be received by the Commission's principal office in Washington, D.C., the regional office of the Commission for the region in which its principal place of business is located, and the principal office of the designated examining authority for such broker or dealer, not more than 15 business days after;

(i) The broker or dealer has notified the accountant whose opinion covered the most recent financial statements filed under paragraph (d) of this section that his services will not be utilized in future engagements; or

(ii) The broker or dealer has notified an accountant who was engaged to give an opinion covering the financial statements to be filed under paragraph (d) that the engagement has been terminated; or

(iii) An accountant has notified the broker or dealer that he would not continue under an engagement to give an opinion covering the financial statements to be filled under paragraph (d); or

(iv) A new accountant has been engaged to give an opinion covering the financial statements to be filed under paragraph (d) without any notice of termination having been given to or by the previously engaged accountant.

Such notice shall state (a) the date of notification of the termination of the engagement or engagement of the new accountant as applicable and (b) the details of any problems existing during the 24 months (or the period of, the engagement, if less) preceding such termination or new engagement relating to any matter of accounting principles or practices, financial statement disclosure, auditing scope or procedure, or compliance with applicable rules of the Commission, which problems, if not resolved to the satisfaction of the former accountant, would have caused him to make reference to them in connection with his report on the subject matter of the problems. The problems required to be reported in response to the preceding sentence include both those resolved to the former accountant's satisfaction and those not resolved to the former accountant's satisfaction. Problems contemplated by this section are those which occur at the decisionmaking level—i.e., between principal financial officers of the broker-dealer and personnel of the accounting firm responsible for rendering its report. The notice shall also state whether the accountant's report on the financial statements for any of the past

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two years contained an adverse opinion or a disclaimer of opinion or was qualified as to uncertainties, audit scope, or accounting principles, and describe the nature of each such adverse opinion, disclaimer of opinion, or qualification. The broker or dealer shall also request the former accountant to furnish the broker or dealer with a letter addressed to the Commission stating whether he agrees with the statements contained in the notice of the broker or dealer and, if not, stating the respects in which he does not agree. The broker or dealer shall file three copies of the notice and the accountant's letter, one copy of which shall be manually signed by the sole proprietor, or a general partner or a duly authorized corporate officer, as appropriate, and by the accountant, respectively.

(g) *Audit objectives.* (1) The audit shall be made in accordance with generally accepted auditing standards and shall include a review of the accounting system, the internal accounting control and procedures for safeguarding securities including appropriate tests thereof for the period since the prior examination date. The audit shall include all procedures necessary under the circumstances to enable the independent public accountant to express an opinion on the statement of financial condition, results of operations, changes in financial position, and the Computation of Net Capital under § 240.15c3–1, the Computation for Determination of Reserve Requirements for Brokers or Dealers under Exhibit A of § 240.15c3–3, and Information Relating to the Possession or Control Requirements under § 240.15c3–3. The scope of the audit and review of the accounting system, the internal control and procedures for safeguarding securities shall be sufficient to provide reasonable assurance that any material inadequacies existing at the date of the examination in (a) the accounting system; (b) the internal accounting controls; (c) procedures for safeguarding securities; and (d) the practices and procedures whose review is specified in (i), (ii), (iii) and (iv) of this paragraph would be disclosed. Additionally, as specific objectives, the audit shall include reviews of the practices and procedures followed by the client:

(i) in making the periodic computations of aggregate indebtedness and net capital under § 240.17a–3(a)(11) and the reserve required by § 240.15c3–3(e);

(ii) in making the quarterly securities examinations, counts, verifications and comparisons and the recordation of differences required by § 240.17a–13;

(iii) in complying with the requirement for prompt payment for securities of Section 4(c) of Regulation T (§ 220.4(c) of Chapter II of Title 12) of the Board of Governors of the Federal Reserve System; and

(iv) in obtaining and maintaining physical possession or control of all fully paid and excess margin securities of customers as required by § 240.15c3–3.

(2) If the broker or dealer is exempt from § 240.15c3–3, the independent public accountant shall ascertain that the conditions of the exemption were being complied with as of the examination date and that no facts came to his attention to indicate that the exemption had not been complied with during the period since his last examination.

(3) A material inadequacy in the accounting system, internal accounting controls, procedures for safeguarding securities, and practices and procedures referred to above which is expected to be reported under these audit objectives includes any condition which has contributed substantially to or, if appropriate corrective action is not taken, could reasonably be expected to (i) inhibit a broker or dealer from promptly completing securities transactions or promptly discharging his responsibilities to customers, other broker-dealers or creditors; (ii) result in material financial loss; (iii) result in material misstatements of the broker's or dealer's financial statements; or (iv) result in violations of the Commission's recordkeeping or financial responsibility rules to an extent that could reasonably be expected to result in the conditions described in parts (i), (ii), or (iii) of this subparagraph (3).

(h) *Extent and Timing of Audit Procedures.* (1) The extent and timing of audit procedures are matters for the independent public accountant to determine on the basis of his review and evaluation of existing internal controls and other audit procedures performed in accordance with generally accepted auditing standards and the audit objectives set forth in paragraph (g) above. In determining the extent of testing, consideration shall be given to the materiality of an area and the possible effect on the financial statements and schedules of a material misstatement in a related account. The performance of auditing procedures involves the proper synchronization of their application and thus comprehends the need to consider simultaneous performance of procedures in certain areas such as, for example, securities counts, transfer verification and customer and broker confirmation in connection with verification of securities positions.

(2) If, during the course of the audit or interim work, the independent public accountant determines that any material inadequacies exist in the accounting system, internal accounting control, procedures for safeguarding securities, or as otherwise defined in subparagraph (g)(3), then he shall call it to the attention of the chief financial officer of the broker or dealer, who shall have a responsibility to inform the Commission and the designated examining authority by telegraphic notice within 24 hours thereafter as set forth in paragraphs (d) and (f) of § 240.17a–11. The broker or dealer shall also furnish the accountant with a copy of said notice to the Commission by telegraphic communication within said 24 hour period. If the accountant fails to receive such notice from the broker or dealer within said 24 hour period, or if he disagrees with the statements contained in the notice of the broker or dealer, the accountant shall have a responsibility to inform the Commission and the designated examining authority by report of material inadequacy within 24 hours thereafter as set forth in paragraph (f) of § 240.17a–11. Such report from the accountant shall, if the broker or dealer failed to file a notice, describe any material inadequacies found to exist. If the broker or dealer filed a notice, the accountant shall file a report detailing the aspects, if any, of the broker's or dealer's notice with which the accountant does not agree.

(i) *Accountant's reports, general provisions.*—(1) *Technical requirements.* The accountant's report shall: (i) be dated; (ii) be signed manually; (iii) indicate the city and state where issued; and (iv) identify without detailed enumeration the financial statements and schedules covered by the report.

(2) *Representations as to the audit.* The account's report shall: (i) state whether the audit was made in accordance with generally accepted auditing standards; (ii) state whether the accountant reviewed the procedures followed for safeguarding securities; and (iii) designate any auditing procedures deemed necessary by the accountant under the circumstances of the particular case which have been omitted, and the reason for their omission.

Nothing in this section shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit made for the purpose of expressing the opinions required under this section.

(3) *Opinion to be expressed.* The accountant's report shall state clearly the opinion of the accountant: (i) in respect of the financial statements and schedules covered by the report and the accounting principles and practices reflected therein; and (ii) as to the consistency of the application of the accounting principles, or as to any changes in such principles which have a material effect on the financial statements.

(4) *Exceptions.* Any matters to which the accountant takes exception shall be clearly identified, the exception thereto specifically and clearly stated, and, to the extent practicable, the effect of each such exception on the related financial statements given.

(5) *Definitions.* For the purpose of this section, the terms "audit" (or "examination"), "accountant's report," and "certified" shall have the meanings given in § 210.1–02 of this chapter.

(j) *Accountant's report on material inadequacies.*

The broker or dealer shall file concurrently with the annual audit report a supplemental report by the accountant describing any material inadequacies found to exist or found to have existed since the date of the previous audit. The supplemental report shall indicate any corrective action taken or proposed by the broker or dealer in regard thereto. If the audit did not disclose any material inadequacies, the supplemental report shall so state.

(k) *Use of certain statements filed with the Securities and Exchange Commission.* At the request of any broker or dealer who is (i) an investment company registered under the Investment Company Act of 1940, or (ii) a sponsor or depositor of such a registered investment company who effects transactions in securities only with, or on behalf of, such registered investment company, the Commission will accept the financial statements filed pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 or Section 30 of the Investment Company Act of 1940 and the rules and regulations promulgated thereunder as a filing pursuant to paragraph (d) of this section. Such a filing shall be deemed to satisfy the requirements of this section for any calendar year in which such financial statements are filed, provided that the statements so filed meet the requirements of the other rules under which they are filed with respect to time of filing and content.

(l) *Extensions and Exemptions.* (1) (a) In the event any broker or dealer finds that it cannot file its report for any year within the time specified in paragraph (d) of this section without undue hardship, it may file with the Commission's principal office in Washington, D.C. and the appropriate regional office as specified in subparagraph (d)(6), an application for an extension of time to a specified date which shall not be more than 90 days after the date as of which his financial condition is reported. Notice of such application shall be sent to the designated examining authority. The application shall be made by the broker or dealer and shall:

(i) state the reasons for the requested extension;

(ii) indicate that the inability to make a timely filing is due to circumstances beyond the control of the broker or dealer if such is the case, and describe briefly the nature of such circumstance;

(iii) indicate if the broker or dealer is in violation of the net capital requirements specified in § 240.15c3–1 or the requirements of § 240.15c3–3, or has any significant financial or recordkeeping problems;

(iv) contain an agreement to file the report on or before the date specified by the broker or dealer in the application; and

(v) be received by the regional office of the Commission for the region in which the broker or dealer has its principal place of business, the Commission's principal office in Washington, D.C. and the principal office of the designated examining authority prior to the date upon which the report is due.

(vi) be accompanied by a letter from the independent public accountant answering the following questions:

(A) What specifically are the reasons for the extension request?

(B) On the basis of that part of your audit to date, do you have an indication that may cause you to consider commenting on any material inadequacies in the accounting system, internal accounting control and procedures for safeguarding securities?

(C) Do you have any indication from that part of your audit completed to date that would lead you to believe that the condition of the firm's records is endangering its ability to supervise its registered representatives and their handling of customer accounts.

(D) Do you have any indication from that part of your audit completed to date that would lead you to believe that the firm is in violation of the net capital requirements specified in § 240.15c3–1 or the requirements of § 240.15c3–3, or has any significant financial or record-keeping problems?

(b) Within 10 calendar days after the request for extension of time has been received by the appropriate regional office as specified in subparagraph (d)(6), the regional office shall:

(i) notify the broker or dealer and its designated examining authority of the grant or denial of the requested extension; or

(ii) indicate to the broker or dealer that additional time is required to satisfactorily analyze the request, in which case the amount of time needed shall be specified.

(2) Any "bank" as defined in section 3(a)(6) of the Act (48 Stat. 882; 15 U.S.C. 78c) and any "insurance company" as defined in Section 3(a)(19) of the Act (78 Stat. 565; 15 U.S.C. 78c) registered as a broker or dealer to sell variable contracts but exempt from § 240.15c3–1 shall be exempt from the provisions of this section.

(3) On written request of any national securities exchange, registered national securities association, broker or dealer, or on its own motion, the Commission may grant an extension of time or an exemption from any of the requirements of this section either unconditionally or on specified terms and conditions.

(m) *Notification of change of fiscal year.* In the event any broker or dealer finds it necessary to change its fiscal year it must file, with the Commission's principal office in Washington, D.C., the regional office of the Commission for the region in which the broker or dealer has its principal place of business, and the principal office of the designated examining authority for such broker or dealer, a notice of such change.

Such notice shall contain a detailed explanation of the reasons for the change, and indicate whether the filing of the annual audit report will be delayed as a result thereof. If the filing of the audit report will be delayed, the broker or dealer shall include in the notice the representations required by subparagraph (a)(1) of paragraph (1).

(n) *Filing Requirements.* For purposes of filing requirements as described in § 240.17a–5, such filing shall be deemed to have been accomplished upon receipt at the Commission's principal office in Washington, D.C., with duplicate originals simultaneously filed at the locations prescribed in the particular paragraph of § 240.17a–5 which is applicable.

3. Commission action: Pursuant to section 2, 6(e), 17(a) and 23 (a) and (b) of the Securities Exchange Act of 1934, the Securities and Exchange Commission amends § 240.17a–10 in Chapter II of Title 17 of the Code of Federal Regulations by revising paragraphs (a), (d) and (e) to read as follows:

§ 240.17a–10 Report of revenue and expenses.

(a) Every broker or dealer registered pursuant to Section 15 of the Act shall, not later than 45 days after the close of each calender year (commencing with the calendar year 1975), file a report of his revenue and expenses, and related financial and other information for such calendar year on Form X–17A–10 (§ 249.618 of this chapter). Brokers or dealers required to complete Part III only or Schedules A through D shall file Form X–17A–10 (§ 249.618 of this chapter) not later than 60 days after the close of each calendar year.

. . . . . .

(d) In the event any broker or dealer finds that he cannot file his report for any year within the time specified in paragraph (a) of this section without undue hardship, he may file with the Commission's principal office in Washington, D.C. an application for an extension of time to a specified date which shall not be later than 105 days after the close of the calendar year for which the report is to be made. The application shall state the reasons for the requested extension and shall contain an agreement to file the report on or before the specified date.

(e) Notwithstanding the time limits for filing established by paragraph (a) of this section any broker or dealer who is subject to said paragraph (a) of this section shall file a report of his revenue and expenses and related financial and other information on Form X–17A–10 (§ 249.618 of this chapter) for calendar year 1975 not later than 60 days after the close of the calendar year.

4. Commission action: Pursuant to Sections 2, 10, 15, 17(a) and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission revises § 240.17a–11 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.17a–11 Supplemental current financial and operational reports to be made by certain brokers and dealers.

(a) Every broker or dealer subject to § 240.15c3–1, whose net capital at any time is less than the minimum required by any capital rule to which such person is subject, shall:

(1) Give telegraphic notice as set forth in paragraph (f) of this section that such person's net capital is less than is required by any such capital rule, identifying the applicable net capital rule or rules. The notice shall be given on the same day that such person's capital becomes less than required by any of the aforesaid rules to which such person is subject; and

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(2) Within 24 hours thereafter file Part II of Form X–17A–5 (§ 249.617 of this chapter) and such supplementary information as may be required.

(b) (1) If a computation made by a broker or dealer pursuant to the requirements of § 240.15c3–1(c) shows, at any point during the month, that his aggregate indebtedness is in excess of 1,200 per centum of his net capital, or that his total net capital is less than 120 per centum of the minimum net capital required of him, such person shall file a report on Part II of Form X–17A–5 (§249.617 of this chapter) within 15 calendar days after the end of the month for which such computation was required to be made, and within 15 calendar days after the end of each month thereafter until 3 successive months shall have elapsed during which his aggregate indebtedness does not exceed 1,200 per centum of his net capital, and his total net capital does not fall below 120 per centum of the minimum net capital required of him.

(2) If a computation made by a broker or dealer pursuant to § 240.15c3–1(f) shows, at any point during the month, that his net capital is less than 6 percent of aggregate debit items computed in accordance with § 240.15c3–3 Exhibit A: Formula for the Determination of Reserve Requirements, or that his total net capital is less than 120 per centum of the minimum net capital required of him, such broker or dealer shall file a report on Part II of Form X–17A–5 (§ 249.617 of this chapter) within 15 calendar days after the end of the month for which such computation is made, and within 15 days after the end of each month thereafter until three successive months shall have elapsed during which his net capital is not less than six percent of aggregate debit items computed in accordance with § 240.15c3–3 Exhibit A, and his total net capital does not fall below 120 per centum of the minimum net capital required of him.

(c) At any time when a broker or dealer subject to § 240.17a–3 fails to make and keep current the books and records specified therein, he shall immediately give telegraphic notice of such fact, specifying the books and records which have not been made or which are not current, and within 48 hours of the telegraphic notice file a report stating what steps have been and are being taken to correct the situation.

(d) Whenever any broker or dealer discovers, or is notified by an independent public accountant, pursuant to paragraph (h) (2) of § 240.17a–5 of the existence of any material inadequacy as defined in paragraph (g) of § 240.17a–5, said broker or dealer shall give telegraphic notice of such material inadequacy within 24 hours, and within 48 hours of the telegraphic notice file a report stating what steps have been and are being taken to correct the situation.

(e) Whenever any national securities exchange or national securities association learns that a member broker or dealer has failed to file a notice or file a report as required by paragraph (a), (b), (c) or (d) of this section, such organization shall immediately report such failure as provided in paragraph (f) of this section.

(f) Every notice and report required to be given or filed by this section shall be given to or filed with the principal office of the Commission in Washington, D.C., with the regional office of the Commission for the region in which the broker or dealer has its principal place of business, with the designated examining authority of which such broker or dealer is a member, and with the Commodity Futures Trading Commission if such broker or dealer is a member of such Commission.

5. Commission action: Pursuant to Sections 2, 6(e), 17(a) and 23(a) and (b) of the Securities Exchange Act of 1934, the Securities and Exchange Commission amends § 240.17a–20 in Chapter II of Title 17 of the Code of Federal Regulations by revising paragraphs (a) (1) and (a) (2) to read as follows:

§ 240.17a–20 Monitoring effect of competitive commission rates.

(a) (1) Every broker or dealer with revenues as shown on line 6 of Statement A to Part III or line 11 of Statement AA to Part II of Form X–17A–10 (§ 249.618 of this chapter) of $500,000 or more, of which at least 20 percent is derived from brokerage commission transactions effected on national securities exchanges as shown on Line 1(a) of Statement A to Part III, or Line 1(e) of Statement AA to Part II, respectively, of Form X–17A–10 (§ 249.618 of this chapter) during calendar year 1974 shall, not later than 17 business days after the close of each calendar quarter, file a report of his revenues and expenses and related financial and other information for each such calendar quarter on Form X–17A–20 (§ 249.636 of this chapter).

(2) Every broker or dealer required to file for calendar year 1975 Part II to Form X–17A–10 (§ 249.618 of this chapter), and whose commissions earned on transactions in listed equity securities executed on an exchange as shown on Line A(11) of Part II to Form X–17A–10 (§ 249.618 of this chapter), and who does not conduct a business with other than other members of an exchange, shall, not later than 17 business days after the close of each calendar quarter (commencing with the calendar quarter ending March 31, 1976), file a report of revenues and expenses and related financial and other information for each such calendar quarter on Form X–17A–20 (§ 249.636 of this chapter).

* * * * *

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

1. Commission action: Pursuant to sections 2, 10, 15, 17(a), 17(e) and 23 of the Securities Exchange Act of 1934, the Securities and Exchange Commission revises § 249.617 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 249.617 Form X–17A–5, information required of certain brokers and dealers pursuant to section 17 of the Securities Exchange Act of 1934 and § 240.17a–5 of this subchapter.

This form shall be used by every broker or dealer required to file reports under § 240.17a–5(a) (b) and (d) of this chapter.

2. Commission action: Pursuant to sections 2, 6(e), 17(a) and 23(a) and (b) of the Securities and Exchange Act of 1934, the Securities and Exchange Commission revises § 249.618 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 249.618 Form X–17A–10, annual report of revenue and expenses to be filed by brokers and dealers pursuant to Section 17 of the Act and § 240.17a–10 of this chapter.

This form shall be filed as the annual report of revenues and expenses, and related financial and other information, by every broker or dealer required to file a report pursuant to § 240.17a–10(a) of this chapter, unless such broker or dealer has filed the information required by this form with a national securities exchange or a registered national securities association pursuant to § 240.17a–10(b) of this chapter.

§ 249.621 [Removed]

3. Commission action: Pursuant to Sections 2, 10, 15, 17(a) and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission revokes § 249.621 in Chapter II of Title 17 of the Code of Federal Regulations.

4. Commission action: Pursuant to Sections 2, 6(e), 17(a) and 23(a) and (b) of the Securities Exchange Act of 1934, the Securities and Exchange Commission revises § 249.636 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 249.636 Form X–17A–20 Monitoring effect of competitive commission rates—revenue and expense information.

This form shall be completed and filed by every broker or dealer required to file a report pursuant to subparagraphs (1) or (2) of § 240.17a–20(a) of this chapter, unless such a broker or dealer has filed the information required of this form with a national securities exchange or a registered national securities association pursuant to subparagraph (3) of § 240.17a–20(a) of this chapter.

[FR Doc.75–34704 Filed 12–29–75;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Action

Schedule B, § 213.3259 is amended to show that after March 31, 1976, no new appointments to positions of Regional Directors for Domestic and Anti-Poverty Operations may be made under Schedule B. Current appointees may continue to serve under this authority until expiration of their appointments, and their appointments may be extended as provided in the authority.

Effective December 30, 1975, § 213.3259 (a) (2) is amended as set forth below:

§ 213.3259 ACTION.

(a) *Office of Domestic and Anti-Poverty Operations.* * * *

(2) Not to exceed ten positions of Regional Director, GS–15. Employment under this authority may not exceed 2 years: *Provided* That the Director of ACTION may extend appointments made under this authority for up to 2 additional years if he deems such action essential to the accomplishment of agency goals. No one may be initially appointed under this authority after March 31, 1976.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DONALD J. BIGLIN,
Director,
Bureau of Management Services.

[FR Doc.75–35097 Filed 12–29–75;8:45 am]

PART 213—EXCEPTED SERVICE

Miscellaneous Revocations

Subparts A and B of part 213 are amended to show that effective December 30, 1975, the following Schedule A and B authorities, having expired by their own terms, are revoked.

§ 213.3102 Entire Executive Civil Service.

* * * * * * *

(dd) [Revoked]
(ee) [Revoked]

* * * * * * *

§ 213.3103 Executive Office of the President.

* * * * * * *

(f) [Revoked]

* * * * * * *

§ 213.3107 Department of the Army.

(a) *General.* * * *
(9) [Revoked]

* * * * * * *

§ 213.3108 Department of the Navy.

(a) *General.* * * *
(14) [Revoked]

* * * * * * *

§ 213.3113 Department of Agriculture.

(a) *General.* * * *
(8) [Revoked]
(9) [Revoked]

* * * * * * *

§ 213.3199 Temporary Boards and Commissions.

* * * * * * *

(l) [Revoked]
(m) [Revoked]

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–34967 Filed 12–29–75;8:45 am]

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one position of Confidential Assistant to the Commissioner, ADTS, is excepted under Schedule C.

Effective December 30, 1975, § 213.3337 (h) (4) is added as set out below:

§ 213.3337 General Services Administration.

* * * * * * *

(h) *Automated Data and Telecommunications Service.* * * *

(4) One position of Confidential Assistant to the Commissioner.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–34965 Filed 12–29–75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show the change in title from Special Assistant to the Special Assistant, Office of the Special Assistant to the Secretary for Civil Rights to Director, Office of Governmental Relations, Office of the Special Assistant to the Secretary for Civil Rights.

Effective December 30, 1975, § 213.3316 (q) (1) is amended as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

* * * * * * *

(q) *Office of the Special Assistant to the Secretary for Civil Rights.*

(1) Director, Office of Governmental Relations.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–34966 Filed 12–29–75;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS)

[Docket No. AO–254–A7]

PART 915—HANDLING OF AVOCADOS IN SOUTH FLORIDA

Correction

In FR Doc. 30312, appearing at page 52605, in the issue for Tuesday, November 11, 1975, in § 915.22(b)(1), the seventh line should read "committee may conduct nominations by".

[Papaya Regulation 6]

PART 928—PAPAYAS GROWN IN HAWAII

Limitation of Shipments

This regulation establishes quality and size requirements for Hawaiian papayas from January 1 through December 31, 1976 at the same levels as Papaya Regulation 5 effective during 1975. It requires all Hawaiian papayas handled to grade at least Hawaii No. 1 grade. Fruit handled in interstate or export channels shall be of pyriform shape and weigh at least 10 ounces and fruit handled in intrastate channels shall weigh at least 14 ounces except such fruit grading Hawaii Fancy shall weigh at least 16 ounces.

Notice was published in the FEDERAL REGISTER issue of December 8, 1975 (40 FR 57221) that the Department was giving consideration to a proposed regulation for handling of papayas grown in Hawaii, pursuant to the applicable provisions of the marketing agreement, and Order No. 928 (7 CFR Part 928) regulating the handling of papayas grown in Hawaii. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Interested persons were afforded opportunity to file written data, views, or arguments thereon. None were filed.

The Papaya Administrative Committee estimates that 1976 production of Hawaiian papayas will again establish a record high level at 48.0 million pounds. This would be about double the average level of the 1970–72 period. Fresh sales are expected to total 42.0 million pounds and the remaining 6.0 million processed. In-state fresh sales have ranged 10.7–13.1 million pounds in recent years and are projected at 13.5 million for 1976. It is anticipated that out-of-state sales will amount to 68 percent of the total fresh sales next year and reach a record large 28.5 million pounds.

The notice afforded interested persons

gregate quantity of whole or pitted dates

Title 14—Aeronautics and Space

DEC 30 75 V40 N250 XUM

The regulation is based upon an appraisal of the prevailing supply and market situation for papayas. It is concluded that the regulation is appropriate for said supply and market conditions expected to prevail during the effective period of the regulation and, consistent with the objectives of the act, will tend to assure consumers of an adequate supply of acceptable quality papayas while maintaining grower returns at a level consistent with the public interest.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Papaya Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such papayas, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of papayas will be regulated only through December 31, 1975, by current Regulation 5, and, in order to effectuate the declared policy of the act, this regulation should be effective not later than January 1, 1976, to provide continuity of regulation; (2) this regulation is the same as that which was specified in the notice (40 FR 57221), to which no exceptions were submitted; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective date thereof.

§ 928.306 Papaya Regulation 6.

Order. (a) During the period January 1, 1976, through December 31, 1976, no handler shall ship any container of papayas:

(1) To any destination within the production area unless said papayas grade at least Hawaii No. 1 and are of the size which individually weigh not less than 14 ounces: *Provided*, That papayas handled as Hawaii Fancy grade shall be of a size which individually weigh not less than 16 ounces.

(2) To any export destination unless said papayas grade at least Hawaii No. 1: *Provided*, That such papayas shall be of pyriform shape and weigh not less than 10 ounces each.

(b) When used herein "Hawaii Fancy", "Hawaii No. 1", "Hawaii No. 2" and "pyriform shape" shall have the same meaning as set forth in the State of Hawaii Revised Regulation No. 1 Subsection 5.32—Wholesale Standards for Hawaiian Grown Papayas. All other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 24, 1975, to become effective January 1, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-35112 Filed 12-29-75;8:45 am]

PART 982—HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

Free and Restricted Percentages for the 1975–76 Fiscal Year

Notice of a proposal to establish free and restricted percentages of 55 percent and 45 percent, respectively, for filberts grown in Oregon and Washington, was published in the FEDERAL REGISTER on November 25, 1975 (40 FR 54587). These percentages would apply to filberts during the 1975–76 fiscal year, beginning August 1, 1975.

The free percentage prescribes that portion of the total merchantable supply which may be handled as inshell filberts. The restricted percentage prescribes that portion of the total merchantable supply which must be withheld from such handling. Restricted filberts may be shelled (for domestic or foreign consumption), exported, or disposed of in outlets determined by the Filbert Control Board to be noncompetitive with normal market outlets for inshell filberts.

The percentages would be established under § 982.41 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

Interested persons were afforded an opportunity to submit written data, views, or arguments on the proposal. None were received.

The percentages are based upon the following estimates for the 1975–76 fiscal year:

	Tons
Inshell Supply:	
(1) Total production	12,500
(2) Less substandard, etc	2,250
(3) Total merchantable production	10,250
Inshell requirements:	
(4) Trade demand	5,000
(5) Carryover July 31, 1976	800
(6) Less carryover August 1, 1975, not subject to regulation	157
(7) Inshell requirement	5,643
Percentages:	
(8) Free percentages (Item (7) divided by Item (3)	55
(9) Restricted percentage (100 percent minus 55 percent)	45

After consideration of all relevant material presented, including that in the notice, the information and recommendation submitted by the Filbert Control Board, and other available information, it is found that to establish for the 1975–76 fiscal year, free and restricted percentages applicable to filberts grown in Oregon and Washington, of 55 percent and 45 percent, respectively, will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), in that: (1) The relevant provisions of the amended marketing agreement and this part require that free and restricted percentages designated for a particular fiscal year shall be applicable to all inshell filberts handled during that fiscal year; (2) the current fiscal year began on August 1, 1975, and the percentages established by this action will automatically apply to all such filberts beginning with that date; and (3) no useful purpose would be served by delaying this action.

Therefore, the free and restricted percentages for merchantable filberts during the 1975–76 fiscal year are established as follows:

§ 982.225 Free and restricted percentages for merchantable filberts during the 1975–76 fiscal year.

The following percentages are established for merchantable filberts for the fiscal year beginning August 1, 1975:

Free percentage	55
Restricted percentage	45

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 19, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.75-34782 Filed 12-29-75;8:45 am]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

Establishment of Free and Restricted Percentages and Withholding Factors for the 1975–76 Crop Year

Notice was published in the November 24, 1974, issue of the FEDERAL REGISTER (40 FR 54428) regarding a proposal to establish free and restricted percentages and withholding factors of 100 percent, 0 percent, and 0 percent, respectively, for Deglet Noor, Zahidi, Halawy, and Khadrawy dates. The 1975–76 crop year began October 1, 1975. The proposal was pursuant to the marketing agreement as amended, and Order No. 987, as amended (7 CFR Part 987). The amended marketing agreement and order regulate the handling of domestic dates produced or packed in Riverside County, California, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were received.

The free percentages, restricted percentages, and withholding factors for the 1975–76 crop year are applicable to marketable dates and are pursuant to §§ 987.44 and 987.45. These percentages and factors are based on estimates by the California Date Administrative Committee of supply and trade demand, adjusted for handler carryover and other available information, for the current crop year. Trade demand means the aggregate quantity of whole or pitted dates which the trade will acquire from all handlers during the crop year for distribution in the continental United States, Canada, and such other countries as the Committee finds will acquire dates at prices reasonably comparable with prices received in the continental United States.

In determining the percentages for each of the four varieties, the Committee considered the following data, estimates and information for the crop year beginning October 1, 1975:

[In 1,000 lb]

	Deglet Noor	Zahidi	Halawy	Khadrawy
1. Production of marketable dates (1975–76 crop)	35,985	1,926	208	544
2. Plus: Noncertified handler carryover as of Sept. 30, 1975, of marketable dates	7,454	441	130	240
3. Total marketable supply	43,439	2,367	338	784
4. Trade demand for free whole and pitted dates (continental United States and Canada)	15,000	1,800	100	350
5. Plus: Desirable handler carryover as of Sept. 30, 1976, to assure date supplies for early demand	13,000	455	130	241
6. Less: Certified handler carryover as of Sept. 30, 1975, of free dates	2,651	14	0	1
7. Adjusted trade demand	25,349	2,241	230	590

It is estimated that the amounts in excess of adjusted trade demands for these four varieties will be utilized in products and export markets. Hence, free and restricted percentages and withholding factors of 100 percent, 0 percent, and 0 percent, respectively, should be established for each of these varieties.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Committee, and other available information, it is found that to establish free percentages, restricted percentages, and withholding factors as hereinafter set forth will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action does not impose any restrictions upon handlers and gives them flexibility in meeting market needs; (2) the relevant provisions of said marketing agreement and this part require that free and restricted percentages and withholding factors established for a particular crop year shall be applicable during the entire crop year to all marketable dates; and (3) the current crop year began October 1, 1975, and the percentages and withholding factors hereinafter established will apply to all such dates beginning with that date.

The free percentages, restricted percentages, and withholding factors for the 1975–76 crop year are as follows:

§ 987.223 Free and restricted percentages and withholding factors.

The various free percentages, restricted percentages, and withholding factors applicable to marketable dates of each variety shall be, for the crop year beginning October 1, 1975, and ending September 30, 1976, as follows:

(a) Deglet Noor variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (b) Zahidi variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (c) Halawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage; 0 percent; and withholding factor, 0 percent.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 19, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.75-34791 Filed 12-29-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 78—BRUCELLOSIS

Subpart D—Designation of Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

BRUCELLOSIS AREA

Correction

In FR Doc. 75-33805, appearing at page 58281, in the issue for Tuesday, December 16, 1975, in the third column, the heading reading "§ 78.20 Movement of bison for purposes other than slaughter" should read "§ 78.20 Certified brucellosis-free areas".

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-EA-76; Amdt. 39-2481]

PART 39—AIRWORTHINESS DIRECTIVE

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-24, PA-30, PA-39 type airplanes.

There have been reports that the horizontal and vertical drilled holes in the stabilator torque tube bearing support fitting to accommodate the blind rivets for fuselage skin attachment and high shear rivets, respectively, conflicted. Thus, some of the high shear rivets had been cut.

Since this deficiency can exist or develop in airplanes of similar type design, an airworthiness directive is being issued which will require an inspection and replacement where necessary.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new Airworthiness Directive as follows:

PIPER: Applies to Models PA-24, PA-24-250 and PA-24-260, Serial Nos. 24-1 through 24-5047; PA-24-400, Serial Nos. 26-2 through 26-148; PA-30, Serial Nos. 30-1 through 30-2000; PA-39, Serial Numbers 39-1 through 39-155, certificated in all categories.

Compliance required as indicated.

To prevent possible hazards in flight associated with damaged rivets which attach the stabilator torque tube bearing support fittings P/Ns 20420-00, -01 and 20419-00, 01 to the aft fuselage, accomplish the following:

(a) Within the next 50 hours in service from the effective date of this AD unless previously accomplished, inspect in accordance with paragraph (b).

(b) Inspect each of the four stabilator torque tube bearing block attachment fittings that do not have Piper Kit 760835 or equivalent incorporated, as follows:

(1) Remove the right rear aft fuselage access door.

(2) Using a light and mirror (with extension), view through the access opening to determine if any of the horizontally positioned rivets through the skin align with any of the vertically positioned rivets through the support fittings.

(c) If more than one rivet is aligned among the five forward rivets in each bearing support fitting, Piper Kit 760835 or equivalent shall be installed in the affected fitting before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where a repair can be made.

(d) Equivalent repairs must be approved by the Chief, Engineering and Manufacturing

V40I250 DEC 30 75 XUM

Branch, FAA, Eastern Region. (Piper Service Bulletin No. 464, refers to this subject.)

This amendment is effective December 31, 1975.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421 and 1423]; sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Jamaica, N.Y., on December 17, 1975.

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.75-34944 Filed 12-29-75;8:45 am]

[Docket No. 75-EA-72; Amdt. 39-2480]

PART 39—AIRWORTHINESS DIRECTIVE

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 74-10-01 applicable to Piper PA-23 type airplanes.

Since promulgation of this AD, it has been determined that the part numbers 17104-68 and -69 require continued inspection. This amendment deletes reference to such part numbers but permits incorporation of a Piper kit to terminate the airworthiness directive and also update the service bulletin.

In view of the foregoing, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 74-10-01 as follows:

PIPER: Amend AD 74-10-01, Amendment 39-1830, as follows:

1. Delete the paragraph commencing "Upon incorporation" to "not required" and insert "Compliance with this AD is not required upon incorporation of Piper Kits 760 861 (right flap) and 760 817 (left flap) or equivalent parts approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region."

2. Delete "Service Bulletin 408" and insert "Service Bulletin 408B" where it appears.

This amendment is effective December 31, 1975.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421 and 1423]; sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Jamaica, N.Y., on December 17, 1975.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.75-34945 Filed 12-29-75;8:45 am]

[Airspace Docket No. 75-WA-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway and Controlled Airspace; Correction

In FR Doc. 75-33003 appearing on page 57353 in the FEDERAL REGISTER of December 9, 1975, the third line of the paragraph that begins "In V-453," is corrected by deleting "INT King Salmon 272°" and substituting "INT King Salmon 271°" therefor.

Issued in Washington, D.C., on December 19, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-34942 Filed 12-29-75;8:45 am]

[Airspace Docket No. 75-NW-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Additional Control Area

On October 20, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 48939) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area over the Olympic Peninsula, Wash.

Interested persons were afforded an oppportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, March 25, 1976, as hereinafter set forth.

In § 71.163 (41 FR 348) the following is added:

OLYMPIC PENINSULA, WASH.

That airspace extending upward from 5500 feet MSL beginning at Lat. 48°14' N., Long. 124°45' W., to Lat. 48°00' N., Long. 124° 07' W., to Lat. 47°38' N., Long. 123°40' W., to Lat. 47°15' N., Long., 123°40' W., to Lat. 47°07' N., Long. 124°11' W., to Lat. 47°30' N., Long. 124°21' W., to Lat. 48°00' N., Long. 124°45' W., to point of beginning. That airspace below 1200 feet AGL is excluded.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C. on December 19, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-34943 Filed 12-29-75;8:45 am]

[Airspace Docket No. 75-GL-43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 26043 of the FEDERAL REGISTER dated June 20, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Pittsfield, Illinois.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 GMT, March 25, 1976.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Des Plaines, Illinois on December 8, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

§ 71.181 [Amended]

In Section 71.181 (40 FR 441), the following transition area is added:

PITTSFIELD, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Pittsfield Penstone Airport (Latitude 39°38'22" N., Longitude 90°46'51" W.); and within 3 miles each side of the 124 degree bearing from the Pittsfield Penstone Airport extending from the 5.5-mile radius area to 8 miles southeast of the airport.

[FR Doc.75-34751 Filed 12-29-75;8:45 am]

[Airspace Docket No. 75-GL-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 20293 of the FEDERAL REGISTER dated May 9, 1975, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Shelbyville, Illinois.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 GMT, March 25, 1976.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Des Plaines, Illinois on December 8, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is added:

SHELBYVILLE, ILL.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Shelby County Airport (Latitude 39°24'30" N., Longitude 88°50'45" W.); and within 3 miles either side of the 186° bearing from the Shelby County Airport extending from the 5.5-mile radius area to 8 miles south of the airport.

[FR Doc.75-34752 Filed 12-29-75;8:45 am]

[Airspace Docket No. 75-GL-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 11893 of the FEDERAL REGISTER dated March 14, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Casey, Illinois.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 GMT, March 25, 1976.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Des Plaines, Illinois on December 8, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is added:

CASEY, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Casey Municipal Airport (Latitude 39°18'00" N., Longitude 88°00'15" W.); and within 3 miles each side of the 211° bearing from the airport extending from the 5-mile radius area to 8 miles southwest of the airport.

[FR Doc.75-34753 Filed 12-29-75;8:45 am]

[Airspace Docket No. 75-GL-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 20291 of the FEDERAL REGISTER dated May 9, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Carmi, Illinois.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 GMT, March 25, 1976.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on December 8, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is added:

CARMI, ILL.

That airspace extending upward from 700 feet above the surface within a 5.5 mile radius of the Carmi Municipal Airport (Latitude 38°06'00" N., Longitude 88°09'00" W.); and within 3 miles either side of the 177° bearing from the airport extending from the 5.5 mile radius area to 8 miles from the airport.

[FR Doc.75-34754 Filed 12-29-75;8:45 am]

[Airspace Docket No. 75-GL-28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 20292 of the FEDERAL REGISTER dated May 9, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Paris, Illinois.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 GMT, March 25, 1976.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on December 8, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is added:

PARIS, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Edgar County Airport (Latitude 39°-42'09" N., Longitude 87°39'57" W.); and within 3 miles either side of the 072° bearing from the airport extending from the 5-mile-radius area to 8 miles from the airport.

[FR Doc.75-34755 Filed 12-29-75;8:45 am]

[Airspace Docket No. 75-GL-29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 20292 of the FEDERAL REGISTER dated May 9, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Lincoln, Illinois.

Interested persons were given thirty days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 GMT, March 25, 1976.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Des Plaines, Illinois on December 8, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is amended to read:

LINCOLN, ILL.

That airspace extending upward from 700 feet above the surface within a five-mile radius of the Logan County Airport (Latitude 40°09'38" N., Longitude 89°20'07" W.); within 2½ miles each side of the Capitol, Illinois VORTAC 040° radial extending from the five-mile radius area to 17 miles northeast of the VORTAC; within 3 miles each side of the 047° bearing from the airport extending from the 5-mile radius area to 8 miles northeast of the airport.

[FR Doc.75-34756 Filed 12-29-75;8:45 am]

[Airspace Docket No. 75-NW-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Additional Control Area

On October 21, 1975, a Notice of Proposed Rule Making (NPRM) was published in the Federal Register (40 FR 49100) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area over southeastern Oreg.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, March 25, 1976, as hereinafter set forth.

§ 71.163 [Amended]

In § 71.163 (41 FR 348) the following is added:

LAKEVIEW, OREG.

That airspace extending upward from 10,500 feet MSL bounded on the north by Latitude 44°00" N., on the east by a line extending from Latitude 44°00" N., Longitude 120°00" W., to the north edge of V-122 at Longitude 119°00" W., on the south by the

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north edge of V-122, and on the west by the east edge of V-165.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on December 18, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-34757 Filed 12-29-75;8:45 am]

[Docket No. 15257; Amdt. No. 1000]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

§ 97.23 [Amended]

1. Section 97.23 is amended by originating, amending, or cancelling the following VOR-VOR/DME SIAPs, *effective February 12, 1976.*

Corsicana, TX—Corsicana Municipal Arpt., VOR/DME-A, Amdt. 1
Fayetteville, AR—Drake Field, VOR-A, Amdt. 15
Gillette, WY—Gillette-Campbell County Arpt., VOR Rwy 18, Amdt. 2
Kalispell, MT—Glacier Park Int'l Arpt., VOR Rwy 20, Amdt 6
Lake Village, AR—Lake Village Municipal Arpt., VOR-A, Abdt. 2
Lake Village, AR—Lake Village Municipal Arpt., VOR-B, Orig.

. . . *effective February 5, 1976.*

Alliance, OH—Miller Arpt., VOR-A, Amdt. 3
East Hartford, CT—Rentschler Field, VOR Rwy 36, Amdt. 4
Erie, PA—Erie Int'l Arpt., VOR/DME Rwy 24, Amdt. 5
Ft. Pierce, FL—St. Lucie County Arpt., VOR/DME Rwy 14, Amdt. 4
Hartford, CT—Hartford Brainard Arpt., VOR-A, Amdt. 3
Hilton Head Island, SC—Hilton Head Arpt., VOR/DME-A, Amdt. 4
Ravenna, OH—Portage County Arpt., VOR-A, Amdt. 1
Sarasota (Bradenton), FL—Sarasota-Bradenton Arpt., VOR Rwy 22, Amdt. 4
Sarasota (Bradenton), FL—Sarasota-Bradenton Arpt., VOR Rwy 13, Amdt. 12
Sebring, OH—Tri-City Arpt., VOR Rwy 17, Amdt. 1.

§ 97.25 [Amended]

2. Section 97.25 is amended by originating, amending, or cancelling the following SDF-LOC-LDA SIAPs, *effective February 12, 1976.*

Fayetteville, AR—Drake Field, LOC Rwy 16, Amdt. 4
Hillsboro, OR—Portland-Hillsboro, Arpt., LOC-B, Amdt. 1

. . . *effective February 5, 1976.*

Bottle Creek, MI—W. K. Kellogg Regional Arpt., LOC(BC) Rwy 4, Amdt. 8
Sarasota (Bradenton), FL—Sarasota-Bradenton Arpt., LOC(BC) Rwy 16, Amdt. 2

§ 97.27 [Amended]

3. Section 97.27 is amended by originating, amending, or cancelling the following NDB/ADF SIAPs, *effective February 5, 1976.*

Ashland, OH—Ashland County Arpt., NDB Rwy 18, Amdt. 1
Columbia, SC—Columbia Metropolitan Arpt., NDB Rwy 11, Amdt. 18
Erie, PA—Erie Int'l Arpt., NDB Rwy 24, Amdt. 12.
Greenville, NC—Pitt-Greenville Arpt., NDB Rwy 19, Amdt. 5
Hartford, CT—Hartford-Brainard Arpt., NDB-B, Amdt. 3
Oxford, OH—Miami University Arpt., NDB Rwy 4, Amdt. 5

. . . *effective January 1, 1976.*

Saipan Island, Mariana Is.—Saipan Int'l Arpt., NDB-A Orig.
Saipan Island, Mariana Is.—Kobler Arpt., NDB-A, Amdt. 1, Cancelled

§ 97.29 [Amended]

4. Section 97.29 is amended by originating, amending, or cancelling the following ILS SIAPs, *effective February 12, 1976.*

Bremerton—WA Kitsap County Arpt., ILS Rwy 19, Amdt. 3
Kalispell, MT—Glacier Park Int'l Arpt., ILS Rwy 1, Amdt. 1
Oklahoma City, OK—Will Rogers World Arpt., ILS Rwy 17R, Amdt. 2

. . . *effective February 5, 1976.*

Erie, PA—Erie Int'l Arpt., ILS Rwy 24, Amdt. 1
Knoxville, TN—McGhee Tyson Arpt., ILS Rwy 22R, Orig.

. . . *effective January 29, 1976.*

Kotzebue, AK—Ralph Wien Memorial Arpt., ILS/DME Rwy 8, Orig.

§ 97.31 [Amended]

5. Section 97.31 is amended by originating, amending, or cancelling the following RADAR SIAPs, *effective February 12, 1976.*

Oklahoma City, OK—Will Rogers World Arpt., RADAR-1, Amdt. 15

. . . *effective February 5, 1976.*

Erie, PA—Erie Int'l Arpt., RADAR-1, Amdt. 2

. . . *effective January 29, 1976.*

Tampa, FL—Tampa Int'l Arpt., RADAR-1, Amdt. 5

§ 97.33 [Amended]

6. Section 97.33 is amended by originating, amending, or cancelling the following RNAV SIAPs, *effective February 5, 1976.*

Anderson, SC—Anderson County Arpt., RNAV Rwy 23, Amdt. 2
East Hartford, CT—Rentschler Field, RNAV Rwy 22, Orig.
East Hartford, CT—Rentschler Field, RNAV Rwy 36, Orig.
Erie, PA—Erie Int'l Arpt., RNAV Rwy 24, Amdt. 3, Cancelled
Hilton Head Island, SC—Hilton Head Arpt., RNAV Rwy 3, Amdt. 1
Hilton Head Island, SC—Hilton Head Arpt., RNAV Rwy 21, Amdt. 1
Oxford, OH—Miami University Arpt., RNAV Rwy 4, Orig.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on December 18, 1975.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 FR 5610).

JAMES M. VINES,
Chief, Aircraft Programs Division.

[FR Doc.75-34758 Filed 12-29-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE PRACTICES

PART 4—MISCELLANEOUS RULES

Requirements for Printed Documents

Section 4.2 sets forth the requirements as to form and filing of documents other than correspondence. Section 4.2(d)(3) pertains to printed documents, designating paper size of seven inches by ten inches with the printed line not to exceed four and three-quarter inches in length. The section does not designate the width of the left or right margin. A printed line of four and three-quarters inches on seven inch paper leaves two and one-quarter inches for margins. Section 4.2(d)(5) applies to all dcouments and designates one and one-half inches for the left margin and one inch for the right margin, totalling two and one-half inches for margins. Applying the margin designations of § 4.2(d)(5) to printed documents would require that the printed line not exceed four and one-half inches. To correct this inconsistency, the Federal Trade Commission announces the following amendment of § 4.2(d)(5) of Part 4, Subchapter A of Chapter I of Title 16 of the Code of Federal Regulations to read as follows:

§ 4.2 Requirements as to form and filing of documents other than correspondence.

* * * * *

(d) *Form.* * * *

(5) All documents must be mound on the left side. Except for printed documents, the left margin of each page must be at least one and one-half (1½) inches and the right margin at least one (1) inch.

* * * * *

(Section 6(g), 38 Stat. 721; (15 U.S.C. 46, sec. (a)(1)) 80 Stat. 383, (5 U.S.C. 552.))

By direction of the Commission dated December 19, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-34957 Filed 12-29-75;8:45 am]

[Docket C-2370]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Illinois Central Industries, Inc., et al.

Codification under 16 CFR Part 13 appears at 38 FR 10701, May 1, 1973.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

In the Matter of Illinois Central Industries, Inc., a corporation; and Midas-International Corporation, a corporation.

Order modifying an earlier order dated Mar. 26, 1973, 82 F.T.C. 1097, 38 FR 10707, by changing the compliance reporting requirements for paragraphs IIE and IIF from 30-day intervals to semi-annual reports on Dec. 15, 1975, and on June 15, 1976, after which only annual reports will be required in lieu of monthly reports with respect to the divestiture order.

The order reopening and modifying order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

Respondent, by letter dated September 12, 1975, which will be treated as a petition to reopen this proceeding, has requested that the requirement that it file compliance reports at 30-day intervals for Paragraphs IIE and IIF, contained in the order to cease and desist issued March 26, 1973 [82 F.T.C. 1097], be modified so as to require semiannual reports on December 15, 1975, and on June 15, 1976, and each calendar year thereafter.

The Commission has duly considered respondent's request and has determined that it should be granted.

It is ordered, That the proceeding be, and it hereby is, reopened.

It is further ordered, That the order to cease and desist be, and it hereby is, modified by requiring that the compliance reporting for Paragraphs IIE and IIF of the order be changed to a semiannual basis by submitting such reports on December 15, 1975, and on June 15, 1976, and thereafter for each calendar year in lieu of the monthly reports heretofore required with respect to the divestiture provisions of the order.

The order reopening and modifying order to cease and desist was issued by the Commission November 24, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-35003 Filed 12-29-75;8:45 am]

[1] Copies of the Order Reopening and Modifying Order to Cease and Desist, filed with the original document.

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 76-1]

PART 145—MAIL IMPORTATIONS

Mail Examination

Section 145.2 of the Customs Regulations (19 CFR 145.2) provides that, with certain stated exceptions, all mail originating outside the Customs territory of the United States, whether sealed or unsealed, is subject to Customs examination. In part, section 145.2(c) of the Customs Regulations (19 CFR 145.2(c)) excepts from Customs examination letter mail known or believed to contain only correspondence or documents addressed to diplomatic missions or the officers thereof. No such exception is provided for similar mail addressed to consular posts.

Inasmuch as the Vienna Convention on Consular Relations, to which the United States is a signatory, clearly provides in paragraph 2 of Article 35 that the official correspondence of consular posts shall be inviolable, it is considered desirable to amend the Customs Regulations to reflect that the same exception from Customs examination that is currently granted to letter mail addressed to diplomatic missions or the officers thereof, shall be granted to letter mail addressed to consular posts or the officers thereof.

Accordingly, the first sentence of paragraph (c) of § 145.2 of the Customs Regulations (19 CFR 145.2(c)) is revised to read as follows:

§ 145.2 Mail subject to Customs examination.

* * * * *

(c) Letter mail known or believed to contain only correspondence or documents addressed to diplomatic missions, consular posts, or the officers thereof, or to international organizations designated by the President as public international organizations pursuant to the International Organizations Act (see section 148.87(b) of this chapter). * * *

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

Because this amendment merely conforms the Customs Regulations to the terms of the Vienna Convention on Consular Relations, to which the United States is a signatory, notice and public procedure thereon is found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall become effective, December 30, 1975.

Approved: December 16, 1975.

VERNON D. ACREE,
Commissioner of Customs.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-35042 Filed 12-29-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75N-0368]

PART 20—FROZEN DESSERTS

Mellorine; Stay of Standard of Identity

Notice is given that the regulation (21 CFR 20.8) establishing a definition and standard of identity for "mellorine" frozen dessert products, published in the FEDERAL REGISTER of July 25, 1974 (39 FR 27128), was stayed pursuant to section 701(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)) by the filing of objections and requests for a hearing.

The Commissioner advises that he will rule on the objections and requests for hearing in the near future; the ruling will be published in the FEDERAL REGISTER. Accordingly, the definition and standard of identity for mellorine is stayed until the Food and Drug Administration completes all further action necessitated by the objections and requests for hearing and sets a new effective date to be published in the FEDERAL REGISTER.

(Sec. 701(e), 70 Stat. 919 (21 U.S.C. 371(e).))

Dated: December 22, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-34977 Filed 12-29-75;8:45 am]

PART 30—TABLE SIRUPS

Standards of Identity; Confirmation of Effective Date of Order; Correction

In FR Doc. 75-13024, appearing at page 21723 in the issue for Monday, May 19, 1975, in the second column of page 21724, the last line of paragraph 2. (re-

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ferring to an amendment of § 30.3(c)) which reads " 'sugar cane'." is corrected to read " 'cane sirup'."

Dated: December 22, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-34978 Filed 12-29-75;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Bambermycins

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (44-759V) filed by Hoechst-Roussel Pharmaceuticals, Inc., Route 202-206 North, Somerville, NJ 08876, proposing that the safe and effective use of bambermycins in the feed of broiler chickens does not require a tolerance for residues of the drug in the uncooked edible tissues of the animal. The data contained in the original submission show that no residues are reflected from the conditions of its use or any foreseeable conditions of misuse. Therefore, in accordance with § 556.1(a)(4) (21 CFR 556.1(a)(4)), a tolerance is deemed unnecessary pursuant to use of this drug in broiler chicken feed. The supplemental application is approved, effective December 30, 1975.

The Commissioner is amending Parts 556 and 558 (21 CFR Parts 556 and 558) respectively by deleting §§ 556.80 and 558.95(d) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 556 and 558 are amended as follows:

§ 556.80 [Removed]

1. Part 556 is amended by deleting § 556.80 *Bambermycins.*

§ 558.95 [Amended]

2. Part 558 is amended in § 558.95 by deleting paragraph (d) and marking it "Reserved."

Effective date. This amendment shall be effective December 30, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: December 19, 1975.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.75-34980 Filed 12-29-75;8:45 am]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin and Sulfamethazine

The Commissioner of Food and Drugs has evaluated a new animal drug application (97-615V) filed by Golden Sun Feeds, Inc., Estherville, IA 51334, proposing safe and effective use of tylosin and sulfamethazine premix used in manufacturing swine feeds. The application is approved, effective December 30, 1975.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 2.120), Part 558 (formerly Part 135e, prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802)) is amended in § 558.630 (formerly § 135e.36) by adding paragraph (b)(4), to read as follows:

§ 558.630 Tylosin and sulfamethazine.

* * * * *

(b) * * *

(4) To 021780: 2 grams per pound each, paragraph (f)(2)(ii) of this section.

* * * * *

Effective date. This order shall be effective on December 30, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: December 19, 1975.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.75-34979 Filed 12-29-75;8:45 am]

Title 29—Labor

CHAPTER I—NATIONAL LABOR RELATIONS BOARD

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 8—PREFERENCE IN FEDERAL PROCUREMENT UNDER DEFENSE MANPOWER POLICY NO. 4 AND EXECUTIVE ORDER 10582

On October 7, 1975 at 40 FR 46316 the Department of Labor proposed to amend 29 CFR 8.2 *Definitions.* by deleting the definition of "disadvantaged individual" at 29 CFR 8.2(d) and by substituting therefor a definition of "economically disadvantaged individual". The Department also proposed to substitute the term "economically disadvantaged individual" throughout 29 CFR Part 8 wherever the term "disadvantaged individual" appeared. The purpose of the proposal was to standardize this definition for all employment and training programs. Interested persons were invited to submit data, views and arguments on the proposal until November 6, 1975. Only one comment was received. The comment suggested that the word "family" in the proposed definition of "economically disadvantaged individual" also be defined to indicate that a "family" will be considered to be a group of individuals in which the members are actually providing economic support to each other or contributing services to the household. The Department has not accepted this suggestion because the suggested language is too vague and imprecise, and because, if it were adopted, it would defeat the effort towards standardization upon which the proposal was based.

On October 31, 1974 at 39 FR 38387 the Department proposed to amend 29 CFR 8.3 and 29 CFR 8.4 by substituting for the term "work force", used in both of those sections, the term "labor force". The purpose of the proposed change was to bring the terminology in those sections in line with the terminology which has been used by the Bureau of Labor Statistics since March of 1974. Interested persons were invited to submit comments on the proposal by December 2, 1974. No comments, however, were received.

In consideration of the foregoing the proposals of October 7, 1975 and October 31, 1974 are hereby adopted and 29 CFR Part 8, effective December 30, 1975, is amended to read as follows:

Sec.
8.1 Purpose.
8.2 Definitions.
8.3 Criteria for areas of substantial unemployment.
8.4 Criteria for areas of persistent unemployment.
8.5 Termination of classification.
8.6 Publication or certification.
8.7 Classification of sections of concentrated unemployment or underemployment and certification of eligible firms.
8.8 Order of preference.
8.9 Certificate of eligibility.

AUTHORITY: The provisions of this Part 8 issued under 47 Stat. 1520, 63 Stat. 1024; 41 U.S.C. 10a-10d, E.O. 10582, 3 CFR, 1954-1958 Comp., p. 230; E.O. 10480, E.O. 10773, 32A CFR Ch. I. DMP 4.

§ 8.1 Purpose.

(a) This part implements the responsibilities of the Secretary of Labor in determining sections of concentrated unemployment or underemployment, and areas of persistent or substantial labor surplus in accordance with Defense Manpower Policy No. 4 of the Office of Emergency Planning (32A CFR Ch. 1, DMP 4), and areas of substantial unemployment, in accordance with Executive Order 10582 (3 CFR 1954-58 Comp., P. 280) issued pursuant to the Buy American Act (41 U.S.C. 10a et seq.).

(b) Defense Manpower Policy No. 4 provides that preference be given in the placement of Federal Government contracts and facilities to sections of concentrated unemployment or underemployment, and areas of persistent or substantial labor surplus with preference being given in accordance with regulations prescribed by the Secretary of Labor. The Secretary of Labor is directed to classify sections of concentrated unemployment or underemployment, and areas having a persistent or substantial surplus of labor, under standards to be established by the Secretary, and to certify to the existence of a persistent or substantial labor surplus in areas not meeting the minimum size requirements for classification. The Secretary of Labor is also directed to certify employing establishments which comply with regulations of the Secretary for the employment of economically disadvantaged individuals.

(c) Section 3(c) of Executive Order 10582 issued pursuant to the Buy American Act permits rejection by executive agencies of any foreign bid or offered price for materials in any situation in which the domestic low bidder would produce substantially all of the materials in areas of substantial unemployment, as determined by the Secretary of Labor, during such period as the President determines that such preference would be in the national interest.

§ 8.2 Definitions.

As used in this part:

(a) "Labor area" means a geographical area consisting of a central city or cities and surrounding territory within commuting distance in which there is a concentration of economic activity or labor demand, and workers can generally change jobs without changing their residences.

(b) "Substantial labor surplus." An area is one of substantial labor surplus for purposes of Defense Manpower Policy No. 4 if it has substantial unemployment in accordance with criteria specified in § 8.3.

(c) "Persistent labor surplus." An area is one of persistent labor surplus under Defense Manpower Policy No. 4 if it has persistent unemployment in accordance with the criteria specified in § 8.4.

(d) "Economically Disadvantaged Individual." An individual shall be considered as economically disadvantaged is a member of a family (1) which receives cash welfare payments, or (2) whose annual income in relation to family size and location does not exceed the most recently established poverty levels determined in accordance with criteria established by the Office of Management and Budget (OMB)."

(e) "Employing Establishment." An employing establishment is an individual, industrial facility, plant, mill, mine, or other business operation located at a single physical site, where production, manufacturing, or other industrial operations are performed. Each branch or subsidiary unit of a large corporate entity may be considered an individual establishment, except that all such units in the same physical location shall be considered a single establishment.

§ 8.3 Criteria for areas of substantial unemployment.

(a) The Secretary will classify a labor area as one of substantial unemployment if (1) he finds that its rate of unemployment is 6 percent or more of the area labor force, discounting temporary or seasonal factors, and (2) he anticipates that the rate of unemployment during the next two months will remain at 6 percent or more, discounting temporary or seasonal factors.

(b) For purposes of Executive Order 10582, any area which has been determined to be one of persistent unemployment in accordance with § 8.4 will be deemed to be an area of substantial unemployment. Any employing establishment certified in accordance with § 8.7(b) will be deemed to be located in an area of substantial unemployment.

§ 8.4 Criteria for areas of persistent unemployment.

The Secretary will classify as an area of persistent unemployment any labor area, municipality of 250,000 or more population according to the latest available Census data, or county in which he finds the rate of unemployment during the most recent calendar year is 6 percent or more of its labor force and that the rate of unemployment in such area has:

(a) Averaged 6 percent or more and been at least 50 percent above the national average for 3 of the preceding 4 calendar years, or

(b) Averaged 6 percent or more and been at least 75 percent above the national average for 2 of the preceding 3 calendar years, or

(c) Averaged 6 percent or more, and been at least 100 percent above the national average for 1 of the preceding 2 calendar years.

§ 8.5 Termination of classification.

(a) The Secretary of Labor will terminate the classification of an area of substantial unemployment after any month in which he finds (1) it no longer has an unemployment rate of 6 percent, discounting temporary or seasonal factors, and (2) that the rate of unemployment anticipated during the next 2 months is less than 6 percent, discounting temporary or seasonal factors.

(b) During the first quarter of each calendar year the Secretary of Labor will review the annual average rate of unemployment during the previous calendar years in areas which were classified as areas of persistent unemployment, and shall terminate not later than June 30 of that year the classification of those areas which no longer meet the criteria set forth in § 8.4.

(c) The Secretary of Labor shall terminate the designation of a section of concentrated unemployment or underemployment whenever he finds that the conditions of unemployment or underemployment have improved to the extent that the designation is no longer warranted.

§ 8.6 Publication or certification.

The Secretary of Labor will publish at regular intervals a list of establishments certified in accordance with § 8.7 and the list of sections of concentrated unemployment or underemployment and areas of persistent or substantial unemployment: *Provided, however,* That in the case of an area of less than 1,500 population, he will not publish but on request will authorize the appropriate State Employment Security Agency to certify that such area is one of substantial or persistent unemployment if it meets the qualifying conditions set forth in § 8.3 or § 8.4 of this part.

§ 8.7 Classification of sections of concentrated unemployment or underemployment and certification of eligible establishments.

(a) The Secretary of Labor will classify as sections of concentrated unemployment or underemployment appropriate sections of States or "labor areas."

(b) Employing establishments in or near such classified sections of concentrated unemployment or underemployment and employing establishments in areas of persistent or substantial unemployment shall be certified by the Secretary as eligible for preference in the placement of Federal Government contracts or subcontracts under Defense Manpower Policy No. 4 provided that such establishments have agreed to employ, in accordance with plans approved by the Secretary of Labor, a proportionate number of economically disadvantaged individuals, residing within the classified sections or areas, who have been identified and referred to the employing establishments by the local State Employment Service Office, the local Concentrated Employment Program Sponsor or by other authorized community agencies. Employing establishments so certified which will perform a substantial portion of a Federal Government contract, or other firms which will place a substantial portion of the Federal Government contract with employing establishments certified pursuant to this paragraph (b), shall obtain preference in accordance with § 8.8.

(c) Employing establishments located in any area shall be certified by the Secretary as eligible for preference in the placement of Federal Government contracts or subcontracts under Defense Manpower Policy No. 4 provided that such establishments have agreed to employ, in accordance with plans approved by the Secretary of Labor, a proportionate number of economically disadvantaged individuals who have been identified and referred to the employing establishments by the local State Employment Service Office, the local Concentrated Employment Program Sponsor or by other authorized community agencies. Employing establishments so certified which will perform a substantial portion of a Federal Government contract, or other firms which will place a substantial portion of the Federal Government contract with employing establishments certified pursuant to this paragraph (c), shall obtain preference in accordance with § 8.8.

§ 8.8 Order of preference.

The order of preference for the placement of contracts under Defense Manpower Policy No. 4 is as follows:

(a) Employing establishments or other firms eligible for preference in accordance with paragraph (b) of § 8.7;

(b) Employing establishments or other firms eligible for preference in accordance with paragraph (c) of § 8.7;

(c) Employing establishments or other firms which will perform or cause to be

[1] 36 FR 2367, Feb. 8, 1970.

V 40 250 DEC 30 75 XUM

performed a substantial portion of a Federal Government contract in an area of persistent or substantial unemployment.

§ 8.9 **Certificates of eligibility.**

(a) The Secretary of Labor's approval of an establishment's plan to employ economically disadvantaged individuals shall be evidenced by a certificate issued to the employing establishment by the appropriate local office of the State Employment Security Agency. This local office will determine whether the establishment qualifies for the certificate and issue it where appropriate. The Secretary of Labor, or his authorized representative, may, in all cases, review and, if necessary, change the determination made by the local State Employment Security Agency either granting or denying a certificate of eligibility. Any establishment which is denied a certificate may request a reconsideration or review by the Secretary, or his authorized representative, by writing to the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210, and setting forth reasonable grounds therefor.

(b) Certificates of eligibility shall be valid for a period of 6 months, or until recalled by the State Employment Security Agency, or surrendered by the Employer, whichever is earliest.

(c) No certificate which would afford an employing establishment first preference under § 8.8 shall be issued to any establishment whose plans for the employment of economically disadvantaged individuals do not provide that at least 25 percent of the total number of new hires each month beginning with the date of certification and continuing until the expiration of the validity period or completion of an awarded contract or subcontract whichever is later shall be economically disadvantaged individuals identified and referred to the employing establishment pursuant to § 8.7 (b).

(d) No certificate which would afford an employing establishment second preference under § 8.8 shall be issued to any establishment whose plans for the employment of economically disadvantaged individuals do not provide that at least 15 percent of the total number of new hires each month beginning with the date of certification and continuing until the expiration of the validity period or completion of an awarded contract or subcontract whichever is later shall be economically disadvantaged individuals identified and referred to the employing establishment pursuant to § 8.7(c).

Signed at Washington, D.C. this 23d day of Dec., 1975.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.75-35053 Filed 12-29-75;8:45 am]

PART 102—RULES AND REGULATIONS, SERIES 8

Subpart R—Advisory Committees

By virtue of the authority vested in it by the National Labor Relations Act approved July 5, 1935, and by section 8 of the Federal Advisory Committee Act approved October 6, 1972, the National Labor Relations Board hereby promulgates the following rule which it finds necessary to carry out the provisions of said Acts.

Subpart R, containing § 102.136 is added to 29 CFR Part 102 as follows:

Subpart R—Advisory Committees

§ 102.136 Establishment and utilization of advisory committees.

Advisory committees may from time to time be established or utilized by the agency in the interest of obtaining advice or recommendations on issues of concern to the agency. The establishment, utilization, and functioning of such committees shall be in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. app. I, sections 1–15, and Office of Management and Budget Circular A–63 (rev. March 27, 1975), Advisory Committee Management Guidance, 39 FR 12389–12391, to the extent applicable.

(49 Stat. 449 (29 U.S.C. 151–166, as amended by act of June 23, 1947) 61 Stat. 136 (29 U.S.C. Supp. 151–167), act of October 22, 1951, 65 Stat. 601 (29 U.S.C. 158, 159, 168), and act of September 14, 1959 73 Stat. 519; 29 U.S.C. 141–168); 86 Stat. 770; (5 U.S.C. appendix I, section 1 et seq.))

Dated, Washington, D.C., December 22, 1975.

By direction of the Board.

JOHN C. TRUESDALE,
Executive Secretary.

[FR Doc.75-34935 Filed 12-29-75;8:45 am]

CHAPTER XXV—OFFICE OF EMPLOYEE BENEFITS SECURITY, DEPARTMENT OF LABOR

[ERISA IB RD 75-1]

PART 2556—INTERPRETIVE BULLETINS RELATING TO REPORTING AND DISCLOSURE

Independence of Accountant Retained by Employee Benefit Plan

In FR Doc. 75-31318, appearing at pages 53998–99 in the FEDERAL REGISTER of November 20, 1975, subparagraph (3) appearing on page 53999 is corrected by deleting the word "or" immediately after the word "member" in the first line and inserting the word "of" in its place.

Also, the first full paragraph appearing on page 53999 is corrected in the 23rd and 24th lines by eliminating the remainder of the sentence after the word "accounting" and inserting in its place the words "firm shall not impair the accountant's or accounting firm's independence."

NOTE: The text of FR Doc. 75-31318 was not codified for the Code of Federal Regulations.

Signed at Washington, D.C. this 22nd day of December, 1975.

JAMES D. HUTCHINGON,
Administrator of Pension and Welfare Benefit Programs.

[FR Doc.75-35043 Filed 12-29-75;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SERVICE

Sequoia and Kings Canyon National Parks, California; Camper Food Storage

A proposal was published on page 45845 of the FEDERAL REGISTER of October 3, 1975, to amend § 7.8 of the Code of Federal Regulations. The purpose of this amendment is to require bear resistant storage of food stuffs in camp areas.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. One comment, generally supporting the proposed amendment, has been received. No objections have been received and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall take effect January 29, 1976.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 41 Stat. 732; 16 U.S.C. 61, 54 Stat. 41; 16 U.S.C. 80(d))

Section 7.8 is amended to add paragraph (e)(1) to read as follows:

§ 7.8 Sequoia and Kings Canyon National Parks.

* * * * *

(e) *Camping.* (1) All food or similar organic material, must be kept completely sealed in a vehicle or camping unit that is constructed of solid, nonpliable material, or must be suspended at least 10 feet above the ground and 4 feet horizontally from any post or tree trunk. This restriction does not apply to food that is being eaten or is being prepared for eating.

GENE V. DAUGHERTY,
Acting Superintendent, Sequoia and Kings Canyon National Parks.

[FR Doc.75-34984 Filed 12-29-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 473-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Maintenance of National Ambient Air Quality Standards; Corrections

In the FEDERAL REGISTER of Tuesday, September 9, 1975, the following changes are made:

1. On page 41948, under "Subpart F—California", action number 5, that part of the geographical composition of the Sacramento Valley Air Quality Maintenance Area which reads, "That portion of Placer County lying in the Sacramento Valley Air Basin as defined in the plan," is changed to read, "The Valley Area of Placer County. This is all the area in Placer County which lies west of the easterly line of Range 7 East, Mount Diablo Base and Meridian, and all of the area in Placer County which lies south of the northerly line of Township 11 North, Mount Diablo Base and Meridian."

2. On page 41951, under "Subpart HH—New York," in § 52.1688, the following changes are made:

a. In paragraph (a)(1)(ii), relating to the geographical composition of the Binghamton Air Quality Maintenance Area, under "Broome County (part)," add "Town of Maine" and "Town of Dickinson."

b. In paragraph (a)(6)(ii), relating to the geographical composition of the Rochester Air Quality Maintenance Area, under Ontario County (part), "Town of Formington" is changed to read, "Town of Farmington."

Dated: December 19, 1975.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.75-34939 Filed 12-29-75;8:45 am]

SUBCHAPTER C—AIR PROGRAMS

[FRL 474-3]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCE

Delegation of Authority to State of Maine

Pursuant to the delegation of authority for the standards of performance for new stationary sources (NSPS) to the State of Maine on November 3, 1975, EPA is today amending 40 CFR 60.4, *Address*, to reflect this delegation. A Notice announcing this delegation is published today in the FEDERAL REGISTER.[1] The amended § 60.4, which adds the address of the Maine Department of Environmental Protection to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must also be addressed, is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on October 7, 1975, and it serves no purpose to delay the technical change of this addition to the State address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of Section 111 of the Clean Air Act, as amended.

(42 U.S.C. 1857c-6)

Dated: December 22, 1975.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

[1] See FR Doc. 75-35063 appearing elsewhere in the Notices section of today's FEDERAL REGISTER.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4 paragraph (b) is amended by revising subparagraph (U) to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(U) State of Maine, Department of Environmental Protection, State House, Augusta, Maine 04330.

* * * * *

[FR Doc.75-35065 Filed 12-29-75;8:45 am]

[FRL 474-2]

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to State of Maine

Pursuant to the delegation of authority for National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of Maine on November 3, 1975, EPA is today amending 40 CFR 61.04, *Address*, to reflect this delegation. A Notice announcing this delegation is published today in the FEDERAL REGISTER.[1] The amended § 61.04, which adds the address of the Maine Department of Environmental Protection to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must also be addressed, is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on October 7, 1975, and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of Section 112 of the Clean Air Act, as amended.

(42 U.S.C. 1857c-7)

Dated: December 22, 1975.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

In § 61.04 paragraph (b) is amended by revising subparagraph (U) to read as follows:

§ 61.04 Address.

* * * * *

(b) * * *

(U) State of Maine, Department of Environmental Protection, State House, Augusta, Maine 04330.

* * * * *

[FR Doc.75-35064 Filed 12-29-75;8:45 am]

[1] See FR Doc. 75-35063 appearing elsewhere in the Notices section of today's FEDERAL REGISTER.

SUBCHAPTER E—PESTICIDE PROGRAMS

[PP6F1652 & PP6F1607/R72; FRL 474-7]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

3,5-Dimethyl-4-(methylthio)phenyl methylcarbamate

On May 8, 1975, notice was given (40 FR 20129) that Mobay Chemical Corp., Chemagro Agricultural Division, PO Box 4913, Hawthorn Rd., Kansas City MO 64120, had filed a pesticide petition (PP 6F1607) with the Environmental Protection Agency (EPA). This petition proposed the establishment of tolerances for residues of the insecticide 4-(methylthio)-3,5-xylyl methylcarbamate in or on the raw agricultural commodities cherries at 15 parts per million (ppm); apples and peaches at 10 ppm; pears at 6 ppm; the meat, fat, and meat byproducts of cattle, sheep, goats, swine, and horses at 0.05 ppm; and milk at 0.005 ppm. Mobay subsequently amended the petition by increasing the tolerances for cherries from 15 to 25 ppm and for peaches from 10 to 15 ppm and by withdrawing the requested tolerance proposals for apples, pears, and milk, and the meat, fat, and meat byproducts of cattle, sheep, goats, swine, and horses.

Mobay Chemical Corp. also submitted a petition (FAP 5H5083) which proposed the establishment of a food additive regulation (21 CFR 123) permitting the use of the insecticide on apples with a food additive tolerance of 12.5 ppm in apple juice (40 FR 20129). This petition was withdrawn without prejudice in accordance with the regulations pertaining to section 409 of the Federal Food Drug, and Cosmetic Act (40 FR 51081).

On August 22, 1975, the EPA gave notice (40 FR 36748) that Mobay Chemical Corp. had filed another pesticide petition (PP 6F1652) which proposed the establishment of additional tolerances for this pesticide or on the raw agricultural commodities corn (field, pop, and sweet) and corn forage and fodder at 0.03 ppm when the pesticide is used as a bird repellent. No comments were received by the EPA in response to these notices of filing.

The data submitted in the petitions and other relevant material have been evaluated. The pesticide is considered useful for the purposes for which the tolerances are sought, and there is no reasonable expectation of residues in milk, meat, eggs, and poultry as delineated in 40 CFR 180.6(a)(3). It has, therefore, been determined that tolerances should be established for the pesticide in 40 CFR 180 under Section 180.320 using the acceptable chemical name for this pesticide 3,5-dimethyl-4-(methylthio)phenyl methylcarbamate. Tolerances for this pesticide and its cholinesterase-inhibiting metabolites established by amending 40 CFR 180 as follows will protect the public health.

Any person adversely affected by this regulation may, on or before January 28, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW, East Tower, Room 1019, Washington DC 20460. Such

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objections should be submitted in quintuplicate and specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requsted, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on December 29, 1975, Part 180, Subpart C, is amended by adding § 180.320.

(Section 408(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346(a)(d)))

Dated: December 23, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, is amended by adding the § 180.320 as follows. (NOTE: K+CWHR=Kernels plus cob with husk removed.)

§ 180.320 3,5-Dimethyl-4-(methylthio) phenyl methylcarbamate; tolerances for residues.

Tolerances are established for residues of the pesticide 3,5-dimethyl-4-(methylthio)phenyl methylcarbamate and its cholinesterase-inhibiting metabolites in or on raw agricultural commodities as follows:

Commodity:	*Parts per million*
Cherries	25.
Corn, fodder	.03
Corn, forage	.03
Corn, fresh (including sweet) (K+CWHR)	.03
Corn, grain, field	.03
Corn, grain, pop	.03
Peaches	15.

[FR Doc.75-35070 Filed 12-29-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

PART 60-7—ST. LOUIS PLAN

Notice of Extension

On July 10, 1971, the Department of Labor published the St. Louis Plan (36 FR 12978). The St. Louis Plan is intended to implement the provisions of Executive Order 11246, as amended, and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal contractors and subcontractors in the St. Louis area, which includes the city of St. Louis, and St. Louis County, Missouri. The present St. Louis Plan expires on December 31, 1975. Therefore, in order to ensure positive efforts toward the elimination of minority underutilization in the St. Louis area construction industry, the establishment of a Revised St. Louis Plan will be proposed and, such a proposal will be published in the FEDERAL REGISTER prior to its effective date. Due to the requirement that the proposed Revised St. Louis Plan be published for comment for at least 30 days prior to promulgation as a final rule it is necessary that the current St. Louis Plan be extended until the proposed Revised St. Louis Plan becomes effective.

For the reason stated above, I find that it is contrary to the public interest to publish this extension for comment, and for the same reason I find there is good cause for this amendment to become effective December 30, 1975.

To effectuate the extension of the St. Louis Plan Part 60-7 is revised as follows:

1. Section 60-7.14(b) is revised as follows:

§ 60-7.14 The impact of the plan upon the existing labor force.

* * * * *

(b) *Timetable.* The original goals of the St. Louis Plan were developed in an effort to provide an affirmative action program and ranges for utilization of minority manpower which employers can meet by hiring productive, trained minority craftsmen. Accordingly the St. Louis Plan was developed to cover five years. Upon the expiration of the fifth year on December 31, 1975 it is found and determined that in order to effect equal employment opportunity to the fullest extent, the standards of minority utilization contained in the St. Louis Plan, including the goals for the year ending December 31, 1975 shall be applicable until a new Revised St. Louis Plan is promulgated.

* * * * *

2. Section 60-7.30—Appendix A is amended in the table for Jan. 1 through Dec. 31, 1975 under paragraph 2 of "Requirements, Terms and Conditions" by deleting the headings "From Jan. 1, 1975" and "Until Dec. 31, 1975" and substituting "From Jan 1, 1975 until a new Revised St. Louis Plan is promulgated." as follows:

§ 60-7.30 Appendix A.

* * * * *

From Jan. 1, 1975 until a revised St. Louis plan is promulgated		
Asbestos Workers	5.2	5.7

* * * * *

3. The first portion of Appendix A, Section 60-7.30, wherein the bidder submits its goals for the trades listed therein, as amended by deleting the phrase "from January 1, 1975, until December 31, 1975" and substituting "from January 1, 1976 until a Revised St. Louis Plan is promulgated."

* * * * *

Effective date: This amendment shall be effective December 30, 1975.

Signed at Washington, D.C. this 23rd day of December, 1975.

ROBERT C. CHASE,
Acting Assistant Secretary for Employment Standards.

GEORGE F. TRAVERS,
Acting Director, Office of Federal Contract Compliance Programs.

[FR Doc.75-35052 Filed 12-29-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20495; FCC 75-1359]

PART 1—PRACTICE AND PROCEDURE

Agreements Between Broadcast Licensees and the Public

1. On June 10, 1975, the Commission released a "Proposed Policy Statement and Notice of Proposed Rulemaking Re: Agreements Between Broadcast Licensees and the Public." Docket 20495, FCC 75-633, 40 FR 25689. Twenty comments and four reply comments were filed by a variety of licensees and public interest groups.[1] The background of this proceeding is sketched below, followed by a summary of the comments received and a statement of policy.

BACKGROUND

2. For many years the Commission has encouraged affirmative dialogue between broadcast licensees and the public they serve, for "[t]he principal ingredient of [the licensee's obligation to serve the public interest, convenience, and necessity] consists of a diligent, positive and continuing effort by the licensee to discover and fulfill the tastes, needs and desires of his service area." Report and Statement of Policy Re: Commission En Banc Programming Inquiry, 25 FR 7291, 7294 (1960). More recently, we observed that the increase in petitions to deny broadcast applications—based on the alleged failure of licensees to respond adequately to the problems and needs of significant portions of the public—"re-emphasized the need both to ensure that licensees remain conversant with and attentive to community problems throughout the license period, and citizens are encouraged to engaged in more continuous dialogue with licensees in order to promote local resolutions of complaints as they arise." "Final Report and Order," Docket 19153, 43 FCC 2d 1, 8 (1973).

3. One outgrowth of increased contact between licensees and their audiences has been informal negotiations and, in some cases, formal agreements about aspects of station operations of concern to the community. However, we have found that some agreements attempt to yield licensee control to essentially private interests, contrary to the scheme of the Communications Act, which requires that the licensee alone must assume responsibility for ensuring that its station operates in the public interest. In order to clarify licensee and citizen obligations respecting agreements, we opened this proceeding.

THE COMMISSION PROPOSAL

4. The agreements policy we proposed[2] was based on an assumption that licensees and members of the public proceed from good faith in their discussions, and on the principles of (a) the value of local dialogue, (b) the purely voluntary nature of agreements, (c) the preservation of the licensee's nondelegable responsibility to serve the public, and (d) the advantage of minimal government presence in local discussion. Recognizing that our oversight was required, but should be limited, we proposed to take cognizance of citizen agreements only to the following extent:

(a) If asked to determine whether the agreement is contrary to applicable statutes, rules, or policies, we would review it in conformity with the policies expressed in our policy statement.

(b) Substantive agreement terms incorporated in a broadcast application would assume the status of representations to the Commission, and would be treated as are all promises of future performance.

5. We proposed not to take cognizance of oral agreements, because of likely difficulties in establishing their terms. We proposed amending Section 1.526 of our rules to require local filing of agreements. And we advised that the policies we proposed would apply on an interim basis to any agreements entered into or submitted for Commission review after issuance of the Proposed Policy Statement, that earlier agreements would be interpreted consistent with these polices, and that the policies would apply to any pending complaint concerning a licensee's implementation of a previously filed agreement. Since the chief ground on which we proposed to reject agreements was the delegation of nondelegable licensee discretion, we set out a few examples of such improper agreement terms.

SUMMARY OF COMMENTS

6. *Local dialogue.* The commenters (fully identified in Appendix A) unanimously endorse the importance of dialogue between broadcasters and local citizens, and most see value in citizen agreements. None would ban them. However, CBS complains that "more often than not the 'citizens' group' is neither representative of the public at large, nor even typical of the needs and desires of the very minority interest which the group purports to represent," and that demands of some groups are often contrary to the public interest. Mrs. Donnelly opposes the proliferation of agreements with activist groups "who represent no one but themselves." And Worldivision suggests that an agreement "should not bind the licensee to present programming to satisfy only a vocal, nonrepresentative group."

7. Several broadcasters urge a clear statement that licensees are not under any obligation or duty to negotiate toward or conclude an agreement. Storer also suggests a statement "that the areas of non-delegable duties which may not be restricted * * * may also not be negotiated." Orion asks us to state that licensees "have no duty to respond to citizen group demands to 'negotiate' or 'consummate an agreement.'" The National Black Media Coalition (NBMC) contends that "a broadcaster's refusal to meet [citizen groups] without explanation * * * should raise an issue of an inadequate ascertainment," and that "the failure to engage meaningfully in discussions of station performance should be an issue cognizable by [the] Commission."

8. *Filing of agreements.* There was no dispute with the proposed amendment of Section 1.526 of our rules to require local filing of citizen agreements, but considerable comment about what additional measures, if any, should be required. NBMC would require that all "agreements with commercial parties that have any substantial effect on the broadcaster's public service obligations" also be made public. The United Church of Christ (UCC) would include contracts with "networks, program syndicators, advertisers, management and programming consultants and others who provide program matter or otherwise control program content," and union agreements. ABC feels citizen agreements should be filed with the Commission (as well as locally) "for orderliness and convenience of reference." The National Organization for Women (NOW) proposes that "all citizens agreement[s] constitute representations upon which the Commission can rely and should be made part of the most recent license application." No commenter objects to filing agreements with the Commission. CBS and Worldvision oppose the suggestion that we require local publication of citizen agreements, CBS claiming that such a requirement is "burdensome and unnecessary." On the other hand, Mrs. Donnelly asks for wide disclosure of citizen agreements, and an obligation "to seek out opposing groups if [a licensee is] considering the signing of an exclusive contract with a particular group."

9. *Terms of agreements.* Several commenters object to limitations on a licensees' voluntary delegation of discretion in citizen agreements. The National Citizens Committee for Broadcasting (NCCB) distinguishes responsibility for making operating decisions from accountability for them; points to the common practice of delegating responsibility to employees, program suppliers, and others; and concludes the Commission "must either attempt to prevent broadcaster delegation at all levels * * * or * * * abandon this view as unworkable" and permit delegation of responsibility by means of citizen agreements. NBMC submits that "the Commission's policies and interpretation cannot discriminate in favor of commercial contracts and against citizen agreements," claiming that various common trade agreements (network affiliation and syndication contracts, for example) "give much of the discretion of station operation and programming content in fact to parties other than the licensee." Several commenters argue that any proposal that would be acceptable in a broadcast application should not be offensive simply because it is based on a citizen agreement. The Public Interest Research Group (PIRG) urges adoption of a policy permitting extensive licensee discretion to "bind its discretion," but with flexibility to deviate from commitments "where compliance with the agreement would be commercially impracticable or no longer in the public interest," or under other circumstances expressly stated in the agreement. UCC says that "the licensee should be free to make changes in its programming which are necessary to keep abreast of changing community needs and problems," and commends agreement terms requiring "advance [licensee] consultation with the affected groups in the service area and advance notice to the Federal Communications Commission stating the reasons for the departure," as a means of making agreements meaningful to the parties.

10. Five of the broadcast commenters call for requirement of an express agreement term reserving to the licensee flexibility to deviate from agreement commitments when in its judgment the public interest requires, with several stating that such provisions are the practice in trade agreements. Some would apply such a provision to any existing agreements which do not so provide. NCCB prefers that such a savings clause be an implicit part of every agreement, rather than a required express term. A number of commenters request a fuller explanation of what would constitute a "fixed determination, binding and unchangeable," contrary to the proposed policy. Several encourage us to provide additional, more specific examples than those set out in paragraph 15 of the Proposed Policy Statement. NOW contends that, "con-

[1] See Appendix A. The period for comments expired July 25, 1975, and for reply comments August 11, 1975. We accept the late-filed comments of Mrs. Elaine Donnelly, NAACP Legal Defense and Educational Fund, Inc., National Black Media Coalition, National Citizens Committee for Broadcasting, Office of Communication of the United Church of Christ, and the St. Louis Broadcast Coalition.

[2] We decided to state policies about citizen agreements rather than adopt specific rules because of the licensee's inherent discretion to agree or not, as it chooses, and to change an agreement, once made. Moreover, we were concerned that any rules which might be devised would be so detailed and cumbersome as to distract the parties from focusing their efforts on resolving their legitimate differences.

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trary to the Commission's implication, specificity in a citizen agreement is not to be condemned as an impermissible delegation of responsibility." Metromedia objects to our proposal to interpret "existing agreements in a manner consistent with . . . the fundamental principle that the licensee has a non-delegable responsibility over the programming and operation of its station," in light of our note elsewhere in the Proposed Policy Statement that "in cases where the licensee improperly has abdicated its responsibility, it will be our obligation to consider the licensee's fitness to serve as a public trustee."

11. Metromedia asks us to require that agreements indicate expressly how they are consistent with the public interest, either by a showing that the citizen group is reasonably representative of the station's service area, or by a statement "that the racial, sexual or interest group involved was entitled to privileged treatment (for specifically enumerated reasons) and that such special treatment would not disadvantage the other elements of the community (again listing specific reasons)." Metromedia also would require that the subject matter of the agreement relate to the grievances of the group involved. Worldvision asks us to state that licensees cannot inflexibly bind themselves not to present certain programs. Orion contends that EEOC conciliation agreements can inflexibly limit a licensee's operating discretion (by a hiring schedule, for example), just as citizen agreements can, and should be subject to the same Commission restrictions recognizing final licensee discretion. NOW argues that the Commission "does not have the authority to dictate to the EEOC the contents of its conciliation agreements with licensees."

12. *Review and enforcement.* There was little reaction to our proposal to take cognizance of citizen agreements only when incorporated in a licensee's renewal or other application (see paragraph 4, above). Three commenters agree that the Commission should not review every citizen agreement. The National Association of Broadcasters (NAB) observes that the proposal may not effectively limit the number of agreements considered, since review occurs under conditions determined by the parties, but it suggests no method for limiting their submission for review.

13. Our proposal not to take cognizance of oral agreements also received little comment. NBC says:

> [T]here is the problem of identifying from among the totality of licensee-community dialogue, those discussions which constitute "agreements" which have to be filed. A licensee may talk to an individual or group and state it expects to continue to carry a particular program or series, thereby satisfying the group. Or a group may request a licensee to carry a new series or adjust its employment recruiting procedures and the licensee may agree to do so or to explore that possibility, thereby satisfying the group. The Notice itself recognizes that these discussions and exchanges are often not precisely recorded in writing.

NBC believes that any rules adopted by the Commission should not be worded in terms of requiring the filing of all such agreements, but rather in terms of not giving recognition to agreements except insofar as they or their substantive provisions to which the station is committed have been filed with the Commission and placed in the sation's public information file. This approach will take care of the more usual situation where the group's request or complaint has been accommodated in the application itself or in an amendment thereto.

Mrs. Donnelly opposes "allowing unwritten agreements, which cannot be scrutinized by the general public • • • The F.C.C. has an affirmative duty to prevent such secrecy and undisclosed bias in a society where the free and unfettered transmission of ideas is a necessity."

14. Many more comments were received on the subject of enforcement of the policy statement and terms of any agreements. With respect to the former, most commenters urge us to defer as much as possible to the discretion of licensees as to what agreement terms are in the public interest. PIRG would reject an agreement "only if its terms are clearly not in the public interest." Worldvision suggests the following standards for evaluating agreements:

(1) Whether [agreement terms affecting programming constitute] an egregious abdication of the licensee's responsibility to make continuing program judgments; and

(2) Whether the licensee has taken reasonably sufficient steps to assure that the programming proposed pursuant to the agreement will serve the needs and interests of a citizens group that is representative of a substantial segment of the public within the licensee's service area.

15. With respect to Commission enforcement of the terms of citizen agreements, CBS suggests "a procedure whereby a 'citizens' group' would be prohibited from bringing an alleged breach of an agreement to the Commission for resolution before making a good faith effort to resolve the group's differences with the licensee." Once a complaint is before the Commission, CBS urges us to "limit review, as in fairness doctrine complaints, to the reasonableness of a licensee's judgment in implementing programming or other activities pursuant to agreements and • • • not substitute [our] judgment for that of the licensee as to the appropriateness or relevance of specific programming," thus not making "a qualitative program judgment." A more rigorous standard, CBS argues, "would constitute an encroachment on the licensee's First Amendment rights and would be tantamount to censorship • • •" NBMC urges application of the same promise-versus-performance standard used in reviewing other licensee representations to the Commission.

16. On the question of sanctions in the event of violation of the terms of an agreement, NBMC says the same action should be taken as in other cases of breach of promises: "designation for hearing and the possible denial of the license renewal." PIRG suggests using forfeiture proceedings based on misrepresentations to the Commission in the case of a licensee "whose breach is intentional or whose rationale for nonperformance is so transparent that it indicates bad faith." Says PIRG: "Less severe penalties are more likely to be meted out than drastic ones and thus become realistic deterrents to bad faith conduct."

17. *Procedural matters.* The impact of citizen agreements on the Commission's procedures for handling challenged applications generated considerable comment. Several broadcasters contend that the threat of delayed application processing is sometimes used to wring unreasonable concessions from licensees, contrary to the public interest. They urge speedier Commission processing of challenged applications to minimize this danger, especially in the case of applications for transfer of control or assignment of license. Some suggest that the problems of delay in transfer and assignment applications be considered in a separate proceeding. NOW counters that a separate proceeding is unnecessary because the same public interest determination must be made in transfer and assignment applications as others, and because the danger of improper agreements is minimized by Commission review of them. With respect to petitions to deny, Storer urges strict enforcement of present procedural rules, and Metromedia asks for a revision of Commission policies for considering petitions to deny, which would tend to limit them. ABC and KBOX propose restricting consideration of informal objections by establishing time deadlines for their submission. NOW opposes any change in present procedures. CBS would bar citizens from filing petitions to deny applications of stations with which they have signed agreements. NBC would permit agreements to contain clauses barring petitions to deny. NOW would not have the signing of an agreement bar the filing of a petition to deny, since "the agreement may cover only certain of the issues with which the group is concerned • • •" Both NBC and NAACP suggest the free withdrawal of petitions to deny.

Discussion and Statement of Policy

18. *Basic Considerations.* In accordance with the legislative design for broadcasting set out in the Communications Act, licensees alone must assume and bear ultimate responsibility for the planning, execution, and supervision of programming and station operation. This responsibility cannot be delegated, and a licensee cannot (even unilaterally) foreclose its discretion and continuous duty to determine the public interest and to operate in accordance with that determination.

19. We have long held that it is responsibility, and not just accountability, that is nondelegable. In "United States Broadcasting Corporation," 2 FCC 208, 225 (1935), we said:

> Complete supervision of and control over programs, including careful examination of their content, directly affects the rendition of a public service. The right to determine, select, supervise, and control programs is inherently incident to the privilege of holding a station license. In fact, the right becomes a responsibility of a licensee, as he must be held to strict accountability for the service rendered.

In "National Broadcasting Co., Inc., v. United States," 319 U.S. 190 (1943), the Court noted with approval the following statements in our 1941 "Report on Chain Broadcasting":

> It is the station, not the network, which is licensed to serve the public interest. The licensee has the duty of determining what programs shall be broadcast over his station's facilities, and cannot lawfully delegate this duty or transfer the control of his station directly to the network or indirectly to an advertising agency. He cannot lawfully bind himself to accept programs in every case where he cannot sustain the burden of proof that he has a better program. The licensee is obliged to reserve to himself the final decision as to what programs will best serve the public interest. We conclude that a licensee is not fulfilling his obligations to operate in the public interest, and is not operating in accordance with the express requirements of the Communications Act, if he agrees to accept programs on any basis other than his own reasonable decision that the programs are satisfactory. [*Ibid.*, at 205–6]
>
> • • • • •
>
> If a licensee enters into a contract with a network organization which limits his ability to make the best use of the radio facility assigned him, he is not serving the public interest. [*Ibid.*, at 218]

We have thus uniformly rejected agreements which would operate to restrict the right of a licensee to make and implement decisions respecting station operations.[2] It is on this foundation, then, that we adopt the following policies.

20. *Local dialogue.* We can state a licensee's obligations with respect to local dialogue simply. We require community

[2] For example, we have proscribed network agreements which unduly restrict the carriage of programs of other networks [Section 73.658(a) and (b)], and trade agreements which impair a licensee's obligation to retain control over program matter at all times [Filing of Agreements, 33 FCC 2d 653 (1972); "WGOK, Inc.," 2 FCC 2d 245 (1965); and "United Broadcasting Company of New York, Inc.," 40 FCC 224 (1965)]. We have also pointed out that "private agreements cannot be construed to limit a broadcaster's responsibilities and obligations imposed by the Communications Act • • •" "Golden West Broadcasters," 8 FCC 2d 987, 988 (1967). We have acted to prevent the possible improper delegation of licensee responsibility in connection with subscription agreements between radio stations and musical format service companies. "Report and Policy Statement," FCC 75–1234, released November 7, 1975. See also "Report and Statement of Policy Re: Commission En Banc Programming Inquiry," 25 FR 7291, 7295, 20 RR 1901, 1912–3 (1960); and "Fairness Report" in Docket 19260, 48 FCC 2d 1, 10 (1974). There is, of course, no rule of law or policy which prohibits a licensee, in the exercise of its discretion, from determining not to broadcast certain programs or to broadcast other programs which it believes better serve the public interest. It is the fixed determination, binding and unchangeable, which runs afoul of the requirement of licensee responsibility.

ascertainment, and we evaluate thereby the adequacy of a licensee's operating proposals to serve the public interest. Beyond this, a licensee is not obliged to negotiate toward or conclude an agreement.[4] Thus, while we encourage extensive local dialogue, we leave determination of whether or not to discuss or to enter agreements to the discretion of each licensee. We therefore reject NBMC's contention that the Commission should penalize a licensee for failing to meet with a particular group or to discuss station performance.

21. If a licensee is presented with proposals by any group that it feels are not in the public interest, it should reject the proposals. On the other hand, even a group whose individual membership appears nonrepresentative may raise views, concerns, or problems that should be dealt with.[5] It is the proposals themselves—rather than their proponents—which the licensee ought to consider in relation to its public interest duties. We repeat, though, that "consideration" need not take the form of "negotiation" or "agreement."

22. *Filing of agreements.* The significance of and public interest in citizen agreements require that they be placed in the public files of broadcast stations that enter them, and we will so amend § 1.526 of our rules. We believe that the public interest is fully served by local filing, and will not require that agreements be published locally or filed with the Commission. Should parties desire to file an agreement with us, we suggest its submission as an amendment to the station's most recent renewal or other broadcast application.[6] However, we are not prepared to require local filing of routine commercial contracts as suggested by some commenters, for that lies outside the scope of this proceeding.

23. *Terms of agreements.* We believe suggestions that we permit licensees to delegate responsibility conflict with basic requirements of the Communications Act, as we discussed in paragraphs 18 and 19, above. Commenters' examples of alleged delegations of responsibility are not persuasive. The employer-employee relationship contains ample opportunity for the direction of employees and the supervision of their work, and the employer retains flexibility to change or end the warrant of authority to act in its behalf.[7] Attempted delegations to other commercial interests would consitute unlawful transfers of control of the stations involved, in violation of Section 310(b) of the Communications Act, just as attempted delegations to networks were held improper in the "Report on Chain Broadcasting".

24. Some of the comments indicate that our examples of agreements that inflexibly bind licensees confused rather than clarified the thrust of our proposed policy. The principle underlying this aspect of the policy is that in areas where licensees have public interest duties cognizable by the Commission—for example, programming and employment practices[8]—a licensee is obliged to modify any prior practice or proposal when in the reasonable exercise of its good faith judgment it believes that the public interest so requires. The consequence of this principle is that no proposal in such an area can be immutable, whether presented unilaterally in an application or undertaken pursuant to a commercial or citizen agreement.

25. Wherever possible, we will construe the provisions of citizen agreements in a manner favorable to their implementation. Even where understandings are susceptible to different interpretations, we generally will decline to have parties redraft their agreements. We do not wish, by dispelling ambiguities in language, to inhibit development of the local discussion process. We cannot, however, approve agreements which contain "fixed determinations, binding and unchangeable," in areas where flexibility to serve the public interest is required. To the extent that any agreement surrenders this discretion to others, it cannot be considered by this Commission as having any force or effect. We agree with NOW that specificity per se is not improper,[9] but caution that detail may give rise to expectations of inflexibility which, if imposed, would be improper.

[4] See "Great Western Broadcasting Corp.", 53 FCC 2d 1147 (1975).

[5] Of course a licensee should not feel compelled to yield to demands from one interest group to the extent of disregarding other legitimate interests which must be served. Part of the licensee's function of addressing community needs with responsive practices consists of reasonably balancing those responses.

[6] If parties so request, we will place an agreement in the station file maintained at the Commission for public reference. This alone would not constitute an incorporation of the agreement into an application, however, and would not affect its review or enforcement by the Commission. (See paragraph 29, below.) However, we would not generally expect agreements to be filed with us unless incorporated in an application or submitted with a complaint or other request for specific and formal action.

[7] We recognized these differences in "International Good Music", FCC 60–1340 (1960) and "WSKP, Incorporated", 2 RR 2d 1103 (1964). In the latter case we said arrangements where station operators were not station employees presented a "fundamental question • • • as to whether such relationships lead to abdication of licensee responsibility, in violation of the control requirements of the Communications Act • • •"

[8] As we have pointed out elsewhere, there are activities which are clearly extraneous to the Commission's regulatory function. See "Black Identity Association," FCC 71–378, 21 RR 2d 746 (1971). However laudable such activities may be, we prefer neither to approve nor to disapprove agreement terms about them.

[9] In the "Proposed Policy Statement" we did not intend to imply that specificity is improper. The examples given in paragraph 15 were intended to illustrate improper binding of the licensee rather than improper content of those hypothetical agreements. As we stated immediately thereafter, in paragraph 16, "we have specifically declined to limit these accords by defining the *matters* that can be discussed and assented to by licensees and members of the public." (Emphasis supplied.)

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26. With respect to suggestions for specific agreement terms, we are not willing to specify how citizen agreements should ensure that licensee responsibilities are not abridged, preferring to leave citizens and licensees free to work out whatever arrangements they believe appropriate in their circumstances. We will therefore not require express savings clauses, nor will we imply a "blanket" savings clause. We will not strain the plain language of agreements to construe away provisions inflexibly binding licensees, nor to strengthen inadequate savings clauses, since these are matters for the parties.[10] We cannot allow ourselves to be cast in the role of a local mediator, resolving differences and recommending agreement terms. We have neither the staff nor the financial resources to assume such a burden, and are neither authorized nor willing to become a censor with respect to program disputes. We reject Metromedia's suggestions (paragraph 11, above) which would unnecessarily limit the scope of possible agreements, since we intend to avoid any nonessential restrictions on citizen agreements. We agree with NOW that it would not be appropriate for us to attempt any limitation of the EEOC conciliation process. See "National Broadcasting Company, Inc." (WRC-TV), 52 FCC 2d 273, 293 (1975).

27. Metromedia's fears that we will use our newly stated policies to punish licensees who entered improper agreements in the past is unfounded. With respect to agreements made prior to release of our Proposed Policy Statement (June 10, 1975) we said:

> [P]ending agreements which have been submitted as the *quid pro quo* for the withdrawal of an unresolved petition to deny will • • • be evaluated in accordance with [the policies and practices expressed here]. Agreements, heretofore either implicitly accepted or explicitly considered by the Commission in disposing of a petition to deny or similar protest, need not be revised by the parties or re-examined by the Commission. Instead, we will interpret these existing agreements in a manner consistent with our announced role and with the fundamental principle that the licensee has a non-delegable responsibility over the programming and operation of its station. Of course, provisions of existing agreements which may operate to improperly curtail this fundamental responsibility, will have no force or effect before this Commission. Finally, we believe that our announced course of action can and should be applied to any pending complaint concerning the licensee's implementation of a previously filed agreement.

Our consistent policy has been to call attention to deficiencies so that parties can take whatever remedial steps they believe appropriate. We do not believe that application of these policies to existing agreements as described above will "punish" any licensee. As to agreements entered into after release of this Report and Order, we would expect to continue an essentially remedial approach, but feel we must reserve the right to question the basic fitness of a licensee who—being fully on notice of our policy—engages in conduct clearly antithetical to that policy.

28. To reiterate, final responsibility (as well as accountability) for operating decisions of the type we are concerned with must remain with the licensee. We intend to give considerable weight to licensee determinations of what serves the public interest, just as we always have. We believe these standards are clear, and that examples of their application are unnecessary. We think the continued examination of agreements in accord with these standards offers the greatest promise of a reasonable balance between maximum licensee-citizen flexibility and effective performance of our duty to ensure compliance with applicable statutes, rules, and policies.

29. *Review and enforcement.* Balancing our concern for preserving the broadcaster's nondelegable accountability to the whole public against our determination not to cast the shadow of government over the process of local discussion—and in light of the Commission's limited resources—we will take cognizance of citizen agreements only to the following extent:

(a) If asked to determine whether an agreement is contrary to applicable statutes, rules, or policies, we will review it in conformity with the policies expressed here.

(b) Substantive agreement terms incorporated in an application will assume the status of representations to the Commission, and will be treated as are all promises of future performance.[11] We prefer not to impose any restrictions on the submission of agreements to us under these terms unless experience indicates we must.

30. We think NBC correctly states that oral agreements present unusual difficulties calling for different treatment than written agreements. As noted, a licensee may have difficulty drawing a line between formal oral "agreements" and those informal status reports or comments to listeners which are essential to efficient station operations. Extending filing and other requirements to oral agreements, therefore, may inhibit informal dialogue, contrary to our policy of encouraging it. Further, we continue to believe that we should not become embroiled in disputes as to the existence or terms of oral agreements, and will give no consideration whatever to those understandings. As we said in our Proposed Policy Statement, "the best evidence of any commitments alleged to rest upon a broadcaster-citizen agreement will be the licensee's understanding of that accord as reflected in his application representing it to the Commission." Nor will we require licensees to place notations or summaries of oral agreements in their public files. As for Mrs. Donnelly's fear of secret agreements: We believe, first, that citizen groups and licensees will generally prefer the certainty of written agreements to the vagueness of oral ones; and, second, that violations of a licensee's duty to serve the public interest are determined by its performance, not necessarily by the mere existence of a particular agreement. Since we believe the advantages of oral agreements far outweigh their possible disadvantages, we will not prohibit them. We will not, however, take cognizance of oral agreements.

31. In reviewing complaints that a licensee has breached promises made in a citizen agreement, we will judge its performance with our promise-versus-performance test—whether the licensee has made reasonable and good faith efforts to effectuate its proposals.[12] We strongly disagree with the CBS suggestion that alleged breaches of agreement terms incorporated in a broadcast application should be treated differently than deviations from other application proposals. We concur with CBS that aggrieved citizen groups should try to work out their differences with licensees before bringing their complaints to the Commission. This is consistent with our philosophy of encouraging local dialogue, and lessens our burden by resolving at least some disputes locally. Then too, since on receiving a complaint we generally ask for licensee comment, bringing a complaint to the Commission before discussing it with the station may only delay its resolution. However, we are not inclined to foreclose the possibility of direct complaints to us, and we decline to adopt any rigid complaint procedure absent a strong showing that one is necessary.

32. The appropriate remedy for specific allegations raising substantial questions of unsatisfactory performance is that mandated by Section 309(e) of the Communications Act: designation for hearing of the station's application for license renewal. 47 U.S.C. 309(e). PIRG's suggestion that we enforce agreements with forfeitures cannot be implemented, since forfeitures cannot be imposed for violations of Commission policy alone. 47 U.S.C. 503(b).

[10] It was our unwillingness to elevate a subordinate savings clause that led to our disapproval of the citizen agreement in the case of WAUD, "Letter to Ellen S. Agress," FCC 75-781, adopted July 1, 1975. There, we found that the savings clause was overridden by "the apparent binding nature of the terms of the agreement in light of the specific and clear language regarding the licensee's intention to be bound by the commitments set forth in the agreement." Indeed, even if a savings clause could be read as "coordinate" with a binding clause—rather than subordinate—we do not feel it is our place to choose which shall govern. That is for the parties to make plain.

[11] As with other representations, the licensee would be free to modify them, though we would ask to be informed if the modifications are significant. Upon our own motion, we may ask for explanation of any deviations that appear to be substantial.

[12] We will not enforce agreement terms not incorporatedin an application. And of course we will not enforce agreement terms in areas not cognizable by the Commission (see note 8, above), even if incorporated in an application.

33. *Procedural matters.* We recognize licensees' concerns that delay in disposing of applications is unfair to all parties. For that reason we are working to speed the processing of all applications, both contested and uncontested. However, the dramatic procedural changes some suggest would not facilitate determination of whether grant of an application would be in the public interest, and we believe their adoption would not be appropriate in the limited context of this proceeding. However, it is appropriate for us to consider the relationship between citizen agreements and petitions to deny. We do not believe we can, consistent with our own public interest obligation, restrict the right of any individual or group to file a petition to deny, as some commenters suggest. An agreement properly should be based on an honest acceptance of the merits of a proposal and not on any desire on the part of the licensee to further his own private interests or to avoid Commission scrutiny of his trusteeship. Thus, clauses in agreements barring petitions to deny would be improper, though we would accept a statement that the agreement satisfies objections which otherwise might have generated a petition to deny. We therefore caution parties against viewing an agreement as protection or insulation against future challenge. For the same public interest reasons, we also believe we must consider the allegations of petitions to deny, once filed, even if the petitioners request their withdrawal.[13] Allegations of past misconduct would of course receive close scrutiny. On the other hand, complaints that a licensee's operating proposals are inadequate might well be mooted by agreement undertakings, and could be resolved more easily.

34. Finally, the key assumption in successful dialogue and possible agreement is the good faith of the parties. We reiterate our recognition of the danger that "broadcasters may feel compelled to yield to organized pressure groups without regard to the merits of their complaints." "Final Report and Order," Docket 19153, 38 Fed. Reg. 28762, 28764. There is no way for the government to eliminate such threats entirely, without becoming so heavily involved in the business and the freedoms of broadcaster and citizen as to constitute, itself, a greater threat. However, on a showing that either party has abused the process of community dialogue, we will seek to ascertain whether Commission action would be appropriate.[14]

SUMMARY OF POLICY

35. Our consideration of the comments in this docket, as well as examples of citizen agreements that have come before us, has led us to the following conclusions. Citizens in a station's service area can make valuable contributions to broadcasting by communicating to the station licensee their perceptions of what the public interest requires. Licensees, for their part, have an obligation to seek out citizens' views, weigh them, and propose programming and operating practices to serve the public interest. The Commission's role is to establish procedures to facilitate these processes, and to determine whether licensees have, in fact, reasonably served the public.

36. One recent result of the dialogue between citizens and broadcasters has been more or less formal agreements, in which licensees undertake to operate in certain ways perceived by the parties to the agreement as serving the public interest. While we encourage community dialogue, a licensee is not obliged to undertake negotiations or agreements. However, if a licensee does enter an agreement, the following policies will apply.

37. The obligation to determine how to serve the public interest is personal to each licensee and may not be delegated, even if the licensee wishes to. Therefore, agreements must not take responsibility for making public interest decisions out of the hands of a licensee. Nor may they prevent it from changing the way the station serves the public interest as the licensee's perceptions change. The Commission, however, does not want to intrude unnecessarily into the processes of local dialogue and the exercise of licensee discretion. Therefore, considerable deference will be given a licensee's determinations of how to serve the public interest, and the Commission will not prescribe or prohibit any particular agreement terms, so long as they are not unlawful or violative of particular Commission rules.

38. To avoid unnecessary government interference, we will examine only written agreements, which either are incorporated in the licensee's renewal or other application, or which come to us upon complaint or request for formal ruling or review. Such agreements will be considered to the following extent:

(a) We will review them to determine whether they improperly delegate nondelegable licensee responsibilities, whether they improperly bind future exercise of the licensee's nondelegable discretion, and whether they otherwise comply with applicable statutes, rules, and policies.

(b) Substantive agreement terms constituting proposals of future performance will assume the status of representations to the Commission, if made in an application submitted to us, and will be treated by the Commission as are all promises of future performance. The licensee will be free to modify the representations later, but we would ask to be informed if the changes are significant. We may ask for explanation of any deviations that appear to be substantial.

39. If the Commission finds an agreement improper, it will so advise the parties, who may wish to correct the defects. Provisions of any agreement that rely on invalid terms will have no force and effect before the Commission. Serious abdications of licensee responsibility will raise a question about the licensee's basic fitness.

40. The success of the dialogue and agreement processes depends on the good faith of citizens and licensees. The Commission will consider appropriate action if there is evidence any party abused the processes or acted in bad faith.

41. Because citizen agreements may be of interest to members of the public in the station's service area, written citizen agreements must be placed in the station's public file, as specified by the amendment to Section 1.526 set forth in Appendix B.

42. The Commission recognizes that oral understandings and agreements may be a common practice. However, because of inherent problems in establishing the existence and terms of such agreements, the Commission will not consider them. (Of course, if an oral agreement is the basis for a license application representation, the Commission would treat that representation like any other, without reaching the underlying agreement.) The Commission, likewise, will not require that station public files contain information about oral agreements.

43. Finally, the Commission will accept a statement that an agreement satisfies objections which otherwise might have generated a petition to deny, but we cannot give effect to an agreement purporting to preclude the filing of a petition to deny. The parties' basis for their agreement should be a good faith determination that it promises to serve the public interest.

44. Once a petition to deny is filed, the Commission is bound to consider its merits, even if the petitioner requests its dismissal. A petitioner is free to withdraw his challenge at any time, but such an action would necessarily dispose of the issues raised.

45. For the foregoing reasons, the policy set forth above is adopted; and § 1.526 of our Rules is amended as shown below. Authority for these actions is found in Sections 4(i), 303 and 307 of the Communications Act of 1934, as amended, effective January 22, 1976.

46. *It is further ordered,* That the proceedings in Docket 20495 are terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307).)

Adopted: December 10, 1975.

Released: December 19, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX A, PARTIES FILING COMMENTS

(*Indicates Reply Comments Also Filed)
American Broadcasting Companies, Inc.* (ABC)
CBS Inc. (CBS)
Corinthian Broadcasting Corporation
Mrs. Elaine Donnelly, Michigan Chairman, STOP E.R.A. Committee
General Electric Broadcasting Company, Inc.* (GE)

[13] This is not to preclude petitioners from withdrawing themselves and their pleadings at any time they choose. "WAUD," note 10, above. But the "issues" raised in such pleadings may not readily disappear.

[14] See "Northwestern Indiana Broadcasting Corporation," FCC 75-1085 (1975).

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KBOX Radio, *et al.*[6] (KBOX)
KBOX, Dallas, Texas, KFAB, Omaha, Nebraska, KGOR (FM), Omaha, Nebraska, KLZ (AM & FM), Denver, Colorado, KTLC (FM), Dallas, Texas, KVGB, Great Bend, Kansas, WAEZ (FM), Akron, Ohio, WAFB–FM, Baton Rouge, Louisiana, WAKR, Akron, Ohio, WBIP, Booneville, Mississippi, WBMJ, San Juan, Puerto Rico, WBOP (AM & FM), Pensacola, Florida, WDXN, Clarksville, Tennessee, WFDF, Flint, Michigan, WGCM, Gulfport, Mississippi, WIFC (FM), Wausau, Wisconsin, WKAU (AM & FM), Kaukauna, Wisconsin, WKRG (AM & FM), Mobile, Alabama, WLOI (AM & FM), La Porte, Indiana, KMA, Shenandoah, Iowa, WOKJ, Jackson, Mississippi, WONE, Dayton, Ohio, WSAU, Wausau, Wisconsin, WTAM (FM), Gulfport, Mississippi, WTRF (FM), Wheeling, West Virginia, WTUE (FM), Dayton, Ohio, WTUG, Tuscaloosa, Alabama, WTUP, Tupelo, Mississippi, WVOJ, Jacksonville, Florida, WWCA, Gary, Indiana, KCAU–TV, Sioux City, Iowa, KGUN–TV, Tucson, Arizona, KIVI (TV), Nampa, Idaho, KLTV, Tyler, Texas, KMTV, Omaha, Nebraska, KOAA–TV, Pueblo, Colorado, KOSA–TV, Odessa, Texas, KPVI (TV), Pocatello, Idaho, KFSM–TV, Fort Smith, Arkansas, KTRE–TV, Lufkin, Texas, KXON–TV, Mitchell, South Dakota, WAFB–TV, Baton Rouge, Louisiana, WAKR–TV, Akron, Ohio, WCTV, Thomasville, Georgia, WHNB–TV, New Britain, Connecticut, WICS (TV), Springfield, Illinois, WKRG–TV, Mobile, Alabama, WMTV, Madison, Wisconsin, WRAU–TV, Peoria, Illinois, WSAU–TV, Wausau, Wisconsin, WSAV–TV, Savannah, Georgia, WTRF–TV, Wheeling, West Virginia, WTVO (TV), Rockford, Illinois.
Metromedia, Inc. (Metromedia)
NAACP Legal Defense and Educational Fund, Inc. (NAACP)
National Association of Broadcasters (NAB)
National Black Media Coalition (NBMC)
National Broadcasting Company, Inc. (NBC)
National Citizens Committee for Broadcasting (NCCB)
National Organization for Women *(NOW)
Office of Communication, United Church of Christ (UCC)
Orion Broadcasting, Inc., *et al.* (Orion), Orion Broadcasting, Inc., Donrey, Inc., Community Television of Southern California
Public Interest Research Group, *et al.* (PIRG), Public Interest Research Group, Connecticut Citizen Action Group, Massachusetts Public Interest Research Group, Missouri Public Interest Research Group, New Jersey Public Interest Research Group, New York Public Interest Research Group
Rio Grande Valley Coalition on the Media, committee of La Federacion de Organizaciones del Valle
St. Louis Broadcast Coalition
Storer Broadcasting Company (Storer)
Worldvision Enterprises, Inc. (Worldvision)

Part I of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 1.526(a)(1) a sentence is added, the present Note designated as Note 1, and a new Note 2 added; and in paragraph (e)(2) a sentence is added to read as follows:

§ 1.526 Records to be maintained locally for public inspection by applicants, permittees, and licensees.

(a) * * *
(1) * * * The file shall also contain a copy of every written citizen agreement.
* * * * *

NOTE 2: For purposes of this section, a citizen agreement is a written agreement between a broadcast applicant, permittee, or licensee, and one or more citizens or citizen groups, entered for primarily noncommercial purposes. This definition includes those agreements that deal with goals or proposed practices directly or indirectly affecting station operation in the public interest, in areas such as—but not limited to—community ascertainment, programming, and employment. It excludes common commercial agreements such as advertising contracts; union, employment, and personal services contracts; network affiliation, syndication, and program supply contracts; and so on. However, the mere inclusion of commercial terms in a primarily noncommercial agreement—such as a provision for payment of fees for future services of the citizen-parties [see "Report and Order," Docket 19518, —— FCC 2d —— (1975)]—would not cause the agreement to be considered commercial for purposes of this section.

* * * * *

(e) * * *
(2) * * * If a written agreement is not incorporated in an application tendered for filing with the Commission, the starting date of the retention period for that agreement is the date the agreement is executed.

* * * * *

[FR Doc.75-34959 Filed 12-29-75;8:45 am]

[Docket No. 19861; FCC 75-1360]

PART 73—RADIO BROADCAST SERVICES

Noncommercial Educational Broadcast Stations; Retention of Audio Recordings

In the matter of amendment of Part 73 of the Commission's rules and regulations to require noncommercial educational broadcast stations to retain audio recording under certain circumstances.

1. The Commission has under consideration its notice of proposed rulemaking, adopted November 7, 1973 (38 FR 31456), and the responsive pleadings filed by interested parties.[1]

2. This proceeding was instituted by the Commission following the enactment of Public Law 93–84[2] which added new subsection (b) to Section 399 of the Communications Act of 1934, as amended. The new subsection reads as follows:

"(b)(1) Except as provided in paragraph (2), each licensee which receives assistance under this part after the date of the enactment of this subsection shall retain an audio recording of each of its broadcasts of any program in which any issue of public importance is discussed. Each such recording shall be retained for the sixty-day period beginning on the date on which the licensee broadcasts such program.

(2) The requirements of paragraph (1) shall not apply with respect to a licensee's broadcast of a program if an entity designated by the licensee retains an audio recording of each of the licensee's broadcasts of such a program for the period prescribed by paragraph (1).

(3) Each licensee and entity designated by a licensee under paragraph (2) which retains a recording under paragraph (1) or (2) shall, in the period during which such recording is required under such paragraph to be retained, make a copy of such recording available—

(A) to the Commission upon its request, and

(B) to any other person upon payment to the licensee or designated entity (as the case may be) of its reasonable cost of making such copy.

(4) The Commission shall by rule prescribe—

(A) the manner in which recordings required by this subsection shall be kept and

(B) the conditions under which they shall be available to persons other than the Commission, giving due regard to the goals of eliminating unnecessary expense and effort and minimizing administrative burdens."

3. In our notice, we emphasized a desire to adopt rules creating a workable system which adheres to the Congressional mandate to retain audio recordings while also responding to the clear intent that administrative and financial burdens placed upon the noncommercial, educational broadcaster be minimized. The notice declined to issue a formal proposal, requesting, instead, that educational stations and associated organizations respond by suggesting appropriate methods to accomplish the requirements of the statute.

4. Legislation requiring the audio recording and retention by noncommercial, educational broadcasters of programs in which issues of public importance are discussed (hereinafter referred to as "recording and retention") was introduced on three separate occasions prior to its passage by the Ninety-third Congress. In the second session of the Ninety-first Congress, an amendment requiring noncommercial, educational broadcasters to record and retain public affairs programs[3] was added to pending public broadcasting financing legislation during the course of committee deliberations.[4]

[1] A listing of the parties filing comments or replies is found in Appendix A.

[2] 47 U.S.C. 399(b), 87 Stat. 219, approved August 6, 1973.

[3] The amendment would have added new Section 399(b) to the Communications Act to read as follows:
"Sec. 399(a) * * *
(b) In order to assure compliance with this section and with other provisions of this Act requiring fair treatment of matters in the public interest, the Commission shall prescribe such regulations as may be appropriate to require that broadcast stations which receive assistance under this title (1) keep records, including audio recordings, for a reasonable period of time of each program broadcast which involves an issue of public importance, and (2) furnish such records to the Commission at its request. The Commission shall make such records available to the public at the requesting party's cost under such circumstances and conditions as may be reasonable and appropriate."

[4] The Senate Commerce Committee report, S. Rept. No. 91–869, May 14, 1970, explained that, under the amendment, public broadcasters would be required to "keep adequate records, including audio recordings of programs they broadcast that involve public affairs". The report said the requirements were necessary to assure that public broadcasters would not be subjected to political pressure and influence from outside sources. The Committee report also emphasized that the amendment applied only to programs involving issues of public importance, such as public affairs and news type programs and not to programs such as Sesame Street and Misterogers' Neighborhood.

Though the amended measure was approved in the Senate (S. 3558), the recording and retention requirement was subsequently deleted in a Senate-House conference after it was disclosed that the amendment had not been the subject of hearings in either house.[5] In the Ninety-second Congress, despite the urging of Senator Robert P. Griffin,[6] neither house would agree to the amending of pending public broadcasting financing legislation so as to require recording and retention by public broadcasters. In the Ninety-third Congress, the Senate, after extensive committee hearings on public broadcasting[7] which included some discussion on recording and retention,[8] passed and sent to the House the Public Broadcasting Act of 1973 (S. 1090). As approved, the measure included an amendment to Sec. 399 which would require recording and retention by public broadcasters. The House counterpart (H.R. 8538), as it was introduced, contained verbatim the language of the Sec. 399 amendment in the Senate bill. In committee, however, that language was substantially revised and clarified,[9] the result of which is the statute we are now directed to implement.

5. The intent of Congress, as manifested in the legislative histories discussed above, strongly suggests that the meanings attached by Congress to the phrases "public affairs" and "issues of public importance" favorably comport with the definitions of those phrases as contained within the Commission's rules and policy reports.[10] The general acceptance and understanding of these terms within the broadcast industry merits their adoption in this proceeding. Thus, we believe that compliance with the provisions of Section 399(b) will be achieved by the recording and retention of those programs which consist of talks, commentaries, discussions, speeches, editorials, political programs, documentaries, forums, panels, roundtables, and similar programs primarily concerning local, national, and international public affairs where the licensee, on the basis of a subjective, good faith judgment, determines that the program in question involves an issue or issues that are likely to have an impact upon the community at large, society, or its institutions.[11]

6. The comments of the parties raise the following questions which we shall consider seriatum:

(a) What constitutes an audio recording?

(b) What is an entity and what is its purpose?

(c) What audio recordings may an entity retain?

(d) What audio recordings must a licensee retain?

(e) What is a licensee's responsibility for the acts of an entity?

(f) May a licensee be reimbursed for the costs of complying with the statute, and, if so, to what extent?

(g) What procedural requirements may be imposed upon a party submitting a request that a program recording be made available (hereinafter referred to as "access" or an "access request")?

(h) Related miscellaneous matters.

7. *What constitutes an audio recording?* The intent of Congress that public affairs programs aired by noncommercial, educational broadcasters be retained through the use of audio recordings is unmistakably clear. Further, testimony before the Communications Subcommittee[12] leaves no doubt that "audio recording" was the medium to be used in complying with the Act. Previous versions of the proposed recording and retention amendments required that "records" as well as "audio recordings" be retained, raising questions of whether or not "records" meant written scripts and logs or electrical transcriptions. Any ambiguities that may have existed in the previous legislation were removed by the deletion of "records" and the exclusive use of "audio recording" in the present law. Consequently, we reject the contention offered in one comment that an "audio recording" means a written transcript. We do not believe that Congress intended educational broadcasters to incur added expense by employing additional personnel simply to transcribe and produce written transcripts for possible future public review.

8. An array of methods exists for obtaining both audio recordings and copies of those retained recordings. WSWP, WBUR, Jack Straw, and PBS suggest the use of slow-speed, continuous-logging tape recorders, but Jack Straw, EB, and APRS assert that such equipment will cost each public broadcaster anywhere from $1,500 to $6,000, an expense which, if required, would imperil the very existence of many small public broadcasting stations. We do not think Congress intended such a result. Moreover, we think the suggestion by PBS that consideration be given to cassettes, cartridges, and small reel to reel recorders as recording modes represents a more prudent and practical approach.

9. The only regulation we adopt with regard to the nature of the audio recording and the requested copies requires that such recordings and copies of recordings, regardless of the method used, be accurate, complete, and intelligible. Further, we believe that a member of the general public who seeks access to a particular program recording should be provided a copy[13] of the program in a form that allows for listening on playback devices commonly available to the general public.[14] Finally, in response to an inquiry from WSWP, we see no reason why the recording provided pursuant to a statutory request should be of "broadcast quality", for it is not intended, and indeed, it cannot be used for rebroadcast purposes without the express authority of the originating station.[15]

10. *What is an entity and what is its function? What audio recordings may an entity retain?* The utilization of the entity concept by Congress seems to have arisen from an awareness[16] that a vast amount of expensive and unnecessary

[5] Conf. Rpt. No. 91–1466, Sept. 23, 1970. It should be noted that the House version of the Public Broadcasting Act (H.R. 17982) did not, either as it was introduced or as it was passed, contain any recording and retention provisions.

[6] Hearings before the Subcommittee on Communications and Power of the House Committee on Interstate and Foreign Commerce on Public Broadcasting," 92nd Cong., 2nd Sess., Serial No. 92–62, February 1–3, 1972, at p. 241. The Senator's stated purpose for appearing was to urge adoption of an amendment which would insure objectivity and balance in "public affairs" programming. Concurrent with his appearance before the House committee, Senator Griffin also introduced S. 3227 in the Senate. The proposal which was identical in both language and content to the proposed House amendment and the original proposal before the Ninety-first Congress (see Note 3) was referred to the Commerce Committee where it received no further consideration.

[7] See "Hearings before the Subcommittee on Communications of the Senate Commerce Committee on S. 1090, The Public Broadcasting Act of 1973, 93rd Cong., 1st Sess., Serial No. 93–10, March 28–30, 1973."

[8] Id. at pp. 111–117.

[9] H. Rpt. No. 93–931, June 26, 1973.

[10] "Public affairs" is defined at § 73.112 (a)(1)(iii), Note 1.(d)—AM; Section 73.262 (a)(1)(iii), Note 1.(d)—FM; Section 73.670 (a)(1)(iii), Note 1.(d)—TV. "Issue of public importance" is discussed and defined in the *Fairness Report*, 48 F.C.C. 2d 1 (1974) at p. 12.

[11] It should be noted that our adoption of the standard set forth in para. 5 represents a departure from the preliminary statement we made in the notice equating "any issue of public importance" with a "controversial issue of public importance". Reconsideration of our position was prompted in part by the receipt of correspondence from Senator Griffin (which we are considering as an informal comment) which strongly disputed the determination announced in our notice. Weighing the statements in our notice, the comments, and the legislative history, we now believe, upon further consideration, that our initial determination equating "any issue of public importance" with "controversial issue of public importance" was incorrect. The word "any" in the phrase "any issue of public importance" is, in our opinion, plain and unambiguous language which we are bound to effectuate in the rules we are adopting in this proceeding. Significance is also attached to the action of the House Committee in specifically revising the Senate-approved language by adding the word "any" to the statute.

[12] See note 7, *supra*.

[13] For purposes of this rule, "copy" is defined as a mechanical or magnetic reproduction of sound transcribed upon reel to reel tapes, cassettes, cartridges, dictabelts, recording discs, or other similar devices. For the reasons discussed in the concluding portion of paragraph seven, the definition of "copy" does not include written transcripts.

[14] In those instances where a program is either filmed or video-taped, the rule would be satisfied by making a recording of the sound track available.

[15] 47 U.S.C. 326(a).

[16] In the committee hearings on S. 1090 (see Note 7), Senator Pastore, with Hartford N. Gunn, president of PBS, as a witness, stated:
"Mr. Gunn brings up a good point. In order to avoid duplication by having 238 stations make tapes on a program that has national circulation, that the service ought to do it. I think that is the answer to the problem. Maybe we ought to refine this about who ought to have it."

V 40 N 250 DEC 30 75 XUM

duplication would result should each and every noncommercial broadcaster be required to retain an audio recording of a program already being retained elsewhere. Thus, the role of the entity is to eliminate duplication by performing, for one or more licensees, the duties required of the licensee by Sec. 399(b). At the national level, organizations such as PBS and NPR (National Public Radio) could serve as entities for all public affairs programs involving issues of public importance which they originate or distribute over their interconnection facilities. The same would presumably be the case with the regionally interconnected educational networks. In fact, though the committee testimony examined the use of entities at the national level only, we believe the entity concept may be used at any level and should be used wherever duplication and redundancy can be avoided.[12]

11. *Which audio recordings must a licensee record and retain?* Sec. 399(b) allows licensees the opportunity of designating entities to whom it may delegate the responsibility of recording and retaining public affairs programs in which issues of public importance are discussed. As we noted in the previous paragraph, the services of an entity may be utilized from the local level to the national level. In some cases, however, a licensee may find that an entity is unavailable, or decide that designation of an entity is unnecessary. In those instances, the statute requires that the licensee itself record and retain the programming regardless of the source of production or origination. Our rules will require that licensees record and retain all public affairs programming when any issue of public importance is discussed where the responsibility for the recording and retention of that program material has not been delegated to an entity.

12. *What is a licensee's responsibility for the acts or omissions of an entity?* PBS asserts that a licensee, having taken reasonable steps to insure that a designated entity can and will comply with the Act, should not be held responsible and therefore subject to forfeiture as the result of the entity's failure to act in a prescribed manner. PBS argues that to hold otherwise will require licensees to continue recording their public affairs programming in order to protect themselves. WGBH urges the Commission to extend maximum flexibility to licensees in designating entities, but adds that the licensee itself must remain responsible for compliance with the rules.

[12] For example, educational institutions that produce pre-recorded public affairs programming which is distributed to subscribers by mail or freight could serve as entities for those programs. Jack Straw urges the creation of taping centers in areas where several noncommercial, educational stations have overlapping signals. According to Jack Straw, these centers would record the necessary public affairs programs and then serve as an entity for the licensees in the area. Both of the above proposals are consistent with the entity concept and demonstrate the innovation and flexibility that may be utilized by licensees.

13. Requiring the licensee to assume responsibility for compliance with the rules where it is involved in the processing of the access request, is not, in our view, unreasonable or overly-burdensome. The rule will be satisfied if the licensee, using reasonable diligence, attempts to insure that there will be compliance with the rules by the entity. Where there is a complaint alleging a failure to comply with the rules, we will inquire of the licensee's efforts to insure compliance and prevent violation. If it should appear that reasonable precautions were observed, the licensee may be absolved. If, however, reasonable precautions were not observed by the licensee, then sanctions may be imposed. The standard to be used in these matters is no greater than that already imposed elsewhere in the Commission's regulations. It goes without saying that a licensee cannot be held responsible for the errors and omissions of an entity where it has no knowledge of, involvement in, or control over a particular access request.

14. In our Notice, we requested interested parties to submit specific proposals on the various aspects of access. The comments and replies focused on two subtopics: (a) reimbursement to the licensee or entity of costs involved in producing a copy of a particular program; and (b) methods of granting access to an interested party.

15. *May a licensee be reimbursed for the costs of complying with the statute, and, if so, to what extent?* A reading of the statute clearly indicates that a licensee or entity is entitled to receive, from the party making the request, reimbursement of the reasonable costs of making a copy of a program.[13] Various parties have suggested items they believe should be included in a "reasonable cost" computation. We do not think it necessary to embark on an extended, detailed, and possibly futile discussion of each potential cost item. We believe the question of what constitutes "reasonable costs" can be ascertained on a case-by-case basis utilizing generally accepted cost accounting principals.[14]

16. *Methods of granting access to an interested party.* Many of the licensees and educational broadcasting organizations urge the Commission to adopt rules requiring persons seeking access to identify themselves as a condition precedent to access. WGBH suggests that in addition to personal identification, persons seeking access should be required to disclose organizational affiliation and the purpose for the request, as in the case of public access to television program logs.[15] WGBH suggests that such information is necessary to maintain building security, "proof of access" records, and a continuing dialogue with the general public.

17. We believe the identification requirements governing access to a station's local public file [16] are more appropriate than the TV program log inspection rules for purposes of a Sec. 399(b) access request. Keeping in mind the spirit and intent of the statute, there appears to be a need for nothing more than minimal identification. The rules we adopt will allow a licensee or entity to require identification from the party seeking access but only to the extent of ascertaining the name and address of the party.

18. Various parties urge that all requests for copies of program recordings be made in writing. This, they say, will reduce errors and possible misunderstandings. We agree. As in a contract, for instance, a writing adds certainty. It specifically describes the performances required of the parties. Moreover, the writing itself is frequently used as a means of resolving disputes. Whether or not the written request is sufficiently clear will depend upon whether or not the program requested is capable of being identified with reasonable certainty. A satisfactory request will be expected to include the title of the program, the identity of the speaker(s) (if known), and the time and date of airing. Further, we would expect both licensees and entities, for administrative reasons and for possible future use, to retain either the request or a copy of the request along with a brief notation of the disposition of the request.[17]

19. We are adopting rules which require the party seeking access to a particular program to make payment in advance of the production of a copy of the requested program. The reason for such a rule seems obvious. A noncommercial, educational licensee needs some assurance, at the time the request is made, that its efforts in assigning manpower, expending materials, and utilizing equipment will not be made in vain. It may be argued, though not persuasively in our opinion, that advance payment will act as a deterrent to access. We do not agree. The party who would be unable to make advance payment would, more likely than not, be unable to make payment at all. Payment of reasonable cost is contemplated by the statute and we think payment in advance does nothing more than assure the licensee that the request is legitimate.

20. In requiring payment in advance, we think it not unreasonable or overly burdensome to require that a licensee provide a person seeking access with a written, clearly-stated itemization of the charges made as the result of the request. Such a requirement seems basic and we would not expect noncommercial, educational broadcasters to find it objectionable.

21. Only one party offered comments on the question of where access should be consummated as between a licensee or entity and the person requesting a program recording. WGBH suggested that the copy of the recording be made available at the main studios of the licensee. We think a more flexible approach is required. For instance, many radio and television listeners and viewers are either temporarily or permanently incapacitated and therefore unable to present an access request at the main studio. Were we to require that all access requests be tendered in person at the main studio of a licensee, we would be effectively denying a substantial segment of the population an opportunity to review and examine the recorded programming. Our rules, therefore, will provide that an access request under the provisions of Sec. 399 (b) may be made either by presenting a written request in person at the licensee's main studio (or entity's principal place of business), or by mailing a written request to the licensee or entity at the main studio or principal place of business. While it can be argued that such a provision will operate as an additional administrative burden upon the licensee or entity, we think such an objection is overshadowed by the greater public interest in attempting to make access available to all members of a community.[18]

22. On the question of whether licensees or entities should be required to provide playback equipment for the use of parties making access requests, WGBH admits that leaving members of the public to fare for themselves may make access more difficult, but asserts that requiring stations to provide such equipment would be extremely burdensome financially. WGBH says the four classes of prospective users, the Commission, members of Congress, community groups, and individuals, already have access to some form of recording and playback equipment at their offices, schools, public libraries, or homes. PBS adds that since the Act enjoins the Commission to consider the burdens of compliance, no basis exists for requiring licensees to provide playback capabilities for use by the public.

23. The act makes no specific mention of a duty on the part of public broadcasters to provide equipment on which a recording may be reviewed. Further there is no apparent direction by implication that such facilities be provided.[19]

24. Neither the Act, its legislative history, nor the comments of the parties reveal what type of time frame is to be utilized in satisfying an access request. Our primary intent is to insure that access requests be granted with promptness, allowing for varying circumstances that may arise with regard to the location of the retained recordings. Accordingly, in those instances where a public affairs program dealing with issues of public importance has been produced, originated, and subsequently retained by either a local entity or the licensee itself, we think the licensee or entity should be accorded a reasonable time not to exceed seven days, commencing upon receipt of the written request and advance payment, in which to furnish the party seeking access a copy of the requested program.[20] Where a designated entity is not located within the licensee's community of license, the licensee or entity will be accorded a reasonable time, not to exceed twenty-one days, commencing upon receipt of the written request and advance payment, in which to furnish the party seeking access a copy of the requested program.[21] For the purpose of construing our rules, an access request will not be considered as having been "actually received" until such time as both a written request and advance payment have been received by the licensee or entity.

25. *Related miscellaneous matters.* Rowley urges the Commission to include a procedure for the handling of disputes which he alleges may arise between licensees' entities, and the parties seeking access. He suggests that any complaints arising as the result of disputes involving actions required by Sec. 399(b) and the rules we are adopting, be filed with the Commission within five days after the dispute arises. The Commission, under the Rowley proposal, would be required to act within ten days after receipt of the complaint. While the Commission solicits innovative suggestions which will expedite the administrative process, we see little merit in adopting proposals which sacrifice informed consideration solely for the sake of hurried disposition. Moreover, we see little sense in creating yet another system to handle matters already being resolved by our present procedures, particularly in light of recent public criticism directed at the proliferation of government regulation. For these reasons, we decline to adopt the Rowley proposal, preferring, instead, that all disputes arising under the rules implementing Sec. 399(b) be resolved through the use of the established complaint procedure used by the Commission.

26. APRS and PBS suggest that licensees and entities be allowed to protect themselves against possible future claims of copyright infringement, defamation, or violations of privacy by requiring parties seeking access to execute release agreements. We think the provisions of the Communications Act of 1934, as amended, and the judicial interpretation of those provisions are sufficient to deal with the potential problems. For instance, Section 325(a) of the Communications Act of 1934, as amended,[22] would preclude the rebroadcasting of recordings prepared in accordance with the requirements of Sec. 399(b) where no "rebroadcast" permission was granted by the originating licensee. Further, a licensee or entity required by this act to make a recording available to a requesting party would presumably receive immunity from claims alleging defamation[23] or copyright infringement where it had no recourse but to comply with the statutory requirement.

27. For purposes of interpreting and complying with the statute, we think it is both necessary and appropriate to define the word "assistance" which appears in Section 399(b)(1). Any person, association, corporation, State or political subdivision thereof, who is either licensed to operate or holds a permit to construct a public, noncommercial, educational broadcast facility and who receives from federally-funded sources (a) matching grants for construction of broadcast facilities as provided for under the Communications Act of 1934, as amended,[24] (b) grants for the production of educational television or radio programs for national or regional distribution,[25] or (c) payments to aid in the financing of either local programming or operational costs incurred by the noncommercial, educational broadcast facility,[26] will be deemed to have received "assistance" for purposes of complying with the rules adopted in this proceeding.

28. Neither the rules we are adopting nor the foregoing discussion of those

[13] 47 U.S.C. 399(b)(3)(B).

[14] We would not expect a licensee to include the original program production costs as part of the "reasonable costs." There is clearly no intent that the provisions of the statute be used to provide licensees with an indirect program production subsidy. It is not contemplated, for example, that the cost of the tape used to prerecord a program for airing at a later time or to record a program presented on a "live" basis would be included within a "reasonable cost" computation. In the former case, the tape cost is part of the program production cost. In the latter example the licensee or entity is required by the statute to retain a copy of any public affairs program in which an issue of public importance is discussed. "Reasonable costs" are limited to the cost of making a copy of the retailed recording and do not include the cost of the retained recording itself. Further, we would not expect revenue derived from duties required by Sec. 399 to be used for purposes of underwriting other portions of the station operation.

[15] Section 73.674 of the Commission's Rules and Regulations.

[16] See interpretation of Section 1.526(d) in *WAPA-TV*, 32 F.C.C. 2d 729 (1971), which states that a person requesting access to the local public inspection file may be required to give his or her name and address but not more.

[17] The requests or copies of the requests should be retained for a period of three years from date of receipt as in the case of comments and suggestions received from the public though, at this time, we see no reason why such requests should be required to be kept in the licensee's public inspection file.

[18] We do not construe "available" to mean that playback facilities must be provided, only that a copy of requested recording itself be made available. Moreover, none of the parties who submitted comments specifically argued that a licensee has an obligation under the statute to provide such equipment. Absent a showing that the public interest would be benefitted by requiring licensees and entities to provide playback equipment, we refrain at this time from adopting rules to that effect. This decision, however, should not be construed as prohibiting licensees and entities from making such playback equipment available should they wish to do so.

[19] This provision would also extend to programs not produced locally which the licensee is required to record and retain, where, for one reason or another, an entity is not designated to record and retain the program for the licensee.

[20] Our reason for allowing seven days in one instance and twenty-one days in the other is relatively simple. We contemplate that there will be little delay attributable to mailing and delivery where only a local entity or licensee is involved. In cases where the entity may be located a substantial distance from the licensee, or from the party making the request, the amount of time for mailing and delivery would be significant.

[22] 47 U.S.C. 325(a).

[23] See "Farmers Educational and Cooperative Union v. WDAY, Inc.", 360 U.S. 525 (1959).

[24] 47 U.S.C. 390.

[25] 47 U.S.C. 396(g)(2)(B).

[26] 47 U.S.C. 396(g)(2)(C).

V40N250 DEC 30 75 XUM

rules represents an attempt to resolve all conceivable problems which may arise. We have, instead, left many of these matters to the resourcefulness of the parties, preferring that they mutually agree on the resolution of questions concerning, for example, whether advance payment may be made in cash or by check, or whether an itemized statement of charges must be presented at the time of advance payment or at the time the requested recording is tendered to the party seeking access. Finally, it is our intention, and we would expect both licensees and entities to assume a similar view, that the rule of reasonableness prevail in the application of the sixty-day retention provision. Receipt of an access request by a licensee or entity at any time prior to the end of business hours on the sixtieth day should be interpreted as extending the retention period until the matter is finalized. We expect that any procedures adopted by the licensees will be consistent with the intent of the statute and will not deter members of the general public from availing themselves of access opportunities.

29. Authority for the adoption of the rules herein is contained in 47 U.S.C. 399 (b)(4), 4(i), 303(j) and (r).

30. *Accordingly, it is ordered*, That the rules set forth below are adopted, effective January 26, 1976.

31. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1088, 1082; (47 U.S.C. 154, 303))

Adopted: December 10, 1975.

Released: December 19, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX A

PARTIES FILING COMMENTS IN RESPONSE TO THE NOTICE OF PROPOSED RULE MAKING IN DOCKET NO. 19661.

Association of Public Radio Stations, (APRS)
Jack Straw Memorial Foundation and Poor People's Radio Incorporated, (Jack Straw)
KASU-FM, Arkansas State University, (KASU)
National Association of Educational Broadcasters, (NAEB)
Public Broadcasting Service, (PBS)
Rowley, III., Horace P., (Rowley)
WBUR, Boston University, (WBUR)
WGBH Educational Foundation, (WGBH)
WPLN, Nashville Public Library, (WPLN)
WSWP-TV, Beckley, West Virginia, (WSWP)

Joint Comments of Educational Broadcasters (EB)

Connecticut Educational Television Corp.
University of Illinois Board of Trustees
Central Michigan University
Lehigh Valley Educational Television Corp.
The University of Maine
The Regents of the University of Nebraska
Nebraska Educational Television Commission
Northeastern Pennsylvania Educational Television Ass'n.
South Carolina Educational Television Network
South Central Educational Broadcasting Council
Virginia Public Telecommunications Council
Board of Regents of the University of Wisconsin
State of Wisconsin Educational Communications Board

1. Section 73.127 is added to read as follows:

§ 73.127 Retention of audio recordings.

(a) Except as provided in paragraph (b) of this section, each licensee of a standard broadcast station which, after August 6, 1973, receives assistance pursuant to Part IV of the Communications Act of 1934, as amended, shall retain an audio recording of each of its broadcasts of any public affairs program in which any issue of public importance is discussed. Each such recording shall be retained for a period of sixty days commencing from the date on which the program was last broadcast.

(1) As used in this regulation, "assistance" is defined to mean receipt from federally-funded sources of (i) matching grants for the construction of noncommercial, educational broadcast facilities as provided for under Title III, Part IV of the Communications Act of 1934, as amended, (ii) grants for the production of educational television or radio programs for national or regional distribution as provided for under Title III, Part IV of the Communications Act of 1934, as amended, or (iii) payments to aid in the financing of either local programming or operational costs incurred by noncommercial, educational broadcast stations as provided for under Title III, Part IV of the Communications Act of 1934, as amended.

(b) The requirements of paragraph (a) of this section shall not apply with respect to a licensee's broadcast of a program if an entity designated by the licensee retains an audio recording of each of the licensee's broadcasts of such a program for the period prescribed by paragraph (a) of this section. *Provided*, That nothing within this paragraph shall be construed as absolving the licensee from responsibility for compliance with these rules in the event of an error or omission by a designated entity where the licensee has been involved in the access request and has failed to discharge that responsibility with reasonable diligence. A licensee shall record and retain audio recordings of all programs required to be retained by this regulation where an entity has not been delegated by the licensee to perform the requirements specified in paragraph (a) of this section.

(c) Each licensee or entity designated by a licensee under paragraph (b) of this section which retains an audio recording pursuant to paragraphs (a) and (b) of this section shall, in the period during which the recordings are required under paragraph (a) of this section to be retained, make a copy of such recording available:

(1) To the Commission upon its request, and

(2) To any other person who requests such a copy and makes advance payment to the licensee or designated entity (as the case may be) of its reasonable costs of making such a copy.

(d) All requests for copies of audio recordings made pursuant to this section shall be made within sixty days of the date on which the program was last broadcast, and shall be in written form containing detail sufficient to identify the requested program with reasonable certainty. Requests may be made either to the licensee, for its action, or if the designated entity is known to the requesting party, to the designated entity. The written request, which shall be retained for a period of three years by the licensee or entity to whom it is addressed, may be tendered in person or by correspondence at the licensee's main studio or principal place of business, or at the principal place of business of the designated entity. The licensee or designated entity shall be accorded a reasonable time commencing upon receipt of both the request and the payment in which to satisfy the request: *Provided*, That:

(1) Where there is recording and retention by either a licensee or designated entity located within the licensee's community of license, a reasonable time shall not exceed seven days from the date on which the request is actually received, and

(2) Where there has been recording and retention by a designated entity not located within the licensee's community of license, a reasonable time shall not exceed twenty-one days, commencing from the date the request is actually received.

NOTE 1: For purposes of this rule, "copy" is defined as a mechanical or magnetic reproduction of sound transcribed upon reel to reel tapes, cassettes, cartridges, dictabelts, recording discs, or other similar devices. The definition "copy" does not include written transcripts.

NOTE 2: A request is not actually received until such time as both a written request and advance payment have been received by the licensee or entity.

(e) A licensee or designated entity which provides a copy of an audio recording to a member of the general public pursuant to a request made under these rules may, as a condition precedent, require the party making the request to disclose his or her name and address.

(f) Revenues derived by a licensee or designated entity from fees charged pursuant to paragraph (c)(2) of this section shall not

(1) Exceed the reasonable costs of complying with paragraph (c) of this section,

(2) Nor shall the revenue be used to subsidize other facets of the licensee's or entity's business operations.

(g) A party who requests the production of a recording pursuant to the provisions of paragraph (c) of this section may require the licensee or designated entity to

(1) Provide a copy of an audio recording that is accurate, complete, intelligible, and capable of being audibly reviewed on playback devices commonly available to the general public, and

(2) Provide an itemized statement of the reasonable costs of making a copy of the requested program.

2. Section 73.600 is added to read as follows:

§ 73.600 Retention of audio recordings.

(a) Except as provided in paragraph (b) of this section, each licensee of a noncommercial, educational FM broadcast station which, after August 6, 1973, receives assistance pursuant to Part IV of the Communications Act of 1934, as amended, shall retain an audio recording of each of its broadcasts of any public affairs program in which any issue of public importance is discussed. Each such recording shall be retained for a period of sixty days commencing from the date on which the program was last broadcast.

(1) As used in this regulation, "assistance" is defined to mean receipt from federally-funded sources of (i) matching grants for the construction of noncommercial, educational broadcast facilities as provided for until Title III, Part IV of the Communications Act of 1934, as amended, (ii) grants for the production of educational television or radio programs for national or regional distribution as provided for under Title III, Part IV of the Communications Act of 1934, as amended, or (iii) payments to aid in the financing of either local programming or operational costs incurred by noncommercial, educational broadcast stations as provided for under Title III, Part IV of the Communications Act of 1934, as amended.

(b) The requirements of paragraph (a) of this section shall not apply with respect to a licensee's broadcast of a program if an entity designated by the licensee retains an audio recording of each of the licensee's broadcasts of such a program for the period prescribed by paragraph (a) of this section: *Provided*, That nothing within this paragraph shall be construed as absolving the licensee from responsibility for compliance with these rules in the event of an error or omission by a designated entity where the licensee has been involved in the access request and has failed to discharge that responsibility with reasonable diligence. A licensee shall record and retain audio recordings of all programs required to be retained by this regulation where an entity has not been delegated by the licensee to perform the requirements specified in paragraph (a) of this section.

(c) Each licensee or entity designated by a licensee under paragraph (b) which retains an audio recording pursuant to paragraphs (a) and (b) of this section shall, in the period during which the recordings are required under paragraph (a) of this section to be retained, make a copy of such recording available:

(1) To the Commission upon its request, and

(2) To any other person who requests such a copy and makes advance payment to the licensee or designated entity (as the case may be) of its reasonable costs of making such a copy.

(d) All requests for copies of audio recordings made pursuant to this Section shall be made within sixty days of the date on which the program was last broadcast, and shall be in written form containing detail sufficient to identify the requested program with reasonable certainty. Requests may be made either to the licensee, for its action, or if the designated entity is known to the requesting party, to the designated entity. The written request, which shall be retained for a period of three years by the licensee or entity to whom it is addressed, may be tendered in person or by correspondence at the licensee's main studio location or principal place of business, or at the principal place of business of the designated entity. The licensee or designated entity shall be accorded a reasonable time commencing upon receipt of both the request and the payment in which to satisfy the request: *Provided*, That:

(1) Where there is recording and retention by either a licensee or designated entity located within the licensee's community of license, a reasonable time shall not exceed seven days from the date on which the request is actually received, and

(2) Where there has been recording and retention by a designated entity not located within the licensee's community of license, a reasonable time shall not exceed twenty-one days, commencing from the date the request is actually received.

NOTE 1: For purposes of this rule, "copy" is defined as a mechanical or magnetic reproduction of sound transcribed upon reel to reel tapes, cassettes, cartridges, dictabelts, recording discs, or other similar devices. The definition of "copy" does not include written transcripts.

NOTE 2: A request is not actually received until such time as both a written request and advance payment have been received by the licensee or entity.

(e) A licensee or designated entity which provides a copy of an audio recording to a member of the general public pursuant to a request made under these rules may, as a condition precedent, require the party making the request to disclose his or her name and address.

(f) Revenues derived by a licensee or designated entity from fees charged pursuant to paragraph (c)(2) of this section shall not

(1) Exceed the reasonable costs of complying with paragraph (c) of this section,

(2) Nor shall the revenue be used to subsidize other facets of the licensee's or entity's business operations.

(g) A party who requests the production of a recording pursuant to the provisions of paragraph (c) of this section may require the licensee or designated entity to

(1) Provide a copy of an audio recording that is accurate, complete, intelligible, and capable of being audibly reviewed on playback devices commonly available to the general public, and

(2) Provide an itemized statement of the reasonable costs of making a copy of the requested program.

§§ 73.623, 73.624 [Redesignated]

3. Part 73 of the Commission's Rules and Regulations is revised by redesignating § 73.622, *Applications for sharing of television channels*, and § 73.623, *Notification of filing of applications*, as § 73.623 and § 73.624 respectively, and by adding new § 73.622 to read as follows:

§ 73.622 Retention of audio recordings.

(a) Except as provided in paragraph (b) of this section, each licensee of a television broadcast station which, after August 6, 1973, receives assistance pursuant to Part IV of the Communications Act of 1934, as amended, shall retain an audio recording of each of its broadcasts of any public affairs program in which any issue of public importance is discussed. Each such recording shall be retained for a period of sixty days commencing from the date on which the program was last broadcast.

(1) As used in this regulation, "assistance" is defined to mean receipt from federally-funded sources of (i) matching grants for the construction of noncommercial, educational broadcast facilities as provided for under Title III, Part IV of the Communications Act of 1934, as amended, (ii) grants for the production of educational television or radio programs for national or regional distribution as provided for under Title III, Part IV of the Communications Act of 1934, as amended, or (iii) payments to aid in the financing of either local programming or operational costs incurred by noncommercial, educational broadcast stations as provided for under Title III, Part IV of the Communications Act of 1934, as amended.

(b) The requirements of paragraph (a) of this section shall not apply with respect to a licensee's broadcast of a program if an entity designated by the licensee retains an audio recording of each of the licensee's broadcasts of such a program for the period prescribed by paragraph (a) of this section: *Provided*, That nothing within this paragraph shall be construed as absolving the licensee from responsibility for compliance with these rules in the event of an error or omission by a designated entity where the licensee has been involved in the access request and has failed to discharge that responsibility with reasonable diligence. A licensee shall record and retain audio recordings of all programs required to be retained by this regulation where an entity has not been delegated by the licensee to perform the requirements specified in paragraph (a) of this section.

(c) Each licensee or entity designated by a licensee under paragraph (b) which retains an audio recording pursuant to paragraph (a) and (b) of this section shall, in the period during which the recordings are required under paragraph (a) of this section to be retained, make a copy of such recording available:

(1) To the Commission upon its request, and

(2) To any other person who requests such a copy and makes advance payment to the licensee or designated entity (as the case may be) of its reasonable costs of making such a copy.

(d) All requests for copies of audio recordings made pursuant to this Section shall be made within sixty days of

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the date on which the program was last broadcast, and shall be in written form containing detail sufficient to identify the requested program with reasonable certainty. Requests may be made either to the licensee, for its action, or if the designated entity is known to the requesting party, to the designated entity. The written request, which shall be retained for a period of three years by the licensee or entity to which it is addressed, may be tendered in person or by correspondence at the licensee's main studio location or principal place of business, or at the principal place of business of the designated entity. The licensee or designated entity shall be accorded a reasonable time commencing upon receipt of both the request and the payment in which to satisfy the request: *Provided*, That:

(1) Where there is recording and retention by either a licensee or designated entity located within the licensee's community of license, a reasonable time shall not exceed seven days from the date on which the request is actually received, and

(2) Where there has been recording and retention by a designated entity not located within the licensee's community of license, a reasonable time shall not exceed twenty-one days, commencing from the date the request is actually received.

NOTE 1: For purposes of this rule, "copy" is defined as a mechanical or magnetic reproduction of sound transcribed upon reel to reel tapes, cassettes, cartridges, dictabelts, recording discs, or other similar devices. The definition of "copy" does not include written transcripts. Where the requested program is retained on film or video tape, a copy of the audio or sound track will suffice for purposes of this regulation.

NOTE 2: A request is not actually received until such time as both a written request and advance payment have been received by the licensee or entity.

(e) A licensee or designated entity which provides a copy of an audio recording to a member of the general public pursuant to a request made under these rules may, as a condition precedent, require the party making the request to disclose his or her name and address.

(f) Revenues derived by a licensee or designated entity from fees charged pursuant to paragraph (c) (2) of this section shall not,

(1) Exceed the reasonable costs of complying with paragraph (c) of this section,

(2) Nor shall the revenue be used to subsidize other facets of the licensee's or entity's business operations.

(g) A party who requests the production of a recording pursuant to the provisions of paragraph (c) of this section may require the licensee or designated entity to

(1) Provide a copy of an audio recording that is accurate, complete, intelligible, and capable of being audibly reviewed on playback devices commonly available to the general public, and

(2) Provide an itemized statement of the reasonable costs of making a copy of the requested program.

[FR Doc.75-34900 Filed 12-29-75;8:45 am]

[Docket No. 19790; RM-1680; FCC 75-1338]

PART 91—INDUSTRIAL RADIO SERVICES

Petroleum Radio Service; Expanded Use of Tone and Impulse Signalling

In the matter of amendment of Part 91 of the Commission's Rules to Permit Expanded Use of Tone and Impulse Signalling in the Petroleum Radio Service.

1. On July 23, 1973, the Commission released a Notice of Inquiry and Notice of Proposed Rule Making in the above entitled matter. The Notice was published in the FEDERAL REGISTER on July 30, 1973. (38 FR 20278)

2. In the Notice of Inquiry and Proposed Rule Making, we sought comments on our proposal first, to revise the rules to expand the permissible scope of secondary, point-to-point tone and impulse signalling operations on mobile service frequencies in the Power and more particularly in the Petroleum Radio Service.[1] Secondly, we proposed to implement state-of-the-art digital techniques by reducing the message length permitted from six to two seconds (including any redundancy desired) for new systems, and to provide for signalling techniques, which are not included within the A1, A2, F1, and F2 emission designators, by adding the A9 and F9 designators. In addition, it appeared that this secondary tone and impulse signalling capability could be extended to other land mobile radio services governed by Parts 89,[2] 91, and 93, and our Notice of Inquiry requested information regarding possible adoption of rules to permit secondary point-to-point tone signalling on mobile service frequencies in other services.

3. Comments were filed by Utilities Telecommunications Council (UTC), Central Committee on Communications Facilities of the American Petroleum Institute (API), National Association of Business and Educational Radio, Inc. (NABER), National Association of Manufacturers (NAM), Special Industrial Radio Service Association, Inc. (SIRSA), and the Central Station Electrical Protection Association. Reply comments were filed by Motorola, Inc.

4. We believe that the inquiry phase of the Notice relating to adoption of rules to permit secondary tone and impulse signalling in other radio services requires further study and will be considered at a later date. Therefore, the decisions herein deal with our proposal to revise the existing rules governing the use of tone and impulse signalling in the Power and Petroleum Radio Services.

5. The comments uniformally supported our proposal which would expand the permissible scope of secondary tone and impulse signalling as well as the proposal to add the A9 and F9 emission designators. The comments, however, were divided on our proposal to reduce the permissible message length from six to two seconds.

6. API agreed with our proposal to reduce the transmission length from six to two seconds, but suggested that we allow the message to be repeated a maximum of three times. SIRSA went along with the API comments on this issue. UTC argued, however, that the two-second message length limitation may not be appropriate in the utilities industry. Motorola, Inc., in reply comments, supported UTC's position, but added that this limitation would be appropriate in other services, such as the Business Radio Service. We have considered this issue carefully in light of the arguments presented in the comments, information that has come to our attention since the filing of the comments, and in light of our decisions in the rule making proceeding in Docket 19662[3] based on the comments and information submitted in that proceeding. We have determined that reduction of the message length is appropriate. We reached this conclusion because we believe that the state-of-the-art permits the development of radio equipment capable of performing the functions contemplated within the two-second restriction. Also, we believe that the tighter technical requirements are not only appropriate but necessary in view of our decisions to allow considerable increase in the permissible uses of tone and impulse signalling. Further, a uniform message length limitation across the board would encourage the production of equipment for use in many applications, thereby increasing the availability of equipment, at, hopefully, lower cost. Finally, we want to encourage the development of more efficient equipment for non-voice communications in the land mobile radio services for the more effective and efficient use of land mobile frequencies. Accordingly, the proposal to reduce the transmission length from six to two seconds will be adopted. This decision is consistent with our decision on this issue in Docket 19662 where we considered similar rules for the Public Safety Radio Services.

7. We agree, however, with the comments that the rules should allow these messages to be repeated and we have adopted the suggestion that three repetitions should be allowed. We have also agreed to permit automatic interrogation of outlying stations in view of the extensive use of computerized supervisory and control systems, but we have placed limits suggested in the comments to prevent abuse of this provision. Finally, we have recognized, as we did in Docket 19662, the extensive use of mobile relay systems, particularly on frequencies above 450 MHz, and have included provisions which will allow relay of tone and impulse signals through the higher power mobile relay station of such systems.

[1] The rule changes proposed would permit licensees in the two services to verify status of equipment, adjust operating conditions, correct abnormal conditions, and provide confirmation that the correction has been accomplished.

[2] Docket 19662 covered the expansion of secondary signalling operations under Part 89. Therefore, Part 89 is no longer involved in this proceeding.

[3] "Amendment of Part 89 to Permit Expanded Use of Tone and Impulse Signalling in the Public Safety Radio Services," Report and Order, Docket 19662, released May 14, 1975, 53 FCC 2d 134.

8. In addition, we agree with the comments that the new restrictions should apply to new systems, so as to avoid disruption of existing operations. Accordingly, "grandfather" provisions have been included in the rules which will allow continued operations and expansion of existing systems.

9. In brief, we believe that the rules we are adopting are timely and appropriate and should result in more efficient and effective use of mobile radio systems for tone and impulse signalling purposes. In reaching this conclusion we are not unmindful of the fears expressed by members of the utilities industry that the technical restrictions, particularly the two-second limitations, may inhibit the industry's plans for expanded use of the tone and impulse signalling capability. While nothing has been shown to substantiate those fears, if it is shown by experience that the two-second rule presents that industry with unusual problems, the matters can always be reexamined at a later date. We believe, however, that the anticipated problems can be resolved through technological improvements in equipment and techniques.

10. Finally, as proposed in the Notice, we are deleting the part of § 91.253(b) which says that authorization for F3 emission will be construed to include authority for the transmission of secondary tone and impulse signals. This is being done in order for the Commission to know whether a licensee is using a mobile frequency for a "fixed" operation. New applicants planning to use mobile frequencies secondarily for "fixed" operations will be required to so state on their application. The license issued will reflect this mode of operation by classifying the remote station (alarm site) as operational fixed with a 50 watt power limit and a non-voice emission designator, when appropriate. Licensees requesting renewal will also be required to supply the same information with their renewal application.

11. We have postponed the effective date of the "two second" rule to June 1, 1976, in order to provide manufacturers a reasonable opportunity to dispose of their inventories of non-complying equipment and to allow users to obtain authorizations for planned systems. However, authorizations for non-complying systems will be granted during the interim period only for the type of systems and for the purposes permitted under the previous rules.

12. Accordingly, pursuant to authority contained in Section 4(i) and 303 of the Communications Act of 1934, as amended, *It is ordered*, That effective January 22, 1976, Part 91 of the Commission's Rules is amended, as shown below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Adopted: December 9, 1975.

Released: December 19, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

The introductory text of § 91.252(f) and paragraphs (f) (1) and (2) are revised and paragraphs (f) (6) through (10) are added as follows:

§ 91.252 Availability and use of service.

* * * * *

(f) In the Power Radio Service, fixed (point-to-point) operations may be authorized for tone and impulse signalling on mobile service frequencies above 25 MHz within the area normally covered by the licensee's mobile system subject to the condition that harmful interference is not caused to the primary mobile service operation of any other licensee subject to the following limitations:

(1) The only purposes for which such secondary signalling may be used are:

(i) Indication of failure of equipment or service used in the production, transmission or distribution facilities of the licensee.

(ii) Indication of an abnormal condition in the production, transmission, or distribution facilities of the licensee, which if not promptly corrected would result in failure of the equipment affected.

(iii) Transmission from the point where alarms or other operational data are received as may be necessary to (a) verify status of equipment or processes (b) verify or adjust operating conditions (c) restore lost service (d) place standby equipment in operation or (e) to correct any abnormal conditions which would otherwise result in the immediate or continued failure in the production, transmission, or distribution facilities of the licensee.

(iv) Confirmation of status, or operating conditions, or that an operation or correction intended to be accomplished in paragraph (f) (1) (iii) of this section has occurred.

(2) For systems authorized after June 1, 1976, each transmission for any one alarm, warning, corrective action or requirement, positive confirmation, check-back, or other purpose set forth in paragraph (f) (1) of this section, shall be limited to a maximum duration of two seconds and shall not be repeated more than five times. For systems authorized prior to June 1, 1976, any one alarm or warning may be transmitted a maximum of five times and each transmission may not exceed six seconds.

* * * * *

(6) Systems employing automatic interrogation techniques shall not be activated for this purpose more than ten seconds out of any sixty second period. This 10 second time frame includes both transmit and response time.

(7) The plate power input to the final radio frequency stage of the remote transmitter (operational fixed) shall not exceed 50 watts.

(8) Only A1, A2, A9, F1, F2, or F9 emissions will be authorized.

(9) Operational fixed stations licensed under the provisions of this paragraph are exempt from the requirements of §§ 91.54(e) (2), 91.107(c) and § 91.152.

(10) Any operational fixed station authorized under the provisions of this paragraph shall be equipped with a device which will automatically de-activate the transmitter and require manual reset in the event the carrier of such transmitter remains on for a period in excess of three minutes.

2. Section 91.253(b) is revised and paragraph (c) is reserved as follows:

* * * * *

§ 91.253 Station limitations.

(b) Base, mobile relay, or mobile stations licensed in this service on frequencies above 25 MHz may transmit secondary tone or impulse signals to receivers at fixed locations subject to the conditions, and for the purposes set forth in Section 91.252(f).

(c) [Reserved]

* * * * *

3. Section 91.302 (d), (d) (1) and (2) are revised, and subparagraphs (6), (7), (8), (9) and (10) are added to read as follows:

§ 91.302 Availability and use of service.

* * * * *

(d) In the Petroleum Radio Service fixed (point-to-point) operations may be authorized for tone and impuse signalling on mobile service frequencies above 25 MHz within the area normally covered by the licensee's mobile system subject to the condition that harmful interference is not caused to the primary mobile service operation of any other licensee subject to the following conditions:

(1) The only purposes for which each secondary signalling may be used are:

(i) Indication of failure of equipment or service in the production, collection, refinery, or transportation facilities of the licensee.

(ii) Indication of an abnormal condition in the production, collection, refinery, or transportation facilities of the licensee which if not promptly corrected would result in failure of the equipment affected.

(iii) Transmission from the point where alarms or other operational data are received as may be necessary to (a) verify status of equipment or processes (b) verify or adjust operating conditions or (c) to correct any abnormal conditions which would otherwise result in the immediate or continued failure in the production, collection, refinery, or transporting facilities of the licensee.

(iv) Confirmation of status, or operating conditions, or that an operation or correction intended to be accomplished in paragraph (d) (1) (iii) of this section has occurred.

(2) For systems authorized after June 1, 1976, to be used for the purposes outlined in paragraph (d) (1) of this section, the maximum duration of any one transmission may not exceed two seconds and shall not be transmitted more than three times. For systems authorized prior to this date, any one alarm or warning may be transmitted a maximum of five times and each transmission may not exceed six seconds.

* * * * *

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(6) Systems employing automatic interrogation techniques shall not be activated for this purpose more than ten seconds out of any sixty second period. This 10 second time frame includes both the transmit and response times.

(7) The plate power input to the final radio frequency stage of the remote transmitter (operational fixed) shall not exceed 50 watts.

(8) Only A1, A2, A9, F1, F2, or F9 emissions will be authorized.

(9) Operational fixed stations licensed under the provisions of this paragraph are exempt from the requirements of §§ 91.54(e)(2), 91.107(c), and § 91.152.

(10) Any operational fixed station authorized under the provisions of this paragraph shall be equipped with a device which will automatically de-activate the transmitter and require manual reset in the event the carrier of such transmitter remains on for a period in excess of three minutes.

4. Section 91.303(b) is revised to read as follows:

§ 91.303 Station limitations.

* * * * *

(b) Base, mobile relay, or mobile stations licensed in this service on frequencies above 25 MHz may transmit secondary tone or impulse signals to receivers at fixed locations subject to the conditions and for the purposes set forth in § 91.302(d).

* * * * *

[FR Doc.75-34958 Filed 12-29-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Amdt. No. 6 to Revised Service Order No. 995]

PART 1033—CAR SERVICE

Appointment of Embargo Agents

DECEMBER 23, 1975.

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 3, held in Washington, D.C., on the 19th day of December, 1975.

Upon further consideration of Revised Service Order No. 995 (35 F.R. 7016; 36 F.R. 23726; 37 F.R. 28301; 38 F.R. 35002; and 39 F.R. 44011), and good cause appearing therefor:

It is ordered, That:

Revised Service Order No. 995 be, and it is hereby amended by revising paragraph (f) as follows:

§ 1033.995 Appointment of Embargo Agents.

* * * * *

(f) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-35075 Filed 12-29-75;8:45 am]

[Amdt. No. 6 To Revised Service Order No. 1002]

PART 1033—CAR SERVICE

CAR DISTRIBUTION DIRECTIONS

Appointment of Agents

DECEMBER 23, 1975.

At a Session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 19th day of December, 1975.

Upon further consideration of Revised Service Order No. 1002 (35 F.R. 7016; 36 F.R. 23803; 37 F.R. 28301; 38 F.R. 35002; and 39 F.R. 44011), and good cause appearing therefor:

It is ordered, That:

Revised Service Order No. 1002 be, and it is hereby amended by revising paragraph (d) as follows:

§ 1033.1002 Car Distribution Directions—Appointment of Agents.

* * * * *

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-35076 Filed 12-29-75;8:45 am]

[Amdt. No. 6 To Revised Service Order No. 994]

PART 1034—ROUTING OF TRAFFIC

REROUTING OF TRAFFIC

Appointment of Agents

DECEMBER 23, 1975.

At a Session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 19th day of December, 1975.

Upon further consideration of Revised Service Order No. 994 (35 F.R. 7017; 36 F.R. 23726; 37 F.R. 28301; 38 F.R. 35002; and 39 F.R. 44011), and good cause appearing therefor:

It is ordered, That:

Revised Service Order No. 994 be, and it is hereby amended by revising paragraph (d) as follows:

§ 1034.994 Rerouting of Traffic—Appointment of Agents.

* * * * *

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1976, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-35073 Filed 12-29-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Nunivak National Wildlife Refuge, Alaska; Correction

In the FEDERAL REGISTER for July 31, 1975, Volume 40, No. 148, page 32128, third column, entry (a), an error is corrected by changing the date March 30, 1976, to March 31, 1976.

Dated: December 22, 1975.

HARVEY K. NELSON, *Acting Director, U.S. Fish and Wildlife Service.*

[FR Doc.75-35004 Filed 12-29-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Notice of Proposed Changes in Customs Region IX

A survey of the Customs activity at Mackinac Island, Michigan, in the Detroit, Michigan, Customs district (Region IX), indicates that the volume of traffic no longer justifies its retention as a Customs station.

Accordingly, notice is hereby given that, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to the authority provided by Treasury Department Order No. 165, Revised (T.D. 53654, 19 FR 7241), as amended, it is proposed to revoke the designation of Mackinac Island, Michigan, in the Detroit, Michigan, Customs district (Region IX), as a Customs station.

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received not later than January 29, 1976.

Written material or suggestions submitted will be available for public inspection in accordance with section 103.8 (b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

LEONARD LEHMAN, *Acting Commissioner of Customs.*

Approved: December 17, 1975.

DAVID R. MACDONALD, *Assistant Secretary of the Treasury.*

[FR Doc.75-35039 Filed 12-29-75;8:45 am]

[19 CFR Part 12]

SPECIAL CLASSES OF MERCHANDISE

Importation of Motor Vehicles and Motor Vehicle Equipment; Extension of Time

DECEMBER 22, 1975.

Notice of proposed amendments to Part 12 of the Customs Regulations (19 CFR Part 12), to make certain substantive changes in the procedures established for the entry of motor vehicles and motor vehicle equipment subject to the Federal motor vehicle safety standards, was published in the FEDERAL REGISTER on November 20, 1975 (40 FR 54002). Pursuant to that notice, the public was given until December 22, 1975, to submit data, views or arguments pertaining to the proposed amendments.

Requests have been received for an extension of the time for the submission to submit data, views, or arguments persubmission of data, views, or arguments with respect to the cited amendments is extended to January 22, 1976.

G. R. DICKERSON, *Acting Commissioner of Customs.*

[FR Doc.75-35040 Filed 12-29-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

OPERATION AND MAINTENANCE CHARGES

Wind River Irrigation Project, Wyoming

Basis and Purpose. Notice is hereby given that pursuant to the authority contained in the Acts of Congress approved August 1, 1914 (38 Stat. 583), and March 7, 1928 (45 Stat. 210), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 FR 258), and virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director 14 IAM 3.1 (34 FR 637, January 16, 1969), and by authority delegated to the Project Engineer and to the Superintendent by the Area Director June 1, 1969, Release 10–2, 10 IAM 7.2, § 2.70, notice is hereby given of the intention to modify § 221.95 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Wind River Irrigation Project, Wyoming.

The purpose of this amendment is to raise the operation and maintenance assessment charges of the Diminished Wind River Irrigation Project for the 1976 irrigation season and subsequent seasons until further notice.

It is also the purpose of this amendment to eliminate all reference to the Big Bend Drainage District and the annual assessment per acre due this District. A court order dated October 3, 1975, to dissolve this District has been issued with the result that all expenses hereafter necessary to maintain the facilities of the Big Bend Drainage District, which are within the Ceded Wind River Irrigation Project, also known as the LeClair Irrigation District, will be borne by the Ceded Wind River Irrigation District.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to the Superintendent, Bureau of Indian Affairs, Fort Washakie, Wyoming 82514, on or before January 29, 1976.

Section 221.95 is amended to read as follows:

§ 221.95 Charges.

In compliance with the provisions of the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 25 U.S.C. 385; 45 Stat. 210, 25 U.S.C. 387), the operation and maintenance charges for the lands under the Wind River Irrigation Project, Wyoming, for the calendar year 1976 and subsequent years until further notice, are hereby fixed at $5.60 per acre for the assessable area under the constructed works on the Diminished Wind River Project and at $4.20 per acre for all irrigable trust patent Indian Land which lies within the Ceded Wind River Project.

CLYDE W. HOBBS, *Superintendent, Wind River Agency.*

[FR Doc.75-34953 Filed 12-29-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 91, 121, 123, 135]

[Docket No. 9481; Reference Notice No. 72-17]

LANDING MINIMUMS

Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw Notice 72-17 (37 FR 14406; July 20, 1972) in which the FAA solicited comments on proposed amendments to Parts 91, 121, and 135 of the Federal Aviation Regulations that would establish criteria for the commencement of instrument approaches and update and clarify the requirements applicable to the instrument landing procedures.

The FAA received 159 public comments in response to Notice 72-17. One hundred and eleven commentators expressed opposition to some or all of the proposals.

A large number of commentators objected to the prohibition in proposed § 91.116(b) against making a "look-see" approach when the reported visibility is less than the prescribed minimum. The reasons given were numerous.

Several commentators found it inconsistent to permit the pilot to make an approach at airports which have no weather reports (and normally also have fewer approach aids) but, on the other hand, to deny him this privilege at airports which have official weather reports and which in many cases have more approach aids. Others contended that it would encourage the use of airports with less sophisticated equipment.

Many commentators felt that the proposal would be an unnecessary restriction on qualified pilots. A number contended that the unsafe pilot cannot be legislated against and that the answer is education.

One commentator asserted that, in light of the serious deficiencies in present weather observing and reporting facilities and services, instrument-rated pilots operating under Part 91 should be permitted to make an approach to the minimum descent altitude (MDA) or decision height (DH), regardless of the presence or absence of official weather observations. A number of commentators challenged the validity of weather reports by ground observers. Among other things, they expressed the opinion that flight visibility as observed from the cockpit during an approach is more representative of actual conditions in the runway approach area than that of a ground observer.

For similar reasons, objections were also raised to not allowing a "look-see" approach for aircraft operated under Part 135. Some commentators contended that this would be especially burdensome in Alaska where the alternate airport may be a considerable distance from the airport of intended landing.

Several commentators recommended that the list of visual cues referred to in the proposed revision of §§ 91.6 and 91.116, the sighting of one of which would allow the pilot to descend below authorized DH or MDA, should be expanded.

Other commentators recommended that an exception be made to the prohibition against a "look-see" to allow training flights to be conducted to MDA or DH when the reported weather is below minimums but there is no intent to land.

In the light of all the comments received in response to Notice 72-17, it is clear that the proposed amendments require further study before any further rulemaking action can be initiated. Accordingly, the FAA has determined that rulemaking action on the proposed amendments would not be appropriate at this time, and that Notice 72-17 should be withdrawn.

Withdrawal of this notice constitutes only such action and does not preclude the FAA from issuing other notices in the future or commit the FAA to any course of action in the future.

This withdrawal is issued under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER June 20, 1972 (37 FR 14406), and circulated as Notice No. 72-17 entitled "Landing Minimums" is hereby withdrawn.

Issued in Washington, D.C., on December 19, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-34940 Filed 12-29-75;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[EDR-291A; Docket 28517]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Updating the Accounting Provisions; Supplemental Notice of Proposed Rulemaking

DECEMBER 23, 1975.

The Board, by circulation of Notice of Proposed Rulemaking, EDR-291, dated November 19, 1975, published at 40 FR 54813, November 26, 1975, gave notice that it has under consideration an amendment of Part 241 of its Economic Regulations (14 CFR 241). The amendment would update the accounting provisions to recognize changes in accounting principles and developments in air transportation. Interested persons were invited to participate by submission of twelve (12) copies of written data, views or arguments to the Docket Section of the Board on or before December 26, 1975.

United Air Lines, Inc., by telephone request on December 22, 1975 (confirmed by written request on December 23, 1975), has requested a two week extension of the time within which to file comments, on the grounds that, because of its recent strike, it has now become apparent that United will be unable to file its comments by the due date.

The undersigned finds that good cause has been shown for an extension of the time for filing comments.

Accordingly, pursuant to the authority delegated in Section 385.21(d) of the Board's Organization Regulations (14 CFR Part 385), the undersigned hereby extends the time for submitting comments to January 5, 1976. (Sec. 204(a) of the Federal Aviation Act, as amended, 72 Stat. 743, 49 U.S.C. 1324.)

[SEAL] SIMON J. EILENBERG,
Acting Associate General Counsel,
Rules Division.

[FR Doc.75-35059 Filed 12-29-75;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1601]

706 AGENCIES

Proposed Designation

Pursuant to § 1601.12(i), Title 29, Chapter 14 to the Code of Federal Regulations as revised and published in the FEDERAL REGISTER, 40 FR 3210M, March 7, 1975, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) proposes that the agencies listed below be designated as "706 Agencies" (§ 1601.12(c)). There are three (3) purposes for such designation: first, that the agencies receive charges deferred by the Commission pursuant to section 706 (c) and (d) of Title VII of the Civil Rights Act of 1964, as amended; second, that the Commission accord "substantial weight" to the final findings and orders of those agencies pursuant to § 1601.19b(e); and third, to commence the 15-day period within which any person or organization may file written comments as provided for under § 1601.12(i)(1). At the expiration of the 15-day period, the Commission may effect designation of each of the agencies by publishing the list of them as an amendment to § 1601.12(m). Additions to the list may be made by the Commission by similar notice and publication. The proposed "706 Agencies" are as follows:

Allentown (Pennsylvania) Human Relations Commission
Charleston (West Virginia) Human Rights Commission
Fairfax County (Virginia) Human Rights Commission
Montgomery County (Maryland) Human Relations Commission
Pittsburgh (Pennsylvania) Commission on Human Relations
Wheeling (West Virginia) Human Rights Commission

(Sec. 713(a), 78 Stat. 265 (42 U.S.C. 2000e-12(a)))

Written comments pursuant to this notice must be filed with the Commission on or before January 23, 1976.

Signed at Washington, D.C. this 22nd day of December 1975.

LOWELL W. PERRY,
Chairman, Equal Employment Opportunity Commission.

[FR Doc.75-35030 Filed 12-29-75;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 440]

HEARING AID INDUSTRY

Final Notice Regarding Proposed Trade Regulation Rule

On June 24, 1975, the Commission published in the FEDERAL REGISTER (40 FR 26646) an Initial Notice of a proposed trade regulation rule for the hearing aid industry pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part 1, Subpart B of the Commission's Procedures and Rules of Practice, 16 CFR 1.7, et seq., and § 553 of Subchapter II, Chapter 5, Title 5 of the U.S. Code (Administrative Procedure).

Now, pursuant to the same authority and more specifically to the authority of § 1.12 of the Commission's Procedures and Rules of Practice, the undersigned duly appointed Presiding Officer for this proceeding hereby gives Final Notice of proposed rulemaking, incorporating by reference the contents of the Initial Notice described above, including the proposed rule contained therein.

Written Comments. All interested persons are hereby notified that they may submit written data, views or arguments on any issue of fact, law, policy or discretion which may have some bearing upon the proposed rule. Such comments should be addressed to G. Martin Shepherd, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580 no later than February 27, 1976. To assure prompt consideration comments should be identified as "HEARING AID INDUSTRY COMMENT" and submitted, if at all possible, in five copies.

Public hearing dates and places. Notice is also given that public hearings on the proposed rule will be held at the locations set forth below commencing on the dates and times specified at each location:

1. Public hearings will commence on April 12, 1976 at 9:45 a.m. in Washington, D.C.:

Room 332, Federal Trade Commission Building, 6th and Pennsylvania Avenue, N.W., Washington, D.C.

Persons desiring to present their views orally in Washington, D.C., should so inform the Commission representative listed below not later than March 22, 1976:

Mr. Steven D. Newburg-Rinn [(202) 724-1483)], Bureau of Consumer Protection, Division of National Advertising, Federal Trade Commission, Washington, D.C. 20580.

2. Public hearings will be held commencing on June 7, 1976 at 9:45 a.m. in Chicago, Illinois:

Room 347 A-B, John C. Kluczynski Federal Building, 230 South Dearborn Street, Chicago, Illinois.

Persons desiring to present their views orally in Chicago should so inform the Commission representative listed below not later than May 17, 1976:

Mr. Richard J. Toman [(312) 353-4430], Federal Trade Commission, Suite 1437, 55 East Monroe Street, Chicago, Illinois 60603.

3. Public hearings will be held commencing on August 2, 1976 at 9:45 a.m. in San Francisco, California:

Room 12138, Federal Building, 450 Golden Gate Avenue, San Francisco, California.

Persons desiring to present their views orally in San Francisco should so inform the Commission representative listed below not later than July 12, 1976:

Mr. Fred Austin [(415) 556-1270], Federal Trade Commission, 450 Golden Gate Avenue, San Francisco, California 94102.

INSTRUCTIONS TO WITNESSES

All prospective witnesses are advised that reasonable limitations on the time allotted to any person may be imposed and that these time periods may vary from witness to witness depending upon all the circumstances, including the needs of each witness, the complexity of the expected testimony, the number of parties represented by each witness and the cumulative nature of expected testimony. Witnesses will be expected to stay within the time allotted for their remarks and the Presiding Officer may allocate additional time for questioning. To the extent that individual views are not unduly suppressed, individual members of interested groups are encouraged to make their views known through group representatives. As a general rule, witnesses are expected to confine their prepared remarks to twenty minutes or less, unless an exception has been made, and to develop their testimony at greater length through their written submissions. Witnesses are entitled to testify only at one hearing site.

Persons wishing to deliver prepared statements are required to file such statements with the appropriate Commission representative listed above no later than March 22, 1976 for those witnesses appearing in Washington, D.C.; no later than May 17, 1976 for those witnesses appearing in Chicago, Illinois; and no later than July 12, 1976 for those witnesses appearing in San Francisco. If at all possible, witnesses should furnish ten copies of their statements. Any witness not intending to deliver a statement fully prepared in advance is required to file with the designated Commission representative (by the same date set forth above for the filing of written statements at the location where he expects to appear) a written detailed and comprehensive outline explaining the nature of his expected testimony including, but not limited to, a statement of each important fact, observation, conclusion, or opinion he anticipates presenting.

Advance submittal of statements and exhibits is required to apprise other interested parties of expected testimony so they may determine on the need for examination, including cross-examination, or rebuttal submissions. Such submittals will be made available for viewing by the Commission representatives designated above at the location where the witness intends to appear.

The Presiding Officer retains the discretion to require that any oral presentation be submitted in writing in advance of presentation and to deny the right to present oral testimony to any person who fails to file appropriate statements or comply with the advance notification requirements of this Notice.

Prospective witnesses who plan to introduce documents or other written evidence as exhibits to their statements must furnish such documents or written evidence, properly identified with the witness' name and sequential number (i.e., Jackson Exhibit-1), by the same dates set out above for the filing of expected testimony, depending on the location at which the witness intends to appear, unless for good cause shown they can demonstrate why this could not have been done at that time.

All prospective witnesses may and, indeed, are encouraged to direct their statements towards any question of fact, law, policy or discretion relevant to the proposed rule, and, in this regard, the usual rules of evidence applicable to litigated proceedings will not apply. However, all prospective witnesses are advised that to the extent their statements may bear upon any of the designated issues set forth below, or to be later designated, they may be subject to limited cross-examination as to those issues by representatives of other interested parties, as designated by the Presiding Officer, or to cross-examination by the Presiding Officer on behalf of such representatives, or to direct rebuttal submissions. All witnesses will be subject to direct examination by the Presiding Officer and, subject to his control, to examination by such interested parties as he may within his discretion permit. Oral presentations will not be under oath unless the Presiding Officer expressly so provides.

DESIGNATED ISSUES

Set forth below are the issues which the Presiding Officer has determined to designate under § 1.13(d)(1) of the Commission's procedures and rules of practice as issues to be considered in accordance with § 1.13(d)(5) and (6) of said Procedures and Rules of Practice. Pursuant to statute and the Commission's rules of practice, testimony with respect to these issues may entitle designated representatives of other interested parties to conduct or have conducted such cross-examination as the Presiding Officer may determine to be appropriate and required for a full and true disclosure with respect to any issue so designated. In the alternative, the Presiding Officer may determine that full and true disclosure as to any issue may be achieved through rebuttal submissions or the presentation of additional oral or written statements.

The Presiding Officer may at any time on his own motion or pursuant to a written petition by interested persons, add to or modify any issues listed. No such petition shall be considered unless good cause is shown why such issue was not proposed during the time specified in the Initial Notice.

Interested persons who desire to avail themselves of the procedures described above with respect to designated issues must, by January 26, 1976, notify the Presiding Officer in writing of their particular interest with respect to each issue designated, including a general statement of their position with respect to such issues. In the event new issues are added interested persons must promptly notify the Presiding Officer to their particular interest with respect to each such issue in the same manner. Request to examine, including cross-examine, or to present rebuttal submissions, shall be accompanied by a specific justification therefor.

Before the hearings commence, the Presiding Officer will identify groups of persons with the same or similar interests in the proceeding. Such groups will be required to select a single representative for the purpose of examination, including cross-examination, and, if unable to agree, the Presiding Officer may select a representative of each such group. Any member of a group who is unable to agree upon group representation after a good faith effort to do so, and who seeks to present substantial and relevant issues which will not be adequately presented by the group representative, may be allowed to conduct or have conducted any

2. All written comments: February 27,

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examination, including cross-examination, or rebuttal submissions, to which he is entitled on issues designated for consideration in accordance with this Notice.

GENERAL ISSUES

1. As relevant to the Proposed Rule, what are the sales techniques employed by sellers (at any and/or all levels of distribution) in connection with the offering for sale and/or sale of hearing aids? In what respects could such techniques have the capacity or tendency to deceive consumers, and how might such techniques be unfair to consumers? How prevalent are such techniques?

2. How are hearing aid sellers trained, motivated, and controlled? How does that training, motivation, and control bear on whether consumers are subjected to selling abuses or whether consumers purchase hearing aids that provide no significant benefit?

3. In connection with the offering for sale and sale of hearing aids, are existing consumer protection measures (including, but not limited to those relating to cooling off periods) adequate to protect purchasers?

4. What will be the economic effect of the Rule, taking into account the effects on small business and consumers?

BUYER'S RIGHT TO CANCEL (§ 440.4)

5. Do a significant number of consumers buy hearing aids from which they receive no significant benefit (or no significant additional benefit if they are current hearing aid users buying a second hearing aid or a "better" hearing aid)?

6. Is it necessary for a significant number of prospective hearing aid buyers to wear the selected hearing aid in a representative variety of actual use situations before it can be determined whether a significant benefit (or a significant additional benefit) will in fact be received?

7. Are there a significant number of prospective hearing aid buyers who cannot determine the relative importance to themselves of the advantages and limitations of a hearing aid without wearing the selected hearing aid in a representative variety of actual use situations?

8. Are the "cancellation charges" permitted by § 440.4(g)(1) high enough to effectively discourage casual or frivolous cancellations?

9. What would be an appropriate 30 day cancellation charge in situations where the sale of two hearing aids (one for each ear) is involved?

SELLING TECHNIQUES (§ 440.7)

10. Do "master hearing aids" or similar devices perform in a materially different manner from the actual performance (in actual use situations) of the hearing aids sold to consumers? To what extent are "master hearing aids" or similar devices utilized to demonstrate the performance a consumer can expect from a hearing aid? (§ 440.7(a))

11. Will the requirement that a seller obtain express written consent from prospective hearing air buyers, prior to making visits to their homes or places of business (for the purpose of selling hearing aids) enhance the ability of such buyers to protect themselves against deceptive or unfair acts or practices (including high pressure sales tactics) which might be used by the seller? (§ 440.7(b))

12. Does failure to disclose previous use of a hearing aid have the capacity or tendency to mislead consumers as to a fact material to them in making their decision as to whether to purchase the particular hearing aid? (§ 440.7(c))

13. Does the offering of a hearing test, without disclosure at the outset that the tester is a seller of hearing aids and may attempt to sell a hearing aid to the person being tested, have the capacity or tendency to mislead consumers as to (a) the status of the person doing the testing and/or (b) the true nature or purpose of the offer and test? (§ 440.7(d))

14. Does an advertisement which is not readily recognizable as an advertisement by the audience to whom it is addressed have the capacity or tendency to mislead consumers as to the nature and/or purpose of the communication? (§ 440.7(e))

PROHIBITED REPRESENTATIONS CONCERNING HEARING AID SELLERS (§ 440.8)

15. Does a representation by a seller of hearing aids (concerning hearing or hearing aids), without disclosure that such person is in fact a seller, have the capacity or tendency to lead consumers to believe (a) that such representation is not designed to effect the sale of a hearing aid, or (b) that the person making such representation is financially disinterested with respect to the matters covered in the representation? (§ 440.8(a))

16. Does the use of the terms set forth by way of example in § 440.8(b) have the capacity or tendency to lead consumers to believe that the organization being described is something other than a retail sales outlet (i.e., a governmental or other public service organization or a nonprofit medical, educational, or research institution)? (§ 440.8(b))

17. Does the representation that a seller of hearing aids (or the seller's employee, agent, salesperson, representative, or associate) is a physician or audiologist, when such is not the fact, have the capacity or tendency to mislead consumers as to (a) the training, skill, knowledge, specialty, and/or experience of such person, or (b) the nature of the enterprise engaged in by any such person? (§ 440.8(c) and (d))

18. Do the terms "counselor" and/or "consultant" have the capacity or tendency to lead consumers to believe that the individual so described can be relied upon to provide an expert and financially disinterested recommendation as to what should be done to deal with the consumer's perceived hearing problem? (§440.8(e))

PROHIBITED REPRESENTATIONS CONCERNING HEARING AIDS (§ 440.9)

19. Will any hearing aid restore or help restore normal or natural hearing, or enable wearers to hear sounds normally or naturally? (§ 440.9(a))

20. Do the expressions set forth by way of example in § 440.9(b) have the capacity or tendency to lead consumers to believe that any hearing aid will reverse, halt or retard the progression of hearing loss, or will help to do so? (§ 440.9(b))

21. Does the word "new", when used to describe hearing aid models, or features thereof, which have been on the market for more than one year, have the capacity or tendency to mislead consumers? (§ 440.9(c))

22. Do representations that a hearing aid possesses a general or specific feature or characteristic, or that it embodies any particular concept or principle, have the capacity or tendency to lead consumers to believe that (with respect to such feature, characteristic, concept, or principle) the advertised hearing aid will (a) provide some significant benefit(s) to the wearer (b) regardless of the wearer's particular type of hearing impairment? (§ 440.9(e))

23. Do representations in which a particular hearing aid is being compared to any other hearing aid(s) have the capacity or tendency to (a) mislead consumers as to what hearing aid(s) the particular hearing aid is being compared to when the representation is in the form of a dangling (incomplete) comparison; or (b) lead consumers to believe that the particular hearing aid is superior with respect to any characteristic being compared? (§ 440.9(e)(6))

24. Do representations that a hearing aid model is unique, special, or revolutionary, with respect to some particular characteristic, have the capacity or tendency to lead consumers to believe that the advertised model is being compared to all other hearing aid models with respect to such characteristic? (§ 440.9(f))

25. When a hearing aid is represented as being "smaller" than other hearing aids, would the fact that it produces sound of less quality and range than those with which it is being compared be a material fact which might influence the potential purchaser's decision of whether to purchase it? (§ 440.9(g))

26. Do the terms "prescribe" and "prescription" when used in connection with hearing aids, have the capacity or tendency to mislead consumers as to the extent to which hearing aids can correct hearing loss? (§ 440.9(h))

27. Do the words and phrases set forth by way of example in § 440.9(j), when used to describe a hearing aid or part thereof, have the capacity or tendency to lead consumers to believe that the hearing aid, or part thereof, so described is hidden or cannot be seen? (§ 440.9(j))

28. Do the words and phrases set forth by way of example in § 440.9(k) have the capacity or tendency to lead consumers to believe that the hearing aid so described can be worn without any visible cord or wire? (§ 440.9(k))

29. Do the words and phrases set forth by way of example in § 440.9(l) have the capacity or tendency to lead consumers to believe that the hearing aid so described can be worn without any button or other receiver in the ear? (§ 440.9(l))

30. Can any hearing aid or feature thereof enable the wearer to eliminate all or most unwanted noises? (§ 440.9(m))

31. What effect does a representation that a hearing aid can operate without batteries have on consumer beliefs or perceptions as to the operation of the particular hearing aid? (§ 440.9(n))

ADVERTISING REPRESENTATIONS THAT MUST BE QUALIFIED (§ 440.10)

32. Would many of those who think they have a hearing problem (and, therefore, might buy a hearing aid) not be able to receive any significant benefit from the use of any hearing aid? (§ 440.10(a))

33. Would many of those who can benefit from the use of a hearing aid still have difficulty understanding conversation in noisy situations? (§ 440.10(b))

34. Would many of those who can benefit from the use of a hearing aid still have difficulty understanding conversation in group situations? (§ 440.10(c))

35. Would many persons with a hearing loss in both ears fail to receive greater benefits from the use of two hearing aids, one in each ear, than from the use of one hearing aid? (§ 440.10(d))

SUMMARY OF CLOSING DATES

1. Notification of interest; January 26, 1976.

2. All written comments; February 27, 1976.

3. Witnesses' prepared statements (or comprehensive summaries) and exhibits for:

(a) Washington, D.C. hearing; March 22, 1976;

(b) Chicago hearing; May 17, 1976;

(c) San Francisco hearing; July 12, 1976.

SUMMARY OF HEARING DATES

1. Washington, D.C.; April 12, 1976.
2. Chicago, Illinois; June 7, 1976.
3. San Francisco, California; August 2, 1976.

Issued: December 23, 1975.

G. MARTIN SHEPHERD,
Presiding Officer.

[FR Doc.75-35021 Filed 12-29-75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

[TMK-2-R:E:R]

EUROTIME

Application for Recordation of Trade Name

Application has been filed pursuant to section 133.12, Customs Regulations (19 CFR 133.12), for recordation under section 12 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name EUROTIME used by Eurotime Corporation, a corporation organized under the laws of the State of New York, located at 212 Fifth Avenue, New York, New York 10010.

The application states that the trade name is applied to watches and clocks and components for each, manufactured in Switzerland, West Germany, France and Hong Kong. The application states further that no foreign person, partnership, association or corporation is authorized to use the trade name sought to be recorded. Appropriate accompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20229, in time to be received not later than January 28, 1976.

Notice of the action taken on the application for recordation of the trade name will be published in the FEDERAL REGISTER.

LEONARD LEHMAN,
Assistant Commissioner, Regulations and Rulings.

DECEMBER 22, 1975.

[FR Doc.75-35041 Filed 12-29-75;8:45 am]

Internal Revenue Service

[Order No. 112 (Rev. 3)]

DISTRICT DIRECTORS OF REVENUE

Authority To Issue Determination Letters Relating to Employee Plans Matters

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-37, dated March 17, 1955, there is hereby delegated to the District Director of Internal Revenue for each of the Key Districts for Employee Plans and Exempt Organizations matters the authority to:

(1) Issue determination letters involving the provisions of sections 401, 405, and 501(a) of the Internal Revenue Code of 1954 with respect to:

(a) Initial qualification of stock bonus, pension, profit-sharing, annuity, and bond purchase plans;

(b) Initial exemption from Federal income tax under section 501(a) of trusts forming a part of such plans, provided that the determination does not involve application of section 502 (feeder organizations) or section 511 (unrelated business income), or the question of whether a proposed transaction will be a prohibited transaction under section 503;

(c) Compliance with the applicable requirements of foreign situs trusts as to taxability of beneficiaries (section 402(c)) and deductions for employer contributions (section 404(a)(4)); and

(d) Amendments, curtailments, or terminations of such plans and trusts.

(2) Issue determination letters involving the provisions of section 408(c) of the Internal Revenue Code of 1954 with respect to exemption from Federal income tax under section 408(e) of trusts creating individual retirement accounts.

(3) Issue determination letters with respect to whether a plan consitutes and employee stock ownership plan as contemplated in section 46(a)(1)(B) of the Internal Revenue Code of 1954.

(4) Issue modifications or revocations of determination letters described above.

(5) Redelegate this authority as follows:

(a) With respect to issuance and modification of determination letters, not below Internal Revenue Agent and Tax Law Specialist, GS-12, provided such individual is a person other than the initiator.

(b) With respect to revocation of determination letters, not below Chief, Employee Plans and Exempt Organizations Division.

Delegation Order No. 112 (Rev. 2) issued June 9, 1975, is hereby superseded.

Effective: November 19, 1975.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75-35080 Filed 12-29-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

AIR FORCE ROTC ADVISORY PANEL

Meeting

DECEMBER 16, 1975.

The Air Force ROTC Advisory Panel will hold a meeting on January 29, 1976 from 8:00 a.m. to 5:00 p.m. at Maxwell Air Force Base, Building 800, Montgomery, Alabama.

The purpose of the meeting is to review the status of Air Force ROTC and to discuss related management improvement programs.

Meeting is open.

For further information, contact Executive Secretary, AFROTC Advisory Committee, 697-3055.

JAMES L. ELMER,
Major, USAF Executive, Directorate of Administration.

[FR Doc.75-34799 Filed 12-29-75;8:45 am]

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

DECEMBER 18, 1975.

The USAF Scientific Advisory Board Ad Hoc Committee on Advanced Composites Technology will hold a meeting on January 29-30, 1976; 1:00 p.m. to 5:30 p.m. on January 29 and from 8:30 a.m. to 4:30 p.m. on January 30, at the Pentagon, Washington, D.C.

The Committee will receive informational briefings on Air Force composites technology, and will be open to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

JAMES L. ELMER,
Major, USAF, Executive, Directorate of Administration.

[FR Doc.75-34999 Filed 12-29-75;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

DECEMBER 19, 1975.

The USAF Scientific Advisory Board TOA/DME Steering Group will hold meetings in the Pentagon on January 19, 1976, Room 5C-1034 and January 20, 1976, Room 5C-1040 from 9:00 a.m. to 5:00 p.m. both days:

The Group will receive classified briefings and hold classified discussions on the status and plans for the Air Force Advanced Location Strike System (ALSS) Program. There will be a classified intelligence briefing on threat radar technology. The Group will also meet in Executive Session to discuss future efforts/tasks.

The meetings concern matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-8845.

JAMES L. ELMER,
Major, USAF, Executive, Directorate of Administration.

[FR Doc.75-35000 Filed 12-29-75;8:45 am]

Office of the Secretary of Defense

DDR&E HIGH ENERGY LASER REVIEW GROUP (HELRG) LASER BEAM CONTROL SUBPANEL

Notice of Closed Meeting

Pursuant to the provisions of Section 10 of Appendix I, Title 5, United States Code, notice is hereby given that a closed meeting of the DDR&E High Energy Laser Review Group Laser Beam Control Subpanel will be held at 0900 on Monday, January 19, 1976, at the Naval Surface Weapons Center, Silver Spring, Maryland. The purpose is to review matters pertaining to the Department of Defense high energy laser program.

The subject matter of the meeting is classified in accordance with subparagraph (1) of Section 552(b) of Title 5 of the U.S. Code.

Dated: December 22, 1975.

MAURICE W. ROCHE,
Director Correspondence and Directives OASD (Comptroller).

[FR Doc.75-34800 Filed 12-29-75;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON DEPARTMENT OF DEFENSE SPACE SHUTTLE UTILIZATION

Advisory Committee Meeting

The Defense Science Board Task Force on Department of Defense Space Shuttle Utilization will meet in closed session on 16 January 1976 at the Space and Missile System Organization, Los Angeles Air Force Station, CA 90009.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will examine the impact of the Space Shuttle on certain classified space programs.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: December 23, 1975.

MAURICE W. ROCHE,
Correspondence and Directives, OASD (Comptroller).

[FR Doc.75-35001 Filed 12-29-75;8:45 am]

Office of the Secretary of Defense

DEFENSE SCIENCE BOARD TASK FORCE ON NET TECHNICAL ASSESSMENT

Advisory Committee Meeting

The Defense Science Board Task Force on "Net Technical Assessment" will meet in closed session on 28-29 January 1976 at the Central Intelligence Agency, Langley, Virginia.

The overall mission of this Task Force is to advise the Secretary of Defense and the Director of Defense Research and Engineering on US/USSR overall research and engineering technology programs and to provide guidance for US technology exploitation in these areas to the Department of Defense.

The Task Force will examine in detail the important problem of determining critical intelligence technical requirements of the Department of Defense, the ways in which answers to these requirements would influence future US R&D/operational actions, any time urgency associated with the requirements and collection methods for satisfying these requirements.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: December 23, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.75-35002 Filed 12-29-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. F-21416]

ALASKA

State of Alaska Department of Public Works Application for Airport Lease

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214) the State of Alaska, Department of Public Works, Division of Aviation, has applied for an airport lease for the following land:

T. 4 N., R. 9 W., Fairbanks Meridian, Alaska

Sections 22, 27, and 28: Protracted.

Commencing at corner No. 3 of U.S. Survey No. 4469, Alaska, proceed N. 58°45'00" W. along survey line 1-2 of U.S. Survey No. 4455D, Alaska, a distance of 955.30 feet to a point, being monumented with an ADA ½ inch aluminum capped rebar, proceed S. 42°06'10" W. a distance of 1,134.33 feet to the TRUE POINT OF BEGINNING, monumented with an ADA 2 inch brass capped galvanized pipe, identified as Station 80+00 of the New Minto Airport runway centerline; thence S. 47°53'50" E. a distance of 750.00 feet to a point; thence S. 42°06'10" W. a distance of 4,368.29 feet more or less, to a point of intersection with the northeasterly right-of-way boundary line of the proposed New Minto Road according to BLM Right-of-Way F-19404.

Thence around a curve to the right, with a center angle of 118°36'28", a tangent of 2,244.36 feet, a radius of 1,332.40 feet and a deflection angle of 04°00'00"; an arc distance of 1,268.30 feet to a point; thence continuing N. 26°43'44" W. along the northeasterly right-of-way boundary line of the said proposed New Minto Road a distance of 306.65 feet to a point; thence N. 42°06'10" E. a distance of 4,368.29 feet, more or less, to a point; thence S. 47°53'50" E. a distance of 750.00 feet to the TRUE POINT OF BEGINNING.

This parcel having an area of 155.52 acres, more or less.

(The parcel described above is designated as Tract I on the State of Alaska, Department of Public Works, Division of Aviation New Minto Airport Property Plan, dated June 13, 1974.)

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to District Manager, Bureau of Land Management, P.O. Box 1150, Fairbanks, Alaska 99707.

HAROLD E. WALDO,
Chief, Division of Land Office.

[FR Doc.75-34809 Filed 12-29-75;8:45 am]

NEVADA

Change of Office Mailing Address

DECEMBER 17, 1975.

Notice is hereby given that the mailing address only of the Winnemucca District Office of the Bureau of Land Management is changed effective immediately. New mailing address only will be U.S. Department of the Interior, Bureau of Land Management, 705 East Fourth Street, Winnemucca, Nevada 89445. Office location and phone number remain the same.

ROGER J. MCCORMACK,
Associate State Director, Nevada.

[FR Doc. 75-34807 Filed 12-29-75;8:45 am]

NEVADA

Change of Office Mailing Address

DECEMBER 17, 1975.

Notice is hereby given that the mailing address of the Ely District Office of the Bureau of Land Management is changed effectively immediately. New office mailing address is U.S. Department of the Interior, Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301. No change in the physical location of this office is made.

ROGER J. MCCORMACK,
Association State Director, Nevada.

[FR Doc.75-34808 Filed 12-29-75;8:45 am]

[NM 27210, 27211 and 27212]

NEW MEXICO

Applications

DECEMBER 18, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for an evaporation pond site and

two 4½ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN
NEW MEXICO

T. 27 N., R. 8 W.,
Sec. 22, NE¼NW¼.
T. 27 N., R. 10 W.,
Sec. 8, E½SE¼NW¼NE¼.
T. 31 N., R. 10 W.,
Sec. 21, lots 12 and 13.

The pond site will occupy 5.0 acres and the pipelines will convey natural gas across .063 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Mineral Operations.

[FR Doc.75-34802 Filed 12-29-75;8:45 am]

[NM 27138]

NEW MEXICO

Notice of Application

DECEMBER 18, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½ inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 27 E.,
Sec. 16, W½NE¼ and SE¼NE¼.

These pipelines will convey natural gas across .524 of a mile of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-34803 Filed 12-29-75;8:45 am]

[NM 26959]

NEW MEXICO

Notice of Application

DECEMBER 18, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Company has applied for five 4 inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 8 W.,
Sec. 4, SE¼NE¼ and N½SE¼.
T 30 N., R. 9 W.,
Sec. 3, SE¼SE¼;
Sec. 6, SW¼NE¼, W½SE¼ and SE¼SE¼;
Sec. 13, NW¼SE¼;
Sec. 22, N½NW¼, SW¼NW¼ and NW¼SW¼.

These pipelines will convey natural gas across 1.680 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-34804 Filed 12-29-75;8:45 am]

[Wyoming 53437]

WYOMING

Notice of Application

DECEMBER 18, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Mountain Fuel Supply Company has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 28 N., R. 114 W.,
Sec. 32;
Sec. 33;
Sec. 34.

The pipeline will convey natural gas from the Fogarty Creek well in sec. 32 to the Dry Piney unit well in sec. 34 to tie into an existing pipeline, all in T. 28 N., R. 114 W., Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-34805 Filed 12-29-75;8:45 am]

[Wyoming 53431]

WYOMING

Notice of Application

DECEMBER 18, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Colorado Interstate Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 17 N., R. 94 W.,
Sec. 6;
Sec. 18.
T. 18 N., R. 94 W.,
Sec. 6;
Sec. 18;
Sec. 30;
Sec. 32.

The pipeline will convey nautral gas from three wells in sec. 18, T. 17 N., R. 94 W., and secs. 6 and 32, T. 18 N., R. 94 W., to a proposed pipeline in sec. 6, T. 18 N., R. 94 W., to connect to gathering facilities in Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 670, Rawlins, WY 82301.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-34806 Filed 12-29-75;8:45 am]

SALT LAKE DISTRICT MULTIPLE USE ADVISORY BOARD, UTAH

Meeting

Notice is hereby given in accordance with P.L. 92-463 that a meeting of the Salt Lake District Multiple Use Advisory Board will be held January 22 and 23, 1976, commencing at 9:00 a.m. in the Conference Room of the District Office at 2370 South 2300 West in Salt Lake City, Utah. The subject Advisory Board was established to advise the District Manager on matters pertaining to multiple use management in the Salt Lake District.

The first day of the two day meeting will be devoted to introductory and orientation items including a review of the Charter, organizing the Board, status of District planning efforts, and a review of items "in progress" prior to formation of the Board. Topics will include the District oil and gas leasing program, wild horse management, District programs relating to the NRDC lawsuit, administration and management of the Bonneville Salt Flats, and management of the Deep Creek Mountains.

The second day will include consideration of current decision making, including military uses of NRL, various matters pertaining to Utah Lake, Onaqui-Oquirrh Planning Unit, Park City area land classifications, predator control plans, Woodruff area grazing administration, private exchange proposals, homesteading and desert land entries, forest product disposition, fire management, recreation area planning, and utility corridors.

The meeting is open to the public. Interested persons can make oral presentations to the Board or file written statements; however, requests for oral presentations before this Board should be made to the official listed below at least two days prior to the meeting. The Chairman or Authorized Federal Official may limit public attendance to the extent that available facilities and time require limitation.

Further information concerning this meeting may be obtained from Gerald E. Hillier, District Manager, Bureau of Land Management, 2370 South 2300 West, Salt Lake City, Utah 84119, telephone number (801) 524-5348. Minutes of the meeting will be available for public inspection and copy two weeks after the meeting at the Salt Lake District Office, 2370 South 2300 West, Salt Lake City, Utah.

Dated: December 19, 1975.

GERALD E. HILLIER,
District Manager.

[FR Doc.75-34810 Filed 12-29-75;8:45 am]

Geological Survey

BECKWOURTH PEAK, CALIFORNIA

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as a known geothermal resources area:

(5) CALIFORNIA—BECKWOURTH PEAK KNOWN GEOTHERMAL RESOURCES AREA—MT. DIABLO MERIDIAN, CALIFORNIA

T. 22 N., R. 14 E.,
Secs. 3, 4, 9—All
T. 23 N., R. 14 E.
Sec. 34—All

The area described aggregates 2,558 acres, more or less.

Dated: July 2, 1975.

WILLARD C. GERE,
Conservation Manager Western Region.

[FR Doc.75-35005 Filed 12-29-75;8:45 am]

KLAMATH FALLS, OREGON

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as an addition to the Klamath Falls Known Geothermal Resources Area, effective February 1, 1974:

(37) OREGON—KLAMATH FALLS KNOWN GEOTHERMAL RESOURCES AREA—WILLAMETTE MERIDIAN, OREGON

T. 38 S., R. 9 E.,
Secs. 3, 4, 5, 8, 9, 10, and 14
T. 40 S., R. 9 E.,
Secs. 3, 10, 15, 16, 17, 20 through 28, 34, 35, and 36
T. 41 S., R. 9 E.,
Secs. 1 through 4, 9 through 12, and 15
T. 39 S., R. 10 E.,
Secs. 4, 5, 6, 14, 15, 22 through 27, 32, 33, and 34
T. 40 S., R. 10 E.,
Secs. 4, 5, and 30
T. 41 S., R. 10 E.,
Secs. 6 and 7

The area described aggregates 33,000 acres, more or less.

Dated: November 25, 1975.

WILLARD C. GERE,
Conservation Manager Western Region.

[FR Doc.75-35006 Filed 12-29-75;8:45 am]

OUTER CONTINENTAL SHELF PROPOSED OCS ORDERS

Extension of Time for Comments

The Geological Survey hereby extends the time to submit written comments and suggestions concerning proposed revision of two Gulf of Mexico OCS Orders to February 15, 1975. The following OCS Orders were published in Volume 40, FEDERAL REGISTER No. 238, on December 10, 1975:

OCS Order No. 7, Pollution and Waste Disposal.
OCS Order No. 8, Platforms, Structures, and Associated Equipment.

Comments should be sent to the Director, U.S. Geological Survey, National Center, Mail Stop 101, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

W. A. RADLINSKI,
Acting Director.

[F RDoc.75-35007 Filed 12-29-75;8:45 am]

OUTER CONTINENTAL SHELF

Procedures for the Development of OCS Standards

Pursuant to Supplement No. 2, November 1974, to the Geological Survey, "Report of the Work Group on OCS Safety and Pollution Control," May 1973, the Geological Survey hereby gives notice that the following procedures have been established for the development of specific safety and pollution-prevention standards for equipment and procedures used during drilling and producing operations on oil and gas leases issued on the Outer Continental Shelf:

1. Identify needs for new or modified standards and establish priorities.

2. Publish a notice in the FEDERAL REGISTER of intent to prepare specific standards requesting input and assistance.

3. Prepare drafts of new, updated, and revised standards by one or a combination of the following methods:

A. By use of input derived from step 2 above.

B. By use of available in-house expertise.

C. By arrangement with ANSI, ASME, ASTM, API, or other organizations who prepare standards.

4. Publish draft standards in the FEDERAL REGISTER for comments.

5. Consider the comments received, publish the final standards in the FEDERAL REGISTER, and incorporate them in an appropriate OCS Order by reference.

Specific environmental hazards and problems that are characteristic of different areas of the OCS shall be taken into account when incorporating standards into OCS Orders.

W. A. RADLINSKI,
Acting Director.

[FR Doc.75-35008 Filed 12-29-75;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-35]

ALABAMA BY-PRODUCTS CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Albama By-Products Corporation has filed a petition to modify the application of 30 CFR 75.902 to the following mines in Alabama:

Mine	Location
Maxine	Jefferson County.
Mary Lee No. 1	Walker County.
Gorgas No. 7	Do.
Mary Lee No. 2	Do.
Segco No. 1	Do.

30 CFR 75.902 provides:

On or before September 30, 1970, low and medium-voltage resistance grounded systems shall include a fail-safe ground check circuit to monitor continuously the grounding circuit to assure continuity which ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken, or other no less effective device approved by the Secretary or his authorized representative to assure such continuity, except that an extension of time, not in excess of 12 months, may be permitted by the Secretary on a mine-by-mine basis if he determines that such equipment is not available. Cable couplers shall be constructed so that the ground check continuity conducted shall be broken first and the ground conductor shall be broken last when the coupler is being uncoupled.

In support of its position, Petitioner states: (1) Petitioner is actively engaged in the mining of bituminous coal at all of the above-captioned mines except Mary Lee No. 2 Mine which is in the process of being opened and will be in operation very soon. All of the above-named mines are underground mines. Mining is accomplished by the use of continuous miners as well as by the use of conventional equipment (cutting machines, loading machines, shuttle cars, rock and coal drills, etc.).

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(2) Petitioner has tried 10 of these fail safe ground check monitors circuits which vary from small relays to complicated electronic devices and it has yet to find one which will satisfy the requirements of the Act or the Federal Regulations or withstand the high (week-end) and low (operating conditions) voltages which we have in the coal industry.

(3) The ground check monitor circuit referred to in 30 CFR 75.902 must cause the circuit breaker to open when either the ground or pilot check wire is broken. The main objective is to be assured that a continuous grounding circuit be maintained. Petitioner sincerely believes it has an alternate method which will provide at least the same degree of safety and will maintain a continuous grounding circuit.

(4) Alternate Method: Petitioner requests that in lieu of the mandatory requirements of the Act and regulations the following installations and procedures be followed:

(a) A bare (non-insulated) copper conductor equal in size to the power conductor be installed as a safety ground conductor. The ground conductor suggested by Petitioner will satisfy the requirements under 30 CFR 75.514.

(b) This bare conductor shall be inspected in accordance with 30 CFR 75.512 and shall at all times meet the requirement under 30 CFR 75.512.

(c) It is understood that this alternate method shall only be approved on the condition that the safety ground (bare, non-insulated conductor) will be adequately protected from exposure to physical damage and also that the safety ground conductor shall be visible for the entire length of the conductor.

(5) Petitioner's safety records disclose no history of accidents resulting from the lack of a safety ground to stationary equipment. As stated above, some form of safety ground is absolutely essential for the safety of miners. However, Petitioner believes the alternate method of using a non-insulated visible safety ground conductor will at all times guarantee no less than the same measure of protection as that guaranteed under 30 CFR 75.902. Also 30 CFR 75.901 will be complied with because a ground conductor one-half the size of the power conductor will be utilized in addition to the proposed bare grounding conductor. To support its statement of the same degree of safety, Petitioner points out that the visible examination of the safety ground conductor for its entire length assures that there are no physical defects in the conductor. Thus we are assured that the proper size (ampacity) of the ground conductor is maintained. In cases where the pilot monitoring device is used—unless the safety ground wire is visible—one has no such assurance. Due to the unreliability of the ground pilot monitoring circuits, more trouble shooting is required. In electrical trouble shooting there is a certain exposure to electrical shock hazards. This alternate method would reduce this exposure considerably.

(6) In the proposed alternate method, all connections are external and visible. Therefore, Petitioner has full assurance of positive connection under its alternate method. Under the requirements of the Act and regulations, internal—not always visible—connections are allowed. Petitioner feels this further demonstrates that its alternate method provides at least the same degree, if not a greater degree, of safety.

(7) It must be remembered that Petitioner requests the use of this alternate method only in areas where the conductor is visible, can be inspected, and is not subjected to physical damage.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 29, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 19, 1975.

[FR Doc.75-35009 Filed 12-29-75;8:45 am]

[Docket No. M 75-32]

BETTY B. COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Betty B. Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its Nos. 1, 2 and 4 Mines, Clintwood, Virginia.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

Petitioner's alternate coupling method consists of a cut lever mounted at rear of the mine car which permits a pin to drop into the coupling pin and automatically lock in. Where necessary a long-handled hook can be used to align the link with the coupling pin without requiring the brakeman to go between the cars.

This method of coupling provides a greater amount of safety for a number of reasons; it prevents, for example, the accidental uncoupling of cars which occurs when track levels are uneven.

Petitioner believes that its alternate method will at all times guarantee no less than the same measure of protection afforded the miners by the mandatory standard.

The petition is supported by schematic diagrams detailing the alternate method.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 29, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that time.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 19, 1975.

[FR Doc.75-35010 Filed 12-29-75;8:45 am]

[Docket No. M 76-39]

JEWELL SMOKELESS COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Jewell Smokeless Coal Corp. has filed a petition to modify the application of 30 CFR 77.1607(bb) to its Cornet Plant No. 2, Vansant, Virginia.

30 CFR 77.1607(bb) provides:

When the entire length of a conveyor is visible from the starting switch, the operator shall visually check to make certain that all persons are in the clear before starting the conveyor. When the entire length of the conveyor is not visible from the starting switch, a positive audible or visible warning system shall be installed and operated to warn persons that the conveyor will be started.

In support of its petition, Petitioner states: (I) Petitioner incorporates the use of many belts and conveyors within its coal preparation plant to transfer raw coal and refuse in their various states of preparation from one location to another as is necessitated by a predetermined material flow pattern. These belts and conveyors are covered by the mandatory standard as set forth in 30 CFR 77.1607(bb).

(II) Petitioner's preparation plant is provided with a central control station fed from two separate motor control centers. The control station is located in a totally enclosed and insulated room to provide a controlled atmosphere for greater efficiency and durability of its electrical components. Therefore, the operator cannot visually check any conveyor before starting it.

(III) Petitioner's preparation plant is provided with an audible warning system to warn personnel when any piece of electrical equipment is to be started. There are approximately 150 motors throughout the plant. Of this number only 25 motors are used to provide drive-power to conveyors. The aforementioned warning system is used in conjunction with all the motors, including the conveyor drive motors in the following ways:

(1) At the start of each shift, the warning siren is sounded to warn personnel that equipment will be started.

(a) Two pushbuttons have been installed on the control console, one on the extreme right and near the intercom station and one in the center, which are manually engaged to energize the sirens.

(b) The following start-up instructions are boldly displayed on the console at each pushbutton and are followed by all operators:

SOUND SIREN THREE BLASTS, PAUSE 20 SECONDS, START EQUIPMENT

(2) During the production shift (after all major motors have been started), when it is necessary to start any auxiliary motor or to shut down and restart a motor, the above procedure is precisely followed.

(IV) The warning system described has been in operation since the plant was rewired in 1971. During this time there have been no difficulties encountered with its effectiveness. Also, during this period there have been numerous inspections made by both Federal and State inspectors without any notices being issued concerning the permissibility of the warning system.

(V) To effectively use an automatic timing device the use of "jog-stop" buttons would have to be provided to accommodate the repair and maintenance worker. Frequently, the repairman is required to "jog" a motor to check for proper rotation, to change position of a belt conveyor, or various other reasons. To do this without a "jog-stop" button would require waiting for the automatic timing device to complete its cycle, thus starting the motor. This time lag would be a nuisance and danger to the repairman.

(VI) Alternate Method (1) Petitioner feels, considering its current warning system, safety hazards would actually be increased by application of 30 CFR 77.1607(bb) as an "automatic" warning system.

(2) Petitioner feels that the warning system used in this plant meets the requirements of a "positive" warning device and is safer than an "automatic" system would be for the following reasons:

(a) This system includes all electrical equipment and is not limited to belts and conveyors.

(b) The electrical equipment can be started from the operator's station only. (There are no "jog-stop" buttons as previously mentioned.)

(c) Repair and maintenance require motors to be "jogged" for various reasons. This is accomplished by use of an intercom system wherein the mechanic can communicate directly with the operator as to his exact needs. This method prevents a repairman in an isolated section of the plant from "jog-starting" a piece of equipment without giving proper warning to other plant personnel.

(d) When repair is necessary, the electricians use the following procedures:

(1) The equipment to be repaired is identified.

(2) The circuit breaker feeding that piece of equipment is opened.

(3) With locks provided in each motor control room the circuit breaker is locked out and the one key provided is kept by the repairman who locked out the breaker.

(4) An appropriate danger tag is attached to that piece of equipment.

(5) Upon completion of repairs the repairman, with the key, shall unlock the circuit breaker, remove the danger tag, reinstall the power and inform the operator that the repairs have been completed.

(6) The operator will use the aforementioned start-up procedure in restoring the repaired piece of equipment into service.

(3) The foregoing alternate method is a method which has been developed with the assistance of technical experts of Petitioner and addresses itself to not only the safety objectives sought by 30 CFR 77.1607(bb) but also to the particular hazards that would be created if application of such standard were required.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 29, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 19, 1975.

[FR Doc.75-35011 Filed 12-29-75;8:45 am]

[Docket No. M 76-27]

PENN ALLEIGH COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Penn Alleigh Coal Co., Inc., has filed an amendment to its petition [1] to modify the application of 30 CFR 75.-1710-1(a) to its Allegheny No. 2 Mine located in Allegheny and Butler Counties, Pennsylvania.

30 CFR 75.1710-1(a) provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

In support of its amendment, petitioner states: (1) Subsequent to the filing of its original petition, Petitioner was served with a Notice to Provide Safeguards requiring the installation of canopies on all rubber-tired haulage equipment and battery tractors in Petitioner's mine.

(2) Petitioner avers that all of the reasons for diminution of safety cited by it in its original petition with respect to the use of canopies relating to face equipment apply as well to the use of canopies on rubber-tired haulage equipment and battery tractors.

(3) Petitioner further avers that in addition to the reasons cited in paragraph 4 of its original petition for modification of the aforesaid safety standard, the use of canopies on haulage equipment and battery tractors would involve the following additional hazards:

(a) The greater speeds of haulage equiment accentuate the possibility of severe damage to equipment and permanent roof supports or injury to operators in the event the canopy becomes wedged against the roof of the coal seam; and the variable roof heights make this type of impact more probable when equipment is moving more rapidly.

(b) Haulage equipment must traverse more distances than face equipment and thus must encounter more surface unevenness, making collision between canopy and roof more likely.

(4) Petitioner avers that, as in the case of canopies for face equipment, there are no manufacturers presently building canopies suitable for use on rubber-tired haulage equipment and battery tractors.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 29, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 19, 1975.

[FR Doc.75-35012 Filed 12-29-75;8:45 am]

[1] The original petition was published in 40 FR 55871 on Tuesday, December 2, 1975.

issued under the Prototype Oil Shale

Minutes of the meeting will be avail-

DEPARTMENT OF AGRICULTURE

V40250 DEC 30 75 XUM V

[Docket No. M 76-33]

SOUTH-EAST COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), South-East Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Polly No. 4 Mine, Whitesburg, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

In support of its petition, Petitioner states: (1) Petitioner's haulage equipment consists of National Mine Service Torkars, type 48A-512-36AL, over-all height 43 inches, and 6S/C Joy shuttle cars 36 inches high. This equipment has been in service for several years, and when manufactured was not designed for the installation of canopies. Attempts by Petitioner to construct or purchase suitable canopies have not been successful.

(2) The Polly Mine is in the Elkhorn No. 3 seam ranging from 46 to 60 inches in height. Petitioner is constantly encountering irregularities in this seam resulting in severe dips in the coalbed.

(3) There have been no serious injuries to shuttle car operators due to roof falls since production started in 1957. However, due to the reduced visibility, awkward body positions, e.g., operator having to hang his head outside of canopy to operate the machinery, possible dislodgment of roof support, and entrapment of personnel in disabled equipment, installing canopies on the haulage equipment will create more of a hazard to the operator and other employees on the section than the possibility of a roof fall.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 29, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 19, 1975.

[FR Doc.75-35013 Filed 12-29-75;8:45 am]

[Docket No. M 76-36]

TENN-TEX COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Tenn-Tex Coal Corporation has filed a petition to modify the application of 30 CFR 77.1605(k) to its Frances No. 1 Mine, Middlesboro, Kentucky.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition Petitioner states: (1) The subject haulage road is only 3 miles in length, very wide, and well-maintained. Petitioner's traffic system has worked extremely well in the avoidance of all accidents. In sum, Petitioner has an excellent safety record in its hauling operations due to careful maintenance of rolling stock, supervised traffic system and extra wide roads.

(2) Installation of berms on the side of the road would interfere with drainage, and water, resulting from snow, would collect on the road. Thus, the berms would create a hazard to rather than a protection of the drivers.

(3) Petitioner believes that the safety precautions presently taken on the haulage road will guarantee a greater measure of protection to the truck drivers than will be afforded by the installation of berms or guardrails.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 29, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

DECEMBER 19, 1975.

[FR Doc.75-35014 Filed 12-29-75;8:45 am]

[INT DES 75-65]

CORDERO MINE, CAMPBELL COUNTY, WYOMING

Notice of Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement on proposed coal mining operations at Sun Oil Company's Cordero Mine, Campbell County, Wyoming. The draft statement assesses the environmental impacts of the lessee's plan for the strip mining of federally owned coal and the concurrent reclamation and revegetation of surface lands.

The proposed mining and reclamation plan assessed in this statement is on Federal coal lease Wyoming 3385, Tr. 46 and 47 N., R. 71 W., 6th Prin. Mer. and was one of the mining proposals identified in the preparation of the regional analysis (Part I) of the Department's final environmental statement, FES 74-55, entitled "Proposed Development of Coal Resources in the Eastern Powder River Coal Basin of Wyoming," which was filed with the Council on Environmental Quality on October 18, 1974. Public hearings on the draft of that statement were held as follows: June 24-25, 1974 at Cheyenne, Wyoming; June 26, 1974 at Casper, Wyoming; and June 27-28, 1974 at Gillette, Wyoming. The draft environmental statement is available for public review in the U.S. Geological Survey Public Inquiries Office, Room 1012, Federal Building, Denver, Colorado 80202; the U.S. Geological Survey Library, Building 25, Denver Federal Center, Denver, Colorado 80225; the U.S. Geological Survey Library, Room 4A100, USGS National Center, Reston, Virginia, 22092; the U.S. Department of Interior Library, Interior Building, Washington, D.C. 20240; the Converse County Library, 300 Walnut Street, Douglas, Wyoming 82633; the George Amos Memorial Library, 412 South Gillette Avenue, Gillette, Wyoming 82716; the Library of Natrona County, 307 East Second, Casper, Wyoming 82601; and the State Library, State of Wyoming, Supreme Court Building, Cheyenne, Wyoming 82002.

A limited number of copies are available to the public upon request from the following United States Geological Survey Offices:

Public Inquiries Office, 1012 Federal Building, 1961 Stout Street, Denver, Colorado 80202.

Public Inquiries Office, 8102 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

Environmental Impact Analysis Program, Preparation Unit, National Center, Mail-stop 760, Reston, Virginia 22092.

The Department will accept written comments on the draft statement for a period of 45 days subsequent to the date of this notice, and will consider any comments received in preparing the final environmental statement on this proposal. Written comments should be addressed to Director, United States Geological Survey, National Center (Mailstop 108) Reston, Virginia 22092.

STANLEY D. DORESUS,
Deputy Assistant Secretary of Interior.

DECEMBER 23, 1975.

[FR Doc.75-35038 Filed 12-29-75;8:45 am]

Office of the Assistant Secretary, Land and Water Resources

OIL SHALE ENVIRONMENTAL ADVISORY PANEL

Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Oil Shale Environmental Advisory Panel will be held on January 21 and 22, 1976, at the Denver Downtown Holiday Inn, 15th Street and Glenarm Place, in Denver, Colorado. The meeting will begin at 1:00 p.m. on Wednesday, January 21 in the Molly Gibson and Gold Links rooms and conclude at 5:00 p.m. on Thursday, January 22.

The Panel was established to assist the Department of the Interior in the performance of its functions in connection with the supervision of oil shale leases issued under the Prototype Oil Shale Leasing Program. The purpose of this meeting is to review an outline and draft material for the Detailed Development Plan for lease tract C-a, an outline for a Social and Economic Growth Management Impact Statement for tract C-a, review fourth quarterly summary data reports for lease tracts C-a, C-b, and U-a and U-b (combined) and to receive reports from Interior officials.

The meeting is open to the public. It is expected that space will permit at least 150 persons to attend the meeting in addition to the panel members. Interested persons may make brief presentations to the panel or file written statements. Requests should be made to Mr. William L. Rogers, Chairman, Office of the Secretary, Department of the Interior, Room 638, Building 67, Denver Federal Center, Denver, Colorado 80225.

Further information concerning this meeting may be obtained from Mr. Henry O. Ash, Office of the Oil Shale Environmental Advisory Panel, Room 690, Building 67, Denver Federal Center, Denver, Colorado 80225, Telephone No. (303) 234-3275. Minutes of the meeting will be available for public inspection 30 days after the meeting at the Panel office.

Dated: December 17, 1975.

JACK O. HORTON,
Assistant Secretary of the Interior.

[FR Doc.75-34961 Filed 12-29-75;8:45 am]

Office of the Secretary

OUTER CONTINENTAL SHELF ADVISORY BOARD—SOUTH ATLANTIC REGION

Notice and Agenda for Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Public Law No. 92-643, 5 U.S.C. App. I and the Office of Management and Budget's Circular No. A-63, Revised.

The South Atlantic Regional Board will meet during the period 10:00 a.m. to 3:00 p.m., January 14, 1976, in the Marine Resources Center, South Carolina Wildlife and Marine Resources Department, 217 Fort Johnson Road, Charleston, South Carolina.

The Board plans to discuss the agenda items for the next national meeting which will be held in February. In addition, States will present and discuss local concerns.

The meeting is open to the public. Interested persons may make oral or written presentations to the Board. Such requests should be made by January 7 to the South Atlantic Board Chairman:

Dr. James I. Jones, Special Projects Officer, Division of State Planning, 660 Apalachele Parkway, Tallahassee, Florida 32304. 904/488-1115.

Minutes of the meeting will be available for public inspection and copying three weeks after the meeting at the Office of OCS Program Coordination, Room 4126, Department of the Interior, 18th and C Streets, N.W., Washington, D.C.

ROYSTON C. HUGHES,
Assistant Secretary, Program Development and Budget.

DECEMBER 22, 1975.

[FR Doc.75-34963 Filed 12-29-75;8:45 am]

ADVISORY COMMITTEES

Renewal

This notice is published in accordance with the provisions of section 7(a) of the Office of Management and Budget Circular A-63, which was published in the FEDERAL REGISTER on April 5, 1974 (39 FR 12389). Pursuant to the authority contained in section 14(a) of the Federal Advisory Committee Act (Public Law 92-463), I have determined that renewal of the advisory committees listed below is necessary and in the public interest.

Oil Shale Environmental Advisory Panel
Outer Continental Shelf Environmental Studies Advisory Committee (formerly the Outer Continental Shelf Research Management Advisory Board)
Regional Advisory Committee, Mid-Atlantic Region, National Park Service
Regional Advisory Committee, North Atlantic Region, National Park Service
Regional Advisory Committee, Rocky Mountain Region, National Park Service

The Office of Management and Budget has concurred in the renewal of these committees.

Further information regarding these renewals may be obtained from the Committee Management Officer, Office of the Secretary, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202-343-8401.

Dated: December 19, 1975.

THOMAS S. KLEPPE,
Secretary of the Interior.

[FR Doc.75-35023 Filed 12-29-75;8:45 am]

WATCHES AND WATCH MOVEMENTS

Rules for Allocation of Quotas for Calendar Year 1976 Among Producers Located in the Virgin Islands, Guam, and American Samoa

CROSS REFERENCE: For a document issued jointly by the Department of the Interior, Office of the Secretary, and the Department of Commerce, Office of the Secretary, on the subject of watches and watch movements, see FR Doc. 75-35020 appearing in the notices section of this issue under the Department of Commerce, Office of the Secretary.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

REGULATORY INVESTIGATIONS OF DRUG, PESTICIDE, AND INDUSTRIAL CHEMICAL RESIDUES IN ANIMAL FEEDS AND IN MEAT AND POULTRY

Memorandum of Understanding With the Food and Drug Administration and Various State Agencies

CROSS REFERENCE: For a document giving notice of a Memorandum of Understanding between the Animal and Plant Health Inspection Service, the Food and Drug Administration, and various State agencies regarding a coordinated program for dealing with illegal residues in animal feeds and in meat and poultry, see FR Doc. 75-34983, Department of Health, Education, and Welfare, Food and Drug Administration, *infra*.

Farmers Home Administration

[FmHA Instruction 449.2]

BUSINESS AND INDUSTRIAL LOANS

Insured Loan Interest Rates

Notice is hereby given by the Farmers Home Administration that the current rate of interest for insured business and industrial loans, established pursuant to 7 CFR 1980.423(b) is as follows:

a. Insured loans to private entrepreneurs will be at the rate of ten and one-quarter percent (10.25%). This rate will remain in effect until a change is published in the FEDERAL REGISTER.

Effective Date. This notice shall be effective on December 30, 1975.

Dated: December 19, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-34883 Filed 12-29-75;8:45 am]

[Notice of Designation Number A278]

NEW YORK

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following New York Counties as a result of drought May 1 through August 31, 1975:

Clinton; Essex; Franklin; Jefferson; St. Lawrence.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Hugh L. Carey that such designation be made.

V 40 N 250 DEC 30 75 XUM

Applications for Emergency loans must be received by this Department no later than February 11, 1976, for physical losses and September 13, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 18th day of December 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-34972 Filed 12-29-75;8:45 am]

[Notice of Designation Number A277]

SOUTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Davison County, South Dakota, as a result of drought June 1 to September 4, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Richard F. Kneip that such designation be made.

Applications for Emergency loans must be received by this Department no later than February 10, 1976, for physical losses and September 13, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 18th day of December, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-34973 Filed 12-29-75;8:45 am]

[Notice of Designation Number A276]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Caldwell County, Texas, as a result of excessive rainfall beginning April 10 through July 30, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than February 10, 1976, for physical losses and February 13, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 18th day of December, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-34974 Filed 12-29-75;8:45 am]

Forest Service

BLACKTAIL LAND USE PLAN

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for management of the Blacktail Unit. The Forest Service Report Number is USDA-FS-R2-DES (Adm) FY-76-06.

The environmental statement concerns a proposed land use plan for the Blacktail Unit on the Routt National Forest in Routt and Grand Counties, Colorado. The management proposal emphasizes both non-consumptive values and the production of tangible products on 23,475 acres. The plan will permit a mixture of needed land uses and activities that are environmentally acceptable and compatible with the Area's economic and social potential. The initial activities would consist of constructing four miles of road and harvesting five million board feet of timber. Specific guidance is given to retaining scenic qualities and maintaining a dispersed recreation atmosphere. The proposed Plan does not retain any of the 15,655 acres of Inventoried Roadless Areas DL & DM (Rock Creek and Blacktail) in a designated roadless status.

This draft environmental statement was transmitted to CEQ on December 19, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.
USDA Forest Service, 137-10th Street, Steamboat Springs, Colorado 80477.
USDA Forest Service, 11177 West Eight Avenue, Lakewood, Colorado 80225.
USDA Forest Service, 300 Roselawn, Yampa, Colorado 80483.

A limited number of single copies are available upon request to: J. MERLE PRINCE, Forest Supervisor, Routt National Forest, P.O. Box 1198, Steamboat Springs, Colorado 80477.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact included for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to J. Merle Prince, Forest Supervisor, Routt National Forest, P.O. Box 1198, Steamboat Springs, Colorado 80477. Comments must be received by February 19, 1976, in order to be considered in the preparation of the final environmental statement.

Dated: December 19, 1975.

J. MERLE PRINCE,
Forest Supervisor.

[FR Doc.75-34796 Filed 12-29-75;8:45 am]

BOGUS BASIN PROPOSED SKI AREA EXPANSION

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Bogus Basin Proposed Ski Area Expansion, Boise National Forest, Idaho. The Forest Service report number is USDA-FS-DES (Adm) R4-76-7.

This environmental statement reviews the expansion proposal for the Bogus Basin Ski Area. The expansion would take place on the Boise National Forest in Boise County, Idaho. The expansion area development would be supported by base facilities located on private land. The proposal calls for the addition of 1,370 acres to this use upon which two double chairlifts, a warming lodge, and several ski runs will be developed. The expansion will bring the Bogus Basin ski slope capacity from 2,367 to 3,793 skiers at one time.

This draft environmental statement was transmitted to CEQ on December 19, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.
Regional Planning Office, USDA, Forest Service Federal Bulding, Room 4403, 324—25th Street, Ogden, Utah 84401.
Forest Supervisor, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.

A limited number of single copies are available upon request to Forest Supervisor Edward C. Maw, Boise, National Forest, 1075 Park Boulevard, Boise, Idaho 83706.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706. Comments must be received by February 17, 1976, in order to be considered in the preparation of the final environmental statement.

Dated: December 19, 1975.

P. M. REES,
Director,
Regional Planning and Budget.

[FR Doc.75-34795 Filed 12-29-75;8:45 am]

RYAN PARK WINTER SPORTS SITE MEDICINE BOW NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Ryan Park Winter Sports Site. The Forest Service Report Number is USDA-FS-R2-DES (Adm) FY-76-05.

This environmental statement concerns a proposal to allocate 280 acres of National Forest land adjacent to Ryan Park, Wyoming for a winter sports site within the Travel Influence Zone pursuant to the Forest Multiple-Use Plan approved in January, 1972. The current allocation of 67 acres for a winter sports site at the nearby Ryan Park Ski Village would be terminated.

This draft environmental statement was transmitted to CEQ on December 19, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, 11177 West Eight Avenue, Lakewood, Colorado 80225.
USDA, Forest Service, 605 Skyline Drive, Laramie, Wyoming 82070.

A limited number of single copies are available upon request to: Alan Duhnkrack, Forest Supervisor, Medicine Bow National Forest, 605 Skyline Drive, Laramie, Wyoming 82070.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact included for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Alan Duhnkrack, Forest Supervisor, Medicine Bow National Forest, 605 Skyline Drive, Laramie, Wyoming 82070. Comments must be received by February 18, 1976, in order to be considered in the preparation of the final environmental statement.

Dated: December 19, 1975.

CLAYTON B. PIERCE,
Director, Multiple Use and Environmental Quality Coordination.

[FR Doc.75-34797 Filed 12-29-75;8:45 am]

SNAKE RIVER BASIN

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Snake River Basin. The Forest Service Report Number is USDA-FS-R2-DES(Adm) FY-76-04.

This environmental statement concerns a proposal to update the existing Multiple Use Management Guide and intensify management actions for lands in the Snake River Basin, Dillon Ranger District, Arapaho National Forest, in the County of Summit.

This draft environmental statement was transmitted to CEQ on December 19, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.
USDA, Forest Service, 11177 West Eight Avenue, Lakewood, Colorado 80225.
USDA, Forest Service, P.O. Box 948, Glenwood Springs, Colorado 81601.

A limited number of single copies are available upon request to: Thomas C. Evans, Forest Supervisor, White River National Forest, P.O. Box 948, Glenwood Springs, Colorado 81601.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact included for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Thomas C. Evans, Forest Supervisor, White River National Forest, P.O. Box 948, Glenwood Springs, Colorado 81601. Comments must be received by February 18, 1976, in order to be considered in the preparation of the final environmental statement.

Dated: December 19, 1975.

CLAYTON B. PIERCE,
Director, Multiple Use and Environmental Quality Coordination.

[FR Doc.75-34798 Filed 12-29-75;8:45 am]

BOISE NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Boise National Forest Grazing Advisory Board will meet at 1:30 p.m., February 10, 1976, at the Boise National Forest Supervisor's Office, 1075 Park Boulevard, Boise, Idaho.

The purpose of the meeting is to explain the purpose and function of the Advisory Board, review of and suggestions for revising the constitution and by-laws, to comment on the revision of the 2200 Range Management section of the Forest Service Manual, and to explain briefly Forest Service appeal procedures.

The meeting will be open to the public. Persons who wish to attend should notify Mr. Tom Nicholson, President, Boise National Forest Grazing Advisory Board, 10322 Estate Drive, Boise, Idaho 83705, Telephone: Area Code 208 375-5255. Written statements may be filed with the committee before or after the meeting.

Dated: December 15, 1975.

EDWARD C. MAW,
Forest Supervisor.

[FR Doc.75-34800 Filed 12-29-75;8:45 am]

NATIONAL ADVISORY COMMITTEE ON SAFETY IN AGRICULTURE

Public Meeting

The National Advisory Committee on Safety in Agriculture will be held January 27-28, in Washington, D.C.

The meetings which will begin each day at 9:00 A.M., will be held in room 218-A at the U.S. Department of Agriculture's Administration Building, 12th and Independence Avenue, SW., Washington, D.C. 20250, and will be open to the public.

The meeting is structured to provide members of the committee ample time for discussion. Key issues to be included are: status of recommendations made by the committee at its last meeting held February 26-27, 1975; statistics on farm accidents; research and education programs related to farm safety; review of impacts of existing health and safety regulations on the agricultural sector; and possible impacts of any proposed health and safety regulations affecting farmers, farm workers and agricultural communities.

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Written comments concerning this meeting should be addressed to Dr. R. B. Wilson, Assistant to the Secretary for Intergovernmental Affairs, Office of the Secretary, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated: December 22, 1975.

R. B. WILSON,
Executive Secretary.

[FR Doc.75-34975 Filed 12-29-75;8:45 am]

CHAMBERLAIN BRANCH WATERSHED PROJECT, KENTUCKY

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for floodwater retarding structure No. 1 of the Chamberlain Branch Watershed Project, Estill County, Kentucky.

The environmental assessment of this federal action indicates that the structure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the structure. As a result of these findings, Mr. Glen E. Murray, State Conservationist, Soil Conservation Service, USDA, 333 Waller Avenue, Lexington, Kentucky 40504, has determined that the preparation and review of an environmental impact statement is not needed for this structure.

The planned works of improvement as described in the negative declaration consist of one single-purpose floodwater retarding structure constructed across a natural stream with intermittent flow.

Chamberlain Branch Watershed, Kentucky, Notice of Availability of Negative Declaration.

The environmental assessment file is available for inspection during regular working hours and a limited supply of the negative declaration is available to fill single copy requests at the following location:

Soil Conservation Service, USDA, 333 Waller Avenue, Lexington, Kentucky 40504.

Request for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: December 18, 1975.

JAMES W. MITCHELL,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-34987 Filed 12-29-75;8:45 am]

CRABTREE CREEK WATERSHED PROJECT, NORTH CAROLINA

Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Crabtree Creek Watershed Project, Wake and Durham Counties, North Carolina, USDA – SCS – EIS – WS – (ADM) – 76 – 01–(D)–NC.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment supplemented by five floodwater retarding structures.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, P.O. Box 27307, Raleigh, North Carolina 27611.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Crabtree Creek Watershed Project, North Carolina, Notice of Availability of Draft Environmental Impact Statement.

Comments concerning the proposed action or requests for additional information should be addressed to Jesse L. Hicks, State Conservationist, Soil Conservation Service, P.O. Box 27307, Raleigh, North Carolina 27611.

Comments must be received on or before February 5, 1976, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: December 18, 1975.

JAMES W. MITCHELL,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-34989 Filed 12-29-75;8:45 am]

EAST BRANCH STURGEON RIVER WATERSHED, MICHIGAN

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the East Branch Sturgeon River Watershed Project, Dickinson County, Michigan.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Arthur H. Cratty, State Conservationist, Soil Conservation Service, USDA, 1405 South Harrison Road, East Lansing, Michigan 48823, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection, flood prevention, recreation, and irrigation.

The remaining works of improvement to be constructed, as described in the negative declaration, is a multiple-purpose structure for storage of water for irrigation and recreation.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 1405 South Harrison Road, East Lansing, Michigan 48823.

Requests for copies of the negative declaration should be sent to this address.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10,904, National Archives Reference Services.)

Dated: December 18, 1975.

JAMES MITCHELL,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-34988 Filed 12-29-75;8:45 am]

NESHAMINY CREEK WATERSHED PROJECT, PENNSYLVANIA

Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Neshaminy Creek Watershed Project, Bucks and Montgomery Counties, Pennsylvania, USDA–SCS–EIS–WS–(ADM)–76–1–(D)–PA.

The environmental impact statement concerns a partially completed project for watershed protection, flood prevention and recreation that was authorized in 1966. The planned works of improvement included conservation land treatment, eight floodwater retarding structures, two multiple purpose structures (municipal water supply, recreation and flood prevention) and two sets of recreation facilities. Part of the conservation land treatment, three floodwater retarding structures and two multiple purpose structures have been installed. The environmental impact statement describes the five floodwater retarding structures, recreation facilities which are located at the multiple purpose structures, and the balance of the conservation land treatment which will be installed. These elements when combined with other local and watershed sponsors' program provide a comprehensive approach to flood plain management for the watershed. The recreational development will provide 330,000 visitor-days of recreation annually.

Neshaminy Creek Watershed Project, Pennsylvania, Notice of Availability of Draft Environmental Impact Statement.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Third and Walnut Streets, Box 985 Federal Square Station, Harrisburg, Pennsylvania 17108.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Benny Martin, State Conservationist, Soil Conservation Service, Box 985 Federal Square Station, Harrisburg, Pennsylvania 17108.

Comments must be received on or before February 18, 1976, in order to be considered in the preparation of the final environmental impact statement.

Dated: December 18, 1975.

(Catalog of Federal Domestic Assistance Program No. 10,904, National Archives Reference Services.)

JAMES W. MITCHELL,
Acting Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc.75-34990 Filed 12-29-75;8:45 am]

LOWER BAYOU WATERSHED, OKLAHOMA

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for an independent portion of the Lower Bayou Watershed Project, Carter and Love Counties, Oklahoma.

The environmental assessment of the federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement covered by this negative declaration include conservation land treatment, 5 floodwater retarding structures, 6.33 miles of channel work, and appurtenances on a natural channel with intermittent flow, all of which are located on the Simon Creek tributary to Walnut Bayou.

The environmental assessment file is available for inspection during regular working hours and the negative declaration is available for single copy requests at the following location:

Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Service).

Dated: December 18, 1975.

JAMES W. MITCHELL,
Acting Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc.75-34986 Filed 12-29-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[46-3]

BUREAU OF EAST-WEST TRADE

Organization and Function Order

This order effective November 17, 1975 supersedes the material appearing at 38 FR 9329 of April 13, 1973; 38 FR 19059 of July 17, 1973; 39 FR 26924 of July 24, 1974; and 39 FR 41756 of December 2, 1974.

SECTION 1. PURPOSE

This order prescribes the organization and assignment of functions within the Bureau of East-West Trade.

SECTION 2. ORGANIZATION AND STRUCTURE

The organization structure and line of authority of the Bureau of East-West Trade (the "Bureau") shall be as depicted in the attached organization chart. A copy of the chart is on file with the original of this document in the Office of the Federal Register.

SECTION 3. DELEGATIONS OF AUTHORITY

.01 The Director, Office of Export Administration, is delegated authority to exercise and perform all powers and functions provided by the Export Administration Act of 1969 (50 U.S.C. app. 2401 et seq.), as amended and extended by the Equal Export Opportunity Act (Public Law 92-412, 86 Stat. 644), and the Export Administration Amendments of 1974 (Public Law 93-500, 88 Stat. 1552), the administration of which was delegated to the Secretary of Commerce by Executive Order 11533 of June 4, 1970, as continued in effect by Executive Orders 11683 of August 29, 1972, 11798 of August 14, 1974 and 11818 of November 5, 1974, except that the determinations required by Section 7(c) with respect to the publication or disclosure of confidential information obtained under the provisions of the Act, and the submission of reports to the President and to the Congress required by Section 10 of the Act, are reserved to the Secretary of Commerce. This delegation specifically includes the authority:

a. To issue rules and regulations to carry out the purpose of the aforesaid Act, including rules and regulations applicable to the financing, transporting, and other servicing of exports and the participations therein by any person;

b. To sign and issue subpoenas requiring any person to appear and testify or to appear and produce books, records, and other writings or both, to any designated place, in connection with any investigation or proceeding necessary or appropriate to the enforcement of said export administration authority;

c. To require reports and the keeping of records by any person to the extent necessary or appropriate to the enforcement of said export administration authority, and to require any person to permit the inspection of books, records, and other writings or property; and

d. To take any other action necessary or appropriate to achieve effective enforcement of the Act in connection with actual or potential export control violations, including the issuance of denial and probation orders.

.02 The Director, Office of Export Administration, is authorized to redelegate any power or function conferred by this delegation and may authorize successive redelegations, except as otherwise provided and limited in paragraphs .03, .04, and .05 of this section with respect to inspections, subpoenas, oaths, and affirmations, and other enforcement authority.

.03 The Director, Office of Export Administration is delegated authority under Executive Order 11322 of January 5, 1967 and Executive Order 11419 of July 29, 1968 as relates to the exportation from the United States of commodities and products to or on behalf of Southern Rhodesia.

.04 In addition to the Director, at all times the Deputy Director, Office of Export Administration, the Director of Compliance Division, and the Agent-in-Charge, New York Field Office, Compliance Division, are each authorized to require any person to permit the investigation of books, records, and other writings, premises, or property, and to sign and issue subpoenas requiring any person to appear and testify or appear and produce books, records and other writings, or both, to any designated place, in connection with any investigation or

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proceeding necessary or appropriate to the enforcement of said export administration authority.

.05 The Hearing Commissioner is authorized, in any proceeding relating to the denial of export privileges or the imposition of civil penalties under the Export Administration Act of 1969, as amended, to administer oaths and affirmations, and to sign and issue subpoenas, requiring any person to appear and testify or to appear and produce books, records, and other writings, or both.

.06 Any special agent employed in the Compliance Division of the Office of Export Administration and any attorney in the Office of the General Counsel assigned to export control enforcement duties, who is specifically designated as a special agent of the Bureau of East-West Trade, is hereby authorized to make investigations, obtain information, inspect books, records, and other writings, premises, or property of, and take the sworn testimony of, any person, and to administer oaths and affirmations for the purpose of procuring or receiving from any person sworn statements or other sworn testimony, concerning any matter under investigations necessary or appropriate to the enforcement of the export administration authority.

.07 This supersedes delegations of authority previously made and confirmed with respect to export administration, except that all outstanding rules, regulations, orders, licenses, designations, and other forms of administrative action shall, until amended or revoked, remain in full force and effect.

SECTION 4. OFFICE OF THE DEPUTY ASSISTANT SECRETARY

.01 The *Deputy Assistant Secretary for East-West Trade*, (the Deputy Assistant Secretary) shall be responsible to the Assistant Secretary for Domestic and International Business and shall determine the objectives of the Bureau, formulate the policies and programs for achieving those objectives and direct the execution of the programs. The objectives, policies and programs of the Bureau shall relate to the U.S.S.R., People's Republic of China, Poland, Romania, Czechoslovakia, Hungary, Bulgaria, Albania and the German Democratic Republic, Cuba, Mongolia and certain other areas of the world with similar economic/political structures, and, where necessary for export administration purposes, other countries.

.02 The *Deputy Director* shall assist in the direction of the Bureau and perform the functions of the Deputy Assistant Secretary in the latter's absence.

.03 The Deputy Assistant Secretary shall supervise and direct the following organizational components:

a. Office of the Deputy Assistant Secretary.
b. Office of East-West Trade Development.
c. Office of East-West Country Affairs.
d. Office of East-West Policy and Planning.
e. Office of Export Administration.

.04 *The Office of the Deputy Assistant Secretary* shall provide the *Executive Secretary* support to the Export Administration Review Board (EARB—at the Cabinet level), the Chairman of which is the Secretary of Commerce, and to the Advisory Committee on Export Policy (ACEP—at the Assistant Secretary level), the Chairman of which is the Assistant Secretary for Domestic and International Business. The EARB, the ACEP and the Operating Committee (OC), the Chairman of which is a part of the Office of the Director of the Office of Export Administration, constitute the formal interagency committee structure which addresses policy issues associated with the administration of the Export Administration Act. The Chairman of the OC shall serve as Executive Secretary for the EARB and ACEP, and in this capacity shall report to the Deputy Assistant Secretary for East-West Trade.

.05 The Office of the Deputy Assistant Secretary shall include a *Hearing Commissioner* who shall conduct hearings and perform other duties with respect to administrative compliance proceedings involving export control violation cases, in accordance with the rules set forth in the export regulations and shall act as Appeals Advisor to the Assistant Secretary for Domestic and International Business for those appeals filed pursuant to Section 389 of the Export Administration Regulations.

SECTION 5. OFFICE OF EAST-WEST TRADE DEVELOPMENT

.01 The *Office of the Director* includes: The *Director* who shall plan and direct the execution of policies and programs of the Office. The Office shall also include the *Deputy Director* who shall assist in the direction of the Office and perform the functions of the Director in his absence. The Office of the Director shall prepare appropriate market assessments on the centrally planned economy countries to provide both general and specific guidance for the activities of the Trade Promotion and Trade Development Assistance Divisions; for use by U.S. firms in the further development of their own market surveys; and to stimulate U.S. firms' interest in new market areas for detailed study. The primary emphasis of this effort shall address East-West trade from the perspective of U.S. industry. Other offices of the Bureau shall provide appropriate input for such studies which shall be basically guided by the Director of the Office. The Office of the Director shall exercise supervision and direction over such overseas East-West Trade Development Centers and Offices as now exist in Moscow, Warsaw, and Vienna. The Director shall supervise and direct the following organizational components:

.02 *The Trade Promotion Division* shall be responsible for the formulation of promotional programs responsive to the needs of U.S. firms interested in initiating or expanding commercial relationships with the countries and areas specified in Section 4.01 above. The Division shall:

a. Plan and procure commercial trade fair exhibitions for the specified countries and areas, identify qualified U.S. firms and arrange for their participation, and undertake appropriate follow-up activities to facilitate the establishment and/or development of permanent and productive trade relationships by participants;

b. Plan and conduct, where appropriate, U.S. trade missions, seminars, exhibits and other events to promote international trade and investment and encourage and facilitate private utilization of these trade promotion techniques by U.S. business with sponsorship of the Department;

c. Establish Business Information Offices and Business Development Offices at selected international trade fairs and at other appropriate locations in these countries and areas; the plan and conduct appropriate technical seminars and symposia and other useful trade promotional techniques;

d. In conjunction with other DIBA organizational components, as appropriate, test new trade promotion techniques, such as reverse trade missions and single company-sponsored catalog and product shows, and recommend appropriate action for Bureau consideration; and

e. Maintain and disseminate market data and project information pertaining to fairs and exhibits in these countries and areas which can be used by U.S. firms to promote the international trade interests of the United States.

.03 *The Trade Development Assistance Division* shall facilitate trade between the United States and the specified countries and areas by acquiring information on how trade is actually conducted, counseling the U.S. business community on how to go about such trade, and assisting U.S. firms to pursue business transactions. Specifically the Division shall:

a. Obtain, from U.S. businessmen who have had personal experience in doing business with specified countries, detailed information on how such business is conducted, including contract terms and conditions, the roles played by foreign government trade and ministerial organizations, methods of financing, problems to be anticipated and pitfalls to be avoided in doing business;

b. Advise U.S. firms wishing to do business with the specified countries on methods used to conduct such trade, names of decision makers and channels of access to them, contract clauses required, negotiating factors likely to be used, alternative methods of financing, and other specific information;

c. Assist U.S. firms on a case-by-case basis to compete for business transactions with these countries by calling the attention of U.S. firms to specific sales, joint-venture, barter and other opportunities, arranging contacts between U.S. businessmen and officials of these countries and when needed participating in business discussion, suggesting methods for obtaining U.S. Government approvals and clearances, and in general making every effort to advance trade between the United States and these countries without actually becoming a part to transactions;

d. Develop and provide appropriate guidance and information on business related issues for official meetings between U.S. Government and Socialist country officials; and

e. Maintain broad East-West trade contacts and two-way information flow with trade and industry associations and the DIBA Office of Field Operations District Offices.

SECTION 6. OFFICE OF EAST-WEST COUNTRY AFFAIRS

.01 The *Office of the Director* includes: The *Director* who shall plan and direct the execution of policies and programs of the Office and the *Deputy Director* who shall assist in the direction of the Office and perform the functions of the Director in his absence. The Office shall also include the *Joint Commission Secretariat* which shall, in conjunction with the appropriate geographic divisions, provide executive secretariat services to U.S. joint commissions with the U.S.S.R., Poland, Romania, and others as may be established with other countries and to official meetings between high level government representatives of the Centrally Planned Economies (CPEs) and officials of the Bureau and Department; and coordinate all aspects of the preparation for meetings of such commissions and their follow-up. The Director shall supervise and direct the following organizational components:

.02 The geographic divisions as listed below shall maintain full familiarity with the economy and the economic and political policies of the country and area for which each is responsible, and with U.S. trade and other commercial relations involved:

U.S.S.R. Affairs Division
Eastern European Affairs Division
People's Republic of China Division

In carrying out this responsibility, each division shall: a. Assemble, analyze and disseminate information on foreign economic conditions, tariffs, laws, and regulations, including support to the Office of East-West Trade Development market assessment effort and responsibility by furnishing analytical surveys on individual country markets, as well as information on specific industries. Materials shall be disseminated to the U.S. business community primarily through the Office of East-West Trade Development and also made available for use by other Government agencies and other interested parties;

b. Develop recommendations with respect to the positions of the Department on policy and legislative matters regarding bilateral problems of international trade and investment with Socialist countries, and on international economic integration activities in the region, e.g., Council for Economic Mutual Assistance (CEMA), and inter-governmental organizations involving those countries or regions;

c. Develop and provide appropriate country-oriented information and advice for use by the U.S. co-chairmen of joint trade commissions, and participate appropriately in their deliberations and activities;

d. Provide appropriate liaison with and/or participation in private sector bilateral joint commissions or groups with these countries, the U.S. Chamber of Commerce as it relates thereto, and develop and provide relevant country oriented information and advice reflecting the Bureau's interests;

e. Initiate and pursue, directly or through the Foreign Service of the United States and other channels, representation on behalf of U.S. business interests for the maintenance of full rights under terms of treaties and international agreements of the United States, and identify and evaluate foreign impediments to U.S. commercial interests and take action to eliminate or alleviate their adverse impact;

f. Maintain centralized contacts and communications control on country and regional economic and trade matters with foreign government representatives in the United States and in various economic and commercial organizations in each CPE, the Department of State, U.S. Foreign Service Posts abroad and other U.S. Government agencies, and intergovernmental organizations;

g. Develop and provide country and regional information and guidance (1) to the Office of Policy Planning and Coordination on relevant policy studies and projects; (2) to the Office of East-West Trade Development for use in determining which CPE markets should be addressed by the Bureau's Trade Promotion efforts; and (3) to the Office of Export Administration on relevant export control policy issues and licensing problems;

h. Develop appropriate guidance on matters under their jurisdiction for Departmental and Bureau officials for use at meetings of the East-West Foreign Trade Board and its Working Groups and other inter-agency groups concerned with such matters; and

i. Participate in seminars, conferences, and briefing sessions arranged by the Office of East-West Trade Development for businessmen or country/regional specialists to provide relevant information on the area involved and on the activities of the Bureau with respect thereto.

SECTION 7. OFFICE OF EAST-WEST POLICY AND PLANNING

.01 The *Office of the Director* includes: the *Director* who shall plan and direct the activities of policy and programs of the Office and the *Deputy Director* who shall assist in the direction of the Office and perform the functions of the Director in his absence.

.02 The Office shall: a. Coordinate for the Bureau the formulation and analysis of overall policy issues (with the exception of those policy issues associated with administering the Export Administration Act of 1969, as amended, which shall be the primary responsibility of the Office of Export Administration) arising in East-West trade activities, the development of policy options, objectives, goals, benefits and costs relating thereto and the formulation of recommendations thereon;

b. Coordinate the Bureau's review of recommendations on existing and proposed East-West trade related legislation;

c. Coordinate overall East-West trade policy review with international trade, monetary, finance, research and technical organizations. Maintain liaison with international organizations concered with the making of special analyses on overall East-West matters;

d. Monitor East-West trade activities of national and international organizations such as the Economic Commission for Europe, the General Agreement on Tariff and Trade (GATT), the International Monetary Fund (IMF) and the International Energy Program (IEP). Advise interested parts of the Department (including the principal liaison function with IEPR) in policy development regarding international organizations and programs concerned with the countries and areas involved;

e. Carry out macro-analytic studies in support of the policy group and for use by other Bureau offices on such topics as trade projections, balance of payments, econometric modeling of trading economies, U.S. policy regarding government and/or private financing of East-West trade, and the determination of the economic and social impact of East-West trade on the U.S., its trading partners, and relevant third countries.

f. Coordinate for the Bureau and the Department the development of analyses and recommendations on matters for consideration by the East-West Foreign Trade Board (and its Working Group), the Council on International Economic Policy and the National Security Council and their sub-groups in matters of concern to the Bureau and provide support to other interagency working groups and task forces concerned with East-West trade, other than individual CPE countries and U.S.-CPE bilateral issues which are the primary responsibility of the Office of Regional Economic Affairs.

g. Develop statistical data resources on East-West trade and make them available to the Office of East-West Trade Development for distribution to U.S. businessmen together with appropriate analysis; provide the statistic support for analyses, publications, general studies and market assessments by the relevant Offices of the Bureau; and

h. Maintain broad East-West trade contacts and two-way information flow with academic institutions and cultural organizations, and provide necessary support for the Advisory Committee on East-West Trade.

i. Organize and coordinate in cooperation with the Department of State and other offices of the Bureau periodic meetings abroad between Washington agency representatives and economic/commercial officers from U.S. Missions in the Socialist countries and in other Western countries with important interests in Socialist country economic/commercial affairs for the purpose of improving communications, reviewing existing or new policy approaches and reviewing the Bureau's trade development and other programs existing or proposed.

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SECTION 8. OFFICE OF EXPORT ADMINISTRATION

.01 The *Office of the Director* includes: The *Director* who shall plan and direct the formulation and execution of policies and programs of the Office in implementation of the Export Administration Act of 1969, as amended; the *Deputy Director* who shall assist in the direction of the Office and perform the functions of the Director in his absence; and the *Operating Committee (OC) Chairman*, who shall direct the OC, the Commerce Department's interagency senior staff level working committee through which information, advice and policy positions from other departments and agencies concerned with controls over exports are sought and obtained by the Department. The OC is an integral part of the interagency committee structure addressing policy issues associated with export controls and includes the Advisory Committee on Export Policy (ACEP—at the Assistant Secretary level) and the Export Administration Review Board (EARB—at the Cabinet level). The Office of the Deputy Assistant Secretary for East-West Trade is responsible for providing the Executive Secretary function to the ACEP and the EARB. The Chairman of the OC shall serve in this capacity. The Director or his designees shall administer and, in conjunction with the Department's Office of the General Counsel, enforce the export control regulations and programs required to carry out Departmental responsibilities under the Export Administration Act of 1969, as amended. The Director shall supervise and direct the following organizational components:

.02 The *Policy Planning Division* shall develop recommendations for export control policies to be applied to specific countries and commodities and technical data; recommend the disposition of certain license applications which present special policy or security problems; represent the Department on certain committees and working groups of the Department of State's Economic Defense Advisory Committee (EDAC) and coordinate Department policies and programs concerning United States and international export controls and U.S. economic defense; and represent the Department on national security and foreign policy matters involving export controls before the Operating Committee of the Advisory Committee on Export Policy (ACEP).

.03 The *Operations Division* shall process license applications; develop internal operating procedures; conduct public contact activities; issue U.S. import certificates; prepare analytical and statistical reports on export control activities; develop and publish export control regulations and procedures as well as instructions for Foreign Service Officers; provide staff support to the Export Administration Technical Advisory Committees; carry out Bureau emergency readiness and planning functions; collect and disseminate statistics on requests made to U.S. exporters to cooperate in restrictive trade practices or boycotts; and prepare the semi-annual report of the Secretary of Commerce on Export Administration to the President and the Congress, and prepare all other OEA publications and reports.

.04 The *Compliance Division* shall ensure compliance with the export administration regulations, develop intelligence, information regarding areas of possible export administration violations, investigate suspected violations, and prepare cases on violations for referral to the Hearing Commissioner through the Office of the General Counsel or to the Office of the General Counsel for other legal guidance or action; promote compliance with export administration clearance regulations; develop and coordinate methods and systems to reduce paperwork and simplify export documentation and clearance procedures; and maintain liaison with the Bureau of Customs, U.S. Postal Service, and other Government and private organizations on export administration compliance and facilitation matters.

.05 The *Technical Data Division* shall administer export controls over technical data in accordance with the provisions set forth in the Export Administration Act of 1969, as amended, and the policies and procedures established by the Office of Export Administration; act on export license applications for technical data; conduct studies of technology to establish a basis for recommendations on export administration policies, criteria and regulations; provide assistance to industry and other Government agencies on export control problems involving technical data; and represent the Department on committees dealing with East-West exchanges.

.06 The *Short Supply Division* shall administer short supply commodity control programs and monitor exports and contracts for exports when commodities are in present or potential short supply or likely to have an inflationary impact. In addition, the division shall coordinate the preparation of weekly and/or monthly reports of monitoring results, and the analysis of short supply activities in the semi-annual report to the Congress. Further, the division shall be responsible for the advance planning and proper programming necessary for a continued smooth and effective implementation of current and new short supply programs including monitoring activities. This division also has clearance responsibility within DIBA for all short supply activities.

.07 The product/licensing divisions as stated below: *Capital Goods and Production Materials Division, Scientific and Electronic Equipment Division.* Each of these divisions shall for the products under its jurisdiction, administer controls over exports in accordance with the Export Administration Act, as amended, and the policies and procedures established by the Office of Export Administration; determine and take appropriate action on export license applications; conduct technical analyses of products, including potential end-use applications, to determine and recommend the extent of controls to be applied; and render assistance to industry and other Government agencies on export administration problems within its jurisdiction.

SECTION 9. ADMINISTRATIVE, PUBLIC AFFAIRS AND FIELD SERVICES

.01 The Office of Public Affairs, DIBA shall furnish public affairs and information services to Bureau of East-West Trade organization units.

.02 The *Directorate of Administrative Management, DIBA* shall furnish management, budget, personnel, travel, and administrative services. The Directorate will also serve as liaison with Departmental elements providing other administrative services.

.03 Field support necessary to Bureau of East-West Trade activities will be provided by the field offices of the *Office of Field Operations* and by an *Export Administration Field Compliance Office* located in New York, N.Y., which investigates possible violations of export administration regulations.

SECTION 10. EFFECT ON OTHER ORDERS

This Order supersedes DIBA organization and Function Order 46–2 of December 4, 1972, as amended.

ARTHUR T. DOWNEY,
Deputy Assistant Secretary for East-West Trade.

DONALD E. JOHNSON,
Deputy Assistant Secretary for Domestic and International Business.

[FR Doc.75–34998 Filed 12–29–75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[46–1]

BUREAU OF EAST-WEST TRADE

Organization and Function Order

This order effective November 17, 1975 supersedes the material appearing at 38 FR 9328 of April 13, 1973.

SECTION 1. PURPOSE

This order delegates authority to the Deputy Assistant Secretary for East-West Trade, and prescribes the organization and functions of the Bureau.

SECTION 2. DELEGATION OF AUTHORITY

.01 Pursuant to Department Organization Order 10–3, the following authorities delegated to the Assistant Secretary for Domestic and International Business by the Secretary of Commerce are hereby delegated to the Deputy Assistant Secretary for East-West Trade:

a. Such provisions of the Act of February 14, 1903, (15 U.S.C. 1512 et seq.; 15 U.S.C. 171 et seq.) as amended, to foster, promote, and develop the foreign commerce of the United States, as are necessary to the performance of the Bureau's functions;

b. The Export Administration Act of 1969 (50 U.S.C. App. 2401 et seq.), as amended and extended by the Equal Export Opportunity Act (Public Law 92–412, 86 Stat. 644), and the Export Administration Amendments of 1974 (Public Law 93–500, 88 Stat. 1552), the administration

of which was delegated to the Secretary of Commerce by Executive Order 11533 of June 4, 1970 as continued in effect by Executive Orders 11683 of August 29, 1972, 11798 of August 14, 1974, and 11818 of November 5, 1974, except that the following power, authority, and discretion shall be reserved to the Secretary:

(1) The determinations required by Section 7(c) with respect to the publication or disclosure of confidential information obtained under the provisions of the Act, and

(2) The submission of reports to the President and to the Congress required by Section 10 of the Act;

c. Executive Order 11490 of October 28, 1969, as it relates to the development of national emergency preparedness plans and programs concerning the regulation and control of exports and imports, under the jurisdiction of the Department, in support of national security, foreign policy, and economic stabilization objectives;

d. Executive Order 11322 of January 5, 1967 and Executive Order 11419 of July 29, 1968, relating to the exportation from the United States of commodities or products to or on behalf of Southern Rhodesia;

e. Such portions as are necessary to the performance of the Bureau's functions of the delegations of authority, dated June 25, 1962, from the United States Information Agency under Section 5(e) of Executive Order 11034 of June 25, 1962, as amended by Executive Order 11380 of November 8, 1967, insofar as said delegation pertains to U.S. participation in trade missions abroad under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.); and

f. Other authorities of the Assistant Secretary applicable to performing the functions assigned in this Order.

.02 The Deputy Assistant Secretary may redelegate his authority to any employee of the Bureau of East-West Trade or to any other appropriate officer or agency of the Government, subject to such conditions in the exercise of such authority as he may prescribe.

SECTION 3. ORGANIZATION AND LINE OF AUTHORITY

.01 The Bureau of East West Trade shall be headed by the Deputy Assistant Secretary for East-West Trade, who shall report and be responsible to the Assistant Secretary for Domestic and International Business. The Deputy Assistant Secretary shall be assisted by a Deputy Director who shall perform the functions of the Deputy Assistant Secretary during the latter's absence.

.02 The Bureau of East-West Trade shall consist of the following principal organizational elements:

Office of East-West Trade Development.
Office of East-West Country Affairs.
Office of East-West Policy and Planning.
Office of Export Administration.

SECTION 4. FUNCTIONS

The Bureau of East-West Trade shall be the principal point of contact within the Department on:

.01 Policies and programs with regard to trade promotion and other commercial relations with the socialist nations; peculiar to East-West trade; studies of

.02 Economic analyses of problems market potential for U.S. trade with the socialist nations; and analytic support for the development of trade policy and the conduct of trade negotiations;

.03 The interchange of information concerning East-West trade among U.S. and foreign industry groups, trade associations, universities, and other interested organizations;

.04 Export administration and related responsibilities under the Export Administration Act of 1969, as amended; and

.05 Executive secretariat services to U.S. joint commercial commissions with socialist nations.

SECTION 5. EFFECT ON OTHER ISSUANCES

This Order supersedes DIBA Organization and Function Order 46–1 of November 17, 1972.

TRAVIS E. REED,
Assistant Secretary for Domestic and International Business.

[FR Doc.75–34997 Filed 12–29–75;8:45 am]

Economic Development Administration

JOB OPPORTUNITIES PROGRAM

Terms and Conditions for Title X Projects

The Economic Development Administration hereby publishes the terms and conditions which apply to all projects receiving assistance pursuant to Title X of the Public Works and Economic Development Act of 1965, as amended. This material is not subject to the provisions of the Administrative Procedure Act (5 U.S.C. 553) because publication of the following document does not constitute agency rulemaking. However, because requests for the Title X terms and conditions have been received by EDA, it was determined that this information should be made available to the public by promulgation in the FEDERAL REGISTER.

TITLE X REQUIREMENTS

The following requirements will apply to funds provided by the Department of Commerce (hereinafter referred to as "Department") and the ---------- (hereinafter referred to as "Transferee, including any grantee or contractor to whom such funds are made available by Transferee pursuant to any grant or contract for activities, programs or projects entered into as a result of the transfer of funds pursuant to Title X of the Public Works and Economic Development Act, as amended:

1. Transferee will provide assurance through rules, regulations and or grant or contract conditions that:

On any program, project, activity, or work performed pursuant to any grant or contract, for which financial assistance is provided under Title X employers shall hire unemployed persons, subject to the provisions of subsection (a) infra, who reside in the eligible area as set forth in section 1002 of the Public Works and Economic Development Act of 1965, as amended, in which the project is located. Preferred consideration, to the maximum extent feasible, will be given to persons who have exhausted unemployment benefits, to unemployed persons who are not eligible for unemployment benefits (except for persons lacking work experience) and to unemployed persons who have been unemployed for fifteen or more weeks.

Employers, when recruiting unemployed persons shall utilize services of the State Employment Service, Comprehensive Employment and Training Act (CETA) prime sponsors, or other appropriate local job-referral agencies or methods.

(a) When an employer is unable to recruit a qualified unemployed person who resides within the area in which the project is located:

(i) The employer may seek an unemployed person to fill the job from outside of the eligible area;

(ii) If the employer is still unable to recruit such unemployed person from outside of the area, a person who is not unemployed and who resides within the area may be hired;

(iii) In either (i) or (ii), memoranda must be maintained in the employer's project records of efforts to hire the unemployed.

2. Transferee will obligate all funds received under Title X not later than December 31, 1975. If it is determined that funds cannot be obligated by December 31, 1975, they should be returned to Department of Commerce for transfer to another agency.

3. Employment resulting from the transfer of funds under Title X will begin not later than 120 days from the date of transfer unless delayed by climatic conditions, in which case employment will begin as soon as practical. (If employment does not commence at that time, the funds will be deobligated and returned to the Department of Commerce to be transferred to another agency if required by the Department.)

4. At least seventy-five percent (75%) of the programs, projects, or activities funded under this Title X grant will be completed within twelve (12) months from the date of allocation of such funds. If this is not achieved, the Secretary of Commerce may take appropriate action.

5. All programs, projects, or activities funded under Title X shall not be inconsistent with locally approved comprehensive plans for the jurisdiction affected, whenever such plans exist. Such comprehensive plans shall include, but not be limited to, those plans prepared for the Economic Development Administration, the Department of Housing and Urban Development (HUD), or other normally recognized plans within the jurisdiction. Any projects which are inconsistent with such plans will not be approved.

6. No programs, projects, or activities for which funds are made available under this transfer shall be approved until the officials of the appropriate units of general government in the affected area have an adequate oppor-

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tunity to comment, within the time constraints imposed by these terms and conditions, on the specific proposal. Applications from local units of Government will be deemed to have met this requirement.

7. No funds provided under this transfer shall be made available for programs, projects, or activities which have more necessary non-labor costs than originally estimated on the SEC–887 unless the program, project, or activity meets one of the following conditions:

(a) The funds are to be used to fund jointly a program authorized under Title II or VI of the Comprehensive Employment and Training Act of 1963, as amended, for necessary non-labor costs such as materials, supplies and equipment, if the overall project will provide a substantial number of jobs in an area of high unemployment;

(b) The funds are to be used to supplement funds of other Federal agencies or from non-Federal sources in order to permit the prompt initiation of projects which will stimulate the creation of jobs for unemployed persons in eligible areas, and where these supplemental funds provide not more than 20 percent (20%) of the total project costs. Grantees or contractors shall certify in the project records that other funding sources are not otherwise available and they shall estimate and document the number of jobs which are projected to result from this financial assistance; or

(c) The program, project, or activity funded will directly result in the creation of a significant number of permanent jobs in the private sector of the economy. Grantees or contractors shall certify in the project records that other funding sources are not otherwise available and estimate and document the number of jobs which are projected to result in the private sector from this financial assistance.

8. All programs, projects, or activities funded pursuant to Title X shall be located and operated in an eligible area. An eligible area is:

(a) Any area, which the Secretary of Labor designates as an area which has a rate of unemployment equal to or in excess of 6.5 percent for three consecutive months;

(b) Any area which is designated by the Secretary of Labor pursuant to Section 204(c) of CETA; and

(c) Any area which is designated by the Secretary of Commerce pursuant to Section 401 of the Public Works and Economic Development Act of 1965 as a redevelopment area.

9. Requirements for Financial Reports to be submitted by Transferee are as follows:

(a) Monthly report to be submitted by the 15th of the succeeding month showing transactions to include transfers, obligations, accrued expenditures, and disbursements. Estimated amounts may be reported for accrued expenditures, but actual amounts must be reported for all other changes or transactions. These reports must show changes and transactions by appropriation and then by project number. A sample monthly report is shown on page 3 of this attachment.

(b) Quarterly report on SF–133, "Report on Budget Execution", to be submitted by the 15th day of the succeeding quarter. The SF–133 must have detailed support for all projects showing cumulative totals, by appropriation and by project thereunder, of obligations, accrued expenditures, and cash disbursements. Estimated amounts may be reported for accrued expenditures, but actual amounts which agree with SF–224, "Statement of Transactions", must be reported for disbursements. (A sample of the required detail support for the SF–133 is attached.) The three monthly reports required in paragraph A must support the quarterly transactions reported on the SF–133. Differences must be identified with a detailed reconciliation by project.

(c) Annual Reports on SF–220 as required by Treasury Circular 966 and on Treasury Form 2108 as required by Treasury Circular No. 965.

(d) Annual Report on Federal Grants-in-Aid to States and Payments to Individuals, etc., as required by Treasury Circular No. 1014.

(e) SF–1151 returning all funds not obligated after the transfer from EDA in accordance with paragraph 2(a), Title X Terms and Conditions. This SF–1151 must be supported by a schedule showing unobligated funds by projects and is due whenever it can be determined projects will not be obligated and funds are being returned for reallocation. Subsequent deobligations, before the appropriation terminates, should be transferred back to EDA using Form SF–1151. Funds returned to EDA, before the appropriation terminates, will be reallocated to other agencies or projects.

The reports should be mailed to the following address:

Chief, Accounting Division, U.S. Department of Commerce, Economic Development Administration, Office of Administration and Program Analysis, Room 7417, Washington, D.C. 20230.

10. Transferee, if funds are used directly by Transferee, or its grantees or contractors, will provide reports, on forms to be supplied (ED–736 and ED–110X), of employment provided, work done and funds expended on each program, project, or activity on which these funds are used. Where possible, reports should be required prior to final disbursement of funds. Data supporting information in the reports must be maintained with information and records required for audit. Where consistent with agency practices, final payment to any contractor or grantee will not be made until a report, on forms to be provided to the Secretary of Commerce has been made.

11. It is the policy of the Department of Commerce that all Transferees give consideration to requiring grantees to use minority contractors and businessment for approved programs, projects, or activities, when such use can reasonably be accomplished.

12. No funds provided under this transfer shall be made available for any programs, projects, or activities when funds directly appropriated for such programs, projects, or activities are subject to an active deferral or rescission within the meaning of the Impoundment Control Act of 1974 (P.L. 93–344).

13. Before any program, project, or activity is approved by the Transferee for use of funds under this transfer, it must have been evaluated for its compliance or adherence to these terms and conditions, and the results of such evaluation reported, or forms to be provided, to the Secretary of Commerce, and the Secretary must have approved the use of these funds for such program, project or activity.

Dated: December 18, 1975.

WILMER D. MIZELL,
Assistant Secretary,
for Economic Development.

[FR Doc.75–35027 Filed 12–29–75;8:45 am]

National Oceanic and Atmospheric Administration

AMERICAN TUNABOAT ASSOCIATION

Issuance of General Permit

Notice is hereby given that a general permit was issued on December 19, 1975, to the American Tunaboat Association, 1 Tuna Lane, San Diego, California, to take marine mammals incidental to commercial fishing operations under category 2, "Encircling Gear: Yellowfin Tuna Purse Seining", pursuant to 50 CFR 216.24 (39 FR 32117–32124), as amended (40 FR 56899–56907, December 5, 1975).

The general permit is available for public inspection in the office of the Director, National Marine Fisheries Service, Washington, D.C. 20235 and the office of the Regional Director, National Marine Fisheries Service, Terminal Island, California 90731.

Dated: December 22, 1975.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Services.

[FR Doc.75–34789 Filed 12–29–75;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON FIRE TRAINING AND EDUCATION FOR THE NATIONAL ACADEMY FOR FIRE PREVENTION AND CONTROL

Establishment

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. III, 1973)) and as authorized by Section 7(k) Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 101 *et seq.*), the Secretary of Commerce shall establish the Advisory Committee on Fire Training and Education for the National Academy For Fire Prevention and Control.

The Committee shall report its findings and recommendations to the Administrator of the National Fire Prevention and Control Administration as to the desirability of establishing a mechanism for accreditation of fire training and education programs and courses. They shall also advise the Administrator as to what role the Academy should play if such an accreditation mechanism is recommended.

The Committee shall consist of nineteen members, the Academy Superintendent as Chairman and eighteen other members. The members of the committee will be appointed in such a manner as to insure a balanced representation of interests on the Committee.

The Committee will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act. Its charter will be filed under the Act, on January 13, 1976.

Interested persons are invited to submit comments regarding the establishment of the Advisory Committee on Fire Training and Education for the National Academy For Fire Prevention and Control. Such comments, as well as any inquiries, may be addressed to the Administrator, National Fire Prevention and Control Administration, U.S. Department of Commerce, Washington, D.C. 20230.

GUY CHAMBERLIN, Jr.,
Acting Assistant Secretary
for Administration.

DECEMBER 18, 1975.

[FR Doc.75–35054 Filed 12–29–75;8:45 am]

WATCHES AND WATCH MOVEMENTS

Rules for Allocation of Quotas for Calendar Year 1976 Among Producers Located in the Virgin Islands, Guam and American Samoa

On November 21, 1975, the Departments of Commerce and the Interior published a joint Notice of Proposed Rule Making under Public Law 89–805, setting out the proposed formula for allocation of 1976 watch quotas among producers located in the Virgin Islands, Guam and American Samoa (40 Fed. Reg. 54274 et seq.). Interested parties were invited to participate in proposed rule making by submitting their written views on or before December 11, 1975.

One written comment was received by the Departments regarding the proposed rules which stated that utilization of actual income taxes paid during the prior year was a welcome change but that the previous allocation formula for the Virgin Islands (an equal weight of 40 percent assigned to production and shipment history and to wages subject to FICA taxes and a weight of 20 percent assigned to the total net dollar amount of income taxes) should be retained in the 1976 rules in order not to reward the "most inefficient operations" with additional quota.

With respect to the comment on the change in the Virgin Islands allocation formula, the Departments do not believe a sufficient case has been advanced to justify retention of the previous allocation formula. The Departments are convinced that, rather than encouraging inefficient operations, additional emphasis on wages will provide positive incentives for more firms to do complete assembly on their Virgin Islands movements and to expand production of more complex movements requiring greater labor imput. Conversely, firms will be dissuaded under the new formula from assembling movements requiring minimum labor, which would have the effect of reducing the total economic contribution accruing to the territory from the Headnote 3(a) watch assembly industry. The Departments have found that the amount of wages paid by firms in the territory is basically contingent upon the number of assembly operations performed and the complexity of movements assembled rather than a function of the relative efficiencies of the quota recipients.

Watch producers located in the Virgin Islands, Guam and American Samoa must receive their initial quota allocations for calendar year 1976 to avoid any interruption in their assembly operations and to enable these producers to contract for their inventory requirements and to accept and fill purchase orders for their 1976 quota allocations. Accordingly, good cause exists for making the following rules effective January 2, 1976.

SECTION 1. Upon effective date of these rules, or as soon thereafter as practicable, each producer located in the Virgin Islands, Guam, and American Samoa which received a duty-free watch quota allocation for calendar year 1975, will receive an initial quota allocation for calendar year 1976 equal to 50 percent of the number of watch units assembled by such producer in the particular territory and entered duty-free into the customs territory of the United States during the first ten months of calendar year 1975.

SECTION 2. Each producer to which an initial quota has been allocated pursuant to Section 1 hereof must, on or before April 1, 1976, have assembled and entered duty-free into the customs territory of the United States at least 30 percent of its initial quota allocation. Any producer failing to enter duty-free into the customs territory of the United States on or before April 1, 1976, a number of watch units assembled by it in a particular territory equal to, or greater than, 30 percent of the number of units initially allocated to such producer for duty-free entry from that territory will, upon receipt of a show cause order from the Departments, be given an opportunity, within 30 days from such receipt, to show cause why the duty-free quota which it would otherwise be entitled to receive should not be cancelled or reduced by the Departments. Such a show cause order may also be issued whenever there is reason to believe that shipments through December 31, 1976, by any producer under the quota allocated to it for calendar year 1976 will be less than 90 percent of the number of units allocated to it. Upon failure of any such producer to show good cause, deemed satisfactory by the Departments, why the remaining, unused portion of the quota to which it would otherwise be entitled should not be cancelled or reduced, said remaining, unused portion of its quota shall be either cancelled or reduced, whichever is appropriate under the show cause order. The Departments may also issue a show cause order to any producer which, for a period of two or more consecutive calendar years, has failed through its Headnote 3(a) watch assembly operation to make a meaningful contribution to the economy of the territory and to the continued development of the duty-free watch assembly industry in the territory, when compared with the performance of the territorial duty-free watch assembly industry as a whole. Among the factors the Departments may consider in taking this action are the producer's utilization of quota, amount of direct labor involved in the assembly of watches and watch movements shipped duty-free into the customs territory of the United States, and the net amount of corporate income taxes paid to the government of the territory. Upon failure of the producer to show cause, deemed satisfactory by the Departments, why such action should not be taken, the firm's quota shall be cancelled and the eligibility of the firm for further allocations terminated. In the event of any quota cancellation or reduction under this section, or in the event a firm voluntarily relinquishes a part of its quota, the Departments will reallocate the quota involved, in a manner best suited to contribute to the economy of the territories, among the remaining producers: Provided however, That if in the judgment of the Departments it is appropriate, applications from new firms may, in lieu of such reallocation, be invited for any part or all of any unused portions of quotas remaining unallocated as a result of cancellation or reduction hereunder or any quota voluntarily relinquished. Every producer to which a quota is granted is required to file a report on April 15, July 15 and October 15, of each year covering the periods January 1 to March 31, April 1 to June 30 and July 1 to September 30 respectively via registered mail on Form DIB–321P, copies of which will be forwarded to each producer at its territorial address of record at least 15 days prior to the required reporting date. Copies of this form may also be obtained from the Special Import Programs Division, Office of Import Programs, U.S. Department of Commerce, Washington, D.C. 20230. Form DIB–321P will provide the Departments with information regarding the producer's watch movement assembly operation in the insular possessions. Such information may include the status of beginning and ending inventories of finished watch movements and component parts, scheduled delivery dates and number of watch movement parts and

the Act may be obtained from the Special

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components ordered, number of watch movements assembled, number of watch movements entered into the customs territory of the United States, and a list of confirmed orders for shipment of finished watch movements into the customs territory of the United States, prior to December 31, 1976. Each producer to which a quota is granted will also report on Form DIB–321P any change in ownership and control which has occurred subsequent to the filing of an application for a watch quota on Form DIB–334P (see Section 9, below).

SECTION 3. Application forms will be mailed to recipients of initial quota allocations as soon as practicable and must be filed with the Departments on or before January 31, 1976. All data required must be supplied as a condition for annual allocation and are subject to verification by the Departments. In order to accomplish this verification it will be necessary for representatives of the Departments to meet with appropriate officials of quota recipients in the insular possessions in order to have access to company records. Representatives of the Departments plan to perform this verification beginning on or about February 15, 1976, in Guam and American Samoa and beginning on or about March 1, 1976, in the Virgin Islands, and will contact each producer locally regarding the verification of its data.

SECTION 4. (Virgin Islands only). The annual quotas for calendar year 1976 for the Virgin Islands will be allocated as soon as practicable after April 1, 1976, on the basis of (1) the number of units assembled by each producer in the territory and entered by it duty-free into the customs territory of the United States during calendar year 1975, (2) the dollar amount of wages, up to a maximum of $13,200 per person, paid by such producer in the territory during calendar year 1975 to persons residing in the territory whose pay was attributable to its Headnote 3(a) watch assembly operation, and (3) the total dollar amount of income taxes paid by such producer in the territory during calendar year 1975 attributable to its Headnote 3(a) watch assembly operations, excluding penalty payments and less any income tax refunds and subsidies paid to such producer during calendar year 1975. In making allocations under this formula, a weight of 35 percent will be assigned to Headnote 3(a) production and shipment history, a weight of 50 percent will be assigned to wages paid as specified above, and a weight of 15 percent will be assigned to the total dollar amount of income taxes paid during calendar year 1975 and attributable to Headnote 3(a) watch assembly operations, with the exclusions and deductions specified above.

SECTION 5. (Guam only) The annual quotas for calendar year 1976 for Guam will be allocated as soon as practicable after April 1, 1976, on the basis of the number of units assembled by each producer in the territory and entered by it duty-free into the customs territory of the United States during calendar year 1975, and the dollar amount of wages, up to a maximum of $13,200 per person, paid by such producer in the territory during calendar year 1975 to persons residing in the territory whose pay was attributable to its Headnote 3(a) watch assembly operation. In making allocations under this formula, 40 percent will be assigned to production and shipment history and 60 percent to wages as specified above.

SECTION 6. (American Samoa only) The annual quota for calendar year 1976 will be allocated to the producer in the territory as soon as practicable after April 1, 1976. Policies relative to the allocation of quota in American Samoa are set forth in the Departments' notice of June 9, 1967 (32 FR 8316 et seq.).

SECTION 7. (Virgin Islands and Guam) For purposes of allocating watch quotas for calendar year 1976 under Sections 4 and 5 above, any watches or watch movements shipped from the Virgin Islands or Guam during calendar year 1975 for duty-free entry into the customs territory of the United States against a producer's 1975 watch quota, and which were lost prior to entry into the customs territory of the United States, shall nevertheless be considered as having been entered into the customs territory for purposes of quota fulfillment: Provided, that the Departments have been satisfied that shipment was in fact made but lost prior to entry into the customs territory.

SECTION 8. (Virgin Islands and Guam) With respect to the Virgin Islands and Guam quotas, after taking into account the Headnote 3(a) shipments through March 31, 1976, of the 1976 quota recipients, the Departments may set aside 200,000 and 70,000 units respectively of the calendar year 1976 Virgin Islands and Guam quotas for new firms and invite quota applications from new firms on Form DIB–334P. The Departments may also require new firms to provide information regarding the applicant's experience in watch movement assembly and distribution; anticipated employment of local workers and proposed wage rates; watch movement assembly operations to be performed and types of movements to be assembled in the territories; estimated direct labor costs; anticipated capital investment in the territories; proposed source of financing; and plans for marketing movements assembled in the territories. (By "new firm" is meant an entity which has not heretofore been allocated a quota under Public Law 89–805 and which is completely separate from and unassociated with any present or previous producer in terms of ownership and control.) Based on the Departments' evaluation of the information submitted by applicants, the Departments may allocate a part or all of the set aside portion of the calendar year 1976 Virgin Islands and Guam quotas among those applicants whose proposals, in the judgment of the Departments, offer the likelihood of the greatest contribution to the economy of the territories, and in such a manner as, in the judgment of the Departments, will best serve the interests of the territories. Any part or all of the set aside quotas not allocated under this provision shall be reallocated among the 1976 quota recipients in the appropriate territories in a manner best suited to contribute to the economies of the territories.

SECTION 9. The rules restricting transfers of duty-free quotas issued on January 29, 1968, and published in the FEDERAL REGISTER on January 31, 1968 (33 F.R. 2399), are hereby incorporated by reference as applicable to transfers of quotas issued during calendar year 1976 except that detailed reporting of ownership and control will be reported on an annual basis on Form DIB–334P at the time the producer applies for an annual duty-free watch quota for calendar year 1976. Subsequent changes in ownership and control will be reported on April 15, July 15, and October 15, 1976, on Form DIB–321P required in Section 2 above.

Any interested party has the right to petition for the amendment or repeal of the foregoing rules and may seek relief from the application of any of their provisions upon a showing of good cause under the procedures relating to reviews by the Secretaries of Commerce and the Interior (15 CFR 13; 32 F.R. 15818, November 17, 1967).

Dated: December 23, 1975.

FRED M. ZEDER,
Director, Office of Territorial Affairs, Department of the Interior.

ALAN POLANSKY,
Deputy Assistant Secretary for Resources and Trade Assistance, Department of Commerce.

[FR Doc.75-35020 Filed 12-23-75;12:24 pm]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

EMERGENCY SCHOOL AID

Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in the Emergency School Aid Act, Title VII of P.L. 92–318, as amended by P.L. 93–380 (20 U.S.C. 1601–1619) applications for assistance are being accepted from local educational agencies and from other public and private nonprofit organizations for basic grants under section 706 (a) of the Act, pilot projects under section 706(b) of the Act, projects to be carried out by public or nonprofit private organizations under section 708(b) of the Act, bilingual projects under section 708(c) of the Act, and special arts projects, special mathematics projects, special student concerns projects, and other special projects (including projects in Guam, the Trust Territory of the Pacific Islands, Puerto Rico, American Samoa, and the Virgin Islands) under section 708(a) of the Act.

A. *Closing date for receipt of applications.* Applications for special projects under section 708(a) of the Act must be received by the U.S. Office of Education Application Control Center in Washington, D.C., on or before February 13, 1976.

Applications for basic grants, pilot projects, nonprofit organizaiton projects, and bilingual projects under sections 706(a), 706(b), 708(b), and 708(c) of the Act, respectively, must be received by the Application Control Center of the U.S. Office of Education Regional Office serving the area in which the applicant is located on or before February 13, 1976.

B. *Applications sent by mail.* All applications for special project grants under section 708(a) of the Act sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202. The address for such applications should be marked: Attention: 13.532C (for other special projects); Attention: 13.532D (for special arts projects); Attention: 13.532E (for special mathematics projects); or Attention: 13.532F (for special student concerns projects).

All applicaitons for grants under sections 706(a), 760(b), 708(b), and 708(c) of the Act sent by mail should be addressed to the appropriate U.S. Office of Education Regional Office listed below:

OFFICE OF EDUCATION REGIONAL OFFICES

Deadline for Submission (local time) 4:00 p.m.

Region I—(Boston)—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. U.S. Office of Education Application Control Center, Room 2303, John Fitzgerald Kennedy Federal Bldg., Government Center, Boston, Massachusetts 02203.

Region II—(New York City)—New York and New Jersey. U.S. Office of Education Application Control Center, Room 3947, Federal Bldg., 26 Federal Plaza, New York 10007.

Region III — (Philadelphia) — Delaware, District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia. U.S. Office of Education Application Control Center, Room 16200, 3535 Market Street, P.O. Box 13716, Philadelphia, Pennsylvania 19101.

Region IV—(Atlanta)—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee. U.S. Office of Education Application Control Center, Room 555, 50 Seventh Street NE., Atlanta, Georgia 30323.

Region V—(Chicago)—Illinois, Indiana, Minnesota, Michigan, Ohio and Wisconsin. U.S. Office of Education Application Control Center, 32nd Floor, 300 South Wacker Drive, Chicago, Illinois 60606.

Region VI—(Dallas)—Arkansas, Louisiana, New Mexico, Oklahoma and Texas. U.S. Office of Education Application Control Center, Room 1440, 1200 Main Tower Bldg., Dallas, Texas 75202.

Region VII—(Kansas City)—Iowa, Kansas, Missouri and Nebraska. U.S. Office of Education Application Control Center, Room 360, 601 East 12th Street, Kansas City, Missouri 64106.

Region VIII — (Denver) — Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming. U.S. Office of Education Application Control Center, Room 11037, Federal Office Bldg., 1961 Stout Street, Denver, Colorado 80202.

Region IX—(San Francisco)—Arizona, California, Hawaii and Nevada. U.S. Office of Education Application Control Center, Room 211, 50 Fulton Street, San Francisco, California 94102.

Region X—(Seattle)—Alaska, Idaho, Oregon and Washington, U.S. Office of Education Application Control Center, Room 508, Arcade Plaza Bldg., M/S 1505, 1321 Second Avenue, Seattle, Washington 98101.

An application sent by mail will be considered to have been received on time if: (1) The application was sent to the appropriate office by registered or certified mail not later than February 9, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by the appropriate U.S. Office of Education mail room. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, the U.S. Office of Education, or the appropriate Regional Office.

C. *Hand delivered applications.* Hand delivered applications for special project grants under section 708(a) of the Act must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time, except Saturdays, Sundays, and Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

Hand delivered applications for grants under section 706(a), 706(b), 708(b) or 708(c) of the Act must be taken to the appropriate U.S. Office of Education Regional Office at the address listed in Part B of this notice. Hand delivered applications will be accepted daily between the hours of 8:30 a.m. and 4:00 p.m. No applications will be accepted after 4:00 p.m. local time on the closing date.

D. *Project periods.* Grant awards will be made pursuant to this notice for projects commencing no earlier than July 1, 1976, and terminating no later than June 30, 1977, except that awards for special student concerns projects will be made for a period commencing no earlier than July 1, 1976, and terminating no later than June 30, 1978.

E. *Applicable regulations.* Grant awards made pursuant to this notice will be subject to the regulations in 45 CFR Part 185, relating to the Emergency School Aid Act and, except where inconsistent with Part 185, to the Office of Education general provisions regulations in 45 CFR Parts 100 and 100a, relating to direct project assistance programs.

F. *Program information and forms.* Information and application forms for special projects under section 708(a) of the Act may be obtained from the Special Projects Branch, Equal Educational Opportunity Programs, U.S. Office of Education, Room 2017, 400 Maryland Avenue SW., Washington, D.C. 20202.

Information and application forms for projects under sections 706(a), 706(b), 708(b), and 708(c) of the Act may be obtained from the appropriate U.S. Office of Education Regional Office.

(Catalog of Federal Domestic Assistance numbers 13.525 (Basic Grants), 13.526 (Pilot Projects), 13.528 (Bilingual Projects), 13.529 (Projects to be carried out by Public or Private Nonprofit Organizations), and 13.532 (Special Projects)

Dated: December 22, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-34964 Filed 12-29-75;8:45 am]

Food and Drug Administration

PANEL ON REVIEW OF OBSTETRICAL-GYNECOLOGICAL DEVICES

Availability of Panel Report

In accordance with the provisions of a notice to manufacturers concerning obstetrical-gynecological classification procedures, published in the FEDERAL REGISTER of May 19, 1975 (40 FR 21843), the Food and Drug Administration announces the availability of the report of the Obstetrical-Gynecological Panel's classification results. This report contains the tentative classification conclusions of the Obstetrical-Gynecological Panel and includes a list of the devices reviewed, the answers to the classification logic scheme questions, and the recommended classification for each device.

Copies of this report are available upon request from the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. In addition, this report has been placed on public display at the office of the Hearing Clerk and may be viewed at that office during working hours, Monday through Friday.

Dated: December 16, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-34982 Filed 12-29-75;8:45 am]

REGULATORY INVESTIGATIONS OF DRUG, PESTICIDE, AND INDUSTRIAL CHEMICAL RESIDUES IN ANIMAL FEEDS AND IN MEAT AND POULTRY

Memorandum of Understanding With the Animal and Plant Health Inspection Service and Various State Agencies

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) stating that future agreements or memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

DEC 30 75 XUM V40250 DEC 30 75 XUM

A Memorandum of Understanding between the Food and Drug Administration, Region III, the Delaware Dept. of Agriculture, Maryland Dept. of Agriculture, Pennsylvania Dept. of Agriculture, Virginia Dept. of Agriculture and Commerce, and the U.S. Dept. of Agriculture Regional Office/Animal and Plant Health Inspection Service was executed on November 12, 1975. The purpose of the memorandum is to establish a coordinated program among the participating agencies to determine the cause of illegal residue finding and, where warranted, to initiate appropriate corrective action. The memorandum sets forth a "working-sharing" program. It reads as follows:

MEMORANDUM OF UNDERSTANDING

Between

DELAWARE DEPARTMENT OF AGRICULTURE, MARYLAND DEPARTMENT OF AGRICULTURE, PENNSYLVANIA DEPARTMENT OF AGRICULTURE, VIRGINIA DEPARTMENT OF AGRICULTURE AND COMMERCE, U.S. DEPARTMENT OF AGRICULTURE REGIONAL OFFICE/ANIMAL AND PLANT HEALTH INSPECTION SERVICE

And

FOOD AND DRUG ADMINISTRATION, REGION III

Relative to Regulatory Investigations Involving Drug, Pesticide and Industrial Chemical Residues in Animal Feeds and in Meat and Poultry.

The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA), under the authority of the Federal Meat Inspection Act and the Poultry Products Inspection Act, is responsible for the wholesomeness and safety of meat and poultry intended for human consumption. This is accomplished by continuous inspection at slaughtering and processing establishments and by sampling and analyzing edible tissues derived from livestock and poultry at the time of slaughter to assure, among other things, that meat and poultry do not contain illegal residues of drugs, pesticides, and industrial chemicals.

The Food and Drug Administration (FDA) of the Department of Health, Education, and Welfare is charged with the enforcement of the Federal Food, Drug, and Cosmetic Act. In fulfilling its responsibilities under the act, FDA directs its activities toward the protection of the public health of the nation by ensuring that foods for humans and animals are safe and wholesome and that animal feeds are free of illegal drug, pesticide, and industrial chemical residues. This is accomplished by inspecting the processing and distribution of animal feeds and examining samples thereof to assure compliance with the act.

The Delaware, Maryland, and Pennsylvania Departments of Agriculture and the Virginia Department of Agriculture and Commerce, under their respective State authorities, conduct investigations and related activities to assure the safety and wholesomeness of foods and feeds.

Meat and poultry may become contaminated with illegal drug, pesticide, or industrial chemical residues from several sources, including the misuse of animal drugs, the use of animal feeds containing illegal drugs, pesticides, and industrial chemicals, or from the environment. As a result, the State agencies, APHIS, and FDA have certain related objectives in carrying out their respective regulatory and service activities. Therefore, it is desirable from the standpoint of public interest to set forth in this Memorandum of Understanding, the work-sharing program being adopted to enable each agency to discharge, as effectively as possible, its responsibilities relative to the problem of illegal drug, pesticide, and industrial chemical residues in meat, poultry, and in feeds for food-producing animals. This Memorandum of Understanding will also augment the agreement between FDA and APHIS relative to their regulatory programs involving residues in animal feeds and in meat and poultry, which was published in the FEDERAL REGISTER of April 10, 1975 (40 FR 16228).

I. *Purpose.* It is the purpose of this understanding to establish a coordinated effort among the participating agencies to promote efficient and prompt investigations of APHIS findings of illegal drug, pesticide and industrial chemical residues in edible tissue samples of meat or poultry in order to determine the cause of the illegal residue finding and, where warranted, to initiate appropriate corrective action.

II. *Objectives.* A. To reduce the potential for the disposition of illegal residues in human food stemming from the misuse of animal drugs and medicated feeds, pesticides, and industrial chemicals at the livestock producer level.

B. To provide a uniform investigational format, reporting system, and regulatory procedure for State and/or FDA responses to APHIS assay reports of tissue residue samples.

C. To develop a system to coordinate residue investigations and thus achieve a more efficient utilization of all available State and Federal manpower.

III. *Work-Sharing Program.* A. Goals and responsibilities: The parties to this understanding will share the responsibility for the investigation of APHIS reports of illegal residues found in edible tissue samples of meat or poultry originating in Region III of FDA. Close liaison and communication will be maintained to assure that manpower is efficiently utilized and regulatory efforts are properly coordinated to achieve a high level of industry compliance.

B. The Animal and Plant Health Inspection Service will:

1. Immediately notify the Food and Drug Administration, Region III, of findings of illegal drug, pesticide, or industrial chemical residues in edible tissue samples of meat or poultry and promptly transmit to FDA all other information relative to these actionable findings in Region III obtained by APHIS subsequent to such notification.

2. Make available to FDA any reports, documents, and samples necessary to support a regulatory action under the Federal Food, Drug, and Cosmetic Act involving illegal residues in meat and poultry.

C. The Food and Drug Administration, Region III, will:

1. Designate a coordinator to accomplish the goals of this memorandum of understanding.

2. Receive from APHIS copies of all USDA assay reports of illegal residues found in edible tissue samples of meat or poultry originating in the Region III area.

3. Provide guidance to State agencies for the performance of investigations.

4. Determine and initiate the appropriate course of action to be followed with respect to APHIS reports.

5. Monitor progress of investigations or other courses of action initiated to assure appropriate and timely completion.

6. Keep all parties to this understanding informed of the progress being made on actionable items and other relevant information.

D. The State agencies (Delaware Department of Agriculture, Maryland Department of Agriculture, Pennsylvania Department of Agriculture, and Virginia Department of Agriculture and Commerce) will:

1. Investigate all illegal residue reports submitted by the FDA coordinator to determine the cause of illegal residues and, where appropriate, to establish who is the culpable individual. Investigation will include documentation of all relevant facts by records, photographs, affidavits, and physical samples if appropriate. Investigational reports, including recommendations for corrective action, will be prepared by the investigator, endorsed by his supervisor, and forwarded to the FDA coordinator.

2. Attempt to achieve compliance during the course of an investigation by means appropriate to the particular situation.

3. Upon completion of the investigation, the director of the State agency will, in writing, advise the producer, shipper or other responsible individual of the findings of that investigation.

4. Refer requests for investigations that cannot be accomplished because of restrictive State laws or for other purposes back to the FDA coordinator for reassignment.

5. Provide for followup investigation where continuing operational deficiencies of the livestock producer are noted, so that appropriate regulatory action may be initiated under State statutes where applicable.

6. Notify the FDA coordinator of regulatory actions being initiated and final results.

7. Keep the FDA coordinator fully informed of pertinent details relating to this program, including copies of correspondence to producers, shippers, etc.

IV. *General Provisions.* A. *Planning sessions.* 1. Meetings of representatives from the participating agencies will be conducted periodically to review working arrangements, evaluate accomplishments, maintain program uniformity, plan future program operations, and if necessary, recommend revisions of the understanding for the next term.

2. Meetings will be conducted on the fourth and tenth month after the effective date of this understanding, and on an annual basis thereafter.

3. The meetings will be conducted on an alphabetical rotational basis in the offices of the participating State agencies. The program coordinator will be responsible for preparation of the agenda. The host agency will be responsible for preparation of minutes of proceedings to be distributed to participants.

B. *Term of understanding.* 1. The provisions of this understanding become effective on the first day of the month following the latest signature date. It will expire on the last day of the twelfth effective month.

2. To be renewed it must be reviewed by all participating agencies, and an addendum stating its extension for another twelve-month period must be signed by the agencies.

3. Any agency may terminate its participation in this program upon thirty days' written notice to its partner agencies.

Approved and accepted:

M. Martin Isaacs, Secretary, Delaware Department of Agriculture. Dated: October 3, 1975.

James A. McHale, Secretary, Pennsylvania Department of Agriculture. Dated: October 2, 1975.

T. C. Maraviglia, Regional Food and Drug Director, Region III, FDA. Dated: September 30, 1975.

Young D. Hance, Secretary, Maryland Department of Agriculture. Dated: October 3, 1975.

S. Mason Carbaugh, Commissioner, Virginia Department of Agriculture and Commerce. Dated: October 2, 1975.

Melvin C. Hatter, D.V.M., Acting Administrator, USDA, Animal and Plant Health Inspection Service. Dated: November 12, 1975.

Effective date. This Memorandum of Understanding became effective November 12, 1975.

Dated: December 22, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-34983 Filed 12-29-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

EFFECTIVENESS OF COMPENSATORY EDUCATION

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on January 30, 1976 from 9 a.m.–5 p.m., and on January 31, from 9 a.m.–5 p.m. The meeting will be held in Boca Raton, Florida.

The National Advisory Council on the Education of Disadvantaged children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The meeting will be held to review 1976 Annual Report materials and, to participate in a site visit at the Florence Fuller School in Boca Raton, Florida.

Because of limited space, all persons wishing to attend should call for reservations by January 5, 1976, Area Code 202/382-6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street, NW., Suite 1012, Washington, D.C.

Signed at Washington, D.C., on December, 22, 1975.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.75-34946 Filed 12-29-75;8:45 am]

Office of the Secretary

PRESIDENT'S BIOMEDICAL RESEARCH PANEL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Biomedical Research Panel on January 26 and 27, 1976, in Suite 3100, 2401 E Street, NW., Washington, D.C. 20506.

The meeting will be open to the public from 9 a.m. to 5 p.m. on January 26 and from 9 a.m. to 5 p.m. on January 27. Attendance by the public will be limited to space available. The agenda will address issues pertaining to the studies previously identified by the Panel as being germane to its Congressional mandate.

Substantive program information will be provided by Dr. Charles Lowe, Executive Director or the Panel (202-634-1907), Suite 3100, 2401 E Street, NW., Washington, D.C. 20506.

All requests for information should be directed to Ms. Rosemarie Lazo, at the above address.

Dated: December 16, 1975.

CHARLES U. LOWE,
Executive Director.

[FR Doc.75-34855 Filed 12-29-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75 243]

NATIONAL BOATING SAFETY ADVISORY COUNCIL

Open Meeting

This is to give notice in accordance with section 10(a) of the Federal Advisory Committee Act (P.L. 92-463; 5 U.S.C. App. 1) of October 6, 1972 that the National Boating Safety Advisory Council (the Council) will conduct an open meeting on Wednesday, 4 February 1976, in Room 2230, Department of Transportation, NASSIF Building, 7th and D Streets SW., Washington, D.C. The meeting is scheduled to begin at 9 a.m.

The agenda for the Thirteenth Meeting of the Council is as follows:

1. Introduction of newly appointed Council members.
2. Review of action taken at the Twelfth Meeting of the Council.
3. Executive Director's Report.
4. Vote on concurrence to discontinue rulemaking procedures which would require recreational boats to carry a dewatering device (bailer) and a means of secondary propulsion (paddle).
5. Vote on need for shielding of 32 point stern navigation lights for recreational boats.
6. Discussion on Personal Flotation Device (P.F.D.) reliability.
7. Discussion of proposal by the National Association of State Boating Law Administrators (NASBLA) to discontinue acceptance of Type IV P.F.D.'s (buoyant cushions) in lieu of wearable devices, on boats less than 16 feet in length.
8. Briefing on the Coast Guard Research and Development efforts in support of the Boating Safety Program.
9. Report on European international standards.
10. Vote on concurrence of proposed Final Rulemaking action on the Exception to P.F.D. requirements for white water canoes and kayaks.
11. Review of boating education symposium.
12. Report on "Termination of Use" as associated with the Hazardous Bars Regulation.
13. Report by Visual Distress Signal Subcommittee.
14. Member items.
15. Chairman's session.
16. Discussion on date, place and thrust of next meeting.

The National Boating Safety Advisory Council was established in 1971 pursuant to Section 33 of the Federal Boat Safety Act of 1971 (P.L. 92-75, 46 U.S.C. 1451 et seq.). The Coast Guard is required to consult with the Council in determining the need for, and in prescribing, regulations and standards for boats and associated equipment. In addition, the Coast Guard is required to consult with the Council on any other major boating safety matters related to the Act.

Any member of the public who wishes to do so may file a written statement with the Council before or after the meeting, or may present an oral statement with advance notice to the Chairman.

Interested persons may seek additional information or the summary minutes of the meeting by writing to: Captain Merrill K. Wood, USCG, U.S. Coast Guard (G-BA/62 TRPT), Washington, D.C. 20590 or by calling (202) 426-1060.

Dated: December 15, 1975.

D. F. LAUTH,
Rear Admiral, U.S. Coast Guard, Chief, Office of Boating Safety.

[FR Doc.75-35029 Filed 12-29-75;8:45 am]

V 40 250 DEC 30 75 XUM

Federal Aviation Administration

FEDERAL AVIATION ADMINISTRATION AIR TRAFFIC PROCEDURES ADVISORY COMMITTEE

Meeting

Notice is hereby given that the Fereral Aviation Administration Air Traffic Procedures Advisory Committee will hold a meeting at 9 a.m. e.s.t., January 27 through 12 p.m. January 30, 1976, at Federal Aviation Administration Headquarters, 800 Independence Avenue, SW., Washington, D.C.

The meeting will be in conference rooms 5A, B, and C, on January 27, 29, and 30, and in conference rooms 7A, B, and C on January 28. The following agenda items are scheduled for this meeting:

1. Election of a Chairman.
2. Explore alternative methods for disseminating information on the ATC system including the proposed Pilot/Controller Glossary and develop recommendations in this regard.
3. Review the Air Traffic Control Handbook.

The meeting will be open to the public. Interested persons are invited to attend the meeting and participate by making oral or written statements concerning those topics on the agenda. Written statements should be submitted in duplicate to Mr. Edward C. Krupinski, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT-300, 800 Independence Avenue, SW., Washington, D.C. 20591. Persons wishing to make oral statements at the meeting must notify Mr. Krupinski, by January 20, 1976. Presentations will be scheduled on a first come, first served basis as time permits. Requests for further information should be made to the Executive Director, Air Traffic Procedures Advisory Committee.

Issued in Washington, D.C., on December 16, 1975.

RAYMOND G. BELANGER,
Director, Air Traffic Service.

[FR Doc.75-34941 Filed 12-29-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27592 Agreement C.A.B. 25605]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements on Currency Matters

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to currency matters.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above-designated C.A.B. agreement number.

The agreement would amend an existing resolution, which permits any IATA member to rescind currency conversion resolutions 021L and 021LL, by extending the period for such rescission from March 31, 1976 to September 30, 1976, due to the postponement of an IATA conference.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that Resolution 100,200,300 (Mail 993,272,465) 001 mm, incorporated in Agreement C.A.B. 25605, is adverse to the public interest or in violation of the Act.

Accordingly, IT IS ORDERED THAT:

Agreement C.A.B. 25605 be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN,
Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-35057 Filed 12-29-75;8:45 am]

[Docket 27573; Agreement C.A.B. 25432, R-2 and R-3, Agreement C.A.B. 25433, R-5, Agreement C.A.B. 25437, R-3, Agreement C.A.B. 25509, Agreement C.A.B. 25510, Agreement C.A.B. 25546, R-1 and R-2]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements on Commodity Rates

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to specific commodity rates. Issued under delegated authority December 19, 1975.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements, adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates or by mail vote, have been assigned the above C.A.B. agreement numbers.

Agreements C.A.B. 25432, R-2 and R-3; C.A.B. 25433, R-5; C.A.B. 25437, R-3; and C.A.B. 25546, R-1 and R-2, establish additional specific commodity rates for application between U.S. points and points in the South Pacific. Agreement C.A.B. 25509 in essence would commonrate Kaohsiung with Taipei with respect to specific commodity traffic moving between Kaohsiung and points within the Pacific except that commodity rate traffic to/from Japan, Korea and Guam would remain subject to the present addon for Kaohsiung over Taipei. Finally, Agreement C.A.B. 25510 establishes new add-ons and increases existing add-ons for construction of through specific commodity rates between various points in Brazil and points within the Pacific over Belem and Rio de Janeiro.

We will disapprove the proposed South Pacific specific commodity rates consistent with our actions in Order 75-11-78, dated November 21, 1975, which dealt with the proposed IATA South Pacific cargo rates structure, but will approve the remaining charges as outlined above.

Pursuant to authority duly delegated by the Board in the Board's Regulations 14 CFR 385.14:

1. It is not found that Agreements C.A.B. 25509 and C.A.B. 25510 are adverse to the public interest or in violation of the Act:

2. It is found that the specific commodity rates incorporated in Agreements C.A.B. 25432, R-2 and R-3; C.A.B. 25433, R-5; C.A.B. 25437, R-3; and C.A.B. 25546, R-1 and R-2 are adverse to the public interest and in violation of

Accordingly, IT IS ORDERED THAT:

1. Agreements C.A.B. 25509 and C.A.B. 25510 be and hereby are approved; and

2. Agreements C.A.B. 25432, R-2 and R-3; C.A.B. 25433, R-5; C.A.B. 25437, R-3; and C.A.B. 25546, R-1 and R-2 be and hereby are disapproved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN,
Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-35028 Filed 12-29-75;8:45 am]

[Docket 28122]

SHREVEPORT-DALLAS NONSTOP PROCEEDING

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on January 20, 1976, at 10:00 a.m. (local time), in the Conference Room, 3rd Floor, Shreveport Regional Airport Terminal Building, Shreveport Regional Airport, 5103 Hollywood Avenue, Shreveport, Louisiana, before the undersigned administrative law judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on September 23, 1975, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., December 22, 1975.

[SEAL] GREER M. MURPHY,
Administrative Law Judge.

[FR Doc.75-35055 Filed 12-29-75;8:45 am]

[Docket 28146]

WESTERN AIR LINES, INC. U.S.-MEXICO PASSENGER FARES

Postponement of Prehearing Conference

Pursuant to applicant's request and with concurrence of the Bureau of Economics, notice is hereby given that the prehearing conference in the above-entitled matter now scheduled for January 6, 1976 (40 F.R. 56963, dated December 5, 1975), is postponed until January 7, 1976, at 10:00 a.m. (local time) in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., December 22, 1975.

[SEAL] WILLIAM A. KANE, JR.,
Administrative Law Judge.

[FR Doc.75-35056 Filed 12-29-75;8:45 am]

CIVIL RIGHTS COMMISSION

CONNECTICUT ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Connecticut Advisory Committee (SAC) to this Commission will convene at 5:30 p.m. on January 22, 1975, at the Gloria Busch's House, 5 Long Lane, Middletown, Connecticut 06457.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss EEO in city government and commission's school desegregation project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., December 16, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-34991 Filed 12-29-75;8:45 am]

MISSOURI ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Missouri Advisory Committee (SAC) to this Commission will convene at 1 p.m. and end at 5 p.m. on January 20, 1976, at the Federal Building 1520 Market Street (Room 1620), St. Louis, Missouri 64103.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., December 22, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-34992 Filed 12-29-75;8:45 am]

NEW JERSEY ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 11 p.m. on January 29, 1976, at the Ramada Inn, New Jersey Turnpike at Route 18, New Brunswick, New Jersey.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss the SAC's abortion and migrant projects.

This meeting will be conducted pursuant to the rules and regulations.

Dated at Washington, D.C., December 19, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-34993 Filed 12-29-75;8:45 am]

NORTH DAKOTA AND SOUTH DAKOTA ADVISORY COMMITTEES

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the North Dakota and South Dakota Advisory Committees (SAC) to this Commission originally scheduled for January 19, 1976, has been canceled.

Dated at Washington, D.C., December 22, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-34994 Filed 12-29-75;8:45 am]

VERMONT ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on January 19, 1976, at the Tavern Motor Inn, Montpelier, Vermont.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss status of projects.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., December 19, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-34995 Filed 12-29-75;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, January 14, 1976. This meeting will be held in room 5A06A of the U.S. Civil Service Commission building, 1900 E Street, N.W., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent:

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-35062 Filed 12-29-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Additions to Procurement List

Notice of proposed additions to Procurement List 1976, November 28, 1975

V40250 DEC 30 75 XUM

(40 F.R. 54742) were published in the FEDERAL REGISTER on October 24, 1975 (40 F.R. 49816).

Pursuant to the above notice the following commodities are added to the Procurement List:

CLASS 3990:	Price/Each
Skid, Wood (SH)	
3990-00-366-6810	$1.06
3990-00-366-6814	1.71
3990-00-366-6815	2.42
3990-00-366-6816	3.08
3990-00-366-6817	3.86
3990-00-366-6819	4.67
3990-00-366-6820	5.70
Pallet, Wood (SH)	
3990-00-366-6821	5.63
Cap, Wood (SH)	
3990-00-366-6824	3.73

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-35025 Filed 12-29-75;8:45 am]

PROCUREMENT LIST FOR 1976

Additions to Procurement List

Notice of proposed additions to Procurement List 1976, November 25, 1975 (40 F.R. 54742) were published in the FEDERAL REGISTER on September 26, 1975 (40 F.R. 44349) and October 17, 1975 (40 F.R. 48710).

Pursuant to the above notices the following commodities are added to the Procurement List:

CLASS 7530:	Price
Tape, Paper, Computing Machine (IB)	
7530-00-286-9052 roll	$0.121
7530-00-222-3455 do	0.134
7530-00-286-9053 do	0.139
7530-00-286-9054 do	0.152
7530-00-238-8352 do	0.178
7530-00-222-3456 do	0.195
7530-00-286-9055 do	0.215
Paper, Teletypewriter, Roll (IB)	
7530-00-223-7966 for GSA Regions 4, 5 & 6 only do	0.70
CLASS 7520:	
Easel, Display & Training (IB)	
7520-00-579-7013 each	$21.66

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-35026 Filed 12-29-75;8:45 am]

PROCUREMENT LIST FOR 1976

Notice of Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed additions of the following commodities to Procurement List 1976, November 25, 1975 (40 F.R. 54742).

CLASS 7510:
Binder, Awards Certificate
7510-00-115-3250
Binder, Looseleaf
7510-00-409-3646
7510-00-409-3647
7510-00-582-5398
7510-00-582-5399
7510-00-582-5400
7510-00-889-3494
7510-00-766-4269

CLASS 7930:
Detergent, General Purpose
7930-00-177-5243
CLASS 8460:
Suitcase, Coated Cloth, Sage Green
8460-00-391-0502

Comments and views regarding these proposed additions may be filed with the Committee not later than January 28, 1976. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-35024 Filed 12-29-75;8:45 am]

COMMISSION ON FEDERAL PAPERWORK

NOTICE OF PUBLIC MEETINGS

Notice is hereby given of two field meetings in Tennessee of the Commission on Federal Paperwork.

The Commission will be holding a public meeting in Nashville, Tennessee, on January 8, 1976, at the United States Federal Courthouse, Room A-440, 801 Broadway Avenue. The meeting will commence at 9:00 a.m. and end at 1:00 p.m. The Commission will receive comments from various individuals in the areas of agri-business, manufacturing, State government, health, housing, and labor about the impact of Federal agency reporting requirements.

The Commission will hold a second public meeting in Knoxville, Tennessee, on January 9, 1976, at the McGhee Tyson Airport in the Skychef Banquet Room. The meeting will commence at 9:00 a.m. and end at 1:00 p.m. The Commission will receive comments from various individuals in the areas of Federal, State, and local government, manufacturing, finance, education, veterans' affairs, and labor about the impact of Federal agency reporting requirements.

Testimony presented at these meetings will be used by the Commission on Federal Paperwork in making recommendations to the Congress and the President on changes which would ease the burden of Federal paperwork.

Persons wishing further information about the meetings should contact the Commission on Federal Paperwork, located at 1111 20th Street NW., Suite 200, Washington, D.C. 20582, telephone (202) 254-6786.

FRANK HORTON,
Chairman.

[FR Doc.75-35081 Filed 12-29-75;8:45 am]

DEFENSE MANPOWER COMMISSION

MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Commissioners of the Defense Manpower Commission will meet on Janaury 15, 1976 at 1:00 p.m. in the Conference Center, Lower Lobby (LL), of the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20036. The purpose of the meeting will be to conduct a review of the General Level and Structure of Military Compensation. The above issues are subject to change dependent upon staff progress, and other subjects may be substituted.

The meeting will be open to the public. Because of limited space, interested persons wishing to attend should telephone (202) 254-7803 prior to each meeting.

Dated: December 28, 1975.

BRUCE PALMER, JR.,
General, USA (Ret.),
Executive Director.

[FR Doc.75-35079 Filed 12-29-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

SPENT FUELS; CHEMICAL PROCESSING AND CONVERSION

Price Change

Notices entitled "Spent Fuels Chemical Processing and Conversion", 33 FR 30, January 3, 1968; with amendments 35 FR 8715, June 4, 1970, 35 FR 18302, December 1, 1970, and 40 FR 3031, January 17, 1975, issued by the U.S. Atomic Energy Commission and in effect on January 19, 1975, the effective date of the Energy Reorganization Act of 1974, Public Law 93-438, by the terms of Sec. 301 (b) of that Act, continue in effect according to their terms. Those notices set forth the terms of the ERDA's undertaking to receive irradiated reactor fuels and blanket materials, and to make settlement therefor.

The following notice concerning the foregoing constitutes a revision of the ERDA prices for the services of Chemical Processing for certain uranium fuels.

Paragraph 7d of the notice as previously amended by notice of 35 FR 18302, December 1, 1970, is hereby amended to read as follows:

7d. A charge for the conversion to uranium hexafluoride of the purified nitrate salt of uranium (except uranium enriched in the isotope uranium-233) produced by the ERDA in its processing of reactor materials as follows:

1. Conversion of purified low-enrichment uranyl nitrate into UF_6: $60.00 per kilogram contained uranium.

2. Conversion of purified high-enrichment uranyl nitrate into UF_6: $135 per kilogram contained uranium.

As used in this section "low-enrichment uranium" means 5 percent (by weight) and less of U^{235} in total uranium, and "high-enrichment uranium" means more than 5 percent (by weight) of U^{235} in total uranium.

Because this revision involves a matter relating to agency management or personnel or to public property, loans, grants, benefits or contracts, Sec. 553 of Title 5 U.S. Code does not apply, and this notice is effective on the date of

publication without advance notice. This notice is issued under the authority of 42 U.S.C. 2201 and 42 U.S.C. 5815.

Effective date: December 30, 1975.

RICHARD W. ROBERTS,
Assistant Administrator for Nuclear Energy.

[FR Doc.75-34762 Filed 12-29-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP—50053; FRL 473-4]

AMERICAN CYANAMID COMPANY

Extension of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an extension of an experimental use permit has been issued to the American Cyanamid Company, Princeton, New Jersey 08540. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 241-EUP-70) allows the use of 18,300 pounds A.I. of the herbicide difenzoquat methylsulfate (1,2-dimethyl-3,5-diphenyl-1*H*-pyrazolium methyl sulfate) on wheat straw at 20 parts per million (ppm), and on wheat grain, meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 ppm. A total of 22,200 acres is involved; the program is authorized only in Arizona, California, Idaho, Kansas, Montana, Oklahoma, Oregon, Texas, and Washington. The extended experimental use permit is effective from December 15, 1975, to December 15, 1976. Temporary tolerances have been established for residues of the active ingredient in or on the raw agricultural commodities noted above (Petition No. PP 5G1576).

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street, SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters office, so that the appropriate permit may be made conveniently available for review purposes .These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: December 22, 1975.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc. 75-34936 Filed 12-29-75;8:45 am]

[OPP—50054; FRL 473-5]

AMERICAN CYANAMID COMPANY

Issuance of Extension of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an extension of an experimental use permit has been issued to the American Cyanamid Company, Princeton, New Jersey 08540. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 241-EUP-64) allows the use of 3,100 pounds A.I. of the herbicide difenzoquat methylsulfate (1,2-dimethyl-3,5-diphenyl-1*H*-pyrazolium methyl sulfate) on barley straw at 20 parts per million (ppm), on barley grain at 0.2 ppm, and on meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 ppm. A total of 3,750 acres is involved; the program is authorized only in Arizona, California, and Oregon. The extended experimental use permit is effective from December 15, 1975, to December 15, 1976. Temporary tolerances have been established for residues of the active ingredient in or on the raw agricultural commodities noted above (petition no. PP 4G1453).

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street, SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: December 22, 1975.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.75-34937 Filed 12-29-75;8:45 am]

[PP6G1659 & PP6G1660/T23 FRL 473-6]

U.S. BORAX CORP.

Establishment of a Temporary Tolerance N',N'-di-n-propyl-2,4-dinitro - 6-trifluoromethyl-m-phenylenediamine

U.S. Borax Corp., 412 Crescent Way, Anaheim CA 92801, submitted two petitions (PP 6G1659 and PP 6G1660) to the Environmental Protection Agency (EPA). These petitions requested that a temporary tolerance be established for residues of the herbicide N',N'-di-*n*-propyl- 2, 4- dinitro-6-trifluoromethyl-*m*-phenylenediamine to permit the marketing of certain raw agricultural commodities treated in accordance with an experimental use permit which is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act. Petition PP 6G1659 requested that a temporary tolerance be established for residues of the herbicide in or on the raw agricultural commodities almond hulls, grapes, nuts, and stone fruit at 0.1 part per million (ppm). Petition PP 6G1660 requested that a temporary tolerance be established for residues of the herbicide in or on soybeans, soybean hay, soybean forage, cottonseed, and cotton forage at 0.1 ppm.

An evaluation of the scientific data reported in the petitions has shown that the requested tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined that the tolerance will protect the public health. Therefore, the temporary tolerance is established for this herbicide with the following provisions:

1. The total amount of the herbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. U.S. Borax Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of product, distribution, and performance and on request make such records available to any authorized officer or employee of the EPA or the Food and Drug Aduministration.

The temporary tolerance expires December 22, 1976. Residues not in excess of 0.1 ppm remaining in or on the above raw agricultural commodities after expiration of this temporary tolerance will not be considered actionable if the herbicide has been legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this herbicide indicate such revocation is necessary to protect the public health.

Dated: December 22, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.75-34983 Filed 12-29-75;8:45 am]

[OPP—30105; FRL 474-6]

HEXAMETHYLENE CARBAMIDE

Notice of Receipt of Application To Register a Pesticide Product Containing a New Active Ingredient

Boyle-Midway Inc., South Avenue & Hale St., Ganford NJ 07016, has submitted to the Environmental Protection Agency (EPA) an application (EPA File Symbol 475-ENA) to register the pesticide product RIDZ PERSONAL INSECT REPELLENT containing 25.0% of the active ingredient hexamethylene carbamide which has not been included in any previously registered pesticide product. The application proposes that the product be classified for general use as an insecticide. Application was made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 136 et seq.), and the regulations thereunder (40 CFR 162). Notice of receipt of this application is made in accordance with the provisions of section 3(c)(4) of FIFRA [40 CFR 162.6(b)(6)] and does not indicate a decision by this Agency on the application.

Any Federal agency or other interested persons are invited to submit written comments on the application referred to in this notice to the Federal Register

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Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., East Tower, Room 401, Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before January 29, 1976 and should bear the notation "EPA File Symbol 475–ENA". Comments received within the specified time period will be considered before a final decision is made with respect to the pending application. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Notice of approval or denial of the application to register this pesticide product will be announced in the FEDERAL REGISTER.

The label furnished by Boyle-Midway Inc. for RIDZ PERSONAL INSECT REPELLENT as well as all written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: December 23, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75–35066 Filed 12–29–75;8:45 am]

[OPP–30104; FRL 474–5]

HYLON

Notice of Receipt of Application To Register a Pesticide Product Containing a New Active Ingredient

Whitmoyer Laboratories, Inc., 19 N. Railroad St., Myerstown, PA 17067, has submitted to the Environmental Protection Agency (EPA) an application (EPA File Symbol 984–AT) to register the pesticide product HYLON containing 20.0% of the active ingredient *N*–alkyl (50% C12, 40% C12, 10% C16) dimethyl benzyl ammonium chloride and 3.8% of the active ingredient 2-cyclohexyl-4,5-dichloro-4-isothiazolin-3-one which has not been included in any previously registered pesticide product. The application proposes that the product be classified for general use as a disinfectant for animal premises and hospitals. Application was made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 136 et seq.), and the regulations thereunder (40 CFR 162). Notice of receipt of this application is made in accordance with the provisions of section 3(c)(4) of FIFRA [40 CFR 162.6(b)(6)] and does not indicate a decision by this Agency on the application.

Any Federal agency or other interested persons are invited to submit written comments on the application referred to in this notice to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, East Tower, Room 401, Washington, DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before January 29, 1975, and should bear the notation "EPA File Symbol 984–AT". Comments received within the specified time period will be considered before a final decision is made with respect to the pending application. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Notice of approval or denial of the application to register this pesticide product will be announced in the FEDERAL REGISTER.

The label furnished by Whitmoyer Laboratories, Inc., for HYLON as well as all written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: December 23, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75–35067 Filed 12–29–75;8:45 am]

[PF 25; FRL 474–4]

AMERICAN CYANAMID CO.

Pesticide Petition; Filing

American Cyanamid Co., Agricultural Div., PO Box 400, Princeton, NJ 08540, has submitted a petition (PP 6F1704) to the Environmental Protection Agency which proposes that 40 CFR 180.361 be amended to establish a tolerance for the combined negligible residues of the herbicide *N*-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine and its metabolite 4-[(1-ethylpropyl)amino]-2-methyl-3,5-dinitro benzyl alcohol in or on the raw agricultural commodities soybeans, soybean forage, and soybean hay at 0.1 part per million. The proposed analytical method for determining residues of both the parent compound and its metabolite is a gas chromatographic procedure using an electric capture detector. (PM25)

Notice of this submission is given pursuant to the provisions of section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington, DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the petition number "PP 6F1704". Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: December 23, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75–35068 Filed 12–29–75;8:45 am]

[FRL 474–1]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to State of Maine

On December 23, 1971, (36 FR 24876), March 8, 1974 (40 FR 43850), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator of the Environmental Protection Agency (EPA) promulgated regulations establishing Standards of Performance for New Stationary Sources (NSPS) for eighteen categories of stationary sources. On April 6, 1973, (38 FR 8820), pursuant to Section 112 of the Clean Air Act, as amended, the Administrator promulgated National Emission Standards for Hazardous Air Pollutants (NESHAPS) for three pollutants. Sections 111(c) and 112(d) direct the Administrator to delegate his authority to implement and enforce NSPS and NESHAPS to any State which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the State.

On August 30, 1973, the Regional Administrator, Region I, EPA, forwarded to the State of Maine, information setting forth the requirements for an adequate procedure for implementing and enforcing the standards for NSPS and NESHAPS. Subsequently, EPA and the State discussed several delegation proposals. On October 7, 1975, the State and EPA agreed upon the wording and contents of the final request during a conference call. At that time, the State was not aware of the NSPS promulgated August 6, 1975, and September 23, 1975; thus these six source categories were not mentioned or intended to be included in the State's request. On October 14, 1975, amendments to the asbestos and mercury standards were promulgated (40 FR 48292). These amendments were not intended to be included in the State's request for delegation. Therefore, the delegation approval is effective as of October 7, 1975, the date of the conference call, and thus excludes these new NESHAPS amendments.

On October 15, 1975, William R. Adams, Jr., Commissioner of the Maine Department of Environmental Protection (DEP) submitted to the EPA Region I Office a request for delegation of authority. The request letter cited the appropriate Maine Statutes and DEP regulations which demonstrated the adequacy of the State's procedures. Appended to the State's request was an opinion from the Maine Attorney General's Office concerning the adequacy of State authority for assuming delegation. Also appended to the State's request was a copy of a change in the Maine Air Emission Licensing Regulation, making Federal NSPS and NESHAPS requirements the standard for defining Best Practical Treatment in order to accommodate delegation of NSPS and NES HAPS. After a thorough review of Maine's request, the Regional Administrator has determined that for the source categories set forth in paragraphs (A) and (B) of the following official letter to William R. Adams, Jr., delegation is appropriate subject to the conditions set forth in items (1) through (10) of that letter:

MR. WILLIAM R. ADAMS, Jr.,
Commissioner, Department of Environmental Protection,
State House, Augusta, Maine

DEAR MR. ADAMS: This is in response to your letter of October 15, 1975, requesting delegation of authority for implementation and enforcement of the New Source Performance Standards (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of Maine, Department of Environmental Protection (DEP).

The Environmental Protection Agency, Region I, (EPA), has reviewed the pertinent laws of the State of Maine and the rules and regulations of the DEP and has determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS by the State of Maine. Therefore, we hereby grant delegation of the NSPS and NESHAPS to the State of Maine Department of Environmental Protection as follows:

A. Authority for all sources located in the State of Maine subject to the following Standards of Performance for New Stationary Sources as promulgated in 40 CFR Part 60 as of October 7, 1975: fossil fuel-fired steam generators; incinerators (except for cone burners serving populations of less than 25,000); portland cement plants; nitric acid plants; sulfuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; and sewage treatment plants.

B. Authority for all sources located in the State of Maine subject to the following National Emission Standards for Hazardous Air Pollutants as promulgated in 40 CFR Part 61 as of October 7, 1975: asbestos with the exception of asbestos resulting from demolition (40 CFR 61.22(d)); beryllium; and mercury.

This delegation is based upon the following conditions:

1. The DEP will continue to submit semi-annual reports as required to EPA.

2. Enforcement of the NSPS and NESHAPS in the State of Maine will be the primary responsibility of the DEP. If the DEP determines that such enforcement is not feasible and so notifies EPA, or where the DEP acts in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the State of Maine subject to the NSPS and NESHAPS.

3. Acceptance of this delegation of enumerated presently promulgated NSPS and NESHAPS does not commit the State of Maine DEP to request or accept delegation of future standards and requirements. A new request for delegation will be required for any standards not included in the State's request of October 15, 1975, and for any standard which is revised subsequent to October 7, 1975.

4. Upon approval of the Regional Administrator of Region I, the Commissioner, Maine DEP, may subdelegate his authority to implement and enforce the NSPS and NES HAPS to air pollution control authorities in the State when such authorities have demonstrated that they have equivalent or more stringent programs in force.

5. The DEP will at no time grant a variance or waiver from compliance with applicable NSPS and NESHAPS (40 CFR Parts 60 and 61). Should the DEP grant such a variance or waiver, EPA will consider the source receiving such relief to be in violation of the applicable Federal regulation and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such relief by the DEP shall also constitute grounds for revocation of the delegation by EPA.

6. The delegation to the State of Maine does not include the authority to implement and enforce NSPS and NESHAPS for sources owned or operated by the United States which are located in the State. This condition in no way relieves any Federal Facility from meeting the requirements of 40 CFR Parts 60 and 61.

7. The DEP and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the current compliance status of subject sources in the State of Maine and regarding interpretation of applicable regulations. EPA will make determinations regarding unique questions of applicability of delegated standards when requested by the DEP or at other times as determined by EPA. EPA will provide technical assistance as necessary to the DEP. The DEP will provide the following information, as a minimum, to EPA: the name and address of each facility, the compliance status of each facility with accompanying explanations of non-compliance where applicable, notice of enforcement actions brought against facilities subject to delegated NSPS and NESHAPS, surveillance actions undertaken for each facility, and the results of all reports relating to emission data.

8. If at any time there is a conflict between a State regulation and a Federal regulation (40 CFR Parts 60 or 61), the Federal regulation must be applied if it is more stringent than that of the State. If the State does not have the authority to enforce the more stringent Federal regulation, this portion of the delegation may be revoked.

9. The DEP will utilize the methods specified in 40 CFR Parts 60 and 61 in performing source tests pursuant to the regulations.

10. If the Regional Administrator determines that a State procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the DEP.

A Notice announcing this delegation will be published in the *Federal Register* in the near future. The Notice will state, among other things, that, effective immediately, all reports required pursuant to the Federal NSPS and NESHAPS by sources located in the State of Maine should be submitted to the Department of Environmental Protection Office at the State House, Augusta, Maine 04330. Any such reports which have been or may be received by EPA, Region I, will be promptly transmitted to the Department of Environmental Protection.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within 10 days of the date of receipt of this letter, the State will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,

JOHN A. S. MCGLENNON,
Regional Administrator.

Therefore, pursuant to the authority delegated to him by the Administrator, the Regional Administrator notified Commissioner Adams on November 3, 1975, that authority to implement and enforce specified Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutants was delegated to the State of Maine Department of Environmental Protection.

Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region I Office, J. F. Kennedy Federal Building, Boston, Massachusetts 02203.

Effective immediately, all reports required pursuant to the National Emission Standards for Hazardous Air Pollutants and the Standards of Performance for New Stationary Sources listed in the above letter should be submitted to the EPA, Region I Office and should also be submitted to the State Agency at the following address: Maine Department of Environmental Protection, State House, Augusta, Maine 04330.

This notice is issued under the authority of Sections 111 and 112 of the Clean Air Act, as amended, 42 U.S.C. 1857c–6 and 7.

Dated: December 17, 1975.

JOHN A. S. MCGLENNON,
Regional Administrator.

[FR Doc.75–35063 Filed 12–29–75;8:45 am]

[OPP–42012; FRL 474–3]

STATE OF NEW JERSEY

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171 [39 FR 36446 (Oct. 9, 1974) and 40 FR 11698 (March 12, 1975)], the Honorable Brendan T. Byrne, Governor of the State of New Jersey has submitted a State Plan for Certification of Pesticide Applicators to the Environmental Protection Agency (EPA).

Notice is hereby given of the intention of the Regional Administrator, EPA Region II, to approve this plan on a contingency basis pending approval of implementing regulations.

A summary of this plan follows. The entire plan, together with all attached appendices, may be examined during normal business hours at the following locations:

New Jersey Department of Environmental Protection, Division of Environmental Quality, Office of Pesticide Control, 380 Scotch Road, West Trenton, New Jersey 08628, tel. (609) 292–5890.

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Environmental Protection Agency, Region II, Environmental Programs Division, Pesticides Branch, Room 907, 26 Federal Plaza, New York, New York 10007, tel. (212) 264–8358.

Federal Register Section, Technical Services Division, (WH–569), Office of Pesticide Programs, Room 401, East Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460, tel. (202) 755–4854.

SUMMARY OF NEW JERSEY STATE PLAN

The New Jersey Department of Environmental Protection (NJDEP) has been designated as the State lead agency for the administration of the pesticide applicator certification program, with the Office of Pesticide Control in the Division of Environmental Quality responsible for the program's implementation. The New Jersey Cooperative Extension Service (NJCES) is a cooperating agency having overall responsibility for the Statewide pesticide applicator certification training program.

Legal authority for the program is contained in the New Jersey Economic Poison Act N.J.S.A. 4:8A–1 et seq.; New Jersey Pesticide Control Act N.J.S.A. 13:1F–1 et seq.; Emergency Containment and Disposal of Pesticides N.J.A.C. 7:1–2.4; Pesticide Control Regulations N.J.A.C. 7:30–1 and Proposed Pesticide Applicator Regulations.

The plan indicates that the State lead agency and the cooperating agency have or will have sufficient qualified personnel and funds necessary to carry out the proposed program. The Office of Pesticide Control has a budget of $135,000 for fiscal year 1976.

The State lead agency will submit an annual report to EPA in January of each year and special reports to meet specific needs.

The State estimates that 5,000 commercial applicators and 15,000 private applicators will need to be certified. Wallet size identification cards containing all necessary information will be furnished to all certified and registered applicators, to be presented to dealers at the time of restricted use pesticide purchase.

The commercial applicator categories proposed are those which are listed in 40 CFR 171.3. An additional major category is proposed for Aerial Applicators.

The State of New Jersey plans to conduct training programs for commercial applicators covering the Federal standards contained in 40 CFR 171. These standards are set forth in detail in the Northeast Pesticide Coordinators' Pesticide Applicator Core Training Manual to be used for core training, and in specific category/subcategory training materials to be developed by EPA and modified to reflect conditions in New Jersey. Training will be offered by the NJCES county agents and specialists and additionally by trade and professional associations, community colleges, etc. Two written examinations are required: one covering the general or "core" material, and other covering the specific requirements of the category or subcategory. Examinations will be given by the NJDEP within the training module as well as separately at regularly scheduled intervals. Information about the courses and examination times may be obtained from the NJCES county agent or the NJDEP's Office of Pesticide Contol. Commercial applicators must be certified to use both general and restricted use pesticides.

The New Jersey State plan provides for private applicator categories. The categories proposed are as follows:

1. Field and Forage
2. Fruit
3. Vegetable
4. Greenhouse and Florist
5. Nursery, Ornamental and Turf
6. Livestock and Poultry

The State of New Jersey plants to conduct training programs for private applicators covering the Federal standards contained in 40 CFR 171. These standards are set forth in detail in the Northeast Pesticide Coordinators' Pesticide Applicator Core Training Manual to be used in core training, and in NJCES publications for categories. Training will be offered on a county basis conducted by NJCES county agents. A two part written examination is required: the first part covering the general or "core" material, and the second part covering the specific requirements of the category. Examinations will be given within the training module as well as separately at regularly scheduled intervals.

Those persons who wish to be certified as a private pesticide applicator who cannot read or write will be offered specialized training by a recognized training person or a public employee. Certification will be limited to the pesticide products on particular sites for which the individual has demonstrated competency.

While training before initial certification is not mandatory, all commercial and private applicators will be strongly encouraged to attend the sessions. Core study questions for private and commercial applicators to be provided as part of the Northeast Pesticide Coordinators' Pesticide Applicator Core Training Manual are attached to the plan. Study questions on all categories will be developed and submitted at a later date.

The State of New Jersey certification program will require that all commercial applicators attend at least three (3) approved training courses within a five (5) year period or take a recertification examination. Private applicators will be required to attend three (3) approved training courses within a six (6) year period or take a recertification exam.

The New Jersey State Plan also indicates that within sixty (60) days of the final approval of the Government Agency Plan (GAP) by EPA, a statement concerning acceptance of GAP qualified Federal employees will be forwarded for inclusion in the State plan.

Reciprocal agreements may be made with any other States which have substantially the same standards; however, knowledge of applicable New Jersey laws and regulations and registration of the certified applicator will be required.

Other regulatory activities shown in the State plan are State registration of all pesticide products and inspection and sampling of pesticide products. All pesticide dealers of restricted use pesticides are required to be registered by the State. Additionally, pesticides are classified as prohibited and restricted.

Enforcement will be carried out by inspectors who will spot check commercial and private applicators to ensure that they comply with State and Federal laws and regulations. They will perform regular inspections and follow-up reports of suspected violations.

PUBLIC COMMENT

Interested persons are invited to submit written comments on the proposed State plan for the State of New Jersey to the Regional Administrator, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007. The comments must be received on or before January 29, 1975, and bear the identifying notation OPP–42012. All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations from 8:30 a.m. to 3:30 p.m. Monday through Friday.

Dated: November 24, 1975.

GERALD M. HANSLER,
P.E., Regional Administrator, U.S. Environmental Protection Agency, Region II.

[FR Doc.75–35069 Filed 12–29–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

DOMESTIC LAND MOBILE RADIO ADVISORY COMMITTEE 1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

Meeting

DECEMBER 19, 1975.

The next meeting of the Common Carrier Domestic Land Mobile Radio Advisory Committee in preparation for the 1979 World Administrative Radio Conference will be held on Wednesday, January 21, 1976, at 10:00 a.m. in Room 752, 1919 M Street, N.W., Washington, D.C. The same room will be available in the afternoon for task group meetings.

The meeting will be open to the public and any member of the public is invited to participate and present oral or written statements of relevance to the agenda upon recognition by the Chairman.

The meeting will be conducted in accordance with the following agenda:

1. Committee Chairman's opening remarks.
2. Reports from Chairmen of Fact-Finding Task Groups.
3. Discussion of preliminary draft of spectrum requirements.
4. Establish timetable for submission of work.
5. Set date for next meeting.
6. Further business.
7. Adjournment

No part of this meeting will be concerned with matters which are within the exemptions of the Public Information Act, 5 U.S.C. 55 s(b).

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–34834 Filed 12–29–75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given that the Consumer Affairs/Special Impact Advisory Committee will meet Thursday, January 15, 1976, at 9 a.m., Room 5041B, 12th & Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to provide the Federal Energy Administration with diversified information possessed by a wide range of highly qualified individuals who have been extensively involved in planning, development, and implementation of programs to remedy the problems of the consumer, the poor, the elderly, and the handicapped persons in rural and urban America.

The agenda for the meeting is as follows:

1. Old Business—Procedural Issues.
2. New Business—Utility Issues—Pricing—State and Local Programs to Alleviate Adverse Impacts of High Energy Costs on the Poor—Economics of Nuclear vs. Solar Energy.

Consumer Participation Issues—White House Conference on Consumer Representation

Impact of Energy Policies on the Cities—Energy Conservation

Social Relief Programs—Federal Programs to Alleviate the Adverse Impacts of Rising Energy Costs on Low and Moderate Income Groups

3. Presentations by Top Officials from HUD, HEW, CSA, AOA, ACTION, and Labor

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management (202) 961–7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on December 22, 1975.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.75–34962 Filed 12–23–75;10:23 am]

STATE REGULATORY ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given that the State Regulatory Advisory Committee will meet Friday, January 16, 1976, at 10 a.m., Room 5041B, 12th & Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to provide the Federal Energy Administration with advice and information concerning its plans and programs which are related to the responsibilities of State regulatory commissions.

The agenda for the meeting is as follows:

1. Public Affairs Presentation—Two Years After the Embargo.
2. Status of PIES Modeling and Energy Projections for the Next 10 Years.
3. Environmental Restrictions (Clean Air Act Amendments, etc.).
4. Presentation on the Energy Independence Authority (EIA).
5. Establishment of a Subcommittee to Review Legislation.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management, (202) 961–7022, at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C., on December 23, 1975.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.75–34961 Filed 12–23–75;10:24 am]

FEDERAL ELECTION COMMISSION

[Notice 1975–99]

CLEARINGHOUSE ON ELECTION ADMINISTRATION CLEARINGHOUSE ADVISORY COMMITTEE

Hearing

In accordance with the Clearinghouse Advisory Panel Charter approved by the Federal Election Commission on November 25, 1975, and in the spirit of the Federal Advisory Committee Act (Pub. L. 92–463), the Commission announces the following panel meeting:

Name: Federal Election Commission Clearinghouse Advisory Panel.
Date: 6–7 January 1976.
Place: Mount Vernon Room, Sheraton-Carlton Hotel, 16th and K Streets, N.W., Washington, D.C.
Time: 0900–1200; 1400–1630 on 6 January 1976; 0900–1200; 1400–1630 on 7 January 1976.
Proposed Agenda: Discussion sessions addressing research priorities, topics and projects in election administration including: Planning and management; registration; balloting; tabulation and records.
Purpose of the meeting: The Panel will review past Clearinghouse research efforts, discuss present problems in the administration of federal elections, and formulate recommendations to the Federal Election Commission Clearinghouse for its future research program.

The Advisory Panel meeting is open to the public depending on available space. Any member of the public may file a written statement with the Panel before, during, or after the meeting. To the extent that time permits, the Panel Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Advisory Panel should be addressed to Dr. Gary Greenhalgh, Clearinghouse on Election Administration, Federal Election Commission, 1325 K Street, NW., Washington, D.C. 20463.

Dated: December 22, 1975.

NEIL STAEBLER,
Vice Chairman for the Federal Election Commission.

[FR Doc.75–34955 Filed 12–29–75;8:45 am]

FEDERAL MARITIME COMMISSION

[Agreement No. 10123]

AMERICAN EXPORT LINES, ET AL.

Intention to Conditionally Approve

Agreement No. 10123 (Agreement) has been filed with the Commission for approval by five of the six common carrier members of the Calcutta, East Coast of India and Bangladesh/U.S.A. Conference (Conference). The five participating lines are American Export Lines (AEL), Cunard-Brocklebank Ltd. (CB), the Scindia Steamship Navigation Co. (Scindia), the Shipping Corporation of India, Ltd. (SCI), and Waterman Isthmian (Waterman). Hellenic Lines (Hellenic), the sixth Conference member has protested the Agreement and requested a hearing on the matter.

Essentially, Agreement No. 10123 is a revenue pooling arrangement applicable to revenues earned by the participating lines from the transportation of cargoes from the Calcutta port area (the India Section) and ports of Bangladesh (the Bangladesh Section) to the United States Atlantic and Gulf ports. While a revenue pool, it is the intent of the participants that each of the participating lines shall carry sufficient cargo to earn its pool share or "basic entitlement". There is a prescribed penalty for deliberate over and under carriage, and adjustments in accounts will be made for unintentional over and under carriage. The activities of each of the two Sections is monitored by separate General Committees both of which are domiciled in the Bay of Bengal area and are responsible to the New York Governing Committee. The primary function of the General Committee is to make continuing assessments of trade

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conditions in order to determine whether the services offered by the participating lines are adequate, excessive, or insufficient for the trade's needs, and to insure that each line is meeting its obligations arising from the participation in the pool. In appropriate circumstances, the Committees are authorized to "request" of the individual lines that they adjust their service offerings, schedules and/or itineraries to accommodate the trade or to insure that their cargo liftings approximate their "basic entitlement." While this arrangement falls short of full authority to rationalize services, it is recognized that the scheme of "basic entitlement" serves as an enforcing mechanism of sorts and that any line may ignore the service request of any Committee only at the risk of possible, eventual, disadvantage, particularly if it is determined that the line involved has deliberately over or under carried its pool share.

The "basic entitlements" are set forth in Article 4 of the Agreement. In the India Section, AEL has been allocated a 19.857 percent share; Waterman, 23 percent; Scindia and SCI, 21.4258 percent each; and CB a 14.285 percent share. In the Bengladesh Section, AEL has been allocated a 20.4 percent share; Waterman, 31.2 percent; Scindia and SCI, 9.69 percent each; and CB a 29.02 percent share.

Agreement No. 10123 was filed with the Commission on April 5, 1974. Pursuant to notice appearing in the FEDERAL REGISTER of April 17, 1974, protests and requests for hearing were received of Hellenic, the Tea Association of the U.S.A. and the International Association of Great Lakes Ports (Great Lakes Ports). The protest of the Great Lakes Ports was withdrawn after a reassessment of their position resulted in a determination that they would not be adversely affected by the Agreement. The protest of the Tea Association of the U.S.A. was withdrawn after a negotiation with the pool lines resulted in an agreement that revenues derived with the trades of tea would be excluded from those revenues pooled and shared.

Basically, Hellenic contends (1) that pool shares based solely on national flag interests, as these allegedly are, are discriminatory between carriers within the meaning, and in contravention of, section 15 of the Shipping Act, 1916; (2) that the Agreement is "fatally incomplete" and that the quantum of service to be offered the trade was not clearly set forth, and that the basic entitlement of each line had not been established; (3) that, in certain respects, the pool may be modified without the Commission's approval as is required by section 15 of the Act; (4) that the rationalization authority conferred upon the General Committees would allow a restriction of services to U.S. ports in violation of section 205 of the Merchant Marine Act, 1936; (5) that some of the provisions of the Agreement are impracticable in application thus raising the question as to whether the Agreement is "workable and whether it can fulfill the salutary functions envisaged by section 15"; and (6) that the pool's proponents have failed to demonstrate those serious transportation needs which would serve to justify approval of the Agreement in order to secure important public benefits or to further valid regulatory purposes; and (7) that administrative approval of Agreement No. 10123 is legally impermissible and a full hearing is mandatory.

Agreement No. 10123 was revised on February 2, 1975 by the fixing, for the first time, the percentages of the pool for the members. The proponents then filed with the Commission and served Hellenic with a "Comment and Reply to Protest" and a "Statement of Justification" in support of approval of the pool, both dated June 9, 1975. Subsequently, on August 15, 1975, proponents filed with the Commission and supplied Hellenic, a table of sailings, payable tons and revenues contrasting the figures for the years 1969 and the projected figures for 1975. A letter in argument for approval was also filed by proponents on September 11, 1975.

Hellenic filed a reply to the arguments of the proponents dated September 19, 1975, in which it restated its arguments outlined in the protest and for the first time attempted to specify the nature and potential harm that the pool would have on the service of Hellenic.

The proponents of the Agreement filed, on October 8, 1975, a letter in reply to Hellenic's reply of September 25, 1975. Agreement No. 10123 was also modified on October 8, 1975, by the addition of tea to the excluded commodities list. On October 19, 1975, Hellenic filed the Conference cargo carrying statistics for 1974. On the same day the Conference supplied their cargo carrying statistics for the years 1970–74 and the first 8 months in 1975 (statistics which we assume are also known to Hellenic). The result of the filing of the protest, reply, and numerous cross replies has been to focus the issues and allow the Commission to determine that the objections raised by Hellenic either involve legal issues, which may be disposed of presently, or are in other respects insufficient. We will deal with Hellenic's protests in the order in which they were raised.

Hellenic alleges that the pool shares are based on national flag interests and therefore discriminating. The real point of contention is the pool share offered to Hellenic. The pool has offered Hellenic a 12.5% share of the India Section and a 22.5% share of the Bangladesh Section. Hellenic demands a 18% share of the India Section a 25% share of the Bangladesh Section. The proponents of the pool argue the reasonableness of their offer by pointing to the carrying of Hellenic in the year 1973 when Hellenic carried 9.26% of the India Section and 14.18% of the Bangladesh. Hellenic counters with an argument that 1973 was an unrepresentative year because of widespread rebating and point to 1974 when they carried 19.7% in the India trade and 23.72% in the Bengladesh trade. Reliance, however, on individual years can be misleading. We have therefore looked at the carrying statistics for the past five and two-third years. We find that in 1971 and 1974 Hellenic's carryings exceeded the offer by the proponents but in 1970, 1973, and 1975 they fell below the offer made by the proponents. Averaging the last five and three-quarter years we find that Hellenic has carried 14.7% of the cargo in the India Section and 15.4% of the cargo in the Bangladesh Section. Since the offer made by the pool proponents averages out to a 16.67% share of both trades, we consider the pool line's offer of March 1975 emminently fair. Furthermore, the contention that Hellenic's pool shares are based solely on national flag interests is unsubstantiated since Hellenic's share appears to be based on its past carryings. Accordingly, we would condition approval of Agreement No. 10123 on the pool lines maintaining an offer of a one-sixth share the first two years of the five year period of approval. Additionally, the one-sixth share shall not be subject to reduction during the five year period of approval we are willing to grant here.

Hellenic next contends that Agreement No. 10123 is fatally incomplete and in reality is simply an agreement to agree. Quite to the contrary, Agreement No. 10123 is as complete and certain as is practicable under the circumstances of the trade. The "basic entitlements" have been established, and filed, although they were not at the time of the initial filing and publication. The quantum of service is not set forth because the pool lines do not know, with any precision, what is required. The carryings of jute carpet backing and burlap have declined considerably since 1968 and the proponents are uncertain if this decline will continue. The result is that the pool lines can do no more than establish certain guidelines (as set forth in exhibits A and B appended to the Agreement) for the General Committees as to what they consider the quantum minimum and maximum of adequate service required to meet the trades' requirements. In the interest of operational flexibilities it is only fair that the pool lines be allowed to assess their operational needs on a continuing basis. The Agreement therefore establishes adequate boundaries for delineating the activities which may take place under the Agreement and the Commission will keep constant supervision over those activities. Furthermore, the Commission will require, as a condition of approval, that all modifications of the provisions of the Agreement, which require further agreement of the parties, be submitted to the Commission for approval prior to their implementation. With the imposition of this condition the further argument of Hellenic that the Agreement unlawfully reserves power to amend without subsequent Commission approval is rendered moot.

Hellenic's concern that Agreement No. 10123 would, if approved, violate section 205 of the Merchant Marine Act of 1936, is likewise obviated by the pool lines proposal that their Agreement be modified to specifically provide that any carrier may call at any U.S. port it desires to

without running the risk of being judged a deliberate over or under carrier. Thus, we are imposing such a provision as a condition of approval.

Another contention advanced by Hellenic is that the Agreement is unworkable and impractical in application. In this regard Hellenic specified eight particular objections. However, these objections amount to mere supposition and speculation and none of them involve allegations of any violation of the Shipping Act. Mere speculation and supposition are not probative to the ultimate determination of approvability under section 15 of this Agreement and are clearly insufficient in and of themselves to warrant sending the matter to a possible protracted and expensive hearing.

Hellenic has also alleged that it will suffer harm by virtue of "increased, more effective and virulent competition" stemming primarily from the rationalization aspects of the scheme which will result in Hellenic "competing against a monolithic sailing effort of five carriers geared to loading all cargoes in the trade," or, in the maritime vernacular, a "blanketing of the berth." Hellenic's allegations are therefore speculations of increased competition but do not specify how this increased competition is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, or contrary to the public interest, or to be in violation of the Shipping Act.

The proponents have distinctly outlined the transportation need which they feel justify the approval of the Agreement. They state that the Bay of Bengal trade is very unattractive. Four third-flag carriers have abandoned the trade in the past ten years and a fifth sold its name and good will to Waterman. They site formidable navigational, climatic, and operational difficulties plus socio-economic conditions which have inhibited the introduction of modern shipping technology and techniques. The Bay of Bengal trade is one of the ever diminishing number of trades where relatively obsolete and breakbulk liner vessels can be usefully employed. These factors combined with the length of the voyage make operating efficiencies very difficult to achieve. According to the proponents, approximately 83 percent of the cargo moving in the two trades is jute products for which the average revenue, per measurement ton, amounts to about $40, a return less than the level the conference believes it requires. They argue that the establishment of an adequate rate would be met with strong objections from the shippers of jute products who are constantly concerned with the price competition afforded by synthetic manufacturers in the United States. In this regard, we are advised that the jute market has declined in recent years because of a falling off in demand and if the jute products shippers are not price competitive then the carriers will have still less to carry. Proponents state:

> At the same time costs have been rising at a rapid pace and a point has now been reached where if rates are to be kept anywhere near current levels, some efficiencies have to be achieved. As all of the lines are long-time carriers of these products, they have reached a maximum point of self-efficiency from which little or no progress is possible.

Simply stated, the proponent's assertion is that pooling and sailing coordination is necessary to reduce costs, which are necessary to maintain low rates, which are necessary to maintain jute carryings, which are necessary to keep the lines in business.

Hellenic neither denies the transportation need nor challenges any of the justifying facts. In light of the fact that Hellenic was the original proponent of the pool and that the Commission staff has been advised during a meeting with all the members of the Conference, including Hellenic, that the only reason Hellenic is not participating in the pool is because of a squabble over the amount of the pool shares, Hellenic's protests regarding the transportation need of the pool does not appear to be substantive. Furthermore, we believe a transportation need has been shown which would justify approval of the Agreement in the absence of countervailing facts.

Hellenic has, to date, simply not met the requirements set forth in the Notice of Agreements Filed setting forth the requirements for persons desiring a hearing. Those requirements are:

> Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

Since these requirements were not met, we therefore find that there is presently no justification for hearings on the proposed Agreement and the Commission hereby gives notice of its intention to conditionally approve Agreement No. 10123 unless Hellenic or any other interested person is able to come forward with a clear concise statement of material matters upon which he desires to adduce evidence and a statement of facts which, if so adduced, would result in disapproval.

Furthermore, the Commission intends to condition its approval upon:

(1) The Agreement being modified to reflect that (a) any changes in the list of the categories of cargoes and revenues excluded from pooling and sharing, (b) any reallocations of basic entitlements, (c) any changes in geographical scope of the Agreement, (d) any changes in voting procedures, and (e) any changes in the terms of default and penalty will be filed with the Commission for approval under Section 15 of the Act. Additionally, the Agreement must reflect that the foregoing list does not preclude the Commission from requiring that any other matter agreed upon by the lines must be filed with the Commission for its approval, where so required.

(2) The Agreement being modified to reflect that any carrier may call at any U.S. port it so desires without being adjudged a deliberate over or under-carrier.

(3) The Agreement being modified to reflect that (a) minutes of meetings of the New York Governing Committee be filed with the Commission, and (b) that a copy of the end year accountings circulated to the lines, be furnished the Commission whether approved by the lines or not. If the accounting is in dispute, the Commission shall be furnished with a statement as to the nature and basis of disagreement.

(4) The Agreement being modified to reflect that Hellenic will be offered a one-sixth share of the trade, not subject to reduction during the term of approval, and that this offer is nonrescindable during the first two years of approval.

Any person submitting a statement as to why Agreement No. 10123, as modified as indicated herein, should not be approved, should submit such matter on or before January 15, 1976.

Therefore *it is ordered*, That a copy of this Notice of Intention to Approve be published in the FEDERAL REGISTER and a copy thereof be mailed to all carriers named in the initial paragraph of this notice.

By the Commission, December 18, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-34892 Filed 12-29-75;8:45 am]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Aeromar:
Ruth H. Skinner d/b/a 107 Camp Street, New Orleans, Louisiana 70130.

Vertex Air Freight Corporation:
P.O. Box 480217, Miami, Florida 33148 Officers: Mario Madrigal, President/Treasurer, Edith Madrigal, Secretary.

Western Traffic Service:
Winston Arthur Hollard d/b/a 9580 W. 14th Street, Lakewood, Colorado 80215.

IES, Inc.:
3640 Cargo Road,

DEC 30 75 V40250 XUM

Vandalia, Ohio 45377.
Officers:
Donald E. Ewert, Secretary,
Larry A. Freshwater, President,
Charles F. McCann, Vice President,
Bernard L. McDonel, Treasurer.

Horizon Air Freight, Inc.:
152–15 Rockaway Boulevard,
Jamaica, New York 11434.
Officers:
Anthony Leondis, Chairman of the Board,
John Leondis, President,
Agnes Leondis, Secretary/Treasurer.

Barinco International Corp.:
9841 Airport Boulevard,
Los Angeles, California 90009.
Officers:
Gerald Papkoff, President,
Barbara Papkoff, Secretary/Treasurer.

By the Federal Maritime Commission.

Dated: December 22, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–34890 Filed 12–29–75;8:45 am]

MEDITERRANEAN U.S.A. GREAT LAKES WESTBOUND FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 19, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Stanley O. Sher, Esquire,
Billig, Sher & Jones, P. C.,
Suite 300,
1126 Sixteenth Street, N.W.,
Washington, D.C. 20036.

Agreement No. 8260–17 among the members of the above named conference, provides for substituted service by water or land during periods when the St. Lawrence Seaway is impassable.

By order of the Federal Maritime Commission.

Dated: December 22, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–34893 Filed 12–29–75;8:45 am]

NORTH ATLANTIC UNITED KINGDOM FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 19, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire,
Suite 727,
17 Battery Place,
New York, New York 10004.

Agreement No. 7100–20, among the members of the North Atlantic United Kingdom Freight Conference, deletes the present Article XIV of the basic agreement and substitutes in lieu thereof a new Article XIV setting forth voting rules and procedures.

By order of the Federal Maritime Commission.

Dated: December 18, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–34887 Filed 12–29–75;8:45 am]

[Docket No. 75–60]

RICO LINES, INC.

Proposed ILA Rules on Containers; Order of Investigation and Suspension

On November 19, 1975, Rico Lines, Inc. (RICO) filed Initial tariffs with this Commission which are scheduled to become effective on December 26, 1975. Rico's Tariff FMC–F No. 1 establishes commodity rates and Rico's FMC–F No. 2 is a rules publication. Both tariffs are applicable between the ports of Camden and Norfolk and ports in Puerto Rico. Rules 900, 910 and 920 of FMC–F No. 1 set forth the same International Longshoremen's Association Rules On Containers which are set forth in the tariff of the Puerto Rico Maritime Shipping Authority (PRMSA).

PRMSA's tariff Rules were placed under investigation and suspension by the Commission's Order of September 13, 1974 instituting Docket No. 74–40, Puerto Rico Maritime Shipping Authority-Proposed ILA Rules On Containers and consolidating that proceeding with Docket No. 73–17, Sea-Land Service, Inc. and Gulf Puerto Rico Lines, Inc., Proposed Rules on Containers, wherein the Commission suspended and placed under investigation similar tariff rules.

The rules set forth in Rico's tariff are derived from collective bargaining agreements with the International Longshoremen's Association, (AFL–CIO). Generally, the rules substantially provide that, at Atlantic Coast Ports, consolidators (including Non-Vessel Operating Common Carriers) who operate facilities within 50 miles of a port will be furnished no containers, and that any container which may come from them shall be stripped at the pier and the cargo placed into another container. At all ports, the Rules would permit the carrier to collect from the shipper any fines or liquidated damages assessed against the carrier for violations of the rules on Containers, if the violations were caused by evasion, subterfuge, oversight or other action by the shipper.

Item 15940 of Rico's Tariff FMC–F No. 1 sets forth the rate for (Southbound) Freight-All-Kinds (FAK), a rate which consolidators utilize. Note 7 to Item 15940 provides that when the carrier is required by a collective bargaining agreement to strip and stuff, a shipper may bring his FAK cargo to the pier, in his own trailer, where it will be placed into the carrier's container, or vice versa, for a fee, depending upon the size of the container, and that the shipper will then obtain the FAK rate.

Upon consideration of the tariff matter discussed above, and in view of the action taken by the Commission in Docket No. 73–17, Sea-Land Service, Inc., and Gulf Puerto Rico Lines, Inc., Proposed Rules on Containers and Docket No. 74–40, Puerto Rico Maritime Shipping Authority—Proposed ILA Rules on Containers, the Commission is of the opinion that the tariff matter should be suspended and made the subject of a

public investigation and hearing to determine whether it is unjust, unreasonable or otherwise unlawful under Sections 14 Fourth, 16 First and/or 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing;

Therefore, *it is ordered*, That pursuant to sections 18(a) and 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933 an investigation is hereby instituted into rules 900, 910 and 920 and Note 7 to Item 15940 of Rico's Tariff FMC–F No. 1 to determine whether the matters set forth therein are unjust, unreasonable or unreasonable or otherwise unlawful within the meaning of those sections. If the matter hereby placed under investigation is further changed, amended, or reissued, such changes are hereby ordered to be made a part of this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, Rules 900, 910, and 920, and Note 7 to Item 15940 of Rico's Tariff FMC–F No. 1 are hereby suspended and the use thereof deferred to and including April 25, 1976, unless otherwise ordered by the Commission, and that during this period of suspension Rico shall take no action, either directly or indirectly to effectuate these tariff matters.

It is further ordered, That Rico shall immediately file with this Commission a consecutively numbered supplement to its aforementioned Tariff which supplement shall bear no effective date, shall fully reproduce this order, and shall state that the subject tariff matter has been suspended and may not be used until April 26, 1976, unless otherwise ordered by the Commission;

It is further ordered, That pursuant to section 14 Fourth of the Shipping Act, 1916, a determination shall be made as to whether Rule 900 of Rico's Tariff FMC–F No. 1 would permit the carrier to unfairly treat or unjustly discriminate against a class of shippers in the matter of cargo space accommodations or other facilities within the meaning of that section;

It is further ordered, That pursuant to section 16 First of the Shipping Act, 1916, a determination shall be made as to whether Rico either alone, or in conjunction with the International Longshoremen's Association (AFL–CIO) is proposing to subject certain consolidators, or certain consolidated cargo to undue or unreasonable prejudice or disadvantage within the meaning of that section;

It is further ordered, That Rico Lines, Inc. be named as respondent herein;

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of this Commission's Office of Administrative Law Judges and that the hearing(s) be held at a date and place to be determined by the Presiding Administrative Law Judge, but in any event, the hearing shall commence no later than March 22, 1976;

It is further ordered, That (I) a copy of this order be served upon the respondent herein, and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER; and (II) the respondent and Hearing Counsel be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's Rules of Practice and Procedure (46 CFR 502.72) with a copy to all parties of this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–34891 Filed 12–29–75;8:45 am]

UNITED STATES LINES, INC. AND SAIPAN SHIPPING CO., INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 19, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Joseph J. Fanelli, Division Manager,
Pricing & Conference Affairs,
United States Lines, Inc.,
1579 Middle Harbor Road,
Oakland, California 94607.

Agreement No. 10210, a cooperative working arrangement entered into between United States Lines, Inc. (U.S. Lines) and Saipan Shipping Company, Inc. (Saipan), provides for the lease of U.S. Lines' containers and other container equipment, including chassis, by Saipan in the trade between Guam, Mariana Islands, and foreign destinations, in accordance with the terms and conditions set forth in the agreement.

By order of the Federal Maritime Commission.

Dated: December 22, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–34888 Filed 12–29–75;8:45 am]

UNITED STATES LINES INC. AND PALAU SHIPPING CO., INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 19, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Joseph J. Fanelli, Division Manager, Pricing & Conference Affairs, United States Lines, Inc., 1579 Middle Harbor Road, Oakland, California 94607.

Agreement No. 10211, a cooperative working arrangement entered into between United States Lines, Inc. (U.S. Lines) and Palau Shipping Company, Inc. (Palau), provides for the lease of U.S. Lines' containers and other container equipment, including chassis, by Palau in the trade between Guam, Mariana Islands and foreign destinations, in accordance with the terms and conditions set forth in the agreement.

By order of the Federal Maritime Commission.

Dated: December 22, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–34889 Filed 12–29–75;8:45 am]

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FEDERAL POWER COMMISSION

[CP73-47, CP73-88, CP73-132, CP73-148, CP73-230, and CP74-122]

EASCOGAS LNG, INC., ET AL.

Notice of Availability of Supplement to Final Environmental Impact Statement

DECEMBER 30, 1975.

Notice is hereby given in the above dockets, that on December 30, 1975, as required by Section 2.82(b) of Commission Order No. 415–C, a Supplement to a Final Environmental Impact Statement, prepared by the staff of the Federal Power Commission was made available. The Final Environmental Impact Statement (FEIS), circulated on July 5, 1974, deals with the applications filed by Eascogas LNG, Inc., Distrigas Corporation, Distrigas Pipeline Corporation, and Distrigas of New York Corporation in Docket Nos. CP73–47, CP73–88, CP73–132, CP73–148, CP73–230, and CP74–122 for a certificate of public convenience and necessity under Sections 3 and 7(c) of the Natural Gas Act requesting authorization for the importation of liquefied natural gas (LNG) from Algeria; for the construction and operation of 1) an LNG importation terminal at Staten Island, New York, and 2) approximately 6,000 feet of 24-inch transmission line with a 2,675-foot segment of 30-inch underwater pipeline loop in the Arthur Kill between Staten Island, New York and the shore of New Jersey; and for the sale in interstate commerce of the imported LNG. During the course of FPC hearings concerning the FEIS, the staff became aware of a possible inaccuracy in the report, and advised the record that a Supplement to the FEIS might be required. Also, since the circulation date, additional information has been received by the FPC regarding the proposed project and additional studies concerning possible vapor cloud travel resulting from a massive spill of LNG on water have been completed by the FPC staff, which update the former studies attached in Volume 2 of the FEIS. A Supplement to the FEIS reflecting this additional information and updating of the vapor travel analysis was circulated for comments on July 15, 1975, to Federal, state, and local agencies, and all parties to the proceedings.

At the end of the 45-day comment period for the Supplement to the FEIS, eight letters of comment were received from reivewing agencies. These letters of comment, along with staff responses to each comment, are attached to the Supplement to the FEIS as Appendix 1.

The FEIS and Supplement to the FEIS have been placed in the public files of the Commission, and are available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., 20426 and at its regional office located at 26 Federal Plaza, 22nd Floor, New York, New York 10007. Copies of the Supplement to the FEIS are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-34872 Filed 12-29-75;8:45 am]

FEDERAL RESERVE SYSTEM

CATOCTIN TRUST CO.

Order Approving Application for Merger of Banks

Before the Federal Reserve Bank of Richmond acting under delegated authority from the Board of Governors of the Federal Reserve System.

Catoctin Trust Company, Thurmont, Maryland (Catoctin), an organizing state bank which has applied for membership in the Federal Reserve System, has applied to the Board of Governors of the Federal Reserve System for prior approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) to merge with The Thurmont Bank, Thurmont, Maryland (Thurmont), a member state bank of the Federal Reserve System, the resulting bank to operate under the charter of Catoctin and with the name of The Thurmont Bank. The application is to be acted upon by the Federal Reserve Bank of Richmond (Reserve Bank) under authority delegated by the Board of Governors (12 C.F.R. 265).

As required by the Bank Merger Act, notice of the proposed merger, in form approved by the Board of Governors, has been published and reports on competitive factors have been requested from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Reserve Bank has considered the application and all comments and reports received in light of the factors set forth in the Act.

On the basis of the record in this case, the application is approved for the reasons summarized in the Reserve Bank's Order of this date relating to the application of Suburban Bancorporation to acquire the successor by merger to The Thurmont Bank. The transaction shall not to be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Federal Reserve Bank of Richmond, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective December 18, 1975.

ROBERT P. BLACK,
President.

[FR Doc.75-35031 Filed 12-29-75;8:45 am]

FIRST NATIONAL HOLDING CORP.

Order Approving Acquisition of First Atlanta Life Insurance Company

First National Holding Corp., Atlanta, Georgia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under Section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of First Atlanta Life Insurance Company ("Company"), Phoenix, Arizona, a company that will engage *de novo* in the activity of underwriting, as reinsurer, credit life and credit disability (accident and health) insurance directly related to extensions of credit by Applicant's consumer finance subsidiary, Gulf Finance Corporation of Mississippi ("Gulf Finance"). Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (40 FEDERAL REGISTER 49153 (1975)). The time for filing comments and views has expired, and the Board has considered the application and all comments received, including comments submitted by Sidney L. Moore, Esq., Decatur, Georgia, in the light of the public interest factors set forth in Section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the second largest banking organization in Georgia, controls one subsidiary bank with deposits of approximately $1.4 billion, representing about 11.3 percent of the total deposits in commercial banks in the State.[1] Applicant also engages in consumer finance activities through its nonbank subsidiary, Gulf Finance, which operates offices in the States of Alabama, Georgia, Indiana, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, under the names of its various subsidiary companies.

Company's activities will be limited to acting as reinsurer of credit life and credit disability insurance directly related to extensions of credit by Gulf Finance. Company, which will be formed as an Arizona insurance corporation, will be qualified to underwrite insurance directly only in Arizona. Accordingly, the insurance sold by Applicant's subsidiaries will be directly underwritten by an unaffiliated insurance company qualified to do business in each of the respective States where offices of Applicant's consumer finance subsidiary are located, and will thereafter be assigned or ceded to Company under a reinsurance agreement. Since this proposal involves a *de novo* acquisition, consummation of the transaction would not have any adverse effects on existing or potential competition in any relevant market.

[1] All banking data are as of June 30, 1975.

Credit life and credit disability insurance are generally made available by banks and other lenders and are designed to assure repayment of a loan in the event of death or disability of the borrower. In connection with its addition of the underwriting of such insurance to the list of permissible activities for bank holding companies, the Board stated:

To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service. (12 CFR § 225.4(a)(10) n. 7)

Applicant has stated that following consummation of the acquisition, Company will offer at reduced premiums the several types of credit insurance policies that it will reinsure. Since the insurance will be sold in each of the eight States in which Gulf Finance operates, Company's proposed rate reductions vary according to the various maximum rates permitted to be charged in each respective State. Thus, Applicant's proposal involves rate reductions for reducing term credit life insurance at premium rates ranging from 4.6 per cent to 15.0 per cent below the rates presently charged in the respective States, and rate reductions for level term credit life insurance on single payment loans also ranging from 4.6 per cent to 15.0 per cent below the premiums presently charged in the respective States. Applicant further proposes to reduce the premium its lending subsidiary charges for credit disability insurance by 5.0 per cent in each State. The Board is of the view that these reductions in insurance premiums that Applicant proposes to establish are in the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under Section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to authority hereby delegated.

By order of the Board of Governors,[2] effective December 19, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-35032 Filed 12-29-75;8:45 am]

MELLON NATIONAL CORP.

Order Amending Requirement for Divestiture of Ownership of Certain Real Estate in Connection With the Retention of Assets of Allomon Corporation

By Order of December 20, 1974, the Board approved an application of Mellon National Corporation, Pittsburgh, Pennsylvania, a bank holding company within the meaning of the Bank Holding Company Act, to retain the assets of Allomon Corporation, McKees Rocks, Pennsylvania, and its subsidiaries. The Board's Order required divestiture by November 28, 1975, of certain real property held by two of Allomon Corporation's subsidiaries, 3826 Euclid Avenue Corporation and Clark Development Company, both of Cleveland, Ohio. Applicant has divested all the property required to be divested except an office building owned by 3826 Euclid Avenue Corporation.

By letter dated November 7, 1975, Applicant requested that the Board grant an extension during which time the remaining property could be divested. Applicant, since 1972, has endeavored to sell the property.

The Board has concluded that the request should be granted. Accordingly, the Board's Order of December 20, 1974, is hereby amended to authorize retention of the remaining real estate subject to the condition that Applicant divest such real property at the earliest possible date, but in no event later than November 28, 1976.

By order of the Board of Governors,[1] effective December 17, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-35033 Filed 12-29-75;8:45 am]

ROXTON BANCSHARES, INC.

Formation of Bank Holding Company

Roxton Bancshares, Inc., Roxton, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of First National Bank, Roxton, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than January 15, 1976.

Board of Governors of the Federal Reserve System, December 16, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-35034 Filed 12-29-75;8:45 am]

SUBURBAN BANCORP.

Order Approving Acquisition of Bank

Before the Federal Reserve Bank of Richmond acting under delegated authority from the Board of Governors of the Federal Reserve System.

Suburban Bancorporation, Hyattsville, Maryland (Applicant), a bank holding company within the meaning of the Bank Holding Company Act, has applied for approval under Section 3(a)(3) of the Act (12 U.S.C. 1842 (a)(3)) to acquire 100 percent of the voting shares of the successor by merger to The Thurmont Bank, Thurmont, Maryland (Bank). The bank into which Bank is to be merged is an organizing state bank and has no significance expect as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, was given in accordance with Section 3(b) of the Act and the time for filing all comments and views has expired. The Reserve Bank has considered the application and all comments received in the light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the fourth largest banking organization in Maryland through its control of Suburban Trust Company. The latter, as of June 30, 1975, operated 55 banking offices and held total deposits of approximately $770 million. The deposits represent 9 percent of the state's total commercial bank deposits. Consummation of the proposed transaction would not alter its relative position in the state or increase Applicant's share of state deposits by any significant amount.

Bank operates three offices in Frederick County, Maryland, and one in the eastern portion of Washington County immediately across the Frederick line. Based on comparative data of June, 1974, it ranked fifth among 12 competing banks in Frederick County (5.4 percent of county deposits) and eleventh among 11 competing banks in Washington County (1.2 percent of county deposits). As of June 30, 1975, Bank had total deposits of approximately $20 million.

Applicant's banking subsidiary, Suburban Trust, has no offices in either Frederick County, Bank's primary banking market, or in Washington County. (Its closest office is in the Ger-

[2] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich, Coldwell and Jackson. Absent and not voting: Chairman Burns.

[1] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Coldwell and Jackson. Absent and not voting: Chairman Burns and Governor Wallich.

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mantown-Gaithersburg area of Montgomery County approximately 20 miles from Bank's Frederick branch.) Thus, it appears that there is no substantial existing competition between Applicant and Bank, nor does it appear that the proposed acquisition would have an adverse effect on potential competition. Furthermore, population per banking office in Bank's market is substantially less than the state average. Therefore, prospects for *de novo* entry do not seem favorable. Accordingly, the Reserve Bank concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area.

The financial and managerial resources and future prospects of Applicant, its subsidiary bank and Bank are regarded as satisfactory and these considerations are consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served lend weight toward approval since Applicant's acquisition of Bank will enable it to offer trust services and larger loans through participations. It is the Reserve Bank's judgment that the proposed acquisition would be in the public interest and that the application may be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Federal Reserve Bank of Richmond, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective December 18, 1975.

ROBERT P. BLACK,
President.

[FR Doc.75-35035 Filed 12-29-75;8:45 am]

FEDERAL RECURRING PAYMENTS

Delivery to Financial Institutions

On June 10, 1975, the Board of Governors of the Federal Reserve System requested comments regarding use of Federal Reserve facilities for clearing and settling of payment instruments evidenced by information contained in magnetic tape and other media (40 FR 25841). The proposal pertained to the delivery of items to institutions belonging to private associations exchanging such payments instruments as well as the program of the United States Department of the Treasury involving the processing of "Federal recurring payments." (See 40 FR 47492 for an explanation of the Treasury's program.) The Federal Reserve Banks are acting as fiscal agents of the Treasury Department for the recurring payments program and the Board of Governors, after review of all comments received, has adopted interim guidelines for the delivery of such recurring payments under the Treasury Department's program by the Federal Reserve Banks.

The Board believes its interim position is cost-effective operationally feasible, and affords all financial institutions a number of options for receiving payments on an equitable basis. From the comments received and reviewed by the Board regarding its June 10th proposal, a clear majority of each class of all financial institutions favored the proposal on delivery of payments in the form adopted by the Board. Federal Reserve Bank representatives will, of course, be able to discuss features of this proposal further with individual institutions.

The interim guidelines announced today may be modified in the future to conform to the position finally adopted by the Board on sending and receiving commercial payments on magnetic tape. The Federal Reserve is currently in the process of reviewing the comments received on its June 10, 1975, proposal. It should be recognized also that the findings and recommendations of the National Commission on Electronic Fund Transfers could call for some further modification in these interim guidelines.

The guidelines adopted by the Board provide for the delivery of Federal recurring payments by Federal Reserve Banks in the following fashion:

(1) Payments to beneficiaries maintaining accounts at a financial institution offering demand deposit accounts may be delivered directly to that institution in the same manner that checks are presented.

(2) Payments to beneficiaries maintaining accounts at a financial organization not offering demand deposit accounts may be delivered directly to that institution provided such institution receives sufficient volume of such payments to warrant separate delivery and is located on an existing check courier route.

(3) Payments may be delivered to a data processing service bureau provided the service bureau receives sufficient volume of such payments to warrant separate delivery and is located on an existing check courier route.

(4) Any financial organization may pick up payments at the local Federal Reserve office provided that volume is sufficient to warrant the separate sort required.

(5) Any financial organization may have payments delivered to an endpoint that currently receives checks directly from the Federal Reserve office (i.e., the pass-through method).

(6) Payments may be mailed to any financial organization by the Federal Reserve regardless of its location.

Board of Governors of the Federal Reserve System, December 18, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-35036 Filed 12-29-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

ARTISTS-IN-SCHOOLS ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Artists-In-Schools Advisory Panel to the National Council on the Arts will be held on January 21-22, 1975 from 9:00 a.m.-5:00 p.m., in the first floor conference room of the Shoreham Building, 806 15th Street NW., Washington, D.C.

All of this meeting will be open to the public on January 21-22, 1975 from 9:00 a.m.-5:00 p.m. on a space available basis. Accommodations are limited. There will be a discussion of Program and administrative policy questions and of Guidelines.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, Nation Foundation on the Arts and the Humanities.

[FR Doc.34952 Filed 12-29-75;8:45 am]

NATIONAL LABOR RELATIONS BOARD

CHAIRMAN'S TASK FORCE ON THE NATIONAL LABOR RELATIONS BOARD

Meeting

The Chairman's Task Force on the National Labor Relations Board will hold open meetings at 9:00 a.m. on Tuesday, January 6, 1976, and at 9:00 a.m. on Wednesday, January 7, 1976, in the Board hearing room and other offices of the agency located at 1717 Pennsylvania Avenue NW., Washington, D.C.

The Task Force agenda for January 6 will consist of organization of the Task Force and briefings on Agency operations. The agenda for the second day of the meeting will consist of continued briefings on agency operations, subcommittee meetings and reports.

Requests for further information on the meeting should be addressed to Mr. Earl D. Proctor, Secretary for the Task Force. He may be reached by telephone on (202) 254-8047. Any member of the public will be permitted to file a written statement specifically on the National Labor Relations Board Rules and Regulations with the Task Force.

Dated this 22nd day of December 1975 in Washington, D.C.

[SEAL] JOHN C. TRUESDALE,
Executive Secretary.

[FR Doc.75-34954 Filed 12-29-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY GROUP ON ANTICIPATED ADVANCES IN SCIENCE AND TECHNOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Group on Anticipated Advances in Science and Technology.
Date: January 14, 1976.
Time: 9 a.m. to 4 p.m.
Place: Rm. 2008, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C.
Type of meeting: Part Open—Closed (9 a.m. to 12 noon). Open (1 p.m. to 4 p.m.).
Contact person: Mr. William Montgomery, Special Assistant, Science and Technology Policy Office, National Science Foundation, Washington, D.C. 20550, telephone 202/632-8914. Anyone who plans to attend the open portion of the meeting should contact Mr. Montgomery by January 10, 1976.
Summary minutes: (Open Portion) May be obtained from the Committee Management Coordination Staff, Management Analysis Office, Rm. 248, National Science Foundation, Washington, D.C. 20550.
Purpose of advisory group: To provide advice on developments that may take place in science and engineering and examine the national policy implications of these developments. This group will consider these subjects in a manner which will facilitate the planning for the proposed Office of Science and Technology Policy.
Tentative agenda: 9 a.m. to 12 noon—Closed. Briefings and discussions of interagency documents which treat possible program and budget initiatives involving several agencies of the Executive Branch.
1 p.m. to 4 p.m.—Open.
1:00—Earthquake and Natural Hazard Prediction and Warning.
2:30—Committee Discussion of Future Agenda Items and Issues.
4:00—Adjourn.
Reason for closing: The Group will be reviewing and discussing interagency documents which treat possible program and budget initiatives involving several agencies in the Executive Branch.
Authority for closing: The Director of the National Science Foundation determined on December 15, 1975, that the portion of the meeting dealing with interagency documents is within exemption 5 of Section 552(b), 5 U.S. Code, and should, therefore, be closed to the public.

GAIL A. MCHENRY,
Acting Committee Management Officer.

DECEMBER 23, 1975.

[FR Doc.75-35018 Filed 12-29-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Issuance of Amendment To Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. DPR-26 issued to Consolidated Edison Company of New York, Inc. which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2, located in Buchanan, Westchester County, New York. The amendment is effective as of its date of issuance.

In accordance with the licensee's application for a license amendment, dated July 23, 1975, the amendment modifies the Technical Specifications by providing additional conditions for the storage of the spent fuel. The amendment also permits modification of the spent fuel element storage pool in order to provide for additional storage capacity for spent fuel in accordance with the licensee's proposal dated March 4, 1975, as supplemented on May 9, July 23, August 19, September 11, October 1, and October 10, 1975.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on October 10, 1975 (40 FR 47839). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated July 23, 1975, and proposal to modify spent fuel pool dated March 4, 1975, as supplemented May 9, July 23, August 19, September 11, October 1, and October 10, 1975, (2) Amendment No. 14 to License No. DPR-26, with Change No. 11, (3) the Commission's related Safety Evaluation, (4) the Commission's Negative Declaration dated December 16, 1975, which is being published concurrently with this notice, and (5) the Commission's associated Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 16th day of December, 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.75-34924 Filed 12-29-75;8:45 am]

[Docket No. 50-247; License No. DPR-26]

INDIAN POINT NUCLEAR GENERATING PLANT UNIT NO. 2; CONSOLIDATED EDISON COMPANY OF NEW YORK

Negative Declaration Supporting a Proposed Expansion in Storage Capacity of the Spent Fuel Storage Pool and Associated Change to the Technical Specifications

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the licensee's proposed modification to the Indian Point Unit No. 2 spent fuel storage pool (SFP) under Operating License No. DPR-26. This modification and associated change to the Technical Specifications would authorize the expansion of the SFP storage capacity 83 percent. This expansion would permit the storage of an additional 218 spent fuel assemblies, increasing the ultimate capacity of the SFP from the 264 to 482 assemblies. The modification will require the replacement of the present 10 fuel storage racks with 10 new racks designed to permit the storage of additional fuel assemblies. It will not involve any SFP external construction nor alter the external physical geometry of the pool or require fuel pool cleanup system modifications.

The Commission's Division of Reactor Licensing has prepared an environmental impact appraisal for this proposed modification to the SFP. Within the context of this appraisal, the Staff applied, weighed, and balanced the five factors specified by the Commission in its issuance of FEDERAL REGISTER notice (FR 42801) dated September 16, 1975, regarding handling and storage of spent fuel from light water power reactors. On the basis of this environmental impact appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because, pursuant to the Commission's regulations in 10 CFR Part 51 and the Council of Environmental Quality's Guidelines, 40 CFR 1500.6, the Commission has determined that this proposed amendment will not significantly affect the quality of the human environment.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548.

Dated at Rockville, Maryland, this 16th day of December, 1975.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Environmental Projects Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-34925 Filed 12-29-75;8:45 am]

[Docket Nos. 50-3 and 50-247]

INDIAN POINT NUCLEAR GENERATING UNITS NOS. 1 AND 2; CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Issuance of License Amendments

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the

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Commission) has issued Amendment No. 11 to Provisional Operating License No. DPR–5 for Indian Point Nuclear Generating Unit No. 1, and Amendment No. 15 to Facility Operating License No. DPR–26 for Indian Point Nuclear Generating Unit No. 2, to Consolidated Edison Company of New York, Inc. Both units are located in Westchester County, State of New York. The amendments are effective as of their date of issuance.

The amendments involve administrative changes in reporting requirements to be consistent with NRC guidelines. The reporting requirements in Appendix B have been separated from those required for Appendix A Technical Specifications and involve, in some cases, semi-annual reporting and, in others, annual reporting. Editorial corrections and changes resulting from the reorganization which created the Nuclear Regulatory Commission have also been made.

The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve significant hazards considerations.

Since there will be no change in effluent types or total amounts nor an increase in power level and will not result in any significant impact, we have concluded, pursuant to 10 CFR 51.5(d)(4), that an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to these actions, see: (1) the application for the amendments dated August 29, 1975; (2) Amendment No. 11 to License No. DPR–5 with its attachment, Change No. 67, and (3) Amendment No. 15 to License No. DPR–26 with its attachment, Change No. 12.

All of the above items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548. Copies are also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207, and the Tri-State Regional Planning Commission, 100 Church Street, New York, New York 10007.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Acting Director, Division of Reactor Licensing.

Dated at Rockville, Maryland, this 16th day of December, 1975.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Division of Reactor Licensing.

[FR Doc.75–34926 Filed 12–29–75;8:45 am]

[Docket No. 50–321]

GEORGIA POWER CO.; OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Issuance of Amendment To Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. DPR–57 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment modifies those portions of the license and the Technical Specifications which relate to the receipt, possession and use of byproduct, source, and special nuclear material.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated October 14, 1975, (2) Amendment No. 25 to License No. DPR–57, with Change No. 24 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 16 day of December, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75–34927 Filed 12–29–75;8:45 am]

[Docket No. 50–344]

PORTLAND GENERAL ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. NPF–1 issued to Portland General Electric Company, The City of Eugene, Oregon, Pacific Power and Light Company which revised Technical Specifications for operation of the Trojan Nuclear Plant, located on the Columbia River in Columbia County, Oregon. The amendment is effective as of its date of issuance.

This amendment provides for periodic inspection of steam generator tubes using eddy current testing methods, for use of all volatile treatment (AVT) to control secondary water chemistry, additional bases for limitation of primary-to-secondary leakage and a program to develop specific secondary water chemistry operating limits.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact not previously evaluated in the full-power operating license review and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment, dated December 16, 1975; (2) Amendment No. 3 to License No. NPF–1; and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon 97501.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 19th day of December, 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Light Water Reactors Branch 1–2, Division of Reactor Licensing.

[FR Doc.75–34928 Filed 12–29–75;8:45 am]

[Docket No. 50–344]

PORTLAND GENERAL ELECTRIC CO.

Issuance of Amendment To Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. NPF–1 issued to Portland General Electric Company, The City of Eugene, Oregon, Pacific Power and Light Company which revised Technical Specifications for operation of the Trojan Nuclear Plant, located on the west shore of the Columbia River in Columbia County, Oregon. The amendment is effective as of November 26, 1975.

The amendment permits use of the auxiliary hoist on the manipulator crane, in conjunction with a load indicator, for movement of control rods within the reactor pressure vessel in order to enable verification of clearance between the control rods and the control rod guides located in the upper internals.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated November 25, 1975, (2) Amendment No. 1 to License No. NPF–1, with Change No. 1 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the local public document room in the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon 97501.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 17th day of December, 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1–2, Division of Reactor Licensing

[FR Doc.75–34929 Filed 12–29–75;8:45 am]

[Docket Nos. STN 50–483; STN 50–486]

UNION ELECTRIC CO. (CALLAWAY PLANT, UNITS 1 AND 2)

Order For Hearing

The Atomic Safety and Licensing Board has been informed that the parties will be ready to adduce further evidence on January 29 and 30, 1976.

Wherefore, *it is ordered*, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Nuclear Regulatory Commission, that an evidentiary session in this proceeding shall convene at 9 a.m. on Thursday, January 29, 1976, in Courtroom C, First Floor, U.S. District Court, U.S. Courthouse and Custom House, 1114 Market Street, St. Louis, Missouri 63101.

Issued: December 19, 1975, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.75–34930 Filed 12–29–75;8:45 am]

[Docket Nos.: 50–338 and 50–339]

VIRGINIA ELECTRIC AND POWER CO. (NORTH ANNA POWER STATION, UNITS 1 AND 2)

Order Rescinding Suspension of Certain Construction Activities

On February 4, 1972, the Director of Regulation of the Atomic Energy Commission issued an order suspending construction activities involving the offsite portions of the transmission lines from the North Anna Power Station, Units 1 and 2, pending completion of the Commission's review of such activities pursuant to the National Environmental Policy Act of 1969 (NEPA) and the Commission's regulations, 10 CFR Part 50, Appendix D. Three 500–kV transmission lines were proposed as a part of Units 1 and 2 and were affected by this order. They are known as the North Anna-Ladysmith transmission line, the North Anna-Morrisville transmission line, and the North Anna-Midlothian transmission line.

Due to the applicant's need for additional transmission capacity to carry electrical energy to the site for plant construction requirements, the AEC Regulatory staff completed its review of the North Anna-Ladysmith line prior to the remainder of the review of Units 1 and 2. The Director of Regulation then made a determination that offsite construction activities related to this line should no longer be suspended pending completion of the full NEPA review and issued an order to this effect on September 29, 1972. The North Anna-Ladysmith line was then constructed and is now complete. However, suspension of such activities relative to the two other 500–kV transmission lines from Units 1 and 2 remained in effect.

The AEC Directorate of Licensing issued its Final Environmental Statement in April 1973 "relative to the continuation of construction and the operation of Units 1 and 2 and the construction of Units 3 and 4." In this statement the Regulatory staff reviewed and found acceptable these facilities, including all three transmission lines from North Anna Units 1 and 2 and a fourth 500–kV transmission line which is to be constructed from North Anna to Possum Point as a part of Units 3 and 4.

Pursuant to the Commission's Regulations in 10 CFR Part 50, Appendix D, Section B, on December 19, 1972, a Notice of Hearing was published (37 FR 28313, December 22, 1972). The notice provided that a hearing was to be held to determine whether the construction permits for North Anna Units 1 and 2 should be terminated, continued, or modified, or conditioned for the protection of the environment. In response to that Notice, intervention was requested, and granted, respecting the routing of Applicant's proposed North Anna-to-Morrisville line. In August 1974, a hearing was held in accordance with the Notice. By agreement of all parties—the staff, the Applicant, and Intervenors—the presiding Atomic Safety and Licensing Board postponed consideration of the contested North Anna-Morrisville transmission line. The Board did consider the North Anna-Ladysmith line and the North Anna-Midlothian line and concluded that adverse environmental impacts of these two transmission lines "can be expected to be small." The Board issued an order dated October 31, 1974, which authorized the Director of Regulation to rescind his Order of February 4, 1972, suspending work on the Applicant's North Anna-Midlothian line, subject to the conditions set forth in Section VIII of the Board's Partial Initial Decision dated October 31, 1974. The Director of Nuclear Reactor Regulation rescinded the suspension in an order dated August 4, 1975.

On May 15, 1975 the State Corporation Commission of Virginia issued a certificate of public convenience and necessity for the North Anna-Morrisville line. In September 1975 a hearing was held to consider the contested North Anna-Morrisville line. Upon conclusion of the hearing and after consideration of the record, the Board issued its initial Decision dated December 5, 1975. That decision authorized the Director of Nuclear Reactor Regulation to rescind his Order of February 4, 1972 suspending work on the applicant's North Anna-Morrisville line, subject to the conditions set forth in Paragraph 38 of the decision.

It is therefore ordered, that the suspension of construction activities related to the North Anna-Morrisville 500–kV transmission line is lifted, subject to the following conditions:

1. The Applicant's clearance of right-of-way shall be limited to 150 feet, which is the width necessary for construction of a 500–kV line, until such time as construction of the projected 230–kV line has received the necessary State approvals.

2. The Applicant shall maintain the right-of-way through the Rappahannock Wildlife Management Area in such a manner as to optimize the "edge effect," minimize the visual impact of the line, and be satisfactory to the Virginia Commmission of Game and Inland Fisheries.

3. The Applicant shall, in traversing the Rapidan and Rappahannock Rivers, do a minimum of clearing of the right-of-way and utilize such other measures as are practical to minimize the visual impact of the line.

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It is further ordered, That in accordance with the Atomic Safety and Licensing Board's Partial Initial Decision of October 30, 1974, the following additional conditions shall also apply:

1. The applicant shall endeavor to minimize the impacts of the transmission lines to be constructed from the Station and to include the following procedures.

(i) Retain and augment as necessary the vegetation at road and river crossings, homesites and major water bodies to screen the transmission lines.

(ii) Change the alignment of transmission lines on both sides of major road crossings where vegetation will be inadequate to avoid long views down the right-of-way.

(iii) Place the tower structures along the lower slopes in hilly terrain, rather than on the commonly visible high points, unless a long span is necessary that cannot otherwise be reasonably accomplished.

(iv) Control the application of herbicides to rights-of-way so as to prevent drift and apply no herbicides on rights-of-way over pasture, cropland and irrigation ditches or near water bodies, homes and recreation areas.

2. A control program shall be established by the Applicant to provide a periodic review of all construction activities to assure that those activities conform with the environmental conditions set forth in the construction permit.

3. Before engaging in a construction activity which may result in a significant adverse environmental impact that was not evaluated in the Environmental Statement, the Applicant shall provide written notification to the Division of Reactor Licensing.

4. If unexpected harmful effects or evidence of irreversible damage are detected during facility construction, the Applicant shall provide an acceptable analysis of the problem and a plan of action to eliminate or significantly reduce these harmful effects or this damage.

Dated at Bethesda, Maryland this 19th day of December, 1975.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor of Regulation.

[FR Doc.75-34931 Filed 12-29-75;8:45 am]

PRIVACY PROTECTION STUDY COMMISSION

HEARINGS

The Privacy Protection Study Commission will hold public hearings between 10:00 a.m. and 5:30 p.m. on February 11 and 12, 1976, in Room 305, 26 Federal Plaza, New York, New York. The principal topic of these hearings will be the record-keeping practices of credit-card issuers and other related record-keeping activities, including travel, hotel and entertainment systems, that may have the capacity to generate information about the movements, purchases, associations, and lifestyle of individual consumers. To assist in the development of this topic, the Commission wishes to learn about the experiences and views of interested parties, including members of the public, prior to the hearings. These contributions should be made in writing to the Executive Director, Privacy Protection Study Commission, Suite 424, 2120 L Street, N.W., Washington, D.C. 20506, and should be received in the Commission offices *no later than January 16, 1976.*

The number of credit cards held by consumers, the frequency and varied purposes of their use, and the evolving structure of transaction-based consumer services, make the record-keeping systems that support the use of credit cards a potentially extensive collection of information about identifiable individuals. Under authority of the Privacy Act of 1974, 5 U.S.C. 552a, the Commission will consider whether the principles and requirements of the Privacy Act of 1974 should be extended to these systems.

The Commission is particularly interested in views from the public concerning their experiences with credit-card and reservation systems. In addition, the Commission seeks information, views, comments as to the following: (i) the uses that credit-card and reservation systems make of individually identifiable information about consumers, including the type and form of information collected, the purposes for collection, and the sources from which the information is obtained or verified; (ii) the impact of new services and technologies, including arrangements for point-of-sale debiting of checking and savings accounts; (iii) the organizations to which information on card holders is provided in connection with maintaining accounts and otherwise; (iv) policies and procedures for governmental access and incentives for denial of access or cooperation with governmental agencies and any experiences in this regard; (v) the legal and operational relationships among credit-card issuers, reservation systems, and credit-reporting and consumer investigative agencies; and (vi) the desirability and feasibility of applying the principles and requirements of the Privacy Act of 1974 to credit-card issuers and reservation systems.

The Commission also requests information from and views of governmental agencies which either regulate the activities of card issuers or use the information that card issuers and reservation systems maintain on individual consumers. The Commission intends to examine the experiences of Federal and State regulators in connection with the Fair Credit Billing Act, the Fair Credit Reporting Act, and related statutes. The Commission also seeks to ascertain the practices of governmental agencies as users of credit-card information, which would include the purposes for which such information is obtained, the purposes for which it is used, the methods of access, the appropriateness and feasibility of prior notification to consumers and the effect(s) of denying governmental agencies of access to the records on individuals maintained by credit-card and reservation systems.

CAROLE W. PARSONS,
Executive Director, Privacy Protection Study Commission.

[FR Doc.75-35061 Filed 12-29-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11937; File No. SR-MSTC-75-4]

MIDWEST SECURITIES TRUST COMPANY

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 24, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change.

DEPOSITORY INPUT SATELLITE SYSTEM

Midwest Securities Trust Company ("MSTC") proposes to operate a system for the central handling of securities pursuant to which participants may from time-to-time deposit securities with MSTC. As part of its continuing effort to modernize the handling of securities, MSTC has developed a Depository Input Satellite System (DIS). Banks throughout the country would consent via agreement to act as agents of MSTC on the terms and conditions set forth in the agreement between themselves and MSTC in receiving deposits of securities as a custodian bank within the definitions set forth in the Uniform Commercial Code and consistent with the regulations of the Securities and Exchange Commission adopted pursuant to the Securities Exchange Act of 1934, for the securities deposited, for the period during which such securities remain within its custody or control.

The bank shall accept on behalf of MSTC securities tendered for deposit during the banks' regular business hours by Participants of MSTC provided that such securities are accompanied by:

(a) properly prepared delivery tickets in the form prescribed by MSTC; and,

(b) in good deliverable form (in accordance with the Rules of the Midwest Stock Exchange, Inc. and such additional requirements at MSTC may prescribe from time-to-time), with the appointment of Kray & Co. (or such other nominee as MSTC may from time-to-time specify) as attorney for the transfer thereof.

If there are any discrepancies between the securities tendered by the MSTC Participant and the attached delivery tickets, or omissions in the delivery tickets, or if the securities are not in good deliverable form, the bank shall not accept the delivery until the discrepancies, omissions, or defects are corrected.

STATEMENT OF BASIS AND PURPOSE

The DIS arrangement would allow banks to confirm via telecopier to MSTC that a MSTC Participant has in fact delivered securities to it, thereby allowing MSTC, upon receipt of said confirmation, to properly credit the account of the delivering broker, a day in advance of the actual physical delivery of said securities from the custodian bank to MSTC.

The Depository Input Satellite would contain the following procedures and safeguards:

1. MSTC participants may deliver securities during the DIS's normal business hours.

2. MSTC deposits received by the DIS before 11 a.m., Chicago time will be credited to the participant's account on the day of the delivery. Discretion should be used by the DIS, if participant calls and asks for a 5 minute extension of the cut-off for the same day credit.

3. DIS personnel will perform the following verification checks on the delivery ticket:

a. MSTC participant symbol (verification list enclosed).

b. DIS symbol.

c. Delivery date-date received at DIS.

d. Quantity-total shares specified must agree with the total shares submitted. The total share quantity must also correspond to a summation of the individual denominations appearing on the Depository Delivery Ticket.

e. Cusip number—must be compared against MSTC eligible securities list enclosed.

f. Security description-agrees with the description shown on all securities attached.

g. Denominations.

h. Type of delivery.

i. Value-value of deposit.

4. All securities must be verified to insure they constitute "good delivery."

A. Determine if the stock is registered in the name of an individual, partnership, or brokerage firm.

1. If the stock is registered in the name of an individual, the signature (on the back) must be exactly the same as on the front of the certificates and the signature must be guaranteed by a national bank or broker.

i. If the signature is not exactly the same, there must be a valid "one and the same guarantee."

ii. If the signature is not exactly the same, and there is not a valid one and the same guarantee, prepare a reclamation ticket for the certificate(s).

iii. If there is no valid signature guarantee, prepare a reclamation ticket for the certificate(s).

iv. If a small (not nationally recognized) bank has guaranteed the signature, a brokerage firm must reguarantee the signature.

v. If a small (not nationally recognized) bank has guaranteed the signature, and a brokerage firm has not reguaranteed the signature, prepare a reclamation ticket for the certificate(s).

2. If the stock is registered in the name of a partner, any of the partners can sign the certificate, stating that he is a partner. There must be a partnership guarantee by the broker as well as a signature guarantee by a broker or national bank.

i. If there is no valid partnership guarantee, prepare a reclamation ticket for the certificate(s).

ii. If there is no valid signature guarantee, prepare a reclamation ticket for the certificate(s).

iii. If a small (not nationally recognized) bank has guaranteed the signature, a brokerage firm must reguarantee the signature.

iv. If a small (not nationally recognized) bank has reguaranteed the signature and a brokerage firm has not reguaranteed the signature, prepare a reclamation ticket for the certificate(s).

3. If the stock is registered in the name of a brokerage firm, the certificates must be signed by an authorized signature or stamped with a firm stamp. If there is no authorized signature or firm stamp, a reclamation ticket for the certificate(s) is prepared.

B. Check for a power of attorney release. There must be a power of attorney release for each appointment (except Kray & Co.). This can be done manually or by machine. A stapled power of attorney release is acceptable. If there is not a valid power of attorney release for each appointment (except Kray & Co.), a reclamation ticket for the certificate(s) is prepared.

C. Check that the assignment space is blank.

1. If the space is not blank, the information must be crossed out and the erasure guaranteed by the appropriate member.

2. If the space is not blank and the information is not crossed out or the erasure not guaranteed, prepare a reclamation ticket for the certificate(s).

3. If the stock has an individual's name in the assignment space, there must be a stock power signed by the individual instead of an erasure guarantee.

i. If a stock power is used, it must contain the following information:

a. Security denomination.

b. Security name (not mandatory).

c. Certificate number (not mandatory).

d. Signature of individual.

e. Signature of guarantee.

f. Power of attorney release (if needed).

ii. If the stock power does not contain the necessary information in (i), prepare a reclamation ticket for the certificate(s).

iii. If there is more than one certificate per stock power, prepare a reclamation ticket for the certificate(s).

D. Certain legal items are accepted; namely, (1) dated trusts and under agreement and (2) *under the will* of requires a situs stamp. All other legal items should be reclaimed.

5. DIS will receive daily from MSTC a list of securities that will not be processed for dividend protection in the MSTC system. If the security delivered to the DIS is listed on the cut-off date list, then the DIS personnel should reclaim the security to the firm stating MSTC cannot guarantee dividend protection. No delivery can be accepted by the DIS if the delivery date is the MSTC cut-off date because MSTC will not be able to guarantee dividend protection to the MSTC participant.

6. If one of the several certificates are not in "good delivery form," then the DIS clerk should reclaim only the bad certificate and correct the total shares and denominations on the delivery ticket.

7. The delivery ticket broker receipt copy can be receipted by the DIS clerk prior to verification of the delivery ticket and certificates.

8. In the event that such verification indicates uncorrectable discrepancies, then a uniform reclamation form should be completed by DIS personnel and returned to the participant for correction.

9. DIS will post all acceptable input received to the MSTC-DIS Control Sheet and transmit the document via a facsimile reproduction machine during the morning, but no later than 11 a.m. Chicago time to MSTC Controls Department. Transmission to MSTC-Chicago may be made as often as necessary during the morning to avoid skewing the workload. The information must be posted:

a. Date of Tranmission.

b. Satellite Location.

c. Authorized Signature.

d. Transmission Time.

e. Delivery Tape.

f. MSTC Participant's Symbol.

g. Total shares.

h. Cusip Number.

i. Security Description.

j. Satellite Location Symbol.

k. Sequential Control Number (DIS Ignores).

l. Denominations.

m. Deposit Shipment Value.

10. All securities accepted by the DIS on behalf of MSTC shall be retained in safekeeping by the DIS, with delivery tickets used, and segregated from securities held by the DIS for the accounts of others, until forwarded to MSTC in accordance with number 10 of the Safeguards and Procedures. The securities held by the DIS overnight shall be retained in the DIS's vault. DIS acknowledges in its agreement with MSTC that securities placed within its custody or control pursuant to said agreement shall not be subject to any right, charge, security interest, lien or claim of any kind in favor of the DIS or any person claiming through the DIS, and that the DIS shall have no legal or equitable right, claim or interest in or to such securities.

Upon transmission of DIS Control Sheets, MSTC controls clerk batches DIS Control Sheet for keypunch, retaining one copy for the Controls Department files, forwards one copy to MSTC Keypunch Department and forwards one copy to MSTC Distribution Department.

12. Upon receipt of DIS Control Sheet, MSTC Keypunch Department inputs into computer the total number of shares as evidenced by the transmissions deposited by a participant and credited to the account of said participant.

13. Controls Department prepares box updates as to the total number of shares reflected on the DIS Control Sheet.

14. DIS personnel will forward MSTC deposit tickets and certificates, and the MSTC-DIS Control Sheets via Brink's air courier each day. The package will be addressed to MSTC Security Processing Area. MSTC will promptly advise DIS of any discrepancies after receipt.

15. Upon receipt by MSTC, the Distribution Department compares the DIS Control Sheet with the actual physical delivery. Securities received are filmed with deposit tickets, DIS Control Sheets and Brink's delivery packing slips. The MSTC Distribution Department notifies the Controls Department and the Keypunch Department as to the actual physical denominations of the deposited securities, wherein any discrepancies as to total number of shares are noted.

Comments have neither been solicited nor received regarding the proposed rule change.

The Midwest Securities Trust Company believes no burdens have been placed on competition.

Within 35 days of the date of publication of this notice in the Federal Register, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will: (a) by order approve such proposed rule change, or (b) institute proceedings to determine whether

sidiary shall be $10,000. The amendment

GROWTH CAPITAL REQUIREMENT

requirement or some greater percentage as may from time to time be designated by the

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the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 20, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 18, 1975.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-34853 Filed 12-29-75;8:45 am]

[Release No. 34-11909; File No. SR-NYSE-75-11]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Act of June 4, 1975, Pub. L. No. 94-29, § 16, 84 Stat. 147, notice is hereby given that on November 6, 1975, the above-mentioned self-regulatory organization ("the Exchange") filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

In order for the Exchange to comply with the Securities Acts Amendments of 1975, which, among other things, require national securities exchanges to enforce compliance by its members and persons associated with its members with all the provisions of the Securities Exchange Act of 1934, the rules thereunder and the rules of the Exchange, the Board has approved proposed amendments to Rules 325, 313.11, 313.12, 313.22, 320(f), 321.34, 322.10, 324.24, 326, 327 (to be rescinded), 420 and 431 which will enable the Exchange to regulate and enforce the capital requirements of members, member organizations and brokers and dealers who are associated with members or member organizations who are subject to Exchange regulation under the Securities Exchange Act of 1934 and particularly Rule 15c3-1 [17 CFR § 240.15c3-1] adopted pursuant to section 15(c)(3) of that Act.

A summary of the terms and substance of the proposed rule changes follows.

RULE 325 CAPITAL REQUIREMENTS

Rescind the existing Rule 325 and adopt a proposed Rule 325 which is entirely new and incorporates the SEC's uniform net capital rule by reference. It does not prescribe higher net capital minimum dollar amount requirements but makes clear (proposed Rule 325(d)) that the Exchange may at any time or from time to time prescribe greater net capital or net worth requirements including more stringent treatment of items in computing net capital or net worth. It also retains a differentiation in capital treatment of long over-the-counter put and call options endorsed by members from those by non-members, and a provision related to the net capital treatment of securities subject to special initial margin requirements. The text of proposed Rule 325 is as follows.

RULE 325

(a) Each member or member organization subject to Rule 15c3-1 promulgated under the Securities Exchange Act of 1934 shall comply with the capital requirements prescribed therein and with the additional requirements of this Rule 325.

(b) Each member or member organization subject to this Rule shall forthwith notify the Exchange if his or its net capital after deduction of all capital withdrawals including maturities, if any scheduled during the next six months, falls below the pertinent percentage indicated below:

1. If the net capital minimum dollar amount requirement is applicable—150 percent thereof or some greater percentage as may from time to time be designated by the Exchange, or

2. If the ratio of aggregate indebtedness to net capital is applicable-10 percent of aggregate indebtedness, or

3. If the specified percentage of the aggregate debit items in the Formula for Determination of Reserve Requirements for Brokers and Dealers under Securities and Exchange Commission Rule 15c3-3 is applicable 7 percent of the aggregate debit items thereunder.

(c)(1) In computing net capital, a long put option or a long call option which is not an obligation of a clearing agency registered under the Securities Exchange Act of 1934 or has not been endorsed or guaranteed by a member organization shall have no value and shall not operate to increase net capital under any provision of this Rule.

(2) In the case of member organizations whose trading shows a pattern of purchasing and selling the same listed stock on the same day, (or all member organizations when so designated by the Exchange), during the period in which any special margin requirement is in effect, any new proprietary transaction of members or member organizations resulting in a long or short position, shall, notwithstanding any other provision of this Rule, be treated as a "contractual commitment" from the trade date to the settlement date and shall be subject to a charge to net capital of the same percentage as specified in the special margin requirement, excepting in the case of the specialist in that stock or of others who at the request of a Floor Official have participated in a difficult market situation.

(d) The Exchange may at any time or from time to time with respect to a particular member or member organization or all members or member organizations or a new member or member organization prescribe greater net capital or net worth requirements than those prescribed under this Rule including more stringent treatment of items in computing net capital or net worth.

RULE 313 (SUBMISSION OF PARTNERSHIP ARTICLES—SUBMISSION OF CORPORATE DOCUMENTS)

.11 Requires that partnership articles include certain provisions relating to the withdrawal of capital and notices to be given the Exchange regarding such withdrawals.

The proposed amendment deletes provisions which will be replaced by Rule 15c3-1 [17 CFR § 240.15c3-1] and adds a reference to Rule 15c3-1 [17 CFR § 240.15c3-1]. In addition, the amendment changes a reference to Rule 325.20(5) which under another part of this proposal will be relocated to Rule 420.50.

.12 The amendment adds a specification of the documentation which will be necessary if a deceased partner's interest is to be considered as capital in a continuing firm. This is a revised version of the discussion in the supplementary material to the present Rule 325.18. It is more appropriate in Rule 313.

.22 Requires that where a stockholder may compel the redemption of his stock the corporate documentation must contain certain conditions and restrictions relating to such redemption. The proposed amendment eliminates the restrictions which are now incumbent upon the corporation pursuant to SEC Rule 15c3-1(e) [17 CFR § 240.15c3-1(e)] and adds reference to SEC Rule 15c3-1 [17 CFR § 240.15c3-1].

RULE 320 (MISCELLANEOUS RESTRICTIONS ON CORPORATE MEMBERS)

(f) Provides conditions and restrictions relating to the redemption or repurchase of stock by a member corporation. The amendment eliminates those restrictions now incorporated in SEC Rule 15c3-1(e) [17 CFR § 240.15c3-1(e)] and adds reference to SEC Rule 15c3-1 [17 CFR § 240.15c3-1].

RULE 321 (FORMATION OF CORPORATE AFFILIATES)

.34 Provides that a member organization may carry a cash or margin account for a corporate affiliate but must charge its capital for any debit balance and may not allow any value for securities positions in the affiliate's account. The amendment to this rule will eliminate these provisions for capital treatment and provide instead that the affiliate's account will be subject to the rules and regulations generally applicable to customers' accounts. This will be consistent with the SEC rule.

RULE 322 (GUARANTEED CORPORATE SUBSIDIARIES)

.10 Requires that the minimum net capital of a guaranteed corporate subsidiary shall be $10,000. The amendment will change this to not less than $10,000, but provids that if the subsidiary is a broker or dealer, the minimum net capital dollar amount under proposed Rule 325 will apply. This assures that the minimum requirement will be consistent with the requirement under proposed Rule 325 and the SEC rule.

RULE 324 (FORMATION OF ASSOCIATED PARTNERSHIPS)

.24 Requires that the minimum net capital of an Associated Partnership shall be $10,000. The amendment will change this to not less than $10,000 but provides that if the Associated Partnership is a broker or dealer, the minimum net capital dollar amount under proposed Rule 325 will apply. This assures that the minimum requirement will be consistent with the requirement under Rule 325 and the SEC rule.

RULE 326

(*Growth Capital Requirement*) (a) Provides that a member organization carrying customer accounts may not expand its business if its capital position does not meet certain enumerated requirements or the member organization has been restricted by the Exchange.

(*Business Reduction Capital Requirement*) (b) Provides that a member organization carrying customer accounts must reduce its business if its capital position fails to meet certain enumerated requirements or the member organization has been restricted by the Exchange.

(*Unsecured Loans and Advances*) (c) Provides that a member organization may not make unsecured or partly secured loans and advances to certain persons or entities having certain relationships with the organization, without approval of the Exchange if after such action the organization's capital position would fall below certain enumerated requirements.

(*Unsecured Loans and Advances*) (d) Provides that a member organization having outstanding any unsecured or partly secured loans, as described under paragraph (c) of the rule, must reduce or eliminate the loans or otherwise restore its capital to the point where it meets the requirements under paragraph (c) of the rule if its capital position fails to meet certain enumerated standards.

(*Distribution of Profits or Dividends*) (e) Prohibits the distribution of profits or declaration of dividends by a member organization if it would cause the organization's capital position to fall below certain enumerated requirements.

Under Rule 15c3-1 [17 CFR § 240.-15c3-1], there is no requirement similar to Rule 326(a), (b) or (d). Rule 15c3-1(e) [17 CFR § 240.15c3-1(e)] restricts the withdrawal of capital through unsecured loans and advances similar to 326(c) but the provision is not as comprehensive. The Rule 15c3-1(e) [17 CFR § 240.15c3-1(e)] contains provisions equivalent to those of Rule 326(e).

The proposed amendments would eliminate paragraph (e) and, with regard to paragraphs (a), (b), (c) and (d), read as follows:

GROWTH CAPITAL REQUIREMENT

Rule 326(a). A member organization which carries customer accounts shall not expand its business during any period in which any of the following conditions exist for more than 15 consecutive business days:

(1) Its net capital is less than 150 percent of its net capital minimum dollar amount requirement or some greater percentage as may from time to time be designated by the Exchange, or

(2) If subject to this requirement, its aggregate indebtedness is more than 1,000 per centum of its net capital, or

(3) If in lieu of (2) above, the specified percentage of the aggregate debit items in the Formula for Determination of Reserve Requirements for Brokers and Dealers under SEC Rule 15c3-3 (the alternative net capital requirement) is applicable, its net capital is less than 7 percent of the aggregate debit items thereunder, or

(4) Capital withdrawals including maturities scheduled during the next six months would result in the condition described in (1), (2) or (3) above, or

(5) The Exchange restricts the member organization.

BUSINESS REDUCTION CAPITAL REQUIREMENT

Rule 326(b). A member organization which carries customer accounts shall forthwith reduce its business to a point enabling its available capital to meet the standards of Rule 326(a) if for more than fifteen (15) consecutive business days:

(1) Its net capital is less than 125 percent of its net capital minimum dollar amount requirement or some greater percentage as may from time to time be designated by the Exchange, or

(2) If subject to this requirement, its aggregate indebtedness is more than 1,200 per centum of its net capital, or

(3) If in lieu of (2) above, the specified percentage of the aggregate debit items in the Formula for Determination of Reserve Requirements for Brokers and Dealers under SEC Rule 15c3-3 (the alternative net capital requirement) is applicable, its net capital is less than 6 percent of the aggregate debit items thereunder, or

(4) Capital withdrawals including maturities scheduled during the next six months would result in the condition described in (1), (2) or (3) above, or

(5) The Exchange restricts the member organization.

UNSECURED LOANS AND ADVANCES

Rule 326(c). No drawings, unsecured or partly secured loans or advances of funds by a member organization to any partner, director, officer, employee, stockholder, subordinated lender, secured demand note contributor or persons or entities related to, controlled by, under common control with such persons or in which such persons are employed, hold office or have a financial interest and no guarantees of obligations of any person shall be made, except with prior written approval of the Exchange, when any of the following conditions exist in a member organization, or if such drawings, loans, advances or guarantees would result in any of the following conditions:

(1) Its net capital is less than 150 percent of its net capital minimum dollar amount requirement or some greater percentage as may from time to time be designated by the Exchange, or

(2) If subject to this requirement, its aggregate indebtedness is more than 1,000 per centum of its net capital, or

(3) If in lieu of (2) above, the specified percentage of the aggregate debit items in the Formula for Determination of Reserve Requirements for Brokers and Dealers under SEC Rule 15c3-3 (the alternative net capital requirement) is applicable, its net capital is less than 7 percent of the aggregate debit items thereunder, or

(4) Capital withdrawals including maturities scheduled during the next six months would result in the condition described in (1), (2) or (3) above.

NOTE.—Applicable state laws should also be reviewed for restrictions on unsecured loans by corporations and partnerships.

Rule 326(d). Except with the prior written approval of the Exchange, a member organization which has outstanding any unsecured or partly secured loans or advances of funds, or guarantees of obligations of the nature described in (c) above, shall forthwith reduce or eliminate such unsecured or partly secured amounts due from such borrowers, or otherwise restore its capital to a point where the conditions described in (c)(1) through (4) did not exist, if any of the following conditions exist at the member organization:

(1) Its net capital is less than 125 percent of its net capital minimum dollar amount requirement, or some greater percentage as may from time to time be designated by the Exchange, or

(2) If subject to this requirement, its aggregate indebtedness is more than 1,200 per centum of its net capital, or

(3) If in lieu of (2) above, the specified percentage of the aggregate debit items in the Formula for Determination of Reserve Requirements for Brokers and Dealers under SEC Rule 15c3-3 (the alternative net capital requirement) is applicable, its net capital is less than 6 percent of the aggregate debit items thereunder, or

(4) Capital withdrawals including maturities scheduled during the next six months would result in the condition described in (1), (2) or (3) above.

RULE 327 (CAPITAL REQUIREMENTS—REGISTERED BROKER-DEALERS)

This rul provides certain minimum capital requirements for members or member organizations which are registered with the Securities and Exchange Commission as broker-dealers but are not subject to NYSE capital requirements or are subject to NYSE requirements which are not as stringent as the Commission's. The uniform net capital rule does away with the need for this rule and it is therefore proposed to rescind Rule 327 in its entirety.

RULE 420 (REPORTS OF LOANS)

This rule provides for reporting and documentation of borrowings for capital and for non-capital purposes. It also requires reports of loans to members, allied members or member organizations. In many respects, it is similar to Rule 325.19 which together with Rule 325.20 and .21 will be eliminated under the proposal to rescind the present Rule 325 and adopt a proposed new rule.

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The proposed amendments to this rule will:

(1) Change the title to "Reports of Borrowings and Loans."

(2) Restructure paragraph .10 to incorporate the first and second paragraphs of Rule 325.19 and eliminate the fourth paragraph, which is covered under the SEC rule.

(3) Paragraphs .20, .21, .22, and .23 have been added to require the use of Exchange printed forms for subordination agreements "to be considered in the computation of net capital" and approval by the Exchange of other subordination agreements not utilizing these Exchange forms.

(4) Paragraph .24 has been transferred from Rule 325.19.

(5) The first paragraph of .30 was transferred from Rule 325.20(5) and the second paragraph added to reflect the need for timely filing with the Exchange and SEC as required by paragraph (c)(6) of Appendix D to Rule 15c3–1 [17 CFR § 240.15c3–1d(c)(6)].

(6) Paragraph .50, requiring the replacement of scheduled capital withdrawals if necessary to meet capital requirements, has been transferred from Rule 325.20(4).

(7) The remaining provisions, .60, .70 and .80 have been renumbered and one part of .70, which required that loans from member organizations to their own members or allied members be reported on the next financial questionnaire required by the Exchange, has been appropriately eliminated.

RULE 431 (MARGIN REQUIREMENTS)

Paragraph (d)(2)(I) provides that a member organization carrying and clearing listed option transactions of specialists, market-makers or traders registered on a national securities exchange may carry the options transactions accounts subject to the requirements of the exchange on which the specialist, market-maker, or trader is registered. The Rule 15c3–1(c)(2)(x) & (xi) [17 CFR § 240.-15c3–1(c)(2)(x) & (xi)] provides certain adjustments to net worth for the carrying broker in these instances. Therefore, it is proposed to amend this rule to permit such accounts to be carried on a margin basis which is satisfactory to the concerned parties since the minimum capital requirements applicable thereto would be uniform under the SEC rule.

PROCEDURES OF SELF-REGULATORY ORGANIZATION

The Board of Directors of the New York Stock Exchange, at its October 16, 1975 meeting, approved the proposed rule amendments. No further Board or membership action is required to complete action on the proposal.

PURPOSE OF THE PROPOSED RULE AMENDMENTS

The proposed amendments will conform the Exchange Capital Rule to the Securities and Exchange Commission Rule 15c3–1 [17 CFR § 240.15c3–1] and will amend parts of other Exchange rules, where necessary, to relate them to the Commission's Rule.

BASIS UNDER THE ACT FOR THE ADOPTION OF THE PROPOSED AMENDMENTS

The proposed amendments to Rules 325, 313.11, 313.12, 320(f), 321.34, 322.10, 324.24, 326, 327, and 431 are based on section 15(c)(3) of the Securities Exchange Act of 1934 which requires the Securities and Exchange Commission to establish minimum financial responsibility requirements for all brokers and dealers. They are also based upon section 6(c)(3) of the Securities Exchange Act of 1934 which permits a national securities exchange to deny or condition membership if a broker or dealer does not meet such standards of financial responsibility as are prescribed by the rules of the exchange.

The NYSE is presently sufficiently well organized and staffed to initiate the necessary steps to regulate and enforce compliance with the Act, the rules and regulations thereunder and its own rules as respects members, member organizations and persons acting as broker or dealers in securities who are associated with a member of the Exchange. Furthermore, the NYSE has both a successful regulatory experience, as well as staff and the economic base to support the necessary regulatory activities.

The proposed amendments will not prevent a broker or dealer or natural person associated with a registered broker or dealer from becoming a member of the Exchange provided they can comply with the minimum capital requirements rules of the Exchange and the Securities and Exchange Commission.

The proposed rule amendments relate to the ability of the Exchange to (A) prevent fraud and manipulative acts and practices; (B) promote just and equitable principles of trade; (C) foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities; (D) remove impediments to and perfect the mechanism of a free and open market and a national market system, and (E) protect investors and the public interest in that (1) it establishes a minimum capital requirement which is designed to assure that each broker or dealer will have sufficient capitalization, according to the type of business engaged in, to conduct his business in accordance with the purposes of the Securities Exchange Act of 1934, the rules and regulations thereunder, and the rules of the Exchange, and (2) it provides the Exchange with the authority to force members, member organizations and brokers and dealers who are associated with members or member organizations who are subject to Exchange regulation under the Securities Exchange Act of 1934 to maintain capitalization within safe limits of the minimum requirements.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OF OTHERS ON PROPOSED RULE

All the proposed amendments are related to the requirements of the Securities and Exchange Commission's Uniform Net Capital Requirement Rule 15c3–1 [17 CFR § 240.15c3–1] which became effective on September 1, 1975. Prior to adoption of this rule, proposals were released for comment on several occasions by the Commission and these were redistributed by the Exchange to its members and member organizations. On each occasion all comment received by the Exchange was forwarded to the Commission. Inasmuch as the proposed amendments do not ordinarily require Exchange distribution for comment and in view of the substantial exposure of the underlying SEC Rule 15c3–1 before adoption, no comment was sought from the Exchange Community in connection with these amendments.

BURDEN ON COMPETITION—INAPPLICABLE

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 02549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 29, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 9, 1975.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–34746 Filed 12–29–75;8:45 am]

[Release No. 34–11933; File No. SR–NYSE–75–19]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on November 28, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

STATEMENT OF THE PROPOSED RULE CHANGES FEE SCHEDULE FOR MAJOR SERVICES

Deposits	*$0.10 per deposit by issue.*
Deliveries—Miscellaneous Delivery Order (MDO's) including odd-lots, Deliver Balance Order (DBO), Preauthorized Delivery Service (PDQ), [Continuous Net Settlement].	[.52] .58 per instruction on each the receive and deliver side.
Continuous Net Settlement (CNS).	*.40 per instruction on both the Participant-broker and the Participant-Clearing Corporation side.*
Settlement	.16 per settlement item (*not on CNS*).
Withdrawals by Transfer (WT's).	.63 per assignment.
Withdrawal of Nominee Certificates (COD's):	
Regular	[1.56] *1.60* per COD.
Additional certificates beyond first	[.36] *.39* whether or not requested.
Fast Automated Security Transfer (FAST):	
Regular	[1.26] *1.60.*
Additional certificates beyond first	[.36] *.75* only if requested.
Collateral Loans	.42 per line item for each pledge, release or substitution by issue for each Participant.
Long Position (per month)	.42 monthly charge per issue plus price per 100 shares of: [.0026] *.0050* for 0–25MM sh.[1]; .0013 for 25–200MM sh.[1]; .000652 for over 200MM[1]; *zero over 300MM.*
Usage Charge	$260 per month for Participants (including those which are also Pledgee Banks) and non-Participant Pledgee Banks.
Charge for being a Depository Facility.	[$210 per month] *.30 per deposit charged to the Depository Facility with a minimum monthly charge of $100 and a maximum monthly charge of $200.*
Depository Facility Deposit.	*.12 per deposit charged to the Participant into whose account the deposit is made.*

[1] Per 100 shares based on daily average for the month; per issue charge also based on daily average for the month.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes is as follows:

3. *Purpose of Proposed Rule Changes.* The purpose of the proposed changes in the Operating Procedures (Procedures) of The Depository Trust Company (DTC), a subsidiary of the New York Stock Exchange, Inc. (Exchange), is to increase, and fairly allocate, the fees imposed upon Participants to cover increases in estimated expenditures and decreases in revenues arising from new variations in DTC services resulting from the introduction by Stock Clearing Corporation (SCC) and American Stock Exchange Clearing Corporation in the middle of 1975 of the CNS system for the settlement of securities transactions and the anticipated inclusion of Exchange odd-lot settlements in the CNS system.

4. *Basis under the Act for Adopting the Proposed Rule Changes.* (a) Not Applicable.

(b) The proposed changes in the Procedures relate to the Exchange's subsidiary, DTC. The changes in Procedures relate to DTC's carrying out the purposes of Section 17A of the Securities Exchange Act of 1934 (Act) by equitably allocating fees among DTC Participants.

(c) Not Applicable.

5. *Comments Received from Members, Participants or Others on Proposed Rule Changes.* Comments regarding a proposed fee schedule (see Exhibit 3) which differs from that referred to in item 1 were solicited from DTC Participants, Pledgee Banks and Depository Facilities by notice dated August 4, 1975. The changes in the schedule in item 1 as compared with the schedule in Exhibit 3 were made in response to the below-described comments. Objections were made in general to any fee increase since DTC earned a substantial profit in the first 6 months of 1975 and objections were made to specific fees as excessive relying, in essence, on the amount of percentage increase as justification for complaint; recommendations were made that DTC operate at cost or below cost rather than returning profits to Participants at year end. Specific objections follow: 1) the impact of inclusion of American Stock Exchange securities in the CNS system was not discussed by DTC; 2) the relationship between the fee schedule and DTC's research and development costs was not discussed by DTC; 3) it is illogical to impose charges with respect to the number of shares rather than with respect to long positions as the cost of handling small long positions is virtually identical to that of handling large long positions; 4) the long position charges result in the smaller user of DTC services paying more per share than a large user of DTC services; 5) the decrease in rate of charges for a greater number of shares creates the illogical result that the addition of the 25 millionth share reduces costs by 75%; 6) if the considerably higher price for COD withdrawal as compared with withdrawal by transfer results from dividend claims, then those excess costs should be borne directly by the Participant initiating the withdrawal; 7) it is unjustifiable to levy a 12¢ per deposit charge with respect to Depository Facility deposits when there is no basic deposit charge for deposits directly into DTC; 8) charges should not be used to force usage of services; 9) certain charges are too low, *i.e.*, there is no charge for a deposit into DTC while the unit cost is $1.24, the charge for a WT is 63¢ while the cost is $1.05, there is no charge for proxy or dividend services; 10) the no per share charge policy for 300 million shares should be applied with respect to shares over 100 million; 11) The proposed increase in COD charges would be onerous for institutions making physical deliveries to non-Participants; 12) the fees will discourage entry of institutional Participants who maintain large securities inventories in DTC; 13) there is a discriminatory bias in the fee schedule in that the impact on 54% of the Participants ranges from a savings of 4% to an increase of 5% or less while the impact on the remaining 46% of the Participants will be increases ranging from 6% to 36%; 14) it is inconsistent to allow deposits in DTC to escape charges in order to attract Participants while at the same time charging still higher fees for COD deliveries which will discourage participation or in other words, it is unfair for broker-dealers to subsidize a system which encourages institutions to join by the lack of deposit fees while being required to bear greater charges for making deliveries to those institutions which are clients of such broker-dealers; 15) a suggestion was made to allow a three month free deposit period for all new Participants with a deposit fee being imposed later; 16) it would be more equitable to defer the recovery of all costs on new systems being developed such as the ID System and the DTC terminal system until such service is made available to all Participants, such costs being passed on to all Participants in the event of the failure to implement the service, as opposed to providing free service to certain users during a pilot period which is subsidized by all Participants; 17) it is disconcerting to learn that the benefits of the CNS system are being dissipated in the DTC system because the CNS system has reduced the units being processed in the DTC system, the fixed charges resulting in increasing the cost for the remaining units in the DTC system; 18) assuming a drop in units being processed, one might conclude that the operating costs not represented by fixed charges should have a significant reduction; 19) the schedule is misleading in that it shows a reduction in CNS delivery charges to brokers by .15¢ whereas the .37¢ charge to the clearing corporation will be passed on to the brokers, thereby resulting in an effective increase; 20) The $1.00 surcharge on transactions via another depository would prevent Participants from acting as clearing agents for accounts who want to "piggy-back" on the Participant through DTC; 21) DTC failed to identify planned purchase of Exchange software as a major cost item; 22) the fee increases will encourage Participants to set up their own inventory of physical securities. Objections to the item 1 fee schedule follow: 1) the 10¢ per deposit fee will discourage Participants from depositing securities in DTC; 2) DTC's statements with respect to the percentage increase resulting from the new fee schedule appears to be too low; 3) the unjustifiable increases contained in the fee schedule proposed on August 4, 1975 are nevertheless preferable to the increases contained in the new schedule which result only in a greater surplus of funds for DTC; 4) the reasons for the rate increase offered by DTC, *i.e.*, payment to the Exchange of DTC's development costs, decrease in income arising from the CNS system, union employee contracts, purchase of a new computer, are not convincing; 5) DTC should trim its budget, the Exchange should be required to forego the repayment of DTC's development costs and any fee increase should be suspended until events in 1976 actually indicate the need for an additional levy.

6. *Burden of Competition.* None.

Within 35 days of the date of publication of this notice in the *Federal Register*, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

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Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 20, 1976.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 17, 1975.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34744 Filed 12-29-75;8:45 am]

[Release No. 11941 SR-PSE-75-6]

PACIFIC STOCK EXCHANGE, INCORPORATED

Order Approving Proposed Rule Change

DECEMBER 18, 1975.

On November 3, 1975, the Pacific Stock Exchange, Incorporated ("PSE"), filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change.

The proposed rule change amends Section 5 of Rule XX of PSE to provide procedures dealing with the operations of Pacific Securities Depository Trust Company and Pacific Clearing Corporation and the services provided by the two entities for each other.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 11799, November 7, 1975) and by publication in the FEDERAL REGISTER (40 Fed. Reg. 52774, November 12, 1975).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to PSE.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on November 3, 1975, be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34851 Filed 12-29-75;8:45 am]

[Release No. 19305; 70-5778]

NATIONAL FUEL GAS COMPANY AND NATIONAL FUEL GAS DISTRIBUTION CORPORATION

Proposed Guarantee By a Holding Company of Notes of a Non-Affiliate; Indemnity Agreement Between Holding Company and a Subsidiary in Connection With Such Guarantee

Notice is hereby given that National Fuel Gas Company ("National Fuel Gas"), a registered holding company, and its wholly-owned subsidiary company, National Fuel Gas Distribution Corporation ("Distribution") have filed a joint declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Section 7, 12(b) and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

It is proposed that National Fuel Gas will enter into a guarantee agreement ("guarantee agreement") with General Electric Credit Corporation ("GECC") whereby National Fuel Gas will act as guarantor on a loan from GECC to Paragon Resources, Inc. ("Paragon"), a supplier of natural gas to Distribution. National Fuel Gas will guarantee the payment of $6,000,000 in principal plus accrued and unpaid interest persuant to a consolidated loan agreement ("consolidated loan agreement") between GECC and Paragon. Upon execution of the consolidated loan agreement, the amounts outstanding under prior loans from GECC to Paragon totaling not more than $2,000,000 will be consolidated with the additional $6,000,000 being loaned by GECC to Paragon. In no event, however, will National Fuel Gas' obligations to GECC pursuant to the guarantee agreement exceed $6,000,000 plus accrued and unpaid interest. The consolidated principal amount will be repaid in installments over a period of seven years from the date of execution of the consolidated loan agreement. Interest on the loan will be 3⅝% above the higher of the prime rate or the 90 day commercial paper rate. Paragon will repay the installments of principal and interest due GECC under the consolidated loan agreement from revenues received under its supply contract with Distribution.

National Fuel Gas' obligations under the guarantee agreement will be subordinated to its obligations under its presently outstanding debentures and under any additional debentures issued pursuant to indentures substantially similar to those presently in effect.

National Fuel Gas will be obligated, upon the occurrence of an event of default and the declaration by GECC that the outstanding principal amount of the consolidated note is due and payable, to pay upon demand by GECC the lesser of (a) $6,000,000 plus accrued and unpaid interest thereon or (b) the total amount of the guaranteed indebtedness within five days of GECC's demand for such payment. In the alternative, National Fuel Gas will have the right upon such demand by GECC to purchase Paragon's then existing obligations to GECC for a price equal to the full amount of the guaranteed indebtedness. The guarantee agreement provides that upon either (1) the insolvency, reorganization, or liquidation of National Fuel Gas or similar specified event or (2) the occurrence of an event of default under any of National Fuel Gas' indentures and the acceleration of indebtedness outstanding thereunder, the holders of the affected debentures shall be entitled to the payment in full of all principal and accrued interest before National Fuel Gas would be required to make any payment under the guarantee agreement.

Among the other provisions of the guarantee agreement is a requirement that without consent of National Fuel Gas, there will be no additional advances to Paragon or amendments to the manner of calculating interest having the effect of increasing the interest rate.

National Fuel and Gas Distribution further propose to enter into an indemnity agreement under which Distribution will agree to indemnify National Fuel gas against any expenses, liabilities, or damages which may be incurred in connection with the performance of National Fuel Gas of its obligations under the guarantee agreement and the transactions contemplated thereunder. Upon such payment by Distribution, Distribution will be subrogated to the rights of National Fuel Gas against Paragon and all rights and property received by National Fuel Gas by virtue of such performance will, upon performance by Distribution of its obligations under the indemnity agreement, be transferred or assigned to Distribution.

The proceeds of the loan will be used by Paragon to provide funds for (1) payment of Paragon's current accounts payable; (2) the purchase of additional steel pipes for wells drilled or to be drilled by Paragon; (3) payment of Paragon's obligations under unproven leases; and (4) the acquisition of new mineral bases in New York and Pennsylvania.

It is stated that the proposed transactions will promote the best interests of the National Fuel Gas System and its customers. To offset the substantial curtailments currently imposed by interstate gas pipeline suppliers further development of local gas reserves is necessary. Paragon accounts for approximately 80 percent of Distribution's locally produced supply in western New York.

The proposed transactions are therefore supporting a proven supplier whose production is assured to Distribution through contract. The proposed transactions encourage additional production without directly exposing either National Fuel Gas or Distribution to the risks inherent in drilling activities and the necessary large capital requirements associated therewith.

The fees and expenses to be incurred in connection with these transactions are estimated at $7,000, including legal fees of $5,000. It is stated that the Public Service Commission of the State of New York and the Pennsylvania Public Utility Commission has jurisdiction over the proposed transactions. In addition the Public Utilities Commission of Ohio may have jurisdiction over the proposed transactions. No other State commission and no Federal commission other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 12, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34825 Filed 12-29-75;8:45 am]

[Release No. 11940; SR-PSE-75-5]

PACIFC STOCK EXCHANGE, INCORPORATED

Order Approving Proposed Rule Change

DECEMBER 18, 1975.

On November 3, 1975, the Pacific Stock Exchange, Incorporated, ("PSE") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change.

The proposed rule change amends Section 2(h-a) of Rule XX of PSE relating to buy-in procedures for listed and over-the-counter securities.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 11798, November 7, 1975) and by publication in the FEDERAL REGISTER (40 Fed. Reg. 52774, November 12, 1975).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to PSE.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on November 3, 1974, be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34852 Filed 12-29-75;8:45 am]

BOSTON STOCK EXCHANGE

Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 19, 1975.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchange:

Combined Communications Corp., File No. 7-4778.
Dean Witter Organization, Inc., File No. 7-4779.
Denny's Inc. (Cal.), File No. 7-4780.
Japan Fund Inc., File No. 7-4781.
National Medical Care, Inc., File No. 7-4782.
Robintech Inc. (Del.), File No. 7-4783.
Southland Corporation, File No. 7-4784.
Wheelabrator-Frye, Inc., File No. 7-4785.

Upon receipt of a request, on or before January 4, 1976 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34932 Filed 12-29-75;8:45 am]

CINCINNATI STOCK EXCHANGE

Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 19, 1975.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

North American Phlips Corporation, File No. 7-4786.
Bancal Tri-State Corporation, File No. 7-4787.

Upon receipt of a request, on or before January 4, 1976, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-34933 Filed 12-29-75;8:45 am]

MIDWEST STOCK EXCHANGE, INC.

Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 19, 1975.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the

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Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

The Williams Companies, File No. 7–4776.
Delmarva Power & Light Co., File No. 7–4777.

Upon receipt of a request, on or before January 4, 1976, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–34934 Filed 12–29–75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #1200]

ALABAMA

Declaration of Disaster Area

Baldwin, Mobile, and adjacent counties within the State of Alabama, constitute a disaster area because of damage resulting from strong winds, heavy rains and flooding November 6 through 9, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on February 16, 1976, and for economic injury until the close of business on September 15, 1976, at:

Small Business Administration, District Office, 908 South 20th Street, Birmingham, Alabama 35205.

or other locally announced locations.

Dated: December 17, 1975.

DANIEL T. KINGSLEY,
Acting Administrator.

[FR Doc.75–35016 Filed 12–29–75;8:45 am]

[License No. 02/02–0314]

LLOYD CAPITAL CORP.

Issuance of a License to Operate as a Small Business Investment Company

On October 16, 1975, a notice was published in the FEDERAL REGISTER (40 FR 48557) stating that Lloyd Capital Corporation, 186 Riverside Drive, New York, New York 10024, had filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the rules and regulations governing small business investment companies (13 CFR 107.102 (1975)) for a license to operate as a small business investment company (SBIC).

Interested parties were given to the close of business October 25, 1975, to submit their written comments. None were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA on December 10, 1975, issued License No. 02/02–0314 to Lloyd Capital Corporation, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 18, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75–35015 Filed 12–29–75;8:45 am]

[Declaration of Disaster Loan Area No. 1202]

WASHINGTON

Declaration of Disaster Area

As a result of the President's declaration I find that Grays Harbor, King, Lewis, Skagit, Snohomish, Whatcom, and adjacent counties within the State of Washington constitute a disaster area because of damage resulting from severe storms and flooding beginning about November 30, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on February 13, 1976, and for economic injury until the close of business on September 13, 1976, at:

Small Business Administration,
District Office,
5th Floor, Dexter Horton Building,
710 Second Avenue,
Seattle, Washington 98104.

or other locally announced locations.

Dated: December 17, 1975.

DANIEL T. KINGSLEY,
Acting Administrator.

[FR Doc.75–35017 Filed 12–29–75;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on February 23, 1976, at 10:00 AM, the St. Petersburg Regional Office Station Committee on Educational Allowances shall at the Federal Building, 144 First Avenue, So., Room 610, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Herlong Aviation, Inc., Jacksonville, Florida, should be discontinued, as provided in 38 C.F.R. 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: December 17, 1975.

CARLOS L. RAINWATER,
Acting Director, VA Regional Office.

[FR Doc.75–34826 Filed 12–29–75;8:45 am]

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on January 15, 1976, at 10 a.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Federal Building, U.S. Courthouse, Room A–220, 110 9th Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Tennessee Barber College, 515 Jefferson Street, Nashville, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: December 16, 1975.

R. S. BIELAK,
Director, VA Regional Office.

[FR Doc.75–34813 Filed 12–29–75;8:45 am]

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educatonal Allowances that on January 13, 1976, at 10 a.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Federal Building, U.S. Courthouse, Room A–220, 110 9th Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Gallatin Flying Service, Inc., Gallatin, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at tha time and place.

Dated: December 16, 1975.

R. S. BIELAK,
Director, VA Regional Office.

[FR Doc.75–34814 Filed 12–29–75;8:45 am]

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on January 14, 1976, at 10 a.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Federal Building U.S. Courthouse, Room A–220, 110 9th Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Personal Air Service, Inc., P.O. Box 366, Madisonville, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: December 16, 1975.

R. S. BIELAK,
Director, VA Regional Office, Nashville, Tennessee.

[FR Doc.75–34815 Filed 12–29–75;8:45 am]

DEPARTMENT OF LABOR

Office of Employee Benefits Security

ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS

Meeting

Pursuant to Section 512 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1142) a meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 10:00 a.m. on Wednesday, January 14 and at 9:00 a.m. on Thursday, January 15, 1976, in the Federal Ballroom North, Quality Inn—Capitol Hill, 415 New Jersey Avenue, N.W., Washington, D.C.

The meeting will be open to the public. The purpose of the meeting is to discuss the items listed in the following agenda:

1. Administration of Oath to New Members.
2. Reporting Forms and Regulations—Status Report.
3. Advisory Council Operations Work Group Report.
4. Reporting, Disclosure and Recordkeeping Work Group Report.
5. Investment Work Group Report.
6. Prohibited Transactions Work Group Report.
7. Small Business Impact Work Group Report.
8. Minimum Standards Work Group Report.
9. Joint and Survivor's Benefits.
10. Department of Labor Regulation Priorities for 1976.

Any member of the public may file a written statement concerning the topics under this agenda by submiting 30 copies on or before the close of business Monday, January 12, 1976 to Mr. James D. Hutchinson, Administrator of Pension and Welfare Benefit Programs, New Department of Labor Building, Third Street and Constitution Avenue, N.W., Room N4629, Washington, D.C. 20210.

Persons desiring to attend should notify Mr. Edward P. Lyssek, Executive Secretary of the Advisory Council, New Department of Labor Building, Third Street and Constitution Avenue, N.W., Room N4700, Washington, D.C. 20210, or may call Area Code 202/523–8753.

Signed at Washington, D.C., this 23rd day of December, 1975.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs.

[FR Doc.75–35040 Filed 12–29–75;8:45 am]

Occupational Safety and Health Administration

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Subgroup Meetings

Notice is hereby given of subgroup meetings of the National Advisory Committee on Occupational Safety and Health, a committee established under section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656). The purpose of this Committee is to advise the Secretary of Labor and the Secretary of Health, Education and Welfare on matters relating to the administration of the Act. Subgroups on budget, compliance, standards, and policies and issues were established by the Committee to assist in carrying out its responsibilities.

All subgroup meetings will be held in the Department of Labor Building, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210. The meetings will begin at 9:00 a.m. The public is invited to attend.

The Subgroup on Standards will meet on January 16, 1976 in Room N–4437. This group will discuss OSHA's ongoing efforts to revise and modify safety and health standards adopted under section 6(a) of the Act. The subgroup also will examine the total standards development process. A representative from the National Institute for Occupational Safety and Health (NIOSH), the agency in the U.S. Department of Health, Education, and Welfare responsible for occupational safety and health research, will brief the Subgroup on the Institute's activities in the standards development area.

The Subgroup on Budget will meet on January 22 and possibly the morning of January 23 in Room N–4437. The agenda will include the application of OSHA's FY 1976 budget, a consideration of the FY 1977 budget, and plans for the FY 1978 budget. In addition, NIOSH will brief the Subgroup on its FY 1977 and FY 1978 budgets.

The Subgroup on Policies and Issues has scheduled a meeting for January 23, 1976 in Room N–5437. Items to be discussed are OSHA's overall approach to small business and the role of labor-management activity with regard to OSHA's responsibility for standards setting and enforcement. NIOSH will present a series of policy issues with regard to its current activities.

The Subgroup on Compliance will meet on January 28, 1976 in Room N–4437. Topics for discussion will include the penalty system for violations of OSHA standards, the issue of repeated violations, and employer liability with regard to multi-employer worksites. In addition, the Subgroup will review milestones for OSHA's National Emphasis Program which focuses special compliance efforts on foundries and the casting and metal stamping industries. NIOSH will brief the Subgroup on its activities impacting OSHA's enforcement efforts.

Anyone wishing to submit written data or views concerning these agenda items to a subgroup should submit them along with 20 duplicate copies to the Committee's Executive Secretary one week prior to that particular subgroup's meeting date. These documents will be presented to the subgroup and included in the official record of the meeting.

Although it is unlikely that at this time the subgroups will be able to schedule oral presentations from the public, the subgroup chairmen will review all such requests. Anyone wishing to request an oral presentation should contact the Committee's Executive Secretary at least one week prior to the meeting in question. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation.

Please address all communications to the Executive Secretary as follows:

J. Goodell, Executive Secretary, National Advisory Committee on Occupational Safety and Health, Room N–3632, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210.

Official transcripts of the meetings will be available for public inspection at OSHA's Technical Data Center, Room N–3638 at the above address.

Signed at Washington, D.C. this 23rd day of December 1975.

J. GOODELL,
Executive Secretary.

[FR Doc.75–35044 Filed 12–29–75;8:45 am]

Office of the Secretary

[TA–W–819]

BAGANOFF ASSOCIATES, INC.

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on November 5, 1975, in response to a worker petition received on that date which was filed by workers and former workers producing mechanical strain recorders and data transcribers at Baganoff Associates, Inc., St. Louis, Missouri.

Notice of the investigation was published in the FEDERAL REGISTER on November 21, 1975 (40 FR 54319). No public hearing was requested and none was held.

During the course of the investigation it was established that the most recent involuntary separations at Baganoff Associates, Inc. occurred in June of 1974.

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Section 223(b) of the Trade Act of 1974 provides, in substance, that a certification shall not apply to any worker whose last total or partial separation from the firm or an appropriate subdivision of the firm ocurred more than one year before the date of the petition on which such certification is granted.

The date of the petition in this case is October 24, 1975 and, thus, workers laid off prior to October 24, 1974 could not be eligible for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974. Therefore, this investigation has been terminated.

Signed at Washington, D.C. this 17th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-35051 Filed 12-29-75;8:45 am]

[TA-W-210, 234]

JOSEPH H. COHEN & SONS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-210, 234: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 2, 1975 in response to a worker petition received on October 2, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers formerly producing men's tailored suits and sportcoats at the New Haven, Indiana plant of Joseph H. Cohen & Sons, Inc., a division of Rapid-American Corporation. The investigation was expanded on October 14, 1975 in response to a worker petition received on October 14, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers formerly producing men's tailored suits and sportcoats at the firm's Philadelphia, Pennsylvania plant.

The notices of investigation were published in the FEDERAL REGISTER (40 FR 48414; 49827) on October 15 and 24, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Joseph Cohen, its customers, the U.S. Department of Commerce, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of workers employed at Cohen's Philadelphia plant declined 6 percent in the first eight months of 1975, compared to the like period in 1974. The average number of production workers employed at the firm's New Haven plant declined 7 percent in the first six months of 1975, compared to the like period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production of men's tailored suits and sportcoats at Cohen's Philadelphia and New Haven plants, expressed in terms of shipments which generally follow final production by about two months, declined 16 percent and 14 percent, respectively, in the first eight months of 1975 compared to the like period in 1974. Production at the New Haven plant was terminated in June 1975.

Increased Imports Contributed Importantly. From 1973 to 1974, imports of men's tailored suits decreased absolutely and as a ratio to domestic production and consumption. During the same preiod, imports of men's tailored sportcoats decreased absolutely but increased slightly as a ratio to domestic production and consumption.

In the first seven months of 1975, imports of men's tailored suits increased 131 percent in absolute terms and increased dramatically as a ratio to domestic production when compared with the like period in 1974. Imports of men's tailored sportcoats increased substantially as a ratio to domestic production during the same period.

Some of Cohen's largest customers reduced purchases from Cohen in 1975 and shifted to imports in order to gain a significant price advantage available from foreign-made men's clothing. Because Cohen was unable to successfully compete with imports in terms of price, company sales fell substantially in the first eight months of 1975. Consequently the firm was forced to curtail production and employment at its two plants. Cohen closed its New Haven sewing facility in June 1975 and consolidated all operations in the Philadelphia plant which experienced a significant reduction in employment.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's tailored suits and sportcoats produced at the New Haven, Indiana and Philadelphia, Pennsylvania plants of Joseph H. Cohen & Sons, Inc. contributed importantly to the total or partial separation of the workers at such plants. In accordance with the provisions of the Act, I make the following certification:

"All hourly, piecework and salaried employees of the New Haven, Indiana and Philadelphia, Pennsylvania plants of Joseph H. Cohen & Sons, Inc., who became or will become totally or partially separated on or after January 12, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 18th day of December 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.75-35050 Filed 12-29-75;8:45 am]

[TA-W-177]

MARYLAND CLOTHING MANUFACTURING CO., INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-177; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 26, 1975 in response to a worker petition received on September 26, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing custom made and tailored men's sportcoats, suit coats, overcoats and uniform coats at the 3023 E. Madison Street, Baltimore, Maryland plant.

The notice of investigation was published in the FEDERAL REGISTER on October 7, 1975 (40 FR 46373). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Maryland Clothing Manufacturing Company, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers remained constant in the first three quarters of 1975 compared to the like period in 1974. Average weekly hours increased 25.5 percent in the first three quarters of 1975 compared to the like period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales at the Maryland Clothing Manufacturing Company, Baltimore, Maryland plant increased 37.5 percent in the first three quarters of 1975 compared to the first three quarters of 1974. Production equalled sales since no inventories are maintained.

Sales of made-to-measure men's coats represent about 40 percent of total sales compared to 60 percent sales of tailored coats. The plant is still operating.

Increased Imports Contributed Importantly. Imports of made-to-measure tailored suits, sportcoats and trousers are not separately identified in the Tariff Schedules of the United States but are included with the aggregate data on imports of tailored suits, sportcoats and trousers. Imports of made-to-measure men's apparel are not known.

The evidence developed by the Department's investigation indicated that sales/production, average hours worked and average number of workers at the Maryland Clothing Manufacturing Company have either increased or remained stable between comparable periods from 1974 to 1975. Most of the production is of uniform coats more than half of which is of men's military uniform coats. Customers of uniform coats have not shifted to imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suit coats, sportcoats, and overcoats (civilian and/or military) produced at the Baltimore, Maryland plant of Maryland Clothing Manufacturing Company did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 17th day of December, 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.75-35045 Filed 12-29-75;8:45 am]

[TA-W-181]

OAKLOOM CLOTHES, INC.

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-181: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 26, 1975 in response to a worker petition received on September 26, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers formerly producing suits and sportcoats at the Baltimore, Maryland plant of Oakloom Clothes, Inc.

The notice of investigation was published in the FEDERAL REGISTER on October 7, 1975 (40 FR 46374). No public hearing was requested and none was held.

The information upon which the determination is made was obtained principally from officials of Oakloom Clothes, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers decreased by 2.4 percent in 1974 compared to 1973 and by 6.0 percent in the first half of 1975 compared to the like period in 1974. Average weekly hours decreased by 13.3 percent in 1974 from 1973 and by 3.8 percent in the first half of 1975 compared to the like period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Company sales of men's suits and sportcoats, combined, declined 3.0 percent from 1973 to 1974. For the first nine months of 1975 sales were 13.4 percent below 1974 sales for the same period.

Increased Imports Contributed Importantly. Imports of men's and boy's suits have increased relative to domestic consumption and production each year from 1971 to 1973. While imports fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.0 percent and 9.0 percent, respectively were above the 1971–1973 average of 8.6 percent and 7.8 percent, respectively. In the first seven months of 1975, imports increased sharply and the ratio of imports to domestic production increased from 7.7 percent in the first seven months of 1974 to 22.1 percent in the first seven months of 1975.

Imports of men's and boy's sportcoats increased their share of the domestic market each year from 1972 to 1974. The ratio of imports to domestic production and consumption increased from 17.1 percent and 14.8 percent, respectively in 1972 to 22.3 and 18.2 percent, respectively in 1974. In the first seven months of 1975, the ratio of imports to domestic production increased to 36.7 percent from 24.5 percent in the first seven months of 1974.

The evidence developed during the Department's investigation indicates that major customers decreased purchases from Oakloom because of the effects of the economic recession. Some customers did not purchase imported tailored clothing while others imported tailored clothing for a clientele different from the Oakloom clientele. Oakloom made expensive, conservatively tailored clothing which generally appealed to older clients. Some Oakloom customers carried imports which sold in a different price and style category than the Oakloom line. Such imports did not influence their decisions to reduce orders from Oakloom.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits and sportcoats produced at the Baltimore plant did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C. this 17th day of December 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.75-35046 Filed 12-29-75;8:45 am]

[TA-W-205]

QUEEN CASUALS, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-205: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 2, 1975 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers' Union (AFL-CIO) on behalf of workers and former workers producing ladies' sportswear and casual wear at the Philadelphia, Pennsylvania plant of Queen Casuals, Inc.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 42418) on October 15, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Queen Casuals, Inc., its customers, the U.S. Department of Commerce, the U.S. Inter-

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national Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at the Philadelphia plant increased three percent in 1974 compared to 1973 and declined three percent in the first ten months of 1975 compared to the same period in 1974. Average weekly hours for production workers declined 12 percent in the first ten months of 1975 compared to the first ten months of 1974.

Sales or Production, or Both, Have Decreased Absolutely. The Philadelphia plant of Queen Casuals produces coordinated sportswear including knit skirts, pants, shorts, pant suits, shirts, and sweaters. The sportswear may be sold at the retail level as coordinated sets or as separate pieces. Sales by Queen Casuals of sportswear produced at the Philadelphia plant increased 25 percent in 1974 from 1973 and then declined six percent in the first ten months of 1975 compared to the first ten months of 1974.

Increased Imports Contributed Importantly. Imports of ladies' knit sweaters and shirts increased absolutely in ladies' knit skirts declined 60 percent from 1972 and 1974. Imports of ladies' knit slacks an dshorts declined 35 percent in 1974 and 1973.

Specific production and import information on ladies' knitted sportswear sold as coordinated sets is not available. Industry analysts indicate that imports of coordinated sets are negligible. Thus, only those articles produced by Queen Casuals and sold as separate pieces are subject to import competition.

The evidence developed in the Department's investigation of Queen Casuals indicates that imports adversely affected the sales of only those knit sweaters and shirts sold at the retail level as individual pieces. In view of the fact that an estimated 25 percent of total sales by Queen Casuals' Philadelphia plant during 1973–1975 were of sweaters and shirts, an indeterminate portion of which were sold as part of coordinated sets not affected by increased imports, it is determined that increased imports of ladies' sportswear did not contribute importantly to the separation of a significant number or proportion of the workers of Queen Casuals, Inc.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ladies' sportswear and causal wear produced at the Philadelphia, Pennsylvania plant of Queen Casuals, Inc. did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 17th day of December 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.75-35047 Filed 12-29-75;8:45 am]

[TA-W-199]

ROCKWELL INTERNATIONAL

Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-199; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 29, 1975 in response to a worker petition received on September 24, 1975 which was filed by three employees on behalf of workers and former workers producing knitting machinery at the Reading, Pennsylvania plant of the Production Equipment Division of Rockwell International (known prior to January 1, 1975 as the Knitting Machinery Division of Rockwell International).

The notice of investigation was published in the FEDERAL REGISTER on October 7, 1975 (40 FR 46574). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Rockwell International, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers declined 66 percent in the first three quarters of 1975 compared to the like period in 1974. Average weekly hours declined 15 percent in the first three quarters of 1975 compared to the like period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales of circular knitting machinery for products other than hosiery from the Reading plant declined 85 percent by value in the first nine months of 1975 as compared to the like period in 1974. Production of these machines ceased in January 1975.

Sales of flat knitting machinery from the Reading plant declined 89 percent by value in the first nine months of 1975 as compared to the like period in 1974. Production of these machines ceased in October 1974.

Sales of circular knitting machinery for hosiery from the Reading plant declined 37 percent by value in the first half of 1975 as compared to the first half of 1974. Production of these machines ceased in April 1975.

Increased Imports Contributed Importantly. Imports of circular knitting machinery for products other than hosiery decreased from 3,291 units in 1973 to 1,603 units in 1974.

The ratios of imports to domestic consumption and production decreased from 81.4 percent and 110.3 percent, respectively in 1973 to 66.3 percent and 72.4 percent in 1974.

Imports of flat knitting machinery decreased from 8,720 units in 1973 to 8,616 units in 1974.

Imports of circular knitting machinery for hosiery increased from 769 units in 1971 to over 2,100 units in 1973. After a decline for the year 1974, imports of circular knitting machines for hosiery increased 75 percent in the first third of 1975 compared to the same period in 1974. Such imports represented 78 percent of domestic production in the first third of 1974 and 141 percent of domestic production in the first third of 1975.

Circular knitting machinery for hosiery constituted virtually all plant production of new machinery in the first third of 1975. Production of new machinery ceased entirely in April, 1975.

The evidence developed in the investigation indicates that sales and employment declines associated with circular knitting machines other than for hosiery and for flat knitting machines were due to declining demand for such machines. At the time the plant ceased production of such products imports of like and directly competitive products were declining. The Department's investigation did indicate sharp increases in imports of circular knitting machinery for hosiery during the period that the plant ceased production of such machinery.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increased imports like or directly competitive with knitting machinery other than for hosiery and flat knitting machinery produced at the Reading, Pennsylvania plant of the Production Equipment Division of Rockwell International did not contribute importantly to the total or partial separation of the workers of that plant.

I conclude that increases of imports like or directly competitive with the circular knitting machines for hosiery produced at the Reading, Pennsylvania plant of the Production Equipment Division of Rockwell International did contribute importantly to the total or partial separation of the workers of the plant. In accordance with the provisions of the Act, I make the following certification:

"All hourly and salaried workers engaged in the production of circular knitting machines for hosiery who became totally or partially separated from employment on or after January 1, 1975 and before May 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974".

Signed at Washington, D.C. this 17th day of December 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[DR Doc.75-35048 Filed 12-29-75;8:45 am]

[TA-W-214]

ZOHN MANUFACTURING CO., INC.

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-214; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 2, 1975 in response to a worker petition received on October 2, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers formerly producing uniforms and western clothing at the Denver, Colorado plant of Zohn Manufacturing Company, Incorporated, Denver, Colorado.

The notice of investigation was published in the FEDERAL REGISTER on October 15, 1975, (40 FR 48419). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Zohn Manufacturing Company, its customers, the U.S. Department of Commerce, and the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers declined 58 percent in the second quarter of 1975 compared to the like period in 1974. Production employment was terminated in June 1975. Average weekly hours declined 20 percent in the first four months of 1975 compared to the like period in 1974.

Sales or Production, or Both; Have Decreased Absolutely. The dollar value of sales at the Denver plant declined 23.5 percent in the first four months of 1975 compared to the first four months of 1974.

Production of coats and slacks declined 17.8 percent and 9.9 percent, respectively, in the fourth quarter of 1974 compared to the fourth quarter of 1973. No production data were available for 1975. All production was terminated in May 1975.

Increased Imports Contributed Importantly. All uniform imports enter the United States under the same TSUSA numbers as men's and boys' tailored suits. Consequently, the quantity of uniforms entering the United States is indeterminate. However, industry experts indicate that the level of imports of men's uniform suits is negligible. Imports of uniform coats and trousers have been negligible. Customers surveyed did not substitute imports of coats and trousers for those formerly purchased from Zohn. Three main factors caused Zohn's sales to decline: 1) economic conditions; 2) fashion trends shifting away from western styling; 3) increased competition from domestic suppliers of less expensive, knit trousers.

Declining sales, together with greatly increased production costs in recent years, resulted in Zohn's decision to discontinue production.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with western coats and trousers, and uniforms produced at the Denver, Colorado plant of Zohn Manufacturing Company, Incorporated did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 17th day of December 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.75-35049 Filed 12-29-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[AB 6; Sub-No. 14]

BURLINGTON NORTHERN LINE

Abandonment Between Sauk Centre and Long Prairie, in Todd and Stearns Counties, Minnesota

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Todd and Stearns Counties, Minn., on or before December 30, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 8th day of December, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

BURLINGTON NORTHERN LINE ABANDONMENT BETWEEN SAUK CENTRE AND LONG PRAIRIE, IN TODD AND STEARNS COUNTIES, MINNESOTA

The Interstate Commerce Commission hereby gives notice that by order dated December 8, 1975, it has been determined that the proposed abandonment by the Burlington Northern Inc., of its line of railroad between Sauk Centre and Long Prairie, Minn., a distance of 17.78 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because there has been no local service between these two stations since 1960 and all bridge traffic was rerouted to other lines of the BN on March 26, 1973. As there has been no service on the line in over two years, an abandonment of the line at this time will create no changes in the environment. No historic or archaeological sites listed in the National Register or eligible for inclusion in the Register are found on or adjacent to the subject corridor. Public interest has been expressed for acquisition of the subject right-of-way, upon abandonment, for recreational trail purposes.

V40N250 DEC 30 75 XUM

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before January 14, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-35071 Filed 12-29-75;8:45 am]

[AB 7 (Sub-No. 19); Finance Docket No. 27754]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Abandonment of Line; Trackage Rights

In the matter of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company abandonment between Fairmont and Welcome, in Martin County, Minnesota, and trackage rights over a line of the Chicago and North Western Transportation Company between Fairmont and Welcome, Martin County, Minnesota.

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in these proceedings because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby directed to publish the appended notice in a newspaper of general circulation in Martin County, Minn., on or before January 7, 1976, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 12th day of December, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 7 (Sub-No. 19)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, ABANDONMENT BETWEEN FAIRMONT AND WELCOME, IN MARTIN COUNTY, MINNESOTA

FINANCE DOCKET NO. 27754

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY—TRACKAGE RIGHTS—OVER A LINE OF THE CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY BETWEEN FAIRMONT AND WELCOME, MARTIN COUNTY, MINNESOTA

The Interstate Commerce Commission hereby gives notice that by order dated December 12, 1975, it has been determined that the proposed acquisition of trackage rights by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company over 7.1 miles of track owned and operated by the Chicago and North Western Railroad Company between Fairmont and Welcome, Minn., and the concurrent abandonment by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company of 6.0 miles of track between Fairmont and Welcome, Minn., if approved by the Commission, do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because the actions permit the transfer of rail operations from one line to an adjacent, parallel track. All existing local service will be maintained and the applicant will gain the use of a higher capacity track, permitting improved service. In the Commission's Service Order 120, dated December 19, 1974, the authority sought under these applications was granted on a temporary basis due to unserviceable track conditions. No significant adverse impacts have been reported as a result of that action.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before January 22, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-35072 Filed 12-29-75;8:45 am]

[Notice No. 940]

ASSIGNMENT OF HEARINGS

DECEMBER 23, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 138741 Sub-17, K. K. Motor Service, Inc., now assigned January 20, 1976, at Chicago, Illinois, will be held in Room 438, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 130324, American Travel, Inc., now assigned January 29, 1976 at Montpelier, Vermont, will be held on The Third Floor, Court Room Federal Bldg., Post Office & Courthouse.

MC 105566 Sub-108, Sam Tanksley Trucking, Inc., now assigned January 20, 1976, at Chicago, Illinois, will be held in Room 672, 536 S. Clark Street.

MC 119767 Sub-331, Beaver Transport Co., now assigned January 26, 1976, at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 16831 Sub-19, Mid Seven Transportation Company, now assigned January 22, 1976, at Chicago, Illinois, will be held in Room 672, 536 S. Clark Street.

MC 111485 Sub 18, Paschall Truck Lines, Inc., application dismissed.

MC 135691 Sub 4, Dallas Carriers Corp., application dismissed.

MC 135691 Sub 5, Dallas Carriers Corp., application dismissed.

MC 135691 Sub 6, Dallas Carriers Corp., application dismissed.

MC-F 12264 and 99888 Sub-3, Mayfield Transfer & Storage Co., Inc.—Purchase (Portion)—Fred Olson Motor Service Company, now assigned January 27, 1976, at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 110683 Sub-101, Smith's Transfer Corporation, now assigned January 27, 1976, at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 10761 Subs-240, 246, 247, 249, 253, 254, 256, 257, 259, 260, Transamerican Freight Lines, Inc., now assigned January 27, 1976, at Chicago, Illinois, will be held in Room 672, 536 S. Clark Street.

MC 106603 Sub-140, Direct Transit Lines, Inc., now assigned February 2, 1976, at Chicago, Illinois, will be held in Room 672, 536 S. Clark Street.

MC 123407 Sub-245, Sawyer Transport, Inc., now assigned February 3, 1976, at Chicago, Illinois, will be held in Room 672, 536 S. Clark Street.

MC-C 8807, Pacific Intermountain Express Co.—Investigation and Revocation of Certificates, now assigned February 5, 1976, at Chicago, Illinois, will be held in Room 672, 536 S. Clark Street.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-35077 Filed 12-29-75;8:45 am]

[Notice No. 148]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 30, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before January 19, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76197. By order of December 22, 1975 the Motor Carrier Board approved the transfer to Robert J. Dillon, Woodbridge, N.J., of Certificate No. MC-75194 issued by the Commission February 12, 1964, to Beverly Storage Co., Inc., New York, N.Y., authorizing the transportation of new and used furniture, except household goods as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, and Connecticut. Alvin Altman, Esquire, Attorney for Transferor, Brodsky, Linett and Altman, 1776 Broadway, New York, N.Y. 10019. Mr. Robert B. Pepper, ICC Practitioner, Transferee's Representative, 168 Woodbridge Avenue, Highland Park, N.J. 08904.

No. MC-FC-76205. By order of December 22, 1975 Motor Carrier Board approved the transfer to Bell Trucking Company, P.O. Box 148, Youngstown, Ohio 44501, the Certificate in No. MC-72231* issued July 22, 1971, to J. W. Jones & Son Company, Youngstown, Ohio 44501 authorizing the transportation of: varied commodities, from, to or between points in Ohio, Pennsylvania, Illinois, Indiana, Michigan, New York and West Virginia. A. Charles Tell, 100 East Broad Street, Suite 1800, Columbus, Ohio 43215—Attorney for Transferee. Same for Transferor.

No. MC-FC-76219. By order entered December 22, 1975 the Motor Carrier Board approved the transfer to Fred W. Winkler, doing business as Grange Hall, Maiden Rock, Wis., of the operating rights set forth in Certificate No. MC-90208, issued April 21, 1964, to La Moine A. Mountin, Elmwood, Wis., authorizing the transportation of livestock, from specified points in Wisconsin to South St. Minn.; feed and farm machinery, from South St. Paul, Minn., to specified points in Wisconsin, over regular and irregular routes; and livestock and farm products, between points in the Towns of Rock Elm and Spring Lake, Pierce County, and Weston and Eau Galle, Dunn County, Wis., on the one hand, and, on the other, South St. Paul, Newport, Minneapolis, and St. Paul, Minn.; feed and salt, from South St. Paul, Newport, Minneapolis, and St. Paul, Minn., to points in the above-described Wisconsin territory; livestock and agricultural commodities, from points in the Towns of Rock Elm, El Paso, Salem, and Ellsworth, Pierce County, Wis., to Minneapolis, St. Paul, South St. Paul, Lake City, Red Wing and Newport, Minn.; and general commodities, with the usual exceptions, from Minneapolis, St. Paul, South St. Paul, Lake City, Red Wing and Newport, Minn., to points in the Wisconsin Towns specified immediately above; farm products, between Elmwood, Wis., and points except incorporated municipalities other than Elmwood, in the Towns of Union, Spring Lake, El Paso, and Salem, Pierce County, Wis., on the one hand, and, on the other, Minneapolis, St. Paul, South St. Paul, Stillwater and Newport, Minn., general commodities, from Minneapolis, St. Paul, South St. Paul, Stillwater and Newport, Minn., to Elmwood, Wis., and points except incorporated municipalities (other than Elmwood) in the Towns of Union, Spring Lake, El Paso and Salem, Pierce County, Wis.; and livestock, between Elmwood, Wis., and points except incorporated municipalities other than Elmwood, in the Towns of Union, Spring Lake, El Paso, and Salem, Pierce County, Wis., on the one hand, and, on the other, Minneapolis, St. Paul, South St. Paul, Stillwater and Newport, Minn., over irregular routes. F. H. Kroeger, 1745 University Avenue, St. Paul, Minn., 55104, practioner for applicants.

No. MC-FC-76238. By order of December 22, 1975 the Motor Carrier Board approved the transfer to Bill Doody Bus Tours Travel House, Inc., D/B/A Bill Doody Bus Tours, Buffalo, New York, of License No. MC-12872, issued March 19, 1965, to Travel House of Buffalo, Inc., Buffalo, New York, authorizing it to engage in operations as a broker of passengers and their baggage, in special and charter operations, in round-trip, all-expense tours, beginning and ending at Buffalo, N.Y., and extending to points in the United States including Alaska and Hawaii. S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C., 20005, Attorney for Applicants.

No. MC-FC-76261. By order entered December 22, 1975 the Motor Carrier Board approved the transfer to Darrel P. Purdy, doing business as Purdy's Moving & Transfer, Janesville, Wis., of the operating rights set forth in Certificate No. MC-34597, issued January 3, 1968, to Leonard S. Vechinsky, doing business as Alwin Transfer, Janesville, Wis., authorizing the transportation of household goods, as defined by the Commission, between points in Rock County, Wis., on the one hand, and, on the other, points in Illinois. Edward Solle, Executive Building, Suite 100, 4513 Vernon Blvd., Madison, Wis. 53705, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-35076 Filed 12-29-75;8:45 am]

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federal register

TUESDAY, DECEMBER 30, 1975



PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

■

EMERGENCY RELIEF PROGRAM FOR HOMEOWNERS

Final Rule on Standby Program

V40250 DEC 30 75 XUM

Title 24—Housing and Urban Development

CHAPTER XV—MORTGAGE INSURANCE AND LOAN PROGRAMS UNDER THE EMERGENCY HOMEOWNERS' RELIEF ACT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-355]

PART 2700—EMERGENCY HOMEOWNERS' RELIEF PROGRAM

Final Rule on the Standby Program

● The purpose of Chapter XV is to describe and establish a standby program authorized by the Emergency Homeowners' Relief Act to prevent widespread mortgage foreclosures and distress sales of homes resulting from the temporary loss of employment and income. If it becomes necessary to implement the program, HUD would provide emergency relief under the standby program by coinsuring loans made by private lenders or by making direct loans to homeowners to assist them in making their mortgage payments. ●

Notice was given on October 9, 1975, at 40 FR 47694 that the Secretary of Housing and Urban Development was proposing to add a new Chapter XV to Title 24 of the Code of Federal Regulations describing the requirements of the Emergency Homeowners' Relief Program in case it should be determined that economic conditions dictate the implementation of the standby program.

The Department of Housing and Urban Development has received nine responses to the October 9, 1975, publication. In addition, the Department received a number of letters from U.S. Senators, and Representatives and members of the general public which, though not intended to respond specifically to the notice of proposed rulemaking, addressed various aspects of the proposed program. All of these comments have been carefully reviewed and several changes have been incorporated in the final regulations as a result of the review. The principal changes are set forth below.

1. The term "substantial reduction in income" has been redefined in § 2700.5(s) to mean that a homeowner's income during the period of delinquency is less than 80 percent of his average gross monthly income during the 24-month period prior to the beginning of his involuntary unemployment or underemployment. This change, which raises the applicable percentage from 75 to 80 percent and effectively increases the amount of income a homeowner may have and still qualify, was made in order to take greater cognizance of the impact of inflation and to bring HUD's definition into line with the guidelines used by the Department of Labor.

2. The final program regulations require that a homeowner pay only 25 percent of his gross monthly income toward mortgage payments, instead of 35 percent as was specified in the proposed regulations. HUD decided to lower the monthly mortgage payment requirement again in an effort to compensate for the impact of inflation on the homeowner's income and in order to bring the Emergency Homeowners' Relief Program requirements more into line with other HUD-administered programs.

3. The Department decided to revise its definition of involuntary unemployment or underemployment to be consistent with the guidelines used by the Department of Labor. The Department of Labor's guidelines are more specific than those it originally proposed and HUD supports the use of consistent definitions by all Federal agencies whenever possible.

4. The Department has amended its proposed regulations to instruct lending institutions to presume that a homeowner has a reasonable prospect of being able to make the adjustments necessary for a full resumption of mortgage payments given certain factors outlined in § 2700.-110(d). HUD decided to adopt this presumption of program eligibility because it realized a difficult burden would be placed on lending institutions in forcing them to make this determination without specific criteria.

5. The regulations have been modified to clarify that HUD will consider applications by lenders for the allocation of insurance or direct loan authority in excess of the needs of its own mortgagors. This provision accommodates the fact that under certain circumstances lenders may be asked to provide assistance to other delinquent mortgagors if some lenders are unwilling to participate in the program. However, applications for insurance or direct loan authority are expected to be related primarily to the needs of the lending institution.

6. The section which describes the terms of the note in connection with emergency loans has been revised in order to make it clear to all lending institutions that the note may be accelerated at the option of the holder if the underlying first mortgage is in default after the emergency period has expired.

7. The phrase "to the best of his knowledge" has been added to the lending institution's certification on a number of the forms shown in the appendices to the final regulations. This phrase was added because of the extent to which lenders must rely on information supplied by the homeowner in determining eligibility under the Emergency Homeowners' Relief Program.

The revisions cited above incorporate to a significant extent a number of comments on the proposed regulations. Certain suggestions contained in the comments HUD received were incorporated in their entirety, while others were included only in part.

Major program issues which were included in the comments, but did not directly result in revisions to the proposed regulations are set forth below:

1. *Selection of the "trigger" rate.* A number of those who commented on the proposed regulations indicated that they considered that the "trigger" rate (1.20 percent for the composite delinquency index) was set too high. The Department reconsidered its initial decision to set the rate at 1.20 percent, but is still convinced that the rate is appropriate and that "widespread foreclosures and distress sales of homes" are not likely to develop unless the composite index reaches the trigger point. Moreover, HUD continues to believe that voluntary forbearance by lenders for mortgagors who cannot make their payments due to temporary adverse economic circumstances is preferable to the standby program.

2. *Regional versus national implementation.* Several comments received suggested that the Emergency Homeowners' Relief Program should be implemented on a regional rather than a national basis. Those who commented on this issue indicated that consideration should be given to regional and local housing markets with higher delinquency rates than the national average. The Department continues to believe that in view of the equity issues raised by a regional approach and because of severe data limitations, a national approach to the implementation of the Emergency Homeowners' Relief Program is necessary. The Department has just completed another review of the potential sources of regional data and again concluded that the data which are available do not provide satisfactory measures of the levels and trends in delinquencies and foreclosures on a local or regional basis.

3. *Discretionary authority of the Secretary.* Objections were raised to the fact that under the proposed regulations the standby program would not automatically be implemented even if the "trigger" rate is reached. The Department continues to consider it essential that the Secretary retain discretion even under those circumstances in order to determine whether such a rate portends increased foreclosures or, for example, simply indicates a statistical aberration or widespread voluntary forbearance. The Secretary will also consult with other Federal agencies before making a judgment as to implementation.

4. *Request for allocation authority.* A suggestion was made that lenders be allowed to submit an application for insurance or direct loan authority before the program is implemented so that they would be in a position to offer immediate relief to homeowners once the program is implemented. Realizing the need to provide prompt assistance to homeowners, HUD has made a considerable effort to develop a system which will permit lenders prompt access to insurance and direct loan authority if the program is implemented. Given this, and in view of the fact that a lender's request for program authority prior to actual implementation may bear little relationship to their actual needs at the time of implementation, it was decided not to incorporate this suggestion into the final program regulations.

5. *Risk under the direct loan program.* One respondent suggested that since lending institutions would be acting only as HUD's servicer under the direct loan program, HUD should assume 100 percent of the risk under this program. However, there are a number of reasons why HUD thinks that such servicers should bear a portion of the risk under the direct loan program. First, the risk sharing feature of the direct loan program provides the lending institution with an incentive to see to it that appropriate underwriting standards are followed. Second, since the lending institution is a major beneficiary of the program, inasmuch as some of its delinquent loans will be brought current, it should be willing to share a portion of the risk. Finally, HUD feels it is necessary to include a risk provision in the direct loan program so as not to discourage the use of the coinsurance program.

6. *Title search.* Some lenders feel that it is prudent to require a title search as a condition for granting an emergency loan, and they feel that the cost of a title search should be recoverable from the homeowner. HUD, on the other hand, believes that the cost of a title search represents an unnecessary financial burden which a family applying for assistance under this program could ill afford to pay. The Department is willing to accept the added risk by not requiring a title search and instead accept the lender's judgment of the truthfulness of the borrower.

7. *Late charges.* One of those who commented suggested that lenders should be allowed to collect late charges in connection with the emergency loan. HUD has decided not to adopt this recommendation. Based on HUD's considerable experience with the use of late charges under some of the other programs it administers, the Department feels that the problems which might arise as a result of adding a late charge provision would far outweigh the possible benefits.

8. *Servicing fee for direct loans.* Some lending institutions indicated that since they would be acting as HUD's servicer under the direct loan program they should be entitled to a servicing fee. HUD, on the other hand, believes that any actions taken by the lending institutions on behalf of HUD under the Emergency Homeowners' Relief Program should be considered part of their normal servicing activity. In addition, since, as was pointed out earlier, lenders will benefit from the direct loan program, the Department sees no reason to pay the lending institution a fee for its participation in this program.

9. *Special repayment provision for low-income families.* A suggestion was made to allow low-income families to make their emergency loan principal repayments over a longer period of time or to allow these families to wait to begin principal repayments until after the first mortgage has been paid off. While HUD realizes that the repayment of the emergency loan may pose a greater problem to lower income families, eligibility for assistance under the coinsured and direct loans programs is predicated on the fact that the homeowner has a reasonable prospect of being able to repay both the emergency and delinquent loan once the temporary period of unemployment or underemployment has passed.

10. *Problems arising from long redemption periods.* One comment indicated that in Illinois homeowners would face foreclosure about 30 days after the date of a missed payment, because of the 1-year redemption period. However, § 2700.335(d) gives the Secretary authority to extend the time within which a claim must be submitted. Such extensions will be allowed to remedy problems arising in jurisdictions with especially long redemption periods. When the Secretary deems it appropriate, interest during the extension period will be allowed as part of the claim.

11. *Use of direct loan program.* A recommendation was made that use of the direct loan program should not be predicated on the fact that the lending institution cannot make coinsured emergency relief loans. HUD has decided to retain this provision in its final regulations because it believes that it is necessary to encourage lending institutions to use the coinsured loan program. The Department believes that this requirement is particularly appropriate in view of the limited funds available under the Emergency Homeowners' Relief Program and because the Federal Home Loan Bank Board and other Federal agencies have indicated their willingness to consider making advances to financial institutions for the purpose of making coinsured loans if the program is implemented.

After the proposed regulations were published, it was determined, on the basis of an opinion of HUD's General Counsel's Office, that in general all homes in areas having special flood hazards would be ineligible for assistance under the Emergency Homeowners' Relief Act, unless they are covered by flood insurance. Therefore, flood insurance in the amount of the emergency loan has been made a requirement of the program.

In addition, HUD has determined that servicers should handle unimportant litigation relating to the collection of direct loans. A provision to that effect has been included in the final rule, subject to approval of the Department of Justice.

The Department also decided to include an additional form in the final regulations. The income certification form (Appendix 8) was adopted as a guide for use by lenders/servicers, at their option, to document their determination that a homeowner has incurred a substantial reduction in income as defined in § 2700.5(s) and is therefore eligible for assistance under the Emergency Homeowners' Relief Program.

Environmental and inflation impact statements relative to the subject amendments have been prepared and will be available for public inspection during normal business hours at the office of the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

In consideration of the foregoing, and pursuant to authority contained in Section 211 of the National Housing Act, 12 U.S.C. 1701 et seq., Chapter XV of Title 24 of the Code of Federal Regulations is added as follows:

Subpart A—General

Sec.
2700.1 Purpose.
2700.5 Definitions.
2700.10 Determination of emergency.

Subpart B—Eligibility

2700.101 Eligible properties.
2700.105 Eligible lending institutions.
2700.110 Eligible homeowners.

Subpart C—Terms of Emergency Loans

2700.201 Eligible notes and mortgages.
2700.205 Loan amount.
2700.210 Finance charges.

Subpart D—Coinsurance

2700.301 Loan applications.
2700.305 Conditions of insurance.
2700.310 Fees.
2700.315 Insurance premiums.
2700.320 Servicing.
2700.325 Termination.
2700.330 Default.
2700.335 Claims.
2700.340 Payment of insurance benefits.
2700.345 Administrative reports and examinations.
2700.350 Sale, assignment, and pledge of insured loan.

Subpart E—Direct Loans

2700.401 Participation by lending institutions.
2700.405 Application for loans.
2700.410 Transmittal of funds.
2700.415 Fees.
2700.420 Servicing.
2700.425 Default.
2700.430 Collection.
2700.435 Payment to Secretary.
2700.440 Administrative reports and examination.

Subpart F—Appendices

Appendix 1—Application for insurance or direct loan authority allocation—application for contract.
Appendix 2—Application for insured loan.
Appendix 3—Premium form.
Appendix 4—Insurance claim form.
Appendix 5—Application for direct loan.
Appendix 6—Monthly accounting of direct loans.
Appendix 7—Direct loan final accounting.
Appendix 8—Income computation form.

AUTHORITY: Sec. 108(a), 12 U.S.C. 2707, 89 Stat. 252, Pub. Law 94-50

Subpart A—General

§ 2700.1 Purpose.

The purpose of this chapter is to describe and establish a standby program, authorized by the Emergency Homeowners' Relief Act, to prevent widespread mortgage foreclosures and distress sales of homes resulting from the temporary loss of employment and income. If it becomes necessary to implement the program, HUD would provide emergency relief under the standby program by coinsuring loans made by private lenders or by making direct loans to homeowners to assist them in making their mortgage payments. In the event that this emergency program is needed, coinsurance under Subpart D is intended to be the primary method of assistance.

§ 2700.5 Definitions.

For purposes of this chapter:

(a) "Act" means the Emergency Homeowners' Relief Act.

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(b) "Delinquent mortgage" means a mortgage which is at least 3 months delinquent at the time of the application for assistance under this chapter and with respect to which such assistance is to be used or has been used to make payments.

(c) "Department" and "HUD" mean the Department of Housing and Urban Development.

(d) "Direct loan" means an emergency loan made pursuant to Subpart E with funds of the United States of America, evidenced by a note payable to the United States of America.

(e) "Emergency loan" means an emergency mortgage relief loan made pursuant to this chapter.

(f) "Family" means one or more persons related by blood, marriage, or operation of law, who occupy the same dwelling unit.

(g) "Finance charge" means the cost of credit as determined in 12 CFR § 226.4, a section in "Regulation Z" of the Federal Reserve System's regulations on Truth in Lending.

(h) "Financially unable to make full mortgage payments" means that a homeowner is unable to make his monthly mortgage payment with 25 percent of his gross monthly income and that his assets (excluding the equity in his principal residence, household furniture, equipment used in his trade, clothing and automobiles) have a current value not in excess of $5,000.

(i) "Gross monthly income" means the total monthly income, before taxes and other deductions, received by all members of the homeowner's family. There shall be included in this total income all wages, social security payments, retirement benefits, military and veteran's disability payments, unemployment benefits, welfare benefits, food stamp benefits, and interest and dividend payments.

(j) "Homeowner" means a mortgagor or mortgagors who are in need of mortgage assistance pursuant to this chapter.

(k) "Investor" means a lending institution which owns a delinquent mortgage. The investor may also be the lender or servicer.

(l) "Involuntary unemployment or underemployment due to adverse economic conditions" means the status of a homeowner who is able to work full-time in work which is suitable for the homeowner on the basis of experience and training, who is available for and actively seeking such suitable work, and who is either totally unemployed or working part-time in any job, suitable or unsuitable, or working full-time in work which is unsuitable, but who has suffered a substantial reduction in income. (Registration with the local office of the state employment service will be considered one form of evidence of active search for work.)

(m) "Lender" means a lending institution which makes an emergency loan pursuant to Subpart D, or its assignee or successor in interest.

(n) "Mortgage" means any mortgage, deed of trust, executory land sales contract, conditional sales contract, or other form of security and the obligation secured thereby on a one- to four-family dwelling which is either real estate or a mobile home. It includes a mortgage on a condominium unit and a security interest in stock in a housing cooperative.

(o) "Monthly mortgage payment" means the monthly amount of principal, interest, taxes, ground rents, hazard insurance and mortgage insurance premiums due to be paid under a homeowner's mortgage(s).

(p) "Secretary" means the Secretary of Housing and Urban Development.

(q) "Servicer" means a lending institution which services an emergency loan made by the Secretary pursuant to Subpart E.

(r) "Servicing institution" means the lending institution that services the delinquent mortgage. The servicing institution may also be the lender or servicer.

(s) "Substantial reduction in income" means that the homeowner's average gross monthly income during the period the homeowner is in arrears on the delinquent mortgage is less than 80 percent of his average gross monthly income during the 24 month period preceding the beginning of his involuntary unemployment or underemployment.

§ 2700.10 Determination of emergency.

(a) The Department has constructed a nationwide composite index of delinquencies of 60 days or more (including loans in the process of foreclosure) for mortgage loans on one- to four-family dwellings. It is a quarterly index which is based on a weighted average of delinquency rates published by: the Veterans Administration, the National Association of Mutual Savings Banks, the Mortgage Bankers Association of America, the American Life Insurance Association, and the U.S. League of Savings Associations. The rates are weighted according to the percentage of the long-term mortgage loans, held by the respective lender group represented by the data in each individual series at the end of each quarter.

(b) If the composite rate of delinquencies should reach 1.20 percent the Secretary will, after consultation with the Federal agencies that regulate institutions which make home mortgage loans, make a finding and determination as to whether the Act should be implemented. If the determination of the Secretary is not to implement the Act, and if the composite rate of delinquencies should continue at a level of 1.20 percent or above, the Secretary shall continue to consult with such agencies and shall issue such a finding and determination at the end of each 30 day period during which the rate is at or above the 1.20 percent level.

(c) If the Emergency Homeowners' Relief Program is activated pursuant to paragraph (b) of this section, the Secretary shall publish a notice thereof in the Federal Register, inviting lending institutions qualified under § 2700.105 that are interested in participating in the program to submit a request for an insurance or direct loan authority allocation in the form specified in Appendix 1. Such request shall also serve as an application for a contract of insurance pursuant to Subpart D, or for a contract to act as the Secretary's servicer pursuant to Subpart E, depending on the type of allocation requested. The allocation request may be based upon anticipated applications with respect to mortgages held by other institutions. In such a case, the requesting institution should indicate the basis for its estimate of the number of such mortgages and the amount of assistance which will be sought pursuant thereto. An allocation of insurance authority shall constitute acceptance by the Secretary of the lending institution's application for a contract of insurance, the terms of which are embodied in this chapter. Similarly, an allocation of direct loan authority shall constitute acceptance by the Secretary of the institution's application for a contract to act as the Secretary's servicer, the terms of which are embodied in this chapter.

(d) If, after the program is activited, the Secretary determines that the emergency conditions which led to the activation of the program have abated, no new emergency loans may be made. Furthermore, if an allocation is not used as the applicant represented that it would be used, all or part of the unused allocation may be rescinded by the Secretary. Moreover, no emergency loans may be made after June 30, 1976.

Subpart B—Eligibility

§ 2700.101 Eligible properties.

In order to qualify for an emergency loan under Subpart D or Subpart E of this part, the mortgaged property must:

(a) be the principal residence of the homeowner;

(b) be subject to a delinquent mortgage, as defined in § 2700.5, but not subject to liens having a total outstanding principal balance at the time of filing of the application for an emergency loan under this chapter in excess of $55,000, or such other amount as approved by the Secretary; and

(c) have flood insurance, pursuant to the National Flood Insurance Program, in an amount equal to at least the initial principal amount of the emergency loan, if the property is located in an area that has been identified by the Secretary at least one year before the origination of the emergency loan as an area having special flood hazards.

§ 2700.105 Eligible lending institutions.

(a) In order to participate in the Emergency Homeowners' Relief Program as a lender or servicer, a lending institution must be approved as a mortgagee pursuant to §§ 203.1 through 203.4 (except § 203.4(e)) of this title.

(b) Approval of a lending institution pursuant to paragraph (a) of this section may be withdrawn at any time by notice from the Secretary by reason of:

(1) the transfer of an insured loan to a nonapproved entity;

(2) the failure of a lending institution to submit the required annual audit report of its financial condition within 75 days of the close of its fiscal year; or

(3) the failure of a lending institution to comply with the regulations of this chapter.

Withdrawal of a lending institution's approval shall not affect the insurance on the loans accepted for insurance.

(c) All approved lending institutions are responsible for servicing of emergency loans in accordance with acceptable mortgage practices of prudent lending institutions.

§ 2700.110 Eligible homeowners.

In order to qualify for an emergency loan under Subpart D or Subpart E the homeowner must:

(a) be at least 3 months in arrears in his payments on the delinquent mortgage;

(b) have incurred a substantial reduction in income as a result of involuntary unemployment or underemployment due to adverse economic conditions;

(c) be financially unable to make full mortgage payments on his principal residence;

(d) have a reasonable prospect of being able to make the adjustments necessary for a full resumption of mortgage payments on the delinquent mortgage the month after the last advance under the emergency loan and for the repayment of the emergency loan pursuant to the terms of the note taken in connection with that loan (a favorable employment and credit history prior to the beginning of his current unemployment or underemployment will be considered one form of evidence of the homeowner having such a prospect);

(e) have not received another emergency loan pursuant to this chapter;

(f) have been notified that the investor intends to foreclose; and

(g) sign the application to be sent to the Secretary, as specified in Appendices 2 and 5 to this Part, which certifies that to the best of his knowledge the information in the application which the homeowner provided is accurate, that circumstances make it probable that there would be a foreclosure if emergency mortgage relief were not given, and that he is in need of such relief.

Subpart C—Terms of Emergency Loans

§ 2700.201 Eligible notes and mortgages.

(a) The note, mortgage and lending agreement, if any, in connection with an emergency loan pursuant to Subpart D or E of this part shall be in a form, approved by the Regional Administrator of the HUD Regional Office, for the state in which the mortgaged property is located.

(b) The note evidencing the emergency loan shall bear the signature of the homeowner as maker, shall be valid and enforceable against him, and shall be complete and regular on its face.

(c) Loans shall be secured by an additional mortgage upon the property which shall be recorded at the time of the closing of the loan.

(d) The note, or a separate lending agreement which may be incorporated by reference in the note, shall provide for the disbursement of the loan proceeds within 12 months. However, the note or lending agreement shall provide that if at any time before the last disbursement under the emergency loan is made, the homeowner's average gross monthly income during the preceding 3 months has increased or decreased by 20 percent or more in relation to the gross monthly income of the homeowner at the time the loan amount was established, the homeowner must notify the lender or servicer within 30 days. In such a case, the emergency loan shall be recast with respect to the amount of principal and interest on the basis of the homeowner's new income in such a way as to satisfy the requirements of § 2700.205(a).

(e) The maximum first disbursement of the loan proceeds may be in an amount equal to the loan amount as determined under § 2700.205 divided by 12, times the number of months, not exceeding 12, that the delinquent mortgage is in arrears.

(f) The note shall provide for payments to principal in equal installments falling due monthly beginning no later than 12 months following the date of the last disbursement of loan proceeds.

(g) The note shall provide for payments of interest earned during the disbursement period and interest earned thereafter beginning no later than 6 months following the date of the last disbursement under the loan.

(h) The note shall contain a provision for acceleration of maturity, at the option of the holder, in the event of default on the emergency loan, as defined in § 2700.330(b) and § 2700.425(b).

(i) The maximum permissible maturity of the note is 10 years from the date of the note.

§ 2700.205 Loan amount.

(a) Subject to the limitation specified in paragraph (b) of this section, the principal amount of the loan, exclusive of finance charges, made under Subparts D and E of this part shall be equal to the lesser of:

(1) 12 times $250; or

(2) the sum of (i) 12 times the homeowner's monthly mortgage payment after 25 percent of his monthly income has been subtracted therefrom, and (ii) the fees allowed under §§ 2700.310(a) and 2700.415(a).

(b) The lender or servicer shall not approve an emergency loan when the outstanding balance, including delinquent interest, of the delinquent mortgage when added to the other liens against the mortgaged property, plus the maximum loan which may be advanced to the homeowner pursuant to this chapter, exceeds the value of the mortgaged property. (In determining the value of the property, the lender or servicer may rely upon previously obtained appraisals or other determinations of value of the property and need not obtain a current appraisal.)

§ 2700.210 Finance charges.

The maximum permissible finance charge, exclusive of fees and charges as provided in §§ 2700.310, and 2700.415, which may directly or indirectly be paid to or collected by the lender or the servicer in connection with an emergency loan transaction shall not exceed simple interest on the outstanding principal balance at the annual interest rate for FHA-insured home mortgages as specified in § 203.20 of this title at the time of the closing of the loan. No points or discounts of any kind may be assessed or collected in connection with an emergency loan transaction.

Subpart D—Coinsurance

§ 2700.301 Loan applications.

(a) Lending institutions which have contracts of insurance pursuant to § 2700.10(c) and this subpart are authorized to accept, process, and approve applications for emergency loans under this subpart. That authority includes making determinations relating to eligibility of the emergency loan, the homeowner, and the property under the provisions of this chapter.

(b) A lender may make an emergency loan on the terms specified in Subpart C if it is satisfied that the application meets all of the relevant requirements of this chapter. The lender shall prepare a note, loan agreement, if any, and mortgage as required by Subpart C of this part which it shall record upon the execution of those documents.

(c) On the last working day of the month during which a loan is closed, the lender shall submit to the Secretary an application for an insured loan in the form specified in Appendix 2 of this part, signed by the lender and homeowner, which certifies that: the lender, homeowner, and property meet the eligibility requirements of Subpart B of this part, that circumstances (such as the volume of delinquent loans in the investor's portfolio likely to remain uncured) make it probable that there would be a foreclosure if emergency mortgage relief were not given; that the homeowner is in need of such relief; that the investor has indicated to the homeowner its intention to foreclose; and that the first disbursement of the principal amount of the emergency loan has been paid or credited to the homeowner's account with the servicing institution.

§ 2700.305 Conditions of insurance.

When the requirements of this subpart have been complied with, the lender's insurance coverage under its insurance contract will apply to a particular loan as of the date of closing, if the lender has not exceeded the insurance authority allocation which the Secretary has given the lender pursuant to § 2700.10(c). When the investor is the lender, the insurance of the emergency loan pursu-

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ant to Subpart D shall be conditioned upon the investor's agreement, for a period up to the month after the last advance under the emergency loan, to refrain from instituting foreclosure proceedings against the homeowner as long as the amount delinquent at the time of the origination of the emergency loan, excluding interest thereon, does not increase, unless the prior approval of the Secretary is obtained. From the effective date of the loan until the termination of the insurance with respect to that loan, the Secretary and the lender shall be bound by the provisions of this chapter as they relate to the loan.

§ 2700.310 Fees.

(a) The lender may collect from the homeowner during the year following the origination of the emergency loan the following fees or charges in conjunction with providing the emergency loan:

(1) A charge to compensate the lender for expenses incurred in originating and closing the emergency loan, including preparation of a note, loan agreement, if any, and a mortgage in a form satisfactory for recordation, the total charge not to exceed $25;

(2) Actual amounts charged by state or local governments or government officials for recording fees and recording taxes or other charges incident to making the loan;

(3) An amount equal to the annual premium for flood insurance required by § 2700.101(c) (the lender shall pay the homeowner's flood insurance premium for that year to the extent it collects such an amount); and

(4) An amount equal to the annual mortgage insurance premium required under § 2700.315.

(b) Subsequent to the year following the origination of the emergency loan and up to the termination of insurance under § 2700.325, the lender may collect from the homeowner the following fees and charges in connection with the emergency loan: an amount equal to the mortgage insurance premium required under § 2700.315.

§ 2700.315 Insurance premium.

(a) On March 1 of each year the insured shall pay to the Secretary an insurance premium equal to one-half of 1 percent of the average outstanding balance, during the previous calendar year, of all the emergency loans which the lender held during that period pursuant to this part.

(b) With respect to the payment provided for in paragraph (a) of this section, the lender shall submit a breakdown of the premium in the form prescribed in Appendix 3 to this part.

(c) Any adjustments of the insurance premium already paid in connection with an emergency loan the mortgage on which is transferred between insureds, shall be made by the insureds, except that any unpaid installments of the insurance premium shall be paid by the purchasing insured.

(d) There shall be no refund or abatement of any portion of the insurance premium except when the premium relates to a loan found to be ineligible. However, no refund shall be made unless a claim is denied by the Secretary or the ineligibility is reported by the insured promptly upon discovery and an application for refund is made. In no event shall charges be refunded when the application for refund is not made until after the loan is paid in full.

§ 2700.320 Servicing.

Servicing functions during the period that the loan is coinsured shall be performed by the lender or the servicing institution acting for the lender. The lender is responsible to the Secretary for proper servicing, even though the actual servicing is not performed by the lender.

§ 2700.325 Termination.

The insurance coverage and the insured lender's obligation to remit insurance premiums with respect to an emergency loan shall be terminated upon whichever of the following first occurs:

(a) the loan is paid in full;

(b) the lender acquires the property securing the loan and notifies the Secretary that no claim for insurance benefits has been or will be made;

(c) the homeowner and the lender jointly request termination; or

(d) the lender files an insurance claim pursuant to § 2700.335.

§ 2700.330 Default.

(a) If the homeowner fails to make a scheduled payment or to perform any other obligation under the mortgage securing the emergency loan, the homeowner shall be deemed to be delinquent on the loan.

(b) For purposes of this subpart, the date of default shall be the earliest of:

(1) 30 days after the first day the homeowner is delinquent on the emergency loan, if the delinquency remains uncorrected;

(2) The date the mortgaged property is sold before full repayment of the emergency loan; and

(3) The date a lien superior to that securing the emergency loan is foreclosed.

(c) If after default and prior to the foreclosure of the mortgage securing the emergency loan, the homeowner cures the default, the loan shall be treated as if a default had not occurred, provided the homeowner pays the lender for any expenses the lender incurred in connection with the lender's attempt to collect on the loan.

§ 2700.335 Claims.

(a) Claims for reimbursement for loss on an emergency loan shall be made on the form specified in Appendix 4 and executed by a duly qualified officer or agent of the insured. The claim shall be accompanied by the lender's complete credit and collection file, or a copy of such file certified by the lender to be a complete and exact copy of the file retained by the lender pertaining to the transaction.

(b) Claims may be filed upon the homeowner's default on the emergency loan.

(c) When the homeowner defaults on the emergency loan, the lender may elect to (1) proceed against the mortgage on the loan or attempt to collect on the note and then make a claim under its insurance contract if there is any net loss, or (2) make a claim under its insurance contract without proceeding against the security or the note.

(d) Claims shall be filed on the last working day of the month, no later than 90 days after the date of default, unless the lender proceeds against the mortgage securing the emergency loan in which case no later than 1 year after the date of default, or such other time period as the Secretary approves. If at the time of default or at any time subsequent to the default a person primarily or secondarily liable for the repayment of a loan is a "person in military service," as such term is defined in the Soldier's and Sailor's Civil Relief Act of 1940, as amended, the lender shall refrain from instituting foreclosure proceedings during the period which he is in military service and 3 months thereafter and that period shall be excluded in computing the time within which a claim for insurance benefits under this subpart may be made.

(e) An insured lender will be reimbursed for its losses on loans made in accordance with this chapter, in an amount equal to 90 percent of the sum of the following:

(1) The unpaid principal amount of the loan less the amount recovered;

(2) The uncollected interest earned up to the date of claim;

(3) Uncollected court costs, including fees paid for issuing, serving and filing summonses;

(4) Attorney's fees actually paid not exceeding the lesser of (i) 25 percent of the amount collected by the attorney on the defaulted note, or (ii) 15 percent of the balance due on the note; and

(5) Up to $25 for expenses actually incurred in recording assignments of mortgages to the United States of America.

(f) The note and any mortgage held or judgment taken by the claimant must be assigned in its entirety and if any claim has been filed in bankruptcy, insolvency, or probate proceedings, such claim shall be likewise assigned to the United States of America. The assignment shall be in the form, approved by the Regional Administrator of the HUD Regional Office, for the state in which the mortgaged property is located.

§ 2700.340 Payment of insurance benefits.

Upon receipt of a claim for insurance benefits which meets the requirements of § 2700.335 and the other provisions of this chapter, the Secretary shall make a payment of insurance benefits in cash to the claimant in an amount equal to the amount specified in § 2700.335(e), subject to the following limitation: the aggregate amount of insurance benefits payable by the Secretary to any lender shall not exceed 40 percent of the aggregate amount advanced by such lender pursuant to this subpart.

§ 2700.345 Administrative reports and examination.

At any time, the Secretary may call upon an insured lender for such reports as are deemed to be necessary in connection with the regulations of this chapter and may inspect the books or accounts of the lender as they pertain to the loans which are coinsured pursuant to this subpart.

§ 2700.350 Sale, assignment and pledge of insured loan.

(a) No lender may sell or otherwise dispose of any insured loan except pursuant to this section.

(b) An insured loan may be sold to a lending institution eligible under § 2700.105. Upon such sale, both the seller and the buyer shall notify the Secretary within 30 days.

(c) When an insured loan is sold to another lending institution eligible under § 2700.105, the buyer shall thereupon succeed to all the rights and become bound by all the obligations of the seller under the contract of insurance under this part, and the seller shall be released from its obligations under the contract of insurance.

(d) An assignment, pledge, or transfer of an insured loan not constituting an actual transfer of legal title, may be made by the lender to another eligible lending institution, subject to the following conditions:

(1) The assignor, pledgor or transferor shall remain the lender for purposes of the contract of insurance under this part.

(2) The Secretary shall have no obligation to recognize or deal with any party other than that lender with respect to the rights, benefits and obligations of the lender under the contract of insurance.

Notice to or approval of the Secretary is not required in connection with assignments, pledges, or transfers pursuant to this subsection.

Subpart E—Direct Loans

§ 2700.401 Participation by lending institutions.

A lending institution eligible under § 2700.105, which has a contract to act as the Secretary's servicer pursuant to § 2700.10(c) and this subpart, is authorized to accept, process and approve applications for direct loans under this subpart in the form specified in Appendix 5 to this part. That authority includes making determinations relating to the eligibility of the direct loan, homeowner, and property, pursuant to the provisions of this chapter. Direct loans, however, may only be made pursuant to this part when the investor cannot make an emergency loan under Subpart D of this part for one of the following reasons:

(a) the investor has a liquidity problem and cannot obtain advances as authorized by Section 113 of the Emergency Homeowners' Relief Act or by Section 10, 10b and 11 of the Federal Home Loan Bank Act; or

(b) other good reason, as determined by the Secretary.

§ 2700.405 Application for loan.

The agreement to process an application for a direct loan shall constitute an acceptance of the lending institution of the responsibility to act as the servicer of the Secretary with respect to that particular application. The servicer shall make a loan on behalf of the Secretary on the terms specified in Subpart C of this part if it is satisfied that the application meets all of the requirements of this chapter. The servicer shall prepare a note, loan agreement, if any, and mortgage in the form specified in § 2700.201. The servicer shall record the mortgage upon the closing of the loan. The servicer shall make the first advance of the loan, as provided for in § 2700.201(e), using its own funds. On the last working day of the month during which the loan is closed, the servicer shall submit to the Secretary a copy of the application signed by the agent and the homeowner certifying: that the agent, homeowner, and property qualify under Subpart B of this part; that circumstances (such as the volume of delinquent loans in the investor's portfolio likely to remain uncured) make it probable that there would be a foreclosure if emergency mortgage relief were not given; that the homeowner is in need of such relief; that the investor has indicated to the homeowner its intention to foreclose; and that the first advance of the emergency loan has been paid or credited to the homeowner's account with the servicing institution.

§ 2700.410 Transmittal of funds.

When the requirements of this part have been complied with, the Secretary will transmit to the servicer, pursuant to the monthly accounting prescribed in § 2700.420, the emergency loan proceeds as long as the agent has not exceeded the lending authority allocation which the Secretary has given the servicer pursuant to § 2700.10(c). When the investor is the servicer, the transmittal of funds under this section shall be conditioned upon the investor's agreement, for a period up to the month after the last advance under the emergency loan, to refrain from instituting foreclosure proceedings against the homeowner as long as the amount delinquent at the time of the origination of the emergency loan, excluding interest thereon, does not increase, unless the Secretary's prior approval is obtained. From the processing of the application until the satisfaction of the debt or the final accounting pursuant to § 2700.435, the Secretary and the servicer shall be bound by the provisions of this chapter with respect to a particular direct loan.

§ 2700.415 Fees.

(a) The servicer may collect from the homeowner during the year following the origination of the emergency loan the following fees or charges in conjunction with providing the emergency loan:

(1) A charge to compensate the servicer for expenses incurred in originating and closing the emergency loan, including preparation of a note, loan agreement, if any, and a mortgage in a form satisfactory for recordation, the total charge not to exceed $25;

(2) Actual amounts charged by state or local governments or government officials for recording fees and recording taxes or other charges incident to making the loan;

(3) An amount equal to the annual premium for flood insurance required by § 2700.101(c) (the servicer shall pay the homeowner's flood insurance premium for that year to the extent it collects such an amount); and

(4) An amount equal to the annual premium required under § 2700.420(d).

(b) Subsequent to the year following the origination of the emergency loan and up to the final accounting on the loan under § 2700.435, the servicer may collect from the homeowner the following fees and charges: an amount equal to premium required under § 2700.420(d).

§ 2700.420 Servicing.

(a) Servicing functions during the period that the loan is outstanding shall be performed by the servicer.

(b) On the same day each month, while the servicer is servicing direct loans for the Secretary, the servicer shall submit a monthly accounting in the form prescribed in Appendix 6 to this part for all of the direct loans which it services. The accounting shall list the amount of funds which it advanced under direct loans during the previous calendar month. In addition, the accounting shall list the amount paid to the servicer under the direct loans serviced by the servicer during the previous calendar month.

(c) If, pursuant to the monthly accounting, the amount HUD owes the servicer exceeds the amount the servicer owes HUD, the Secretary shall remit the difference to the servicer as long as the Secretary finds the accounting in order. If, pursuant to the monthly accounting, the amount the servicer owes HUD exceeds the amount HUD owes the servicer, the servicer shall remit the difference when he submits the monthly accounting to the Secretary.

(d) In March of each year, the servicer, in addition to making its monthly accounting, shall pay to the Secretary a premium equal to one half of 1 percent of the average outstanding balance during the previous calendar year of all the direct loans it serviced during that period. That payment shall be accompanied by a breakdown of the premium in the form prescribed in Appendix 3 to this part.

§ 2700.425 Default.

(a) If the homeowner fails to make any payment or to perform any other obligation under the mortgage securing the emergency loan, the homeowner shall be deemed to be delinquent on the loan.

(b) For purposes of this subpart, the date of default shall be the earliest of:

(1) 30 days after the first day the homeowner is delinquent on the emergency loan, if the delinquency remains uncorrected;

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Subpart F—Appendices

(2) The date the mortgaged property is sold before full repayment of the emergency loan; and

(3) The date a lien superior to that securing the emergency loan is foreclosed

(c) If after default and prior to the foreclosure of the mortgage securing the emergency loan, the homeowner cures the default, the loan shall be treated as if the default had not occurred, provided the homeowner pays the servicer for any expenses the servicer incurred in connection with the servicer's attempt to collect on the loan.

§ 2700.430 Collection.

(a) If a homeowner defaults on a direct loan, the servicer shall elect to (1) proceed against the mortgage securing the loan or attempt to collect on the note and then to make an accounting and payment to the Secretary, as provided in § 2700.435, or (2) make an accounting and payment to the Secretary without proceeding against the mortgage or the note. Any collection-related litigation involving novel or important matters, as determined by the Secretary, shall be handled by the United States Attorney. In order to make such determinations, a copy of all documents filed with a court in connection with such litigation shall be sent to the Office of General Counsel, Room 10214, 451 7th Street, SW., Washington, D.C. 20410. The Department will inform the servicer if any litigation it is pursuing with respect to direct loans is deemed to involve novel or important matters.

(b) If at the time of default or at any time subsequent to the default, a person primarily or secondarily liable for the repayment of a loan in a "person in military service," as such term is defined in the Soldier's and Sailor's Civil Relief Act of 1940, as amended, the servicer shall refrain from instituting foreclosure proceedings against the homeowner during the period he is in the military service and 3 months thereafter and that period shall be excluded in computing the time within which an accounting and payment are to be made pursuant to § 2700.435.

§ 2700.435 Payment to the Secretary.

(a) Before the expiration of the period of 90 days after the date of default, unless the servicer proceeds against the mortgage in which case before the expiration of the period of one year after the date of default, or such other time period as the Secretary approves, the servicer shall transmit to the Secretary on the last working day of the month: (1) the complete credit and collection file pertaining to the emergency loan; and (2) the amount recovered less the sum of (i) uncollected court costs, including fees paid for issuing, serving and filing summonses and (ii) attorney's fees actually paid, not exceeding the lesser of (A) 25 percent of the amount collected by the attorney of the defaulted note, or (B) 15 percent of the balance due on the note.

(b) At the same time the servicer makes the transmittal as provided in paragraph (a) of this section, it shall share the loss on the loan by making a payment to the Secretary in an amount equal to 10 percent of the sum of the following:

(1) The unpaid principal amount of the loan less the amount recovered;

(2) The uncollected interest earned up to the date of the final accounting;

(3) Uncollected court costs, including fees paid for issuing, serving and filing summonses; and

(4) Attorney's fees actually paid, not exceeding the lesser of (i) 25 percent of the amount collected by the attorney on the defaulted note or (ii) 15 percent of the balance due on the note.

Accompanying that payment shall be a final accounting of the loan in the form specified in Appendix 7 to this part and the note, mortgage securing the loan, and any judgment taken.

(c) Notwithstanding the provisions of paragraph (b) of this section, in the event that aggregate loss borne by the Secretary reaches 40 percent of the aggregate amount advanced by the servicer on behalf of the Secretary under this subpart, the servicer shall bear the burden of any loss in excess of that 40 percent by making an appropriate payment to the Secretary within the time period specified in paragraph (a) of this section.

§ 2700.440 Administrative reports and examinations.

The Secretary may at any time call for a report from any servicer on the delinquency status of the loans serviced by the servicer on behalf of the Secretary or call for such reports as may be deemed to be necessary in connection with the provisions of this chapter, or the Secretary may inspect the books or accounts of the servicer as they pertain to those loans.

Subpart F—Appendices

Appendix 1 - Application for Insurance or Direct Loan Authority Allocation - Application for Contract *Page 40*

HUD FORM NO. KHRA-
December 1975

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
FEDERAL HOUSING ADMINISTRATION

OMB NO.
Approval Expires

EMERGENCY HOMEOWNERS' RELIEF ACT APPLICATION FOR INSURANCE OR DIRECT LOAN AUTHORITY ALLOCATION

Name and Address of Lending Institution:

Date of Application:

Mortgagee Reference Number:

Amount of Allocation Requested (See Note 2) $

Check one: ☐ Insurance authority under 24 CFR, Part 2700, Subpart D.

☐ Direct loan authority under 24 CFR, Part 2700, Subpart E.

FOR OFFICIAL USE ONLY

Amount of Allocation Approved: $

Authorized by *Date*

Send to:
U. S. Department of Housing and Urban Development
Room 6262
451 Seventh Street, S. W.
Washington, D. C. 20410

TOTAL MORTGAGE LOANS HELD BY MORTGAGEE 1/	
Amount of loans ($ in thousands)	$
Number of loans	
MORTGAGE LOANS IN PORTFOLIO WHICH ARE DELINQUENT 90 DAYS OR MORE:	
Amount of loans ($ in thousands)	$
Number of loans	
MORTGAGE LOANS FOR WHICH ALLOCATION IS REQUESTED 2/	
Loans held in Applicant's Name:	
Amount of loans ($ in thousands)	$
Number of loans	
Loans not held in Applicant's Name:	
Amount of loans ($ in thousands)	$
Number of loans	

1/ Includes all mortgage loans held whether serviced or not.
2/ The request for an allocation must be in full compliance with 24 CFR, Section 2700.10. (Request for allocation with respect to delinquent mortgages which the applicant does not hold should be accompanied by any documentation demonstrating the need for the allocation.)
NOTE: For the purpose of this form, mortgage loan means only those loans secured by mortgages as defined in 24 CFR, Section 2700.5

An application for an insurance authority allocation shall constitute an application for a contract of insurance pursuant to 24 CFR, Part 2700, Subpart D. An allocation of insurance authority allocation shall constitute acceptance by the Secretary of the applicant's application for a contract of insurance, the terms of which are embodied in 24 CFR, Chapter XV. An application for direct loan authority allocation shall constitute an application for a contract to act as the Secretary's servicer pursuant to 24 CFR, Part 2700, Subpart E. An allocation of direct loan authority shall constitute acceptance by the Secretary of the applicant's application for a contract to act as the Secretary's servicer, the terms of which are embodied in 24 CFR, Chapter XV.

APPLICANT'S CERTIFICATION: The undersigned applicant certifies that to the best of his knowledge all statements in this application are true, correct and complete.

Signature / Title of Applicant *Date*

PLEASE ENCLOSE A SELF ADDRESSED ENVELOPE WITH THIS APPLICATION FORM

V 40250 DEC 30 75 XUM

Appendix 2 - Application for Insured Loan *Page 41*

HUD FORM NO. EERA -3 December 1975 — U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FEDERAL HOUSING ADMINISTRATION — OMB NO. Approval Expires

EMERGENCY HOMEOWNERS' RELIEF ACT
APPLICATION FOR INSURED LOAN

Name and Address of Lending Institution:	*Date of Application:*
	Date of Allocation Approval:
	Mortgagee Reference Number:

Name and Address of Homeowner Requesting Relief (1):	
Monthly mortgage payment (Principal, interest, taxes, ground rents, hazard insurance and mortgage insurance premiums)	$
Total outstanding principal balance of all liens on the property	$
Amount of interest in arrears	$
Total amount in arrears	$
Number of months Delinquent	
Date of Notice of Intent to Foreclose	
Type of Mortgage in Default (Check one): ☐ *First Mortgage* ☐ *Other (Specify)*	

HOMEOWNER'S INCOME & ASSETS PROFILE (2):	
Average gross monthly income during 24-month period prior to temporary loss of employment or underemployment	$
Average gross monthly income during period of delinquency	$
Homeowner's total assets (excluding equity in principal residence, household furniture, equipment used in trade, clothing and automobiles)	$
EMERGENCY LOAN INFORMATION (3):	
Date of initial disbursement of principal amount	
Amount of initial disbursement	$
Amount of subsequent monthly emergency loan disbursements	$
Total amount of emergency loan	$
Lending Institution's insurance authority allocation (in thousands)	$
Total insured loans made to date (include total amount of emergency loan listed above --- in thousands)	$

NOTES: (1) The Homeowner must meet all eligibility requirements contained in 24 CFR, Section 2700.110.
(2) Homeowner's income as defined in 24 CFR, Section 2700.5(j). (Also, see Appendix 5.)
(3) The emergency loan must comply with all requirements in 24 CFR, Part 2700, Subpart C.

SEND TO:
U. S. Department of Housing and Urban Development
Room 6262
451 Seventh Street, S. W.
Washington, D. C. 20410

WARNING

Section 1001 of the U. S. Criminal Code (18 U. S. C.) provides in part: . . "Whoever, in any matter within the jurisdiction of any department . . . of the United States knowingly and willfully . . . makes any false . . . or fraudulent statements or representations . . . shall be fined not more than $10,000 or imprisoned not more than 5 years, or both."

HOMEOWNER'S CERTIFICATION

The undersigned homeowner certifies that to the best of his knowledge all statements in this application and in all supporting documents are true, correct and complete. Furthermore, the homeowner certifies that to the best of his knowledge circumstances make it probable that there will be a foreclosure without an emergency loan pursuant to 24 CFR, Chapter XV and that he is in need of emergency mortgage relief. The undersigned homeowner also certifies that he is financially unable to make full mortgage payments because of a substantial reduction in income resulting from involuntary unemployment or underemployment due to adverse economic conditions.

Signature of Homeowner

Date

LENDING INSTITUTION'S CERTIFICATION

The undersigned lending institution certifies that to the best of its knowledge all statements in this application and in all supporting documents are true, correct and complete. Furthermore, the undersigned lending institution certifies that to the best of its knowledge the above homeowner is fully qualified for an emergency loan under Chapter XV, 24 CFR, and that the homeowner has a reasonable prospect of being able to make the adjustments necessary for a full resumption of his mortgage payments. The undersigned lending institution also certifies that it has determined on _____ (date) *THAT if the emergency loan were not granted, the investor would foreclose.*

Signature/Title of Official of Lending Institution

Date

NOTE: The lending institution may use any work documents necessary to support the information shown on this form. Such work documents should be retained in the lending institution's file for submission to HUD with any claim made on the insured loan.

Appendix 3 - Premium Form *Page 42*

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF FINANCE AND ACCOUNTING
EMERGENCY HOMEOWNERS' RELIEF PROGRAM

COMPUTATION OF PREMIUM DUE HUD

☐ COINSURED LOAN ☐ DIRECT LOAN

1. NAME AND ADDRESS OF LENDER'S/SERVICER'S

2. MORTGAGEE REFERENCE NUMBER	3. ANNUAL PREMIUM PERIOD
☐☐☐☐ ☐☐☐ ☐☐	_____ (Month and Year) TO _____ (Month and Year)

4. TOTAL AMOUNT OF LOAN PRINCIPAL OUTSTANDING END OF EACH MONTH OF THE PREMIUM PERIOD

JANUARY	FEBRUARY	MARCH	APRIL
$	$	$	$
MAY	**JUNE**	**JULY**	**AUGUST**
$	$	$	$
SEPTEMBER	**OCTOBER**	**NOVEMBER**	**DECEMBER**
$	$	$	$

5. ANNUAL PREMIUM COMPUTATION

a. Sum of Amounts Shown in Block 4	$
b. Average Loans Outstanding *(Line 5a ÷ 12)*	
c. Premium Remittance Enclosed *(Line 5b. X .005)*	$

WARNING

Section 1001 of the U. S. Criminal Code *(18 U.S.C.)* provides in part "Whoever, in any matter within the jurisdiction of any department . . . of the United States knowingly and willfully . . . makes any false . . . or fraudulent statements or representations . . . shall be fined not more than $10,000 or imprisoned not more than 5 years, or both."

6. CERTIFICATION

The undersigned hereby certifies that to the best of his knowledge the amounts listed above comprise the complete basis for the computation of the annual premiums due for the loans insured by HUD or emergency mortgage relief payments serviced by the servicer identified above, and the information shown herein is true and correct to the best of his knowledge and belief.

DATE	TITLE OF OFFICIAL OF THE LENDER/SERVICER	SIGNATURE

HUD-326 (12-75)

V40250DEC3075XUM

Appendix 4 - Insurance Claim Form *Page 43*

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF FINANCE AND ACCOUNTING
EMERGENCY HOMEOWNERS' RELIEF PROGRAM
CLAIM ON DEFAULTED COINSURED LOAN

1. NAME AND ADDRESS *(Include ZIP Code)* OF LENDER	MORTGAGEE REFERENCE NUMBER

2. AMOUNT OF CLAIM	3. DATE OF CLAIM	4. DATE OF DEFAULT	5. DATE OF FORECLOSURE

6. DATES OF MILITARY SERVICE *(If applicable under 24 CFR § 2700.335(c))*	7. FOR HUD USE ONLY CLAIM NUMBER

8. PROPERTY LOCATION	9. NAME AND ADDRESS OF HOMEOWNER

10. COMPUTATION OF CLAIM AMOUNT		
a. Unpaid Principal Balance of Loan	$	
b. Uncollected Interest to Date of Claim		
c. Sum of Principal and Interest Due *(a + b)*		
d. Less: Recoveries		
e. Net Loan Balance Due *(c − d)*		$
f. Court Costs		
g. Attorney s Fees *(as limited by 24 CFR § 2700.335(a))*		
h. Recording Expenses *(not to exceed $25)*		
i. Total Expenses *(f + g + h)*		
j. Total Loss on Loan *(e + i)*		
k. 90% of Loss on Loan *(.9 x j)*		
l. Aggregate Insurance Benefits Received to Date		
m. 40% of Aggregate Amount of Funds Advanced pursuant to 24 CFR, Part 2700.- Subpart D		
n. Amount of Claim *(the lesser of k or (m − l))*		$

WARNING

Section 1001 of the U. S. Criminal Code *(18 U.S.C.)* provides in part: "Whoever, in any matter within the jurisdiction of any department... of the United States knowingly and willfully ... makes any false ... or fraudulent statements or representations ... shall be fined not more than $10,000 or imprisoned not more than 5 years, or both."

CERTIFICATION

The undersigned hereby certifies that to the best of his knowledge the amounts listed above comprise the complete basis of the claim on the insured loan for the property and homeowner identified above, and the information shown herein is true and correct and is documented to the extent required in the credit and collection file transmitted herewith.

DATE	TITLE OF OFFICIAL OF THE LENDER	SIGNATURE

HUD-327 (12-75)

Appendix 5 - Application for Direct Loan *Page 44*

HUD FORM NO. SHEA-3 December 1975 — U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FEDERAL HOUSING ADMINISTRATION — OMB NO. Approval Expires

EMERGENCY HOMEOWNERS' RELIEF ACT
APPLICATION FOR DIRECT LOAN

Name and Address of Lending Institution:	*Date of Application:* *Date of Allocation Approval:* *Mortgagee Reference Number:*

Name and Address of Homeowner Requesting Relief (1):	HOMEOWNER'S INCOME & ASSETS PROFILE (2):	
	Average gross monthly income during 24-month period prior to temporary loss of employment or underemployment	$
	Average gross monthly income during period of delinquency	$
Monthly mortgage payment (principal, interest, taxes, ground rents, hazard insurance and mortgage insurance premiums) $	*Homeowner's total assets (excluding equity in principal residence, household furniture, equipment used in trade, clothing and automobiles)*	$
Total outstanding principal balance of all liens on the property $	EMERGENCY LOAN INFORMATION (3):	
Amount of interest in arrears $	*Date of initial disbursement of principal amount*	
Total amount in arrears $	*Amount of initial disbursement*	$
Number of months delinquent	*Amount of subsequent monthly emergency loan disbursements*	$
Date of Notice of Intent to Foreclose	*Total amount of emergency loan*	$
Type of Mortgage in Default (Check one): ☐ *First Mortgage* ☐ *Other (Specify)*	*Lending Institution's insurance authority allocation (in thousands)*	$
	Total direct loans made to date (include total amount of emergency loan listed above - - - - in thousands)	$

NOTES: (1) The Homeowner must meet all eligibility requirements contained in 24 CFR, Section 2700.110.
(2) Homeowner's income as defined in 24 CFR, Section 2700.5(j). (Also, see Appendix 8.)
(3) The emergency loan must comply with all requirements in 24 CFR, Part 2700, Subpart C.

SEND TO:
U. S. Department of Housing and Urban Development
Room 6262
451 Seventh Street, S. W.
Washington, D. C. 20410

WARNING

Section 1001 of the U. S. Criminal Code (18 U. S. C.) provides in part: . . . "*Whoever, in any matter within the jurisdiction of any department . . . of the United States knowingly and willfully . . . makes any false . . . or fraudulent statements or representations . . . shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.*"

HOMEOWNER'S CERTIFICATION

The undersigned homeowner certifies that to the best of his knowledge all statements in this application and in all supporting documents are true, correct and complete. Furthermore, the homeowner certifies that to the best of his knowledge circumstances make it probable that there will be a foreclosure without an emergency loan pursuant to 24 CFR, Chapter XV and that he is in need of emergency mortgage relief. The undersigned homeowner also certifies that he is financially unable to make full mortgage payments because of a substantial reduction in income resulting from involuntary unemployment or underemployment due to adverse economic conditions.

Signature of Homeowner

Date:

LENDING INSTITUTION'S CERTIFICATION

The undersigned lending institution certifies that to the best of its knowledge all statements in this application and in all supporting documents are true, correct and complete. Furthermore, the undersigned lending institution certifies that to the best of its knowledge the above homeowner is fully qualified for an emergency loan under Chapter XV, 24 CFR, and that the homeowner has a reasonable prospect of being able to make the adjustments necessary for a full resumption of his mortgage payments. The undersigned lending institution also certifies that it has determined on _____ *(date) THAT if the emergency loan were not granted, the investor would foreclose.*

Signature/Title of Official of Lending Institution

Date

NOTE: The lending institution may use any work documents necessary to support the information shown on this form. Such work documents should be retained in the lending institution's file for submission to HUD with final accounting made in connection with the direct loan.

V 40 250 DEC 30 75 XUM

Appendix 6 - Monthly Accounting of Direct Loans *Page 45*

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF FINANCE AND ACCOUNTING
EMERGENCY HOMEOWNERS' RELIEF PROGRAM

MONTHLY ACCOUNTING OF DIRECT LOAN ACCOUNT

1. SERVICER'S NAME, ADDRESS AND ZIP CODE	2. MORTGAGEE REFERENCE NUMBER	
	4. NUMBER OF LOANS OUTSTANDING	5. ACCRUED INTEREST *(Mar., June, Sept., & Dec. reports only)*
3. FOR MONTH OF		

6. ANALYSIS OF AGGREGATE DIRECT LOAN PRINCIPAL ACCOUNT

a. Direct Loan Principal Balance Beginning of Month		$
b. Direct Loan Disbursement During the Month		
c. Total		$
d. Less: (1) Loan Principal Repayments During Month	$	
(2) Transfers During Month of Accountability for Loans *(Principal Amount Only)*		
e. Direct Loan Principal Balance End of Month		$

7. COMPUTATION OF AMOUNTS DUE	AMOUNT DUE HUD (1)	AMOUNT DUE SERVICER (2)
a. Net Principal Collections and Disbursements		
(1) If in Block 6. Line b is greater than Line d(1)		$
(2) If in Block 6, Line d(1) is greater than Line b	$	
b. Interest Included in Repayments		
c. Totals	$	$
d. (1) Amount Due HUD *(If Column 1 is greater)*		
(2) Amount Due Servicer *(If Column 2 is greater)*		$

WARNING

Section 1001 of the U.S. Criminal Code (18 U.S.C.) provides in part: "Whoever, in any matter within the jurisdiction of any department . . . of the United States knowingly and willfully . . . makes any false . . . or fraudulent statements or representations . . . shall be fined not more than $10,000 or imprisoned not more than 5 years, or both."

8. CERTIFICATION: The undersigned hereby certifies that to the best of his knowledge the amounts listed above comprise the complete basis of the monthly accounting on the direct loans serviced by the servicer identified above, the information shown herein is true and correct and is documented as required.

Date *Signature and Title of Official of the Servicer*

HUD-328 (12-75)

Appendix 7 - Direct Loan Final Accounting *Page 46*

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF FINANCE AND ACCOUNTING
EMERGENCY HOMEOWNERS' RELIEF PROGRAM

TRANSFER OF ACCOUNTABILITY FOR DIRECT LOAN AND ACCRUED INTEREST

1. SERVICER'S NAME, ADDRESS AND ZIP CODE	3. *(HUD USE ONLY)* Transfer No.	4. DATE OF DEFAULT
	5. DATE OF FORECLOSURE *(If applicable)*	
2. MORTGAGEE REFERENCE NUMBER	6. DATES OF MILITARY SERVICE *(If applicable under 24 CFR § 2700.430(b))*	
7. HOMEOWNER'S NAME, ADDRESS AND ZIP CODE	8. PROPERTY LOCATION	

SCHEDULE I – COMPUTATION OF SERVICER'S SHARE OF LOSS ON LOAN

A. Unpaid Principal	$
B. Less: Recoveries	
C. Net Amount	
D. Uncollected Interest	
E. Uncollected Court Costs *(Includes fees paid for issuing, servicing and filing summonses)*	
F. Attorney's Fees *(Schedule III, Line A)*	
G. Sum of Lines C through F	
H. 90% of Amount on Line G	
I. Servicer's Share of Loss *(Line G – H)*	$

SCHEDULE II – COMPUTATION OF CEILING ON LOSS BEARABLE BY HUD

A. Aggregate Losses Borne by HUD before this Claim	$
B. 90% of Loss on Loan *(Schedule I, Line H)*	
C. Sum of Lines A and B	
D. 40% of Aggregate Amount of Funds Advanced: Pursuant to 24 CFR, Part 2700 Subpart E	
E. Additional Servicer's Loss *(Line C – D)[Not to be below zero)*	$

SCHEDULE III – COMPUTATION OF ATTORNEY'S FEES

A. Attorney's Fees *(not in excess of)*	$
1. 25% of Amount Collected by Attorney	
2. 15% of Unpaid Principal Balance	

SCHEDULE IV – COMPUTATION OF REMITTANCE DUE HUD

A. Servicer's Share of Loss on Loan *(Schedule I, Line I)*	$
B. Additional Servicer's Loss *(Schedule II, Line E)*	
C. Recoveries *(Not previously reported)*	
D. Total	$
E. Less:	
1. Uncollected Court Costs	$
2. Attorney's Fees *(Sched. III)*	
3. Total	$
F. Remittance Due HUD	$

WARNING

Section 1001 of the U.S. Criminal Code (18 U.S.C.) provides in part: "Whoever, in any matter within the jurisdiction of any department . . . of the United States knowingly and willfully . . . makes any false . . . or fraudulent statements or representations . . . shall be fined not more than $10,000 or imprisoned not more than 5 years, or both."

CERTIFICATION: The undersigned hereby certifies that to the best of his knowledge the amounts listed above comprise the complete basis of the final settlement on the direct loan for the property and homeowner identified above, and the information shown herein is true and correct and is documented to the extent required in the credit and collection file transmitted herewith.

Date *Signature and Title of Official of the Servicer*

HUD-329 (12-75)

V40250 DEC 30 75 XUM

Appendix 8 - Income Computation Form *Page 47*

HUD FORM NO. EHRA-6
December 1975

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
FEDERAL HOUSING ADMINISTRATION

OMB NO.
Approval Expires

EMERGENCY HOMEOWNERS' RELIEF PROGRAM
INCOME CERTIFICATION FORM

Lending Institution (Name, Address and ZIP Code):	Property Address:

Homeowner:

Husband			Age:
Wife:			Age:
Married: ☐ YES ☐ NO	Number of Years Married:	Number of Dependents:	Ages:

EMPLOYMENT

	OCCUPATION	NAME AND ADDRESS OF EMPLOYER	Average Number of Hours Worked per Week	Number of Years Worked
HUSBAND				
Present Employer				
Last Employer				
Part Time Employer				
WIFE				
Present Employer				
Last Employer				
Part Time Employer				

A. AVERAGE GROSS MONTHLY INCOME 24 MONTHS PRIOR TO INVOLUNTARY UNEMPLOYMENT OR UNDEREMPLOYMENT

Show income data rounded to the nearest dollar.	HUSBAND	WIFE	DEPENDENTS	OTHER	TOTAL
Gross Monthly Wages					
Social Security Payments					
Retirement Benefits					
Military & Veterans Disability Payments					
Unemployment Benefits					
Welfare Benefits					
Food Stamp Benefits					
Interest and Dividend Income					
Other Income					
TOTAL, ALL INCOME					

B. AVERAGE GROSS MONTHLY INCOME DURING PERIOD OF DELINQUENCY

Show income data rounded to the nearest dollar.	HUSBAND	WIFE	DEPENDENTS	OTHER	TOTAL
Gross Monthly Wages					
Social Security Payments					
Retirement Benefits					
Military & Veterans Disability Payments					
Unemployment Benefits					
Welfare Benefits					
Food Stamp Benefits					
Interest and Dividend Income					
Other Income					
TOTAL, ALL INCOME					

TOTAL CURRENT FAMILY INCOME AS A PERCENT TOTAL PRIOR FAMILY INCOME (Part B / Part A)..... %

NOTE: This form is intended to serve as a guide to assist the lending institution in arriving at the homeowner's gross income. The lending institution, however, is expected to exercise prudence in determining the family's gross, recurring monthly income.

NOTE: It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

Effective date. This regulation shall be effective on December 30, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-34748 Filed 12-29-75;8:45 am]

V40 I250 DEC 30 75 XUM

federal register

TUESDAY, DECEMBER 30, 1975

PART III:

CONSUMER PRODUCT SAFETY COMMISSION

■

FLAMMABLE FABRICS ACT

Revision and Recodification of Regulations

V 40 250 DEC 30 75 XUM

1973 (38 FR 24923) and a policy on the

Part 1616 contains, in subpart A, the

§ 1602.1 Enforcement policy.

section 30(b) of the Consumer Product

ing that such fabric, related material,

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

PART 302—RULES AND REGULATIONS UNDER FLAMMABLE FABRICS ACT

Deletion

Elsewhere in the FEDERAL REGISTER today the Consumer Product Safety Commission has published a notice transferring all sections of 16 CFR Part 302 to Subchapter D of 16 CFR Chapter II. Therefore, Part 302 of Title 16 is deleted.

Dated: December 22, 1975.

SADYE E. DUNN,
Secretary Consumer Product Safety Commission.

[FR Doc.75-34877 Filed 12-24-75;8:45 am]

SUBCHAPTER D—FLAMMABLE FABRICS ACT REGULATIONS

CODIFICATION AND TRANSFER OF REGULATIONS

In this document the Consumer Product Safety Commission codifies flammability standards, policy statements, and interpretations under the Flammable Fabrics Act and transfers rules and regulations under that act from Title 16, Code of Federal Regulations, Part 302 to Title 16, Code of Federal Regulations, Chapter II, Subchapter D.

On May 14, 1973 functions under the Flammable Fabrics Act (15 U.S.C. 1191–1204) were transferred to the Consumer Product Safety Commission pursuant to section 30 of the Consumer Product Safety Act (15 U.S.C. 2079). Previously the Department of Commerce, the Federal Trade Commission, and the Department of Health, Education, and Welfare had responsibilities under the Flammable Fabrics Act.

Under section 30(e) of the Consumer Product Safety Act all determinations, rules, and regulations in effect at the time of transfer of functions to the Consumer Product Safety Commission continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Consumer Product Safety Commission, by any court of competent jurisdiction, or by operation of law.

Therefore, the items codified and transferred in this notice include documents issued by the agencies that previously exercised functions under the act as well as documents issued by the Consumer Product Safety Commission. Various non-substantive corrections and editorial changes, including numbering changes, have been made in the process of this transfer and codification. However, the Consumer Product Safety Commission has made no substantive change in any of the documents that are codified or transferred in this notice.

DESCRIPTION OF DOCUMENT

Part 1602, Statements of Policy or Interpretation, contains a general enforcement policy statement (§ 1602.1), published by the CPSC on September 11, 1973 (38 FR 24923) and a policy on the exportation of non-complying goods (§ 1602.2) that was published by the Commission on December 5, 1975 (40 FR 56885).

Part 1603, which was entitled "Statements of Policy or Interpretation" is deleted. The clarification of the Standard for the Flammability of Clothing Textiles (CS 191–53) which appeared in 16 CFR 1603.1 has been transferred to Subpart C of Part 1610.

Part 1607, Procedures for the Development of Flammability Standards, is reprinted in this document for convenience, since it currently appears at Part 1607.

Part 1608 contains general rules and regulations under the Act, that were originally issued by the Federal Trade Commission and published at 16 CFR 302.1, and 302.9 through 302.13. These rules and regulations apply to all standards in effect under the Flammable Fabrics Act. The CPSC has made minor editorial revisions in these regulations in transferring them.

Other rules and regulations previously found at 16 CFR Part 302 have been transferred to the applicable Parts in Chapter II, Subchapter D, as described below.

Part 1609 is a reprint of the Flammable Fabrics Act of 1953, as amended in 1954 (Ch. 164, 67 Stat. 111, as amended, Ch. 833, 68 Stat. 770 (1954)). The Act was later amended and revised on December 14, 1967. However, the amendment contained a savings clause (Sec. 11, Pub. L. 90–189, 81 Stat. 568) that provided that the two flammability standards in effect under the Flammable Fabrics Act of 1953 as amended in 1954 were to continue in effect. These two flammability standards are Commercial Standard 191–53, Flammability of Clothing Textiles and Commercial Standard 192–53, General Purpose Vinyl Plastic Film. The two standards are printed at Parts 1610 and 1611 of this document.

In Subpart A of Part 1610, the CPSC codifies the Standard for the Flammability of Clothing Textiles (CS 191–53) which has not before been published in the Code of Federal Regulations. Into Subpart B, the CPSC has transferred 16 CFR 302.1–8 and 302.14, rules and regulations applicable to this Standard. In Subpart C, the CPSC transfers the clarification of the Standard, which was previously found at 16 CFR 1603.1.

Part 1611 contains the Standard for the Flammability of Vinyl Plastic Film (CS 192–53) which has not before been published in the Code of Federal Regulations. Subpart B of this Part contains rules and regulations applicable to this Standard, which were previously found at 16 CFR 302.1–8 and 302.14.

The Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X (FF 3–71) and the rules, regulations, policies, and interpretations under the Standard are found at Part 1615. The rules and regulations, printed in Subpart B, were previously found at 16 CFR Part 302.19. Subpart C includes interpretations and policies under the standard.

Part 1616 contains, in subpart A, the Standard for the Flammability of Children's Sleepwear: Sizes 7 through 14, as amended (FF 5–74). Subpart B includes rules and regulations under the Standard that were previously published at 16 CFR 302.21. Subpart C includes interpretations and policies under the standard.

The Standard for the Surface Flammability of Carpets and Rugs (FF 1–70) is published at Subpart A of Part 1630. Subpart B includes rules and regulations under the Standard that were previously published at 16 CFR 302.15, and 302.17. Subpart C includes alternative washing procedures under the Standard approved by the Federal Trade Commission for hide rugs and wool flokati rugs. Section 1630.63 provides for the suspension of washing requirements for carpets and rugs with alumina trihydrate in the backing.

Part 1631 contains at Subpart A, the Standard for the Surface Flammability of Small Carpet and Rugs (FF 2–70). Subpart B includes rules and regulations under the Standard previously codified at 16 CFR 302.15 through 302.18. Subpart C contains alternative washing procedures under the Standard for hide rugs and wool flokati rugs.

The Standard for the Flammability of Mattresses (and Mattress Pads) (FF 4–72) is codified at Subpart A of Part 1632. Five alternate sampling plans under the standard are published in Subpart B. Rules and regulations under the standard which were previously published at 16 CFR 302.20 are published in Subpart C of Part 1632. Interpretations and policies under the Standard are published in Subpart D. Since no new requirements are added by this revision and transfer, notice and public procedure are not prerequisite to this issuance.

Therefore, in 16 CFR Chapter II, Subchapter D is revised as follows:

Part
1602 Statements of Policy or Interpretation.
1607 Procedures for the Development of Flammability Standards.
1608 General Rules and Regulations under the Flammable Fabrics Act.
1609 Text of the Flammable Fabrics Act of 1953, as Amended in 1954, Prior to 1967 Amendment and Revision.
1610 Standard for the Flammability of Clothing Textiles.
1611 Standard for the Flammability of Vinyl Plastic Film.
1615 Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X (FF 3–71).
1616 Standard for the Flammability of Children's Sleepwear: Sizes 7 through 14 (FF 5–74).
1630 Standard for the Surface Flammability of Carpets and Rugs (FF 1–70).
1631 Standard for the Surface Flammability of Small Carpets and Rugs (FF 2–70).
1632 Standard for the Flammability of Mattresses (and Mattress Pads) (FF 4–72).

PART 1602—STATEMENTS OF POLICY OR INTERPRETATION

Sec.
1602.1 Enforcement policy.
1602.2 Policy on exportation of non-complying goods.

§ 1602.1 Enforcement policy.

(a) On May 14, 1973, the responsibilities of the Federal Trade Commission for enforcement of the Flammable Fabrics Act, as amended (15 U.S.C. 1191–1204), were transferred to the Consumer Product Safety Commission pursuant to section 30(b) of the Consumer Product Safety Act (Pub. L. 92–573), 86 Stat. 1231 (15 U.S.C. 2079(b)).

(b) The Consumer Product Safety Commission intends to discharge its responsibilities under the Flammable Fabrics Act vigorously, expeditiously, and without compromise in order to protect the public from the hazards to life, health, and property caused by dangerously flammable products.

(c) The Consumer Product Safety Commission has determined that its enforcement policy for the Flammable Fabrics Act, will be to have available for use in each case the full range of enforcement procedures under that act without qualification or modification. Accordingly, notice is given that the Consumer Product Safety Commission hereby institutes an enforcement policy of using in each case arising under the Flammable Fabrics Act any and all appropriate enforcement procedures available under that act.

(d) In order to effectuate this policy, the above stated policy has been adopted and substituted for any conflicting determinations and policies of the Federal Trade Commission. The following determinations and policies of the Federal Trade Commission insofar as they apply to this Commission are terminated and set aside pursuant to section 30(e)(2) of the Consumer Product Safety Act (86 Stat. 1232 (15 U.S.C. 2079(e)(2))):

(1) The Federal Trade Commission's "Flammable Fabrics Enforcement Policy" published as a notice in the FEDERAL REGISTER of November 10, 1971 (36 FR 21544), as amended by a notice published April 25, 1973 (38 FR 10184), which was corrected May 8, 1973 (38 FR 11492).

(2) Any Federal Trade Commission policy or directive modifying or interpreting said Enforcement Policy, as amended.

(e) All other rules, regulations, orders, and determinations of the Federal Trade Commission under the Flammable Fabrics Act will continue in effect until modified, terminated, superseded, set aside, or repealed by the Consumer Product Safety Commission, by any court of competent jurisdiction, or by operation of law.

(Sec. 1, et seq., 81 Stat. 568–74 (15 U.S.C. 1191–1204, note under 1191))

EFFECTIVE DATE: This section became effective September 11, 1973. It was originally published as a notice on that date at 38 FR 24923.

§ 1602.2 Policy on exportation of non-complying goods.

(a) On May 14, 1973, the responsibilities of the Federal Trade Commission for enforcement of the Flammable Fabrics Act were transferred to the Consumer Product Safety Commission by section 30(b) of the Consumer Product Safety Act (15 U.S.C. 2079(b)). Since the transfer of the administration of the Flammable Fabrics Act, questions have arisen as to when goods that do not comply with the act and with regulations promulgated thereunder may be exported from the United States. The Commission has therefore decided to articulate its policy as set forth in this section concerning the export of such products in order to eliminate unnecessary uncertainty from market decisions, from administrative proceedings and from other enforcement actions this Commission is taking and will take to implement the act and regulations and standards thereunder.

(b) *Definitions.* As used in this section:

(1) "act" means the Flammable Fabrics Act, as amended and revised (81 Stat. 568, 15 U.S.C. 1191–1204).

(2) "Export" or "exportation" means to carry or send goods out of the United States, Puerto Rico, or any territory or possession of the United States to any foreign nation.

(3) "Import" or "importation" means to carry or bring goods into the United States, Puerto Rico, or any territory or possession of the United States from any foreign nation. For the purposes of this section, goods are considered to have been imported into the United States when they have entered into the United States; that is, when they have moved from Customs custody into the customs territory of the United States.

(4) "Marketing or handling" of goods subject to the act means all actions described in section 3 of the act (15 U.S.C. 1192); that is, the manufacture for sale, sale, offering for sale, in commerce, or importation into the United States, or introduction, delivery for introduction, transportation or causing to be transported, in commerce, or sale or delivery after sale or shipment in commerce of any product, fabric, or related material subject to the act or the manufacture for sale, sale, or offering for sale of any product made of fabric or related material subject to the act and which has been shipped or received in commerce.

(c)(1) Section (3)(a) of the Flammable Fabrics Act (15 U.S.C. 1192) prohibits, among other things, the manufacture for sale, the sale, or offering for sale in commerce or the importation into the United States of any product, fabric, or related material which fails to conform to an applicable standard or regulation issued under the act. Section 3(b) of the act prohibits the manufacture for sale, the sale, or the offering for sale, of any product made of fabric or related material which fails to conform to an applicable standard or regulation issued under the act and which has been shipped or received in commerce.

(2) Section 15(a) of the act (15 U.S.C. 1202) states that the act "does not apply to any fabric, related material, or product which is to be exported from the United States, if such fabric, related material, or product and any container in which it is enclosed bears a stamp or label stating that such fabric, related material, or product is intended for export and such fabric, related material, or product is in fact exported from the United States," with the exception that the act does apply to goods intended to be marketed to any installation of the United States located outside the United States.

(3) Section 15(b) of the act excludes from coverage "any fabric, related material, or product which is imported into the United States for dyeing, finishing, other processing, or storage in bond, and export from the United States," if certain requirements are met, with the exception that the act does apply to any such imported goods manufactured for sale, offered for sale, or intended for shipment to any installation of the United States located outside of the United States.

(d) The Federal Trade Commission did not consider the exemptions found in section 15 to apply to nonconforming goods which were intended for domestic distribution at the time of manufacture or original importation and which were not intended for exportation from the United States at the time they were manufactured or imported into the United States. The enforcement staff of the Consumer Product Safety Commission has been consistently following this policy.

(e) The Consumer Product Safety Commission now affirms the basic policy adopted by the FTC and by this § 1602.2 explicitly interprets section 15 of the act as exempting non-conforming goods for exportation only when the manufacturer or importer intends at the time of original manufacture or importation that such goods are to be exported from the United States, to other than an installation of the United States located outside the United States, and manifests that intent by marketing such goods for export and proceeds to export them. Therefore the exportation exemption found in section 15 cannot be claimed once any nonconforming product, fabric or related material or product made of nonconforming fabric or related material has originally been imported or marketed or handled domestically or shipped to a U.S. installation without bearing the required exportation label.

(f) The Flammable Fabrics Act has the dual objectives of discouraging the introduction of flammable goods into commerce and removing from the domestic marketplace flammable goods which have entered commerce. The act must be interpreted in such a way as to preserve its total deterrent value as well as the integrity of the authorities given to the Commission by Congress to eliminate the risk of injury to the public.

(g) If the act were interpreted as to permit a person subject to the act, who marketed or handled violative goods for domestic use, upon discovery of the violation, to export the nonconforming goods, the deterrent value of the act's prohibitions would be seriously reduced. The incentive the act gives a person to avoid the initial introduction of nonconforming goods into domestic channels of commerce would be reduced. Moreover

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such an interpretation would leave the public exposed to a continued risk of injury or property damage from products that did not comply with flammability standards. Such an interpretation would conflict with the Congressional intent to discourage the introduction of nonconforming goods into commerce and is not supported by any language in the act. It must therefore be rejected by this Commission in favor of an interpretation that precludes exportation of any noncomplying goods that were not intended for export at the time of original manufacture or importation, or which entered domestic commerce without the manifest intent of being exported (Section 15 of the Flammable Fabrics Act mandates a labeling requirement if the item was originally intended for export).

(h) In any enforcement action taken by this Commission, the person who markets or handles nonconforming goods shall not be allowed to export domestically made goods unless the intent to export them was previously manifested at the time of manufacture nor shall a person be allowed to export foreign made noncomplying goods which were imported into the United States, unless the intent to export them was previously manifested at the time of the original importation. The Commission may in certain instances allow persons subject to the act the opportunity to re-work the violative goods in order to bring them into conformity with the law and in such instances, as to imported goods, the importer may elect to return the goods to the foreign manufacturer to be reworked to bring them into conformity with the law. Otherwise, nonconforming goods shall be destroyed.

(Secs. 3, 5, 67 Stat. 111–112, 115, as amended 81 Stat. 568–569, 574; 15 U.S.C. 1192, 1202.)

PART 1607—PROCEDURES FOR THE DEVELOPMENT OF FLAMMABILITY STANDARDS

Sec.

1607.1 Purpose.
1607.2 Definitions.
1607.3 Transfer of functions.
1607.4 Records of proceedings.
1607.5 Authority of the Commission to obtain testimony or records by regulation or subpoena.
1607.6 Advance notice of finding that a flammability standard may be needed.
1607.7 Proceedings for development of a proposed flammability standard.
1607.8 Publication of proposed flammability standard.
1607.9 Participation of interested persons in rulemaking proceedings.
1607.10 Informal public oral hearings.
1607.11 Adoption of a final flammability standard.
1607.12 Effective date.
1607.13 Exemption of items in inventory.
1607.14 Petitions for rulemaking.

AUTHORITY: Secs. 1–17, 67 Stat. 111–115, as amended 81 Stat. 568–574; 15 U.S.C. 1191–1204.

§ 1607.1 Purpose.

The purpose of this Part 1607 is to prescribe procedures relating to the discharge of the responsibilities of the Consumer Product Safety Commission under section 4 of the Flammable Fabrics Act (15 U.S.C. 1193). See § 1607.2(a) for information identifying the act.

§ 1607.2 Definitions.

As used in this Part 1607—

(a) "act" means the Flammable Fabrics Act (15 U.S.C. 1191–1204) enacted June 30, 1953 (Pub. L. 83–88; 67 Stat. 111–115), amended August 23, 1954 (Pub. L. 83–629; 68 Stat. 770), and amended and revised December 14, 1967 (Pub. L. 90–189; 81 Stat. 568–574).

(b) "Commission" means the Consumer Product Safety Commission established by the Consumer Product Safety Act (Pub. L. 92–573, sec. 4, 86 Stat. 1210; 15 U.S.C. 2053).

(c) "Article of wearing apparel" means any costume or article of clothing worn or intended to be worn by individuals.

(d) "Interior furnishing" means any type of furnishing made in whole or in part of fabric or related material and intended for use, or which may reasonably be expected to be used, in homes, offices, or other places of assembly or accomodation.

(e) "Fabric" means any material (except fiber, filament, or yarn for other than retail sale) woven, knitted, felted, or otherwise produced from or in combination with any natural or synthetic fiber, film, or substitute therefor which is intended for use, or which may reasonably be expected to be used, in any product as defined in paragraph (g) of this section.

(f) "Related material" means paper, plastic, rubber, synthetic film, or synthetic foam that is intended for use, or that may reasonably be expected to be used, in any product as defined in paragraph (g) of this section.

(g) "Product" means any article of wearing apparel or interior furnishing.

(h) "Person" means an individual, partnership, corporation, association, or any other form of public or business organization.

(i) "Flammability standard" means any standard (including conditions and manner of testing) or other regulation, including any labeling regulation, or any revision or amendment thereto, relating to the flammability of a fabric, related material, or product.

(j) "Written comments" means legible comments, data, arguments, views, or other information, submitted in writing (preferably in five copies) by interested persons for the public record.

§ 1607.3 Transfer of functions.

Effective May 14, 1973, section 30(b) of the Consumer Product Safety Act (Pub. L. 92–573, 86 Stat. 1231; 15 U.S.C. 2079(b)) transferred functions under the Flammable Fabrics Act from the Federal Trade Commission and the Departments of Commerce and Health, Education, and Welfare to the Consumer Product Safety Commission.

§ 1607.4 Records of proceedings.

Records of the Commission relating to rulemaking proceedings, available for public inspection and copying in accordance with 5 U.S.C. 552 or other applicable laws or regulations, may be obtained at the Office of the Secretary, Consumer Product Safety Commission, 10th floor, 1750 K Street NW., Washington, D.C. 20207. Interested persons may obtain copies upon payment of the prescribed fees.

§ 1607.5 Authority of the Commission to obtain testimony or records by regulation or subpoena.

(a) Section 4(c) of the act authorizes the Commission to obtain from any person by regulation, or subpoena issued pursuant thereto, such information in the form of testimony, books, records, or other writings as is pertinent to any findings or determinations that the Commission is required or authorized to make under the act.

(b) All information reported to or otherwise obtained by the Commission pursuant to section 4(c) of the act that contains or relates to a trade secret or other matter referred to in 18 U.S.C. 1905 shall be considered confidential for the purposes of 18 U.S.C. 1905 and withheld from the public record. Such information, however, may be disclosed to other officers or employees concerned with carrying out the provisions of the act or disclosed when relevant to any proceeding under the act. Any information submitted to the Commission that contains or relates to a trade secret or other matter referred to in 18 U.S.C. 1905 should be so identified clearly and should set forth adequate justification for its inclusion in this category. All such information should be submitted separately from comments for the public record.

§ 1607.6 Advance notice of finding that a flammability standard may be needed.

Whenever the Commission finds on the basis of investigations or research conducted under the authority of section 14 of the act that a flammability standard for a fabric, related material, or product may be needed to protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage, the Commission shall publish a notice in the FEDERAL REGISTER declaring that such standard may be needed and stating concisely the basis therefor.

§ 1607.7 Proceedings for development of a proposed flammability standard.

(a) Whenever a notice is published under § 1607.6, the Commission shall also publish simultaneously a notice in the FEDERAL REGISTER instituting proceedings for the development of an appropriate flammability standard and inviting interested persons to submit written comments to the Commission relative to:

(1) The finding published under § 1607.6 that a flammability standard may be needed; and

(2) The terms or substance of a flammability standard that might be adopted in the event that a final finding is made by the Commission that such a flammability standard is needed.

(b) Written comments shall be postmarked or delivered within 30 days after

publication of a notice under this section, unless specified otherwise. All materials considered relevant to any statement of fact or argument should be submitted with such written comments.

(c) To obtain additional information for the development of a proposed flammability standard and to protect the public interest, the Commission may invite the views of local, State, and Federal agencies and other interested persons and may provide interested persons an opportunity for oral presentation, as provided in 5 U.S.C. 553(c), which may include an informal oral hearing.

§ 1607.8 Publication of proposed flammability standard.

(a) As soon as practicable following the conclusion of the initial proceedings under § 1607.7, the Commission shall publish in the FEDERAL REGISTER:

(1) A notice withdrawing its finding that a new or amended flammability standard may be needed (in no event, however, shall the withdrawal preclude the conduct of further investigation or research under section 14 of the act or preclude the initiation of another proceeding regarding the same or similar subject matter under the procedures in this part); or

(2) A notice proposing a flammability standard.

(b) The notice of a proposed flammability standard under paragraph (a)(2) of this section shall include:

(1) The provisions of such proposed flammability standard, stated in objective terms; and

(2) The preliminary findings of the Commission, together with a concise statement of the basis therefor, that such a flammability standard:

(i) Is needed to adequately protect the public against unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage;

(ii) Is reasonable, technologically practicable, and appropriate; and

(iii) Is limited to fabrics, related materials, or products that have been determined to present such unreasonable risks.

§ 1607.9 Participation of interested persons in rulemaking proceedings.

(a) Within 30 days (unless specified otherwise) after publication of a notice under § 1607.8 proposing a flammability standard in the FEDERAL REGISTER, interested persons may participate in the rulemaking proceedings in accordance with 5 U.S.C. 553 by submitting written comments relevant to the proposed flammability standard.

(b) The Commission may solicit comments from local, State, and Federal agencies and other interested persons and may give interested persons an opportunity for oral presentation, as provided in 5 U.S.C. 553, to assure development of an appropriate standard and to protect the public interest.

§ 1607.10 Informal public oral hearings.

(a) At its discretion, the Commission may include in the notice of a proposed flammability standard, published in the FEDERAL REGISTER under § 1607.8, an invitation to interested persons to participate in an informal oral hearing under 5 U.S.C. 553. If the published notice does not provide for such hearing, any interested person may request in writing, within 15 days after publication of such notice, an informal oral hearing under 5 U.S.C. 553. Upon receipt by the Commission of such a request, the Commission shall grant the request and publish in the FEDERAL REGISTER a notice of an informal public oral hearing at least twenty (20) days in advance of the hearing.

(b) Sections 556 and 557 of 5 U.S.C. do not apply to hearings held under this section. Unless specified otherwise, such hearings shall be informal, nonadversary proceedings (no formal pleadings or adverse parties). A stenographic transcript of such hearings and any exhibits submitted thereat shall be made a part of the public record.

(c) A hearing held under this section shall be conducted by a presiding officer designated by the Commission and empowered to establish reasonable procedures governing conduct of the hearing.

§ 1607.11 Adoption of a final flammability standard.

(a) The Commission shall consider all oral and written comments and other materials received in accordance with any proceedings under this Part 1607. Comments filed after expiration of the designated time periods may be considered insofar as practicable.

(b) As soon as practicable after considering the comments and other material under paragraph (a) of this section and after consulting with the National Advisory Committee for the Flammable Fabrics Act, the Commission shall publish in the FEDERAL REGISTER either:

(1) A document promulgating a flammability standard, stated in objective terms, and presenting the Commission's findings with respect to the requirements of section 4(b) of the act with a concise statement of the basis for such findings; or

(2) A notice terminating, suspending, or amending the instant proceedings for the adoption of the flammability standard concerned.

(c) In no event shall notice of the termination or suspension of proceedings under this section operate to preclude the conduct of further investigation or research under section 14 of the act or to preclude the initiation of another proceeding regarding the same or similar subject matter under these procedures.

§ 1607.12 Effective date.

Each flammability standard promulgated under this Part 1607 shall become effective 12 months after publication in the FEDERAL REGISTER, unless the Commission finds for good cause shown that an earlier or later effective date is in the public interest. Any such finding by the Commission will be published in the FEDERAL REGISTER with a concise statement of the basis for such finding.

§ 1607.13 Exemption for items in inventory.

Each flammability standard promulgated in accordance with this Part 1607 shall exempt fabrics, related materials, or products in inventory or with the trade as of the date that such standard becomes effective. If the Commission finds, however, that any such fabric, related material, or product is so highly flammable as to be dangerous when used by consumers for the purposes for which intended, the Commission may, under such conditions as it prescribes, withdraw or limit the exemption for such fabric, related material, or product. Any such finding by the Commission will be published in the FEDERAL REGISTER with a concise statement of the facts upon which the finding is based.

§ 1607.14 Petition for rulemaking.

(a) Any interested person may petition the Commission to issue, amend, or revoke a flammability standard or the procedural rules established in this Part 1607.

(b) Each petition filed under this section shall:

(1) Be submitted, preferably in five copies, to the Consumer Product Safety Commission, Office of the Secretary, 1750 K Street NW., Washington, D.C. 20207.

(2) Set forth the text or substance of the proposed flammability standard or procedural rule, or proposed amendment thereto, or specify the flammability standard or procedural rule the petitioner seeks to have revoked, as the case may be;

(3) Explain the interest of the petitioner in the action requested; and

(4) Contain any information and arguments available to the petitioner in support of the action sought.

(c) Unless the Commission specifies otherwise, no public hearing, argument, or other proceeding shall be held on a petition before its disposition. If the Commission determines that a petition does not justify rulemaking, it shall deny the petition. If the Commission determines that a petition contains adequate justification, it shall take appropriate action in accordance with the provisions of the act including, where necessary, the institution of proceedings to consider the issuance, amendment, or repeal of the flammability standard or procedural rule concerned.

(d) The Commission shall notify each petitioner, in writing, of the action taken on his petition.

(e) The filing of a petition under this section does not of itself stay the effective date of any flammability standard or procedural rule concerned.

PART 1608—GENERAL RULES AND REGULATIONS UNDER THE FLAMMABLE FABRICS ACT

Sec.

1608.0 Scope.
1608.1 Terms defined.
1608.2 Form of separate guaranty.
1608.3 Continuing guaranties.
1608.4 Guaranties furnished by non-residents of the U.S. no bar to prosecution.

under section 8 of the act to a buyer

On this ____ day of _____, 19____,

SHORT TITLE

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Sec.
1608.5 Salvage operations of common carriers and others.
1608.6 Reference to guaranty by Government prohibited.

AUTHORITY: Sec. 5, 67 Stat. 112, as amended, 81 Stat. 570, 15 U.S.C. 1194, unless otherwise noted.

§ 1608.0 Scope.

The rules and regulations in this Part are applicable to all standards issued under the Flammable Fabrics Act.

§ 1608.1 Terms defined.

As used in the rules and regulations in this Subchapter D, unless the context otherwise specifically requires:

(a) The term "act" means the Flammable Fabrics Act, sec. 1 et seq., 67 Stat. 111–115, as amended, 68 Stat. 770, 81 Stat. 568–74 (15 U.S.C. 1191–1204, note under 1191).

(b) The terms "rule", "rules", "regulations", and "rules and regulations", mean the rules and regulations prescribed by the Commission pursuant to section 5(c) of the act.

(c) The term "United States" means, the several States, the District of Columbia, the Commonwealth of Puerto Rico and the Territories and Possessions of the United States.

(d) The terms "marketing or handling" means the transactions referred to in section 3 of the act.

(e) The definition of terms contained in section 2 of the act shall be applicable also to such terms when used in rules promulgated under the act.

§ 1608.2 Form of separate guaranty.

The forms which follow are suggested forms of separate guaranties under section 8 of the act for use by guarantors residing in the United States. Representations contained in these suggested forms of separate guaranties with respect to reasonable and representative tests may be based upon a guaranty received and relied upon in good faith by the guarantor, tests performed by or for a guarantor, or class tests, where permitted under these rules. Where the forms are used as part of an invoice or other paper relating to the marketing or handling of products, fabrics, or related materials subject to the act, wording may be varied to limit the guaranty to specific items in such invoice or other paper. The name, address of the guarantor, and date on the invoice or other paper will suffice to meet the signature, address, and date requirements indicated on the forms.

(a) *General form.*

The undersigned hereby guarantees that reasonable and representative tests, made in accordance with procedures prescribed and applicable standards or regulations issued, amended, or continued in effect under the Flammable Fabrics Act, as amended, show that the product, fabric, or related material covered and identified by, and in the form delivered under this document conforms to the applicable standard or regulation issued, amended, or continued in effect.

Date: _____ _____
Name
_____
Address

(b) *Form for guaranty based on guaranty.*

Based upon a guaranty received, the undersigned hereby guarantees that reasonable and representative tests, made in accordance with procedures prescribed pursuant to the Flammable Fabrics Act, as amended, show that the product, fabric, or related material covered and identified by, and in the form delivered under this document conforms to the applicable standard or regulation issued, amended, or continued in effect.

Date: _____ _____
Name
_____
Address

(Sec. 5 of the Act, 67 Stat. 112, as amended by 81 Stat. 570, 15 U.S.C. sec. 1194; sec. 8 of the Act, 67 Stat. 114, as amended by 81 Stat. 572, 15 U.S.C. sec. 1197)

§ 1608.3 Continuing guaranties.

(a) Any person residing in the United States may file with the Bureau of Compliance of the Consumer Product Safety Commission a continuing guaranty under section 8 of the act applicable to any product, fabric, or related material marketed or handled by such person. When filed with the Commission, a continuing guaranty shall be fully executed in duplicate and execution of each copy shall be acknowledged before a notary public. Forms for use in preparing continuing guaranties to be filed with the Commission will be supplied by the Bureau of Compliance of the Commission upon request. To remain in effect, such guaranties must be renewed every 3 years and at such other times as any change occurs in the legal business status of the person filing the guaranty. It is therefore required that any person who has filed a continuing guaranty with the Commission shall promptly advise the Commission in writing of any change in the legal status of the guarantor or in the address of the guarantor's principal office and place of business. Representations contained in the prescribed form of continuing guaranty with respect to reasonable and representative tests may be based upon (1) a guaranty received and relied upon in good faith by the guarantor, (2) tests performed by or for a guarantor, or (3) class tests, where permitted under these rules.

(b) The following is the prescribed form of continuing guaranty for filing with the Commission:

CONTINUING GUARANTY UNDER THE FLAMMABLE FABRICS ACT FOR FILING WITH CONSUMER PRODUCT SAFETY COMMISSION

The undersigned, _____, a _____ residing in the
(Corporation, partnership, proprietorship)
United States and having principal office and place of business at _____
(Street and number)
_____, _____,
(City) (State or territory, ZIP code)
and being engaged in the marketing or handling of products, fabrics, or related materials subject to the Flammable Fabrics Act, as amended, and regulations thereunder,

Hereby guarantee(s) that with regard to all the products, fabrics, or related materials [described as follows: _____
_____
_____]
(If guaranty is limited to certain products, fabrics, or related materials, list the general categories here. If guaranty is not so limited, leave these lines blank.)

hereafter marketed or handled by the undersigned, and for which flammability standards have been issued, amended, or continued in effect under the Flammable Fabrics Act, as amended, reasonable and representative tests as prescribed by the Consumer Product Safety Commission have been performed, which shows that the products, fabrics, or related materials conform to such of the above-mentioned flammability standards as are applicable thereto.

Dated, signed, and executed this __ day of _____, 19__, at _____,
(City)
_____
(State or Territory)

(Impression of corporate seal, if corporation.) _____ (Name under which business is conducted.)
(If firm is a partnership list partners below.) _____ (Signature of proprietor, partner, or authorized official of corporation.)
_____
_____

State of _____ } ss
County of _____ }

On this __ day of _____, 19__, before me personally appeared the said _____,
(Signer of guaranty)
proprietor, partner (strike nonapplicable words) _____
(If corporation, give title of signing official)
of _____, to me personally known, and
(Firm name)
acknowledged the execution of the foregoing instrument on behalf of the firm, for the uses and purposes therein stated.

(Impression of notary seal required here.) _____
Notary Public in and for
County of _____
State of _____
My commission expires _____

(c) Any person who has a continuing guaranty on file with the Commission may, during the effective period of the guaranty, give notice of such fact by setting forth on the invoice or other paper covering the marketing or handling of the product, fabric, or related material guaranteed the following:

Continuing guaranty under the Flammable Fabrics Act filed with the Consumer Product Safety Commission.

Provided, however, That such statement may not be used where the guaranty is limited and the invoice or other paper covers any product, fabric, or related material, subject to a flammability standard under the act, which is not covered by the guaranty because of its limited nature.

(d) Any person who falsely represents that he has a continuing guaranty on file with the Commission when such is not a fact, or who falsely represents that a limited continuing guaranty he does have on file with the Commission covers any product, fabric, or related material when such is not the case, shall be deemed to have furnished a false guaranty under section 8(b) of the act.

(e) Any seller residing in the United States may give a continuing guaranty

under section 8 of the act to a buyer applicable to any product, fabric, or related material sold or to be sold to said buyer by seller. All such continuing guaranties shall be fully executed in duplicate and execution of each copy shall be acknowledged before a notary public. To remain in effect, such guaranties must be renewed every 3 years and at such other times as any change occurs in the legal business status of the person giving the guaranty. Representations contained in the prescribed form of continuing guaranty from seller to buyer with respect to reasonable and representative tests may be based upon (1) a guaranty received and relied upon in good faith by the guarantor, (2) tests performed by or for a guarantor, or (3) class tests, where permitted under these rules.

(f) The following is the prescribed form of continuing guaranty from seller to buyer:

CONTINUING GUARANTY FROM SELLER TO BUYER UNDER THE FLAMMABLE FABRICS ACT

The undersigned, _____,
a _____
(Corporation, partnership, proprietorship) residing in the United States and having its principal office and place of business at _____
(Street and number)
_____,
(City) (State or Territory and ZIP code) and being engaged in the marketing or handling of products, fabrics, or related materials subject to the Flammable Fabrics Act, as amended, and Regulations thereunder,

Hereby guarantee(s) to _____,
(Name and address)
buyer, that with regard to all the products, fabrics, or related materials [described as follows: _____
_____
(If guaranty is limited to certain products, fabrics, or related materials, list the general categories here. If guaranty is not so limited, leave these lines blank.)

sold or to be sold to buyer by the undersigned, and for which flammability standards have been issued, amended, or continued in effect under the Flammable Fabrics Act, as amended, reasonable and representative tests as prescribed by the Consumer Product Safety Commission have been performed which show that the products, fabrics, or related materials, at the time of their shipment or delivery by the undersigned, conform to such of the above-mentioned flammability standards as are applicable thereto.

Dated, signed, and executed this _____ day of _____, 19____, at _____
(City)
_____
(State or Territory)

(Impression of corporate seal, if corporation.) _____ (Name under which business is conducted.)
(If firm is a partnership list partners below.) _____ (Signature of proprietor, partner, or authorized official of corporation.)
_____
_____
_____
_____

STATE OF _____ } ss:
County of _____ }

On this _____ day of _____, 19____, before me personally appeared the said _____,
(Signer of guaranty) (Strike non-applicable words) _____
(If corporation, give title of signing official)
of _____
(Firm name), to me personally known, and acknowledged the execution of the foregoing instrument on behalf of the firm, for the uses and purposes therein stated.

(Impression of notary seal required here.) _____
Notary Public in and for
County of _____
State of _____
My commission expires _____

(Sec. 5 of the Act, 67 Stat. 112, as amended by 81 Stat. 570, 15 U.S.C. sec. 1194: section 8 of the Act, 67 Stat. 114, as amended by 81 Stat. 572, 15 U.S.C. sec. 1197)

§ 1608.4 Guaranties furnished by nonresidents of the U.S. no bar to prosecution.

A guaranty furnished under section 8 of the act by a person who is not a resident of the United States may not be relied upon as a bar to prosecution under section 7 of the act for a violation of section 3 of the act.

§ 1608.5 Salvage operations of common carriers and others.

For the purposes of this act the ordinary course of business of common carriers, contract carriers or freight forwarders, as referred to in section 11 of the act, shall not include the marketing or handling of products, fabrics, or related materials subject to the act in the course of performance of salvage or lien realizing operations.

§ 1608.6 Reference to guaranty by Government prohibited.

No representation nor suggestion shall be made in advertising or otherwise marketing or handling products, fabrics or related materials subject to the act that the act, the Government, or any branch thereof, guarantees, in any manner that such product, fabric, or related material conforms to a flammability standard in effect under the act.

PART 1609—TEXT OF THE FLAMMABLE FABRICS ACT OF 1953, AS AMENDED IN 1954, PRIOR TO 1967 AMENDMENT AND REVISION

§ 1609.1 Text of the Flammable Fabrics Act of 1953, as amended in 1954.

The following is the text of the Flammable Fabrics Act of 1953, ch. 164, 67 Stat. 111, as amended, ch. 833, 68 Stat. 770 (1954):

AN ACT

To prohibit the introduction or movement in interstate commerce of articles of wearing apparel and fabrics which are so highly flammable as to be dangerous when worn by individuals, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Flammable Fabrics Act."

DEFINITIONS

SEC. 2. As used in this Act—

(a) The term "person" means an individual, partnership, corporation, association, or any other form of business enterprise.

(b) The term "commerce" means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

(c) The term "Territory" includes the insular possessions of the United States and also any Territory of the United States.

(d) The term "article of wearing apparel" means any costume or article of clothing worn or intended to be worn by individuals except hats, gloves, and footwear: Provided, however, That such hats do not constitute or form part of a covering for the neck, face, or shoulders when worn by individuals: Provided further, That such gloves are not more than fourteen inches in length and are not affixed to or do not form an integral part of another garment: And provided further, That such footwear does not consist of hosiery in whole or in part and is not affixed to or does not form an integral part of another garment.

(e) The term "fabric" means any material (other than fiber, filament, or yarn) woven, knitted, felted, or otherwise produced from or in combination with any natural or synthetic fiber, film, or substitute therefor which is intended or sold for use in wearing apparel except that interlining fabrics when intended or sold for use in wearing apparel shall not be subject to this Act.

(f) The term "interlining" means any fabric which is intended for incorporation into an article of wearing apparel as a layer between an outer shell and an inner lining.

(g) The term "Commission" means the Federal Trade Commission.

(h) The term "Federal Trade Commission Act" means the Act of Congress entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914, as amended.

PROHIBITED TRANSACTIONS

SEC. 3. (a) The manufacture for sale, the sale, or the offering for sale, in commerce, or the importation into the United States, or the introduction, delivery for introduction, transportation or causing to be transported in commerce or for the purpose of sale or delivery after sale in commerce, of any article of wearing apparel which under the provisions of section 4 of this Act is so highly flammable as to be dangerous when worn by individuals, shall be unlawful and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

(b) The sale or the offering for sale, in commerce, or the importation into the United States, or the introduction, delivery for introduction, transportation or causing to be transported in commerce or for the purpose of sale or delivery after sale in commerce, of any fabric which under the provisions of section 4 of this Act is so highly flammable as to be dangerous when worn by individuals, shall be unlawful and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

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(c) The manufacture for sale, the sale, or the offering for sale, of any article of wearing apparel made of fabric which under section 4 is so highly flammable as to be dangerous when worn by individuals and which has been shipped or received in commerce shall be unlawful and shall be an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act.

STANDARD OF FLAMMABILITY

SEC. 4. (a) Any fabric or article of wearing apparel shall be deemed so highly flammable within the meaning of section 3 of this Act as to be dangerous when worn by individuals if such fabric or any uncovered or exposed part of such article of wearing apparel exhibits rapid and intense burning when tested under the conditions and in the manner prescribed in the Commercial Standard promulgated by the Secretary of Commerce effective January 30, 1953, and identified as "Flammability of Clothing Textiles, Commercial Standard 191–53," or exhibits a rate of burning in excess of that specified in paragraph 3.11 of the Commercial Standard promulgated by the Secretary of Commerce effective May 22, 1953, and identified as "General Purpose Vinyl Plastic Film, Commercial Standard 192–53." For the purposes of this Act, such Commercial Standard 191–53 shall apply with respect to the hats, gloves, and footwear covered by section 2(d) of this Act, notwithstanding any exception contained in such Commercial Standard with respect to hats, gloves, and footwear.

(b) If at any time the Secretary of Commerce finds that the Commercial Standards referred to in subsection (a) of this section are inadequate for the protection of the public interest, he shall submit to the Congress a report setting forth his findings together with such proposals for legislation as he deems appropriate.

(c) Notwithstanding the provisions of paragraph 3.1 Commercial Standard 191–53, textiles free from nap, pile, tufting, flock or other type of raised fiber surface when tested as described in said standard shall be classified as class 1, normal flammability, when the time of flame spread is three and one-half seconds or more, and as class 3, rapid and intense burning when the time of flame spread is less than three and one-half seconds. [Approved August 23, 1954.]

ADMINISTRATION AND ENFORCEMENT

SEC. 5. (a) Except as otherwise specifically provided herein, sections 3, 5, 6, and 8(b) of this Act shall be enforced by the Commission under rules, regulations and procedures provided for in the Federal Trade Commission Act.

(b) The Commission is authorized and directed to prevent any person from violating the provisions of Section 3 of this Act in the same manner, by the same means and with the same jurisdiction, powers and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act; and any such person violating any provision of section 3 of this Act shall be subject to the penalties and entitled to the privileges and immunities provided in said Federal Trade Commission Act as though the applicable terms and provisions of the said Federal Trade Commission Act were incorporated into and made a part of this Act.

(c) The Commission is authorized and directed to prescribe such rules and regulations as may be necessary and proper for purposes of administration and enforcement of this Act.

(d) The Commission is authorized to—

(1) cause inspections, analyses, tests, and examinations to be made of any article of wearing apparel or fabric which it has reason to believe falls within the prohibitions of this Act; and

(2) cooperate on matters related to the purposes of this Act with any department or agency of the Government; with any State, Territory, or possession or with the District of Columbia; or with any department, agency, or political subdivision thereof; or with any person.

INJUCTION AND CONDEMNATION PROCEEDINGS

SEC. 6. (a) Whenever the Commission has reason to believe that any persion is violating or is about to violate section 3 of this Act, and that it would be in the public interest to enjoin such violation until complaint under the Federal Trade Commission Act is issued and dismissed by the Commission or until order to cease and desist made thereon by the Commission has become final within the meaning of the Federal Trade Commission Act or is set aside by the court on review, the Commission may bring suit in the district court of the United States or in the United States court of any Territory for the district or Territory in which such person resides or transacts business, to enjoin such violation and upon proper showing a temporary injunction or restraining order shall be granted without bond.

(b) Whenever the Commission has reason to believe that any article of wearing apparel has been manufactured or introduced into commerce or any fabric has been introduced in commerce in violation of section 3 of this Act, it may institute proceedings by process of libel for the seizure and confiscation of such article of wearing apparel or fabric in any district court of the United States within the jurisdiction of which such article of wearing apparel or fabric is found. Proceedings in cases instituted under the authority of this section shall conform as nearly as may be to proceedings in rem in admiralty, except that on demand of either party and in the discretion of the court, any issue of fact shall be tried by jury. Whenever such proceedings involving identical articles of wearing apparel or fabrics are pending in two or more jurisdictions, they may be consolidated for trial by order of any such court upon application seasonably made by any party in interest upon notice to all other parties in interest. Any court granting an order of consolidation shall cause prompt notification thereof to be given to other courts having jurisdiction in the cases covered thereby and the clerks of such other courts shall transmit all pertinent records and papers to the court designated for the trial of such consolidated proceedings.

(c) In any such action the court upon application seasonably made before trial shall by order allow any party in interest, his attorney or agent, to obtain a repreesentative sample of the article of wearing apparel or fabric seized.

(d) If such articles of wearing apparel or fabrics are condemned by the court they shall be disposed of by destruction, by delivery to the owner or claimant thereof upon payment of court costs and fees and storage and other proper expenses and upon execution of good and sufficient bond to the effect that such articles of wearing apparel or fabrics will not be disposed of for wearing apparel purposes until properly and adequately treated or processed so as to render them lawful for introduction into commerce, or by sale upon execution of good and sufficient bond to the effect that such articles of wearing apparel or fabrics will not be disposed of for wearing apparel purposes until properly and adequately treated or processed so as to render them lawful for introduction into commerce. If such products are disposed of by sale the proceeds, less costs and charges, shall be paid into the Treasury of the United States.

PENALTIES

SEC. 7. Any person who willfully violates section 3 or 8(b) of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $5,000 or be imprisoned not more than one year or both in the discretion of the court: Provided, That nothing herein shall limit other provisions of this Act.

GUARANTY

SEC. 8. (a) No person shall be subject to prosecution under section 7 of this Act for a violation of section 3 of this Act if such person (1) establishes a guaranty received in good faith signed by and containing the name and address of the person by whom the wearing apparel or fabric guaranteed was manufactured or from whom it was received, to the effect that reasonable and representative tests made under the procedures provided in section 4 of this Act show that the fabric covered by the guaranty, or used in the wearing apparel covered by the guaranty, is not, under the provisions of section 4 of this Act, so highly flammable as to be dangerous when worn by individuals, and (2) has not, by further processing, affected the flammability of the fabric or wearing apparel covered by the guaranty which he received. Such guaranty shall be either (1) a separate guaranty specifically designating the wearing apparel or fabric guaranteed, in which case it may be on the invoice or other paper relating to such wearing apparel or fabric; or (2) a continuing guaranty filed with the Commission applicable to any wearing apparel or fabric handled by a guarantor, in such form as the Commission by rules or regulations may prescribe.

(b) It shall be unlawful for any person to furnish, with respect to any wearing apparel or fabric, a false guaranty (except a person relying upon a guaranty to the same effect received in good faith signed by and containing the name and address of the person by whom the wearing apparel or fabric guaranteed was manufactured or from whom it was received) with reason to believe the wearing apparel or fabric falsely guaranteed may be introduced, sold, or transported in commerce, and any person who violates the provisions of this subsection is guilty of an unfair method of competition, and an unfair or deceptive act or practice, in commerce within the meaning of the Federal Trade Commission Act.

SHIPMENTS FROM FOREIGN COUNTRIES

SEC. 9. Any person who has exported or who has attempted to export from any foreign country into the United States any wearing apparel or fabric which, under the provisions of section 4, is so highly flammable as to be dangerous when worn by individuals may thenceforth be prohibited by the Commission from participating in the exportation from any foreign country into the United States of any wearing apparel or fabric except upon filing bond with the Secretary of the Treasury in a sum double the value of said products and any duty thereon, conditioned upon compliance with the provisions of this Act.

INTERPRETATION AND SEPARABILITY

SEC. 10. The provisions of this Act shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other law. If any provision of this Act or the application thereof to any person or circumstances is held invalid the remainder of the Act and the application of such provisions to any other person or circumstances shall not be affected thereby.

EXCLUSIONS

SEC. 11. The provisions of this Act shall not apply (a) to any common carrier, contract carrier, or freight forwarder with respect to an article of wearing apparel or fabric shipped or delivered for shipment into commerce in the ordinary course of its business; or (b) to any converter, processor, or finisher in performing a contract or commission service for the account of a person subject to the provisions of this Act: Provided, That said converter, processor, or finisher does not cause any article of wearing apparel or fabric to become subject to this Act contrary to the terms of the contract or commission service; or (c) to any article of wearing apparel or fabric shipped or delivered for shipment into commerce for the purpose of finishing or processing to render such article or fabric not so highly flammable, under the provisions of section 4 of this Act, as to be dangerous when worn by individuals.

EFFECTIVE DATE

SEC. 12. This Act shall take effect one year after the date of its passage.

AUTHORIZATION OF NECESSARY APPROPRIATIONS

SEC. 13. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

PART 1610—STANDARD FOR THE FLAMMABILITY OF CLOTHING TEXTILES

Subpart A—The Standard

Sec.
1610.1 Purpose.
1610.2 Scope.
1610.3 Requirements.
1610.4 Methods of Test.
1610.5 Notes.

Subpart B—Rules and Regulations

1610.31 Terms defined.
1610.32 General requirements.
1610.33 Test procedures for textible fabrics and films.
1610.34 Only uncovered or exposed parts of wearing apparel to be tested.
1610.35 Testing certain classes of fabrics.
1610.36 Application of act to particular types of products.
1610.37 Reasonable and representative test under section 8 of the act.
1610.38 Maintenance of records by those furnishing guaranties.
1610.39 Shipments under 11(c) of the act.

Subpart C—Interpretations and Policies

1610.61 Clarification of the standard.

CODIFICATION NOTE: Part 1610 is a codification of the previously unpublished standard for flammability of clothing textiles, Commercial Standard 191–53, issued by the Department of Commerce, effective on January 30, 1953. This flammability standard became mandatory through section 4(a) of the Flammable Fabrics Act, as amended in 1954, and remains in effect due to the savings clause (section 11) of Pub. L. 90–189. 16 CFR Part 1609 contains the text of the Flammable Fabrics Act of 1953, as amended in 1954.

Subpart A—The Standard

AUTHORITY: Sec. 5, Pub. L. 83–88, 67 Stat. 112, as amended, 68 Stat. 770 (15 U.S.C. 1193); sec. 11, Pub. L. 90–189, 81 Stat. 568.

NOTE: All fabrics of natural or regenerated cellulose, as well as certain types of finished and unfinished fabrics made from other natural or synthetic fibers, are combustible. Some combustible fabrics, when used for clothing, are potentially dangerous to the wearer because of the speed and intensity of flame with which those fabrics burn and their ease of ignition, and because of the design of the garment. Two of these factors, the ease of ignition and the speed of flame spread, can be measured with the instrument described herein.

It is suggested that measurement of these two factors, together with visual observation of flame intensity, will permit the separation of various fabrics into three classes of flammability, thus assisting in a judgment of fabric suitability for clothing.

§ 1610.1 Purpose.

The purpose of this standard is to reduce danger of injury and loss of life by providing, on a national basis, standard methods of testing and rating the flammability of textiles and textile products for clothing use, thereby discouraging the use of any dangerously flammable clothing textiles.

§ 1610.2 Scope.

(a) The standard provides methods of testing the flammability of clothing and textiles intended to be used for clothing,[1] [a] [b] establishes three classes of flammability, sets forth the requirements which textiles shall meet to be so classified, and warns against the use of those textiles which have burning characteristics unsuitable for clothing.

(b) *Specific exceptions.*—This standard shall not apply to—

(1) Hats, gloves, and footwear [c]

(2) Interlining fabrics [2]

§ 1610.3 Requirements.

(a)(1) *Normal flammability, Class 1.*—This class shall include textiles which meet the minimum requirements set forth in paragraph (a)(1)(i) or paragraph (a)(1)(ii) of this section. Textiles meeting these requirements are generally accepted by the trade as having no unusual burning characteristics.

(i) *Textile without nap, pile, tufting, flock, or other type of raised-fiber surface.*—Such textiles in their original state and/or after being dry-cleaned and washed as described in § 1610.4(d) and § 1610.4(e), when tested as described in § 1610.4 shall be classified as Class 1, normal flammability, when the time of flame spread is 4 seconds [4] or more.

(ii) *Napped, pile, tufted, flocked, or other textiles having a raised-fiber surface.*—Such textiles in their original state and/or after being dry-cleaned and washed as described in § 1610.4(d) and § 1610.4(e), when tested as described in § 1610.4, shall be classified as Class 1, normal flammability, when the time of flame spread is less than 4 seconds and/or after being dry-cleaned and washed as described in § 1610.4(d) and § 1610.4(e), when tested as described in § 1610.4, shall be classified as Class 1, normal flammability, when the time of flame spread is more than 7 seconds, or when they burn with a rapid surface flash (from 0 to 7 seconds), provided the intensity of the flame is so low as not to ignite or fuse the base fabric.

(2) *Intermediate flammability, Class 2.*—This class shall include textiles which meet the minimum requirements set forth in paragraph (a)(2)(i) of this section. Textiles meeting these requirements are recognized by the trade as having flammability characteristics between normal and rapid and intense burning.

(i) *Napped, pile, tufted, flocked, or other textiles having a raised-fiber surface.*—Such textiles in their original state and/or after being dry-cleaned and washed as described in § 1610.4(d) and 1610.4(e), when tested as described in § 1610.4, shall be classified as Class 2, intermediate flammability, when the time of flame spread is from 4 to 7 seconds, both inclusive, and the base fabric ignites or fuses.

(3) *Rapid and intense burning, Class 3.*—This class shall include textiles which have burning characteristics as described in paragraphs (a)(3)(i) and (a)(3)(ii) of this section. Such textiles are considered dangerously flammable and recognized by the trade as being unsuitable for clothing because of their rapid and intense burning.

(i) *Textiles free from nap, pile, tufting, flock, or other type of raised-fiber surface.*—Such textiles in their original state and/or after being dry-cleaned and washed as described in § 1610.4(d) and § 1610.4(e), when tested as described in § 1610.4, shall be classified as Class 3, rapid and intense burning, when the time of flame spread is less than 4 seconds.[e]

(ii) *Napped, pile, tufted, flocked, or other textiles having a raised-fiber surface.*—Such textiles in their original state and/or after being dry-cleaned and washed as described in § 1610.4(d) and § 1610.4(e) when tested as described in § 1610.4 shall be classified as Class 3, rapid and intense burning, when the time of flame spread is less than 4 seconds and when the intensity of flame is such as to ignite or fuse the base fabric.

§ 1610.4 Methods of test.

(a)(1) *Number and size of specimens required.*—Five specimens, each measuring 2 by 6 inches, are required for each test.

(2) For textiles without a raised-fiber surface the long dimension shall be that

[1] Hereinafter, "clothing and textiles intended to be used for clothing" shall be referred to as "textiles."

[a] All the numbered footnotes are from the original printing by the Department of Commerce. All the lettered footnotes are new.

[b] Refer to sections 2 and 4 of the Flammable Fabrics Act of 1953, as amended in 1954, set out at 16 CFR Part 1609, for the scope of the Standard.

[c] Refer to sections 2(d) and 4 of the Flammable Fabrics Act of 1953, as amended in 1954, set out at 16 CFR Part 1609 for exceptions to this exception.

[2] Interlining fabrics are not considered dangerously flammable when used as interlinings. When used for other purposes they should be tested and rated the same as any other fabrics.

[4] On August 23, 1954, the Flammable Fabrics Act was amended, changing the test for the time of flame spread for plain-surface fabrics, provided in paragraphs 3.1.1.1 (now § 1610.3(a)(1)(i)) and 3.1.3.1 (now § 1610.(a)(3)(i)), by reducing the burning time from 4 to 2½ seconds. For the purpose of the administration of that act, therefore, the 3½ second burning time for plain-surface fabrics is applicable.

[e] See footnote d.

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in which they burn most rapidly, and the more rapidly burning surface shall be tested. To establish the long dimension and the surface, preliminary tests are made as described in paragraph (g) of this section, with specimens cut in different directions.

(3) For textiles having a raised-fiber surface, the direction of the lay of the surface fibers shall be parallel with the long dimension of the specimens. For this type of textiles with varying depths of pile, tufting, etc., the specimens are taken from that part and tested on that surface which has the fastest rate of burning.

(4) If the specimens in the preliminary test, when tested as described in paragraph (g) of this section, do not ignite or are very slow burning, or should have a fire-retarding finish, a swatch large enough to provide the specimens required for the test, with allowance for shrinkage in dry cleaning and washing, is subjected to the dry cleaning and washing procedures described in paragraph (d) and (e) of this section. The specimens for the flammability test are then taken from it.

(5) The specimens required for testing, each 2 by 6 inches, are marked out on the back (or under side) of each sample with the long dimension in the direction in which burning is most rapid, as established in the preliminary trials. The end of the specimen toward which and on the face of which burning is most rapid is identified by attaching a staple to it. The specimens are then cut out.

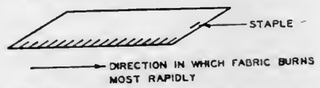


FIGURE 1.—Specimen showing staple.

(b) *Flammability tester.*[3]—The flammability tester consists of a draft-proof ventilated chamber enclosing a standardized ignition medium, sample rack, and automatic timing device.

(1) *Draft-proof chamber with vented top* (*A, fig. 2*).—This metal chamber prevents air circulation around the specimen rack and flame, but permits free ventilation for rapid oxidation. The chamber is 14½ inches wide, 8½ inches deep, and 14 inches high. There are 12 half-inch holes equidistant along the rear of the top closure. A ventilating strip is provided at the base of the sliding glass door in the front of the apparatus.

(2) *Specimen rack* (*B, fig. 2*).—The specimen rack provides supports for the frames in which the specimens are mounted. The angle of inclination is 45°. Two guide pins projecting downward from the center of the base of the rack travel in slots provided in the floor of the chamber so that adjustment can be made for the thickness of the specimen in relation to the flame front. A stop is provided in the base of the chamber to assist in adjusting the position of the rack.

(3) *Specimen holder* (*C, fig. 2*).—The specimen holder consists of two 1/16 inch matched metal plates with clamps mounted along the sides, between which the specimen is fixed. The plates are slotted and loosely pinned for alinement. The two plates of the holder cover all but 1½ inches of the width of the specimen for its full length. The specimen holder is supported in the draft-proof chamber on the rack at an angle of 45°. Five specimen holders are provided.

(4) *Indicating finger* (*D, fig. 2*).—The forepart of this finger touches the specimen when the rack is adjusted. By means of this finger the thickness of the specimen is compensated for in the throw of the gas nozzle.

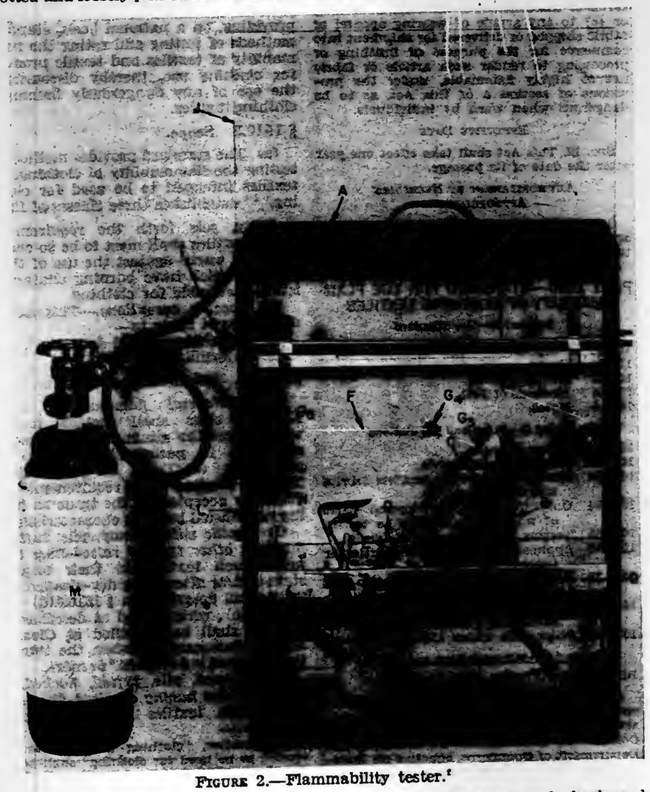


FIGURE 2.—Flammability tester.[4]

(5) *Control knobs* (*not shown*).—There are two of these knobs which hold the rack in test position. The knobs can be reached under the stage of the cabinet and permit forward and backward movements of the rack when loosened.

(6) *Ignition medium* (*E, fig. 2*).—The ignition medium consists of a spring-motor-driven gas jet formed around a 26-gage hypodermic needle. A trigger located in the front of the apparatus serves to wind the spring-motor when the machine is placed in operation. The gas jet is protected by a copper shield.

(7) *Stop cord* (*F, fig. 2*).—This cord, stretched from the spool (*P*, fig. 2) through suitable thread guides provided on the specimen frame and chamber walls, permits the lacing of the cord in the proper position exactly 5 inches from the point where the center of the ignition flame impinges on the test specimen. The stop cord consists of a No. 50 mercerized sewing thread and measures the rise and spread of the flame from the test specimen.

(8) *Pulley or eye* (*G₁, fig. 2*).—The pulley or eye is the support and guide for the stop cord.[5]

(9) *Stop weight* (*H, fig. 2*).—The weight, attached by means of a clip to the stop cord, in dropping actuates the stop motion.

(10) *Slide door control* (*I, fig. 2*).—This knob moves the catch mechanism used to hold the sliding door in an open position for insertion of test specimen racks.

(11) *Slide door* (*J, fig. 2*).—A glass door in its normal position slides in the grooves at the front of the cabinet.

(12) *Fuel-control valve* (*K, fig. 2*).—This valve consists of a sensitive control device for regulating the fuel supply at the tank. The valve ends in a ½-inch male connection for attachment to the standard butane tank of 2 pounds capacity.

(13) *Flow meter.* (*L, fig. 2*).—A flow meter is used to bring the fuel supply to test level by means of the control valve. The flow meter consists of a U-shaped glass tube cut into the gas line in a manner to register the gas pressure delivered to the microburner. Attached to the case wall behind the flow meter is a movable metal plate with two parallel horizontal lines properly spaced for the desired flame length. When the pressure is off, the plate is so regulated that the liquid level in both sides of the U-shaped tube meets the lower line. When the test is made the pressure is so adjusted that the higher liquid level in the U-shaped tube meets the upper line.

(14) *Butane, c.p., container*[6] (*M, fig. 2*).—This fuel supply is a No. 4 cylinder of c.p. butane.

(15) *Stopwatch and timing mechanism* (*N, fig. 2*).—This watch, by means of special attachments, is actuated to a start by connection with the gas jet (E, fig. 2). A driving mechanism on rear of cabinet (*S*, fig. 2) moves the gas jet to its most forward position and automatically starts the timing at the moment of flame impact. The falling weight (H, fig. 2), when caused to move by severance of cord (F, fig. 2), stops the watch. Timing is read directly.

(16) *Starting lever* (*O, fig. 2*).—This lever is operated from left to right in one stroke and is released to operate the gas jet.

(17) *Cord supply* (*P, fig. 2*).—This supply, consisting of a spool of No. 50 mercerized cotton sewing thread, is fastened to the side of the chamber and can be withdrawn by releasing the thumbscrew holding same in position.

(18) *Cord loop* (*G₂, fig. 2*).—At a point behind the stop cord (F, fig. 2), on the rear panel, there is installed another loop to draw the cord away from directly over the flame.

(19) *Draft ventilator strip* (*Q, fig. 2*).—A draft ventilator strip is placed across the front opening, sealing the space between the sliding door when in lowered position and the base on which the grid rack is attached.

[3] This apparatus is manufactured by the United States Testing Co., 1415 Park Avenue, Hoboken, N.J. Blueprints of working plans for the manufacture of this apparatus are available, at a nominal charge, from the above-named company.

[4] This is a new photograph of the flammability tester which reflects the clarification of the stop cord position, set out at § 1610.61(c)(1). References in the text have been changed to correspond with the new photograph, and therefore the letters in the new figure 2 do not entirely correspond to the old figure 2, which appeared in the earlier printings. The letter changes are: (new:old) E:F, F:G, G₂:H, H:I, I:J, J:K, K:L, L:V, G₁:Q, Q:R.

[5] Other guides are specifically identified as the skyhook (G_3), the L-shaped guides (G_4, G_5) and a pigtail guide (G_6). See § 1610.61(c)(1) for a clarification of the stop cord position.

[6] Butane, c.p. No. 4 cylinders containing 2 pounds of butane may be obtained from, among others, the Matheson Co., Inc., East Rutherford, N.J.

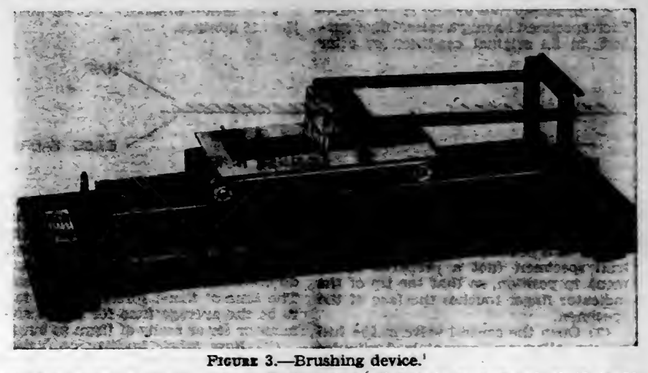


FIGURE 3.—Brushing device.[1]

(c) *Brushing device.*[1][2]

(1) This device consists of a baseboard over which a smaller carriage is drawn. This carriage runs on parallel tracks attached to the edges of the upper surface of the baseboard. The brush is hinged with pin hinges at the rear edge of the baseboard and rests on the carriage vertically with a pressure of 150 grams.

(2) The brush consists of two rows of stiff nylon bristles mounted with the tufts in a staggered position. The bristles are 0.016 inch in diameter and 0.75 inch in length. There are 20 bristles per tuft and 4 tufts per inch. A clamp is attached to the forward edge of the movable carriage to permit holding the specimen on the carriage during the brushing operation.

(3) After the specimen has been put in place on the carriage and fastened by means of the clamp, the brush is raised, the carriage pushed to the dear, and the brush lowered to the face of the specimen. The carriage is then drawn forward by hand at a uniform rate.

(d) *Dry cleaning.*—A swatch from each sample, as mentioned in paragraph (a)(4) of this section, shall be subjected to the following dry-cleaning procedure.

(1) *Apparatus.*—The apparatus is a cylinder, preferably of metal, approximately 13 inches high and about 8¾ inches in diameter (capacity 3 gallons). The cylinder is mounted in a vertical position on an axis which is inclined 50° to the axis of the cyinder, and is rotated about this axis at a speed of 45 to 50 revolutions per minute.

(2) *Cleaning procedure.*—The apparatus is filled approximately one-third with perchlorethylene to which is added 270 ml of dry-cleaning soap.[3] The swatches and sufficient suitable worsted cloth,[4] in pieces of approximately 12 by 12 inches, to make a total dry load of 1 pound are placed in the apparatus. It is operated for 25 minutes. The solution is poured out, the apparatus refilled to approximately one-third with fresh perchlorethylene without soap, and the apparatus is operated for an additional 5 minutes. This last operation is repeated three times. The swatches are then removed and the excess solvent removed from the swatches by any convenient means, such as rolling them between two layers of turkish toweling or between two layers of absorbent paper. They are then permitted to dry at room temperature.

(e) *Washing procedure.* — The swatches, after being subjected to the

[1] This device is manufactured by the United States Testing Co., 1415 Park Avenue, Hoboken, N.J.

[2] See § 1610.61(c)(2) for a clarification of the brushing technique for fabric with raised-fiber surfaces.

[1] See footnote h; This picture is a reproduction of the figure published in the original standard, and does not truly represent the Commission's interpretation of the proper position of the specimen during the brushing procedure (§ 1610.61(c)(2)). Specifically, the specimen in the picture appears to be below the level of the upper half of the specimen holder while the clarification requires the specimen to be placed above this level. Also, § 1610.61(c)(1) allows for the use of L-shaped guides.

[3] The soap shall be made by dissolving 56 grams of caustic potash (KOH) in 100 ml of water. The potassium hydroxide solution shall be poured slowly, with constant stirring, into a mixture of 340 grams of oleic acid, 400 ml of Stoddard solvent (Commercial Standard CS3-40 grade), and 100 ml of tertiary butyl alcohol or an equal quantity of butyl cellosolve.

[4] A suitable worsted test fabric known as Moth Test cloth may be obtained from Testfabrics, Inc., 55 Van Dam St., New York 13, N.Y.

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dry-cleaning procedure (paragraph (d) of this section), shall then be immersed and worked gently for 5 minutes in a bath of soft water in which 0.5-percent neutral chip soap has been dissolved. The volume of the bath shall be 30 times the weight of the swatches and the temperature shall be between 95° and 100° F. The swatches shall then be rinsed twice in water at 80° F., extracted, and dried. The individual specimens, each 2 by 6 inches, are then cut out as described in paragraph (a)(5) of this section and tested as described in paragraphs (f) and (g) of this section.

(f) *Brushing and drying specimens.*—Each specimen having a raised-fiber surface, in its original condition or after dry cleaning and washing, is placed on the brushing device carriage (paragraph (c) of this section) and drawn under the brush once against the lay of the raised-fiber surface (see fig. 4). Other specimens do not require brushing. All specimens are clamped individually in the specimen holders of the flammability tester (paragraph (b)(3) of this section), with the staple on top and the stapled end at the closed end of the holder. They are then dried in a horizontal position in an oven for 30 minutes at 221° F (105° C), removed from the oven, and placed over anhydrous calcium chloride in a desiccator until cool, but for not less than 15 minutes.

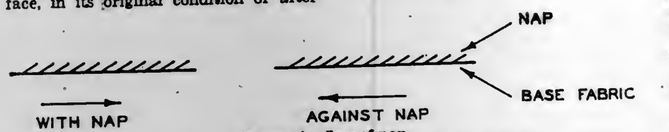


FIGURE 4.—Lay of nap.

(g) *Procedure for testing flammability.* (1) Adjust the position of the rack of the flammability tester (paragraph (b)(2) of this section) with a holder and trial specimen (not a prepared specimen) in position, so that the tip of the indicator finger touches the face of the specimen.

(2) Open the control valve in the fuel supply. Allow approximately 5 minutes for the air to be drawn from the fuel line, ignite the gas and adjust the flame to a length of ⅝ inch, measured from its tip to the opening in the gas nozzle.

(3) Remove the mounted specimen from the desiccator and place it in position on the rack in the chamber of the apparatus.

(4) See that the stop cord (No. 50 cotton sewing thread) is strung through the guides in the upper plate of the specimen holder across the top of the specimen, and through the guides at the rear of the chamber over the guide ring, and that the weight is hooked in place close to and just below the guide ring. Set the stop watch at zero. Close the door of the apparatus. Conduct the test in a draft-free room with the apparatus at room temperature.

(5) Bring the starting lever over to the extreme right and release it. This starts the timing mechanism and applies the flame to the specimen for a period of 1 second. This should be done within 45 seconds of the time the specimen was removed from the desiccator. Timing is automatic, starting upon application of the flame and ending when the weight is released by the burning of the stop cord.

(6) Record the time of flame spread (reading of stop watch) of each specimen and note whether the base of each specimen having a raised-fiber surface is ignited or fused to a point where the damage is apparent from the bottom of the specimen.

(7) *Results.* (i) *Time of flame spread.*—The time of flame spread of the textile is taken as an average time for 5 specimens. Results of tests of specimens before and after dry cleaning and washing shall be recorded and reported separately. If the time of flame spread is less than 4 seconds[4] or if the specimens do not burn, test 5 additional specimens. The time of flame spread is then taken to be the average time for the 10 specimens or for as many of them as burn.

(ii) *Base fabric ignition or fusing.*—Base fabric ignition or fusing of textiles having raised-fiber surfaces shall be reported when the base fabric of more than 1 of the 5 (or 2 of the 10) specimens tested ignites or fuses.[5]

(8) *Reporting results.*—The reported result shall be the flammability before or after dry cleaning and washing, whichever is the lower; and, based on this result, the textile shall be placed in the proper classification as given in § 1610.3.

§ 1610.5 Notes.

The methods of test and classifications outlined herein agree with all essential requirements of the Standard Test Method for Flammability of Clothing Textiles, of the American Association of Textile Chemists and Colorists.

Subpart B—Rules and Regulations

AUTHORITY: Sec. 5, 15 U.S.C. 1194, unless otherwise noted.

NOTE: An interpretation, with respect to Ornamental Veils or Veilings, issued by the Federal Trade Commission at 32 F.R. 11850, Aug. 17, 1967, provides as follows:

Ornamental millinery veils or veilings when used as a part of, in conjunction with, or as a hat, are not to be considered such a "covering for the neck, face, or shoulders" as would, under the first proviso of section 2(d) of the Flammable Fabrics Act, cause the hat to be included within the definition of the term "article of wearing apparel" where such ornamental millinery veils or veilings do not extend more than nine (9) inches from the tip of the crown of the hat to which they are attached and do not extend more than two (2) inches beyond the edge of the brim of the hat.

Where hats are composed entirely of ornamental millinery veils or veilings such hats will not be considered as subject to the Flammable Fabrics Act if the veils or veilings from which they are manufactured were not more than nine (9) inches in width and do not extend more than nine (9) inches from the tip of the crown of the completed hat.

§ 1610.31 Terms defined.

As used in this part, unless the context otherwise specifically requires:

(a) The term "act" means the "Flammable Fabrics Act" (approved June 30, 1953, Pub. Law 88, 83d Congress, 1st sess., 15 U.S.C. 1191; 67 Stat. 111) as amended, 68 Stat. 770, August 23, 1954.

(b) The terms "rule", "rules", "regulations", and "rules and regulations", mean the rules and regulations prescribed by the Commission pursuant to section 5(c) of the act.

(c) The term "United States" means, the several States, the District of Columbia, the Commonwealth of Puerto Rico and the Territories, and Possessions of the United States.

(d) The terms "marketing or handling" means the transactions referred to in section 3 of the Flammable Fabrics Act, as amended in 1967.

(e) The terms "uncovered or exposed part" of an article of wearing apparel as used in section 4(a) of the act, mean that part of such article of apparel which might during normal wear be open to flame or other means of ignition.

NOTE: The outer surface of an undergarment is considered to be an uncovered or exposed part of an article of wearing apparel, and thus subject to the act.

(f) The term "textile fabric" means any coated or uncoated material subject to the act, except film and fabrics having a nitro-cellulose fiber, finish, or coating, which is woven, knitted, felted or otherwise produced from any natural or man-made fiber, or substitute therefor, or combination thereof, of two inches or more in width, and which is in a form or condition ready for use in wearing apparel.

(g) The term "plain surface textile fabric" means any textile fabric which does not have an intentionally raised fiber or yarn surface such as a pile, nap, or tuft, but shall include those fabrics having fancy woven, knitted or flock printed surfaces.

(h) The term "raised surface textile fabric" means any textile fabric which has an intentionally raised fiber or yarn surface such as a pile, nap, or tufting.

(i) The term "film" means any non-rigid, unsupported plastic, rubber or

[4] In the Flammable Fabrics Act, Congress adopted CS 191–53 as the Commercial Standard to be applied under the law.

On August 23, 1954, the Flammable Fabrics Act was amended, changing the test for the time of flame spread for plain-surfaced fabrics, provided in paragraphs 3.1.1.1 and 3.1.3.1 [codified as §§ 1610.3(a)(1)(i) and 1610.3(a)(3)(i)], by reducing the burning time from 4 to 3½ seconds.

For the purposes of the administration of that act, therefore, the 3½-second burning time for plain-surfaced fabrics is applicable.

[5] See § 1610.61(c)(3) for a clarification of the criterion for a classification of Class 3.

other synthetic or natural film or sheeting, subject to the act, or any combination thereof, including transparent, translucent, and opaque material, whether plain, embossed, molded, or otherwise surface treated, which is in a form or condition ready for use in wearing apparel, and shall include film or sheeting exceeding 10 mils in thickness.

(j) The term "test" means the application of the relevant test method prescribed in the procedures provided under section 4(a) of the act.

(k) The term "initial test" means tests made under the procedures prescribed in section 4(a) of the act of specimens taken from two separate pieces of a textile fabric, or textile fabric with a nitrocellulose fiber, finish or coating, having the same weight, construction and finish type, or from two separate runs of film having the same formula, finish, color, and thickness.

(l) The term "finish type" means a particular finish, but does not include such variables as changes in color, pattern, print, or design, or minor variations in the amount or type of ingredients in the finish formulation. Examples of finish types would be starch finishes, resin finishes or parchmentized finishes.

(m) The definition of terms contained in section 2 of the act shall be applicable also to such terms when used in rules promulgated under the act.

§ 1610.32 General requirements.

No article of wearing apparel or fabric subject to the act and regulations shall be marketed or handled if such article or fabric, when tested according to the procedures prescribed in section 4(a) of the act, is so highly flammable as to be dangerous when worn by individuals.

§ 1610.33 Test procedures for textile fabrics and film.

(a)(1) All textile fabrics (except those with a nitro-cellulose fiber, finish or coating) intended or sold for use in wearing apparel, and all such fabrics contained in articles of wearing apparel, shall be subject to the requirements of the act, and shall be deemed to be so highly flammable as to be dangerous when worn by individuals if such fabrics or any uncovered or exposed part of such articles of wearing apparel exhibits rapid and intense burning when tested under the conditions and in the manner prescribed in Subpart A of this Part, and identified as "Flammability of Clothing Textiles, Commercial Standard 191–53".

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph, coated fabrics, except those with a nitrocellulose coating, may be tested under the procedures outlined in Part 1611, the flammability standard incorporated in the Commercial Standard promulgated by the Secretary of Commerce effective May 22, 1953, and identified as "General Purpose Vinyl Plastic Film, Commercial Standard 192–53", and if such coated fabrics do not exhibit a rate of burning in excess of that specified in § 1611.3 they shall not be deemed to be so highly flammable as to be dangerous when worn by individuals.

(b) All film, and textile fabrics with a nitro-cellulose fiber, finish or coating intended or sold for use in wearing apparel, and all film and such textile fabrics referred to in this rule which are contained in articles of wearing apparel, shall be subject to the requirements of the act, and shall be deemed to be so highly flammable as to be dangerous when worn by individuals if such film or such textile fabrics or any uncovered or exposed part of such articles of wearing apparel exhibit a rate of burning in excess of that specified in Part 1611, the flammability standard incorporated in the Commercial Standard promulgated by the Secretary of Commerce effective May 22, 1953, and identified as "General Purpose Vinyl Plastic Film, Commercial Standard 192–53."

§ 1610.34 Only uncovered or exposed parts of wearing apparel to be tested.

In determining whether an article of wearing apparel is so highly flammable as to be dangerous when worn by individuals, only the uncovered or exposed part of such article of wearing apparel shall be tested according to the applicable procedures set forth in section 4(a) of the act.

§ 1610.35 Testing certain classes of fabrics.

(a) Any textile fabric intended for use in, or used, or contained in an article of wearing apparel, which in its normal and customary use as wearing apparel would not be dry cleaned or washed, need not, upon test made under the procedures outlined in Subpart A of Part 1610 be dry cleaned or washed as prescribed by §§ 1610.4(d) and 1610.4(e) if such fabric and article of wearing apparel when marketed or handled are marked or labeled in a clear and legible manner stating "Fabric will be dangerously flammable if dry cleaned or washed." An example of the type of fabric referred to is bridal illusion.

(b) A coated fabric need not, upon test under the procedures outlined in Subpart A of Part 1610, be dry cleaned as set forth in § 1610.4(d).

(c) In determining whether a textile fabric having a raised-fiber surface, which surface is to be used in the covered or unexposed parts of articles of wearing apparel, is so highly flammable as to be dangerous when worn by individuals, only the opposite surface or surface intended to be exposed need be tested under the applicable procedures set forth in section 4(a) of the act, providing an invoice or other paper covering the marketing or handling of such fabric is given which clearly designates that the raised-fiber surface is to be used only in the covered or unexposed parts of articles of wearing apparel.

(d) A textile fabric which is less than six inches in width need only, upon test under the procedures outlined in Subpart A of Part 1610, be tested in a lengthwise direction.

§ 1610.36 Applications of act to particular types of products.

(a) Fabrics intended or sold for processing into interlinings or other covered or unexposed parts of articles of wearing apparel shall not be subject to the provisions of section 3 of the act: *Provided*, That an invoice or other paper covering the marketing or handling of such fabrics is given which specifically designates their intended end use: *And provided further*, That with respect to fabrics which under the provisions of section 4 of the act, as amended, are so highly flammable as to be dangerous when worn by individuals, any person marketing or handling such fabrics maintains records which show the acquisition, disposition and intended end use of such fabrics, and any person manufacturing articles of wearing apparel containing such fabrics maintains records which show the acquisition, and use and disposition of such fabrics. Any person who fails to maintain such records or to furnish such invoice or other paper shall be deemed to have engaged in the marketing or handling of such products for purposes subject to the requirements of the act and such person and the products shall be subject to the provisions of sections 3, 6, 7, and 9 of the act.

(b) Fabrics intended or sold for use in those hats, gloves, and footwear which are excluded under the definition of articles of wearing apparel in section 2(d) of the act shall not be subject to the provisions of section 3 of the act: *Provided*, That an invoice or other paper covering the marketing or handling of such fabrics is given which specifically designates their intended use in such products: *And provided further*, That with respect to fabrics which under the provisions of section 4 of the act, as amended, are so highly flammable as to be dangerous when worn by individuals, any person marketing or handling such fabrics maintains records which show the acquisition, disposition, and intended end use of such fabrics, and any person manufacturing hats, gloves, or footwear containing such fabrics maintains records which show the acquisition, end use and disposition of such fabrics. Any person who fails to maintain such records or to furnish such invoice or other paper shall be deemed to have engaged in the marketing or handling of such products for purposes subject to the requirements of the Act and such person and the products shall be subject to the provisions of sections 3, 6, 7, and 9 of the act.

(c) Except as provided in paragraph (d) of this section, handkerchiefs not exceeding a finished size of twenty-four (24) inches on any side or not exceeding five hundred seventy-six (576) square inches in area are not deemed "articles of wearing apparel" as that term is used in the act.

(d) Handkerchiefs or other articles affixed to, incorporated in, or sold as a part of articles of wearing apparel as decoration, trimming, or for any other purpose, are considered an integral part

(a) The following shall constitute rea-

tained in such articles of wearing apparel

(2) Fiber composition, construction

be dangerous when worn by individuals,

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of such articles of wearing apparel, and the articles of wearing apparel and all parts thereof are subject to the provisions of the act. Handkerchiefs or other articles intended or sold to be affixed to, incorporated in or sold as a part of articles of wearing apparel as aforesaid constitute "fabric" as that term is defined in section 2(e) of the act and are subject to the provisions of the act which such handkerchiefs or other articles constitute textile fabrics as the term "textile fabric" is defined in § 1610.31(f).

(e) Where an article of wearing apparel has a raised-fiber surface which is intended for use as a covered or unexposed part of the article of wearing apparel but the article of wearing apparel is, because of its design and construction, capable of being worn with the raised-fiber surface exposed, such raised-fiber surface shall be considered to be an uncovered or exposed part of the article of wearing apparel. Examples of the type of products referred to in this paragraph are athletic shirts or so-called "sweat shirts" with a raised-fiber inner side.

NOTE.—An interpretation to § 302.0(c) issued by the Federal Trade Commission, 30 F.R. 16106, Dec. 28, 1965, provides as follows: "§ 1610.36(c) does not exclude products from the act on the sole basis of the size, description or designation of such product.

"If, because of construction, design, color, type of fabric, or any other factor, a piece of cloth of a finished type or any other product of a finished type appears to be likely to be used as a covering for the head, neck, face, shoulders, or any part thereof, or otherwise appears likely to be used as an article of clothing, garment, or costume, such product is not a handkerchief and constitutes an article of wearing apparel as defined in and subject to the provisions of the Flammable Fabrics Act, irrespective of its size, or its description or designation as a handkerchief or any other term."

§ 1610.37 Reasonable and representative tests under section 8 of the act.

EXPLANATION: Section 8 of the act, among other things, provides that no person shall be subject to prosecution under section 7 of the act for a violation of section 3 of the act if such person establishes a guaranty received in good faith signed by and containing the name and address of the person by whom the wearing apparel or fabric guaranteed was manufactured or from whom it was received, to the effect that reasonable and representative tests made under the procedures provided in section 4(a) of the act show that the fabric covered by the guaranty, or used, or contained in the wearing apparel, is not, under the provisions of section 4(a) of the act, so highly flammable as to be dangerous when worn by individuals.

While one establishing a guaranty received in good faith would not be subject to criminal prosecution under section 7 of the act, he, or the merchandise involved, would nevertheless, remain subject to the administrative processes of the Consumer Product Safety Commission under section 5 of the act, as well as the injunction and condemnation procedures under section 6 of the act.

The furnishing of guaranties is not mandatory under the act. The purpose of this rule is to establish minimum requirements for the reasonable and representative tests on which guaranties may be based.

(a) The following shall constitute reasonable and representative tests, as that term is used in section 8 of the act, for those textile fabrics which by reason of their composition, construction, finish type or weight may be tested upon a class basis. The word "class" as used in this section means a category of textile fabrics having certain general constructional or finished characteristics, sometimes in association with a particular fiber, and covered by a class or type description generally recognized by the trade. In certain instances the use of class tests is restricted by this section to a particular textile fabric of the same fiber composition, construction and finish type. The results of such class tests may be used by any person as a basis for furnishing guaranties under section 8 of the act on all textile fabrics of the same class.

(1) *Plain surface textile fabrics weighing two ounces or more per square yard.* (i) One test of any plain surface textile fabric weighing two ounces or more per square yard, exclusive of metallic ornamentation, or one test of any fabric in a particular class of such fabrics, shall suffice for any such fabric or class of fabrics.

(2) *Plain surface textile fabrics weighing less than two ounces per square yard.* (i) When, on the initial test of any plain surface textile fabric weighing less than two ounces per square yard, such fabric exhibits a burning time of 3.5 seconds or more, such test may suffice for any fabric of the same fiber composition, construction and finish type. This class of fabric shall be tested at least once at intervals of not more than three months thereafter while in production. If, after four consecutive interval production tests have been made, none of such test results show the flame spread to have been less than 4.5 seconds, no further tests of such class of fabric need be made.

(ii) When, on the initial test of any plain surface textile fabric weighing less than two ounces per square yard, none of the specimens ignite, such initial test may suffice for any fabric of the same fiber composition, construction and finish type.

(iii) When, on the initial test of any plain surface textile fabric weighing less than two ounces per square yard, such fabric ignites but the flame is extinguished before the stop cord is burned, such test may suffice for any fabric of the same fiber composition, construction and finish type. This class of fabric shall be tested at least once at intervals of not more than one year thereafter while in production.

(3) *Certain raised fiber surface textile fabrics.* (i) When a test of any raised fiber surface textile fabric which has a dense cut pile of uniform short length or looped yarns, does not exhibit a surface flash and does not ignite, such test shall suffice for any such fabric having a dense cut pile of the same length or the same looped yarns and of the same fiber composition, construction and finish type. Examples of the types of fabrics referred to are velvets, velveteens, velours, and corduroys.

(ii) One test of any raised fiber surface textile fabric, the raised fiber surface of which consists of not less than ninety percentum (90%) protein fiber, or one test of any fabric in a particular class of such fabrics, shall suffice for any such fabric or class of fabrics.

(iii) When, on the initial test of any raised surface textile fabric which has a surface composed of looped yarns, such fabric exhibits a burning time in excess of 12 seconds, such test may suffice for any such fabric having the same looped yarns and of the same fiber composition, construction and finish type. An example of the type of fabric referred to is "terry cloth".

(b) Raised fiber surface textile fabrics: When, on the initial test of a raised fiber surface textile fabric, such fabric:

(1) (i) Falls within Class 2 as provided in § 1610.3(a)(2)(i), the fabric shall be tested at least once at intervals of not more than one month while in production, or if the production exceeds 50,000 yards per month, the fabric shall be tested thereafter every 50,000 yards or fraction thereof.

(ii) If, after two such intervals, production tests have been made, the test results do not show the flame spread to have been less than 4 seconds, with the base fabric ignited or fused, the fabric shall be tested at least once at intervals of not more than three months while in production, or if the production exceeds 100,000 yards per three months, the fabric shall be tested thereafter every 100,000 yards or fraction thereof.

(2) Has a flame spread in excess of 7 seconds with the base fabric ignited or fused, the fabric shall be tested at least once at intervals of not more than six months thereafter while in production.

(3) Has a surface flash, but the base fabric does not ignite nor fuse, the fabric shall be tested at least once at intervals of not more than six months thereafter while in production.

(4) Does not have a surface flash and does not ignite, the initial test shall suffice.

(c) When, on initial test a film or a textile fabric with a nitro-cellulose fiber, finish or coating, does not exhibit a burning rate in excess of 1.2 inches per second, one test each year thereafter while in production shall be deemed reasonable and representative tests for such film or textile fabric.

(d) Reasonable and representative tests of fabrics and fabrics contained in articles of wearing apparel, subject to the act, produced prior to the effective date of the act, and which have not been tested under the applicable requirements of paragraphs (a), (b), or (c) of this section, shall be an initial test for each class of such fabrics, and such tests shall be applicable to all fabrics having the same fiber composition, construction and finish type.

(e) In the case of articles of wearing apparel which are not made from fabrics but directly from yarns, the fabrics contained in such articles of wearing apparel shall be tested by the testing requirements provided in paragraphs (a) and (b) of this section.

(f) Where fabrics or fabrics contained in articles of wearing apparel have not been tested when in production by the applicable testing requirements provided in paragraphs (a), (b) or (c) of this section, one test of each such fabrics shall be made every 10,000 yards or fraction thereof, or of the fabric contained in one of every 5,000 of such articles of wearing apparel or fraction thereof, and these shall be deemed reasonable and representative tests of such fabrics.

(g) In the case of textile fabrics or textile fabrics contained in articles of wearing apparel having an appliqued, overstitched, or embroidered type of design, of a loop, pile, nap, or tufted construction, tests shall be conducted according to paragraph (b) of this section on each type of applique, overstitch, or embroidery.

(h) If tests of any textile fabric made subsequent to the initial test show a burning time of another category, then such fabric shall be tested thereafter under the testing requirements of such changed time.

(i) The application of this section, insofar as it relates to the testing of plain surface textile fabrics or such fabrics contained in articles of wearing apparel weighing two ounces or more per square yard, shall be limited to fabrics made of fibers in use or capable of being used as of May 31, 1954. Such fabrics weighing two ounces or more per square yard made in whole or in part of fibers developed and used subsequent to May 31, 1954, shall be tested in accordance with the testing requirements set out in paragraph (a)(2) of this section.

§ 1610.38 Maintenance of records by those furnishing guaranties.

(a) In order to properly administer and enforce section 8 of the act relating to guaranties, it is required that any person furnishing either a separate or continuing guaranty who has made the tests prescribed by the act and regulations shall keep and maintain records of such tests. The records to be maintained shall show:

(1) The style or range number, fiber composition, construction and finish type of each textile fabric and each textile fabric (including those with a nitrocellulose fiber, finish or coating) used or contained in an article of wearing apparel covered by the guaranty, including a swatch of the fabric tested.

(2) The stock or formula number, color, thickness and general description of each film or film used in an article of wearing apparel covered by the guaranty, including a sample of the film tested.

(3) The results of the actual tests made on the textile fabric and film or the fabric and film used or contained in an article of wearing apparel.

(b) Persons furnishing guaranties based upon class tests shall maintain records showing:

(1) Identification of the class test.

(2) Fiber composition, construction and finish type of the fabrics, or the fabrics used or contained in articles of wearing apparel so guaranteed.

(3) A swatch of each class of fabrics guaranteed.

(c) Persons furnishing guaranties based upon guaranties received by them shall maintain records showing:

(1) The guaranty received and identification of the fabrics or fabrics contained in articles of wearing apparel guaranteed in turn by them.

(d) The records referred to in this section shall be preserved for a period of three years from the date the tests were performed, or in the case of paragraph (c) of this section the guaranties were furnished.

(e) Any person furnishing a guaranty under section 8(a) of the act who neglects or refuses to maintain and preserve the records prescribed in this section shall be deemed to have furnished a false guaranty under the provisions of section 8(b) of the act.

§ 1610.39 Shipments under section 11(c) of the act.

(a) The invoice or other paper relating to the shipment or delivery for shipment in commerce of articles of wearing apparel or textile fabrics for the purpose of finishing or processing to render them not so highly flammable as to be dangerous when worn by individuals, shall contain a statement disclosing such purpose.

(b) An article of wearing apparel or textile fabric shall not be deemed to fall within the provisions of section 11(c) of the act as being shipped or delivered for shipment in commerce for the purpose of finishing or processing to render such article of wearing apparel or textile fabric not so highly flammable under section 4 of the act, as to be dangerous when worn by individuals, unless the shipment or delivery for shipment in commerce of such article of wearing apparel or textile fabric is made direct to person engaged in the business of processing or finishing textile products for the prearranged purpose of having such article of apparel or textile fabric processed or finished to render it not so highly flammable under section 4 of the act, as to be dangerous when worn by individuals, and any person shipping or delivering for shipment the article of wearing apparel or fabric in commerce for such purpose maintains records which establish (1) that the textile fabric or article of wearing apparel has been shipped for appropriate flammability treatment, and (2) that such treatment has been completed, as well as records to show the disposition of such textile fabric or article of wearing apparel subsequent to the completion of such treatment.

(c) The importation of textile fabrics or articles of wearing apparel may be considered as incidental to a transaction involving shipment or delivery for shipment for the purpose of rendering such textile fabrics or articles of wearing apparel not so highly flammable under the provisions of section 4 of the act, as to be dangerous when worn by individuals, if:

(1) The importer maintains records which establish (i) that the imported textile fabrics or articles of wearing apparel have been shipped for appropriate flammability treatment, and (ii) that such treatment has been completed, as well as records to show the disposition of such textile fabrics or articles of wearing apparel subsequent to the completion of such treatment.

(2) The importer, at the time of importation, executes and furnishes to the Bureau of Customs an affidavit stating:

These fabrics (or articles of wearing apparel) are dangerously flammable under the provisions of section 4 of the Flammable Fabrics Act, and will not be sold or used in their present condition but will be processed or finished by the undersigned or by a duly authorized agent so as to render them not so highly flammable under the provisions of section 4 of the Flammable Fabrics Act, as to be dangerously flammable when worn by individuals. The importer agrees to maintain the records required by 16 CFR 1610.39(c)(1).

(3) The importer, if requested to do so by the Bureau of Customs, furnishes an adequate specific-performance bond conditioned upon the complete discharge of the obligations assumed in subparagraph (1) and (2) of this paragraph.

NOTE: The purpose of section 11(c) is only to permit articles of wearing apparel or textile fabrics which are dangerously flammable to be shipped or delivered for shipment in commerce for the purpose of treatment or processing to render them not dangerously flammable. Section 11(c) does not in any other respect limit the force and effect of sections 3, 6, 7, and 9 of the act. In particular, section 11(c) does not authorize the sale or offering for sale of any article of wearing apparel or textile fabric which is in fact dangerously flammable at the time of sale or offering for sale, even though the seller intends to ship the article for treatment prior to delivery to the purchaser or has already done so. Moreover, under section 3 of the act a person is liable for a subsequent sale or offering for sale if, despite the purported completion of treatment to render it not dangerously flammable, the article in fact remains dangerously flammable.

Subpart C—Interpretations and Policies

§ 1610.61 Clarification of flammability standard for clothing textiles (CS 191–53).

(a) *Background.* (1) The Flammable Fabrics Act, which became effective July 1, 1954 (Public Law 83–88, 67 Stat. 111–15), adopted Commercial Standard 191–53 as a mandatory flammability standard to be applied under that act (CS 191–53 had been a voluntary commercial standard, entitled "Commercial Standard 191–53, Flammability of Clothing Textiles," which became effective January 20, 1953).

(2) On August 23, 1954, the Flammable Fabrics Act was amended (68 Stat. 770) to reduce the burning time for flame spread as provided in CS 191–53.

V 40 250 DEC 30 75 XUM

(3) As amended and revised December 14, 1967 by Public Law 90–189 (81 Stat. 568–74), the Flammable Fabrics Act no longer specifically referred to CS 191–53; however, Public Law 90–189 contained a "savings clause" (section 11), which continued the applicability of any standard effective under the act theretofore until superseded or modified. No such change occurred thereafter to CS 191–53 which, accordingly, continues to be a mandatory flammability standard under the act.

(b) *Need for clarification.* It has been brought to the attention of the Consumer Product Safety Commission that lack of clarity in CS 191–53 regarding (1) the positioning of the stop cord, (2) the technique for brushing fabrics with raised-fiber surface, and (3) the criterion for failure of a fabric with a raised-fiber surface results in variations in the way tests are conducted or results are interpreted under the standard, thereby making both compliance with and enforcement of the standard under the Flammable Fabrics Act needlessly contentious.

(c) *Clarifying interpretations.* To alleviate this situation, the Consumer Product Safety Commission adopts the following interpretations on these subjects for CS 191–53:

(1) *Stop cord.* The stop cord shall be three-eighths of an inch above and parallel to the lower surface of the top plate of the specimen holder. This condition can be achieved easily and reproducibly with the use of L-shaped guides and an additional thread guide popularly referred to as a "sky hook." The essential condition, however, is the uniform height of three-eighths of an inch for the stop cord and not the number, placement, or design of the thread guides.

(2) *Brushing.* Brushing of a specimen shall be performed with the specimen mounted in a specimen holder. The purpose of the metal plate or "template" on the carriage of the brushing device is to support the specimen during the brushing operation. Accordingly, such template should be one-eighth of an inch thick.

(3) *Criterion for failure.* In the case of those fabrics having a raised-fiber surface for which a flame spread time of less than 4 seconds occurs and is the result of surface burning (sometimes referred to as "surface flash"), the additional finding of base fabric ignition or fusion that is required to establish a failure shall have to be associated with the propagating surface flame and not the igniting flame.

(Sec. 1 et seq., 67 Stat. 111–15, as amended 68 Stat. 770, 81 Stat. 568–74 (15 U.S.C. 1191–1204, note under 1191).)

PART 1611—STANDARD FOR THE FLAMMABILITY OF VINYL PLASTIC FILM

Subpart A—The Standard

Sec.
1611.1 Purpose and scope.
1611.2 General description of products covered.
1611.3 Flammability—general requirements.
1611.4 Flammability test.

Subpart B—Rules and Regulations

1611.31 Terms defined.
1611.32 General requirements.
1611.33 Test procedures for textile fabrics and film.
1611.34 Only uncovered or exposed parts of wearing apparel to be tested.
1611.35 Testing certain classes of fabrics.
1611.36 Application of act to particular types of products.
1611.37 Reasonable and representative test under section 8 of the act.
1611.38 Maintenance of records by those furnishing guaranties.
1611.39 Shipments under section 11(c) of the act.

CODIFICATION NOTE: Part 1611 is a codification of the previously unpublished flammability standard for vinyl plastic film which was derived from part of the requirements of Commercial Standard 192–53, issued by the Department of Commerce, effective on May 22, 1953. This flammability standard became mandatory through section 4(a) of the Flammable Fabrics Act, as amended in 1954, and remains in effect due to the savings clause (section 11) of Pub. L. 90–189. Paragraph 3.11 of the Commercial Standard, referred to in the 1954 act, has been codified as § 1611.3 16 CFR Part 1609 contains the text of the Flammable Fabrics Act of 1953, as amended in 1954.

Subpart A—The Standard

AUTHORITY: Sec. 4, Pub. L. 88–88, 67 Stat. 112, as amended, 68 Stat. 770 (15 U.S.C. 1193); sec. 11, Pub. L. 90–189, 81 Stat. 568.

§ 1611.1 Purpose and scope.

The purpose of this standard is to promulgate a minimum standard for flammability of vinyl plastic film which are subject to the requirements of the Flammable Fabrics Act.

§ 1611.2 General description of products covered.

The material covered is nonrigid, unsupported, vinyl plastic film, including transparent, translucent, and opaque material, whether plain, embossed, molded or otherwise surface treated.*

* Refer to sections 2 and 4 of the Flammable Fabrics Act of 1953, as amended in 1954, set out at 16 CFR Part 1609 for the scope of this standard. The vinyl plastic film covered by Commercial Standard 192–53, as promulgated by the Secretary of Commerce was vinyl plastic film 10 mils and less in thickness (see ¶ 1.3 of the voluntary standard). After CS 191–53 and CS 192–53 were made mandatory by section 4 of the act, the Federal Trade Commission clarified the scope of the standards in rules and regulations now found at §§ 1611.31(1) and 1611.32(b) (formerly 16 CFR 302.1(a)(9) and 302.3(b)).

§ 1611.3 Flammability—general requirement.

The rate of burning shall not exceed 1.2 in./sec as judged by the average of five determinations lengthwise and five determinations transverse to the direction of processing, when the material is tested with the SPI flammability tester in accordance with the method described in § 1611.4.

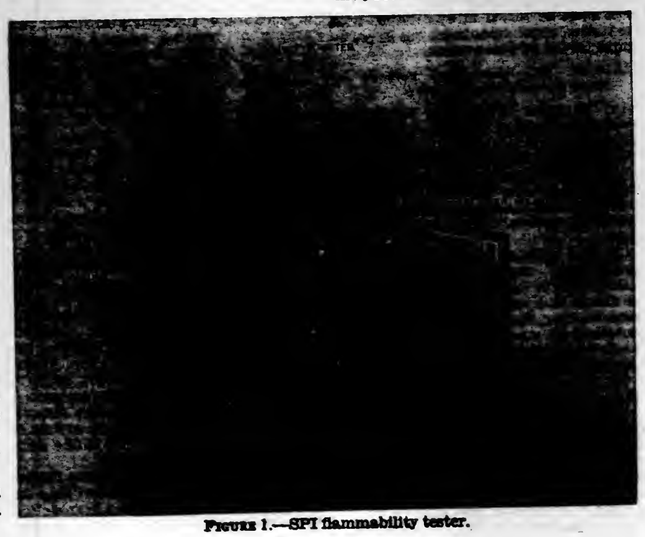


FIGURE 1.—SPI flammability tester.

§ 1611.4 Flammability test.

(a) *Apparatus and materials.*—The apparatus shall be constructed essentially as shown in figure 1 and shall consist of the following:

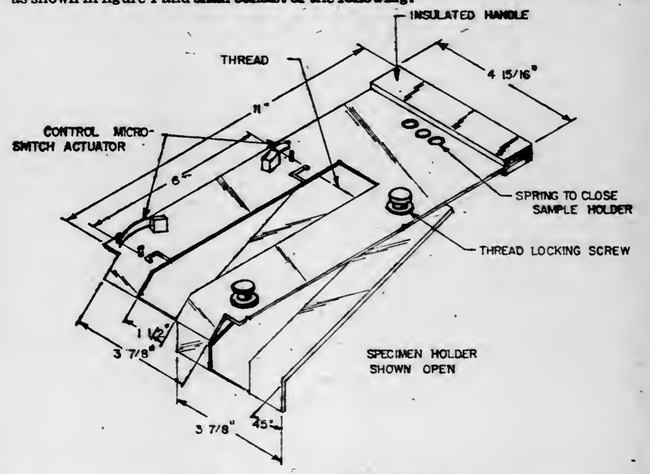


FIGURE 2.—Specimen holder.

(1) *Specimen holder.*—(i) A removable, flat, specimen-holding rack, the upper and lower sections of which are separate, shall have the shape and dimensions shown in figure 2 (sketch of sample-holding rack). The specimen is supported by tight closure of the upper and lower sections around the sides of the specimen. The center section of the rack contains an open U-shaped area in which burning of the specimen takes place. At the open end of the rack the forked sides are at an angle of 45° for the last inch. Thus, when the rack is slid into the cabinet on runners mounted at a 45° angle, the bent portion of the specimen adjacent to the igniter flame is vertical and the remainder is at 45°.

(ii) The switch actuators consist of suitable springs mounted on the side of the rack, one just beyond the curved portion at the open end, and the other at the closed end of the U-shaped holder. The springs are depressed and held in position prior to ignition by means of cotton thread suitably wound across the specimen and securely attached to the rack. As flame reaches these threads, the springs are released, thus activating the microswitches of the stop clocks.

(2) *Igniter flame.*—The igniter flame shall be produced at the tip of a No. 22 hypodermic needle jet. The igniter shall be so located in the cabinet that the tip of the needle is 9/16 in. from the surface of the specimen when the specimen rack is in place.

(3) *Cabinet.*—The cabinet shall protect the igniter flame and specimen from air currents during tests, yet contain a suitable door or window for visual operation, provision for inserting the specimen holder, and adjustable vents to supply sufficient air for combustion of the specimen. It should also be capable of rapid ventilation following a test so that all combustion products can be removed between tests. A hood may be used if its exhaust fan is turned off during the test.

(4) *Timing mechanism.*—The burning rate shall be determined by a stop clock through microswitches mounted on the specimenholder rack. The clock is started when the specimen flame burns the first thread, and is stopped when the thread at the upper end of the holder, 6 in. from the first thread, burns apart. The timing mechanism shall be capable of indicating time interval to 0.1 second.

(5) *Butane.*—Unless otherwise specified, butane gas shall be used for the igniter flame.

(6) *Thread.*—J. & P. Coats heavy-duty white cotton thread.

(7) *Microburner.*

(b) *Test specimens.* (1) Test specimens shall be 3 in. in width and 9 in. in length. They shall be free from folds or wrinkles. Five specimens from each direction (machine and transverse) of a given material shall be tested.

(2) *Conditioning.*—The conditioning procedure shall conform to the requirements of procedure B of ASTM D618, Tentative Methods of Conditioning Plastics and Electrical Insulating Materials for Testing.

(c) *Procedure.* (1) After preparing the specimens, the holder shall be threaded so as to depress the switch actuators (springs) at least ¼ in. from the edge of the holder. Each actuator shall be separately threaded, the thread passing down through the J-slots and under the upper jaws so that the thread is adjacent to the specimen when the holder is closed.

(2) The specimen shall be inserted into the holder so that it extends down into the lock springs and is held firmly between the two wires at the open end of the burning channel. These wires insure that the end of the specimen is always the correct distance from the igniter flame. The sample shall be free from wrinkles or distortion when the holder is closed. The specimen should not extend beyond the outer edge of the lower plate, otherwise the rack may not slide freely on the slide channel on introducing it into the cabinet.

(3) Prior to introducing the specimen and holder into the cabinet, both electical switches shall be set for automatic timing. The needle valve regulating the butane flow shall be adjusted to provide a ½-in. flame. (When the specimen is in place its surface is 7/8 in. from the tip of the needle and the flame is just barely flattened against the specimen. This can be checked by using a specimen made of asbestos in place of a plastic specimen.)

(4) With the hood fan off, clocks zeroed, and the flame adjusted as mentioned, the door is closed and the specimen holder is then inserted at a constant rate. The holder should be allowed to slide down the rails by gravity, taking about one-half second to travel the length of the slide. Any hesitation in bringing the specimen holder fully into burning position may cause erroneous ignition results.

(5) The burning time shall be read from the stop clock and the rate of burning calculated. Results that deviate from the mean value of all tests should be rejected if the deviation of the doubtful value is more than five times the average deviation from the mean obtained by excluding the doubtful value. Such doubtful values shall be discarded and retests made.

Subpart B—Rules and Regulations

AUTHORITY: Sec. 5, 15 U.S.C. 1194, unless otherwise noted.

NOTE: An interpretation, with respect to Ornamental Veils or Veilings, issued by the Federal Trade Commission at 32 F.R. 11650, Aug. 17, 1967, provides as follows:

Ornamental millinery veils or veilings when used as a part of, in conjunction with, or as a hat, are not to be considered such a "covering for the neck, face, or shoulders" as would, under the first proviso of section 2(d) of the Flammable Fabrics Act, cause the hat to be included within the definition of the term "article of wearing apparel" where such ornamental millinery veils or veilings do not extend more than nine (9) inches from the tip of the crown of the hat to which they are attached and do not extend more than two (2) inches beyond the edge of the brim of the hat.

Where hats are composed entirely of ornamental millinery veils or veilings such hats will not be considered as subject to the Flammable Fabrics Act if the veils or veilings from which they are manufactured were not more than nine (9) inches in width and do not extend more than nine (9) inches from the tip of the crown of the completed hat.

§ 1611.31 Terms defined.

As used in this part, unless the context otherwise specifically requires:

(a) The term "act" means the "Flammable Fabrics Act" (approved June 30,

V 40 250 DEC 30 75 XUM

1953, Pub. Law 88, 83d Congress, 1st sess., 15 U.S.C. 1191; 67 Stat. 111), as amended, 68 Stat. 770, August 23, 1954.

(b) The terms "rule", "rules", "regulations", and "rules and regulations", mean the rules and regulations prescribed by the Commission pursuant to section 5(c) of the act.

(c) The term "United States" means, the several States, the District of Columbia, the Commonwealth of Puerto Rico and the Territories and Possessions of the United States.

(d) The terms "marketing or handling" means the transactions referred to in section 3 of the Flammable Fabrics Act, as amended in 1967.

(e) The terms "uncovered or exposed part" of an article of wearing apparel as used in section 4(a) of the act, mean that part of such article of apparel which might during normal wear be open to flame or other means of ignition.

NOTE: The outer surface of an undergarment is considered to be an uncovered or exposed part of an article of wearing apparel, and thus subject to the act.

(f) The term "textile fabric" means any coated or uncoated material subject to the act, except film and fabrics having a nitro-cellulose fiber, finish, or coating, which is woven, knitted, felted or otherwise produced from any natural or man-made fiber, or substitute therefore, or combination thereof, of two inches or more in width, and which is in a form or condition ready for use in wearing apparel.

(g) The term "plain surface textile fabric" means any textile fabric which does not have an intentionally raised fiber or yarn surface such as a pile, nap, or tuft, but shall include those fabrics having fancy woven, knitted or flock printed surfaces.

(h) The term "raised surface textile fabric" means any textile fabric which has an intentionally raised fiber or yarn surface such as a pile, nap, or tufting.

(i) The term "film" means any nonrigid, unsupported plastic, rubber or other synthetic or natural film or sheeting, subject to the act, or any combination thereof, including transparent, translucent, and opaque material, whether plain, embossed, molded, or otherwise surface treated, which is in a form or condition ready for use in wearing apparel, and shall include film or sheeting exceeding 10 mils in thickness.

(j) The term "test" means the application of the relevant test method prescribed in the procedures provided under section 4(a) of the act.

(k) The term "initial test" means tests made under the procedures prescribed in section 4(a) of the act of specimens taken from two separate pieces of a textile fabric, or textile fabric with a nitro-cellulose fiber, finish or coating, having the same weight, construction and finish type, or from two separate runs of film having the same formula, finish, color, and thickness.

(l) The term "finish type" means a particular finish, but does not include such variables as changes in color, pattern, print, or design, or minor variations in the amount or type of ingredients in the finish formulation. Examples of finish types would be starch finishes, resin finishes or parchmentized finishes.

(m) The definition of terms contained in section 2 of the act shall be applicable also to such terms when used in rules promulgated under the act.

§ 1611.32 General requirements.

No article of wearing apparel or fabric subject to the act and regulations shall be marketed or handled if such article or fabric, when tested according to the procedures prescribed in section 4(a) of the act, is so highly flammable as to be dangerous when worn by individuals.

§ 1611.33 Test procedures for textile fabrics and film.

(a) (1) All textile fabrics (except those with a nitro-cellulose fiber, finish or coating) intended or sold for use in wearing apparel, and all such fabrics contained in articles of wearing apparel, shall be subject to the requirements of the act, and shall be deemed to be so highly flammable as to be dangerous when worn by individuals if such fabrics or any uncovered or exposed part of such articles of wearing apparel exhibits rapid and intense burning when tested under the conditions and in the manner prescribed in Subpart A of this Part, and identified as "Flammability of Clothing Textiles, Commercial Standard 191–53".

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph, coated fabrics, except those with a nitro-cellulose coating, may be tested under the procedures outlined in Part 1611, the flammability standard incorporated in the Commercial Standard promulgated by the Secretary of Commerce effective May 22, 1953, and identified as "General Purpose Vinyl Plastic Film, Commercial Standard 192–53", and if such coated fabrics do not exhibit a rate of burning in excess of that specified in § 1611.3 they shall not be deemed to be so highly flammable as to be dangerous when worn by individuals.

(b) All film, and textile fabrics with a nitro-cellulose fiber, finish or coating intended or sold for use in wearing apparel, and all film and such textile fabrics referred to in this rule which are contained in articles of wearing apparel, shall be subject to the requirements of the act, and shall be deemed to be so highly flammable as to be dangerous when worn by individuals if such film or such textile fabrics or any uncovered or exposed part of such articles of wearing apparel exhibit a rate of burning in excess of that specified in Part 1611, the flammability standard incorporated in the Commercial Standard promulgated by the Secretary of Commerce effective May 22, 1953, and identified as "General Purpose Vinyl Plastic Film, Commercial Standard 192–53."

§ 1611.34 Only uncovered or exposed parts of wearing apparel to be tested.

In determining whether an article of wearing apparel is so highly flammable as to be dangerous when worn by individuals, only the uncovered or exposed part of such article of wearing apparel shall be tested according to the applicable procedures set forth in section 4(a) of the act.

§ 1611.35 Testing certain classes of fabrics.

(a) Any textile fabric intended for use in, or used, or contained in an article of wearing apparel, which in its normal and customary use as wearing apparel would not be dry cleaned or washed, need not, upon test made under the procedures outlined in Subpart A of Part 1610, be dry cleaned or washed as prescribed by §§ 1610.4(d) and 1610.4(e) if such fabric and article of wearing apparel when marketed or handled are marked or labeled in a clear and legible manner stating "Fabric will be dangerously flammable if dry cleaned or washed." An example of the type of fabric referred to is bridal illusion.

(b) A coated fabric need not, upon test under the procedures outlined in Subpart A of Part 1610, be dry cleaned as set forth in § 1610.4(d).

(c) In determining whether a textile fabric having a raised-fiber surface, which surface is to be used in the covered or unexposed parts of articles of wearing apparel, is so highly flammable as to be dangerous when worn by individuals, only the opposite surface or surface intended to be exposed need be tested under the applicable procedures set forth in section 4(a) of the act, providing an invoice or other paper covering the marketing or handling of such fabric is given which clearly designates that the raised-fiber surface is to be used only in the covered or unexposed parts of articles of wearing apparel.

(d) A textile fabric which is less than six inches in width need only, upon test under the procedures outlined in Subpart A of Part 1610, be tested in a lengthwise direction.

§ 1611.36 Application of act to particular types of products.

(a) Fabrics intended or sold for processing into interlinings or other covered or unexposed parts of articles of wearing apparel shall not be subject to the provisions of section 3 of the act: *Provided*, That an invoice or other paper covering the marketing or handling of such fabrics is given which specifically designates their intended end use: *And provided further*, That with respect to fabrics which under the provisions of section 4 of the act, as amended, are so highly flammable as to be dangerous when worn by individuals, any person marketing or handling such fabrics maintains records which show the acquisition, disposition and intended end use of such fabrics, and any person manufacturing articles of wearing apparel containing such fabrics maintains records which show the acquisition, and use and disposition of such fabrics. Any person who fails to maintain such records or to furnish such invoice or other paper shall be deemed to have engaged in the marketing or handling of such products for purposes subject to the requirements of the act and such person

and the products shall be subject to the provisions of sections 3, 6, 7, and 9 of the act.

(b) Fabrics intended or sold for use in those hats, gloves, and footwear which are excluded under the definition of articles of wearing apparel in section 2(d) of the act shall not be subject to the provisions of section 3 of the act: *Provided*, That an invoice or other paper covering the marketing or handling of such fabrics is given which specifically designates their intended use in such products: *And provided further*, That with respect to fabrics which under the provisions of section 4 of the act, as amended, are so highly flammable as to be dangerous when worn by individuals, any person marketing or handling such fabrics maintains records which show the acquisition, disposition, and intended end use of such fabrics, and any person manufacturing hats, gloves, or footwear containing such fabrics maintains records which show the acquisition, end use and disposition of such fabrics. Any person who fails to maintain such records or to furnish such invoice or other paper shall be deemed to have engaged in the marketing or handling of such products for purposes subject to the requirements of the act and such person and the products shall be subject to the provisions of sections 3, 6, 7, and 9 of the act.

(c) Except as provided in paragraph (d) of this section, handkerchiefs not exceeding a finished size of twenty-four (24) inches on any side or not exceeding five hundred seventy-six (576) square inches in area are not deemed "articles of wearing apparel" as that term is used in the act.

(d) Handkerchiefs or other articles affixed to, incorporated in, or sold as a part of articles of wearing apparel as decoration, trimming, or for any other purpose, are considered an integral part of such articles of wearing apparel, and the articles of wearing apparel and all parts thereof are subject to the provisions of the act. Handkerchiefs or other articles intended or sold to be affixed to, incorporated in or sold as a part of articles of wearing apparel as aforesaid constitute "fabric" as that term is defined in section 2(e) of the act and are subject to the provisions of the act which such handkerchiefs or other articles constitute textile fabrics as the term "textile fabric" is defined in § 1611.31(f).

(e) Where an article of wearing apparel has a raised-fiber surface which is intended for use as a covered or unexposed part of the article of wearing apparel but the article of wearing apparel is, because of its design and construction, capable of being worn with the raised-fiber surface exposed, such raised-fiber surface shall be considered to be an uncovered or exposed part of the article of wearing apparel. Examples of the type of products referred to in this paragraph are athletic shirts or so-called "sweat shirts" with a raised fiber inner side.

NOTE: An interpretation to § 302.6(c) issued by the Federal Trade Commission, 30 FR 16106, Dec. 28, 1965, provides as follows: "§ 1611.36(c) does not exclude products from the act on the sole basis of the size, description or designation of such product. "If, because of construction, design, color, type of fabric, or any other factor, a piece of cloth of a finished type or any other product of a finished type appears to be likely to be used as a covering for the head, neck, face, shoulders, or any part thereof, or otherwise appears likely to be used as an article of clothing, garment, or costume, such product is not a handkerchief and constitutes an article of wearing apparel as defined in and subject to the provisions of the Flammable Fabrics Act, irrespective of its size, or its description or designation as a handkerchief or any other term."

§ 1611.37 Reasonable and representative tests under section 8 of the act.

EXPLANATION: Section 8 of the act, among other things, provides that no person shall be subject to prosecution under section 7 of the act for a violation of section 3 of the act if such person establishes a guaranty received in good faith signed by and containing the name and address of the person by whom the wearing apparel or fabric guaranteed was manufactured or from whom it was received, to the effect that reasonable and representative tests made under the procedures provided in section 4(a) of the act show that the fabric covered by the guaranty, or used, or contained in the wearing apparel, is not, under the provisions of section 4 (a) of the act, so highly flammable as to be dangerous when worn by individuals.

While one establishing a guaranty received in good faith would not be subject to criminal prosecution under section 7 of the act, he, or the merchandise involved, would nevertheless, remain subject to the administrative processes of the Consumer Product Safety Commission under section 5 of the act, as well as the injunction and condemnation procedures under section 6 of the act.

The furnishing of guaranties is not mandatory under the act. The purpose of this rule is to establish minimum requirements for the reasonable and representative tests on which guaranties may be based.

(a) The following shall constitute reasonable and representative tests, as that term is used in section 8 of the act, for those textile fabrics which by reason of their composition, construction, finish type or weight may be tested upon a class basis. The word "class" as used in this section means a category of textile fabrics having certain general constructional or finished characteristics, sometimes in association with a particular fiber, and covered by a class or type description generally recognized by the trade. In certain instances the use of class tests is restricted by this section to a particular textile fabric of the same fiber composition, construction and finish type. The results of such class tests may be used by any person as a basis for furnishing guaranties under section 8 of the act on all textile fabrics of the same class.

(1) *Plain surface textile fabrics weighing two ounces or more per square yard.* (i) One test of any plain surface textile fabric weighing two ounces or more per square yard, exclusive of metallic ornamentation, or one test of any fabric in a particular class of such fabrics, shall suffice for any such fabric or class of fabrics.

(2) *Plain surface textile fabrics weighing less than two ounces per square yard.* (i) When, on the initial test of any plain surface textile fabric weighing less than two ounces per square yard, such fabric exhibits a burning time of 3.5 seconds or more, such test may suffice for any fabric of the same fiber composition, construction and finish type. This class of fabric shall be tested at least once at intervals of not more than three months thereafter while in production. If, after four consecutive interval production tests have been made, none of such test results show the flame spread to have been less than 4.5 seconds, no further tests of such class of fabric need be made.

(ii) When, on the initial test of any plain surface textile fabric weighing less than two ounces per square yard, none of the specimens ignite, such initial test may suffice for any fabric of the same fiber composition, construction and finish type.

(iii) When, on the initial test of any plain surface textile fabric weighing less than two ounces per square yard, such fabric ignites but the flame is extinguished before the stop cord is burned, such test may suffice for any fabric of the same fiber composition, construction and finish type. This class of fabric shall be tested at least once at intervals of not more than one year thereafter while in production.

(3) *Certain raised fiber surface textile fabrics.* (i) When a test of any raised fiber surface textile fabric which has a dense cut pile of uniform short length or looped yarns, does not exhibit a surface flash and does not ignite, such test shall suffice for any such fabric having a dense cut pile of the same length or the same looped yarns and of the same fiber composition, construction and finish type. Examples of the types of fabrics referred to are velvet, velveteens, velours, and corduroys.

(ii) One test of any raised fiber surface textile fabric, the raised fiber surface of which consists of not less than ninety percentum (90%) protein fiber, or one test of any fabric in a particular class of such fabrics, shall suffice for any such fabric or class of fabrics.

(iii) When, on the initial test of any raised surface textile fabric which has a surface composed of looped yarns, such fabric exhibits a burning time in excess of 12 seconds, such test may suffice for any such fabric having the same looped yarns and of the same fiber composition, construction and finish type. An example of the type of fabric referred to is "terry cloth".

(b) Raised fiber surface textile fabrics: When, on the initial test of a raised fiber surface textile fabric, such fabric:

(1) (i) Falls within Class 2 as provided in § 1610.3(a) (2) (i), the fabric shall be tested at least once at intervals of not more than one month while in production, or if the production exceeds 50,000 yards per month, the fabric shall be tested thereafter every 50,000 yards or fraction thereof.

(ii) If, after two such intervals, production tests have been made, the test results do not show the flame spread to have been less than 4 seconds, with the base fabric ignited or fused, the fabric shall be tested at least once at intervals of not more than three months while in production, or if the production exceeds 100,000 yards per three months, the fab-

V 40 N 250 DEC 30 75 XUM

ric shall be tested thereafter every 100,000 yards or fraction thereof.

(2) Has a flame spread in excess of 7 seconds with the base fabric ignited or fused, the fabric shall be tested at least once at intervals of not more than six months thereafter while in production.

(3) Has a surface flash, but the base fabric does not ignite nor fuse, the fabric shall be tested at least once at intervals of not more than six months thereafter while in production.

(4) Does not have a surface flash and does not ignite, the initial test shall suffice.

(c) When, on initial test a film or a textile fabric with a nitro-cellulose fiber, finish or coating, does not exhibit a burning rate in excess of 1.2 inches per second, one test each year thereafter while in production shall be deemed reasonable and representative tests for such film or textile fabric.

(d) Reasonable and representative tests of fabrics and fabrics contained in articles of wearing apparel, subject to the act, produced prior to the effective date of the act, and which have not been tested under the applicable requirements of paragraphs (a), (b), or (c) of this section, shall be an initial test for each class of such fabrics, and such tests shall be applicable to all fabrics having the same fiber composition, construction and finish type.

(e) In the case of articles of wearing apparel which are not made from fabrics but directly from yarns, the fabrics contained in such articles of wearing apparel shall be tested by the testing requirements provided in paragraphs (a) and (b) of this section.

(f) Where fabrics or fabrics contained in articles of wearing apparel have not been tested when in production by the applicable testing requirements provided in paragraphs (a), (b) or (c) of this section, one test of each such fabrics shall be made every 10,000 yards or fraction thereof, or of the fabric contained in one of every 5,000 of such articles of wearing apparel or fraction thereof, and these shall be deemed reasonable and representative tests of such fabrics.

(g) In the case of textile fabrics or textile fabrics contained in articles of wearing apparel having an appliqued, overstitched, or embroidered type of design of a loop, pile, nap, or tufted construction, tests shall be conducted according to paragraph (b) of this section on each type of applique, overstitch, or embroidery.

(h) If tests of any textile fabric made subsequent to the initial test show a burning time of another category, then such fabric shall be tested thereafter under the testing requirements of such changed time.

(i) The application of this section, insofar as it relates to the testing of plain surface textile fabrics or such fabrics contained in articles of wearing apparel weighing two ounces or more per square yard, shall be limited to fabrics made of fibers in use or capable of being used as of May 31, 1954. Such fabrics weighing two ounces or more per square yard made in whole or in part of fibers developed and used subsequent to May 31, 1954, shall be tested in accordance with the testing requirements set out in paragraph (a) (2) of this section.

§ 1611.38 Maintenance of records by those furnishing guaranties.

(a) In order to properly administer and enforce section 8 of the act relating to guaranties, it is required that any person furnishing either a separate or continuing guaranty who has made the tests prescribed by the act and regulations shall keep and maintain records of such tests. The records to be maintained shall show:

(1) The style or range number, fiber composition, construction and finish type of each textile fabric and each textile fabric (including those with a nitro-cellulose fiber, finish or coating) used or contained in an article of wearing apparel covered by the guaranty, including a swatch of the fabric tested.

(2) The stock or formula number, color, thickness and general description of each film or film used in an article of wearing apparel covered by the guaranty, including a sample of the film tested.

(3) The results of the actual tests made on the textile fabric and film or the fabric and film used or contained in an article of wearing apparel.

(b) Persons furnishing guaranties based upon class tests shall maintain records showing:

(1) Identification of the class test.

(2) Fiber composition, construction and finish type of the fabrics, or the fabrics used or contained in articles of wearing apparel so guaranteed.

(3) A swatch of each class of fabrics guaranteed.

(c) Persons furnishing guaranties based upon guaranties received by them shall maintain records showing:

(1) The guaranty received and identification of the fabrics or fabrics contained in articles of wearing apparel guaranteed in turn by them.

(d) The records referred to in this section shall be preserved for a period of three years from the date the tests were performed, or in the case of paragraph (c) of this section the guaranties were furnished.

(e) Any person furnishing a guaranty under section 8(a) of the act who neglects or refuses to maintain and preserve the records prescribed in this section shall be deemed to have furnished a false guaranty under the provisions of section 8(b) of the act.

§ 1611.39 Shipments under section 11 (c) of the act.

(a) The invoice or other paper relating to the shipment or delivery for shipment in commerce of articles of wearing apparel or textile fabrics for the purpose of finishing or processing to render them not so highly flammable as to be dangerous when worn by individuals, shall contain a statement disclosing such purpose.

(b) An article of wearing apparel or textile fabric shall not be deemed to fall within the provisions of section 11(c) of the act as being shipped or delivered for shipment in commerce for the purpose of finishing or processing to render such article of wearing apparel or textile fabric not so highly flammable under section 4 of the act, as to be dangerous when worn by individuals, unless the shipment or delivery for shipment in commerce of such article of wearing apparel or textile fabric is made direct to person engaged in the business of processing or finishing textile products for the prearranged purpose of having such article of apparel or textile fabric processed or finished to render it not so highly flammable under section 4 of the act, as to be dangerous when worn by individuals, and any person shipping or delivering for shipment the article of wearing apparel or fabric in commerce for such purpose maintains records which establish (1) that the textile fabric or article of wearing apparel has been shipped for appropriate flammability treatment, and (2) that such treatment has been completed, as well as records to show the disposition of such textile fabric or article of wearing apparel subsequent to the completion of such treatment.

(c) The importation of textile fabrics or articles of wearing apparel may be considered as incidental to a transaction involving shipment or delivery for shipment for the purpose of rendering such textile fabrics or articles of wearing apparel not so highly flammable under the provisions of section 4 of the act, as to be dangerous when worn by individuals, if:

(1) The importer maintains records which establish (i) that the imported textile fabrics or articles of wearing apparel have been shipped for appropriate flammability treatment, and (ii) that such treatment has been completed, as well as records to show the disposition of such textile fabrics or articles of wearing apparel subsequent to the completion of such treatment.

(2) The importer, at the time of importation, execute and furnishes to the Bureau of Customs an affidavit stating:

These fabrics (or articles of wearing apparel) are dangerously flammable under the provisions of section 4 of the Flammable Fabrics Act, and will not be sold or used in their present condition but will be processed or finished by the undersigned or by a duly authorized agent so as to render them not so highly flammable under the provisions of section 4 of the Flammable Fabrics Act, as to be dangerously flammable when worn by individuals. The importer agrees to maintain the records required by 16 CFR 1610.39 (c) (1).

(3) The importer, if requested to do so by the Bureau of Customs, furnishes an adequate specific-performance bond conditioned upon the complete discharge of the obligations assumed in subparagraph (1) and (2) of this paragraph.

NOTE: The purpose of section 11(c) is only to permit articles of wearing apparel or textile fabrics which are dangerously flammable to be shipped or delivered for shipment in commerce for the purpose of treatment or processing to render them not dangerously flammable. Section 11(c) does not in any other respect limit the force and effect of sections 3, 6, 7, and 9 of the act. In particular, section 11(c) does not authorize the sale or offering for sale of any article of wearing apparel or textile fabric which is in fact dangerously flammable at the time of sale or offering for sale, even though the seller intends to ship the article for treatment prior to delivery to the purchaser or has already done so. Moreover, under section 3 of the act a person is liable for a subsequent sale or offering for sale if, despite the purported completion of treatment to render it not dangerously flammable, the article in fact remains dangerously flammable.

PART 1615—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 0 THROUGH 6X (FF 3–71)

Subpart A—The Standard

Sec.
1615.1 Definitions.
1615.2 Scope and application.
1615.3 General requirements.
1615.4 Test procedure.
1615.5 Labeling requirements.

Subpart B—Rules and Regulations

1615.31 Labeling, recordkeeping, advertising, retail display and guaranties.

Subpart C—Interpretations and Policies

1615.61 [Reserved]
1615.62 Policy and interpretation relative to items in inventory are as to recordkeeping requirements.
1615.63 Policy regarding garment production unit identification.

Subpart A—The Standard

AUTHORITY: Sec. 4, Sec. 67 stat. 112, as amended, 81 stat. 569–70; 15 U.S.C. 1193.

EFFECTIVE DATE: This standard became effective July 28, 1972. It was originally published as a notice on July 21, 1972 (37 FR 14624), and corrected on September 21, 1972 (31 FR 19662).

§ 1615.1 Definitions.

In addition to the definitions given in section 2 of the Flammable Fabrics Act, as amended (sec. 1, 81 Stat. 568; 15 U.S.C. 1191), and the procedures under the act for setting standards (Part 1607 of this chapter) the following definitions apply for the purposes of this Standard:

(a) "Children's Sleepwear" means any product of wearing apparel up to and including size 6X, such as nightgowns, pajamas, or similar or related items, such as robes, intended to be worn primarily for sleeping or activities related to sleeping. Diapers and underwear are excluded from this definition.

(b) "Size 6X" means the size defined as 6X in Department of Commerce Voluntary Product Standard, previously identified as Commercial Standard, CS 151–50 "Body Measurements for the Sizing of Apparel for Infants, Babies, Toddlers, and Children."[1]

(c) "Item" means any product of children's sleepwear, or any fabric or related material intended or promoted for use in children's sleepwear.

(d) "Trim" means decorative materials, such as ribbons, laces, embroidery, or ornaments. This definition does not include (1) individual pieces less than 2 inches in their longest dimension, provided that such pieces do not constitute or cover in aggregate a total of more than 20 square inches of the item, or (2) functional materials (findings), such as zippers, buttons, or elastic bands, used in the construction of garments.

(e) "Test Criteria" means the maximum char length and residual flame time which a sample or specimen may exhibit in order to pass an individual test.

(f) "Char Length" means the distance from the original lower edge of the specimen exposed to the flame in accordance with the procedure specified in § 1615.4 *Test procedure* to the end of the tear or void in the charred, burned, or damaged area, the tear being made in accordance with the procedure specified in § 1615.4(g) (2).

(g) "Residual Flame Time" is defined as the time from removal of the burner from the specimen to the final extinction of molten material or other fragments flaming on the base of the cabinet.

(h) "Afterglow" means the continuation of glowing of parts of a specimen after flaming has ceased.

(i) "Fabric Piece" (Piece) means a continuous, unseamed length of fabric, one or more of which make up a unit.

(j) "Fabric Production Unit" (Unit) means any quantity of finished fabric up to 5,000 linear yards for normal sampling or 10,000 linear yards for reduced sampling which has a specific identity that remains unchanged throughout the Unit except for color or print pattern as specified in § 1615.4(b). For purposes of this definition, finished fabric means fabric in its final form after completing its last processing steps as a fabric except for slitting.

(k) "Garment Production Unit" (Unit) means any quantity of finished garments up to 500 dozen which have a specific identity that remains unchanged throughout the Unit except for size, trim, findings, color, and print patterns as specified in § 1615.4(b).

(l) "Sample" means five test specimens.

(m) "Specimen" means an 8.9 x 25.4 cm. (3.5 x 10 in.) section of fabric. For garment testing the specimen will include a seam or trim.

§ 1615.2 Scope and application.

(a) This Standard provides a test method to determine the flammability of items as defined in § 1615.1(c).

(b) All items as defined in § 1615.1(c) are subject to requirements of this standard.

(c) The flammability standards for clothing textiles and vinyl plastic film, Parts 1610 and 1611 of this Chapter, are superseded by this Part 1615 insofar as they apply to items defined in § 1615.1 (c).

§ 1615.3 General requirements.

(a) *Summary of Test Method.* Five conditioned specimens, 8.9 x 25.4 cm. (3.5 x 10 in.), are suspended one at a time vertically in holders in a prescribed cabinet and subjected to a standard flame along their bottom edge for a specified time under controlled conditions. The char length and residual flame time are measured.

(b) *Test Criteria.* The test criteria when the testing is done in accordance with § 1615.4 *Test procedure* are:

(1) *Average Char Length.* The average char length of five specimens shall not exceed 17.8 cm. (7.0 in.).

(2) *Full Specimen Burn.* No individual specimen shall have a char length of 25.4 cm. (10 in.).

(3) *Residual Flame Time.* No individual specimen shall have a residual flame time greater than 10 seconds.

§ 1615.4 Test procedure.

(a) *Apparatus*—(1) *Test Chamber.* The test chamber shall be a steel cabinet with inside dimensions of 32.9 cm. (12 15/16 in.) wide, 32.9 cm. (12 15/16 in.) deep, and 76.2 cm. (30 in.) high. It shall have a frame which permits the suspension of the specimen holder over the center of the base of the cabinet at such a height that the bottom of the specimen holder is 1.7 cm. (¾ in.) above the highest point of the barrel of the gas burner specified in paragraph (c) of this section and perpendicular to the front of the cabinet. The front of the cabinet shall be a close fitting door with a glass insert to permit observation of the entire test. The cabinet floor shall be covered with a piece of asbestos paper, whose length and width are approximately 2.5 cm. (1 in.) less than the cabinet floor dimensions and whose thickness is a nominal 0.3 cm. (⅛ in.). A piece of asbestos paper at least 15.2 x 15.2 cm. (6 x 6 in.) and of nominal thickness of 0.15 cm. (1/16 in.) or less shall be used to catch the drips or other fragments and this latter paper shall be changed after each specimen which drips has been tested. The cabinet to be used in this test method is illustrated in Figure 1 and detailed in Engineering Drawings, Nos. 1 to 7.

(2) *Specimen Holder.* The specimen holder is designed to permit suspension of the specimen in a fixed vertical position and to prevent curling of the specimen when the flame is applied. It shall consist of two U-shaped 0.20 cm. (14 ga. USS) thick steel plates, 42.2 cm. (16⅝ in.) long, and 8.9 cm. (3.5 in.) wide, with aligning pins. The openings in the plates shall be 35.6 cm. (14 in.) long and 5.1 cm. (2 in.) wide. The specimen shall be fixed between the plates, which shall be held together with side clamps. The holder to be used in this test method is illustrated in Figure 2 and detailed in Engineering Drawing No. 7.

(3) *Burner.* The burner shall be substantially the same as that illustrated in Figure 1 and detailed in Engineering Drawing No. 6. It shall have a tube of 1.1 cm. (0.43 in.) inside diameter. The input line to the burner shall be equipped with a needle valve. It shall have a variable orifice to adjust the height of the flame. The barrel of the burner shall be at an angle of 25° from the vertical. The burner shall be equipped with an adjustable stop collar so that it may be positioned quickly under the test specimen. The burner shall be connected to the gas source by rubber or other flexible tubing.

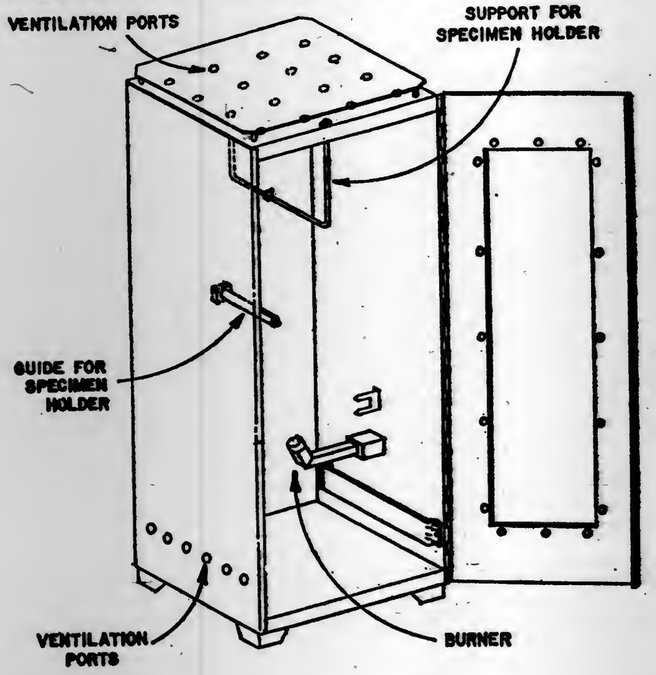
[1] Copies available from the National Technical Information Service, 5285 Port Royal Street, Springfield, VA 22151.

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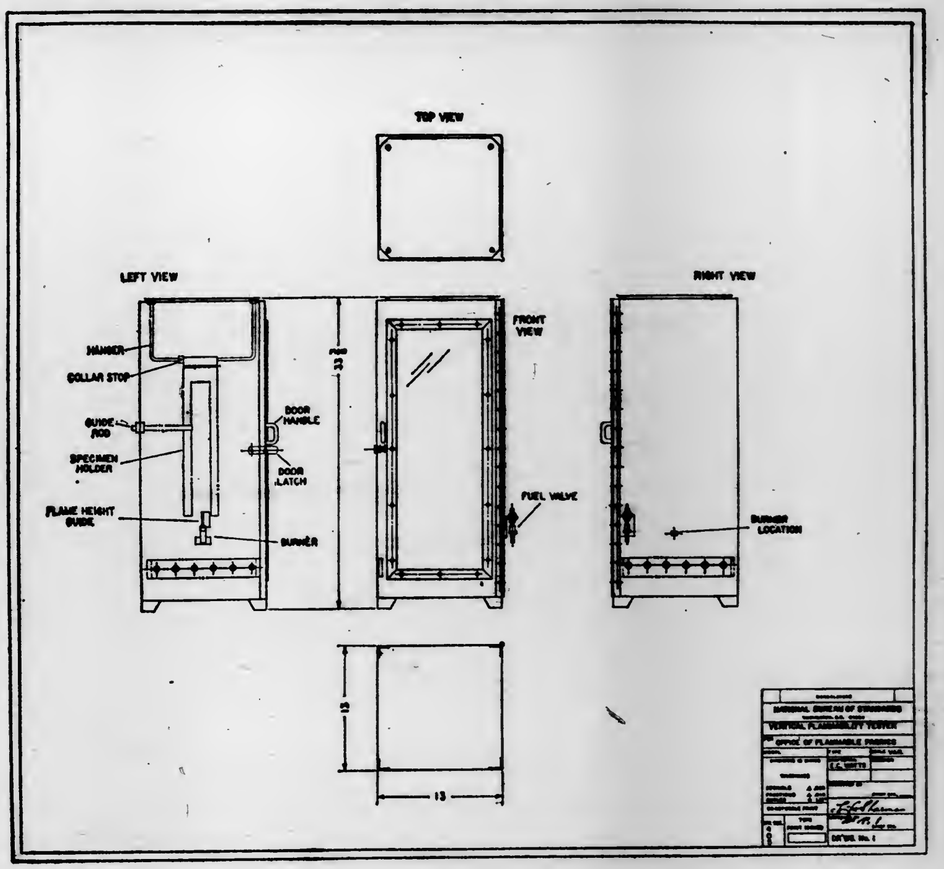
(4) *Gas Supply System.* There shall be a pressure regulator to furnish gas to the burner under a pressure of 129±13 mm. Hg (2½±¼ lbs. per sq. in.) at the burner inlet.

(5) *Gas.* The gas shall be at least 97 percent pure methane.

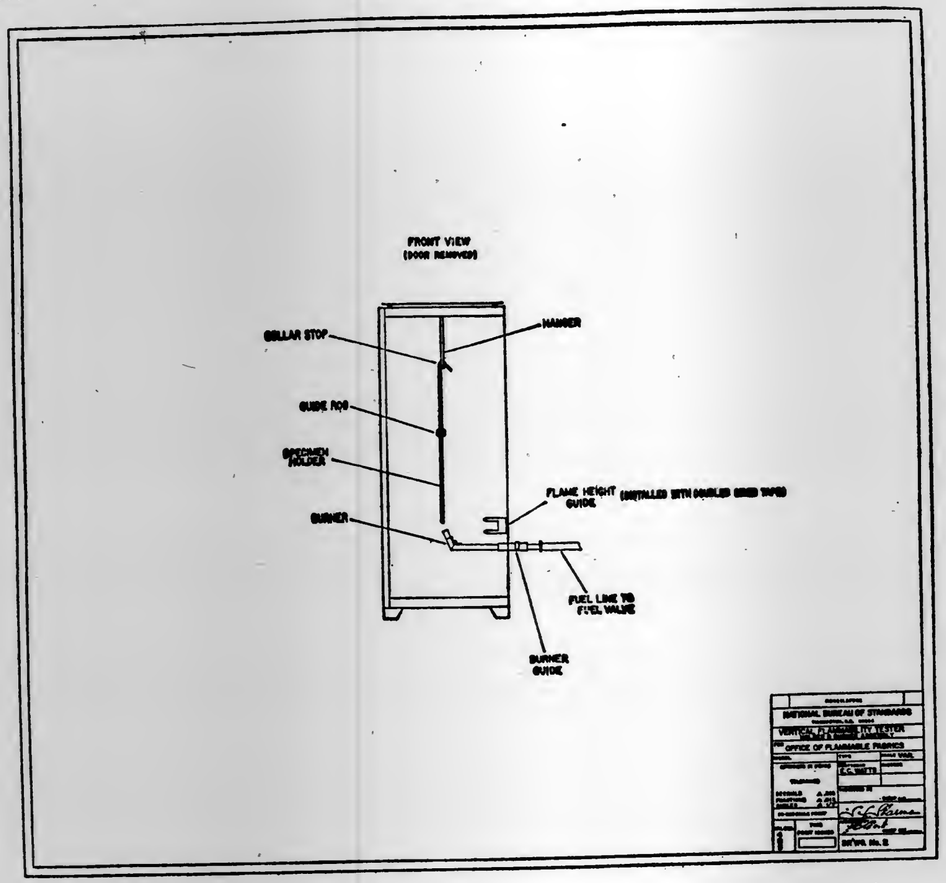
(6) *Hooks and Weights.* Metal hooks and weights shall be used to produce a series of loads for char length determinations. Suitable metal hooks consist of No. 19 gauge steel wire, or equivalent, made from 7.6 cm. (3 in.) lengths of the wire, bent 1.3 cm. (0.5 in.) from one end to a 45° angle hook. The longer end of the wire is fastened around the neck of the weight to be used and the other in the lower end of each burned specimen to one side of the burned area. The requisite loads are given in Table 1.

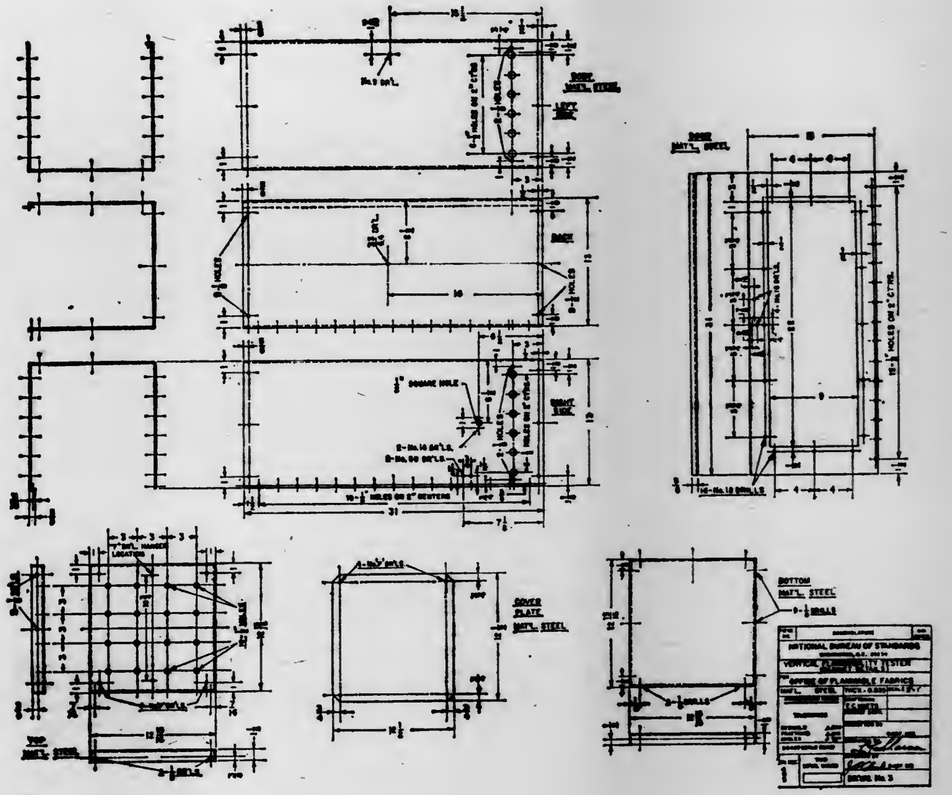


VERTICAL TEST CABINET
FIGURE 1

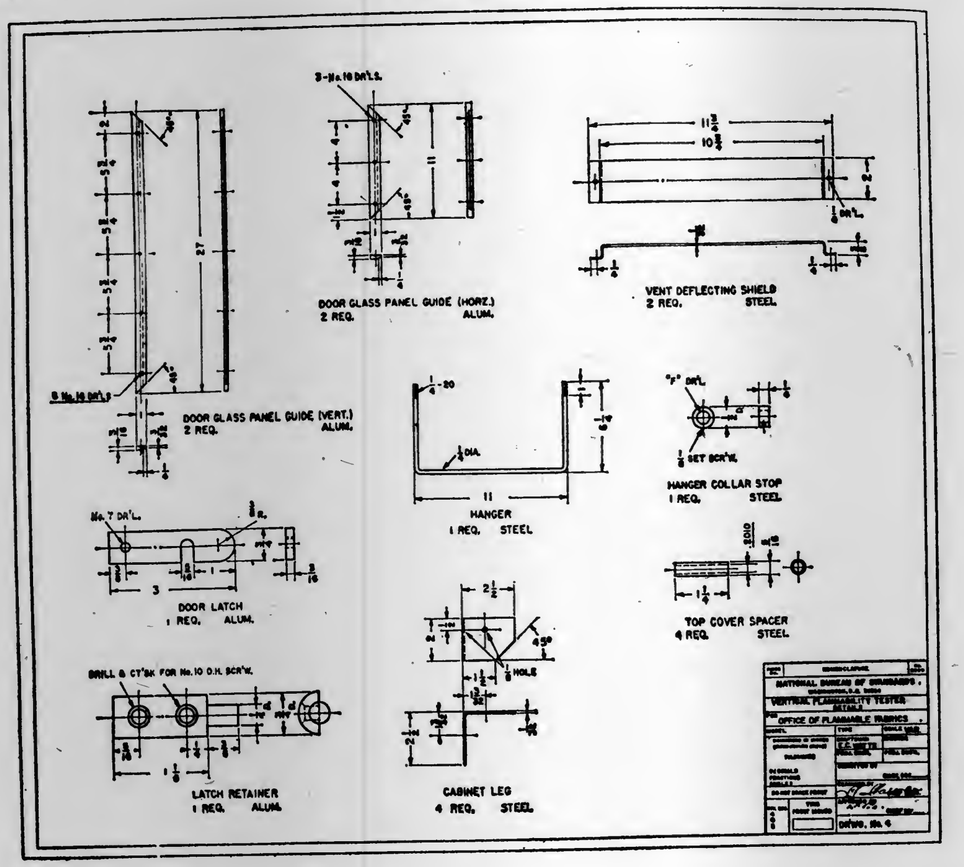


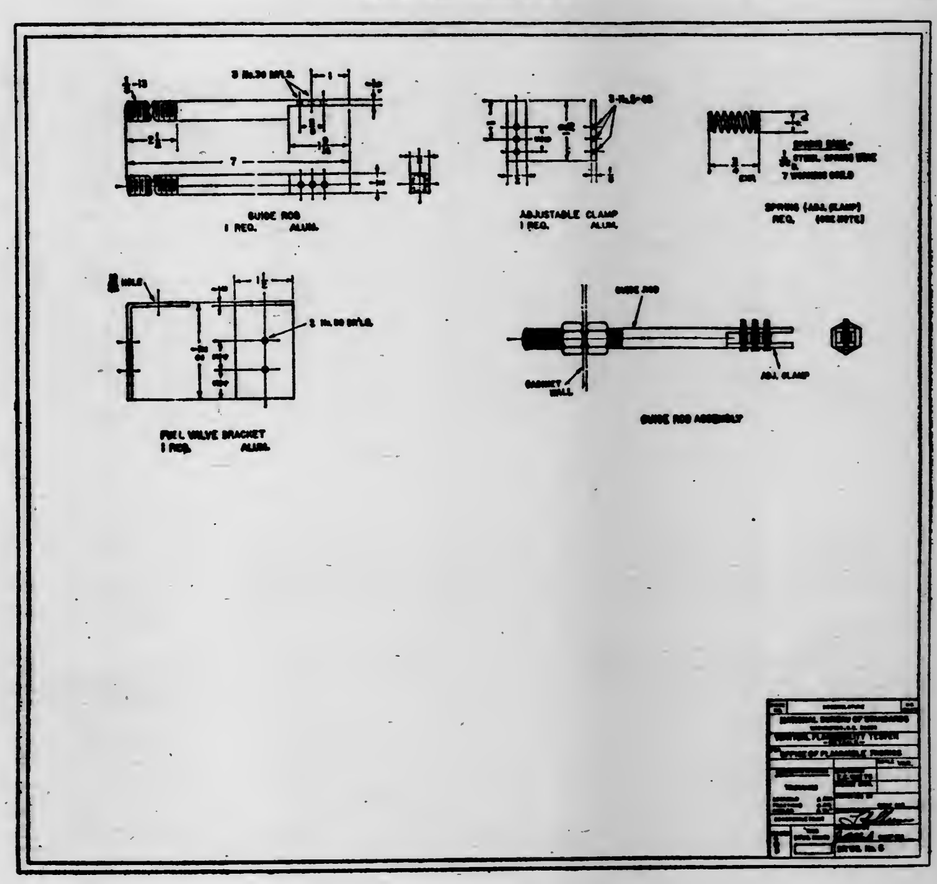
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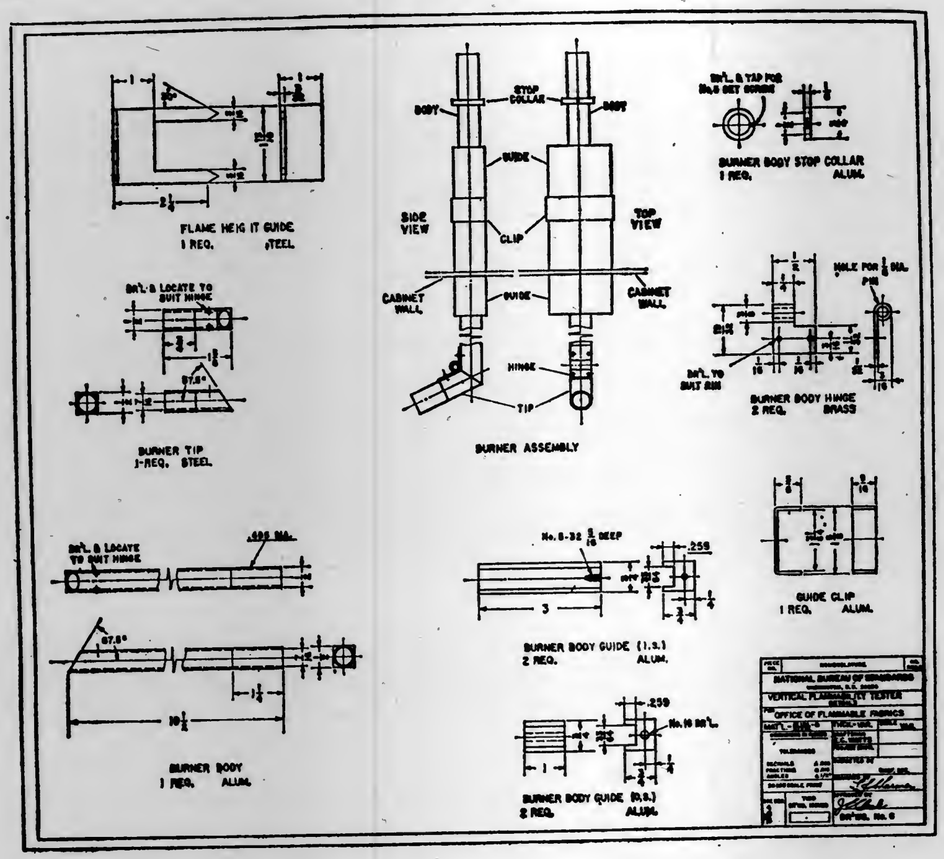


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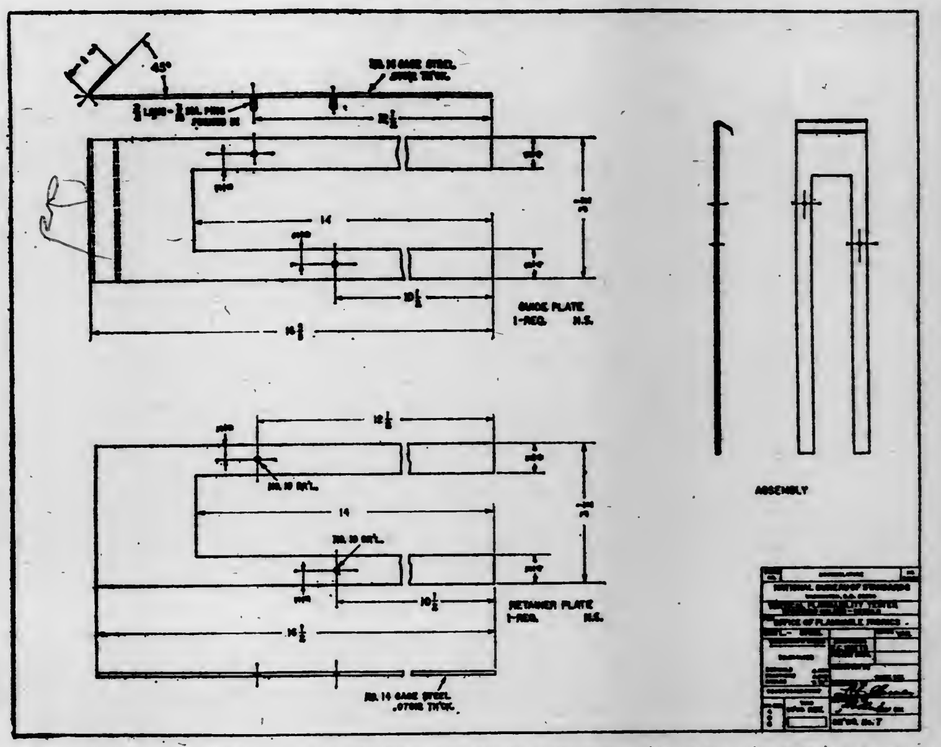


TABLE 1.—*Original fabric weight* [1]

Grams per square meter	Ounces per square yard	Loads	
		Grams	Pounds
Less than 101	Less than 3	54.4	0.12
101 to 207	3 to 6	113.4	.25
207 to 338	6 to 10	226.8	.50
Greater than 338	Greater than 10	340.2	.75

[1] Weight of the original fabric, containing no seams or trim, is calculated from the weight of a specimen which has been conditioned for at least 8 h at 21±1.1° C (70±2° F) and 65±2 pct relative humidity. Shorter conditioning times may be used if the change in weight of a specimen in successive weighings made at intervals of not less than 2 h does not exceed 0.2 pct of the weight of the specimen.

(7) *Stopwatch.* A stopwatch or similar timing device shall be used to measure time to 0.1 second.

(8) *Scale.* A linear-scale graduated in millimeters or 0.1 inch divisions shall be used to measure char length.

(9) *Circulating Air Oven.* A forced circulation drying oven capable of maintaining the specimens at 105±2.8° C. (221±5° F.), shall be used to dry the specimen while mounted in the specimen holders.[2]

(10) *Desiccator.* An air-tight and moisture-tight desiccating chamber shall be used for cooling mounted specimens after drying. Anhydrous silica gel shall be used as the desiccant in the desiccating chamber.

(11) *Hood.* A hood or other suitable enclosure shall be used to provide a draft-free environment surrounding the test chamber. This enclosure shall have a fan or other suitable means for exhausting smoke and/or toxic gases produced by testing.

(b) *Specimens and sampling—General.* (1) The test criteria of § 1615.3(b) shall be used in conjunction with the following fabric and garment sampling plan, or any other approved by the Consumer Product Safety Commission that provides at least the equivalent level of fire safety to the consumer. Alternate sampling plans submitted for approval shall have operating characteristics such that the probability of Unit acceptance at any percentage defective does not exceed the corresponding probability of Unit acceptance of the following sampling plan in the region of the latter's operating characteristic curves that lies between 5 and 95 percent acceptance probability.

(2) Different colors or different print patterns of the same fabric may be included in a single Fabric or Garment Production Unit, provided such colors or print patterns demonstrate char lengths and residual flame times that are not significantly different from each other as determined by previous testing of at least three Samples from each color or print pattern to be included in the Unit.

(3) Garments with different trim and findings may be included in a single Garment Production Unit providing the

[2] Option 1 of ASTM, D2654–67T, "Method of Test for Amount of Moisture in Textile Materials," describes a satisfactory oven (1970 Book of ASTM Standards, Part 24, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103).

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other garment characteristics are identical except for size, color, and print pattern.

(4) For fabrics whose flammability characteristics are not dependent on chemical additives or chemical reactants to fiber, yarns, or fabrics, the laundering requirement of paragraph (g)(4) of this section is met on subsequent Fabric Production Units if results of testing an initial Fabric Production Unit demonstrate acceptability according to the requirements of paragraph (c) of this section, Normal Sampling, both before and after the appropriate laundering.

(5) If the fabric has been shown to meet the laundering requirement, paragraph (g)(4) of this section, the garments produced from that fabric are not required to be laundered.

(6) Each Sample (five specimens) for all Fabric Sampling shall be selected so that two specimens are in one fabric direction (machine or cross-machine) and three spcimens are in the other fabric direction except for the additional Sample selected after a failure, in which case, all five specimens shall be selected in the same fabric direction in which the specimen failure occurred.

(7) Fabric Samples may be selected from fabric as outlined in paragraph (c) of this section entitled Fabric Sampling, or, for verification purposes, from randomly selected garments.

(8) Multilayer fabrics shall be tested with a hem of approximately 2.5 cm. (1 in.) sewn at the bottom edge of the specimen with a suitable thread and stitch. The specimen shall include each of the components over its entire length. Garments manufactured from multilayer fabrics shall be tested with the edge finish at the bottom edge of the specimen which is used in the garment.

(c) *Specimens and Sampling—Fabric Sampling.* A Fabric Production Unit (Unit) is either accepted or rejected in accordance with the following plan:

(1) *Normal Sampling.* Select one Sample from the beginning of the first Fabric Piece (Piece) in the Unit and one Sample from the end of the last Piece in the Unit, or select a sample from each end of the Piece if the Unit is made up of only one Piece. Test the two selected Samples. If both Samples meet all the Test Criteria of § 1615.3(b), accept the unit. If either or both of the Samples fail the 17.8 cm. (7.0 in.) average char length criterion, § 1615.3(b)(1), reject the Unit. If two or more of the individual specimens, from the 10 selected specimens fail the 25.4 cm. (10 in.) char length, .3(b)(2), and/or the 10 second residual flame time criteria, § 1615.3(b)(3), reject the Unit. If only one individual specimen, from the 10 selected specimens, fails the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), and/or the 10 second residual flame time criteria, § 1615.3(b)(3), select five additional specimens from the same end of the Piece in which the failure occurred, all five to be taken in the fabric direction in which the specimen failure occurred. If this additional Sample passes all the test criteria, accept the Unit. If this additional Sample fails any part of the test criteria, reject the Unit.

(2) *Reduced Sampling.* (i) The level of sampling required for fabric acceptance may be reduced provided the preceding 15 Units of the fabric have all been accepted using the Normal Sampling plan.

(ii) The Reduced Sampling plan shall be the same as for Normal Sampling except that the quantity of fabric in the Unit may be increased to 10,000 linear yards.

(iii) Select and test two Samples in the same manner as in Normal Sampling. Accept or reject the Unit on the same basis as with Normal Sampling.

(iv) Reduced Sampling shall be discontinued and Normal Sampling resumed if a Unit is rejected.

(3) *Tightened Sampling.* The level of sampling required for acceptance shall be increased when a Unit is rejected under the Normal Sampling plan. The Tightened Sampling shall be the same as Normal Sampling except that one additional Sample shall be selected and cut from a middle Piece in the Unit. If the Unit is made up of less than two Pieces, the Unit shall be divided into at least two Pieces. The division shall be such that the Pieces produced by the division shall not be smaller than 100 linear yards or greater than 2,500 linear yards. If the Unit is made up of two Pieces, the additional Sample shall be selected from the interior end of one of the Pieces. Test the three selected Samples. If all three selected Samples meet all the test criteria of § 1615.3(b), accept the Unit. If one or more of the three selected Samples fail the 17.8 cm. (7.0 in.) average char length criterion, § 1615.3(b)(1), reject the Unit. If two or more of the individual specimens from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), and/or the 10 second residual flame time criteria, § 1615.3(b)(3), reject the unit. If only one individual specimen, of the 15 selected Specimens fails the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), and/or the 10 second residual flame time criteria, § 1615.3(b)(3), select five additional specimens from the same end of the same Piece in which the failure occurred, all five to be taken in the fabric direction in which the Specimen failure occurred. If this additional Sample passes all the test criteria, accept the Unit. If this additional Sample fails any part of the test criteria, reject the Unit. Tightened Sampling may be discontinued and Normal Sampling resumed after five consecutive Units have all been accepted using Tightened Sampling. If Tightened Sampling remains in effect for 15 consecutive Units, production of the specific fabric in Tightened Sampling must be discontinued until that part of the process or component which is causing failure has been identified and the quality of the end product has been improved.

(4) *Disposition of Rejected Units.* (i) The Piece or Pieces which have failed and resulted in the initial rejection of the Unit may not be retested, used, or promoted for use in children's sleepwear as defined in § 1615.1(a) except after reworking to improve the flammability characteristics and subsequent retesting in accordance with the procedures in Tightened Sampling.

(ii) The remainder of a rejected Unit, after removing the Piece or Pieces the failure of which resulted in Unit rejection, may be accepted if the following test plan is successfully concluded at all required locations. The required locations are those adjacent to each such failed Piece. (Required locations exist on both sides of the "Middle Piece" tested in Tightened Sampling if failure of that Piece resulted in Unit rejection.) Failure of a Piece shall be deemed to have resulted in Unit rejection if Unit rejection occurred and a Sample or specimen from the Piece failed any test criterion of § 1615.3(b).

(iii) The Unit should contain at least 15 Pieces for disposition testing after removing the failing Pieces. If necessary for this purpose, the Unit shall be demarcated into at least 15 approximately equal length Pieces unless such division results in Pieces shorter than 100 linear yards. In this latter case, the Unit shall be demarcated into roughly equal length Pieces of approximately 100 linear yards each. If such a division results in five Pieces or less in the Unit for each failing Piece after removing the failing Pieces, only the individual Piece retest procedure (described subsequently) may be used.

(iv) Select and cut a Sample from each end of each adjoining Piece beginning adjacent to the Piece which failed. Test the two Samples from the Piece. If both Samples meet all the test criteria of § 1615.3(b), the Piece is acceptable. If one or both of the two selected Samples fail the 17.8 cm. (7.0 in.) average char length criterion, § 1615.3(b)(1), the Piece is unacceptable. If two or more of the individual Specimens, from the 10 selected specimens, fail the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), and/or the 10 second residual flame time criteria, § 1615.3(b)(3), the Piece is unacceptable. If only one individual specimen, from the 10 selected specimens, fails the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), and/or the 10 second residual flame time criteria, § 1615.3(b)(3), select five additional specimens from the same end of the Piece in which the failure occurred, all five to be taken in the fabric direction in which the specimen failure occurred. If this additional Sample passes all the test criteria, accept the Piece. If this additional Sample fails any part of the test criteria, the Piece is unacceptable.

(v) Continue testing adjoining Pieces until a Piece has been found acceptable. Then continue testing adjoining Pieces until three successive adjoining Pieces, not including the first acceptable Piece, have been found acceptable or until five such Pieces not including the first acceptable Piece, have been tested, whichever occurs sooner. Unless three successive adjoining Pieces have been found acceptable among five such Pieces, testing shall be stopped and the entire Unit rejected without further testing. If three successive Pieces have been found acceptable among five such Pieces, accept the three successive acceptable Pieces and the remaining Pieces in the Unit.

(vi) Alternatively, individual Pieces from a rejected Unit containing three or more Pieces may be tested and accepted or rejected on a Piece-by-Piece basis according to the following plan, after removing the Piece or Pieces, the failure of which resulted in Unit rejection. Select four Samples (two from each end) from the Piece. Test the four selected Samples. If all four Samples meet all the Test Criteria of § 1615.3(b), accept the Piece. If one or more of the Samples fail the 17.8 cm. (7 in.) average char length criterion, § 1615.3(b)(1), reject the Piece. If two or more of the individual Specimens, from the 20 selected specimens, fail the 25.4 cm. (10 in.) char length, § 1615.3(b)(1), and/or the 10 second residual flame time criteria, § 1615.3(b)(3), reject the Piece. If only one individual specimen, from the 20 selected specimens, fails the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), and/or the 10 second residual flame time criteria, § 1615.3(b)(3), select two additional Samples from the same end of the Piece in which the failure occurred. If these additional two Samples meet all the Test Criteria of § 1615.3(b), accept the Piece. If one or both of the two additional Samples fail any part of the Test Criteria, reject the Piece.

(vii) The Pieces of a Unit rejected after retesting may not be retested, used, or promoted for use in children's sleepwear as defined in § 1615.1(a) except after reworking to improve the flammability characteristics, and subsequent retesting in accordance with the procedures set forth in Tightened Sampling.

(5) *Records.* Records of all Unit sizes, test results, and the disposition of rejected Pieces and Units must be maintained by the manufacturer upon the effective date of this Standard. Rules and regulations may be established by the Consumer Product Safety Commission.

(d) *Specimens and Sampling—Garment Sampling.* (1)(i). The garment sampling plan is made up of two parts: (1) Prototype Testing and (2) Production Testing. Prior to production, prototypes must be tested to assure that the design characteristics of the garments are acceptable. Garment Production Units (Units) are then accepted or rejected on an individual Unit basis.

(ii) Edge finishes such as hems and binding are excluded from testing except that when trim is used on an edge the trim must be subjected to prototype testing. Seams attaching findings are excluded from testing.

(2) *Prototype Testing.* Preproduction prototypes of a garment style or type shall be tested to assure that satisfactory garment specifications in terms of flammability are set up prior to production.

(i) *Seams.* Make three Samples (15 specimens) using the longest seam type and three Samples using each other seam type 10 inches or longer that is to be included in the garment. Prior to testing, assign each specimen to one of the three Samples. Test each set of three Samples and accept or reject each seam design in accordance with the following plan:

(A) If all three Samples meet all the test criteria of § 1615.3(b), accept the seam design. If one or more of the three Samples fail the 17.8 cm (7 in.) average char length criterion, § 1615.3(b)(1), reject the seam design. If three or more of the individual Specimens from the 15 selected specimens fail the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), and/or the 10 second residual flame time criteria, § 1615.3(b)(3), reject the seam design. If only one of the individual specimens from the 15 selected specimens fails the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), and/or the 10 second residual flame time criteria, § 1615.3(b)(3), accept the seam design.

(B) If two of the individual specimens from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), and/or the 10 second residual flame time criteria, §1615.3(b)(3), select three more Samples (15 specimens) and retest. If all three additional Samples meet all the test criteria of § 1615.3(b) accept the seam design. If one or more of the three additional Samples fail the 17.8 cm. (7 in.) average char length criterion, § 1615.3(b)(1), reject the seam design. If two or more of the individual specimens, from the 15 selected specimens, fail the (2), and/or the 10 second residual flame time criteria, § 1615.3(b)(3), reject the seam design. If only one of the individual specimens from the 15 selected specimens, fails the 25.4 cm. (10 in.) char length § 1615.3(b)(2), and/or the 10 second residual flame time criteria, § 1615.3(b)(3), accept the seam design.

(ii) *Trim.* (A) Make three Samples (15 specimens) from each type of trim to be included in the garment. Specimens shall be prepared by sewing or attaching the trim to the center of the vertical axis of an appropriate section of untrimmed fabric, beginning the sewing or attachment at the lower edge of each specimen. The sewing or attachment shall be made in the manner in which the trim is to be attached in the garment.

(B) Sewing or otherwise attaching the trim shall be done with thread or fastening material of the same composition and size to be used for this purpose in the garment and using the same stitching or seam type. The trim shall be sewn or fastened the entire length of the specimen. Prior to testing, assign each specimen to one of the three Samples. Test the sets of three Samples and accept or reject the type of trim and design on the same basis as seam design.

(3) *Production Testing.* A Unit is either accepted or rejected according to the following plan:

(i) (A) From each Unit select at random sufficient garments and cut three Samples (15 specimens) from the longest seam type. No more than five specimens may be cut from a single garment. Prior to testing, assign each specimen to one of the three Samples. All specimens cut from a single garment must be included in the same Sample. Test the three selected Samples. If all three Samples meet all the test criteria of § 1615.3(b), accept the Unit. If one or more of the three Samples fail the 17.8 cm. (7 in.) average char length criterion, § 1615.3(b)(1), reject the Unit. If four or more of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), and/or the 10 second residual flame time criterion, §1615.3(b)(3), reject the Unit. If three or less of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length, § 1615.3(b)(2) and/or the 10 second residual flame time criteria, § 1615.3(b)(3), accept the Unit.

(B) (*1*) If the garment under test does not have a 10-inch seam in the largest size in which it is produced, the following selection and testing procedure shall be followed.

(2) Select and cut specimens 6.9 cm. (3.5 in.) wide by the maximum available seam length, with the seam in the center of the specimen and extending the entire specimen length. Cut three Samples (15 specimens). These specimens shall be placed in specimen holders so that the bottom edge is even with the bottom of the specimen holder and the seam begins in the center of the bottom edge. Prior to testing, assign each specimen to one of the three Samples. All specimens cut from a single garment must be included in the same Sample.

(3) Test the three Samples. If all three Samples pass the 17.8 cm. (7 in.) average char length criterion, § 1615.3(b)(1), and if three or less individual specimens fail by charring the entire specimen length and/or exceeding the 10 second residual flame time criterion, § 1615.3(b)(3), accept the Unit. If the Unit is not accepted in the above test, three Samples (15 specimens) of the longest seam type shall be made using fabric and thread from production inventory and sewn on production machines by production operators. The individual fabric sections prior to sewing must be no larger than 20.3 x 63.3 cm. (8 in. x 25 in.) and must be selected from more than one area of the base fabric. Test the three prepared Samples. Accept or reject the Unit as described previously in this subsection.

(*d*) *Disposition of Rejected Units.* Rejected Units shall not be retested, used, or promoted for use in children's sleepwear as defined in § 1615.1(a), except after reworking to improve the flammability characteristics and subsequent retesting in accordance with the procedures set forth in garment production testing.

(5) *Records.* Records of all Unit sizes, test results, and the disposition of rejected Units must be maintained by the manufacturer upon the effective date of this standard. Rules and regulations may be established by the Consumer Product Safety Commission.

(e) *Specimens and Sampling—Compliance Market Sampling Plan.* Sampling plans for use in market testing of items covered by this Standard may be issued by the Consumer Product Safety Commission. Such plans shall define noncompliance of a production Unit to exist only when it is shown, with a high level

V40250 DEC 30 75 XUM

of statistical confidence, those production Units represented by tested items which fail such plans will, in fact, fail this standard. Production units found to be non-complying under the provisions of paragraph (e) of this section shall be deemed not to conform to this Standard. The Consumer Product Safety Commission may publish such plans in the FEDERAL REGISTER.

(f) *Mounting and conditioning of specimens.* (1) The specimens shall be placed in specimen holders so that the bottom edge of each specimen is even with the bottom of the specimen holder. Mount the specimen in as close to a flat configuration as possible. The sides of the specimen holder shall cover 1.9 cm. (¾ in.) of the specimen width along each long edge of the specimen, and thus shall expose 5.1 cm. (2 in.) of the specimen width. The sides of the specimen holder shall be clamped with a sufficient number of clamps or shall be taped to prevent the specimen from being displaced during handling and testing. The specimens may be taped in the holders if the clamps fail to hold them. Place the mounted specimens in the drying oven in a manner that will permit free circulation of air at 105° C. (221° F.) around them for 30 minutes.[3]

(2) Remove the mounted specimens from the oven and place them in the desiccator for 30 minutes to cool. No more than five specimens shall be placed in a desiccator at one time. Specimens shall remain in the desiccator no more than 60 minutes.

(g) *Testing*—(1) *Burner adjustment.* With the hood fan turned off, use the needle valve to adjust the flame height of the burner to 3.8 cm. (1½ in.) above the highest point of the barrel of the burner. A suitable height indicator is shown in Engineering Drawing No. 6 and Figure 1.

(2) Specimen Burning and Evaluation. (i) One at a time, the mounted specimens shall be removed from the desiccator and suspended in the cabinet for testing. The cabinet door shall be closed and the burner flame impinged on the bottom edge of the specimen for 3.0±0.2 seconds.[4] Flame impingement is accomplished by moving the burner under the specimen for this length of time, and then removing it. If flaming drips or fragments are evident, measure the residual flame time to the nearest 0.1 second.

(ii) When afterglow has ceased, remove the specimen from the cabinet and holder, and place it on a clean flat surface. Fold the specimen lengthwise along a line through the highest peak of the charred or melted area; crease the specimen firmly by hand. Unfold the specimen and insert the hook with the correct weight as shown in Table 1 in the specimen on one side of the charred area 6.4 mm. (¼ in.) from the lower edge.

(iii) Tear the specimen by grasping the other lower corner of the fabric and gently raising the specimen and weight clear of the supporting surface.[5] Measure the char length as the distance from the end of the tear to the edge of the specimen exposed to the flame. After testing each specimen, vent the hood and cabinet to remove the smoke and/or toxic gases.

(3) *Report.* Report the value of char length, in centimeters (inches), and the residual flame time, in seconds, for each specimen, as well as the average char length for each set of five specimens.

(4) *Laundering.* (i) The procedures described under paragraphs (b) through (g) of this section shall be carried out on finished items (as produced or after one washing and drying) and after they have been washed and dried 50 times according to AATCC Test Method 124–1969.[6] Items which do not withstand 50 launderings shall be tested at the end of their useful service life.

(ii) Washing procedure 6.2(III), with a water temparture of 60°±2.8° C. (140 ±5° F.), and drying procedure 6.3.2(B), shall be used. Maximum load shall be 3.64 Kg. (8 pounds) and may consist of any combination of test samples and dummy pieces. Alternatively, a different number of times under another washing and drying procedure may be specified and used, if that procedure has previously been found to be equivalent by the Consumer Product Safety Commission. Such laundering is not required of items which are not intended to be laundered, as determined by the Consumer Product Safety Commission.

(iii) Items which are not susceptible to being laundered and are labeled "dry-clean only" shall be drycleaned by a procedure which has previously been found to be acceptable by the Consumer Product Safety Commission.

(iv) For the purpose of the issuance of a guarantee under section 8 of the act, finished sleepwear garments to be tested according to paragraphs (b) through (e) of this section need not be laundered or drycleaned provided all fabrics used in making the garments (except trim) have been guaranteed by the fabric producer to be acceptable when tested according to paragraphs (b) through (e) of this section.

[3] If the specimens are moist when received, permit them to air dry at laboratory conditions prior to placement in the oven. A satisfactory preconditioning procedure may be found in ASTM D 1776–67, "Conditioning Textiles and Textile Products for Testing." ("1970 Book of ASTM Standards," Part 24, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.)

[4] If more than 15 seconds elapse between removal of a specimen from the desiccator and the initial flame impingement, that specimen shall be reconditioned prior to testing.

[5] A figure showing how this is done is given in AATCC 34–1969, Technical Manual of the American Association of Textile Chemists and Colorists, vol. 46, 1970, published by AATCC, Post Office Box 12215, Research Triangle Park, N.C. 27709.

[6] Technical Manual of the American Association of Textile Chemists and Colorists, vol. 46, 1970, published by AATCC, Post Office Box 12215, Research Triangle Park, N.C. 27709.

§ 1615.5 Labeling requirements.

(a) *Care labels.* All items of children's sleepwear shall be labeled with precautionary instructions to protect the items from agents or treatments which are known to cause deterioration of their flame resistance. If the item has been initially tested under § 1615.4(g)(4) after one washing and drying, it shall be labeled with instructions to wash before wearing. Such labels shall be permanent and otherwise in accordance with rules and regulations established by the Consumer Product Safety Commission.

(b) *Temporary Requirement for Noncomplying Items.* Items of noncomplying children's sleepwear which are manufactured during the 12 months following the effective date of the standard shall, prior to introduction into commerce, be prominently, permanently, and conspicuously labeled with the following statement: "Flammable (Does Not Meet U.S. Department of Commerce Standard DOC FF 3–71.) Should not be worn near sources of fire." Such labels should be in accordance with the rules and regulations established by the Consumer Product Safety Commission.

Subpart B—Rules and Regulations

AUTHORITY: Sec. 5; 67 Stat. 112–113, as amended, 81 Stat. 570, 15 U.S.C. 1194, unless otherwise noted.

§ 1615.31 Labeling, recordkeeping, advertising, retail display and guaranties.

(a) *Definitions.* For the purposes of this section, the following definitions apply:

(1) "Standard" means the Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X (FF 3–71) (Subpart A of this Part) promulgated by the Secretary of Commerce in the FEDERAL REGISTER of July 29, 1971 (36 FR 14062), and amended by him in the FEDERAL REGISTER of July 21, 1972 (37 FR 14624).

(2) "Children's sleepwear" means "children's sleepwear" as defined in § 1615.1(a) of the Standard; that is, "any product of wearing apparel up to and including size 6X, such as nightgowns, pajamas, or similar or related items, such as robes, intended to be worn primarily for sleeping or activities related to sleeping. Diapers and underwear are excluded from this definition."

(3) "Item" means "item" as defined in § 1615.1(c) of the Standard; that is, "any product of children's sleepwear, or any fabric or related material intended or promoted for use in children's sleepwear."

(4) "Marketing or handling" or "marketed or handled" means any one or more of the transactions set forth in section 3 of the Flammable Fabrics Act (15 U.S.C. 1192).

(5) The definitions of terms set forth in § 1615.1 of the Standard shall also apply to this section.

(b) *Labeling.* (1) where any agent or treatment is known to cause deterioration of flame resistance or otherwise enhances the flammability characteristics of an item, such item shall be prominently, permanently, conspicuously, and legibly labeled with precautionary care and treatment instructions to protect the item from such agent or treatment.

(2) If the item has been initially tested under § 1615.4(g)(4) of the Standard after one washing and drying, it shall be prominently, permanently, conspicuously, and legibly labeled with instructions to wash before wearing.

(3) Any item manufactured, imported, or otherwise marketed or handled that is not in compliance with the Standard and that was manufactured between July 29, 1972, and July 29, 1973, shall, prior to introduction into commerce, be prominently, permanently, conspicuously, and legibly labeled with the statement "Flammable (Does Not Meet U.S. Department of Commerce Standard DOC FF 3–71). Should not be worn near sources of fire."

(4) Where any fabric or related material intended or promoted for use in children's sleepwear is sold or intended for sale to the ultimate consumer for the purpose of conversion into children's sleepwear, each bolt, roll, or other unit shall be labeled with the information required by this section. Each item of fabric or related material sold to an ultimate consumer must be accompanied by a label, as prescribed by this section, that can by normal household methods be permanently affixed by the ultimate consumer to any item of children's sleepwear made from such fabric or related material.

(5) Where items required to be labeled in accordance with paragraphs (b)(2), (3), and (4) of this section are marketed at retail in packages, and the required label is not readily visible to prospective purchasers, the packages must also be prominently, conspicuously, and legibly labeled with the required information.

(6) Samples, swatches, or specimens used to promote or effect the sale of items subject to the Standard shall be labeled in accordance with this section with the information required by this section, except that such information may appear on accompanying promotional materials attached to fabric samples, swatches, or specimens used to promote the sale of fabrics to garment manufacturers. This paragraph (b)(6) of this section shall not apply, however, to samples, swatches, or specimens prominently, permanently, conspicuously, truthfully, and legibly labeled with the statement "Flammable. Sample only. Not for use or resale. Does not meet Standard for the Flammability of Children's Sleepwear, DOC FF 3–71."

(7) The information required on labels by this section shall be set forth separately from any other information appearing on the same label. Other information, representations, or disclosures not required by this action but placed on the same label with information required by this section, or placed on other labels elsewhere on the item, shall not interfere with the information required by this section. No person, other than the ultimate consumer, shall remove or mutilate, or cause or participate in the removal or mutilation of, any label required by this section to be affixed to any item.

(8) Every manufacturer, importer, or other person (such as a converter) initially introducing items subject to the Standard into commerce shall assign to each item a unit identification (number, letter or date, or combination, thereof) sufficient to identify and relate to the fabric production unit or garment production unit of which the item is a part. Such unit identification shall be designated in such a way as to indicate that it is a production unit identification under the Standard. The letters "GPU" and "FPU" may be used to designate a garment production unit identification and fabric production unit identification respectively, at the option of the labeler.

(i) Where fabrics required to be labeled or stamped in accordance with this section are marketed at retail in packages and the required label or stamp is not readily visible to the prospective purchaser, the packages must also be prominently, conspicuously, and legibly labeled with the information required by this section.

(ii) Where garments required to be labeled or stamped in accordance with paragraph (b)(8) of this section are marketed at retail in packages and the required label or stamp is not readily visible to the prospective purchasers:

(A) The packages must also be prominently, conspicuously, and legibly labeled with the information required by this section; or

(B) There must be a garment style identification that is prominent, conspicuous, and legible and readily visible to the prospective purchaser, either on a label or hang tag attached to the garments or on the garment packages. A style is a garment design or grouping, preselected by the manufacturer. A style may be composed of garments that form all or put of one or more GPU's and the style may include any number of garments the manufacturer chooses. Style identification means any numbers, letters, or combination thereof that are sufficient to identify the garments of the style and may include information such as color, season or size. If this option B is selected, in any recall of noncomplying items from a particular GPU:

(*1*) the garment manufacturer must recall the entire style(s) from all customers who purchased garments of the style(s) of which the GPU is part. However, retailers may elect to return only garments from the particular GPU necessitating the recall rather than the entire style(s) being recalled; and

(*2*) within 48 hours of a written request, the garment manufacturer must supply to the Commission any samples in its possession of garments from the GPU, as requested. As required of all persons subject to this section, the garment manufacturer must also, within the time requested, supply to the Commission the names of any customers who purchased during a specified period of time, garments from the GPU (or the style(s) of which the GPU is a part) and supply access to all records required under the Standard and this section.

(iii) Each garment subject to the Standard shall bear a label with minimum dimensions of 1.3 centimeters (0.5 inch) by 1.9 centimeters (0.75 inch) containing the appropriate garment production unit identification for that garment in letters which are clear, conspicuous, and legible and in a color which contrasts with the background of the label, or shall have such information stamped on the garment itself in letters which are clear, conspicuous, and legible and in a color which contrasts with the background, and at least 2.54 centimeters (1 inch) in every direction from any other information. The stamp or label containing the garment production unit identification must be of such construction, and affixed to the garment in such a manner as to remain on or attached to the garment and legible and visible throughout its intended period of use.

(iv) The fabric production unit identification shall appear in letters at least 0.4 centimeters (one-sixth of an inch) in height against a contrasting background on each label that relates to such fabric and is required by the Textile Fiber Products Identification Act (15 U.S.C. 70–70k) and the regulations thereunder (16 CFR 303.1 through 303.45), or by the Wool Products Labeling Act of 1939 (15 U.S.C. 68–68j) and the regulations thereunder (16 CFR 300.1 through 300.35). When the information required by the Textile Fiber Product Identification Act or by the Wool Products Labeling Act of 1939 appears on an invoice used in lieu of labeling, the fabric production unit identification required by this section may be placed clearly, conspicuously, and legibly on the same invoice in lieu of labeling.

(c) *Advertisements.* (1) All advertisements for noncomplying items of children's sleepwear manufactured between July 29, 1972 (the effective date of the Standard), and July 29, 1973, that are subject to the Standard and that are being offered for sale to consumers through direct mail, catalogs, telephone solicitation, or under any other circumstances where the consumer in the ordinary course of dealing is not afforded an opportunity to inspect the label before receiving the item, shall contain a clear and conspicuous disclosure of the statement "Flammable (Does Not Meet Standard for the Flammability of Children's Sleepwear, DOC FF 3–71). Should not be worn near sources of fire."

(2) All other advertisements for noncomplying items subject to the Standard shall contain a clear and conspicuous disclosure of the statement "Flammable—Read the Label."

(d) *Segregation of complying and noncomplying items by retailer.* Every person who sells noncomplying items (as defined in § 1615.1(c) of the Standard and paragraph (b)(2) of this section at retail stores or other establishments open to the general public where goods are offered for sale shall:

V 40 250 DEC 30 75 XUM

(1) Display the items which comply with the Standard, and for which the seller has documentary evidence of such compliance, so that no other merchandise is intermingled with those items; and identify such complying items with at least one sign, with black letters at least 2.5 centimeters (one inch) in height against a solid white background, bearing the statement: "Flame Resistant. Complies With Standard for the Flammability of Children's Sleepwear (DOC FF 3–71)."

(2) Display all other items of children's sleepwear, sizes 0 through 6X, at a separate location within the store and identify these items with at least one sign, with black letters at least 2.5 centimeters (1 inch) in height against a solid white background, bearing the statement "Flammable. Does Not Meet Standard for the Flammability of Children's Sleepwear (DOC FF 3–71)."

(3) Segregate those items of children's sleepwear, sizes 0 through 6X, which comply with the Standard, and for which the seller has documentary evidence of such compliance, so that they shall not be located within 91 centimeters (36 inches) of any other items of children's sleepwear, size 0 through 6X, when displayed for sale to consumers.

(e) *Records—manufacturers, importers, or other persons initially introducing items into commerce*—(1) *General.* Every manufacturer, importer, or other person (such as a converter) initially introducing into commerce items subject to the Standard, irrespective of whether guaranties are issued under paragraph (f) of this section, shall maintain written and physical records as hereinafter specified. The records required must establish a line of continuity through the process of manufacture of each production unit of articles of children's sleepwear, or fabrics or related materials intended or promoted for use in children's sleepwear, to the sale and delivery of the finished items and from the specific finished item to the manufacturing records. Such records shall show with respect to such items:

(i) Details, description, and identification of any and all sampling plans engaged in pursuant to the requirements of the Standard. Such records must be sufficient to demonstrate compliance with such sampling plan(s) and must relate the sampling plan(s) to the actual items produced, marketed, or handled. This requirement is not limited by other provisions of paragraph (e) of this section.

(ii) Garment production units or fabric production units of all garments or fabrics marketed or handled. The records must relate to an appropriate production unit identification on or affixed to the item itself in accordance with paragraph (b)(8) of this section, and the production unit identification must relate to the garment production unit or fabric production unit.

(iii) Test results and details of all tests performed, both prototype and production, including char lengths and residual flame time of each specimen tested, average char length of the samples required to be tested, details of the sampling procedure employed, name and signature of person conducting tests, date of tests, and all other records necessary to demonstate compliance with the test procedures and sampling plan specified by the Standard or authorized alternate sampling plan.

(iv) Disposition of all failing or rejected items. Such records must demonstrate that the items were retested or reworked and retested in accordance with the Standard prior to sale or distribution and that such retested or reworked and retested items comply with the Standard, or otherwise show the disposition of such items.

(v) Fiber content and manufacturing specifications relating the same to prototype and production testing and to the production units to which applicable.

(vi) Data and test results relied on as a basis for inclusion of different colors or different print patterns of the same fabric as a single fabric or garment production unit under § 1615.4(b) of the Standard.

(vii) Data and test results relied on as a basis for reduced laundering of fabric or garments during test procedures under § 1615.4(g)(4) of the Standard and any guaranties issued or received relating to laundering as well as details of the laundering procedure utilized.

(viii) Identification, composition, and details of application of any flame retardant treatments employed. All prototype and production records shall relate to such information.

(ix) Date and quantity of each sale or delivery of items subject to the Standard (except the date of sale to an ultimate consumer) and the name and address of the purchaser or recipient (except an ultimate consumer). The items involved in each such sale or delivery shall be identified by production unit or by style. A style is a garment design or grouping, preselected by the manufacturer. A style may be composed of garments that form all or part of one or more garment production units and the style may include any number of garments that form all or part of one or more garment production units and the style may include any number of garments the manufacturer chooses. If a person subject to the requirements of § 1615.31(e) maintains sales records which identify the items sold or delivered by style, and if recall of one or more production units subject to the Standard is required, that person in recalling such production units shall notify all purchasers of items of the style in which such production unit or units were manufactured. Retailers may elect to return all items of the style involved, or all items of the production unit or units subject to recall.

(2) *Fabrics.* In addition to the information specified in paragraph (e)(1) of this section the written and physical records maintained with respect to each fabric production unit shall include (i) finished fabric samples sufficient to repeat the fabric sampling procedure required by § 1615.4 (b) through (e) of the Standard for each production unit marketed or handled; and (ii) records to relate the samples to the actual fabric production unit. Upon written request of any duly authorized employee or agent of the Commission, samples sufficient for the sampling and testing of any production unit in accordance with § 1615.4 (b) through (e) of the Standard shall be furnished from these records within the time specified in that written request.

(3) *Garments—prototype testing.* In addition to the records specified in paragraph (e)(1) of this section, the following written and physical records shall be maintained with respect to the garment prototype testing required by the Standard:

(i) Specification, fiber content, and details of construction on all seams, fabrics, threads, stitches, and trims used in each garment style or type upon which prototype testing was performed, relating the same to such garment style or type and to all production units to which such prototype testing is applicable.

(ii) Samples sufficient to repeat the prototype tests required by § 1615.4 (b) through (e) of the Standard for all fabrics, seams, threads, stitches, and trims used in such prototype testing, relating such samples to the records required by paragraph (e) of this section including the information required by paragraph (e)(3)(i) of this section. Upon written request of any duly authorized employee or agent of the Commission, samples sufficient for the testing of any prototype specimens identical to those specimens that were actually tested pursuant to the Standard shall be furnished from these records within the time specified in that written request.

(iii) A complete untested garment from each style or type of garment marketed or handled.

(iv) Remains of all physical specimens tested in accordance with the prototype testing required by § 1615.4 (b) through (e) of the Standard, relating such samples to the records required by paragraph (c) of this section including information required by paragraph (e)(3)(i) of this section.

(4) *Garments—production testing.* In addition to the records required by paragraph (e)(1) of this section, written and physical records shall be maintained and shall show with respect to each garment production unit:

(i) Source and fabric production unit identification of all fabrics subject to testing used in each garment production unit.

(ii) Identification and appropriate reference to all prototype records and prototype tests applicable to each production unit.

(iii) Any guaranty relied upon to demonstrate that the fabric utilized in such garments meets the laundering requirements of the Standard.

(iv) Data sufficient to show that tested samples were selected from the production unit at random from regular production.

(v) Written data that will enable the Commission to obtain and test garments under any applicable compliance market sampling plan.

(5) *Record retention requirements.* The records required by paragraph (e) of this section shall be maintained for 3 years, except that records relating to prototype testing shall be maintained for as long as they are relied upon as demonstrating compliance with the prototype testing requirements of the Standard and shall be retained for 3 years thereafter.

(f) *Tests for guaranty purposes.* Reasonable and representative tests for the purpose of issuing a guaranty under section 8 of the Flammable Fabrics Act (15 U.S.C. 1197) for items subject to the Standard shall be those tests performed pursuant to any sampling plan or authorized alternative sampling plan engaged in pursuant to the requirements of the Standard.

(g) *Compliance with this section.* No person subject to the Flammable Fabrics Act shall manufacture, import, distribute, or otherwise market or handle any item subject to the Standard, including samples, swatches, or specimens used to promote or effect the sale thereof, which is not in compliance with this section.

Subpart C—Interpretations and Policies

AUTHORITY: Secs. 1–17, 67 Stat. H1–15, as amended, 81 Stat. 568–74; 15 U.S.C. 1191–1204.

§ 1615.62 Policy and interpretation relative to items in inventory or as to recordkeeping requirements.

(a) The Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X (FF 3–71) (Subpart A of this Part) was published in the FEDERAL REGISTER on July 29, 1971, at 36 FR 14062 et seq., and amended in the FEDERAL REGISTER of July 21, 1972 (37 FR 14624). The Notice of Standard provided at 36 FR 14063 that "Items in inventory or with the trade on the effective date of the Standard are exempt. All concerned parties shall be required to maintain records that these items offered for sale after the effective date of the Standard are eligible for the exemption."

(b) The Children's Sleepwear Standard was amended on July 21, 1972, at 37 FR 14624 et seq. to incorporate a sleepwear sampling plan therein and to make certain nonsubstantive technical corrections as to the test equipment. The effective date remained the same. In issuance of such amendment the Notice of Amendment specified at 37 FR 14625 that "It is emphasized that the only substantive change made to the standard involves the amendment necessary to include the sampling plan."

(c) The Notice of Amendment did not repeat the language in the original 1971 Notice of Standard relative to items in inventory or as to recordkeeping requirements.

(d) Questions have arisen under this standard as to the application of the standard to goods manufactured outside the United States prior to the effective date of the standard on July 29, 1972, as to whether a person claiming the exemption specified in the standard must maintain records showing eligibility for exemption from the standard.

(e) In the Commission's view, the provisions of the July 29, 1971, Notice of Standard as to exemption of items of children's sleepwear in inventory or with the trade on the effective date of the standard and as to the necessity of maintenance of records to show eligibility for such exemption are in full force and effect.

NOTE: This policy was published by the Federal Trade Commission on January 31, 1973 (38 FR 3014). It continues in effect.

§ 1615.63 Policy regarding garment production unit identification.

No provision of § 1615.31(b)(8) prohibits placement of a garment production unit identification on a label containing other information. Provided, however, that when the garment production unit identification appears on a label containing other information, provisions of § 1615.31(b)(7) require that the garment production unit identification must be set forth separately from any other information appearing on the same label, and that information not required by the applicable enforcement regulation § 1615.31, but placed on the same label with the garment production unit identification, shall not interfere with the garment production unit identification.

EFFECTIVE DATE: This policy was originally published as a notice on October 22, 1975 at 40 FR 49537.

PART 1616—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 7 THROUGH 14 (FF 5–74)

Subpart A—The Standard

Sec.
1616.1 Scope and application.
1616.2 Definitions.
1616.3 General requirements.
1614.4 Sampling and acceptance procedures.
1616.5 Test procedure.
1616.6 Labeling requirements.

Subpart B—Rules and Regulations

1616.31 Labeling, recordkeeping, retail display and guaranties.

Subpart C—Interpretations and Policies

1616.61 Enforcement policy.
1616.62 Policy regarding retail display requirement for items.
1616.63 Policy regarding garment production unit identification.
1616.64 Policy regarding recordkeeping requirements.

Subpart A—The Standard

AUTHORITY: Sec. 4, 67 Stat. 112, as amended, 81 Stat. 569–70; 15 U.S.C. 1193.

EFFECTIVE DATE: This standard became effective May 1, 1975. It was originally published as a notice on May 1, 1974 (39 FR 15210), amended March 21, 1975 (40 FR 12688), and corrected March 27, 1975 (40 FR 13547).

§ 1616.1 Scope and application.

(a) This Standard provides a test method to determine the flammability of children's sleepwear, sizes 7 through 14 and fabric or related material intended or promoted for use in such children's sleepwear.

(b) All sleepwear items as defined in § 1616.2(c), are subject to the requirements of this Standard.

(c) Children's sleepwear items which meet all the requirements of the Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X (FF 3–71) (Subpart A of Part 1615 of this Chapter) are in compliance with this Standard. FF 3–71 was issued July 29, 1971 (36 FR 14062), and amended July 21, 1972 (37 FR 14624).

(d) As used in this Standard, "pass" and "fail" refer to the test criteria for specimens while "accept" and "reject" refer to the acceptance or rejection of a production unit under the sampling plan.

(e) The flammability standards for clothing textiles and vinyl plastic film, Parts 1610 and 1611 of this Chapter, are superseded by this Part 1616 insofar as they apply to items defined in § 1616.2(c).

§ 1616.2 Definitions.

In addition to the definitions given in section 2 of the Flammable Fabrics Act, as amended (sec. 2, 81 Stat. 568; 15 U.S.C. 1191) and the procedures under that Act for setting standards (Part 1607 of this Chapter), the following definitions apply for the purposes of this Standard:

(a) "Children's sleepwear" means any product of wearing apparel size 7 through size 14, such as nightgowns, pajamas, or similar or related items, such as robes, intended to be worn primarily for sleeping or activities related to sleeping. Underwear and diapers are excluded from this definition.

(b) "Sizes 7 through 14" means the sizes defined as 7 through 14 in Department of Commerce Voluntary Product Standards PS 54–72 and PS 36–70, previously identified as Commercial Standards, CS 153–48, "Body Measurements for the Sizing of Girls' Apparel" and CS 155–50, "Body Measurements for the Sizing of Boys' Apparel", respectively.[1]

(c) "Item" means any product of children's sleepwear or any fabric of related material intended or promoted for use in children's sleepwear.

(d) "Trim" means decorative materials, such as ribbons, laces, embroidery, or ornaments. This definition does not include (1) individual pieces less than 2 inches in their longest dimension, provided that such pieces do not constitute or cover in aggregate a total of more than 20 square inches of the item or (2) functional materials (findings), such as zippers, buttons or elastic bands, used in the construction of garments.

(e) "Test criteria" means the average char length and the maximum char length which a sample of specimen may exhibit in order to pass an individual test.

(f) "Char length" means the distance from the original lower edge of the specimen exposed to the flame in accordance with the procedure specified in § 1616.5 *Test procedure* to the end of the tear or void in the charred, burned, or damaged area, the tear being made in accordance with the procedure specified in § 1615.5

[1] Copies available from the National Technical Information Service, 5285 Port Royal Street, Springfield VA 22151.

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(c) (2) *Specimen burning and evaluation.*

(g) "Afterglow" means the continuation of glowing of parts of a specimen after flaming has ceased.

(h) "Fabric piece" (piece) means a continuous, unseamed length of fabric, one or more of which make up a unit.

(i) "Fabric production unit" (unit) means any quantity of finished fabric up to 4,600 linear m. (5,000 linear yds.) for Normal Sampling or 9,200 linear m. (10,000 linear yds.) for Reduced Sampling which has a specific identity that remains unchanged throughout the unit except for color or print pattern as specified in § 1616.4(a). For purposes of this definition, finished fabric means fabric in its final form after completing its last processing step as a fabric except for slitting.

(j) "Garment production unit" (unit) means any quantity of finished garments up to 500 dozen which have a specific identity that remains unchanged throughout the unit except for size, trim, findings, color, and print patterns as specified in § 1616.4(a).

(k) "Sample" means five test specimens.

(l) "Specimen" means an 8.9±0.5 x 25.4±0.5 cm. (3.5±0.2 x 10±0.2 in.) section of fabric. For garment testing, the specimen will include a seam or trim.

§ 1616.3 General requirements.

(a) *Summary of test method.* Conditioned specimens are suspended one at a time vertically in holders in a prescribed cabinet and subjected to a standard flame along their bottom edges for a specified time under controlled conditions. The char lengths are recorded.

(b) *Test criteria.* The test criteria when the testing is done in accordance with § 1616.4 *Sampling and acceptance procedures* and § 1616.5 *Test procedures* are:

(1) *Average char length.* The average char length of five specimens shall not exceed 17.8 cm. (7.0 in.).

(2) *Full-specimen burn.* No individual specimen shall have a char length of 25.4±0.5 cm. (10±0.2 in.).

(c) Details of the number of specimens which must meet the above test criteria for unit acceptance is specified in § 1616.4.

§ 1616.4 Sampling and acceptance procedures.

(a) *General.* (1) The test criteria of § 1616.3(b) shall be used in conjunction with the following fabric and garment sampling plan. The Consumer Product Safety Commission may consider and approve other sampling plans that provide at least the equivalent level of fire safety to the consumer, provided such alternate sampling plans have operating characteristics such that the probability of unit acceptance at any percentage defective does not exceed the corresponding probability of unit acceptance of the following sampling plan in the region of the latter's operating characteristic curves that lies between 5 and 95 percent acceptance probability. Alternate sampling plans approved for one manufacturer may be used by other manufacturers without prior Consumer Product Safety Commission approval.

(2) Different colors or different print patterns of the same fabric may be included in a single fabric or garment production unit, provided such colors or print patterns demonstrate char lengths that are not significantly different from each other as determined by previous testing of at least three samples from each color or print pattern to be included in the unit.

(3) Garments with different trim and findings may be included in a single garment production unit provided the other garment characteristics are identical except for size, color, and print pattern.

(4) For fabrics whose flammability characteristics are not dependent on chemical additives or chemical reactants to polymer, fiber, yarns, or fabrics, the laundering requirement of § 1616.5(c)(4) is met on subsequent fabric production units if results of testing an initial fabric production unit demonstrate acceptability according to the requirements of paragraph (b) of this section, *Normal sampling*, both before and after the appropriate laundering.

(5) If the fabric has been shown to meet the laundering requirement, § 1616.5(c)(4), the garments produced from that fabric are not required to be laundered prior to testing.

(6) Each sample, (five specimens), for Fabric Sampling shall be selected so that two specimens are in one fabric direction (machine or cross-machine) and three specimens are in the other fabric direction, except for the additional sample selected after a failure, in which case all five specimens shall be selected in the fabric direction in which the specimen failure occurred.

(7) Fabric samples may be selected from fabric as outlined in paragraph (b) of this section, *Fabric sampling* or, for verification purposes, from randomly selected garments.

(8) Multi-layer fabrics shall be tested with a hem of approximately 2.5 cm. (1 in.) sewn at the bottom edge of the specimen with a suitable thread and stitch. The specimen shall include each of the components over its entire length. Garments manufactured from multi-layer fabrics shall be tested with the edge finish which is used in the garment at the bottom edge of the specimen.

(b) *Fabric sampling.* A fabric production unit (unit) is either accepted or rejected in accordance with the following plan:

(1) *Normal sampling.* Select one sample from the beginning of the first fabric piece (piece) in the unit and one sample from the end of the last piece in the unit, or select a sample from each end of the piece if the unit is made up of only one piece. Test the two selected samples. If both samples meet all the test criteria of § 1616.3(b), accept the unit. If either or both of the samples fail the 17.8 cm. (7.0 in.) average char length criterion, § 1616.3(b)(1), reject the unit. If two or more of the individual specimens, from the 10 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, § 1616.3(b)(2), reject the unit. If only one individual specimen, from the 10 selected specimens, fails the 25.4 cm. (10 in.) char length criterion, § 1616.3(b)(2), select five additional specimens from the same end of the piece in which the failure occurred, all five to be taken in the fabric direction in which the specimen failure occurred. If this additional sample passes all the test criteria, accept the unit. If this additional sample fails any part of the test criteria, reject the unit.

(2) *Reduced sampling.* (i) The level of sampling required for fabric acceptance may be reduced provided the preceding 15 units of the fabric have all been accepted using the Normal Sampling Plan.

(ii) The reduced Sampling Plan shall be the same as for Normal Sampling except that the quantity of fabric in the unit may be increased to 9,200 linear m. (10,000 linear yds.)

(iii) Select and test two samples in the same manner as in Normal Sampling. Accept or reject the unit on the same basis as with Normal Sampling.

(iv) Reduced Sampling shall be discontinued and Normal Sampling resumed if a unit is rejected.

(3) *Tightened sampling.* Tightened sampling shall be used when a unit is rejected under the Normal Sampling Plan. The Tightened Sampling shall be the same as Normal Sampling except that one additional sample shall be selected and cut from a middle piece in the unit. If the unit is made up of less than two pieces, the unit shall be divided into at least two pieces. The division shall be such that the pieces produced by the division shall not be smaller than 92 linear m. (100 linear yds.) or greater than 2,300 linear m. (2,500 linear yds.). If the unit is made up of two pieces, the additional sample shall be selected from the interior end of one of the pieces. Test the three selected samples. If all three selected samples meet all the test criteria of § 1616.3(b), accept the unit. If one or more of the three selected samples fail the 17.8 cm. (7.0 in.) average char length criterion, § 1616.3(b)(1), reject the unit. If two or more of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, § 1616.3(b)(2), reject the unit. If only one individual specimen, from the 15 selected specimens, fails the 25.4 cm. (10 in.) char length criterion, § 1616.3(b)(2), select five additional specimens from the same end of the same piece in which the failure occurred, all five to be taken in the fabric direction in which the specimen failure occurred. If this additional sample passes all the test criteria, accept the unit. If this additional sample fails any part of the test criteria, reject the unit. Tightened Sampling may be discontinued and Normal Sampling resumed after five consecutive units have all been accepted using Tightened Sampling. If Tightened Sampling remains in effect for 15 consecutive units, production of the specific fabric in Tightened Sampling must be discontinued until that part of the process or component which is causing failure has been identified and the quality of the end product has been improved.

(4) *Disposition of rejected units.* (i) The piece or pieces which have failed and resulted in the initial rejection of the unit may not be retested, used, or promoted for use in children's sleepwear as defined in §§ 1616.2(a) and 1615.1(a) of the (Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X) (FF 3–71) (Subpart A of Part 1615 of this Chapter) except after reworking to improve the flammability characteristics and subsequent retesting and acceptance in accordance with the procedures in *Tightened Sampling.*

(ii) The remainder of a rejected unit, after removing the piece or pieces, the failure of which resulted in unit rejection, may be accepted if the following test plan is successfully concluded at all required locations. The required locations are those adjacent to each such failed piece. (Required locations exist on both sides of the "Middle Piece" tested in Tightened Sampling if failure of that piece resulted in unit rejection). Failure of a piece shall be deemed to have resulted in unit rejection if unit rejection occurred and a sample or specimen from the piece failed any test criterion of § 1616.3(b).

(iii) The unit should contain at least 15 pieces for disposition testing after removing the failing pieces. If necessary for this purpose, the unit shall be demarcated into at least 15 approximately equal length pieces unless such division results in pieces shorter than 92 linear m. (100 linear yds.). In this latter case, the unit shall be demarcated into roughly equal length pieces of approximately 92 linear m. (100 linear yds.) each. If such a division results in five pieces or less in the unit for each failing piece after removing the failing pieces, only the individual pieces retest procedure [described in paragraph (b)(4)(vi) of this section] may be used.

(iv) Select and cut a sample from each end of each adjoining piece beginning adjacent to the piece which failed. Test the two samples from the piece. If both samples meet all the test criteria of § 1616.3(b), the piece is acceptable. If one or both of the two selected samples fail the 17.8 cm. (7.0 in.) average char length criterion, § 1616.3(b)(1), the piece is unacceptable. If two or more of the individual specimens, from the 10 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, § 1616.3(b)(2), the piece is unacceptable. If only one individual specimen, from the 10 selected specimens, fails the 25.4 cm. (10 in.) char length criterion, § 1616.3(b)(2), select five additional specimens from the same end of the piece in which the failure occurred, all five to be taken in the fabric direction in which the specimen failure occurred. If this additional sample passes all the test criteria, the piece is acceptable. If this additional sample fails any part of the test criteria, the piece is unacceptable.

(v) Continue testing adjoining pieces until a piece has been found acceptable. Then continue testing adjoining pieces until three successive adjoining pieces, not including the first acceptable piece, have been found acceptable or until five such pieces, not including the first acceptable piece, have been tested, whichever occurs sooner. Unless three successive adjoining pieces have been found acceptable among five such pieces, testing shall be stopped and the entire unit rejected without further testing. If three successive pieces have been found acceptable among five such pieces, accept the three successive acceptable pieces and the remaining pieces in the unit.

(vi) (A) Alternately, individual pieces from a rejected unit containing three or more pieces may be tested and accepted or rejected on a piece by piece basis according to the following plan, after removing the piece or pieces, the failure of which resulted in unit rejection.

(B) Select four samples (two from each end) from the piece. Test the four selected samples. If all four samples meet all the test criteria of § 1616.3(b), accept the piece. If one or more of the samples fail the 17.8 cm. (7.0 in.) average char length criterion, § 1616.3(b)(1), reject the piece. If two or more of the individual specimens, from the 20 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, § 1616.3(b)(2), reject the piece. If only one individual specimen, from the 20 selected specimens, fails the 25.4 cm. (10 in.) char length criterion, § 1616.3(b)(2), select two additional samples from the same end of the piece in which the failure occurred. If these additional two samples meet all the test criteria of § 1616.3(b), accept the piece. If one or both of the two additional samples fail any part of the test criteria, reject the piece.

(vii) The pieces of a unit rejected after retesting may not be retested, used, or promoted for use in children's sleepwear as defined in §§ 1616.2(a) and 1615.1(a) of the Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X (FF 3–71) (Subpart A of Part 1615 of this chapter) except after reworking to improve the flammability characteristics, and subsequent retesting in accordance with the procedures set forth in *Tightened Sampling.*

(5) *Records.* Written and physical records related to all tests performed under this Standard must be maintained by the manufacturer, importer, or other persons initially introducing items into commerce which are subject to this Standard, beginning on the effective date of the Standard. Such records shall include results of all tests, sizes of all units, and the disposition of all rejected pieces and units. Rules and regulations regarding recordkeeping may be established by the Consumer Product Safety Commission.

(c) *Garment sampling.* (1)(i). The Garment Sampling Plan is made up of two parts: (1) Prototype Testing and (2) Production Testing. Prior to production, prototypes must be tested to assure that the design characteristics of the garment are acceptable. Garment production units (units) are then accepted or rejected on an individual unit basis.

(ii) Edge finishes such as hems, except in multi-layer fabrics, and binding are excluded from testing except that when trim is used on an edge the trim must be subjected to prototype testing. Seams attaching findings are excluded from testing.

(2) *Prototype testing.* Pre-production prototype testing of each seam and trim specification to be included in each garment in a garment production unit shall be conducted to assure that garment specifications meet the flammability requirements of the Standard prior to production.

(i) *Seams.* Make three samples (15 specimens) using the longest seam type and three samples using each other seam type 10 inches or longer that is to be included in the garment. For purposes of recordkeeping, prior to testing, assign each specimen to one of the three samples. Test each set of three samples and accept or reject each seam design in accordance with the following plan:

(A) If all three samples meet all the test criteria of § 1616.3(b), accept the seam design. If one or more of the three samples fail the 17.8 cm. (7.0 in.) average char length criterion, § 1616.3(b)(1), reject the seam design. If three or more of the individual specimens from the 15 selected specimens fail the 25.4 cm. (10 in.) char length criterion, § 1616.3(b)(2), reject the seam design. If only one of the individual specimens from the 15 selected specimens fails the 25.4 cm. (10 in.) char length criterion, § 1616.3(b)(2), accept the seam design.

(B) If two of the individual specimens; from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, § 1616.3(b)(2), select three more samples (15 specimens) and retest. If all three additional samples meet all the test criteria of § 1616.3(b), accept the seam design. If one or more of the three additional samples fail the 17.8 cm. (7.0 in.) average char length criterion, § 1616.3(b)(1), reject the seam design. If two or more of the individual specimens, from the 15 selected additional specimens, fail the 25.4 cm. (10 in.) char length criterion, § 1616.3(b)(2), reject the seam design. If only one of the individual specimens, from the 15 selected additional specimens, fails the 25.4 cm. (10 in.) char length criterion, § 1616.3(b)(2), accept the seam design.

(ii) *Trim.*—(A) Make three samples (15 specimens) from each type of trim to be included in the garment. Specimens shall be prepared by sewing or attaching the trim to the center of the vertical axis of an appropriate section of untrimmed fabric, beginning the sewing or attachment at the lower edge of each specimen. The sewing or attachment shall be made in the manner in which the trim is to be attached to the garment.

(B) Sewing or otherwise attaching the trim shall be done with thread or fastening material of the same composition and size to be used for this purpose in the garment and using the same stitching or seam type or other attaching procedure. The trim shall be sewn or fastened the entire length of the specimen. Prior to testing, assign each specimen to one of the three samples. Test the sets of three

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samples and accept or reject the type of trim and design on the same basis as seam design.

(3) *Production testing.* A unit is either accepted or rejected according to the following plan:

(i) *Normal sampling.* (A) From each unit, select at random sufficient garments and cut three samples (15 specimens) from the longest seam type. No more than five specimens may be cut from a single garment. Prior to testing, assign each specimen to one of the three samples. All specimens cut from a single garment must be included in the same sample. Test the three selected samples. If all three samples meet all the test criteria of § 1616.3(b), accept the unit. If one or more of the three samples fail the 17.8 cm. (7.0 in.) average char length criterion, § 1616.3(b)(1), reject the unit. If four or more of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, § 1616.3(b)(2), reject the unit. If three or less of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, § 1616.3(b)(2), accept the unit.

(B) If the garment under test does not have a seam at least 10 inches long in the largest size in which it is produced, the following selection and testing procedure shall be followed:

(*1*) Select and cut specimens 8.9 cm. (3.5 in.) wide by the maximum available seam length, with the seam in the center of the specimen and extending the entire specimen length. Cut three samples (15 specimens). These specimens shall be placed in specimen holders so that the bottom edge is even with the bottom edge of the specimen holder and the seam begins in the center of the bottom edge. Prior to testing, assign each specimen to one of the three samples. All specimens cut from a single garment must be included in the same sample.

(2) Test the three samples. If all three samples pass the 17.8 cm. (7.0 in.) average char length criterion, § 1616.3(b)(1), and if three or fewer individual specimens fail by charring the entire specimen length, accept the unit. If the unit is not accepted in the above test, three samples (15 specimens) of the longest seam type shall be made using fabric and thread from production inventory and sewn on production machines by production operators. The individual fabric sections prior to sewing must be no larger than 20.3 x 63.3 cm. (8 x 25 in.) and must be selected from more than one area of the base fabric. Test the three prepared samples. Accept or reject the unit as described previously in this subsection.

(ii) *Reduced sampling.* (A) The level of sampling required for garment acceptance may be reduced provided the previous 15 units of the garments have all been accepted using the Normal Sampling Plan. The Reduced Sampling Plan shall be the same as for Normal Sampling except that the quantity of garments under test may be increased to up to two production units containing garments which have the same specific identity except for size, trim, findings, color, and print patterns as specified in paragraph (a) of this section.

(*B*) Select and test three samples in the same manner as in Normal Sampling. Accept or reject both units on the same basis as with Normal Sampling. Reduced Sampling shall be discontinued and Normal Sampling resumed if a unit is rejected.

(4) *Disposition of rejected units.* Rejected units shall not be retested, used, or promoted for use in children's sleepwear as defined in §§ 1616.2(a) and 1615.1(a) of the Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X (FF 3–71) (Subpart A of Part 1615 of this chapter) except after reworking to improve the flammability characteristics and subsequent retesting in accordance with the procedures set forth in *Garment production testing* [Paragraph (c)(3) of this section].

(5) *Records.* Written and physical records related to all tests performed under this Standard must be maintained by the manufacturer, importer, or other persons initially introducing items into commerce which are subject to this Standard, beginning on the effective date of this Standard. Such records shall include results of all tests, sizes of all units, and the disposition of all rejected pieces and units. Rules and regulations regarding recordkeeping may be established by the Consumer Product Safety Commission.

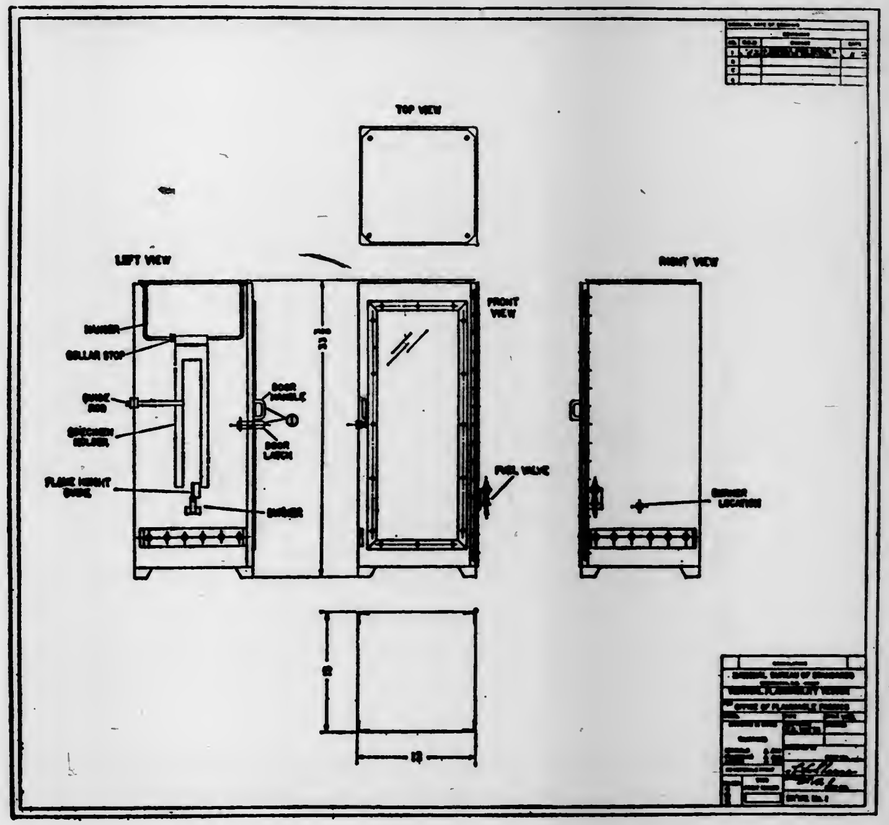
(d) *Compliance market sampling plan.* Sampling plans for use in market testing of items covered by this Standard may be issued by the Consumer Product Safety Commission. Such plans shall define noncompliance of a production unit to exist only when it is shown, with a high level of statistical confidence, those production units represented by tested items which fail such plans will, in fact, fail this Standards. Production units found to be noncomplying under the provisions of paragraph (d) of this section, shall be deemed not to conform to this Standard. The Consumer Product Safety Commission may publish such plans in the FEDERAL REGISTER.

§ 1616.5 Test procedure.

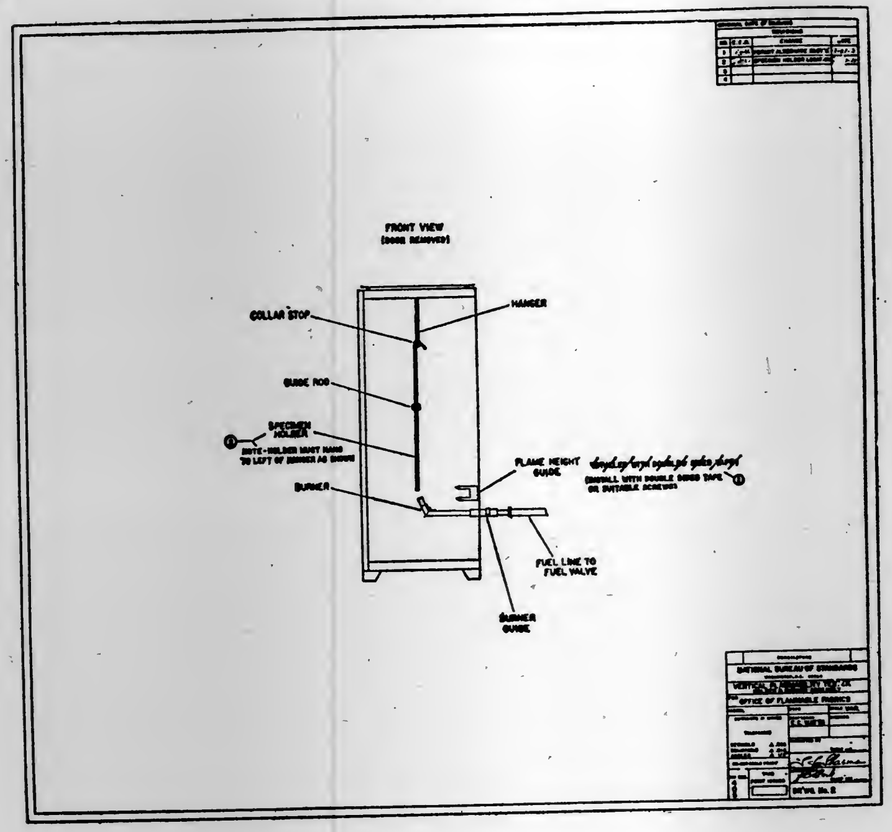
(a) *Apparatus.* The following test apparatus shall be used for the test. Alternate test apparatus may be used only with prior approval of the Consumer Product Safety Commission.

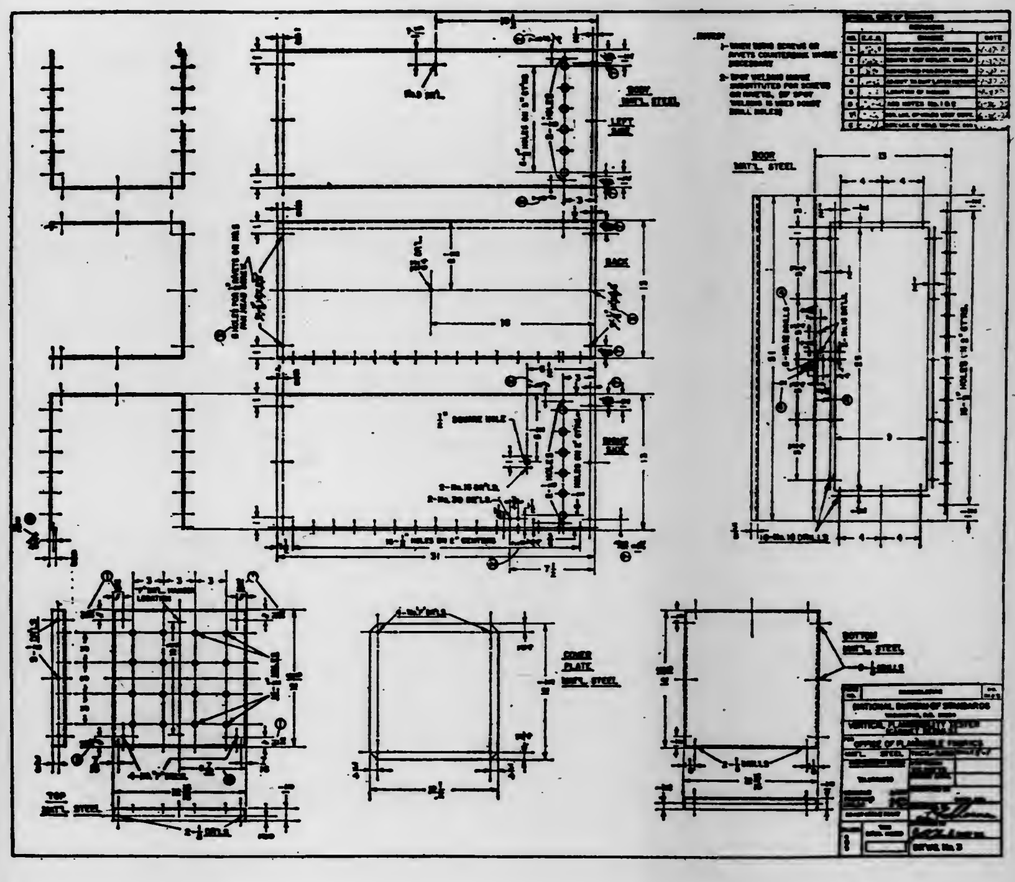
(1) *Test chamber.* The test chamber shall be a steel cabinet with inside dimensions of 32.9 cm. (12 15/16 in.) wide, 32.9 cm. (12 15/16 in.) deep and 76.2 cm. (30 in.) high. It shall have a frame which permits the suspension of the specimen holder over the center of the base of the cabinet at such a height that the bottom of the specimen is 1.7 cm. (¾ in.) above the highest point of the barrel of the gas burner specified in paragraph (a)(3) of this section, *Burner* and perpendicular to the front of the cabinet. The front of the cabinet shall be a close-fitting door with a transparent insert to permit observation of the entire test. The cabinet floor may be covered with a piece of asbestos paper, whose length and width are approximately 2.5 cm. (1 in.) less than the cabinet floor dimensions. The cabinet to be used in this test method is illustrated in Figure 1 and detailed in Engineering Drawings, Numbers 1 through 7.

VERTICAL TEST CABINET
FIGURE 1

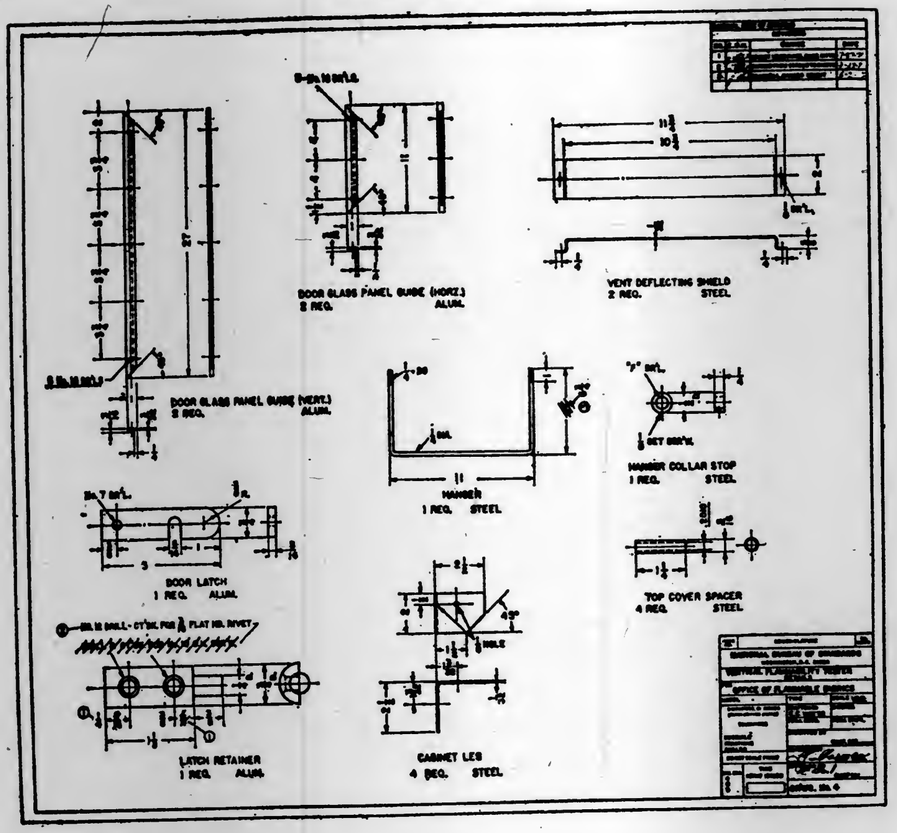


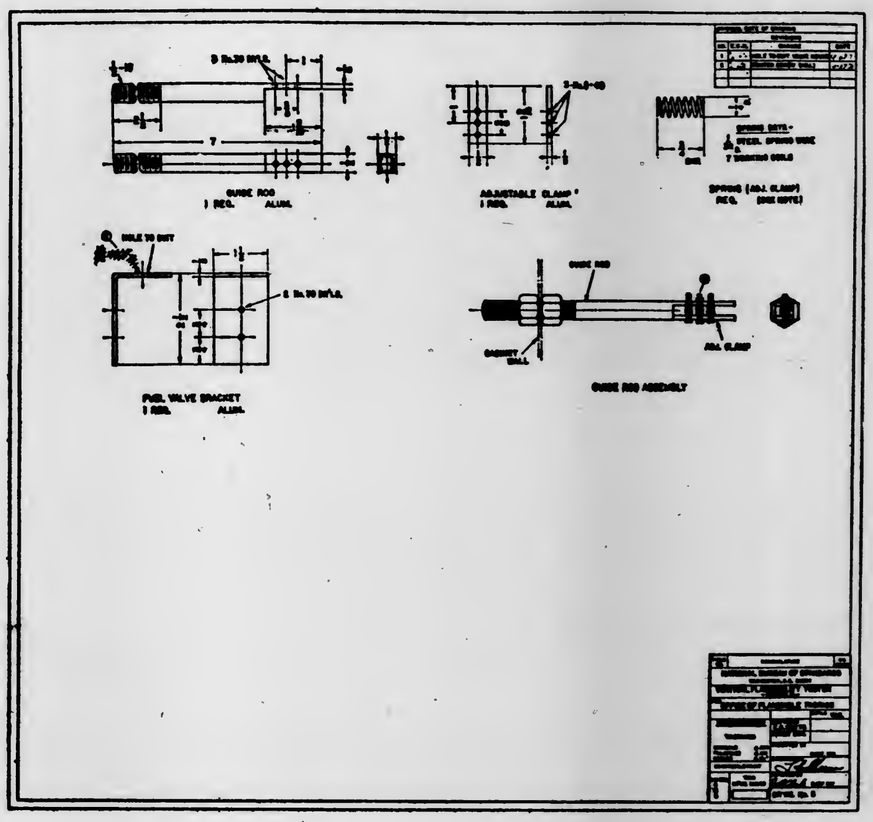
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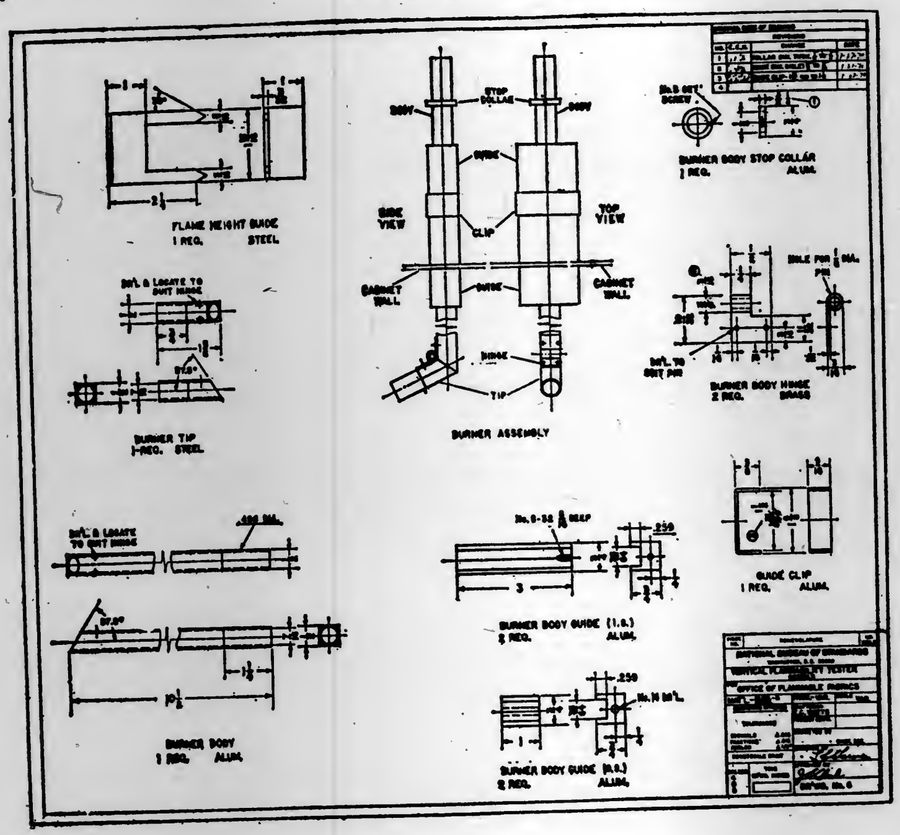


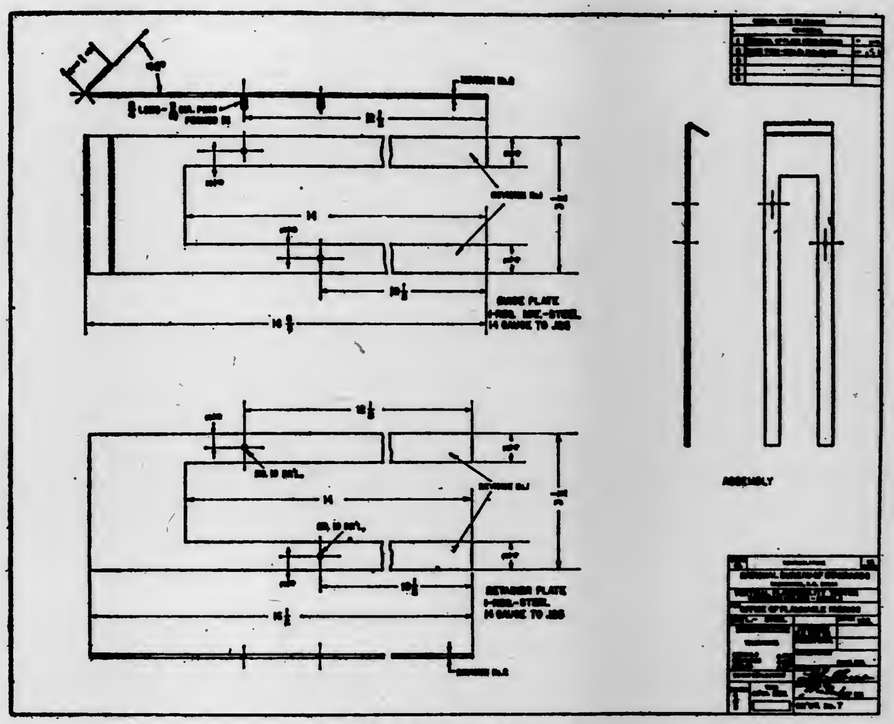
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[FR Doc.74-9713 Filed 4-30-74;8:45 am]

(2) *Specimen holder.* The specimen holder to be used in this test method is detailed in Engineering Drawing Number 7. It is designed to permit suspension of the specimen in a fixed vertical position and to prevent curling of the specimen when the flame is applied. The specimen shall be fixed between the plates, which shall be held together with side clamps.

(3) *Burner.* The burner shall be the same as that illustrated in Figure 1 and detailed in Engineering Drawing Number 6. It shall have a tube of 1.1 cm. (0.43 in.) inside diameter. The input line to the burner shall be equipped with a needle valve. It shall have a variable orifice to adjust the height of the flame. The barrel of the burner shall be at an angle of 25 degrees from the vertical. The burner may be equipped with an adjustable stop collar so that it may be positioned quickly under the test specimen. The burner shall be connected to the gas source by rubber or other flexible tubing.

(4) *Gas supply system.* There shall be a pressure regulator to furnish gas to the burner under a pressure of 103–259 mm. Hg. (2–5 lbs. per sq. in.) at the burner inlet. (*Caution.* Precautionary laboratory practices must be followed to prevent the leakage of methane. Methane is a flammable gas which can be explosive when mixed with air and exposed to a source of ignition, and can cause asphyxiation because of the lack of air.)

(5) *Gas.* The gas shall be at least 97 percent pure methane.

(6) *Hooks and weights.* Metal hooks and weights shall be used to produce a series of loads for char length determinations. Suitable metal hooks consist of No. 19 gauge steel wire, or equivalent, made from 7.6 cm. (3 in.) lengths of the wire, bent 1.3 cm. (0.5 in.) from one end to a 45-degree angle hook. The longer end of the wire is fastened around the neck of the weight to be used and the other in the lower end of each burned specimen to one side of the burned area. The requisite loads are given in Table 1.

TABLE 1.—*Original fabric weight*[1]

Grams per square meter	Ounces per square yard	Loads	
		Grams	Pounds
Less than 101	Less than 3	54.4	0.12
101 to 207	3 to 6	113.4	.25
207 to 338	6 to 10	226.8	.50
Greater than 338	Greater than 10	340.2	.75

[1] Weight of the original fabric, containing no seams or trim, is calculated from the weight of a specimen which has been conditioned for at least 8 hr at 21±1.1° C (70±2° F) and 65±2 pct relative humidity. Shorter conditioning times may be used if the change in weight of a specimen in successive weighings made at intervals of not less than 2 hr does not exceed 0.2 pct of the weight of the specimen.

(7) *Stopwatch.* A stopwatch or similar timing device shall be used to measure time to 0.1 second.

(8) *Scale.* A linear scale graduated in mm. or 0.1-inch divisions shall be used to measure char length.

(9) *Circulating air oven.* A forced circulation drying oven capable of main-

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taining the specimens at 105±2.8° C. (221±5° F.), shall be used to dry the specimen while mounted in the specimen holders.[3]

(10) *Desiccator.* An air-tight and moisture-tight desiccating chamber shall be used for cooling mounted specimens after drying. Anhydrous silica gel with an indicator shall be used as the desiccant in the desiccating chamber. Replace or reactivate the desiccant when it becomes inactive.

(11) *Hood.* A hood or other suitable enclosure shall be used to provide a draft-protected environment surrounding the test chamber without restricting the availability of air. This enclosure shall have a fan or other suitable means for exhausting smoke and/or toxic gases produced by testing.

(12) *Extinguishing plates.* Extinguishing plates shall be used to extinguish afterglow. The plates shall be metal, approximately 35.6 cm. x 5.1 cm. (14 x 2 in.) which fit within the opening of the specimen holder. The bottom plate shall be the thickness of the specimen holder and the top plate shall be at least 0.32 cm. (⅛ in.) thick. A suitable metal specimen mounting block may be used for the bottom plate.

(b) *Mounting and conditioning of specimens*—(1) The specimens shall be placed in specimen holders so that the bottom edge of each specimen is even with the bottom of the specimen holder. Mount the specimen in as close to a flat configuration as possible. The sides of the specimen holder shall cover 1.9 cm. (¾ in.) of the specimen width along each long edge of the specimen, and thus shall expose 5.1 cm. (2 in.) of the specimen width. The sides of the specimen holder shall be clamped with a sufficient number of clamps or shall be taped to prevent the specimen from being displaced during handling and testing. The specimens may be taped in the holders if the clamps fail to hold them. Place the mounted specimens in the drying oven in a manner that will permit free circulation of air at 105° C. (221° F.) around them for 30 minutes.[4]

(2) Remove the mounted specimens from the oven and place them in the desiccator for 30 minutes to cool. No more than five specimens shall be placed in a desiccator at one time. Specimens shall remain in the desiccator no more than 60 minutes.

(c) *Testing*—(1) *Burner adjustment.* With the hood fan turned off, use the needle valve to adjust the flame height of the burner to 3.8 cm. (1½ in.) above the highest point of the barrel of the burner. A suitable height indicator is shown in Engineering Drawing Number 6 and Figure 1.

(2) *Specimen burning and evaluation.* (i) One at a time, the mounted specimens shall be removed from the desiccator and suspended in the cabinet for testing. The cabinet door shall be closed and the burner flame impinged on the bottom edge of the specimen for 3.0 ±0.2 seconds.[5] Flame impingement is accomplished by moving the burner under the specimen for this length of time, and then removing it.

(ii) When flaming has ceased, remove the specimen from the cabinet, except for specimens which exhibit afterglow. If afterglow is evident, the specimen shall be removed from the cabinet 1 minute after the burner flame is impinged on the specimen if no flaming exists at that time. Upon removal from the cabinet, the afterglow shall be promptly extinguished. The afterglow shall be extinguished by placing the specimen while still in the specimen holder on the bottom extinguishing plate and immediately covering it with the top plate until all evidence of afterglow has ceased. After removing the specimen from the cabinet and, if appropriate, extinguishing afterglow, remove it from the holder and place it on a flat clean surface. Fold the specimen lengthwise along a line through the highest peak of the charred or melted area; crease the specimen firmly by hand. Unfold the specimen and insert the hook with the correct weight as shown in Table 1 in the specimen on one side of the charred area 6.4 mm. (¼ in.) from the lower edge. Tear the specimen by grasping the other lower corner of the fabric and gently raising the specimen and weight clear of the supporting surface.[6] Measure the char length as the distance from the end of the tear to the original lower edge of the specimen exposed to the flame. After testing each specimen, vent the hood and cabinet to remove the smoke and/or toxic gases.

(3) *Report.* Report the value of char length, in centimeters (or inches), for each specimen, as well as the average char length for each set of five specimens.

(4) *Laundering.* (i) The procedures described under § 1616.4 *Sampling and acceptance procedures.* § 1616.5(b) *Conditioning and mounting of specimens,* and (c) *Testing,* shall be carried out on finished items (as produced or after one washing and drying) and after they have been washed and dried 50 times according to the laundering procedure in AATCC Test Method 124–1969.[7] Items which do not withstand 50 launderings may be tested at the end of their useful service life with prior approval of the Consumer Product Safety Commission.

(ii) Washing procedure 6.2(III) of AATCC Test Method 124–1969, with a water temperature of 60±2.8° C. (140±5° F.) and drying procedure 6.3.2(B) of that Test method, shall be used. Maximum load shall be 3.64 kg. (8 lbs.) and may consist of any combination of test samples and dummy pieces. Alternately, a different number of times under another washing and drying procedure may be specified and used. If that procedure has previously been found to be equivalent by the Consumer Product Safety Commission. Such laundering is not required of items which are not intended to be laundered, as determined by the Consumer Product Safety Commission.

(iii) Items which are not susceptible to being laundered and are labeled "dry-clean only" shall be dry-cleaned by a procedure which has previously been found to be acceptable by the Consumer Product Safety Commission.

(iv) For the purpose of the issuance of a guarantee under Section 8 of the Act, finished sleepwear garments to be tested according to § 1616.4(c) *Garment sampling,* need not be laundered or dry-cleaned provided all fabrics used in making the garments (except trim) have been guaranteed by the fabric producer to be acceptable when tested according to § 1616.4(b) *Fabric sampling.*

§ 1616.6 Labeling requirements.

(a) All items of children's sleepwear shall be labeled with precautionary instructions to protect the items from agents or treatments which are known to cause significant deterioration of their flame resistance. If the item has been initially tested under § 1616.5(c)(4) *Laundering,* after one washing and drying, it shall be labeled with instructions to wash before wearing. Such labels shall be permanent and otherwise in accordance with rules and regulations established by the Consumer Product Safety Commission.

(b) All items of children's sleepwear in sizes 7 through 14 complying with this Standard (including those items that comply with FF 3–71) and manufactured on or after May 1, 1975 through May 1, 1978, shall bear a label which states: "Flame-resistant, U.S. Standard FF 5–74." The label must be prominent, conspicuous, legible and readily visible at the point of sale to ultimate consumers. The label statement may be attached to the item itself, on a hang tag attached to the item, or on a package enclosing the item. The label need not be affixed permanently.

[3] Procedure 1(1.1.1) of ASTM D 2654–71 "Standard Methods of Test for moisture content and moisture regain of textile material," describes a satisfactory oven (1972 Book of ASTM Standards, Part 24, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103).

[4] If the specimens are moist when received, permit them to air dry in laboratory conditions prior to placement in the oven. A satisfactory preconditioning procedure may be found in ASTM D 1776–67, "Conditioning Textiles and Textile Products for Testing". (1972 Book of ASTM Standards, Part 24, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.)

[5] If more than 30 seconds elapse between removal of a specimen from the desiccator and the initial flame impingement, that specimen shall be reconditioned prior to testing.

[6] A figure showing how this is done is given in AATCC Test method 34–1969, "Fire Resistance of Textile Fabrics," Technical Manual of the American Association of Textile Chemists and Colorists, Vol. 46, 1970, published by AATCC, P.O. Box 12215, Research Triangle Park, North Carolina 27709.

[7] Technical Manual of the American Association of Textile Chemists and Colorists, Vol. 46, 1970, published by AATCC, P.O. Box 12215, Research Triangle Park, North Carolina 27709.

Subpart B—Rules and Regulations

AUTHORITY: Sec. 5, 67 Stat. 113–18, as amended 81 Stat. 571; 16 U.S.C. 1194.

§ 1616.31 Labeling, recordkeeping, retail display and guarantee.

(a) *Definitions.* For the purpose of this section, the following definitions apply:

(1) "Standard" means the Standard for the Flammability of Children's Sleepwear: Sizes 7 through 14 (FF 5–74) (Subpart A of Part 1616 of this Chapter) promulgated by the Consumer Product Safety Commission in the FEDERAL REGISTER of May 1, 1974 (39 FR 15214), and amended in the FEDERAL REGISTER of March 21, 1975 (40 FR 12811) (correction notice published for technical reasons on March 27, 1975, 40 FR 13547).

(2) "Children's sleepwear" means "children's sleepwear" as defined in § 1616.2(a) of the Standard, that is, "any product of wearing apparel size 7 through 14, such as nightgowns, pajamas, or similar or related items, such as robes, intended to be worn primarily for sleeping or activities related to sleeping. Diapers and underwear are excluded from this definition."

(3) "Item" means "item" as defined in § 1616.2(c) of the Standard, that is, "any product of children's sleepwear or any fabric or related material intended or promoted for use in children's sleepwear."

(4) "Market or handle" means any one or more of the transactions set forth in section 3 of the Flammable Fabrics Act (15 U.S.C. 1192).

(5) The definition of terms set forth in § 1616.2 of the Standard shall also apply to this section.

(b) *Labeling.* (1) Where any agent or treatment is known to cause deterioration of flame resistance or otherwise causes an item to be less flame resistant, such item shall be prominently, permanently, conspicuously, and legibly labeled with precautionary care and treatment instructions to protect the item from such agent or treatment.

(2) If the item has been initially tested under § 1616.5(c)(4) of the Standard after one washing and drying, it shall be prominently, permanently, conspicuously and legibly labeled with instructions to wash before wearing.

(3) Where any fabric or related material intended or promoted for use in children's sleepwear subject to the Standard is sold or intended for sale to the ultimate consumer for the purpose of conversion into children's sleepwear, each bolt, roll, or other unit shall be labeled with the information required by this section. Each item or fabric or related material sold to an ultimate consumer must be accompanied by a label, as prescribed by this section, which can by normal household methods be permanently affixed by the ultimate consumer to any item of children's sleepwear made from such fabric or related material.

(4) (i) Where items required to be labeled or stamped in accordance with paragraphs (b)(1), (b)(2), and/or (b)(3) of this section and fabrics required to be labeled or stamped in accordance with paragraph (b)(7) of this section are marketed at retail in packages, and the required label or stamp is not readily visible to the prospective purchaser, the packages must also be prominently, conspicuously, and legibly labeled with the required information.

(ii) Where garments required to be labeled or stamped in accordance with paragraph (b)(7) of this section are marketed at retail in packages, and the required label or stamp is not readily visible to the prospective purchaser:

(A) The packages must also be prominently, conspicuously, and legibly labeled with the information required by paragraph (b)(7) of this section; or

(B) There must be a garment style identification that is prominent, conspicuous, and legible and readily visible to the prospective purchaser, either on a label or hang tag attached to the garment design or on the garment packages. A style is a garment design or grouping, preselected by the manufacturer. A style may be composed of garments that form all or part of one or more GPU's and the style may include any number of garments the manufacturer chooses. Style identification means any numbers, letters, or combination thereof that are sufficient to identify the garments of the style and may include information such as color, season or size. If this option B is selected, in any recall of noncomplying items from a particular GPU.

(*1*) The garment manufacturer must recall the entire style(s) from all customers who purchased garments of the style(s) of which the GPU is part. However, retailers may elect to return only garments from the particular GPU necessitating the recall rather than the entire style(s) or portions of style(s) being recalled; and

(*2*) Within 48 hours of a written request, the garment manufacturer must supply to the Commission any samples in its possession of garments from the GPU, as requested. As required of all persons subject to this section, the garment manufacturer must also, within the time requested, supply to the Commission the names of any customers who purchased during a specified period of time, garments from the GPU (or the style(s) of which the GPU is a part) and supply access to all records required under the Standard and this section.

(5) Samples, swatches, or specimens used to promote or effect the sale of items subject to the Standard shall be labeled in accordance with this section with the information required by this section: Except that such information may appear on accompanying promotional materials attached to fabric samples, swatches or specimens used to promote the sale of fabrics to garment manufacturers. This requirement shall not apply, however, to samples, swatches, or specimens prominently, permanently, conspicuously, truthfully and legibly labeled: "Flammable, Sample only. Not for use or resale. Does not meet Standard for the Flammability of Children's Sleepwear; Sizes 7 through 14 (FF 5–74)."

(6) The information required on labels by this section shall be set forth separately from any other information appearing on the same label. Other information, representations, or disclosures not required by this section but placed on the same label with information required by this section, or placed on other labels elsewhere on the item, shall not interfere with the information required by this section. No person, other than the ultimate consumer, shall remove, mutilate, or cause or participate in the removal or mutilation of any label required by this section to be affixed to any item.

(7) Every manufacturer, importer, or other person (such as a converter) initially introducing items subject to the Standard into commerce shall assign to each item a unit identification (number, letter or date, or combination thereof) sufficient to identify and relate to the fabric production unit or garment production unit of which the item is a part. Such unit identification shall be designated in such a way as to indicate that it is a production unit under the Standard. The letters "GPU" and "FPU" may be used to designate a garment production unit identification and fabric production unit identification, respectively, at the option of the labeler. In addition to the requirements prescribed by this paragraph (b)(7), the requirements prescribed by paragraph (b)(4) of this section must be met for items marketed at retail in packages.

(i) Each garment subject to the Standard shall bear a label with minimum dimension of 1.3 centimeters (0.5 inch) by 1.9 centimeters (0.75 inch) containing the appropriate garment production unit identification for that garment in letters which are clear, conspicuous, and legible, and in a color which contrasts with the background of the label, or shall have such information stamped on the garment itself in letters which are clear, conspicuous, and legible, and in a color which contrasts with the background, and at least 2.54 centimeters (1 inch) in every direction from any other information. The stamp or label containing the garment production unit identification must be of such construction, and affixed to the garment in such a manner, as to remain on or attached to the garment, and legible and visible throughout its intended period of use.

(ii) The fabric production unit identification shall appear in letters at least 0.4 centimeter (one-sixth of an inch) in height against a contrasting background on each label that relates to such fabric and is required by the Textile Fiber Products Identification Act (15 U.S.C. 70–70k) and the regulations thereunder (16 CFR 303.1 through 303.45) or by the Wool Product Labeling Act of 1939 (15 U.S.C. 68–68j) and the regulations thereunder (16 CFR 300.1 through 300.35). When the information required by the Textile Fiber Products Identification Act or by the Wool Products Labeling Act of 1939 appears on an invoice used in lieu of labeling, the fabric production

V 40 250 DEC 30 75 XUM

unit identification required by this section may be placed clearly, conspicuously, and legibly on the same invoice in lieu of labeling.

(8) All items complying with the Standard and manufactured on or after May 1, 1975, through May 1, 1978, shall bear a label which states "Flame-resistant. U.S. Standard FF 5–74." The label must be prominent, conspicuous, and legible and readily visible at the point of sale to ultimate consumers. The label statement may be attached to the item itself, on a hang tag attached to the item, or on a package enclosing the item. The label need not be affixed permanently. The letters of the label must be at least 0.4 centimeter (one-sixth of an inch) in height and in a color which contrasts with the background of the label.

(c) *Segregation of complying and non-complying items by retailer.* Every person who sells non-complying items (as defined in § 1616.2(c) of the Standard and paragraph (a) (3) of this section) at retail stores or other establishments open to the general public where goods are offered for sale shall:

(1) Display the items which comply with the Standard, and for which the seller has documentary evidence of such compliance, so that no other merchandise is intermingled with those items; and identify such complying items with at least one sign, with black letters at least 2.5 centimeters (one inch) in height against a solid white background, bearing the statement "Flame resistant. Complies with the Standard for the Flammability of Children's Sleepwear (FF 5–74)."

(2) Display all other items of children's sleepwear, sizes 7 through 14, at a separate location within the store and identify these items with at least one sign, with black letters at least 2.5 centimeters (1 inch) in height against a solid white background, bearing the statement "Flammable. Does Not Meet Standard for the Flammability of Children's Sleepwear (FF 5–74)."

(3) Segregate those items of children's sleepwear, sizes 7 through 14, which comply with the Standard, and for which the seller has documentary evidence of such compliance, so that they shall not be located within 91 centimeters (36 inches) of any other items of children's sleepwear, sizes 7 through 14, when displayed for sale to consumers.

(d) *Records—manufacturers, importers, or other persons initially introducing items into commerce*—(1) *General.* Every manufacturer, importer, or other person (such as a converter) initially introducing into commerce items subject to the Standard, irrespective of whether guaranties are issued under paragraph (e) of this section, shall maintain written and physical records as hereinafter specified. The records required must establish a line of continuity through the process of manufacture of each production unit of articles of children's sleepwear, or fabrics or related materials intended or promoted for use in children's sleepwear, to the sale and delivery of the finished items and from the specific finished item to the manufacturing records. Such records shall show with respect to such items:

(i) Details, description and identification of any and all sampling plans engaged in purstuant to the requirements of the Standard. Such records must be sufficient to demonstrate compliance with such sampling plan(s) and must relate the sampling plan(s) to the actual items produced, marketed, or handled. This requirement is not limited by other provisions of this paragraph (d).

(ii) Garment production units or fabric production units of all garments or fabrics marketed or handled. The records must relate to an appropriate production unit identification on or affixed to the item itself in accordance with paragraph (b) (7) of this section, and the production unit identification must relate to the garment production unit or fabric production unit.

(iii) Test results and details of all tests performed, both prototype and production, including char lengths of each specimen tested, average char lengths of the samples required to be tested, details of the sampling procedure employed, name and signature of person conducting tests, date of tests, and all other records necessary to demonstrate compliance with the test procedures and sampling plan specified by the Standard or authorized alternate sampling plan.

(iv) Disposition of all failing or rejected items. Such records must demonstrate that the items were retested or reworked and retested in accordance with the Standard prior to sale or distribution and that such retested or reworked and retested items comply with the Standard, or otherwise show the disposition of such items.

(v) Fiber content and manufacturing specifications relating the same to prototype and production testing and to the production units to which applicable.

(vi) Data and test results relied on as a basis for inclusion of different colors or different print patterns of the same fabric as a single fabric or garment production unit under § 1616.4(a) (2) of the Standard.

(vii) Data and test results relied on as a basis for reduced laundering of fabric or garments during test procedures under § 1616.5(c) (4) of the Standard and any quantities issued or received relating to laundering as well as details of the laundering procedure utilized.

(viii) Identification, composition, and details of application of any flame retardant treatments employed. All prototype and production records shall relate to such information.

(ix) Date and quantity of each sale or delivery of items subject to the Standard (except the date of sale to an ultimate consumer) and the name and address of the purchaser or recipient (except an ultimate consumer). The items involved in each sale or delivery shall be identified by production unit or by style. A style is a garment design or grouping. A style may be composed of garments that form all or part of one or more garment production units and the style may include any number of garments the manufacturer chooses. If a person subject to the requirements of paragraph (d) of this section maintains sales records which identify the items sold or delivered by style, and if recall of one or more production units subject to the Standard is required, that person in recalling such production units shall notify all purchasers of items of the style in which such production unit or units were manufactured. Retailers may elect to return all items of the style involved, or all items of the production units subject to recall.

(2) *Fabrics.* In addition to the information specified in paragraph (d) (1) of this section, the written and physical records maintained with respect to each fabric production unit shall include (i) finished fabric samples sufficent to repeat the fabric sampling procedure required by § 1616.4 of the Standard for each production unit marketed or handled; and (ii) records to relate the samples to the actual fabric production unit. Upon written request of any duly authorized employee or agent of the Commission, samples sufficient for the sampling and testing of any production unit in accordance with the Standard shall be furnished from these records within the time specified in the written request.

(3) *Garments—prototype testing.* In addition to the records specified in paragraph (d) (1) of this section, the following written and physical records shall be maintained with respect to the garment prototype testing required by the Standard:

(i) Specification, fiber content, and details of construction on all seams, fabrics, threads, stitches, and trims used in each garment style or type upon which prototype testing was performed, relating the same to such garment style or type and to all production units to which such prototype testing is applicable.

(ii) Samples sufficient to repeat the prototype tests required by § 1616.4 of the Standard for all fabrics, seams, threads, stitches, and trims used in such prototype testing, relating such samples to the records required by this paragraph (d), including the information required by paragraph (d) (3) (i) of this section. Upon written request of any duly authorized employee or agent of the Commission, samples sufficient for the testing of any prototype specimens identical to those specimens that were actually tested pursuant to the Standard shall be furnished from these records within the time specified in that written request.

(iii) A complete untested garment from each style or type of garment marketed or handled.

(iv) Remains of all physical specimens tested in accordance with the prototype testing required by § 1616.4 of the Standard, relating such samples to the records required by this paragraph (d), including information required by paragraph (d) (3) (i) of this section.

(4) *Garments—production testing.* In addition to the records required by paragraph (d) (1) of this section, written and physical records shall be maintained and shall show with respect to each garment production unit:

(i) Source and fabric production unit identification of all fabrics subject to testing used in each garment production unit.

(ii) Identification and appropriate reference to all prototype records and prototype tests applicable to each production unit.

(iii) Any guaranty relied upon to demonstrate that the fabric utilized in such garments meets the laundering requirements of the Standard.

(iv) Data sufficient to show that tested samples were selected from the production unit at random from regular production.

(v) Written data that will enable the Commission to obtain and test garments under any applicable compliance market sampling plan.

(5) *Record retention requirements.* The records required by this paragraph (d) shall be maintained for 3 years, except that records relating to prototype testing shall be maintained for as long as they are relied upon as demonstrating compliance with the prototype testing requirements of the Standard and shall be retained for 3 years thereafter.

(e) *Tests for guaranty purposes.* Reasonable and representative tests for the purpose of issuing a guaranty under section 8 of the Flammable Fabrics Act (15 U.S.C. 1197) for items subject to the Standard shall be those tests performed pursuant to any sampling plan or authorized alternative sampling plan engaged in pursuant to the requirements of the Standard.

(f) *Compliance with this section.* No person subject to the Flammable Fabrics Act shall manufacture, import, distribute, or otherwise market or handle any item subject to the Standard, including samples, swatches, or specimens used to promote or effect the sale thereof, which is not in compliance with this section.

EFFECTIVE DATE. This section became effective May 1, 1975.

Subpart C—Interpretations and Policies

AUTHORITY: Secs. 1–17, 67 Stat. 111–15, as amended, 81 Stat. 568–74; 15 U.S.C. 1191–1204.

§ 1616.61 Enforcement policy.

(a) It is the policy of the Consumer Product Safety Commission that all items of children's sleepwear in sizes 7 through 14 (including garments and fabric or related material intended or promoted for use in such children's sleepwear) are subject to the Standard FF 5–74 (Subpart A of this Part) unless the manufacturing process has ended before May 1, 1975. The manufacturing process is deemed to end, for the purposes of the Standard, at the time the item is completely assembled, all functional materials have been affixed, and labeling of a permanent nature has been stamped, sewn, or otherwise permanently affixed to the item. Affixing of temporary price or promotional information or the packaging of items of sleepwear (including garments and fabrics or related material intended or promoted for use in such sleepwear) does not affect the date on which the manufacturing process is deemed to end.

(b) All items of children's sleepwear in sizes 7 through 14 (including garments and fabric or related material intended or promoted for use in such children's sleepwear) which are in inventory or with the trade on the effective date of Standard FF 5–74 are exempt from the requirements of the Standard. For domestically-made items of children's sleepwear in sizes 7 through 14 to be considered "in inventory or with the trade" on the effective date of the Standard, the manufacturing process must have ended prior to May 1, 1975. For foreign-made items of children's sleepwear in sizes 7 through 14 to be considered "in inventory or with the trade" on the effective date of the Standard, the manufacturing process must have ended and the goods must have been entered into the United States before May 1, 1975.

EFFECTIVE DATE: This policy became effective March 21, 1975. It was originally published as a notice on that date at 40 FR 12639.

§ 1616.62 Policy regarding retail display requirements for items.

For purposes of the retail display and identification requirements of § 1616.31 (c), and for those purposes only, any item which was manufactured before May 1, 1975, and for which a retailer has documentary evidence of compliance with all sampling and testing requirements of the Standard (FF 5–74) (Subpart A of this Part), will be deemed to be a complying item notwithstanding the absence of an affirmative label to indicate compliance with the Standard as required by § 1616.6(b) of the Standard and § 1616.31(b) (8), or the absence of a garment production unit identification or style identification which meets all requirements of §§ 1616.31(b) (4) and (7), provided that such an item complies with all other labeling requirements of § 1616.31(b).

EFFECTIVE DATE: This policy was originally published as a notice on October 22, 1975 at 40 FR 49537.

§ 1616.63 Policy regarding garment production unit identification.

No provision of 16 CFR 1616.31(b) (7) prohibits placement of a garment production unit identification on a label containing other information. Provided, however, that when the garment production unit identification appears on a label containing other information, provisions of § 1616.31(b) (6) require that the garment production unit identification must be set forth separately from any other information appearing on the same label, and that information not required by the applicable enforcement regulation (§ 1616.31), but placed on the same label with the garment production unit identification, shall not interfere with the garment production unit identification.

EFFECTIVE DATE: This policy was originally published as a notice on October 22, 1975 at 40 FR 49537.

§ 1616.64 Policy regarding recordkeeping requirements.

No provision of the Standard for the Flammability of Children's Sleepwear: Sizes 7 through 14 (FF 5–74) (Subpart A of this Part) or of the enforcement regulations at § 1616.31 prohibits the utilization of fabric which was manufactured before May 1, 1975, and which was not manufactured in production units, in the manufacture of children's sleepwear garments which are subject to the Standard. When such fabric is utilized in the manufacture of such garments, the inability of the garment manufacturer to record the fabric production unit identification of such fabric does not constitute a violation of § 1616.31(d) (4) (i).

EFFECTIVE DATE: This policy was originally published as a notice on October 22, 1975 at 40 FR 49538.

PART 1630—STANDARD FOR THE SURFACE FLAMMABILITY OF CARPETS AND RUGS (FF 1–70)

Subpart A—The Standard

Sec.
1630.1 Definitions.
1630.2 Scope and application.
1630.3 General requirements.
1630.4 Test procedure.
1630.5 Labeling.

Subpart B—Rules and Regulations

1630.31 Reasonable and representative tests and recordkeeping requirements.
1630.32 Carpets and rugs with fire-retardent treatment.

Subpart C—Washing Procedures

1630.61 Hide carpets and rugs—alternative washing procedure.
1630.62 Wool flokati carpets and rugs—alternative washing procedure.
1630.63 Suspension of washing requirements for carpets and rugs with alumina trihydrate in the backing.

Subpart A—The Standard

AUTHORITY: Sec. 4, 67 Stat. 112, as amended, 81 Stat. 569–70; 15 U.S.C. 1193.

EFFECTIVE DATE: This standard became effective April 16, 1971. It was orginally published as a notice on April 16, 1970 (35 FR 6211).

§ 1630.1 Definitions.

In addition to the definitions given in section 2 of the Flammable Fabrics Act, as amended (sec. 1, 81 Stat. 568; 15 U.S.C. 1191), and the procedures under that act for setting standards (Part 1607 of this Chapter), the following definitions apply for the purposes of this Standard:

(a) "Acceptance Criterion" means that at least seven out of eight individual specimens of a given carpet or rug shall meet the test criterion as defined in this Standard.

(b) "Test Criterion" means the basis for judging whether or not a single specimen of carpet or rug has passed the test, i.e., the charred portion of a tested specimen shall not extend to within 2.54 cm. (1.0 in.) of the edge of the hole in the flattening frame at any point.

(c) "Carpet" means any type of finished product made in whole or in part of fabric or related material and intended for use or which may reasonably be expected to be used as a floor covering which is exposed to traffic in homes, offices, or other places of assembly or accommodation, and which may or may not be fastened to the floor by mechanical means such as nails, tacks, barbs, staples,

cooled to room temperature, but in no

of the act if such person establishes a

regard to any carpets or rugs or qualities

DEC 30 75
VOL 40 NO 250
XUM

adhesives, and which has one dimension greater than 1.83 m. (6 ft.) and a surface area greater than 2.23 m.² (24 sq. ft.). Products such as "carpet squares", with one dimension less than 1.83 m. (6 ft.) and a surface area less than 2.23 m.² (24 sq. ft.), but intended to be assembled upon installation into assemblies which may have one dimension greater than 1.83 m. (6 ft.) and a surface area greater than 2.23 m.² (24 sq. ft.), are included in this definition. Mats, hides with natural or synthetic fibers, and other similar products in the above defined dimensions are included in this definition, but resilient floor coverings such as linoleum, asphalt tile and vinyl tile are not.

(d) "Rug" means the same as carpet and shall be accepted as interchangeable with carpet.

(e) "Traffic Surface" means a surface of a carpet or rug which is intended to be walked upon.

(f) "Timed Burning Tablet" (pill) means the methenamine tablet, weighing approximately 0.149 gram (2.30 grains), sold as Product No. 1588 in Catalog No. 79, December 1, 1969, by the Eli Lilly Company of Indianapolis, Ind. 46206, or an equal tablet.

(g) "Fire-Retardant Treatment" means any process to which a carpet or rug has been exposed which significantly decreases the flammability of that carpet or rug and enables it to meet the acceptance criterion of this Standard.

§ 1630.2 Scope and application.

(a) This Standard provides a test method to determine the surface flammability of carpets and rugs when exposed to a standard small source of ignition under carefully prescribed draft-protected conditions. It is applicable to all types of carpets and rugs used as floor covering materials regardless of their method of fabrication or whether they are made of natural or synthetic fibers or films, or combinations of or substitutes for these.

(b) One of a kind, carpet or rug, such as an antique, an Oriental, or a hide, may be excluded from testing under this Standard pursuant to conditions established by the Consumer Product Safety Commission.

§ 1630.3 General requirements.

(a) *Summary of test method.* This method involves the exposure of each of eight conditioned, replicate specimens of a given carpet or rug to a standard igniting source in a draft-protected environment, and measurement of the proximity of the charred portion to the edge of the hole in the prescribed flattening frame.

(b) *Test criterion.* A specimen passes the test if the charred portion does not extend to within 2.54 cm. (1.0 in.) of the edge of the hole in the flattening frame at any point.

(c) *Acceptance criterion.* At least seven of the eight specimens shall meet the test criterion in order to conform with this Standard.

§ 1630.4 Test procedure.

(a) *Apparatus*—(1) *Test chamber.* The test chamber shall consist of an open top hollow cube made of noncombustible material[1] with inside dimensions 30.48 x 40.48 x 30.48 cm. (12 x 12 x 12 in.) and a minimum of 6.35 (¼ in.) wall thickness. The flat bottom of the box shall be made of the same material as the sides and shall be easily removable. The sides shall be fastened together with screws or brackets and taped to prevent air leakage into the box during use.

NOTE: A minimum of two chambers and two extra bottoms is suggested for efficient operation.

(2) *Flattening frame.* A steel plate, 22.86 x 22.86 cm. (9 x 9 in.), 6.35 mm. (¼ in.) thick with a 20.32 cm. (8 in.) diameter hole in its center is required to hold the carpet or rug flat during the course of the test. It is recommended that one be provided for each test chamber.

(3) *Standard igniting source.* No. 1588 methenamine timed burning tablet or an equal tablet. These tablets shall be stored in a desiccator over a desiccant for 24 hours prior to use. (Small quantities of absorbed water may cause the tablets to fracture when first ignited. If a major fracture occurs, any results from that test shall be ignored, and it shall be repeated.)

(4) *Test specimens.* Each test specimen shall be a 22.86 x 22.86 cm. (9 x 9 in.) section of the carpet or rug to be tested. Eight specimens are required.

(5) *Circulating air oven.* A forced circulation drying oven capable of removing the moisture from the specimens when maintained at 105° C. (221° F.) for 2 hours.[2]

(6) *Desiccating cabinet.* An airtight and moisture tight cabinet capable of holding the floor covering specimens horizontally without contacting each other during the cooling period following drying, and containing silica gel desiccant.

(7) *Gloves.* Nonhygroscopic gloves (such as rubber polyethylene) for handling the sample after drying, and raising the pile on specimens prior to testing.

(8) *Hood.* A hood capable of being closed and having its draft turned off during each test and capable of rapidly removing the products of combustion following each test. The front or sides of the hood should be transparent to permit observation of the tests in progress.

(9) *Mirror.* A small mirror mounted above each test chamber at an angle to permit observation of the specimen from outside of the hood.

(10) *Vacuum cleaner.* A vacuum cleaner to remove all loose material from each specimen prior to conditioning. All surfaces of the vacuum cleaner contacting the specimen shall be flat and smooth.

(b) *Sampling*—(1) (i) *Selection of samples.* Select a sample of the material representative of the lot and large enough to permit cutting eight test specimens 22.86 x 22.86 cm. (9 x 9 in.), free from creases, fold marks, delaminations, or other distortions. The test specimens should contain the most flammable parts of the traffic surface at their centers. The most flammable area may be determined on the basis of experience or through pretesting.

(ii) If the carpet or rug has had a fire-retardant treatment, or is made of fibers which have had a fire-retardant treatment, the selected sample or oversized specimens thereof shall be washed, prior to cutting of test specimens either 10 times under the washing and drying procedure prescribed in Method 124–1967 of the American Association of Textile Chemists and Colorists [washing procedure 6.2 (III) with a water temperature of 60°±2.8° C. (140°±5° F.), drying procedure 6.3.2(B), maximum load 3.64 kg. (8 pounds)],[3] or such number of times under such other washing and drying procedure as shall previously have been found to be equivalent by the Consumer Product Safety Commission. Alternatively, the selected sample or oversized specimens thereof may be washed, dry-cleaned, or shampooed 10 times, prior to cutting of test specimens, in such manner as the manufacturer or other interested party shall previously have established to the satisfaction of the Consumer Product Safety Commission is normally used for that type of carpet or rug in service.

(2) *Cutting.* Cut eight 22.86±0.64 cm. (9±¼ in.) square specimens of each carpet or rug to be tested to comply with paragraph (b)(1) of this section.

(c) *Conditioning.* (1) Clean each specimen with the vacuum cleaner until it is free of all loose ends left during the manufacturing process and from any material that may have been worked into the pile during handling.[4] Care must be exercised to avoid "fuzzing" of the pile yarn.

(2) Place the specimens in the drying oven in a manner that will permit free circulation of the air at 105° C. (221° F.) around them for 2 hours.[5] Remove the specimens from the oven with gloved hands and place them horizontally in the desiccator with traffic surface up and free from contact with each other until cooled to room temperature, but in no instance less than 1 hour.

(d) *Testing.* (1) Place the test chamber in the draft-protected environment (hood with draft off) with its bottom in place. Wearing gloves, remove a test specimen from the desiccator and brush its surface with a gloved hand in such a manner as to raise its pile. Place the specimen on the center of the floor of the test chamber, traffic surface up, exercising care that the specimen is horizontal and flat. Place the flattening frame on the specimen and position a methenamine tablet on one of its flat sides in the center of the 20.32 cm. (8 in.) hole.

(2) Ignite the tablet by touching a lighted match or an equivalent igniting source carefully to its top. If more than 2 minutes elapse between the removal of the specimen from the desiccator and the ignition of the tablet, the conditioning must be repeated.

(3) Continue each test until one of the following conditions occurs:

(i) The last vestige of flame or glow disappears. (This is frequently accompanied by a final puff of smoke.)

(ii) The flaming or smoldering has approached within 2.54 cm. (1.0 in.) of the edge of the hole in the flattening frame at any point.

(4) When all combustion has ceased, ventilate the hood and measure the shortest distance between the edge of the hole in the flattening frame and the charred area. Record the distance measured for each specimen.

(5) Remove the specimen from the chamber and remove any burn residue from the floor of the chamber. Before proceeding to the next test, the floor must be cooled to normal room temperature or replaced with one that is at normal room temperature.

(e) *Report.* The number of specimens of the eight tested in which the charred area does not extend to within 2.54 cm. (1.0 in.) of the edge of the hole in the flattening frame shall be reported.

(f) *Interpretation of results.* If the charred area does not extend to within 2.54 cm. (1.0 in.) of the edge of the hole in the flattening frame at any point for at least seven of the eight specimens, the carpet or rug meets the acceptance criterion.

§ 1630.5 Labeling.

If the carpet or rug has had a fire-retardant treatment or is made of fibers which have had a fire-retardant treatment, it shall be labeled with the letter "T" pursuant to conditions established by the Consumer Product Safety Commission.

Subpart B—Rules and Regulations

AUTHORITY: Sec. 5, 67 Stat. 112, as amended by 81 Stat. 570; 15 U.S.C. 1194.

§ 1630.31 Reasonable and representative tests and recordkeeping requirements.

[EXPLANATION: Section 8 of the act, among other things, provides that no person shall be subject to criminal prosecution under section 7 of the act for a violation of section 3 of the act if such person establishes a guaranty received in good faith signed by and containing the name and address of the person by whom the product, fabric, or related material guaranteed was manufactured, or from whom it was received; to the effect that reasonable and representative tests made in accordance with applicable flammability standards show that the product, fabric, or related material covered by the guaranty conforms with such standards.

[While a person establishing a guaranty received in good faith would not be subject to criminal prosecution under section 7 of the act, he and/or the merchandise involved, would nevertheless remain subject to the administrative processes of the Consumer Product Safety Commission under section 5 of the act as well as injunction and condemnation procedures under section 6 thereof. A guarantor derives no immunity of any kind, civil or criminal, from the issuance of his own guafanty or performance of the reasonable and representative tests prescribed by this section.

[The furnishing of guaranties is not mandatory under the act. The purpose of this section is to establish minimum requirements for reasonable and representative tests upon which guaranties may be based. The section does not have any legal effect beyond that specified in section 8 of the act.]

(a) For the purposes of this section the following definitions apply:

(1) "Standard" means the standards in Subpart A of this Part.

(2) "Test" means a test as prescribed by the Standard.

(3) "Acceptance criterion" means "acceptance criterion" as defined in the Standard.

(4) "Test criterion" means "test criterion" as defined in the Standard.

(5) "Carpet" and "rug" mean "carpet" and "rug" as defined in the Standard.

(6) "Quality of machine-made carpets or rugs" means any line of carpets or rugs, essentially machine-made, which are substantially alike in all respects, including, as applicable, constructional units (needles, pitch, rows, shot, stitches, and weight), dye class, dyestuff, dyeing application method, gage, pile levels, pile height, average pile thickness, pile weight, pile yarn, total thickness, total weight, tufts, tuft length, tuft bind, warp yarn, filler yarn, yarn ends per needle, loop length, backing, back coating, primary backing, secondary backing, backing thickness, backing fabric count, backing warp and filler yarns, including stuffer and dead frame yarns, backing weight, fiber and/or other materials content, and fire retardant treatment received including the specifications and quantity of chemicals used.

(7) "Quality of handmade or hide carpets or rugs" means any line of carpets or rugs which are essentially handmade and/or are essentially hides and which are alike in all respects, including those specified in paragraph (a)(6) of this section, where applicable, except that such carpets or rugs may vary where unavoidable and/or may vary because of natural variations in hides of the same type, so long as such variations do not affect flammability.

(b) The tests set forth in paragraphs (c), (d), (e), and (f) of this section are reasonable and representative tests with regard to any carpets or rugs or qualities thereof to which they apply, except, however, that any test of any quality, whenever performed, which does not show a meeting of the acceptance criterion of the Standard shall be considered the reasonable and representative test for that quality and no guaranty with respect thereto shall be issued after the performance of such test. Immediately before conditioning and testing, each carpet or rug specimen tested pursuant to this section shall be in the form in which the carpet or rug or quality thereof which it represents is sold or offered for sale to the ultimate consumer.

(c) Reasonable and representative tests with respect to any quality of machine-made carpets or rugs are (1) at least one test performed upon commencement of production, importation, or other receipt thereof, (2) at least one test performed after production, importation, or other receipt of the first 25,000 linear yards of the quality, and (3) at least one test after production, importation, or other receipt of every 50,000 linear yards of the quality thereafter. Except, however, that tests need be performed only after production, importation, or receipt of each additional 100,000 linear yards of the quality, so long as all 24 specimens required to be tested in a complete series of three required tests immediately preceding any given test (eight out of eight specimens in each of the three preceding tests) meet the test criterion, rather than seven out of eight specimens, as permitted under the acceptance criterion of the Standard.

(d) Reasonable and representative tests with respect to any quality of handmade or hide carpets or rugs are at least one test performed upon the commencement of production, importation, or other receipt thereof and at least one test after production, importation, or other receipt of every 10,000 square yards of the quality thereafter.

(e) Reasonable and representative tests of a one-of-a-kind carpet or rug, machine made, handmade, or hide, is one test thereof or one test of an identical representative sample.

(f) Guaranties for carpets or rugs in inventory upon the effective date of the Standard may be issued in the same manner as other guaranties are issued. Reasonable and representative tests with respective to qualities of such carpets or rugs are at least one test performed upon approximately the first linear yard and one test thereafter for each 25,000 linear yards of a quality of machine-made carpets or rugs and at least one test performed upon approximately the first square yard and thereafter for each 10,000 square yards of a category of hand-made or hide carpets or rugs, in the order of the production, importation, or receipt by the guarantor of that quality.

(g) Any person issuing a guaranty for one or more carpets or rugs or qualities thereof based on reasonable and representative tests, shall maintain the following records for a period of 3 years from the date the tests were performed, or in the case of paragraph (h) of this section, the date the guaranties were

[1] 6.35 mm (¼ in.) cement asbestos board is a suitable material.

[2] Option 1 of ASTM D 2654–67T, "Methods of Test for Amount of Moisture in Textile Materials," describes a satisfactory oven. ("1969 Book of ASTM Standards," Part 24, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.)

[3] Technical Manual of the American Association of Textile Chemists and Colorists, Vol. 45, 1969, published by AATCC, Post Office Box 12215, Research Triangle Park, N.C. 27709.

[4] The vacuum cleaning described is not intended to simulate the effects of repeated vacuum cleaning in service.

[5] If the specimens are moist when received, permit them to air-dry at laboratory conditions prior to placement in the oven. A satisfactory preconditioning procedure may be found in ASTM D 1776–67, "Conditioning Textiles and Textile Products for Testing." ("1969 Book of ASTM Standards", Part 24, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.)

V 40 250 DEC 30 75 XUM

furnished. These records must be maintained in the United States by a person subject to section 3 of the act:

(1) All identifying numbers, symbols, etc., manufacturing specifications including all other information described in paragraph (a)(6) of this section, as applicable, and source of products or raw materials used therein.

(2) A physical sample of each carpet or rug or quality thereof covered by the guaranty at least 6 inches by 6 inches in size (36 square inches).

(3) The original or a copy of the report of each test performed for purposes of the guaranty (whether or not such report shows a meeting of the acceptance criterion) which shall disclose the date of the test, the results, and sufficient information to clearly identify the carpet or rug tested.

(4) A record applicable to each test in paragraph (g)(3) of this section showing the approximate yardage at which it was performed. Records otherwise required to be maintained in linear yards may be maintained in square yards on the basis of 4 square yards equals 1 linear yard.

(h) Persons furnishing guaranties based on guaranties received by them shall maintain records showing the guaranty received and identification of the carpet or rug or quality thereof guaranteed in turn by them.

(i) Any person furnishing a carpet or rug guaranty under section 8(a) of the act who neglects or refuses to maintain and preserve the records prescribed in this section shall be deemed to have furnished a false guaranty under the provisions of section 8(b) of the act.

(Sec. 5, 67 Stat. 112, as amended, 81 Stat. 570, 15 U.S.C. 1194; sec. 8, 67 Stat. 114, as amended, 81 Stat. 572, 15 U.S.C. 1197)

EFFECTIVE DATE: This section became effective July 20, 1971.

§ 1630.32 Carpets and rugs with fire-retardant treatment.

(a) For the purposes of this section the following definitions apply:

(1) "Carpet" and "rug" mean "carpet" and "rug" as defined in § 1630.31(c).

(2) "Fire-retardant treatment" means "fire-retardant treatment" as defined in the standard in Subpart A of this Part.

(b) If a carpet or rug or small carpet or rug is manufactured, imported, or otherwise marketed or handled which has had a fire-retardant treatment or is made of fibers which have had a fire-retardant treatment, the letter "T" shall be set forth legibly and conspicuously, and shall appear at all times, on each label and/or invoice relating thereto pursuant to the requirements of the Textile Fiber Products Indentification Act, 15 U.S.C. section 70, et seq., and the rules and regulations thereunder, whether or not such letter "T" appears elsewhere on said product. Samples, pieces, rolls, or squares used to promote or effect the sale of such carpet or rug are subject to the aforementioned requirements. As provided in the applicable portions of the aforesaid Act and the rules and regulations thereunder, where a carpet or rug or a small carpet or rug; which has had a fire-retardant treatment or is made of fibers which have had a fire-retardant treatment, is sold to an ultimate consumer and was either custom made or commercially installed for such consumer, the labeling required by this section shall not apply with respect to the carpet or rug if an invoice or other paper relating thereto, containing the letter "T", legibly and conspicuously written, is delivered to the consumer in due course of business.

(c) No person subject to the Flammable Fabrics Act shall manufacture, import, distribute, or otherwise market or handle any carpet or rug or small carpet or rug, including samples, swatches, or specimens used to promote or effect the sale thereof, which is not in compliance with this section.

(Sec. 5 of the Act, 67 Stat. 112, as amended by 81 Stat. 570, 15 U.S.C. sec. 1194)

EFFECTIVE DATE: This section became effective January 22, 1973.

Subpart C—Washing Procedures

AUTHORITY: Secs. 4, 5, 67 Stat. 112, as amended, 81 Stat. 561–570; 15 U.S.C. 1193, 1194.

§ 1630.61 Hide carpets and rugs—alternative washing procedure.

(a) The Standard for the Surface Flammability of Carpets and Rugs (FF 1–70) at § 1630.4(b)(1)(ii) provides that if a carpet or rug has had a fire-retardant treatment, or is made of fibers which have had a fire-retardant treatment, the sample or oversized specimens thereof selected for testing under the standard shall be washed prior to the cutting of test specimens either 10 times under the washing and drying procedure prescribed in Method 124–1967 of the American Association of Textile Chemists and Colorists or such number of times under such other washing and drying procedure as shall previously have been found to be equivalent by the Consumer Product Safety Commission. Alternatively the selected sample or oversized specimens thereof may be washed, dry-cleaned, or shampooed 10 times, prior to the cutting of test specimens, in such manner as the manufacturer or other interested party has previously established to the satisfaction of the Consumer Product Safety Commission is normally used for that type of carpet or rug in service.

(b) On February 10, 1972 (37 FR 3010) the Federal Trade Commission published in the FEDERAL REGISTER a notice of approval of an alternative washing procedure under FF 1–70 for testing the flammability of shearling and hide rugs that (1) consist of natural wool or hair attached to the hide with no synthetic fibers and (2) have been treated with a fire-retardant finish. The notice of approval was corrected on March 17, 1972 (37 FR 5676). This approval is continued in effect by the Consumer Product Safety Commission pursuant to section 30(e) of the Consumer Product Safety Act (15 U.S.C. 2079(e)).

(c) Any hide carpet or rug for which such alternative procedure is utilized must be labeled with a conspicuous, legible and permanent label containing the following statement:

DO NOT WASH OR DRY CLEAN

This rug has been treated with a flame retardant. To keep rug attractive and clean use the following methods:

To eliminate loose dirt or dust, vacuum or shake pelt outdoors.

For spot cleaning, use water dampened cloth and rub lightly in one direction.

DO NOT USE DETERGENTS OR OTHER STAIN REMOVERS

(d) The alternative procedure is as follows: The test specimens shall be cut to size 9" x 9" before the procedure is initiated.

(1) Shake specimen vigorously to remove any loose fibers, dust and possible accumulated debris.

(2) Place specimen on a solid flat surface and anchor or hold firmly while conducting the test.

(3) Select an operating applicator consisting of a rod at least 2" in diameter and 9" long composed of nonabsorbant material such as glass or plastic.

(4) Select sufficient cloth to form at least five layers when wrapped around the operating applicator. The cloth shall be of the type known as "Crockmeter Test Cloth" as specified in Note 8.3 of AATCC Test Method 8–1969.

(5) Immerse cloth in water (100°F.) until thoroughly wetted.

(6) Manually wring out the cloth to remove all excess water and wrap around the operating applicator.

(7) Immediately with light pressure, stroke entire surface of specimen with the wrapped operating applicator in one direction only along the natural "lay" of the hair structure for ten complete strokes.

(8) Place test specimen in a circulating drying oven maintained at 212°F. until dry.

(9) Repeat the above procedure 10 times using a fresh or clean cloth each time.

(10) After 10 successive cycles of washing and drying the dried specimens shall be subjected to the testing procedures (pill test) as outlined in FF 1–70.

(e) This washing procedure and labeling provision are subject to revision or revocation should it be determined that such procedure is inadequate to fully protect the public.

§ 1630.62 Wool flokati carpets and rugs—alternative washing procedure.

(a) The Standard for the Surface Flammability of Carpets and Rugs (FF 1–70) at § 1630.4(b)(1)(ii) provides that if a carpet or rug has had a fire-retardant treatment, or is made of fibers which have had a fire-retardant treatment, the sample or oversized specimens thereof selected for testing under the standard shall be washed prior to the cutting of test specimens either 10 times under the washing and drying procedure prescribed in Method 124–1967 of the American Association of Textile Chemists and Colorists or such number of times under such other washing and drying procedure as shall previously have been found to be equivalent by the Consumer Product Safety Commission. Alternatively the selected sample or oversized specimens thereof may be washed, dry-cleaned, or shampooed 10 times, prior to the cutting of test specimens, in such manner as the manufacturer or other interested party has previously established to the satisfaction of the Consumer Product Safety Commission is normally used for that type of carpet or rug in service.

(b) On September 7, 1972 (37 FR 18122) the Federal Trade Commission published in the FEDERAL REGISTER a notice of approval of an alternative washing procedure under FF 1–70 for testing the flammability of wool flokati carpets and rugs. This approval is continued in effect by the Consumer Product Safety Commission pursuant to section 30(e) of the Consumer Product Safety Act (15 U.S.C. 2079(e)).

(c) Any wool flokati carpet or rug for which such alternative procedure is utilized must be labeled with a conspicuous, legible and permanent label containing the following statement:

DO NOT WASH IN HOME MACHINE OR DRY CLEAN—AVOID RUBBING OR BRUSHING WHILE DAMP.

This Flokati carpet or rug has been treated with a flame retardant. To maintain this flame retardant and to keep the carpet attractive and clean, use the following methods.

1. Vacuum (using suction head without rotating brush) or shake the rug (depending upon size) to remove loose dirt.

2. Home laundering: Place in bath tub or other suitable receptacle in solution of home detergent and lukewarm water (approximately 105° F.). Immerse face down and gently knead back of rug to remove soil. Rinse in lukewarm water (approximately 105° F.) until detergent is removed. Rug may then be rinsed again in cool water to improve appearance of face if desired. Line dry. Shake while damp to restore surface and fluff up fibers.

3. Spot cleaning: Remove greasy stains with a household grease remover. Remove soluble stains with lukewarm water (approximately 105° F.) and detergent by immersing spot in a pan and kneading the back of rug. Rinse thoroughly in lukewarm water. Line or floor dry. Shake while damp to restore surface and fluff up fibers.

4. Commercial cleaning: Use Roll-A-Jet equipment (or equivalent) with water not exceeding 105° F. Avoid use of excessive pressure or reciprocating brushes. Drying temperatures should not exceed 200° F.

(d) The alternative procedure is as follows:

(1) Cut test specimens to an oversize of 12" x 12" before the procedure is initiated.

(2) Vacuum specimens or shake vigorously to remove any loose fibers, dust or possible accumulated debris.

(3) Place individual specimen face down in a shallow pan which has been filled to a depth of 2" with a wash solution of 1½ grams of AATCC (American Association of Textile Chemists and Colorists) Standard Detergent as specified in AATCC Method 124–1967 (or equivalent) per liter of water preheated to 105° F. Knead the back of the specimen with hand for 1 minute. Water level and temperature should be maintained for each specimen.

(4) Thoroughly rinse specimen face down with warm water at 105° F. for 1 minute under a faucet with strong pressure.

(5) Remove excess liquor by use of a wringer, hydroextractor or gentle hand squeezing and dry in circulating air oven at 200° F. until dry.

(6) Repeat the above procedure 10 times using fresh detergent and fresh water for each set of eight specimens.

(7) Subject the dry specimens to the test procedures in FF 1–70.

(e) This washing procedure and labeling provisions are subject to revocation should it be determined that such procedure is inadequate to fully protect the public.

§ 1630.63 Suspension of washing requirements for carpets and rugs with alumina trihydrate in the backing.

(a)(1) The Standard for the Surface Flammability of Carpets and Rugs (FF 1–70) at § 1630.4(b)(1)(ii) provides that if a carpet or rug has had a fire-retardant treatment, or is made of fibers which have had a fire-retardant treatment, the sample or oversized specimens thereof selected for testing under the standard shall be washed prior to the cutting of test specimens either 10 times under the washing and drying procedure prescribed in Method 124–1967 of the American Association of Textile Chemists and Colorists or such number of times under such other washing and drying procedure as shall previously have been found to be equivalent by the Consumer Product Safety Commission. Alternatively the selected sample or oversized specimens thereof may be washed, dry-cleaned, or shampooed 10 times, prior to the cutting of test specimens, in such manner as the manufacturer or other interested party has previously established to the satisfaction of the Consumer Product Safety Commission is normally used for that type of carpet or rug in service.

(2) Section 1630.5 of the Standard provides that if a carpet or rug has had a fire-retardant treatment or is made of fibers which have had a fire-retardant treatment, it shall be labeled with the letter "T."

(b) On April 10, 1972, the Federal Trade Commission, which then had responsibility for enforcement of the Flammable Fabrics Act, announced that the use of alumina trihydrate in adhesives, foams, or latexes in carpet backings or elsewhere in the backings will be considered as a fire-retardant treatment. Therefore, the provisions of §§ 1630.4(b)(1)(ii) and 1630.5 of the Standard apply to carpets with alumina trihydrate in the backings. This interpretation continues in effect.

(c) On May 19, 1972, the Federal Trade Commission published a notice in the FEDERAL REGISTER (37 FR 10104) temporarily suspending the washing requirements under FF 1–70 for carpets and rugs containing alumina trihydrate in the backing. This temporary suspension was extended a number of times. On March 28, 1973 the Federal Trade Commission proposed in the FEDERAL REGISTER (38 FR 8101) an alternative laundering procedure for such carpets and rugs and gave notice that the suspension of the laundering requirement was extended until the completion of the proceeding to establish an alternative laundering procedure. The suspension continues in effect.

PART 1631—STANDARD FOR THE SURFACE FLAMMABILITY OF SMALL CARPETS AND RUGS; (FF 2–70)

Subpart A—The Standard

Sec.
1631.1 Definitions.
1631.2 Scope and application.
1631.3 General requirements.
1631.4 Test procedure.
1631.5 Labeling requirements.

Subpart B—Rules and Regulations

1631.31 Reasonable and representative test and recordkeeping requirements.
1631.32 Reasonable and representative test and recordkeeping requirements—additional requirements.
1631.33 Carpets and rugs with fire-retardant treatment.
1631.34 Small carpets and rugs not meeting acceptance criterion.

Subpart C—Washing Procedures

1631.61 Hide carpets and rugs—alternative washing procedure.
1631.62 Wool flokati carpets and rugs—alternative washing procedure.

Subpart A—The Standard

AUTHORITY: Sec. 4, 67 Stat. 112, as amended, 81 Stat. 569–70; 15 U.S.C. 1193.

EFFECTIVE DATE: This standard became effective December 29, 1971. It was originally published as a notice on December 29, 1970 (35 FR 19702).

§ 1631.1 Definitions.

In addition to the definitions given in section 2 of the Flammable Fabrics Act, as amended (sec. 1, 81 Stat. 568; 15 U.S.C. 1191), and the procedures under that act for setting standards (Part 1607 of this chapter), the following definitions apply for the purposes of this Standard:

(a) "Acceptance Criterion" means that at least seven out of eight individual specimens of a small carpet or rug shall meet the test criterion as defined in this Standard.

(b) "Test Criterion" means the basis for judging whether or not a single specimen of small carpet or rug has passed the test, i.e., the charred portion of a tested specimen shall not extend to within 2.54 cm. (1.0 in.) of the edge of the hole in the flattening frame at any point.

(c) "Small Carpet" means any type of finished product made in whole or in part of fabric or related material and intended for use or which may reasonably be expected to be used as a floor covering which is exposed to traffic in homes, offices, or other places of assembly or accommodation, and which may or may not be fastened to the floor by mechanical means such as nails, tacks, barbs, staples, adhesives, and which has no dimension greater than 1.83 m. (6 ft.) and an area not greater than 2.23 m.² (24 sq. ft.). Products such as "Carpet Squares" with dimensions smaller than these but intended to be assembled upon installa-

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tion, into assemblies which may have dimensions greater than these, are excluded from this definition. They are, however, included in the Standard for the surface flammability of carpets and rugs (FF 1–70) (Subpart A of Part 1630 of this Chapter). Mats, hides with natural or synthetic fibers, and other similar products are included in this definition if they are within the defined dimensions, but resilient floor coverings such as linoleum, asphalt tile and vinyl tile are not.

(d) "Small Rug" means, for the purposes of this Standard, the same as small carpet and shall be accepted as interchangeable with small carpet.

(e) "Traffic Surface" means a surface of a small carpet or rug which is intended to be walked upon.

(f) "Timed Burning Tablet" (pill) means the methenamine tablet, weighing approximately 0.149 grams (2.30 grains), sold as Product No. 1588 in Catalog No. 79, December 1, 1969, by the Eli Lilly Company of Indianapolis, Ind. 46206, or an equal tablet.

(g) "Fire - Retardant Treatment" means any process to which a small carpet or rug has been exposed which significantly decreases the flammability of that small carpet or rug and enables it to meet the acceptance criterion of this Standard.

§ 1631.2 Scope and application.

This Standard provides a test method to determine the surface flammability of small carpets and rugs when exposed to a standard small source of ignition under carefully prescribed draft-protected conditions. It is applicable to all types of small carpets and rugs used as floor covering materials regardless of their method of fabrication or whether they are made of natural or synthetic fibers or films, or combinations of, or substitutes for these.

One of a kind small carpet or rug, such as an antique, an Oriental or a hide, may be excluded from testing under this Standard pursuant to conditions established by the Consumer Product Safety Commission.

§ 1631.3 General requirements.

(a) *Summary of test method.* This method involves the exposure of each of eight conditioned, replicate specimens of a small carpet or rug to a standard igniting source in a draft-protected environment and measurement of the proximity of the charred portion to the edge of the hole in the prescribed flattening frame.

(b) *Test criterion.* A specimen passes the test if the charred portion does not extend to within 2.54 cm. (1.0 in.) of the edge of the hole in the flattening frame at any point.

(c) *Acceptance criterion.* At least seven of the eight specimens shall meet the test criterion in order to conform with this Standard.

§ 1631.4 Test procedure.

(a) *Apparatus.*—(1) *Test chamber.* The test chamber shall consist of an open top hollow cube made of noncombustible material[1] with inside dimensions 30.48 x 30.48 x 30.48 cm. (12 x 12 x 12 in.) and a minimum of 6.35 mm. (¼ in.) wall thickness. The flat bottom of the box shall be made of the same material as the sides and shall be easily removable. The sides shall be fastened together with screws or brackets and taped to prevent air leakage into the box during use.

NOTE: A minimum of two chambers and two extra bottoms is suggested for efficient operation.

(2) *Flattening frame.* A steel plate, 22.86 x 22.86 cm. (9 x 9 in.) 6.35 mm. (¼ in.) thick with a 20.32 cm. (8 in.) diameter hole in its center is required to hold the specimen flat during the course of the test. It is recommended that one be provided for each test chamber.

(3) *Standard igniting source.* No. 1588 methenamine timed burning tablet or an equal tablet. These tablets shall be stored in a desiccator over a desiccant for 24 hours prior to use. (Small quantities of absorbed water may cause the tablets to fracture when first ignited. If a major fracture occurs, any results from that test shall be ignored, and it shall be repeated.)

(4) *Test specimens.* Each test specimen shall be a 22.86 x 22.86 cm. (9 x 9 in.) section of the small carpet or rug to be tested. Eight specimens are required.

(5) *Circulating air oven.* A forced circulation drying oven capable of removing the moisture from the specimens when maintained at 105° C. (221° F.) for 2 hours.[2]

(6) *Desiccating cabinet.* An airtight and moisture tight cabinet capable of holding the floor covering specimens horizontally without contacting each other during the cooling period following drying, and containing silica gel desiccant.

(7) *Gloves.* Nonhygroscopic gloves (such as rubber or polyethylene) for handling the sample after drying and raising the pile on specimens prior to testing.

(8) *Hood.* A hood capable of being closed and having its draft turned off during each test and capable of rapidly removing the products of combustion following each test. The front or sides of the hood should be transparent to permit observation of the tests in progress.

(9) *Mirror.* A small mirror mounted above each test chamber at an angle to permit observation of the specimen from outside the hood.

(10) *Vacuum cleaner.* A vacuum cleaner to remove all loose material from each specimen prior to conditioning. All surfaces of the vacuum cleaner contacting the specimen shall be flat and smooth.

[1] 6.35 mm. (¼ in.) cement asbestos board is a suitable material.

[2] Option 1 of ASTM D 2654–67T, "Methods of Test for Amount of Moisture in Textile Materials," describes a satisfactory oven. ("1969 Book of ASTM Standards," Part 24, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.)

(b) *Sampling.*—(1) *Selection of samples.* (i) Select a sample of the material representative of the lot and large enough to permit cutting eight test specimens 22.86 x 22.86 cm. (9 x 9 in.) free from creases, fold marks, delaminations or other distortions. The representative sample of material may require the use of more than one small carpet or rug. The test specimens should contain the most flammable parts of the traffic surface at their centers. The most flammable area may be determined on the basis of experience or through pretesting.

(ii) If the small carpet or rug has had a fire-retardant treatment, or is made of fibers which have had a fire-retardant treatment, the selected sample or oversized specimens thereof shall be washed, prior to cutting of test specimens, either 10 times under the washing and drying procedure prescribed in Method 124–1967 of the American Association of Textile Chemists and Colorists [washing procedure 6.2 (III) with a water temperature of 60±2.8° C (140±5° F.), drying procedure 6.3.2(B), maximum load 3.64 kg (8 pounds)],[3] or such number of times under such other washing and drying procedures as shall previously have been found to be equivalent by the Consumer Product Safety Commission. Alternatively, the selected sample or oversized specimens thereof may be washed, drycleaned, or shampooed 10 times, prior to cutting of test specimens, in such manner as the manufacturer or other interested party shall previously have established to the satisfaction of the Consumer Product Safety Commission is normally used for that type of small carpet or rug in service.

(2) *Cutting.* Cut eight 22.86±0.64 cm. (9±¼ in.) square specimens of each small carpet or rug to be tested to comply with paragraph (b)(1) of this section.

(c) *Conditioning.* (1) Clean each specimen with the vacuum cleaner until it is free of all loose ends left during the manufacturing process and from any material that may have been worked into the pile during handling.[4] Care must be exercised to avoid "fuzzing" of the pile yarn.

(2) Place the specimens in a drying oven in a manner that will permit free circulation of the air at 105° C. (221° F.) around them for 2 hours.[5] Remove the specimens from the oven with gloved hands and place them horizontally in the desiccator with traffic surface up and free from contact with each other until cooled to room temperature, but in no instance less than 1 hour.

[3] Technical Manual of the American Association of Textile Chemists and Colorists, vol. 45, 1969, published by AATCC, Post Office Box 12215, Research Triangle Park, NC 27709.

[4] The vacuum cleaning described is not intended to simulate the effects of repeated vacuum cleaning in service.

[5] If the specimens are moist when received, permit them to air-dry at laboratory conditions prior to placement in the oven. A satisfactory preconditioning procedure may be found in ASTM D 1776–67, "Conditioning Textiles and Textile Products for Testing." ("1969 Book of ASTM Standards," Part 24, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.)

(d) *Testing.* (1) Place the test chamber in the draft-protected environment (hood with draft off) with its bottom in place. Wearing gloves, remove a test specimen from the desiccator and brush its traffic surface with a gloved hand in such a manner as to raise its pile. Place the specimen on the center of the floor of the test chamber, traffic surface up, exercising care that the specimen is horizontal and flat. Place the flattening frame on the specimen and position a methenamine tablet on one of its flat sides in the center of the 20.32 cm. (8 in.) hole.

(2) Ignite the tablet by touching a lighted match or an equivalent igniting source carefully to its top. If more than 2 minutes elapse between the removal of the specimen from the desiccator and the ignition of the tablet, the conditioning must be repeated.

(3) Continue each test until one of the following conditions occurs:

(i) The last vestige of flame or glow disappears. (This is frequently accompanied by a final puff of smoke.)

(ii) The flaming or smoldering has approached within 2.54 cm. (1.0 in.) of the edge of the hole in the flattening frame at any point.

(4) When all combustion has ceased, ventilate the hood and measure the shortest distance between the edge of the hole in the flattening frame and the charred area. Record the distance measured for each specimen.

(5) Remove the specimen from the chamber and remove any burn residue from the floor of the chamber. Before proceeding to the next test, the floor must be cooled to normal room temperature or replaced with one that is at normal room temperature.

(e) *Report.* The number of specimens of the eight tested in which the charred area does not extend to within 2.54 cm. (1.0 in.) of the edge of the hole in the flattening frame shall be reported.

(f) *Interpretation of results.* If the charred area does not extend to within 2.54 cm. (1.0 in.) of the edge of the hole in the flattening frame at any point for at least seven of the eight specimens, the small carpet or rug meets the acceptance criterion.

§ 1631.5 Labeling requirements.

(a) If a small carpet or rug does not meet the acceptance criterion, it shall, prior to its introduction into commerce, be permanently labeled, pursuant to rules and regulations established by the Consumer Product Safety Commission with the following statement: FLAMMABLE (FAILS U.S. DEPARTMENT OF COMMERCE STANDARD FF 2–70): SHOULD NOT BE USED NEAR SOURCES OF IGNITION.

(b) If a small carpet or rug has had a fire-retardant treatment or is made of fibers which have had a fire-retardant treatment, it shall be labeled with the letter "T" pursuant to rules and regulations established by the Consumer Product Safety Commission.

Subpart B—Rules and Regulations

AUTHORITY: Sec. 5, 67 Stat. 112, as amended, 81 Stat. 570; 15 U.S.C. 1194, unless otherwise noted.

§ 1631.31 Reasonable and representative tests and recordkeeping requirements.

EXPLANATION: Section 8 of the Act, among other things, provides that no person shall be subject to criminal prosecution under section 7 of the act for a violation of section 3 of the act if such person establishes a guaranty received in good faith signed by and containing the name and address of the person by whom the product, fabric, or related material guaranteed was manufactured, or from whom it was received, to the effect that reasonable and representative tests made in accordance with applicable flammability standards show that the product, fabric, or related material covered by the guaranty conforms with such standards.

[While a person establishing a guaranty received in good faith would not be subject to criminal prosecution under section 7 of the act, he, and/or the merchandise involved, would nevertheless remain subject to the administrative processes of the Consumer Product Safety Commission under section 5 of the act as well as injunction and condemnation procedures under section 8 thereof. A guarantor derives no immunity of any kind, civil or criminal, from the issuance of his own guaranty or performance of the reasonable and representative tests prescribed by this section.

[The furnishing of guaranties is not mandatory under the act. The purpose of this section is to establish minimum requirements for reasonable and representative tests upon which guaranties may be based. The section does not have any legal effect beyond that specified in section 8 of the act.]

(a) For the purposes of this section the following definitions apply:

(1) "Standard" means the Standard in Subpart A of this Part.

(2) "Test" means a test as prescribed by the Standard.

(3) "Acceptance criterion" means "acceptance criterion" as defined in the Standard.

(4) "Test criterion" means "test criterion" as defined in the Standard.

(5) "Carpet" and "rug" mean "carpet" and "rug" as defined in the Standard.

(6) "Quality of machine-made carpets or rugs" means any line of carpets or rugs, essentially machine-made, which are substantially alike in all respects, including, as applicable, constructional units (needles, pitch, rows, shot, stitches, and weight), dye class, dyestuff, dyeing application method, gage, pile levels, pile height, average pile thickness, pile weight, pile yarn, total thickness, total weight, tufts, tuft length, tuft bind, warp yarn, filler yarn, yarn ends per needle, loop length, backing, back coating, primary backing, secondary backing, backing thickness, backing fabric count, backing warp and filler yarns, including stuffer and dead frame yarns, backing weight, fiber and/or other materials content, and fire retardant treatment received including the specifications and quantity of chemicals used.

(7) "Quality of handmade or hide carpets or rugs" means any line of carpets or rugs which are essentially handmade and/or are essentially hides and which are alike in all respects, including those specified in paragraph (a)(6) of this section, where applicable, except that such carpets or rugs may vary where unavoidable and/or may vary because of natural variations in hides of the same type, so long as such variations do not affect flammability.

(b) The tests set forth in paragraphs (c), (d), (e), and (f) of this section are reasonable and representative tests with regard to any carpets or rugs or qualities thereof to which they apply, except, however, that any test of any quality, whenever performed, which does not show a meeting of the acceptance criterion of the Standard shall be considered the reasonable and representative test for that quality and no guaranty with respect thereto shall be issued after the performance of such test. Immediately before conditioning and testing, each carpet or rug specimen tested pursuant to this section shall be in the form in which the carpet or rug or quality thereof which it represents is sold or offered for sale to the ultimate consumer.

(c) Reasonable and representative tests with respect to any quality of machine-made carpets or rugs are (1) at least one test performed upon commencement of production, importation, or other receipt thereof, (2) at least one test performed after production, importation, or other receipt of the first 25,000 linear yards of the quality, and (3) at least one test after production, importation, or other receipt of every 50,000 linear yards of the quality thereafter. Except, however, that tests need be performed only after production, importation, or receipt of each additional 100,000 linear yards of the quality, so long as all 24 specimens required to be tested in a complete series of three required tests immediately preceding any given test (eight out of eight specimens in each of the three preceding tests) meet the test criterion, rather than seven out of eight specimens, as permitted under the acceptance criterion of the Standard.

(d) Reasonable and representative tests with respect to any quality of handmade or hide carpets or rugs are at least one test performed upon the commencement of production, importation, or other receipt thereof and at least one test after production, importation, or other receipt of every 10,000 square yards of the quality thereafter.

(e) Reasonable and representative tests of a one-of-a-kind carpet or rug, machine made, handmade, or hide, is one test thereof or one test of an identical representative sample.

(f) Guaranties for carpets or rugs in inventory upon the effective date of the Standard may be issued in the same manner as other guaranties are issued. Reasonable and representative tests with respect to qualities or such carpets or rugs are at least one test performed upon approximately the first linear yard and one test thereafter for each 25,000 linear

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yards of a quality of machine-made carpets or rugs and at least one test performed upon approximately the first square yard and thereafter for each 10,000 square yards of a category of hand-made or hide carpets or rugs, in the order of the production, importation, or receipt by the guarantor of that quality.

(g) Any person issuing a guaranty for one or more carpets or rugs or qualities thereof based on reasonable and representative tests, shall maintain the following records for a period of 3 years from the date the tests were performed, or in the case of paragraph (h) of this section, the date the guaranties were furnished. These records must be maintained in the United States by a person subject to section 3 of the act:

(1) All identifying numbers, symbols, etc., manufacturing specifications including all other information described in paragraph (a)(6) of this section, as applicable, and source of products or raw materials used therein.

(2) A physical sample of each carpet or rug or quality thereof covered by the guaranty at least 6 inches by 6 inches in size (36 square inches).

(3) The original or a copy of the report of each test performed for purposes of the guaranty (whether or not such report shows a meeting of the acceptance criterion) which shall disclose the date of the test, the results, and sufficient information to clearly identify the carpet or rug tested.

(4) A record applicable to each test in paragraph (g)(3) of this section showing the approximate yardage at which it was performed. Records otherwise required to be maintained in linear yards may be maintained in square yards on the basis of 4 square yards equals 1 linear yard.

(h) Persons furnishing guaranties based on guaranties received by them shall maintain records showing the guaranty received and identification of the carpet or rug or quality thereof guaranteed in turn by them.

(i) Any person furnishing a carpet or rug guaranty under section 8(a) of the act who neglects or refuses to maintain and preserve the records prescribed in this section shall be deemed to have furnished a false guaranty under the provisions of section 8(b) of the act.

(Sec. 5 of the Act, 67 Stat. 112, as amended by 81 Stat. 570, 15 U.S.C. section 1194; sec. 8 of the Act, 67 Stat. 114, as amended by 81 Stat. 572, 15 U.S.C. sec. 1197)

EFFECTIVE DATE: This section became effective July 20, 1971.

§ 1631.32 Reasonable and representative tests and recordkeeping requirements—additional requirements.

(a) Persons issuing guaranties under section 8(a) of the act for small carpets and rugs subject to FF 2–70 shall be subject to all of the requirements of § 1631.31 except as provided in paragraph (b) of this section.

(b) In lieu of performing tests and maintaining records on the basis of linear yards or square yards as provided in § 1631.31 persons furnishing warranties for small carpets and rugs subject to FF 2–70 shall perform tests and maintain records on the basis of units of carpets or rugs, with "unit" being defined as a single carpet or rug, or on the basis of square yards. At least one test shall be performed upon commencement of production, importation, or other receipt of such small carpet or rug and every 25,000 units or square yards thereafter.

(Sec. 5 of the Act, 67 Stat. 112, as amended by 81 Stat. 570, 15 U.S.C. section 1194; sec. 8 of the Act, 67 Stat. 114, as amended by 81 Stat. 572, 15 U.S.C. sec. 1197)

EFFECTIVE DATE: This section became effective January 22, 1973.

§ 1631.33 Carpets and rugs with fire-retardant treatment.

(a) For the purposes of this section the following definitions apply:

(1) "Small carpet" and "small rug" means "small carpet" and "small rug" as defined in § 1631.1(c).

(2) "Fire-retardant treatment" means "fire-retardant treatment" as defined in the Standard in Subpart A of this Part.

(b) If a carpet or rug or small carpet or rug is manufactured, imported, or otherwise marketed or handled which has had a fire-retardant treatment or is made of fibers which have had a fire-retardant treatment, the letter "T" shall be set forth legibly and conspicuously, and shall appear at all times, on each label and/or invoice relating thereto pursuant to the requirements of the Textile Fiber Products Indentification Act, 15 U.S.C. section 70, et seq., and the rules and regulations thereunder, whether or not such letter "T" appears elsewhere on said product. Samples, pieces, rolls, or squares used to promote or effect the sale of such carpet or rug are subject to the aforementioned requirements. As provided in the applicable portions of the aforesaid Act and the rules and regulations thereunder, where a carpet or rug or a small carpet or rug which has had a fire-retardant treatment or is made of fibers which have had a fire-retardant treatment, is sold to an ultimate consumer and was either custom made or commercially installed for such consumer, the labeling required by this section shall not apply with respect to the carpet or rug if an invoice or other paper relating thereto, containing the letter "T", legibly and conspicuously written, is delivered to the consumer in due course of business.

(c) No person subject to the Flammable Fabrics Act shall manufacture, import, distribute, or otherwise market or handle any carpet or rug or small carpet or rug, including samples, swatches, or specimens used to promote or effect the sale thereof, which is not in compliance with this section.

EFFECTIVE DATE: This section became effective January 22, 1973.

§ 1631.34 Small carpets and rugs not meeting acceptance criterion.

(a) If any small carpet or rug as defined in the Standard for the Surface Flammability of Small Carpets and Rugs (pill test) FF 2–70, is manufactured, imported, or otherwise marketed or handled and does not meet the acceptance criterion of such standard, it shall, prior to its introduction into commerce, be legibly and conspicuously labeled with a permanent label which sets forth the following statement:

"FLAMMABLE (FAILS U.S. DEPARTMENT OF COMMERCE STANDARD FF 2–70): SHOULD NOT BE USED NEAR SOURCES OF IGNITION."

The required cautionary statement may be set out on or affixed to the small carpet or rug on the same label as the fiber content label required to be affixed under the Textile Fiber Products Identification Act, if said label is permanent, or said statement shall be set forth on a separate permanent label on or affixed to the small carpet or rug in immediate proximity to the said required label under the Textile Fiber Products Identification Act. A label on the front of a small carpet or rug shall be considered to be in immediate proximity to a label on the back, provided they are directly opposite each other and are in immediate proximity to the edge of the small carpet or rug.

(b) Such cautionary statements shall also appear in a conspicuous manner in all advertisements in which said small carpets or rugs are being offered for sale through direct mail, telephone solicitation, or under any other circumstances where the consumer, in the ordinary course of dealing, will not have an opportunity to inspect the label before receiving the merchandise. The phrase "Flammable—Read The Label" shall conspicuously appear in all other advertisements of small carpets or rugs which do not meet the acceptance criterion of the standard.

(c) The information required by this section shall be set forth separately from any other information, representations, or disclosures appearing on the same label or elsewhere on the small carpet or rug, and any such other information, representations, or disclosures shall in no way interfere with, minimize, detract from, or conflict with the information required by this section.

(d) Samples, swatches, or specimens used to promote or effect the sale of small carpets or rugs shall be labeled with the information required by this section, in addition to the label required to be affixed to the small carpets or rugs.

(e) Where small carpets or rugs are marketed at retail in packages, and the labeling information required by this section is not readily visible to prospective purchasers, the packages must also be prominently, conspicuously, and legibly labeled with the information required by this section.

(f) No person, other than the ultimate consumer, shall remove, mutilate, or cause or participate in the removal or mutilation of any affixed labeling information required by this section.

(g) No person subject to the Flammable Fabrics Act shall manufacture, import, distribute, or otherwise market or handle any small carpet or rug, including samples, swatches, or specimens used to promote or effect the sale thereof, which is not in compliance with this section.

Subpart C—Washing Procedures

AUTHORITY: Secs. 4, 5, 67 Stat. 112, as amended, 81 Stat. 569–70; 15 U.S.C. 1193, 1194.

§ 1631.61 Hide carpets and rugs—alternative washing procedure.

(a) The Standard for the Surface Flammability of Small Carpets and Rugs (FF 2–70) at § 1631.4(b)(1)(ii) provides that if a carpet or rug has had a fire-retardant treatment, or is made of fibers which have had a fire-retardant treatment, the sample or oversized specimens thereof selected for testing under the standard shall be washed prior to the cutting of test specimens either 10 times under the washing and drying procedure prescribed in Method 124–1967 of the American Association of Textile Chemists and Colorists or such number of times under such other washing and drying procedure as shall previously have been found to be equivalent by the Consumer Product Safety Commission. Alternatively the selected sample or oversized specimens thereof may be washed, dry-cleaned, or shampooed 10 times, prior to the cutting of test specimens, in such manner as the manufacturer or other interested party has previously established to the satisfaction of the Consumer Product Safety Commission is normally used for that type of carpet or rug in service.

(b) On February 10, 1972 (37 FR 3010) the Federal Trade Commission published in the FEDERAL REGISTER a notice of approval of an alternative washing procedure under FF 2–70 for testing the flammability of shearling and hide rugs that (1) consist of natural wool or hair attached to the hide with no synthetic fibers and (2) have been treated with a fire-retardant finish. The notice of approval was corrected on March 17, 1972 (37 FR 5676). This approval is continued in effect by the Consumer Product Safety Commission pursuant to section 30(e) of the Consumer Product Safety Act (15 U.S.C. 2079(e)).

(c) Any hide carpet or rug for which such alternative procedure is utilized must be labeled with a conspicuous, legible and permanent label containing the following statement:

DO NOT WASH OR DRY CLEAN

This rug has been treated with a flame retardant. To keep rug attractive and clean use the following methods:

To eliminate loose dirt or dust, vacuum or shake pelt outdoors.

For spot cleaning, use water dampened cloth and rub lightly in one direction.

DO NOT USE DETERGENTS OR OTHER STAIN REMOVERS

(d) The alternative procedure is as follows: The test specimens shall be cut to size 9" x 9" before the procedure is initiated.

(1) Shake specimen vigorously to remove any loose fibers, dust and possible accumulated debris.

(2) Place specimen on a solid flat surface and anchor or hold firmly while conducting the test.

(3) Select an operating applicator consisting of a rod at least 2" in diameter and 9" long composed of nonabsorbent material such as glass or plastic.

(4) Select sufficient cloth to form at least five layers when wrapped around the operating applicator. The cloth shall be of the type known as "Crockmeter Test Cloth" as specified in Note 8.3 of AATCC Test Method 8–1969.

(5) Immerse cloth in water (100° F.) until thoroughly wetted.

(6) Manually wring out the cloth to remove all excess water and wrap around the operating applicator.

(7) Immediately, with light pressure, stroke entire surface of specimen with the wrapped operating applicator in one direction only along the natural "lay" of the hair structure for ten complete strokes.

(8) Place test specimen in a circulating drying oven maintained at 212° F. until dry.

(9) Repeat the above procedure 10 times using a fresh or clean cloth each time.

(10) After 10 successive cycles of washing and drying the dried specimens shall be subjected to the testing procedures (pill test) as outlined in FF 2–70.

(e) This washing procedure and labeling provision are subject to revision or revocation should it be determined that such procedure is inadequate to fully protect the public

§ 1631.62 Wool flokati carpets and rugs—alternative washing procedure.

(a) The Standard for the Surface Flammability of Small Carpets and Rugs (FF 2–70 at § 1631.4(b)(1)(ii) provides that if a carpet or rug has had a fire-retardant treatment, or is made of fibers which have had a fire-retardant treatment, the sample or oversized specimens thereof selected for testing under the standard shall be washed prior to the cutting of test specimens either 10 times under the washing and drying procedure prescribed in Method 124–1967 of the American Association of Textile Chemists and Colorists or such number of times under such other washing and drying procedure as shall previously have been found to be equivalent by the Consumer Product Safety Commission. Alternatively the selected sample or oversized specimens thereof may be washed, dry-cleaned, or shampooed 10 times, prior to the cutting of test specimens, in such manner as the manufacturer or other interested party has previously established to the satisfaction of the Consumer Product Safety Commission is normally used for that type of carpet or rug in service.

(b) On September 7, 1972 (37 FR 18122) the Federal Trade Commission published in the FEDERAL REGISTER a notice of approval of an alternative washing procedure under FF 2–70 for testing the flammability of wool flokati carpets and rugs. This approval is continued in effect by the Consumer Product Safety Commission pursuant to section 30(e) of the Consumer Product Safety Act (15 U.S.C. 2079(e)).

(c) Any wool flokati carpet or rug for which such alternative procedure is utilized must be labeled with a conspicuous, legible and permanent label containing the following statement:

DO NOT WASH IN HOME MACHINE OR DRY CLEAN—AVOID RUBBING OR BRUSHING WHILE DAMP

This flokati carpet or rug has been treated with a flame retardant. To maintain this flame retardant and to keep the carpet attractive and clean, use the following methods.

1. Vacuum (using suction head without rotating brush) or shake the rug (depending upon size) to remove loose dirt.

2. Home laundering: Place in bath tub or other suitable receptacle in solution of home detergent and lukewarm water (approximately 105° F.). Immerse face down and gently knead back of rug to remove soil. Rinse in lukewarm water (approximately 105° F.) until detergent is removed. Rug may then be rinsed again in cool water to improve appearance of face if desired. Line dry. Shake while damp to restore surface and fluff up fibers.

3. Spot cleaning: Remove greasy stains with a household grease remover. Remove soluble stains with lukewarm water (approximately 105° F.) and detergent by immersing spot in a pan and kneading the back of rug. Rinse thoroughly in lukewarm water. Line or floor dry. Shake while damp to restore surface and fluff up fibers.

4. Commercial cleaning: Use Roll-A-Jet equipment (or equivalent) with water not exceeding 105° F. Avoid use of excessive pressure or reciprocating brushes. Drying temperatures should not exceed 200° F.

(d) The alternative procedure is as follows:

(1) Cut test specimens to an oversize 12" x 12" before the procedure is initiated.

(2) Vacuum specimens or shake vigorously to remove any loose fibers, dust or possible accumulated debris.

(3) Place individual specimen face down in a shallow pan which has been filled to a depth of 2" with a wash solution of 1½ grams of AATCC (American Association of Textile Chemists and Colorists) Standard Detergent as specified in AATCC Method 12—1967 (or equivalent) per liter of water preheated to 105° F. Knead the back of the specimen with hand for 1 minute. Water level and temperature should be maintained for each specimen.

(4) Thoroughly rinse specimen face down with warm water at 105° F. for 1 minute under a faucet with strong pressure.

(5) Remove excess liquor by use of a wringer, hydroextractor or gentle hand squeezing and dry in circulating air oven at 200° F. until dry.

(6) Repeat the above procedure 10 times using fresh detergent and fresh water for each set of eight specimens.

(7) Subject the dry specimens to the test procedures in FF 2–70.

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(e) This washing procedure and labeling provisions are subject to revocation should it be determined that such procedure is inadequate to fully protect the public.

PART 1632—STANDARD FOR THE FLAMMABILITY OF MATTRESSES (AND MATTRESS PADS) (FF4–72)

Subpart A—The Standard

Sec.
1632.1 Definitions.
1632.2 Scope and application.
1632.3 General requirements.
1632.4 Test procedure.
1632.5 Mattress pads.
1632.6 Glossary of terms.

Subpart B—Alternate Sampling Plans

1632.11 Alternate sampling plan No. 1 for mattresses and mattress pads.
1632.12 Alternate sampling plan No. 2 for mattress pads.
1632.13 Alternate sampling plan No. 4 for mattress ticking.
1632.14 Alternate sampling plan No. 5 for mattresses and mattress pads.
1632.15 Alternate sampling plan No. 6 for mattresses and mattress pads.

Subpart C—Rules and Regulations

1632.31 Mattresses—labeling, recordkeeping, requirements and guarantees.

Subpart D—Interpretations and Policies

1632.61 Procedure for identification of material, substitution for mattress tape edge.
1632.62 Use of muslin sheets.
1632.63 Policy clarification on renovation of mattresses.

AUTHORITY: Sec. 4, 67 Stat. 112, as amended, 81 Stat. 569–70; 15 U.S.C. 1193, unless otherwise noted.

Subpart A—The Standard

EFFECTIVE DATE: This standard became effective June 22, 1973. It was originally published as a notice on June 8, 1973 (38 FR 15095).

§ 1632.1 Definitions.

In addition to the definitions given in section 2 of the Flammable Fabrics Act as amended (sec. 1, 81 Stat. 568; 15 U.S.C. 1191) and the procedures under that act for setting standards (16 CFR Part 1607), the following definitions apply for the purpose of this standard.

(a) "Mattress" means a ticking filled with a resilient material used alone or in combination with other products and intended or promoted for sleeping upon. This definition includes, but is not limited to, mattress pads, adult mattresses, youth mattresses, crib mattresses including portable crib mattresses, bunk bed mattresses, convertible sofa bed mattresses, corner group mattresses, daybed mattresses, roll-a-way bed mattresses, high risers, and trundle bed mattresses. This definition excludes sleeping bags, pillows, mattress foundations such as box springs, liquid and gaseous filled tickings such as water beds and air mattresses, upholstered furniture such as chaise lounges, drop-arm love seats, press-back lounges, push-back sofas, sleep lounges, sofa beds (including jackknife sofa beds), sofa lounges (including glide-outs), studio couches, and studio divans (including twin studio divans and studio beds), and juvenile product pads such as car bed pads, carriage pads, basket pads, infant carrier and lounge pads, dressing table pads, stroller pads, crib bumpers, and playpen pads. See § 1632.6, Glossary of terms, for definition of the above.

(b) "Ticking" means the outermost layer of fabric or related material that encloses the mattress core and upholstery materials.

(c) "Core" means the main support system that may be present in a mattress, such as springs, foam, or hair block.

(d) "Upholstery material" means all material, either loose or attached, between the ticking or between the ticking and the core of the mattress, if a core is present.

(e) "Tape edge" (edge) means the seam or border edge of a mattress.

(f) "Quilted" means stitched through the ticking and one or more layers of upholstery material.

(g) "Tufted" means buttoned or laced through the ticking and upholstery material and/or core.

(h) "Mattress prototype" means mattresses of a particular design, sharing all materials and methods of assembly, but excluding differences in mattress size. If it has been shown as a result of prototype qualification testing that a material has not influenced the ignition resistance of the mattress prototype, substitution of another material for such material shall not be deemed a difference in materials for purposes of prototype definition. If it is determined or suspected that a material has influenced the ignition resistance of the mattress prototype, a dimensional or other change in that material shall be deemed a difference in materials for purposes of prototype definition unless it is previously shown to the satisfaction of the Consumer Product Safety Commission that such dimensional or other change will not reduce the ignition resistance of the mattress prototype.

(i) "Mattress type" means mattresses sharing a method of assembly, such as tufted, multineedle continuous quilt, deep panel quilt, and smooth top, and all materials affecting cigarette ignition, but excluding differences in mattress size. More than one mattress prototype may be included in a single mattress type, provided each prototype has the same method of assembly.

(j) "Production unit" (unit) means a quantity of mattresses of one mattress type. This quantity is predetermined by the mattress manufacturer subject to the maximum number specified in the applicable parts of § 1632.4(b) *Specimen and Sampling*. No mattress completed while other mattresses of the same type are in production shall be excluded from the production unit to which such other mattresses are assigned.

(k) "Surface" means one side of a mattress which is intended for sleeping upon and which can be tested.

§ 1632.2 Scope and application.

(a) This standard provides a test method to determine the ignition resistance of a mattress when exposed to a lighted cigarette.

(b) All mattresses, as defined in § 1632.1(a), are subject to the requirements of this standard.

(c) Mattresses which are subject to the coverage of the Motor Vehicle Safety Standard, No. 302, subject: "Flammability of Interior Materials—Passenger Cars, Multipurpose Passenger Vehicles, Trucks, and Buses" (36 FR 290), issued by the National Highway Traffic Safety Administration, are excluded from coverage under this standard, unless also intended or promoted for uses included in § 1632.1(a).

(d) One of a kind mattresses, such as nonstandard sizes or shapes, may be excluded from testing under this standard pursuant to rules and regulations established by the Consumer Product Safety Commission.

§ 1632.3 General requirements.

(a) *Summary of test method.* The method involves the exposure of the mattress surface to lighted cigarettes as the standard igniting source in a draft-protected environment and the measurement of the ignition resistance of the mattress. These exposures include smooth, tape edge, and quilted or tufted locations, if they exist on the mattress surface. Two-sheet tests are also conducted on similar surface locations. In the latter test, the burning cigarettes are placed between the sheets.

(b) *Test criterion.* Testing the mattress surface in accordance with the testing procedure set forth in § 1632.4 *test procedure*, individual cigarette test locations pass the test if the char length on the mattress surface is not more than 5.1 cm (2 in) in any direction from the nearest point of the cigarette. In the interest of safety, the test operator should discontinue the test and record a failure before reaching the 2 in. char length if, in his opinion, an obvious ignition has occurred.

§ 1632.4 Test procedure.

(a) *Apparatus.*—(1) *Testroom.* The testroom shall be large enough to accommodate a full-scale mattress in a horizontal position and to allow for free movement of personnel and air around the test mattress. The room shall be equipped with a support system (platform, bench, etc.) upon which a mattress may be placed flat in a horizontal position at a reasonable height for making observations. For thin, flexible mattresses and mattress pads, the top surface of the support system shall be nonmetallic. The test area shall be draft-protected and equipped with a suitable system for exhausting smoke and/or noxious gases produced by testing. The testroom atmospheric conditions shall be greater than 18° C (65° F) and at less than 55 percent relative humidity, except for production testing.

(2) *Ignition source.* The ignition source shall be cigarettes without filter tips made from natural tobacco, 85±2 mm long with a tobacco packing density of 0.270±0.020 g/cm³ and a total weight of 1.1±0.1 gm.

(3) *Fire extinguisher.* A pressurized water fire extinguisher, or other suitable fire extinguishing equipment, shall be immediately available.

(4) *Water bottle.* A water bottle fitted with a spray nozzle shall be used to extinguish the ignited portions of the mattress.

(5) *Scale.* A linear scale graduated in millimeters, 0.1 inch, or 1/16-inch divisions shall be used to measure char length.

(6) *Other apparatus.* In addition to the above, a thermometer, a relative humidity measuring instrument, a knife or scissors, and tongs are required to carry out the testing.

(b) *Specimen and sampling.*—(1) *General.* The test criterion of section 1632.3(b) shall be used in conjunction with the following mattress sampling plan, or any other approved by the Consumer Product Safety Commission that provides at least the equivalent level of fire safety to the consumer (see Subpart B of this Part). Alternate sampling plans submitted for approval shall have operating characteristics such that the probability of unit acceptance at any percentage defective does not exceed the corresponding probability of unit acceptance of the following sampling plan in the region of the latter's operating characteristic curves that lies between 5 and 95 percent acceptance probability. If such alternate sampling plan involves testing of components of mattresses or materials used in mattresses, its submittal shall be supported by clear evidence of the necessary correlation of the results of such testing with those results from testing as prescribed hereunder.

(2) *Mattress sampling.* The basic mattress sampling plan is made up of two parts: (i) Prototype qualification and (ii) production testing. In addition, a batch sampling plan is given which may be used for small production quantities, when shipping requirements prohibit the use of the basic plan, or for other reasons at the discretion of the manufacturer.

(i) *Basic sampling plan.* A production unit in the basic sampling plan shall consist of not more than 500 mattresses of a mattress type or the quantity produced in 3 consecutive calendar months, whichever is smaller. This unit size may be increased to the quantity produced in 3 consecutive calendar months or less: *Provided*, That it is either documented that each of the materials contributing to the cigarette ignition characteristics of all the mattresses in the unit came from a single manufacturing lot of such material or 50 consecutive production units, at least 20,000 mattresses, have all been accepted in production testing as set forth in § 1632.4(b)(2)(i)(B).

(A) *Prototype qualification.* (*1*) For prototype qualification, the term "manufacturer" shall mean (*a*) with respect to a company having one manufacturing facility, that company, (*b*) with respect to a company having two or more manufacturing facilities, either that company or one or more of its manufacturing facilities as it elects, or (*c*) with respect to a company that is part of a group of companies that have elected to share in a prototype design, either that group of companies or a portion of that group or (*a*) or (*b*) above, as that company elects.

(*2*) Each "manufacturer" shall select enough of each mattress prototype from preproduction or current production to provide six surfaces for test (three mattresses if both sides can be tested or six mattresses if only one side can be tested). Test each of the six surfaces according to § 1632.4(d) *Testing*. If all the cigarette test locations on all six surfaces satisfy the test criterion of § 1632.3(b), accept the mattress prototype. If one or more of the cigarette test locations on the six surfaces fail the test criterion of § 1632.3(b), reject the mattress prototype.

(*3*) If it has been elected to include more than one company and/or more than one manufacturing facility in the term "manufacturer" for purposes of prototype qualification, each such company and each such manufacturing facility shall select enough additional prototype mattresses from its own preproduction or current production to provide two surfaces for test. Test each of the two surfaces according to § 1632.4(d) *Testing*. If all the cigarette test locations on both surfaces satisfy the test criterion of § 1632.3(b), accept the mattress prototype for that company or manufacturing facility. If one or more of the cigarette test locations on the two surfaces fail the test criterion of § 1632.3(b), reject the mattress prototype for that company or manufacturing facility.

(*4*) Mattress prototype qualification may be repeated after the manufacturer has taken action to improve the resistance of the mattress prototype to ignition by cigarettes through mattress design, production, or materials selection. When mattress prototype qualification is repeated as a result of prototype rejection by the "manufacturer", such qualification shall be conducted as if it were an original qualification. When the mattress prototype qualification is repeated as a result of prototype rejection under the provisions of the preceding paragraph or as a result of production unit rejection, such qualification shall be performed as if the producer of the failing mattress were a company having one manufacturing facility.

(*5*) Each mattress protoype must be accepted in prototype qualification prior to shipping any mattresses to customers and prior to producing significant quantities of mattresses. If the "manufacturer" is one manufacturing facility, the first production unit manufactured immediately after successful prototype qualification or the production unit from which the mattresses were selected for the successful prototype qualification not to exceed 500 mattresses, may be accepted and shipped to customers without further testing if all mattresses in the production unit are the same as the prototype except for size.

(B) *Production testing.* For production testing, the term "manufacturer" shall mean each manufacturing facility. Random selection for production testing shall be accomplished by use of random number tables or equivalent means as determined by the Consumer Product Safety Commission. If it is desired to use only mattresses of a specified size (e.g., "twin") for testing, the drawing may be repeated until sufficient mattresses of that size have been selected. A production unit, except for the first production unit following successful prototype qualification as specified in § 1632.4(b)(2)(i)(A), is either accepted or rejected according to the following plan:

(*1*) *Normal sampling.* From each unit, randomly select enough mattresses to provide two surfaces for test (one mattress if both sides can be tested or two mattresses if only one side can be tested). Test each of the two surfaces according to § 1632.4(d) *Testing*. If all the cigarette test locations on both surfaces meet the test criterion of § 1632.3(b), accept the unit. If two or more individual cigarette test locations fail the test criterion of § 1632.3(b), reject the unit. If only one individual cigarette test location fails the test criterion of § 1632.3(b), select enough additional mattresses to provide four additional surfaces for test. Test each of the four additional surfaces according to § 1632.4(d) *Testing*. If all the cigarette test locations on the four additional surfaces meet the test criterion of § 1632.3(b), accept the unit. If one or more of the individual cigarette test locations on the four additional surfaces fail the test criterion of § 1632.3(b), reject the unit. Unit rejection shall include all mattresses in the particular unit under test. Unit rejection also results in the loss of prototype qualification for all prototypes included in the unit under test. The loss of prototype qualification applies only to the company or manufacturing facility that produced the rejected unit.

(*2*) *Reduced sampling.* (*i*) The level of sampling required for mattress production acceptance may be reduced provided the preceding 15 consecutive units of mattresses, at least 500 mattresses, have all been accepted using the normal sampling plan. In this case, the production quantity for reduced sampling may be increased to up to two units, still not to exceed the production of 3 consecutive calendar months.

(*ii*) From this production quantity, randomly select enough mattresses to provide two surfaces for test. Test each of the two surfaces according to § 1632.4(d) *Testing*. If all the cigarette test locations on both surfaces meet the test criterion of § 1632.3(b), accept this production quantity. If two or more individual cigarette test locations fail the test criterion of § 1632.3(b), reject this production quantity. If only one individual cigarette test location fails the test criterion of § 1632.3(b), accept this production quantity.

(*iii*) Rejection shall include all mattresses in the production quantity under test. Rejection also results in the loss of prototype qualification for all prototypes included in the production quantity under test. The loss of prototype qualification applies only to the company or manufacturing facility that produced the rejected unit.

(ii) *Batch sampling plan.* (A) *General* (*1*) For the batch sampling plan, the

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term "manufacturer" shall mean each manufacturing facility.

(2) A production unit in the batch sampling plan shall consist of not more than 250 mattresses or the quantity produced in one period of 30 consecutive calendar days, whichever is smaller.

(B) *Batch unit qualification and acceptance* (*1*) Select enough mattresses from the initial production of the unit to provide four surfaces for test (two mattresses if both sides can be tested or four mattresses if only one side can be tested). Test each of the four surfaces according to § 1632.4(d) *Testing*. If all the cigarette test locations on the four surfaces meet the test criterion of § 1632.3(b), accept the unit. If one or more of the cigarette test locations on the four surfaces fail the test criterion of § 1632.3(b), reject the unit.

(2) After rejection, unit qualification and acceptance under this batch sampling plan may be repeated after the resistance of the mattress to ignition by cigarettes is improved by the manufacturer taking corrective action in mattress design, production, or materials selection.

(3) Acceptance of any production unit under this batch sampling plan shall not have any effect on prototype qualification or unit acceptance of any other production unit.

(3) *Disposition of rejected units.* Rejected units shall not be retested, offered for sale, sold, or promoted for use as a mattress as defined in § 1632.1(a) except after reworking to improve the resistance to ignition by cigarettes and subsequent retesting in accordance with the procedures set forth in § 1632.4(b)(2)(i) *Basic Sampling Plan.*

(4) *Records.* Records of all unit sizes, test results, and the disposition of rejected units shall be maintained by the manufacturer, in accordance with rules and regulations established by the Consumer Product Safety Commission.

(5) *Preparation of mattress samples.* The mattress surface shall be divided laterally into two sections (see fig. 1), one section for the bare mattress tests and the other for the two-sheet tests.

(6) *Sheet selection.* The sheets shall be white, 100 percent combed cotton percale, not treated with a chemical finish which imparts a characteristic such as permanent press or flame resistance, with 170–200 threads per square inch and fabric weight of 115±14 gm/m² (3.4±0.4 oz/yd²), or of another type approved by the Consumer Product Safety Commission. Size of sheet shall be appropriate for the mattress being tested.

(7) *Sheet preparation.* The sheets shall be laundered once before use in an automatic home washer using the hot water setting and longest normal cycle with the manufacturer's recommended quantity of a commercial detergent, and dried in an automatic home tumble dryer. The sheet shall be cut across the width into two equal parts after washing.

(8) *Cigarettes.* Unopened packages of cigarettes shall be selected for each series of tests.

(9) *Compliance marketing sampling plans.* Sampling plans for use in market testing of items covered by this standard may be issued by the Consumer Product Safety Commission. Such plans shall define noncompliance of a production unit to exist only when it is shown, with a high level of statistical confidence, those production units represented by tested items which fail such plans will, in fact, fail this standard. Production units found to be noncomplying under these provisions shall be deemed not to conform to this standard. The Consumer Product Safety Commission will publish such plans in the FEDERAL REGISTER for public comment prior to their enactment.

(10) *Postponement of production testing.* Temporary suspension of production testing may be granted on a case-by-case basis by the Consumer Product Safety Commission in those instances where an individual manufacturer proves, under rules prescribed by CPSC, that he cannot acquire access to either in-house or independent testing facilities for production testing. In the event of such a suspension, the manufacturer would still be obligated to produce a mattress which meets all other requirements of the standard.

(c) *Conditioning.*—(1) *Prototype and batch.* The mattresses, washed sheets, and cigarettes shall be conditioned in air at a temperature greater than 18° C (65° F) and a relative humidity less than 55 percent for at least 48 hours prior to test. The mattresses, washed sheets, and cigarettes shall be removed from any packaging and supported in a suitable manner to permit free movement of air around them during conditioning. The mattress meets this conditioning requirement if the mattress and/or all its component materials, except the metallic core, have been exposed only to the above temperature and humidity conditions for at least 48 hours prior to testing the mattress.

(2) *Production.* Mattresses to be tested according to § 1632.4(b)(2)(i)(B) *Production testing* shall be exempt from conditioning as specified in § 1632.4(c)(1). However, the mattresses shall not be exposed to any environmental conditions which promote resistance to cigarette ignition. Sheets and cigarettes in their normally used condition (dry) shall be used.

(d) *Testing.*—(1) *General.* Mattress specimens selected for testing in prototype and batch sampling shall be tested in a testroom with atmospheric conditions of a temperature greater than 18° C (65° F) and a relative humidity less than 55 percent. If the test is not performed in the conditioning room, the mattress shall be tested within 1 hour after removal from the conditioning room.

(i) Light and place one cigarette at a time on the mattress surface. (If previous experience with the same type of mattress has indicated that ignition is not likely, the number of cigarettes which may be lighted and placed on the mattress at one time is left to the test operator's judgment. The number of cigarettes must be carefully considered because a smoldering or burning mattress is extremely hazardous and difficult to extinguish.) If more than one cigarette is burning at one time, the cigarettes must be positioned no less than 6 inches apart on the mattress surface. Each cigarette used as an ignition source shall be well lighted but not burned more than 4 mm (0.16 in) when placed on the mattress. (Fire extinguishing equipment must be readily available at all times.)

(ii) If a cigarette extinguishes before burning its full length, the test must be repeated with a freshly lit cigarette on a different portion of the same type of location on the mattress surface until either (a) the number of cigarettes specified in § 1632.4(d)(1)(iii) have burned their full lengths, (b) the number of cigarettes specified has extinguished before burning their full lengths, or (c) the number of cigarettes specified have resulted in failures according to § 1632.3(b) *Test criterion.*

(iii) At least 18 cigarettes shall be burned on each mattress test surface, 9 in the bare mattress tests and 9 in the 2-sheet tests. If three or more mattress surface locations (smooth surface, tape edge, quilted, or tufted areas) exists in the particular mattress surface under test, three cigarettes shall be burned on each different surface location. If only two mattress surface locations exist in the particular mattress surface under test (tape edge and smooth surface), four cigarettes shall be burned on the smooth surface and five cigarettes shall be burned on the tape edge.

(2) *Bare mattress tests.*—(i) *Smooth surfaces.* Each burning cigarette shall be placed directly on a smooth surface location on the test surface on the half reserved for bare mattress tests. The cigarettes should burn their full lengths on a smooth surface without burning across a tuft or stitching of a quilted area. However, if this is not possible because of mattress design, then the cigarettes shall be positioned on the mattress in a manner which will allow as much of the butt ends as possible to burn on smooth surfaces. Report results for each cigarette as pass or fail as defined in the test criterion.

CAUTION: Even under the most carefully observed conditions, smoldering combustion can progress to the point where it cannot be readily extinguished. It is imperative that a test be discontinued as soon as ignition has definitely occurred. Immediately wet the exposed area with a water spray (from water bottle), cut around the burning material with a knife or scissors and pull the material out of the mattress with tongs. Make sure that all charred or burned material is removed. Ventilate the room.

(ii) *Tape edge.* Each burning cigarette shall be placed in the depression between the mattress top surface and the tape edge, parallel to the tape edge on the half of the test surface reserved for bare mattress tests. If there is no depression at the edge, support the cigarettes in place along the edge and parallel to the edge with straight pins. Three straight pins may be inserted through

the edge at a 45° angle such that one pin supports the cigarette at the burning end, one at the center, and one at the butt. The heads of the pins must be below the upper surface of the cigarette (see fig. 2). Report results for each cigarette as pass or fail as defined in the test criterion.

(iii) *Quilted location.* If quilting exists on the test surface, each burning cigarette shall be placed on quilted locations of the test surface. The cigarettes shall be positioned directly over the thread in the depression created by the quilting process on the half of the test surface reserved for bare mattress tests. If the quilt design is such that the cigarettes cannot burn their full lengths over the thread, then the cigarettes shall be positioned in a manner which will allow as much of the butt ends as possible to burn on the thread. Report results for each cigarette as pass or fail as defined in the test criterion.

(iv) *Tufted location.* If tufting exists on the test surface, each burning cigarette shall be placed on tufted locations of the test surface. The cigarettes shall be positioned so that they burn down into the depression caused by the tufts and so that the butt ends of the cigarettes burn out over the buttons or laces used in the tufts on the half of the test surface reserved for bare mattress tests. Report results for each cigarette as pass or fail as defined in the test criterion.

(3) *Two-sheet tests.* Spread a section of sheet smoothly over the mattress surface and tuck under the mattress on the second half of the test surface, which has been reserved for the two-sheet test. Care must be taken that hems or any other portion of the sheet which is more than one fabric thickness, is neither directly under nor directly over the test cigarette in the two-sheet test.

(i) *Smooth surfaces.* Each burning cigarette shall be placed directly on the sheet covered mattress in a smooth surface location as defined in the bare mattress test. Immediately cover the first sheet and the burning cigarettes loosely with a second, or top sheet (see fig. 2). Do not raise or lift the top sheet during testing unless obvious ignition has occurred or until the cigarette has burned out. (The extinguishment of the cigarette may be determined by holding the hand near the surface of the top sheet over the test location. If neither heat is felt nor smoke observed, the cigarette has burned out.) If ignition occurs, immediately remove the sheets and cigarette and follow the cautionary procedures outlined in the bare mattress test. Report results for each cigarette as pass or fail as defined in the test criterion.

(ii) *Tape edge.* (A) Each burning cigarette shall be placed in the depression between the top surface and the tape edge on top of the sheet, and immediately covered with a second sheet. It is important that the air space be eliminated, as much as possible, between the mattress and the bottom sheet at the test location before testing. Depress the bottom sheet into the depression using a thin rod or other suitable instrument.

(B) In most cases, the cigarettes will remain in place throughout the test; however, if the cigarettes show a marked tendency to roll off the tape edge location, they may be supported with straight pins. Three straight pins may be inserted through the bottom sheet and tape at a 45° angle such that one pin supports the cigarette at the burning end, one at the center, and one at the butt. The heads of the pins must be below the upper surface of the cigarette (see fig. 2). Report results for each cigarette as pass or fail as defined in the test criterion.

(iii) *Quilted locations.* If quilting exists on the test surface, each burning cigarette shall be placed in a depression caused by quilting, directly over the thread and on the bottom sheet, and immediately covered with the top sheet. It is important that the air space be eliminated, as much as possible, between the mattress and the bottom sheet at the test location before testing. Depress the bottom sheet into the depression using a thin rod or other suitable instrument. If the quilt design is such that the cigarettes cannot burn their full lengths over the thread, then the cigarettes shall be positioned in a manner which will allow as much of the butt ends as possible to burn on the thread. Report results for each cigarette as pass or fail as defined in the test criterion.

(iv) *Tufted locations.* If tufting exists on the test surface, each burning cigarette shall be placed in the depression caused by tufting, directly over the tuft and on the bottom sheet, and immediately covered with the top sheet. It is important that the air space be eliminated, as much as possible, between the mattress and the bottom sheet at the test location before testing. Depress the bottom sheet into the depression using a thin rod or other suitable instrument. The cigarettes shall be positioned so that they burn down into the depression caused by the tuft and so that the butt ends of the cigarettes burn out over the buttons or laces used in the tufts. Report results for each cigarette as pass or fail as defined in the test criterion.

§ 1632.5 **Mattress pads.**

(a) *Testing.* Mattress pads shall be tested in the same manner as mattresses according to § 1632.4 *Test procedure* except for laundering.

(b) *Laundering.* (1) Mattress pads which have had a chemical fire retardant treatment or contain any chemically fire retardant treated components, shall be tested in accordance with § 1632.4 *Test procedure* in the condition in which they are intended to be sold, and after they have been washed and dried 10 times according to the procedure prescribed in method 124–1969 of the American Association of Textile Chemists and Colorists washing procedure 6.2 (III), with a water temperature of 60° ±2.8° C (140° ±5° F), and drying procedure 6.3.2(B). Maximum load shall be 3.46 kg (8 lb) and may consist of any combination of test items and dummy pieces. Alternately, a different number of times under another washing and drying procedure may be specified and used, if that procedure has previously been found to be equivalent by the Consumer Product Safety Commission.

(2) Such laundering is not required of mattress pads which are not intended to be laundered, as determined by the Consumer Product Safety Commission.

(3) Mattress pads which are not susceptible to being laundered and are labeled "dryclean only" shall be drycleaned by a procedure which has previously been found acceptable by the Consumer Product Safety Commission.

(c) *Labeling.* (1) *Treatment label.* If a mattress pad has had a chemical fire retardant treatment or contains any fire retardant treated components, it shall be labeled with the letter "T" pursuant to rules and regulations established by the Consumer Product Safety Commission.

(2) *Care label.* All mattress pads which have had a chemical fire retardant treatment or contain any fire retardant treated components shall be labeled with precautionary instructions to protect the pads from agents or treatments which are known to cause deterioration of their flame resistance. Such labels shall be permanent and otherwise in accordance with rules and regulations established by the Consumer Product Safety Commission.

(3) *Temporary requirement for noncomplying mattresses.* (i) Mattresses which do not comply with all the provisions of this standard and are manufactured during the 6 months following the effective date of this standard shall, prior to introduction into commerce, be prominently and conspicuously labeled with the following statement:

WARNING: This mattress does not meet the Consumer Product Safety Commission Flammability Standard for Mattresses (FF 4–72, as amended). It may be subject to ignition and hazardous smoldering from cigarettes.

(ii) Such label must be affixed to the mattress in such a manner so as to remain on or affixed thereto until its sale or delivery to the ultimate consumer. The label must be displayed on the mattress at the place of retail sale and the statement on the label must be prominently and conspicuously displayed on the invoice or other sales papers that accompany the mattress through commerce from the manufacturer to the final point of sale to a consumer.

(iii) This label must be at least 250 cm² (approximately 40 in²) with no linear dimension less than 12.5 cm (approximately 5 in). The wording of such label shall appear on a contrasting background with the letters in the heading WARNING no less than 1.2 cm (approximately ½ in) in height.

§ 1632.6 **Glossary of terms.**

(a) *Basket pad.* Cushion for use in an infant basket.

(b) *Box spring.* A bedspring that consists of springs attached to a foundation and enclosed in a cloth covered, upholstered frame.

limit is imposed under the provisions of

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(c) *Bunk beds.* A tier of beds, usually two or three, in a high frame complete with mattresses (see fig. 3).

(d) *Car bed.* Portable bed used to carry a baby in an automobile.

(e) *Carriage pad.* Cushion to go into a baby carriage.

(f) *Chaise lounge.* An upholstered couch chair or a couch with a chair back. It has a permanent back rest, no arms, and sleeps one (see fig. 3).

(g) *Convertible sofa.* An upholstered sofa that converts into an adult sized bed. Mattress unfolds out and up from under the seat cushioning (see fig. 3).

(h) *Corner groups.* Two twin size bedding sets on frames, usually slipcovered, and abutted to a corner table. They also usually have loose bolsters slipcovered (see fig. 3).

(i) *Crib bumper.* Padded cushion which goes around three or four sides inside a crib to protect the baby. Can also be used in a playpen.

(j) *Daybed.* Daybed has foundation, usually supported by coil or flat springs, mounted between arms on which mattress is placed. It has permanent arms, no backrest, and sleeps one (see fig. 3).

(k) *Dressing table pad.* Pad to cushion a baby on top of a dressing table.

(l) *Drop-arm loveseat.* When side arms are in vertical position, this piece is a loveseat. The adjustable arms can be lowered to one of four positions for a chaise lounge effect or a single sleeper. The vertical back support always remains upright and stationary (see fig. 3).

(m) *High riser.* This is a frame of sofa seating height with two equal size mattresses without a backrest. The frame slides out with the lower bed and rises to form a double or two single beds (see fig. 3).

(n) *Infant carrier and lounge pad.* Pad to cushion a baby in an infant carrier.

(o) *Mattress foundation.* Consists of any surface upon which a mattress is placed to lend it support for use in sleeping upon.

(p) *Mattress pad.* A thin, flat, mat or cushion for use on top of a mattress.

(q) *Pillow.* Cloth bag filled with resilient material such as feathers, down, sponge rubber, urethane, or fiber used as the support for the head of a person.

(r) *Playpen pad.* Cushion used on the bottom of a playpen.

(s) *Portable crib.* Smaller size than a conventional crib. Can usually be converted into a playpen.

(t) *Press-back lounges.* Longer and wider than conventional sofa beds. When the lounge seat is pressed lightly, it levels off to form, with the seat, a flat sleeping surface. The seat slopes, in the sitting position, for added comfort (see fig. 3).

(u) *Push-back sofa.* When you push on the back of the sofa, it becomes a bed. Lift the back and it is a sofa again. Styled in tight or loose cushions (see fig. 3).

(v) *Roll-a-way bed.* Portable bed which has frame which folds in half with the mattress for compact storage.

(w) *Sleep lounge.* Upholstered seating section is mounted on a sturdy frame. May have bolster pillows along the wall as backrests or may have attached headrests (see fig. 3).

(x) *Stroller pad.* Cushion used in a baby stroller.

(y) *Sofa bed.* These are pieces in which the back of the sofa swings down flat with the seat to form the sleeping surface. All upholstered. Some sofa beds have bedding boxes for storage of bedding. There are two types: the one-piece, where the back and seat are upholstered as a unit, supplying an unbroken sleeping surface; and the two-piece, where back and seat are upholstered separately (see fig. 3).

(z) *Sofa lounge—(includes glideouts).* Upholstered seating section is mounted on springs and in a special frame that permits it to be pulled out for sleeping. Has upholstered backrest bedding box that is hinged. Glideouts are single sleepers with sloping seats and backrests. Seat pulls out from beneath back and evens up to supply level sleeping surface (see fig. 3).

(aa) *Studio couch.* Consists of upholstered seating section on upholstered foundation. Many types convert to twin beds (see fig. 3).

(bb) *Studio divan.* Twin size upholstered seating section with foundation is mounted on metal bed frame. Has no arms or backrest, and sleeps one (see fig. 3).

(cc) *Trundle bed.* A low bed which is rolled under a larger bed. In some lines, the lower bed springs up to form a double or two single beds as in a high riser (see fig. 3).

(dd) *Twin studio divan.* Frames which glide out (but not up) and use seat cushions, in addition to upholstered foundation to sleep two. Has neither arms nor back rest (see fig. 3).

MATTRESS PREPARATION

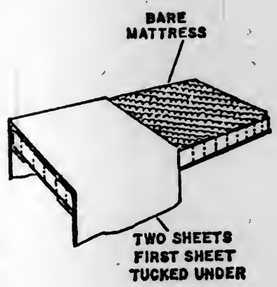


FIGURE 1

CIGARETTE LOCATION

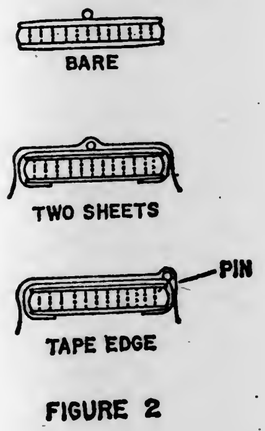


FIGURE 2

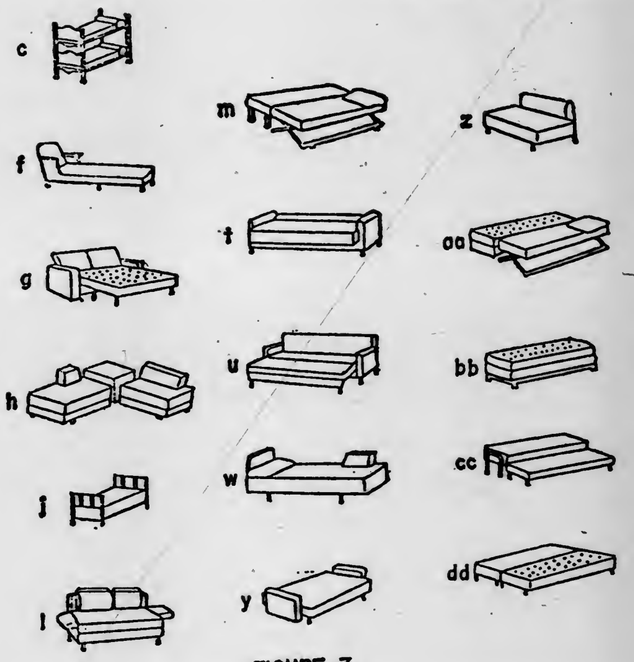


FIGURE 3

Subpart B—Alternate Sampling Plans

§ 1632.11 Alternate sampling plan No. 1, for mattresses and mattress pads, to FF 4–72.

(a) The following alternate sampling plan for mattresses and mattress pads was submitted in accordance with § 1632.4(b)(1), and was approved, effective April 27, 1973, by the Department of Commerce which at that time had authority under the Flammable Fabrics Act to issue flammability standards. The alternate sampling plan may be used by any mattress or mattress pad manufacturer.

(b) All provisions of the standard (§§ 1632.1 through 1632.6) are applicable under this § 1632.11, except as specified herein.

(c) For the purposes of this alternate sampling plan, the following substitutes for § 1632.4(b):

§ 1632.4 *Test procedure.*

* * * * *

(b) *Specimen and sampling.*—(1) *General.* (i) The test criterion of § 1632.3(b) shall be used in conjunction with the following alternate mattress sampling plan.

(ii) The use of this alternate sampling plan is applicable to both mattresses and mattress pads. The plan may be used by any mattress or mattress pad manufacturer. Use of this alternate sampling plan in conjunction with any other sampling plan is permitted only if the latter is (a) an approved alternate sampling plan and (b) contains explicit provisions for such use. It is permissible to employ differing options or sampling plans with respect to differing mattress types and/or production units. However, any sampling plan employed with respect to a specific production unit shall be employed in its entirety.

(iii) For the purposes of this alternate sampling plan, "Initial Production Quantity" means a quantity of mattresses equaling or exceeding a specified fraction, k, of the quantity to be contained in the production unit to be accepted upon successful completion of the sampling requirements. Each prototype to be included in the production unit shall be represented in the initial production quantity. For each production unit, one of the following four options shall be selected:

(A) *Option 1.* The specified fraction, k, shall be one-thirtieth. The quantity limit shall be 450 mattresses for normal sampling and 450 mattresses for reduced sampling unless a smaller limit is imposed under the provisions of § 1632.4(b)(2)(i).

(B) *Option 2.* The specified fraction, k, shall be one-twentieth. The quantity limit shall be 550 mattresses for normal sampling and 1,050 mattresses for reduced sampling unless a smaller limit is imposed under the provisions of § 1632.4(b)(2)(i).

(C) *Option 3.* The specified fraction, k, shall be one-tenth. The quantity limit shall be 1,050 mattresses for normal sampling and 1,700 for reduced sampling unless a smaller limit is imposed under the provisions of § 1632.4(b)(2)(i).

(D) *Option 4.* The specified fraction, k, shall be one-fifth. The quantity limit shall be 7,500 mattresses for normal sampling and 7,500 mattresses for reduced sampling unless a smaller limit is imposed under the provisions of § 1632.4(b)(2)(i).

(2) *Mattress sampling.* The basic mattress sampling plan is made up of two parts: (1) Prototype qualification, and (2) production testing. In addition, a batch sampling plan is given which may be used for small production quantities, when shipping requirements prohibit the use of the basic plan, or for other reasons at the discretion of the manufacturer.

(i) *Basic sampling plan.* A production unit in the basic sampling plan shall consist of not more than 250 mattresses of a mattress type in normal sampling nor more than 500 mattresses of a mattress type in reduced sampling, or the quantity produced in 1½ consecutive calendar months, whichever is smaller. This unit size may be increased to the quantity produced in 1½ consecutive calendar months or less: *Provided,* That it is either documented that each of the materials contributing to the cigarette ignition characteristics of all the mattresses in the unit and the preceding or the following unit came from a single manufacturing lot of such material or 50 consecutive production units, at least 20,000 mattresses, have all been accepted in production testing as set forth in § 1632.4(b)(2)(i)(B). In no event shall the unit size exceed quantity limits imposed by the option selected.

(A) *Prototype qualification.* (*1*) For prototype qualification, the term "manufacturer" shall mean: (a) With respect to a company having one manufacturing facility, that company; (b) with respect to a company having two or more manufacturing facilities, either that company or one or more of its manufacturing facilities as it elects; and (c) with respect to a company that is part of a group of companies that normally sell mattresses under a group name, either that group of companies or a portion of that group or (a) or (b) above, as that company elects.

(*2*) Select enough mattress prototypes from preproduction or current production to provide six surfaces for test (three mattresses if both sides can be tested or six mattresses if only one side can be tested). Test each of the six surfaces according to § 1632.4(d) *Testing.* If all the cigarette test locations on all six surfaces satisfy the test criterion of § 1632.3(b), accept the mattress prototype. If one or more of the cigarette test locations on the six surfaces fail the test criterion of § 1632.3(b), reject the mattress prototype.

(*3*) In addition, if it has been elected to include more than one company or more than one manufacturing facility in the term "manufacturer" for purposes of prototype qualification, each such company and each such manufacturing facility shall select enough mattress prototypes from its preproduction or current production to provide two surfaces for test. Test each of the two surfaces according to § 1632.4(d) *Testing.* If all the cigarette test locations on both surfaces satisfy the test criterion of § 1632.3(b), accept the mattress prototype for that company or manufacturing facility. If one or more of the cigarette test locations on the two surfaces fail the test criterion of § 1632.3(b), reject the mattress prototype from that company or manufacturing facility.

(*4*) Mattress prototype qualification may be repeated after the manufacturer has taken action to improve the resistance of the mattress prototype to ignition by cigar-

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ettes through mattress design, production, or materials selection. When mattress prototype qualification is repeated, whether as a result of prototype rejection or of subsequent unit rejection, such qualification shall be conducted in accordance with the requirements applicable to manufacturers and not those applicable to one company or manufacturing facility of a manufacturer.

(5) Each mattress prototype must be accepted in prototype qualification prior to shipping any mattresses to customers and prior to producing significant quantities of mattresses. If the manufacturer is one manufacturing facility, the first production unit manufactured immediately after successful prototype qualification or the production unit from which the mattresses were selected for the successful prototype qualification, not to exceed 500 mattresses, may be accepted and shipped to customers without further testing if all matresses in the production unit are the same as the prototype except for size. No provision for production unit acceptance based on prototype qualification applies if the manufacturer is more than one manufacturing facility or company.

(B) *Production testing.* For production testing, the term "manufacturer" shall mean each manufacturing facility. Random selection for production testing shall be accomplished by use of random number tables or equivalent means as determined by the Consumer Product Safety Commission. If it is desired to use only mattresses of a specified size (e.g., "twin") for testing, the drawing may be repeated until sufficient mattresses of that size have been selected. A production unit, except for the first production unit following successful prototype qualification as specified in § 1632.4(b)(2)(i)(A), is either accepted or rejected according to the following plan:

(*1*) *Normal sampling.* From the initial production quanity, randomly select enough mattresses to provide two surfaces for test (one mattress if both sides can be tested or two mattresses if only one side can be tested). Test each of the two surfaces according to § 1632.4(d) *testing.* If all the cigarette test locations on both surfaces meet the test criterion of § 1632.3(b), accept the unit. If one or more of the cigarette test locations fail the test criterion of § 1632.3(b), reject the unit. Unit rejection shall include all mattresses in the particular unit under test. Unit rejection also results in the loss of prototype qualification for all prototypes included in the unit under test. The loss of prototype qualification applies to the company or manufacturing facility that produced the rejected unit if it was elected to include more than one company or more than one manufacturing facility in the term "manufacturer" for purposes of prototype qualification, and to the manufacturer otherwise.

(*2*) *Reduced sampling.* (*i*) The level of sampling required for mattress production may be reduced provided that the preceding 15 consecutive units of mattresses, at least 500 mattresses, have all been accepted using the normal sampling plan of this alternate sampling plan or that of the standard. The production quantity for reduced sampling under this alternate sampling plan shall consist of one production unit as defined in § 1632.4(b)(2)(i) above.

(*ii*) From the initial production quantity, randomly select enough mattresses to provide two surfaces for test. Test each of the two surfaces according to § 1632.4(d) *Testing.* If all the cigarette test locations on both surfaces meet the test criterion of § 1632.3(b), accept the unit. If two or more individual cigarette test locations fail the test criterion of the § 1632.3(b), reject the unit. If only one individual cigarette test location fails the test criterion of § 1632.3(b), select enough additional mattresses to provide two additional surfaces for test. Test each of the two additional surfaces according to § 1632.4(d) *Testing.* If all the cigarette test locations on both surfaces meet the test criterion of § 1632.3(b), accept the Unit. If one or more of the individual cigarette test locations on the two additional surfaces fail the test criterion of § 1632.3(b), reject the unit. Unit rejection shall include all mattresses in the particular unit under test. Unit rejection also results in the loss of prototype qualification for all prototypes included in the unit under test. The loss of prototype qualification applies to the company or manufacturing facility that produced the rejected unit if it was elected to include more than one company or more than one manufacturing facility in the term "manufacturer" for purposes of prototype qualification, and to the manufacturer otherwise.

(*iii*) *Batch sampling plan.* (A) *General.* (*1*) For the batch sampling plan, the term "manufacturer" shall mean each manufacturing facility.

(*2*) A production unit in the batch sampling plan shall consist of not more than 250 mattresses or the quantity produced in one period of 30 consecutive calendar days, whichever is smaller.

(B) *Batch unit qualification and acceptance.* Select enough mattresses from the initial production of the unit to provide four surfaces for test (two mattresses if both sides can be tested or four mattresses if only one side can be tested). Test each of the four surfaces according to § 1632.4(d) *Testing.* If all the cigarette test locations on the four surfaces meet the test criterion of § 1632.3(b), accept the unit. If one or more of the cigarette test locations on the four surfaces fail the test criterion of § 1632.3(b), reject the unit. After rejection, unit qualification and acceptance under this batch sampling plan may be repeated after the resistance of the mattress to ignition by cigarettes is improved by the manufacturer taking corrective action in mattress design, production, or materials selection. Acceptance of any production unit under this batch sampling plan shall not have any effect on prototype qualification or unit acceptance of any other production unit.

(*3*) *Disposition of rejected units.* Rejected units shall not be retested, offered for sale, sold, or promoted for use as a mattress as defined in §1632.1(a) except after reworking to improve the resistance to ignition by cigarettes and subsequent retesting in accordance with the procedures set forth in § 1632.4(b)(2)(i) *Basic sampling plan.*

(*4*) *Records.* Records of all unit sizes, test results, and the disposition of rejected units shall be maintained by the manufacturer, in accordance with rules and regulations established by the Consumer Product Safety Commission.

(*5*) *Preparation of mattress samples.* The mattress surface shall be divided laterally into two sections (see fig. 1), one section for the bare mattress tests and the other for the two-sheet tests.

(*6*) *Sheet selection.* The sheets shall be white, 100 percent combed cotton percale, not treated with a chemical finish which imparts a characteristic, such as permanent press or flame resistance with 170 to 200 threads per square inch and a fabric weight of 115±14 gm/^{2} (3.4±0 4 oz/yd ^{2}). Size of sheet shall be appropriate for the mattress being tested.

(*7*) *Sheet preparation.* The sheets shall be laundered once before use in an automatic home washer using the hot water setting and longest normal cycle with the manufacturer's recommended quantity of a commercial detergent, and dried in an automatic home tumble dryer. The sheet shall be cut across the width into two equal parts after washing.

(*8*) *Cigarettes.* Unopened packages of cigarettes shall be selected for each series of tests.

§ 1632.12 Alternate sampling plan No. 2, for mattress pads, to FF 4–72.

(a) The following alternate sampling plan for mattress pads was submitted in accordance with § 1632.4(b)(1), and was approved by the Consumer Product Safety Commission. The alternate sampling plan, which became effective August 1, 1973, may be used by any mattress pad manufacturer.

(b) All provisions of the standard (§§ 1632.1 through 1632.6) are applicable under this § 1632.11, except as specified herein.

(c) For the purposes of this alternate sampling plan, the following substitutes for § 1632.4(b):

§ 1632.4 *Test procedure.*

* * * * *

(b) *Specimen and sampling.*—(1) *General.*—(i) The test criterion of § 1632.3(b) shall be used in conjunction with this Alternate Sampling Plan No. 2 (ASP No. 2). The use of this ASP No. 2 is restricted to mattress pads, but it may be used by any mattress pad manufacturer. ASP No. 2 may be used in conjunction with ASP No. 4 (§ 1632.13) to FF 4–72 if desired. When ASP No. 4 is so used, the provisions of this ASP No. 2 shall apply with respect to production testing of mattress pads. Use of this ASP No. 2 in conjunction with any other sampling plan is permitted only if the latter (A) is an approved sampling plan and (B) contains explicit provisions for such use.

(ii) It is permissible to employ differing sampling plans with respect to differing mattress pad types and/or production units; however, any sampling plan employed with respect to a specific production unit shall be so employed in its entirety.

(iii) For purposes of this ASP No. 2, "initial production quantity" means a quantity of mattress pads equalling or exceeding one-sixtieth of the quantity anticipated to be contained in the production unit to be accepted upon successful completion of the sampling requirements. Not withstanding the provisions of § 1632.1(j) and those of § 1632.4(b)(2)(i) *Basic sampling plan* of this ASP No. 2, mattress pads contained in an initial production quantity shall be deemed to be included in the production unit represented by that initial production quantity if (A) the initial production quantity is manufactured during the 30-day period preceding the nominal date of initiation of the production unit, (B) final assembly of mattress pads in the initial production quantity is accomplished on the machine or machines used in final assembly of mattress pads in the production unit, and (C) no mattress pads of the type contained in the production unit are produced on said machines during the period between manufacture of the initial production quantity and the nominal date of initiation of the production unit. Alternatively, mattress pads contained in an initial production quantity shall be deemed to be included in the production unit represented by that initial production quantity if the initial production quantity is manufactured during the 30-day period preceding the nominal date of initiation of the production unit and the manufacturer stipulates that all mattress pads of prototypes represented in the production unit and manufactured between the initial production quantity and the nominal date of initiation of the production unit shall be deemed to be rejected if the production unit is rejected. Each prototype to be included in the production unit shall be represented in the initial production quantity.

(2) *Mattress pad sampling.* The basic mattress pad sampling plan is made up of two parts: *Prototype qualification* (§ 1632.4(b)(2)(i)(A)) and *Production testing* (§ 1632.4(b)(2)(i)(B)). In addition, a *Batch sampling plan* (§ 1632.4(b)(2)(ii)) is given that may be used for small production quantities, when shipping requirements prohibit the use of the basic plan or for other reasons at the discretion of the manufacturer.

(i) *Basic sampling plan.* A production unit in the basic sampling plan shall consist of not more than 250 mattress pads of a mattress pad type in normal sampling (§ 1632.4(b)(2)(i)(B)(*1*)) nor more than 500 mattress pads of a mattress pad type in reduced sampling (§1632.4(b)(2)(i)(B)(*2*)) or the quantity produced in 1½ consecutive calendar months, whichever is smaller in either case. This production unit size may be increased to the quantity produced in 1½ consecutive calendar months or less: *Provided,* That it is either documented that each of the materials contributing to the cigarette ignition characteristics of all mattress pads in the production unit and the preceding or the following production unit came from a single manufacturing lot of such material, or 50 consecutive production units (at least 20,000 mattress pads) have all been accepted in production testing as set forth in § 1632.4(b)(2)(i)(B).

(A) *Prototype qualification.* (*1*) For prototype qualification, the term "manufacturer" shall mean (*i*) with respect to a company having one manufacturing facility, that company; (*ii*) with respect to a company having two or more manufacturing facilities, either that company or one or more of its manufacturing facilities as it elects; or (*iii*) with respect to a company that is part of a group of companies that have elected to share in a prototype design, either that group of companies or a portion of that group or (*i*) or (*ii*) above, as that company elects.

(*2*) Each "manufacturer" shall select enough of each mattress pad prototype from preproduction or current production to provide six surfaces for test (three mattress pads if both sides can be tested or six mattress pads if only one side can be tested). Test each of the six surfaces according to § 1632.4(d) *Testing* of FF 4–72. If all the cigarette test locations on all six surfaces satisfy the test criterion of § 1632.3(b) of FF 4–72, accept the mattress pad prototype. If one or more of the cigarette test locations on the six surfaces fail the test criterion of § 1632.3(b), reject the mattress pad prototype.

(*3*) If it has been elected to include more than one company and/or more than one manufacturing facility in the term "manufacturer" for purposes of prototype qualification, each such company and each such manufacturing facility shall select enough additional prototype mattress pads from its own preproduction or current production to provide two surfaces for test. Test each of the two surfaces according to § 1632.4(d) of FF 4–72. If all the cigarette test locations on both surfaces satisfy the test criterion of § 1632.3(b) of FF 4–72, accept the mattress pad prototype for that company or manufacturing facility. If one or more of the cigarette test locations on the two surfaces fail the test criterion of § 1632.3(b), reject the mattress pad prototype for that company or manufacturing facility.

(*4*) Mattress pad prototype qualification may be repeated after the manufacturer has taken action to improve the resistance of the mattress pad prototype to ignition by cigarettes through mattress pad design, production, or materials selection. When mattress pad prototype qualification is repeated as a result of prototype rejection by the "manufacturer," such qualification shall be conducted as if it were an original qualification. When the mattress pad prototype qualification is repeated as a result of prototype rejection under the provisions of the preceding (*3*) or as a result of production unit rejection, such qualification shall be performed as if the producer of the failing mattress pad were a company having one manufacturing facility.

(*5*) Each mattress pad prototype must be accepted in prototype qualification prior to shipping any mattress pads to customers and prior to producing significant quantities of mattress pads. If the "manufacturer" is one manufacturing facility, the first production unit manufactured immediately after successful prototype qualification or the production unit from which the mattress pads were selected from the successful prototype qualification (not to exceed 500 mattress pads in either case) may be accepted and shipped to customers without further testing if all mattress pads in the production unit are the same as the prototype except for size.

(B) *Production testing.* For production testing, the term "manufacturer" shall mean each manufacturing facility. Random selection for production testing shall be accomplished by use of random number tables or equivalent means as determined by the Consumer Product Safety Commission. If it is desired to use only mattress pads of a specified size (for example, twin) for testing, the drawing may be repeated until sufficient mattress pads of that size have been selected. A production unit, except for the first production unit following successful prototype qualification as specified in § 1632.4(b)(2)(i)(A), is either accepted or rejected according to the following plan:

(*1*) *Normal sampling.* (*i*) From the initial production quantity, randomly select enough mattress pads to provide eight surfaces for test (four mattress pads if both sides can be tested or eight mattress pads if only one side can be tested). Test each of the eight surfaces according to § 1632.4(d) of FF 4–72. If all the cigarette test locations on all surfaces meet the test criterion of § 1632.3(b) of FF 4–72, accept the production unit. If two or more individual cigarette test locations fail the test criterion of § 1632.3(b), reject the production unit. If only one individual cigarette test location fails the test criterion of § 1632.3(b), select enough additional mattress pads from the initial production quantity to provide 16 addditional surfaces for test. Test each of the 16 additional surfaces according to § 1632.4(d). If all the cigarette test locations on the 16 additional surfaces meet the test criterion of § 1632.3(b), accept the production unit. If one or more of the individual cigarette test locations on the 16 additional surfaces fail the test criterion of § 1632.3(b), reject the production unit.

(*ii*) Production unit rejection shall include all mattress pads in the particular production unit under test. Such rejection also results in the loss of prototype qualification (§ 1632.4(b)(2)(i)(A)) for all prototypes included in the production unit under test. Testing after requalification shall be according to the normal sampling plan (§ 1632.4(b)(2)(i)(B)(*1*)).

(*2*) *Reduced sampling.* (*i*) The level of sampling required for mattress pad production acceptance may be reduced provided that the preceding 15 consecutive production units of mattress pads (at least 500 mattress pads) have all been accepted using the normal sampling plan of this ASP No. 2 (§ 1632.4(b)(2)(i)(B)(*1*)) or that of FF 4–72. The production quantity for reduced sampling under this ASP No. 2 shall consist of one production unit as defined in § 1632.4(b)(2)(i).

(*ii*) From the initial production quantity, randomly select enough mattress pads to provide eight surfaces for tests. Test each of the eight surfaces according to § 1632.4(d) of FF 4–72. If all the cigarette test locations on all surfaces meet the test criterion of § 1632.3(b) of FF 4–72, accept the production unit. If two or more individual cigarette test locations fail the test criterion of § 1632.3(b), reject the production unit. If only one individual cigarette test location fails the test criterion of § 1632.3(b), accept the production unit.

(*iii*) Production unit rejection shall include all mattress pads in the particular production unit under test. Such rejection also results in the loss of prototype qualification (§ 1632.4(b)(2)(i)(A)) for all prototypes included in the production unit under test. Testing after requalification shall be according to the normal sampling plan (§ 1632.4(b)(2)(i)(B)(*1*)).

(ii) *Batch sampling plan.* For the batch sampling plan, the term "manufacturer" shall mean each manufacturing facility. A production unit in the batch sampling plan shall consist of not more than 250 mattress pads or the quantity produced in one period of 30 consecutive calendar days, whichever is smaller.

(A) *Batch unit qualification and acceptance.* (*1*) Select enough mattress pads from the initial production of the production unit to provide four surfaces for test (two mattress pads if both sides can be tested or four mattress pads if only one side can be tested). Test each of the four surfaces according to § 1632.4(d) of FF 4–72. If all the cigarette test locations on the four surfaces meet the test criterion of § 1632.3(b) of FF 4–72, accept the production unit. If one or more of the cigarette test locations on the four surfaces fail the test criterion of § 1632.3(b), reject the production unit.

(*2*) After rejection, production unit qualification and acceptance under this batch sampling plan may be repeated after the resistance of the mattress pad to ignition by cigarettes is improved by the manufacturer taking corrective action in mattress pad design, production, or materials selection.

(*3*) Acceptance of any production unit under this batch sampling plan shall not have any effect on prototype qualification (§ 1632.4(b)(2)(i)(A)) or production unit acceptance of any other production unit.

(*3*) *Disposition of rejected units.* Rejected production units shall not be retested, offered for sale, sold, or promoted for use as mattress pads as defined in § 1632.1(a) of FF 4–72 except after reworking to improve the resistance to ignition by cigarettes and subsequent retesting in accordance with procedures set forth in the basic sampling plan (§ 1632.4(b)(2)(i)).

(*4*) *Records.* Records of all production unit sizes, test results, and the disposition of rejected production units shall be maintained by the manufacturer, in accordance with regulations established by the Consumer Product Safety Commission (see § 1632.31).

(*5*) *Preparation of mattress pad samples.* The mattress pad surface shall be divided laterally into two sections (see figure 1 of FF 4–72); one section for the bare mattress pad tests and the other for the two-sheet tests.

(*6*) *Sheet selection.* The sheets shall be white, 100-percent combed cotton percale, not treated with a chemical finish which imparts a characteristic such as permanent press or flame resistance, and shall have 170–200 threads per square inch and a fabric weight of 115±14 grams per square meter (3.4±0.4 ounces per square yard), or shall be of another type approved by the Consumer Product Safety Commission. Size of sheet shall be appropriate for the mattress pad being tested.

(*7*) *Sheet preparation.* The sheet shall be laundered once before use (in an automatic home washer using the hot water setting and longest normal cycle with the manufactur-

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er's recommended quantity of a commercial detergent) and dried in an automatic home tumble dryer. The sheet shall be cut across the width into two equal parts after washing.

(8) *Cigarettes.* Unopened packages of cigarettes shall be selected for each series of tests.

(9) *Compliance marketing sampling plans.*

(i) Sampling plans for use in market testing of items covered by the standard (FF 4–72) may be issued by the Consumer Product Safety Commission. Such plans shall define noncompliance of a production unit to exist only when it is shown, with a high level of statistical confidence, that those production units represented by tested items which fail such plans will in fact fail the standard (FF 4–72).

(ii) Production units found to be noncomplying under these provisions shall be deemed not to conform to the standard (FF 4–72).

(iii) The Consumer Product Safety Commission will publish such plans in the FEDERAL REGISTER for public comment prior to their promulgation.

(10) *Postponement of production testing.* Temporary suspension of production testing may be granted on a case-by-case basis by the Consumer Product Safety Commission in those instances where an individual manufacturer proves, under rules prescribed by the Commission, that he cannot acquire access to either in-house or independent testing facilities for production testing. In the event of such a suspension, the manufacturer would still be obligated to produce a mattress pad that meets all other requirements of the standard (FF 4–72).

§ 1632.13 Alternate sampling plan No. 4, for mattress ticking, to FF4–72.

(a) The following alternate sampling plan for mattress ticking was submitted in accordance with § 1632.4(b)(1), and was approved by the Consumer Product Safety Commission. The alternate sampling plan, which became effective June 19, 1973 may be used by any ticking, mattress or mattress pad manufacturer or any distributor of mattress ticking.

(b) All provisions of the standard (§§ 1632.1 through 1632.6) are applicable under this § 1632.13 except as specified herein.

(c) For the purposes of this alternate sampling plan, the following substitutes for § 1632.4(b):

§ 1632.4 *Test procedure.*

* * * * *

(b) *Specimen and sampling.*—(1) *General.*—(i)(A) The mattress portion of this alternate sampling plan shall use the test criterion of § 1632.3(b).

(B) This alternate sampling plan may be used in conjunction with alternate sampling plan No. 1 (ASP No. 1) to FF 4–72 (front end) (§ 1632.11) if desired. When ASP No. 1 is used in conjunction with this alternate sampling plan, the provisions of ASP No. 1 shall apply with respect to production testing of mattresses or mattress pads. When this alternate sampling plan is used in conjunction with any other alternate sampling plan, the provisions of this plan shall apply with respect to testing of ticking, mattress prototypes deemed to be qualified by virtue of permitted ticking substitutions, and requirements for requalification by mattress prototype qualification testing procedures.

(C) It is permissible to employ differing sampling plans with respect to differing mattress types and/or production units; however, any sampling plan employed with respect to a specific production unit shall be so employed in its entirety.

(ii) For the purpose of this alternate sampling plan, the following definitions apply in addition to those in § 1632.1 *Definitions*, of FF4–72:

(A) "Ticking prototype" means a ticking of a specific construction, color, or combination of colors and color pattern, weave pattern design, finish application, fiber content, and weight per unit area. With respect to film-coated fabrics, a prototype means a given method of application, chemical formula, and thickness of application of the film coating.

(B) "Ticking type" means a group of ticking prototypes identical except for color or combination of colors and color pattern, and weave pattern designs.

(C) "Ticking category" means a group of ticking types similar in method of manufacture and, if composed in whole or in part of nonfiber layers or coatings, identical in composition and nominal weight per unit of nonfiber components.

(D) "Ticking specimen" means a 38-by-38-centimeter (15-by-15-inch) section of ticking.

(E) "Ticking sample" means a total of three ticking specimens.

(F) "Ticking production unit" means any quantity of finished ticking of one ticking type up to 22,940 linear meters (25,000 linear yards).

(G) "Fabric piece" (piece) means any continuous, unseamed length of ticking, one or more of which make up a ticking production unit.

(2) *Mattress sampling.*—The basic mattress sampling plan is made up of two parts: Prototype qualification (§ 1632.4(b)(2)(i)(A)) and production testing (§ 1632.4(b)(2)(i)(B)). In addition, a batch sampling plan is given that may be used for small production quantities, when shipping requirements prohibit the use of the basic plan or for other reasons at the discretion of the manufacturer.

(i) *Basic sampling plan.*—A production unit in the basic sampling plan shall consist of not more than 500 mattresses of a mattress type or the quantity produced in 3 consecutive calendar months, whichever is smaller. This unit size may be increased to the quantity produced in 3 consecutive calendar months or less: *Provided*, That it is either documented that each of the materials contributing ignition characteristics of all the mattresses in the unit came from a single manufacturing lot of such material or 50 consecutive production units (at least 20,000 mattresses) have all been accepted in production testing as set forth in § 1632.4(b)(2)(i)(B). The documentation requirements for single ticking category shall be deemed to have been met with respect to ticking if such ticking has met the ticking prototype qualification requirements of § 1632.4(b)(9) and the ticking production testing requirements of § 1632.4(b)(10).

(A) *Prototype qualification.*—(*1*) For prototype qualification, the term "manufacturer" shall mean: (*i*) With respect to a company having one manufacturing facility, that company; (*ii*) with respect to a company having two or more manufacturing facilities, either that company or one or more of its manufacturing facilities as it elects; or (*iii*) with respect to a company that is part of a group of companies that have elected to share in a prototype design, either that group of companies or a portion of that group or (*i*) or (*ii*) above, as that company elects.

(*2*) Each manufacturer shall select enough of each mattress prototype from preproduction or current production to provide six surfaces for test (three mattresses if both sides can be tested or six mattresses if only one side can be tested).

(*3*) Test each of the six surfaces according to § 1632.4(d) *Testing* of FF 4–72. If all the cigarette test locations on all six surfaces satisfy the test criterion of § 1632.3(b) of FF 4–72, accept the mattress prototype. If one or more of the cigarette test locations on the six surfaces fail the test criterion of § 1632.3(b), reject the mattress prototype.

(*4*) If it has been elected to include more than one company and/or more than one manufacturing facility in the term "manufacturer" for purposes of prototype qualification, each such company and each such manufacturing facility shall select enough additional prototype mattresses from its own preproduction or current production to provide two surfaces for test. Test each of the two surfaces according to § 1632.4(d) of FF 4–72. If all the cigarette test locations on both surfaces satisfy the test criterion of § 1632.3(b) of FF 4–72, accept the mattress prototype for that company or manufacturing facility. If one or more of the cigarette test locations on the two surfaces fail the test criterion of § 1632.3(b), reject the mattress prototype for that company or manufacturing facility.

(*5*) Mattress prototype qualification may be repeated after the manufacturer has taken action to improve the resistance of the mattress prototype to ignition by cigarettes through mattress design, production, or materials selection. When mattress prototype qualification is repeated as a result of prototype rejection by the manufacturer, such qualification shall be conducted as if it were an original qualification. When the mattress prototype qualification is repeated as a result of prototype rejection under the provisions of § 1632.4(b)(2)(i)(A)(*4*) or as a result of production unit rejection, such qualification shall be performed as if the producer of the failing mattress were a company having one manufacturing facility.

(*6*) Each mattress prototype must be accepted in prototype qualification prior to shipping any mattresses to customers and prior to producing significant quantities of mattresses. If the "manufacturer" is one manufacturing facility, the first production unit manufactured immediately after successful prototype qualification, or the production unit from which the mattresses were selected for the successful prototype qualification not to exceed 500 mattresses, may be accepted and shipped to customers without further testing if all mattresses in the production unit are the same as the prototype except for size. A mattress prototype shall be deemed to have been accepted in prototype qualification if another mattress prototype identical except for ticking prototype has been accepted in prototype qualification, both ticking prototypes are of the same ticking category, and both ticking prototypes have met the ticking prototype qualification requirements of § 1632.4(b)(9) or the inventory ticking type qualification requirements of § 1632.4(b)(12), whichever is applicable.

(B) *Production testing.*—For production testing, the term "manufacturer" shall mean each manufacturing facility. Random selection for production testing shall be accomplished by use of random number tables or equivalent means as determined by the Consumer Product Safety Commission. If it is desired to use only mattresses of a specified size (for example, twin) for testing, the drawing may be repeated until sufficient mattresses of that size have been selected. A production unit, except for the first production unit following successful prototype qualification as specified in § 1632.4(b)(2)(i)(A), is either accepted or rejected according to the following plan:

(*1*) *Normal sampling.*—(*i*) From each unit, randomly select enough mattresses to provide two surfaces for test (one mattress if both sides can be tested or two mattresses if only one side can be tested). Test each of the two surfaces according to § 1632.4(d) of FF 4–72. If all the cigarette test locations on both surfaces meet the test criterion of § 1632.3(b) of FF 4–72, accept the unit. If two or more individual cigarette test locations fail the test criterion of § 1632.3(b), reject the unit. If only one individual cigarette test locations fails the test criterion of § 1632.3(b), select enough additional mattresses to provide four additional surfaces for test. Test each of the four additional surfaces according to § 1632.4(d).

(*ii*) If all the cigarette test locations on the four additional surfaces meet the test criterion of § 1632.3(b) of FF 4–72, accept the unit. If one or more of the individual cigarette test locations on the four additional surfaces fail the test criterion of § 1632.3(b), reject the unit.

(*iii*) Unit rejection shall include all mattresses in the particular unit under test. Unit rejection also results in the loss of prototype qualification (§ 1632.4(b)(2)(i)(A)) for all mattress prototypes included in the unit under test. Requalification of mattress prototypes represented in the sample and contributing one or more cigarette test locations that failed the test criterion shall be accomplished by mattress prototype qualification testing (that is, using six surfaces for each mattress prototype).

(*2*) *Reduced sampling.*—(*i*) The level of sampling required for mattress production acceptance may be reduced provided the preceding 15 consecutive units of mattresses, at least 500 mattresses, have all been accepted using the normal sampling plan (§ 1632.4(b)(2)(i)(B)(*1*)). In this case, the production quantity for reduced sampling may be increased to up to two units, still not to exceed the production of 3 consecutive calendar months.

(*ii*) From this production quantity, randomly select enough mattresses to provide two surfaces for test. Test each of the two surfaces according to § 1632.4(d) of FF 4–72. If all the cigarette test locations on both surfaces meet the test criterion of § 1632.3(b) of FF 4–72, accept this production quantity. If two or more individual cigarette test locations fail the test criterion of § 1632.3(b), reject this production quantity. If only one individual cigarette location fails the test criterion of § 1632.3(b), accept this production quantity.

(*iii*) Rejection shall include all mattresses in the production quantity under test. Rejection also results in the loss of prototype qualification (§ 1632.4(b)(2)(i)(A)) for all mattress prototypes included in the production quantity under test. Requalification of mattress prototypes represented in the sample and contributing one or more cigarette test locations that failed the test criterion shall be accomplished by mattress prototype qualification testing (that is, using six surfaces for each mattress prototype). Testing after requalification shall be according to the normal sampling plan (§ 1632.4(b)(2)(i)(B)(*1*)).

(ii) *Batch sampling plan.*— For the batch sampling plan, the term "manufacturer" shall mean each manufacturing facility. A production unit in the batch sampling plan shall consist of not more than 250 mattresses or the quantity produced in one period of 30 consecutive calendar days, whichever is smaller.

(A) *Batch unit qualification and acceptance.*—(*1*) Select enough mattresses from the initial production of the unit to provide four surfaces for test (two mattresses if both sides can be tested or four mattresses if only one side can be tested). Test each of the four surfaces according to § 1632.4(d) of FF 4–72. If all the cigarette test locations on the four surfaces meet the test criterion of § 1632.3(b) of FF 4–72, accept the unit. If one or more of the cigarette test locations on the four surfaces fail the test criterion of § 1632.3(b), reject the unit.

(*2*) After rejection, unit qualification and acceptance under this batch sampling plan may be repeated after the resistance of the mattress to ignition by cigarettes is improved by the manufacturer taking corrective action in mattress design, production, or materials selection.

(*3*) Acceptance of any production unit under this batch sampling plan shall not have any effect on prototype qualification (§ 1632.4(b)(2)(i)(A)) or unit acceptance of any other production unit.

(*3*) *Disposition of rejected units.*—Rejected units shall not be retested, offered for sale, sold, or promoted for use as a mattress as defined in § 1632.1(a) of FF 4–72 except after reworking to improve the resistance to ignition by cigarettes and subsequent retesting in accordance with the procedures set forth in the basic sampling plan (§ 1632.4(b)(2)(i)).

(*4*) *Records.*—Records of all unit sizes, test results, and the disposition of rejected units shall be maintained by the manufacturer, in accordance with regulations established by the Consumer Product Safety Commission (see § 1632.31).

(*5*) *Preparation of mattress samples.*—The mattress surface shall be divided laterally into two sections (see figure 1); one section for the bare mattress tests and the other for the two-sheet tests.

(*6*) *Sheet selection.*—The sheets shall be white, 100-percent combed cotton percale, not treated with a chemical finish which imparts a characteristic such as permanent press or flame resistance, and with 170–200 threads per square inch and fabric weight of 155±14 grams per square meter (3.4±0.4 ounces per square yard), or shall be of another type approved by the Consumer Product Safety Commission. Size of sheet shall be appropriate for the mattress being tested.

(*7*) *Sheet preparation.*—The sheet shall be laundered once before use (in an automatic home washer using the hot water setting and longest normal cycle with the manufacturer's recommended quantity of a commercial detergent) and dried in an automatic home tumble dryer. The sheet shall be cut across the width into two equal parts after washing.

(*8*) *Cigarettes.*—Unopened packages of cigarettes shall be selected for each series of tests.

(*9*) *Ticking prototype qualification.*—(*i*) For ticking prototype qualification, the ticking samples shall be selected from finished fabric after its last processing step as a fabric. The ticking samples are restricted to a single prototype.

(*ii*) Select four ticking samples from no fewer than two fabric pieces of a single-ticking production unit. (The ticking production unit may be from pilot production or ongoing production.) Test each ticking specimen according to § 1632.4(b)(14). If the char length at each cigarette test location is less than or equal to 0.5 in, accept the ticking prototype. If the char length at two or more cigarette test locations is greater than 1.0 in, reject the ticking prototype. If (A) the char length at any cigarette test location is greater than 1.0 in and (B) the char length at each cigarette test location is less than or equal to 1.7 in and (C) the char length at not more than one cigarette test location is greater than 1.0 in, select four additional ticking samples from the same ticking production unit, including at least one ticking sample from each piece (§ 1632.4(b)(ii)(G)) that contained a cigarette test location with a char length exceeding 0.5 in.

(*iii*) Test each of the additional ticking specimens according to § 1632.4(b)(14). If the char length at each cigarette test location on all eight ticking samples is less than or equal to 1.0 in, accept the ticking prototype. If the char length at two or more cigarette test locations among all eight ticking samples is greater than 1.0 in reject the ticking prototype. If the char length at any cigarette test location among all eight ticking samples is greater than 1.7 in, reject the ticking prototype. If the char length at only one cigarette test location among all eight ticking samples is greater than 1.0 in and it is less than or equal to 1.7 in, select eight additional ticking samples from the same ticking production unit, including at least one ticking sample from each piece (§ 1632.4(b)(ii)(G)) that contained a cigarette test location with a char length exceeding 0.5 in.

(*iv*) Test each of the additional ticking specimens according to § 1632.4(b)(14). If the char length at each cigarette test location on the eight additional ticking samples is less than or equal to 1.0 in, accept the ticking prototype. If the char length at any cigarette test location on the eight additional ticking samples is greater than 1.0 in, reject the ticking prototype.

(*v*) Ticking prototype qualification (§ 1632.4(b)(9)) may be repeated once without action to improve ignition resistance if rejection of the ticking prototype involved occurred solely as a result of a char length greater than 1.7 in at a single cigarette test location. A determination that this is the case may be made only if ticking prototype qualification testing has been carried forward until all 16 ticking samples have been tested without further cause for ticking prototype rejection. Further repetition of ticking prototype qualification and repetition following ticking prototype rejection under any other circumstances may take place only after the manufacturer has taken action to improve the resistance of the ticking prototype to ignition by cigarettes through ticking design, production, or materials selection.

(10) *Ticking production testing.*—For ticking production testing, the ticking samples shall be selected from finished fabric after its last processing step as a fabric.

(i) Select one ticking sample from a single production unit. Test each ticking specimen according to § 1632.4(b)(14). If the char length at each cigarette test location is less than or equal to 0.5 in, accept the ticking production unit. If the char length at any cigarette test location is greater than 1.7 in, reject the ticking production unit. If the char length at two or more cigarette test locations is greater than 1.0 in, reject the ticking production unit. If (A) the char length at any cigarette test location is greater than 0.5 in and (B) the char length at each cigarette test location is less than or equal to 1.7 in and (C) the char length at not more than one cigarette test location is greater than 1.0 in, select one additional ticking sample from the same ticking production unit, including at least one ticking specimen from each piece (§ 1632.4(b)(ii)(G)) that contained a cigarette test location with a char length exceeding 0.5 in.

(ii) Test each of the additional ticking specimens according to § 1632.4(b)(14). If the char length at each cigarette test location on both ticking samples is less than or equal to 1.0 in, accept the ticking production unit. If the char length at two or more cigarette test locations among both ticking samples is greater than 1.0 in, reject the ticking production unit. If the char length at any cigarette test location among both ticking samples is greater than 1.7 in, reject the ticking production unit. If the char length at only one cigarette test location

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among both ticking samples is greater than 1.0 in and it is less than or equal to 1.7 in, select two additional ticking samples from the same ticking production unit, including at least one ticking specimen from each piece (§ 1632.4(b)(11)(G)) that contained a cigarette test location with a char length exceeding 0.5 in, and select the remaining ticking specimens required so as to provide as nearly equal representation of the fabric pieces in the production unit as possible.

(iii) Test each of the additional ticking specimens according to § 1632.4(b)(14). If the char length at each cigarette test location on all four ticking samples is less than or equal to 1.0 in., accept the ticking production unit. If the char length at only one cigarette test location among all four ticking samples is greater than 1.0 in. and it is less than or equal to 1.7 in., accept the ticking production unit. If the char length at any cigarette test location on any of the four ticking samples is greater than 1.7 in., reject the ticking production unit. If the char length at two of more cigarette test locations among all four ticking samples is greater than 1.0 in., reject the ticking production unit.

(iv) Ticking production testing may be repeated once without action to improve ignition resistance if rejection of the ticking production unit involved occurred solely as a result of a char length greater than 1.7 in. at a single cigarette test location. A determination that this is the case may be made only if ticking production testing has been carried forward until all four ticking samples have been tested without further cause for ticking production unit rejection. Further repetition of ticking production testing and repetition following rejection of a ticking production unit under any other circumstances may take place only after the manufacturer has taken action to improve the resistance of the ticking production unit to ignition by cigarettes through further processing, or under the provisions of § 1632.4(b)(11).

(11) *Disposition of rejected ticking production units.*—(i) Any fabric piece that contributed a specimen with a char length exceeding 1.0 in at any cigarette test location shall be removed from the rejected ticking production unit and shall not be eligible for further attempts at acceptance under the standard (FF 4–72) until its resistance to ignition by cigarettes has been improved through further processing.

(ii) The remainder of a rejected ticking production unit may be subdivided into two or more subunits. No fabric piece may be subdivided among such subunits. Such subdivision shall correspond to the time sequence of production of finished fabric pieces or to differences in materials or process steps, such as dye lots, fiber sources, looms, or processing equipment, determined by the manufacturer's tests or analyses to constitute the probable cause of differences in flammability characteristics. If the subdivision corresponds to the time sequence of production of finished fabric pieces, each (removed) fabric piece that contributed a specimen with a char length exceeding 1.0 in at any cigarette test location shall define a boundary of a subunit.

(iii) From each subunit, select sufficient ticking specimens to constitute four ticking samples. These specimens shall be selected so as to provide as nearly equal representation of the fabric pieces in the subunit as possible. Test each of the ticking specimens according to § 1632.4(b)(14). If the char length at each cigarette test location on all four ticking samples is less than or equal to 1.0 in, accept the subunit. If the char length at any cigarette test location on all four ticking samples is greater than 1.0 in, reject the subunit.

(iv) The contents of a rejected subunit may be retested only after the manufacturer has taken action to improve the resistance of the subunit to ignition by cigarettes through further processing. Such retesting shall be according to § 1632.4(b)(10), except that any rejection in retesting shall be final.

(12) *Inventory ticking type qualification.*—The provisions of this subparagraph shall be applicable only to ticking in inventory on or before the effective date of the standard (FF 4–72, effective June 7, 1973).

(i) Select a ticking sample from each ticking prototype within the ticking type to be qualified. If fewer than four ticking prototypes within the ticking type to be qualified are in inventory, select a total of 12 ticking specimens, in equal number from each prototype. Test all ticking specimens according to § 1632.4(b)(14). If the char length at each cigarette test location on all ticking specimens is less than or equal to 0.5 in, accept the ticking type. If the char length at any cigarette test location on all ticking specimens is greater than 0.5 in, reject the ticking type.

(ii) Ticking prototypes within a rejected ticking type may be subjected to individual ticking prototype qualification in accordance with § 1632.4(b)(9). If within a rejected ticking type each ticking prototype exhibiting one or more char lengths greater than 0.5 in is subsequently accepted in individual ticking prototype qualification, that ticking type shall be deemed to have been accepted.

(iii) Invantory ticking type qualification (§ 1632.4(b)(12)) shall not be construed as a substitute for ticking prototype qualification (§ 1632.4(b)(9)) or ticking production testing (§ 1632.4(b)(10)) with respect to ticking manufactured after the effective date of the standard (FF 4–72, effective June 7, 1973).

(13) *Ticking conditioning.*—The ticking test specimens and cigarettes shall be conditioned in air at a temperature of no less than 18° C. (65° F.) and a relative humidity less than 55 percent for at least 8 hours prior to the test. The fabric specimens and cigarettes shall be removed from any packaging and supported in a suitable manner to permit free movement of air around them during conditioning.

(14) *Ticking testing.*—(i) The ticking test shall be conducted in a draft-protected room or area under atmospheric conditions as specified in § 1632.4(a)(1). *Test room.* A mounting box (see figure 1), and a template (see figure 2), or other suitable marking device shall be used for testing each specimen. The ignition source shall be the same as specified in § 1632.4(a)(2).

(ii) Place the template, or other suitable device, over the specimen to mark off the area in which the cigarette is to be placed. Mark the ½-in, 1-in. and 1.7-in boundary lines out from the cigarette's outer extremities. If a template is used, a ballpoint pen shall be used to mark the fabric.

(iii) Securely fasten each specimen on the test box. When secured, the material shall be tautly suspended over the open side of the box throughout the test. Tacks, staples, tape, or other convenient and appropriate means may be used to secure the fabric to the test apparatus. (Caution: If the fabric is not sufficiently taut on the box, the cigarettes may roll away from the spot marked off by the template for char length measurements.)

(iv) Light and place one cigarette at a time on the ticking surface. Each cigarette shall be well lighted, but not burned more than 4 mm (0.16 in) when placed on the test specimen. Three cigarettes will be used on each specimen. The largest portion of each color and weave pattern design will be exposed to at least one lighted cigarette.

(v) If a cigarette extinguishes before burning its full length or falls through the fabric being tested, the test must be repeated with a freshly lit cigarette on a different portion of the same type of location until either (A) three cigarettes have burned their full lengths or (B) three cigarettes have extinguished or fallen through before burning their full lengths.

(15) *Records.*—Records of all unit sizes, test results, and the disposition of rejected units shall be maintained by the manufacturer, in accordance with regulations established by the Consumer Product Safety Commission (see § 1632.31).

(16) *Compliance marketing sampling plans.*—(i) Sampling plans for use in market testing of items covered by the standard (FF 4–72) may be issued by the Consumer Product Safety Commission. Such plans shall define noncompliance of a production unit to exist only when it is shown, with a high level of statistical confidence, that those production units represented by tested items which fail such plans will in fact fail the standard (FF 4–72).

(ii) Production units found to be noncomplying under these provisions shall be deemed not to conform to the standard (FF 4–72).

(iii) The Consumer Product Safety Commission will publish such plans in the FEDERAL REGISTER for public comment prior to their promulgation.

(17) *Postponement of production testing.*—Temporary suspension of production testing may be granted on a case-by-case basis by the Consumer Product Safety Commission in those instances where an individual manufacturer proves, under rules prescribed by the Commission, that he cannot acquire access to either in-house or independent testing facilities for production testing. In the event of such a suspension, the manufacturer would still be obligated to produce a mattress that meets all other requirements of the standard (FF 4–72).

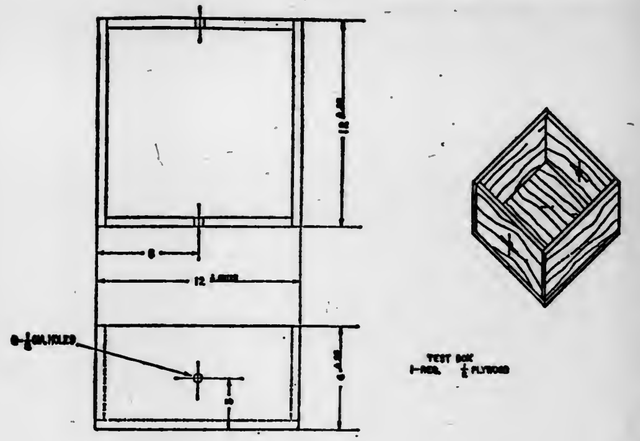


Figure 1

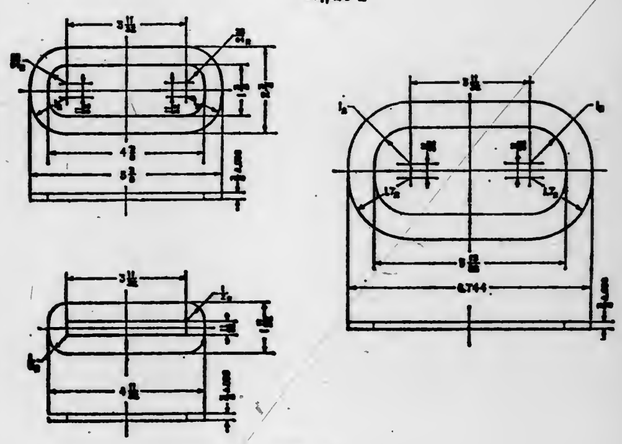


Figure 2

§ 1632.14 Alternate sampling plan No. 5, for mattresses and mattress pads, to FF 4–72.

(a) The following alternate sampling plan for mattresses and matress pads was submitted in accordance with § 1632.4(b)(1), and was approved by the Consumer Product Safety Commission. The alternate sampling plan, which became effective November 30, 1973, may be used by any mattress or mattress pad manufacturer.

(b) All provisions of the standard (§§ 1632.1 through 1632.6) are applicable under this § 1632.14 except as specified herein.

(c) For the purposes of this alternate sampling plan, the following substitutes for § 1632.4(b).

§ 1632.4 *Test procedure.*

. . . . . .

(b) *Specimen and sampling.*—(1) *General.*—(i) The test criterion of § 1632.3(b) of FF 4–72 shall be used in conjunction with this Alternate Sampling Plan No. 5 (ASP No. 5). This ASP No. 5 may be used in conjunction with ASP No. 4 to FF 4–72 (mattress ticking) if desired (§ 1632.13). When ASP No. 4 is so used, the provisions of this ASP No. 5 shall apply with respect to production testing of mattresses or mattress pads.

(ii) Differing options or sampling plans may be employed with respect to differing mattress types and/or production units; however, any sampling plan employed with respect to a specific production unit shall be so employed in its entirety.

(Note: Throughout this ASP No. 5, "mattress(es)" means "mattress(es) or mattress pad(s).")

(iii) For purposes of this ASP No. 5 "initial production quantity" means a quantity of mattresses equalling or exceeding a specified fraction, K, of the quantity to be contained in the production unit to be accepted upon successful completion of the sampling requirements. Each prototype to be included in the production unit shall be represented in the initial production quantity. For each production unit, one of the following four options shall be selected:

(A) *Option 1.* The specified fraction, K, shall be one-thirtieth. The quantity limit shall be 250 mattresses for normal sampling (§ 1632.4(b)(2)(i)(B)(*1*)) and 1,700 mattresses for reduced sampling (§1632.4(b)(2)(i)(B)(2)) unless a smaller limit is imposed under the provisions of § 1632.4(b)(2)(i).

(B) *Option 2.* The specified fraction, K shall be one-twentieth. The quantity limit shall be 275 mattresses for normal sampling and 2,000 mattresses for reduced sampling unless a smaller limit is imposed under the provisions of § 1632.4(b)(2)(i).

(C) *Option 3.* The specified fraction, K, shall be one-tenth. The quantity limit shall be 275 mattresses for normal sampling and 4,650 mattresses for reduced sampling unless a smaller limit is imposed under the provisions of § 1632.4(b)(2)(i).

(D) *Option 4.* The specified fraction, K, shall be one-fifth. The quantity limit shall be 550 mattresses for normal sampling and 7,500 mattresses for reduced sampling unless a smaller limit is imposed under the provisions of § 1632.4(b)(2)(i).

(2) *Mattress sampling.* The basic mattress sampling plan is made up of two parts: Prototype qualification (§ 1632.4(b)(2)(i)(A)) and production testing (§ 1632.4(b)(2)(i)(B)). In addition, a batch sampling plan (§ 1632.4(b)(2)(ii)) is given that may be used for small production quantities, when shipping requirements prohibit the use of the basic plan or for other reasons at the discretion of the manufacturer.

(i) *Basic sampling plan.* A production unit in the basic sampling plan shall consist of not more than 250 mattresses of a mattress type in normal sampling (§ 1632.4(b)(2)(i)(B)(*1*)) nor more than 500 mattresses of a mattress type in reduced sampling (§ 1632.4(b)(2)(i)(B)(2)) or the quantity produced in 1½ consecutive calendar months, whichever is smaller in either case. This production unit size may be increased to the quantity produced in 1½ consecutive calendar months or less; *Provided*, That it is either documented that each of the materials contributing to the cigarette ignition characteristics of all the mattresses in the production unit and the preceding or the following production unit came from a single manufacturing lot of such material, or 50 consecutive production units (at least 20,000 mattresses) have all been accepted in production testing as set forth in § 1632.4(b)(2)(i)(B). In no event shall the production unit size exceed quantity limits imposed by the option selected.

(A) *Prototype qualification.* (*1*) For prototype qualification, the term "manu-

facturer" shall mean (*i*) with respect to a company having one manufacturing facility, that company; (*ii*) with respect to a company having two or more manufacturing facilities, either that company or one or more of its manufacturing facilities as it elects; or (*iii*) with respect to a company that is part of a group of companies that have elected to share in a prototype design, either that group of companies or a portion of that group or (*i*) or (*ii*) above, as that company elects.

(2) Each "manufacturer" shall select enough of each mattress prototype from preproduction or current production to provide six surfaces for test (three mattresses if both sides can be tested or six mattresses if only one side can be tested). Test each of the six surfaces according to § 1632.4(d) *Testing* of FF 4–72. If all the cigarette test locations on all six surfaces satisfy the test criterion of § 1632.3(b) of FF 4–72, accept the mattress prototype. If one or more of the cigarette test locations on the six surfaces fail the test criterion of § 1632.3(b), reject the mattress prototype.

(3) If it has been elected to include more than one company and/or more than one manufacturing facility in the term "manufacturer" for purposes of prototype qualification, each such company and each such manufacturing facility shall select enough additional prototype mattresses from its own preproduction or current production to provide two surfaces for test. Test each of the two surfaces according to § 1632.4(d) of FF 4–72. If all the cigarette test locations on both surfaces satisfy the test criterion of § 1632.3(b) of FF 4–72, accept the mattress prototype for that company or manufacturing facility. If one or more of the cigarette test locations on the two surfaces fail the test criterion of § 1632.3(b), reject the mattress prototype for that company or manufacturing facility.

(4) Mattress prototype qualification may be repeated after the manufacturer has taken action to improve the resistance of the mattress prototype to ignition by cigarettes through mattress design, production, or materials selection. When mattress prototype qualification is repeated as a result of prototype rejection by the "manufacturer," such qualification shall be conducted as if it were an original qualification. When the mattress prototype qualification is repeated as a result of production unit rejection, such qualification shall be performed as if the producer of the failing mattress were a company having one manufacturing facility.

(5) Each mattress prototype must be accepted in prototype qualification prior to shipping any mattresses to customers and prior to producing significant quantities of mattresses. If the "manufacturer" is one manufacturing facility, the first production unit manufactured immediately after successful prototype qualification or the production unit from which the mattresses were selected for the successful prototype qualification (not to exceed 500 mattresses in either case) may be accepted and shipped to customers without further testing if all mattresses in the production unit are the same as the prototype except for size.

(B) *Production testing.* For production testing, the term "manufacturer" shall mean each manufacturing facility. Random selection for production testing shall be accomplished by use of random number tables or equivalent means as determined by the Consumer Product Safety Commission. If it is desired to use only mattresses of a specified size (for example, twin) for testing, the drawing may be repeated until sufficient mattresses of that size have been selected. A production unit, except for the first production unit following successful prototype qualification as specified in § 1632.4(b)(2)(i)(A), is either accepted or rejected according to the following plan:

(*1*) *Normal sampling.* (*i*) From the initial production quantity (§ 1632.4(b)(1)(iii)), select enough mattresses to provide two surfaces for test (one mattress if both sides can be tested or two mattresses if only one side can be tested). Test each of the two surfaces according to § 1632.4(d) of FF 4–72. If all the cigarette test locations on both surfaces meet the test criterion of § 1632.3(b) of FF 4–72, accept the production unit. If two or more individual cigarette test locations fail the test criterion of § 1632.3(b), reject the production unit. If only one individual cigarette test location fails the test criterion of § 1632.3(b), select enough additional mattresses from the initial production quantity to provide six additional surfaces for test. Test each of the six additional surfaces according to § 1632.4(d). If all the cigarette test locations on the six additional surfaces meet the test criterion of § 1632.3(b), accept the production unit. If one or more of the individual cigarette test locations on the six additional surfaces fail the test criterion of § 1632.3(b), reject the production unit.

(*ii*) Production unit rejection shall include all mattresses in the particular production unit under test. Such rejection also results in the loss of prototype qualification § 1632.4(b)(2)(i)(A) for all prototypes included in the production unit under test.

(*2*) *Reduced sampling.* (*i*) The level of sampling required for mattress production acceptance may be reduced provided the preceding 15 consecutive production units of mattresses (at least 500 mattresses) have all been accepted using the normal sampling plan of this ASP No. 5 (§ 1632.4(b)(2)(i)(B)(*1*)) or that of FF 4–72. The production quantity for reduced sampling under this ASP No. 5 shall consist of one production unit as defined in § 1632.4(b)(2)(i).

(*ii*) From the initial production quantity (§ 1632.4(b)(1)(iii)), randomly select enough mattresses to provide four surfaces for test. Test each of the four surfaces according to § 1632.4(d) of FF 4–72. If all the cigarette test locations on the four surfaces meet the test criterion of § 1632.3(b) of FF 4–72, accept the production unit. If two or more individual cigarette test locations fail the test criterion of § 1632.3(b), reject the production unit. If only one individual cigarette test location fails the test criterion of § 1632.3(b), accept the production unit.

(*iii*) Production unit rejection shall include all mattresses in the particular production unit under test. Such rejection also results in the loss of prototype qualification (§ 1632.4(b)(2)(i)(A)) for all prototypes included in the production unit under test.

(*ii*) *Batch sampling plan.* For the batch sampling plan, the term "manufacturer" shall mean each manufacturing facility. A production unit in the batch sampling plan shall consist of not more than 250 mattresses or the quantity produced in one period of 30 consecutive calendar days, whichever is smaller.

(*A*) *Batch unit qualification and acceptance.* (*1*) Select enough mattresses from the initial production of the production unit to provide four surfaces for test (two mattresses if both sides can be tested or four mattresses if only one side can be tested). Test each of the four surfaces according to § 1632.4(d) of FF 4–72. If all the cigarette test locations on the four surfaces meet the test criterion of § 1632.3(b) of FF 4–72, accept the production unit. If one or more of the cigarette test locations on the four surfaces fail the test criterion of § 1632.3(b), reject the production unit.

(*2*) After rejection, production unit qualification and acceptance under this batch sampling plan may be repeated after the resistance of the mattress to ignition by cigarettes is improved by the manufacturer taking corrective action in mattress design, production, or materials selection.

(*3*) Acceptance of any production unit under this batch sampling plan shall not have any effect on prototype qualification (§ 1632.4(b)(2)(i)(A)) or production unit acceptance of any other production unit.

(*3*) *Disposition of rejected units.* Rejected production units shall not be retested, offered for sale, sold, or promoted for use as mattresses as defined in § 1632.1(a) of FF 4–72 except after reworking to improve the resistance to ignition by cigarettes and subsequent retesting in accordance with the procedures set forth in the basic sampling plan (§ 1632.4(b)(2)(i)).

(*4*) *Records.* Records of all production unit sizes, test results, and the disposition of rejected production units shall be maintained by the manufacturer in accordance with regulations established by the Consumer Product Safety Commission (see § 1632.31).

(*5*) *Preparation of mattress samples.* The mattress surface shall be divided laterally into two sections (see figure 1 of FF 4–72); one section for the bare mattress tests and the other for the two-sheet tests.

(*6*) *Sheet selection.* The sheets shall be white, 100-percent combed cotton percale, not treated with a chemical finish which imparts a characteristic such as permanent press or flame resistance, and shall have 170–200 threads per square inch and fabric weight of 115±14 grams per square meter (3.4±0.4 ounces per square yard), or shall be of another type approved by the Consumer Product Safety Commission. Size of sheet shall be appropriate for the mattress being tested.

(*7*) *Sheet preparation.* The sheet shall be laundered once before use (in an automatic home washer using the hot water setting and longest normal cycle with the manufacturer's recommended quantity of a commercial detergent) and dried in an automatic home tumble dryer. The sheet shall be cut across the width into two equal parts after washing.

(*8*) *Cigarettes.* Unopened packages of cigarettes shall be selected for each series of tests.

(*9*) *Compliance marketing sampling plans.* (*i*) Sampling plans for use in market testing of items covered by the standard (FF 4–72) may be issued by the Consumer Product Safety Commission. Such plans shall define noncompliance of a production unit to exist only when it is shown, with a high level of statistical confidence, that those production units represented by tested items which fail such plans will in fact fail the standard.

(*ii*) Production units found to be noncomplying under these provisions shall be deemed not to conform to the standard (FF 4–72).

(*iii*) The Consumer Product Safety Commission will propose such plans in the FEDERAL REGISTER for public comment prior to their promulgation.

(*10*) *Postponement of production testing.* Temporary suspension of production testing may be granted on a case-by-case basis by the Consumer Product Safety Commission in those instances where an individual manufacturer proves, under rules prescribed by the Commission, that he cannot acquire access to either in-house or independent testing facilities for production testing. In the event of such a suspension, the manufacturer would still be obligated to produce a mattress that meets all other requirements of the standard (FF 4–72).

§ 1632.15 Alternate sampling plan No. 6, for mattresses and mattress pads, to FF4–72.

(a) The following alternate sampling plan for mattresses and mattress pads was submitted in accordance with § 1632.4(b)(1), and was approved by the Consumer Product Safety Commission. The alternate sampling plan, which became effective September 25, 1973, may be used by any mattress or mattress pad manufacturer.

(b) All provisions of the standard (§§ 1632.1 through 1632.6) are applicable under this § 1632.15 except as specified herein.

(c) For the purposes of this alternate sampling plan, the following substitutes for § 1632.4(b):

§ 1632.4 *Test procedure.*

. . . . .

(b) *Specimen and sampling.*—(1) *General.*—(i) The test criterion of § 1632.3(b) of FF 4–72 shall be used in conjunction with this Alternate Sampling Plan No. 6 (ASP No. 6). This ASP No. 6 may be used in conjunction with ASP No. 4 to FF 4–72 (mattress ticking) if desired. (§ 1632.13). When ASP No. 4 is so used, the provisions of this ASP No. 6 shall apply with respect to production testing of mattresses or mattress pads.

(ii) Differing options or sampling plans may be employed with respect to differing mattress types and/or production units; however, any sampling plan employed with respect to a specific production unit shall be so employed in its entirety. (Note: Throughout this ASP No. 6 (except for (A), (B), and (C) of § 1632.4(b)(1)(iii)), "mattress(es)" means "mattress(es) or mattress pad(s).")

(iii) For purposes of this ASP No. 6, "initial production quantity" means a quantity of mattresses equalling or exceeding a specified fraction of the quantity to be contained in the production unit to be accepted upon successful completion of the sampling requirements. Each prototype to be included in the production unit shall be represented in the initial production quantity. For each production unit, one of the following four options shall be selected:

(A) *Option 1.*—The specified fraction shall be one-thirtieth. The quantity limit shall be 800 mattresses or 5,500 mattress pads for normal sampling (§ 1632.4(b)(2)(i)(B)(*1*) and 1,700 matresses or 11,000 mattress pads for reduced sampling (§ 1632.4(b)(2)(i)(B)(*2*)) unless a smaller limit is imposed under the provisions of § 1632.4(b)(2)(i).

(B) *Option 2.*—The specified fraction shall be one-twentieth. The quantity limit shall be 950 mattresses or 6,600 mattress pads for normal sampling and 2,000 mattresses or 13,000 mattress pads for reduced sampling unless a smaller limit is imposed under the provisions § 1632.4(b)(2)(i).

(C) *Option 3.*—The specified fraction shall be one-tenth. The quantity limit shall be 2,000 mattresses for normal sampling and 4,650 mattresses for reduced sampling unless a smaller limit is imposed under the provisions of § 1632.4(b)(2)(i). The quantity limit shall be 13,450 mattress pads for normal sampling unless a smaller limit is imposed under the provisions of § 1632.4(b)(2)(i). The quantity limit for mattress pads for reduced sampling shall be that imposed under the provisions of § 1632.4(b)(2)(i).

(D) *Option 4.*—The specified fraction shall be one-fifth. The quantity limit shall be that imposed under the provisions of § 1632.4(b)(2)(i).

(2) *Mattress sampling.*—The basic mattress sampling plan is made up of two parts: Prototype qualification (§ 1632.4(b)(2)(i)(A)) and production testing (§ 1632.4(b)(2)(i)(B)). In addition, a batch sampling plan (§ 1632.4(b)(2)(ii)) is given that may be used for small production quantities, when shipping requirements prohibit the use of the basic plan or for other reasons at the discretion of the manufacturer.

(i) *Basic sampling plan.*—A production unit in the basic sampling plan shall consist of not more than 250 mattresses of a mattress type in normal sampling (§ 1632.4(b)(2)(i)(B)(*1*)) nor more than 500 mattresses of a mattress type in reduced sampling (§ 1632.4(b)(2)(i)(B)(*2*)) or the quantity produced in 1½ consecutive calendar months, whichever is smaller in either case. This production unit size may be increased to the quantity produced in 1½ consecutive calendar months or less: *Provided*, That it is either documented that each of the materials contributing to the cigarette ignition characteristics of all the mattresses in the production unit and the preceding or the following production unit came from a single manufacturing lot of such material, or 50 consecutive production units (at least 20,000 mattresses) have all been accepted in production testing as set forth in § 1632.4(b)(2)(i)(B). In no event shall the production unit size exceed quantity limits imposed by the option selected.

(A) *Prototype qualification.*—(*1*) For prototype qualification, the term "manufacturer" shall mean (*i*) with respect to a company having one manufacturing facility, that company; (*ii*) with respect to a company having two or more manufacturing facilities, either that company or one or more of its manufacturing facilities as it elects; or (*iii*) with respect to a company that is part of a group of companies that have elected to share in a prototype design, either that group of companies or a portion of that group or (*i*) or (*ii*) above, as that company elects.

(2) Each "manufacturer" shall select enough of each mattress prototype from preproduction or current production to provide six surfaces for test (three mattresses if both sides can be tested or six mattresses if only one side can be tested). Test each of the six surfaces according to § 1632.4(d). *Testing* of FF 4–72. If all the cigarette test locations on all six surfaces satisfy the test criterion of § 1632.3(b) of FF 4–72, accept the mattress prototype. If one or more of the cigarette test locations on the six surfaces fail the test criterion of § 1632.3(b), reject the mattress prototype.

(3) If it has been elected to include more than one company and/or more than one manufacturing facility in the term "manufacturer" for purposes of prototype qualification, each such company and each such manufacturing facility shall select enough additional prototype mattresses from its own preproduction or current production to provide two surfaces for test. Test each of the two surfaces according to § 1632.4(d) of FF 4–72. If all the cigarette test locations on both surfaces satisfy the test criterion of § 1632.3(b) of FF 4–72, accept the mattress prototype for that company or manufacturing facility. If one or more of the cigarette test locations on the two surfaces fail the test criterion of § 1632.3(b), reject the mattress prototype for that company or manufacturing facility.

(4) Mattress prototype qualification may be repeated after the manufacturer has taken action to improve the resistance of the mattress prototype to ignition by cigarettes through mattress design, production, or materials selection. When mattress prototype qualification is repeated as a result of prototype rejection by the "manufacturer," such qualification shall be conducted as if it were an original qualification. When the mattress prototype qualification is repeated as a result of prototype rejection under the provisions of § 1632.4(b)(2)(i)(A)(3) or as a result of production unit rejection, such qualification shall be performed as if the producer of the failing mattress were a company having one manufacturing facility.

(5) Each mattress prototype must be accepted in prototype qualification prior to shipping any mattresses to customers and prior to producing significant quantities of mattresses. If the "manufacturer" is one manufacturing facility, the first production unit manufactured immediately after successful prototype qualification or the production unit from which the mattresses were selected for the successful prototype qualification (not to exceed 500 mattresses in either case) may be accepted and shipped to customers without further testing if all mattresses in the production unit are the same as the prototype except for size.

(B) *Production testing.*—For production testing, the term "manufacturer" shall mean each manufacturing facility. Random selection for production testing shall be accomplished by use of random number tables or equivalent means as determined by the Consumer Product Safety Commission. If it is desired to use only mattresses of a specified size (for example, twin) for testing, the drawing may be repeated until sufficient mattresses of that size have been selected. A production unit, except for the first production unit following successful prototype qualification as specified in § 1632.4(b)(2)(i)(A), is either accepted or rejected according to the following plan:

(*1*) *Normal sampling.*—(*i*) From the initial production quantity (§ 1632.4(b)(1)(iii)), randomly select enough mattresses to provide four surfaces for test (two mattresses if both sides can be tested or four mattresses if only one side can be tested). Test each of the four surfaces according to § 1632.4(d) of FF 4–72. If all the cigarette test locations on all four surfaces meet the test criterion of § 1632.3(b) of FF 4–72, accept the production unit. If two or more individual cigarette test locations fail the test criterion of § 1632.3(b), reject the production unit. If only one individual cigarette test location fails the test criterion of § 1632.3(b), select enough additional mattresses from the initial production quantity to provide eight additional surfaces for test. Test each of the eight additional surfaces according to § 1632.4(d). If all the cigarette test locations on the eight additional surfaces meet the test criterion of § 1632.3(b), accept the production unit. If one or more of the individual cigarette test locations on the eight additional surfaces fail the test criterion of § 1632.3(b), reject the production unit.

(*ii*) Production unit rejection shall include all mattresses in the particular production unit under test. Such rejection also results in the loss of prototype qualification (§ 1632.4(b)(2)(i)(A)) for all prototypes included in the production unit under test.

(*2*) *Reduced sampling.*—(*i*) The level of sampling required for mattress production acceptance may be reduced provided the preceding 15 consecutive production units of mattresses (at least 500 mattresses) have all been accepted using the normal sampling plan of this ASP No. 6 (§ 1632.4(b)(2)(i)(B)(*1*)) or that of FF 4–72. The production quantity for reduced sampling under this ASP No. 6 shall consist of one production unit as defined in § 1632.4(b)(2)(i).

(*ii*) From the initial production quantity (§ 1632.4(b)(1)(iii)), randomly select enough mattresses to provide four surfaces

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for test. Test each of the four surfaces according to § 1632.4(d) of FF 4–72. If all the cigarette test locations on the four surfaces meet the test criterion of § 1632.3(b) of FF 4–72, accept the production unit. If two or more individual cigarette test locations fail the test criterion of § 1632.3(b), reject the production unit. If only one individual cigarette test location fails the test criterion of § 1632.3(b), accept the production unit.

(iii) Production unit rejection shall include all mattresses in the particular production unit under test. Such rejection also results in the loss of prototype qualification (§ 1632.4(b)(2)(i)(A)) for all prototypes included in the production unit under test.

(ii) *Batch sampling plan.*—For the batch sampling plan, the term "manufacturer" shall mean each manufacturing facility. A production unit in the batch sampling plan shall consist of not more than 250 mattresses or the quantity produced in one period of 30 consecutive calendar days, whichever is smaller.

(A) *Batch unit qualification and acceptance.*—(*1*) Select enough mattresses from the initial production of the production unit to provide four surfaces for test (two mattresses if both sides can be tested or four mattresses if only one side can be tested). Test each of the four surfaces according to § 1632.4(d) of FF 4–72. If all the cigarette test locations on the four surfaces meet the test criterion of § 1632.3(b) of FF 4–72, accept the production unit. If one or more of the cigarette test locations on the four surfaces fail the test criterion of § 1632.3(b), reject the production unit.

(*2*) After rejection, production unit qualification and acceptance under this batch sampling plan may be repeated after the resistance of the mattress to ignition by cigarettes is improved by the manufacturer taking corrective action in mattress design, production, or materials selection.

(*3*) Acceptance of any production unit under this batch sampling plan shall not have any effect on prototype qualification (§ 1632.4(b)(2)(i)(A)) or production unit acceptance of any other production unit.

(3) *Disposition of rejected units.*—Rejected production units shall not be retested, offered for sale, sold, or promoted for use as mattresses as defined in § 1632.1(a) of FF 4–72 except after reworking to improve the resistance to ignition by cigarettes and subsequent retesting in accordance with the procedures set forth in the basic sampling plan (§ 1632.4(b)(2)(i)).

(4) *Records.*—Records of all production unit sizes, test results, and the disposition of rejected production units shall be maintained by the manufacturer in accordance with regulations established by the Consumer Product Safety Commission (see § 1632.31).

(5) *Preparation of mattress samples.*—The mattress surface shall be divided laterally into two sections (see figure 1 of FF 4–72); one section for the bare mattress tests and the other for the two-sheet tests.

(6) *Sheet selection.*—The sheets shall be white, 100-percent combed cotton percale, not treated with a chemical finish which imparts a characteristic such as permanent press or flame resistance, and shall have 170–200 threads per square inch and fabric weight of 115±14 grams per square meter (3.4±0.4 ounces per square yard), or shall be of another type approved by the Consumer Product Safety Commission. Size of sheet shall be appropriate for the mattress being tested.

(7) *Sheet preparation.*—The sheet shall be laundered once before use (in an automatic home washer using the hot water setting and longest normal cycle with the manufacturer's recommended quantity of a commercial detergent) and dried in an automatic home tumble dryer. The sheet shall be cut across the width into two equal parts after washing.

(8) *Cigarettes.*—Unopened packages of cigarettes shall be selected for each series of tests.

(9) *Compliance marketing sampling plans.*—(1) Sampling plans for use in market testing of items covered by the standard (FF 4–72) may be issued by the Consumer Product Safety Commission. Such plans shall define noncompliance of a production unit to exist only when it is shown, with a high level of statistical confidence, that those production units represented by tested items which fail such plans will in fact fail the standard.

(ii) Production units found to be noncomplying under these provisions shall be deemed not to conform to the standard (FF 4–72).

(iii) The Consumer Product Safety Commission will propose such plans in the FEDERAL REGISTER for public comment prior to their promulgation.

(10) *Postponement of production testing.*—Temporary suspension of production testing may be granted on a case-by-case basis by the Consumer Product Safety Commission in those instances where an individual manufacturer proves, under rules prescribed by the Commission, that he cannot acquire access to either in-house or independent testing facilities for production testing. In the event of such a suspension, the manufacturer would still be obligated to produce a mattress that meets all other requirements of the standard (FF 4–72).

Subpart C—Rules and Regulations

AUTHORITY: Sec. 5, 67 Stat. 112, as amended, 81 Stat. 570; 15 U.S.C. 1194.

§ 1632.31 Mattresses—labeling, recordkeeping requirements, and guaranties.

(a) *Definitions.* For the purposes of this section, the following definitions apply:

(1) "Standard for the Flammability of Mattresses" or "Standard" means the Standard for the Flammability of Mattresses (FF 4–72) promulgated by the Secretary of Commerce and published in the FEDERAL REGISTER of June 7, 1972 (37 FR 11362), as amended and reissued by the Consumer Product Safety Commission in a notice dated June 1, 1973, and published in the FEDERAL REGISTER of June 8, 1973 (38 FR 15095, Subpart A of this Part), which Standard as amended became effective June 22, 1973.

(2) The definition of terms set forth in the Standard shall also apply to this section. (It should be noted that the definition of "mattress" in the Standard includes, among other things, mattress pads.)

(b) *Labeling.* (1) All mattress pads which have had a chemical fire retardant treatment or contain any fire retardant treated components shall be labeled with precautionary instructions to protect the pads from agents or treatments which are known to cause deterioration of their flame resistance. Such labels shall be permanent, prominent, conspicuous, and legible.

(2) If a mattress pad has had a chemical fire retardant treatment or contains any fire retardant treated components, it shall be prominently, conspicuously, and legibly labeled with the letter "T."

(3) Every manufacturer, importer, or other person initially introducing mattresses subject to the Standard into commerce shall assign to each mattress a unit identification (number, letter, or date, or combination thereof) sufficient to identify and relate to the production unit of which the mattress is a part. Such unit identification shall be designated in such a way as to indicate that it is a production unit identification under the Standard for the Flammability of Mattresses. Each mattress subject to the Standard shall bear a permanent, accessible, and legible label containing the appropriate production unit identification relating to such mattress.

(4) The information required on labels by this section shall be set forth separately from any other information appearing on such label. Other information, representations, or disclosures, appearing on labels required by this section or elsewhere on the item, shall not interfere with, minimize, detract from, or conflict with the required information.

(5) The warning label required by § 1632.5(c)(3) for noncomplying mattresses manufactured during the 6 months following the effective date of the Standard shall be separate and apart from any other label on the mattress and shall not have any other information, representation, or disclosure thereon.

(6) No person, other than the ultimate consumer, shall remove or mutilate, or cause or participate in the removal or mutilation of, any label required by this section to be affixed to any item.

(c) *Records—manufacturers, importers, or persons initially introducing items into commerce.*—(1) *General.* Every manufacturer, importer, or other person initially introducing into commerce mattresses subject to the Standard, irrespective of whether guarantees are issued relative thereto, shall maintain written records as hereinafter specified. The records required must establish a line of continuity through the process of manufacture of each mattress and from the specific finished item to the manufacturing records and shall show with respect to such items:

(i) Details, description, and identification of any sampling plan or plans engaged in pursuant to the requirements of the Standard. Such records must be sufficient to demonstrate compliance with such sampling plan or plans and must relate the sampling plan or plans to the actual mattresses produced, marketed, or handled. This subdivision is not limited by other provisions of this paragraph.

(ii) Production units of all mattresses marketed or handled. The records must relate to an appropriate production unit identification on or affixed to the mattress itself in accordance with paragraph (b)(3) of this section, and the production unit identification must relate to the production unit.

(iii) Test results and details of all tests performed, both prototype and production, including cigarette locations and whether each cigarette location passed or failed, details of the sampling procedure or procedures employed, name and signature of person conducting tests, date of tests, and all other records necessary to demonstrate compliance with the test procedure or procedures and sampling plan or plans specified by the Standard or authorized alternate sampling plan or plans. These records shall include a certification by the person overseeing the testing as to the test results and that the test was carried out in accordance with the Standard. (For illustrative forms, see note at the end of this section.)

(iv) Disposition of all failing or rejected mattresses. Such records must demonstrate that the items were retested and reworked in accordance with the Standard prior to sale or distribution and that such retested or reworked mattresses comply with the Standard, or must otherwise show the disposition of such items.

(v) Manufacturing specifications relating the same to prototype and production testing and to the production units to which applicable.

(vi) Test data or other information relied on as a basis for inclusion of different components as a single production unit where permitted by the Standard.

(vii) Photographic evidence of each test result in the form of a photograph (color or black and white) of the bare mattress surface after testing, with a clear designation thereon as to which part of the mattress was sheeted and which part was tested bare.

(viii) Date and quantity of each sale or delivery of mattresses subject to the Standard and the name and address of the purchaser or recipient relating such sale to the production unit or other identification.

(ix) Details of any approved alternate laundering procedure used in laundering mattress pads required by the Standard to be laundered during testing.

(x) Identification, composition, and details of application of any flame retardant treatments employed relative to mattress pads or mattress pad components. All prototype and production records shall relate to such information.

(2) *Prototype testing.* In addition to the records specified in paragraph (c)(1) of this section, records shall be maintained which shall show with respect to prototype testing required by the Standard:

(i) Mattress specifications and description.

(ii) Prototype identification number.

(iii) Test room conditions.

(3) *Production testing.* In addition to the records required by paragraph (c)(1) of this section, records shall be maintained which shall show with respect to each production unit:

(i) Mattress specifications and description, prototype identification, production unit identification, size of production unit, calendar period of production unit, test date, and test results.

(ii) Random selection number of the tested mattress and information sufficient to show that tested mattresses were selected from the production unit at random from regular production.

(iii) Written data which will enable the Consumer Product Safety Commission to obtain and test mattresses under any applicable compliance market sampling plan.

(4) *Record retention requirements.* The records required by this paragraph shall be retained for 3 years, except that records relating to prototype testing shall be maintained for so long as they are relied upon as demonstrating compliance with the prototype testing requirements of the Standard and shall be retained for 3 years thereafter.

(d) *Records—persons not subject to paragraph (c) of this section.* Any person not subject to paragraph (c) of this section who markets or handles mattresses subject to the Standard shall keep and retain for 3 years records to show the identity of items marketed or handled, the identity of the source of the items, and the date of receipt thereof. Such records shall also show the identity of purchasers and the date of sale, except in the case of individual retail sales to individual ultimate consumers.

(e) *Records—exempted or labeled mattresses.*—(1) Any person marketing or handling mattresses which are entitled to exemption from the Standard as having been manufactured before the effective date of the Standard (June 22, 1973) shall maintain written records sufficient to establish that any such mattresses offered for sale after the effective date of the Standard are eligible for the exemption.

(2) Any person marketing or handling mattresses which are subject to the provisions of § 1632.5(c)(3), and which are labeled in accordance therewith, shall maintain written records to show that such mattresses were manufactured within 6 months after the effective date of the Standard and were labeled in accordance with the provisions of § 1632.5(c)(3).

(f) *Tests for guaranty purposes.* Reasonable and representative tests for the purpose of issuing a guaranty under section 8 of the act for items subject to the Standard shall be those tests performed pursuant to any sampling plan or authorized alternate sampling plan engaged in pursuant to the requirements of the Standard.

(g) *Postponement of production testing.* (1) Any person requesting a temporary suspension of production testing shall file five copies of an application in writing and under oath with the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Such application of prototype mattress or mattresses.

(i) Statement that production testing facilities are unavailable and reason for unavailability.

(ii) Location of closest available testing facility.

(iii) Period of delay requested.

(iv) Detailed plans of applicant to implement production testing procedures.

(v) Certification that prototype mattress or mattresses to be produced comply with the Standard plus test reports, name and address of facility performing the tests, and specification and identification of prototype mattress or mattresses.

(vi) Statement that records and facilities of the applicant are available to the Consumer Product Safety Commission upon request.

(2) Temporary suspension of production testing will not be granted for a period in excess of 6 months upon one application. Upon filing of the application, the requirements for production testing of mattresses may be suspended by the Consumer Product Safety Commission for periods of 30 days while the petition is pending. During such 30-day periods the manufacturer shall submit to the Secretary, weekly reports of mattress shipments as specified by the Commission.

(h) *Compliance with this section.* No person subject to the Flammable Fabrics Act shall manufacture, import, distribute, or otherwise market or handle any mattress which is not in compliance with § 1632.31.

NOTE: The following forms are for use in recording test results pursuant to the Standard and this section. These are illustrative forms only; their use shall not be construed as relieving anyone of other recordkeeping requirements of this section.

ILLUSTRATIVE FORM, PROTOTYPE QUALIFICATION MATTRESS FLAMMABILITY STANDARD FF 4–72

Prototype identification number_____
Room conditions at time of test: Temperature _____ R.H. _____

Mattress specification and description (e.g., tape, thread, flange, "heat barrier" material, corner felt, border backing where there is no flange, other material designed to prevent ignition, ticking, upholstery, etc.). Provide details for:

(Attach necessary Test Results Reporting Forms.)

ILLUSTRATIVE FORM, PRODUCTION TESTING MATTRESS FLAMMABILITY STANDARD FF 4–72

1. Production unit identification _____

2. Mattress type (circle one): Smooth Top Tufted Deep panel Quilt Multi-needle Quilt Other (Identify):_____

3. Sampling plan or plans proceeded under, including options, if any_____

4. Quantity of mattresses covered by testing reported herein and calendar period of their production _____

5. Type of sampling (normal, reduced, batch, or other) and basis for type of sampling used_____

6. Identification of prototype or prototypes of mattresses covered by testing reported herein _____

7. If mattresses covered by testing reported herein are from more than one prototype, identify prototype or prototypes of mattresses tested _____

8. Random numbers of mattresses tested and method by which random numbers were selected _____

(Attach necessary Test Results Reporting Forms.)

V 40250 DEC 30 75 XUM V

Prototype or production unit identification _____

ILLUSTRATIVE TEST
RESULTS REPORTING FORM

Report results for each burn, "X" for pass, cigarette burned to full length; "O" for pass, cigarette self-extinguished before burning to full length; "F" for failure. "F" burns shall be considered as having burned to full length. Use blocks appropriate to side being tested.

3 surface locations, bare

Type surface*

3 surface locations, sheeted

Type surface*

(Each line must contain at least 3 burns to full length or 3 burns self-extinguished before burning to full length, except where prototype or unit rejection is established.)

2 surface locations, bare

Type surface*

Tape edge

(Line 1 must contain at least 4 burns to full length or 4 burns self-extinguished and line 2 must contain at least 5 burns to full length or 5 burns self-extinguished, except where prototype or unit rejection is established.)

2 surface locations, sheeted

Type surface*

Tape edge

(Use necessary additional sheets and complete bottom portion of last sheet of complete test. Attach photographs showing all test results.)

Action (Circle one) Accept Reject Retest

Test date _____ Manufacturer _____

I certify that this test was carried out in full accordance with the provisions of Standard FF 4-72.

(Signed) _____ (Tester)

_____

(Name and business association of tester)

* Smooth surface, tape edge, quilt channel, tufting, etc.

EFFECTIVE DATE: This section became effective December 31, 1973.

Subpart D—Interpretations and Policies

AUTHORITY: Secs. 1–17, 67 Stat. 111–15, as amended, 81 Stat. 568–74; 15 U.S.C. 1194–1204.

§ 1632.61 Procedure for verification of materials substitution for mattress tape edges.

(a) Notice is given that the Consumer Product Safety Commission has approved a procedure for verification of materials substitution for mattress tape edges where substitution is desired to be made under § 1632.1(h) of FF 4–72 (the Standard for the Flammability of Mattresses), FF 4–72 was published in the FEDERAL REGISTER of June 8, 1973 (38 FR 15095), and, as a result of a judicially imposed temporary stay, became effective June 22, 1973.

(b) Section 1632.1(h) provides in part: "If it is determined or suspected that a material has influenced the ignition resistance of the mattress prototype, a dimensional or other change in that material shall be deemed a difference in materials for purposes of prototype definition unless it is previously shown to the satisfaction of the Consumer Product Safety Commission that such dimensional or other change will not reduce the ignition resistance of the mattress prototype."

(c) The Commission will regard a showing "to the satisfaction of the Consumer Product Safety Commission" to have been made with respect to materials substitution of items such as flange materials and tapes at the tape edge under the following circumstances:

(1) The mattress prototype has been qualified previously under the provisions of FF 4–72; and

(2) A substitution of materials involving only tape edge construction is contemplated; and

(3) A prototype mattress incorporating the substitute materials has been tested with 36 cigarettes (18 per surface) placed at tape edge locations with no ignitions occurring; and

(4) Records are maintained setting forth the details of the materials substitution and showing the results of the testing referred to in paragraph (c)(3) of this section. The records are to be maintained in accordance with regulations established by the Consumer Product Safety Commission (see § 1632.31).

§ 1632.62 Use of muslin sheets.

(a) In this document, the Consumer Product Safety Commission approves the use of white, 100 percent cotton muslin sheets as an alternate to white, 100 percent cotton percale sheets for certain tests of mattress flammability.

(b) The Standard for the Flammability of Mattresses, FF–4–72 (Subpart A of this Part), promulgated under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.), which is administered and enforced by the Consumer Product Safety Commission, provides that one of the measures of mattress flammability will be determined by placing lighted cigarettes between two layers of cotton percale sheets placed on mattress surfaces (§ 1632.4(d)(3)). Section 1632.4(b)(6), entitled "Sheet selection," specifies the types of sheets to be used in mattress flammability testing as follows:

> The sheets shall be white, 100 percent combed cotton percale, not treated with a chemical finish which imparts a characteristic such as permanent press or flame resistance, with 170–200 threads per square inch and fabric weight of 115± 14 gm/m² (3.4±0.4 oz/yd²), or of another type approved by the Consumer Product Safety Commission. Size of sheet shall be appropriate for the mattress being tested.

(c) A number of requests, both formal and informal, have been received to have the Commission approve alternate types of sheets for mattress flammability testing. The primary reason for requesting alternatives is that sheet manufacturers have drastically reduced their output of all-cotton percale sheets and therefore a permanent testing substitute is needed. The Commission has confirmed the difficulty of obtaining all-cotton percale sheets.

(d) Several different types of sheets have been tested and evaluated to find a type that would provide flammability characteristics closely resembling all-cotton percale sheets. It was found that 100 percent cotton muslin sheets yielded test results comparable to those from 100 percent cotton percale sheets; that is, a lighted cigarette placed between all-cotton muslin sheets caused mattress ignition within a time period comparable to ignition resulting from tests using all-cotton percale. Both all-cotton muslin and all-cotton percale brought mattress ignition 100 percent of the time and within 15 minutes.

(e) Placing lighted cigarettes between any types of cotton-polyester blend sheets caused mattress ignition after considerably longer time periods, or in some instances, no ignition at all. Thus, their use without other modifications of the Standard would result in lowering the level of protection provided by the Standard.

(f) Accordingly, the Commission approves the following sheets for use in testing under the Standard: White, 100 percent cotton sheets, not treated with a chemical finish which imparts a characteristic such as permanent press or flame resistance, with 120–210 threads per square inch and fabric weight of 125±28 gm/m² (3.7±0.8 oz/yd²).

(g) For enforcement purposes, the Commission may test with sheets of 100 percent cotton muslin or 100 percent cotton percale.

(h) All other requirements of the Standard as to sheets remain in effect.

EFFECTIVE DATE: February 6, 1974. This document originally appeared as a notice on February 6, 1974 (39 FR 4684).

§ 1632.63 Policy clarification on renovation of mattresses.

(a) Section 3 of the Flammable Fabrics Act (15 U.S.C. 1192) prohibits, among other matters, the "manufacture for sale" of any product which fails to conform to an applicable standard issued under the act. The Standard for the Flammability of Mattresses, as amended (FF 4–72) (Subpart A of this Part), issued pursuant to the act, provides that, with certain exceptions, mattresses must be tested according to a prescribed method. The standard does not exempt renovation; nor does it specifically refer to renovation.

(b) The purpose of this document is to inform the public that mattresses renovated for sale are considered by the Commission to be mattresses manufactured for sale and, therefore, subject to the requirements of the Mattress Standard. The Commission believes that this policy clarification will better protect the public against the unreasonable risk of fires leading to death, personal injury or significant property damage, and assure that purchasers of renovated mattresses receive the same protection under the Flammable Fabrics Act as purchasers of new mattresses.

(c) For purposes of this document, mattress renovation includes a wide range of operations. Replacing the ticking or batting, stripping a mattress to its springs, rebuilding a mattress, or replacing components with new or recycled materials, are all part of the process of renovation. Any one, or any combination of one or more, of these steps in mattress renovation is considered to be mattress manufacture.

(d) If the person who renovates the mattress intends to retain the renovated mattress for his or her own use, or if a customer of a renovator merely hires the services of the renovator and intends to take back the renovated mattress for his or her own use, "manufacture for sale" has not occurred and such a renovated mattress is not subject to the mattress standard.

(e) However, if a renovated mattress is sold or intended for sale, either by the renovator or the owner of the mattress who hires the services of the renovator, such a transaction is considered to be "manufacture for sale".

(f) Accordingly, mattress renovation is considered by the Commission to be "manufacture for sale" and, therefore, subject to the Mattress Standard, when renovated mattresses are sold or intended for sale by a renovator or the customer of the renovator.

(g) Renovators of mattresses, like manufacturers, work with mattresses of nonstandard size or shape and may, therefore, believe that such mattresses are one-of-a-kind. Section 1632.2(d) of the Mattress Standard provides:

> (d) One-of-a-kind mattresses, such as nonstandard sizes or shapes, may be excluded from testing under this standard pursuant to rules and regulations established by the Consumer Product Safety Commission.

(h) However, there are currently no rules or regulations for excluding one-of-a-kind mattresses from testing under the Mattress Standard, although the matter is under active review. Until Commission policy on one-of-a-kind mattress exemption is issued, a renovator who believes that certain mattresses are entitled to one-of-a-kind exemption, may present relevant facts to the Commission and petition for an exemption. Renovators are expected to comply with all the testing requirements of the Mattress Standard until an exemption is approved.

NOTE: This policy was originally published as a notice on May 6, 1975 (40 FR 19677).

Dated: December 22, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-34678 Filed 12-29-75;8:45 am]

V 40250 DEC 30 75 XUM

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federal register

TUESDAY, DECEMBER 30, 1975

PART IV:

ENVIRONMENTAL PROTECTION AGENCY

■

HAZARDOUS SUBSTANCES

Designation, Removability, Harmful Quantities, Penalty Rates

V40250 DEC 30 75 XUM

ENVIRONMENTAL PROTECTION AGENCY
(FRL 471-7)
[40 CFR Part 116]

DESIGNATION OF HAZARDOUS SUBSTANCES

Notice of Proposed Rulemaking

Notice is hereby given in accordance with 5 U.S.C. 553 that the Administrator, Environmental Protection Agency, under authority contained in Section 311(b)(2)(A) of the Federal Water Pollution Control Act Amendments of 1972 [33 U.S.C. 1251 et seq., (the Act)] proposes a new Part 116.

The Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) amended the Federal Water Pollution Control Act (33 U.S.C. 1151 et seq.) to add a new Section 311, which provides in Subsection (b)(2)(A) as follows:

> "The Administrator shall develop, promulgate, and revise as may be appropriate, regulations designating as hazardous substances, other than oil as defined in this section, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches."

This notice proposes such a designation of hazardous substances.

Section 311(b)(2)(B)(i) and 311(b)(4) of the Act require a determination of actual removability and harmful quantity respectively for each designated substance. In addition, Section 311(b)(2)(B)(iv) of the Act requires the establishment of penalty rates for all substances judged to be not actually removable from the water. These other regulations are proposed concurrently as 40 CFR Parts 117, 118, and 119 respectively.

The designation of hazardous substances provides the foundation for the regulation of discharges of substances other than oil as provided for in Section 311. Remaining regulations and activities required to fully implement the hazardous substances provisions of Section 311 are as follows:

- Fixing limitations of removal liability for small facilities [Section 311(f)(2)].
- Determination of methods of removability [Section 311(j)(1)(A)].
- Development of discharge prevention procedures [Section 311(j)(1)(C)].
- Determination of quantities which are not harmful [Section 311(b)(3)].
- Revision of the National Oil and Hazardous Material Pollution Contingency Plan [Section 311(c)(2)].

On August 22, 1974, after completion of studies and conferences dating from 1970, the Assistant Administrator for Water and Hazardous Materials published an Advance Notice of Proposed Rulemaking for the designation of hazardous substances and the determination of their removability (Federal Register, Vol. 39, No. 164, Part IV, pp. 30466-30471). Included in that publication were: (1) tentative selection criteria used to quantitatively describe the concept of "... imminent and substantial danger to public health or welfare..."; (2) factors considered in the determination of actual removability; (3) a list of substances under consideration; (4) a tentative determination of removability; and (5) a request for data

and comments on both specific and general aspects of the action. In response to the Advance Notice, 84 written comments were received and considered in the development of the proposed rule set forth herein. Comments primarily concerned selection criteria, substances to be deleted or added, spill potential, toxicity information, potential conflict between discharges regulated under Section 311 and those regulated under other sections of the Act, and the term "research quantities".

A. Toxicological Selection Criteria

Tentative selection criteria set forth in the August 22, 1974, Advance Notice were as follows:

> "1. Any element or compound produced in excess of research quantities possessese sufficient danger potential to be considered as a candidate hazardous substance if it is lethal to: (a) One-half of a test population of aquatic animals in 96 hours or less at a concentration of 500 milligrams per liter (mg/l) or less; or (b) one-half of a test population of animals in 14 days or less when administered as a single oral dose equal to or less than 50 milligrams per kilogram (mg/kg) of body weight; or (c) one-half of a test population of animals in 14 days or less when dermally exposed to an amount equal to or less than 200 mg/kg body weight for 24 hours; or (d) one-half of a test population of animals in 14 days or less when exposed to a vapor concentration equal to or less than 200 cubic centimeters per cubic meter (volume/volume) in air for one hour; or (e) aquatic flora as measured by a 50 percent decrease in cell count, biomass, or photosynthetic ability in 14 days or less at concentrations equal to or less than 100 mg/l.
> 2. To be further considered for designation as a hazardous substance, any element or compound meeting the above criteria must have a reasonable potential for being discharged; i.e., spilled into a water body. Factors being considered in making this evaluation include the production quantities, modes of transportation, handling and storing practices, past spill experience, and physical/chemical properties of each substance."

Selection criteria were employed and are proposed to be used because it was recognized that virtually every substance has the potential for presenting some danger to public health or welfare depending upon the

quantity of substance discharged, and the time, location, and conditions of the discharge. In order to limit the designation to those substances which could reasonably be anticipated to present an imminent and substantial danger to public health or welfare, the above criteria were applied.

Of the toxicological criteria initially proposed in the Advance Notice, there was minimal objection to the use of the "highly toxic" classification as a limitation for selecting substances based on mammalian test data. The highly toxic classification has been adopted by the Environmental Protection Agency as may be found in Federal Register, Vol. 40, No. 139, Part II, pp. 28242-28286, July 3, 1975.

According to the reference cited above, substances which have an oral LD50 of 50 mg/kg of body weight or less, have a dermal LD50 of 200 mg/kg of body weight or less, or have an inhalation LC50 of 20 cubic centimeters per cubic meter of vapor in air or less, are defined as highly toxic to mammals. The term "oral LD50" means that single oral dose which is lethal to one-half of the test population in 14 days. The term "dermal LD50" means that dose dermally absorbed in 24 hours which is lethal to one-half of the test population in 14 days. The term "inhalation LC50" means that concentration of gas or vapor which, upon exposure for one hour, is lethal to one-half of the test population in 14 days.

A change in the "inhalation LC50" value should be noted. The August 22, 1974, Advance Notice of Proposed Rulemaking stated this criterion as lethality to one-half of a test population of animals within

14 days of exposure to a vapor concentration "... equal to or less than 200 cubic centimeters per cubic meter (volume/volume) of air for one hour..." This criterion paralleled the "highly toxic" category adopted by EPA in 40 CFR Part 182.8. The criterion has recently (July 3, 1975) been amended by publication of 40 Federal Register p. 28242, which reduces the cutoff to 20 cubic centimeters per cubic meter of air. For consistency, a corresponding change has been made in this proposed rule. (No change need be made in the current list of materials since none happens to have been designated under the "inhalation LC50" criterion.)

The criterion receiving the greatest number of adverse comments was that pertaining to aquatic animal toxicity which proposed a selection limit of 500 mg/l based on LC50 bioassay data. The term "LC50" means that concentration which is lethal to one-half of a test population of aquatic animals upon continuous exposure for a given period of time, usually 96 hours. The concept of utilizing acute bioassay data was generally supported. However, many commenters expressed the belief that the limitation was either too restrictive or too permissive, with suggested limitation values ranging between 1.0 and 5,000 mg/l.

A common suggestion was that the selection limit be lowered to 100 mg/l. In support of this suggested limit, comments indicated that a hazard ranking system has classified substances with aquatic LC50 values of 100-1,000 mg/l as "practically non-toxic". This system is being considered by governments ratifying the International Convention for the Prevention of Pollution from Ships, 1973, sponsored by the

Intergovernmental Maritime Consultative Organization (IMCO). However, the IMCO system was originally designed for application to tank cleaning and operational discharges from ships at sea beyond the territorial limits, rather than to discharges to the inland waters and the territorial seas. Even though substances with LC50 values of 100 to 1,000 mg/l have been classified as "practically non-toxic", the IMCO system does require some level of control over the discharge of these substances even in waters beyond the territorial seas.

Furthermore, the Agency has evaluated recent fish kill reports in which the causative agent was identified. Twenty-two of the proposed elements and compounds were reported as the causative agent in recent fish kills. Of these, seven have 96 hour LC50 values greater than 100 mg/l. None has an LC50 value consistently greater than 500 mg/l. Thus, a reduction of the aquatic toxicity selection limit to 100 mg/l would result in the deletion of 7 substances which have caused environmental damage. Even though the data used in this analysis are recognized as being less than comprehensive, the significance in lowering this selection criterion would be the elimination of materials such as sulfuric acid, hydrochloric acid, and other materials which have caused fish kills.

In this proposed rulemaking, the aquatic toxicity selection limit of 500 mg/l is maintained. This is done in the belief that it is both appropriate and responsive to the requirement of Section 311 to identify those substances which may present an imminent and substantial danger to the public health or welfare when discharged into navigable waters.

The selection criterion dealing with phytotoxicity was questioned because few data are available which are consistent with the test method specified in the selection criterion. Although no substance is currently listed because of its phytotoxic action, the criterion is maintained to permit future addition of substances which may be detrimental to this important segment of the aquatic environment.

Selection criteria based on effects such as teratogenicity, mutagenicity, carcinogenicity, and bioaccumulation were suggested and have been considered. Typically, these effects have been noted after lengthy or lifetime exposure of test populations to the test material. These data do not, at this time, provide a basis for regulation of acute discharges of such materials. Although the proposed selection criteria do not include consideration of such effects at this time, the Agency intends to keep the relationship of Section 311 to these concerns under continuing review.

Radioactive materials are not included in this proposed rulemaking but may be considered as candidates for designation in the future should sufficient need and information warrant their inclusion.

B. Deletions

In response to the Advance Notice of Proposed Rulemaking, comments requesting the deletion of specific materials were submitted and evaluated. Where accompanied by appropriate supportive data documenting effects not in accordance with the proposed selection criteria, certain materials have been deleted from this proposed list. These materials are:

Ammonium sulfate	Sodium borate
Boric acid	Sodium cacodylate
Cacodylic acid	Sodium silicate

Those comments requesting specific substances be added lacked supporting data of the type and extent necessary to justify expansion of the proposed list at this time. Section 311(b)(2)(A) provides the authority to revise any promulgated designation as may be appropriate. Those substances suggested for addition may be considered along with others at a future date.

C. Potential for Discharge

In regard to the second part of the proposed selection criteria, that dealing with the potential for discharge, several comments requesting clarification were received. The Agency has reexamined the factors listed in the Advance Notice and proposes certain changes.

As set forth in the Advance Notice, the initial screening criterion concerned production of proposed substances in excess of research quantities. It now appears that the question of research quantity is more appropriately viewed as a factor to be utilized in the overall evaluation of spill potential rather than an independent decision point. Difficulty is encountered in identifying a single, specific production quantity indicative of large volume commercial usage versus exclusively research-related use. Consequently, the question of research quantity is now addressed in terms of uses rather than in terms of a specific production volume.

Few data are available concerning the mode of transportation and handling and storage practices of many substances. Therefore, these considerations are no longer included in the assessment of potential for discharge. Factors currently proposed in determining spill potential are:

1. Past history of spillage
2. Production quantity
3. Use and distribution patterns
4. Value of the substance

Candidate substances which meet at least one lethality criterion are further examined for documented evidence of having been discharged in a spill situation. Those substances having a previous history of spillage are maintained as proposed hazardous substances. Because the reporting of spills of substances other than oil is not yet required, it can be concluded that the spillage of many substances has gone unreported. Consequently, those spills presently recorded do not fully represent the magnitude of the problem nor are they an inclusive representation of all substances which have a reasonable potential for discharge.

In evaluating the list of potentially hazardous chemicals, it was realized that a higher probability of a discharge exists for some materials than for others. This is reflected to some extent by reports maintained by the Department of Transportation and the Environmental Protection Agency. These records show that the materials spilled most frequently are, in general, the ones that are most abundant in commerce. That is, a distinction may be made between heavy usage bulk chemicals

and other less widely used and distributed chemicals. An analysis of production quantities, usage, and selling price indicates that chemicals produced in excess of one billion pounds annually are commonly used in highly diversified products and processes. As such, they are handled and transported in large quantities. Such chemicals also have a typically low selling price. Accordingly, candidate substances produced in excess of one billion pounds per year are judged to have a relatively high spill potential and are proposed for designation as hazardous substances.

Materials which are produced in quantities less than one billion pounds annually or for which annual production is not known, are further examined for use and distribution patterns, and unit price. Substances with usages limited to research, medicinals, food additives, or analytical reagents are not further considered for designation at this time. These materials are subject to limited production and bulk storage and transport. It is further noted that such substances are generally of high purity and as such are subject to careful handling and have a high selling price. Such substances are believed to pose only limited potential for spillage.

Substances having a high commercial market value are considered to pose a limited spill risk. Additional safeguards in the manufacture, handling, and processing of such valuable substances apparently minimize the possibility of spillage.

Because of their intentional use and distribution in the environment, chemicals used primarily as pesticides are believed to have a high prob-

ability of discharge to the water and are maintained as proposed hazardous substances regardless of production volume or selling price.

As an example of a material proposed for designation, sulfuric acid is the highest volume product in the chemical industry with 59 billion pounds produced in 1971. As a workhorse of industry, its production and use are steadily increasing. Department of Transportation and Environmental Protection Agency records show a continual increase in accidents involving sulfuric acid through the years 1971, 1972, and 1973. The low cost of the material, the large number of manufacturers and distributors, and high production and transportation volume are apparent contributive factors to the high spill frequency. Since toxicological properties are in accordance with proposed selection criteria, sulfuric acid is proposed for designation as a hazardous substance.

An example of a material not proposed as a hazardous substance because of low spill potential is ammonium gluconate. This compound was tentatively included in the Advance Notice list because of toxic properties of the ammonium ion. Subsequent analysis reveals that production figures are not available, the chemical has only limited distribution and use as an emulsifier in the food industry, and no record of past spillage. The analysis indicates low spill potential and the substance is no longer considered for designation.

Other substances listed in the Advance Notice and below appear to have little probability for discharge and are deleted because of one or more of the following factors:

1. No history of spill discharge
2. Low production quantity
3. Limited commercial use and distribution
4. High value of the substance

D. Materials Deleted Because of Low Potential for Discharge

Ammonium Ferrocyanide	Cobaltous Nitrate
Ammonium Formate	Cobaltous Perchlorate
Ammonium Gluconate	Cobaltous Succinate
Ammonium Molybdate	Cobaltous Sulfate
Antimony Triiodide	Cupric Acetylacetonate
Arsenic Tribromide	Cupric Bromide
Arsenic Trifluoride	Cuprie Gluconate
Arsenic Triiodide	Cuprous Iodide
Beryllium Hydroxide	Ferric Glycerophosphate
Beryllium Phosphate	Ferric Phosphate
Beryllium Sulfate	Ferrous Oxalate
Brucine	Hydroquinone
Cadmium Fluoborate	Lead Bromide
Cadmium Nitrate	Lithium Fluoride
Cadmium Sulfate	Mercuric Ammonium Chloride
Catechol	
Chromous Carbonate	Mercuric Bromide
Chromous Oxalate	Mercuric Chloride
Cobaltous Acetate	Mercuric Iodide
Cobaltous Chloride	Mercuric Oxide
Cobaltous Citrate	Mercurous Chloride
Cobaltous Iodide	Mercurous Iodide

Molybdic Trioxide	Selenic Acid
Nickel Acetate	Selenium Oxychloride
Nickel Bromide	Tannic Acid
Nickel Fluoride	Vanadium Oxytrichloride
Nickel Iodide	Zinc Ammonium Sulfate
Nickel Perchlorate	Zinc Permanganate
Phosphorous Pentafluoride	Zinc Propionate
Pyrogallic Acid	Zirconium Ammonium Fluoride

In summary, the proposed selection criteria for hazardous substances are as follows: any element, compound, or mixture thereof, possesses sufficient danger potential to be designated as a hazardous substance, if it is lethal to:

(a) One-half of a test population of aquatic animals in 96 hours or less at a concentration of 500 milligrams per liter (mg/l) or less; or

(b) One-half of a test population of animals in 14 days or less when administered as a single oral dose equal to or less than 50 milligrams per kilogram (mg/kg) of body weight; or

(c) One-half of a test population of animals in 14 days or less when dermally exposed to an amount equal to or less than 200 mg/kg of body weight for 24 hours; or

(d) One-half of a test population of animals in 14 days or less when exposed to a vapor concentration equal to or less than 20 cubic centimeters per cubic meter (volume/volume) in air for one hour; or

(e) Aquatic flora as measured by a 50% decrease in cell count, biomass, or photosynthetic ability in 14 days or less at concentrations equal to or less than 100 milligrams per liter (mg/l).

In addition to meeting one or more of the above acute lethality criteria, a candidate substance must have a reasonable potential for being discharged. Factors considered in making this evaluation include 1) past spill history, 2) production quantity, 3) use and distribution patterns, and 4) value of the substance.

E. Applicability

In considering the applicability of the proposed rules, the Advance Notice stated:

> "It is important to note that not all discharges of substances designated as hazardous will be subject to the enforcement provisions of Section 311. Because Section 311 applies only to discharges from vessels or facilities, a designation regulation would not apply to discharges from other sources such as agricultural land runoff, or irrigation return flows. The discharges being considered can be placed in two separate categories. The first relates to transportation and storage incidents in which there is normally no release of the substance except in the spill situation. The second relates to industrial production facilities in which a designated hazardous substance is released in quantities exceeding those of a permitted normally operating effluent. Periodic or continuous discharges are regulated under other provisions of the Act. Accordingly, the Agency is considering that the regulation would exclude from designation discharges of hazardous substances which are made: (a) In compliance with effluent limitations or guidelines established under Sections 301, 302, 304, 306, and 307 of the Act; (b) in quantities not exceeding those identified for such substances in an application for an NPDES permit which has been issued pursuant to Section 402 of the Act; (c) in compliance with permits issued under Section 404 of the Act or Sections 102 and 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.); (d) from properly functioning marine sanitation flow-through devices certified by the United States Coast Guard pursuant to Section 312 of the Act; or (e) in the course of a permitted use of a pesticide registered under the Federal Insecticide,

Fungicide, and Rodenticide Act (7 U.S.C. Sections 136 and through 136y)."

Although most comments agreed with the general purpose, the exclusions are now considered more appropriate to the proposed rules concerning harmful quantities (proposed 40 CFR Part 118) and rates of penalty (proposed 40 CFR Part 119) to be published concurrently. The intent is not the exclusion of substances from designation, but rather the exclusion of certain discharges permitted under other sections of the Act or other authorities from notification requirements and penalty provisions of Section 311. This will allow use of revolving funds [Section 311(k)] to be used for discharges of any designated hazardous substance. Consequently, applicability of this proposed rule may be stated as follows:

> The elements and compounds, or mixtures thereof, appearing on the following list are designated as hazardous substances if discharged into navigable waters or adjoining shorelines, or into the waters of the contiguous zone from vessels, onshore facilities or offshore facilities.

Interested persons may participate in this rulemaking by submitting written comments or requests for information in triplicate to: Dr. C. Hugh Thompson, Chief, Hazardous Substances Branch, Criteria and Standards Division, Office of Water Planning and Standards, WH-595, Environmental Protection Agency, Washington, D.C. 20460.

Copies of all public comments will be available for inspection and copying at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M St., S.W., Washington, D.C. 20460. The Environmental Protection Agency information regulation, 40 CFR Part 2 provides that a reasonable fee may be charged for copying.

All comments received on or before 60 calendar days after the date of this publication will be considered.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by agencies of the Executive Branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated.

A number of criteria have been defined to determine which actions require an inflationary impact statement. The Agency's analysis of the potential economic impact of these regulations indicate that none of the criteria defining a major proposal have been met. Thus, it is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order 11821 and that no inflationary impact statement is required.

Russell E. Train
Administrator

Dated: DEC 23 1975

Certified to be a true and complete original

Part 116 - DESIGNATION OF HAZARDOUS SUBSTANCES

116.1 Applicability
116.2 Abbreviations
116.3 Definitions
116.4 Designation of Hazardous Substances

Authority: Sections 311(b)(2)(A) and 501(a) of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 et seq.).

116.1 APPLICABILITY

The regulation of this part designates hazardous substances under Section 311(b)(2)(A) of the Act. The proposed regulation applies to discharges of substances designated herein into navigable waters or adjoining shorelines or the waters of the contiguous zone from vessels and onshore and offshore facilities.

116.2 ABBREVIATIONS

ppm = parts per million
mg = milligram(s)
kg = kilogram(s)
mg/l = milligram(s) per liter
mg/kg = milligram(s) per kilogram

116.3 DEFINITIONS

As used in this part, all terms shall have the meaning defined in the Act and as given below.

"The Act" means the Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972, (P.L. 92-500, 33 U.S.C. 1251 et seq.);

"Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

"Onshore facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

"Offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel;

"Navigable waters" shall have the same meaning as it has in Section 502(7) of the Act, and includes: (1) all navigable waters of the United States; (2) tributaries of navigable waters of the United States; (3) interstate waters; (4) intrastate lakes, rivers and streams which are utilized by interstate travelers for recreational and other purposes; (5) intrastate lakes, rivers and streams from which fish or shellfish are taken and sold in interstate commerce; and (6) intrastate lakes, rivers, and streams which are utilized for industrial purposes by industries in interstate commerce;

"Contiguous zone" means the entire zone established or to be established by the United States under article 24 of the Convention of the Territorial Sea and the Contiguous Zone;

"Territorial seas" means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles;

"Aquatic animals" means appropriately sensitive wholly aquatic animals which carry out respiration by means of a gill structure permitting gaseous exchange between the water and the circulatory system;

"Animals" means appropriately sensitive animals which carry out respiration by means of a lung structure permitting gaseous exchange between air and the circulatory system;

"Aquatic flora" means plant life associated with the aquatic ecosystem including, but not limited to, algae and higher plants;

"Mixture" means any combination of two or more elements and/or compounds in solid, liquid or gaseous form.

116.4 DESIGNATION OF HAZARDOUS SUBSTANCES

The following criteria were employed in the derivation of the list and may be used in any future revisions thereof.

Any element or compound or structural isomer which is lethal to:

(a) one-half of a test population of aquatic animals in 96 hours or less at a concentration of 500 mg/l (ppm) or less; or

(b) one-half of a test population of animals in 14 days when administered as a single oral dose equal to or less than 50 mg/kg of body weight; or

(c) one-half of a test population of animals in 14 days when dermally exposed to an amount equal to or less than 200 mg/kg of body weight for 24 hours; or

(d) one-half of a test population of animals in 14 days or less when exposed to a vapor concentration equal to or less than 20 cubic centimeters per cubic meter of air for one hour; or

(e) aquatic flora as measured by a 50% decrease in cell count, biomass, or photosynthetic ability in 14 days or less at concentrations equal to or less than 100 mg/l (ppm);

is a candidate for designation as a hazardous substance.

After satisfying the toxicity screen a determination is made that the candidate material has a reasonable potential for discharge as determined by: 1) past record of discharge; 2) production volume; 3) use and distribution patterns; and 4) selling price; and is therefore proposed as a hazardous substance.

The elements, compounds or their structural isomers, or mixtures thereof, appearing on the following Table 116.4, are designated as hazardous substances if discharged into navigable waters or adjoining shorelines or into the waters of the contiguous zone from vessels, onshore facilities or offshore facilities.

TABLE 116.4 LIST OF HAZARDOUS SUBSTANCES

The substances which are indented in the left hand column of the following list are designated as hazardous substances on the basis of toxicological properties of one component ion or group. Toxicological criteria met by each substance are denoted by the number on the left of the common name according to the following key:

1 = aquatic animal toxicity
2 = oral mammalian toxicity
3 = dermal mammalian toxicity
4 = inhalation mammalian toxicity
5 = phytotoxicity

The underlined headings in the list are provided only for ease of referencing and are not designated hazardous substances; e.g., Fluorine compounds does not mean that all fluorine compounds are designated as hazardous substances.

	COMMON NAME	SYNONYMS	ISOMERS
1	Acetaldehyde	ethanal ethyl aldehyde aldehyde acetic aldehyde	
1	Acetic acid	glacial acetic acid vinegar acid	
1	Acetic anhydride	acetic oxide acetyl oxide	
2	Acetone cyanohydrin	2-methyllactonitrile alpha-hydroxyisobutyronitrile	
1	Acetyl bromide		
1	Acetyl chloride		
1, 2	Acrolein	2-propenal acrylic aldehyde acrylaldehyde acraldehyde	
1	Acrylonitrile	cyanoethylene Fumigrain Ventox propenenitrile vinyl cyanide	
2	Adiponitrile	1,4-dicyanobutane	
1	Aldrin	Octalene HHDN	
1	Allyl alcohol	2-propen-1-ol 1-propenol-3 vinyl carbinol	
1	Allyl chloride	3-chloropropene 3-chloropropylene Chlorallylene	
1	Aluminum sulfate	alum	
1	Ammonia		

	COMMON NAME	SYNONYMS	ISOMERS
	Ammonium compounds		
1	Ammonium acetate	acetic acid ammonium salt	
1	Ammonium benzoate		
1	Ammonium bicarbonate	acid ammonium carbonate ammonium hydrogen carbonate	
1	Ammonium bisulfite		
1	Ammonium bromide		
1	Ammonium carbamate	ammonium aminoformate	
1	Ammonium carbonate		
1	Ammonium chloride	ammonium muriate sal ammoniac salmiac Amchlor	
1	Ammonium citrate, dibasic	diammonium citrate citric acid diammonium salt	
1	Ammonium fluoborate		
1	Ammonium hydroxide		
1	Ammonium hypophosphite		
1	Ammonium iodide		
1	Ammonium nitrate		
1	Ammonium oxalate		
1	Ammonium pentaborate	ammonium decaborate	
1	Ammonium persulfate	ammonium peroxydisulfate	
1	Ammonium silicofluoride	ammonium fluosilicate	
1	Ammonium sulfamate	Ammate AMS ammonium amidosulfate	
1	Ammonium sulfide		
1	Ammonium sulfite		
1	Ammonium tartrate	tartaric acid ammonium salt	
1	Ammonium thiocyanate	ammonium rhodanide ammonium sulfocyanate ammonium sulfocyanide	
1	Ammonium thiosulfate	ammonium hyposulfite	
1	Amyl acetate	amylacetic ester pear oil banana oil	normal-; iso-; secondary-; tertiary- amyl acetate
1	Aniline	aniline oil phenylamine aminobenzene aminophen kyanol	

	COMMON NAME	SYNONYMS	ISOMERS
	Antimony compounds		
1	Antimony pentachloride		
1	Antimony pentafluoride		
1	Antimony potassium tartrate	tartar emetic tartrated antimony tartarized antimony potassium antimonyltartrate	
1	Antimony tribromide		
1	Antimony trichloride	butter of antimony	
1	Antimony trifluoride	antimony fluoride	
1	Antimony trioxide	diantimony trioxide flowers of antimony	
	Arsenic compounds		
1, 3	Arsenic acid	orthoarsenic acid	
1	Arsenic disulfide	arsenic monosulfide red arsenic sulfide	
1, 2	Arsenic pentaoxide	arsenic acid anhydride arsenic oxide	
1	Arsenic trichloride	arsenic chloride arsenious chloride arsenous chloride butter of arsenic	
1, 2	Arsenic trioxide	arsenious acid arsenious oxide white arsenic	
1	Arsenic trisulfide	arsenious sulfide yellow arsenic sulfide	
1	Calcium arsenate	tricalcium ortho-arsenate	
1	Calcium arsenite		
1	Potassium arsenate		
1	Potassium arsenite	potassium metaarsenite	
1	Sodium arsenate	disodium arsenate	
1, 2	Sodium arsenite	sodium metaarsenite	
1	Benzene	cyclohexatriene benzol	
1	Benzoic acid	benzenecarboxylic acid phenylformic acid dracylic acid	
1, 3	Benzonitrile	phenyl cyanide cyanobenzene	
1	Benzoyl chloride	benzenecarbonyl chloride	
1	Benzyl chloride		

	COMMON NAME	SYNONYMS	ISOMERS
	Beryllium compounds		
1	Beryllium chloride		
1, 2	Beryllium fluoride		
1, 3	Beryllium nitrate		
1, 2	Butyl acetate	acetic acid normal-butyl ester acetic acid secondary-butyl ester acetic acid iso-butyl ester acetic acid tertiary-butyl ester	normal-; secondary-; iso-; tertiary- butyl acetate
1	Butylamine	1-; 2-aminobutane 2-amino-2-methylpropane 1-amino-2-methylpropane	normal-; secondary-; tertiary- butylamine
1	Butyric acid	butanoic acid ethylacetic acid	normal-; iso- butyric acid
	Cadmium compounds		
1	Cadmium acetate		
1	Cadmium bromide		
1	Cadmium chloride		
1	Calcium carbide	carbide acetylenogen	
1	Calcium hydroxide	lime, hydrated slaked lime calcium hydrate	
1	Calcium hypochlorite		
1	Calcium oxide	lime quicklime	
1, 2	Captan	Orthocide-406 SR-406 Vancide-89	
1	Carbaryl	Sevin	
1	Carbon disulfide	carbon bisulfide dithiocarbonic anhydride	
1	Chlordane	Toxichlor	
1	Chlorine		

	COMMON NAME	SYNONYMS	ISOMERS
1	Chlorobenzene	monochlorobenzene benzene chloride	
1	Chloroform	trichloromethane	
1	Chlorosulfonic acid	sulfuric chlorohydrin	
	Chromium compounds		
1	Ammonium bichromate	ammonium dichromate	
1	Ammonium chromate		
1, 2	Calcium chromate	calcium chrome yellow gelbin yellow ultramarine	
3	Chromic acetate		
1	Chromic acid	chromic anhydride chromium trioxide	
1	Chromic sulfate		
1	Chromous chloride		
1	Chromyl chloride	chromium dioxychloride	
1	Lithium bichromate	lithium dichromate	
1	Lithium chromate		
1	Potassium bichromate	potassium dichromate	
1	Potassium chromate		
1	Sodium bichromate	sodium dichromate	
1	Sodium chromate		
1	Strontium chromate		
1	Zinc bichromate	zinc dichromate	
	Cobalt compounds		
1	Cobaltous bromide	cobalt bromide	
1	Cobaltous fluoride	cobalt fluoride	
1	Cobaltous formate	cobalt formate	
1	Cobaltous sulfamate	cobalt sulfamate	
	Copper compounds		
1	Cupric acetate	copper acetate crystallized verdigris	
1, 2	Cupric acetoarsenite	copper acetoarsenite copper acetate arsenite Paris green	
1	Cupric chloride	copper chloride	
1	Cupric formate	copper formate	
1	Cupric glycinate	copper glycinate cupric aminoacetate	
1	Cupric lactate	copper lactate	
1	Cupric nitrate	copper nitrate	
1	Cupric oxalate	copper oxalate	
1	Cupric subacetate	basic copper acetate	
1	Cupric sulfate	copper sulfate	
1	Cupric sulfate, ammoniated	ammoniated copper sulfate	

	COMMON NAME	SYNONYMS	ISOMERS
1	Cupric tartrate	copper tartrate	
1	Cuprous bromide	copper bromide	
1, 2	Coumaphos	Co-Ral	
1	Cresol	cresylic acid hydroxytoluene	meta-;ortho-; para-cresol
	Cyanide compounds		
1	Barium cyanide		
1	Calcium cyanide		
1, 2	Hydrogen cyanide	hydrocyanic acid	
1, 2	Potassium cyanide		
1, 2	Sodium cyanide		
1	Zinc cyanide		
1	Cyanogen chloride		
1	Cyclohexane	hexahydrobenzene hexamethylene hexanaphthene	
1	2, 4-D (acid)	2, 4-dichlorophenoxyacetic acid	
1	2, 4-D (esters)	2, 4-dichlorophenoxyacetic acid esters	
1	Dalapon	Dowpon Gramevin Radapon Unipon	
1	DDT	p, p'-DDT	
1	Diazinon	Dipofene Diazitol Basudin Spectracide	
1	Dicamba	2-methoxy-3, 6-dichlorobenzoic acid	
1	Dichlobenil	2, 6-dichlorobenzonitrile 2, 6-DBN	
1	Dichlone	Phygon dichloronaphthoquinone	
1	Dichlorvos	2, 2-dichlorovinyl dimethyl phosphate Vapona	
1	Dieldrin	Alvit	
1	Diethylamine		

	COMMON NAME	SYNONYMS	ISOMERS
1	Dimethylamine		
1	Dinitrobenzene	dinitrobenzol	
1, 2	Dinitrophenol	Aldifen	2, 3-;2, 4-; 2, 5-;2, 6; 3, 4-; 3, 5- dinitrophenol
1	Diquat	Aquacide Dextrone Reglone Diquat dibromide	
1, 2	Disulfoton	Di-syston	
1	Diuron	DCMU DMU	
1	Dodecylbenzenesulfonic acid		
1	Dodecylbenzenesulfonic acid, calcium salt		
1	Dodecylbenzenesulfonic acid, isopropanolamine salt		
1	Dodecylbenzenesulfonic acid, sodium salt		
1	Dodecylbenzenesulfonic acid, triethanolamine salt		
1	Dursban	chlorpyrifos	
1	Endosulfan	Thiodan	
1, 2	Endrin	Mendrin Compound 269	
1, 2	Ethion	Nialate	
1	Ethylbenzene		
1	Ethylenediamine	1, 2-diaminoethane	
1	Ethylenediamine-tetraacetic acid	EDTA edetic acid Havidote (ethylenedinitrilo)-tetraacetic acid	
	Fluorine compounds		
1	Aluminum fluoride	aluminum trifluorids	
1	Ammonium bifluoride	acid ammonium fluoride ammonium hydrogen fluoride	
1, 2	Ammonium fluoride	neutral ammonium fluoride	
1	Hydrofluoric acid	fluohydric acid	
1	Sodium bifluoride		
1	Sodium fluoride	villiaumite	
1	Stannous fluoride		

	COMMON NAME	SYNONYMS	ISOMERS
1	Formaldehyde	methyl aldehyde methanal formalin	
1	Formic acid	methanoic acid	
1	Fumaric acid	trans-butenedioic acid trans-1, 2-ethylene-dicarboxylic acid boletic acid allomaleic acid	
1	Furfural	2-furaldehyde pyromucic aldehyde	
1, 2	Guthion	Guesathion azinphos-methyl	
1	Heptachlor	Velsicol-104 Drinox Heptagran	
1	Hydrochloric acid	hydrogen chloride muriatic acid	
1	Hydroxylamine	oxammonium	
	Iron compounds		
1	Ferric ammonium citrate	ammonium ferric citrate	
1	Ferric ammonium oxalate	ammonium ferric oxalate	
1	Ferric chloride	flores martis iron trichloride	
1	Ferric fluoride		
1	Ferric nitrate	iron nitrate	
1	Ferric sulfate	ferric persulfate ferric sesquisulfate ferric tersulfate	
1	Ferrous ammonium sulfate	Mohr's salt iron ammonium sulfate	
1	Ferrous chloride	iron chloride iron dichloride iron protochloride	
1	Ferrous sulfate	green vitriol iron vitriol iron sulfate iron protosulfate	
1	Isoprene	2-methyl-1, 3-butadiene	
1	Kelthane	di(p-chlorophenyl)-trichloromethylcarbinol DTMC dicofol	

	COMMON NAME	SYNONYMS	ISOMERS
	Lead compounds		
1	Lead acetate	sugar of lead	
1	Lead arsenate		
1	Lead chloride		
1	Lead fluoborate		
1	Lead fluoride	lead difluoride plumbous fluoride	
1	Lead iodide		
1	Lead nitrate		
1	Lead stearate	stearic acid lead salt	
1	Lead sulfate		
1	Lead sulfide	galena	
1	Lead tetraacetate		
1	Lead thiocyanate	lead sulfocyanate	
1	Lead thiosulfate		
1	Lead tungstate		
1	Lindane	gamma-BHC gamma-benzene hexachloride	
1	Malathion	phosphothion	
1	Maleic acid	cis-butenedioic acid cis-1, 2-ethylenedicarboxylic acid toxilic acid	
1	Maleic anhydride	2, 5-furandione cis-butenedioic anhydride toxilic anhydride	
	Mercury compounds		
1	Mercuric acetate	mercury acetate	
1	Mercuric cyanide	mercury cyanide	
1	Mercuric nitrate	mercury nitrate mercury pernitrate	
1	Mercuric sulfate	mercury sulfate mercury persulfate mercury bisulfate	
1	Mercuric thiocyanate	mercury thiocyanate mercuric sulfocyanate mercuric sulfocyanide	
1	Mercurous nitrate	mercury protonitrate	
1	Methoxychlor	DMDT methoxy-DDT	
1	Methyl mercaptan	methanethiol mercaptomethane methyl sulfhydrate thiomethyl alcohol	

	COMMON NAME	SYNONYMS	ISOMERS
1	Methyl methacrylate	methacrylic acid methyl ester methyl-2-methyl-2-propenoate	
1, 2	Methyl parathion	Nitrox-80	
1, 2	Mevinphos	Phosdrin	
1	Monoethylamine	ethylamine aminoethane	
1	Monomethylamine	methylamine aminomethane	
1	Naled	Dibrom	
1	Naphthalene	white tar tar camphor naphthalin	
1	Naphthenic acid	cyclohexanecarboxylic acid hexahydrobenzoic acid	
	Nickel compounds		
1	Nickel ammonium sulfate	ammonium nickel sulfate	
1, 2	Nickel chloride	nickelous chloride	
1	Nickel formate		
1	Nickel hydroxide	nickelous hydroxide	
1	Nickel nitrate		
1	Nickel sulfate	nickelous sulfate	
1	Nitric acid	aqua fortis	
1	Nitrobenzene	nitrobenzol oil of mirbane	
1	Nitrogen dioxide	nitrogen tetraoxide	
1	Nitrophenol	mononitrophenol	meta-; ortho-; para-nitrophenol
1	Paraformaldehyde	Paraform Formagene Triformol polymerized formaldehyde polyoxymethylene	
1, 2	Parathion	DNTP Niran	

	COMMON NAME	SYNONYMS	ISOMERS
1	Pentachlorophenol	PCP Penta	
1	Phenol	carbolic acid phenyl hydroxide hydroxybenzene oxybenzene	†
1	Phosgene	diphosgene carbonyl chloride chloroformyl chloride	
1	Phosphoric acid	orthophosphoric acid	
1, 2	Phosphorus	black phosphorus red phosphorus white phosphorus yellow phosphorus	
1	Phosphorus oxychloride	phosphoryl chloride phosphorus chloride	
1	Phosphorus pentasulfide	phosphoric sulfide thiophosphoric anhydride phosphorus persulfide	
1	Phosphorus trichloride	phosphorous chloride	
1	Polychlorinated biphenyls	PCB Aroclor Polychlorinated diphenyls	
1	Potassium hydroxide	potassium hydrate caustic potash potassa	
1	Potassium permanganate	chameleon mineral	
1	Propionic acid	propanoic acid methylacetic acid ethylformic acid	
1	Propionic anhydride	propanoic anhydride methylacetic anhydride	
1	Propyl alcohol	ethyl carbinol propylic alcohol propanol	normal-; iso-propyl alcohol
1	Pyrethrins	Pyrethrin I Pyrethrin II	

	COMMON NAME	SYNONYMS	ISOMERS
1	Quinoline	1-benzazine benzo[b]pyridine leucoline chinoleine leucol	
1	Resorcinol	resorcin 1, 3-benzenediol meta-dihydroxybenzene	
	Selenium compounds		
1	Selenium oxide	selenium dioxide	
1, 2	Sodium selenite		
1	Sodium	natrium	
1	Sodium bisulfite	sodium acid sulfite sodium hydrogen sulfite	
1	Sodium hydrosulfide	sodium sulfhydrate	
1	Sodium hydroxide	caustic soda soda lye sodium hydrate	
1	Sodium hypochlorite	bleach	
1	Sodium methylate	sodium methoxide	
1	Sodium nitrite		
1	Sodium phosphate, dibasic		
1	Sodium phosphate, monobasic		
1	Sodium phosphate, tribasic		
1	Sodium sulfide		
1, 2	Strychnine		
1	Styrene	vinylbenzene phenylethylene styrol styrolene cinnamene cinnamol	
1	Sulfuric acid	oil of vitriol oleum	
1	Sulfur monochloride	sulfur chloride	

	COMMON NAME	SYNONYMS	ISOMERS
1	2, 4, 5-T (acid)	2, 4, 5-trichlorophenoxyacetic acid	
1	2, 4, 5-T (esters)	2, 4, 5-trichlorophenoxyacetic esters	
1	TDE	DDD	
1	Tetraethyl lead	lead tetraethyl TEL	
1, 2	Tetraethyl pyrophosphate	TEPP	
1	Toluene	toluol methylbenzene phenylmethane Methacide	
1	Toxaphene	camphechlor	
1	Trichlorfon	Dipterex Dylox	
1	Trichlorophenol	Collunosol Dowicide 2 or 2S Omal Phenachlor	
1	Triethylamine		
1	Trimethylamine	TMA	
	Uranium compounds		
1	Uranium peroxide		
1	Uranyl acetate		
1	Uranyl nitrate		
1	Uranyl sulfate		
	Vanadium compounds		
1	Vanadium pentoxide	vanadic anhydride vanadic acid anhydride	
1	Vanadyl sulfate	vanadic sulfate vanadium sulfate	
1	Vinyl acetate	acetic acid ethylene ether	
1	Xylene	dimethylbenzene xylol	meta-; ortho-; para-xylene
1	Xylenol	dimethylphenol hydroxydimethyl benzene	
1, 2	Zectran	mexacarbate	

	COMMON NAME	SYNONYMS	ISOMERS
	Zinc compounds		
1	Zinc acetate		
1	Zinc ammonium chloride		
1	Zinc borate		
1	Zinc bromide		
1	Zinc carbonate		
1	Zinc chloride	butter of zinc	
1	Zinc fluoride		
1	Zinc formate		
1	Zinc hydrosulfite		
1	Zinc nitrate		
1	Zinc phenolsulfonate	zinc sulfocarbolate	
1, 2	Zinc phosphide		
1	Zinc potassium chromate	zinc yellow citron yellow buttercup yellow zinc chrome	
1	Zinc silicofluoride	zinc fluosilicate	
1	Zinc sulfate	white vitriol zinc vitriol white copperas	
1	Zinc sulfate, monohydrate		
	Zirconium compounds		
1	Zirconium acetate		
1	Zirconium potassium fluoride		
1	Zirconium nitrate		
1	Zirconium oxychloride	zirconyl chloride zirconium chloride, basic	
1	Zirconium sulfate	disulfatozirconic acid	
1	Zirconium tetrachloride		

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ENVIRONMENTAL PROTECTION AGENCY
(FRL 471-8)
[40 CFR Part 117]

DETERMINATION OF REMOVABILITY
OF HAZARDOUS SUBSTANCES

Notice of Proposed Rulemaking

Notice is hereby given in accordance with 5 U.S.C. 553 that the Administrator, Environmental Protection Agency, pursuant to the authority contained in Section 311(b)(2)(B)(i) of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 et seq.), proposes a new Part 117.

The Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) amended the Federal Water Pollution Control Act of 1970 (33 U.S.C. 1151 et seq.) to add a new Section 311, which provides in Subsection (b)(2)(B)(i) as follows:

> "The Administrator shall include in any designation under subparagraph (A) of this subsection a determination whether any such designated hazardous substance can actually be removed."

In this notice, the Administrator proposes a determination of the actual removability of substances proposed (40 CFR Part 116) under Section 311(b)(2)(A).

On August 22, 1974, the Assistant Administrator for Water and Hazardous Materials published an Advance Notice of Proposed Rulemaking for the designation of hazardous substances and the determination of their removability (Federal Register, Vol. 39, No. 164, Part IV, pp. 30466-30471). In addition to selection criteria and a tentative list of substances under consideration for designation, factors and concepts relative to the determination of removability were set forth at that time. An initial determination was made that all substances under consideration were not "actually removable" from the water once discharged.

In response to the request for data and comments contained in the Advance Notice, 84 written comments were received and considered in the development of the proposed rule set forth herein. Comments and data relative to the selection criteria and listed substances are discussed in the proposed 40 CFR Part 116, published concurrently.

Several legal, technical, and administrative factors must be examined in the determination of the actual removability. The use of these factors to efficiently implement the law has been a cause of concern. These factors were identified throughout the development of the legislation. The situation may be best summarized by recognizing that "remove or removal" as defined in Section 311(a)(8) "... refers to removal of the oil or hazardous substances from the water and

shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including but not limited to, fish, shellfish, wildlife, and public and private property shorelines and beaches." At the same time, Section 311(b)(2)(B)(i) requires "... a determination whether any such designated hazardous substance can actually be removed."

There are alternative ways of interpreting the question of determining removability. One alternative is to recognize that the definition of "remove" or "removal", which includes mitigating action, could be very broad covering any response activity. Therefore, almost any material discharged under almost any circumstances could be mitigated to some degree and therefore be determined to be removable. Alternatively, a determination which recognized that actual removability does not include damage mitigation would imply that few, if any, materials under all or even typical circumstances could be actually removed from the water. Between these two extremes, there appear to be some materials with properties which could be described as removable under certain conditions of discharge. However, a key restraint is that removability must be determined for the proposed substances in advance, and without consideration of the conditions surrounding the discharge.

In the August 22, 1974 Advance Notice of Proposed Rulemaking, the Agency made the following interpretation of the removability determination:

To satisfy the requirement of section 311(b)(2)(B)(i), the Agency is considering the determination of actual removability from the water of each candidate substance. Factors under study in making this determination include the substance's solubility, density, physical state, dispersion characteristics, aquatic stress potential such as acute lethality, potential for leaving a residue, and detectability in the water body, as well as the current status of removal technology and availability of necessary equipment. Based upon these factors, the Agency is considering the determination that all of the substances listed in this advance notice of proposed rulemaking are not actually removable. In this respect it should be noted that section 311(a)(8) contains a definition of "remove" or "removal". The definition has two elements: (1) "Removal of the oil or hazardous substances from the water and shorelines"; and (2) "the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare." The phrase "actually be removed" as used in section 311(b)(2)(B)(i) is considered to refer only to the first element of this definition. In other words, if the spilled substance cannot normally be removed from a water body by physical, chemical or biological means, then it would not be "actually removable" for purposes of the eventual hazardous substance designation. The fact that some other action may be possible to "minimize or mitigate damage to the public health or welfare" -- does not make the substance "actually removable" for purposes of hazardous substance designation. However, actions taken under the second element of the definition in section 311(a)(8) -- i.e., actions taken to minimize or mitigate damage but which do not result in actual removal -- may qualify for reimbursement from the revolving fund under section 311(c) and may result in liability of the discharger under the conditions specified in section 311(f).

Thus, the Agency adopted the position that the regulatory requirement for determining "actual removability" under Section 311(b)(2)(B)(i) was separable from the provision of Sections 311(f) and 311(g) which hold the discharger liable for actions taken under Section 311(c)(1) and the broader definition of "remove" or "removal" found in Section 311(a)(8).

In response to the August 22, 1974, Advance Notice of Proposed Rulemaking, many commenters expressed the opinion that the tentative determination that all proposed substances are not actually removable was based on an overly restrictive interpretation of the regulatory requirement for determining removability. Recognizing the broad definition of "remove" or "removal", it was suggested by commenters that taking action to mitigate damages would, in fact, be taking action to actually remove discharges of hazardous substances. That argument fails to recognize that the basic thrust of Section 311 is the prevention of discharges of hazardous substances and the clean-up or mitigation of environmental damages when discharges do occur. Civil penalties are viewed as economic incentives to reduce discharges through prevention while clean-up liabilities insure the protection of public health or welfare. Although clean-up liabilities, which exist for substances determined to be actually removable, may provide incentives for prevention in some cases, it is clear that for discharges in many waters, effective damage mitigation or clean-up action is difficult. In these waters, discharges of substances determined to be actually removable could continually occur with no economic disincentive other than that set forth under Section 311(b)(6) being employed. Thus, the determination that any designated substance is actually removable would reduce the incentive to prevent discharge of that substance. The penalty presently employed under 311(b)(6) for oil discharges can be viewed as insufficient for discharges of hazardous substances that can force the closure of water supplies, fisheries, and other beneficial water uses.

After consideration of comments received and further evaluation of the legislative history, the Agency proposes to maintain the determination

of actual removability as set forth in the Advance Notice of Proposed Rulemaking of August 22, 1974, and cited above. In doing so, it is determined that all substances proposed (40 CFR Part 118) under Section 311(b)(2)(A) are not actually removable.

This regulation may be amended as necessary to reflect new information on the removability of hazardous substances.

Interested persons may participate in this rulemaking by submitting written comments or requests for information in triplicate to: Dr. C. Hugh Thompson, Chief, Hazardous Substances Branch, Criteria and Standards Division, Office of Water Planning and Standards, WH-595, Environmental Protection Agency, Washington, D.C. 20460.

A copy of all public comments will be available for inspection and copying at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460. The Environmental Protection Agency information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before 60 calendar days after date of this publication will be considered.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by agencies of the Executive Branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated.

A number of criteria have been defined to determine which actions require an inflationary impact statement. The Agency's analysis of the potential economic impact of these regulations indicate that none of the criteria defining a major proposal have been met. Thus, it is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order 11821 and that no inflationary impact statement is required.

/s/ Russell E. Train
Russell E. Train
Administrator

Dated: DEC 22 1975

CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL DOCUMENT.

Part 117 - DETERMINATION OF REMOVABILITY OF HAZARDOUS SUBSTANCES

117.1 Applicability
117.2 Definitions
117.3 Determination of Actual Removability

Authority: Sections 311(b)(2)(B)(i) and 501(a) of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 et seq.).

117.1 APPLICABILITY

The regulations of this part make a determination under Section 311 (b)(2)(B)(i) of the Act as to the actual removability of substances designated under Section 311(b)(2)(A). This regulation applies to substances designated as hazardous under 40 CFR Part 116 when discharged into navigable waters or adjoining shorelines or the waters of the contiguous zone from vessels, onshore facilities or offshore facilities.

117.2 DEFINITIONS

Terms used in this part shall have the meanings as stated in 40 CFR Part 116 and as indicated below:

"The Act" means the Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972, (P.L. 92-500), (33 U.S.C. 1251 et seq.);

"Remove" or "removal" refers to removal of the oil or hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

"Actually be removed" means the separation and isolation of discharged hazardous substances from all of the navigable waters of the U.S. and the contiguous zone by chemical, physical, or biological means.

117.3 DETERMINATION OF ACTUAL REMOVABILITY

The elements, compounds or their structural isomers, or mixtures thereof, designated as hazardous substances under 40 CFR Part 116 cannot actually be removed.

The determination that the designated substances cannot actually be removed by chemical, physical, or biological means does not relieve the discharger from damage mitigation liabilities under Sections 311(f) and 311(g) of the Act.

[FR Doc.75-34950 Filed 12-29-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY
(FRL 472-1)
[40 CFR Part 118]

DETERMINATION OF HARMFUL QUANTITIES FOR HAZARDOUS SUBSTANCES

Notice of Proposed Rulemaking

Notice is hereby given in accordance with 5 U.S.C. 553 that the Administrator, Environmental Protection Agency, under the authority contained in Section 311(b)(4) of the Federal Water Pollution Control Act Amendments of 1972 [33 U.S.C. 1251 et seq. (the Act)], and Executive Order 11735, proposes a new Part 118 of Title 40 of the Code of Federal Regulations which determines harmful quantities of those substances proposed (40 CFR Part 116) as hazardous under Section 311(b)(2)(A).

The Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) amended the Federal Water Pollution Control Act of 1970 (33 U.S.C. 1151 et seq.) to add a new Section 311(b)(4) of the Act which states:

> "The President shall by regulation, to be issued as soon as possible after the date of enactment of this paragraph, determine for the purposes of this section, those quantities of oil and any hazardous substance the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches except that in the case of the discharge of oil into or upon the waters of the contiguous zone, only those discharges which threaten the fishery resources of the contiguous zone or threaten to pollute or contribute to the pollution of the territory or the territorial sea of the United States may be determined to be harmful."

Executive Order 11735, dated August 3, 1973, delegated the authority of the President under Section 311(b)(4) to the Administrator of the Environmental Protection Agency.

This notice deals with "... hazardous substances, other than oil ..." as noted in Section 311(b)(2)(A). Regulations implementing the portion of Section 311(b)(4) dealing with oil are contained in 40 CFR Part 110. Part 110.3 of 40 CFR defines the harmful quantity of oil as:

> "...discharges of such quantities of oil into or upon the navigable waters of the United States or adjoining shorelines determined to be harmful to the public health or welfare of the United States, at all times and locations and under all circumstances and conditions, except as provided in Section 110.6 of this part, include discharges which:
>
> (a) Violate applicable water quality standards, or
>
> (b) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines."

Oils are, in general, mixtures consisting of a number of discrete chemical compounds. There is considerable variation in both the number of these discrete compounds found in a given oil and in the proportion of each constituent, depending on origin and degree of refinement. As a consequence, the physical properties, chemical properties and toxicity of oils are somewhat variable. In contrast, hazardous substances, other than oil, are to be designated as "... elements and compounds ..." according to Section 311(b)(2)(A). By definition, different samples of a given element or a given compound display identical physical, chemical, and therefore toxicological properties, without regard to source.

Most oils have in common the ability to form surface sheens or to form sludges or emulsions in water. Damages attributed to these phenomena include the destruction of wildlife through contact with surface sheens or films, direct toxic effects to aquatic animals and plants by sludges, emulsions or soluble fractions, and the fouling of shorelines.

Although some of the substances considered for designation may share certain properties with oils, such as the ability to form surface sheens, this is not characteristic of the majority, and their environmental effects are not generally attributed to this behavior. Rather, the impact of non-oil spills most commonly observed is direct toxic action from soluble fractions.

In view of these differences between oils and other hazardous substances to be regulated under Section 311, this notice proposes a different method for determination of "harmful quantities" of hazardous substances other than oil.

The final promulgation of proposed 40 CFR Part 118 will activate Section 311(b)(5) which requires that discharges equal to or exceeding the harmful quantity be immediately reported to the appropriate agency of the United States government. The appropriate agency is proposed in 33 CFR Part 153 (Federal Register Vol. 39, No. 234, pp. 4189-4194, December 4, 1974). Section 311(b)(5) also provides for a criminal penalty of up to one year imprisonment, $10,000 fine, or both, for failure to meet the reporting requirements. Final promulgation activates Section 311(f) and 311(g) liabilities as well as Section 311(b)(6) civil penalties for all hazardous substances. In addition, civil penalty provisions of Section 311(b)(2)(B)(iii) of the Act will be activated for those substances determined to be not actually removable under Section 311 (b)(2)(B)(i) (proposed 40 CFR Part 117).

Sections 311(b)(2)(A) and 311(b)(2)(B)(i) of the Act require that the Administrator designate hazardous substances and make a determination whether any such designated substance can actually be removed. On August 22, 1974, the Assistant Administrator for Water and Hazardous Materials published an Advance Notice of Proposed Rulemaking (Federal Register, Vol. 39, No. 164, Part IV, pp. 30466-30471). This Advance Notice set forth tentative criteria by which substances were considered for designation as hazardous, those substances under consideration, factors which influence removability, and an initial determination of the actual removability of substances currently under consideration. Public comment and data were requested on all aspects of the proposed action. The closing date for comments was October 15, 1974.

A number of substances listed in the August 22, 1974 Advance Notice of Proposed Rulemaking are not included in this notice due to public comment and data received. Most details concerning changes such as deletions, are presented in separate proposed rules for Designation of Hazardous Substances (proposed 40 CFR Part 116) and Determination of the Removability of Hazardous Substances (proposed 40 CFR Part 117). However, a number of additional comments were received on limitations to the applicability of the designation of hazardous substances. It is now considered most appropriate to limit the applicability

of this proposed rule and the proposed rule for Determination of the Units of Measurement and Rates of Penalty for Hazardous Substances (proposed 40 CFR Part 119).

The applicability stated in the Advance Notice of Proposed Rulemaking was as follows:

> "It is important to note that not all discharges of substances designated as hazardous will be subject to the enforcement provisions of section 311. Because section 311 applies only to discharges from vessels or facilities, a designation regulation would not apply to discharges from other sources such as agricultural land runoff, or irrigation return flows. The discharges being considered can be placed in two separate categories. The first relates to transportation and storage incidents in which there is normally no release of the substance except in the spill situation. The second relates to industrial production facilities in which a designated hazardous substance is released in quantities exceeding those of a permitted normally operating effluent. Periodic or continuous discharges are regulated under other provisions of the Act. Accordingly, the Agency is considering that the regulation would exclude from designation discharges of hazardous substances which are made: (a) in compliance with effluent limitations or guidelines established under sections 301, 302, 304, 306, and 307 of the Act; (b) in quantities not exceeding those identified for such substances in an application for an NPDES permit which has been issued pursuant to section 402 of the Act; (c) in compliance with permits issued under section 404 of the Act or sections 102 and 103 of the Marine Protection, Research Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.); (d) from properly functioning marine sanitation flow-through devices certified by the United States Coast Guard pursuant to section 312 of the Act; or (e) in the course of a permitted use of a pesticide registered under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. sections 136 and through 136 y)."

Although most comments agreed with these exclusions, many pointed out that exclusion (b) created a potential conflict with the terms of the NPDES function under Section 402 of the Act. Only a few of the proposed hazardous substances are mentioned specifically in the NPDES

permits. For those constituents which are identified, the discharge permit cites an average mass per day limitation which is, in part, based on the production volume of the specific facility and are not monitored on a continuous basis. Maintaining the proposed language of exclusion (b) would, in effect, require the continuous monitoring of all listed substances. In fact, monitoring of some substances is simply not presently feasible.

Consequently, this proposed rule modifies the wording of exclusion (b) to read as follows:

"...in compliance with an NPDES permit which has been issued pursuant to Section 402 of the Act,...". General parameteres contained in permits together with permit conditions based upon water quality considerations should, to a significant degree, control and limit discharges of hazardous substances.

A. Summary of Method for Determining Harmful Quantities

A procedure has been devised for determining harmful quantities of hazardous substances by modification of a system used by the Intergovernmental Maritime Consultative Organization (IMCO), a specialized agency in the United Nations system. Substances are divided into four categories on the basis of relative hazard to the environment. The smallest common commercial container size (one pound/454 grams) was then defined as the harmful quantity for all members of the most highly toxic category. Other categories were thereafter assigned harmful quantities on a proportional basis. If the upper aquatic toxicity limit of a category was ten times higher than the upper limit of the pre-

ceeding more toxic category, then the harmful quantity was set as ten times larger, and so forth.

B. General Considerations

This methodology is being proposed after detailed consideration of others which were finally rejected due to: excessive complexity; incomplete or conflicting data; difficulty visualized in implementation. The aternative methods are discussed in detail in Document EPA #440/9-75-005 a, b, c, d; Methodologies for Determining Harmful Quantities and Rates of Penalty for Hazardous Substances, (stock number 055-001-01028-1, available from: Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, $10.00).

Section 311 is specific in its instruction to designate elements and compounds as hazardous substances. This has led to the development of methods for defining harmful quantities based on pure compound characteristics. The presence of additional materials in a mixture may affect toxicity through synergism, antagonism, addition or other interactive mechanisms. For these mixtures individual bioassays would be required to specify meaningful toxic levels. Such an approach is obviously not practicable since it is not possible to predict the combinations that might be involved. It is also not feasible to designate harmful quantities for all conceivable mixtures. Consequently, the approach proposed for dealing with mixtures or solutions is to assume that damages caused by individual constituents are additive. For a mixture or solution of substance X, substance Y and substance Z, etc., the weight of substance X is divided by the harmful quantity of pure substance X, the

weight of substance Y is divided by the harmful quantity of pure substance Y, and so forth. Next, the fractions derived in this fashion are added. If the total equals or exceeds unity, then the harmful quantity of the mixture or solution has been equaled or exceeded in the discharge.

The harm produced by the introduction of any pollutant to water is dependent upon the resulting concentration of that material in the water and upon receiving water characteristics. Determining harmful quantities thus requires some evaluation of probabilistic damage or harm to representative water bodies. Variations in water quality and other factors limit the practicality of regulating discharges in any but relative terms. The method set forth in this document is intended to deal with typical or average conditions in a way encouraging notification of hazardous substance discharges and to provide for equitable enforcement which, in turn, is intended to lead to the overall program goal of prevention.

Due to the present lack of compulsory reporting under Section 311(b)(5), the full magnitude of the problem of hazardous substance discharges is not fully understood. While many chemical users, producers, and transporters have voluntarily reported spills of materials they considered hazardous, no generally accepted list was available for guidance. This portion of the problem will be corrected by promulgation of 40 CFR Part 116, which provides such a list.

Another goal of this proposed rule is that it is intended to prompt reporting of as great a proportion of the total number of discharges as

possible. The establishment of harmful quantities for designated hazardous substances activates a compulsory notification requirement under Section 311(b)(5) for discharges equal to or greater than the harmful quantity. The intent of the Agency is to assess civil penalties under Section 311(b)(2)(B)(iii) only for those discharges which equal or exceed the harmful quantity. Voluntary reporting is thus encouraged in hopes of obtaining more complete knowledge of the extent of the hazardous substance problem.

C. Proposed Determination of Harmful Quantity

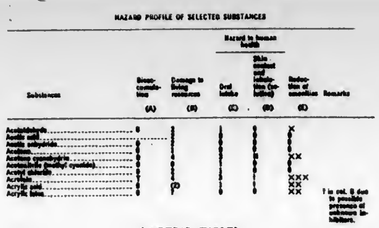
A procedure was developed for determining harmful quantities based on a proposed hazardous material classification system found in Annex II of the International Conference on Marine Pollution, 1973[1], which has been submitted by the Intergovernmental Maritime Consultative Organization (IMCO) to member nations for adoption. The basic system was intended, in part, to regulate operational discharges of ships transporting noxious substances in bulk. These materials are categorized on the basis of a profile of relative "hazard potential." The concept of harmful quantity is not present in the basic system. Consequently, modifications are necessary to meet the requirements of Section 311 and will be spelled out following review of the original system.

1. "Hearing Before the Committee on Commerce on 1973 IMCO Conference on Marine Pollution from Ships, November 1973, U.S. Senate, 93rd Congress, First Session Series 93-52."

1. Basic System

The chemicals originally considered under the basic System were "all noxious and hazardous substances other than oil"[1] as defined by the 1954 Oil Pollution Convention. The basic system grouped these noxious materials with respect to the five "hazard potentials": (1) bioaccumulation, (2) damage to living resources, (3) hazards to human health (oral intake), (4) hazards to human health (external exposure), and (5) reduction of amenities, based upon the data and opinions of the Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP)[2]. A partial extract of the profiling system is reproduced from page 90, and the associated legend is also reproduced from page 98 of reference 1.

HAZARD PROFILE OF SELECTED SUBSTANCES



(PARTIAL TABLE)

2. This Group is jointly sponsored by the specialized agencies of the United Nations system including, UN, FAO, UNESCO, WHO, WMO, IMCO, and IAEA.

LEGEND TO THE HAZARD PROFILE

Column A—Bioaccumulation:
+ Bioaccumulated and liable to produce a hazard to aquatic life or human health.
O Not known to be significantly bioaccumulated.
Z Short retention of the order of one week or less.
T Liable to produce tainting of seafood.

Column B—Damage to living resources:

Ratings		TLm (p/m
4	Highly toxic	<1
3	Moderately toxic	1–10
2	Slightly toxic	10–100
1	Practically nontoxic	100–1,000
0	Nonhazardous	≥1,000
BOD	Problem caused primarily by high oxygen demand	
D	Deposits liable to blanket the seafloor	

Column C—Hazard to human health, oral intake:

Ratings		LD₅₀ mg/kg
4	Highly Hazardous	<5
3	Moderately hazardous	5–50
2	Slightly hazardous	50–500
1	Practically nonhazardous	500–5,000
0	Nonhazardous	≥5,000

Column D—Hazard to human health, skin contact and inhalation (solution):
II Hazardous (solution).
I Slightly hazardous (solution).
0 Nonhazardous (solution).

Column E—Reduction of amenities:

Ratings	
xxx	Highly objectionable because of persistency, smell, or poisonous or irritant characteristics; beaches liable to be closed.
xx	Moderately objectionable because of the above characteristics, but short-term effects leading to temporary interference with use of beaches.
x	Slightly objectionable, no interference with use of beaches.
0	No problem.

All Columns: Ratings in brackets, ( ), indicate insufficient data available to the Panel on specific substances, hence extrapolation was required.

2. Modification of the Basic System

The advantages of domestic regulations which are compatible with an international convention are readily apparent. Also, from an operational viewpoint, a method which considers groups of chemicals rather than individual chemicals simplifies reporting. However, a number of modifications to the basic system must be made to satisfy the requirements of Section 311.

The modifications required are as follows:

a). Hazardous materials already categorized must be reexamined in terms of fresh and salt water hazard potential and the latest available data.

b). Materials not previously considered by IMCO must be categorized.

c). Small modifications must be made to facilitate more quantitative and objective categorization and to further clarify the term "additional factors in the hazard profile" used by IMCO. To this end, the guidelines in Table I for categorization have been modified to read as found below.

d). The final modification is necessary due to the concept of harmful quantity [from Section 311(b)(4)] which is not found in the basic system. A mechanism must be devised for deriving a consistent set of harmful quantities based on quantitative differentiation between categories. To this end, aquatic toxicity (96-hr. LC50) was selected since it is the only criterion common to all categories in the basic system and is the only one which permits a quantitative comparison between categories. Otherwise, it becomes necessary to subjectively evaluate between different hazard potentials, such as the relative hazards of bioaccumulation as opposed to reduction of amenities.

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The hazard profiles described above were then used by a committee of the Intergovernmental Maritime Consultative Organization (IMCO) to assign the materials to one of several categories as shown in the partial list below. (Reproduction from page 157 of reference 1.)

—LIST OF NOXIOUS LIQUID SUBSTANCES CARRIED IN BULK

Substance	U.N. number	Pollution category for operational discharge (regulation 3 of annex II)	Residual concentration (percent by weight) (Regulation 5(1) of annex II) outside special areas	(Regulation 5(2) of annex II) within special areas
	(I)	(II)	(III)	(IV)
Acetaldehyde	1089	C	.....	.....
Acetic acid	1842	C	.....	.....
Acetic anhydride	1715	C	.....	.....
Acetone	1090	D	.....	.....
Acetone cyanohydrin	1541	A	0.1	0.01
Acetyl chloride	1717	C	.....	.....
Acrolein	1092	A	1	0.1
Acrylic acid [1]	1093	B	.....	.....
Acrylonitrile	1093	B	.....	.....
Adiponitrile		D	.....	.....

This categorization was done according to the guidelines and tabulations from page 156 in reference 1 reproduced below.

GUIDELINES FOR THE CATEGORIZATION OF NOXIOUS LIQUID SUBSTANCES

Category A.—Substances which are bioaccumulated and liable to produce a hazard to aquatic life or human health; or which are highly toxic to aquatic life (as expressed by a Hazard Rating 4, defined by a TLm less than 1 ppm); and additionally certain substances which are moderately toxic to aquatic life (as expressed by a Hazard Rating 3, defined by a TLm of 1 or more, but less than 10 ppm) when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.

Category B.—Substances which are bioaccumulated with a short retention of the order of one week or less; or which are liable to produce tainting of the sea food; or which are moderately toxic to aquatic life (as expressed by a Hazard Rating 3, defined by a TLm of 1 ppm or more, but less than 10 ppm); and additionally certain substances which are slightly toxic to aquatic life (as expressed by a Hazard Rating 2, defined by a TLm of 10 ppm or more, but less than 100 ppm) when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.

Category C.—Substances which are slightly toxic to aquatic life (as expressed by a Hazard Rating 2, defined by a TLm of 10 or more, but less than 100 ppm); and additionally certain substances which are practically non-toxic to aquatic life (as expressed by a Hazard Rating 1, defined by a TLm of 100 ppm or more, but less than 1,000 ppm) when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.

Category D.—Substances which are practically non-toxic to aquatic life (as expressed by a hazard rating 1, defined by a TLm of 100 ppm or more, but less than 1,000 ppm); or causing deposits blanketing the seafloor with a high biochemical oxygen demand (BOD); or highly hazardous to human health, with an LD_{50} of less than 5 mg/kg; or produce moderate reduction of amenities because of persistency, smell or poisonous or irritant characteristics, possibly interfering with use of beaches; or moderately hazardous to human health, with an LD_{50} of 5 mg/kg or more, but less than 50 mg/kg and produce slight reduction of amenities.

Other Liquid Substances (for the purposes of Regulation 4 of this Annex).—Substances other than those categorised in Categories A, B, C and D above.

TABLE I
EPA GUIDELINES
FOR CATEGORIZING HAZARDOUS SUBSTANCES

Category A includes substances which are;

(a) bioaccumulated and liable to produce a hazard to aquatic life or human health (Rating +), or

(b) highly toxic to aquatic life (Rating 4), or

(c) moderately toxic to aquatic life (Rating 3) and also liable to produce tainting of sea food (Rating T), or

(d) bioaccumulated with a short retention of the order of one week or less (Rating Z) while also being moderately toxic to aquatic life (Rating 3) and causing severe reduction of amenities (Rating XXX).

Category B includes substances which are;

(a) bioaccumulated with a short retention of the order of one week or less (Rating Z), or

(b) liable to produce tainting of sea food (Rating T), or

(c) moderately toxic to aquatic life (Rating 3).

Category C includes substances which;

(a) are slightly toxic to aquatic life (Rating 2), or

(b) cause serious reduction of amenities described as highly objectionable because of persistency, smell, irritant or poisonous characteristics (Rating XXX), or

(c) are practically non-toxic to aquatic life (Rating 1) while also being at least moderately hazardous to human health (oral intake) (Rating 4 or 3) and causing moderate reduction of amenities (Rating XX).

Category D includes substances which;

(a) are practically non-toxic to aquatic life (Rating 1), or

(b) are highly hazardous to human health (oral intake), (Rating 4), or

(c) cause deposits blanketing the sea floor with a high biochemical oxygen demand (Rating BOD) and produce moderate reduction of amenities (Rating XX), or

(d) are moderately hazardous to human health (oral intake), (Rating 3), and also cause a slight reduction of amenities (Rating X).

The smallest container used in commerce for a typical category A material, for example an inorganic cyanide, is a one-pound (0.454 kilogram) bottle. Consequently, this amount has been chosen as the "harmful quantity" of all category A materials. Other categories are thereafter assigned harmful quantities on a proportional basis as shown in Table II. Basically, if the upper aquatic toxicity limit of a category is ten times higher than the upper limit of the preceding, more toxic category, then the harmful quantity is set as ten times larger, and so forth.

TABLE II
EPA CATEGORIES
FOR HARMFUL QUANTITY DETERMINATION

Category	Representative Range	Harmful Quantity lb. (kg.)
A	LC50* < 1 ppm	1.0 (0.454)
B	1 ppm ≤ LC50 < 10 ppm	10 (4.54)
C	10 ppm ≤ LC50 < 100 ppm	100 (45.4)
D**	100 ppm ≤ LC50 ≤ 500 ppm	500 (227)

The representative range means that substances in Category A have LC50 values of less than 1 ppm, Category B substances have LC50 values of 1 ppm or greater up to 10 ppm, Category C substances have LC50 values of 10 ppm or greater up to 100 ppm, and Category D substances have LC50 values of 100 ppm up to and including 500 ppm.

* LC50 means that concentration of material which is lethal to one-half of the test population of aquatic animals upon continuous exposure for 96 hours or less.

** The basic IMCO criterion for Category D aquatic toxicity is 96-hr. LC50 values of 100-1000 ppm. The selection criteria for materials proposed in 40 CFR Part 116 eliminated any material with a 96-hr. LC50 in excess of 500 ppm. Thus, the representative toxicity range for Category D proposed here has been changed to 100-500 ppm.

D. Special Waters

Special waters are proposed to be defined as those waters which are: (1) drinking water reservoirs; (2) part of a designated National Wildlife Refuge System (50 CFR Part 25); or (3) part of a designated National Forest Wilderness, a designated National Park System, or a designated National Wilderness Preserve System (43 CFR Part 19.2). Because of their unique value, it is proposed that any quantity of a substance designated in 40 CFR Part 116 constitutes a harmful quantity when discharged into these special waters.

The EPA category and harmful quantity determined for each substance proposed as hazardous are listed in the proposed rule. Interested persons may participate in this rulemaking by submitting written comments or requests for information in triplicate to: Dr. C. Hugh Thompson, Chief, Hazardous Substances Branch, (WH-595) Environmental Protection Agency, Waterside Mall, Room 2824, 401 M Street, S.W., Washington, D.C. 20460.

The Agency is particularly interested in comments relative to:

1). the methods employed for arriving at harmful quantites,
2). the potential number of discharges of listed substances in excess of the harmful quantity,
3). the potential impact on producers, transporters, and handlers of hazardous substances,
4). the workability of the proposed regulation and,
5). the definition of "special waters".

All comments received on or before 60 calendar days after date of this publication, will be considered.

A copy of all comments will be available for inspection and copying at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460. (40 CFR Part 2 provides that a reasonable fee may be charged for copying.)

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by agencies of the Executive Branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated.

A number of criteria have been defined to determine which actions require an inflationary impact statement. The Agency's analysis of the potential economic impact of these regulations indicate that none of the criteria defining a major proposal have been met. Thus, it is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order 11821 and that no inflationary impact statement is required.

/s/ Russell E. Train
Russell E. Train
Administrator

Dated: DEC 22 1975

CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL DOCUMENT.

Part 118 - DETERMINATION OF HARMFUL QUANTITIES FOR HAZARDOUS SUBSTANCES

118.1 Applicability
118.2 Abbreviations
118.3 Definitions
118.4 Determination of Harmful Quantities
118.5 Demonstration Projects
118.6 Notice
118.7 Penalties
118.8 Liabilities

Authority: Sections 311(b)(4) and 501(a) of the Federal Water Pollution Control Act of 1972, [33 U.S.C. 1251 et seq., (the Act)] and Executive Order 11735.

118.1 APPLICABILITY

The regulation of this part makes a determination of the harmful quantity of substances designated as hazardous in 40 CFR Part 116. The regulation applies to designated substances in quantities equal to or greater than those set forth below, when discharged into navigable waters or adjoining shorelines or the waters of the contiguous zone from vessels and onshore and offshore facilities, except when the owner or operator can show such discharges are made (1) in compliance with requirements of Sections 301, 302, 304, 306, 307 of the Act, and in compliance with an NPDES permit which has been issued pursuant to Section 402 of the Act, (2) in compliance with permits issued under Section 404 of the Act or Sections 102 and 103 of the Marine Protection, Research and Sanctuaries Act of 1972, (33 U.S.C. 1401 et seq.), (3) in compliance with approved water treatment plant operations as specified

by local, State or Federal health regulations pertaining to safe drinking water, (4) from properly functioning marine sanitation flow-through devices certified by the United States Coast Guard pursuant to Section 312 of the Act, or (5) in the course of a permitted use of a pesticide registered under 40 CFR Part 162 (Federal Register, Vol., 40, No. 129, Part II, pp. 28242-28286, July 3, 1975) by authority of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972 (86 Stat. 973, P.L. 92-516, 7 U.S.C. 136 et seq.).

118.2 ABBREVIATIONS

lb = pound
kg = kilogram
HQ = harmful quantity

118.3 DEFINITIONS

As used in this part, all terms shall have the same meaning as used in Section 311 of the Act and 40 CFR Parts 116 and 117.

118.4 DETERMINATION OF HARMFUL QUANTITIES

The quantities listed with each substance name in Table 118.4 are determined to be the harmful quantities for those substances, except when discharged into "special waters". Those waters which are (1) drinking water reservions, (2) part of a designated National Wildlife Refuge (50 CFR Part 25), or (3) part of a designated National Forest Wilderness, a designated National Park, or a designated National Wilderness Preserve (43 CFR Part 19.2) are defined as "special waters". Because of their unique value, any quantity of a substance designated in 40 CFR Part 116 constitutes a harmful quantity when discharged into these special waters.

Harmful quantities of mixtures or solutions are considered additive based upon proportions of the individual elements or compounds as follows. For a mixture or solution of substance X, substance Y, and substance Z, etc., the weight of substance X discharged is divided by the harmful quantity of pure substance X, the weight of substance Y discharged is divided by the harmful quantity of pure substance Y, and so forth. Next, the fractions so derived are added. If the total equals or exceeds unity, then the harmful quantity of the mixture or solution has been equaled or exceeded.

118.5 DEMONSTRATION PROJECTS

Notwithstanding any other provisions of this part, the Administrator of the Environmental Protection Agency may permit, on a case-by-case basis, the discharge of harmful quantities of designated hazardous substances, other than oil, into or upon the navigable waters or adjoining shorelines or the waters of the contiguous zone in connection with research, demonstration projects, or studies relating to the prevention, control, or abatement of hazardous substance pollution.

118.6 NOTICE

Any person in charge of a vessel or an onshore or an offshore facility shall, as soon as he has knowledge of any discharge of designated hazardous substances, other than oil, from such vessel or facility in

excess of the harmful quantity determined by this part, immediately notify the appropriate agency of the United States Government of such discharge. Notice shall be given in accordance with such procedures as the Secretary of Transportation may prescribe and as set forth in 33 CFR Part 153 (proposed revision published December 4, 1974 in the Federal Register, Vol. 139, No. 234, pp. 4189-4194).

118.7 PENALTIES

An owner or operator failing to immediately notify the United States Government of discharges equal to or greater than those quantities determined to be harmful as set forth in this part may be subject to criminal penalties of not more than $10,000 or imprisonment for not more than one year or both under Section 311(b)(5).

An owner or operator responsible for the discharge of substances designated in 40 CFR Part 116 in quantities equal to or exceeding the harmful quantities established in this part may be assessed a civil penalty of up to $5,000 under Section 311 (b)(6).

An owner or operator responsible for the discharge of substances designated in 40 CFR Part 116 and determined to be not actually removable in 40 CFR Part 117 in quantities equal to or exceeding the harmful quantities established in this part may be subject to a civil penalty assessed under Section 311(b)(2)(B)(iii) as set forth in 40 CFR Part 119.

118.8 LIABILITIES

Subject to the limits of liability found in Sections 311(f) and (g), the

owner or operator of any vessel or onshore or offshore facility from which a hazardous substance designated in 40 CFR Part 116 is discharged in quantities equal to or exceeding harmful quantities determined by this part, shall be liable to the United States Government for the actual costs incurred under Section 311(c) for the removal of such substance. Removal refers to removal of the hazardous substance from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches.

TABLE 118.4
HARMFUL QUANTITIES OF HAZARDOUS SUBSTANCES

The first number under the column headed "HQ" is the harmful quantity in pounds. The number in parentheses is the metric equivalent in kilograms. The column headed "Category" lists the EPA Category associated with each substance.

Material	Category	HQ in lb (kg)
Acetaldehyde	C	100 (45.4)
Acetic Acid	C	100 (45.4)
Acetic Anhydride	C	100 (45.4)
Acetone Cyanohydrin	C	100 (45.4)
Acetyl Bromide	D	500 (227)
Acetyl Chloride	D	500 (227)
Acrolein	A	1 (0.454)
Acrylonitrile	C	100 (45.4)
Adiponitrile	D	500 (227)
Aldrin	A	1 (0.454)
Allyl Alcohol	B	10 (4.54)
Allyl Chloride	C	100 (45.4)
Aluminum Fluoride	D	500 (227)
Aluminum Sulfate	D	500 (227)
Ammonia	C	100 (45.4)
Ammonium Acetate	D	500 (227)
Ammonium Benzoate	D	500 (227)
Ammonium Bicarbonate	D	500 (227)
Ammonium Bichromate	D	500 (227)

Material	Category	HQ in lb (kg)
Ammonium Bifluoride	D	500 (227)
Ammonium Bisulfite	D	500 (227)
Ammonium Bromide	D	500 (227)
Ammonium Carbamate	D	500 (227)
Ammonium Carbonate	D	500 (227)
Ammonium Chloride	D	500 (227)
Ammonium Chromate	D	500 (227)
Ammonium Citrate	D	500 (227)
Ammonium Fluoborate	D	500 (227)
Ammonium Fluoride	D	500 (227)
Ammonium Hydroxide	C	100 (45.4)
Ammonium Hypophosphite	D	500 (227)
Ammonium Iodide	D	500 (227)
Ammonium Nitrate	D	500 (227)
Ammonium Oxalate	D	500 (227)
Ammonium Pentaborate	D	500 (227)
Ammonium Persulfate	D	500 (227)
Ammonium Silicofluoride	C	100 (45.4)
Ammonium Sulfamate	D	500 (227)
Ammonium Sulfide	D	500 (227)
Ammonium Sulfite	D	500 (227)
Ammonium Tartrate	D	500 (227)
Ammonium Thiocyanate	D	500 (227)
Ammonium Thiosulfate	D	500 (227)
Amyl Acetate	C	100 (45.4)
Aniline	C	100 (45.4)

Material	Category	HQ in lb (kg)
Antimony Pentachloride	C	100 (45.4)
Antimony Pentafluoride	C	100 (45.4)
Antimony Potassium Tartrate	C	100 (45.4)
Antimony Tribromide	C	100 (45.4)
Antimony Trichloride	C	100 (45.4)
Antimony Trifluoride	C	100 (45.4)
Antimony Trioxide	C	100 (45.4)
Arsenic Acid	C	100 (45.4)
Arsenic Disulfide	C	100 (45.4)
Arsenic Pentoxide	B	10 (4.54)
Arsenic Trichloride	C	100 (45.4)
Arsenic Trioxide	B	10 (4.54)
Arsenic Trisulfide	B	10 (4.54)
Barium Cyanide	A	1 (0.454)
Benzene	C	100 (45.4)
Benzoic Acid	D	500 (227)
Benzonitrile	C	100 (45.4)
Benzoyl Chloride	D	500 (227)
Benzyl Chloride	D	500 (227)
Beryllium Chloride	D	500 (227)
Beryllium Fluoride	C	100 (45.4)
Beryllium Nitrate	C	100 (45.4)
Butyl Acetate	C	100 (45.4)
Butylamine	C	100 (45.4)
Butyric Acid	D	500 (227)

Material	Category	HQ in lb (kg)
Cadmium Acetate	A	1 (0.454)
Cadmium Bromide	A	1 (0.454)
Cadmium Chloride	A	1 (0.454)
Calcium Arsenate	C	100 (45.4)
Calcium Arsenite	C	100 (45.4)
Calcium Carbide	D	500 (227)
Calcium Chromate	D	500 (227)
Calcium Cyanide	A	1 (0.454)
Calcium Dodecylbenzene-sulfonate	B	10 (4.54)
Calcium Hydroxide	D	500 (227)
Calcium Hypochlorite	A	1 (0.454)
Calcium Oxide	D	500 (227)
Carbaryl	B	10 (4.54)
Captan	A	1 (0.454)
Carbon Disulfide	C	100 (45.4)
Chlordane	A	1 (0.454)
Chlorine	A	1 (0.454)
Chlorobenzene	B	10 (4.54)
Chloroform	B	10 (4.54)
Chlorosulfonic Acid	C	100 (45.4)
Chromic Acetate	D	500 (227)
Chromic Acid	D	500 (227)
Chromic Sulfate	D	500 (227)
Chromous Chloride	D	500 (227)
Chromyl Chloride	D	500 (227)

Material	Category	HQ in lb (kg)
Cobaltous Bromide	C	100 (45.4)
Cobaltous Fluoride	C	100 (45.4)
Cobaltous Formate	C	100 (45.4)
Cobaltous Sulfamate	C	100 (45.4)
Coumaphos	A	1 (0.454)
Cresol	B	10 (4.54)
Cupric Acetate	B	10 (4.54)
Cupric Acetoarsenite	B	10 (4.54)
Cupric Chloride	B	10 (4.54)
Cupric Formate	B	10 (4.54)
Cupric Glycinate	B	10 (4.54)
Cupric Lactate	B	10 (4.54)
Cupric Nitrate	B	10 (4.54)
Cupric Oxalate	B	10 (4.54)
Cupric Subacetate	B	10 (4.54)
Cupric Sulfate	B	10 (4.54)
Cupric Sulfate Ammoniated	B	10 (4.54)
Cupric Tartrate	B	10 (4.54)
Cuprous Bromide	B	10 (4.54)
Cyanogen Chloride	A	1 (0.454)
Cyclohexane	C	100 (45.4)
2,4-D Acid	B	10 (4.54)
2,4-D Esters	B	10 (4.54)
Dalapon	B	10 (4.54)
DDT	A	1 (0.454)

Material	Category	HQ in lb (kg)
Diazinon	A	1 (0.454)
Dicamba	C	100 (45.4)
Dichlobenil	C	100 (45.4)
Dichlone	A	1 (0.454)
Dichlorvos	A	1 (0.454)
Dieldrin	A	1 (0.454)
Diethylamine	C	100 (45.4)
Dimethylamine	C	100 (45.4)
Dinitrobenzene	C	100 (45.4)
Dinitrophenol	B	10 (4.54)
Diquat	C	100 (45.4)
Disulfoton	A	1 (0.454)
Diuron	B	10 (4.54)
Dodecylbenzenesulfonic Acid	B	10 (4.54)
Dursban	A	1 (0.454)
Endosulfan	A	1 (0.454)
Endrin	A	1 (0.454)
Ethion	A	1 (0.454)
Ethylbenzene	C	100 (45.4)
Ethylenediamine	C	100 (45.4)
EDTA	D	500 (227)
Ferric Ammonium Citrate	C	100 (45.4)
Ferric Ammonium Oxalate	C	100 (45.4)
Ferric Chloride	C	100 (45.4)

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Material	Category	HQ in lb (kg)
Ferric Fluoride	C	100 (45.4)
Ferric Nitrate	C	100 (45.4)
Ferric Sulfate	C	100 (45.4)
Ferrous Ammonium Sulfate	C	100 (45.4)
Ferrous Chloride	C	100 (45.4)
Ferrous Sulfate	C	100 (45.4)
Formaldehyde	C	100 (45.4)
Formic Acid	D	500 (227)
Fumaric Acid	D	500 (227)
Furfural	C	100 (45.4)
Guthion	A	1 (0.454)
Heptachlor	A	1 (0.454)
Hydrochloric Acid	D	500 (227)
Hydrofluoric Acid	D	500 (227)
Hydrogen Cyanide	A	1 (0.454)
Hydroxylamine	D	500 (227)
Isoprene	C	100 (45.4)
Isopropanolamine Dodecylbenzenesulfonate	B	10 (4.54)
Kelthane	C	100 (45.4)
Lead Acetate	D	500 (227)
Lead Arsenate	D	500 (227)
Lead Chloride	D	500 (227)
Lead Fluoborate	D	500 (227)
Lead Fluoride	C	100 (45.4)
Lead Iodide	D	500 (227)

Material	Category	HQ in lb (kg)
Lead Nitrate	D	500 (227)
Lead Stearate	D	500 (227)
Lead Sulfate	D	500 (227)
Lead Sulfide	C	100 (45.4)
Lead Tetraacetate	D	500 (227)
Lead Thiocyanate	D	500 (227)
Lead Thiosulfate	D	500 (227)
Lead Tungstate	D	500 (227)
Lindane	A	1 (0.454)
Lithium Bichromate	D	500 (227)
Lithium Chromate	D	500 (227)
Malathion	A	1 (0.454)
Maleic Acid	D	500 (227)
Maleic Anhydride	D	500 (227)
Mercuric Acetate	A	1 (0.454)
Mercuric Cyanide	A	1 (0.454)
Mercuric Nitrate	A	1 (0.454)
Mercuric Sulfate	A	1 (0.454)
Mercuric Thiocyanate	A	1 (0.454)
Mercurous Nitrate	A	1 (0.454)
Methoxychlor	A	1 (0.454)
Methyl Mercaptan	B	10 (4.54)
Methyl Methacrylate	D	500 (227)
Methyl Parathion	B	10 (4.54)
Mevinphos	A	1 (0.454)
Monoethylamine	C	100 (45.4)

Material	Category	HQ in lb (kg)
Monomethylamine	C	100 (45.4)
Naled	A	1 (0.454)
Naphthalene	B	10 (4.54)
Naphthenic Acid	A	1 (0.454)
Nickel Ammonium Sulfate	D	500 (227)
Nickel Chloride	D	500 (227)
Nickel Formate	C	100 (45.4)
Nickel Hydroxide	C	100 (45.4)
Nickel Nitrate	D	500 (227)
Nickel Sulfate	D	500 (227)
Nitric Acid	C	100 (45.4)
Nitrobenzene	D	500 (227)
Nitrogen Dioxide	C	100 (45.4)
Nitrophenol	B	10 (4.54)
Paraformaldehyde	C	100 (45.4)
Parathion	A	1 (0.454)
Pentachlorophenol	A	1 (0.454)
Phenol	B	10 (4.54)
Phosgene	D	500 (227)
Phosphoric Acid	D	500 (227)
Phosphorous	A	1 (0.454)
Phosphorous Oxychloride	D	500 (227)
Phosphorous Pentasulfide	C	100 (45.4)
Phosphorous Trichloride	D	500 (227)
Polychlorinated Biphenyls	A	1 (0.454)

Material	Category	HQ in lb (kg)
Potassium Arsenate	C	100 (45.4)
Potassium Arsenite	C	100 (45.4)
Potassium Bichromate	D	500 (227)
Potassium Chromate	D	500 (227)
Potassium Cyanide	A	1 (0.454)
Potassium Hydroxide	C	100 (45.4)
Potassium Permanganate	B	10 (4.54)
Propionic Acid	D	500 (227)
Propionic Anhydride	D	500 (227)
Propyl Alcohol	D	500 (227)
Pyrethrins	C	100 (45.4)
Quinoline	A	1 (0.454)
Resorcinol	B	10 (4.54)
Selenium Oxide	C	100 (45.4)
Sodium	C	100 (45.4)
Sodium Arsenate	C	100 (45.4)
Sodium Arsenite	C	100 (45.4)
Sodium Bichromate	D	500 (227)
Sodium Bifluoride	D	500 (227)
Sodium Bisulfite	D	500 (227)
Sodium Chromate	D	500 (227)
Sodium Cyanide	A	1 (0.454)
Sodium Dodecylbenzene-sulfonate	B	10 (4.54)
Sodium Fluoride	D	500 (227)
Sodium Hydrosulfide	D	500 (227)

Material	Category	HQ in lb (kg)
Sodium Hydroxide	C	100 (45.4)
Sodium Hypochlorite	A	1 (0.454)
Sodium Methylate	C	100 (45.4)
Sodium Nitrite	B	10 (4.54)
Sodium Phosphate Monobasic	D	500 (227)
Sodium Phosphate Dibasic	D	500 (227)
Sodium Phosphate Tribasic	D	500 (227)
Sodium Selenite	C	100 (45.4)
Sodium Sulfide	C	100 (45.4)
Stannous Fluoride	D	500 (227)
Strontium Chromate	D	500 (227)
Strychnine	C	100 (45.4)
Styrene	C	100 (45.4)
Sulfuric Acid	C	100 (45.4)
Sulfur Monochloride	D	500 (227)
2,4,5-T Acid	A	1 (0.454)
2,4,5-T Esters	A	1 (0.454)
TDE	A	1 (0.454)
Tetraethyl Lead	A	1 (0.454)
Tetraethyl Pyrophosphate	B	10 (4.54)
Toluene	C	100 (45.4)
Toxaphene	A	1 (0.454)
Trichlorfon	B	10 (4.54)
Trichlorophenol	A	1 (0.454)

Material	Category	HQ in lb (kg)
Triethanolamine Dodecylbenzenesulfonate	B	10 (4.54)
Triethylamine	C	100 (45.4)
Trimethylamine	C	100 (45.4)
Uranium Peroxide	D	500 (227)
Uranyl Acetate	D	500 (227)
Uranyl Nitrate	D	500 (227)
Uranyl Sulfate	D	500 (227)
Vanadium Pentoxide	C	100 (45.4)
Vanadyl Sulfate	C	100 (45.4)
Vinyl Acetate	C	100 (45.4)
Xylene	C	100 (45.4)
Xylenol	C	100 (45.4)
Zectran	C	100 (45.4)
Zinc Acetate	C	100 (45.4)
Zinc Ammonium Chloride	C	100 (45.4)
Zinc Bichromate	C	100 (45.4)
Zinc Borate	C	100 (45.4)
Zinc Bromide	C	100 (45.4)
Zinc Carbonate	C	100 (45.4)
Zinc Chloride	C	100 (45.4)
Zinc Cyanide	A	1 (0.454)
Zinc Fluoride	C	100 (45.4)
Zinc Formate	C	100 (45.4)
Zinc Hydrosulfite	C	100 (45.4)
Zinc Nitrate	C	100 (45.4)

Material	Category	HQ in lb (kg)
Zinc Phenolsulfonate	C	100 (45.4)
Zinc Phosphide	C	100 (45.4)
Zinc Potassium Chromate	C	100 (45.4)
Zinc Silicofluoride	C	100 (45.4)
Zinc Sulfate	C	100 (45.4)
Zinc Sulfate Monohydrate	C	100 (45.4)
Zirconium Acetate	D	500 (227)
Zirconium Nitrate	D	500 (227)
Zirconium Oxychloride	D	500 (227)
Zirconium Potassium Fluoride	D	500 (227)
Zirconium Sulfate	D	500 (227)
Zirconium Tetrachloride	D	500 (227)

ENVIRONMENTAL PROTECTION AGENCY
(FRL 472-2
[40 CFR Part 119]

DETERMINATION OF UNITS OF MEASUREMENT AND RATES OF PENALTY FOR HAZARDOUS SUBSTANCES

Notice of Proposed Rulemaking

Notice is hereby given in accordance with 5 U.S.C. 553 that the Administrator, Environmental Protection Agency, under authority contained in Section 311(b)(2)(B)(iv) of the Federal Water Pollution Control Act Amendments of 1972, [33 U.S.C. 1251 et seq., (the Act)], proposes to create a new Part 119 of Title 40 of the Code of Federal Regulations, determining units of measurement and rates of penalty to be applied for the assessment of civil penalties under Section 311(b)(2)(B)(iii)(bb) of the Act for discharges of non-removable hazardous substances.

The Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) amended the Federal Water Pollution Control Act (33 U.S.C. 1151 et seq.) to add a new Section 311, which provides in subsection 311(b)(2)(B)(iv) as follows:

> "The Administrator shall establish by regulation, for each hazardous substance designated under subparagraph (A) of this paragraph, and within 180 days of the date of such designation, a unit of measurement based upon the usual trade practice and, for the purpose of determining the penalty under clause (iii)(bb) of this subparagraph, shall establish for each such unit a fixed monetary amount which shall be not less than $100 nor more than $1,000 per unit. He shall establish such fixed amount based on the toxicity, degradability, and dispersal characteristics of the substance."

[FR Doc.75-34049 Filed 12-29-75;8:45 am]

This notice deals with "... hazardous substances, other than oil..." as noted in Section 311(b)(2)(A). Sections 311(b)(2)(A) and 311(b)(2)(B)(i) of the Act require that the Administrator designate hazardous substances and determine whether any such designated substance can actually be removed. Section 311(b)(4) mandates a determination of the harmful quantity of each designated substance. The designation of hazardous substances, determination of their removability, and establishment of harmful quantities are published as proposed rules concurrently with this notice as Parts 116, 117, and 118 respectively.

A. General Considerations

1. Mixtures

Section 311 specifically requires that elements and compounds be designated as hazardous substances. This has led to the development of methods for defining harmful quantities and rates of penalty based on pure compound characteristics. The presence of additional materials may affect toxicity through synergism, antagonism, addition or other interactive mechanisms. For these mixtures individual bioassays would be required to specify toxic levels of the specific mixture discharged into the specific receiving water body. Such an approach is obviously not practicable since it is not possible to predict the combinations that might be involved. It is also not feasible to designate harmful quantities and rates of penalty for all conceivable mixtures. Consequently, the approach proposed for dealing with discharges of mixtures or solutions is to assume that damages caused by individual constituents are additive. For a mixture or solution of substance X, substance Y, and substance Z, etc., the rate of penalty will be the sum of

the rates for individual hazardous components if the quantity discharged equals or exceeds the harmful quantity for the mixture (40 CFR Part 118).

2. Harmful Quantities

In brief, the method selected for determination of harmful quantities involves modification of a system used in the International Convention for the Prevention of Pollution from Ships, 1973[1], by the Intergovernmental Maritime Consultative Organization (IMCO). Substances are divided into four categories on the basis of relative hazard to the environment. The smallest common commercial container size was then defined as the harmful quantity for all substances in the most toxic EPA harmful quantity category. Other categories were thereafter assigned harmful quantities on a proportional basis. If the upper aquatic toxicity limit of an EPA category was ten times higher than the upper limit of the preceeding, more toxic category, then the harmful quantity was set as ten times larger, and so forth. Further details of the categorization process may be found in the notice of proposed rulemaking for determining harmful quantities (40 CFR Part 118), published concurrently.

B. Approach for Determination of Rates of Penalty

An integral part of the penalty structure provided in Section 311 of the Act is the designation of a unit of measurement. Specifically, Section 311(b)(2)(B)(iv) requires the Administrator to establish "... a

1. Hearings before the Committee on Commerce, United States Senate, 93rd Congress, First Session, November 14, 1973, Serial No. 93-52.

unit of measurement based on the usual trade practice..." for each designated substance. This section also specifies that the civil penalties assessable under Section 311(b)(2)(B)(iii)(bb) shall fall in the range of $100-$1,000 per unit of measurement.

Agency studies involving industry and trade associations have not revealed such units common to trade practice. A common unit of measurement for the manufacturer is frequently different from that employed by the user of the same material. Furthermore, price quotations show a variety of commercial units for the same chemical. Transporters of chemicals frequently employ units different from those of either manufacturer or user. Still further variations are seen depending on the mode of transport.

In summary, the finding of the Agency is that the only common unit of measure is a weight unit, the pound. Multiples of this basic unit are utilized throughout the chemical and transportation industries, but no single multiple of the basic pound unit can be found to be representative of the usual trade practice for any chemical. The penalties using these common units of measure shall be based on the toxicity, degradability, and dispersal characteristics of the substance [Section 311(b)(2)(B)(iv)] in a manner similar to the determination of those quantities of hazardous substances which are harmful to the public health or welfare at certain times, locations, circumstances and conditions [Section 311(b)(4)]. The feature in common is the potential capacity of the substance to cause environmental damage. Therefore, the minimum quantity of each material causing probable harm can be thought of as a common unit. Thus the

weight corresponding to the smallest common commercial container size, one pound (0.454 kilogram), previously adopted as the "harmful quantity" for materials in the most toxic EPA harmful quantity category, has also been adopted as the "unit of measurement" for materials in that category and assigned a base penalty rate of $1,000 per unit. Other categories are assigned larger units of measurement which are multiples of the basic one pound unit and are found as a direct proportion between the upper aquatic toxicity limit of the less toxic category and the upper aquatic toxicity limit of Category A substances. The aquatic toxicity ranges for various hazard categories and the units of measurement derived from the appropriate ratios are found in Table 1.

TABLE 1
UNITS OF MEASUREMENT

EPA Category	Unit of Measurement lb(kg)	Representative Range
A	1 (0.454)	LC50*<1ppm
B	10 (4.54)	1 ppm ≤ LC50 < 10 ppm
C	100 (45.4)	10 ppm ≤ LC50 < 100 ppm
D**	500 (227)	100 ppm ≤ LC50 ≤ 500 ppm

* LC50 means that concentration of material which is lethal to one-half of the test population of aquatic animals upon continuous exposure for 96 hours or less.

** The selection criteria (40 CFR Part 116) restrict the upper aquatic toxicity limit of the IMCO aquatic toxicity criterion from 1,000 to 500 (40 CFR Part 118), and thus alter the range used here for Category D to 100-500 ppm.

The proposed system recognizes that not all substances within a category exert their damaging effects equally. The law requires that the penalties range between $100 and $1,000 per unit of measurement. For each category in the proposed system the upper penalty limit is modified by physical/chemical adjustment factors which reflect the substance's ability to disperse.

The adjustment factor (0.1 to 1.0) arises from a second profiling operation based on the solubility, density, volatility, and associated propensity for dispersal in water of each hazardous substance. Each substance has been placed in one of eight categories combining these physical/chemical/dispersal properties in various ways. The relative harm these categories pose to the environment was then ranked. The terms involved and final relative ranking of physical/chemical/dispersal categories, in increasing order of relative damage potential, are shown in Table 2 and the the physical/chemical/dispersal factor of each substance is also indicated in Table 119.5.

TABLE 2
PHYSICAL/CHEMICAL/DISPERSAL (P/C/D) ADJUSTMENT FACTORS

Material Classification	P/C/D Category	Rank	P/C/D Factor
Insoluble Volatile Floater	IVF	1	0.10
Insoluble Nonvolatile Floater	INF	2	0.23
Insoluble Sinker	IS	3	0.36
Soluble Mixer	SM	4	0.49
Precipitator	P	5	0.62

Table 2 (Continued)

Material Classification	P/C/D Category	Rank	P/C/D Factor
Soluble Sinker	SS	6	0.75
Soluble Floater	SF	7	0.88
Miscible	M	8	1.0

Legend:

IVF (insoluble volatile floater) - materials lighter than water with a vapor pressure greater than 10 mm Hg and a solubility of less than 1,000 ppm (weight per weight basis) or materials with vapor pressure greater than 100 mm Hg and solubility less than 10,000 ppm.

INF (insoluble nonvolatile floater) - materials lighter than water with a vapor pressure less than 10 mm Hg and solubility less than 1,000 ppm (weight per weight basis).

IS (insoluble sinker) - materials heavier than water and of solubility less than 1,000 ppm (weight per weight basis).

SM (soluble mixer) - solid substances which have a solubility greater than 1000 grams of solute per 1000 grams of water.

P (precipitator) - salts which dissociate or hydrolyze in water with subsequent precipitation of a toxic ion.

SS (soluble sinker) - materials heavier than water and of solubility greater than 1,000 ppm (weight per weight basis).

SF (soluble floater) - materials lighter than water and of a solubility greater than 1,000 ppm (weight per weight basis).

M (miscible) - liquid substances which can freely mix with water in any proportion.

In summary, the adjusted rates of penalty, in dollars per unit of measurement, arising from all possible combinations of toxic category and P/C/D factor are seen in Table 3 below.

TABLE 3
RATES OF PENALTY
IN $/UNIT OF MEASUREMENT*

Category	P/C/D Classes IVF	INF	IS	SM	P	SS	SF	M
A	100	230	360	490	620	750	880	1000
B	100	230	360	490	620	750	880	1000
C	100	230	360	490	620	750	880	1000
D	100	230	360	490	620	750	880	1000

For convenience, Table 4 shows the adjusted rates of penalty, in dollars per pound, for all combinations of toxic category and P/C/D factor.

TABLE 4
RATES OF PENALTY
IN $/LB

Category	P/C/D Classes IVF	INF	IS	SM	P	SS	SF	M
A	100	230	360	490	620	750	880	1000
B	10	23	36	49	62	75	88	100
C	1.0	2.3	3.6	4.9	6.2	7.5	8.8	10
D	0.20	0.46	0.72	0.98	1.2	1.5	1.8	2.0

Prevention and mitigation of the effect of discharges are the goals of this proposed rule. The harmful effects of discharges may be reduced in many cases by such actions as warnings to affected water users, containment, treatment, appropriate final disposal of the discharge or debris from a clean-up operation, environmental restoration and monitoring of hazardous substance levels. Details and further suggestions may be found in the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 1510). The "General Pattern of Response Actions" has been specified in 40 CFR Part 1510.53. For those waste materials considered to be hazardous, disposal will require special precautions in addition to Guidelines published as 40 CFR Part 24. Complete documentation of response activities and plans for prevention of future discharges, in addition to providing part of the basis for civil penalties, would be most protective of the long-term interests of the public.

* Unit of measurements for categories are A = 1 lb, B = 10 lb, C = 100 lb, D = 500 lb.

C. Discretionary Choice of Civil Penalty System

Section 311 provides two civil penalty systems to discourage the discharge of nonremovable hazardous substances. The decision as to which penalty system [311(b)(2)(B)(iii)] should be applied was left to the discretion of the Administrator.

Concern has been expressed that the potential economic impact of penalties which might be assessed under Section 311(b)(2)(B)(iii)(bb) could be so great that major transportation modal shifts might occur, along with changes in plant siting. The Agency has no evidence at this time which would suggest that these changes are necessary or desirable. Consultation with the Department of Transportation has suggested that available transportation expertise is being utilized but that remedial civil penalties would enhance the protection of the environment.

It is proposed that the Administrator's discretion in regard to penalties for discharges of nonremovable hazardous substances be used to control economic impact while providing strong incentive for mitigation of spill threats to public health or welfare, based upon the following principles:

1. Economic incentive in the form of penalties will motivate additional care for prevention of discharges;
2. Economic incentives in the form of penalties will motivate additional action to mitigate damages resulting from discharges;
3. Penalties should be assessed for nonremovable hazardous substances (40 CFR Part 117) discharged in amounts equal to or greater than harmful quantities (40 CFR Part 118);
4. Penalties should normally be assessed in the range of $500 to $5,000 on an individual discharge incident basis;
5. When assessing civil penalties, the substances' properties as well as the extent of action taken by the discharger to prevent or mitigate damage will be considered;
6. The higher penalty system as provided in 311(b)(2)(B)(iii)(bb) will be used only when the Agency can show gross negligence on the part of the discharger;
7. If the (bb) penalty calculates to be less than $5,000, then the (aa) penalty of $500 to $5,000 per discharge will be used;
8. Case-by-case assessment of the discharger's actions provides the most equitable penalty basis while ensuring the greatest motivation for protection of the environment.

D. Examples of Penalty Determination

1. Assume 2,000 lb. of acetic acid is spilled and that in the judgement of the responsible Federal Officer, the discharger displayed gross negligence by refusing to take mitigating actions. Therefore the civil penalty assessed is determined by the proposed penalty rate multiplied by the number of units discharged. Referring to the accompanying rates of penalty table in Part 119.5, the material is found to be in Category C. In this category, the unit of measurement is 100 pounds. The base rate of penalty is, therefore, $1,000/100 lbs. Since the P/C/D adjustment factor for acetic acid is 1.0, the final penalty rate is $1,000/100 lbs or $10/lb. The final penalty for this spill would be $10/lb x 2,000 lbs = $20,000.

2. Assume 10,000 lb of calcium oxide is spilled, but that in this case the responsible Federal Officer finds the discharger's attempts to mitigate the effects are adequate for the conditions present. Consequently, the penalty recommended to be assessed will fall in the range of $500 to $5,000 per discharge, based on the factors mentioned previously. (Note: By way of contrast, the penalty which might have been assessed in case of inadequate response or mitigation by the discharger is calculated as follows. Referring to the table of Part 119.5 one finds the material belongs to Category D with a P/C/D factor of 0.49. The base rate of penalty is $1,000/UM or $2/lb. The adjusted rate of penalty would have been 0.49 x $2/lb = $0.98/lb and the final penalty would have been $0.98/lb x 10,000 lb = $9,800.)

3. Assume 500 lb. of a solution containing 50% by weight sodium hydroxide and 50% by weight water is spilled. Further, assume that the Administrator determines that gross negligence was the cause of the spill. Only half of the total poundage spilled is a designated hazardous substance. Effectively, 250 lb have been spilled. Sodium hydroxide is a member of Category C (UM = HQ = 100 lb). The P/C/D class of the material is "SS", for which the adjustment factor is 0.75. Therefore, the rate of penalty is 0.75 x $1,000/UM = $750/UM or 0.75 x $10/lb = $7.50/lb and the penalty would equal $7.50/lb x 250 lb = $1,875. However, for those spills in quantities leading to a total penalty of less than $5,000 under the penalty rate scheme of 311(b)(2)(B)(iii)(bb), the Administrator will assess a penalty in the range of $500 to $5,000 per discharge event according to the guidelines given earlier.

Interested persons may participate in this rulemaking by submitting written comments or requests for information, in triplicate, to: Dr. C. Hugh Thompson, WH-595, U.S. Environmental Protection Agency, Washington, D.C. 20460.

The Agency is particularly interested in comments relative to:

1). Effectiveness of the penalty rates in encouraging prevention and damage mitigation measures;
2). The use and magnitude of physical/chemical/dispersal factors;
3). The potential impact of penalty rates on producers, transporters, and handlers of hazardous substances;
4). The general workability of the proposed regulation guidelines for penalty rate discretion by the Administrator. The use of gross negligence as the prime basis for the Administrator's discretion was necessary to implement this section of the Act, due to the inflexibility of both the 311(b)(2)(B)(iii)(bb) upper penalty limits and the 311(b)(2)(B)(iv) penalty rate structure.

All comments received on or before 60 calendar days after the date of this publication will be considered before taking further action on the proposed rule.

A copy of all comments will be available for inspection and copying at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460. The Environmental Protection Agency information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by agencies of the Executive Branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated.

A number of criteria have been defined to determine which actions require an inflationary impact statement. The Agency's analysis of the potential economic impact of these regulations indicate that none of the criteria defining a major proposal have been met. Thus, it is hereby certified that the economic and inflationary effects of this proposal have

been carefully evaluated in accordance with Executive Order 11821 and that no inflationary impact statement is required.

/s/ Russell E. Train

Russell E. Train
Administrator

Dated: DEC 22 1975

CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL DOCUMENT,

Part 119 - DETERMINATION OF UNITS OF MEASUREMENT AND RATES OF PENALTY FOR HAZARDOUS SUBSTANCES

119.1 Applicability
119.2 Abbreviations
119.3 Definitions
119.4 Guidelines for Discretionary Choice for Rate of Penalty
119.5 Determination of Units of Measurement and Rates of Penalty

Authority: Sections 311(b)(2)(B)(iv) and 501(a) of the Federal Water Pollution Control Act Amendments of 1972, [33 U.S.C. 1251 et seq., (the Act)].

119.1 APPLICABILITY

The regulation of this part makes a determination of the Units of Measurement and Rates of Penalty appropriate for discharges of non-removable hazardous substances (40 CFR Parts 116 and 117) in quantities equal to or exceeding the Harmful Quantity, (40 CFR Part 118). This regulation applies to designated substances in quantities equal to or in excess of those set forth in 40 CFR Part 118 when discharged into navigable waters or adjoining shorelines or the waters of the contiguous zone from vessels and offshore or onshore facilities except when the owner or operator can show such discharges are made: (1) in compliance with the requirements of Sections 301, 302, 304, 306, 307, and in compliance with an NPDES permit which has been issued pursuant to Section 402 of the Act, (2) in compliance with permits issued under Section 404 of the Act or Sections 102 and 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.), (3) in compliance with approved water treatment plant operations as specified by local, State or Federal health regulations pertaining to safe drinking water,

(4) from properly functioning marine sanitation flow-through devices certified by the United States Coast Guard pursuant to Section 312 of the Act, or (5) in the course of a permitted use of a pesticide registered under 40 CFR Part 162 (Federal Register, Vol. 40, No. 129, Part II, pp. 28242-28286, July 3, 1975) by authority of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972, (86 Stat. 973, P.L. 92-516, 7 U.S.C. 136 et seq.).

119.2 ABBREVIATIONS

lb = pound(s)

kg = kilogram(s)

HQ = harmful quantity as required by Section 311(b)(4) and specified in 40 CFR Part 118

UM = unit of measurement as required by Section 311(b)(2)(B)(iv)

ROP = rate of penalty as required by Section 311(b)(2)(B)(iv)

119.3 DEFINITIONS

As used in this part, all terms shall have the same meaning in Section 311 of the Act and in 40 CFR Parts 116, 117, and 118.

119.4 GUIDELINES FOR DISCRETIONARY CHOICE OF RATE OF PENALTY

Prevention or mitigation and minimization of damage to public health or welfare resulting from discharges of nonremovable hazardous substances are encouraged by use of the following penalty system:

119.4a

Penalties will be assessed based upon the substance's toxicity, degradability, dispersal characteristics and the mitigating steps taken in the event of discharges of nonremovable hazardous substances in excess of the harmful quantity (40 CFR Part 118) at the rate of $500 to $5,000 per discharge, by use of Section 311(b)(2)(B)(iii)(aa), unless the Administrator determines that gross negligence on the part of the owner or operator of the vessel or facility is the cause of the discharge, or that after the discharge has occurred, the owner or operator has displayed gross negligence in minimizing or mitigating effects on the public health or welfare.

119.4b

When gross negligence is determined as in 119.4a, the Administrator will assess penalties for discharge of a nonremovable hazardous substance in excess of the harmful quantity using Section 311(b)(2)(B)(iii)(bb) and a rate of penalty per unit of measurement as set forth in Section 119.5 of this part, unless the total penalty assessed under this part is $5,000 or less; then a penalty on a "per discharge" basis, as noted in 119.4a will be used.

119.5 DETERMINATION OF UNITS OF MEASUREMENT AND RATES OF PENALTY

In accordance with Section 311(b)(2)(B)(iv) of the Act, the base penalty rate is determined for each category to be $1,000 per unit of measurement. The penalty rate for each substance is found by multiplication of the base penalty rate by an adjustment factor (a "P/C/D factor" which ranges from 0.1 to 1.0) reflecting the solubility, density, volatility, and associated propensity for dispersal in water of each hazardous substance, which thus satisfies the requirement that the penalty rate vary between $100 and $1,000 per unit of measurement.

For discharges of mixtures or solutions, the rate of penalty will be the sum of the rates for individual hazardous components if the quantity discharged equals or exceeds the harmful quantity for the mixture (determined by procedures in 40 CFR Part 118).

The following table lists each designated hazardous substance on the same line with the assigned EPA category, the corresponding unit of measurement (and harmful quantity), the assigned physical/chemical/dispersal (P/C/D) adjustment factor and the rate of penalty in dollars per unit of measurement. For convenience and understanding, the units of measurement have been used to calculate the penalty rates in dollars per pound as shown in the right hand column of Table 118.5.

Table 118.5: EPA HARMFUL QUANTITY CATEGORIES, UNITS OF MEASUREMENT AND RATES OF PENALTY

Material	EPA Category	UM in lb (kg)	P/C/D Factor	ROP ($/UM)	ROP ($/lb)
Acetaldehyde	C	100 (45.4)	1.0	1,000	10
Acetic Acid	C	100 (45.4)	1.0	1,000	10
Acetic Anhydride	C	100 (45.4)	0.88	880	8.8
Acetone Cyanohydrin	C	100 (45.4)	0.88	880	8.8
Acetyl Bromide	D	500 (227)	0.75	750	1.5
Acetyl Chloride	D	500 (227)	0.75	750	1.5
Acrolein	A	1 (0.454)	0.88	880	880
Acrylonitrile	C	100 (45.4)	0.88	880	8.8
Adiponitrile	D	500 (227)	0.88	880	1.8
Aldrin	A	1 (0.454)	0.36	360	360
Allyl Alcohol	B	10 (4.54)	1.0	1,000	100
Allyl Chloride	C	100 (45.4)	0.10	100	1.0
Aluminum Fluoride	D	500 (227)	0.62	620	1.2
Aluminum Sulfate	D	500 (227)	0.62	620	1.2
Ammonia	C	100 (45.4)	0.88	880	8.8
Ammonium Acetate	D	500 (227)	0.49	490	0.98

Material	EPA Category	UM in lb (kg)	P/C/D Factor	ROP ($/UM)	ROP ($/lb)
Ammonium Benzoate	D	500 (227)	0.75	750	1.5
Ammonium Bicarbonate	D	500 (227)	0.75	750	1.5
Ammonium Bichromate	D	500 (227)	0.75	750	1.5
Ammonium Bifluoride	D	500 (227)	0.75	750	1.5
Ammonium Bisulfite	D	500 (227)	0.75	750	1.5
Ammonium Bromide	D	500 (227)	0.75	750	1.5
Ammonium Carbamate	D	500 (227)	0.75	750	1.5
Ammonium Carbonate	D	500 (227)	0.49	490	0.98
Ammonium Chloride	D	500 (227)	0.75	750	1.5
Ammonium Chromate	D	500 (227)	0.75	750	1.5
Ammonium Citrate	D	500 (227)	0.75	750	1.5
Ammonium Fluoborate	D	500 (227)	0.75	750	1.5
Ammonium Fluoride	D	500 (227)	0.49	490	0.98
Ammonium Hydroxide	C	100 (45.4)	1.0	1,000	10
Ammonium Hypophosphite	D	500 (227)	0.75	750	1.5
Ammonium Iodide	D	500 (227)	0.49	490	0.98
Ammonium Nitrate	D	500 (227)	0.49	490	0.98

Material	EPA Category	UM in lb (kg)	P/C/D Factor	ROP ($/UM)	ROP ($/lb)
Ammonium Oxalate	D	500 (227)	0.75	750	1.5
Ammonium Pentaborate	D	500 (227)	0.75	750	1.5
Ammonium Persulfate	D	500 (227)	0.75	750	1.5
Ammonium Silicofluoride	C	100 (45.4)	0.75	750	7.5
Ammonium Sulfamate	D	500 (227)	0.49	490	0.98
Ammonium Sulfide	D	500 (227)	0.75	750	1.5
Ammonium Sulfite	D	500 (227)	0.75	750	1.5
Ammonium Tartrate	D	500 (227)	0.75	750	1.5
Ammonium Thiocyanate	D	500 (227)	0.49	490	0.98
Ammonium Thiosulfate	D	500 (227)	0.49	490	0.98
Amyl Acetate	C	100 (45.4)	0.23	230	2.3
Aniline	C	100 (45.4)	0.75	750	7.5
Antimony Pentachloride	C	100 (45.4)	0.62	620	6.2
Antimony Pentafluoride	C	100 (45.4)	0.62	620	6.2
Antimony Potassium Tartrate	C	100 (45.4)	0.62	620	6.2
Antimony Tribromide	C	100 (45.4)	0.62	620	6.2
Antimony Trichloride	C	100 (45.4)	0.62	620	6.2

Material	EPA Category	UM in lb (kg)	P/C/D Factor	ROP ($/UM)	ROP ($/lb)
Antimony Trifluoride	C	100 (45.4)	0.62	620	6.2
Antimony Trioxide	C	100 (45.4)	0.62	620	6.2
Arsenic Acid	C	100 (45.4)	0.62	620	6.2
Arsenic Disulfide	C	100 (45.4)	0.36	360	3.6
Arsenic Pentoxide	B	10 (4.54)	0.62	620	62
Arsenic Trichloride	C	100 (45.4)	0.62	620	6.2
Arsenic Trioxide	B	10 (4.54)	0.62	620	62
Arsenic Trisulfide	B	10 (4.54)	0.36	360	36
Barium Cyanide	A	1 (0.454)	0.75	750	750
Benzene	C	100 (45.4)	0.10	100	1.0
Benzoic Acid	D	500 (227)	0.75	750	1.5
Benzonitrile	C	100 (45.4)	0.75	750	7.5
Benzoyl Chloride	D	500 (227)	0.75	750	1.5
Benzyl Chloride	D	500 (227)	0.36	360	0.72
Beryllium Chloride	D	500 (227)	0.62	620	1.2
Beryllium Fluoride	C	100 (45.4)	0.62	620	6.2
Beryllium Nitrate	C	100 (45.4)	0.62	620	6.2

Material	EPA Category	UM in lb (kg)	P/C/D Factor	ROP ($/UM)	ROP ($/lb)
Butyl Acetate	C	100 (45.4)	0.88	880	8.8
Butylamine	C	100 (45.4)	1.0	1,000	10
Butyric Acid	D	500 (227)	1.0	1,000	2.0
Cadmium Acetate	A	1 (0.454)	0.75	750	750
Cadmium Bromide	A	1 (0.454)	0.62	620	620
Cadmium Chloride	A	1 (0.454)	0.62	620	620
Calcium Arsenate	C	100 (45.4)	0.36	360	3.6
Calcium Arsenite	C	100 (45.4)	0.75	750	7.5
Calcium Carbide	D	500 (227)	0.62	620	1.2
Calcium Chromate	D	500 (227)	0.75	750	1.5
Calcium Cyanide	A	1 (0.454)	0.75	750	750
Calcium Dodecylbenzene-sulfonate	B	10 (4.54)	0.75	750	75
Calcium Hydroxide	D	500 (227)	0.75	750	1.5
Calcium Hypochlorite	A	1 (0.454)	0.49	490	490
Calcium Oxide	D	500 (227)	0.49	490	0.98
Captan	A	1 (0.454)	0.75	750	750

Material	EPA Category	UM in lb (kg)	P/C/D Factor	ROP ($/UM)	ROP ($/lb)
Carbaryl	B	10 (4.54)	0.75	750	75
Carbon Disulfide	C	100 (45.4)	0.75	750	7.5
Chlordane	A	1 (0.454)	0.36	360	360
Chlorine	A	1 (0.454)	0.66	660	660
Chlorobenzene	B	10 (4.54)	0.36	360	36
Chloroform	B	10 (4.54)	0.26	360	36
Chlorosulfonic Acid	C	100 (45.4)	0.75	750	7.5
Chromic Acetate	D	500 (227)	0.75	750	1.5
Chromic Acid	D	500 (227)	0.49	490	0.98
Chromic Sulfate	D	500 (227)	0.75	750	1.5
Chromous Chloride	D	500 (227)	0.36	360	0.7
Chromyl Chloride	D	500 (227)	0.75	750	1.5
Cobaltous Bromide	C	100 (46.4)	0.62	620	6.2
Cobaltous Fluoride	C	100 (45.4)	0.62	620	6.2
Cobaltous Formate	C	100 (45.4)	0.62	620	6.2
Cobaltous Sulfamate	C	100 (45.4)	0.62	620	6.2
Coumaphos	A	1 (0.454)	0.75	750	750

Material	EPA Category	UM in lb (kg)	P/C/D Factor	ROP ($/UM)	ROP ($/lb)
Cresol	B	10 (4.54)	0.75	750	75
Cupric Acetate	B	10 (4.54)	0.62	620	62
Cupric Acetoarsenite	B	10 (4.54)	0.36	360	36
Cupric Chloride	B	10 (4.54)	0.62	620	62
Cupric Formate	B	10 (4.54)	0.62	620	62
Cupric Glycinate	B	10 (4.54)	0.62	620	62
Cupric Lactate	B	10 (4.54)	0.62	620	62
Cupric Nitrate	B	10 (4.54)	0.62	620	62
Cupric Oxalate	B	10 (4.54)	0.36	360	36
Cupric Subacetate	B	10 (4.54)	0.62	620	62
Cupric Sulfate	B	10 (4.54)	0.62	620	62
Cupric Sulfate Ammoniated	B	10 (4.54)	0.62	620	62
Cupric Tartrate	B	10 (4.54)	0.36	360	36
Cuprous Bromide	B	10 (4.54)	0.36	360	36
Cyanogen Chloride	A	1 (0.454)	0.75	750	750
Cyclohexane	C	100 (45.4)	0.10	100	1.0
2,4-D Acid	B	10 (4.54)	0.36	360	36

Material	EPA Category	UM in lb (kg)	P/C/D Factor	ROP ($/UM)	ROP ($/lb)
2, 4-D Esters	B	10 (4.54)	0.36	360	36
Dalapon	B	10 (4.54)	0.75	750	75
DDT	A	1 (0.454)	0.36	360	360
Diazinon	A	1 (0.454)	0.36	360	360
Dicamba	C	100 (45.4)	0.75	750	7.5
Dichlobenil	C	100 (45.4)	0.75	750	7.5
Dichlone	A	1 (0.454)	0.75	750	750
Dichlorvos	A	1 (0.454)	0.75	750	750
Dieldrin	A	1 (0.454)	0.75	750	750
Diethylamine	C	100 (45.4)	0.88	880	8.8
Dimethylamine	C	100 (45.4)	0.88	880	8.8
Dinitrobenzene	C	100 (45.4)	0.75	750	7.5
Dinitrophenol	B	10 (4.54)	0.75	750	75
Diquat	C	100 (45.4)	0.75	750	7.5
Disulfoton	A	1 (0.454)	0.75	750	750
Diuron	B	10 (4.54)	0.75	750	75
Dodecylbenzenesulfonic Acid	B	10 (4.54)	0.75	750	75

Material	EPA Category	UM in lb (kg)	P/C/D Factor	ROP ($/UM)	ROP ($/lb)
Dursban	A	1 (0.454)	0.75	750	750
Endosulfan	A	1 (0.454)	0.75	750	750
Endrin	A	1 (0.454)	0.36	360	360
Ethion	A	1 (0.454)	0.75	750	750
Ethylbenzene	C	100 (45.4)	0.23	230	2.3
Ethylenediamine	C	100 (45.4)	0.88	880	8.8
EDTA	D	500 (227)	0.36	360	0.72
Ferric Ammonium Citrate	C	100 (45.4)	0.62	620	6.2
Ferric Ammonium Oxalate	C	100 (45.4)	0.62	620	6.2
Ferric Chloride	C	100 (45.4)	0.62	620	6.2
Ferric Fluoride	C	100 (45.4)	0.62	620	6.2
Ferric Nitrate	C	100 (45.4)	0.62	620	6.2
Ferric Sulfate	C	100 (45.4)	0.62	620	6.2
Ferrous Ammonium Sulfate	C	100 (45.4)	0.62	620	6.2
Ferrous Chloride	C	100 (45.4)	0.62	620	6.2
Ferrous Sulfate	C	100 (45.4)	0.62	620	6.2
Formaldehyde	C	100 (45.4)	1.0	1,000	10

Material	EPA Category	UM in lb (kg)	P/C/D Factor	ROP ($/UM)	ROP ($/lb)
Formic Acid	C	100 (45.4)	1.0	1,000	10
Fumaric Acid	D	500 (227)	0.75	750	1.5
Furfural	C	100 (45.4)	0.75	750	7.5
Guthion	A	1 (0.454)	0.36	360	360
Heptachlor	A	1 (0.454)	0.36	360	360
Hydrochloric Acid	D	500 (227)	0.75	750	1.5
Hydrofluoric Acid	D	500 (227)	1.0	1,000	2.0
Hydrogen Cyanide	A	1 (0.454)	1.0	1,000	1,000
Hydroxylamine	D	500 (227)	0.75	750	1.5
Isoprene	C	100 (45.4)	0.10	100	1.0
Isopropanolamine Dodecylbenzenesulfonate	B	10 (4.54)	0.75	750	75
Kelthane	C	100 (45.4)	0.36	360	3.6
Lead Acetate	D	500 (227)	0.62	620	1.2
Lead Arsenate	D	500 (227)	0.36	360	0.7
Lead Chloride	D	500 (227)	0.62	620	1.2
Lead Fluoborate	D	500 (227)	0.62	620	1.2
Lead Fluoride	C	100 (45.4)	0.36	360	3.6

Material	EPA Category	UM in lb (kg)	P/C/D Factor	ROP ($/UM)	ROP ($/lb)
Lead Iodide	D	500 (227)	0.36	360	0.7
Lead Nitrate	D	500 (227)	0.62	620	1.2
Lead Stearate	D	500 (227)	0.62	620	1.2
Lead Sulfate	D	500 (227)	0.36	360	0.7
Lead Sulfide	C	100 (45.4)	0.36	360	3.6
Lead Tetraacetate	D	500 (227)	0.62	620	1.2
Lead Thiocyanate	D	500 (227)	0.36	360	0.7
Lead Thiosulfate	D	500 (227)	0.36	360	0.7
Lead Tungstate	D	500 (227)	0.36	360	0.7
Lindane	A	1 (0.454)	0.75	750	750
Lithium Bichromate	D	500 (227)	0.49	490	0.98
Lithium Chromate	D	500 (227)	0.49	490	0.98
Malathion	A	1 (0.454)	0.75	750	750
Maleic Acid	D	500 (227)	0.75	750	1.5
Maleic Anhydride	D	500 (227)	0.88	880	1.8
Mercuric Acetate	A	1 (0.454)	0.62	620	620
Mercuric Cyanide	A	1 (0.454)	0.62	620	620

Material	EPA Category	UM in lb (kg)	P/C/D Factor	ROP ($/UM)	ROP ($/lb)
Mercuric Nitrate	A	1 (0.454)	0.62	620	620
Mercuric Sulfate	A	1 (0.454)	0.62	620	620
Mercuric Thiocyanate	A	1 (0.454)	0.36	360	360
Mercurous Nitrate	A	1 (0.454)	0.62	620	620
Methoxychlor	A	1 (0.454)	0.36	360	360
Methyl Mercaptan	B	10 (4.54)	0.10	100	10
Methyl Methacrylate	D	500 (227)	0.10	100	0.2
Methyl Parathion	B	10 (4.54)	0.36	360	36
Mevinphos	A	1 (0.454)	1.0	1,000	1,000
Monoethylamine	C	100 (45.4)	1.0	1,000	10
Monomethylamine	C	100 (45.4)	0.88	880	8.8
Naled	A	1 (0.454)	0.36	360	360
Naphthalene	B	10 (4.54)	0.36	360	36
Naphthenic Acid	A	1 (0.454)	0.75	750	750
Nickel Ammonium Sulfate	D	500 (227)	0.62	620	1.2
Nickel Chloride	D	500 (227)	0.62	620	1.2
Nickel Formate	C	100 (45.4)	0.62	620	6.2

Material	EPA Category	UM in lb (kg)	P/C/D Factor	ROP ($/UM)	ROP ($/lb)
Nickel Hydroxide	C	100 (45.4)	0.36	360	3.6
Nickel Nitrate	D	500 (227)	0.62	620	1.2
Nickel Sulfate	D	500 (227)	0.62	620	1.2
Nitric Acid	C	100 (45.4)	1.0	1,000	10
Nitrobenzene	D	500 (227)	0.75	750	1.5
Nitrogen Dioxide	C	100 (45.4)	1.0	1,000	10
Nitrophenol	B	10 (4.54)	0.75	750	75
Paraformaldehyde	C	100 (45.4)	0.75	750	7.5
Parathion	A	1 (0.454)	0.36	360	360
Pentachlorophenol	A	1 (0.454)	0.36	360	360
Phenol	B	10 (4.54)	0.75	750	75
Phosgene	D	500 (227)	0.75	750	1.5
Phosphoric Acid	D	500 (227)	1.0	1,000	2.0
Phosphorous	A	1 (0.454)	0.36	360	360
Phosphorous Oxychloride	D	500 (227)	0.75	750	1.5
Phosphorous Pentasulfide	C	100 (45.4)	0.75	750	7.5
Phosphorous Trichloride	D	500 (227)	0.75	750	1.5

Material	EPA Category	UM in lb (kg)	P/C/D Factor	ROP ($/UM)	ROP ($/lb)
Polychlorinated Biphenyls	A	1 (0.454)	0.36	360	360
Potassium Arsenate	C	100 (45.4)	0.62	620	6.2
Potassium Arsenite	C	100 (45.4)	0.62	620	6.2
Potassium Bichromate	D	500 (227)	0.75	750	1.5
Potassium Chromate	D	500 (227)	0.75	750	1.5
Potassium Cyanide	A	1 (0.454)	0.75	750	750
Potassium Hydroxide	C	100 (45.4)	0.49	490	4.9
Potassium Permanganate	B	10 (4.54)	0.75	750	75
Propionic Acid	D	500 (227)	1.0	1,000	2.0
Propionic Anhydride	D	500 (227)	1.0	1,000	2.0
Propyl Alcohol	D	500 (227)	1.0	1,000	2.0
Pyrethrins	C	100 (45.4)	0.75	750	7.5
Quinoline	A	1 (0.454)	0.75	750	750
Resorcinol	B	10 (4.54)	0.75	750	75
Selenium Oxide	C	100 (45.4)	0.75	750	7.5
Sodium	C	100 (45.4)	0.75	750	7.5
Sodium Arsenate	C	100 (45.4)	0.75	750	7.5

Material	EPA Category	UM in lb (kg)	P/C/D Factor	ROP ($/UM)	ROP ($/lb)
Sodium Arsenite	C	100 (45.4)	0.75	750	7.5
Sodium Bichromate	D	500 (227)	0.49	490	0.98
Sodium Bifluoride	D	500 (227)	0.75	750	1.5
Sodium Bisulfite	D	500 (227)	0.75	750	1.5
Sodium Chromate	D	500 (227)	0.75	750	1.5
Sodium Cyanide	A	1 (0.454)	0.75	750	750
Sodium Dodecylbenzene-sulfonate	B	10 (4.54)	0.75	750	75
Sodium Fluoride	D	500 (227)	0.75	750	1.5
Sodium Hydrosulfide	D	500 (227)	0.75	750	1.5
Sodium Hydroxide	C	100 (45.4)	0.75	750	7.5
Sodium Hypochlorite	A	1 (0.454)	0.49	490	490
Sodium Methylate	C	100 (45.4)	0.75	750	7.5
Sodium Nitrite	B	10 (4.54)	0.75	750	75
Sodium Phosphate Monobasic	D	500 (227)	0.75	750	1.5
Sodium Phosphate Dibasic	D	500 (227)	0.49	490	0.98
Sodium Phosphate Tribasic	D	500 (227)	0.75	750	1.5
Sodium Selenite	C	100 (45.4)	0.75	750	7.5

Material	EPA Category	UM in lb (kg)	P/C/D Factor	ROP ($/UM)	ROP ($/lb)
Sodium Sulfide	C	100 (45.4)	0.75	750	7.5
Stannous Fluoride	D	500 (227)	0.75	750	1.5
Strontium Chromate	D	500 (227)	0.36	360	0.72
Strychnine	C	100 (45.4)	0.36	360	3.6
Styrene	C	100 (45.4)	0.10	100	1.0
Sulfuric Acid	C	100 (45.4)	1.0	1,000	10
Sulfur Monochloride	D	500 (227)	0.75	750	1.5
2,4,5-T Acid	A	1 (0.454)	0.36	360	360
2,4,5-T Esters	A	1 (0.454)	0.36	360	360
TDE	A	1 (0.454)	0.36	360	360
Tetraethyl Lead	A	1 (0.454)	0.36	360	360
Tetraethyl Pyrophosphate	B	10 (45.4)	1.0	1,000	100
Toluene	C	100 (45.4)	0.10	100	1.0
Toxaphene	A	1 (0.454)	0.36	360	360
Trichlorfon	B	10 (4.54)	0.75	750	7.5
Trichlorophenol	A	1 (0.454)	0.36	360	360
Triethanolamine Dodecylbenzenesulfonate	B	10 (4.54)	0.75	750	75

Material	EPA Category	UM in lb (kg)	P/C/D Factor	ROP ($/UM)	ROP ($/lb)
Triethylamine	C	100 (45.4)	0.88	880	8.8
Trimethylamine	C	100 (45.4)	0.88	880	8.8
Uranium Peroxide	D	500 (227)	0.36	360	0.7
Uranyl Acetate	D	500 (227)	0.62	620	1.2
Uranyl Nitrate	D	500 (227)	0.62	620	1.2
Uranyl Sulfate	D	500 (227)	0.62	620	1.2
Vanadium Pentoxide	C	100 (45.4)	0.62	620	6.2
Vanadyl Sulfate	C	100 (45.4)	0.62	620	6.2
Vinyl Acetate	C	100 (45.4)	0.88	880	8.8
Xylene	C	100 (45.4)	0.23	230	2.3
Xylenol	C	100 (45.4)	0.75	750	7.5
Zectran	C	100 (45.4)	0.75	750	7.5
Zinc Acetate	C	100 (45.4)	0.62	620	6.2
Zinc Ammonium Chloride	C	100 (45.4)	0.62	620	6.2
Zinc Bichromate	C	100 (45.4)	0.62	620	6.2
Zinc Borate	C	100 (45.4)	0.62	620	6.2
Zinc Bromide	C	100 (45.4)	0.62	620	6.2

Material	EPA Category	UM in lb (kg)	P/C/D Factor	ROP ($/UM)	ROP ($/lb)
Zinc Carbonate	C	100 (45.4)	0.36	360	3.6
Zinc Chloride	C	100 (45.4)	0.62	620	6.2
Zinc Cyanide	A	1 (0.454)	0.36	360	360
Zinc Fluoride	C	100 (45.4)	0.62	620	6.2
Zinc Formate	C	100 (45.4)	0.62	620	6.2
Zinc Hydrosulfite	C	100 (45.4)	0.62	620	6.2
Zinc Nitrate	C	100 (45.4)	0.62	620	6.2
Zinc Phenolsulfonate	C	100 (45.4)	0.62	620	6.2
Zinc Phosphide	C	100 (45.4)	0.36	360	3.6
Zinc Potassium Chromate	C	100 (45.4)	0.36	360	3.6
Zinc Silicofluoride	C	100 (45.4)	0.62	620	6.2
Zinc Sulfate	C	100 (45.4)	0.62	620	6.2
Zinc Sulfate Monohydrate	C	100 (45.4)	0.62	620	6.2
Zirconium Acetate	D	500 (227)	0.62	620	1.2
Zirconium Nitrate	D	500 (227)	0.62	620	1.2
Zirconium Oxychloride	D	500 (227)	0.62	620	1.2
Zirconium Potassium Fluoride	D	500 (227)	0.62	620	1.2
Zirconium Sulfate	D	500 (227)	0.62	620	1.2
Zirconium Tetrachloride	D	500 (227)	0.62	620	1.2

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V40250 DEC 30 75 XUM

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523·5022

V40250 DEC 30 75 XUM

Vol. 40—No. 251
12-31-75
PAGES
60019-60221

federal register

WEDNESDAY, DECEMBER 31, 1975

highlights

PART I:

PRIVACY ACT
The following agencies issue notices of systems of records:
Farm Credit Administration 60111
General Services Administration 60114

ENVIRONMENTAL IMPACT STATEMENTS
DOT/FHA issues interim guidelines implementing NEPA provision for early notification and solicitation of views for interstate or inter-agency actions; effective 1-1-76; comments by 3-26-76 60052

MOTOR VEHICLE SAFETY STANDARDS
DOT/NHTSA amends definition of "school bus"; effective 10-27-76 60033
DOT/NHTSA proposes continuation of present seat belt requirements for postal service vehicles after 1-1-76; comments by 2-17-76 60075

PIPELINE SAFETY
DOT/PSO proposes to amend bending limitations for gas and liquid pipelines; comments by 2-16-76 60076

HAZARDOUS MATERIALS
DOT/CG amends definitions for flammable and combustible liquids; effective 3-31-76 60030

CONTINUED INSIDE

PART II:

FEDERAL ELECTIONS
FEC issues eight advisory opinions and publishes list of requests (2 documents); comments by 1-10-76 .. 60162, 60165

PART III:

WARRANTIES
FTC adds pre-sale availability of terms and conditions requirement; effective 12-31-75 60168
FTC sets minimum requirements for implementation and operation of informal dispute mechanisms incorporated into terms of written warranties; effective 7-4-76 60190

PART IV:

TEXTILE AND APPAREL CATEGORIES
CITA revises table correlating categories with Tariff Schedules of the United States Annotated 60219

V40 251 DEC 31 75 XUM

251

HIGHLIGHTS—Continued

HIGHLIGHTS—Continued

NSF Contributions of Technology to Economic ... | VA: Station Committee on Educational Allowances,

EMERGENCY BROADCASTING
FCC proposes to establish requirements for captioning of messages on TV; comments by 1–29–76; reply comments by 2–9–76 60080

FOREIGN ACTIVITIES OF NATIONAL BANKS
FRS proposes statement of policy on stock interest in foreign joint ventures; comments by 1–24–76 60082

COTTON LOANS
USDA/CCC proposes new schedule of premiums and discounts and detailed loan program provisions; comments by 1–30–76 60073

EDUCATION PROFESSIONS DEVELOPMENT
HEW/OE announces closing dates for receipt of applications for various programs and awards 60106

FOOD ADDITIVES
HEW/FDA provides for additional uses of antioxidants and/or stabilizers for polymers intended to contact food; effective 1–30–76 60050

ANIMAL DRUGS
HEW/FDA approves use of certain drugs (3 documents); effective 12–31–75 60051
HEW/FDA approves safe use of tylosin premix in swine feed; effective 12–31–75 60050

MUNICIPAL SECURITIES
SEC proposes revised regulations concerning brokers, dealers, transactions, and reporting requirements; comments by 1–15–76 60084

GENERALIZED SYSTEM OF PREFERENCES
Treasury/Customs sets procedures for duty free entry of certain merchandise from designated beneficiary developing countries; effective 1–1–76 60047

SERIES G–1979 NOTES
Treasury announces interest rate 60096

COAL LEASES
Interior/BLM proposal applicable to diligent development and continuous operations; comments by 1–30–76 60070

MEDICAL ASSISTANCE PROGRAM
HEW/SRS proposes clarified procedures for determining income and resources of spouses or parents available to aid applicants; comments by 1–30–76 60074

PROCUREMENT
GSA revises instructions on use of contract clauses in public utility contracts; effective 2–28–76 60020
GSA amends regulations concerning administration of Cost Accounting Standards; effective 2–28–76 60021
GSA revises procedures providing preference for U.S. flag air carries: effective 2–28–76 60019

IMPORT LEVELS
CITA sets limits on cotton, wool and man-made fiber textile products from Malaysia; effective 1–1–76 60108

CHILD CARE FOOD PROGRAM
USDA/FNS issues interim regulations; effective 1–1–76 .. 60057

MEETINGS—
DOD: Wage Committee 1–5, 2–3, 2–10, 2–17, and 2–24–76 60100
Army: Armed Forces Epidemiological Board, 1–15–76 60100
DOT/FHA: National Standards for Directional and Official Signs, 1–26–76 60075
FCC:
Domestic Land Mobile Radio Advisory Committee, 1–21–76 60111
PBX Technical Standards Subcommittee, 1–28 and 1–29–76 60112
Private Land Mobile Advisory Committee, 1–21–76 .. 60112
Radio Technical Commission for Marine Services, 1–13 thru 1–15, 1–21 and 1–27–76 60112
HEW/ADAMHA: Minority Advisory Committee, 1–14 thru 1–16–76 60105
OE: Extention and Continuing Education National Advisory Council, 1–21 thru 1–23–76 60107
Interior/NPS: C&O Canal National Historical Park Commission, 1–17–76 60103

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NSF: Contributions of Technology to Economic Strength Advisory Group, 1–15–76 60123
Sacramento Peak Observatory Ad Hoc Advisory Committee, 1–18 thru 1–20–76 60123
State: Secretary of State's Advisory Committee on Private International Law, 1–23–76 60096
U.S. National Committee for the International Radio Consultative Committee (CCIR), 2–5–76 60096
Fine Arts Committee, 1–17–76 60096
VA: Station Committee on Educational Allowances, 1–12–76 60124

CHANGED MEETINGS—
EPA: Hazardous Materials Advisory Committee, 1–29 and 1–30–76 60110
HEW/FDA: Panel on Review of Antimicrobial Drug Products, 1–9–76 60105

contents

AGRICULTURAL MARKETING SERVICE
Rules
Navel oranges grown in Arizona and designated part of California 60056
Proposed Rules
Grading and certification of meat:
Lamb carcasses and wholesale cuts 60071
Onion imports: 60072
Oranges (navel) grown in Ariz. and Calif 60071

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Meat and poultry inspection, mandatory:
Sanitation, equipment and utensils; correction 60056

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Food and Nutrition Service; Forest Service.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION
Notices
Meeting:
Minority Advisory Committee .. 60105

ARMY DEPARTMENT
Notices
Meetings:
Armed Forces Epidemiological Board 60100

CENSUS BUREAU
Rules
Foreign trade statistics:
Foreign port of lading for shipments other than by vessel or air 60041

CIVIL AERONAUTICS BOARD
Rules
Free and reduced-rate transportation:
Direct filing of U.S. Standard Form 160 60040
Notices
Hearings, etc.:
Finnair OY and Kar Air OY ... 60107
Lineas Aereas de Nicaragua, S.A 60108

CIVIL SERVICE COMMISSION
Rules
Excepted service:
National Commission on Productivity 60053

COAST GUARD
Rules
Dangerous cargoes:
Flammable and combustible liquids, definitions 60030

COMMERCE DEPARTMENT
See Census Bureau; Economic Development Administration; National Oceanic and Atmospheric Administration.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS
Notices
Cotton, wool and man-made textiles:
Correlation of textile and apparel categories with tariff schedules of United States Annotated 60219
Malaysia 60108

COMMODITY CREDIT CORPORATION
Proposed Rules
Loan and purchase programs:
Cotton; extra long staple and upland, 1976 crop determinations 60073

COMPTROLLER OF THE CURRENCY
Rules
Assessment of fees:
Collection suspended 60056

CONSUMER PRODUCT SAFETY COMMISSION
Notices
Flammable Fabrics Act enforcement proceeding:
Westland Carpet Mills, Inc., et al 60109
Pet turtles; denial of petition 60108

CUSTOMS SERVICE
Rules
Articles conditionally free, subject to reduced rate, etc.:
Generalized System of Preferences, merchandise from beneficiary developing countries 60047

DEFENSE DEPARTMENT
See also Army Department.
Notices
Meetings:
Wage Committee 60100

ECONOMIC DEVELOPMENT ADMINISTRATION
Rules
Property management standards:
Real property 60038

EDUCATION OFFICE
Notices
Applications, closing dates:
Education Professions Development 60106
Meeting:
Extension and Continuing Education National Advisory Council 60107

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Notices
Environmental Statements; availability:
Waste management operations, Hanford Reservation, Washington 60110

ENVIRONMENTAL PROTECTION AGENCY
Proposed Rules
National emission standards for hazardous air pollutants:
Vinyl chloride; public hearing .. 60079
Notices
Meetings:
Hazardous Materials Advisory Committee; postponement ... 60110
Water Pollution Control Act Amendments of 1972; second memorandum of understanding and policy statement; cross-reference 60110

FARM CREDIT ADMINISTRATION
Notices
Privacy Act of 1974; systems of records 60111

V 40 251 DEC 31 75 XUM

FEDERAL AVIATION ADMINISTRATION
Rules
Standard instrument approach procedures ... 60040

FEDERAL COMMUNICATIONS COMMISSION
Rules
Experimental radio service:
Application procedures and operators requirements ... 60033
Proposed Rules
Emergency messages:
Requirements for captioning on television ... 60080
Notices
Emergency broadcast system; closed circuit test ... 60112
Hearings, etc.:
Country-Politan Broadcasting, Inc. and Tippah Broadcasting Co ... 60111
Meetings:
Domestic Land Mobile Radio Advisory Committee ... 60111
PBX Technical Standards Subcommittee Task Groups ... 60112
Private Land Mobile Advisory Committee ... 60112
Radio Technical Commission for Marine Services ... 60112

FEDERAL ELECTION COMMISSION
Notices
Advisory opinions and requests (2 documents) ... 60162, 60165

FEDERAL ENERGY ADMINISTRATION
Rules
Mandatory petroleum price regulations:
Revocation of service station rent ... 60036
Proposed Rules
Mandatory petroleum price regulations:
Service station rent, cross reference ... 60082
Notices
Old oil allocation program:
Rescission of entitlement notice for October 1975 and intent to issue revised notice ... 60110

FEDERAL HIGHWAY ADMINISTRATION
Rules
Environmental impact and related statements:
Procedural clarification ... 60052
Proposed Rules
Public hearing:
National standards for directional and official signs ... 60075

FEDERAL MARITIME COMMISSION
Notices
Agreements filed:
Barber Lines, et al ... 60113
Discriminatory rates:
U.S. West Coast/Japan trade and U.S. Atlantic and Gulf/Japan trade ... 60114
Environmental statements:
Puget Sound Tug and Barge Co., et al ... 60113

FEDERAL RESERVE SYSTEM
Rules
Equal credit opportunity:
Signatures of spouses ... 60055
Reserve requirements of member banks; balances maintained against certain time deposits ... 60055
Proposed Rules
Policy statement; foreign joint ventures; stock interests ... 60082
Notices
Applications, etc.:
Jent, Inc ... 60114

FEDERAL TRADE COMMISSION
Rules
Procedures and rules of practice; miscellaneous amendments ... 60043
Prohibited trade practices:
Cargill, Inc ... 60044
Koscot Interplanetary, Inc., et al ... 60044
Warranties:
Disclosure of terms ... 60168
Informal dispute settlement mechanisms ... 60190

FISH AND WILDLIFE SERVICE
Notices
Endangered species (2 documents) ... 60101, 60102

FOOD AND DRUG ADMINISTRATION
Rules
Animal drugs:
Furosemide injection ... 60051
Mebendazole paste ... 60051
Nifurpirinol capsules ... 60051
Tylosin (3 documents) ... 60049, 60050, 60052
Food additives:
Antioxidants and/or stabilizers for polymers ... 60050
Notices
Animal drugs:
Chlormadinone acetate; withdrawal of approval ... 60105
Meeting:
Panel on Review of Antimicrobial Drug Products; change ... 60106

FOOD AND NUTRITION SERVICE
Rules
Child Care Food Program:
Implementation provisions ... 60057

FOREST SERVICE
Notices
Environmental statements, availability, etc.:
Southwestern Region, Mogollon Rim Planning Unit ... 60104
Tongass National Forest, Honker Divide Management Unit ... 60104

GENERAL ACCOUNTING OFFICE
Rules
Internal organization; miscellaneous amendments ... 60035
Transfer of functions; claims pertaining to payment for transportation services:
General Services Administration ... 60036

GENERAL SERVICES ADMINISTRATION
Rules
Federal procurement regulations:
Cost accounting standards ... 60021
Public utility services ... 60020
Preference for U.S. flag air carriers ... 60019
Notices
Privacy Act of 1974; systems of records ... 60114

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Alcohol, Drug Abuse, and Mental Health Administration; Education Office; Food and Drug Administration; Social and Rehabilitation Service.

INTERIOR DEPARTMENT
See Fish and Wildlife Service, Land Management Bureau; National Park Service.

INTERSTATE COMMERCE COMMISSION
Notices
Fourth section applications for relief ... 60130
Hearings, assignments ... 60130
Motor carriers:
Alternate route deviation notices ... 60131
Applications and certain other proceedings ... 60131
Board transfer proceedings ... 60134
Broker, water carrier and freight forwarder applications ... 60135
Temporary authority terminations ... 60130

INTERNAL REVENUE SERVICE
Rules
Income tax:
Advertising activities etc.; correction ... 60053

LABOR DEPARTMENT
Notices
Adjustment assistance:
B&G Silverman, Inc ... 60124
Elkton Fashion Industries ... 60125
Jacob Siegel Co., Inc ... 60125
Lesh Clothing, Inc ... 60126
Major Coat Co ... 60127
Middishade Co., Inc ... 60127
Newport Clothing Manufacturing Co., Inc ... 60128
Regent Advance Styles, Inc ... 60128
Sagner Inc ... 60128
Western Electric Co., Kansas City Works ... 60126
Wolff Shoe Manufacturing Co ... 60129

LAND MANAGEMENT BUREAU
Proposed Rules
Minerals management:
Coal leases; development and operations ... 60070
Notices
Resource area boundaries; modification:
New Mexico ... 60100

MANAGEMENT AND BUDGET OFFICE
Notices
Office of Federal Procurement Policy Regulation No. 2:
Public meetings, invitation for comment ... 60124

MATERIALS TRANSPORTATION BUREAU
Proposed Rules
Gas and liquid pipeline safety standards:
Bending limitations ... 60076

NATIONAL CREDIT UNION ADMINISTRATION
Rules
Regulations on definitions and reserves ... 60069

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Rules
Motor vehicle safety standards:
School bus, definition ... 60033
Proposed Rules
Motor vehicle safety standards:
Seat belt assemblies in Postal Service vehicles ... 60075

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Notices
Marine mammal permit applications, etc.:
Fouke Co ... 60105
New York Zoological Society ... 60104
Sea Life, Inc ... 60105
Southwest Fisheries Center ... 60104

NATIONAL PARK SERVICE
Notices
Meetings:
Chesapeake and Ohio Canal National Historical Park Commission ... 60103

NATIONAL SCIENCE FOUNDATION
Notices
Meetings:
Contributions of Technology to Economic Strength Advisory Group ... 60123
Sacramento Peak Observatory Ad Hoc Advisory Committee ... 60123

NUCLEAR REGULATORY COMMISSION
Notices
Applications, etc.:
Consumers Power Co ... 60115
Federal Water Pollution Control Act amendments of 1972; second memorandum of understanding and policy statement ... 60115
General Electric Co ... 60121
Puget Sound Power and Light Co., et al ... 60121
Southern California Edison Co., et al ... 60122
Tennessee Valley Authority ... 60122
Trail Clinic ... 60122
Wisconsin Public Service Corp ... 60123

POSTAL SERVICE
Notices
Postage rates; effective date ... 60140

REGIONAL ACTION PLANNING COMMISSIONS
Rules
Employee responsibilities and conduct; implementation ... 60039

REVENUE SHARING OFFICE
Notices
Entitlement data; procedure for improvement ... 60097

SECURITIES AND EXCHANGE COMMISSION
Proposed Rules
Municipal securities:
Professionals and transactions ... 60084
Notices
Hearings, etc.:
Equity Funding Corporation of America ... 60124
GAC Corp. and GAC Properties Credit, Inc ... 60124

SOCIAL AND REHABILITATION SERVICE
Proposed Rules
Medical assistance program:
Determination of income and resources of spouses or parents available to applicants or recipients ... 60074

STATE DEPARTMENT
Notices
Meetings:
Fine Arts Committee ... 60096
Secretary of State's Advisory Committee on Private International Law ... 60096
U.S. National Committee for the International Radio Consultative Committee ... 60096

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS OFFICE
Rules
Generalized system of preferences:
Eligibility of articles; reviews ... 60041

TRANSPORTATION DEPARTMENT
See also Coast Guard; Federal Aviation Administration; Federal Highway Administration; Materials Transportation Bureau; National Highway Traffic Safety Administration.
Notices
St. Louis Airport; public hearing, postponement of ... 60107

TREASURY DEPARTMENT
See also Comptroller of the Currency, Customs Service; Internal Revenue Service; Revenue Sharing Office.
Notices
Income tax treaty; U.S. and Yugoslavia to hold discussions ... 60096
Notes, Treasury:
Series G-1979 ... 60096

VETERANS ADMINISTRATION
Notices
Meeting:
Station Committee on Educational Allowances ... 60124

V40N251 DEC 31 75 XUM

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

4 CFR
1 ... 60035
6 ... 60035
20 ... 60035
30 ... 60036
31 ... 60036
33 ... 60036
34 ... 60036
81 ... 60036

5 CFR
213 ... 60053

7 CFR
226 ... 60057
907 ... 60056
PROPOSED RULES:
53 ... 60071
907 ... 60071
980 ... 60072
1427 ... 60073

9 CFR
308 ... 60053
381 ... 60053

10 CFR
212 ... 60036
PROPOSED RULES:
212 ... 60082

12 CFR
8 ... 60056
202 ... 60055
204 ... 60055
700 ... 60069
702 ... 60069
PROPOSED RULES:
211 ... 60082
213 ... 60082
225 ... 60082

13 CFR
305 ... 60038
314 ... 60038
590 ... 60039

14 CFR
97 ... 60040
223 ... 60040

15 CFR
30 ... 60041
2002 ... 60042
2003 ... 60042
2007 ... 60042

16 CFR
3 ... 60043
4 ... 60043
13 (2 documents) ... 60044
701 ... 60168
702 ... 60168
703 ... 60190

17 CFR
PROPOSED RULES:
240 ... 60084
249 ... 60084

19 CFR
10 ... 60047

21 CFR
121 ... 60050
510 (2 documents) ... 60049, 60050
520 ... 60051
522 ... 60051
529 ... 60051
558 (3 documents) ... 60049, 60050, 60052

23 CFR
771 ... 60052
PROPOSED RULES:
750 ... 60075

26 CFR
1 ... 60053

40 CFR
PROPOSED RULES:
61 ... 60079

41 CFR
1–1 (2 documents) ... 60019, 60020
1–3 ... 60021
1–4 (2 documents) ... 60020, 60030
1–7 ... 60030
408 ... 60026
409 ... 60027

43 CFR
PROPOSED RULES:
3500 ... 60070
3520 ... 60070

45 CFR
PROPOSED RULES:
248 ... 60074

46 CFR
146 ... 60030

47 CFR
5 ... 60033
PROPOSED RULES:
73 ... 60080

49 CFR
571 ... 60033
PROPOSED RULES:
192 ... 60076
195 ... 60076
571 ... 60075

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

1 CFR
Chapter I ... 55633
415 ... 59705
420 ... 59313
425 ... 56651, 59187
430 ... 59314
431 ... 59316

3 CFR
EXECUTIVE ORDERS:
2553 (Revoked by PLO 5564) ... 58857
5327 (Amended by PLO 5562) ... 58857
5389 (Amended by PLO 5563) ... 58857
6827 (Amended by PLO 5559) ... 58453
8278 (Revoked in part by PLO 5550) ... 56667
8877 (Revoked in part by PLO 5558) ... 59205
10422 (Amended by EO 11890) ... 57775
11890 ... 57775
11891 ... 58279

4 CFR
1 ... 60035
6 ... 60035
20 ... 60035
30 ... 60036
31 ... 60036
33 ... 60036
34 ... 60036
81 ... 60036
412 ... 58281

5 CFR
213 ... 56651, 57202, 57351, 57461, 57777, 58127, 58421, 58845, 59718, 59719, 60053
890 ... 55829
736 ... 56651

6 CFR
703 ... 59188
704 ... 59334

7 CFR
1 ... 58281
2 ... 56421, 56669, 58127
16 ... 55829
25 ... 57205
25A ... 57205
52 ... 57206
226 ... 60057
245 ... 57206, 57777, 58281
271 ... 55646, 57434–57438
631 ... 58649
722 ... 55656
725 ... 55656
726 ... 56421
729 ... 55658
724 ... 58444
905 ... 57641, 58446
907 ... 56670, 57641, 58127, 58649, 59189, 59444, 60056
910 ... 57777, 58845, 59589
912 ... 57641
913 ... 58650
915 ... 59719
928 ... 59719
932 ... 59318
959 ... 57209
971 ... 59589

7 CFR—Continued
982 ... 55829, 59720
984 ... 57351
987 ... 59720
1060 ... 58846
1063 ... 58447
1250 ... 59190
1405 ... 58448
1421 ... 56423
1464 ... 57209, 57777
Ch. XVIII ... 59194
1822 ... 59590
1842 ... 57643
1865 ... 57642
1980 ... 57643
PROPOSED RULES:
53 ... 60071
210 ... 59600
622 ... 56457
724 ... 57809
726 ... 57810
907 ... 60071
916 ... 57221
928 ... 57221
932 ... 56457
959 ... 58656
980 ... 60072
993 ... 58863
999 ... 57368
1060 ... 56674, 59353
1061 ... 59353
1063 ... 56674
1068 ... 59353
1069 ... 59353
1076 ... 59353
1427 ... 60073
1822 ... 58151, 58657, 59447
1824 ... 59214
1901 ... 59214

8 CFR
100 ... 58448
103 ... 58448
238 ... 58448
316a ... 58448

9 CFR
78 ... 58281, 59421, 59721
91 ... 59318
113 ... 57806, 58626
308 ... 60053
331 ... 57807, 57808
351 ... 58627
381 ... 57807, 57808, 60053
PROPOSED RULES:
91 ... 56675
445 ... 59306
447 ... 59306

10 CFR
20 ... 58847
50 ... 58847
212 ... 57439, 60036
213 ... 59195
PROPOSED RULES:
211 ... 59602
212 ... 60082
RULINGS:
1975–18 ... 55860

12 CFR
1 ... 59318
7 ... 56883
8 ... 60056
202 ... 60055
204 ... 60055
217 ... 57663
220 ... 59322
221 ... 59322
225 ... 55634
226 ... 55634
265 ... 55635
303 ... 58128, 59322
327 ... 57209
329 ... 57664, 57778, 58848
500 ... 59422
522 ... 57442
523 ... 59424
526 ... 57665, 59590
545 ... 57665, 57781, 58848, 59196, 59591
546 ... 59322
555 ... 57781
561 ... 59424
563 ... 57665, 59323, 59591
571 ... 57783
700 ... 60069
702 ... 60069
PROPOSED RULES:
8 ... 59446
211 ... 60082
213 ... 60082
225 ... 58866, 60082
556 ... 57690
571 ... 57690
612 ... 59450
614 ... 59450

13 CFR
103 ... 59425
107 ... 59197
113 ... 59591
117 ... 57351
305 ... 60038
314 ... 60038
590 ... 60039
PROPOSED RULES:
120 ... 57602
121 ... 55860, 55868

14 CFR
39 ... 55635–55637, 56652, 56883, 57352, 57353, 57444, 57665, 57666, 57783–57785, 58128–58130, 58284, 58623, 58624, 58848, 58849, 59197–59199, 59721, 59722
71 ... 55638, 55829, 56423, 56424, 56652, 56884, 57203, 57204, 57353, 57354, 57444, 57666, 57785, 57786, 58131, 58284, 58624, 58849, 58850, 59199, 59722, 59723
75 ... 55830, 56884, 58850
97 ... 57204, 57666, 58625, 59724, 60040
103 ... 57667, 58850
121 ... 57444
123 ... 57444
135 ... 57444
223 ... 60040
240 ... 58850
288 ... 56652, 58449
312 ... 59425

V 40 251 DEC 31 75 XUM

14 CFR—Continued

PROPOSED RULES:

25 ... 59354
36 ... 59447
37 ... 57222
39 ... 57811, 59221
63 ... 57342
71 ... 55664, 55665, 55866, 56919, 57368, 57369, 58863, 58864, 59222, 59448
73 ... 59448
91 ... 57342, 59745
103 ... 57688
105 ... 57342
121 ... 57342, 59745
123 ... 57342, 59745
129 ... 57342
135 ... 57342, 59745
137 ... 57342
145 ... 57342
147 ... 57342
241 ... 57462, 59746
253 ... 55665
288 ... 58864
378 ... 57462
399 ... 55665

15 CFR

30 ... 60041
369 ... 59333
370 ... 59334
372 ... 59333, 59334
375 ... 59325
378 ... 59334
379 ... 56424, 59334
385 ... 59334
950 ... 56653
2002 ... 60042
2003 ... 60042
2007 ... 60042

16 CFR

3 ... 60043
4 ... 59724, 60043
13 ... 56655–56658, 57195–57201, 57445–57447, 57668, 58286, 58287, 59426, 59591, 59725, 60044
302 ... 56659, 59884
433 ... 58131
701 ... 60169
702 ... 60169
703 ... 60190
1115 ... 58449
1512 ... 57449
1602 ... 56885, 59884
1607 ... 59886
1608 ... 59887
1609 ... 59889
1610 ... 59891
1611 ... 59898
1615 ... 59903
1616 ... 59917
1630 ... 59931
1631 ... 59935
1632 ... 59940

PROPOSED RULES:

440 ... 59746
443 ... 58867
1700 ... 58865

17 CFR

200 ... 57449, 58131, 59712
210 ... 55830, 55835, 58851, 59339
211 ... 59339

17 CFR—Continued

239 ... 55836
240 ... 55837, 57355, 57357, 57449, 57786, 59712
241 ... 57786
249 ... 55837, 59718
275 ... 57795

PROPOSED RULES:

12 ... 55666
155 ... 58660
239 ... 58155
240 ... 57463, 58154, 58155, 60084
249 ... 58154, 58155, 60084
270 ... 59603

18 CFR

2 ... 56886
3 ... 58630
35 ... 56424
141 ... 57450
260 ... 58630, 58632

19 CFR

4 ... 55837, 58852
10 ... 60047
141 ... 57796
145 ... 59725
159 ... 55638, 55639
201 ... 55838

PROPOSED RULES:

1 ... 59212, 59745
12 ... 59745
141 ... 56674
142 ... 56674, 58150
143 ... 56674
152 ... 58859
158 ... 58150
159 ... 56674
177 ... 58470
201 ... 56936

20 CFR

405 ... 56659
410 ... 56886
618 ... 57766

PROPOSED RULES:

405 ... 56458
625 ... 56931

21 CFR

1 ... 57451, 57453
3 ... 57451
4 ... 55838
7 ... 55838
20 ... 59725
30 ... 59925
37 ... 57454
121 ... 56907, 57209, 58852, 60050
123 ... 56425, 58287
200 ... 58799
201 ... 58799
202 ... 58799
369 ... 58288
430 ... 57796
436 ... 57797
440 ... 58288
444 ... 57798
510 ... 60049, 60050
520 ... 60051
522 ... 59342
529 ... 57454, 60051
540 ... 55849
546 ... 57455, 58633
556 ... 57454, 58289, 59726

21 CFR—Continued

558 ... 57668, 57798, 58132, 58289, 59726, 60049, 60050, 60052
561 ... 56425
600 ... 57688
640 ... 55849
1308 ... 58132
1316 ... 57210

PROPOSED RULES:

1 ... 57811
10 ... 57811
27 ... 57811
51 ... 57811
53 ... 57811
102 ... 57688
310 ... 55869, 56675, 57811
330 ... 56675, 57811
338 ... 57292
339 ... 57292
340 ... 57292
600 ... 57688
610 ... 57688
640 ... 57688
660 ... 57688
1000 ... 58151

22 CFR

602 ... 56661

23 CFR

230 ... 57358
260 ... 58633
450 ... 57799
630 ... 55639, 57799
712 ... 55643
771 ... 60052

PROPOSED RULES:

750 ... 58312, 60075

24 CFR

200 ... 58637
205 ... 58133
207 ... 58133
213 ... 58134
220 ... 58134
221 ... 58134
232 ... 58134
235 ... 58134
236 ... 58134
242 ... 58134
244 ... 58134
280 ... 58752
1710 ... 56907
1912 ... 57210
1914 ... 56670, 57803, 59342, 59344
1915 ... 56672, 56910, 59427
1916 ... 56426
1917 ... 56426, 57668
1920 ... 56427–56429, 57669, 57670, 59199–59203
2205 ... 58450
2700 ... 59866

PROPOSED RULES:

1710 ... 56919
1917 ... 56459, 59225, 59226

25 CFR

233 ... 58135

PROPOSED RULES:

178 ... 57694
221 ... 59745

26 CFR

1 ... 55849, 58138, 58637, 60053
8 ... 58852
24 ... 58852
301 ... 55849

PROPOSED RULES:

1 ... 56448, 57364, 57462, 58471, 58656, 58860
20 ... 58860

27 CFR

6 ... 55856
194 ... 56887

PROPOSED RULES:

178 ... 59207
181 ... 59207

28 CFR

0 ... 58643, 58644
20 ... 59204

PROPOSED RULES:

19 ... 56453
42 ... 56454

29 CFR

8 ... 59726
97 ... 58854
102 ... 59728
204 ... 58855
402 ... 58856
403 ... 58856
408 ... 58856
602 ... 58138
603 ... 58138
608 ... 58139
609 ... 58140
610 ... 58140
611 ... 58140
612 ... 58141
614 ... 58141
615 ... 58142
687 ... 58143
1902 ... 55857, 58143
1952 ... 57455, 58450, 59345
1953 ... 57804
2556 ... 59728
2602 ... 57457

PROPOSED RULES:

40 ... 57332
60 ... 58664
723 ... 58867
724 ... 58867
725 ... 58867
1601 ... 59746
1910 ... 55866, 55867, 58457, 58458
1952 ... 59355
2610 ... 57982
2611 ... 57980

30 CFR

PROPOSED RULES:

250 ... 58862

31 CFR

214 ... 59595
316 ... 59292
332 ... 59300

32 CFR

577 ... 58290
650 ... 55962

33 CFR

Ch. I ... 58143
128 ... 56430
207 ... 57358

PROPOSED RULES:

117 ... 57222, 59219
214 ... 59212

34 CFR

PROPOSED RULES:

Ch. I ... 56459
259 ... 59554

35 CFR

5 ... 58290, 58292

36 CFR

7 ... 56888, 59728

PROPOSED RULES:

2 ... 57694
7 ... 59600
50 ... 58651

37 CFR

1 ... 37358
2 ... 37358

38 CFR

1 ... 56433, 56644
3 ... 56434, 57459, 59346
17 ... 57806

PROPOSED RULES:

3 ... 56936

39 CFR

Ch. I ... 57670
42 ... 57212
43 ... 57212
44 ... 57212
45 ... 57212
47 ... 57212
111 ... 57212, 57670

PROPOSED RULES:

111 ... 57223

40 CFR

35 ... 58602
40 ... 59438
52 ... 56888–56890, 57359, 59204, 59438, 59728
55 ... 56644
60 ... 58416, 59204, 59729
61 ... 58646, 59729
85 ... 58646
86 ... 58646
141 ... 59566, 59587
149 ... 58292
180 ... 55857, 57215, 58294, 58647, 58648, 59729
407 ... 57216
408 ... 55770
414 ... 56435, 56436

PROPOSED RULES:

6 ... 55868
40 ... 59450
51 ... 58317
52 ... 58317, 58319, 58663
61 ... 59532, 60079
85 ... 56932
116 ... 59960
117 ... 59977
118 ... 59962
119 ... 59999

40 CFR—Continued

PROPOSED RULES:

124 ... 59332
125 ... 59332
180 ... 58321
407 ... 57223

41 CFR

1-1 ... 60019, 60020
1-3 ... 60021
1-4 ... 60020, 60030
1-7 ... 60030
6-1 ... 58452
6-2 ... 58453
6-3 ... 58453
14-1 ... 57670, 57671
50-201 ... 57805
60-7 ... 59730
101-26 ... 57216
101-27 ... 59595
101-45 ... 59439
105-61 ... 56892
114-43 ... 55857
114-60 ... 55858
408 ... 60026
409 ... 60027

42 CFR

51c ... 59346
57 ... 56674

PROPOSED RULES:

2a ... 56692

43 CFR

2 ... 57671
20 ... 58295

PUBLIC LAND ORDERS:

17 (Revoked in part by PLO 5553) ... 58144
715 (Revoked in part by PLO 5565) ... 59347
1245 (Revoked in part by PLO 5552) ... 58144
2214 (Revoked in part by PLO 5565) ... 59347
2789 (Revoked by PLO 5551) ... 58144
4392 (Revoked in part by PLO 5560) ... 58648
5169 (Amended by PLO 5556) ... 58146
5170 (Amended by PLO 5557) ... 58146
5176 (Amended by PLO 5555) ... 58145
5179 (Amended by PLO 5556) ... 58146
5184 (Amended by PLO 5550) ... 56667
5187 (Revoked in part by PLO 5550) ... 56667
5252 (See PLO 5561) ... 58857
5564 (Amended by PLO 5564) ... 58857
5561 ... 58857
5562 ... 58857
5563 ... 58857
5564 ... 58857
5353 (Revoked n part by PLO's 5551, 5552, 5553) ... 58144
5396 (Amended by PLO 5556) ... 58146
5550 ... 56667
5550 (Revoked in part by PLO 5566) ... 59347
5551 ... 58144
5552 ... 58144
5553 ... 58144
5554 ... 58145
5555 ... 58145
5556 ... 58146
5557 ... 58146
5558 ... 59205
5559 ... 58453

V 40 251 DEC 31 75 XUM

reminders

43 CFR—Continued

5560 58648
5565 59347
5566 59347
5567 59347

PROPOSED RULES:

2600 57364
3500 60070
3520 60070

45 CFR

102 57760
160c 57926
223 58453
233 57359
302 57672
410 58956
1013 55859
1061 58649
1222 57217
1370 58956
1603 59351

PROPOSED RULES:

100a 58459
100c 58459
115 57042
154 59218
155 ..... 58400, 59447
157 ..... 58405, 59447
159 58409
160d 55659
162 56678
174 58459
233 59353
248 60074
1223 58659
1369 59408

46 CFR

4 58306
5 ..... 57672, 58306
12 57673
14 58306
33 58454
42 57218
75 58454
78 58454

46 CFR—Continued

94 58454
97 58454
142 58454
146 60030
167 58454
176 58454
192 58455
310 ..... 55643, 59348
401 57673
551 58146

PROPOSED RULES:

Ch. I 57688
10 55663
32 59219
78 58457
92 59219
105 59219
190 59219
503 58154

47 CFR

0 ..... 57359, 58306, 58858, 59439
1 ..... 55644, 59730
2 57674
5 60033
73 ..... 55644, 57360, 58147, 58853, 59440, 59596, 59597, 59736
76 57361
81 57675
83 57675
87 57675
89 58147
91 ..... 57682, 57684, 58306, 58455, 59742
93 58147
95 58148
97 ..... 58148, 59441

PROPOSED RULES:

73 ..... 58467, 59451, 59452, 59601, 60080
76 ..... 55868, 58866
81 58322
83 58322
89 57369
91 57369
97 ..... 59453, 59602

49 CFR

10 57361
25 58455
103 ..... 57687, 58307
107 56442
173 59598
174 57433
310 55645
391 58858
571 ..... 56667, 56898, 57687, 59349, 60033
575 57806
1010 56668
1033 ..... 55860, 56443, 56444, 56898, 57433, 59441, 59598, 59599, 59744
1034 59744
1125 57639

PROPOSED RULES:

192 60076
195 60076
393 57369
557 56926
567 55665
568 55665
571 ..... 55665, 56920, 56928, 57690, 58152, 58153, 59222, 60075
579 56930
1023 59453
1063 59604
1108 57465

50 CFR

17 58307
18 59442
28 ..... 56444, 56445, 56669, 57218, 57220, 57459–57461, 58148, 59205, 59348, 59444
32 59744
33 ..... 55860, 56446, 57363, 58149, 58649, 59349
216 56899
280 57461

PROPOSED RULES:

17 ..... 57221, 58308
510 ..... 55679, 57812
520 57692

FEDERAL REGISTER PAGES AND DATES—DECEMBER

Pages	Date	Pages	Date
55633–55828	1	58127–58278	15
55829–56420	2	58279–58420	16
56421–56649	3	58421–58621	17
56651–56882	4	56823–58844	18
56883–57193	5	58845–59185	19
57195–57349	8	59187–59311	22
57351–57432	9	59313–59419	23
57433–57639	10	59421–59588	24
57641–57773	11	59589–59704	29
57775–58126	12	59705–60017	30
		60019–60221	31

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/CG—Transportation or storage of dangerous substances; portable tank markings 52027; 11–7–75
Transportation or storage of dangerous substances; portable tank gross weights 52027; 11–7–75

GSA—Revision of standard procurement forms 48314; 10–14–75

LABOR—Industries in Puerto Rico; wage orders (6 documents). 58138–41; 12–15–75

USDA/APHIS—Meat and poultry products; use of terms "all", "pure", and "100%" on labels 42338; 12–5–74

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT
Agricultural Marketing Service—
Brown rice processing, U.S. standards; comments by 1–5–76. 53598; 11–19–75

ENVIRONMENTAL PROTECTION AGENCY
Air quality implementation plan, Ohio; comments by 1–9–76. 52412; 11–10–75
National pollutant discharge elimination system; concentrated animal feeding operations; comments by 1–5–76. 54182; 11–20–75

FEDERAL COMMUNICATIONS COMMISSION
Table of assignments for FM broadcast stations in Wisconsin; reply comments by 1–8–76 .. 51482; 11–5–75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Education Office—
National Reading Improvement Programs; criteria governing grant and contract awards; comments by 1–5–76 ..... 56679; 12–4–75
Food and Drug Administration—
Methadone; procedures for denying or revoking approval of applications to receive shipments; comments by 1–6–76 ..... 52049; 11–7–75
Office of Education—
School assistance in Federally affected areas; comments by 1–5–76. 57042; 12–5–75

INTERIOR DEPARTMENT
Land Management Bureau—
Alaska Native Claims; clarification of procedures for miscellaneous selection; comments by 1–9–76. 57364; 12–9–75

INTERSTATE COMMERCE COMMISSION
Passenger carriers; adequacy of facilities, service, and equipment, filing dates; comments by 1–6–76. 52063; 11–7–75

LABOR DEPARTMENT
Employment and Training Administration—Disaster unemployment assistance; comments by 1–5–76. 56931; 12–5–75

PENSION BENEFIT GUARANTY CORPORATION
Plan Benefits; Valuation Methods; comments by 1–7–76 .. 57980; 12–12–75

SMALL BUSINESS ADMINISTRATION
Business loan policy; comments by 1–9–76 ..... 57602; 12–10–75

TRANSPORTATION DEPARTMENT
Federal Aviation Administration—
Alteration of transition area; Glasgow, Ky.; comments by 1–5–76. 56919; 12–5–75
Control zone and transition area; Danbury, Conn.; comments by 1–5–76. 56919; 12–5–75
Noise control; subsonic transport category large airplanes and subsonic turbojet powered airplanes; comments by 1–5–76 ..... 51476; 11–5–75
Federal Highway Administration—
Interstate Highway System; comments by 1–5–76 ..... 53352; 11–17–75

DEPARTMENT OF THE TREASURY
Customs Service—
Vessel manifests; availability of information; comments by 1–5–76. 51201; 11–4–75
Fiscal Service—
Surety companies doing business with the United States; reinsurance acceptable on Miller Act bonds; comments by 1–9–76 ..... 54575; 11–25–75
Internal Revenue Service—
Minimum vesting standards; comments by 1–9–76 ..... 51445; 11–5–75

Next Week's Meetings

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES
Committee on Informational Action, to be held in Washington, D.C. (open) 1–6–76 ..... 57511; 12–10–75

AGRICULTURE DEPARTMENT
Forest Service—
Lyndon B. Johnson National Grassland Grazing Advisory Board; to be held in Decatur, Tex. (open) 1–8–76 ..... 55881; 12–2–75

CIVIL RIGHTS COMMISSION
Indiana Advisory Committee, to be held in Merriville, Ind. (open) 1–10–76. 57515; 12–10–75
Massachusetts Advisory Committee, to be held in Boston, Mass. (open) 1–8–76 ..... 57515; 12–10–75

CIVIL SERVICE COMMISSION
Federal Employees Pay Council; to be held in Washington, D.C. (closed); 1–7–76 ..... 58887; 12–19–75
Radio Astronomy Service Working Group for ITU World Administrative Radio Conference, to be held in Washington, D.C. (open) 1–5–76 ..... 58169; 12–15–75

COMMERCE DEPARTMENT
Domestic and International Business Administration—
Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee, to be held in Washington, D.C. (partially open) 1–7–76 ..... 56960; 12–5–75
Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee, to be held in Washington, D.C. (partially open) 1–7–76 ..... 56959; 12–5–75
Telecommunications Equipment Technical Advisory Committee, to be held in Washington, D.C. (partially open) 1–7–76 ..... 56961; 12–5–75

COMMODITY FUTURES TRADING COMMISSION
Advisory Committee on Regulations of Commodity Futures Trading Professionals; to be in New York, New York (open) 1–6–76 ..... 59239; 12–22–75

DEFENSE DEPARTMENT
Department of the Army—
U.S. Army Medical Research and Development Advisory Panel; to be held at Ft. Detrick, Federick, Maryland (open) 1–8–76 ..... 59227; 12–22–75
Office of the Secretary—
Wage Committee; to be held in Washington, D.C. (closed); 1–6–76. 56697; 12–4–75

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Task Force on Demonstration Projects as a Commercialization; to be held in Washington D.C. (open) 1–6 and 1–7–76 ..... 59240; 12–22–75

ENVIRONMENTAL PROTECTION AGENCY
Science Advisory Board; Hazardous Materials Advisory Committee; to be held in Arlington, Virginia (open) 1–8 and 1–9–76 ..... 59241; 12–22–75

FEDERAL ENERGY ADMINISTRATION
Conference to discuss power plant productivity; to be held in Atlanta, Ga. (open) 1–6–76 ..... 55902; 12–2–75

FEDERAL POWER COMMISSION
National Gas Survey, Supply Technical Advisory Task Force-Foreign Gas Supply; to be held in Washington, D.C. (open); 1–7–76 .... 58897; 12–19–75
Northern Natural Gas Co.; to be held in Washington, D.C., 1–7–76 ..... 56493; 12–3–75

V40251 DEC 31 75 XUM

GENERAL SERVICES ADMINISTRATION
Regional Public Advisory Panel on Architectural and Engineering Services; to be held in Atlanta, Georgia (open) 1–7–76..... 58513, 12–17–75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
National Advisory Council on Extension and Continuing Education, to be held in Washington, D.C. (open) 1–8 and 1–9–76..... 57511; 12–10–75
Education Office—
Adult Education National Advisory Council; Executive Committee; to be held in Washington, D.C. (open), 1–3–76..... 53295; 11–17–75
Food and Drug Administration—
Advisory Committees; Jan. 1976. 58479; 12–17–75
National Institutes of Health—
Biophysics and Biophysical Chemistry A Study Sections; to be held in Washington, D.C. (open with restrictions); 1–9 through 1–11–76. 54603; 11–25–75
Biochemistry, Cardiovascular and Pulmonary, Neurology A and A Physiological Chemistry Study Sections; to be held in Washington, D.C. (open with restrictions); 1–7 through 1–10–76..... 54603; 11–25–75
Breast Cancer Task Force; to be held in Bethesda, Md. (open); 1–7–76. 54604; 11–25–75
Human Embryology and Development, Pathology B, Surgery A and B, and Virology Study Sections; to be held in Bethesda, Md.; (open with restrictions); 1–8 through 1–10–76..... 54603; 11–25–75
Medicinal Chemistry A Study Section; to be held in Crystal City, Va.; (open with restrictions); 1–8 through 1–10–76. 54603; 11–25–75
Microbial Chemistry Study Section; to be held in Washington, D.C. (open with restriction); 1–8 through 1–10–7..... 54603; 11–25–75
Neurological and Communicative Disorders and Stroke Review Committee; to be held in Bethesda, Md. (open with restrictions); 1–11–76..... 54604; 11–25–75
Pathology A Study Section; to be held in Silver Spring, Md. (open with restrictions); 1–7 through 1–9–76. 54603; 11–25–75

INTERIOR DEPARTMENT
Land Management Bureau—
Arizona Strip District Advisory Board; to be held in St. George, Utah (open with restrictions) 1–8–76. 53413; 11–18–75
Colorado State Multiple Use Advisory Board; to be held in Denver, Colorado (open); 1–9–76..... 56698; 12–4–75

JUSTICE DEPARTMENT
Federal Advisory Committee on False Identification; to be held in Washington, D.C. (open); 1–8–76.... 58870; 12–19–75
Law Enforcement Assistance Administration—
Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice; to be held in Kenner, Louisiana (open); 1–8–76..... 58870; 12–19–75

LABOR DEPARTMENT
Bureau of Labor Statistics—
Business Research Advisory Council's Committee on Manpower and Employment, to be held in Washington, D.C. (open), 1–7–76. 58189; 12–15–75

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES
Fellowships Panel, to be held in Washington, D.C. (closed) 1–6, 1–7, 1–10 and 1–31–76..... 56984; 12–5–75

NATIONAL SCIENCE FOUNDATION
Advisory Panel for Engineering Mechanics, to be held in Washington, D.C. (open) 1–7 and 1–8–76. 58186; 12–15–75
Advisory Panel for Human Cell Biology; to be held in Washington, D.C. (closed) 1–10–76.. 58513; 12–17–75
Advisory Committee for Science Education, to be held in Washington, D.C. (partially open) 1–5 and 1–6–76. 58186; 12–15–75

NUCLEAR REGULATORY COMMISSION
Advisory Committee on Reactor Safeguards; Subcommittees on Safeguards for Special Nuclear Material and Security of Nuclear Facilities; to be held in Washington, D.C. (closed) 1–6–76..... 59261; 12–2–75

STATE DEPARTMENT
Office of the Secretary—
Ocean Affairs Advisory Committee; to be held in St. Augustine, Florida (closed), 1–7, and 1–8–76. 56462; 12–3–75
Shipping Coordinating Committee (Prevention of Marine Pollution), to be held in Washington, D.C. (open) 1–7–76..... 58156; 12–15–75
Shipping Coordinating Committee; Subcommittee on Safety on Life at Sea to be held in Washington, D.C. (open), 1–5 and 1–6–76. 57813; 12–12–75

TRANSPORTATION DEPARTMENT
National Highway Safety Advisory Committee's Executive Subcommittee; to be held in Washington, D.C. (open) 1–8 and 1–9–76.... 58491; 12–17–75
Radio Technical Commission for Aeronautics; to be held in Washington, D.C. (open) 1–8 and 1–9–76. 59234; 12–22–75

Next Week's Public Hearings

ENVIRONMENTAL PROTECTION AGENCY
Ohio; air pollution control; implementation plan for the control of sulfur dioxide; hearing to be held in Cleveland, Ohio (open with restrictions) 1–6–76..... 53421; 11–18–75
Ohio; air pollution control; implementation plan for the control of sulfur dioxide; hearing to be held in Steubenville, Ohio (open with restrictions) 1–8–76..... 53421; 11–18–75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
President's Biomedical Research Panel, to be held in Washington, D.C. (open) 1–5 and 1–6–76.... 54851; 11–26–75

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Office of Interstate Land Sales Registration—
Lake of the North; to be held in Washington, D.C., 1–8–76. 53055; 11–14–75
Pinery Subdivision; to be held in Washington, D.C., 1–6–76. 53056; 11–14–75

INTERNATIONAL TRADE COMMISSION
Ultra-microtome Freezing Attachments, to be held in Washington, D.C.; 1–9–76..... 58899; 12–19–75

SMALL BUSINESS ADMINISTRATION
Madison District Advisory Council; to be held in Sheboygan, Wis. (open) 1–9–76..... 54888; 11–26–75

TRANSPORTATION DEPARTMENT
Office of the Secretary—
Concord flights to John F. Kennedy International Airport and Dulles International Airport; to be held in Washington, D.C., 1–5–76. 53612; 11–19–75

Daily List of Public Laws

H.R. 1535..... Pub. Law 94–170
An act to increase the amount of benefits payable to widows of certain former employees of the Lighthouse Service
(Dec. 23, 1975; 89 Stat. 1022)

H.R. 1753..... Pub. Law 94–171
An act to amend section 141 of title 13, United States Code, to provide for the transmittal to each of the several States of the tabulation of population of that State obtained in each decennial census and desired for the apportionment or districting of the legislative body or bodies of that State, in accordance with, and subject to the approval of the Secretary of Commerce, a plan and form suggested by that officer or public body having responsibility for legislative apportionment or districting of the State being tabulated, and for other purposes
(Dec. 23, 1975; 89 Stat. 1023)

H.R. 4865..... Pub. Law 94–177
An act to amend title 39, United States Code, to prohibit certain franked mailings by Members of the Congress and certain officers of the United States, other than mailings related to the closing of their official business, after such Members or officers have left office.
(Dec. 23, 1975; 89 Stat. 1032)

H.R. 6642..... Pub. Law 94–166
An act to provide for allotment or assignment of payments from civil service annuities, and for other purposes
(Dec. 23, 1975; 89 Stat. 1002)

H.R. 6851..... Pub. Law 94–178
An act to increase the retired pay of certain members of the former Lighthouse Service
(Dec. 23, 1975; 89 Stat. 1033)

H.R. 7976..... Pub. Law 94–172
An act to amend title 5, United States Code, to provide that annual leave lost by a Federal employee because of an unjustified or unwarranted personnel action shall be restored to the employee, and for other purposes
(Dec. 23, 1975; 89 Stat. 1025)

H.R. 8151..... Pub. Law 94–179
An act to authorize the President of the United States to present in the name of Congress, a medal to Brigadier General Charles E. Yeager
(Dec. 23, 1975; 89 Stat. 1034)

H.R. 8674..... Pub. Law 94–168
Metric Conversion Act of 1975
(Dec. 23, 1975; 89 Stat. 1007)

H.R. 8773..... Pub. Law 94–165
Department of the Interior and Related Agencies Appropriation Act, 1976
(Dec. 23, 1975; 89 Stat. 977)

H.R. 9924..... Pub. Law 94–167
An act to direct the National Commission on the Observance of International Women's Year, 1975, to organize and convene a National Women's Conference, and for other purposes
(Dec. 23, 1975; 89 Stat. 1003)

H.R. 9968..... Pub. Law 94–164
Revenue Adjustment Act of 1975
(Dec. 23, 1975; 89 Stat. 970)

H.R. 10355..... Pub. Law 94–169
Veterans and Survivors Pension Interim Adjustment Act of 1975
(Dec. 23, 1975; 89 Stat. 1013)

S. 313..... Pub. Law 94–174
An act to authorize an exchange of lands for an entrance road at Guadalupe Mountains National Park, Texas, and for other purposes
(Dec. 23, 1975; 89 Stat. 1029)

S. 848..... Pub. Law 94–173
An act to amend section 2 of the National Housing Act to increase the maximum loan amounts for the purchase of mobile homes
(Dec. 23, 1975; 89 Stat. 1027)

S. 1922..... Pub. Law 94–175
An act to amend the Act of July 7, 1970 (84 Stat. 409) to authorize appropriations to the Secretary of the Interior without reference to the agencies involved
(Dec. 23, 1975; 89 Stat. 1030)

S. 2757..... Pub. Law 94–176
An act to extend until April 30, 1976, the authority of the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance
(Dec. 23, 1975; 89 Stat. 1031)

H.R. 8122..... Pub. Law 94–180
Public Works for Water and Power Development and Energy Research Appropriation Act, 1976
(Dec. 26, 1975; 89 Stat. 1035)

V 40 251 DEC 31 75 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amendment 161]

PART 1–1—GENERAL

Preference for U.S. Flag Air Carriers

This amendment of the Federal Procurement Regulations revises § 1–1.323, Preference for U.S. Flag Air Carriers. The changes reflect the requirements of Pub. L. 93–623 of January 3, 1975. This Act requires the Comptroller General of the United States to disallow payments to contractors that use non-U.S. flag air carriers; i.e., noncertificated air carriers when such use is not satisfactorily proven. To comply with the Act, the contract clause prescribed by the FPR now includes a certification which is to be executed by contractors when a non-U.S. flag air carrier is employed. In addition, the criteria prescribed by the General Accounting Office regarding the availability of U.S. flag air carriers have been included in the amendment.

The table of contents for Part 1–1 is revised to add new entries as follows:

Sec.
1–1.323–3 Availability or unavailability of certificated air carrier.
1–1.323–4 Disallowance of expenditures.
1–1.323–5 Air freight forwarders.

Subpart 1–1.3—General Policies

Section 1–1.323 is revised to read as follows:

§ 1–1.323 Preference for U.S. Flag Air Carriers.

§ 1–1.323–1 Policy.

The policy of the United States regarding the use of air carriers is stated in the International Air Transportation Fair Competitive Practices Act of 1974 (Pub. L. 93–623, January 3, 1975). The Act amended Title XI of the Federal Aviation Act of 1958 (49 U.S.C. 1501 et seq.) and requires all Federal agencies, Government contractors and subcontractors to use U.S. flag air carriers for international air transportation of personnel (and their personal effects) or property to the extent service by such carriers is available. As used in this section the term "U.S. Flag Air Carrier" means a carrier holding a certificate under section 401 of the Act. (49 U.S.C. 1371).

§ 1–1.323–2 Clause.

The contract clause prescribed by this section shall be included in (1) invitations for bids, (2) requests for proposals, and (3) contracts (including contracts resulting from unsolicited proposals) whenever it is possible that international air transportation of personnel (and their personal effects) or property will be required in the performance of the contract. The requirements of this section do not apply to small purchases made in accordance with Subpart 1–3.6.

PREFERENCE FOR U.S. FLAG AIR CARRIERS

(a) Pub. L. 93–623 requires that all Federal agencies and Government contractors and subcontractors will use U.S. flag air carriers for international air transportation of personnel (and their personal effects) or property to the extent service by such carriers is available. It further provides that the Comptroller General of the United States shall disallow any expenditure from appropriated funds for international air transportation on other than a U.S. flag air carrier in the absence of satisfactory proof of the necessity therefor.

(b) The contractor agrees to utilize U.S. flag air carriers for international air transportation of personnel (and their personal effects) or property to the extent service by such carriers is available.

(c) In the event that the contractor selects a carrier other than a U.S. flag air carrier for international air transportation, he will include a certification on vouchers involving such transportation which is essentially as follows:

CERTIFICATION OF UNAVAILABILITY OF U.S. FLAG AIR CARRIERS

I hereby certify that transportation service for personnel (and their personal effects) or property by certificated air carrier was unavailable for the following reasons: [1] (state reasons).

(d) The terms used in this clause have the following meanings:

(1) "International air transportation" means transportation of persons (and their personal effects) or property by air between a place in the United States and a place outside thereof or between two places both of which are outside the United States.

(2) "U.S. flag air carrier" means one of a class of air carriers holding a certificate of public convenience and necessity issued by the Civil Aeronautics Board, approved by the President, authorizing operations between the United States and/or its territories and one or more foreign countries.

(3) The term "United States" includes the fifty states, Commonwealth of Puerto Rico, possessions of the United States, and the District of Columbia.

[1] See Federal Procurement Regulations (41 CFR 1–1.323–3) or section 1–336.2 of the Armed Services Procurement Regulation, as applicable.

(e) The contractor shall include the substance of this clause, including this paragarph (e), in each subcontract or purchase hereunder which may involve international air transportation.

§ 1–1.323–3 Availability or unavailability of certificated air carrier.

Expenditures for service furnished by a noncertificated air carrier generally will be allowed only when service by a certificated air carrier or carriers is "unavailable" as indicated by the June 17, 1975, Comptroller General's memorandum (B–138942) entitled "Guidelines for Implementation of Section 5 of the International Air Transportation Fair Competitive Practices Act of 1974." The criteria contained in the memorandum are reproduced in this section.

(a) Passenger or freight service by a certificated air carrier is considered "available" even though:

(1) Comparable or a different kind of service by a noncertificated air carrier costs less, or

(2) Service by a noncertificated air carrier can be paid for in excess foreign currency, or

(3) Service by a noncertificated air carrier is preferred by the agency or traveler needing air transportation, or

(4) Service by a noncertificated air carrier is more convenient for the agency or traveler needing air transportation.

(b) Passenger service by a certificated air carrier will be considered to be "unavailable":

(1) When the traveler, while en route, has to wait 6 hours or more to transfer to a certificated air carrier to proceed to the intended destination, or

(2) when any flight by a certificated air carrier is interrupted by a stop anticipated to be 6 hours or more for refueling, reloading, repairs, etc., and no other flight by a certificated air carrier is available during the 6 hour period, or

(3) when by itself or in combination with other certificated or noncertificated air carriers (if certificated air carriers are "unavailable") it takes 12 or more hours longer from the original airport to the destination airport to accomplish the agency's mission than would service by a noncertificated air carrier or carriers.

§ 1–1.323–4 Disallowance of expenditures.

The Act and the Comptroller General's memorandum provide that he will disallow any expenditures for commercial foreign air transportation on noncertificated air carriers unless there is included in the appropriate voucher a justification explaining why service by certificated air

V 40 N 251 DEC 31 75 XUM

carriers was "unavailable." The justification requirement is satisfied by the contractor's use of the certification contained in the contract clause which is prescribed by § 1–1.323–2.

§ 1–1.323–5 Air freight forwarders.

(a) International air freight forwarders, as defined in 14 CFR 297.1(c) and 297.2 (1974) that are engaged in foreign air transportation (49 U.S.C. 1301(21)(c) (1970)), may be used for Government-financed movements of property. The rule stated in § 1–1.323–3 also applies to the use of underlying air carriers by international air freight forwarders engaged in such foreign air transportation.

(b) In order that bills submitted by international air freight forwarders engaged in international air transportation may be paid upon presentation, such carriers shall submit with their bills a copy of the airway bill or manifest showing the underlying air carriers utilized with such justification certifications as they may have for the use of underlying noncertificated air carriers. Use of the prescribed certification satisfies the justification requirement.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date: The regulation transmitted by this amendment is effective February 28, 1976, but may be observed earlier.

(It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with Executive Order 11821.)

Dated: December 5, 1975.

JACK ECKERD,
Administrator of General Service.

[FR Doc.75-34822 Filed 12-30-75;8:45 am]

[FPR Amdt. 159]

PART 1–1—GENERAL

PART 1–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Public Utility Services

This amendment of the Federal Procurement Regulations changes §§ 1–1.317 and 1–4.410–5. The amendment partially implements Recommendation D–18 of the Commission on Government Procurement. The recommendation encourages procuring activities to purchase supplies or services from public utilities by accepting commercial forms and provisions that are used by utilities in sales to industry and the general public. Both the recommendation and the executive branch position on the recommendation appreciated, however, that the best interests of the Government and the requirements of law must be recognized. Accordingly, the recommendation is being implemented, consistent with those limitations, insofar as possible. In this connection, several contract clause requirements have been modified for utility contracts. The Certificate of Independent Price Determination is no longer required where rates are set by law or regulation, and the Disputes clause is made inapplicable where disputes are subject to the jurisdiction of a Federal, State, or other appropriate regulatory body. Also, the limited applicability of several other clauses has been more clearly indicated. Further procedures are under development which will be issued at a later date that will complete the implementation of the recommendation.

Subpart 1–1.3—General Policies

Section 1–1.317 is amended to change paragraph (a), as follows:

§ 1–1.317 Noncollusive bids and proposals.

(a) In order to promote full and free competition for Government contracts, the certification prescribed by this section shall be included in all (1) invitations for bids and (2) requests for proposals or quotations. Exceptions to this requirement include the following: Small purchases in accordance with Subpart 1–3.6, requests for technical proposals in connection with two-step formal advertising involving firm fixed-price contracts and fixed-price contracts with escalation, and contracts for utility services where rates are set by law or regulation.

* * * * *

Subpart 1–4.4—Public Utilities

Section 1–4.410–5 is revised, as follows:

§ 1–4.410–5 Uniform clauses for utility service contracts.

The commercial forms and provisions used by utility companies shall be used by agencies in procuring utility services required for their programs in accordance with the procedures prescribed in this subpart. However, all utility service contracts shall include the clauses prescribed by this section in the manner indicated. The clauses classified as "mandatory" shall be included in all contracts. Clauses which are classified "when applicable" shall be included in accordance with the individual requirements for the use of those clauses.

(a) *Clauses that are mandatory.*

(1) *Definitions.* (See § 1–7.102–1).

(2) *Examination of records by Comptroller General.* (See § 1–7.103–3).

(3) *Equal opportunity.* (See § 1–12.803–2).

(4) *Certification of nonsegregated facilities.* (See § 1–12.803–10.)

(5) *Officials not to benefit.* (See § 1–7.102–17).

(6) *Covenant against contingent fees.* (See § 1–1.503).

(7) *Convict labor.* (See § 1–12.204).

(8) *Contract work hours and Safety Standards Act—overtime compensation.* (See § 1–12.303).

(9) *Disputes.*

DISPUTES

Insert the clause prescribed in § 1–7.102–12, and in negotiated contracts add a paragraph (c), as follows:

(c) The provisions of (a) above shall not apply to disputes which are subject to the jurisdiction of a Federal, State, or other appropriate regulatory body. The provisions of (a) above shall also be subject to the requirements of the law with respect to the rendering of utility services and the collection of regulated rates.

(10) *Conflicts.*

CONFLICTS

To the extent of any inconsistency between the provisions of this contract and any schedule, rider, or exhibit incorporated in this contract by reference or other ire, or any of the Contractor's rules and regulations, the provisions of this contract shall control.

(11) *Listing of employment openings.* (See § 1–12.1102–2).

(12) *Payment of interest on Contractors' claims.* (See § 1–1.322).

(13) *Utilization of Minority Business Enterprises.* (See § 1–1.1310–2(a)).

(14) *Utilization of Small Business Concerns.* (See § 1–1.710–3(a)).

(15) *Utilization of Labor Surplus Area Concerns.* (See § 1–1.805–3(a)).

(16) *Employment of the handicapped.* (See § 1–12.1304–1).

(17) *Clean air and water.* (See § 1–1.2302–2).

(b) *Clauses to be used when applicable.* The following clauses shall be used when applicable:

(1) *Gratuities.* The following clause should be used when the contract is for utility services to be used wholly or partly by one or more installations of the Armed Services.

GRATUITIES

(a) The Government may, by written notice to the Contractor, terminate the right of the Contractor to proceed under this contract if it is found, after notice and hearing, by the Head of the agency or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Contractor, or any agent or representative of the Contractor, to any officer or employee of the Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing of such contract; *provided*, That the existence of the facts upon which the Head of the agency or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event this contract is terminated as provided in paragraph (a) hereof, the Government shall be entitled (i) to pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract by the Contractor, and (ii) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Head of the agency or his duly authorized representative) which shall be not less than three nor more than ten times the costs incurred by the Contractor in providing any such gratuities to any such officer or employee.

(c) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(2) *Parties of interest.*

PARTIES OF INTEREST

This contract shall be binding upon and inure to the benefit of the successors, legal representatives, and assignees of the respective parties hereto.

(3) *Privacy Act.* (See § 1–1.327–5(c)).

(4) *Minority Business Enterprises Subcontracting Program.* (See § 1–1.1310–2(b)).

(5) *Small Business Subcontracting Program.* (See § 1–1.710–3(b)).

(6) *Labor Surplus Area Subcontracting Program.* (See § 1–1.805–3(b)).

(7) *Cost accounting standards.* Insert the two notices prescribed by § 1–3.1203(a)(3) and (b)(2) in negotiated solicitations under the conditions contained in Subpart 1–3.12. Incorporate the contract clause set forth in § 1–3.1204 in negotiated contracts under the conditions contained in Subpart 1–3.12. Note that as provided in § 1–3.1203, the notice and clause shall not be used when the price is set by law or regulation.

(c) GSA has included the uniform mandatory clauses listed in paragraph (a) of this section in its GSA Form 1685, Supplemental Provisions (Utility Service Contract). Upon request, GSA will furnish a copy of this form to any agency for its guidance, use, or reproduction as an agency form.

(Sec. 205(c) 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective February 28, 1976, but may be observed earlier.

Dated: December 16, 1975.

(It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order 11821.)

JACK ECKERD,
Administrator of General Services.

[FR Doc.75-34820 Filed 12-30-75;8:45 am]

[FPR Amendment 160]

PROCUREMENT

Cost Accounting Standards

This amendment of the Federal Procurement Regulations provides administrative guidance to implement the Cost Accounting Standards contract clause in Subpart 1–3.12. The amendment provides guidelines for the administration of (1) noncompliance issues for cost accounting standards and disclosed accounting practices, (2) equitable adjustments for new cost accounting standards, and (3) voluntary changes in accounting practices. An additional notice for solicitations and an additional contract clause entitled "Administration of Cost Accounting Standards" are added. Portions of Parts 1–4 and 1–7 affected by the changes are also amended. Unless exempted in the FPR, these guidelines apply to both negotiated national defense and negotiated nondefense contract and subcontracts.

PART 1–3—PROCUREMENT BY NEGOTIATION

The table of contents for Part 1–3 is amended to revise the entries for §§ 1–3.1204, 1–3.1208, and 1–3.1212—1–3.1219, and to add new entries, as follows:

Sec.
1–3.1203–1 Materiality.
1–3.1204 Contract clauses.
1–3.1204–1 Cost accounting standards.
1–3.1204–2 Administration of cost accounting standards.
1–3.1208 Contract administration for CASB matters by agencies other than DOD.
1–3.1212 Administration of noncompliance issues.
1–3.1213 Administration of equitable adjustments for new cost accounting standards.
1–3.1214 Administration of voluntary changes.
1–3.1215 [Reserved]
1–3.1216 [Reserved]
1–3.1217 [Reserved]
1–3.1218 [Reserved]
1–3.1219 [Reserved]
1–3.1220–8 Accounting for costs of compensated personal absence.
1–3.1220–9 Depreciation of tangible capital assets.

AUTHORITY: 40 U.S.C. 486(c).

Subpart 1–3.12—Cost Accounting Standards

1. Section 1–3.1201–1 is added, as follows:

§ 1–3.1202–1 Materiality.

Materiality shall be considered in the application of regulations and standards of the Cost Accounting Standards Board. The criteria set forth in this § 1–3.1202–1 shall be used.

(a) In promulgating its rules and regulations, the Board made the following comment:

Materiality. The Board notes that many commentators urged that a concept of materiality be incorporated in the Board's regulations, to the end that minimal or insignificant modifications of or failures to use disclosed cost accounting practices would not be subject to price adjustment.

The Board agrees that the administration of its rules, regulations, and Cost Accounting Standards should be reasonable and not seek to deal with insignificant amounts of cost. Since this rule of common sense is already practiced by the Government, the Board does not believe that there is any need to attempt to formulate and state an acceptable concept of materiality applicable to all Board rules, regulations and standards, although the Board might consider doing so if subsequent events indicate the necessity therefor. The Board does recognize that in particular standards a "materiality" statement may be useful, and in such cases, it will include one. See for example the addition at § 402.50(e). (of 4 CFR.) (37 FR 4141, February 29, 1972.)

In the Cost Accounting Standards Board Statement of Operating Policies, Procedures, and Objectives, the following statement of the Board's objective in regard to materiality was promulgated:

Materiality. The Board believes that the administration of its rules, regulations, and Cost Accounting Standards should be reasonable and not seek to deal with insignificant amounts of cost. Although this rule of common sense is already practiced by the Government, the Board recognizes that, in particular standards, a specific "materiality" statement may be useful; and, in such cases, it will include one.

The Board expects that in implementing its promulgations, it is appropriate to consider the following criteria in determining whether a transaction or a decision about an accounting practice is material in the context of any Board issuance:

1. *The absolute dollar amount involved.* The larger the dollar amount, the more likely it is that a decision involving it will be material.

2. *The amount of total contract cost compared with the amount under consideration.* The larger the portion of the total contract cost which is represented by the item or the decision under consideration, the more likely it is to be material.

3. *The relationship between a cost item and a cost objective.* Decisions about direct cost items, especially if the amounts are themselves part of a base for distribution of indirect cost, will normally be more material than like decisions about indirect costs.

4. *The impact on Government funding.* Decisions about accounting treatment will be more material if they influence the distribution of costs between Government and non-Government cost objectives than if all cost objectives have Government financial support.

5. *The relationship to price.* When contract pricing is based upon estimated cost, decisions about cost accounting treatment in estimates are more material than comparable decisions about treatment of actual costs. When contract pricing is based on actual costs, decisions about accounting treatment for actual costs are more material than comparable decisions about estimates.

6. *The cumulative effect of individually immaterial items.* It is appropriate to consider whether individual variances (a) tend to offset one another, or (b) tend to be in the same direction and hence to accumulate into a material amount.

These criteria should be considered together; no one criterion is wholly determinative of immateriality. In particular standards the Board will give consideration to defining materiality in specific dollar amounts and/or specific percentages of impact on operations covered by the entire Standard or any provision thereof whenever it appears feasible and desirable to do so." (38 FR 6122 and 6123, March 6, 1973.)

(b) The cost of administrative processing of the price adjustment modification shall be considered. If the cost to process exceeds the amount to be recovered, it is less likely the amount will be material.

2. Section 1–3.1203 is changed to amend paragraph (a), revise paragraph (g), and add a new paragraph (i), as follows:

§ 1–3.1203 Applicability of cost accounting standards and prime contractor disclosure statement(s).

(a) *Solicitation notices.* * * *

(1) *National defense contracts.* The notice entitled *Disclosure Statement—Cost Accounting Practices and Certification* set forth in § 1–3.1203(a)(3), the notice entitled *Cost Accounting Standards—Exemption for Contracts of $500,000 or Less—Certification* set forth in § 1–3.1203(h)(2), and the notice entitled *Additional Cost Accounting Standards Applicable to Existing Contracts—Certification* set forth in § 1–3.1203(i)(2) shall be inserted in all solicitations which are likely to result in a negotiated contract exceeding $100,000, except when:

* * * * *

(g) *Amendment of disclosure statement(s).* Amendments of a Disclosure Statement after contract award shall be processed in accordance with 4 CFR

V 40 251 DEC 31 75 XUM

351.120 and §§ 1–3.1205(d) and 1–3.1207 of these regulations.

* * * * *

(i) *Effect of proposed award on existing contracts and subcontracts containing the Cost Accounting Standards clause.*

(1) In addition to compliance with all cost accounting standards in effect on the date of award of a contract or if the contractor has submitted cost or pricing data, on the date of final agreement on price as shown on the contractor's signed certificate of current cost or pricing data, paragraph (a)(3) of the Cost Accounting Standards clause (§ 1–3.1204–1) requires that a contractor comply with any cost accounting standard which thereafter becomes applicable to any other of his contracts or subcontracts. The applicability of the additional standard(s) to an existing contract or subcontract is prospectively from the date of applicability to any other contract or subcontract. Thus, if an additional standard is promulgated by the CASB with an effective date after award of the existing contract, it would not become applicable to that contract until the contractor was awarded a new contract or subcontract to which the additional standard is applicable. This provision operates so that at any given time a contractor is complying with identical cost accounting standards under all of his contracts and subcontracts subject to the clause.

(2) *Third notice for solicitations.* The following notice will be inserted (as well as the notice in paragraph (h)(2) of this section) in all solicitations that contain the notice entitled *Disclosure Statement—Cost Accounting Practices and Certifications* as required by paragraph (a)(3) of this section:

ADDITIONAL COST ACCOUNTING STANDARDS APPLICABLE TO EXISTING CONTRACTS—CERTIFICATION

(a) Cost accounting standards will be applicable and effective as promulgated by the Cost Accounting Standards Board to any award as provided in the Federal Procurement Regulations Subpart 1–3.12. If the offeror presently has contracts or subcontracts containing the Cost Accounting Standards clause, a new standard becomes applicable to such existing contracts prospectively when a new contract or subcontract containing such clause is awarded on or after the effective date of such new standard. Such new standard may require a change in the offeror's established cost accounting practices, whether or not disclosed. The offeror shall specify by an appropriate entry below, the effect on his cost accounting practice.

(b) The offeror hereby certifies that an award under this solicitation [ ] would, [ ] would not, in accordance with paragraph (a)(3) of the Cost Accounting Standards clause require a change in his established cost accounting practices affecting existing contracts and subcontracts.

NOTE: If the offeror has checked "would" above, and is awarded the contemplated contract, he will also be required to comply with the clause entitled Administration of Cost Accounting Standards.

[End of notice]

3. Section 1–3.1204 is revised to change the caption of the section, to designate the present contract clause (§ 1–3.1204) as § 1–3.1204–1 (without change), and to add a new contract clause as § 1–3.1204–2, as follows:

§ 1–3.1204 Contract clauses.

The clauses set forth in §§ 1–3.1204–1 and 1–3.1204–2 shall be inserted in all negotiated contracts exceeding $100,000 unless the procurement is exempted under § 1–3.1203(a)(1), (2), or (h)(1).

§ 1–3.1204–1 Cost accounting standards.

COST ACCOUNTING STANDARDS

* * * * *

§ 1–3.1204–2 Administration of cost accounting standards.

ADMINISTRATION OF COST ACCOUNTING STANDARDS

For the purpose of administering Cost Accounting Standards requirements under this contract, the Contractor shall:

(a) Submit to the cognizant contracting officer a description of the accounting change and the general dollar magnitude of the change to reflect the sum of all increases and the sum of all decreases for all contracts containing the Cost Accounting Standards clause:

(1) For any change in cost accounting practices required to comply with a new Cost Accounting Standard in accordance with paragraphs (a)(3) and (a)(4)(A) of the clause of this contract entitled "Cost Accounting Standards" within 60 days (or such other date as may be mutually agreed to) after award of a contract requiring such change;

(2) For any change to cost accounting practices proposed in accordance with paragraph (a)(4)(B) of the clause of this contract entitled "Cost Accounting Standards" not less than 60 days (or such other date as may be mutually agreed to) prior to the effective date of the proposed change; or

(3) For any failure to comply with an applicable Cost Accounting Standard or to follow a disclosed practice as contemplated by paragraph (a)(5) of the clause of this contract entitled "Cost Accounting Standards" within 60 days (or such other date as may be mutually agreed to) after the date of agreement of such noncompliance by the Contractor.

(b) Submit a cost impact proposal in the form and manner specified by the cognizant contracting officer within 60 days (or such other date as may be mutually agreed to) after the date of determination of the adequacy and compliance of a change submitted pursuant to (a)(1), (2), or (3) above.

(c) Agree to appropriate contract and subcontract amendments to reflect adjustments established in accordance with paragraphs (a)(4) and (a)(5) of the clause of this contract entitled "Cost Accounting Standards."

(d) Include the substance of this clause in all negotiated subcontracts containing the clause entitled "Cost Accounting Standards." In addition, include a provision in these subcontracts which will require such subcontractors, within thirty (30) days after receipt of award, to submit the following information to the contracting officer cognizant of the subcontractor's facility:

(1) Subcontractor's name and subcontract number;

(2) Dollar amount and date of award;

(3) Name of Contractor making the award; and

(4) A statement as to whether the subcontractor has made or proposes to make any changes to accounting practices that affect prime contracts or subcontracts containing the Cost Accounting Standards clause, unless such changes have already been reported. If award of the subcontract results in making a Cost Accounting Standard(s) effective for the first time this shall also be reported.

(e) In the event an adjustment is required to be made to any subcontract hereunder, notify the cognizant contracting officer in writing of such adjustment and agree to an adjustment in the price or estimated cost and fee of this contract, as appropriate, based upon the adjustment established under the subcontract. Such notice shall be given within 30 days after receipt of the proposed subcontract adjustment, and shall include a proposal for adjustment to such higher tier subcontract or prime contract, as appropriate.

(f) When the Cost Accounting Standards clause and this clause are included in subcontracts, the term "contracting officer" shall be suitably altered to identify the purchaser.

[End of clause]

4. Section 1–3.1205 is amended to revise paragraphs (b) and (c), and to add a new paragraph (d), as follows:

* * * * *

§ 1–3.1205 Review of prime contractor Disclosure Statements.

(b) *Determination of adequacy.* The cognizant contract auditor shall perform an initial review of a Disclosure Statement to ascertain whether it adequately describes the offeror's cost accounting practices. In order to be deemed adequate, the Disclosure Statement must be current, accurate, and complete. Upon completion of this initial review the results shall be reported to the cognizant contracting officer. When the cognizant contracting officer determines that adequate disclosure has not been made, he shall identify the areas of inadequacy and request a revised Disclosure Statement from the offeror and so advise the auditor and the procurement contracting officer. When the cognizant contracting officer determines that the Disclosure Statement is adequate, he shall notify the offeror in writing and send a copy to the auditor and the procurement contracting officer. Notification of adequacy or inadequacy shall normally be made within 30 days after receipt of a Disclosure Statement by the cognizant contracting officer. In addition, the notice shall state that a disclosed practice shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed to practice for pricing proposals or accumulating and reporting contract performance cost data. The contact may be awarded when it is determined that an adequate disclosure has been made (see § 1–3.1203(b)).

(c) *Determination of compliance.* Subsequent to the issuance of the above notification, a more detailed review of the Disclosure Statement shall be made by the auditor to ascertain whether the disclosed practices are in compliance with Part 1–15 or ASPR Section XV, as applicable, and the Cost Accounting Standards. The auditor shall advise the cognizant contracting officer of his findings. The cognizant contracting officer shall take action regarding noncompliance with Cost Accounting Standards in accordance with § 1–3.1212. A revised Disclosure Statement may be required. In addition, adjustment of the prime contract price or cost allowance in accordance with § 1–3.1207(b) may be required. Noncompliance with Part 1–15 or Section XV shall be processed separately in accordance with normal administrative practices.

(d) *Review of changed practices.* (1) When a change to disclosed practices is proposed or required, a description of the changed practices shall be distributed in accordance with § 1–3.1203(c). The cognizant contract auditor shall review the changed practices for adequacy and compliance (as defined in (b) and (c) of this section) concurrently. Upon completion of the review, the results shall be reported to the cognizant contracting officer. When the cognizant contracting officer determines that the changed practices are adequate and in compliance, he shall so notify the contractor and send a copy of the notification to the auditor.

(2) When the cognizant contracting officer determines that the description of the changed practices is not adequate, or the changed practices are not in compliance, he shall identify the deficiencies and so notify the contractor and send a copy of the notification to the auditor. This notice shall require the contractor to advise the cognizant contracting officer and the auditor of the corrective action taken or to be taken. Resubmission of the changed practices will be required. If the contractor has submitted an adequate description of the changed practices but these practices are determined to be in noncompliance and the contractor does not agree, the cognizant contracting officer shall issue an adequacy determination with the stipulation that if those changed practices are implemented for the purpose of pricing or costing Government contracts, the contractor shall be considered in noncompliance and the cognizant contracting officer shall take action in accordance with § 1–3.1212.

(3) When a change to established, but not disclosed, practices is proposed or required, it shall be processed in accordance with paragraph (d)(1) and (2) of this section except that no submission is required to be made to the Cost Accounting Standards Board.

5. Section 1–3.1207 is amended to revise paragraphs (a), (c) and to add paragraph (c)(3), as follows:

§ 1–3.1207 Contract price adjustments.

(a) *Modification to Disclosure Statements or established practices.* Paragraph (a)(4) of the Cost Accounting Standards clause (§ 1–3.1204–1) provides for adjustment of the contract price under certain circumstances. The cognizant contracting officer is responsible for obtaining the contractor's cost impact proposal and for the conduct of all negotiations of such adjustments to all Government prime contracts.

* * * * *

(c) *Conduct of negotiations of defense and nondefense contracts and execution of supplemental agreements.* The cognizant contracting officer shall require the contractor to include in the cost impact proposal, proposals for adjustment to subcontracts containing the Cost Accounting Standards clause. Negotiations pursuant to paragraphs (a) and (b) of this section shall be conducted on behalf of all Government agencies including, but not limited to, DOD, NASA, ERDA, and GSA. As part of these negotations the cognizant contracting officer shall also determine the effect of the change in accounting practices on each subcontract being performed by the contractor and containing the Cost Accounting Standards clause. The cognizant contracting officer shall invite purchasing officers to participate in negotiations of adjustments when the price of any of their contracts will be increased or decreased by $10,000 or more. At the conclusion of negotiations the following actions shall be taken by the cognizant contracting officer:

* * * * *

(3) When a subcontract is to be adjusted, copies of the memorandum indicating the effect on costs shall be furnished the cognizant contracting officer of the next higher tier subcontractor or prime contractor, as appropriate. This memorandum shall be the basis for negotiation between the subcontractor and the next higher tier subcontractor or prime contractor and execution of a supplemental agreement to the subcontract. The cognizant contracting officer of the next higher tier subcontractor shall furnish in turn a memorandum of these negotiations to the cognizant contracting officer of the next higher tier subcontractor or prime contractor until the adjustment is reflected in the prime contract.

6. Section 1–3.1208 is amended to revise the caption and paragraph (a) and to change paragraph (b) by deleting the first sentence in the paragraph, as follows:

§ 1–3.1208 Contract administration for CASB matters by agencies other than DOD.

(a) A list of agency contact points for the identification of cognizant contracting officers will be published from time to time in FPR Bulletins. (NOTE: The initial GSA Bulletin FPR 22 appears at 40 FR 17644, April 21, 1975.) The various components of the Department of Defense have assigned a CASB cognizant contracting officer for the majority of contractors/subcontractors subject to CASB rules and regulations. This contracting officer is also the cognizant Government contracting officer for nondefense contracts with such contractors/subcontractors awarded by the various civilian agencies. For other contractors/subcontractors a civilian agency may have assigned a CASB cognizant contracting officer. In the event no cognizant contracting officer has been assigned to a particular contractor/subcontractor, an assignment shall be made in accordance with paragraph (b) of this § 1–3.1208. CASB cognizant contracting officers assigned by a civilian agency shall perform for DOD and other civilian agencies all functions set out in §§ 1–3.1205, 1–3.1206, and 1–3.1207 which DOD contracting officers perform for other Government agencies when DOD assigns the cognizant contracting officer.

* * * * *

7. Section 1–3.1212 is added, as follows:

§ 1–3.1212 Administration of noncompliance issues.

(a) *Initial finding of compliance or noncompliance.* The cognizant contracting officer shall promptly, upon receipt of a noncompliance report from the auditor, make an initial finding of compliance or noncompliance and advise the auditor.

(b) *Notification to contractor.* If an initial finding of noncompliance is made, the cognizant contracting officer shall immediately notify the contractor in writing of the exact nature of the noncompliance and request him, within 30 days to agree thereto or to submit reasons why he considers his existing practices are in compliance.

(c) *Agreement of contractor.* If the contractor agrees, he shall:

(1) Correct the noncompliance, and

(2) Submit the information required by paragraph (a) of the Administration Cost Accounting Standards clause (§ 1–3.1204–2).

(d) *Review of contractor change.* Upon receipt of the information required in paragraph (c) of this section indicating agreement with the noncompliance, the cognizant contracting officer shall review the accounting change for adequacy and compliance concurrently in accordance with § 1–3.1205(d). Upon completion of the review indicating that the change is both adequate and in compliance, the contractor shall be notified and requested to submit the cost impact proposal required pursuant to paragraph (b) of the Administration of Cost Accounting Standards clause (§ 1–3.1204–2). The proposal shall be in sufficient detail to permit evaluation and negotiation of the cost impact upon each contract and subcontract containing the Cost Accounting Standards clause (§ 1–3.1204–1). It shall contain as a minimum the following information:

(1) Identification of all contracts and subcontracts containing the Cost Accounting Standards clause and

(2) The effect on each contract and subcontract from the date of failure to comply until the noncompliance is corrected.

(e) *Receipt of cost impact proposal.* Upon receipt of an acceptable proposal from the contractor, the cognizant contracting officer shall promptly analyze the proposal with the assistance of the auditor and negotiate the contract price adjustments pursuant to § 1–3.1207.

(f) *Failure to submit cost impact proposal.* If the contractor fails to furnish the cost impact proposal in the form and time specified, the cognizant contracting officer shall take action in accordance with paragraph (h) of this section.

V 40 251 DEC 31 75 XUM

(g) *Disagreement of contractor.* The cognizant contracting officer shall review the contractor's submission in paragraph (b) of this section and make a determination of compliance or noncompliance.

(h) *Decision of cognizant contracting officer.* (1) If the cognizant contracting officer makes a determination of compliance, he shall so notify the contractor and send a copy to the auditor;

(2) If the cognizant contracting officer makes a determination of noncompliance, or if the contractor fails to furnish the cost impact proposal, the cognizant contracting officer with the assistance of the auditor shall estimate the cost impact of the noncompliance on contracts and subcontracts containing the Cost Accounting Standards clause;

(3) If the cognizant contracting officer's estimate indicates increased costs to the Government, he shall notify the contractor and request agreement as to the cost or price adjustment, together with any applicable interest. The contractor shall also be advised that in the event no agreement on the cost or price adjustment is reached within 20 days, action may be taken in accordance with paragraph (b) of the Cost Accounting Standards clause. If a DOD cognizant contracting officer subsequently takes such action, he shall also consider appropriate action to protect the interests of the Government, pursuant to ASPR Appendix E, Part 6 (32 CFR, Part 163, Subpart F) regarding any cost adjustment demanded by the United States. Cognizant contracting officers of civilian executive agencies shall consider the appropriateness of similar actions in regard to collection of contract debts with respect to their affected contracts and subcontracts; (See also § 1–30.206.)

(4) If the cognizant contracting officer's estimate indicates there are no increased costs as a result of the noncompliance, and the contractor refuses to take corrective action, the cognizant contracting officer shall notify the contractor in writing that he is in noncompliance, that corrective action should be taken, and that if such noncompliance subsequently results in increased costs to the Government, the provisions of the Cost Accounting Standards clause shall be enforced.

8. Section 1–3.1213 is added, as follows:

§ 1–3.1213 Administration of equitable adjustments for new cost accounting standards.

(a) *Solicitation notice.* When the notice "Additional Cost Accounting Standards Applicable To Existing Contracts Certification" is in the solicitation (see § 1–3.1203(i)(2)), the procurement contracting officer shall ensure that the contractor's response to the notice is made known to the cognizant contracting officer (see § 1–3.1208(a)). This may be accomplished by attaching a copy of the response to the copy of the contract provided to the cognizant contracting officer.

(b) *Requirement for equitable adjustment.* Contracts and subcontracts containing the Cost Accounting Standards clause (§ 1–3.1204–1) may require equitable adjustments to comply with new cost accounting standards (see paragraph (a)(4)(A) of the clause). Such adjustments are limited to contracts and subcontracts awarded prior to the effective date of each new standard. A new standard becomes applicable prospectively to these contracts and subcontracts when a new contract or subcontract containing the clause is awarded on or after the effective date of such new standard. Contractors are encouraged to submit to the cognizant contracting officer any change in accounting practice in anticipation of complying with a new standard as soon as praticable after the new standard has been finally promulgated by the Cost Accounting Standards Board. Equitable adjustment is limited to those circumstances when a change in cost accounting practices is required to implement a new standard.

(c) *Review of contractor change.* Upon receipt of information required pursuant to paragraph (a) of the Administration of Cost Accounting Standards clause (§ 1–3.1204–2) from the contractor indicating an accounting change is required to comply with a new standard, the cognizant contracting officer shall review the proposed change concurrently for adequacy and compliance in accordance with § 1–3.1205(d). Upon completion of the review indicating that the change is both adequate and in compliance, the contractor shall be notified and requested to submit the cost impact proposal required pursuant to paragraph (b) of the Administration of Cost Accounting Standards clause. The proposal shall be in sufficient detail to permit evaluation and negotiation of the cost impact upon each contract and subcontract containing the Cost Accounting Standards clause. It shall contain as a minimum the following information:

(1) Identification of each additional standard, together with those contracts and subcontracts containing the Cost Accounting Standards clause having an award date prior to the effective date of such standard and

(2) The effect on each contract and subcontract from the date the contractor is required to follow the standard until completion of the contract or subcontract.

(d) *Receipt of cost impact proposal.* Upon receipt of an acceptable proposal from the contractor, the cognizant contracting officer shall promptly analyze the proposal with the assistance of the auditor and negotiate the contract price adjustments pursuant to § 1–3.1207.

(e) *Failure to submit cost impact proposal or reach agreement concerning cost impact.* (1) If the contractor does not submit a proposal in the form and time specified or if the parties fail to agree concerning the cost impact, the cognizant contracting officer, with the assistance of the auditor, shall estimate the cost impact on contracts and subcontracts containing the Cost Accounting Standards clause;

(2) Upon completion of the estimate indicating the effect on contract costs, the cognizant contracting officer shall request agreement from the contractor as to the cost or price adjustment. The contractor shall also be advised that in the event no agreement on the cost or price adjustment is reached within 20 days, action may be taken in accordance with paragraph (b) of the Cost Accounting Standards clause. If a DOD cognizant contracting officer subsequently takes such action, he shall also consider appropriate action to protect the interests of the Government, pursuant to ASPR Appendix E, Part 6 (32 CFR Part 163, Subpart F) regarding any cost adjustment demanded by the United States. Cognizant contracting officers of civilian executive agencies shall consider the appropriateness of similar actions in regard to collection of contract debts with respect to their affected contracts and subcontracts. (See also § 1–30.206.)

9. Section 1–3.1214 is added, as follows:

§ 1–3.1214 Administration of voluntary changes.

(a) *Notification of proposed change.* When a contractor who has contracts or subcontracts containing the Cost Accounting Standards clause (§ 1–3.1204–1) plans to make a voluntary change to an accounting practice, he must submit the information required by paragraph (a) of the Administration of Cost Accounting Standards clause (§ 1–3.1204–2).

(b) *Review of contractor change.* Upon receipt of the information required in paragraph (a) of this section, the cognizant contracting officer shall review the accounting change concurrently for adequacy and compliance in accordance with § 1–3.1205(d). Upon completion of the review indicating that the change is both adequate and in compliance, the contractor shall be notified and requested to furnish the cost impact proposal required pursuant to paragraph (b) of the Administration of Cost Accounting Standards clause. It shall be in sufficient detail to permit evaluation and negotiation of the cost impact upon each contract and subcontract containing the Cost Accounting Standards clause. It shall contain as a minimum the following information:

(1) Identification of all contracts and subcontracts containing the Cost Accounting Standards clause, and

(2) The effect on each contract and subcontract from the effective date of the proposed change until completion of the contract or subcontract.

(c) *Receipt of cost impact proposal.* Upon receipt of an acceptable proposal from the contractor, the cognizant contracting officer shall promptly analyze the proposal with the assistance of the auditor to determine whether or not the proposed change will result in increased costs being paid by the United States. In considering the proposed adjustments to subcontracts containing the Cost Accounting Standards clause to determine whether increased cost to the United States will result from the change, the cognizant contracting officer shall not consider the effect of the proposed adjustments upon the prime contracts and subcontracts under which the subcontracts were entered into. If the cognizant contracting officer determines that the proposed adjustments will not result in an increase in the aggregate cost to be paid under the contracts and subcontracts containing the Cost Accounting Standards clause he shall promptly negotiate the contract price adjustments pursuant to § 1–3.1207. If the cognizant contracting officer determines that the proposed adjustments will result in an increase in the aggregate cost to be paid under the contracts and subcontracts containing the Cost Accounting Standards clause, he shall so notify the contractor and advise him that the proposed change will not be recognized unless an agreement can be reached which will prevent an increase in the aggregate cost to be paid under such contracts and subcontracts.

(d) *Failure to submit cost impact proposal or reach agreement concerning cost impact.* (1) If the contractor does not submit a proposal in the form and time specified or if the parties fail to agree concerning the cost impact, the cognizant contracting officer, with the assistance of the auditor, shall estimate the cost impact on contracts and subcontracts containing the Cost Accounting Standards clause, and

(2) Upon completion of the estimate indicating the effect on contract costs, the cognizant contracting officer shall request agreement from the contractor as to the cost of price adjustment. The contractor shall also be advised that in the event no agreement on the cost or price adjustment is reached within 20 days, action may be taken in accordance with paragraph (b) of the Cost Accounting Standards clause. If a DOD cognizant contracting officer subsequently takes such action, he shall consider appropriate action to protect the interests of the Government, pursuant to ASPR Appendix E, Part 6 (32 CFR Part 163, Subpart F) regarding any cost adjustment demanded by the United States. Cognizant contracting officers of civilian executive agencies shall consider the appropriateness of similar actions in regard to collection of contract debts with respect to their affected contracts and subcontracts. (See also § 1–30.206.)

10. Sections 1–3.1215 through 1–3.1219 continue to be reserved, as follows:

§ 1–3.1215 [Reserved]

§ 1–3.1216 [Reserved]

§ 1–3.1217 [Reserved]

§ 1–3.1218 [Reserved]

§ 1–3.1219 [Reserved]

11. Section 1–3.1220 is amended by adding definitions to paragraph (b), as follows:

§ 1–3.1220 Standards prescribed by the Cost Accounting Standards Board.

* * * * * * *

(b) * * *

(34) *Compensated personal absence.* Any absence from work for reasons such as illness, vacation, holidays, jury duty or military training, or personal activities, for which an employer pays compensation directly to an employee in accordance with a plan or custom of the employer.

(35) *Entitlement.* An employee's right, whether conditional or unconditional, to receive a determinable amount of compensated personal absence, or pay in lieu thereof.

(36) *Residual value.* The proceeds (less removal and disposal costs, if any) realized upon disposition of a tangible capital asset. It usually is measured by the net proceeds from the sale or other disposition of the asset, or its fair value if the asset is traded in on another asset. The estimated residual value is a current forecast of the residual value.

(37) *Service life.* The period of usefulness of a tangible capital asset (or group of assets) to its current owner. The period may be expressed in units of time or output. The estimated service life of a tangible capital asset (or group of assets) is a current forecast of its service life and is the period over which depreciation cost is to be assigned.

12. Section 1–3.1220–8 is added, as follows:

§ 1–3.1220–8 Accounting for costs of compensated personal absence.

PART 408—ACCOUNTING FOR COSTS OF COMPENSATED PERSONAL ABSENCE

Sec.

408.10 General applicability.
408.20 Purpose.
408.30 Definitions.
408.40 Fundamental requirement.
408.50 Techniques for application.
408.60 Illustrations.
408.70 Exemptions.
408.80 Effective date.

AUTHORITY: 84 Stat. 796, sec. 103 (50 U.S.C. App. 2168).

SOURCE: The provisions of this Part 408 appear at 39 FR 33681, September 19, 1974, unless otherwise noted.

§ 408.10 General applicability.

This standard shall be used by defense contractors and subcontractors under Federal contracts entered into after the effective date hereof and by all relevant Federal agencies in estimating, accumulating, and reporting costs in connection with the pricing, administration, and settlement of all negotiated prime contract and subcontract national defense procurements in excess of $100,000, other than contracts or subcontracts where the price negotiated is based on (a) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation.

§ 408.20 Purpose.

The purpose of this standard is to improve, and provide uniformity in, the measurement of costs of vacation, sick leave, holiday, and other compensated personal absence for a cost accounting period, and thereby increase the probability that the measured costs are allocated to the proper cost objectives.

§ 408.30 Definitions.

(a) The following definitions of terms which are prominent in this standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this standard and are defined in Part 400 of this chapter have the meaning ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section:

(1) *Compensated personal absence.* Any absence from work for reasons such as illness, vacation, holidays, jury duty or military training, or personal activities, for which an employer pays compensation directly to an employee in accordance with a plan or custom of the employer.

(2) *Entitlement.* An employee's right, whether conditional or unconditional, to receive a determinable amount of compensated personal absence, or pay in lieu thereof.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this standard. None.

§ 408.40 Fundamental requirement.

(a) The costs of compensated personal absence shall be assigned to the cost accounting period or periods in which the entitlement was earned.

(b) The costs of compensated personal absence for an entire cost accounting period shall be allocated pro-rata on an annual basis among the final cost objectives of that period.

§ 408.50 Techniques for application.

(a) *Determinations.* Each plan or custom for compensated personal absence shall be considered separately in determining when entitlement is earned. If a plan or custom is changed or a new plan or custom is adopted, then a new determination shall be made beginning with the first cost accounting period to which such new or changed plan or custom applies.

(b) *Measurement of entitlement.* (1) For purposes of compliance with § 408.40(a), compensated personal absence is earned at the same time and in the same amount as the employer becomes liable to compensate the employee for such absence if the employer terminates the employee's employment for lack of work or other reasons not involving disciplinary action, in accordance with a plan or custom of the employer. Where a new employee must complete a probationary period before the employer becomes liable, the employer may nonetheless treat such service as creating entitlement in any computations required by this standard, provided that he does so consistently.

(2) Where a plan or custom provides for entitlement to be determined as of the first calendar day or the first business day of a cost accounting period based on service in the preceding cost accounting period, the entitlement shall be considered to have been earned, and the employer's liability to have arisen, as of the close of the preceding cost accounting period.

(3) In the absence of a determinable liability, in accordance with paragraph (b)(1) of this section, compensated personal absence will be considered to be earned only in the cost accounting period in which it is paid.

(c) *Determination of employer's liability.* In computing the cost of compensated personal absence, the computation shall give effect to the employer's liability in accordance with the following paragraphs:

(1) The estimated liability shall include all earned entitlement to compensated personal absence which exists at the time the liability is determined, in accordance with paragraph (b) of this section.

(2) The estimated liability shall be reduced to allow for anticipated nonutilization, if material.

(3) The liability shall be estimated consistently either in terms of current or of anticipated wage rates. Estimates may be made with respect to individual employees, but such individual estimates shall not be required if the total cost with respect to all employees in the plan can be estimated with

V40251 DEC 31 75 XUM

reasonable accuracy by the use of sample data, experience or other appropriate means.

(d) *Adjustments.* (1) The estimate of the employer's liability for compensated personal absence at the beginning of the first cost accounting period for which a contractor must comply with this standard shall be based on the contractor's plan or custom applicable to that period, notwithstanding that some part of that liability has not previously been recognized for contract costing purposes. Any excess of the amount of the liability as determined in accordance with paragraph (c) of this section over the corresponding amount of the liability as determined in accordance with the contractor's previous practice shall be held in suspense and accounted for as described in subparagraph (3) of this paragraph.

(2) If a plan or custom is changed or a new plan or custom is adopted, and the new determination made in accordance with paragraph (a) of this section results in an increase in the estimate of the employer's liability for compensated personal absence at the beginning of the first cost accounting period for which the new plan is effective over the estimate made in accordance with the contractor's prior practice, then the amount of such increase shall be held in suspense and accounted for as described in subparagraph (3) of this paragraph.

(3) At the close of each cost accounting period, the amount held in suspense shall be reduced by the excess of the amount held in suspense at the beginning of the cost accounting period over the employer's liability (as estimated in accordance with paragraph (c) of this section) at the end of that cost accounting period. The cost of compensated personal absence assigned to that cost accounting period shall be increased by the amount of the excess.

(e) *Allocations.* Except where the use of a longer or shorter period is permitted by the provisions of the Cost Accounting Standard on Cost Accounting Period (Part 406 of this chapter), the costs of compensated personal absence shall be allocated to cost objectives on a pro-rata basis which reflects the total of such costs and the total of the allocation base for the entire cost accounting period. However, this provision shall not preclude revisions to an allocation rate during a cost accounting period based on revised estimates of period totals.

§ 408.60 Illustrations.

(a) Company A's vacation plan provides that on the anniversary of each employee's hiring date, that employee shall become eligible to receive a 2-week vacation with pay. Vacation entitlement must be used within 2 years or forfeited. An employee who leaves the company voluntarily will be paid for any remaining unused vacation entitlement which was earned through the employee's last anniversary date. An employee who is laid off for lack of work will also be paid a pro-rata vacation allowance for service since the employee's last anniversary date. Company A accrues vacation costs each month based on an estimate of the anniversary years which will be completed in that month. At the end of its cost accounting period, Company A adjusts its estimated liability to agree with its actual liability for completed years of service on an individual employee basis.

(1) In order to comply with § 408.50(c), Company A must increase its estimated liability for vacation pay at all times to include the estimated additional amount which would be payable to employees in the event of layoff. The additional liability may be calculated on an individual employee basis or it may be estimated for the employees as a group by the use of sample or historical data.

(2) The following illustrates one method of estimating Company A's liability at the end of its cost accounting period, December 31, with respect to individual employees, in accordance with § 408.50(c).

John Doe, anniversary date July 10:	
unused entitlement resulting from completed service years, 24 hr. at $5	$120
Full months of service since anniversary, 5:	
Pro-rata entitlement on lay-off—80 hr.×5/12=33.3 hr. at $5	167
Total	287
Less estimated allowance for forfeitures, 3½ pct	10
Net liability	277

(b) Company B has a vacation plan similar Company A's, but Company B does not pay pro-rata vacation pay on lay-off for service since the last anniversary data. Company B must include in its estimate of its liability at the end of its cost accounting period only that unused vacation entitlement which results from completed years of service, with allowance for forfeitures if material.

(c) Company C's sick leave plan provides that an employee will accumulate one-half day of sick leave entitlement for each full month of service. Sick leave entitlement may be accumulated without limit, but an employee is paid for sick leave only during actual illness; the Company does not pay for unused sick leave on lay-off. Despite the fact that Company C might be able to estimate the amount which will be paid for sick leave in a future cost accounting period with a high degree of accuracy, it has no liability for payment for unused sick leave entitlement in the event of lay-off. Therefore, in accordance with § 408.50(b)(3), it must assign to each cost accounting period only the costs of sick leave which it pays in that period.

(d) Company D's vacation plan provides that on July 1, each employee who has been employed by the Company for at least 1 year shall be entitled to two weeks of vacation. All vacation must be taken between July 1 and September 30. An employee who terminates after September 30, and before July 1, receives no vacation pay. Company D has a cost accounting period which ends on December 31; however, Company D customarily accrues its anticipated liability for vacation pay at July 1, in 12 equal installments over the "vacation year" starting on July 1 of the previous year and ending on June 30 of the current year. Company D has no liability for vacation pay at January 1 or at December 31. In accordance with § 408.50(b)(3), the amount of vacation cost which Company D must assign to each cost accounting period is the amount of such costs paid in that period. Therefore, Company D may not use the "vacation year" ending June 30 to apportion these costs between cost accounting periods.

(e) Company E's cost accounting period ends on December 31. Its vacation plan provides that on January 1, each employee who has been employed for at least 1 year shall become entitled to 2 weeks vacation. The Company does not recognize a liability for vacation pay at December 31, because an employee must be employed on January 1 to be eligible.

(1) Despite the requirement that the employee also be employed on January 1, the necessary service was completed in the preceding cost accounting period. If the other terms of the plan are such that in accordance with this standard, Company E must recognize its vacation costs on the accrual basis, then in accordance with § 408.50(b)(2), Company E must estimate its vacation costs as if the liability arose on December 31, rather than on the following January 1.

(2) Assume that Company E must comply with this standard beginning on January 1, 1976. Assume that the employees of Company E earned $90,000 in vacation pay in 1975, all of which will be taken in 1976. Assume, further, that because of reduced employment levels, the employees of Company E will earn only $80,000 in vacation pay in 1976, $5,000 of which will be paid in 1976 because of layoffs. The following example illustrates the computation of vacation pay costs for Company E in 1976:

1976 beginning liability:	
With standard (§ 408.50(d)(1))	$90,000
Without standard	0
Amount to be held in suspense (§ 408.50(d)(1))	90,000
1976 ending liability	75,000
Plus: Paid in 1976	95,000
Subtotal	170,000
Less: 1976 beginning liability	90,000
1976 vacation cost, basic amount	80,000
Amount in suspense at beginning of 1976	90,000
Less: 1976 ending liability	75,000
Suspense to be written off in 1976; additional 1976 vacation cost (§ 408.50(d)(3))	15,000
1976 basic vacation cost	80,000
Plus: 1976 reduction of suspense	15,000
1976 total vacation cost	95,000

(3) Assume, further, that all of the vacation entitlement which remained at December 31, 1976 ($75,000) is taken in 1977. Also, Company E hires a substantial number of additional employees in 1977, so that the amount of vacation entitlement earned in 1977 is $85,000. The following example illustrates the computation of vacation pay costs for Company E in 1977:

1977 ending liability	$85,000
Plus: Paid in 1977	75,000
Subtotal	160,000
Less: 1977 beginning liability	75,000
1977 vacation cost, basic amount	85,000
Amount in suspense at beginning of 1977[1]	75,000
1977 ending liability[1]	85,000
1977 basic vacation cost	85,000
Plus: 1977 reduction of suspense[1]	0
1977 total vacation cost	85,000

[1] Because the 1977 ending liability exceeds the amount in suspense at the beginning of 1977, there is no reduction of suspense in 1977.

(4) Assume further, that Company E goes out of business in 1978. All employees are terminated and paid both for the $85,000 vacation liability at the end of 1977 and an additional $40,000 earned in 1978. The following example illustrates the computation of vacation pay costs for Company E in 1978:

1978 ending liability	0
Plus: Paid in 1978	$125,000
Subtotal	125,000
Less: 1978 beginning liability	85,000
1978 vacation cost, basic amount	40,000
Amount in suspense at beginning of 1978	75,000
Less: 1978 ending liability	0
Suspense to be written off in 1978; additional 1978 vacation cost (§ 408.50(d)(3))	75,000
1978 basic vacation cost	40,000
Plus: 1978 reduction in suspense	75,000
1978 total vacation cost	115,000

(f) All of the salary costs of Company F's salaried employees are charged to service, administrative, or overhead functions. No accounting entries are made to segregate costs of compensated personal absence of these employees from their other salary costs, although other records are maintained to control the total amount of such absences.

(1) This policy does not violate the requirement of § 408.40(b) if such salaries are charged to overhead or indirect cost pools for subsequent allocation to final cost objectives over annually determined allocation bases which are appropriate for those pools.

(2) If the same policy were followed in the case of engineers whose salaries were directly allocated to two or more final cost objectives, or to both intermediate and final cost objectives, so that costs of compensated personal absence were charged directly to the jobs on which the individuals were working when paid, then this would violate the requirement of § 408.40(b) that these costs be allocated among cost objectives on the basis of the costs of the entire cost accounting period. Only if all salaries were directly allocated to a single final cost objective, as might be the case with personnel assigned to an overseas base for the performance of a single contract, would this practice be in accord with that requirement.

(g) Company G determines a "charging rate" for each employee. The charging rate includes an allowance for compensated personal absence based on average experience. As the employee performs services, the related cost objectives are charged for the services at the charging rate, the employee is paid at his base rate, and the excess is credited to the accrued liability for each benefit. As benefits are paid, the costs are charged against the accrued liabilities. The amount of each accrued liability is adjusted at the end of the cost accounting period, and any difference is adjusted through appropriate overhead accounts in accordance with company policy.

(1) This method is not a violation of § 408.40(b) if it results in allocating the estimated annual costs of compensated personal absence at a rate which reflects the anticipated costs of the entire cost accounting period.

(2) The computation itself must comply with the criteria of § 408.40(a). For example, if the terms of the Company's sick leave plan are such that in accordance with this standard, the costs should be recognized in the cost accounting period when they are paid, then the computation should be intended to amortize the expected costs of sick leave over the activity of that cost accounting period, leaving no accrued liability for sick leave at the end of the cost accounting period.

§ 408.70 Exemptions.

This standard shall not apply to contractors who are subject to the provisions of Federal Management Circular 73–8 (Cost Principles for Educational Institutions) or Federal Management Circular 74–4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments).

§ 408.80 Effective date.

(a) The effective date of this Cost Accounting Standard is July 1, 1975 (40 FR 15865, April 8, 1975).

(b) This Cost Accounting Standard shall be followed by each contractor as of the start of his next fiscal year beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

13. Section 1–3.1220–9 is added, as follows:

§ 1–3.1220–9 Depreciation of tangible capital assets.

PART 409—COST ACCOUNTING STANDARD DEPRECIATION OF TANGIBLE CAPITAL ASSETS

Sec.

409.10 General applicability.
409.20 Purpose.
409.30 Definitions.
409.40 Fundamental requirement.
409.50 Techniques for application.
409.60 Illustrations.
409.70 Exemptions.
409.80 Effective date.

AUTHORITY: 84 Stat. 796, sec. 103 (50 U.S.C. App. 2168).

SOURCE: The provisions of Part 409 appear at 40 FR 4259, January 29, 1975, unless otherwise noted.

§ 409.10 General applicability.

This standard shall be used by defense contractors and subcontractors under Federal contracts entered into after the effective date hereof and by all relevant Federal agencies in estimating, accumulating, and reporting costs in connection with the pricing, administration, and settlement of all negotiated prime contract and subcontract national defense procurements with the United States in excess of $100,000, other than contracts or subcontracts where the price negotiated is based on (a) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation.

§ 409.20 Purpose.

The purpose of this standard is to provide criteria and guidance for assigning costs of tangible capital assets to cost accounting periods and for allocating such costs to cost objectives within such periods in an objective and consistent manner. The standard is based on the concept that depreciation costs identified with cost accounting periods and benefiting cost objectives within periods should be a reasonable measure of the expiration of service potential of the tangible assets subject to depreciation. Adherence to this standard should provide a systematic and rational flow of the costs of tangible capital assets to benefited cost objectives over the expected service lives of the assets. This standard does not cover nonwasting assets or natural resources which are subject to depletion.

§ 409.30 Definitions.

(a) The following definitions of terms which are prominent in this standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this standard and are defined in Part 400 of this chapter have the meaning ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section:

(1) *Residual value.* The proceeds (less removal and disposal costs, if any) realized upon disposition of a tangible capital asset. It usually is measured by the net proceeds from the sale or other disposition of the asset, or its fair value if the asset is traded in on another asset. The estimated residual value is a current forecast of the residual value.

(2) *Service life.* The period of usefulness of a tangible capital asset (or group of assets) to its current owner. The period may be expressed in units of time or output. The estimated service life of a tangible capital asset (or group of assets) is a current forecast of its service life and is the period over which depreciation cost is to be assigned.

(3) *Tangible capital asset.* An asset that has physical substance, more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the services it yields.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this standard. None.

§ 409.40 Fundamental requirement.

(a) The depreciable cost of a tangible capital asset (or group of assets) shall be assigned to cost accounting periods in accordance with the following criteria:

(1) The depreciable cost of a tangible capital asset shall be its capitalized cost less its estimated residual value.

(2) The estimated service life of a tangible capital asset (or group of assets) shall be used to determine the cost accounting periods to which the depreciable cost will be assigned.

(3) The method of depreciation selected for assigning the depreciable cost of a tangible capital asset (or group of assets) to the cost accounting periods representing its estimated service life shall reflect the pattern of consumption of services over the life of the asset.

(4) The gain or loss which is recognized upon disposition of a tangible capital asset shall be assigned to the cost accounting period in which the disposition occurs.

(b) The annual depreciation cost of a tangible capital asset (or group of assets) shall be allocated to cost objectives for which it provides service in accordance with the following criteria:

(1) Depreciation cost may be charged directly to cost objectives only if such charges are made on the basis of usage and only if depreciation costs of all like assets used for similar purposes are charged in the same manner.

(2) Where tangible capital assets are part of, or function as, an organizational unit whose costs are charged to other cost objectives based on measurement of the services provided by the organizational unit, the depreciation cost of such assets shall be included as part of the cost of the organizational unit.

(3) Depreciation costs which are not allocated in accordance with (b) (1) and (2) above shall be included in appropriate indirect cost pools.

(4) The gain or loss which is recognized upon disposition of a tangible capital asset, where material in amount, shall be allocated in the same manner as the depreciation cost of the asset has been or would have been allocated for the cost accounting period in which the disposition occurs. Where such gain or loss is not material, the amount may be included in an appropriate indirect cost pool.

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§ 409.50 Techniques for application.

(a) Determination of the appropriate depreciation charges involves estimates both of service life and of the likely pattern of consumption of services in the cost accounting periods included in such life. In selecting service life estimates and in selecting depreciation methods many of the same physical and economic factors should be considered. The following are among the factors which may be taken into account: Quantity and quality of expected output, and the timing thereof; costs of repair and maintenance, and the timing thereof; standby or incidental use and the timing thereof; and technical or economic obsolescence of the asset (or group of assets), or of the product or service it is involved in producing.

(b) Depreciation of a tangible capital asset shall begin when the asset and any others on which its effective use depends are ready for use in a normal or acceptable fashion. However, where partial utilization of a tangible capital asset is identified with a specific operation, depreciation shall commence on any portion of the asset which is substantially completed and used for that operation. Depreciable spare parts which are required for the operation of such tangible capital assets shall be accounted for over the service life of the assets.

(c) A consistent policy shall be followed in determining the depreciable cost to be assigned to the beginning and ending cost accounting periods of asset use. The policy may provide for any reasonable starting and ending dates in computing the first and last year depreciable cost.

(d) Tangible capital assets may be accounted for by treating each individual asset as an accounting unit, or by combining two or more assets as a single accounting unit, provided such treatment is consistently applied over the service life of the asset or group of assets.

(e) Estimated service lives initially established for tangible capital assets (or groups of assets) shall be reasonable approximations of their expected actual periods of usefulness, considering the factors mentioned in paragraph (a) of this section. The estimate of the expected actual periods of usefulness need not include the additional period tangible capital assets are retained for standby or incidental use where adequate records are maintained which reflect the withdrawal from active use.

(1) The expected actual periods of usefulness shall be those periods which are supported by records of either past retirement or, where available, withdrawal from active use (and retention for standby or incidental use) for like assets (or groups of assets), used in similar circumstances appropriately modified for specifically identified factors expected to influence future lives. The factors which can be used to modify past experience include:

(i) Changes in expected physical usefulness from that which has been experienced such as changes in the quantity and quality of expected output.

(ii) Changes in expected economic usefulness, such as changes in expected technical or economic obsolescence of the asset (or group of assets), or of the product or service produced.

(2) Supporting records shall be maintained which are adequate to show the age at retirement or, if the contractor so chooses, at withdrawal from active use (and retention for standby or incidental use) for a sample of assets for each significant category. Whether assets are accounted for individually or by groups, the basis for estimating service life shall be predicated on supporting records of experienced lives for either individual assets or any reasonable grouping of assets as long as that basis is consistently used. The burden shall be on the contractor to justify estimated service lives which are shorter than such experienced lives.

(3) The records required in paragraph (e) (1) and (2) of this section, if not available on the date when the requirements of this standard must first be followed by a contractor, shall be developed from current and historical fixed asset records and be available following the second fiscal year after that date. They shall be used as a basis for estimates of service lives of tangible capital assets acquired thereafter. Estimated service lives used for financial accounting purposes (or other accounting purposes where depreciation is not recorded for financial accounting purposes for some noncommercial organizations), if not unreasonable under the criteria specified in paragraph (e) of this section, shall, be used until adequate supporting records are available.

(4) Estimated service lives for tangible capital assets for which the contractor has no available data or no prior experience for similar assets shall be established based on a projection of the expected actual period of usefulness, but shall not be less than asset guideline periods (midrange) established for asset guideline classes under the Revenue Procedure 72–10 published by the Internal Revenue Service, and any additions, supplements or revisions thereto, which are in effect as of the first day of the cost accounting period in which the assets are acquired. Use of this alternative procedure shall cease as soon as the contractor is able to develop estimates which are appropriately supported by his own experience.

(5) The contracting parties may agree on the estimated service life of individual tangible capital assets where the unique purpose for which the equipment was acquired or other special circumstances warrant a shorter estimated service life than the life determined in accordance with the other provisions of this § 409.50 (e) and where the shorter life can be reasonably predicted.

(f) (1) The method of depreciation used for financial accounting purposes (or other accounting purposes where depreciation is not recorded for financial accounting purposes) shall be used for contract costing unless (i) such method does not reasonably reflect the expected consumption of services for the tangible capital asset (or group of assets) to which applied, or (ii) the method is unacceptable for Federal income tax purposes. If the contractor's method of depreciation used for financial accounting purposes (or other accounting purposes as provided above) does not reasonably reflect the expected consumption of services or is unacceptable for Federal income tax purposes, he shall establish a method of depreciation for contract costing which meets these criteria, in accordance with paragraph (f) (3) of this section.

(2) After the date of initial applicability of this standard, selection of methods of depreciation for newly acquired tangible capital assets, which are different from the methods currently being used for like assets in similar circumstances, shall be supported by projections of the expected consumption of services of those assets (or groups of assets) to which the different methods of depreciation shall apply. Support in accordance with paragraph (f) (3) of this section shall be based on the expected consumption of services of either individual assets or any reasonable grouping of assets as long as the basis selected for grouping assets is consistently used.

(3) The expected consumption of asset services over the estimated service life of a tangible capital asset (or group of assets) is influenced by the factors mentioned in paragraph (a) of this section which affect either potential activity or potential output of the asset (or group of assets). These factors may be measured by the expected activity or the expected physical output of the assets, as for example: Hours of operation, number of operations performed, number of units produced, or number of miles traveled. An acceptable surrogate for expected activity or output might be a monetary measure of that activity or output generated by use of tangible capital assets, such as estimated labor dollars, total cost incurred or total revenues, to the extent that such monetary measures can reasonably be related to the usage of specific tangible capital assets (or groups of assets). In the absence of reliable data for the measurement or estimation of the consumption of asset services by the techniques mentioned, the expected consumption of services may be represented by the passage of time. The appropriate method of depreciation should be selected as follows:

(i) An accelerated method of depreciation is appropriate where the expected consumption of asset services is significantly greater in early years of asset life.

(ii) The straight-line method of depreciation is appropriate where the expected consumption of asset services is reasonably level over the service life of the asset (or group of assets).

(g) The estimated service life and method of depreciation to be used for an original complement of low-cost equipment shall be based on the expected consumption of services over the expected useful life of the complement as a whole and shall not be based on the individual items which form the complement.

(h) Estimated residual values shall be determined for all tangible capital assets (or groups of assets). For tangible personal property, only estimated residual values which exceed 10 percent of the capitalized cost of the asset (or group of assets) need be used in establishing depreciable costs. Where either the declining balance method of depreciation or the class life asset depreciation range system is used consistent with the provisions of this standard, the residual value need not be deducted from capitalized cost to determine depreciable costs. No depreciation cost shall be charged which would significantly reduce book value of a tangible capital asset (or group of assets) below its residual value.

(i) Estimates of service life, consumption of services, and residual value shall be reexamined for tangible capital assets (or group of assets) whenever circumstances change significantly. Where changes are made to the estimated service life, residual value, or method of depreciation during the life of a tangible capital asset, the remaining depreciable costs for cost accounting purposes shall be limited to the undepreciated cost of the assets and shall be assigned only to the cost accounting period in which the change is made and to subsequent periods.

(j) (1) Gains and losses on disposition of tangible capital assets shall be considered as adjustments of depreciation costs previously recognized and shall be assigned to the cost accounting period in which disposition occurs except as provided in paragraphs (h) (2) and (3) of this section. The gain or loss

for each asset disposed of is the difference between the net amount realized, including insurance proceeds in the event of involuntary conversion, and its undepreciated balance. However, the gain to be recognized for contract costing purposes shall be limited to the difference between the original acquisition cost of the assets and its undepreciated balance.

(2) Gains and losses on the disposition of tangible capital assets shall not be recognized where: (i) Assets are grouped and such gains and losses are processed through the accumulated depreciation account, or (ii) the asset is given in exchange as part of the purchase price of a similar asset and the gain or loss is included in computing the depreciable cost of the new asset. Where the disposition results from an involuntary conversion and the asset is replaced by a similar asset, gains and losses may either be recognized in the period of disposition or used to adjust the depreciable cost base of the new asset.

(3) The contracting parties may account for gains and losses arising from mass or extraordinary dispositions in a manner which will result in treatment equitable to all parties.

(4) Gains and losses on disposition of tangible capital assets transferred in other than an arms-length transaction and subsequently disposed of within 12 months from the date of transfer shall be assigned to the transferor.

(k) Where, in accordance with § 409.40(b) (1), the depreciation costs of like tangible capital assets used for similar purposes are directly charged to cost objectives on the basis of usage, average charging rates based on cost shall be established for the use of such assets. Any variances between total depreciation cost charged to cost objectives and total depreciation cost for the cost accounting period shall be accounted for in accordance with the contractor's established practice for handling such variances.

(l) Practices for determining depreciation methods, estimated service lives and estimated residual values need not be changed for assets acquired prior to compliance with this standard if otherwise acceptable under applicable procurement regulations. However, if changes are effected such changes must conform to the criteria established in this standard and may be effected on a prospective basis to cover the undepreciated balance of cost by agreement between the contracting parties pursuant to negotiation under (a) (4) (B) of the Contract clause set out at § 331.50 of the Board's regulations (4 CFR 331.50).

§ 409.60 Illustrations.

The following examples are illustrative of the provisions of this standard.

(a) X, Y, and Z companies purchase identical milling machines to be used for similar purposes.

(1) Company X estimates service life for tangible capital assets on an individual asset basis. Its experience with similar machines is that the average replacement period is 14 years. Under the provisions of the standard, Company X shall use the estimated service life of 14 years for the milling machine unless it can demonstrate changed circumstances to support a different estimate.

(2) Company Y estimates service life for tangible capital assets by grouping assets of the same general kind and with similar service lives. Accordingly, all machine tools are accounted for as a single group. The average replacement life for machine tools for Company Y is 12 years. In accordance with the provisions of the standard, Company Y shall use a life of 12 years for the acquisition unless it can support a different estimate for the entire group.

(3) Company Z estimates service life for tangible capital assets by grouping assets according to use without regard to service lives. Accordingly, all machinery and equipment is accounted for as a single group. The average replacement life for machinery and equipment in Company Z is 10 years. In accordance with the provisions of the standard, Company Z shall use an estimated service life of 10 years for the acquisition unless it can support a different estimate for the entire group.

(b) Company X desires to charge depreciation of the milling machine described in paragraph (a) of this section directly to final cost objectives. Usage of the milling machine can be measured readily based on hours of operation. Company X may charge depreciation cost directly on a unit of time basis provided he uses one depreciation charging rate for all like milling machines in the machine shop and charges depreciation for all such milling machines directly to benefiting cost objectives.

(c) A contractor acquires, and capitalizes as an asset accountability unit, a new lathe. The estimated service life is 10 years for the lathe. He acquires, and capitalizes as an original complement of low-cost equipment related to the lathe, a collection of tool holders, chucks, indexing heads, wrenches, and the like. Although individual items comprising the complement have an average life of 6 years, replacements of these items will be made as needed and, therefore, the expected useful life of the complement is equal to the life of the lathe. An estimated service life of 10 years, should be used for the original complement.

(d) A contractor acquires a test facility with an estimated physical life of 10 years, to be used on contracts for a new program. The test facility was acquired for $5 million. It is expected that the program will be completed in 6 years and the test facility acquired is not expected to be required for other products of the contractor. Although the facility will last 10 years, the contracting parties may agree in advance to depreciate the facility over 6 years.

(e) Contractor acquires a building by donation from its local Government. The building had been purchased new by another company and subsequently acquired by the local Government. Contractor capitalizes the building at its fair value. Under the standard the depreciable cost of the asset based on that value may be accounted for over its estimated service life and allocated to cost objectives in accordance with contractor's cost allocation practices.

(f) A major item of equipment which was acquired prior to the applicability of this standard was estimated, at acquisition, to have a service life of 12 years and a residual value of no more than 10 percent of acquisition cost. After 4 years of service, during which time this standard has become applicable, a change in the production situation results in a well-supported determination to shorten the estimated service life to a total of 7 years. The revised estimated residual value is 15 percent of acquisition cost. The manual depreciation charges based on this particular asset will be appropriately increased to amortize the remaining cost, less the current estimate of residual value, over the remaining 3 years of expected usefulness. This change is not a change of cost accounting practice, but a correction of numeric estimates. The requirement of § 409.50(1) for an adjustment pursuant to section (a) (4) (B) of the CAS clause does not apply.

(g) The support required by § 409.50(e) can, in all likelihood, be derived by sampling from almost any reasonable fixed asset records. Of course, the more complete the data in the records which are available, the more confidence there can be in determinations of asset service lives. The following descriptions of sampling methods are illustrations of techniques which may be useful even with limited fixed asset records.

(1) A company maintains an inventory of assets in use. The company should select a sampling time period which, preferably, is significantly longer than the anticipated life of the assets for which lives are to be established. Of course, the inventory must be available for each year in the sampling time period. The company would then select a random sample of items in each year except the most recent year of the time period. Each item in the sample would be compared to the subsequent year's inventory to determine if the asset is still in service; if not, then the asset had been retired in the year from which the sample was drawn. The item is then traced to prior year inventories to determine the year in which acquired.

NOTE: Sufficient items must be drawn in each year to assure an adequate sample.

(2) A company maintains an inventory of assets in use and also has a record of retirements. In this case the company does not have to compare the sample to subsequent years to determine if disposition has occurred. As in Example (1) above the sample items are traced to prior years to determine the year in which acquired.

(3) A company maintains retirement records which show acquisition dates. The company should select a sampling time period which, preferably, is significantly longer than the anticipated life of the assets for which lives are to be estimated. The company would then select a random sample of items retired in each year of the sampling time period and tabulate age at retirement.

(4) A company maintains only a record of acquisitions for each year. The company should select a random sample of items acquired in the most recent complete year and determine from current records or observations whether each item is currently in service. The acquisitions of each prior year should be sampled in turn to determine if sample items are currently in service. This sampling should be performed for a time period significantly longer than the anticipated life of assets for which the lives are to be established, but can be discontinued at the point at which sample items no longer appear in current use. From the data obtained, mortality tables can be constructed to determine average asset life.

(5) A company does not maintain accounting records on fully depreciated assets. However, property records are maintained, and such records are retained for 3 years after disposition of an asset in groups by year of disposition. An analysis of these retirements may be made by selecting the larger dollar items for each category of assets for which lives are to be determined (for example, at least 75 percent of the acquisition values retired each year). The cases cited above are only examples and many other examples could have been used. Also in any example, a company's individual circumstances must be considered in order to take into account possible biased results because of changes in organizations, products, acquisition policies, economic factors, etc. The results from example (g) (5), for instance, might be substan-

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portation authority to establish the de-

1. § 146.03–14 is revised to read as fol-

3. § 146.03–34a is added to read as fol-

tially distorted if the 3 year period was unusual with respect to dispositions. Therefore, the examples are illustrative only and any sampling performed in compliance with this standard should take into account all relevant information to assure that reasonable results are obtained.

§ 409.70 Exemption.

This standard shall not apply where compensation for the use of tangible capital assets is based on use allowances as provided for by the provisions of Federal Management Circular 73-8 (Cost Principles for Educational Institutions), Federal Management Circular 74-4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments), or other appropriate Federal procurement regulations.

§ 409.80 Effective date.

(a) The effective date of this Cost Accounting Standard is July 1, 1975 (40 FR 15865, April 8, 1975).

(b) This Cost Accounting Standard shall be followed by each contractor for all tangible capital assets acquired on or after the start of his next fiscal year beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

PART 1–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 1–4.4—Public Utilities

Subsection 1–4.410–5 is amended to revise paragraph (b) (7) as follows:

§ 1–4.410–5 Uniform clauses for utility service contracts.

* * * * *

(b) * * *

(7) *Cost accounting standards.* Insert the three notices for solicitations as set forth in § 1–3.1203 (a) (3), (h) (2), and (i) (2) in negotiated solicitations under the conditions contained in Subpart 1–3.12. Incorporate the required contract clauses set forth in §§ 1–3.1204–1 and 1–3.1204–2 in negotiated contracts under the conditions contained in Subpart 1–3.12. Note that as provided in § 1–3.1203, the notices and clauses shall not be used when the price is set by law or regulation or the contract is otherwise exempt under § 1–3.1203(a) (1) or (2).

PART 1–7—CONTRACT CLAUSES

Subpart 1–7.1—Fixed-Price Supply Contracts

Section 1–7.103–27 is revised, as follows:

§ 1–7.103–27 Cost accounting standards.

(a) Insert the three notices for solicitations set forth in § 1–3.1203 (a) (3), (h) (2), and (i) (2) in negotiated solicitations under the conditions contained in Subpart 1–3.12.

(b) Insert the two clauses set forth in §§ 1–3.1204–1 and 1–3.1204–2 in negotiated contracts under the conditions contained in Subpart 1–3.12.

Subpart 1–7.2—Cost-Reimbursement Type Supply Contracts

Section 1–7.203–23 is revised, as follows:

§ 1–7.203–23 Cost accounting standards.

(a) Insert the three notices for solicitations set forth in § 1–3.1203 (a) (3), (h) (2), and (i) (2) in negotiated solicitations under the conditions contained in Subpart 1–3.12.

(b) Insert the two clauses set forth in §§ 1–3.1204–1 and 1–3.1204–2 in negotiated contracts under the conditions contained in Subpart 1–3.12.

Subpart 1–7.3—Fixed-Price Research and Development Contracts

Section 1–7.303–55 is revised, as follows:

§ 1–7.303–55 Cost accounting standards.

(a) Insert the three notices for solicitations set forth in § 1–3.1203 (a) (3), (h) (2), and (i) (2) in negotiated solicitations under the conditions contained in Subpart 1–3.12.

(b) Insert the two clauses set forth in §§ 1–3.1204–1 and 1–3.1204–2 in negotiated contracts under the conditions contained in Subpart 1–3.12.

Subpart 1–7.4—Cost-Reimbursement Type Research and Development Contracts

Section 1–7.403–50 is revised, as follows:

§ 1–7.403–50 Cost accounting standards.

(a) Insert the three notices for solicitations set forth in § 1–3.1203 (a) (3), (h) (2), and (i) (2) in negotiated solicitations under the conditions contained in Subpart 1–3.12.

(b) Insert the two clauses set forth in §§ 1–3.1204–1 and 1–3.1204–2 in negotiated contracts under the conditions contained in Subpart 1–3.12.

Subpart 1–7.6—Fixed-Price Construction Contracts

Section 1–7.602–16 is revised, as follows:

§ 1–7.602–16 Cost accounting standards.

(a) Insert the three notices for solicitations set forth in § 1–3.1203(a) (3), (h) (2), and (i) (2) in negotiated solicitations under the conditions contained in Subpart 1–3.12.

(b) Insert the two clauses set forth in §§ 1–3.1204–1 and 1–3.1202–2 in negotiated contracts under the conditions contained in Subpart 1–3.12.

Subpart 1–7.7—Transportation Contracts

1. Section 1–7.702 is amended to revise paragraph (c) (3), as follows:

§ 1–7.702 Solicitation instructions and conditions for transportation contracts.

* * * * *

(c) * * *

(3) *Cost accounting standards.* Insert the three notices for solicitations set forth in § 1–3.1203 (a) (3), (h) (2), and (i) (2) in negotiated solicitations under the conditions contained in Subpart 1–3.12.

2. Section 1–7.703–22 is revised, as follows:

§ 1–7.703–22 Cost accounting standards.

Insert the two clauses set forth in §§ 1–3.1204–1 and 1–3.1204–2 in negotiated contracts under the conditions contained in Subpart 1–3.12.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486 (c)))

Effective date. This amendment is effective February 28, 1976, but may be observed earlier.

(It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order 11821)

DWIGHT A. INK,
Acting Administrator of General Services.

NOVEMBER 28, 1975.

[FR Doc.75-34821 Filed 12-30-75;8:45 am]

Title 46—Shipping

CHAPTER I—U.S. COAST GUARD, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-133; Amdt. to 146]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Definitions for Flammable and Combustible Liquids

The purpose of these amendments to the dangerous cargo regulations in 46 CFR Part 146 is to:

1. Specify a new definition for the class of materials identified as "Flammable liquid";

2. Specify a new definition for the class of materials identified as "Combustible liquid";

3. Set forth requirements for the materials that are covered by the new definitions; and

4. Provide exemptions for certain materials covered by the new definitions.

In 49 CFR, amendments 172–23, 173–78, 174–19, 177–29, and 173–78A under Docket No. HM–102 published on January 24, 1974 (39 FR 2768), May 22, 1975 (40 FR 22263), and June 12, 1975 (40 FR 25024), the Hazardous Materials Regulations Board (the Board) adopted a new definition for flammable liquids, created and defined a new class of materials identified as "Combustible liquid," modified the definition for pyrophoric liquids within the flammable liquid class, and set forth the requirements for materials that are covered by the new definitions.

The provisions adopted under Docket No. HM–102 were not made applicable to the transportation of flammable and combustible liquids aboard vessels because of limitation of statutory authority of the Coast Guard imposed under 46 U.S.C. 170(6).

On January 3, 1975, The Hazardous Materials Transportation Act (Title I, Pub. L. 93–633) was signed into law. Section 113(f) of the Act amended 46 U.S.C. 170(6) to give the Secretary of Transportation authority to establish the defining flash point criteria for flammable and combustible liquids. With the necessary statutory authority available, the Bureau considered it appropriate to make the provisions adopted under HM–102 applicable to the carriage of flammable and combustible liquids aboard vessels.

Rather than publishing extensive changes to 46 CFR 146 to accomplish this, the Materials Transportation Bureau (MTB), on September 8, 1975 (40 FR 41537) published a proposal to modify existing proposals under consideration in Docket HM–112; Notice 73–9 (39 FR 3022, January 24, 1974) so that the terms flammable, combustible, and pyrophoric liquid will have the same meaning in regulations for transportation aboard vessels, as they have for transportation by air, rail or highway. HM–112 will have the effect of consolidating the Department's Hazardous Materials Regulations (including those for water made in 46 CFR 146) in Title 49 of the Code of Federal Regulations.

This choice was made on the assumption that HM–112 would be finalized before the provisions under HM–102 became effective on January 1, 1976. If this had occurred, changes to 46 CFR Part 146 would have been unnecessary because the effect of the consolidation under HM–112 would have been to make the amendments to 49 CFR resulting from HM–102 applicable to the water mode.

Because mandatory compliance by the rail, highway and air modes with HM–102 amendments to Title 49 is required on January 1, 1976, and because the Bureau does not foresee the consolidation under HM–112 being finalized by January 1, 1976, as expected, the Bureau now considers it necessary to amend 46 CFR Part 146 to incorporate the amendments made to 49 CFR under HM–102.

Under Docket HM–112; Notice No. 73–9A (40 FR 41537), the public has had the opportunity to present its views on the substance of the amendments being made herein. In addition to written comments accepted until October 8, 1975, the Bureau held a public hearing on Notice 73–9A in Washington, D.C. on October 1, 1975. The Bureau considers further public procedure unnecessary.

The four comments received on Notice 73–9A supported the proposal. One commenter stated that regulations dealing with the carriage of flammable and combustible liquids aboard vessels should take into account the effect of such regulations in relation to the IMCO Dangerous Code. Section 173.404(b) of 49 CFR presently provides the necessary flexibility with respect to the use of labels required for purposes of import or export shipments.

In consideration of the foregoing, 46 CFR Part 146 is amended as follows:

1. § 146.03–14 is revised to read as follows:

§ 146.03–14 Flash point.

(a) "Flash point" means the minimum temperature at which a liquid gives off vapor within a test vessel in sufficient concentration to form an ignitable mixture with air near the surface of the liquid and shall be determined as follows:

(1) For a homogeneous, single-phase, liquid having a viscosity less than 45 S.U.S. at 100° F. (37.8° C.) that does not form a surface film while under test, one of the following test procedures shall be used:

(i) Standard Method of Test for Flash Point by Tag Closed Tester, (ASTM D56–70);

(ii) Standard Method of Test for Flash Point of Aviation Turbine Fuels by Setaflash Closed Tester, (ASTM D3243–73), or

(iii) Standard methods of Test for Flash Point of Liquids by Setaflash Closed Tester, (ASTM D3278–73).

(2) For a liquid other than one meeting all of the criteria of paragraph (a) (1) of this section, one of the following test procedures shall be used:

(i) Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, (ASTM D93–71);

(ii) Standard Method of Test for Flash Point of Aviation Turbine Fuels by Setaflash Closed Tester, (ASTM D3243–73); or

(iii) Standard Methods of Test for Flash Point of Liquids by Setaflash Closed Tester, (ASTM D3278–73).

(3) For a liquid that is a mixture of compounds that have different volatility and flash points, its flash point shall be determined as specified in paragraph (a) (1) or (a) (2) of this section, on the material in the form in which it is to be shipped. If it is determined by this test that the flash point is higher than 20° F. (−6.66° C.) a second test shall be made on a sample of the liquid evaporated from an open beaker (or similar container), under ambient pressure and temperature (20 to 25° C.) conditions, to 90 percent of its original volume or for a period of four hours, whichever comes first. The lower flash point of the two tests shall be the flash point of the material.

(4) For flash point determinations by Setaflash closed tester, the glass syringe specified need not be used as the method of measurement of the test sample if a minimum quantity of two milliliters is assured in the test cup.

2. § 146.03–28a is added to read as follows:

§ 146.03–28a Pyrophoric liquid.

"Pyrophoric liquid" means any liquid that ignites spontaneously in dry or moist air at or below 130° F. (54.5° C.)

3. § 146.03–34a is added to read as follows:

§ 146.03–34a S.U.S.

"S.U.S." means Saybolt Universal Seconds as determined by the Standard Method of Test for Saybolt Viscosity (ASTM D88–56) and may be determined by use of the S.U.S. conversion tables specified in ASTM Method D2161–66 following determination of viscosity in accordance with the procedures specified in the Standard Method of Test for Viscosity of Transparent and Opaque Liquids (ASTM D445–65).

4. § 146.03–36a is added to read as follows:

§ 146.03–36a Viscous liquids.

(a) Flammable liquids are described as viscous flammable liquids based on the viscosity as determined by one of the following methods:

(1) The viscosity of the liquids must be determined in a Stormer viscosimeter with an actuating weight of 400 grams and with the liquid maintained at a temperature of 28° C. The cylinder of the viscosimeter must be immersed in the liquid.

(2) For transparent liquids the sample may be tested in a vertical glass tube, one inch inside diameter by approximately thirteen inches long, having two marks ten inches apart engraved thereon, the lower mark being two inches above the bottom of the tube. The liquid to be tested shall be poured into the tube until its surface rises one-half inch above the upper mark and must be maintained at a temperature of 28° C. during the test. A polished steel ball one-fourth inch in diameter shall be supported one-half inch above the surface of the liquid at the center of the tube and dropped therein.

(3) When the speed of the cylinder in the test under paragraph (a) (1) of this section does not exceed ten revolutions per thirteen seconds, or the time required in the test under paragraph (a) (2) of this section for the steel ball to fall the vertical distance between the two lines upon the glass tube is not less than four seconds, the material is described as "Viscous."

§ 146.04–5 [Amended]

5. In § 146.04–5, the List of explosives and other dangerous articles and combustible liquids is amended by placing an asterisk (*) preceding the following articles: Butyl ether, Chlorobenzol, Dichloropentane, Dinitrotoluene, liquid, Ethyl benzene, Ethyl butyrate, Ethylene glycol diethyl ether, Formaldehyde, Hexaldehyde, Mesityl oxide, Paraldehyde, Stoddard solvent, Styrene, and Turpentine; the following articles are added to the List in their proper alphabetical sequence:

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Article	Classed as—	Label required [1]
*Butyl ether (see: Flammable liquid, n.o.s.)	Flam. L.	Flam. L.
*Chlorobenzol (see: Flammable liquid, n.o.s.)	Flam. L.	Flam. L.
*Dichloropentane (see: Flammable liquid, n.o.s.)	Flam. L.	Flam. L.
*Dinitrotoluene, liquid (see: Flammable liquid, n.o.s.)	Flam. L.	Flam. L.
*Ethyl benzene (see: Flammable liquid, n.o.s.)	Flam. L.	Flam. L.
*Ethyl butyrate (see: Flammable liquid, n.o.s.)	Flam. L.	Flam. L.
*Ethylene glycol diethyl ether (see: Flammable liquid, n.o.s.)	Flam. L.	Flam. L.
*Formaldehyde (see: Flammable liquid, n.o.s.)	Flam. L.	Flam. L.
*Hexaldehyde (see: Flammable liquid, n.o.s.)	Flam. L.	Flam. L.
*Mesityl oxide (see: Flammable liquid, n.o.s.)	Flam. L.	Flam. L.
*Paraldehyde (see: Flammable liquid, n.o.s.)	Flam. L.	Flam. L.
*Stoddard solvent (see: Flammable liquid, n.o.s.)	Flam. L.	Flam. L.
*Styrene (see: Flammable liquid, n.o.s.)	Flam. L.	Flam. L.
*Turpentine (see: Flammable liquid, n.o.s.)	Flam. L.	Flam. L.

[1] Unless otherwise exempt by the provisions of the detailed regulations.

6. § 146.21–1 paragraph (a) is revised to read as follows:

§ 146.21–1 Definition of flammable liquids.

(a) A flammable liquid is defined as any liquid having a flash point below 100° F. (37.8° C.), that does not meet one of the definitions specified in § 146.24–1.

(1) For the purposes of the regulations in this subchapter, any mixture having one component or more with a flash point 100° F. (37.8° C.) or higher that makes up at least 99 percent of the total volume of the mixture, is not considered to be a flammable liquid.

(2) For the purposes of this subchapter, a distilled spirit of 140 proof or lower is considered to have a flash point no lower than 73° F.

NOTE: A flammable liquid with a flash point of 73° F. or higher in packaging having a capacity of 110 gallons or less, packaged prior to January 1, 1976, may be shipped and transported without being subject to any of the requirements of this subchapter applicable to flammable liquids until January 1, 1977.

• • • • •

7. § 146.21–60 is revised to read as follows:

§ 146.21–60 Potable spirits.

Alcoholic beverages (wine and distilled spirits as defined in 27 CFR 4.10 and 5.11) in containers having a rated capacity of one gallon or less are not subject to the requirements of this subchapter.

8. § 146.21–65 paragraphs (a) and (b) are revised to read as follows:

§ 146.21–65 Limited quantity shipments.

(a) Flammable liquids, except those enumerated in paragraph (c) of this section, are exempt from specification packaging, marking other than name of contents, and labeling requirements, unless otherwise provided, when packed and offered for shipment in accordance with paragraphs (a)(1), (2), (3), and (4) of this section.

(1) In metal containers not over one quart capacity each, packed in strong outside containers.

(2) In containers having a capacity not over one pint or sixteen ounces by weight each, packed in strong outside containers.

(3) In inside containers having a rated capacity of one gallon or less when packed in strong outside containers. The provisions of this partial exemption apply only if the flash point of the material is 73°F. or higher and the flash point or an indication that the flash point is 73°F. or higher is marked on the outside of the package.

(4) Such limited quantity shipments may be accepted on board vessels, subject to the regulations in this Part, provided the bill of lading or other shipping paper correctly describes the article and the required marking on the outside container is in accordance with the true name in the commodity list. Stowage shall be "On deck under cover" or "Tween decks" in a compartment not subject to artificial heat.

(b) A flammable liquid having a flash point of 73°F. or higher is not subject to the specification packaging requirements of this subchapter when in a packaging having a capacity of 110 gallons or less. The provisions of this paragraph apply only if the flash point of the material or and indication that the flash point is 73°F. or higher is marked on the outside of the package.

• • • • •

§§ 146.21–70, 146.21–75, 146.21–77, and 146.21–79 [Removed]

9. In § 146.21, the following subsections are revoked: 146.21–70, 146.21–75, 146.21–77, and 146.21–79.

§ 146.21–100 [Amended]

10. § 146.21–100 Table D—Classification: Flammable liquids is revised as follows:

a. By striking the words "at or below 80°F." in column one in the parenthetical expression "(When possessing a flashpoint at or below 80°F.)" wherever they appear and inserting in place thereof the words "less than 100°F."

b. By revising the heading of column two to read "Characteristic properties [1], cautions, markings required" and by adding the following footnote to each corresponding code page:

"[1] The flash points provided are approximations and are given °F. T.O.C."

c. By revising paragraph (a) in columns 5 and 6 and paragraphs (b) and (f) in columns 4 and 7 for the article Flammable liquids, n.o.s., by striking the words "20°F. to 30°F." and inserting in place thereof "26°F. to less than 100°F."

11. § 146.26–1 is revised to read as follows:

§ 146.26–1 Definition of combustible liquids.

(a) A combustible liquid is defined as any liquid having a flash point at or above 100°F. (37.8°C), and below 200°F. (93.3°C.), which does not meet the definition of any other classification specified in this subchapter.

(b) For the purposes of the regulations in this subchapter any mixture having one component or more with a flash point at 200° F. (93.3° C.) or higher, that makes up at least 99 percent of the total volume of the mixture, is not considered to be a combustible liquid.

(c) For the purposes of this subchapter, an aqueous solution containing 24 percent or less alcohol by volume is considered to have a flash point no less than 100° F. (37.8° C.) if the remainder of the solution does not meet the definition of a hazardous material as defined in this subchapter.

(d) 200° F. (93.3° C.) is a limitation of the application of the regulations in this subchapter and should not be construed as indicating that liquids with higher flash points will not burn. Markings such as "NONFLAMMABLE" or "NONCOMBUSTIBLE" should not be used for materials that have a flash point of 200° F. (93.3° C.) or higher.

§ 146.20–30 [Removed]

12. § 146.26–30 is revoked.

13. § 146.26–33 is added to read as follows:

§ 146.26–33 Exempt shipments.

The requirements of this subchapter do not apply to combustible liquids in packagings having capacities of 110 gallons or less.

§ 146.26–100 [Amended]

14. § 146.26–100 Table J—Classification: Combustible liquids is revised as follows:

A. By striking in column 1 the parenthetical expression "(When possessing a flashpoint at or below 150° F. and above 80° F.)" wherever they appear and inserting in place thereof "When possessing a flash point below 200° F. and at or above 100° F.)."

B. By revising the heading of column two to read "Characteristic Properties. [1]

"[1] The flash points provided are approximations and are given in °F. T.O.C."

cautions, markings required" and by adding the following footnote to each corresponding code page:

C. By revising the entries in column 5 (Passenger vessel) for each article to read as follows:

Stowage:
"On deck in open."
"Portable tanks in compliance with DOT regulations."
"Marine Portable tanks."

D. By revising the entries in column 6 (Ferry vessel, passenger or vehicle) for each article to read as follows:

Ferry stowage (AA) • • •
"Portable tanks in compliance with DOT regulations."
"Marine Portable tanks."
"Tank trucks in compliance with DOT regulations."

E. By revising the entries in column 7 (R.R. car ferry, passenger or vehicle) for each article to read as follows:

Ferry stowage (BB).
"Portable tanks in compliance with DOT regulations."
"Marine Portable tanks."
"Tank trucks in compliance with DOT regulations."
"Tank cars in compliance with DOT regulations."

(46 U.S.C. 170(7), 391a, 49 CFR 1.53 (f)).

Effective date: March 31, 1976. However, immediate compliance with the regulations as amended herein is authorized immediately.

Issued in Washington, D.C. on December 24, 1975.

JAMES T. CURTIS, JR.,
Director, Materials Transportation Bureau.

[FR Doc.75–35125 Filed 12–30–75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75–1367]

PART 5—EXPERIMENTAL RADIO SERVICE (OTHER THAN BROADCAST)

Elimination of Unnecessary Requirements

Adopted: December 16, 1975.

1. Pursuant to the Commission's policy to simplify its regulations and application procedures, Part 5, Experimental Radio Service (Other Than Broadcast) is herewith amended to eliminate various requirements that are no longer necessary.

2. For application processing purposes (§ 5.53 of the rules), it appears that one copy (an original) of the application will be sufficient to meet the Commissions' needs. We are therefore reducing the number of copies required by the rules.

3. In order to eliminate a requirement for those licensees who conduct wildlife and ocean buoy tracking operations under the provisions of Part 5, § 5.155 is amended to delete operator requirements for all stations operating under § 5.108 of the rules. The change will obviate the need to waive the operator requirement individually for each license issued by the Commission.

4. We conclude that, for the reasons set forth above, adoption of the amendments will serve the public interest. Inasmuch as the amendments are procedural in nature, impose no additional burdens, and raise no issue upon which comments would serve any useful purpose, compliance with the prior notice and effective date provisions of 5 U.S.C. 553 is unnecessary.

5. Therefore, *it is ordered*, That, pursuant to section 4(i) and 303 (g) and (r) of the Communications Act of 1934, as amended, Part 5 of the Commission's rules and regulations is amended as set forth below, effective December 31, 1975.

(Sec. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Released: December 19, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 5 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 5.53(f) is revised, to read as follows:

§ 5.53 Filing of applications.

• • • • • •

(f) Unless otherwise specified in a particular case, only the original signed copy of the application shall be filed. Applications with facsimile signatures will not be accepted.

2. Section 5.155(b)(4) is revised to read as follows:

§ 5.155 Operator requirements.

• • • • •

(b)(4) No person is required to be in attendance at a station under the following conditions:

(i) When transmitting on frequencies above 50 MHz for telemetering purposes.

(ii) When serving as a replay station for the purpose of retransmitting by self activating means signals from another station or stations.

(iii) When transmitting in the 40.66–40.70 MHz frequency band in accordance with the provisions of § 5.108.

• • • • •

[FR Doc.75–35117 Filed 12–30–75;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. 75–24; Notice 02]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Redefinition of "School Bus"

This notice amends the definition of "school bus" that appears in 49 CFR 571.3, to conform to the mandate of the Motor Vehicle and Schoolbus Safety Amendments of 1974 (The Act), Pub. L. 93–492, by expanding the present definition used by the NHTSA in establishing safety requirements.

The NHTSA's present definition of "school bus" (49 CFR 571.3) is based on the design of the vehicle:

"School bus" means a bus designed primarily to carry children to and from school, but not including buses operated by common carriers in urban transportation of school children.

The Act included a definition of "school bus" based on its usage for transporting students, instead of its design:

(14) "Schoolbus" means a passenger motor vehicle which is designed to carry more than 10 passengers in addition to the driver, and which the Secretary determines is likely to be significantly used for the purpose of transporting primary, preprimary, or secondary school students to or from such schools or events related to such schools;

The legislative history of the Act specifically emphasizes Congress' view that the existing definition based on vehicle design is too narrow and should be expanded to include vehicles likely to be used for school student transportation. H.R. Rep. No. 93–1191, 93rd Cong., 2d Session 42 1974):

Your Committee decided that safety regulation should reach the wide variety of passenger motor vehicles which are actually and significantly used to transport students, not merely those which are primarily designed for this purpose.

The Congressional definition directs the NHTSA (by reference to a Secretarial determination) to establish a regulatory definition that encompasses a described category of bus used for student transportation. The NHTSA subsequently proposed a definition that would accomplish the Congressional intent within the regulatory and enforcement framework of the Act (40 FR 40854, September 4, 1975):

"School bus" means a bus which is equipped to carry more than 10 passengers in addition to the driver and which is sold, or introduced, or delivered for introduction in interstate commerce, for purposes that include carrying students to and from school or related events, but does not include buses designed and sold for operation as a common carrier in urban transportation.

Comments were received from manufacturers and users of school buses (and their associations), the States of Wisconsin and Montana, the California Department of Highway Patrol (CHP), the Vehicle Equipment Safety Commission (VESC), and Mr. George Chambers. The major issue in these comments was the degree to which the proposed definition conformed to Congressional intent. The Motor Vehicle Manufacturers Association (MVMA), Chrysler Corporation, International Harvester (IH), General Motors, and the State of Montana argued that the Congressional expectation of regulating most student-carrying 11-or-more-passenger motor vehicles on the basis of anticipated use could not be reasonably effectuated under the authority of the Act.

The Act provides that "no person shall • • • manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce • • • any motor vehicle • • • unless it is in conformity with [applicable] standard[s] • • •" (15 U.S.C. § 1397(a)(1)

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(A)). This provision authorizes placement of responsibility on a seller compliance with standards that apply to school buses. The Congressional definition clearly directs that the likely use of the vehicle as well as its design be considered in the determination of its status as a school bus. The NHTSA remains convinced that, of all the persons in the chain of distribution who are subject to the Act, the seller is most likely to have knowledge of the likely use of the vehicle.

In essence, the NHTSA proposed that "school bus" be defined as a bus that is sold for purposes that include student transportation. Thus the determination of vehicle classification, in close cases, can be made on the basis of the sales transaction. It would not, however, be based solely on an event that occurs after sale, such as the actual use of the vehicle. The MVMA and others assumed from a reference in the proposal to the "intent" of either party that the seller would be held responsible for the unexpressed intent of the purchaser to use the vehicle for student transportation, although this purpose was unknown to the seller. This is not the case. The seller is not held responsible for more than its knowledge of the purpose of the sale. If the seller has reason to believe that a vehicle will be used for student transportation, it can easily ascertain intended use by requesting a written statement of purpose from the purchaser.

The MVMA suggested that "school bus" be defined as a bus that is equipped for the purpose of carrying primary, preprimary, or secondary school students to or from schools or related events. This definition falls short of the Congressional mandate to cover vehicles that are "likely to be significantly used for the purpose of transporting . . . students". For example, all buses purchased for more than a single purpose (e.g., student and faculty transportation) would be excluded from the definition and from coverage by the standards. Also the criterion "equipped for the purpose" of student transportation does not make clear what equipment (e.g., warning lights, school bus seating) would be determinative of the purpose. General Motors' suggested "designed or equipped for the purpose" is also vague as to the meaning of what element of design or equipment would be determinative of the vehicle's classification.

General Motors and Wayne Corporation implied that it is unreasonable to hold manufacturers responsible for what happens to a vehicle in the hands of dealers. There is no intent to do this, however. A manufacturer or other entity in the chain of distribution is only to be held responsible for what it knows. If a vehicle is originally produced as a nonschool vehicle (a van-type multipurpose passenger vehicle (MPV), for example), and subsequently is sold by a dealer for school transportation purposes, it is the dealer who will be held for any noncompliance with school bus standards, not the manufacturer. Actually, final-stage manufacturers (in some cases dealers) have always undertaken modification of trucks and MPV's that result in different requirements from the factory installation. This responsibility has not created an impossible burden on the original manufacturer.

Wayne suggested that "school bus" be defined to mean only those vehicles that a user or regulatory authority designates as a school bus by use of exterior identification such as a label or distinctive lighting or color. This criterion, like MVMA's, falls short of Congress' evident interest in any vehicle likely to be significantly used for student transportation. Evidently vehicles operated by private schools are not, in many cases, given the exterior identification markings suggested by Wayne.

In conforming its proposal to the Congressional definition, the NHTSA limited "school bus" to a bus that carries at least 11 passengers in addition to the driver. Based on comments received from Wayne and CHP, it appears that the definition should be expanded slightly to include buses that carry 10 passengers. This eliminates a departure from previous NHTSA vehicle categorization that classifies vehicles with 10 or fewer occupant seating positions as MPV's or passenger cars and vehicles with 11 or more seating positions as buses. To adhere strictly to the Congressional definition would leave the small group of vehicles that transport 10 students without coverage under either the school bus, the MPV, or the passenger car standards.

Some commenters incorrectly assumed that the Congressional definition of "school bus" established an outer limit on the NHTSA's authority to regulate vehicles that transport students as such. To the contrary, the Congressional definition is a direction to the NHTSA that the new standards in this area must not be applied to a narrower category of vehicle. As long as that direction of Congress is satisfied, the NHTSA is, however, authorized to decide the scope of its standards, and in this case to expand on the Congressional definition to implement the mandate effectively.

In response to Mr. George Chambers' concern that the NHTSA definition is too broad, the NHTSA considers it reasonable to regulate all buses significantly used for transportation of students to and from all schools and related events, not just pre-primary, primary, and secondary schools. The NHTSA concludes that its rewording of the Act's "schools or events related to such schools" as "schools or related events" does not contradict Congressional direction.

Wayne and the National School Transportation Association (NSTA) suggested that buses used in urban transportation must be included in the definition of "school bus" because they are used in some circumstances to transport students to and from school. It is true that the phrase "likely to be significantly used for the purpose of transporting • • • students to or from • • • schools" could arguably be considered to cover transit buses on regular common-carrier routes. Such buses have been explicitly excluded from the NHTSA's definition for several years, however. In light of the major standard-setting activity mandated by Congress in the Act, it is unlikely that such a broad change of regulatory direction would be contemplated by Congress without explicit discussion at some point in the legislative history. The legislative history contains no indication of such a Congressional intent, and this agency therefore concludes that such coverage was not intended. The boundaries of coverage are explicitly left by the statute to agency determination. In light of the purposes for which the school bus standards are being developed, their expected costs and benefits, and the modes of use of transit buses, the NHTSA has concluded that the continued exclusion of buses designed and sold for operation as common carriers in urban transportation is in the public interest.

Mr. George Chambers suggested that limiting the exclusion of transit-type buses to those in urban areas appeared to be illogical. The NHTSA has satisfactorily used this limit for several years, and no problems have developed. If difficulties should appear in the future, further modification of the definition will be considered.

The MVMA and General Motors suggested that the existing description of transit-type buses ("operated" as a common carrier) more simply describes the excluded class than NHTSA's proposed language ("designed and sold"). By limiting the exclusion to buses designed and sold for use as common carriers, the definition conforms to the areas (design and sale) over which the agency has jurisdiction under the statute.

Wayne and the States of Wisconsin and Montana questioned the wisdom of limiting the definition to buses (10 passengers or more), when some school vehicles for handicapped students are equipped for fewer than 10 passengers and would not be required to meet the standards. The NHTSA has carefully considered extension of school bus standards to vehicles other than buses, but concludes that the standards in question have been developed for vehicles with bus seating and loading characteristics. For example, the proposed bus passenger seating and crash protection standard is calculated for cab-chassis- and van-type vehicles with seating for 10 passengers or more.

The VESC asked that only buses primarily used for transportation of students be considered school buses, so that buses used primarily for other purposes would not be able to display the distinctive school bus markings or be used to transport students after their systems had deteriorated in some more abusive use. The agency views the Congressional emphasis on "significant" use of a vehicle as a direction to extend the school bus standards to all buses that transport students, whether or not it is their primary purpose. For the same reason, the NHTSA does not agree with Blue Bird Body Company's opinion that "activity" buses should be excluded from the Congressionally mandated standards. It appears that Congress intended all the school bus standards to apply to buses that carry students to or from events related to their schools.

The definition basically relies on the sales transaction for a determination of a vehicle's status. In some cases vehicles are leased for the purpose of transporting students, and it is for this reason that the definition refers to "introduction in interstate commerce" as well as sale. The description of this "no-sale" event has been simplified somewhat in response to the comments.

The California Department of Highway Patrol asked whether motor vehicles with a capacity of less than 11 occupants (12 as proposed) that transport students are preempted from regulation by the States as school buses. The answer is no. Since motor vehicles with a capacity of fewer than 11 occupants are not regulated as school buses by the NHTSA, State school bus regulations, to the extent that they apply to such smaller vehicles, would not be preempted by the NHTSA school bus standards. For instance, brake systems of MPV's are not regulated by the NHTSA and may be governed by State regulations. Of course, State regulations may not conflict with standards applicable to these vehicles as passenger cars or MPV's.

The State of Montana believed that the definitions of Type I and Type II school buses would be affected by this redefinition. In fact neither the present definition nor the new definition conflict with State or Highway Safety Standard definitions (such as the Pupil Transportation Standard No 17) that regulate the operation of the vehicle, so long as those operational regulations do not dictate the design and performance of the vehicle to the degree that it is subject to a safety standard.

In consideration of the foregoing, the definition of "School bus" in Title 49 of the Code of Federal Regulations (49 CFR § 571.3) is amended to read as follows:

§ 571.3 Definitions.

(b) • • •

• • • • • •

"School bus" means a bus that is sold, or introduced in interstate commerce, for purposes that include carrying students to and from school or related events, but does not include a bus designed and sold for operation as a common carrier in urban transportation.

• • • • • •

Effective date: October 27, 1976.

(Sec. 102, 103, 119, Pub. L. 89-563, 80 Stat. 718, as amended by Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1391, 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on December 23, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-35147 Filed 12-24-75;2:09 pm]

Title 4—Accounts

CHAPTER I—GENERAL ACCOUNTING OFFICE

MISCELLANEOUS AMENDMENTS

Miscellaneous amendments in the indicated parts are made to accomplish changes necessitated by changes in internal organization of the General Accounting Office, to modify financial reporting requirements for special employees; to correct typographical errors appearing in the regulations governing bid protests; and to reduce the charge for copies of records made on office copying machines.

Accordingly, Parts 1, 6, 20 and 81 are amended as follows:

PART 1—RECOGNITION OF ATTORNEYS AND OTHER REPRESENTATIVES

1. Section 1.5 is amended to read as follows:

§ 1.5 Committee on enrollment and disbarment.

A committee on enrollment and disbarment has been created consisting of the General Counsel, who shall act as chairman, and the Director, Claims Division. The Committee shall meet at such times as are necessary to consider applications for recognition to appear before the General Accounting Office; receive complaints against those enrolled; conduct hearings, make inquiries and perform all duties necessary in the carrying out of their assigned tasks under this part.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52)

PART 6—EMPLOYEES RESPONSIBILITIES AND CONDUCT

2. Section 6.3 is amended by the addition of a new paragraph (d) as follows:

§ 6.3 Forms.

• • • • • •

(d) OPM Form 78, Certification of Review of Statement of Employment and Financial Interests for a Special Government Employee and Finding of No Conflicts of Interest (Appendix A-3, FPM Chapter 304).

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply 18 U.S.C. 201-218)

3. Section 6.55(b) is amended to read as follows:

§ 6.55 Supplementary statements.

• • • • • •

(b) *Special Government Employees.* As long as a special Government employee is subject to the reporting requirements of § 6.50(b) of this chapter, he shall submit a supplementary statement under the following circumstances.

(1) Whenever there occurs a substantial change in or addition to information previously submitted, a special Government employee shall submit a brief statement describing the change or addition. Questions as to what constitutes a substantial change or addition should be directed to the appropriate head of division or office. If that official has further questions, the matter should be referred to the counselor for GAO for resolution.

(2) Upon extension of his appointment at the end of the fiscal year, a special Government employee shall file a supplementary statement by the following July 31. The statement shall consist of a completely executed, up-to-date GAO Form 311. It is permissible to submit a copy of the most recently submitted GAO Form 311 with the date changed, amended to reflect any changes in or additions to previously submitted information or unamended if no such changes have taken place.

PART 20—INTERIM BID PROTEST PROCEDURES AND STANDARDS

4. Section 20.2(b) (2) and (3) and (c) are amended to read as follows:

§ 20.2 Time for filing.

• • • • • •

(b) • • •

(2) In cases other than those covered in subparagraph (1), bid protests shall be filed not later than 10 days after the basis for protest is known or should have been known, whichever is earlier.

(3) The term "filed" as used in this section means receipt in the contrasting agency or in the General Accounting Office as the case may be. Protesters are cautioned that protests should be transmitted or delivered in the manner which will assure earliest receipt. Except as provided in paragraph (c) of this section, any protest received in the General Accounting Office after the time limits prescribed in this section shall not be considered unless it was sent by registered or certified mail not later than the fifth day, or by mailgram not later than the third day, prior to the final date for filing a protest as specified herein. The only acceptable evidence to establish the date of mailing shall be in the U.S. Postal Service postmark on the wrapper or on the original receipt from the U.S. Postal Service. The only acceptable evidence to establish the date of transmission by mailgram shall be the automatic date indication appearing on the mailgram. If the postmark in the case of mail or the automatic date indication in the case of a mailgram is illegible, the protest shall be deemed to have been filed late.

(c) The Comptroller General, for good cause shown, or where he determines that a protest raises issues significant to procurement practices or procedures, may consider any protest which is not filed timely.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 305, 42 Stat. 24; 31 U.S.C. 74)

5. Section 20.3(b) is amended to read as follows:

§ 20.3 Notice of Protest, submission of agency report and time for filing of comments on report.

• • • • • •

(b) Material submitted by a protester will not be withheld from any interested party outside the Government or from any Government agency which may be involved in the protest except to the extent that the withholding of information is permitted or required by law or regulation. If the protester considers that the protest contains material which should be withheld, a statement advising of this fact must be affixed to the front page of the protest document and the allegedly proprietary information must be so identified wherever it appears.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interpret or apply sec. 305, 42 Stat. 24; 31 U.S.C. 74)

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6. Section 20.6 is amended to read as follows:

§ 20.6 Time for submission of additional information.

Any additional information requested by the Office of General Counsel, General Accounting Office, from the protester or interested parties shall be submitted no later than 5 days after the receipt of such request. If it is necessary to obtain additional information from the agency, the General Accounting Office will request that such information be furnished as expeditiously as possible.

PART 81—PUBLIC AVAILABILITY OF GENERAL ACCOUNTING OFFICE RECORDS

7. Section 81.7(a)(1)(i) is amened to read as follows:

§ 81.7 Fees and charges.

(a) • • •

(1) The reproduction charge per page will be:

(i) Copies made on office copying machines: 10 cents.

• • • • • •

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.75-35178 Filed 12-30-75;8:45 am]

CLAIMS; GENERAL

Miscellaneous Amendments

Pub. L. 93-604 authorized the transfer from the General Accounting Office to the General Services Administration of the function of auditing and settling claims pertaining to payments for transportation services furnished for the account of the United States Government. This transfer necessitates numerous corrections in Subchapter C of the address to which general claims are to be directed as well as a revision of section 30.1(b) to indicate that reclaims of loss and damage deductions are to be filed in the General Accounting Office.

PART 30—SCOPE OF SUBCHAPTER

1. Section 30.1(b) is amended to read:

§ 30.1 Coverage of regulations in Subchapter C.

• • • • • •

(b) Claims for charges for transportation services furnished for the account of the United States, which now are to be filed with the General Services Administration or the agencies out of whose activities they arise. However, claims by carriers and forwarders against the United States for amounts administratively deducted from transportation payment vouchers in connection with loss or damage to property are covered by this subchapter and are to be filed in the General Accounting Office.

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interprets or applies sec. 305, 42 Stat. 24; 31 U.S.C. 71)

2. The words "Claims Division," are substituted for "Transportation and Claims Division" wherever the latter phrase appears throughout Subchapter C, specifically as follows:

PART 31—CLAIMS AGAINST THE UNITED STATES; GENERAL PROCEDURE

(1) In the section analysis to Part 31, the heading for § 31.6;

(2) In the seventh line of § 31.4;

(3) In the address shown in § 31.4;

(4) In the fifth and sixth lines of § 31.5(a);

(5) In the heading of § 31.6;

(6) In the fourth and fifth lines of and in the address shown in § 31.6;

(7) In the first two lines of § 31.8(a);

PART 33—DECEASED CIVILIAN OFFICERS AND EMPLOYEES; PROCEDURES FOR SETTLEMENT OF ACCOUNTS

(8) In the sixth and seventh and the twenty-second and twenty-third lines of § 33.6(c).

PART 34—DECEASED MEMBERS OF THE ARMED FORCES AND NATIONAL GUARD; PROCEDURES FOR SETTLEMENT OF ACCOUNTS

(9) In the seventh and eighth lines of § 34.1(d);

(10) In the third and fourth and the nineteenth and twentieth lines of § 34.3(b).

(Sec. 311, 42 Stat. 25; 31 U.S.C. 52. Interprets or applies sec. 305, 42 Stat. 24; 31 U.S.C. 71)

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.75-35177 Filed 12-30-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Revocation of Service Station Rent Regulations

On November 11, 1975, the Temporary Emergency Court of Appeals in the case of *Shell Oil Co. v. FEA*, —— F.2d —— (No. 5-13), held that FEA's rent regulations, 10 CFR 212.101-103, as applied to rentals charged by Shell, were beyond the scope of FEA's statutory authority and enjoined FEA from enforcing such regulations with respect to Shell. Based on the unanimity of the court on all of the critical issues addressed and other considerations the FEA has decided not to seek further judicial review of this decision.

In view of this judicial determination, and in order to assure its equal application to all firms, the FEA hereby revokes its rent regulations, effective November 11, 1975 (the date of the *Shell* decision). Also in this regard, FEA is withdrawing an earlier notice of proposed rulemaking with respect to service station rent regulations and is proposing to adopt service station rent guidelines.

Revocation of service station rent regulations. The revocation of the rent regulations is effected in amendments adopted today which revoke 10 CFR Part 212, Subpart G, in its entirety. In addition, §§ 212.2 and 212.10, which state the applicability of Part 212 and provide general price rules, are amended to delete references therein to authority to regulate rents in connection with the leasing of real property used in the retailing of gasoline. Also deleted in these two sections are references to the leasing of covered products. Such references, while appropriate under the Economic Stabilization Program regulations upon which the FEA price regulations were constructed, are superfluous under FEA price regulations since petroleum products are not known to be subject to lease (as distinct from sale) in the petroleum industry and the FEA price regulations do not in any event provide general substantive rules governing leasing. Other changes of an editorial nature are also made.

In conformity with the foregoing, other references to leasing in Part 212, such as under the new item rule of § 212.111, have also been deleted under the amendments adopted today.

However, references in § 212.1 to the leasing of real property used in the retailing of gasoline have not been deleted. These references are based on the authority of the Cost of Living Council and the Federal Energy Office under the Economic Stabilization Act of 1970, as amended, to control service station rents until April 30, 1974. Nothing in the decision of the Temporary Emergency Court of Appeals, discussed above, affects the exercise of that authority.

Withdrawal of notice. On September 30, 1975, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (40 FR 47147, October 8, 1975) with respect to a proposal to modify the gasoline service station rent regulations primarily to permit limited increases in service station rents. Written comments were received and public hearings were held in this matter on October 30, 1975.

In view of the foregoing revocation of those regulations, further action on the proposed amendments is no longer appropriate. Accordingly, the notice of proposed rulemaking entitled "Regulation of Gasoline Service Station Rents" issued September 30, 1975 (40 FR 47147, October 8, 1975) is hereby withdrawn, except as noted below.

FEA called for comment in its notice of proposed rulemaking on how costs of vapor recovery equipment are being borne, with a view toward a possible amendment to the regulations relating to the pass-through of those costs. It was anticipated that an amendment in this respect might be promulgated as an amendment to the rent regulations (Subpart G) or as an amendment to the price regulations under Subpart F. Since comment was received on this subject and rulemaking on this subject is not foreclosed by the revocation of Subpart G, FEA hereby continues this aspect of the rulemaking proceedings. Under current regulations, the costs associated with purchase, installation and operation of vapor recovery equipment are non-product costs and are therefore subject to all restrictions applicable to non-product cost increases.

Development of rent guidelines. In its notice of proposed rulemaking, FEA expressed concern that, because of the inter-relationship between prices charged to service station dealers for gasoline and the rent charged to service station dealers, lessor-suppliers might, in the absence of some control over rents, obtain in the form of rent increases revenues which in reality are gasoline price increases. As also noted in the notice of proposed rulemaking, rents are often expressed in the same cent-per-gallon terms as gasoline sales. The FEA continues to be concerned over the possibility that lessor-suppliers might circumvent the price regulations by charging unreasonably high rentals for service station properties.

In the *Shell* case, the Temporary Emergency Court of Appeals, commenting on the possibility of gasoline price increases "hidden" in rent increases, stated that "FEA could effectively compel the lessor to substantiate the increased rentals by bringing an action to enforce 10 CFR 210.62(c)." (Slip op. at p. 7.)

Section 210.62(c) of the FEA price regulations prohibits "[a]ny practice which constitutes a means to obtain a price higher than is permitted by the regulations in this chapter • • •" FEA believes that, in order to fulfill its mandate under section 4(b)(1)(F) of the Emergency Petroleum Allocation Act of 1973, as amended, to provide for "equitable prices" to gasoline retailers and consumers, it must act administratively as well as through judicial means to challenge any rent increases which appear to violate § 210.62(c).

However, in order to assure that any challenges under § 210.62(c) are effective and fair, and in order to provide a common basis to lessors and lessees for evaluating rentals in light of § 210.62(c), FEA plans to develop and publish as soon as possible guidelines for determining what rental increases and rental practices would be construed by FEA as constituting means to obtain prices higher than those permitted under the pricing regulations. The public is invited to participate in the development of these guidelines by submitting written comment to the FEA pursuant to the procedures set forth below, before January 30, 1976.

Pending issuance of rental guidelines, FEA will continue to investigate complaints of unfair gasoline service station rent increases and will take whatever action appears warranted under §§ 210.62(c), 205.190-205.197, 205.200, 205.201, 205.202, and 205.203 to prevent circumvention or contravention of its price regulations.

In addition, FEA may take action to challenge rental practices which may not otherwise appear to circumvent or contravene the price regulations but which nevertheless appear to discriminate unfairly against independent retail dealers. Section 210.62(b) prohibits "any form of discrimination" among purchasers of a covered product and defines "discrimination" to include "any preference or sales treatment" which frustrates or impairs any of the purposes or objectives of the Emergency Petroleum Allocation Act or the FEA regulations. Since section 4(b)(1) of the Emergency Petroleum Allocation Act specifically requires FEA to preserve the competitive viability of branded and nonbranded independent marketers to the maximum extent practicable, it is clear that preservation of independent marketing is one of the objectives of the EPAA and that a supplier-lessor which engages in discriminatory price or allocation practices which appear to impair or frustrate attainment of that objective may be in violation of § 210.62(b).

Public Comment. Under section 7(i)(1)(B) of the Federal Energy Administration Act of 1974 (FEAA), opportunity to comment prior to the promulgation of a rule, regulation or order is protected except where requirements for opportunity to comment are waived by FEA upon a finding that strict compliance with those requirements would cause serious harm or injury to the public health, safety, or welfare. In addition, section 7(i)(1)(C) of the FEAA guarantees an opportunity for oral presentation of views in all cases in which the rule, regulation or order concerned is likely to have a substantial impact on the national economy or on large numbers of individuals or businesses. To the maximum extent practicable, opportunity for oral presentation of views must be afforded under section 7(i)(1)(C) prior to issuance of the rule, regulation or order, but in all cases that opportunity must be afforded no later than 45 days after the issuance thereof.

The FEA hereby waives the requirements of section 7(i)(1)(B) of the FEAA for opportunity to comment prior to the issuance of the regulation amendments adopted today. The FEA also waives hereby the requirements of section 7(i)(1)(C).

However, FEA will accept written comment with respect to these amendments if received prior to January 30, 1976. Interested persons are invited to submit data, views or arguments with respect to both the amendments set forth herein and the proposal to adopt guidelines for determining what rental increases and rental practices would be construed by FEA as constituting means to obtain prices higher than those permitted under the pricing regulations to Executive Communications, Room 3309, Federal Energy Administration, Box FB, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Rental Guidelines." Fifteen copies should be submitted. All comments received by Friday, January 30, 1976, before 4:30 p.m., d.s.t., and all other relevant information, will be considered by the Federal Energy Administration before final action is taken on the proposal.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

The waiver of the requirements of section 7(i)(1)(B) and (C) of the FEAA is based upon the finding that compliance with solicitation of comments on whether or not the current rental rules should be revoked would be superfluous in view of the definitiveness of the Temporary Emergency Court of Appeals' decision. In addition, the delay which would be occasioned by further review of this matter and further rulemaking in accordance with usual procedures would result in a degree of conflict and confusion over the lawfulness of gasoline prices and service station rents, and possible disruption in service station leasing arrangements, as to cause serious harm to the public welfare.

The review provisions of section 7(c)(2) of the FEAA, relating to prior comment by the Administrator of the Environmental Protection Agency, are also waived in view of the need to make the rule immediately effective.

(Emergency Petroleum Allocation Act of 1973, as amended, Pub. L. 93-159, as amended by Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133 and Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, Part 212 of Chapter II, Title 10, Code of Federal Regulations, is amended as set forth below, effective November 11, 1975.

Issued in Washington, D.C. December 24, 1975.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

1. Section 212.2 is revised to read as follows:

§ 212.2 Applicability.

This part applies to each sale or purchase of a covered product in the United States except as provided in Subpart C.

2. Section 212.10 is revised to read as follows:

§ 212.10 General rules.

(a) No firm (including an individual) may charge a price for any covered product which exceeds the maximum price at which that product is permitted to be sold to the class of purchaser concerned under this part.

(b) No firm (including an individual) may knowingly pay a price for any covered product which exceeds the maximum price at which that product is permitted to be sold to the class of purchaser concerned under this part.

(c) Paragraph (b) of this section does not apply to the purchase of a covered product under circumstances of economic or other coercion in which the purchaser, because of its need for that product, had no reasonable alternative but to pay the unlawful price and he promptly reports the payment of the unlawful price to the Federal Energy Administration.

V 40 251 DEC 31 75 XUM

§ 212.31 [Amended]

3. Section 212.31 is amended as follows:

(a) The words "or lessees" are deleted wherever they appear in the definition of "Class of purchaser".

(b) The definition of "Item" is revised to read as follows:

"Item" means a product sold or offered for sale to a class of purchaser.

(c) The words "or lease" and "rent", and the comma immediately following the word "rent", are deleted from the definition of "Price".

(d) The definition of "Rent" is deleted.

(e) The words "or lease" are deleted from the definition of "Transaction".

§ 212.52 [Amended]

4. Section 212.52 is amended by deleting the comma and the words "lease or lease-sale" following the word "sale".

§§ 212.101–212.103 [Revoked]

5. Subpart G is revoked.

6. Section 212.111 is amended as follows: The title of §212.111 and the first sentence of paragraph (a) (1) (i) thereof are revised; the words "or lease", "or leases", and "or leased" are deleted wherever they appear in paragraphs (a) (1) (ii), (a) (2), and (d); and paragraph (b) (2) is deleted.

§ 212.111 New item and new market rule.

(a) *New item.* (1) An item is a new item if—(i) the firm concerned did not produce or sell it in the same or substantially similar form at any time during the one-year period immediately preceding the day on which the firm offers it for sale. * * *

* * * * *

[FR Doc.75-35130 Filed 12-24-75;12:31pm]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 305—PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

PART 314—PROPERTY MANAGEMENT STANDARDS

Real Property

Pursuant to the authority vested in it by section 701 of the Public Works and Economic Development Act of 1965, as amended, the Economic Development Administration hereby revises 13 CFR Part 314. The purpose of this change is to group the various property regulations which may apply to more than one EDA program under a single part. Accordingly, § 305.59 on property management is recodified as Subpart A on Real Property. Subpart B is reserved for personal property regulations and Subpart C is a redesignation of § 314.1 on Excess Property.

Subpart A contains several modifications that were not present in § 305.59. The former property management regulation indicated that documents containing the specified covenants were to be recorded in the county public records for real property. Section 314.6 now designates the Bureau of Indian Affairs as the appropriate place for filing documents for projects involving Indian lands. The recording provisions under Subpart A are now less restrictive. Exceptions to the recording requirement have been provided for those situations in which the project facilities are not susceptible of being used for other than their intended purposes, as in the case of gas lines and sewer facilities, and when the EDA grant constitutes only a very small part of a much larger project. Finally, a definition section has been added for further clarification.

Part 305 is also amended for the purpose of coordinating regulations which are affected by the revision of Part 314. Section 305.43 which sets forth the requirements for industrial park projects is being amended in order to advise EDA grantees that these projects must also satisfy the property management requirements for real property contained in Part 314 Subpart A. This rule change is merely informational and does not impose any new restrictions upon recipients of assistance.

In that the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration and because the revision of Part 314 merely clarifies the existing policy of the agency, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments, suggestions, data or arguments to the Office of Chief Counsel, Economic Development Administration, U.S. Department of Commerce, Room 7009, Washington, D.C. 20230 by January 30, 1975. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, the revision of 13 CFR Part 314 and the amendments to 13 CFR Part 305 as set forth below shall remain in effect, thus permitting the public business to proceed expeditiously.

In consideration of the foregoing, Part 305 is hereby amended and Part 314 is hereby revised.

1. Section 305.43 is amended by deleting the last sentence in paragraph (a) and by adding a new sentence to read as follows:

§ 305.43 Industrial parks and sites.

(a) * * * The following requirements, in addition to those contained in Part 314 Subpart A, must be satisfied for such assistance.

* * * * *

§ 305.59 [Amended]

2. Section 305.59 is deleted in its entirety and § 305.60 is redesignated as § 305.59.

3. Part 314 is revised as follows: § 305.59 is recodified as Subpart A, Subpart B is reserved, and § 314.1 is redesignated as Subpart C.

Subpart A—Real Property

Sec.
314.1 Scope.
314.2 Definitions.
314.3 Authorized uses for real property acquired or improved with Federal funds.
314.4 Other uses and disposition of real property.
314.5 Mortgages.
314.6 Recording of covenants.

Subpart B [Reserved]

Subpart C—Excess Property

314.50 General.

AUTHORITY: Sec. 701, Pub. L. 89-136, 79 Stat. 570 (42 U.S.C. 3121); Department of Commerce Organization Order 10-4, 40 FR 56702.

Subpart A—Real Property

§ 314.1 Scope.

The requirements contained in this subpart apply to grant and combination grant/loan projects. They do not apply to projects for which assistance has been provided solely in the form of loans or by purchasing evidence of indebtedness.

§ 314.2 Definitions.

(a) Any grantee under Titles I, IV, IX, or X of the Act or Title II, Chapter IV of the Trade Act of 1974,

(b) The owner, optionor or lessor of land developed by the project in order to sell, lease or otherwise convey it for a specific purpose, or

(c) The owner, optionor or lessor of land on which a project facility is or will be located.

"Real Property" means any land, improved land, structure, appurtenances thereto, or other improvements, excluding movable machinery and equipment. Improved land also includes land which is improved by the construction of such facilities as roads, sewers, and water and gas lines which are not situated directly on the land but which improve such land.

"Sell" and its derivatives shall include any conveyance or transfer of any interest in the real property including, but not limited to renting or leasing such real property.

§ 314.3 Authorized uses for real property acquired or improved with Federal funds.

(a) The grantee/owner shall use any real property acquired or improved in whole or in part with Federal funds only for the authorized purpose of the original grant during the expected useful life of the project or for as long as the Assistant Secretary determines that such real property is needed. Should the grantee/owner fail to comply with this provision, EDA may require the grantee/owner to compensate the agency in accordance with the provisions in § 314.4.

(1) When the authorized purpose of the EDA grant is to develop land in order to sell, lease or otherwise convey it for a specific use, the Assistant Secretary may approve such sale, lease or other conveyance, if he determines that such conveyance is consistent with the authorized general and special purpose of the grant and EDA policies concerning, but not limited to, nondiscrimination, nonrelocation, excessive profits, and adequate consideration. If the Assistant Secretary has approved the sale, lease or other conveyance, the provisions of § 314.4 do not apply.

(b) In the event that the grantee/owner determines that the real property is no longer needed for the original grant purpose it may be used in other Federal grant programs, or programs that have purposes consistent with those authorized for support by EDA if the approval of the Assistant Secretary has been obtained.

§ 314.4 Other uses and disposition of real property.

Whenever the Assistant Secretary determines that the real property is no longer needed as provided in § 314.3 and the expected useful life of such real property has not expired, the grantee/owner shall return all such real property furnished or purchased wholly with Federal grant funds to the control of EDA. In the case of real property acquired or improved in part with Federal grant funds, the grantee/owner may use the real property for purposes other than those provided in § 314.3 or dispose of such property upon compensating the Federal Government for its fair share of the real property. The Federal share of the real property shall be the amount computed by applying the percentage of the Federal participation in the total cost of the grant program for which the real property was acquired or improved to the current fair market value of the real property.

§ 314.5 Mortgages.

Except when real property is sold pursuant to § 314.3(a) (1), such real property may not be used to secure a mortgage or deed of trust or otherwise be used as collateral, except to secure a loan made by a State or Federal agency or other public body participating in the same project, unless EDA has been compensated in accordance with the provisions of § 314.4 prior to the attachment of the encumbrance.

(a) The Assistant Secretary may waive the provisions of this paragraph when he determines all of the following that:

(1) The applicant because of its nature and makeup does not have the financial resources to provide the non-Federal share without a loan from a private lender;

(2) It is in the best interest of the government not to provide to the applicant a Public Works Loan for its matching share;

(3) The project is closely allied with the community in which it is to be located which would make it unlikely that foreclosure by a private lender would be undertaken;

(4) The private lender would not otherwise lend money without the security of a lien on the project property;

(5) There is no reasonable expectation that the loan by the private lender will not be repaid thus eliminating any reasonable expectation of foreclosure by the private lender;

(6) Whenever possible the grantee has obtained an agreement from the private lender that in the event of foreclosure of the project that such property would continue to be used for public purposes.

§ 314.6 Recording of covenants.

(a) The grantee/owner shall execute a document satisfactory to the Regional Director which shall be recorded, before the initial disbursement of funds, in the pertinent county public records affecting real property, or filed with the appropriate office of the Bureau of Indian Affairs in the case of Indian projects. The document shall specify in years the expected useful life of the project which may be derived from Internal Revenue Service depreciation schedules, an architect's or engineer's certified determination for this particular project, or the term utilized by a pertinent State regulatory agency. The document shall include, but not be limited, to the following:

(1) A prohibition against the use of the project during its expected useful life for other than the purpose for which the project was financed by the Economic Development Administration unless the approval of the Assistant Secretary is first obtained in writing;

(2) A prohibition against the sale, lease, transfer, conveyance, or mortgage of the real property acquired as a part of the project or real property specifically improved and included as a part of the project unless the approval of the Assistant Secretary is first obtained in writing. Such approval shall not be arbitrarily withheld, but shall be based on the Assistant Secretary's decision that the sale, lease, transfer, conveyance, or mortgage of the real property is in furtherance of purposes consistent with those authorized for support by EDA and is consistent with EDA policies;

(3) A covenant to comply with 15 CFR 8.5(b) (5);

(4) A covenant to comply with 13 CFR 305.43(a) (2) when the purpose of the grant is to develop land in order to sell, lease or otherwise convey it for a specific purpose.

(b) The provisions of paragraphs (a) (1) and (2) of this section shall not apply if:

(1) The project facilities are not susceptible of being used for other than their intended purposes, or

(2) The EDA grant is only a very small investment in a large project.

(c) Whenever real property is sold, leased or otherwise conveyed pursuant to § 314.3(a) (1), the grantee/owner shall add a covenant to the deed, or document conveying such interest, which must be satisfactory to the Assistant Secretary, prohibiting the use of such property for any purpose other than the general and special purpose of the grant as determined by the Assistant Secretary. The grantee shall notify EDA of the prospective conveyance and provide EDA with a copy of the covenant at least 30 days before the sale, lease or conveyance of the propery. The instrument containing the covenant approved by the Assistant Secretary shall be recorded in the pertinent county public records affecting real property or filed with the appropriate office in the Bureau of Indian Affairs in the case of Indian projects. Should the grantee fail to comply with this provision, EDA may require the grantee to compensate the agency in accordance with the provisions of § 314.4.

Subpart B—[Reserved]

Subpart C—Excess Property

§ 314.50 General requirements.

(a) EDA is authorized to conduct an excess property program subject to all requirements and limitations contained in the GSA Federal Property Management Regulations as published in 41 CFR 101-43.320. EDA will act as a sponsor in forwarding appropriate requests for excess property to the General Services Administration for approval and processing.

(b) Any recipient of an EDA grant or any recipient of an EDA funded cost reimbursement type contract may submit a request to EDA for the use of excess property. Such requests shall be made on forms provided by EDA.

(c) The use of any excess property made available to the recipient of an EDA grant or the recipient of an EDA funded cost reimbursement type contract pursuant to this section will be governed by a written contract between EDA and the recipient. The contract shall specify the rights and obligations of the parties and actions to be taken by the recipient in regard to the shipment, use, care, maintenance and redelivery of the property.

Effective date: This amendment becomes effective on December 31, 1975.

(It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.)

Dated: December 23, 1975.

WILLIAM F. CLINGER, JR.,
Acting Assistant Secretary for Economic Development.

[FR Doc.75-35165 Filed 12-30-75;8:45 am]

CHAPTER V—REGIONAL ACTION PLANNING COMMISSIONS

PART 590—RULES AND PROCEDURES OF THE FEDERAL COCHAIRMEN

Ozarks Regional Commission

Notice is given that the Federal Cochairman of the Ozarks Regional Action Planning Commission has adopted and made applicable to the employees of the Office of the Federal Cochairman the rules of the United States Department of Commerce regarding Employee Responsibilities and Conduct. Because the employees affected have been notified of this action, the provisions of 5 U.S.C. 553 are not applicable and the following rule is effective December 31, 1975.

§ 590.40 Employee Responsibilities and Conduct.

The Federal Cochairman of the Ozarks Regional Action Planning Commission adopts and makes applicable to em-

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ployees of the Office of the Federal Co-chairman the rules of the United States Department of Commerce regarding Employee Responsibilities and Conduct. These rules of the Department of Commerce have heretofore been approved by the Civil Service Commission and appear in the Code of Federal Regulations as Title 15, Subtitle A, Part O.

(42 U.S.C. 3181 et seq.)

Dated: December 22, 1975.

BILL H. FRIBLEY,
Federal Cochairman, Ozarks Regional Action Planning Commission.

[FR Doc.75-35205 Filed 12-30-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. ER-942, Amdt. 1]

PART 223—FREE AND REDUCED-RATE TRANSPORTATION

Direct Filing by Government Agencies of U.S. Standard Form 160

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. December 23, 1975.

Subpart B of Part 223 of the Board's Economic Regulations provides, inter alia, for the free transportation of certain employees of the Federal Aviation Administration, the National Transportation Safety Board, and the National Weather Service. Under § 223.24(d), air carriers providing such free transportation are required to file with the Board's Bureau of Economics a copy of U.S. Government Standard Form No. 160, "Request for Access to Aircraft or Free Transportation." The FAA has requested this amendment so that the agencies involved may file this form directly. Inquiries have been made to the Department of Commerce (National Weather Service) and the Department of Transportation (National Transportation Safety Board). These agencies have indicated that the FAA request would pose no difficulties for them, and the Board has therefore decided to make this change in procedure.

Since the amendment is one of agency practice and procedure and would pose no significant burden on any person, the Board has determined that notice and public procedure are unnecessary.

In consideration of the foregoing, the Board hereby amends Part 223 of the Economic Regulations (14 CFR Part 223), effective January 30, 1976, as follows:

1. Amend § 223.24 by revising paragraph (b) and deleting paragraph (d) to read as follows:

§ 222.24 Requests for access to aircraft and free transportation.

* * * * *

(b) The person to be transported shall deliver to the appropriate agents of the air carrier a properly executed "Request for Access to Aircraft or Free Transportation" (U.S. Government Standard Form No. 160), which request shall be retained by the air carrier.

* * * * *

(d) Removed.

3. Amend § 223.25 to read as follows:

§ 223.25 Responsibility of agencies.

The Federal Aviation Administration, the National Transportation Safety Board and the National Weather Service

(a) Shall be responsible for the issuance of proper credentials or certificates to personnel eligible thereunder;

(b) Shall be responsible for the promulgation of such internal rules as may be required to obtain compliance by such personnel with this part; and

(c) Shall forward, on or before the 10th of each month, one copy of each "Request for Access to Aircraft or Free Transportation" (U.S. Government Standard Form No. 160) executed by it during the second preceding calendar month to the Bureau of Economics, Civil Aeronautics Board, Washington, D.C. 20428.

(Secs. 204, 403, 404, 407, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758 (as amended), 760, 766, 771; 49 U.S.C. 1324, 1372, 1374, 1377, and 1386.)

By the Civil Aeronautics Board.

Effective: January 30, 1976.

Adopted: December 23, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc 75-35153 Filed 12-30-75;8:45 am]

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15261; Amdt. No. 1001]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exist for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or cancelling the following VOR-VOR/DME SIAPs, effective February 12, 1976.

Ainsworth, NE—Ainsworth Municipal Arpt., VOR-A, Amdt. 3.
Ashtabula, OH—Ashtabula County Arpt., VOR Rwy 8, Amdt. 3.
Ashtabula, OH—Ashtabula County Arpt., VOR/DME Rwy 26, Amdt. 2.
Blythe, CA—Blythe Arpt., VOR Rwy 26, Amdt. 1.
Blythe, CA—Blythe Arpt., VOR-A, Amdt. 2.
Cedar City, UT—Cedar City Municipal Arpt., VOR Rwy 20, Amdt. 1.
Hopewell, VA—Hopewell Arpt., VOR Rwy 26, Amdt. 2.
Lancaster, PA—Lancaster Arpt., VOR Rwy 8, Amdt. 11.
Pocatello, ID—Pocatello Municipal Arpt., VOR/DME Rwy 21, Amdt. 6.
Wichita, KS—Wichita Mid-Continent Arpt., VOR Rwy 14, Amdt. 10.

* * * effective January 29, 1976

East St. Louis, IL—Bi-State Parks, VOR/DME-A, Amdt. 3.

* * * effective January 15, 1976

Parkersburg, WV—Wood County Arpt., Gill Robb Wilson Fld., VOR Rwy 21, Amdt. 10.

2. Section 97.25 is amended by originating, amending, or cancelling the following SDF-LOC-LDA SIAPs, effective February 12, 1976.

Christiansted, St. Croix, V.I., Alexander Hamilton Arpt., LOC Rwy 9, Original.
Waukegan, IL—Waukegan Memorial Arpt., LOC Rwy 23, Amdt. 2.
Wichita, KS—Wichita Mid-Continent Arpt., LOC(BC) Rwy 1L, Amdt. 1.
Wichita, KS—Wichita Mid-Continent Arpt., LOC(BC) Rwy 19L, Amdt. 10.

* * * effective January 29, 1976

East St. Louis, IL—Bi-State Parks, LOC Rwy 30, Original.

3. Section 97.27 is amended by originating, amending, or cancelling the following NDB/ADF SIAPs, effective February 12, 1976

Gwinner, ND—Gwinner Municipal Arpt., NDB Rwy 34, Amdt. 1.
Kaiser (Lake Ozark) MO—Lee C. Fine Memorial Arpt., NDB Rwy 21, Amdt. 1.
Marion, IL—Williamson County Arpt., NDB Rwy 20, Amdt. 1.
Midland, TX—Midland Regional Air Terminal, NDB Rwy 10, Amdt. 7.

Pocatello, ID—Pocatello Municipal Arpt., NDB Rwy 21, Amdt. 16.
Waukegan, IL—Waukegan Memorial Arpt., NDB Rwy 23, Amdt. 2.
Wichita, KS—Wichita Mid-Continent Arpt., NDB Rwy 1R, Amdt. 12.

* * * effective January 29, 1976

Columbus, IN—Columbus Bakalar Municipal Arpt., NDB Rwy 22, Amdt. 3.
East St. Louis, IL—Bi-State Parks, NDB Rwy 30, Amdt. 8.
Winnfield, LA—David G. Joyce Arpt., NDB Rwy 8, Original.

* * * effective January 22, 1976

Georgetown, OH—Brown County Arpt., NDB Rwy 35, Original.

* * * effective January 15, 1976

Luray, VA—Luray Caverns Arpt., NDB-A, Original.
Parkersburg, WV—Wood County, Gill Robb Wilson Field, NDB Rwy 3, Original.

4. Section 97.29 is amended by originating, amending, or cancelling the following ILS SIAPs, effective February 12, 1976.

Alexandria, LA—Esler Regional Arpt., ILS Rwy 26, Amdt. 6.
Christiansted St. Croix, VI—Alexander Hamilton Arpt., ILS Rwy 9, Amdt. 1 cancelled.
Lancaster, PA—Lancaster Arpt., ILS Rwy 8, Amdt. 4.
Laredo, TX—Laredo International Arpt., ILS Rwy 15, Amdt. 2, cancelled.
Marion, IL—Williamson County Arpt., ILS Rwy 20, Amdt. 1.
Midland, TX—Midland Regional Air Terminal, ILS Rwy 10, Amdt. 10.
Pocatello, ID—Pocatello Municipal Arpt., ILS Rwy 21, Amdt. 19.
San Juan, PR—Puerto Rico Int'l Arpt., ILS Rwy 7, Amdt. 8.
Wichita, KS—Wichita Mid-Continent Arpt., ILS Rwy 1R, Amdt. 12.
Wichita, KS—Wichita Mid-Continent Arpt., ILS Rwy 19R, Amdt. 2.

* * * effective January 29, 1976

Columbus, IN—Columbus Bakalar Municipal Arpt., ILS Rwy 22, Original.

* * * effective January 15, 1976

Parkersburg, WV—Wood County, Gill Robb Wilson Fld., ILS Rwy 3, Amdt. 3.

5. Section 97.31 is amended by originating, amending, or cancelling the following RADAR SIAPs, effective February 12, 1976.

Corpus Christi, TX—Corpus Christi Int'l Arpt., RADAR-1, Amdt. 5.
Indianapolis, IN—Indianapolis Municipal, Weir Cook Arpt., RADAR-1, Amdt. 21.
Midland, TX—Midland Regional Air Terminal, RADAR-1, Amdt. 1.
Wichita, KS—Wichita Mid-Continent Arpt., RADAR-1, Amdt. 3.

6. Section 97.33 is amended by originating, amending, or cancelling the following RNAV SIAPs, effective February 12, 1976.

Ashtabula, OH—Ashtabula County Arpt., RNAV Rwy 26, Amdt. 2.
Connersville, IN—Mettel Field, RNAV Rwy 18, Original.
Indianapolis, IN—Indianapolis Municipal, Weir-Cook Arpt., RNAV Rwy 4L, Amdt. 4.
Somerset, PA—Somerset County Arpt., RNAV Rwy 24, Original.
Wichita, KS—Wichita Mid-Continent Arpt., RNAV Rwy 1L, Amdt. 1.
Wichita, KS—Wichita Mid-Continent Arpt., RNAV Rwy 19R, Amdt. 1.

* * * effective January 29, 1976

Columbus, IN—Columbus Bakalar Municipal Arpt., RNAV Rwy 22, Amdt. 1.
East St. Louis, IL—Bi-State Parks, RNAV Rwy 30, Amdt. 1.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and sec. 6(c) Department of Transportation Act, 49 U.S.C. 655(c).)

Issued in Washington, D.C., on December 24, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.75-35168 Filed 12-30-75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER I—BUREAU OF THE CENSUS, DEPARTMENT OF COMMERCE

PART 30—FOREIGN TRADE STATISTICS

Foreign Port of Lading for Shipments Other Than by Vessel or Air

The following amendment is made to the regulations published in the FEDERAL REGISTER on August 27, 1966 (31 FR 11367) (15 CFR Part 30). In accordance with administrative procedure 5 U.S.C. 553, notice and hearing on this amendment are unnecessary because the amendment is a statement of interpretation. The effective date is postponed for thirty days to enable importers and brokers to fully understand and comply with these provisions.

These regulations are issued under the authority of Title 13, United States Code, Section 302; and 5 U.S.C. 301; Reorganization Plan No. 5 of 1950; and Department of Commerce Organization Order No. 35-2A, August 4, 1975, 40 F.R. 42765.

Effective date: This amendment to the Foreign Trade Statistics Regulations is effective January 30, 1976.

Section 30.70(c) (1) and (2) are hereby amended to read as follows:

§ 30.70 Statistical information required on import entries.

* * * * *

(c) *Foreign port of lading.* (1) (Customs Forms 7501, 7502, 7512, and 7521.) For merchandise arriving in the United States by vessel or air, the name and country of the foreign port at which the merchandise was actually loaded on the vessel or aircraft that carried the merchandise to the United States is required. For shipments originating in either Canada or Mexico, and arriving in the United States from Canada or Mexico by rail, truck, pipeline, or other nonvessel/nonair mode of transportation, supply the name of the province (Canada) or state (Mexico where the merchandise was first loaded) for exportation to the United States.

(2) For merchandise transshipped overseas in the course of shipment to the United States, whether or not covered by a through bill of lading, the information furnished shall reflect only the foreign port at which the merchandise was loaded on the vessel, aircraft, or other carrier which transported it to the first U.S. port of unlading. Neither the foreign port of original lading nor any port of lading other than the last foreign port of lading shall be substituted. When a single Customs form covers merchandise loaded at more than one foreign port, the foreign port of lading shall be indicated separately above each item (or group of items) for the merchandise loaded at each foreign port.

Section 30.80(b) is hereby amended to read as follows:

§ 30.80 Merchandise Entering U.S. Customs Territory from U.S. Foreign Trade Zones.

* * * * *

(b) *Foreign port of lading.* (Customs Forms 7501 and 7502.) For merchandise which arrived by vessel or air, the name and country of the foreign port at which the merchandise was loaded on the vessel or aircraft that carried it to the U.S. Foreign Trade Zone or to the first U.S. port of unlading prior to entry into the Zone is required. For shipments originating in either Canada or Mexico and arriving from Canada or Mexico by rail, truck, pipeline, or other nonvessel/nonair mode of transportation, the name of the province (Canada) or state (Mexico) where the merchandise was first loaded onto the carrier for exportation to the United States Foreign Trade Zone or to the United States prior to entry into the Zone is required.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

I concur:

DECEMBER 11, 1975.

DAVID R. MCDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-35115 Filed 12-30-75;8:45 am]

CHAPTER XX—OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

GENERALIZED SYSTEM OF PREFERENCES

Reviews Pertaining to the Eligibility of Articles

By Executive Order No. 11888, of November 24, 1975 (40 FR 55276, November 26, 1975), the President provided for the implementation on January 1, 1976, of the United States Generalized System of Preferences for eligible imports from beneficiary developing countries (hereinafter, "GSP"), authorized by title V of the Trade Act of 1974 (19 U.S.C. 2461-2465, 88 Stat. 2066-2071), hereinafter referred to as the "Trade Act"). One of the implementing steps taken in E.O. 11888 was the designation of articles that will be eligible for duty-free treatment under the GSP.

Regulations establishing procedures for reviewing the designations of eligible articles, and the possible designations of additional articles as eligible for the GSP, are set forth below. These regulations

article to be import-sensitive in the context of the GSP. Requests to be reviewed at the same time. Requests son who submitted it, with a statement

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add a new Part 2007 to title 15, Chapter XX of the Code of Federal Regulations, as amended by regulations set forth at 40 FR 14819 (April 28, 1975), 40 FR 48331 (October 14, 1975), and 40 FR 39197 (August 28, 1975). In addition, certain amendments to Parts 2002 and 2003, as amended by regulations appearing at 40 FR 39197, are promulgated in order to conform those Parts to the new Part 2007, and to add the Council on International Economic Policy as a member of the Trade Policy Staff Committee (TPSC) and the Trade Policy Committee Review Group (TPRG).

The regulations set forth below are procedural in nature, and hence, are exempt from the requirements of 5 U.S.C. 553. Accordingly, the regulations are final as published herein. The Office of the Special Representative for Trade Negotiations (hereinafter, "STR") nevertheless, invites comments on the regulations on or before January 31, 1976, and will consider carefully any comments received.

Pursuant to section 8 of E.O. 11846, the STR, in consultation with the Secretary of State, is responsible for the administration of the GSP.

Articles that are eligible for duty-free treatment under the GSP are designated by the President by Executive order upon the advice of the Trade Policy Committee (TPC) as transmitted through its Chairman, the Special Representative for Trade Negotiations (hereinafter, "the Special Representative"). In addition to the Special Representative, the TPC is composed of the Secretaries of Agriculture, Commerce, Defense, Interior, Labor, State, Treasury, the Attorney General, the Assistant to the President for Economic Affairs, and the Executive Director of the Council on International Economic Policy. The TPC was created by section 3 of Executive Order 11846, of March 27, 1975 (40 FR 14291). Subordinate bodies of the TPC, the TPRG and the TPSC were created by regulations which appeared in 40 FR 14819 (April 28, 1975), and which are codified at 15 CFR Chapter XX, Sections 2002.1 and 2002.2 respectively.

PART 2002—OPERATION OF COMMITTEES

1. Part 2002—Operation of Committees is hereby amended as follows:

§ 2002.1 [Amended]

a. Section 2002.1(a) is amended to delete the period at the end of the second sentence of that paragraph, and to add to the end of that sentence the following: ", and the Executive Director of the Council on International Economic Policy", so that the sentence reads: The Review Group consists of a Deputy Special Representative, designated by the Special Representative, as chairman, and of high level officials designated from their respective agencies or offices by the Secretaries of Agriculture, Commerce, Defense, Interior, Labor, State and Treasury, and the Executive Director of the Council on International Economic Policy.

§ 2002.2 [Amended]

b. Section 2002.2(a) is amended by adding, after the word "Treasury" in the second sentence of that section, the words ", by the Executive Director of the Council on International Economic Policy," so that the sentence reads: The Committee consists of a chairman designated by the Special Representative from his Office, and of senior trade policy staff officials designated from their respective agencies or offices by the Secretaries of Agriculture, Commerce, Defense, Interior, Labor, State, and Treasury, by the Executive Director of the Council on International Economic Policy, and by the Chairman of the International Trade Commission.

c. Section 2002.2(b)(1) is amended by deleting the number "7" from the second clause, and by inserting in place thereof the number "8", so that the section reads: "(1) monitors the trade agreements program, reviews the information received pursuant to subparagraphs 2 through 8 below • • •."

d. Sections 2002.2(b)(8) and (9) are redesignated as Sections (9) and (10), respectively.

e. A new Section 2002.2(b)(8) is added to read as follows:

§ 2002.2 Trade Policy Staff Committee.

• • • • • •

(b) • • •

(8) Receives and reviews requests pertaining to the duty-free treatment accorded to articles under the Generalized System of Preferences, and handles such requests and reviews in accordance with Part 2007 of these regulations;.

• • • • • •

PART 2003—REGULATIONS OF TRADE POLICY STAFF COMMITTEE

2. Part 2003 is amended as follows:

f. Section 2003.1(b), as redesignated by amendments appearing at 40 FR 39197, is redesignated as § 2003.1(c), and a new § 2003.1(b) is added to read as follows:

§ 2003.1 Notice of Public Hearings.

• • • • • •

(b) Whenever the Special Representative or the Deputy Special Representative determines that public hearings in connection with the review of a request submitted pursuant to Part 2007 of these regulations, pertaining to the duty-free treatment accorded to articles under the GSP, are in the public interest.

• • • • • •

g. Part 2007 is added to read as follows:

PART 2007—REVIEWS PERTAINING TO ELIGIBILITY OF ARTICLES FOR THE GENERALIZED SYSTEM OF PREFERENCES

Sec.
2007.0 Requests for reviews.
2007.1 Information required in requests.
2007.2 Adequacy of requests.
2007.3 Publication regarding requests.
2007.4 Action following receipt of requests.
2007.5 Written briefs and oral testimony.
2007.6 Information open to public inspection.
2007.7 Information exempt from public inspection.
2007.8 Other reviews of article eligibilities.

AUTHORITY: 19 U.S.C. 2461–2465, 88 Stat. 2066–2071; E.O. 11846 of March 27, 1975, 40 FR 14291, March 31, 1975

§ 2007.0 Requests for reviews.

(a) An interested party may submit a request (1) that additional articles be designated as eligible for the GSP; or (2) that the duty-free treatment accorded to eligible articles under the GSP be withdrawn, suspended or limited.

(b) An interested party is defined as a party who has a significant economic interest in the subject matter of the request, such as a domestic producer of a like or directly competitive article, a commercial importer of an article which is eligible for the GSP, or for which such eligibility is requested, or any other person representing a significant economic interest that would be materially affected by the action requested.

(c) All requests should be submitted in 20 copies, and should be addressed to: Chairman, Trade Policy Staff Committee, Office of the Special Representative for Trade Negotiations, Room 729, 1800 G Street, NW., Washington, D.C. 20506.

§ 2007.1 Information required in requests.

(a) A request submitted pursuant to this part shall state clearly on the first page that it is a request for action with respect to the provision of duty-free treatment for an article or articles under the GSP, and shall contain the following information:

(1) The name of the petitioner, the person, firm or association represented by the petitioner, and a brief description of the interest of the petitioner affected by the GSP;

(2) Identification of the product or products of interest to the petitioner, both by description and by item number of the Tariff Schedules of the United States;

(3) A description of the action requested, together with a statement of the reasons therefor and supporting information, and a statement of whether the reasoning and information has been presented to the TPSC previously by the person making the request;

(4) If the action requested is the designation of an additional article or articles as eligible for the GSP, a statement of why such article or articles should be so designated, together with information relevant to the import-sensitivity of the article in the context of the GSP.

(5) If the action requested is the withdrawal, suspension, or limitation of duty-free treatment accorded under the GSP to an eligible article or articles, information sufficient to show (i) why the article(s) should be determined to be import-sensitive in the context of the GSP, and (ii) which beneficiary developing country's or countries' exports cause the article to be import-sensitive in the context of the GSP; and a statement of whether the person making the request has filed or is filing for other forms of relief under the Trade Act or any other provision of law.

(6) Any other material relevant to the request.

(7) The Chairman of the TPSC may request additional information or clarifications from persons submitting requests.

(b) (1) In considering whether to recommend the designation of additional articles as eligible for the GSP, or the withdrawal, suspension, or limitation of the duty-free treatment accorded to eligible articles under the GSP, the TPSC, the TPRG, or the TPC shall review relevant economic factors indicating the economic effect that such action would have, including the effect upon United States producers of like or directly competitive articles and upon consumers.

(2) If, on the basis of a review described in (1), the appropriate interagency committee considers that the article is or would be import-sensitive in the context of the GSP, then:

(i) If the article has not been designated already as eligible for the GSP, it shall not be recommended for such designation, or it may be recommended for such designation with limits upon the duty-free treatment accorded under the GSP which assure that the article will not be import-sensitive in the context of the GSP; or

(ii) If the article has been designated already as an article eligible for the GSP, it shall be recommended that the duty-free treatment under the GSP shall be withdrawn, suspended, or limited so as to assure that the article no longer is import-sensitive in the context of the GSP.

§ 2007.2 Adequacy of request.

If the request does not conform substantially to the requirements set forth above, the Chairman of the TPSC may return the communication to the person who submitted it, with a written statement of the reasons why it was found not to conform, or he may determine that there is sufficient information on which to proceed.

§ 2007.3 Publication regarding requests.

Whenever a request is received that conforms to these regulations or that is accepted pursuant to section 2007.2, the Chairman of the TPSC shall publish in the FEDERAL REGISTER a statement of the fact that the request has been received, the TSUS item number or numbers of the article or articles covered by the request, the name of the party submitting the request, and an invitation for all interested parties to submit their views to the TPSC.

§ 2007.4 Action following receipt of requests.

(a) The TPSC shall review requests submitted and accepted under this Part. Requests may be accumulated in order to permit a number of such requests to be reviewed at the same time. Requests which indicate the existence of unusual circumstances warranting an immediate review may be reviewed separately. Reviews of pending requests shall be conducted at least once each six months.

(b) In conducting reviews, the TPSC may hold public hearings, or utilize advice of the U.S. International Trade Commission (pursuant to sections 503 and 131 of the Trade Act, or pursuant to a request under 19 U.S.C. 1332(g)), whenever such hearings, or advice is required by law or is deemed by the Special Representative or the Deputy Special Representative to be in the public interest.

(c) The TPSC shall report the results of its review to the Deputy Special Representative and the Special Representative, who may convene the appropriate committees, which may include the TPC, with a view to the possible recommendation of action to the President.

(d) Whenever following a review, there is to be no change in the status of an article with respect to the GSP, the party submitting a request with respect to such article, shall be so notified, and a statement of the decision shall be published in the FEDERAL REGISTER.

§ 2007.5 Written briefs and oral testimony.

Sections 2003.2 and 2003.4 of these regulations shall be applicable to the submission of any written briefs or requests to present oral testimony in connection with a review under this Part.

§ 2007.6 Information open to public inspection.

With the exception of information subject to § 2007.8, an interested person may, upon request, inspect at the office of the TPSC:

(a) Any written request, brief, or similar submission of information made pursuant to this Subpart; and

(b) Any stenographic record of any public hearing which may be held pursuant to this Subpart.

§ 2007.7 Information exempt from public inspection.

(a) The Chairman of the TPSC shall exempt from public inspection information submitted in confidence, if he determines that the disclosure of such information is not required by law.

(b) A party requesting that the Chairman of the TPSC exempt from public inspection information submitted in writing shall clearly mark each page "Submitted in Confidence" at the top, and shall submit a non-confidential summary of the confidential information. Such person shall also provide the Chairman of the TPSC with a written explanation of why the material should be so protected.

(c) The Chairman of the TPSC may deny a request that he exempt from public inspection any particular information, if he determines such information is not entitled to exemption under law. In the event of such a denial, the information will be returned to the person who submitted it, with a statement of the reasons for the denial.

§ 2007.8 Other reviews of article eligibilities.

(a) As soon after the beginning of each calendar year as relevant trade data for the preceding calendar year is available, the TPSC shall consider modifications of the GSP that may be required by section 504(c) of the Trade Act.

(b) The TPSC may, on its own motion, conduct reviews for the possible designation of additional articles as eligible for the GSP, or the possible withdrawal, suspension, or limitation of duty-free treatment accorded under the GSP.

(c) The TPSC shall report the results of reviews conducted pursuant to paragraphs (a) and (b) above to the TPRG and the TPC, and the Special Representative as Chairman of the TPC shall recommend to the President any action that is considered to be required or warranted. Action required to comply with the provisions of section 504(c) shall be taken not later than 60 days after the close of each calendar year.

(d) The STR shall prepare any documents that are necessary to carry out action recommended under this Part.

FREDERICK B. DENT,
Special Representative for Trade Negotiations.

[FR Doc.75-35160 Filed 12-30-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

PART 4—MISCELLANEOUS RULES

Miscellaneous Amendments

The Commission announces amendments to Parts 3 and 4 of Subchapter A of Chapter I of Title 16 of the Code of Federal Regulations which will (1) eliminate the requirement of service of a complaint for purposes of determining when an adjudicative proceeding commences, and (2) provide for substituted service upon the attorney for a party of any document pertaining to a proceeding other than a complaint. The amendments are set forth below.

1. Section 3.11(a) is amended to read as follows:

§ 3.11 Commencement of proceedings.

(a) *Complaint.* Except as provided in § 3.13, an adjudicative proceeding is commenced by the issuance of a complaint by the Commission.

• • • • • •

2. Section 44.(a)(3) is added and (c)(3) is deleted and (c)(4) is renumbered as (c)(3) to read as follows:

§ 4.4 Service.

(a) *By the Commission.* • • •

(3) When a party has appeared in a proceeding by an attorney, service on that individual of any document pertaining to the proceeding other than a complaint shall be deemed service upon the party. However, service of those docu-

ments specified in paragraph (1) shall first be attempted in accordance with the provision of subparagraphs (i), (ii), and (iii).

The above amendments are effective December 31, 1975.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46), 80 Stat. 383, as amended, 81 Stat. 54 (5 U.S.C. 552))

By direction of the Commission dated December 2, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-35229 Filed 12-30-75;8:45 am]

[Docket 9005]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Cargill, Incorporated

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

In the Matter of Cargill, Incorporated, a corporation.

Order dismissing complaint issued against a Minneapolis, Minn., well-diversified, closely-held corporation challenging its acquisition of stock in Missouri Portland Cement Company, Inc. Respondent divested its interest in Missouri Portland, Aug. 28, 1975.

The order granting motion to dismiss complaint, is as follows: [1]

This matter is before us upon the administrative law judge's certification of respondent's motion to dismiss the complaint in view of respondent's divestiture of its interest in the Missouri Portland Cement Company, Inc. (Missouri Portland), on August 28, 1975.

Upon consideration of the matter, the Commission has determined that further proceedings challenging respondent's acquisition of stock in Missouri Portland would not be in the public interest, Accordingly,

It is ordered, That the complaint in this matter be, and it hereby is, dismissed.

Commissioner Dixon not participating, and Commissioner Hanford dissenting.

The order granting motion to dismiss complaint was issued by the Commission December 2, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-35206 Filed 12-30-75;8:45 am]

[Docket 8888-6]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Koscot Interplanetary, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; 13.10–1 Availability of merchandise and/or facilities; § 13.15 Business status, advantages or connections; 13.15–5 Advertising and promotional services; 13.15–20 Business methods and policies; § 13.50 Dealer or seller assistance; § 13.55 Demand, business or other opportunities; § 13.60 Earnings and profits; § 13.142 Operation; § 13.143 Opportunities; § 13.160 Promotional sales plans; § 13.195 Safety; 13.195–30 Investment; § 13.250 Success, use or standing; § 13.280 Unique nature or advantages; § 13.285 Value. Subpart—Coercing and intimidating: § 13.358 Distributors. Subpart—Combining or conspiring: § 13.388 To control allocations and solicitation of customers; § 13.395 To control marketing practices and conditions; § 13.430 To enhance, maintain or unify prices; § 13.450 To limit distribution or dealing to regular, established or acceptable channels or classes. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–55 Refunds, rebates and/or credits. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed.

Subpart—Discriminating between customers: § 13.685 Discriminating between customers. Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.730 Customer classification. § 13.785 Terms and conditions. Subpart—Failing to Maintain records: § 13.1051 Failing to maintain records; § 13.1051–20 Adequate. Subpart—Maintaining resale prices: § 13.1130 Contracts and agreements; § 13.1155 Price schedules and announcements. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1370 Business methods, policies, and practices; § 13.1397 Customer connection. —Goods: § 13.1572 Availability of advertised merchandise and/or facilities; § 13.1608 Dealer or seller assistance; § 13.1610 Demand for or business opportunities; § 13.1615 Earnings and profits; § 13.1730 Results; § 13.1755 Success, use, or standing; § 13.1770 Unique nature or advantages; § 13.1775 Value. —Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1889 Risk of loss; § 13.1892 Sales contract, right-to-cancel provision. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1935 Earnings and profits; § 13.2015 Opportunities in product or service; § 13.2090 Undertakings, in general. Subpart—Securing agents or representatives by misrepresentation: § 13.2125 Demand for business opportunities; § 13.2130 Earnings; § 13.2148 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13)

In the Matter of Koscot Interplanetary, Inc., Glenn W. Turner Enterprises, Inc., corporations, and Glenn W. Turner, Terrell Jones, Malcolm Julian, Ben Bunting, Michael Delaney, Hobart Wilder, and Raleigh P. Mann, individually and as former officers, officers or directors of said corporation(s).

Order requiring an Orlando, Fla., seller and distributor of cosmetics and cosmetic distributorships, among other things to cease using its open-ended, multilevel marketing plan; engaging in illegal pricefixing and price discrimination and imposing selling and purchasing restrictions on its distributors; and to cease making exaggerated earnings claims and other misrepresentations in an effort to recruit distributors.

The final order, including further order requiring report of compliance therewith, is as follows: [1]

FINAL ORDER

This matter having been heard by the Commission upon the cross-appeals of complaint counsel and respondents' counsel from the initial decision and upon briefs and oral argument in support thereof and opposition thereto, and the Commission, for the reasons stated in the accompanying Opinion, having granted the appeals in part:

It is ordered, That pages 1–65 of the initial decision of the administrative law judge be, and they hereby are, adopted as the Findings of Fact and Conclusions of Law of the Commission, with the following exceptions: Conclusion of Law 12, page 53; those portions of pages 53–65 ("Rationale of the Order") which are inconsistent with the Opinion of the Commission herein.

Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion.

It is further ordered, That the following Order to cease and desist be, and it hereby is, entered:

ORDER

Definitions: For the purposes of this Order, the following definitions shall apply:

(a) The term "distributorship" means any continuing commercial relationship created by written agreement or by understanding in which:

(1) The participant is granted the right or is permitted to offer, sell, or distribute goods or commodities manufactured, processed, or distributed by the respondents; or (2) the participant is granted the right or is permitted to offer or sell services established, organized, approved, or directed by the respondents.

(b) "Participant" means any person to whom a distributorship is granted.

(c) "Person" means any individual, group, association, limited or general partnership, corporation, or any other business entity.

[1] Copies of the Complaint, Opinion, Initial Decision, Final Order filed with the original document.

[1] Copies of the Complaint, and Order Granting Motion to Dismiss Complaint, filed with the original document.

(d) "Koscot" means Koscot Interplanetary, Inc., and its successors or assigns.

I

It is ordered, That respondents Koscot Interplanetary, Inc., and Glenn W. Turner Enterprises, Inc., corporations, their officers, agents, representatives, employees, successors, and assigns, and Glenn W. Turner, Ben Bunting, Hobart Wilder, Malcolm Julian, and Raleigh P. Mann, individually, their agents, representatives, and employees, directly or indirectly, through any corporate or other device, in connection with the advertising, offering for sale, or sale of products, services, franchises, or distributorships, or in connection with the seeking to induce or inducing the participation of persons, firms, or corporations therein, or in connection with any merchandising, marketing, or sales promotion program, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering, operating, or participating in, directly or indirectly, any marketing or sales plan or program wherein the financial gains to participants are or are represented to be based in any manner or to any degree upon their recruiting of other participants who obtain the right under the plan or program to recruit yet other participants whose function in the program includes during their first year of participation the recruitment of participants.

2. Offering, operating, or participating in, any marketing or sales plan or program wherein a participant is given or promised compensation (1) for inducing another person to become a participant in the plan or program, or (2) when a person induced by the participant induces another person to become a participant in the plan or program, *provided*, That the term "compensation," as used in this paragraph only, does not mean any payment based on actually consummated sales of goods or services to persons who are not participants in the plan or program and who do not purchase such goods or services in order to resell them.

3. Requiring or suggesting that a prospective participant or a participant in any merchandising, marketing, or sales promotion program purchase any product or services or pay any other consideration, either to respondents or to any person, in order to participate in said program, other than payment for the actual cost to respondents, as determined by generally accepted accounting principles, of those items respondents deem to be reasonable necessary sales materials in order to participate in any manner therein; *provided*, That necessary sales material shall not include any product inventory.

II

It is further ordered, That respondents Koscot Interplanetary, Inc., and Glenn W. Turner Enterprises, Inc., corporations, their officers, agents, representatives, employees, successors, and assigns, and Glenn W. Turner, Ben Bunting, Hobart Wilder, Malcolm Julian, and Raleigh P. Mann, individually, their agents, representatives, and employees, directly or indirectly, through any corporate or other device, in connection with the advertising, offering for sale, or sale of products, franchises, or distributorships, or in connection with the seeking to induce or inducing the participation of persons, firms, or corporations in any merchandising, marketing, or sales promotion program, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, including the use of hypothetical examples, that participants in any merchandising, marketing, or sales promotion program, will earn or receive, or have the potential or reasonable expectancy of earning or receiving, any stated or gross or net amount or representing in any manner the past earnings of participants, unless in fact the earnings represented are those of a substantial number of participants in the community or geographic area in which such representations are made, and the representation clearly indicates the amount of time required by such past participants to achieve the earnings represented, and failing to maintain adequate records which disclose the facts upon which any claims of the type referred to in this paragraph of the Order [II(1)] are based; and from which the validity of any such claim can be determined.

2. Misrepresenting the ease of recruiting or retaining participants in any merchandising, marketing, or sales promotion programs, as distributors or as sales personnel.

3. Representing, directly or by implication, that any participant in any merchandising, marketing, or sales promotion program can attain financial success.

4. Misrepresenting the supply or availability of potential participants or customers in any merchandising, marketing, or sales promotion program in any given community or geographical area.

5. Misrepresenting that participants can expect to remain active in business for any length of time or misrepresenting in any manner the longevity or tenure of past or current participants, as, for example, by using a hypothetical illustration of how a marketing program operates, which has the tendency or capacity to imply that participants remain active for a given period, when in fact such period is more than the average length of time for which such participants do remain active.

6. Misrepresenting the reasonably necessary and anticipated costs of doing business for prospective distributors, dealers, sales personnel, or franchisees.

7. Representing, directly or by implication, that products will be or have been advertised, either locally or nationally, or in the geographic area in which such representations are made, without clearly and truthfully representing the manner, mode, extent, and amount of the advertising.

8. Representing that a training program will be or is being offered without clearly and truthfully representing the specific type and nature of the training, the number of hours or days of instruction, and the cost to the participant, if any.

9. Misrepresenting the availability of product in any manner, including, but not limited to, misrepresenting the amount of inventory available, the extent to which an order can be filled at a given time, the length of time necessary to replenish items out of stock, and the length of time necessary to deliver an order to a participant.

10. Misrepresenting, directly or by implication, the extent of respondents' sales of products and services, the nature of such sales, including what proportion were derived from the sale of franchises or distributorships, or the market position of respondents in any market.

III

It is further ordered, That respondents Koscot Interplanetary, Inc., and Glenn W. Turner Enterprises, Inc., corporations, their successors or assigns, and respondents Glen W. Turner, Ben Bunting, Hobart Wilder, Malcolm Julian, and Raleigh P. Mann incident to selling any franchise or distributorship, shall:

1. Inform orally all persons to whom solicitations are made, and provide in writing in all applications and contracts, in at least ten-point bold type, that the application or contract may be cancelled for any reason by notification to respondents in writing within at least seven (7) business days from the date of execution.

2. Refund immediately all monies to participants who:

(a) Cancel their contracts in accordance with paragraph 1 of this Section III; or

(b) Show that respondents' contract solicitations or performance were attended by or involved violation of any of the provisions of this Order.

3. Provide to a prospective franchisee or distributor at least fifteen (15) business days prior to the execution by the prospective franchisee or distributor of any franchise or distributorship agreement or any other binding obligation, or the payment by the prospective franchisee or distributor of any consideration in connection with the sale or proposed sale of a franchise:

(a) A certified balance sheet for the most recent year; a certified profit and loss statement for the most recent three year period; and a statement of any material changes in the financial soundness of the franchisor since the date of such financial statements.

(b) A copy of Federal Trade Commission Consumer Bulletin No. 4, "Advice for Persons Who Are Considering an Investment in a Franchise Business."

(c) A statement disclosing (a) the number of franchises or distributorships, whether active or inactive, already sold at the end of the last calendar year, and

V 40 251 DEC 31 75 XUM

(b) the number of franchises or distributorships, whether active or inactive, already present in the market area in which the prospective franchisee or distributor plans to operate.

IV

It is further ordered, That respondents Koscot Interplanetary, Inc., and Glenn W. Turner Enterprises, Inc., corporations, their officers, agents, representatives, employees, successors, and assigns and Glenn W. Turner, Ben Bunting, Hobart Wilder, Malcolm Julian, and Raleigh P. Mann, individually, their agents, representatives, and employees, directly or indirectly through any corporate or other device, in connection with the offering for sale, or distribution of goods or commodities in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

1. Entering into, maintaining, promoting, or enforcing any contract, agreement, understanding, marketing system, or course of conduct with any dealer or distributor of such goods or commodities to do or perform or attempt to do or perform any of the following acts, practices, or things:

(a) Fix, establish, or maintain the prices, discounts, rebates, overrides, commissions, fees, or other terms or conditions of sale relating to pricing upon which goods or commodities may be resold; *Provided*, That in those states having Fair Trade laws, products may be marketed pursuant to the provisions of such laws.

(b) Require or coerce any person to enter into a contract, agreement, understanding, marketing system, or course of conduct which fixes, establishes, or maintains the prices, discounts, rebates, overrides, commissions, fees, or other terms or conditions of sale relating to pricing upon which goods or commodities may be marketed pursuant to the provisions of such laws.

(c) Require or coerce any person to enter into a contract, agreement, understanding, marketing system, or course of conduct requiring, inducing, or coercing any distributor to refrain from selling any merchandise in any quantity to or through any specified person, class of persons, business, or class of businesses.

2. Preventing distributors from entering into consignment agreements or selling their business to another individual.

3. Engaging, either as part of any contract, agreement, understanding, or course of conduct with any distributor or dealer of any goods or commodities, or individually and unilaterally, in the practice of:

(a) Publishing or distributing, directly or indirectly, any resale price, product price list, order form, report form, or promotional material which employs resale prices for goods or commodities without stating clearly and visibly in conjunction therewith the following statement:

The prices quoted herein are suggested prices only. Distributors are free to determine for themselves their own resale prices.

(b) Publishing or distributing, directly or indirectly, any schedule of discounts, rebates, commissions, overrides, or other bonuses to be paid by one distributor or class of distributors to any other distributors or class of distributors, without stating clearly and visibly in conjunction therewith the following:

The discounts [rebates, commissions, etc.] quoted herein are suggested only. Distributors are free to determine for themselves any amounts to be paid.

Provided, That in those states having Fair Trade laws, products may be marketed pursuant to the provisions of such laws.

4. Requiring any distributor or dealer or other participant in any merchandising program to obtain the prior approval of respondents for any product advertising or promotion, unless any selling prices and names of any selling outlets are required to be deleted from such proposed advertising or promotion prior to submission for prior approval.

V

It is further ordered, That respondents Koscot Interplanetary, Inc., and Glenn W. Turner Enterprises, Inc., corporations, their officers, agents, representatives, employees, successors, and assigns, and Glenn W. Turner, Ben Bunting, Hobart Wilder, Malcolm Julian, and Raleigh P. Mann, individually, their agents, representatives, and employees, directly or indirectly through any corporate or other device, in connection with the offering for sale, or distribution of goods or commodities in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Clayton Act, shall forthwith cease and desist from:

1. Entering into, maintaining, promoting, or enforcing any contract, agreement, understanding, marketing system, or course of conduct with any dealer or distributor of such goods or commodities to require or coerce any person to enter into a contract, agreement, understanding, marketing system, or course of conduct which discriminates, directly, or indirectly, in the net price of any merchandise of like grade and quality by selling to any purchaser at net prices higher than the net prices charged to any other purchaser who in fact competes in the resale or distribution of such merchandise with the purchaser paying the higher price.

2. Discriminating, directly or indirectly, in the net price, or terms or conditions of sale of any merchandise of like grade and quality by selling to any purchaser at net prices, or upon terms or conditions of sale, less favorable than the net prices or terms or conditions of sale upon which such products are sold to any other purchaser to the extent such other purchaser competes in the resale of any such products with the purchaser who is afforded less favorable net price or terms or conditions of sale, or with a customer of the purchaser afforded the less favorable net price or terms or conditions of sale.

VI

It is further ordered, That respondents Koscot Interplanetary, Inc., Glenn W. Turner Enterprises, Inc., Glenn W. Turner, Ben Bunting, Hobart Wilder, Malcolm Julian, and Raleigh P. Mann, their successors and assigns shall forthwith deliver a copy of Section II of this order to cease and desist to all present and future salespeople, franchisees, distributors, participants, or other persons engaged in the sale of franchises, distributorships, products, or services on behalf of respondents, and secure from each such person a signed statement acknowledging receipt thereof.

VII

It is further ordered, That the corporate respondents and their successors and assigns shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporations which may affect compliance obligations arising out of this Order.

VIII

It is further ordered, That each individual respondent (Glenn W. Turner, Ben Bunting, Hobart Wilder, Malcolm Julian, and Raleigh P. Mann) shall promptly notify the Commission of each change in his business or employment status, including discontinuance of his present business or employment, and each affiliation with a new business or employment following the effective date of this Order. Such notice shall include the address of the business or employment with which respondent is newly affiliated and a description of the business or employment as well as a description of the respondent's duties and responsibilities in that business or employment.

IX

It is further ordered, That each of the respondents herein and their successors and assigns shall, within sixty (60) days after the effective date of this Order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the provisions of this Order.

X

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to Michael Delaney and Terrell Jones; *provided*, However, that the dismissal as to Terrell Jones is without prejudice to the right of the Commission to institute further proceedings against him if the public interest so warrants.

Opinion of the Commission by Commissioner Dixon.

The Initial Decision was issued March 20, 1975.

The Final Order was issued by the Commission Nov. 18, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-35207 Filed 12-30-75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76-2]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Duty-Free Entry of Certain Merchandise From Designated Beneficiary Developing Countries

Title V of the Trade Act of 1974 (Pub. L. 93-618, 88 Stat. 1978), hereinafter referred to as the "Trade Act", authorizes the President to establish a Generalized System of Preferences (GSP) which would permit the duty-free entry of eligible merchandise arriving directly from designated "beneficiary developing countries." Section 503(b) of the Trade Act, relating to the requirements which must be met for eligible merchandise to receive duty-free treatment, authorizes the Secretary of the Treasury to prescribe such regulations as may be necessary to carry out the provisions of that subsection.

In accordance with sections 503(a) and 131(a) of the Trade Act, a notice by the President was published in the FEDERAL REGISTER on March 26, 1975 (40 FR 13456), listing the articles which will be considered for designation as eligible articles for purposes of the Generalized System of Preferences. The notice also included a list of countries which were designated by Executive Order 11844 of March 24, 1975 (40 FR 13295), pursuant to sections 502(a)(1) and 503(a) of the Trade Act, as beneficiary developing countries and countries under consideration for designation as beneficiary developing countries.

In order to designate additional beneficiary developing countries and eligible articles, and to implement the Generalized System of Preferences, the President signed Executive Order 11888 on November 24, 1975. This Executive Order, which was published in the FEDERAL REGISTER on November 26, 1975 (40 FR 55276), superseded Executive Order 11844 of March 24, 1975.

On October 28, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 50045) by the U.S. Customs Service, Department of the Treasury, which proposed to amend Part 10 of the Customs Regulations (19 CFR Part 10), by establishing a procedure for the duty-free entry of certain merchandise from designated beneficiary developing countries.

The amendments to Part 10 of the Customs Regulations set forth requirements and procedures for the free entry of eligible merchandise from beneficiary developing countries. The amendments would require the submission of evidence of the country of origin and, if it is determined to be necessary by the appropriate district director of Customs, proof that the merchandise was imported directly from the beneficiary developing country. If the district director is satisfied from other evidence that the merchandise clearly qualifies for duty-free treatment under the Generalized System of Preferences, he would be authorized to waive production of proof of direct shipment.

The amendments further provide that eligible merchandise may qualify for duty-free entry under the Generalized System of Preferences only if the sum of the cost or value of the materials produced in the beneficiary developing country plus the direct costs of processing operations performed there are at least 35 percent of the final appraised value of the merchandise. In the case of eligible merchandise produced by 2 or more countries which are members of an association of countries treated as one country under section 502(a)(3) of the Trade Act, the percentage of the cost or value of the materials produced in those countries plus the direct costs of processing operations performed there must be at least 50 percent of the final appraised value. The amendments also explained the procedure used in computing the cost or value of materials and the direct costs of processing operations.

Interested persons were given until November 28, 1975, to submit relevant data, views, or arguments regarding the proposals set forth in the notice of proposed rulemaking. After consideration of the comments received, the following changes were made to the proposals:

1. Proposed § 10.172 is amended to provide that a written claim for duty-free entry shall be filed on the entry document by placing the symbol "A" as a prefix to the Tariff Schedules of the United States Annotated item number for each article for which such treatment is claimed.

2. Proposed § 10.173(a)(1) is amended by the addition of the title "the Generalized System of Preferences" to the Certificate of Origin Form A. The section is further amended to provide that the Certificate of Origin must be properly completed. However, inasmuch as the instructions on the form are incorrect, the phrase "in accordance with the instructions provided on the form", has been deleted. Additional instructions are to be issued to each of the beneficiary developing countries for the completion of Form A.

3. Proposed § 10.173(a)(3) is amended by deleting the requirement for redelivery of the merchandise for failure to furnish the Certificate of Origin within 60 days after entry, or such additional period as the district director may allow for good cause shown.

4. Proposed § 10.173(a)(5) is amended to provide that the district director may waive production of a Certificate of Origin in the case of articles for personal or household use which are not intended for resale or brought in for the account of others, and in other cases until March 31, 1976, when he is otherwise satisfied that the merchandise qualifies for duty-free entry under the Generalized System of Preferences.

5. Proposed § 10.175 has been amended by the addition of a new paragraph (c) to the definition of "imported directly", to allow, under certain conditions, eligible articles to qualify for treatment under GSP where they have been introduced into a free trade zone in a beneficiary developing country.

6. Proposed § 10.177(c)(2) is amended by providing that the formula used for determining the cost or value of material which is provided to the manufacturer without charge shall also apply where the material is provided at less than fair market value.

In addition to the above changes, a number of editorial corrections have been made in the text of the provisions originally proposed.

Accordingly, Part 10 of the Customs Regulations (19 CFR Part 10) is amended by adding a new centerhead and §§ 10.171 through 10.178 to read as set forth below.

Executive Order 11844 dated November 24, 1975, which was published by the President in the FEDERAL REGISTER on November 26, 1975 (40 FR 55276), provided that the implementation of the Generalized System of Preferences shall be effective on January 1, 1976. In addition, it is desirable to make the benefits of this system available to the public as soon as possible. Therefore, good cause is found for dispensing with the delayed effective date provision of 5 U.S.C. 553(d).

Effective date. These amendments shall be effective with respect to articles that are both (1) imported, and (2)(a) entered for consumption or (b) withdrawn for consumption on or after January 1, 1976.

LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: December 23, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

Part 10 of the Customs Regulations (19 CFR Part 10) is amended by the insertion of a new centerheading and §§ 10.171 through 10.178 to read as follows:

GENERALIZED SYSTEM OF PREFERENCES

§ 10.171 General.

(a) *Statutory authority.* Title V of the Trade Act of 1974 (19 U.S.C. 2461–2465) authorizes the President to establish a Generalized System of Preferences (GSP) to provide duty-free treatment for eligible articles imported directly from designated beneficiary developing countries. Beneficiary developing countries and articles eligible for duty-free treatment are designated by the President by Executive order in accordance with sections 502(a)(1) and 503(a) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1), 2463(a)).

(b) *Country defined.* For purposes of §§ 10.171 through 10.178, except as otherwise provided in § 10.176(a), the term "country" means any foreign country, any overseas dependent territory or possession of a foreign country, or the Trust Territory of the Pacific Islands. In the case of an association of countries which is a free trade area or customs union, the President may by Executive order provide

V 40 251 DEC 31 75 XUM

that all members of such association other than members which are barred from designation under section 502(b) of the Trade Act of 1974 (19 U.S.C. 2462 (b)) shall be treated as one country for purposes of §§ 10.171 through 10.178.

§ 10.172 Claim for exemption from duty under the Generalized System of Preferences.

A claim for an exemption from duty on the ground that the Generalized System of Preferences applies shall be allowed by the appropriate district director only if he is satisfied that the requirements set forth in this section and sections 10.173 through 10.178 have been met. A written claim for duty-free entry shall be filed on the entry document by placing the symbol "A" as a prefix to the Tariff Schedules of the United States Annotated item number for each article for which such treatment is claimed.

§ 10.173 Evidence of the country of origin.

(a) *Shipments valued in excess of $250.*—(1) *Certificate of Origin.* Except as provided in paragraph (a)(5) of this section, the importer or consignee of a shipment of eligible merchandise valued in excess of $250 shall file with the district director at the time of entry the Generalized System of Preferences Certificate of Origin Form A, as evidence of the country of origin. Form A shall be signed by the exporter of the merchandise in the country from which it is directly imported, certified by the designated governmental authority in that country, and properly completed.

(2) *Duplicate Certificate of Origin.* In the event of the loss, theft, or destruction of a Certificate of Origin, the district director will accept at the time of entry a duplicate Certificate of Origin issued by the appropriate governmental body in the country of origin and endorsed with the word "duplicate" in box 4. The duplicate shall bear the date of issue of the original Certificate of Origin and will be effective from that date.

(3) *Release under bond.* If the required Certificate of Origin properly completed, or a duplicate thereof as described in subparagraph (2) of this paragraph, is not produced at the time of entry, the entry shall be accepted, subject to compliance with the requirements set forth in § 10.172 and §§ 10.174 through 10.178, only if the importer or consignee gives a bond on Customs Form 7551, 7553, or 7595 for the production of the Certificate of Origin. The bond shall be in the amount required under § 113.14 of this chapter. Within 60 days after such entry, or such additional period as the district director may allow for good cause shown, the importer or consignee shall deliver to the district director the Certificate of Origin. If the Certificate of Origin is not delivered to the district director within 60 days of the date of entry or such additional period as may be allowed by the district director for good cause shown, liquidated damages shall be assessed in the full amount of the bond given on Customs Form 7551. When the transaction has been charged against a bond given on Customs Form 7553 or 7595, liquidated damages shall be assessed in the amount that would have been demanded under the preceding sentence if the merchandise had been released under a bond given on Customs Form 7551.

(4) *Verification of evidence.* Evidence of the country of origin required under this paragraph shall be subject to such verification as the district director deems necessary.

(5) *Waiver of Certificate of Origin.* (i) The district director may waive production of a Certificate of Origin only in the case of articles for personal or household use which are not intended for resale or brought in for the account of others, when he is otherwise satisfied that the merchandise qualifies for duty-free entry under the Generalized System of Preferences.

(ii) Until March 31, 1976, the district director may waive production of a Certificate of Origin when he is otherwise satisfied that the merchandise qualifies for duty-free entry under the Generalized System of Preferences.

(b) *Shipments valued at $250 or less.* Although the filing of a Certificate of Origin, is not required for shipments valued at $250 or less, the district director may require such other evidence of the country of origin as he deems necessary.

§ 10.174 Evidence of direct shipment.

(a) *Documents constituting evidence of direct shipment.* The district director may require that appropriate shipping papers, invoices, or other documents be submitted within 60 days of the date of entry as evidence that the articles were "imported directly", as that term is defined in section 10.175. Any evidence of direct shipment required by the district director shall be subject to such verification as he deems necessary.

(b) *Waiver of evidence of direct shipment.* The district director may waive the submission of evidence of direct shipment when he is otherwise satisfied, taking into consideration the kind and value of the merchandise, that the merchandise clearly qualifies for treatment under the Generalized System of Preferences.

§ 10.175 Imported directly defined.

Eligible articles shall be imported directly from a beneficiary developing country to qualify for treatment under the Generalized System of Preferences. For purposes of §§ 10.171 through 10.178 the words "imported directly" mean:

(a) Direct shipment from the beneficiary country to the United States without passing through the territory of any other country; or

(b) Except as provided in paragraph (c) of this section, if shipped from a beneficiary developing country to the United States through the territory of any other country, the merchandise shall not have entered into the commerce of any other country while en route to the United States, and the invoices, bills of lading, and other documents connected with the shipment shall show the United States as the final destination; or

(c) If shipped from the beneficiary developing country to the United States through a free trade zone in a beneficiary developing country, the merchandise shall not enter into the commerce of the country maintaining the free trade zone, and

(1) The eligible articles must not undergo any operation other than:

(i) Sorting, grading, or testing,

(ii) Packing, unpacking, changes of packing, decanting or repacking into other containers,

(iii) Affixing marks, labels, or other like distinguishing signs on articles or their packing, if incidental to operations allowed under this section, or

(iv) Operations necessary to ensure the preservation of merchandise in its condition as introduced into the free trade zone.

(2) Merchandise may be purchased and resold, other than at retail, for export within the free trade zone.

(3) The Certificate of Origin issued by the designated beneficiary developing country of origin shall state in column 12, that the eligible articles comply with the origin requirements for goods exported to the United States under the Generalized System of Preferences. Column 2 of the Certificate of Origin shall include the name of the consignee in the United States or in the free trade zone.

(4) The certifying authority in the designated beneficiary developing country maintaining the free trade zone shall issue a Certificate of Origin Form A, declaring what operations were performed within the free trade zone. The original Certificate of Origin issued in the beneficiary developing country of origin shall be retained by the designated authority in the country maintaining the free trade zone and a copy thereof shall be furnished to the United States importer.

(5) For the purposes of this section, a free trade zone is a predetermined area or region declared and secured by or under governmental authority, where certain operations may be performed with respect to articles, without such articles having entered into the commerce of the country maintaining the free trade zone.

§ 10.176 Country of origin criteria.

(a) *Merchandise produced in one beneficiary developing country.* Merchandise which is the growth, product, manufacture, or assembly of a beneficiary developing country and which is imported directly from such beneficiary developing country may qualify for duty-free entry under the Generalized System of Preferences only if the sum of the cost or value of the materials produced in the beneficiary developing country, plus the direct costs of processing operations performed in such country, is not less than 35 percent of the value of the article as appraised in accordance with section 402 or 402a, Tariff Act of 1930, as amended (19 U.S.C. 1401a, 1402). For purposes of this paragraph, the term "country" does not include an association of countries which is treated as one country under § 10.171(b), but does include a country which is a member of any such association.

(b) *Merchandise produced in two or more countries which are members of an association.* Merchandise which is the growth, product, manufacture, or assembly of two or more countries which are members of an association of countries treated as one country under section 502(a)(3) of the Trade Act of 1974 (19 U.S.C. 2462(a)(3)) and § 10.171(b), and which is imported directly from a member country, may qualify for duty-free treatment under the Generalized System of Preferences only if the sum of the cost or value of the materials produced in such countries, plus the direct costs of processing operations performed in such countries, is not less than 50 percent of the value of the article as appraised in accordance with section 402 or 402a, Tariff Act of 1930, as amended (19 U.S.C. 1401a, 1402).

(c) *Merchandise grown, produced, or manufactured in a beneficiary developing country.* Merchandise which is wholly the growth, product, or manufacture of a beneficiary developing country, or an association of countries treated as one country under section 502(a)(3) of the Trade Act of 1974 (19 U.S.C. 2462(a)(3)) and § 10.171(b), and manufactured products consisting of materials produced only in such country or countries, shall normally be presumed to meet the requirements set forth in this section.

§ 10.177 Cost or value of materials produced in the beneficiary developing country.

(a) *"Produced in the beneficiary developing country" defined.* For purposes of §§ 10.171 through 10.178, the words produced in the beneficiary developing "country" refer to the constituent materials of which the eligible article is composed which are either:

(1) Wholly the growth, product, or manufacture of the beneficiary developing country; or

(2) Substantially transformed in the beneficiary developing country into a new and different article of commerce.

(b) *Questionable origin.* When the origin of an article either is not ascertainable or not satisfactorily demonstrated to the appropriate district director, the article shall not be considered to have been produced in the beneficiary developing country.

(c) *Determination of cost or value of materials produced in the beneficiary developing country.*

(1) The cost or value of materials produced in the beneficiary developing country includes:

(i) The manufacturer's actual cost for the materials;

(ii) When not included in the manufacturer's actual cost for the materials, the freight, insurance, packing, and all other costs incurred in transporting the materials to the manufacturer's plant;

(iii) The actual cost of waste or spoilage (material list), less the value of recoverable scrap; and

(iv) Taxes and/or duties imposed on the materials by the beneficiary developing country, or an association of countries treated as one country, provided they are not remitted upon exportation.

(2) Where the material is provided to the manufacturer without charge, or at less than fair market value, its cost or value shall be determined by computing the sum of:

(i) All expenses incurred in the growth, production, manufacture or assembly of the material, including general expenses;

(ii) An amount for profit; and

(iii) Freight, insurance, packing, and all other costs incurred in transporting the materials to the manufacturer's plant.

If the pertinent information needed to compute the cost or value of the materials is not available, the appraising officer may ascertain or estimate the value thereof using all reasonable ways and means at his disposal.

§ 10.178 Direct costs of processing operations performed in the beneficiary developing country.

(a) *Items included in the direct costs of processing operations.* As used in § 10.176, the words "direct costs of processing operations" mean those costs either directly incurred in, or which can be reasonably allocated to, the growth, production, manufacture, or assembly of the specific merchandise under consideration. Such costs include, but are not limited to:

(1) All actual labor costs involved in the growth, production, manufacture, or assembly of the specific merchandise, including fringe benefits, on-the-job training, and the cost of engineering, supervisory, quality control, and similar personnel;

(2) Dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the specific merchandise;

(3) Research, development, design, engineering, and blueprint costs insofar as they are allocable to the specific merchandise; and

(4) Costs of inspecting and testing the specific merchandise.

(b) *Items not included in the direct costs of processing operations.* Those items which are not included within the meaning of the words "direct costs of processing operations" are those which are not directly attributable to the merchandise under consideration or are not "costs" of manufacturing the product. These include, but are not limited to:

(1) Profit; and

(2) General expenses of doing business which are either not allocable to the specific merchandise or are not related to the growth, production, manufacture, or assembly of the merchandise, such as administrative salaries, casualty and liability insurance, advertising, and salesmen's salaries, commissions, or expenses.

(R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 503(b), 88 Stat. 2099 (19 U.S.C. 66, 1624, 2463(b)))

[FR Doc.75-35095 Filed 12-30-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 510—NEW ANIMAL DRUGS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated a new animal drug application (101-528V) filed by Syntex Agribusiness, Inc., Nutrition and Chemical Division, 1915 West Sunshine, Springfield, MO 65805, proposing safe and effective use of a tylosin premix for the manufacture of swine feed. The application is approved, effective December 31, 1975.

The Commissioner is amending §§ 510.600 and 558.625 (21 CFR 510.600 and 558.625) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 2.120), §§ 510.600 and 558.625 are amended as follows:

1. In Part 510, in § 510.600 by alphabetically inserting a sponsor listing in paragraph (c)(1) and numerically inserting a sponsor listing in paragraph (c)(2) to read as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address:

* * * * *

	Drug listing No.
Syntex Agribusiness, Inc., Nutrition and Chemical Div., 1915 West Sunshine, Springfield, Mo. 65805	017180

(2) * * *

* * * * *

Drug listing No.	*Firm name and address*
017180	Syntex Agribusiness, Inc., Nutrition and Chemical Div., 1915 West Sunshine, Springfield, Mo. 65805.

* * * * *

2. In Part 558, in § 558.625 by adding paragraph (b)(44) to read as follows:

V40251 DEC 31 75 XUM

§ 558.625 Tylosin.

(b) • • •

(44) To 017180: 4 and 10 grams per pound; paragraph (f) (1) (vi) (*a*) of this section.

• • • • •

Effective date. This regulation shall be effective December 31, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b (i)).)

Dated: December 18, 1975.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.75-34976 Filed 12-30-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 75F-0352]

PART 121—FOOD ADDITIVES

Antioxidants and/or Stabilizers for Polymers

The Commissioner of Food and Drugs is amending § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) to provide for additional uses of cyclic neopentanetetrayl bis(octadecyl phosphite) effective December 31, 1975; objections by January 30, 1976.

Notice was given by publication in the FEDERAL REGISTER of February 11, 1974 (39 FR 5221) that a petition (FAP 4B2985) had been filed by Weston Chemical, Borg-Warner Corp., Montvale, NJ 07645, proposing that § 121.2566 be amended to provide for the safe use of cyclic neopentanetetrayl bis(octadecyl phosphite) as an antioxidant and/or stabilizer in the manufacture of polystyrene and rubber-modified polystyrene, vinyl chloride polymers and copolymers, and additional olefin polymers intended to contact food. Subsequently, the petitioner amended the petition by withdrawing the request for vinyl chloride polymers and copolymers.

The Commissioner, having evaluated data in the petition and other relevant material, is amending the regulation as set forth below to provide for use of the additive as proposed by the petitioner.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by revising the entry for cyclic neopentanetetrayl bis(octadecyl phosphite), to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

• • • • •

(b) List of substances:

Limitations
• • • • •
Cyclic neopentanetetrayl bis(octadecyl phosphite); the phosphorus content is in the range of 7.8–8.2 weight percent.
• • • • •

Any person who will be adversely affected by the foregoing order may at any time on or before January 30, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective December 31, 1975.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: December 23, 1975.

WILLIAM F. RANDOLPH,
Acting Assistant Commissioner for Compliance.

[FR Doc.75-35109 Filed 12-30-75;8:45 am]

PART 510—NEW ANIMAL DRUGS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated a new animal drug application (100–991) filed by Furst-McNess Co., Freeport, IL 61032, proposing safe and effective use of a tylosin premix for the manufacture of swine feed. The application is approved, effective December 31, 1975.

The Commissioner is amending §§ 510.600 and 558.625 (21 CFR 510.600 and 558.625) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 510 and 558 are amended as follows:

1. In Part 510, § 510.600 is amended by adding a new sponsor, alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2), to read as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

• • • • •

(c) • • •

(1) • • •

Firm name and address:	*Drug listing No.*
• • • • •	
Furst-McNess Co., Freeport, Ill. 61032	010439
• • • • •	

(2) • • •

Drug listing No.	*Firm name and address*
• • • • •	
010439	Furst-McNess Co., Freeport, Ill. 61032.
• • • • •	

2. In Part 558, § 558.625 is amended by adding paragraph (b)(42) to read as follows:

§ 558.625 Tylosin.

• • • • •

(b) • • •

(42) To 010439: 0.4, 0.5, and 2 grams per pound, paragraph (f)(1)(vi)(*a*) of this section.

• • • • •

Effective date. This regulation shall be effective December 31, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: December 22, 1975.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.75-35110 Filed 12-30-75;8:45 am]

[Docket No. 75N-0178]

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Mebendazole Paste

The Commissioner of Food and Drugs has evaluated a new animal drug application (97–221V) filed by Pitman-Moore, Inc., Washington Crossing, NJ 08560, proposing safe and effective use of mebendazole paste for treatment of certain nematode infections in horses. The application is approved, effective December 31, 1975.

The Commissioner is amending § 520.1320, which currently provides for use of mebendazole oral powder, to reflect this new approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1), § 520.1320 is amended by revising paragraphs (a), (b), (d), (2), and (3), and by deleting paragraphs (d)(4), (5), and (6) as follows:

§ 520.1320 Mebendazole oral.

(a) *Chemical name.* Methyl 5-benzoylbenzimindazole-2-carbamate.

(b) *Specifications.* Oral powder: Each gram contains 166.7 milligrams of mebendazole. Oral paste: Each gram contains 200 milligrams of mebendazole.

• • • • •

(d) • • •

(2) The drug is given at 1 gram of mebendazole per 250 pounds of body weight per dose.

(3) It is administered as follows: (i) *Oral powder.*

(*a*) It is given by sprinkling directly on the grain portion of the ration or dissolving in 2 to 4 pints of water and administering by stomach tube.

(*b*) The drug is compatible with carbon disulfide, which can be used concurrently for bot control (*Gastrophilus spp.*). Routine cautions regarding the use of carbon disulfide must be observed.

(*c*) Do not administer to horses intended for use as food.

(*d*) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(ii) *Oral paste.* (*a*) It is given by dosing gun (syringe), inserting the tip of the gun at the interdental space in the horse's mouth and depositing the paste on the animal's tongue. The hand is placed under the animal's jaw and the head raised to assure the paste is deposited on the roof of the mouth.

(*b*) Not for use in horses intended for food.

(*c*) Consult your veterinarian for assistance in the diagnosis, treatment and control of parasitism.

Effective date. This order shall be effective on December 31, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: December 19 1975.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.75-35108 Filed 12-30-75;8:45 am]

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Furosemide Injection

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (34–478V), filed by Hoechst-Roussel Pharmaceuticals, Inc., Route 202–206, Somerville, NJ 08876, proposing safe and effective use of furosemide injection as a diuretic-saluretic for relief of edema in dogs, cats, horses, and cattle. The supplemental application is approved, effective December 31, 1975.

The Commissioner is amending Part 522 to reflect this approval.

Safe conditions of use for this drug do not require the establishment of a tolerance for residues in edible products as provided in § 556.1(a)(4). (21 CFR 556.1(a)(4)) because the self-limiting aspects involving use of this particular drug would not be expected to yield unsafe residues.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 522 is amended by adding new § 522.1010 to read as follows:

§ 522.1010 Furosemide injection.

(a) *Specifications.* Each milliliter of sterile solution contains 50 milligrams of furosemide as the diethanolamine salt.

(b) *Sponsor.* No. 000039 in § 510.600(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used in dogs, cats, and horses for treatment of edema (pulmonary congestion, ascites) associated with cardiac insufficiency and acute noninflammatory tissue edema. It is used in cattle for the treatment of physiological parturient edema of the mammary gland and associated structures.

(2) It is administered at 1 to 2 milligrams per pound of body weight once or twice daily at 6 to 8-hour intervals, either intravenously or intramuscularly. The lower dosage is suggested for cats. Dosage should be adjusted to the individual's response. In severe edematous or refractory cases, the dose may be doubled or increased by increments of 1 milligram per pound of body weight to effect. The established effective dose should be administered once or twice daily.

(3) Horses: Do not use in horses intended for food.

(4) Cattle: Milk taken from animals during treatment and for 48 hours (4 milkings) after the last treatment must not be used for food. Treatment not to exceed 48 hours postparturition. Cattle must not be slaughtered for food within 48 hours following the last treatment.

(5) The drug may result in dehydration and electrolyte imbalance if given in excessive amounts.

(6) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This regulation shall be effective December 31, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: December 19, 1975.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.75-35106 Filed 12-30-75;8:45 am]

PART 529—CERTAIN OTHER DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Nifurpirinol Capsules

The Commissioner of Food and Drugs has evaluated a new animal drug application (99–568V), filed by Agricultural and Veterinary Products Division, Abbott Laboratories, North Chicago, IL 60064, proposing safe and effective use of nifurpirinol capsules for control of columnaris diseases in aquarium fish. The applica-

§ 771.22 Interim guidelines for implementation of section 102(2)(C) of the National Environmental Policy Act of 1969.

(a) Environmental impact statements (EIS) are required for all major actions significantly affecting the quality of the human environment. Such statements are to be prepared in accordance with the guidelines published in the FEDERAL REGISTER of August 1, 1973 (38 FR 20550). Copies of draft EIS are to be furnished to other

(5 U.S.C. 3301 3302; E.O. 10577, 3 CFR 1954–58

tion is approved, effective December 31, 1975.

The Commissioner is amending Part 529 to reflect the approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 529 is amended by adding new § 529.1526 to read as follows:

§ 529.1526 Nifurpirinol capsules.

(a) *Specifications.* Each capsule contains 3.8 or 7.6 milligrams of nifurpirinol.

(b) *Sponsor.* See No. 043731 in § 510.600(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used in treating aquarium fish for the control of columnaris disease caused by *Chondrococcus columnaris* susceptible to nifurpirinol.

(2) Use one 3.8 milligram nifurpirinol capsule for each 10 gallons of aquarium water. Empty the contents of the capsule directly into the water and stir briefly. Treat for at least 1 hour. If activated charcoal or carbon filtration is being used, disconnect during treatment, but maintain adequate aeration. Resume water filtration after 1 hour treatment. Usually a single treatment is sufficient. For aquariums with charcoal filters, nifurpirinol can be used once each 24 hours up to 3 consecutive days, discontinuing filtration during treatment. If aquarium does not have charcoal filter, do not retreat within 5 days.

(3) Do not use in salt water aquariums.

(4) Do not use while egg bearers or live bearers are reproducing.

Effective date. This amendment shall be effective December 31, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated December 22, 1975.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.75-35107 Filed 12-30-75;8:45 am]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (97-259V) filed by Zip Feed Mills, Inc., P.O. Box 500, 304 East 8th St., Sioux Falls, SD 57101, proposing safe and effective use of a tylosin premix for the manufacture of swine feed. The supplemental application is approved, effective December 31, 1975.

The Commissioner is amending § 558.625 (21 CFR 558.625) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347, (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 558 is amended in § 558.625 by revising paragraph (b)(18) to read as follows:

§ 558.625 Tylosin.

• • • • • •

(b) • • •

(18) To 017434: 0.4 and 4 grams per pound; paragraph (f)(1)(vi)(a) of this section.

• • • • •

Effective date. This regulation shall be effective December 31, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: December 22, 1975.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR. Doc.75-35111 Filed 12-30-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 771—ENVIRONMENTAL IMPACT AND RELATED STATEMENTS

Interim Regulations

• Purpose. The purpose of this document is to issue interim regulations implementing section 102(2)(D)(iv) of the National Environmental Policy Act of 1969, as amended. •

Pub. L. 94–83, approved August 9, 1975, was enacted to amend section 102(2) of 1969 (NEPA), 42 U.S.C. 4332, in order to clarify the procedures therein with respect to the preparation of environmental impact statements for major Federal actions funded under a program of grants to States. The Federal-Aid Highway Program established under Title 23, U.S.C., and administered by the Federal Highway Administration (FHWA) represents such a grant-in-aid program. Existing FHWA procedures contained in 23 CFR Part 771 have, therefore, been reviewed in light of the recent NEPA amendment.

Section 102(2)(D)(iv) of the NEPA, as amended, provides for the early notification to and solicitation of views from any Federal land management entity or any other State (i.e. other than the State in which the proposed action is located) relative to any major action or alternative thereto which may have a significant impact upon such entity or State. If there is a disagreement on such impacts, the preparation of a written assessment of such impacts and views is required to be made by the responsible Federal official for incorporation into the final environmental impact statement (EIS). These provisions of the NEPA amendment take effect on January 1, 1976.

In order to clarify existing agency requirements, interim guidelines have been developed for distribution to FHWA field offices and State highway agencies. These guidelines are hereby promulgated in the form of interim regulations and will appear in Title 23, Chapter I, Subchapter H, Part 771 of the Code of Federal Regulations as § 771.22.

The guidelines supplement existing procedures for highway section development and coordination and draft environmental impact statement processing. In addition to providing for early notification and the incorporation of a written assessement in the final EIS when required, the guidelines also provide for coordination efforts in conjunction with preparation of the draft EIS or draft negative declaration as appropriate.

Interested parties and government agencies are encouraged to submit written comments, views, or data concerning these guidelines to the Federal Highway Administration, 400–7th Street, SW., Room 4230, Washington, D.C. 20590, Docket No. 75–10. All submissions received on or before March 26, 1976, will be considered prior to the promulgation of final regulations. Copies of all written communications received will be available for examination during normal business hours at the foregoing address.

This amendment to Title 23, CFR, is made under the authority of 42 U.S.C. 4332 (section 102(2) of the NEPA, as amended), 23 U.S.C. 315 and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b).

Effective date. Due to the need for immediate guidance from the FHWA with respect to the processing of major actions after January 1, 1976, and to the interpretive nature of the material being published, issuance of these interim regulations is not subject to the effective date limitation of 5 U.S.C. 553(d). Accordingly, the interim regulations published herein become effective on January 1, 1976.

Issued on: December 24, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

1. *Table of sections.* The table of sections of Part 771 is amended by adding § 771.22 to read as follows:

Sec.
771.22 Interim guidelines for implementing section 102(2)(D)(iv) of the National Environmental Policy Act of 1969, as amended.

2. *Citations of authority.* The citations of authority in Part 771 are amended by revising the first citation to read as follows:

AUTHORITY: 42 U.S.C. 4332(2)(C) and (D), • • •

3. Part 771 is amended by adding a new § 771.22 to read as follows:

§ 771.22 Interim guidelines for implementing section 102(2)(D)(iv) of the National Environmental Policy Act of 1969, as amended.

(a) *Application.* The provisions of this section shall apply to each major FHWA action for which the EIS or negative declaration is initiated after January 1, 1976. These provisions shall also apply to the processing of any EIS or negative declaration which is initiated on or before January 1, 1976, unless one of the following has occurred prior to January 1, 1978:

(1) The FHWA Division Administrator has accepted the draft negative declaration; or

(2) The draft EIS has been made available to the CEQ.

The lists prepared pursuant to § 771.17 shall be used as the basis for determining the date the EIS or negative declaration is initiated. (An EIS or negative declaration included on the last quarterly lists for calendar year 1975 will be considered to have been initiated on or before January 1, 1976.)

(b) *Highway section development and coordination.* (1) Early notification to and solicitation of views from Federal land management entities and other States shall be accomplished in accordance with § 771.8(c).

(i) The notification to other States should be mailed to the clearinghouses of those States unless the Governors designate an agency other than the clearinghouse. The notification to Federal land management entities is to be handled in accordance with instructions from such agencies.

(ii) Each notification shall indicate that it is being made pursuant to section 102(2)(D)(iv) of the National Environmental Policy Act of 1969, as amended.

(iii) A "Federal land management entity" is an agency included under the heading "Public Land Management" in Appendix II of the CEQ Guidelines for Preparation of Environmental Impact Statements (40 CFR Part 1500).

(2) The HA in consultation with the FHWA Division Administrator shall review any comments received from this early notification and identify and evaluate alternative measures to mitigate anticipated adverse impacts. The Division Administrator shall prepare a written evaluation of issues identified during the early coordination efforts which indicate a significant disagreement with a position taken by the HA and FHWA with respect to an impact of the proposed action or any of the alternatives. This evaluation is to be furnished to the HA for incorporation into the draft EIS or draft negative declaration.

(c) *Draft environmental impact statement processing.* (1) The HA shall furnish copies of the draft EIS to Federal land management entities and other States which may be significantly impacted by the proposed action or any of the alternatives with a request that such "entity" or "State" advise the FHWA Division Administrator in writing of any disagreement with the evaluation of impacts in the statement. Copies of the draft EIS are to be furnished to other States' clearinghouses unless the Governors designate an agency other than the clearinghouse. The mailing of copies of the draft EIS to Federal land management entities is to be handled in accordance with instructions from such agencies.

(2) The Division Administrator shall review the comments received and forward them to the HA along with his written assessment of the disagreements for incorporation into the final EIS.

[FR Doc.75-35158 Filed 12-24-75;3:53 pm]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7392]

PART 1—INCOME TAX; TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 1953

Advertising, etc. activities; Correction

On December 18, 1975, T.D. 7392 was published in the FEDERAL REGISTER (40 FR 58637).

§ 1.513 [Amended]

The historical note in § 1.513 should read as follows:

(Sec. 513 as amended by sec. 4, Act of July 14, 1960 (P.L. 86-667, 74 Stat. 536); secs. 121(b)(4) and (c), Tax Reform Act of 1969 (83 Stat. 536, 542))

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.75-35104 Filed 12-30-75;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

National Commission on Productivity

Part 213 is amended to show (1) a headnote change from the National Commission on Productivity, presently appearing under Temporary Boards and Commissions to the National Center for Productivity and Quality of Working Life; (2) its establishment as an independent establishment of the executive branch; and (3) extension until June 30, 1976, of the Schedule A positions in GS–15 and below for those of the staff transferred from the National Commission on Productivity to the staff of the Center.

Effective December 31, 1975, § 213.3190 is added, and § 213.3199(n) is revoked as set out below:

§ 213.3190 National Center for Productivity and Quality of Working Life.

(a) Until June 30, 1976, positions in grade GS–15 and below for those of the staff transferred from the National Commission on Productivity to the staff of the Center.

• • • • •

§ 213.3199 Temporary Boards and Commissions.

(n) [Revoked]

(5 U.S.C. 3301 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DONALD J. EIGLIN,
Director, Bureau of Management Services.

[FR Doc.75-35124 Filed 12-30-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

PART 308—SANITATION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Sanitation; Equipment and Utensils; Correction

• Purpose: On June 16, 1975, there appeared in the Federal Register (40 FR 25438–25440) amendments to Part 308 of the Federal meat inspection regulations and Part 381 of the poultry products inspection regulations (9 CFR 308.5, 381.53) concerning procedures for evaluating equipment and utensils to be used in federally inspected plants. These amendments became effective July 17, 1975. The principal purpose of this document is to reinstate provisions inadvertently omitted from the poultry products inspection regulation by those amendments. This document also makes a procedural change in both these regulations and the federal meat inspection regulations concerning disapproval of equipment or utensils. •

The amendments of § 381.53 of the poultry products inspection regulations, unintentionally omitted the then existing texts of paragraphs (b) through (i) of the sections which reflect long standing policies followed in evaluating equipment and utensils under the Act, and their publication is necessary for the information of the public. Accordingly, § 381.53 is hereby revised to include the omitted provisions as paragraphs (c) through (m).

Further, in revising §§ 308.5 and 381.53, the words "before the Administrator" were used in the second sentences of §§ 308.5(f) and 381.53(b), relating to procedure for hearings in connection with actions for denial or conditional approval of equipment or utensils. Provision should have been made for hearings "in accordance with the applicable rules of practice".

§ 308.5 [Amended]

Accordingly, § 308.5(f) is amended by deleting the words "before the Administrator" and substituting in their place the words "in accordance with the applicable rules of practice".

Revised § 381.53 reads as follows:

§ 381.53 Equipment and utensils.

(a)(1) Equipment and utensils used for processing or otherwise handling any edible poultry product or ingredient thereof, in any official establishment shall comply with any applicable provisions of paragraphs (c) through (m) of this section and otherwise shall be of such material and construction as, in

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the judgment of the Administrator, will facilitate their thorough cleaning and insure cleanliness in the preparation and handling of all edible poultry products and avoid adulteration and misbranding of such products. In addition to these requirements, equipment and utensils shall not in any way interfere with or impede inspection procedures. Receptacles used for handling inedible products shall be of such material and construction that, in the judgment of the Administrator, their use will not result in adulteration of any edible product or in unsanitary conditions at the establishment, and they shall bear conspicuous and distinctive marking to identify them as only for such use and shall not be used for handling any edible poultry products.

(2) When equipment or utensils for use in preparing or handling product are proposed for use in an official establishment, the operator of the establishment shall so notify the Administrator, and thereafter shall submit to the Administrator such information as the Administrator specifies in each case as necessary to determine whether the equipment or utensils meet the criteria specified in paragraph (a)(1) of this section. The required information shall include, but many not be limited to, assembly type drawings and a list showing the materials of which parts are made. The Administrator will evaluate the model of equipment or utensil and determine whether it is acceptable for its proposed use under the criteria set forth in paragraph (a)(1) of this section.

(3) The Administrator will, from time to time, prepare a listing by name and model number of equipment and utensils that have been evaluated and found to be acceptable for their proposed use in accordance with this section. A copy of such listing can be obtained from Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(4) The Administrator may disapprove for use in official establishments particular models of equipment or utensils that he finds do not meet the requirements of paragraph (a)(1) of this section, or that he cannot evaluate because of lack of sufficient information. Further, he may prescribe such conditions for the use of particular models of equipment or utensils, either on a trial or permanent basis, as he finds necessary to prevent adulteration or misbranding of product.

(5) Nothing in this section shall affect the authority of Inspection Service inspectors to reject specific equipment or utensils under § 381.99 of the regulations in this subchapter.

(b) Before approval of any model or specific item of equipment or utensil is finally denied, or is granted only with conditions, the applicant shall be given notice and opportunity to present his views to the Administrator. If the applicant does not accept the Administrator's determination, a hearing in accordance with the applicable rules of practice will be held to resolve such dispute. This shall not preclude rejection of the equipment or utensils under § 381.99 or this section pending the outcome of the presentation of views or hearing.

(c) Refuse containers. Leakproof refuse containers with covers shall be provided, except that perforated containers may be used for the temporary collection of feathers and such containers need not be covered.

(d) Scalding equipment. (1) Scalding tanks shall be constructed and installed so as to prevent contamination of potable water lines and to permit water to enter continuously at a rate which will result in a sanitary scalding operation. The rate of flow necessary to maintain a sanitary scalding operation will be determined on such factors as the class of poultry and the number of birds per minute going into the scalding tank. It shall be the responsibility of the inspector in charge to establish a minimum rate of flow for each scalding tank in each official establishment.

(2) The overflow outlets in scalding equipment shall be of sufficient size to permit feathers and water to be carried off.

(3) The overflow, drawoff valves, and sediment basin drain shall discharge into a floor or valley drain, or onto the floor in proximity to a floor or valley drain.

(e) Wax finishing. When wax dipping is used, metal troughs shall be provided to catch the wax removed from the dipped poultry. Acceptable facilities and methods shall be employed in reclaiming the wax.

(f) Ice shovels. Ice shovels shall be smooth surfaced and entirely constructed of rustproof, impervious material.

(g) Conveyors. (1) Conveyors used in the preparation of ready-to-cook poultry shall be of metal or other acceptable material and of such construction as to permit easy identification of the viscera with their carcass and so designed as will present each carcass or all parts thereof in a way that will permit adequate and efficient inspection.

(2) Overhead conveyors shall be so constructed and maintained that they will not allow grease, oil, or dirt to accumulate on the drop chain or shackle, which shall be of noncorrosive metal.

(3) Nonmetallic belt-type conveyors used in moving poultry products shall be of waterproof composition.

(4) When eviscerated on a conveyor, each carcass shall be suspended and a trough or other acceptable facilities for maintaining proper sanitation shall be provided beneath the conveyor. Such troughs or other facilities shall be flushed or cleaned in an acceptable manner and shall extend beneath the conveyor at all places where processing operations are conducted from the point where the carcass is opened to the point where the viscera have been completely removed.

(h) Chilling and thawing tanks. Chilling and thawing tanks shall be constructed of metal or other suitable material impervious to moisture and shall be of sanitary construction with edges rolled outward. Where mechanical devices are not used for removing carcasses from the chilling or thawing tanks, the tanks shall be of a size that will enable employees to remove poultry without entering the tanks.

(i) Tables. Inspection, eviscerating, and cutting tables shall be made of metal or other acceptable material, have coved corners, and be constructed and placed so as to permit thorough cleaning.

(j) Plants lacking conveyors. In plants where no conveyors are used, each carcass shall be eviscerated in an individual metal tray of seamless construction or in a tray of other acceptable material and construction.

(k) Water spray washing equipment. Water spray washing equipment with sufficient water pressure to thoroughly and efficiently wash carcasses shall be used for washing carcasses inside and out.

(l) Offal receptacles. Watertight receptacles constructed of metal or other acceptable impervious material shall be used for entrails and other waste resulting from preparation of eviscerated poultry.

(m) Receptacles for condemned carcasses. Watertight receptacles for holding or handling condemned carcasses or parts of carcasses shall be so constructed as to be readily and thoroughly cleaned; such receptacles shall be marked in a conspicuous manner with the words "U.S. Condemned" in letters not less than 2 inches high and when required by the inspector in charge, shall be equipped with facilities for locking and sealing.

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; Sec. 14, 71 Stat. 447, as amended, 21 U.S.C. 463; 37 FR 28464, 28477)

It does not appear that further public participation in rulemaking proceedings on these amendments would make additional information available to the Department which would alter the decisions in this matter. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice or other public rulemaking proceedings on these amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication hereof in the FEDERAL REGISTER.

Accordingly, the amendments shall become effective December 31, 1975.

Done at Washington, D.C., on: December 22, 1975.

HARRY C. MUSSMAN,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-35230 Filed 12-30-75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. B]

PART 202—EQUAL CREDIT OPPORTUNITY

Obtaining the signature of a spouse prior to January 31, 1976.

This interpretation intends to make clear that until January 31, 1976, creditors may continue to obtain the signatures of both spouses on documents connected with an extension of credit.

Section 202.701—*Obtaining the signature of a spouse prior to January 31, 1976.*

Section 202.7(a) of this Part which becomes effective on January 31, 1976, provides, with certain exceptions not applicable to the present question, that

"• • • a creditor may not require the signature of a spouse or other person on a credit instrument unless such a requirement is imposed without regard to sex or marital status on all similarly qualified applicants who apply for a similar type and amount of credit."

Regulations of certain States require that the signature of both spouses be obtained in connection with credit guaranteed under student loan programs administered by the Department of Health, Education and Welfare. It appears that it may not be possible effectively to amend these regulations in order to eliminate this requirement until the end of January, 1976. Therefore, a question has arisen whether creditors extending credit in connection with such programs may continue until January 31, 1976 to obtain the signatures of both spouses upon instruments connected with the loan.

In deferring the effective date of section 202.7(a), the Board of Governors explained that it had done so because public comment on the regulations as proposed for comment on September 10, 1975 (40 FR 42030) "stated that creditors would need a few months to adapt their application procedures and re-train their employees as to the situations in which a creditor may request or require the signature of a spouse or other person." Accordingly, in extending credit prior to January 31, 1976, in connection with student loan programs administered by the Department of Health, Education, and Welfare a creditor may continue to require the signature of both spouses upon instruments connected with the loan.

(Interprets and applies 12 C.F.R. 202.7)

By order of the Board of Governors, effective December 22, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-35143 Filed 12-30-75;8:45 am]

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Reserve Requirements

The Board of Governors has amended Regulation D (12 CFR 204) to modify the reserve balances that member banks are required to maintain against certain time deposits. The amendments approved by the Board reduce by ½ percentage point reserves required to be maintained on time deposits having an initial maturity of 180 days or more but less than four years that are outstanding on or issued after December 25, 1975. Prior to these amendments such deposits were subject to a three percent reserve requirement. In no event, however, shall reserves required on a member bank's aggregate amount of time and savings deposits be less than three percent. The effect of these amendments will be to lower the required reserves of member banks by approximately $340 million.

The Board's action is designed to encourage member banks to lengthen the structure of their deposit liabilities and is in line with previous Board action announced on October 15 that was intended to accomplish a similar result. The reduction in reserves announced today will provide member banks with some additional incentive to offer longer term time deposits to depositors.

This action was taken pursuant to the Board's authority under section 19 of the Federal Reserve Act (12 U.S.C. 461) to set reserve ratios for member banks. These amendments to Regulation D are effective on deposits outstanding in the week beginning December 25, 1975, and affect reserves held by member banks in the week beginning January 8, 1976.

On the basis of the Board's assessment of the beneficial effects resulting from its previous actions designed to encourage member banks to lengthen the maturity structure of their liabilities, the Board determined that it was in the public interest to provide immediate additional incentive to member banks to take further steps to restructure the maturity of their deposit liabilities. The restructuring of deposit liabilities achieved by this and other Board actions provides greater stability to the banking system by encouraging member banks to seek to attract longer term time deposits, thus reducing the potential for volatile shifts of funds among deposit institutions. This action will also provide immediate incentive for member banks to offer longer term time deposit instruments on funds available for deposit at the outset of the new year and will allow member banks to plan their liability management programs for the forthcoming year with the prospect of lengthened deposit maturities in mind.

In light of these factors, therefore, the Board determined that good cause exists for dispensing with notice and public participation with respect to these amendments and for promulgating these amendments without deferring the effective date thereof for the 30 day period referred to in section 553(d) of Title 5 of the United States Code, and that it would be impracticable, unnecessary and contrary to the public interest to provide notice and public participation or to defer the effective date. See also § 262.2(e) of the Board's rules of procedure.

Effective December 25, 1975, § 204.5 (a)(1)(ii) and § 204.5(a)(2)(ii) of Regulation D are amended to read as follows:

§ 204.5 Reserve requirements.

(a) • • •

(1) • • •

(ii) 1 percent of its time deposits outstanding on or issued after October 16, 1975, that have an initial maturity of 4 years or more; 2½ per cent of its time deposits outstanding on or issued after December 25, 1975, that have an initial maturity of 180 days or more but less than 4 years; 3 per cent of its time deposits up to $5 million, outstanding on or issued after October 16, 1975, that have an initial maturity of less than 180 days, plus 6 per cent of such deposits in excess of $5 million. *Provided, however,* That in no event shall the reserves required on its aggregate amount of time and savings deposits be less than 3 per cent.

• • • • •

(2) If in a reserve city (except as to any bank located in such a city that is permitted by the Board of Governors of the Federal Reserve System, pursuant to § 204.2(a)(2), to maintain the reserves specified in paragraph (a)(1) of this section)

• • • • •

(ii) 1 per cent of its time deposits outstanding on or issued after October 16, 1975, that have an initial maturity of 4 years or more; 2½ per cent of its time deposits outstanding on or issued after December 25, 1975, that have an initial maturity of 180 days or more but less than 4 years; 3 per cent of its time deposits up to $5 million, outstanding on or issued after October 16, 1975, that have an initial maturity of less than 180 days, plus 6 per cent of such deposits in excess of $5 million. *Provided, however,* That in no event shall the reserves required on its aggregate amount of time and savings deposits be less than 3 per cent.

• • • • •

By order of the Board of Governors, December 24, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-31589 Filed 12-30-75;8:45 am]

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CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 8—ASSESSMENT OF FEES; NATIONAL BANKS; DISTRICT OF COLUMBIA BANKS

Collection of Assessment Suspended

The Comptroller of the Currency has published a proposed revision of the assessment schedule, 12 CFR 8.2, 40 FR 59446. Public comments are being solicited on the proposed revision of the assessment schedule. A decision on the proposed assessment schedule is expected to be made in January, 1976.

The amendment to 12 CFR 8.2 published herewith is merely a temporary and technical one. It postpones the collection of the assessment for the period January 1, to July 1, 1976, until the rule making proceeding has been completed and new rates adopted. The assessments for this period will be made and collected during January or February 1976 at the rates then in effect.

This amendment imposes no burden on any member of the public, but merely postpones payment of an assessment. It is necessary that this amendment be effective immediately so national banks will be timely and authoritatively advised that no payment is due until a decision on the proposed assessment schedule is made by the Comptroller of the Currency. The Comptroller of the Currency thus for good cause finds that notice and public comment upon this temporary and technical amendment are impractical, unnecessary, and contrary to the public interest, and that this amendment should be effective December 31, 1975.

12 CFR 8.2 is amended to read:

§ 8.2 Semiannual assessment rate.

The semiannual assessment consists of a basic assessment of $200 plus 4½ cents for $1,000 of total assets and $50 for each branch. The expense of examination of banks is assessed semiannually, based upon the figures shown on the second and fourth reports of condition of each year. The assessment for the period beginning January 1, 1976, and ending June 30, 1976, will be collected by the Comptroller of the Currency during early 1976 at the above rates or at such other rates as shall then have been adopted by the Comptroller. Each bank subject to the jurisdiction of the Comptroller of the Currency on such dates is subject to the full assessment without proration for any reason.

Effective date. This section becomes effective December 31, 1975.

Dated: December 23, 1975.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.75-35234 Filed 12-30-75;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Regulation 360]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 2–8, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity prices for Navel oranges.

§ 907.660 Navel Orange Regulation 360.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges was fair last week.

Prices f.o.b. averaged $4.35 a carton on a reported sales volume of 1,071 cariots last week, compared with an average f.o.b. price of $4.27 per carton and sales of 1,349 cariots a week earlier.

Track and rolling supplies at 338 cars were down 1 car from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 29, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which maybe handled during the period January 2, 1976, through January 8, 1976, are hereby fixed as follows:

(i) District 1: 776,000 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: 24,000 cartons."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as wen use din said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 30, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-35237 Filed 12-30-75;11:39 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 226—CHILD CARE FOOD PROGRAM

Interim Implementation Provisions

The Food and Nutrition Service hereby issues interim regulations to implement the Child Care Food Program established by the National School Lunch Act and Child Nutrition Act of 1966 Amendments of 1975 (Pub. L. 94–105, enacted October 7, 1975). As the authorizing legislation mandates that regulations to carry out the program be issued not later than 90 days after the date of enactment, time is not available for the publication of a notice of proposed rulemaking with a public comment period preceding the issuance of effective regulations. Accordingly, a notice of proposed rule making is deemed impractical and contrary to the public interest.

In accordance with the spirit of public rule making, however, interested persons are invited to comment on the interim regulations. Written views, arguments, and data received on or before February 15, 1976, will be considered in the promulgation of final Child Care Food Program regulations. Comments should be submitted to William G. Boling, Manager, Child Nutrition Programs, Food and Nutrition Service, U.S. Department of Agriculture, 500 12th Street SW., Washington, D.C. 20250. Copies of all written comments received will be available for inspection by the public during normal business hours in room 598 at the foregoing address.

These interim regulations become effective on January 1, 1976 and replace the regulations governing the year-round operations of the Special Food Service Program for Children (7 CFR Part 225). Final regulations will be issued to be effective July 1, 1976.

The proposed regulations are summarized below: (1) The Program will be administered by the Child Nutrition Division, Food and Nutrition Service, at the national level. Within the States, the Program will be administered by the State educational agency or alternate State agency designated by the Governor, or the appropriate Regional Office of the Food and Nutrition Service.

(2) The Program is available to nonschool, public or private, nonprofit institutions providing day care services where children are not maintained in permanent residence, including day care centers, settlement houses, Head Start centers, family day care programs, recreation centers, and other child care centers.

(3) A public or private nonprofit sponsoring organization may administer the Program for one or more child care centers or family day care programs. The sponsoring organization will be responsible for the development of a management plan, maintenance of food service records for each child care center and family day care program under its jurisdiction, reimbursement to centers and programs and provision of supervisory assistance to centers and programs.

(4) The State agency, or FNSRO where applicable, shall review and approve institution applications, execute operating agreements with institutions, establish accounting procedures for institutions, and monitor the performance of participating institutions. The State agency shall annually submit either a State Plan of Child Nutrition Operations or a State Plan of Child Care Food Program Operations describing program objectives, evaluation methods, and an audit schedule.

(5) Participating institutions must: (a) Demonstrate tax exempt status, be moving toward compliance with IRS requirements, or participate in another Federal program requiring nonprofit status, (b) have Federal, State or local governmental licensing as a child care institution or meet the Federal interagency day care requirements, and (c) provide organized nonresidential child care. Family day care programs operating under the auspices of a nonprofit sponsoring organization are deemed to have nonprofit status for the purposes of this Program.

(6) An institution may serve breakfasts, lunches, suppers, and supplemental food meeting prescribed nutritional standards.

(7) Institutions which serve meals at no separate charge to attending children must serve the same meals to all children regardless of race, color or national origin. Institutions which charge separately for meals must serve meals free or at a reduced price to children eligible for free or reduced price meals in accordance with the State's family-size income standards for free and reduced price school meals.

(8) Institutions must maintain family-size income information on enrolled children, daily records of the number of children served meals by type, copies of invoices and receipts for all operating costs which will be claimed, and records of cash income to the food service program. Additional administrative recordkeeping duties are placed on sponsoring organizations.

(9) State agencies will be funded on the basis of the number of meals served by type (breakfasts, lunches, suppers and supplemental food) and need category (free, reduced price, and paid) multiplied by the national average payment factors.

(10) All institutions must submit information on the number of enrolled children in each need category to the State agency. The State agency will use this information to assign a claiming percentage for each meal served. Reimbursement must not exceed the lesser of (1) food service operating costs less cash income or (2) an amount equal to the number of meals times the assigned reimbursement rates. The State agency may assign varying rates to reflect the relative needs of institutions.

(11) In lieu of maintaining complete food service records, sponsoring organizations may, for family day care programs under their jurisdiction only, consider the cost of food to be 40 cents for a lunch or supper, 20 cents for a breakfast, and 14 cents for a supplement. Such a choice must apply to all family day care programs under the jurisdiction of a sponsoring organization.

These rates are based on rates established for cost of food only under Part 225 of the regulations governing the year-round Special Food Service Program in effect prior to January 1, 1976. The rates have been adjusted to reflect the percent of increase during the period May 1974 to August 1975 in the series of food away from home of the Consumer Price Index, published by the Bureau of Labor Statistics of the Department of Labor.

(12) Commodity assistance will be provided based on the number of lunches and suppers served under the Program in each State in a fiscal year multiplied by the commodity assistance rate established for the fiscal year under the National School Lunch Act. The State agency may elect to receive cash in lieu of commodities as provided in appropriations acts.

(13) Nonfood assistance funds will be allocated among the States according to the ratio among the States of the number of children below age 6 who are members of low income households. Institutions receiving such funds must comply with the property management provisions of Attachment N of Federal Management Circular 74–7.

The interim regulations add a new part to Chapter II of Title 7 of the Code of Federal Regulations, as follows:

Subpart A—General

Sec.
226.1 General purpose and scope.
226.2 Definitions.
226.3 Administration.
226.4 Payment of food assistance funds to States.
226.5 Use of food assistance funds.

Subpart B—State Agency and Regional Office Provisions

226.6 General responsibilities of State agencies and FNSROs.
226.7 State plan of Child Care Food Program Operations.
226.8 Claims against institutions.

Subpart C—Institution Provisions

226.9 Institution provisions.
226.10 Requirements for meals.
226.11 Assignment of rates of reimbursement.
226.12 Claim for reimbursement.
226.13 Effective date for reimbursement payments.
226.14 Free and reduced price meals.
226.15 Additional requirements for sponsoring organizations.
226.16 Donation of commodities.

Subpart D—Nonfood Assistance Provisions

226.17 Definitions.
226.18 Apportionment of nonfood assistance funds to States.
226.19 Payment of nonfood assistance funds to States.
226.20 Matching of nonfood assistance funds.
226.21 Use of nonfood assistance funds.
226.22 Eligibility requirements for nonfood assistance.
226.23 Nonfood assistance reimbursement payments.

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Sec.
226.24 Nonfood assistance reimbursement procedures.
226.25 Procurement standards.
226.26 Property management requirements.

Subpart E—Miscellaneous Provisions

226.27 Management evaluations and audits.
226.28 Food service management companies.
226.29 Grant closeout procedures.
226.30 Other provisions.
226.31 Program information.
226.32 Effective date of regulations.

AUTHORITY: Sec. 10, Pub. L. 89-642, 80 Stat. 889 (42 U.S.C. 1779); sec. 16, Pub. L. 94-105, 89 Stat. 522 (42 U.S.C. 1766).

Subpart A—General

§ 226.1 General purpose and scope.

Section 17 of the National School Lunch Act (added by Pub. L. 94-105, enacted October 7, 1975) authorizes the appropriation of funds to enable the Secretary of Agriculture to formulate and carry out a Child Care Food Program to assist States through grants-in-aid and other means to initiate, maintain or expand nonprofit food service programs for children in nonresidential institutions which provide child care. This part announces the policies and prescribes the regulations under which the Program will be carried out. In general, the Program embodies two phases: (a) Payments will be made to State agencies, or FNSROs where applicable, to enable them to reimburse institutions in connection with costs of providing food service to children (food assistance) and (b) payments will be made to State agencies, or FNSROs where applicable, to enable them to reimburse institutions in part for the cost of the purchase or rental of equipment for the storage, preparation, transportation or serving of food to children (nonfood assistance).

§ 226.2 Definitions.

(a) "Act" means the National School Lunch Act, as amended.

(b) "Cash income to the program" means any funds designated for use in an institution's food service program, including children's payments for meals and food service fees.

(c) "CND" means the Child Nutrition Division, Food and Nutrition Service, of the Department.

(d) "Children" means persons 18 years of age or under.

(e) "Claiming percentage" means the ratio of the number of enrolled children in an institution in each need category (free, reduced price, paid) to the total number of enrolled children in the institution.

(f) Costs means administrative costs and operating costs:

"Administrative costs" means operating costs related to planning, organizing, and supervising the Program.

"Operating costs" means costs of obtaining, preparing and serving food (including labor directly involved in preparation and service of food and administrative costs attributable to the Program).

(g) "Department" means the U.S. Department of Agriculture.

(h) "Family" means a group of related or nonrelated individuals who are not residents of an institution or boarding house, but who are living as one economic unit.

(i) "Federal interagency day care requirements" means requirements approved by the Department of Health, Education, and Welfare, the Office of Economic Opportunity and the Department of Labor, on September 23, 1968, for day care centers and family day care programs.

(j) "Fiscal year" means a period of 12 calendar months beginning with July 1, 1975 and ending with June 30, 1976, the period beginning July 1, 1976 and ending September 30, 1976, and the period of 12 calendar months beginning with October 1, 1976, and each October 1 of any calendar year thereafter and ending with September 30 of the following calendar year.

(k) "FNS" means the Food and Nutrition Service of the Department.

(l) "FNSRO" means the appropriate Food and Nutrition Service Regional Office of the Food and Nutrition Service of the Department.

(m) "Free meal" means a meal for which neither the child nor any member of his family pays or is required to work in the institution or the institution's food service.

(n) "Infant cereal" means any iron-fortified dry cereal specially formulated for and generally recognized as cereal for infants that is routinely mixed with formula or milk prior to consumption.

(o) "Infant formula" means any iron-fortified infant formula intended for dietary use solely as a food for normal, healthy infants excluding those formulas specially formulated for infants with inborn errors of metabolism or digestive or absorptive problems. Whole fluid milk used as an alternate for infant formula in the pattern for infants 8 months up to 1 year of age means whole fluid unflavored milk which meets State and local standards.

(p) "Institution" means a family day care program, or a child care center, and includes a sponsoring organization:

"Family day care program" means a licensed organized day care program for children, in a private home, under the auspices of a public or nonprofit private sponsoring organization.

"Child care center" means any licensed nonschool public or private nonprofit institution providing day care services where children are not maintained in permanent residence, including, but not limited to, day care centers, settlement houses, recreation centers, Head Start centers, and institutions providing day care services for handicapped children.

"Sponsoring organization" means any public or private nonprofit organization responsible for the administration of one or more child care centers or family day care programs.

(q) "Meal" means food which is served to children during their attendance at an institution and which meets the nutritional requirements set out in this part.

(r) "Milk" means fluid types of unflavored whole milk or low-fat milk or skim milk or cultured buttermilk which meet State and local standards for such types of milk and flavored milk made from such types of milk which meets such standards; and, in those areas of Alaska, Guam, Hawaii, American Samoa, Puerto Rico, the Trust Territory of the Pacific Islands and the Virgin Islands, where a sufficient supply of such types of milk cannot be obtained, includes recombined or reconstituted whole milk, and, in the areas of Alaska, American Samoa, Puerto Rico, the Trust Territory of the Pacific Islands, where a sufficient supply of such types of milk or of recombined or reconstituted whole milk cannot be obtained, includes reconstituted nonfat dry milk.

(s) "OA" means the Office of Audit of the Department.

(t) "OI" means the Office of Investigation of the Department.

(u) "Private nonprofit institution" means a non-public institution which has tax-exempt status under section 501 (c)(3) of the Internal Revenue Code of 1954 or is moving toward compliance with the requirements for tax exempt status; or is currently operating a federally funded program requiring nonprofit status.

(v) "Program" means the Child Care Food Program authorized by section 17 of the Act.

(w) "Reduced price meal" means a meal which is priced at less than the full price of the meal, and for which neither the child nor any member of his family is required to supply an equivalent value in work for the institution or the institution's food program.

(x) "Reimbursement" means financial assistance paid or payable to institutions for meals or equipment at rates assigned by the State agency, or FNSRO where applicable.

(y) "Secretary" means the Secretary of Agriculture.

(z) "State" means any of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(aa) "State agency" means the State educational agency or any other State agency that has been designated by the Governor or other appropriate executive or legislative authority of the State and approved by the Department to administer the Program.

(bb) "State educational agency" means, as the State Legislature may determine: the chief state school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or a board of education controlling the State department of education.

(cc) "State's family-size income standards" means the standards prescribed annually by the State, on the basis of the Secretary's income poverty guidelines, for establishing eligibility for free and reduced price school meals under the National School Lunch Program and the School Breakfast Program.

§ 226.3 Administration.

(a) Within the Department, FNS shall act on behalf of the Department in the administration of the Program. Within FNS, CND shall be responsible for Program administration.

(b) Within the State, responsibility for the administration of the Program shall be in the State agency, except that FNSRO shall administer the Program in any State where the State agency is not permitted by law or is otherwise unable to disburse Federal funds paid to it to any institution in the State. References in this part to "FNSRO where applicable" are to FNSRO as the agency administering the Program within a State.

(c) Each State agency desiring to take part in the Program shall enter into a written agreement with the Department for the administration of the Program in the State in accordance with the provisions of this part. Such agreement shall cover the operation of the Program during the period specified therein and may be extended at the option of the Department.

§ 226.4 Payment of food assistance funds to States.

(a) For the fiscal year ending June 30, 1976, the three-month transition period July 1, 1976 through September 30, 1976, the fiscal year ending September 30, 1977, and for each fiscal year thereafter, the Secretary shall make food assistance payments to each State agency in connection with meals meeting the minimum nutritional requirements set forth in § 226.10 of this part served in participating institutions to children. Food assistance payments shall be made no less frequently than on a monthly basis in an amount no less than the sum of the products obtained by multiplying (1) the number of breakfasts served in the Program within the State by the national average payment rate for breakfasts under section 4 of the Child Nutrition Act of 1966, (2) the number of breakfasts served in the Program within the State to children from families whose incomes meet the eligibility criteria for free school meals by the national average payment rate for free breakfasts under section 4 of the Child Nutrition Act of 1966, (3) the number of breakfasts served in the Program within the State to children from families whose incomes meet the eligibility criteria for reduced price school meals by the national average payment rate for reduced price school breakfasts under section 4 of the Child Nutrition Act of 1966, (4) the number of lunches and suppers served in the Program within the State by the national average payment rate for lunches under section 4 of the National School Lunch Act, (5) the number of lunches and suppers served in the Program within the State to children from families whose incomes meet the eligibility criteria for free school meals by the national average payment rate for free school lunches under section 11 of the National School Lunch Act, (6) the number and lunches and suppers served in the Program within the State to children from families whose incomes meet the eligibility criteria for reduced price school meals by the national average payment rate for reduced price lunches under section 11 of the National School Lunch Act, (7) the number of supplements served in the Program within the State by 5 cents, (8) the number of supplements served in the Program within the State to children from families whose incomes meet the eligibility criteria for free school meals by 15 cents, and (9) the number of supplements served in the Program within the State to children from families whose incomes meet the eligibility criteria for reduced price school meals by 10 cents.

(b) Semi-annually, the Secretary will adjust to the nearest $0.0025 the rates established for supplements by a Notice published in the Federal Register, to reflect the changes in the series of food away from home of the Consumer Price Index published by the Department of Labor. The initial adjustment will be effective January 1, 1976, and will reflect changes in the series of food away from home during the period June through November 1975.

(c) Food assistance funds to be paid to any State shall be made available by means of Letters of Credit issued by FNS in favor of the State agency. The State agency shall: (1) Obtain funds needed for reimbursement to institutions through presentation by designated State officials of a Payment Voucher on Letter of Credit (Treasury Form GFO 7578) in accordance with procedures prescribed by FNS and approved by the U.S. Treasury Department; (2) draw only such funds as are needed to pay claims certified for payment; and (3) use such funds without delay for the purpose for which withdrawn. Notwithstanding the foregoing provisions, if funds are made available by Congress for the operation of the Program under a continuing resolution, Letters of Credit shall reflect only the amount available for the effective period of the resolution.

§ 226.5 Use of food assistance funds.

(a) Federal food assistance funds made available under the Program shall be used by State agencies, or FNSROs where applicable, to reimburse institutions for their costs in connection with food service operations, including labor and administrative expenses of this part. All valid claims from institutions shall be paid within 30 days. However, with the approval of FNS, any State agency, or FNSRO where applicable, may reserve for use in carrying out special developmental projects an amount up to 1 per centum of the funds, including funds for nonfood assistance under § 226.19, earned in any fiscal year under the Program.

(b) The State agency shall report information on the use of Program funds on a monthly basis to FNS on a form provided by FNS.

Subpart B—State Agency and Regional Office Provisions

§ 226.6 General responsibilities of State agencies and FNSROs.

(a) Each State agency, or FNSRO where applicable, shall provide consultive, technical, and managerial personnel to administer the Program and monitor performance and to measure progress toward achieving Program goals, as specified in the State plan provided for under § 226.7. Such assistance shall include visits to participating institutions to ensure compliance with Program regulations and with the Department's nondiscrimination regulations (Part 15 of this title), issued under Title VI of the Civil Rights Act of 1964. Documentation of such assistance shall be maintained on file by the State agency, or FNSRO where applicable.

(b) Each State agency shall establish a system of accounting under which institutions shall report the information required in this part. The system shall be such as to permit determination of the Program operating balances available for institutions at any time.

(c) Each State agency shall submit information to FNS on Program operations and the use of Program funds on a form provided by FNS. Each State agency shall maintain current accounting records of Program operations which will adequately identify funds authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income. The records may be kept in their original form or on microfilm, and shall be retained for a period of three years after the date of submission of the final Financial Status Report (AD Form 626), except that, if audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit. Reports shall continue to be submitted on a regular basis after the end of the fiscal year to which they pertain until all unpaid obligations have been liquidated at which time the next report made should be marked "Final" and submission discontinued for that fiscal year.

(d) Each State agency shall promptly investigate complaints received or irregularities noted in connection with the operation of the Program, and shall take appropriate action to correct any irregularities. State agencies shall maintain on file evidence of such investigations and actions. FNS or OI shall make investigations at the request of the State agency or where FNS or OI determines investigations are appropriate.

(e) State agencies, and FNSROs where applicable, shall require institutions to comply with applicable provisions of this part.

(f) State agencies, or FNSROs where applicable, shall annually for institutions under their jurisdiction: (1) Review and approve institution applications and applications for each licensed day care center or family day care program at which a food service will be conducted. (2) Require each sponsoring or-

V 40251 DEC 31 75 XUM

ganization to submit a management plan for review and approval. Such a plan shall include information on (i) the sponsoring organization's budget, (ii) an allocation plan for equitably disbursing funds to child care centers and family day care programs, and (iii) the sponsoring organization staff. State agencies may require such additional information as is necessary to determine the ability of the sponsoring organization to effectively carry out the Program. (3) Execute Program operating agreements with institutions. (4) Review information submitted by non-licensed institutions, and by sponsoring organizations for child care centers and family day care programs, to determine if such institutions are in conformance with the Federal interagency day care requirements. (5) Provide institutions with information on foods available in plentiful supply, based on information provided by the Department. (6) Require institutions to submit not less frequently than annually, information necessary to determine claiming percentages. (7) Set up claiming percentages for each institution as outlined in § 226.11. (8) Establish procedures for institutions to submit claims for reimbursement and ensure that claims are submitted properly. (9) At the beginning of each fiscal year inform institutions of their responsibility to provide free and reduced price meals to children unable to pay the full price and provide to each a copy of the State's family-sized income standards for determining eligibility for free and reduced price meals under the National School Lunch Program and School Breakfast Program to assist them in meeting their responsibility.

§ 226.7 State Plan of Child Care Food Program Operations.

(a) Not later than May 15 of each year, each State agency shall submit to FNS for approval a State Plan of Child Care Food Program Operations: *Provided, however,* That those State agencies which administer other Child Nutrition and National School Lunch Act programs, as well as the Program, shall submit, in lieu thereof, a State Plan of Child Nutrition Operations, in accordance with section 11(e)(1) of the National School Lunch Act and § 210.4a of the National School Lunch Program regulations. The State Plan of Child Nutrition Operations must comply with the provisions of this part. Approval of the State Plan of Child Care Food Program Operations or the State Plan of Child Nutrition Operations by FNS shall be a prerequisite to the payment of funds to the State agency under this part or to the donation by the Department of any commodities under Part 250 of this chapter for use in institutions under this part.

(b) A State Plan of Child Care Food Program Operations and that portion of the State Plan of Child Nutrition Operations, as a minimum, shall include the following information: (1) The number of institutions in the State participating in the Program, together with the average daily attendance in such institutions; (2) an estimate of the number of institutions needing, but not participating in the Program, together with the average daily attendance in such institutions; (3) an estimate of the funds, other than Federal funds, under the control of the State agency and available for use in financing the Program; and (4) the detailed action the State agency proposes to take to use the Federal funds provided under this part and other funds available to and under the control of the State agency to (i) furnish free or reduced price meals to every needy child; (ii) extend the Program to every institution within the State, giving priority to institutions with a concentration of needy children.

(c) In addition, the State Plan of Child Care Food Program Operations and that portion of the State Plan of Child Nutrition Operations which deals with Program assistance must include: (1) objectives; (2) reasons for the establishment of the objectives; (3) methods to be used to accomplish the objectives; and (4) a plan for the conduct of audits which shall (i) state the frequency of audits of the State agency and institutions, and delineate the positive action to be taken during fiscal years 1976 and 1977, and the three month period July 1, 1976, through September 30, 1976, to achieve an audit frequency of not less than once every two years by the beginning of fiscal year 1978 as required under § 226.27; (ii) provide a description of the organization of the State agency in adequate detail to demonstrate the independence of the audit function; and (iii) provide a systematic method to assure timely and appropriate resolution of audit findings and recommendations; and (iv) provide a plan to monitor Program performance and measure progress in achieving Program goals.

(d) Each State Plan of Child Care Food Program Operations and State Plan of Child Nutrition Operations submitted for approval after the initial plan shall report accomplishments achieved under the plan for the prior fiscal year and shall set forth the progress being made under the plan for the current fiscal year.

(e) The State agency shall give the Governor, or his delegated agency, the opportunity to comment on the relationship of the State Plan of Child Care Food Program Operations or the pertinent portion of the State Plan of Child Nutrition Operations to other programs and the effect on areawide or local jurisdictions. A period of 45 days from the date of receipt of the State Plan shall be afforded to make such comments.

§ 226.8 Claims against institutions.

(a) State agencies shall disallow any portion of a Claim for Reimbursement and recover any payment made to an institution that is or was not properly payable under this part. State agencies may use their own procedures to disallow claims and recover overpayments already made.

(b) The State agency may refer to CND, through FNSRO, for determination of any action it proposes to take under this section.

(c) The State agency shall maintain all records pertaining to action taken under this section. Such records shall be retained for a period of three years after the date of the submission of a final Financial Status Report, except that, if audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised in the audit.

(d) If CND does not concur with the State agency's action in paying a Claim for Reimbursement or portion of the Claim or in failing to collect an overpayment, CND shall assert a Claim against the State agency for the amount of such Claim paid or for the overpayment. In all such cases the State agency shall have full opportunity to submit to CND evidence or information concerning the action taken. If, in the determination of CND, the State agency's action was unwarranted, the State agency shall promptly pay to FNS the amount of the Claim or overpayment.

(e) The amounts recovered by the State agency from institutions may be utilized, first, to make payments to institutions for the period for which the funds were initially available, and second, to repay any State funds expended in the payment of Claims for Reimbursement under the Program not otherwise repaid. Any amounts recovered which are not so utilized shall be returned to FNS in accordance with the requirements of this part.

(f) When FNSRO administers the Program with respect to institutions, and disallows a Claim for Reimbursement or a portion of a Claim or makes a demand for refund of an alleged overpayment, it shall notify the institution of the reasons for such disallowance or demand, and the institution shall have full opportunity to submit evidence or to resubmit a Claim for any amount disallowed or demanded in the same manner afforded in this section to institutions with respect to which the Program is administered by State agencies.

(g) In the event that the State agency, or FNSRO where applicable, finds that an institution is failing to meet the meal requirements of § 226.10, the State agency, or FNSRO where applicable, need not disallow payment or collect an overpayment arising out of such failure if the State agency, or FNSRO where applicable, takes such other action as, in its opinion, will have a corrective effect.

Subpart C—Institution Provisions

§ 226.9 Institution provisions.

(a) Institutions shall meet the following minimum eligibility criteria for participation in the Program: (1) Have Federal, State or local governmental licensing or approval as a child care institution. Non-licensed institutions, or institutions which register with a State or local agency and are not required to meet State or local minimum licensing standards, must satisfy the Secretary that their standards are no less comprehensive than the Federal interagency day care requirements. Sponsoring organizations are exempt from this requirement but must ensure that all family day care programs and child care centers under their jurisdiction meet this requirement. (2) Have tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1954 or be moving toward compliance with the requirements for tax-exempt status (i.e., have filed a letter or application with IRS), or participate in another Federal program which requires nonprofit status. The nonprofit status of family day care programs may be based on the tax-exempt status of the sponsoring organization. (3) Provide organized child care for children in nonresidential, nonschool situations.

(b) Institutions annually shall make written applications to the State agency, or FNSRO where applicable, for participation in the Program. Institutions shall also submit an application for each child care center and family day care program at which a food service program will be conducted. Applications shall contain information in sufficient detail to determine the extent of the need for food assistance payments and the ability of the institutions to effectively conduct a food service program.

(c) Sponsoring organizations shall submit a management plan for review and approval by the State agency, or FNSRO where applicable, in accordance with § 226.6(f).

(d) Institutions shall obtain family-size income information on enrolled children and report to the State agency, or FNSRO where applicable, for reimbursement purposes. If such information is not on hand or obtainable from other sources, such as local welfare offices, they shall require parents of enrolled children to submit an affidavit certifying family size and income.

(e) The State agency, or FNSRO where applicable, shall enter into a written agreement with each institution approved for participation. The agreement shall provide that the institution shall: (1) Accept final financial and administrative responsibility for the conduct of a food service under this part, and, if a sponsoring organization, accept final financial and administrative responsibility for each family day care program and child care center under its jurisdiction. (2) Conduct a nonprofit food service and use income accruing to its food service operations only for Program purposes. (3) Serve meals which meet the minimum requirements prescribed in § 226.10 during a period designated as the attendance period by the institution. (4) If the institution charges separately for meals, serve meals free or at a reduced price to all children eligible for free and reduced price meals in accordance with the State's family-size income standards. (5) Make no discrimination against any child because of his inability to pay the full price of the meals and assure that there will be no overt identification of any child by use of any special tokens or tickets or by any other means because of his inability to pay the full price. (6) Claim reimbursement only for the type or types of meals specified in the agreement and at the rates of reimbursement set by the State agency, or FNSRO where applicable. (7) Submit Claims for Reimbursement in accordance with procedures established by the State agency, or FNSRO where applicable. (8) Maintain, in the storage, preparation, and service of food, proper sanitation and health standards in conformance with all applicable State and local laws and regulations. (9) Purchase, in as large quantities as may be efficiently utilized in its food service, food designated as plentiful by the State agency, or FNSRO where applicable. (10) Accept and use in as large quantities as may be efficiently utilized in its food service, such foods as may be offered as a donation by the Department. (11) Maintain necessary facilities for storing, preparing, and serving food. (12) Maintain a financial management system prescribed by the State agency, or FNSRO where applicable, as required by Federal Management Circular 74-7. (13) Upon request, make all accounts and records pertaining to the Program available to the State agency and to FNS for audit or review, at a reasonable time and place. Such records shall be retained for a period of three years after the end of the fiscal year to which they pertain, except that, if audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit. (14) Comply with the requirements of the Department's regulations respecting nondiscrimination (7 CFR Part 15).

(f) [Reserved]

(g) An institution may utilize existing school food service facilities, or obtain meals from a school food service facility and the pertinent requirements of this part shall be embodied in a written agreement between the service institution and the school. The institution shall maintain responsibility for all Program requirements set forth in this part. In the event that the school is received Federal assistance for its food service under the provisions of Parts 210, 215, 220, or 250 of this chapter, the agreement shall also provide that payments made to the school under the agreement shall be deposited into the school's nonprofit food service account and all expenditures made by the school in connection with the agreement shall be paid from such account.

(h) Any institution participating in the Program may also participate in the Summer Food Program (7 CFR Part 225) under section 13 of the National School Lunch Act. An institution participating in both this Program and the Summer Food Program shall: (1) Not serve the same children in both programs; and (2) maintain separate records to support separate claims for reimbursement.

(i) Institutions approved for participation shall conduct their food service in accordance with the provisions of this part and any instructions and handbooks issued by FNS or instructions and handbooks issued by the State agency which are consistent with provisions of this part.

§ 226.10 Requirements for meals.

(a) Each institution participating in the Program shall serve one or more of the following types of meals, as provided in its approved application: (1) Breakfast; (2) Lunch; (3) Supper; (4) Supplemental food served between such other meals, except that supplemental food shall not be approved for reimbursement if the institution also participates in the Special Milk Program for Children (7 CFR Part 215).

(b) Except as otherwise provided in this section, and in any appendix to this part, each meal shall contain, as a minimum, the food components as follows:

(1) A breakfast shall contain:

(i) A serving of milk as a beverage, or on cereal, or used in part for each purpose.

(ii) A serving of fruit or full-strength fruit or vegetable juice.

(iii) A serving of whole-grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls or muffins, etc., made of whole-grain or enriched meal or flour; or a serving of whole-grain cereal or enriched or fortified cereal or a combination of any of these foods.

(2) A lunch or supper shall contain:

(i) A serving of milk as a beverage.

(ii) A serving of lean meat, poultry or fish; or cheese; or an egg; or cooked dry beans or peas; or peanut butter; or a combination of any of these foods.

(iii) A serving of two or more vegetables or fruits, or a combination of both.

(iv) A serving of whole-grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour.

3. Supplemental food shall include:

(i) A serving of milk or full-strength fruit or vegetable juice or an equivalent quantity of fruit or vegetable.

(ii) A serving of whole-grain or enriched bread or cereal; or an equivalent serving of cornbread, biscuits, rolls, muffins, crackers or cookies made of whole-grain or enriched meal or flour.

(4) Except as otherwise provided in this section the minimum amounts of component foods to serve at meals as set forth in subparagraphs (b) (1), (2), and (3) of this section are as follows:

(i) Age 1 up to 3: (A) Breakfast—½ cup of milk; ¼ cup of juice or fruit; ½ slice of bread or equivalent or ¼ cup (volume) or ½ ounce (weight), whichever is less, of cereal or an equivalent quantity of both bread and cereal.

(B) Lunch or supper—½ cup of milk; 1 ounce (edible portion as served) of lean meat or an equivalent quantity of an alternate; ¼ cup of vegetables or fruits or both consisting of two or more kinds;

V40251 DEC 31 75 XUM

½ slice of bread or equivalent.

(C) Supplemental food—½ cup of milk or juice, or equivalent quantity of fruit or vegetables; ½ slice of bread or equivalent.

(ii) Age 3 up to 6: (A) Breakfast—¾ cup of milk; ½ cup of juice or fruit; ½ slice of bread or equivalent or ½ cup (volume) or ½ ounce (weight), whichever is less of cereal or an equivalent quantity of both bread and cereal.

(B) Lunch or supper—¾ cup of milk; 1½ ounces (edible portion as served) of lean meat or an equivalent quantity of an alternate; ½ cup of vegetables or fruits or both consisting of two or more kinds; ½ slice of bread or equivalent.

(C) Supplemental food—½ cup of milk or juice or an equivalent quantity of fruit or vegetable; ½ slice of bread or equivalent.

(iii) Age 6 up to 12: (A) Breakfast—1 cup of milk; ½ cup of juice or fruit; 1 slice of bread or equivalent or ¾ cup (volume) or 1 ounce (weight), or whichever is less, of cereal or equivalent quantity of both bread and cereal.

(B) Lunch or supper—1 cup of milk; 2 ounces (edible portion as served) of lean meat or an equivalent quantity of an alternate; ¾ cup of vegetables or fruits or both consisting of two or more kinds; 1 slice of bread or equivalent.

(C) Supplemental food—1 cup of milk or juice or equivalent quantity of fruit or vegetable; 1 slice of bread or equivalent. Younger children of this group (age 6 up to 9) may be served lesser quantities of the foods (other than bread and milk) in the above types of meals, provided that the quantities are based on the lesser food needs of such children.

(iv) Age 12 and over: Adult-sized portions based on the greater food needs of older boys and girls.

(v) Infant meal patterns: (A) 0 up to 4 months; (1) Breakfast—4–6 fluid ounces of infant formula; 0–1 tablespoon of infant cereal.

(2) Lunch or supper—4–6 fluid ounces of infant formula; 0–1 tablespoon of infant cereal; 0–1 tablespoon of strained fruit or vegetable or a combination of both.

(3) Supplemental food—2–4 fluid ounces of infant formula.

(B) 4 up to 8 months: (1) Breakfast—6–8 fluid ounces of infant formula; 1–2 tablespoons of infant cereal.

(2) Lunch or supper—6–8 fluid ounces of infant formula; 1–2 tablespoons of infant cereal; 1–2 tablespoons of strained fruit or vegetable or a combination of both; 0–1 tablespoon of strained meat, fish, poultry, or egg yolk.

(3) Supplemental food—2–4 fluid ounces of infant formula or full-strength fruit juice; ¼ slice of crusty enriched or whole-grain bread, or 2 cracker-type products suitable for an infant for use as a finger food when appropriate.

(C) 8 months up to 1 years: (1) Breakfast—6–8 fluid ounces of infant formula or 4–6 fluid ounces of whole fluid milk and 2–3 fluid ounces of full-strength fruit juice; 2–3 tablespoons infant cereal.

(2) Lunch or supper—6–8 fluid ounces of infant formula or 4–6 ounces of whole fluid milk and 2–3 fluid ounces of full-strength fruit juice; 3–4 tablespoons of strained, chopped, or mashed fruit or vegetable or infant cereal or combinations of such foods; 1–4 tablespoons of strained, chopped, or mashed meat, fish, poultry, or egg yolk.

(3) Supplemental food—2–4 fluid ounces of infant formula or whole fluid milk or full-strength fruit juice; ¼ slice of crusty enriched or whole-grain bread, or 2 cracker-type products suitable for an infant for use as a finger food when appropriate.

(5) For the purpose of this section, a cup means a standard measuring cup.

(6) To improve the nutrition of participating children additional foods may be served with each meal as follows:

(i) Breakfast: (A) Include as often as practical an egg; or a 1-ounce serving (edible portion as served) of meat, poultry or fish; or 1 ounce of cheese; or 2 tablespoons of peanut butter or an equivalent quantity of any combination of these foods.

(B) Additional foods may be served as desired.

(ii) Lunch or supper: Additional foods may be served as desired.

(iii) Supplemental food: Include as often as practical a serving of meat or alternate such as peanut butter or cheese or other foods needed to satisfy appetites.

(c) If emergency conditions prevent an institution normally having a supply of milk from temporarily obtaining delivery thereof, the State agency, or FNSRO where applicable, may approve the service of breakfasts, lunches or suppers without milk during the emergency period.

(d) The inability of an institution to obtain a supply of milk on a continuing basis shall not bar it from participation in the Program. In such cases, the State agency, or FNSRO where applicable, may approve service of meals without milk, provided that an equivalent amount of canned, whole dry or nonfat dry milk is used in the preparation of the components of all meals.

(e) In American Samoa, Puerto Rico, the Virgin Islands and the Trust Territory of the Pacific Islands the following variations from the meal requirements are authorized: A serving of a starchy vegetable, such as ufi, tanniers, yams, plantains, sweet potatoes, or a serving of enriched rice or enriched or whole-grain cereal products such as macaroni, dumplings, or noodles may be substituted for the bread requirements.

(f) Substitutions may be made in food listed in paragraphs (b), (1), (2), and (3) of this section if individual participating children are unable, because of medical or other special dietary needs, to consume such foods. Such substitutions shall be made only when supported by a statement from a recognized medical authority which includes recommended alternate foods.

(g) FNS may approve variations in the food components of the meals on an experimental or a continuing basis in any institution where there is evidence that such variations are nutritionally sound and are necessary to meet ethnic, religious, economic, or physical needs.

§ 226.11 Assignment of rates of reimbursement.

(a) The State agency, or FNSRO where applicable, shall, for reimbursement purposes, establish claiming percentages for each participating institution.

(b) The State agency, or FNSRO where applicable, shall require each institution to submit, not less frequently than annually, information necessary to determine the claiming percentages for that institution. Such information shall include: (1) The number of enrolled children from families meeting the State's family-size income standards for free school meals. (2) the number of enrolled children from families meeting the State's family-size income standards for reduced price school meals. (3) the number of enrolled children from families with incomes exceeding the State's family-size income standards for reduced price school meals. Based on its claiming percentages, the State agency, or FNSRO where applicable, shall assign rates of reimbursement for each institution for each meal type. Variations in rates between institutions within a State shall reflect the relative need of such institutions for financial assistance in providing meal service to children.

§ 226.12 Claim for reimbursement.

(a) The State agency, or FNSRO where applicable, shall make payments for meals served to children at the assigned rates, on the basis of the claiming percentages established for each institution. To determine the payment, for any institution, the State agency or FNSRO where applicable, may either, (1) apply the applicable claiming percentage or percentages to the total number of meals of each type (breakfast, lunch, supplement and supper) served and multiply the product or products by the assigned rate or rates of reimbursement for each such meal type, or (2) determine a blended per-meal rate of reimbursement by multiplying the assigned rate for each need category by the claiming percentage for that category and multiplying the product by the total number of meals served, by type: *Provided, however*, That the total reimbursement for meals to an institution shall not exceed operating cost of the institution's food service, less cash income to the food service.

(b) Each institution shall report each month to the State agency, or FNSRO where applicable, the total number of meals served to children by meal type (breakfast, lunch, supplement, supper).

(c) Any institution may elect to claim for less than total operating cost of its food service, e.g., may claim for cost of food only. Reimbursement may not, however, exceed the reimbursement rates assigned to the institution by the State agency, or FNSRO where applicable.

(d) In lieu of providing complete family-size income information to the State agency, or FNSRO where applicable, on enrolled children in the three need categories, an institution may elect to claim for all children under the paid category only. Reimbursement may not, however, exceed the lesser of the rates assigned by the State agency, or FNSRO where applicable, for meals in the paid category or operating costs of the institution's food service, less cash income to the Program.

(e) In computing and documenting Program costs for the purposes of claiming reimbursement and in lieu of maintaining complete food service records, sponsoring organizations may, for family day care programs under their jurisdiction only, consider the cost of food to be 40 cents for a lunch or supper, 20 cents for a breakfast, and 14 cents for a supplement.

(f) To be entitled to reimbursement under this part, each institution shall submit to the State agency, or FNSRO where applicable, a monthly Claim for Reimbursement on a form provided by the administering agency.

(g) Each Claim for Reimbursement shall be filed with the State agency, or FNSRO where applicable, by the 10th of the month following the month covered by the Claim. The Claim shall include data in sufficient detail to justify the reimbursement claimed.

(h) Not more than 10 days of the beginning or ending month of Program operations in a fiscal yesar may be combined on a Claim for Reimbursement with the operations of the month immediately following the beginning month, or preceding the ending month. Claims for Reimbursement may not combine operations during the ending month of a fiscal year with the beginning month of the next fiscal year.

(i) In submitting a Claim for Reimbursement, each institution shall certify that the Claim is true and correct, that records are available to support the Claim, and that payment has not been received. Reporting shall be in accordance with the system of accounting established by the State agency, or FNSRO where applicable.

§ 226.13 Effective date for reimbursement payments.

(a) Reimbursement payments shall be made only to institutions operating under an agreement with the State agency, or FNSRO where applicable, and shall be made only after execution of the agreement. Payments shall be made only for types of meals specified in the agreement and meeting the requirements of § 226.10. Payments may include reimbursement in connection with meals served in accordance with provisions of the program in the calendar month preceding the calendar month in which the agreement is executed, including the last month of the preceding fiscal year if carryover funds are available for such reimbursement.

(b) A State agency may make full or partial reimbursement on a Claim for Reimbursement without prior administrative determination of the correctness of the Claim but shall make any adjustments in such payment as are necessary following the administrative approval of such Claim.

(c) An agreement with an institution for the current fiscal year may be cancelled and the institution disqualified from future participation in the Program if all Claims for Reimbursement and the information required under § 226.11 for the prior fiscal year have not been submitted within 90 days after the end of the prior fiscal year.

(d) An institution that is moving toward compliance with the requirements for tax-exempt status under section 501 (c) (3) of the Internal Revenue Code of 1954 (i.e., has filed a letter or application with IRS) may receive reimbursement payments for meals served under this part for 12 months from the date of approval of its application for participation in the Program. If an institution has not secured IRS certification within 12 months, its participation in the Program will be terminated and the institution will not be permitted to reapply until such time as it receives IRS certification.

§ 226.14 Free and reduced price meals.

(a) The State agency, or FNSRO where applicable, shall require each institution to develop, at the time the institution applies for Program participation, a written policy statement concerning free and reduced price meals to be used uniformly in all food service centers under its jurisdiction as required in this section. Institutions shall not be approved for participation nor agreements renewed unless the free and reduced price policy statement has been approved. Pending approval of a revision of a policy statement, the existing policy shall remain in effect.

(b) An institution which serves meals at no separate charge to attending children shall develop a policy statement which consists of an assurance to the State agency, or FNSRO where applicable, that all children are served the same meals at no separate charge, regardless of race, color, or national origin, and that there is no discrimination in the course of the food service.

(c) An institution which charges separately for meals shall develop a policy statement for determining eligibility for free and reduced price meals which shall include the following:

(1) The specific criteria to be used in determining eligibility for free and reduced price meals. The institution's standards of eligibility shall be in conformity with the family-size income standards prescribed by the State agency, or FNSRO where applicable, for determining eligibility for free and reduced price meals under the National School Lunch Program or School Breakfast Program.

(2) A description of the method or methods to be used in accepting applications from families for free and reduced price meals.

(3) A description of the method or methods to be used to collect payments from those children paying the full price of the meal or a reduced price which will protect the anonymity of the children receiving a free or reduced price meal.

(4) An assurance that the institution will establish a hearing procedure which provides: (i) A simple, publicly announced method for a family to make an oral or written request for a hearing; (ii) an opportunity for the family to be assisted or represented by an attorney or other person in presenting its appeal; (iii) an opportunity to examine, prior to and during the hearing, the documents and records presented to support the decision under appeal; (iv) that the hearing shall be held with reasonable promptness and convenience to the family and that adequate notice shall be given to the family as to the time and place of the hearing; (v) an opportunity for the family to present oral or documentary evidence and agreements supporting its position without undue interference; (vi) an opportunity for the family to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses; (vii) that the hearing shall be conducted and the decision made by a hearing official who did not participate in making the decision under appeal; (viii) that the decision of the hearing official shall be based on the oral and documentary evidence presented at the hearing and made a part of that hearing record; (ix) that the family and any designated representatives shall be notified in writing of the decision of the hearing official; (x) that a written record shall be prepared with respect to each hearing, which shall include the decision under appeal, any documentary evidence and a summary of any oral testimony presented at the hearing, the decision of the hearing official, including the reasons therefor, and a copy of the notification to the family of the decision of the hearing official; and (xi) that such written record of each hearing shall be preserved for a period of three years and shall be available for examination by the family or its representatives at any reasonable time and place during such period.

(5) An assurance that there will be no identification of free and reduced price meal recipients and no discrimination against any child on the basis of race, color, or national origin.

(d) The hearing procedure prescribed under paragraph (c)(4) of this section shall be followed when an institution challenges the continued eligibility of any child for a free or reduced price meal. During the pendency of the challenge, the child shall continue to receive the free or reduced price meal to which he is entitled under the eligibility standards announced by the institution based upon the information supplied in the application made by the family.

(e) Each institution shall make available on an annual basis to the information media serving the area from which the institution draws its attendance a public release announcing the availability of free and reduced price meals to children meeting the approved eligibility criteria. The public announcement must also state that meals are available to all children in attendance without regard to race, color, or national origin.

(c) Institutions approved for nonfood fiscal year in which the obligation was

V 40 251 DEC 31 75 XUM V

§ 226.15 Additional requirements for sponsoring organizations.

The following requirements are in addition to those applicable to institutions generally:

(a) Sponsoring organizations shall maintain all administrative and financial responsibility for food service in each participating day care center and family day care program under their jurisdiction. Sponsoring organizations shall also ensure that such centers and programs operate in conformance with all applicable provisions of this part.

(b) Sponsoring organizations shall ensure that (1) all day care centers and family day care programs under their jurisdiction meet the licensing requirements contained in § 226.9, and (2) child care centers meet the nonprofit requirements of § 226.9. The nonprofit status of family day care programs may be based on the tax-exempt status of the sponsoring organizations.

(c) Each sponsoring organization shall maintain the following food service records for each day care center and family day care program under its jurisdiction:

(1) Copies of applications submitted by the sponsoring organization to the State agency, or FNSRO where applicable.

(2) Information used to determine licensing status.

(3) Copies of information on the number of enrolled children in each of the three need categories, including affidavits from families of participating children or information from other sources used by the child care centers or family day care programs in making determinations of need category.

(4) Information on the number of children served each type of meal (breakfast, lunch, supplements, supper) daily.

(5) Copies of invoices, receipts, or other records on total operating costs, including food and labor, and, if applicable, any administrative costs.

(6) Information on cash income to each family day care program and day care center for food service purposes, including children's payments for meals, food service fees, or funds from other sources which are identified for the food service.

(7) Federal reimbursement paid.

(d) Sponsoring organizations shall maintain on file for child care centers copies of Internal Revenue Service tax-exempt certification or any indication of participation in another federally-funded program which requires nonprofit status. Sponsoring organizations shall also maintain on file a copy of the management plan approved by the State agency, or FNSRO where applicable, and its free and reduced price policy statement.

(e) Sponsoring organizations shall establish a procedure to collect from child care centers and family day care programs information on (1) daily number of children served different meal types and (2) total food service operating costs, including food and labor, and, if applicable, any administrative costs. Total information for all institutions under the sponsoring organization's jurisdiction shall be submitted to the State agency, or FNSRO where applicable, in accordance with § 226.12.

(f) After receipt of reimbursement from the State agency or FNSRO, the sponsoring organization shall make payments to child care centers and family day care programs for meals served to children under this part. Payments to each center and program should reflect the relative percentage of children in each of the three need categories, but in no case shall payments exceed cost of food service as reflected in the records on file at the sponsoring organization.

(g) Sponsoring organizations shall provide such supervisory assistance to child care centers and family day care programs under their jurisdiction as is necessary to effectively participate in the Program. Such assistance shall include: (1) Consultative and technical assistance to ensure meals meet the requirements of § 226.10, required records are being maintained and that all other applicable Program requirements outlined in this part are met. (2) Training of personnel responsible for the food service. (3) Periodic visits to centers and programs to monitor compliance. Documentation of such visits shall be maintained on file by sponsoring organizations.

§ 226.16 Donation of commodities.

(a) USDA foods available under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) or purchased under section 32 of the Act of August 24, 1935 (7 U.S.C. 1431), section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446–a–1), or other authority, shall be donated by the Secretary of Agriculture to each State.

(b) For each fiscal year, the average value of the commodities donated to each State (or, upon the application of a State agency made no later than 60 days prior to the beginning of the fiscal year, cash in lieu of commodities in such amounts as may be provided in appropriations acts) shall be, at a minimum, the quantity obtained by multiplying the number of lunches and suppers served in participating institutions during that fiscal year by the rate for commodities and cash in lieu thereof established for that fiscal year in accordance with the provisions of section 6(e) of the National School Lunch Act.

(c) Institutions participating in the Program shall be provided commodities in accordance with their needs as determined by the State agencies, or FNSRO where applicable, for utilization in their feeding programs.

Subpart D—Nonfood Assistance Provisions

§ 226.17 Definitions.

In addition to the definitions set out in § 226.2, the following definitions shall be applicable to this subpart:

(a) "Acquisition cost" means the net invoice price of nonexpendable and expendable personal property acquired by purchase. This property may include any attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it was acquired. Ancillary charges such as taxes, duty, protective intransit insurance, freight, or installation may also be included.

(b) "Especially needy institution" means an institution serving a high percentage of children from families meeting the State's family-size income standards for free and reduced price school meals under the National School Lunch Program (7 CFR Part 210) and the School Breakfast Program (7 CFR Part 220), as determined by the State agency, or FNSRO where applicable.

(c) "Expendable personal property" means all tangible personal property other than nonexpendable personal property.

(d) "Nonexpendable personal property" means tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit. The State agency may use its own definition would at least include all tangible personal property as defined herein.

(e) "Nonfood assistance funds" means funds made available by the State agency, or FNSRO where applicable, to institutions to assist in the purchase or rental of equipment to enable the institutions to establish, maintain and expand food service under the Program.

(f) "Personal Property" means property of any kind except real property. It may be tangible—having physical existence—or intangible—having no physical existence such as patents, inventions, and copyrights.

§ 226.18 Apportionment of nonfood assistance funds to States.

(a) For each fiscal year, the Secretary shall make nonfood assistance payments to each State agency, or FNSRO where applicable, from any Federal funds made available for purchase and rental of equipment to be used in the Program. Such payments shall be apportioned among the States on the basis of the number of children below age 6 who are members of households which have an annual income not above 125 per centum of the applicable family-size income level set forth in the income poverty guidelines prescribed by the Secretary under section 9 of the Act.

(b) If any State cannot utilize all the funds apportioned to it under this section, or if additional funds are made available for apportionment among the States, further apportionment shall be made among the remaining States in the same manner as the initial apportionment: *Provided, however,* That the Department may determine the minimum amount of such funds it is practicable to so apportion.

§ 226.19 Payment of nonfood assistance funds to States.

Nonfood assistance funds to be paid to any State shall be made available by means of Letters of Credit issued by FNS in favor of the State agency. The State agency shall: (a) Obtain funds needed for reimbursement to institutions through presentation by designated State officials of a Payment Voucher on Letter of Credit (Treasury Form GFO 7578) in accordance with procedures prescribed by FNS and approved by the U.S. Treasury Department; (b) draw only such funds as are needed to pay claims certified for payment; and (c) use such funds without delay for the purpose for which withdrawn. Notwithstanding the foregoing provisions, if funds are made available by Congress for the operation of the Program under a continuing resolution, Letters of Credit shall reflect only the amount available for the effective period of the resolution.

§ 226.20 Matching of nonfood assistance funds.

(a) During any fiscal year, nonfood assistance payments by FNS to each State agency and payments made by FNSRO to institutions shall be upon the condition that at least one-fourth of the costs of the equipment acquired shall be borne from sources within the State: *Provided, however,* That funds used to assist institutions which are determined by the State agency, or FNSRO where applicable, to be especially needy need not be so matched. Payments made by FNS to State agencies may be matched either by the recipient institution or from other State or local sources and payments by FNSRO to institutions may be matched either by the recipient institution or from other funds available to the institution within the State.

(b) Funds from sources within the State shall include any source of State or local funds other than Federal grants and children's payments obtained by institutions through any of its nonprofit food services.

§ 226.21 Use of nonfood assistance funds.

Federal funds made available under the Program for nonfood assistance shall be used to reimburse institutions in connection with the cost of purchase or rental of equipment to establish, maintain, or expand nonprofit food service for children in institutions in accordance with the provisions of this part.

§ 226.22 Eligibility requirements for nonfood assistance.

(a) Institutions which are participating in or have filed an application under this part to participate in the Program and which are in need of financial assistance to acquire equipment to establish, maintain, or expand food service under the Program may make written application for such assistance to the State agency, or FNSRO where applicable. Applications shall include information in sufficient detail to ensure that the institution is eligible for nonfood assistance, and to ascertain the amount of financial assistance required.

(b) An institution shall be approved for nonfood assistance on the basis of: (1) The relative need of the institution for assistance in acquiring equipment to operate an adequate food service, determined on the basis of the information supplied for that institution and for other institutions in the applications submitted; and (2) the amount of funds available to the State agency, or FNSRO where applicable.

(c) Institutions approved for nonfood assistance shall enter into written agreements with the State agency or, in those States in which FNSRO administers the Program, institutions shall enter into agreements with the Department. Such agreements shall provide that the institutions shall:

(1) Participate in the food assistance aspect of the Program.

(2) Maintain full and accurate records to account for the cost of the equipment and receipt and use of all nonfood assistance funds, and retain such record for a period of three years after the end of the fiscal year to which they pertain.

(3) Bear such portion of the purchase price as is agreed upon.

(4) Use equipment (purchased or rented) acquired in whole or in part with Federal funds principally in connection with the institution's nonprofit feeding service.

(5) Comply with the provisions of § 226.25, Procurement standards, and § 226.26, Property management requirements, of this part where personal property is acquired with nonfood assistance funds.

§ 226.23 Nonfood assistance reimbursement payments.

Nonfood assistance reimbursement payments shall be made only in an amount, averaged on a Statewide basis, not to exceed three-fourths of the total purchase or rental cost, including delivery and installation charges, of the equipment described on the application approved by the State agency, or FNSRO where applicable.

§ 226.24 Nonfood assistance reimbursement procedure.

(a) Each State agency, or FNSRO where applicable, shall require each approved institution to submit a Reimbursement Voucher for equipment acquired. The Reimbursement Voucher shall include the following items:

(1) The name and address of the institution;

(2) The month and year the equipment was purchased or rented;

(3) The style, model number, serial number, other identification number, quantity, and purchase or rental cost of each item of equipment, exclusive of delivery and installation cost; and

(4) The delivery and installation costs for the equipment.

(b) Each Reimbursement Voucher shall be accompanied by a copy of the bill, invoice, or other evidence of purchase or rental and shall be made part of the institution's case file maintained by the State agency, or FNSRO where applicable, for a period of three years after the end of the fiscal year to which it pertains.

(c) In submitting a Reimbursement Voucher for equipment, each institution shall certify that the voucher is true and correct, that the equipment has been installed and is operating in the capacity for which it was acquired, that records are available to support the voucher, and that the payment has not been received.

(d) Any Reimbursement Voucher filed later than 90 days after the end of the fiscal year in which the obligation was incurred shall be disallowed except where the voucher is filed late because of circumstances determined by the Department to be beyond the control of the institution.

§ 226.25 Procurement standards.

(a) This section provides standards for use by institutions in establishing procedures for the procurement of equipment with nonfood assistance funds for use in the Program. These standards are furnished to ensure that the equipment is obtained in an effective manner and in compliance with the provisions of applicable Federal law and Executive Orders. Institutions may use their own procurement regulations which reflect applicable State and local laws, rules, and regulations, provided that procurement adheres to the standards set forth in this section.

(b) The standards contained in this section do not relieve the institution of the responsibilities arising under its contracts. The institution is the responsible authority regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into under the Program. This includes, but is not limited to: Disputes, claims, protests of award, source evaluation, or other matters of a contractual nature. Matters concerning violation of law are to be referred to the State or Federal authority that has proper jurisdiction.

(c) The institution shall maintain a code or standard of conduct which shall govern the performance of its officers, employees, or agents in contracting with and expending Program funds. The institution's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent permissible under State law, rules or regulations, such standards shall provide for appropriate penalties, sanctions, or other disciplinary actions to be applied for violations of such standards either by the institution's officers, employees, or agents or by contractors or their agents.

(d) All procurement transactions of the institution, regardless of whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. The institution should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade.

(e) The institution shall establish procurement procedures which comply with the provisions of this section.

(f) Proposed procurement actions shall be reviewed by appropriate officials of the institution to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(g) Invitations for bids or requests for and accurate description of the technical

V 40 N 251 DEC 31 75 D XUM

requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement and, when so used, the specific features of the named brand which must be met by offerers should be clearly specified.

(h) Positive efforts shall be made by the institution to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for procurements to be made with Program funds.

(i) The type of procuring instruments used (e.g., fixed-price contracts, cost reimbursable contracts, purchase orders, incentive contracts, etc.), shall be appropriate for the particular procurement and for promoting the best interest of the Program. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(j) Formal advertising, with adequate purchase descriptions, sealed bids, and public openings shall be the required method of procurement unless negotiating pursuant to subparagraph 4 of this paragraph is necessary to accomplish sound procurement. However, procurements of $10,000 or less need not be so advertised unless otherwise required by State law or regulations. When formal advertising is employed:

(1) The awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the institution, price and other factors considered. Factors such as discounts, transportation costs, and taxes may be considered in determining the lowest bid.

(2) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the institutions.

(3) Any or all bids may be rejected when it is in the institution's interest to do so, and such rejections are in accordance with applicable State and local laws, rules, and regulations.

(4) Procurements may be negotiated by the institution if it is not practicable or feasible to use formal advertising. Notwithstanding the existence of circumstances justifying negotiations, competition shall be obtained to the maximum extent practicable. Generally, procurements may be negotiated if one or more of the following conditions prevail:

(i) The public exigency will not permit the delay incident to advertising;

(ii) The material or service to be procured is available from only one person or firm; all contemplated sole source procurements where the aggregate expenditure is expected to exceed $5,000 shall be referred to the State agency, or FNSRO where applicable, for prior approval;

(iii) The aggregate amount involved does not exceed $10,000;

(iv) No acceptable bids have been received after formal advertising;

(v) Negotiation is otherwise authorized by law, rules, or regulations.

(k) Contracts shall be made by institutions only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, and accessibility of other necessary resources.

(l) The procurement records or files of institutions for negotiated purchases in amounts in excess of $10,000 shall provide at least the following pertinent information:

(1) Justification for the use of negotiation in lieu of advertising,

(2) Contractor selection,

(3) Basis for the cost or price negotiated.

(m) A system for contract administration shall be maintained by the institution to assure contractor compliance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely follow-up of all purchases.

(n) The institution shall include provisions to define a sound and complete agreement in all contracts which it awards when any part of the contract costs are to be borne by Program funds.

(o) In awarding contracts the institution must comply with the following requirements:

(1) The institution's contracts shall contain contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.

(2) All contracts awarded by institutions in excess of $10,000 shall contain suitable provisions for termination by the institution, including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall set forth the conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractors.

(3) Where applicable, all contracts awarded by institutions in excess of $10,000 which involve the employment of mechanics or laborers shall include a provision for compliance with section 103 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330) as supplemented by Department of Labor regulations (29 CFR Part 5). Under section 103 of the Contract Work Hours and Safety Standards Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work day of 8 hours and a standard work week. Work in excess of the standard work day or work week is permissible provided that the worker is compensated at a rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the work week. These requirements do not apply to the purchase of supplies or materials or articles ordinarily available on the open market or contracts for transportation.

§ 226.26 Property management requirements.

(a) This section prescribes policies and procedures governing title, use, and disposition of personal property obtained by an institution by purchase, whose cost was borne in whole or in part with nonfood assistance funds. Institutions may follow their own property management policies and procedures provided they observe the requirements of this section.

(b) The following requirements shall be observed in the acquisition, use and disposition of nonexpendable personal property:

(1) When nonexpendable personal property is acquired by an institution in whole or in part with nonfood assistance funds, title shall be vested in the institution.

(2) The institution shall retain such property in the Program as long as there is a need for such property to accomplish the purpose of the Program whether or not the institution's food service continues to be supported by Federal funds.

(3) When there is no longer a need for such property to accomplish the purpose of the Program, the institution shall use the property in connection with other Federal programs it administers. Priority shall be given to Federal programs administered by the Department over the programs administered by other Federal agencies. When the institution no longer has need for such property in any of its federally assisted programs, the property may be used for the institution's own official activities. In such situations, the institution may use the property without reimbursement to the State agency, or FNSRO where applicable, or sell the property and retain the proceeds if the property had an acquisition cost of less than $500 per unit and has been used 4 years or more. In the case of other property, the institution may retain the property for its own use, provided that a fair compensation is made to the State agency, or FNSRO where applicable, for the Federal share of the property. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the property to the current fair market value of the property. If the institution has no need for the property, disposition shall be made as follows:

(i) Except for property having an acquisition cost of less than $500 per unit which has been used for four years or more, the institution shall sell property having an acquisition of $1,000 or less per unit and reimburse the State agency, or FNSRO where applicable, in accordance with paragraph (b)(3)(ii) of this section.

(ii) If the property had an acquisition cost of over $1,000 per unit, the institution shall request disposition instructions from the State agency, or FNSRO where applicable. If the State agency, or FNSRO where applicable, has no need for the property, the availability of the property shall be reported to the General Services Administration (GSA) by the Department to determine whether a requirement for the property exists in other Federal programs. The State agency, or FNSRO where applicable, will issue instructions to the institution within 120 days following the receipt of the request. If the institution is instructed to ship the property elsewhere, the institution will be reimbursed by the Department, or State agency where applicable, with an amount which is computed by applying the percentage of the institution's participation in the cost of the property to the current fair market value of the property, plus any shipping or interim storage costs incurred. If the institution is instructed to otherwise dispose of the property, the institution will be reimbursed by the State agency, or FNSRO where applicable, for the costs incurred in the disposition. If disposition instructions are not issued within 120 days after reporting, the institution shall sell the property and reimburse the Department in an amount which is computed by applying the percentage of Federal participation in the cost of the property to the sales proceeds. Further, the institution may be permitted to retain $100 or 10 percent of the proceeds, whichever is greater, for the institution's selling and handling expenses.

(iii) When the State agency, or FNSRO where applicable, determines that nonexpendable personal property with an acquisition cost of $1,000 or more financed solely with nonfood assistance funds is unique or difficult or costly to replace, the State agency, or FNSRO where applicable, may reserve the right to require the institution to transfer title to the property to the State agency, or FNSRO where applicable, or to a third party subject to the following provisions:

(A) The right to require the transfer of title may be reserved only by means of an express special condition in the grant or contract, or, if approval for the acquisition of the property is given after the grant is awarded, by means of a written stipulation at the time the approval is given.

(B) The property shall be appropriately identified in the award document or otherwise made known to the institution.

(C) The State agency, or FNSRO where applicable, will not exercise this right until the institution no longer needs the property in the Program. That need will be deemed to end on the date of completion or termination of the grant of contract unless the institution continues to conduct a food service after that date and demonstrates to the State agency, or FNSRO where applicable, a continued need for the property in its food service.

(D) The State agency, or FNSRO where applicable, will issue disposition instructions within 120 days after the completion of the need for the property under the Program. If instructions are not issued within such 120-day period, the Department's or State agency's right shall lapse, and the institution shall apply the applicable standards contained in the paragraphs (b)(2) and (b)(3) of this section.

(E) The institution shall be entitled to reimbursement for any shipping and interim storage costs it incurs pursuant to the State agency's or FNSRO's disposition instructions.

(4) The institution property management standards for nonexpendable personal property shall also include the following procedural requirements:

(i) Property records shall be maintained accurately and provide for: (A) A description of the property; (B) manufacturer's serial number or other identification number; (C) acquisition date and cost; (D) source of the property; (E) percentage of nonfood assistance funds used in the purchase of the property; (F) location, use, and condition of the property; and (G) ultimate disposition data including sales price or the method used to determine current fair market value if the institution reimburses the Department for its share.

(ii) A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years to verify the existence, current utilization, and continued need for the property.

(iii) A control system shall be in effect to ensure adequate safeguards to prevent loss, damage, or the theft of the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented. The institution shall be responsible for replacing or repairing (with funds of the institution) property which is lost, damaged, or destroyed due to the negligence of the institution.

(iv) Adequate maintenance procedures, recommended by the manufacturer shall be implemented to keep the property in good condition.

(v) Proper sales procedures shall be established for unneeded property which would provide for competition to the extent practicable and result in the highest possible return.

(c) The institution may, at its option, either retain or sell items of expendable personal property when no longer needed for any federally sponsored activity (including activities sponsored by other Federal agencies). Compensation to the Department is required if the aggregate fair market value of all of those items of expendable personal property acquired with nonfood assistance funds exceeds $500 when no longer needed for any federally sponsored activity. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original property to the current fair market value of items retained and to the sales of items sold.

Subpart E—Miscellaneous

§ 226.27 Management evaluation and audits.

(a) In accordance with the plan submitted under § 210.4a of the National School Lunch Program regulations (7 CFR Part 210) or § 226.7, the State agency shall provide for audits at the State and institution levels of the funds and operations of the Program. Such audits shall be made with reasonable frequency, but beginning in fiscal year 1978 once every two years. The audits shall determine the fiscal integrity of financial transactions and reports, and compliance with applicable laws and regulations and with the administrative requirements set forth in Attachment H of Federal Management Circular 74–7 (34 CFR Part 256). Audits may be made by State agency internal auditors, by State auditors general, by State controllers, or by other comparable State audit groups, or by Certified Public Accountants or State licensed public accountants.

(b) While OA shall rely to the fullest extent feasible upon State sponsored audits, it shall, whenever considered necessary: (1) Make audits on a statewide basis, (2) perform on-site test audits, and (3) review audit reports and related working papers of audits performed by or for State agencies.

(c) State agencies shall provide FNS and OA with full opportunity to conduct management evaluations (including visits to institutions). Each State agency shall make available its records, including records of the receipt and expenditure of funds, upon reasonable request by FNS or OA.

(d) Use of audit guides available from OA is encouraged. When these guides are utilized, OA will coordinate its audits with State sponsored audits to form a network of intergovernmental audit systems.

(e) In making management evaluations or audits for any fiscal year the State agency, or OA, may disregard any overpayment which does not exceed $35 or, in the case of State agency administered programs, does not exceed the amount established under State law, regulations or procedure as a minimum amount for which claims will be made for State losses generally. No overpayment shall be disregarded, however, where there are unpaid claims of the same fiscal year from which the overpayment can be deducted, or where there is substantial evidence of violation of criminal law or civil fraud statutes.

§ 226.28 Food service management companies.

(a) Any institution may contract with a food service management company (including any commercial food service enterprise) for the preparation or delivery of unitized meals or for the delivery of individual meal components at institutions. Any institution may employ a food service management company to operate its entire food service. An institution that employs a food service management company shall remain responsible for seeing that the food service is in conformity with its agreement with the State agency, or FNSRO where applicable. Any institution operating a food service serving 500 or more children daily and contracting with a food service management company shall use a competitive bid procedure in the selection of any such company.

Any public institution shall follow applicable State or local laws governing bid procedure. In the absence of any State or local laws, any public or private in-

V 40 251 DEC 31 75 XUM

stitution shall, at a minimum adhere to the following requirements:

(1) The procurement shall be publicly announced at least 14 days prior to the opening of the bid;

(2) The bid shall be publicly opened;

(3) The bid shall not specify a minimum price;

(4) The institution shall make known to the State agency, or FNSRO where applicable, the reason for selecting the food service management company chosen.

(b) The institution and the food service management company shall enter into a written contract which shall expressly provide that:

(1) The food service management company shall maintain such records (supported by invoices, receipts, or other evidence) as the institution will need to meet its responsibilities under this part, and shall report thereon to the institution promptly at the end of each month;

(2) The food service management company shall have local health certification;

(3) Any federally donated commodities received by the institution and made available to the food service management company shall ensure only to the benefit of the institution's feeding operation, and shall be utilized therein;

(4) The books and records of the food service management company pertaining to the institution's feeding program shall be available, for a period of three years from the date of submission of the final Financial Status Report for inspection and audit by representatives of the State agency, or the Department, and the U.S General Accounting Office at any reasonable time and place;

(5) The nutritional requirements of § 226.10 shall be met for all meals;

(6) Health and sanitation requirements shall be met at all times;

(7) Unitized meals or meal components shall be delivered in accordance with a delivery schedule prescribed in the contract;

(8) Increases and decreases in the number of meal orders may be made by the institution daily within a period of prior notice mutually agreed upon;

(9) The food service management company shall be liable for meals that do not meet nutritional requirements, are spoiled or unwholesome at time of delivery or do not otherwise meet the requirements of the contract;

(10) The food service management company's charge to the institution shall reflect the fair wholesale market value of all federally donated food.

(11) Menus shall meet the meal requirements specified in § 226.10.

(12) Remedies for nonperformance shall be as stipulated.

(c) The State agency, or FNSRO where applicable, may review and approve any contract between an institution and a food service management company.

(d) Each State agency, or FNSRO where applicable, shall notify all applicant institutions of the contract requirements specified in this section, and such contract requirements, when applicable, shall be made part of the agreement between the State agency, or FNSRO where applicable, and the institution.

§ 226.29 Grant closeout procedures.

(a) Grant closeout procedures for this Program shall be in accordance with FMC 74–7.

(b) FNS may terminate a State agency's participation in the Program in whole, or in part, whenever it is determined that the State agency has failed to comply with the conditions of the Program. FNS shall promptly notify the State agency in writing of the termination and the reasons for the termination, together with the effective date. A State agency, or FNSRO where applicable, shall terminate an institution's participation in the Program by written notice whenever it is determined by FNS or the State agency that the institution has failed to comply with the conditions of the Program. When a Program has been terminated for cause, any payments made to the State agency or any recoveries by FNS from the State agency or an institution shall be in accordance with the legal rights and liabilities of the parties.

(b) FNS or the State agency may terminate the State agency's participation in the Program in whole, or in part, when both parties agree that the continuation of the Program would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The State agency shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. FNS shall allow full credit to the State agency for the Federal share of the noncancellable obligations, properly incurred by the State agency prior to termination. A State agency, or FNSRO where applicable, may terminate an institution's participation in accordance with these provisions.

§ 226.30 Other provisions.

(a) As provided by the Act the value of assistance to children under the Program shall not be considered to be income or resources for any purposes under any Federal or State laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs. Expenditure of funds from State and local governmental sources for the maintenance of food programs for children shall not be diminished as a result of funds received under the Act.

(b) Any or all of the provisions of this part may be withdrawn or amended at any time by the Department: *Provided, however*, That no change in the requirements for meals which increases the food costs shall become effective less than 60 days after publication of notice thereof.

(c) Nothing contained in this part shall prevent a State agency from imposing additional requirements for participation in the Program which are not inconsistent with the provisions of this part.

(d) The provisions of this part supersede the provisions of Part 244 of this chapter insofar as those provisions were applicable to the Special Food Service Program for Children.

§ 226.31 Program information.

Institutions desiring information concerning the Program should write to the appropriate Regional Office of FNS as indicated below:

(a) In the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: New England Regional Office, FNS, U.S. Department of Agriculture, 34 Third Avenue, Burlington, Massachusetts 01803.

(b) In the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia: Mid-Atlantic Regional Office, FNS, U.S. Department of Agriculture, 729 Alexander Road, Princeton, New Jersey 08540.

(c) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi: U.S. Department of Agriculture, 1100 Spring Street NW., Atlanta, Georgia 30309.

(d) In the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin: Midwest Regional Office, FNS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Illinois 60605.

(e) In the States of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming: West-Central Regional Office, FNS, U.S. Department of Agriculture, 1100 Commerce Street, Room 5–D–22, Dallas, Texas 75202.

(f) In the States of Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory of the Pacific Islands, and Washington: Western Regional Office, FNS, U.S. Department of Agriculture, 550 Kearny Street, Room 400, San Francisco, California 94108.

§ 226.32 Effective date of regulations.

The provisions of this part shall become effective January 1, 1976. However, the food assistance payment rates provided for in § 226.4 and the commodity donation provisions of § 226.16 were effective on October 7, 1975, the date of enactment of the National School Lunch Act and Child Nutrition Act of 1966 Amendments of 1975.

(Catalog of Federal Domestic Assistance Program No. 10.556 National Archives Reference Services)

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

RICHARD L. FELTNER,
Assistant Secretary.

DECEMBER 22, 1975.

[FR Doc.75-35332 Filed 12-30-75;8:45 am]

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 700—DEFINITIONS

PART 702—RESERVES

Risk Assets; Clarification

Pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, and section 209, 84 Stat. 1014, 12 U.S.C. 1789, the Administrator hereby amends Parts 700 and 702 (12 CFR Parts 700 and 702), effective immediately.

The addition to Part 700 is within previously established policy and further clarifies the definition of "risk assets." The changes to Part 702 are technical in nature. They are needed to clarify and bring this Part into conformity with accounting instructions contained in the Accounting Manual for Federal Credit Unions as well as the remainder of Part 702.

Inasmuch as these amendments are primarily housekeeping measures for the purpose of making the National Credit Union Administration's Rules and Regulations internally consistent, the Administrator has determined that notice and public procedure as to these amendments is impracticable, unnecessary and contrary to the public interest as provided by 5 U.S.C. 553(b).

The amendments are as follows:

1. Section 700.1(j) is amended by adding subsection (14) which shall state, "(14) Loans which are purchased from liquidating credit unions and guaranteed by the National Credit Union Administration."

2. The last sentence of § 702.2(a) is deleted.

3. Section 702.2(a) is redesignated as § 702.2(a)(1).

4. A new § 702.2(a)(2) is added and shall read as follows: "(2) For purposes of this formula: (i) 'gross earnings' shall be defined as the total of the operating income accounts. Nonoperating gains and losses will not be included; (ii) the totals of the Regular Reserve and Allowance for Loan Losses accounts shall be combined for determining the applicable percentage of gross income to be transferred to Regular Reserve; and (iii) the term 'total of outstanding loans and risk assets' shall mean all assets except those nonrisk type assets described in § 700.1(j)(1)–(14) of this chapter."

5. Section 702.2(b) is deleted.

6. Section 702.2(c) is redesignated as "(b)." The first sentence of this section is amended by adding the word "directly" after, "A Federal credit union may charge * * *," and by adding the words, "certain other categories of losses" after, "Regular Reserves * * *," and by deleting the words, "other than those resulting from uncollectable loans to members or to other credit unions."

7. New § 702.2(b)(2)(iv) is changed by deleting "financial and statistical report (Form FCU–109)" and by adding "Statement of Financial Condition (Form FCU 109A)."

Accordingly, the above sections, as amended, are adopted as set forth below, effective immediately.

HERMAN NICKERSON, JR.,
Administrator.

DECEMBER 23, 1975.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).)

1. In § 700.1, paragraph (j)(14) is added:

§ 700.1 Definitions.

* * * * *

(j)(14) Loans which are purchased from liquidating credit unions and guaranteed by the National Credit Union Administration.

* * * * *

2. Section 702.2 is revised to read as follows:

§ 702.2 Regular reserve.

(a)(1) Immediately before the payment of each dividend, the treasurer shall determine the gross earnings of the credit union. From this amount there shall be transferred to a reserve to be known as the Regular Reserve, as of the end of each dividend period, (i) 10 per centum of the gross income until the Regular Reserve shall equal 7½ per centum of the total of outstanding loans and risk assets, then (ii) 5 per centum of the gross income until the Regular Reserve shall equal 10 per centum of the total of outstanding loans and risk assets: Provided, however, that whenever the Regular Reserve falls below 10 per centum or 7½ per centum of the total of outstanding loans and risks assets, as the case may be, it shall be replenished by regular contributions in such amounts as may be needed to maintain the reserve goals of 7½ per centum or 10 per centum.

(2) For purposes of this formula:

(i) "Gross earnings" shall be defined as the total of the operating income accounts. Nonoperating gains and losses will not be included;

(ii) The totals of the Regular Reserve and Allowance for Loan Losses accounts shall be combined for determining the applicable percentage of gross income to be transferred to Regular Reserve; and

(iii) the term "total of outstanding loans and risk assets" shall mean all assets except those nonrisk type assets described in § 700.1(j)(1)–(14) of this chapter.

(b)(1) A Federal credit union may charge directly to its Regular Reserve certain other categories of losses provided that each such charge has been approved in advance by the Administrator. In determining whether such charges shall be approved, the Administrator will be guided by the nature of the loss and the financial condition of the Federal credit union concerned as indicated by: The amount of loan delinquency and estimated losses on outstanding loans, current and prospective net earnings, and similar facts which may affect its operations and development.

(2) Applications for approval to charge such losses to the Regular Reserve shall be made in writing to the Regional Director. The application shall: (i) Be authorized by the board of directors of the Federal credit union; (ii) state the amount and nature of the loss; and (iii) describe fully the causes of the loss; and (iv) be accompanied by a copy of the Federal credit union's current Statement of Financial Condition (Form FCU 109A) and a copy of the current schedule of delinquent loans. The Regional Director may request such additional information concerning the financial condition, operating practices, and management of the Federal credit union as he may deem necessary in a particular case.

(3) The Regional Director will investigate each such application and will make a recommendation as to whether it should be approved or disapproved. The application and recommendation of the Regional Director shall be forwarded to the Administration in Washington, D.C. The Administrator shall approve or disapprove the application. The Regional Director will be informed of the Administrator's action on the application and will notify promptly the Federal credit union concerned.

[FR Doc.75-35238 Filed 12-30-75;11:41 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 3500, 3520]

[Circular No. 2377]

COAL LEASES

Diligent Development and Continuous Operations

On page 43229 of the FEDERAL REGISTER of December 11, 1974, there were published a notice and text of a proposed amendment to §§ 3500.0–5 and 3522.1–2 of Title 43, Code of Federal Regulations. The purpose of the amendment was to provide definitions for terms relating to coal leases. Interested persons were granted an opportunity from January 10, 1975, until February 3, 1975, to submit comments, suggestions, or objections to the proposed amendment. Comments have been received and considered, and revisions have been made to the proposed amendment. Since extensive revisions have been made, the new proposed rules are now being published for comment.

Interested persons are invited to submit their comments in writing to the Director, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, on or before January 30, 1976.

The purpose of the proposed amendment is to revise the regulations relating to coal leases by defining the terms "logical mining unit," "logical mining unit reserves," "diligent development," and "continuous operation," and to modify the regulations relating to the duration and the adjustment of terms and conditions of coal leases. Section 7 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 207), authorizes the issuance of coal leases for an indeterminate period upon condition of diligent development and continued operation of the mine. When read together, the phrases "diligent development" and "continuous operation" indicate a statutory intent that holders of coal leases should promptly reach a reasonable level of production and then maintain it.

The proposed amendment which follows is based on the principle that a clear standard for judging whether development has been diligent and whether operation is continuous requires definition of a rate of production from the mine which is appropriate in light of the size of the leased reserves, and a time by which that rate must be attained. In granting new leases the Bureau of Land Management has already adopted a policy of including financial incentives in the form of advance royalty payments to encourage mining at a rate which would exhaust the recoverable reserves within 40 years from the date of the lease. The same general approach has been used in this proposed amendment. It sets a production standard for diligent development and continuous operation and provides that leases which do not meet the standard would be subject to cancellation. Although all existing leases contain requirements for diligent development, explicit standards of diligent development and continuous operation have not been defined or enforced. Existing leases are, therefore, treated for the purpose of this amendment as though they were dated as of the effective date of the amendment, insofar as the statute and existing lease terms permit.

The Bureau of Land Management is aware that many coal mines involve extraction of both Federal and non-Federal coal, and that inflexibly applied regulations for diligent development and continuous operation on the Federal portion of the mine could lead to distortions of mining practice to the detriment of sound conservation and economic operations. For this reason, the amendment defines a "logical mining unit" which may include non-Federal coal, and defines diligent development and continuous operation for the logical mining unit as a whole in such a way as to give the lessee reasonable flexibility in operating and developing the mine, consistent with exhaustion of the Federal deposits in 40 years.

Finally the amendment announces that, at the time of the next scheduled adjustments of the terms of existing leases, which come at twenty-year intervals dating from the date of issuance of the lease, advance royalty terms will be included based on a schedule of mining which would exhaust the deposit in 40 years from the effective date of the regulation. A lessee who produced ahead of this schedule prior to the next scheduled adjustment of terms would receive credits against later advance royalties, thereby providing a financial incentive to encourage timely development and production of Federal coal before the scheduled adjustment of terms of existing leases.

It is proposed to amend Chapter II of Title 43, Code of Federal Regulations, as set forth below.

1. 43 CFR 3500.05 is amended by the addition of the following new paragraphs (d), (e), (f), and (g):

§ 3500.0–5 Definitions.

* * * * *

(d) *Logical Mining Unit (LMU).* A Logical Mining Unit or LMU is an area of coal land that can be developed and mined in an efficient, economical and orderly manner with due regard to the conservation of coal reserves and other resources. An LMU may consist of one or more Federal leaseholds, and may include intervening or adjacent non-Federal lands, if all lands are under the effective control of a single operator and can be developed and operated as a unified mine. It may also consist of lands committed to a contract for collective prospecting, development, or operations approved by the Secretary pursuant to the Act of August 31, 1964 (30 U.S.C. 201–1). The Mining Supervisor is authorized to approve or establish an LMU. Every Federal lease will automatically be considered by itself an LMU as of the effective date of the lease or (the effective date of these regulations), whichever is later. The boundaries of an LMU may later be changed (1) upon application by the lessee or operator and with the approval of the Mining Supervisor and the concurrence of the authorized officer, or (2) at the discretion of the Mining Supervisor with the concurrence of the authorized officer, or (3) at the request of the authorized officer with the approval of the Mining Supervisor.

(e) *Logical Mining Unit (LMU) Reserves.* LMU Reserves as of a given date are defined as being equal to the sum of (1) estimated recoverable reserves under Federal lease in the LMU at that time and (2) estimated non-Federal recoverable reserves then in the LMU which will be mined prior to the extraction of all estimated Federal reserves then in the LMU. The LMU reserves associated with a given Federal lease are the estimated LMU reserves as of the effective date of that lease or (the effective date of these regulations), whichever is later. Since the effective dates of different Federal leases in a given LMU may differ, the estimated LMU reserves associated with those leases may also differ. The estimate of recoverable reserves under both (1) and (2) above may be adjusted by the Mining Supervisor whenever significant new information becomes available about the amount of such reserves, including the time at which a mining plan is approved for the Federal portion.

(f) *Diligent Development.* Diligent Development of a Federal lease means the timely preparation for and initiation of production of coal from the LMU of which the lease is a part so that one-fortieth of the LMU reserves associated with that lease are extracted within a period of ten years from (the date of this regulation) or from the date of the lease, whichever occurs later.

(1) Upon application by the lessee, the period by the end of which diligent development must have been achieved, shall be increased by an amount of time equal to the period during which diligent development is, in the opinion of the Secretary, significantly impaired by (i) a strike, the elements, or casualties not attributable to the lessee, (ii) an administrative delay in the Department which is not caused by the lessee's action, or (iii) extraordinary circumstances not attributable to the lessee and not foreseeable by a reasonably prudent operator. In the determination of whether any of the conditions listed in (i)–(iii) above occurred and whether one or more of those conditions did in fact significantly impair diligent development, the Secretary's finding shall be final. The Secretary shall, however, not find to be an extraordinary circumstance under (iii) any condition arising out of normally foreseeable business risks such as: fluctuations in prices, sales, or costs, including foreseeable costs of compliance with requirements for environmental protection; commonly experienced delays in delivery of supplies or equipment; or inability to obtain sufficient sales.

(2) Any extension of time for achieving diligent development granted by the Secretary under paragraph (f) (1) of this section shall include notification of the revised date by which diligent development must be achieved.

(g) *Continuous Operation.* Continuous operation on a given lease means extraction, processing or marketing of coal from the LMU of which the lease is a part, after diligent development has been achieved, in the amount of one percent or more of the LMU reserves in each calendar year, subject to the exceptions contained in 30 U.S.C. 207 and in the lease, if any.

2. 43 CFR 3522.2–1 is amended by the following modification (a) and addition (b):

§ 3522.2–1 Terms and Conditions.

(a) *General.* Coal, potassium, and phosphate leases are subject to readjustment of the terms and conditions of the lease at the end of each 20-year period succeeding the date of the lease unless otherwise provided by law at the time of the expiration of such periods. The lessee will be notified of the proposed readjustment of terms or notified that no readjustment is to be made. Within 30 days after receipt of the notice, unless the lessee or operator files his objection to the proposed readjusted terms, or the lessee files a relinquishment of the lease, he will be deemed to have agreed to such readjusted terms. Notice of the proposed readjustments or that no readjustment is to be made will be given, whenever feasible, before the expiration of each such 20-year period.

(b) *Coal.* Coal leases outstanding at the effective date of these regulations which do not contain advance royalties according to a schedule of production sufficient to exhaust the deposit in 40 years, dated prior to January 1, 1975, will be subject to change in advance royalty terms and conditions at the next schedule adjustment of terms and conditions under paragraph (a) of this section after (the effective date of these regulations). The new advance royalty terms and conditions will be based on a standard schedule of production sufficient to exhaust the elapsed deposit within 40 years from (the effective date of these regulations). The advance royalty rates for the years following the readjustment of terms will be those rates appropriate for a lease dated (the effective date of these regulations). Lessees will be allowed to credit against the advance royalties due under those rates any production royalties paid in lease years prior to the readjustment of terms, which production royalties are in excess of advance royalties that would have been due had advance royalties been in effect from (the effective date of these regulations).

3. 43 CFR 3523.2–1(b) (1) is amended to read as follows:

§ 3523.2–1 Judicial Proceedings.

(b) *Exceptions—(1) Coal.* Any coal lease on which there are not diligent development and continuous operation in accordance with Section 3500.0–5 will be subject to cancellation in whole or in part. In deciding whether to cancel a lease under this subparagraph, the Secretary will not consider adverse circumstances which arise out of normally foreseeable business risks, such as fluctuations in prices, sales or costs, including foreeeable costs of compliance with requirements for environmental protection; commonly experienced delays in delivery of supplies or equipment; or inability to obtain sufficient sales.

* * * * *

THOMAS S. KLEPPE,
Secretary of the Interior.

DECEMBER 22, 1975.

[FR Doc.75–35084 Filed 12–30–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 53]

LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Official Identification

The Agricultural Marketing Service is considering an amendment to the "Rules and Regulations of the Department of Agriculture Governing the Grading and Certification of Meats, Prepared Meats, and Meat Products" by specifying that lamb carcasses and wholesale cuts be identified for class when quality graded to distinguish them from yearling mutton and mutton carcasses. The Agricultural Marketing Act of 1946 provides for identifying the class, grade, quality, etc., of agricultural products so that they may be marketed to the best advantage; that trading may be facilitated; and that consumers may be able to obtain the quality of product which they desire. Therefore, the following amendment to the regulations is proposed. The provisions of 7 CFR 53.19, Paragraph (b), are amended by inserting the word "LAMB" into the first sentence between the words "calf" and "yearling."

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments concerning the proposal set forth above, in duplicate, to Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, on or before March 1, 1976.

All written submissions made pursuant to this Notice will be made available for public inspection during normal business hours at the Office of the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Done at Washington, D.C. this 24th day of December 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75–35113 Filed 12–30–75;8:45 am]

[7 CFR Part 907]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Minimum Size Requirement

This notice proposes a minimum size requirement of 2.32 inches in diameter for navel oranges grown in Arizona and designated part of California for the period January 16 through July 15, 1976. The proposed requirement is designed to promote orderly marketing in the interest of producers and consumers.

The proposal would establish a regulation pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than January 6, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed size regulation was recommended by the Navel Orange Administrative Committee, and it reflects the committee's appraisal of the need for regulation and of the crop and current and prospective market conditions. Shipment of the 1975–76 navel orange crop is now in progress. The proposed regulation is necessary to assure that fresh shipments of navel oranges to markets in the United States and Canada are 2.32 inches in diameter or larger. Supplies of oranges smaller than the proposed 2.32-inch minimum are excessive this season with respect to market demand. Abundant supplies of navel oranges 2.32 inches in diameter or larger are available for fresh shipment this season. Fruit failing to meet the size requirement will be available for shipment to fresh export markets where smaller fruit is in demand, left on the trees to attain further growth, or utilized in processing. The proposed requirement is

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consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

§ 907.662 Navel Orange Regulation 362.

Order. (a) During the period January 16, 1976, through July 15, 1976, no handler shall handle any navel oranges which are smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the navel oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(b) The terms "handler" and "handle" as used herein shall have the same meaning as is given to the respective terms in said marketing agreement and order.

(It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.)

Dated: December 22, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-34970 Filed 12-30-75;8:45 am]

[7 CFR Part 980]

[980.114 Amdt. 1]

ONION IMPORTS

Proposed Minimum Grade and Size Requirements

This proposal would amend minimum grade and size requirements for imported onions.

Notice is hereby given of a proposed amendment of § 980.114 Onion import regulation (40 FR 32308), applicable to the importation of onions into the United States to become effective March 15, 1976, under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Under section 8e of the act (7 U.S.C. 608e-1), whenever two or more marketing orders are concurrently in effect regulating the same agricultural commodity produced in different areas of the United States, the importation of such commodity shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition.

Onion import regulation § 980.114 (40 FR 32308), became effective August 4, 1975, and sets forth similar grade, size, quality, and maturity requirements as those in effect for onions handled under Marketing Order No. 958, as amended (7 CFR Part 958) regulating the shipments of onions grown in designated counties in Idaho and Malheur County, Oregon.

Grade, size, quality, and maturity requirements would become effective for the period March 8 through May 8, 1976 (40 FR 58656) under Marketing Order No. 959, as amended (7 CFR Part 959), regulating the handling of onions grown in South Texas. It is anticipated that imported onions will be in most direct competition with those regulated under Marketing Order 959 on or about March 15 and the proposed changes will be necessary to bring import regulations into line with domestic regulations covering South Texas onions.

Consideration will be given to any written data, views, or arguments pertaining to the proposed amendment which are filed in duplicate with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than January 8, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment is as follows:

Section 980.114 Onion import regulation (40 FR 32308), is hereby revised to read as follows:

§ 980.114 Onion import regulation.

Pursuant to section 8e of the act (7 U.S.C. 608e-1) and except as otherwise provided herein, during the period beginning March 15, 1976, and continuing through May 8, 1976, the importation of onions is prohibited unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *Grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Applications of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(2) *Size.* White onions—1 inch minimum diameter; all other varieties of onions—1¾ inches minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of Section 8e of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under section 8e (7 U.S.C. 608e-1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice (in days)
All Texas points.	L. M. Denbo, P.O. Box 107, San Juan, Tex. 78589. (Phone 512-787-4091 or 6881.)	1
All Arizona points.	B. O. Morgan, P.O. Box 1614, Nogales, Ariz. 85621. (Phone 602-287-2302.)	1
All California points.	D. P. Thompson, 784 South Central Ave., Room 266, Los Angeles, Calif. 90021. (Phone 213-622-8756.)	3
All Hawaii points.	Stevenson Ching, P.O. Box 5425, Pawaa Substation, Honolulu, Hawaii 96814. (Phone 808-941-3071.)	1
All Puerto Rico points.	John L. Coulon, P.O. Box 9112, Santurce, P.R. 00908. (Phone 809-783-2230 or 4116.)	2
New York City, N.Y.	Carmine J. Cavallo, Room 28A, Hunts Point Market, Bronx, N.Y. 10474. (Phone 212-991-7669 or 7668.)	1
New Orleans, La.	Leonard E. Mixon, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113. (Phone 504-682-6741.)	1
Miami, Fla.	Lloyd W. Boney, 1350 Northwest 12th Ave., Room 530, Miami, Fla. 33136. (Phone 305-324-6116 or 6117.)	1
All other Florida points.	C. B. Brantley, P.O. Box 1232, Winter Haven, Fla. 33880. (Phone 813-294-2089.)	1
All other points.	Chief, Fresh Inspection, Fruit and Vegetable Division, AMS, Washington, D.C. 20250. (Phone 202-447-5870.)	3

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements or 7 U.S.C. 608e-1.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) It is hereby determined that imports of onions, during the effective time of this section, are in most direct competition with onions grown in South Texas. The requirements set forth in this section are the same as those applicable to grade, size, quality and maturity being made effective for onions grown in South Texas.

(i) *Definitions.* For the purpose of this section, "Onions" means all (except red) varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 1" shall have the same meaning as set forth in the United States Standards of Bermuda-Granex-Grano Type Onions (§§ 51.3195-51.3209 of this title), United States Standards for Grades of Creole Onions (§§ 51.3955-51.3970 of this title), or in the United States Standards for Grades of Onions Other Than Bermuda-Granex-Grano and Creole Types (§§ 51.2830-51.2854 of this title), whichever is applicable to the particular variety. Tolerances for size shall be those in the applicable United States Standards. The requirements of Canada No. 1 grade are deemed comparable to the requirements of U.S. No. 1 grade. "Importation" means release from custody of the United States Bureau of Customs.

Dated: December 22, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vetgetable Division, Agricultural Marketing Service.

[FR Doc.75-34971 Filed 12-30-75;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1427]

UPLAND AND EXTRA LONG STAPLE COTTON

Proposed Determinations Regarding 1976 Crops

The Commodity Credit Corporation (CCC) is preparing to make certain determinations with respect to the loan programs for the 1976 crops of upland and extra long staple (ELS) cotton:

(a) Schedule of premiums and discounts for grade and staple length of upland cotton.

(b) Schedule of micronaire differentials for upland cotton.

(c) Schedule of base loan rates by warehouse location for upland cotton.

(d) Schedule of loan rates by location for eligible qualities of ELS cotton.

(e) Schedule of micronaire differentials for ELS cotton.

(f) Detailed operating provisions to carry out the price support program for lint cotton.

(g) Detailed operating provisions to carry out the seed cotton loan program.

The first six of these determinations are to be made pursuant to the Agricultural Act of 1949, as amended (63 Stat. 1051 as amended; 7 U.S.C. 1421 et seq.).

Section 403 of the Act (7 U.S.C. 1423) provides in part that appropriate adjustments may be made in the support price for any commodity for differences in grade, type, staple, quality, location, and other factors. Such adjustments shall, so far as practicable, be made in such manner that the average support price for such commodity will, on the basis of the anticipated incidence of such factors, be equal to the level of support determined as provided in this Act. Under section 103(e) of the Act (7 U.S.C. 1444(e)), however, the base loan rate determined for 1976-crop upland cotton is applicable to Middling 1-inch cotton (micronaire 3.5 through 4.9) at average location in the United States.

The preliminary 1976 loan rate announced for Middling 1-inch by press release (USDA 3162-75) dated October 30, 1975, is 37.12 cents per pound. CCC loans will be adjusted to Strict Low Middling (SLM) 1-1/16 inches cotton, the base quality now being used for spot and futures price quotations.

(a) *Schedule of premiums and discounts for grade and staple length of upland cotton.* This schedule would reflect the differences in loan value between SLM 1-1/16 inches cotton and the various other grade and staple length combinations for upland cotton.

(b) *Schedule of micronaire differentials for upland cotton.* A schedule will reflect differences in loan value between micronaire group 3.5 through 4.9 (the statutory base group) and the various other micronaire groups.

(c) *Schedule of base loan rates by warehouse location for upland cotton.* This schedule will establish base loan rates for upland cotton stored at various warehouse locations.

(d) *Schedule of loan rates by location for eligible qualities of ELS cotton.* In accordance with the Act, the loan rate for 1976-crop ELS cotton was announced at a national average rate. That rate is 73.24 cents per pound, announced by press release (USDA 3162-75) dated October 30, 1975. The schedule of rates would reflect differences in loan value by location for each eligible quality.

(e) *Schedule of micronaire differentials for ELS cotton.* A schedule will reflect differences in loan value between micronaire group 3.5 and above (the base group) and the various other micronaire groups.

(f) *Detailed operating provisions to carry out the price support programs for lint cotton.* Detailed regulations necessary to carry out the price support programs for upland and ELS lint cotton are being reviewed for 1976, including specifications for bale packaging materials used for cotton tendered to CCC under such regulations. Loan provisions in effect under the current program may be found in the Cotton Loan Program Regulations (7 CFR 1427.1-28, as amended by 40 F.R. 30092). The latest revision of the bale packaging specifications was published in the FEDERAL REGISTER on April 14, 1975 (40 FR 16647). Consideration is being given to amending the specifications as recommended by the Cotton Industry Bale Packaging Committee at its meeting held December 4, 1975.

Payment provisions in effect for ELS cotton under the current program may be found in the regulations providing the terms and conditions for payments on ELS cotton for 1968 and succeeding years (7 CFR 722.700-720).

The following determination is to be made pursuant to Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)):

(g) *Detailed operating provisions to carry out the seed cotton loan program.* The regulations to carry out the seed cotton loan program are also being reviewed for 1976. Provisions in effect under the current program may be found in the Seed Cotton Loan Program Regulations (7 CFR 1427.160-181, as amended by 40 FR 21469).

Prior to making the foregoing determinations, consideration will be given to any data, views, and recommendations relative to these determinations which are submitted in writing to the Director, Grains, Oilseeds and Cotton Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions should be received by the Director not later than January 30, 1976. All written submissions pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

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Signed at Washington, D.C., on December 24, 1975.

WILLIAM L. RUBLE,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-35114 Filed 12-30-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 248]

MEDICAL ASSISTANCE PROGRAM

Determination of Income and Resources of Spouses and Parents Available to Applicants for or Recipients of Medical Assistance

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Acting Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations is to assure that persons who apply for Medicaid as non-cash assistance recipients will have the income and resources of spouses and parents deemed available to them, and considered in determining their financial eligibility, consistent with the provisions of the cash assistance category on which their financial eligibility is based, i.e., Supplemental Security Income (SSI) or Aid to Families With Dependent Children (AFDC). The basis for the regulations is the need for clear Federal rules in the light of questions which have been raised by State agencies, applicants, recipients and a court case on this subject.

A number of situations have come to the attention of the Service which are not clearly addressed under current regulations. For example, in the absence of clarifying amendments, it is possible for an institutionalized aged, blind or disabled individual to be certified to the State by the Social Security Administration as categorically needy Medicaid-eligible (under the rules of the SSI program) because his spouse's income and resources have ceased to be considered, even though (because of the use of different rules pertaining to spousal income and resources) the State would find such a person ineligible for its medically needy program. The Secretary has concluded that it is inequitable to use different methods to determine what income and resources of relatives are available to cash assistance Medicaid applicants and non-cash Medicaid applicants. For this reason, the Secretary has determined to explicitly conform all Medicaid eligibility determination procedures (relating to deeming parental or spousal income or resources available to the applicant) to those utilized under the statutes and regulations of the cash assistance programs upon which the applicant's categorical eligibility rests, except where the State, in restricting Medicaid eligibility pursuant to Section 1902(f) of the Social Security Act, imposes a more stringent approach. These proposed revisions in the regulations carry out the Secretary's decision.

The proposed regulations are designed to ensure uniformity and equity in Medicaid eligibility determinations and are fully in accord with the applicable statutory and regulatory provisions. The clarifying changes made in the regulations include:

1. Clarification of the present § 248.3 (b) (1). The reference to "actually available" income and resources has inhibited proper imposition of relative responsibility provisions in eligibility determinations, in that support, while available, may not in fact be provided, thus creating an ambiguity as to whether it is "actually" available.

2. Reiteration of the limitation on relative responsibility now contained in § 248.3(b) (2) in a revised § 248.3(b) (3), setting forth the same substantive policy in a format which clarifies that the financial responsibility of parents and spouses of applicants for or recipients of medical assistance is an integrate part of the eligibility determination process.

3. Deletion of the present § 248.3(b) (3) calling upon States to specify the extent to which liable relatives' income and resources are to be considered in determining Medicaid eligibility. The revised regulations themselves will now set forth the extent to which relatives' income and resources are to be considered available in determining eligibility. Income and resources of relatives other than parents or spouses cannot be considered in the eligibility determination unless actually made available to the applicant or recipient, but any property or cash amounts contributed by such relatives to the applicant or recipent must be considered as his income or resources in the eligibility determination process.

4. Addition of a new § 248.3(b) (4) setting forth the rule for use of SSI policy in determining the availability of the income and resources of spouses and parents for aged, blind or disabled applicants in States using title XVI eligibility criteria.

5. Addition of a new § 248.3(b) (5) exempting States using more restrictive eligibility criteria pursuant to section 1902(f) of the Act from the requirement of the proposed § 248.3(b) (4).

6. Addition of a new § 248.3(b) (6) mandating the use of title IV–A cash assistance relative responsibility provisions for applicants who are AFDC-related or individuals under age 21.

7. Addition of a new § 248.3(b) (7) enunciating Service policy that individuals who can qualify for Medicaid coverage on more than one basis shall retain the option of selecting the eligibility category within which their eligibility will be determined.

8. Redesignation of the present § 248.3 (b) (4), (5) and (6) as § 248.3(b) (8), (9) and (10).

9. Revising § 248.21(a) (2) (i), (ii), and (iii) to accomplish parallel changes in this section applicable to Guam, Puerto Rico and the Virgin Islands. Since SSI is not in effect in these jurisdictions, the policies applicable in determining Medicaid eligibility of the aged, blind or disabled are those used in considering such relatives' income and resources in the cash assistance programs under titles I, X, and XIV or XVI of the Act. The new special provision for States exercising their option under section 1902 (f) of the Act is, therefore, not included in this section.

Prior to the adoption of the proposed regulations, consideration will be given to written comments, suggestions or objections thereto addressed to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2382, Washington, D.C. 20013, and received on or before January 30, 1976.

Such comments will be available for public inspection in Room 5224 of the Department's offices at 330 C Street, SW., Washington, D.C., beginning approximately two weeks after publication of this notice in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–245–0950).

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302). (Catalog of Federal Domestic Assistance Program No. 13. 714, Medical Assistance Program.)

Dated: October 31, 1975.

JOHN A. SVAHN,
Acting Administrator, Social and Rehabilitation Service.

Approved: December 22, 1975.

DAVID MATHEWS,
Secretary.

Part 248, Chapter II, Title 45 of the Code of Federal Regulations is revised as follows:

1. Section 248.3 is amended by revising paragraphs (b) (1) and (b) (3), redesignating paragraphs (b) (4), (5) and (6) as (b) (8), (9) and (10), and adding new paragraphs (b) (4) through (b) (7), as set forth below:

§ 248.3 State plan requirements on financial eligibility for medical assistance programs.

* * * * *

(b) With respect to both the categorically needy and, if they are included in the plan, the medically needy, a State plan must:

(1) Provide that only such income and resources as are actualy available will be considered and that income and resources will be reasonably evaluated. Income and resources of relatives other than parents or spouses cannot be considered in the eligibility determination process unless actually made available to the applicant or recipient. Any income or resources contributed by such relatives to the applicant or recipient must be considered as his income or resources in the eligibility determination process.

(2) Provide that financial responsibility of any individual for any applicant or recipient of medical assistance will be limited to the responsibility of spouse for spouse and of parents for children under age 21, or blind, or disabled.

(3) Provide that in no event will eligibility be determined by taking into account the income or resources of individuals other than the applicant or recipient unless such individuals are the spouses or parents (with respect to children under age 21, or blind or disabled) of the applicant for or recipient of medical assistance.

(4) Provide that, except as specified in paragraph (b) (5) of this section, the available income and resources of spouses of aged, blind or disabled applicants or recipients and parents of blind or disabled applicants or recipients shall be determined on the basis of the rules set forth in sections 1612(a), 1614(b) and 1614(f) (1) and (2) of the Act. In no event shall the incomes and resources of spouses and parents which would be considered in determining eligibility for payments under the Supplementary Security Income (SSI) program be disregarded in determining eligibility of an aged, blind or disabled applicant for or recipient of medical assistance.

(5) In the States which have chosen to limit Medicaid coverage for the aged, blind and disabled pursuant to section 1902(f) of the Act, provide that the available income and resources of spouses of aged, blind or disabled applicants or recipients and parents of blind or disabled applicants or recipients may be considered without respect to the limitations set forth in sections 1612(a), 1614 (b) and 1614(f) (1) and (2) of the Act. However, such consideration of income and resources may not be more restrictive than that included in the State's January, 1972 plan nor more liberal than that imposed under the Supplemental Security Income (SSI) program under title XVI.

(6) Provide that, except as specified in paragraph (b) (7) of this section, the available income and resources of spouses and parents of individuals under age 21 (unless blind or disabled) or individuals who apply for or are recipients of medical assistance on the basis of their status as AFDC-related individuals shall be determined on the basis of the rules which would govern if they were applicants for aid under title IV-A of the Act. In no event shall the income and resources of spouses and parents which would be considered in determining eligibility for aid under the AFDC program be disregarded in determining eligibility for medical assistance.

(7) Provide that, where an individual can establish eligibility for medical assistance in more than one category covered in the State plan (title IV-A-related persons, individuals under age 21 (unless blind or disabled), blind, disabled or over age 65), such an individual, or his representative, shall have the right to select the category for which application is made and the income and resources of such an individual's spouse or parents (in the case of children under age 21, or blind or disabled) shall then be considered as available under the appropriate provisions of paragraphs (b) (4), (5) or (6) of this section.

* * * * *

2. In § 248.21 the introductory paragraph to the section and paragraph (a) (2) are revised to read as set forth below:

§ 248.21 Financial eligibility—medical assistance programs.

Effective January 1, 1974, the provisions of this section are applicable only to Guam, Puerto Rico and the Virgin Islands. See §§ 248.1 through 248.4 for provisions applicable to other jurisdictions participating in the medical assistance program under title XIX of the Social Security Act.

(a) *State plan requirements.* A State plan under title XIX of the Social Security Act must:

* * * * *

(2) With respect to both the categorically needy and, if they are included in the plan, the medically needy;

(i) Provide that only such income and resources as are actually available will be considered and that income and resources will be reasonably evaluated. Income and resources of relatives other than parents or spouses cannot be considered in the eligibility determination process unless actually made available to the applicant or recipient. Any income or resources contributed by such relatives to the applicant or recipient must be considered as his income or resources in the eligibility determination process.

(ii) Provide that financial responsibility of any individual for any applicant or recipient of medical assistance will be limited to the responsibility of spouse for spouse and of parents for children under age 21, or blind, or permanently and totally disabled.

(iii) Provide that in no event will eligibility be determined by taking into account the income or resources of individuals other than the applicant or recipient unless such individuals are the spouses or parents (with respect to children under age 21, or blind or disabled) of the applicant for or recipient of medical assistance, even though the income or resources of additional relatives are considered for purposes of financial assistance to the aged, blind and disabled under the provisions of the State plans pursuant to titles I, X, XIV, and XVI (Aid to the Aged, Blind and Permanently and Totally Disabled (AABD)) of the Act.

(iv) Provide that the available income and resources of spouses and parents of aged, blind and disabled applicants or recipients shall be determined on the basis of the rules which would govern if they were applicants for or recipients of aid under titles I, X, XIV and XVI (AABD) of the Act.

(v) Provide that the available income and resources of spouses and parents of individuals under age 21 or individuals who apply for medical assistance on the basis of their status as AFDC-related individuals shall be determined on the basis of the rules which would govern if they were applicants for aid under title IV–A of the Act.

(vi) Provide that, where an individual can establish eligibility for medical assistance in more than one category covered in the State plan (title IV–A related persons, individuals under age 21, blind, disabled or over age 65), such individual, or his representative, shall have the right to select the category for which application is made, and the income and resources of such an individual's spouse or parents (in the case of children under age 21 or blind or disabled) shall then be considered as available under the appropriate provisions of paragraphs (a) (2) (iii), (iv) of this section.

* * * * *

[FR Doc.75-35037 Filed 12-30-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. 75-9; Notice 2]

[23 CFR Part 750]

NATIONAL STANDARDS FOR DIRECTIONAL AND OFFICIAL SIGNS: "AN OVERVIEW OF ADEQUACY OF NATIONAL STANDARDS FOR DIRECTIONAL AND OTHER OFFICIAL SIGNS"

Meeting

The public is invited to submit its views and comments at a Federal Highway Administration meeting on the National Standards for Directional and Official Signs and a study entitled, "An Overview of Adequacy of National Standards for Directional and Other Official Signs." This meeting was requested by the National Caves Association and will consider possible proposals to amend 23 CFR 750, Subpart B.

The meeting will start at 9:30 a.m. on Monday, January 26, 1976, in Room 2230, Nassif Building, 400 7th Street, SW., Washington, D.C. 20590.

It would be appreciated if persons or groups planning to make statements would furnish such statements in writing at the meeting. The study which is the subject of this meeting was first made available to the public in an Advance Notice of Proposed Rulemaking, which appeared in the FEDERAL REGISTER on Tuesday, December 16, 1975. Copies of the study are available for public inspection or may be requested from FHWA as provided in that notice.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-35157 Filed 12-30-75;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 75-33; Notice 01]

OCCUPANT CRASH PROTECTION

Seat Belt Assemblies in Postal Service Vehicles

This notice proposes an amendment of Standard No 208, *Occupant Crash Protection*, 49 CFR 571.208, that would permit certain U.S Postal Service vehicles to continue to meet present requirements for occupant crash protection after new requirements become effective for most light trucks and multipurpose passenger

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vehicles (MPV) on January 1, 1976 (S4.2).

Standard No. 208 presently requires trucks and multipurpose passenger vehicles (MPV) with a gross vehicle weight rating (GVWR) of 10,000 pounds or less to be equipped with Type I or Type II seat belt assemblies at each designated seating position. A Type II seat belt assembly must be installed at each outboard designated seating position that includes the windshield header within the head impact area, except for three excepted vehicle types.

On and after January 1, 1976, the standard will require the same seat belt assembly installations in these light trucks and MPV's as are now provided in most passenger cars, including a Type II seat belt assembly with non-detachable shoulder belt at each front outboard designated seating position. Six vehicle types (e.g., open-body type vehicles) are excluded from the upcoming requirements because of the difficulty of Type II seat belt installation, but they must continue to meet the present level of occupant crash protection.

The United States Postal Service has petitioned for amendment of the upcoming requirements to provide that its light delivery vehicles also be permitted to continue to meet the present level of occupant crash protection. The light delivery vehicles are manufactured for the Postal Service under contract, with a driver seat only, and mail storage trays convenient to the driver. The vehicles are in some cases equipped with right-hand-drive to improve mailbox delivery. The Postal Service states in its petition "Normal driving during a day's operation often requires more than 450 stop-and-start cycles which would include a great number of exits and entrances by the driver as well as the requirement for delivery to mail boxes."

The NHTSA has considered the particular requirements for operation of these delivery vehicles and the distinctive pattern of seat belt use. The Postal Service has its own safety research organization that has improved seat belt installations in their vehicles over what is currently required. The Postal Service states that its seat belt design has resulted in increased usage by mail carriers. The service judges that installation at the driver's position of Type II belts, with non-detachable shoulder portion, will decrease the percentage of seat belt use.

Based on this information, the agency tentatively concludes that the new requirements for type II seat belt assemblies at the driver's position in this limited category of vehicle would be inappropriate. An active safety research effort by the Postal Service demonstrates that the singular working conditions of motor vehicle mail delivery justify the installation of Type I or Type II seat belts that do not interfere with exit-entry and mail sorting and delivery to the degree that non-detachable Type II seat belts would.

In consideration of the foregoing, it is proposed that S4.2.2 of Standard No. 208 (49 CFR 571.208) be amended by the addition of the phrase, "vehicles designed to be exclusively sold to the U.S. Postal Service" following the phrase "motor homes".

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: February 17, 1976.

Proposed effective date: Date of publication of final rule.

Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8).

Issued on December 24, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-35148 Filed 12-30-75;8:45 am]

Materials Transportation Bureau

[49 CFR Parts 192 and 195]

[Notice 75-7; Docket No. OPSO-23]

TRANSPORTATION OF NATURAL AND OTHER GAS AND HAZARDOUS LIQUIDS BY PIPELINE

Bending Limitations

The Office of Pipeline Safety Operation (OPSO) is considering amendments of § 192.313 of the Federal gas pipeline safety standards and § 195.212 of the Federal liquid pipeline safety standards to provide more appropriate safety requirements for steel pipe which is subjected to field bending. The amendments would also make the standards for bending gas and liquid pipe consistent insofar as practicable. The need for amended standards in connection with the field bending of steel pipe has become evident with the development of the internal bending mandrel and the recent industry use of reel barges in laying offshore pipelines.

For steel pipe 12 inches or more in diameter which is subjected to field bending, § 192.313(a)(3) presently permits a maximum deflection of 1½ degrees per length of pipe equal to the diameter. This deflection limitation is based on the recommended safety practice contained in the 1968 edition of the United States of America Standards Institute B31.8 Code, which was widely used by the gas pipeline industry before Part 192 was adopted (35 FR 13248, Aug. 19, 1970). Part 195 does not have a comparable requirement.

The 1½ degree deflection limitation was included in the B31.8 Code prior to the development of the internal bending mandrel. The mandrel is used to support the inside wall of pipe during field bending, thereby reducing the possibility of wrinkling, buckling, or collapsing. OPSO believes that, by using the mandrel, field bends larger than those presently permitted by § 192.313(a)(3) may be made without reducing the existing level of safety.

In addition to the internal bending mandrel, the technique of reeling pipe on barges has been developed by industry in recent years. Essentially, the pipeline is fabricated onshore and spooled onto a reel on a barge. The barge is then towed to location and the pipeline is unspooled along the right-of-way. During the spooling of pipe 12 inches or more in diameter, bends in excess of that allowed by § 192.313(a)(3) occur. However, during the laying operation, the pipe is unreeled and straightened so that there is little or no bend in the installed position. From the technical evidence presently available, there is not any indication that the repeated bending reduces the structural integrity of the pipe. OPSO believes that by using the reel barge technique, field bends larger than those permitted by § 192.313(a)(3) may be made without reducing the existing level of safety.

This proceeding was begun by the Office of Pipeline Safety (OPS), which issued an advance notice of proposed rulemaking, Notice 73-1 (38 FR 14969, June 7, 1973), to gain additional information on pipe bending before formulating proposed revisions to the existing rules. (However, after the advance notice was issued, OPS was abolished, and the authority to administer pipeline safety matters was delegated to the Materials Transportation Bureau (40 FR 30821, July 23, 1975)). Besides questions relating to the maximum deflection limitation under § 192.313(a)(3), Notice 73-1 requested interested persons to answer questions concerning the requirement of § 192.313(b) that each circumferential weld of steel pipe that is subjected to stress during bending be nondestructively tested. Further, Notice 73-1 posed questions concerning the requirements of §§ 192.313(d) and 195.212(b) that field bends be free of mechanical damage.

There were 20 persons who submitted comments to Notice 73-1: eight natural gas pipeline companies, three gas and petroleum trade associations, two industry committees on safety practices, three pipe and equipment manufacturers, one pipeline contractor, one pipeline contractors' trade association, and two members of the general public. A discussion of the significant comments and the disposition of those comments in developing the amendments proposed by this notice are discussed hereinafter.

Maximum allowable deflection. With respect to the maximum deflection limit in § 192.313(a)(3), Notice 73-1 asked first, whether a deflection limit should be established, and if so, upon what criteria should it be based and what should be the numerical value. In response, one commenter suggested that the existing deflection limit should not be revised and that the same limit should be established in § 195.212. While stating that a numerical limit is unnecessary, two other commenters suggested that numerical limits of 3.0 and 4.77 degrees per length of pipe equal to pipe diameter could be safely established, based respectively on research and offshore pipe reeling operations. Another commenter suggested adopting the limits set forth in the ANSI B 31.4 Code, which range from a deflection of 3.18 degrees per length of pipe equal to the diameter, for pipe 12¾ inches in diameter and smaller to 1.91 degrees for pipe 20 inches in diameter and larger. Regarding the criteria for establishing a maximum deflection limit, commenters suggested that ductility and yield strength of pipe, ductility of welds, ovalling of pipe, and excessive thinning of the pipe wall be considered in establishing a limit. The majority of commenters, however, indicated that a specific numerical limitation on deflection is unnecessary in light of the existing performance standards for pipe bending in § 192.313.

Secondly, Notice 73-1 asked whether an amount of strain or wall-thinning which occurs during bending should be used to limit deflection, and, if so, what would be the criterion. There were eight comments in response to this question. Some comments indicated that strain and wall-thinning should be used to limit the degree of deflection but did not suggest any applicable criteria. The majority of commenters, however, opposed this proposition stating that the existing performance requirements in the pipe bending regulations regarding ovality, smoothness, mechanical damage, and serviceability limit the amount of strain and wall-thinning which result from bending. These commenters pointed out that those existing performance standards have the indirect effect of limiting the degree of deflection, and since strain varies directly with the degree of deflection, they also limit the amount of strain. While stating that the amount of wall-thinning which occurs during bending is negligible, the majority of commenters further pointed out that the existing design standards governing pipe wall thickness sufficiently limit wall-thinning due to bending. In addition, one commenter stated that buckling or excessive ovalness, which are covered by the existing performance standards, would normally make a bend unacceptable before wall-thinning becomes a significant safety consideration.

Thirdly, Notice 73-1 asked interested persons to comment on the merits of setting a diameter to wall thickness (D/t) ratio above which deflection would be limited, but at or below which there would not be a limitation. Most of the commenters responding to this question stated that a D/t ratio is not needed to limit deflection because performance standards for buckling and excessive ovalness now limit the degree of deflection in the absence of a specified D/t ratio.

Finally, with regard to deflection, Notice 73-1 requested documentation of any recent research or testing on pipe bending. Three recent research or testing projects were documented in response to this question: The Republic Steel Corporation presented the results of bending tests made on four pieces of 30-inch steel pipe containing girth welds. The purpose of the tests was to determine if double-joint girth welded pipe could be field bent, with the girth weld in the bent section, without sustaining damage to the weld metal or the adjacent pipe metal. The degree of bending in the area of the girth weld was equal to or exceeded the existing deflection limit for gas pipelines of 1½ degrees per length of pipe equal to the diameter. The results of tests made after bending, which included X-rays of the welds and mechanical tests on tensile specimens, did not indicate any detrimental effects to either the weld metal or adjacent metal.

The Alyeska Pipeline Service Company presented the results of bending six pieces of 48-inch steel pipe, each 40 feet long, to determine if 48-inch pipe could be smoothly bent to selected radii shorter than the acceptable values in the ANSI B 31.4 Code. The test bend radii ranged from 4 degrees to 20 degrees. The 20 degree bend was equivalent to a deflection of 3 degrees per length of pipe equal to the diameter. All bends were found to be smooth and uniform, and did not cause mechanical damage to the pipe.

The Santa Fe Engineering and Construction Company presented the results of spooling 8-inch and 12-inch diameter steel pipe. The 8-inch pipe was bent to a deflection slightly greater than 1½ degrees per length of pipe equal to the diameter and the 12-inch pipe was bent to 3 degrees of deflection. Santa Fe tested samples from the spooled pipe to determine the following pipe characteristics after bending: tensile properties, work hardening, strain softening, weld ductility, ovalling, and wall thinning. On the basis of the tests, Santa Fe reported that the spooling did not cause any adverse effects or mechanical damage to the pipe and welds.

As a result of the comments regarding a limit on deflection, OPSO believes that the existing maximum degree of deflection prescribed by § 192.313(a)(3) is unnecessarily restrictive in light of the deflection that can be safely obtained with present technology and equipment. As the comments indicated, bends at least 3 degrees per length of pipe equal to the diameter have been made without adverse consequences. Further, it appears that the existing performance standards in § 192.313 regarding smoothness, mechanical damage, ovality, and serviceability are sufficient to provide for a safe bend. This conclusion is supported by the fact that although § 195.212 provides for the safety of bends in performance terms rather than by specifying a numerical limit on the degree of bend, during the 5½ years since § 195.212 became effective, liquid pipeline carriers have not filed with the Department any reports of failures caused by bends with excessive deflection. Thus, OPSO is proposing to amend § 192.313 by deleting the 1½ degree deflection limitation in paragraph (a)(3).

In addition, OPSO agrees with the comments submitted in response to the second and third questions regarding alternative means of limiting deflection. It does not appear that a deflection limit in terms of strain, pipe wall thinning, or D/t ratio is necessary because existing performance standards which provide for a safe bend also govern these related safety factors.

Nondestructive testing. With respect to the requirement of § 192.313(b) that each circumferential weld subjected to stress during bending be nondestructively tested, Notice 73-1 asked, first, whether the test should be performed after bending when a field bending machine is used, or in the case of the reeling process on a barge, before or after bending, taking into account the strain introduced by reeling. Out of the nine persons who responded to this question, four stated that welds in bend sections should be nondestructively tested after bending. However, the Republic Steel Corporation stated that because the welds which it had tested did not contain flaws after bending, nondestructive testing after bending does not appear necessary. Republic said that sound welds would result if they were made according to a welding procedure qualified under API Standard 1104 (§ 192.225), nondestructively tested before bending, and accepted by the standards of acceptability set forth in API Standard 1104 (§§ 192.241, 195.228). Also, some of the commenters noted that because safety problems have not developed in pipe installed from a reel barge, there is no indication that nondestructive testing after reeling is necessary.

Secondly, Notice 73-1 asked whether the decision to nondestructively test before or after bending should be based on a strain limit or other criteria. The relatively few comments on this question opposed the use of a strain limit and did not suggest any criteria which might be used.

Finally, with respect to nondestructive testing, Notice 73-1 asked whether a standard other than "subjected to stress during bending" should be used in § 192.313(b) to determine when a circumferential weld in a bend section must be tested. The majority of commenters who responded to this question indicated that since all circumferential welds in a bend section are subjected to some stress during bending, the standard should be

V 40 N 251 DEC 31 75 XUM

revised to apply only to welds in the immediate area of bending.

OPSO believes that, as the comments indicate, if a circumferential weld is sound, bending will not adversely affect it. However, if a weld contains a flaw, bending can cause the flaw to grow to the point where the weld might fail. The purpose of the nondestructive testing required by § 192.313(b) is to protect against this eventuality. Since even minute flaws which might be affected by bending can be detected by nondestructive testing, it is immaterial from a safety standpoint whether the testing occurs before or after bending. Therefore, OPSO is proposing to amend § 192.313(b) by clarifying that the test may be performed either before or after bending.

In addition, OPSO agrees that the intent of § 192.313(b) is to require that only those circumferential welds which are located in the bent area of a pipe must be nondestructively tested. The rule is not intended to apply to a circumferential weld which lies outside the bent area but is subjected to stress as it moves through a bending machine. To clarify this purpose, OPSO is proposing to further amend § 192.313(b) by providing that each circumferential weld which is located where the stress due to bending causes a permanent deformation in the pipe must be nondestructively tested. This amendment would assure the testing of all welds which are highly stressed during bending but would not require the testing of welds stressed only incidentally as a result of handling during the bending process.

Lastly, OPSO believes that the liquid pipe bending regulations should provide for protection against the adverse consequences that can result from bending a circumferential weld which contains a flaw. Therefore, OPSO is proposing to amend § 195.212 by establishing in a new paragraph (c) the same requirement for nondestructive testing of circumferential welds as is proposed in § 192.313(b).

Mechanical Damage. With respect to the requirement of §§ 192.313(d) and 195.212(b) that a bend be free of mechanical damage, Notice 73–1 asked first, how mechanical damage should be defined and what criteria determines the existence of mechanical damage. In general, commenters stated that mechanical damage includes pipe imperfections which are commonly referred to as buckles, wrinkles, excessive ovalling, gouges, grooves, notches, and dents. Also, commenters indicated that these various types of damage are generally recognized in the absence of identifying criteria.

Second, Notice 73–1 asked what tests should be performed to determine whether mechanical damage exists after bending. The nine commenters who responded to this question generally stated that only visual examination of a bend is necessary to detect damage.

Finally, regarding mechanical damage, Notice 73–1 asked (1) what criteria might be applied in advance of construction to ensure that a field bend would not result in damage to the pipe, (2) should test bends be performed in advance of construction to determine a maximum allowable bend, and if so, (3) should coupons be used in the test bends to check mechanical properties. With regard to criteria, most of the nine comments to this question indicated that the pipe bending regulations currently provide sufficient protective criteria. Most commenters also stated that test bends and the use of coupons are not necessary in view of the safeguards which the regulations now provide.

In view of the comments concerning mechanical damage, OPSO believes that the term "mechanical damage" as it is used in §§ 192.313(d) and 195.212(b) is sufficiently well understood so that a definition of the term is unnecessary. Also, it appears that the types of damage are generally recognized. Consequently, OPSO is not proposing that any determinative criteria or tests be included in the pipe bending regulations. However, as set forth hereinafter, the existing § 192.313(d) would be redesignated as § 192.313(a)(3), and the prohibition therein against mechanical damage would be restated in the terms used in § 195.212 to specifically include buckling and cracks.

Further, OPSO agrees with those commenters who suggested that test bends are not necessary because existing performance standards satisfactorily provide for safe bends. The regulations do not preclude a pipeline operator or carrier from voluntarily making test bends as a check on compliance with the performance standards. OPSO believes that this decision to make test bends should remain voluntary, and is not proposing that test bends be required.

Ovality.—Some commenters to Notice 73–1 recommended that the restriction on ovality, or out-of-roundness, in § 192.313(a)(4) be relaxed, even though this subject was not addressed in the notice. The existing rule provides that for pipe more than 4 inches in nominal diameter, the difference between the maximum and minimum diameters at a bend may not exceed 2½ percent of the nominal diameter. Since the comments did not provide any justification in terms of safety for the recommendation, OPSO is not persuaded that the existing restriction should be modified. However, as set forth hereinafter, the ovality restriction of § 192.313(a)(4) would be redesignated as § 192.313(a)(2).

At the same time, many commenters to Notice 73–1 cited the restriction on ovality in § 192.313(a)(4) as providing for a safe bend in lieu of maximum numerical limit on degrees of deflection. Section 195.212, however, does not prescribe an ovality restriction on bends in liquid pipelines. The comments to Notice 73–1 indicate that the ovality restriction provides a necessary safeguard against wall-thinning and excessive strain due to bending, and OPSO does not see any reason why the gas and liquid pipeline bending regulations should differ in this regard. Therefore, OPSO is proposing to amend § 195.212 to include the ovality restriction of § 192.313(a)(4) in a new § 195.212(b)(2).

Serviceability. Like ovality, the requirement of § 192.313(a)(1) that a bend may not impair the serviceability of the pipe is one of the performance standards to which commenters referred as providing for a safe bend in lieu of a maximum deflection limit. The requirement also provides added protection in the case of pipe 4 inches or less in nominal diameter, which is not subject to the ovality limitation. For these reasons, OPSO believes that the performance standards for bending in § 195.212 should contain the serviceability requirement. Accordingly, it is proposed that the requirement be adopted as a new § 195.212(b)(1).

Effect of bending shoe on girth weld. Section 195.212(d) prohibits the placement of a girth weld inside a shoe of a bending machine when the weld protrudes above the outer wall of the pipe. This requirement is intended to reduce the strain in girth welds during bending. It creates problems, however, in bending double-jointed pipe (80-foot lengths) when the girth weld in the pipe is to pass through a bending shoe. For example, welders may have to defer placing a cap on the girth weld until after the double-jointed length of pipe is bent to ensure there is no weld protrusion during bending.

In an analogous situation, spiral welded pipe with protruding welds has been regularly bent by industry without adverse safety consequences being caused by the unavoidable placement of the spiral weld inside bending shoes. In the opinion of OPSO, this experience with spiral welds indicates that the existing prohibition against a placement of a girth weld inside a bending shoe is unnecessary. Therefore, OPSO is proposing that the requirement of § 195.212(d) be revoked.

Conformity of bend to ditch.—To provide for uniform pipe stress due to backfilling, § 195.212(b) presently requires that bent pipe conform to the profile of the completed ditch. OPSO believes, however, that in the case of over bends and slack loops conformity to the ditch is not always the best safety practice. Where appropriate, it is safer to install these bends high in the ditch to avoid undue longitudinal stresses which may result from changes in temperature. In addition, § 195.246 also provides for uniform stresses in bend sections due to backfilling by requiring that all pipe installed in a ditch be installed so as to minimize the introduction of secondary stresses. (Gas transmission lines are subject to a similar requirement under § 192.319(a).) Therefore, since it appears that the requirement is both imprudent in certain cases and duplicative, OPSO proposes that § 195.212(b) be deleted.

Editorial changes. Finally, along with other modifications in the proposed amendments set forth hereinafter, the existing restrictions on wrinkle bends and miter bends in § 195.212(c) are proposed to be restated as a new § 195.212(a) and § 195.216, respectively.

Offshore pipelines. On September 17, 1975, OPSO issued Notice 75–4 (40 FR 43740, Sept. 23, 1975), proposing, among other things, to extend the coverage of Part 195, including § 195.212, to offshore liquid gathering lines operated by carriers subject to the Transportation of Explosives Act (18 USC 831). Similarly, by Notice 75–5 (40 FR 45192, Oct. 1, 1975), OPSO proposed to extend the coverage of Part 192, including § 192.313, to offshore gas gathering lines subject to the Hazardous Materials Transportation Act (49 USC 1801). To make this notice consistent with these pending rule making proceedings, OPSO hereby proposes that if §§ 192.313 and 195.212 are amended in accordance with this notice, the amended rules be applied respectively to those offshore gas and liquid gathering lines to which Parts 192 and 195 may apply as a result of the aforementioned proceedings as well as to all other offshore and onshore pipelines to which §§ 192.313 and 195.212 now apply.

In consideration of the foregoing, OPSO proposes to amend Parts 192 and 195 of Title 49 of the Code of Federal Regulations, as follows:

1. By revising § 192.313 to read as follows:

§ 192.313 Bends and elbows.

(a) Each field bend in steel pipe, other than a wrinkle bend made in accordance with § 192.315, must comply with the following—

(1) A bend must not impair the serviceability of the pipe.

(2) For pipe more than 4 inches in nominal diameter, the difference between the maximum and minimum diameter at a bend must not be more than 2½ percent of the nominal diameter.

(3) Each bend must have a smooth contour and be free from buckling, cracks, or any other mechanical damage.

(4) On pipe containing a longitudinal weld, the longitudinal weld must be as near as practicable to the neutral axis of the bend.

(b) Each circumferential weld of steel pipe which is located where the stress during bend causes a permanent deformation in the pipe must be nondestructively tested either before or after the bending process.

(c) Wrought-steel welding elbows and transverse segments of these elbows may not be used for changes in direction on steel pipe that is 2 inches or more in diameter unless the arc length, as measured along the crotch, is at least 1 inch.

2. By revising § 195.212 to read as follows:

§ 195.212 Bending of pipe.

(a) Pipe must not have a wrinkle bend.

(b) Each field bend must comply with the following:

(1) A bend must not impair the serviceability of the pipe.

(2) For pipe more than 4 inches in nominal diameter, the difference between the maximum and minimum diameter at a bend may not be more than 2½ percent of the nominal diameter.

(3) Each bend must have a smooth contour and be free from buckling, cracks, or any other mechanical damage.

(4) On pipe containing a longitudinal weld, the longitudinal weld must be as near as practicable to the neutral axis of the bend.

(c) Each circumferential weld which is located where the stress during bending causes a permanent deformation in the pipe must be nondestructively tested either before or after the bending process.

3. By adding a new § 195.216 to read as follows:

§ 195.216 Welding; miter joints.

A miter joint must not deflect the pipe more than 3°.

4. By adding the following new section heading to the table of sections:

Sec.
195.216 Welding: Miter joints.

Interested persons are invited to participate in this rule-making action by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice numbers and be submitted in duplicate to the Director, Office of Pipeline Safety Operations, Department of Transportation, 2100 Second Street, S.W., Washington, D.C. 20590. All communications received by February 16, 1976, will be considered before final action is taken on the notice. Late filed comments will be considered so far as practicable. All comments will be available for examination by interested persons at the Office of Pipeline Safety Operations before and after the closing date for comments. The proposal contained in this notice may be changed in the light of comments received.

Request for information. The existing §§ 192.313(a)(2) and 195.212(c) require that after steel pipe containing a longitudinal weld is field bent, the longitudinal weld must be located near the neutral axis of the bend. This requirement reduces the stress longitudinal welds are subjected to during bending. However, recent technological advances and improved quality control in making longitudinal welds indicate that there may no longer be a technical or metallurgical need for the requirement. Because OPSO does not have enough information to adequately evaluate the current need, an amendment or revocation of the requirement is not now being proposed. Nevertheless, looking toward possible future rule making action, when commenting on this notice, interested persons are invited to address the question of whether §§ 192.313(a)(2) and 195.212(c) should be amended or revoked. Comments suggesting an amendment or revocation should provide justification therefor, such as test data or statistical studies, indicating why it is not necessary from a safety standpoint for longitudinal welds to be located near the neutral axis.

This notice is issued under the authority of Section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 USC 1672); Section 105 of the Hazardous Materials Transportation Act (49 USC 1804); Section 834, Title 18, United States Code, Sec. 6(e)(4) of the Department of Transportation Act (49 USC 1655(e)(4)); § 1.53 of the regulations of the Office of the Secretary of Transportation (49 CFR 1.53), and the redelegation of authority to the Director, Office of Pipeline Safety Operations, set forth in Appendix A to Part 102 of the regulations of the Office of the Director, Materials Transportation Bureau (49 CFR Part 102).

Issued in Washington, D.C., on December 24, 1975.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc.75–35149 Filed 12–30–75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 61]

[FRL 476–1]

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Notice of Public Hearing

Section 112(b)(1)(B) of the Clean Air Act (42 USC 1857c–7(b)(1)(B) directs the Administrator of the Environmental Protection Agency to publish proposed regulations establishing emission standards for hazardous air pollutants together with a notice of public hearing. Such a regulation for vinyl chloride was proposed in the December 22, 1975 issue of the FEDERAL REGISTER.

Notice is hereby given of a public hearing concerning the proposed hazardous emission standards to be held at the following date, time and place:

February 3, 1976, beginning at 9 a.m. e.s.t., at the Environmental Protection Agency, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460, Room 3305.

This hearing is intended to provide opportunity for interested persons to state their views or arguments or to provide information as to: (1) Whether vinyl chloride, when emitted to the ambient air, may cause, or contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; and, if so, (2) what standards should be adopted to regulate emissions of such a pollutant. The Administrator is required, under section 112, to establish standards at the level which in his judgment provides an ample margin of safety to protect the public health from any hazardous air pollutant, unless, on the basis of information presented at the hearings, he finds that such pollutant clearly is not a hazardous air pollutant. Accordingly, participants in the hearings are requested to identify specifically the portion of their presentations, if any, directed to the issue of whether the pollutant in question is or is not a hazardous pollutant, as defined in section 112(a)(1) of the Act.

V 40 251 DEC 31 75 XUM

Mr. Richard J. Denny, Jr., hereby is designated Presiding Officer for the hearing. He will have the responsibility for maintaining order; excluding irrelevant or repetitious material; scheduling presentations; and, to the extent possible, notifying participants of the time at which they may appear. The hearings will be conducted informally. Technical rules of evidence will not apply.

Persons wishing to make a statement at a hearing are requested to file a notice of such intention not later than 15 days prior to the appropriate hearing, if practicable, to submit five copies of the proposed statement to the Administrator of the Environmental Protection Agency, Attention: Robert Perman, Office of Air and Waste Management, (AW 443) Room 945 West, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

Dated December 23, 1975.

ROGER STRELOW,
Assistant Administrator,
for Air and Waste Management.

[FR Doc.75-35152 Filed 12-30-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[FCC 75-1377; Docket No. 20659, RM-2502]

CAPTIONING OF EMERGENCY MESSAGES ON TELEVISION

Proposed Requirements

1. In a joint petition filed January 20, 1975, four organizations representing persons with impaired hearing requested adoption of rule amendments in Part 73 of the Commission's rules that would require television stations to transmit all emergency notifications visually as well as aurally. Petitioners are:

(1) D.E.A.F.W.A.T.C.H. (Demanding Equal Access to Facts and Warnings Aired on Television for Citizens who are Hearing Impaired)

(2) National Association of the Deaf.

(3) Deafpride, Incorporated.

(4) Alexander Graham Bell Association for the Deaf.

2. Petitioners make reference to a previous petition (RM-1600) filed April 23, 1970, by Mrs. Nancy Lipshultz, on behalf of the Illinois Association of the Deaf TV Committee, which requested that television stations be required to transmit the following types of programing visually as well as aurally.

(1) Emergency weather and news bulletins.

(2) Special programing such as subtitled movies, educational programs and whatever else will help to provide entertainment for the hearing impaired person.

3. While RM-1600 did not generate any immediate rule making or modifications, the Commission did issue a Public notice (FCC 70-1328, December 17, 1970) entitled "The Use of Telecasts to Inform and Alert Viewers With Impaired Hearing", which was distributed to all television licensees. Television licensees were requested to air programing in the above categories visually as well as aurally, on a voluntary basis. The notice further stated, with reference to the Commission's concern with the dearth of programing of value to the hearing impaired,

> We will observe developments in this area in the near future, and if the situation does not develop satisfactorily it may be necessary to begin rule making looking toward the adoption of minimum requirements.

4. The current petition differs from RM-1600 in that it addresses itself exclusively to presentation of visual emergency communications, and does not advocate any other type of special programing.[1]

5. The petitioners claim that currently only approximately 30% of the United States television stations visually duplicate any oral announcements, despite the Commission's plea for voluntary participation in this activity, contained in Public Notice FCC 70-1328. They submit that this does not constitute the "satisfactory development" the Commission should have expected in response to the Public Notice, and that the Commission should therefore proceed with its stated intention to initiate rule making.

6. The petitioners further submit that estimates concerning the number of completely deaf or severely hearing impaired people in the United States vary from 13 million to 24 million. It is asserted that in the more than four years since the Public Notice was issued, more than 2,000 people in the above-mentioned categories have lost their lives in natural or man-made disasters, and that possibly many could have survived had television stations in their areas aired visual messages concerning the existence and nature of the disasters.

7. The petitioners also state that claims have been made that very few hearing impaired persons watch much television, and therefore the transmission of visual warnings would at best effect only a minimal improvement in the broadcast industry's overall warning effectiveness. They counter these claims by presenting data from a recent survey of deaf individuals which represents that 71% of the respondents stated that they "usually watch television," and 65% of the total further stated that they watch "six or more hours on weekends." [2]

8. The petitioners are aware that all television stations do not possess electronic captioning equipment, and that cost of this equipment is such that it may impose unreasonable economic hardships upon low-budget stations. For these they suggest alternative methods of transmitting visual messages containing essential emergency information, including, but not necessarily limited to, the following:

(1) Pre-prepared slides listing the general nature of natural emergencies, e.g., tornado, hurricane, flood, etc. The Council on Community Preparedness of the National Weather Service has offered to make low-cost slides containing generalized emergency weather information available to broadcasters. Also it is recommended that the appropriate standard messages (altering, standby script, termination) contained in the Check Lists for the Emergency Broadcast System (EBS) be reproduced on slides.

(2) Blackboard, or easel with black vinyl backing, on which messages with current updated emergency information can be written in white. It is preferable that preset, prefocused cameras be used with these.

(3) Preparation and transmission of updated information typed on cards, as emergency situation changes.

(4) In conjunction with the visual emergency messages, the petitioners urge that an audio tag be added to spoken warning messages, requesting viewers to inform any known deaf or blind persons in the vicinity concerning the emergency in the event they are not watching (or listening to) television at the time.

9. The petitioners express a preference for presenting visual messages by written captioning over the other two options of lipreading or presenting sign language. They point out that the understanding of lipreading and/or sign language is generally limited to people who became deaf or severely hearing impaired early in life and have had special training in these techniques. In contrast to this, they state that a recent study [3] has indicated that a large majority of the deaf and hearing impaired population is proficient at reading the written or printed word, and that their average educational level is only one year below the national average. In addition, they aver, the value of lipreading is limited as a means of communication, since only 25 percent of spoken English can be ascertained from the lips; the other 75 percent must be guessed from the context of the conversation. One complication associated with sign language (signing) is that a station may not have a signer available on the premises when a fast breaking emergency occurs. In addition, signing is hard to understand when reduced to the size of a normal television screen, and because the language of signs is three dimensional, it is not well suited to the two dimensional television screen.

10. The Commission concludes that in view of the limited voluntary compliance with the request contained in Public Notice FCC 70-1328, rule amendments requiring mandatory transmission of visual emergency notifications on television would serve the public interest, convenience and necessity. The petition includes some suggested rule language which the Commission propose to retain in part. However, certain of petitioners requested operational procedures, set forth below, will not be included for the reasons to be stated:

[1] To the extent RM-1600 seeks, inter alia, visual transmission of emergency information, this Notice is to be considered as in response to that petition.

[2] Freebain, T., Television for Deaf People: Selected Projects D37 (1974).

[3] Delk, M. and Schlein, J., The Deaf Population of the United States (1974).

(a) With reference to the possible methods of presenting visual notifications, petitioners propose the following:

> (Television) station shall at all times be prepared to utilize one suitable method and at least one back-up method. The methods and procedures to be used shall be predetermined, included in the operator's manual, and available for public inspection. They shall be posted prominently, both in the control room and in at least one newsroom, and all persons authorized to transmit emergency bulletins shall be informed of these procedures.

The Commission is of the view that licensees should be allowed more discretion and operational flexibility concerning methods of displaying instructions concerning transmission of visual notifications, in view of the variations that exist in the location and layout of the operating areas in different television transmitter and studio buildings. Also, our regulations do not require broadcast stations to have "operator manuals", and should a station possess a document that qualifies for such a designation, it has undoubtedly been specially designed for the operational convenience of the personnel of the individual station. It is also deemed undesirable to promulgate a rule that would give the public unrestricted access to a television broadcast station for the purpose of inspecting its operating procedures with respect to presentation of visual emergency notifications, and this could well cause undue disruption to the station's daily administrative and operational routines. The Commission's field offices are charged with responsibility for inspecting all classes of Commission-licensed broadcast stations within their respective areas of jurisdiction, and station inspections include a determination of whether the applicable rules are being complied with.

(b) In discussing requested modifications of operational procedures for the Emergency Broadcast System (EBS), petitioners urge that ". . . the EBS should prepare a slide to be distributed to all radio stations . . .", and state that, ". . . many EBS broadcasts originate from a central control point rather than from individual stations, and therefore the content and form is beyond the control of local stations. Any visual message must, accordingly, be transmitted by EBS officials. The proposal directs the EBS to immediately initiate procedures for transmitting visually the same information that is transmitted aurally. . . .". In addition the proposal in the petition ". . . directs state and local EBS officials to also broadcast in visual form all information that is transmitted aurally, whether as a result of rule making or internal decision of the EBS."

11. While the language may be subject to other interpretation, it is assumed that the references to "the EBS", "EBS officials" and "state and local EBS officials" mean the applicable disaster control authorities at the national, state or operational area levels, who will be broadcasting pertinent survival information from some "command post" such as a civil defense emergency operating center (EOC), Weather Bureau office, etc.

12. Normally, these disaster control authorities are not FCC broadcast licensees, and the Commission cannot direct them to undertake any of the actions quoted above. Moreover, we have repeatedly cautioned our EBS broadcast licensees that they are solely responsible for all program material originating from their stations, and that even during periods when EBS operational procedures are in effect, it is their responsibility to evaluate the content of the emergency information being broadcast, and discontinue the program should they encounter material that they deem inappropriate or contrary to our rules and policies.

13. At present, it is not possible to originate video communications from EBS program origination points because only audio program channels interconnect these points with the participating stations. National-level EBS programing is afforded nationwide distribution via all of the major radio networks but only on the audio channels of the major television networks. State-level programing is normally distributed throughout the state via a network of FM stations that perform off-the-air reception and relay broadcast of an originating FM station in the vicinity of the state civil defense EOC, this station in turn being connected to the EOC by a wire or radio program channel. This material is subsequently received off the air by other participating standard, FM and TV broadcast stations, from whichever network FM stations afford best reception, and they rebroadcast this for reception by their individual listening audiences. Operational Area (local) programing is fed to a designated key program distribution station from the civil defense EOC responsible for Area program origination, by wire or radio program channel for broadcast, and other participating stations in the Area perform off-the-air pickup and rebroadcast of the key program distribution station. Thus, participating television stations would have to individually originate pertinent visual messages containing essential emergency information, either by one or more of the methods previously discussed, or other appropriate methods that would yield the same end results. In any event, these problems would not arise where a station is rendering emergency service independently of the EBS under § 73.675 of the rules.

14. The petitioners also submit suggested modifications to the EBS Check Lists, designed to bring them into conformity with the rules, if amended. We propose to defer this matter for the present, so that such changes may be reviewed by the National Industry Advisory Committee (NIAC), in light of whatever rules are adopted if we find it in the public interest to adopt rules in this area. Such rules, of course might differ somewhat from those proposed.

15. Finally, we note that on November 6, 1975, the Public Broadcasting Service (PBS) filed a petition for rulemaking to establish transmission standards governing closed captioning for the deaf. The proposal goes considerably beyond emergency communications uses, and would include abbreviated narrative captioning for programming generally. The proposed system has been field-tested by PBS in conjunction with Gallaudet College, and employs line 21 of the vertical interval. It would not be seen on conventional television receivers, and requires the use of a special decoder. We are aware of possible problems of incompatibility arising from the simultaneous use of open and closed captioning systems during a single emergency, and propose to take this into account in connection with any further action on the PBS petition.

16. We invite comments and reply comments on the amendments as proposed in the appendix, and on the points we have discussed.

17. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4(i), 4(o), 303(g) and 303(r) of the Communications Act of 1934, as amended.

18. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before January 29, 1976, and reply comments on or before February 9, 1976. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching the decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by the Notice.

19. In accordance with the provisions of § 1.419 of the rules, an original and 11 copies of all comments, reply comments, pleadings, briefs and other documents shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W. Washington, D.C.

Adopted: December 16, 1975.

Released: December 22, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

1. In § 73.675, paragraphs (b), (c), (d), (e), and (f) are redesignated as (c), (d), (e), (f), and (g) and a new paragraph (b) is added as follows:

§ 73.675 Operation during emergency.

* * * * *

(b) Any emergency information transmitted in accordance with this section shall be transmitted both aurally and visually. Television broadcast stations may use any method of visual presentation which results in a message easily being readable on the receiver's television screen, and which conveys the essential information contained in the aural bulletin. Methods which may be used include, but are not necessarily limited to, electronic captioning, manual methods (i.e., hand printing), or mechanical printing processes. If emer-

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gency operation is contemplated under a Detailed State Emergency Broadcast System (EBS) Operational Plan, slides should be prepared setting forth National, State and Operational Area Emergency Action Notification messages, National Emergency Standby Script, and Emergency Action Termination message, as set forth in the appropriate EBS Check List. It is also advisable to have previously prepared slides stating the general nature of natural emergencies, e.g., tornadoes, hurricane, flood, etc. These slides shall be stored in such a manner that they are readily available, and all responsible operating personnel shall be made aware of their existence and location. Both the aural and visual transmission of all emergency notification messages shall conclude with the following request: "If you have hearing-impaired or blind friends or neighbors, please pass this information on to them."

• • • • • •

2. Section 73.933(b)(4), is revised and note deleted to read as follows:

§ 73.933 Emergency Broadcast System (EBS) operation during a national level emergency.

• • • • • •

(b) • • •

(4) Discontinue normal program and broadcast the following announcement (television stations shall also transmit this and subsequent emergency announcements visually in the manner described in section 73.675(b) of this part): "We interrupt this program. This is a National Emergency. Important instructions will follow. If you have hearing-impaired or blind friends or neighbors, please pass this information on to them."

• • • • • •

3. Sections 73.936(d)(3) is revised and note deleted, and (d)(5) is revised to read as follows:

§ 73.936 Emergency Broadcast System (EBS) operation during a state-level emergency.

• • • • • •

(d) • • •

(3) Discontinue normal program operation and broadcast the following announcement (television stations shall also transmit this and subsequent emergency announcements visually in the manner described in section 73.675(b) of this part): "We interrupt this program because of a statewide emergency. Important information will follow. If you have hearing-impaired or blind friends or neighbors, please pass this information on to them."

• • • • • •

(5) All licensees participating in the State-Level EBS will make the announcement as set forth in the EBS Checklists. Stations broadcasting primarily in a foreign language shall repeat the announcement in that language.

4. Sections 73.937(d)(3) is revised and note deleted, and (d)(5) is revised to read as follows:

§ 73.937 Emergency Broadcast System (EBS) operation during an operational (local) area emergency.

• • • • • •

(d) • • •

(3) Discontinue normal program operation and broadcast the following announcement (television stations shall also transmit this and subsequent emergency announcements visually in the manner described in section 73.675(b) of this part): "We interrupt this program because of a local emergency. Important information will follow. If you have hearing-impaired or blind friends or neighbors, please pass this information on to them."

• • • • • •

(5) All licensees participating in the Operational (Local) Area-Level EBS will make the announcement as set forth in the EBS Checklists. Stations broadcasting primarily in a foreign language shall repeat the announcement in that language.

• • • • • •

[FR Doc.75-35116 Filed 12-30-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

SERVICE STATION RENT REGULATIONS

Revocation

For a document withdrawing the above captioned notice of proposed rulemaking see FR Doc. 75-35130 on page 60036 of this issue.

FEDERAL RESERVE SYSTEM

[12 CFR Parts 211, 213 and 225]

[Regs. K, M and Y]

CORPORATIONS ENGAGED IN FOREIGN BANKING AND FINANCING UNDER THE FEDERAL RESERVE ACT; FOREIGN ACTIVITIES OF NATIONAL BANKS; BANK HOLDING COMPANIES

Proposed Statement of Policy on Stock Interests in Foreign Joint Ventures

The Board of Governors proposes to adopt a general statement of policy on the acquisition of stock interests in foreign joint ventures by U.S. banking organizations, which policy it would apply to applications requiring its specific consent under sections 25 and 25(a) of the Federal Reserve Act, and section 4(c)(13) of the Bank Holding Company Act of 1956, as amended. Accordingly, the policy would apply to applications requiring specific consent under the Board's Regulation K (for Edge or Agreement Corporations), Regulation M (for member banks), and Regulation Y (for bank holding companies).

In general, when a member bank or a corporation organized under section 25 (a) of the Federal Reserve Act (an "Edge" corporation), or operating pursuant to an agreement with the Board under section 25 thereof (an "Agreement" corporation), or a bank holding company requests the Board's specific consent to acquire the stock or other certificates of ownership of a foreign joint venture, which is defined to mean a situation in which a U.S. banking organization with a minority share interest participates directly or indirectly in the overall management of a foreign corporation, the Board considers the degree of legal and practical business responsibility the U.S. banking organization will bear for the financial condition and operations of the foreign joint venture in foreign and international financial markets. In the Board's judgment, this factor is relevant in assessing what effects the proposed investment may have on the financial and managerial resources of the applying U.S. banking organization.

Based on the recent experience of certain foreign joint ventures in foreign and international financial markets, the Board has found that a U.S. banking organization may, in certain circumstances, feel impelled for business reasons to provide financial support to a foreign joint venture in which it has an equity interest in the event the venture has liquidity or other financial needs. This support may be substantially in excess of the U.S. banking organization's original equity investment and may, in some situations, be well in excess of its *pro-rata* share.

The Board therefore proposes to adopt the general policy that, in considering applications by U.S. banking organizations to invest in foreign joint ventures, it will take into account the possibility that the applicant may feel impelled for business reasons to provide financial support for such foreign joint venture in the event the venture has liquidity or other financial needs, and that such support could be significantly greater than the amount of its proposed equity investment. The Board would therefore consider such application in light of the relative ability of the applicant to meet the demands that such potential support could place on its financial and managerial resources. In doing so, the Board would take into consideration the risks associated with the total assets and liabilities of the foreign corporation and its projected expansion, and not merely the size of the proposed equity investment by the applicant.

If, however, in the case of any such proposed joint venture investment, the U.S. banking organization could establish on the record that it had reached an agreement or arrangement whereby its support of the proposed joint venture in the event of liquidity or other financial needs would be limited to its initial equity investment or to some fixed amount, or would be shared *pro-rata* or otherwise with the other shareholders, or would otherwise be limited, the Board would consider the application and the risks associated therewith on the basis of this additional information.

This proposed general statement of policy is not intended to prohibit or discourage investments by U.S. banking organizations in foreign joint ventures, which can be a useful form of corporate organization in appropriate circumstances; rather, due to the difficulty of ascertaining the precise risks undertaken in joint venture investments, its primary purpose would be to clarify for all parties concerned the probable dimensions of risks assumed in any particular investment. Thus, even if an applicant proposed to assume a disproportionate share of the risks in any joint venture, e.g., agreed to stand behind more than its *pro-rata* share of the joint venture's obligations, the Board might be willing to approve the investment if the applicant's financial and managerial resources could bear this additional risk and if other factors indicated that approval would be consistent with the public interest and the governing statute and regulations.

This proposed general statement of policy would apply primarily to proposed investments by U.S. banking organizations in the stock of foreign corporations in which they did not already have an equity investment. Applications involving an additional investment in an ongoing foreign joint venture would continue to be considered by the Board on the basis of outstanding facts and circumstances. The Board would in the case of any ongoing foreign joint venture consider carefully the amount of support, if any, that was being provided by the applicant to the venture and any agreement or arrangement among the joint venturers for the provision of any future support.

Pursuant to this proposal, Parts 211, 213, and 225 of Title 12 would be amended by adding the following new sections:

§ 211.52 Statement of policy on stock interests in foreign joint ventures.

In general, when a member bank or a corporation organized under section 25 (a) of the Federal Reserve Act (an "Edge" corporation), or operating pursuant to an agreement with the Board under section 25 thereof (an "Agreement" corporation), or a bank holding company requests the Board's specific consent to acquire the stock or other certificates of ownership of a foreign corporation that will be jointly-owned by the U.S. banking organization and other foreign or domestic participants (hereinafter referred to as a "foreign joint venture"[1]), the Board considers the degree of legal and practical business responsibility the U.S. banking organization will bear for the financial condition and operations of the foreign joint venture in foreign and international financial markets. In the Board's judgment, this factor is relevant in assessing what effects the proposed investment may have on the financial and managerial resources of the applying U.S. banking organization.

[1] The term "foreign joint venture" is used to describe a situation in which a U.S. banking organization with a minority share interest participates, directly or indirectly, in the overall management of the corporation and thus has an active operating interest. A purely passive minority investment in a foreign corporation will not be deemed a "joint venture" investment for purposes of this statement of policy. This "joint venture" determination will be made on the basis of the facts and circumstances of each case.

Based on the recent experience of certain foreign joint ventures in foreign and international financial markets, the Board has found that a U.S. banking organization may, in certain circumstances, feel impelled for business reasons to provide financial support[2] to a foreign joint venture in which it has an equity interest in the event the venture has liquidity or other financial needs. This support may be substantially in excess of the U.S. banking organization's original equity investment and may, in some situations, be well in excess of its *pro-rata* share. This has seemed most likely to occur in situations where (1) the foreign joint venture has included in its name a reference to the U.S. banking organization, (2) the U.S. banking organization or its affiliates has consistently provided financial support to the foreign corporation in amounts significantly beyond usual commercial limits or significantly disproportionate to its *pro-rata* stock interest, or (3) as the result of substantial managerial support furnished by the U.S. banking organization under a contract or other arrangement, the foreign corporation has been publicly identified as or considered to be, sometimes with the active encouragement of the U.S. banking organization, an integral part of the U.S. banking organization's international operations.

Accordingly, the Board, in considering applications by U.S. banking organizations to invest in foreign joint ventures, will, as a matter of policy, take into account the possibility that the applicant may feel impelled for business reasons to provide financial support for such foreign joint venture in the event the venture has liquidity or other financial needs, and that such support could be significantly greater than the amount of its proposed equity investment. The Board will therefore consider such application in light of the relative ability of the applicant to meet the demands that such potential support could place on its financial and managerial resources. In doing so, the Board will take into consideration the risks associated with the total assets and liabilities of the foreign joint venture and its projected expansion, and not merely the size of the proposed equity investment by the applicant. In particular, the Board will give great weight to these potential risks and their implications for the applicant in cases where the applicant proposes (1) to include a reference to its name in that of the foreign joint venture, (2) to provide general funding support to the foreign joint venture in amounts disproportionate to its *pro-rata* stock interest, or (3) to provide virtually all of the management for such foreign joint venture.

If, however, in the case of any such proposed joint venture investment, the U.S. banking organization can establish on the record that it has reached an agreement or arrangement whereby its support of the proposed joint venture in the event of liquidity or other financial needs will be limited to its initial equity investment or to some fixed amount, or will be shared *pro-rata* or otherwise with the other shareholders, or will otherwise be limited, the Board will consider the application and the risks associated therewith on the basis of this additional information.

This statement of policy is not intended to prohibit or discourage investments by U.S. banking organizations in foreign joint ventures, which can be a useful form of corporate organization in appropriate circumstances; rather, due to the difficulty of ascertaining the precise risks undertaken in joint venture investments, its primary purpose is to clarify for all parties concerned the probable dimensions of risks assumed in any particular investment. Thus, even if an applicant proposes to assume a disproportionate share of the risks in any joint venture, e.g., agrees to stand behind more than its *pro-rata* share of the joint venture's obligations, the Board might be willing to approve the investment if the applicant's financial and managerial resources could bear this additional risk and if other factors indicated that approval would be consistent with the public interest and the governing statute and regulations.

The Board further notes that any action that it might take on an application should not be viewed or relied upon by the applying U.S. banking organization, other participants in the venture, or any third party as constituting approval or disapproval, or ratification or rejection of any agreement or arrangement that may have been entered into by the shareholders of a foreign joint venture; specifically, any Board action should not be viewed as constituting any expression of judgment as to the validity or enforceability of any such agreement or arrangement. Any agreement or arrangement will, rather, be merely one among many factors considered by the Board in deciding an application.

This statement is intended to apply primarily to proposed investments by U.S. banking organizations in the stock of foreign corporations in which they do not already have an equity investment. Applications involving an additional investment in an ongoing foreign joint venture will continue to be considered by the Board on the basis of outstanding facts and circumstances. The Board will, in the case of any ongoing foreign joint venture consider carefully the amount of support, if any, that is being provided by the applicant to the venture and any agreement or arrangement among the joint venturers for the provision of any future support.

§ 213.52 Statement of policy on stock interests in foreign joint ventures.

For text of interpretation, see § 211.52 of this chapter.

[2] As used herein, the term "support" includes, without limitation, contributions to capital, purchase (or causing the purchase) from the foreign corporation of loans or securities, making (or causing the making) of loans to the foreign corporation, and the making (or causing the making) of deposits in the foreign corporation.

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§ 225.51 Statement of policy on stock interests in foreign joint ventures.

For text of interpretation, see § 211.52 of this chapter.

* * * * *

Since general statements of policy are exempt from the public notice provisions of the Administrative Procedure Act (5 U.S.C. § 553(b)), the Board usually does not provide opportunity for the submission of public comments on statements of policy adopted and published in the FEDERAL REGISTER. The Board, however, believes that interested persons should have an opportunity to comment on the proposed statement of policy concerning stock interests in foreign joint ventures because of its possible effects on proposed joint venture investments that currently may be being negotiated by U.S. banking organizations, and because of possible reactions to such a statement in foreign and international financial markets. In particular, the Board is interested in receiving comments on the appropriateness or effectiveness of any such statement, and any effects it could have on the foreign commerce of the United States. Thus, to aid in the consideration of the proposed statement of policy on stock interests in foreign joint ventures, interested persons are requested to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 24, 1976. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

By order of the Board of Governors, December 23, 1975.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.75-35142 Filed 12-30-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

[Release 34-11876, File No. S7-604]

REGULATION OF MUNICIPAL SECURITIES PROFESSIONALS AND TRANSACTIONS IN MUNICIPAL SECURITIES

Proposed Rulemaking

As published at 40 FR 57357 (December 9, 1975) the Commission announced the adoption of § 240.23a-1(T), effective December 1, 1975, which suspends, until March 1, 1976, the operation of certain Commission rules, in whole or in part, in order to prevent the application of those rules to the activities of certain municipal securities professionals (who otherwise would become subject to those rules on December 1, 1975) pending consideration of certain proposed amendments to existing rules as contained herein. The proposed amendments and additions to rules discussed herein should, therefore, be read in conjunction with § 240.230-1(T), as adopted.

The Commission hereby gives notice of proposed amendments to §§ 240.10b-3, 240.10b-16, 240.15b1-3, 240.15b8-1, 240.15b8-2, 240.15b9-1, 240.15b9-2, 240.15c1-1, 240.15c1-3, 240.15c1-4, 240.15c1-5, 240.15c1-6, 240.15c1-7, 240.15c1-8, 240.15c2-4, 240.15c2-5, 240.15c2-7 and 240.15c2-11; and proposed §§ 140.15b10-12, 240.15Ba2-4, 240.15Ba2-5, 240.15Ba2-6, 240.15Bc3-1 and 240.17a-21; and invites comments thereon. The proposals concern the regulation of municipal securities brokers, municipal securities dealers and transactions in municipal securities, as well as reporting requirements for the Municipal securities Rulemaking Board ("MSRB").

A. *Regulatory pattern for municipal securities prior to the Securities Acts amendments of 1975*[1] *(the "1975 Amendments").* Prior to the 1975 Amendments, municipal securities were "exempted securities" for all purposes under the Act, and any section thereunder which by its terms did not apply to an "exempted security" was inapplicable to municipal securities or brokers and dealers effecting transactions only in municipal and other exempted securities. In addition, banks acting as dealers in municipal securities were not within the purview of the Act. Thus, for example, brokers and dealers effecting transactions solely in municipal and other exempted securities, and banks acting as dealers in municipal securities, were not subject either to the registration requirements of section 15,[2] or to the recordkeeping requirements of section 17.[3] In addition, the Commission's rules, promulgated under section 15(b) (15 U.S.C. 78o(b)), applicable to transactions effected by registered brokers and dealers who are not members of the National Association of Securities Dealers, Inc. (the "NASD") (hereinafter referred to as "SECO rules") were inapplicable to transactions in municipal securities effected by brokers and dealers which confined their activities to municipal and other exempted securities.

Similarly, brokers and dealers effecting transactions solely in municipal and other exempted securities were exempt from certain of the anti-fraud and financial responsibility sections of the Act (and the rules and regulations thereunder). Both section 15(c)(2) (15 U.S.C. 78o(c)(2)), which prohibits brokers and dealers from engaging in fraudulent, deceptive or manipulative acts or practices or making any fictitious quotation, and section 15(c)(3) (15 U.S.C. 78o(c)(3)), which prohibits brokers and dealers from acting in contravention of Commission rules and regulations regarding financial responsibility and related practices, as well as rules promulgated pursuant to those sections, were in applicable to transactions in municipal securities since those sections by their terms excluded "exempted securities."[4]

Certain other of the anti-fraud provisions of the Act, such as § 240.10b-5, have applied (and presently apply) to transactions in municipal securities by any person. Certain of the rules under section 10(b) (15 U.S.C. 78j(b)), however, have been, and continue to be, limited in their application to transactions by brokers and dealers and do not apply to transactions by other persons (e.g., §§ 240.10b-3 and 240.10b-16); such rules, therefore, have not applied (and, absent amendment, will not apply) to transactions effected by banks acting as dealers. Of the section 10(b) series of rules, only § 240.10b-4 (which applies only to short tendering in tender offers), §§ 240.10b-6 and 240.10b-7 (which expressly exclude transactions in "exempted securities"), § 240.10b-13 (which by its term applies only to equity securities), and § 240.10b-17 (which is inapplicable to ordinary interest payments on a debt security) have not applied (and, absent amendment, will not apply) to transactions in municipal securities.

Rules adopted pursuant to section 15(c)(1) of the Act (15 U.S.C. 78o(c)(1)) have always applied to transactions in municipal securities effected by brokers and dealers (but not by banks or their separately identifiable departments or divisions acting as dealers), since that section does not expressly exclude (as to sections 15(c)(2) and 15(c)(3) (15 U.S.C. 78o(c)(2) and 78o(c)(3)) transactions in "exempted securities." Thus, for example, brokers and dealers (but not banks or their separately identifiable departments or divisions acting as dealers) effecting transactions in municipal securities have been and are presently required to send written confirmations to customers (§ 240.15c1-4) and to avoid churning of customers' accounts (§ 240.-15c1-7).

B. *Changes effected by the 1975 amendments.* The 1975 amendments altered the pattern of regulation of municipal securities by making several major changes in the Act. The first is the addition of a new Section 15B to the Act, (15 U.S.C. 78o-4), which provides for registration of municipal securities dealers (including banks and separately identifiable departments or divisions of banks),[5] effective December 1, 1975, and establishes a new self-regulatory organization, the MSRB, to adopt rules governing municipal securities trading and the activities of municipal securities brokers and municipal securities dealers.[6]

The second major change involved amendment of certain of the definitions contained in section 3(a) of the Act (15 U.S.C. 78c(a)). In particular, the term "exempted security" as defined in section 3(a)(12) (15 U.S.C. 78c(a)(12)) was modified, effective December 1, 1975, to provide that:

> municipal securities shall not be deemed to be "exempted securities" for the purpose of Sections 15, 15A (except subsections (b)(6), (b)(11) and (g)(2) thereof) and 17A of [the Act].[7]

In addition, new definitions for municipal securities professionals were added to the Act in sections 3(a)(30) and 3(a)(31) respectively (15 U.S.C. 78c(a)(30) and 78c(a)(31)): (i) "municipal securities dealer," which includes all "dealers" in municipal securities (as the term is defined in section 3(a)(5) of the Act (15 U.S.C. 78c(a)(5)) and all banks, and separately identifiable departments and divisions of banks, engaged in the business of buying and selling municipal securities for their own accounts otherwise than in a fiduciary capacity; and (ii) "municipal securities broker," which includes all "brokers" in municipal securities (as that term is defined in section 3(a)(4) of the Act (15 U.S.C. 78c(a)(4))).[8]

Finally, the 1975 Amendment's expanded the Commission's rulemaking authority with respect to municipal securities professionals and transactions in municipal securities. Section 15(c)(1) and 15(c)(2) of the Act (15 U.S.C. 78o(c)(1) and 78o(c)(2)), with respect to manipulative, deceptive and fraudulent acts, practices, devices and contrivances, were amended, effective June 4, 1975, to give the Commission explicit rulemaking authority with respect to the municipal securities dealers (including banks) which "make use of the [jurisdictional means] to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any municipal security * * *" Section 17(a) of the Act (15 U.S.C. 78o(c)(1) and 78o(c)(2)) was also amended, effective June 4, 1975, to give the Commission explicit authority to prescribe records to be maintained and reports to be disseminated by municipal securities dealers and the MSRB.

C. *Regulatory Pattern on December 1, 1975.* The result of these changes will be that, on December 1, 1975, absent Commission action:

(i) Brokers and dealers effecting transactions in municipal securities would become subject to all of the Commission's existing rules under sections 15(c)(2) and 15(c)(3) (15 U.S.C. 78o(c)(1) and 78o(c)(2)) with respect to such transactions for the first time. Because, however, those rules apply only to "brokers" and "dealers" at the present time, and not to all "municipal securities dealers," banks and their separately identifiable departments or divisions would not be covered by those rules.

(ii) Rules promulgated under sections 10(b) (15 U.S.C. 78j(b)) and 15(c)(1) (15 U.S.C. 78o(c)(1)) of the Act which currently apply to transactions in municipal securities effected by brokers and dealers would continue to apply to brokers and dealers, but not to banks (or separately identifiable departments or divisions of banks). Rules and regulations under Sections 10(b) and 15(c)(1) which are not limited in their application to brokers and dealers and which do not exclude transactions in "exempted securities," as defined in Section 3(a)(12) (e.g., §§ 240.10b-5 and 240.15c1-2), would continue to apply to all transactions in municipal securities by any person (for Section 10(b) rules), or by any broker, dealer or municipal securities dealer (for Section 15(c)(1) rules);[9]

(iii) Rules under section 15(b) of the Act (15 U.S.C. 78o(b)) currently applicable to registered brokers and dealers which are not members of the NASD, such as rules governing suitability and handling of discretionary accounts, would also apply to municipal securities brokers and dealers (other than banks and separately identifiable departments or divisions of banks) which are not members of the NASD;[10] and

(iv) Recordkeeping and reporting rules under Section 17(a) of the Act (15 U.S.C. 78o(c)(1)) of the Act which currently apply to transactions in municipal securities effected by brokers and dealers would continue to apply to brokers and dealers, but not to banks (or separately identifiable departments or divisions of banks). Rules and regulations under Sections 10(b) and 15(c)(1) which are not limited in their application to brokers and dealers and which do not exclude transactions in "exempted securities," as defined in Section 3(a)(12) (e.g., §§ 240.10b-5 and 240.15c1-2), would continue to apply to all transactions in municipal securities by any person (for Section 10(b) rules), or by any broker, dealer or municipal securities dealer (for Section 15(c)(1) rules);[9]

(iii) Rules under section 15(b) of the Act (15 U.S.C. 78o(b)) currently applicable to registered brokers and dealers which are not members of the NASD, such as rules governing suitability and handling of discretionary accounts, would also apply to municipal securities brokers and dealers (other than banks and separately identifiable departments or divisions of banks) which are not members of the NASD;[10] and

(iv) Recordkeeping and reporting rules under Section 17(a) of the Act

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[1] Pub L. 94-29 (June 4, 1975)

[2] 15 U.S.C. 78o.

[3] 15 U.S.C. 78q.

[4] On November 20, 1975, the Commission adopted certain amendments relating to the financial responsibility rules under the Act, and announced certain other actions in connection with related recordkeeping rules. *See* Securities Exchange Act Release No. 11854 (November 20, 1975) (40 FR 57786).

[5] The Commission has already taken action with respect to the registration of municipal securities brokers and municipal securities dealers. In Securities Exchange Act Release No. 11585 (August 11, 1975) (40 FR 37228), the Commission (i) announced that nonbank municipal securities professionals would be required to register on Form BD (§ 249.501); (ii) proposed the adoption of §§ 240.15Ba2-1 and 2 (concerning registration of bank municipal securities dealers and non-bank municipal securities dealers whose business is exclusively intrastate); and (iii) proposed Form MSD for bank registrants. After considering the comments received, the Commission issued Securities Exchange Act Release No. 11742 (October 15, 1975) (40 FR 49772), adopting §§ 240.15Ba2-1 and 240.15 Ba2-2, and two temporary rules, §§ 240.15Ba 2-3(T) and 240.15a-1(T), which provide a grace period for new registrants, under specified conditions, from the requirement that all municipal securities professionals be effectively registered by December 1, 1975. That release also adopted Form MSD (§ 249.950), with amendments to provide for its use by separately identifiable departments and divisions of banks. Simultaneously, in Securities Exchange Act Release No. 11741 (October 15, 1975) (40 FR 49420), the Commission put into effect summarily, pursuant to Section 19(b)(8)(B) of the Act (15 U.S.C. 78s(b)(8)(B)), certain rules of the MSRB, including a rule defining the term "separately identifiable department or division" of a bank.

[6] To date, the MSRB has filed with the Commission tweny-three rules adopted under Section 15B(b) of the Exchange Act (15 U.S.C. 78o-4(b)), all but one of which are housekeeping rules, establishing administrative procedures and providing for the payment by registrants of an initial fee to the MSRB. The one substantive rule, as indicated in note 5 *supra*, established a definition of the term "separately identifiable department or division" of a bank.

[7] Section 3(a)(12) of the Act, as amended by the 1975 Amendments, contains a typographical error insofar as it literally provides that, for purposes of Section 15A(g)(2) (granting power to deny membership on the basis of statutory disqualifications) municipal securities are "exempted securities." The proper section reference should have been to Section 15A(g)(3) (15 U.S.C. 78o-3(g)(3)) (granting authority to deny membership based on operational and professional qualifications), for the reasons discussed below.

Since Section 15A(f) of the Act provides that "[n]othing in this section shall be construed to apply with respect to any transaction . . . in any exempted security," Section 3(a)(12), as written, would prohibit the NASD from denying membership in that organization to persons subject to a statutory disqualification, while granting the NASD the power to establish operational and professional qualifications. In fact, the opposite result was intended by the Congress, as evidenced by the fact that (1) In S. 2474, the predecessor bill to the 1975 Amendments, the definitional section was drafted so that the NASD could not deny membership based on operational and professional qualifications (*see* S. 2474, § 1, 93d Cong., 2d Sess. 1974), and (2) the MSRB was given the rulemaking authority with respect to the establishment of standards of operational capability (*see* Section 15B(b)(2)(A) of the Act) (15 U.S.C. 78o-4(b)(2)(A)).

Legislation which would make certain technical amendments to the 1975 Amendments, including correcting the typographical error, has been introduced in the 94th Congress. In the meantime, the NASD is proceeding as if the error had been corrected.

[8] In contrast with the change in the definition of "exempted security," the definitions in Sections 3(a)(30) and 3(a)(31) were effective on June 4, 1975, the date of enactment of the 1975 Amendments.

[9] Both the amendment to Section 15(c)(1) of the Act which extended the Commission's rulemaking authority to define "manipulative, deceptive, or other fraudulent device or contrivance" to include activities of municipal securities dealers, and the definition of municipal securities dealers in Section 3(a)(30) of the Act, became effective on June 4, 1975, the date of enactment of the 1975 Amendments. *See* Secton 31(a) of the 1975 Amendments (89 Stat. 170). As a result, those rules under Section 15(c)(1) which are not limited in their application to brokers and dealers, such as §§ 240.15c1-2 and 240.15c1-6, became immediately applicable to the activities of municipal securities dealers (including banks and their departments and divisions acting as dealers).

[10] Since the NASD has no power to adopt similar rules governing transactions in municipal securities, transactions in municipal securities effected by municipal securities brokers and municipal securities dealers which are NASD members would not be subject to any rules in these areas. Banks (and separately identifiable departments or divisions of banks) also would not be subject to rules in these areas, since neither the Commission (directly) nor the NASD has rulemaking authority over banks to establish just and equitable principles of trade.

Unless amended, after December 1, 1975, the SECO rules unler Section 15(b) would have to be complied with by all municipal securities brokers and dealers (other than banks and departments or divisions thereof) even prior to the effectiveness of registration by such persons because the temporary exemptions from the requirement that such registrations be effective provided by § 240.15a-1(T) and § 240.15a2-3(T) for municipal securities brokers and municipal securities dealers which have filed applications for registration by November 30, 1975 are conditioned on compliance with all other provisions of the Act, including the rules and regulations promulgated thereunder, as if they were effectively registered.

V40251 DEC 31 75 XUM

(15 U.S.C. 78q(a)) currently applicable to registered brokers and dealers would also apply to registered municipal securities brokers and municipal securities dealers effecting transactions solely in municipal securities (other than banks and separately identifiable departments or divisions of banks).[11]

D. *Municipal securities rulemaking board.* Under the novel self-regulatory pattern established by the 1975 Amendments, the MSRB has primary rulemaking authority with respect to the activities of municipal securities dealers and transactions in municipal securities,[12] subject to Commission approval in the same manner as are the rules of other self-regulatory organizations.[13] The Commission has the authority to alter or supplement rules of the MSRB in any manner consistent with the purposes of the Act.[14] However, the legislative history clearly indicates that

> [t]he Board is intended to be the primary medium for regulation of the municipal securities industry and should be furnished ample opportunity to develop responsible rules for the industry.[15]

Nevertheless, the authority lodged in the MSRB was not designed to supplant or curtail the Commission's powers under the Act. Section 15B(b)(3) (15 U.S.C. (78o–4(b)(3)), for example, specifically provides that "[nothing in Section 15B shall be construed to impair or limit the power of the Commission under [the Act]." Indeed, the Commission's powers were expanded by the 1975 Amendments.

The result of the 1975 Amendments is to create certain areas in which there is concurrent jurisdiction on the part of the Commission and the MSRB with respect to municipal securities activities. Both the MSRB and the Commission have rulemaking power with respect to preventing fraudulent and manipulative acts and practices, establishing qualifications standards for municipal securities professionals (for nonbank municipal securities brokers and dealers), preventing false and misleading quotations, promoting just and equitable principals of trade for non-NASD municipal securities brokers and municipals securities dealers (other than banks and separately identifiable departments or divisions of banks), and setting requirements for books and records.

In its report on S. 249, the Senate Committee on Banking, Housing and Urban Affairs stated with respect to the Commission's direct powers:

> In contrast to the expansive rulemaking functions of the Board, the SEC's direct rulemaking with respect to transactions in municipal securities would be limited to the control of fraudulent, manipulative, and deceptive acts and practices. (Sections 15(c)(1) and (2). This power . . . is included in the bill to make clear that the Commission's responsibility extends beyond sanctioning those who have engaged in manipulative or deceptive practices with respect to municipal securities and includes the promulgation of prophylactic rules.[16]

This language would seem to indicate that, apart from the anti-fraud area, the Congress expected the Commission to defer to the MSRB with respect to rules governing municipal securities transactions. It is also clear, however, that Congress enacted the 1975 Amendments fully cognizant that there existed a regulatory framework governing the activities of brokers and dealers, and that, by amending the Act in the manner it did, municipal securities brokers and municipal securities dealers would be subjected to that existing framework. The Congress' awareness of an existing regulatory scheme is highlighted by references to specific rules which, in their present form, might create difficulties if applied to municipal securities professionals. For example, with respect to application of the net capital rule, the Senate Committee noted that "it may not be appropriate to apply the existing net capital rules to firms that are solely brokers in municipal securities, whose only customers are professional securities dealers and banks."[17] Similarly, with respect to § 240.15c2–11, which prohibits brokers and dealers from initiating market-making activities when certain financial and other information about a security and its issuer are not available, the Committee stated that application of the rule with respect to municipal securities "would have very serious adverse consequences."[18] By including these references, the Committee cautioned the Commission against applying those of its rules which are inappropriate for the municipal securities industry to municipal securities professionals, while at the same time indicating an awareness of the existing regulatory structure and a tacit approval of application of existing rules (appropriately amended, if deemed necessary by the Commission) to municipal securities professionals.

E. *Rules considered by the Commission.* The Commission has reviewed its existing rules to determine the extent to which such rules should be permitted to become applicable on December 1, 1975 with respect to transactions in municipal securities effected by brokers and dealers, as well as the extent to which the Commission should extend to municipal securities dealers which are banks or departments or divisions thereof (in those areas in which it has authority) those rules which are currently limited in their application to brokers and dealers.

1. *Anti-fraud rules.* The Commission has determined that, with certain exceptions, the Commission's anti-fraud rules should apply to transactions in municipal securities regardless of whether the MSRB adopts its own rules to prevent fraudulent and manipulative acts and practices. The Commission's rules under Sections 10(b), 15(c)(1) and 15(c)(2) historically have applied to all brokers and dealers regardless of whether or not they were members of a national securities exchange or the NASD, and regardless of whether any exchange or association had similar rules prescribing the same practices; the Commission sees no reason to depart from this pattern in regulating transactions in municipal securities.

The legislative history of the 1975 Amendments clearly supports such approach. As indicated previously, the Senate report on S. 249 makes clear that the Commission's responsibility "extends beyond sanctioning those who have engaged in manipulative or deceptive practices with respect to municipal securities and includes *the promulgation of prophylactic rules*,"[19] and that expansion of the Commission's authority under Sections 15(c)(1) and 15(c)(2) to cover transactions effected by municipal securities dealers was "a necessary element of comprehensive regulation of municipal securities trading."[20]

The Commission recognizes that there are important differences between the trading market for municipal securities and that for corporate securities, and that rules which may be suitable for application to trading in corporate securities may not be appropriate in all cases for municipal securities. Where it appears that such rules should apply to municipal securities transactions, the Commission has no basis for believing that those rules should distinguish between municipal securities professionals which are brokers and dealers, on the one hand, and municipal securities dealers which are banks and separately identifiable departments or divisions of banks, on the other.

Sections such as §§ 240.10b–6 and 240.10b–7, in the Commission's view, should continue to exempt transactions in municipal securities. Similarly, § 240.15c2–3, which prohibits trading in certain German securities, §§ 240.15c2–5, which requires certain disclosures, as well as a suitability determination, in connection with certain extensions of credit, and § 240.15c2–8, which requires the delivery of a prospectus in connection with a distribution, should be either partially or wholly inapplicable to transactions in municipal securities.[21] Finally, as discussed more fully, infra, § 240.15c2–11, which prohibits the initiation or resumption of quotations without specific information regarding the issuer of the security, should not be applied to quotations in municipal securities.

The Commission believes that the problem of investor protection should be paramount in considering existing anti-fraud rules. The Commission's rules under sections 15(c)(1) and 15(c)(2) are important enforcement tools, necessary to prevent the public from being subjected to fraudulent and deceptive practices in municipal securities. The Commission does not believe that, for example, requiring, under its rules, underwriters to transmit to issuers promptly the proceeds of distributions, requiring municipal securities professionals to identify quotations, or to refrain from representing that distributions are "at the market" when in fact no market exists other than that made or controlled by them will disrupt existing business practices or apply inappropriately to municipal securities professionals.

(a) *Rules under section 10(b).* By their terms, §§ 240.10b–3 and 240.10b–16 currently are limited in their application to brokers and dealers; the Commission believes that they should be amended to apply specifically to activities of municipal securities dealers so that bank dealers are subject to the requirements of these rules.

The Commission notes that certain of the rules would continue to be inapplicable to municipal securities by their very terms. For example, §§ 240.10b–6 and 240.10b–7 would continue to be inapplicable to "exempt securities." § 240.10b–13 would still be inapplicable to municipals since it is limited in its application to equity securities. § 240.10b–17 would also not apply since the rule contains an exemption for "ordinary interest payment(s) on a debt security," and municipal securities clearly fit into the category of debt securities.

In addition, §§ 240.10b–1 (prohibition of manipulations with respect to certain securities exempted by Commission rule under section 12(a)), 240.10b–2 (prohibition of certain payments in connection with distributions on an exchange), 240.–10b–4 (governing short tendering), and § 240.10b–8 (regulating distributions effected through rights), either do not apply by their terms to municipal securities or have no application to the way in which municipal securities are distributed or traded.

Section 240.10b–5, which has always applied to all transactions in municipal securities, regardless of whether a bank was involved, will continue to do so. Section 240.10b–9, which prohibits certain representations in connection with "all-or-none" or "best efforts" underwritings, will have any a minor impact on municipal securities underwritings, since such offerings usually are underwritten on a "firm commitment" basis. Where, however, municipal securities, such as industrial revenue bonds, may be sold occasionally on an "all-or-none" or "best efforts" basis, the Commission believes that certain of the abuses to which § 240.10b–9 is directed may well exist.

(b) *Rules under section 15(c)(1).* The Commission believes that all of the section 15(c)(1) series of rules should apply to transactions in municipal securities effected by banks as well as by brokers and dealers. The Commission, therefore, proposes that all of rules under section 15(c)(1) which specifically refer to brokers and dealers be amended to include municipal securities dealers.

Rules affected by the proposed amendments are § 240.15c1–1 which defines the terms "customer" and "completion of the transaction" for purposes of the section 15(c)(1) series of rules, § 240.15c1–3, which prohibits misrepresentation by brokers and dealers as to registration pursuant to Section 15(b) of the Act, § 240.15c1–4, which prohibits the effecting of transactions without written confirmation thereof, § 240.15c1–5, which prohibits a broker or dealer from effecting a securities transaction for the account of a customer in a security, where the issuer is in a control relationship with the broker or dealer, unless the broker or dealer discloses to the customer the existence of that relationship, § 240.–15c1–6 which requires disclosure of a broker or dealer's participation or interest in a distribution, § 240.15c1–7, which prohibits "churning," and §240.15 c1–8, which prohibits a broker or dealer from representing that a distribution is being made "at the market" unless the broker or dealer knows or has reasonable grounds to believe that a market for such a security exists other than that made, created or controlled by him.

It has been suggested that the requirement in § 240.15c1–4 that a broker disclose on its confirmation either the name of the person from whom the security was purchased or to whom it was sold, or the fact that such information will be furnished upon request, is inappropriate for the municipal securities industry because such disclosure may mislead investors and interfere with the orderly functioning of the municipal securities market. The Commission proposes not to eliminate this feature of the rule with respect to municipal securities brokers; however, in order to prevent possible disruption of the activities of municipal securities brokers required to register with the Commission for the first time on December 1, 1975, and in order to solicit comments from interested persons with respect to the appropriateness of continuing the requirement of disclosing "the other side" in a municipal securities brokerage transaction, the Commission has provided a temporary exemption from this feature, with respect to municipal securities brokers, until March 1, 1976.

In particular, the Commission notes that § 240.15c1–4 embodies traditional agency principles with respect to disclosures required of an agent, and that the Rule would seem to have particular importance in the case of an agent serving two principals with conflicting interests. However, in view of the exclusion of market professionals (i.e., brokers and dealers) from the definition of the term "customer" in § 240.15c1–4 (which exclusion the Commission proposes to expand to cover all municipal securities dealers) for purposes of all rules promulgated under section 15(c)(1), § 240.15c1–4 would not require disclosure of "the other side" of a transaction to a market professional served by a broker. Therefore, whatever concerns may exist with respect to such disclosure by municipal securities brokers generally, as required by § 240.15c1–4, it would appear such concerns would be ameliorated by the Commission's proposed amendments to § 240.15c1–1.

The two remaining rules under section 15(c)(1), §§ 240.15c1–2 and 240.15c1–9, do not require amendment and will continue to apply to all securities professionals (including municipal securities dealers which are banks or departments or divisions of banks).

(c) *Rules under section 15(c)(2).* The Commission believes that, with certain exceptions, the section 15(c)(2) series of rules should also apply to municipal securities transactions, whether effected by brokers and dealers or by municipal securities dealers. The Commission, therefore, proposes to amend all of the rules under section 15(c)(2) which specifically refer to brokers and dealers, other than §§ 240.15c2–3, 240.15c2–8 and 240.15c2–11, to include a reference to municipal securities dealers.

Rules which would be affected by the proposed amendments would be §240.15c2–4, which requires the prompt transmission, or maintenance in escrow, of payments received in connection with distributions which are made on an "all-or-none" basis, or on any other basis which contemplates that payment is not to be made until some future event or contingency occurs, § 240.15c2–5, which requires certain disclosures, as well as a suitability determination, in connection

[11] In this regard, the Commission recently announced certain actions with respect to the reporting and recordkeeping rules under Section 17(a) which are applicable to brokers and dealers. Securities Exchange Act Release No. 11854 (November 20, 1975) (40 FR 57786). In addition, the Commission has proposed certain other amendments to the reporting rules under Section 17(a) in conjunction with the proposed adoption of the FOCUS Report. Securities Exchange Act Release No. 11748 (October 20, 1975) (40 FR 51060).

[12] Specifically enumerated areas in which the MSRB must adopt rules include: (1) standards of training, experience and competence, as well as such other qualifications as the MSRB finds necessary or appropriate in the public interest or for the protection of investors; (2) the prevention of fraudulent and manipulative acts and practices; (3) the promotion of just and equitable principles of trade; (4) providing for the periodic examination of municipal securities brokers and municipal securities dealers to determine compliance with the provisions of the Act, the rules and regulations thereunder, and the rules of the MSRB; (5) the form and content of quotations relating to municipal securities, including rules designed to produce fair and informative quotations, and to prevent fictitious and misleading quotations; and (6) the prescription of records to be made and kept by municipal securities dealer and the periods for which such records shall be preserved. Sections 15B(b)(2)(A), (C), (E), (F), and (G) of the Act (15 U.S.C. 78o–4(b)(2)(A), (C), (E), (F), and (G)).

[13] *See* Section 19(b)(1) and (2) of the Act (15 U.S.C. 78s(b)(2)).

[14] *See* Section 19(c) of the Act (15 U.S.C. 78s(c)).

[15] S. Rep. No. 94–75, *Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249*, 94th Cong., 1st Sess. 48 (1975). ("*Senate Report*").

[16] *Id.* at 50.

[17] *Id.* at 48.

[18] *Id.*

[19] *Id.* at 50 (emphasis added).

[20] *Id.* at 111.

[21] Although § 240.15c2–8 does not apply to municipal securities since such securities are not subject to the Securities Act of 1933, the Commission is considering whether, in connection with a distribution of municipal securities, municipal securities brokers and municipal securities dealers should be required to furnish any offering circular which is made available to them in connection with the offering.

V40251 DEC 31 75 XUM

with certain credit transactions, and § 240.15c2–7, which requires the identification of quotations furnished to an interdealer quotation system.

Although no changes are proposed for §§ 240.15c2–3 and 240.15c2–8, it should be noted that those rules will continue to be inapplicable to transactions in municipal securities. § 240.15c2–3 applies only to German securities, and § 240.15c2–8 applies only to distributions of securities as to which a registration statement has been filed under the Securities Act of 1933 (15 U.S.C. 77a et seq.)

The Commission believes that § 240.15c–5 should not be applied in its entirety to municipal securities. § 240.15c2–5 prohibits a broker or dealer from arranging a loan for a customer to whom a security is sold, unless, before the transaction was entered into, the broker or dealer reasonably determines that the transaction, including the loan arrangement, is suitable for the customer and delivers to him a written statement setting forth certain material information as to the nature and extent of a customer's obligations.

Section 240.15c2–5 was designed originally to deal with certain abuses in connection with the offer and sale of so-called "equity funding" programs, in which securities sold to a customer by a broker or dealer are used as collateral for a loan whose proceeds are in turn used for payment of premiums on a life insurance policy sold to the customer as an integral part of the program.[23] However, although adoption of the rule was prompted by the development of "equity funding" programs, § 240.15c2–5 was broadly drafted to encompass other types of arrangements which would involve the borrowing of funds by customers in a manner other than conventional margin securities transactions governed by Regulation T(21 CFR 220).

Since municipal securities are not subject to section 7 of the Act (15 U.S.C. 78g), and therefore extensions of credit with respect to such securities are not covered by Regulation T (12 CFR 220), credit advanced or arranged by a broker or dealer in connection with municipal securities would come within the literal scope of § 240.15c2–5. Because it appears to the Commission that there may have been certain credit abuses in connection with the sale of municipal securities comparable to those which led to the adoption of the Rule, the Commission believes that it should apply the credit disclosure aspects of the Rule to municipal securities. However, the Commission proposes that municipal securities be exempt from the provisions of paragraph (b) of § 240.15c2–5, which requires a suitability determination prior to entering into the transaction.

With respect to § 240.15c2–11, the Commission believes that a complete exemption from the operation of the rule should be granted for quotations in municipal securities. § 240.15c2–11 provides that it shall be a fraudulent, manipulative or deceptive practice within the meaning of Section (c) (2) of the Act for any broker to disseminate any quotation for a security unless certain information concerning the issuer is available—either in a filing with the Commission or in the broker's own files.

Generally, the type of information required by the rule is that which would be disclosed in a registration statement filed under the Securities Act of 1933 (15 U.S.C. 77a et seq.) or in the periodic reports filed under the Securities Exchange Act (15 U.S.C. 78a et seq.) since municipal securities and their issuers will continue to be exempt from the registration and reporting requirements of the Securities Act of 1933 and the Securities Exchange Act, the Senate Committee correctly pointed out in reporting on S. 249 that "[§ 240.]15c2–11 type of informations is . . . generally not available for municipal securities and their issuers."[24] The Committee then stated that applying § 240.15c2–11 to municipal securities would "preclude brokers and dealers from submitting quotations on most issues of municipal securities,"[24] a development which "would have very serious adverse consequences." The Committee concluded by stating that:

> [i]t expects, therefore, that immediately upon enactment of S. 249, the Commission will exempt municipal securities from [§ 240.] 15c2–11.[25]

The Commission believes, given this clear expression of Congressional intent, that § 240.15c2–11 should be amended to exempt quotations for municipal securities. The Commission, however, does not intend to imply that there are no standards for brokers, dealers, and municipal securities. On the contrary, the Commission believes that persons making markets in municipal securities have an affirmative duty to be informed concerning the securities which they are buying and selling. However, the Commission has not yet determined what specific type of information should be repaired as a general matter in the case of quotations in municipal securities, and, thus, has not yet exercised its authority to require that municipal securities professionals be aware of, and disclose, information concerning issuers available, for example, from sources other than issuers themselves.

2. *Reporting and recordkeeping requirements for the MSRB.* In addition to providing for the creation of the MSRB, the 1975 Amendments grants the Commission the authority to require the MSRB to

> make and keep for prescribed periods such records, furnish such copies thereof, and make and disseminate such reports as the Commission, by rule, prescribe as necessary or appropriate in the public interest for the protection of investors, or otherwise in furtherance of the purposes of [the Act].[26]

Moreover, section 17(b) of the Act provides that the MSRB is subject at any time, or from time to time, to such reasonable periodic, special, or other examinations by the Commission as it deems necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

The Commission has considered the question of what records and reports should be required of the MSRB. In considering the question, the Commission recognizes the unique nature of the MSRB; in that it is empowered only to adopt rules governing municipal securities trading and the activities of municipal securities brokers and municipal securities dealers, and has no inspection or enforcement powers of its own. The Commission believes, however, that this fact does not diminish significantly, if at all, the need for comprehensive reporting requirements for the MSRB, and, ultimately, recordkeeping requirements.

Section 3(a)(26) of the Act (15 U.S.C. 78c(a)(26)) provides that, for purposes of sections 19(b), 19(c) and 23(b) of the Act (15 U.S.C. 78s(b), 78s(c) and 78w(b)), the MSRB is a self-regulatory organization. As a self-regulatory organization, the MSRB is required to file all proposed rule changes with the Commission, and, in general, subject those rule changes to the approval of the Commission pursuant to section 19(b). In addition, the Commission is given authority, under section 19(c) of the Act, to abrogate, add to, and delete from the rules of any self-regulatory organization, including the MSRB, by following the specific procedures set forth in that section.

The Commission has additional responsibilities vis a vis the MSRB under Under section 15B(c)(83) of the Act section 15B of the Act (15 U.S.C. 78o–4). (15 U.S.C. 78o–4(c)(8)), the Commission is authorized, by order, after notice and opportunity for hearing, to remove from office or censure any member or employee of the MSRB upon the Commission's finding that the member or employee has willfully violated any provision of the Act, the rules and regulations thereunder, or the rules of the MSRB, or has willfully abused his authority. Furthermore, the Commission has the authority to enforce rules of the MSRB, both by means of injunctive relief pursuant to section 21 of the Act (15 U.S.C. 78u) and administrative sanction (subject to certain exceptions and procedural requirements) pursuant to section 15B(c) of the Act (15 U.S.C. 78o–4(c)), and, with respect to municipal

[23] *See* Securities Exchange Act Release No. 6851 (July 17, 1962), (27 FR 7091). The abuses included the fact that such programs were being offered indiscriminately to many persons for whom they were not suitable, and that the customers were not being adequately informed of the nature and extent of their obligations under the program, the charges which would be incurred, the risks assumed, and the fact that a substantial part of the customers' payments would go to the broker-dealer and other persons, including the salesman, associated with the broker-dealer.

[24] *Senate Report* at 48.

[25] *Id.*

[26] Section 17(a)(1) of the Act (15 U.S.C. 78q(a)(1).

securities brokers and non-bank municipal securities dealers who are not members of a national securities association, the Commission is required to conduct examinations and tests required by rule of the MSRB.

Finally, pursuant to section 23(b) of the Act (15 U.S.C. 78w(b)) the Commission is required to include in its annual report to the Congress certain information concerning self-regulatory organizations, including the MSRB. The Commission is required under section 23(b)(2) (15 U.S.C. 78w(B)(2)) to include in its annual report a summary of its oversight activities with respect to the MSRB, including a description of any examination conducted as part of such activities, any material recommendations presented as part of such oversight activities to the MSRB for changes in its organization or rules, as well as any action by MSRB in response to any such recommendation. In addition, section 23(b)(4)(B) (15 U.S.C. 78w(b)(4)(B)) requires the Commission to include in its annual report a statement and analysis of the expenses and operations of each self-regulatory organization, including the MSRB, in connection with the performance of its responsibilities under the Act.

In light of the substantial responsibilities which the Commission has with respect to the MSRB and rules adopted by the MSRB, the Commission believes that the MSRB should be required to file with the Commission annual and supplemental reports and to maintain certain books and records. The Commission therefore proposes new § 240.17a–21 for that purpose. The Commission is considering the promulgation of rule proposals with respect to recordkeeping requirements for the MSRB, but is not prepared to propose any such rules at the present time.

3. *Broker/dealer qualification rules*[27]. Both the MSRB and the Commission have rulemaking authority with respect to establishing qualifications standards for municipal securities professionals. Under Section 15B(b)(2)(A) of the Act (15 U.S.C. 78o–4(b)(2)(A), the MSRB is required to adopt rules which provide that

> no municipal securities broker or municipal securities dealer effect any transaction in, or induce or attempt to induce the purchase or sale of, any municipal security unless such municipal securities broker or municipal securities dealer meets such standards of operational capability and such municipal securities broker or municipal securities dealer and every natural person associated with such municipal securities broker or municipal securities dealer meets such standard of training, experience, competence, and such other qualifications as the Board finds necessary or appropriate in the public interest or for the protection of investors.

The Commission's authority in this area is more circumscribed, for although the Commission may adopt rules establishing standards of operational capability, training experience and competence, section 15(b)(7) (15 U.S.C. 78o(b)(7)) grants the Commission such authority with respect only to registered brokers and dealers—but not banks or separately identifiable departments or divisions of banks.[28]

The Commission currently has two rules dealing with qualifications for brokers and dealers. These two rules were adopted by the Commission under old section 15(b)(8) and apply only to brokers and dealers registered under section 15 of the Act who are not members of a national securities association registered with the Commission under section 15A of the Act (15 U.S.C. 78o–3) (i.e., the NASD). Section 240.15b8–1 provides that nonmember brokers and dealers may not effect over-the-counter transactions in securities unless: (1) Each associated person of such nonmember broker or dealer who is engaged directly or indirectly in securities activities any part of which is in (a) sales, (b) trading, (c) research or investment advice, (d) advertising, (e) public relations, (f) hiring or recruitment of salesmen, (g) training of salesmen, or (h) underwriting, and every associated person who supervises others engaged in any of such activities, has successfully completed a general securities examination, and (2) such nonmember broker or dealer shall have filed with the Commission a Form U–4[29] for each associated person engaged directly or indirectly in securities activities. § 240.15b8–2 provides that no nonmember broker or dealer or associated person of a nonmember broker or dealer shall be deemed qualified if, by action of a registered national securities association or exchange, such nonmember broker or dealer or associated person has been and is expelled or suspended from such association or exchange or has been and is barred or suspended from being associated with all members of such association or exchange for violation of any such association or exchange rule which prohibits any act or transaction constituting conduct inconsistent with just and equitable principles of trade. The rule also provides for a procedure for reinstatement upon application to the Commission.

The Commission believes that it is appropriate to permit the MSRB sufficient time to determine which associated persons should be required to take examinations, and what the content of those examinations should be, even though the Commission's explicit authority has now been expanded to include qualifications for all brokers and dealers. The Commission further believes that no harm to the public will occur if qualifications for associated persons of municipal securities brokers and dealers remain undefined until the MSRB has adopted a comprehensive program for all municipal securities professionals. Between the Commission's authority to deny registration and the application of the anti-fraud rules to municipal securities professionals, the Commission believes that the public has adequate interim protection to permit associated persons to submit to a testing program at a later time.

On the other hand, the Commission is of the view that municipal securities professionals (other than banks) who are not members of the NASD should be required to file Form U–4 for their associated persons. Inasmuch as the NASD has the authority to require (and is requiring) that brokers and dealers applying for membership in that organization file Form U–4 for their associated persons for the purposes of determining whether any such person is subject to a "statutory disqualification," within the meaning of the Act, the Commission believes that SECO brokers and dealers should be subject to the same requirement.

Accordingly, the Commission proposes that § 240.15b8–1 be amended to require only that nonmember brokers and dealers file Form U–4 on behalf of their associated persons who engage in municipal securities activities, and keep those forms up-to-date. The Commission believes that requiring Form U–4 for associated persons is necessary to provide information to the Commission concerning the identity and background of associated persons, and that imposing such a requirement will not in any way interfere with the MSRB's function in establishing qualification standards for municipal securities professionals. The Commission also proposes that the definition of nonmember for purposes of § 240.15b8–1 be amended to include non-bank municipal securities dealers whose business is exclusively intrastate and who register pursuant to section 15B of the Act (15 U.S.C. 78o–4) rather than section 15(b) (15 U.S.C. 78o(b)) ("intrastate dealers").

The Commission also proposes certain amendments to § 240.15b8–2. The amendments would provide, in addition to the current disqualification, that a person could not be a SECO broker or dealer or associated person if suspended or expelled by the NASD for violating a rule of the MSRB. In addition, the rule would provide that a person would not be disqualified from being a SECO broker

[27] In addition to rule changes proposed in this release with respect to broker/dealer qualification and SECO rules, the Commission is considering the adoption of further amendments to these rules necessitated by the amendments to Sections 15(b)(7), (8) and (9) of the Act, as redesignated by the 1975 Amendments, and the new requirement for registration of all exchange members. Those amendments, if proposed or adopted, will be announced separately.

[28] The Commission's authority with respect to establishing qualifications for securities professionals was, however, expanded by the Act. Prior to the 1975 Amendments, old Section 15(b)(8) of the Act provided the Commission's authority to set qualifications, but limited such authority to SECO broker-dealers (i.e., those registered brokers and dealers who effected transactions over-the-counter and who were not members of the NASD). The 1975 Amendments renumbered old Section 15(b)(8) and expanded its coverage to include all brokers and dealers registered pursuant to Section 15 of the Act.

[29] Form U–4 (§ 249.503) is the new uniform registration form for associated persons. *See* Securities Exchange Act Release No. 11424 (May 16, 1975) (40 FR 30064).

V40251 DEC 31 75 XUM

or dealer solely in municipal securities if he was disciplined by an exchange or association for corporate activities, unless the MSRB provides otherwise.[30] The appeal and reinstatement provisions of the rule would remain unchanged, so that the Commission could remove a disqualification under appropriate circumstances.

In proposing these amendments, the Commission anticipates that the MSRB will promptly adopt rules resolving the question of whether securities professionals who have been disciplined by, or barred or expelled from, an exchange or association for violation of rules governing just and equitable principles of trade in connection with corporate securities activities should be disqualified from acting as a nonmember municipal securities broker or municipal securities dealer, or from acting as an associated person of such a municipal securities broker or dealer (unless the Commission removes the disqualification). If the MSRB does not promptly adopt such rules, the Commission believes that it should consider whether the proposed rule change should be withdrawn so that a person who is disqualified in the corporate area for conduct inconsistent with just and equitable principles of trade will be similarly disqualified with respect to municipal securities activities.

4. *SECO Fees*[31]. Sections 240.15b9–1 and 240.15b9–2 provide for the payment of fees and assessments by SECO brokers and dealers. Such fees are currently as follows:

1. *Initial Filing:*
a. Form BD (§ 249.501), No Charge.
b. Form SECO–5 (§ 249.505), $500.
c. Form U–4 (§ 249.502), $50/associated person.
2. *Annual Assessment:*
Form SECO–4–75 (§ 249.504i).
a. Firm, $250.
b. Associated Persons, $15/associated person.

The Commission believes that newly registered municipal securities brokers and dealers (other than banks and their departments or divisions) who do not become members of the NASD should pay the existing SECO fees. Despite the fact that the MSRB is entitled to levy assessments on municipal securities brokers and dealers to cover the costs of operating and administering the MSRB,[32] the Commission will have the same enforcement and inspection responsibilities with respect to SECO municipal securities brokers and dealers as it currently has with respect to other SECO fees and assessments will discourage municipal securities brokers and dealers from choosing to be associated with the SECO program rather than with the NASD solely on the basis of fees, since the NASD plans to assess its municipal members in the same manner as other NASD members.

In this regard, the Commission notes that while the initial SECO fee is identical to the initial NASD fee, i.e., $500 per firm, the annual assessment for SECO is computed on a per capita basis, while the NASD assessment is computed as a percentage of income. The Commission is currently considering whether to propose that the basis for computing the SECO assessment should be changed to a percentage of income to more closely parallel the NASD assessments. Municipal securities brokers and dealers may wish to take this fact into account in determining whether or not to join the NASD.

5. SECO rules.[33] Nonmember brokers and dealers are subject to the so-called "SECO program" of the Commission adopted pursuant to sections 15(b)(8), (9), and (10) of the Act.[34] Enacted in 1964 as amendments to the Act, these provisions empowered the Commission to establish for such nonmember broker-dealers and their associated persons supplementary regulatory procedures and rules comparable to those adopted by the NASD for its members and their associated persons. In various rules adopted under these statutory provisions, the Commission has set up specific procedures and norms of conduct closely paralleling those of the NASD in areas such as qualifications of associated persons of broker-dealers (including written examinations), fees and assessments, standards for supervision of securities employees, discretionary accounts and suitability of recommendations.

Section 15A(f) of the Act, as redesignated by the 1975 Amendments (15 U.S.C. 78o–3(f)), provides that section 15A, dealing with the authority of the NASD, is inapplicable to transactions by a broker or dealer in any "exempted security," and, since municipal securities continue to be "exempted securities" for certain purposes under section 15A, including section 15A(b)(6) (15 U.S.C. 78o–3(b)(6)), the NASD has no power to adopt rules prescribing just and equitable principles of trade for municipal securities professionals or to discipline members for violation of existing NASD rules regarding just and equitable principles of trade in connection with municipal securities transactions. Until the MSRB acts pursuant to its authority under section 15B(b)(2)(C) (15 U.S.C. 78o–4(b)(2)(C)) to enact rules applicable to all municipal securities professionals, both municipal securities brokers and dealers which are members of the NASD, and municipal securities dealers which are banks or departments or divisions thereof, will not be subject to any specific rules dealing with just and equitable principles of trade. In light of these facts, the Commission believes that its existing SECO rules should be suspended for persons who are required to register as brokers and dealers solely by reason of acting as municipal securities brokers or municipal securities dealers.

Rules which would be affected by this proposal would be § 240.15b10–1, which defines the terms "nonmember broker or dealer," "associated person," and "complaint;" § 240.15b10–2 which requires nonmember brokers and dealers to observe high standards of commercial honor and just and equitable principles of trade; § 240.15b10–3 which prohibits unsuitable recommendations; § 240.15b–4, which requires that nonmember brokers and dealers exercise diligent supervision over associated persons; § 240.15b10–5, regulating the use of discretionary accounts; § 240.15b10–6, which requires certain records be maintained with respect to customers; § 240.15b10–7, which provides an exception for brokers and dealers who have no customer accounts and have gross income from over-the-counter activities not greater than $1,000; § 240.15b10–8 and § 240.15b10–9, which regulate the offering of securities of nonmember brokers or dealers, including the conditions under which such brokers or dealers may underwrite their own securities or the securities of an affiliate; § 240.15b10–10, which prohibits favoring or disfavoring the distribution of shares of open-end investment companies on the basis of brokerage commissions received from any source; and § 240.15b10–11, which requires fidelity bonds. In any event, should the MSRB not promptly meet its obligation to draft such rules, or should such rules not provide adequate protections for customers, the Commission will reconsider its SECO rules should be reinstituted for persons required to register as brokers or dealers solely by reason of acting as municipal securities brokers or municipal securities dealers.

6. *Broker/dealer registration rules.* On October 15, 1975, the Commission adopted § 240.15Ba2–1, § 240.15Ba2–2, and Form MSD (§ 249.950) governing the registration of municipal securities dealers under Section 15B(a) of the Act.[35] At that time, the Commission did not consider rules governing the registration of successors to a registered municipal securities dealer, the registration of a fiduciary appointed to continue the business of such a registered municipal securities dealer, or the withdrawal from registration of a municipal securities dealer.

The Commission believes rules governing these situations should be adopted as soon as possible. Accordingly, the Commission proposes to adopt new rules under section 15B of the Act to provide for: (1) The registration of a successor to a registered municipal securities dealer (§ 240.15Ba2–4), (2) the registration of fiduciaries (§ 240.15Ba2–5), (3) the adoption by a successor of an application filed by a predecessor municipal securities dealer (§ 240.15Ba2–6), and (4) withdrawal of registration of a municipal securities dealer (§ 240.15Bc3–1). These rules, which would be adopted pursuant to Sections 15B(a)(2) and 15B(c)(3) of the Act (15 U.S.C. 78o–4(a)(2) and 78o–4(c)(3)) are patterned after, and are virtually identical to, existing §§ 240.15b1–3, 240.15b1–4, 240.15b2–1 and 240.15b6–1, governing brokers and dealers registered pursuant to Section 15(b) of the Act. The only significant differences are as follows: (i) § 240.15Ba2–4 provides that the registration of a predecessor shall remain in effect for 75 days after such succession, compared to 60 days under existing § 240.15b1–3;[36] and (ii) § 240.15Bc3–1 does not provide, as does § 240.15b6–1, that a withdrawal from registration which is otherwise effective shall not become effective for an additional six months for purposes of the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.). Since municipal securities dealers registered under section 15B(a) of the Act (i.e., banks and their departments and divisions and intrastate dealers) are not subject to SIPC, there appears to be no need to provide any additional time period.

Neither the proposed rules for succession under section 15B (15 U.S.C. 78o–4) nor the Commission's existing succession rules under section 15(b) provide procedures for the succession of a broker or dealer registered under section 15(b) by a municipal securities dealer required to register under section 15B, or the succession of a municipal securities dealer registered pursuant to section 15B by a broker or dealer required to register under section 15(b). The Commission believes that successions of this type will be infrequent and can be handled on a case-by-case basis through the Commission's authority under section 15(a)(2) and 15B(a)(4) (15 U.S.C. 78o(a)(2) and 78o–4(a)(4)) to grant exemptions consistent with the public interest, the protection of investors, and, in the case of exemptions under section 15B(a)(4), the purposes of section 15B of the Act.

The Securities and Exchange Commission hereby proposes certain amendments to Part 240 of Chapter II of Title 17 of the Code of Federal Regulations regarding the regulation of municipal securities professionals and transactions in municipal securities pursuant to its authority under the Securities Exchange Act of 1934, and particularly sections 2, 3, 10, 15, 15B and 23 thereof (15 U.S.C. 78b, 78c, 78j, 78o, 78o–4 and 78w).

The texts of the proposed amendments are as follows (additions are indicated by arrows; deletions are bracketed):

1. Section 240.10b–3 is amended as indicated below:

§ 240.10b–3 Employment of manipulative and deceptive devices by brokers ►,◄ [or] dealers ►or municipal securities dealers◄.

It shall be unlawful for any broker ►,◄ [or] dealer ►or municipal securities dealer◄ directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, to use or employ, in connection with the purchase or sale of any security otherwise than on a national securities exchange, any act, practice, or course of business defined by the Commission to be included within the term "manipulative, deceptive, or other fraudulent device or contrivance," as such term is used in section 15(c)(1) of the act.

2. Section 240.10b–16 is amended as indicated below:

§ 240.10b–16 Disclosure of credit terms in margin transactions.

(a) It shall be unlawful for any broker ►,◄ [or] dealer ►or municipal securities dealer◄ to extend credit, directly or indirectly, to any customer in connection with any securities transaction unless such broker ►,◄ [or] dealer ►or municipal securities dealer◄ has established procedures to assure that each customer

(1) Is given or sent at the time of opening the account, a written statement or statements disclosing (i) the conditions under which an interest charge will be imposed; (ii) the annual rate or rates of interest that can be imposed; (iii) the method of computing interest; (iv) if rates of interest are subject to change without prior notice, the specific conditions under which they can be changed; (v) the method of determining the debit balance or balances on which interest is to be charged and whether credit is to be given for credit balances in cash accounts; (vi) what other charges resulting from the extension of credit, if any, will be made and under what conditions; and (vii) the nature of any interest or lien retained by the broker►,◄ [or] dealer or municipal securities dealer in the security or other property held as collateral and the conditions under which additional collateral can be required: *Provided, however,* That the requirements of this paragraph (a)(1) will be met in any case where the account is opened by telephone if the information required to be disclosed is orally communicated to the customer at that time and the required written statement or statements are sent to the customer immediately thereafter: And *provided, further,* That in the case of customers to whom credit is already being extended on the effective date of this rule, the written statement or statements required hereunder must be given or sent to said customers within 90 days after the effective date of this rule; and

(2) is given or sent a written statement or statements, at least quarterly, for each account in which credit was extended, disclosing (i) the balance at the beginning of the period; the date, amount and a brief description of each debit and credit entered during such period; the closing balance; and, if interest is charged for a period different from the period covered by the statement, the balance as of the last day of the interest period; (ii) the total interest charge for the period during which interest is charged (or if interest is charged separately for separate accounts, the total interest charge for each such account), itemized to show the dates on which the interest period began and ended; the annual rate or rates of interest charged and the interest charge for each such different annual rate of interest; and either each different debit balance on which an interest calculation was based on the average debit balance for the interest period, except that if an average debit balance is used, a separate average debit balance must be disclosed for each interest rate applied; and (iii) all other charges resulting from the extension of credit in that account: *Provided, however,* That if the interest charge disclosed on a statement is for a period different from the period covered by the statement, there must be printed on the statement appropriate language to the effect that it should be retained for use in conjunction with the next statement containing the remainder of the required information: And *provided further,* That in the case of "equity funding programs" registered under the Securities Act of 1933, the requirements of this paragraph (a)(2) will be met if the broker or dealer furnishes to the customer, within one month after each extension of credit, a written statement or statements containing the information required to be disclosed under this paragraph (a)(2).

(b) It shall be unlawful for any broker ►,◄ [or] dealer ►or municipal securities dealer◄ to make any changes in the terms and conditions under which credit charges will be made (as described in the initial statement made under paragraph (a) of this rule), unless the customer shall have been given not less than thirty (30) days written notice of such changes, except that no such prior notice shall be necessary where such changes are required by law: *Provided, however,* That if any change for which prior notice would otherwise be required under this paragraph results in a lower interest charge to the customer than would have been imposed before the change, notice of such change may be given within a reasonable time after the effective date of the change.

3. Section 240.15b1–3(a) is amended as indicated below:

§ 240.15b1–3 Registration of successor to registered broker or dealer.

(a) In the event that a broker or dealer succeeds to and continues the business of another registered broker or dealer, the registration of the predecessor shall be

[30] The Commission also proposes a technical amendments to § 240.15b8–2, identical to that proposed for § 240.15b8–1, to include intrastate dealers who do not join the NASD as "nonmembers" for purposes of the rule.

[31] *See* note 27 *supra.*

[32] Section 15B(b)(2)(J) of the Act (15 U.S.C. 78o–4(b)(2)(J). The MSRB, on November 3, 1975, filed with the Commission a rule change under Rule 19b–4 providing for an initial assessment for municipal securities brokers and dealers of $100 per firm. *See* Securities Exchange Act Release No. 11809 (November 7, 1975) (40 FR 52896).

[33] *See* note 27 *supra.*

[34] These sections were amended and redesignated as Sections 15(b)(7), (8), and (9) by the 1975 Amendments.

[35] Securities Exchange Act Release No. 11742 (October 15, 1975) (40 FR 49772).

[36] The 75 day period is intended to accommodate the 30-day period which the successor has to file his application plus the 45-day period which the Commission has to either approve the application or institute proceedings to disapprove the application. Since the procedure for handling applications of brokers and dealers under Section 15(b) of the Act also requires the Commission to act affirmatively on applications within 45 days (rather than permitting the application to become effective by lapse of time after 30 days), the Commission proposes that the time period in § 240.15b1–3 also be amended to 75 days concurrent with the adoption of § 240.15Ba2–4.

V40251 DEC 31 75 XUM

deemed to remain effective as the registration of the successor for a period of [60] ►75◄ days after such succession provided that an application for registration on Form BD is filed by such successor within 30 days after such succession.

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4. Section 240.15b8–1 is amended by amending paragraph (c)(1) as indicated and adding new paragraph (d) to read as follows:

§ 240.15b8–1 Qualifications and fees relating to brokers and dealers who are not members of a national securities association.

• • • • • •

(c) For purposes of this section:

(1) The term "nonmember broker or dealer" shall mean any broker or dealer, including a sole proprietor, registered under section 15 ►or section 15B◄ of the Act; who is not a member of a national securities association registered with the Commission under section 15A of the Act.

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►(d)(1) Except as hereinafter provided, the provisions of § 240.15b8–1 shall not apply to any person who is required to register as a broker or dealer solely by reason of acting as a municipal securities broker or municipal securities dealer, or to any other broker or dealer insofar as such broker or dealer acts as a municipal securities broker or municipal securities dealer.

►(2) No nonmember broker or dealer who is required to register as a broker or dealer solely by reason of acting as a municipal securities broker or municipal securities dealer, and no other nonmember broker or dealer, insofar as such broker or dealer acts as a municipal securities broker or municipal securities dealer, shall effect any transaction in, or induce the purchase or sale of, any municipal security unless such nonmember broker or dealer meets all the following conditions:

►(i) Such a nonmember broker or dealer shall have filed with the Commission a Form U–4 (§ 249.502) with respect to each associated person engaged directly or indirectly in municipal securities activities, before such person engages in any such activities on behalf of such nonmember broker or dealer;

►(ii) Such nonmember broker or dealer shall file promptly, in writing, information making accurate or complete a Form U–4 on behalf of any associated person whenever the information filed previously on behalf of such associated person is or becomes inaccurate or incomplete for any reason. This information may be in letter form and must be signed by a principal officer, partner, sole proprietor, managing agent, or any person occupying a similar status or performing similar functions.

(b) Upon written application with respect to any person deemed unqualified to engage in securities activities pursuant to paragraph (a) of this Rule, the Commission may, if it finds it appropriate in the public interest and for the protection of investors and to carry out the purposes of section 15(b)[(8)] ►(7)◄, after notice and opportunity for hearing and subject to such terms and conditions as it may determine to be necessary or desirable, find that notwithstanding such association or exchange action such person may engage in securities activities pursuant to such section. The receipt by the Commission of such application shall operate as a stay of the disqualification provisions of paragraph (a) of this section pending the Commission's determination with respect to the merits of the application. Such application should ordinarily be made by the prospective employer of such person.

• • • • • •

(f) For purposes of this section:

(1) The term "nonmember broker or dealer" shall mean any broker or dealer, including a sole proprietor, registered under section 15 ►or section 15B◄ of the Act, who is not a member of a national securities association registered with the Commission under section 15A of the Act.

• • • • • •

►(iii) Such nonmember broker or dealer shall have filed with the Commission on or before July 31 of each year a list of associated persons with respect to whom Form U–4 has been filed with the Commission and who have ceased to be associated persons during the preceding year ending June 30.◄

5. Section 240.15b8–2 is amended by amending paragraphs (a), (b), (f)(1), as shown and adding paragraph (g) to read as follows:

§ 240.15b8–2 Disqualification of nonmember brokers and dealers and their associated persons—association or exchange disciplinary actions.

(a) No nonmember broker or dealer or associated person of a nonmember broker or dealer shall be deemed qualified pursuant to section 15(b)[(8)] ►(7)◄ of the Act, if, by action of a registered national securities association or exchange, such nonmember broker or dealer or associated person has been and is expelled or suspended from such association or exchange or has been and is barred or suspended from being associated with all members of such association or exchange for violation of any such association or exchange rule ►or rule of the Municipal Securities Rulemaking Board◄ which prohibits any act or transaction constituting conduct inconsistent with just and equitable principles of trade or requires any act the omission of which constitutes conduct inconsistent with just and equitable principles of trade.

►(g) Notwithstanding paragraph (a) of this section, no nonmember broker or dealer or associated person of a nonmember broker or dealer shall be deemed unqualified to engage in the business of being a municipal securities broker or municipal securities dealer solely by reason of having been or being expelled or suspended from a national securities exchange or securities association or of having been or being barred or suspended from being associated with all members of any such exchange or association, for violation of any exchange or association rule referred to in paragraph (a), unless a rule of the Municipal Securities Rulemaking Board provides otherwise.◄

6. Section 240.15b9–1(e)(1) is amended as indicated below.

§ 240.15b9–1 Initial fees for registered brokers or dealers not members of a registered national securities association and their associated persons.

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(e) For purposes of this section:

(1) The term "nonmember broker or dealer" shall mean any broker or dealer, including a sole proprietor, registered under section 15 ►or section 15B◄ of the Act, who is not a member of a national securities association registered with the Commission under section 15A of the Act.

7. Section 240.15b9–2(g)(2) is amended as indicated below.

§ 240.15b9–2 Annual fees for registered brokers and dealers not members of a registered national securities association.

• • • • • •

(g) Definitions. For the purpose of this section: • • •

(2) The term "nonmember broker or dealer" shall mean any broker or dealer, including a sole proprietor, registered under section 15 ►or section 15B◄ of the Act, who is not a member of a national securities association registered with the Commission under section 15A of the Act.

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8. Section 240.15c1–1 is amended as indicated below:

§ 240.15c1–1 Definitions.

As used in any rule adopted pursuant to section 15(c)(1) of the act (sec. 2, 52 Stat. 1075; 15 U.S.C. 78o(c)(1)):

(a) The term "customer" shall not include a broker◄,► [or] dealer ►or municipal securities dealer◄,

(b) The term "the completion of the transaction" means:

(1) In the case of a customer who purchases a security through or from a broker►,◄ [or] dealer ►or municipal securities dealer◄, except as provided in paragraph (b)(2) of this section, the time when such customer pays the broker►,◄ [or] dealer ►or municipal securities dealer◄ any part of the purchase price, or, if payment if effected by a bookkeeping entry, the time when such bookkeeping entry is made by the broker►,◄ [or] dealer ►or municipal securities dealer◄ for any part of the purchase price;

(2) In the case of a customer who purchases a security through or from a broker►,◄ [or] dealer ►or municipal securities dealer◄ and who makes payment therefor prior to the time when payment is requested or notification is given that payment is due, the time when such broker►,◄ [or] dealer ►or municipal securities dealer◄ delivers the security to or into the account of such customer;

(3) In the case of a customer who sells a security through or to a broker►,◄ [or] dealer ►or municipal securities dealer◄ except as provided in subparagraph (4) of this paragraph, if the security is not in the custody of the broker►,◄ [or] dealer ►or municipal securities dealer◄ at the time of sale, the time when the security is delivered to the broker ►,◄ [or] dealer ►or municipal securities dealer,◄ and if the security is in the custody of the broker ►,◄ [or] dealer ►or municipal securities dealer◄ at the time of sale, the time when the broker►,◄ [or] dealer ►or municipal securities dealer◄ transfers the security from the account of such customer;

(4) In the case of a customer who sells a security through or to a broker►,◄ [or] dealer ► or municipal securities dealer◄ and who delivers such security to such broker►,◄ [or] dealer ► or municipal securities dealer◄ prior to the time when delivery is requested or notification is given that delivery is due, the time when such broker►,◄ [or] dealer ► or municipal securities dealer◄ makes payment to or into the account of such customer.

9. Section 240.15c1–3 is amended as indicated below.

§ 240.15c1–3 Misrepresentation by brokers ►,◄ [and] dealers ►and municipal securities dealers◄ as to registration.

The term "manipulative, deceptive, or other fraudulent device or contrivance," as used in section 15(c)(1) of the act, is hereby defined to include any representation by a broker or dealer that the registration of a broker or dealer, pursuant to section 15(b) of the Act, ►or the registration of a municipal securities dealer pursuant to section 15B(a) of the Act,◄ or the failure of the Commission to deny or revoke such registration, indicates in any way that the Commission has passed upon or approved the financial standing, business, or conduct of such registered broker►,◄ [or] dealer ►or municipal securities dealer◄ or the merits of any security or any transaction or transactions therein.

10. Section 240.15c1–4(a) is amended as indicated below:

§ 240.15c1–4 Confirmation of transactions.

(a) The term "manipulative, deceptive, or other fraudulent device or contrivance," as used in section 15(c)(1) of the act, is hereby defined to include any act of any broker►,◄ [or] dealer ►or municipal securities dealer◄ designed to effect with or for the account of a customer any transaction in, or to induce the purchase or sale by such customer of any security (other than U.S. Tax Savings Notes, U.S. Defense Savings Stamps, or U.S. Defense Savings Bonds, Series E, F, and G) unless such broker►,◄ [or] dealer ►or municipal securities dealer◄ at or before the completion of each such transaction, gives or sends to such customer written notification disclosing (1) whether he is acting as a broker for such customer, as a dealer or municipal securities dealer for his own account, as a broker for both such customer and some other person; (2) in any case in which he is acting as a broker for such customer or for such customer and some other person, either the name of the person from whom the security was purchased or to whom it was sold for such customer and the date and time when such transaction took place or the fact that such information will be furnished upon the request of such customer, and the source and amount of any commission or other remuneration received or to be received by him in connection with the transaction.

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11. Section 240.15c1–5 is amended as indicated below:

§ 240.15c1–5 Disclosure of control.

The term "manipulative, deceptive, or other fraudulent device or contrivance," as used in Section 15(c)(1) of the act, is hereby defined to include any act of any broker►,◄ [or] dealer or municipal securities dealer controlled by, controlling, or under common control with, the issuer of any security, designed to effect with or for the account of a customer any transaction in, or to induce the purchase or sale by such customer of, such security unless such broker►,◄ [or] dealer or municipal securities dealer, before entering into any contract with or for such customer for the purchase or sale of such security, discloses to such customer the existence of such control, and unless such disclosure, if not made in writing, is supplemented by the giving or sending of written disclosure at or before the completion of the transaction.

12. Section 240.15c1–6 is amended as indicated below:

§ 240.15c1–6 Disclosure of interest in distribution.

The term "manipulative, deceptive, or other fraudulent device or contrivance," as used in Section 15(c)(1) of the act, is hereby defined to include any act of any broker who is acting for a customer or for both such customer and some other person, or of any dealer ►or municipal securities dealer◄ who receives or has promise of receiving a fee from a customer for advising such customer with respect to securities, designed to effect with or for the account of such customer any transaction in, or to induce the purchase or sale by such customer of, any security in the primary or secondary distribution of which such broker►,◄ [or] dealer ►or municipal securities dealer◄ is participating or is otherwise financially interest unless such broker ►,◄ [or] dealer ►or municipal securities dealer,◄ at or before the completion of each such transaction gives or sends to such customer written notification of the existence of such participation or interest.

13. Section 240.15c1–7 is amended as indicated below:

§ 240.15c1–7 Discretionary accounts.

(a) The term "manipulative, deceptive, or other fraudulent device or contrivance," as used in Section 15(c) hereby defined to include any act of any broker►,◄ [or] dealer ►or municipal securities dealer◄ designed to effect with or for any customer's account in respect to which such broker►,◄ [or] dealer ►or municipal securities dealer◄ or his agent or employee is vested with any discretionary power any transactions of purchase or sale which are excessive in size or frequency in view of the financial resources and character of such account.

(b) The term "manipulative, deceptive, or other fraudulent device or contrivance," as used in section 15(c)(1) of the act, is hereby defined to include any act of any broker►,◄ [or] dealer ►or municipal securities dealer◄ designed to effect with or for any customer's account in respect to which such broker►,◄ [or] dealer ►or municipal securities dealer◄ or his agent or employee is vested with any discretionary power any transaction of purchase or sale unless immediately after effecting such transaction such broker ►,◄ [or] dealer ►or municipal securities dealer◄ makes a record of such transaction which record includes the name of such customer, the name, amount and price of the security, and the date and time when such transaction took place.

14. Section 240.15c1–8 is amended as indicated below:

§ 240.15c1–8 Sales at the market.

The term "manipulative, deceptive, or other fraudulent device or contrivance," as used in Section 15(c)(1) of the act, is hereby defined to include any representation made to a customer by a broker►,◄ [or] dealer ►or municipal securities dealer◄ who is participating or otherwise financially interested in the primary or secondary distribution of any security which is not admitted to trading on a national securities exchange that such security is being offered to such customer "at the market" or at a price related to the market price unless such broker►,◄ [or] dealer ►or municipal securities dealer◄ knows or reasonable grounds to believe that a market for such security exists other than that made, created, or controlled by him, or by any person for whom he is acting or with whom he is associated in such distribution, or by any person controlled by, controlling or under common control with him.

15. Section 240.15c2–4 introductory text is amended to read as follows:

§ 240.15c2–4 Transmission or maintenance of payments received in connection with underwritings.

It shall constitute a "fraudulent, deceptive or manipulative act or practice" as used in section 15(c)(2) of the Act, for any broker►,◄ [or] dealer ►or municipal securities dealer◄ participating in any distribution of securities, other than a firm-commitment underwriting, to accept any part of the sale price of any security being distributed unless:

(a) The money or other consideration received is promptly transmitted to the persons entitled thereto; or

(b) If the distribution is being made on an "all-or-none" basis, or on any other basis which contemplates that payment is not to be made to the person on whose behalf the distribution is being made until some further event or contingency occurs, (1) the money or other

V40251 DEC 31 75 XUM

consideration received is promptly deposited in a separate bank account, as agent or trustee for the persons who have the beneficial interests therein, until the appropriate event for contingency has occurred, and then the funds are promptly transmitted or returned to the persons entitled thereto, or (2) all such funds are promptly transmitted to a bank which has agreed in writing to hold all such funds in escrow for the persons who have the beneficial interests therein and to transmit or return such funds directly to the persons entitled thereto when the appropriate event or contingency has occurred.

16. Section 240.15c2–5(c) is added to read as follows:

§ 240.15c2–5 Disclosure and other requirements when extending or arranging credit in certain transactions.

* * * * *

►(c) Paragraph (a)(2) of this section shall not apply to any offer to extend credit or arrange any loan, in connection with any offer or sale, or attempt to induce the purchase, of any municipal security as defined in section 3(a)(29) of the Act.◄

17. Section 240.15c2–7 is amended as indicated below:

§ 240.15c2–7 Identification of quotations.

(a) It shall constitute an attempt to induce the purchase or sale of a security by making a "fictitious quotation within the meaning of section 15(c)(2) of the Act, for any broker►,◄ [or] dealer ►or municipal securities dealer◄ to furnish or submit, directly or indirectly, any quotation for a security to an inter-dealer-quotation-system, unless:

(1) The inter-dealer-quotation-system is informed, if such is the case, that the quotation is furnished or submitted;

(i) By a correspondent broker►,◄ [or] dealer ►or municipal securities dealer◄ for the account or in behalf of another broker►,◄ [or] dealer ►municipal securities dealer◄, and if so, the identity of such other broker►,◄ [or] dealer ►or municipal securities dealer◄; and/or

(ii) In furtherance of one or more other arrangements (including a joint account, guarantee of profit, guarantee against loss, commission, markup, markdown, indication of interest and accommodation arrangement) between or among brokers►,◄ [or] dealers ►or municipal securities dealers◄, and, if so, the identity of each broker►,◄ [or] dealer ►or municipal securities dealer◄ participating in any such arrangement or arrangements: *Provided, however*, that the provisions of this subparagraph shall not apply if only one of the brokers►,◄ [or] dealers ►or municipal securities dealers◄ participating in any such arrangement or arrangements furnishes or submits a quotation with respect to the security to an inter-dealer-quotation-system.

(2) The inter-dealer-quotation-system to which the quotation is furnished or submitted makes it a general practice to disclose with each published quotation, by appropriate symbol or otherwise, the category or categories (subparagraph (1). (i) and/or (ii) of this paragraph) in furtherance of which the quotation is submitted, and the identities of all other brokers►,◄ [or] dealers ►or municipal securities dealers◄ referred to in subparagraph (1) of this paragraph where such information is supplied to the inter-dealer-quotation system under the provisions of subparagraph (1) of this paragraph.

(b) It shall constitute an attempt to induce the purchase or sale of a security by making a "fictitious quotation," within the meaning of section 15(c)(2) of the Act, for a broker►,◄ [or] dealer ►or municipal securities dealer◄ to enter into any correspondent or other arrangement (including a joint account, guarantee of profit, guarantee against loss, commission markup, markdown, indication of interest and accommodation arrangement) in furtherance of which two or more brokers►,◄ [or] dealers ►or municipal securities dealers◄ furnish or submit quotations with respect to a particular security unless such broker►,◄ [or] dealer ►or municipal securities dealer◄ informs all brokers►,◄ [or] dealers ►or municipal securities dealers◄ furnishing or submitting such quotations of the existence of such correspondent and other arrangements, and the identity of the parties thereto.

(c) For purposes of this section:

(1) The term "inter-dealer-quotation-system" shall mean any system of general circulation to brokers►,◄ [and] dealers ►and/or municipal securities dealers◄ which regularly disseminates quotations of identified brokers►,◄ [or] dealers ►or municipal securities dealers◄ but shall not include a quotation sheet prepared and distributed by a broker►,◄ [or] dealer ►or municipal securities dealer◄ in the regular course of his business and containing only quotations of such broker►,◄ [or] dealer ►or municipal securities dealer◄.

* * * * *

(3) The term "correspondent" shall mean a broker►,◄ [or] dealer ►or municipal securities dealer◄ who has a direct line of communication to another broker►,◄ [or] dealer ►or municipal securities dealer◄ located in a different city or geographic area.

18. Section 240.15c2–11 is amended by adding a new paragraph (f)(4).

§ 240.15c2–11 Initiation or resumption of quotations without specific information.

* * * * *

(f) * * *

►(4) The publication or submission of a quotation respecting a municipal security as defined in section 3(a)(29) of the Act.◄

* * * * *

19. The Securities and Exchange Commission hereby proposes certain additions to Part 240 of Chapter II of Title 17 of the Code of Federal Regulations regarding the regulation of municipal securities professionals and transactions in municipal securities pursuant to its authority under the Securities Exchange Act of 1934, and particularly Sections 2, 3, 10, 15, 15B, 17 and 23 thereof (15 U.S.C. 78b, 78c, 78j, 78o, 78o–4, 78q and 78w). The text of the proposed rules are as follows:

§ 240.15b10–12 Exemption for certain municipal securities brokers and municipal securities dealers.

The following sections adopted pursuant to section 15(b) of the Act shall not apply to any person who is required to register as a broker or dealer solely by reason of acting as a municipal securities broker or municipal securities dealer:

240.15b10–1	240.15b10–7
140.15b10–2	240.15b10–8
240.15b10–3	240.15b10–9
240.15b10–4	240.15b10–10
240.15b10–5	240.15b10–11
240.15b10–6	

§ 240.15Ba2–4 Registration of successor to registered municipal securities dealer.

In the event that a municipal securities dealer succeeds to and continues the business of another registered municipal securities dealer the registration of the predecessor shall be deemed to remain effective as the registration of the successor for a period of 75 days after such succession, provided that an application for registration on Form MSD (§ 249.950), in the case of a municipal securities dealer which is a bank or a separately identifiable department or division of a bank, or Form BD (§ 249.501), in the case of any other municipal securities dealer, is filed by such successor within 30 days after such succession.

§ 240.15Ba2–5 Registration of fiduciaries.

The registration of a municipal securities dealer shall be deemed to be the registration of any executor, administrator, guardian, conservator, assignee for the benefit of creditors, receiver, trustee in insolvency or bankruptcy, or other fiduciary, appointed or qualified by order, judgment, or decree of a court of competent jurisdiction to continue the business of such registered municipal securities dealer: provided, that such fiduciary files with the Commission, within 30 days after entering upon the performance of his duties, a statement setting forth as to such fiduciary substantially the information required by Form MSD (§ 249.950), if the municipal securities dealer is a bank or a separately identifiable department of a bank, or Form BD (§ 249.501), if the municipal securities dealer is other than a bank or a separately identifiable department or division of a bank.

§ 240.15B2a–6 Adoption of application filed by predecessor.

Registration of a municipal securities dealer pursuant to an application filed on behalf of such municipal securities dealer by a predecessor shall terminate on the 30th day after the effective date thereof unless the successor shall adopt the application as its own by filing a statement adopting such application on or before such date. Any statement adopting such an application shall constitute a representation to the Commission that the information contained in such application, and in the supplements and amendments thereto, is true and correct.

§ 240.15Bc3–1 Withdrawal from registration of municipal securities dealers.

(a) Notice of withdrawal from registration as a municipal securities dealer pursuant to section 15B(c) shall be filed on Form MSDW (§ 249.950a), in the case of a municipal securities dealer which is a bank or a separately identifiable department or division of a bank, or Form BDW (§ 249.501a), in the case of any other municipal securities dealer, in accordance with the instructions contained therein.

(b) Except as hereinafter provided, a notice to withdraw from registration filed by a municipal securities dealer pursuant to section 15B(c) shall become effective for all matters on the 60th day after the filing thereof with the Commission or within such shorter period of time as the Commission may determine. If a notice to withdraw from registration is filed with the Commission at any time subsequent to the date of the issuance of a Commission order instituting proceedings pursuant to section 15B(c) of the Act to censure, place limitations on the activities, functions or operations of, or suspend or revoke the registration of, such municipal securities dealer, or if, prior to the effective date of the notice of withdrawal pursuant to this paragraph (b), the Commission institutes such a proceeding or a proceeding to impose terms or conditions upon such withdrawal, the notice of withdrawal shall not become effective pursuant to this paragraph (b) except as such time and upon such terms and conditions as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

(c) Every notice of withdrawal filed pursuant to this section shall constitute a "report" within the meaning of sections 17 and 32(a) of the Act.

§ 240.17a–21 Reports of Municipal Securities Rulemaking Board.

(a) Annual Report of the Municipal Securities Rulemaking Board. The Municipal Securities Rulemaking Board shall file annual reports with Commission as follows:

(1) Prior to September 1 of each of the years 1976 and 1977 the Municipal Securities Rulemaking Board shall file with the Commission an annual report for the twelve months immediately preceding July 1 of that year and shall include whatever information, data and recommendations it considers advisable with regard to matters within its jurisdiction.

(2) Prior to December 1 of each year beginning in 1978, the Municipal Securities Rulemaking Board shall file with the Commission an annual report for the twelve months immediately preceding October 1 of that year and shall include whatever information, data and recommendations it considers advisable with regard to matters within its jurisdiction.

(3) The Muncipal Securities Rulemaking Board shall include in its annual report a statement and an analysis of its expenses and operations including:

(i) A balance sheet as of the end of the Board's latest fiscal year and a statement of revenues and expenses for the Board for that fiscal year;

(ii) The rules of the Board (including a statement indicating all additions to or deletions from the rules of the Board during the period covered by the report);

(iii) Interpretations of the rules of the Board (including staff interpretative letters);

(iv) All forms required by rule of the Board to be filed by municipal securities brokers or municipal securities dealers or any class thereof;

(v) The following information concerning members of the Board: (A) Name, (B) dates of commencement and termination of present term of office, (C) length of time each member has held such office, (D) name of firm with which connected, (E) title of such firm, (F) city wherein the principal office of such firm is located;

(vi) Address of the Board, the name and address of each person authorized to receive notices on behalf of the Board from the Commission, and the name and address of counsel to the Board, if any;

(vii) Any classes of municipal securities brokers or municipal securities dealers, the purpose for which such persons are classified, and the rules of the Board which apply differently to different classes of such persons;

(viii) A list as of the latest practicable date, alphabetically arranged, of all municipal securities brokers and municipal securities dealers required to pay to the Board fees and charges to defray the costs and expenses of operating the Board. The list should include for each:

(A) The name,

(B) The principal place of business,

(C) Form of organization (e.g., sole proprietorship, partnership, corporation),

(D) In the case of a municipal securities dealer, whether or not such municipal securities dealer is a bank or a separately identifiable department or division of a bank.

(4) Within 10 days after the discovery of any inaccuracy in its annual report or in any amendment thereto, the Municipal Securities Rulemaking Board shall file with the Commission an amendment correcting such inaccuracy.

(b) Supplemental Reports of the Municipal Securities Rulemaking Board. The Municipal Securities Rulemaking Board shall file supplemental reports with the Commission as follows:

(1) Within 10 days after issuing or making generally available to municipal securities brokers and municipal securities dealers any materials (including notices, circulars, bulletins, lists, periodicals, etc.) the Municipal Securities Rulemaking Board shall file with the Commission three copies of such material (unless such material is filed with the Commission pursuant to Rule 19b–4) (§ 240.19b–4).

(2) Within 10 days after any action is taken which renders no longer accurate any of the information required by paragraph (a) of this section to be contained in the annual report of the Municipal Securities Rulemaking Board (except action reported to the Commission pursuant to Rule 19b–4 (§ 240.19b–4) and action affecting a balance sheet or income statement contained in such report), the Board shall file with the Commission written notification in triplicate setting forth the nature of such action and the effective date thereof. Such notice may be filed either in the form of a letter or in the form of a notice made generally available to municipal securities brokers and municipal securities dealers.

20. The Securities and Exchange Commission hereby proposes the following addition to Part 249 of Chapter II of Title 17 of the Code of Federal Regulations to provide for the withdrawal from registration of a municipal securities dealer, pursuant to its authority under the Securities Exchange Act of 1934, and particularly sections 2, 3, 10, 15B, 17 and 23 thereof (15 U.S.C. 78b, 78c, 78j, 78o–4, 78q and 78w). The proposed addition is as follows:

§ 249.950a Form MSDW, Notice of withdrawal from registration as a municipal securities dealer pursuant to § 240.15Bc3–1 of this chapter.

This form shall be used by banks or separately identifiable departments or divisions of banks for filing a notice of withdrawal as a municipal securities dealer pursuant to Rule 15Bc3–1 (§ 240.15Bc3–1 of this chapter).

All interested persons are invited to submit their views on the foregoing rule proposals in writing to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, not later than January 15, 1976. Commentators should make specific reference to those proposed rules (or parts thereof) which they believe should be amended further in any way. Comments are also invited on any other existing rules which presently do (or, on December 1, 1975, will apply to municipal securities professionals or transactions in municipal securities which commentators believe should be abrogated or amended in those respects; the Commission particularly wishes to receive comment on the matters discussed above with respect to the consequences of its proposed amendment of § 240.15c1–1 and its belief that § 240.15c1–4 should not be amended insofar as requires disclosure of "the other side" in agency transactions. All communications should refer to File No. S7–604, and will be available for public inspection in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 26, 1975.

[FR Doc.75–34703 Filed 12–30–75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice; CM-6/1]

FINE ARTS COMMITTEE

Meeting

The Fine Arts Committee will hold its Fall meeting on Saturday, January 17, 1976 at 10:30 a.m. in the John Quincy Adams State Drawing Room in the Diplomatic Reception Rooms, Department of State.

The agenda will include a summary of the work of the Fine Arts Committee since its last meeting, the announcement of all gifts and loans during the calendar year 1975, as well as the Committee's plans for the coming year.

The meeting is open to the public. The public may take part in the discussion as long as time permits and at the discretion of the Chairman. Because of State Department security requirements, anyone wishing to attend the meeting should telephone the Fine Arts Office before Wednesday, January 14, 1976, Area Code (202) 632-0298 to make arrangements to enter the building.

Dated: December 29, 1975.

CLEMENT E. CONGER,
Chairman, Fine Arts Committee.

[FR Doc.75-35235 Filed 12-30-75;9:07 am]

Office of the Secretary

[Public Notice CM-5/140]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW; STUDY GROUP ON NEGOTIABLE INSTRUMENTS

Meeting

A meeting of the Study Group on Negotiable Instruments, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will be held on Friday, January 23, 1976, in the Ernest Scott Seminar Room (146) of the University of Pennsylvania Law School, 3400 Chestnut Street, Philadelphia, Pennsylvania. The meeting, which will begin at 10 a.m., will be open to the public.

The primary purpose of the meeting is to review a draft uniform law on negotiable instruments under consideration by a Working Group of the United Nations Commission on International Trade Law.

Members of the general public may attend up to the limits of the capacity of the meeting room and participate in the discussion subject to instructions of the Chairman. It is requested that prior to January 23, 1976, members of the public who desire to attend the meeting inform their name and affiliation and address to Mr. Robert E. Dalton, Office of the Legal Adviser, Department of State; the telephone number is area code 202, 632-2107.

Dated: December 18, 1975.

ROBERT E. DALTON,
Executive Director.

[FR Doc.75-35091 Filed 12-30-75;8:45 am]

U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on February 5, 1976, at 9:30 a.m. in Room 1105, Department of State, 22nd and C Streets, NW., Washington, D.C.

The U.S. National Committee assists in the resolution of administrative/procedural problems pertaining to U.S. CCIR activities; provides advice on matters of policy and positions in preparation for CCIR Plenary Assemblies and meetings of the international Study Groups; and recommends the disposition of proposed U.S. contributions to the international CCIR which are submitted to the Committee for consideration.

The purposes of the meeting on February 5 will be:

a. Review of preparations for the international meetings of CCIR Study Groups in 1976 and consideration of position papers;

b. Consideration of U.S. participation in a Joint Working Party for Coordination of CCIR Report to the 1977 World Administrative Radio Conference for the planning of the Broadcasting Satellite Service in the 12 GHz band;

c. Review of preparations for the 1979 World General Administrative Radio Conference;

d. Review of the U.S. CCIR Research Objectives.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to February 5, 1976, members of the general public who plan to attend the meeting inform their name and address to Mr. Gordon L. Huffcutt, Office of International Communications Policy, Department of State; the telephone number is Area Code 202, 632-2592. All non-Government attendees must use the C Street entrance to the building.

Dated: December 18, 1975.

GORDON L. HUFFCUTT,
Chairman,
U.S. National Committee.

[FR Doc.75-35090 Filed 12-30-75;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

DECEMBER 23, 1975.

[Public Debt Series—No. 35-75]

TREASURY NOTES OF SERIES G-1979

Interest Rates

The Secretary of the Treasuroy announced on December 22, 1975, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 35-75, dated December 10, 1975, will be 7½ percent per annum. Accordingly, the notes are hereby redesignated 7½ percent Treasury Notes of Series G-1979. Interest on the notes will be payable at the rate of 7½ percent per annum.

SIDNEY COX,
Acting Fiscal
Assistant Secretary.

[FR Doc.75-35096 Filed 12-30-75;8:45 am]

Office of the Secretary

INCOME TAX TREATY

United States and Yugoslavia To Hold Discussions

The Treasury Department today announced that representatives of the United States and Yugoslavia plan to meet in Belgrade in February 1976 to begin discussions of a proposed bilateral income tax treaty.

At present, there is no income tax convention between the two countries.

The proposed treaty is intended to prevent double taxation and to facilitate trade and investment between the two countries. It will be concerned with the tax treatment of income of individuals and companies from business, investment, and personal services, and the procedures for administering the provisions of the treaty.

The "model" income tax treaty developed by the Organization for Economic Cooperation and Development will be taken into account along with recent U.S. treaties with other countries, such as the treaties with Romania and Poland, which were signed in 1973 and 1974, respectively, and were recently approved by the United States Senate.

Persons wishing to make comments and suggestions about the discussions to be held with representatives of Yugoslavia should submit their views in writing before February 1, 1976, to Charles M. Walker, Assistant Secretary of the Treasury, U.S. Treasury Department, Washington, D.C. 20220.

[SEAL] ROBERT J. PATRICK, JR.,
International Tax Counsel,
Office of Tax Analysis.

[FR Doc.75-35102 Filed 12-30-75;8:45 am]

Office of Revenue Sharing

ENTITLEMENT DATA

Procedure for Improvement

The Office of Revenue Sharing is conducting a Supplemental Data Improvement Program during the period from December 8, 1975 to January 12, 1976 on data to be used in computing final allocations for units of State and local government pursuant to the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92-512, 31 U.S.C.A. Chapter 24) for the sixth entitlement period (July 1, 1975 through June 30, 1976). All State governments, the District of Columbia, and only those units of local government whose data elements for the sixth entitlement period have been revised since February 1975 are participants in this Supplemental Data Improvement Program. These participating governments have been provided those data elements for review which have been revised since February 1975. These data, which were mailed on December 8, 1975, were compiled by the Bureau of the Census, the Internal Revenue Service and the Bureau of Indian Affairs. Definitions of each data element are provided in this notice.

Each participating recipient unit of local government will receive either a Form 3233 or a Form 3240. Only those participating local governments in areas declared major disaster areas since April 1, 1974 under the Disaster Relief Act of 1974 (Pub. L. 93-288, 42 U.S.C. Chapter 58) and whose Fiscal Year 1974 adjusted taxes and/or intergovernmental transfers were possibly adversely affected by the major disaster will receive Form 3240. These local governments, in order to be eligible for the data stabilization benefit of that Act, which allows them to use their predisaster data figures for adjusted taxes and/or intergovernmental transfers rather than their post-disaster figures, are required to certify that both or either of their 1974 adjusted taxes and intergovernmental transfers were adversely affected by the disaster. Such certification must be received in the Office of Revenue Sharing by January 12, 1976.

All other participating recipient local governments with data revisions for the sixth entitlement period since February, 1975, received Form 3233. State governments and the District of Columbia were notified by letter.

If any recipient State or local government believes that there are errors in these data, relative to these definitions and effective dates, they should so inform the Office of Revenue Sharing in writing with appropriate documentation on or before January 12, 1976. Local governments may do this by returning Form 3233, with evidence and documentation to fully justify the proposed corrections of data. Governments which receive Form 3240 also have the opportunity to question their data elements by returning Form 3240 with evidence and documentation to fully justify the proposed corrections to these data. Form 3233 or 3240 and supporting justifications must be received by the Office of Revenue Sharing on or before January 12, 1976 in order that corrections to data elements may be used in determining final sixth entitlement period allocations.

Governments which receive Form 3233 and which do not wish to question their data are requested not to return the form. Governments which receive Form 3240 and which do not wish to question their data or provide a disaster certification are requested not to return the form.

The data of record in the Office of Revenue Sharing for those participating governments which do not respond by January 12, 1976, will be used to calculate their final allocation for the sixth entitlement period. In the case of those participating local governments sent Form 3240, the post-disaster data of record in the Office of Revenue Sharing will be considered valid if the Office of Revenue Sharing has not received a disaster certification by January 12, 1976.

Upon receipt of any written response from a participating recipient State or local government, the Office of Revenue Sharing, with the cooperation of the Bureau of the Census or the Bureau of Indian Affairs, will substantiate or correct all data questioned and advise the recipient government of its findings. Those findings will constitute final administrative action for purposes of giving recipient governments standing to obtain judicial review of the questioned data.

In order to assure equitable treatment of each recipient, the books will be kept open until all evidence and documentation received in the Office of Revenue Sharing on or before January 12, 1976 have been reviewed and data determined to be erroneous have been corrected.

Dated: December 22, 1975.

[SEAL] JOHN K. PARKER,
Acting Director,
Office of Revenue Sharing.

Approved: DONALD L. E. RITGER, *General Counsel.*

LOCAL GOVERNMENT DATA DEFINITIONS

1. POPULATION

Population of Counties, Cities, Towns, and Townships

The *population* of a unit of government for revenue sharing purposes is the resident population as of July 1, 1973 as determined by the Bureau of the Census. The July 1, 1973 estimates of population were derived by the Bureau of the Census using a component procedure whereby components of population *change* are estimated separately and then added to the enumerated 1970 census populations of the units of local government. The population base reflects all population corrections made to the data after the initial Bureau of the Census publication as well as changes due to new incorporations, disincorporations and annexations.

The components of population change are:

1. *Natural increase, i.e. the excess of births over deaths:* Annual births and deaths were compiled from State vital statistics offices supplemented by data from the National Center for Health Statistics. County statistics were available for all States. When vital statistics were not available for all areas within a county, the births and deaths for these areas were distributed proportionately on the basis of the 1970 census population.

2. *Net Migration:* This component of population change was estimated for each unit of government by developing a net migration rate for the period between 1970 and 1973. The net migration rate was developed by matching IRS files of 1972 tax returns and 1969 tax returns. Thus it was possible to determine for each unit of local government the number of taxpayers who did not move, or who moved in or out of the jurisdiction between 1970 and 1973. The number of those who moved in minus the number of those who moved out yields the net migration. The net migration rate of taxpayers was applied to the total population in an area.

In addition to the estimates of natural increase and net migration, adjustments were incorporated into the estimates to account for immigration from abroad, institutional inmates, members of the armed forces and college students. For all areas where special censuses were taken by the Bureau of the Census close to the July 1, 1973 estimate date, the special census counts were used in lieu of the estimates. The special census counts were adjusted to the July 1, 1973 estimate date. In several States, the subcounty estimates were also merged with estimates developed by State agencies participating in the Federal-State Cooperative Program for Local Population Estimates.

The July 1, 1973 population estimates being used for revenue sharing for counties represent the average of July 1, 1973 administrative record-based estimates derived by the procedure described above and July 1, 1973 estimates derived from the Federal-State Cooperative Program. The county populations were further adjusted to be consistent with State estimates published by the Bureau of the Census in Current Population Reports Series P-25. The population estimates for the governments in each county area were adjusted to be consistent with the county population.

The July 1, 1973 population estimates are related to boundaries as of December 31, 1973. New incorporations, disincorporations and qualifying annexations, i.e., annexations made by places with a 1973 population of at least 5,000 and for which are annexed areas include population equal to 5% or more of the annexing government's population have been recognized up through 1974.

Population of Indian Tribes and Alaskan Native Villages

The population of an Indian tribe or Alaskan Native village for revenue sharing purposes is the resident population as of July 1, 1973 as determined by the Bureau of Indian Affairs. For Indian tribes, the resident population is the number of Indians living within the boundaries of the tribal reservation plus the number of Indians living on trust land (including public domain allotments) adjacent to the reservation and pertaining to the tribe. The adjacent trust land may be tribally owned or individually owned. Resi-

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dent non-Indian members of families with an Indian head or spouse are also included in the population estimates.

For Alaskan Native villages, the resident population is the number of Indians, Aleuts and Eskimos living within the boundaries of the village. Resident non-Alaskan Native members of families with an Alaskan Native head or spouse are also included in the population estimate.

The methodology used by the Bureau of Indian Affairs to update the 1970 population of an Indian tribe or Alaskan Native village depended on the type of accurate data that was available for that tribe or village. The types of data available varied from place to place. Two examples of the types of data used to make the July 1, 1973 population estimates are lists of residents and school enrollment data. In many cases the Bureau of Indian Affairs worked directly with the Indian tribe or Alaskan Native village to obtain the best available data.

II. PER CAPITA INCOME

The 1972 per capita income (PCI) is the estimated mean or average amount of total money income received during calendar year 1972 by all persons residing in a given political jurisdiction in April 1973. The 1972 PCI estimates are based on data from the 1970 Census, or later special censuses, and reflect corrections to the Census data which have been made since 1970.

The 1970 census PCI data were updated to 1972, based on income data from the 1969 and 1972 Federal income tax returns and State and county income estimates prepared by the Bureau of Economic Analysis (BEA) to measure the change from 1969 to 1972.

Total money income is the sum of:
- Wage or salary income
- Net nonfarm self-employment income
- Net farm self-employment income
- Social Security or railroad retirement income
- Public assistance income
- All other income such as interest, dividends, veteran's payments, pensions, unemployment insurance, alimony, etc.

The total represents the amount of income received before deductions for personal income taxes, Social Security, bond purchases, union dues, medicare deductions, etc.

Receipts from the following sources are not included as income: Money received from the sale of personal property; capital gains; the value of income "in kind" such as food produced and consumed in the home or free living quarters; withdrawal of bank deposits; money borrowed; tax refunds; exchange of money between relatives living in the same household; gifts and lump sum inheritances, insurance payments, and other types of lump sum receipts.

County Estimates

At the county level, 1972 PCI estimates were developed by carrying forward the per capita amount for each income type listed above. Census wage and salary per capita income amounts were updated using the percent change in the IRS wage and salary per exemption. For the remaining income types, the percent change in the BEA per capita amounts were used. The 1972 per capita amounts for each income type were then multiplied by the July 1, 1973 population estimates, and the resulting county income aggregates were adjusted to State income aggregates. For each county the aggregate amounts for each income type were added to get an estimated 1972 total money income which was then divided by the estimated population to derive the 1972 PCI estimate.

Subcounty Governmental Unit Estimates

For all townships over 1,000 population and for all municipalities over 1,000 not in townships, the updates were also developed using per capita amounts. Updated census earnings plus "other income" per capita were developed using the percent changes in IRS Adjusted Gross Income per exemption. The estimates for Social Security and public assistance were made by assuming that the 1970 census per capita amounts for these income types grew at the same rate as that for the county. The PCI for places over 1,000 population in townships was assumed to grow at the same rate as that for the entire township.

The PCI estimates for governmental units of 500–999 population were computed by applying the average percent change in PCI for the county, excluding large places (population of 10,000 or more), to their 1970 census PCI. PCI estimates for governmental units of under 500 population were assumed to be equal to the average PCI of the county excluding any large places. The subcounty estimates were adjusted to the county estimates to insure conformity.

III. ADJUSTED TAXES

The *adjusted taxes* for a unit of local government, as derived from the General Revenue Sharing Survey conducted by the Bureau of the Census in 1974, are the total taxes of the unit of government in Fiscal Year 1974 (that government's 12-month accounting period that ended between July 1, 1973 and June 30, 1974) *excluding* taxes for schools and other educational purposes. A government's total Fiscal Year 1974 taxes are those which were exacted by that government and which were collected by or for that government during Fiscal Year 1974. Total general purpose taxes include:

1. *Property taxes*—county, municipal or township taxes levied on the value of real or personal property.

2. *Sales taxes*—county, municipal or township taxes, either general or specific, on goods and services, measured as a percent of sales or receipts, or as an amount per unit sold.

Sales taxes are of two types:
a. General sales or gross receipts tax
b. Selective sales or gross receipts tax.
Examples of selective sales taxes are:

- Gasoline tax
- Liquor tax
- Cigarette and Tobacco tax
- Public utilities excise tax
- Amusement tax
- Hotel and motel room occupancy and meals tax

3. *Licenses, permits and other taxes*—county, municipal or township taxes not included in items 1 and 2 above.
Examples of license taxes are:

- Alcoholic beverage licenses
- Business privilege licenses
- Motor vehicle and operators licenses
- Hunting and fishing licenses
- Marriage licenses
- Inspection fees charged in connection with the granting or renewal of a license

Examples of permits are:
- Building permits
- Permits for a business or non-business privilege

Examples of other taxes are:
- Income, payroll or earnings tax
- Mortgage transfer and recordation tax
- Severance tax
- Fee retained by a government for collecting taxes for other governments

General purpose taxes do not include receipts from service charges, special assessments, interest earnings or fines.

A tax which is jointly imposed by a State government and units of local government is apportioned in order to determine local tax effort. An example of a jointly imposed tax would be a five percent sales tax of which four percent was imposed by the State government and one percent was imposed by the local government. In such case the amount of revenue realized by virtue of the one percent locally imposed portion will be credited to local tax effort. It is important to distinguish a "jointly imposed tax" from a wholly State imposed tax where part of the tax revenue is shared with local governments. An example of a shared State tax would be a five percent sales tax wholly imposed by the State, but which provides a 20 percent revenue share to units of local government. A local government's share of a "wholly State imposed tax" is classified as an intergovernmental transfer and not as local tax effort. Thus, in determining local tax effort the point of reference is the government which imposed the tax rather than the government which expended the resulting tax revenue.

Certain sales taxes imposed by counties which meet the requirements of Section 109 (e) (2) (B) of the Revenue Sharing Act may be considered to be taxes of the units of local government within the county rather than the county government. The "Memphis Rule," as this section is called, provides for situations whereby a county government imposes a sales tax within the geographic area of local governments within the county, and then shares part or all of the applicable tax revenue with those local governments. These taxes must be transferred by the county government without specifying the purposes for which the local governments may spend the revenues. In such cases, the Governor of the State must certify to the Secretary of the Treasury that the requirements of the "Memphis Rule" are met. This certification must be made by the Governor before the beginning of the entitlement period when the "Memphis Rule" is to take effect. The taxes which are transferred by the county to the units of local government will then be considered for revenue sharing purposes to be taxes of the local governments and not the taxes of the county government.

Amounts in lieu of taxes received by a government from a utility it operates are treated as internal transfers and are excluded from taxes. Amounts in lieu of taxes received from utilities operated by other governments are reported as intergovernmental transfers.

School taxes are tax revenues of a unit of government which are allocated for school purposes. They consist of taxes levied for current operation, capital outlay and debt service including amounts collected for a governmental unit's schools by the State or a local government acting as collecting agent.

In some jurisdictions tax revenues for purposes of education are not separately identifiable because education is financed by expenditure or transfer of monies from a general fund to a school fund. If so, then the ratio of tax revenues to total revenues in such general fund multiplied by the expenditure or transfer of monies from the general fund (or similarly named fund) for education purposes is taken to be the amount of tax revenues allocable to expenses for education.

IV. INTERGOVERNMENTAL TRANSFERS OF REVENUES

Intergovernmental transfers of revenue are amounts received by a unit of government from other governments in Fiscal Year 1974 (the government's 12-month accounting period that ended between July 1, 1973 and June 30, 1974) for use either for specific functions or for general financial support.

This amount is derived from the General Revenue Sharing Survey conducted by the Bureau of Census in 1974. The figure includes grants, shared taxes, contingent loans and reimbursments for tuition costs, hospital care, construction costs, etc. Intergovernmental revenue does not include amounts received from sale of property or commodities, utility services to other governments, or Federal general revenue sharing entitlement funds.

STATE GOVERNMENT AND DISTRICT OF COLUMBIA DATA DEFINITIONS

I. POPULATION

Population shall be determined on the same basis as resident population as determined by the Bureau of the Census for general statistical purposes.

The population of States used for revenue sharing purposes in Entitlement Period 6 is the *1974 population of States*. The 1974 population data for States are the estimates of the total resident populations of States as of July 1, 1974. These population estimates are those which were published by the Bureau of the Census in a report entitled *Estimates of the Population of States, July 1, 1974 and 1975* (*Current Population Reports*, Series P–25, No. 615) dated December 1975. Incorporated in these population totals for the year ending July 1, 1974, are estimates of population change, including migration, based on vital statistics, key population indicators and extrapolations of past trends. For a complete description of the methodology used, please consult the full report in the Bureau of the Census, Series P–25.

II. URBANIZED POPULATION

Urbanized population means the population of any area consisting of a central city or cities of 50,000 or more inhabitants (and beginning of the entitlement period when the "Memphis Rule" is to take effect. The taxes which are transferred by the county to the units of local government will then be considered for revenue sharing purposes to be taxes of the local governments and not the taxes of the county government.

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II. URBANIZED POPULATION

Urbanized population means the population of any area consisting of a central city or cities of 50,000 or more inhabitants (and for such city or cities) which is treated as an urbanized area by the Bureau of the Census for general statistical purposes.

The urbanized population of States used for revenue sharing purposes in Entitlement Period 6 is the *1970 urbanized population of States*. A State's urbanized 1970 population is the amount of that State's 1970 population which was classified as an urbanized area according to Bureau of the Census 1973 Urbanized Area Criteria. (The Bureau of the Census revised its definitional criteria in 1973 for urbanized areas to make them more consistent with the criteria for Standard Metropolitan Statistical Areas (SMSAs). An urbanized area was defined for each SMSA using 1970 Census population.)

1. An urbanized area must include a central city or cities that qualify under one of the criteria listed below. *All population criteria refer to 1970 census population counts (except as specified in item 1a).*

a. A city of 50,000 inhabitants or more according to the 1970 census, a special census taken between 1960 and 1970 or the 1960 census provided that the city is located in an SMSA and is not included in an existing urbanized area.

b. A city having a population of at least 25,000 which, with the addition of the population of contiguous places, (incorporated or unincorporated) each of which has a population density of at least 1,000 persons per square mile, and which together constitute for general economic and social purposes a single community with a combined population of at least 50,000, provided that the city is located within an SMSA and is not included in an existing urbanized area.

2. In addition to a central city or cities, an urbanized area includes contiguous territory meeting the following criteria:

a. Incorporated places of 2,500 inhabitants or more but excluding the rural portions of extended cities.

b. Incorporated places with fewer than 2,500 inhabitants, provided that each has a closely settled area of 100 housing units or more; and all unincorporated places recognized in the 1970 census.

c. Contiguous small parcels of unincorporated land (delineated as either enumeration districts or block parcels prior to the 1970 census) determined to have a 1970 census population density of 1,000 inhabitants or more per square mile. (In this instance the areas of large nonresidential tracts devoted to such urban land uses as railroad yards, airports, factories, parks, golf courses, and cemeteries are excluded in computing the population density.)

d. Other similar small areas in unincorporated territory without regard to population density provided that they serve to eliminate enclaves, or to close indentations of one mile or less in width across the open end of the urbanized areas in order to eliminate narrow fingers of "rural" area, or to link outlying areas of qualifying density provided that these are not more than 1½ miles from the main body of the urbanized area.

III. INCOME

Income means total money income received from all sources, as determined by the Bureau of the Census for general statistical purposes.

The per capita income (PCI) of States used for revenue sharing purposes in Entitlement Period 6 is the *1972 per capita income of States*. The per capita income is the estimated mean or average amount of total money income received during calendar year 1972 by all persons residing in a State in April 1973. The 1972 PCI estimates are based on data from the 1970 Census, or later Special Censuses, and reflect corrections to the Census data which have been made since 1970.

Total money income is the sum of:
- Wage or salary income
- Net nonfarm self-employment income
- Net farm self-employment income
- Social Security or railroad retirement income
- Public assistance income
- All other income such as interest, dividends, veteran's payments, pensions, unemployment insurance, alimony, etc.

The total represents the amount of income received before deductions for personal income taxes, Social Security, bond purchases, union dues, medicare deductions, etc.

Receipts from the following sources are not included as income: Money received from the sale of personal property; capital gains; the value of income "in kind" such as food produced and consumed in the home or free living quarters; withdrawal of bank deposits; money borrowed; tax refunds; exchange of money between relatives living in the same household; gifts and lump sum inheritances, insurance payments, and other types of lump sum receipts.

The 1970 census PCI data were updated to 1972, based on income data from the 1969 and 1972 Federal income tax returns and State income estimates prepared by the Bureau of Economic Analysis to measure the change from 1969 to 1972.

At the State level, 1972 per capita income estimates were developed by carrying forward the 1970 census aggregates for each type of income (as itemized above) and dividing the sum of the 1972 aggregates for each State by the estimated April 1973 population. The percent change in wage and salary income as reflected by the IRS data, was used to update the 1970 census wage and salary amount, while the remaining income types were carried forward using the percent change implied in estimates developed by the Bureau of Economic Analysis.

IV. STATE INDIVIDUAL INCOME TAX

The individual income tax of any State is the tax imposed upon the income of individuals by such State and described as a State income tax under section 164(a)(3) of the Internal Revenue Code of 1954.

The State individual income tax data for Entitlement Period 6 are calendar year *1974 State individual income tax collections*. Actual calendar year 1974 State individual income tax collections were obtained from the Bureau of the Census publication entitled *Quarterly Summary of State and Local Tax Revenue October–December 1974*. These are collections of taxes on individuals measured by net income and taxes distinctively on special types of income (e.g., interest, dividends, income from intangibles, etc.)

The calendar year 1974 State individual income tax collections data may not agree exactly with the figures in Census' *Quarterly Summary of State and Local Tax Revenue*, if corrections to these data were made subsequent to its publication.

V. FEDERAL INDIVIDUAL INCOME TAX LIABILITIES

Federal individual income tax liabilities attributed to any State for any period shall be determined on the same basis as such liabilities are determined for such period by the Internal Revenue Service for general statistical purposes.

In general, the Federal individual income tax liability of a State means the total annual Federal individual income taxes after credits attributed to the residents of the State by the Internal Revenue Service. Income tax after credits is determined by substracting statutory credits from the total of income tax before credits and the tax surcharge. It does not include self-employment tax or tax from recomputing prior year investment credit, nor does it take into account refundable credits.

Income tax before credits is the tax liability computed on taxable income based on:
1. The regular combined normal tax and surcharge including tax from the optional tax tables,
2. Alternative tax, or
3. Tax computed using the income averaging provisions.

Examples of credits which are applied against income taxes are:
1. Retirement income credit,
2. Investment credit,
3. Foreign tax credit, and
4. Other tax credits.

The State and Local Fiscal Assistance Act of 1972 (Revenue Sharing Act) specifies that, if available, data on Federal individual income tax liabilities should be "for taxable years ending . . . during the last calendar year ending before the beginning of such entitlement period."

The most recent Federal individual income tax liabilities available for revenue sharing use in Entitlement Period 6 are the *1973 IRS estimates of Federal individual income tax liabilities of States*. These estimated tax amounts for calendar year 1973 are the 1973 estimates from the Internal Revenue Service's *Statistics of Income*.

VI. STATE AND LOCAL TAXES

The State and local taxes are the compulsory contributions exacted by the State (or by any unit of local government or other political subdivision of the State) for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other special assessments for capital outlay), as such contributions are determined by

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the Bureau of the Census for general statistical purposes.

State and local taxes data used for revenue sharing purposes in Entitlement Period 6 are the *fiscal year 1972–73 State and local taxes*, as reported by the Bureau of the Census in Table 17 of *Governmental Finances 1972–73* (GF 73, No. 5). Fiscal year 1972–73 is a government's 12-month accounting period that *ended* between July 1, 1972 and June 30, 1973 except for the State governments of Alabama and Texas (as well as school districts in those States). These latter governments have fiscal years which end at the end of September and August, respectively, and are treated as though they were part of the group with fiscal years ending June 30.

Tax revenue comprises amounts collected from all taxes which are imposed by a government and collected by that government or which are collected for it by another government acting as its agent. This includes interest and penalties but does not include amounts paid under protest and amounts refunded. For purposes of this definition, local governments and political subdivisions include counties (parishes in Louisiana and boroughs in Alaska), municipalities, townships, school districts, and special districts. A unit of government also includes, in addition to the central authority of the unit, any semi-autonomous boards, commissions, or other agencies dependent on it that do not in themselves meet requirements as to fiscal and administrative independence even though as to accounting records and other specific administrative aspects such agencies may operate outsid the central accounting and administrative pattern of the unit.

The State government information contained in State and local taxes is based on the annual Bureau of the Census survey of State finances. State finances statistics are compiled by representatives of the Bureau of the Census from official records and reports of the various States. The local government portion of the State and local taxes data are estimates based on information received from a sample of such governments. The sample consisted of approximately 16,000 local governments. Survey coverage applied to all counties having a 1970 population of 50,000 or more, all cities having 1970 population of 25,000 or more, all other governments whose relative importance in their State based on expenditure or debt was above a specified size, and a random sample of remaining units.

The fiscal year 1972–73 State and local taxes data may not agree exactly with the figures in *Governmental Finances 1972–73*, because corrections to these data have been made subsequent to its publication.

VII. GENERAL TAX EFFORT FACTOR

The general tax effort factor of any State for any entitlement period is the net amount collected from the State and local taxes of such State during the most recent reporting year, divided by the aggregate personal income attributed to such State for the same period. Personal income means the income of individuals, as determined by the Department of Commerce for national income accounts purposes.

The general tax effort factor of any State used for Entitlement Period 6 is the amount of fiscal year 1972–73 State and local taxes of the State divided by the aggregate personal income of the State for 1972. State and local taxes for fiscal year 1972–73 are as defined above, and as reported by the Bureau of the Census in Table 17 of *Governmental Finances 1972–73* (GF 73, No. 5).

Aggregate personal income for States in calendar year 1972 is estimated by the Bureau of Economic Analysis of the Department of Commerce for national income accounting purposes as reported in Table 1, pages 10–11, of *Survey of Current Business* August 1975, Volume 55, Number 8.

Aggregate personal income represents the total current income received by persons residing in the State from all sources, including transfers from government and business but excluding transfers among "persons." Not only individuals (including owners of unincorporated enterprises), but also nonprofit institutions, private trust funds, and private pension, health, and welfare funds are classified as "persons." Personal income is measured on a before-tax basis, as the sum of wages and salary disbursements, other labor income, proprietors' and rental income, interest and dividends, and transfer payments, minus personal contributions for social insurance, etc.

[FR Doc.75-34996 Filed 12-24-75;1:54 pm]

DEPARTMENT OF DEFENSE

Department of the Army

ARMED FORCES EPIDEMIOLOGICAL BOARD

Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

An ad hoc Study Team operating as a subcommittee of the Armed Forces Epidemiological Board will meet 15 January 1976 in Room 65, New York Academy of Medicine, 2 East 103rd St., N.Y., N.Y. 10029, from 0900 to 1700 hours. The purpose of the meeting is to review the current US Army Medical Department physical examination policy and to provide advice regarding the scope of periodic physical examinations for active duty Army personnel. The proposed agenda includes a discussion of current policy and procedures, proposed additional screening procedures and the development of improved health maintenance programs.

This meeting is open to the public, but limited by space accommodations.

Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, AFEB in writing, Room 1B472 Pentagon, Washington, D.C. 20310.

DUANE G. ERICKSON,
LTC, MSG, USA,
Executive Secretary.

DECEMBER 23, 1975.

[FR Doc.75-35190 Filed 12-30-75;8:45 am]

Office of the Secretary

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, February 3, 1976; Tuesday, February 10, 1976; Tuesday, February 17, 1976; and Tuesday, February 24, 1976, at 9:45 a.m., in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552(b) of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency" (5 USC 552(b)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 USC 552(b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 USC 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 USC 552(b)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD(C).

DECEMBER 24, 1975.

[FR Doc.75-35101 Filed 12-30-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

Modification of Resource Area Boundaries

Pursuant to the authority vested in the Secretary of the Interior by the Taylor Grazing Act of June 28, 1934, (48 Stat. 1269) as amended and delegated to the Director, Bureau of Land Management by 235 DM 1.1, the boundaries of the Roswell and Carlsbad Resource Areas are hereby modified as follows:

1. The boundaries establishing administrative jurisdiction over certain lands managed under Sections 3 and 15 of the Taylor Grazing Act by the Roswell Resource Area of the Roswell District, BLM, are adjusted so as to transfer administrative responsibility for all public land within the following described legal subdivision from the Roswell to the Carlsbad Resource Area.

All vacant, unappropriated public land in:

NEW MEXICO PRINCIPAL MERIDIAN

T. 9 S., R. 32 E. to 38 E., inclusive, All.
T. 10 S., R. 32 E. to 38 E., inclusive, All.
T. 11 S., R. 32 E. to 38 E., inclusive, All.
T. 12 S., R. 32 E. to 38 E., inclusive, All.
T. 13 S., R. 32 E. to 38 E., inclusive, All.
T. 14 S., R. 32 E. to 38 E., inclusive, All.
T. 15 S., R. 32 E. to 38 E., inclusive, All.
All in Lea County.
T. 16 S., R. 26 E.,
Sec. 1, All;
Sec. 12, E½;
Sec. 13, E½;
Sec. 24, NE¼, E½SE¼;
Sec. 25, NE¼NE¼.
T. 16 S., R. 27 E.,
Secs. 1 to 30 inclusive;
Sec. 31, E½, E½NW¼;
Secs. 32 to 36 inclusive.
T. 16 S., R. 28 E. to 29 E., inclusive, All.
T. 16 S., R. 30 E.,
Secs. 1 to 35, inclusive.
T. 16 S., R. 31 E.,
Secs. 3 to 10, 15 to 20, inclusive;
Sec. 21, N½;
Sec. 22, N½;
Secs. 29 to 32, inclusive.
T. 17 S., R. 27 E.,
Secs. 1 to 5, inclusive;
Sec. 6, E½;
Secs. 8 to 17, inclusive;
Sec. 19, E½NE¼;
Secs. 20 to 29, inclusive;
Sec. 30, E½;
Secs. 31 to 36, inclusive.
T. 17 S., R. 28 E., All.
T. 17 S., R. 29 E.,
Secs. 1 to 24, inclusive;
Secs. 28 to 33, inclusive.
T. 17 S., R. 30 E.,
Secs. 4 to 9, inclusive;
Sec. 17, All;
Sec. 18, All.
T. 18 S., R. 27 E.,
Secs. 1 to 6, inclusive;
Sec. 7, NE¼, E½SE¼;
Secs. 8 to 17, inclusive;
Sec. 20, N½;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 18 S., R. 28 E., All.
T. 18 S., R. 29 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 32, inclusive.
T. 19 S., R. 27 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive.
T. 19 S., R. 28 E.,
Secs. 1 to 30, inclusive;
Sec. 36, All.
T. 29 S., R. 29 E., All.
T. 19 S., R. 30 E.,
Sec. 6, All;
Sec. 7, All;
Sec. 18, All;
Sec. 19, All;
Sec. 30, All;
Sec. 31, All.
All in Eddy County.
T. 14 S., R. 17 E.,
Secs. 1 to 12, inclusive.
T. 14 S., R. 18 E.
Secs. 1 to 12, inclusive.
T. 14 S., R. 19 E.,
Secs. 1 to 18, inclusive;
Secs. 21 to 26, inclusive.
T. 14 S., R. 20 E.,
Secs. 1 to 24, inclusive;
Secs. 28 to 30, inclusive.
All in Chaves County.

2. The boundaries establishing administrative jurisdiction over certain lands managed under Section 3 of the Taylor Grazing Act by the Carlsbad Resource Area of the Roswell District, BLM, are adjusted so as to transfer administrative responsibility for all public land within the following described legal subdivisions from the Carlsbad to the Roswell Resource Area.

All vacant, unappropriated public land in:

NEW MEXICO PRINCIPAL MERIDIAN

T. 15 S., R. 21 E.,
Secs. 13 to 36, inclusive.
T. 15 S., R. 22 E.,
Secs. 8 to 10, inclusive;
Sec. 11, S½;
Sec. 12, S½;
Secs. 13 to 28, inclusive.
T. 15 S., R. 23 E.,
Sec. 7, S½;
Sec. 18, All;
Sec. 19, All;
Sec. 30, All;
Sec. 31, All.
All in Chaves County.

This transfer of jurisdiction will not offset the status or use of the public lands and shall become effective December 31, 1975.

WILLIAM W. CAMPBELL,
District Manager.

DECEMBER 19, 1975.

[FR Doc.75-35093 Filed 12-30-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93–205).

Applicant: Regional Director, U.S. Fish and Wildlife Service, Post Office Box 3737, Portland, Oregon 97208.

OMB NO. 42-R1570

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Management and perpetuation of the Palirump killifish, genus Empetrichythys in various natural and artificial habitats

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
R. Kahler Martinson, Regional Director
U.S. Fish and Wildlife Service
P.O. Box 3737
Portland, Oregon 97203

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: WEIGHT:
DATE OF BIRTH: COLOR HAIR: COLOR EYES:
PHONE NUMBER WHERE EMPLOYED: SOCIAL SECURITY NUMBER:
OCCUPATION:

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
U.S. Fish and Wildlife Service
Department of the Interior

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
University of Nevada, Las Vegas; Nevada Steinhardt Aquarium, San Francisco, California

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
NA

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
States of Nevada and California at the following locations:
Corn Creek - Desert NWR
School Springs Pupfish Facility
Manse Springs
Ely Endangered Fish Refugium
Campus - Univ. of Nev., Las Vegas
Steinhardt Aquarium

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL, FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of document)

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: 11/23/75

11. DURATION NEEDED: 5 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (Do not type): William H. Meyer, Acting Regional Director
DATE: 11/14/75

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Date: NOVEMBER 14, 1975.

TO: Associate Director, Fish & Wildlife Management, Washington, D.C.

FROM: Acting Regional Director, Portland, Oregon.

SUBJECT: Request for an Endangered Species Permit.

1. This is a request for an Endangered Species Permit to cover scientific research including capture, management, transportation, reintroduction, and culture under artificial conditions, the Pahrump killifish *Empetrichythys latos*.

2. No contract or importation involved. Fish will come from the only remaining source of the species which is the Corn Creek Pond site located on the Desert National Wildlife Range, Las Vegas, Nevada.

3. The only known remaining populations of the Pahrump killifish were located in Manse Spring near Pahrump, Nevada. Manse Spring was in danger of being pumped dry, consequently 40 fish were transplanted to the Corn Creek Pond at Desert NWR in 1971. The Manse Spring water level dropped to a point where all fish were killed during the summer of 1975. As a consequence the transplanted individuals in Corn Creek Pond are the only remaining fish of this species.

Unfortunately Corn Creek Pond was inhabited with mosquito fish which pose a threat to the reproductive success of the remaining Pahrump killifish.

Plans have been made to rehabilitate Corn Creek Pond then reintroduce the Pahrump killifish while other transplant sites are located in order that perpetuation may be insured.

Under a temporary authorization some Pahrump killifish were seined from Corn Creek Pond and placed in a holding tank at Desert NWR. Although all precautions were taken in seining and transportation to the holding tank, some loss has occurred which has heightened concern for the remaining fish. At present the action plan to be carried out under this permit will be:

a. Trap and remove killifish by January 1, 1976. Place killifish in holding and rearing areas at:

1. Manse Springs.
2. School Spring facility.
3. University of Nevada, Las Vegas.
4. Steinhardt Aquarium, San Francisco.

b. Clean emergent vegetation from Corn Creek Pond, drain pond and remove remaining killifish by January 15, 1976.

c. Rehabilitate Corn Creek Pond January 15, 1976.

d. Reintroduce killifish after toxicant dissipation.

Concomitant with the above operation it has been deemed advisable by the recovery team, in nomination stage at present, that a portion of the population be transported to the University of Nevada, Department of Biological Sciences, at Las Vegas where they can be placed under the care of Dr. James E. Deacon, a member of the recovery team. The recovery team also recommended that twenty of the fish be air transported to the Steinhardt Aquarium in San Francisco and placed under the care of Mr. Al Castro, who is a recognized expert in breeding cyprinodonts. In regard to this matter, the California Department of Fish and Game has been contacted and will cooperate in every manner with regard to interstate transportation requirements. The State of Nevada is being contacted at present to determine the steps necessary to satisfy their import-export requirements.

Additional work to be carried out after the initial transplant-rehabilitation steps include construction of sheds over spring heads to protect the water source of Corn Creek Pond by April 1, 1976, lining of water channels by April 1, 1976, and the rehabilitation of two lower ponds by September 1, 1976.

Upon population recovery and stabilization in the Corn Creek Pond, transplant to additional sites will be considered including a pond on BLM land near Ely, Nevada. The proposed date for this action is during the spring of 1976.

4. Cooperators in management and restoration of this species are:

Dr. James E. Deacon,
Department of Biological Sciences,
University of Nevada,
Las Vegas, Nevada 89109.
Mr. Al Castro,
Steinhardt Aquarium,
California Academy of Sciences,
Golden Gate Park,
San Francisco, California 94118.

5. At this time the remaining killifish are transplants from the Manse Spring pond and are located in Corn Creek Pond on Desert NWR and in a holding tank at the refuge. These fish were seined and placed in the tank under emergency authorization by the Director of the U.S. Fish and Wildlife Service.

6. NA.

7. NA.

WILLIAM H. MEYER.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before January 28, 1976, will be considered.

Dated: December 19, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-34916 Filed 12-29-75;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Tomahawk Wildlife 4H Club, East New Market, Maryland, Harlan Tjaden, Leader.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To raise & carry to shows & Programs on Wildlife. Because people do not know what Endangered wildlife is or what they look like in real life.
Eastern Timber Wolf pups.

3. APPLICANT. (Name, complete address and phone; number of individual, business, agency, or institution for which permit is requested)
Harlan Tjaden
East New Market, Maryland 21631
Phone 943-3286

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT 5-11 WEIGHT 210
DATE OF BIRTH 11/10/50 COLOR HAIR Brown COLOR EYES Blue
PHONE NUMBER WHERE EMPLOYED SOCIAL SECURITY NUMBER 219-62-8255
OCCUPATION Teacher
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Tomahawk Wildlife 4H Club

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Tomahawk Wildlife 4H Club
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Harlan Tjaden Leader 943-3286
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Harlan Tjaden
East New Market, Maryland 21631

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
Migratory Bird Permit 5-PR-1077

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of document)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

10. DESIRED EFFECTIVE DATE Soon

11. DURATION NEEDED

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Attached

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In Ink) Harlan T. Tjaden
DATE 8/26/75

3-200 (6-74)

TOMAHAWK WILDLIFE 4H CLUB
P.O. Box 70, R.F.D. 1
East New Market, Md.

AUGUST 12, 1975.

U.S. DEPARTMENT OF THE INTERIOR,
U.S. FISH AND WILDLIFE SERVICE,
Washington, D.C.

(Attention Endangered Species Division).

DEAR SIR: I am the leader of the Tomahawk Wildlife 4H Club. We are the only 4H club in Maryland that works with wildlife conservation.

I am writing you about an Endangered Species permit for Eastern Timber Wolf pups, to raise and carry to shows and programs on wildlife to let people know what a timber wolf looks like and to see some of the wildlife on the endangered list.

Thank you for your kindness.

Your truly,

HARLAN TJADEN,
4H Leader.

PART 17

Common Name: Eastern Timber Wolf (*Canis lupus lycaon*)—For propagation.

Number and age: 1—up to 1 year, male; 1—up to 1 year female.

Harlan Tjaden, leader of the Tomahawk Wildlife 4H Club.

The person who will be caring for them is a Migratory Bird Propagator.

We will be glad to send data to a studbook which will help endangered wildlife.

Will use proper transportation container.

All data will be recorded.

All information needed for contracts and agreements will be sent by copy to the Director—FWS/LE.

The Club does not want to see the Eastern Timber Wolf and other endangered wildlife become extinct.

We plan to keep this activity going as long as we can, to help the wildlife.

ADDITIONAL INFORMATION—NOVEMBER 1975

The pair of Timber Wolves are in the Warbonnet Zoo, Hazelhurst, Wisconsin 54531.

The Timber Wolves are in captivity in the Warbonnet Zoo.

The Timber Wolves were born in the Warbonnet Zoo at Hazelhurst, Wisconsin.

Facilities in which the wildlife will be housed:

2 x 4 x 8½ thick plywood roof.
2 x 4 x 8½ thick plywood sides.
Concrete pin floor.
2 x 4 x 6 wire fence; 12 ga wire.
Metal fence post.

The Club Leader, Harlan Tjaden, who will be taking care of the wolves, is a Federal Migratory Bird Propagator. He has been a Federal Migratory Bird Propagotar since April 4, 1974, and likes working with wildlife to save them from extinction.

We are willing to participate in a cooperative breeding program, and will maintain a studbook to help same the timber wolf from extinction.

The wolves will be shipped by air freight in wooden shipping containers. By shipping air freight they will leave the zoo in the morning and I will be able to pick them up that night.

A complete record of the following will be kept: The number born, the number of females, the number of males, the number that die, the number of calls to a veterinarian.

We have a wildlife 4H club that puts on programs to try to teach the public wildlife conservation.

The propagation of the timber wolf is to help it survive for years to come so live ones can be seen instead of pictures in books.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received within 30 days of the date of publication will be considered.

Dated: December 19, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-34919 Filed 12-29-75;8:45 am]

National Park Service

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held on Saturday, January 17, 1976, at 9 a.m., at the Stephen Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by Pub. L. 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Nancy Long (Chairman), Glen Echo, Maryland.
Mrs. Caroline Freeland, Bethesda, Maryland.
Mr. Donald Frush, Hagerstown, Maryland.
Honorable Vladimir R. Wahbe, Baltimore, Maryland.
Mr. Anthony Abar, Annapolis, Maryland.
Mr. John C. Lewis, Hamilton, Virginia.
Mrs. Dorothy Grotos, Arlington, Virginia.
Mr. Burton C. English, Berkeley Springs, West Virginia.
Mr. Henry W. Miller, Jr., Paw Paw, West Virginia.
Mr. Lorenzo W. Jacobs, Jr., Washington, D.C.
Mr. Joseph H. Cole, Washington, D.C.
Mr. Ronald A. Clites, LaVale, Maryland.
Mrs. Mary Miltenberger, Cumberland, Maryland.
Dr. James H. Gilford, Frederick, Maryland.
Dr. Kenneth Bromfield, Frederick, Maryland.
Mr. Grant Conway, Brookmont, Maryland.
Mr. Edwin F. Wesely, Chevy Chase, Maryland.
Mr. John C. Frye, Gapland, Maryland.
Mr. Rome P. Schwagel, Keedysville, Maryland.

The matters to be discussed at this meeting include:

1. Proposed acquisition of abandoned Western Maryland Railway right-of-way, Hancock to Cumberland.
2. Watkins Island pumping station.
3. Report of the Commission's planning committee on the use of buildings along the canal.
4. Status of the General Plan.
5. Interpretive prospectus.
6. Jellystone Park.
7. Land acquisition.
8. Canal construction projects.
9. Abner Cloud House.
10. Proposed legislation Potomac National River.
11. Superintendents' reports.
12. County, State, and Washington, D.C., reports.

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The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 30 persons will be able to attend the sessions. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, at Area Code 202–426–6715. Minutes of the meeting will be available for public inspection 2 weeks after the meeting, at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: December 16, 1975.

J. L. DUNNING,
Director, National Capital Parks.

[FR Doc.75–35105 Filed 12–30–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

HONKER DIVIDE MANAGEMENT UNIT

Land Use Plan: Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Honker Divide Management Unit, USDA–FS–R10–FES(Adm) 75–08.

This environmental statement is for the land use plan for the Honker Divide Management Unit, Prince of Wales Island, on the Tongass National Forest. Recreation, fish, wildlife, and timber are all key resources in the Unit. This plan proposes managing the Snakey Lakes and Thorne River-Hatchery Creek water travel route in a natural-appearing environment. The remainder of this management unit will be managed to optimize the fish, wildlife, timber, water, and recreation resources. The primary action having impact on the land is timber harvest, although increased recreation use and harvest of fish and game will also affect the ecosystem.

This final environmental statement was transmitted to CEQ on December 18, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service,
South Agriculture Bldg., Room 3231,
12th St. & Independence Avenue, SW.,
Washington, D.C. 20250.

USDA, Forest Service,
Alaska Region,
Federal Office Building,
Juneau, Alaska 99802.

Forest Supervisor, Chatham Area,
Tongass National Forest,
Federal Building,
Sitka, Alaska 99835.

Forest Supervisor, Stikine Area,
Tongass National Forest,
Federal Building,
Petersburg, Alaska 99833.

Forest Supervisor, Ketchikan Area,
Tongass National Forest,
Federal Building, Room 313,
Ketchikan, Alaska 99901.

A limited number of single copies are available upon request to James S. Watson, Forest Supervisor, Ketchikan Area, Tongass National Forest, Box 2278, Ketchikan, Alaska 99901.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

C. A. YATES,
Regional Forester,
Alaska Region.

DECEMBER 18, 1975.

[FR Doc.75–35094 Filed 12–30–75;8:45 am]

MOGOLLON RIM PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a final environmental statement for the Mogollon Rim Planning Unit in Arizona, USDA–FS–FES(Adm) R3–74–71.

The environmental statement considers probable environmental effects of various alternatives for management of the Mogollon Rim Area.

The final environmental statement was transmitted to CEQ on December 22, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service,
So. Agriculture Bldg., Rm. 3230,
14th & Independence Ave., SW.,
Washington, D.C. 20250.

USDA, Forest Service,
Southwestern Region,
517 Gold Avenue, SW.,
Albuquerque, New Mexico 87102.

Apache-Sitgreaves National Forest,
Federal Building,
Springerville, Arizona 85938.

Forest Supervisor,
Coconino National Forest,
114 No. San Francisco Street,
Flagstaff, Arizona 86001.

Tonto National Forest,
102 South 28th Street,
Phoenix, Arizona 85034.

Single copies are available upon request to any of the Forest Supervisors listed above and the Regional Forester, Southwestern Region, 517 Gold Avenue, SW, Albuquerque, New Mexico 87102. Copies are also available from the Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Arizona 86001. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

M. J. HASSELL,
Deputy Regional Forester,
Region 3.

DECEMBER 22, 1975.

[FR Doc.75–35088 Filed 12–30–75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NEW YORK ZOOLOGICAL SOCIETY

Modification of a Permit

Notice is hereby given that, pursuant to the provisions of § 216.33(d) and (c) of the regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974), the Public Display Permit issued to the New York Zoological Society, Boardwalk West 8th Street, Brooklyn, New York 11224, on May 9, 1975, is modified in the following manner:

Two (2) vice four (4) Atlantic bottlenosed dolphins (*Tursipps truncatus*) may be taken. The modification is due to the acquisition, by the New York Zoological Society, of two Atlantic bottlenosed dolphins already in captivity.

This modification is effective December 31, 1975.

The Permit, as modified, and documentation pertaining to the modification, is available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Dated: December 3, 1975.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.75–35100 Filed 12–30–75;8:45 am]

SOUTHWEST FISHERIES CENTER

Modification of Permit

Notice is hereby given that, pursuant to the provisions of § 216.33(d) and (e) of the regulations governing the taking and importing of marine mammals (39 FR 1851, January 15, 1974), the Scientific Research Permit issued to the Southwest Fisheries Center, National Marine Fisheries Service, on December 11, 1974, as modified on January 6, 1975 (40 FR 1112) and on October 29, 1975 (40 FR 50299) is further modified in the following manner:

The period of validity of the Permit, during which the authorized taking and importing may occur, is extended from December 31, 1976, to December 31, 1980.

This modification is effective December 31, 1975.

The Permit, as modified, and documentation pertaining to the modification, is available for review in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: December 4, 1975.

JACK W. GEHRINGER,
National Marine Fisheries Service.

[FR Doc.75–35098 Filed 12–30–75;8:45 am]

SEA LIFE, INC.

Modification of a Permit

Notice is hereby given that, pursuant to the provisions of § 216.33 (d) and (e) of the regulations governing the taking and importing of marine mammals (39 FR 1851, January 15, 1974), the Public Display Permit issued to Sea Life, Inc., Makapuu Point, Waimanalo, Hawaii 96795, on February 8, 1974, as modified on March 3, 1975 (40 FR 8846), is further modified in the following manner:

The period of the authorized taking and importing has been extended to December 31, 1977, from June 30, 1976.

This modification is effective December 31, 1975.

The Permit, as modified, and documentation pertaining to the modification, is available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: December 4, 1975.

JACK W. GEHRINGER,
National Marine Fisheries Service.

[FR Doc.75–35099 Filed 12–30–75;8:45 am]

National Oceanic and Atmospheric Administration

FOUKE CO.

Receipt of Recommended Decision on Application to Waive Moratorium, MMPAH #1, 1975

The passage of the Marine Mammal Protection Act of 1972, 16 U.S.C. 1361–1407, among other things, imposed a moratorium on the importation of marine mammals and marine mammal products. The Act provides that waivers of the moratorium may be granted after a hearing on the record.

The Fouke Company of Greenville, South Carolina applied for a waiver of the moratorium to import up to 70,000 skins from the 1975 South African harvest. On July 7, 1975, a proposed waiver of the moratorium on importation, proposed regulations to govern the waiver, and notice of a hearing on these proposals were published in the FEDERAL REGISTER, 40 FR 28469.

On September 18, 1975, the hearing commenced and continued until September 24, 1975. The hearing was presided over by an Administrative Law Judge, the Honorable James W. Mast.

The Director, National Marine Fisheries Service, announces that on December 22, 1975, he received a recommended decision from Judge Mast. The decision, among other things, recommends a waiver of the moratorium.

Pursuant to 50 CFR 216.89 (40 FR 10183, March 5, 1975), interested persons are afforded an opportunity to submit written comments on the recommended decision. The decision is available for review in the Office of the Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235. Written comments, sent to the above address, will be accepted by the Director, National Marine Fisheries Service, through January 19, 1976.

Date: December 24, 1975.

HARVEY M. HUTCHINGS,
Acting Associate Director, for Resource Management, National Marine Fisheries Service.

[FR Doc.75–35144 Filed 12–30–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

MINORITY ADVISORY COMMITTEE

Meeting

In accordance wtih section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of January 1976:

Minority Advisory Committee, ADAMHA: January 14–16—Open Meeting; January 14, 15; 9:30 a.m., Room 13C–26, January 16; 9:30 a.m., Room 14–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852. Contact Ernest F. Hurst, Parklawn Building, Room 13C–15, 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3838.

Purpose: The Minority Advisory Committee, ADAMHA, advises the Secretary, Department of Health, Education, and Welfare, and the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, on needs, programs, and activities regarding minority alcohol, drug abuse and mental health matters, and makes recommendations for possible solutions which meet the needs and concerns of minority groups throughout the United States. The Committee functions in an advisory capacity to the Administrator, ADAMHA, on these matters which relate to the National Institute on Alcohol Abuse and Alcoholism, National Institute on Drug Abuse, and the National Institute of Mental Health.

Agenda: This meeting will be open to the public. Agenda items include (1) Planning Session, FY 1976–1977 Operating Plan, (2) Liaison and Orientation Sessions with Staff of the Three ADAMHA Institutes, (3) Report on Early and Periodic Screening, Diagnosis and Treatment Program, and (4) Discussion with the Administrator. Agenda items are subject to change as priorities dictate. Attendance by the public will be limited to space available.

Substantive program information may be obtained from the contact person listed above.

Mr. James C. Helsing, Deputy Director, Office of Public Affairs, ADAMHA will furnish, on request, summaries of the meeting and a roster of committee members. Mr. Helsing is located in Room 16–95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 301–443–3783.

Dated: December 24, 1975.

DAVID F. KEFAUVER,
Assistant Administrator for Extramural Programs, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75–35180 Filed 12–30–75;8:45 am]

Food and Drug Administration

[NADA NO. 42–680V]

HOFFMAN TAFF, INC.

Chlormadinone Acetate (Skedule); Withdrawal of Approval of New Animal Drug Application

The Commissioner of Food and Drugs is withdrawing approval of a new animal drug application for Chlormadinone Acetate (Skedule); effective December 31, 1975.

Under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))), and under authority delegated to the Commissioner 21 CFR 2.120), the following notice is issued:

On December 14, 1971, the Commissioner issued a notice of opportunity for hearing (36 FR 23733) to Syntex Laboratories, Animal Health Division, Stanford Industrial Park, Palo Alto, CA 94304, and Elanco Products Co., Division of Eli Lilly and Co., Indianapolis, IN 46206, and to any interested persons who might be adversely affected that he proposed to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of NADA (new animal drug application) Nos. 37–146V and 37–147V regarding chlormadinone acetate when administered in beef heifers and beef cows for synchronization of estrus, i.e., heat. Based on new information on the drug evaluated together with the evidence available to him when the applications were approved, the Commissioner had concluded that the drug was not shown to be safe under the conditions of use upon the basis of which the applications had been approved. Information available to the Commissioner established that oral administration of the drug resulted in the development of mammary tumors in

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dogs, so the drug was not considered safe for use in the absence of appropriately sensitive methods of analysis to establish its absence in food derived from treated animals.

Subsequently, Hoffman Taff, Inc., subsidiary of Syntex, Inc., P.O. Box 1246 S.S.S., Springfield. MO 65805, holder of approved new animal drug application (NADA) No. 42-680V for Chlormadinone Acetate (Skedule), requested by letter dated December 10, 1974, that approval of its application be withdrawn because the firm has never manufactured or marketed the product and does not plan to do so in the future. NADA No. 42-680V was not specifically named in the FEDERAL REGISTER notice of December 14, 1971, but that notice pertained to all products of this drug, including this product.

Therefore, in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA No. 42-680V, and all supplements and amendments thereto, is hereby withdrawn, effective December 31, 1975.

Dated: December 16, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-34981 Filed 12-30-75;8:45 am]

PANEL ON REVIEW OF ANTIMICROBIAL DRUG PRODUCTS

Meeting Change

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of December 17, 1975 (40 FR 58479), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act.

Notice is hereby given that the open session of the meeting fo the Panel on Review of Antimicrobial Drug Products scheduled for January 9 from 9 a.m. to 10 a.m. is to be expanded to the entire day on January 9. During this time the topics is to be discussed are as follows: Clinical aspects of fungal infections of the feet (Dr. H. Blank); epidemiology of fungal foot infections (Dr. A. Allen); morphology and cultural characteristics of fungi that cause foot infection and methods for assessing in vitro activity of antifungal compounds (Dr. William Merz); etiological factors and role of nonfungal microorganisms in fungal foot infections (Dr. J. Leyden and Mr. D. Taplin); mycological diagnosis of fungal foot infections, relaps, and reinfection (Dr. G. Rebell); topical therapy and management (Dr. N. Zaias); prevention of fungal infection (Dr. L. Levy); problems in diagnosis and therapy (Dr. W. Schorr); methods of clinically evaluating topical antifungal products (Mr. D. Taplin); and panel discussions on methods of clinically evaluating topical antifungal products (Mr. Taplin, Dr. Zaias, Dr. Allen, Dr. C. C. Evans, Dr. J. Leyden, Dr. W. Guess).

Dated: December 24, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-35179 Filed 12-30-75;8:45 am]

Office of Education

EDUCATION PROFESSIONS DEVELOPMENT

Closing Dates for Receipt of Applications

In the matter of notice of closing dates for receipt of applications for Bilingual Education Training, Teachers for Indian Children, Urban/Rural School Development, and Vocational Education State Systems, and for Receipt of Applications and Recommendations for Programs for Vocational Education Leadership Development Awards.

Pursuant to authority contained in sections 501(b), 531, 532, and 551-554 of the Education Professions Development Act (Title V of the Higher Education Act of 1965, as amended (20 U.S.C. 1091, 1119-1119a, 1119c-1119c-3)) notice is hereby given that the Commissioner of Education has established closing dates (a) for receipt of applications under the Bilingual Education Training, Teachers for Indian Children, Urban/Rural School Development, Vocational Education Leadership Development Awards, and Vocational Education State Systems Programs; and (b) for receipt of recommendations from State boards for vocational education, for: (1) Graduate programs of vocational education leadership development in institutions of higher education to participate in the Vocational Education Leadership Development Awards Program, and (2) individuals to receive Leadership Development Awards.

A. *Institutional applications and recommendations.* (1) Applications for new awards under the Bilingual Education Training and the Teachers for Indian Children Programs must be received by the U.S. Office of Education Application Control Center in Washington, D.C., on or before February 5, 1976. (The funds available are limited to approximately $250,000 for each of these programs. In fiscal year 1975 the average grant was approximately $65,000.)

(2) Applications under the Urban/Rural School Development Program for new awards for "National Projects" must be received by the U.S. Office of Education Application Control Center in Washington, D.C., on or before February 5, 1976. All other applications for continuation awards under the Urban/Rural School Development Program must be received by the Application Control Center of the Regional Office of Education serving the area in which the applicant is located on or before February 5, 1976.

(3) Applications for new awards under the Vocational Education State Systems Program must be received by the Application Control Center of the appropriate Regional Office on or before February 27, 1976.

(4) Applications for new awards under the Vocational Education Leadership Development Program, from institutions of higher education for approval of their graduate programs of vocational education leadership development, must be submitted through the State board for vocational education in the States in which the institutions are located, to the Commissioner of Education for approval. These applications, and the recommendations from State boards regarding their approval must be received in the U.S. Office of Education Application Control Center in Washington, D.C., on or before February 2, 1976.

B. *Individual applications and recommendations.* Applications from individuals for Leadership Development Awards must be submitted to the Commissioner through the appropriate State board for vocational education. These applications and recommendations by the State board regarding their approval must be received by the U.S. Office of Education Application Control Center in Washington, D.C., on or before March 18, 1976.

C. *Recommendations and applications sent by mail.* Recommendations and applications sent by mail to the Application Control Center in Washington, D.C., should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202. Applications sent by mail to the Regional Offices should be addressed to the appropriate office in the list set forth below. Documents sent by mail will be deemed to have been received on time:

(1) If the document was sent by registered or certified mail (a) not later than February 5, 1976, for institutional applications under the Bilingual Education Training, Teachers for Indian Children, and Urban/Rural School Development Programs, and for applications and recommendations under the Vocational Education Leadership Development Program, due on or before February 5, 1976; (b) not later than February 23 for applications under the Vocational Education State Systems Program, due on February 27; and (c) not later than March 15 for individual applications and recommendations under the Leadership Development Awards Program, due on March 18 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) If the document is received on or before the closing date by either the Department of Health, Education and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C., or, if required to be sent to a Regional Office, by the appropriate Regional Office of Education mailroom. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education and Welfare, or the U.S. Office of Education and its Regional Offices.

D. *Hand delivered documents.* A document to be hand delivered must be taken to the U.S. Office of Education Application Control Center; Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C., or, if required to be sent to the Regional Office, to the Application Control Center of the appropriate Regional Office. Hand delivered documents will be accepted daily between the hours of 8:30 a.m. and 4 p.m. local time except Saturdays, Sundays, or Federal holidays. Documents will not be accepted after 4 p.m. local time on the closing dates.

OFFICE OF EDUCATION REGIONAL OFFICES

Region I—(Boston)—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. Application Control Center, U.S. Office of Education/DHEW, John F. Kennedy Federal Bldg., Room 2303, Boston, Massachusetts 02203.

Region II—(New York)—New Jersey, New York, Puerto Rico, Virgin Islands. Application Control Center, U.S. Office of Education/DHEW, 26 Federal Plaza, Room 3954, New York, New York 10007.

Region III—(Philadelphia)—Delaware, Maryland, Pennsylvania, Virginia, Washington, D.C., West Virginia. Application Control Center, U.S. Office of Education/DHEW, 3535 Market Street, Room 16200, P.O. Box 13716, Philadelphia, Pennsylvania 19101.

Region IV—(Atlanta)—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee. Application Control Center, U.S. Office of Education/DHEW, 50 Seventh Street, N.E., Atlanta, Georgia 30323.

Region V—(Chicago)—Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin. Application Control Center, U.S. Office of Education/DHEW, 300 South Wacker Drive, 32nd Floor, Chicago, Illinois 60606.

Region VI—(Dallas)—Arkansas, Louisiana, New Mexico, Oklahoma, Texas. Application Control Center, U.S. Office of Education/DHEW, 1200 Main Tower Building, Room 1440, Dallas, Texas 75202.

Region VII—(Kansas City)—Iowa, Kansas, Missouri, Nebraska. Application Control Center, U.S. Office of Education/DHEW, New Federal Office Bldg., Room 360, 601 East 12th Street, Kansas City, Missouri 64106.

Region VIII—(Denver)—Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming. Application Control Center, U.S. Office of Education/DHEW, Federal Regional Office Bldg., Room 11037, 1961 Stout Street, Denver, Colorado 80202.

Region IX—(San Francisco)—Arizona, California, Hawaii, Nevada, American Samoa, Trust Territory of the Pacific, Guam, Wake Island. Application Control Center, U.S. Office of Education/DHEW, 50 Fulton Street, Room 211, San Francisco, California 94102.

Region X—(Seattle)—Alaska, Idaho, Oregon, Washington. Application Control Center, U.S. Office of Education/DHEW, Arcado Plaza Building, M/S 1505, 1321 Second Avenue, Room 508, Seattle, Washington 98101.

E. *Program information and forms.* Program information and forms for the programs listed in this notice may be obtained from the Division of Educational Systems Development, Bureau of Occupational and Adult Education, Office of Education, Room 5652, 7th and D Streets SW., Washington, D.C. 20202; or from the Program Director in the appropriate regional office listed above.

F. *Applicable regulations.* The regulations applicable to these programs include 45 CFR Part 174. A proposed regulation amending Part 174 for Parts D and F of the Educational Professions Development Act was published in the FEDERAL REGISTER at 40 FR 58459-58467 on December 17, 1975. Subject to revision, when this proposed regulation is published as a final rule, it will govern operations of these programs, including assistance made available under the above closing dates.

In addition, awards under these programs (except for Leadership Development Awards under section 552 of the Act) will be governed by the Office of Education General Provisions Regulations (45 FR Parts 100 and 100a).

(20 U.S.C. 1091, 1119-1119a, 1119c-1119c-3)

(Catalog of Federal Domestic Assistance Nos. 13.503, 13.504, 13.505, 13.506, and 13.546)

Dated: December 24, 1975.

DUANE J. MATTHEIS,
Acting U.S. Commissioner of Education.

[FR Doc.75-35151 Filed 12-30-75;8:45 am]

THE NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Public Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Pub. L. 92-463 that a meeting of the Council will be held on January 21-23, 1976 at the Marriott Motor Hotel, Cain & Courtland Sts., Atlanta, Georgia. The meetings on January 21 and 22 are scheduled from 9 a.m. to 5 p.m.; and on January 23, from 9 a.m. to 12 noon.

The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89-329. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meeting of the Council will be open to the public. The agenda for the morning of the 21st will include a discussion of Title I (HEA), the Council's relations with State Title I agencies, and the Council's Tenth Annual Report. The afternoon will be devoted to a meeting with representatives from the University of Georgia to discuss continuing education and community service programs.

On Thursday, January 22, the morning session will include guest presentations on three broad areas of Council concern: review of Federal Programs, Lifetime Learning Act, and Continuing Education and the part-time student.

Standing committees of the Council will meet in separate sessions in the afternoon of January 22; and reports of the committees and discussions of proposed recommendations will be heard during the final session on January 23. All records of Council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 13th St., NW., Washington, D.C.

JAMES A. TURMAN,
Executive Director.

DECEMBER 18, 1975.

[FR Doc.75-35168 Filed 12-30-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

AIRPORT TO SERVE THE ST. LOUIS METROPOLITAN AREA; COLUMBIA-WATERLOO, ILLINOIS

Public Hearing Rescheduled; Request for Federal Grant Assistance To Acquire Land at

In the FEDERAL REGISTER of Thursday, November 20, 1975, I announced that I would hold a public hearing on this subject in St. Louis, Missouri, on Thursday, December 18, 1975. Because of an unavoidable conflict in my schedule, it became necessary to postpone the hearing. Persons who were scheduled to speak were notified. The hearing has been rescheduled for January 13, 1976, and will be held in the Grand Ballroom of the Red Carpet Inn, 4690 North Lindberg Boulevard, Bridgeton, Missouri 63044. The hearing will commence at 10 a.m. and the agenda will be as set forth in the original hearing announcement. Written presentations and comments to be included in the record of the hearing must be postmarked by January 30, 1976.

Issued in Washington, D.C., December 24, 1975.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

[FR Doc.75-35156 Filed 12-30-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 27595; 27596]

FINNAIR OY AND KAR AIR OY

Hearing; Foreign Permit Amendment and Renewal (Finland)

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on February 4, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue, Washington, D.C., before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report

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served October 16, 1975, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., December 23, 1975.

[SEAL] BURTON S. KOLKO,
Administrative Law Judge.

[FR Doc.75-35154 Filed 12-30-75;8:45 am]

[Docket Nos. 28107 and 28175]

LINEAS AEREAS DE NICARAGUA, S.A.

Hearing; Renewal and Amendment of its Foreign Air Carrier Permits and for New Foreign Air Carrier Permit

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on January 19, 1976, at 9:30 a.m. (local time), in Room 1003B, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Janet D. Saxon.

Dated at Washington, D.C., December 23, 1975.

[SEAL] JANET D. SAXON,
Administrative Law Judge.

[FR Doc.75-35155 Filed 12-30-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

ESTABLISHING IMPORT CONTROL LEVELS FOR CERTAIN COTTON AND MAN-MADE FIBER TEXTILE PRODUCTS FROM MALAYSIA, EFFECTIVE JANUARY 1, 1976

Comprehensive Bilateral Agreement

DECEMBER 22, 1975.

On January 8 and May 16, 1975, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, the Governments of the United States and Malaysia concluded a comprehensive bilateral agreement concerning exports of cotton, wool, and man-made fiber textile products from Malaysia to the United States over a period of three years beginning on January 1, 1975. Among the provisions of the agreement are those establishing an aggregate limit for cotton textiles and cotton textile products in Categories 1–64, wool textile products in Categories 101–132, and man-made fiber textile products in Categories 200–243. Group limits have been established within the aggregate for Categories 1–38, 64, 200–213, and 241–243; Categories 39–63 and 214–240; and Categories 101–132. Within the aggregate and applicable group limits, specific limits have been established for Categories 9/10, 18/19, 22/23, 26, 39, 45/46/47, 49, 50/51, 60, 229, and 234/235 for the agreement year beginning on January 1, 1976.

Accordingly, there is published below a letter of December 22, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that for the twelve-month period beginning on January 1, 1976 and extending through December 31, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in Categories 9/10, 18/19, 22/23, 26, 39, 45/46/47, 49, 50/51, 60, 229, and 234/235 be limited to the designated levels.

This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

DECEMBER 22, 1975.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 8 and May 16, 1975, between the Governments of the United States and Malaysia, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on January 1, 1976 and extending through December 31, 1976, entry into the United States for consumption of textile products in Categories 9/10, 18/19, 22/23, 26, 39, 45/46/47, 49, 50/51, 60, 229 and 234/235 in excess of the following levels of restraint:

Category:		*12-mo level of restraint*
9/10	square yards	1,498,000
18/19	do	2,461,000
22/23	do	2,568,000
26	do	5,885,000
39	dozen pairs	428,000
45/46/47		[1] 4,494,000
49	dozen	26,338
50/51	do	[2] 66,340
60	do	42,807
229	do	26,319
234/235		[1] 2,782,000

[1] Equivalent to square yards.
[2] Of which not more than 41,463 doz may be in either category 50 or in category 51.

In carrying out this directive, entries of cotton and man-made fiber textile products in the foregoing categories, produced or manufactured in Malaysia and exported to the United States during the twelve-month period beginning on January 1, 1975 and extending through December 31, 1975, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during that period. In the event those levels have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to future adjustment pursuant to the provisions of the bilateral agreement of January 8 and May 16, 1975 between the Governments of the United States and Malaysia which provide, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Appropriate adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton, wool, and man-made fiber textile products from Malaysia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-34827 Filed 12-30-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[CP 74-8]

PET TURTLES

Denial of Petition

The purpose of this notice is to announce denial of a petition from Consumers Union to ban pet turtles from commercial distribution.

Section 10 of the Consumer Product Safety Act (15 U.S.C. 1059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule. Section 10 of the Act also provides that if the Commission denies such petition, it shall publish in the FEDERAL REGISTER its reasons for denial.

On December 11, 1973, the Consumers Union (CU) petitioned the Commission to ban pet turtles because they present an unreasonable risk of injury particularly to children. Specifically, the petitioner claims that diseased pet turtles transmit salmonellosis and therefore such turtles should be classified as banned hazardous products under Section 8 of the Consumer Product Safety Act (15 U.S.C. 2057). The Food and Drug Administration (FDA) an Agency of the Department of Health, Education, and Welfare was also petitioned by CU to prohibit the sale and distribution of pet turtles.

On April 2, 1974, CU was advised by the Commission's General Counsel that where diseased pet turtles are concerned, Commission jurisdiction over pet turtles is shared with those agencies of the Department of Health, Education, and Welfare which are authorized by the Public Health Service Act (42 U.S.C. 264) to promulgate regulations designed to control the spread of communicable diseases.

Since the Food and Drug Administration was considering a proposal to either ban pet turtle sales or provide for improved certification on the interstate sales of pet turtles, the General Counsel advised CU that the Commission would decide what further action would be necessary after FDA published its final rule.

On May 23, 1975, FDA published a Ban on Sale and Distribution of Small Turtles (40 FR 22543). The Commission agrees with FDA on the coverage and implementation of the ban and the reasons stated therefor. Since the Commission believes that the substance of the CU petition has been granted by FDA and agrees with the FDA findings, the Commission concludes that no reason exists for pursuing further action under Section 8 of the Act.

Accordingly, pursuant to Section 10(d) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1217; 15 U.S.C. 2059), notice is hereby given that the Commission denies the above-described petition of Consumers Union.

Dated: December 24, 1975.

SHELDON D. BUTTS,
Acting Secretary,
Consumer Product Safety Commission.

[FR Doc.75-35140 Filed 12-30-75;8:45 am]

[CPSC Docket No. 75-21]

WESTLAND CARPET MILLS, INC. ET AL.

Commencement of Enforcement Proceeding and Notice of Prehearing Conference

On November 24, 1975, by direction of the Commission, the Acting Secretary issued a Notice of Enforcement prepared by the Bureau of Compliance and directed to Westland Carpet Mills, Inc., a corporation, and Westland Carpet of Nevada, Inc., a corporation, and Ervin Preuss, individually, and as an officer of both corporations (Respondents) declaring in substance that the Commission's Staff believes that Respondents have violated the provisions of the Federal Trade Commission Act (FTCA) (15 U.S.C. 41 et seq.), the Flammable Fabrics Act (FFA) (15 U.S.C. 1191 et seq.), the rules and regulations promulgated under the FFA (16 CFR 302), and the Standard for the Surface Flammability of Carpets and Rugs (Standard) (FF 1-70, 35 FR 6211, April 16, 1970). Commission jurisdiction over this matter is based on the transfer of functions under the foregoing Acts to the Commission by section 30 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2051, 2079).

The Staff states its charges as follows:

1. Respondent Westland Carpet Mills, Inc., is a corporation organized and doing business under the laws of the State of California. Westland Carpet of Nevada, Inc., is a corporation organized and doing business under the laws of the State of Nevada. Respondent Ervin Preuss is an officer of the corporations. He formulates, directs, and controls the acts, practices and policies of the corporations.

Respondents are engaged in the manufacture and sale of carpets and rugs with their office and principal place of business located at 12802 Knott Avenue, Garden Grove, California 92641.

2. Respondents are now and have been engaged in the manufacturing for sale, sale and offering for sale, in commerce, and have introduced, delivered for introduction, transported and caused to be transported in commerce, and have sold or delivered after sale or shipment in commerce, products, as the terms "commerce" and "product," are defined in the FFA. These products fail to conform to the requirements of and applicable standard as required by section 3(a) of the FFA (15 U.S.C. 1192).

Among such products mentioned above was carpeting designated as Riviera, Star Trek, Candy Stripe and Special Custom, subject to the Standard for the Surface Flammability of Carpets and Rugs (FF-1-70), but which was not manufactured in conformance with all of the requirements of that Standard.

3. Attached hereto are copies of the principal items of written evidence, marked Commission Exhibits 1-18 which the Staff considers to constitute a *prima facie* case. Briefly described, the exhibits are inspection and test reports relating to samples of carpet manufactured by Respondents which failed the aforementioned flammability tests under the Carpet Standards, and invoices showing sales of such carpet. Commission exhibits shall not preclude Enforcement Counsel from offering further evidence bearing on the subject matter.

4. The aforesaid acts and practices of Respondents were and are in violation of the FFA, as amended, and the rules and regulations promulgated thereunder and as such constitute unfair methods of competition and unfair and deceptive acts and practices in commerce, within the intent and meaning of the FTCA.

A proposed Order to Cease and Desist to be issued if the facts are found as alleged in the Notice of Enforcement was furnished to Respondents. In addition, the proposed Order would require Respondents *inter alia* to conform to the FFA and the regulations thereunder, to notify their customers who have purchased certain designated carpet rolls that the Commission has found that the carpet failed to meet the flammability standard and to recall for replacement or refund, including transportation costs, all such carpet in the hands of the distributors, wholesalers, retailers, and purchasers whether or not the carpet has been installed.

Counsel for Respondents has filed an answer constituting, in effect, a general denial of the substantive allegations in the Notice of Enforcement, and in addition, has included several affirmative defenses as follows:

1. That the jute backing used by Respondents in the manufacture of the carpet in question does not constitute a product, fabric, or related material as those terms are defined in 15 U.S.C.A. Sec. 1191 (F, G, H).

2. That the Commission (staff) seeks to require Respondents to recall carpet which has not been sold or offered for sale in commerce as defined in 15 U.S.C.A. Sec. 1191(b) and, therefore, the Staff's proposed Order is beyond the authority of the FFA.

3. That the Commission (Staff) by these proceedings seeks to regulate and control activities and transactions of Respondent which are purely intrastate in nature and which do not affect interstate commerce, a purpose beyond the scope and authority of the FFA.

By reason of the foregoing, Respondents request dismissal of the Notice of Enforcement.

Issue having been joined, it is deemed necessary in order to organize the preparation for, and conduct of, the hearing, and further to minimize expense to the Government and the parties, that a prehearing conference, by transcontinental telephone, be held at 2 p.m., e.s.t. (11 a.m., p.s.t.), Thursday, January 15, 1976, originating in Room 600 of the Commission's offices at 1750 K Street, N.W., Washington, D.C. 20207.

The General Services Administration will be asked to arrange the conference call at the following numbers: Administrative Law Judge at (202-634-7780); Enforcement Counsel Earl Gershenow and Alice Wegman at (301-492-6614); Respondents' Counsel James E. Carter, Esq., Suite 601, Security Bank Building, Santa Ana, California 91701, tele. (714-543-9295).

Counsel are requested to exchange and file with this office memoranda setting forth (1) a definition of the issues to be heard, (2) requests for discovery, if any, (3) disclosure of the number of witnesses and the approximate length of time each presentation will entail, and (4) a proposal for the time, date and place of the hearing, no later than January 12, 1976.

So that Respondents may be properly apprised of all communications between the Staff and the Commission relating to the institution of this proceeding and in order to adequately prepare for hearing, the Secretary is hereby requested to release to Respondents' Counsel copies of the Briefing Package transmitted by the Staff of the Commission prior to the Commission's approval of the issuance of the Notice of Enforcement. This material is to be distributed to Respondents as part of the prehearing discovery process and will not become a part of the administrative record unless offered in evidence at the hearing.

Dated: December 19, 1975.

PAUL N. PFEIFFER,
Administrative Law Judge.

[FR Doc.75-35130 Filed 12-30-75;8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

Second Memorandum of Understanding and Policy Statement Regarding Implementation of Certain NRC and EPA Responsibilities

CROSS REFERENCE: For a document issued jointly by the Environmental Protection Agency and the Nuclear Regulatory Commission on the subject of the Federal Water Pollution Control Act amendments of 1972 see FR Doc. 75-35138 appearing in the notices section of this issue under the Nuclear Regulatory Commission.

[FRL 475-3]

SCIENCE ADVISORY BOARD HAZARDOUS MATERIALS ADVISORY COMMITTEE

Postponement of Meeting

The meeting of the Hazardous Materials Advisory Committee of the Science Advisory Board, previously scheduled at 9 a.m., January 8 and 9, 1976, in Room 1112, Building 2, Crystal Mall, 1921 Jefferson Davis Highway, Arlington, Virginia, and announced in the December 22 FEDERAL REGISTER, p. 59241, has been postponed. The meeting has been rescheduled for Thursday and Friday, January 29 and 30, 1976, at 9 a.m., in Room 1112, Building 2, Crystal Mall, 1921 Jefferson Davis Highway, Arlington, Virginia.

The agenda includes a report on the activities of the Science Advisory Board; discussion on the ad hoc panel activities associated with the evaluations of the documents, Review of the Environmental Effects of Asbestos and the Technical Bulletin on Acceptable Methods for the Utilization and Disposal of (Municipal) Sludges; presentations and discussion on possible environmental hazards associated with the increasing use of nitrogen fertilizers; report on the National Conference on Polychlorinated Biphenyls (PCB's); discussion of a prioritization scheme for scheduling review of certain chemicals under section 3 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); status of EPA's review of the nitrosamine issue; discussion of research on vinyl chloride; and member items of interest.

The meeting is open to the public. Any member of the public wishing to attend, participate, or obtain additional information should contact Dr. J. Frances Allen, Executive Secretary, Hazardous Materials Advisory Committee, (703) 557-7720.

THOMAS D. BATH,
Staff Director,
Science Advisory Board.

DECEMBER 29, 1975.

[FR Doc.75-35231 Filed 12-30-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-1538]

WASTE MANAGEMENT OPERATIONS, HANFORD RESERVATION

Availability of Final Environmental Statement

Notice is hereby given that a Final Environmental Statement, Waste Management Operations, Hanford Reservation (ERDA-1538), has been issued by the Energy Research and Development Administration (ERDA) pursuant to the National Environmental Policy Act of 1969. The Statement was prepared to assess the environmental impact of continuing ERDA's waste management operations at the Hanford Reservation in Benton County, Washington.

Copies of the Final Environmental Statement are available for public inspection in the ERDA's Public Document Rooms at:

ERDA Headquarters,
20 Massachusetts Avenue,
Washington, D.C.

Albuquerque Operations Office,
Kirtland Air Force Base East,
Albuquerque, New Mexico.

Chicago Operations Office,
9500 South Cass Avenue,
Argonne, Illinois.

Idaho Operations Office,
550 Second Street,
Idaho Falls, Idaho.

Oak Ridge Operations Office,
Federal Building,
Oak Ridge, Tennessee.

Nevada Operations Office,
2753 South Highland Drive,
Las Vegas, Nevada.

Richland Operations Office,
Federal Building,
Richland, Washington.

San Francisco Operations Office,
1333 Broadway,
Oakland, California.

Savannah River Operations Office,
Savannah River Plant,
Aiken, South Carolina.

In addition, copies of the draft statement, public hearing record on the draft statement, and the documents referenced in this statement are available for inspection at the Washington, D.C.; Richland, Washington; Idaho Falls, Idaho; Savannah River Plant; and Oakland, California, locations.

Copies of the final statement have been furnished to those who commented on the draft statement that was issued by the Atomic Energy Commission as WASH-1538, September 27, 1974.

A limited number of single copies are available for distribution from the Technical Information Center, P.O. Box 62, Oak Ridge, Tennessee 37830, (615) 483-8611, extension 34672. The statement is also available from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Germantown, Maryland, this 17th day of December, 1975.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator
for Environment and Safety.

[FR Doc.75-35103 Filed 12-30-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

OLD OIL ALLOCATION PROGRAM

Rescinding Entitlement Notice for October 1975 and Announcing Intent to Issue Revised Entitlement Notice for October 1975

Notice is hereby given to all firms subject to the provisions of 10 CFR 211.67, the Old Oil Allocation Program, that the Entitlement Notice for October 1975, as issued on December 12, 1975 (40 FR 58619, December 17, 1975), is hereby rescinded and that the Federal Energy Administration intends to issue a revised Entitlement Notice for October 1975 on or about December 29, 1975.

This notice is being issued in order to advise refiners of the steps the FEA intends to take in order to provide for immediate and orderly implementation of certain provisions of the Energy Policy and Conservation Act ("EPCA"), which was signed into law on December 22, 1975. Section 403 of the EPCA requires that the FEA exempt from the purchase obligations of the entitlements program the first 50,000 barrels per day of input or receipts of any refiner whose total refining capacity did not exceed 100,000 barrels per day on January 1, 1975 and does not thereafter exceed 100,000 barrels per day. This requirement must be implemented with respect to payments due on or after the last day of the month during which enactment of the EPCA occurred. Thus, it applies to entitlements transactions which must be completed by December 31, 1975.

In order to implement section 403, the FEA will issue on or about December 29, 1975 a special rule amending 10 CFR 211.67 to implement the exemption required by the EPCA and at the same time will issue a revised Entitlements Notice for October 1975 reflecting the exemption. The time for completion of the transactions required by the revised notice will be extended from December 31, 1975, to January 7, 1976, but, for purposes of complying with FEA's pricing regulations, all firms subject to 10 CFR 211.67 will be required to treat such transactions as though they occurred in December 1975.

Issued in Washington, D.C., on December 24, 1975.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.75-35129 Filed 12-24-75;12:30 pm]

FARM CREDIT ADMINISTRATION

PRIVACY ACT OF 1974

Amendment to Notices of Existence and Character of Systems of Records

The Farm Credit Administration, in order to implement the Privacy Act of 1974, adopted notices of the existence and character of the systems of records containing information about individuals which it maintains. Such notices were published in proposed form in the FEDERAL REGISTER for September 8, 1975 (40 FR 41731) and adopted without change (40 FR 46288, October 6, 1975). The Office of Management and Budget recommended that an additional routine use be established by each agency for the purpose of assuring that implementation of the Act does not have the unintended effect of denying individuals the benefit of congressional assistance which they request. Accordingly, the Farm Credit Administration published for comment in the FEDERAL REGISTER for November 17, 1975, a notice of its proposal to amend each of the notices described above by inserting, at the end of the material under the heading "Routine uses of records maintained in the system, including categories of users and the purpose of such uses," the following paragraph:

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Interested persons were afforded the opportunity to file written comments on the proposed amendment not later than December 15, 1975. No comments were received. Therefore, the amendment to the notices of existence and character of systems of records as set forth above is adopted without change.

JON F. GREENEISEN,
Acting Governor,
Farm Credit Administration.

[FR Doc.75-35128 Filed 12-24-75;12:28 pm]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75R-470; Docket No. 20343, File No. BPH-8665; Docket No. 20344, File No. BPH-8858]

COUNTRY-POLITAN BROADCASTING, INC. AND TIPPAH BROADCASTING COMPANY

Construction Permits; Memorandum Opinion and Order

1. This proceeding involves the mutually exclusive applications of Country-Politan Broadcasting, Incorporated (Country-Politan) and Jesse R. Williams, tr/as Tappah Broadcasting Company (Tippah), for a construction permit for a new FM broadcast station at Ripley, Mississippi. Presently before the Review Board is a second petition to enlarge issues, filed October 10, 1975, by the Broadcast Bureau; seeking the addition of Section 1.594 and abuse of process issues against Tippah.[1]

2. In support of its request, the Bureau first points out that the designation Order in this proceeding, 40 FR 7006, published February 18, 1975, specified funds availability and ascertainment issues against Tippah, a standard comparative issue, and a conclusory issue. However, the Bureau asserts, on March 27, April 3, and April 10, 1975, Tippah published in the Southern Sentinel (a weekly newspaper in Ripley, Mississippi) a notice of hearing stating that no qualifying issues had been specified against it, that a financial issue had been specified against Country-Politan, and that an issue had been specified "to determine if the applicant's sole intention is to use this license to further enhance his position as Mayor of Ripley, Mississippi."[2] Tippah never supplied the Commission with evidence of this publication, the Bureau avers,[3] a failure which the Bureau suggests was motivated by a desire on Tippah's part to conceal its attempt to mislead and deceive the public. Moreover, the Bureau maintains, citing Tung Broadcasting Company, 33 FCC 2d 1145, 23 RR 2d 1185 (1972), Tippah's publication of a completely false set of issues on its face raises serious questions as to whether it has abused the Commission's processes and, therefore, as to whether it is qualified to be a Commission licensee.[4]

3. In opposition, Tippah contends that it made a diligent effort to comply with § 1.594 of Commission's rules but was hindered by difficulties with its attorney, and that its records reflect that an original and the necessary copies of the publication were mailed to the Commission. As for the contents of the published notice, Tippah admits that it erred in some respects but denies that it intended to abuse the Commission's processes. The Bureau in reply dismisses this denial, arguing that Tippah's self-serving excuse for its conduct in no way diminishes the necessity for the requested issues. Further, the Bureau asserts, if Tippah's opposition is construed as an argument that it lacked effective counsel, this argument, is unpersuasive in several respects. Thus, the Bureau notes, Tippah's principal, Jesse R. Williams, testified at hearing that he has been a licensee of the Commission since 1964 and has conducted most of his Commission—related affairs on his own without counsel and Rule 1.594 gives explicit and unmistakable instructions with respect to how issues are to be published. Lack of counsel, in any event, cannot justify serious misconduct of this nature, the Bureau concludes.

4. In the Board's view, further inquiry into this matter is clearly warranted. Rather than publishing the hearing issues actually designated by the Commission, Tippah by its own admission published an incorrect set if issues falsely suggesting that the Commission had accused its opponent of concealing financial information and of seeking a broadcast license solely to enhance its political interests. Such a use of the Commission's publication requirement to convey inaccurate and misleading information not only casts doubt on Tippah's good faith compliance with this requirement but also raises substantial questions as to whether Tippah has misused and thus abused the Commission's procedures, see Tung Broadcasting Co., *supra*. Because these questions cannot be resolved solely on the basis of Tippah's self-serving denials of bad faith and pleas of ineffective counsel, we will grant the Bureau's petition and add the requested issues.

5. Accordingly, *it is ordered*, That the second petition to enlarge issues, filed October 10, 1975, by the Broadcast Bureau, IS GRANTED; and

6. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issues:

(1) To determine the accuracy of a publication of a notice of hearing by Tippah Broadcasting Company in the Southern Sentinel, including the facts and circumstances relating to the nature and extent of participation, if any, of the principals or agents of Tippah in such publication.

(2) To determine in light of the evidence adduced under the above issue:

(a) Whether Tippah Broadcasting Company has complied with § 1.594 of the Commission's Rules;

(b) Whether Tippah Broadcasting Company has engaged in an abuse of Commission processes; and

(c) In light of the foregoing, whether Tippah Broadcasting Company possesses the requisite qualifications to be a licensee of the Commission.

7. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the issues added herein shall be on the Broadcast Bureau and the burden of proof shall be on Tippah Broadcasting Company.

Adopted: December 18, 1975.

Released: December 23, 1975.

FEDERAL COMMUNICATIONS COMMISSION

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-35118 Filed 12-30-75;8:45 am]

[1] Also before the Board are the following related pleadings: (a) opposition filed October 28, 1975, by Tippah; (b) reply, filed November 4, 1975, by the Broadcast Bureau.

[2] Kerry W. Hill, Country-Politan's sole stockholder, is the Mayor of Ripley, Mississippi.

[3] In support of its allegation, the Bureau submits the affidavit of Herschel G. Stennett, publisher of the Southern Sentinel.

[4] The proof of publication upon which the Bureau relies (see note 3, supra) was obtained by Bureau counsel.

[5] The Bureau maintains that its petition was filed within fifteen days of its examination of the Stennett affidavit. The Board is satisfied with this explanation, and, in any event, the petition raises serious public interest questions which require consideration pursuant to The Edgefield-Saluda Radio Co., 5 FCC 2d 148, 8 RR 2d 614 (1966).

DOMESTIC LAND MOBILE RADIO ADVISORY COMMITTEE

1979 World Administrative Radio Conference

DECEMBER 19, 1975.

The next meeting of the Common Carrier Domestic Land Mobile Radio Advis-

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ory Committee in preparation for the 1979 World Administrative Radio Conference will be held on Wednesday, January 21, 1976, at 10 a.m. in Room 752, 1919 M Street, NW., Washington, D.C. The same room will be available in the afternoon for task group meetings.

The meeting will be open to the public and any member of the public is invited to participate and present oral or written statements of relevance to the agenda upon recognition by the Chairman.

The meeting will be conducted in accordance with the following agenda:

1. Committee Chairman's opening remarks.
2. Reports from Chairmen of Fact-Finding Task Groups.
3. Discussion of preliminary draft of spectrum requirements.
4. Establish timetable for submission of work.
5. Set date for next meeting.
6. Further business.
7. Adjournment.

No part of this meeting will be concerned with matters which are within the exemptions of the Public Information Act, 5 U.S.C. 55s(b).

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-35120 Filed 12-30-75;8:45 am]

FCC PBX TECHNICAL STANDARDS

Meeting

DECEMBER 22, 1975.

In accordance with Pub. L. 92-463, announcement is made of a public meeting of the PBX Technical Standards Subcommittee Task Groups to be held January 28-29, 1976 in Washington, D.C. The meeting on January 28 will commence at 10 a.m. and will be held in Room 752, 1919 M Street NW, and will be related to the work of the Glossary Task Group. The meeting on January 29 will commence at 10 a.m. and will be held in Room 752, 1919 M Street NW and will be related to the Equipment Test Standards Task Group.

1. Purpose: The purpose of this Subcommittee is to prepare recommended standards and procedures to permit the interconnection of customer-provided and maintained PBX equipment to the public switched network without the need for carrier-provided connecting arrangements.

2. Activities: As at prior meetings, Subcommittee members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered in respect to the interconnection of PBX equipment to the public telephone network.

3. Agenda: The agenda for the January 28th Glossary Task Group will be as follows:

(a) Continue the review of the draft glossary to eliminate duplicate definitions and words not specifically related to the fields of interconnection and PBX systems.

(b) Plan for completion of glossary.

The agenda for the January 29th Equipment Test Standards Task Group will be as follows:

(a) Review status of Equipment Test Standards and completed homework draft documents.

(b) Plan for completion of draft standards and acceptance of new homework assignments.

4. Public Participation: The public is invited to attend this meeting. Any member of the public wishing to file a written statement with the Subcommittee may do so before or after the meeting.

For more information, contact the Common Carrier Bureau on (202) 632-6917.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-35121; Filed 12-30-75;8:45 am]

[FCC 75-1363]

EMERGENCY BROADCAST SYSTEM

Closed Circuit Test

DECEMBER 22, 1975.

A quasi-random test of the Emergency Broadcast System (EBS) has been scheduled for the near future. Only ABC, CBS, NBC, IMN, MBS, and NPR radio network affiliates and UPI-audio clients will participate. Television networks are not participating in this test.

Network affiliates will not be notified of the impending test date and time.

Final evaluation of the test is scheduled to be made by the end of January, 1976.

This is a closed circuit test and will not be broadcast over the air.

Action by the Commission December 16, 1975. Commissioners Wiley (Chairman), Lee, Reid, Hooks, Quello, Washburn, and Robinson.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-35119 Filed 12-30-75;8:45 am]

PRIVATE LAND MOBILE ADVISORY COMMITTEE

Meeting

In preparation for the 1979 World Administrative Radio Conference (WARC), the Private Land Mobile Advisory Committee, headed by Neal Pike, will hold its next meeting on January 21, 1976, in Washington, D.C. The meeting will be held in conference room 8210, Federal Communications Commission, 2025 M Street, NW., at 1:30 p.m.

The purpose of the meeting is to prepare and approve land mobile frequency allocation recommendations. The meeting is open to the public and oral and written statements may be presented by members of the public.

The meeting will be conducted in accordance with the following agenda.

1. Call of the Agenda.
2. Preparation, review and approval of frequency allocation recommendations for Private Land Mobile.
3. Set next meeting date.
4. Adjournment.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-35123 Filed 12-30-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 66: "Receiver Standards for the Maritime Mobile Service."

Notice of 35th Meeting:
Tuesday, January 13—9:30 a.m. (All-day meetings).
Conference Room A-205,
1229-20th Street NW.,
Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Appointment of Rapporteur.
3. Acceptance of SC-66 Summary Record.
4. Review comments on MMSR4:
   a. from USCG
   b. from FCC
   and agree on appropriate modifications to the standard.
   (Note: a. and b. above were mailed to the SC-66 attendees as enclosures 2 and 3 with the Chairman's letter dated 25 November 1975.)
5. Discussion of problem areas.
6. Solicitation of Work Assignments.
7. Other business.
8. Establishment of next meeting date.
   H. R. Smith, Chairman, SC-66
   ITT Mackay Marine
   441 US Highway #1, Elizabeth, N.J. 07202
   Phone: (201) 527-0300

Special Committee No. 68: "Marine Radiotelephone Operator Education."

Notice of 11th Meeting:
Wednesday, January 14, 1976—9:30 a.m.
Conference Room 752
1919 M Street NW.
Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; confirmation of Secretary.
3. Acceptance of SC-68 Summary Records.
4. Approval of MRT Handbook Work Assignment. Limited Coast Station section and appendices.
5. Establishment of next meeting date.
   A. Newell Garden, Chairman, SC-68
   Raytheon Company
   141 Spring Street
   Lexington, Mass. 02173
   Phone: (617) 862-6600 (Ext. 414)

Executive Committee Meeting, Thursday, January 15, 1976.

The next Executive Committee Meeting will be on Thursday, January 15, 1976, at 1:45 p.m. in Conference Room 752, 1919 M Street, N.W., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Adoption of Agenda.
3. Acceptance of the Minutes of Executive Committee Meetings.
4. Progress Reports on Currently Active Committees.
   SC-65: "Ship Radar"
   SC-66: "Receiver Standards for the Maritime Mobile Service"
   SC-68: "Marine Radiotelephone Operator Education"
5. Status Reports on other Committees:
   SC-69: WARC Advisory Committee
6. Special Report: The CARDIS Program—Maurice F. Ronayne, Chief, Documentation and Procedures Division, Office of Facilitation, Department of Transportation
7. Approval of SC-66 Report.
   Minimum Standards for Single Sideband Receivers in the Maritime Mobile Service.
8. Approval of SC-64 Report.
   MF, HF, and VHF Maritime Radioteleprinter and Data Systems and Operations.
9. Executive Committee Preliminary Review of MRT Draft text.
10. Acceptance of FY-1975 Audit Report.
11. Administrative Action Items.
12. Summary Reports and Announcements.
13. New Business.
14. Establishment of next meeting date.

Members of Special Committee No. 65: "Ship Radar"

Notice of Collision Avoidance Work Group Meeting:
Wednesday, January 21, 1976—9:30 a.m.
Conference Room 8210
2025 M Street NW.
Washington, D.C.

Formal Meeting Schedule for SC-65 Working Groups:
To be held at 2025 M Street NW., Washington, D.C.

Working Group: Collision Avoidance
Room: 8210
Date: January 21
Time: 9:30 a.m.

If other Working Group meetings are scheduled, Group Members will be notified.

Irvin Hurwitz, Chairman, SC-65
Federal Communications Commission
Washington, D.C. 20554
Phone (202) 632-7197

RTCM SC 69/FCC WARC-79 Advisory Committee for Maritime Mobile Service, Third Meeting, 2025 M St. NW., Washington, D.C., Room 8210, 9:30 a.m. to 12:30 p.m., Tuesday, January 27, 1976.

AGENDA

1. Call of the Agenda
2. Chairman's opening remarks.
3. Reports of the Task Forces
4. Review work to be accomplished.
5. Further business.
6. Set date for next meeting.
7. Adjournment.

Charles Dorian, Chairman, SC-69
COMSAT General
950 L'Enfant Plaza, S.W.
Washington, D.C. 20025
Phone: (202) 55406829

To comply with the advance notice requirements of Pub. L. 92-463, a comparatively long interval of time occurs between publication of this notice and the actual meeting. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone (202) 632-6490)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-35122 Filed 12-30-75;8:45 am]

FEDERAL MARITIME COMMISSION

BARBER LINES, ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N. Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 12, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

BARBER LINES, A/S; BLACK STAR LINE; COMPAGNIE MARITIME BELGE, S.A.; COMPAGNIE MARITIME DES CHARGEURS REUNIS, S.A.; COMPAGNIE MARITIME ZAIROISE, S.A.R.L.; DAFRA LINES; DELTA STEAMSHIP LINE, INC.; ELDER DEMPSTER LINES, LTD.; FARRELL LINES INC.; NOPAL WEST AFRICA LINE; WESTWIND AFRICA LINE LTD.

Notice of Agreement Filed by:

John K. Cunningham, Chairman, American West African Freight Conference, 67 Broad Street, New York, New York 10004.

Agreement No. 10159-2, among Barber Lines, A/S; Black Star Line; Compagnie Maritime Belge, S.A.; Compagnie Maritime Des Chargeurs Reunis, S.A.; Compagnie Maritime Zairoise, S.A.R.L.; Dafra Lines; Delta Steamship Lines, Inc.; Elder Dempster Lines, Ltd.; Farrell Lines Inc.; Nopal West Africa Line and Westwind Africa Line Ltd., all of whom are member lines of the American West African Freight Conference, amends the rationalization agreement designated as Agreement No. 10159 by (1) inserting a new Article 10 to provide that any member line of the American West African Freight Conference may become a party to Agreement No. 10159 twelve (12) months following the date of its written application for membership, by affixing its signature to the agreement or an amendment thereto, and by paying an admission fee of $50,000 to the parties to the agreement, and (2) renumbering Articles 10, 11, 12 and 13 as Articles 11, 12, 13 and 14, respectively.

By order of the Federal Maritime Commission.

Dated: December 23, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-35086 Filed 12-30-75;8:45 am]

[Exemption Nos. 18, 19 and 20]

PUGET SOUND TUG AND BARGE CO., ET AL.

Environmental Negative Declaration

In the matter of Puget Sound Tug and Barge Company, Alaska Barge & Transport, Inc., Foss Launch and Tug Company, and Foss Alaska Line, Inc.

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Environmental Analysis has determined that environmental issues relative to the above referenced applications do not constitute major Federal action significantly affecting the quality of the human environment with-

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in the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321, et seq., and that the preparation of a detailed environmental impact statement will not be required under section 4332 (2) (C) of NEPA.

It was concluded, among other things, that the environmental impacts of the proposed actions basically relate only to the extension of "currently existing exemptions" which have been in effect since 1970. There will be no increase in the level of energy consumption, noise exposure, oil pollution and the local use of the environment by the all-water services involved in the proposed exemptions. These operations will substantially conform to the existing use of the environment in the area involved.

This determination was based upon the staff's preparation and consideration of a Threshold Assessment Survey which is available for inspection on request from the Public Information Office, Room 11413, Federal Maritime Commission, Washington, D.C. 20573, telephone 202–523–5764.

Any person disagreeing with the Negative Declaration shall have ten (10) days within which to note exceptions to the Commission by filing exceptions to the Negative Declaration with the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573. No final Commission action shall be taken within thirty (30) days following the publication of the Negative Declaration in the FEDERAL REGISTER. If the Commission fails to otherwise act within twenty (20) days following the time provided for the filing of exceptions to the Negative Declaration, the determination of the Office of Environmental Analysis will be adopted by the Commission as its final determination of environmental issues.

By the Commisson.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75–35085 Filed 12–30–75;8:45 am]

[Nos. 73–28; 73–29]

U.S. WEST COAST/JAPAN TRADE; U.S. ATLANTIC AND GULF/JAPAN TRADE

Publication of Discriminatory Rates; Further Dismissal in Part; Extension of Alternate Procedures

These proceedings were instituted by the Commission in its attempt to rid the U.S./Japan trades of inbound-outbound rate disparities. Pursuant to procedures adopted by subsequent Commission orders, various proposals of the conferences and motions of Hearing Counsel have resulted in eliminaton of many of the items from this proceeding. December 31, 1975 is the current deadline within which the disparities are to be removed pursuant to these procedures.

Hearing Counsel currently have three additional motions pending before the Commission by which they seek dismissal of various items of disparity from these proceedings. Hearing Counsel point out that if the three motions to dismiss are granted, disparities will remain on only 30 items in 73–28 and 22 items in 73–29.

Hearing Counsel also have filed a motion for extension through March 31, 1976, of the authority for use of alternate procedures which have been followed in eliminating the disparities.

We are disposed to grant Hearing Counsel's motions to dismiss because the grounds offered therefor are identical to those previously endorsed in these proceedings. Accordingly, as to the commodities listed in Hearing Counsel's motions of May 21, 1975, November 19, 1975, and November 26, 1975, these proceedings are hereby discontinued.

We hereby also grant Hearing Counsel's request for extension of use of alternate procedures through March 31, 1976, inasmuch as these procedures have been effective in eliminating the disparities in these proceedings.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75–35087 Filed 12–30–75;8:45 am]

FEDERAL RESERVE SYSTEM

JENT, INC.

Formation of Bank Holding Company

Jent, Inc., Grinnell, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 97 per cent or more of the voting shares of Peoples State Bank, Grinnell, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 15, 1976.

Board of Governors of the Federal Reserve System, December 22, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75–35141 Filed 12–30–75;8:45 am]

GENERAL SERVICES ADMINISTRATION

PRIVACY ACT OF 1974

Proposed Changes to Systems of Record Locations

On August 27, 1975, there was published in the FEDERAL REGISTER (40 FR 39137 thru 39195) notices of systems of records pursuant to the provisions of the Privacy Act of 1974, Public Law 93–579, 5 U.S.C. 552a. This notice gives additional system locations for GSA systems of records and deletes two systems of records. Changes throughout the notices are required to provide for the additional locations. However, there are no changes in the actual categories or types of records in the GSA systems of records.

The system of records identified as "GSA/Regional Administrators 1" is deleted.

GSA/Regional Administrators 2 (40 FR 39174)

Change to read:

System name: Employee related files, GSA Regions 1 thru 10.

System location: The system is located in the offices of the Regional Administrators, Regions 1 thru 10 at the addresses listed below:

GSA Region 1,
Office of the Regional Administrator (1A),
John W. McCormack Post Office and Courthouse, Boston, MA 02109.
GSA Region 2,
Office of the Regional Administrator (2A),
26 Federal Plaza, New York, NY 10007.
GSA Region 3,
Office of the Regional Administrator (3A),
7th & D Streets, SW., Washington, DC 20407.
GSA Region 4,
Office of the Regional Administrator (4A),
1776 Peachtree Street, NW., Atlanta, GA 30309.
GSA Region 5,
Office of the Regional Administrator (5A),
230 South Dearborn Street, Chicago, IL 60604.
GSA Region 6,
Office of the Regional Administrator (6A),
1500 East Bannister Road, Kansas City, MO 64131.
GSA Region 7,
Office of the Regional Administrator (7A),
819 Taylor Street, Fort Worth, TX 76102.
GSA Region 8,
Office of the Regional Administrator (8A),
Building 41, Denver Federal Center, Denver, CO 80225.
GSA Region 9,
Office of the Regional Administrator (9A),
525 Market Street, San Francisco, CA 94105.
GSA Region 10,
Office of the Regional Administrator (10A),
GSA Center, Auburn, WA 98002.

Categories of individuals covered by the system: Individuals include employees in the offices of the Regional Administrators, Regions 1 thru 10.

Systems manager(s) and addresses: The officials responsible for the system of records are the Regional Administrators, at the addresses listed above.

Notification procedures: Information may be obtained from the Regional Administrators, at the addresses listed above.

Record access procedures: Request to access records may be directed to the Regional Administrators at the addresses listed above, in accordance with the GSA rules as promulgated in 41 CFR 105–64, published in the FEDERAL REGISTER.

GSA/Regional Administrators 3 (40 FR 39174)

Change to read:

System name: Biographical Sketches

System location: This system is located in the Offices of the Regional Administrators Regions 1 thru 10 at the addresses listed below:

GSA Region 1,
Office of the Regional Administrator (1A),
John W. McCormack Post Office and Courthouse, Boston, MA 02109.
GSA Region 2,
Office of the Regional Administrator (2A),
26 Federal Plaza, New York, NY 10007.
GSA Region 3,
Office of the Regional Administrator (3A),
7th & D Streets, SW., Washington, DC 20407.
GSA Region 4,
Office of the Regional Administrator (4A),
1776 Peachtree Street, NW., Atlanta, GA 30309.
GSA Region 5,
Office of the Regional Administrator (5A),
230 South Dearborn Street, Chicago, IL 60604.
GSA Region 6,
Office of the Regional Administrator (6A),
1500 East Bannister Road, Kansas City, MO 64131.
GSA Region 7,
Office of the Regional Administrator (7A),
819 Taylor Street, Fort Worth, TX 76102.
GSA Region 8,
Office of the Regional Administrator (8A),
Building 41, Denver Federal Center, Denver, CO 80225.
GSA Region 9,
Office of the Regional Administrator (9A),
525 Market Street, San Francisco, CA 94105.
GSA Region 10,
Office of the Regional Administrator (10A),
GSA Center, Auburn, WA 98002.

System manager(s) and addresses: The officials responsible for the system of records are the Regional Administrators, at the addresses listed above.

Notification procedure: Information may be obtained from the Regional Administrators, at the addresses listed above.

GSA/Regional Administrators 4 (40 FR 39174)

Change to read:

System name: Regional Administrators' official correspondence files.

System location: The system is located in the offices of the Regional Administrators, Regions 1 thru 10 at the addresses listed below:

GSA Region 1,
Office of the Regional Administrator (1A),
John W. McCormack Post Office and Courthouse, Boston, MA 02109.
GSA Region 2,
Office of the Regional Administrator (2A),
26 Federal Plaza, New York, NY 10007.
GSA Region 3,
Office of the Regional Administrator (3A),
7th & D Streets, SW., Washington, DC 20407.
GSA Region 4,
Office of the Regional Administrator (4A),
1776 Peachtree Street, NW., Atlanta, GA 30309.
GSA Region 5,
Office of the Regional Administrator (5A),
230 South Dearborn Street, Chicago, IL 60604.
GSA Region 6,
Office of the Regional Administrator (6A),
1500 East Bannister Road, Kansas City, MO 64131.
GSA Region 7,
Office of the Regional Administrator (7A),
819 Taylor Street, Fort Worth, TX 76102.
GSA Region 8,
Office of the Regional Administrator (8A),
Building 41, Denver Federal Center, Denver, CO 80225.
GSA Region 9,
Office of the Regional Administrator (9A),
525 Market Street, San Francisco, CA 94105.
GSA Region 10,
Office of the Regional Administrator (10A),
GSA Center, Auburn, WA 98002.

Categories of individuals covered by the system:

Individuals include those corresponding with the Regional Administrators, regarding savings bond campaigns, employees receiving letters of appreciation and commendation, Members of Congress, Mayors, and their staffs, and other individuals.

Categories of records in the system: Records consist of incoming correspondence, background material, and outgoing correspondence to individuals described in the system. The system is used as a record of correspondence received by the Offices of the Regional Administrators and as reference in preparing and replying to immediate and future correspondence.

System manager(s) and addresses: The officials responsible for the system of records are the Regional Administrators, at the addresses listed above.

Notification procedures: Information may be obtained from the Offices of the Regional Administrators, at the addresses listed above.

Record access procedures: Requests to access records may be directed to the Offices of the Regional Administrators, at the addresses listed above, in accordance with the GSA rules as promulgated in 41 CFR 105–64, published in the FEDERAL REGISTER.

The system of records identified as "GSA/Regional Administrators 5" is deleted.

Dated: December 17, 1975.

G. C. GARDNER, *Assistant Administrator for Administration.*

[FR Doc.75–35063 Filed 12–24–75;9:58 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–255]

CONSUMERS POWER CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Provisional Operating License No. DPR–20 issued to Consumers Power Company which revised Technical Specifications for operations of the Palisades Plant located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

This amendment permits the containment to be ventilated (purged) on a one-time basis for an accumulated period of time not to exceed 24 hours after the reactor has been brought to hot shutdown in preparation for the December 1975 maintenance and inspection outage.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 11, 1975, and related letter dated November 21, 1975, (2) Amendment No. 17 to License No. DPR–20 with Change No. 21, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 18th day of December 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE, *Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.*

[FR Doc.75–35131 Filed 12–30–75;8:45 am]

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

Second Memorandum of Understanding and Policy Statement Regarding Implementation of Certain NRC and EPA Responsibilities

Prior to the enactment of Pub. L. 92–500, the Federal Water Pollution Control Act Amendments of 1972 (FWPCA), the Atomic Energy Commission (AEC) had regulatory authority pursuant to the National Environmental Policy Act of 1969 (NEPA), and in consideration of the environmental impact of the discharge of pollutants and other factors, to impose limitations on the discharge of pollutants from nuclear power plants and other facilities or activities requiring an

V 401251 DEC 31 75 XUM

AEC license or permit, as a condition of such license or permit.

The FWPCA now requires the Environmental Protection Agency (EPA) to establish (for use in permits for the discharge of pollutants to waters of the United States from point sources as defined in the FWPCA such as nuclear power plants, etc.) effluent limitations for all pollutants. The FWPCA provides that nothing under NEPA shall be deemed to authorize any Federal agency to review any effluent limitation or other requirement established pursuant to the FWPCA, or to impose, as a condition of any license or permit, any effluent limitation other than any such limitation established pursuant to FWPCA.

Pursuant to the authority of the FWPCA, EPA requires applicants for discharge permits to submit information required by EPA in order to establish effluent limitations in permits. Pursuant to the authority of NEPA, the Nuclear Regulatory Commission (NRC) may require applicants for licenses or permits to submit information required by NRC in order to evaluate and consider the environmental impacts of any actions it may take. Consequently, the informational needs imposed by the two agencies may be similar in the area of impacts on water quality and biota.

NEPA requires that all Federal agencies prepare detailed environmental statements on proposed major Federal actions which can significantly affect the quality of the human environment. A principal objective of NEPA is to require the agency to consider, in its decision-making process, the environmental impacts of each proposed major action and the available alternative actions. Both EPA and NRC have responsibilities pursuant to NEPA regarding the issuance of licenses or permits for nuclear power plants and certain other facilities.

The purpose of the memorandum is to clarify the respective roles of EPA and NRC in the decision-making processes concerning nuclear power plants and other facilities requiring an NRC license or permit.

In late 1973, the Chairman of the Council on Environmental Quality (CEQ) wrote to the Chairman of the then AEC and the Administrator of EPA suggesting steps that might be taken "to make the analysis of the water quality impact of nuclear power plants more effective and more meaningful and, at the same time, reduce demands for data being placed upon applicants for licenses."

In summary, CEQ suggested that AEC and EPA:

(1) Explore mechanisms available to assure that applicants' environmental reports to AEC contain sufficient data to satisfy EPA requirements on water quality matters;

(2) Consider the possibility of preparing a single impact statement to meet AEC's requirements under NEPA and EPA's requirements under FWPCA; and

(3) Consider the possibility of unified hearings.

In response to CEQ's suggestions, AEC and EPA developed the Proposed Second Memorandum of Understanding regarding their respective responsibilities under NEPA and FWPCA, which was published in the FEDERAL REGISTER for public comment on ovember 7, 1974 (39 FR 39490). Comments on the Proposed Second Memorandum of Understanding were received from 15 sources representing more than 200 electric utilities, three states, one river basin commission, and one regional office of EPA.

On January 29, 1973, the AEC published in the FEDERAL REGISTER a first "Memorandum of Understanding Regarding Implementation of Certain Complementary Responsibilities" between AEC and EPA under the Federal Water Pollution Control Act Amendments of 1972. On the same date the AEC published in the FEDERAL REGISTER an Interim Statement of Policy concerning the effect of section 511 of the FWPCA upon the AEC's statutory responsibility and authority under NEPA in licensing actions covered by 10 CFR Part 50, Appendix D (now superseded by 10 CFR Part 51). Both the first Memorandum and Interim Policy Statement were made effective upon publication, but comments were invited from interested persons with a view to possible amendments to the Interim Policy Statement.

After consideration of comments to both notices and other relevant factors, NRC and EPA have entered into the Second Memorandum of Understanding set forth below and NRC has adopted the revised Policy Statement set forth in Appendix A to this Second Memorandum. The revised Policy Statement will serve as the legal framework for NRC decision-making concerning licensing matters covered by NEPA and FWPCA section 511. The January 29, 1973, Memorandum is superseded by the present Second Memorandum of Understanding.

The significant changes from the language of the Proposed Second Memorandum of Understanding and the significant comments received on the Second Memorandum are summarized below:

1. A number of comments were received concerning NRC–EPA–State relationships. The principal comments are discussed below:

a. It was recommended that the NRC–EPA–State relationship be clarified and that States should be made a full party to any agreement of understanding on specific projects. The requested clarification is provided in Sections 8 & 9 of this Memorandum. Both NRC and EPA plan to work closely with States in all cases; however, it was not considered practical to make the 50 States a party to this Memorandum at this time. NRC and EPA plan to work with States in order to achieve the substance of the Memorandum on a State-by-State basis.

b. It was recommended that the States should be informed of the results of the EPA, NRC, and Energy Research and Development Administration (ERDA) working groups. Eight such working groups covering the various biological and engineering areas of interest for section 316 (a) and (b) determinations were established by EPA to generally identify the information on water quality and biota that must be included in applicants' environmental reports to permit early water quality decisions. This will be done by EPA in the form of a section 316(a) technical manual and a section 316(b) technical manual.

c. It was stated that when a State is the permit issuance authority pursuant to section 402, EPA should not duplicate the State's evaluation of compliance with FWPCA requirements. EPA will not duplicate State efforts; however, section 402(d) provides for EPA review of the State action.

d. It was urged that EPA require that State permit programs include procedures for early determinations under sections 316(a) and (b) of the FWPCA. It is the view of the parties that the States with approved National Pollutant Discharge Elimination System (NPDES) permit programs have authority to establish a procedure similar to the early permit issuance procedure discussed in Paragraph 3. hereof. Both EPA and NRC strongly encourage States which have such authority to institute a similar early issuance procedure and to cooperate with EPA and NRC in implementing this procedure.

e. It was pointed out that a number of States have adopted "Permit and Install Regulations", e.g., Ohio, South Carolina and New York, which must be taken into account. Such State regulations will be taken into account by NRC and EPA.

2. It was suggested that the fact should be clarified that a single environmental statement will be prepared to meet NRC and EPA needs. This comment has been adopted.

3. It was suggested that an actual section 402 discharge permit should be issued rather than a "Preliminary Determination" and the effective date of such permit should coincide with the NRC operating license issuance date. This suggestion was partially adopted, by providing for early issuance of section 402 permits. Such permits will contain appropriate terms and conditions for all discharge of pollutants expected during the life of the permit (five years maximum) and terms and conditions with regard to cooling water intake structures and Section 316(a) determinations concerning thermal discharges. Additional permit terms and conditions for discharges not contemplated during the life of the permit (such as certain chemical and other releases not expected until operation startup) may be derived from applicable State water quality standards and applicable new source performance standards contained in 40 C.F.R. Chapter I, Subchapter N. Permits will be reissued, as appropriate, and any reissued permit, to be effective at the commencement of actual discharge as provided above, may require additional limitations and controls based on data gathered during the initial permit or may require additional section

316(a) and (b) studies for the purpose of confirming conclusions reached from previous predictive studies.

4. It was suggested that NRC's role in the water quality area should be clarified and NRC should discontinue its practice of determining compliance with requirements of the FWPCA and should cease evaluating alternatives relating to environmental effects regulated under the FWPCA. This matter is addressed in the Policy Statement (Appendix A to this Memorandum) which is discussed in more detail below.

5. It was recommended that NRC should initiate a rulemaking proceeding to develop regulations through which the environmental effects of activities subject to the FWPCA can be factored into the cost-benefit analyses performed in each individual licensing proceeding. Prior to completion of that rulemaking, NRC should continue to evaluate, on a case-by-case basis, the environmental effects of facility systems either as proposed by applicants or as described in the Section 401 certificate or Section 402 permit issued for the particular facility, as appropriate. This suggestion was not adopted since NRC does not feel it would be practical at this time to treat the many individual and site specific facets of water quality impacts in a generic fashion.

6. It was pointed out that the EPA headquarters-regional responsibility needs to be clarified, i.e., the Assistant Administrator for Enforcement is named as the prime EPA contact. The matter has been clarified in the Memorandum by stating that the principal EPA contact shall be the Assistant Administrator for Enforcement and/or the Regional Administrator or his designee as appropriate.

7. It was suggested that once a "Preliminary Determination" has been issued at the construction permit stage, one should not have to go through the "Preliminary Determination" at the operating license stage. The "Preliminary Determination" concept has been dropped and actual Section 402 permits will be issued; however, as indicated in the response to Comment 3, there will be need for reissuance of the permits at appropriate intervals.

8. It was suggested that Paragraph 1 of the applicability statement be broadened to apply to all environmental impacts of cooling systems, e.g., the effect of chemical effluents, entrainment of biota, etc. EPA's early section 402 permit will contain terms and conditions regarding thermal releases and cooling water intake requirements. In addition, with regard to chemical or other requirements, where an applicant seeks a variance from new source performance standards or any other applicable EPA regulations relative to discharges, EPA will consider the issues as necessary at the early section 402 permit stage. (See response to comment number 3)

9. The question was raised as to whether discharge permit requirements will be made a part of the NRC environmental technical specifications. The matter of incorporation of permit requirements will depend on a case-by-case application of the requirements of NEPA and the Policy Statement set forth in Appendix A to the Memorandum.

10. It was stated that the terms and conditions of Section 401 certifications must not be changed between the Construction Permit and Operating License stage. Section 401 certifications are subject to change pursuant to section 401 (a) (3) of the FWPCA and are, therefore, beyond the scope of this Memorandum.

11. It was noted that the proposed Memorandum should be coordinated with the appropriate river basin commissions. Activities under the Memorandum will be coordinated with appropriate river basin commissions.

12. It was suggested that only the existence of significant issues should serve as a basis for revision of the "Preliminary Determination" at the time of issuance of the NPDES permit. It is suggested that "good cause" be replaced by "significant issues". As indicated above, the concept of "Preliminary Determinations" has been dropped in favor of the actual issuance and reissuance of section 402 permits.

In summary, the Memorandum:

1. Specifies the statutory authority of both agencies for entering into the Memorandum.

2. Defines those licensing and regulatory activities to which the Memorandum shall be applicable.

3. Designates NRC as the lead agency for preparation of environmental statements for the identified activities as provided for in § 1500.7(b) of the CEQ Guidelines for Preparation of Environmental Impact Statements (August 1, 1973).

4. Specifies that NRC and EPA will work together to identify needed environmental information for early evaluations related to impact from the identified activities on water quality and biota.

5. Provides for EPA to exercise its best efforts to evaluate impacts on water quality and biota as far as possible in advance of the issuance of NRC's final environmental impact statement for any covered activity and specifies that EPA and NRC will maintain close working relationships during the entire environmental review process.

6. Specifies that EPA will issue to the applicant, where appropriate, in light of substantive requirements, a complete Section 402 permit as far as possible in advance of authorization by the NRC of any commencement of construction or issuance by NRC of a license or early site approval, whichever is applicable.[1] Such permits will contain appropriate terms and conditions for all discharges of pollutants expected during the life of the permit (five years maximum) and terms and conditions with regard to cooling water intake structures and Section 316(a) determinations concerning thermal discharges. Additional permit terms and conditions for discharges not contemplated during the life of the permit (such as certain chemical and other releases not expected until operation startup) may be derived from applicable State water quality standards and applicable new source performance standards contained in 40 CFR Chapter I, Subchapter N. Permits will be reissued, as appropriate, and any reissued permit, to be effective at the commencement of actual discharge as provided above, may require additional limitations and controls based on data gathered during the initial permit or may require additional section 316 (a) and (b) studies for the purpose of confirming conclusions reached from previous predictive studies. It is expected that the early issuance of Section 402 discharge permits will assure, to the maximum extent possible, that considerations regarding impacts on water quality and biota will not result in the need for significant changes in plant design or in the costs and benefits of the operation of the facility subsequent to the completion of NRC's environmental review.

7. Specifies that EPA and NRC will consider the feasibility of holding combined or concurrent hearings on EPA's proposed section 402 permits and NRC's proposed issuance of construction permits or other activities where appropriate.

8. Rescinds the Memorandum of Understanding Regarding Implementation of Certain Complementary Responsibilities under the FWPCA and dated January 15, 19 and 22, 1973 (38 FR 2713).

After consideration of the comments received on the Interim Policy Statement and other factors involved, the NRC has adopted the revised Policy Statement set forth in Appendix A to the Memorandum. The significant changes from the language of the previous Interim Policy Statement are as follows:

a. Additional language has been included to make it clear that limitations imposed through the exercise of State authority preserved by section 510 of the FWPCA will be regarded by NRC as minimum limitations if they address matters different from matters addressed by other limitations imposed pursuant to the FWPCA.

b. The bases for cost-benefit analyses of alternatives have been clarified and modified. First, the specific requirement that, in designated circumstances, NRC independently determine the matter of compliance with FWPCA limitations and requirements has been deleted. NRC believes that in light of the general requirement that full certifications regarding compliance be furnished to it prior to license or permit issuance pursuant to section 401, and in light of the provisions of the memorandum providing for early issuance of permits pursuant to section 402, due regard will be given to the compliance matter within the NRC regulatory context without NRC assuming an independent and essentially duplicative function in this regard. Second, the requirement that environmental impact be

[1] See 10 CFR Part 2, Appendix A, Paragraph I(c).

V40251 DEC 31 75 XUM

evaluated on the basis of discharges or other activities at the level of FWPCA limitations or requirements has been replaced by the requirement that environmental impact simply be evaluated. Whether that evaluation should be conducted at the level of the FWPCA requirements or at some level more protective of the environment will depend upon such factors as the physical nature of the facility and other circumstances of the case. Third, the provisions regarding alternatives have been modified and simplified so as to provide that NRC will not require adoption of an alternative in order to minimize impacts on water quality and biota that are subject to FWPCA limitations or requirements.

c. A new Paragraph has been added in response to a comment that the status of certifications issued pursuant to section 21(b) of the FWPCA as in effect immediately prior to the date of enactment of the FWPCA should be clarified. In addition, the definition of FWPCA limitations or other requirements has been expanded to include limitations or other requirements of State law preserved by Section 510 of the FWPCA which have been imposed as license conditions pursuant to section 401(a)(2) of the FWPCA, and other paragraphs in the Policy Statement have been modified as appropriate to reflect this expanded definition.

d. A new Paragraph has been added to address the situation where limitations or other requirements with respect to heated effluents have been promulgated or imposed but a request for alternative effluent limitations under section 316(a) may be filed and no limitations under section 316(a) have yet been imposed. Under these circumstances less stringent limitations or other requirements could be imposed with respect to heated effluents under section 316(a). The NRC would in this situation retain authority under NEPA, where necessary from the standpoint of environmental protection, to impose its own requirements with respect to heated effluents which were less stringent than or equally stringent as those promulgated or imposed under the various sections of the FWPCA other than Section 316(a). It is recognized that any such NRC requirements regarding heated effluents may be subject to modifications in light of the provisions of any later section 402 permit. Of course, where an early discharge permit is required, any NRC requirements would need to be consistent with the terms of the permit, and paragraph 8 of the Policy Statement would be inapplicable.

e. Finally, a new Paragraph 6 has been added to provide for an orderly transition period for proceedings, where the application and environmental report had been filed prior to enactment of the FWPCA, by affording recognition to proposals by the applicants to abide by more stringent requirements.

No comments were received on the Interim Policy Statement from any governmental agency or environmental organization. The comments that were received by NRC generally reflected the opinion that NRC was precluded by section 511 of the FWPCA from considering any water quality matters generally covered by the FWPCA regardless of the status of FWPCA implementation, and that the Interim Policy Statement would result in duplication of effort and confusion in licensing proceedings because of the evolving nature of FWPCA requirements. The NRC believes that NEPA and FWPCA require that NRC continue to exercise its NEPA responsibility to evaluate environmental impacts. The revised Policy Statement set forth in Appendix A to the Memorandum of Understanding seeks to avoid duplication of effort to the maximum extent consistent with statutory requirements. The NRC recognizes that some limited duplication of effort will result from the NRC continuing to evaluate environmental impact regardless of the status of FWPCA implementation but believes that this limited duplication of effort is a necessary incident to a proper implementation of section 511.

Several comments suggested that Paragraph 3. of the Interim Policy Statement was inconsistent with Paragraphs 4. and 5. dealing with alternatives. Revised paragraph 4 indicates that NRC will not require adoption of an alternative because it would produce less water pollution than allowed by FWPCA limitations on requirements. However, NRC would not be precluded from insisting on an alternative which is a better environmental solution taking into account total impacts such as air quality, aesthetics, etc., simply because it also produces less water pollution. Thus, for example, if a plant with once through cooling system complied with FWPCA thermal effluent limitations under section 316(a) of the FWPCA, more stringent thermal limitations would not be imposed by NRC as a result of consideration of another cooling system as an alternative unless matters not covered by the thermal effluent limitations, such as effects of fogging, indicated that such adoption was warranted.

Accordingly, pursuant to NEPA, FWPCA, Section 161 of the Atomic Energy Act and the Energy Reorganization Act of 1974, notice is hereby given that NRC and EPA with the concurrence of CEQ have entered into the following Memorandum of Understanding.

The NRC and EPA invite all interested persons to submit written comments or suggestions for consideration in connection with the Memorandum. The comments should be sent to the Secretary of the NRC, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section on or before January 20, 1976. Consideration will be given to such submissions with the view to possible further amendments. Copies of comments received may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

On January 27, 1976, NRC and EPA will hold a heeting to discuss the Memorandum and answer questions. All interested persons are invited to attend, provided that notice of intent to attend is received by NRC prior to Jan. 20, 1976. The meeting will be held at NRC's Offices at 7920 Norfolk Avenue, Bethesda, Maryland, beginning at 9:30 a.m. in Room P-118.

Dated at Washington, D.C. this 23rd day of December 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

SECOND-MEMORANDUM OF UNDERSTANDING REGARDING IMPLEMENTATION OF CERTAIN NRC AND EPA RESPONSIBILITIES

Prior to the enactment of P.L. 92-500, the Federal Water Pollution Control Act Amendments of 1972 (FWPCA), the Atomic Energy Commission (AEC) had regulatory authority pursuant to the National Environmental Policy Act of 1969 (NEPA), in consideration of the environmental impact of the discharge of pollutants and other factors, to impose limitations on the discharge of pollutants from nuclear power plants and other facilities or activities requiring an AEC license or permit, as a condition of such license or permit.

The FWPCA now requires the Environmental Protection Agency (EPA) to establish (for use in permits for the discharge of pollutants to navigable waters of the United States from point sources as defined in the FWPCA, such as nuclear power plants, etc.) effluent limitations for all pollutants. The FWPCA (section 511) provides that nothing under NEPA shall be deemed to authorize any Federal agency to review any effluent limitation or other requirement established pursuant to the FWPCA, or to impose, as a condition of any license or permit, any effluent limitation other than any such limitation established pursuant to the FWPCA.

Pursuant to the authority of the FWPCA, EPA requires applicants for discharge permits to submit information required by EPA in order to establish effluent limitations in permits. Pursuant to the authority of NEPA, NRC may require applicants for licenses or permits to submit information required by NRC in order to evaluate and consider the environmental impacts of any actions it may take. Consequently, the informational needs imposed by the two agencies may be similar in the area of impacts on water quality and biota.

The NEPA requires that all Federal agencies prepare detailed environmental statements on proposed major Federal actions which can significantly affect the quality of the human environment. A principal objective of NEPA is to require the Agency to consider in its decision-making process the environmental impacts of each proposed major action and the available alternative actions. Both EPA and NRC have responsibilities pursuant to NEPA regarding the issuance of licenses or permits for nuclear power plants and certain other facilities.

The purpose of the memorandum is to clarify the respective roles of EPA and NRC in the decision-making processes concerning nuclear power plants and other facilities requiring an NRC license or permit.

Requirements under the FWPCA which affect actions for NRC include: (1) The requirement under section 401 of the FWPCA for a state certification to be received by NRC prior to the issuance of a license or permit to conduct any activity which may result in any discharges into navigable waters; (2) the requirement under section 301 of the FWPCA that a Section 402 National Pollutant Discharge Elimination System (NPDES) permit

be issued for the discharge of any pollutant; (3) the possibility that variances from section 301 or 306 thermal effluent limitations may be granted under Section 316(a); (4) the requirement under section 316(b) that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact; and (5) the provisions of section 511 as discussed above. Recognizing (1) NRC's and the applicant's need for early evaluation of impacts on water quality and biota that may arise from nuclear power plants, and certain other activities requiring an NRC license or permit which are subject to the requirements of 10 CFR 51.5 (a); (2) EPA's and NRC's desire to reach such evaluations consistent with the requirements of the FWPCA and NEPA, and (3) the need for minimizing duplication of effort, EPA and NRC agree that pursuant to their statutory authorities:

1. NRC will exercise its responsibility and authority under NEPA as modified by Section 511 of the FWPCA in accordance with the statement of policy set forth in Appendix A hereto. The Memorandum of Understanding Regarding Implementation of Certain Complementary Responsibilities Under the FWPCA and dated January 15, 19 and 22, 1973 (38 FR 2713) is hereby rescinded.

2. Paragraphs 3 through 14 of this Memorandum of Understanding shall apply to requirements for the control and consideration of impacts on water quality and biota associated with the licensing and regulation, including early site approval,[1] of the following plants or facilities:

a. Nuclear power and test facilities,
b. Nuclear fuel reprocessing facilities,
c. Uranium isotope enrichment facilities,
d. Nuclear fuel fabrication plants,
e. Uranium hexafluoride conversion plants,
f. Uranium milling plants, and
g. Nuclear waste treatment and storage plants.

3. NRC and EPA will work together to identify and consolidate the environmental information needed for early evaluations related to impacts on water quality and biota under the FWPCA with the objective that the cope, form and timeliness of the information to be submitted by the applicant satisfy the requirements of both Agencies. This will include information needed for issuance of State water quality certifications pursuant to section 401 and NPDES permits pursuant to section 402, (including where applicable section 316(b) considerations regarding best technology available as applied to cooling water intake structures and section 316(a) determinations regarding the granting of alternative effluent limitations for the thermal component of discharges) and information needed to evaluate the environmental impact of the facility based on compliance with FWPCA requirements.

4. Where a facility specified in section 2 of this Memorandum is a "new source" (as defined under Section 306 of the FWPCA) and EPA is the permit issuing authority, EPA has a responsibility to comply with section 102 (2)(C) of NEPA. EPA and NRC intend that a single environmental impact statement will be prepared for the facility, and that NRC will be the lead agency for preparation of such a statement as provided in § 1500.7(b) of the CEQ guidelines for Preparation of Environmental Impact Statements (August 1, 1973).

(a) EPA will participate in the preparation of the water quality and related sections of the draft statement prepared by NRC staff. EPA may provide assistance to the NRC staff in areas (other than water quality) where EPA has jurisdiction or expertise.

(b) During the draft statement comment period, EPA will review and comment pursuant to section 309 of the Clean Air Act, as amended, and § 1500.7(b) of the CEQ Guidelines for Preparation of Environmental Impact Statements (August 1, 1973) on the draft environmental impact statement prepared by NRC staff. EPA will participate with NRC in the review of comments on the draft EIS and in the preparation of the final EIS.

(c) Where there are areas of disagreement that cannot be resolved prior to issuance of the final statement, both NRC's and EPA's views shall be accurately set forth in the final statement.

(d) It is expected that where EPA does not agree with any of the discussions, analyses and conclusions of the NRC staff as set forth in the final environmental impact statement, EPA may petition for leave to intervene pursuant to 10 CFR 2.714 in any proceeding pending before an NRC atomic safety and licensing board on the license or permit application at issue in order to have its opposing views considered further on their merits by NRC.

(e) In any hearing held by EPA pursuant to 40 CFR 125.36 regarding the issuance of a issues concerning matters within EPA's regulatory jurisdiction will be considered, and those NEPA issues outside of EPA's regulatory jurisdiction will be resolved in the NRC impact statement and, if necessary,

5. NRC will take the lead in communicating to the applicant those minimum NRC and EPA requirements for information to facilitate their respective environmental evaluations. Requests for additional information, as needed in specific situations, may be directed to the applicant by EPA. Such requests will be coordinated with NRC to the maximum extent practicable in order to avoid duplication of effort.

6. EPA and NRC will meet, as appropriate, at an early time prior to and/or during the environmental review process for each facility or plant specified in Section 2 of this Memorandum to discuss potential impacts on water quality and biota.

7. EPA will exercise its best efforts to evaluate the levels of discharges and impacts on water quality and biota pursuant to sections 402 and 316(a), as appropriate, and complete cooling water intake structure evaluations pursuant to section 316(b) as far as possible in advance of the planned date of issuance by NRC of the final environmental impact statement for the construction permit or operating license for each nuclear power reactor. EPA also will exercise its best efforts to make such evaluations as far as possible in advance of the planned date of issuance of the final environmental impact statement for any other plant or facility specified in section 2 of this Memorandum, or issuance of early site approvals associated with nuclear power and other facilities.

Further, where possible, EPA's comments on NRC's draft environmental impact statement for each such facility or plant will reflect such evaluations. EPA will, if necessary, undertake to revise existing NPDES regulations in order to establish a procedure for issuance to the applicant (copy to NRC), where appropriate in light of the substantive requirements of section 402, of a complete section 402 permit as soon as possible prior to the planned date of authorization by the NRC of any commencement of construction[2] or issuance by NRC of a license, or early site approval, whichever is applicable.

Such permits will contain appropriate terms and conditions for all discharges of pollutants expected during the life of the permit (five years maximum) and terms and conditions with regard to cooling water intake structures and section 316(a) determinations concerning thermal discharges. Additional permit terms and conditions for discharges not contemplated during the life of the permit (such as certain chemical and other releases not expected until operation startup) may be derived from applicable State water quality standards and applicable new source performance standards contained in 40 CFR, Chapter I, Subchapter N. Permits may be reissued, or modified as appropriate, and any reissued or modified permit, to be effective at the commencement of actual discharge as provided above may require additional limitations and controls based on data gathered during the initial permit or may require additional section 316(a) and (b) studies for the purpose of confirming conclusions reached from previous predictive studies. Applications for permit reissuance as provided above will be evaluated by EPA in light of a policy to assure to the maximum extent possible that subsequent considerations regarding impacts on water quality and biota will not result in the need for significant changes in plant design or in the costs and benefits of the operation of the facility subsequent to the completion of NRC's environmental review.[3]

8. EPA will work closely with NRC in connection with NRC's efforts with State and regional authorities to assure that water quality certifications pursuant to section 401 for the facilities specified in section 2 that require such certification are issued in advance of the planned date of issuance of NRC staff's final environmental impact statement for the facility. Where needed EPA also will work closely with NRC in connection with NRC's efforts with State and regional authorities to assure that discharge permits pursuant to section 402 for facilities specified in section 2 are issued as soon as possible prior to the planned date of authorization by NRC of any commencement of construction or issuance by NRC of a license, or early site approval, whichever is applicable.

9. It is the view of the parties that the States which have approved NPDES permit programs have authority to establish a procedure similar to the early permit issuance procedure discussed in Paragraph 7 hereof. Both EPA and NRC strongly encourage States which have such authority to institute an early issuance procedure relevant at least to thermal discharge and intake structure determinations and other discharges anticipated during the life of the permit and to cooperate with EPA and NRC in implementing this procedure.

10. EPA and NRC will maintain close contact on water quality and related matters during the entire environmental review, including:

(1) Open interagency communications, and mutual cooperation and coordination on all relevant water quality matters;

(2) A status meeting, where appropriate, after completion of the public comment period on NRC staff's draft environmental impact statement; and

(3) Notification to the other Agency, by the Agency first becoming aware of the situation, at any point during the environmental review or subsequent thereto, of any significant new considerations that develop, e.g., a major change in plant design or the identification of significant considerations regard-

[1] See 10 CFR Part 2, Appendix A, Paragraph I(c).

[2] The term "commencement of construction" means commencement of construction as defined in 10 CFR 30.4(w), 40.4(n), 50.10 (c) or 70.4(s), as applicable.

[3] A facility which has been given section 316(a) alternative effluent limitations is not entitled to the 10-year grace period (or applicable amortization period) provided for in section 306(d) for new sources or in 316 (c) for modified sources.

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ing impacts on water quality or biota that were not previously evaluated as may result from a major change in plant design.

11. EPA and NRC will consider the feasibility of holding combined or concurrent hearings on EPA's section 402 permits and NRC's construction permits, or other actions, on a case-by-case basis. If there are areas involving impact on water quality or biota where there are significant differences of opinion between NRC and EPA, every reasonable attempt will be made to identify and resolve these differences prior to the planned date of issuance of NRC's final environmental statement.

12. The principal NRC contact under this Memorandum of Understanding shall be the Assistant Director for Environmental Projects. The principal EPA contact under this Memorandum of Understanding shall be the Assistant Administrator for Enforcement, and/or the Regional Administrator or his designee as appropriate.

13. Nothing in this Memorandum of Understanding is intended to restrict the statutory authority of either Agency. The Memorandum of Understanding regarding NRC-Licensed Facilities and dated August 21 and 27, 1973 (38 FR 24936) shall remain in effect in accordance with its terms.

14. This Memorandum of Understanding shall take effect on January 30, 1976 after the signing by authorized representatives of the respective Agencies and approval by the Council on Environmental Quality. The Memorandum shall apply to all pending and future applications for licenses or permits covered by paragraphs 1 and 2 except that, with respect to applications for licenses or permits for facilities and plants docketed prior to the effective date of this Memorandum, Paragraphs 2 through 14 shall only be applied to the maximum extent practicable. This Memorandum of Understanding and Appendix A hereto supersede the Memorandum of Understanding Regarding Implementation of Certain Complementary Responsibilities Under the FWPCA and dated January 15, 19 and 22, 1973 (38 FR 2713) and associated Interim Policy Statement (38 FR 2679).

Dated at Washington, D.C. this 17th day of December 1975.

FOR THE UNITED STATES NUCLEAR REGULATORY COMMISSION,

LEE V. GOSSICK,
Executive Director for Operations.

FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

APPROVED BY THE COUNCIL ON ENVIRONMENTAL QUALITY FOR THE COUNCIL,

GARY WIDMAN,
General Counsel.

APPENDIX A—POLICY STATEMENT ON IMPLEMENTATION OF SECTION 511 OF THE FEDERAL WATER POLLUTION CONTROL ACT (FWPCA)

1. Applicability: This statement and Paragraph 1 of the Memorandum shall apply to all licensing proceedings subject to 10 CFR Part 51, involving facilities or activities which may result in the discharge of a pollutant into the navigable waters, as defined in section 502(12)(A) of the FWPCA.

2. Definition of Terms. As used in this statement: a. Limitations or other requirements promulgated or imposed pursuant to the FWPCA means effluent limitations or other requirements promulgated or imposed pursuant to sections 208(e), 301, 302, 303(e), 304(b), 306, 307, 316, 316, 401, 402, 403, or 404 of the FWPCA. It also includes (1) water quality standards continued in effect or promulgated pursuant to Sections 303(a), 303 (b), or 303(c) of the FWPCA; (2) maximum daily loads for pollutants and maximum daily thermal loads, promulgated pursuant to section 303(d) of the FWPCA; and (3) limitations or other requirements of State law under authority preserved by section 510 of the FWPCA, but only if and to the extent that such limitations or other requirements covered by this Paragraph (a)(3) are imposed and set forth in a certification pursuant to Section 401(d) of the FWPCA, or are imposed as a condition in the license pursuant to section 401(a)(2) of the FWPCA, or are imposed and set forth as a condition in a permit issued pursuant to section 402 of the FWPCA. It does not include effluent limitations or other requirements regarding source, byproduct, or special nuclear materials, which are subject to regulation by the Nuclear Regulatory Commission (NRC) pursuant to the Atomic Energy Act of 1954, as amended, or limitations or other requirements promulgated or imposed pursuant to other Federal law.

b. Pollutant discharge system means equipment or mode of operation designed or intended for the control of the discharge of pollutants, as that last phrase is defined in Section 502(12) of the FWPCA. It does not include equipment or mode of operation designed or intended for the control of source, byproduct or special nuclear materials, which are subject to regulation by NRC pursuant to the Atomic Energy Act of 1954, as amended.

c. Cooling water intake structure location, design, construction and capacity means cooling water intake structure location, design, construction and capacity within the meaning of Section 316(b) of the FWPCA.

3. Authority to Impose Requirements or Limitations Pursuant to National Environmental Policy Act of 1969 (NEPA).

Except as provided in Paragraph 7, if and to the extent that there are applicable limitations or other requirements promulgated or imposed pursuant to the FWPCA, different limitations or requirements will not be imposed by NRC pursuant to NEPA as a condition to any permit or license, provided however, that limitations or other requirements of State law, under authority preserved by Section 510 of the FWPCA which (1) are imposed and set forth in a certification pursuant to Section 401(d) of the FWPCA, or imposed as a condition in the license pursuant to Section 401(a)(2) of the FWPCA, or imposed and set forth as a condition in a permit issued pursuant to Section 402 of the FWPCA, and (2) address matters different from the matters addressed by other limitations or other requirements promulgated or imposed pursuant to the FWPCA, shall be regarded as only minimum limitations or requirements and NRC shall retain any authority under NEPA to impose more stringent limitations or requirements.

4. Alternatives. a. Neither alternative cooling water intake structure location, design, construction, and capacity, nor alternative pollutant discharge systems will be considered by NRC pursuant to NEPA (1) if and to the extent that conditions imposed as a part of the license or permit for the facility of activity pursuant to section 401(d) or section 401(a)(2) of the FWPCA require that a particular alternative be adopted, or (2) if and to the extent that a permit or determination with a condition requiring the adoption of a particular alternative has been issued for the facility or activity pursuant to sections 208(b)(2)(C)(ii) and 303(e)(3)(B), 318, 402 or 404 of the FWPCA.

b. Alternative pollutant discharge systems will not be considered by NRC pursuant to NEPA where effluent limitations have been imposed on the facility or activity under sections 301(c) or 302 of the FWPCA.

c. Neither alternative sites, facilities or activities, nor alternative systems will be considered by NRC pursuant to NEPA if and to the extent that a determination made with respect to the facility or activity under sections 208(b)(2)(C)(ii) and 303(e)(3)(B) of the FWPCA requires as a condition that a particular site, facility or activity, or system be adopted.

d. NRC will not require adoption of an alternative pursuant to NEPA in order to minimize impacts on water quality and biota that are subject to limitations or other requirements promulgated or imposed pursuant to the FWPCA.

5. Cost-Benefit Balances. In evaluting the costs and benefits of a proposed action pursuant to NEPA, NRC will evaluate impacts on water quality and biota notwithstanding that such impacts are subject to limitations or other requirements promulgated or imposed pursuant to the FWPCA.

6. Certifications. A certification issued pursuant to section 21(b) of the FWPCA in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 will be accepted as satisfying the certification requirements of FWPCA section 401(a) with respect to NRC licensing actions after that date subject to section 401(a) if the certification otherwise remains in effect.

7. More Stringent Requirements—Transition Period. The NRC may include limitations or requirements in the license or permit that are more stringent than limitations or requirements promulgated or imposed pursuant to the FWPCA where such limitations or requirements are proposed by the license or permit applicant in a licensing proceeding in which the applicant's license or permit application at issue and environmental report had been filed prior to enactment of the FWPCA.

8. Effect of section 316(a). Whenever there are limitations or other requirements promulgated or imposed pursuant to the FWPCA with respect to discharges of heated effluent but a request pursuant to section 316(a) has been or may be filed and no limitations pursuant to section 316(a) have yet been imposed, the other limitations or other requirements respecting discharges of heated effluent shall be regarded as expressing only the most stringent limitations or other requirements that might be promulgated or imposed pursuant to the FWPCA in implementing Paragraph 3.

9. Effect on Part 51. To the extent that there is a conflict between any of the provisions of this statement of policy and the provisions of 10 CFR Part 51, the provisions of this statement shall govern.

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENT QUALITY

DECEMBER 17, 1975.

DEAR MESSRS. GOSSICK AND LEGRO: The Council on Environmental Quality is pleased to approve the Second Memorandum of Understanding Regarding Implementation of Certain NRC and EPA Responsibilities. The memorandum provides for the coordination and integration of NEPA review concerning licensing of certain nuclear facilities. Such coordination is a goal which the Council supports and encourages in CEQ's Guidelines.

Recognizing that the agreement is limited to states where EPA is the permit-issuing authority, the Council nevertheless wishes to clarify its interpretation of a sentence in Paragraph 4 of the Memorandum, in order to avoid any misunderstanding of the Council's position. Paragraph 4 provides, inter alia, Where a facility specified in section 2 of this Memorandum is a new source (as defined under section 306 of the FWPCA) and EPA is the permit issuing authority, EPA has a responsibility to comply with section 102(2)(C) of NEPA.

The Council agrees with this statement. However, to the extent this sentence may suggest that NEPA does not apply to EPA if EPA has approved a state permit program pursuant to section 402(b) of the FWPCA, the Council believes that such a suggestion is legally inaccurate. After reviewing the applicable provisions of the FWPCA and NEPA, their legislative histories and relevant case law, CEQ believes that EPA has sufficient authority over permits in states with approved programs to establish responsibility for its own compliance with Section 102(2)(C) of NEPA.

Sincerely,

GARY L. WIDMAN,
General Counsel.

MR. LEE V. GOSSICK,
Executive Director for Operations, Nuclear Regulatory Commission.

MR. STANLEY W. LEGRO,
Assistant Administrator for Enforcement, Environmental Protection Agency.

GARY WIDMAN, *Esquire, General Counsel, Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C.*

DECEMBER 17, 1975.

DEAR MR. WIDMAN: The purpose of this letter is to confirm our mutual understanding of the purpose and intent of paragraph 4.c. of the policy statement set forth as Appendix A to the "Second Memorandum of Understanding Regarding Implementation of Certain NRC and EPA Responsibilities."

The paragraph reflects the constraint on NRC's authority under NEPA imposed by section 511(c)(2) of the FWPCA. The paragraph limits the authority of NRC under NEPA to review and evaluate alternative sites where a State or EPA, acting under section 208(b)(2)(C)(ii) of the FWPCA, establishes and implements in the particular case a regulatory program which includes review and analysis of sites and which is essentially equivalent in its scope and depth of review of environmental factors and alternatives to that required of Federal agencies, such as NRC, under NEPA.

NRC is not relieved of its responsibility to review and evaluate alternative sites under NEPA to the extent that the State or EPA review program under section 208(b)(2)(C)(ii) is narrower in scope of review of environmental factors than required of Federal agencies by NEPA. For example, if environmental impacts of transmission lines or if land use impacts were not considered, NRC would consider such impacts in its review of the application.

Sincerely,

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.75-35138 Filed 12-30-75;8:45 am]

GENERAL ELECTRIC CO.

General Electric Standard Safety Analysis Report; Issuance of a Safety Evaluation Report and Preliminary Design Approval

Notice is hereby given that the staff of the Nuclear Regulatory Commission (the NRC staff) has issued a Safety Evaluation Report (SER) dated December 1975, and a Preliminary Design Approval No. PDA-1 dated December 22, 1975, for the nuclear island portion of a nuclear power plant as described in General Electric Standard Safety Analysis Report (GESSAR-238). GESSAR-238 was reviewed by the NRC staff pursuant to Appendix O to 10 CFR Part 50.

GESSAR-238 contains preliminary safety-related design information for the nuclear island portion of a BWR/6-Mark III boiling water type nuclear power plant which includes the nuclear steam supply system (NSSS), engineered safety feature systems, containment structure, auxiliary building, control building, radwaste building, fuel handling building, and related systems and structures. The GESSAR-238 reference system is designed to operate at a core thermal power level of 3579 megawatts (1220 megawatts electrical, nominal net).

The SER, which documents the results of the staff's review and evaluation of GESSAR-238, including Amendments 1 through 39 thereto, and the design information incorporated by letters from the General Electric Company dated November 21, 1975 (from W. Gilbert to NRC) and December 16, 1975 (from I. Stuart to NRC), integrates and updates the Safety Evaluation Report dated November 1974, and Supplements 1, 2 and 3 thereto, dated December 1974, February 1975, and March 1975, respectively. Moreover, the SER addresses the comments of the Advisory Committee on Reactor Safeguards (ACRS) as reflected in its report to the Commission dated March 14, 1975. A copy of the ACRS report is included as Appendix F to the SER.

PDA-1 provides NRC staff approval of the preliminary nuclear island design described in GESSAR-238, including Amendment 1 through 39 thereto, and the above described letters from the General Electric Company. By the issuance of PDA-1, the NRC staff has determined that the design is acceptable for referencing in utility applications for construction permits with the exception of those features of the design for which the staff has identified requirements that differ from those described in the GESSAR-238 document. These design features relate to tornado missiles, main steam line isolation valve leakage control system interlock, containment purge, and Mark III containment dynamic loading criteria, which are discussed in the SER and incorporated as conditions of PDA-1. The GESSAR-238 nuclear island design as described in that document subject to the conditions of the PDA-1, shall be utilized by and relied upon by the NRC staff and the ACRS in their review of facility license applications for construction permits incorporating by reference the GESSAR-238 nuclear island preliminary standard design unless there exists significant new information which substantially affects the determinations in PDA-1 or other good cause.

Issuance of PDA-1 and the staff's Safety Evaluation Report does not constitute a commitment to issue a permit or license, or in any way affect the authority of the Commission, Atomic Safety and Licensing Appeal Board, Atomic Safety and Licensing Boards and other presiding officers in any proceeding under Subpart G of 10 CFR Part 2. This action only approves the design of a facility for use for reference purposes in applications for permits to construct a nuclear power plant. It does not authorize the construction or operation of any nuclear power plant or any other facility. The environmental impacts associated with any facility proposed to be constructed utilizing the approved reference design will be considered in accordance with the Commission's regulations in 10 CFR Part 51.

PDA-1 is effective as of its date of issuance and shall expire on December 22, 1978, unless earlier superseded by issuance of an appropriate FDA for the GESSAR-238 nuclear island standard design, or unless extended by the NRC staff. The expiration of PDA-1 on December 22, 1978, should not affect use of PDA-1 for reference in any construction permit application docketed prior to such date.

A copy of (1) the Preliminary Design Approval No. PDA-1 dated December 22, 1975, and Attachment A thereto; (2) the report of the Advisory Committee on Reactor Safeguards dated March 14, 1975; (3) the NRC staff's Safety Evaluation Report, NUREG 75/110, dated December 1975, which updates the Safety Evaluation Report dated November 1974, and Supplements 1, 2 and 3 thereto, dated December 1974, February 1975, and March 1975, respectively; (4) the General Electric Standard Safety Analysis Report and Amendments 1 through 39 thereto and letters from the General Electric Company dated November 21, 1975 (from W. Gilbert to NRC) and December 16, 1975 (from I. Stuart to NRC); and (5) WASH 1341, the Commission's "Programmatic Information for the Licensing of Standardized Nuclear Power Plants," dated August 1974, which also includes the Standardization Policy issued on March 5, 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555. A copy of PDA-1 and Attachment A thereto, may be obtained upon request. The request should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing. Copies of the Safety Evaluation Report (Document No. NUREG-75/110) may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 22nd day of December 1975.

For the Nuclear Regulatory Commission Staff.

JOHN F. STOLZ,
Light Water Reactors Project, Branch No. 2-1, Division of Reactor Licensing.

[FR Doc.75-35132 Filed 12-30-75;8:45 am]

[Docket Nos. 50-522; 50-523]

PUGET SOUND POWER AND LIGHT CO.

Order Cancelling Evidentiary Hearing

In the matter of Puget Sound Power and Light Company, Pacific Power and

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Light Company, the Washington Water Power Company, and Washington Public Power Supply System (Skagit Nuclear Power Project, Units 1 and 2).

The Atomic Safety and Licensing Board has been informed by the Regulatory Staff of the Commission that additional time is needed so that the Staff can complete its independent assessment of certain outstanding site suitability matters. In a telephone conversation, these matters were identified as unresolved geologic problems. The Staff did not specify a date on which it would be ready to proceed but requested a postponement of the evidentiary session presently scheduled by Order issued on November 6, 1975 to convene on January 13, 1976 in Seattle. The Staff further stated that the attorneys for the parties had been informed and no objections were asserted to this request.

The Atomic Safety and Licensing Board finds good cause to cancel the January 13, 1976 session of evidentiary hearings and a later order respecting a date for resumption of the postponed hearings will be issued when information is transmitted to the Board that the Staff is ready to proceed.

Wherefore, *it is ordered*, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, that the session of evidentiary hearings scheduled to convene on January 13, 1976 in Seattle, Washington is cancelled, and a later order will be issued for resumption of evidentiary hearings when information is received that the Regulatory Staff is ready to proceed.

Issued: December 22, 1975, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD
SAMUEL W. JENSCH,
Chairman.

[FR Doc.75-35133 Filed 12-30-75;8:45 a.m.]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Provisional Operating License No. DPR-13 issued to Southern California Edison Company and San Diego Gas and Electric Company which revised Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit 1, located in San Diego, California. The amendment becomes effective 30 days after the date of issuance.

This amendment revises the provisions in the Technical Specifications relating to reporting requirements and also updates the Nuclear Audit and Review Committee membership titles.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the applications for amendment dated February 28 and November 11, 1975, (2) Amendment No. 16 to License No. DPR-13, with Change No. 26 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the San Clemente Public Library, 233 Granada Street, San Clemente, California.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated Bethesda, Maryland, this 18th day of December 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.35134 Filed 12-30-75;8:45 am]

[Docket Nos. 50-259 and 50-260]

TENNESSEE VALLEY AUTHORITY

Issuance of Amendment to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. DPR-33 and Amendment No. 15 to Facility Operating License No. DPR-52 issued to Tennessee Valley Authority (the licensee) which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Units 1 and 2, located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

The amendments revise the Interim Technical Specifications to remove the requirements for certain cooling and ventilation equipment that are no longer needed. The cooling requirements are reduced since the decay heat of the fuel has been greatly reduced with the elapsed time since reactor operation. The ventilation requirements are reduced for the same reason and because the need to control air movement to prevent the spread of chloride contamination no longer exists with the burned cables and soot having been removed from the plant. These amendments do not allow the licensee to return the plant to operation. These amendments only affect the Interim Technical Specifications that cover this period of time during restoration and are not a part of the proposed Technical Specifications dated August 13, 1975, associated with returning the plant to operation following restoration. Those changes are the subject of a separate licensing action.

This change is required in order to allow the installation of the permanent control and power supplies to this equipment and in the case of the Standby Gas Treatment System to allow the connection of the third train of the system to accommodate the requirements of Unit 3. This equipment and their associated systems also are involved in the retest program that is required prior to return to operation. The licensee informed us that this work must be started at this time so as not to adversely impact the restoration schedule. The Interim Technical Specifications, as amended, continue to ensure that the two units will remain in a safe and stable posture during the period of the remaining restoration work with the fuel stored in the fuel storage pools.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to action, see (1) the application for amendments dated November 7, 1975, (2) Amendment No. 18 to License No. DPR-33 and Amendment No. 15 to License No. DPR-52 with Changes No. 16, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Athens Public Library, South and Forrest, Athens, Alabama 35611.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 19th day of December 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch, No. 1, Division of Reactor Licensing.

[FR Doc.75-35135 Filed 12-30-75;8:45 am]

[Byproduct Material License No. 21-16256-01]

TRAIL CLINIC

Order Convening Prehearing Conference

The Nuclear Regulatory Commission issued a Notice of Hearing in this proceeding and provided for the convening of a prehearing conference to be conducted by the undersigned. Inquiry has been made of the attorneys, in accordance with the Rules of Practice of the Commission, respecting a convenient date for convening a prehearing conference and January 20, 1976 has been agreed as suitable for the Licensee and the Regulatory Staff.

Wherefore, *it is ordered*, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Nuclear Regulatory Commission that a prehearing conference in this proceeding shall convene at 9 a.m. on Tuesday, January 20, 1976, in the United States Tax Court, Room 1017, Federal Building and Courthouse, 231 West Lafayette Street, Detroit, Michigan 48226.

Issued: December 22, 1975, Bethesda, Maryland.

NUCLEAR REGULATORY COMMISSION
SAMUEL W. JENSCH,
Administrative Law Judge.

[FR Doc.75-35316 Filed 12-30-75;8:45 am]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP. ET AL.

Issuance of Amendment to Facility Operating License

In the matter of Wisconsin Public Service Corporation; Wisconsin Power and Light Company; and Madison Gas and Electric Company.

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DPR-43 issued to Wisconsin Public Service Corporation which revised Technical Specifications for operation of the Kewaunee Nuclear Power Plant located in Kewaunee, Wisconsin. The amendment becomes effective 30 days after the date of issuance.

This amendment revises the administrative controls and reporting requirements of the Technical Specifications for the Kewaunee Nuclear Power Plant.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regualtions. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated January 15, 1975, (2) Amendment No. 5 to License No. DPR-43, with Change No. 7, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin 54216.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 18th day of December 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch, No. 1, Division of Reactor Licensing.

[FR Doc.75-35137 Filed 12-30-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

AD HOC ADVISORY COMMITTEE ON THE SACRAMENTO PEAK OBSERVATORY

Partially Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Ad Hoc Advisory Committee on the Sacramento Peak Observatory.
Date: January 18-20, 1976.
Time: 8 p.m., January 18, 9 a.m., January 19-20.
Place: National Science Foundation, 1800 G Street, N.W., Room 338, Washington, D.C. 20550 (See agenda below).
Type of meeting: Part Open—Open 1/18 (8-10 p.m.); 1/19 (9 a.m.-5 p.m.); 1/20 (9-12 noon); Closed 1/19 (8-10 p.m.).
Contact person: R. R. La Count, Acting Head, National Astronomy Centers Section, Room 605, National Science Foundation, Washington, D.C. 20550; Telephone: (202) 632-5712.
Summary minutes: (Open Portion) May be obtained from the Committee Management Coordination Staff, Management Analysis Office, Room 248, National Science Foundation, Washington, D.C. 20550.
Purpose of advisory committee: To review the research activities at Sacramento Peak Observatory (SPO) and assess the scientific priority of SPO research in relation to other Federal support for ground-based astronomical research.
Agenda: Will include the following discussions and presentations:

January 18, 1976 (Room 338)

Preliminary review of private and Federal support of solar research in the United States. Organization of meeting.

January 19, 1976 (Room 338)

9:00 a.m.-4:00 p.m.: Presentation from invited experts on solar astronomy research in the U.S. and its relation to other branches of astronomy.
4:00 p.m.-5:00 p.m.: Open discussion.
8:00 p.m.: Review and evaluation of scientific research at Sacramento Peak Observatory (closed).

January 20, 1976 (Room 338)

9:00 a.m.-10:30 a.m.: Presentation of draft conclusions.
10:30 a.m.-12:00 noon: Comments and questions from invited experts.
12:00 noon-12:30: Open discussion.

Reason for closing: The Committee in its assessment of Sacramento Peak Observatory will conduct a review of the scientific personnel attached to the observatory.

Authority to close meeting: These matters are within the exemption 6 of 5 U.S.C. 552(b). The closing of this portion of the meeting is in accordance with a December 1975 determination by the Director of the National Science Foundation, pursuant to the provisions of Section 10(d) of P.L. 92-463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

[FR Doc. 75-35145 Filed 12-30-75; 8:45 am]

ADVISORY GROUP ON CONTRIBUTIONS OF TECHNOLOGY TO ECONOMIC STRENGTH

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Group on Contributions of Technology to Economic Strength.
Date: January 15, 1976.
Time: 9:00 a.m. to 4:00 p.m.
Place: Rm. 2008, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C.
Type of meeting: Part Open—Closed 9:00 a.m. to 12 Noon. Open 1:00 p.m. to 4:00 p.m.
Contact person: Mr. William Montgomery; Special Assistant, Science and Technology Policy Office, National Science Foundation, Washington, D.C. 20550, telephone 202/632-8914. Anyone planning to attend the open portion of the meeting should contact Mr. Montgomery by January 10, 1976.
Summary minutes: (open portion) May be obtained from the Committee Management Coordination Staff, Management Analysis Office, Rm. 248, National Science Foundation, Washington, D.C. 20550.
Purpose of advisory group: To provide advice on issues that may lead to policy supporting an improved utilization of technology and fostering economic strength. This group will consider these subjects in a manner which will facilitate the planning for the proposed Office of Science and Technology Policy.
Tentative agenda: 9:00 a.m. to 12 Noon—closed. Briefings and discussions of interagency documents which treat possible program and budget initiatives involving several agencies of the Executive Branch.

1:00 p.m. to 4:00 p.m.—open

1:00: Technology and Innovation.
3:00: Committee Discussion of Future Agenda Items and Issues.
4:00: Adjourn.

Reason for closing: The Group will be reviewing and discussing interagency documents which treat possible program and budget initiatives involving several agencies in the Executive Branch.
Authority for closing: The Director of the National Science Foundation determined on December 15, 1975, that the portion of the meeting dealing with interagency documents is within exemption 5 of section 552(b), Title 5, United States Code, and should, therefore, be closed to the public.

Dated: December 24, 1975.

GAIL A. MCHENRY,
Acting Committee Management Officer.

[FR Doc.75-35146 Filed 12-30-75;8:45 am]

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OFFICE OF MANAGEMENT AND BUDGET

PROPOSED REGULATION; INVITATION FOR PUBLIC COMMENT

Public Meetings

The Office of Federal Procurement Policy (OFPP) plans to promulgate the following OFPP Regulation No. 2, pursuant to the authority and requirements of Pub. L. 93-400, and invites the written comments of interested parties for consideration in the drafting of the regulation.

Such comments should be addressed to the Administrator for Federal Procurement Policy, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503, and should be submitted by February 29, 1976.

JAMES D. CURRIE,
Acting Administrator for Federal Procurement Policy.

OFFICE OF FEDERAL PROCUREMENT POLICY REGULATION NO. 2

PUBLIC MEETINGS

1. *Purpose.* This regulation provides for the conduct of formal public meetings by the Office of Federal Procurement Policy (OFPP) in connection with the establishment of procurement policies by the Administrator for Federal Procurement Policy.

2. *Authority.* Section 14(b) of the Office of Federal Procurement Policy Act (Public Law 93-400; 41 U.S.C. 412(d)) provides that the Administrator shall, by regulation, require that formal meetings of the Office, as designated by him, for the purpose of establishing procurement policies and regulations, shall be open to the public, and that public notice of each such meeting shall be given not less than 10 days prior thereto.

3. *Applicability.* This regulation applies to all procurement policy and regulation matters within the Administrator's authority under the Act, including procurement by executive agencies and recipients of Federal grants and assistance.

4. *Scheduling.* In matters designated by him, the Administrator, or his designee for such purpose, will schedule one or more formal public meetings of the OFPP in connection with the establishment of OFPP policies and regulations.

5. *Conduct.* Any such meeting will ordinarily be conducted primarily to: (a) Act on a report or recommendation developed by the Federal agencies or officials designated by the Administrator; (b) consider written comment thereon from members of the public; and (c) provide an opportunity for formal discussion of such report, recommendation and comment by representatives of Federal agencies and the Administrator and his staff. Members of the public who have made written submissions at least 24 hours in advance of the meeting may be permitted to make brief oral presentations. The Administrator may require that such oral presentations be limited to a brief summary of the main points in the written submissions. At his discretion, the Administrator may allow other members of the public an opportunity to comment briefly on matters under discussion. In any case, the conduct of such meetings and the participation of all present will be subject to the control and direction of the Administrator at all times.

6. *Criteria.* A public meeting shall be convened incident to the adoption, amendment or repeal of an OFPP policy or regulation when the Administrator determines that a public meeting would materially benefit the consideration of the issues or is likely to develop significant additional information or views or provide useful public visibility to the policy determination of the Office.

7. *Notice.* Notice of any such public meeting shall be published in the FEDERAL REGISTER at least 10 days prior thereto. The notice shall give the time, place and purpose of the meeting and shall include either the text or a summary of the matter to be considered. If a summary is published, the notice shall advise where the text may be examined. If a copy of any related agency or other official report or recommendation is available for inspection, the notice shall advise where it may be examined. The notice shall also invite interested organizations, associations, firms, and members of the public to comment in writing and shall offer an opportunity for oral presentation by or on behalf of any interested party making a written submission at least 24 hours in advance of the meeting.

[FR Doc.75-35089 Filed 12-30-75;8:45 am]

[File No. 500-1]

SECURITIES AND EXCHANGE COMMISSION

GAC CORP. AND GAC PROPERTIES CREDIT INC.

Suspension of Trading

DECEMBER 18, 1975.

The common stock of GAC Corporation being traded on the New York Stock Exchange, Midwest Stock Exchange, Pacific Coast Stock Exchange, PBW Stock Exchange and Boston Stock Exchange, the voting preference $1.00 series stock of GAC Corporation being traded on the PBW Stock Exchange, the convertible preferred $1.06 cumulative stock of GAC Corporation being traded on the New York Stock Exchange and PBW Stock Exchange, the preferred $6.50 series cumulative stock of GAC Corporation being traded on the PBW Stock Exchange, the 5¾% convertible subordinated debentures due 1994 of GAC Corporation being traded on the New York Stock Exchange; the 11% senior debentures due 1977 of GAC Properties Credit Incorporated being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of GAC Corporation and GAC Properties Credit Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from December 19, 1975 through December 28, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-35221 Filed 12-30-75;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

DECEMBER 22, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 23, 1975, through January 1, 1976.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-35214 Filed 12-30-75;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on January 12, 1976, at 1:30 p.m., the VA Center Station Committee on Educational Allowances shall at Togus, Maine, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Executive Aviation, Inc., RFD No. 4, Box 170, Auburn, Maine 04210, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: December 19, 1975.

M. B. NICHOLS, JR.,
Acting Center Director.

[FR Doc.75-35092 Filed 12-30-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-228]

B & G SILVERMAN, INCORPORATED

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1914, an investigation was initiated on October 14, 1975 in response to a worker petition dated September 22, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits and sportcoats at B & G Silverman, Incorporated, Philadelphia, Pennsylvania.

Notice of the investigation was published in the FEDERAL REGISTER on October 24, 1975 (40 FR 49626). No public hearing was requested and none was held.

During the course of the investigation it was established that the most recent involuntary separations at B & G Silverman, Inc. occurred in August of 1974. Section 223(b)(2) of the Trade Act of 1974 provides, in substance, that a certification shall not apply to any worker whose last total or partial separation from the firm or an appropriate subdivision of the firm occurred more than 6 months before the effective date of the adjustment assistance provisions of the Trade Act, namely, April 3, 1975.

Since, in this case, the most recent involuntary separations occurred prior to October 3, 1974, the workers could not be eligible for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974, Therefore this investigation has been terminated.

Signed at Washington, D.C. this 17th day of December 1975.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34904 Filed 12-12-75;8:45 am]

[TA-W-209]

ELKTON FASHION INDUSTRIES

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-209; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 223 of the Act.

The investigation was initiated on October 2, 1975 in response to a worker petition received on October 2, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suit coats and sportcoats at Elkton Fashion Industries, Elkton, Maryland.

The notice of investigation was published in the FEDERAL REGISTER on October 16, 1975 (40 FR 48558). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Elkton Fashion Industries its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers declined 80 percent in 1975 compared to 1974. Average employment declined 16 percent in the fourth quarter of 1974 compared to the third quarter of 1974.

Sales or production, or both, have decreased absolutely. Sales at Elkton Fashion Industries declined 90 percent in the first three quarters of 1975 compared to the first three quarters of 1974. Sales in December 1974 were 75 percent below November 1974 and 50 percent below December 1973 levels.

Increased imports contributed importantly. Imports of articles like or directly competitive with those produced at Elkton Fashion Industries increased from 3,562 thousand units in 1971 to 7,393 thousand units in 1973.

The ratios of imports to domestic consumption and production increased from 8.5 percent and 9.3 percent, respectively in 1971 to 14.1 percent and 16.4 percent in 1974. The ratio of imports to domestic production increased from 16.4 percent in the first seven months of 1974 to 28.5 percent in the comparable period in 1975. This represents an increase of 74 percent.

Elkton Fashion Industries obtained 100 percent of the pre-cut cloth it sewed into finished suit coats and sportcoats from Wm. B. Kessler, Incorporated. Continually declining sales to Wm. Kessler in 1974 forced Elkton Fashion to close from December 1974 to mid-May 1975, except for a small group of workers employed for the month of February. Since June 1975 the company has operated at approximately 25 percent of its pre-December 1974 employment levels. There is no expectation that sales or employment will regain pre-1974 levels.

Prior to 1974, Wm. B. Kessler normally had about 40 percent of its suit coats and sportcoats sewn by Elkton Fashion and sewed the other 60 percent itself. During 1974, retail sales of suits and sportcoats by Wm. B. Kessler declined 40 percent. Wm. B. Kessler decided that it would maintain sewing levels at its own facility and cutback its business with Elkton Fashion to parallel reduced sewing requirements. As a result, by December 1974 Wm. B. Kessler had no suit coats or sportcoats for Elkton Fashion to sew. With the exception of a very few small orders placed in February and early March 1975, Wm. B. Kessler provided no business to Elkton Fashion until June 1975. Business levels are not expected to reach more than 50 percent of pre-1974 levels in the future.

Major customers indicated that they are purchasing men's apparel from foreign sources because of intense price competition in the industry and in response to the switch of consumer preferences from the traditional types of men's apparel to casual types of apparel.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suit coats and sportcoats produced at Elkton Fashion Industries contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of men's suit coats and sportcoats at the Elkton, Maryland plant of Elkton Fashion Industries who become totally or partially separated from employment on or after December 7, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of December 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.75-34902 Filed 12-30-75;8:45 am]

[TA-W-226]

JACOB SIEGEL CO., INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-226: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 14, 1975 in response to a worker petition received on October 14, 1975 which was filed by the Amalgamated Clothing Workers Union on behalf of workers formerly producing men's overcoats at the Philadelphia, Pennsylvania plant of Jacob Siegel Company, Inc.

The notice of investigation was published in the FEDERAL REGISTER on October 28, 1975, (40 FR 50164). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jacob Siegel Company, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

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(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard as to whether the other criteria are satisfied, the investigation reveals that the second criterion has not been met.

From 1973 to 1974 company sales increased 15.4 percent and production decreased 2.1 percent. The slight decline in production from 1973 to 1974 resulted from a 25 percent decline in the first quarter of 1974, which is prior to the trade act coverage period, compared to the first quarter of 1973. In every other quarter in 1974, production was higher than in comparable quarters in 1973. In the first nine months of 1975, company sales and production increased 11.8 percent and 7.7 percent, respectively, compared to the like period in 1974. Company officials attributed the increase in sales and production to the acquisition of many of the accounts of former domestic manufacturers of men's coats that went out of business in 1974 and 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's overcoats, top coats and car coats produced at the Philadelphia, Pennsylvania plant of Jacob Siegel Company, Inc. did not contribute importantly to the total or partial separation of the workers of such plant. Signed at Washington, D.C. this 17th day of December 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.75-34897 Filed 12-30-75;8:45 am]

KANSAS CITY WORKS OF THE WESTERN ELECTRIC CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-198; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 29, 1975 in response to a worker petition received on September 24, 1975 which was filed by the Communications Workers of America (AFL-CIO) on behalf of workers and former workers producing electronic component parts and telephone transmission equipment at the Kansas City Works, Lee's Summit, Missouri, of the Western Electric Company.

The notice of investigation was published in the FEDERAL REGISTER on October 7, 1975 (40 FR 46376). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Western Electric Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers decreased 5 percent from 1973 to 1974 and 17 percent in the first three quarters of 1975 compared to the same period in 1974. Average weekly hours declined five percent from 1973 to 1974 and increased three percent in January-September 1975 compared to the like period in 1974.

Sales or production, or both, have decreased absolutely. The dollar value of total production was divided almost evenly between telephone transmission equipment and electronic component parts during 1972-1974. Production of telephone transmission equipment increased in dollar value by three percent from 1973 to 1974 and decreased by 25 percent in January-September 1975 compared to the like period in 1974. The value of electronic component parts produced at the plant declined two percent from 1973 to 1974 and rose six percent in the first three quarters of 1975 over the same period in 1974.

Increased imports contributed importantly. From January-August 1974 to the like period in 1975, imports of telephone and telegraph apparatus declined 42 percent in dollar value, and the import/consumption ratio fell from 3.8 percent to 2.3 percent. Specific import information on microwave equipment and on electronic components for use in telephone transmission is not available. Industry analysts, however, indicated that such imports did not represent a large intrusion into the domestic market. Imports by the Kansas City Works were valued at less than one percent of the value of total plant production for each year since 1972.

The Kansas City Works is a captive supplier of electronic component parts and telephone transmission equipment for Western Electric. The evidence developed in the Department's investigation indicates that production and employment at the plant have been hurt in recent years by technological changes in telephone transmission systems, increased competition in the telephone market, and the general economic recession. The increased use of solid state circuits in telephone transmission has shifted production at the plant away from electron tubes and into semi-conductors. Yet increased automation in the production of semi-conductors has hurt employment in this area of the plant. Growing domestic competition in the microwave communications market since 1973 has tended to dampen demand by Bell telephone companies for Western Electric's microwave equipment. The decline in housing construction in 1974 reduced overall demand for new telephone equipment, which in turn has affected employment and production at the Kansas City Works since late 1974.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the electronic component parts and telephone transmission equipment produced at the Kansas City Works, Lee's Summit, Missouri, of the Western Electric Company did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 17th day of December 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.75-34898, Filed 12-30-75;8:45 am]

[TA-W-299]

LESH CLOTHING, INC.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on November 5, 1975 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers Union on behalf of workers and former workers producing men's and boys' tailored suits at Lesh Clothing, Inc., New York City, New York.

Notice of the investigation was published in the FEDERAL REGISTER on November 19, 1975 (40 FR 53644). No public hearing was requested and none was held.

During the course of the investigation it was established that the most recent separations at Lesh Clothing Inc. occurred in January 1974. Section 223(b) of the Trade Act of 1974 provides, in substance, that a certification shall not apply to any worker whose last total or partial separation from the firm or an appropriate subdivision of the firm occurred more than one year before the date of the petition on which such certification is granted.

The date of the petition in this case is October 20, 1975 and, thus, workers laid off prior to October 20, 1974 could not be eligible for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974. Therefore, this investigation has been terminated.

Signed at Washington, D.C. this 17th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34905 Filed 12-30-75;8:45 am]

[TA-W-218]

MAJOR COAT CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-218; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 3, 1975 in response to a worker petition received on October 3, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's sportcoats at the Bridgeton, New Jersey plant of the Major Coat Company, Bridgeton, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER on October 15, 1975 (40 FR 48416). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Major Coat, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, The National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers declined 1.1 percent in the first three quarters of 1975 compared to the like period in 1974. The average number of production workers declined 62 percent from 1973 to 1974. Average employment fluctuated erratically from the third quarter of 1974 through the third quarter of 1975.

Sales or production, or both, have decreased absolutely. Sales at Major Coat Company declined 15.8 percent in the first three quarters of 1975 compared to the first three quarters of 1974. Sales declined 73 percent in 1973 compared to 1972.

Increased imports contributed importantly. Imports of sportcoats like or directly competitive with those produced at Major Coat Company prior to November 1974 increased from 4.2 million units in 1972 to 4.9 million units in 1974.

The ratios of imports to domestic consumption and production increased from 14.6 percent and 17.1 percent, respectively in 1972 to 18.2 percent and 22.3 percent in 1974.

The evidence developed by the Department's investigation indicated that increases of imports like or directly competitive with articles produced by Major Coat Company did not contribute importantly to the total or partial separation of its workers.

In the nine months prior to January 1974, Major Coat Company cut and sewed sportcoats for only one private customer and the U.S. Government. At approximately the same time in early 1974, Major Coat lost both a substantial portion of its private business and its U.S. Government contract. The decrease in sales experienced by Major Coat in the first quarter of 1974 was so severe that substantial layoffs occurred in February and March of that year. Continued difficulty in finding new long term private contracts plus a lack of any new major government contracts led to an unstable employment situation that has continued to date.

The decision by Major's prime private contractor to terminate business with Major Coat was not related to a transfer of purchases overseas, as alleged by Major Coat. This customer, which accounted for over 90 percent of Major's private contract sales, decided to de-emphasize its sportswear business in 1974. As a result of this decision, the customer gradually reduced its business with Major Coat until October 1974 when all business was terminated. A test lot of sportcoats had been imported from South America by the customer in late 1973 but there were no subsequent purchases of imported sportcoats and all of these coats are now purchased from one domestic contractor. Declining retail sales were not a controlling factor in the corporate decision to alter its sportswear product line.

In the seven months prior to February 1974, the contract with the U.S. Government accounted for 66 percent of Major Coat's sales. The decline in sales in the first quarter of 1974 which led to the subsequent unemployment and continuing unstable employment situation was primarily the result of the loss of this contract. There are no imports of U.S. military uniforms due to the "Buy American Act" which requires that sources and products shall be used and acquired for public use.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's sportcoats produced at the Major Coat Company, Bridgeton, New Jersey did not contribute importantly to the total of partial separations of the workers at such plant.

Signed at Washington, D.C. this 17th day of December 1975.

JAMES F. TAYLOR,
Director, Planing and Evaluation Staff.

[FR Doc.75-34899 Filed 12-30-75;8:45 am]

[TA-W-237]

THE MIDDISHADE CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-237: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 14, 1975 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits and sportcoats at The Middishade Company, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 49829) on October 24, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of The Middishade Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers'

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firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers at The Middishade Company declined 60 percent in 1974 from 1973. All production-related employment was terminated at the firm by the end of 1974. Workers currently employed by The Middishade Company are involved in the firm's continuing retail operations.

Sales or production, or both, have decreased absolutely. Production of suits, sportcoats, and trousers at The Middishade Company declined 49 percent in value in 1974 from 1973. All production operations at the firm were terminated by the end of November 1974 when the plant closed. The Middishade Company continues to operate as a retailer of men's apparel produced by other manufacturers.

Increased imports contributed importantly. Imports of men's tailored suits declined absolutely and relatively to domestic production and consumption in 1974 from 1973. Imports of men's tailored sportcoats declined absolutely but increased as a ratio of domestic consumption and production during the same period. Imports of men's and boys' trousers declined absolutely and relatively compared to domestic production and consumption in both 1973 and 1974 compared to the previous year.

The evidence developed in the Department's investigation indicates that the decline in sales and ultimate closure of The Middishade Company's production operations were due to excess inventory levels in 1974 which resulted in the firm's selling its products out-of-season and at lower than profitable prices. Customers of The Middishade Company indicated that increased imports were not a factor in their decision to reduce purchases from the firm. One customer cited a deterioration in Middishade's product and service, caused primarily by the firm's internal problems, as a reason for reduced purchases from Middishade.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits, sportcoats, and trousers produced by The Middishade Company, Inc. did not contribute importantly to the total or partial separations of the workers of that firm.

Signed at Washington, D.C. this 17th day of December 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.75-34900 Filed 12-30-75;8:45 am]

[TA-W-315]

NEWPORT CLOTHING MANUFACTURING CO., INC.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on November 5, 1975 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's sportcoats at Newport Clothing Manufacturing Company, Inc., Newport, New Hampshire.

Notice of the investigation was published in the FEDERAL REGISTER on November 19, 1975 (40 FR 53646). No public hearing was requested and none was held.

During the course of the investigation it was established that the most recent involuntary separations at Newport Clothing occurred in September 1974. Section 223(b) of the Trade Act of 1974 provides, in substance, that a certification shall not apply to any worker whose last total or partial separation from the firm or an appropriate subdivision of the firm occurred more than one year before the date of the petition on which such certification is granted.

The date of the petition in this case is October 14, 1974 and, thus, workers laid off prior to October 14, 1974 could not be eligible for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974, Therefore, this investigation has been terminated.

Signed at Washington, D.C. this 17th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34906 Filed 12-30-75;8:45 am]

[TA-W-284]

REGENT ADVANCE STYLES, INC.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on November 4, 1975 in response to a worker petition received on that date which was filed by the Almagamated Clothing Workers Union on behalf of workers and former workers producing men's and boys' tailored clothing at Regent Advance Styles, Inc., New York City, New York.

Notice of the investigation was published in the FEDERAL REGISTER on November 19, 1975 (40 FR 53647). No public hearing was requested and none was held.

During the course of the investigation it was established that the most recent involuntary separations at Regent Advance Styles, Inc. occurred in September 1974. Section 223(b) of the Trade Act of 1974 provides, in substance, that a certification shall not apply to any worker whose last total or partial separation from the firm or an appropriate subdivision of the firm occurred more than one year before the date of the petition on which such certification is granted.

The date of the petition in this case is October 14, 1975 and, thus, workers laid off prior to October 14, 1975 could not be eligible for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974, Therefore, this investigation has been terminated.

Signed at Washington, D.C. this 17th day of December 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-34907 Filed 12-30-75;8:45 am]

[TA-W-194]

SAGNER INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-194; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 22 of the Act.

The investigation was intiated on September 26, 1975 in response to a worker petition received on September 26, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers formerly producing men's suits, sportcoats, and trousers at the Frederick, Maryland; the McConnelsburg, Pennsylvania; and the New Bern, North Carolina plants of Sagner Inc.

The notice of investigation was published in the FEDERAL REGISTER October 16, 1975 (40 FR 48560). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sagner Inc., its customers, industry analysts, and Department files, the U.S. Department of Commerce, the U.S. International Trade Commission, and the National Cotton Council.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers declined 33 percent in 1974 compared to 1973. Employment declined 64 percent in the first quarter of 1975 compared to the like period in 1974.

Sales or production, or both, have decreased absolutely. Total sales of all articles produced at Sagner's three plants declined 28 percent in value in 1974 compared to 1973. Sales declined 20 percent in value in the first quarter of 1975 compared to the first quarter of 1974. The three plants of Sagner Inc. have all closed permanently. The New Bern plant closed in September 1974; the McConnelsburg plant closed in March 1975; and the Frederick plant closed in April 1975.

Increased imports contributed importantly. Imports of men's and boys' suits, sportcoats and trousers declined in absolute terms in 1974 compared to 1973. The ratios of imports to U.S. consumption of men's and boys' suits and trousers also declined between 1973 and 1974. The ratio of imports to U.S. consumption of men's and boys' sportcoats increased slightly between 1973 and 1974, from 17.4 percent to 18.2 percent. In the first 7 months of 1975 imports of men's and boys' suits and trousers increased compared to the same period in 1974. Imports of men's and boys' sportcoats declined in the first 7 months of 1975 compared to the same period in 1974.

The evidence developed by the Department's investigation indicates that Sagner's customers reduced purchases because of unpopular styling and the quality of the firm's products, and because of decreased demand associated with the recession. Those customers that were dissatisfied with Sagner's products shifted purchases to other domestic manufacturers. One of Sagner's major customers had purchased imports from 1973 to 1974 and reduced such purchases of men's and boys' suits and sportcoats by 86 percent in the first seven months of 1975 compared to the same period in 1974 while his domestic purchases of the same products declined by only 13 percent in the same period.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's and boy's suits, sportcoats, and trousers produced at the Frederick, Maryland; McConnelsburg, Pennsylvania; and New Bern, North Carolina plants of Sagner Inc. did not contribute importantly to the total or partial separations of the workers at such plants.

Signed at Washington, D.C. this 16th day of December 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-34901 Filed 12-30-75;8:45 am]

[TA-W-200]

WOLFF SHOE MANUFACTURING CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-200: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 20, 1975 in response to a worker petition received on September 29, 1975 which was filed by workers and former workers producing women's leather shoes at the Union, Missouri plant of the Wolff Shoe Manufacturing Company.

The notice of investigation was published in the FEDERAL REGISTER on October 7, 1975, (40 FR 46377). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Wolff Shoe Manufacturing Company, its customers, the American Footwear Industries Association, the U.S. Department of Commerce, and the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers decreased 5 percent from 1973 to 1974, 4 percent in the fourth quarter of 1974 compared to the like period in 1973, and 37 percent in the first nine months of 1975 compared to the like period in 1974. Average weekly hours worked by production workers fell 6 percent from 1974 to 1975 and 19 percent in the first nine months of 1975 compared to the like period in 1974.

Sales or production, or both, have decreased absolutely. Sales of shoes manufactured at the Union plant declined 7 percent from 1973 to 1974. Total sales decreased six percent from 1973 to 1974 and 26 percent in the first nine months of 1975 compared to the same period in 1974.

Sales by Wolff Shoe of domestically manufactured shoes fell 26 percent in the fourth quarter of 1974 compared to the same period in 1973. Sales of imported shoes rose 11 percent in the fourth quarter of 1975 compared to the same quarter, previous year. Sales of domestically manufactured shoes fell 43 percent in the first nine months of 1975 compared with the same period in 1974, while sales of imported shoes fell 9 percent in the same time period.

Increased imports contributed importantly. Imports of articles like or directly competitive with those produced at the Union plant increased from 167 million pairs in 1970 to 216 million pairs in 1973, while domestic consumption declined. In 1974 both imports and consumption declined.

The ratios of imports to domestic consumption and production increased from 40 percent and 66 percent, respectively in 1974 to 52 percent and almost 110 percent in 1973. The ratios for 1974 were higher than those for 1972 and prior years but lower when compared to 1973. Imports of women's and misses footwear competitive with those produced at the Union plant increased both absolutely and relatively to domestic consumption and production in the first half of 1975 compared to the same period in 1974.

Customers reduced purchases of Wolff shoes in favor of lower priced, more fashionable imports. The Wolff Shoe Manufacturing Company imported 60.7 percent of shoes it sold in the first nine months of 1975, as compared to 49.1 percent in the same period of 1974.

Reduced sales and increased company imports of women's shoes have led to declining production at the Union plant in late 1974 and the first nine months of 1975. The company responded to reduced sales and production by both reducing the work force and by reducing hours of employment in the latter part of 1974 and the first half of 1975.

The evidence developed by the Department's investigation indicated that the separation of workers engaged in employment related to the production of women's shoes at the Union, Missouri plant of the Wolff Shoe Manufacturing Company was related importantly to the increased share of the market supplied

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by competitive imports, by increased purchases of imported shoes by customers, and to increased importing of shoes by the Wolff Shoe Manufacturing Company.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's leather fashion and novelty shoes produced at the Union, Missouri plant of the Wolff Shoe Manufacturing Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of women's shoes at the Union, Missouri plant of the Wolff Shoe Manufacturing Company who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of December 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.75-34903 Filed 12-30-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 96]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Messinger Trucking & Warehouse, MC-20110 Sub-9	MC-20110 Sub-7	Dec. 2,1975
D.b.a., The Waggoners, MC-26396 Sub-79, Sub-84	MC-26396 Sub-43	Nov. 25,1975
D.b.a., The Waggoners, MC-26396 Sub-116, Sub-117	MC-26396 Sub-120	Dec. 4,1975
Rockland Coaches, Inc., MC-29890 Sub-37	MC-29890 Sub-39	Do.
Schneider Transport, Inc., MC-51146 Sub-347	MC-51146 Sub-309	Nov. 11,1975
Schneider Transport, Inc., MC-51146 Sub-358	MC-51146 Sub-338	Dec. 3,1975
Glenn McClendon Trucking Co., MC-52704 Sub-117	MC-52704 Sub-118	Nov. 21,1975
ET & WNC Transportation Co., MC-52983 Sub-44	MC-52983 Sub-45	Nov. 18,1975
Kuhn Transportation, Inc., MC-56244 Sub-38	MC-56244 Sub-37	Nov. 21,1975
Merchants Truck Line, Inc., MC-77972 Sub-24, Sub-27	MC-77972 Sub-22	Dec. 1,1975
Klipsch Hauline Co., MC-82063 Sub-48	MC-82063 Sub-49	Dec. 4,1975
Hove Truck Line, MC-95084 Sub-98	MC-95084 Sub-104	Nov. 21,1975
Santry Trucking Co., MC-95920 Sub-33	MC-95920 Sub-35	Nov. 17,1975
Santry Trucking Co., MC-95920 Sub-37	MC-95920 Sub-36	Nov. 18,1975
Chipper Cartage Co., Inc., MC-99780 Sub-45	MC-99780 Sub-48	Dec. 3,1975
Fleet Transport Co., Inc., MC-103051 Sub-336	MC-103050 Sub-342	Nov. 19,1975
Direct Transit Lines, Inc., MC-106603 Sub-135	MC-106603 Sub-136	Nov. 24,1975
Schilli Motor Lines, Inc., MC-106674 Sub-154	MC-106674 Sub-162	Nov. 25,1975
Miller Transport, Inc., MC-107002 Sub-449	MC-007002 Sub-450	Nov. 17,1975
Nobla Graham Transport, Inc., MC-107162 Sub-33	MC-107162 Sub-34	Dec. 3,1975
Matlack, Inc., MC-107403 Sub-933	MC-107403 Sub-937	Nov. 18,1975
Ruan Transport Corp., MC-107496 Sub-953, Sub-979	MC-107496 Sub-967	Nov. 28,1975
Indianhead Truck Line, Inc., MC-108449 Sub-342, Sub-370, Sub-383	MC-108449 Sub-302	Dec. 2,1975
Benton Bros. Flip Express, MC-110410 Sub-14	MC-110410 Sub-15	Nov. 17,1975
Quality Carriers, Inc., MC-110420 Sub-722, Sub-725	MC-110420 Sub-715	Nov. 11,1975
D.b.a., Schmidgall Transfer, MC-111274 Sub-2	MC-111274 Sub-3	Nov. 26,1975
Groendyke Transport, Inc., MC-111401 Sub-439	MC-111401 Sub-444	Nov. 12,1975
D.b.a. Art Pape Transfer, MC-111467 Sub-29	MC-111467 Sub-28	Sept. 2,1971
D.b.a. Art Pape Transfer, MC-111467 Sub-30	MC-111467 Sub-31	Dec. 26,1975
C. W. Transport, Inc., MC-111594 Sub-60	MC-111594 Sub-62	Dec. 1,1975
Freeport Transport, Inc., Mc-113666 Sub-80	MC-113666 Sub-81	Nov. 14,1975
Erickson Transport Corp., MC-113908 Sub-308, Sub-319	MC-113908 Sub-310	Nov. 26,1975
Bankers Dispatch Corp., MC-114533 Sub-311, Sub-312	MC-114533 Sub-318	Nov. 21,1975
Poole Truck Line, Inc., MC-115162 Sub-291	MC-115162 Sub-282	Nov. 14,1975
Truck Transport, Inc., MC-115331 Sub-354	MC-115331 Sub-374	Nov. 26,1975
Clark Tank Lines Co., MC-115523 Sub-172	MC-115523 Sub-173	Nov. 12,1975
Mark Trucking Inc., MC-115814 Sub-12, Sub-13	MC-115814 Sub-14	Dec. 3,1975
The Maxwell Co., MC-117344 Sub-241, Sub-242	MC-117344 Sub-243	Dec. 2,1975
Dalley Express Inc., MC-117574 Sub-251	MC-117574 Sub-253	Nov. 24,1975
Contract Freighters, Inc., MC-119399 Sub-42	MC-119399 Sub-40	Nov. 13,1975
Caravan Refrigerated Cargo, Inc., MC-119789 Sub-239	MC-119789 Sub-240	Nov. 11,1975
Southwest Supply Inc., MC-119789 Sub-2, Sub-3	MC-119789 Sub-4	Dec. 1,1975

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-35078 Filed 12-30-75;8:45 am]

[Notice No. 941]

ASSIGNMENT OF HEARINGS

DECEMBER 24, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 8497 Sub 1, Glascow Hauling, Inc., now assigned January 21, 1976 is canceled and application dismissed.

MC-FC-75074, American Tank Transport, Inc., Curtis Bay, Maryland Transferee and Yale Transport Corp. F. Ralph Nogg, Successor Trustee, Secaucus, New Jersey Transferror, now assigned January 26, 1976, at Washington, D.C. is postponed to February 23, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 99149 Sub 11, Midway Motor Freight Lines, Inc., now assigned January 12, 1976, at Little Rock, Ark., will be held at The Justice Building, State Capitol.

MC 130302, Eastern Ski Tours, Inc., now being assigned February 2, 1976, (1 week), at Philadelphia, Pa., in a hearing room to be later designated.

MC 140686, Mayfield Motor Lines, Inc., now assigned January 19, 1976, at Nashville, Tenn., will be held at the *Jack Spence Motor Inn, 823 Murfreesboro Road,* Nashville, Tenn., instead of *Room 651 Federal Courthouse Bldg., 8th and Broad Streets.*

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-35163 Filed 12-30-75; 8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 24, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before January 15, 1976.

FSA No. 43095—*Sulphur from Texas City, to Official Territory.* Filed by Southwestern Freight Bureau, Agent, (No. B-578), for interested rail carriers. Rates on sulphur (brimstone), crude, in carloads, as described in the application, from Texas City, Texas, to stations in official territory. Grounds for relief—Market competition.

Tariff—Supplement 67 to Southwestern Freight Bureau, Agent, tariff 102-A, ICC 5077. Rates are published to become effective on January 31, 1976.

FSA No. 43096—*Starch and Dextrine from Indiana to Southern Territory.* Filed by Traffic Executive Association—Eastern Railroads, Agent, (E.R. No. 3047), for interested rail carriers. Rates on starch and dextrine, in carloads, as described in the application, from Indianapolis and LaFayette, Indiana, to stations in Alabama, Florida, Georgia, North Carolina, and South Carolina. Grounds for relief—Market competition.

Tariff—Supplement 223 to Traffic Executive Association—Eastern Railroads, Agent, tariff C/S-128-E, I.C.C. C-611. Rates are published to become effective on January 24, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-35162 Filed 13-30-75;8:45 am]

[Notice No. 45]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before January 30, 1976.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 10343 (Deviation No. 21), CHURCHILL TRUCK LINES, INC., Highway 36 West, Chillicothe, Mo. 64601, filed December 17, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Quincy, Ill., over U.S. Highway 24 to junction Illinois Highway 103, thence over Illinois Highway 103 to junction Illinois Highway 100, thence over Illinois Highway 100 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction Interstate Highway 55, thence over Interstate Highway 55 to Chicago, Ill., (2) From Quincy, Ill., over U.S. Highway 24 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction Illinois Highway 71, thence over Illinois Highway 71 to junction Illinois Highway 47, thence over Illinois Highway 47 to junction U.S. Highway 30, thence over U.S. Highway 30 to Aurora, Ill., (3) From Springfield, Mo., over Interstate Highway 44 to junction Interstate Highway 55, thence over Interstate Highway 55 to Chicago, Ill., and (4) From Springfield, Mo., over Interstate Highway 44 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction Illinois Highway 59, thence over Illinois Highway 59 to junction U.S. Highway 30, thence over U.S. Highway 30 to Aurora, Ill., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Quincy, Ill., over Illinois Highway 61 to junction Illinois Highway 94, thence over Illinois Highway 94 to junction Illinois Highway 9, thence over Illinois Highway 9 to junction Illinois unnumbered Highway, thence over Illinois unnumbered highway to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago, Ill., and (2) From Springfield, Mo., over U.S. Highway 65 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago, Ill., and return over the same routes.

No. FC 59583 (Deviation No. 52), THE MASON AND DIXON LINES, INCORPORATED, P.O. Box 969, Kingsport, Tenn. 37662, filed December 9, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Williamsport, Pa., over U.S. Highway 15 to Trout Run, Pa., thence over Pennsylvania Highway 14 to the Pennsylvania-New York State line, thence over New York Highway 14 to Elmira, N.Y., and (2) From Halls, Pa., over U.S. Highway 220 to Waverly, N.Y., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Williamsport, Pa., over U.S. Highway 220 to Halls, Pa., thence over Pennsylvania Highway 147 (formerly Pennsylvania Highway 14) to Muncy, Pa., thence over Pennsylvania Highway 442 to Millville, Pa., thence over Pennsylvania Highway 42 to Bloomsburg, Pa., thence over U.S. Highway 11 via Scranton, Pa., to Binghamton, N.Y., thence over New York Highway 17C to Owego, N.Y., thence over New York Highway 17 to Elmira, N.Y., and return over the same route.

No. MC 106163 (Deviation No. 2), ET&WNC TRANSPORTATION COMPANY OF ARKANSAS, 132 Legion Street, Johnson City, Tenn., 37601, filed December 22, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 30 and U.S. Highway 270 over Interstate Highway 30 to Little Rock, Ark., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction Interstate Highway 30 and U.S. Highway 270 (near Malvern, Ark.) over U.S. Highway 270 to Pine Bluff, Ark., thence over U.S. Highway 65 to Little Rock, Ark., and return over the same route.

No. MC 112713 (Deviation No. 32), YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Ave., Shawnee Mission, Kans. 66207, filed December 15, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Albuquerque, N. Mex., over Interstate Highway 40 to Memphis, Tenn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Albuquerque, N. Mex., over U.S. Highway 85 to junction unnumbered highway (formerly U.S. Highway 85), near Palmer Lake, Colo., thence over unnumbered highway to junction U.S. Highway 85, near Larkspur, Colo., thence over U.S. Highway 85 to Denver, Colo., thence over U.S. Highway 36 to Atwood, Kans., thence over Kansas Highway 25 to Colby, Kans., thence over U.S. Highway 24 to junction U.S. Highway 83, thence over U.S. Highway 83 to junction unnumbered highway, thence over unnumbered highway to junction U.S. Highway 40, near Salina, Kans., thence over U.S. Highway 40 to junction unnumbered highway, thence over unnumbered highway to junction U.S. Highway 40, thence over U.S. Highway 40 to junction Kansas Highway 18, thence over Kansas Highway 18 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 40, thence over U.S. Highway 40 to St. Louis, Mo., thence across the Mississippi River to East St. Louis, Ill., thence over Illinois Highway 13 to Belleville, Ill., thence over Illinois Highway 15 to Mt. Vernon, Ill., thence over U.S. Highway 460 to junction Illinois Highway 142, thence over Illinois Highway 142 to junction Illinois Highway 13, thence over Illinois Highway 13 to Shawneetown, Ill., thence across the Ohio River to Blackburn, Ky., thence over Kentucky Highway 56 to junction Alternate U.S. Highway 41, thence over Alternate U.S. Highway 41 to junction U.S. Highway 41, thence over U.S. Highway 41 to Hopkinsville, Ky., thence over Alternate U.S. Highway 41 to Nashville, Tenn., thence over Interstate Highway 40 to Memphis, Tenn., and return over the same route. Restriction: The service authorized herein at Memphis, Tenn., is restricted to points in Tennessee within the Memphis, Tenn., Commercial Zone.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-35160 Filed 12-30-75;8:45 am]

[Notice No. 103]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) Grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under sections 5(2) and 212(b); (4) notices of filing of

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sections 5(2) and 210a(b) finance applications; and (5) notices of filing of section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 CFR 1100.250.

Protests to the granting of the requested authority must be filed with the Commission on or before January 30, 1976 (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's general rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

No. MC 108119 (Sub-No. 37) (Republication), filed March 12, 1973, and published in the FEDERAL REGISTER issue of May 10, 1973, and republished this issue. Applicant: E. L. MURPHY TRUCKING CO., a Corporation, 3303 Sibley Memorial Highway, St. Paul, Minn. 55121. Applicant's representative: Andrew A. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. A Corrected Decision and Order of the Commission, Review Board Number 3, dated November 11, 1975, and served December 8, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, of *Metal and metal articles*, (1) between points in Minnesota, on the one hand, and, on the other, points in Iowa, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan; (2) between points in Minnesota, on the one hand, and, on the other, points in Montana, Missouri, Illinois, Indiana, Ohio, and the Lower Peninsula of Michigan; (3) between points in Minnesota, on the one hand, and, on the other, points in the United States (except points in Montana, North Dakota, South Dakota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Minnesota, Ohio, Washington, Oregon, and Idaho); and (5) between points in Minnesota, on the one hand, and, on the other, points in Ada and Jerome Counties, Idaho, restricted in (5) above to joinder or interline at Ada and Jerome Counties, Idaho, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate applicant's "rounded-out" grant of authority to include the transportation of non-"heavy hauling" commodities as well as those within the ambit of "heavy hauling". Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced. Pleadings may be tendered with respect to the modification(s) of applicant's grant of authority indicated by the purpose for this republication.

No. MC 113855 (Sub-No. 286) (Republication), filed November 12, 1973, and published in the FEDERAL REGISTER of January 3, 1974, and republished this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. A Corrected Decision and Order of the Commission, Review Board Number 3, dated November 11, 1975, and served December 8, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, of *metal and metal articles*, (1) between Minot, N. Dak., and points in Minnesota and those in that part of North Dakota south and west of a line beginning at the Montana-North Dakota State line and extending along U.S. Highway 2 to Lakota, N. Dak., thence along North Dakota Highway 1 to the United States-Canada Boundary line, not including points on the indicated portions of the highways specified other than Minot, N. Dak.; (2) between Escanaba, Mich., and points in Wisconsin, on the one hand, and, on the other, points in Idaho, Oregon, and Washington, restricted against the transportation (a) of aircraft and missiles and parts thereof, and (b) further restricted against service to or from those points in Wisconsin on and south of U.S. Highway 12, on and west of U.S. Highway 53, and on and north of U.S. Highway 8, and further restricted against shipments to Escanaba, Mich., and to points in the above-described service area in Wisconsin against those commodities as are being transported for rebuilding or repair.

(3) Between Davenport, Iowa, on the one hand, and, on the other, points in that part of Illinois on, north and west of a line beginning at Quincy, Ill., and extending along Illinois Highway 104 to junction U.S. Highway 66, thence northward along U.S. Highway 66 to junction Illinois Highway 53 (formerly Alternate U.S. Highway 66), at or near Gardner, Ill., thence along Illinois Highway 53 to junction U.S. Highway 66 at a point approximately 10 miles northeast of Plainfield, Ill., and thence along U.S. Highway 66 to Chicago, Ill.; (4) between Elgin, Ill., on the one hand, and, on the other, Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and mines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19 near Rose Point, Pa., thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., thence along unnumbered highway via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, and thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, and points in West Virginia, Kentucky, Indiana, and Ohio.

(5) Between points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15), to junction Business U.S. Highway 15, near Fairplay, Pa., thence along Business U.S. 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above-described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.), on the one hand, and, on the other, points in Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, Ohio, and the District of Columbia; (6) between points in South Dakota, and those in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak., on the one hand, and, on the other, points in Iowa, Nebraska, and North Dakota, and those in Minnesota on or south of U.S. Highway 12 and on or west of a line beginning at Minneapolis, Minn., and extending along U.S. Highway 65 to junction Minnesota Highway 50 (formerly portion of U.S. Highway 65), thence along Minnesota Highway 50 to Farmington, Minn., thence along Minnesota Highway 3 (formerly portion of U.S. Highway 65), via Northfield, Minn., to Fairbault, Minn., thence along U.S. Highway 65 to junction Minnesota Highway 30 (formerly portion U.S. Highway 65), thence along Minnesota Highway 30 to junction unnumbered highway east of Ellendale, Minn., thence along unnumbered highway to Geneva, Minn., and thence along U.S. Highway 65 via Albert Lea, Minn., to the Minnesota-Iowa State line.

(7) Between points in South Dakota, and those in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak., on the one hand, and, on the other, points in Colorado, Wisconsin, Illinois, Michigan, Indiana, Kansas, and Missouri; (8) between points in the part of South Dakota east of the Missouri River, and those in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak., on the one hand, and, on the other, points in Montana and Wyoming; (9) between points in South Dakota, on the one hand, and, on the other, points in Ohio, Pennsylvania, and Utah; (10) from Beresford, Sioux Falls, Dell Rapids, and Hawarden, S. Dak., to points in California, Oregon, and Washington; (11) between points in California, on the one hand, and, on the other, points in Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; (12) between points in Oregon and Washington, on the one hand, and, on the other, points in Montana, Nevada, Utah, and Wyoming; (13) between points in Idaho and Nevada, on the one hand, and, on the other, points in Montana, Wyoming, and Utah, restricted to service at points in Montana, Wyoming, and Utah for purposes of joinder only; (14) from points in Michigan and Ohio to points in California, Nevada, and Utah; (15) between points in California and Utah, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and Wisconsin, and the District of Columbia.

(16) From points in California and Utah to points in Maine, New Hampshire, and Vermont; (17) from points in California to points in North Dakota, South Dakota, Tennessee, and Mississippi; and (18) between points in Wisconsin, those in that part of Illinois on and north of U.S. Highway 6, those in that part of Iowa on and north of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 6 to junction unnumbered highway (formerly portion of U.S. Highway 6), thence along unnumbered highway through Victor and Brooklyn, Iowa, to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 90 (formerly portion of U.S. Highway 6), thence along Iowa 90 through Colfax, Iowa, to Des Moines, Iowa, and on and east of U.S. Highway 65 from Des Moines to the Iowa-Minnesota State line, and those in part of Minnesota within 25 miles of the Minnesota-Iowa State line and of the Minnesota-Wisconsin State line; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate applicant's "rounded-out" grant of authority to include the transportation of non-"heavy hauling" commodities as well as those within the ambit of "heavy hauling". Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced. Pleadings may be tendered with respect to the modification(s) of applicant's grant of authority indicated by the purpose for this republication.

No. MC 140497 (Republication), filed December 10, 1974, and published in the FEDERAL REGISTER issue of April 3, 1975, and republished this issue. Applicant: CONTAINER HAULAGE CORP., East Broadway, Monticello, N.Y. 12701. Applicant's representative: Jay M. Zerin, 26 Court Street, Brooklyn, N.Y. 11242. An Order of the Commission, Review Board Number 2, dated November 24, 1975, and served December 10, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *Shipping containers, truck bodies, and truck trailers*, between Monticello, N.Y., on the one hand, and, on the other, New York, Brooklyn, and Staten Island, N.Y., Newark and Jersey City, N.J., Norfolk, Va., Boston, Mass., and Philadelphia, West Point, and Harrisburg, Pa., under a continuing contract or contracts with Fountain Welding Corp., of Monticello, N.Y., Quickway Metal Fabricators, Inc., of Monticello, N.Y., and Goldmark Industries, Inc., of Swan Lake, N.Y., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the authorization of service between Monticello, N.Y., on the one hand, and, on the other, the involved destination points. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced. Pleadings may be tendered with respect to the modification(s) of applicant's grant of authority indicated by the purpose for this republication.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC-F-12709. Authority sought for continuance in control by TRANSPORTATION CONSULTANTS, INC., 6538 Collamer Rd., E. Syracuse, NY 13057, of FAIRFIELD TRANSPORTATION CORP., and for acquisition by FREDERICK J. DURKIN, AND JOHN C. DURKIN, JR., all of the above-mentioned address, of control of FAIRFIELD TRANSPORTATION CORP., through the acquisition by TRANSPORTATION CONSULTANTS, INC. Applicants' attorney: John Andrew Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Operating rights sought to be controlled: In pending No. MC-141487, FAIRFIELD TRANSPORTATION CORP., seeks authority to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Beverages and flavoring syrups, in containers, empty containers and materials, supplies and equipment used in the production, packaging, sale and distribution of beverages and flavoring syrups (except commodities in bulk), between Cicero, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Vermont; (2) beverages, in containers, between points in Pennsylvania, on the one hand, and, on the other, points in Albany, Allegany, Broome, Cat-

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taraugus, Cayuga, Chautauqua, Chemung, Clinton, Columbia, Cortland, Erie, Essex, Franklin, Fulton, Genesee, Jefferson, Monroe, Niagara, Oneida, Onondaga, Ontario, Orange, Rensselaer, St. Lawrence, Schenectady, Steuben, Tompkins, and Warren Counties, N.Y.; and (3) materials, supplies and equipment used in the production, packaging, sale and distribution of beverages (except commodities in bulk), between points in Connecticut, New Jersey, Pennsylvania and Vermont, on the one hand, and, on the other, points in Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Clinton, Columbia, Cortland, Erie, Essex, Franklin, Fulton, Genesee, Jefferson, Monroe, Niagara, Oneida, Onondaga, Ontario, Orange, Rensselaer, St. Lawrence, Schenectady, Steuben, Tompkins and Warren Counties, N.Y., under a continuing contract or contracts with Clinton's Ditch Cooperative Company, Inc. of Cicero, N.Y. (Permit not yet issued).

No. MC–F–12715. Authority sought for purchase by OVERNITE TRANSPORTATION CO., 1100 Commerce Road, Richmond, VA 23209, of a portion of the operating rights and property of KENT FREIGHT LINES, INC., 304 Stockhams Lane, Aberdeen, MD 21001, and for acquisition by J. HARWOOD COCHRANE, also of Richmond, VA 23209, of control of such rights and property through the purchase. Applicants' attorneys: Eugene T. Liipfert, 1660 L St., N.W., Washington, DC 20036, and William B. Dulany, 127 E. Main St., Box 525, Westminster, MD 21157. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Elkton, Md., and Wye Mills, Md., between Galena, and Federalsburg, Md., between junction Maryland Highways 313 and 16 south of Denton, and Federalsburg, Md., between Denton, and Baltimore, Md., between Washington, D.C., and Stevensville (Kent Island), Md., with restrictions; between Chestertown, and Rock Hall, Md., between junction U.S. Highways 50 and 301 near Queenstown, Md., and junction U.S. Highways 301 and 213 near Centerville, Md., between junction Maryland Highways 312 and 313 at or near Baltimore Corners, Md., and Junction Maryland Highways 312 and 404 at or near Downes, Md., serving all intermediate points; *linoleum and linoleum installation materials*, over irregular routes, from Camden, N.J., to points in Harford County, Md.; *general commodities*, with exceptions, between Baltimore, Md., on the one hand, and, on the other, points in Baltimore and Harford Counties, Md., with restriction, between Aberdeen, Md., and points within 10 miles thereof, on the one hand, and, on the other, Camden, N.J., points in Delaware north of the Chesapeake-Delaware Canal, and points in Pennsylvania within 75 miles of Aberdeen except those in Adams, Dauphin, Franklin, and Lancaster Counties, Pa., and in Chester, Franklin, and Lancaster Counties, Pa., and in Chester County, Pa., on and west of Pennsylvania Highway 896; *concessionaires supplies and equipment*, between race tracks in Maryland, on the one hand, and, on the other, race tracks in Charles Town and Wheeling, W. Va.; *canned goods*, and *agricultural commodities* when moving in mixed loads with canned goods, between points in Cecil and Hartford Counties, Md., on the one hand, and, on the other, Atlantic City, Millville, Camden, and Trenton, N.J., Wilmington, Del., Culpeper, Fredericksburg, and Orange, Va., Martinsburg, W. Va., and points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line about 6 miles north of Cumberland, Md., thence over U.S. Highway 220 to Williamsport, Pa., thence over U.S. Highway 15 to the Pennsylvania-New York State line near Lawrenceville, Pa., except those in Adams, Dauphin, Franklin, and Lancaster Counties, Pa., and those in that part of Chester County, Pa., on and west of Pennsylvania Highway 896. Vendee is authorized to operate as a *common carrier* in Alabama, Florida, Tennessee, North Carolina, South Carolina, Kentucky, Virginia, West Virginia, Ohio, Delaware, Maryland, New Jersey, Georgia, and Indiana. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12716. Authority sought for purchase by McVEY TRUCKING, INC., R.R. No. 1, Oakwood, IL 61858, of a portion of the operating rights of COOK TRANSPORTS, INC., Paxton, IL 60957, and for acquisition by LLOYD McVEY AND NORMA McVEY, also of Oakwood, IL 61858, of control of such rights through the purchase. Applicants' attorney: Clyde Meachum, 41 On The Mall, Danville, IL 61832. Operating rights sought to be transferred: *Dry fertilizer*, in bags, as a *common carrier* over irregular routes, from Danville, Ill., to points in Indiana, Kentucky, Ohio, Michigan, and Wisconsin. Vendee is authorized to operate as a *contract carrier* in Illinois, Indiana, Kentucky, Ohio, Michigan, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

NOTICE

Chicago and North Western Transportation Company, 400 West Madison Street, Chicago, Cook County, Illinois 60606, represented by Mr. Stuart F. Gassner, General Attorney, Chicago and North Western Transportation Company, 400 West Madison Street, Chicago, Illinois 60606, hereby gives notice that, on the 17th day of December, 1975, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the acquisition of trackage rights over the Milwaukee Road between Milepost 706.3 and Milepost 777.04 in the City of Aberdeen, Brown County, South Dakota, a distance of approximately 1.9 miles, which application is assigned Finance Docket No. 28081.

In the opinion of Applicant, the Commission's action requested, i.e., approval of the trackage rights, will not have any significant impact and will not significantly adversely affect the quality of the human environment. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation—Nat'l Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–35159 Filed 12–30–75;8:45 am]

[Notice No. 149]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

DECEMBER 31, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before January 20, 1976. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–76193. By order entered December 24, 1975, the Motor Carrier Board approved the transfer to Donald L. Kerbs, doing business as C & R Truck Line, Salina, Kans., of the operating rights set forth in Certificate No. MC 98658 (Sub-No. 1) and Certificates of Registrations Nos. MC 98658 (Sub-No. 4), MC 98658 (Sub-No. 5), MC 98658 (Sub-No. 6), MC 98658 (Sub-No. 7), and MC 98658 (Sub-No. 8), issued June 22, 1970, June 22, 1970, September 1, 1970, April 4, 1972, September 21, 1973, and September 18, 1975, respectively, to Donald L. Kerbs and Neal J. Lovin, doing business as C & R Truck Line, Salina, Kans., authorizing the transportation of general commodities, with exceptions, between specified points in Kansas. Donald L. Kerbs, 1012 W. North St., Salina, Kans. 67401, representative for applicants.

No. MC–FC–76165. By order of December 23, 1975, the Motor Carrier Board approved the transfer to Tri-State Air Freight, Inc., Essington, Pa., of Certificate No. MC 133629 Sub-No. 1, issued January 25, 1974, to Michael Scalea, Sr., D/B/A Scalea's Delivery Service, Broomhall, Pa., authorizing the transportation of general commodities between specified points in Pennsylvania and New Jersey. Leonard A. Jaskiewicz, Grove, Jaskiewicz, Gilliam and Cobert, 1730 M Street, N.W., Washington, D.C., 20036, Attorney for Transferee.

No. MC–FC–76204. By order of December 23, 1975, the Motor Carrier Board approved the transfer to Careful Enterprises, Ltd., D/B/A Julka Moving & Storage Co., Fond du Lac, Wisconsin, of Certificate No. MC–2879 issued June 4, 1959, to Petrie Storage & Transfer Co., Inc., Fond du Lac, Wisconsin, authorizing the transportation of household goods and general commodities from to and between specified points in Wisconsin and Illinois. Frank S. Fuller, President, Careful Enterprises, Ltd., 221 Lewis Street, Fond du Lac, Wisconsin 54935.

No. MC–FC–76208. By order of December 23, 1975, the Motor Carrier Board approved the transfer to Lakin Moving and Storage, Inc., Fond du Lac, Wisconsin, of Certificate No. MC 60727 issued March 26, 1974, to Careful Enterprises, Ltd., D/B/A Julka Moving & Storage Division, Fond du Lac, Wisconsin, authorizing the transportation of household goods, between points in Fond du Lac County, Wis., on the one hand, and, on the other, points in Illinois. Gary E. Lakin, President, Lakin Moving and Storage, Inc., 223 West Eleventh Street, Fond du Lac, Wisconsin 54935.

No. MC–FC–76239. By order of December 24, 1975, the Motor Carrier Board approved the transfer to Reliance Van Company, Inc., Conshohocken, Pa., of Certificates Nos. MC 21436 and MC 21436 Sub 2 issued by the Commission August 9, 1961, and February 26, 1970, respectively, authorizing the transportation of household goods between Philadelphia, Pa., and points within 15 miles thereof, on the one hand, and, on the other, points in New Jersey, Delaware, Maryland, the District of Columbia, and a described portion of New York, and potted flowers from Norwood, Pa., to New York, New Rochelle, and Mt. Vernon, N.Y., Baltimore, Md., and Washington, D.C.; and used household goods between points in Pennsylvania, New Jersey, and Delaware, respectively. Robert J. Gallagher, Esquire, Brodsky, Linett and Altman, 1776 Broadway, New York, NY 10019.

No. MC–FC–76254. By order of December 24, 1975, the Motor Carrier Board approved the transfer to Jenkins and Nagel, Inc., Wolcott, Indiana, of Permits No. MC 133922 Subs 1, 3 and 4, issued October 12, 1970, April 20, 1971, and March 6, 1972, to William H. Nagel, D/B/A Jenkins and Nagel Trucking Co., Wolcott, Indiana, authorizing the transportation of various specified commodities from and to points in the United States. Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204.

ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–35101 Filed 12–30–75;8:45 am]

[Notice No. 104]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 26, 1975.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 31389 (Sub-No. 209), filed November 24, 1975. Applicant: MCLEAN TRUCKING COMPANY, 617 Waughtown Street, P.O. Box 213, Winston-Salem, N.C. 27102. Applicant's representative: David P. Eshelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and distribution facilities of W. R. Grace and Company, Washington Research Center, located at or near Columbia, Md., as an off-route point in conjunction with applicant's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 41432 (Sub-No. 147), filed Nov. 26, 1975. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207. Applicant's representative: J. Raymond Chesney (same address as applicant). Authority sought to oper-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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ate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite and warehouse facilities of Amoco Chemicals Corporation, at or near Chocolate Bayou, Tex., as an off-route point in connection with carrier's authorized regular-route operations to and from Houston, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Houston or Dallas, Tex.

No. MC 52709 (Sub-No. 336), filed November 21, 1975. Applicant: RINGSBY TRUCK LINES, INC., 5773 South Prince St., Littleton, Colo. 80120. Applicant's representative: Robert P. Tyler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Las Vegas, Nev. and junction U.S. Highway 40 and U.S. Highway Alternate 50 near Wendover, Utah, alternate routes for operating convenience only, serving no intermediate points: From Las Vegas, Nev. over U.S. Highway 93 to junction U.S. Highway Alternate 50, thence over U.S. Highway Alternate 50 to junction U.S. Highway 40 near Wendover, Utah, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Salt Lake City, Utah.

No. MC 59640 (Sub-No. 49), filed November 26, 1975. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, N.J. 07106. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain camping and sporting goods stores and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between the facilities of Lionel Morsan, Inc., at Mahwah, N.J., on the one hand, and, on the other, Atlanta, Doraville, Decatur, and Forest Park, Ga., under a continuing contract or contracts with Lionel Morsan, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Newark, N.J.

No. MC 60014 (Sub-No. 41), filed November 20, 1975. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight require the use of special equipment), (1) between points in Ohio west of a line beginning at Sandusky, Ohio, thence south over U.S. Highway 250 to junction Ohio Highway 13, thence over Ohio Highway 13 to junction U.S. Highway 33, thence over U.S. Highway 33 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Illinois; and (2) between points in Ohio west of a line beginning at Vermilion, Ohio, thence south over Ohio Highway 60 to junction Ohio Highway 162 at New London, thence west over Ohio Highway 162 to junction Ohio Highway 13 at Fitchville, thence south over Ohio Highway 13 to junction U.S. Highway 33 at Athens, Ohio, thence south over U.S. Highway 33 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Indiana.

NOTE.—This application seeks to eliminate gateways resulting from Commission approval of MC-F-11586, Aero Trucking, Inc.-Purchase-Kenyon Motor Express, Inc. The purpose of this application is to eliminate the gateway at any point in Ohio on and east of a line extending from Mansfield, to Pomeroy, Ohio along Ohio Highway 13 to junction thereof with U.S. Highway 33 thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line (except points in Licking County, Ohio). If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Pittsburgh, Pa.

No. MC 61396 (Sub-No. 300), filed November 26, 1975. Applicant: HERMAN BROS. INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible tallow*, in bulk, in tank vehicles, (1) from points in Nebraska, to points in Iowa, Kansas, Missouri, Arkansas, Illinois, Wisconsin, Minnesota, South Dakota, Colorado, and Wyoming; and (2) from points in Iowa, to points in Nebraska, Kansas, Missouri, Arkansas, Illinois, Wisconsin, Minnesota, South Dakota, Colorado, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Omaha or Lincoln, Nebr.

No. MC 61403 (Sub-No. 235), filed November 24, 1975. Applicant: THE MASON AND DIXON TANK LINES, INC., Highway 11-W, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, Suite 1201, 370 Lexington Ave., New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in tank vehicles, from Owensboro, Ky., to points in Illinois, Indiana, Kentucky, Missouri, Tennessee, Ohio, Virginia, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 78830 (Sub-No. 4), filed November 19, 1975. Applicant: DEPENDABLE TRUCK LINES, INC., 23322 S.E. 400th., Enumclaw, Wash. 98022. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in King and Pierce Counties, Wash., restricted to shipments moving to or from the plantsites and facilities utilizted by Industrial Skills of Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 83217 (Sub-No. 67), filed November 10, 1975. Applicant: DAKOTA EXPRESS, INC., 550 E. 5th Street South, South St. Paul, Minn. 55075. Applicant's representative: Bill White (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff*, from the plantsite and/or warehouse facilities of Jeno's, Inc., located at or near Sodus, Mich., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota, restricted to traffic originating at and destined to named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 109397 (Sub-No. 324), filed November 21, 1975. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113-Business-I-44, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, Suite 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellular expanded or foamed plastic carpet cushion*, in rolls, from the plantsite of Burton-Dixie Corporation located at Blacksburg, S.C., to points in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis or Kansas City, Mo. or Washington, D.C.

No. MC 109462 (Sub-No. 26), filed November 24, 1975. Applicant: LUMBER TRANSPORT, INC., Highway 85, East, Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst, P.O. Drawer L, Madisonville, Ky. 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum wallboard, gypsum joint cement, and related commodities*, from Acme, Tex., to points in Kansas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 113855 (Sub-No. 335), filed November 19, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, S.E., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm machinery and agricultural implements;* and (2) *attachments, accessories and parts* for farm machinery and agricultural implements, from points in Steuben County, N.Y., to points in the United States including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 336), filed November 21, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, S.E., Rochester, Minn. 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut log buildings*, and *materials and supplies*, used in the construction, installation and erection thereof, from points in Albany County, Wyo., to points in Minnesota, Iowa, Missouri, Arkansas, Tennessee, Kentucky, Ohio, Pennsylvania, Michigan, Indiana, Illinois, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113855 (Sub-No. 337), filed November 24, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, S.E., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas or liquids; *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas or liquids; and (2) *parts, materials, equipment and supplies* (except commodities in bulk) used in the manufacture, distribution, installation or operation of those items named in (1) above between points in Monroe, Randolph, Perry, and St. Clair Counties, Ill., on and south of State Highways 177 and 158, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to the plantsite and warehouse facilities of the Singer Company, located at Monroe, Randolph, Perry, and St. Clair Counties, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Chicago, Ill.

No. MC 116300 (Sub-No. 21), filed November 19, 1975. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, Miss. 39635. Applicant's representative: Harold D. Miller, Jr., 1700 Deposit Guaranty Plaza, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in sacks or packages, (1) from Supreme, La., to points in Tennessee; and (2) from Houma, La., to points in Georgia and Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 117109 (Sub-No. 15), filed November 25, 1975. Applicant: SYKES TRANSPORT COMPANY, a Corporation, Highway 85 East, Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst, P.O. Drawer L, Madisonville, Ky. 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except in bulk), used in the manufacture or repair of trailers, semi-trailers, trailer equipment, and semi-trailer equipment, between Alcoa, Tenn., on the one hand, and, on the other, West Point, Pa.; Charleston, Ill.; Longview, Tex.; Chowchilla, Calif.; Springdale, Ark.; Buffalo, N.Y.; and Detroit, Mich.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Knoxville or Nashville, Tenn.

No. MC 117344 (Sub-No. 248), filed November 21, 1975. Applicant: THE MAXWELL CO., a Corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: John R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from East Chicago, Ind., to Cincinnati, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Cincinnati, Ohio.

No. MC 117851 (Sub-No. 20), filed November 21, 1975. Applicant: JOHN CHEESEMAN TRUCKING, INC., 501 North First Street, Fort Recovery, Ohio 45846. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Connecticut, Georgia, Illinois, Indiana, Massachusetts, Michigan, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and Wisconsin, to points in Florida, under contract with Scotty's Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 117956 (Sub-No. 10) (Clarification), filed October 1, 1975, published in the FEDERAL REGISTER issue of October 23, 1975, and republished as clarified this issue. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street, SW., Atlanta, Ga. 30310. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road, NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal containers, metail container ends, pallets, paper shrouds, chipboard, lacquer*, in drums, *decorated tin plates*, in sheets, *sheet plastic and bottle caps*, (a) between the plantsite of Crown Cork & Seal Company, Inc., located at Atlanta, Ga., on the one hand, and, on the other, points in Indiana; and (b) between the plantsites of Crown Cork & Seal Company, Inc., located at Chicago and Bradley, Ill., on the one hand, and, on the other, points in Georgia, Kentucky, and Tennessee; (2) *metal containers and container ends*, (a) between the plantsites of Crown Cork & Seal Company, Inc., located at Atlanta, Ga., Birmingham, Ala., Spartanburg, S.C., Baltimore, Md., Philadelphia, Pa., and Bartow and Orlando, Fla.; and (b) between the plantsites named in (2) (a) above, on the one hand, and, on the other, Louisville, Ky., and points in Alabama, Florida, Georgia, North Carolina and South Carolina; (3) lacquer, in containers and *decorated tin plates*, in sheets, from the plantsite of Crown Cork & Seal Company located at Atlanta, Ga., to Birmingham, Ala., Spartanburg, S.C., Philadelphia, Pa., and Bartow and Orlando, Fla.

(4) *Metal containers, container closures, lacquer* in containers, *decorated tin plate* in sheets, and *sheet plastic*, (a) between the plantsite of Crown Cork & Seal Company, Inc., located at Winchester, Va., and the plantsites of Crown Cork & Seal Company, Inc., located at Atlanta, Ga., Birmingham, Ala., Spartanburg, S.C., Baltimore, Md., Philadelphia, Pa., and Bartow and Orlando, Fla.; and (b) between the plantsite of Crown Cork & Seal Company, Inc., located at Winchester, Va., and the plantsites of Crown Cork & Seal Company, Inc., located at Atlanta, Ga., Birmingham, Ala., Spartanburg, S.C., Baltimore, Md., Philadelphia, Pa., and Bartow and Orlando, Fla., on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee; (5) (a) *metal containers*, (b) *metal container parts*, (c) *materials and equipment* used in connection with the distribution of metal containers; and (d) *metal container ends*, from Fruitland, Md., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee; (6) *metal containers*, from the plantsites of National Can Corporation, located at Baltimore, Md., Long Island City, N.Y., Edison, N.J., Collierville, Tenn., and Hamburg, Pa., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, (7) *metal containers, and equipment, materials and supplies* used in the manufacture, sale and distribution of metal containers and metal container ends (except in bulk, in tank vehicles), between the facilities of National Can Corporation, located at Madisonville, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Kansas, Missouri, Oklahoma, and Texas; (8) *metal cans and can ends*, from the facili-

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ties of the Ball Corporation, located at or near Williamsburg, Va., to the facilities used by Anheuser-Busch, located at or near Jacksonville, Fla.

(9) *Metal containers, metal container ends, shrouds, pallets, chipboard and dunnage materials,* (a) between Memphis, Tenn., and Winston-Salem, N.C.; and (b) between Tampa, Fla., and Winston-Salem, N.C.

NOTE.—The purpose of this republication is to indicate that the sole purpose of applicant's request for authority in this proceeding is to convert its existing and pending contract carrier authorities (or application) to common carrier authority. Applicant presently holds all the authority sought above (except (9)(b) which is pending before the Commission in MC 116947 (Sub-No. 38), in MC 116947 (Sub-Nos. 7, 22, 31 and 37). Applicant holds contract carrier authority in MC 116947 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 119777 (Sub-No. 322) (Amendment), filed September 8, 1975, published in the FEDERAL REGISTER issue of October 2, 1975, and republished as amended this issue. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85 East, Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst, P.O. Drawer L, Madisonville, Ky. 42431. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles,* from points in Liberty County, Tex., to points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at the facilities of National Pipe & Tube Company; and (2) *materials, equipment and supplies,* used in the production and distribution of iron and steel articles (except in bulk, in tank vehicles), from points in the United States (except Alaska and Hawaii), to points in Liberty County, Tex.

NOTE.—The purposes of this republication are to indicate that the origin restriction applies to Part (1) only, and except bulk commodities in tank vehicles in Part (2) above. Applicant holds contract carrier authority in MC 126970 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Washington, D.C.

No. MC 123407 (Sub-No. 274), filed November 24, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* from the plantsite and warehouse facilities of North Star Steel Company, located at Newport, Minn., to points in Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Arizona, Utah, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, New York, Vermont, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, and Delaware, restricted to traffic originating at said plantsite and warehouse facilities.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn., or Washington, D.C.

No. MC 123407 (Sub-No. 275), filed November 21, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy. 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic conduit and iron fittings and connections, valves, hydrants, and gaskets* (except oil field commodities, as described in *Mercer Extension Oil Field Commodities,* 74 M.C.C. 459), from the plantsite and warehouse facilities of Clow Corporation, at Columbia, Mo., to points in Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Columbia, Mo.

No. MC 125708 (Sub-No. 142), filed November 26, 1975. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., Highway 32 E., P.O. Box 192, Crawfordsville, Ind. 47933. Applicant's representative: Donald W. Smith, Suite 2465 One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles,* from the plant site and storage facilities of North Star Steel Company, at or near Wilton, Iowa, to points in the United States (except Hawaii) and (2) *materials, equipment and supplies* (except in bulk) used in the manufacture and distribution of iron and steel articles from points in the United States (except Hawaii), to the plant site and storage facilities of North Star Steel Company, at or near Wilton, Iowa, restricted to traffic originating at and destined to the above named points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 126286 (Sub-No. 15), filed November 21, 1975. Applicant: NIX TRANSPORTATION, INC., 335 West Queen, P.O. Box 721, Albany, Oreg. 97321. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, Oreg. 97210. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products,* between points in Oregon and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 127737 (Sub-No. 4), filed November 19, 1975. Applicant: JIM EDWARD GODFREY, Route 3, Gaffney, S.C. 29340. Applicant's representative: Mitchell King, Jr., P.O. Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials* (except in bulk, in tank or dump vehicles), from points in Spartanburg County, S.C., to points in Georgia on or north of Interstate Highway 20.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

No. MC 128698 (Sub-No. 11), filed November 26, 1975. Applicant: ERDNER BROS., INC., Davidson Road, Swedesboro, N.J. 08085. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* in vehicles equipped with mechanical refrigeration, from the warehouse and storage facilities utilized by Pepperidge Farm located at points in Delaware, Maryland, and Pennsylvania, to points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 129301 (Sub-No. 3), filed November 19, 1975. Applicant: ENGLISH AND SONS CORPORATION, 412 Kingshighway, Thorofare, N.J. 08086. Applicant's representative: James H. Sweeney, P.O. Box 684, Woodbury, N.J. 08096. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Room fresheners,* from Camden, N.J., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, under a continuing contract with Certified Chemicals, Inc.

NOTE.—Applicant holds common carrier authority in MC 135966 therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 133920 (Sub-No. 12), filed November 25, 1975. Applicant: HOWARD SHEPPARD, INC., P.O. Box 755, Sandersville, Ga. 31082. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lime slurry,* in bulk, in tank vehicles, from points in Georgia, to Dotham, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Atlanta or Columbus, Ga.

No. MC 134068 (Sub-No. 24), filed November 25, 1975. Applicant: KODIAK REFRIGERATED LINES, INC., 3336 E. Fruitland Ave., P.O. Box 58327, Vernon, Calif. 90058. Applicant's representative: Donald L. Stern, Suite 530, Univac Bldg., 7100 W. Center Rd., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Toilet preparations, shampoo, cleaning compounds, paper products, advertising matter, and supplies, materials and articles,* used by manufacturers or distributors of beauty supplies, from Fridley, Minn., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Texas, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 134388 (Sub-No. 10), filed November 18, 1975. Applicant: HOME RUN, INC., 3 East Washington Street, Jamestown, Ohio 45335. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Buildings and component parts, materials, supplies and fixtures* used in the erection or assembly of buildings (except buildings in sections when mounted on wheeled undercarriages, and cement), between points in New Jersey, on the one hand, and, on the other, points in Delaware, Maryland, New York, Pennsylvania, Virginia, and the District of Columbia, under a continuing contract with Levitt Residential Communities, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 135811 (Sub-No. 6), filed November 26, 1975. Applicant: GARDNER TRUCKING CO., INC., 320 Woodlawn, P.O. Box 567, Walterboro, S.C. 29488. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Chains and related attachments, electric welders, and materials and supplies* used in connection with electric welders, from the plantsites and shipping facilities of Teledyne McKay at or near Waukesha, Wis. and York, Pa., to points in Arkansas, Arizona, California, Colorado, Idaho, Louisiana, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, under a continuing contract with Teledyne McKay.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136408 (Sub-No. 32), filed November 26, 1975. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Chemcals and plastics* (except in bulk, in tank vehicles), from Sanford, Maine, to Detroit, Mich.; Chicago, Ill.; Dallas, Tex.; and Los Angeles, Calif., restricted to a transportation service to be performed under a continuing contract or contracts with American Cyanamid Co., at Wayne, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 139091 (Sub-No. 13), filed November 20, 1975. Applicant: LOGAN MOTOR LINES, INC., Rt. 2, Box 174A, Canyon, Tex. 79015. Applicant's representative: Gailyn Larsen, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Vacuum bottles and fillers, lunch and picnic boxes and kits, containers, travel bags, camping equipment, stoppers, plastic articles, jugs, cooling boxes and chests, tents, displayracks, and insulating material,* from the plantsite and storage facilities of King-Seeley Thermos Co., at or near Macomb, Ill., to points in Kentucky, Louisiana, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi, under contract with King-Seeley Thermos Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Washington, D.C.

No. MC 139269 (Sub-No. 6), filed October 14, 1975. Applicant: C. P. CRASKA, INC., 207 Cosby Manor Road, Utica, N.Y. 13502. Applicant's representative: Murray J. S. Kirshtein, 118 Bleecker Street, Utica, N.Y. 13501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts,* as described in sections A & C of Appendix I to *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, and *Foodstuffs* in vehicles equipped with mcehanical temperature control devices: (1) Between points in New York; and (2) From points in Albany, Schenectady, Montgomery, and Rensselaer Counties, N.Y., to points in Vermont, and New Hampshire, and points in Massachusetts on and west of U.S. Highway 5.

NOTE.—Applicant holds motor contract carrier authority in MC 9279, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Utica, Syracuse, Albany, or New York, N.Y.

No. MC 139495 (Sub-No. 113), filed November 19, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic and rubber materials* (except in bulk, in tank vehicles), from the plantsite of The B. F. Goodrich Chemical Company, located at or near Henry, Ill., to points in Colorado, Kansas, Oklahoma, Texas, Arizona, and Los Angeles and Orange Counties, Calif.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140648 (Sub-No. 4), filed November 19, 1975. Applicant: FRANKS & SON, INC., Route 1, Box 108A, Big Cabin, Okla. 74332. Applicant's representative: James E. Frazier, Mezzanine Floor, Beacon Bldg., Tulsa, Okla. 74103. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Wood products, plastic products and sporting goods,* (1) from Wilton, Maine to points in Hutchinson, Kans.; Salt Lake City, Utah; Spokane and Tacoma, Wash.; Portland, Oreg.; Union City, San Diego and Fresno, Calif.; Tulsa and Oklahoma City, Okla.; Tolleson, Ariz.; Houston and San Antonio, Tex.; Memphis, Tenn.; Little Rock, Ark.; Joplin, Mo.; Miami, Jacksonville, Dodge Island, Hialeah, Orlando and Tampa, Fla.; Atlanta, Ga.; Monroe, La.; Indianola and Jackson, Miss.; and (2) from Guilford, Maine to points in Dallas, Tex., Los Angeles and San Francisco, Calif.; and Seattle, Wash., under a continuing contract or contracts with Forster Mfg. Co., Inc., and Harwood Products Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass., Portland, Maine, or New York, N.Y.

No. MC 141345 (Sub-No. 1), filed November 25, 1975. Applicant: JOSEPH DUBIN TRUCKING CORPORATION, 477 Leonard Street, Brooklyn, N.Y. 11222. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Juvenile furniture and baby wheel goods,* from Brooklyn, N.Y. to Fairfield County, Conn., Philadelphia, Pa. and points in Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union Counties, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Newark, N.J.

No. MC 141463 (Sub-No. 1), filed November 18, 1975. Applicant: J. C. DUNCAN CO., INC., 1212 Harrison Avenue, Arlington, Tex 76011. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Garbage containers and bodies* with capacity of one cubic yard or greater, and *garbage compaction equipment* having capacity of one cubic yard or greater, from Arlington, Tex., to points in the United States (except Alaska and Hawaii); (2) *garbage compactors,* from Louisville, Ky., to Arlington, Tex.; and (3) *materials, equipment and supplies* used in the manufacture and distribution of garbage containers, bodies and garbage compactors, and the distribution of garbage, from points in the United States (except Alaska and Hawaii), to Arlington, Tex., under a continuing contract or contracts with Duncan Distributing, Inc.; Duncan Equipment Co., Inc., and Grand Prairie Disposal Co., Inc.

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NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 141540, filed November 21, 1975. Applicant: B.M.I.L. INC., 7018 Berkshire Place, Las Vegas, Nev. 89114. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and packing house products*, from points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota, to points in California, under contract with Pacific Provisions, Inc., restricted to service to be rendered for the account of Pacific Provisions, Inc., at South San Francisco, Calif.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either San Francisco or Fresno, Calif.

No. MC 141572, filed November 21, 1975. Applicant: COUNCILL HAULING, INC., 1447 Clay Street, Franklin, Va. 23861. Applicant's representative: Ragsdale & Leggett, P.O. Box 349, Raleigh, N.C. 27602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, particleboard, waste paper, and wood residuals, and paper*, between points in Virginia, North Carolina, and South Carolina, under a continuing contract or contracts with Union Camp Corporation and restricted to the transportation of paper within the state of Virginia having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Raleigh, N.C.; Norfolk, Va. or Washington, D.C.

PASSENGER APPLICATION

No. MC 1934 (Sub-No. 38), filed November 13, 1975. Applicant: THE ARROW LINE, INC., 105 Cherry Street, East Hartford, Conn. 06108. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special and round-trip operations, beginning and ending at Hartford, Meriden, New Britain, Wallingford, New Haven, Bridgeport, and Waterbury, Conn. and extending to the site of the New Jersey Sports and Exposition Authority located at East Rutherford, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Hartford or New Haven, Conn.

No. MC 2832 (Sub-No. 11), filed November 21, 1975. Applicant: THE KELLEY TRANSIT COMPANY, INC., 30 Railroad Square, Torrington, Conn. 96790. Applicant's representative: Thomas A. Kelley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special and round trip operations, beginning and ending at points in Litchfield County, Conn., and Waterbury, Conn. and extending to ski areas located at Manchester, Waitsfield, Wilmington, Jay, Marlboro, Killington, Londonderry, West Dummerston, Mount Snow, Ludlow, Rutland, Stratton, Warren, and Stowe, Vt.; New Ashford and Great Barrington, Mass.; and Hillsdale, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn. or Springfield, Mass.

No. MC 10302 (Sub-No. 7), filed November 18, 1975. Applicant: THE CHIEPPO BUS COMPANY, 192 Forbes Avenue, New Haven, Conn. 06501. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, when moving in the same vehicle, in special round-trip operations, beginning and ending at New Haven, Conn., and extending to the sites of Aqueduct Race Track, New York, N.Y.; Belmont Park, Elmont, N.Y.; Saratoga Springs, N.Y.; Lincoln Downs Race Track, Lincoln, R.I., and Narragansett Park, Pawtucket, R.I.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Haven, Conn.

FREIGHT FORWARDER APPLICATION

No. FF–322 (Sub-No. 1), filed November 24, 1975. Applicant: SUNPAK MOVERS, INC., 100 West Harrison Plaza, Seattle, Wash. 98119. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express, in the transportation of (a) *Used household goods and unaccompanied baggage*, and (b) *used automobiles* between points in the United States including Hawaii and Alaska, restricted in (b) above to the transportation of export and import traffic.

NOTE.—The purpose of this application is to add Alaska to applicant's present authority. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. FF–366 (Sub-No. 1), filed November 24, 1975. Applicant: LYON HOUSEHOLD SHIPPING, INC., 1950 South Vermont Avenue, Los Angeles, Calif. 90007. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express, in the transportation of (a) *Used household goods and unaccompanied baggage*, and (b) *used automobiles*, between points in the United States, including Alaska and Hawaii, restricted in (b) above to the transportation of export and import traffic.

NOTE.—Common control may be involved. The purpose of this application is to add Alaska to applicant's present authority. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-35164 Filed 12-30-75;8:45 am]

POSTAL SERVICE

TEMPORARY POSTAGE RATES

Effective Date

In the FEDERAL REGISTER of October 9, 1975 (40 FR 47589), with minor corrections as made in the FEDERAL REGISTER of Oct. 24, 1975 (40 FR 49823), the Postal Service in compliance with 39 U.S.C. § 3641 gave notice of its intent to place in effect, on December 28, 1975, temporary changes in rates of postage, as shown in column 5 of the tables that were published in the FEDERAL REGISTER at the same time.

These temporary changes were prevented from going into effect on December 28, 1975, as announced, by reason of a December 16, 1975 order of the U.S. District Court for the District of Columbia in the case of *Associated Third Class Mail Users, et al. v. United States Postal Service, et al.*, D.D.C. Civil Action No. 75–1809. The United States Court of Appeals for the District of Columbia Circuit, on December 29, 1975, in its Docket No. 75–2227, granted a stay of that part of the order of the District Court which relates to temporary changes that were the subject of the October 9, 1975, FEDERAL REGISTER Notice.

Accordingly, the increased rates scheduled to become effective on a temporary basis on December 28, 1975, pursuant to the Notice published in the FEDERAL REGISTER on October 9, 1975 (40 FR 47589), as corrected, are under 39 U.S.C. § 3641, the applicable rates of postage enforcement of which will commence at 12:01 A.M. December 31, 1975.

ROGER P. CRAIG, *Deputy General Counsel.*

[FR Doc.75-36240 Filed 12-30-75;11:56 am]

federal register

WEDNESDAY, DECEMBER 31, 1975

PART II:

FEDERAL ELECTION COMMISSION

FEDERAL ELECTIONS

Advisory Opinions and Requests

V 40 251 DEC 31 75 XUM

FEDERAL ELECTION COMMISSION

[Notice 1975–97]

ADVISORY OPINIONS

The Federal Election Commission announces the publication today of Advisory Opinions 1975–39, 1975–55, 1975–84, 1975–95, 1975–99, 1975–105, 1975–106, 1975–107. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or 96 of Title 26, United States Code, or of Sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commisison points out that these advisory opinions should be regarded as interim rulings which are subject to modification by future Commission regulations of general applicability. In the event that a holding in either opinion is altered by the Commission's regulations, the persons to whom the opinions were issued will be notified.

ADVISORY OPINION 1975–39

SETTLEMENT OF CAMPAIGN DEBTS OWED TO CORPORATIONS

The Federal Election Commission renders this advisory opinion under 2 U.S.C. 437f in response to a request submitted by Mr. Marvin S. Schwarzwald on behalf of the Metzenbaum Post-Campaign Committee. This request was made public by the Commission and published in the FEDERAL REGISTER on September 3, 1975 (40 FR 40676). Interested parties were given an opportunity to submit comments relating to the request. One comment was received.

The requesting party seeks an advisory opinion as to whether a candidate's committee, which incurred debts during the 1974 senatorial campaign, may settle those debts with corporate or non-corporate creditors, if the committee has made a serious effort to bring down the amount of said debts since the date of the election and has little likelihood of raising additional funds sufficient to pay all debts in full.

After the 1974 election, the Metzenbaum campaign had outstanding debts of $113,000, but subsequently decreased that debt to approximately $79,000. The Committee expresses concern that, in view of Advisory Opinions 1975–5 and 1975–6, (40 FR 31316, July 25, 1975), cash settlements with corporate creditors may constitute violations of 18 U.S.C. 610 or 611. Advisory Opinion 1975–6 stated that "if the creditor is a national bank, corporation, labor organization, or government contractor, cancellation of the debt may be a 'contribution' of the type that have been prohibited under 18 U.S.C. § 610 and § 611 for many years."

However, in Advisory Opinion 1975–50 (40 FR 58392, December 16, 1975) the Commission set forth the conditions under which debts owed by political committees to corporations could be settled without being regarded as a corporate contribution in violation 18 U.S.C. 610. The Commission stated:

> The final question concerns the application of 18 U.S.C. 610 to the settlement or forgiveness of debts owed by a candidate or political committee to corporations. In general, a corporation may not forgive prior debts or settle these debts for less than the amount owed by the candidate or committee, because settlement or forgiveness of a corporate debt is a contribution under § 610. However, in certain extenuating circumstances (which shall be subject to Commission scrunity on a case by case basis), settlement or forgiveness of such a corporate debt may not be considered a contribution under section 610 if a showing is made to the Commission that the corporate creditor has treated the outstanding debt of a candidate or political committee in a commerically reasonable manner.
>
> Such a showing must include at least the following:
>
> (1) That the initial extension of credit to the candidate or political committee was made in a manner and on terms similar to extensions of credit to a non-political debtor or in accordance with regulations prescribed by a regulatory Board or Commission pursuant to 2 U.S.C. 451;
>
> (2) That the candidate or political committee has undertaken an exhaustive effort to satisfy the outstanding debt; and
>
> (3) The corporate creditor has pursued its remedies in a manner similar in intensity to that employed in pursuit of a non-political debtor.

Should the Metzenbaum Committee wish to settle a corporate contribution, the Committee and the corporation must make a showing that, at the minimum, the above criteria have been met.

The Commission recently concluded in Advisory Opinion 1975–82 (40 FR 57757, December 11, 1975) that contributions to retire pre-1975 campaign debts could be solicited, received, and expended for that purpose after December 31, 1975, without regard to the limits in 18 U.S.C. 608 (b) and (c). The opinion set forth several restrictions on fundraising efforts to retire debts incurred with respect to 1974, and earlier, elections. The Metzenbaum Post-Campaign Committee is generally referred to AO 1975–82 as applicable to its situation. In view of the Commission's policy reflected in that opinion, the Committee must obviously undertake additional efforts to retire its outstanding debts before corporate creditors can properly settle or forgive debts owed to them. AO 1975–50, supra.

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975–55

ORGANIZATION CONTRIBUTIONS TO CHARITY IN LIEU OF HONORARIUM TO FEDERAL OFFICEHOLDER OR SCHOLARSHIP FUND

This advisory opinion is rendered under 2 U.S.C. 437f in response to a request for an advisory opinion which was submitted by Congressman Al Ullman and was published as AOR 1975–55 in the September 3, 1975, FEDERAL REGISTER (40 FR 40679). Interested parties were given an opportunity to submit written comments relating to the request, but none were received.

The request asks generally whether money donated by a private organization to a legitimate charity or scholarship fund, either in lieu of or in addition to any honorarium accepted by a Member of Congress, is subject to the limitations of section 616 of Title 18, United States Code. Specifically, the request asks whether:

(a) A private organization can in proper fashion make a donation to a legitimate charity either in lieu of, or in addition to honorariums that might otherwise be accepted by a Member of Congress from the same organization; and

(b) A Member of Congress can establish in a proper fashion a scholarship fund with an independent board of directors, and then in some manner, indicate to the organization that it consider making a donation to the scholarship fund in lieu of providing him with a honorarium, while stressing that such a donation would not be a condition for the Congressman's appearance.

It is the opinion of the Commission, as expressed in Advisory Opinion 1975–8 (Part A), 40 FR 36747 (August 21, 1975), that if the Member of Congress has any dominion or control over the money paid in lieu of an honorarium to a legitimate charity, then he or she has "accepted" it as an honorarium and the limits of 18 U.S.C. § 616 will apply. For a fuller discussion of what generally constitutes the exercise of dominion and control, see AO 1975–8, supra.

The Commission is, however, of the opinion that dominion or control, and hence acceptance, will not be imputed where (1) an elected or appointed Federal officeholder delivers a speech or makes an appearance before an organization which ordinarily pays honorariums in similar circumstances; (2) the officeholder expressly informs the organization that payment of an honorarium is not a condition for his or her speech; and (3) subsequent to the speech, the organization makes a gift to a charity to which the officeholder has previously contributed or otherwise endorsed.

The Commission stresses that the donation to a charitable organization must be voluntary and not contingent upon a speech or appearance by the Federal officeholder. In addition, the charitable gift must be in the name of the organization before which the speech or appearance occurs, and not in the name of the officeholder (otherwise the honorarium will be considered as "accepted" by the officeholder, see AO 1975–8, (supra)). Accordingly, and subject to the foregoing, a charitable contribution by an organization that would otherwise pay an honorarium for a Federal officeholder's appearance will not be regarded as an honorarium for purposes of 18 U.S.C. 616. This conclusion also applies where

the donee is a properly constituted "scholarship fund."

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975–84

COVERAGE OF AGENT'S FEES BY HONORARIUM LIMITATIONS

This advisory opinion is rendered under 2 U.S.C. 437f in response to a request for an advisory opinion which was submitted by Congressman Tom Railsback and was published as AOR 1975–84 in the November 4, 1975, FEDERAL REGISTER (40 FR 51355). Interested parties were given an opportunity to submit written comments relating to the request. No comments were received.

The request asks whether a Member of Congress, who retains a speaker's bureau or agent to obtain speaking engagements or appearances in exchange for a fee (computed as a percentage of the honorarium accepted for the speech) may regard the honorarium as reduced by the amount of the fee for purposes of applying the limits in 18 U.S.C. § 616. Congressman Railsback asks whether this percentage fee is to be included under the $1,000 per engagement and $15,000 annual limits provided in 18 U.S.C. § 616, or whether these limits apply only to income actually received by the Member.

It is provided in 18 U.S.C. 616 that:

> Whoever, while an elected or appointed officer or employee of any branch of the Federal Government—
>
> (1) accepts any honorarium of more than $1,000 (excluding amounts accepted for actual travel and subsistence expenses) for any appearance, speech, or article; or
>
> (2) accepts honorariums (not prohibited by paragraph (1) of this section) aggregating more than $15,000 in any calendar year;
>
> shall be fined not less than $1,000 nor more than $5,000.

This provision clearly limits the amount of honoraria which may be accepted for an appearance, speech or article. The question then arises as to whether the honorarium accepted by the Member should be reduced by an amount equal to the fee paid to some other person for arranging the speech or appearance. In this case, the Commission concludes that the words "accepts any honorarium" and "accepts honorariums" should be read narrowly to reflect only the obvious intent of the statute, and should not be interpreted as meaning "honoraria minus arrangement expenses."

When Congress enacted 18 U.S.C. 616, it specifically exempted "amounts accepted for actual travel and subsistence expenses" from any computation of honoraria limits (see in general AO 1975–8, 40 FR 36746, August 21, 1975). The fact that Congress did not provide an exemption for agents' and speakers' bureau's fees requires that they be treated identically to any costs which may be incurred in connection with making the appearance, such as travel and subsistence expenses when not paid or reimbursed by the person or organization paying the honorarium.

Accordingly, it is the conclusion of the Commission that any percentage of an honorarium, which is paid as a fee to an agent or speaker's bureau in consideration for arranging a speaking engagement or other appearance for the Member, is part of the honorarium. Thus, the total amount of the honorarium shall be subject to the limitations of 18 U.S.C. 616.

This advisory opinion is issued only on an interim basis pending the promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975–95

SEPARATE COMMITTEES TO RECEIVE AND EXPEND FEDERAL AND NON-FEDERAL FUNDS

This advisory opinion is rendered under 2 U.S.C. 437f in response to a request by Mr. Carl M. Williams, Chairman of the Colorado Republican State Central Committee. It was published in the FEDERAL REGISTER on November 4, 1975 (40 FR 51357). Interested persons were invited to submit written comments, but none were received.

The Colorado Republican State Central Committee (CRSCC) requests the Commission's approval of its plan for establishing separate committees for State and Federal election campaign purposes.

The request states that in the past, CRSCC supported Federal, State, and local political candidates and, since 1972, reported to the previous supervisory officers all "funds received and expenditures made" from its general account. On June 23, 1975, a new committee, the Colorado Republican Committee (CRC) was formed to contribute to or expend on behalf of candidates for State and local offices only. CRSCC intends to transfer to CRC its remaining cash balance and to file a statement of termination with the Commission in its January 31, 1976, report, 2 U.S.C. 433, 434.

Before December 31, 1975, the Colorado Republican Federal Campaign Committee (Federal Committee) will be established to solicit contributions and make expenditures for Federal campaign purposes only. CRC will not be a subordinate committee to the Federal Committee, and will not report to it. CRC and the Federal Committee will maintain separate campaign depositories, accounting systems, chairmen and treasurers. The Federal Committee will pay to CRC "appropriate charges" for various items of administrative overhead. Although both will report to the Secretary of State under Colorado law, only the Federal Committee will report to the Federal Election Commission.

It is the opinion of the Commission that the establishment of CRC and the Federal Committee, if conducted as explained above and pursuant to the Commission's proposed regulations on disclosure, will be in compliance with the disclosure requirements of the Federal Election Campaign Act of 1971, as amended. Contributions and expenditures received or made by the Federal Committee are, of course, subject to other applicable Federal laws including 18 U.S.C. §§ 501, 608, 610, and 611. The Commission notes that its general audit authority (2 U.S.C. 437d and 438) extends to both CRC and the Federal Committee for purposes of verifying that all financial operations of the two committees conform to the representations made in the request.

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975–99

APPLICATION OF 18 U.S.C. 611 TO CONTRIBUTIONS MADE BY GOVERNMENT CONTRACTORS TO NON-FEDERAL CANDIDATES OR FOR NON-FEDERAL POLITICAL PURPOSE

This advisory opinion is issued pursuant to 2 U.S.C. 437f in response to a request submitted by the San Francisco Republican County Central Committee. The request was published on November 5, 1975, in the FEDERAL REGISTER (40 FR 51612). Interested parties were then given an opportunity to comment, and a number of comments were received by the Commission.

The San Francisco Republican County Central Committee (hereinafter the Committee) states that it is a political committee within the meaning of 18 U.S.C. 591(d). It conducts various activities related to State, local and Federal elections. The Committee's State and local activities are funded out of a separate, restricted bank account to which various persons (as defined by 18 U.S.C. 591(g)) and labor organizations (as defined by 18 U.S.C. 610) make contributions. The Committee asks whether this account may receive contributions from persons and labor organizations which are government contractors within the meaning of 18 U.S.C. 611.

The Commission concludes that the prohibitory language of 18 U.S.C. 611 extends only to Federal elections.

The portion of 611 at issue herein generally forbids parties entering into or performing contracts with the Federal government from:

> "• • • directly or indirectly mak(ing) any contribution of money or other thing of value, or promis(ing) expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use;

It also prohibits any person from "knowingly solicit(ing)" any contribution from a government contractor.

Although the preceding language is not dispositive of the question raised by the Committee, when it is examined in the context of the "separate segregated fund" clause which was added to section 611 by a 1974 congressional amendment, there is a persuasive suggestion that it was intended to apply to Federal elections only.

V 40 251 DEC 31 75 XUM

The clause states that a government contractor may establish a separate segregated fund "for the purpose of influencing the nomination for election, or election, of any person to *Federal* office" (emphasis added). If the word Federal is not read back into the prior prohibition portion of section 611, there is an obvious internal inconsistency in the entire statute. On the one hand corporations and labor unions which are Government contractors could make contributions to Federal elections out of separate segregated funds; on the other hand, the same corporations and labor unions, as well as all other persons and parties falling within the ambit of section 611, would be absolutely prohibited from contributing to state and local elections. In short, Congress, for no apparent reason, would have created a distinction between contributions of Government contractors to state and local elections and contributions to Federal elections. The distinction would produce a more restrictive result where there is clearly less of a Federal interest.

The Commission's conclusions are also consonant with the overall rationale behind section 611. This rationale—from the time of the statute's enactment in 1940—is clearly to prohibit improper political contracts between, on the one hand, Federal contractors and, on the other, the Federal officials awarding the contracts. [See Cong. Rec., Vol. 84, Part 9, p. 9599 (1939); Cong. Rec., Vol. 86, pp. 2981–82 (1940).] The likelihood that such contracts would result from contributions to a *state* campaign is too remote to warrant infringement of First Amendment rights by application of section 611.

It is also to be noted that the plain intent and meaning of the amendments to 18 U.S.C. 591,611 made by the Federal Election Campaign Act of 1971 and the 1974 Amendments thereto, is directed at Federal elections. If Congress intended that § 611 apply to State and local elections ofter the 1971 Act it would seem logical that there would be some specific language or legislative history to this effect. However, there is none. Indeed, if section 611 is deemed applicable to Federal, State and local elections, this would make Federal contractors more strictly regulated than any corporation or labor organization covered only by section 610.

In rendering this opinion, the Commission is mindful of the fact that under the 1974 amendments to the 1971 Act, the definition of contribution in section 591(e), which is restricted to "influencing" a person's nomination or election "to Federal office," does not govern the interpretation of section 611 if it is "otherwise specifically provided" in that section. However, within § 611 there is no internal definition of "contribution" nor of several other crucial terms which are defined in § 591; nor is there any language expressly indicating that the section is intended to reach State and local as well as Federal elections. Thus, it seems evident that the definitions of section 591 continue to preclude the application of § 611 to State and local elections.

The most reasonable construction of the language of section 611 prohibiting contributors from contributing "to any political party, committee, or candidate . . . or to any person for any political purpose or use" is that it was meant to be a catchall clause applying to any gift of money which affects the Federal election process, irrespective of whether such gift is to a specific political party, committee, or candidate. This would follow the well accepted doctrine of statutory construction that, "where general words follow specific words in an enumeration describing the legal subject, the general words are construed to embrace only objects similar in nature to those objects enumerated by the preceding specific words." 2A J. Sutherland, Statutes and Statutory Construction, § 47.17 (and cases cited therein); FMC v. Seatrain Lines, Inc., 411 U.S. 726 (1973).

This advisory opinion is issued on an interim basis pending final promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975–105

PRE-PRIMARY NOMINATING CONVENTION AS PART OF PRIMARY ELECTION PROCESS

The Federal Election Commission renders this advisory opinion under 2 U.S.C. § 437f in response to a request submitted by Mr. Jack Stahl on behalf of the Republican Party of New Mexico. This request was pubished in the FEDERAL REGISTER on November 12, 1975 (40 FR 52797). Interested parties were given an opportunity to submit comments relating to the request, but no comments were received.

Mr. Stahl seeks an advisory opinion concerning the New Mexico nominating process. New Mexico law requires that all candidates seeking position on the primary ballot, other than write-in positions, must seek their party's convention designation. Mr. Stahl asks whether such a pre-primary convention is a separate election as defined by 18 U.S.C. 591(a), and whether limitations on expenditures and contributions therefore apply as provided in 18 U.S.C. 608.

The Commission is of the opinion that a political party's caucus or convention held prior to a primary election which does not select a nominee is part of the primary election rather than a separate election.

18 U.S.C. 608 provides separate contribution and expenditure limitations for the period during which nomination is sought and for the period when election is sought. A pre-primary convention for the purpose of gaining access to a primary ballot would be part of the primary process; thus, when a candidate campaigns for selection by such a convention he or she would be engaged in an effort to secure nomination and the limits applicable to that process would be in effect. These candidates would be responsible for determining what portion of their expenditures would be necessary for campaigning before the convention and what portion would be needed to campaign before the primary election itself. Competing candidates could, by agreement, voluntarily limit expenditures for a convention or caucus to a fixed amount so that an adequate amount remained to be expended in connection with the actual primary.

This advisory opinion is issued on an interim basis pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975–106

This advisory opinion is issued pursuant to 2 U.S.C. 437f in response to a request submitted by Michael Kantor on behalf of Citizens for Senator Allen Cranston (hereinafter Committee). This request was published in the FEDERAL REGISTER on November 7, 1975 (40 FR 52796). Interested persons were invited to submit written comments. No comments were received.

This request relates to a $10,000 debt of the Committee from the 1974 campaign. The Committee wishes to retire this outstanding debt from funds raised in the next few months. Senator Cranston's current term does not expire until 1981 and thus he does not expect to become a candidate for quite some time.

Specifically, these questions have been asked:

1. Whether the 1974 debt is subject to the disclosure requirements of the Federal Election Campaign Act of 1971, as amended (the Act);

2. Whether the contribution limits of 18 U.S.C. 608 will be applied to persons contributing to retire the 1974 debt; and

3. Whether the funds used to retire the 1974 debt will be charged against the expenditure limits of 18 U.S.C. 608(c) of Senator Cranston should he become a candidate with respect to a Federal election in 1980.

The Commission in Advisory Opinions 1975–5 and 1975–6 (40 FR 31316, July 25, 1975), an Interim Guideline (40 FR 32950, August 5, 1975) and a Policy Statement (40 FR 32952, August 5, 1975), outlined requirements for the disclosure of pre-1975 campaign debts. These publications point out generally that the limits in 18 U.S.C. 608 (b) and (c) do not apply to contributions and expenditures related only to retiring past campaign debts. Further, in Advisory Opinion 1975–82 (40 FR 57757, December 11, 1975) the Commission extended the time in which candidates and political committees could solicit contributions for the repayment of pre-1975 debts. The Cranston Committee is referred to AO 1975–82 for specific guidance in reporting contributions and expenditures to retire its 1974 debt. The Commission thus answers the first question in the affirmative.

With reference to question two, the limits of 18 U.S.C. 608(a) on the amount a candidate or his immediate family may expend on a candidate's behalf are applicable to a 1974 debt. Therefore, Senator Cranston (or his immediate family) may not at any time expend in excess of $35,000 with respect to the 1974 campaign. The limits of 18 U.S.C. 608(b), however, will not be applicable to contributions by others given solely for retirement of pre-1975 campaign debts.

The Commission answers the last question in the negative. The Commission recognizes the obligation and responsibility of candidates and committees to retire their debts and encourages the liquidation of these debts at the earliest possible date. But whether or not the Senator decides to become a candidate with respect to an election in 1980, the Commission will not count expenditures related to the retirement of a 1974 debt against any § 608(c) limits applicable in a future Federal election.

This advisory opinion is issued on an interim basis pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

ADVISORY OPINION 1975–107

EXPENSES FOR A TELEVISION SHOW

This advisory opinion is issued pursuant to 2 U.S.C. 437f in response to a request submitted by Representative Edward P. Beard as to whether his costs for a television show are expenditures within the meaning of the Federal Election Campaign Act of 1971, as amended (FECA). The request was published as AOR 1975–107 in the December 1, 1975 FEDERAL REGISTER (40 FR 55827). Interested parties were given an opportunity to submit written comments pertaining to the request. No comments were received.

The request states that the television show is a "newsletter of the air." Supplemental communications with the Congressman make it clear that the TV show will consist of a review of the Congressman's past year, problems that face the Congressman's district, major areas of national concern, and a personal holiday greeting. The show will be aired on December 23, 1975, over two television stations which cover the Congressman's district. All production and air time costs are proposed to be paid out of the Congressman's personal account.

Representative Beard indicates that he has not yet decided whether to run for re-election. Reports filed by his authorized political committee which was created for his 1974 campaign and has continued in existence do not make clear whether he has received contributions or made expenditures with a view toward "influencing [his] nomination for election, or • • • election • • • to Federal office." [See 2 U.S.C. 431 (e), (f) and 18 U.S.C. 591 (e) and (f).]

Based on the particular facts alleged by Congressman Beard, the Commission is of the view and the costs [1] of the show need not be counted as expenditures within the meaning of the FECA and may be paid from the Congressman's personal funds so long as the show relates to legislative business and not to an upcoming campaign. Payment from campaign funds would, however, raise a presumption that the program is political in nature and an expenditure within the meaning of 18 U.S.C. 591(f). This conclusion is premised on an assumption that the Congressman is not a candidate within the meaning of 2 U.S.C. 431(b) and 18 U.S.C. 591(b).

An expenditure is defined under the FECA as "a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value . . . made for the purpose of influencing the nomination for election, or election of any person to Federal office." [See 2 U.S.C. § 431 (f); 18 U.S.C. § 591(f).] In the view of the Commission, a brief television show summarizing a Congressman's activities and shown on a single occasion to his constituents does not, at least in a non-election year, fall within the scope of this definition.

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

Dated: December 18, 1975.

THOMAS B. CURTIS,
Chairman for the Federal Election Commission.

[FR Doc.75-34716 Filed 12-30-75;8:45 am]

[1] Since, regardless of whether or not he is a candidate, Congressman Beard would not have to report in 1975 "the value of • • • recording services furnished to him by the • • • House Recording Studio," [2 U.S.C. § 434(d)] this opinion does not deal with costs so incurred. However, it should be noted that the § 434(d) exemption does not apply for "recording services furnished during the calendar year before the year in which the Member's term expires." In other words, the value of recording services provided in calendar year 1976 would be reportable.

[Notice 1975–98, AOR 1975–122 through AOR 1975–124]

ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975–4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Requests 1975–122 through 1975–124 are published today.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests on or before January 10, 1975. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street, NW., Washington D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975–122: Contributions from An Incorporated Membership Organization. (Request Edited by the Commission.)

DEAR MR. CURTIS:

• • • • • •

The Council For A Livable World was founded in 1962 by the world-renowned physicist and biologist Leo Szilard. It is a nonpartisan, national political organization with headquarters in Washington, D.C. The principal purpose of the Council is to help clarify, in the minds of the public, the Administration, and the Congress, what needs to be done to reduce the danger of war, to further eliminate war as an instrument of national policy, and to advance the creation of livable world wherein acceptable standards of freedom and economic well-being prevail in as large a part of the world as possible. • • •

In pursuit of its purpose, the Council facilitates discussions between scientists, scholars, and other well informed persons with members of the Administration and members of Congress. • • •

In the course of its multifacted activities, which also include the publication of a newsletter to its individual subscribing members, the Council solicits contributions for political candidates campaigning for Federal office. Clearly, the Council holds no economic leverage over any potential contributor nor will the latter realize any personal pecuniary profit by support of the Council or candidates it recommends. As a result, it is submitted that the Council has characteristics which distinguish it from most, but not all, groups which seek to encourage and support political candidates.

• • • • • •

[Although now unincorporated, the Council is considering incorporating for liability purposes only.] The dilemma facing the Council is clear: if it incorporates to protect its members from civil liability, it must be wary in expressing its viewpoints lest it become liable to criminal prosecution under the ambiguous provisions of 18 U.S.C. 610 relating to nonmonetary campaign contributions. The Council is concerned that, if it incorporates, almost any statement it makes about elected officials or candidates in its newsletter to its members might be viewed as a campaign "contribution" because of the ambiguous definition of that term in section 610. • • •

Finally, if the Council incorporates, would it be required to qualify as a new committee for the contribution limits allowed by 18 U.S.C. 608(b)(2), or would its prior unincorporated status under that section remain applicable?

Terry F. Lenzner.

Source: Terry F. Lenzner, Attorney for the Council For A Liveable World, 910 17th Street, NW., Washington, D.C. 20006. (December 5, 1975.)

AOR 1975–123: Treatment of Transportation Offered to a U.S. Senator Who Is Not a Candidate (Request Edited by the Commission).

GENTLEMEN:

• • • • • •

Senator Bumpers was elected in 1974 and took his seat in 1975. His term will expire in January of 1981. He has taken no steps to qualify as a candidate to succeed himself, nor has he made a decision whether to run for re-election. He is not a candidate for any other office.

• • • This inquiry is directed toward the following situations:

V40251 DEC 31 75 XUM

A Senator is invited to speak to the Chamber of Commerce, the Bar Association, the Insurance Association, etc., in his home state. The sponsoring organization or a person who is a member of such organization furnishes an airplane to pick the Senator up and return him either to his home within the state, or Washington. The airplane may be owned by an individual or by a corporation. Has a political contribution or expenditure been made within the meaning of the law?

Assume the same situation except that the airplane is furnished by an individual or corporation who is not a member of the organization, but who is simply making a friendly gesture on behalf of the organization or some member of the organization. In such event has a contribution or expenditure been made?

Please also assume for purposes of your opinion that none of the Senator's appearances or speeches is for, or on behalf of, a campaign or candidacy or any other person.

• • • • •

RICHARD S. ARNOLD.

Source: Richard S. Arnold, Legislative Assistant, Senator Dale Bumpers, United States Senate, Washington, D.C. 20510. (December 9, 1975.)

AOR 1975–124: Status of Copies of Federal Election Reports Filed with the Various Secretaries of State; Effect of Federal Election Laws on Florida Elections Laws (Request Edited and Paraphrased by the Commission) (A Condensation of Two Letters).

DEAR SIR: You are advised I have filed as a candidate for the office of President of the United States.

• • • • •

As I am now a candidate, it is requested your office provide me with an Advisory Opinion • • •

1. Is it illegal for anyone to use for political fund raising purposes the information contained in the *campaign contribution report* submitted by various candidates for public office and *filed* with the various Secretaries of State?

2. Do the copies (not submitted to the Federal Election Commission) fall within the category of items contemplated by the Federal Freedom of Information Act and becomes public information for use by any person for any purpose?

3. Do the "copies" of the Federal campaign contribution reports filed with the Secretaries of State ever become subject to *state laws* which prohibit use of contribution reports for fund raising purposes?

4. Was it illegal to use for political fund raising purposes the names identified in the General Accounting Office publication of contributors who provided monies to the 1972 presidential candidates?

5. Has the subsequent amendment to the election laws (with later re-alignment of responsibility) changed the law so that the use of the alphabetical listing of 1972 Presidential Campaign Receipts is now legal?

6. Has the current Federal Election Law totally preempted state laws for congressional and presidential elections?

7. Has the Federal law requiring a candidate to have a committee made it unnecessary for a Federal candidate to file his own separate contribution and expenditure report?

8. In the event the current Federal law has only partially preempted state election laws, have the following Florida laws been nullified by the current Federal law?

A. Has the Federal requirement for a committee nullified state laws requiring the candidate to file a report?

B. Did the current Federal election provision requiring a campaign treasurer and committee nullify Florida law permitting the candidate to be his own campaign treasurer?

C. Did the current Federal election provisions nullify Florida law permitting the use of one or more "Deputy Campaign Treasurers" who have the same power and authority as a campaign treasurer?

D. Did the • • • Federal election law nullify the provisions of the Florida law which prohibited expending funds for "printing" and "renting of halls" until approximately 60 days before an election?

9. • • • [I]n the event your office determines that all use of campaign contributions lists for fund raising purposes are illegal, we would appreciate an opinion on the legality of using "testimonial fund raising lists" for fund raising purposes.

10. Is it necessary to *register* the campaign committee (required by the Federal statute) *with the states* that require registration of political committees?

11. We propose to use as *voluntary workers* two persons who receive Federal funds. One of the individuals receives *Aid to Dependent Children* and the other individual is totally *disabled* and receives a small income as welfare. The Florida State Rehabilitation and the U.S. Social Security Administration have indicated both funds are U.S. Social Security funds. [Would the use of such voluntary workers be prohibited by the Federal Election Campaign Act of 1971, as amended?]

ROBERT L. BREWSTER.

Source: Robert L. Brewster, 2100 Howell Branch Rd., Plantation Apt. 36E, Maitland Florida. (November 19, 1975.)

Dated: December 22, 1975.

NEIL STAEBLER,
Vice Chairman for the Federal Election Commission.

[FR Doc.75-34849 Filed 12-30-75;8:45 am]

federal register

WEDNESDAY, DECEMBER 31, 1975

PART III:

FEDERAL TRADE COMMISSION

DISCLOSURE OF WRITTEN CONSUMER PRODUCT WARRANTY TERMS AND CONDITIONS, PRE-SALE AVAILABILITY OF WRITTEN WARRANTY TERMS, AND INFORMAL DISPUTE SETTLEMENT MECHANISMS

Rules, Regulations, Statements and Interpretations Under Magnuson-Moss Warranty Act

V40251 DEC 31 75 XUM

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER C—RULES, REGULATIONS, STATEMENTS, AND INTERPRETATIONS UNDER MAGNUSON-MOSS WARRANTY ACT

PART 701—DISCLOSURE OF WRITTEN CONSUMER PRODUCT WARRANTY TERMS AND CONDITIONS

PART 702—PRE-SALE AVAILABILITY OF WRITTEN WARRANTY TERMS

I. History of the Proceeding. The Federal Trade Commission, pursuant to Title I, sections 109 and 110 of the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act, Pub. L. 93-637 (15 U.S.C. §§ 2309, 2310), hereafter referred to as "the Act", has conducted a proceeding for the promulgation of two Rules, one setting forth the terms and conditions to be disclosed in written consumer product warrantles, and another setting forth requirements for making written warranties available to consumers prior to sale.

Notice of this proceeding, including the proposed rules, was published in the FEDERAL REGISTER on July 16, 1975 (40 FR 29895 (1975)). The notice urged all interested persons to express their approval or disapproval of the proposed rules, or to recommend revisions thereof, and to give a full statement of their views, supplemented by all appropriate documentation. The documents supporting the proposed rules, and a report of the Commission staff discussing the proposed rules and the supporting documentation, were placed on the public record and made available for examination and copying.

Interested parties were thereafter afforded opportunity to participate in the proceeding through the submission of written data, views and arguments, and to appear and express their views orally and to suggest amendments, revisions, and additions to the proposed rules. A period of 60 days was allowed for submission of written comments on the proposed rules. Public hearings, as announced in the notice, were held in Washington, D.C., September 15–18, 1975; in Chicago, Illinois, September 22–25, 1975; in Los Angeles, California, September 29 through October 1, 1975; and in San Francisco, California on October 2, 1975. Every person who had expressed a desire to present his or her views orally at these hearings was accorded an opportunity to do so. The public record remained open thirty days following the hearings for receipt of any other written data, views or arguments.

Upon careful analysis and review of the written and oral comments, the Commission has made certain modifications to the proposed Rules published July 16, 1975. The rules, the rationale for the modifications, and the record relating thereto, are discussed within the Statement of Basis and Purpose appearing below as part of this notice. The modifications do not raise issues of law or fact which were not fully addressed in and supported by the record. Therefore the Commission is promulgating these rules without further invitation for comment on the modifications.

II. *Background.* (A) *The Magnuson-Moss Warranty Act.* Recognizing the need for minimum warranty protection for consumers, for consumer understanding of warranties, for assurance of warranty performance, and for better product reliability, the 93rd Congress passed the Magnuson-Moss-Federal Trade Commission Improvement Act,[1] which was signed into law on January 4, 1975.

An examination of the legislative history of the Act reveals the congressional intent in requiring the disclosure of written warranty terms and conditions. The statements of Messrs. Moss and Magnuson in introducing the warranty legislation, as well as the Senate Report accompanying the legislation, highlight the need for warranty disclosures.

Congressman Moss, stated:

"The need for warranty reform has become apparent ever since the mid-sixties, when the Federal Trade Commission and the Senate Commerce Committee began investigating consumer product warranties.

. . . One of the most important effects of this bill will be its ability to relieve consumer frustration by promoting understanding and providing meaningful remedies. This bill should also foster intelligent consumer decisions by making warranties understandable. At the same time, warranty competition should be fostered since consumers would be able to judge accurately the content and differences between warranties and competing consumer products . . .

Perhaps one of the potentially most important and long range effects of this bill resides in its attempt to assure better product reliability. The bill . . . attempts to organize the rules of the warranty game in such a fashion as to stimulate manufacturers, for competitive reasons, to produce more reliable products. This is accomplished using the rules of the marketplace by giving the consumer enough information and understanding about warranties so as to enable him to look to the warranty duration of a guaranteed product as an indicator of product reliability." [2]

As further illumination on the background and need for the warranty legislation, and for disclosure of written warranty terms, the Senate report accompanying S. 356,[3] the Senate version of the warranty legislation, stated:

For many years warranties have confused and misled the American consumer. A warranty is a complicated legal document whose full essence lies buried in myriads of reported legal decisions and in complicated State codes of commercial law. The consumer's understanding of what a warranty on a particular product means to him frequently does not coincide with the legal meaning.

This was not always the case. When the use of a warranty in conjunction with the sale of a product first became commonplace, it was typically a concept that the contracting parties understood and bargained for, usually at arms length. One could decide whether or not to purchase a product with a warranty and bargain for that warranty accordingly. Since then, the relative bargaining power of those contracting for the purchase of consumer products has changed radically. Today, most consumers have little understanding of the frequently complex legal implications of warranties on consumer products. Typically, a consumer today cannot bargain with consumer product manufacturers or suppliers to obtain a warranty or to adjust the terms of a warranty voluntarily offered. Since almost all consumer products sold today are typically done so with a contract of adhesion, there is no bargaining over contractual terms. S. 356 attempts to remedy some of the defects resulting from this gross inequality in bargaining power, and return the sense of fair play to the warranty field that has been lost through the years as the organizational structure of our society has evolved. The warranty provisions of S. 356 are not only designed to make warranties understandable to consumers, but to redress the ill effects resulting from the imbalance which presently exists in the relative bargaining power of consumers and suppliers of consumer products." [4]

Senator Magnuson's remarks in introducing S. 356 to the Senate also described the necessity for requiring disclosure of warranty terms and conditions:

". . . [W]arranties have for many years confused, misled, and frequently angered American consumers . . . Consumer anger is expected when purchasers of consumer products discover that their warranty may cover a 25-cent part but not the $100 labor charge or that there is full coverage on a piano so long as it is shipped at the purchaser's expense to the factory . . ."

". . . [T]he bill is designed to promote understanding. Far too frequently, there is a paucity of information supplied to the consumer about what in fact is offered him in that piece of paper proudly labeled 'warranty.' Many of the most important questions concerning the warranty are usually unanswered when there is some sort of product failure. Who should the consumer notify if his product stops working during the warranty period? What are his responsibilities after notification? How soon can he expect a fair replacement? Will repair or replacement cost him anything? There is a growing need to generate consumer understanding by clearly and conspicuously disclosing the terms and conditions of the warranty and by telling the consumer what to do if his guaranteed product becomes defective or malfunctions. Presently the consumer only learns of the extent of his warranty coverage when his guaranteed product becomes defective or malfunctions and he is told that the guarantee in question does not cover the part that failed, or that the retailer does not handle the manufacturer's repair work, or that the guarantee does not cover labor costs and so forth." [5]

The Act, among other things, provides disclosure standards for written consumer product warranties. The Proposed Rule on Warranty Disclosures was based upon the disclosure requirements set forth in Section 102(a) of the Act. The Act also requires the Commission to prescribe rules to assure the availability of warranty information prior to the actual

[1] Magnuson-Moss Warranty-Federal Trade Commission Improvement Act, 15 U.S.C. 2301 *et seq.*

[2] 119 Cong. Rec. 972 (January 12, 1973) (remarks of Congressman Moss).

[3] Senate Comm. on Commerce, Report on S. 356, S. Rep. No. 93-151, 93d Cong., 1st Sess. (1973) [hereinafter referred to as "Senate Report"].

[4] *Id.*, at 6.

[5] 119 Cong. Rec. 968 (January 12, 1973) (remarks of Senator Magnuson).

purchase. The Proposed Rule on Pre-Sale Availability of Written Warranty Terms was based on the authority given to the Commission in Section 102(b)(1)(A) of the Act.

(B) *FTC Guides Against Deceptive Advertising of Guarantees.* The items authorized for disclosure in written warranties in Section 102(a) of the Act are substantially the same as those which have been required by the Commission's *Guides Against Deceptive Advertising of Guarantees* (the "*Guides*"),[6] which codify the FTC case law concerning disclosure requirements for warranties. The *Guides*, applicable to both actual warranty documents and advertisements of warranties, enunciate the policy that in conjunction with any representation that a product is guaranteed there must be full and accurate disclosure of the terms, conditions, and limitations of such guarantee. As stated in the *Guides*, the representation must disclose the nature and extent of the guarantee, 16 CFR 239.1(a), the manner in which the guarantor will perform, 16 CFR 239.1(b), and the identity of the guarantor. The *Guides* also contain special provisions dealing with pro-rata adjustment of guarantees, "satisfaction or your money back" representations, lifetime guarantees, savings guarantees, and guarantees under which the guarantor does not or cannot perform. Since the Guides were promulgated in 1960, there have been well over 1,000 informal actions under them. The *Guides* have been cited in several cases and advisory opinions rendered by the Commission.[7]

With the proliferation of new products on the market and the increased use of product warranties as marketing devices in recent years, new problems in the area of warranties have arisen which necessitate a revision of the 1960 *Guides*. The steady influx of consumer complaint letters regarding warranties serves as further indication of the need to expand the *Guides* to encompass a wider range of warranty problems.[8]

(C) *House Interstate and Foreign Commerce Committee, Subcommittee on Commerce and Finance Staff Report On Consumer Product Warranties.* The staff of the House Interstate and Foreign Commerce Committee, Subcommittee on Commerce and Finance, at the direction of Chairman John E. Moss, published a study on September 17, 1974 concerning consumer product warranties currently being used in commerce.[9] The purpose of this study was to determine the effect of various government studies, including *The President's Task Force Report on Appliance Warranties and Service*[10] and the 1966 FTC investigation of automobile warranties, as well as voluntary action throughout the past decade on the quality of warranties for consumer products presently on the market. The staff of the House Commerce and Finance Subcommittee examined approximately 200 warranties from 51 American manufacturers. The products involved included household appliances, mobile homes, automobiles, television and radio receivers and stereo equipment. The Subcommittee staff found that no significant changes had occurred in warranty documents since 1969. According to the staff report:

"(A)ny actions taken on the part of manufacturers and trade associations to clean up these guarantees during the past five years appear to have had minimal results. These certificates, often marked 'WARRANTY' and printed on good quality paper with a fancy filigree border, in many cases serve primarily to limit obligations otherwise owed to the buyer as a matter of law. This is done by disclaimers and exemptions and by ambiguous phrases and terms. All too often the warranties shroud and effectively cover-up the obligations of the seller." [11]

The conclusion of Congressman Moss highlighted the need for action on warranties: "It is all but fraud when a guarantee declares in large print that the manufacturer is giving protection to the buyer and in the fine print attempts to take away common-law buyer protection." [12]

(D) *NBCCA and MACAP Reports.* The business community, too, has recognized the need to re-examine and reformulate current warranties. A report "Product Warranties: Business Guidelines to Meet Consumer Needs," written by the Sub-Council on Warranties and Guarantees of the National Business Council for Consumer Affairs [13] reflects the business community's own interest in straightforward warranty content. The Council, composed of over 100 business leaders, was established by former President Richard M. Nixon in 1971 for the purpose of advising the Federal government on consumer affairs. The Sub-Council's report represents an effort to assist the business community in re-examining its warranty policies and practices in the light of consumer expectations. It recommends action which businesses might take to improve warranty practices.

The Major Appliance Consumer Action Panel (MACAP), sponsored by the Association of Home Appliance Manufacturers (AHAM), the Gas Appliance Manufacturers Association (GAMA), and the National Retail Merchants Association (NRMA), has conducted two studies on warranties in the major appliance industry.[14] The first study, conducted in 1971–72, analysed seventy warranties voluntarily submitted by members of the industry. These were evaluated against recommended warranty guidelines drafted by the Panel.

A more extensive follow-up study, undertaken in 1973, elicited response from 106 companies. In the 1973 study, the Panel's evaluation criteria were drawn from the appliance industry's voluntary recommended guidelines, published by the three associations that sponsor MACAP. The 1973 study found that 75% of the appliance industry was in compliance with MACAP's guidelines. The same degree of compliance was cited in MACAP's 1971–72 study. Only 17 of the 106 warranties submitted fulfilled all the guidelines. The appliance industry's inability to meet even industry-established criteria for warranties, as evaluated by industry members, lends further support for the necessity for Commission action on warranty disclosure.

III. Disclosure of Written Consumer Product Warranty Terms and Conditions. The items required for disclosure by this Rule are material facts about product warranties, the non-disclosure of which constitutes a deceptive practice.

Numerous Commission decisions [15] have affirmed the principle that the failure to disclose material facts in circumstances where the effect is to deceive a substantial segment of the purchasing public is a violation of Section 5 of the Federal Trade Commission Act.[16]

In addition to these cases, the Commission's Octane Rule [17] and Light Bulb Labeling Rule [18] indicate that the failure to disclose facts which are essential to

[6] *Guides Against Deceptive Advertising of Guarantees*, 16 CFR 239, adopted April 26, 1960.

[7] See, e.g. *Fingerhut Manufacturing Company, et al.*, 65 F.T.C. 751 (1964), *Consolidated Sewing Machine Co., etc.* 71 F.T.C. 356 (1967), *Benrus Watch Company, Inc., et al.*, 64 F.T.C. 1018 (1964), *Wilmington Chemical Corporation, et al.*, 69 F.T.C. 828 (1966), *Montgomery Ward Co., Inc.* 70 F.T.C. 52, *affirmed* 379 F. 2d 666 (7th Cir. 1967) *Scott Mitchell House, Inc., et al.*, 73 F.T.C. 523 (1968), Advisory Opinion No. 248 (1968), Advisory Opinion No. 160 (1966), Advisory Opinion No. 427 (1970).

[8] FTC Warranty Complaints Tabulation, FTC Correspondence Section, July 7, 1975.

[9] Staff of House Interstate and Foreign Commerce Comm., Subcomm. on Commerce and Finance, Report on Consumer Product Warranties (1974) ("House Subcomm. Staff Report").

[10] Task Force On Appliance Warranties and Service, The President's Task Force Report On Appliance Warranties and Services (1969).

[11] House Subcomm. Staff Report, *supra* note 9, at 30.

[12] Washington Post, Sept. 19, 1974, § B, at 16, col. 1.

[13] Sub-Council on Warranties and Guarantees of the National Business Counsel For Consumer Affairs Product Warranties: Business Guidelines to Meet Consumer Needs (1972) [hereinafter "NBCCA Report"].

[14] Major Appliance Consumer Action Panel, MACAP Analysis of Major Appliance Warranties (1971, 1973 ("MACAP Report").

[15] See cases cited in Statement of Basis and Purpose, Trade Regulation Rule for the Prevention of Unfair and Deceptive Advertising and Labeling of Cigarettes in Relation to Health Hazards of Smoking (1961), 23 Fed. Reg. 8324 (July 2, 1964) (hereinafter referred to as Cigarette Statement), at 8351–8352, nn. 73, 74 and 75.

[16] 15 U.S.C. 45.

[17] Statement of Basis and Purpose to accompanying Trade Regulation Rule on Posting of Minimum Octane Numbers on Gasoline Dispensing Pumps (hereinafter cited as Octane Rule) 1972, at 8: "Failure . . . to identify the gasoline . . . may constitute a *deception* and an unfair trade practice in that it fails to provide the consumer with a criterion to which he can relate the gasoline with engine requirements of his automobile."

[18] Statement of Basis and Purpose accompanying Trade Regulation Rule on Incandescent Lamp (Light) Industry; Failure to Disclose Lumens, Life Cost and Other Data ("the Light Bulb Rule") (1972).

V40251 DEC 31 75 XUM

the consumer's ability to make an informal purchasing decision is a deceptive practice. Likewise, the failure to disclose information about consumer product warranties which is material to the making of an intelligent and knowledgeable consumer choice is deceptive.

Under the "technical truth" rule,[19] a claim or representation which is literally true is found to be deceptive because of a failure to disclose material facts that qualify and explain the claim. The rationale behind this principle is that the deception stems from the false or misleading impression which is created in the mind of the consumer by virtue of the fact that the claim is removed from its proper context. The concern is with the truth as viewed by the consumer, rather than with the technical truth. As a further example of the application of this Rule, the Commission, in *Clinton Watch Co.*[20] held that it was a deceptive trade practice for the respondent watch manufacturer to advertise a "lifetime guarantee" without disclosing that there was a charge for warranty service. Likewise, the failure to disclose all conditions, limitations, and exclusions as to product warranties renders any affirmative claims about warranties deceptive. "To tell less than the whole truth is a well known method of deception."[21] By the same token, absolute silence on a material fact may be deceptive where the public assumes from this silence that a state of facts exists when, in fact, affirmative disclosure would reveal that these assumptions are unfounded. In such instances, the consumer's normal and reasonably foreseeable expectations are exploited, and a false or misleading impression is created.

The omission of any material terms or conditions from a warranty may prevent the intelligent use of the warranty as informational input into the consumer's purchasing decision, and may contribute to the generation of unrealistic consumer expectations about product reliability or efficacy. Thus, consumers may be induced to make purchases that they would not otherwise have made, with a resulting gap between anticipated and actual product and warranty performance.

Silence on the subject of product warranties and warranty terms can lead consumers to make erroneous assumptions and decisions. For example:

(1) In the absence of a disclosure as to the identity of the warrantor, the consumer might assume that the warrantor is the retailer, whereas in fact the warrantor might be the manufacturer.

(2) If a warrantor is silent as to which parts, components, characteristics or properties are covered by the warranty, the consumer might erroneously assume that warranty coverage is more extensive than it actually is.

(3) Silence as to the fact that limitations on implied warranties are unenforceable in certain states may erroneously lead consumers in such jurisdictions to assume that the warranty document states the full extent and limit of their warranty rights.

These examples illustrate some of the ways in which some warranty documents in their current form can have the capacity or tendency to mislead consumers. Affirmative disclosure of warranty terms will serve to eliminate deception by providing material facts, the absence of which could lead consumers into purchasing one product, instead of a competing item, on the basis of what is ostensibly a better, more extensive warranty, but which in fact provides more limited coverage and fails to fully disclose all of its conditions and limitations. A requirement of minimum uniformity in warranty disclosures should enable consumers to make valid and informed comparisons of warranties for similar products, and insofar as their purchasing decisions are influenced by such comparisons, better able to make educated buying choices.

IV. The Final Rule. 1. *§ 701.1 Definitions.* Except as discussed below, the definitions in the final Rule are those set forth in proposed Part 701. As the definitions used in Part 702 have been made to conform to the corresponding definitions in Part 701, the following discussion applies to both Parts.

The definitions given in the proposed Rule for "The Act", "written warranty", "implied warranty", "remedy", "supplier", and "binder" have not been modified. With the exception of the terms "The Act" and "binder", the definitions correspond to those used in the Act. No substantial comment was received as to the use of these definitions.

a. *"Consumer product", "consumer" and "seller".* Comments from Standard Oil Co. of Indiana, Mohasco Corporation and others concerning the definitions of "consumer product" and "consumer" stated that the proposed Rule did not deal adequately with the problem of industrial or commercial use of products normally used for personal, family, or household purposes.[22] Several comments including those of Toyota Motor Sales, and the National Sporting Goods Association, recommended that warranties extended to commercial or industrial users of consumer goods should be exempted from the requirements of the Act.[23] O. M. Scott and Sons claimed that the proposed Rule would have allowed industrial users to put consumer goods to commercial use and then to claim the benefits of warranty protection intended for consumers.[24]

For the purposes of these rules only, the definition of "consumer product" was amended by adding the following language: "Products which are purchased solely for commercial or industrial use are excluded solely for purposes of this Part". Paralleling this revision, the following underlined language was inserted in the definition of "consumer": "Consumer" means a buyer (other than for purposes of resale *or use in the ordinary course of the buyer's business* of any consumer product . . ."[25]

The definition of "seller" was revised as follows: " 'Seller' means any person who sells or offers for sale for purposes other than resale *or use in the ordinary course of the buyer's business* any consumer product."[26] This definition was changed to conform to the definition adopted for "consumer". It is not the Commission's intent to apply these rules to purely commercial users.

b. *"Warrantor".* Sears Roebuck and Co. ("Sears") suggested that the definition of "warrantor" be limited to those offering written warranties and not include those only obligated under implied warranties. As proposed, the definition of "warrantor" would have made a seller who did not offer a written warranty of his own, but who was obligated under an implied warranty by operation of law, a "warrantor," and thus subject to the duties of a "warrantor" as well as a "seller" under § 702.3.[27]

Exxon Co. and Engine Service Associates, Inc. commented on the addition of the language ". . . arising under state law . . . in connection with the sale by a supplier." in § 702.1(d).[28]

For the purposes of these rules, the definition of "warrantor" has been redrafted to include only persons who give or offer to give a written warranty. The Commission concluded that the Act's definition was overly broad for purposes of a rule concerning disclosures in written warranties.

c. *"On the face of the warranty."* Section 108 of the Act[29] and section 701.3(a)(7) of the final Rule require that any limitations on the duration of implied warranties be disclosed "on the face of the warranty."

Section 104 of the Act requires that "a warrantor" offering a full warranty ". . . may not exclude or limit consequential damages for breach of any written or implied warranty on such product, unless such exclusion or limitation conspicuously appears on the face of the warranty."[30]

The definition of "on the face of the warranty" was added to clarify the required location of disclosures under Sections 104(a)(3) and 108(b). The final Rule provides:

"(i) On the face of the warranty means—

(1) where the warranty is a single sheet with printing on both sides of the sheet, or where the warranty is comprised of more than one sheet, the sheet on which the warranty text begins;

(2) where the warranty is included as part of a longer document, such as a use and care manual, the page in such document on which the warranty text begins."

The intent of this definition is to place important warranty information on page one of the multipage warranty where it can easily be scanned by a reader reviewing the designation(s). The "face" of a one page, one sided document is evident.

2. *§ 701.3 Disclosure of Written warranty terms. Scope of the Rule. "Actually Costing the Consumer More than $15.00."* Section 701.3 of the Proposed Rule required a warrantor warranting a consumer product "actually costing the consumer more than $5.00" to make the required disclosures. The duties of the seller and the warrantor in proposed Part 702 were also triggered by the $5.00 threshold. Comments on the Record[31] suggested that the final rules raise the threshold from $5.00 to a higher level.[32]

Two principal reasons were given for this suggestion:

(1) the cost of complying with the requirements of Parts 701 and 702 would be prohibitive in relation to the selling price of the product;[33] and the extra cost would force manufacturers to eliminate their warranty programs on the inexpensive items, and thus, the Congressional purpose of expanding the availability of warranties would be frustrated; [34] and

(2) since consumers rarely read warranties on relatively inexpensive items, requiring compliance with Part 701, thus increasing the length of the warranty, would further discourage the consumer from reading warranties prior to sale.[35]

The Commission has concluded that applying these rules only to products actually costing the consumer more than $15.00 would be in the public interest. Although the rules have been modified to eliminate unnecessary burdens, they will impose a compliance obligation. Although reasonable, this obligation is not a costless endeavor. The Commission is persuaded that existing disclosure and availability practices pertaining to inexpensive products, while far from perfect, have not caused substantial harm to the public. The need for warranty information before and after a purchase is affected by the cost of the product involved. Section 102(3) of the Act recognizes this fact. Faced with the possibility that compliance with these rules may result in a decision by warrantors not to offer written warranties, the Commission has concluded that, for these products, some warranty information is likely to be better than none at all. This conclusion is buttressed by the recognition that Section 5 of the Federal Trade Commission Act and Section 110 of this Act provide ample authority to deal with unfairness and deception in the warranty practices associated with inexpensive products. The Commission will not hesitate to use this authority where the public interest requires action.

The remaining question is whether the Act gives the Commission the authority to raise the $5.00 figure. Section 102(e) provides:

> The provisions of this section apply only to warranties which pertain to consumer products actually costing the consumer more than $5.

In response to a request from the Commission' staff, the National Consumer Law Center submitted that the Commission does not have the authority to raise the $5 figure.[36]

Generally, courts have held that an agency has wide discretion in interpreting a statute and that any agency decision should be given great deference by a reviewing court.[37] *Red Lion Broadcasting v. FCC*, 395 U.S. 367, 381 (1969). The Court in *Red Lion* stated:

> . . . Agency construction of a statute should be followed unless there are compelling indications that it is wrong.

Moreover, deference to agency discretion is particularly high where the interpretation involves the first implementation of the statute, in other words, the "setting up of the machinery".

> When faced with a problem of statutory construction this court shows great deference to the interpretation given the statute by the officers or agency charged with its administration. . . . Particularly is this respect due when the administrative practice at stake 'involves a contemporaneous construction of a statute by the men charged with the responsibility of setting its machinery in motion, of making the parts work efficiently and smoothly while they are yet untried and new'. *Udall v. Tallman*, 380 U.S. 1, 16 (1964) citing in part *Power Reactor Co. v. Electricians*, 367 U.S. 396, 408 (1960)

The legislative intent and the public policy behind the Act make it clear that the Commission has the authority to raise the $5 figure.

There are two possible constructions of Section 102(e) of the Act. The first is that Congress intended affirmatively to *include* all consumer products costing $5 and above within the scope of the Act. The second is that Congress only wanted to *exclude* all consumer products below $5 from protection of the Act. In other words, paragraph (e) was intended to impose a limit on Commission authority to apply Section 102 to products below $5 but not to prohibit the Commission from exercising discretion to select a *higher* threshold. Under this interpretation, the products Congress intended to exclude would still be excluded by the higher figure set by the Commission.

The legislative history of the Act supports the latter interpretation. The most important evidence of the intent behind Section 102(e) is the Conference Committee Report. The Report section dealing with dollar limitations, speaks of "exclusion". The Report shows that Congress was concerned with what was excluded rather than with what was included.[38]

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[19] *P. Lorillard Co. v. FTC*, 186 F. 2d 52 (4th Cir. 1950).

[20] 57 FTC 222, aff'd sub nom. *Clinton Watch v. FTC*, 291 F. 2d 838 (7th Cir. 1961).

[21] *P. Lorillard Co. v. FTC*, 186 F. 2d 52, 58 (4th Cir. 1950).

[22] "Many products 'normally' bought by consumers are also purchased by industrial and commercial accounts for uses other than resale, i.e., they may be consumed entirely in the process of manufacture or indirectly become components in products for eventual resale, and so on. Much of the difficulty could be eliminated by inserting the underlined language as follows:

" 'Consumer' means a buyer (other than for purposes of resale or *other use in buyer's ordinary course of business*) . . ." R 1-3-2, 694, Standard Oil Co. (Indiana).

". . . (R)evise Section 701.1(h) so that it reads as follows: 'Consumer' means a buyer (other than for purposes or resale or *for purposes of use in its ordinary course of business*) . . ."

[23] "Similarly, the definition of 'seller' in § 702.1(e) should be revised as follows: 'Seller' means any person who sells or offers for sale for purposes other than resale *or other use in buyer's ordinary course of business* any consumer product." R 1-3-2, 695, Standard Oil Co. (Indiana).

[24] R 1-3-2, 657, Sears Roebuck & Co.

[25] R 1-3-2, 427, Exxon Company, U.S.A.; R 1-4-1, 226, Engine Service Association, Inc.

[26] Section 108(b) of the Act states that ". . . (implied warranties may be limited in duration . . . if such limitation . . . is set forth in clear and unmistakable language and prominently displayed on the face of the warranty."

[27] (The Public Record is hereinafter cited as "R".) R 1-3-1, 11-12, O. M. Scott & Sons; R 1-3-1, 56, Mohasco Corp.; R 1-3-2, 678-79, Toyota Motor Sales, U.S.A., Inc.; R 1-3-2, 694, Standard Oil Co. Indiana; R 1-4-1, 21 National Sporting Goods Association; R 1-6, 156, Connecticut Citizen Research Group.

[28] R 1-3-1, 56, Mohasco Corp.; R 1-3-2, 678-79, Toyota Motor Sales, U.S.A., Inc.; R 1-4-1, 21, National Sporting Goods Association.

[29] R 1-3-1, 11, O. M. Scott & Sons.

[30] § 104(a)(3).

[31] The Public Record of this proceeding consists of 2546 pages of transcript from the public hearings (hereinafter cited as "Tr."), five volumes of staff submissions including the staff report, R 215-47-1-2, Vols. 1-5 (hereinafter cited as R 1-2), three volumes of comments from business, R 215-47-1-3, Vols. 1-3 (hereinafter cited as R 1-3), two volumes of comments from trade associations, R 215-47-1-4, Vols. 1-2 (hereinafter cited as R 1-4), one volume of comments from individual consumers, R 215-47-1-5, (hereinafter cited as R 1-5), one volume of comments from consumer groups, R 215-47-1-6 (hereinafter cited as R 1-6), one volume of submissions from federal agencies and members of Congress, R 215-47-1-7 (hereinafter cited as R 1-7), one volume of submissions from state agencies and officials, R 215-47-1-8 (hereinafter cited as R 1-8), one volume of submissions from academicians, R 215-47-1-9 (hereinafter cited as R 1-9), and one volume of Exhibits, R 215-47-1-13 (hereinafter cited as 1-13).

[32] R 1-3-1, 40-41, Purolator, Inc.; R 1-4-1, 583-584, American Apparel Manufacturers Association (AAMA); R 1-3-3, 1114, Midland Cooperatives, Inc.; R 1-4-2, 691, Association of Home Appliance Manufacturers (AHAM); R 1-4-2, 693, National Retail Merchants Association (NRMA).

[33] R 1-3-1, 38, Purolator, Inc.; R 1-4-1, 152, American Institute of Nail and Tack Manufacturers; R 1-4-1, 583, AAMA; R 1-3-3, 1114, Midland Cooperatives, Inc.; R 1-4-2, 693, NRMA.

[34] R 1-4-1, 152, American Institute of Nail and Tack Manufacturers; R 1-4-2, 691, AHAM; R 1-4-2, 693, NRMA.

[35] R 1-3-1, 38, Purolator, Inc.; R 1-3-3, 1114, Midland Cooperatives, Inc.; R 1-4-2, 693, NRMA.

[36] R 1-6, 160, National Consumer Law Center, Inc.

[37] See also *In the Matter of Hollow Tree Lumber Company*, 91 N.L.R.B. 635 (1950). In that case the Board noted its long standing practice not to exercise its jurisdiction to the fullest extent possible under the authority delegated to it by Congress since such practice would better effectuate the purposes of their Act. The Board required that a certain dollar level be reached before they would invoke jurisdiction. Similarly here, the Commission would require a certain dollar level to be reached ($15) for implementation of the Act.

[38] H.R. Rep. No. 1509, 93d Cong. 2d Sess. 24 (1974):

"3. Dollar Limitations

Under the Senate bill, the labeling and designation provisions applied only to consumer products actually costing $5 or more. Any warrantor who was selling a consumer product costing less than $5 who used the full warranty designation would have been

Footnote continued on next page.

V40 N251 DEC 31 75 XUM

Consequential use of the word "only" in section 102(e) indicates an intention to *exclude* those items under $5. If the Congress had opted for an "inclusion" approach it is likely that the statute would have read, "this section *shall* apply to *all* products actually costing more than $5."

The $15 figure was chosen in order to gain the benefits of raising the $5 figure outlined previously, without losing coverage of any significant consumer products.

Guenther Baumgart, on behalf of the Association of Home Applicance Manufacturers, pointed out that a $15 figure would still bring almost all portable appliances within the purview of the Act, stating:

"Assuming for a moment that the threshold limit was raised to $15.00 (our recommendation), we feel that it would encourage the protection of the consumer rather than removing such protection. At a $15.00 threshold limit all of the major portable appliances such as an automatic drip coffeemaker, rotisserie, electric skillet would still come within the purview of the Act. The portable appliances excluded from the Act would be such marginal items as a corn popper or bun warmer . . . By raising the threshold limit manufacturers would be encouraged to continue warranties on present marginal items."[38]

Accordingly, Parts 701 and 702 have been amended, raising the threshold amount which triggers the duties under those parts, to $15.00.

"In a single document". The proposed Rule required that the items of warranty information be disclosed "in a single document." Many comments by warrantors were received, citing the potential costs and other difficulties of a "single document" requirement. Westinghouse Electric Corporation, National Electrical Manufacturers Association ("NEMA"), and others said that it was normal for warranties to be printed on the front, back, or middle page of a use and care manual,[39] especially in the appliance industry.[40] The Waltham Watch Company and the National Association of Chain Drug Stores argued that the reprinting of such manuals, to conform with the single document rule, would be unreasonably costly.[41] NEMA also suggested that imprinting the warranty directly on the product[42] might not conform to a "single document" rule.

The Air Conditioning and Refrigeration Institute argued that if the warranty were required to be separate from the manual of operating instructions, it would be more likely to get lost, whereas a manual, which could contain the warranty, would more likely be retained and used by the consumer.[43]

Standard Oil suggested that, in some instances, it would be physically impossible to put all the specifications and standards referenced in the warranty in a single document.[44] They estimated that literal compliance with "the single document" rule would add approximately $192,500 in annual costs.[45]

These comments reflect a misapprehension of the purpose of the single document language". "Single" does not equal "separate". The "single document" requirement does not preclude printing the warranty in a use and care manual, or directly on the product itself. It does require that all terms and conditions be presented in (at least) one location, as a coherent, easily assimilated statement.

PARTIES WHO CAN ENFORCE

701.3(a)(1) The identity of the party or parties to whom the written warranty is extended, if the enforceability of the written warranty is limited to the original consumer purchaser or is otherwise limited to persons other than every consumer owner during the term of the warranty;

Section 102(a)(2) of the Act authorizes the disclosure of "the identity of the party or parties to whom the warranty is extended." MACAP included a similar requirement in its 1971 guidelines for evaluating warranties, i.e., "a warranty should set forth to whom the warranty is extended." This guideline was dropped in the 1973 study. MACAP reasoned that the failure to state the "warrantee" would mean that any owner was covered by the subsequent warranty provisions, and therefore, that the warranty which does not make such a disclosure, while not meeting the guideline, would offer the broadest possible coverage with regard to this factor.[46]

The proposed Rule required the disclosure of "the identity of the party or parties to whom the warranty is extended, including, where applicable, any limitation on its enforceability by any party other than the first purchaser at retail." Comments submitted by Montgomery Ward, Sears, Proctor Silex and others followed the reasoning of the 1973 MACAP study; i.e., that the consumer would (properly) infer from the absence of words of limitation that the warranty would extend to anyone in possession during the warranty period.[47] The Carpet and Rug Institute (CRI) the Boating Industry Association (BIA), the National Retail Merchants Association (NRMA) and others argued that the disclosure should be required only when the warranty does not extend to the original purchaser[48] and all transferees during the period of the warranty.[49] NRMA also suggested that this paragraph refer only to the *written* warranty, to clarify that the warranty need not serve as a "treatise on privity."[50]

The National Association of Photographic Manufacturers recommended that the language "first purchaser at retail," used in the proposed Rule, be altered to read "original consumer purchaser", since the word "consumer" is clearly defined in § 701, and since the avoidance of the words "at retail" would prevent misinterpretations where the warranted consumer product was sold in wholesale or discount stores at prices below suggested list price.[51]

The final Rule incorporates the three recommendations discussed above. The Commission has concluded that the changes reflected in the final Rule would be consistent with consumer understanding and would simplify warranty language.

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subject to the full requirements in the bill. The House amendment *excluded* from the disclosure requirements of the bill products costing less than $5; it *excluded* from the designation requirements of the bill products costing less than $10. The minimum federal standard applicable to full warranties was not applicable to products costing less than $10, even in situations where warrantors of products costing less than $10, used the full warranty designation.

The conference substitute *excludes* from the disclosure requirements of the bill warranties on consumer products actually costing less than $5 and *excludes* from the designation requirements of the bill warranties on consumer products actually costing less than $10. However, the conference substitute provides that any warrantor giving a warranty characterized as a full warranty must comply with the minimum Federal standards set forth in section 104, no matter what the actual cost of the consumer product to which the warranty applies." [emphasis supplied].

[38] R 1-4-2, 691, AHAM.

[39] R 1-3-1, 1, Westinghouse Electric Corporation; R 1-4-1, 18, National Association of Chain Drug Stores; R 1-4-1, 90-91, National Electrical Manufacturers Association; R 1-4-1, 219, Air Conditioning and Refrigeration Institute; Tr. 1594-5, Waltham Watch Company.

[40] R 1-4-1, 18, National Association of Chain Drug Stores.

[41] "Ms. Berke: Our current regulations propose that the warranty be a single document set apart from any other information you might give on the products. Mr. Feinsmith: That is going to be very much more expensive then because if we can make it part of one document it cuts our costs by at least 50 percent." Tr. 1595, Waltham Watch Company; R 1-4-1, 18, National Association of Chain Drug Stores.

[42] R 1-4-1, 91, National Electrical Manufacturers Association.

[43] R 1-4-1, 219, Air Conditioning and Refrigeration Institute.

[44] "For example, the Amoco Oil Company tire warranty grants a replacement allowance based on depth of tread remaining. The allowances for each tire type are printed for dealers on four 8½ x 11 pages, and his instructions for the proper measurement of tread and adjustment of the tires require another four pages. The consumer is unlikely to require any of these pages himself especially since the value of the allowance changes from time to time." R 1-3-2, 696, Standard Oil Co. (Indiana).

[45] R 1-3-2, 697, Standard Oil Co. (Indiana).

[46] R 1-2-2, 778, MACAP.

[47] R 1-3-2, 491, Montgomery Ward & Co., Inc.; R 1-3-2, 606, Proctor-Silex; R 1-3-2, 645, Sears, Roebuck and Co.; R 1-4-1, 564-65, Boating Industry Associations; R 1-4-1, 600, National Retail Merchants Association; R 1-3-2, 606, SCM Corporation.

[48] Note that under Sections 104(b)(4) and 101(3) of the Act, a warrantor offering a full warranty is precluded from limiting warranty coverage to the original purchaser.

[49] R 1-3-1, 126, Carpet and Rug Institute; R 1-3-2, 491 Montgomery Ward & Co., Inc.; R 1-3-2, 606 Proctor-Silex; R 1-3-2, 645, Sears Roebuck and Co.; R 1-4-1, 564-65, Boating Industry Associations; R 1-4-1, 600, National Retail Merchants Association; R 1-3-2, 606, SCM Corp.

[50] R 1-4-1, 601, National Retail Merchants Association.

[51] R 1-4-1, 198-99, National Association of Photographic Manufacturers, Inc.

WARRANTY COVERAGE

701.3(a)(2) A clear description and identification of products, or parts, or characteristics, or components or properties covered by and where necessary for clarification, excluded from the warranty;

Sections 102(a)(3) and (12) of the Act provide for the disclosure of "the product or parts covered" and "the characteristics or properties of the products or parts thereof, that are not covered by the warranty". The MACAP guidelines similarly require "the product or specific parts covered and against what".[52] The NBCCA report states that "written warranties should specify the extent of parts coverage."[53]

The *Guides* require that:

"In general, any guarantee in advertising shall clearly and conspicuously disclose—

(a) The nature and extent of the guarantee. This includes disclosure of (1) What product or part of the product is guaranteed, (2) What characteristics or properties of the designated product or part thereof are covered by, or excluded from, the guarantee . . ."[54]

A long line of FTC orders have required the disclosure of "the nature and extent of the guarantee and the manner in which the guarantor will perform."[55] Although none of these orders delineates the meaning of "the nature and extent of the guarantee" or "the manner in which the guarantor will perform," the *Guides* establish that this general language encompasses the characteristics or properties covered by or excluded from the guarantee, the duration of the guarantee, the guarantor's manner of performance, the product or part guaranteed, and the purchaser's obligations. Thus, there is support for including this paragraph on the basis of past Commission case law.

A consumer letter, illustrative of the problems which this paragraph is designed to solve, complained that the consumer's automobile warranty explicitly did not extend to "service items", but did not enumerate those items which were considered "service items" by the manufacturer; as a result, it did "not indicate that [the automobile manufacturer] is using this term in an extremely broad and uncommon sense so as to exclude the myriad of items which would be included under other warranties using the same terminology".[56]

The proposed Rule required the disclosure of:

a clear description and identification of parts, characteristics, components and properties covered by, and excluded from the warranty.

Baldwin Piano, Sunbeam Corp. and many other participants found the words "characteristics" and properties" vague and urged deletion.[57] The final Rule amends the phrase containing these terms to read *"products*, or parts, or characteristics, or components or properties." The disjunctive language makes it ". . . clear that a warranty covering all defects in a product (which is a characteristic) must not also list every part, component, and property of the product covered. A reference to all defects in a product should include defects in all parts without a statement to that effect."[58] The addition of the word "products" uses the statutory language set forth in § 102(a)(3) of the Act,[59] as recommended by Ross, Hardies, O'Keefe, Babcock & Parsons ("Ross, Hardies"), SCM Corp., and Thermador.[60]

Warren Tool Corp., MACAP and NRMA and others suggested that warrantors be required to disclose either the items covered or those not covered by the warranty.[61] Gambles stated:

(T)he requirement could become rather cumbersome if the warrantor had to identify all the parts of a product not covered by the warranty if the warranty was limited to only one component or part of the product."[62]

"An example utilizing a major appliance can best show the problems which this provision would pose. Assume a product with two hundred parts carries a full one year warranty and thereafter a limited four year warranty on its major component. As drafted the regulation would require a detailed listing of 400 parts in the warranty text.

"For the full one year warranty period there would have to be a listing of each and every part contained in the product and an indication that those parts are covered by the warranty.

"The text of a limited portion of the warranty would have to indicate that the major component is covered and contain a listing of every other part as being excluded from that portion of the warranty. This is clearly unnecessary and unworkable and would only tend to confuse rather than enlighten even those consumers who would try to read and understand it."[63]

Toyota Motor Sales, the National Paint and Coatings Association, and the Southern Furniture Manufacturers Association (SFMA) stated that if a warrantor lists those items which are covered, those which are not listed should implicitly be excluded.[64]

The final Rule is similar to proposals submitted by Sears and NRMA.[65] Under this language the items not covered by the warranty need only be disclosed if the disclosure of what *is* covered is unclear, standing alone.

For example, a common warranty is one which covers all defects in material and workmanship. It should not be necessary to also include a list of all the possible causes of malfunctions of the product which would not be defects, e.g., misuse, abuse, externally caused casualties. . . . However, . . . if some part of the product covered by such a warranty were not covered as to a defect in that part, a clear statement that that part is excluded should be included in the warranty, e.g., "This warranty covers defects in material or workmanship in this product (except in light bulbs)." Without the statement of exclusion in such a warranty, it would appear to cover more than it does.[66]

For ease of communication to consumers, it should not be necessary in all cases to enumerate every covered part if the warranty covers the entire product with the exception of one or two minor parts. In such instances, the following language would meet the requirements of § 701.3(a)(2). "XYZ Company warrants your [----------], except the [----------]."[67]

The Association of Home Appliance Manufacturers (AHAM), in their written submission, stated:

Practice in the appliance and other industries is to warrant a product against manufacturing defects and to list the exclusions, such as light bulbs in a refrigerator or damage from misuse, fire, flood and the like.[68]

The Rule is intended to permit this practice. Conversely, if the warranty covers only a few parts, or characteristics, the warranty might state: "This product is not warranted in any way except against rust" or "This warranty covers the drive shaft *only*." A disclosure of the exclusions from the warranty accom-

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[52] R 1-2-2, 779, MACAP.

[53] R 1-2-2, 821, National Business Council for Consumer Affairs.

[54] *Guides*, supra note 6, at § 239.1.

[55] See, e.g., *In the Matter of General Transmission Corporation of Washington, et al.*, 73 FTC 399 (1968); *In the Matter of Coleman Company, Inc.* 73 FTC 724 (1968); *In the Matter of Delco Carpets, Inc., trading as Delco Carpet Mills, Inc.*, 70 FTC 1706 (1966); *In the Matter of Midas, Inc., et al.*, 56 FTC 1564 (1960); *In the Matter of Comstock Chemical Co., Inc., et al.*, 56 FTC 33 (1959); *In the Matter of Stewart Auto Upholstering Co., et al.*, 59 FTC 1167 (1961); *In the Matter of Stern & Co., et al.*, 59 FTC 1416 (1961); *In the Matter of Fred B. Miller, et al.*, 56 FTC 1249 (1960); *In the Matter of Hilton Watch & Clock Co., Inc., et al.*, 61 FTC 742 (1963); *In the Matter of L. T. Baldwin*, 59 FTC 975 (1961).

[56] R 1-2-2, 729-31.

[57] R 1-3-1, 26, Baldwin Piano; R 1-3-1, 200, Ross, Hardies, O'Keefe, Babcock & Parsons; R 1-3-2, 366, Sunbeam Corp.; R 1-3-2, 607, SCM Corp.; R 1-3-2, 711, White Consolidated Industries; R 1-4-1, 220, Air Conditioners and Refrigeration Institute; R 1-4-1, 476-77, Association of Home Appliance Manufacturers; R 1-3-2, 606-07, SCM Corp.

[58] R 1-3-2, 646, Sears Roebuck & Co.

[59] "The *products* or parts covered." (emphasis added).

[60] R 1-3-1, 200, Ross, Hardies, O'Keefe, Babcock & Parsons; R 1-3-2, 607, SCM Corp.; Tr. 2314, Thermador.

[61] R 1-3-2, 347, Gambles; R 1-3-2, 492, Montgomery Ward & Co.; R 1-3-3, 787, Warren Tool Corporation; R 1-4-1, 372-73, MACAP; R 1-4-1, 601, National Retail Merchants Association.

[62] R 1-3-2, 347, Gambles.

[63] R 1-3-2, 492, Montgomery Ward.

[64] R 1-3-3, 1103. Toyota Motor Sales, U.S.A., Inc.; R 1-4-1, 132, National Paint and Coatings Association; R 1-4-1, 316, Southern Furniture Manufacturers Association.

[65] "A clear description and identification of parts, characteristics, components and/or properties covered by and, where necessary for clarification, excluded from the warranty." R 1-3-2, 646, Sears Roebuck & Co.

[66] ". . . (P)ermit *either* a clear statement of what is covered or a clear statement of what is not covered, and . . . add that if there are ambiguities language sufficient to clarify any such ambiguities is required." R 1-4-1, 601, NRMA.

[67] R 1-3-2, 646, Sears Roebuck & Co.

[68] R 1-3-2, 647-48, Nixon, Hargrave, Devans & Doyle; R 1-4-1, 476, Association of Home Appliance Manufacturers; R 1-4-1, 372, MACAP; R 1-3-2, 606-607, SCM Corp.

[69] R 1-4-1, 476, AHAM.

V40251 DEC 31 75 XUM

panied by a statement such as "all other [*parts*] are covered by this warranty" [69] would also satisfy the requirements of this paragraph.

WARRANTY PERFORMANCE

701.3(a)(3)

A statement of what the warrantor will do in the event of a defect, malfunction or failure to conform with the written warranty, including the items or services the warrantor will pay for or provide, and, where necessary for clarification, those which the warrantor will not pay for or provide;

Section 102(a)(4) of the Act authorizes the disclosure of "a statement of what the warrantor will do in the event of a defect, malfunction, or failure to conform with such written warranty—at whose expense—and for what period of time". The MACAP guidelines require the warrantor to state: "In case of a claim: Exactly what the warrantor will do and at whose expense." [70]

The *Guides* require the disclosure of:

The manner in which the guarantor will perform. This consists primarily of a statement of exactly what the guarantor undertakes to do under the guarantee. Examples of this would be repair, replacement, refund. If the guarantor or the person receiving the guarantee has an option as to what may satisfy the guarantee, this should be set out.[71]

Past FTC warranty orders have consistently required the disclosure of the manner in which the warrantor will perform. (See the discussion and citations in the explanation of section 701.3(a)(2), *supra*.)

The Commission has received a number of letters from consumers indicating the need for clarification in warranty documents as to what items or services the warrantor will and will not pay for or provide in the event of a failure defect or malfunction in the product.[72]

The proposed Rule required the disclosure of

a statement of what the warrantor will do to remedy a defect or malfunction in the product, or failure to conform with the written warranty, including but not limited to the items or services the warrantor will and will not pay for or provide.

Many industry comments were received to the effect that it would be unnecessarily verbose to require a statement reciting what the warrantor will not do in a warranty which clearly states what the warrantor will do.[73] Armstrong Cork Co. argued that compliance with this paragraph would unduly lengthen warranties, and that "a delineation of each conceivable item or service which will not be paid or provided would tax even the wildest imagination."[74]

The language adopted in this paragraph of the final Rule parallels that in section 701.3(a)(2), discussed *supra*. As suggested by Sears, a warrantor need only state what he will not do if the disclosure of what he will do, standing alone, is unclear.[75]

For example, if a warranty provides that the product will be replaced at no charge if the product is returned to the store, it should not be necessary to also recite that the product will not be repaired, or that the warrantor will not pay for travel expenses. The affirmative statement in such a warranty clearly states what the warrantor will do, and there is no implication that anything else will be done.[76]

The requirement of this sub-part could be satisfied by stating, for example: "We will pay for parts and service *only*;" or by disclosing the services which the warrantor will not perform, accompanied by a statement such as: "You must pay all other expenses incurred in obtaining repairs." [77]

A number of industry representatives objected to the use of the word "remedy" in the proposed Rule.[78] The language used in Section 102(a)(4) of the Act [79] was preferred. A warrantor is not required to "remedy" a product unless the applicable warranty is designated as a "full (statement of duration) warranty." The final Rule substitutes the statutory language, "in the event of" for the word "remedy."

WARRANTY DURATION

701.3(a)(4)

The point in time or event on which the warranty term commences, if different from the purchase date, and the time period or other measurement of warranty duration.

Section 102(a)(4) of the Act calls for the disclosure of "a statement of what the warrantor will do in the event of a defect, malfunction or failure to conform with such written warranty . . . and for what period of time." MACAP's guideline, requiring "the specific time for which the product or parts are covered" [80] was fulfilled by 95% of the warranties submitted in the 1973 study. The *Guides*, too, require the disclosure of "what is the duration of the guarantee".[81] The NBCCA report states that "written warranties should specify the specific duration of the warranty." [82]

Paragraph 701.3(a)(4) also requires the warrantor to specify the point in time (if other than the purchase date) when the warranty term begins. This is to ensure that the purchaser is informed as to whether the warranty terms starts to run immediately upon manufacture, purchase, delivery, or the date on which the product is first used. Several consumer letters illustrate the need for the disclosures required by this paragraph.[83]

The proposed Rule required the disclosure of:

The point in time or event on which the warranty term commences, and the time period or other measurements of duration for which the product and/or its parts, characteristics, components, or properties are warranted.

Montgomery Ward, Timex, and NRMA took the position that the consumer's normal expectation is that a warranty takes effect on the date of purchase. Therefore, the warrantor should be required to make a disclosure about the beginning of the warranty only when this is not the case.[84] The final Rule incorporates the language submitted by Montgomery Ward,[85] and requires that the commencement date of the warranty need only be disclosed "if different from the purchase date."

CONSUMER DUTIES

701.3(a)(5)

A step-by-step explanation of the procedure which the consumer should follow in order to obtain performance of any warranty obligation, including the persons or class of persons authorized to perform warranty obligation(s), This includes the name(s) of the warrantor(s), together with: the mailing address(es) of the warrantor(s), and/or the name or title and the address of any employee or department of the warrantor responsible for the performance of warrantor obligations, and/or a telephone number which consumers may use without charge to obtain information on warranty performance;

[69] R 1-3-2, 366, Sunbeam Corp.; R 1-3-3, 921, Amana Refrigeration, Inc.

[70] R 1-2-2, 779, MACAP.

[71] *Guides*, *supra* note 6, at § 239.1(b).

[72] See, e.g. R 1-2-2, 735-36 (undisclosed charge for service call during warranty period); R 1-2-2, 737-38 (undisclosed charge for warranty service call and for delivering product to and from repair shop); R 1-3-2, 741 (undisclosed "check-out" fee for in-warranty inspection of defective product); R 1-2-2, 742-44 (undisclosed labor charge for in-warranty repairs).

[73] R 1-3-1, 7, Coleman Co.; R 1-3-1, 126, 130-32, Carpet and Rug Institute; R 1-3-2, 419, Armstrong Cork Company; R 1-3-2, 647, Sears Roebuck & Co.; R 1-3-3, 788, Warren Tool Corporation; R 1-4-1, 601, National Retail Merchants Association.

[74] R 1-3-2, 419 Armstrong Cork Company.

[75] See R 1-3-2, 647, Sears' suggested language: "A statement of what the warrantor will do to remedy a defect or malfunction in the product, or a failure to conform with the written warranty, including but not limited to the items or services the warrantor will pay for or provide, and, where necessary for clarification, what the warrantor will not pay for or provide."

[76] R 1-3-2, 647, Sears Roebuck and Co.

[77] R 1-4-1, 601 National Retail Merchants' Association.

[78] R 1-3-1, 57, Mohasco Corporation; R 1-3-2, 430-432, Defrees & Fiske; R 1-3-2, 545, Nixon, Hargrave, Devans & Doyle; R 1-4-1, 18-19, Nat'l Association of Chain Drug Stores, Inc.; R 1-4-1, 92 Nat'l Electrical Manufacturers Association; R-4-1, 220, Air Conditioning and Refrigeration Institute; R 1-4-1, 477, Association of Home Appliance Manufacturers.

[79] "A statement of what the warrantor will do in the *event of* a defect . . ." (emphasis added).

[80] R 1-2-2, 779, Major Appliance Consumer Action Panel.

[81] *Guides*, *supra* Note 6.

[82] R 1-2-2, 821, NBCCA.

[83] R 1-2-2, 746 (warranty expired one year prior to the time consumer had purchased the product); R 1-2-2, 748 (warranty did not disclose that it ran from the date of production of the appliance).

[84] R 1-3-2, 495, Montgomery Ward & Co., Inc.; R 1-3-3, 935, Timex Corp.; R 1-4-1, 602, National Retail Merchants Association.

[85] "The point in time or event on which the warranty terms commences, if different from the purchase date, and the time period or other measurements of duration for which the product and/or its parts, characteristics, components or properties are warranted." R 1-3-2, 490 Montgomery Ward & Co., Inc.

Section 102(a)(7) of the Act authorizes the disclosure of "the step-by-step procedure which the consumer should take in order to obtain performance of any obligation under the warranty, including the identification of any class of persons authorized to perform the obligations set forth in the warranty."

MACAP found that its analogous requirement, i.e., that the warranty state "in case of a claim: exactly what the consumer must do and at whose expense" [86] was the guideline most frequently not fulfilled in the 1973 study. According to MACAP, this guideline "requires that a warranty describe the steps the appliance owner should follow to obtain in-warranty service".[87] The NBCCA report states that "written warranties should specify "the obligations of the owner." [88]

The *Guides* require the disclosure of "what, if anything, anyone claiming under the guarantee must do before the guarantor will fulfill his obligation under the guarantee, such as return of the product and payment of service or labor charge." [89] The fact that not all warranties currently fully disclose all the requirements which must be fulfilled by consumers in order to obtain warranty performance is illustrated by several consumer complaints.[90]

The disclosures required by paragraph 701.3(a)(5) are intended to inform the consumer of the full extent of his or her obligations under the warranty, and to eliminate confusion as to the necessary steps which he or she must take in order to get warranty performance.

This sub-paragraph of this section also requires that the warrantor apprise the consumer of the persons or organizations authorized to perform warranty service. This provision conforms with recommendations in the NBCCA report that "written warranties should specify where warranty service can be obtained." [91]

The proposed Rule required the disclosure of:

A step-by-step explanation of the procedure which the purchaser should follow in order to obtain performance of any warranty obligation, including the persons or organizations authorized to perform warranty service, or a telephone number which consumers may use without charge from which such information may be obtained. This information shall include the name and address of any corporate officer or department responsible for the resolution of such matters, and/or any telephone number which consumers may use without charge for such purposes;

Many industry comments were received which stated that the number of service outlets or representatives were far too numerous to list in the warranty.[92] AHAM, in its written sunbmission stated that

(a) literal interpretation of the requirement . . . would require the listing of hundreds or thousands of persons or organizations in a warranty.[93]

Also, independent or other service outlets used by a warrantor change from time to time.[94] Thus, any listing of such outlets compiled when a product is manufactured and shipped could be out-of-date by the time the product is displayed or sold. AHAM noted that:

Frustration would inevitably result should a consumer read in a written warranty that the ABC Service Center will provide warranty service, only to find that ABC is no longer in business, through no fault of the warrantor, when a call for service is made.[95]

McGraw Edison Co., Sunbeam, Amana, and others claimed that the alternative of maintaining a telephone number which consumers can use without charge, from which such information could be obtained, would be too costly.[96] Many other negative comments from warrantors concerning the use of toll-free lines are included in the record.[97]

EIA stated that:

(P)ersons calling on such a line could not be expected to confine their inquiries to obtaining names of repairmen. Persons on the receiving end of such telephone lines would necessarily have to be well informed and skilled in handling complaints. . . . (T)here . . . would be insufficient profit margin of a toll free telephone service. . . . In many cases, the manufacturers have no control over, and in fact may not even know who is authorized to sell and repair their products.[98]

Nixon, Hargrave, Devans and Doyle, ("Nixon, Hargrave"), Colt Industries, and others suggested use of the language used in § 102(a)(7) of the Act, "person or class of persons." [99] The Air Conditioning and Refrigeration Institute and SCM recommended that the language "*types* of organizations" [100] be adopted.

The final Rule requires the disclosure of the "persons or *class of persons* authorized to perform warranty obligations". The final Rule would permit a warrantor to use language such as "any authorized [----------] dealer," [101] or "contact your local dealer for warranty service," [102] provided that consumers have ready access to a listing of authorized facilities. This may be accomplished by supplying a listing with the product, providing a source for such information in the warranty, or where a national service network is provided, through reference to a telephone directory.

Further industry comments received on the proposed Rule stated that the warrantor should not be required to include the name and address of a corporate officer responsible for the resolution of warranty complaints. Union Carbide Corporation suggested that this be deleted or at least changed to permit the name of any person in the warrantor's employ, and not just a corporate officer,[103] or any appropriate department.[104] The Gas Appliance Manufacturers Association (GAMA) argued that if disclosure of a *name* of a corporate officer were required, personnel shifts would necessitate the reprinting of the warranty.[105]

NRMA submitted that the name and address or the phone number of a warranty "referee" should only be required if such a disclosure is applicable to the warrantor.[106] GAMA and NEMA commented that the phrase "resolution of"

[86] R 1-4-1, 481, Association of Home Appliance Manufacturers; R 1-3-1, 312, Briggs & Stratton Corp.; R 1-3-2, 348, Gambles-Skogmo, Inc.; R 1-3-2, 368-369, Sunbeam Corp.; R 1-3-2, 383, Rockwell International; R 1-3-2, 546, Nixon, Hargraue, Devans & Doyle; R 1-3-2, 650, Sears, Roebuck & Co., R 1-3-3, 936, Timex Corp.; R 1-4-1, 184, Electronic Industries Association; R 1-3-1, 19-20, Walker Manufacturing; R 1-3-3, 846, General Electric Co.

[87] R 1-4-1, 481, AHAM.

[88] R 1-3-1, 342, Zenith Hearing Instrument Corp.; R 1-3-2, 348, Gamble-Skogmo, Inc.; R 1-3-2, 368-369, Sunbeam Corp.; R 1-3-2, 546, Nivon, Hargrave, Devans & Doyle; R 1-3-2, 650, Sears, Roebuck & Co.; R 1-3-3, 936, Timex Corp.; R 1-4-1, 482, Association of Home Appliance Manufacturers; Tr. 2275, California State Electronics Association.

[89] R 1-4-1, 482-83, Association of Home Appliance Manufacturers.

[90] R 1-3-1, 171-172, McGraw Edison Co.; R 1-3-1, 201, Ross, Hardies, O'Keefe, Babcock & Parsons; R 1-3-0, 369, Sunbeam Corp.; R 1-3-3, 923, Amana Refrigeration, Inc.; R 1-3-3, 936, Timex Corp.; R 1-4-1, 124, Automotive Parts & Accessories Association, Inc.; R 1-4-1, 481-82, Association of Home Appliance Manufacturers; Tr. 2316-17, John Schiewe, Ass't Vice President, Marketing and Product Manager, Thermador Wash-King.

[91] R 1-3-1, 134-135, CRI; R 1-3-1, 312, Briggs & Stratton Corp.; R 1-3-2, 348, Gamble Skogmo, Inc.; R 1-4-1, 39, National Association of Furniture Manufacturers, Inc.; R 1-4-1, 184-186, EIA; R 1-3-3, 846, General Electric.

"A toll-free number to a remote location would be a duplication of a cost for General Electric in view of our well-identified local service facilities."

[92] R 1-2-2, 789, Major Appliance Consumer Action Panel.

[93] R 1-2-2, 781, Major Appliance Consumer Action Panel.

[94] R 1-2-2, 821, National Business Council for Consumer Affairs.

[95] *Guides*, *supra* note 6, at § 239.1.

[96] R 1-2-2, 749 (warranty did not disclose that consumer was required to ship defective 18-foot boat back to factory and pay for shipping costs in order to get warranty performance); R 1-2-2, 751 (warranty did not disclose that a sales slip and validated certificate to indicate date of purchase were required for in-warranty service); R 1-2-2, 756 (undisclosed charge for postage and handling); R 1-2-2, 757 (undisclosed charge for warranty coverage).

[97] R 1-2-2, 821, NBCCA.

[98] R 1-4-1, 184-86, EIA.

[99] R 1-3-2, 419, Armstrong Cork Co.; R 1-3-2, 546, Law firm of Nixon, Hargrave, Devans & Doyle, Washington, D.C.; R 1-3-2, 587, Colt Industries; R 1-3-3, 923, Amana Refrigeration, Inc.; Tr. 1722, David V. Kahn, Attorney, Chicago, Illinois; R 1-3-3, 844, General Electric.

[100] R 1-4-1, 222, Air Conditioning and Refrigeration Institute; R 1-3-2, 61, SCM; R 1-3-3, 956-957, Whirlpool Corp.

[101] R 1-3-1, 8, The Coleman Co., Inc.; R 1-3-1, 342, Zenith Hearing Instrument Corp.; R 1-4-1, 184, EIA.

[102] R 1-3-2, 348, Gamble-Skogmo, Inc. ("or contact your nearest ---------- store"); R 1-3-2, 496, Montgomery Ward & Co., Inc.; R 1-4-1, 184, EIA.

[103] R 1-3-1, 267, Union Carbide Corporation.

[104] R 1-3-1, 267, Union Carbide Corporation. See also R 1-3-2, 612, SCM.

[105] R 1-4-1, 26, Gas Appliance Manufacturers Association, Inc.

[106] R 1-4-1, 603, NRMA.

V40251 DEC 31 75 XUM

should be deleted since it implied that there was a dispute, which would not be the case when the warranty was extended.[107]

The final Rule deletes the words "resolution of such matters" and substitutes "the performance of warranty obligations." It provides three alternative means for the disclosure of how the consumer may contact the warrantor.

Armstrong Cork, Sears, NEMA, and Nixon, Hargrave stated that paragraph (a) of the proposed Rule, which required the disclosure of the "full name(s) and address(es) of the warrantor," overlapped with paragraph (h).[108] The substance of former paragraph (a) was incorporated as one of the three alternatives in section 701.3(a)(5) of the final Rule. The purpose of this disclosure is to provide an address which the consumer can use to communicate with the warrantor concerning warranty claims.[109] Such information need not be provided twice in the same warranty.

Section 102(a)(1) of the Act authorizes the Commission to require the disclosure of "the clear identification of the names and addresses of the warrantors". The MACAP guidelines similarly require the inclusion of "the name and address of the warrantor, on the same page as the body of the warranty."[110] The NBCCA report states that "written warranties should specify the identity of the warrantor."[111]

The *Guides* require the disclosure of "the identity of the guarantor," stating that:

> the identity of the guarantor should be clearly revealed in all advertising, as well as in any documents evidencing the guarantee. Confusion of purchasers often occurs when it is not clear whether the manufacturer or the retailer is the guarantor.[112]

A consumer complaint, indicating that the absence of the warrantor's address has been a problem, related that neither the warranty nor the package for a mattress cover, nor the cover itself disclosed the address of the warrantor. Thus, when the cover ripped, the consumer was unable to locate the warrantor so as to secure performance on the five-year warranty.[113] Another consumer stated, after having suffered considerable delay in having a hot water tank repaired,

> I honestly believe some of this confusion could have been eliminated if my warranty had spelled out exactly what department of the company warranty requests should be forwarded to. Maybe the FTC should require such information be included in warranty statements.[114]

The final Rule permits the warrantor to include such a department or an employee of the warrantor responsible for the performance of warranty obligations. The "corporate officer" language was dropped, in accordance with the comments discussed previously. It is not necessary to identify an individual in order to provide the consumer with proper access for obtaining warranty performance.

§ 701.3(a)(5) of the Rule also permits the warrantor to maintain a telephone number which consumers may use without charge. Use of such a device is not required. The purpose of the last sentence in section 701.3(a)(5) is to provide the consumer with a means for contacting the warrantor, and the use of any or all of the three alternatives set forth will satisfy this requirement.

Finally, it should be noted that the word "purchaser" has been replaced by the word "consumer," since the Rules define the word "consumer," and since the person invoking the warranty need not in fact be a "purchaser" of the product.[115]

INFORMAL DISPUTE SETTLEMENT MECHANISMS

701.3(a)(6)

Information respecting the availability of any informal dispute settlement mechanism elected by the warrantor in compliance with Part 703 of this subchapter;

Section 102(a)(8) of the Act authorizes the inclusion in warranties of "information respecting the availability of any informal dispute settlement procedure offered by the warrantor . . .". The Senate Report provides the rationale behind the analogous provision in the Senate version of the bill:

> . . . [T]he consumer should be notified of his ability to seek redress through . . . any informal dispute settlement mechanisms that the warrantor may offer. Furthermore, if the warrantor is required to inform the consumer of his rights in the event the warrantor fails to perform, the Committee believes that the warrantor will have greater incentive to perform as promised.[116]

As the NBCCA report states:

> [T]he consumer's need for warranty information continues and is more pronounced after the product has been purchased . . . some companies have begun to encourage consumers to make toll-free calls to a centralized location . . . In other cases, metropolitan consumer response offices have been established to serve these needs. However organized, some convenient means of obtaining information on the product . . . warranty should be available to consumers after sale.[117]

The proposed Rule required the disclosure of "(i)nformation respecting the availability of any informal dispute settlement procedure as specified in Part 703 of this subchapter." Mohasco Corp. and CRI stated that such information should be required only where such a procedure is offered or required by the warrantor, and not wherever a procedure is merely "available," regardless of whether or not the warrantor offers or requires it.[118] In order to clarify the intent of this section the language of this provision has been revised to read "mechanism elected by the warrantor in compliance with Part 703 of this subchapter."

LIMITATION ON IMPLIED WARRANTIES AND REMEDIES

701.3(a)(7)

Any limitations on the duration of implied warranties, disclosed on the face of the warranty as provided in Section 108 of the Act, accompanied by the following statement:

"Some states do not allow limitations on how long an implied warranty lasts, so the above limitation may not apply to you.".

701.3(a)(8)

Any exclusions of or limitations on relief such as incidental or consequential damages, accompanied by the following statement, which may be combined with the statement required in sub-paragraph (7) above:

"Some states do not allow the exclusion or limitation of incidental or consequential damages, so the above limitation or exclusion may not apply to you."

Section 102(a)(6) of the Act provides for the disclosure of "exceptions and exclusions from the terms of the warranty." The MACAP guidelines require disclosure of "exceptions, disclaimers or exclusions with the same prominence as the affirmative statements in the body of the warranty."[119]

The Uniform Commercial Code, ("U.C.C.") which, with variations, is the law in the District of Columbia and in every state except Louisiana, provides, at §§ 2-314 and 2-315, that in a contract for sale certain warranties are implied by law. The implied warranties of merchantability (which encompasses the concept that goods must be fit for the ordinary purpose for which they are used) and fitness for a particular purpose (which may arise when a seller has reason to know the particular purpose for which the goods are required and that the buyer is relying on the seller's skill or judgment to furnish suitable goods) in certain circumstances may provide a buyer with broader protection and rights than a written warranty document.

Although the U.C.C. provides a procedure whereby such implied warranties may be disclaimed and excluded, several states have prohibited disclaimers or exclusions and have made them legally unenforceable.[120] The use of disclaimers or exclusions of implied warranties and limitations and exclusions of remedies under implied warranties in any state where such a clause or clauses are enforceable as written has the clear capacity and tendency to deceive purchasers in those states as to the true nature of their warranty rights and remedies. A consumer may reasonably be expected to believe that a warranty document states the full extent and limit of his warranty rights and remedies and rely on that belief. This reliance tends to eliminate attempts to determine whether such a written warranty states limitations, disclaimers or exclusions fully or correctly.

Paragraph (k)(1) of the proposed Rule provided that:

> "Where any such modification, limitation, or exclusion is unenforceable under applicable State law, that fact shall be disclosed in a manner which specifically names such jurisdictions."

This proposal elicited substantial industry opposition. Many warrantors claimed that this requirement was unduly onerous in that it would necessitate research of the case law in every state in which a product is offered for sale, often in all fifty states.[121] Many industry representatives noted that a constant monitoring and review of state law would be required in order to keep abreast of any modifications.[122] Warranties would have to be revised continuously and reprinted because of changes in state law.[123] Armstrong Cork argued that because state law is constantly changing, the warranty could "be incorrect by intervention of judicial act before the ink was dry. . . ."[124] North American Philips Corp. stated that this could cause ". . . confusion to the consumer because it would be impossible to avoid having different warranty cards being distributed at the same time because of the products that would be in the distribution pipeline whenever a change occurred."[125]

Another line of criticism challenged the Rule's imposition on warrantors of the duty to interpret uncertain unsettled state law.[126] Standard Oil of California stated that this could lead to "public confusion resulting from inconsistent and/or inaccurate monitoring and reporting of state law by various warrantors."[127] Warren Tool, the Electronic Industries Association (EIA), and others objected that this would require warrantors to advise consumers as to complex issues of law.[128]

The Association of Auto & Truck Recyclers (NATWA) argued that the Rule, "in effect, precludes many warrantors from modifying, limiting or excluding implied warranties or consequential damages, although the Act itself specifically allows these types of modifications, limitations or exclusions."[129] Others stated that compliance with this requirement would unduly lengthen warranties.[130]

The proposed Rule also required disclosure of "all modifications and limitations on implied warranties, and all exclusions of or limitations on relief such as incidental or consequential damages." Nixon, Hargrave noted that this language appeared to permit the modification of implied warranties,[131] prohibited by Section 108(a) of the Act.[132]

Paragraph (k)(2) of the proposed Rule required that "any limitation on or exclusion of consequential damages for breach of any written or implied warranty on the consumer product shall be disclosed on the face of the warranty, as provided in § 104 of the Act."

Mohasco, Briggs & Stratton Corp., Chrysler Corp., Nixon, Hargrave, and CRI argued that the Commission ignored the intention of Congress by imposing the requirement of stating exclusions or limitations on consequential damages on the face of the warranty on "limited" warranties.[133] The Act requires only that such disclosure be made on the face of "full" warranties.[133a]

In light of the substantial criticisms of paragraph (k) of the proposed Rule, the Commission has deleted this paragraph, and has substituted paragraphs 701.3(a)(7) and (8). The final Rule does not require that warrantors specifically name the jurisdictions in which limitations or exclusions are unenforceable under state law. It does require that the consumer be alerted to the possible inapplicability of limitations on the duration of implied warranties or exclusions or limitations of incidental or consequential damages in his or her jurisdiction by the use of brief, simple disclosures. These may be combined, if both are applicable, and may also be combined with the statement required by § 701.3(a)(9), discussed *infra*. These disclosures will not serve to unduly lengthen warranty statements and will put consumers on notice as to the possible inapplicability of paragraphs concerning limitations and exclusions in the warranty. The language used in paragraphs (a)(7) and (8) is

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[107] R 1-4-1, 26, Gas Appliance Manufacturers Association, Inc.; R 1-4-1, 92-93, National Electrical Manufacturers Association.

[108] R 1-3-2, 418, Armstrong Cork Co.; R 1-3-2, 547, Law firm of Nixon, Hargrave, Devans & Doyle, Washington, D.C.; R 1-3-2; 644, Sears Roebuck and Co.; R 1-4-1, 91, National Electrical Manufacturers Association.

[109] R 1-3-1, 56 Mohasco Corporation.

[110] R 1-2-2, 779, MACAP Report (1973).

[111] R 1-2-1, 821, NBCCA Report.

[112] R 1-2-1, 269 *Guides*, at § 239.1(c). See also *In the Matter of Royal Audio Instruments, et al*, 66 FTC 989 (1964); *In the Matter of ADF Warehouse, Inc., et al*. 66 FTC 1267 (1964); *In the Matter of B. R. Page Company, et al*. 66 FTC 1319 (1964); *In the Matter of Universal Sewing Service, Inc., et al*. 54 FTC 643 (1957).

The address, as well as the name of the guarantor, has been required by the Commission. *In the Matter of World Wide Television Corporation, et al*. 66 FTC 961 (1961); *affirmed* 352 F. 2d 203 (3rd Cir. 1965). See also *In the Matter of Central Sewing Center, Inc., et al., d.b.a. Tri State Distributing*, (63 FTC 788 (1963)).

[113] R 1-2-2, 726 (consumer letter).

[114] R 1-5-, 524 (consumer letter).

[115] R 1-3-2, 546, Law firm of Nixon, Hargrave, Devans & Doyle, Washington, D.C.

[116] R 1-2-2, 167, Senate Report.

[117] R 1-2-2, 822, NBCCA Report.

[118] R-1-31-1, 57-58, Mohasco Corporation; R 1-3-1, 137-138, CRI.

[119] R 1-2-2, 780, MACAP Report (1973).

[120] See, e.g.: § 2-312 *et seq.*, replaced by new Title Consumer Warranties, CALIF. CIVIL CODE ch. 1333, Stats. 1970. W. VA CODE, § 46-6-107 (supp. 1974). MASS. GEN LAWS ch. 106, § 106, § 2-316 A (supp. 1974). MD. Ann. Code, art. 95 B, § 2-316 (A) (Supp 1974). WASH. REV. CODE § 62 A, 2-316(4) (Supp. 1974). OREGON STAT. Ch. 413, §§ 72.8010-8200 (enacted Aug. 19, 1973). MAINE REV. STAT. ANN., Title 11, § 2-316(5) (Supp. 1974).

[121] R 1-3-1, 27, Baldwin Piano and Organ Co.; R 1-3-1, 41, Purolator, Inc.; R 1-3-1, 58, Mohasco Corporation; R 1-3-1, 71, Law firm of Guren, Merritt, Sogg & Cohen, Cleveland, Ohio; R 1-3-1, 81-82, Firestone Tire & Rubber Co.; R 1-3-1, 191 Association of Auto & Truck Recycles; R 1-3-1, 201-202, Bruce J. McWhirter, Attorney.; R 1-3-1, 288, Union Carbide Corp.; R 1-3-2, 356, Mark J. Lowenstein, Attorney; R 1-3-2, 408, Boise Cascade Corp.; R 1-3-2, 549-550, Law firm of Nixon, Hargrave, Devan & Doyle, Washington, D.C.; R 1-4-1, 125, Automotive Parts & Accessories Association, Inc.; R 1-4-1, 134, National Paint and Coatings Association, Inc.; R 1-3-3, 789, Warren Tool Corporation; R 1-4-1, 259, CRI; R 1-4-1, 478, Association of Home Appliance Manufacturers; Tr. 2047, Berkson, Counsel, Singer Sewing Machines.

[122] R 1-3-1, 27, Baldwin Piano and Organ Co.; R 1-3-1, 58, Mohasco Corp.; R 1-3-1, 81-82, Firestone Tire. & Rubber Co.; R 1-3-2, 356, Law firm of Altheimer & Gray, Chicago, Illinois; R 1-3-2, 370-371, Sunbeam Corp.; R 1-3-2, 408 Boise Cascade Corp.; R 1-3-2, 499, Montgomery Ward & Co., Inc.; R 1-3-2, 653, Sears, Roebuck and Co.; R 1-4-1, 134, National Paint and Coatings Association, Inc.; R 1-3-3, 789, Warren Tool Corporation; R 1-4-1, 282, Specialty Equipment Manufacturers Association; R 1-4-1, 259, CRI; R 1-3-3, 849, General Electric; Tr. 2047, Berkson, Counsel, Singer Sewing Machines.

[123] R 1-3-2, 351, Standard Oil Co. of California.

[124] R 1-3-1, 42, Purolator, Inc.; R 1-3-1, 288, Union Carbide Corp.; R 1-3-3, 790-791, Warren Tool Corporation; R 1-4-1, 126-187 EIA.

[125] R 1-3-1, 191, Association of Auto and Truck Recyclers. See also R 1-3-2, 612, SCM; R 1-3-3, 849, General Electric Co.

[126] R 1-3-1, 48-49, North American Philips Corp.

[127] R 1-3-1, 8-9, The Coleman Co., Inc.; R 1-3-1, 22, The Coleman Co., Inc.; R 1-3-1, 202, Bruce J. McWhirter, Attorney, Chicago, Illinois; R 1-3-2, 392, Shell Oil Co.; "(T)his subsection requires a manufacturer, to make interpretive decisions as to the legal significance of judicial opinions in the various state courts when their legal significance may be unclear or open to dispute by intelligent and knowledgeable parties."; R 1-3-3, 924, Amana; R 1-4-1, 606 NRMA.

[128] R 1-3-2, 351, Standard Oil Co. of California.

[129] R 1-3-1, 42, Purolator, Inc.; R 1-3-1, 288, Union Carbide Corp.; R 1-3-3, 790-791, Warren Tool Corporation; R 1-4-1, 126-187 EIA.

[130] R 1-3-1, 191, Association of Auto and Truck Recyclers. See also R 1-3-2, 612, SCM; R 1-3-3, 849, General Electric Co.

[131] See e.g., R 1-3-1, 202, Bruce J. McWhirter, Attorney, Chicago, Illinois; R 1-3-1, 313, Briggs & Stratton Corp., R 1-3-2, 653, Sears, Roebuck and Co.; R 1-4-1, 606, NRMA; Tr. 2047, Berkson, Singer Sewing Machines.

[132] R 1-3-2, 549, Law Firm of Nixon, Hargrave, Devans & Doyle, Washington, D.C.; R 1-3-3, 1035, General Motors Corp.

[133] "No supplier may disclaim or modify (except as provided in subsection (b) any implied warranty to a consumer with respect to a consumer product . . ."

[133] R 1-3-1, 59, Mohasco Corp.; R 1-3-1, 313, Briggs & Stratton Corp.; R 1-3-2, 474, Chrysler Corp.; R 1-3-2, 550, Law firm of Nixon, Hargrave, Devans & Doyle; R 1-4-1, 260-261, CRI.

[133a] "In order for a warrantor warranting a consumer product by means of a written warranty to meet the Federal minimum standards for warranty— . . . (3) such warrantor must not exclude or limit consequential damages for breach of any written or implied warranty on such product, unless such exclusion or limitation conspicuously appears on the face of the warranty." Section 104(a)(3).

V40251 DEC 31 75 XUM

similar to several proposals made on the record.[134]

The language "all modifications and limitations on implied warranties" has been changed to "any limitations on the duration of implied warranties," to eliminate any conflict with the requirements of Section 108.

The requirement that limitations on or exclusions of consequential damages be disclosed as provided in Section 104 of the Act has been deleted. Full warranties must of course comply with the applicable requirements of the Act.

Finally, the proposed Rule required that:

> Any modification, limitation, or exclusion, or any statement that such modification, limitation, or exclusion is unenforceable under applicable State law shall be set apart from the balance of the warranty by the use of type size larger than the body copy of the warranty, or by the use of all capital letters, or by underlining.

Although this paragraph has been deleted from the final Rule, such deletion should not be viewed as a tacit statement on the part of the Commission that limitations are not to be made conspicuously. Rather, in this instance, the Commission recognizes that some flexibility in making such disclosures may be necessary. The failure to make disclaimers conspicuous, as required by § 2-316 of the U.C.C., renders such disclaimers ineffective. The use of underlining, capital letters, or larger type size are examples of possible means of satisfying the statutory mandate of prominence and conspicuousness.[135]

DISCLOSURE OF THE WARRANTY RIGHTS

701.3(a)(9)

A statement in the following language:

This warranty gives you specific legal rights, and you may also have other rights which vary from state to state.

Section 102(a)(9) of the Act authorizes the Commission to require the inclusion of a "brief, general description of the legal remedies available to the consumer."

The full and accurate disclosure of warranty terms is a major element in the warranty enforcement program created by the Act. The Act is designed to give individuals the information they need to enforce their warranty rights. To do this, the individual must have at least a threshold understanding of the legal significance of the warranty document.

If attempts by consumers to assert their warranty rights are to be made easier and encouraged, as Congress intended, written warranties must disclose information about the buyer's legal rights and remedies. As the record amply demonstrates, there is substantial room for improvement in the public's general understanding of buyer's rights and remedies. The Act recognizes the written warranty as the logical and efficient means of accomplishing this result. The warranty is, in the end, simply part of the agreement between buyer and seller. It is wholly proper that the terms and significance of the agreement be understood by the buyer as well as the seller. The free market economy depends upon adequately informed buyers to stimulate competition.

The proposed rule sought to achieve the goals described above without unduly lengthening the written warranty. The proposed rule required the disclosure of one of the statements below:

> This warranty gives you specific legal rights. You also have implied warranty rights. In the event of problem with warranty service or performance, you may be able to go to a small claims court, a State court, or a Federal district court.
>
> or
>
> This warranty gives you specific legal rights. You also have implied warranty rights, including an implied warranty of merchantability which means that your product must be fit for the ordinary purposes for which such goods are used. In the event of a problem with warrarnty service or performance, you may be able to go to a small claims court, a State court, or a Federal district court.

The proposed disclosures elicited substantial comment, both adverse and favorable. While some voiced a basic disagreement with the Act's basic goal of informing buyers of their rights and remedies, several lines of comment developed on the record. Westinghouse, Sunbeam, Shell Oil, Walker Manufacturing Co. and others expressed the concern that consumers would be encouraged to go to court, rather than trying the normal remedies outlined in the warranty, or dealing directly with the warrantor initially.[136] Sears argued that the proposed language "could mislead some consumers into the belief that they *must* resort to the courts to obtain any performance under the warranty." [137] Husky Oil Co., Guren, Merrit, Sogg & Cohen ("Guren, Merritt"), and others felt that inclusion of such a provision would encourage litigation[138] in already congested courts.[139] Lear Siegler, Inc. and National Association of Photographic Manufacturers argued that the disclosures were in conflict with the legislative intent of the Act to encourage informal settlements.[140]

North American Philips Corp., AHAM, and others claimed that the proposed statements would serve to confuse rather than inform consumers.[141] SCM Corp. stated:

> The implication of both versions of the specified statement is that judicial remedies are readily available without cost or difficulty to a consumer who is dissatisfied with warranty performance. The fact that jurisdictional requirements may bar an action in federal court, that federal or state court procedure must be followed, that an attorney may be necessary, and the fact that there may be costs to the consumer which may or may not be reimbursable at the end of the proceeding make the inclusion of the proposed statements unreasonable and misleading to consumers.[142]

AHAM, in its written submission, stated:

> Encouraged by a written warranty to seek redress in court, unable in many instances to find the proper court, and finding in most instances that the assistance of a lawyer is necessary, a dissatisfied purchaser would be rewarded only with disillusionment and frustration. Unfortunately, the frustration and disillusionment and resulting animosity would be directed against the warrantor. . . .[143]

General Mills Fun Group and Eddie Bauer commented that insertion of such statements would subject them to a barrage of questions from consumers as to their legal rights, and that answering such inquiries would increase their operating costs.[144] Westinghouse, Black and Decker, Sears, EIA and others expressed the view that these statements were appropriate for a consumer education campaign, but not for disclosure in warranties themselves.[145] Westbend Co., among others, argued that the nuances of implied warranties and legal rights could not adequately be explained to consumers in just five or six lines.[146] Zenith Radio

[134] R 1-3-1, 27 Baldwin Piano and Organ Co. ("Some states do not permit limitations on the duration of an implied warranty and some states require warrantor to award incidental and consequential damages. . . ."); R 1-3-1, 117, Ford Motor Co. ("Modifications, limitations or exclusions on implied warranties may be unenforceable in some states. . . ."); R 1-3-1, 501, Montgomery Ward (". . . The modification or limitation on implied warranties set forth in this warranty is unenforceable in some states. . . .")

[135] See R 1-3-3, 849, GE ("The provision describing how to make modifications, limitations, etc., conspicuous or prominent should if considered at all, be by way of example.")

[136] R-1-3-1, 2, Westinghouse Electric Corp.; R-1-3-2, 372; Sunbeam Corp.; R-1-3-2, 393, Shell Oil Co.; R-1-3-2, 703, Standard Oil Co., (Indiana); R-1-4-1, 3-4, California State Electronics Association; R-1-4-1, 223, Air Conditioning and Refrigeration Institute; R-1-3-1, 19, Walker Manufacturing; R-1-3-3, 850, General Electric Co.; Tr. 2276, Woolliscraft, California State Electronics Association.

[137] R-1-3-2, 655, Sears, Roebuck and Co.; See also R-1-3-2, 724, Bose Corporation; R-1-3-3, Waltham Watch.

[138] R-1-3-1, 72, David A. Schaefer, Attorney, Cleveland Ohio; R-1-3-2, Zenith Radio Corp.; R-1-3-2, 432, Henry J. Underwood, Jr., Attorney, Chicago, Illinois; R-1-4-1, 93, National Electrical Manufacturers Assoc.; R-1-4-1, 135, National Paint and Coatings Association, Inc.; Tr. 2048, Berkson, Counsel, Singer Sewing Machines.

[139] R-1-3-1, 97, Goodyear Tire & Rubber Company; R-1-3-1, 164, Lear Siegler, Inc.

[140] R-1-3-1, 165, Lear Siegler, Inc.; R-1-4-1, 203, National Association of Photographic Manufacturers, Inc.

[141] R-1-3-1, 49, North American Philips Corp.; R-1-3-1, 313, Briggs & Stratton Corp.; R-1-3-2, 393, Shell Oil Co.; R-1-3-2, 655, Sears, Roebuck and Co.; Tr. 165, Ray Afferbach, Executive Director, American Institute of Kitchen Dealers; R-1-4-1, 484, AHAM; R-1-4-1, 539, Motor & Equipment Manufacturers Association.

[142] R-1-3-2, 615, SCM. See also R-1-4-1, 135, National Paint and Coatings Association, Inc.

[143] R-1-4-1, AHAM.

[144] R-1-3-2, 456-457, General Mills; R-1-3-2, 463, Eddie Bauer.

[145] R-1-3-1, 2, Westinghouse Electric Corp.; R-1-3-1, 189 Black and Decker; R-1-3-2, Sears, Roebuck & Company; R-1-3-2, 703, Standard Oil Co. (Indiana); R-1-4-1, 27, GAMA; R-1-4-1, 125, Automotive Parts and Accessories Assoc., Inc.; R-1-4-1, 187, E.I.A.

[146] R-1-3-1, 79, West Bend Co.; R-1-3-1, 189, Black and Decker; R-1-3-3, 958, Whirlpool Corp.

Corp., Nutone Division, and others claimed that even the inclusion of the existing statements would unduly lengthen warranties.[147]

The need for some form of disclosure as to the consumer's legal rights is documented in the record.[148] Hershel Elkins, California Deputy Attorney General, in his testimony stated:

> . . . (T)he experience we have have indicates that consumers, if they have an occasion to look at their warranty . . . believe that that restricts their rights to go further. In fact, we have had individuals who have gone back to the sellers, and the sellers have said 'Look; take a look at your warranty. It says right here that this is the only protection you have.' And consumers often do not realize that they have other theories. They have implied warranty. There is also negligence even without warranties. There are all sorts of breach of contract theories which might be utilized; and that is not an end all . . .'[149]

The final Rule does not require the disclosure of either of the two alternatives as proposed. Since the proceeding did show the need for some kind of disclosure concerning warranty rights, a brief general statement was adopted, which puts the consumer on notice that other rights might accrue to him or her, in addition to those cited in the warranty. The substance of the language used in this statement follows several suggestions offered in the written comments on paragraphs (k) and (l) of the proposed Rule.[150] By the use of such statement, suggests NRMA, the consumer can

> be informed generally of his or her contract, tort, and strict liability rights in a manner that suggests that further inquiry as to the nature of those rights might be fruitful, but without confusing or misleading as to the details.[151]

The Commission concluded that paragraph (a)(9) of the final rule can accomplish this task without imposing unreasonable burdens on warrantors. The warranty need not be a legal treatise. Indeed, the final rule should preclude such a result. However, the warranty must at least contribute to the buyer's understanding of its legal consequences. To require less could result in misleading the public by failing to negate the assumption (often incorrect) that the warranty sets forth the buyer's only recourse. The final rule will go far to correct this situation and will adequately implement the intent of Congress.

SEALS OF APPROVAL

701.3(b)

Paragraph (a)(1)-(9) of this section shall not be applicable with respect to statements of general policy on emblems, seals, or insignias issued by third parties promising remedial action with respect to a consumer product, which statements contain no representation or assurance of the quality or performance characteristics of the product; provided that (1) the disclosures required by paragraph (a)(1)-(9) are published by such third parties in each issue of a publication with a general circulation, and (2) such disclosures are provided free of charge to any consumer upon written request.

This paragraph was added to the final Rule in response to concerns expressed by *Parents* and *Good Housekeeping Magazines* that the proposed rule would force the elimination of "seal" programs.[152] It relieves these and other similar seal programs from having to set forth the disclosure requirements set forth in 701.3(a) in the actual seal itself. These disclosures must, however, be set forth in a publication. The required disclosures are thus the same for seal programs as for other warranties; only the medium for disclosure has been altered.

A specific provision for seal programs has been granted because of circumstances which the Commission believes are unique. First, third party seals are too small to contain the disclosures required by the rule and still remain legibly printed and readable by the consumer.[153] Also, magazines such as *Parents* and *Good Housekeeping* are not in the chain of distribution of products bearing the seal. They are merely third-party guarantors.[154] Finally, the public policy stated in 102(a) of the Act of "improving competition in the marketing of consumer products" would not be served by a rule which terminated seals of approval such as Parents and Good Housekeeping.[155]

Whatever the merits of such programs, we do not choose to eliminate them at the stroke of a pen. The Commission has instructed its staff to monitor the impact of this exception and to recommend modifications if needed to protect the public.

OWNER REGISTRATION CARDS

701.4

When a warrantor employs any card such as an owners' registration card, a warranty registration card, or the like, and the return of the card is a condition precedent to warranty coverage and performance, the warrantor shall disclose this fact in the warranty. If the return of such card reasonably appears to be a condition precedent to warranty coverage and performance, but is not such a condition, that fact shall be disclosed in the warranty.

The disclosures required by this section are in accord with specific disclosures required by the Act. Section 102(a)(5) authorizes the disclosure of "[a] statement of what the consumer must do and the expenses he must bear." Section 102(a)(7) provides for the disclosure of "[t]he step-by-step procedures which the consumer should take in order to obtain performance of any obligation under the warranty . . ." Section 701.4 which requires the warrantor to disclose in the warranty document itself, the purposes for which the card is intended, is necessary in order to alert the consumer as to whether or not the return of the card is a precondition to warranty service or performance.

MACAP's 1973 evaluation of warranties notes that an increased number of companies stated in their warranties that the consumer was required to return a warranty registration card in order to have the warranty honored. A special questionnaire was sent to the 48 companies who included such a requirement to ascertain (1) whether in practice the return of the warranty registration card was required in order for the company warranty to be honored; (2) whether the warranty would be honored without the return of such card; and (3) whether there were other reasons why the return of such card was helpful to the company.[156] Twenty-eight of the thirty-two companies that responded to this inquiry replied that the warranty would be honored in practice even if the registration card was not returned. MACAP also found, in evaluating the comments of the responding companies, that there are a number of uses for warranty registration card information. The predominant uses were (1) verification of warranty status in dispute situations; (2) identification of the "original owner"; (3) identification of the product location for purposes of product modifications, product recall, and evaluation of the need for service centers and/or parts distributors; and (4) marketing or sales purposes. On the basis of this information, MACAP recommended that appliance warrantors who use such cards "candidly and clearly state the purpose of the card, if other

[147] See e.g., R-1-3-1, 2, Westinghouse Electric Corp.; R-1-3-2, 388, Scovill Housing Products Group; R-1-3-2, 401, Zenith Radio Corp.

[148] Tr. 738, Goldberg ("the deaf community like many other minority communities does not really know that they have legal rights"); Tr. 1290, Kaufman, Assistant Attorney General, State of Illinois ("I think . . . if you said to 100 [people] on the street, 'what is an implied warranty?'; I don't think they would be able to answer your question."); Tr. 234-1-42, Max Factor, Deputy City Attorney, Los Angeles, California ("701.3(k) & (l) . . . is one of the hearts of the statute . . . That is telling the consumers what their rights are."); Tr. 2391, Julian D. Rhine, Assistant District Attorney, San Francisco, California ("I don't think the consumer is really aware of his right.").

[149] Tr. 2032, Elkins.

[150] R-1-3-1, 268, Union Carbide Corp., (". . . (T)his section should . . . include a generally stated requirement that warranties must include a statement that consumers may have implied warranty rights in addition to the rights provided by the written warranty."); R-1-3-2, 501, Montgomery Ward ("This warranty gives you specific legal rights. You also have implied warranty rights . . ."); R-1-3-3, 849, GE ("This warranty gives you specific legal rights. You may also have implied warranty rights which vary from state to state . . ."); R-1-3-1, 49, North American Philips Corp. ("This warranty gives you specific legal rights. Because of pertinent statutes in your state you may have additional rights . . ."); R-1-4-1, 608, NRMA ("This warranty gives you specific legal rights, and you may also have other rights, which vary from state to state.").

[151] R-1-4-1, 608, National Retail Manufacturers Association.

[152] R-1-3-1, 292-301, Good Housekeeping Magazine, R-1-3-3, 1051, Arent, Fox, Kintner, Plotkin & Kahn.

[153] R-1-3-1, 292-301, Good Housekeeping Magazine, Tr. 408, Parents Magazine.

[154] R-1-3-1, 296, Good Housekeeping Magazine, Tr. 395-96, Parents Magazine.

[155] R-1-3-1, 1050, Arent, Fox, Kintner, Plotkin & Kahn.

[156] R-1-4-1, 434, Major Appliance Consumer Action Panel.

V40251 DEC 31 75 D XUM

than or in addition to registration of the product to assure warranty service." [157]

The NBCCA report lends further support to MACAP's recommendation as to warranty registration cards. The report states:

> registrations on consumer usage may be reasonable but should be used only when the restriction has a real purpose. For example, consumers should not be misled to believe that mailing a registration card is necessary precondition to obtaining the benefits of a warranty. In sum, any restriction or other obligation imposed upon the consumer should be clearly defined and carefully explained in the material available to the consumer at the time of purchase.[158]

The practice of stating that the card is a prerequisite to warranty coverage and performance, even where this is never enforced, may chill the assertion and exercise of warranty rights. Some purchasers may not request warranty service if they did not return the card in the prescribed period of time, because of the mistaken (although logical) belief that the warranty accurately states the warrantor's intentions.

Furthermore, a requirement, that a purchaser complete and return a warranty registration card appears to be unenforceable under Section 2-313 of the U.C.C. An express warranty must be "a basis of the bargain", or part of the actual sales transaction. According to the House Subcommittee Staff Report,

> most warranties and warranty registration cards appear to be of the type that are packaged with the product. . . . This discovery often takes place at home, long after the actual sales transaction has been completed. Thus, the requirement of filling out and returning a warranty registration card in order to obtain full warranty protection . . . is likely to be held invalid by most courts.[159]

The House Subcommittee Staff states further that

> some of the warranties that had these cards did not expressly require that the cards be filled out and returned, but instead state to 'please' do so. However, the fact that it is labeled 'Warranty Registration Card' and is attached to the warranty can nevertheless convey the idea that the card is needed to validate the warranty . . . (M)ost of these cards appear to be clearly for the benefit of the manufacturer—to obtain marketing information . . . Questions seeking this kind of information can pose a threat to privacy, especially if it is given under the mistaken notion that the buyer will obtain full warranty protection by doing so.[160]

This section of the Rule is intended to eliminate the deception inherent in the situation where a warrantor purports to condition warranty protection upon a timely return of the registration card, while in fact using such cards solely for marketing or other purposes.

The original proposal had also required a disclosure in the warranty of the purpose for which a card was used, if the return of such card was not a condition precedent to warranty coverage.[161] NEMA, AHAM, SCM, and others argued against including a statement about an unrelated subject (e.g., market research) in an already lengthy warranty.[162] Cox, Langford, and Brown stated that "(s)uch a requirement may encourage manufacturers to condition their warranties on the return of such cards, and therefore reduce the protection given to consumers." [163] Sears claimed that "(s)uch a disclosure in the warranty may even mislead consumers into believing that since the disclosure is in the warranty that the card must have something to do with the warranty." [164]

This requirement has been modified in the final Rule, which requires disclosure only if the card is or reasonably appears to be required for warranty performance. The strictures of Section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, are adequate to deal with any other deceptive uses of non-warranty related cards.

PARAGRAPHS DELETED FROM THE PROPOSED RULE

701.3(a) Section 701.3(a), which required the disclosure of "the full name(s) and address(es) of the warrantor(s)", has been incorporated as an alternative in paragraph 701.3(a)(5). (See discussion of paragraph 701.3(a)(5), *supra*.)

701.3(e) Paragraph 701.3(e) of the proposed Rule required the disclosure of:

> The period of time, stated in terms of hours, business days or days, within which, after notice of a defect, malfunction, or failure to conform with the warranty, the warrantor will perform any obligations under the warranty.

This provision evoked much negative comment from warrantors. Many industry representatives stated that the warrantor could not control the length of time within which warranty obligations could be performed because of the use of independent contractors, such as retail dealers.[165] Other warrantors claimed that they could not control the length of time because of problems in securing parts or supplying replacement parts.[166] CRI, EIA, NRMA and many others argued that requiring the inclusion of such a time period would not be helpful to consumers because it would lead warrantors to set long, maximum times for performance, representing the most extreme cases.[167] Montgomery Ward, General Electric, and others stated that averages could not be obtained [168] and would not be useful even if they could be derived.[169]

Many warrantors cited the variables which make setting a time for performance exceedingly difficult. In different areas, a different service organization or differing backlog may account for a variation in the amount of time needed for performance of obligations.[170]

A compelling argument, directed at the effects of the insertion of the proposed language, was presented by Thomas W. Clark, Director of Marketing Services of Bang & Olufsen of America, Inc. ("B & O A"). In his testimony he stated:

> . . . (L)arge manufacturers could use their sheer size to gain a competitive edge. . . . (M)any of B & O A's authorized service stations repair a great many different brands. A large manufacturer whose products represent, for instance, 30-40 percent of a repair facility's business has the economic power to promise consumers a three-day repair period and force the repair facility to honor it at the expense of one such as B & O A whose products represent less than one percent of the facility's business. The ultimate result of this provision could well be to reduce competition in the market place, a result directly contrary to the interest of the consumer it is meant to "protect".[171]

This paragraph was proposed because consumer complaints had indicated that securing timely repairs under warranty was a major problem. If the consumer were apprised at the outset of the period of time within which the warrantor would perform any warranty obligations, he or she would be better able to differentiate among similar warranties for competing products, and any false expectations as to time for repairs could be dispelled. However, although the problem of obtaining timely warranty performance which motivated the inclusion of this paragraph is serious, the Commission, having reviewed the record, is of the opinion that the insertion of this paragraph in this Rule is not the appropriate means for addressing this problem. Because warrantors might be encouraged, on the basis of the inclusion of such a provision, to set and operate under a longer time for repair than currently exists in practice, the best interest of the consumer would be served by deletion of this requirement.

701.3(g) Section 701.3(g) of the proposed Rule required the disclosure of

> any requirement or duty which must be fulfilled by the purchaser as a condition precedent to securing warranty performance, including any expenses which must be borne by the purchaser.

Of the comments which were received concerning this paragraph, most were directed at the interrelation and overlap between paragraphs (g) and (h) of the proposed Rule.[172] The Commission has determined that the information disclosures called for in (g) are fully addressed by § 701.3(a) (3) and (5) of the final Rule. The information required by those sub-paragraphs includes disclosure of all responsibilities which the consumer must perform in order to obtain warranty performance. Therefore, paragraph (g) was deleted from the final Rule.

701.3(j) Paragraph (j) of the proposed Rule required the disclosure of

> any limitations on the time of day or days of the week during which the warrantor will perform his warranty obligations if such performance is not available Monday through Saturday, 9:00 a.m. to 6:00 p.m. local time. .

This paragraph spawned a deluge of negative comments from warrantors. Many warrantors stated that they provided for too many service facilities to specify the working hours of each in the warranty.[173] Others, such as The Coleman Co. and Kohler Co., claimed to have no control over the hours during which warranty service is available.[174] Others simply did not know the hours that their services were open for business.[175] Baldwin Piano, Altheimer & Gray, and SFMA complained that since different stores had different hours, warrantors would have to determine the ultimate destinations of their products and would be forced to print several different warranties.[176] Sunbeam, Chrysler Corp. and others stated that the hours for service establishments changed frequently, making compliance with this paragraph difficult.[177] CRI, Sears, Questor Corp., and others claimed that this paragraph would force servicers to conform to the same hours, exceeding the Commission's authority under Section 102(a).[178] Other industry representatives stated that the hours set forth in the proposed paragraph were not consonant with those of most businesses.[179]

This paragraph was inserted in the proposed Rule because it was felt that the consumer should know whether or not a warrantor's service hours were more limited than those normally offered by others in the same or similar line of business. This information could play a part in the consumer's purchasing decision.

The Record is replete with comments stressing that the inclusion of this paragraph would lead to voluminous warranties, and that the servicers would be forced to conform to the same hours. Therefore, although the Commission feels that this paragraph might have provided useful information to consumers, it has decided that the public interest is best served by its deletion, since the language as originally proposed would have created a disincentive for the setting of flexible hours.

701.3(m)

Paragraph (m) of the proposed Rule required that the warranty contain:

> If the terms "Life", "Lifetime", or words of similar meaning are used to indicate the duration of a warranty, a clear and conspicuous disclosure of the life referred to.

Although this paragraph does not appear in the final Rule, the disclosure which it requires, i.e., that of the life referred to, is required by Section 701.3(a)(4), which requires the disclosure of the duration of the warranty. Further-

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[157] R-1-4-1, 436, Major Appliance Consumer Action Panel.

[158] R-1-2-2, 818, National Business Council for Consumer Affairs.

[159] R-1-2-1, 57, House Subcommittee Staff Report.

See *Koellmer v. Chrysler Motors, Corp.* 6 Conn. Cir. 478, 8UCC Rep. Serv. 668 (1970). A properly worded disclaimer clause contained in the operator's manual for a new truck was held ineffective by a Connecticut court because the manual was delivered after the sale had been consummated.

[160] R-1-2-1, 57, House Subcomm. Staff Report.

[161] Section 701.4(b)(2) of the proposed Rule stated:

> "If the return of such card is not a condition precedent to warranty coverage, the warrantor shall clearly and conspicuously disclose in the warranty document the purpose for which such card is utilized. In such instance, the warrantor shall not designate the card as 'warranty registration card', but shall appropriately label or title the card according to the purpose or purposes for which it is intended, e.g., 'marketing research card', or 'product safety registration card'."

[162] R-1-3-1, 3, Westinghouse Electric Corporation; R-1-3-1, 172, McGraw-Edison Company, R-1-3-1, 314, Briggs and Stratton Corporation; R-1-3-2, 502, Montgomery Ward and Co.; R-1-3-2, 704, Standard Oil Company; R-1-4-1, 28, Gas Appliance Manufacturers Association; R-1-4-1, 93-94, National Electrical Manufacturers Association; R-1-4-1, 222, Air Conditioning and Refrigeration Institute; R-1-4-1, 488, Association of Home Appliance Manufacturers; R-1-3-2, 617, Proctor-Silex Corporation.

[163] R-1-3-2, 713, White Consolidated Industries, Inc.

[164] R-1-3-2, 657, Sears, Roebuck and Company.

[165] R-1-3-1, 7, Colemen Co., Inc.; R-1-3-1, 14, Engineering Products Co.; R-1-3-1, 96-97, Goodyear Tire and Rubber Co.; R-1-3-1, 188, Black & Decker Tool Co.; R-1-3-1, 204, Ross, Hardies, O'Keefe, Babcock & Parsons; R-1-3-1, 311, Briggs and Stratton Corp.; R-1-3-1, 341-342, Zenith Hearing Instrument Corp.; R-1-3-2, 366-67, Sunbeam Corporation; R-1-3-2, 382-83, Rockwell International; R-1-3-2, 386-87, Nutone Division, R-1-3-2, 392, Shell Oil Company; R-1-3-2, 407-8, Boise Cascade Corporation; R-1-3-2, 425-26, Exxon Company, U.S.A.; R-1-3-2, 446, J. I. Case Co.; R-1-3-2, 438, Outboard Marine Co., R-1-3-3, 934-35, Timex Corp.

[166] See, e.g., R-1-3-1, 19, Walker Manufacturing, R-1-3-1, 96-97, Goodyear Tire & Rubber Co.; R-1-3-2, 347-48, Gamble-Skogmo, Inc.; R-1-3-2, 366-67, Sunbeam Corp.; R-1-3-2, 382-83, Rockwell International; R-1-3-2, 466, J. I. Case Co.; R-1-3-2, 493-95, Montgomery Ward & Co., Inc.; R-1-3-2, 675, Beatrice Foods Co.; R-1-3-3, 1023-26, General Motors Corp.; R-1-4-1, 123-124, Automotive Parts and Accessories Association, Inc.; R-1-4-1, 199-200, National Association of Photographers Manufacturers, Inc.; R-1-4-1, 215-16, Texas Automobile Dealers Association.

[167] See, e.g., R-1-3-1, 126-27, Carpet and Rug Institute; R-1-3-1, 188, Black and Decker Power Tools Co.; R-1-3-2, 347-48, Gamble-Skogmo, Inc.; R-1-3-2, 382-83, Rockwell International; R-1-3-2, 392, Shell Oil Co.; R-1-3-2, 466, J. I. Case Co.; R-1-32, 458, Outboard Marines, Co.; R-1-3-2, 548, Nixon, Hargrave, Devans & Doyle; R-1-3-2, 647-49, Sears, Roebuck and Co.; R-1-3-3, 921-22, Amana Refrigeration, Inc.; R-1-3-3, 934-35, Timex Corp.; R-1-4-1, 19, National Association of Chain Drug Stores; R-1-4-1, 145-46, National Association of Bedding Manufacturers; R-1-4-1, 199-200, National Association of Photographic Manufacturers; R-1-4-1, 183-184, Electronics Industry Association; R-1-4-1, 597, National Retail Merchants Association.

[168] R-1-3-2, 493-95, Montgomery Ward & Co.; R-1-3-2, 548, Nixon; Hargrave, Devans, & Doyle; R-1-4-1, 123-24, Automotive Parts & Accessories Association; R-1-3-3, 847, General Electric Corp.

[169] R-1-3-2, 493-95, Montgomery Ward & Co.; R-1-3-3, 955-56, Whirlpool Corp.; R-1-3-3, 847, General Electric Corp.

[170] R-1-3-1, 188, Black & Decker Power Tools; R-1-3-2, 166-67, Sunbeam Corp., R-1-3-2, 493-95, Montgomery Ward & Co.; R-1-3-2, 675, Beatrice Foods Co.; R-1-3-3, 921-22, Amana Refrigeration, Inc.; R-1-3-3, 1023-26, General Motors Corp.; R-1-3-3, 1069, Argosy Manufacturing Co.; R-1-3-3, 846, General Electric Corp.; Tr. 2315-16, John Schiewe, Assistant Vice President, Marketing and Product Manager, Thermador Waste-King.

[171] Tr. 1969-90, B & O A.

[172] R-1-3-2, 649, Sears, Roebuck and Co.; R-1-4-1, 38, National Association of Furniture Manufacturers; R-1-4-1, 73, National Retail Merchants Association; R-1-3-1, 312, Briggs & Stratton Corp.; R-1-3-3, 936, Timex Corp.; R-1-3-2, 611, Proctor-Silex Corp.

[173] R-1-3-1, 14, Engineering Products Co.; R-1-3-1, 58, Mohasco Corp.; R-1-3-1, 76, Kohler Co.; R-1-3-1, 78, West Bend Co.; R-1-31, 164, Lear Siegler, Inc.; R-1-3-1, 188, Black & Decker Tool Co.; R-1-3-1, 201 Ross, Hardies, O'Keefe, Babcock & Parsons; R-1-3-1, 256-57, Arthur, Dry & Kalish; R-1-3-1, 342, Zenith Hearing Instrument Corp.; R-1-3-2, 384, Rockwell International; R-1-3-2, 447, J. I. Case, Inc.; R-1-3-2, 548-49, Nixon, Hargrave, Devans & Doyle, R-1-3-3, 936, Timex Corp.; R-1-3-3, 1028, General Motors Corp.; R-1-4-1, 132, National Paints & Coatings Association; R-1-4-1, 227, Engine Service Association, Inc.; R-1-4-1, 261-62, Specialty Equipment Manufacturers Association; R-1-3-1, 201, Ross, Hardies, O'Keefe, Babcock & Parsons; Tr. 2046-47, Daniel Berkson, Corporate Counsel, Singer Sewing Machines.

[174] R-1-3-1, 5, Coleman Co.; R-1-3-1, 76, Kohler Co.; R-1-3-1, 127-128, Carpet and Rug Institute; R-1-3-1, 164, Lear Siegler, Inc.; R-1-3-2, 348, Gamble-Skogmo, Inc.; R-1-3-2, 384, Rockwell International; R-1-3-2, 387-88, Nutone Division; R-1-3-2, 392, Shell Oil Co.; R-1-3-2, 438, Outboard Marine Co.; R-1-3-2, 425-26 Exxon Company; R-1-4-1, 40, National Association of Furniture Manufacturers; R-1-4-1, 124, Automotive Parts & Accessories Association, Inc.; R-1-4-1, 222, Air Conditioning and Refrigeration Institute; R-1-4-1, 567, Boating Industries Association; R-1-3-3, 789, Warren Tool Corp.; R-1-4-1, 281-82, Specialty Equipment Manufacturers; R-1-3-3, 848, General Electric Corp.; Tr. 2316-17, John Schiewe, Assistant Vice President, Marketing and Product Manager, Thermador WasteKing.

[175] R-1-3-3, 936, Timex Corp.; R-1-3-1, Carpet and Rug Institute; R-1-3-3, 789, Warren Tool Corp.

[176] R-1-3-1, 27, Baldwin Piano and Organ Co.; R-1-3-2, 355, Altheimer & Gray; R-1-3-3, 789-90, Warren Tool Co.

[177] R-1-3-1, Association of Auto & Truck Recyclers; R-1-3-1, 256-57, Arthur, Dry & Kalish; R-1-3-2, 369, Sunbeam Corporation; R-1-3-2, 651-52, Sears Roebuck and Co.; R-1-4-1, 202, National Association of Photographic Manufacturers; Tr. 2046-7, Daniel Berkson, Singer Sewing Machine; R-1-3-2, 497-98, Montgomery Ward and Co., Inc.

[178] R-1-3-1, 128, Carpet and Rug Institute; R-1-3-1, 335, Questor Corp.; R-1-3-2, 369, Sunbeam Corp.; R-1-3-2, 651-52, Sears Roebuck and Co.; R-1-4-1, 567, Boating Industry Association; Tr. 2316-17, John Schiewe, Vice President, Thermador WasteKing.

[179] R-1-3-1, 68, Mohasco Corp.; R-1-3-2, 369, Sunbeam Corp.; R-1-3-2, 419-20, Armstrong Cork Co.; R-1-3-2, 432, Defrees & Fisher; R-1-3-2, 447, J. I. Case; R-1-3-2, 548-49, Nixon, Hargraves, Devans & Doyle; R-1-3-2, 723, Bose Corp.; R-1-3-3, 923, Amana Corp.; R-1-3-3, 1028, General Motors Corp.; R-1-4-1, 202, National Association of Photographic Manufacturers; R-1-4-1, 227, Engine Service Association, Inc.; R-1-4-1, 74, National Retail Merchants Association; R-1-3-3, 1070, Airstream and Argosy Inc.; R-1-3-3, 957, Whiripool Corp.; Tr. 2275-6, H. G. Woolliscraft, California State Electronics Association; Tr. 2316-17, John Schiewe, Vice President, Thermador WasteKing; R-1-3-2, 497-98, Montgomery Ward and Co.

V40251 DEC 31 75 XUM

more, Section 103(a)(1) of the Act requires a warrantor offering a "full" warranty to disclose the duration of the warranty in the warranty designation.[100]

It should also be noted here that the Commission still retains its jurisdiction over unfair and deceptive warranty practices under Section 5 of the Federal Trade Commission Act.[101]

Past Commission orders have required the disclosure of the lifetime referred to by the warrantor giving a lifetime guarantee. In *Matter of Burstein-Applebee Company, et al.*, 69 F.T.C. 16 (1966), respondent retailer advertised that their wristwatches were "guaranteed for life", whereas in fact such watches were not guaranteed for the life of the purchaser. The Commission ordered the respondent to cease and desist from

> Using the word 'Lifetime' or any other term of the same import to refer to any guarantee which is not for the duration of the life of the purchaser or original user without clearly and conspicuously disclosing the life to which such reference is made; or representing, in any manner, that the duration of a guarantee is other than respondents are able to establish is the fact.

See also *In the Matter of Solmica, Inc., et al.* 66 F.T.C. 566 (1964), *In the Matter of Fingerhut Manufacturing Company, et al.* 657 F.T.C. 751 (1964). A warrantor choosing a "lifetime" duration must thus disclose the lifetime referred to in the warranty, and must recognize that the warranty obligation cannot be revoked or modified so long as the measuring "life" continues.

A separate Rule provision on lifetime warranty duration is unnecessary. The final Rule requires a simple and readily understandable disclosure of warranty duration. Standing alone, the word "lifetime" does not meet this requirement.

OTHER COMMENTS

Virginia Knauer, Director of the Office of Consumer Affairs for the Department of Health, Education, and Welfare testified that "the proposed rule on disclosure of warranty terms will cause warranties to be lengthened in verbiage, which could in turn cause key facts to be submerged in information clutter unless the presentation of such facts is highlighted through rules or guidelines for presentation."[102] Professor Laurence Feldman, of the University of Illinois, commented that the proposed Rule "fails to recognize, as Shakespeare did that 'They are stick that surfeit with too much, as they that starve.'"[103] Many others cited the need for a requirement of some type of standardized format and headings,[104] because of the potential length of warranties complying with the requirements set forth in Part 701.

The Commission recognizes the need for warranties to be simple, understandable, and concise. The final Rule has been simplified and streamlined to accomplish that result. The Commission does not believe that the final rule will contribute to the evils of undue length and complexity. It is not prepared, on the basis of the record, to impose a standardized format on all consumer product warranties.

V. Pre-Sale Availability of Written Warranty Terms. Section 102(b)(1)(A) of the Act directs the Federal Trade Commission to "prescribe rules requiring that the terms of any written warranty on a consumer product be made available to the consumer (or prospective consumer) prior to the sale of the product to him."

Consumer product warranties are not always made available to the consumer prior to the sale of the product. Instead, the terms and conditions of the warranty are often available only after the sale has been consummated and the package opened or product delivered. A consumer complaint regarding a wristwatch warranty illustrates the types of problem which may arise with respect to prepackaged consumer products: "The buyer is instructed that while the watch is 'guaranteed', there is a 'service charge' of $2.75 for repairs during the warranty period. This information is not known prior to purchase, and due to the type of packaging of this item, the existence of a charge for any warranty service is not known until the sale is completed."[105]

If the warranty is in fact only available after the sale, the use of the warranty as an informational input in the consumer's purchasing decision and as a tool for making product comparisons is precluded. Furthermore, it may be argued that an express warranty undisclosed prior to sale is inoperative. Section 2-313 of the U.C.C. requires that an express warranty be "a basis of the bargain," or part of the actual sales transaction. Accordingly, the enforceability of a warranty, the existence of which the purchaser is made aware only subsequent to the actual sales transaction has been completed, would be questionable. The House Subcommittee Staff Report, found that only two of the 51 participating manufacturers offered warranties which were actually designed to be part of the actual sales contract.[106]

The other warranties examined appear to be of the "prepackaged" variety—the type packaged with the product resulting often in the buyer not being aware of the terms of the warranty, or its existence, until he or she gets home and opens the box containing the product. In such instances, it is questionable whether the prepackaged warranty would be a basis of the bargain.[107]

Congressman Bob Eckhardt, a member of the Conference Committee on S. 356,[108] addressed the issue of pre-sale availability of warranty information:

> We require the FTC to write rules to assure the availability of warranty information prior to the actual purchase. The consumer should be able to base his/her decision to buy on the quality of the warranty as well as factors such as the cost and the appearance of the product. It is unfair for a consumer to learn only after arriving home and unpacking a sealed carton that what was said to be a full 5-year warranty does not cover costs of labor and parts. There are those who argue that in the case of such 'packaged warranties,' the consumer could legally challenge the effectiveness of the warranty. . . . This, I think, is true but it is an inadequate solution. There are only a handful of consumers who know that such a challenge could be made and even less of them with the financial resources and personal energy to make it, especially when a product costs only, say $30. Furthermore, we think it is an unfair burden to impose on the individual consumer. That is why we require the FTC to prescribe rules to assure availability of warranty information.[109]

Availability of warranty terms prior to sale is important for consumers in light of the increasing trend toward the sale of service contracts, particularly for major appliances. The scope and duration of the written warranty must form a significant element in the careful consumer's decision whether, or at what point in time, to sign a service contract.

That warranty information is currently either unavailable or difficult to procure at point of sale is illustrated by an informal survey undertaken by the Consumer Affairs Department in Detroit, Michigan.[110] Some of the findings of the survey indicated that

> In no case . . . was a copy of the full warranty available for inspection. The warranty comes packed in the 'box' was the regular response. . . . The information available on lower cost appliances was significantly less than that experienced with major appliances. In no instance did a salesperson offer any information and in no case was a copy of the written warranty available . . . In general the results of this survey confirm the need for and the validity of the proposed rules . . .[111]

Like findings resulted from a similar endeavor by *Home Furnishings Daily*.

> In each instance, no information was volunteered, and when this reporter did get answers to questions, data was often vague. Frequently, salesmen said warranty information was contained in instruction manuals, however, no instruction manuals were readily available. Only two lines . . . had warranty information on the front of refrigerators.[112]

Trying to get warranty information on a refrigerator was likened to "trying to defrost the North Pole with an ice pick."[112a]

Both of these informal surveys indicate that warranty data is currently difficult to obtain or unavailable at present.

SCOPE OF THE RULE

§ 702.3(a) Duties of the Seller

Section 702.3(a) of the proposed Rule required the seller to

> . . . maintain a binder or a series of binders in each department in which any consumer product with a written warranty is offered for sale, containing copies of the warranties for the products sold in such department.

The proposal of a binder system as the means for making warranties available to consumers prior to sale met with considerable opposition. Many complaints were received from retailers concerning the logistics and the expense of setting up and maintaining a binder system.[113]

Virginia Knauer and Robert Sprouse, President of Sprouse-Reitz, among others, stated that the binder system was inconvenient for consumers to use, that it was not consonant with normal consumer buying patterns, and that consumers would not make the effort to use it.[114] George Zweibel of DC Neighborhood Legal Services and J. T. Church of Roses Stores Inc. suggested that the use of only one set of binders would be insufficient to serve consumers' needs.[115] The specter of consumers fighting to get to the warranty binders was also raised.[116]

There was no substantial record support from consumers or consumer groups for the use of the binder system as initially proposed.

A major and repeated concern voiced in an overwhelming number of comments was the inflexibility of the proposed rule.[117] The failure of the Commission to take cognizance of the range of retail establishments which would fall under the aegis of the proposed Rule was cited by NRMA, American Retail Federation ("ARF"), and others.[118] ARF stated:

> The retailers affected . . . encompass the full range of merchants from the small, independent specialty store to the large, traditional multidepartment store . . . In the larger multi-department stores the heavy volume of customers and the vast quantities of consumer products carried and sold each day make the use of warranty binders simply impractical. In high volume discount and self-service stores, these problems are magnified by lack of sales personnel required to keep the binders updated and by the fast turnover of consumer products frequently sold on a 'one-time' basis only.[119]

Other comments as to the inflexibility of the proposed rule, including those of Montgomery Ward, noted that the Commission had failed to recognize the variety of products encompassed by the Rule.[120] Similarly, it was argued that the proposed scheme failed to take into account the "many different ways that consumer products are sold."[121] Furthermore, ARF claimed that "(t)he merger of *seller* and *warrantor* in the case of private brand retailers . . . has . . . been overlooked by the Commission staff."[122]

The final Rule heeds the retailers' cry for greater flexibility. It provides the seller with four alternative means by which warranties can be made available to prospective buyers prior to sale. The seller must, as a minimum, employ one of the means cited, but may use any additional means desired. It should be noted that only the "text" of the warranty need be disclosed, rather than the actual warranty document.

702.3(a)(1)(i) "clearly and conspicuously displaying the text of the written warranty in close conjunction to each warranted product;"

The idea of displaying the warranty with the product being offered for sale was suggested or endorsed by Hook Drugs, Georgia Retail Association, SCM, F. W. Woolworth Co. ("Woolworths"), and others as a viable means for pre-sale warranty disclosures.[123]

This sub-paragraph substantially incorporates the language suggested in the statement submitted by the American Retail Federation.[124]

702.3(a)(1)(ii)

Maintaining a binder or series of binders which contains(s) copies of the warranties for the products sold in each department in which any consumer product with a written warranty is offered for sale. Such binder(s) shall be maintained in each such department, or in a location which provides the prospective buyer with ready access to such binder(s), and shall be prominently entitled "Warranties" or other similar title which clearly identifies the binder(s). Such binder(s) shall be indexed according to product or warrantor and shall be maintained up to date when new warranted products or models or new warranties for existing products are introduced into the store or department by substituting superseding warranties and by adding new warranties as appropriate. The seller shall either:

(A) display such binder(s) in a manner reasonably calculated to elicit the prospective buyer's attention; or

(B) make the binders available to prospective buyers on request, and place signs reasonably calculated to elicit the prospective

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[100] "If the written waranty meets the Federal minimum standards for warranty . . . then it shall be conspicuously designated a 'full (*statement of duration*) warranty'."

[101] 15 U.S.C. 45 (1970).

[102] Tr. 7, Knauer.

[103] R-7-1-9, 13, Laurence P. Feldman, Ph.D.

[104] R-1-3-3, 970, Amana Refrigeration, Inc.; R-7-1-6, 3, Council on Aging for Southeastern Vermont; R-7-1-6, 12-13, Texas Public Interest Research Group; R-7-18, 150-153, Wisconsin Dept. of Justice; Tr. 21-2 Knauer; Tr. 774-77, Zweibel; Tr. 1327-1328 Jeffries; Tr.,2131 Drury; Tr. 2218-19 Pownell.

[105] R1-2-2, 761, Letter from (*consumer*) to Virginia Knauer, referred to FTC, February 25, 1974.

[106] House Subcom. Staff Report, *supra* note 9, at 13.

[107] *Id.*

[108] R 1-2-2, 877, Address by Congressman Bob Eckhardt, Gas Appliance Manufacturers Association Warranty Workshops, in Boca Raton, Florida, April 8, 1975.

[109] *Id.* at 882-883.

[110] R-1-8, 74-76 ("Several staff members went 'shopping' in various stores for a selected group of products. Products shopped for were automatic washing machines, color television sets and vacuum cleaners. . . . The shoppers were instructed to ask about the product and see what, if any, information was offered by a salesperson. Once the sales 'pitch' was concluded the shoppers were instructed to ask further questions about the warranty, ask to see it in writing. . . . The stores selected . . . included two major . . . department stores, two appliance chain stores, an independent appliance dealer and a national chain department store carrying its own brand of appliances.")

[111] R-1-8, 74.

[112] Schwartz, Diana, "Warranty Data Difficult to Get in N.Y. HFD Shopper Finds," *Home Furnishings Daily*, November 5, 1975, at 15 col. 2.

[112a] *Id.*

[113] See, e.g. Tr. 446-47, Church ("The binder rule would require using square footage in a nonvolume way and would drive up square footage cost . . . In addition to space costs, the binders themselves would represent a significant cost . . .

In our stores 10 departments sell warranted products. In the hardware department we sell about 50 items under warranty. That department, therefore, would require at least three identical warranty books. The cost per store would be $33. To supply all hardware departments would cost $8,811. In our music and electronics department we sell more than 70 warranted items. For such a department I would estimate customer convenience requiring four sets of binders with two volumes per set. The cost per department would be $72, with a total cost for all departments running to $19,224. In the appliance departments, where more than 80 warranted items are sold, the total cost of three sets of warranty books per store would be $15,219. To maintain the notebooks, including clerical time used in writing manufacturers for copies of warranties, filing, and updating the warranty book, we estimate will cost 2,000 man-hours per year at the minimum wage rate of $2.10 per hour, for a total labor cost of $4,200. In addition to the foregoing costs, there will be the cost of replacement of binders and protective coverings. We estimate that if the binders were in fact used, they would have to be replaced at least once a year.

Therefore, to give effect to the rule, Rose's Stores would have an additional annual cost in excess of $200,000 per year. While those not familiar with retailing might consider this a small cost, the reality is that no cost is small, and most cost must be passed along to the customers in the prices they pay for goods."); TR 1865, Danners; TR. 2106-7, Sprouse; R1-3-3, 1099-1101, City Products.

[114] See, e.g. TR 11-12, Knauer ("We fear that a binder volume of warranties set apart from the price, specifications, and product itself, will not facilitate value comparisons . . . (T)he binder proposal does not take into consideration existing, long standing, and not easily altered consumer purchasing habits. Consumers will not be rapidly convinced (if at all) that they should run back and forth between display area and location of warranty binder . . ."); TR 2103-4, Sprouse ("The buying habits of customers are . . . varied . . . They definitely do not come to pore over books filled with various warranties . . . It is not until a major appliance is being purchased that warranty information comes into play. And for those customers, . . . requiring them to consult binders to get information they need will not please nor help them. Because they will serve as a disincentive to their getting the information they should have.")

[115] See, e.g. TR. 781, Zweibel; TR. 445, Church.

[116] TR. 22, Knauer.

[117] R-1-3-1, 244, JC Penney; R-1-4-1, 58, NRMA; R-1-3-2, 358, S. S. Kresge; R-1-3-2, 439, Outboard Marine; R-3-2, 505, Montgomery Ward; R-1-3-2, 658, Sears, Roebuck; R-1-4-1, 109, Wyoming Retail Assn.; R-1-4-1, 213, American Retail Foderation; R-1-4-1, 568-569, Boating Industries Assn.

[118] See, e.g. R-1-4-1, 57, NRMA; R-1-4-1, 212-213, ARF.

[119] R-1-4-2, 676-677, ARF.

[120] See, e.g. R-1-3-2, 505-506, Montgomery Ward; R-1-4-1, 58, NRMA; R-1-4-1, 212, ARF; R-1-4-2, 677-678, ARF.

[121] R-1-3-2, 658, Sears.

[122] R-1-4-2, 678-679, ARF.

[123] See, e.g. R-1-4-1, 58, NRMA ("a washing machine warranty could be tied to the agitator or taped to the top of the washtub . . . A toaster warranty could be taped to the display table . . ."); R 1-3-2, 505, Montgomery Ward ("The major appliance store or department would in most cases choose to place the warranty with the floor model . . ."); TR 291, Kelly; TR 2463, Evans; R 1-4-1, 25, GAMA; R 1-6, 11, Tex PIRG; R 1-5, 253, Consumer; R 1-3-1, 4 Hook Drugs; R 1-3-1, 77, Seeman Co.; R 1-3-1, 86, Georgia Retail Assn.; TR 1879, Danners.

[124] R 1-4-2, 680, ARF ("displaying each such warranted product accompanied by the terms of the written warranty").

V 40 251 DEC 31 75 XUM

buyer's attention in prominent locations in the store or department advising such prospective buyers of the availability of the binders, including instructions for obtaining access.

Some retailers such as Woolworths, Sears, and Montgomery Wards acknowledged that there were instances in which the binder might be the only or the best means for making pre-sale warranty disclosures.[205]

The language in the final Rule is substantially similar to that suggested in the written comments submitted by Sears and Roebuck.[206]

This sub-paragraph requires that the binders be maintained either in the department where the warranted product is sold, or in a location which provides the prospective buyer with ready access to the binders. Gambles, in its written submission, noted that "(w)hile the provision that binders be kept on a departmental basis is reasonable in the case of large retail outlets where it would be a burden on the customer to require that he or she go to one specific location in the store to find the binders, there are many small retail outlets which may have merchandise laid out by department, yet are small enough so that one complete set at a single location in the store would suffice." [207]

Thus, in such instances, it would be permissible to place the binders in a location other than in the departments in which the products are being sold.

The final Rule also affords the seller who elects to utilize the binder system a choice of either prominently displaying the binders, for example, at an appropriate counter, or making them available on request. If the latter alternative is chosen, a prominent notice or series of notices must alert the prospective buyer's attention to the existence of the binders and the means for obtaining access to them.[208]

The requirement that the binder be indexed is intended to maximize the ease with which the consumer can locate and compare the warranties contained in the binder for a particular type of product.

The seller is given latitude both to determine the kind of system to use for compiling the warranty information, and to decide whether to organize such a system according to warrantor or product.

Also, part of the seller's duty to maintain the binder includes keeping the binder current. If a new warranted product is introduced, the warranty for that product must be placed in the binder in the appropriate indexed section. If a new model is introduced, the warranty for such model must appear in the binder. If a new warranty supersedes a prior warranty, the old warranty must be removed from the binder.

702.3(a) (1) (iii)

Displaying the package of any consumer product on which the text of the written warranty is disclosed, in a manner such that the warranty is clearly visible to prospective buyers at the point of sale;

Seeman Co., Fieldcrest Mills and others suggested that the warranties be printed on or otherwise attached to the product containers.[209] If the warrantor elects to do this, the retailer may then display the package in a manner which makes the warranty clearly visible to prospective buyers.

The language adopted in this paragraph is derived from that suggested in several of the written submissions.[210]

702.3(a) (1) (iv)

Placing in close proximity to the warranted consumer product a notice which discloses the text of the written warranty, in a manner which clearly identifies to prospective buyers the product to which the notice applies.

Walker Manufacturing Co., National Tire Dealers and Retreaders Association, and others suggested that signs containing the warranty text be used in lieu of binders.[211] ARF stated that "private brand warrantors frequently use a common warranty for broad categories of products. Where this is done, warranty terms can be conveniently disclosed at point of sale by use of common signs located in closed proximity to the warranted products." [212] Accordingly, this alternative has been included in the final Rule. The language used is substantially derived from language suggested by ARF and Sears.[213]

702.3(a) (2)

Not remove or obscure any warranty disclosure materials provided by a warrantor, except:

(i) where such removal is necessary for store window displays, fashion shows, or picture taking; or

(ii) where the seller otherwise through means provided for in sub-paragraph (1) above, makes the terms of the warranty information available to the consumer.

The proposed Rule required that the seller "(n)ot remove or obscure any warranty information disclosure materials attached to a warranted consumer product by a warrantor."

The revised sub-paragraph in the final Rule provides two exceptions which allow the seller to remove warranty information. First, if the product is part of a store window display or a fashion show, or is being photographed, it need not bear any warranty information. This exception is permitted on the theory that warranty information will be available for the particular product in the department in which it is offered for sale.

Second, if the seller elects to make the warranty information available to the consumer by some means other than that provided by the warrantor, the seller may remove the information provided, so long as the alternate means complies with section 702.3(a) (1).

The language used in this provision is substantially drawn from that suggested by the ARF.[214]

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[205] TR 2464, Evans ("In some areas we may . . . have to have a binder. For example in our jewelry department . . . The warranties that are involved in items such as that, we agree we would have to have them in a binder.") R 1-3-2, 662, Sears ("In a particular product situation, the use of binders may be found by a retailer to be the most feasible method of compliance."); R-1-4-1, 58, NRMA ("Binders could be used where no display option is workable, e.g. for products . . . which are inaccessible because they are locked in a display case."); R 1-3-2, 505, Montgomery Ward ("a binder or similar device might be utilized for the availability of the warranties in the camera department."); R 1-4-2, 677-678, ARF.

[206] See R 1-3-2, 663, Sears:

"Maintain a binder or a series of binders in the store or each department in which any consumer product with a written warranty is offered for sale which contains copies of warranties for the products sold in the store or department. Such binders shall be prominently entitled "Warranties" or other similar title which clearly identifies the binder. Such binders shall be indexed according to product or warrantor and shall be maintained up to date when new warranted products or models or new warranties for existing products are introduced into the store or department by substituting superseding warranties or by adding new warranties as appropriate. The seller shall make the binder available to consumers on request, and shall place signs in prominent locations in the store or department advising consumers of such availability."

[207] R 1-3-2, 345, Gambles.

[208] See suggestion in R 1-3-2, 505-506, Montgomery Ward ("If the latter method of availability is utilized for [binders] the consumer would be told by means of a clear and conspicuous notice where in the department those terms are available.")

[209] R-1-3-1, 77, Seeman Co.; R-1-3-1, 86, Georgia Retail Association; R-1-3-1, 339, Fieldcrest Mills; R-1-4-1, National Association of Chain Drug Stores, Inc. ("NACDS").

[210] R-1-3-2, 663, Sears ("Display any consumer product with a written warranty which is packaged and on which package the terms of the written warranty are disclosed in a clear and conspicuous manner so that such warranty disclosures are clearly visible to consumers at the point of sale"); R-1-4-2, 681, ARF ("displaying any packaged consumer product on which package the terms of the written warranty are disclosed in a clear and conspicuous manner so that such disclosures are available to the consumer").

[211] R-1-3-1, 19, Walker Manufacturing; R-1-4-1, 101 National Tire Dealers and Retreaders; R-1-3-2, 659, Sears ("Warranties common to a line of merchandise could be disclosed on one sign prominently displayed near the display of such merchandise.").

[212] R-1-4-2, 679, ARF.

[213] R-1-4-2, 681, ARF ("In those departments where a single warranty applies to many consumer products, placing a common notice in close proximity to those products disclosing the terms of that written warranty, provided, however, that it is clear to which consumer products the common notice applies"); R-1-3-2, 663, Sears ("Placing a sign in close proximity to the display of any warranted products . . . which sign . . . clearly discloses the terms of the written warranty and is visible to consumers at the point of sale; provided that nothing shall require a separate sign . . . on each warranted product on display if common signs . . . clearly identify the products to which the warranty terms disclosed thereon apply").

[214] R-1-3-2, 681, ARF "Not reasonably remove or obliterate any warranty information disclosure materials accompanying a warranted consumer product by a warrantor, except:

(i) where such removal is necessary for store window displays, fashion shows, or such other promotional purposes; or

(ii) where the seller otherwise, through means provided for in paragraph (1) above, makes the terms of the warranty information available to the consumer."

DUTIES OF THE WARRANTOR

(1) Under the proposed Rule, the seller was requested to

upon specific written or oral request from a prospective consumer, promptly provide a copy of each written warranty requested.

Much negative comment was received concerning this requirement. North American Philips Corp., CRI, and NRMA argued that the phrase "make available" used in the Act did not "contemplate that the written warrantor must 'provide' the full text of written warranties to each consumer who seeks to obtain it. Rather, the term 'make available' connotes 'availability for inspection', with delivery being required only if inspection is impossible." [215]

GAMA, NEMA, EIA, J. C. Penney Co. ("Penneys"), and others claimed that such a requirement was superfluous if warranties were available at point of sale.[216]

National Association of Catalog Showroom Merchandisers expressed the concern that "this rule invites harassment or predatory competition because someone could request 10,000 warranties with a single letter." [217]

Several warrantors submitted estimates of what compliance with this provision would cost them. Air Conditioning and Refrigeration Institute stated:

The cost of doing this includes much more than paper and printing. This includes making sure that the product is properly identified so that a copy of the applicable warranty can be provided. (This may require correspondence or telephone calls to make sure that the correct product, even down to the model number, has been specified.) Even if there are no special problems with product designation or identification, it would probably cost a manufacturer somewhere between fifty cents and one dollar to identify the product, locate the pertinent warranty, and mail it to a consumer.[218]

In view of the aforementioned comments, the Commission has decided that it would be in the public interest to eliminate this requirement.

The final Rule requires the warrantor to "provide sellers with warranty materials necessary for such sellers to comply with the requirements set forth in paragraph (a) of this section" and to "provide catalog, mail order, and door-to-door sellers with copies of written warranties necessary for such sellers to comply with the requirements set forth in paragraphs (c) and (d) of this section."

These paragraphs obligate the warrantor to provide the seller with the materials necessary to make the required pre-sale warranty disclosures to consumers. In the event that the warrantor does not deal directly with the seller or does not know who the sellers will ultimately be, the warrantor must distribute sufficient quantities of the required pre-sale materials through normal distribution channels to insure receipt by sellers.

The final Rule gives the warrantor four alternative means by which warranty materials may be provided to sellers in order for such sellers to comply with Section 702.3(a). The warrantor must, as a minimum, use one of these means, but may use any combination of the means listed or any additional means desired. The alternatives correspond to the four alternatives set forth in Section 702.3(a), under "Duties of the Seller."

702.3(b) (1) (i) (A)

Providing a copy of the written warranty with every warranted consumer product;

This sub-paragraph parallels that in Section 702.3(a) (1) (i), which allows the seller to display the warranty text in close conjunction to the product, and that in 702.3(a) (1) (ii), which allows the seller to maintain a binder containing copies of the warranties for warranted consumer products being offered for sale.

Olin Corporation, Montgomery Ward, NRMA, and many others stated that the Commission should have specifically required that the warranty accompany the product.[219]

The language used in this paragraph follows that suggested in the written statement submitted by ARF, NRMA and Montgomery Ward.[220]

702.3(b) (1) (i) (B)

Providing a tag, sign, sticker, label, decal or other attachment to the product, which contains the full text of the written warranty;

This sub-paragraph tracks that in 702.3(a) (1) (i), which permits the seller to display the warranty text in close conjunction to the product.

702.3(b) (1) (i) (C)

Printing on or otheriwse attaching the text of the written warranty to the package, carton, or other container if that package, carton or other container is normally used for display purposes. If the warrantor elects this option, a copy of the written warranty must also accompany the warranted product;

This sub-paragraph parallels 702.3(a) (1) (iii) which allows the seller to display the package of any product on which the warranty text is disclosed.

If the warrantor elects to print or otherwise attach the warranty to the package, a copy of the written warranty must also accompany the product. This is to ensure that the consumer will not inadvertently discard the package on which the warranty is printed, and, thus be left without a copy of the warranty in his or her possession.[221]

702.3(b) (1) (i) (D)

Providing a notice, sign, or poster disclosing the text of a consumer product warranty. If the warrantor elects this option, a copy of the written warranty must also accompany each warranted product.

This sub-paragraph corresponds to that of 702.3(a) (1) (iv), which permits the seller to post a sign disclosing the text of the warranty.

If the warrantor chooses to provide such a sign, a copy of the written warranty must also accompany the product. This is to ensure that the consumer has a copy of the written warranty which he or she may retain to refer to in the event of a product failure, defect, or malfunction.

The proposed Rule required the warrantor to

clearly and conspicuously disclose any applicable warranty designation(s) contained in the written warranty for the product, and the following statement:

The retailer has a copy of the complete warranty on this product. Ask to see it.

(i) By means of a tag, sign, sticker, label, decal or other attachment to the product; and

(ii) By printing such disclosure on the principal display panel of the package, carton or other product container.

The purpose of this paragraph in the proposed Rule was to notify the consumer that warranties were available for examination upon request from the retailer, since there was no requirement that the binders be conspicuously displayed. Rather, they were only to be made available upon request. Under the final Rule, the warranties must either be conspicuously displayed on the product package, or in close conjunction to the warranted products. If a binder is used, it must either be conspicuously displayed, or a notice as to its availability posted conspicuously.

Thus, this paragraph has been eliminated from the final Rule, as it is no longer necessary as a means to inform the consumer of warranty availability.

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[215] See, e.g., R-1-3-1, 16, Olin Corp.; Tr. 740, Goldberg, Student Legal Action Group; R-1-9, 17, Feldman, University of Illinois; R-1-3-2, 506, Montgomery Ward; R-1-4-1, 58 NRMA.

[216] R-1-4-1, 65, NRMA. See also R-1-3-1, 50, North American Philips Corp. ("The Act provids in Section 102(b) (1) (d) only that written warranties be 'made available' prior to the sale of the product. As written, the proposed rules go far beyond this requirement."), R-1-3-1, 150, CRI.

[217] R-1-3-1, 118, Ford Motor Co.; R-1-3-2, 458, General Mills; R-1-4-1, 28, GAMA; R-1-4-1, 95, NEMA; R-1-4-1, 187, EIA.

[218] Tr. 285, Kelley, National Association of Catalog Showrooms.

[219] R-1-4-1, 223-24 Air Conditioning & Refrigeration Institute. See also R-1-4-1, 28-9, GAMA; Tr. 2204-5 Dunbar.

[220] R-1-4-2, 681, ARF ("Provide a copy of the warranty with every consumer product."); R-1-4-1, 60, NRMA ("The written warrantor shall accompany each product with a copy of its written warranty."); R-1-3-2, 506, Montgomery Ward ("Provide a copy of the warranty with every consumer product.")

[221] See Tr. 750, Goldberg: "I have . . . seen many instances with respect to pens, lighters, other devices like that where the warranty . . . is printed on the packaging. You open up the package and the warranty goes with it. . . . Very few consumers will save the wrapping . . . and call the manufacturer to task if it is defective."

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702.3(b)(2)

Sub-paragraph (1) of this paragraph (b) shall not be applicable with respect to third parties issuing statements of general policy on emblems, seals or insignias promising replacement or refund if a consumer product is defective, which statements contain no representation or assurance of the quality or performance characteristics of the product; provided that (i) the disclosures required by 701.3(a)(1)–(9) are published by such third parties in each issue of a publication with a general circulation, and (ii) such disclosures are provided free of charge to any consumer upon written request.

This sub-paragraph has been added in response to concerns expressed by magazines such as *Parents'* and *Good Housekeeping* that, under the present structure of their respective "seal" programs, they would be unable to comply with the pre-sale availability requirements set forth in the proposed Rule.[223]

This sub-paragraph therefore exempts such "seal" programs from the duties set forth in Section 702.3(b)(1). This specific exemption for such "seal" programs has been inserted for several reasons. Under the structure of the "seal" programs, the magazine merely authorizes the use of the "seal." It does not know if the seal is in fact used by the manufacturer or not. The seal may be used oh only certain models, or on certain sizes, or in some parts of the country only. Therefore, there is no way of their knowing on what products the seal must be made available.[224]

Furthermore, because they are not in the chain of distribution, these publications have no way of knowing the identity of the retailers who are selling the products bearing its seal, even if the publication knew what products carried the seal.[224]

The Rule does require, however, that the publication make all disclosures within the magazine itself, and that it provide the consumer with a copy of the warranty, free of charge, at his or her request. The requirement or providing of a free copy of the warranty is necessary since the consumer would otherwise have no opportunity to read the warranty prior to the sale of a product bearing the seal unless he or she purchased the magazine containing the necessary disclosures. In all other pre-sale situations contemplated by the final Rule, the consumer can see the warranty at no cost. Thus, this requirement was inserted so as to provide the consumer with an equal opportunity to examine the warranty without incurring any expenses.

CATALOG AND MAIL ORDER SALES

Examination of the catalogs of several major catalog companies has revealed that such catalogs do publish product warranties.[225] However, the companies do not always include in their catalogs the specific warranties covering each product that carries a warranty. This problem is compounded by the fact that catalogs often advertise satisfaction guarantees as well as specific product warranties. Therefore, the purchaser may not be apprised of the specific warranty for the product purchased until he or she actually receives the item. This may serve to confuse the potential purchaser, for it is often unclear whether the mail order company's satisfaction guarantee replaces, supplements, or complements the specific product warranty. Many consumers have no other encounter with a mail order seller than an advertisement seen on television or in the back of a magazine. Therefore, if the requirement of making warranties available to consumers prior to purchase is to be met, it must apply to mail order advertisements and solicitations. It is important that the consumer know, prior to ordering products through the mail, whether such products have written warranties, and if so, the nature of such warranties.

This sub-paragraph is intended to eliminate the situation where the purchaser receives his or her first notification of the specific product warranty upon receipt of the ordered merchandise. Rather, the consumer will be able to examine the complete warranty prior to purchase, and will be able to use it to make a purchase decision.

The proposed Rule contained separate sections, setting forth the duties of catalog sellers and the duties of mail order sellers. Montgomery Ward and Mail Order Association of America ("MOAA") noted the overlap between these two paragraphs, and suggested that the two paragraphs be consolidated.[226] This suggestion has been adopted in the final Rule, with the definition of "catalog and mail order sales" provided as follows:

"Catalog or mail order sales", means any offer for sale, or any solicitation for an order for a consumer product with a written warranty, which includes instructions for ordering the product which do not require a personal visit to the seller's establishment.

The proposed Rule had defined "catalog" as "any multi-page solicitation, flier, or brochure distributed to consumers in which more than one consumer product is offered for sale."

A "mail order seller" was one who offered for sale to consumers "a consumer product with a written warranty by means of direct mail solicitation or by means of an advertisement, in any medium, which includes instructions for ordering the product."

Montgomery Ward stated that these definitions, as written in the proposal, would encompass circulars, which are not catalogs, which "are intended to offer merchandise to the consumer at the advertised price which must be purchased at our stores. . . . The written warranties will be available for . . . inspection at the store."[227] The primary distinction between circulars and catalog/mail order sales, stated MOAA, was that the latter should cover "only those printed materials which include instructions for ordering the product without personally visiting a seller's retail establishment."[228] Thus, the language suggested by Montgomery Ward, to wit "which includes instructions for ordering the product which do not require a personal visit to the seller's establishment"[229] was incorporated into the final Rule.

It was also suggested by MOAA that the final Rule clarify that catalog and mail order sellers do not have the same duties as sellers covered by Section 702.3(a).[230] Accordingly, the language suggested in the statement of the American Retail Federation,[231] to wit:

Duties of the seller. Except as provided in paragraphs (c)–(d) of this section, the seller of a consumer product with a written warranty shall . . .

was adopted.

The proposed Rules had required the disclosure, in close conjunction to the warranted products of:

(i) The warranty designation of each such product, and

(ii) That the written warranty is available free on request, and the address where such warranty can be obtained.

Beatrice Foods, NRMA and others recommended the deletion of the requirement that warranty designations be included in catalogs and mail order solicitations, as being impractical, unnecessary, or unduly burdensome.[232] NRMA stated that:

. . . (a) retailer may prefer not to discuss warranties at all, and the designation requirement therefore introduces an unwanted factor. Space and time are at a premium in all advertising, and the retailer should be free to use its time and space in what it considers the most effective method . . . Furthermore, requiring disclosure of warranty designation(s) will fall discriminately on interstate retailers, because designations may vary

[223] R–1–3–1, Howrey and Simon for Good Housekeeping; Tr. 396, Parents.

[224] R–1–3–1, 298, Howrey & Simon for Good Housekeeping; Tr. 398, Parents.

[224] R–1–3–1, 298, Howrey & Simon for Good Housekeeping.

[225] R–1–2–2, 402 (memorandum to file from Charles A. Taylor, III, Esq., May 13, 1975).

[226] See, e.g., R–1–3–2, 508, Montgomery Ward; R–1–3–2, 554, Law Firm of Nixon, Hargrave, Devans, & Doyle; R–1–3–2, 662, Sears; R–1–4–1, 62, NRMA.

[227] R–1–3–3, 733, Franklin Stores. See also, R–1–3–3, 853, General Electric ("This necessarily includes such traditional advertising formats as newspaper supplements or stuffers."); R–1–3–2, 508; R–1–3–2, 554, Nixon, Hargrave, Devans & Doyle; R–1–4–1, 647, MOAA; R–1–4–1, NRMA.

[228] R–1–4–1, 647, MOAA.

[229] R–1–3–2, 511, Montgomery Ward: "'Catalog or mail order' means an offer to sell or a solicitation for an order for a consumer product covered by a written warranty containing sufficient directions or instructions to order the merchandise *without personally visiting a seller's establishment.*" (emphasis added);

R–1–4–1, 650, MOAA: "'Catalog' means any multi-page solicitation, flier, or brochure distributed to consumers in which more than one consumer product is offered for sale and which includes instructions for ordering the product *without personally visiting a seller's retail establishment.*" (emphasis added).

[230] R–1–4–1, 647, MOAA.

[231] R–1–4–2, 683, ARF.

[232] R–1–3–1, 253, Giant Food, Inc.; R–1–3–1, 1070, Airstream & Argosy; R–1–3–2, 677, Beatrice Foods; R–1–4–1, 63, NRMA.

from one state to another, depending on the availability of certain remedies . . . For retailers which do business in more than one state, specifying such complexities in each advertisement or catalog would take up an undue amount of space . . . Moreover, a single product may be burdened with numerous disclosures, all of which must be 'clear and conspicuous.'[233]

Nutone Division stated that "if a catalogue includes a copy of the complete warranty for the products which are described therein, it would not be necessary to show the warranty designation and the address which a free copy of the warranty can be obtained on each page. . . ."[234] Sears said: "The warranty statement could be provided on one page and references to it could be set forth where the products are displayed."[235] Direct Mail & Marketing Association ("DMMA"), National Association of Photographic Manufacturers and others suggested that a single location in the catalog or solicitation contain warranty information, and that catalog and mail order sellers be permitted to refer consumers to such page or pages.[236] Gambles and Eddie Bauer suggested that the catalog seller be given the option of either printing the entire warranty or warranties covering the merchandise being offered for sale, or mailing the disclosure as to the availability of warranties and responding to warranty requests from consumers.[237]

In view of these submissions, the final Rule has been changed to require that mail order or catalog sellers

clearly and conspicuously disclose in such catalog or solicitation in close conjunction to the description of warranted product, or in an information section of the catalog or solicitation clearly referenced, including a page number, in close conjunction to the description of the warranted product, either:

(A) the full text of the written warranty; or

(B) that the written warranty can be obtained free upon specific written request, and the address where such warranty can be obtained. If this option is selected, such seller shall promptly provide a copy of any written warranty requested by the consumer.

DMMA, MOAA, NRMA and Montgomery Ward stated that the warrantor should be required to supply the catalog or mail order sellers with copies of warranties, so as to enable such sellers to comply with the requirements set forth in this sub-paragraph.[238] Accordingly, section 702.3(b)(2) requires warrantors to "provide catalog, mail order. . . . sellers with copies of written warranties necessary for such sellers to comply with the requirements set forth in paragraph(s) (c) . . . of this section."

[233] R–1–4–1, 63–4, NRMA.

[234] R–1–3–2, Nutone Division.

[235] R–1–3–2, 662, Sears.

[236] R–1–3–2, 389, Nutone Division; R–1–3–2, 491, Montgomery Ward; R–1–4–1, 207, National Association of Photographic Manufacturers; R–1–4–1, 647, MOAA; R–1–4–1, 10, NRMA; Tr. 949–50, Daly, DMMA.

[237] R–1–3–2, 346, Gambles; R–1–3–2, 466, Eddie Bauer.

[238] R–1–3–2, 490, Montgomery Ward; R–1–4–1, 65, NRMA; R–1–4–1, 647, MOAA; Tr. 951, Daly, DMMA.

DOOR-TO-DOOR SALES

The proposed rule stated:

any seller who offers for sale to consumers a consumer product with a written warranty by means of door-to-door sales shall, prior to any sales transaction, present the consumer with a copy of the written warranty which the consumer may retain even if no purchase is made.

(2) Door-to-door-sale means a sale of consumer products in which the seller or his representatives personally solicits the sale, including those in response to or following an invitation by a buyer, and the buyer's agreement to offer to purchase is made at a place other than the place of business of the seller.

Herschel Elkins and Harvey Freed suggested that the language "prior to any sales transaction" was unduly vague,[239] and Sears stated that it could be construed as "requiring the warranty to be provided to consumers before any sales presentation is made, regardless of whether there is any possibility of a sale being made."[240] Dutterer's of Manchester Corp. pointed out that a distinction needed to be drawn between "prospecting for an *appointment* at the door" and the actual commencement of the sale process in the home, when the representative has returned to comply with a preset appointment; only during the latter instance should the written warranty be presented.[241] Accordingly, the final Rule uses the language "prior to the consummation of the sale."

Some of the comments submitted by industry representatives also disclosed the need for a definition of the term "consumer" for purposes of this section. Field Enterprises ("Field") stated: ". . . (T)here are many circumstances in which either the insubstantial nature of the seller's contact, or the express or implied unwillingness or inability of the person contacted to enter into a sales transaction, would justify the sales representative's concluding that the person contacted is not a 'consumer' or 'prospective consumer' for purposes of the Act. Unfortunately, proposed Section 702(3)(e)(1) . . . offers no criteria . . . To resolve this ambiguity . . . the Commission should define 'consumer' for purposes of Section 702.3(e) to include only individuals solicited by a door-to-door seller who either indicates sufficient interest in the seller's product or maintain sufficient contact with the seller for the seller reasonably to conclude that the individual solicited is interested in purchasing the product."[242]

In light of these comments, the Commission has changed the word "consumer" to "prospective buyer", and has adopted the definition suggested by Field Enterprises, and endorsed by the Direct Selling Association ("DSA").

any individual solicited by a door-to-door seller to buy a consumer product who indicates sufficient interest in that consumer product or maintains sufficient contact with the seller for the seller reasonably to conclude that the person solicited is considering purchasing the product.[243]

DSA and Field also argued in some of the comments that the proposed Rule discriminated against door-to-door sellers.[244] Fixed location sellers as opposed to door-to-door sellers, were not required under the proposed Rule to provide consumers with copies of warranties but merely to make copies available for the consumer's inspection. Also, fixed location sellers as well as catalog and mail order sellers were only required to make warranties available upon request under the proposed Rule.

The final Rule adopts portions of the language proposed by Field,[245] and endorsed by DSA,[246] and seeks to equalize the duties of the door-to-door seller with those imposed on other sellers.

The final Rule requires the door-to-door seller to "disclose the fact that the sales representative has copies of the warranties for the warranted products being offered for sale which may be in-

[239] Tr. 2625, Elkins; Tr 2624, Freed.

[240] R–1–3–2, Sears; See also, R–1–4–1, 290, DSA; R–1–4–1, 290, DSA.

[241] R–1–3–3, 758, Dutterer's of Manchester Corp.

[242] R–1–3–3, 802, Field; R–1–4–1, 290, DSA.

[243] R–1–3–3, 809, Field; Tr. 759, DSA.

[244] R–1–4–1, 287–89, DSA; R–1–3–3, 805–808 Field.

[245] R–1–3–3, 808–9, Field: "(e) *Door-to-door sales.*

(1) This subsection contains the rules applicable to door-to-door sellers under this Part.

(2) Any seller who offers for sale a consumer product with a written warranty by means of door-to-door sales to individuals shall, prior to the completion of any sales transaction:

(A) Disclose to consumers in a manner permitted by paragraph (3) of this subsection (e):

(i) The written warranty designation of each product;

(ii) The fact that the sales representative has in his possession copies of the warranties for the products, and that these copies may be inspected by the consumer at his request at any time during the course of a sales presentation; and

(iii) The fact that a copy of the written warranty may be obtained for the consumer to retain free on request, and the means by which such a copy may be obtained (including the address where such warranty may be obtained, if it is to be made available by mail);

(B) Ensure that each of its sales representatives carries with him a copy of each warranty for each product offered for sale, and cause such copies to be kept up-to-date in the manner required of other sellers with respect to binders under subsection (a);

(C) Provide a copy of any written warranty requested by the consumer, either by mailing or otherwise delivering to the consumer a separate document containing such warranty or by setting forth in a copy of any sales contract actually entered into with the consumer a clear and conspicuous statement of the warranty;

(3) The disclosure required by paragraph (2)(A) of this subsection (e) may be made either (A) orally or (B) clearly and conspicuously in writing, on the page containing the description of the warranted product, in any flier or brochure distributed to consumers which they are permitted by the seller to retain.

(4) For the purposes of this subsection (a): (A) "door-to-door sale" means [present definition in section 702.3(e)(2)]".

[246] Tr. 759, DSA.

V40251 DEC 31 75 XUM

spected by the prospective buyer at any time during the sales presentation. Such disclosure shall be made orally and shall be included in any written materials shown to prospective buyers."

The duty corresponds to that required of other sellers. Sales representatives need only disclose the fact that they have copies or the warranties for the warranted products being offered for sale, which may be inspected by the prospective buyer.

Finally, DSA recommended that the final Rule clarify that door-to-door sellers are to be governed by this section only, and not by other sections governing other sellers.[247] Section 702.3(a) of the final Rule accomplishes this purpose.[248]

VI. *Effective Date of the Rules.* Section 112(b) of the Act states:

> Section 102(a) shall take effect 6 months after the final publication of rules respecting such section; except that the Commission, for good cause shown, may postpone the applicability of such sections until one year after such final publication in order to permit any designated classes of suppliers to bring their written warranties into compliance with rules promulgated pursuant to this title.

The Commission has given careful consideration to requests by affected parties that a reasonable length of time be allowed to afford them opportunity to come into conformity with the provisions of the Rules.[249] Montgomery Ward submitted that:

> Catalog sellers will have to revise the media. Many catalog pages are 'locked in' six months before publication and changes after that date are extremely expensive. Since the sellers cannot 'set' their catalog until warrant(ors) of products listed in their catalogs have finalized the warranties, one year after publication is a minimum time for compliance by catalog sellers.[250]

The Commission recognizes the special problems concerning lead time for publications of catalog sellers. It is also aware that the revisions in warranties, packaging, and related materials necessitated by the final Rules may affect literally billions of pieces of paper. Furthermore, the Commission may promulgate other related Rules with respect to written warranties within the next six months. It is not the intent of the Commission to have warrantors incur unnecessary expenses in having to reprint their warranties multiple times in order to come into compliance with the successive promulgation of warranty rules.

For these reasons the Commission believes that a delay of the effective date of the Rule is necessary. Accordingly, Parts 701 and 702 will become effective one year after the date of promulgation.

[247] R-1-4-1, 291, DSA.

[248] "(a) *Duties of the seller.* The seller, *except as provided in paragraphs* (c)-(d) *of this Section*, of a consumer product with a written warranty shall": (emphasis supplied).

[249] R-1-3-2, 511-13, Montgomery Ward; Tr. 286, Friedman, National Association of Catalog Showroom Merchandisers; Tr. 951, Daly, Direct Mail/Marketing Association.

[250] R-1-3-2, 513, Montgomery Ward.

The Commission has now considered all matters of fact, law, policy and discretion, including the data, views, and arguments presented on the Record by interested parties in response to the Notices, as prescribed by law, and has determined that the adoption of the Trade Regulation Rule and its Statement of Basis and Purpose set forth herein is in the public interest.

Accordingly, the Commission hereby adopts the foregoing Statement of Basis and Purpose, and hereby amends Title 16 of CFR, Chapter 1, Subchapter G, Rules, Regulations, Statements and Interpretations under the Magnuson-Moss Warranty Act, by adding new parts 701 and 702 as follows:

PART 701—DISCLOSURE OF WRITTEN CONSUMER PRODUCT WARRANTY TERMS AND CONDITIONS

Sec.
701.1 Definitions.
701.2 Scope.
701.3 Written warranty terms.
701.4 Owner registration cards.

AUTHORITY: 15 U.S.C. 2302 and 2309.

§ 701.1 Definitions.

(a) "The Act" means the Magnuson-Moss Warranty Federal Trade Commission Improvement Act, 15 U.S.C. 2301, *et seq.*

(b) "Consumer product" means any tangible personal property which is distributed in commerce and which is normally used for personal, family, or household purposes (including any such property intended to be attached to or installed in any real property without regard to whether it is so attached or installed. Products which are purchased solely for commercial or industrial use are excluded solely for purposes of this Part.

(c) "Written warranty" means—(1) any written affirmation of fact or written promise made in connection with the sale of a consumer product by a supplier to a buyer which relates to the nature of the material or workmanship and affirms or promises that such material or workmanship is defect free or will meet a specified level of performance over a specified period of time, or

(2) any undertaking in writing in connection with the sale by a supplier of a consumer product to refund, repair, replace, or take other remedial action with respect to such product in the event that such product fails to meet the specifications set forth in the undertaking, which written affirmation, promise or undertaking becomes part of the basis of the bargain between a supplier and a buyer for purposes other than resale of such product.

(d) "Implied warranty" means an implied warranty arising under State law (as modified by secs. 104(a) and 108 of the Act) in connection with the sale by a supplier of a consumer product.

(e) "Remedy" means whichever of the following actions the warrantor elects:
(1) repair,
(2) replacement, or
(3) refund; except that the warrantor may not elect refund unless: (i) the warrantor is unable to provide replacement and repair is not commercially practicable or cannot be timely made, or
(ii) the consumer is willing to accept such refund.

(f) "Supplier" means any person engaged in the business of making a consumer product directly or indirectly available to consumers.

(g) "Warrantor" means any supplier or other person who gives or offers to give a written warranty.

(h) "Consumer" means a buyer (other than for purposes of resale or use in the ordinary course of the buyer's business) of any consumer product, any person to whom such product is transferred during the duration of an implied or written warranty applicable to the product, and any other such person who is entitled by the terms of such warranty or under applicable State law to enforce against the warrantor the obligations of the warranty.

(i) "On the face of the warranty" means—(1) where the warranty is a single sheet with printing on both sides of the sheet or where the warranty is comprised of more than one sheet, the page on which the warranty text begins;
(2) where the warranty is included as part of a larger document, such as a use and care manual, the page in such document on which the warranty text begins.

§ 701.2 Scope.

The regulations in this part establish requirements for warrantors for disclosing the terms and conditions of written warranties on consumer products actually costing the consumer more than $15.00.

§ 701.3 Written warranty terms.

(a) Any warrantor warranting to a consumer by means of a written warranty a consumer product actually costing the consumer more than $15.00 shall clearly and conspicuously disclose in a single document in simple and readily understood language, the following items of information: (1) The identity of the party or parties to whom the written warranty is extended, if the enforceability of the written warranty is limited to the original consumer purchaser or is otherwise limited to persons other than every consumer owner during the term of the warranty;

(2) A clear description and identification of products, or parts, or characteristics, or components or properties covered by and where necessary for clarification, excluded from the warranty;

(3) A statement of what the warrantor will do in the event of a defect, malfunction or failure to conform with the written warranty, including the items or services the warrantor will pay for or provide, and, where necessary for clarification, those which the warrantor will not pay for or provide;

(4) The point in time or event on which the warranty term commences, if different from the purchase date, and the time period or other measurement of warranty duration;

(5) A step-by-step explanation of the procedure which the consumer should follow in order to obtain performance of any warranty obligation, including the persons or class of persons authorized to perform warranty obligations. This includes the name(s) of the warrantor(s), together with: the mailing address(es) of the warrantor(s), and/or the name or title and the address of any employee or department of the warrantor responsible for the performance of warranty obligations, and/or a telephone number which consumers may use without charge to obtain information on warranty performance;

(6) Information respecting the availability of any informal dispute settlement mechanism elected by the warrantor in compliance with Part 703 of this subchapter;

(7) Any limitations on the duration of implied warranties, disclosed on the face of the warranty as provided in Section 108 of the Act, accompanied by the following statement:

> Some states do not allow limitations on how long an implied warranty lasts, so the above limitation may not apply to you.

(8) Any exclusions of or limitations on relief such as incidental or consequential damages, accompanied by the following statement, which may be combined with the statement required in sub-paragraph (7) above:

> Some states do not allow the exclusion or limitation of incidental or consequential damages, so the above limitation or exclusion may not apply to you.

(9) A statement in the following language:

> This warranty gives you specific legal rights, and you may also have other rights which vary from state to state.

(b) Paragraph (a)(1)—(9) of this Section shall not be applicable with respect to statements of general policy on emblems, seals or insignias issued by third parties promising replacement or refund if a consumer product is defective, which statements contain no representation or assurance of the quality or performance characteristics of the product; provided that (1) the disclosures required by paragraph (a)(1)—(9) are published by such third parties in each issue of a publication with a general circulation, and (2) such disclosures are provided free of charge to any consumer upon written request.

§ 701.4 Owner registration cards.

When a warrantor employs any card such as an owner's registration card, a warranty registration card, or the like, and the return of such card is a condition precedent to warranty coverage and performance, the warrantor shall disclose this fact in the warranty. If the return of such card reasonably appears to be a condition precedent to warranty coverage and performance, but is not such a condition, that fact shall be disclosed in the warranty.

PART 702—PRE-SALE AVAILABILITY OF WRITTEN WARRANTY TERMS

Sec.
702.1 Definitions.
702.2 Scope.
702.3 Pre-sale availability of written warranty terms.

AUTHORITY: 15 U.S.C. 2302 and 2309.

§ 702.1 Definitions.

(a) "The Act" means the Magnuson-Moss Warranty Federal Trade Commission Improvement Act, 15 U.S.C. 2301, *et seq.*

(b) "Consumer product" means any tangible personal property which is distributed in commerce and which is normally used for personal, family, or household purposes (including any such property intended to be attached to or installed in any real property without regard to whether it is so attached or installed). Products which are purchased solely for commercial or industrial use are excluded solely for purposes of this Part.

(c) "Written warranty" means—(1) any written affirmation of fact or written promise made in connection with the sale of a consumer product by a supplier to a buyer which relates to the nature of the material or workmanship and affirms or promises that such material or workmanship is defect free or will meet a specified level of performance over a specified period of time, or

(2) any undertaking in writing in connection with the sale by a supplier of a consumer product to refund, repair, replace, or take other remedial action with respect to such product in the event that such product fails to meet the specifications set forth in the undertaking, which written affirmation, promise or undertaking becomes part of the basis of the bargain between a supplier and a buyer for purposes other than resale of such product.

(d) "Warrantor" means any supplier or other person who gives or offers to give a written warranty.

(e) "Seller" means any person who sells or offers for sale for purposes other than resale or use in the ordinary course of the buyer's business any consumer product.

(f) "Supplier" means any person engaged in the business of making a consumer product directly or indirectly available to consumers.

(g) "Binder" means a locking binder, notebook, or similar system which will provide the consumer with convenient access to copies of product warranties.

§ 702.2 Scope.

The regulations in this part establish requirements for sellers and warrantors for making the terms of any written warranty on a consumer product available to the consumer prior to sale.

§ 702.3 Pre-sale availability of written warranty terms.

The following requirements apply to consumer products actually costing the consumer more than $15.00: (a) *Duties of the seller.* Except as provided in paragraphs (c)-(d) of this section, the seller of a consumer product with a written warranty shall:

(1) make available for the prospective buyer's review, prior to sale, the text of such written warranty by the use of one or more of the following means:

(i) clearly and conspicuously displaying the text of the written warranty in close conjunction to each warranted product; and/or

(ii) maintaining a binder or series of binders which contain(s) copies of the warranties for the products sold in each department in which any consumer product with a written warranty is offered for sale. Such binder(s) shall be maintained in each such department, or in a location which provides the prospective buyer with ready access to such binder(s), and shall be prominently entitled "Warranties" or other similar title which clearly identifies the binder(s). Such binder(s) shall be indexed according to product or warrantor and shall be maintained up to date when new warranted products or models or new warranties for existing products are introduced into the store or department by substituting superseding warranties and by adding new warranties as appropriate. The seller shall either:

(A) display such binder(s) in a manner reasonably calculated to elicit the prospective buyer's attention; or

(B) make the binders available to prospective buyers on request, and place signs reasonably calculated to elicit the prospective buyer's attention in prominent locations in the store or department advising such prospective buyers of the availability of the binders, including instructions for obtaining access; and/or

(iii) displaying the package of any consumer product on which the text of the written warranty is disclosed, in a manner such that the warranty is clearly visible to prospective buyers at the point of sale; and/or

(iv) "placing in close proximity to the warranted consumer product a notice which discloses the text of the written warranty, in a manner which clearly identifies to prospective buyers the product to which the notice applies;

(2) Not remove or obscure any warranty disclosure materials provided by a warrantor, except:

(i) where such removal is necessary for store window displays, fashion shows, or picture taking; or

(ii) where the seller otherwise, through means provided for in subparagraph (1) above, makes the terms of the warranty information available to the consumer.

(b) *Duties of the warrantor.* (1) A warrantor who gives a written warranty warranting to a consumer a consumer product actually costing the consumer more than $15.00 shall:

(i) Provide sellers with warranty materials necessary for such sellers to comply with the requirements set forth in

Under Section 110(a)(4) the Commis-

federal rights or remedies whether or not

if a warrantor incorporates an informal

V40251 DEC 31 75 XUM

paragraph (a) of this section, by the use of one or more by the following means:

(A) Providing a copy of the written warranty with every warranted consumer product; and/or

(B) Providing a tag, sign, sticker, label, decal or other attachment to the product, which contains the full text of the written warranty; and/or

(C) Printing on or otherwise attaching the text of the written warranty to the package, carton, or other container if that package, carton or other container is normally used for display purposes. If the warrantor elects this option a copy of the written warranty must also accompany the warranted product; and/or

(D) Providing a notice, sign, or poster disclosing the text of a consumer product warranty.

If the warrantor elects this option, a copy of the written warranty must also accompany each warranted product.

(ii) Provide catalog, mail order, and door-to-door sellers with copies of written warranties necessary for such sellers to comply with the requirements set forth in paragraphs (c) and (d) of this section.

(2) Sub-paragraph (1) of this paragraph (b) shall not be applicable with respect to statements of general policy on emblems, seals or insignias issued by third parties promising replacement or refund if a consumer product is defective, which statements contain no representation or assurance of the quality or performance characteristics of the product; provided that (i) the disclosures required by 701.3(a)(1)–(9) are published by such third parties in each issue of a publication with a general circulation, and (ii) such disclosures are provided free of charge to any consumer upon written request.

(c) *Catalog and Mail Order Sales.* (1) For purposes of this paragraph:

(i) "Catalog or mail order sales", means any offer for sale, or any solicitation for an order for a consumer product with a written warranty, which includes instructions for ordering the product which do not require a personal visit to the seller's establishment.

(ii) "Close conjunction" means on the page containing the description of the warranted product, or on the page facing that page.

(2) Any seller who offers for sale to consumers consumer products with written warranties by means of a catalog or mail order solicitation shall:

(i) clearly and conspicuously disclose in such catalog or solicitation in close conjunction to the description of warranted product, or in an information section of the catalog or solicitation clearly referenced, including a page number, in close conjunction to the description of the warranted product, *either:*

(A) the full text of the written warranty; or

(B) that the written warranty can be obtained free upon specific written request, and the address where such warranty can be obtained. If this option is elected, such seller shall promptly provide a copy of any written warranty requested by the consumer.

(d) *Door-to-door sales.* (1) For purposes of this paragraph:

(i) "Door-to-door sale" means a sale of consumer products in which the seller or his representative personally solicits the sale, including those in response to or following an invitation by a buyer, and the buyer's agreement to offer to purchase is made at a place other than the place of business of the seller.

(ii) "Prospective buyer" means an individual solicited by a door-to-door seller to buy a consumer product who indicates sufficient interest in that consumer product or maintains sufficient contact with the seller for the seller reasonably to conclude that the person solicited is considering purchasing the product.

(2) Any seller who offers for sale to consumers consumer products with written warranties by means of door-to-door sales shall, prior to the consummation of the sale, disclose the fact that the sales representative has copies of the warranties for the warranted products being offered for sale, which may be inspected by the prospective buyer at any time during the sales presentation. Such disclosure shall be made orally and shall be included in any written materials shown to prospective buyers.

Effective: December 31, 1976.

Promulgated by the Federal Trade Commission December 31, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-34894 Filed 12-30-75;8:45 am]

PART 703—INFORMAL DISPUTE SETTLEMENT MECHANISMS

Promulgation of Rule

THE PROCEEDINGS

The Federal Trade Commission, pursuant to Title I, Sections 109 and 110 of the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act, Pub. L. 93-637 (15 U.S.C. §§ 2309, 2310), hereafter referred to as the "Act", has conducted a proceeding for the promulgation of a Rule setting forth minimum requirements for the implementation and operation of any informal dispute settlement mechanism incorporated into the terms of a written warranty subject to the Act.

Notice of this proceeding, including a proposed Rule, was published in the FEDERAL REGISTER of July 16, 1975 (40 FR 29895). The Notice urged all interested persons to express their approval or disapproval of the proposed Rule, or to recommend revisions thereof, and to give a full statement of their views, supplemented by all appropriate documentation. In addition, the Notice highlighted certain issues or provisions of the proposed Rule that were believed to be important in the successful establishment or operation of informal dispute settlement mechanisms. The documents supporting the proposed Rule, and a report of the Commission staff discussing the proposed Rule and the supporting documentation, were placed on the public record and made available for examination and copying.

Interested parties were thereafter afforded opportunity to participate in the proceeding through the submission of written data, views and arguments, and to appear and express their views orally and to suggest amendments, revisions, and additions to the proposed Rule. A period of 60 days was allowed for submission of written comments on the proposed Rule. Public hearings, as announced in the Notice, were held in Washington, D.C., September 15–18, 1975, in Chicago, Illinois; September 22–25, 1975, in Los Angeles, California; September 29 through October 1, 1975; and in San Francisco, California, on October 2, 1975. Every person who had expressed a desire to present his or her views orally at these hearings was accorded an opportunity to do so. The public record remained open for thirty days following the hearings for receipt of any other written data, views or arguments.

Upon careful analysis and review of the written and oral comments, the Commission has made certain modifications to the proposed Rule published on July 16, 1975. The Rule, the rationale for the modifications, and the Record relating thereto, are discussed within the Statement of Basis and Purpose appearing below as part of this Notice. The modifications do not raise issues of law or fact which were not fully addressed in the Proceeding. Therefore with good cause the Commission is promulgating this Rule without further invitation for comment on the modifications. The full text of the Rule follows the Statement of Basis and Purpose.

STATEMENT OF BASIS AND PURPOSE

I. Overview of the Act. Section 110(a)(2) of the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act, P.L. 93-637 (15 U.S.C. 2310) directs the Federal Trade Commission to prescribe rules setting forth minimum standards for any informal dispute settlement mechanism which is incorporated into the terms of a written warranty subject to the Act.

Section 110(a)(1) of the Act begins with a broad statement of Congressional policy:

> Congress hereby declares it to be its policy to encourage warrantors to establish procedures whereby consumer disputes are fairly and expeditiously settled through informal dispute settlement mechanisms.

Section 110(a)(2) provides:

> The Commission shall prescribe rules setting forth minimum requirements for any informal dispute settlement procedure which is incorporated into the terms of a written warranty to which any provision of this title applies. Such rules shall provide for participation in the procedure by independent or governmental entities.

Under Section 110(a)(4) the Commission may review the operation of any dispute settlement procedure, resort to which is stated in a written warranty to be a pre-requisite to the consumer pursuing a legal remedy under Section 110 of the Act. In addition, any interested person may file a written complaint with the Commission and cause the Commission to conduct such a review. If the Commission finds that the procedure or its implementation, is not in compliance with minimum requirements prescribed by the Commission, then under Section 110(a)(4) the Commission may take appropriate remedial action under this Act, or any other provision of law. Section 110(b) of the Act states that failure by any person to comply with any requirement imposed on such person by the Act, or by a Rule thereunder, shall be a violation of Section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)), thus making available the Commission's injunctive and other powers.

Under Section 110(a)(3), if a warrantor incorporates a complying dispute settlement mechanism into the terms of the written warranty, and the warrantor requires that the consumer resort to the mechanism before pursuing any rights or remedies under Section 110, then the consumer may not commence a civil action under Section 110(d) (except for the limited purpose of establishing the representative capacity of a class of plaintiffs), without first seeking redress through the mechanism.

Section 110(d) permits any consumer damaged by reason of the failure of any supplier, warrantor, or service contractor to comply with any obligation under the Act, or under a written or implied warranty, or service contract, to bring suit in either a State court, or federal district court (specific jurisdictional requirements are imposed on federal district court actions). This Section also permits a consumer who prevails in a legal action to recover costs and expenses, including reasonable attorney fees.

When read together with Section 110(d), Section 110(a)(3) might be construed as requiring a consumer to resort to warrantor's complying informal dispute settlement mechanism before pursuing *any* legal rights or remedies. However, Section 111(b)[1] and the Conference Report[2] make clear that the consumer would be free to pursue alternate state or federal rights or remedies whether or not warrantor has incorporated a complying mechanism into the terms of his written warranty.

Thus the proper reading of Sections 110(a)(3) and 110(d) is that the consumer would be required to resort to warrantor's complying mechanism only when pursuing rights or remedies newly created by Section 110(d), such as the class action under Section 110(d)(3), attorney fees under Section 110(d)(2), or, by reference, any right or remedy newly created by Title I of the Act (or Rules thereunder) relating to written or implied warranties, service contracts, or other obligations.

Section 110(e) and the legislative history of the Act, indicate that Congress envisioned mechanisms as a warrantor's opportunity to cure a possible breach of warranty in lieu of other opportunities:

Section 110(e) states:

> No action (*other than . . . an action . . .* to which *subsection (a)(3)* [an informal dispute settlement mechanism] *applies*) [Emphasis added] may be brought under subsection (d) for failure to comply with any obligation under any written or implied warranty or service contract, unless the person obligated under the warranty or service contract is afforded a reasonable opportunity to cure such failure to comply.

The Conference Report states:

> A consumer might not bring an action for failure of a supplier to comply with his obligations under Title I or under a warranty or service contract on a consumer product *with respect to which no informal dispute settlement mechanism was available* unless the person obligated under the warranty or service contract had been afforded a reasonable opportunity to cure the breach. (Emphasis added)[3]

Thus an informal dispute settlement mechanism incorporated into the terms of a written warranty, may operate in lieu of a warrantor's right to an opportunity to cure, and a consumer may proceed directly to warrantor's dispute settlement mechanism without affording warrantor an opportunity to cure under subsection (e). (For reasons of fact and policy, the Rule makes clear that warrantors may encourage, though not require, consumers to seek redress from a warrantor directly,[4] and it appears that most consumers do contact the seller or warrantor directly.)[5]

Section 110 does not require warrantors to establish complying informal mechanisms for resolution of consumer warranty disputes. Rather, the legislative policy, set out in Section 110(a)(1), is to "encourage" warrantors toward that end. The Section requires only that if a warrantor incorporates an informal mechanism into the terms of a written warranty, then the mechanism, and its implementation, must comply with minimum requirements to be prescribed by Federal Trade Commission Rules.

It should be noted that the incorporation of a complying mechanism into the terms of a written warranty would not relieve a warrantor of other obligations under this Act, or under other provisions of law, to proceed fairly and expeditiously in non-mechanism complaint handling, or in complaint handling through an informal dispute settlement mechanism not incorporated into the terms of a written warranty. In other words, by incorporating a mechanism into a written warranty, the warrantor undertakes obligations in addition to, not in lieu of, obligations under existing law.

II. General Basis for the Rule. Section 110 of the Act requires that warranty disputes referred to informal dispute settlement mechanisms are to be resolved "fairly and expeditiously." Section 110(a)(2) requires that the Commission rule provide for participation by independent or governmental entities. Section 110(a)(4) contemplates that the rule will contain requirements to facilitate monitoring of Mechanisms by the Commission and interested persons. The legislative scheme of "encouraging" warrantors to voluntarily bear the cost of establishing informal mechanisms necessitates a careful analysis of costs or other disincentives that might result from the Commission rule. Beyond these general contours, the Act and the legislative history, including the Conference Report[6] and the Senate[7] and House[8] Reports, are largely silent as to the precise form, procedures and other requirements that the Commission must prescribe.

Accordingly, the Commission has relied on a variety of secondary legislative and other sources, including the following: Studies of existing intra-company and third-party complaint handling mechanisms; charters, audits and reports of current industry-sponsored informal dispute settlement mechanisms; interviews with consumer affairs professionals, including persons presently engaged in resolving consumer complaints; analyses of consumer warranty complaints received by the Commission; and other sources. The nature and general implications of these materials for this rule are presented briefly below.[9]

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[1] Nothing in this title shall invalidate or restrict any right or remedy of any consumer under State law or any other Federal law. 15 U.S.C. § 2311(b)(1).

[2] Of course, if a consumer chooses to seek redress without utilizing the provisions of Section 110, section 111(b) preserves all *alternative* avenues or redress, and utilization of any informal dispute settlement mechanism would then not be required by any provision of this Act. (Emphasis added) Conference Report [to accompany S. 356], S. Report No. 93-1408, 93rd Cong. 2d Sess. (1974) (Hereafter cited as R 1-2-3, 1060, Conference Report.) [Note: R 1-2-3, 1060, and similar designations in this Statement, refer to volume and page numbers in the Public Record of this proceeding. The designation TR (page number) refers to the transcript of the Public Hearing of this proceeding.]

[3] R 1-2-3, 1060, Conference Report.

[4] Section 703.2(d).

[5] See R 1-2-3, 2256, Mason and Himes, *An Exploratory Behavioural and Socio-Economic Profile of Consumer Action About Dissatisfaction with Selected Household Appliances*, 7 Journal of Consumer Affairs, (1973); R 1-2-3, 2953, Steele, *Fraud Dispute and the Consumer—Responding to Consumer Complaints*, 123 U. Pa. L. Rev. (1975); R 1-2-3, 2186, Diamond, Ward and Faber, "Consumer Problems and Consumerism—An Analysis of Calls to a Consumer Hot Line," Marketing Science Institute, December, 1974.

[6] R 1-2-3, 1014 Conference Report.

[7] R 1-2-3, 116 Senate Committee on Commerce, Report on S. 356, S. Report No. 93-151, 93d, 1st Sess. (1973). [hereinafter referred to as the Senate Report]

[8] R 1-2-3, 1077, House Report [to Accompany HR 7917], H. Report, No. 93-1107, 93d Cong., 2d Sess., (1974) [hereinafter referred to as the House Report].

[9] The specific Rule provisions (including modifications) are predicated on the conclusions or implications drawn from the statutory language and history, from the extensive Record compiled following publication of the proposed Rule, and from the array of source material cited. The rationale for specific Rule provisions and modifications is discussed in the section by section analysis in part IV, below.

V40251 DEC 31 75 XUM

Extensive discussions of current warrantor mechanisms employed to handle consumer complaints can be found in a 1973 Conference Board Report [9] and a 1972 report entitled "Initiatives in Corporate Responsibility" prepared for the Senate Committee on Commerce.[11] Both reports illustrate the wide variety of forms and procedures of in-house consumer affairs programs currently sponsored by warrantors. These generally reflect inherent differences in products, in distribution and in warranty service patterns. For example, while large appliances are traditionally serviced at the consumer's residence, automobiles are customarily serviced at dealerships. Small appliances are often taken to a service center or returned to the factory for repair or servicing. Among these, and even within product classes, warranty performance modes may vary considerably.[12] While warrantors may in some instances authorize local dealers to make repair or replacement decisions, in other instances warrantors will rely only on zone or factory personnel to authorize service or replacement. Occasionally authority may be divided. Under any of these systems there may be considerable confusion among consumers as to where to turn for warranty performance authorization. Instances have been reported in which the confusion has apparently been exploited by warrantors to avoid warranty performance altogether.[13]

The Conference Board Report cited a number of illustrations in which improved company complaint handling actually brought a reduction in the incidence of consumer complaints. For example, within five years after Whirlpool substantially revamped its complaint handling practices, complaints dropped from nine per thousand products sold, to only two per thousand—in spite of the fact that complaint ratios for other appliance companies were rising during this period.[14]

Nonetheless, the Conference Board Report indicated that consumer complaints, involving both warranted and unwarranted products, are not always handled fairly and expeditiously by warrantors or retailers. Delays or failure to handle complaints may be due to two factors:

(1) Some companies evidently place little or no importance in handling such complaints.

A recent report prepared for the Senate Committee on Commerce describing consumer affairs programs offered by major U.S. corporations found that replies to the Committee's questionnaire indicated that some corporations were unfavorable to the idea of initiating such programs.[15]

The Conference Board found some companies openly hostile to the idea of instituting consumer affairs programs and cited a number of companies' attitudes toward such programs as "public relations facelifting" activities rather than honest attempts to remedy consumer problems.[16]

(2) The mere existence of manufacturer complaint-handling mechanisms does not in itself guarantee fair and expeditious settlement of warranty disputes.

The Report noted:

. . . (i)t would be an overstatement to assert that simply because a firm has a consumer affairs unit it has necessarily launched an effective customer relations effort—the facts are not always coincident.[17]

The consumer affairs professionals surveyed by the Conference Board agreed that consumer problems would result from the following complaint handling practices: delay in responding to complaints, attempts to shift the responsibility elsewhere, using form letter responses, failure to take corrective action to forestall additional complaints, alienating company personnel or dealers by promising action to consumers that could not be performed, and failure to explain why a complaint was unjustified.[18]

Studies examined by Staff, interviews with third-party complaint handling officials, and analysis of consumer complaints addressed to the Commission during the course of drafting the proposed Rule indicated that current corporate complaint handling mechanisms can and have operated to delay consumers from fair and expeditious settlement of warranty disputes.[19]

For example, a study published in the Winter, 1973 issue of the *Journal of Consumer Affairs* (which attempted to draw socio-economic profiles of consumers dissatisfied with household appliances) found respondents registering a large number of complaints before receiving satisfactory resolution:

Approximately 48 percent complained only once, 23 complained twice, and almost 29 percent made three or more expressions of dissatisfaction before the matter was resolved to their satisfaction. Reasons for the multiple effort included a failure to take the appliance to the correct outlet in the channel for repair, shoddy workmanship in the initial repair process, disagreement over whether a given problem was covered by warranty, and disagreement as to which person in the distribution channel was responsible for the repairs.[20]

The Federal Trade Commission regularly receives correspondence from consumers complaining of unreasonable delays in remedying defects of warrantied products.[21] A number of these letters have been placed on the public record.[22] While the validity and prevalence of such complaints cannot be judged solely on the basis of Commission correspondence, two examples illustrate the potential for delay and frustration under current complaint handling practices in some companies.

A California consumer described thirty separate contacts with a dealer, factory representative and warrantor. Although promises to remedy the defect were made at a number of distributional levels, the consumer alleges that an apparent auto transmission defect has never been corrected. The consumer's log of repair attempts ends on this note:

In conclusion ---------- (auto company) has sold me a new car with a warranty that they will not back up or honor. I don't feel I am asking much, just a new car that runs like a new one . . .[23]

Even a favorable small claims court judgment was unable to help one frustrated consumer with a defective bicycle purchased for nearly $150. Although the warrantor offered a lifetime written guarantee, ten days after purchase the bike developed hairline cracks in the frame. The dealer attributed the cracks to poor packaging and rough shipping practices by the warrantor. A month later, hairline cracks split the frame rendering the bike unsafe to ride. The dealer returned the bike to the supplier for inspection. Neither the dealer, the supplier nor the warrantor would refund the consumer's purchase price. A month later the consumer received a favorable judgment in small claims court ordering that the guarantee be honored. Due to lack of jurisdiction the court could not levy execution on the judgment.[24]

III. General Conclusions and Implications for the Rule. The concerns expressed in the legislative history of the Act, in studies, interviews with consumer affairs professionals, and other sources referred to in the sections above, and in the Record compiled since publication of this proceeding, have included the following: frequent lack of clear avenues of redress; delays; absence of managerial commitment to complaint resolution; undue burdens placed on consumers, such as use of complicated forms and procedures; and unfulfilled promises to resolve complaints. The Commission has also recognized that despite these shortcomings, certain existing complaint handling mechanisms—third party and intracompany—have operated to resolve consumer complaints in a fair and expeditious manner.

The intent of the Act is to provide for fair and expeditious settlement of consumer warranty disputes, through informal mechanisms established voluntarily by warrantors. The Commission has determined that this legislative scheme is best implemented by a careful balancing of consumer and warrantor interests. The Rule is intended to establish a framework for fair and expeditious settlement of warranty disputes at cost levels acceptable to warrantors. The Commission's determination to minimize Mechanism costs stems from two major concerns: If costs are too high, warrantors may decline to incorporate Mechanisms; in any event costs will be passed through to consumers in the form of higher product prices. Moreover, the Rule is intended to avoid disruption of current complaint handling mechanisms wherever possible. Emphasis is on mechanism self-regulation bolstered by public review of mechanism self-regulation bolstered by public review of mechanism operations, with minimal direct Federal Trade Commission involvement.

The Rule will permit a wide variation in form and procedures among complying mechanisms, in recognition of the variety among effective complaint handling mechanisms currently in existence. The intent is to avoid creating artificial or unnecessary procedural burdens so long as the basic goals of speed, fairness and independent participation are met. Specific requirements of the Rule are intended to ensure the integrity of Mechanisms, facilitate the monitoring and enforcement obligations of the Commission, and encourage consumer review and participation.

The Rule contains provisions relating to duties of warrantors, organization of dispute settlement mechanisms, qualifications of members, procedures, recordkeeping, audits, and openness of records and proceedings to the public. A section by section analysis of the Rule, including modifications based on the Record compiled following publication of the proposed Rule, is presented as part IV of this Statement of Basis and Purpose.

IV. Section by Section Analysis. *SECTION 703.2—DUTIES OF WARRANTORS.*

INTRODUCTION

In accordance with Section 110 of the Act,[25] the Commission hereby sets forth minimum rules to be adhered to by warrantors incorporating an informal dispute settlement mechanism into the terms of a written warranty.

A detailed discussion of these duties can be found below. Within the framework of Congressional intent as expressed in Title I, Section 110 and legislative history preceding adoption of the Act as discussed, the Rule prescribes duties of the warrantor to ensure that, if a warranty complaint arises:

(1) consumers have access to the Mechanism;

(2) consumers realize the legal consequences flowing from the decision to utilize or not utilize the Mechanism; and

(3) the Mechanism is able to settle warranty disputes fairly and expeditiously.

The rule proscribes warrantors from incorporating an informal dispute settlement mechanism ("Mechanism") that fails to comply with the provisions of Sections 703.3–703.8 of this Rule. Additionally, those warrantors incorporating a complying Mechanism into a written warranty are required to include minimal information disclosing the availability of an informal dispute settlement mechanism to be placed at points likely to attract the attention of consumers experiencing problems with a warranted product. Under the proposed Rule, this information would appear: (1) on the face of the written warranty; and (2) in a separate section of materials accompanying the product, if applicable. Also, a provision in the proposed Rule requiring warrantors to provide information regarding the Mechanism to retailers for distribution to consumers has been revised to allow warrantors greater flexibility in publicizing the existence of the Mechanism. Comments which resulted in this change are discussed *infra* in this Statement within the Section entitled "Consumer Awareness."

In addition to disclosure requirements fashioned to ensure accessibility for consumers and consumer awareness of legal consequences flowing from a choice to use or not to use the Mechanism at the time warranty complaints occur, the Rule contains additional warrantor duties to ensure the Mechanism's ability to handle warranty disputes fairly and expeditiously.

DUTIES OF THE WARRANTOR

(a) The warrantor shall not incorporate into the terms of a written warranty a Mechanism that fails to comply with the requirements contained in §§ 703.3–703.8. This paragraph shall not prohibit a warrantor from incorporating into the terms of a written warranty the step-by-step procedure which the consumer should take in order to obtain performance of any obligation under the warranty as described in section 102(a)(7) of the Act and required by Part 701 of this subchapter.

The Staff Report accompanying Part 703 discussed provision 703.2(a) in terms of language contained in the Act:

Section 110(a)(1) of the Act states that:

The Commission shall prescribe rules setting forth minimum requirements for *any informal dispute settlement procedure which is incorporated into the terms of a written warranty* to which any provision of this title applies. (Emphasis added.)

Thus any informal dispute settlement procedure incorporated by a warrantor into the terms of a written warranty is required by the Act to comply with minimum requirements prescribed by the Commission.[26]

The Staff Report indicated the interplay between Parts 701 and 703:

The last sentence of Section 703.2(a) makes it clear, however, that the warrantor may use the warranty as a place to provide information to consumers as to what steps they must take to obtain warranty relief from the warrantor. This would include information as to the steps consumers must take and the person or department consumers must contact to obtain performance of warranty obligations. Such a step-by-step procedure is not considered to be an informal dispute settlement procedure, since a dispute does not arise until the consumer has attempted, and failed, to get warranty performance. Additionally, Section 102(a)(7) of the Act authorizes the Commission to require warrantors to include in written warranties this step-by-step procedure, and the Commission has proposed to require it under proposed Part 701.[27]

The Record does not reflect opposition to Section 703.2(a). The Association of Home Appliance Manufacturers (AHAM) commended the provision:

We believe this section which prohibits reference to non-qualifying dispute mechanisms is sound. We commend especially the clarifying sentence which protects the warrantor's privilege to state the procedure a consumer should take to secure performance under warranty. However, to be consistent with our testimony under § 701.3(h) we urge the words "step-by-step" be eliminated, because they imply more than necessary detail.[28]

Ford Motor Company asked that the section be amended to clarify that the section applies only to warrantors offering complying informal dispute settlement mechanisms.[29]

Comments were received asking for clarification on inclusion of information regarding the existence of the Mechanism under Part 701 of the Rules.[30] It should be noted that under Section 701.2 (a) warrantors may include information regarding their own internal procedures for handling warranty disputes.

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[9] R 1–2–3, 2066, The Conference Board, "The Consumer Affairs Department: Organization and Functions," The Conference Board, Inc. (1973) (hereinafter referred to as the "Conference Board Report").

[11] R 1–2–3, 2294, Frank E. Moss, Chairman, Consumer Subcommittee, "Initiatives in Corporation Responsibility," Committee Print, Prepared for the use of the Senate Committee on Commerce, 92d Cong., 2d Sess. (1972) [hereinafter referred to as "Initiatives"].

[12] R 1–2–3, 2064–65. For an example of wide variation of warranty performance patterns with a single product, see Brin and Kestel, "Suppliers Aim to Curb Returns Abuse," *Home Furnishings Daily*, Monday, March 17, 1975.

[13] *See*, discussion in Part IV, *infra*, Sec. 703.2(d), Redress directly from the warrantor at 56.

[14] *Id.*

[15] R 1–2–3, 2075, Conference Board Report.

[16] R 1–2–3, 2295, "Initiatives".

[17] Id. at 2076.

[18] Id.

[19] R 1–2–3, 2953, Steele, *Fraud Dispute and the Consumer—Responding to Consumer Complaints*, 123 U. Pa. L. Rev. (1975); R 1–2–3, 2186, Diamond, Ward and Farber, "Consumer Problems and Consumerism, Analysis of Calls to a Consumer Hot Line", Marketing Science Institute, December, 1974; R 1–2–3, 2239, Kendall and Russ, *Warranty and Complaint Policies: An Opportunity for Marketing Management*, 39 Journal of Marketing, 36–43, (1975); R 1–2–3, 2247, C. K. Kendall and Frederick A. Russ, University of North Carolina, "Warranty Policies and Practices of Consumer Packaged Goods Manufacturers," (undated paper).

[20] R 1–2–3, 2256, Mason and Hines, Jr. *An Exploratory Behavioral and Socio-Economic Profile of Consumer Action About Dissatisfaction with Selected Household Appliances*, 7 Journal of Consumer Affairs 124 (1973).

[21] R 1–2–3, 1195, According to Catherine Abbott, FTC Correspondence Section, the FTC received approximately 2,172 warranty complaints from the period 5/1/74–5/1/75 (See FTC Warranty Complaints Tabulation, 5/1/74–5/6/75).

[22] R 1–5.

[23] R 1–2–3, 1215, Letter from [a consumer], Lancaster, Calif. to the FTC dated 11/28/74.

[24] R 1–2–3, 1223, Letter from [a consumer] to the Honorable Warren Magnuson, Chairman, Senate Commerce Committee dated 11/18/74.

[25] 15 U.S.C. § 2310.

[26] R 1–2–3, 930. Staff Report.

[27] *Id.*

[28] R 1–4–1, 502, Association of Home Appliance Manufacturers (AHAM).

[29] R 1–3–1, 120, Ford.

[30] *See, e.g.*, R 1–3–1, 63, Mohasco; R 1–4–1, 45, National Association of Furniture Manufacturers (NAFM).

V 40 251 DEC 31 75 XUM

To prevent consumers from being misled into believing a Mechanism included under this provision complies with the Rule in Part 703 and must be used by the consumer, in certain instances, only complying Mechanisms can be included in the written warranty.

WARRANTY DISCLOSURE

(b) The warrantor shall disclose clearly and conspicuously at least the following information on the face of the written warranty:

Section 703.2(b) requires warrantors to disclose brief information on the face of the written warranty regarding the existence of a Mechanism, the name and address or name and telephone number of the Mechanism whereby consumers may register warranty complaints, a brief statement regarding the legal consequences flowing from a consumer's utilization or non-utilization of the Mechanism, as well as a reference to where more detailed information on the Mechanism could be found.

The Commission's authority to require warrantors to fully and conspicuously disclose information regarding the availability of a Mechanism and legal consequences stemming from a consumer's utilization or non-utilization of a Mechanism is found in Title I, Section 102 of the Act.

The Senate Report on the Act stressed the Committee's belief that Mechanisms will only be useful if consumers realize they exist.[31] The Report suggested that items specified for disclosure by the Act were not intended to be mandatory or exclusive.[32]

The Staff Report indicated that:

Other proposed Rules stemming from the Act will require other kinds of disclosure on the face of the written warranty. Therefore, extensive disclosures within the warranty regarding the mechanisms are neither necessary nor appropriate. Instead, the proposed Rule requires warrantors to clearly and conspicuously disclose on the face of the written warranty brief items of information concerning the availability of the Mechanism and the legal implications stemming from a consumer's decision to utilize or fail to utilize the Mechanism. . . . Since the Mechanism, while offering warrantors an opportunity to cure, delays consumers from pursuing legal remedies under Title I of the Act, the Mechanism necessarily becomes an important basis for the consumer's decision to purchase a particular product. Thus brief information concerning the Mechanism should be located within the written warranty.[33]

General comments on Section 703.2(b) varied widely with consumer representatives generally favoring even more extensive warranty disclosures[34] and a few industry representatives favoring modification[35] or exclusion of disclosures to avoid lengthening the warranty document.[36] However, most comments unfavorable to the provision simply suggested that the information could just as effectively be placed on the reverse side of the warranty.[37]

Comments from consumers cited the need for information regarding the Mechanism on the face of the warranty to ensure consumer access at the time of experiencing warranty disputes. The few industry comments on this provision failed to persuade the Commission that other disclosure modes, as provided in the Rule, were sufficient in themselves to fulfill one of the Rule's main purposes, that of ensuring access to the Mechanism at the time consumers experience warranty disputes. Comments on the public record indicate that Section 703.2(b) strikes a reasonable balance between consumer and warrantor interests.

(b)(1) a statement of the availability of the informal dispute settlement mechanism;
(2) the name and address of the Mechanism, or the name and telephone number of the Mechanism which consumers may use without charge;

The Staff Report accompanying proposed Part 703 indicated that Sections 703.2(b) (1) and (2) were included to ensure that information as to the availability of the Mechanism, its location and telephone number is available to consumers upon consulting a written warranty at the time of experiencing a warranty dispute. The Staff Report indicated that:

One of the concerns which led to the adoption of the Act was that consumers were not being given the information necessary for them to enforce their warranty rights. This is reflected in Senator Magnuson's remarks in introducing S. 356, the Senate version of the warranty legislation, to the Senate.[38]

The Staff Report noted that concern about consumers having sufficient information regarding dispute settlement Mechanisms is reflected in Section 102(a)(8) of the Act, which states that the rules of the Commission may require inclusion in the written warranty of information regarding the Mechanism and a recital, if appropriate, that use was mandatory in some instances.[39]

The first two disclosures required by paragraph (b) are intended to meet this concern by providing consumers with information needed for redress of warranty rights.

General comments, both favorable and unfavorable, regarding Section 703.2(b) have been discussed *supra* in the introduction to this Section. However, only one comment dealt specifically with Section 703.2(b) (1) and (2). Victoria Special, Cook County State's Attorneys Office, Consumer Fraud Division, Chicago, noted that consumers would realize the existence of the Mechanism if they were given the name, address and possibly a toll-free telephone number disclosed in bold letters within the warranty document.[40] Thus Section 703.2(b) (1) and (2) appears to be a reasonable provision to ensure access to the Mechanism at the time a consumer consults his or her written warranty upon experiencing a warranty dispute.

LEGAL CONSEQUENCES

(b)(3) a statement of any requirement that the consumer resort to the Mechanism before exercising rights or seeking remedies created by Title I of the Act; together with the disclosure that if a consumer chooses to seek redress by pursuing rights and remedies not created by Title I of the Act, resort to the Mechanism would not be required by any provision of the Act;

As discussed in the Introduction to this Statement, *supra*, at Part I, Section 110(a)(3) of the Act provides that the consumer must resort to the Mechanism before commencing a civil action (other than a class action) under Section 110(d) of the Act if:

(A) a warrantor establishes such a procedure,
(B) such procedure, and its implementation, meets the requirements of [FTC] rules, and
(C) he [the warrantor] incorporated in a written warranty a requirement that the consumer resort to such procedure before pursuing any legal remedy under this section respecting such warranty . . .

The third disclosure required by Paragraph (b)(3) merely incorporates the third requirement under Section 110(a)(3) of the Act into the Rule, as is contemplated by Section 102(a)(8) of the Act, quoted above. It states that Commission rules may require disclosure in the warranty of any requirement of the warrantor that the consumer must resort to the Mechanism.

The second clause of Section 703.2(b)(3) is designed to ensure that the consumer is not deceived into believing that prior resort to the Mechanism is required in all instances. As discussed in Part I of the Introduction to this Statement, the Act only allows the Mechanism to delay consumers seeking rights or remedies newly created by Title I of the Act.

[31] R 1-2-3, 1183, Senate Committee on Commerce, Report on S. 356, S. Report No. 93-151, 93 Cong., 1st Sess. (1973) (Hereinafter the Senate Report).
[32] *Id.*
[33] R 1-2-3, 934, Staff Report.
[34] *See, e.g.*, R 1-8, 143, New York Office of Consumer Affairs (should be disclosed that use of Mechanism is free); TR 1443, Legal Aid Bureau, Chicago, Illinois; R 1-8, 94, Cook County State's Attorney Office, Chicago, Illinois (bold-face should be used in disclosure); R-1-4-1, 382, Major Applicance Consumer Action Panel (MACAP) (information could be better disclosed in warranty procedural guide).
[35] *See, e.g.*, R 1-4-1, 46, NAFM (clearly and conspicuously not necessary); R 1-3-1, 195, Stophel, Caldwell and Heggie (type face would be too small for readability); R 1-3-2, 577, Quarles and Brady (danger of microscopic type faces); R 1-3-3, 927, Webster, Kilcullen and Chamberlain, for Amana Refrigeration, Inc. (danger of unduly complicating warranty).
[36] *See, e.g.*, R 1-4-1, 209, National Association of Photographic Manufacturers, Inc. (warrantors should instead provide information to requesting consumers); R 1-3-2, 394, Shell Oil; R 1-3-2, 567, Eastman Kodak Company.
[37] *See, e.g.*, R 1-4-1, 81, NRMA (disclosure: "See Reverse Side for Warranty Information" desirable); R 1-3-2, 422, Armstrong Cork; TR 344, Warranty Review Corporation.
[38] R 1-2-3, 934.
[39] *Id.*
[40] R 1-8, 94, Cook County States Attorneys Office, Chicago, Illinois.

This Rule provision requires that this be made clear to consumers.

Many comments addressed to 703.2(b)(3) treated possible interpretations of Section 110 (a) and (d) of the Act. Since 703.2(b)(3) deals merely with the disclosure that consumers may be obligated to use the Mechanism if they are seeking rights and remedies created by the Act, a discussion of these comments is not appropriate in the section. However, the Commission's interpretation of Sections 110 (a) and (d) of the Act can be found at Part I of the Introduction to this statement. Few comments were received on the Record regarding the warranty disclosures required by Section 703.2(b)(3) of the proposed Rule.

Industry comments were divided as to the value of the disclosure. Schwinn Bicycle Corporation supported the usefulness of the provision to warrantors in disclosing that in certain instances use of the Mechanism by consumers would be mandatory.[41] However, Whirlpool urged that disclosure of such information to consumers was unreasonably burdensome.[42]

Comments from consumers on the record stressed the importance of a simple and clearly worded disclosure to prevent consumers from thinking that they would be required in all instances to use a warrantor's Mechanism.[43]

Two consumer representatives suggested specific language that the Commission might prescribe to convey the importance of the information respecting mandatory and nonmandatory resort to the Mechanism by consumers without unduly confusing them.[44]

Comments from industry and consumer representatives indicating concern over mandatory or optional resort to a Mechanism by consumers have been discussed, *infra*, at "Redress Directly from the Warrantor." Briefly, industry representatives wished to clarify those instances in which consumers could be obligated to first use a Mechanism before going to court, since this possibility offered warrantors an inducement to incorporate Mechanisms into written warranties. On the other hand, consumer representatives were concerned that warrantors could mislead consumers into believing Mechanism use was compulsory in every instance. Thus, although few comments were received on Section 703.2(b)(3), concern reflected in the record over interpretation of 110 (a) and (d) of the Act leads the Commission to believe that Section 703.2(b)(3) of the Rule is both necessary and reasonable. If resort to the Mechanism by consumers is of mutual and material concern to consumers and warrantors, such information should be placed in the warranty.

Although two consumer representatives recommended specific language instead of the general disclosure requirement contained in the provision, the Commission finds the general requirement adequate. Specific language might add undesirable bulk to the written warranty. Additionally, "boiler-plate" language would not offer warrantors the flexibility of phrasing the disclosure in a simpler, more understandable manner than the disclosures suggested in the Record.

Thus the Commission expects that Section 703.2(b)(3) will allow warrantors flexibility in phrasing the disclosure requirement so long as the language employed is simple and understandable to consumers and would not tend to mislead consumers into thinking that resort to the Mechanism is mandatory when consumers are not seeking rights and remedies newly created by Title I of the Act.

§ 703.2(b)(4) Further Information

A statement, if applicable, indicating where further information on the Mechanism can be found in materials accompanying the product, as provided in § 703.2(c).

Although warrantors, under the above provision, would be free to attach the more detailed information provided for in Section 703.2(c) to the body of the written warranty, the Commission believes it is appropriate to allow the warrantor to include additional information important to consumers at another place, provided the consumer's attention is directed to that information. If the consumer consults his or her written warranty at the time a warranty complaint occurs, he or she will receive guidance as to where further information on the Mechanism can be found. This will enable the consumer to weigh the advantages and disadvantages of utilization or non-utilization of the Mechanism.

Studies point to the widespread industry practice of distributing product use and instruction booklets.[45] Under the final Rule, a warrantor need only indicate a page number or location within the booklet or other materials where additional information can be found, provided that if no use and instructions book or other suitable materials accompanied the product, the warrantor would be required to give the information specified in Section 703.2(c) in the written warranty.

The Commission has concluded that Section 703.2(b)(4) should be included as proposed in the final Rule. No comments, favorable or unfavorable, were received on the record respecting the above provision.

ADDITIONAL DISCLOSURES

(c) The warrantor shall include in the written warranty or in a separate section of materials accompanying the product, the following information:

(1) Either (i) a form addressed to the Mechanism containing spaces requesting the information which the Mechanism may require for prompt resolution of warranty disputes; or (ii) a telephone number of the Mechanism which consumers may use without charge;
(2) The name and address of the Mechanism;
(3) A brief description of Mechanism procedures;
(4) The time limits adhered to by the Mechanism; and
(5) The types of information which the Mechanism may require for prompt resolution of warranty disputes.

Provisions of Paragraph (c) of the final Rule are designed to ensure awareness of and access to the Mechanism at the time consumers experience difficulty with the resolution of warranty disputes and minimize consumer failure to utilize the Mechanism by simplifying procedures.

Paragraph (c) of the proposed Rule would provide consumers with one of two simple ways to register a warranty complaint—filling out a pre-addressed form or making a free telephone call. Warrantors could choose the least costly, most effective option best suited to their commercial needs and current complaint handling patterns.

Section 703.2 (c) (3) is a provision which was not included in the proposed Rule. The provision would require warrantors to provide consumers with a brief description of Mechanism procedures. The change reflects concerns expressed by consumer and industry representatives on the public record and is discussed in detail, *infra*, at § 703.2(c)(3).

(a) *Simplified Access and Procedures Section 703.2(c) (1) and (2).* Provisions of Section 703.2(c), designed to ensure consumer access to the Mechanism and simplify procedures for consumers registering warranty disputes, are consistent with Congressional intent expressed prior to passage of the Act. The Conference Report states that the purpose of informal dispute settlement mechanisms is to, "*simplify* and expedite the resolution of warranty disputes".[46] (Emphasis added)

Consumers affairs professionals interviewed by Commission staff members consistently cited the detrimental effect of complicated and protracted procedures on consumers with warranty and

[41] R 1-3-3, 840-841, Schwinn Bicycle Corporation (sound public policy from warrantor's point of view).
[42] R 1-3-3, 962, Whirlpool Corporation (would act as disincentive to warrantors to incorporate Mechanisms); *See, also*, R 1-3-1, 174, McGraw Edison Company (points consumers in direction of courts); R 1-4-1, 504, AHAM (detailed legal-technical alternatives will only confuse consumers).
[43] *See, e.g.*, R 1-6, 52, Center for the Study of Responsive Law; R 1-8, 76, Consumer Affairs Department, City of Detroit, Michigan.
[44] R 1-6, 52, Center for the Study of Responsive Law. The Center suggested the disclosure should state:
Presenting your complaint to (mechanism name) is *optional*. You can present your complaint to courts, to government agencies or to any other group or person, without presenting it to (mechanism name). Or, you can present your complaint to (mechanism name) and also present it to other people or other courts or agencies, either before or after (mechanism name) issues h decision. However, if you want to sue (name of warrantor) in certain kinds of lawsuits, you must present your complaint to (mechanism name) first, and wait for it to issue a decision.
See also: R 1-8, 77, The Consumer Affairs Department, City of Detroit, Michigan.
[45] *See:* R 1-2-3, 930, Staff Report.
[46] R 1-8-3, 2085, Conference Report [to accompany S. 356], S. Report No. 93-1408, 93rd Cong. 2d Sess. (1975).

V 40 251 DEC 31 75 XUM

non-warranty related complaints. Complicated forms, numerous levels required for complaint resolution, even writing a letter detailing a consumer complaint can cause some consumers to "drop-out" of the complaint-handling procedure.[47]

A study entitled, "Fraud, Dispute and the Consumer—Responding to Consumer Complaints," discussed the complaint process in terms of a continuum. Less formal procedures require the expenditure of fewer resources; more formal procedures, i.e., small claims court or a private suit, involve the expenditure of greater resources. The author suggested that at various points during this process, consumers reach a point where they "drop-out" of the process because resources expended become too large relative to the importance of the dispute to the consumer.[48] The requirement of either a pre-addressed form or a free telephone number for consumers to use in registering warranty complaints is designed to minimize this drop out.

The form could be as simple as a postcard. Various complaint handling mechanisms currently use postcards to notify the consumer at various points in the complaint procedure, to follow-up on the success or failure of attempts to remedy complaints and to obtain information from consumers necessary for settlement of disputes.[49]

If the consumer is able to provide the Mechanism, by using the spaces included on the form, with that information needed by the Mechanism to commence investigation of a dispute, the Mechanism will be able to begin settlement of consumer disputes more quickly and efficiently, thus minimizing costs that would accrue from further contacts with consumers necessary to obtain needed information.

Mailing a postcard or form is less burdensome and time consuming than writing a letter. Spaces for information which the Mechanism may require for investigation leading to settlement of a consumer's warranty dispute enable the consumer to anticipate the Mechanism's needs thereby simplifying and accelerating the Mechanism's complaint handling process. Of course, nothing contained in the Rule would prevent the consumer's writing a letter enclosing additional information regarding the dispute in lieu of the postcard. Burdens on the consumer would involve only the cost of a stamp and the effort of mailing the card or form. Thus, drop-out problems cited previously could be minimized.

The Commission has determined that costs incurred by the warrantor in providing such information would be reasonable. Since use and instruction materials are commonly provided consumers at the time of purchase, costs of forms or postcards would be one more item to be included in such materials. Printing costs for postcards do not seem great.[50]

The Rule gives warrantors the option to include in lieu of such postcard a telephone number which consumers may use without charge to register warranty complaints.

Some companies already use toll-free numbers for consumers to register warranty complaints. The existence of such numbers enables consumers to register complaints speedily and conveniently.

The ease of using such numbers could minimize the possibility of consumer dropout. Such numbers would enable the Mechanism to handle complaints fairly and expeditiously, since the staff of the Mechanism could obtain necessary information for the Mechanism to commence settlement of the warranty dispute at the time of the telephone call.

In spite of the advantages of free telephone numbers in ensuring access to the Mechanism and accelerating the investigational process, they are costly; mandating them could unduly burden Mechanisms and thereby contravene Congressional intent to encourage warrantors to establish informal grievance settlement mechanisms. Therefore, the Rule provides Mechanisms with an option—pre-addressed forms—which is effective yet not as costly.

Section 703.2 (c)(1) and (2) engendered little comment on the public record regarding the need for consumer access to the Mechanism and simplified procedures for consumer utilization of the Mechanism upon the occurrence of a warranty dispute.

The American Arbitration Association agreed that a communication by postcard or telephone could cut Mechanism costs.[51] The Major Appliance Consumer Action Panel commented against attaching the the information required by Section 103.2(c) to the written warranty, recommending instead a "Warranty Procedural Guide" where all information regarding the Mechanism would be placed.[52] The Association of Home Appliance Manufacturers (AHAM) noted that most members of MACAP already directs consumers to the group in a manner similar to that required by the Rule.[53]

Two industry representatives suggested that the consumer need receive only a pre-addressed form which he/she could mail to the Mechanism in order to receive instructions on how to submit a complaint.[54] Armstrong Cork Company commented that such an easy and simple procedure might increase frivolous claims.[55] However, the likelihood of pre-addressed forms and toll-free telephone numbers increasing costs as a result of increased numbers of frivolous complaints appears remote.[56]

Section 703.2 (1) and (2) engendered few comments on the record and appear reasonable and desirable from the standpoint of ensuring easy access to the Mechanism at the time consumers experience warranty disputes. The provisions are promulgated as proposed.

Paragraph (c) now requires the warrantor to make four other disclosures to consumers: First, the name and address of the Mechanism must be separately disclosed. If the warrantor has utilized the form option, consumers who had utilized the form and then experienced a further complaint might not know where to address their complaint if they had misplaced their warranty. Even if the Mechanism possesses a free telephone number, some consumers might wish to write a letter instead of telephoning the Mechanism because of the complexity of the dispute.

Additionally, the warrantor must state the time limits adhered to by the Mechanism. Since the consumer retains the option to pursue other rights and remedies than those created under Title I of the Act, the consumer should be able to weigh the advantages of enduring the delay incurred in using the mandatory Mechanism against the advantages of

[47] R 1-2-3, 1225, Interview between Fred Waddell, Director, Consumer Affairs Department, American Association of Retired Persons, and Jill Deal, FTC, May 6, 1975; R 1-2-3, 1599, Interview between Donald P. Rothschild, Director, Consumer Protection Center, George Washington University Law Center, and Jill Deal, FTC, March 21, 1975; R 1-2-3, 1419, Interview between Christopher W. Wheeler, Center for the Study of Responsive Law, and Jill Deal, FTC, April 15, 1975.

[48] R 1-2-3, 2953, Steele, *Fraud Dispute and the Consumer—Responding to Consumer Complaints*, 123 *U. Pa. L. Rev.* (1975).

[49] R 1-2-3, 1799, The Direct Mail Marketing Association, uses postcards to notify consumers that action on their complaints has been taken. Interview with Ann Crouch Cole, DMMA, May 2, 1975. R 1-2-3, 1224, The Consumer Assistance Center of the American Association of Retired Persons utilizes postcards to follow-up on complaints. Response rate is great. Telephone Interview with Karen Blumenberg, GAC, AARP, April 6, 1975. R 1-2-3, 2294, Various warrantors utilize postcards at different stages of the complaint handling process. American Motors samples owner cards returned to gauge consumer satisfaction; Frank E. Moss, Chairman, Consumer Subcommittee, "Initiatives in Corporate Responsibility," Committee Print, Prepared for use of the Senate Committee Commerce, 92d Cong., 2d Sess. (1972).

[50] R 1-2-3, 1224, Karen Blumenberg, CAC, AARP, stated that printing costs for similar cards amounted to $7.00/thousand when accomplished in-house; Telephone Interview between Karen Blumenberg, CAC, AARP and Jill Deal, FTC, 4/6/75; R 1-2-3, 1197, The FTC print shop estimates it would cost 2 cents per sheet which would contain 4 postcards.

[51] *TR* 1469. American Arbitration Association noted that: . . . the burden of investigation is kept to a minimum. [S]taff investigation may be manageable."

[52] R 1-4-1, 383, MACAP.

[53] R 1-4-1, 503, AHAM.
"Manual instructions ask consumers to:
1. Check plugs, fuses, instructions;
2. Check your dealer or the repair service he recommends;
3. Notify Mr. W. C. Blank, National Service Manager, XYZ Corp., Centerville, Ohio 6666 (or call 800-000-0000);

[54] *See, e.g.*, R 1-4-1, 81, NRMA (less expensive to use pre-addressed card for consumers' use in obtaining Mechanism information); R 1-4-1, 46, National Furniture Manufacturers Association (pre-addressed card for use in obtaining Mechanism information).

[55] R 1-3-2, 422, Armstrong Cork Company (encouraging frivolous claims might increase costs.)

[56] For a discussion of the possibility of an increase in frivolous complaints, see the discussion accompanying § 703.3(a) *infra*. The section concludes that benefits resulting from increased consumer registration of legitimate warranty disputes outweigh the possibility of a small increase in nonlegitimate complaints.

pursuing remedies other than those created under Title I of the Act. Even those consumers unconcerned with seeking legal remedies should be informed of the time period for resolution by the Mechanism. Some consumers may possess defective products which require immediate repair. For example, a housewife with a broken dryer and a small baby may wish to weigh the cost of subscribing to a diaper service for a month because of the delay caused by a mechanism decision against the cost of an immediate repair call which will remedy the defect.

The warrantor must also list the types of information which the Mechanism may require for prompt resolution of warranty disputes. If the consumer has already mailed the optional form and experiences another warranty complaint, he or she should be aware of that information needed by the Mechanism so that he or she can include such information at the time of registering his or her complaint and thus ensure the Mechanism's ability to fairly and expeditiously settle warranty disputes.

If the consumer is provided with a telephone number which he or she may use without charge, the consumer should know of the information which the Mechanism requires for prompt resolution of the dispute prior to placing a call registering a complaint. For example, a consumer, noting such disclosures, would be able to determine such information as brand, model number, date of purchase and place of purchase thus expediting calls placed to the Mechanism. This could result in lower costs incurred by the Mechanism from use of such numbers and increased ability to handle disputes fairly and expeditiously.

Provision 703.2(c)(3) has been added to require the warrantor to disclose brief information regarding Mechanism procedures. It has been transferred to Section 703.2(c) primarily in response to adverse comments received on the record regarding § 703.5(b) discussed in detail, *infra*.

Proposed § 703.5(b) originally required that:

(b) Upon notification of a dispute, the Mechanism shall immediately inform both the warrantor and the consumer of receipt of the dispute, and shall promptly supply the consumer with a description of the procedures and time limits adhered to by the Mechanism.

The Final Rule provision 703.5(b) now reads:

(b) Upon notification of a dispute, the Mechanism shall immediately inform both the warrantor and the consumer of receipt of the dispute.

Under the final Rule, the burden of the Mechanism is reduced at the time of receipt of a dispute, since the Mechanism can now acknowledge receipt of a dispute, if it wishes, by dispatch of a postcard. The postcard could refer consumers to information regarding Mechanism time limits, procedures and types of information required from consumers either in the written warranty or separate materials accompanying the product.

The provision is a reasonable attempt to reduce administrative burdens on the Mechanism. Reducing such burdens would act to decrease costs thus posing an added incentive to warrantors to incorporate Mechanisms. Proposed provisions 703.2(c) (2), (3) and (4) have been incorporated into the final Rule as Section 703.2(c), (2), (4) and (5).

These subparagraphs appear to be a reasonable means for consumer to gain easy access to the Mechanism by the use of simplified procedures. Moreover, no adverse comment was addressed to these provisions on the Record. The addition of provision 703.2(c)(3) will give consumers additional information needed at the time of warranty disputes and will also eliminate a potentially costly notification step by the Mechanism.

b. *Consumer Awareness.* Paragraphs (c) and (d), providing easy access to the Mechanism and simplified procedures for filing complaints, are designed to ensure that the consumer will be aware of the existence of the Mechanism at the time when that information is important—at the time a warranty dispute arises. Paragraph (d) requires that:

(d) The warrantor shall take steps reasonably calculated to make consumers aware of the Mechanism's existence at the time consumers experience warranty disputes.

Both paragraphs reflect concern expressed in the Senate Report which stressed that Mechanisms will be useful only if their existence is known.[57]

Although under the proposed Rule brief information regarding the existence of the Mechanism must be included on the face of the written warranty, studies on consumer complaint registration patterns and interviews with consumer affairs professionals indicated that more information is necessary so that consumers have information regarding Mechanism at points where they are likely to turn when a warranty complaint surfaces. Providing consumers with product use and instruction materials is a common industry practice.[58] The Staff Report indicated that a number of consumer affairs professionals have noted consumer tendencies to avoid reading use and instruction materials until a complaint arises.[59] While consumers might misplace a warranty or fail to consult it at the time of experiencing a product malfunction or defect, a larger number of consumers would be more likely to consult use and instructions materials in an effort to remedy the malfunction or determine the procedure for contacting the retailer or warrantor to remedy malfunctions or defects.

Thus, placing more detailed information regarding the Mechanism at a location where consumers would be likely to turn in case of a product malfunction or defect would serve as a valuable guide to consumers on procedures to follow for remedying such complaints. Reference to the location of more detailed information on the face of the written warranty serves to assure consumer access at the time of complaints. Consumers are thus provided with both brief and more detailed information at two points where they are likely to turn when a warranty problem surfaces.

The importance of consumer awarenes of the Mechanism was stressed in comments received on the record. Christopher Wheeler, from the Center for the Study of Responsive Law, testified to the need for Mechanism visibility and expressed doubt that the proposed Rule provisions would accomplish this purpose.[60] David Swankin, National Consumers League, stressed the importance of consumer awareness as a way to improve the general quality of dispute handling.

Few comments were received on the record concerning provisions of Paragraph 703.2(c) designed to ensure consumer access to the Mechanism at the time warranty disputes occur. Comments supported placing information required by Paragraph (c) in the written warranty or in an operations manual as both reasonable and desirable.[61]

The Commission has thus concluded that provisions of Paragraph (c) designed to ensure consumer awareness of the Mechanism at the time warranty disputes arise should be promulgated as proposed.

More extensive comments were received on the record concerning proposed Paragraph (d). The provision has been modified to require a warrantor to take

[57] R 1-2-3, 1183, Senate Report.

[58] R1-2-3, 948, Staff Report.

[59] *Id.*

[60] R 1-6, p. 57, Center for the Study of Responsive Law, September 16, 1975. The Center noted that: Like a tree falling in the forest, if consumers do not know about this mechanism, it never exists".

[61] *See e.g.*, TR 225-226, Guenther Baumgart, AHAM, who noted that MACAP's ". . . [e]xperience has been that the most effective method is the appearance of the name and address of the panel in the instruction book. All the previous publicity, including a Johnny Carson Show plug one night and many consumer columnists—does not have nearly the effect from what I have observed from the simple information in the instruction book." *See also*, R 1-8, 90, Charlotte Pownell, Long Beach, California Department of Consumer Affairs noted that:
"A number of our consumers have been introduced to various arbitration mechanisms of industry (CRICAP, MACAP, Carpet Institute) through the mediation efforts of our agency. Our experience has been that, prior to being apprised of such mechanisms through our agency, our consumers, at least, has no knowledge of their existence. . . . The most logical method of disclosing an arbitration mechanism prior to the sale of a consumer product would be on the product packaging and in the operating manual of the product." See also: R 1-6, 36, National Consumer Law Center. *But, see*, R 1-4-1, 504, AHAM (urged deletion of that provision of former provision § 703.2(c)(3) providing for a disclosure of time limits adhered to by the Mechanism. AHAM found time limits for Mechanism decisions generally undesirable).

V 40 N 251 DEC 31 75 XUM

reasonable steps to make consumers aware of its Mechanism. Reasons for the modification are discussed *infra* in this section. The proposed provision would have required warrantors to provide to sellers and service centers the more detailed information regarding the Mechanisms required by Paragraph (c). Additionally, warrantors would have been required to take steps reasonably calculated to ensure that this information was provided to consumers requesting such information or registering warranty disputes. The provision was originally proposed in response to studies which showed that most consumers commence registration of a warranty or non-warranty complaint by what consumer affairs professionals term, "banging on the counter" of the warrantor's retailer or service center.[64] Proposed Paragraph (d) therefore required more detailed information to be provided at those places where warrantor's products are sold and serviced. In order to ensure that retailers and service centers provided the information to consumers requesting it or registering a warranty complaint, a requirement that a warrantor was required to take those reasonable steps calculated to *ensure* that such information would be distributed to such consumers was included. While it may have been difficult for a warrantor to police all retailers and service centers to ensure that such information was properly distributed, the warrantor was required to offer incentives to retailers and service centers that would maximize the possibility that such information would be duly distributed.

Suggestions that warrantors be required to engage in media advertising to publicize the existence of Mechanisms were rejected, because substantial costs involved might discourage warrantors from sponsoring Mechanisms, thereby frustrating Congressional intent.[65] The requirements in Paragraphs (c) and (d) were designed to work together to reach most consumers at the time when they most needed access to the Mechanism without placing an unreasonable financial burden on the Mechanism.

While the provisions of Paragraph (c) evoked little criticism on the record, Paragraph (d) was criticized by warrantors and consumer representatives alike. Warrantors criticized the provision as both unnecessary and unenforceable.[66]

The National Retail Merchants Association (NRMA), found the provision to be unnecessary. Retailers would provide this information to consumers in the interest of future goodwill whether or not the warrantor required retailers to give out such information.[67]

In contrast, consumer representatives commented that the provision was not stringent enough to fulfill its purpose of making consumers aware of the Mechanism's existence at the time warranty disputes occur.[68] A number of consumer representatives suggested that stickers should be attached to the product itself as a way of informing consumers about the Mechanism's existence at the time of warranty disputes.[69]

One group noted that signs should be posted at retailers and service centers as an additional way to inform consumers of the availability of the information.[70] provisions for not requiring warrantors Other groups criticized the proposed to engage in media advertising—a method they felt sure would result in consumer awareness of the Mechanism's existence.[71]

Christopher Wheeler, Center for the Study of Responsive Law, offered the most detailed explanation for the necessity of media advertising.[72] Wheeler stressed that advertising would be the only certain way to ensure Mechanism visibility.[73] He recommended that warrantors be required to engage in media advertising at a cost of at least 1 percent of gross sales[74] since companies routinely spend up to 25 percent of their gross sales in product advertising.[75] Wheeler found the proposed requirements too general to be enforced.[76]

Responding to warrantor and consumer criticism, the Commission has revised proposed provision 703.2(d) to require warrantors to take steps reasonably calculated to ensure consumer awareness of the Mechanism at the time warranty disputes occur. The change is designed to balance concerns expressed by industry and consumer representatives on the public record. First, it offers warrantors flexibility lacking in the proposed provision. The Commission is aware of general testimony on the public record regarding differing warrantor distribution and marketing methods. Some warrantors retain direct control over dealers or service centers by means of franchise agreements. This arrangement lends itself easily to provision of Mechanism information to retailers since the warrantor may require retailers to provide this information by including the requirement as a part of a dealer/warrantor agreement. Varying methods of warrantor control over product distribution and marketing fall between complete control over retailers and none at all. The opposite end of the spectrum is reflected by warrantors selling only to jobbers. Here, the warrantor effectively maintains no control over the final distribution of his product. Thus, proposed provision 703.2(d) may have been possible for some warrantors to enforce but impossible for others and would not ensure maximum consumer awareness.

Warrantors with complete control over product distribution and marketing may wish to provide information to retailers for distribution to consumers; in contrast, a warrantor selling only to jobbers may wish to engage in media advertising to publicize the Mechanism's existence. From a public relations standpoint,

[64] *See*, R 1-2-3, 2256, Mason and Himes, *An Exploratory Behavioural and Socio-Economic Profile of Consumer Action About Dissatisfaction with Selected Household Appliances*, 7 Journal of Consumer Affairs (1973). R 1-2-3, 2953, Steele, *Fraud Dispute and the Consumer—Responding to Consumer Complaints*, 123 U. Pa. L. Rev. (1975). R 1-2-3, 2186, Diamond, Ward and Faber, *Consumer Problems and Consumerism—An Analysis of Calls to a Consumer Hot Line*, Marketing Science Institute, December, 1974.

[65] R 1-2-3, 950, Staff Report.

[66] *See, e.g.*, R 1-2-1, 81 (unfair to retailers); R 1-4-1, 47 (lack of warrantor control over retailers).

[67] R 1-4-1, 82. *See, also*, R-1-3-3, 816. The Chicago Better Business Bureau commented that: 703.2(d) is . . . "very broad and unenforceable. It is our considered belief that this should be left to self-regulatory efforts and the Federal Trade Commission, where indicated. Responsible and capable warrantors will view their settlement procedures as a marketing factor and we will all benefit from this approach." *But, see*, TR 102-103, Dean Determan, Vice President, Council of Better Business Bureaus, who commented on the desirability, from CBBB's point of view, of placing the burden to provide such information on the retailer. However, Determan noted the impossibility of enforcing the provision.

But, *see also*, TR 170, Ray Afferbach, National Association of Kitchen Dealers who commented that Section 703.2 (c) and (d) were sufficient to ensure consumer awareness.

[68] *See, e.g.*, R 1-6, 55, Center for the Study of Responsive Law, September 16, 1975; R-1, 165, Wisconsin Governor's Council for Consumer Affairs; TR 149, Shelby County Legal Services.

But see, TR 125, MACAP, who emphatically supported the proposed provision. The panel chairman commented that: "We contend that there ought to be some responsibility from the manufacturer to the dealer and the servicer and that the manufacturer ought to provide the people to whom he sells and the people to whom he gives the authority to deal as an authorized dealer."

R 1-6, 158, Connecticut Citizen's Research Group agreed with MACAP: "Particular stress should be put on the responsibility of large discount centers to make information concerning warranties and dispute mechanisms readily available."

[69] *See, e.g.*, TR 151-152, Shelby County Legal Services (cheaper for warrantors to provide stickers than providing the required information to retailers); R 1-6, 57-58, Center for the Study to Responsive Law, suggested that if the product were too small for a sticker, the FTC could grant an exception. *But, see*, R 1-6, 159, Brian Sullivan commenting for Connecticut Citizen Research Group, found stickers to be unnecessary at this time. (Warrantors will voluntarily take steps to make Mechanism known).

[70] R 1-6, 58, Center for the Study of Responsive Law.

[71] *See, e.g.*, R 1-6, 147, Joseph F. Thomas, Executive Director, Wisconsin Governor's Council for Consumer Affairs felt media advertising would create increased awareness of the entire warranty system.

[72] R 1-6, 56-57, Center for the Study of Responsive Law.

[73] *Id.*, Center for the Study of Responsive Law stated: "Experience with MACAP in some cities has shown that single broadcast descriptions of MACAP produce sudden and direct dispute referrals in large numbers. The Maryland State Home Improvement Commission discovered that media publicity of their existence and their action against a particular business led to a huge influx of complaints against that business."

[74] *Id.* at 57.

[75] *Id.* CSRL, Wheeler gave the Center's reasoning: ". . . if companies can routinely spend up to 25% of the gross sales in advertising the merits of their products, they can afford to spend 1 percent telling the consumer what to do should something go wrong with their product."

[76] *Id.* at 56.

some warrantors may want to publicize a Mechanism more than others. While some warrantors may elect to engage in widespread media advertising; others, because of budgetary considerations, may wish to utilize alternate avenues to create awareness. Salesmen may wish to provide point of sale material by means of posters or signs. Some warrantors may wish to use product stickers. Others may wish to publicize a Mechanism by participating in T.V. "talk" shows or providing materials for use by consumer columnists.

The new provision effectively deals with consumer representatives' criticism that provision of Mechanism materials to retailers would not sufficiently ensure consumer awareness. Many different avenues can now be utilized to ensure the level of awareness desired by these representatives. Criticism that the provision is unenforceable is addressed by a new provision under § 703.7(b)(1) which requires an impartial auditor to evaluate annually warrantors' efforts to make consumers aware of the Mechanism's existence. Warrantors incorporating a Mechanism will realize that to comply with the Rule they must publicize the Mechanism's existence and will be accountable annually for such efforts. Audit reports indicating a lack of reasonable efforts by the warrantor would provide the Commission with a means to enforce compliance with the Rule.

Thus, by offering warrantors flexible means of complying with provision 703.2(d) and permitting warrantors to engage in a variety of means to publicize the Mechanism's existence, the Commission has concluded that provision 703.2(d) creates a reasonable balance between warrantor and consumer interests. Objections to the unenforceability of the provision have been dealt with by the addition of an audit provision which will provide the Commission with information as to compliance or noncompliance. See, § 703.7(b)(1), *infra*. Warrantors will be able to balance cost and public relations considerations while adhering to a general requirement that will result in consumer awareness of the Mechanism.

REDRESS AVAILABLE DIRECTLY FROM THE WARRANTOR

Nothing contained in paragraphs (b), (c) or (d) of this section shall limit the warrantor's option to encourage consumers to seek redress directly from the warrantor as long as the warrantor does not expressly require consumers to seek redress directly from the warrantor. The warrantor shall proceed fairly and expeditiously to attempt to resolve all disputes submitted directly to the warrantor.

This provision has been modified to preserve a warrantor's option to encourage consumers to seek redress directly from the warrantor so long as he/she does not *expressly* require consumers to seek redress directly from the warrantor. The provision retains optional direct access to the Mechanism for consumers at any time during, prior to or after a warrantor's handling of the complaint. The original provision read:

Nothing contained in paragraphs (b) (c) or (d) of this section shall limit the warrantor's option to encourage consumers to seek redress directly from the warrantor; but the warrantor shall clearly and conspicuously disclose that access to the Mechanism is available without restriction at a consumers option. The warrantor shall proceed fairly and expeditiously to attempt to resolve all disputes submitted directly to the warrantor.

The Staff Report noted the reasoning of the original provision:

Some warrantors may wish to minimize Mechanism costs by promptly handling disputes at the retail or corporate level to avoid referrals to the Mechanism. The proposed provision is not intended to discourage nor burden current legitimate attempts of warrantors to settle disputed complaints.

Some warrantors have internal complaint handling processes which require consumers to go through various levels during the course of settlement. For example, automobile warrantors sometimes ask consumers to go first to a dealer, then to a factory or regional representative, and then resort to the home office of the warrantor. It is possible that some number of consumers may elect to use a warrantor's process only to discover that the process involves shuttling back and forth between different corporate levels. An example of this is contained in a letter from a consumer to the FTC which describes thirty separate unsuccessful attempts to remedy a warranted auto transmission defect. The Proposed Rule requires the disclosure to the consumer that access to the Mechanism is available at any time at a consumer's option.

In order to prevent some consumers from electing in good faith to undergo a warrantor dispute settlement process which delays and frustrates rather than expedites dispute settlement, the proposed Rule included a general requirement that warrantor complaint handling mechanisms operate fairly and expeditiously. As indicated earlier this did not set a new standard, but merely incorporates the existing standard under Section 5(a) of the FTC Act.[78]

The above provision engendered extensive favorable and unfavorable comment on the public record. In response to such comments, discussed *infra* in this Section, the Commission has eliminated the provision requiring warrantors to clearly and conspicuously disclose that direct access to the Mechanism is always available at the consumer's option. However, the Commission has added a provision that would prohibit a warrantor from expressly providing that a consumer seek redress directly from a warrantor before proceeding to the Mechanism.

It should be noted that the reasoning behind the provision remains unchanged. The provision has been modified in light of the Act's purpose to encourage warrantors to adopt Mechanisms so that consumer warranty disputes can be settled fairly and expeditiously. Comments from industry representatives discussed below strongly indicated that warrantor interpretations of the proposed provision would dissuade warrantors from incorporating Mechanisms. Consumers would have experienced no benefits from a rule that created no Mechanisms for the settlement of warranty disputes. However, our original concerns over the possibility of consumer frustration and drop-out from internal warrantor complaint handling procedures are reflected by the maintenance of the provision allowing consumers direct access to the Mechanism at any stage of the complaint procedure.

(a) *Industry Comment Regarding Direct Access.* Industry representatives stressed that adoption of the proposed provision would discourage warrantors from incorporating Mechanisms.[79]

Many warrantors cited their present internal complaint handling procedures with pride.[80] Comments were received indicating that direct consumer access would result in atrophy of present warrantor complaint handling procedures and destroy desirable buyer-seller relationships.[81] A number of industry representatives requested that consumer use of internal complaint handling procedures be required before contact of the Mechanism.[82] Some warrantors and consumer representatives noted the desirability of encouraging direct buyer/seller contact.[83] A number of comments indicated that consumers already resort to the retailer/warrantor and would continue to do so in spite of the proposed Rule provision.[84] One comment noted

[77] R 1-2-3, Staff Report.

[78] *See, e.g.*, TR 79, Dean Determan, Council of Better Business; R 1-3-1, 247, J. C. Penney & Co.; TR 1245, Walker Manufacturing Co.; TR 1752, General Electric; TR 2057, Singer Sewing Machine; TR 1210, Whirlpool Corporation; TR 609, Southern Furniture Manufacturers Association.

[79] *See, e.g.*, TR 1772, General Electric; TR 1246, Walker Manufacturing Co.; TR 2474, Woolworth Company; TR 1215, Whirlpool Corporation; TR 2058, Singer Sewing Machine Corporation; R 1-3-2, 687, Bullock's, Northern California.

[80] *See, e.g.*, R 1-3-2, 687, Bullock's, Northern California; R 1-3-3, 815, Chicago. Better Business Bureau.

[81] *See, e.g.*, R 1-3-2, 422, Armstrong Cork Co.; R 1-3-2, 433, Defries and Fiske, Chicago, Illinois; TR 610, Southern Furniture Manufacturer's Association; R 1-3-3, 962, Whirlpool Corporation; R 1-3-1, 247, J. C. Penney & Co.

[82] *See, e.g.*, TR 1406, Schwinn Bicycle Corporation; TR 80-81, Council of Better Business Bureaus; TR 126, MACAP; TR 1314, Indianapolis, Indiana Better Business Bureau; R 1-6, 57, National Consumers League; TR 2056-2057, Singer Sewing Machine; R 1-3-1, 254, Giant Foods Corporation; TR 2151, Kit Manufacturing Company; TR 82, Council of Better Business Bureaus; TR 2197, Orange County, California, Office of Consumer Affairs; TR 2041, Herschel Elkins, Deputy Attorney General, State of California: TR 2137, "Consumer Newsletter".

[83] *See, e.g.*, TR 2068, Legal Aid Foundation, Long Beach, California; TR 843-844, Professor Donald P. Rothschild, "Consumer Help", George Washington University, Washington, D.C.; TR 1478, American Arbitration Association; R 1-4-1, 621, MACAP (indicated that out of 192 complaints received by MACAP during the week of September 22, 1975, 110 were referred to manufacturers. However, the comment did not indicate which consumers submitting complaints had already contacted the retailer); TR 96, Council of Better Business Bureaus (Vice President Determan indicated that 50% of those contacting the BBB, had already contacted the business); TR 2429, John Pound, San Francisco Consumer Action, testified that around 10 to 20% of consumers contacting his group had failed to contact the retailer/seller.

V 40 251 DEC 31 75 XUM

that such contacts are in the best interest of warrantors, retailers and sellers since the strongest impetus for redress of disputes stems from the good-will of both warrantors and retailers.[81] Consumer representatives noted that some consumers may have valid reasons for not contacting a retailer or warrantor upon experiencing a dispute.[82]

A common reason cited by consumer representatives fearing an express requirement that consumers resort first to in-house procedures was that consumers might be shuttled back and forth between different corporate levels.[83] Comments indicated that consumers, frustrated and discouraged by this shuttling process, sometimes drop their complaints, thus leaving some disputes unsolved.[84]

(c) *Alternatives Available Without Requiring Consumers To Directly Contact A Warrantor/Retailer.* Some comments suggested that alternative means were available to balance the desire of warrantors to utilize internal complaint handling procedures thus minimizing costs and still guard against consumers dropping out of the complaint handling process.[85]

Two comments suggested that the Commission promulgate rules for warrantor internal complaint-handling procedures.[86] Other comments indicated that the proposed provision did not bar warrantors from encouraging consumers to use internal complaint handling procedures before resorting to the Mechanism, noting that contacting the warrantor/seller is a natural tendency of consumers.[87] Consumer representatives commented that if the Mechanism received complaints from consumers who had not first contacted a retailer or a warrantor, nothing in the proposed Rule would prevent the Mechanism from referring such complaints to the warrantor for resolution.[88] By keeping track of complaints referred to a warrantor, the Mechanism would thus minimize consumer drop-out.[89] Administrative costs, including staff time and recordkeeping, result from monitoring such complaints.

However, such costs could be balanced against the desirability of minimizing consumer drop-out.[90]

CONCLUSION

In response to comments received on the public record regarding provision 703.2(d) requiring the warrantor to clearly and conspicuously disclose that direct access to the Mechanism is always a consumer option, the Commission has modified the provision. Warrantors need not disclose clearly and conspicuously that direct access is optional but may not expressly require consumers to resort to internal complaint handling procedures. Objections by warrantors that the proposed disclosure would destroy present complaint handling procedures, overburden the Mechanism, and result in added costs to warrantors and consumers, have been met by omitting the necessity for warrantors to clearly and conspicuously disclose the direct access option. As a result of the modification, warrantors will thus be encouraged to incorporate Mechanisms as well as present in-house complaint handling procedures. With the establishment of these Mechanisms, consumers will be able to have warranty disputes settled fairly and expeditiously.

However, the Commission's initial provision allowing consumers direct access to the Mechanism has been retained in the final Rule. Strong consumer support for this provision can be found in the Record. Consumers may resort to the Mechanism at any time, thus minimizing the possibility that some consumers may be shuttled back and forth within a corporate structure and drop out with unresolved complaints. Possibilities of increased complaints over-burdening the Mechanism and increasing costs are minimized by the Mechanism's ability to refer complaints to warrantors for settlement while working within time constraints imposed by the Rule. Thus added protection to consumers against discouragement and drop-out has been provided. Moreover, warrantors are required to handle disputes fairly and expeditiously.

Thus, the Commission has concluded that the modification of the Rule is reasonable and necessary to ensure the balance of warrantor and consumer interests envisioned by Congress in the Act. The provision as promulgated maximally encourages warrantors to incorporate Mechanisms while utilizing present in-house complaint handling procedures but ensures that consumers do not drop out of a prolonged and complicated complaint handling procedure that would fail to settle warranty disputes fairly and expeditiously.

DISPUTES SUBMITTED DIRECTLY TO THE WARRANTOR

(e) Whenever a dispute is submitted directly to the warrantor, the warrantor shall, within a reasonable time, decide whether, and to what extent, it will satisfy the consumer, and inform the consumer of its decision. In its notification to the consumer of its decision, the warrantor shall include the information required in § 703.2 (b) and (c).

Section 703.2(e) deals with the warrantor's obligation to make a decision regarding a warranty dispute submitted directly to the warrantor within a reasonable time and notify the consumer of this decision. At the same time, the warrantor would provide information regarding the Mechanism required by Section 703.2 (b) and (c). The provision promulgated differs from the proposed version. The change reflects comment received on the record regarding the proposed provision's potential burdensomeness. As a result, the Commission has adopted an alternative frequently proposed on the record. The alternative provision reduces a warrantor's burdens to forward unresolved disputes to the Mechanism. However, the new provision ensures that consumers will receive notice of a warrantor's decision and necessary information allowing them to easily and quickly register their complaints with the Mechanism.

Section 703.2(e) originally provided that:

(e) Whenever the warrantor determines that a dispute submitted directly to it cannot be resolved to the consumer's satisfaction, the warrantor shall immediately refer the dispute to the Mechanism, together with any information which the Mechanism may require for prompt resolution of warranty disputes.

The Staff Report's reasoning for the original provision requiring warrantors to forward unresolved complaints to the Mechanism was that since the Mechanism served as the warrantor's opportunity to cure, he should be obliged to forward unresolved disputes to the Mechanism. Materials received from warrantors regarding such disputes could be used by the Mechanism to resolve these disputes within a shorter time, thus reducing the Mechanism's investigatory burden.[91] The provision engendered little consumer comment. MACAP favored the provision as a statement of good intent by the warrantor.[92] Industry comments on the provision were generally unfavorable.[93] One industry comment suggested that the provision is burdensome since warrantors have no clear way of determining whether consumers are satisfied.[94] The provision could thus discourage warrantors from incorporating Mechanisms.[95] It was noted that frivolous claims sometimes arise and the necessity of forwarding such complaints could increase costs to the Mechanism and warrantors.[96]

The alternative frequently suggested and adopted in the final Rule was that the warrantor should instead be obliged to notify the consumer of his decision in writing and provide information regarding Mechanism operations." The most persuasive testimony on the desirability of this alternative was given by Gerald Aksen of the American Arbitration Association (AAA). Aksen cited to the AAA's experience with New York State's No-Fault Insurance Program. The program's uniform denial of claim form is sent to consumers upon the insurance company's decision to deny a claim. Upon receipt of the company's written refusal, the consumer fills out the simple form and mails it to the AAA to commence arbitration proceedings.[97] Aksen suggested the written denial of a warranty dispute would provide the Mechanism with a firm basis to begin investigatory work on the dispute.[98]

While reducing burdens on the Mechanism and warrantor which might discourage establishment of Mechanisms, the modified provision provides consumers with notice of the warrantor's decision respecting a dispute and information regarding the Mechanism. Moreover, written denial of a dispute will give the Mechanism a starting point from which to begin investigation.

ADDITIONAL WARRANTOR DUTIES

(f) The warrantor shall: (1) respond fully and promptly to reasonable requests by the Mechanism for information relating to disputes;

Paragraph (f) ensures a warrantor's good faith cooperation with the Mechanism he has elected to serve as his opportunity to cure. Since the Act specifies that the Mechanism shall settle warranty disputes fairly and expeditiously, the warrantor must assist the Mechanism in any reasonable ways that would help the Mechanism comply with the Rules. With the exception minor changes in language in 703.2(f), the provision has been adopted as proposed.

As proposed, paragraph 703.2(f)(1) provided that the warrantor respond fully and promptly to requests by the Mechanism for information. In the course of investigating and settling warranty disputes, the Mechanism might require additional information from the warrantor on various facets of the dispute. Under the proposed Rule, the Mechanism would have only 40 days from receipt of the dispute to decide the dispute. If a warrantor were to refuse to provide information necessary for the Mechanism's decision, the Mechanism could be delayed in settling a dispute and thereby fail to comply with the proposed Rule. Thus, good faith by the warrantor implies full and complete cooperation to requests made by the Mechanism for the purpose of settling warranty disputes. Minor changes have been effected in the wording of the section in response to comments received on the record. The word "reasonable" has been added to requests made by the Mechanisms to warrantors for information. Moreover, such requests must be related to disputes. The addition of these terms was suggested by comments stating that the provision in its original form might be burdensome and discourage some warrantors from establishing Mechanisms.[99] The Commission has concluded that changes in the language of Section 703.2(f)(1) are reasonable. The section now provides that the warrantor respond to reasonable requests by the Mechanism for information relating to the dispute.

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[81] TR 1647, Professor Lawrence Feldman, University of Illinois, Chicago.

[82] *See, e.g.*, TR 38, Cathleen O'Reilly, Consumer Federation of America, commented that some consumers may have had particularly frustrating prior experiences with a warrantor or seller and do not wish to repeat a meaningless process; TR 844, Professor Donald P. Rothschild, "Consumer Help", George Washington University, Washington, D.C., commented that some consumers may be hostile or embarrassed. Rothschild noted that some consumers are naturally hostile after discovering that a warrantied product is defective. Some consumers are unable to advocate their dispute. Rothschild gave senior citizens as an example of those easily frustrated and discouraged by attempts to remedy disputes through internal warrantor procedures; *See, also*, TR 1804, Consumer Fraud Division, Cook County State Attorney General's Office, Chicago, Illinois.

[83] R 1–6, 70, Center for the Study of Responsive Law, Christopher Wheeler noted that "run-arounds" by warrantors may not be a result of conscious policy, stating that:

"It is fundamental to understand that a perceived "run-around" is not always the result of conscious policy. Rather in a generic sense, it is the result of the franchiser-franchisee or manufacturer-dealer relationships which have come to dominate our market structure. Inherent in these relationships is the issue of accountability. Where the buck finally stops becomes a central, dominating question. Thus with even the best of complaint-handling intentions, sellers on occasion must send the consumer elsewhere in the corporate structure to get a decision on his claim."

TR 695, Cleveland Citizens Action Group; TR 937, Board of Freeholders of New Jersey; R 1–4–1, 505, AHAM (consumers would not undergo shuttling if they contacted MACAP). *See, also*, The record reflects comments from consumer representatives and consumers noting the occurrence of the shuttling process:

R 1–8, 101, Long Beach Department of Consumer Affairs (consumer with a defective dryer whose vain attempts to remedy the defect lasted over a year); TR 1805–1815, Ronald Rodriguez, a consumer who testified regarding lengthy attempts to remedy auto tire defects; TR 1910–11, Governor's Consumer Advocate's Office, State of Illinois. (auto dealer withholding warranty service from an uninformed Spanish speaking consumer); TR 1313–1326, John Czarnecki, a consumer commented that his attempts over a six month period at various corporate levels to remedy a water leak in a new Plymouth Duster had been unsuccessful; R 1–5, 185–86, Joseph R. Holzum, a consumer who testified regarding vain attempts to correct defects in 4 electric stoves over 5 years; R 1–5, 237, Ray Lindsey, Guadalajara, Mexico, a consumer who recounted unsuccessful efforts with his Ford dealer and factory representatives to correct front grill and window problems.

[84] *See, e.g.*, R 1–6, 71, Christopher Wheeler, Center for the Study of Responsive Law, noted that: ". . . consumers will drop out in rapid numbers as they find they are forced to proceed through one corporate layer after another. If the "run-around" is an inherent structural by-product of our present corporate structure, public policy should not exacerbate it. Public policy should bypass it"; R 1–8, 165, Governor's Council for Consumer Affairs, State of Wisconsin which noted that: "Granted, many consumers are very persistent, but our experience has been that it does not take many obstacles to discourage the consumer in pursuing a complaint . . . Some drop the complaints if they face the prospect of a long, involved dispute settlement procedure; others contact a government or independent consumer agency to intervene on their behalf, others do nothing;" Tr 852–853, Professor Donald P. Rothschild, George Washington University, Washington, D.C., "Consumer Help" who commented that even with extensive follow-up procedures, 9% of the 3800 consumers who complained to the Center in the past year dropped out with disputes unresolved. Rothschild noted that this was a very low figure. Rothschild noted that elderly persons are especially prone to dropping a complaint; R 1–4, 621, MACAP (The panel followed up on 107 referrals they had made to manufacturers in June, 1975. Only thirty-nine consumers responded to the Panel's request for information regarding the disposition of their complaint. Of those responding, 8% or 3 out of the 39, had made no attempts to contact the warrantor). *See, also:* TR 96, Council of Better Business Bureaus (Consumers can become discouraged if they contact the wrong person).

[85] *See, e.g.*, TR 1303, Indianapolis, Indiana, Better Business Bureau Director Ray Dearing suggested that the warrantor should notify its customer in writing stating the reason for the rejection. That same written notification could advise the customer that he can appeal the decision and set forth the steps necessary to initiate such appeal.

[86] *See, e.g.*, R 1–6, 91, National Consumers League; TR 112, Council of Better Business Bureaus.

But, see, TR 243–244, Center for the Study of Responsive Law, (supported the provision and disfavored the Commission's creation of a tiered system).

[87] *See, e.g.*, TR 843–844, Professor Donald P. Rothschild, "Consumer Help", George Washington University, Washington, D.C. (as a practical matter, consumers will always have to use in-house procedures); TR 34, Consumer Federation of America suggested what it considered to be a non-threatening disclosure method to be used if in-house procedures were optional:

"The law requires us to inform you of your right and the mechanism which will attempt complaint mechanism described above in paragraph such and such. We respect the right and the mechanism which will attempt to settle the dispute within 40 days. However, you may choose to first contact our own complaint department which has settled 85 percent of all complaints to the satisfaction of the customer within seven days at no expense to the customer. We encourage you to contact us first because we want to satisfy you in the fairest and fastest way possible."

See, also, R 1–6, 51–52, Center for the Study of Responsive Law.

[88] *See, e.g.*, TR 855, Professor Donald P. Rothschild, "Consumer Help", George Washington University, Washington, D.C. (this procedure would aid fair and expeditious resolution of disputes); TR 706, Cleveland Citizens Action Council, ". . . the warrantor is free to encourage them to go through their own in-house procedure . . . [i]t probably saves money. . . ."

[89] *See, e.g.*, TR 851, Professor Donald P. Rothschild, "Consumer Help", George Washington University, Washington, D.C. (the University's "Consumer Help" program follows this procedure); TR 132, MACAP Panel Member, John Rose testified that although the Panel does not follow up on the complaint, the consumer is placed on the proper track.

[90] *See, e.g.*, R 1–4–1, 622, Comment of MACAP (10% savings in operating time by not tracking complaints); TR 853, Professor Donald Rothschild, "Consumer Help", George Washington University, Washington, D.C. (follow-up procedures initially created a cost burden on the "Consumer Help" program but the problem soon disappeared); TR 98, Council of Better Business Bureaus (costs would not increase by a significant amount).

[91] R 1–2–3, 954.

[92] R 1–4–1, 385, MACAP; *But, see*, R 1–6, 143, New York City Office of Consumer Affairs (opposed the original provision for forwarding the dispute without first obtaining the consumer's consent).

[93] *But see*, R 1–3–1, 290, Union Carbide Corporation (suggested that the phrase "immediately forward" be changed to "promptly forward").

[94] R 1–4–1, 506, AHAM; R 1–4–1, 48, NAPM.

[95] R 1–3–1, 62–64, Mohasco.

[96] TR 1302, Indianapolis, Indiana Better Business Bureau; R 1–4–1, 96, NEMA; TR 84–85, Council of Better Business Bureaus.

[97] TR 1302, Indianapolis, Indiana Better Business Bureau; R 1–3–3, 186, Chicago, Illinois Better Business Bureau; TR 85–86, Council of Better Business Bureaus.

[98] TR 1482–1485, American Arbitration Association.

[99] *Id.* at 1485

[99] R 1–4–1, 48, NAPM; R 1–4–1, 82, NEMA R 1–3–1, 290, Union Carbide Corporation; *But, see*, R 1–4–1, 506, AHAM, (section unnecessary).

V 40 N 251 DEC 31 75 XUM

(f) (2) upon notification of any decision of the Mechanism that would require action on the part of the warrantor, immediately notify the Mechanism whether, and to what extent, warrantor will abide by the decision;

This provision has been promulgated as proposed. The Staff Report on the provision indicated that:

Failure of the warrantor immediately to notify the Mechanism whether and to what extent it will abide by the Mechanism's decision would again show a lack of good faith by the warrantor in the Mechanism it has elected as his right to cure. Under the proposed Rule, the warrantor will have known of the existence of the dispute and have had more than a month to consider its actions regarding a Mechanism decision. Under the proposed Rule, the Mechanism has 40 days to decide the dispute, obtain a decision from a warrantor as to whether the warrantor will abide by the decision, and notify the consumer of his decision. Were the warrantor to delay notification of the Mechanism of his decision, the Mechanism, operating as warrantor's right to cure, would fail to comply with the proposed Rule.

Failure to notify the consumer of the warrantor's intended actions would further delay consumers from seeking legal remedies created under Title I of the Act since passage of the 40 days ends warrantor's right to cure. Since the consumer has made a decision or been required to forebear suit in order to afford the warrantor a right to cure, further delays from the Mechanism because of warrantor failure to reply would be unreasonable.[101]

The provision engendered few comments on the public record.[102] The provision appears necessary to ensure the Mechanism's ability to comply with the Rule. Moreover, the Commission has concluded that since warrantors have elected to incorporate Mechanisms, it is reasonable to require warrantors to aid the compliance of their duly-incorporated Mechanisms by immediate notification as to a warrantor's decision to accept or reject a Mechanism decision.

(f) (3) perform any obligations it has agreed to.

Paragraph (f) (3) of the Rule is promulgated as proposed. The provision would require warrantors to perform any obligations agreed to. The warrantor is not bound to abide by the decisions of the Mechanism even though he has incorporated the Mechanism into the terms of the written warranty.

The rationale for the provision was indicated in the Staff Report:

While the warrantor may decide not to abide by some of the decisions of its duly incorporated Mechanism, upon its notification by the Mechanism and agreement to perform, fairness requires that the warrantor be bound to perform such agreed-to obligations.

At the time of notification, the warrantor was free to decide to abide or not to abide by the decision of the Mechanism. The Mechanism, compelled by the Rule to decide a warranty dispute within 40 days, must have already notified the consumer of the warrantor's decision to perform. Thus, assured by the Mechanism that the warrantor would perform, the consumer would have delayed seeking legal redress created under Title I of the Act. Failure of the warrantor to perform agreed-to obligations would mean that warranty disputes were not, in fact, settled fairly and expeditiously by the warrantor's Mechanism, would delay consumers from seeking legal remedies available after the 40 days had passed, and would show lack of good faith on the part of the warrantor.[103]

Only two comments were received on the proposal. Virginia Knauer, Office of Consumer Affairs, HEW, asked that the Commission require a warrantor to state in the warranty to what extent he/she agreed to abide by Mechanism decisions.[104]

The Commission promulgates Section 703.2(f)(3) as proposed and has determined from the Record that the provision requiring warrantors to perform obligations incurred as a result of incorporating a Mechanism is reasonable.

GOOD FAITH REQUIREMENT

(g) The warrantor shall act in good faith in determining whether, and to what extent, it will abide by a Mechanism decision.

Paragraph 703.2(g) imposes a general good faith requirement on warrantors with regard to determinations to abide by Mechanism decisions. It has been promulgated as proposed. The rationale for the provision was indicated in the Staff Report:

Warrantors can choose whether or not to incorporate a Mechanism into the terms of a written warranty as their opportunity to cure. Additionally, they may choose one of a number of different types of Mechanisms which suit their particular commercial needs and complaint handling patterns. Warrantor's incorporation of a particular Mechanism indicates that he, in good faith, considered that the particular Mechanism chosen would fairly and expeditiously settled warranty disputes involving his firm. Thus, since the warrantor has made a conscious choice to incorporate a particular Mechanism into the terms of his written warranty, he should act in good faith toward such a Mechanism and agree to abide by a substantial number of its decisions.

While the consumer is delayed from seeking legal remedies created under Title I of the Act because of mandatory utilization of the Mechanism, the warrantor has had the opportunity to decide both whether or not to incorporate a Mechanism and to choose among a variety of Mechanisms.

A warrantor's failure to act in good faith toward his chosen Mechanism would bar the Mechanism from settling warranty disputes fairly and expeditiously and serve only to delay and frustrate consumers from seeking legal remedies, thus contravening the basic purpose of the Act.[105]

Comments received on the record regarding the provision were mixed. Industry representatives indicated resistance to imposing a good faith requirement on warrantors but not consumers.[106] Two industry representatives indicated that the requirements was superfluous,[107] and noted that good faith would always depend on the goodwill of the warrantor.[108] Two comments indicated that the provision as proposed seeed incorrectly to imply that decisions of the Mechanism were binding on the warrantor.[109] One comment suggested that the Rule include a prima facie "good faith" defense for warrantors in FTC or possible court actions.[110]

Consumer representatives commented that the provision as written was too general to permit effective enforcement.[111] One comment suggested that in determining damages, a court be allowed to consider the fact that the warrantor had failed to abide by a decision he/she had agreed to.[112] One consumer representative suggested that a warrantor be obliged to abide by 85% of all decisions made by the Mechanism.[113] However, another consumer representative noted that consumers may submit groundless complaints.[114]

Comments received on the record regarding Section 703.2(g) have led the Commission to conclude that the provision fairly balances consumer and warrantor interests and is therefore promulgated as proposed. Since the warrantor has incorporated a Mechanism which delays consumers from seeking available legal remedies, it should be obliged to abide in good faith by decisions made by its incorporated Mechanism. However, a general "good faith" requirement rather than a percentage figure allows the warrantor not to comply with an occasional invalid decision. The decision to refrain from setting a percentage requirement connotes a reluctance to establish a figure that might encourage a minimum standard. Valid disputes might be rejected by some warrantors as exceeding the number required by percentage figures. Some warrantors may wish to commit themselves to abiding by 100% of Mechanism decisions. The Rule does not preclude this desirable possibility. Moreover, no workable alternatives were suggested on the record that would meet consumer criticisms regarding generality yet ensure that a percentage figure would not become a fixed minimum.

Consumer interests are preserved by the "good faith" requirement of acquiescence in decisions by warrantors. As previously discussed, *supra*, at 77, consumer criticisms as to enforceability were not persuasive. Using audit reports to gauge compliance, the Commission will be able to proceed against warrantors not acting in "good faith" by employing the same methods used in dealing with FTC Act Section 5(a) actions.

COMPLIANCE WITH OTHER MECHANISM REQUIREMENTS

(h) The warrantor shall comply with any reasonable requirements imposed by the Mechanism to fairly and expeditiously resolve warranty disputes.

Paragraph (h) is a general requirement designed to enable the Mechanism to require warrantors to comply with any requirements imposed in the interest of fair and expeditious resolution of warranty disputes. Because of comments received on the record, the word "reasonable" has been added to those requirements which may be imposed by the Mechanism on warrantors. The provision was included to permit Mechanisms to provide for the particular needs that will arise with their establishment. Thus, the requirement provides for the possibility of miscellaneous housekeeping requirements or other needs of various Mechanisms. Few comments were received on the provision. One comment criticized the provision's openendedness and felt it might discourage warrantor establishment of Mechanisms since the Mechanism was implicitly free to impose any requirements on the warrantor.[115] To prevent the possibility of Mechanisms imposing unreasonable requirements on warrantors, the provision has been modified to require warrantors to comply with *reasonable* requirements of the Mechanism.

MINIMUM REQUIREMENTS OF THE MECHANISM

Minimum requirements for informal dispute settlement Mechanisms are set out in Sections 703.3–703.8. A warrantor is prohibited by Section 703.2(a) from incorporating a Mechanism into the terms of a written warranty which does not comply with these requirements.

The Staff Report states:

Sections 703.3–703.8 are designed to permit any form of Mechanism that can settle disputes fairly and expeditiously. General performance requirements are used whenever possible; detailed procedural and other requirements are only specified when necessary either to ensure fair and expeditious settlement of disputes or to allow the Commission to fulfill enforcement responsibilities.[116]

Much comment was directed to the general approach taken by the Commission as well as to specific provisions.

Comments were generally directed to the issue of whether the proposed Rule struck the appropriate balance between "general performance requirements" and "detailed procedural and other requirements." One consumer group strongly objected to many of the performance requirements.[117] Several other groups supported the balance of these requirements.[118]

On the other hand many warrantors and industry groups protested that the minimum requirements of the Mechanism were far too complex and costly.[119] In response to this criticism the Commission has made revisions in many of the provisions to eliminate burdens not essential to fair and expeditious settlement of disputes.

A few industry groups suggested that more flexibility should be built into the Rule by means of a Commission certification procedure which would be an alternative to the requirements of Sections 703.3 through 703.8.[120] These comments were unpersuasive. Maintaining a required certification procedure for any group desiring to be named as a Mechanism complying with Part 703 would be a great burden on the Commission. It would also place an unnecessary burden on prospective Mechanisms, since they would no doubt be required to make formal submissions of relevant procedural and other documents to the Commission. The Commission's role is to set out the minimum requirements for those interested in offering §110 Mechanisms, which it has done in Part 703. The Commission, through its staff, has in the past provided guidance for those bound by its Rules, and it will continue to do so in the future.

One final general suggestion was offered by the National Consumers League, which advocated that some of the specific provisions should be waived by the Commission if necessary to allow a government agency to set up a complying Mechanism.[121] Since the government agencies which expressed a willingness to be named as Mechanisms felt they could easily comply with all of the requirements,[122] a waiver provision is not included in the Rule.

703.3 MECHANISM ORGANIZATION, FUNDING AND STAFFING

(a) The Mechanism shall be funded and competently staffed at a level sufficient to ensure fair and expeditious resolution of all disputes, and shall not charge consumers any fee for use of the Mechanism.

This paragraph requires that the Mechanism must have sufficient staff and funds to perform all the functions required by other sections of the Rule within the prescribed time limits. The staff must be competent to gather the information necessary for a fair decision in each dispute. Competence includes knowing what information is necessary in each dispute and being able to get that information without placing undue burdens on the consumer. Some Mechanisms would require larger budgets and a different staff composition than others. For example, a Mechanism that actively engaged in mediation might cost more per dispute than a Mechanism that limited itself to gathering facts and deciding disputes. The higher costs of the first Mechanism would be due not only to the greater number of staff hours invested in each dispute but also to the need to hire staff persons who were qualified to perform the mediation function fairly.

Only a few comments were directed to the first portion of this paragraph. MACAP and AHAM (a MACAP sponsor) both praised the provision as written. MACAP felt that it "would give us more leverage with the sponsors in requesting funds as the need arises."[123] AHAM thought the rule was "admirable in its setting forth goals in such a way as to allow leeway in achieving the goals."[124]

Objections were received from NRMA and NAFM that .. would be impossible to determine beforehand the amount of funds necessary to ensure fair and expeditious resolution of disputes, so this provision should be modified by a phrase such as "reasonably calculated".[125] The provision as written would require warrantors to initially fund the Mechanism at a level estimated to be sufficient. If it appeared at some later date that this amount was inadequate, the warrantors would have to increase the funding. As MACAP argued, Mechanisms need a clause such as this to use for leverage when requesting additional funds necessary to their operation from warrantors.[126] The weakening language suggested by NAFM and NRMA would greatly reduce this leverage and might harm the Mechanism's ability to handle all cases fairly and expeditiously. Therefore, the Rule was not changed.

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[101] R 1–2–3, 955–957, Staff Report.

[102] *See, e.g.*, R 1–4–1, 48, NAFM ("immediately" unnecessarily harsh); R 1–3–1, 290 Union Carbide ("promptly" not "immediately"); R 1–4–1, 506, AHAM (provision unnecessary).

[103] R 1–2–3, 957–958, Staff Report.

[104] TR 16, Virginia Knauer, Office of Consumer Affairs, HEW. *But, see*, R 1–4–1, 506, AHAM (provision unnecessary).

[105] R 1–2–3, 958–959. A number of existing third-party complaint handling mechanisms cite a high rate of compliance by warrantors. AUTOCAP states that no auto dealer has ever refused to abide by the panel's decision. MACAP contends nearly 85% of decisions are complied with by warrantors. FICAP states that manufacturers generally go along with their decisions.

[106] *See, e.g.*, R 1–3–2, 379, Alcan Building Products; R 1–4–1, 96–97, NEMA.

[107] *See, e.g.*, R 1–4–1, 83, NRMA; R 1–4–1, 49, NAFM.

[108] *See, e.g.*, TR 648, NRMA.

[109] *See, e.g.*, R 1–3–1, 63, Mohasco; R 1–3–1, 578, Quarles & Brady, Milwaukee, Wisconsin.

[110] TR 353, Warranty Review Corporation.

[111] *See, e.g.*, TR 2525, San Francisco Bar Committee on Consumer Rights; R 1–6, 53, Center for the Study of Responsive Law.

[112] *See, e.g.*, TR 2525, San Francisco Bar Committee on Consumer Rights.

[113] R 1–6, 53, Center for the Study of Responsive Law.

[114] TR 2432, San Francisco Consumer Action (10% of the inquiries submitted to SFCA are groundless).

[115] *See, e.g.*, TR 16, Virginia Knauer, Office of Consumer Affairs, HEW; R 1–3–1, 290, Union Carbide Corporation; R 1–4–1, 49, NAFM; *See also*, R 1–4–1, 96, NEMA (suggestion that the Mechanism be free to impose additional requirements on consumers). *But see*, R 1–4–1, 506, AHAM (opposed the requirement as superfluous).

[116] R 1–2–3, 961.

[117] R 1–6, 40–50, The Center for the Study of Responsive Law in its prepared testimony stated:

"One of the basic shortcomings of the proposed Rules is their generality. In section after section general goals have been substituted for clearly worded minimum standards. While such goals are thought to have the ostensible benefit of encouraging flexibility, they will have the unintended effect of creating confusion, misunderstanding and ultimately frustration for those who must respond to the rules as well as for those who must enforce them. Minimum standards, therefore, are needed to establish at least a baseline for performance."

[118] TR 2226, Long Beach Department of Consumer Affairs; TR 242, San Francisco Consumer Action.

[119] R 1–3–1, 73, Guren, Merritt, Sogg & Cohen; R 1–3–1, 289, Union Carbide; R 1–3–1, 402, Zenith; R 1–3–1, 720, Massey-Ferguson; R 1–3–1, 854, General Electric; R 1–3–1, 901, 863–64, Whirlpool; R 1–4–1, 31–32, GAMA; R 1–4–1, 79, NRMA; R 1–4–1, 789, EIA/CBG; R 1–4–1, 869, American Apparel Manufacturers Association.

[120] TR 87, CBBB; R 1–4–1, 366–67, NAHB.

[121] R 1–6, 89–90, National Consumers League.

[122] TR 2197–2198, Orange County Office of Consumer Affairs; TR 2225–2226, Long Beach Dept. of Consumer Affairs.

[123] R 1–4–1, 367.

[124] R 1–4–1, 397.

[125] R 1–4–1, 49; R 1–4–1, 89.

[126] R 1–4–1, 367.

DEC 31 1975 V 40 251 XUM

The last clause of this paragraph prohibits the Mechanism from charging consumers any fee to use the Mechanism. This provision is not expressly required by the Act, although Section 110 speaks of Congressional policy to encourage *warrantors to establish* informal dispute settlement procedures, which implies that the funding of these procedures should be on the warrantor. The Conference Report [127] is silent on this point. The sole reference to this subject in the legislative history is found in the House Report,[128] which is relevant to interpretation of Section 110 of the Act, because the conferees adopted the House version of Section 110. The House Report states: "The rules prescribed by the FTC with respect to such informal dispute settlement procedures must also prohibit saddling the consumer with any costs which would discourage use of the procedure." [129] This indicates a legislative intent to prohibit placing burdens on the consumer which would cause the consumer to either drop out of the procedure or not enter the procedure at all.

The Rule does permit placing some costs on consumers. The burden is on the consumer to initially notify the Mechanism of the dispute, and the consumer must, under Section 703.5(c) provide the information needed by the Mechanism to fairly resolve the dispute. Additionally, under Section 703.5(c) the consumer must bear the cost of developing and submitting any rebuttal evidence. This might include the cost of consulting experts, taking photographs, getting statements from witnesses, and copying documents. Also, if the consumer wants copies of any Mechanism records relating to the dispute, under Section 703.8(d)(2), the consumer may be required to bear the cost.

Except for the cost of notifying the Mechanism and the cost of complying with reasonable requests for necessary information, all of the costs which the Rule allows to be placed on the consumer are voluntary costs, in that if the consumer decides not to bear them, the Mechanism will still render a decision. For example, although lack of rebuttal evidence may affect the decision, it will not effect the Mechanism's duty to render a decision. Also, the Mechanism will render a decision whether or not the consumer elects to pay for a copy of the file. This cost may discourage the consumer from pursuing other avenues of redress, but it will not affect the consumer's use of the Mechanism.

The Rule allows some voluntary costs while minimizing involuntary costs, because involuntary costs are ones that would cause consumers to either not utilize the Mechanism or to drop out before completion of the procedure. Involuntary costs are the costs to which the language of the House Report, quoted above, is directed.

As the Staff Report noted, existing informal dispute settlement mechanisms such as MACAP, FICAP, AUTOCAP, and BBB do not charge fees to consumers, and it is the general consensus of these groups that charging fees would discourage consumer use of Mechanisms.[130]

Numerous comments were directed to this clause on fees. They were fairly equally split between those who favored allowing fees and those who opposed it, with warrantors taking the former position and consumers the latter.

Many warrantors felt that the Mechanism should be allowed to charge a fee of $25 or less,[131] which the Mechanism would have discretion to refund.[132] The major purpose of the fee would apparently be to discourage consumers from bringing frivolous complaints to the Mechanism.[133] This idea was supported by only one consumer witness,[134] who also felt that charging a fee might discourage some frivolous complaints.

On the other hand, other consumer witnesses supported the idea of no fee to consumers.[135] Some asserted that a fee would deter consumer use of the Mechanism,[136] and some further felt that a fee would be unfair since the warrantor has the ability to force the consumer to use the Mechanism before pursuing certain other remedies.[137] Finally, the American Arbitration Association which currently charges fees for its arbitration services, stated that in view of the fact that Mechanism decisions would not be binding, it would be unfair to charge consumers a fee.[138]

In summary, warrantors favor a fee to discourage frivolous complaints and partially to defray the cost of the Mechanism. Consumer representatives oppose a fee because it would discourage many complaints, non-frivolous as well as frivolous. The Commission agrees that a fee would reduce the number of frivolous complaints, but also agrees with CBBB which stated: "Well, our view on this whole issue is that while you may end up with a few frivolous complaints by not charging, by and large you would discourage more complainants from coming in with the kind of disputes we handle if you did charge." [139] This, coupled with the facts that the warrantor can compel the consumer to use the Mechanism and that Mechanism decisions are not legally binding, mandates that no fee be charged to the consumer.

INDEPENDENCE OF THE MECHANISM

(b) The warrantor and the sponsor of the Mechanism (if other than the warrantor) shall take all steps necessary to ensure that the Mechanism, and its members and staff, are sufficiently insulated from the warrantor and the sponsor, so that the decisions of the members and the performance of the staff are not influenced by either the warrantor or the sponsor. Necessary steps shall include, at a minimum, committing funds in advance, basing personnel decisions solely on merit, and not assigning conflicting warrantor or sponsor duties to Mechanism staff persons.

This paragraph states the general requirement that the Mechanism must be organized so as to avoid the possibility that the decisions of the members or the actions of the staff (*e.g.*, information gathering, mediation) could be controlled or influenced by the warrantor or sponsor.

Two industry groups criticized the general approach taken by the first sentence of this paragraph. Both the National Association of Furniture Manufacturers (NAFM) and NRMA suggested deleting this provision arguing that it was unnecessary.[140] This is the only portion of the Rule dealing with staff performance. Since competence of staff is critical to the fair and expeditious handling of disputes, this provision remains unchanged.

Several comments requested clarification as to whether certain entities such as warrantor subsidiaries,[141] trade associations,[142] and law firms [143] could act as Mechanisms. As the Staff Report indicated, the Rule is not intended to specify the structure of the Mechanism. It states: "[Section 703.3(b)] is stated as a performance requirement so as not to exclude some forms of Mechanisms that might be capable of fairly and expeditiously settling disputes." [144] It further provides: "Two basic types of mechanisms are envisioned by the Act and by this Rule—mechanisms established by individual warrantors and mechanisms established by groups of warrantors." [145] These two sentences make it clear that the form of a Mechanism is unimportant. It can be totally supported by one warrantor (*e.g.*, a subsidiary of the warrantor), it can be supported by a group of warrantors (*e.g.*, a trade association), or it can be an independent organization that contracts with one or more warrantors to handle disputes (*e.g.*, a law firm). The important point is whether the Mechanism satisfies the performance requirement of "sufficiently insulated".

[127] R 1-2-3, 1036; Conference Report to accompany S. 356, S. Rep. No. 93-1408, 93rd Cong., 2d Sess. (1974).
[128] R 1-2-3, 1077, House Committee on Interstate and Foreign Commerce, Report to accompany H.R. 7917, H.R. Rep. No. 93-1107, 93d Cong., 2d Sess. (1974).
[129] R 1-2-3, 1116.
[130] R 1-2-3, 964.
[131] R 1-3-1, 165, Lear Siegler; R 1-3-3, 927-28, Amana; TR 63-64, NAHB; TR 831-832, Guren, Merritt, Sogg & Cohen; TR 1983-1984, Markel Electrical Products.
[132] R 1-3-3, 165; R 1-3-2, 378, Alcan Building Products; TR 63-64; TR 1983.
[133] R 1-4-1, 624-25, NAHB; TR 64-65; TR 831; TR 1480-1481, AAA.
[134] TR 2222-25, Long Beach Dept. of Consumer Affairs.
[135] R 1-6, 19, National Consumer Law Center; R 1-6, 155, Conn. Citizen Research Group; R 1-6, 148, Wis. Governor's Council for Consumer Affairs; TR 870-872, Donald P. Rothschild; TR 1480-1482, AAA; TR 2081-2082, 2102, Legal Aid Foundation of Long Beach; TR 2271, Calif. Citizens Action Council.
[136] R 1-6, 19; TR 871-872; TR 2102.
[137] R 1-6, 19; TR 2081-2082.
[138] TR 1480-1482.
[139] TR 107-108.
[140] R 1-4-1, 50; R 1-4-1, 83.
[141] TR 349, Warranty Review Corp.
[142] R 1-3-3, 1106, Kit Manufacturing; R 1-4-1, 283, Specialty Equipment Manufacturers Assn.
[143] R 1-3-1, 51, North American Phillips.
[144] R 1-2-3, 965.
[145] R 1-2-3, 966.

Of course, a Mechanism that is supported by a single warrantor will have to take special precautions to ensure sufficient insulation.

The second sentence of Paragraph (b) lists several steps which must be taken to insulate the Mechanism. The proposed Rule mentioned these steps but did not require them. No criticism was directed at these steps, and one consumer group argued that these three items were essential.[146] The Commission has concluded that these steps at a minimum are necessary elements of insulation. Therefore, the provision now makes them mandatory.

The rest of the comments relating to this paragraph came from consumer representatives who wanted more specificity as to necessary insulation. Several asserted that Mechanism staff should not be drawn from any of the warrantors' operating divisions [147] and should provide no service to warrantors other than dispute settlement.[148] The prohibition against "assigning conflicting warrantor or sponsor duties to Mechanism staff persons" adequately responds to this concern.

Two consumer groups proposed that the length of time which funds must be committed in advance should be specified.[149] Since the necessary time period might vary greatly among different forms of Mechanisms, the Rule does not specify it. Under the Rule adequacy of any time period will be judged by the "sufficient insulation" standard.

Other suggestions for specificity were as follows: Mechanism offices and staff totally separated from warrantor and sponsor offices and staff [150], two year term for members [151], tenured position for head of staff renewable every 3 years [152], and prohibition of Mechanism staff working for warrantors during the 3 years prior and the 3 years subsequent to Mechanism employment.[153] The Commission has declined to make such provisions mandatory for two reasons. First, there is great benefit in allowing innovation among Mechanisms, and not foreclosing any form of Mechanism that can fairly and expeditiously settle disputes. Second, there is insufficient support on the record that these items are essential to ensure fairness.

OTHER MECHANISM REQUIREMENTS

(c) The Mechanism shall impose any other reasonable requirements necessary to ensure that the members and staff act fairly and expeditiously in each dispute.

The Rule sets the general requirements that are needed for fair and expeditious settlement of disputes, but does not attempt to specify details, because the Commission recognizes that these may be different for each Mechanism. This paragraph places on the Mechanism the duty to specify the details necessary to ensure that the Mechanism, whatever its form, complies with the general requirements of this Rule. For example, the Mechanism will have to set rules governing budgeting, selection and assignment of personnel, and the operation of the information gathering (and mediation) and decision making processes. As long as these rules result in a Mechanism operation that complies with the other requirements of this Rule, this paragraph is satisfied.

Little comment was directed at this provision. MACAP gave it strong support.[154] One criticism was that it appeared to give the Mechanism unlimited authority to impose requirements on warrantors and sponsors.[155] To remedy this the word "reasonable" was added to modify "requirements", consistent with the Commission's intent in the proposed provision; and the paragraph was revised to apply only to "members and staff" rather than to "members, staff and warrantors", the language used in the proposed Rule.

SECTION 703.4 QUALIFICATION OF MEMBERS

Section 703.4 specifies the required characteristics of that person or those persons actually deciding a dispute. The Act requires the Commission to provide for participation in Mechanisms by independent or governmental entities. Section 703.4 sets the minimum requirements for this type of participation which are necessary for fair settlement of disputes.

INDEPENDENCE FROM PARTIES

(a) No member deciding a dispute shall be:
(1) A party to the dispute, or an employee or agent of a party other than for purposes of deciding disputes; or
(2) A person who is or may become a party in any legal action, including but not limited to class actions, relating to the product or complaint in dispute, or an employee or agent of such person other than for purposes of deciding disputes.

For purposes of this paragraph (a) a person shall not be considered a "party" solely because he or she acquires or owns an interest in a party solely for investment, and the acquisition or ownership of an interest which is offered to the general public shall be prima facie evidence of its acquisition or ownership solely for investment.

Paragraph (a) excludes those persons who either have or may have a direct interest in the dispute, and anyone directly related to those persons. The second part of Paragraph (a) is designed to exclude those persons who would have a direct interest in a class action or other type of legal action that might arise relating to the product or complaint in dispute. Warranty complaints may involve a generic problem with a product that could result in a class action or a legal action against persons other than the warrantor. For example, a generic problem in a warrantor's product could result in a class action by numerous consumers against the warrantor and all distributors and retailers of the warrantor's product. Section 703.4(a)(2) would exclude not only the warrantor and the initial consumer, but also all other consumers and all distributors and retailers of that particular product.

Only one witness criticized the total exclusion of parties from a role in decision-making. Alcan Building Products felt that the warrantor should have a one-third vote in any decision relating to one of its products.[156] Since relevant input will be received from the warrantor during the investigation and mediation phases of complaint handling, the Commission is not persuaded that the warrantor should be allowed additional input and a vote during the decision phase.

Paragraph (a) is intended only to exclude those persons with a direct interest in the dispute. Therefore, the last sentence indicates that persons holding a stock or other interest in a party which is held solely for investment are not intended to be excluded. The fact that the interest is publicly offered is prima facie evidence of its acquisition solely for investment. In cases where the interest is substantial or is used for control, or influence, the prima facie showing would be rebutted.

Differing viewpoints were presented on this provision. One trade association wanted this exception expanded to allow members to participate in a profit-sharing plan operated by the Mechanism or the warrantor.[157] On the other hand, several consumer representatives objected to any exception for stockholders,[158] and one went so far as to suggest that Paragraph (a) should be broadened to exclude families of stockholders. Finally, two industry representatives argued that stock ownership in a warrantor would not bias a member, so the provision was correct as written.[159] After considering all of the record comment, the Commission has determined that this provision strikes the appropriate balance.

INDEPENDENCE FROM COMMERCIAL INTEREST

(b) When one or two members are deciding a dispute, all shall be persons having no direct involvement in the manufacture, distribution, sale or service of any product. When three or more members are deciding a dispute, at least two-thirds shall be persons having no direct involvement in the manufacture, distribution, sale or service of any product. "Direct involvement" shall

[146] R 1-6, 52, CSRL.
[147] R 1-5, 249-50, consumer; TR 16, Virginia Knauer, Office of Consumer Affairs, HEW; TR 155, Shelby County Legal Services Assn.
[148] TR 698, Cleveland Citizen Action Movement.
[149] TR 35, CFA (annually); TR 698, Cleveland Citizen Action Movement (6 months).
[150] Pro—R 1-6, 52-53, CSRL; TR 2095-2096, Legal Aid Foundation of Long Beach. Con—R 1-4-1, 507-08, AHAM; TR 126-127, MACAP; TR 1225-1226, Whirlpool.
[151] R 1-2-3, 1429, CSRL.
[152] *Id.*
[153] TR 35, CFA; TR 247, CSRL.
[154] R 1-4-1, 367.
[155] TR 16, Virginia Knauer, Office of Consumer Affairs, HEW.
[156] R 1-3-2, 380-81.
[157] R 1-4-1, 84, NRMA.
[158] R 1-6, 38, National Consumer Law Center (NCLC); TR 35-36, CFA; TR 154-155, Shelby County Legal Services Assn.; TR 2423, San Francisco Consumer Action.
[159] TR 230 E, AHAM; TR 364-365, Warranty Review Corp.

V 40 N 251 DEC 31 75 XUM

not include acquiring or owning an interest solely for investment, and the acquisition or ownership of an interest which is offered to the general public shall be prima facie evidence of its acquisition or ownership solely for investment. Nothing contained in this section shall prevent the members from consulting with any persons knowledgeable in the technical, commercial or other areas relating to the product which is the subject of the dispute.

(c) Members shall be persons interested in the fair and expeditious settlement of consumer disputes.

Section 110(a)(2) of the Act requires "participation in such procedure by independent or governmental entities". The Conference Report uses the terms "independent" and "consumer" interchangeably, and goes on to define independent entity as "one which is not under the control of any party to the dispute".[160] In addition the House Report states that these independent or governmental entities must be "completely impartial".[161] Paragraph (b) satisfies this legislative intent by requiring that at least two-thirds of the persons deciding a dispute shall be persons having no direct commercial interest.

Two witnesses supported the Rule's definition of independence—"no direct involvement . . .", because members should be "entirely free of industry control or influence" [162], and "industry domination" should not be allowed.[163]

Many of the witnesses were critical of the definition, because it either excluded too many persons or did not exclude enough. Some were of the opinion that the provision would not ensure that at least some members were concerned with the consumer's interests.[164] To remedy this without unduly hampering the process of selecting members, Paragraph (c) was added to the Rule. This provision is similar to requirements of some existing informal dispute settlement groups.[165] It sets a performance requirement which can be used by the Commission to ensure that the Mechanism members are protecting consumers' rights within the Mechanism.

Two consumer groups recommended a provision which would prohibit members from being employed by warrantors for a certain period of time prior to or subsequent to being members.[166] No other comments were received on this proposal, and the Commission finds that such a far-reaching prohibition as this is not necessary to ensure that members are persons who will decide fairly. Paragraph (c) achieves the same result without excluding countless people who might render excellent decisions.

Two comments recommended reducing the scope of the "direct involvement" definition by changing the word "product" to "consumer product" [167] or "products involved in the dispute".[168] Since the purpose of this provision is to minimize the Mechanism's producer bias, and not simply consumer producer bias, and even the appearance of producer bias,[169] these comments were unpersuasive.

One further comment came from the CBBB, which recommended use of a system similar to the one now in use to select arbitrators.[170] They allow the business and the consumer in each case to choose the arbitrator from a list that is sent out prior to the hearing. The list contains the names of a group of arbitrators together with information as to their backgrounds and affiliations. This system may be workable for disputes handled on a local level by a group such as the BBB, but imposing it as the only system on all types of Mechanisms does not appear to be warranted. The Rule does not prohibit a Mechanism from using this method to select members to decide a dispute from among the persons that satisfy the requirements of Section 703.4.

The requirement that two-thirds of the deciders be independent received a few comments ranging from one advocating total independence [171] to several proposing little or no independence.[172] None of the testimony convinced the Commission that it should alter the two-thirds requirement, which comports with the standards set by several existing mechanisms.[173]

In Paragraph (b), as in Paragraph (a), the intent is to exclude only those with a direct interest. Therefore, those holding an interest solely for investment are not deemed to have a direct commercial interest. For the same reasons as those stated in the discussion of Paragraph (a), the Commission has determined that this strikes the appropriate balance.

Some testimony indicated that the final sentence of Paragraph (b), which expressly allows the members to use consultants, is necessary for a fair decision in some disputes. Two industry witnesses complained that Paragraph (b) excludes from being members many persons whose technical expertise would be useful and possibly necessary to decide many disputes.[174] The "consultants" sentence ensures that expertise such as this will not be lost even though these persons will not have a vote in the decision-making process.

Section 703.5 Operation of the Mechanism

Sections 703.3 and 703.4 prescribe the general requirements for the organization of the Mechanism. Section 703.5, on the other hand, sets out the specific requirements which the Mechanism must satisfy each time it is notified of a dispute. This section is specific, but it continues the basic policy of the Rule which is in setting performance goals whenever possible, where such goals can be achieved by using whatever means the Mechanism finds most suited to its particular form of organization and complaint patterns.

WRITTEN PROCEDURES

(a) The Mechanism shall establish written operating procedures which shall include at least those items specified in the paragraphs (b)–(j) of this section. Copies of the written procedures shall be made available to any person upon request.

This paragraph requires that the Mechanism adopt a set of operating procedures which includes at least the items specified in the following paragraphs of Section 703.5. It is expected that these procedures will set out in detail the organization of the Mechanism and the means it will use to achieve the required performance goals. The procedures must also include the Mechanism's policies with respect to openness and confidentiality of records, as required in Section 703.8(b). These procedures must be in writing and copies must be provided to anyone upon request. This is to ensure that persons interested in using the Mechanism or reviewing its operation will be aware of how it is intended to operate.

No criticisms were directed at this provision and one existing mechanism indicated that the requirement was reasonable.[175]

NOTIFICATION OF PARTIES

(b) Upon notification of a dispute, the Mechanism shall immediately inform both the warrantor and the consumer of receipt of the dispute.

The specific step-by-step procedure for handling a dispute begins with this paragraph, which requires that the Mechanism acknowledge receipt of the dispute to both parties. As the Staff Report indicates, the purpose of this requirement is to reduce consumer dropout which may result from frustration over an unanswered complaint.[176]

This paragraph received little comment. MACAP again commented that this requirement was reasonable.[177] One state official felt it was important for the Rule to allow state or local consumer protection agencies to invoke the Mechanism on behalf of the consumer.[178] Paragraph (b) does not limit the persons from whom notification of a dispute may come. It may come from the consumer, the warrantor, or a representative of either party. The Mechanism must begin to exercise its duties when it receives notification from a responsible person acting on behalf of either party.

As proposed, this paragraph contained an additional clause which required the Mechanism to "supply to consumer with

[160] R 1-2-3, 1059.
[161] R 1-2-3, 1116.
[162] R 1-4-1, 387-88, MACAP.
[163] TR 1443-1444, Chicago Legal Aid Bureau.
[164] R 1-3-1, 67, Mohasco; R 1-6, 157-58, Conn. Citizen Research Group; TR 706, Cleveland Citizen Action Movement.
[165] R 1-2-3, 1714, CRICAP; R 1-4-1, 387-88, MACAP.
[166] TR 35, CFA (3 years); TR 699, Cleveland Citizen Action Movement (5 years).
[167] R 1-3-2, 556, Nixon, Hargrave, Devans & Doyle.
[168] R 1-4-1, 84, NRMA.
[169] R-1-2-3, 969-70, Staff Report.
[170] TR 88-90, CBBB.
[171] TR 1443-1444, Chicago Legal Aid Bureau.
[172] TR 2251-2252, 2259, National Swimming Pool Institute; TR 2452-2453, Independent Auto Dealers of California.
[173] R 1-2-3, 970-71, Staff Report.
[174] R 1-4-1, 50, NAFM; TR 2146, Kit Manufacturing Co.
[175] R 1-4-1, 388, MACAP.
[176] R 1-2-3, 973, Staff Report.
[177] R 1-4-1, 388.
[178] R 1-3, 139, Attorney General of the State of Michigan.

a description of the procedures and time limits adhered to by the Mechanism" along with the acknowledgement. Two industry comments pointed out that the necessary information on the Mechanism will already be contained in the materials accompanying the product as required by Section 703.2(c) (3) and (4) and that the consumer's major interest at the time of dispute is obtaining a resolution rather than learning about procedures.[179] On the basis of the record, the Commission adopts this view and has, therefore, deleted this clause from Section 703.5(b).

INFORMATION GATHERING

(c) The Mechanism shall investigate, gather and organize all information necessary for a fair and expeditious decision in each dispute. When any evidence gathered by or submitted to the Mechanism raises issues relating to the number of repair attempts, the length of repair periods, the possibility of unreasonable use of the product, or any other issues relevant in light of Title I of the Act (or rules thereunder), including issues relating to consequential damages, or any other remedy under the Act (or rules thereunder), the Mechanism shall investigate these issues. When information which will or may be used in the decision, submitted by one party, or a consultant under § 703.4(b), or any other source tends to contradict facts submitted by the other party, the Mechanism shall clearly, accurately, and completely disclose to both parties the contradictory information (and its source) and shall provide both parties an opportunity to explain or rebut the information and to submit additional materials. The Mechanism shall not require any information not reasonably necessary to decide the dispute.

This paragraph places the burden on the Mechanism to gather all of the information necessary for a fair decision in each dispute. It is expected that the Mechanism will place some of this burden on the parties in the form of reasonable requests for information. The burden is, however, initially placed on the Mechanism and unreasonable requests will not be permitted. The provision goes on to list several items of information that might be relevant and, therefore, necessary for a fair decision. The items listed relate to duties of the warrantor and the consumer mentioned in the Act. The list is not intended to be exclusive. When any of these issues or any other issue relevant under the Act or the warranty is raised by the evidence, the Mechanism must investigate it. Finally, this paragraph requires the Mechanism to give the parties an opportunity to rebut any contradictory information which may be used in the decision.

MACAP stated that this provision was reasonable.[180] One witness went beyond this and asserted that proper investigation and development of a record is essential for Mechanism effectiveness.[181] Such a record not only increases the likelihood that any decision will be fair, but also encourages settlement by showing the parties that there are two sides to the dispute.[182]

Most of the critics of this paragraph as it was proposed did not object to the idea of an investigation requirement, but were concerned that the language used could be interpreted to place too great a burden on the Mechanism.[183] Only one witness found fault with the provision as a whole.[184] He felt that the information should be gathered and presented to the Mechanism by the parties as in any other adversary proceeding. As a practical matter, Mechanism decisions will be based on evidence submitted by the parties. However, the Mechanism is in the position of knowing what evidence has been submitted and what evidence is still necessary at any point in time, so the investigatory burden is placed initially on the Mechanism.

One witness complained that the provision was too general and the scope of the investigation was without limitation.[185] Other witnesses protested that the Mechanism should not have to undertake a major investigation of each case, but should have discretion to adjust the scope of the investigation to the significance of the issues.[186] The Rule does allow the Mechanism to vary the scope of the investigation from dispute to dispute. This provision only requires that the basic facts in each dispute be gathered from the parties and key witnesses (*e.g.*, retailer, service center). The Mechanism has discretion to go beyond that in any case and use extraordinary measures such as on-site inspection and expert testimony.

Paragraph (c) in the proposed Rule appeared to require the Mechanism actively to seek out issues such as number of repair attempts or unreasonable use of the product in every case. To reduce this burden the language was modified to make it clear that these issues must only be investigated if it appears from the evidence that they are involved in the dispute.

The sentence in this paragraph of the proposed Rule requiring disclosure of contradictory information was criticized, because it could be read to apply to every item of information whether or not it was to be used in the decision.[187] In response to this the phrase "which will or may be used in the decision" was added. Under this requirement, the Mechanism, when it receives contradictory information which it will not and does not use in the decision, need not disclose the information to the parties.

SETTLEMENT AND DECISION

(d) If the dispute has not been settled, the Mechanism shall, as expeditiously as possible but at least within 40 days of notification of the dispute, except as provided in paragraph (e) below: (1) render a fair decision based on the information gathered as described in paragraph (c) of this section, and on any information submitted at an oral presentation which conforms to the requirements of paragraph (f) of this section (A decision shall include any remedies appropriate under the circumstances, including repair, replacement, refund, reimbursement for expenses, compensation for damages, and any other remedies available under the written warranty or the Act (or rules thereunder); and a decision shall state a specified reasonable time for performance.); (2) disclose to the warrantor its decision and the reasons therefor; (3) if the decision would require action on the part of the warrantor, determine whether, and to what extent, warrantor will abide by its decision; and (4) disclose to the consumer its decision, the reasons therefor, warrantor's intended actions (if the decision would require action on the part of the warrantor), and the information described in paragraph (g) of this section. For purposes of this paragraph (d) a dispute shall be deemed settled when the Mechanism has ascertained from the consumer that: (1) the dispute has been settled to the consumer's satisfaction; and (2) the settlement contains a specified reasonable time for performance.

(e) The Mechanism may delay the performance of its duties under paragraph (d) beyond the 40 day time limit: (1) where the period of delay is due solely to failure of a consumer to provide promptly his or her name and address, brand name and model number of the product involved, and a statement as to the nature of the defect or other complaint; or (2) for a 7 day period in those cases where the consumer has made no attempt to seek redress directly from the warrantor.

a. Settlement. The proposed Rule contained a separate paragraph dealing with settlement, which required the Mechanism to ratify any predecision settlement and disclose to the consumer the same information which must be disclosed when a decision is rendered. The purpose of the proposal was to "relieve the Mechanism from rendering decisions in matters that are no longer in controversy, while insuring that the consumer who settles receives equal treatment to that of the consumer who waits for a Mechanism decision." [188]

The paragraph as written received considerable adverse comment with no favorable comment to balance it. In addition to being characterized as a waste of energy,[189] the provision was objected to by warrantors because it would require them to admit liability by settling (since a ratified settlement would be admissible in court),[190] and by prospective Mechanisms because it would require them to ratify settlements with which they may not agree.[191]

Because of these strong comments, the proposed settlement provision was deleted. However, to ensure that consumers who elect to settle are not treated un-

[179] R 1-3-2, 578, Quarles & Brady; TR 437, NEA.
[180] R 1-4-1, 388, MACAP.
[181] TR 860-861, Donald P. Rothschild.
[182] *Id.*
[183] R 1-3-3, 768, CBBB; R 1-4-1, 50, NAFM; R 1-4-1, 84, NRMA; R 1-4-1, 97, NEMA; TR 1516, BBB of Chicago.
[184] R 1-3-1, 74, Guren, Merritt, Sogg & Cohen.
[185] R 1-4-1, 97, NEMA.
[186] R 1-3-3, 768, CBBB; R 1-4-1, 50, NAFM; R 1-4-1, 84, NRMA; TR 1516, BBB of Chicago.
[187] R 1-3-3, 769, CBBB; TR 1534-1525, BBB of Chicago.
[188] R 1-2-3, 977, Staff Report.
[189] R 1-3-1, 290, Union Carbide; R 1-3-1, 80, Quarles & Brady; TR 421-422, National Electronics Assn. (NEA).
[190] R 1-3-3, 422-23, Armstrong Cork; TR 1486-1487, AAA.
[191] TR 92, CBBB; TR 1517, BBB of Chicago.

V 40 251 DEC 31 75 XUM

fairly, the sentence defining settlement was added as the last sentence of Paragraph (d), which deals with decision-making. The clause merely specifies when a dispute will be considered settled for purposes of the Rule so as to relieve the Mechanism of its duty to reach a decision. This occurs when the Mechanism ascertains from the consumer that the dispute has been settled to the consumer's satisfaction and the settlement contains a specified reasonable time for performance. Under the revised provision the Mechanism is not required to disclose to the consumer the information contained in Section 703.5(g), but must still follow-up under Section 703.5(h) to see if performance has occurred. These modifications of the Rule reduce the burden on the Mechanism and meet the objections of both warrantors and Mechanisms, while continuing to fulfill the purpose of the settlement paragraph which was to provide sufficient protection for consumers who elect to settle.

b. Decision. The remainder of Paragraph (d) is virtually identical to Paragraph (e) of the proposed Rule. The first step required by this paragraph is for the members to render a decision. As the Staff Report states:

> A procedure culminating in anything less than a decision . . . would give no assurance of fair and expeditious settlement of disputes. It would provide no incentive to the warrantor to take action favorable to the consumer, because the Mechanism could not exert any pressure on the warrantor at any stage in the procedure. In addition it would be viewed with suspicion by consumers as a tool of the warrantor to delay redress of warranty rights.[102]

The Center for the Study of Responsive Law strongly supported the decision requirement:

> . . . [S]uch authority is important to both consumer and warrantor alike. Our study has found that one of the most frustrating aspects of the consumer complaint process is its inconclusiveness. Unless both parties go to Small Claims Court or agree to binding arbitration, there is no place in the system for a decision. Instead countless referrals, communications and discussions are encouraged, with no end points in sight. To reduce the frustrations inherent in this process, therefore, *decisions* are important.

Finally, to adopt some other procedure would be to risk placing impossible burdens of enforcement on the FTC. What rules could one write to ensure that mediation and conciliation actually took place. Where rules can be kept simple and straightforward, they should be, and such is the case in this instance.[103]

The only objections to the decision requirement came from persons affiliated with the Better Business Bureau organization. Two witnesses asserted that the requirement was too rigid and should be revised to give the Mechanism discretion to refuse to handle certain types of cases (e.g., very complex disputes, disputes in which both warrantor and consumer agree to waive the Mechanism).[104] These arguments were unpersuasive. It would be unfair to allow the Mechanism to refuse to handle a complex case, when a Mechanism decision may be the only remedy which the consumer can feasibly pursue. Additionally, if an exception were created for cases in which the parties agreed to bypass the Mechanism and pursue other remedies such as binding arbitration, a Mechanism would have an avenue for leading consumers into remedies which might not operate fairly and which could take away consumers' right to bring their cases to court. Therefore, no exceptions were added to the Rule.

Paragraph (d) requires that a decision shall include all appropriate remedies. Several strenuous objections were received which questioned the appropriateness of giving the Mechanism broad authority to fashion relief.[105] These comments interpreted this clause as providing far more than was intended. The intent was to make clear that the Mechanism decision must include all relief which is available under the warranty or the Act and appropriate under the circumstances.

A further requirement in this paragraph is that the decision must specify a time within which performance is to occur, and that such time must be reasonable. As the Staff Report indicates: "An important part of any remedy is the time in which performance will occur. In a warranty dispute the length of time estimated by the warrantors for repair or replacement may be a major cause of the disagreement."[106] This provision was not criticized, and stands as proposed.

After reaching a decision, the Mechanism must determine whether, and to what extent, the warrantor will abide by the decision, and then must disclose this to the consumer along with further information specified in Section 703.5 (g). One comment objected that requiring the Mechanism to ascertain the warrantor's intentions "appears to give the mechanism a continuing authority over a warrantor's activities, not contemplated by the Act."[107] This criticism is not well taken, because the provision does not give the Mechanism any additional authority over the warrantor. It merely requires the Mechanism to collect and pass along to the consumer information which the consumer needs to decide whether or not to proceed to court.

c. Time Limit. All of the duties placed on the Mechanism by Paragraph (d) must be completed within 40 days of notification to the Mechanism of the dispute. This requirement received vast and varied comment. Many consumer witnesses felt that 40 days is too long for a consumer to wait for resolution of a dispute, especially a consumer with a malfunctioning product and no funds to repair it.[108] They suggested periods ranging from 10 to 30 days as more appropriate. A few comments stated that the time period is reasonable.[109]

Industry comments were generally opposed to the time limit as too short (90 days was a suggested alternative),[110] or too inflexible (no set time limit was proposed by several witnesses).[111] The Commission recognizes that time limits place burdens on Mechanisms. However, time limits are necessary to ensure that disputes are handled expeditiously. After considering all of the evidence, the Commission is convinced that the 40 day requirement strikes a reasonable balance between consumers' needs for a speedy decision and Mechanisms' needs for sufficient time to effectively resolve disputes.

d. Time Limit Exceptions. Paragraph (e) describes two situations in which the Mechanism may take more than 40 days to reach a decision and notify the consumer. First, the Mechanism can extend the time for decision for the period of time caused by consumer failure to provide necessary information. To close a potential loophole in the clause as proposed, the final Rule specifies those items of information which are considered necessary. Second, the final Rule permits the Mechanism to delay for seven days where the consumer has not sought redress directly from the warrantor. This was added in response to criticisms of the "Nothing contained in . . ." clause which followed Section 703.2(d) in the proposed Rule. Industry witnesses indicated that allowing consumers direct access to the Mechanism would overburden the Mechanism and cause time delay.[112] The additional 7 days allowed by this clause is intended to ease that burden by giving the Mechanism and the warrantor sufficient extra time within which to investigate and mediate complaints. The Commission has decided that it is better to give the Mechanism the extra time here than it is to require the consumer to seek redress directly from the warrantor before going to the Mechanism.

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[102] R 1-2-3, 979-80.

[103] R 1-6, 73.

[104] TR 90-92, CBBB; TR 1516-1517, BBB of Chicago.

[105] R 1-3-1, 65, Mohasco; R 1-3-2, 380, Alcan Building Products; R 1-3-2, 557, Nixon, Hargrave, Devans & Doyle; R 1-6, 27-28, CSRL; TR 992, CRI.

[106] R 2-3, 981.

[107] R 1-4-1, 51, NAFM.

[108] R 1-6, 159, Conn. Citizen Research Group; R 1-8, 46, New Mexico Atty. Gen.; TR 253-254, CSRL; TR 320-322, Center for Auto Safety; TR 1790, Cook Co. State Atty. Gen. Office, Consumer Fraud Div.; TR 2082-2083, Legal Aid Foundation of Long Beach; TR 2184-2185, Orange Co. Office of Consumer Affairs; TR 2399, San Francisco Asst. Atty. Gen.

[109] R 1-6 37, NCLC; TR 869, Donald P. Rothschild; TR 1472-1473, AAA.

[110] R 1-3-2, 423, Armstrong Cork; R 1-3-2, 579, Quarles & Brady; R 1-3-3, 928 Amana; R 1-4-1, 84-85, NRMA; R 1-4-1, 97, NEMA; TR 657-659, CRI.

[111] R 1-3-2, 394, Shell Oil; R 1-4-1, 50, NAFM; R 1-4-1, 673, NADA; R 1-6, 26-27, NCL; TR 25-26, Virginia Knauer; Tr 100-101, CBBB; TR 128-129, MACAP; TR 221-222, AHAM; TR 353-354, Warranty Review Corp.; TR 1468-1469, AAA.

[112] *See*, discussion of the last paragraph of Section 703.2(d), "Redress Available Directly From Warrantor," *supra*.

ORAL PRESENTATIONS

(f) The Mechanism may allow an oral presentation by a party to a dispute (or a party's representative) only if: (1) both warrantor and consumer expressly agree to the presentation; (2) prior to agreement the Mechanism fully discloses to the consumer the following information: (i) that the presentation by either party will take place only if both parties so agree, but that if they agree, and one party fails to appear at the agreed upon time and place, the presentation by the other party may still be allowed; (ii) that the members will decide the dispute whether or not an oral presentation is made; (iii) the proposed date, time and place for the presentation; and (iv) a brief description of what will occur at the presentation including, if applicable, parties' rights to bring witnesses and/or counsel; and (3) each party has the right to be present during the other party's oral presentation. Nothing contained in this paragraph (f) shall preclude the Mechanism from allowing an oral presentation by one party, if the other party fails to appear at the agreed upon time and place, as long as all of the requirements of this paragraph have been satisfied.

This paragraph sets strict limitations on the use of oral presentations by the parties. However, an oral presentation is an option which a Mechanism can offer to the parties if it desires, but this provision does not require that the Mechanism do so. If the Mechanism provides an opportunity for an oral presentation, it must satisfy certain requirements. First, no oral presentation may occur unless both parties agree to it. Second, before agreement the consumer must be informed of those facts that would affect his or her decision to agree. It must be disclosed that an oral presentation is completely optional, that the warrantor cannot appear unless the consumer agrees, and that the Mechanism will render a decision whether or not an oral presentation occurs. The proposed date, time, and place for the presentation and a description of the relevant procedures, rights, and duties must also be disclosed. Third, each party has the right to be present during the other party's oral presentation. The final sentence of this paragraph makes it clear that once the parties have agreed to an oral presentation, one party may be allowed to make a presentation whether or not the other party appears. This disclosure is not intended to override the Section 703.5(c) rebuttal requirement. If the party appearing presents new evidence, the other party must be contacted and given an opportunity to rebut (not necessarily in person) before a final decision can be made.

Several types of comments were received in regard to the discretionary nature of oral presentations. The Staff Report cites the following reason for leaving the decision up to the Mechanism.

> It is recognized that several existing mechanisms operate at a national level and do all of their information gathering by telephone or mail. To require an opportunity for an oral presentation at a reasonable time and place would make it impossible for these mechanisms to achieve the expeditious settlement of disputes which is envisioned by Section 110(a) of the Act.[202]

Support for this proposition was received from one of the existing mechanisms.[203]

Several witnesses suggested that an oral presentation should be allowed when the consumer requests [204], or when either party requests.[205] These comments did not adequately support the view that the right to an oral presentation is essential at this informal level of dispute settlement. Since the need to foster a variety of Mechanisms, including national ones, is greater than the need for oral presentations at the behest of the parties, the Commission has retained this provision.

Two comments argued that the Mechanism should be allowed to require the parties to appear before it and make oral presentations.[206] The Rule does not adopt this approach, because a required appearance and presentation might cause consumers to drop out of the Mechanism. The Staff Report states:

> Preparing for an oral presentation could be costly, as it might involve interviewing witnesses or developing a statement or exhibits. Even if a consumer does not prepare for an oral presentation, there are costs involved in merely appearing at the appointed time and place. If a consumer is required to appear upon penalty of default, these costs are involuntary ones, and, as discussed at page 57 of this Report, saddling the consumer with them would contravene the legislative intent expressed in the House Report.[207]

One final proposal in this area was to allow the Mechanism to consult with the warrantor alone.[208] The need for this type of consultation during the decision-making process was not shown. It appears to be more appropriate during a mediation stage. The room for abuse and the possibility of unfair warrantor influence which this proposal would create, mandates that it not be adopted.

Several consumer representatives asserted that any oral presentation should be at a convenient time and place.[209] A requirement such as this is unnecessary, since the consumer can veto an oral presentation and presumably would do so if it were not at a convenient time and place. Additionally, since the Mechanism can elect not to allow oral presentations (and since the consumer can veto), there is no incentive for it to select an inconvenient time or place.

A few other witnesses commented on the clause relating to witnesses and counsel, which is merely a disclosure requirement. One person felt that the consumer should expressly be given the right to bring witnesses.[210] Another felt that use of counsel by the parties should be at the consumer's option.[211] Since the Commission has decided to make oral presentations optional with the Mechanism, and since the Rule is intended to allow many different forms of Mechanisms, the Commission does not find a basis for setting strict requirements for the conduct of oral presentations.

Finally, two trade associations complained that Paragraph (f)(2) requires the Mechanism to make certain disclosures to the consumer, but does not require it to make the same disclosures to the warrantor.[212] This criticism is not well taken. The Rule is written to contain sufficient protection for the consumer whose dispute is being handled by a Mechanism selected by the warrantor. Since the warrantor selects the Mechanism, the warrantor presumably can have the Mechanism built in similar protections for the warrantor.

DISCLOSURES TO CONSUMERS

(g) The Mechanism shall inform the consumer, at the time of disclosure required in paragraph (d) of this section that: (1) if he or she is dissatisfied with its decision or warrantor's intended actions, or eventual performance, legal remedies, including use of small claims court, may be pursued; (2) the Mechanism's decision is admissible in evidence as provided in section 110(a)(3) of the Act; and (3) the consumer may obtain, at reasonable cost, copies of all Mechanism records relating to the consumer's dispute.

This paragraph lists the disclosures that must be made to the consumer at the time he or she is notified of the Mechanism's decision and the warrantor's intended actions. The first item is the fact that all available legal remedies may now be pursued. Second is the fact that Section 110(a)(3) of the Act provides that the Mechanism's decision is admissible in evidence in a related civil action. The final item relates to the parties' right to access to the dispute file as required by Section 703.8(d).

No negative comments were directed to this notification requirement. One witness stressed the need to inform the consumer of the right to pursue further legal remedies, and the importance of mentioning avenues such as small claims court.[214] One other witness suggested that the Mechanism should also mention the possibility of binding arbitration.[215] If the Mechanism is aware of an arbitration program (or any other dispute settlement mechanism) that operates fairly, nothing in Paragraph (g) would prohibit it from providing this information to the consumer.

FOLLOW-UP

(h) If the warrantor has agreed to perform any obligations, either as part of a settlement agreed to after notification to the Mechanism of the dispute or as a result of a decision under paragraph (d), the Mechan-

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[202] R 1-2-3, 986.

[203] TR 129, MACAP, *See, also*, R 1-2-3, 1803, FICAP; R 1-2-3, 1707, CRICAP.

[204] R 1-3-2, 394, Shell Oil; R 1-6, 42, NCLC; TR 2083-2084, Long Beach Legal Aid Foundation; TR 2421-2422, SFCA; TR 2526, San Francisco Bar Committee on Consumer Rights.

[205] TR 1442-1443, 1447-1449, Chicago Legal Aid Bureau.

[206] R 1-3-2, 579, Quarles & Brady; TR 262, NCL.

[207] R-1-2-3, 896.

[208] R 1-4-1, 391, MACAP; R 1-4-1, 512, AHAM.

[209] R 1-6, 42-43, NCLC; TR 152-153, Shelby County Legal Services Assn.; TR 276-277, NCL; TR 2084-2085, Long Beach Legal Aid Foundation.

[210] R 1-8, 143-44, Elinor Guggenheimer, New York City Office of Consumer Affairs.

[211] R 1-6, 42-43, NCLC.

[212] R 1-4-1, 51, NAFM; R 1-4-1, 85, NRMA.

[214] R 1-6, 75, CSRL.

[215] TR 92-93, CBBB.

V 40 251 DEC 31 75 XUM

ism shall ascertain from the consumer within 10 working days of the date for performance whether performance has occurred.

This paragraph requires the Mechanism to provide followup in every case in which the warrantor has promised some action to the consumer. In this way the Mechanism will be aware of each instance in which a warrantor has violated the Section 703.2(f)(3) requirement that the warrantor perform all agreed to obligations. The Mechanism will need this information to include in its records, indexes, and statistical compilations as required by Section 703.6.

Few comments were directed at this provision. The Center for the Study of Responsive Law felt that this was a very important requirement.

> It may be hard to believe, but regret[t]ably it is a fact that many complaint-handling mechanisms have no effective means for determining whether promised action was ever taken. Our studies have found that such mechanisms rely on the belief that if the promised service is not forthcoming, the consumer will re-contact the agency and inform them of the non-compliance. What actually happens, however, is that the consumer gives up and tries to live with his frustration . . .
>
> This requirement, therefore, is necessary to ensure that such mechanisms effectively handle complaints.[216]

Two industry representatives objected to the paragraph as inappropriate and unnecessary. The National Electrical Manufacturers Association stated that it "places the mechanism in an enforcement role as an advocate for the consumer."[217] The provision does not have this effect. It merely requires the Mechanism to determine whether or not performance has occurred, and to place this information in its records. Both NEMA and the other industry comment argued that the consumer should be expected to re-contact the Mechanism if performance has not occurred.[218] For the reasons stated by CSRL in its comment, quoted above, the Commission has determined that this provision is necessary to ensure that most instances of warrantor noncompliance will appear in the records of the Mechanism.

Paragraph (h) in the proposed Rule required that follow-up occur within 5 working days of the date for performance. In order to minimize any burden placed on the Mechanism by this provision, the time period has been extended to 10 working days. This would allow the Mechanism, for example, to provide the consumer with a postcard along with notification of decision with instructions to return it on the date specified for performance indicating whether or not performance had occurred. If the Mechanism did not receive the postcard back within a few days of the date for performance, then it would have to actively attempt to contact the consumer.

Two other comments suggested that the last word in this paragraph, "occurred", be changed to "commenced" or "begun", because it might be impossible for the warrantor to complete performance within 5 working days.[219] Such change is not necessary. This provision is not intended to imply that performance must be accomplished within a 10 day period. It is intended to require the Mechanism to follow-up within 10 working days of the date on which performance is to have been completed.

CONSUMER'S RIGHT TO PURSUE OTHER REMEDIES

(i) A requirement that a consumer resort to the Mechanism prior to commencement of an action under section 110(d) of the Act shall be satisfied 40 days after notification to the Mechanism of the dispute or when the Mechanism completes all of its duties under paragraph (d) of this section, whichever occurs sooner. Except that, if the Mechanism delays performance of its paragraph (d) duties as allowed by paragraph (e), the requirement that the consumer initially resort to the Mechanism shall not be satisfied until the period of delay allowed by paragraph (e) has ended.

Section 110(a)(3) of the Act provides that under certain circumstances a warrantor may require a consumer to resort to the Mechanism before commencing an action under Section 110(d) of the Act. This paragraph provides that any requirement imposed by a warrantor is satisfied either 40 days after notification to the Mechanism of the dispute or when the Mechanism has completed its duties under Section 703.5(d) whichever is sooner. The last sentence of this provision contains two exceptions to this general rule, which correspond to the two exceptions to the 40 day requirement found in Section 703.5(e).

A few modifications were proposed but the Commission did not find the reasons to support them persuasive. One comment argued that a settlement between the consumer and warrantor should satisfy the requirement of resort to the Mechanism.[220] First, a consumer who has settled should have no need to proceed immediately to court. Second, if this were allowed, a consumer could agree to a settlement in bad faith merely as a device to bypass the Mechanism and go straight to court.

Another comment suggested that a requirement of initial resort to the Mechanism should not be satisfied until the time for performance has occurred.[221] This would be unfair to a consumer who was not satisfied with the decision and would serve no purpose but to unreasonably delay the consumer.

Finally, one comment proposed that a further exception to the 40 day period be included for "excusable failures" on the warrantor's part to provide necessary information.[222] As the discussion of Section 703.5 (d) and (e) indicates, the Commission has determined that 40 days is the maximum length of time a consumer should be delayed from going to court except in those cases where additional delay is caused by the consumer's inaction. If the consumer has provided the information specified in Section 703.5(e)(1), lack of information from the warrantor would not preclude the Mechanism from reaching a decision. If the warrantor does not provide any information, the Mechanism will merely decide in favor of the consumer (if the consumer has provided enough information to justify recovery).

LEGAL EFFECT OF MECHANISM DECISIONS

(j) Decisions of the Mechanism shall not be legally binding on any person. However, the warrantor shall act in good faith, as provided in § 703.2(g). In any civil action arising out of a warranty obligation and relating to a matter considered by the Mechanism, any decision of the Mechanism shall be admissible in evidence, as provided in section 110(a)(3) of the Act.

This paragraph specifies the effect which a Mechanism decision shall have on the parties to the dispute. A decision shall not be legally binding on any person; however, the warrantor is obligated by Section 703.2(g) to act in good faith in deciding whether, and to what extent, it will abide by each decision. The last sentence of this provision is a restatement of a portion of Section 110(a)(3) of the Act which provides: "In any civil action arising out of a warranty obligation and relating to a matter considered in such a procedure, any decision in such procedure shall be admissible in evidence."

Several industry representatives contended that warrantors should be allowed to require consumers to resort to mechanisms whose decisions would be legally binding (e.g., binding arbitration).[223] The Rule does not allow this for two reasons. First, as the Staff Report indicates, Congressional intent was that decisions of Section 110 Mechanisms not be legally binding.[224] Second, even if binding Mechanisms were contemplated by Section 110 of the Act, the Commission is not prepared, at this point in time, to develop guidelines for a system in which consumers would commit themselves, at the time of product purchase, to resolve any difficulties in a binding, but nonjudicial, proceeding. The Commission is not now convinced that any guidelines which it set out could ensure sufficient protection for consumers.

Many consumer representatives stated that Mechanism decisions should be binding on the warrantor alone, because the warrantor is the party who has chosen the Mechanism as the forum for dispute resolution.[225] The Rule presently requires the warrantor to act in good faith in deciding whether, and to what extent, it will abide by Mechanism decisions. Thus an adverse Mechanism decision will have a far greater impact on a warrantor than it will on a consumer. The Commission is not persuaded that making this impact on the warrantor even greater would benefit consumers more than it would discourage warrantors from adopting Mechanisms.

[216] R 1–6, 76.
[217] R 1–4–1, 97–98.
[218] R 1–4–1, 97–98; R 1–3–1, 200, Union Carbide.
[219] R 1–4–1, 51, NAFM; R 1–4–1, 85–86, NRMA.
[220] R 1–8, 144, Elinor Guggenheimer, NY COCA.
[221] R 1–3–2, 556, Nixon, Hargrave, Devans & Doyle.
[222] R 1–4–1, 86, NRMA.
[223] Tr 66–68, NAHB; TR 809–811, 822, SCM; TR 833–834, Guren, Merritt, Sogg & Cohen; TR 1263–1264, Mirro Marine Division.
[224] R 1–2–3, 992; R 1–2–3, 1117, House Report.
[225] R 1–8, 77, Detroit Consumer Affairs Dept.; TR 34–35, CFA; R 1–6, 58–59, CSRL; TR 708–710, Cleveland Citizen Action Movement.

Two witnesses were concerned that the Rule as written would not allow the use of binding arbitration by the parties after the Mechanism had rendered a decision.[226] As the Staff Report makes clear,[227] there is nothing in the Rule which precludes the use of any other remedies by the parties following a Mechanism decision. The warrantor, the Mechanism, or any other group can offer a binding arbitration option to consumers who are dissatisfied with Mechanism decisions or warrantor intentions. However, reference within the written warranty to any binding, non-judicial remedy is prohibited by the Rule and the Act.

Others suggested that in some cases the warrantor and the consumer might want to agree to use a remedy such as binding arbitration instead of proceeding to the Mechanism.[228] Again, nothing in the Rule precludes the parties from agreeing to use some avenue of redress other than the Mechanism if they feel it is more appropriate. However, once the consumer or the warrantor notifies the Mechanism of the dispute, the Mechanism is required by Section 703.5(d) to proceed to a decision within the specified time limits.

SECTION 703.6—RECORDKEEPING

Section 703.6 states the minimum recordkeeping requirements to which a Section 110 Informal Dispute Settlement. Mechanism must conform. The Section covers development and maintenance of individual dispute files, indexing, statistical summaries of Mechanism performance, and record retention requirements.

The Section is intended to facilitate fair, orderly and efficient complaint handling; recognition of industry-wide product or warranty performance problems; independent audit under Section 703.7 of the Rule; and review and monitoring by the Commission, and by interested persons pursuant to Section 110(a)(4) of the Act. Requirements have been set with a view to acceptable cost levels, and to the need to preserve the confidentiality of sensitive records. Wherever reasonable, recordkeeping practices consistent with the practice of existing complaint handling bodies were adopted.

The Commission staff rationale for the recordkeeping requirements initially proposed was set out at pp. 88–98 of the staff Report.[229] Following review of written and oral comment on the proposed Rule, the Commission has modified the recordkeeping requirements in certain respects. The modifications are treated in detail below. Certain of these will merely clarify the extent of recordkeeping obligations intended under the Rule as initially proposed.[230] Others are intended to reduce the recordkeeping obligations where the comment was persuasive that legislative and commission objectives could be achieved under less burdensome requirements.

Under the requirements relating to individual dispute files, reductions were achieved by elimination of certain requirements for preparation of summaries and fact descriptions.[231] Under the modifications, requirements would be met simply by the filing and retention of records otherwise prepared or collected in the normal course of dispute handling. Indexing requirements have been stated with more particularity.[232] Statistical summaries will be required semi-annually,[233] rather than monthly as initially proposed. Other modifications will be noted in the detailed discussion under each section.

There were numerous written and oral comments that either generally opposed[234] or generally supported[235] the recordkeeping requirements as proposed, including several relating to the feasibility of implementing the recordkeeping requirements as proposed.[236] Except as noted in the detailed discussion below, there was not a great deal of criticism (or support) with regard to particular recordkeeping provisions or subsections. There was a dearth of specific counter-proposals. In response to general objections many of the modifications reflect a decision by the Commission to effect a general or over-all reduction in the recordkeeping obligation. The Commission has determined that the requirements as set forth are sufficient to meet the fundamental recordkeeping objectives set out in the discussion *supra* at 138.

INDIVIDUAL DISPUTE RECORDS

(a) The Mechanism shall maintain records on each dispute referred to it which shall include:

(1) Name, address and telephone number of the consumer;

(2) Name, address, telephone number and contact person of the warrantor;

(3) Brand name and model number of the product involved;

(4) The date of receipt of the dispute and the date of disclosure to the consumer of the decision;

(5) All letters or other written documents submitted by either party;

(6) All other evidence collected by the Mechanism relating to the dispute, including summaries of relevant and material portions of telephone calls and meetings between the Mechanism and any other person (including consultants described in § 703.4(b));

(7) A summary of any relevant and material information presented by either party at an oral presentation;

(8) The decision of the members, including information as to date, time and place of meeting, and the identity of members voting; or information on any other resolution;

(9) A copy of the disclosure to the parties of the decision;

(10) A statement of the warrantor's intended action(s);

(11) Copies of follow-up letters (or summaries of relevant and material portions of follow-up telephone calls) to the consumer, and responses thereto; and

(12) Any other documents and communications (or summaries of relevant and material portions of oral communications) relating to the dispute.

Section 703.6(a) establishes maintenance requirements with regard to records that would come into the Mechanism's possession in the normal course of its receipt, investigation and resolution of individual disputes pursuant to other sections of this Rule. The requirements support the general purposes of recordkeeping, discussed *supra*, at 138. In addition, the file, available to the parties to a dispute under Section 703.6(e), would provide a basis for any subsequent arbitration, legal or other proceedings following action by the Mechanism.

[226] TR 17, Virginia Knauer, Office of Consumer Affairs, HEW; TR 260–261, NCL.
[227] R 1–2–3, 993.
[228] TR 91–92, CBBB; TR 1466–1467, AAA.
[229] R 1–2–3, 994–1004.
[230] *E.g.*, "relevant and material" has been added to certain sections to clarify that verbatim summaries or transcripts of telephone conversations would not be required. The comments underscored the possibility of a more onerous reading of these sections than had been intended. *See*, for example, TR 422, Electronic Industries Association, and TR 222, Association of Home Appliance Manufacturers.
[231] Proposed Section 703.6(a)(1), and Section 703.6(a)(1)(iv)–(vi).
[232] The general indexing requirement of proposed Section 703.6(b) has been deleted in favor of new Section 703.6 (b), (c) and (d).
[233] Section 703.6(e), discussed *infra* at 149.
[234] Several representative comments: R 1–4–1, 357–358. National Association of Home Builders commented that the requirements would be costly and cumbersome, and would deter warrantors from establishing mechanisms; R 1–4–1, 394, Major Appliance Consumer Action Panel (complicated and redundant, noting particularly the requirement of a summary form); R 1–3–2, 626, Proctor-Silex, SCM Corporation (unnecessarily onerous and expensive); R 1–3–2, 579, Quarles & Brady (extremely burdensome); TR 831, Warranty Review Corporation (cumbersome . . . costly burden unnecessary to the main purpose of the Act); TR 831, Guren, Merritt, Sogg & Cohen (cost large enough to discourage the use of informal dispute settlement procedures); R 1–4–2, 672, National Automobile Dealers Association (too expansive for the average size dealer).
[235] TR 845 and following, Donald Rothschild; TR 246, Christopher Wheeler; TR 2494, John Pound, San Francisco Consumer Affairs Office (minimum essential even recognizing the cost factors); TR 2371, Max Factor, Office of the Los Angeles City Attorney; TR 1470, American Arbitration Association; TR 105, Council of Better Business Bureaus; TR 2149, Kit Manufacturing Company; TR 2492, Joe Garcia, California Department of Consumer Affairs.
[236] One common theme among those opposed to the recordkeeping requirements as proposed, was that the cost would deter warrantors from establishing informal dispute settlement procedures. *See*, footnote 234. The following comments reflect a contrary view: R 1–3–3, 766, Better Business Bureau, Chicago (stated that present recordkeeping system could be modified to conform to the new requirements with a minimum of difficulty); TR 1470, American Arbitration Association (records currently kept on all AAA cases include most of the basic information required by the proposed requirements); TR 863, Donald Rothschild (economies of scale); TR 863, Warranty Review Corporation (economies of scale).

V 40 N 251 DEC 31 75 XUM

The Section has been modified in certain respects. The proposed dispute summary form under former (a)(1), the fact description under former (a)(1)(iv), the statement under former (a)(1)(v), and the summary of follow-up action under former (a)(1)(vi) have all been deleted with a view to cost savings related to Mechanism staffing. The Commission's view is that the information in each instance would still be available in the file under new paragraph (a) in the form of raw documents collected or prepared by the Mechanism in the normal course of dispute handling. Conversely, requirements for preparation of summaries of phone conversations, oral presentations and the like have been retained, Section 703.6(a)(6), (7), (10), (11), and (12),[237] since there would be no other source of a written record for the file. This is consistent with the reported practices of a number of exising complaint handling mechanisms.[238]

Under the Rule, "relevance" remains the principal—and probably the least burdensome—criterion with regard to filing and retention of documents collected or prepared in the normal course of resolving individual disputes. However, the Commission has modified the record-keeping provisions relating to summaries of phone conversations and meetings, cited above, by inserting, as appropriate, "relevant and material." This, together with retention of "summaries", is intended to clarify that only those portions of oral transactions material to consideration of the dispute need be recorded; and then only in notation or summary form, rather than lengthy or verbatim transcriptions.[239]

The Commission does not expect that all of the types of records delineated in Section 703.6(a) would necessarily be involved in each dispute. The Commission recognizes that many disputes will be decided fairly on the basis of very abbreviated files. This would not obviate the need or requirement for orderly recording, filing, and retention of records as set out in the Rule. The guiding principle intended is that only those records necessary for full and fair determination of disputes be collected, assembled, and retained.

The words "the decision" in new Section 703.6(a)(4) (formerly Section 703.6(a)(1)(vii)) have been substituted for the term "resolution" to conform to usage in other parts of the Rule.[240] As indicated, the paragraphs have been renumbered as required by changes and deletions.

[237] Former Section 703.6(a)(3), (4), (7), (8) and (9), respectively.

[238] R 1-4, 394-395, Major Appliance Consumer Action Panel; R 1-4-1, 308-309, Furniture Industry Consumer Advisory Panel.

[239] A number of comments singled out preparation of summaries of telephone conversations as being particularly onerous: TR 422, Electronic Industries Association; R 1-3-3, 1075, Guren, Merritt, Sogg & Cohen; TR 222, Association of Home Appliance Manufacturers; and others.

[240] Sections 703.1(f), 703.2(f)(2), 703.4 (a) and (b), 703.5(c), 703.5(d) (1) and (2), 703.6(a)(8) and (9), 703.8(c) and others.

INDEXING REQUIREMENTS

(b) The Mechanism shall maintain an index of each warrantor's disputes grouped under brand name and subgrouped under product model.

(c) The Mechanism shall maintain an index for each warrantor as will show: 1) all disputes in which the warrantor has promised some performance (either by settlement or in response to a Mechanism decision) and has failed to comply; and 2) all disputes in which the warrantor has refused to abide by a Mechanism decision.

(d) The Mechanism shall maintain an index as will show all disputes delayed beyond 40 days.

Proposed Section 703.6(b) stated in general terms the requirement that a mechanism must index individual dispute files to facilitate identification and analysis of patterns of Mechanism and warrantor actions, and patterns of warrantor or industry complaints or product defects. Indexes were to be established based on a number of factors, including the anticipated needs of an auditor operating under Section 703.7. The Staff Report accompanying the proposed Rule indicated that records would probably be indexed by warrantor, product, type of complaint, final disposition and other categories.[241] The general requirements of the paragraph have been clarified by substitution of new Section 703.6(b), (c) and (d), which state the indexing requirements with more particularity. The paragraph had been objected to on the grounds of unnecessary burden or lack of clarity.[242]

Paragraph (b) now requires that disputes be indexed by warrantor's brand name and product model. Analysis of patterns of complaints is a current practice among existing dispute settlement mechanisms, and has formed the basis for mechanism recommendations regarding industrywide consumer problems.[243] The practice is widely considered to be a natural and logical extension of complaint handling,[244] since resolution of generic problems leads ultimately to a reduction in the number of individual complaints. The paragraph (b) indexing requirement is intended to recognize and preserve this important practice among dispute settlement mechanisms established under this Rule.

Paragraph (c) states indexing requirements relating to two key indicators of a warrantor's good faith participation in an informal settlement mechanism. Entries under the first category—warrantor failure to perform obligations agreed to—would raise a presumption of a Rule violation. Entries under the (c)(2) category—refusals by a warrantor to abide by Mechanism decision—would not raise such a presumption,[245] but would be relevant to review of warrantor performance by the Federal Trade Commission under Section 110(a)(4) of the Act, and the "good faith" requirement under Section 703.2(g) of the Rule.

Paragraph (d) requires maintenance of an index of disputes delayed beyond the 40 day time limit set out in Section 703.5(d). This requirement is intended to facilitate ease of initial determination by the Commission, and by an auditor under Section 703.7, as to whether a Mechanism is resolving disputes "expeditiously." A significant number of entries in this index category would be an indication that a Mechanism was not complying with the fundamental requirement of the Act to proceed expeditiously. That determination would be based ultimately, as would a determination of "fairness", on a review of the facts and circumstances in each case, or on a representative sample of cases, in which the Mechanism required more than 40 days to fulfill its obligations under Section 703.5(d) of the Rule.

The indexes required under Section 703.6 (b), (c) and (d) could be kept confidential by the Mechanism to the extent permitted under Section 703.8(b). For purposes of clarification indexes may be maintained in any convenient form, provided that the information required is readily ascertainable, and the underlying dispute files are available and clearly referenced.

STATISTICAL REPORTING REQUIREMENTS [246]

(e) The Mechanism shall compile semi-annually and maintain statistics which show the number and percent of disputes in each of the following categories:

(1) Resolved by staff of the Mechanism and warrantor has complied;

(2) Resolved by staff of the Mechanism, time for compliance has occurred, and warrantor has not complied;

(3) Resolved by staff of the Mechanism and time for compliance has not yet occurred;

(4) Decided by members and warrantor has complied;

(5) Decided by members, time for compliance has occurred, and warrantor has not complied;

(6) Decided by members and time for compliance has not yet occurred;

(7) Decided by members adverse to the consumer;

(8) No jurisdiction;

(9) Decision delayed beyond 40 days under § 703.5(e)(1);

(10) Decision delayed beyond 40 days under § 703.5(e)(2);

(11) Decision delayed beyond 40 days for any other reason; and

(12) Pending decision.

Paragraph (e) requires the Mechanism to compile, maintain and report statistics according to various status and final disposition categories. The statistical summary supports the functions

[241] R 1-2-3, 998.

[242] R 1-3-2, 579, Quarles & Brady; R 1-6, 53-54, Christopher Wheeler; R 1-4-1, 616, National Retail Merchants Association (not necessary for operation of Mechanism itself); TR 350, Warranty Review Corporation; and see generally Footnote 234, *supra*.

[243] R 1-2-3, 998, Staff Report.

[244] *Id.*; TR 23-24, Virginia Knauer, Office of Consumer Affairs, HEW; R 1-6, 53-54, Christopher Wheeler; R 1-2-3, 1804, Furniture Industry Consumer Advisory Panel; R 1-2-4, 1989-1991, Major Appliance Consumer Action Panel.

[245] R 1-3-2, 394, Shell Oil Company expressed the concern that the Commission would enforce the Rule based on pre-determined formulas regarding warrantor performance. No such presumptions are intended. *See* generally the discussion under the good faith requirement under Section 703.2(g), *supra*.

[246] Proposed as Section 703.6(d).

and activities described under indexing, and provides a basis for review by interested members of the general public. On the basis of the statistically reported performance, an interested person could determine to file a complaint with the Federal Trade Commission pursuant to Section 110(a)(4) of the Act, and thereby cause the Commission to review the bona fide operation of the dispute settlement mechanism. The accuracy of the compilations are to be verified by an auditor under Section 703.7(b)(3)(ii).

The statistical reporting requirements have been modified in certain respects. The paragraphs as proposed would have required monthly compilations. In response to comment on the record,[247] this requirement has been reduced to semi-annual compilations, in order to reduce the Mechanism's reporting burden.

Former Section 703.6(d)(1)(ix) (insufficient information) has been deleted as superfluous. Former paragraph (d)(1)(xi), "decision delayed beyond 40 days", has been broken down into the following three categories: New 703.6(e)(9) "delayed beyond 40 days under Section 703.5(e)(1)" (failure by consumer to provide information); (e)(10) "delayed beyond 40 days under Section 703.5(e)(2)" (Consumer seeks redress directly from the warrantor); (e)(11) "decision delayed beyond 40 days for any other reason." Former paragraph (d)(2) requiring computation of average time between referral to the Mechanism and final resolution has been deleted on grounds that it is burdensome to compute and of questionable value, particularly in light of new categories (e)(9), (10) and (11).

Section 703.8(a) requires that the statistical compilations under Section 703.6(e) shall be available to any person for inspection and copying. Records forming the basis of the statistics may be kept confidential to the extent permitted under other paragraphs of Section 703.8.

RECORD RETENTION

(f) The Mechanism shall retain all records specified in paragraphs (a)-(e) for at least 4 years after final disposition of the dispute.

The Commission has retained the four year requirement despite a number of recommendations that the retention period be reduced due to costs of storage.[248] The requirement is intended to support the Commission's monitoring obligations under Section 110(a)(4) of the Act, which might involve Commission analysis of Mechanism or warrantor action over an extended period. Records would be available to parties to disputes unresolved following Mechanism action, or in subsequent disputes arising out of an earlier transaction. The retention requirement would help to assure that the history and record of the dispute were preserved for a period equal to the general statute of limitations under the Uniform Commercial Code.[249] The Commission has no objection to storage of records by means of microfilm or any reasonable alternative to retention of raw files.

SECTION 703.7—AUDITS

Section 703.7 establishes requirements relating to independent audit of the Mechanism itself, and of the performance of participating warrantors. The proposed audit requirements elicited considerable comment. Opponents cited the presumed cost of an outside audit,[250] and counterproposals also reflected a concern with cost factors rather than opposition to the notion of an independent audit.[251] The general lack of opposition to an independent audit per se was reinforced by comment favoring the audit requirements as proposed.[252] The Commission has determined that the weight of the record clearly supports retention of the independent audit requirement. However, the requirement has been modified in several respects to reduce costs and clarify the minimum obligations.

ANNUAL AUDIT

(a) The Mechanism shall have an audit conducted at least annually, to determine whether the Mechanism and its implementation are in compliance with this part. All records of the Mechanism required to be kept under § 703.6 shall be available for audit.

Paragraph (a) is unchanged, since the record generally supported the idea of an annual audit. The "annual" requirement is discussed in the introductory portion, and in Footnote 251, *supra*. The Mechanism, under revised paragraph (b)(3), may direct its auditor to rely primarily on findings derived on the basis of direct contact with consumers who had utilized the Mechanism. The auditor would have access to all Mechanism records, without restriction, whatever the methodology. No date for completion of the report of the audit is specified; a Mechanism would be free to conduct the audit to coincide with its own budget or reporting cycle.

NATURE OF THE AUDIT

(b) Each audit provided for in paragraph (a) of this section shall include at a minimum the following:

(1) Evaluation of warrantors' efforts to make consumers aware of the Mechanism's existence as required in § 703.2(d); and

(2) Review of the indexes maintained pursuant to § 703.6 (b), (c), and (d); and

(3) Analysis of a random sample of disputes handled by the Mechanism to determine the following: (i) adequacy of the Mechanism's and other forms, investigation, mediation and follow-up efforts, and other aspects of complaint handling; and (ii) accuracy of the Mechanism's statistical compilations under § 703.6(e). (For purposes of this subparagraph "analysis" shall include oral or written contact with the consumers involved in each of the disputes in the random sample.)

In response to comments on the public record, a number of modifications have been made relative to the extent and methodology of the required audit. Proposed Section 703.7(b) would have required that the audit include a review of all aspects of Mechanism and warrantor performance subject to the Rule, and that the review would include, additionally, verification of a statistically valid sample of disputes decided by the Mechanism. Under the proposed Rule, it was envisioned that the auditor would rely primarily on exhaustive analysis of dispute files and other records, observations of dispute handling by mechanism staff and members, and exercise of a considerable degree of independent judgment as to how fairly and experitiously the Mechanism was operating. Verification of a statistically valid sample would have provided an additional check on the auditor's findings and conclusions.

The Commission has determined that the objectives of an independent audit may be realized at considerably less cost through substitution of requirements that state particular audit tasks and methodology. Section 703.7(b) states these minimum requirements.

Paragraphs (b)(1), (2) and (3)(ii) set forth specific audit tasks. Paragraph (b)(3)(i) repeats much of the general requirement relating to audit of Mechanism operation, as set out in proposed Section 703.7(b). However, as regards methodology, Paragraph (b)(3)(i) permits primary emphasis to be placed on analysis by the auditor of the experiences of a sample of consumers who have utilized a Mechanism. The paragraph states that "analysis" shall include oral or written contact with the consumers involved in each dispute in the sample. Performance of the audit obligations under both (b)(3)(i) and (ii) should probably include preparation of a questionnaire carefully structured to elicit information adequate to permit an in-

[247] R 1-4-1, 513, Association of Home Appliance Manufacturers (called for drastic reduction in frequency); TR 654, Furniture Industry Consumer Advisory Panel (currently issues quarterly reports); R 1-3-3, 928, Amana (quarterly).

[248] R 1-3-1, 290, Union Carbide Corporation (2 years); TR 222, Association of Home Appliance Manufacturers (2 years); TR 1520, Better Business Bureau, Chicago, Illinois (2 years); and others. *But see*, R 1-6, 75, Christopher Wheeler (four years essential to support follow-up consumer action, FTC enforcement, and outside research).

[249] Uniform Commercial Code, 2-725.

[250] R 1-4-1, 98, (C-8), National Electrical Manufacturers Association; TR 2058, Singer Sewing Machines; TR 171, Kitchen Dealers Association; TR 655, Furniture Industry Consumer Advisory Panel TR 440, Electronic Industries Association.

[251] R 1-4-1, 396, Major Appliance Consumer Action Panel (allow Panel Chairman to conduct audit according to a specified procedure; annual too frequent); R 1-4-1, 514, Association of Home Appliance Manufacturers (every three years); TR 171, Kitchen Dealers Association (spot checks only); R 1-3-1, 290, Union Carbide Corporation (delete in favor of direct review by FTC); TR 98, Council of Better Business Bureaus (permit substitution of alternative plan subject to FTC approval).

[252] TR 2149, Kit Manufacturing Company; TR 2492, California Department of Consumer Affairs; TR 1522, Better Business Bureau, Chicago, Illinois; TR 2174, Orange County Office of Consumer Affairs (but tighter format should be required); TR 2043, California Deputy Attorney General; TR 862, Donald Rothschild; TR 2541, San Francisco Bar Committee on Consumer Rights; TR 1470, American Arbitration Association; TR 201, Christopher Wheeler.

V40N251 DEC 31 75 D XUM

formed judgment as to the performance of the Mechanism, and the accuracy of the statistical summaries.

Paragraph (b)(3) requires analysis of a "random" sample, due to the costs and uncertainty that might have resulted under the proposed Section 703.7(b) requirement of a "statistically valid" sample. Nonetheless, the sample must be drawn so as to fairly reflect the operation and results of Mechanism action.

The auditor could base or supplement the analysis required under (b)(1) on the consumer contacts described under (b)(3)(i), though other generally accepted auditing methodology could be utilized. The requirements of paragraph (b)(2) would be met by reference by the auditor to the indexes, and to at least a sample of the files forming the basis of the indexes.

DISTRIBUTION OF AUDIT REPORT

(c) A report of each audit under this section shall be submitted to the Federal Trade Commission, and shall be made available to any person at reasonable cost. The Mechanism may direct its auditor to delete names of parties to disputes, and identity of products involved, from the audit report.

Access to audit information is intended to facilitate the public and FTC review functions set out in Section 110(a)(4) of the Act. To preserve the confidentiality of records as permitted under Section 703.8(b), this paragraph will permit a Mechanism to direct its auditor to omit from the report the identity of individual parties or products.

There were very few comments regarding paragraph (c), although several consumer representatives expressed opposition to the confidentiality provision.[252] A considerable range of opinion was presented on the confidentiality issue under Section 703.8(b). The Commission rationable for retaining the confidentiality provision is set out under that section.

SELECTION OF AUDITORS

(d) Auditors shall be selected by the Mechanism. No auditor may be involved with the Mechanism as a warrantor, sponsor or member, or employee or agent thereof, other than for purposes of the audit.

The independence requirement is in accord with generally accepted auditing standards, and with current practices of certain existing informal dispute mechanisms.[254] Comments raising cost objections to the independence requirement were noted in Footnote 251, *supra*.

SECTION 703.8 OPENNESS OF RECORDS AND PROCEEDINGS

Section 703.8 is intended to strike a balance between the warrantors' and Mechanism's need for confidentiality, and the competing need for public access and scrutiny of Mechanism operations that is implicit in Section 110(a)(4) of the Act. The Commission believes that the public "presence", and the right of interested persons to file complaints with the Commission under Section 110(a)(4) of the Act, will contribute to a heightened awareness by Mechanisms of the need for operation in conformance with the Rule. This should minimize the need for Commission monitoring under Section 110(a)(4) of the Act.

Under Section 703.8 statistical summaries and the annual audit report would be available to any interested person. Parties to disputes could inspect or obtain copies of their own dispute files. Auditors would have access to all Mechanism records. For all other purposes a Mechanism is permitted under the Section to maintain the confidentiality of its record. This Section, particularly the confidentiality provision, elicited considerable comment. For reasons explained below, the final Rule reflects only minor changes.

STATISTICAL SUMMARIES

(a) The statistical summaries specified in § 703.6(e) shall be available to any person for inspection and copying.

Paragraph (a) is unchanged. It is intended to support in a limited way the implicit requirement in Section 110(a)(4) of the Act relating to public review of Mechanism operation. Comment by some consumer representatives questioned whether the statistical summaries could meaningfully serve the public review function.[255] The Commission believes that summaries and the audit reports taken together will provide the opportunity for meaningful public review.

CONFIDENTIALITY

(b) Except as provided under paragraphs (a) and (e) of this section, and paragraph (c) of § 703.7, all records of the Mechanism may be kept confidential, or made available only on such terms and conditions, or in such form, as the Mechanism shall permit.

Paragraph (b) is essentially unchanged. Except for the statistical summaries, files available to parties, auditor access, and the audit report, all records of the Mechanism relating directly to settlement of disputes may be kept confidential.

There was considerable debate on this provision. The Commission believes that the record indicates that the requirements represent a fair balance between the warrantors' need for confidentiality, and the competing need for public access and scrutiny of Mechanism operations. Consumer representatives were generally opposed to any limitation on access to Mechanism records, for a variety of reasons.[256] Industry spokesmen generally voiced strong support for confidentiality of records, though several opposed the provision as written, apparently on the mistaken ground that participating warrantors and Mechanism sponsors would have no voice in Mechanism policy regarding discretionary release of records.[257] The Staff Report[258] stated that the Mechanism, and its sponsors and participating warrantors, could decide the terms and conditions of any disclosures not required by the Rule. The Commission reiterates its position that the Rule does not prohibit sponsor or warrantor involvement in formulation of the Mechanism's general policy regarding release of confidential records.

Based on the pre-publication investigation by the staff, the Commission is aware of the consensus among existing dispute settlement mechanisms that the identity of the parties and products involved in a dispute should not be disclosed to the general public.[259] The concern expressed was that the identities could be used by competitors or others to the detriment of a company engaged in good faith efforts to resolve disputes. Thus a warrantor who participated in an informal dispute settlement mechanism might be subjecting himself to possible disparagement, while non-participating warrantors would not be exposed to this possibility. Representatives of several existing mechanisms expressed the view that lack of confidentiality would operate as a strong disincentive to warrantor participation in informal dispute settlement.[260] The Commission believes that, on balance, the confidentiality provision as proposed should be retained. Disclosure of statistical summaries, audit reports and individual dispute files, should adequately supplement the Commission's monitoring and enforcement obligations under Section 110(a)(4) of the Act, without seriously compromising the confidentiality desired by warrantors.

RELEASE OF CONFIDENTIAL RECORDS

(c) The policy of the Mechanism with respect to records made available at the Mechanism's option shall be set out in the procedures under § 703.5(a); the policy shall be applied uniformly to all requests for access to or copies of such records.

Paragraph (c) received virtually no comment. It is unchanged. Should a Mechanism elect to make records available that could be held confidential under paragraph (b), then paragraph (c) would require the Mechanism to state generally in the written procedures required under Section 703.5(a), any terms or conditions relating to the availability of such records. The Mechanism would be required to apply its policy, or terms and conditions, uniformly to all requests for access to such records. The purpose of these requirements is to insure that warrantors and consumers have equal knowledge and access to any such records.

OBSERVERS AT MEETINGS

(d) Meetings of the members to hear and decide disputes shall be open to observers on reasonable and nondiscriminatory terms. The identity of the parties and products involved in disputes need not be disclosed at meetings.

The meetings policy was objected to in several comments on grounds of impracticality, or that confidentiality permitted under paragraph (b) would be compromised.[261] Because of general support and acceptance among consumer representatives and existing dispute handling organizations,[262] the provision is unchanged. Under paragraph (d), interested persons would be permitted to observe meetings of the members hearing and deciding disputes. Merchanisms could not place any unreasonable or discriminatory limitations on attendance by observers, though the paragraph does not prohibit some limitations on the number of observers or frequency of open meetings. The Commission recognizes that the presence of observers may interfere to some degree with the primary Mechanism function of dispute handling.

The paragraph is intended to further support the public access and scrutiny functions implied in Section 110(a)(4) of the Act. To preserve confidentiality, the Mechanism would be permitted under the paragraph to take steps to avoid disclosure to observers of the identity of parties and products involved in disputes. In the event that parties to a dispute appeared personally, as provided in paragraph (f) of Section 703.5, then a Mechanism might reasonably exclude nonparty observers in the interest of confidentiality, since in any event the public scrutiny function would be served by the presence of the parties to the dispute.

AVAILABILITY OF DISPUTE FILES TO PARTIES

(e) Upon request the Mechanism shall provide to either party to a dispute:

(1) Access to all records relating to the dispute; and

(2) Copies of any records relating to the dispute, at reasonable cost.

Paragraph (e) is unchanged. Access by parties includes the dispute file described in Section 703.6(a). It does not include indexed information under paragraphs (b), (c) and (d), or any other records not available to the general public. There were few objections to this provision.[263] The need expressed by consumer representatives for access to dispute settlement records, and their opposition to confidentiality in any form, is discussed under paragraph (b), *supra*.

Access by a party to the records of his or her dispute is an essential internal check on the fairness of the Mechanism. Since the Mechanism is not required to operate "on the record" as required of the courts, access by parties must provide the same type of discipline. While the rule is far from imposing a constitutional due process standard on Mechanisms, access to the files of one's own case is a minimum fairness requirement. A party is entitled to know the basis on which a decision is made. Requests for access to dispute records will not burden the Mechanism because the cost may be imposed on the requesting party.

The right of a party to copy the dispute records will facilitate further pursuit of the dispute should the Mechanism decision fail to satisfy a party. The availability of the dispute file would avoid needless cost and duplication should the parties choose to pursue the matter further in arbitration, litigation, or some other forum. Section 110(a)(3) of the Act would make the decision of a dispute settlement mechanism admissible in evidence in a civil action arising out of a warranty obligation and relating to a matter considered by the Mechanism. The Act does not address the question of admissibility of Mechanism records relating to the dispute. Thus the admissibility of these records would be determined by a court.

DISCLOSURE OF MEMBER AND STAFF QUALIFICATIONS

(f) The Mechanism shall make available to any person upon request, information relating to the qualifications of Mechanism staff and members.

The Commission has added paragraph (f). The final audit provisions no longer require review by an auditor of staff and member qualifications under Sections 703.3 and 703.4, for reasons discussed supra, at 151–153. Thus there is no basis for review. Several existing dispute settlement mechanisms currently disclose biographical information in routine publications.[264] Mechanisms could satisfy the requirement through publication of the information in the materials required under Section 703.5(a), provided the materials were updated to reflect personnel changes.

Paragraph (g) relating to Federal Trade Commission access to Mechanism records has been deleted from the final Rule. The paragraph simply restated the implied condition of Section 110(a)(4) of the Act, which establishes the Commission's review and enforcement obligations. Proposed paragraph (g) was superfluous, since the Commission would have access to Mechanism records under the general grant of investigative powers in the Federal Trade Commission Act, 15 U.S.C. §§ 41 *et seq.*

PROMULGATION

The Commission has now considered all matters of fact, law, policy and discretion, including the data, views and arguments presented on the Record by interested parties in response to the Notice, as prescribed by law, and has determined that the promulgation of the Trade Regulation Rule and its Statement of Basis and Purpose set forth herein is in the public interest.

Accordingly, the Commission hereby promulgates the foregoing Statement of Basis and Purpose, and hereby amends Title 16 of CFR, Chapter 1, Subchapter G, Rules, Regulations, Statements and Interpretations under the Magnuson-Moss Warranty Act, by adding a new Part 703 as follows:

PART 703—INFORMAL DISPUTE SETTLEMENT PROCEDURES

Sec.
703.1 Definitions.
703.2 Duties of warrantor.

MINIMUM REQUIREMENTS OF THE MECHANISM

703.3 Mechanism organization.
703.4 Qualification of members.
703.5 Operation of the mechanism.
703.6 Recordkeeping.
703.7 Audits.
703.8 Openness of records and proceedings.

AUTHORITY: 15 U.S.C. 2309 and 2310.

§ 703.1 Definitions.

(a) "The Act" means the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act, 15 U.S.C. 2301, *et seq.*

(b) "Consumer product" means any tangible personal property which is distributed in commerce and which is normally used for personal, family, or household purposes (including any such property intended to be attached to or installed in any real property without regard to whether it is so attached or installed).

(c) "Written warranty" means: (1) any written affirmation of fact or written promise made in connection with the sale of a consumer product by a supplier to a buyer which relates to the nature of the material or workmanship and affirms or promises that such material or workmanship is defect free or will meet a specified level of performance over a specified period of time, or

(2) any undertaking in writing in connection with the sale by a supplier of a consumer product to refund, repair, replace, or take other remedial action with respect to such product in the event that such product fails to meet the specifications set forth in the undertaking, which written affirmation, promise or undertaking becomes part of the basis of the bargain between a supplier and a buyer for purposes other than resale of such product.

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[252] *See, e.g.*, TR 2526, 2536, San Francisco Bar Committee on Consumer Rights; R 1–6, 144, Elinor Guggenheimer, New York City Department of Consumer Affairs.

[253] TR 1521, Better Business Bureau, Chicago, Illinois; TR 1469–1470, American Arbitration Association.

[254] *See, e.g.*, R 1–6, 63–64, Christopher Wheeler; and the discussion relating to opposition to the confidentiality provision, *infra*.

[255] R 1–6, 106–107, Center for Auto Safety (value of precedent in deciding whether to pursue a claim; warrantor has access, therefore unfair to deny consumer access); TR 2526, 2536, San Francisco Bar Committee on Consumer Rights; R 1–8, 144, New York City Department of Consumer Affairs (usefulness to consumer agencies; part of FTC educational function); R 1–6, 61–62, Christopher Wheeler (important consumer purchasing information; research value).

[256] R 1–3–3, 841–42, Schwinn Bicycle Company; R 1–3–2, 841, Nixon, Hargrave, Devans & Doyle; R 1–4–1, 52, National Association of Furniture Manufacturers; R 1–4–1, 89, National Retail Merchants Association; R 1–3–1, 291, Union Carbide Corporation.

[257] R 1–2–3, 1008.

[258] *Id.*, at 1008.

[259] *Id.*, 1010.

[260] R 1–2–3, 381, Alcan Building Products; R 1–3–1, 291, Union Carbide Corporation; Tr 437, Electronic Industries Association.

[261] R 1–2–3, 1011, Staff Report; R 1–2–4, 1879, Frank McLaughlin, Office of Consumer Affairs, HEW; R 1–2–3, 1497, Chamber of Commerce of the U.S., "Fair Settlement of Just Claims."

[262] R 1–2–3, 66, Mohasco (defeats confidentiality of records submitted in good faith and under compulsion); R 1–4–1, 392–93, Major Appliance Consumer Action Panel (may impair contributions currently made by volunteer inspections); TR 1294, Consumer Fraud Division, Office of the Illinois Attorney General (confidential; may contain off the record admissions made to resolve a dispute; court, of course, would determine admissibility).

[263] *See, e.g.*, R 1–2–3, 1805, FICAP; R –1–2–4, 2054, MACAP.

[264] *See, e.g.*, R 1–2–3, 1805, FICAP; R –1–2–4, 2054, MACAP.

V 40 N 251 DEC 31 1975 XUM

(d) "Warrantor" means any person who gives or offers to give a written warranty which incorporates an informal dispute settlement mechanism.

(e) "Mechanism" means an informal dispute settlement procedure which is incorporated into the terms of a written warranty to which any provision of Title I of the Act applies, as provided in Section 110 of the Act.

(f) "Members" means the person or persons within a Mechanism actually deciding disputes.

(g) "Consumer" means a buyer (other than for purposes of resale) of any consumer product, any person to whom such product is transferred during the duration of a written warranty applicable to the product, and any other person who is entitled by the terms of such warranty or under applicable state law to enforce against the warrantor the obligations of the warranty.

(h) "On the face of the warranty" means: (1) if the warranty is a single sheet with printing on both sides of the sheet, or if the warranty is comprised of more than one sheet, the page on which the warranty text begins;

(2) if the warranty is included as part of a longer document, such as a use and care manual, the page in such document on which the warranty text begins.

§ 703.2 Duties of warrantor.

(a) The warrantor shall not incorporate into the terms of a written warranty a Mechanism that fails to comply with the requirements contained in §§ 703.3–703.8. This paragraph shall not prohibit a warrantor from incorporating into the terms of a written warranty the step-by-step procedure which the consumer should take in order to obtain performance of any obligation under the warranty as described in section 102(a)(7) of the Act and required by Part 701 of this subchapter.

(b) The warrantor shall disclose clearly and conspicuously at least the following information on the face of the written warranty: (1) a statement of the availability of the informal dispute settlement mechanism;

(2) the name and address of the Mechanism, or the name and a telephone number of the Mechanism which consumers may use without charge;

(3) a statement of any requirement that the consumer resort to the Mechanism before exercising rights or seeking remedies created by Title I of the Act; together with the disclosure that if a consumer chooses to seek redress by pursuing rights and remedies not created by Title I of the Act, resort to the Mechanism would not be required by any provision of the Act; and

(4) a statement, if applicable, indicating where further information on the Mechanism can be found in materials accompanying the product, as provided in § 703.2(c).

(c) The warrantor shall include in the written warranty or in a separate section of materials accompanying the product, the following information: (1) either (i) a form addressed to the Mechanism containing spaces requesting the information which the Mechanism may require for prompt resolution of warranty disputes; or (ii) a telephone number of the Mechanism which consumers may use without charge;

(2) The name and address of the Mechanism;

(3) A brief description of Mechanism procedures;

(4) The time limits adhered to by the Mechanism; and

(5) The types of information which the Mechanism may require for prompt resolution of warranty disputes.

(d) The warrantor shall take steps reasonably calculated to make consumers aware of the Mechanism's existence at the time consumers experience warranty disputes. Nothing contained in paragraphs (b), (c), or (d) of this section shall limit the warrantor's option to encourage consumers to seek redress directly from the warrantor as long as the warrantor does not expressly require consumers to seek redress directly from the warrantor. The warrantor shall proceed fairly and expeditiously to attempt to resolve all disputes submitted directly to the warrantor.

(e) Whenever a dispute is submitted directly to the warrantor, the warrantor shall, within a reasonable time, decide whether, and to what extent, it will satisfy the consumer, and inform the consumer of its decision. In its notification to the consumer of its decision, the warrantor shall include the information required in § 703.2 (b) and (c):

(f) The warrantor shall: (1) respond fully and promptly to reasonable requests by the Mechanism for information relating to disputes;

(2) upon notification of any decision of the Mechanism that would require action on the part of the warrantor, immediately notify the Mechanism whether, and to what extent, warrantor will abide by the decision; and

(3) perform any obligations it has agreed to.

(g) The warrantor shall act in good faith in determining whether, and to what extent, it will abide by a Mechanism decision.

(h) The warrantor shall comply with any reasonable requirements imposed by the Mechanism to fairly and expeditiously resolve warranty disputes.

Minimum Requirements of the Mechanism

§ 703.3 Mechanism organization.

(a) The Mechanism shall be funded and competently staffed at a level sufficient to ensure fair and expeditious resolution of all disputes, and shall not charge consumers any fee for use of the Mechanism.

(b) The warrantor and the sponsor of the Mechanism (if other than the warrantor) shall take all steps necessary to ensure that the Mechanism, and its members and staff, are sufficiently insulated from the warrantor and the sponsor, so that the decisions of the members and the performance of the staff are not influenced by either the warrantor or the sponsor. Necessary steps shall include, at a minimum, committing funds in advance, basing personnel decisions solely on merit, and not assigning conflicting warrantor or sponsor duties to Mechanism staff persons.

(c) The Mechanism shall impose any other reasonable requirements necessary to ensure that the members and staff act fairly and expeditiously in each dispute.

§ 703.4 Qualification of members.

(a) No member deciding a dispute shall be: (1) A party to the dispute, or an employee or agent of a party other than for purposes of deciding disputes; or

(2) A person who is or may become a party in any legal action, including but not limited to class actions, relating to the product or complaint in dispute, or an employee or agent of such person other than for purposes of deciding disputes. For purposes of this paragraph (a) a person shall not be considered a "party" solely because he or she acquires or owns an interest in a party solely for investment, and the acquisition or ownership of an interest which is offered to the general public shall be prima facie evidence of its acquisition or ownership solely for investment.

(b) When one or two members are deciding a dispute, all shall be persons having no direct involvement in the manufacture, distribution, sale or service of any product. When three or more members are deciding a dispute, at least two-thirds shall be persons having no direct involvement in the manufacture, distribution, sale or service of any product. "Direct involvement" shall not include acquiring or owning an interest solely for investment, and the acquisition or ownership of an interest which is offered to the general public shall be prima facie evidence of its acquisition or ownership solely for investment. Nothing contained in this section shall prevent the members from consulting with any persons knowledgeable in the technical, commercial or other areas relating to the product which is the subject of the dispute.

(c) Members shall be persons interested in the fair and expeditious settlement of consumer disputes.

§ 703.5 Operation of the Mechanism.

(a) The Mechanism shall establish written operating procedures which shall include at least those items specified in paragraphs (b)–(j) of this section. Copies of the written procedures shall be made available to any person upon request.

(b) Upon notification of a dispute, the Mechanism shall immediately inform both the warrantor and the consumer of receipt of the dispute.

(c) The Mechanism shall investigate, gather and organize all information necessary for a fair and expeditious decision in each dispute. When any evidence gathered by or submitted to the Mechanism raises issues relating to the number of repair attempts, the length of repair periods, the possibility of unreasonable use of the product, or any other issues relevant in light of Title I of the Act (or rules thereunder), including issues relating to consequential damages, or any other remedy under the Act (or rules thereunder), the Mechanism shall investigate these issues. When information which will or may be used in the decision, submitted by one party, or a consultant under § 703.4(b), or any other source tends to contradict facts submitted by the other party, the Mechanism shall clearly, accurately, and completely disclose to both parties the contradictory information (and its source) and shall provide both parties an opportunity to explain or rebut the information and to submit additional materials. The Mechanism shall not require any information not reasonably necessary to decide the dispute.

(d) If the dispute has not been settled, the Mechanism shall, as expeditiously as possible but at least within 40 days of notification of the dispute, except as provided in paragraph (e) of this section: (1) render a fair decision based on the information gathered as described in paragraph (c) of this section, and on any information submitted at an oral presentation which conforms to the requirements of paragraph (f) of this section (A decision shall include any remedies appropriate under the circumstances, including repair, replacement, refund, reimbursement for expenses, compensation for damages, and any other remedies available under the written warranty or the Act (or rules thereunder); and a decision shall state a specified reasonable time for performance);

(2) Disclose to the warrantor its decision and the reasons therefor;

(3) If the decision would require action on the part of the warrantor, determine whether, and to what extent, warrantor will abide by its decision; and

(4) Disclose to the consumer its decision, the reasons therefor, warrantor's intended actions (if the decision would require action on the part of the warrantor), and the information described in paragraph (g) of this section. For purposes of this paragraph (d) a dispute shall be deemed settled when the Mechanism has ascertained from the consumer that: (i) the dispute has been settled to the consumer's satisfaction; and (ii) the settlement contains a specified reasonable time for performance.

(e) The Mechanism may delay the performance of its duties under paragraph (d) of this section beyond the 40 day time limit: (1) where the period of delay is due solely to failure of a consumer to provide promptly his or her name and address, brand name and model number of the product involved, and a statement as to the nature of the defect or other complaint; or

(2) For a 7 day period in those cases where the consumer has made no attempt to seek redress directly from the warrantor.

(f) The Mechanism may allow an oral presentation by a party to a dispute (or a party's representative) only if: (1) both warrantor and consumer expressly agree to the presentation;

(2) Prior to agreement the Mechanism fully discloses to the consumer the following information: (i) that the presentation by either party will take place only if both parties so agree, but that if they agree, and one party fails to appear at the agreed upon time and place, the presentation by the other party may still be allowed;

(ii) That the members will decide the dispute whether or not an oral presentation is made;

(iii) The proposed date, time and place for the presentation; and

(iv) A brief description of what will occur at the presentation including, if applicable, parties' rights to bring witnesses and/or counsel; and

(3) Each party has the right to be present during the other party's oral presentation. Nothing contained in this paragraph (b) of this section shall preclude the Mechanism from allowing an oral presentation by one party, if the other party fails to appear at the agreed upon time and place, as long as all of the requirements of this paragraph have been satisfied.

(g) The Mechanism shall inform the consumer, at the time of disclosure required in paragraph (d) of this section that: (1) if he or she is dissatisfied with its decision or warrantor's intended actions, or eventual performance, legal remedies, including use of small claims court, may be pursued;

(2) The Mechanism's decision is admissible in evidence as provided in section 110(a)(3) of the Act; and

(3) The consumer may obtain, at reasonable cost, copies of all Mechanism records relating to the consumer's dispute.

(h) If the warrantor has agreed to perform any obligations, either as part of a settlement agreed to after notification to the Mechanism of the dispute or as a result of a decision under paragraph (d) of this section, the Mechanism shall ascertain from the consumer within 10 working days of the date for performance whether performance has occurred.

(i) A requirement that a consumer resort to the Mechanism prior to commencement of an action under section 110(d) of the Act shall be satisfied 40 days after notification to the Mechanism of the dispute or when the Mechanism completes all of its duties under paragraph (d) of this section, whichever occurs sooner. Except that, if the Mechanism delays performance of its paragraph (d) of this section duties as allowed by paragraph (e) of this section, the requirement that the consumer initially resort to the Mechanism shall not be satisfied until the period of delay allowed by paragraph (e) has ended.

(j) Decisions of the Mechanism shall not be legally binding on any person. However, the warrantor shall act in good faith, as provided in § 703.2(g). In any civil action arising out of a warranty obligation and relating to a matter considered by the Mechanism, any decision of the Mechanism shall be admissible in evidence, as provided in section 110(a)(3) of the Act.

§ 703.6 Recordkeeping.

(a) The Mechanism shall maintain records on each dispute referred to it which shall include: (1) Name, address and telephone number of the consumer;

(2) Name, address, telephone number and contact person of the warrantor;

(3) Brand name and model number of the product involved;

(4) The date of receipt of the dispute and the date of disclosure to the consumer of the decision;

(5) All letters or other written documents submitted by either party;

(6) All other evidence collected by the Mechanism relating to the dispute, including summaries of relevant and material portions of telephone calls and meetings between the Mechanism and any other person (including consultants described in § 703.4(b));

(7) A summary of any relevant and material information presented by either party at an oral presentation;

(8) The decision of the members including information as to date, time and place of meeting, and the identity of members voting; or information on any other resolution;

(9) A copy of the disclosure to the parties of the decision;

(10) A statement of the warrantor's intended action(s);

(11) Copies of follow-up letters (or summaries of relevant and material portions of follow-up telephone calls) to the consumer, and responses thereto; and

(12) Any other documents and communications (or summaries of relevant and material portions of oral communications) relating to the dispute.

(b) The Mechanism shall maintain an index of each warrantor's disputes grouped under brand name and subgrouped under product model.

(c) The Mechanism shall maintain an index for each warrantor as will show: (1) All disputes in which the warrantor has promised some performance (either by settlement or in response to a Mechanism decision) and has failed to comply; and

(2) All disputes in which the warrantor has refused to abide by a Mechanism decision.

(d) The Mechanism shall maintain an index as will show all disputes delayed beyond 40 days.

(e) The Mechanism shall compile semi-annually and maintain statistics which show the number and percent of disputes in each of the following categories: (1) Resolved by staff of the Mechanism and warrantor has complied;

(2) Resolved by staff of the Mechanism, time for compliance has occurred, and warrantor has not complied;

(3) Resolved by staff of the Mechanism and time for compliance has not yet occurred;

(4) Decided by members and warrantor has complied;

(5) Decided by members, time for compliance has occurred, and warrantor has not complied;

(6) Decided by members and time for compliance has not yet occurred;

V 40 251 DEC 31 75 XUM V

(7) Decided by members adverse to the consumer;
(8) No jurisdiction;
(9) Decision delayed beyond 40 days under § 703.5(e)(1);
(10) Decision delayed beyond 40 days under § 703.5(e)(2);
(11) Decision delayed beyond 40 days for any other reason; and
(12) Pending decision.

(f) The Mechanism shall retain all records specified in paragraphs (a)–(e) of this section for at least 4 years after final disposition of the dispute.

§ 703.7 Audits.

(a) The Mechanism shall have an audit conducted at least annually, to determine whether the Mechanism and its implementation are in compliance with this part. All records of the Mechanism required to be kept under § 703.6 shall be available for audit.

(b) Each audit provided for in paragraph (a) of this section shall include at a minimum the following: (1) evaluation of warrantors' efforts to make consumers aware of the Mechanism's existence as required in § 703.2(d);

(2) Review of the indexes maintained pursuant to § 703.6(b), (c), and (d); and

(3) Analysis of a random sample of disputes handled by the Mechanism to determine the following:

(i) adequacy of the Mechanism's complaint and other forms, investigation, mediation and follow-up efforts, and other aspects of complaint handling; and

(ii) Accuracy of the Mechanism's statistical compilations under § 703.6(e). (For purposes of this subparagraph "analysis" shall include oral or written contact with the consumers involved in each of the disputes in the random sample.)

(c) A report of each audit under this section shall be submitted to the Federal Trade Commission, and shall be made available to any person at reasonable cost. The Mechanism may direct its auditor to delete names of parties to disputes, and identity of products involved, from the audit report.

(d) Auditors shall be selected by the Mechanism. No auditor may be involved with the Mechanism as a warrantor, sponsor or member, or employee or agent thereof, other than for purposes of the audit.

§ 703.8 Openness of records and proceedings.

(a) The statistical summaries specified in § 703.6(e) shall be available to any person for inspection and copying.

(b) Except as provided under paragraphs (a) and (e) of this section, and paragraph (c) of § 703.7, all records of the Mechanism may be kept confidential, or made available only on such terms and conditions, or in such form, as the Mechanism shall permit.

(c) The policy of the Mechanism with respect to records made available at the Mechanism's option shall be set out in the procedures under § 703.5(a); the policy shall be applied uniformly to all requests for access to or copies of such records.

(d) Meetings of the members to hear and decide disputes shall be open to observers on reasonable and nondiscriminatory terms. The identity of the parties and products involved in disputes need not be disclosed at meetings.

(e) Upon request the Mechanism shall provide to either party to a dispute: (1) access to all records relating to the dispute; and

(2) Copies of any records relating to the dispute, at reasonable cost.

(f) The Mechanism shall make available to any person upon request, information relating to the qualifications of Mechanism staff and members.

Effective: July 4, 1976.

Promulgated by the Federal Trade Commission December 31, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.75-34895 Filed 12-30-75;8:45 am]

federal register

WEDNESDAY, DECEMBER 31, 1975

PART IV:

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

■

CORRELATION OF TEXTILE AND APPAREL CATEGORIES WITH TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED

Revisions

V40251 DEC 31 75 XUM

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CORRELATION OF TEXTILE AND APPAREL CATEGORIES WITH THE TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED

DECEMBER 23, 1975.

There is published below a list of the Tariff Schedules of the United States Annotated numbers specifying changes in the arrangement of the cotton, wool, and man-made fiber categories used by the United States in administering the textile trade agreements program. A full description of the textile and apparel products falling within each of the cotton, wool, and man-made fiber categories may be obtained by using the Tariff Schedules of the United States Annotated which also provides category placement for the item numbers covered by the program. The list of Tariff Schedules of the United States Annotated numbers published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010) is hereby amended effective January 1, 1976.

Revised pages, in loose-leaf form, of the Correlation are available upon request to the Office of Textiles, BRTA/DIBA, Room 2815, U.S. Department of Commerce, Washington, D.C. 20230.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary for Policy-DIBA, and Director, Bureau of Resources.

LIST OF THE TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED NUMBERS SPECIFYING CHANGES IN THE ARRANGEMENT OF TEXTILE CATEGORIES USED BY THE UNITED STATES IN ADMINISTERING THE TEXTILE TRADE AGREEMENTS PROGRAM

Cat.	Old TSUSA	New TSUSA	Description
26	364.1120	364.0700	Tapestries, Etc., Ex. Gobelin, Jacquard-Figured, Not Pile
49	382.3385 pt.		Other Wearing Apparel:
		382.3313	Coats and Jackets Imported in Sets
62	702.0520	702.0600	Headwear of Cotton, Flax or Both, Knit
63			WEARING APPAREL, NOT KNIT, N.E.S.
	380.0076		Other Wearing Apparel:
		380.0078	Judo and Karate Uniforms
		380.0080	Other
	382.0090		Other Wearing Apparel:
		382.0092	Judo and Karate Uniforms
		382.0094	Other
	382.3385 pt.		Other Wearing Apparel:
		382.3383	Judo and Karate Uniforms
		382.3387	Other
63	702.1020	702.1220	Headwear of Cotton, Flax or Both, Not Knit
64	347.2520	347.2600	Cotton Wicking
64	360.7522	360.7600	Floor Coverings, Pile or Tuft, Handhooked, in which the pile or tuft was inserted or handknotted into preexisting base
64	360.8022	360.8100	Floor Coverings, Pile or Tuft, Not Handhooked
64	364.1220	364.1300	Tapestries, Etc., Ex. Gobelin, Not Jacquard-Figured, Pile
64	364.1520	364.1620	Tapestries, Etc., Ex. Gobelin, Not Jacquard-Figured

LIST OF THE TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED NUMBERS SPECIFYING CHANGES IN THE ARRANGEMENT OF TEXTILE CATEGORIES USED BY THE UNITED STATES IN ADMINISTERING THE TEXTILE TRADE AGREEMENTS PROGRAM

Cat.	Old TSUSA	New TSUSA	Description
240			OTHER WEARING APPAREL, NOT KNIT, WHETHER OR NOT ORNAMENTED
			MEN'S AND BOYS':
			ORNAMENTED:
	380.0470		OF MAN-MADE FIBER:
		380.0472	Judo and Karate Uniforms
		380.0474	Other
			WOMEN'S, GIRLS' AND INFANTS':
			ORNAMENTED:
	382.0482		OF MAN-MADE FIBER:
		382.0484	Judo and Karate Uniforms
		382.0486	Other
			NOT ORNAMENTED:
	382.8150		OF MAN-MADE FIBER:
		382.8148	Judo and Karate Uniforms
		382.8152	Other
241	360.7540	360.7800	Floor Coverings, Handhooked Using Hand Tool
241	360.8042	360.8300	Floor Coverings, Other Than Handhooked
242	365.1060	365.1120	Handmade Lace Furnishings, Ornamented, Valued Not Over $50 per Pound
242	365.8565	365.8640	Wall Hangings Made on a Lace Net or Knitting Machine
242	365.8570	365.8650	Other Furnishings Made on a Lace, Net or Knitting Machine

[FR Doc.75-35028 Filed 12-30-75;8:45 am]

LIST OF THE TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED NUMBERS SPECIFYING CHANGES IN THE ARRANGEMENT OF TEXTILE CATEGORIES USED BY THE UNITED STATES IN ADMINISTERING THE TEXTILE TRADE AGREEMENTS PROGRAM

Cat.	Old TSUSA	New TSUSA	Description
64	727.8020	727.8210	Pillows and Cushions, With or Without Covers or Heating Elements
64	727.8040	727.8220	Other Furnishings, With or Without Covers or Heating Elements
126	365.1040	365.1110	Handmade Lace or Net Furnishings, Valued Not Over $50 per Pound
126	365.8525	365.8610	Wall Hangings, Ornamented
126	365.8530	365.8620	Other Furnishings, Ornamented
214	704.3535	704.3220	Gloves and Mittens Made From a Preexisting Fabric
214	704.3545	704.3240	Gloves and Mittens Other Than Made From a Preexisting Fabric
224			OTHER WEARING APPAREL, KNIT, WHETHER OR NOT ORNAMENTED
	382.0456		Infants' Bootee Sets
		382.0456	Infants' Sets up to and Including 24 Mos.
	382.7890		Infants' Bootee Sets
		382.7890	Infants' Sets up to and Including 24 Mos.
226	370.2020	370.2100	Lace Handkerchiefs, Ornamented

V 40 N 251 DEC 31 1975 XUM

V40|2551 DEC 31 75 XUM V

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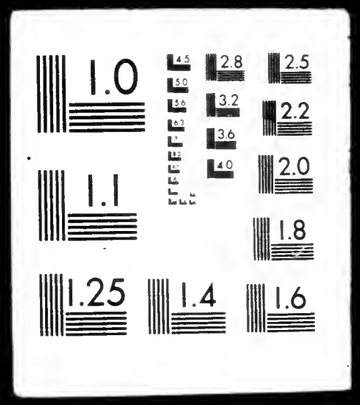
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RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100/20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.

THE END